



**COMMUNITY ZONING INFORMATION MEETING
TUESDAY, SEPTEMBER 29, 2015
CITY COUNCIL CHAMBERS 107E
7:00 PM**

Agenda Item / Location / Petitioner	Request
U15-05/VC15-05 13650 Bethany Road Bethany's Rest, Inc.	A Use Permit for a Retreat (Sec. 64-1821) in AG-1 (Agricultural) on 26.65 acres using the existing structures. A concurrent variance to allow the existing vegetation within the 100 foot undisturbed buffer and 10 foot improvement setback and not to plant additional vegetation (Sec. 64-1821(b)(3)).
RZ15-18 Text Amendment	Consideration to amend the AG-1 (Agricultural) District, Chapter 64, Article VI, Division 2.
RZ15-19 Text Amendment	Consideration to amend the R-1 (Single Family Residential) District, Chapter 64, Article VI, Division 3.
RZ15-20 Text Amendment	Consideration to amend the R-2 (Single Family Residential) District, Chapter 64, Article VI, Division 4.
RZ15-21 Text Amendment	Consideration to amend the R-2A (Single Family Residential) District, Chapter 64, Article VI, Division 5.
RZ15-22 Text Amendment	Consideration to amend the R-3 (Single Family Residential) District, Chapter 64, Article VI, Division 6.
RZ15-23 Text Amendment	Consideration to amend the CUP (Community Unit Plan) District, Chapter 64, Article VI, Division 23
RZ15-24 Text Amendment	Consideration to amend the Rural Milton Overlay for Single Family Type Uses (Sec. 64-1141)





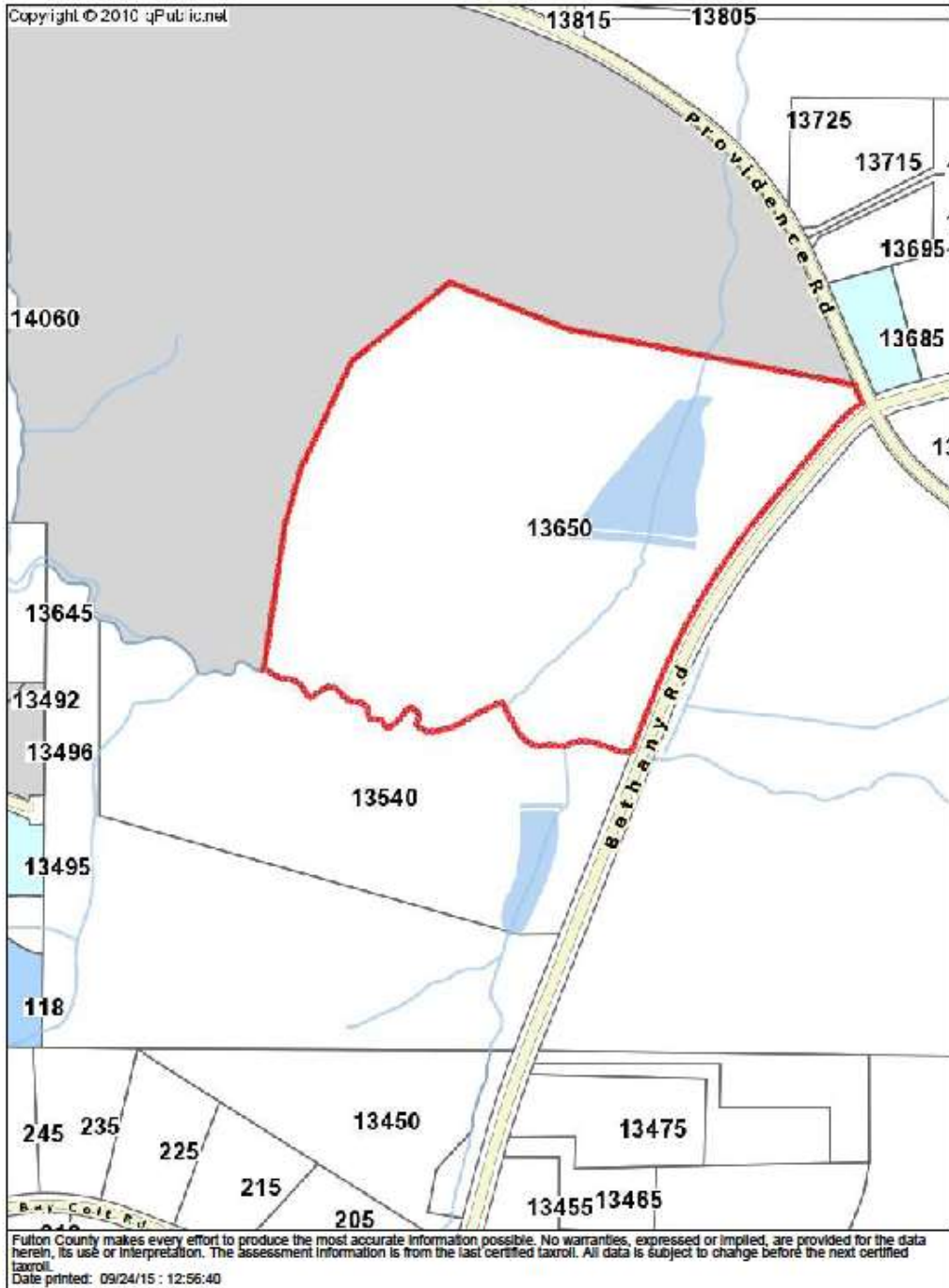
Public Hearings: **Community Zoning Information Meeting**
Tuesday, September 29, 2015 at 7:00 p.m.

Design Review Board Meeting
Tuesday, October 6, 2015 at 6:00 p.m.
(Text Amendments are not heard at this meeting.)

Planning Commission Meeting
Wednesday, October 28, 2015 at 7:00 p.m.

Mayor and City Council Meeting
Monday, November 16, 2015 at 6:00 p.m.

For additional information, please contact Robyn MacDonald at 678-242-2540.



Location Map for U15-05/VC15-05

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AUG 25 2015
CITY OF MILTON
COMMUNITY DEVELOPMENT

U 15-05
VC 15-05

LETTER OF INTENT

APPLICATION FOR USE PERMIT AND CONCURRENT VARIANCE

The Applicant, Bethany's Rest, Inc. (the "Applicant"), requests a Use Permit and Concurrent Variance for 26.65 acres of land located at 13650 Bethany Road, Milton, Georgia 30004 (the "Property"). The Property is zoned AG-1 and developed with a gracious Southern home, pool house, barn and lake. The Applicant is requesting this Use Permit from the Milton City Council pursuant to Section 64-1821 of the Milton Zoning Ordinance in order to operate a private women's day retreat center ("Bethany's Rest") serving local women in ministry or women who are married to full or part-time ministers. The requested Use Permit will allow these local leading women in ministry a private and quiet place for respite and reflection, collaboration, and mentorship. The proposed Use Permit will allow these women to meet and build community during the day. On a day-to-day basis there will only be five (5) to ten (10) people on the Property.

The Applicant does not seek to add any additional structures to the Property at this time as the existing buildings with some interior modifications will serve the needs of the ministry. Accordingly, the Applicant's proposal will not alter the outward appearance of the Property. In conjunction with the Applicant's Use Permit request, the Applicant seeks a Concurrent Variance to allow the existing vegetation within the 100 foot undisturbed buffer and ten (10) foot improvement setback to remain and not to plant additional plantings. See Milton Zoning Ordinance, Section 64-1821(b)(3).

The Property is designated as Agriculture, Equestrian, Estate Residential ("AEE") in the City of Milton 2030 Comprehensive Plan ("Comprehensive Plan"). This land use category consists of "scattered single family homes, each on at least one acre, but are typically on several

acres" and "promotes hobby farms, equestrian facilities, and large lot residential estates including minimum 3 acre lots on gravel roads." Comprehensive Plan, p. 51. The Property is also located within the Central Milton Character Area, which, in part, is characterized by "several horse farms, pastures, woodlands and several large properties." Comprehensive Plan, p. 33.

The Comprehensive Plan provides that the "visual aesthetics of this Character Area should be maintained even as residential development continues." Comprehensive Plan, p. 33. Since the Applicant does not seek to alter the exteriors of the existing structures on site, but instead intends to preserve the existing peaceful environment by keeping the existing structures intact, the proposed use is consistent with the aforementioned goal of the Comprehensive Plan.

Additionally, the Land Use Policies located in Section VI of the Comprehensive Plan provide that the City should "[e]ncourage the maintenance of equestrian and agricultural areas with large tracts of land in order to maintain this important aspect of the community" as well as "encourage development that is sensitive to the overall setting of the community and will contribute to our community's character and sense of place." Comprehensive Plan, p. 63. Here, the proposed use is a peaceful and productive use of the Property that will only enhance the community. As noted above, since the Applicant's proposal will not alter the outward appearance of the property, it will continue to maintain the appearance of a low density residential use on acreage and will continue to blend in well with the surrounding residential homes.

Georgia Law and the procedures of the City of Milton require us to raise Federal and State Constitutional objections during the application process. Accordingly, a denial of the requested Use Permit and Concurrent Variance would be unconstitutional in that it 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 of the Constitution of the State of Georgia of 1983, Article I, 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.

Furthermore, any application of the City of Milton Zoning Ordinance or the City of Milton Code of Ordinances to the Property that prohibits the Applicant from developing the Property as proposed is unconstitutional, illegal, null and void because such an application constitutes a taking of the 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 Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and a violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States because such an application denies the Applicant an economically viable use of its land while not substantially advancing legitimate state interests. Moreover, any approval of the proposed Use Permit and Concurrent Variance that subjects the Property to conditions that are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

In addition, this Letter of Intent constitutes formal written notice to the City of Milton, Georgia pursuant to O.C.G.A. § 36-33-5 that the Applicant plans to seek to recover all damages that it sustains or suffer as a result of the denial of this application and/or the unconstitutional



zoning of the Property from Milton, Georgia. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

Accordingly, the Applicant respectfully requests that the Milton City Council grants the Applicant the Use Permit and Concurrent Variance requested above.

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