



~~Submitted September 27<sup>th</sup>, 2021~~

Revised for January 4<sup>th</sup>, 2022

### **Pine Valley Road Project – Requested Waivers/Variances to the PRD Zoning District**

Cook Communities would like to request a Waiver/Variance to the following requirements of the PRD Zoning Classification:

- ~~1- Lot Area – Request a minimum 2,000 S.F. Fee Simple Townhome Lot.~~  
Lot Area – Request a minimum 2,500 S.F. Fee-Simple Townhome Lot.
- ~~2- Lot Width – Request a Variance to a minimum 24' Minimum Lot Width.~~  
Lot Width – Request a Variance to a minimum 28' Minimum Lot Width.
- 3- Front Setback – Request a Variance to a minimum of 20' from the Back of 5' Sidewalk.
- ~~4- 50' Exterior Buffer – Request a Variance to 20' Natural Buffer with Supplemental Plantings.~~  
50' Exterior Buffer – Request a Variance to 25' Graded and Planted Buffer along the northern and western property lines and a 50' Graded and Planted Buffer Along Pine Valley Road and the Southern Property Line.
- ~~5- Entrances – Request a Waiver from the 2 Entrance Requirement to 1 Entrance.~~  
No Longer Requesting this – 2 Entrances Provided.
- ~~6- Garage Door – Request a Variance from the 50% Width Requirement to 70% Width.~~  
Garage Door – Request a Variance from the 50% Width Requirement to 60% Width.

The Subject Property is currently AR-III and is shown on the Future Land Use Map as Lake Area Residential. The area has changed significantly over the past few years and is surrounded by Commercially Zoned Property and Medium to High-Density Residential properties. We feel the requested variances/waivers are in-line with the surrounding development pattern for the area and will provide adequate housing for the growing workforce demands of the Medical and Industrial Development occurring in Gainesville and along the 985/365 Corridor.



September 22<sup>nd</sup>, 2021

Hall County Board of Commissioners  
2875 Browns Bridge Road  
Gainesville, GA 30504

RE: Rezoning Request/34 acres at Pine Valley Road, Gainesville GA 30501 (parcel #'s 09124 000203, 09124 000039B & 09124 000039)

To Whom It May Concern:

Cook Communities is requesting to rezone said parcels in Hall County to a Planned Residential Development. These parcels contain approximately 32.6 acres with 12.33 acres remaining as open space within the proposed development. Cook Communities is seeking approval of 249 residential attached units for a townhome community. The density of the development is 7.6 units per acre and the lots will be 2,000 square feet in size. The proposed community will include an amenity area of swimming pool, clubhouse, playground, and pocket parks. A 20' landscaped buffer (natural and replanted as necessary) is proposed along the entire border of the subdivision fronting adjacent properties. A site plan and elevation rendering has been provided with this letter to show the proposed landscaping for the buffers. Also, all common areas are to be professionally sodded and landscaped with attractive shrubbery and will be maintained by professional management company under the HOA rules and declaration. In addition, the units will be constructed with hardi-plank, board & batten siding, stone/brick accents and architectural roofs. The townhome units will be 1623 heated square feet and have 3 bedrooms with 2 ½ baths and a two-car garage. In addition, a traffic study was completed by Southeastern Engineering, Inc. and Cook Communities agrees to install all upgrades listed for Pine Valley Road. Finally, we have heard the needs for work force housing in the Hall County area and anticipate the sales price for these units to be around \$260,000.

Constitution Objections

Facially, and as applied to the Property, the specific portions of the Zoning Ordinance which restrict the Property to any zoning classification, conditions, uses, or to any development other than those proposed by the Applicant and 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 County ordinances or which restrict the Property to any zoning classification, conditions, uses, or to any development other than that proposed by the Applicant would result in 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 public health, safety and morals, in violation of the Constitution of the United States under the Just Compensation Clause of the Fifth Amendment and the Equal Protection and Due Process Clause of the Fourteenth Amendment and the Constitution of the State of Georgia of 1983. More specifically, a subdivision of similar sized and type homes on larger lots, does not meet existing demand for housing. Neighboring properties consist of single-family homes of similar size on larger lots but generally of less value per square foot. Refusal to zone the existing county properties which do not materially damage the surrounding single-family developments, commercial, transportation warehouse and light industrial properties deprives the owners of any reasonable return on the property without protecting adjoining owners.

The denial of this application would be an arbitrary and capricious act by the County without any rational basis, thus constituting an abuse of discretion in the exercise of the zoning power in violation of the Constitution of the State of Georgia of 1983 and Due Process Clause of the Fourteenth Amendment to the United States Constitution property housing needs are great in the area, other re-zonings are being granted for higher density apartments than the lower density townhome proposed. Any refusal by the 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 are happy to respond to the County Commissioners as to any questions or concerns regarding the application.

Respectfully,

Cook Communities

A handwritten signature in black ink, appearing to be 'K. Cook', written in a cursive style.

Keith Cook

CC: Jane Range (Hulsey, Oliver and Mahar)