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May 17, 2022

**Via Email and Hand Delivery**

Mr. Jason Thompson  
City of Snellville  
Planning & Development Department  
2342 Oak Road, 2<sup>nd</sup> Floor  
Snellville, Georgia 30078

Re: Rezoning Application together with associated Land Use Plan Amendment Application (the “**Application**”) by Century Communities of Georgia, LLC (the “**Applicant**”) to rezone that certain real property located at 1725 Rockdale Circle, City of Snellville, Georgia 30078, Tax Parcel Number R5060 008, and 1689 Rockdale Circle, Snellville, Georgia 30078, Tax Parcel Number R5060 023 (both parcels, collectively, the “**Property**”) from RS-15 to RS-5 and to amend the City of Snellville Future Land Use Map (“**FLUM**”) to change Property’s existing land use designation of Medium Density Residential to Low Density Residential

**LETTER OF INTENT**

Mayor, Council, and Staff:

This law firm has the pleasure of representing Applicant with respect to the Application. Applicant respectfully submits for the City of Snellville’s (the “**City**”) consideration this Application to rezone Property from RS-15 to RS-5 and to amend the FLUM to change Property’s existing land use designation of Medium Density Residential to Low Density Residential.

**The Property – Background and Existing Zoning**

The Property includes two improved parcels with a total area of approximately 25.052 acres. The first parcel is an approximately 19.92-acre lot, commonly known as 1725 Rockdale Circle, City of Snellville, Georgia 30078, owned by Mrs. Hazel L Lee. A single-family detached structure and a residential detached garage sit on a one-acre portion of the parcel. The other approximately 18.92 acres of the parcel remain unimproved. The second parcel is an approximately 4.73-acre lot, commonly known as 1689 Rockdale Circle, Snellville, Georgia 30078, owned by Ms. Brenda Glasgow Lee. Both parcels are currently zoned RS-15 (single-family residential) – a low density residential zoning district with 15,000sf minimum lot sizes. However, according to Snellville 2040 Comprehensive Plan, Future Development Map, the Property falls within Skyland character area with a medium density residential designation.

PPAB 7519734v1

### **Proposed Rezoning of Property**

The Applicant is proposing to rezone the Property (1725 Rockdale Circle and 1689 Rockdale Circle, a total of approximately 25.052 acres) to a RS-5 (single-family residential), in order to develop a high quality, walkable, single-family detached housing subdivision close to downtown Snellville in accordance with the Code of Snellville, Georgia, Appendix A - Unified Development Ordinance (“**Zoning Ordinance**”), Section 202-4.1. Applicant intends to develop the Property by combining the two parcels to reconfigure the space and to construct a 98-unit single-family detached residential subdivision with a total site density of 3.91 units per acre, consisting of two-story homes and five acres of common area, including a 1.36-acre green space.

The proposed rezoning is consistent with the Comprehensive Plan Future Development Map designation of Skyland. The City’s Comprehensive Plan describes Skyland as a group of neighborhoods that protects its residential character, a school-focused community with strong social ties to neighborhood schools. Skyland is characterized by a mix of older ranch homes and newer subdivisions with traditional, two-story homes. Predominate Land Uses in Skyland are low-density residential. The proposed rezoning to RS-5 combined with the associated land use map amendment, is consistent with the Skyland character of low-density residential.

### **Proposed Change to the FLUM**

The Applicant is also concurrently requesting to amend the FLUM from Medium-Density Residential to Low-Density Residential which is the appropriate land use category for the requested RS-5 rezoning to allow for a density of 3.91 units per acre, less than the 4-acre minimum density allowed under the medium-density residential land use. The low-density residential designation is also consistent and compatible with the neighboring areas to the east, the south, and the west of Property, each within the low-density residential land use category. Further, the proposal would maintain the intent of the City’s Comprehensive Plan by providing a transitional density and walkable setting between the more established communities and the commercial corridor along E. Main St.

### **Rezoning Application Requirements**

The Zoning Ordinance Section 103-9.4.C sets forth the requirements applicable to rezoning applications, some of which are addressed above and the remainder of which are addressed in supporting documents. Specifically, in support of the Rezoning Application, Applicant submits the following documents:

1. Application Form with notarized signatures;
2. Application and Public Notice Fees
3. Recorded Warranty Deeds.
4. Composite Legal Description of the Site to Be Rezoned;
5. Ten (10) copies of Boundary Survey;
6. Ten (10) copies of proposed Site Plan;
7. Ten (10) copies of Colored Building Elevations;

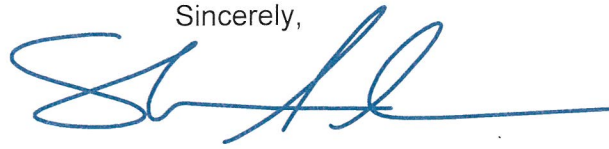
8. Letter of Intent;
9. Verification of Paid Property Taxes (most recent year);
10. Applicant Certification with Notarized Signature;
11. Property Owner Certification with Notarized Signature;
12. Conflict of Interest Certification and Disclosure of Campaign Contributions;
13. Standards Governing Exercise of the Zoning Power;
14. Ten (10) colored copies of Application Original and exhibits;
15. Electronic copy of complete Application package;
16. A map indicating the site and the adjacent properties, identified by tax parcel number; and
17. Land Use Plan Amendment Application.

The Applicant welcomes the opportunity to meet with the staff of the City of Snellville, Department of Planning & Development to answer any questions or to address any concerns relating to this letter or the requested rezoning and FLUM amendment. The Applicant respectfully requests approval of this Application<sup>1</sup>.

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<sup>1</sup> Applicant notifies the City of Snellville of its constitutional concerns with respect to its Application. If the City of Snellville City Council (the "**City Council**") denies the Application in whole or in part, then the Property does not have a reasonable economic use under the Zoning Ordinance. Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the City Council denies the Application in whole or in part, such an action will deprive Applicant of the ability to use the Property in accordance with its highest and best use. Similarly, if the City Council rezones the Property to some classification other than RS-5 without Applicant's consent, or if the City Council limits its approval by attaching conditions to such approval affecting the Property or the use thereof without Applicant's consent, then such approval would deprive Applicant of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Zoning Ordinance allows such an action by the City Council, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Applicant and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Also, a failure to grant the Application or a conditional approval of the Application (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Applicant's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Applicant further challenges the constitutionality and enforceability of the Zoning Ordinance, in whole and in relevant part, for lack of objective standards, guidelines or criteria limiting City Council's discretion in considering or deciding applications for rezonings. Nevertheless, Applicant

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Adams', with a long horizontal line extending to the right.

Shaun R. Adams

SRA/avd

Cc: Jason Thompson  
Ellen Smith, Esq.

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remains optimistic that City Council's consideration of the Application will be conducted in a constitutional manner.