

Project Narrative for East Sardis Road Tract

LOCATION – 2632 East Sardis Road, Gainesville, GA 30506

ACREAGE – 25.9 acres +/-

PARCELS – 10071 000136

EXISTING ZONING – R-1

REQUESTED ZONING – M-U

APPLICANT – Rochester & Associates, LLC

Summary

The accompanying application seeks zoning district change from R-1 to M-U for 25.9 acres of unimproved property located at 2632 East Sardis Road in northwest Hall County approximately 500' southeast of the Sardis Connector. The intent is to develop up to 30 units of single family attached housing (townhomes), 25,000 SF of commercial space and up to 400 storage spaces for Boat/RV storage. The proposed uses are consistent with the Hall County Comprehensive Plan. The property is located within the "Murrayville/Sardis" character area with a future land use designated as "Regional Activity Nodes & Corridors" and the "Mixed Use District" is listed as an appropriate zoning district under the future land use. Completion of development is anticipated by 2030.

Site Description

The parcel has approximately 90 LF of frontage along East Sardis Road and is roughly rectangular in shape with approximately 1,300 LF deep. The property is undeveloped with two jurisdictional streams. Domestic water (8") is provided by the City of Gainesville and is located in the Sardis Connector. On-Site Sewerage Management systems are planned for all sewer requirements. All other dry utilities are located within a reasonable distance for service extensions. There are no known impediments to its successful development for the purposes intended.

Adjacencies

The property is surrounded by residential zonings (R-1 and AR-1 to the east, north and west. To the south is primarily S-S.

Access

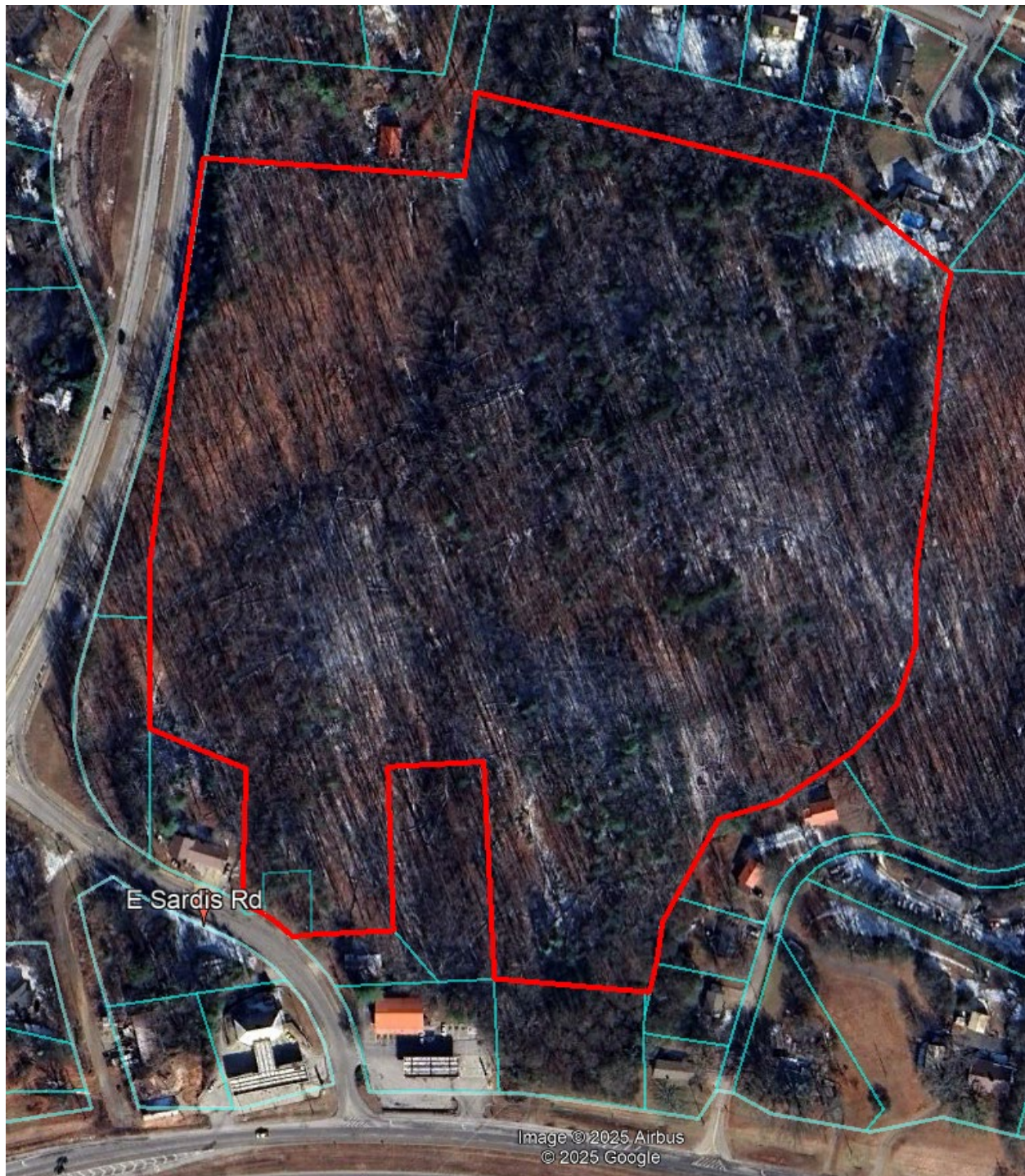
Access to the property for the residential product is from East Sardis Road approximately 500' east of the Sardis connector. Access to property for the commercial components is planned from Dawsonville Highway through either an easement or fee- simple right-of-way from Parcel #10071 000088, as shown on the zoning plan.

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – Parcel #10070 000088 zoned S-S adjacent to the subject property

- Nearest distance to developed commercial property – Parcel #10071 000088B zoned S-S adjacent to the subject property
- Nearest distance to a single-family home – a single-family home at 2614 East Sardis Road is located within 30' from the southwestern boundary.
- Nearest distance to a subdivision – Highland Park S/D is located immediately north of the property.

Aerial View



Traffic Impact Study

A Traffic Impact Study has not been provided and is presumably below the County's threshold requirements.

Development Strategy

The Mixed-Use development includes a variety of uses to be developed in several phases. Presumably, the townhomes would be developed in a single phase, The Boat/RV storage may be developed in two to three phases. The commercial uses would be pad graded for a single or multiple end users, with actual building construction occurring based on demand.

Specific Uses

- Subject to the requested variances, Boat and RV storage may be covered, uncovered or enclosed with a maximum of 400 - 11' x 30' storage spaces. All internal paving may consist of graded aggregate base (GAB), asphalt, concrete or a combination of these. Exterior building materials may include metal siding and roofs.
- Commercial uses may include small retail, professional offices, or any use permitted under the M-U district.
- Townhomes will be rear entry garages with a 24' minimum width and served by a private common driveway, built to Hall County Standards. Facades and roof lines will be staggered or offset by at least 3' for every grouping of 3 units. Ownership may be either fee simple, condominium ownership or a single ownership of the entire number of units.

Signage

The Developer and/or Builder shall be allowed to post permanent directional signs and monuments within the property for identification purposes. All permanent internal signage must be outside of any Right of Way or Utility Easement and within 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 East Sardis Road.

Conceptual Master Plan

The development of the community shall be controlled by the Zoning Plan attached. 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, storage areas, 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.

Gateway Corridor Overlay District Variances

The property lies within the Hall County Gateway Corridor Overlay District. Specific variances to the district's requirements, for the Boat/RV Storage area only, are as follows:

- Chapter 17.420.05.E.3 – Paving materials for parking (storage) areas shall include graded aggregate base (GAB). All driveways located within existing rights-of-way shall be paved with asphalt or concrete.
- Chapter 17.420.05.H.2c – Allowable building materials shall include steel frame metal buildings for Boat/RV storage located outside of the 300' corridor and not visible from Dawsonville Highway or East Sardis Road.
- Chapter 17.420.05.H.3 – Allowable roof materials shall include metal roofing for Boat/RV storage located outside of the 300' corridor and not visible from Dawsonville Highway or East Sardis Road.

All other uses shall comply with the overlay district's requirements.

Special Use Permit

The application includes a request for a Special Use Permit to allow for "Major Outdoor Storage" within the M-U District.

Buffers

Although not required in the M-U district, Developer shall impose a 50' exterior buffer to adjacent residential districts, which may be disturbed and re-vegetated at Developer's discretion. This buffer may be reduced where shown on the zoning plan. Re-vegetation will be based on proximity to any adjacent uses impacted by clearing of the buffer.

Open Space

The project will provide at least the 30% required opens space through external buffer areas, stream buffers and other areas of the property not slated for development.

Community Septic

As there is no public sewer in this immediate area, the development will utilize on-site sewerage management systems (septic) to provide treatment. A combination of individual and community systems may be utilized.

REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of Hall County require the Applicant to raise Federal and State constitutional objections during the M-U 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 hereinabove.

I. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this M-U 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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