

SMITH GILLIAM WILLIAMS & MILES

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Gainesville, GA 30503

Project Narrative for 5111 Old Winder Highway – 10.00 Acres

Amended October 24, 2025

LOCATION – 5111 Old Winder Highway (Hwy 211)

Braselton, GA 30517

APPLICANT – ADC Venture 5, LLC

CURRENT ZONING – AR-IV

PROPOSED ZONING – PRD

ACRES – 10.0 Acres

SUMMARY

The accompanying Application seeks a Rezoning from AR-IV to PRD for 10.00 acres of undeveloped property located at 5111 Old Winder Highway in Braselton, Hall County. The intent is to develop up to 44 townhome units of quality, 24' wide traditional single-family fee simple townhomes with an amenity area and above the required minimum of 30% open space. The proposed use is consistent with the Hall County Comprehensive Plan for residential use and appropriate for Hall County's Planned Residential Development (PRD) District for this location, which is residential and mixed-use corridor.

This Application accompanies the contiguous tract located at 5079 Old Winder Highway, which was approved for rezoning by the Hall County Board of Commissioners on July 11, 2024 (See Hall County Board of Commissioners Approval Letter attached as Exhibit "A"). The total number of units between 5111 Old Winder Highway and 5079 Old Winder Highway shall not exceed 120 townhome units. This will allow flexibility to move the townhome units between the two tracts as needed once engineering has been completed and construction begins.

SITE DESCRIPTION

The overall tract is 10 acres contiguous to 5079 Old Winder Highway and located behind the Church of Christ at Chestnut Mountain. The water is provided by the City of Gainesville, and Hall County will provide sewer. There are no known impediments to its successful development for the purposes intended. All roadways within the development shall be designed and

Street Address:

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

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constructed to Hall County standards and dedicated to the county for public use. Thereafter, Hall County will maintain the roads.

ADJACENCIES & ACCESS

The property is surrounded by residential zonings (AR-IV) to the north, to the east, and to the south. Access to the property is from Old Winder Highway (SR 211), a two-lane, paved and state-maintained roadway that connects to Winder Highway (SR 53) and Friendship Road (SR 347).

PROJECT DIMENSIONAL STANDARDS

Parcel Size	10.00 acres
Proposed Number of Lots	44
Proposed Density	4.0 units/acre
Proposed Open Space	15.6 acres (52%)
Streets	Public
Water and Sewer Provider	Gainesville City Water and Hall County Sewer
Minimum Lot Size	2,088 sq ft
Amenities	1 Park
Storm Water Management Areas	1
Minimum Lot Width	24 ft
Minimum Setback from Sidewalk	22 ft from garage door to back of sidewalk
Internal Side Setback	0 ft
Minimum Rear Yard Setback from Property Line	0 ft
Sidewalks – Both Sides of the Street	5 ft
Garage % of Front Façade	70%
Minimum Lot Depth	87 ft
PRD Buffer	50 ft
Impervious Stream Buffer	50 ft
Stream Setbacks	75 ft
Mail Kiosk (CBU)	1 with 6 additional parking spaces on the adjoining 20-acre tract
Minimum Heated Floor Area	1,800 sq ft
Front Setback from Right of Way	17 ft, 10 ft on corner streets
Side Separation from Foundation to Foundation	20 ft between buildings

ARCHITECTURAL MATERIALS & SITE IMPROVEMENTS

All facades of all residences shall be finished with masonry (brick or stone), wood, or fiber cement/Hardi-plank type siding. The garage doors shall not exceed 70% of the front façade. The builder intends to build:

- Single Family Fee Simple attached dwellings with two-car garages (garage width not to exceed 70% of front building width)
- Front facades with a combination of masonry and fiber cement siding materials
- Side and rear facades with masonry, fiber cement siding, or shake siding
- Sodded yards (4 sides)
- Speed tables in coordination with Hall County Engineering
- Each building will be offset 4-5 feet from the neighboring buildings.
- All buildings contain four 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 signage must be outside of any Right of Way or Utility Easement with a Landscape and Signage easement recorded on the Final Plat.

AMENITIES

- 1 Park
- Guest Parking Spaces in 10-acre Tract: 6
- Total Guest Parking Included in Both Tracts: 49

CONCEPTUAL MASTER PLAN

The development of the community shall be controlled by the Conceptual Master Plan (the "Plan") attached as Exhibit "B". 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.

TRAFFIC IMPACT STUDY

The following recommendation is from Southeastern Engineers dated February 22, 2024:

SR 211 Atlas Drive

- Atlas Drive should be full-access, stop-sign controlled.
- Atlas Drive should be two lanes, one entry and one exit lane.

- Install a northbound right-turn storage lane on SR 211. Lane dimensions should meet GDOT minimum requirements.
- Install a southbound left-turn storage lane on SR 211. Lane dimensions should meet GDOT minimum requirements.
- No other roadway improvements are recommended for this development.

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 8 hereinabove.

Applicant / Owner 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 requested Rezoning to PRD to the existing AR-IV zoning be granted as requested by the Applicant. If there are any questions about this request, you may contact:

Applicant

Steven P. Gilliam
Smith, Gilliam, Williams & Miles, P.A
340 Jesse Jewell Parkway, Suite 300
Gainesville, GA 30501
770-536-3381
sgilliam@sgwmfirm.com

Additional Contact

Cameron Henderson
Georgia South Development, LLC
390 Brogdon Road
Suwanee, GA 30024
678-978-6782
cameron@atlaslanddev.com



Hall County Government

BOARD OF COMMISSIONERS

July 22, 2024

Steven P. Gilliam
PO Box 1098
Gainesville, GA 30503

RE: **Rezone Application**

Dear Steven P. Gilliam:

Please be advised that in its Voting Meeting on July 11, 2024, the Hall County Board of Commissioners voted to approve the following application with conditions.

5079 Old Winder Highway | Rezone | from Residential I (R-I) to Planned Residential Development (PRD) | on a 20.02± acre tract located on the east side of Old Winder Highway, approximately 1,496 feet from its intersection with Daylily Drive | Zoned R-I; Tax Parcel 15038 000059 | **Proposed Use: 105-unit townhome development |** Commission District 1 | **Steven P. Gilliam, applicant**

Conditions:

Conditions:

1. The property shall be developed in accordance with the site plan dated July 10, 2024, and as described in the project narrative submitted on July 10, 2024, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. The development shall be limited to 82 townhome units.
3. The minimum heated floor area (HFA) of each residential unit shall be 1,800 square feet.
4. Building elevations shall be composed of a mixture of cement siding, stone, and/or brick façade, with a minimum of brick or stone accents on the front of the homes. The balance of the home may be the same material or of fiber-cement material. Vinyl siding is prohibited. Final review and approval of building elevations is subject to the Assistant Director of Planning and Development, or their designee.
5. All units shall be designed with a two-car garage. Garage doors shall constitute no more than 70 percent of the width of the individual townhouse unit.
6. All residential driveways shall measure no less than 22 feet from the edge of right of way.
7. Garage door width shall not exceed 70% of the width of the front façade of the residence.
8. The development shall feature internal sidewalks no less than five (5) feet in width constructed on both sides of all internal streets.

POST OFFICE DRAWER 1435
GAINESVILLE, GA 30503

t: 770.535.8288

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Jennifer Rivera

9. The development shall be served by public sewer, with the obtainment of all required easements and other construction costs such as a lift station and force main to be the responsibility of the developer.
10. The development shall be limited to a maximum of two (2) model homes 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 permits shall be issued prior to Final Plat recording.
11. There shall be a mandatory Homeowners' Association (HOA).
12. All designated open space within the development shall be commonly held, and not held by any individual homeowner(s).
13. All roadways within the development shall be designed and constructed to Hall County standards and dedicated to the county for public use. Thereafter, Hall County will maintain the roads.
14. The developer shall be responsible for obtaining all of the necessary permits as well as all costs associated with the improvements recommended by the traffic impact study, such as but not limited to the construction of a left and right turn lane on state route 211 (aka Old Winder Highway).
15. All stream buffers must be fully within the Homeowners' Association (HOA) common space and shall not be included on any individual residential building lot.
16. There shall be 43 guest parking spaces provided as shown on the site plan dated July 10, 2024.
17. The cluster mailbox unit shall have no less than 5 parking spaces.
18. No variances or development exceptions are granted as part of this request that are not explicitly granted by board approval. The development shall be compliant with the Official Code of Hall County.
19. The following statement regarding the potential impacts of agricultural operations in the area shall be made a part of any plat recorded on the property: "Owners, occupants, and users of property shown on this plat are hereby informed of the impacts associated with normal farming practices which may take place on adjacent and nearby property including, but not limited to, noise, odors, dust, the operation of machinery of any kind, the storage and disposal of manure, and the application of fertilizers, herbicides, and pesticides. Therefore, owners, occupants, and users of the property shown on this plat should be prepared to expect the effects of such practices."
20. All conditions of zoning shall be made a part of any plats or construction plans created for the property.
21. Buildings shall have no more than 6 units per building. Each building shall be staggered back 4-5 feet from the front setback of adjacent buildings.

Please contact me if you have questions or if you require any additional information concerning this action of the Board.

Sincerely,

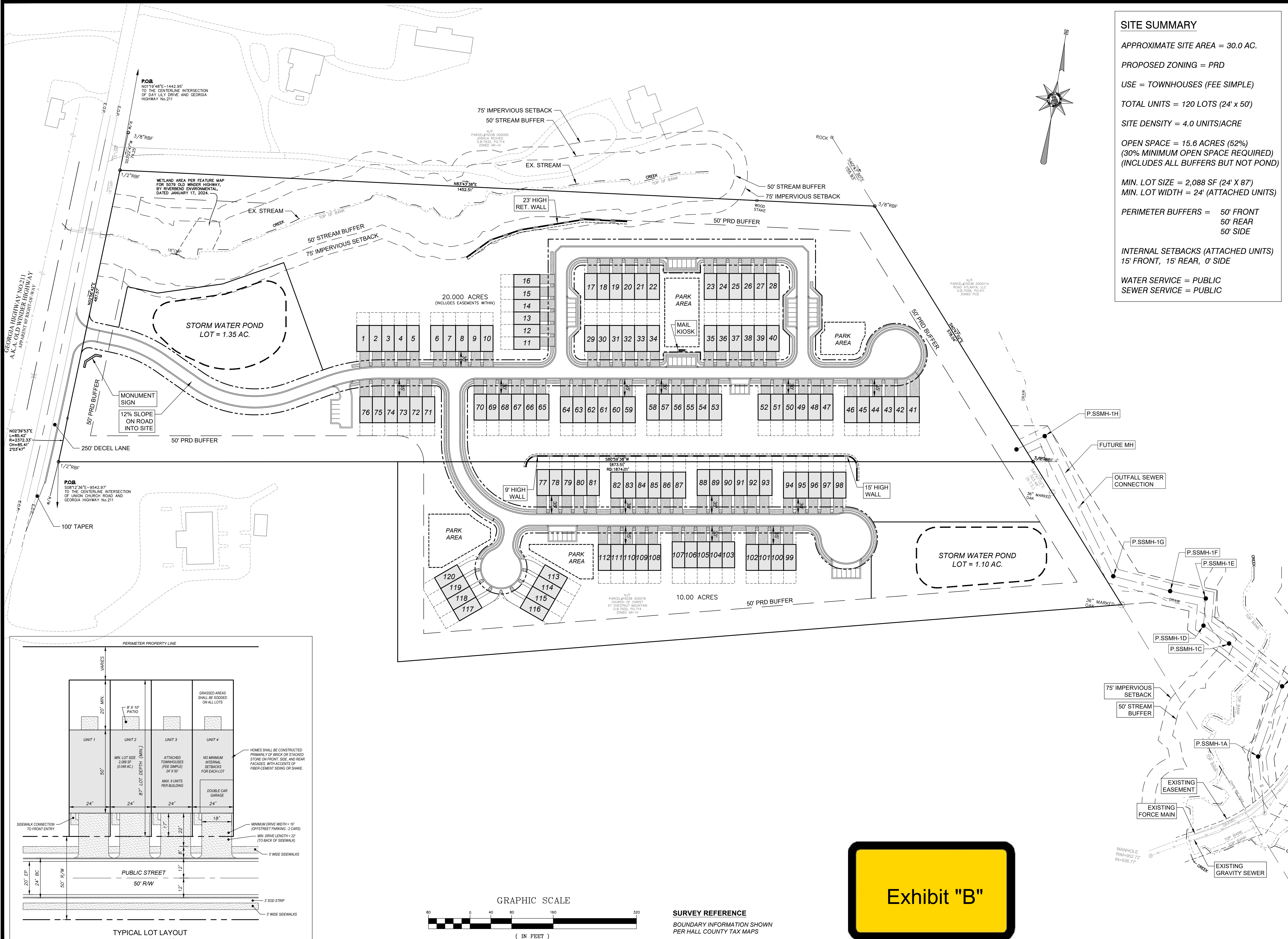


Jennifer Rivera
Hall County Commission Clerk

cc: Beth Garmon, Planning & Zoning Director

Freidoon Hojat Kashani
Torkane Hojat Kashani
7090 Greatwood Hollow
Alpharetta, GA 30005

Atlas Land Development
Attn: Cameron Henderson
554 West Main Street, Suite 700
Buford, GA 30518



SITE SUMMARY

APPROXIMATE SITE AREA = 30.0 AC.

PROPOSED ZONING = PRD

USE = TOWNHOUSES (FEE SIMPLE)

TOTAL UNITS = 120 LOTS (24' x 50')

SITE DENSITY = 4.0 UNITS/ACRE

OPEN SPACE = 15.6 ACRES (52%)
(30% MINIMUM OPEN SPACE REQUIRED)
(INCLUDES ALL BUFFERS BUT NOT POND)

MIN. LOT SIZE = 2,088 SF (24' X 87')
MIN. LOT WIDTH = 24' (ATTACHED UNITS)

PERIMETER BUFFERS = 50' FRONT
50' REAR
50' SIDE

INTERNAL SETBACKS (ATTACHED UNITS)
15' FRONT, 15' REAR, 0' SIDE

WATER SERVICE = PUBLIC
SEWER SERVICE = PUBLIC

REED
PLANNING & DESIGN

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GSWCC LEVEL 2
CERTIFIED DESIGN
PROFESSIONAL

CERTIFICATION NO. 1639
EXPIRES 10/27/2026

ATLAS DEVELOPMENT
TOWNHOUSE PROJECT
GA. HWY. 211 TRACT

PARCEL	-
LAND LOT	-
DISTRICT	-
CITY	-
COUNTY	HALL
STATE	GEORGIA

CONCEPTUAL
SEWER PLAN

JOB NUMBER	DATE
24103	8-23-2024

DATE	NO	REVISION

RZ-1

Exhibit "B"