

STATE OF GEORGIA

COUNTY OF HALL

**RESOLUTION OBJECTING TO THE CITY OF OAKWOOD'S ANNEXATION OF THE PROPERTY OF
FALCON INVESTMENTS 2021, LLC KNOWN AS HALL COUNTY TAX PARCEL 15044 000018F**

WHEREAS, Hall County has received a notice from the City of Oakwood of a Petition for annexation filed with the City of a property belonging to Falcon Investments 2021, LLC located at 3619 Atlanta Highway and bearing Hall County Tax Parcel Number 15044 000018F; and

WHEREAS, the annexation petition seeks to rezone the subject property from Hall County's designation of AR-III Agricultural Residential and R-1 Residential to the City of Oakwood's designation of M-I Light Industrial; and

WHEREAS, the City of Oakwood has notified the County that the City intends to take action on the annexation and rezoning requests on March 21, 2022 via its Planning Commission and at a public hearing before the City's governing authority on April 11, 2022; and

WHEREAS, the proposed development represents a significantly more intense use of the subject property than allowed by Hall County's existing agricultural/residential zoning of the property; and

WHEREAS, the proposed annexation would create two new unincorporated islands in violation of O.C.G.A. § 36-36-4; and

WHEREAS, the proposed annexation and rezoning of the subject property is inconsistent with Hall County's Comprehensive Plan and Future Land Development Map; and

WHEREAS, the area has developed with lower density residential subdivisions in the past, and the surrounding area is substantially lower density residential in character; and

WHEREAS, the resulting annexation would constitute a non-conforming lot given its unusual dimensions; and

WHEREAS, the Hall County Board of Commissioners has carefully reviewed the annexation and rezoning request, and the Board has determined that annexation and rezoning of the primary parcel from AR-III and R-I to Oakwood M-I is not in the best interest of the residents of Hall County; and

WHEREAS, the Georgia Code provides a procedure for resolving annexation disputes; and

WHEREAS, the Board of Commissioners wishes to avail itself of the remedies provided by the annexation dispute resolution process as a result of its objection to this annexation and rezoning request;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF HALL COUNTY DOES HEREBY OBJECT to the City of Oakwood's annexation and rezoning of Hall County Tax Parcel Number 15044 000018F as requested by Falcon Investments 2021, LLC. This objection is based upon a material increase in burden on Hall County directly related to the proposed change in zoning and land use.

Based upon the information presented in the applications for annexation provided by the City of Oakwood for the .49 acre parcel (which is attached hereto as an exhibit), Hall County further objects to the proposed zoning and land use that would result from the annexation. The application for annexation describes a rezoning from the County's AR-III Agricultural Residential and R-I Residential Zoning Districts to the M-1 Light Industrial Oakwood Zoning District for the construction of a warehouse distribution facility. Insufficient information has been provided by the City as to the nature and scope of the warehouse distribution facility planned for this parcel, and thus specific objection is impossible. However, the warehouse distribution facility allowed by Oakwood's M-1 zoning described in the application appears to straddle the annexed 10 foot wide parcel and two adjacent lots, in contrast with the existing zoning. The County's AR-III and R-I existing zoning allows for flexibility and coordinated design of uses on the property, provides for a mixture of uses and housing types, and encourages the use of natural features as shown on the attached portions of the Hall County Zoning Code. It also requires conformity to the existing character and development pattern of the surrounding area, protects adjacent residential uses from adverse impacts that might result from a higher density development, and maintains consistency with the county comprehensive plan and transportation plan. The expected change in both zoning and land use as proposed in the application for annexation would create a material increase in burden upon Hall County directly related thereto. Hall County attaches the application for annexation and supporting documents served upon it relating hereto.

Although the City has provided insufficient information to adequately assess the proposed development on the parcel, the proposed change in zoning and land use as described in the application for annexation would appear to result in a substantial change in the intensity of the allowable use of the property. By changing the nature and intensity of the development on the parcel, the proposed rezoning would adversely impact surrounding residential developments by increasing the traffic in the area, by increasing truck traffic and wear and tear on roads, by increasing the pressure on emergency services and government facilities, and by increasing storm water runoff, in contrast to Hall County's current AR-III and R-I zoning which are both designed to protect adjacent residential uses from adverse impacts. In addition, a warehouse distribution facility use in the area would reduce the value of the property of surrounding landowners.

The proposed change in zoning and land use would also appear to differ from the existing uses suggested for the property by Hall County's Comprehensive Land Use Plan. As shown on the attached Hall County Future Development Map, the Land Use Plan designates the primary subject property for lower density residential uses. The proposed change in zoning and land use would increase the density and intensity of the development on the primary parcel to a higher density

and higher intensity light industrial use. It would also create a non-conforming lot given the unusual dimensions of the annexed and rezoned land.

Finally, the proposed annexation would create two new unincorporated islands in violation of O.C.G.A. § 36-36-4 located at 3613 Atlanta Highway and at 3629 and 3701 Atlanta Highway.

The members of the Board of Commissioners have executed this objection to the annexation petition of Falcon Investments 2021, LLC regarding Hall County Tax Parcel 15044 000018F this the 10th day of March, 2022.

HALL COUNTY BOARD OF COMMISSIONERS

By: _____
Richard Higgins, Chairman

By: _____
Kathy Cooper, Commissioner, District 1

By: _____
Billy Powell, Commissioner, District 2

By: _____
Shelly Echols, Commissioner, District 3

By: _____
Jeff Stowe, Commissioner, District 4

ATTEST:

By: _____
Lisa A. Ritchie, Commission Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
Van Stephens, County Attorney