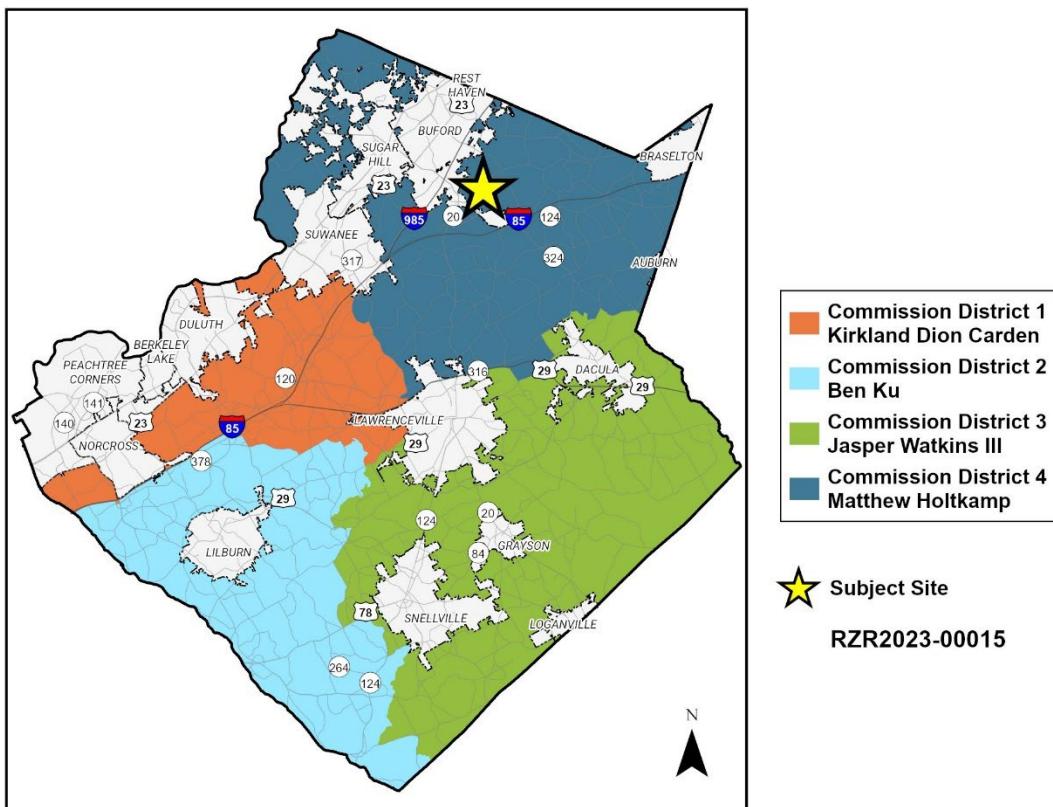




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number:	RZR2023-00015
Current Zoning:	RA-200 (Agriculture-Residence District)
Request:	Rezoning to OSC (Open Space Conservation District)
Additional Request:	Variance
Addresses:	2300, 2306, 2326, and 2378 Kilgore Road
Map Numbers:	R7185 007, 008A, and 489
Site Area:	22.42 acres
Lots:	45
Proposed Development:	Single-Family Detached Subdivision
Commission District:	District 4 – Commissioner Holtkamp
Character Area:	Established Neighborhoods
Staff Recommendation:	APPROVAL WITH CONDITIONS
Planning Commission Recommendation:	APPROVAL WITH CONDITIONS



Applicant: Michael J. Migliore
6340 Sugarloaf Parkway, Suite 200
Duluth, GA 30097

Owners: Hoyt Stanley Pruett & Sybil R. Pruett
2274 Kilgore Road
Buford, GA 30519

Oh In Young
10181 Lavonia Road
Carnesville, GA 30521

Rhenia Braswell
4845 Pinion Circle
Columbus, IN 47201

Contact: W. Charles "Chuck" Ross, Esq.

Contact Phone: 770.962.0100

Zoning History

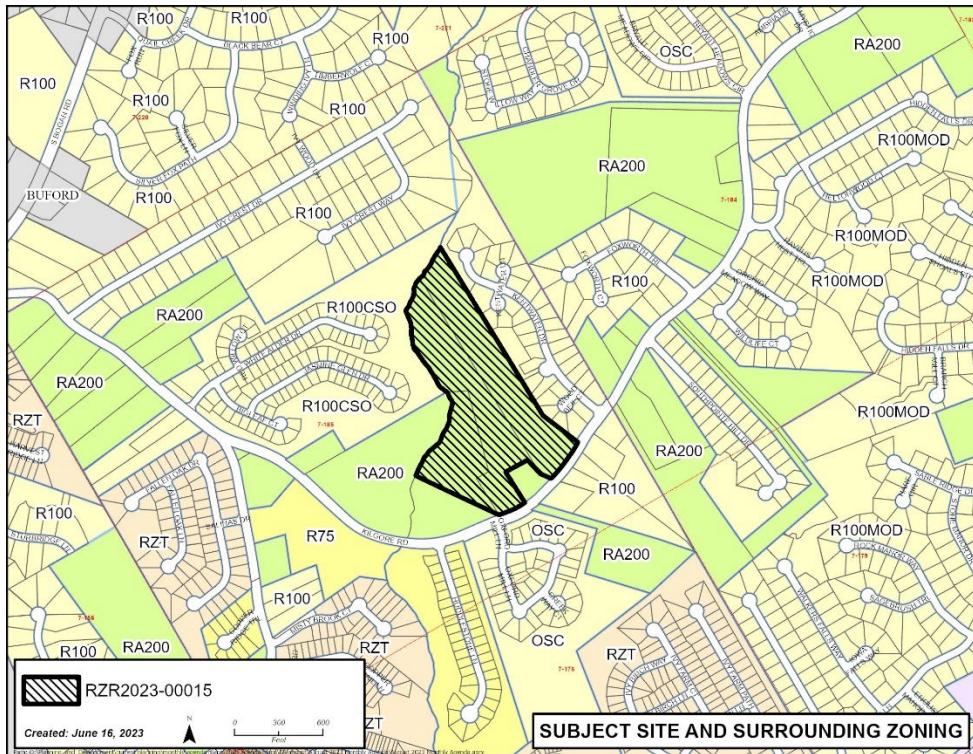
The subject property is zoned RA-200 (Agriculture-Residence District). No prior zoning requests are on record for the property.

Existing Site Condition

The subject property is a 22.42-acre assemblage of three parcels located along Kilgore Road, northeast of its intersection with Oxford Mill Lane. The site contains a 1,256 square-foot residence constructed in 1958, along with three accessory buildings. The site is heavily vegetated with a mature tree canopy throughout the property. Ivy Creek creates the western boundary of the site including the associated stream buffers and floodplain. The site includes extensive changes in grade, sloping downward approximately 100-feet from east to west with the topography becoming more pronounced closer to Ivy Creek and the floodplain. The site also generally slopes downward, away from Kilgore Road. There are no sidewalks located along the property frontage of Kilgore Road. The nearest Gwinnett County Transit stop is approximately 2.6 miles from the subject property.

Surrounding Use and Zoning

The subject site is surrounded by single-family residences on large lots and within established subdivisions. Kentwater Manor and Mill Creek Landing, single-family detached subdivisions, are located northeast and northwest of the site, respectively. Creekside at Kilgore, a single-family detached subdivision, is located south of the site across Kilgore Road. Two single-family residences on large lots are located west of the site. Undeveloped properties zoned for residential uses are located southeast of the site. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Single-Family Residential	OSC	2.00 units per acre
North	Single-Family Residential	R-100CSO	2.74 units per acre
	Single-Family Residential	R-100MOD	2.16 units per acre
East	Single-Family Residential	R-100MOD	2.16 units per acre
South	Single-Family Residential	OSC	1.53 units per acre
	Single-Family Residential	RA-200	0.20 units per acre
	Undeveloped	R-100	N/A
West	Single-Family Residential	R100CSO	2.74 units per acre
	Single-Family Residential	RA-200	0.10 units per acre
	Single-Family Residential	RA-200	0.32 units per acre

Project Summary

The applicant requests rezoning of a 22.42-acre assemblage of three parcels from RA-200 to OSC for a single-family detached subdivision, including:

- 45 single-family detached homes, yielding a density of 2.0 units per acre.
- Four- or five-bedroom homes with a heated floor area between 2,600 to 3,550 square feet.
- Exterior building materials consisting of a mixture of brick, stone, stucco/EIFS, wood siding, wood shingles, vinyl siding, or fiber cement type siding.
- A full-access vehicular entrance from Kilgore Road.
- Two proposed internal streets, each 24-feet-wide within a 50-foot-wide right-of-way, and two cul-de-sacs with a radius of 50 feet.
- A 4-foot-wide sidewalk located along both sides of each internal street and a five-foot-wide sidewalk on a portion of Kilgore Road near the entrance of the subdivision. Sidewalks will be required along all road frontages at the time of construction.

- Two detention ponds located at the northern corner of the site, and behind lots 26-33 near Ivy Creek.
- A private greenway with a mulch walking trail, park benches, and pathway lighting that runs parallel to the creek and is accessed at each cul-de-sac.
- 7.5 acres, or 33% of the site is dedicated conservation space, with 4.1 acres designated as primary conservation and 3.4 acres designated as secondary conservation space.
- A 50-foot-wide street frontage buffer along Kilgore Road and a 50-foot-wide conservation strip adjacent to all RA-200 and R-100 zoned properties.

Zoning and Development Standards

The applicant is requesting a rezoning to OSC, Open Space Conservation District, for a single-family detached subdivision. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Project Area	Minimum 10 acres	22.42 acres	YES
Building Height	Maximum 35'	$\leq 35'$	YES
Lot Size	Minimum 7,500 square feet	$\geq 7,500$ square feet	YES
Lot Width	Minimum 60 feet	≥ 60 feet	YES
Front Yard Setback	Minimum 25'	25'	YES
Side Yard Setback	Minimum 7.5'	7.5'	YES
Rear Yard Setback	Minimum 30'	30'	YES
Conservation Strip	Minimum 50'	50'	YES
Street Frontage Buffer	Minimum 50'	50'	YES
Density	Maximum 2.5 units per acre	2.2 units per acre	YES
Minimum Heated Floor Area	Minimum 1,400 square feet	2,600-3,550 square feet	YES
Conservation Space	Minimum 25% or 5.63 acres	33% or 7.5 acres	YES
Primary Conservation Space	Minimum 15% or 0.84 acres	18% or 4.1 acres	YES
Streets	Maximum 600' in length	$>600'$	NO*

*The applicant is requesting a variance to allow a cul-de-sac street to be longer than 600 feet in length.

Variance Request

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

1. Section 210-50.14.A Public Improvements - Streets

Approved cul-de-sac streets may be no longer than 600 feet in length.

The applicant requests a variance to exceed the cul-de-sac street maximum length and create a cul-de-sac street approximately 840 feet in length.

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 H). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

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

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

The surrounding area is characterized by single-family residences on large lots and single-family detached subdivisions. Many of the adjacent and nearby subdivisions were developed as conservation open space subdivisions with lot sizes and densities nearly identical to the proposed subdivision. The proposed development is consistent with other nearby conservation subdivisions and is also compatible with existing conventional single-family detached subdivisions in the area.

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 the proposed development, which is compatible in terms of both density and use with the surrounding area. The single-family detached residential use is consistent with the character of the surrounding area. In addition, the proposed layout includes conservation strips and preservation of the floodplain around the entire site perimeter that will serve to adequately screen and buffer the use from adjoining residential properties.

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

The property as currently zoned has a reasonable economic use.

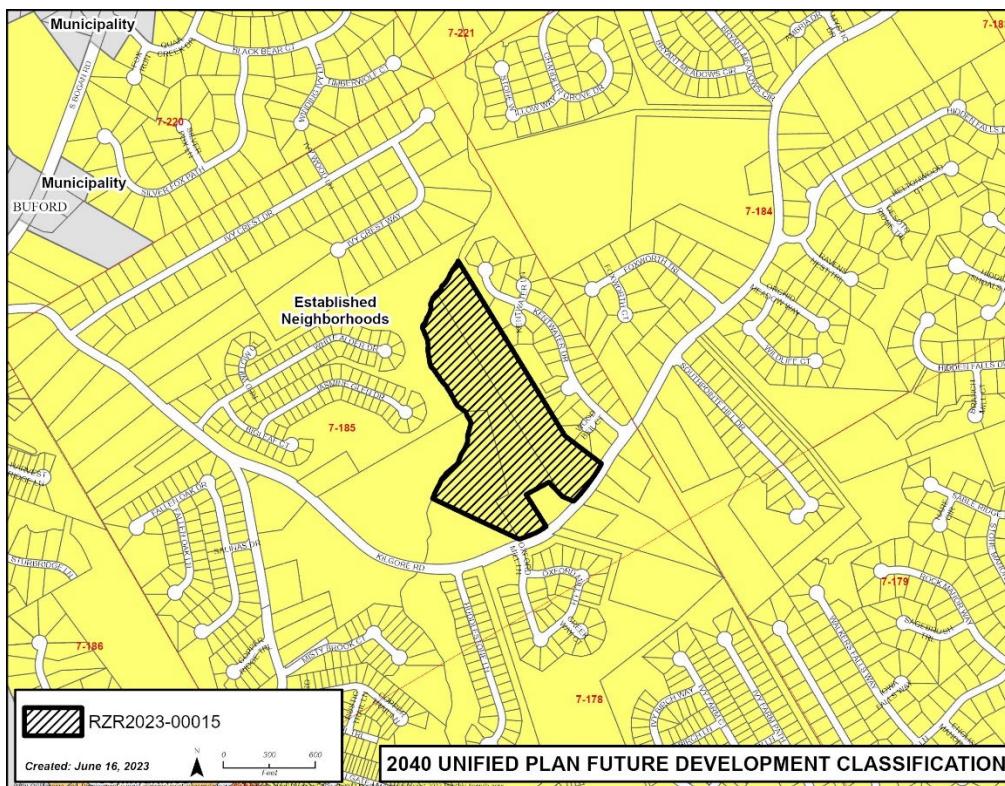
D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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 H).

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

The subject property is located within the Established Neighborhoods Character Area, which is characterized by 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 includes those areas where changes in land use are not anticipated or encouraged, and any new development - including residential infill properties - should be consistent in scale, architecture, and use with surrounding properties.

The applicant proposes a low-density, open space conservation subdivision that is similar in density to adjacent and nearby subdivisions. The development is also consistent with adjoining properties in terms of scale, architecture, and use. Further, the proposed OSC zoning district provides for the conservation of environmental resources as open space. In addition, this proposal includes adhering to the required buffers to Ivy Creek and retains the associated floodplain as primary conservation space. An open space conservation subdivision is appropriate at this location and meets the intent of the 2040 Unified Development 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.

The applicant proposes an open space conservation subdivision that incorporates environmental features located on the site such as Ivy Creek while protecting the floodplain and stream buffers. The development has a similar density to other single-family detached conservation neighborhoods in the vicinity such as Mill Creek Landing and the Enclave at Ivy

Creek. In addition, an approved OSC neighborhood is located directly across Kilgore Road from the proposed site which gives supporting grounds for approval.

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

The requested variance is to allow a cul-de-sac street longer than 600 feet in length. Specifically, this variance is applicable to the proposed street identified on the site plan as Fern Hollow Path, which intersects with Kilgore Road and extends to the northern portion of the subdivision. The length of Fern Hollow Path is due, in part, to environmental features, topography of the site, and OSC development standards which concentrate development along the eastern property boundary. Requiring a loop road or other design would result in encroachment into stream buffers and/or floodplain which makes the variance request appropriate for approval.

Staff Recommendation

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

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

1. To allow streets to be longer than 600 feet without an intersection with another street or an alley.

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 allow streets to be longer than 600 feet without an intersection with another street or an alley.

Planning Commission Recommended Conditions (includes Staff Recommended Conditions)

Approval as OSC (Open Space Conservation District) for the 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 June 7, 2023, Exhibit C: Building Elevations dated received June 7, 2023, and Exhibit D: Existing Features Site Analysis Plan dated received June 7, 2023, with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.
2. The proposed development shall be restricted to single family detached homes and accessory uses and structures with a maximum of 45 lots.

3. All dwellings shall have at least a double-car garage.
4. All dwellings shall be constructed to meet Architectural Design Category 3.
5. A mandatory homeowners association shall be established and shall be responsible for maintenance of all common areas, facilities, and landscaping.
6. Access to the proposed lots shall be via Fern Hollow Drive and Tortuga Pass. Direct lot access to Kilgore Road shall be prohibited.
7. Natural vegetation shall remain on the property until the issuance of a development permit.
8. Stormwater BMP facilities shall be screened from view of adjoining properties and rights of way by decorative fencing and/or landscaping that is in compliance with the Gwinnett County Stormwater Management Manual.
9. The 50-foot-wide street frontage buffer shall be landscaped by the developer with existing vegetation, and supplemental plantings where needed shall be provided. The landscaped frontage and entrance shall be maintained by the homeowner's association.
10. All grassed areas shall be sodded.
11. Building lots shall not be located within any required stream buffers and accompanying impervious surface setbacks.
12. A mail kiosk shall be required within the residential subdivision.
13. The right-of-way for Tortuga Pass shall be extended to the property boundary for future interparcel connection to the adjacent property.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Existing Features Site Analysis Plan
- E. Zoning Exhibit
- F. Letter of Intent and Applicant's Response to Standards
- G. Application and Disclosure of Campaign Contributions
- H. Internal and External Agency Review Comments
- I. Maps
- J. Site Plan Presented at the August 1, 2023, Planning Commission Public Hearing

Exhibit A: Site Visit Photos



View of Development Frontage along Kilgore Road



View of Development Frontage along Kilgore Road

Exhibit B: Site Plan

[attached]

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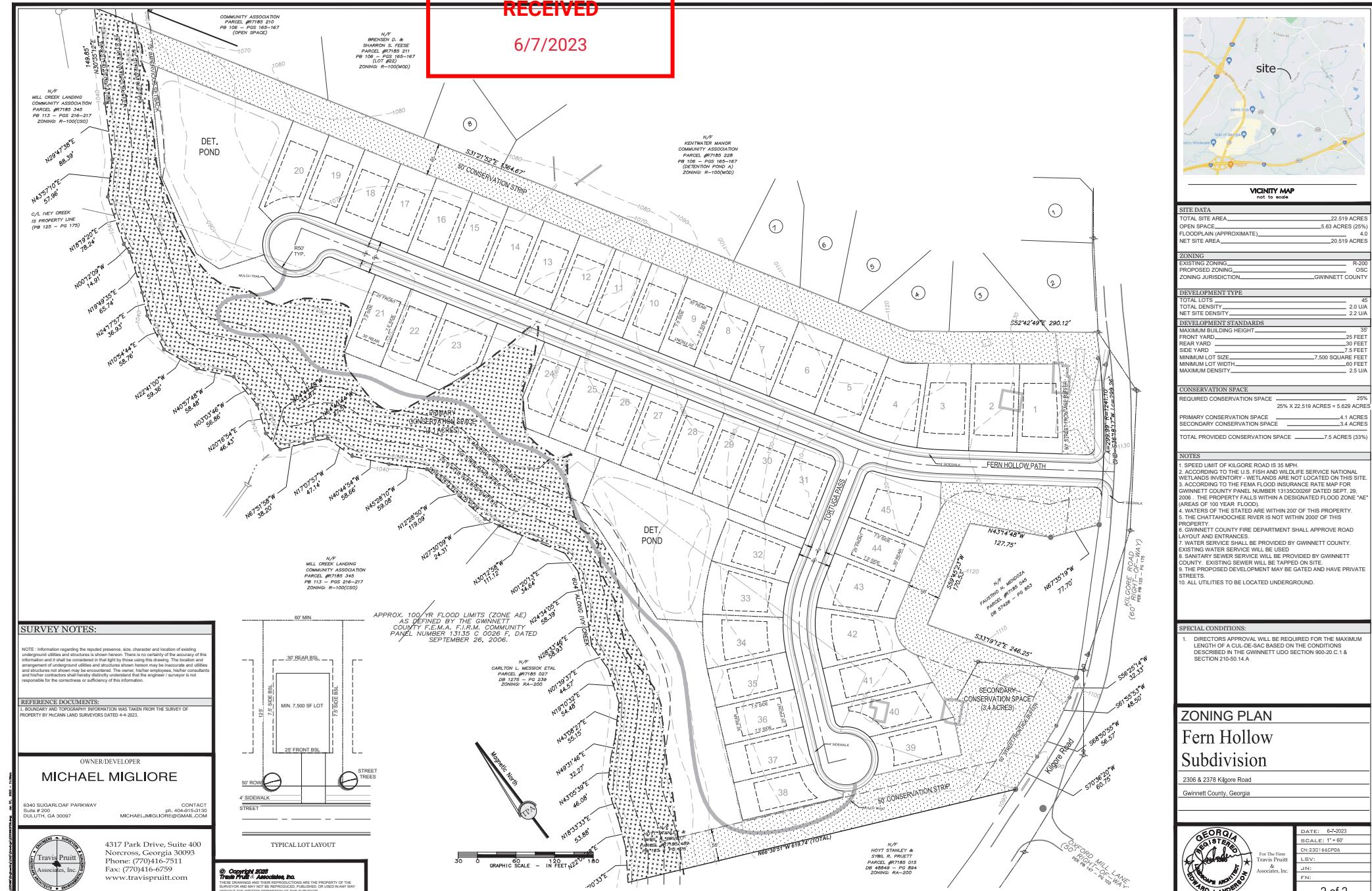


Exhibit C: Building Elevations

[attached]

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ELEV "B" 3,164 sq ft/ 4BR/ 3.5BA

Depth: 65' 10" / Height: 35' / Width: 40' 6"

 **Fern Hollow
subdivision**



Rear & side elevations



Exterior Wall Design

The front facades shall be finished with brick, stone, stucco/EIFS, wood siding, wood shakes, vinyl siding, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. The front façade design shall include at minimum two of the following elevation features:

- Shutters
- Covered porches
- Bay windows
- Roof eave brackets
- Cornice
- Architectural entrance door surround

Roof Design

Buildings shall be designed with fully pitched roof. Minimum roof pitch shall be 4 in 12.

Additional Deliverables...

- Proposed development shall be restricted to single family detached homes
- All dwellings shall have a least double-car garages
- Property Owner's Assoc shall be established and shall be responsible for maintenance of private Fern Hollow park, and common areas
- Developer shall maintain natural vegetation, undisturbed, until issuance of a development permit
- Kilgore Road frontage shall be landscaped by the developer and maintained by POA covenants conditions and restrictions
- POA covenants shall not permit greater than 10% rentals at any given time.
- Central mailbox collection center for community- to ease delivery for USPS
- Speed bumps shall be placed at appropriate intervals throughout subdivision

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ELEV "C" 3,051 sq ft/ 5BR/ 3.0BA

Depth: 62' 6" / Height: 29' 4" / Width: 45'



Rear elevation



Side elevation

Exterior Wall Design

The front facades shall be finished with brick, stone, stucco/EIFS, wood siding, wood shakes, vinyl siding, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. The front façade design shall include at minimum two of the following elevation features:

- Shutters
- Covered porches
- Bay windows
- Roof eave brackets
- Cornice
- Architectural entrance door surround

Roof Design

Buildings shall be designed with fully pitched roof. Minimum roof pitch shall be 4 in 12.

Additional Deliverables...

- Proposed development shall be restricted to single family detached homes
- All dwellings shall have a least double-car garages
- Property Owner's Assoc shall be established and shall be responsible for maintenance of private Fern Hollow park, and common areas
- Developer shall maintain natural vegetation, undisturbed, until issuance of a development permit
- Kilgore Road frontage shall be landscaped by the developer and maintained by POA covenants conditions and restrictions
- POA covenants shall not permit greater than 10% rentals at any given time.
- ~~RZR2023-00015~~ Collection center for community- to ease delivery for Page 15 of 50
- Traffic calming/ speed bumps shall be placed at appropriate intervals throughout subdivision

NT

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NOTE: CONCEPTUAL ELEVATIONS ONLY, SUBJECT TO BUILDING DEPT APPROVAL
AND ARCHITECTURAL FITTING TO ACCOMMODATE ZONING PARAMETERS

Fern Hollow
subdivision

ELEV "A" 2,889 sq ft/ 4BR/ 3.5BA
Depth: 60' 6"/ Height: 30'/ Width: 40'



Rear elevation



Side elevation

Exterior Wall Design

The front facades shall be finished with brick, stone, stucco/EIFS, wood siding, wood shakes, vinyl siding, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. The front façade design shall include at minimum two of the following elevation features:

- Shutters
- Covered porches
- Bay windows
- Roof eave brackets
- Cornice
- Architectural entrance door surround

Roof Design

Buildings shall be designed with fully pitched roof. Minimum roof pitch shall be 4 in 12.

Additional Deliverables...

- Proposed development shall be restricted to single family detached homes
- All dwellings shall have a least double-car garages
- Property Owner's Assoc shall be established and shall be responsible for maintenance of private Fern Hollow park, and common areas
- Developer shall maintain natural vegetation, undisturbed, until issuance of a development permit
- Kilgore Road frontage shall be landscaped by the developer and maintained by POA covenants conditions and restrictions
- POA covenants shall not permit greater than 10% rentals at any given time.
- Central mailbox collection center for community- to ease delivery for USPS
- Traffic calming/speed bumps shall be placed at appropriate intervals throughout subdivision

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6/7/2023 ELEV "D" 2,805 sq ft/ 4BR/ 2.5BA
Depth: 60' 0"/ Height: 28' 0"/ Width: 40'



Rear elevation



Side elevation

Exterior Wall Design

The front facades shall be finished with brick, stone, stucco/EIFS, wood siding, wood shingles, vinyl siding, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. The front façade design shall include at minimum two of the following elevation features:

- Shutters
- Covered porches
- Bay windows
- Roof eave brackets
- Cornice
- Architectural entrance door surround

Roof Design

Buildings shall be designed with fully pitched roof. Minimum roof pitch shall be 4 in 12.

Additional Deliverables...

- Proposed development shall be restricted to single family detached homes
- All dwellings shall have a least double-car garages
- Property Owner's Assoc shall be established and shall be responsible for maintenance of private Fern Hollow park, and common areas
- Developer shall maintain natural vegetation, undisturbed, until issuance of a development permit
- Kilgore Road frontage shall be landscaped by the developer and maintained by POA covenants conditions and restrictions
- POA covenants shall not permit greater than 10% rentals at any given time.
- ~~Collection center for community- to ease delivery for UPS~~ NT
- Traffic calming/ speed bumps shall be placed at appropriate intervals throughout subdivision

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6/7/2023 ELEV "E" 2,823 sq ft/ 3BR/ 3.5BA
Depth: 62' 0" / Height: 25' 0" / Width: 40'



Rear & Side elevation



Exterior Wall Design

The front facades shall be finished with brick, stone, stucco/EIFS, wood siding, wood shakes, vinyl siding, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. The front facade design shall include at minimum two of the following elevation features:

- Shutters
- Covered porches
- Bay windows
- Roof eave brackets
- Cornice
- Architectural entrance door surround

Roof Design

Buildings shall be designed with fully pitched roof. Minimum roof pitch shall be 4 in 12.

Additional Deliverables...

- Proposed development shall be restricted to single family detached homes
- All dwellings shall have a least double-car garages
- Property Owner's Assoc shall be established and shall be responsible for maintenance of private Fern Hollow park, and common areas
- Developer shall maintain natural vegetation, undisturbed, until issuance of a development permit
- Kilgore Road frontage shall be landscaped by the developer and maintained by POA covenants conditions and restrictions
- POA covenants shall not permit greater than 10% rentals at any given time.
- ~~POA 2028-00015~~ collection center for community- to ease delivery for Page 18 of 50
- Traffic calming/ speed bumps shall be placed at appropriate intervals throughout subdivision

NT

Exhibit D: Existing Features Site Analysis Plan

[attached]

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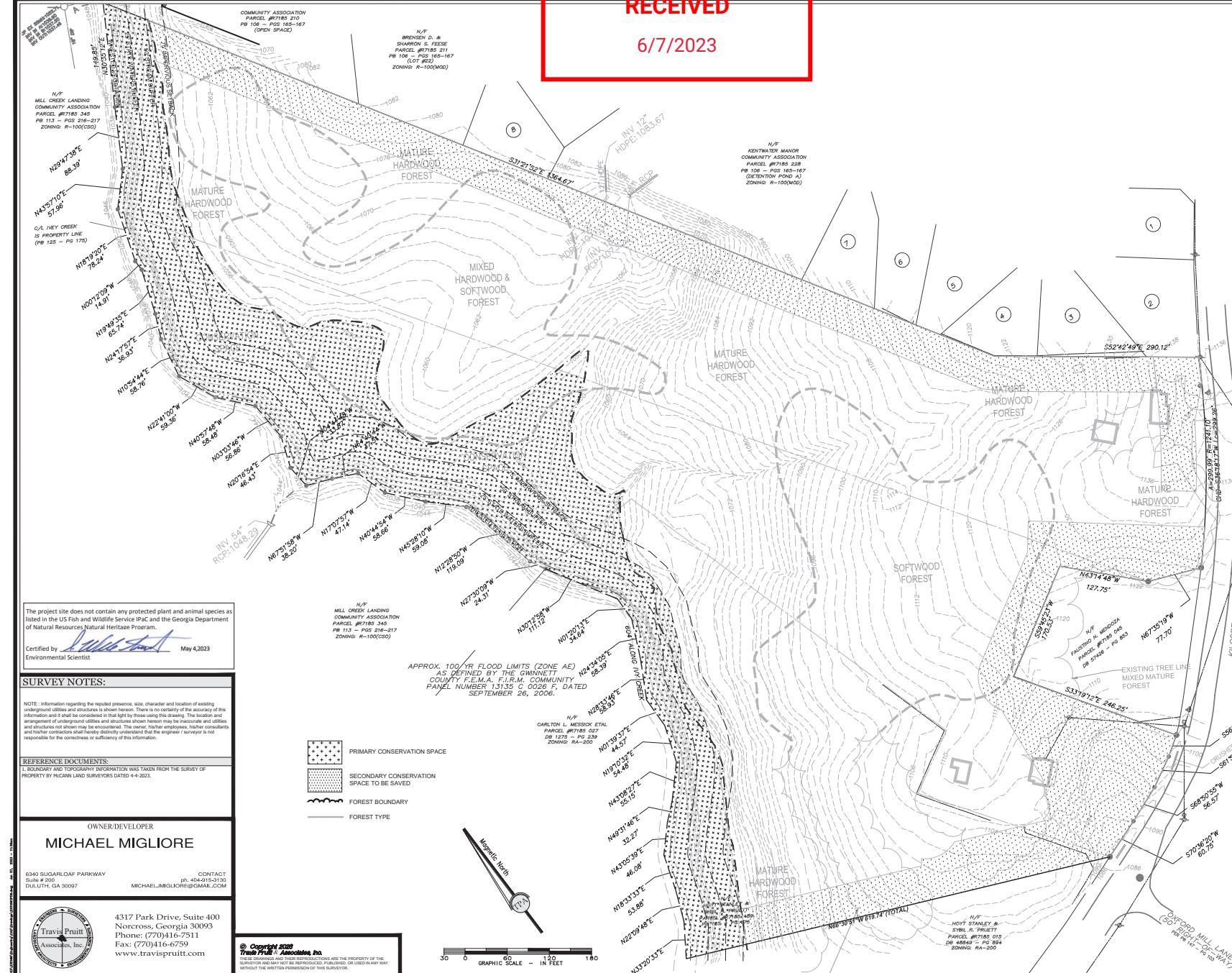


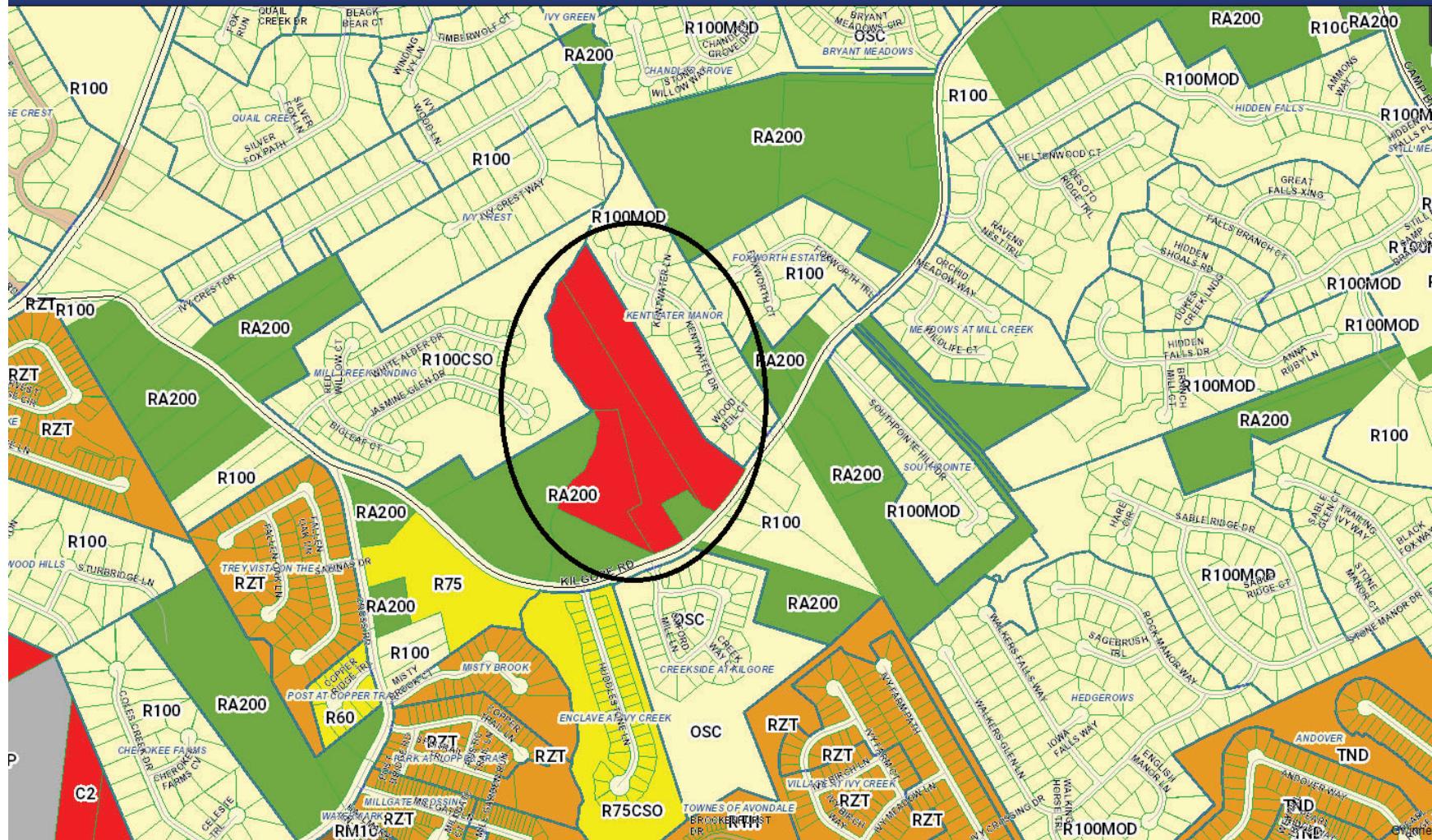
Exhibit E: Zoning Exhibit

[attached]

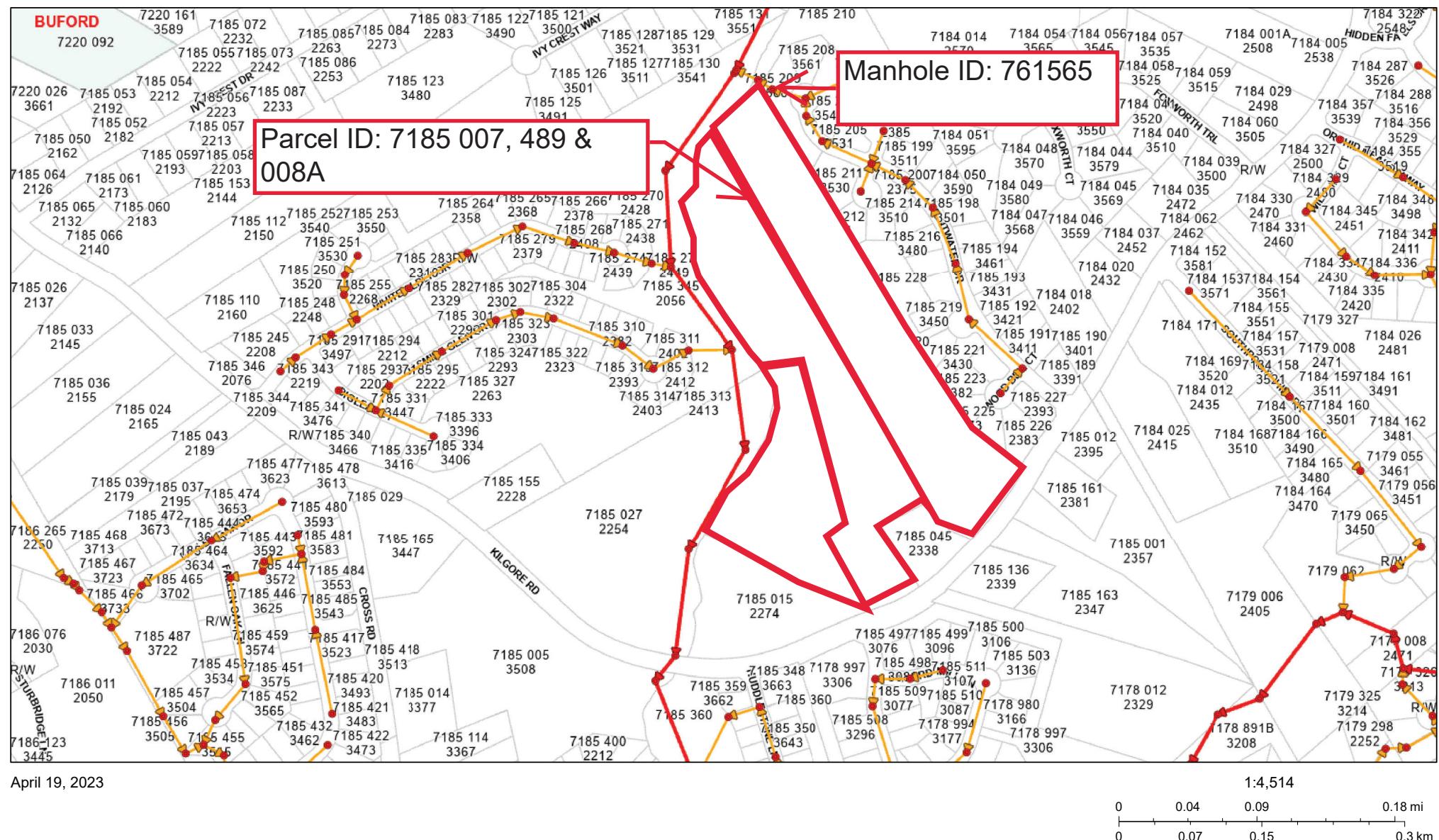
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About this Site



Fern Park Subdivision



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5 RZR 2023-00015

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

[attached]

GWINNETT COUNTY
PLANNING & DEVELOPMENT
Tony Powell
Brian Edwards
Nathan Powell
RECEIVED
6/7/2023
W. Charles Ross



Jay Crowley
Mandy Williams
Laura Walsh
Laura Shoop

May 23, 2023

Matthew Dickison, Director
Gwinnett County Planning & Development
75 Langley Drive
Lawrenceville, Georgia 30046

**RE: REZONING APPLICATION AND LETTER OF INTENT FOR 2306
KILGORE ROAD, 2378 KILGORE ROAD AND 0 KILGORE ROAD,
BUFORD, TAX PARCELS 7185 007, 7185 008A & 7185 489.**

Dear Mr. Dickison:

Powell & Edwards, P.C. submits this Letter of Intent on behalf of Michael Migliore (the "Applicant") to request a rezoning from RA 200 to the OSC Open Space Conservation District zoning designation to allow for forty-five (45) semi-custom, single-family detached homes upon property located at 2306 Kilgore Road, 2378 Kilgore Road and 0 Kilgore Road, Buford, and being identified as tax parcels 7185 007, 7185 008A & 7185 489 (the "Property").

Applicant is contract purchaser of the 22.42-acre assemblage which is zoned RA-200 and surrounded by a mix of OSC, CSO, R75, RZT & R100MOD housing to be known as Fern Hollow. A key element of the proposed OSC neighborhood will be Fern Hollow Park, a private greenway for the residents that will feature soft walking trails, park benches, and soft-lit, pathway lighting. The POA maintained park will provide a tranquil getaway for the residents while also preserving the plant and animal life along Ivy Creek.

Fern Hollow homes will average between 2,600 and 3,550 square feet. The "cottage-style" homes will feature design elements such as arches, stone, and brick accents, exposed natural beams and upscale millwork. There will be a mix of four and five-bedroom floorplans with some built on basement and some slab on grade. The semi-custom homes will offer options for LED lighting, high-efficiency appliances and stubbing for electric vehicles.

The OSC designation would be consistent with surrounding neighborhoods as well as the Established Neighborhoods designation under the 2040 Unified Plan. The low density, 2 units per acre, of this development will also have a positive effect on surrounding property values, while minimizing the impact on nearby schools and infrastructure. Due to this conservative land planning, Applicant only requests one variance for this development.

A PROFESSIONAL CORPORATION

P.O. Box 1390 • Lawrenceville, Georgia 30046-1390 • powelledwards.com • 770.962.0100
Street Address For Direct Deliveries Only • 10 Lumpkin Street Lawrenceville, GA 30046

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Due to the topography of the property, Applicant requests a variance from the requirements of Section 210-50.14 to allow for a cul-de-sac street in excess of 600 feet in length.

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

Respectfully submitted,

POWELL & EDWARDS, P.C.



W. Charles "Chuck" Ross
Attorney for Applicant

Enclosures

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5/23/2023

Gwinnett County Planning Division
Rezoning Application
Last Updated
10/2021

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:

The proposed OSC development is located between two R100 (SO & MOD) neighborhoods and across the street from another OSC neighborhood. The OSC designation would also protect the natural beauty of Ivy Creek which runs across the edge of the development.

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

As noted above, the surrounding properties are already similarly zoned and are all residential uses. The low density of this OSC development not only would not adversely affect the use or usability of the adjacent or nearby property, but the high quality of these new homes will actually benefit the adjacent and nearby properties' values.

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

No, the property is currently zoned RA200 which is inconsistent with the developed neighborhoods adjacent and nearby. Forcing the owners to develop larger parcels and homes than existing adjacent and nearby developments would be economically unfeasible.

(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:

No, the proposed OSC development would only have 45 homes on over 22 acres which is a gross density of 2 houses per acre. Considering the amount of existing homes in the area, this modest development of high quality homes would not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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

The 2040 Unified Plan classifies this area as being within the Established Neighborhoods District. The district encourages uses which are consistent in scale, architecture, and use with surrounding properties. This project is completely in conformity with the policy and intent of the Land Use 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:

This parcel is bordered on one side by Ivy Creek. This OSC development not only preserves this area, but enhances it by providing a gently lit walking path that will allow the residents to enjoy the undisturbed natural beauty of this area, just a short walk from their home. Further, the low density of this development is a welcome change from the usual high density neighborhoods dotting Gwinnett County.

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5/23/2023

RZR2023-00015

Exhibit G: Application and Disclosure of Campaign Contributions

[attached]

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6/7/2023

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Michael J. Migliore	NAME: Hoyt Stanley Pruett & Sybil R. Pruett; Oh In Young & Rhenia Braswell
ADDRESS: 6340 Sugarloaf Parkway, Suite 200	ADDRESS: Pruett: 2274 Kilgore Rd.; Young: 10181 Lavonia Rd. Braswell: 4845 Pinion Cir.
CITY: Duluth	CITY: Pruett: Buford; Young: Carnesville; Braswell: Columbus
STATE: Georgia ZIP: 30097	STATE: Pruett: GA; Young: GA; Braswell: IN ZIP: Pruett: 30519; Young: 30521; Braswell: 47201
PHONE: 404-915-3130	PHONE: Pruett & Braswell: 404-769-6649; Young: 678-793-1303
EMAIL: michaeljmigliore@gmail.com	EMAIL: _____
CONTACT PERSON: W. Charles "Chuck" Ross, Esq. PHONE: 770-962-0100	
CONTACT'S E-MAIL: cross@powelledwards.com	
APPLICANT IS THE: <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): RA200 REQUESTED ZONING DISTRICT: OSC	
PARCEL NUMBER(S): 7185 007, 7185 008A & 7185 489 ACREAGE: 22.42	
ADDRESS OF PROPERTY: 2306 Kilgore Road, 2378 Kilgore Road & 2326 Kilgore Road, Buford	
PROPOSED DEVELOPMENT: 45 Semi-Custom, single-family, detached homes	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units 45	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): 2600-3550	Total Building Sq. Ft. _____
Gross Density: 2.0	Density: _____
Net Density: 2.2	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

5/23/2023

REZONING PROPERTY OWNER'S CERTIFICATION

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

x Hoyt Stanley Pruett & Sybil R. Pruett 4-23-23
Signature of Property Owner(s) Date

Hoyt Stanley Pruett

&

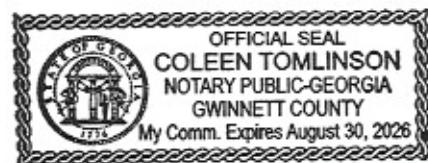
Sybil R Pruett

Type or Print Name and Title

R7185-489



4/23/2023



Signature of Notary Public

COLEEN TOMLINSON

Date

Notary Seal

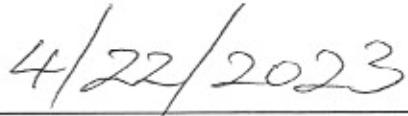
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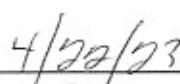

Signature of Property Owner


Date

Oh In Young, Owner
Type or Print Name and Title

R7185-007


Signature of Notary Public


Date

My Commission Expires
Dec 6, 2025



RECEIVED

5/23/2023

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ACTION BY THE BOARD OF COMMISSIONERS.

Rhenia Braswell

Signature of Property Owner

4-21-23

Date

Rhenia Braswell, Owner

Type or Print Name and Title

R7185-008A



DONALD W. MILLER
Notary Public
Bartholomew County
Commission Number NP0667810
Expiration Date 05-12-2023

Donald W. Miller

4-21-23

Signature of Notary Public

Date

Notary Seal

RECEIVED

5/23/2023

REZONING APPLICANT'S CERTIFICATION

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



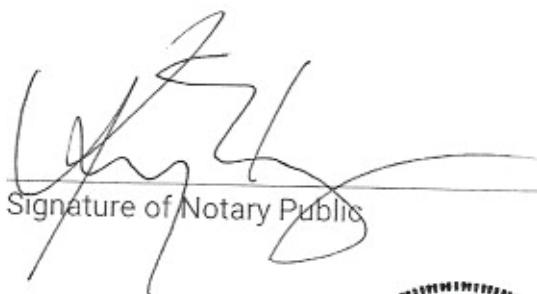
Signature of Applicant

4/29/23

Date

Michael J. Migliore Applicant

Type or Print Name and Title



Signature of Notary Public

4/29/23

Date

Notary Seal

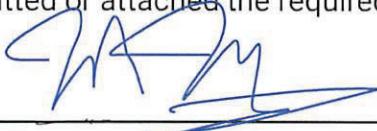


RECEIVED

5/23/2023

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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



5/23/23

Michael J. Migliore

SIGNATURE OF APPLICANT

DATE

TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

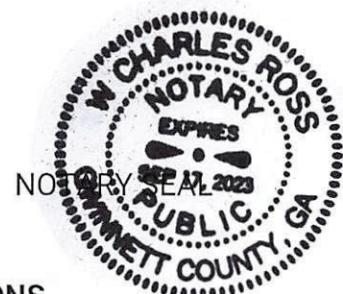
TYPE OR PRINT NAME AND TITLE



5/23/2023

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

Michael J. Migliore

YOUR NAME

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

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

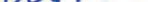
Attach additional sheets if necessary to disclose or describe all contributions.

RECEIVED

5/23/2023

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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

 5/23/2023 W. Charles Ross, Esquire

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

Anthony J. Powell 5/23/2023



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 _____
Powell & Edwards, PC
YOUR NAME

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

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Matthew Holtkamp, Commissioner	\$1,000.00	October 2022

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

RECEIVED

5/23/2023

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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

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

R7185-489

PARCEL I.D. NUMBER:

(Map Reference Number)

— District —

Land Lot

— Parcel —


Signature of Applicant

4/28/23

Date

Michael J. Migliore
Type or Print Name and Title

Applicant

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)

Chris Nelson
NAME
April 28, 2023
DATE

Tax Services Associate
TITLE

RECEIVED

5/23/2023

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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R 7185-007

PARCEL I.D. NUMBER:

(Map Reference Number)

— District —

— Land Lot —

— Parcel —


Signature of Applicant

4/28/23
Date

Michael J. Migliore Applicant
Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 Langley Drive, for their approval below.

TAX COMMISSIONERS USE ONLY

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Chris Nelson

NAME

April 28, 2023

DATE

Tax Services Associate

TITLE

RECEIVED

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

R 7185-008A

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

— District — Land Lot — Parcel

Signature of Applicant

4/28/23

Date

Michael J. Migliore
Type or Print Name and Title

Applicant

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Chris Nelson

NAME

April 28, 2023

DATE

Tax Services Associate

TITLE

Exhibit H: Internal and External Agency Review Comments

[attached]



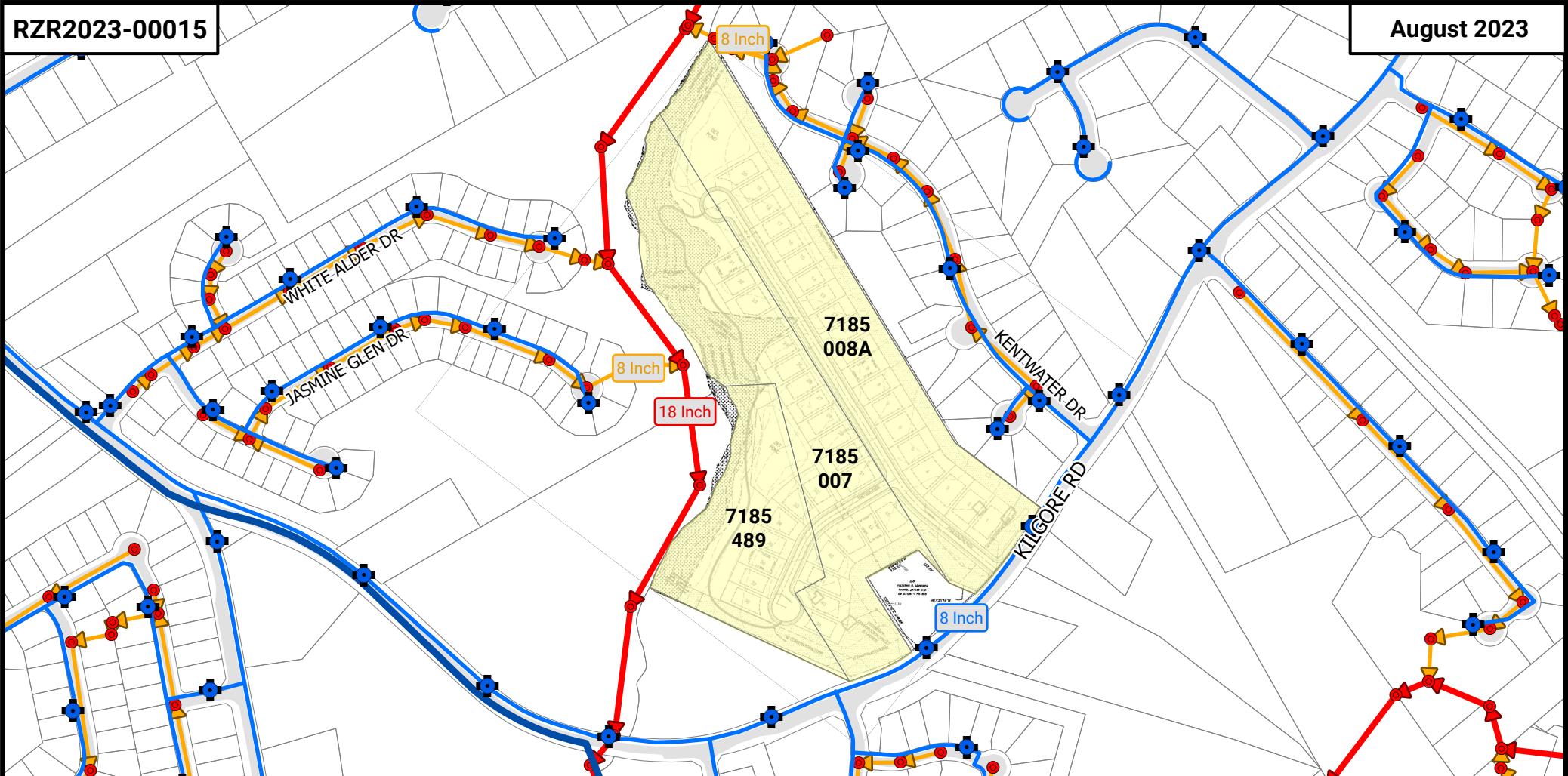
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date: 07.05.2023		
Department/Agency Name: Transportation		
Reviewer Name: Brent Hodges		
Reviewer Title: Construction Manager 1		
Reviewer Email Address: Brent.Hodges@gwinnettcounty.com		
Case Number: RZR2023-00015		
Case Address: 2306, 2326, 2378 Kilgore Road, Buford, 30519		
Comments:		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
1	Kilgore Road is a local street. ADT = 5,112.	
2	2.6 miles to the nearest transit facility (#2334754) Buford/SR 20 Park and Ride.	
3	The access point along Kilgore shall meet minimum sight distance requirements per UDO Section 900 (Table 900.2).	
4	Traffic Calming shall be required along any internal street exceeding 500' in length, per UDO Section 900.	
5		
6		
7		
Recommended Zoning Conditions:		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
1		
2		
3		
4		
5		
6		
7		



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:			
Department/Agency Name: DWR			
Reviewer Name: Mike Pappas			
Reviewer Title: GIS Planning Manager			
Reviewer Email Address: Michael.pappas@gwinnettcounty.com			
Case Number: RZR2023-00015			
Case Address: 2306, 2378 and 2326 Kilgore Rd			
Comments:		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
1	Water: The proposed development may connect to an existing 8-inch water main along the northern right-of-way of Kilgore Road.		
2	Sewer: A Sewer Capacity Certification (C2023-096-05) has been approved for 45 single family homes. The development may connect to an existing 18-inch gravity sewer main located west of Parcel 7185 489. Offsite easements will be required. An aerial crossing will be required; the design must be coordinated with GCDWR.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
1			
2			
3			
4			
5			
6			



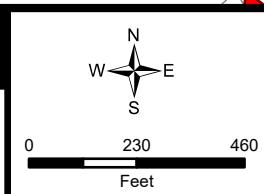
LEGEND

- Water Main
- Hydrant
- Manhole
- Sewer Collector
- Sewer Interceptor

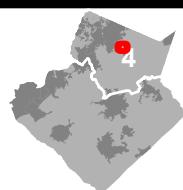
2306, 2378 and 2326 Kilgore Rd

RA-200 to OSC

Water & Sewer Utility Map



LOCATION



Water Comments: The proposed development may connect to an existing 8-inch water main along the northern right-of-way of Kilgore Road.

Sewer Comments: A Sewer Capacity Certification (C2023-096-05) has been approved for 45 single family homes. The development may connect to an existing 18-inch gravity sewer main located west of Parcel 7185 489. Offsite easements will be required. An aerial crossing will be required; the design must be coordinated with GCDWR.

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.

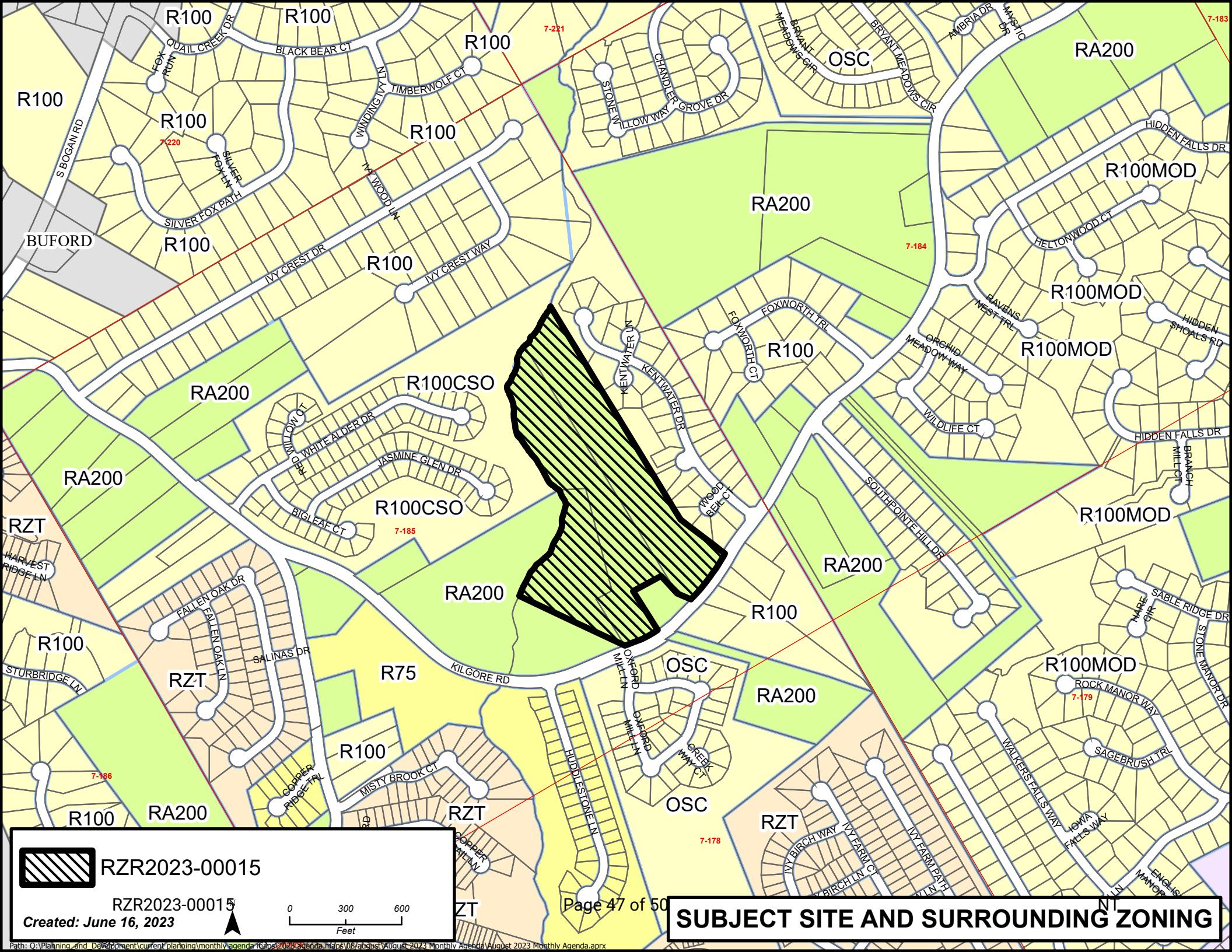
Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among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

Residential Rezoning Impact on Local Schools Prepared for Gwinnett County BOC, August, 2023												Proposed Zoning
	School	Forecast	2023-24 Capacity	+/- Cap.	Forecast	2024-25 Capacity	+/- Cap.	Forecast	2025-26 Capacity	+/- Cap.	Approximate Student Projections from Proposed Developments	
RZR2023-00016	Mountain View HS	2,280	2,300	-20	2,303	2,300	3	2,326	2,300	26	16	
	Twin Rivers MS	1,683	2,150	-467	1,733	2,150	-417	1,768	2,150	-382	11	
	Dyer ES	872	1,175	-303	881	1,175	-294	894	1,175	-281	20	
RZR2023-00015	Seckinger HS	2,004	2,800	-796	2,226	2,800	-574	2,330	2,800	-470	15	
	Jones MS	1,699	1,575	124	1,767	1,575	192	1,870	1,575	295	10	
	Patrick ES	923	1,025	-102	960	1,025	-65	989	1,025	-36	20	

Exhibit I: Maps

[attached]





RZR2023-00015

RZR2023

age 47 of 50

SUBJECT SITE AND SURROUNDING ZONING

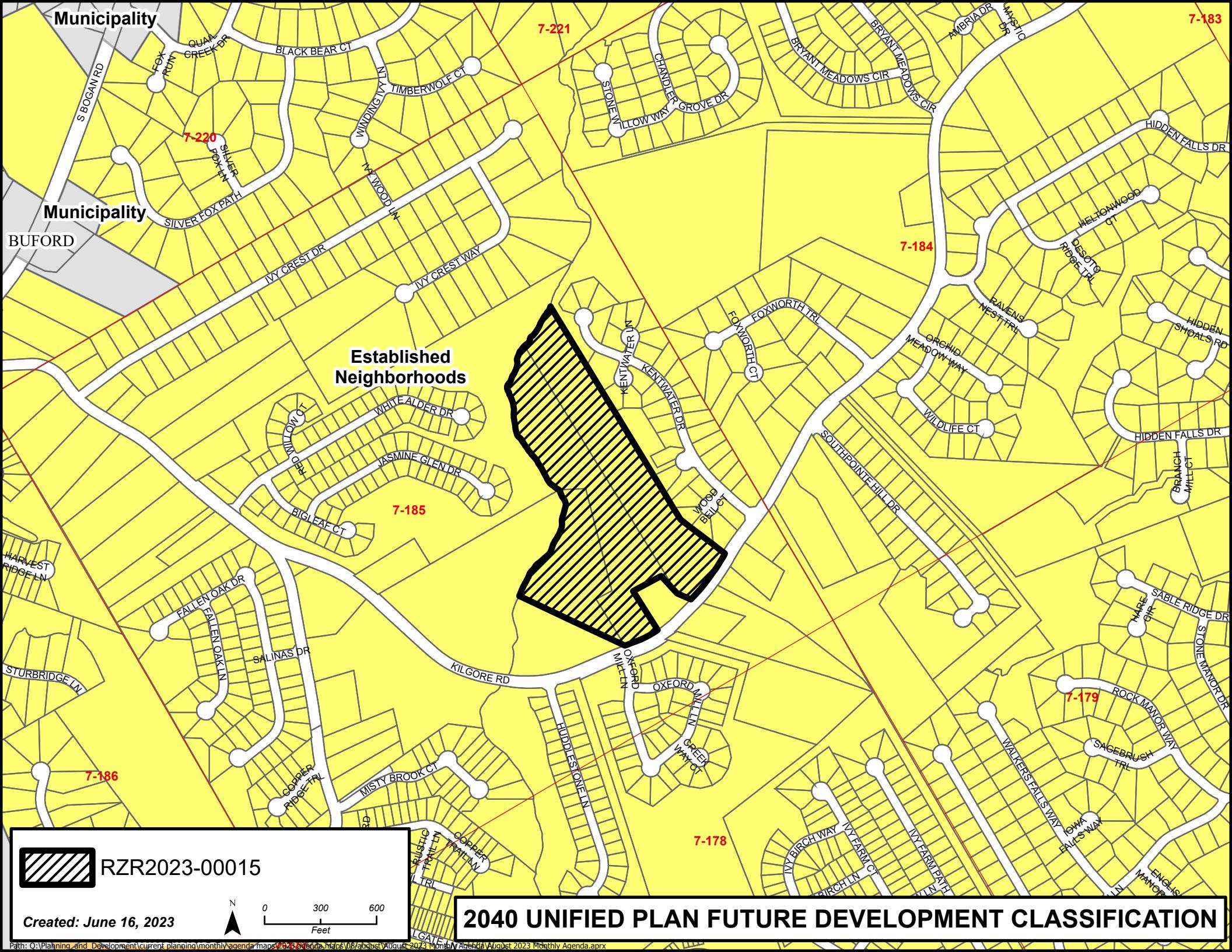


Exhibit J: Site Plan Presented at the August 1, 2023, Planning Commission Public Hearing

[attached]

RECEIVED

8/1/2023

FERN HOLLOW SUBDIVISION

BUFORD, GEORGIA



SITE DATA

- Total site area: 22.519 acres
- Total homesites: (45) OSC zoned "open-space-conservation" lots
- Open space: 25% of total acres
- Natural conservation resident park with 1/3rd mile soft walking paths
- 50 ft protected buffer surrounding entire subdivision
- Full basement + slab floor plans
- Beautiful single-family detached homes
- 3-minutes to Mall of Georgia

RZR2023-00015

Page 50 of 50

Michael Migliore, Developer
Ph: 404-915-3130
Email: MichaelJMigliore@gmail.com



NT