

Project Narrative for Price Road Tract

LOCATION – 3824, 3830 & 3842 Price Road, Gainesville, GA 30506

ACREAGE – 62.15 acres +/-

APPLICANT – Rochester & Associates, LLC

Summary

The accompanying application seeks zoning district change from AR-III to PRD for 62.15 acres of partially improved property located on Price Road in north Hall approximately 0.5 miles west of Thompson Bridge Road (SR 60) The intent is to develop up to 202 units of quality housing (single family detached and single family attached) along with an amenity center, and while maintaining a significant amount of open space. The proposed use is consistent with the Hall County Comprehensive Plan for “residential” use and appropriate for Hall County’s Planned Residential Development (PRD) District and for this location. Completion of development is anticipated by 2025.

Site Description

The parcel has approximately 540 LF of frontage along Price Road, rectangular in shape and approximately 2,800 LF deep. The site is partially developed with two existing residences, a small pond and a mix of pasture and mature trees. A small, jurisdictional streams feeds the pond and a small area of jurisdictional wetlands were previously located. Domestic water provided by the City of Gainesville and is located in Price Road. The City of Gainesville will also serve the site with sanitary sewer through a manhole and easement located on the Riverbrook tract east of the site. 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 (exhibit B)

The property is surrounded by residential zonings (PRD to the east, R-I-L to the north and R-I to the west and south. The density of the uses will serve as a good transition between R-1 to the west and multi-family to the east.

Access

Access to the property is from Price Road (SR 136) approximately 0.5 miles west of Thompson Bridge Road (SR 60)

Proximity to Other Uses

- Nearest distance to undeveloped commercial property – parcel zoned PCD, 600’ east at 3740 Price Road.
- Nearest distance to developed commercial property – parcel zoned PCD, 1,700’ east at 3709 Thompson Bridge Road.
- Nearest distance to a single family home – a single family home at 3812 Price is located within 90’ of the eastern boundary.

- Nearest distance to a subdivision – Summit Trace S/D is located immediately west of the property.

Aerial View



Comprehensive Plan Consistency

The project is consistent with the residential designation (Lake Residential) of the Future Land Use Map, and is not known or believed to be in conflict with the plan's vision.

Traffic Impact Study

A Traffic Impact Study is included as part of this submittal.

Development Strategy

The Applicant may develop the site for residents that are downsizing and looking for a more maintenance free lifestyle. The combination of traditional detached homes and attached townhomes will provide a variety of choice in size and price point. In addition, the Applicant plans to carve out the existing residence for alternatives uses to include private residence, event venue, short-term rental or group home for special needs children or adults.

Project Dimensional Standards

	Proposed Dimensional Standards	
	Single Family - Detached	Single Family - Attached
Acreage (Overall)	62.15	62.15
Density (Overall)	3.25	3.25
# of Lots	60	142
Exterior Buffer to all R-I Parcels	50'	50'
Minimum Open Space (Overall)	30%	30%
Sidewalks	5', both sides	5', both sides
Minimum lot width @ building line	50'	20'
Minimum lot area	8,000 sf	2,000 sf
Maximum height	35'	35'
Front setback from R/W	25'	25'
Rear setback	20'	20'
Side setback	5'	5'
Corner Lot Setback (non-front side)	5'	5'
Side Separation (foundation to foundation)	10'	20'
Garage - % of front façade	55%	N/A
Minimum heated floor area (one story/two story)	1500/2000 sf	1000/1500 sf

Architectural Materials & Site Improvements

Although a specific builder group has not been identified, at a minimum the homes would follow a design theme that would include:

- Two-car garages (width not to exceed 55% of front building width)
- Front facades with a combination of masonry and hardi-plank materials
- Side & Rear facades with hardi-plank or shake siding
- Architectural weight shingles
- Sodded yards (4 sides)

- One street tree per home (minimum 2 ½" caliper)

Entrance Monumentation

The entrance may be gated and if so, the private streets will be maintained by the Homeowner's Association (HOA). All necessary requirements to allow access for public safety and other services will be provided. At least one central mail kiosk will be provided subject to USPS review and approval. The entrance may include the following structural items:

- Masonry walls
- Wood or PVC fencing
- Gate House
- Operable or Faux Gates
- Illuminated Signage in accordance with the Hall County Sign Ordinance
- Ornamental Sculpture
- Landscaping & Irrigation

Amenities

The community amenities will vary depending on the housing option executed but at a minimum will contain the following items:

- Covered cabana with restrooms
- Pool & decking
- Dog Park
- Parking Lot

Other amenities, at the sole discretion of the Developer, may include the following items:

- Walking Trails
- Tennis or Pickle Ball Courts
- Playground
- Passive Pocket Parks
- Fire Pit
- Basketball (multi-use) Court
- Enclosed Clubhouse

Signage

The Developer and/or Builder shall be allowed to post permanent directional signs and monuments within the Community to direct traffic to sales and recreation centers and to identify differing residential areas. All permanent internal signage must be outside of any Right of Way or Utility Easement with 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 Price Road.

Model Home Permits

Applicant requests that up to ten (10) model home permits be issued prior to Final Plat recording provided that hard surface (crusher run) access is provided and fire protection (functioning hydrant) is located within 500 feet of any structure under construction. However, no certificate of occupancy permits (CO) will be issued prior to final plat recording. Model Homes may be utilized as temporary offices.

Sales and Construction Trailers

Applicant is requesting permission to install one sales trailer and one construction trailer with associated parking areas in locations to be determined at the time of street paving and possible ahead of final plat approval.

Homeowner's Association

A Homeowner's Association will be created in order to administer the covenants, conditions and restrictions that will be placed on the property by the Applicant. The HOA will manage the overall management of the property including maintenance, architectural controls and financial management.

Conceptual Master Plan

The development of the community shall be controlled by the Conceptual Master Plan (the "Plan") attached as exhibit "A". 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, amenities, 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.

Variance from Section 17.180.060

Request to vary item 7 (Access & Right-of-Way) of the section to allow greater than 150 units to be served from a single entrance.

Request to vary item 8 (Open Space) of the section in its entirety other than to provide for a total of 30% open space consisting of a combination of primary and secondary areas.

Variance from Section 16.60.200

Request to vary item A (Design Chart) of the section to allow for a dead end street, not exceeding 150' from the nearest intersection, in lieu of a circular turnaround (cul-de-sac)

Variance from Georgia State Minimum Fire Prevention Code

Request to vary from Section D107.1 to allow for greater than 120 units to be served from a single fire apparatus access road. Developer agrees to use his best efforts to secure an emergency exit as defined in item 7 of the section.

REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE

Georgia law and the procedures of Hall County requires the Applicant to raise Federal and State constitutional objections during the PRD 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 PRD 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 PRD 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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