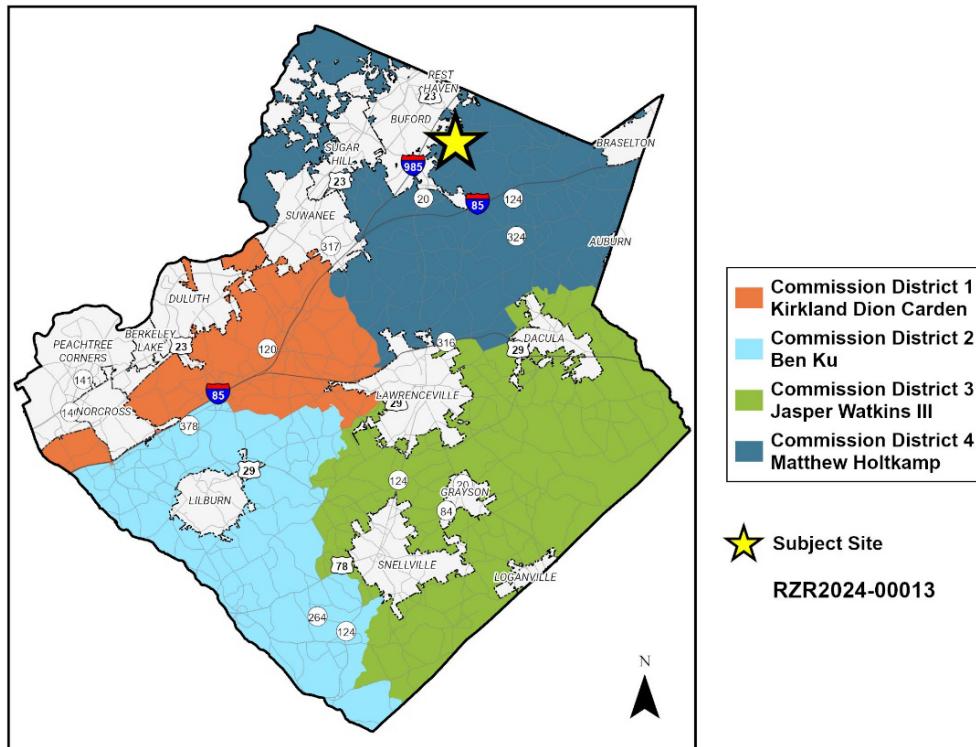




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number:	RZR2024-00013
Current Zoning:	R-100 (Single-Family Residence District)
Overlay District:	Highway 124/324/Hamilton Mill Overlay District
Request:	Rezoning to R-SR (Senior-Oriented Residence District)
Additional Request:	Variance
Addresses:	3871 and 3800 Block of Hamilton Mill Road
Map Numbers:	R7222 015 and 247
Site Area:	8.42 acres
Units:	30
Proposed Development:	Single-Family Detached Subdivision
Commission District:	District 4 – Commissioner Holtkamp
Character Area:	Emerging Suburban
Staff Recommendation:	DENIAL
Planning Commission Recommendation:	APPROVAL WITH CONDITIONS



Applicant: O'Dwyer Properties, LLC
c/o Mahaffey Pickens Tucker, LLP
1550 North Brown Road, Suite 125
Lawrenceville, Georgia 30043

Owners: Young Rok and Jung Suk Oh
5730 Buford Highway NE
Doraville, Georgia 30340

Contact: Gabrielle Schaller

Contact Phone: 770.232.0000

Zoning History

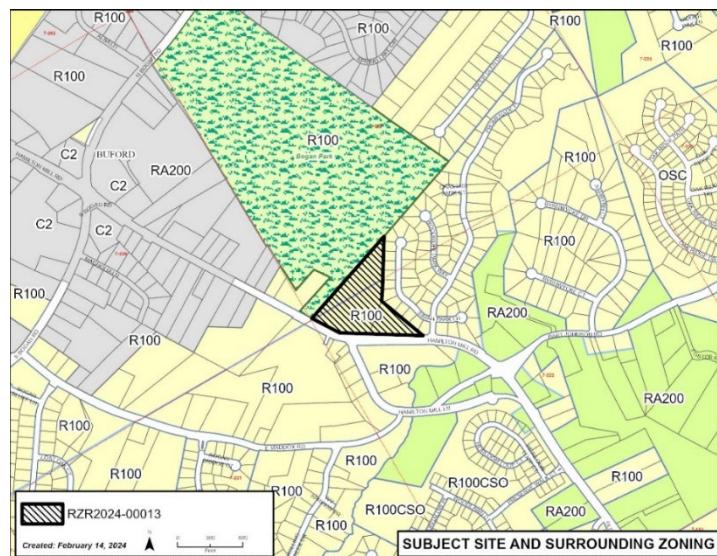
The subject property is zoned R-100 (Single-Family Residence District) and is within the Highway 124/324/Hamilton Mill Road Overlay District. There are no zoning cases on record for this property.

Existing Site Condition

The subject property is an 8.42-acre assemblage of two parcels located at the intersection of Hamilton Mill Road with Hamilton Mill Lane. The site is wooded and contains a single-family residence and a small pond near the Hamilton Mill Road frontage. There is a stream running through the southwest corner of the site into a drainage easement and under Hamilton Mill Road. A small pond lies to the west of the residence and north of the stream. There is a 20-foot-wide sanitary sewer easement traversing north and then west through the center of the site. A guard rail spans a portion of the property frontage on Hamilton Mill Road. There are no sidewalks or overhead power lines along the Hamilton Mill Road frontage. The nearest Gwinnett County Transit stop is approximately 3.9 miles from the subject property.

Surrounding Use and Zoning

The site is located within a single-family residential area comprised mostly of residences along Hamilton Mill Road on large lots. The Park at Mill Creek is the only single-family detached subdivision along this segment of Hamilton Mill Road and abuts the site to the east. Lot sizes in this subdivision range from 10,500 square feet to over 22,000 square feet. Bogan Park, which includes trails and recreational facilities, is located to the north and west of the site. A grocery store-anchored shopping center is located nearby at the intersection of Hamilton Mill Road and Bogan Road. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Single-Family Residential	R-SR	3.55 units per acre
North	Bogan Park	R-100	N/A
East	Single-Family Residential	R-100 MOD	2.03 units per acre
South	Single-Family Residential Undeveloped	R-100 R-100	2.17 units per acre N/A
West	Bogan Park	R-100	N/A

Project Summary

The applicant requests to rezone 8.42 acres from R-100 to R-SR for a senior-oriented detached subdivision, including:

- A 30-unit single-family detached subdivision at a density of 3.55 units per acre.
- Active adult ranch-style residences with a heated floor area between 1,700 and 2,400 square feet and front-loaded, two-car garages.
- Homes featuring bonus rooms on the second floor, sunrooms, and front porches.
- A total of 2.20 acres of open space in the front and center of the subdivision.
- A total of 0.49 acres of usable open space within a centrally-located park area including a pavilion and mail kiosk.
- A trail connection from the northern cul-de-sac to Bogan Park.
- A 40-foot-wide street frontage setback with a 10-foot-wide landscape strip along Hamilton Mill Road.
- A 40-foot-wide building setback including a 20-foot-wide landscape buffer within lots 6-20 along the eastern property lines.
- One full-access entrance on Hamilton Mill Road with a left-turn lane into the site.
- 27-foot-wide internal streets within 50-foot-wide rights-of-way.
- Five-foot-wide sidewalks along Hamilton Mill Road, and on both sides of the proposed internal streets.
- A stormwater management facility located in the southwest corner of the subdivision outside of the 50-foot-wide undisturbed stream buffer.
- Required stream buffers and impervious setback in the southwest corner of the site within the open space, stormwater management area, and two lots.
- Relocation of the existing sanitary sewer easement to run under the street and to the west between lots 24 and 25.
- Exterior facades of white wood siding with rustic stone and colored window shutters.

Zoning and Development Standards

The applicant is requesting a rezoning to R-SR for a senior-oriented subdivision. The application was received after January 1, 2024 and is subject to the amended Unified Development Ordinance (UDO). The following is a summary of applicable development standards from the UDO:

Standard	Required	Proposed	Meets Standard?
Density	Maximum 4.0 units per acre	3.68 units per acre	YES
Lot Size	Minimum 5,000 square feet	5,000 square feet	YES
Lot Width	Minimum 50'	≥50'	YES
Lot Coverage	Maximum 70%	<70%	YES
Front Yard Setback	Minimum 10'	10'	YES
Rear Yard Setback	Minimum 20'	20'	YES
Side Yard Setback	Minimum 5'	5'	YES
Building Height	Maximum 35'	<35'	YES
Project Area	Minimum 10 acres	8.42 acres	NO*
Open Space	Minimum 10% or 0.85 acres	26.9% or 2.27 acres	YES
Usable Open Space	Minimum 5% or 0.43 acres	5.5% or 0.46 acres	YES
Street Frontage Setback	Minimum 40' 10' wide landscape strip	40' setback 10' wide landscape strip	YES

* The applicant has requested a variance for the minimum project area.

Variance Request

In addition to the rezoning request, the applicant is seeking a variance from the following provision of Title II of the UDO:

1. Section 210-120 Dimensional Standards for Base Residential Zoning Districts

Minimum Project Area within R-SR: 10 acres

The applicant is requesting to reduce the required project area for the R-SR zoning district from 10 acres to 8.42 acres.

Public Participation

The applicant held a community meeting for the development on February 22, 2024, at the Gwinnett County Historic Courthouse in Lawrenceville. There were eleven community members in attendance, who raised concerns including density, traffic, loss of greenspace, rental and age restrictions, and stormwater management. The primary concern was the environmental impact of the development on the site. The applicant submitted a revised site plan on March 21, 2024, that reduces the development from 31 to 30 units, adds a 40-foot-wide setback and 20-foot-wide landscape buffer along the eastern property lines, and identifies probable undisturbed areas. The public participation report is shown in Exhibit H.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit I). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Rezoning Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The residential properties surrounding the site have significantly larger lots than the proposed subdivision. Single-family residences along Hamilton Mill Road have at least 0.5 acres of land. In addition, The Park at Mill Creek that abuts the site has lot sizes between 10,500 square feet to over 22,000 square feet. The predominant lot sizes proposed are between 5,000 and 6,100 square feet. The proposed rezoning will permit a use that is not suitable in view of the use and development of adjacent and nearby property.

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.

The proposed development with higher density and smaller lot sizes than existing residential development would adversely affect the existing use and usability of adjacent and nearby properties, especially given that no buffer is provided along the east property line abutting the Park at Mill Creek subdivision.

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.

The property has a reasonable economic use as currently zoned.

D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

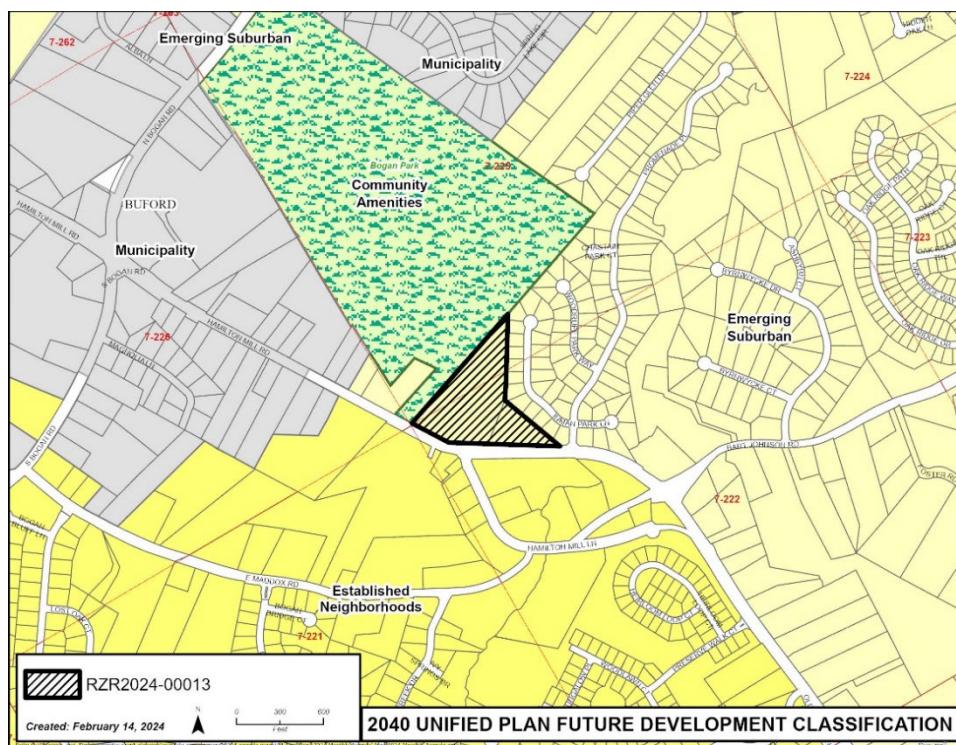
An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. The traffic impact study estimated the proposed development would generate 16 AM and 18 PM peak hour trips. The study concluded that the project would have minimal impact on traffic operations and would not meet the threshold to require a right-turn lane into the development. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this

rezoning request are attached (Exhibit I).

E. Whether the proposed rezoning is in conformity with the policy and intent of the Unified Plan and Future Development Map; and

The application was received prior to the adoption of the 2045 Unified Plan, and was analyzed based on the 2040 Unified Plan. The subject property is located within the Emerging Suburban Character Area of the 2040 Unified Plan Future Development Map. This character area designates areas that are currently mainly residential but have not yet matured into established communities due to relatively large amounts of remaining, undeveloped land. The character area is expected to experience new single-family detached residential development during the 20-year planning period contemplated by the Unified Plan.

Although the Emerging Suburban Character Area recommends large lot and low-density residential development within various zoning districts including R-SR, further consideration must be given to the surrounding area to determine which zoning districts are the most compatible. Given the densities in the surrounding area are approximately 2 units per acre, other recommended zoning districts for the Emerging Suburban Character Area would be more appropriate, especially the existing R-100 zoning. The proposed rezoning is not in conformity with the policy and intent of the Unified Plan and Future Development Map.



F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

The proposed development fails to meet the minimum project size. The proposed site plan attempts to maximize the number of lots by providing the minimum required lot area and lot

lines that are not radial to cul-de-sacs as required. Besides the common green in the middle, the remaining open space is within land that could not be developed due to stream buffers and topography, which give supporting grounds for denial.

Variance Request Analysis: The standards for granting variances are outlined in Section 270-90.7 of the UDO. Staff makes the following findings related to the variance request:

The applicant is requesting to reduce the required project area for the R-SR zoning district from 10 acres to 8.42 acres. The minimum project area is intended to provide sufficient land for a senior-oriented community complete with usable open space and amenities. The proposed layout meets the minimum usable open space requirements with a modest park and pavilion area, but offers no other amenities to residents. The additional proposed open space is excess land that either has a hilly terrain or is within stream buffers. Approval of the variance would be opposed to the purpose and intent of the UDO. Staff recommends denial of the zoning request and thus the variance request.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the rezoning request.

In addition, staff recommends **DENIAL** of the following variance:

1. To reduce the required project area for the R-SR zoning district from 10 acres to 8.42 acres.

Planning Commission Recommendation

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of the rezoning request.

In addition, the Planning Commission recommends **APPROVAL** of the following variance request:

1. To reduce the required project area for the R-SR zoning district from 10 acres to 8.42 acres.

Planning Commission Recommended Conditions (includes Staff Recommended Conditions, as Amended)

Approval as R-SR for a single-family detached subdivision subject to the following conditions:

1. The development shall be limited to single-family detached dwellings and accessory uses and structures, not exceeding **30** **25** units.
2. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received **March 21, 2024** **May 31, 2024**, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.

3. Exterior building materials shall be of brick, stacked stone, fiber cement shake, siding, and/or board and batten.
4. The minimum heated floor area of each dwelling shall be 1,700 square feet.
5. A future trail connection to Bogan Park shall be provided, in general conformance with Exhibit B: Site Plan dated received ~~February 9, 2024~~ **May 31, 2024**, subject to the review and approval of the Gwinnett County Department of Community Services.
- ~~6. A 12-foot-wide concrete mixed-use path along the Hamilton Mill Road frontage shall be constructed, subject to the review and approval of the Gwinnett County Department of Transportation.~~
6. A left-turn deceleration lane along Hamilton Mill Road into the site shall be constructed, subject to the review and approval of the Gwinnett County Department of Transportation.
7. Stormwater BMP facilities shall be screened from view of adjoining properties and rights-of-way by landscaping and/or decorative fencing that is in compliance with the Gwinnett County Stormwater Management Manual, subject to review and approval by the Department of Planning and Development.
8. Buildable lots and stormwater management areas shall be located outside of required stream buffers and impervious setbacks.
9. Natural vegetation shall remain on the property until the issuance of a development permit.
10. All grassed areas within residential lots and usable open space areas shall be sodded.
- 11. A mandatory Homeowners Association shall be established and shall be responsible for maintenance of all common areas/facilities and street frontage landscaping.**
- 12. No more than 10 percent shall be rental and shall be enforced by the Homeowners Association.**
- 13. A privacy fence shall be placed along lots 6-15.**
- 14. The 20-foot-wide undisturbed buffer will be planted as necessary in the 40-foot-wide setback as shown on the Site Plan dated received May 31, 2024.**

Exhibits:

- A. Site Visit Photos
- B. Site Plan (Revised per Public Participation Comments)
- C. Building Elevations
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. DWR Sewer Capacity Certification Letter
- G. Traffic Impact Study
- H. Public Participation Report
- I. Internal and External Agency Review Comments
- J. Maps
- K. Site Plan Dated Received May 31, 2024

Exhibit A: Site Visit Photos



View of existing residence on the site



View of grade change at proposed entrance



View of Hamilton Mill Road, subject property on right



View of The Park at Mill Creek residences

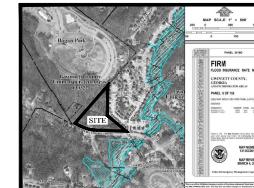
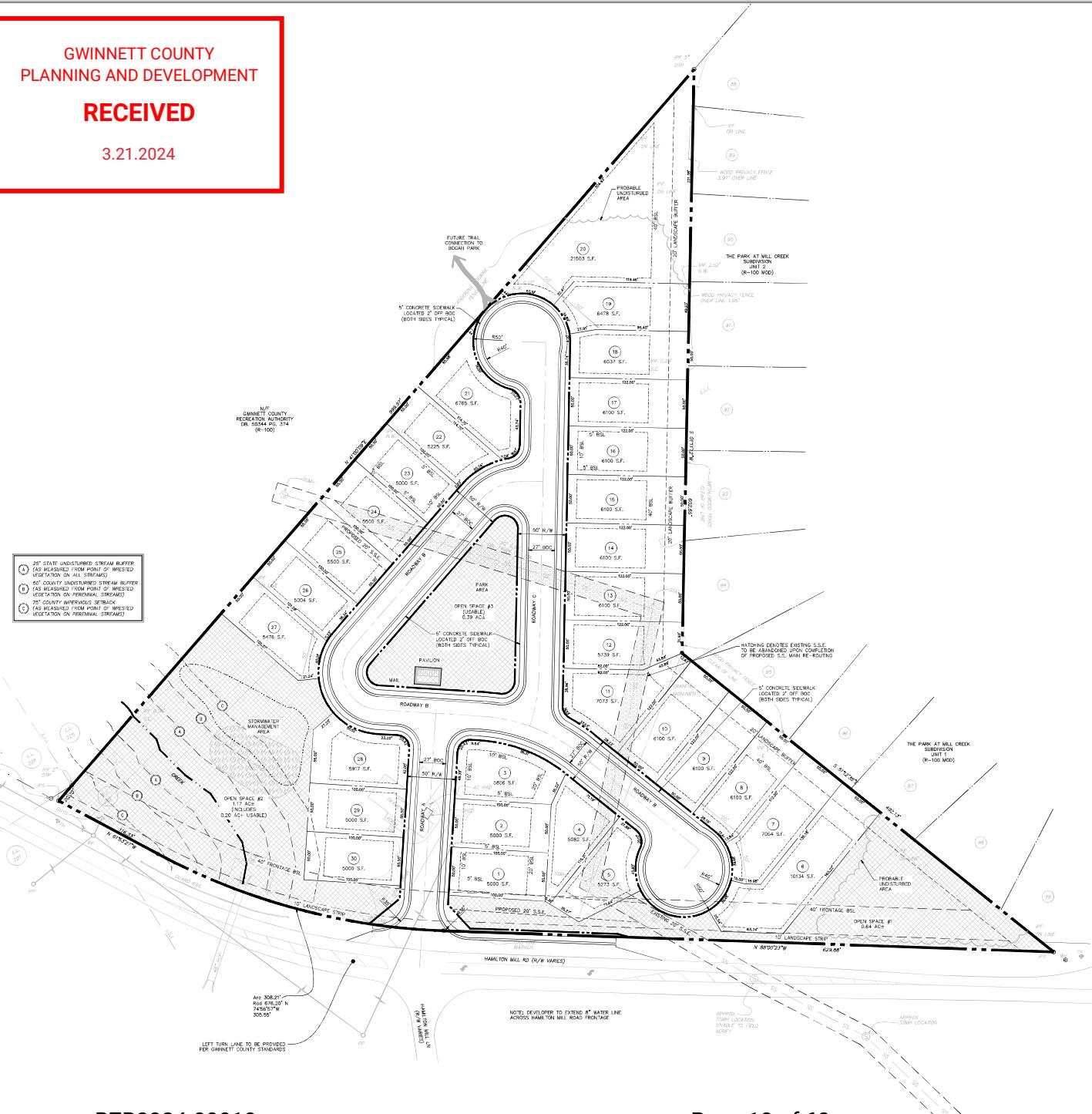
Exhibit B: Site Plan (Revised per Public Participation Comments)

[attached]

GWINNETT COUNTY PLANNING AND DEVELOPMENT

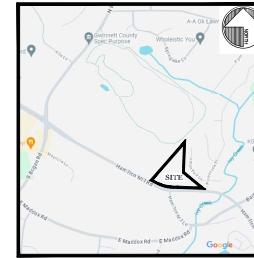
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3.21.2024



FEMA MA

SCALE 1"



VICINITY MAP

SCALE 1" =

ZONING PLANS
FOR:

HAMILTON
MILL ROAD
TRACT

3871 HAMILTON MILL ROAD &
3800 BLOCK OF HAMILTON MILL ROAD
BLUFFORD, GA. 30519

LAND LOTS 222 &
7TH DISTRICT
GWNNETT COUNT

FOR:

www.odwyerhomes.com

850 OLD ALPHARETTA ROAD
ALPHARETTA, GEORGIA 30009

ALPHARETTA, GEORGIA 30005

PLAN NOTES

1. SURVEY INFORMATION TAKEN SURVEY PROVIDED BY CLIENT AND GWINNETT COUNTY, GA.

2. EXISTING ZONING: R-105 (SINGLE-FAMILY RESIDENCE DISTRICT) PROVIDED BY GWINNETT COUNTY (SOMA CREATED RESIDENCE DISTRICT).

3. SUBJECT PROPERTY IS LOCATED IN NINE LANE LOTS 222 & 225, 7TH DISTRICT, GWINNETT COUNTY, GEORGIA.

4. DEVELOPER: OWNERS PROPERTIES
1000 CHAMBERS ROAD
ALPHARETTA, GEORGIA 30009
(770) 477-1000

5. ENGINEER: GRIFFITH PLANNING & ENGINEERING, INC.
12440 CHAMBERS ROAD
SUITE 200-210
ALPHARETTA, GA 30009
CONTACT: MR. JOHN J. CHRISTIANSON (770) 331-7903

6. UPON EXAMINATION OF FLOOD INSURANCE RATE MAPS OF GWINNETT COUNTY, GA., IT IS DETERMINED THAT THE SUBJECT PROPERTY HAS BEEN DETERMINED THAT NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA.

7. ZONING INFORMATION: THE SUBJECT AREA AND METERS HAVE NOT BEEN FIELD DELIMITATED. CREDITS/RETAINDS SHOWN ARE ASSUMED AND SUBJECT A FORMAL DELIMITATION.

8. ALL ROADWAYS TO BE OWNED BY GA 57, 2400 SF.

9. ALL OPEN SPACE TO BE DEDICATED TO HOMEOWNERS ASSOCIATION.

10. TO THE APPLICANTS KNOWLEDGE, THERE ARE NO LOCATIONS OF PREVIOUSLY LOCATED HAZARDOUS WASTE, STORAGE TANKS, HAZARDOUS MATERIAL AND WASTE DISPOSAL AREAS.

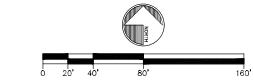
11. PROPOSED EASEMENTS 825 ARE 3,857 SF, 2,400 SF.

12. STREET TREES (MATERIAL OF O.C.) ARE TO BE PROVIDED (PREDOMINANTLY LUDLUM).

SITE ANALYSIS

SITE AREA	8.40 ACRES
PROPOSED RESIDENTIAL YIELD	30 LOT
PROPOSED LOT DENSITY	3.05 UNITS/ACRE
MINIMUM LOT SIZE, ORTHOGONAL RESIDENCE, DISTRICT CERITIFICA	
MINIMUM LOT AREA (SQUARE FEET)	6,000 SF UNITS
MINIMUM LOT WIDTH (AT FRONT) (FEET)	50' (SF)
MINIMUM LOT LENGTH (FEET)	100' (SF)
SIDE SETBACK	5' FEET
REAR SETBACK	25 FEET
MINIMUM SIDEWALK, SIDEWALK BUTTER ALONG THE ROAD AT MIL. CREEK S.D.	
PROPOSED SETBACK ALONG THE PARK AT MIL. CREEK S.D.	40 FEET
MAXIMUM BUILDING HEIGHT	70 FEET
MAXIMUM LOT AREA	10,000 SF
MAXIMUM HEATED FLOOR AREA	1,800 SF
TOTAL OPEN SPACES REQUIRED	0.864 AC (10%)
TOTAL OPEN SPACES PROVIDED	2.00 AC (20%)
USEABLE OPEN SPACES PROVIDED (%)	100% (2.00/2.00 = 100%)
USEABLE OPEN SPACE PROVIDED	0.84 AC

* PORTIONS OF THE PROPOSED LANDSCAPE BUFFER MAY BE DISTURBED AND REPLACED



DATE: CP&E DRAWING
SEPTEMBER 8, 2023 2023128z1.

ZONING
SITE PLAN

Z.1

Exhibit C: Building Elevations

[attached]

The Cavan



Cavan A



Cavan B



Cavan C1



Cavan D1



Cavan F1



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Landscaping depicted may not reflect true size and may vary.

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Kildare F1-1



Kildare D1-1



Kildare B1-1

THE KILDARE

by O'Dwyer Properties

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FOOTPRINT - 38'-0" W x 60'-0" D
Page 16 of 63

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The Killarney



Killarney B1-1

 ResidentialRendering.com



Killarney A1-1



Killarney D1-1



Killarney F1-1



O'DWYER
PROPERTIES

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Page 17 of 63

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2.6.2022 BF

Exhibit D: Letter of Intent and Applicant's Response to Standards

[attached]

Matthew P. Benson
Catherine W. Davidson
Gerald Davidson, Jr.*
Brian T. Easley
Rebecca B. Gober
Christopher D. Holbrook
Shane M. Lanham
Julia A. Maxwell

Jeffrey R. Mahaffey
Jessica R. Pickens
Steven A. Pickens
Jack M. Ryan
Gabrielle H. Schaller
S. Tess Shaheen
Andrew D. Stancil
R. Lee Tucker, Jr.

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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2.9.2024

*Of Counsel

**LETTER OF INTENT FOR REZONING APPLICATION OF
O'DWYER PROPERTIES, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Rezoning application (the “Application”) on behalf of O’Dwyer Properties, LLC (the “Applicant”) relative to an approximately 8.42-acre tract of land (the “Property”) located at 3871 Hamilton Mill Road and 3800 Block of Hamilton Mill Road. The Property consists of two tax parcels: R7222 015 and R7222 247. The Applicant requests that the County rezone the Property to the R-SR classification to develop the Property for detached senior residences.

The proposed development is designed to serve the housing needs of senior residents. The Property has road frontage on Hamilton Mill Road. The Applicant is proposing to develop the Property into 31 senior living homes. The density of the development would be 3.68 units per acre. The homes will be “active adult ranch” style with a range of 2,400 to 1,700 square feet. The larger homes will have bonus rooms in the attic while the smaller homes will be true one-story ranch homes. Each home will have a driveway and two-car garage. The homes will be designed with an attractive combination of materials such as clean white wood siding with rustic stone and colored window shutters. Each home will have a modest and inviting landscaped yard. The front of the homes provides each unit with a charming covered porch. The floor plan of the homes will include amenities such as a sunroom, and an optional French door or triple sliding glass door off of the

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880
Page 26 of 63
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RZR2024-00013

BF

family room. The bonus room can be turned into a bedroom, home office, or craft room depending on each resident's needs. The homes will be available for purchase to potential residents.

The proposed development will connect to Bogan Park. The development would enjoy access to Hamilton Mill Road from a full access driveway with a deceleration lane for entry. The proposed development would provide an option for seniors to age in place and remain in their current communities while transitioning to a neighborhood that is more compatible with their current stage of life.

In order to use the Property as set forth on the submitted site plan and the Application, the Applicant also requests the following relief from the Unified Development Ordinance:

- A variance from §210-120 to reduce the minimum project size from 10 acres to 8.42 acres to allow for the construction of the proposed development.
- A variance from §360-60.3 to allow for a reduction in the minimum radius requirement for the horizontal curve nearby the mail kiosk parking to preserve maximum open space in the center island as shown on the site plan.

A senior living community is an appropriate land use on the Property because it supports the goals of the 2040 Comprehensive Plan and is compatible with nearby land uses. The Property is located in the Emerging Suburban Character Area that contemplates senior-oriented residential developments as a potential development type. The proposed development will satisfy the goals of the comprehensive plan for the area by activating the underutilized property while still maintaining a quiet and safe environment for the residents.

The proposed development is compatible with surrounding uses. The property borders Bogan Park Community Recreation and Aquatic Center and The Park at Mill Creek subdivision. The residents of the proposed development will enjoy walkable access to the amenities at Bogan Park, and about a three-minute drive to the Publix Supermarket located at the intersection of Hamilton Mill Road and Bogan Road. As a senior community, the proposed development will have little to no impact on the schools in the area. Because of the relatively low density of the



proposed development and its quiet nature, the proposed use is compatible with these existing uses and would provide appropriate land use to the area.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Planning & Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application filed herewith. The Applicant respectfully requests your approval of the Application.

This 25th day of January, 2024.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP

Gabrielle Schaller

Gabrielle H. Schaller
Attorneys for Applicant

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1.23.2024

REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS 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) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Please see attached.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

Please see attached.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

Please see attached.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

Please see attached.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Please see attached.

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING:

Please see attached.

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1.23.2024

REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is compatible with the residential nature of the area.
- (B) The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. The proposed development is complementary to the nearby residential developments and will provide a housing option for senior citizens of the County.
- (C) Due to the odd size, layout, location, and topography of the subject property, the Applicant submits that the subject property does not have reasonable economic use as currently zoned.
- (D) The proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The development is planned as detached senior residences. As such, the low development density will not overly burden infrastructure systems, and the age restriction drastically limits the likelihood that the development will affect the schools in the area.
- (E) The proposed rezoning is in conformity with the policy and intent of the Land Use Plan. In fact, the Plan explicitly encourages R-SR developments in the Emerging Suburban Character Area.
- (F) Applicant submits that the ability to connect to nearby Gwinnett County trails provides additional support for the application.

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>O'Dwyer Properties, LLC c/o Mahaffey</u> <u>Pickens Tucker, LLP</u>	NAME: <u>Young Rok and Jung Suk Oh</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>5730 Buford Hwy NE</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Doraville</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30340</u>
PHONE: <u>770-232-0000</u>	PHONE: <u>678-427-6806</u>
EMAIL: <u>gschaller@mptlawfirm.com</u>	EMAIL: <u>ubsnyc@gmail.com</u>
CONTACT PERSON: <u>Gabrielle Schaller</u>	PHONE: <u>770-232-0000</u>
CONTACT'S E-MAIL: <u>gschaller@mptlawfirm.com</u>	
APPLICANT IS THE: <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>R-SR</u>	
PARCEL NUMBER(S): <u>R7222 015 & R7222 247</u> ACREAGE: <u>+- 8.42</u>	
ADDRESS OF PROPERTY: <u>3871 Hamilton Mill Road & 3800 Block of Hamilton Mill Road</u>	
PROPOSED DEVELOPMENT: <u>Detached senior residences</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>31</u>	No. of Buildings/Lots: <u>N/A</u>
Dwelling Unit Size (Sq. Ft.): <u>1,700 - 2,400</u>	Total Building Sq. Ft. <u>N/A</u>
Gross Density: <u>3.68</u>	Density: <u>N/A</u>
Net Density: <u>3.68</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED GWINNETT COUNTY
PLANNING AND DEVELOPMENT

REZONING PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

Jung S. Oh
Signature of Property Owner

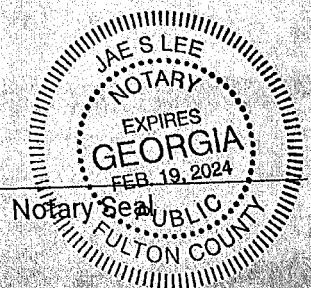
1/17/24
Date

oh Jung SAK
Type or Print Name and Title

oh Young ROV
1/19/24

Jae S. Lee
Signature of Notary Public

01/17/24
Date



GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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PZR2024-00013
2.6.2024

Page 33 of 63
5

BF

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1.23.2024

REZONING APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

Signature of Applicant

Date

11/30/23

Type or Print Name and Title

JORDON TENCH - MANAGER

O'DOWYER PROPERTIES LLC

Signature of Notary Public

Date

11/30/23



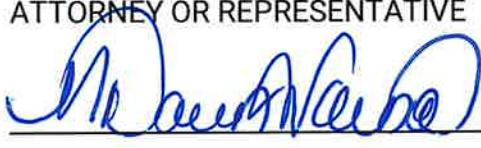
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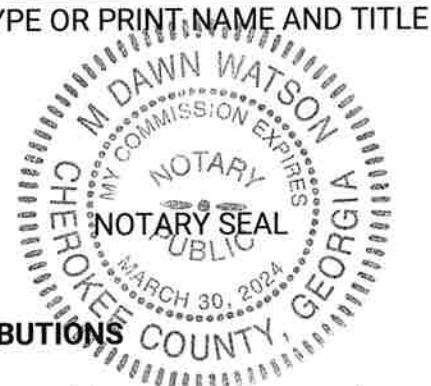
1.23.2024

CONFFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

 11/30/23 JORDAN TENCH - MANAGER
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE  11/30/23. M DAWN WATSON
SIGNATURE OF NOTARY PUBLIC DATE



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES NO

JORDAN TENCH

YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

RECEIVED

1.23.2024

Gwinnett County Planning Division

Rezoning Application

Last Updated 7/2023

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

SIGNATURE OF APPLICANT

DATE

TYPE OR PRINT NAME AND TITLE



10/17/23

Gabrielle Schaller, attorney for Applicant

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

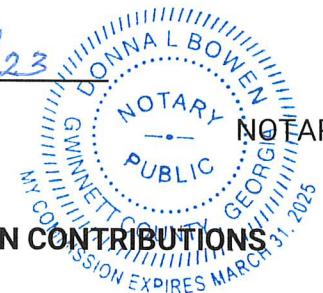
DATE

TYPE OR PRINT NAME AND TITLE

SIGNATURE OF NOTARY PUBLIC

DATE

NOTARY SEAL

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

 YES NO

Gabrielle Schaller

YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Please see attached.		

Attach additional sheets if necessary to disclose or describe all contributions.

RECEIVED

1.23.2024

**CONFLICT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN
CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS**

MAHAFFEY PICKENS TUCKER, LLP

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Ben Ku, Commissioner	\$1,500	10/03/2022
Matt Holtkamp, Commissioner	\$1,000	04/13/2023
Nicole Love Hendrickson, Chairwoman	\$2,500	08/11/2023
Matt Holtkamp, Commissioner	\$3,300	09/18/2023
Kirkland Carden, Commissioner	\$3,300	09/27/2023

Lee Tucker, Attorney at Law, P.C.

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Kirkland Carden, Commissioner	\$2,000	10/25/2023

Jeffrey Mahaffey, Attorney at Law, Individually

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Nicole Love Hendrickson, Chairwoman	\$1,000	08/14/2023

RECEIVED

1.23.2024

Gwinnett County Planning Division
Rezoning Application
Last Updated 7/2023

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 7 - 222 - 015
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

1/22/2024

Date

Gabrielle Schaller, attorney for Applicant

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 Langley Drive, FOR THEIR APPROVAL BELOW.*****

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

J. M. Schaller 
NAME
1/22/24
DATE

TSA
TITLE

RECEIVED

1.23.2024

Gwinnett County Planning Division
Rezoning Application
Last Updated 7/2023

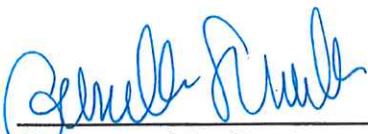
VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER:
(Map Reference Number)

7 - 222 - 247
District Land Lot Parcel



Signature of Applicant

1/22/2024

Date

Gabrielle Schaller, attorney for Applicant

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 Langley Drive, FOR THEIR APPROVAL BELOW.*****

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)


NAME
1/22/24
DATE

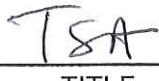
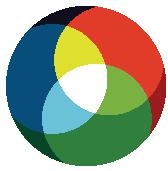

TITLE

Exhibit F: DWR Sewer Capacity Certification Letter

[attached]



February 6, 2024

Jordan Tench
O'Dwyer Properties
850 Old Alpharetta Rd.
Alpharetta, GA 30005

APPROVED

DENIED

CONDITIONALLY APPROVED

Sewer Capacity Request #C2024-019-02

Expiration Date: 02/06/2025

Tie-In Manhole FID: 263605

RE: Sewer Availability for Proposed Development – 3871 & 3651 Hamilton Mill Road Tract
Parcel ID 7222 015 & 7222 247

Dear Mr. Tench:

Gwinnett County Department of Water Resources (GCDWR) has reviewed the impact of the proposed development consisting of 31 homes on the above parcel(s) and determined:

Gwinnett County has adequate sewer capacity to serve the proposed development.

This confirmation is based on your anticipated annual average daily flow of **5.38 gpm** discharging to the sewer tie-in manhole at Facility ID **263605**.

Capacity Allocation: Sewer capacities are allocated only upon the issuance of a Development Permit, by Gwinnett County Planning & Development and after all applicable conditions established in this Sewer Capacity Certification, if any, are met.

Certification Expiration: The Sewer Capacity Certification is valid for 12 months from the date of this letter. If rezoning is approved, GCDWR will issue a revised Sewer Capacity Certification based on the approved units, as needed. The capacity request can be renewed for an additional 12 months. If a Development Permit has not been obtained by the expiration date above the developer may apply for renewal by providing evidence of active rezoning, plan review, or permitting efforts.

Once the Sewer Capacity Certification expires, the capacity is no longer allocated, and a new Sewer Capacity Certification request must be submitted for re-evaluation with no guarantee of available capacity. The evaluation will be based on the updated conditions of the sewer system.

Certification Invalidation: This certification is not valid if there are proposed changes to your development that could impact downstream sewer capacity (e.g. land use density, sewer tie-in manhole, parcel changes, and/or rezoning). In this case the development must resubmit for a new Sewer Capacity Request with updated information prior to the expiration of the previous one.

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2.6.2024



Gwinnett

GWINNETT COUNTY
DEPARTMENT OF WATER RESOURCES

684 Winder Highway | Lawrenceville, GA 30045-5012

678.376.6700

www.gwinnettcounty.com | www.gwinnetth2o.com

Please contact us at 678-376-7026 if you have any questions.

Sincerely,

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES

Lorraine Campagne, PE
Section Manager, Development Support
678.376.7058

C: Gwinnett County DWR – Tai Yi Su, Division Director; Raghu Vemuru, Engineer V; Mikala Weston, Engineer III
Gwinnett County P&D – Charli Young, Planning Manager; Geniva Sylvain, Engineer I; Christina Dejarnette, Engineer I

Exhibit G: Traffic Impact Study

[attached]

**TRAFFIC IMPACT STUDY
FOR
HAMILTON MILL ROAD TRACT SENIOR ADULT
HOUSING DEVELOPMENT**

GWINNETT COUNTY, GEORGIA



Prepared for:

**O'Dwyer Properties
850 Old Alpharetta Road
Alpharetta, GA 30005**

Prepared By:



A&R Engineering Inc.

2160 Kingston Court, Suite O
Marietta, GA 30067
Tel: (770) 690-9255 Fax: (770) 690-9210
www.areng.com

December 22, 2023
A & R Project # 23-222

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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1.25.2024

6.0 PROPOSED DEVELOPMENT

The proposed Hamilton Mill Road Tract residential development will be located on Hamilton Mill Road in Buford, Gwinnett County, Georgia. The development will consist of 31 single-family senior adult housing lots and proposes one full access driveway on Hamilton Mill Road across from Hamilton Mill Lane.



A site plan is shown in Figure 4.

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1.23.2024

6.1 Trip Generation

Trip generation estimates for the project were based on the rates and equations published in the 11th edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation was based on the following ITE *Land Use: Senior Adult Housing - Single-Family*. The calculated total trip generation for the proposed development is shown in Table 4.

Land Use	Size	AM Peak Hour			School PM Peak			PM Peak Hour			24 Hour
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	2-way
ITE 251 – Senior Adult Housing - Single-Family	31 units	5	11	16	10	7	17	11	7	18	219

* School PM peak hour trips estimated from 3pm-4pm rates from the ITE's 24-hour Vehicle Time of Day Distribution excel

6.2 Trip Distribution

The trip distribution describes how traffic arrives and departs from the site. An overall trip distribution was developed for the site based on a review of the existing travel patterns in the area and the locations of major roadways and highways that will serve the development. The site-generated peak hour traffic volumes, shown in Table 4, were assigned to the study area intersections based on this distribution. The outer-leg distribution and AM and PM peak hour new traffic generated by the site are shown in Figure 5.

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8.0 CONCLUSIONS AND RECOMMENDATIONS

Traffic impacts were evaluated for the proposed Hamilton Mill Road Tract residential development that will be located on Hamilton Mill Road in Buford, Gwinnett County, Georgia. The development will consist of 31 single-family senior adult housing lots and proposes one full access driveway on Hamilton Mill Road across from Hamilton Mill Lane.

Existing and future operations after completion of the project were analyzed at the intersections of:

- Hamilton Mill Road @ Bogan Road
- Hamilton Mill Road @ Hamilton Mill Lane / Proposed Site Driveway
- Hamilton Mill Road @ Promenade Place

The results of the existing traffic operations analysis indicate that the signalized study intersection of Hamilton Mill Road at Bogan Road is operating at an overall level of service “D” or better in all the AM, school dismissal and PM peak hours. All the stop-controlled approaches at the unsignalized intersections are also operating at a level of service “D” or better with peak hour traffic.

A right turn lane will not be warranted at the proposed site driveway per GDOT standards. A Left turn lane will not be warranted either per Gwinnett County Left Turn Lane Guidelines. Based on the projected site-generated traffic volumes and distribution, the proposed development will have minimal impact on traffic operations in the study network.

8.1 Recommendations for Site Access Configuration

The following access configuration is recommended for the proposed site driveway intersection:

- Full Access Site Driveway on Hamilton Mill Road across from Hamilton Mill Lane
 - One entering and one exiting lanes.
 - Stop-sign controlled on the site driveway and Hamilton Mill Lane approaches with Hamilton Mill Road remaining free flow.
 - Provide adequate sight distance per AASHTO standards.

GWINNETT COUNTY
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Exhibit H: Public Participation Plan and Report

[attached]



Public Participation Plan

1. Who do you intend to contact in addition to property owners within 1,000 feet of the site, if any?

None.

2. Where do you plan to host the Public Participation Meeting? Ensure that the meeting is held in person at a convenient location for interested parties.

Gwinnett Historic Courthouse

3. What date and time do you plan to host the Public Participation Meeting? Ensure that the meeting is held at a convenient time for interested parties, e.g. not during typical work hours on weekdays.

The Public Participation Meeting would be held on a February 22nd, starting at 6:00 p.m.

4. What is your method for providing opportunities for discussion with interested parties at the Public Participation Meeting?

After a presentation, the Applicant team would open the meeting for comments and questions from the attendees.

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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2.6.2024

RZR2024-00013



Public Participation Report

1. List all groups that you notified of the requested application. Include a copy of the notification package and stamped Postal Service Form 3877 (attached) with itemized name and address of each addressee.

2. Provide the date, time, and location of all meeting(s) that the applicant and/or representative attended to discuss an application with interested parties.

3. Provide the number of people who participated in the meeting(s). Include the sign-in sheet(s) with meeting date, time, location, and attendee names.

4. What issues and concerns were expressed by attendees at the meeting(s)?

5. What are the applicant's responses to the issues and concerns that were expressed at the meetings? What changes to the development will be made?

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

3.22.2024

Matthew P. Benson
Catherine W. Davidson
Gerald Davidson, Jr.*
Brian T. Easley
Rebecca B. Gober
Christopher D. Holbrook
Shane M. Lanham
Julia A. Maxwell

Jeffrey R. Mahaffey
Jessica R. Pickens
Steven A. Pickens
Jack M. Ryan
Gabrielle H. Schaller
S. Tess Shaheen
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

PUBLIC PARTICIPATION REPORT FOR
CASE NUMBER RZR2024-00013

The purpose of this letter is to provide more detail to the Gwinnett County Planning and Development Department about the discussions the Applicant had with the community during the Public Participation Meeting for case number RZR2024-00013.

Overall, the Applicant was pleased with the outcome of the meeting. The Applicant appreciated the opportunity to meet members of the community and hear about their feelings regarding the proposed development. A couple that lives right next door to the subject property stated that they are pleased the proposed development is senior residences because senior developments generate less traffic, crime, noise, and are limited in height. Another neighbor echoed the couple's sentiment and explained that development is inevitable, and he would rather have the proposed development in his backyard than something more intense.

4. What issues and concerns were expressed by attendees at the meeting?

Here is a non-exhaustive list of the attendees concerns: density, impact on home values, traffic on Hamilton Mill Road, loss of greenspace, wildlife preservation, tree preservation, buffer between the proposed development and the adjacent neighborhood, access to Bogan Park, walkability and connectivity, rental and age restrictions, stormwater and stream buffers, privacy, noise from Bogan Park, other nearby development in the area, and general concerns of what is the best use for the subject property.

One neighbor expressed concern that the Applicant was just "checking a box" by holding the public meeting and did not have genuine interest in the neighbors' concerns. The Applicant assured the attendees that while the County does require Applicants to hold public meetings prior to the public hearings, the Applicant typically holds these meetings anyway and has a genuine interest in finding a workable solution to as many reasonable concerns as possible.

5. What are the applicant's responses to the issues and concerns that were expressed at the meetings? What changes to the development will be made?

The Applicant intends to make a good faith effort to address all the attendees' concerns and will provide a detailed update to the neighbors as soon as practicable but no later than the planning commission public hearing.

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3.22.2024
BF

Applicant has already made changes to its site plan in response to the neighbors' concern about privacy, noise pollution, loss of greenspace, wildlife preservation, tree preservation, and buffer area. The Applicant increased the building setback line along the eastern side of the property to 40 feet, and added a 20-foot landscape buffer along the boundary with The Park at Mill Creek Subdivision. The Applicant preserved undisturbed areas behind lot 20 and next to lot 6 in an effort to preserve green space and natural vegetation.

At the Public Participation Meeting, the Applicant was able to address a few concerns. In regard to the concern about traffic on Hamilton Mill Road, the Applicant encouraged the attendees to reach out to DOT with their desires for traffic calming devices and a traffic light. The Applicant and attendees discussed that senior communities generally impact traffic less than other developments, and senior residents typically avoid high traffic times such as rush hour and school traffic. The Applicant also informed the attendees that a traffic impact study will be included in the planning and development staff report and told them where to find it.

In response to the concern about the proposed development's impact on home values, the Applicant explained that new houses generally raise surrounding home values. The Applicant emphasized that the proposed development homes will be semi-custom and that the Applicant is a local developer focused on building quality communities. The homes will start at a competitive price and be offered to potential residents on a for-purchase basis. The community will have an HOA with an age-restriction.

The Applicant understands that the attendees who live next door to the subject property do not want any development in their backyard, and would prefer that the subject property remain undeveloped. However, the Applicant explained that the subject property is currently zoned R-100 and as such can be developed by right into single-family homes.

Exhibit I: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date: 03.01.2024		
Department/Agency Name: Transportation		
Reviewer Name: Brent Hodges		
Reviewer Title: Construction Manager 1		
Reviewer Email Address: Brent.Hodges@gwinnettcounty.com		
Case Number: RZR2024-00013		
Case Address: 3871 Hamilton Mill Road, Buford, 30519		
Comments: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	Hamilton Mill Road is a minor arterial. ADT = 14,221.	
2	3.9 miles to the nearest transit facility (#2334754) located at the Buford/SR 20 Park and Ride.	
3	Per the Gwinnett County Criteria and Guidelines for Left Turn Lanes, a left turn lane shall be required along Hamilton Mill Road into the site.	
4	Per the site being located along a Priority Trails network within the Gwinnett County Trails Master Plan, the developer shall construct a 12' concrete trail along the Hamilton Mill Road site frontage, per UDO section 360-100.1.	
5		
6		
7		
Recommended Zoning Conditions: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
1		
2		
3		
4		
5		
6		



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:			
Department/Agency Name: DWR			
Reviewer Name: Mike Pappas			
Reviewer Title: GIS Planning Manager			
Reviewer Email Address: Michael.pappas@gwinnettcounty.com			
Case Number: RZR2024-00013			
Case Address: 3871 Hamilton Mill Road & 3800 Block of Hamilton Mill Road			
Comments:		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
1	Water: The proposed development shall extend a minimum 8-inch water main across the frontage of the subject site, to the 8-inch water main on the northern right-of-way of Hamilton Mill Road, near the intersection with Promenade Place. The existing 48-inch water main along Hamilton Mill Road must be avoided during all phases of construction, including the construction of deceleration lanes.		
2	Sewer: A previous Sewer Capacity Certification (C2021-019-02) has expired; a new sewer capacity request must be submitted. Pending available capacity, the proposed development may connect to an existing 8-inch gravity sewer located on the subject site. Relocation of the existing sewer and its easement may be required.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
1			
2			
3			
4			
5			
6			



Water Comments: The proposed development shall extend a minimum 8-inch water main across the frontage of the subject site, to the 8-inch water main on the northern right-of-way of Hamilton Mill Road, near the intersection with Promenade Place. The existing 48-inch water main along Hamilton Mill Road must be avoided during all phases of construction, including the construction of deceleration lanes.

Sewer Comments: A previous Sewer Capacity Certification (C2021-019-02) has expired; a new sewer capacity request must be submitted. Pending available capacity, the proposed development may connect to an existing 8-inch gravity sewer located on the subject site. Relocation of the existing sewer and its easement may be required.

Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

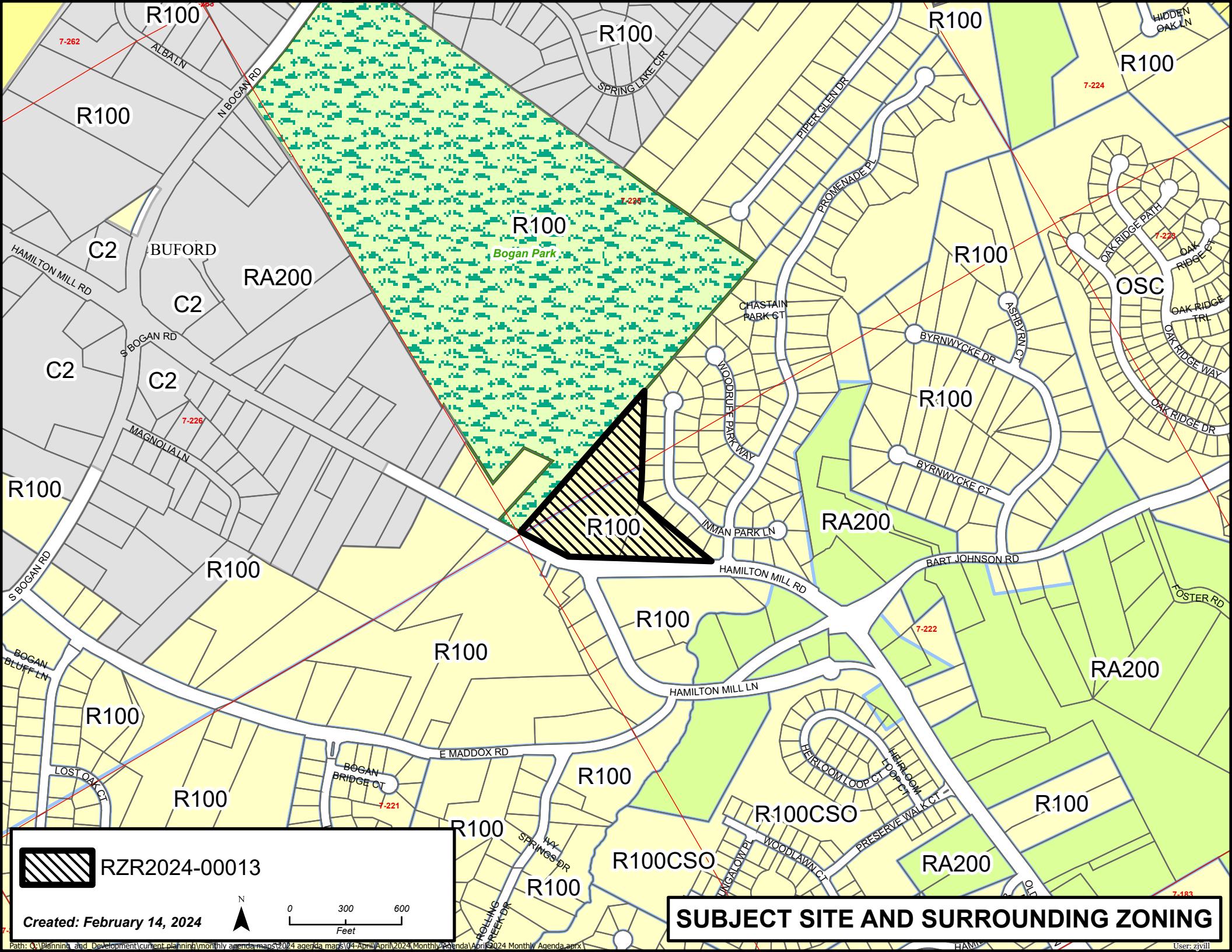
Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Exhibit J: Maps

[attached]





RZR2024-00013

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Created: February 14, 2024

SUBJECT SITE AND SURROUNDING ZONING

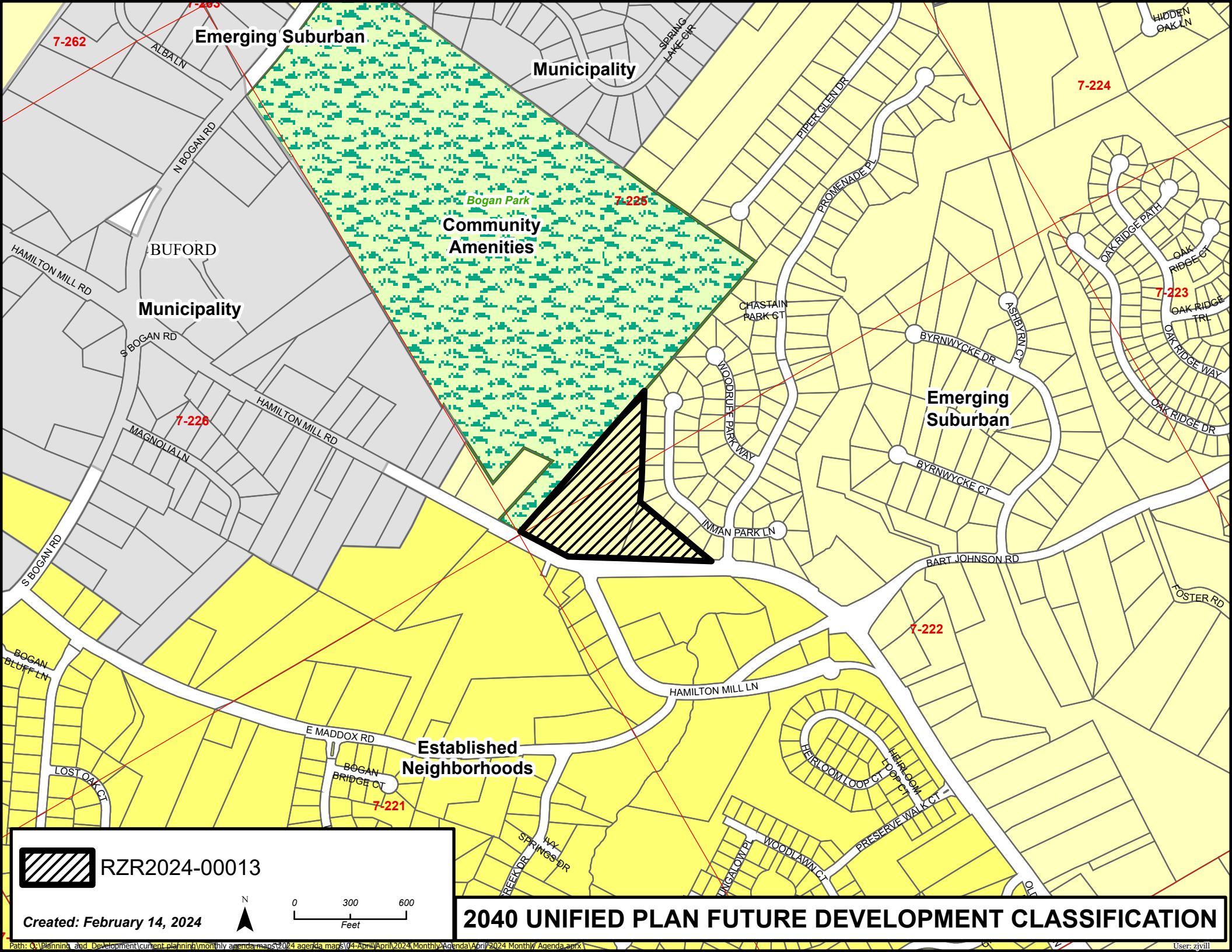
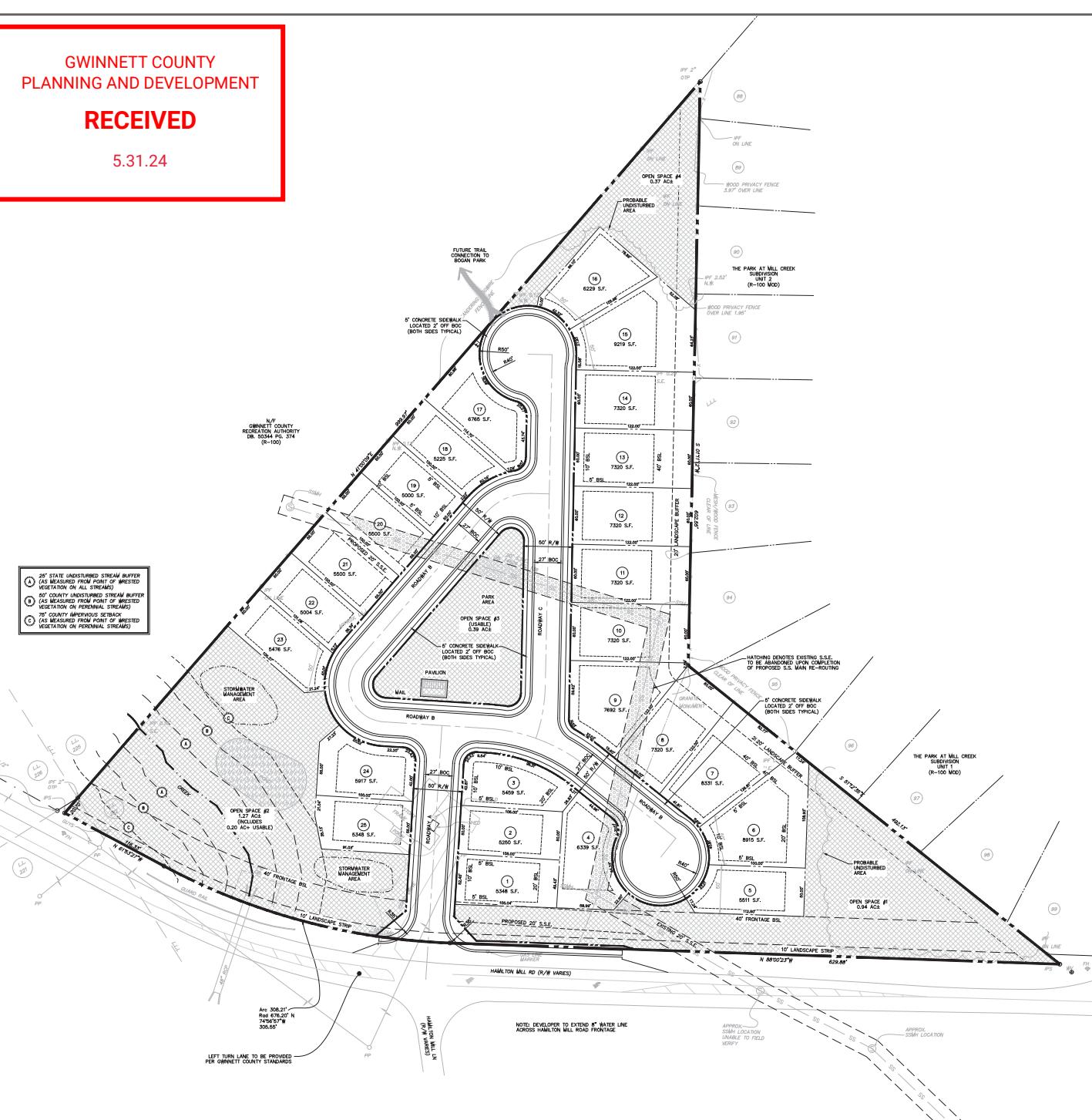


Exhibit K: Site Plan Dated Received May 31, 2024

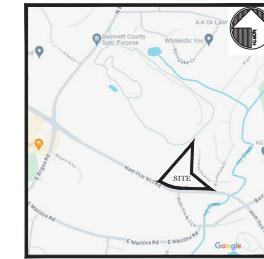
[attached]

GWINNETT COUNTY
PLANNING AND DEVELOPMENT
RECEIVED

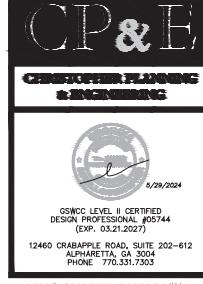
5.31.24



FEMA MAP
SCALE 1" = 1,000'



VICINITY MAP



ZONING PLANS
FOR:

HAMILTON
MILL ROAD
TRACT

3871 HAMILTON MILL ROAD &
3800 BLOCK OF HAMILTON MILL
BUFORD, GA 30519

LAND LOTS 222 & 225
7TH DISTRICT
GWINNETT COUNTY

FOR:

O'Dwyer
PROPERTIES
We Bought Your Home
www.odwyerhomes.com

850 OLD ALPHARETTA ROAD
ALPHARETTA, GEORGIA 30005
MR. JORDON TENCH
PHONE: 770.887.2177
jordont@odwyerhomes.com

PLAN NOTES:

1. SURVEY INFORMATION TAKEN SURVEY PROVIDED BY CLIENT AND GWINNETT COUNTY OFFICE.
2. PROPOSED ZONING: R-100 (SINGLE-FAMILY RESIDENCE DISTRICT).
3. PROPOSED ZONING: R-50 (SENIOR ORIENTED RESIDENCE DISTRICT).
4. SUBJECT PROPERTY IS LOCATED IN LAND LOTS 222 & 225, 7TH DISTRICT, GWINNETT COUNTY, GEORGIA.
5. DEVELOPER: O'Dwyer Properties
850 OLD ALPHARETTA ROAD
ALPHARETTA, GEORGIA 30005
CONTACT: MR. JORDON TENCH
6. ENGINEER: CHRISTOPHER PLANNING & ENGINEERING, INC.
12460 CRABAPPLE ROAD, SUITE 202-612
ALPHARETTA, GEORGIA 30004
CONTACT: 770.331.7303
7. UPON EXAMINATION OF FEMA FLOOD INSURANCE MAPS OF GWINNETT COUNTY, GEORGIA, FIRM PANEL MAP #31302005, DATED MARCH 4, 2013, IT IS DETERMINED THAT A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA.
8. JURISDICTIONAL BUFFERED STATE WATERS AND WETLANDS HAVE NOT BEEN SHOWN ON THIS MAP. THESE AREAS ARE SHOWN AND SUBJECT TO A FORMAL DELINEATION.
9. ALL ROADWAYS TO BE PUBLIC (NO 50' R/W).
10. ALL OPEN SPACE TO BE DEDICATED TO HOMEOWNERS ASSOCIATION.
11. TO THE BEST OF MY KNOWLEDGE, THERE ARE NO LOCATIONS OF PREVIOUS CONSTRUCTION OF ANY KIND, INCLUDING STORAGE TANKS, HAZARDOUS MATERIAL AND WASTE DISPOSAL AREAS.
12. PROPOSED DWELLING SIZES ARE 1,850 SF. TO 2,400 SF.
13. STREET TREES (NOT OVER 50' O.G.) ARE TO BE PROVIDED (PRELIMINARY LAYOUT SHOWN ON THE PLAN).

SITE ANALYSIS

SITE AREA	8.45 ACRES
PROPOSED RESIDENTIAL YIELD	26.5 UNITS
PROPOSED NET DENSITY	2.96 UNITS/AC
R-50 SENIOR ORIENTED RESIDENCE DISTRICT CRITERIA	
MAXIMUM DENSITY PERMITTED	6.0 UNITS/AC
MAXIMUM LOT WIDTH	50 FEET
MAXIMUM LOT WIDTH (AT FRONT SETBACK)	50 FEET
FRONT SETBACK	10 FEET
SIDE SETBACK	10 FEET
REAR SETBACK	20 FEET
PROPOSED LANDSCAPE BUFFER ALONG THE PARK AT MILL CREEK S/D	20 FEET
PROPOSED SETBACK ALONG THE PARK AT MILL CREEK S/D	40 FEET
MAXIMUM HEATED FLOOR AREA	3,600 SF
MAXIMUM HEATED FLOOR AREA	1,800 SF
TOTAL DWELLING AREA REQUIRED	0.96 AC (105)
TOTAL OPEN SPACE REQUIRED	2.87 AC (325)
USABLE OPEN SPACE PROVIDED	0.43 AC
USABLE OPEN SPACE PROVIDED	0.59 AC

* PORTIONS OF THE PROPOSED LANDSCAPE BUFFER MAY BE DISTURBED AND REPLANTED



ZONING
SITE PLAN

SHEET NO. Z.1

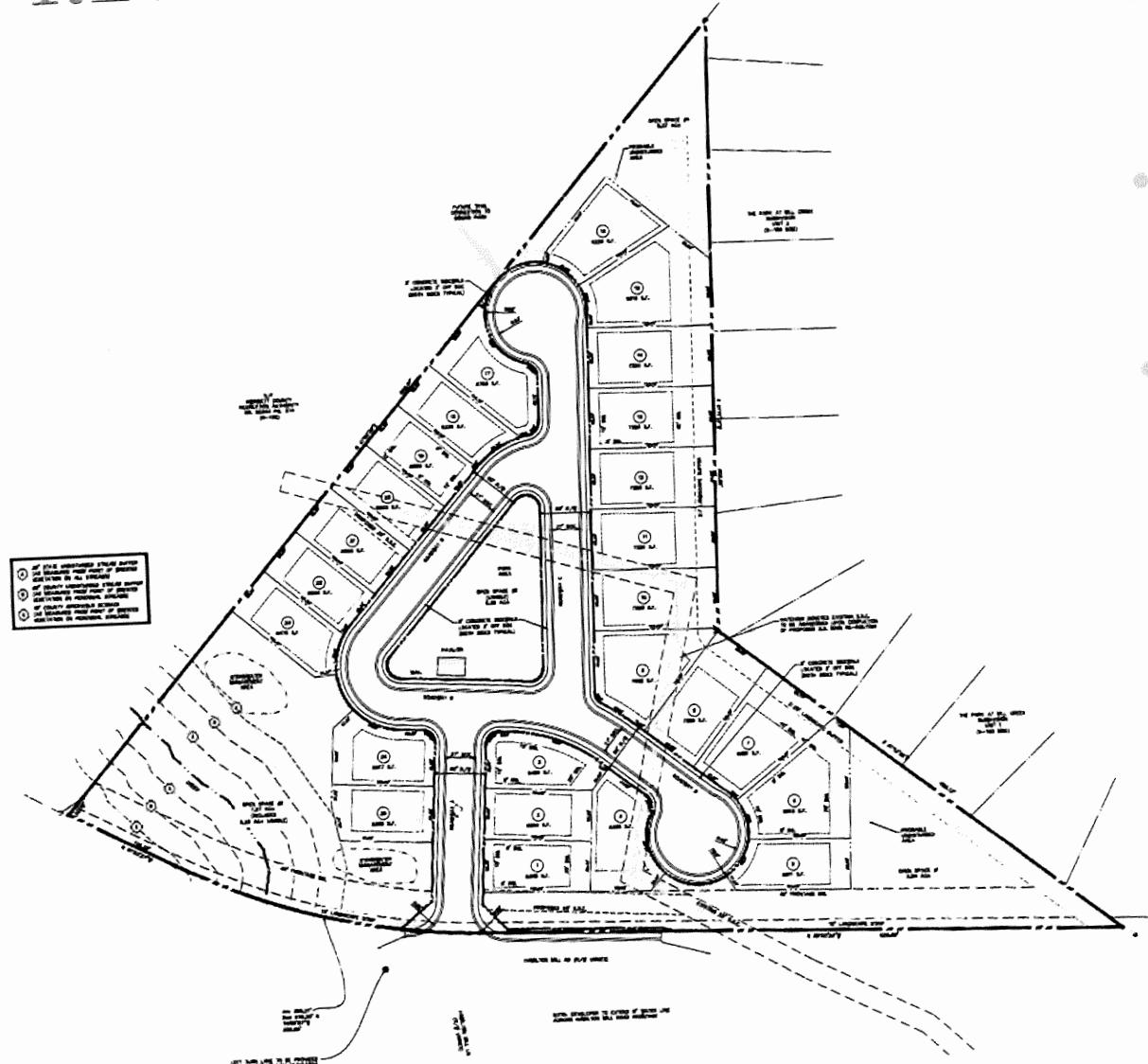
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RZR2024-00013

RECEIVED

6.4.24

REVISED R-SR SITE PLAN



- Reduced to 25 lots (2.9 Density)
- Moved Lots outside of Stream Buffer
- Increase building setback along lots 6-20 from 20 ft to 40 ft
- Added a 20 ft undisturbed/ replanted buffer along lots 6-20
- Identified additional undisturbed areas