



SMITH GILLIAM WILLIAMS & MILES

Project Narrative for

5401 Old Winder Highway – 84.304 +/- Acres

Amended 10-03-2025

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LOCATION – 5401 Old Winder Highway (Hwy 211)

Braselton, GA 30517

ACERAGE – 84.304 +/- Acres

APPLICANT – K2P Land Partners, LLC

CURRENT ZONING – AR-1

PROPOSED ZONING – R-MF (Residential – Multi-Family)

Summary

The accompanying application seeks a rezoning on the existing AR-1 zoned parcel 15039A000007, on 84.304 +/- acres located on 5401 Old Winder Highway in Braselton, Hall County, Georgia. The intent is to develop a residential community consisting of approximately 320 multi-family units, and a mixture of 380 townhomes and rear-loaded (stacked) townhomes. All multi-family units will be available for rent, and all other units will be available for purchase. The density will be approximately 8.3 units per acre and shall not exceed 12 units per acre in accordance with the R-MF density standard set forth in the 2025 Hall County, Georgia Unified Development Code. Applicant proposes 30 acres of open space (30%).

Site Description

The tract has is located along Georgia State Route 211 (Old Winder Highway). The overall tract is mostly rectangular in shape. Domestic water is provided by the City of Gainesville. Hall County will serve the site for sewer services. There are no known impediments to its successful development for the purposes intended. The entrance to the development will be located approximately midway between Pleasant Hill Lane and Ridgemoor Drive, as shown on the “GDOT Dog-bone RAB” attached as Exhibit “B”. This replaces the previously submitted roundabout in the Narrative, dated July 16, 2025. All roads shall be designed and constructed to Hall County standards and dedicated to Hall County. Thereafter, all roadways within this development shall be designated as public and shall be maintained by Hall County. Entrance will comply with state DOT comments.

Street Address

Smith Gilliam Williams & Miles, P.A.
340 Jesse Jewell Parkway, Suite 300
Gainesville, GA 30501

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Adjacencies

The property abuts AR-1 and PCD to the North, PCD and PRD to the South, PCD to the East, and State Route 211 is located to the West, along with AR-1 and PCFD zonings.

Architectural Materials & Site Improvements

The builder intends to build:

- Apartment Project: Approximately 320 units in 6 Multi-Family Buildings
 - The six buildings will be a maximum of 4 stories.
- Single Family Attached Townhomes and Rear-Loaded (stacked) Townhomes
 - Will not exceed 380 units
- Front facades and sides of each townhome and stacked cottage shall be composed of brick, stone, or a combination of the two, excluding gables, which shall be composed of a masonry product.
- Vinyl siding is prohibited.
- The garage door shall constitute no more than 70% of the width of the individual townhome or stacked cottage unit.
- All residential driveways shall measure no less than 22ft from the right of way to the front of the garage door.
- The development shall feature internal sidewalks, no less than 5ft in width, constructed on both sides of all internal streets.
- Final review and approval of building elevations is subject to the Director or Assistant Director of Planning and Development, or their designee.
- Sodded yards (4 sides)
- Speed tables in coordination with Hall County Engineering

Conditions

- There shall be a mandatory Homeowners Association (HOA).
- The amenity area shall include:
 - Apartments - guest parking, outdoor pavilion, picnic area, pool, playground, mail kiosk, and pickleball court. The amenity areas shall be completed at 50% of final build-out.
 - Townhomes - guest parking, outdoor pavilion, picnic area, playground, and mail kiosk. The amenity areas shall be completed at 50% of final build-out.
- The following language shall be placed upon the final plat of the 80-acre R-MF project:
"Owners and users of this property are informed of motor raceway venues nearby, and

should expect noise, crowds, and other effects associated with such venues." All conditions of zoning shall be made part of any plats created for the development.

- The development shall be designed so that all state waters and required buffers (50ft and 75ft) do not encroach on any individual townhome or stacked cottage.
- All designated open space within the development shall be commonly held and shall not be individually held by any homeowner.

Parking

All parking shall comply with the standards set forth in the 2025 Hall County, Georgia Unified Development Code as follows:

Townhomes and Rear-Loaded (stacked) Townhomes	2 spaces per dwelling unit plus 1 guest space for every 4 dwelling units
Multi-Family Parking	2 spaces per dwelling unit plus 1 guest space for every 15 dwelling units

Internal 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 the property frontage of Old Winder Highway. No internal signage shall conflict with the 2025 Hall County Unified Development Code.

Model Home Permits

The development shall be limited to a maximum of one (1) townhome building and one (1) stacked cottage prior to approval and recording of the Final Plat. Model home permits may 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. No certificate of occupancy permit shall be issued prior to Final Plat recording.

Sales and Construction Trailers

Applicant is requesting the ability to install one leasing trailer for apartments, one sales trailer for the townhomes and stacked cottages, and two constructions trailer with associated parking areas in locations to be determined at the time of final plat approval.

Entry Monument Signage

Applicant is requesting permission for an entry monument type of sign with a natural stone base with a sign size (monument base and signage) totaling approximately 42 SF. The entrance may include the following structural items:

- Masonry walls
- Wood or PVC fencing
- Illuminated Signage in accordance with the Hall County Sign Ordinance
- Ornamental Sculpture
- Landscaping and Irrigation

The entry monument signage shall not conflict with the 2025 Hall County Unified Development Code.

Traffic Study

A Traffic Study was conducted by NV5 Engineers and Consultants, Inc. 10745 Westside Way, Suite 300, Alpharetta, GA 30009. The following recommendations were made:

- Construction of a multilane roundabout at the proposed site access driveway, initially being developed as a single-lane roundabout until the GDOT project is completed
 - The initial single-lane roundabout will be constructed by the developer.

Access to SR-211

The dog-bone design for the roundabouts on SR-211 on Ridgemoor Drive and Pleasant Hill Lane, as shown on the plans attached as exhibit "B", shall be constructed as agreed upon by GDOT and Developer, and no Certificates of Occupancy will be released to Developer, its successors, and assigns no earlier than 12-months from estimated completion of the dog-bone roundabout.

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 R-MF 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 M-U 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 8 hereinabove.

Applicant reserves all due process rights granted to them under O.C.G.A. 36-66-5.1. et. seq, to petition the courts for review of a local government's exercise of zoning, administrative, or quasi-judicial powers, as set forth in those code sections and statutes.

Conclusion

For the foregoing reasons, the Applicant respectfully requests that this rezoning to R-MF of an existing AR-1 zoning be granted as requested by the Applicant. If there are any questions about this request, you may contact:

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