



## 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**

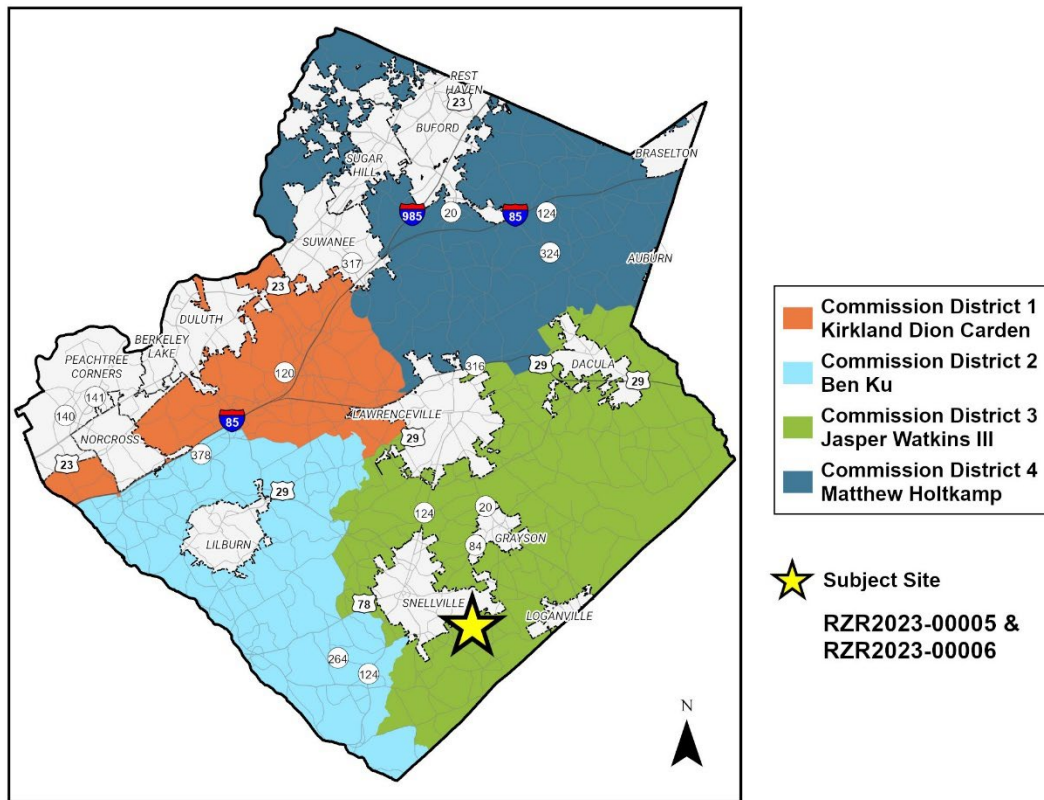
**Planning Commission  
Recommendation:** **DENIAL WITHOUT PREJUDICE**

**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

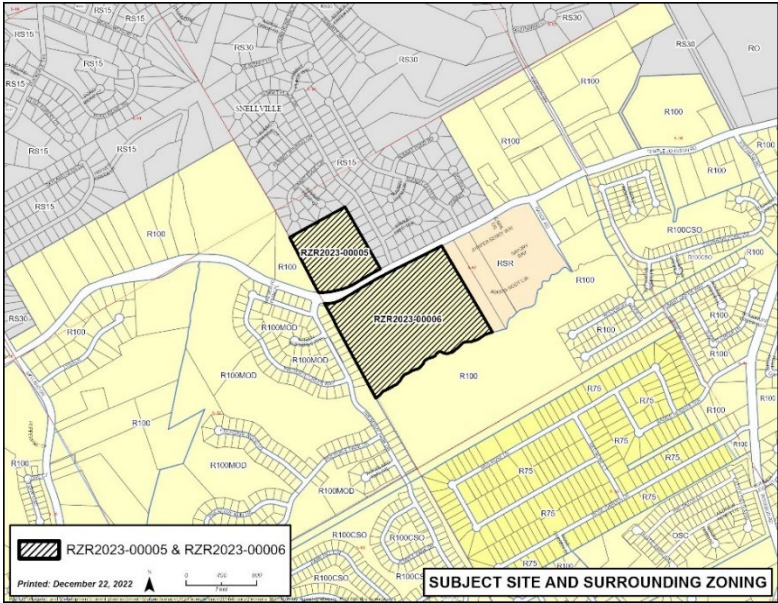
The subject site is a 52.3-acre parcel divided by Temple Johnson Road into two tracts. The tracts are located on the north and south side of Temple Johnson Road. The southern tract is developed with a single home and accessory structure. The home sits at the end of a long driveway that cuts through the 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 it's 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.

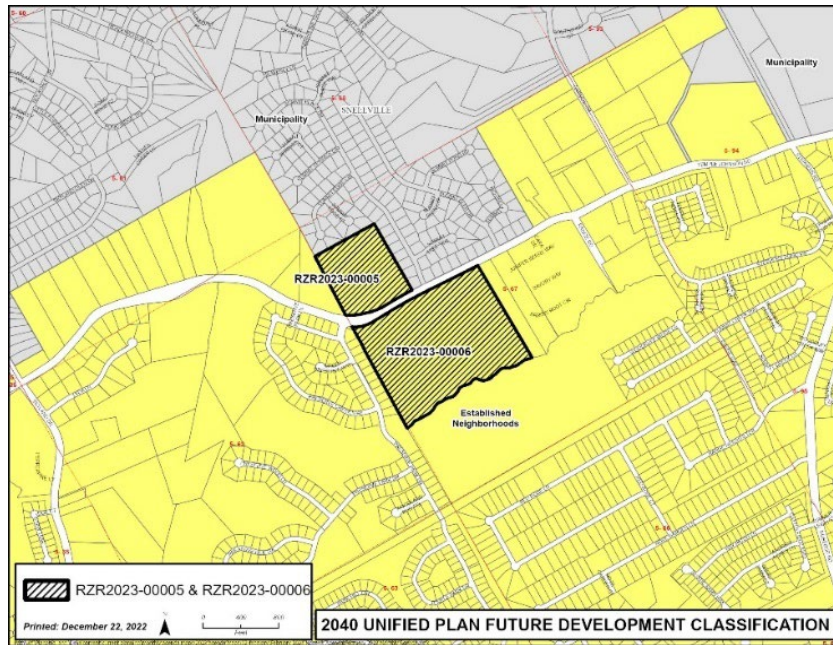
**D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

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.

## **RZR2023-00005**

### **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 land 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 DEVELOPMENT

RECEIVED

11.30.2022

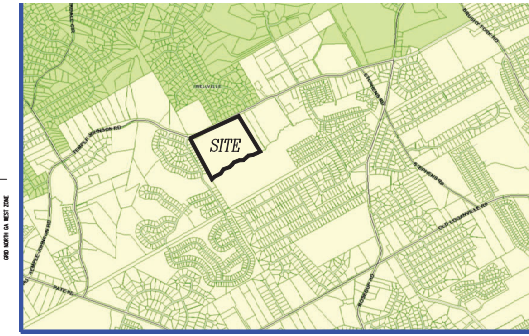
Zoning Exhibit Per 210-90.12

GENERAL NOTES:

DEVELOPERS SHALL INSTALL SIDEWALKS ON ABUTTING EXTERNAL STREETS, MASSIVE RECREATION AREA LOTS, AND OPEN SPACE LOTS AND LOT OWNER/BUILDER SHALL INSTALL INTERSECTION RADIUS CURB RAMP AT NEW STREET INTERSECTIONS AND L-SHAPED MID-BLOCK RAMP AT CUL-DE-SAC TURNAROUNDS (IF REQUIRED) PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR SAID LOT.  
ALL NEW UTILITY LINES SHALL BE LOCATED UNDERGROUND WATER & SEWER TO BE PROVIDED BY GWINNETT COUNTY SEWER ARE NOT ALLOWED WITHIN THIRTEEN FEET FROM THE EDGE OF THE ROADWAY WITH CURB AND GUTTER AND ANY NECESSARY DRAINAGE STRUCTURES.

GWINNETT COUNTY NOTES:

THERE ARE NO WETLANDS BEING DISTURBED ON THIS SITE. STORM WATER MANAGEMENT FOR THIS PROJECT SHALL BE PROVIDED ON-SITE.  
A 100-FOOT UNDISTURBED BUFFER AND A 150-FOOT IMPERVIOUS SETBACK SHALL BE MAINTAINED ADJACENT TO THE ADJOINING STREAM.  
NO EXISTING OR ABANDONED WELLS HAVE BEEN FOUND ON SITE. SEWER IS GRAVITY FLOW



ARBA MAP: NTS FLOOD INFORMATION:

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A FEMA 100 YEAR FLOOD ZONE "A" ACCORDING TO FEMA MAP PANEL 13135C01.39F DATED: SEPT. 29, 2006

GENERAL SITE NOTES:

PROPOSED USE: SINGLE FAMILY RESIDENTIAL  
CURRENT COUNTY ZONING: R-100  
TOTAL DEEDED AREA TO BE ZONED - 52.289 ACRES

GENERAL SITE NOTES FOR ZONING:

PROPOSED ZONING - R-SR  
TOTAL RESIDENTIAL LOTS PROPOSED: 172 LOTS  
SITE DENSITY ALLOWED PER ZONING - 4.00 U/A  
PROPOSED SITE DENSITY - 3.29 U/A  
MINIMUM LOT SIZE ALLOWED PER ZONING - 5,000 SF  
MINIMUM LOT SIZE PLANNED - 6,000 SF  
MINIMUM LOT WIDTH PLANNED - 50'  
MINIMUM STRUCTURE SIZE PLANNED - 1,800 SF. (1 STORY)  
2,000 SF. (2 STORY)  
MAXIMUM BLDG. HEIGHT - 35 FT  
MINIMUM COMMON AREA PER ZONING - 7.84 ACRES (15%)  
COMMON AREA PLANNED - 8.38 ACRES (16%)  
\* DETENTION POND NOT INCLUDED WITHIN OPEN SPACE CALCULATIONS.

BUILDING SETBACKS PROPOSED:

FRONT - 20'  
SIDE - 5' (10' BETWEEN STRUCTURES)  
REAR - 25'  
EXTERIOR PERIMETER REAR - 25' LANDSCAPED BUFFER  
\* 50 FT LANDSCAPE BUILDING SETBACK ALONG RIGHT OF WAY OF TEMPLE JOHNSON RD.

PROPOSED ZONING SITE PLAN FOR:

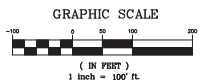
KELLY PRESERVE  
PHASE 2

LAND LOTS 67, 5TH DISTRICT  
GWINNETT COUNTY, GEORGIA

DAVID PEARSON COMMUNITIES, INC.

2000 FIRST DRIVE, STE 400, MARIETTA GA. 30062, PHONE: 770-321-5032

DRAWN BY: DP		DATE: 11-2-22	
CHECKED BY: DP		DWG NO.: ZONING	
JOB NO.: TEMPLEJ		SHEET 1	
NO.	DATE	REVISION DESCRIPTION	BY



centerline  
Surveying and Land Planning, Inc.  
1000 SHELLEY ROAD, SUITE 100, DUNWOODY, GA 30344  
PHONE: (770) 424-0288 FAX: (770) 424-2388  
DATE OF ORIGINAL FIELD WORK COMPLETED - FEBRUARY 15, 2021  
DATE OF ORIGINAL PLAT OR MAP IS MARCH 15, 2021 LSP #001298

BOUNDARY CURVE TABLE					BOUNDARY LINE TABLE				
CURVE	RADIUS	CHORD	CHORD	BEARING	LINE	DISTANCE	DIRECTION	LINE	DISTANCE
C1	208.67'	208.35'	208.62'	N071°30'1"	C1	208.67'	N071°30'1"	C1	208.67'
C2	208.35'	208.35'	208.35'	N071°30'1"	C2	208.35'	N071°30'1"	C2	208.35'
C3	208.35'	208.35'	208.35'	N071°30'1"	C3	208.35'	N071°30'1"	C3	208.35'
C4	208.35'	208.35'	208.35'	N071°30'1"	C4	208.35'	N071°30'1"	C4	208.35'
C5	208.35'	208.35'	208.35'	N071°30'1"	C5	208.35'	N071°30'1"	C5	208.35'
C6	208.35'	208.35'	208.35'	N071°30'1"	C6	208.35'	N071°30'1"	C6	208.35'
C7	208.35'	208.35'	208.35'	N071°30'1"	C7	208.35'	N071°30'1"	C7	208.35'
C8	208.35'	208.35'	208.35'	N071°30'1"	C8	208.35'	N071°30'1"	C8	208.35'
C9	208.35'	208.35'	208.35'	N071°30'1"	C9	208.35'	N071°30'1"	C9	208.35'
C10	208.35'	208.35'	208.35'	N071°30'1"	C10	208.35'	N071°30'1"	C10	208.35'
C11	208.35'	208.35'	208.35'	N071°30'1"	C11	208.35'	N071°30'1"	C11	208.35'
C12	208.35'	208.35'	208.35'	N071°30'1"	C12	208.35'	N071°30'1"	C12	208.35'
C13	208.35'	208.35'	208.35'	N071°30'1"	C13	208.35'	N071°30'1"	C13	208.35'
C14	208.35'	208.35'	208.35'	N071°30'1"	C14	208.35'	N071°30'1"	C14	208.35'
C15	208.35'	208.35'	208.35'	N071°30'1"	C15	208.35'	N071°30'1"	C15	208.35'
C16	208.35'	208.35'	208.35'	N071°30'1"	C16	208.35'	N071°30'1"	C16	208.35'
C17	208.35'	208.35'	208.35'	N071°30'1"	C17	208.35'	N071°30'1"	C17	208.35'
C18	208.35'	208.35'	208.35'	N071°30'1"	C18	208.35'	N071°30'1"	C18	208.35'
C19	208.35'	208.35'	208.35'	N071°30'1"	C19	208.35'	N071°30'1"	C19	208.35'
C20	208.35'	208.35'	208.35'	N071°30'1"	C20	208.35'	N071°30'1"	C20	208.35'
C21	208.35'	208.35'	208.35'	N071°30'1"	C21	208.35'	N071°30'1"	C21	208.35'
C22	208.35'	208.35'	208.35'	N071°30'1"	C22	208.35'	N071°30'1"	C22	208.35'
C23	208.35'	208.35'	208.35'	N071°30'1"	C23	208.35'	N071°30'1"	C23	208.35'
C24	208.35'	208.35'	208.35'	N071°30'1"	C24	208.35'	N071°30'1"	C24	208.35'
C25	208.35'	208.35'	208.35'	N071°30'1"	C25	208.35'	N071°30'1"	C25	208.35'
C26	208.35'	208.35'	208.35'	N071°30'1"	C26	208.35'	N071°30'1"	C26	208.35'
C27	208.35'	208.35'	208.35'	N071°30'1"	C27	208.35'	N071°30'1"	C27	208.35'
C28	208.35'	208.35'	208.35'	N071°30'1"	C28	208.35'	N071°30'1"	C28	208.35'
C29	208.35'	208.35'	208.35'	N071°30'1"	C29	208.35'	N071°30'1"	C29	208.35'
C30	208.35'	208.35'	208.35'	N071°30'1"	C30	208.35'	N071°30'1"	C30	208.35'
C31	208.35'	208.35'	208.35'	N071°30'1"	C31	208.35'	N071°30'1"	C31	208.35'
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C34	208.35'	208.35'	208.35'	N071°30'1"	C34	208.35'	N071°30'1"	C34	208.35'
C35	208.35'	208.35'	208.35'	N071°30'1"	C35	208.35'	N071°30'1"	C35	208.35'
C36	208.35'	208.35'	208.35'	N071°30'1"	C36	208.35'	N071°30'1"	C36	208.35'
C37	208.35'	208.35'	208.35'	N071°30'1"	C37	208.35'	N071°30'1"	C37	208.35'
C38	208.35'	208.35'	208.35'	N071°30'1"	C38	208.35'	N071°30'1"	C38	208.35'
C39	208.35'	208.35'	208.35'	N071°30'1"	C39	208.35'	N071°30'1"	C39	208.35'
C40	208.35'	208.35'	208.35'	N071°30'1"	C40	208.35'	N071°30'1"	C40	208.35'
C41	208.35'	208.35'	208.35'	N071°30'1"	C41	208.35'	N071°30'1"	C41	208.35'
C42	208.35'	208.35'	208.35'	N071°30'1"	C42	208.35'	N071°30'1"	C42	208.35'
C43	208.35'	208.35'	208.35'	N071°30'1"	C43	208.35'	N071°30'1"	C43	208.35'
C44	208.35'	208.35'	208.35'	N071°30'1"	C44	208.35'	N071°30'1"	C44	208.35'
C45	208.35'	208.35'	208.35'	N071°30'1"	C45	208.35'	N071°30'1"	C45	208.35'
C46	208.35'	208.35'	208.35'	N071°30'1"	C46	208.35'	N071°30'1"	C46	208.35'
C47	208.35'	208.35'	208.35'	N071°30'1"	C47	208.35'	N071°30'1"	C47	208.35'
C48	208.35'	208.35'	208.35'	N071°30'1"	C48	208.35'	N071°30'1"	C48	208.35'
C49	208.35'	208.35'	208.35'	N071°30'1"	C49	208.35'	N071°30'1"	C49	208.35'
C50	208.35'	208.35'	208.35'	N071°30'1"	C50	208.35'	N071°30'1"	C50	208.35'
C51	208.35'	208.35'	208.35'	N071°30'1"	C51	208.35'	N071°30'1"	C51	208.35'
C52	208.35'	208.35'	208.35'	N071°30'1"	C52	208.35'	N071°30'1"	C52	208.35'
C53	208.35'	208.35'	208.35'	N071°30'1"	C53	208.35'	N071°30'1"	C53	208.35'
C54	208.35'	208.35'	208.35'	N071°30'1"	C54	208.35'	N071°30'1"	C54	208.35'
C55	208.35'	208.35'	208.35'	N071°30'1"	C55	208.35'	N071°30'1"	C55	208.35'
C56	208.35'	208.35'	208.35'	N071°30'1"	C56	208.35'	N071°30'1"	C56	208.35'
C57	208.35'	208.35'	208.35'	N071°30'1"	C57	208.35'	N071°30'1"	C57	208.35'
C58	208.35'	208.35'	208.35'	N071°30'1"	C58	208.35'	N071°30'1"	C58	208.35'
C59	208.35'	208.35'	208.35'	N071°30'1"	C59	208.35'	N071°30'1"	C59	208.35'
C60	208.35'	208.35'	208.35'	N071°30'1"	C60	208.35'	N071°30'1"	C60	208.35'
C61	208.35'	208.35'	208.35'	N071°30'1"	C61	208.35'	N071°30'1"	C61	208.35'
C62	208.35'	208.35'	208.35'	N071°30'1"	C62	208.35'	N071°30'1"	C62	208.35'
C63	208.35'	208.35'	208.35'	N071°30'1"	C63	208.35'	N071°30'1"	C63	208.35'
C64	208.35'	208.35'	208.35'	N071°30'1"	C64	208.35'	N071°30'1"	C64	208.35'
C65	208.35'	208.35'	208.35'	N071°30'1"	C65	208.35'	N071°30'1"	C65	208.35'
C66	208.35'	208.35'	208.35'	N071°30'1"	C66	208.35'	N071°30'1"	C66	208.35'
C67	208.35'	208.35'	208.35'	N071°30'1"	C67	208.35'	N071°30'1"	C67	208.35'
C68	208.35'	208.35'	208.35'	N071°30'1"	C68	208.35'	N071°30'1"	C68	208.35'
C69	208.35'	208.35'	208.35'	N071°30'1"	C69	208.35'	N071°30'1"	C69	208.35'
C70	208.35'	208.35'	208.35'	N071°30'1"	C70	208.35'	N071°30'1"	C70	208.35'
C71	208.35'	208.35'	208.35'	N071°30'1"	C71	208.35'	N071°30'1"	C71	208.35'
C72	208.35'	208.35'	208.35'	N071°30'1"	C72	208.35'	N071°30'1"	C72	208.35'
C73	208.35'	208.35'	208.35'	N071°30'1"	C73	208.35'	N071°30'1"	C73	208.35'
C74	208.35'	208.35'	208.35'	N071°30'1"	C74	208.35'	N071°30'1"	C74	208.35'
C75	208.35'	208.35'	208.35'	N071°30'1"	C75	208.35'	N071°30'1"	C75	208.35'
C76	208.35'	208.35'	208.35'	N071°30'1"	C76	208.35'	N071°30'1"	C76	208.35'
C77	208.35'	208.35'	208.35'	N071°30'1"	C77	208.35'	N071°30'1"	C77	208.35'
C78	208.35'	208.35'	208.35'	N071°30'1"	C78	208.35'	N071°30'1"	C78	208.35'
C79	208.35'	208.35'	208.35'	N071°30'1"	C79	208.35'	N071°30'1"	C79	208.35'
C80	208.35'	208.35'	208.35'	N071°30'1"	C80	208.35'	N071°30'1"	C80	208.35'
C81	208.35'	208.35'	208.35'	N071°30'1"	C81	208.35'	N071°30'1"	C81	208.35'
C82	208.35'	208.35'	208.35'	N071°30'1"	C82	208.35'	N071°30'1"	C82	208.35'
C83	208.35'	208.35'	208.35'	N071°30'1"	C83	208.35'	N071°30'1"	C83	208.35'
C84	208.35'	208.35'	208.35'	N071°30'1"	C84	208.35'	N071°30'1"	C84	208.35'
C85	208.35'	208.35'	208.35'	N071°30'1"	C85	208.35'	N071°30'1"	C85	208.35'
C86	208.35'	208.35'	208.35'	N071°30'1"	C86	208.35'	N071°30'1"	C86	208.35'
C87	208.35'	208.35'	208.35'	N071°30'1"	C87	208.35'	N071°30'1"	C87	208.35'
C88	208.35'	208.35'	208.35'	N071°30'1"	C88	208.35'	N071°30'1"	C88	208.35'
C89	208.35'	208.35'	208.35'	N071°30'1"	C89	208.35'	N071°30'1"	C89	208.35'
C90	208.35'	208.35'	208.35'	N071°30'1"	C90	208.35'	N071°30'1"	C90	208.35'
C91	208.35'	208.35'	208.35'	N071°30'1"	C91	208.35'	N071°30'1"	C91	208.35'
C92	208.35'	208.35'	208.35'	N071°30'1"	C92	208.35'	N071°30'1"	C92	208.35'
C93	208.35'	208.35'	208.35'	N071°30'1"	C93	208.35'	N071°30'1"	C93	208.35'
C94	208.35'	208.35'	208.35'	N071°30'1"	C94	208.35'	N071°30'1"	C94	208.35'
C95	208.35'	208.35'	208.35'	N071°30'1"	C95	208.35'	N071°30'1"	C95	208.35'
C96	208.35'	208.35'	208.35'	N071°30'1"	C96	208.35'	N071°30'1"	C96	208.35'
C97	208.35'	208.35'	208.35'	N071°30'1"	C97	208.35'	N071°30'1"	C97	208.35'
C98	208.35'	208.35'	208.35'	N071°30'1"	C98	208.35'	N071°30'1"	C98	208.35'
C99	208.35'	208.35'	208.35'	N071°30'1"	C99	208.35'	N071°30'1"	C99	208.35'
C100	208.35'	208.35'	208.35'	N071°30'1"	C100	208.35'	N071°30'1"	C100	208.35'

Now or Forever

THE PRESERVE AT HAYNES

CH 12 TWO

PL 102, PG. 129



## **Exhibit C: Building Elevations**

**[attached]**



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

**[attached]**

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11.30.2022

DAVID PEARSON COMMUNITIES, INC.

2000 FIRST DRIVE, SUITE 400, MARIETTA, GEORGIA 30062

**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

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 Count 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

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

Please see attached

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

Please see attached

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- (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:

Please see attached

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

Please see attached

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- (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 BURDENSOME 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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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>	
<p align="center"><b>APPLICANT IS THE:</b></p> <p> <input type="checkbox"/> OWNER'S AGENT              <input type="checkbox"/> PROPERTY OWNER              <input checked="" type="checkbox"/> CONTRACT PURCHASER         </p>	
PRESENT ZONING DISTRICTS(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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**REZONING APPLICATION**

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

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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>	
<p align="center"><b>APPLICANT IS THE:</b></p> <p> <input type="checkbox"/> OWNER'S AGENT           <input checked="" type="checkbox"/> PROPERTY OWNER           <input type="checkbox"/> CONTRACT PURCHASER         </p>	
PRESENT ZONING DISTRICTS(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**

RECEIVED

11.30.2022

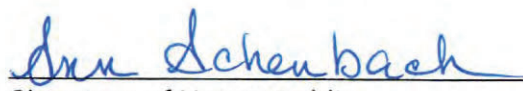
**REZONING APPLICANT'S CERTIFICATION**

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

  
Signature of Applicant \_\_\_\_\_ Date 11-20-22

Doug Patten, Director of Land Development

Type or Print Name and Title

  
Signature of Notary Public \_\_\_\_\_ Date 11-20-2022

Notary Seal



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



Notary Seal




RECEIVED

11.30.2022


Gwinnett County Planning Division  
Rezoning Application  
Last Updated 10/2021

**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 OFFICAL 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

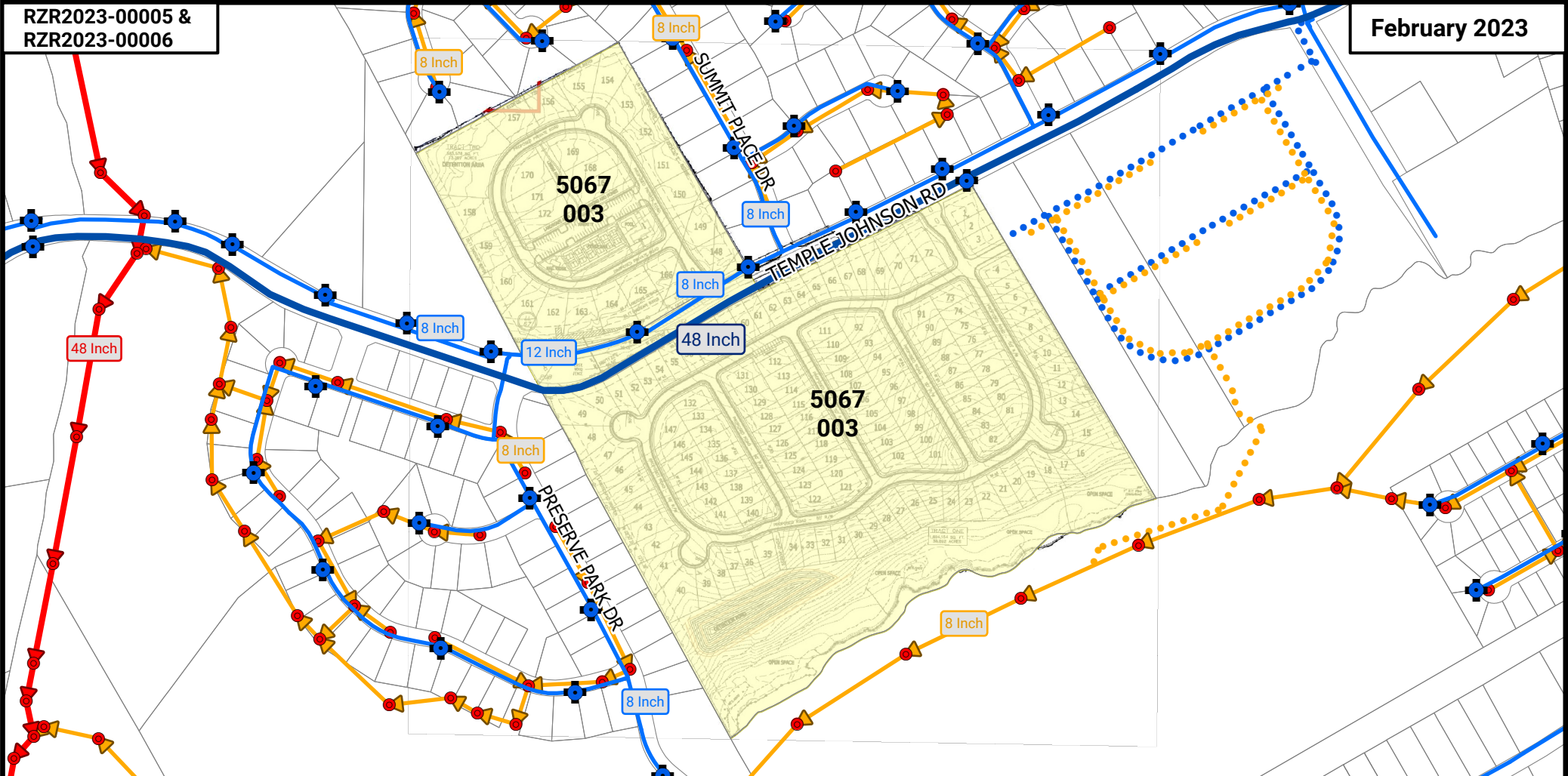
<b>TRC Meeting Date:</b>		1.18.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		<a href="mailto:Brent.Hodges@gwinnettcounty.com">Brent.Hodges@gwinnettcounty.com</a>	
Case Number:		RZR2023-00005 and RZR2023-00006	
Case Address:		1788 Temple Johnson Road, Loganville, 30052	
<b>Comments:</b>		<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>YES</b>
		<input type="checkbox"/>	<input type="checkbox"/> <b>NO</b>
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			
<b>Recommended Zoning Conditions:</b>		<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>YES</b>
		<input type="checkbox"/>	<input type="checkbox"/> <b>NO</b>
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

<b>TRC Meeting Date:</b>					
Department/Agency Name:		DWR			
Reviewer Name:		Mike Pappas			
Reviewer Title:		GIS Planning Manager			
Reviewer Email Address:		<a href="mailto:Michael.pappas@gwinnettcounty.com">Michael.pappas@gwinnettcounty.com</a>			
Case Number:		RZR2023-00005 & RZR2023-00006			
Case Address:		1788 Temple Johnson Road			
<b>Comments:</b>		<input checked="" type="checkbox"/>	<b>YES</b>	<input type="checkbox"/>	<b>NO</b>
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					
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>NO</b>
1					
2					
3					
4					
5					
6					
7					



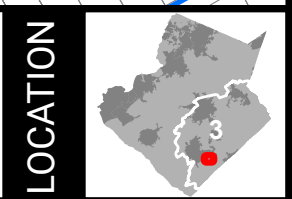
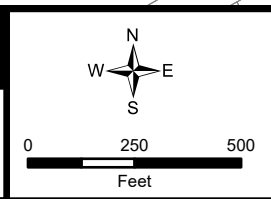


LEGEND

Flow Management	Hydrant	Sewer Force Main
Pump Station	City	Proposed Gravity Sewer
Regional	Water Main	Sewer Collector
Manhole	Proposed Water Main	Sewer Interceptor

1788 Temple Johnson Road  
R-100 to R-SR

Water & Sewer  
Utility Map



**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.

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

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

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

## **Exhibit G: Maps**

**[attached]**





**RZR2023-00005**

**RZR2023-00006**



**RZR2023-00005 & RZR2023-00006**

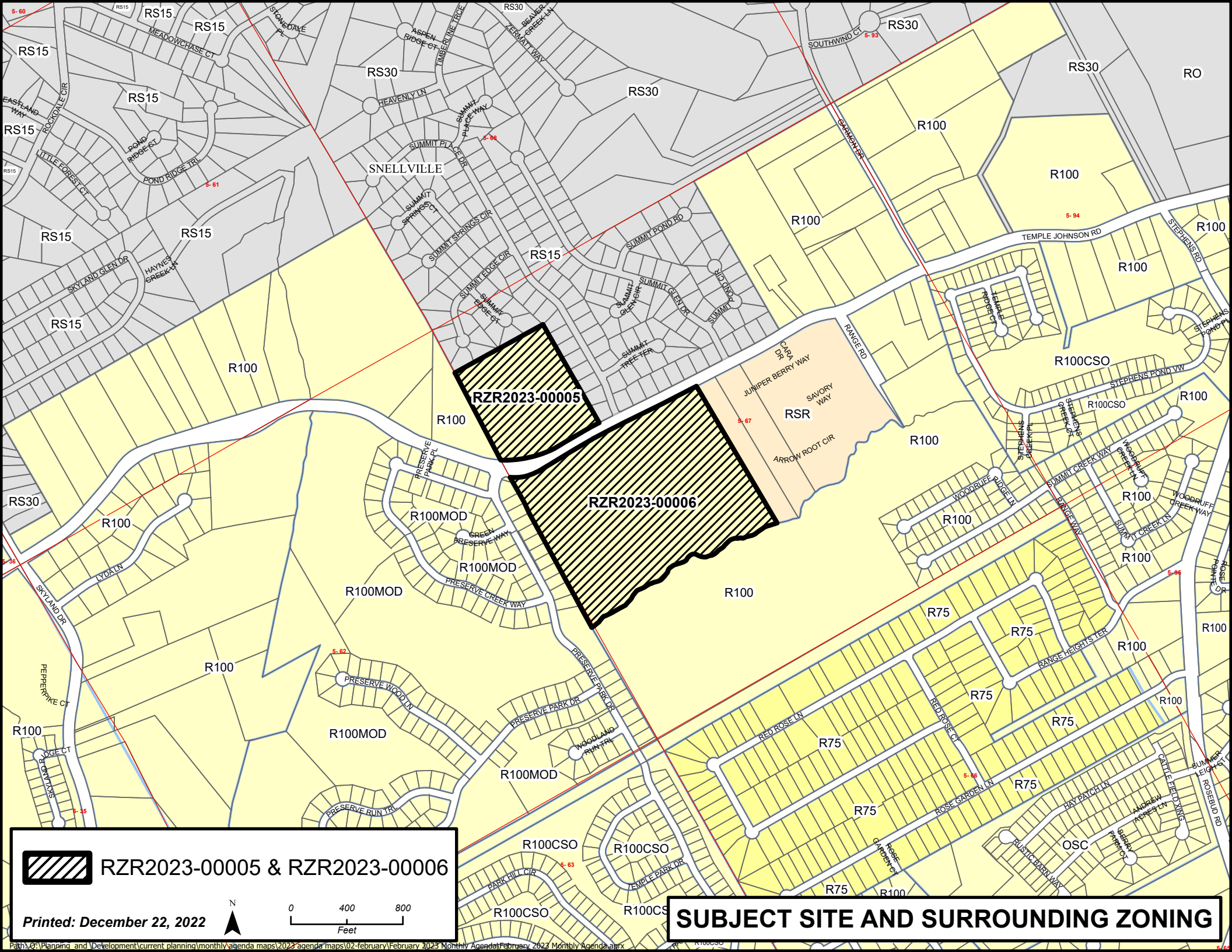
**Printed: December 22, 2022**



0 150 300  
Feet

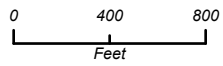
Gwinnett County GIS



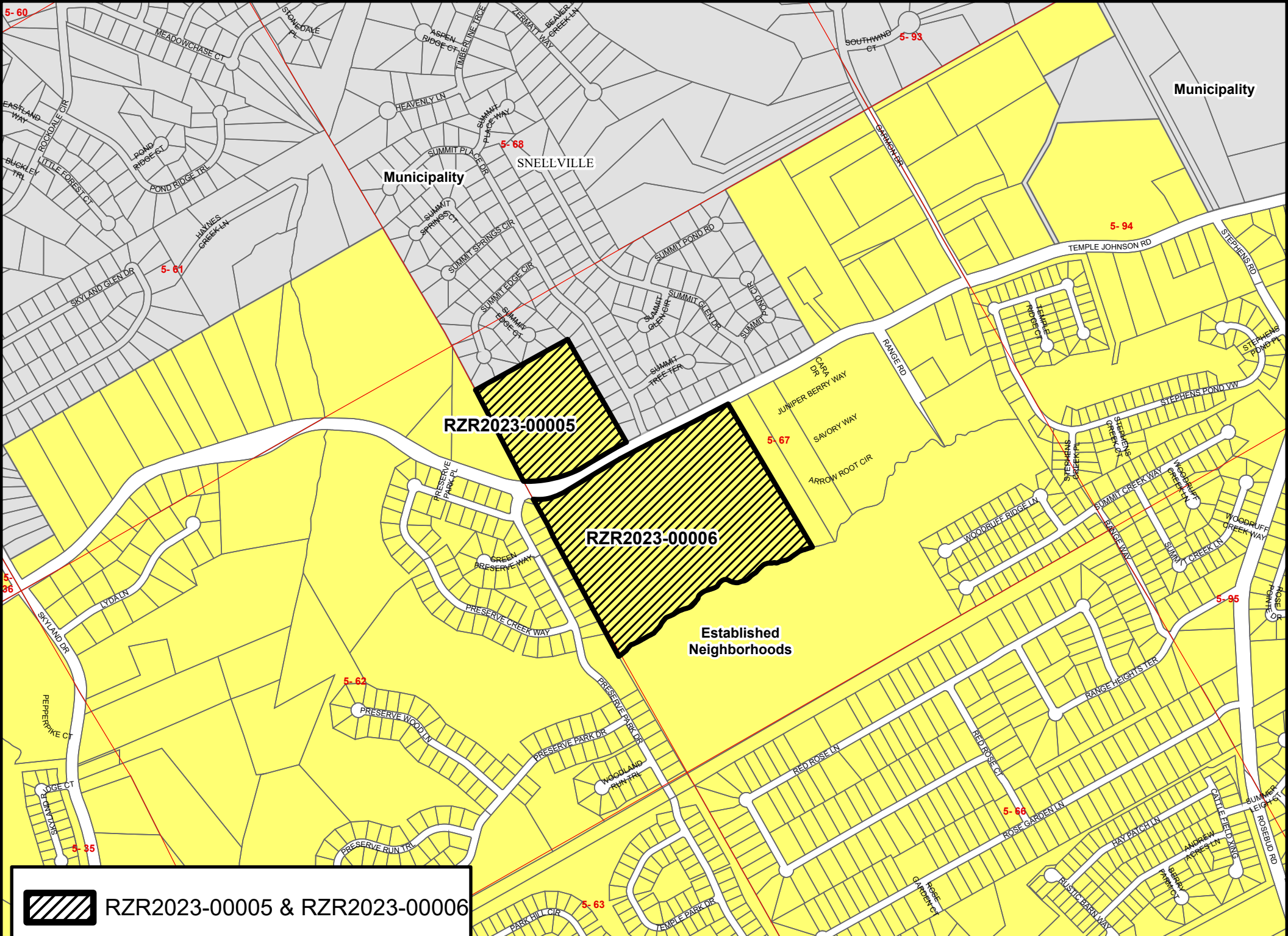



**RZR2023-00005 & RZR2023-00006**

**Printed: December 22, 2022**



**SUBJECT SITE AND SURROUNDING ZONING**



 RZR2023-00005 & RZR2023-00006

Printed: December 22, 2022

# 2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION



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

**[attached]**

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

RECEIVED

3.3.2023

APPLICANT:

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

24 HR. CONTACT:

DOUG PATTEN  
770-294-1974  
DOUG@DAVIDPEARSONCOMMUNITIES.COM

CURRENT OWNER OF RECORD:  
DR. ANNE MAZZAW  
PARCEL No. 5067-003

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

CITY OF SNELLVILLE ZONING - RS-150

Now or Formerly  
SUMMIT PLACE - UNIT ONE  
PB. 59, PG. 217

Now or Formerly  
ALEXANDRA KARAKOS  
COUNTY ZONING - R-100

Now or Formerly  
THE PRESERVE AT HAYNES  
CREEK - UNIT ONE  
PB. 102, PG. 130  
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.

CURVE	RADIUS	LENGTH	CHORD	BEARING
1	308.07'	286.37'	286.37'	N70°12'00"E
2	308.07'	286.37'	286.37'	S89°21'00"W

BOUNDARY CURVE TABLE									
LINE	DISTANCE	DIRECTION	LINE	DISTANCE	DIRECTION	LINE	DISTANCE	DIRECTION	LINE
L1	15.55'	S72°15'00"W	L17	13.55'	S70°15'00"W	L28	15.85'	N70°12'00"E	L39
L2	16.55'	S72°15'00"W	L18	13.55'	S70°15'00"W	L29	15.85'	N70°12'00"E	L40
L3	16.55'	S72°15'00"W	L19	13.55'	S70°15'00"W	L30	15.85'	N70°12'00"E	L41
L4	16.55'	S72°15'00"W	L20	13.55'	S70°15'00"W	L31	15.85'	N70°12'00"E	L42
L5	16.55'	S72°15'00"W	L21	13.55'	S70°15'00"W	L32	15.85'	N70°12'00"E	L43
L6	16.55'	S72°15'00"W	L22	13.55'	S70°15'00"W	L33	15.85'	N70°12'00"E	L44
L7	16.55'	S72°15'00"W	L23	13.55'	S70°15'00"W	L34	15.85'	N70°12'00"E	L45
L8	16.55'	S72°15'00"W	L24	13.55'	S70°15'00"W	L35	15.85'	N70°12'00"E	L46
L9	16.55'	S72°15'00"W	L25	13.55'	S70°15'00"W	L36	15.85'	N70°12'00"E	L47
L10	16.55'	S72°15'00"W	L26	13.55'	S70°15'00"W	L37	15.85'	N70°12'00"E	L48
L11	16.55'	S72°15'00"W	L27	13.55'	S70°15'00"W	L38	15.85'	N70°12'00"E	L49
L12	16.55'	S72°15'00"W	L28	13.55'	S70°15'00"W	L39	15.85'	N70°12'00"E	L50
L13	16.55'	S72°15'00"W	L29	13.55'	S70°15'00"W	L40	15.85'	N70°12'00"E	L51
L14	16.55'	S72°15'00"W	L30	13.55'	S70°15'00"W	L41	15.85'	N70°12'00"E	L52
L15	16.55'	S72°15'00"W	L31	13.55'	S70°15'00"W	L42	15.85'	N70°12'00"E	L53
L16	16.55'	S72°15'00"W	L32	13.55'	S70°15'00"W	L43	15.85'	N70°12'00"E	L54
L17	16.55'	S72°15'00"W	L33	13.55'	S70°15'00"W	L44	15.85'	N70°12'00"E	L55
L18	16.55'	S72°15'00"W	L34	13.55'	S70°15'00"W	L45	15.85'	N70°12'00"E	L56
L19	16.55'	S72°15'00"W	L35	13.55'	S70°15'00"W	L46	15.85'	N70°12'00"E	L57
L20	16.55'	S72°15'00"W	L36	13.55'	S70°15'00"W	L47	15.85'	N70°12'00"E	L58
L21	16.55'	S72°15'00"W	L37	13.55'	S70°15'00"W	L48	15.85'	N70°12'00"E	L59
L22	16.55'	S72°15'00"W	L38	13.55'	S70°15'00"W	L49	15.85'	N70°12'00"E	L60
L23	16.55'	S72°15'00"W	L39	13.55'	S70°15'00"W	L50	15.85'	N70°12'00"E	L61
L24	16.55'	S72°15'00"W	L40	13.55'	S70°15'00"W	L51	15.85'	N70°12'00"E	L62
L25	16.55'	S72°15'00"W	L41	13.55'	S70°15'00"W	L52	15.85'	N70°12'00"E	L63
L26	16.55'	S72°15'00"W	L42	13.55'	S70°15'00"W	L53	15.85'	N70°12'00"E	L64
L27	16.55'	S72°15'00"W	L43	13.55'	S70°15'00"W	L54	15.85'	N70°12'00"E	L65
L28	16.55'	S72°15'00"W	L44	13.55'	S70°15'00"W	L55	15.85'	N70°12'00"E	L66
L29	16.55'	S72°15'00"W	L45	13.55'	S70°15'00"W	L56	15.85'	N70°12'00"E	L67
L30	16.55'	S72°15'00"W	L46	13.55'	S70°15'00"W	L57	15.85'	N70°12'00"E	L68
L31	16.55'	S72°15'00"W	L47	13.55'	S70°15'00"W	L58	15.85'	N70°12'00"E	L69
L32	16.55'	S72°15'00"W	L48	13.55'	S70°15'00"W	L59	15.85'	N70°12'00"E	L70
L33	16.55'	S72°15'00"W	L49	13.55'	S70°15'00"W	L60	15.85'	N70°12'00"E	L71
L34	16.55'	S72°15'00"W	L50	13.55'	S70°15'00"W	L61	15.85'	N70°12'00"E	L72
L35	16.55'	S72°15'00"W	L51	13.55'	S70°15'00"W	L62	15.85'	N70°12'00"E	L73
L36	16.55'	S72°15'00"W	L52	13.55'	S70°15'00"W	L63	15.85'	N70°12'00"E	L74
L37	16.55'	S72°15'00"W	L53	13.55'	S70°15'00"W	L64	15.85'	N70°12'00"E	L75
L38	16.55'	S72°15'00"W	L54	13.55'	S70°15'00"W	L65	15.85'	N70°12'00"E	L76
L39	16.55'	S72°15'00"W	L55	13.55'	S70°15'00"W	L66	15.85'	N70°12'00"E	L77
L40	16.55'	S72°15'00"W	L56	13.55'	S70°15'00"W	L67	15.85'	N70°12'00"E	L78
L41	16.55'	S72°15'00"W	L57	13.55'	S70°15'00"W	L68	15.85'	N70°12'00"E	L79
L42	16.55'	S72°15'00"W	L58	13.55'	S70°15'00"W	L69	15.85'	N70°12'00"E	L80
L43	16.55'	S72°15'00"W	L59	13.55'	S70°15'00"W	L70	15.85'	N70°12'00"E	L81
L44	16.55'	S72°15'00"W	L60	13.55'	S70°15'00"W	L71	15.85'	N70°12'00"E	L82
L45	16.55'	S72°15'00"W	L61	13.55'	S70°15'00"W	L72	15.85'	N70°12'00"E	L83
L46	16.55'	S72°15'00"W	L62	13.55'	S70°15'00"W	L73	15.85'	N70°12'00"E	L84
L47	16.55'	S72°15'00"W	L63	13.55'	S70°15'00"W	L74	15.85'	N70°12'00"E	L85
L48	16.55'	S72°15'00"W	L64	13.55'	S70°15'00"W	L75	15.85'	N70°12'00"E	L86
L49	16.55'	S72°15'00"W	L65	13.55'	S70°15'00"W	L76	15.85'	N70°12'00"E	L87
L50	16.55'	S72°15'00"W	L66	13.55'	S70°15'00"W	L77	15.85'	N70°12'00"E	L88
L51	16.55'	S72°15'00"W	L67	13.55'	S70°15'00"W	L78	15.85'	N70°12'00"E	L89
L52	16.55'	S72°15'00"W	L68	13.55'	S70°15'00"W	L79	15.85'	N70°12'00"E	L90
L53	16.55'	S72°15'00"W	L69	13.55'	S70°15'00"W	L80	15.85'	N70°12'00"E	L91
L54	16.55'	S72°15'00"W	L70	13.55'	S70°15'00"W	L81	15.85'	N70°12'00"E	L92
L55	16.55'	S72°15'00"W	L71	13.55'	S70°15'00"W	L82	15.85'	N70°12'00"E	L93
L56	16.55'	S72°15'00"W	L72	13.55'	S70°15'00"W	L83	15.85'	N70°12'00"E	L94
L57	16.55'	S72°15'00"W	L73	13.55'	S70°15'00"W	L84	15.85'	N70°12'00"E	L95
L58	16.55'	S72°15'00"W	L74	13.55'	S70°15'00"W	L85	15.85'	N70°12'00"E	L96
L59	16.55'	S72°15'00"W	L75	13.55'	S70°15'00"W	L86	15.85'	N70°12'00"E	L97
L60	16.55'	S72°15'00"W	L76	13.55'	S70°15'00"W	L87	15.85'	N70°12'00"E	L98
L61	16.55'	S72°15'00"W	L77	13.55'	S70°15'00"W	L88	15.85'	N70°12'00"E	L99
L62	16.55'	S72°15'00"W	L78	13.55'	S70°15'00"W	L89	15.85'	N70°12'00"E	L100
L63	16.55'	S72°15'00"W	L79	13.55'	S70°15'00"W	L90	15.85'	N70°12'00"E	L101
L64	16.55'	S72°15'00"W	L80	13.55'	S70°15'00"W	L91	15.85'	N70°12'00"E	L102
L65	16.55'	S72°15'00"W	L81	13.55'	S70°15'00"W	L92	15.85'	N70°12'00"E	L103
L66	16.55'	S72°15'00"W	L82	13.55'	S70°15'00"W	L93	15.85'	N70°12'00"E	L104
L67	16.55'	S72°15'00"W	L83	13.55'	S70°15'00"W	L94	15.85'	N70°12'00"E	L105
L68	16.55'	S72°15'00"W	L84	13.55'	S70°15'00"W	L95	15.85'	N70°12'00"E	L106
L69	16.55'	S72°15'00"W	L85	13.55'	S70°15'00"W	L96	15.85'	N70°12'00"E	L107
L70	16.55'	S72°15'00"W	L86	13.55'	S70°15'00"W	L97	15.85'	N70°12'00"E	L108
L71	16.55'	S72°15'00"W	L87	13.55'	S70°15'00"W	L98	15.85'	N70°12'00"E	L109
L72	16.55'	S72°15'00"W	L88	13.55'	S70°15'00"W	L99	15.85'	N70°12'00"E	L110
L73	16.55'	S72°15'00"W	L89	13.55'	S70°15'00"W	L100	15.85'	N70°12'00"E	L111
L74	16.55'	S72°15'00"W	L90	13.55'	S70°15'00"W	L101	15.85'	N70°12'00"E	L112
L75	16.55'	S72°15'00"W	L91	13.55'	S70°15'00"W	L102	15.85'	N70°12'00"E	L113
L76	16.55'	S72°15'00"W	L92	13.55'	S70°15'00"W	L103	15.85'	N70°12'00"E	L114
L77	16.55'	S72°15'00"W	L93	13.55'	S70°15'00"W	L104	15.85'	N70°12'00"E	L115
L78	16.55'	S72°15'00"W	L94	13.55'	S70°15'00"W	L105	15.85'	N70°12'00"E	L116
L79	16.55'	S72°15'00"W	L95	13.55'	S70°15'00"W	L106	15.85'	N70°12'00"E	L117
L80	16.55'	S72°15'00"W	L96	13.55'	S70°15'00"W	L107	15.85'	N70°12'00"E	L118
L81	16.55'	S72°15'00"W	L97	13.55'	S70°15'00"W	L108	15.85'	N70°12'00"E	L119
L82	16.55'	S72°15'00"W	L98	13.55'	S70°15'00"W	L109	15.85'	N70°12'00"E	L120
L83	16.55'	S72°15'00"W	L99	13.55'	S70°15'00"W	L110	15.85'	N70°12'00"E	L121
L84	16.55'	S72°15'00"W	L100	13.55'	S70°15'00"W	L111	15.85'	N70°12'00"E	L122
L85	16.55'	S72°15'00"W	L101	13.55'	S70°15'00"W	L112	15.85'	N70°12'00"E	L123
L86	16.55'	S72°15'00"W	L102	13.55'	S70°15'00"W	L113	15.85'	N70°12'00"E	L124
L87	16.55'	S72°15'00"W	L103	13.55'	S70°15'00"W	L114	15.85'	N70°12'00"E	L125
L88	16.55'	S72°15'00"W	L104	13.55'	S70°15'00"W	L115	15.85'	N70°12'00"E	L126
L89	16.55'	S72°15'00"W	L105	13.55'	S70°15'00"W	L116	15.85'	N70°12'00"E	L127
L90	16.55'	S72°15'00"W	L106	13.55'	S70°15'00"W	L117	15.85'	N70°12'00"E	L128
L91	16.55'	S72°15'00"W	L107	13.55'	S70°15'00"W	L118	15.85'	N70°12'00"E	L129
L92	16.55'	S72°15'00"W	L108	13.55'	S70°15'00"W	L119	15.85'	N70°12'00"E	L130
L93	16.55'	S72°15'00"W	L109	13.55'	S70°15'00"W	L120	15.85'	N70°12'00"E	L131
L94	16.55'	S72°15'00"W	L110	13.55'	S70°15'00"W	L121	15.85'	N70°12'00"E	L132
L95	16.55'	S72°15'00"W	L111	13.55'	S70°15'00"W	L122	15.85'	N70°12'00"E	L133
L96	16.55'	S72°15'00"W	L112	13.55'	S70°15'00"W	L123	15.85'	N70°12'00"E	L134
L97	16.55'	S72°15'00"W	L113	13.55'	S70°15'00"W	L124	15.85'	N70°12'00"E	L135
L98	16.55'	S72°15'00"W	L114	13.55'	S70°15'00"W	L125	15.85'	N70°12'00"E	L136
L99	16.55'	S72°15'00"W	L115	13.55'	S70°15'00"W	L126	15.85'	N70°12'00"E	L137
L100	16.55'	S72°15'00"W	L116	13.55'	S70°15'00"W	L127	15.85'	N70°12'00"E	L138
L101	16.55'	S72°15'00"W	L117	13.55'	S70°15'00"W	L128	15.85'	N70°12'00"E	L139
L102	16.55'	S72°15'00"W	L118	13.55'	S70°15'00"W	L129	15.85'	N70°12'00"E	L140
L103	16.55'	S72°15'00"W	L119	13.55'	S70°15'00"W	L130	15.85'	N70°12'00"E	L141
L104	16.55'	S72°15'00"W	L120	13.55'	S70°15'00"W	L131	15.85'	N70°12'00"E	L142
L105	16.55'	S72°15'00"W	L121	13.55'	S70°15'00"W	L132	15.85'	N70°12'00"E	L143
L106	16.55'	S72°15'00"W	L122	13.55'	S70°15'00"W	L133	15.85'	N70°12'00"E	L144
L107	16.55'	S72°15'00"W	L123	13.55'	S70°15'00"W	L134	15.85'	N70°12'00"E	L145
L108	16.55'	S72°15'00"W	L124	13.55'	S70°15'00"W	L135	15.85'	N70°12'00"E	L146
L109	16.55'	S72°15'00"W	L125	13.55'	S70°15'00"W	L136	15.85'	N70°12'00"E	L147
L110	16.55'	S72°15'00"W	L126	13.55'	S70°15'00"W	L137	15.85'	N70°12'00"E	L148
L111	16.55'	S72°15'00"W	L127	13.55'	S70°15'00"W	L138	15.85'	N70°12'00"E	L149
L112	16.55'	S72°15'00"W	L128	13.55'	S70°15'00"W	L139	15.85'	N70°12'00"E	L150
L113	16.55'	S72°15'00"W	L129	13.55'	S70°15'00"W	L140	15.85'	N70°12'00"E	L151
L114	16.55'	S72°15'00"W	L130	13.55'	S70°15'00"W	L141	15.85'	N70°12'00"E	L152
L115	16.55'	S72°15'00"W	L131	13.55'	S70°15'00"W	L142	15.85'	N70°12'00"E	L153
L116	16.55'	S72°15'00"W	L132	13.55'	S70°15'00"W	L143	15.85'	N70°12'00"E	L154
L117	16.55'	S72°15'00"W	L133	13.55'	S70°15'00"W	L144	15.85'	N70°12'0	

**RECEIVED**

**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>	
<p align="center"><b>APPLICANT IS THE:</b></p> <p> <input type="checkbox"/> OWNER'S AGENT    <input type="checkbox"/> PROPERTY OWNER    <input checked="" type="checkbox"/> CONTRACT PURCHASER </p>	
PRESENT ZONING DISTRICTS(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**

**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
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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>	
<p align="center"><b>APPLICANT IS THE:</b></p> <p> <input type="checkbox"/> OWNER'S AGENT           <input checked="" type="checkbox"/> PROPERTY OWNER           <input type="checkbox"/> CONTRACT PURCHASER         </p>	
PRESENT ZONING DISTRICTS(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 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

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

Please see attached

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

Please see attached

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- (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:

Please see attached

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

Please see attached

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- (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 BURDENSOME 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  
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an extension of existing Kelly Preserve Phase I, give supporting grounds for approval of the application.



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

**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

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 Count 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 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



Notary Seal




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11.30.2022


Gwinnett County Planning Division  
Rezoning Application  
Last Updated 10/2021

**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 OFFICAL 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.

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**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

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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

APPLICANT:  
DAVID PEARSON COMMUNITIES, INC.  
2000 FIRST DRIVE, STE 400  
MARIETTA, GA. 30062  
24 HR. CONTACT:  
DOUG PATTEN  
770-294-1974  
DOUG@DAVIDPEARSONCOMMUNITIES.COM  
11.30.2022

DR. ANNE MAZZAM  
PARCEL No. 5067-003

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

Now or Formerly  
ALEXANDRA VANDER  
COUNTY ZONING - R-100

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

ALL LOTS THAT BORDER  
SUMMIT PLACE ARE DESIGNED  
TO A MINIMUM OF 15,000 SF

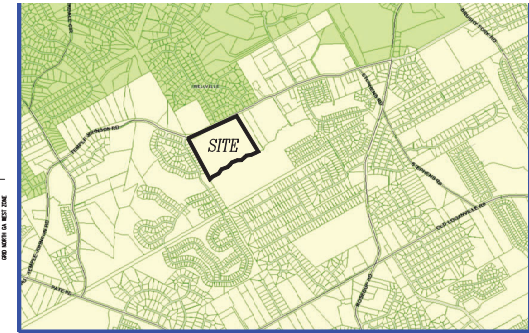
PROPOSED ENTRANCE  
FOR DEVELOPMENT

Now or Formerly  
SUMMIT PLACE - UNIT FOUR  
PG. 64, PG. 174  
CITY OF SNELLVILLE ZONING - RS-150  
MAXIMUM DENSITY - 2.3 U/A  
MINIMUM LOT SIZE - 15,000 SF.

PROPOSED ENTRANCE  
FOR DEVELOPMENT

GENERAL NOTES:  
DEVELOPERS SHALL INSTALL SIDEWALKS ON ABUTTING EXTERNAL  
STREETS, "PASSIVE" RECREATION AREA LOTS, AND OPEN SPACE  
LOTS AND LOT OWNER/BUILDER SHALL INSTALL INTERSECTION  
RADIUS CURB RAMP AT NEW STREET INTERSECTIONS AND  
L-SHAPED MID-BLOCK RAMP AT CUL-DE-SAC TURNAROUNDS (IF  
REQUIRED) PRIOR TO THE ISSUANCE OF A CERTIFICATE OF  
OCCUPANCY FOR SAID LOT.  
ALL NEW UTILITY LINES SHALL BE LOCATED UNDERGROUND  
WATER & SEWER TO BE PROVIDED BY GWINNETT COUNTY  
SIDEWALKS ARE NOT ALLOWED WITHIN THIRTEEN FEET FROM  
THE EDGE OF THE ROADWAY WITH CURB AND GUTTER AND  
ANY NECESSARY DRAINAGE STRUCTURES.

GWINNETT COUNTY NOTES:  
THERE ARE NO WETLANDS BEING DISTURBED ON THIS SITE.  
STORM WATER MANAGEMENT FOR THIS PROJECT SHALL BE PROVIDED  
ON-SITE.  
A 100-FOOT UNDISTURBED BUFFER AND A 150-FOOT IMPERVIOUS  
SEABACK SHALL BE MAINTAINED ADJACENT TO THE ADJOINING  
STREAM.  
NO EXISTING OR ABANDONED WELLS HAVE BEEN FOUND ON SITE.  
SEWER IS GRAVITY FLOW



ARBA MAP: NTS FLOOD INFORMATION:

A PORTION OF THIS PROPERTY IS LOCATED WITHIN  
A FEMA 100 YEAR FLOOD ZONE "A" ACCORDING  
TO FEMA MAP PANEL 13135C0139F  
DATED: SEPT. 29, 2006

GENERAL SITE NOTES:

PROPOSED USE: SINGLE FAMILY RESIDENTIAL  
CURRENT COUNTY ZONING: R-100  
TOTAL DEEDED AREA TO BE ZONED - 52.289 ACRES

GENERAL SITE NOTES FOR ZONING:

PROPOSED ZONING - R-SR  
TOTAL RESIDENTIAL LOTS PROPOSED: 172 LOTS  
SITE DENSITY ALLOWED PER ZONING - 4.00 U/A  
PROPOSED SITE DENSITY - 3.29 U/A  
MINIMUM LOT SIZE ALLOWED PER ZONING - 5,000 SF  
MINIMUM LOT SIZE PLANNED - 6,000 SF  
MINIMUM LOT WIDTH PLANNED - 50'  
MINIMUM STRUCTURE SIZE PLANNED - 1,800 SF. (1 STORY)  
2,000 SF. (2 STORY)  
MAXIMUM BLDG. HEIGHT - 35 FT  
MINIMUM COMMON AREA PER ZONING - 7.84 ACRES (15%)  
COMMON AREA PLANNED - 8.38 ACRES (16%)  
\* DETENTION POND NOT INCLUDED WITHIN OPEN SPACE  
CALCULATIONS.

BUILDING SETBACKS PROPOSED:

FRONT - 20'  
SIDE - 5' (10' BETWEEN STRUCTURES)  
REAR - 25'  
EXTERIOR PERIMETER REAR - 25' LANDSCAPED BUFFER  
\* 50 FT LANDSCAPE BUILDING SETBACK ALONG  
RIGHT OF WAY OF TEMPLE JOHNSON RD.

PROPOSED ZONING SITE PLAN FOR:

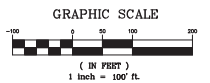
KELLY PRESERVE  
PHASE 2

LAND LOTS 67, 5TH DISTRICT  
GWINNETT COUNTY, GEORGIA

DAVID PEARSON COMMUNITIES, INC.

2000 FIRST DRIVE, STE 400, MARIETTA GA. 30062, PHONE: 770-321-5032

DRAWN BY: DP		DATE: 11-2-22	
CHECKED BY: DP		DWG NO.: ZONING	
JOB NO.: TEMPLEJ		SHEET 1	
NO.	DATE	REVISION DESCRIPTION	BY



centerline

Surveying and Land Planning, Inc.  
1000 SHELLEY ROAD, SUITE 100, DUNWOODY, GA 30114  
PHONE: (770) 424-0288 FAX: (770) 424-2388

DATE OF ORIGINAL FIELD WORK COMPLETED - FEBRUARY 15, 2021  
DATE OF ORIGINAL PLAT OR MAP IS MARCH 15, 2021 LSF #001298

CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	308.97'	208.36'	208.82'	N07°31'31"
C2	308.97'	208.36'	208.82'	N07°31'31"

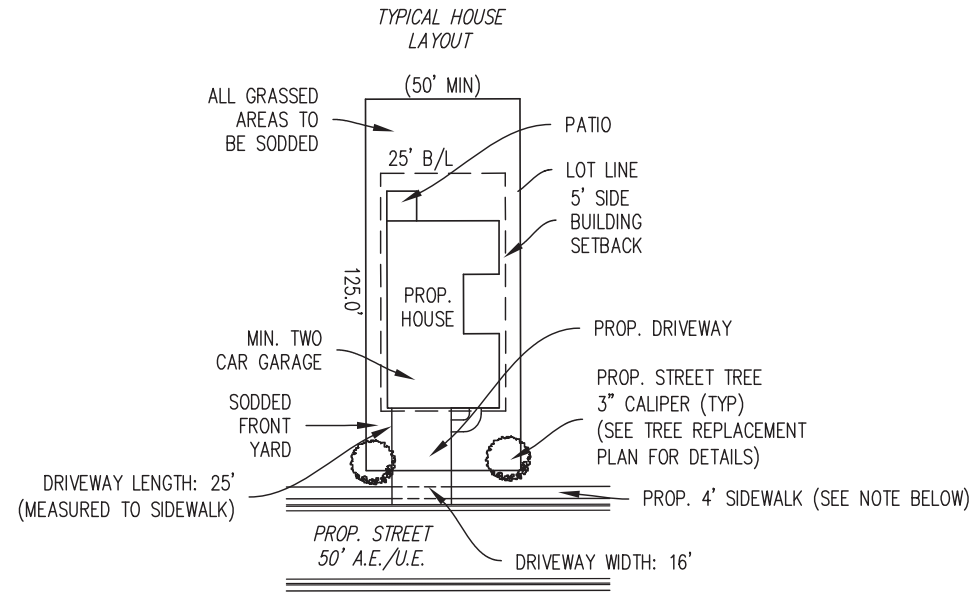
BOUNDARY LINE TABLE											
LINE	DISTANCE	DIRECTION	LINE	DISTANCE	DIRECTION	LINE	DISTANCE	DIRECTION	LINE	DISTANCE	DIRECTION
L1	22.00'	S77°00'00"W	L26	15.00'	S87°00'00"W	L51	0.74'	S87°00'00"W	L76	0.60'	S69°00'00"W
L2	15.00'	S87°00'00"W	L27	26.00'	S87°00'00"W	L52	16.00'	N02°00'00"E	L77	26.00'	S69°00'00"W
L3	15.00'	S77°00'00"W	L28	17.77'	S87°00'00"W	L53	0.67'	N72°00'00"E	L78	15.00'	S69°00'00"W
L4	26.00'	S87°00'00"W	L29	26.00'	S87°00'00"W	L54	15.00'	N02°00'00"E	L79	22.00'	S69°00'00"W
L5	15.00'	S77°00'00"W	L30	15.00'	S87°00'00"W	L55	15.00'	N72°00'00"E	L80	15.00'	S69°00'00"W
L6	15.00'	S87°00'00"W	L31	20.00'	S87°00'00"W	L56	20.00'	S87°00'00"W	L81	0.30'	S69°00'00"W
L7	14.00'	S87°00'00"W	L32	0.30'	S87°00'00"W	L57	0.50'	S45°00'00"E	L82	14.00'	N63°00'00"E
L8	14.00'	S87°00'00"W	L33	4.50'	S87°00'00"W	L58	14.00'	S45°00'00"E	L83	14.00'	N63°00'00"E
L9	4.67'	S87°00'00"W	L34	17.00'	N02°00'00"E	L59	14.00'	S45°00'00"E	L84	13.50'	S89°00'00"E
L10	13.50'	S89°00'00"E	L35	14.00'	S87°00'00"W	L60	14.00'	S45°00'00"E	L85	13.50'	S89°00'00"E
L11	13.50'	S89°00'00"E	L36	2.00'	S87°00'00"W	L61	20.00'	S87°00'00"W	L86	10.74'	S89°00'00"E
L12	20.00'	S87°00'00"W	L37	2.00'	S87°00'00"W	L62	23.67'	S87°00'00"W	L87	10.74'	S89°00'00"E
L13	2.00'	S87°00'00"W	L38	23.67'	S87°00'00"W	L63	23.67'	S87°00'00"W	L88	23.67'	S89°00'00"E
L14	23.67'	S87°00'00"W	L39	23.67'	S87°00'00"W	L64	23.67'	S87°00'00"W	L89	23.67'	S89°00'00"E
L15	23.67'	S87°00'00"W	L40	23.67'	S87°00'00"W	L65	23.67'	S87°00'00"W	L90	23.67'	S89°00'00"E
L16	23.67'	S87°00'00"W	L41	23.67'	S87°00'00"W	L66	23.67'	S87°00'00"W	L91	23.67'	S89°00'00"E
L17	23.67'	S87°00'00"W	L42	23.67'	S87°00'00"W	L67	23.67'	S87°00'00"W	L92	23.67'	S89°00'00"E
L18	23.67'	S87°00'00"W	L43	23.67'	S87°00'00"W	L68	23.67'	S87°00'00"W	L93	23.67'	S89°00'00"E
L19	23.67'	S87°00'00"W	L44	23.67'	S87°00'00"W	L69	23.67'	S87°00'00"W	L94	23.67'	S89°00'00"E
L20	23.67'	S87°00'00"W	L45	23.67'	S87°00'00"W	L70	23.67'	S87°00'00"W	L95	23.67'	S89°00'00"E
L21	23.67'	S87°00'00"W	L46	23.67'	S87°00'00"W	L71	23.67'	S87°00'00"W	L96	23.67'	S89°00'00"E
L22	23.67'	S87°00'00"W	L47	23.67'	S87°00'00"W	L72	23.67'	S87°00'00"W	L97	23.67'	S89°00'00"E
L23	23.67'	S87°00'00"W	L48	23.67'	S87°00'00"W	L73	23.67'	S87°00'00"W	L98	23.67'	S89°00'00"E
L24	23.67'	S87°00'00"W	L49	23.67'	S87°00'00"W	L74	23.67'	S87°00'00"W	L99	23.67'	S89°00'00"E
L25	23.67'	S87°00'00"W	L50	23.67'	S87°00'00"W	L75	23.67'	S87°00'00"W	L100	23.67'	S89°00'00"E





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THE MIN. FLOOR AREA PER DWELLING UNIT SHALL BE 1,800 S.F. FOR TWO- BEDROOM (LIMITED TO 25 PERCENT OR LESS OF THE TOTAL UNITS), 2,000 SQUARE FEET FOR THREE-BEDROOM HOMES AND 2,300 SQUARE FEET FOR FOUR BEDROOM HOMES.

HOMES SHALL BE CONSTRUCTED ON ALL FOUR SIDES WITH BRICK, STONE, OR OTHER LOW MAINTENANCE MATERIALS, WITH A MINIMUM TWO-FOOT BRICK OR STONE WATER TABLE. FINAL BUILDING ELEVATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE DIRECTOR OF PLANNING AND DEVELOPMENT.

ALL DWELLINGS SHALL HAVE A MINIMUM TWO CAR GARAGE.

MIN. LOT WIDTH PROPOSED IS 50.0'

ARCHITECTURAL ELEVATIONS FOR ALL LOTS SHALL BE SUBMITTED FOR DIRECTOR'S APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMITS.

UNDERGROUND UTILITIES REQUIRED.

SIDEWALKS LOCATED ALONG TEMPLE JOHNSON ROAD WILL BE 5' WIDE.



GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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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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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.

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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Respectfully submitted, this the 28<sup>th</sup> day of November, 2022.

DAVID PEARSON COMMUNITIES

By:

*Doug Patten*

Doug Patten, Director of Land Development