

Project Narrative for Union Church Road Tract

LOCATION – 5031 Union Church Road, Flowery Branch, GA 30542

ACREAGE – 61.76 acres +/-

APPLICANT – Crawford Creek Communities

PROPOSED ZONING – PRD

Summary

The accompanying application seeks zoning district change from AR-III to PRD for 61.76 acres of partially improved property located on Union Church Road in south Hall approximately 2.0 miles south of Winder Hwy (SR 53). The intent is to develop up to 123 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. The adjacent tract located at 4967 Union Church Road was previously zoned PRD for 86 lots in December 2008. If approved, the plan would be to provide inter-parcel access and possibly a shared pump station and amenities between the two developments. Completion of development is anticipated by 2028.

Site Description

The parcel has approximately 1,200 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, several out buildings and contains mix of pasture and mature trees. A small, jurisdictional stream is located near the southern boundary line, and appears to be a tributary 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 a driveway on Union Church Road approximately 2.0 miles south of Winder Highway (SR 53). The nearest cross street is Old Mulberry Road, located west of the property.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel zoned PFCD located adjacent to southeastern boundary.
- Nearest distance to developed commercial property – parcel zoned H-B, 2.0 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.

Traffic Impact Study

A Traffic Impact Study for the combined tracts 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

The tract at 4967 Union Church Road was previously zoned to PRD in 2008 for 86 units with 14 conditions. An LDP for this tract is currently under review by Hall County. The Developer plans to begin construction upon final approval of the LDP. If the zoning is approved for this tract (5031 Union Church Road), the plan would be to revise the LDP in order to incorporate inter-parcel access, a combined pump station design and any other efficiencies that may be identified. Development of the subject parcel would follow the approval of a new LDP and would incorporate any changes to provide for seamless combination of the two tracts.

Project Dimensional Standards

Project Site Data	
Acreage	61.76
Density	2.0
# of Lots	123
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)
- Two trees per lot (minimum 2 ½” caliper)

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:

- Enclosed Clubhouse 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

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

of occupancy permits (CO) will be issued prior to final plat recording. Model Homes may be utilized as temporary offices.

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.

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 hereinabove.

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:

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