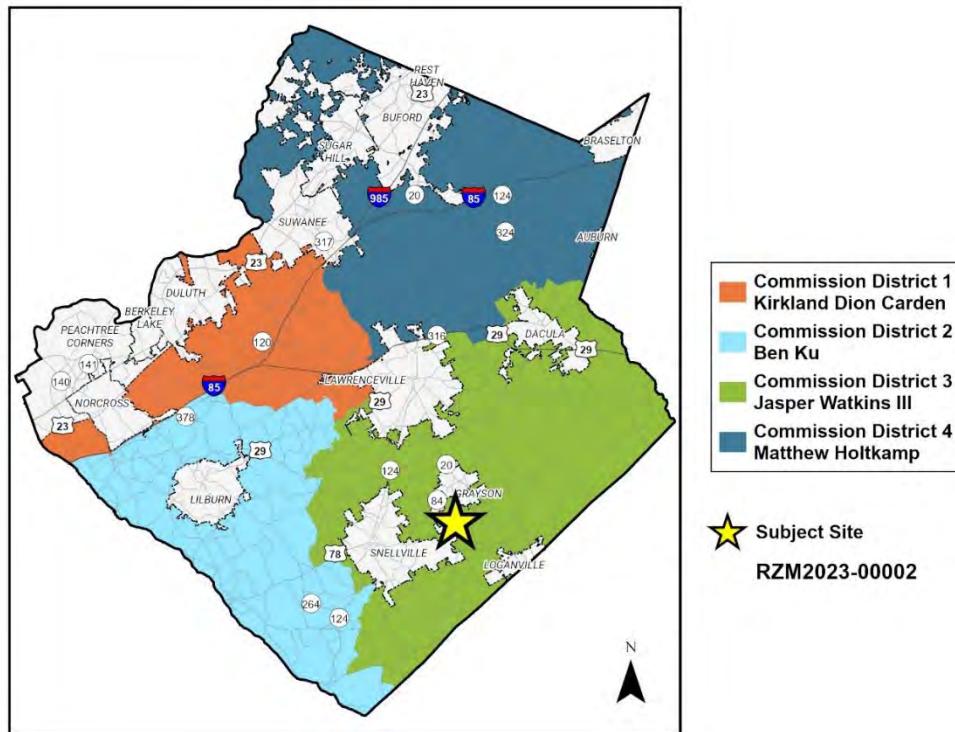




## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

<b>Case Number:</b>	<b>RZM2023-00002</b>
<b>Current Zoning:</b>	<b>R-100 (Single-Family Residence District)</b>
<b>Request:</b>	Rezoning to <b>R-TH</b> (Single-Family Residence Townhouse District)
<b>Additional Request:</b>	Variance
<b>Address:</b>	725 Cooper Road
<b>Map Number:</b>	R5123 228
<b>Site Area:</b>	2.58 acres
<b>Units:</b>	19
<b>Proposed Development:</b>	Townhouses
<b>Commission District:</b>	District 3 – Commissioner Watkins
<b>Character Area:</b>	Vibrant Communities
<b>Staff Recommendation:</b>	<b>DENIAL</b>
<b>Planning Commission Recommendation:</b>	<b>DENIAL</b>



**Applicant:** GAK Engineering, Inc.  
3880 N. Sharon Church Road  
Loganville, GA 30052

**Owner:** Leon Ibenyenwa  
9 Tralee Way  
Suwanee, GA 30024

**Contact:** George Kyiamah

**Contact Phone:** 919.381.0300

## Zoning History

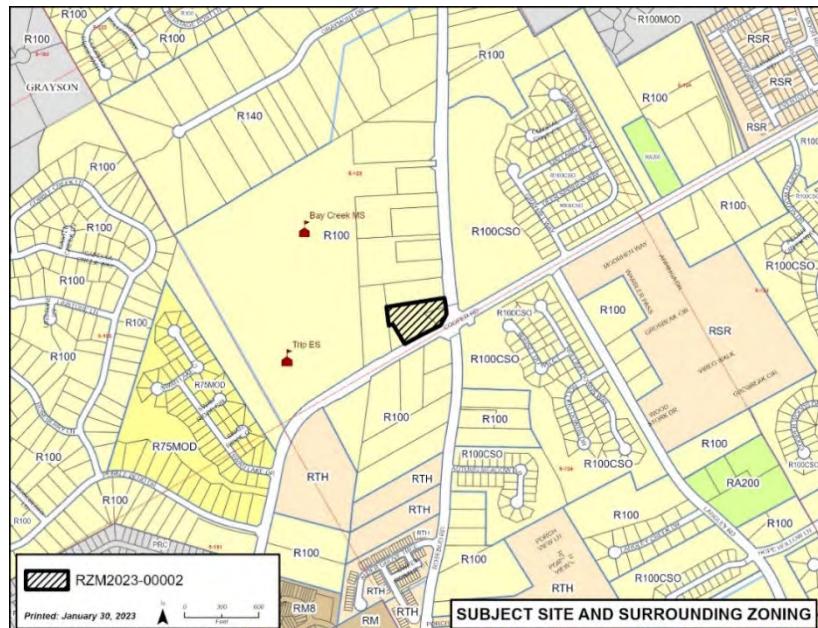
The subject property is zoned R-100 (Single-Family Residence). There are no prior zoning cases on record for this property.

## Existing Site Condition

The subject site is a 2.58-acre parcel located at the northwest corner of Cooper Road and Rosebud Road. The site is currently undeveloped, and the topography is relatively flat, pastureland with a few existing trees along the edge of the property. The property is enclosed with a woven wire fence and there are no structures on the property. Overhead utilities are located along both sides of Cooper Road. Sidewalks are present along all road frontages. The nearest Gwinnett County Transit stop is located 5.5 miles from the subject site.

## Surrounding Use and Zoning

The surrounding area consists of single-family subdivisions and single-family residences on large lots. To the east directly across Rosebud Road, is Stillwater a single-family detached subdivision, with a large detention pond. To the northwest of the site is Trip Elementary and Bay Creek Middle School. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Townhouses	R-TH	7.38 units per acre
North	Single-Family Residential	R-100	0.47 units per acre
East	Single-Family Residential	R-100	2.03 units per acre
South	Single-Family Residential	R-100	0.29 units per acre
West	Single-Family Residential	R-100	1.7 units per acre

## Project Summary

The applicant requests rezoning of a 2.58-acre property zoned R-100 to R-TH for townhouses, including:

- 19 front-entry townhouses yielding a net density of 7.38 units per acre.
- Units with a minimum of 1,400 square feet of heated floor area, each with a minimum of three bedrooms.
- Facade materials consisting of brick and stone with board and batten accents.
- Double car garages for each unit.
- 5 guest parking spaces located central to the site.
- A cul-de-sac street with five-foot-wide sidewalks on both sides of the street.
- An emergency fire lane provided from the cul-de-sac to Cooper Road for emergency use only.
- A decorative fence, of unknown height and material, along the Rosebud Road and Cooper Road frontages.
- A variance request to reduce the minimum required, common area from 15% to 12%.
- One stormwater management facility located toward the southwestern corner of the development near Cooper Road.
- A 35-foot-wide zoning buffer adjacent to the R-100 zoned property to the west and north.
- A mailbox kiosk located along the proposed cul-de-sac.
- Access from a single entrance from Cooper Road with a deceleration lane

## Zoning and Development Standards

The applicant is requesting rezoning to R-TH, Single-Family Residence Townhouse District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	<35'	YES
External Front Yard Setback	Minimum 30'	>30'	YES
External Side Yard Setback	Minimum 20'	>20'	YES
External Rear Yard Setback	Minimum 20'	>20'	YES
Heated Floor Area	2-bedroom Minimum 1,000 sf 3-bedroom Minimum 1,200 sf 4-bedroom Minimum 1,400 sf	1,400 sf	YES
Common Area	Minimum 15% (0.39 acres)	12% (0.31 acres)	NO
Density	Maximum 10 units per acre	7.38	YES
Zoning Buffer	Minimum 35' from R-100	35'	YES

Off-Street Parking	3 space per unit (40 spaces)	76	YES
Guest Parking	0.25 space per unit (5 spaces)	5	YES

## **Variance Request**

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

1. Section 230-10 Dimensional Standards of Zoning Districts.

***Minimum percentage of Common Area in R-TH is 15% of the subject site.***

The applicant is requesting a reduction in the percentage of required common area from 15% to 12%.

## **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 F). Standard site and infrastructure improvements will also be required related to transportation, stormwater, 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:

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

The subject property is surrounded by single-family detached residences on large lots and within subdivisions. The property adjacent to the subject property contain barns and pasture areas for horses giving the immediate area a rural character. Other townhouse subdivisions, recently approved in the area were, all on significantly larger parcels and located closer to major roads. Therefore, a townhouse subdivision on the subject property is not suitable.

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

The existing use and usability of adjacent or nearby properties would be adversely affected by the zoning change. The proposed development is significantly denser than the surrounding properties and is out of character for the immediate area. Nearby properties are developed with single family detached subdivisions and single-family residences on large lots.

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

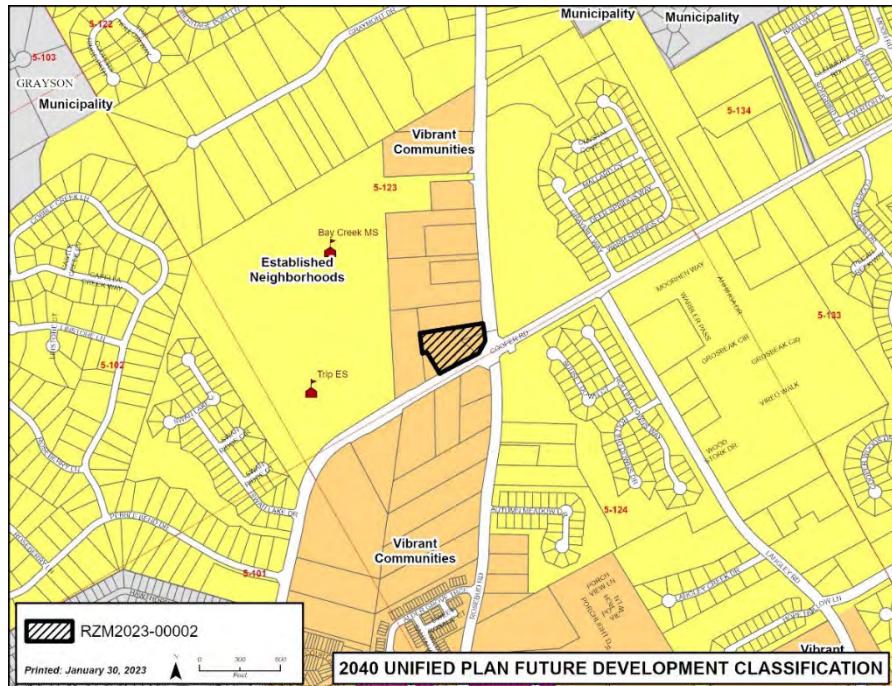
The property has a reasonable economic use as currently zoned.

**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. An increased impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning and rezoning request is attached (Exhibit F).

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

The 2040 Unified Plan and Future Development Map indicate the subject property lies within the Vibrant Communities Character Area. The Vibrant Communities Character Area is intended to serve as a transition between nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where the various types of activity centers and nodes are located. The R-TH zoning district is one of the recommended zoning districts for this character area. However, the size of the site is too small to accommodate the development as proposed. In addition, the proposed development is out of character for this area. A townhouse development as proposed would not be appropriate at this location.



**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.**

There are several issues with the site that would likely result in required modifications during permitting, if approved. Many of the issues are a result of the close proximity to the Rosebud Road and Cooper Road intersection. The site plan does not provide the minimum width of right of way along Rosebud Road. The UDO requires 50 feet of right of way along Rosebud Road when located within 500 feet of an intersection. This additional required right of way would result in a reduction in the number of lots and the common area currently shown adjacent to Rosebud Road. Additionally, due to the close proximity to the intersection, the Department of Transportation would require the proposed street to be a right-in/right-out. It appears the development, as proposed, is unbuildable.

**Variance Requests Analysis:** The standards for granting variances are outlined in Section 270-100.7 of the UDO. Staff makes the following findings related to the variance request:

The proposed site plan provides common area totaling 12% of the total site area. The common area which is provided would likely be reduced even more due to the required right of way along Rosebud Road. The site is not large enough to accommodate the development as currently designed. Reducing the amount of common area from 15% to 12% would not be appropriate as it is opposed to the general spirit and intent of the UDO and is only requested to increase the density of the subdivision and not a result of topographical or other unique aspect of the property.

### **Staff Recommendation**

Based on the staff's evaluation of the request and the standards governing 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 request:

1. To reduce the amount of required common area from 15% to 12%.

### **Staff Recommended Conditions**

*NOTE: The following conditions are provided as a guide should the Board of Commissioners choose to approve this petition.*

Approval as R-TH (Single Family Townhouse District) for a townhouse development, subject to the following conditions:

1. The final site plan shall be subject to the review and approval of the Department of Planning and Development.
2. The minimum heated floor area per dwelling unit shall be 1,400 square feet.
3. All dwellings shall have a minimum two-car garage.

4. A mandatory homeowners association shall be established and shall be responsible for maintenance of all common areas/facilities.
5. Natural vegetation shall remain on the property until the issuance of a development permit.
6. All grassed areas shall be sodded.
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. All residences shall adhere to the Architectural Design Standards for Category 3, Attached Residential Buildings. All facades oriented toward an external right-of-way shall also meet the requirements of front facades.
9. The developer shall design the proposed driveway as a right-in/right-out only, to not allow left turns into and out of the development, which would interfere with an existing left-turn lane storage for Cooper Road onto Rosebud Road.
10. Access for all emergency vehicles shall be accommodated with the proposed cul-de-sac street.

### **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 **DENIAL** of the rezoning request.

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

1. To reduce the amount of required common area from 15% to 12%.

**Exhibits:**

- A. Site Visit Photos
- B. Proposed Site Plan
- C. Proposed Building Elevation
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. Internal and External Agency Review Comments
- G. Maps

## Exhibit A: Site Visit Photos



**View of Property Frontage from Cooper Road**



**View of Property from Southeast corner of Cooper and Rosebud Road**

**Exhibit B: Site Plan**

**[attached]**

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

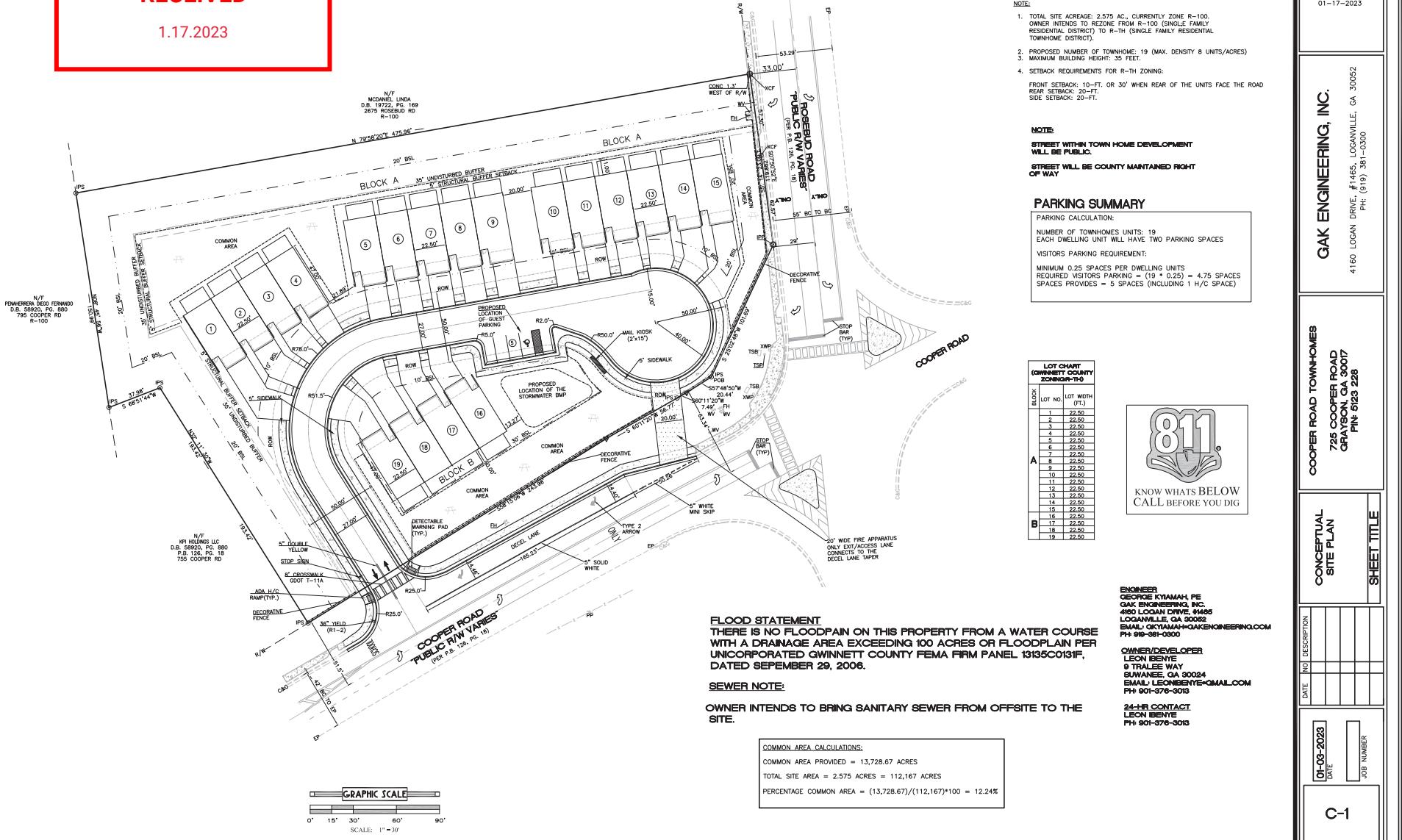
RECEIVED

1.17.2023

TOTAL SITE AREA = 112,167.00 S.F. = 2.575 AC.



01-17-2023



**Exhibit C: Proposed Building Elevation  
[attached]**

**RECEIVED**

1.17.2023



RECEIVED

1.17.2023



**RECEIVED**

1.17.2023



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

**[attached]**

RECEIVED

1/3/2023

# GAK Engineering, Inc.

4160 Logan Drive, #1465, Loganville GA 30052

Tel: 919-381-0300

Email: gkyiamah@gakengineering.com

January 3, 2023

## VIA EMAIL DELIVERY

Gwinnett County Planning and Development  
c/o Susan Canon, Director of Planning and Development  
446 West Crogan Street  
Lawrenceville, GA 30046-2440

## **RE: LETTER OF INTENT FOR REZONING APPLICATION LEON INBENYEWA (725 COOPER ROAD, GRAYSON, GA 30017)**

Dear Director and Staff:

GAK Engineering, Inc submits this letter of Intent and attached Rezoning Application on behalf of Mr. Leon Ibenyenwa (the "Owner") for purpose of requesting the rezoning of an approximate 2.575 acre-tract (the "property") located on Cooper Road at the northwestern quadrant of the intersection of Cooper Road and Rosebud Road. The tax parcel ID for the property is R5123 228 and is currently zoned Single-Family Residence District (R-100).

The Applicant is requesting to rezone the Property from the existing R1-00 zoning classification to the Single-Family Residence Townhome District (R-TH) zoning classification of the Gwinnett County Unified Development Ordinance (the "UDO") to develop a distinctive and attractive residential townhome community with 19 units as depicted on the site plan submitted with the Application, for a net density of 7.38 units per acre. The Applicant is proposing to provide a 35' undisturbed buffer along the western and northern property line adjacent to the adjacent to the existing R-100 neighborhood in accordance with the requirements of the UDO. The eastern and southern property lines are bounded by the rights-of-way of Rosebud and Cooper Roads respectively in which setback as required by the UDO are being proposed.

The northern boundary of the Subject Property is adjacent to the existing multi-family community in which buffer and setback as required by the UDO are being proposed.

The nearest R-TH to proposed developed is on Rosebud Road about 1/3 of a mile from the intersection of Cooper Road and Rosebud Road, towards Hwy 78.

The proposed townhome community would consist of multiple townhome sizes with a minimum of 1,400 SF of heated floor area with a minimum of three bedrooms. The proposed townhomes would include front-entry two car garages as well as attractive architectural elements which are compatible with the surrounding area. The front facades of the homes would be constructed primarily of brick, stone, shake/siding as depicted in the building elevations submitted with the Application.

The proposed development would be compatible with nearby and adjacent uses. The adjacent zoning classification is R-100 and the nearby zoning classification include R-

Thank You for your custom

RECEIVED

1/3/2023

# GAK SERVICES, LLC

4160 Logan Drive, #1465, Loganville GA 30052

Tel: 919-381-0300

Email: [gakengineersinc@gmail.com](mailto:gakengineersinc@gmail.com)

100CSO, R-TH, RM, OI, and C-2. The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the Vibrant Communities Character Area.

The Vibrant Communities Character Area allows for a broader mix of housing types, income levels and phases of life. These areas are also identified to surround the areas designated as Activity Centers in the plan, to maximize accessibility to commerce, jobs, and entertainment. These vibrant communities are intended to serve as a transition or buffer between Activity Centers and the established single family residential areas and generally located away from the primary intersection where the activity centers are located. Dependent on the setting, zoning pattern, and intensity of development characterizing these various locations throughout the County, new development and redevelopment in Vibrant Communities may contain a mix of housing types, including small lot single-family housing, multi-family housing, senior housing, and, most importantly, townhomes.

Potential development types that are specifically encouraged in this character area include mixed residential developments, townhomes, and apartments. As such, the proposed development is in line with these encouraged land uses and with Theme 4 of the 2040 Plan, which is to “provide more housing choices”. The proposed development would provide residential development at a density and architectural character that is compatible with existing nearby development and the spirit and intent of the 2040 Plan as intended within the Vibrant Communities Character Area.

Additionally, we are requesting a reduction in the minimum common area from 15% to 12%.

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

Respectfully submitted this 3<sup>rd</sup> day of January 2023.

GAK Engineering, Inc



George Kyiamah, PE  
Consulting Engineers

Thank You for your custom

**Exhibit E: Application and Disclosure of Campaign Contributions**

**[attached]**

RECEIVED

1/3/2023

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*	
NAME: <u>GAK Engineering, Inc.</u>	NAME: <u>Leon Ibenyenwa</u>	
ADDRESS: <u>3880 N. Sharon Church Rd.</u>	ADDRESS: <u>9 Tralee Way</u>	
CITY: <u>Loganville</u>	CITY: <u>Suwanee</u>	
STATE: <u>GA</u> ZIP: <u>30052</u>	STATE: <u>GA</u> ZIP: <u>30024</u>	
PHONE: <u>919-381-0300</u>	PHONE: <u>901-376-3013</u>	
EMAIL: <u>gkyiamah@gakengineering.com</u>	EMAIL: <u>Leonibenye@gmail.com</u>	
CONTACT PERSON: <u>George Kyiamah</u>	PHONE: <u>919-381-0300</u>	
CONTACT'S E-MAIL: <u>gkyiamah@gakengineering.com</u>		
<b>APPLICANT IS THE:</b>		
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>R-TH</u>		
PARCEL NUMBER(S): <u>228</u> ACREAGE: <u>2.575</u>		
ADDRESS OF PROPERTY: <u>725 Cooper Road, Grayson, GA 30017</u>		
PROPOSED DEVELOPMENT: <u>Townhomes</u>		

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>19</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>1,400</u>	Total Building Sq. Ft. _____
Gross Density: <u>7.38 units/acre</u>	Density: _____
Net Density: <u>10.13 units/acre</u>	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

RECEIVED

1/3/2023

**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

12-29-2022

Date

GEORGE KYIAMAH / PRINCIPAL ENGINEER

Type or Print Name and Title



Kylie M Opeka

12-29-2022

Signature of Notary Public

Date

Notary Seal

**RECEIVED**

1/3/2023

**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.



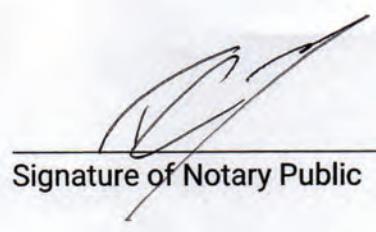
Signature of Property Owner

12 - 20 - 22  
~~20 - 12 - 22~~

Date

LEON BENYENNA

Type or Print Name and Title

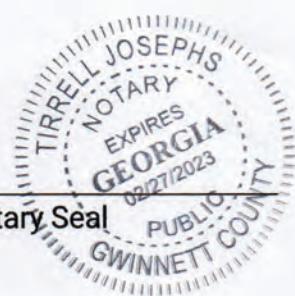


Signature of Notary Public

12/20/22

Date

Notary Seal

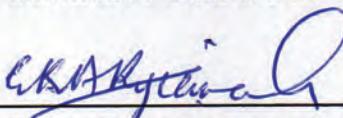


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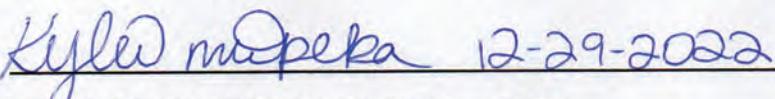
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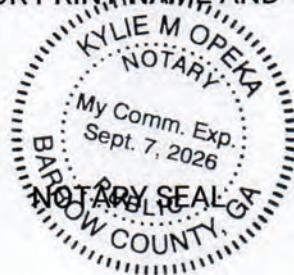
**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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.

 12-29-2022 GEORGE KYIAMAH /PRINCIPAL ENGINEER  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE  
ATTORNEY OR REPRESENTATIVE

 12-29-2022  
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

GEORGE KYIAMAH

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.

**Exhibit F: Internal and External Agency Review Comments**

**[attached]**



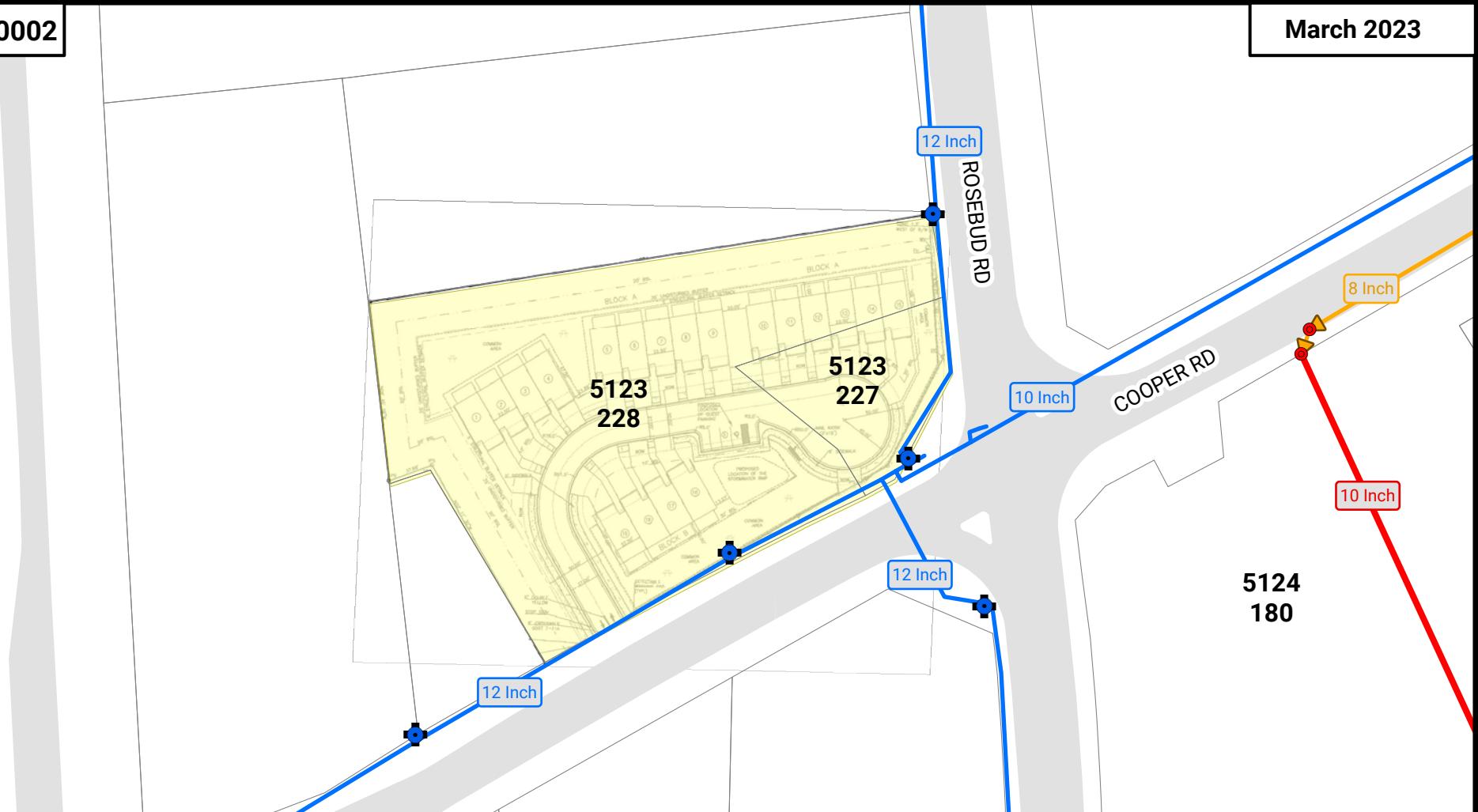
**Department of Planning and Development**  
**TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b> 2.15.2023				
Department/Agency Name: Transportation				
Reviewer Name: Brent Hodges				
Reviewer Title: Construction Manager 1				
Reviewer Email Address: <a href="mailto:Brent.Hodges@gwinnettcounty.com">Brent.Hodges@gwinnettcounty.com</a>				
Case Number: RZM2023-00002				
Case Address: 725 Cooper Road				
<b>Comments:</b>		<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>
1	Cooper Road is a major collector. ADT = 7,275.			
2	5.5 miles to the nearest transit facility (#2454884) Grayson Highway and VFW #5255.			
3	Per the UDO Table 900.1: Rosebud Road is classified as a minor arterial, within 500' of a signalized intersection; therefore, a minimum of 50' of right-of-way must be provided along the Rosebud Road frontage.			
4				
5				
6				
7				
<b>Recommended Zoning Conditions:</b>		<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>
1	The developer shall design the proposed driveway as a right-in/right-out only, to not allow for left turns into and out of the development, which would interfere with an existing left-turn lane storage for Cooper Road onto Rosebud Road. As per UDO section 900-40.5: Greater separation may be required for safe operation of intersections and right or left turning lanes.			
2				
3				
4				
5				
6				



**Department of Planning and Development**  
**TECHNICAL REVIEW COMMITTEE**

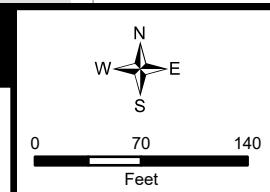
<b>TRC Meeting Date:</b>	
Department/Agency Name: DWR	
Reviewer Name: Mike Pappas	
Reviewer Title: GIS Planning Manager	
Reviewer Email Address: <a href="mailto:Michael.pappas@gwinnettcounty.com">Michael.pappas@gwinnettcounty.com</a>	
Case Number: RZM2023-00002	
Case Address: 725 Cooper Road	
<b>Comments:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
1	Water: The proposed development may connect to an existing 12-inch water main on the northern right-of-way of Cooper Road.
2	Sewer: Sewer Capacity Certification C2022-374-12 was approved in December 2022 for 19 townhomes to connect to an existing 10-inch gravity sewer main located on the eastern side of Parcel 5124 180 at Manhole FID 237239.
3	
4	
5	
6	
7	
<b>Recommended Zoning Conditions:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
1	
2	
3	
4	
5	
6	
7	



## LEGEND

▲ Flow Management	● Hydrant	▲ Sewer Force Main
▲ Pump Station	■ City	▲ Effluent Outfall
▲ Regional	■ Water Main	▲ Sewer Collector
● Manhole	■ Reuse Main	▲ Sewer Interceptor

**725 Cooper Road**  
R-100 to R-TH  
**Water & Sewer**  
**Utility Map**



## LOCATION



**Water Comments:** The proposed development may connect to an existing 12-inch water main on the northern right-of-way of Cooper Road.

**Sewer Comments:** Sewer Capacity Certification C2022-374-12 was approved in December 2022 for 19 townhomes to connect to an existing 10-inch gravity sewer main located on the eastern side of Parcel R5124-180 at Manhole FID: 237239.

**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 5th, 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.



**Department of Planning and Development**  
**TECHNICAL REVIEW COMMITTEE**

Residential Rezoning Impact on Local Schools Prepared for Gwinnett County BOC, March, 2023											Proposed Zoning
	School	Forecast	2022-23 Capacity	+/- Cap.	Forecast	2023-24 Capacity	+/- Cap.	Forecast	2024-25 Capacity	+/- Cap.	Approximate Student Projections from Proposed Developments
RZM2023-00002	<b>Grayson HS</b>	3,277	3,000	277	3,375	3,000	375	3,477	3,000	477	3
	<b>Bay Creek MS</b>	1,318	1,150	168	1,345	1,150	195	1,385	1,150	235	3
	Trip ES	1,241	1,200	41	1,266	1,200	66	1,291	1,200	91	5
RZM2023-00004	<b>Discovery HS</b>	2,862	2,525	337	2,905	2,525	380	2,949	2,525	424	7
	<b>Richards MS</b>	2,052	2,200	-148	2,093	2,200	-107	2,124	2,200	-76	6
	Cedar Hill ES	901	1,000	-99	888	1,000	-112	879	1,000	-121	11
RZC2023-00008	<b>Shiloh HS</b>	2,250	2,275	-25	2,330	2,275	55	2,365	2,275	90	25
	<b>Shiloh MS</b>	1,669	1,600	69	1,653	1,600	53	1,670	1,600	70	18
	Annistown ES	705	625	80	716	625	91	723	625	98	33

**Exhibit G: Maps**

**[attached]**



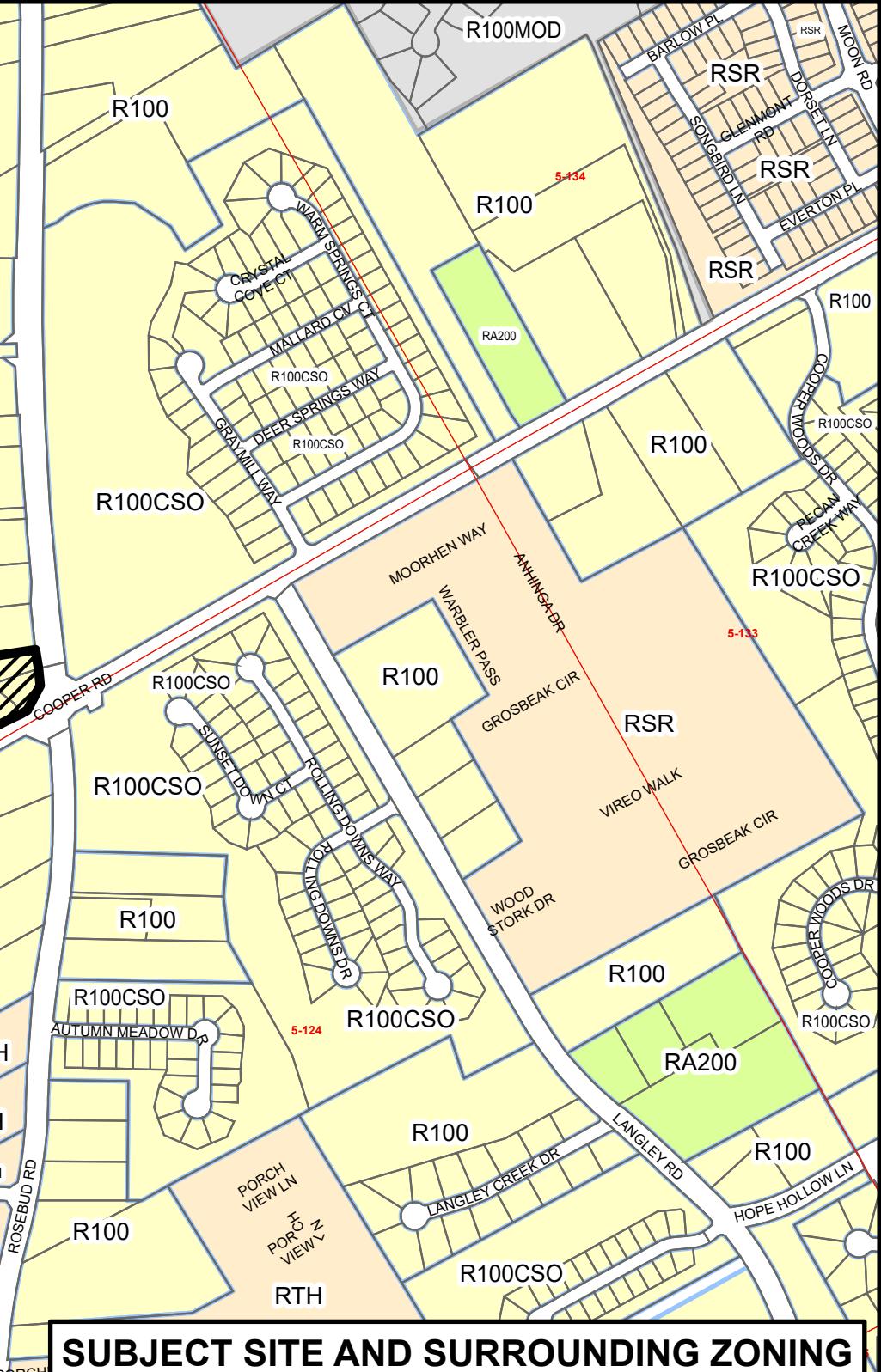
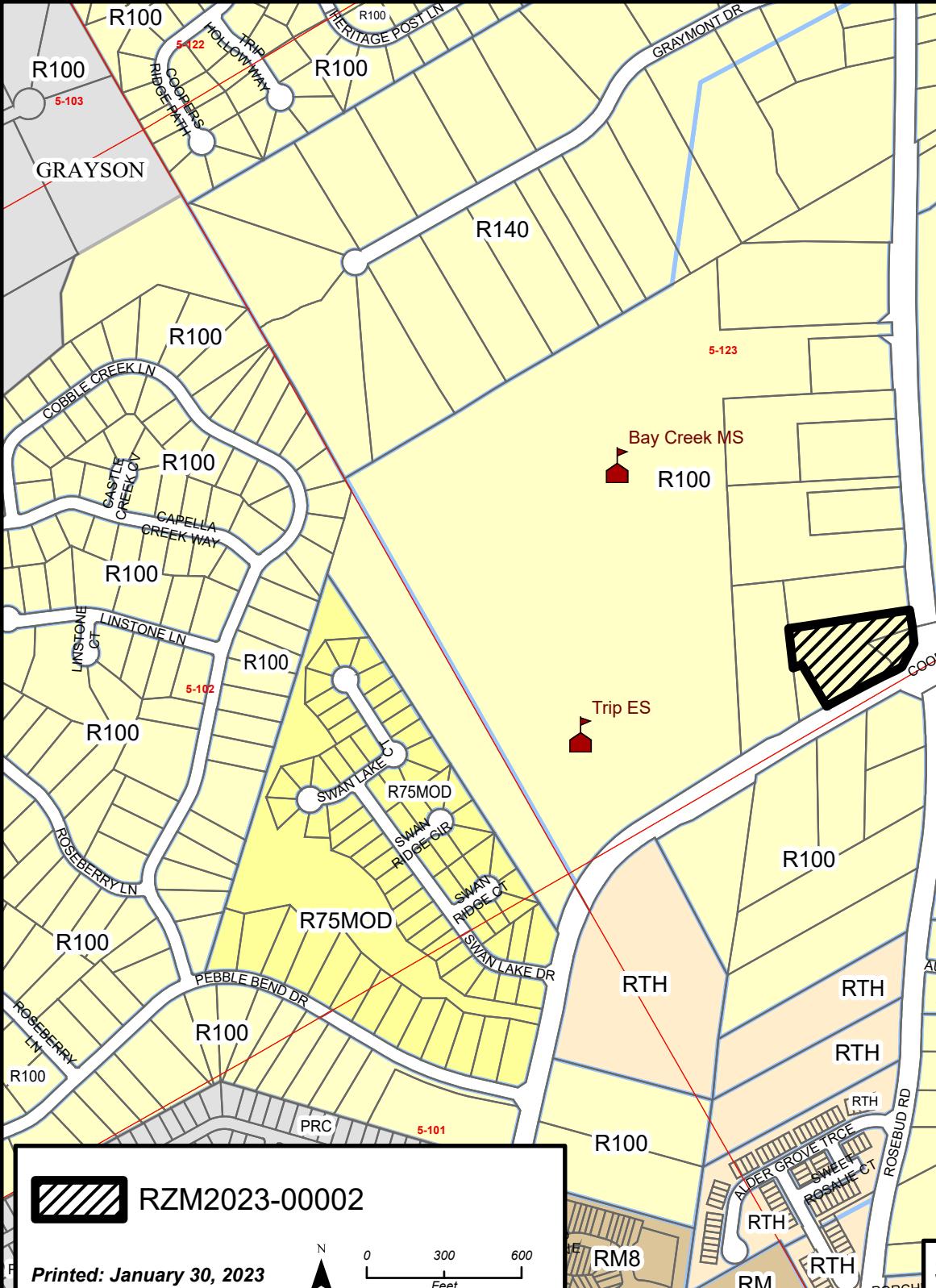
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Printed: January 30, 2023

Gwinnett County GIS



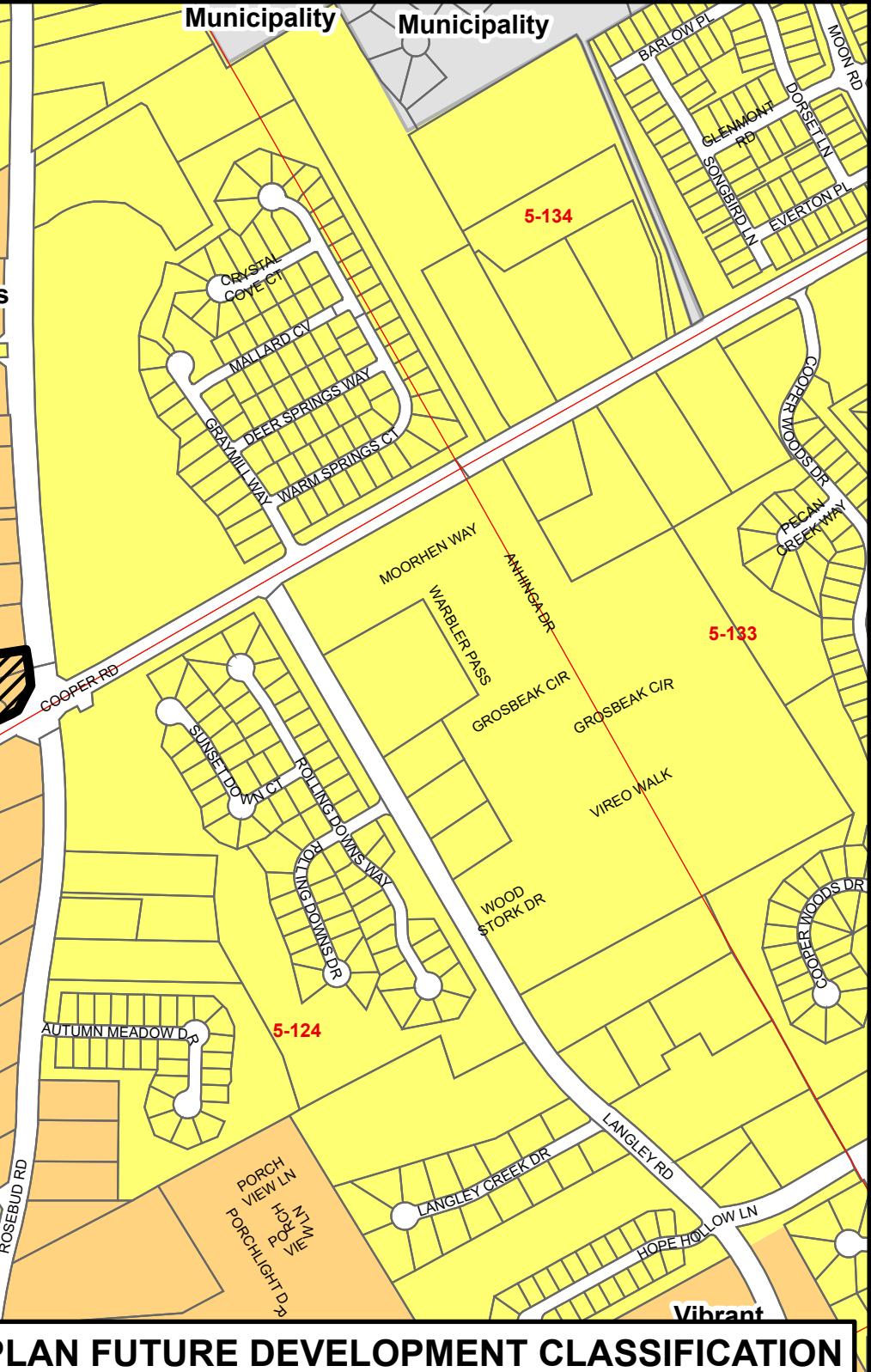
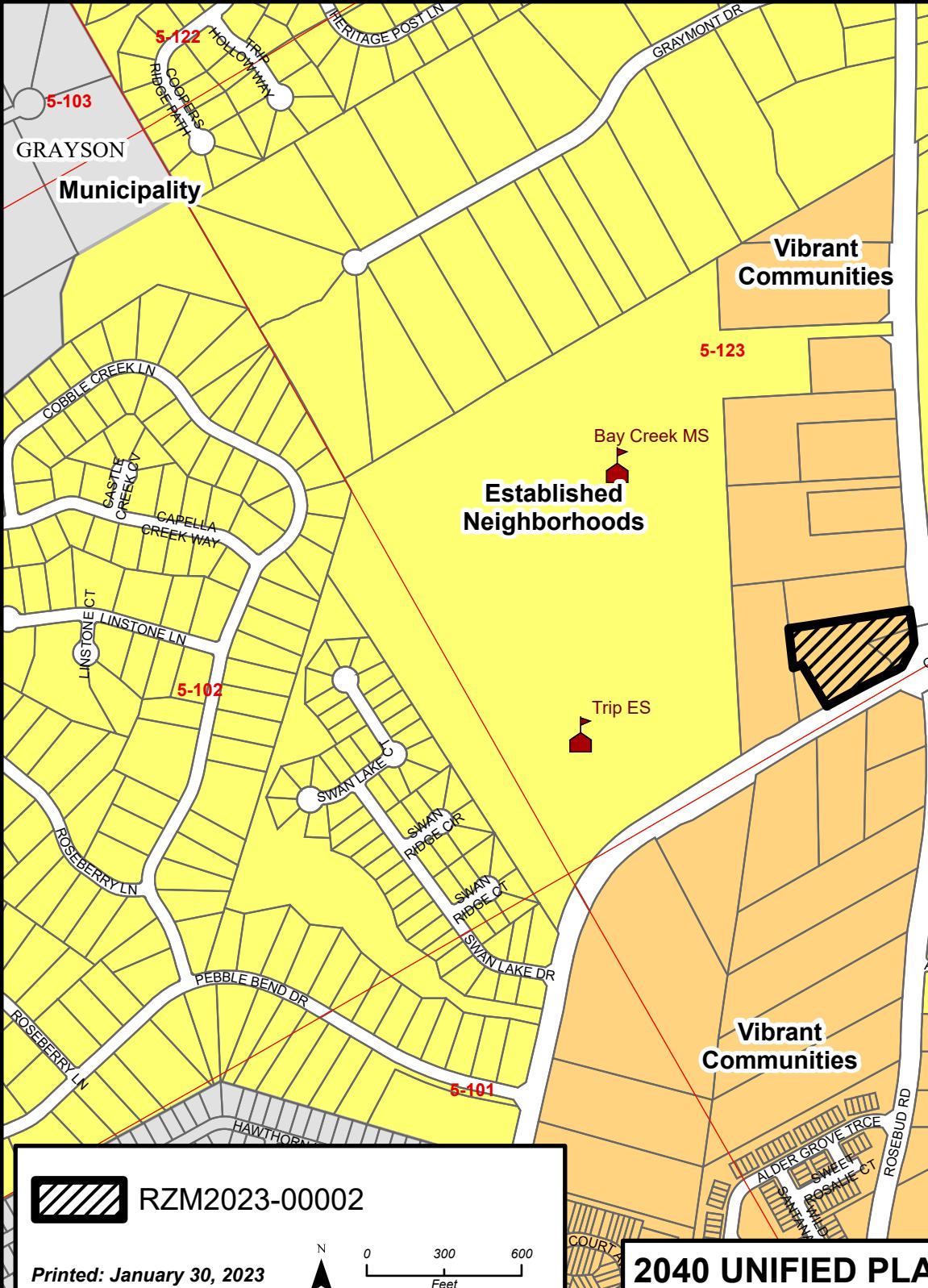
RZM2023-00002

Printed: January 30, 2023



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## **SUBJECT SITE AND SURROUNDING ZONING**



**RECEIVED**

1/3/2023

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

**REZONING APPLICATION**

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*	
NAME: <u>GAK Engineering, Inc.</u>	NAME: <u>Leon Ibenyenwa</u>	
ADDRESS: <u>3880 N. Sharon Church Rd.</u>	ADDRESS: <u>9 Tralee Way</u>	
CITY: <u>Loganville</u>	CITY: <u>Suwanee</u>	
STATE: <u>GA</u> ZIP: <u>30052</u>	STATE: <u>GA</u> ZIP: <u>30024</u>	
PHONE: <u>919-381-0300</u>	PHONE: <u>901-376-3013</u>	
EMAIL: <u>gkyiamah@gakengineering.com</u>	EMAIL: <u>Leonibenye@gmail.com</u>	
CONTACT PERSON: <u>George Kyiamah</u>	PHONE: <u>919-381-0300</u>	
CONTACT'S E-MAIL: <u>gkyiamah@gakengineering.com</u>		
<b>APPLICANT IS THE:</b>		
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>R-100</u>	REQUESTED ZONING DISTRICT: <u>R-TH</u>	
PARCEL NUMBER(S): <u>228</u>	ACREAGE: <u>2.575</u>	
ADDRESS OF PROPERTY: <u>725 Cooper Road, Grayson, GA 30017</u>		
PROPOSED DEVELOPMENT: <u>Townhomes</u>		

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>19</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>1,400</u>	Total Building Sq. Ft. _____
Gross Density: <u>7.38 units/acre</u>	Density: _____
Net Density: <u>10.13 units/acre</u>	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

**RECEIVED**

1/3/2023

## **REZONING APPLICANT'S RESPONSE**

### STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

**(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:**

Yes, the development will be suitable in view of the uses of the adjacent and nearby properties.

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

No, this rezoning request proposes a residential development. It is entirely compatible with nearby residential property and will not adversely affect those properties. As proposed, the development will be more consistent with the surrounding area.

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

The applicant submits the rezoning would allow for a feasible economic use compatible with the pattern of development in the area. Due to the size and location of the property, the applicant maintains that the subject property does not have 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 BURDENOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:**

The proposed use is consistent with the Unified plan which supports similar uses in this corridor and the proposed development will not cause excessive use of existing streets, transportation facilities, utilities, or schools.

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

Yes. The 2040 Unified Plan identifies this Property as within the Vibrant Communities Character Area and Townhome developments may be integrated into the community.

**(F) WHETHER THERE IS 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:**

Yes, the Board of Commissioners' actions in permitting similar residential uses in the area clearly established the character of this area. Also, the pattern of development in the area and the proposed development's consistency with the nearby uses support grounds for the approval of the proposed rezoning.

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1/3/2023

**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

12-29-2022

Date

GEORGE KYIAMAH / PRINCIPAL ENGINEER

Type or Print Name and Title

Kylie M Opeka

Signature of Notary Public

12-29-2022

Date



Notary Seal

**RECEIVED**

1/3/2023

**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.



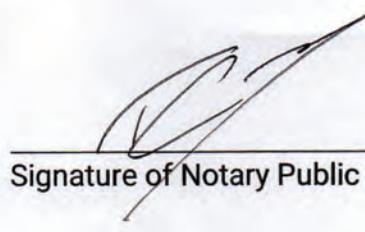
Signature of Property Owner

12 - 20 - 22  
~~20 - 12 - 22~~

Date

LEON BENYENNA

Type or Print Name and Title

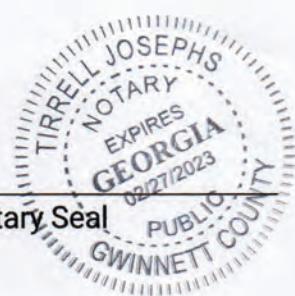


Signature of Notary Public

12/20/22

Date

Notary Seal



**RECEIVED**

1/3/2023

## **EXHIBIT A – LEGAL DESCRIPTION**

All that tract of land lying and being in Land lot 123 of the 5<sup>th</sup> District, Gwinnett County, Georgia, containing 2.575 acres as shown on plat of survey for Leon Ibenyenwa, prepared by Adam & Lee Land Surveying, dated October 24, 2022, and being more particularly described according to said survey as follows:

BEGINNING at a point (denoted as POB) marked by  $\frac{1}{2}$  inch rebar found with cap (IPS) located on the northwesterly right of way of Cooper Road (right of way varies) and at the point where said right of way intersects with the right of way of Rosebud Road; running thence along the northwesterly right of way of Cooper Road South 57 degrees 48 minutes 50 seconds west a distance of 20.44 feet to a point; thence South 60 degrees 11 minutes 20 seconds west a distance of 7.49 feet to a point marked by  $\frac{1}{2}$  inch rebar w/cap (IPS); thence South 60 degrees 11 minutes 20 seconds west a distance of 56.77 feet to a point; thence South 58 degrees 15 minutes 06 seconds west a distance of 243.98 feet to a point marked by  $\frac{1}{2}$  inch rebar w/cap; thence leaving the aforesaid right of way of Cooper Road, running thence north 32 degrees 11 minutes 30 seconds west a distance of 193.42 feet to a point marked by  $\frac{1}{2}$  inch rebar w/cap; thence south 68 degrees 51 minutes 44 seconds west a distance of 37.98 feet to a point marked by  $\frac{1}{2}$  inch rebar w/cap; thence north 08 degrees 45 minutes 56 seconds west a distance of 150.99 feet to a point marked by  $\frac{1}{2}$  inch rebar w/cap; thence north 79 degrees 58 minutes 20 seconds east a distance of 475.96 feet to a point marked by cut in concrete located on the westerly right of way of Rosebud Road; running thence along the westerly right of way of Rosebud Road South 07 degrees 50 minutes 52 seconds east a distance of 119.88 feet to a point marked by  $\frac{1}{2}$  inch; thence South 25 degrees 02 minutes 48 seconds west a distance of 101.69 feet to a point marked by  $\frac{1}{2}$  inch rebar w/cap and the TRUE PLACE OR POINT OF BEGINNING.



GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

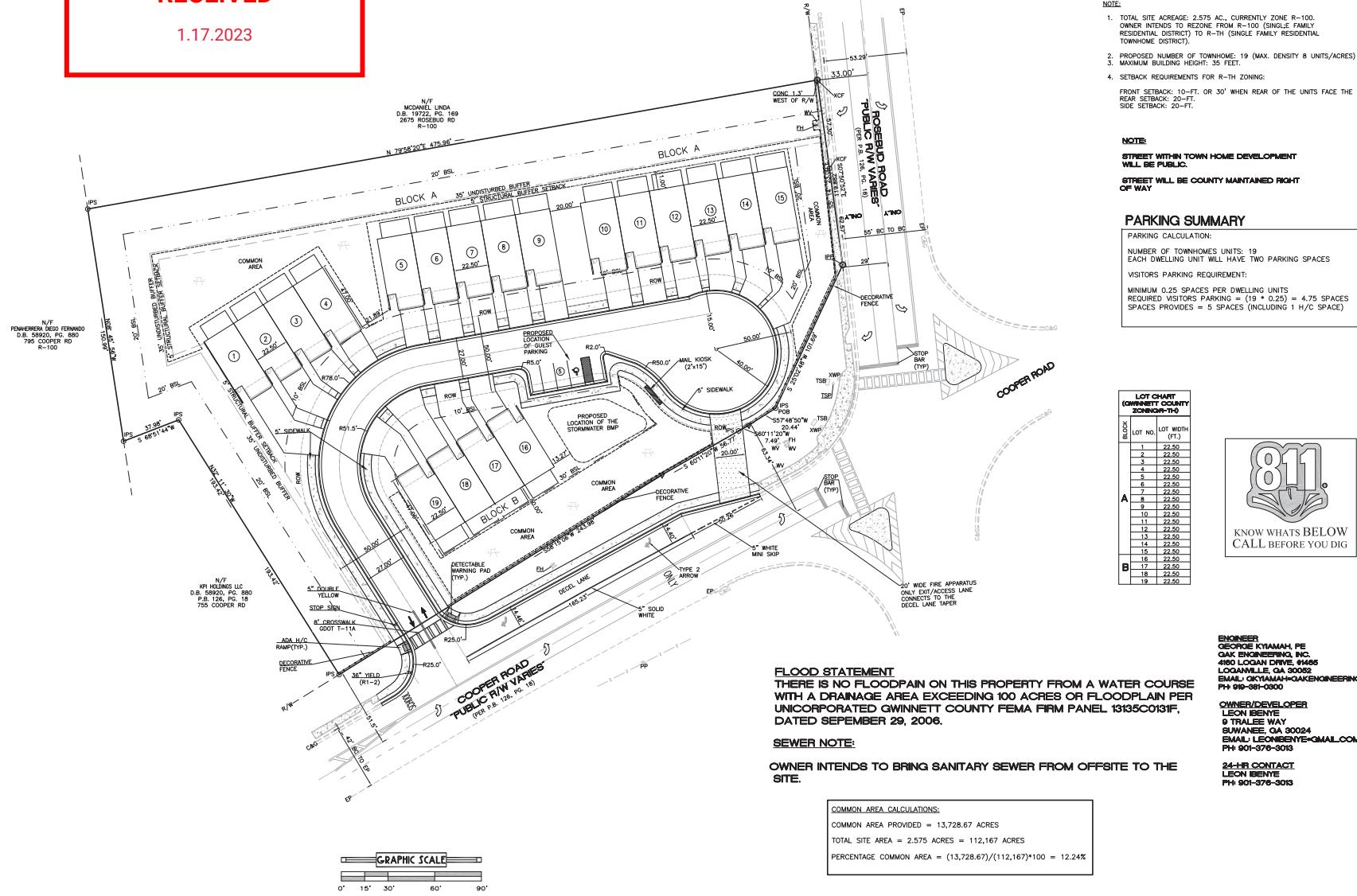
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1.17.2023

TOTAL SITE AREA = 112,167.00 S.F. = 2.575 AC.



GAK ENGINEERING, INC.  
4160 LOGAN DRIVE, #1465, LOGANVILLE, GA 30052  
PH: (919) 381-0300



CONCEPTUAL  
SITE PLAN  
SHEET TITLE

01-03-2023  
DATE  
01-03-2023  
DATE  
C-1  
JOB NUMBER

ENGINEER  
GEORGE KYAMAH, PE  
GAK ENGINEERING, INC.  
4160 LOGAN DRIVE, #1465  
LOGANVILLE, GA 30052  
EMAIL: GKYAMAH@GAKENGINEERING.COM  
PH: 901-381-0300

OWNER/DEVELOPER  
LEON BENYE  
9 THUNDERWAY  
SUWANEE, GA 30024  
EMAIL: LEONBENYE@GMAIL.COM  
PH: 901-376-3013

24-HR CONTACT  
LEON BENYE  
PH: 901-376-3013

RECEIVED

1/3/2023

# GAK Engineering, Inc.

4160 Logan Drive, #1465, Loganville GA 30052

Tel: 919-381-0300

Email: gkyiamah@gakengineering.com

January 3, 2023

## VIA EMAIL DELIVERY

Gwinnett County Planning and Development  
c/o Susan Canon, Director of Planning and Development  
446 West Crogan Street  
Lawrenceville, GA 30046-2440

## **RE: LETTER OF INTENT FOR REZONING APPLICATION LEON INBENYEWA (725 COOPER ROAD, GRAYSON, GA 30017)**

Dear Director and Staff:

GAK Engineering, Inc submits this letter of Intent and attached Rezoning Application on behalf of Mr. Leon Ibenyenwa (the "Owner") for purpose of requesting the rezoning of an approximate 2.575 acre-tract (the "property") located on Cooper Road at the northwestern quadrant of the intersection of Cooper Road and Rosebud Road. The tax parcel ID for the property is R5123 228 and is currently zoned Single-Family Residence District (R-100).

The Applicant is requesting to rezone the Property from the existing R1-00 zoning classification to the Single-Family Residence Townhome District (R-TH) zoning classification of the Gwinnett County Unified Development Ordinance (the "UDO") to develop a distinctive and attractive residential townhome community with 19 units as depicted on the site plan submitted with the Application, for a net density of 7.38 units per acre. The Applicant is proposing to provide a 35' undisturbed buffer along the western and northern property line adjacent to the adjacent to the existing R-100 neighborhood in accordance with the requirements of the UDO. The eastern and southern property lines are bounded by the rights-of-way of Rosebud and Cooper Roads respectively in which setback as required by the UDO are being proposed.

The northern boundary of the Subject Property is adjacent to the existing multi-family community in which buffer and setback as required by the UDO are being proposed.

The nearest R-TH to proposed developed is on Rosebud Road about 1/3 of a mile from the intersection of Cooper Road and Rosebud Road, towards Hwy 78.

The proposed townhome community would consist of multiple townhome sizes with a minimum of 1,400 SF of heated floor area with a minimum of three bedrooms. The proposed townhomes would include front-entry two car garages as well as attractive architectural elements which are compatible with the surrounding area. The front facades of the homes would be constructed primarily of brick, stone, shake/siding as depicted in the building elevations submitted with the Application.

The proposed development would be compatible with nearby and adjacent uses. The adjacent zoning classification is R-100 and the nearby zoning classification include R-

Thank You for your custom

RECEIVED

1/3/2023

# GAK SERVICES, LLC

4160 Logan Drive, #1465, Loganville GA 30052

Tel: 919-381-0300

Email: [gakengineersinc@gmail.com](mailto:gakengineersinc@gmail.com)

100CSO, R-TH, RM, OI, and C-2. The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the Vibrant Communities Character Area.

The Vibrant Communities Character Area allows for a broader mix of housing types, income levels and phases of life. These areas are also identified to surround the areas designated as Activity Centers in the plan, to maximize accessibility to commerce, jobs, and entertainment. These vibrant communities are intended to serve as a transition or buffer between Activity Centers and the established single family residential areas and generally located away from the primary intersection where the activity centers are located. Dependent on the setting, zoning pattern, and intensity of development characterizing these various locations throughout the County, new development and redevelopment in Vibrant Communities may contain a mix of housing types, including small lot single-family housing, multi-family housing, senior housing, and, most importantly, townhomes.

Potential development types that are specifically encouraged in this character area include mixed residential developments, townhomes, and apartments. As such, the proposed development is in line with these encouraged land uses and with Theme 4 of the 2040 Plan, which is to “provide more housing choices”. The proposed development would provide residential development at a density and architectural character that is compatible with existing nearby development and the spirit and intent of the 2040 Plan as intended within the Vibrant Communities Character Area.

Additionally, we are requesting a reduction in the minimum common area from 15% to 12%.

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

Respectfully submitted this 3<sup>rd</sup> day of January 2023.

GAK Engineering, Inc



George Kyiamah, PE  
Consulting Engineers

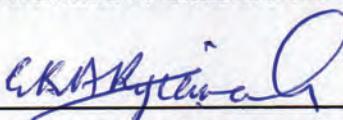
Thank You for your custom

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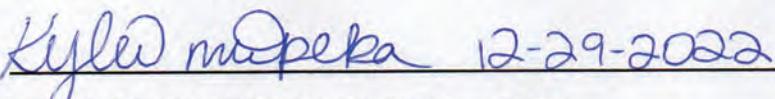
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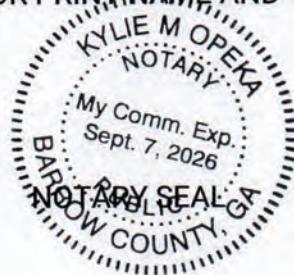
**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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.

 12-29-2022 GEORGE KYIAMAH /PRINCIPAL ENGINEER  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE  
ATTORNEY OR REPRESENTATIVE

 12-29-2022  
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

GEORGE KYIAMAH

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

1/3/2023

**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:** 5 - 123 - 228  
(Map Reference Number)      District      Land Lot      Parcel

George Kyiamah  
Signature of Applicant

12-29-2022  
Date

George Kyiamah/ Principal Engineer  
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)

Kathleen M. Lyles  
NAME

TSA  
TITLE

12/30/2022

DATE

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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1.17.2023



GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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1.17.2023



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