



May 5, 2021

Hall County Planning and Development
2875 Browns Bridge Road
3rd Floor
Gainesville, GA 30504

RE: Rezoning request of 7285 Spout Springs Road, Flowery Branch, GA 30542
Tax parcel #: 09079 000001 and 09079A000050

To Whom It May Concern:

Ridgeline Land Planning, Inc. is requesting to rezone approximately 212.84 acres located inside Magnolia Station subdivision in Lula from R-1 to PRD. The proposed rezoning is to allow development of a Residential Mixed-Use Community. The community will consist of single family detached and single family attached homes. The proposed gross density is 2 units per acre. The community will consist of 6 phases as follows:

- Phase 1: 89 existing single-family detached homes zoned PRD
- Phase 2: 55 single-family detached homes with approved LDP plans
- Phase 3: 40 single-family detached homes proposed.
- Phase 4: 140 single-family attached homes proposed.
- Phase 5: 112 single-family attached homes proposed.
- Phase 6: 113 single-family detached homes proposed.

Dimensional standard for each Phase can be found in the chart on the site plan with a revision date of 5/5/2021.

An amenity area consisting of a Cabana, Pool, and Playground is proposed to replace 6 lots in Phase 1 (lots 5-10). Nine (9) lots from Phase 1 (lots 359-367) along with 9 lots from Phase 2 (56-64) will be allocated to phase 4. A 50 ft landscape buffer is proposed along the Phase 1 road frontage that abuts the attached single-family homes in Phase 4. An elevation rendering has been provided to show the proposed entry gate, fencing, and landscaping for the frontage buffer adjacent to phase 4. A townhome elevation has been provided as a style guide showing proposed materials and a 2-car garage. The garage width will be 18 feet (75%) of the façade. Attached units will consist of 3 unit to 6 unit buildings to provide a more aesthetic curb appeal.

A 50ft undisturbed/natural buffer is propose along the perimeter of phase 4 and phase 5 between any adjacent properties. The applicant is requesting exemption from the 50ft buffer along all exterior boundaries that about single family detached homes (phases 1,2,3, and 6). The single family elevations provided are plans currently being built in Phase 1.

The proposed community is bordered to the South by an existing R-1 subdivision. The Eastern property line is bordered by PRD and VC zoning districts. The northern boundary is adjacent to AR-IV zoned property. The subject property lies within the Rural designation on the Hall county Future Development map. The property also lies within an Activity Center originating from the Hwy 365/ Lula road intersection. This Activity Center sits at the terminus of the Employment Corridor along Hwy 365.

Portions of the subject property are currently zoned PRD. The applicant is requesting to zone the remaining property to PRD to provide a cohesive master planned community. We feel that the proximity to the Hwy 365/Lula Road Activity Center, and existing on site and adjacent PRD zonings overwhelmingly support this zoning request.

Constitutional Objections

Facially and as applied to the Property, the specific portions of the Hall County Comprehensive Plan and zoning ordinance which restrict the Property to any zoning classification, conditions, uses, or to any development other than those proposed by the Applicant are unconstitutional because they would abolish or damage the Applicant's property rights without paying adequate, fair, and just compensation for such rights, in violation of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

Facially and as applied to the Property, the application of Hall County ordinances or Comprehensive Plan which restrict the Property to any zoning classification, conditions, uses, or to any development other than that proposed by the Applicant is unconstitutional, illegal, null, and void, constituting a taking and/or damaging of Applicant's Property by denying the Applicant all economically viable use of its land while not substantially advancing legitimate state interests in violation of the United States Constitution's Just Compensation Clause of the Fifth Amendment and the Equal Protection and Due Process Clauses of the Fourteenth Amendment and the Constitution of the State of Georgia of 1983.

The denial of this application would be an arbitrary and capricious act by Hall County without any rational basis, thus constituting an abuse of discretion in violation of the Constitution of the State of Georgia of 1983 and Due Process Clauses of the Fourteenth Amendment to the United States Constitution.

A refusal by Hall County to approve this application for the Property would be unconstitutional and discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated property in violation of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United

States Constitution.

The applicant and stakeholders respectfully request approval of this application and welcome the opportunity to meet with Hall County Planning and Development staff, Planning Commission, and Board of Commissioners to discuss any questions or concerns regarding the application.

Respectfully,

Ridgeline Land Planning, Inc.

A handwritten signature in black ink, appearing to read 'Holt Persinger', with a stylized flourish at the end.

Holt Persinger, RLA