



# Hall County Government

PUBLIC WORKS AND UTILITIES

December 30, 2024

POST OFFICE DRAWER 1435  
GAINESVILLE, GA 30503

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BILL NASH, P.E.

Director

William (Bill) H. King III, P.E.

Assistant Director

Rochester DCCM  
425 Oak Street  
Gainesville, Ga 30501

Subject: Sanitary Sewer Letter of Availability  
4967 & 5031 Union Church Road  
Parcel ID No: **15038 000162, 15038 000029**  
Flowery Branch, Ga 30542

Dear Mr. Bradley Dunckel,

In response to your request, this letter will serve as confirmation that Hall County has sufficient volume to serve the above development at 4967 & 5031 Union Church Rd Flowery Branch, GA 30542. The estimated average daily flow will be 51,500 GPD.

**NOTE:** The existing sewer infrastructure is not near the property. An extension to serve the subject property is required to be performed by the developer at owner's cost.

Sanitary sewer capacity allocation is available on a first come, first serve basis by purchasing the sewer taps. As such, this "availability" letter does not guarantee capacity. Additionally, this letter is non-transferable. If the project design changes, this letter is void and a new "availability" letter must be obtained.

If you have any questions or need more information, please call the Hall County Public Works and Utilities Department at 770-531-6800.

Sincerely,

Bill Nash, P.E.  
Director of Public Works and Utilities  
Community Development and Infrastructure

## Application for Sewer Availability Letter

Date: 12/16/24

Name of Applicant: Rochester | DCCM Contact Number: [REDACTED]

Address of Applicant: 425 Oak St.

City: Gainesville State: GA Zip: 30501 E-mail: [REDACTED]

Name of Agent: Bradley Duncel Contact Number: 770-363-1997

Address of Agent: 425 Oak St.

City: Gainesville State: GA Zip: 30501 E-mail: [REDACTED]

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT FOR THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (Please check the purpose of letter request and fill in all applicable information legibly and completely.)

AVAILABILITY: ☐ General Availability ☒ Rezoning ☐ Conditional Use Permit

Availability letters will require a minimum of one week from the date of application submittal.

Request from AR-III & PRD to PRD  
(Present Zoning) (Requested Zoning)

For the Purpose of Single Family Residential  
(Type of Development)

Address of Property: 4967 & 5031 Union Church Road

Nearest Intersection to Property: Oak Farm Way

Size of Tract: 103.15 acre(s), Lane Lot Number(s): GMD 392, District(s): N/A

Development Estimate Average Daily Sewer Flow (GPD): 51,500

Property Tax Parcel Number: 15038 000162 & 15038 000029 Proposed number of Lots: 206

(Below: For properties within protected watershed districts only)

Gross Density: 2.0 units per acre Net Density: 2.0 units per acre

Estimated amount of impervious surface: 35% Minimum Lot Size: 8,000 SFD

Patricia A. Millard  
Notary

B. H. Duncel  
Signature of Owner(s)/Agent(s)

Bradley Duncel  
Printed Name of Owner(s)/Agent(s)

DIRECTOR OF DEVELOPMENT STRATEGIES  
Title of Agent





LOT COUNT	
PHASE 1 ORIGINAL COUNT	86 LOTS (1-86)
PHASE 1 NEW COUNT	85 LOTS (1-77, 8-96)
PHASE 2 COUNT	123 LOTS (78-96, 97-211)
TOTAL	206 LOTS

SITE DATA	
EXISTING ZONING	AR-III
PROPOSED ZONING	PRD (PLANNED RESIDENTIAL DEVELOPMENT)
PAPERS NUMBER	15038 000029
SITE AREA	61.76 ACRES
OPEN SPACE	27.07 ACRES +/-
EXTENSION PLANTED OR CONSTRUCTED	50'
NUMBER OF LOTS	123
PROFIT SETBACK	30'
SIDE SETBACK	5'
REAR SETBACK	20'
BUILDING SEPARATION	10' FOUNDATION TO FOUNDATION
MAXIMUM HEIGHT	35'
MINIMUM LOT DEPTH	120'
MINIMUM LOT AREA	8,125'
MINIMUM HEATED FLOOR AREA	1,800'

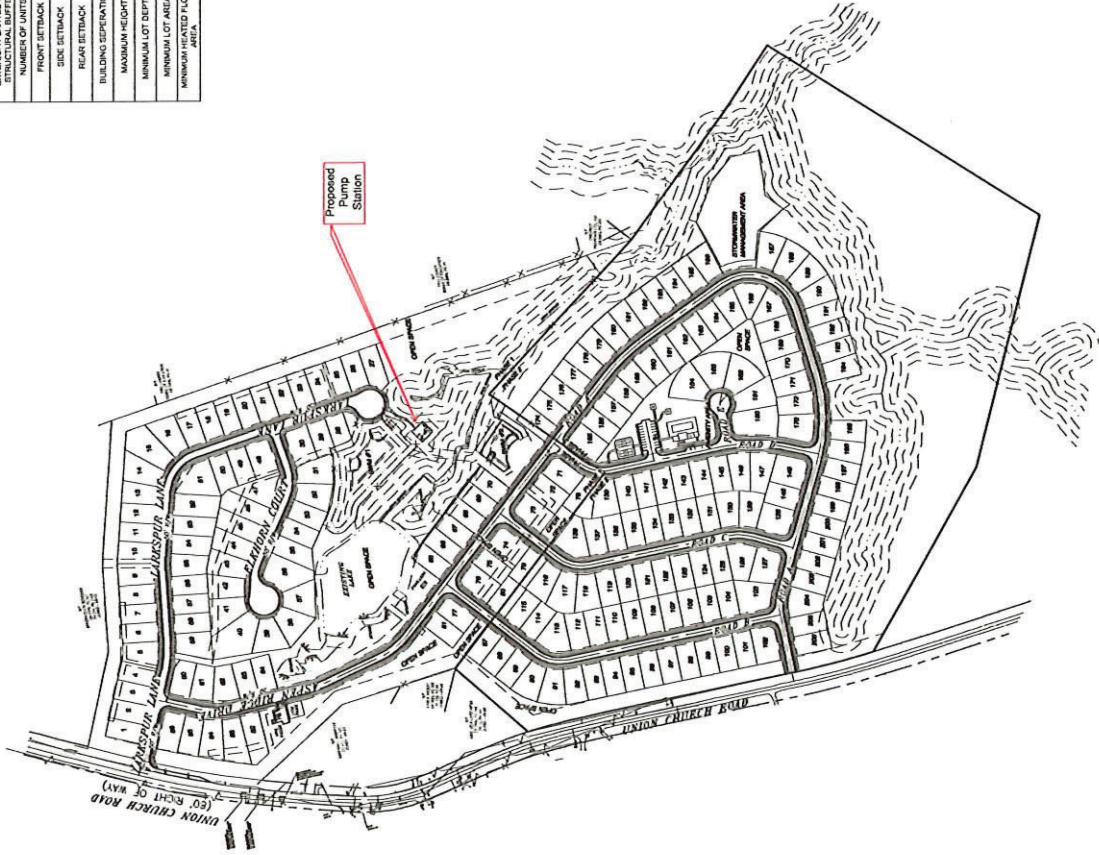
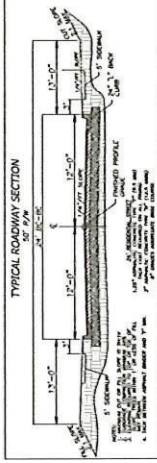
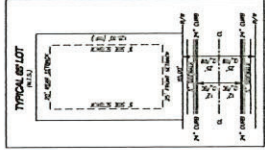
**OWNER:**  
THE ESTATE OF BRYSON TURK  
5150 UNION CHURCH ROAD  
FLOWERY BRANCH, GA 30542

**DEVELOPER:**  
CRAWFORD CREEK COMMUNITIES, INC.  
400 NORTHBRIDGE ROAD  
SUITE 235  
ATLANTA, GA 30350  
(404) 933-7272

**SURVEY CONTACT:**  
ROCHESTER & ASSOCIATES, LLC.  
JERRY MILLARD, P.E.  
JERRY.MILLARD@DCCM.COM  
(770) 718-0600

**SURVEY CONTACT:**  
ROCHESTER & ASSOCIATES, LLC.  
RICK MILLARD  
RMILLARD@DCCM.COM  
(878) 450-5134

**24 HR CONTACT:**  
MR. TYLER SHOUP  
(302) 540-5998



NOTE: THIS RE-ZONING IS A REQUEST OF THE CONTINUATION OF THE MANOR AT SPRINGHILLS RESIDENTIAL SUBDIVISION. THIS PARCEL 15038 000029 IS THE ADJOINING SOUTHERN PROPERTY TO PARCEL 15038 000162 THAT WAS RE-ZONED ON JANUARY 6TH, 2009 AND IS OWNED BY THE SAME GROUP, THE ESTATE OF BRYSON TURK.

PHASE 2 OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD ZONE PER F.E.M.A FLOOD INSURANCE RATE MAP OF HALL COUNTY, GEORGIA, COMMUNITY PANEL NO.131390031G, EFFECTIVE 12/01/2022.





**LOCATION** – 4967 & 5031 Union Church Road, Flowery Branch, GA 30542

**ACREAGE** – 103.15 acres +/- (Tract 1 – 41.39 acres & Tract 2 – 61.76 acres)

**APPLICANT** – Rochester | DCCM

**DRAFT**

### Summary

The accompanying application seeks zoning district change from AR-III and PRD to PRD for 103.15 acres of partially improved property located on Union Church Road in south Hall approximately 1.5 miles south of Winder Hwy (SR 53). The intent is to develop up to 206 units of quality housing (single family detached) along with an amenity center. At least 30% of the site will be maintained as open space. The property is located within the "Chestnut Mountain/Candler" Land Use Area and is designated for "Suburban Neighborhood, Medium Density", according to the 2024 Hall County Comprehensive Plan. Tract 1 was previously zoned PRD for 86 lots in December 2008. Completion of development is anticipated by 2028.

### Site Description

The two parcels have approximately 1,800 LF of frontage along Union Church Road, rectangular in shape and approximately 1,500 LF deep. The site is partially developed with an existing residence, a small pond, several out buildings and contains mix of pasture and mature trees. A small, jurisdictional stream is located below the existing farm pond and a second jurisdictional stream is located near the southern boundary line, with both being tributaries of Deaton Creek. Domestic water (6") is provided by the City of Gainesville and is located in Union Church Road. Sanitary Sewer will be provided by Hall County through a new, on-site pump station and force main to nearby gravity lines (exact location to be coordinated with Hall County). Sewer connection fees will be paid at the time an individual building permit is issued. All other dry utilities are located within a reasonable distance for service extensions.

### Adjacencies

The property is surrounded by residential zonings, AR-III, PRD and R-1. The southeast boundary is adjacent to a parcel zoned PCFD.

### Access

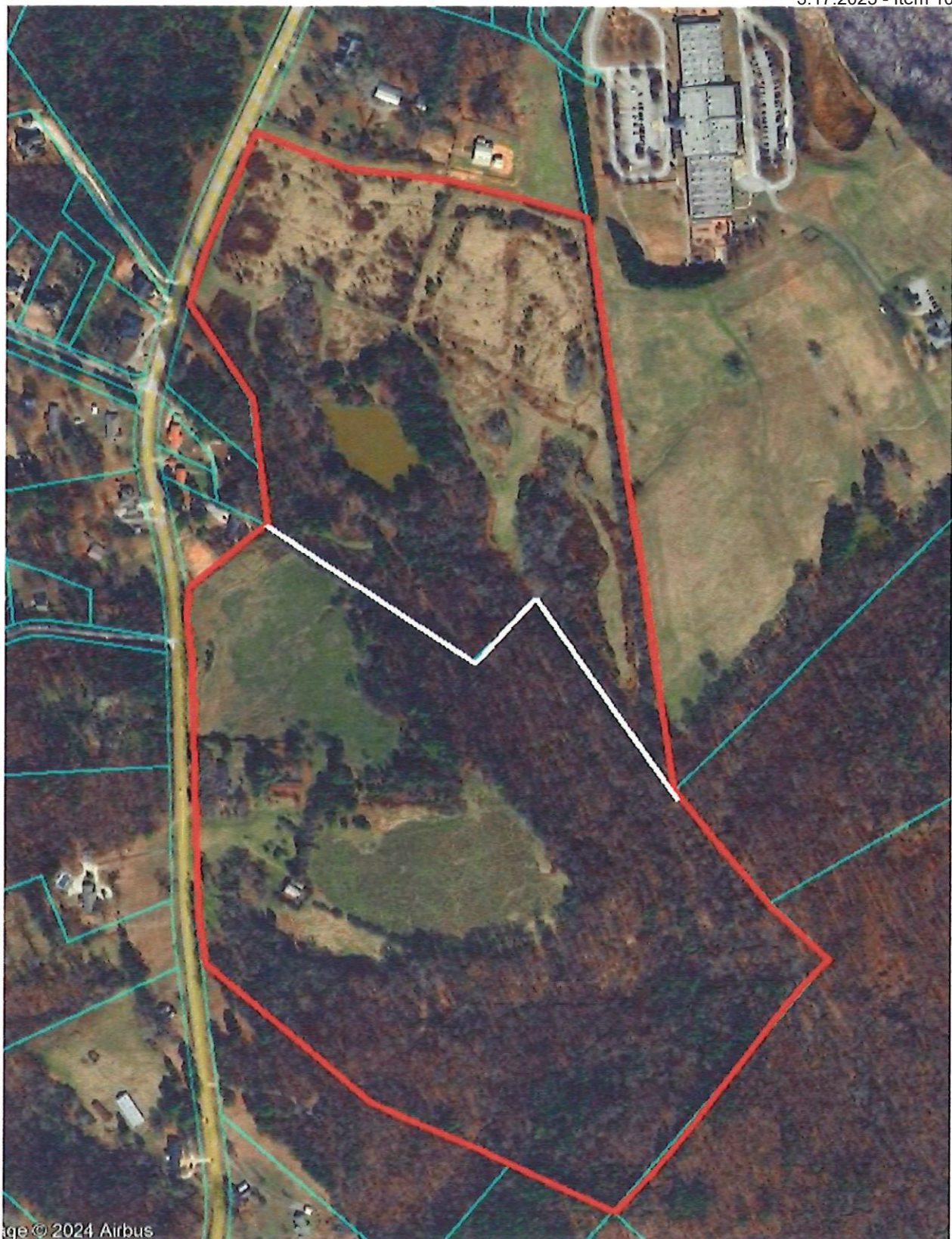
Access to the property is proposed from two driveways on Union Church Road approximately 1.5 miles and 2.0 miles south of Winder Highway (SR 53).

### Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel zoned PCFD located adjacent to southeastern boundary.
- Nearest distance to developed commercial property – parcel zoned H-B, 1.5 miles north at 4432 Winder Highway.
- Nearest distance to a single family home – a single family home at 4737 Union Church Road is located within 40' of the boundary.
- Nearest distance to a subdivision – Windwalker S/D is located immediately south of the property.

### Aerial View





### **Comprehensive Plan Consistency**

The property is located within the "Chestnut Mountain/Candler" Land Use Area and is designated for "Suburban Neighborhood, Medium Density", according to the 2024 Hall County Comprehensive Plan. The project is consistent with the "Neighborhood Development" vision and supports the future land use strategy that identifies up to 18,000 new households in this area by 2050. At the proposed density of 2 units/acre, this project complements those goals.



A Traffic Impact Study is included as part of this submittal. Traffic counts were collected at 4 intersections near the site. Traffic at these intersections as well as 2 site driveways were analyzed. AM Peak Hour traffic was projected at 144 trips and PM at 196 trips. GDOT warrants were met for deceleration lanes at both driveways, however they were not met for left turn lanes. Levels of Service (LOS) at the 4 studied intersections did not vary from the "No Build" to "Build" scenarios. Sight distances at both driveways will be confirmed during the LDP process.

### **Development Strategy**

Tract 1 was previously zoned to PRD in 2008 for 86 units with 14 conditions. An LDP for Tract 1 is currently under review by Hall County. In discussions with Hall County, and to provide a more seamless integration of the two tracts, it was determined that the best course of action would be to rezone both tracts to PRD with a unified set of conditions for both. While the development may be phased for construction purposes, the entire property would be under a common PRD approval and applicable standards. Roc

### **Project Dimensional Standards**

<b>Project Site Data</b>	
Acreage	103.15
Density	2.0
# of Lots	206
Exterior Buffer	50'
Minimum Open Space	30%
Sidewalks (Both Sides)	5'
Minimum Lot Width @ BL	50'
Minimum Lot Area	8000 SF
Maximum Height	35'
Front Setback from R/W	25'
Rear Setback	20'
Side Setback	5'
Corner Lot Setback (non-front side)	5'
Side Separation (foundation to foundation)	10'
Minimum Heated Floor Area	1800 SF

### **Architectural Materials & Site Improvements**

In addition to the requirements of Section 6.1.6 (A), at a minimum the homes would follow a design theme that would include:

- Two-car garages (width not to exceed 55% of front building width)
- Front facades with a combination of masonry and hardi-plank materials
- Side & Rear facades with hardi-plank or shake siding
- Architectural weight shingles
- Sodded yards (4 sides)

### **Entrance Monumentation**

The entrance may be gated and if so, the private streets will be maintained by the Homeowner's Association (HOA). All necessary requirements to allow access for public safety and other services will be provided. At least one central mail kiosk will be provided subject to USPS review and approval. The entrance may include the following structural items:

- Masonry walls
- Wood or PVC fencing
- Gate House
- Operable or Faux Gates
- Illuminated Signage in accordance with the Hall County Sign Ordinance
- Ornamental Sculpture
- Landscaping & Irrigation

### **Amenities**

The community amenities will vary depending on the housing option executed but at a minimum will contain the following items:

- Covered cabana with restrooms
- Pool & decking
- Two Pickle Ball Courts
- Dog Park
- Parking Lot

Other amenities, at the sole discretion of the Developer, may include the following items:

- Walking Trails
- Tennis Courts
- Playground
- Passive Pocket Parks
- Fire Pit
- Basketball (multi-use) Court
- Enclosed Clubhouse

### **Signage**

The Developer and/or Builder shall be allowed to post permanent directional signs and monuments within the Community to direct traffic to sales and recreation centers and to identify differing residential areas. All permanent internal signage must be outside of any Right of Way or Utility Easement with a Landscape and Signage easement recorded on the Final Plat.

Temporary Sales and Marketing signs not exceeding 32 square feet per sign face and 8 feet in height may be used along Union Church Road.

### **Model Home Permits**

Applicant requests that up to ten (10) model home permits be issued prior to Final Plat recording provided that hard surface (crusher run) access is provided and fire protection (functioning hydrant) is located within 500 feet of any structure under construction. However, no certificate

### **Sales and Construction Trailers**

Applicant is requesting permission to install one sales trailer and one construction trailer with associated parking areas in locations to be determined at the time of street paving and possible ahead of final plat approval.

### **Homeowner's Association**

A Homeowner's Association will be created in order to administer the covenants, conditions and restrictions that will be placed on the property by the Applicant. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

### **Conceptual Master Plan**

The development of the community shall be controlled by the Conceptual Master Plan (the "Plan") attached as exhibit "A". The plan is considered conceptual in nature, and as such may require minor modifications during the engineering and development process. Modifications to the locations and arrangement of lots, roads, amenities, and other improvements that do not conflict with specific standards and requirements of these conditions may be made by the Developer, so long as such modifications do not change the land use, increase the overall density of the project or reduce any established exterior buffers or setbacks.

## **REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE**

Georgia law and the procedures of Hall County requires the Applicant to raise Federal and State constitutional objections during the PRD master plan application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the Hall County Development Code, facially and as applied to the Property, which restrict the Property to any uses, conditions, land



use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. 317, 2025 - Item 10

The application of the Hall County Development Code, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Hall County Board of Commissioners to approve the zoning conditions as requested would constitute a taking of the Applicant's property.

A denial of this Application would constitute an arbitrary and capricious act by the Hall County Board of Commissioners without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the PRD zoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by the Hall County Board of Commissioners to approve this Application for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth

## **I. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that this PRD master plan application be granted as requested by the Applicant. If there are any questions about this request, you may contact:

Bradley Duncel  
Rochester | DCCM  
425 Oak St.  
Gainesville, GA 30501

