



October 28, 2020

Town of Braselton  
4982 Highway 53  
P.O. Box 306  
Braselton, Georgia 30517  
C/O Kevin Keller

RE: Letter of Intent for Conditional Use for 0.72 Acre Site with a Planned 5,000 SF Retail Strip Center in the Project known as Riverstone Braselton at the Northwest Corner of Highway 347 and Highway 211 in Braselton, Georgia (the "Property")

Ladies and Gentlemen:

Riverstone Braselton, LLC ("Applicant") is in the process of planning the development of a 5,000 SF retail strip shopping center on the Property. The purpose of this letter of intent is to outline a request for a Conditional Use for the shopping center to contain a drive-thru.

The Applicant respectfully requests the approval of a Conditional Use to include a drive-thru in the shopping center based on the site plan submitted with this letter of intent and Conditional Use Application.

The denial of this request, or the grant with unreasonable conditions, will result in substantial monetary damage to the applicant and owner. The denial of this request will violate the applicants' and owners' rights of due process and equal protection, procedural and substantive, and violation of Article I, Section I, Paragraphs 1 and 2, and Article I, Section III, Paragraph 1 of the Georgia Constitution and the Fifth and Fourteenth Amendments to the United States Constitution. Denial of the request will destroy applicants' and owners' property rights without first paying just compensation. A denial of this application would constitute an arbitrary and capricious act by the Town of Braselton without any rational basis therefor, constituting an abuse of discretion. A refusal to grant this application would be unconstitutional and would discriminate in an arbitrary, capricious, and unreasonable manner between the applicants and owners of similarly situated property. This application meets the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning as an expression of the government's police power.

Applicant will appreciate the review and approval of this request for Conditional Use for a Drive-Thru on the Property. Any questions can be directed to Edd Price at [eddprice@me.com](mailto:eddprice@me.com) or by calling 404-502-0504.

It should be noted that at the public hearings that the firm of Stell, Smith, and Mattison will be representing the applicant.

Respectfully,

A handwritten signature in blue ink that reads "Edd Price". The signature is written in a cursive style with a prominent "E" and "P".

Edd Price  
Owner- Riverstone Braselton, LLC.

**REQUIREMENTS GOVERNING THE APPROVAL OF A CONDITIONAL USE PERMIT**

PURSUANT TO ARTICLE XVIII OF THE TOWN OF BRASELTON DEVELOPMENT CODE, THE COUNCIL FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

Please respond to the following standards in the space provided or use an attachment as necessary:

- A) The applicant has made adequate provision to reduce any adverse environmental impacts of the proposed use to an acceptable level, including, without limitation, drainage, soil erosion and sedimentation, flooding, air, water quality and water quantity: The Conditional Use will have no negative impact on environmental matters. Site will provide adequate drainage. Erosion and sedimentation management will be in accordance with code and regulations.
- B) Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered: The Conditional Use will not hinder or endanger vehicular traffic or pedestrian movement on adjacent streets.
- C) Off-street parking and loading, and the entrances to an exits from such parking and loading, will be adequate in terms of location, amount and design to serve the use: Off-street parking and loading meet local requirements and ADA requirements.
- D) Public streets, facilities, schools and utilities are capable of adequately serving the proposed use: Public streets, facilities, schools and utilities are capable of adequately serving the proposed use.
- E) The applicant has made adequate provisions regarding hours of operation: Yes
- F) The proposed use will not adversely effect the level of property values or the general character of the area: The proposed use will not adversely effect the level of property values and general character of the area.

G) The proposed use will not have a significant adverse effect on the aesthetics of the surrounding area: The proposed use will not have an adverse effect on the aesthetics of the surrounding area.

H) The applicant has made adequate landscape plans to ensure appropriate transition in uses of the property: Landscape plans are acceptable to local requirements

I) The proposed use will not result in a nuisance as defined under state law: The proposed use will not result in a nuisance as defined under state law.

J) The proposed use is in conformity with the Town of Braselton Future Land Use Plan and Map: The proposed use is in conformity with the Town of Braselton Future Land Use Plan and Map.



BRASELTON CLERK'S OFFICE USE ONLY

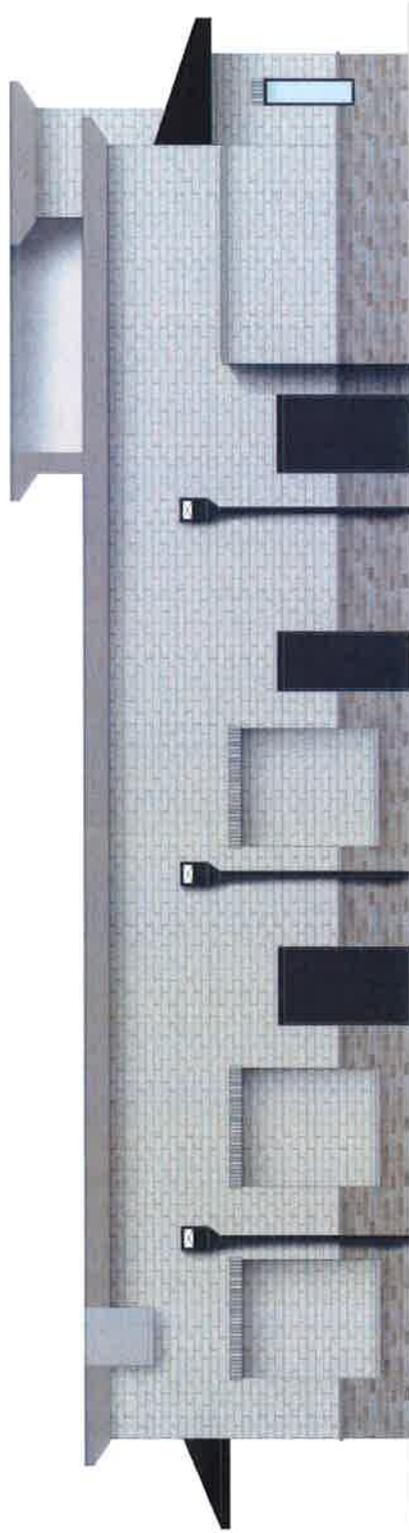
Case Number: \_\_\_\_\_ Received by: \_\_\_\_\_



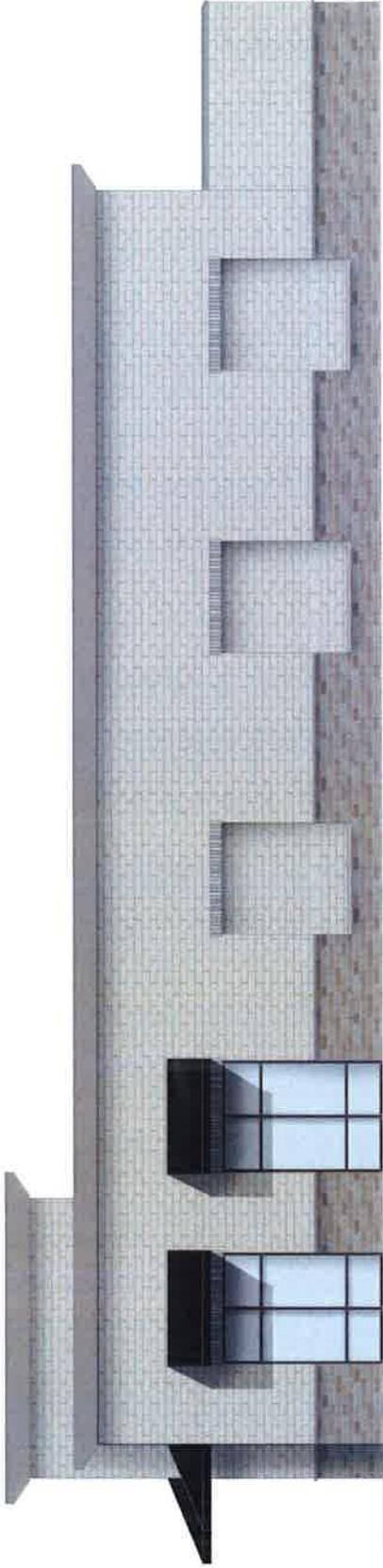
FRONT ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION



RIGHT SIDE ELEVATION

## **Legal Description Tract 2B**

All that tract or parcel of land depicted as "Tract 2B", consisting of 0.72 acres, on that plat of survey entitled "Subdivide Survey for: Riverside Braselton, LLC.", prepared by Chris M. Patton, Georgia Registered Land Surveyor No. 2647, of Patton Land Surveying, LLC., dated August 6, 2020. A copy of said plat is recorded in Plat Book 879, page 80, Hall County, Georgia Plat Records, and is incorporated herein, by reference for a more complete description.



