

Letter of Intent for Rezoning Application:
111.193 Acres (Pod D)
Paulding County Parcel Identification Numbers: 151.3.2.001.0000 (part of) &
151.2.3.003.0000
City of Dallas, Georgia

The owner and applicant, Paulding County Land Development LLC ("PCLD"), requests the rezoning with conditions of approximately 111.193 acres in Land Lots 444, 495, 514, 515, 566 & 567, 2nd District, 3rd Section, Paulding County, Georgia (the "Property") located south of Happy Valley Church Road, east of Cole Lake Road and west of Arbors Creek Drive. The Property is currently zoned R-2 Residential District ("R-2").

PCLD requests a rezoning from R-2 to R-2 Residential District with Conditions ("R-2 with Conditions") to accommodate the development of two hundred forty-eight (248) single-family lots, as shown on the site plans by Elite Engineering dated January 12, 2022 (the "Site Plan"). PCLD is proposing to rezone the Property to R-2 with Conditions to permit the development of the Property for use as an age-targeted fifty-five (55) plus single-family residential community at a size, quality, and price adequate to or exceeding existing homes in the surrounding area. The proposed rezoning would positively impact the property value in the surrounding area and will not adversely affect adjacent or nearby properties' existing use or usability. The proposed development would also maintain a recreational amenity area for the use of the residents, including pickleball, shuffleboard courts, dog park, benches, and a gazebo overlooking Cole Lake. The amenities built within the Property are for this development alone and will not be made available for use by any neighboring communities. All properties contiguous with the Property are zoned R-2 (County) or R-2 (City).

PCLD requests conditions to the rezoning as follows:

1. Reduce the minimum lot width from 100 feet to 60 feet.
2. Reduce the minimum corner lot width from 100 feet to 60 feet.
3. Reduce the minimum distance from side lot lines from 15 feet to 5 feet.
4. Reduce the minimum front setback from 35 feet to 25 feet.
5. Reduce the minimum lot size from 20,000 square feet to 7,500 square feet.

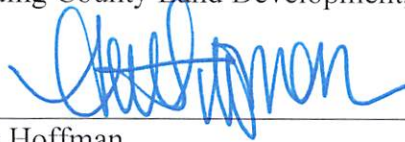
The requested rezoning conditions are necessary to afford PCLD relief so that the Property may be developed in accordance with the intent of the Site Plan. Due to the size, existing layout, and topography of the Property, strict adherence to the current zoning requirements is impossible.

The conditions to accompany the R-2 zoning will permit a practical usage of the Property given the use and development of the adjacent and nearby properties. The proposed development will be a separate standalone fifty-five (55) plus community without connection to any existing subdivision, and a new Homeowners Association will be created to govern the Property.

PCLD believes the rezoning of the Property represents an opportunity to enhance the existing area while also reinforcing the City of Dallas' strong identity of a city that its citizens are proud to call home. PCLD respectfully requests the Major and City Council to approve the proposed rezoning with conditions of the Property. PCLD looks forward to continuing to work closely with the City of Dallas during this process and welcomes the opportunity to answer any questions or address any concerns relating to this matter.

Respectively submitted this 30th day of November 2022,

Paulding County Land Development, LLC



Alise Hoffman
Authorized Signatory of the LLC

Required Constitutional and Ante Litem Notice

Georgia law and the procedures of the City of Dallas require us to raise Federal and State constitutional objections prior to any final action by the City of Dallas. While PCLD anticipates a smooth application process, failure to raise constitutional objections at this stage may mean PCLD will be barred from raising important legal claims later in the process. Accordingly, PCLD raises the following constitutional objections at this time:

The portions of the City of Dallas Ordinance, as applied to the Property, which restricts the Property to any uses, land use designations, conditions, development standards, or to any zoning district other than that proposed by PCLD, are unconstitutional in that they constitute an unlawful taking, in violation of the Constitution of the State of Georgia and the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment to the United States Constitution in that the City of Dallas would destroy and impair PCLD's rights without first paying fair, adequate and just compensation for such taking.

A refusal by the City of Dallas to grant the requested rezoning would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between PCLD and owners of similarly situated property in violation of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Any use restrictions or conditions placed on the Property which are different from the conditions requested by PCLD, to the extent such different conditions would have the effect of further restricting PCLD's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

This notice is being given to comply with the provisions of O.C.G.A. §36-33-5 to afford the City of Dallas an opportunity to approve the rezoning conditions as requested by PCLD. If action is not taken by the City of Dallas to approve the rezoning, Petitioner shall be forced to bring action, against the City, for all claims and damages afforded to Petitioner under State and Federal Law, including but without limitation (1) fair and just compensation for the unlawful taking, (2) diminution of value, (3) attorneys' fees, (4) inverse commutation and (5) any and all other damages as a result of the unlawful deprivation of Petitioner's rights.

Required York Objection

As applied to the Property, the public hearing regarding, and any Board of Commissioners of the City of Dallas, Georgia, actions are objected to by PCLD based on, but not limited to, the following (the "York Objection") in accordance with *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 821 S.E.2d. 120 (Ga. Ct. App. 2018):

1. Any time limitation for presentation and argument imposed on PCLD;
2. The standing of public opponents and the lay, testimony, and evidence presented by them;
3. Any evidence or testimony presented or decision made upon grounds other than the standards of the local ordinances required by O.C.G.A. §36-66-5;
4. Any decision that does not follow the recommendations of approval, if any, by the City of Dallas planning staff and/or any other department or agency of the City of Dallas, Georgia, or the State of Georgia; and
5. Grounds for reversal similar to those set out in O.C.G.A. §50-13-19(h) for a decision of administrative agencies.

By and through this York Objection, PCLD hereby preserves all the above and incorporated objections and asserts them on and within the record before, and for consideration and resolution by, the Board of Commissioners of the City of Dallas, Georgia.