



January 29, 2022

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

RE: Rezoning request of 4670 Union Church Rd. Flowery Branch, GA 30542
Tax parcel #: 15043 000001

To Whom It May Concern:

Ridgeline Land Planning, Inc. is requesting to rezone 50.2364 acres located at 4670 Union Church Rd from AR-III to PRD. The proposed rezoning is to allow development of a Residential single-family community. The Hall County Future Development Map designates this area for future residential growth. The community will consist of 150 homes at a density of 2.98 units per acre, and over 30% open space. The proposed community is bordered to the North, East, and South by AR-III zoned property. To the west there are AR-III and PRD zoned properties. The proposed community will provide a 50-foot exterior buffer as required by Hall County PRD ordinance to protect adjacent properties. This request is proposing a lot dimension of 50' x 125' with 20' front setbacks, 20' rear setbacks, and 5' side setbacks. The applicant is proposing a minimum heated floor area of 2,000 square feet for single story homes and 2,200 square feet for two story homes. An amenity area consisting of a Cabana, pool, playground, and a mail kiosk is proposed near the northern entrance. Monument style entrance signage will be provided at entrances to the community with appropriate landscaping. Sewer service to the project will be provided by Hall County and public water service will be provided by The City of Gainesville.

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.

Sincerely,
Ridgeline Land Planning, Inc.

Holt Persinger, RLA

CITY OF
GAINESVILLE

WATER RESOURCES

January 24, 2022

Primus Engineering, Inc.
Attn: Byron Arceneaux, P.E.
3010 Hamilton Mill Road
Buford, GA 30519

Re: Water Availability
Proposed Single-Family Development
PINs: 15043 000001

Dear Mr. Arceneaux,

The purpose of this letter is to confirm the availability of water service to the above referenced property.

The City of Gainesville owns and operates an existing 6-inch water main in the right-of-way of Union Church Road.

Currently, the City has adequate domestic water capacity to serve your proposed development, which we understand will consist of 152 single-family units.

This confirmation of water availability is good for one year from the date of this letter at which time, it will become null and void unless engineered plans have been submitted for issuance of a development permit.

Please call me at (770) 538-2452 should you have any questions.

Sincerely,

Nick Swafford

Nick Swafford
Permitting Services Manager

cc: Don Dye, Assistant Water Resources Director
Myron Bennett, P.E., Engineering and Construction Div. Manager