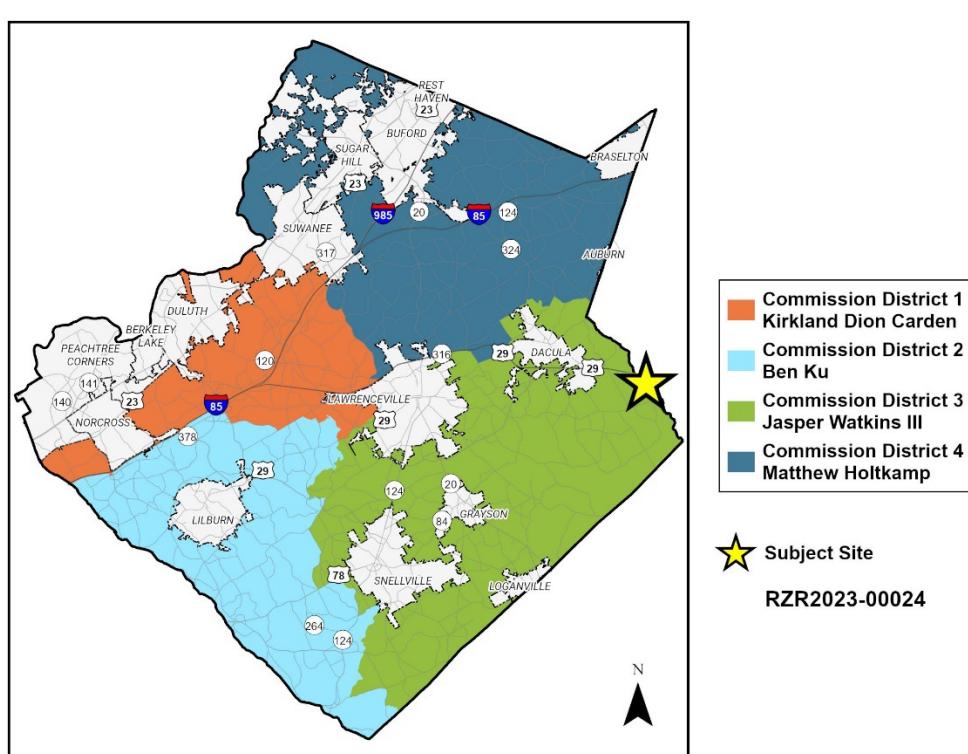




## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** RZR2023-00024  
**Current Zoning:** RA-200 (Agriculture-Residence District)  
**Request:** Rezoning to OSC (Open Space Conservation District)  
**Additional Requests:** Variances  
**Address:** 1680 Kilcrease Road  
**Map Number:** R5357 011  
**Site Area:** 19.68 acres  
**Lots:** 19  
**Proposed Development:** Single-Family Detached Subdivision  
**Commission District:** District 3 – Commissioner Watkins  
**Character Area:** Vibrant Communities  
  
**Staff Recommendation:** DENIAL

**Planning Commission  
Recommendation:** DENIAL WITHOUT PREJUDICE



**Planning Commission Advertised Public Hearing Date: 12/5/2023 (Public Hearing Tabled to 1/2/2024)**

**Board of Commissioners Advertised Public Hearing Date: 12/12/2023 (Public Hearing Tabled to 1/23/2024)**

**Applicant:** Cagle and Yancy Holdings, LLC  
c/o Alliance Engineering and Planning  
4525 South Lee Street  
Buford, GA 30518

**Owner:** Cagle and Yancy Holdings, LLC  
7722B Hampton Place  
Loganville, GA 30052

**Contact:** Tyler Lasser

**Contact Phone:** 770.225.4730 ext. 819

## Zoning History

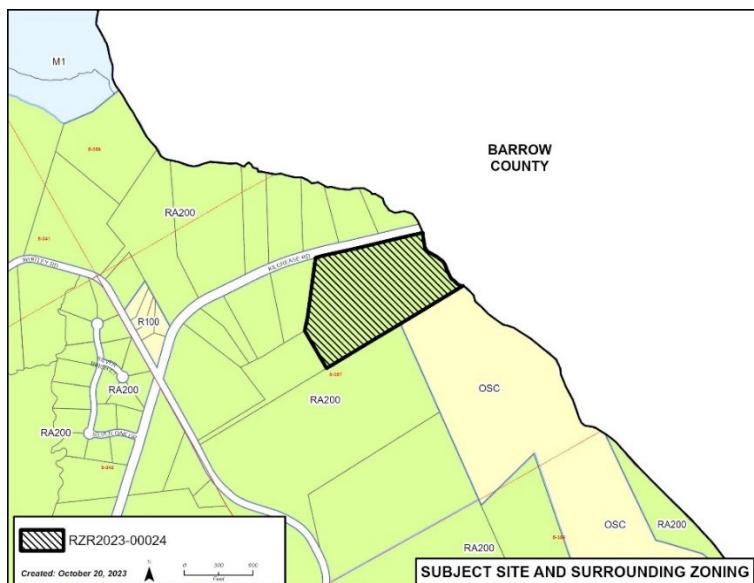
The subject property is zoned RA-200 (Agriculture-Residence District). There are no previous zoning requests on record for the property.

## Existing Site Condition

The subject property is a 19.68-acre parcel located along Kilcrease Road, adjacent to the Barrow County line. The property is undeveloped and is densely wooded with a mature tree canopy. The Apalachee River runs along the eastern property line, which leads into a 100-year flood plain that covers over half of the site. The portion of the property outside of the flood plain features steep slopes exceeding 25% near Kilcrease Road and exceeding 40% near the western property line. There are dirt and gravel roads within the site that access Kilcrease Road, which is a two-lane road without sidewalks on either side. The nearest Gwinnett County Transit stop is approximately 10.3 miles from the subject property.

## Surrounding Use and Zoning

The subject property is located within a semi-rural area that has a mix of undeveloped land and single-family residences on large lots. Single-family residences on large lots are located across Kilcrease Road to the north, and to the west of the subject property. A large undeveloped parcel and a vehicle salvage yard are located to the south. Barrow County is located to the east across the Apalachee River. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Single-Family Detached Subdivision	OSC	1.96 units per acre
North	Single-Family Residential	RA-200	0.12 units per acre
East	Industrial	M-2 (Barrow County)	N/A
South	Undeveloped Industrial	OSC RA-200	2.0 units per acre N/A
West	Single-Family Residential	RA-200	0.19 units per acre

## Project Summary

The applicant requests the rezoning of a 19.68-acre parcel from RA-200 to OSC for a single-family detached subdivision, including:

- 19 detached single-family residences, yielding a density of 1.96 units per acre.
- A 900-foot-long, 27-foot-wide public internal cul-de-sac street within a 50-foot-wide right of way with 4-foot-wide sidewalks on both sides of the street.
- Conservation space comprising 13.11 acres, or 66.7% of the site, with 10.82 acres in primary conservation space and 2.29 acres in secondary conservation space.
- A 50-foot-wide street frontage buffer and 50-foot-wide conservation strip surrounding the site.
- A mail kiosk and playground area located mid-block and served by three on-street parallel parking spaces.
- One full access intersection with Kilcrease Road with a right turn deceleration lane.
- A 4-foot-wide sidewalk along Kilcrease Road which must be expanded to a minimum of 5-feet-wide per the UDO.
- One and two-story residences with a minimum heated floor area of 2,200 square feet and two-car garages.
- Exterior front building facades of brick, stone, and fiber-cement siding and board and batten.

## Zoning and Development Standards

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

Standard	Required	Proposed	Meets Standard?
Lot Size	Minimum 7,500 square feet	$\geq$ 7,500 square feet	YES
Lot Width	Minimum 60'	$\geq$ 60'	YES
Building Height	Maximum 35'	$<$ 35'	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	50'	50'	YES
Conservation Space	Minimum 25% or 4.92 acres	66.7% or 13.11 acres	YES
Primary Conservation Space	Minimum 15% or 2.95 acres	54.9% or 10.82 acres	YES

Standard	Required	Proposed	Meets Standard?
Heated Floor Area	Minimum 1,400 square feet	Minimum 2,200 square feet	YES
Density	Maximum 2.5 units per acre	1.96 units per acre	YES

## Variance Requests

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

1. Section 210-50.14 Streets

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

The applicant is requesting a variance to allow a cul-de-sac that is approximately 900 feet in length.

2. Section 210-50.6 Conservation Space Requirements

**B. Primary conservation space is required to be covered by a provision of permanent protection and shall include 100-year floodplain, stream buffer zones, slopes greater than 40 percent wetlands, endangered or threatened species or their habitat, archaeological sites, cemeteries or burial grounds.**

The applicant is requesting a variance to allow portions of the property with very steep slopes greater than 40 percent to be located outside of primary conservation space and utilized to accommodate residential lots.

## Internal and External Agency Review

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

## Staff Analysis

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

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

Single-family residential is a suitable use for the subject property in view of the use and development of nearby property. However, the OSC zoning district has certain provisions that protect environmental features that cannot be achieved with the proposed site layout. A subdivision with larger lots and less units that conserves all environmentally sensitive areas, including those with very steep slopes, would be more suitable on this property.

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

In order to develop the property as proposed, significant grading and land disturbance would be required. Extensive grading within higher elevations in environmentally sensitive areas could adversely affect the wetlands and the Apalachee River at lower elevations.

**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.

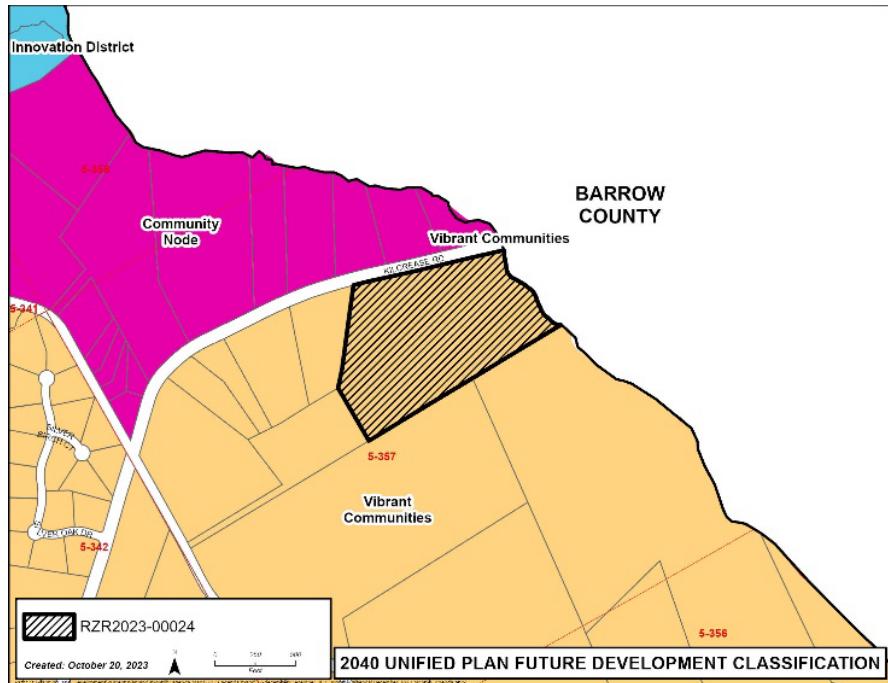
**D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

An increase in impacts on public facilities is 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 concerning any potential improvements related to this request are attached (Exhibit I).

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

The subject property is located within the Vibrant Communities Character Area of the 2040 Unified Plan Future Development Map. The Vibrant Communities Character Area is intended to serve as a transition between nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where the various types of activity centers and nodes are located.

Although the property is located within the Vibrant Communities Character Area, the environmental features of the property limit its potential for small lot single-family development as intended. The proposed rezoning does not meet the intent of the Open Space Conservation District to conserve environmentally sensitive areas and to promote an interconnected street network.



**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 OSC zoning district allows for clustered developments as an incentive to preserve environmentally sensitive areas. In this case, the applicant proposes substantial impacts to these areas. Variances from the key tenants of the OSC zoning district give supporting grounds for denial.

**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 applicant is requesting a variance to allow a cul-de-sac street that is approximately 900 feet in length where the maximum length is 600 feet. The OSC zoning districts requires loop streets and/or a grid network. The excess cul-de-sac length is intended to provide access to develop more lots and is not considered a hardship.

In addition, the applicant requests to allow portions of the property with very steep slopes greater than 40 percent to be located outside of primary conservation space. If approved, the variance would result in significant grading that could have adverse environmental impacts on nearby wetlands and the Apalachee River. Approval of the variances is not aligned with the purpose and intent of the Open Space Conservation District standards in the UDO to conserve steep slopes and other environmentally sensitive areas.

### Staff Recommendation

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

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

1. To allow a cul-de-sac street that is approximately 900 feet in length where a maximum of 600 feet in length is allowed.
2. To not permanently protect slopes in excess of 40 percent.

### **Staff Recommended Conditions**

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

Approval as OSC (Open Space Conservation District) for a single-family detached subdivision, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit D: Building Elevations dated received October 12, 2023 by the Department of Planning and Development, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. The property shall be limited to single-family detached dwellings and accessory uses and structures, not to exceed 19 lots. The minimum heated floor area shall be 2,200 square feet.
3. All dwellings shall have a minimum of two-car garage.
4. A mandatory homeowners association shall be established and shall be responsible for maintenance of all common areas/facilities and street frontage landscaping.
5. Natural vegetation shall remain on the property until the issuance of a development permit.
6. All grassed areas within lots shall be sodded.
7. Stormwater BMP facilities shall be screened from view of adjoining properties and rights of way by landscaping and/or decorative fencing that is in compliance with the Gwinnett County Stormwater Management Manual, subject to review and approval by the Department of Planning and Development.
8. Sidewalks along the frontage of Kilcrease Road shall be a minimum of five-feet-wide.
9. The development shall conform to all requirements of the OSC zoning district per the UDO.
10. The developer shall construct a right-turn deceleration lane along Kilcrease Road into the site.
11. The developer shall provide a connection from the five-foot-wide sidewalk along the frontage of Kilcrease Road to the existing trail located on the eastern boundary of the site.

## **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.

In addition, the Planning Commission recommends **DENIAL WITHOUT PREJUDICE** of the following variance requests:

1. To allow a cul-de-sac street that is approximately 900 feet in length where a maximum of 600 feet in length is allowed.
2. To not permanently protect slopes in excess of 40 percent.

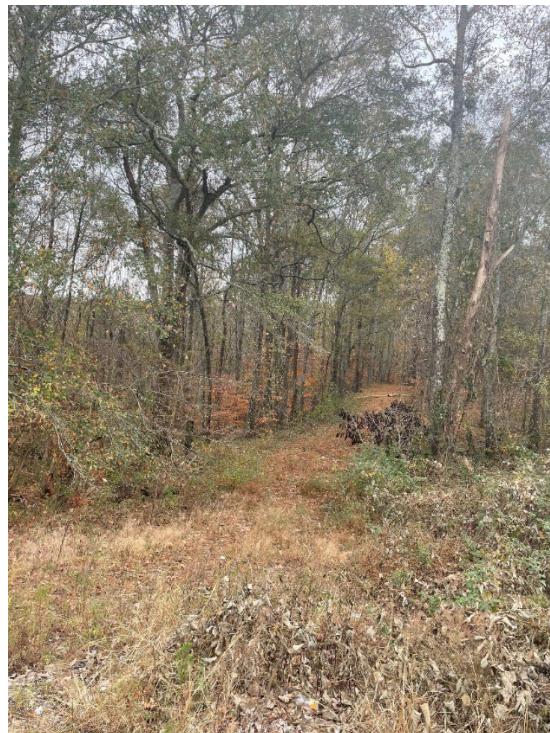
**Exhibits:**

- A. Site Visit Photos
- B. Site Plan
- C. Existing Features and Site Analysis Plan for OSC
- D. Building Elevations
- E. Letter of Intent and Applicant's Response to Standards
- F. Application and Disclosure of Campaign Contributions
- G. DWR Sewer Capacity Certification Letter
- H. Traffic Impact Study
- I. Internal and External Agency Review Comments
- J. Maps

## Exhibit A: Site Visit Photos



**View of Kilcrease Road frontage**



**View of dirt road into the site from Kilcrease Road**

**Exhibit B: Site Plan**

**[attached]**

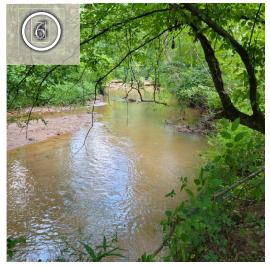


**Exhibit C: Existing Features and Site Analysis Plan for OSC**

**[attached]**

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

RECEIVED



PRIMARY  
CONSERVATION  
SPACE



SECONDARY  
CONSERVATION  
SPACE



SLOPES  
GREATER THAN  
25%



SLOPES  
GREATER THAN  
40%

(A) 75' COUNTY IMPERVIOUS SB (AS MEASURED FROM TOP OF BANK)  
(B) 50' COUNTY UNDISTURBED BUFFER (AS MEASURED FROM TOP OF BANK)  
(C) FLOODPLAIN

NRCS WEB SOIL SURVEY

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AmC2	Appling sandy loam, 6 to 10 percent slopes, moderately eroded	0.09	0.20%
Cfs	Chewacla silt loam, 0 to 2 percent slopes, frequently flooded	10.14	51.51%
PfB2	Pacolet sandy loam, 2 to 6 percent slopes, moderately eroded	0.13	0.70%
PgD2	Pacolet sandy clay loam, 10 to 15 percent slopes, moderately eroded	9.09	47.59%
<b>Totals for Area of Interest</b>		<b>19.39</b>	<b>100%</b>

Total Combined Area:  
+/- 19.68 Gross Acres & +/- 9.68 Net Acres

Date of existing features assessment:  
July 25, 2023

Site description:  
This property consists of a tract totaling 19.68 acres currently zoned RA-200 located at 1680 Kilcrease Road in Gwinnett County, Georgia. The central coordinates for the site are latitude 33.96 North and longitude -83.83 West. The property is located within the Upper Oconee River Watershed. The surrounding land use consists of unincorporated wooded and pastured land mixed with residential developments and dwellings to the north, south, east, and west. The nearest named waterbody is Apalachee River which is located on the east side of the property.

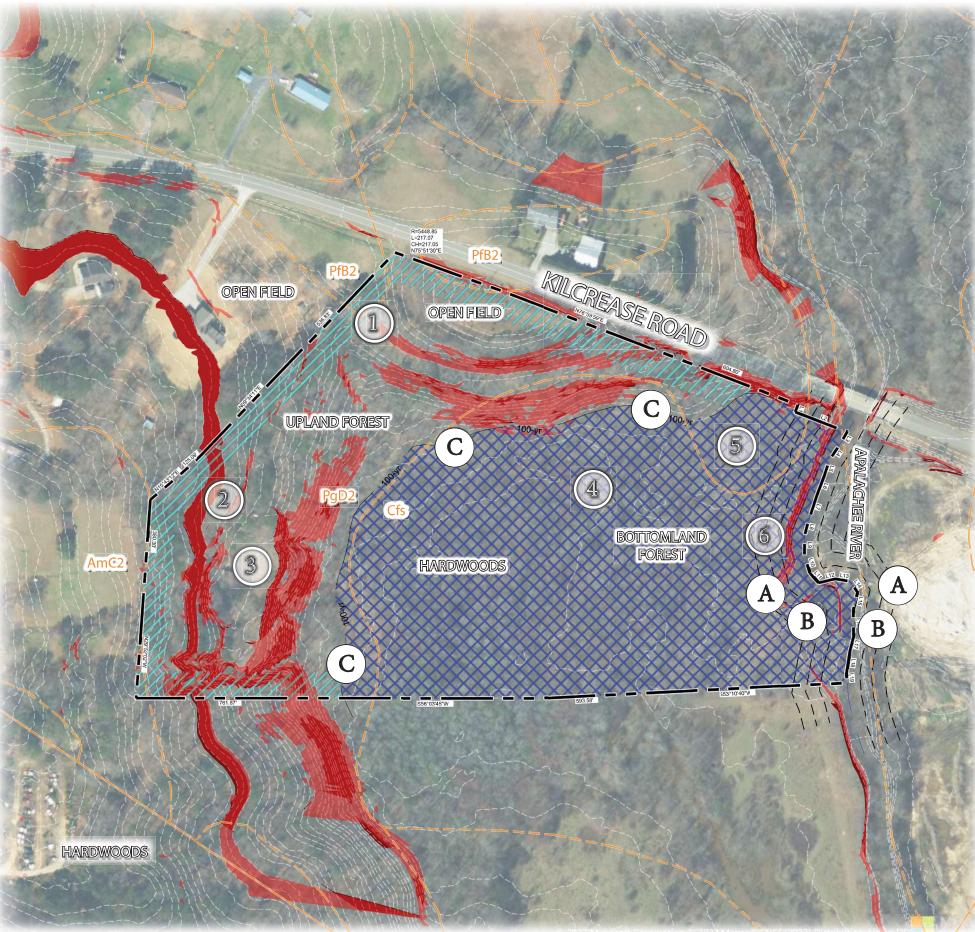
Timber harvesting activities in the previous 24 months:  
No timber harvesting activities per the land owners.

FEMA stream wetland data:  
1. According to FIRM number 13135C0078F, dated 9/29/2006, a portion of the property shown does lie within Zone AE and Zone A.

Historical archaeological or other significant features:  
None observed on-site during site assessment.

Notes:  
1. GADNR Biodiversity Portal (<https://georgiabiodiversity.org/>) website was utilized for reviewing protected species potentially affected by activities in this location by quadrant. One animal species with Georgia protection status of threatened was listed: Altamaha Shiner (*Cyprinella xanura*).  
2. During the on-site existing features assessment, none of the species listed by the GADNR Biodiversity Portal (below) were identified or located.

Scientific Name	Common Name	GA Prot	US Prot	GRank	Rnd GRank	SRank	Rnd SRank	Swap Status	ES ID	Element Code	Group	Georgia Habitat Summary
Cyprinella xanura	Altamaha Shiner	T	G3	S2S3	S2	Yes	18248	AFCJB49230	Animal	Medium-sized to large streams in runs or pools over sand to gravel substrate		
Cypripedium acaule	Pink Lady's Slipper	U	G5	S4	S4	No	19549	PMORCQ0010	Plant	Upland oak-hickory-pine forests; pine woods		
Perimyotis subflavus	Tricolored Bat		G3G4	G3	S2	Yes	17822	AMACCO3020	Animal	Open forests with large trees and woodland edges; roost in tree foliage; hibernation		



**LJA**  
LJA ENGINEERING  
299 S. MAIN STREET  
ALPHARETTA, GA 30009  
770-225-4730

DEVELOPER  
CAGLE AND YANCY  
HOLDINGS, LLC  
77228 HAMPTON PL  
LOGANVILLE, GA 30052  
24HR CONTACT:  
ANDY LUNSICK  
TELE: 678.314.0466  
EMAIL: ANDY@CKDEV.COM

EXISTING SITE FEATURES ANALYSIS  
1680 Kilcrease Rd Tract  
1680 KILCREASE RD  
ETATLANTA, GA 30320  
L.I. 307- DISTRICT 11  
PARCE # 5367-011



NORTH  
SCALE: 1" = 80'  
0 40  
PROJECT NUMBER  
21122  
SHEET TITLE  
EXISTING SITE  
FEATURES ANALYSIS

DATE  
9.6.23

**Exhibit D: Building Elevations**

**[attached]**

RECEIVED

10/12/2023



Homes will have a minimum of 2200 square ft. All units will have a 2 car garage and have attractive architecture. Front elevations will be brick, stone, with fiber concrete accents. Roofs will be Asphalt

RECEIVED

10/12/2023



Detached homes will be a minimum of 2200 square feet. All homes will include a two car garage and have attractive architecture. Front elevations will consist primarily of brick, stacked stone, or stucco with fiber cement siding accents. The sides and rear will be fiber cement. Roofs will be Asphalt shingles.

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

**[attached]**

**Applicant's Letter of Intent  
Cagle and Yancy Holdings, LLC  
1680 Kilcrease Road  
RA-200 to OSC**

The Applicant, Cagle and Yancy Holdings, LLC., requests to rezone the approximately 19.68-acre site from RA-200 to OSC (Open Space Conservation District) to develop an open space conservation subdivision. The site is located on Kilcrease Road at the edge of Gwinnett County. The Apalachee River runs along the eastern property line of the site, with Barrow County on the other side of the river. In addition to the river, the site contains a pond, as well as a significant amount of floodplain. Due to the river, pond, floodplain and accompanying riparian buffers, the only buildable area remains primarily within the western quarter of the site. As proposed, the development will include a total of 19 lots, equating to a gross density of 1.04 units per acre and a net density of 1.96 units per acre. Each lot will be at least 7,500 square feet in size and a width of at least 60 feet. In part due to the floodplain and river, approximately 13.11 acres, or 66.7% of the site will be dedicated as conservation space (primary and secondary), which significantly exceeds the minimum 25% conservation space requirement. Other conservation space areas include the 50-foot conservation strip adjacent to the RA-200 lots, as well as the 50-foot street frontage buffer, which will provide year-round screening. The site will also include additional open space that includes a playground, as well as the mail kiosk adjacent to the subdivision's street. Both sides of the street will include sidewalks for enhanced pedestrian connectivity and safety. The subdivision will be a mixture of one-story ranches and two-story homes, starting at 2,200 square feet with at least three bedrooms. Each home will also include a two-car garage with additional driveway parking spaces. As shown on the submitted elevations, the exterior of the homes will comprise of a mixture of materials including brick, stone, and fiber cement siding. The site is located within the Vibrant Communities character area of the Gwinnett County 2040 Comprehensive Plan, which specifies single-family residential development as one of the encouraged uses. Given that the surrounding area is primarily single-family detached residential, the other encouraged uses for the character are including townhomes and apartments would not be appropriate. The proposed conservation subdivision is the least intense development type encouraged at this location and is consistent with the comprehensive plan.

In addition to the rezoning request, the Applicant requests the following variances:

- to allow the cul-de-sac street to exceed 600 feet in length (Section 900-20. C.1)
- to allow development within slopes greater than 40 percent as shown on the submitted plan (Section 210-50.6. B)

The Applicant looks forward to meeting with staff and the community to answer all questions or concerns and is excited to be able to provide exceptional housing in a highly desirable section of Gwinnett County.

**RECEIVED**

10/12/2023

### **Standards Governing the Exercise of the Zoning Power**

To further demonstrate that the proposed rezoning and land use is consistent with the intent of the UDO and 2040 Unified Plan, the applicant submits its response to the Standards Governing Exercise of the Zoning Power as follows:

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

Rezoning the subject site to OSC for the purpose of constructing a small open space conservation subdivision is suitable in relation to the adjacent and nearby properties. The site is surrounded by other single family residential uses and abuts a recently approved zoning for an open space conservation subdivision.

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

The proposed rezoning will not adversely affect the use of the surrounding properties. The subject property will remain residential and maintain a significant amount of open space.

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

Due to site constraints, including the floodplain, usability of the site is very limited. The applicant submits that the property does not have a reasonable economic use as currently zoned.

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

The rezoning will not result in 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 proposed development meets the intent of the 2040 Unified Plan. The subject property is located within the Vibrant Communities character area, which encourages single-family residential development. Given the zoning pattern of the area, a denser development would not be ideal at this location.

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

The pattern of residential infill development in the area and the proposed development's compatibility with the land use of the adjacent properties are among reasons for the approval of the proposed rezoning.

**RECEIVED**

~~10/12/2023~~ Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

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

**[attached]**

RECEIVED

10/12/2023

**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*	
NAME: <u>Cagle and Yancy Holdings, LLC</u> c/o Alliance Engineering and Planning	NAME: <u>Cagle and Yancy Holdings, LLC</u>	
ADDRESS: <u>4525 S. Lee Street</u>	ADDRESS: <u>7722B Hampton Place</u>	
CITY: <u>Buford</u>	CITY: <u>Loganville</u>	
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>GA</u> ZIP: <u>30052-6770</u>	
PHONE: <u>770.225.4730 ext.819</u>	PHONE: <u>770.225.4730 ext.819</u>	
EMAIL: <u>tlasser@allianceco.com</u>	EMAIL: <u>tlasser@allianceco.com</u>	
CONTACT PERSON: <u>Tyler Lasser</u>	PHONE: <u>770.225.4730 ext.819</u>	
CONTACT'S E-MAIL: <u>tlasser@allianceco.com</u>		
<b>APPLICANT IS THE:</b>		
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>RA-200</u>	REQUESTED ZONING DISTRICT: <u>OSC</u>	
PARCEL NUMBER(S): <u>5357 011</u>	ACREAGE: <u>19.68</u>	
ADDRESS OF PROPERTY: <u>1680 Kilcrease Road</u>		
PROPOSED DEVELOPMENT: <u>Open Space Conservation Subdivision</u>		

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>19</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>2,200</u>	Total Building Sq. Ft. _____
Gross Density: <u>1.04</u>	Density: _____
Net Density: <u>1.96</u>	

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

**RECEIVED**

10/12/2023

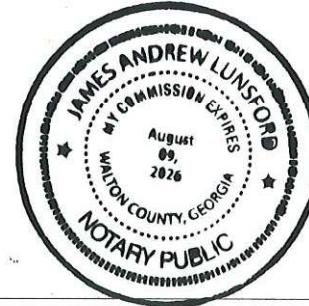
**REZONING APPLICANT'S CERTIFICATION**

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

  
Date

  
Type or Print Name and Title



  
Signature of Notary Public

  
Date

Notary Seal

**RECEIVED**

10/12/2023

**REZONING PROPERTY OWNER'S CERTIFICATION**

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



Signature of Property Owner

8/1/23

Date



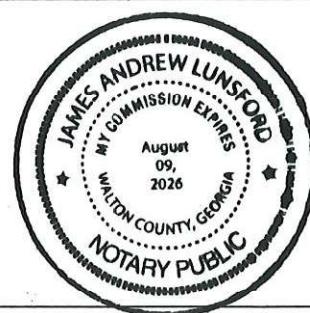
Type or Print Name and Title



Signature of Notary Public

8/1/23

Date



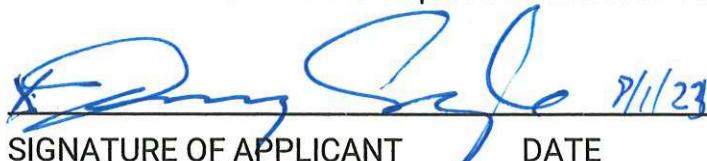
Notary Seal

RECEIVED

10/12/2023

**CONFFLICT OF INTEREST CERTIFICATION FOR REZONING**

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

 SIGNATURE OF APPLICANT

8/1/23  
DATE

TYPE OR PRINT NAME AND TITLE

 SIGNATURE OF APPLICANT'S  
ATTORNEY OR REPRESENTATIVE

DATE

Tyler Lasser - AEP

TYPE OR PRINT NAME AND TITLE

 SIGNATURE OF NOTARY PUBLIC

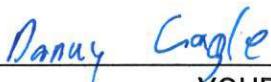
8/1/23  
DATE

NOTARY SEAL

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

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

YES  NO

 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**

10/12/2023

**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

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

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

**PARCEL I.D. NUMBER:** 5 - 357 - 011  
(Map Reference Number)      District      Land Lot      Parcel

  
Signature of Applicant

8/1/23  
Date

Danny Cagle  
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)

Jacqueleen Garcia

Tax Associate II

NAME

TITLE

08/08/2023

DATE

**Exhibit G: DWR Sewer Capacity Certification Letter**

**[attached]**



August 25, 2023

Tyler Lasser  
Cagle and Yancy Holdings, LLC  
7722B Hampton Pl  
Loganville, GA 30052

APPROVED  
 DENIED  
 CONDITIONALLY APPROVED

**Sewer Capacity Request #C2023-187-08**

**Expiration Date: 08/25/2024**

**Tie-In Manhole FID: 4081009**

RE: Sewer Availability for Proposed Development – Kilcrease Road OSC Subdivision  
Parcel ID 5357 011

Dear Mr. Lasser:

Gwinnett County Department of Water Resources (GCDWR) has reviewed the impact of the proposed development consisting of 19 single-family homes on the above parcel(s) and determined:

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

This confirmation is based on your anticipated annual average daily flow of 3.3 gpm discharging to the sewer tie-in manhole at Facility ID 4081009.

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

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

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

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



# Gwinnett

GWINNETT COUNTY  
DEPARTMENT OF WATER RESOURCES

684 Winder Highway | Lawrenceville, GA 30045-5012

678.376.6700

[www.gwinnettcounty.com](http://www.gwinnettcounty.com) | [www.gwinnetth2o.com](http://www.gwinnetth2o.com)

---

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

Sincerely,

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES

A handwritten signature in blue ink that reads "Tai Yi Su".

Tai Yi Su, PE  
Division Director, Infrastructure Support  
678.376.2104

C: Gwinnett County DWR – Lorraine Campagne, Section Manager; Raghu Vemuru, Engineer V; Mikala Weston, Engineer III  
Gwinnett County P&D – Charli Young, Planning Manager; Geniva Sylvain, Engineer I; Christina Dejarnette, Engineer I

**Exhibit H: Traffic Impact Study**

**[attached]**

RECEIVED

10/12/2023



299 South Main Street, Suite A, Alpharetta, Georgia 30009  
t 770.225.4730 [Alliancececo.com](http://Alliancececo.com) [LJA.com](http://LJA.com)

---

Gwinnett County  
Department of Water Resources  
684 Winder Hwy  
Lawrenceville, GA 30045

8/10/2023

Re: 1680 Kilcrease Road (TP# 5357 011)

The flow from the proposed 19 single family residential unit OSC project will drain to the newly constructed gravity sanitary sewer Manhole onsite along the eastern border of the property. The sanitary sewer generation is calculated as follows:

Total AADF proposed flows:

19 units X 250 gpd (from column B) = 4,750 gpd Estimated AADF

AADF 4,750 gpd /1440 = 3.30 GPM

*Note: Averaged daily flow taken from Table in Wastewater Flow Estimation Guidelines for Sewer Capacity Certification Requests revised 10/2022.*

Holt Persinger, PLA

LJA Engineering

4525 South Lee Street, Buford, GA 30518  
D: 678-618-2037

## Technical Memorandum

**To:** Mr. J. Andrew Lunsford  
**From:** Zachary Vermillion, PE  
**Date:** September 8, 2023  
**Re:** Trip Generation for 1680 Kilcrease Road Tract in Bethlehem, Georgia

The following memorandum is intended to provide details on the proposed residential development within the tract located at 1680 Kilcrease Road. This site is in the City of Bethlehem in Gwinnett County, Georgia. The location of the proposed development (blue shaded area) is shown in Figure 1 below.



**Figure 1 – Proposed Turner Property Development**

The proposed development will consist of 19 lots and will have one point of access to Kilcrease Road.

RECEIVED

10/12/2023  
Sight Distance

Per AASHTO guidelines, two-lane roadways with a design speed of 45 MPH (posted limit: 40 MPH) require a sight distance 500 feet for left turns and 430 feet for right turns from a stop. Recent online imagery shows that the available sight distance from the proposed driveway exceeds these minimums.

### Trip Generation

The trips calculated for the overall development are based on the *ITE Trip Generation Manual*. With 19 total homes, the development will generate a 24-hour total of 219 one-way vehicle trips, half inbound and half outbound. The development generates 16 vehicle trips (4 in and 12 out) in the AM peak, and 21 vehicle trips (13 in and 8 out) in the PM peak. This is summarized in Table 1 below.

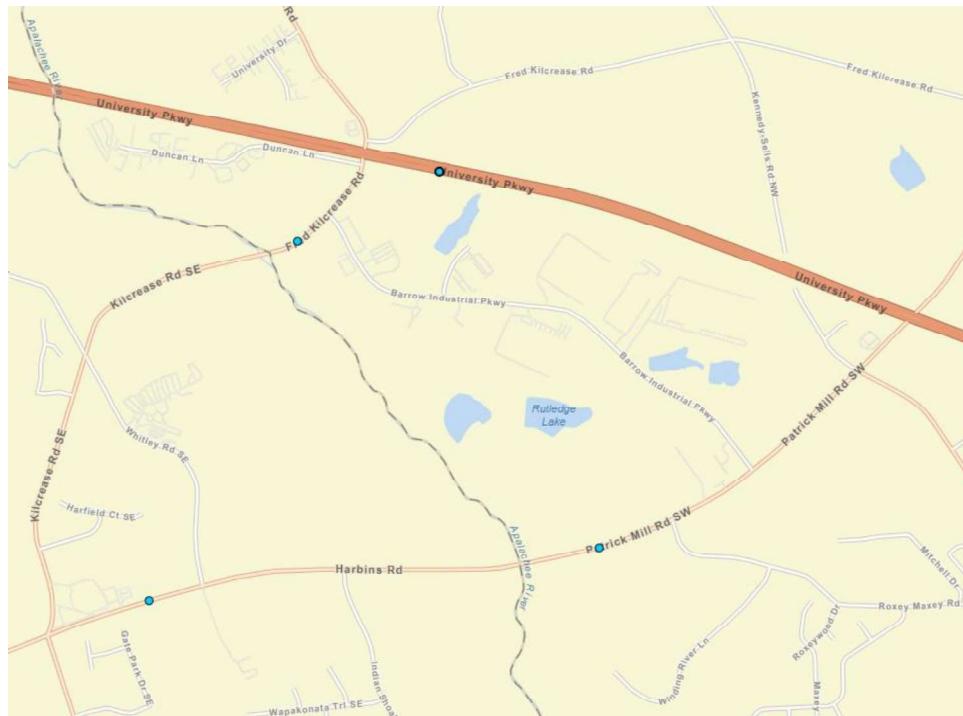
**Table 1 – Phase 1 Trip Generation Summary**

Land Use (ITE Code)	Units	Daily Trips	AM Peak Trips			PM Peak Trips			
			IN	OUT	TOTAL	IN	OUT	TOTAL	
Single-Family Detached Housing (210)	19	219	4	12	16	13	8	21	
		<b>TOTAL</b>	<b>219</b>	<b>4</b>	<b>12</b>	<b>16</b>	<b>13</b>	<b>8</b>	<b>21</b>

The average anticipated peak hour traffic is below 20 vehicles. Per Gwinnett County Traffic Impact Study guidelines, this site will require a **Level 1** analysis.

### Trip Distribution

The existing annual average daily traffic (AADT) according to the Georgia Department of Transportation Traffic Analysis & Data Application (GDOT TADA) is shown in Figure 2 and Table 2 below.



**Figure 2 – Traffic Count Locations (Source: GDOT TADA)**

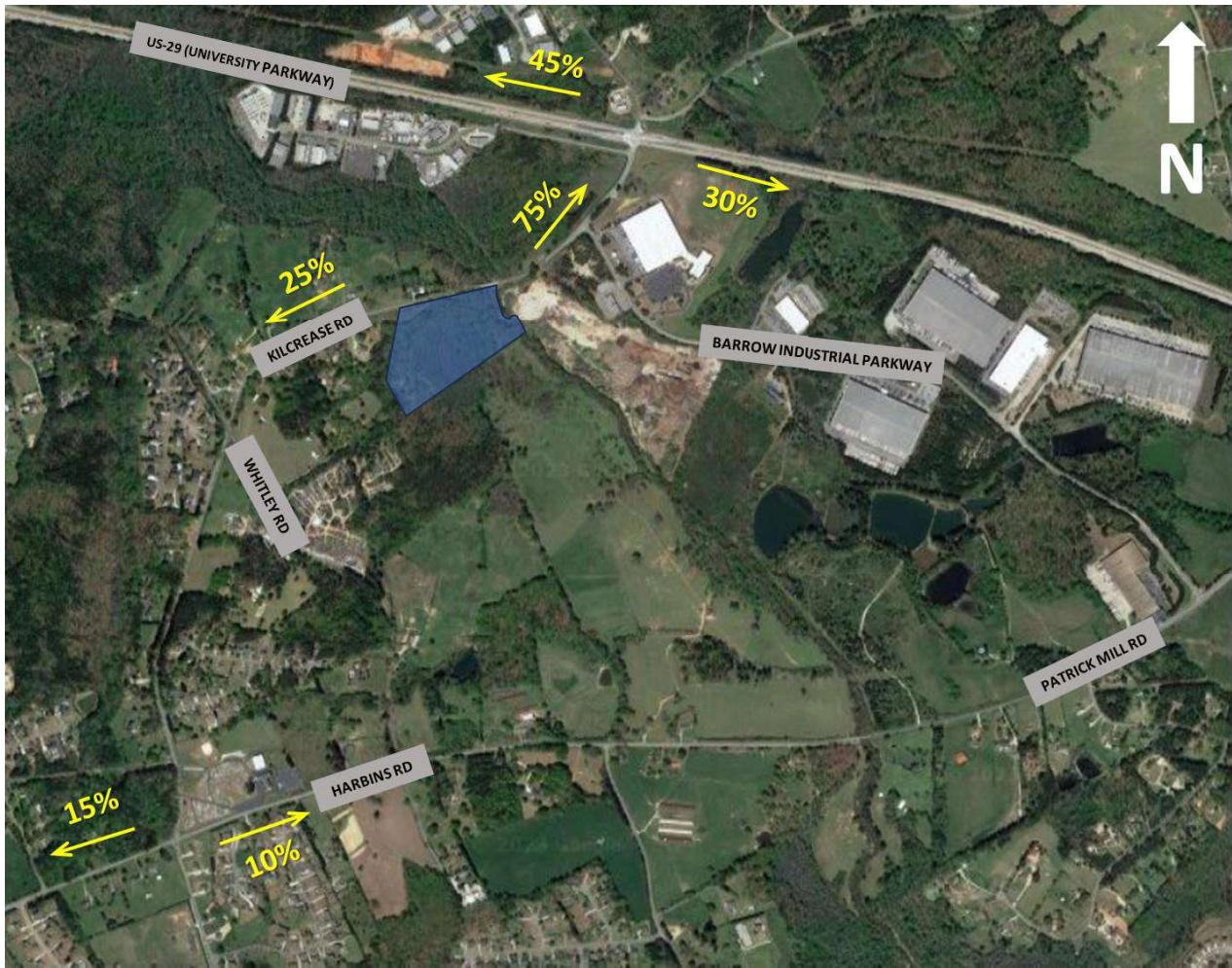
**RECEIVED**

10/12/2023

Roadway	2022 AADT
University Parkway	35,600
Kilcrease Rd	1,640
Harbins Rd	3,580
Patrick Mill Rd	4,980

**Table 2 – Existing ADT (Source: GDOT TADA)**

Based on the proposed layout and existing traffic patterns, 75 percent of the development trips will travel along US-29 (University Parkway) and the remaining 25 percent will use Kilcrease Road to get to Harbins Road/Patrick Mill Road. This is shown in Figure 3 below.



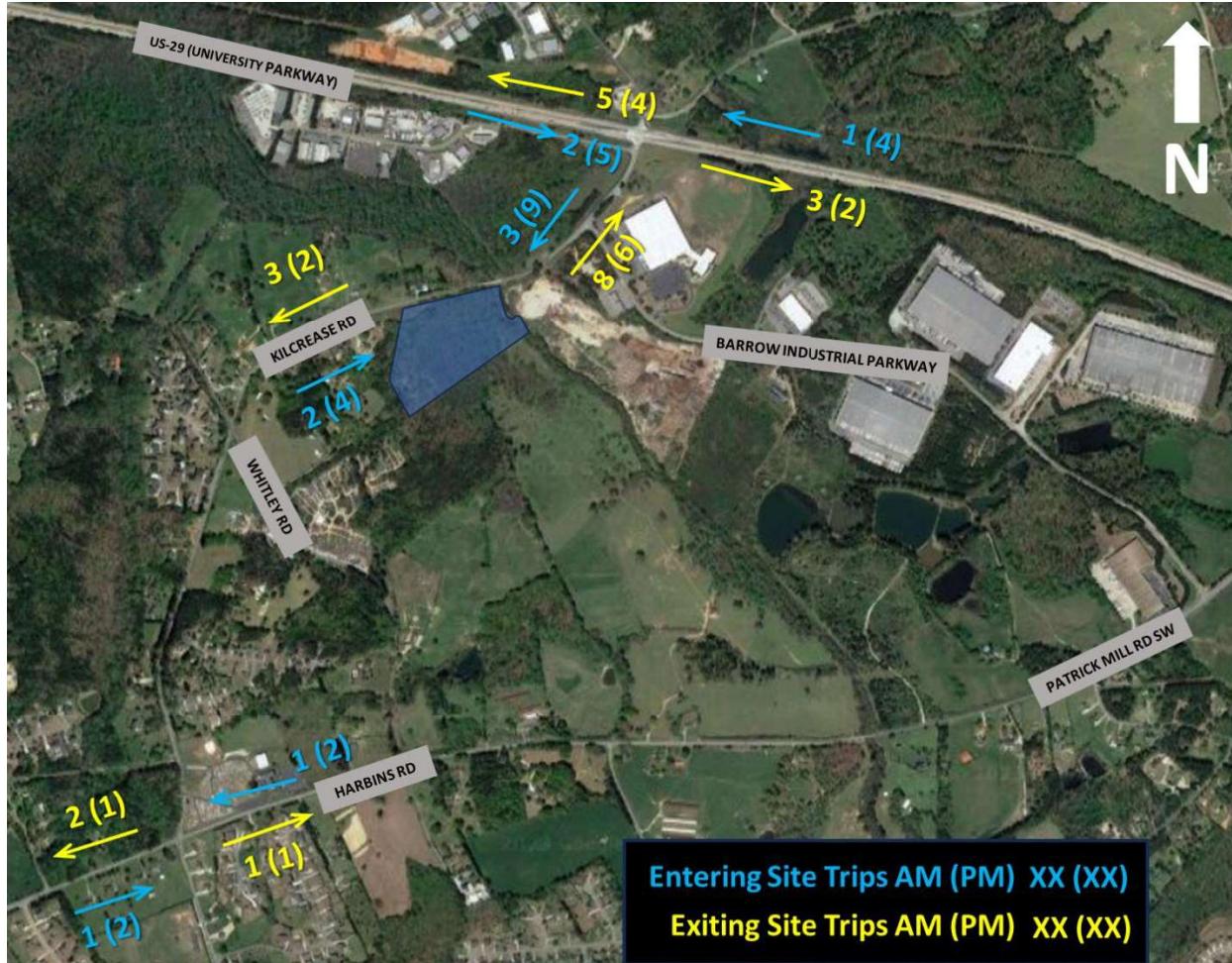
**Figure 3 – Trip Distribution Percentages**

**RECEIVED**

10/12/2023

**Distributed Development Trips**

The development trips were distributed based on the estimated percentages onto local roadways. The anticipated site trip volumes at buildout are shown on the adjacent roadway network in Figure 4.



**Figure 4 – Distributed Site Trips**

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

**[attached]**



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

<b>TRC Meeting Date:</b> 11.08.23		
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: RZR2023-00024		
Case Address: 1680 Kilcrease Road, Bethlehem, 30620		
<b>Comments:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	Kilcrease Road is a local road. ADT = 1,168.	
2	10.9 miles to the nearest transit facility (#2454819) Collins Hill Road and Collins Industrial Way.	
3	The internal street shall include traffic calming if exceeding 500' in length.	
4	Per UDO section 900-90, the developer shall construct a 5' concrete sidewalk along the entire site frontage.	
5		
6		
7		
<b>Recommended Zoning Conditions:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	The developer shall construct a right-turn deceleration lane along Kilcrease Road into the site.	
2	The developer shall provide a connection from the 5' sidewalk along the frontage of Kilcrease Road to the existing trail located on the eastern boundary of the site.	
3		
4		
5		
6		
7		

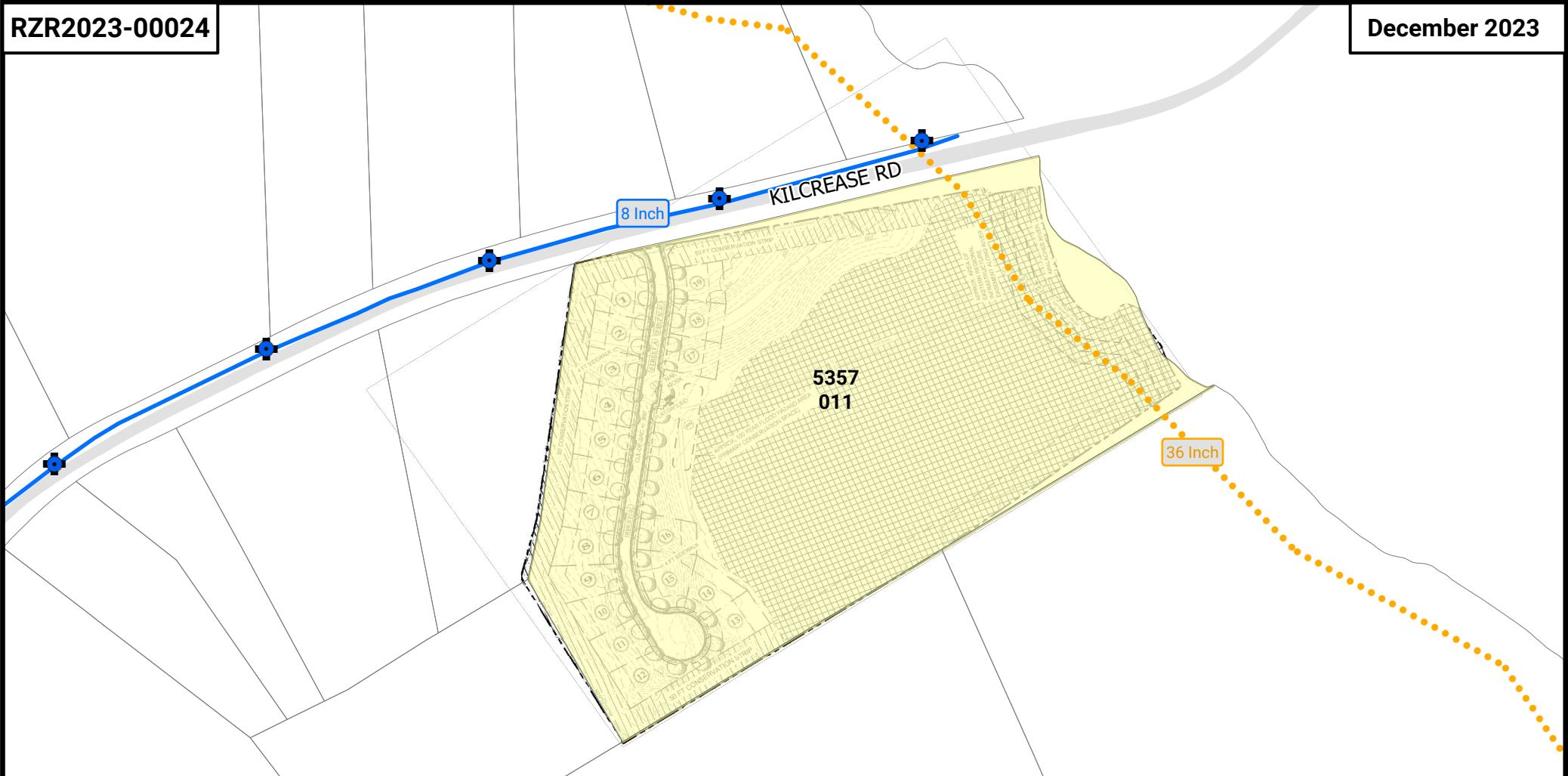


**Department of Planning and Development**  
**TECHNICAL REVIEW COMMITTEE**

<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: RZR2023-00024			
Case Address: 1680 Kilcrease Road			
<b>Comments:</b>		<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 Kilcrease Road.		
2	Sewer: A Sewer Capacity Certification (C2023-187-08) has been approved for 19 single-family residential units. The proposed development plans to connect to a 36-inch gravity interceptor currently under construction on the eastern side of the subject site.		
3			
4			
5			
6			
7			
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			

**Note:** Attach additional pages, if needed

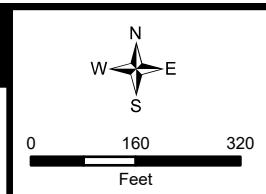
*Revised 7/26/2021*



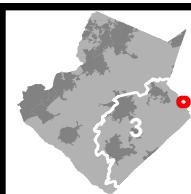
## LEGEND

- Water Main
- Hydrant
- Proposed Sewer Collector

**1680 Kilcrease Road**  
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 Kilcrease Road.

**Sewer Comments:** A Sewer Capacity Certification (C2023-187-08) has been approved for 19 single-family residential units. The proposed development plans to connect to a 36-inch gravity interceptor currently under construction on the eastern side of the subject site.

**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, December, 2023**

												Proposed Zoning
	School	2023-24			2024-25			2025-26			Approximate Student Projections from Proposed Developments	
		Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.		
RZR2023-00003	<b>Grayson HS</b>	3,420	3,000	420	3,506	3,000	506	3,576	3,000	576	35	
	<b>Bay Creek MS</b>	1,361	1,150	211	1,380	1,150	230	1,433	1,150	283	26	
	Grayson ES	1,049	950	99	1,070	950	120	1,091	950	141	45	
RZR2023-00024	<b>Archer HS</b>	3,202	2,575	627	3,250	2,575	675	3,283	2,575	708	6	
	<b>McConnell MS</b>	2,111	1,775	336	2,153	1,775	378	2,196	1,775	421	4	
	Harbins ES	1,443	1,225	218	1,486	1,225	261	1,531	1,225	306	9	
RZR2023-00025	<b>Mill Creek HS</b>	2,685	2,800	-115	2,644	2,800	-156	2,697	2,800	-103	26	
	<b>Osborne MS</b>	1,737	1,575	162	1,770	1,575	195	1,833	1,575	258	21	
	Duncan Creek ES	1,468	1,300	168	1,500	1,300	200	1,556	1,300	256	36	
RZM2023-00021	<b>South Gwinnett HS</b>	2,651	2,750	-99	2,704	2,750	-46	2,758	2,750	8	16	
(combined)	<b>Snellville MS</b>	881	1,625	-744	864	1,625	-761	857	1,625	-768	11	
	Norton ES	944	1,300	-356	953	1,300	-347	968	1,300	-332	21	
RZM2023-00023	<b>Lanier HS</b>	1,903	1,900	3	1,920	1,900	20	1,938	1,900	38	17	
	<b>Lanier MS</b>	1,334	1,700	-366	1,361	1,700	-339	1,388	1,700	-312	14	
	Sugar Hill ES	1,126	1,075	51	1,149	1,075	74	1,171	1,075	96	26	

**Exhibit J: Maps**

**[attached]**



**BARROW  
COUNTY**

 RZR2023-00024

Created: October 20, 2023



0 100 200  
Feet

Gwinnett County GIS

# BARROW COUNTY

