



PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZR2023-00005
Current Zoning: **R-100** (Single-Family Residence District)
Request: Rezoning to **R-SR** (Senior Oriented Residence District)
Additional Request: Variances
Address: 1788 Temple Johnson Road
Map Number: R5067 003
Site Area: 13.40 acres
Lots: 25
Proposed Development: Single-Family Detached Subdivision
Commission District: District 3 – Commissioner Watkins
Character Area: Established Neighborhoods

Staff Recommendation: APPROVAL WITH CONDITIONS

**Planning Commission
Recommendation:** DENIAL WITHOUT PREJUDICE

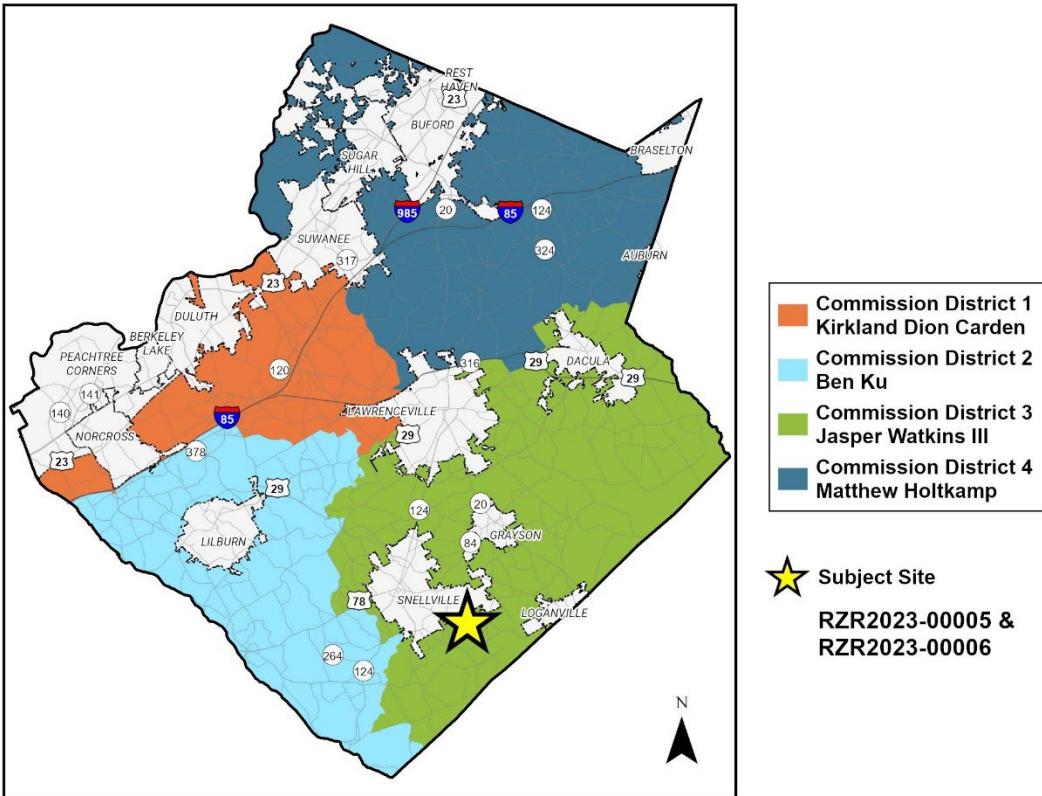
Case Number: RZR2023-00006
Current Zoning: **R-100** (Single-Family Residence District)
Request: Rezoning to **R-SR** (Senior Oriented Residence District)
Additional Request: Variances
Address: 1788 Temple Johnson Road
Map Number: R5067 003
Site Area: 38.89 acres
Lots: 147
Proposed Development: Single-Family Detached Subdivision
Commission District: District 3 – Commissioner Watkins
Character Area: Established Neighborhoods

Staff Recommendation: APPROVAL WITH CONDITIONS

**Planning Commission
Recommendation:** APPROVAL WITH CONDITIONS

**Planning Commission Advertised Public Hearing Date: 2/8/2023 (Public Hearing Held/
Recommendation Tabled to 3/7/2023)**

**Board of Commissioners Advertised Public Hearing Date: 2/28/2022 (Public Hearing Tabled to
3/28/2023)**



Applicant: David Pearson Communities
2000 First Drive, Suite 400
Marietta, GA 30062

Owner: Dr. Anne Mazzawi
1778 Emory Ridge Drive
Atlanta, GA 30329

Contact: Doug Patten

Contact Phone: 770.294.1974

Zoning History

The subject property is zoned R-100 (Single-Family Residence District). No prior zoning requests are on record for this property.

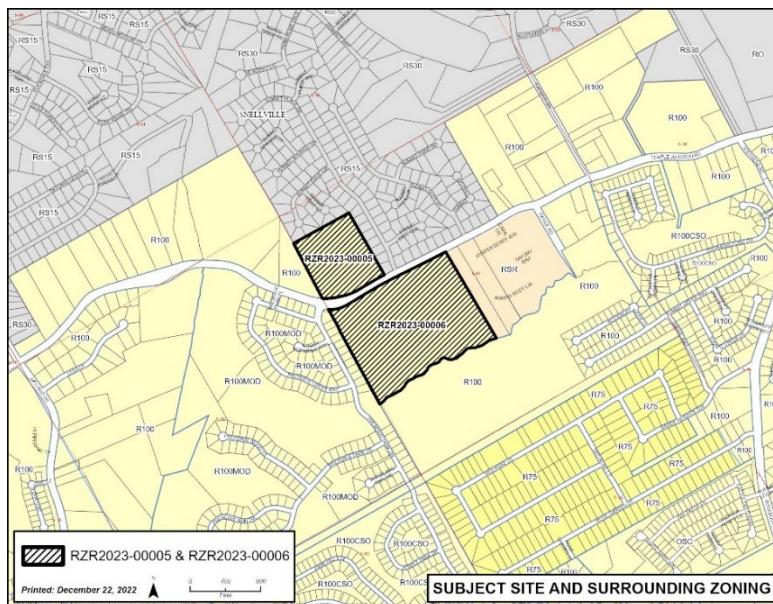
Existing Site Condition

The subject site is a 52.3-acre parcel divided by Temple Johnson Road into two tracts. The tracts are located on the north and south side of Temple Johnson Road. The southern tract is developed with a single home and accessory structure. The home sits at the end of a long driveway that cuts through the middle of the lot. The southern tract has a split rail fence along the road frontage and along both sides of the driveway. The northern tract is undeveloped and wooded. The topography of both tracts slopes up towards Temple Johnson Road. The northern tract slopes by approximately 38 feet and the southern tract by approximately 76 feet. The southern tract has a creek and its associated buffers runs

along the rear property line. Overhead utilities span the length of the southern property frontage on Temple Johnson. There are no sidewalks on Temple Johnson Road. The nearest Gwinnett County Transit stop is located 8.5 miles from the subject site.

Surrounding Use and Zoning

The subject site is surrounded by single-family detached residences on large lots and within subdivisions. The subject property borders the City of Snellville to its north. Kelly Preserve Phase I is to the east, which was recently approved in 2019 for an age restricted development. To the south is a wooded and undeveloped parcel. To the east is the Preserve at Haynes Creek, a detached single-family subdivision. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Gross Density
Proposed	Single Family Detached Subdivision	R-SR	1.86 units per acre (RZR2023-00005) 3.78 units per acre (RZR2023-00006)
North	Single-Family Residential (City of Snellville)	RS-15	2.3 units per acre
East	Single-Family Residential	R-SR	3.57 units per acre
South	Undeveloped	R-100	N/A
West	Single-Family Residential	R-100MOD	1.49 units per acre

Project Summary

The applicant requests rezoning of a 52.2-acre parcel from R-100 to R-SR for an age-restricted single-family detached subdivision, including:

- 172 single-family detached homes, yielding an average density of 3.29 units per acre.
- 25 lots (1.86 units per acre) on the northern parcel accessed via a proposed private drive.
- 147 lots (3.78 units per acre) on the southern parcel accessed via a 50-foot-wide right of way.
- Access via a single entrance from Temple Johnson Road for both tracts.
- Dwellings with two-car garages constructed with façades of brick, stacked stone, cedar, and/or cementitious siding, shake, and board and batten.
- An amenity area on the northern tract with pickleball court, pool, a clubhouse, and parking area with 64 spaces.
- No amenities on the southern tract.
- A minimum heated floor area of 1,800 square feet.
- Internal streets with 4-foot-wide sidewalks on both sides
- The required 5-foot-wide sidewalk along Temple Johnson Road is not reflected on the site plan, but will be required during development.
- A 50-foot landscaped building setback incorporating a 25-foot landscaped buffer adjacent to abutting exterior streets. A six-foot tall fence or wall is also required, but is not reflected on the site plan.
- A 25-foot landscaped buffer along exterior property boundaries except the western boundary line adjacent to Kelly Preserve Phase I.
- A driveway stub proposed to connect the southern tract with Kelly Preserve Phase I.
- One stormwater management facility for each tract to the rear of each site.
- Common area totaling 16 percent of the overall site, which is less than the minimum required 20 percent.
- A mailbox kiosk located on the northern tract near the pickle ball court and amenity parking spaces.

Zoning and Development Standards

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

Standard	Required	Proposed	Meets Standard?
Building Height	One story	Two Story	NO*
Front Yard Setback	Minimum 25' setback behind sidewalks (front-facing garages)	20'	NO**
Side Yard Setback	Minimum 5'	5'	YES
Rear Yard Setback	Minimum 25'	25'	YES
Lot Width	Minimum 50'	50'	YES
Lot Area	Minimum 5,000 S.F.	Minimum 6,000 S.F.	YES
Alley Access	For block containing a majority of lots less than 60 feet in width	Street access	NO***
Off-Street Parking	Minimum: 344 spaces Maximum: 1,032 spaces	408 spaces	YES
Heated Floor Area	Minimum: 1,600 square feet (Two Bedrooms) 1,800 square feet (Three and more)	1,800 square feet (Two Bedrooms) 2,000 square feet (Three and more)	YES
Landscaped Setback	Minimum 50' Landscaped Building Setback with a 25' landscaped buffer along Exterior Streets	50' and 25'	YES
Density	Maximum 4 units per acre	Average 3.29 units per acre	YES

*Per UDO sec 210-90.7. B., all dwellings shall be limited to single-story; however, bonus rooms over garages may be allowed.

**Per UDO sec 210-90.6.A.4., front-facing garages shall be setback a minimum of 25 feet behind sidewalks.

*** Per UDO sec 210-90.8. E.1., if a block contains a majority of lots less than 60 feet in width, individual lot, access from that block must be from an alley, not a public street.

The applicant has requested variances for these items.

Variance Requests

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

1. Section 210-90.6. Property Development Standards.

A. *Front-facing garages shall be setback a minimum of 25 feet behind sidewalks.*

The applicant is requesting a reduction of front yard setback for front-facing garages from 25 feet to 20 feet.

2. Section 210-90.7. Architectural Standards/Design.

A. *All dwellings shall be limited to single-story; however, bonus rooms over garages shall be allowed.*

The applicant is requesting to increase the maximum allowable height from one story to two stories.

3. Section 210-90.8. Public Improvement Standards.

A. *If a block contains a majority of lots less than 60 feet in width, individual lot access for that block shall be from an alley, not a public street.*

The applicant is requesting to allow individual lot access for a block containing a majority of lots less than 60 feet wide to be from a public street.

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:

A. *Whether a proposed zoning 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 residential uses including single-family homes on large lots and several subdivisions. Phase I of the proposed development, located to the east of the southern parcel, was approved in 2018 for a senior-oriented residence district, though at a lower

density. The proposed R-SR subdivision would be compatible with the existing land uses and densities in the area, once revisions are made to satisfy recommended zoning conditions.

B. 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 not be adversely impacted by a development that is compatible with the density of the surrounding area with appropriate zoning conditions. The residential use of the proposed development is in character with the surrounding area. The location of amenities could impact nearby properties due to the need to cross a major road to reach this area.

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

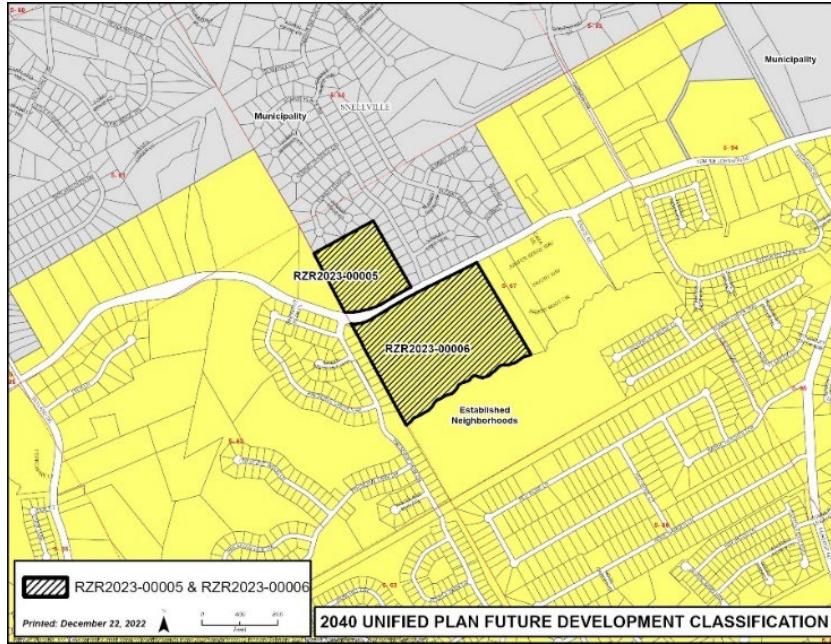
The property has a reasonable economic use as currently zoned.

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 request are 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 indicates the subject property lies within the Established Neighborhood Character Area. The Established Neighborhoods Character Area designates well established neighborhoods and single-family residential areas that are unlikely to undergo any significant changes or redevelopment in the next 20 years. This Character Area recommends any new development should be consistent in scale, architecture, and use with surrounding properties. The applicant is proposing a senior-oriented development with single-family detached homes. The development proposes a similar architectural character as phase I approved in 2019. Therefore, the proposed development is aligned with the intent of the 2040 Unified Plan.



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.

By 2050, the population of individuals who are 65 and older in the United States is projected to double, growing faster than any other age group. Homes designed specifically for seniors are more important than ever. A recent rezoning application RZR2018-00024 approved for the adjacent property to the east, for a senior-oriented development, is similar to the proposed development. Therefore, approval of the rezoning request to R-SR would be appropriate, given the character of the area, development pattern, and recent zoning decisions.

Variance Request Analysis: The standards for granting variances are outlined in Section 270-100.7 of the Unified Development Ordinance. Staff makes the following findings related to the variance request:

The requested variances are to allow maximum allowable building height from one story to two stories, to reduce the front yard setback for front-facing garages from 25 feet to 20 feet and to eliminate requirements for alleys. The need for the setback variances is solely based on the desire to gain additional lots. The height variance request is also the result of small lot size. Some degree of relief from the height requirement would provide some design flexibility, but zoning conditions are necessary to ensure usability by those over 55 years old.

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 **APPROVAL WITH CONDITIONS** of the rezoning request.

In addition, Staff recommends **APPROVAL** of the following variance:

1. To increase the maximum allowable height from one story to two stories.

In addition, Staff recommends **DENIAL** of the following variances:

2. To reduce the front yard setback for front-facing garages from 25 feet to 20 feet.
3. To allow individual lot access for a block containing a majority of lots less than 50 feet wide to be from a public street.

Staff Recommended Conditions

Approval as **R-SR (Senior Oriented Residence District)** for development of a single-family detached subdivision, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received November 30, 2022, and Exhibit C: Building Elevations dated received November 30, 2022, with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.
2. Single-family detached dwellings and accessory uses and structures, not to exceed 3.6 units per acre for either tract. The development shall be restricted to occupancy by residents aged 55 years or older.
3. A Homeowners Association shall be established and shall be responsible for maintenance of all common areas/facilities, street frontage landscaping, lawn and ornamental planting maintenance on individual lots.
4. The minimum heated floor area per dwelling unit shall be 1,800 square feet for two-bedroom homes (limited to 25 percent of the total units), 2,000 square feet for three-bedroom homes and 2,300 square feet for four-bedroom homes.
5. Homes shall be constructed to meet Architectural Design Standards Category 3 of the Gwinnett County Architectural Standards for Detached Residential Buildings subject to the review and approval of the Department of Planning and Development.
6. All dwellings shall have a minimum two-car garage.
7. A minimum of 50-foot landscaped building setback shall be provided adjacent to abutting exterior streets. The landscaped setback shall incorporate a 25-foot landscape buffer with a 6-foot-high fence or wall as required by the Unified Development Ordinance.
8. Detention pond(s) shall be fenced with a black vinyl-coated chain link fence a minimum of 4-feet in height and shall be fully screened from view of adjacent residences and streets with

a double staggered row of evergreens. Final screening plans shall be subject to the review and approval of the Department of Planning and Development.

9. No direct lot access to Temple Johnson Road shall be allowed.
10. The developer shall either align the driveways for Tract 1 and Tract 2 and construct a 2-way left-turn lane into each tract; or construct a center left-turn lane that extends for the full length of the property frontage, if the driveways remain as shown on the zoning plan, subject to the review and approval of the Department of Transportation.
11. The developer shall provide a traffic impact study and proceed with any upgrades recommended per the study, subject to the review and approval of the Gwinnett County Department of Transportation.
12. Major amenities, including a pool and clubhouse shall be located on the southern tract. A final amenity plan shall be submitted for review and approval by the Department of Planning and Development prior to the issuance of a development permit.
13. A pedestrian activated crosswalk shall be installed across Temple Johnson Road, subject to the review and approval of the Department of Transportation.
14. No lot shall be located within a required stream buffer or impervious surface setback.
15. No more than 50 percent of the homes may be two stories. All two story homes shall be constructed with a master bedroom and master bathroom on the first floor.

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 WITHOUT PREJUDICE** of the rezoning request.

RZR2023-00006

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 **APPROVAL WITH CONDITIONS** of the rezoning request.

In addition, Staff recommends **APPROVAL** of the following variance:

1. To increase the maximum allowable height from one story to two stories.

In addition, Staff recommends **DENIAL** of the following variances:

1. To increase the maximum allowable height from one story to two stories.
2. To allow individual lot access for a block containing a majority of lots less than 50 feet wide to be from a public 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 **APPROVAL WITH CONDITIONS** of the rezoning request.

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

1. To increase the maximum allowable height from one story to two stories.

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

2. To reduce the front yard setback for front-facing garages from 25 feet to 20 feet.
3. To allow individual lot access for a block containing a majority of lots less than 50 feet wide to be from a public street.

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

Approval as **R-SR (Senior Oriented Residence District)** for development of a single-family detached subdivision, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received ~~November 30, 2022, March 3, 2023~~, and Exhibit C: Building Elevations dated received November 30, 2022, with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.
2. Single-family detached dwellings and accessory uses and structures, not to exceed ~~3.6 units per acre~~ **130 units for either tract**. The development shall be restricted to occupancy by residents aged 55 years or older **in general conformance with the site plan submitted on March 3, 2023**.
3. A Homeowners Association ~~shall be established and~~ shall be responsible for maintenance of all common areas/facilities, street frontage landscaping, lawn and ornamental planting maintenance on individual lots. **The Homeowners Association shall be responsible for exterior maintenance of individual residences to include, at a minimum, painting of the exteriors on a rotation at most six years.**
4. The minimum heated floor area per dwelling unit shall be 1,800 square feet for two-bedroom homes (limited to 25 percent of the total units), 2,000 square feet for three-bedroom homes and 2,300 square feet for four-bedroom homes.
5. **There shall be a ten percent maximum rental/lease cap on the number of units.**
5. ~~Homes shall be constructed to meet Architectural Design Standards Category 3 of the Gwinnett County Architectural Standards for Detached Residential Buildings subject to the review and approval of the Department of Planning and Development.~~
6. **5. Homes shall be constructed on all four sides with brick, stone, or other low maintenance materials, with a minimum two-foot brick or stacked stone water table. Final building elevations shall be subject to the review and approval of the Director of Planning and Development.**

7. 6. All dwellings shall have a minimum two-car garage.
8. The subdivision shall be a private gated community. It will have entrance features made of brick or stone with landscaping and lighting. The final design shall be approved by the Director of Planning and Development. A wrought iron-type fence, a minimum of six-feet high, shall be installed along the exterior road frontage with brick or stone columns 50-feet on center that will match the materials of the entry feature. A double row of landscaping is to be installed along the interior of the fencing with a mixture of evergreen plants that are a minimum of four to six feet high.
9. Provide an amenity area within the development. The amenity area shall include a clubhouse cabana area and pool. The amenity area may include pickleball courts, tennis courts, green park space and other recreational features. The design and location of the amenity area shall be subject to review and approval of the Director of Planning and Development.
10. Applicant will comply with recommendations provided during Land disturbance plan review by Gwinnett County Department of Transportation to address traffic and safety.
11. 7. A minimum of 50-foot landscaped building setback shall be provided adjacent to abutting exterior streets. The landscaping setback shall incorporate a 25-foot landscape buffer with a 6-foot-high fence or wall as required by the Unified Development Ordinance.
12. All utilities shall be placed underground.
13. 8. Detention pond(s) shall be fenced with a black vinyl-coated chain link fence a minimum of 4-feet in height. ~~and shall be fully screened from view of adjacent residences and streets with a double staggered row of evergreens.~~ Final screening plans shall be subject to the review and approval of the Department of Planning and Development.
14. 9. No direct lot access to Temple Johnson Road shall be allowed.
10. ~~The developer shall either align the driveways for Tract 1 and Tract 2 and construct a 2-way left-turn lane into each tract; or construct a center left turn lane that extends for the full length of the property frontage, if the driveways remain as shown on the zoning plan, subject to the review and approval of the Department of Transportation.~~
15. The driveway location, turn lanes, and deceleration lanes shall be subject to the review and approval of the Department of Transportation.
16. 11. The developer shall provide a traffic impact study and proceed with any upgrades recommended per the study, subject to the review and approval of the Gwinnett County Department of Transportation.
17. 12. Major amenities, including a pool and clubhouse shall be located ~~on the southern tract as shown on the Site Plan dated received, March 3, 2023.~~ A final amenity plan shall be submitted for review and approval by the Department of Planning and Development prior to the issuance of a development permit.
13. ~~A pedestrian activated crosswalk shall be installed across Temple Johnson Road, subject to the review and approval of the Department of Transportation.~~
18. 14. No lot shall be located within a required stream buffer or impervious surface setback.

19. ~~15.~~ No more than 50 percent of the homes may be two stories. All two story homes shall be constructed with a master bedroom and master bathroom on the first floor.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- 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
- H. Site Plan Submitted on March 3rd, 2023

Exhibit A: Site Visit Photos



View of Parcel from Temple Johnson Road



View of Parcel from the existing driveway on the southern tract

Exhibit B: Site Plan

[attached]

GWINNETT COUNTY

PLANNING AND DESIGN COMMENT

RECEIVED

11.30.2022

APPLICANT:
DAVE PEARSON COMMUNITIES
2000 FIRST DRIVE, SUITE 400
MARIETTA, GA 30062

24 HR. CONTACT:
DOUG PATTEN
770-294-1974
DOUG@DAVEPEARSONCOMMUNITIES.COM
CURRENT OWNER OF RECORD:
DR. WNE Mazzaw
PARC. No. 5067-003

PROPERTY ADDRESS:
1788 TEMPLE JOHNSON RD.
LOGANVILLE, GA 30052

Zoning Exhibit Per 210-90.12

Now or Formerly
ALEXANDER LOTS
DB. 3784, PG. 85
COUNTY ZONING - R-100

ALL LOTS THAT BORDER
EXTERIOR PROPERTY BOUNDARY
ARE
DESIGNED TO A MINIMUM OF 15,000 SF

Now or Formerly
THE PRESERVE AT HAYNES
CREEK - UNIT ONE
COUNTY ZONING - R-100 MODIFIED
MAXIMUM DENSITY - 1.49 U/A
MINIMUM LOT SIZE - 10,500 SF.
MINIMUM STRUCTURE SIZE - 1,800 (1 STORY)
2,000 SF. (2 STORY)

ALL LOTS THAT BORDER THE
WESTERN EXTERIOR PROPERTY BOUNDARY
ADJACENT TO THE PRESERVE AT HAYNES CREEK
SHALL BE A MINIMUM OF 10,500 SF.

BOUNDARY LINE TABLE

CLINE, RODOS, LENGTH, CHORD, BEARING
C1 308.8' 200.3' 202.6' N71°12'30"
C2 308.8' 200.3' 202.6' N87°27'30"

LINE	DISTANCE	PERCENT	LINE	DISTANCE	PERCENT	LINE	DISTANCE	PERCENT			
L1	30.05'	577'7"1/4"	L2	13.33'	587'9"1/4"	L3	1.41'	587'9"1/4"	L4	6.26'	587'9"1/4"
L2	14.55'	587'9"1/4"	L3	21.05'	587'9"1/4"	L4	16.65'	587'9"1/4"	L5	28.65'	587'9"1/4"
L3	17.05'	587'9"1/4"	L4	11.33'	587'9"1/4"	L5	13.33'	587'9"1/4"	L6	10.05'	587'9"1/4"
L4	31.05'	547'9"1/4"	L5	21.05'	587'9"1/4"	L6	9.65'	587'9"1/4"	L7	21.05'	542'4"1/4"
L5	36.05'	587'9"1/4"	L6	15.14'	587'9"1/4"	L7	2.06'	587'9"1/4"	L8	8.52'	587'9"1/4"
L6	31.05'	587'9"1/4"	L7	21.05'	587'9"1/4"	L8	6.25'	587'9"1/4"	L9	13.05'	587'9"1/4"
L7	14.05'	587'9"1/4"	L8	5.37'	587'9"1/4"	L9	14.05'	587'9"1/4"	L10	14.05'	587'9"1/4"
L8	17.75'	547'9"1/4"	L9	4.57'	587'9"1/4"	L10	14.05'	547'9"1/4"	L11	13.05'	587'9"1/4"
L9	13.05'	587'9"1/4"	L10	17.75'	587'9"1/4"	L11	13.05'	587'9"1/4"	L12	13.05'	587'9"1/4"
L10	18.75'	587'9"1/4"	L11	7.37'	587'9"1/4"	L12	13.05'	587'9"1/4"	L13	13.05'	587'9"1/4"
L11	13.05'	587'9"1/4"	L12	7.47'	587'9"1/4"	L13	13.05'	587'9"1/4"	L14	13.05'	587'9"1/4"
L12	13.05'	587'9"1/4"	L13	13.05'	587'9"1/4"	L14	13.05'	587'9"1/4"	L15	13.05'	587'9"1/4"
L13	13.05'	587'9"1/4"	L14	16.75'	587'9"1/4"	L15	13.05'	587'9"1/4"	L16	41.75'	587'9"1/4"
L14	33.05'	587'9"1/4"	L15	16.75'	587'9"1/4"	L16	16.75'	587'9"1/4"	L17	16.75'	587'9"1/4"
L15	21.05'	587'9"1/4"	L16	21.05'	587'9"1/4"	L17	21.05'	587'9"1/4"	L18	21.05'	587'9"1/4"
L16	33.05'	587'9"1/4"	L17	17.75'	587'9"1/4"	L18	16.05'	587'9"1/4"	L19	36.75'	587'9"1/4"
L17	21.05'	587'9"1/4"	L18	6.25'	587'9"1/4"	L19	16.05'	587'9"1/4"	L20	36.75'	587'9"1/4"
L18	16.05'	587'9"1/4"	L19	21.05'	587'9"1/4"	L20	16.05'	587'9"1/4"	L21	16.05'	587'9"1/4"
L19	36.75'	587'9"1/4"	L20	16.05'	587'9"1/4"	L21	16.05'	587'9"1/4"	L22	16.05'	587'9"1/4"
L20	16.05'	587'9"1/4"	L21	16.05'	587'9"1/4"	L22	16.05'	587'9"1/4"	L23	16.05'	587'9"1/4"
L21	16.05'	587'9"1/4"	L22	16.05'	587'9"1/4"	L23	16.05'	587'9"1/4"	L24	16.05'	587'9"1/4"
L22	16.05'	587'9"1/4"	L23	16.05'	587'9"1/4"	L24	16.05'	587'9"1/4"	L25	17.05'	587'9"1/4"
L23	16.05'	587'9"1/4"	L24	16.05'	587'9"1/4"	L25	17.05'	587'9"1/4"	L26	17.05'	587'9"1/4"
L24	16.05'	587'9"1/4"	L25	17.05'	587'9"1/4"	L26	17.05'	587'9"1/4"	L27	17.05'	587'9"1/4"
L25	17.05'	587'9"1/4"	L26	17.05'	587'9"1/4"	L27	17.05'	587'9"1/4"	L28	17.05'	587'9"1/4"
L26	17.05'	587'9"1/4"	L27	17.05'	587'9"1/4"	L28	17.05'	587'9"1/4"	L29	17.05'	587'9"1/4"
L27	17.05'	587'9"1/4"	L28	17.05'	587'9"1/4"	L29	17.05'	587'9"1/4"	L30	17.05'	587'9"1/4"
L28	17.05'	587'9"1/4"	L29	17.05'	587'9"1/4"	L30	17.05'	587'9"1/4"	L31	17.05'	587'9"1/4"
L29	17.05'	587'9"1/4"	L30	17.05'	587'9"1/4"	L31	17.05'	587'9"1/4"	L32	17.05'	587'9"1/4"
L30	17.05'	587'9"1/4"	L31	17.05'	587'9"1/4"	L32	17.05'	587'9"1/4"	L33	17.05'	587'9"1/4"
L31	17.05'	587'9"1/4"	L32	17.05'	587'9"1/4"	L33	17.05'	587'9"1/4"	L34	17.05'	587'9"1/4"
L32	17.05'	587'9"1/4"	L33	17.05'	587'9"1/4"	L34	17.05'	587'9"1/4"	L35	17.05'	587'9"1/4"
L33	17.05'	587'9"1/4"	L34	17.05'	587'9"1/4"	L35	17.05'	587'9"1/4"	L36	17.05'	587'9"1/4"
L34	17.05'	587'9"1/4"	L35	17.05'	587'9"1/4"	L36	17.05'	587'9"1/4"	L37	17.05'	587'9"1/4"
L35	17.05'	587'9"1/4"	L36	17.05'	587'9"1/4"	L37	17.05'	587'9"1/4"	L38	17.05'	587'9"1/4"
L36	17.05'	587'9"1/4"	L37	17.05'	587'9"1/4"	L38	17.05'	587'9"1/4"	L39	17.05'	587'9"1/4"
L37	17.05'	587'9"1/4"	L38	17.05'	587'9"1/4"	L39	17.05'	587'9"1/4"	L40	17.05'	587'9"1/4"
L38	17.05'	587'9"1/4"	L39	17.05'	587'9"1/4"	L40	17.05'	587'9"1/4"	L41	17.05'	587'9"1/4"
L39	17.05'	587'9"1/4"	L40	17.05'	587'9"1/4"	L41	17.05'	587'9"1/4"	L42	17.05'	587'9"1/4"
L40	17.05'	587'9"1/4"	L41	17.05'	587'9"1/4"	L42	17.05'	587'9"1/4"	L43	17.05'	587'9"1/4"
L41	17.05'	587'9"1/4"	L42	17.05'	587'9"1/4"	L43	17.05'	587'9"1/4"	L44	17.05'	587'9"1/4"
L42	17.05'	587'9"1/4"	L43	17.05'	587'9"1/4"	L44	17.05'	587'9"1/4"	L45	17.05'	587'9"1/4"
L43	17.05'	587'9"1/4"	L44	17.05'	587'9"1/4"	L45	17.05'	587'9"1/4"	L46	17.05'	587'9"1/4"
L44	17.05'	587'9"1/4"	L45	17.05'	587'9"1/4"	L46	17.05'	587'9"1/4"	L47	17.05'	587'9"1/4"
L45	17.05'	587'9"1/4"	L46	17.05'	587'9"1/4"	L47	17.05'	587'9"1/4"	L48	17.05'	587'9"1/4"
L46	17.05'	587'9"1/4"	L47	17.05'	587'9"1/4"	L48	17.05'	587'9"1/4"	L49	17.05'	587'9"1/4"
L47	17.05'	587'9"1/4"	L48	17.05'	587'9"1/4"	L49	17.05'	587'9"1/4"	L50	17.05'	587'9"1/4"
L48	17.05'	587'9"1/4"	L49	17.05'	587'9"1/4"	L50	17.05'	587'9"1/4"	L51	17.05'	587'9"1/4"
L49	17.05'	587'9"1/4"	L50	17.05'	587'9"1/4"	L51	17.05'	587'9"1/4"	L52	17.05'	587'9"1/4"
L50	17.05'	587'9"1/4"	L51	17.05'	587'9"1/4"	L52	17.05'	587'9"1/4"	L53	17.05'	587'9"1/4"
L51	17.05'	587'9"1/4"	L52	17.05'	587'9"1/4"	L53	17.05'	587'9"1/4"	L54	17.05'	587'9"1/4"
L52	17.05'	587'9"1/4"	L53	17.05'	587'9"1/4"	L54	17.05'	587'9"1/4"	L55	17.05'	587'9"1/4"
L53	17.05'	587'9"1/4"	L54	17.05'	587'9"1/4"	L55	17.05'	587'9"1/4"	L56	17.05'	587'9"1/4"
L54	17.05'	587'9"1/4"	L55	17.05'	587'9"1/4"	L56	17.05'	587'9"1/4"	L57	17.05'	587'9"1/4"
L55	17.05'	587'9"1/4"	L56	17.05'	587'9"1/4"	L57	17.05'	587'9"1/4"	L58	17.05'	587'9"1/4"
L56	17.05'	587'9"1/4"	L57	17.05'	587'9"1/4"	L58	17.05'	587'9"1/4"	L59	17.05'	587'9"1/4"
L57	17.05'	587'9"1/4"	L58	17.05'	587'9"1/4"	L59	17.05'	587'9"1/4"	L60	17.05'	587'9"1/4"
L58	17.05'	587'9"1/4"	L59	17.05'	587'9"1/4"	L60	17.05'	587'9"1/4"	L61	17.05'	587'9"1/4"
L59	17.05'	587'9"1/4"	L60	17.05'	587'9"1/4"	L61	17.05'	587'9"1/4"	L62	17.05'	587'9"1/4"
L60	17.05'	587'9"1/4"	L61	17.05'	587'9"1/4"	L62	17.05'	587'9"1/4"	L63	17.05'	587'9"1/4"
L61	17.05'	587'9"1/4"	L62	17.05'	587'9"1/4"	L63	17.05'	587'9"1/4"	L64	17.05'	587'9"1/4"
L62	17.05'	587'9"1/4"	L63	17.05'	587'9"1/4"	L64	17.05'	587'9"1/4"	L65	17.05'	587'9"1/4"
L63	17.05'	587'9"1/4"	L64	17.05'	587'9"1/4"	L65	17.05'	587'9"1/4"	L66	17.05'	587'9"1/4"
L64	17.05'	587'9"1/4"	L65	17.05'	587'9"1/4"	L66	17.05'	587'9"1/4"	L67	17.05'	587'9"1/4"
L65	17.05'	587'9"1/4"	L66	17.05'	587'9"1/4"	L67	17.05'	587'9"1/4"	L68	17.05'	587'9"1/4"
L66	17.05'	587'9"1/4"	L67	17.05'	587'9"1/4"	L68	17.05'	587'9"1/4"	L69	17.05'	587'9"1/4"
L67	17.05'	587'9"1/4"	L68	17.05'	587'9"1/4"	L69	17.05'	587'9"1/4"	L70	17.05'	587'9"1/4"
L68	17.05'	587'9"1/4"	L69	17.05'	587'9"1/4"	L70	17.05'	587'9"1/4"	L71	17.05'	587'9"1/4"
L69	17.05'	587'9"1/4"	L70	17.05'	587'9"1/4"	L71	17.05'	587'9"1/4"	L72	17.05'	587'9"1/4"
L70	17.05'	587'9"1/4"	L71	17.05'	587'9"1/4"	L72	17.05'	587'9"1/4"	L73	17.05'	587'9"1/4"
L71	17.05'	587'9"1/4"	L72	17.05'	587'9"1/4"	L73	17.05'	587'9"1/4"	L74	17.05'	587'9"1/4"
L72	17.05'	587'9"1/4"	L73	17.05'	587'9"1/4"	L74	17.05'	587'9"1/4"	L75	17.05'	587'9"1/4"
L73	17.05'	587'9"1/4"	L74	17.05'	587'9"1/4"	L75	17.05'	587'9"1/4"	L76	17.05'	587'9"1/4"
L74	17.05'	587'9"1/4"	L75	17.05'	587'9"1/4"	L76	17.05'	587'9"1/4"	L77	17.05'	587'9"1/4"
L75	17.05'	587'9"1/4"	L76	17.05'	587'9"1/4"	L77	17.05'	587'9"1/4"	L78	17.05'	587'9"1/4"
L76	17.05'	587'9"1/4"	L77	17.05'	587'9"1/4"	L78	17.05'	587'9"1/4"	L79	17.05'	587'9"1/4"
L77	17.05'	587'9"1/4"	L78	17.05'	587'9"1/4"	L79	17.05'	587'9"1/4"	L80	17.05'	587'9"1/4"
L78	17.05'	587'9"1/4"	L79	17.05'	587'9"1/4"	L80	17.05'	587'9"1/4"	L81	17.05'	587'9"1/4"
L79	17.05'	587'9"1/4"	L80	17.05'	587'9"1/4"	L81	17.05'	587'9"1/4"	L82	17.05'	587'9"1/4"
L80	17.										

Exhibit C: Building Elevations

[attached]

GWINNETT COUNTY
PLANNING AND DEVELOPMENT
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GWINNETT COUNTY
PLANNING AND DEVELOPMENT
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11.30.2022



GWINNETT COUNTY
PLANNING AND DEVELOPMENT
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Exhibit D: Letter of Intent and Applicant's Response to Standards

[attached]

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DAVID PEARSON COMMUNITIES, INC.
2000 FIRST DRIVE, SUITE 400, MARIETTA, GEORGIA 30062

11.30.2022

Letter of Intent

RE: Kelly Preserve Phase 2

Request to Rezone – 1788 Temple Johnson Road – Deeded 52.2 Acres

Northern Tract – 13.397 Ac. (1.86 U/A)

Southern Tract – 38.892 Ac. (3.77 U/A)

Overall, Both Tracts - 52.2 ac – 3.29 Ac. (U/A)

To whom it may concern.

Respectfully, we submit this application to Gwinnett County for the consideration of the property of land referenced above for rezoning

The applicant intends to develop the 2 parcels, collectively totaling 52.2± acres into a high quality, owner occupied, detached single family subdivision. The applicant intends to do so by rezoning the property from R-100 to R-SR, including concurrent variances to:

- Sec. 210-90.6. A.4, front facing garages require a minimum 25' setback behind sidewalks.
- Sec. 210-90.8. E.1, if a block contains a majority of lots less than 60 feet in width, individual lot access from that block must be from an alley, not a public street.
- Sec. 210-90.7.B, all dwellings are limited to a single story.

The applicant envisions a 172-lot community with a proposed density of 3.29 units per acre, well below the density allowed by the R-SR zoning district and consistent with the densities of adjacent and nearby subdivisions. The minimum house size will be 1,800 square feet (applicant will provide renderings in a stipulation letter to be presented to county staff). The applicant intends to provide the enhanced stream buffer protections that are required for properties located upstream of a Gwinnett County Water Reservoir along the southern property boundary, as shown on the site plan submitted. The applicant's proposal is adequately served with public water and sewer services and the design submitted reflects connection to such public infrastructure.

Applicant intends to develop the property as Phase 2 of Kelly Preserve. Kelly Preserve was previously approved as an Adult Targeted Community under the R-SR zoning classification. The first phase of Kelly Preserve is completed and is contiguous to the eastern boundary of the southernmost portion of the property. It is accessible through a "stubbed out" road connection that was provided within the design of that Phase. Kelly Preserve Phase 1 will be hitting the home market in the Spring of 2023.

The overall design plan is to provide more options for the communities by allowing the existing residents of Phase 1 that will be eligible to enjoy the amenities proposed as part of the applicant's rezoning, including linear park, pool, and clubhouse, as well as state of the art pickleball courts. Likewise, the amenities existing in Phase 1 can be enjoyed by the residents envisioned in the applicant's requested rezoning.

The applicant is proposing a gated community concept with private roads constructed to Gwinnett County standards to serve the community.

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DAVID PEARSON COMMUNITIES, INC.
2000 FIRST DRIVE, SUITE 400, MARIETTA, GEORGIA 30062

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The applicant is excited to introduce a relatively new single family, one story detached product that allows for maintenance free, luxury residences with unique architectural designs that afford privacy through a concept of "maximizing/living outside of your home". A Master Homeowners Association will be created, along with restrictive covenants for maintenance of all infrastructure, professionally designed landscape/buffer areas, amenities, and common areas. The community will feature architecturally controlled lighting and signage, as well as providing underground utilities.

The applicant intends to provide unique protections to its existing neighboring subdivisions (excluding Kelly Preserve Phase 1) by stipulating that all exterior lots within the proposal bordering existing subdivisions (Preserve at Hanes Creek, Summit Place, or other individually owned tracts) shall have lot sizes equal to the minimum lot sizes existing within the existing subdivisions.

We respectfully request your approval of this request for Rezoning to permit this proposed residential community with the following requested conditions specific to this application.

PROPOSED CONDITIONS:

- Minimum lot size – 6,000 sf
- Minimum Lot Road Frontage – 50 ft., (*35 ft cul-de-sacs) with a minimum lot width on cul-de-sac lots to be 50 ft. * as measured at the building setback line.
- Proposed Maximum Overall Density – 3.29 units per acre
- Setbacks for individual lots to be - Front – 20 ft, Rear -25 ft, Side – 5 ft with 10 ft between Buildings, 15 ft Major Side.
- All construction to conform to Gwinnett County Development Regulations, unless otherwise stated here or as depicted on the site plan presented as part of this application last revised 11-2-22.

Respectfully submitted,

Doug Patten

*Doug Patten, CPESC
Director of Land for
David Pearson Communities, Inc.*

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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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(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY: Applicant contends that proposal, with its unique exterior buffering/lot size provisions, is suitable in view of adjacent and nearby developed properties, including Kelly Preserve-Phase I, The Preserve at Haynes Creek and Summit Place.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY: Given the density proposed by the applicant, as well as the unique exterior buffering/lot size provisions as proposed, applicant contends that proposed rezoning will not adversely affect the existing usability of adjacent or nearby properties.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED: Given that Kelly Preserve Phase I is under construction as an Adult Targeted Community (under same classification requested by applicant) and provided a stubbed-out road connection to applicant's property, applicant contends that property affected by proposed rezoning 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: Applicant contends that proposed rezoning will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools given its target market of senior customers, as well as the site being adequately served by public water and sewer infrastructure and providing enhanced stream buffer protections upstream of a Gwinnett County Water Reservoir.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN: Applicant contends that the proposal is consistent with Comprehensive Plan Character Area Designation of Established Neighborhood Character Area in that the proposal is an encouraged land use for the character area.

(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: Given the density proposed by the applicant, as well as the unique exterior buffering/lot size provisions as proposed, and the project serving as

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11.30.2022 an extension of existing Kelly Preserve Phase I, give supporting grounds for approval
~~of the application.~~

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

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REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>David Pearson Communities</u>	NAME: <u>Dr. Anne Mazzawi</u>
ADDRESS: <u>2000 First Drive, Suite 400</u>	ADDRESS: <u>1778 Emory Ridge Dr NE</u>
CITY: <u>Marietta</u>	CITY: <u>Atlanta</u>
STATE: <u>Georgia</u> ZIP: <u>30062</u>	STATE: <u>Georgia</u> ZIP: <u>30329</u>
PHONE: <u>770.294.1974</u>	PHONE: _____
EMAIL: <u>doug@davidpearsoncommunities.com</u>	EMAIL: _____
CONTACT PERSON: <u>Doug Patten</u>	PHONE: _____
CONTACT'S E-MAIL: <u>doug@davidpearsoncommunities.com</u>	_____
APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>R-SR</u>	
PARCEL NUMBER(S): <u>R 5067 003</u> ACREAGE: <u>13.4</u>	
ADDRESS OF PROPERTY: <u>1788 Temple Johnson Road</u>	
PROPOSED DEVELOPMENT: <u>Luxury, owner occupied single family subdivision with high quality amenities.</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>25</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>1,800</u>	Total Building Sq. Ft. _____
Gross Density: <u>1.8 upa</u>	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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11/30/2023

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

REZONING APPLICATION

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*	
NAME: <u>David Pearson Communities</u>	NAME: <u>Dr. Anne Mazzawi</u>	
ADDRESS: <u>2000 First Drive, Suite 400</u>	ADDRESS: <u>1778 Emory Ridge Dr NE</u>	
CITY: <u>Marietta</u>	CITY: <u>Atlanta</u>	
STATE: <u>Georgia</u> ZIP: <u>30062</u>	STATE: <u>Georgia</u> ZIP: <u>30329</u>	
PHONE: <u>770.294.1974</u>	PHONE: _____	
EMAIL: <u>doug@davidpearsoncommunities.com</u>	EMAIL: _____	
CONTACT PERSON: <u>Doug Patten</u>	PHONE: <u>770.294.1974</u>	
CONTACT'S E-MAIL: <u>doug@davidpearsoncommunities.com</u>	_____	
APPLICANT IS THE:		
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>R-SR</u>		
PARCEL NUMBER(S): <u>R 5067 003</u> ACREAGE: <u>38.8</u>		
ADDRESS OF PROPERTY: <u>1788 Temple Johnson Road</u>		
PROPOSED DEVELOPMENT: <u>Luxury, owner occupied single family subdivision with high quality amenities.</u>		

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>147</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>1,800 sq. ft.</u>	Total Building Sq. Ft. _____
Gross Density: <u>3.7 upa</u>	Density: _____
Net Density: _____	_____

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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REZONING APPLICANT'S CERTIFICATION

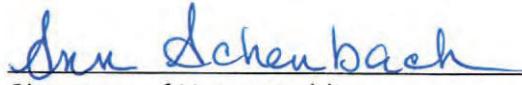
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL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

11-20-22
Date

Doug Patten, Director of Land Development

Type or Print Name and Title


Signature of Notary Public

11-20-2022
Date



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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.

1788 TEMPLE Johnson Rd

Dr Anne COUN Mazzawi
Signature of Property Owner

11/18/2022
Date

Dr Anne COUN Mazzawi
Type or Print Name and Title

Ravi Patel
Signature of Notary Public

11-18-2022
Date

Ravi Patel
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 01/17/2026

Notary Seal

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11.30.2022

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.

 11-20-22 Doug Patten, Director of Land Development
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 11-20-2022
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 Doug Patten
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

11.30.2022

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: 5th - 67 - R 5067 003
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

11-20-22
Date

Doug Patten, Director of Land Development

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

TITLE

DATE

Exhibit F: Internal and External Agency Review Comments

[attached]



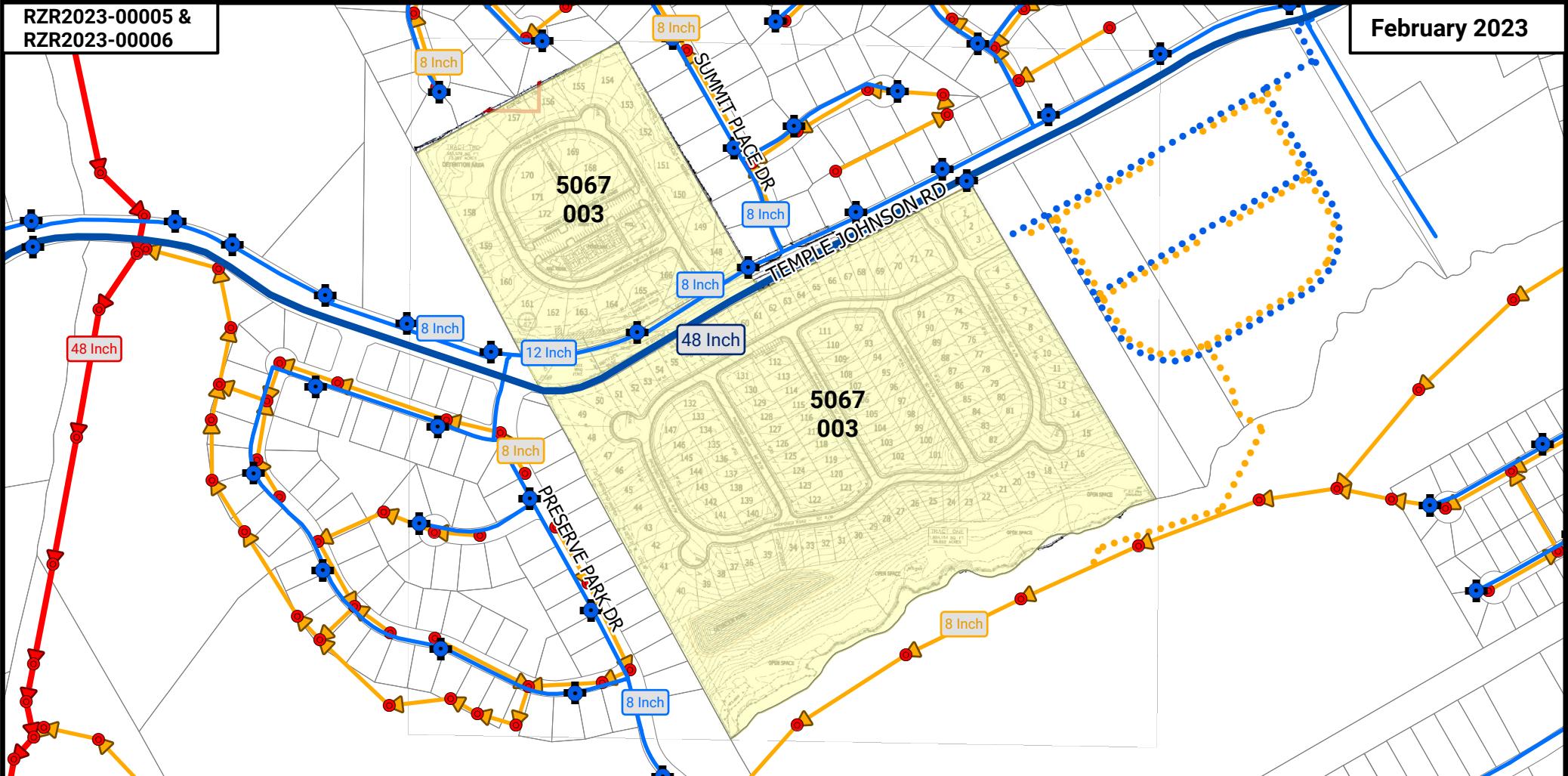
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date: 1.18.2023		
Department/Agency Name: Transportation		
Reviewer Name: Brent Hodges		
Reviewer Title: Construction Manager 1		
Reviewer Email Address: Brent.Hodges@gwinnettcounty.com		
Case Number: RZR2023-00005 and RZR2023-00006		
Case Address: 1788 Temple Johnson Road, Loganville, 30052		
Comments:		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
1	Temple Johnson Road is a major collector. ADT = 2,915.	
2	8.5 miles to the nearest transit facility (#2335042) Johnson Road and Sugarloaf Landing Plaza.	
3		
4		
5		
6		
7		
Recommended Zoning Conditions:		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
1	The developer shall either align the driveways for Tract 1 and Tract 2 and construct a 2-way left-turn lane into each tract; or construct a center left-turn lane that extends for the full length of the property frontage, if the driveways remain as shown on the zoning plan.	
2	The developer shall provide a traffic impact study and proceed with any upgrades recommended per the study, subject to the review and approval of the Gwinnett County Department of Transportation.	
3		
4		
5		
6		



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

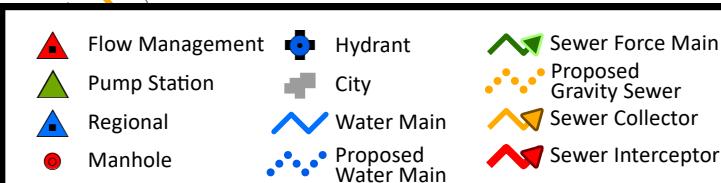
TRC Meeting Date:	
Department/Agency Name: DWR	
Reviewer Name: Mike Pappas	
Reviewer Title: GIS Planning Manager	
Reviewer Email Address: Michael.pappas@gwinnettcounty.com	
Case Number: RZR2023-00005 & RZR2023-00006	
Case Address: 1788 Temple Johnson Road	
Comments:	
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
1	Water: The north side of the development may connect to an existing 8-inch or 12-inch water main located on the north right-of-way of Temple Johnson Road; the south side of the development may connect to the water main proposed for Phase 1 of this development. Connection to the 48-inch transmission main along Temple Johnson Road is not permitted.
2	Sewer: A Sewer Capacity Certification is required for this development. Pending available capacity, the north side of the development (north of Temple Johnson Road) may connect to an existing 8-inch gravity sewer located north of the parcel (an easement is required). The south side of the development may connect to an existing sewer south of the parcel (a stream crossing required).
3	
4	
5	
6	
7	
Recommended Zoning Conditions:	
	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
1	
2	
3	
4	
5	
6	
7	



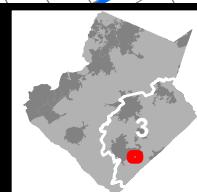
1788 Temple Johnson Road
R-100 to R-SR

Water & Sewer
Utility Map

-10-



LOCATION



Water Comments: The north side of the development may connect to an existing 8-inch or 12-inch water main located on the north right-of-way of Temple Johnson Road; the south side of the development may connect to the water main proposed for Phase 1 of this development. Connection to the 48-inch transmission main along Temple Johnson Road is not permitted.

Sewer Comments: A Sewer Capacity Certification is required for this development. Pending available capacity, the north side of the development (north of Temple Johnson Road) may connect to an existing 8-inch gravity sewer located north of the parcel (an easement is required). The south side of the development may connect to an existing sewer south of the parcel (a stream crossing required).

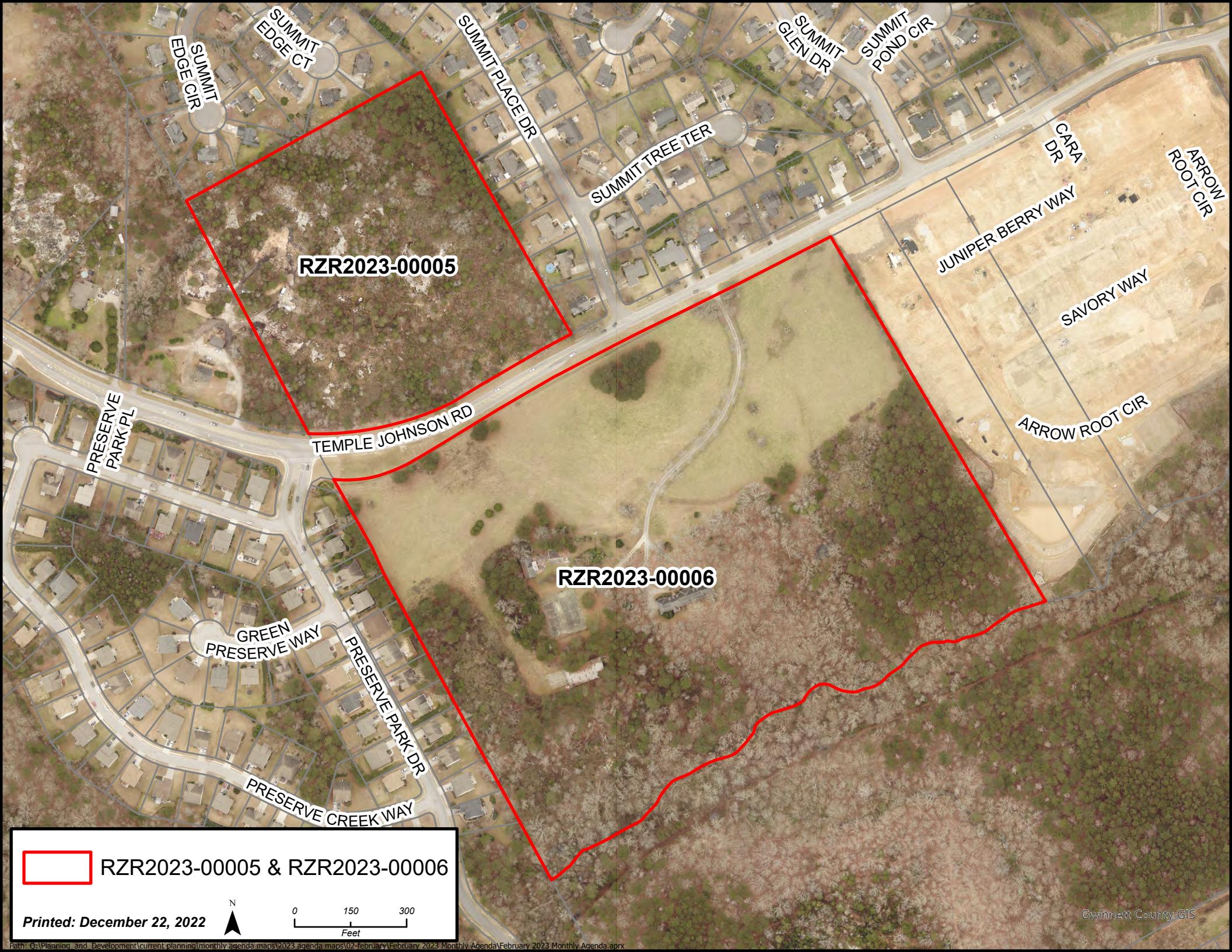
Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current 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.

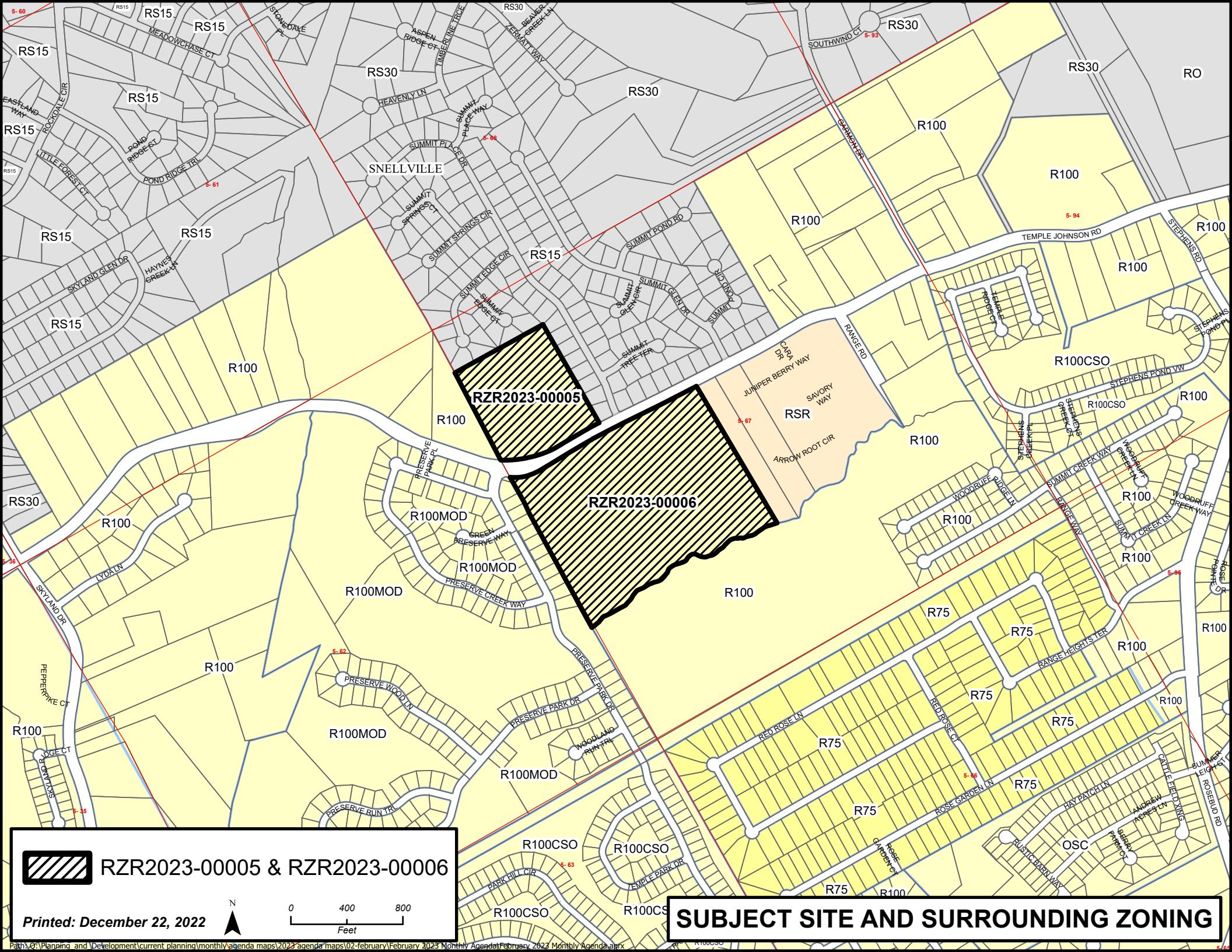
Water and Sewer Plan RZR2023-00005 and RZR2023-00006 | Page 39 of 45 | For comments, contact the Water and Sewer Division at the Water Main 100, SA 2, P.O. Box 1100, Gwinnett County, GA 30056, or email waterandsewer@gwinnettcounty.com.

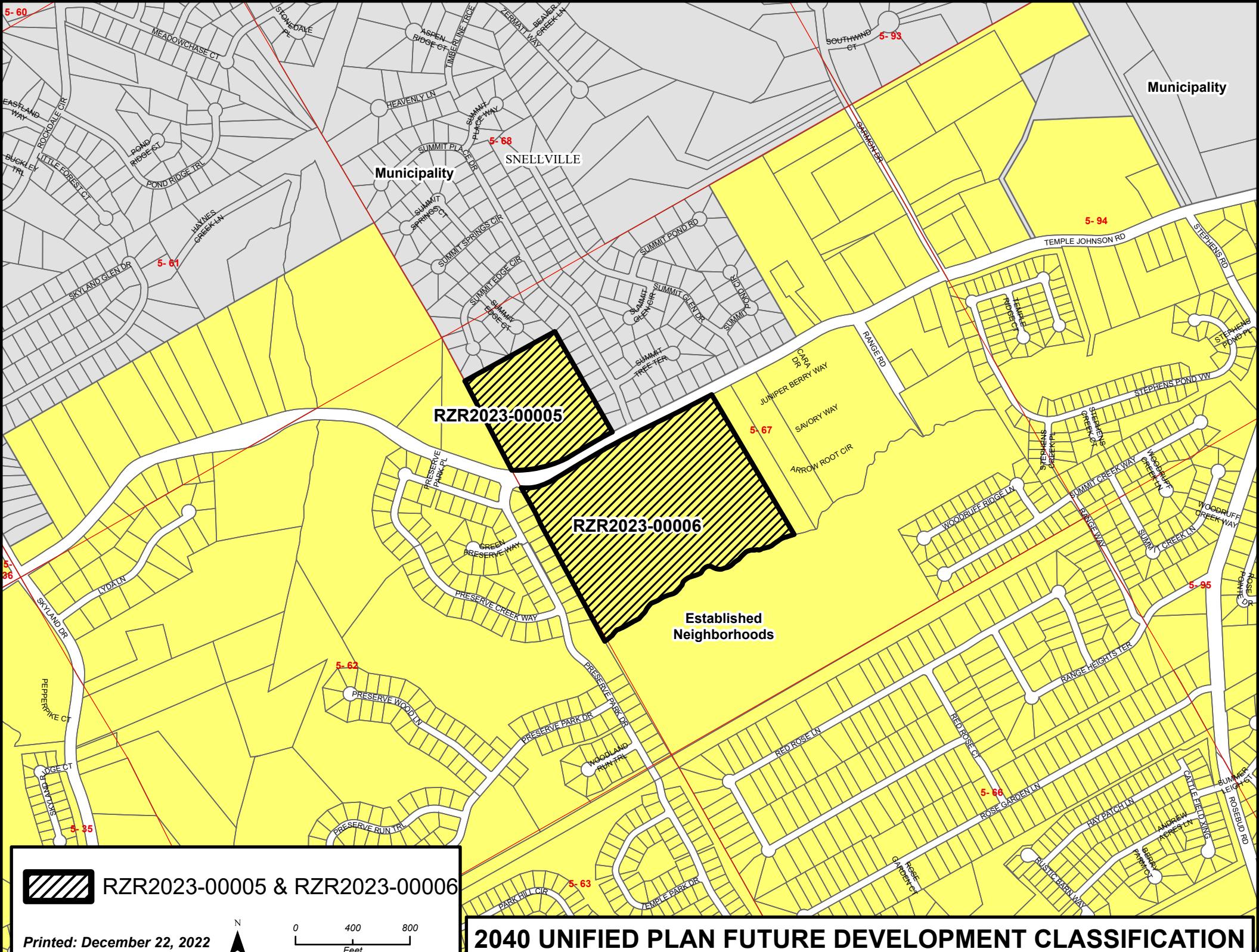
Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, 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.

Exhibit G: Maps

[attached]







R7B2023-00005 & R7B2023-00006

2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

Printed: December 22, 2022



A horizontal number line with arrows at both ends. The number 0 is at the left end, and the number 800 is at the right end. Between 0 and 800, there are two tick marks. The first tick mark is labeled 400 above the line. The second tick mark is labeled 500 below the line.

Exhibit G: Site Plan Submitted on March 3rd, 2023

[attached]

RECEIVED

11/30/2022

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>David Pearson Communities</u>	NAME: <u>Dr. Anne Mazzawi</u>
ADDRESS: <u>2000 First Drive, Suite 400</u>	ADDRESS: <u>1778 Emory Ridge Dr NE</u>
CITY: <u>Marietta</u>	CITY: <u>Atlanta</u>
STATE: <u>Georgia</u> ZIP: <u>30062</u>	STATE: <u>Georgia</u> ZIP: <u>30329</u>
PHONE: <u>770.294.1974</u>	PHONE: _____
EMAIL: <u>doug@davidpearsoncommunities.com</u>	EMAIL: _____
CONTACT PERSON: <u>Doug Patten</u>	PHONE: _____
CONTACT'S E-MAIL: <u>doug@davidpearsoncommunities.com</u>	_____
APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>R-SR</u>	
PARCEL NUMBER(S): <u>R 5067 003</u> ACREAGE: <u>13.4</u>	
ADDRESS OF PROPERTY: <u>1788 Temple Johnson Road</u>	
PROPOSED DEVELOPMENT: <u>Luxury, owner occupied single family subdivision with high quality amenities.</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>25</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>1,800</u>	Total Building Sq. Ft. _____
Gross Density: <u>1.8 upa</u>	Density: _____
Net Density: _____	_____

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

11/30/2022

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*	
NAME: <u>David Pearson Communities</u>	NAME: <u>Dr. Anne Mazzawi</u>	
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CITY: <u>Marietta</u>	CITY: <u>Atlanta</u>	
STATE: <u>Georgia</u> ZIP: <u>30062</u>	STATE: <u>Georgia</u> ZIP: <u>30329</u>	
PHONE: <u>770.294.1974</u>	PHONE: _____	
EMAIL: <u>doug@davidpearsoncommunities.com</u>	EMAIL: _____	
CONTACT PERSON: <u>Doug Patten</u>	PHONE: <u>770.294.1974</u>	
CONTACT'S E-MAIL: <u>doug@davidpearsoncommunities.com</u>	_____	
APPLICANT IS THE:		
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>R-SR</u>		
PARCEL NUMBER(S): <u>R 5067 003</u> ACREAGE: <u>38.8</u>		
ADDRESS OF PROPERTY: <u>1788 Temple Johnson Road</u>		
PROPOSED DEVELOPMENT: <u>Luxury, owner occupied single family subdivision with high quality amenities.</u>		

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>147</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>1,800 sq. ft.</u>	Total Building Sq. Ft. _____
Gross Density: <u>3.7 upa</u>	Density: _____
Net Density: _____	_____

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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11.30.2022

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

RECEIVED

11.30.2022

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY: Applicant contends that proposal, with its unique exterior buffering/lot size provisions, is suitable in view of adjacent and nearby developed properties, including Kelly Preserve-Phase I, The Preserve at Haynes Creek and Summit Place.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY: Given the density proposed by the applicant, as well as the unique exterior buffering/lot size provisions as proposed, applicant contends that proposed rezoning will not adversely affect the existing usability of adjacent or nearby properties.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED: Given that Kelly Preserve Phase I is under construction as an Adult Targeted Community (under same classification requested by applicant) and provided a stubbed-out road connection to applicant's property, applicant contends that property affected by proposed rezoning 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: Applicant contends that proposed rezoning will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools given its target market of senior customers, as well as the site being adequately served by public water and sewer infrastructure and providing enhanced stream buffer protections upstream of a Gwinnett County Water Reservoir.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN: Applicant contends that the proposal is consistent with Comprehensive Plan Character Area Designation of Established Neighborhood Character Area in that the proposal is an encouraged land use for the character area.

(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: Given the density proposed by the applicant, as well as the unique exterior buffering/lot size provisions as proposed, and the project serving as

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

11.30.2022 an extension of existing Kelly Preserve Phase I, give supporting grounds for approval
~~of the application.~~

RECEIVED

DAVID PEARSON COMMUNITIES, INC.
2000 FIRST DRIVE, SUITE 400, MARIETTA, GEORGIA 30062

11.30.2022

Letter of Intent

RE: Kelly Preserve Phase 2

Request to Rezone – 1788 Temple Johnson Road – Deeded 52.2 Acres

Northern Tract – 13.397 Ac. (1.86 U/A)

Southern Tract – 38.892 Ac. (3.77 U/A)

Overall, Both Tracts - 52.2 ac – 3.29 Ac. (U/A)

To whom it may concern.

Respectfully, we submit this application to Gwinnett County for the consideration of the property of land referenced above for rezoning

The applicant intends to develop the 2 parcels, collectively totaling 52.2± acres into a high quality, owner occupied, detached single family subdivision. The applicant intends to do so by rezoning the property from R-100 to R-SR, including concurrent variances to:

- Sec. 210-90.6. A.4, front facing garages require a minimum 25' setback behind sidewalks.
- Sec. 210-90.8. E.1, if a block contains a majority of lots less than 60 feet in width, individual lot access from that block must be from an alley, not a public street.
- Sec. 210-90.7.B, all dwellings are limited to a single story.

The applicant envisions a 172-lot community with a proposed density of 3.29 units per acre, well below the density allowed by the R-SR zoning district and consistent with the densities of adjacent and nearby subdivisions. The minimum house size will be 1,800 square feet (applicant will provide renderings in a stipulation letter to be presented to county staff). The applicant intends to provide the enhanced stream buffer protections that are required for properties located upstream of a Gwinnett County Water Reservoir along the southern property boundary, as shown on the site plan submitted. The applicant's proposal is adequately served with public water and sewer services and the design submitted reflects connection to such public infrastructure.

Applicant intends to develop the property as Phase 2 of Kelly Preserve. Kelly Preserve was previously approved as an Adult Targeted Community under the R-SR zoning classification. The first phase of Kelly Preserve is completed and is contiguous to the eastern boundary of the southernmost portion of the property. It is accessible through a "stubbed out" road connection that was provided within the design of that Phase. Kelly Preserve Phase 1 will be hitting the home market in the Spring of 2023.

The overall design plan is to provide more options for the communities by allowing the existing residents of Phase 1 that will be eligible to enjoy the amenities proposed as part of the applicant's rezoning, including linear park, pool, and clubhouse, as well as state of the art pickleball courts. Likewise, the amenities existing in Phase 1 can be enjoyed by the residents envisioned in the applicant's requested rezoning.

The applicant is proposing a gated community concept with private roads constructed to Gwinnett County standards to serve the community.

RECEIVED

DAVID PEARSON COMMUNITIES, INC.
2000 FIRST DRIVE, SUITE 400, MARIETTA, GEORGIA 30062

11.30.2022

The applicant is excited to introduce a relatively new single family, one story detached product that allows for maintenance free, luxury residences with unique architectural designs that afford privacy through a concept of "maximizing/living outside of your home". A Master Homeowners Association will be created, along with restrictive covenants for maintenance of all infrastructure, professionally designed landscape/buffer areas, amenities, and common areas. The community will feature architecturally controlled lighting and signage, as well as providing underground utilities.

The applicant intends to provide unique protections to its existing neighboring subdivisions (excluding Kelly Preserve Phase 1) by stipulating that all exterior lots within the proposal bordering existing subdivisions (Preserve at Hanes Creek, Summit Place, or other individually owned tracts) shall have lot sizes equal to the minimum lot sizes existing within the existing subdivisions.

We respectfully request your approval of this request for Rezoning to permit this proposed residential community with the following requested conditions specific to this application.

PROPOSED CONDITIONS:

- Minimum lot size – 6,000 sf
- Minimum Lot Road Frontage – 50 ft., (*35 ft cul-de-sacs) with a minimum lot width on cul-de-sac lots to be 50 ft. * as measured at the building setback line.
- Proposed Maximum Overall Density – 3.29 units per acre
- Setbacks for individual lots to be - Front – 20 ft, Rear -25 ft, Side – 5 ft with 10 ft between Buildings, 15 ft Major Side.
- All construction to conform to Gwinnett County Development Regulations, unless otherwise stated here or as depicted on the site plan presented as part of this application last revised 11-2-22.

Respectfully submitted,

Doug Patten

*Doug Patten, CPESC
Director of Land for
David Pearson Communities, Inc.*

RECEIVED

11.30.2022

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.

1788 TEMPLE Johnson Rd

Dr Anne COUN Mazzawi
Signature of Property Owner

11/18/2022
Date

Dr Anne COUN Mazzawi
Type or Print Name and Title

Ravi Patel
Signature of Notary Public

11-18-2022
Date

Ravi Patel
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 01/17/2026

Notary Seal

RECEIVED

11.30.2022

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.

 11-20-22 Doug Patten, Director of Land Development
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 11-20-2022
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 Doug Patten
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

11.30.2022

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: 5th - 67 - R 5067 003
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

11-20-22
Date

Doug Patten, Director of Land Development

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

TITLE

DATE

RECEIVED

11.30.2022 SURVEY LEGAL DESCRIPTION (TRACT TWO)

All that tract or parcel of land lying and being in Land Lot 67 of the 5th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin set (#4 rebar w/cap) located at the intersection of the southwest line of Land Lot 67 which is the common line between Land Lot 62 and 67 of the said 5th District, and the northwesterly right-of-way of Temple Johnson Road (variable width right-of-way); having thus established the **TRUE POINT OF BEGINNING** leaving said iron pin and right-of-way and running N27°10'21"W along the said common line between Land Lot 67 and 62 for a distance of 689.97 feet to an iron pin found (3/4" open top pipe); thence leaving said Land Lot line and running N61°06'05"E for a distance of 720.00 feet to an iron pin found (1-1/2" open top pipe); thence running S29°54'31"E for a distance of 807.08 feet to an iron pin set (#4 rebar w/cap) located on the northwesterly right-of-way of said Temple Johnson Road; thence running in a southwesterly direction along the northwesterly right-of-way of said Temple Johnson Road for the following course and distances: running thence in a southwesterly direction along a curve to the right for an arc length of 187.63 feet (said arc being subtended by a chord of S60°16'14"W – 187.61 feet and having a radius of 3170.00 feet) to a point; thence running S58°24'35"W for a distance of 93.66 feet to a point; thence running in a southwesterly direction along a curve to the right for an arc length of 72.25 feet (said arc being subtended by a chord of S60°58'17"W – 72.23 feet and having a radius of 808.00 feet) to a point; thence running S60°07'58"W for a distance of 26.46 feet to a point; thence running in a southwesterly direction along a curve to the right for an arc length of 399.50 feet (said arc being subtended by a chord of S79°31'51"W – 395.46 feet and having a radius of 810.00 feet) to an iron pin set (#4 rebar) which is the **TRUE POINT OF BEGINNING**. Said tract contains ±13.397 acres (±583,578 sq. ft.).

**GWINNETT COUNTY
PLANNING AND DEVELOPMENT**

RECEIVED

CITY OF SNELLVILLE ZONING - RS-15
Now or Formerly SUMMIT PLACE - UNIT ONE
PARCEL: 5067-000-000
DAVID PEARSON COMMUNITIES
2000 FIRST DRIVE, SUITE 400
MARIETTA, GA 30062
24-HR. CONTACT:
DOUG PATTEN
770-294-1974
DOUG@DAVIDPEARSONCOMMUNITIES.COM

11.30.2022

SUPPLY CHAIN OF RECORD
DR. ANNE MAZZA
PARCEL No. 5067-003

PROPERTY ADDRESS:
1788 TEMPLE JOHNSON RD.
LOGANVILLE, GA. 30052

Now or Formerly
ALEXANDER LAKES
DB. 3784, PG. 85
COUNTY ZONING - R-100

ALL LOTS THAT BORDER
EXTERIOR PROPERTY BOUNDARY ARE
DESIGNED TO A MINIMUM OF 15,000 SF

Now or Formerly
THE PRESERVE AT HAYNES
CREEK - R-100 MODIFIED
MAXIMUM DENSITY - 1.49 U/A
MINIMUM LOT SIZE - 10,500 SF.
MINIMUM STRUCTURE SIZE - 1,800 (1 STORY)
2,000 SF. (2 STORY)

ALL LOTS THAT BORDER THE
WESTERN EXTERIOR PROPERTY BOUNDARY
ADJACENT TO THE PRESERVE AT HAYNES CREEK
SHALL BE A MINIMUM OF 10,500 SF.

BOUNDARY LINE TABLE

CLINE: RADIUS: LENGTH: CHORD: BEARING:
C1 300.8' 200.3' 202.6' N79°12'39"

C2 300.8' 200.3' 202.6' N88°21'39"

LINE	DISTANCE	PERCENT	LINE	DISTANCE	PERCENT	LINE	DISTANCE	PERCENT	LINE	DISTANCE	PERCENT			
L1	30.05'	577'9"7"4"	L2	13.33'	587'9"1"7"	L3	1.41'	587'9"1"7"	L4	6.26'	587'9"1"7"			
L2	14.55'	587'9"1"4"	L3	21.05'	587'9"1"4"	L4	16.65'	587'9"1"4"	L5	28.65'	587'9"1"4"			
L3	13.33'	587'9"1"4"	L4	17.15'	587'9"1"4"	L5	13.33'	587'9"1"4"	L6	31.33'	587'9"1"4"			
L4	13.33'	587'9"1"4"	L5	21.05'	587'9"1"4"	L6	9.65'	587'9"1"4"	L7	21.05'	587'9"1"4"			
L5	16.65'	587'9"1"4"	L6	13.33'	587'9"1"4"	L7	2.65'	587'9"1"4"	L8	8.52'	587'9"1"4"			
L6	28.65'	587'9"1"4"	L7	21.05'	587'9"1"4"	L8	13.33'	587'9"1"4"	L9	13.33'	587'9"1"4"			
L7	31.33'	587'9"1"4"	L8	8.52'	587'9"1"4"	L9	13.33'	587'9"1"4"	L10	14.55'	587'9"1"4"			
L8	587'9"1"4"	587'9"1"4"	L9	13.33'	587'9"1"4"	L10	6.26'	587'9"1"4"	L11	14.55'	587'9"1"4"			
L9	13.33'	587'9"1"4"	L10	14.55'	587'9"1"4"	L11	13.33'	587'9"1"4"	L12	13.33'	587'9"1"4"			
L10	14.55'	587'9"1"4"	L11	13.33'	587'9"1"4"	L12	13.33'	587'9"1"4"	L13	13.33'	587'9"1"4"			
L11	13.33'	587'9"1"4"	L12	7.67'	587'9"1"4"	L13	13.33'	587'9"1"4"	L14	13.33'	587'9"1"4"			
L12	7.67'	587'9"1"4"	L13	13.33'	587'9"1"4"	L14	13.33'	587'9"1"4"	L15	13.33'	587'9"1"4"			
L13	13.33'	587'9"1"4"	L14	13.33'	587'9"1"4"	L15	13.33'	587'9"1"4"	L16	41.75'	587'9"1"4"			
L14	13.33'	587'9"1"4"	L15	13.33'	587'9"1"4"	L16	13.33'	587'9"1"4"	L17	17.15'	587'9"1"4"			
L15	13.33'	587'9"1"4"	L16	41.75'	587'9"1"4"	L17	17.15'	587'9"1"4"	L18	24.45'	587'9"1"4"			
L16	41.75'	587'9"1"4"	L17	17.15'	587'9"1"4"	L18	10.05'	587'9"1"4"	L19	36.75'	587'9"1"4"			
L17	24.45'	587'9"1"4"	L18	10.05'	587'9"1"4"	L19	13.33'	587'9"1"4"	L20	36.75'	587'9"1"4"			
L18	36.75'	587'9"1"4"	L19	13.33'	587'9"1"4"	L20	24.45'	587'9"1"4"	L21	13.33'	587'9"1"4"			
L19	36.75'	587'9"1"4"	L20	24.45'	587'9"1"4"	L21	13.33'	587'9"1"4"	L22	13.33'	587'9"1"4"			
L20	13.33'	587'9"1"4"	L21	13.33'	587'9"1"4"	L22	13.33'	587'9"1"4"	L23	13.33'	587'9"1"4"			
L21	13.33'	587'9"1"4"	L22	13.33'	587'9"1"4"	L23	13.33'	587'9"1"4"	L24	13.33'	587'9"1"4"			
L22	13.33'	587'9"1"4"	L23	13.33'	587'9"1"4"	L24	13.33'	587'9"1"4"	L25	13.33'	587'9"1"4"			
L23	13.33'	587'9"1"4"	L24	13.33'	587'9"1"4"	L25	13.33'	587'9"1"4"	L26	13.33'	587'9"1"4"			
L24	13.33'	587'9"1"4"	L25	13.33'	587'9"1"4"	L26	13.33'	587'9"1"4"	L27	13.33'	587'9"1"4"			
L25	13.33'	587'9"1"4"	L26	13.33'	587'9"1"4"	L27	13.33'	587'9"1"4"	L28	13.33'	587'9"1"4"			
L26	13.33'	587'9"1"4"	L27	13.33'	587'9"1"4"	L28	13.33'	587'9"1"4"	L29	13.33'	587'9"1"4"			
L27	13.33'	587'9"1"4"	L28	13.33'	587'9"1"4"	L29	13.33'	587'9"1"4"	L30	13.33'	587'9"1"4"			
L28	13.33'	587'9"1"4"	L29	13.33'	587'9"1"4"	L30	13.33'	587'9"1"4"	L31	13.33'	587'9"1"4"			
L29	13.33'	587'9"1"4"	L30	13.33'	587'9"1"4"	L31	13.33'	587'9"1"4"	L32	13.33'	587'9"1"4"			
L30	13.33'	587'9"1"4"	L31	13.33'	587'9"1"4"	L32	13.33'	587'9"1"4"	L33	13.33'	587'9"1"4"			
L31	13.33'	587'9"1"4"	L32	13.33'	587'9"1"4"	L33	13.33'	587'9"1"4"	L34	13.33'	587'9"1"4"			
L32	13.33'	587'9"1"4"	L33	13.33'	587'9"1"4"	L34	13.33'	587'9"1"4"	L35	13.33'	587'9"1"4"			
L33	13.33'	587'9"1"4"	L34	13.33'	587'9"1"4"	L35	13.33'	587'9"1"4"	L36	13.33'	587'9"1"4"			
L34	13.33'	587'9"1"4"	L35	13.33'	587'9"1"4"	L36	13.33'	587'9"1"4"	L37	13.33'	587'9"1"4"			
L35	13.33'	587'9"1"4"	L36	13.33'	587'9"1"4"	L37	13.33'	587'9"1"4"	L38	13.33'	587'9"1"4"			
L36	13.33'	587'9"1"4"	L37	13.33'	587'9"1"4"	L38	13.33'	587'9"1"4"	L39	13.33'	587'9"1"4"			
L37	13.33'	587'9"1"4"	L38	13.33'	587'9"1"4"	L39	13.33'	587'9"1"4"	L40	13.33'	587'9"1"4"			
L38	13.33'	587'9"1"4"	L39	13.33'	587'9"1"4"	L40	13.33'	587'9"1"4"	L41	13.33'	587'9"1"4"			
L39	13.33'	587'9"1"4"	L40	13.33'	587'9"1"4"	L41	13.33'	587'9"1"4"	L42	13.33'	587'9"1"4"			
L40	13.33'	587'9"1"4"	L41	13.33'	587'9"1"4"	L42	13.33'	587'9"1"4"	L43	13.33'	587'9"1"4"			
L41	13.33'	587'9"1"4"	L42	13.33'	587'9"1"4"	L43	13.33'	587'9"1"4"	L44	13.33'	587'9"1"4"			
L42	13.33'	587'9"1"4"	L43	13.33'	587'9"1"4"	L44	13.33'	587'9"1"4"	L45	13.33'	587'9"1"4"			
L43	13.33'	587'9"1"4"	L44	13.33'	587'9"1"4"	L45	13.33'	587'9"1"4"	L46	13.33'	587'9"1"4"			
L44	13.33'	587'9"1"4"	L45	13.33'	587'9"1"4"	L46	13.33'	587'9"1"4"	L47	13.33'	587'9"1"4"			
L45	13.33'	587'9"1"4"	L46	13.33'	587'9"1"4"	L47	13.33'	587'9"1"4"	L48	13.33'	587'9"1"4"			
L46	13.33'	587'9"1"4"	L47	13.33'	587'9"1"4"	L48	13.33'	587'9"1"4"	L49	13.33'	587'9"1"4"			
L47	13.33'	587'9"1"4"	L48	13.33'	587'9"1"4"	L49	13.33'	587'9"1"4"	L50	13.33'	587'9"1"4"			
L48	13.33'	587'9"1"4"	L49	13.33'	587'9"1"4"	L50	13.33'	587'9"1"4"	L51	13.33'	587'9"1"4"			
L49	13.33'	587'9"1"4"	L50	13.33'	587'9"1"4"	L51	13.33'	587'9"1"4"	L52	13.33'	587'9"1"4"			
L50	13.33'	587'9"1"4"	L51	13.33'	587'9"1"4"	L52	13.33'	587'9"1"4"	L53	13.33'	587'9"1"4"			
L51	13.33'	587'9"1"4"	L52	13.33'	587'9"1"4"	L53	13.33'	587'9"1"4"	L54	13.33'	587'9"1"4"			
L52	13.33'	587'9"1"4"	L53	13.33'	587'9"1"4"	L54	13.33'	587'9"1"4"	L55	13.33'	587'9"1"4"			
L53	13.33'	587'9"1"4"	L54	13.33'	587'9"1"4"	L55	13.33'	587'9"1"4"	L56	13.33'	587'9"1"4"			
L54	13.33'	587'9"1"4"	L55	13.33'	587'9"1"4"	L56	13.33'	587'9"1"4"	L57	13.33'	587'9"1"4"			
L55	13.33'	587'9"1"4"	L56	13.33'	587'9"1"4"	L57	13.33'	587'9"1"4"	L58	13.33'	587'9"1"4"			
L56	13.33'	587'9"1"4"	L57	13.33'	587'9"1"4"	L58	13.33'	587'9"1"4"	L59	13.33'	587'9"1"4"			
L57	13.33'	587'9"1"4"	L58	13.33'	587'9"1"4"	L59	13.33'	587'9"1"4"	L60	13.33'	587'9"1"4"			
L58	13.33'	587'9"1"4"	L59	13.33'	587'9"1"4"	L60	13.33'	587'9"1"4"	L61	13.33'	587'9"1"4"			
L59	13.33'	587'9"1"4"	L60	13.33'	587'9"1"4"	L61	13.33'	587'9"1"4"	L62	13.33'	587'9"1"4"			
L60	13.33'	587'9"1"4"	L61	13.33'	587'9"1"4"	L62	13.33'	587'9"1"4"	L63	13.33'	587'9"1"4"			
L61	13.33'	587'9"1"4"	L62	13.33'	587'9"1"4"	L63	13.33'	587'9"1"4"	L64	13.33'	587'9"1"4"			
L62	13.33'	587'9"1"4"	L63	13.33'	587'9"1"4"	L64	13.33'	587'9"1"4"	L65	13.33'	587'9"1"4"			
L63	13.33'	587'9"1"4"	L64	13.33'	587'9"1"4"	L65	13.33'	587'9"1"4"	L66	13.33'	587'9"1"4"			
L64	13.33'	587'9"1"4"	L65	13.33'	587'9"1"4"	L66	13.33'	587'9"1"4"	L67	13.33'	587'9"1"4"			
L65	13.33'	587'9"1"4"	L66	13.33'	587'9"1"4"	L67	13.33'	587'9"1"4"	L68	13.33'	587'9"1"4"			
L66	13.33'	587'9"1"4"	L67	13.33'	587'9"1"4"	L68	13.33'	587'9"1"4"	L69	13.33'	587'9"1"4"			
L67	13.33'	587'9"1"4"	L68	13.33'	587'9"1"4"	L69	13.33'	587'9"1"4"	L70	13.33'	587'9"1"4"			
L68	13.33'	587'9"1"4"	L69	13.33'	587'9"1"4"	L70	13.33'	587'9"1"4"	L71	13.33'	587'9"1"4"			
L69	13.33'	587'9"1"4"	L70	13.33'	587'9"1"4"	L71	13.33'	587'9"1"4"	L72	13.33'	587'9"1"4"			
L70	13.33'	587'9"1"4"	L71	13.33'	587'9"1"4"	L72	13.33'	587'9"1"4"	L73	13.33'	587'9"1"4"			
L71	13.33'	587'9"1"4"	L72	13.33'	587'9"1"4"	L73	13.33'	587'9"1"4"	L74	13.33'	587'9"1"4"			
L72	13.33'	587'9"1"4"	L73	13.33'	587'9"1"4"	L74	13.33'	587'9"1"4"	L75	13.33'	587'9"1"4"			
L73	13													

GWINNETT COUNTY

PLANNING AND DESIGN DIVISION

RECEIVED

11.30.2022

APPLICANT: DAVIS PEARSON COMMUNITIES
2000 FIRST DRIVE, SUITE 400
MARIETTA, GA 30062
24-HR. CONTACT: DOUG PATTEN
770-294-1974
DOUG@DAVIPEARSONCOMMUNITIES.COM
CURRENT OWNER OF RECORD: DR. VNE MAZZAW
PARC. NO. 5067-003
PROPERTY ADDRESS: 1788 TEMPLE JOHNSON RD.
LOGANVILLE, GA, 30052

Zoning Exhibit Per 210-90.12

Now or Formerly
ALEXANDER LOTS
DB. 3784, PG. 85
COUNTY ZONING - R-100

ALL LOTS THAT BORDER
EXTERIOR PROPERTY BOUNDARY
ARE
DESIGNED TO A MINIMUM OF 15,000 SF

Now or Formerly
THE PRESERVE AT HAYNES
CREEK - R-100 MODIFIED
MAXIMUM DENSITY - 1.49 U/A
MINIMUM LOT SIZE - 10,500 SF.
MINIMUM STRUCTURE SIZE - 1,800 (1 STORY)
2,000 SF. (2 STORY)

ALL LOTS THAT BORDER THE
WESTERN EXTERIOR PROPERTY BOUNDARY
ADJACENT TO THE PRESERVE AT HAYNES CREEK
SHALL BE A MINIMUM OF 10,500 SF.

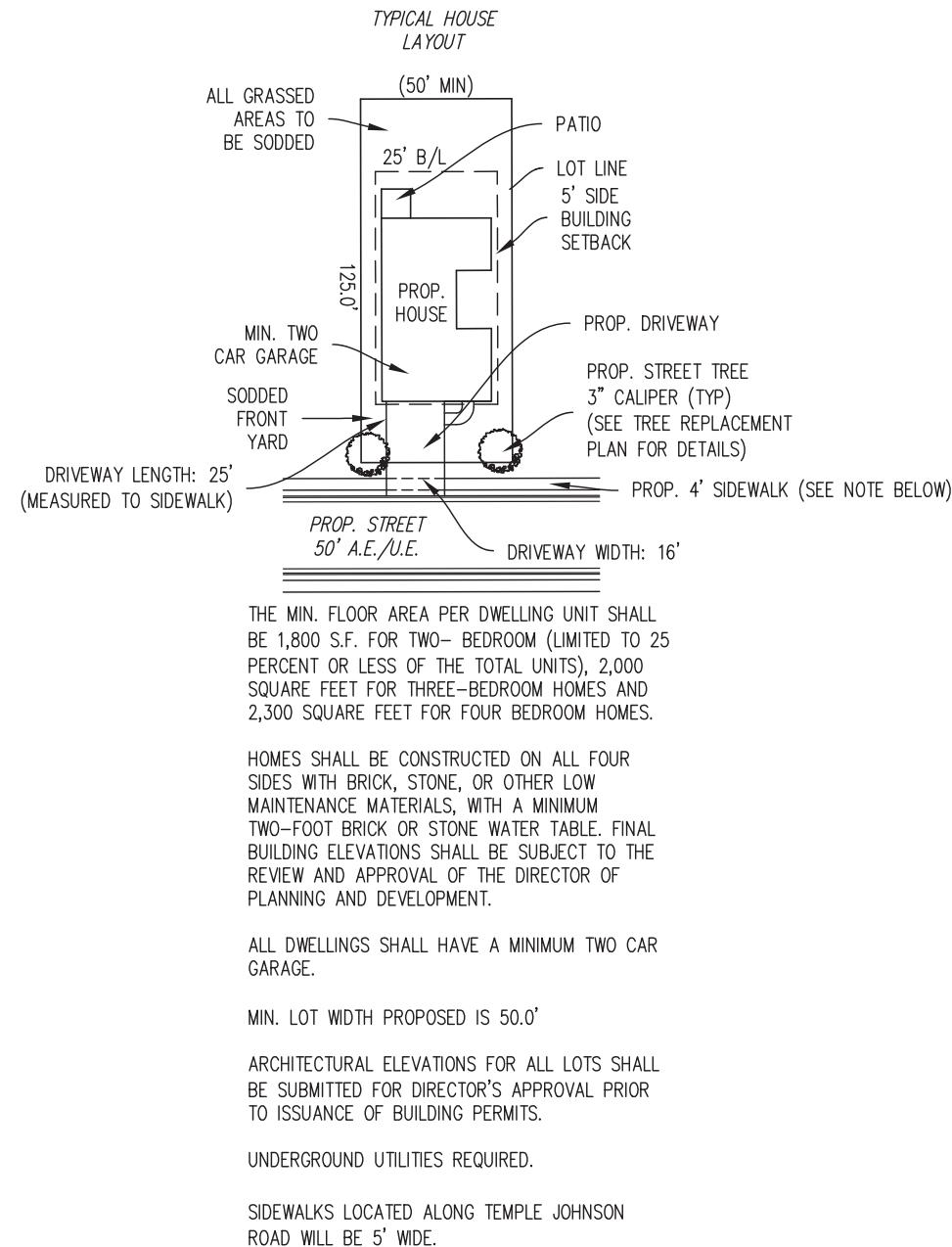
BOUNDARY LINE TABLE

CLINE: RADIUS: LENGTH: CHORD: BEARING:
C1 300.8' 203.6' 202.6' N71°27'W
C2 300.8' 203.3' 202.4' N87°27'W

LINE	DISTANCE	PERCENT	LINE	DISTANCE	PERCENT	LINE	DISTANCE	PERCENT		
L1	30.05'	577'9"4" W	L2	13.33'	805'2"1" W	L3	1.41'	951'7"1" W		
L2	14.55'	587'9"4" W	L3	10.60'	905'2"1" W	L4	2.05'	929'6"9" W		
L3	13.05'	587'9"4" W	L4	10.00'	905'2"1" W	L5	1.33'	931'6"9" W		
L4	11.55'	547'9"4" W	L5	21.35'	589'10"1" W	L6	21.35'	542'4"6" W		
L5	16.00'	587'9"4" W	L6	15.14'	585'2"1" W	L7	2.85'	924'6"4" W		
L6	14.55'	587'9"4" W	L7	21.35'	589'10"1" W	L8	0.85'	924'6"4" W		
L7	14.00'	587'9"4" W	L8	5.33'	587'9"4" W	L9	14.00'	587'9"4" W		
L8	12.75'	587'9"4" W	L9	4.57'	587'9"4" W	L10	14.25'	547'1"7" W		
L9	13.00'	587'9"4" W	L10	12.00'	587'9"4" W	L11	13.00'	587'9"4" W		
L10	10.75'	587'9"4" W	L11	7.33'	587'9"4" W	L12	11.00'	587'9"4" W		
L11	13.33'	587'9"4" W	L12	7.47'	587'9"4" W	L13	10.00'	587'9"4" W		
L12	13.00'	587'9"4" W	L13	10.00'	587'9"4" W	L14	13.00'	587'9"4" W		
L13	13.00'	587'9"4" W	L14	16.75'	587'9"4" W	L15	41.75'	587'9"4" W		
L14	16.00'	587'9"4" W	L15	13.00'	587'9"4" W	L16	13.00'	587'9"4" W		
L15	21.25'	587'9"4" W	L16	21.00'	587'9"4" W	L17	24.00'	587'9"4" W		
L16	21.00'	587'9"4" W	L17	22.00'	587'9"4" W	L18	21.00'	587'9"4" W		
L17	21.00'	587'9"4" W	L18	17.00'	587'9"4" W	L19	36.75'	587'9"4" W		
L18	21.00'	587'9"4" W	L19	17.00'	587'9"4" W	L20	36.75'	587'9"4" W		
L19	21.00'	587'9"4" W	L20	21.00'	587'9"4" W	L21	14.00'	587'9"4" W		
L20	21.00'	587'9"4" W	L21	14.00'	587'9"4" W	L22	14.00'	587'9"4" W		
L21	14.00'	587'9"4" W	L22	14.00'	587'9"4" W	L23	14.00'	587'9"4" W		
L22	14.00'	587'9"4" W	L23	14.00'	587'9"4" W	L24	14.00'	587'9"4" W		
L23	14.00'	587'9"4" W	L24	14.00'	587'9"4" W	L25	14.00'	587'9"4" W		
L24	14.00'	587'9"4" W	L25	14.00'	587'9"4" W	L26	14.00'	587'9"4" W		
L25	14.00'	587'9"4" W	L26	14.00'	587'9"4" W	L27	14.00'	587'9"4" W		
L26	14.00'	587'9"4" W	L27	14.00'	587'9"4" W	L28	14.00'	587'9"4" W		
L27	14.00'	587'9"4" W	L28	14.00'	587'9"4" W	L29	14.00'	587'9"4" W		
L28	14.00'	587'9"4" W	L29	14.00'	587'9"4" W	L30	14.00'	587'9"4" W		
L29	14.00'	587'9"4" W	L30	14.00'	587'9"4" W	L31	14.00'	587'9"4" W		
L30	14.00'	587'9"4" W	L31	14.00'	587'9"4" W	L32	14.00'	587'9"4" W		
L31	14.00'	587'9"4" W	L32	14.00'	587'9"4" W	L33	14.00'	587'9"4" W		
L32	14.00'	587'9"4" W	L33	14.00'	587'9"4" W	L34	14.00'	587'9"4" W		
L33	14.00'	587'9"4" W	L34	14.00'	587'9"4" W	L35	14.00'	587'9"4" W		
L34	14.00'	587'9"4" W	L35	14.00'	587'9"4" W	L36	14.00'	587'9"4" W		
L35	14.00'	587'9"4" W	L36	14.00'	587'9"4" W	L37	14.00'	587'9"4" W		
L36	14.00'	587'9"4" W	L37	14.00'	587'9"4" W	L38	14.00'	587'9"4" W		
L37	14.00'	587'9"4" W	L38	14.00'	587'9"4" W	L39	14.00'	587'9"4" W		
L38	14.00'	587'9"4" W	L39	14.00'	587'9"4" W	L40	14.00'	587'9"4" W		
L39	14.00'	587'9"4" W	L40	14.00'	587'9"4" W	L41	14.00'	587'9"4" W		
L40	14.00'	587'9"4" W	L41	14.00'	587'9"4" W	L42	14.00'	587'9"4" W		
L41	14.00'	587'9"4" W	L42	14.00'	587'9"4" W	L43	14.00'	587'9"4" W		
L42	14.00'	587'9"4" W	L43	14.00'	587'9"4" W	L44	14.00'	587'9"4" W		
L43	14.00'	587'9"4" W	L44	14.00'	587'9"4" W	L45	14.00'	587'9"4" W		
L44	14.00'	587'9"4" W	L45	14.00'	587'9"4" W	L46	14.00'	587'9"4" W		
L45	14.00'	587'9"4" W	L46	14.00'	587'9"4" W	L47	14.00'	587'9"4" W		
L46	14.00'	587'9"4" W	L47	14.00'	587'9"4" W	L48	14.00'	587'9"4" W		
L47	14.00'	587'9"4" W	L48	14.00'	587'9"4" W	L49	14.00'	587'9"4" W		
L48	14.00'	587'9"4" W	L49	14.00'	587'9"4" W	L50	14.00'	587'9"4" W		
L49	14.00'	587'9"4" W	L50	14.00'	587'9"4" W	L51	14.00'	587'9"4" W		
L50	14.00'	587'9"4" W	L51	14.00'	587'9"4" W	L52	14.00'	587'9"4" W		
L51	14.00'	587'9"4" W	L52	14.00'	587'9"4" W	L53	14.00'	587'9"4" W		
L52	14.00'	587'9"4" W	L53	14.00'	587'9"4" W	L54	14.00'	587'9"4" W		
L53	14.00'	587'9"4" W	L54	14.00'	587'9"4" W	L55	14.00'	587'9"4" W		
L54	14.00'	587'9"4" W	L55	14.00'	587'9"4" W	L56	14.00'	587'9"4" W		
L55	14.00'	587'9"4" W	L56	14.00'	587'9"4" W	L57	14.00'	587'9"4" W		
L56	14.00'	587'9"4" W	L57	14.00'	587'9"4" W	L58	14.00'	587'9"4" W		
L57	14.00'	587'9"4" W	L58	14.00'	587'9"4" W	L59	14.00'	587'9"4" W		
L58	14.00'	587'9"4" W	L59	14.00'	587'9"4" W	L60	14.00'	587'9"4" W		
L59	14.00'	587'9"4" W	L60	14.00'	587'9"4" W	L61	14.00'	587'9"4" W		
L60	14.00'	587'9"4" W	L61	14.00'	587'9"4" W	L62	14.00'	587'9"4" W		
L61	14.00'	587'9"4" W	L62	14.00'	587'9"4" W	L63	14.00'	587'9"4" W		
L62	14.00'	587'9"4" W	L63	14.00'	587'9"4" W	L64	14.00'	587'9"4" W		
L63	14.00'	587'9"4" W	L64	14.00'	587'9"4" W	L65	14.00'	587'9"4" W		
L64	14.00'	587'9"4" W	L65	14.00'	587'9"4" W	L66	14.00'	587'9"4" W		
L65	14.00'	587'9"4" W	L66	14.00'	587'9"4" W	L67	14.00'	587'9"4" W		
L66	14.00'	587'9"4" W	L67	14.00'	587'9"4" W	L68	14.00'	587'9"4" W		
L67	14.00'	587'9"4" W	L68	14.00'	587'9"4" W	L69	14.00'	587'9"4" W		
L68	14.00'	587'9"4" W	L69	14.00'	587'9"4" W	L70	14.00'	587'9"4" W		
L69	14.00'	587'9"4" W	L70	14.00'	587'9"4" W	L71	14.00'	587'9"4" W		
L70	14.00'	587'9"4" W	L71	14.00'	587'9"4" W	L72	14.00'	587'9"4" W		
L71	14.00'	587'9"4" W	L72	14.00'	587'9"4" W	L73	14.00'	587'9"4" W		
L72	14.00'	587'9"4" W	L73	14.00'	587'9"4" W	L74	14.00'	587'9"4" W		
L73	14.00'	587'9"4" W	L74	14.00'	587'9"4" W	L75	14.00'	587'9"4" W		
L74	14.00'	587'9"4" W	L75	14.00'	587'9"4" W	L76	14.00'	587'9"4" W		
L75	14.00'	587'9"4" W	L76	14.00'	587'9"4" W	L77	14.00'	587'9"4" W		
L76	14.00'	587'9"4" W	L77	14.00'	587'9"4" W	L78	14.00'	587'9"4" W		
L77	14.00'	587'9"4" W	L78	14.00'	587'9"4" W	L79	14.00'	587'9"4" W		
L78	14.00'	587'9"4" W	L79	14.00'	587'9"4" W	L80	14.00'	587'9"4" W		
L79	14.00'	587'9"4" W	L80	14.00'	587'9"4" W	L81	14.00'	587'9"4" W		
L80	14.00'	587'9"4" W	L81	14.00'	587'9"4" W	L82	14.00'	587'9"4" W		
L81	14.00'	587'9"4" W	L82	14.00'	587'9"4" W	L83	14.00'	587'9"4" W		
L82	14.00'	587'9"4" W	L83	14.00'	587'9"4" W	L84	14.00'	587'9"4" W		
L83	14.00'	587'9"4" W	L84	14.00'	587'9"4" W	L85	14.00'	587'9"4" W		
L84	14.00'	587'9"4" W	L85	14.00'	587'9"4" W	L86	14.00'	587'9"4" W		
L85	14.00'	587'9"4" W	L86	14.00'	587'9"4" W	L87	14.00'	587'9"4" W		
L86	14.00'	587'9"4" W	L87	14.00'	587'9"4" W	L88	14.00'	587'9"4" W		
L87	14.00'	587'9"4" W	L88	14.00'	587'9"4" W	L89	14.00'	587'9"4" W		
L88	14.00'	587'9"4" W	L89	14.00'	587'9"4" W	L90	14.00'	587'9"4" W		
L89	14.00'	587'9"4" W	L90	14.00'	587'9"4" W	L91	14.00'	587'9"4" W		
L90	14.00'	587'9"4" W	L91	14.00'	587'9"4" W	L92	14.00'	587'9"4" W		
L91	14.00'	587'9"4" W	L92	14.00'	587'9"4" W	L93	14.00'	587'9"4" W		
L92	14.00'	587'9"4" W	L93	14.00'	587'9"4" W	L94	14.00'	587'9"4" W		
L93	14.00'	587'9"4" W	L94	14.00'	587'9"4" W	L95	14.00'	587'9"4" W		
L94	14.00'	587'9"4" W	L95	14.00'	587'9"4" W	L96	14.00'	587'9"4" W		
L95	14.00'	587'9"4" W	L96	14.00'	587'9"4" W	L97	14.00'	587'9"4" W		
L96	14.00'	587'9"4" W	L97	14.00'	587'9"4" W	L98	14.00'	587'9"4" W		
L97	14.00'	587'9"4" W	L98	14.00'	587'9"4" W	L99	14.00'	587'9"4" W		
L98</td										

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TO THE BOARD OF COMMISSIONERS

GWINNETT COUNTY, GEORGIA

PRESERVATION OF RIGHT TO APPEAL
AND NOTICE OF CONSTITUTIONAL CHALLENGE
TO ZONING

COMES NOW, DAVID PEARSON COMMUNITIES, hereinafter referred to as the "Applicant" and for itself and/or acting on behalf of the Owner, asserts the following, to wit:

1.

By filing the Application to which this exhibit relates, Applicant has applied for rezoning of certain real property lying and being in Gwinnett County, Georgia, a more particular description and delineation of the subject property, hereinafter referred to as the "Property", being set forth in said Application.

2.

The Application for Map Amendment of the property seeks a rezoning from the existing category of R-100, as established by the governing authority of Gwinnett County, Georgia to the zoning category of R-SR with the requested density. (hereinafter "Requested Zoning").

3.

The current R-100 zoning classification of the Property and all intervening classifications between same and the Requested Zoning are unconstitutional in that

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they deprive the Applicant under and pursuant to Article 1, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States. This deprivation of property without due process violates constitutional prohibitions against the taking of private property without just compensation.

4.

The zoning classifications of R-100 and all intervening classifications between same and the Requested Zoning as they presently exist violate the Applicant's right to the unfettered use of the Property in that the existing zoning classification does not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classifications are unconstitutional in that they are arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

5.

The Gwinnett County Unified Development Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with zoning applications also violates the aforementioned constitutional provisions in that said procedures contain the lack of

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1100002 procedural and evidentiary safeguards, do not restrict evidence received to the issues at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law.

6.

Pursuant to O.C.G.A. §§ 36-11-1 and other applicable law, please consider this your notice that as of today's date the Owner/Applicant is contending that the County's unconstitutional zoning classifications of the property has caused damages to the Owner/Applicant. As a direct and proximate result of the unconstitutional zoning classifications, the Owner/Applicant has suffered and will continue to suffer monetary damages in the nature of attorneys' fees and costs, interest and other expenses on pending loans on the property, loss of income from the property and other related damages. To comply with recent changes in Georgia law, an amount of \$1,000 per day is identified. While this amount cannot be calculated to an exact certainty; the Owner/Applicant will assist the County by providing whatever additional information, if any, the County feels is necessary to adequately investigate this claim. If the Owner/Applicant does not receive a timely request for additional information, it will be presumed that the County does not require any additional information and can make a determination within the allowed statutory period.

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Respectfully submitted, this the 28th day of November, 2022.

DAVID PEARSON COMMUNITIES

By:

Doug Patten

Doug Patten, Director of Land Development