

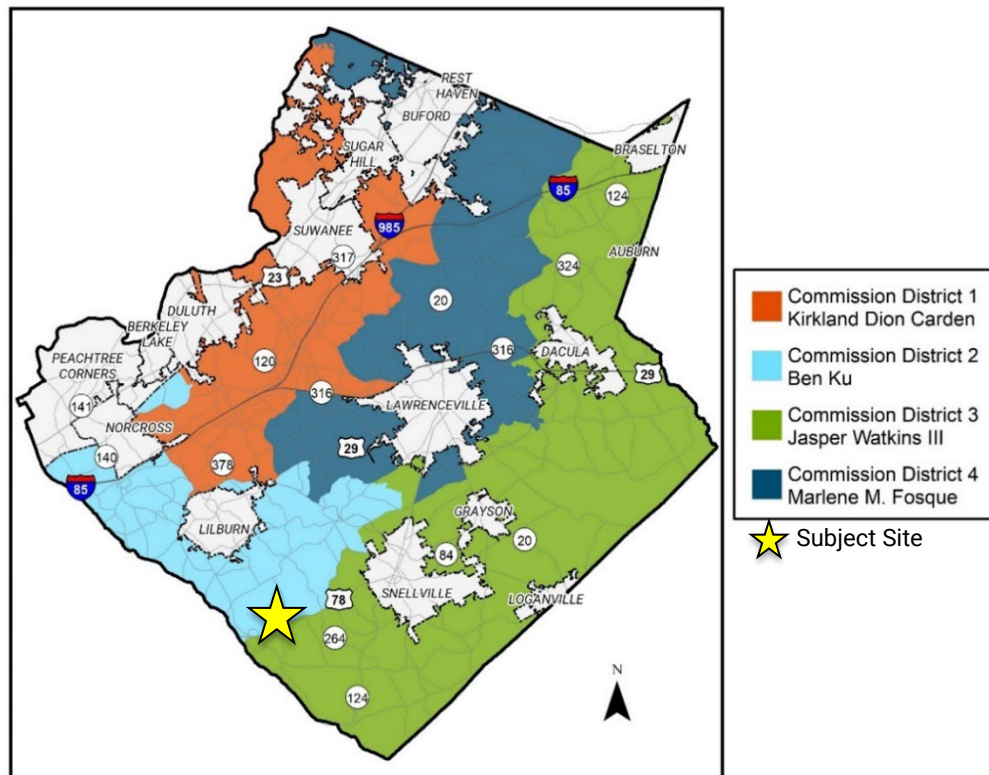


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: CIC2022-00016
Current Zoning: R-TH (Single-Family Residence Townhouse District)
Request: Change in Conditions
Additional Request: Variance and Buffer Reduction Waiver
Address: 4925 Stone Mountain Highway
Map Number: R6062 017B
Site Area: 26.74 acres
Units: 149
Proposed Development: Townhouses
2022 Commission District: District 2 – Commissioner Ku
Character Areas: Community Mixed Use

Staff Recommendation: APPROVAL WITH CONDITIONS

**Planning Commission
Recommendation:** APPROVAL WITH CONDITIONS



Planning Commission Advertised Public Hearing Date: 7/5/2022
Board of Commissioners Advertised Public Hearing Date: 7/26/2022 (Public Hearing Held /
Action Tabled to 12/06/2022)

Applicant: Ensie Civil Consulting, LLC
131 Prominence Court, Suite 230
Dawsonville, GA 30534

Owner: Parkhaven Partners, LLC
810 Sanders Road, Suite A
Cumming, GA 30041

Contact: Jim King

Contact Phone: 678.316.3572

Zoning History

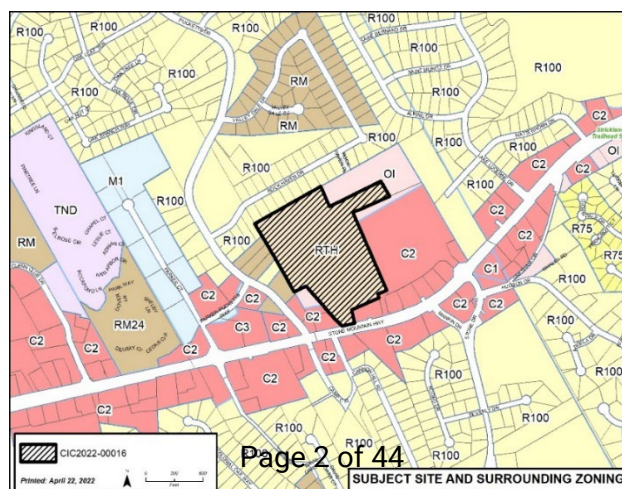
The subject property is zoned R-TH (Single-Family Residence Townhouse District). A 1973 areawide rezoned the property from R-100 (Single-Family Residence District) to RM (Multi-Family Residence District). Two 1987 comprehensive rezoning cases, CZ-51-3-87 and CZ-52-3-87, rezoned the property from RM to O-I (Office-Institutional District) and C-2 (General Business District). A 1997 rezoning case, RZ-97-090, rezoned the front portion of the property from O-I and C-2 to C-2 for a shopping center. A 2017 rezoning case, RZM2017-00003, rezoned the property from C-2 and O-I to R-TH for townhouses. This request is a change in conditions from this approval.

Existing Site Condition

The subject site is a 26.74-acre parcel located along Stone Mountain Highway, east of its intersection with Pucketts Drive. The site has been partially graded but there are large areas with dense vegetation, mainly on the northern and western portions of the site. The property is an outparcel of the adjacent Lowe's shopping center. A shared detention pond exists at the northeast corner of the property which serves the existing commercial development and the townhouse development. Access to the site is provided by a private stub driveway which connects to the Lowe's parking lot and the other commercial outparcels along Stone Mountain Highway. A sidewalk is present along the Stone Mountain Highway road frontage. A stream is located along the rear property line. The property generally slopes down approximately 40 feet from the road frontage to the center of the site as a result of the previous grading. The nearest Gwinnett County Transit stop is located approximately 7.1 miles from the subject site.

Surrounding Use and Zoning

The subject site is surrounded by commercial and residential uses. Additional residential properties are located further north and west. Commercial and retail developments, including the adjacent Lowe's shopping center, are present to the south and east along Stone Mountain Highway. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Townhouses	R-TH	5.57 units per acre
North	Single-Family Residential	R-100	1.78 units per acre
East	Commercial	C-2	N/A
	Undeveloped	O-I	N/A
South	Commercial	C-2	N/A
West	Commercial	C-2	N/A
	Single-Family Residential	RMD	2.27 units per acre
	Single-Family Residential	R-100	1.11 units per acre
	Undeveloped	O-I	N/A

Project Summary

The applicant requests a change in conditions for a 26.74-acre property zoned R-TH to allow for townhouses, including:

- A change in conditions of case RZM2017-00003. The applicant is requesting revisions to the following conditions:
 - Condition 1.E. *"The development shall be designed so that units shall provide sole access via alleys and shall have rear entry garages. Units located along the periphery of the site may have street facing garages. Developer and Designer shall work to produce a concept plan that creates a pedestrian oriented community that incorporates gathering spaces, pocket parks, pedestrian facilities, and other design aspects that will create a sense of community. Final concept plan shall be submitted for review and approval by the Director of Planning and Development prior to any permitting."* The applicant is requesting the condition be amended to state "All units shall have rear entry garages accessed by alleys except those along the periphery and those where topographic conditions restrict rear access. Units allowed as Front Entry are identified on the Rezoning Exhibit as Unit numbers: 73 thru 77 and 87 thru 149. All others shall be rear entry garages with alleys.
 - Condition 3.A. *"Provide roundabout at entrance location to the townhome development as shown on site plan provided dated December 2, 2016. Final design shall be submitted to the Gwinnett Department of Transportation for review and approval."* The applicant is requesting to remove this condition in its entirety.
 - The applicant states that the request is the result of topographical challenges on the site as well as an inability to construct the required roundabout due to truck ingress and egress on the Lowe's property.
- 149 front and rear entry townhouses, yielding a net density of 5.57 units per acre.
- Townhouse units with a minimum of 1,800 square feet of heated floor area.
- A full access driveway connecting to an existing driveway within the adjacent Lowe's shopping center. Access to Stone Mountain Highway is provided off-site from one limited access driveway and one full access, signalized driveway.
- 24-foot-wide internal public streets with five-foot sidewalks located on both sides.
- A five-foot wide sidewalk along Stone Mountain Highway with a direct pedestrian connection to the site.
- A 35-foot-wide undisturbed buffer along the western property line.
- A stream buffer and an additional impervious setback along the stream at the rear of the property.

- 8.6 acres of common space throughout the site, including five pocket parks, and a greenway trail within the stream buffer.
- A stormwater management facility located at the northeast corner of the property.
- No guest parking is proposed for this development.
- Facades finished with brick and stacked stone, with accents of siding and board and batten.

Zoning and Development Standards

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

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	35'	YES
External Front Yard Setback	Minimum 10'	>10'	YES
External Side Yard Setback	Minimum 20'	>20'	YES
External Rear Yard Setback	Minimum 20'	>20'	YES
Off-street Parking	Minimum 3 spaces per unit or 447 spaces	4 spaces per unit or 596 spaces	YES
Guest Parking	Minimum 0.25 spaces per unit or 38 spaces	0 spaces	NO*
Landscaped Setback	Minimum 10'	10'	YES
Heated Floor Area	Minimum 1,400 square feet	1,800 square feet	YES
Density	Maximum 10 units per acre	5.57 units per acre	YES
Open Space	Minimum 15% or 4.01 acres	32.2% or 8.6 acres	YES
Zoning Buffer	R-100 – 35' (along northern line) R-100 – 35' (along western line)	>35' 0'	YES NO**

* The applicant requests to decrease the number of guest parking spaces from 38 spaces to 0 spaces.

** The applicant requests a reduction of a required 35-foot zoning buffer along the western property line to 0 feet.

Waiver Request

In addition to the change in conditions request, the applicant is seeking a waiver from the following provision of Title III of the UDO:

1. Section 610-20.5. Minimum Buffer Requirements:

A. Required buffers shall be provided in conformity [with] Table 610.0 "Table of Minimum Buffer Requirements".

I. A 35-foot undisturbed zoning buffer adjacent to R-100 zoned property.

The applicant requests a reduction of a required 35-foot zoning buffer along the western property line to 0 feet.

Variance Request

In addition to the change in conditions and special use permit requests, the applicant is seeking variances from the following provisions of Title II of the UDO:

1. Section 210-100.6., **Site and Architectural Design Standards.**

- A. Additional guest parking for townhouse developments shall be provided at a ratio of 0.25 space per dwelling unit.

I. 38 spaces guest parking spaces required for 149 townhouse units.

The applicant requests to decrease the number of guest parking spaces from 38 spaces to 0 spaces.

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

Staff Analysis

Change in Conditions Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification or a change in conditions 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 change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The site is surrounded by single-family subdivisions as well as commercial developments located along Stone Mountain Highway. The site was previously approved for a townhouse development pursuant to RZM2017-00003. This request is similar in nature to the previously approved development, maintaining the same number of units and a similar layout. The proposed change in conditions would be suitable given the surrounding use and development.

B. Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property.

The proposed change in conditions seeks to modify the previously approved townhouse development to reconfigure access to the site, as well as change a portion of the site layout, due to topographical constraints and access issues with the adjacent Lowe's property. The proposed change in conditions will not negatively impact neighboring properties.

- C. Whether the property to be affected by a proposed change in conditions has a reasonable economic use as currently zoned.**

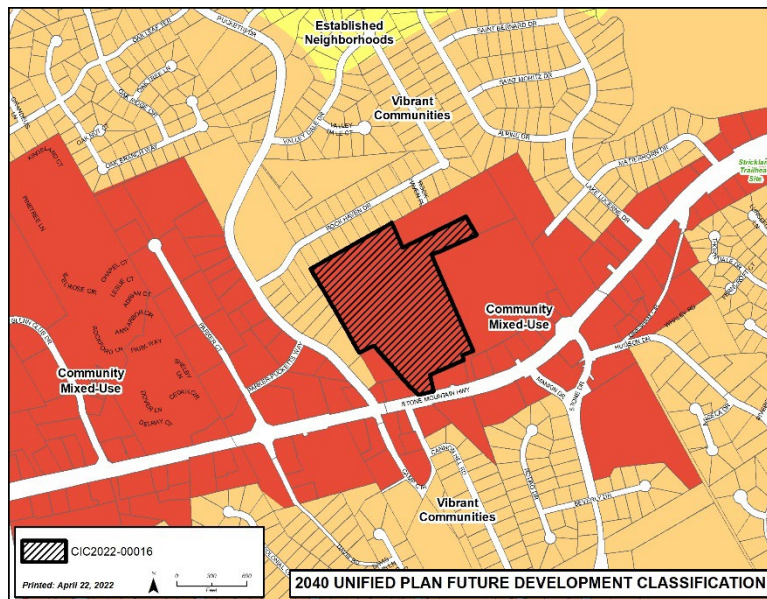
The property has a reasonable economic use as currently zoned.

- D. Whether the proposed change in conditions 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, stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. An increased impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning and change in conditions request is attached (Exhibit E).

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

The 2040 Unified Plan Future Development Map indicates that the subject property lies within the Community Mixed-Use Character Area. The Character Area intends for activity nodes and connecting areas located along major corridors, including commercial and residential uses. The proposed scale of the project meets many of the previously approved conditions in RZM2017-00003. Therefore, the proposed project is in conformance with the policy and intent of the Unified Plan and Future Development Map.



- 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 change in conditions.**

The property is located along Stone Mountain Highway, near its major intersection with Park Place Boulevard and Rockbridge Road. This area has experienced growth in recent years, with multiple residential and commercial infill developments in the nearby area. The proposed change in conditions on the property does not affect the previously approved density for the townhouse project. The subject site's density, along with its proximity to multiple commercial

centers, has the potential to create a pedestrian friendly mixed-use environment in keeping with the intent of the Character Area. The proposed change in conditions would be appropriate given the development of the surrounding area.

Waiver Request Analysis: When considering waivers from Title III of the UDO, staff is required to review whether an undue hardship may result from strict compliance with the regulations and that approval would not adversely affect the general public welfare or nullify the intent of the Development Regulations. In addition, there must be a determination that there are unusual topographical or other exceptional conditions. Staff makes the following findings related to the waiver request:

The western property line is adjacent to R-100 and RMD zoned properties. The applicant requests to reduce a required 35-foot zoning buffer adjacent to a R-100 zoned parcel to 0 feet. The waiver is needed to perform grading in the area to install a retaining wall. The proposed retaining wall will be roughly 35 feet from the property line. The remainder of the properties along the western property line are zoned RM (Multi-Family Residence District), which do not require a zoning buffer adjacent to an R-TH. The remainder of the R-100 zoned properties along the northern property line will retain the required 35-foot buffer. Therefore, reducing the buffer would not adversely affect the general public welfare or nullify the intent of the Development Regulations.

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

The requested variance is to reduce the required guest parking for R-TH zoned properties from 38 spaces to 0 spaces. The previously approved townhouse development did not require guest parking at the time it was approved. The variance request is not a result of a hardship, but instead are a result of the applicant's design preference in order to retain as much of the character of the originally approved development as possible. However, given the topographical constraints of the site and a provision of common area well in excess of the requirements of the Development Standards, a variance from this requirement would not nullify the intent of the UDO. In addition, each townhouse unit will provide four parking spaces, two in the garage and two in the driveway, which is one more than R-TH requires. Therefore, the proposed development will provide 149 additional parking spaces than required.

Staff Recommendation

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

Staff recommends **APPROVAL** of the following waiver:

1. Section 210-100.6., to reduce from a 35-foot-wide undisturbed buffer to a 0-foot-wide buffer along the property zoned R-100 to the west.

Staff recommends **APPROVAL** of the following variance request:

1. Section 210-100.6., to decrease the number of guest parking spaces from 38 spaces to 0 spaces.

Planning Commission Recommendation

Based on the staff's evaluation of the rezoning application, 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.

Planning Commission recommends **APPROVAL** of the following waiver:

1. Section 210-100.6., to reduce from a 35-foot-wide undisturbed buffer to a 0-foot-wide buffer along the property zoned R-100 to the west.

Planning Commission recommends **DENIAL** of the following variance request:

1. Section 210-100.6., to decrease the number of guest parking spaces from 38 spaces to 0 spaces.

Planning Commission Recommended Conditions (includes Staff Recommended Conditions)

NOTE: The conditions below are those from RZM2017-00003 with suggested changes in bold or strikethrough.

Approval as R-TH (Single-Family Residence Townhouse District), subject to the following conditions:

1. To restrict the use of the property as follows:
 - Attached townhouse dwellings and accessory uses not to exceed 149 units for a maximum density of 5.6 units per acre.
 - Buildings shall be constructed of brick or stacked stone on four sides, with minor treatments (i.e., gables, bay windows, chimneys) of fiber cement shake or siding. Architectural elevations shall be submitted for review and approval by the ~~Director of Planning and Development~~ **Department of Planning and Development**.
 - The minimum heated floor area per dwelling unit shall be 1,800 square feet.
 - All units shall have at least a double-car garage.
 - ~~The development shall be designed so that units shall provide sole access via alleys and shall have rear entry garages. Units located along the periphery of the site may have street facing garages. Developer and Designer shall work to produce a concept plan that creates a pedestrian-oriented community that incorporates gathering spaces, pocket parks, pedestrian facilities, and other design aspects that will create a sense of community. Final concept plan shall be submitted for review and approval by the Director of Planning and Development prior to any permitting.~~ **All units shall have rear entry garages accessed by alleys except those along the periphery and those where topographic conditions restrict rear access. Units allowed as front entry are identified on the Rezoning Exhibit as unit numbers 73 through 77 and 87 through 149.**
 - No portion of a private lot shall be located in any required buffer.

- A mandatory homeowners association shall be incorporated which provides for building and grounds maintenance, repair, insurance and working capital. Said association must also include declarations and by laws including rules and said regulations which shall at minimum regulate and control the following:
 - i. Exterior home maintenance to include roofing and painting.
 - ii. All grounds and common area maintenance, including detention facilities.
 - iii. Exterior fence maintenance to include the requirement that any graffiti shall be repaired and repainted within 72 hours.
 - iv. Restrictions on single-family residential use only of units. No more than ten percent of the total units may be leased by individual owners at any time.

2. To satisfy the following site development considerations:

- All grassed areas shall be sodded.
- All utilities shall be placed underground.
- Natural vegetation shall remain on the property until the issuance of a development permit.
- The Stone Mountain Highway frontage and project entrance shall be landscaped by the developer and maintained by the Homeowners Association. Entrance shall include a masonry entrance feature and fence. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or stacked stone columns (max. 30-feet on-center). Landscape, entrance feature, and fencing plans shall be subject to review and approval of the ~~Director of Planning and Development.~~ **Department of Planning and Development.**
- Provide five pocket parks, with a minimum of 8,000 square feet within the development to include, at a minimum, a gazebo and permanent benches. At least one park shall include playground equipment subject to the review and approval of the ~~Director of Planning and Development.~~ **Department of Planning and Development.**
- Provide pedestrian access to adjacent Lowe's shopping center development with sidewalks and landscaping which shall include a twenty-foot replanted landscape strip with three rows of evergreen landscaping and a six-foot tall privacy fence. Submit landscape plan for review and approval by the ~~Director of Planning and Development.~~ **Department of Planning and Development.**
- **A landscape strip planted to buffer standards shall be installed along the western property line where adjacent to R-100 properties.**

3. To abide by the following requirements, dedications and improvements:

- ~~○ Provide roundabout at entrance location to the townhome development as shown on site plan provided dated December 2, 2016. Final design shall be submitted to the Gwinnett Department of Transportation for review and approval.~~
- The developer shall provide landscaping or water containment improvements, i.e. pervious parking, in-ground cisterns or similar, to be approved by the ~~Director of Planning and Development~~ **Department of Planning and Development**, in an attempt to minimize the stormwater runoff on the property.
- No vehicular access onto Pucketts Drive and Rockhaven Drive shall be allowed.

Exhibits:

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

Exhibit A: Site Visit Photos



View of adjacent Lowe's shopping center and parking lot



View of property from proposed driveway access



View of property from proposed driveway access

Exhibit B: Previously Approved Resolution

[attached]

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: Amendment to the Official Zoning Map of Gwinnett County

ADOPTION DATE: JUNE 6, 2017

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Name	Present	Vote
Charlotte J. Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Lynette Howard, District 2	Yes	Aye
Tommy Hunter, District 3	Yes	Nay
John Heard, District 4	Yes	Nay

On motion of COMM. HOWARD, which carried a 3-2 vote, the following Resolution to Amend the Official Zoning Map of Gwinnett County is hereby adopted:

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from C-2 & O-I to R-TH by US LAND INVESTMENTS for the proposed use as TOWNHOMES on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on MARCH 28, 2017 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, that the aforesaid application to amend the Official Zoning Map from C-2 & O-I to R-TH is hereby **APPROVED** with the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Attached townhouse dwellings and accessory uses not to exceed 149 units for a maximum density of 5.6 units per acre.
 - B. Buildings shall be constructed of brick or stacked stone on four sides, with minor treatments (i.e., gables, bay windows, chimneys) of fiber cement shake or siding. Architectural elevations shall be submitted for review and approval by the Director of Planning and Development.
 - C. The minimum heated floor area per dwelling unit shall be 1,800 square feet.
 - D. All units shall have at least a double-car garage.
 - E. The development shall be designed so that units shall provide sole access via alleys and shall have rear entry garages. Units located along the periphery of the site may have street facing garages. Developer and Designer shall work to produce a concept plan that creates a pedestrian oriented community that incorporates gathering spaces, pocket parks, pedestrian facilities, and other design aspects that will create a sense of community. Final concept plan shall be submitted for review and approval by the Director of Planning and Development prior to any permitting.
 - F. No portion of a private lot shall be located in any required buffer.
 - G. A mandatory homeowners association shall be incorporated which provides for building and grounds maintenance, repair, insurance and working capital. Said association must also include declarations and by laws including rules and regulations which shall at minimum regulate and control the following:
 1. Exterior home maintenance to include roofing and painting.
 2. All grounds and common area maintenance, including detention facilities.
 3. Exterior fence maintenance to include the requirement that any graffiti shall be repaired and repainted within 72 hours.

4. Restrictions on single-family residential use only of units. No more than ten percent of the total units may be leased by individual owners at any time.
2. To satisfy the following site development considerations:
 - A. All grassed areas shall be sodded.
 - B. All utilities shall be placed underground.
 - C. Natural vegetation shall remain on the property until the issuance of a development permit.
 - D. The Stone Mountain Highway frontage and project entrance shall be landscaped by the developer and maintained by the Homeowner's Association. Entrance shall include a masonry entrance feature and fence. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or stacked stone columns (max. 30-feet on-center). Landscape, entrance feature, and fencing plans shall be subject to review and approval of the Director of Planning and Development.
 - E. Provide five pocket parks, with a minimum of 8,000 square feet within the development to include, at a minimum, a gazebo and permanent benches. At least one park shall include playground equipment subject to the review and approval of the Director of Planning and Development.
 - F. Provide pedestrian access to adjacent Lowe's shopping center development with sidewalks and landscaping which shall include a twenty-foot replanted landscape strip with three rows of evergreen landscaping and a six-foot tall privacy fence. Submit landscape plan for review and approval by the Director of Planning and Development.
3. To abide by the following requirements, dedications and improvements:
 - A. Provide roundabout at entrance location to the townhome development as shown on site plan provided dated December 2, 2016. Final design shall be submitted to the Gwinnett Department of Transportation for review and approval.
 - B. The developer shall provide landscaping or water containment improvements, i.e. pervious parking, in-ground cisterns or similar, to be approved by the Director of Planning and Development, in an attempt to minimize the stormwater runoff on the property.

C. No vehicular access onto Pucketts Drive and Rockhaven Drive shall be allowed.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Charlotte J. Nash
Charlotte J. Nash, Chairman

Date Signed: 6/20/17

ATTEST:

Diane Keefe
County Clerk/Deputy County Clerk



Hwy 78 and Lowes Tract - Survey Description

All that tract or parcel of land lying and being in Land Lots 57 and 62 of the 6th Land District, Gwinnett County, Georgia, and being more particularly described as follows:

Commencing at a point formed by the intersection of the northerly right of way of U.S. Highway No. 78 (100 foot right of way) and the westerly right of way of Puckett Road (80 foot right of way), said point being the Point of Commencement; THENCE along the right of way of U.S. Highway No. 78 North 77 degrees 26 minutes 04 seconds East for a distance of 353.69 feet to a ½ inch rebar found, said point being the POINT OF BEGINNING;

THENCE leaving the said right of way North 47 degrees 28 minutes 05 seconds West for a distance of 106.90 feet to a ½ inch rebar found; THENCE North 40 degrees 59 minutes 34 seconds West for a distance of 460.76 feet to a 1 inch open top pipe found; THENCE South 63 degrees 41 minutes 05 seconds West for a distance of 141.05 feet to a ½ inch open top pipe found; THENCE North 30 degrees 01 minutes 00 seconds West for a distance of 139.36 feet to a 2 inch open top pipe found; THENCE North 30 degrees 05 minutes 50 seconds West for a distance of 103.52 feet to a 1 inch square tube found; THENCE North 29 degrees 40 minutes 22 seconds West for a distance of 42.08 feet to a 1 inch square tube found; THENCE North 29 degrees 48 minutes 37 seconds West for a distance of 120.02 feet to a ½ inch open top pipe found; THENCE North 28 degrees 50 minutes 32 seconds West for a distance of 93.95 feet to a ½ inch open top pipe found; THENCE North 29 degrees 44 minutes 31 seconds West for a distance of 93.94 feet to a ½ inch open top pipe found; THENCE North 30 degrees 18 minutes 23 seconds West for a distance of 93.72 feet to a point; THENCE North 31 degrees 05 minutes 14 seconds West for a distance of 145.09 feet to a point marked in a rock found; THENCE North 60 degrees 39 minutes 42 seconds East for a distance of 99.88 feet to a 1 inch rebar found; THENCE North 60 degrees 21 minutes 28 seconds East for a distance of 100.00 feet to a 1 inch rebar found; THENCE North 60 degrees 50 minutes 09 seconds East for a distance of 99.91 feet to a 1 inch rebar found; THENCE North 60 degrees 47 minutes 14 seconds East for a distance of 99.63 feet to a 1 inch rebar found; THENCE North 60 degrees 28 minutes 29 seconds East for a distance of 99.76 feet to a 1 inch rebar found; THENCE North 61 degrees 11 minutes 47 seconds East for a distance of 100.01 feet to a 1 inch rebar found; THENCE North 61 degrees 17 minutes 39 seconds East for a distance of 99.91 feet to a 1 inch rebar found; THENCE North 60 degrees 04 minutes 27 seconds East for a distance of 100.01 feet to a 1 inch rebar found; THENCE South 23 degrees 42 minutes 53 seconds East for a distance of 228.16 feet to a ½ inch rebar found; THENCE North 63 degrees 52 minutes 06 seconds East for a distance of 601.66 feet to a ½ inch rebar found; THENCE South 30 degrees 08 minutes 48 seconds East for a distance of 183.27 feet to a ½ inch rebar found; THENCE South 66 degrees 17 minutes 05 seconds West for a distance of 421.24 feet to a ½ inch rebar found; THENCE South 23 degrees 42 minutes 16 seconds East for a distance of 894.85 feet to a punch hole found in a concrete curb; THENCE South 66 degrees 18 minutes 28 seconds West for a distance of 100.09 feet to a ½ inch rebar found; THENCE South 13 degrees 34 minutes 28 seconds East for a distance of 41.14 feet to a ½ inch rebar found; THENCE South 66 degrees 18 minutes 23 seconds West for a distance of 313.52 feet to a ½ inch rebar found; THENCE South 12 degrees 40 minutes 53 seconds East for a distance of 144.51 feet to a ½ inch rebar found on the northerly right of way of U.S. Highway No. 78; THENCE along the said right of way South 77 degrees 20 minutes 28 seconds West for a distance of 137.24 feet to a ½ inch rebar found; said point being the POINT OF BEGINNING.

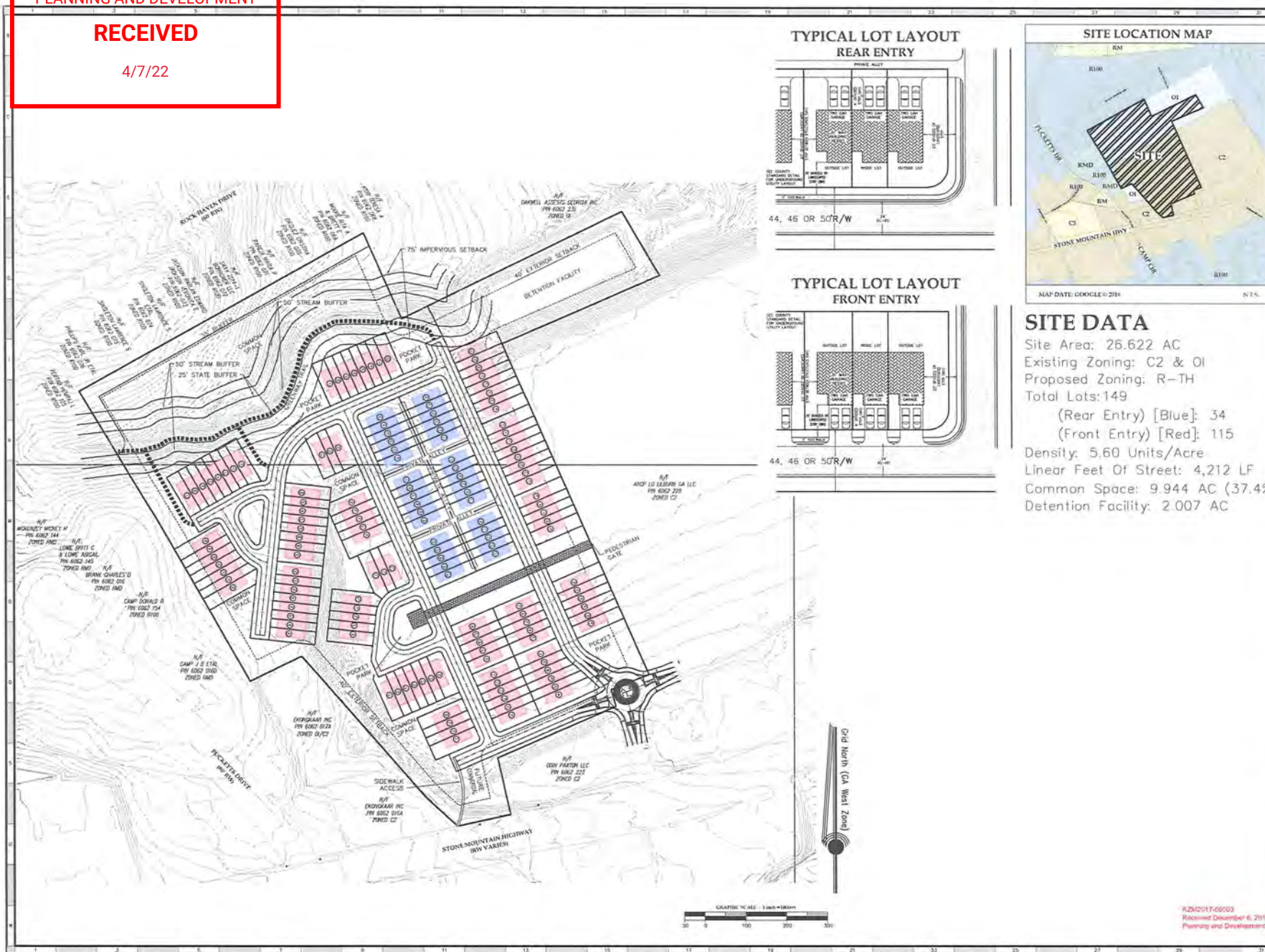
The above described tract contains 26.74 Acres.

RECEIVED BY

DEC 02 2016

RZM '17 00 3

4/7/22



SHEET:
C0.00

RECEIVED

4/7/22



RZM '17 00 3

CIC2022-00016

RECEIVED BY

DEC 02 2016

Planning & Development
LW

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

4/7/22



RECEIVED BY

DEC 02 2016

Planning & Development

10/7/2016 10:39 AM

RZM '17 00 3

1 of 1

CIC2022-00016



RZM '17 00 3

CIC2022-00016

Page 23 of 44

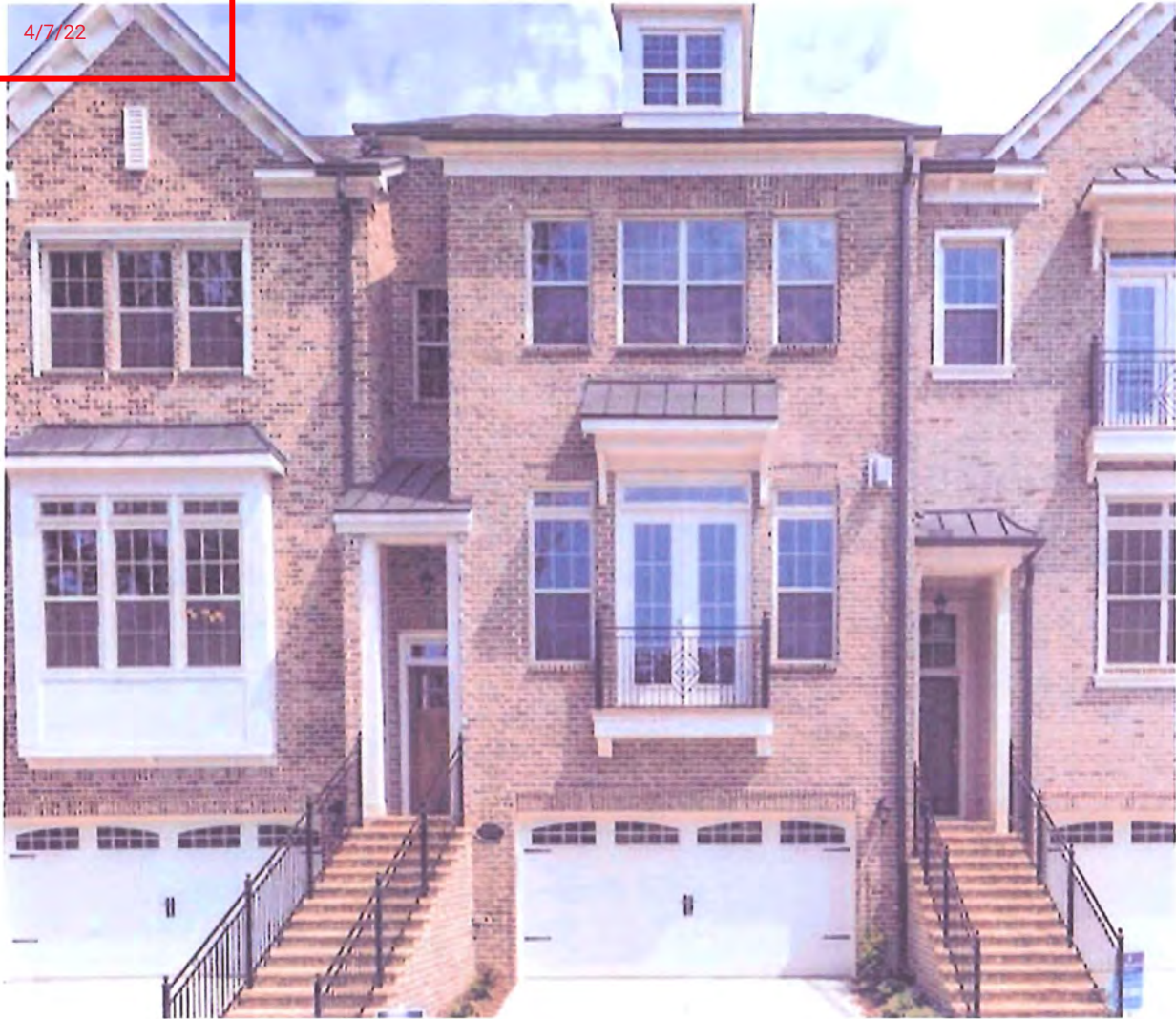
RECEIVED BY

DEC 02 2016

Planning & Development

RECEIVED

4/7/22



RZM '17 00 3

RECEIVED BY
DEC 02 2016
Planning & Development

Exhibit C: Site Plan

[attached]

4/18/22

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

[attached]

RECEIVED

4/7/22

CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:**

#3.A. is at the request of the adjacent property owner and #1.E. effects units interior to the development

Neither will adversely affect adjacent or nearby property

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

Neither Condition Change will adversely affect adjacent or nearby property

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

The round-a-bout is prohibited by the adjacent Lowes and some units cannot be constructed with rear alleys due to topography; therefore it can not be developed under the current zoning conditions

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

There will be no excessive or burdensome use of these resources

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

The current use is not changing, only 2 zoning conditions that are render the use economically unfeasible

- (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 CHANGE IN CONDITIONS:**

The round-a-bout is prohibited by the adjacent Lowes and some units cannot be constructed with rear alleys due to topography; therefore it can not be developed under the current zoning conditions

RECEIVED

4/28/23
LETTER OF INTENT

The subject property is Tax Parcel #6062 017B whose physical address is 4925 Stone Mountain Hwy, Lilburn GA. The subject property was successfully Rezoned to R-TH on March 28, 2017. The applicant, Ensite Civil Consulting, seeks to Change the following Conditions of Zoning that were bound with RZM 2017-00003:

Condition #3.A. requiring the construction of a Round-a-Bout at the entrance. Lowes holds a deed restriction and protective covenant on this property and will not allow us to construct a Round-a-Bout due to their truck ingress-egress. **We request this condition be stricken/removed.**

Condition #1.E. requiring all units, except those along the periphery, to be rear entry garages with alleys. We request this be changed to the following: **All units shall have rear entry garages accessed by alleys except those along the periphery and those where topographic conditions restrict rear access. Units allowed as Front Entry are identified on the Rezoning Exhibit as Unit numbers: 73 thru 77 and 87 thru 149. All other shall be rear entry garages with alleys.**

The applicant also hereby requests (2) variances that were previously overlooked by the applicant:

- 1) The applicant requests to vary from Section 210-100.6 A11c, which requires 0.25 parking spaces per unit for guest parking. The proposed development will have 2-car garages and each unit will have a driveway wide enough to accommodate 2 guest parking spaces; therefore, the requirement for guest parking will be met on each lot. This design satisfies the intent of the ordinance without having additional paved parking areas, making it more environmentally friendly.
- 2) The applicant requests to eliminate the buffer requirement adjacent to Tax Parcel #6062 154. Strangely, this adjacent lot is still zoned R100, while all the other adjacent lots are zoned RMD. The variance will allow the entire western property line to be treated equally.

Exhibit E: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		5.18.22	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		CIC2022-00016	
Case Address:		4925 Stone Mountain Highway	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	Stone Mountain Highway (SR 10) is a principal arterial. ADT = 59,300.		
2	7.1 miles to nearest transit facility (#2335429) located at Lawrenceville Highway and Rockbridge Road (Citgo).		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/> YES
		<input checked="" type="checkbox"/> X	<input type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021



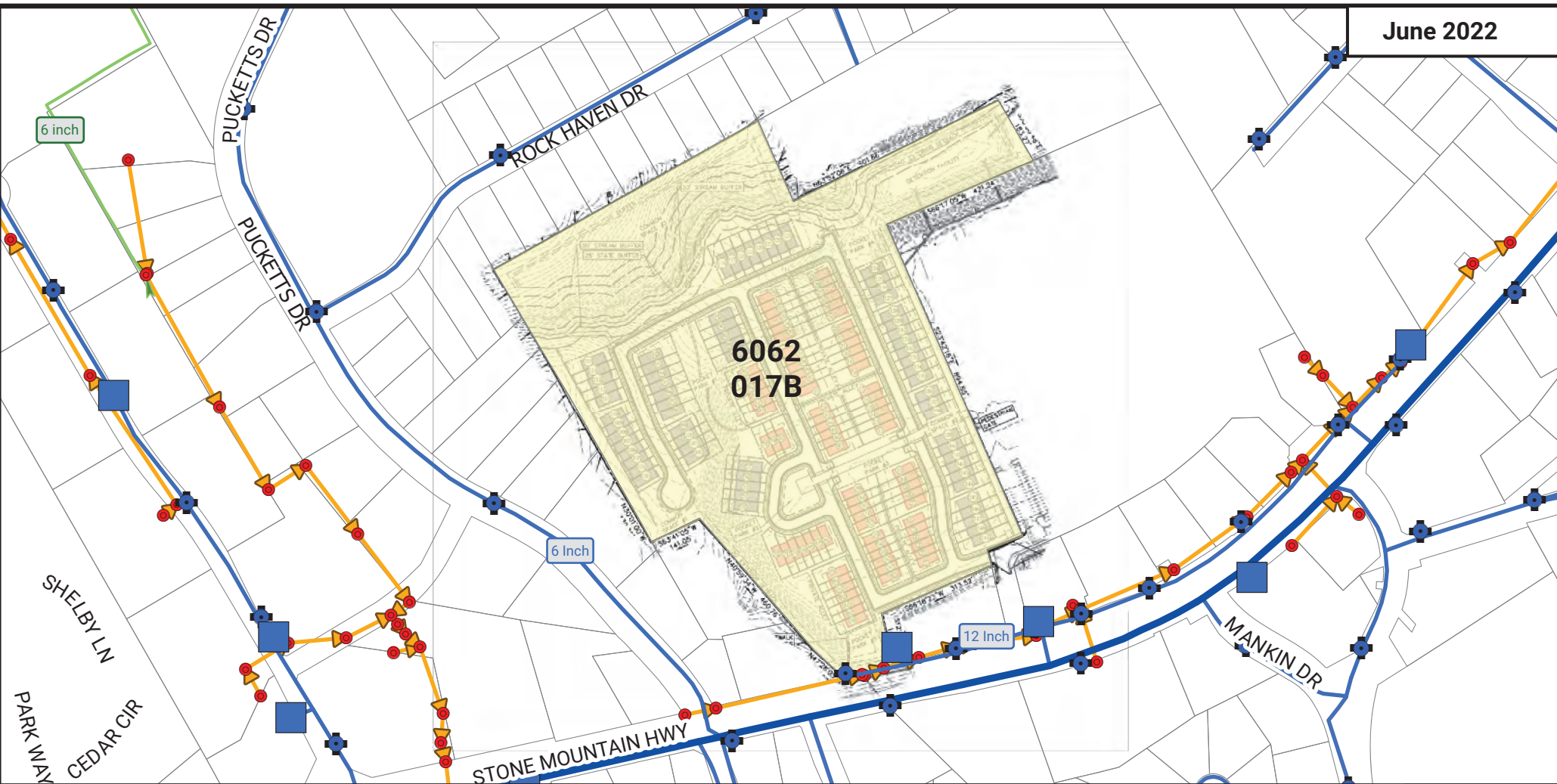
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		Wednesday, May 18, 2022		
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.Pappas@gwinnettcounty.com		
Case Number:		CIC2022-00016		
Case Address:		4925 Stone Mountain Highway		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The development may connect to an existing 12-inch water main located on the north right-of-way of Stone Mountain Highway.			
2	Sewer: A Sewer Capacity Request must be submitted to confirm capacity.			
3	Sewer: The developer should contact DWR to discuss sewer connection options.			
4	Sewer: A public pump station may be required.			
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1				
2				
3				
4				
5				
6				
7				

Note: Attach additional pages, if needed

Revised 7/26/2021

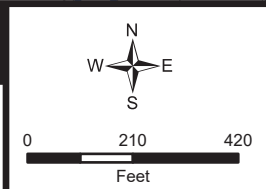
June 2022



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

CIC2022-00016
R-TH

Water & Sewer Utility Map



LOCATION



Water Comments: The development may connect to an existing 12-inch water main located on the north right-of-way of Stone Mountain Highway..

Sewer Comments: A Sewer Capacity Request must be submitted to confirm capacity. The developer should contact DWR to discuss sewer connection options. A public pump station may be required.

Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

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

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

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

Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County BOC, June, 2022

											Proposed Zoning
	School	2022-23			2023-24			2024-25			Approximate Student Projections from Proposed Developments
		Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	
CIC2022-00016	Parkview HS	3,208	2,900	308	3,240	2,900	340	3,224	2,900	324	25
	Trickum MS	2,160	1,775	385	2,182	1,775	407	2,170	1,775	395	18
	Mountain Park ES	618	450	168	609	450	159	621	450	171	32
RZM2022-00019	South Gwinnett HS	2,735	2,750	-15	2,790	2,750	40	2,832	2,750	82	5
	Snellville MS	913	1,625	-712	922	1,625	-703	931	1,625	-694	4
	Norton ES	946	1,300	-354	955	1,300	-345	965	1,300	-335	6
RZM2022-00021	Collins Hill HS	2,730	2,625	105	2,773	2,625	148	2,800	2,625	175	29
	Creekland MS	1,911	2,100	-189	1,892	2,100	-208	1,915	2,100	-185	21
	Walnut Grove ES	789	1,200	-411	801	1,200	-399	813	1,200	-387	38
RZM2022-00022 & RZM2022-00023	Peachtree Ridge HS	3,262	3,050	212	3,295	3,050	245	3,271	3,050	221	16
	Northbrook MS	882	1,025	-143	870	1,025	-155	879	1,025	-146	12
	Jackson ES	1,426	1,475	-49	1,440	1,475	-35	1,455	1,475	-20	21
RZR2022-00011	Mill Creek HS	2,915	2,800	115	2,633	2,800	-167	2,596	2,800	-204	2
	Osborne MS	1,658	1,575	83	1,646	1,575	71	1,671	1,575	96	1
	Duncan Creek ES	1,319	1,300	19	1,345	1,300	45	1,372	1,300	72	2
RZR2022-00014	South Gwinnett HS	2,735	2,750	-15	2,790	2,750	40	2,832	2,750	82	20
	Grace Snell MS	1,262	1,200	62	1,281	1,200	81	1,300	1,200	100	14
	Rosebud ES	959	1,200	-241	968	1,200	-232	983	1,200	-217	26
RZR2022-00016	Berkmar HS	3,034	2,925	109	3,140	2,925	215	3,234	2,925	309	5
	Berkmar MS	1,135	1,100	35	1,122	1,100	22	1,097	1,100	-3	4
	Hopkins ES	1,064	1,500	-436	1,047	1,500	-453	1,035	1,500	-465	7
RZR2022-00017	Dacula HS	2,565	2,550	15	2,670	2,550	120	2,748	2,550	198	21
	Dacula MS	1,852	1,900	-48	1,906	1,900	6	1,962	1,900	62	15
	Mulberry ES	750	975	-225	773	975	-202	796	975	-179	27
RZR2022-00018	South Gwinnett HS	2,735	2,750	-15	2,790	2,750	40	2,832	2,750	82	13
	Snellville MS	913	1,625	-712	922	1,625	-703	931	1,625	-694	10
	Norton ES	946	1,300	-354	955	1,300	-345	965	1,300	-335	18

Exhibit F: Maps

[attached]



ROCK HAVEN DR

PARKER-PUCKETTS WAY

PUCKETTS DR

STONE MOUNTAIN HWY

CAMP IR

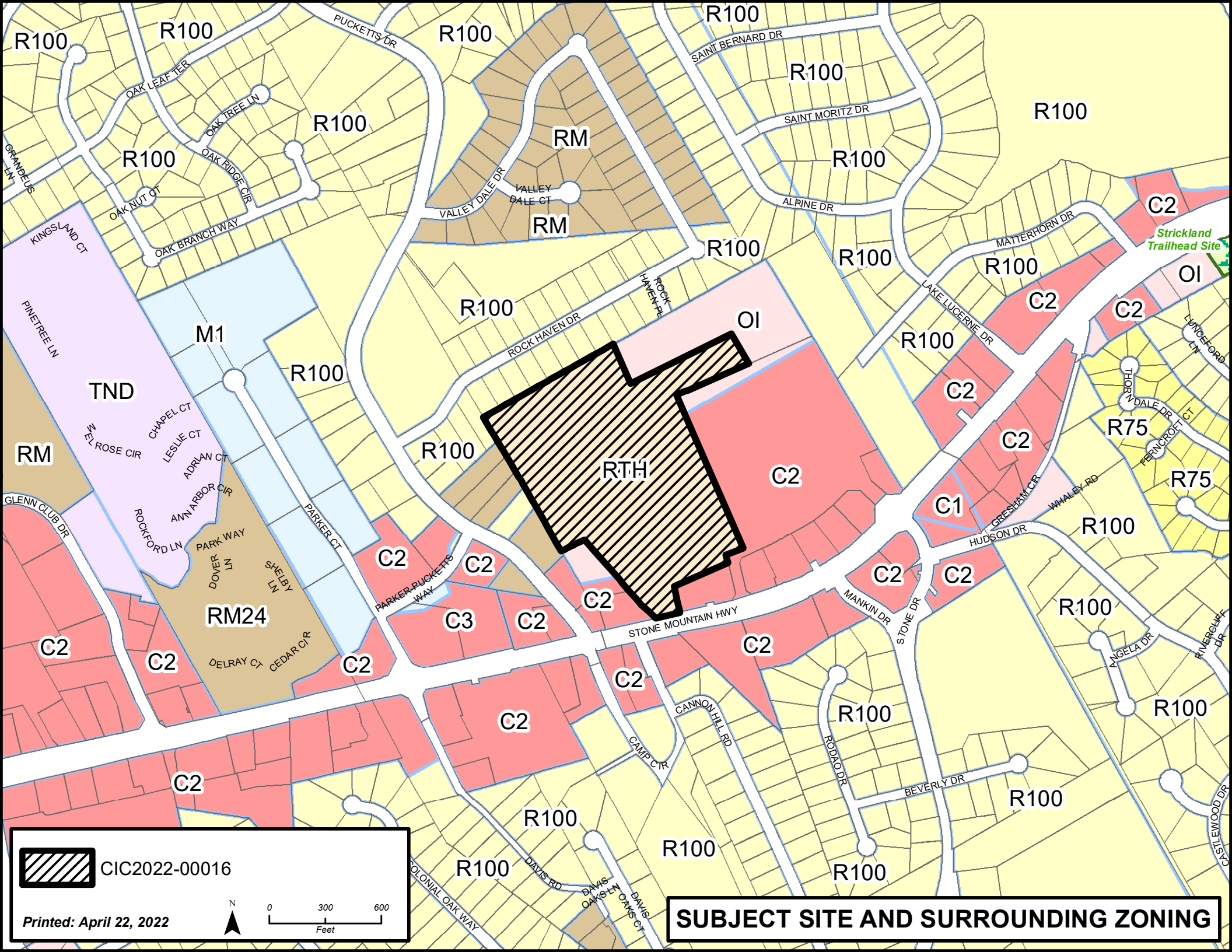


CIC2022-00016

Printed: April 22, 2022

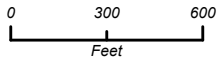


0 100 200
Feet

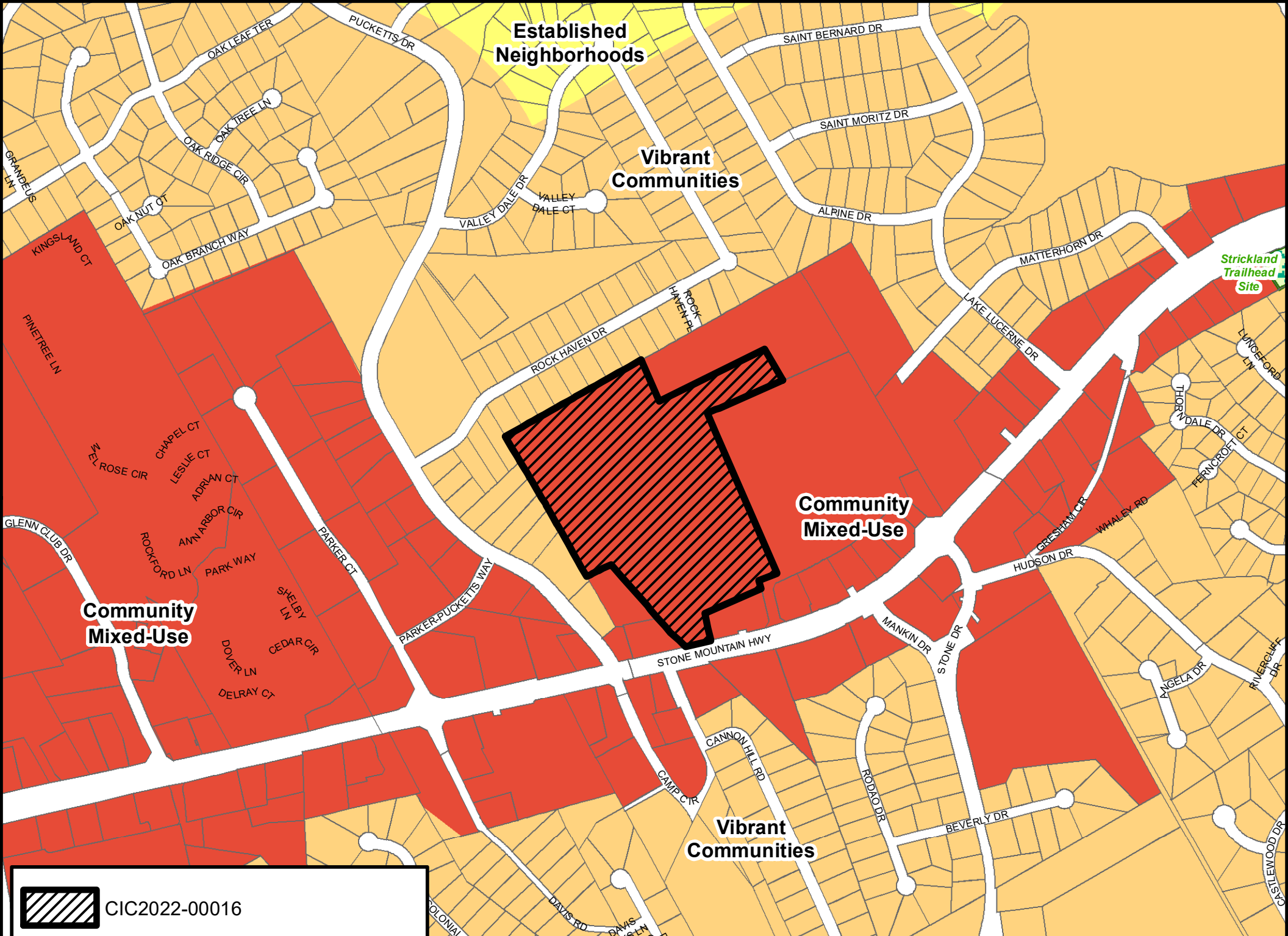


CIC2022-00016

Printed: April 22, 2022



SUBJECT SITE AND SURROUNDING ZONING



**Established
Neighborhoods**

**Vibrant
Communities**

**Community
Mixed-Use**

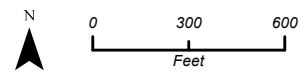
**Community
Mixed-Use**

**Vibrant
Communities**

**Strickland
Trailhead
Site**

 **CIC2022-00016**

Printed: April 22, 2022



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

Exhibit G: Application and Disclosure of Campaign Contributions

[attached]

RECEIVED

4/7/22

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Ensite Civil Consulting, LLC</u>	NAME: <u>Parkhaven Partners, LLC</u>
ADDRESS: <u>131 Prominence Court, Suite 230</u>	ADDRESS: <u>810 Sanders Road, Suite A</u>
CITY: <u>Dawsonville</u>	CITY: <u>Cumming</u>
STATE: <u>GA</u> ZIP: <u>30534</u>	STATE: <u>GA</u> ZIP: <u>30041</u>
PHONE: <u>(678) 316-3572</u>	PHONE: <u>(678) 414-6074</u>
EMAIL: <u>jim@kingconsulting.info</u>	EMAIL: <u>Lindsey.Henderson@cotprop.com</u>
CONTACT PERSON: <u>Jim King</u> PHONE: <u>(678) 316-3572</u>	
CONTACT'S E-MAIL: <u>jim@kingconsulting.info</u>	

APPLICANT IS THE:	
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICTS(S): <u>R-TH</u> PRIOR ZONING CASE: <u>RZM 2017-00003</u>	
PARCEL NUMBER(S): <u>6062 017B</u> ACREAGE: <u>26.74</u>	
ADDRESS OF PROPERTY: <u>4925 Stone Mountain Hwy, Lilburn GA</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Condition #'s 3.A. & 1.E.</u>	
RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: <u>149</u> DWELLING UNIT SIZE (Sq. Ft.): <u>1,800 SF min</u> GROSS DENSITY: <u>5.6 units/ac</u> NET DENSITY: _____	NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/LOTS: _____ TOTAL GROSS SQUARE FEET: _____ DENSITY: _____

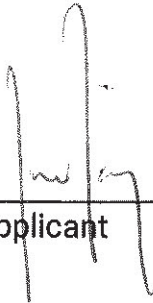
PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

4/7/22

CHANGE IN CONDITIONS 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.



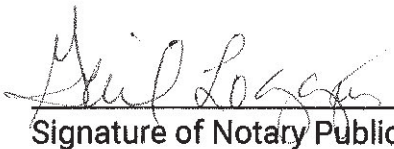
Signature of Applicant

06 April 2022

Date

Jim King for Ensite Civil Consulting, LLC

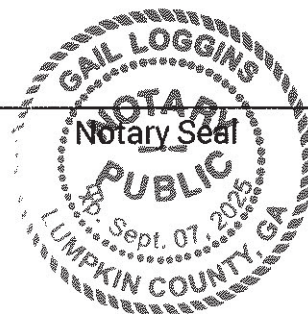
Type or Print Name and Title



Signature of Notary Public

4/6/2022

Date



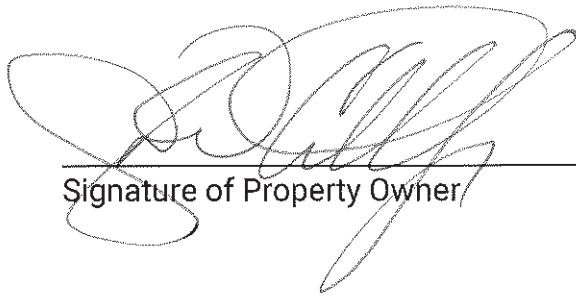
RECEIVED

4/7/22

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

CHANGE IN CONDITIONS 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

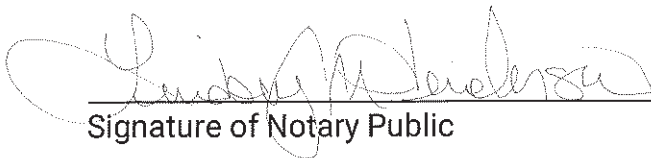
4/5/2022

Date

Douglas W. Cotter, Jr.

Manager

Type or Print Name and Title



Signature of Notary Public

4/5/2022

Date



RECEIVED

4/7/22

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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.

Jim King for Ensate Civil Consulting, LLC

Signature of Applicant

Date

Type of Print Name and Title

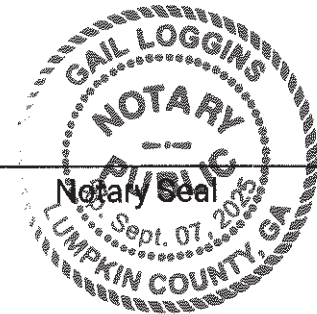
Signature of Applicant's
Attorney or Representative

Date

Type or Print Name and Title

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

Jim King for Ensate Civil Consulting, LLC

Your Name

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

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

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

RECEIVED

4/7/22

VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS

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.**

Tax Parcel # 6062 017B

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

District

Land Lot

Parcel

Signature of Applicant

06 April 2022

Date

Jim King for Ensite Civil Consulting, LLC

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)

Chris Nelson

NAME

Senior Tax Services Associate

TITLE

April 7, 2022

DATE

RECEIVED

4/7/22

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Ensite Civil Consulting, LLC</u>	NAME: <u>Parkhaven Partners, LLC</u>
ADDRESS: <u>131 Prominence Court, Suite 230</u>	ADDRESS: <u>810 Sanders Road, Suite A</u>
CITY: <u>Dawsonville</u>	CITY: <u>Cumming</u>
STATE: <u>GA</u> ZIP: <u>30534</u>	STATE: <u>GA</u> ZIP: <u>30041</u>
PHONE: <u>(678) 316-3572</u>	PHONE: <u>(678) 414-6074</u>
EMAIL: <u>jim@kingconsulting.info</u>	EMAIL: <u>Lindsey.Henderson@cotprop.com</u>
CONTACT PERSON: <u>Jim King</u> PHONE: <u>(678) 316-3572</u>	
CONTACT'S E-MAIL: <u>jim@kingconsulting.info</u>	

APPLICANT IS THE:	
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICTS(S): <u>R-1H</u> PRIOR ZONING CASE: <u>RZM 2017-00003</u>	
PARCEL NUMBER(S): <u>6062 017B</u> ACREAGE: <u>26.74</u>	
ADDRESS OF PROPERTY: <u>4925 Stone Mountain Hwy, Lilburn GA</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Condition #'s 3.A. & 1.E.</u>	
RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: <u>149</u> DWELLING UNIT SIZE (Sq. Ft.): <u>1,800 SF min</u> GROSS DENSITY: <u>5.6 units/ac</u> NET DENSITY: _____	NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/LOTS: _____ TOTAL GROSS SQUARE FEET: _____ DENSITY: _____

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

4/7/22

CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:**

#3.A. is at the request of the adjacent property owner and #1.E. effects units interior to the development

Neither will adversely affect adjacent or nearby property

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

Neither Condition Change will adversely affect adjacent or nearby property

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

The round-a-bout is prohibited by the adjacent Lowes and some units cannot be constructed with rear alleys due to topography; therefore it can not be developed under the current zoning conditions

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

There will be no excessive or burdensome use of these resources

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

The current use is not changing, only 2 zoning conditions that are render the use economically unfeasible

- (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 CHANGE IN CONDITIONS:**

The round-a-bout is prohibited by the adjacent Lowes and some units cannot be constructed with rear alleys due to topography; therefore it can not be developed under the current zoning conditions

RECEIVED

4/18/23
LETTER OF INTENT

The subject property is Tax Parcel #6062 017B whose physical address is 4925 Stone Mountain Hwy, Lilburn GA. The subject property was successfully Rezoned to R-TH on March 28, 2017. The applicant, Ensite Civil Consulting, seeks to Change the following Conditions of Zoning that were bound with RZM 2017-00003:

Condition #3.A. requiring the construction of a Round-a-Bout at the entrance. Lowes holds a deed restriction and protective covenant on this property and will not allow us to construct a Round-a-Bout due to their truck ingress-egress. **We request this condition be stricken/removed.**

Condition #1.E. requiring all units, except those along the periphery, to be rear entry garages with alleys. We request this be changed to the following: **All units shall have rear entry garages accessed by alleys except those along the periphery and those where topographic conditions restrict rear access. Units allowed as Front Entry are identified on the Rezoning Exhibit as Unit numbers: 73 thru 77 and 87 thru 149. All other shall be rear entry garages with alleys.**

The applicant also hereby requests (2) variances that were previously overlooked by the applicant:

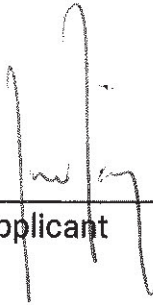
- 1) The applicant requests to vary from Section 210-100.6 A11c, which requires 0.25 parking spaces per unit for guest parking. The proposed development will have 2-car garages and each unit will have a driveway wide enough to accommodate 2 guest parking spaces; therefore, the requirement for guest parking will be met on each lot. This design satisfies the intent of the ordinance without having additional paved parking areas, making it more environmentally friendly.
- 2) The applicant requests to eliminate the buffer requirement adjacent to Tax Parcel #6062 154. Strangely, this adjacent lot is still zoned R100, while all the other adjacent lots are zoned RMD. The variance will allow the entire western property line to be treated equally.

RECEIVED

4/7/22

CHANGE IN CONDITIONS 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.



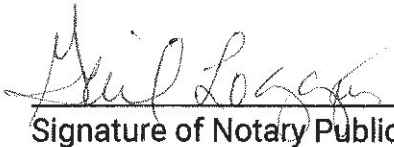
Signature of Applicant

06 April 2022

Date

Jim King for Ensite Civil Consulting, LLC

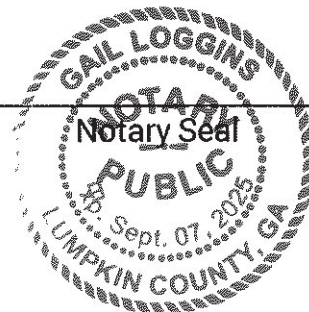
Type or Print Name and Title



Signature of Notary Public

4/6/2022

Date



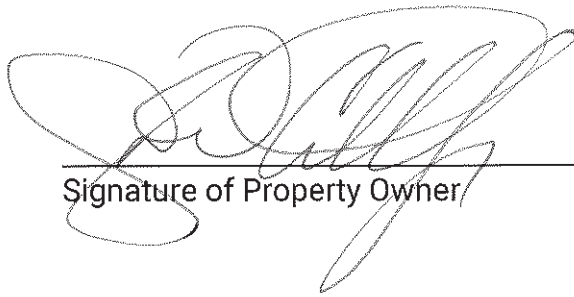
RECEIVED

4/7/22

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

CHANGE IN CONDITIONS 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

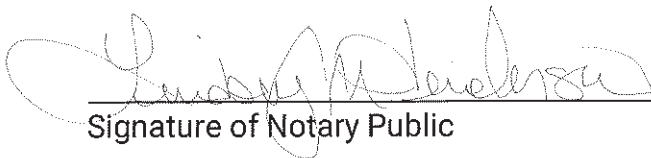
4/5/2022

Date

Douglas W. Cotter, Jr.

Manager

Type or Print Name and Title



Signature of Notary Public

4/5/2022

Date



RECEIVED

4/7/22

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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.

Jim King for Ensite Civil Consulting, LLC

Signature of Applicant

Date

Type of Print Name and Title

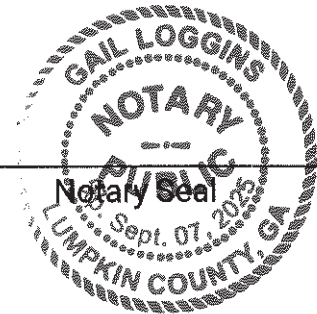
Signature of Applicant's
Attorney or Representative

Date

Type or Print Name and Title

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

Jim King for Ensite Civil Consulting, LLC

Your Name

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

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

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

RECEIVED

4/7/22

VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS

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.**

Tax Parcel # 6062 017B

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

District

Land Lot

Parcel

Signature of Applicant

06 April 2022

Date

Jim King for Ensite Civil Consulting, LLC

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)

Chris Nelson

NAME

Senior Tax Services Associate

TITLE

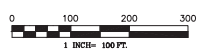
April 7, 2022

DATE

4/7/22 FOR: PARKHAVEN PARTNERS, LLC

OF GWINNETT COUNTY, GEORGIA

SUBJECT VESTING REFERENCE- DEED BOOK 53271, PAGE 688
AREA OF SUBJECT PROPERTY- 26.74 ACRES

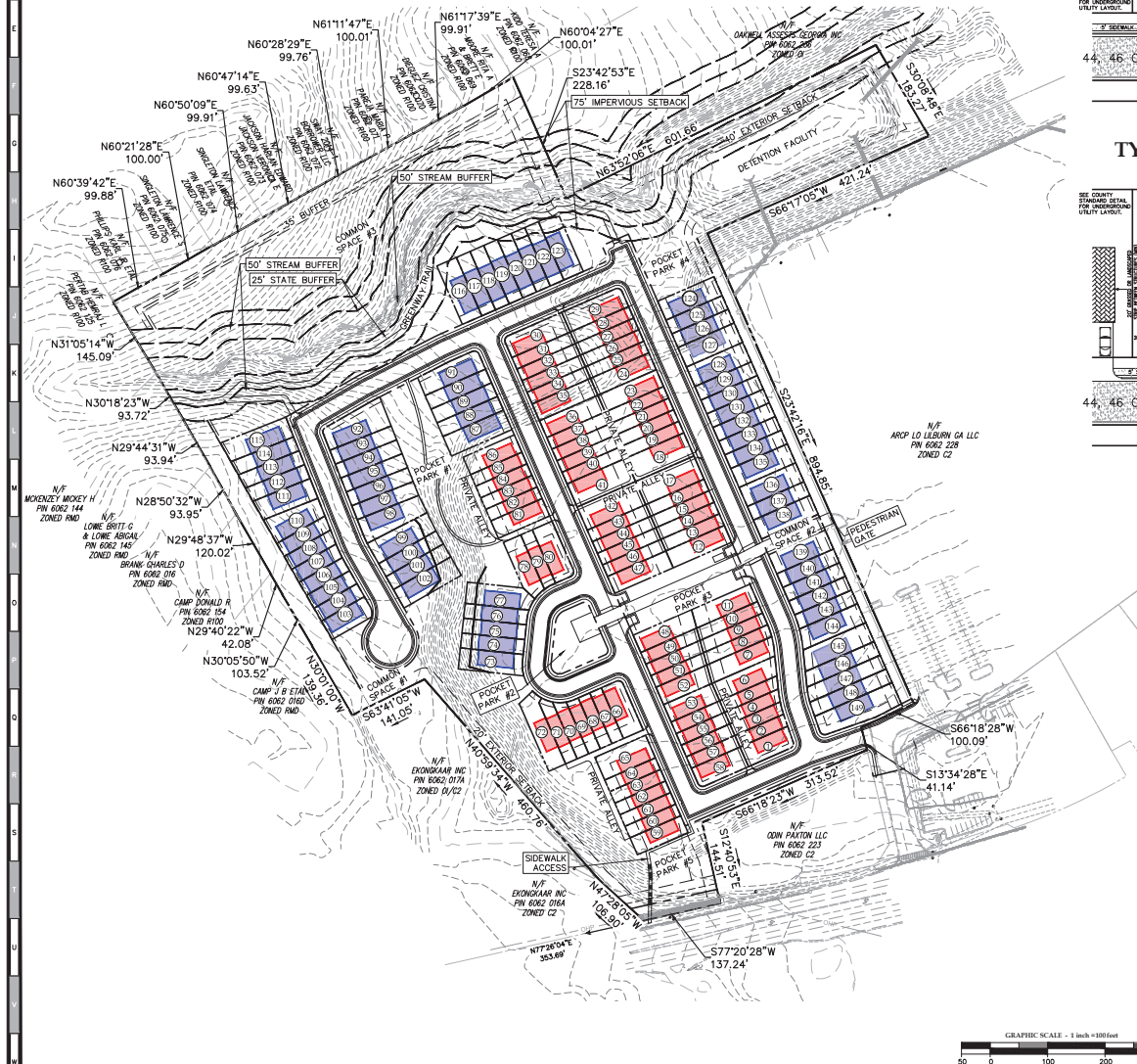


1. CHAIN LINK FENCE CROSSES EASTERN BOUNDARY LINE.
2. SEWER LINE CROSSES EASTERN BOUNDARY LINE NEAR ROAD FRONTAGE.

2 of 2

THE ACRE GROUP, INC.
P.O. BOX 54 | LOGANVILLE | GEORGIA 30052 | 770.290.0050

4/18/22



REAR ENTRY

The site plan shows the rear entrance area with several parking spaces and landscaping zones. Key features include:

- PARKING SPACES:** Labeled "PARKING SPACE" and "SEE COUNTY FORWARD RETAIL UTILITY LAYOUT".
- LANDSCAPING ZONES:** Indicated by hatched patterns and labeled "SEE PLAN FOR LANDSCAPING".
- OUTLINE LOT:** A central rectangular area.
- DRIVEWAY AND GARAGE:** Labeled "DRIVEWAY TO GARAGE" and "GARAGE".
- WALKWAY:** Labeled "WALKWAY TO GARAGE".
- SCREENING WALL:** Located at the bottom left, labeled "SCREENING WALL".
- UTILITY LAYOUT:** Labeled "SEE COUNTY FORWARD RETAIL UTILITY LAYOUT".
- Dimensions:** The bottom edge is dimensioned as "44' - 46' OR 50'R/W".

44', 46' OR 50' R/W

*External buffers and detention area are not included in common space calculations.
Detention Facility: 2.128 AC

POCKET PARK CHART	
POCKET PARK #1	28,047
POCKET PARK #2	8,295
POCKET PARK #3	17,666
POCKET PARK #4	11,114
POCKET PARK #5	9,695
TOTAL AREA	74,817

ENSITE
CIVIL CONSULTING, LLC
131 Prominence Court, Suite 230
Dawsonville, GA 30534
Mobile: 770-597-8813
Contact: Corey Gutherie, PE, CFM
Email: Corey.Gutherie@ensiteconsulting.com

OWNER/DEVELOPER:
US LAND INVESTMENTS, LLC
3840 WINDERMERE PKWY
SUITE 402
CUMMING, GA 30041
PHONE: (770) 480-2491
EMAIL:
rmccarthy.cotterproperties@gmail.com

24-HOUR CONTACT:
RON McCARTHY
(770) 480-2491
EMAIL:
rmccarthy.cotterproperties@gmail.com

PROJECT:
ENCLAVE AT
LAKE LUCERNE
(SDP2017-00058)
fka
PARKHAVEN

LOCATED IN:
LAND LOTS 57 & 62
6th DISTRICT, 1st SECTION,
GWINNETT COUNTY,
GEORGIA
PARCEL #: 6-062-017B
CPL #: 2017-00011

SHEET TITLE:
CONCEPT PLAN

**NOTIFY GWINNETT
INSPECTOR AT (678) 518-6000
24-HOURS BEFORE THE
BEGINNING PHASE OF**

CONSTRUCTION.
GEORGIA811
Utilities Protection Center, Inc.
1-800-282-7411
Know what's below.
Call before you dig.

STAMP:

FOR REVIEW ONLY

Q	DRAWING DATE: 2022-04-18
---	--------------------------

SHEET REVISIONS

[illegible]

W SHEET:
1 OF 1

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

4/7/22

BK53271 PG0691

Exhibit "A"

Legal Description of Property

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 57 AND 62 OF THE 6TH DISTRICT, GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERN RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 78 (100' RIGHT-OF-WAY AT THIS POINT) AND THE NORTHWEST RIGHT-OF-WAY LINE OF PUCKETT ROAD (RIGHT-OF-WAY VARIES); THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY OF U S HIGHWAY NO 78 A DISTANCE OF 352.75' TO A ½" REBAR SET AND THE POINT OF BEGINNING

THENCE CONTINUING FROM THE POINT OF BEGINNING AS THUS ESTABLISHED AND LEAVING SAID RIGHT-OF-WAY

NORTH 43°39'24" WEST, A DISTANCE OF 105.79' TO A POINT, THENCE NORTH 37°02'26" WEST, A DISTANCE OF 461.85' TO A POINT, THENCE SOUTH 67°39'08" WEST, A DISTANCE OF 141.02' TO A POINT, THENCE NORTH 26°09'08" WEST, A DISTANCE OF 139.33' TO A POINT, THENCE NORTH 26°07'29" WEST, A DISTANCE OF 103.50' TO A POINT; THENCE NORTH 25°50'50" WEST, A DISTANCE OF 42.16' TO A POINT; THENCE NORTH 25°52'09" WEST, A DISTANCE OF 120.00' TO A POINT; THENCE NORTH 24°52'29" WEST, A DISTANCE OF 93.98" TO A POINT, THENCE NORTH 25°51'10" WEST, A DISTANCE OF 93.85' TO A POINT; THENCE NORTH 26°20'07" WEST, A DISTANCE OF 93.80' TO A POINT; THENCE NORTH 27°08'34" WEST, A DISTANCE OF 145.11' TO A POINT, THENCE NORTH 64°35'43" EAST, A DISTANCE OF 99.84' TO A POINT; THENCE NORTH 64°25'28" EAST, A DISTANCE OF 99.92' TO A POINT; THENCE NORTH 64°36'51" EAST, A DISTANCE OF 99.98' TO A POINT; THENCE NORTH 64°35'42" EAST, A DISTANCE OF 99.67' TO A POINT, THENCE NORTH 64°29'40" EAST, A DISTANCE OF 99.83' TO A POINT; THENCE NORTH 65°10'38" EAST, A DISTANCE OF 99.90' TO A POINT; THENCE NORTH 65°15'33" EAST, A DISTANCE OF 99.91' TO A POINT; THENCE NORTH 63°58'42" EAST, A DISTANCE OF 100.05' TO A POINT; THENCE SOUTH 19°46'53" EAST, A DISTANCE OF 228.23' TO A POINT; THENCE NORTH 67°48'09" EAST, A DISTANCE OF 601.63 TO A POINT, THENCE SOUTH 26°13'19" EAST, A DISTANCE OF 183.28' TO A POINT, THENCE SOUTH 70°13'07" WEST, A DISTANCE OF 421.29' TO A POINT, THENCE SOUTH 19°46'53" EAST, A DISTANCE OF 894.80' TO A POINT, THENCE SOUTH 70°13'07" WEST, A DISTANCE OF 99.91' TO A POINT, THENCE SOUTH 09°31'04" EAST, A DISTANCE OF 41.16' TO A POINT; THENCE SOUTH 70°13'07" WEST, A DISTANCE OF 313.53' TO A POINT; THENCE SOUTH 08°40'38" EAST, A DISTANCE OF 144.59 TO A POINT ON THE RIGHT-OF WAY OF U S HIGHWAY 78; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 81°19'23" WEST, A DISTANCE OF 137.26' TO A POINT AND THE POINT OF BEGINNING;

SAID TRACT OF LAND CONTAINS AN AREA OF 1,164,798 S.F. OR 26.740 ACRES OF LAND, MORE OR LESS

RECEIVED

4/7/22



RZM '17 00 3

RECEIVED BY

DEC 02 2016

Planning & Development

WINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

4/7/22



RECEIVED BY

DEC 02 2016

Planning & Development 10/7/2016 10:39 AM

RZM '17 00 3

1 of 1



RZM '17 00 3

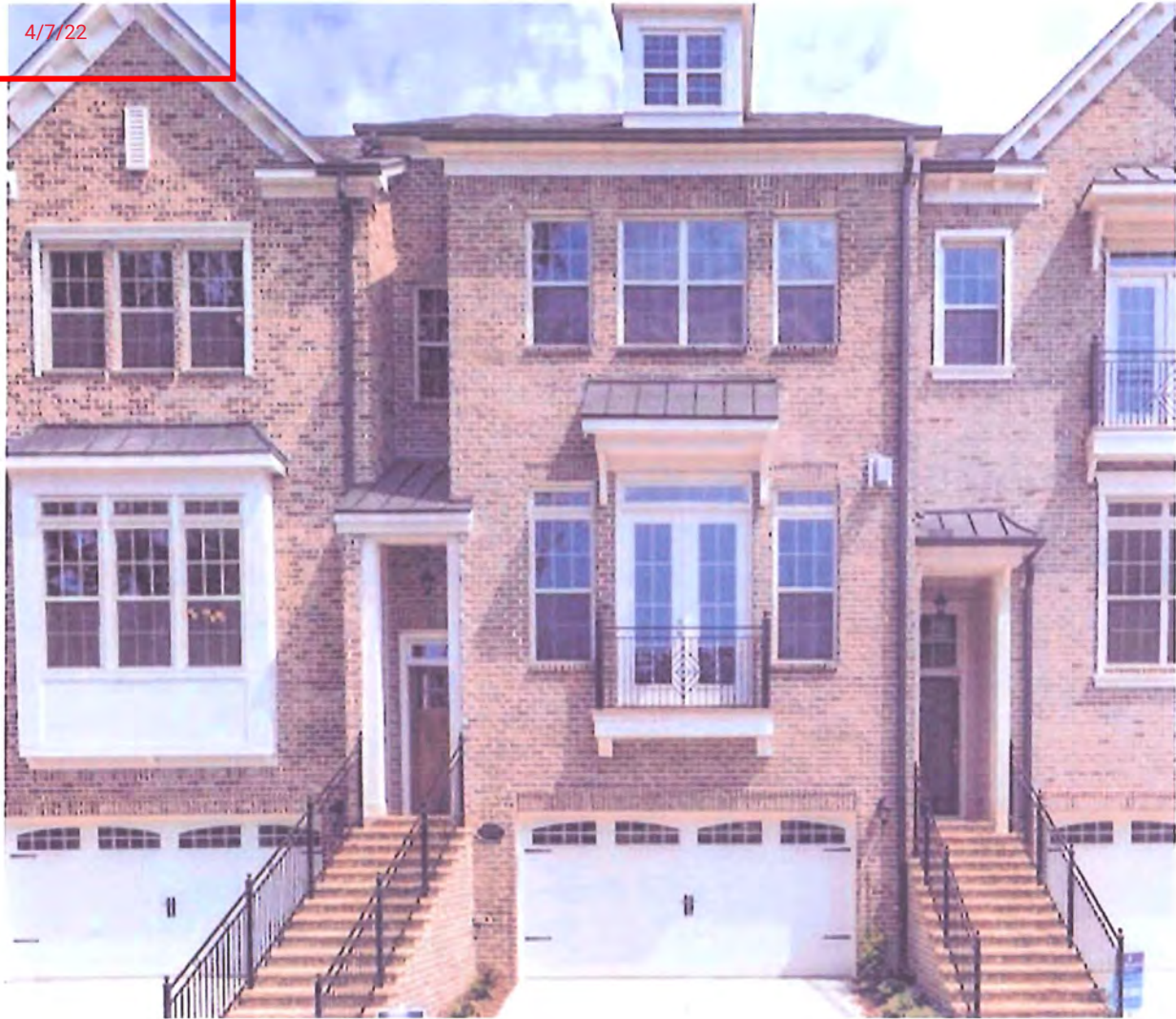
RECEIVED BY

DEC 02 2016

Planning & Development

RECEIVED

4/7/22



RZM '17 00 3

RECEIVED BY

DEC 02 2016

Planning & Development

