



PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZM2022-00007
Current Zoning: R-100 (Single-Family Residence District)
Request: Rezoning to R-TH (Single-Family Residence Townhouse District)
Additional Requests: Variance and Waiver
Address: 1558 Old Peachtree Road
Map Number: R7103 006
Site Area: 13.41 acres
Units: 128
Proposed Development: Single-Family Detached Residential and Townhouses
Commission District: District 4 – Commissioner Fosque
Character Area: Emerging Suburban

Staff Recommendation: DENIAL

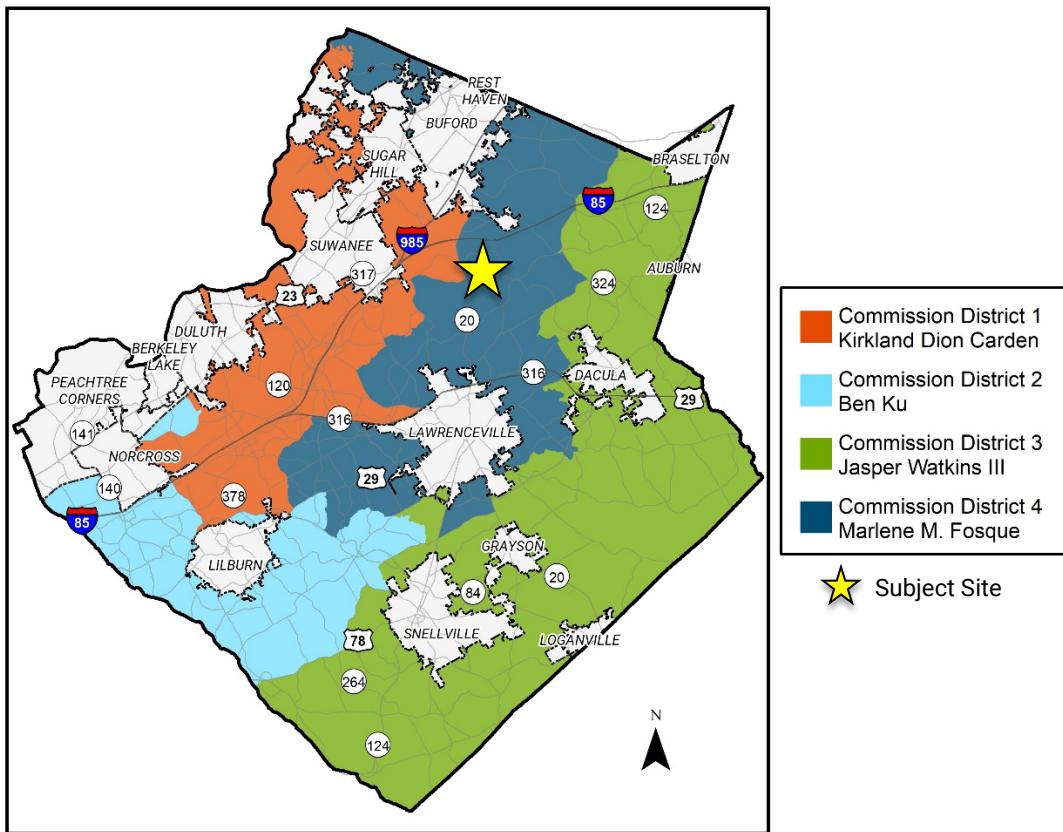
**Planning Commission
Recommendation:** DENIAL

Case Number: RZR2022-00006
Current Zoning: R-100 (Single-Family Residence District)
Request: Rezoning to TND (Traditional Neighborhood Development District)
Additional Requests: Variance and Waiver
Address: 1558 Old Peachtree Road
Map Number: R7103 006
Site Area: 31.31 acres
Units: 146
Proposed Development: Traditional Neighborhood Development
Commission District: District 4 – Commissioner Fosque
Character Area: Emerging Suburban

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL

Planning Commission Advertised Public Hearing Date: 4/13/2022 (Public Hearing Tabled To 6/7/2022)
Board of Commissioners Advertised Public Hearing Date: 4/26/2022 (Public Hearing Tabled To 7/26/2022)



Applicant: Middleburg Communities, LLC
 c/o Mahaffey Pickens Tucker, LLP
 1550 North Brown Road, Suite 125
 Lawrenceville, GA 30043

Owner: Rita G. Knowlton
 1509 Old Peachtree Road
 Lawrenceville, GA 30043

Contact: Shane Lanham

Contact Phone: 770.232.0000

Zoning History

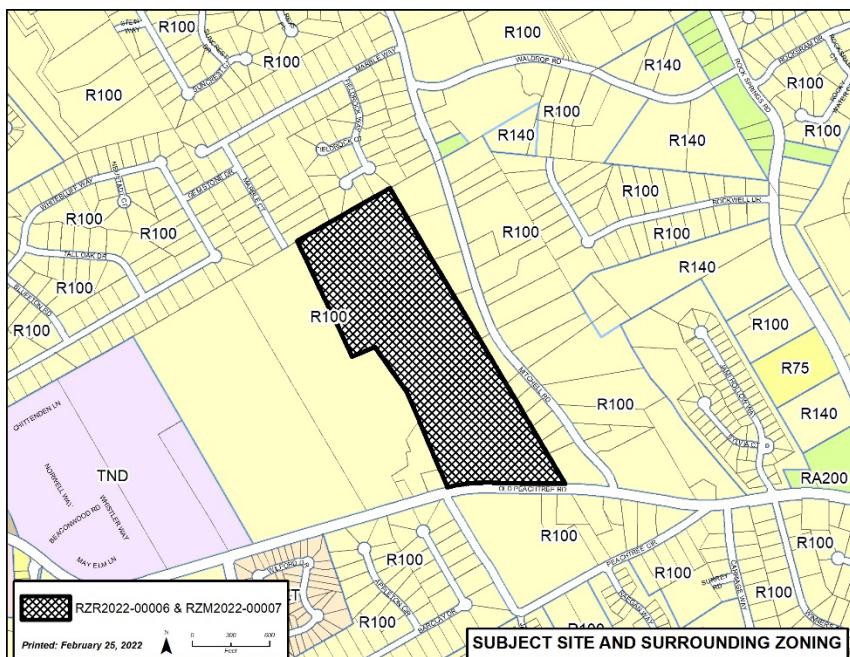
The subject property is zoned R-100 (Single-Family Residence District). No prior zoning requests are on record for this property.

Existing Site Condition

The subject site is a 44.72-acre parcel located along Old Peachtree Road, east of Buford Drive. The site is heavily wooded and contains two single-family residences and a shed. The property contains wetlands and a stream along the western property line and slopes down approximately 66 feet from east to west towards the stream. No sidewalks exist along Old Peachtree Road. The nearest Gwinnett County Transit stop is located 5.80 miles from the subject site.

Surrounding Use and Zoning

The subject site is surrounded by existing single-family residences. Rock Springs subdivision is located north of the site. Single-family homes are located to the east and west of the site and across Old Peachtree Road to the south. Further west is a multi-phased TND (Traditional Neighborhood Development District) development that was originally approved in 2019 (Phase II in 2020, Phase III currently in review). This development has a density of 4.34 units per acre and is under construction. Also located further west is a multifamily development, rezoned to RM-24 (Multifamily Residence District) in 2021 for 300 units at a density of 18.17 units per acre. These developments are adjacent to the commercial uses along Buford Drive and approximately two miles from the Mall of Georgia. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Traditional Neighborhood Development and Single-Family Detached Residences and Townhouses	TND and R-TH	6.12 units per acre
North	Single-Family Residential	R-100	1.49 units per acre
East	Single-Family Residential	R-100	0.79 units per acre
South	Single-Family Residential	R-100	0.21 units per acre
West	Single-Family Residential	R-100	0.09 units per acre

Project Summary

The applicant requests a rezoning of a 44.72-acre property zoned R-100 to TND and R-TH for single-family detached residences and townhouses, including:

- A total of 274 units, yielding a net density of 6.12 units per acre for the R-TH and TND portions of the development.
- 146 total units in the TND portion of the development, located on the northern portion of the site composed of 52 townhouse lots, 80 small lots, and 14 medium lots.

- 223 on-street parking spaces in the TND development.
- No garages or driveways for the residences in the TND development.
- Common space totaling 25% or 7.83 acres in the TND portion of the site.
- 128 total units in the R-TH portion of the development, located on the southern portion of the site, composed of 96 townhouses and 32 single-family detached homes.
- 416 off-street parking spaces, including driveway and garage spaces, and 115 on-street spaces in the R-TH portion of the site. Single-family detached dwellings in the R-TH portion of the site will have double-car garages. Townhouses will have a single-car garage.
- Rear loaded houses along the road frontage of Old Peachtree Road, adjacent to the 10-foot landscape strip.
- Two entrances from Old Peachtree Road. The eastern entrance is full-access with a left-turn lane on Old Peachtree Road. The western entrance is right-in-right-out with a deceleration lane.
- 2.28 acres or 17% of common area for the R-TH portion of the development. Amenities include pocket parks, a cabana, a pool, and a patio area.
- A 35-foot-wide landscape strip in lieu of a 35-foot wide natural, undisturbed buffer along the perimeter of the development, adjacent to R-100 zoned properties.
- Residences constructed with facades of mostly fiber cement siding. The townhouses will include water tables constructed of brick and/or stone. The designs do not meet the requirements of Category 2 and 3 of the Gwinnett County Architectural Standards and require approval from the Planning Commission.
- Internal streets with sidewalks on both sides.
- A stormwater management facility on the northern portion of the site, and one on the southwest portion of the site.
- A stream and wetlands with associated buffers and impervious setbacks along the western portion of the site located within the boundaries of the proposed lots.

Zoning and Development Standards

The applicant is requesting a rezoning to R-TH (Single-Family Residence Townhouse District) and TND (Traditional Neighborhood Development District). The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

R-TH (Single-Family Residence Townhouse District):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	< 35'	YES
External Front Yard Setback	Minimum 10' rear loaded units Minimum 30' side/front loaded units	10' 30'	YES YES
External Side Yard Setback	Minimum 20'	20'	YES
External Rear Yard Setback	Minimum 20'	>20	YES
Off-Street Parking	Minimum: 352 spaces Maximum 768 spaces	416 spaces	YES
Guest Parking	Minimum 0.25 per dwelling or 32 spaces	115 spaces	YES
Zoning Buffer	35' adjacent to R-100	0'	NO*

Maximum Density	10 units per acre	9.55 units per acre	YES
Common Area	15% or 2.02 acres	17% or 2.28 acres	YES

*The applicant proposes a 35-foot landscape strip in lieu of a 35-foot undisturbed buffer. The applicant is requesting a waiver from this requirement.

TND (Traditional Neighborhood Development District):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	35'	YES
Front Yard Setback	Minimum 5-15'	5'	YES
Side Yard Setback	Minimum 5-15'	5'	YES
Rear Yard Setback	Minimum 20'	20'	YES
Off-Street Parking	Minimum: 219	223	YES
On-Street Parking	Maximum: 55	223	NO**
Zoning Buffer	35' adjacent to R-100	0'	NO*
Landscape Strip	10'	10'	YES
Density	8 units per acre	4.66 units per acre	YES
Common Area	20% or 6.27 acres	25% or 7.83 acres	YES
Housing Types/Lot Sizes	Medium Lots: 7,500 - 9,499 sq. ft. Small Lots: 5,000 - 7,499 sq. ft. Townhouses 2,000 – 5,999 sq. ft.	Medium Lots: 7,500 – 9,499 sq. ft. Small Lots: 5,000 -7,499 sq. ft. Townhouses: 2,000 - 4,999 sq. ft.	YES

*The applicant proposes a 35-foot landscape strip in lieu of a 35-foot undisturbed buffer. The applicant is requesting a waiver from this requirement.

**The proposed development exceeds the maximum number of on-street parking spaces allowed for TND. The applicant is requesting a variance from this requirement.

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 245-30.1.B., to allow more than 25 percent of the number of required off-street parking spaces to be on-street parking.

Waiver Request

In addition to the rezoning 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."

A 35-foot undisturbed zoning buffer between R-TH and R-100 zoned property and TND and R-100 zoned property.

A 35-foot undisturbed zoning buffer is required between all property zoned R-TH and R-100 as well as all property zoned TND and R-100. This zoning buffer is required adjacent to the north, east, and west property lines. The applicant is requesting to eliminate this buffer and provide a 35-foot landscaped strip in lieu of the undisturbed buffer.

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

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

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

The site is surrounded by large single-family lots to the north, east, and west. West of the property are two properties recently approved for TND developments and one zoning case in process for TND zoning. These developments are closer to the intersection of Buford Drive and Old Peachtree and are far less dense than the proposed development. Further, the properties adjacent to this development are large single-family residences that are unlikely to undergo change. Allowing the development of this site, at this density, would not be suitable or consistent with adjacent and nearby property.

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

The existing use and usability of adjacent or nearby properties would be negatively impacted by the zoning change. The applicant is proposing an excessive amount of on-street parking that will cause issues with traffic flow and parking for the residents of the development. Additionally, the applicant is proposing to develop in the stream buffer and wetlands, which could have a negative environmental impact. Allowing the construction of the development as proposed would adversely affect the existing use or usability of adjacent and nearby property.

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

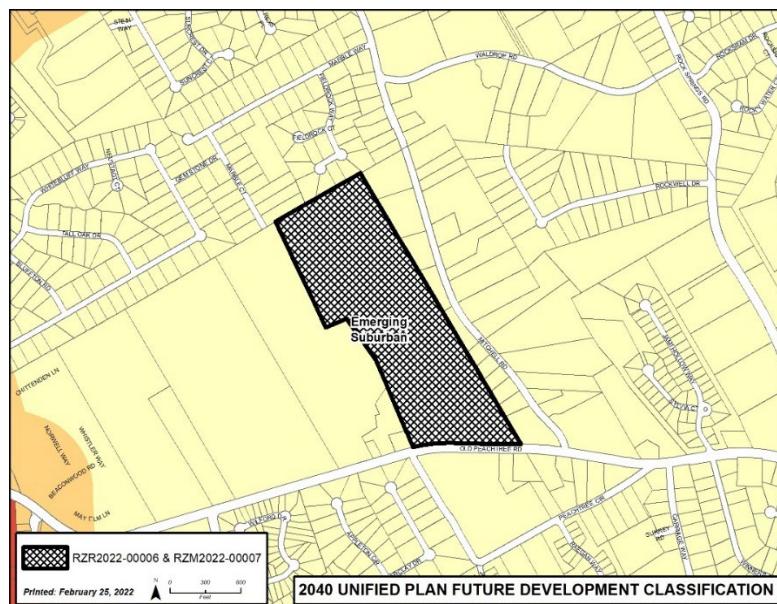
The property has a reasonable economic use as currently zoned.

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.

Impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. Impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning request is attached (Exhibit E).

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

The 2040 Unified Plan and Future Development Map indicates that the subject property lies within the Emerging Suburban Character Area. This designation is for areas that are currently mainly residential but have not yet matured into established communities due to relatively large amounts of remaining, undeveloped land. These areas generally rely on nearby activity centers to provide goods and services, such as The Exchange at Gwinnett and the Mall of Georgia. Although mixed residential developments such as the one proposed are encouraged by the Character Area, the proposed layout and design do not meet the intent. The previously approved TNDs in the nearby area feature dwellings with adequate off-street parking and street design in addition to multiple centrally located and usable common spaces and pocket parks. The proposed TND portion of the subject site has no off-street parking and only one common open space, not located within the rear yard of a dwelling. Therefore, the proposed development does not meet 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 rezoning.

The Old Peachtree Road and Buford Drive corridors have experienced rapid growth within recent years. While sites west of this development have developed into large TND developments, this site is located near established subdivisions and single-family residences that are noticeably less dense. Further, the development is denser than similar developments that have been approved or are pending consideration of rezoning and are located closer to the intersection of Old Peachtree Road and Buford Drive, a neighborhood node. The development would be inconsistent in size and scale of surrounding uses and therefore gives supporting grounds for disapproval of the proposed rezoning.

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

The requested variance to allow 100 percent of the required off street parking spaces to be provided as on-street parking would be a deterrent to the residents of the development and would cause serious negative impacts on streets and cause issues with parking and traffic in the development. The applicant is proposing 223 parking spaces in the TND development. All 223 spaces will be provided as on-street parking along the frontage of the units. No unit in the TND development will have a driveway or garage. This would cause major issues with parking and the maintenance of streets.

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 requested buffer reduction is located along the north, east, and west property line of the subject property. The property to the west is a large lot residence that may undergo change with the rapidly developing area. However, the properties to the north and east are single-family residences that are unlikely to undergo change. Further, the buffer to the north and west is adjacent to an existing stream and wetlands. The applicant requests to reduce the buffers to 0 feet and provide a landscaped strip that would be graded and replanted. If the development were to be less dense, this buffer reduction waiver would likely be unnecessary. Development in the stream buffer and wetlands to allow for more density would adversely affect the general public welfare or nullify the intent of the Development Regulations and therefore constitute denial of the buffer reduction waiver request.

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 **DENIAL** of the rezoning requests.

Staff recommends **DENIAL** of the following variance:

1. Section 245-30.1.B., to allow more than 25 percent of the number of required off-street parking spaces to be on-street parking.

In addition, the staff recommended **DENIAL** of the following Waiver:

1. The required 35-foot undisturbed zoning buffer shall be replaced with a 35-foot landscape strip.

Staff Recommended Conditions:

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

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

1. The development shall be constructed in general conformance with Exhibit B: Site Plan dated received February 14, 2022, and Exhibit C: Building Elevations dated received February 14, 2022, with revisions required by conditions and the Unified Development Ordinance, as reviewed and approved by the Director of Planning and Development.
2. Development shall be limited to 128 single-family detached residences and townhouses and accessory uses.
3. Lots along Old Peachtree Road, 108 to 118, shall be rear loaded units.
4. Buildings shall be designed in accordance with the Gwinnett County Architectural Standards Design Category 3, Detached Residential Buildings and Attached Residential Buildings. Facades adjacent to Old Peachtree Road shall be designed as and meet the requirements of front facades.
5. Open space shall be provided as shown on the submitted site plan. Final design shall be subject to the review and approval of the Department of Planning and Development.
6. The development shall include amenities including but not limited to, pocket parks, a cabana, a pool, patio area, and trails. The final amenity plan shall be reviewed and approved by the Department of Planning and Development.
7. Natural vegetation shall remain on the property until the issuance of a development permit.
8. All grassed areas shall be sodded.
9. Stormwater BMP facilities shall be screened from view of adjoining properties and rights of way by decorative fencing and/or landscaping that is in compliance with the Gwinnett County Stormwater Management Manual.
10. A property management company shall be established and shall be responsible for maintenance of all common areas/facilities, decks, patios, streets, sidewalks, all structures, and street frontage landscaping.
11. All road frontages and the subdivision entrances shall be landscaped by the developer and maintained by the property management company. Entrances shall include a decorative masonry entrance feature. Landscape and entrance feature plans shall be subject to review and approval of the Department of Planning and Development.
12. Streets and alleys shall be private and maintained by the property management company.
13. The development shall include an onsite office for the property management company.
14. The developer shall coordinate with RZR2022-00008 regarding the creation of a Traffic Impact Study, a Corridor Study of Old Peachtree Road (from Buford Drive to Sunny Hill Road), and an ICE analysis. The developer shall implement recommended improvements in coordination with the Gwinnett County Department of Transportation.

Approval as TND (Traditional Neighborhood Development District) subject to the following conditions:

1. The development shall be constructed in general conformance with Exhibit B: Site Plan dated received February 14, 2022, and Exhibit C: Building Elevations dated received February 14, 2022, with revisions required by conditions and the Unified Development Ordinance as reviewed and approved by the Director of Planning and Development.
2. Development shall be limited to single-family attached and detached dwellings and accessory structures, not to exceed 146 units with the following limitations:
 - i. No more than 80 of the total number of lots may be categorized as "small lots" per the TND standards within the Unified Development Ordinance.
 - ii. No limit on the total number of lots categorized as "mid-size lots" per the TND standards within the Unified Development Ordinance.
 - iii. No more than 52 of the total number of lots may be categorized as Townhouses per the TND standards within the Unified Development Ordinance.
3. Lots 94 to 97 shall be eliminated. No lot shall encroach into the stream buffer or impervious setback.
4. Buildings shall be designed in accordance with the Gwinnett County Architectural Standards Design Category 3, Detached Residential Buildings and Attached Residential Buildings. Facades adjacent to Old Peachtree Road shall be designed as and meet the requirements of front facades.
5. Open space shall be provided as shown on the submitted site plan. Final design shall be subject to the review and approval by of the Planning and Development Department.
6. The development shall include amenities including but not limited to, pocket parks, a cabana, a pool, a patio area, and trails. The final amenity plan shall be reviewed and approved by the Department of Planning and Development.
7. Natural vegetation shall remain on the property until the issuance of a development permit.
8. All grassed areas shall be sodded.
9. Stormwater BMP facilities shall be screened from view of adjoining properties and rights of way by decorative fencing and/or landscaping that is in compliance with the Gwinnett County Stormwater Management Manual.
10. A property management company shall be established and shall be responsible for maintenance of all common areas/facilities, decks, patios, streets, sidewalks, and all structures.
11. All road frontages and the subdivision entrances shall be landscaped by the developer and maintained by the property management company. Entrances shall include a decorative masonry entrance feature. Landscape and entrance feature plans shall be subject to review and approval by the Department of Planning and Development.
12. Streets and alleys shall be private and maintained by the property management company.
13. The development shall include an onsite office for the property management company.
14. The developer shall coordinate with RZR2022-00008 regarding the creation of a Traffic Impact Study, a Corridor Study of Old Peachtree Road (from Buford Drive to Sunny Hill Road), and an ICE analysis. The developer shall implement recommended improvements in coordination with the Gwinnett County Department of Transportation.

Planning Commission Recommendation

Based on staff's evaluation of the requests, 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** of the rezoning requests.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Letter of Intent and Applicant's Response to Standards
- E. Internal and External Agency Review Comments
- F. Maps
- G. Revised Site Plan Presented at the 6/7/2022 Planning Commission Public Hearing

Exhibit A: Site Visit Photos



Existing Structure



Property Frontage



Existing Conditions of the Site

Exhibit B: Site Plan

[attached]

2/14/2022

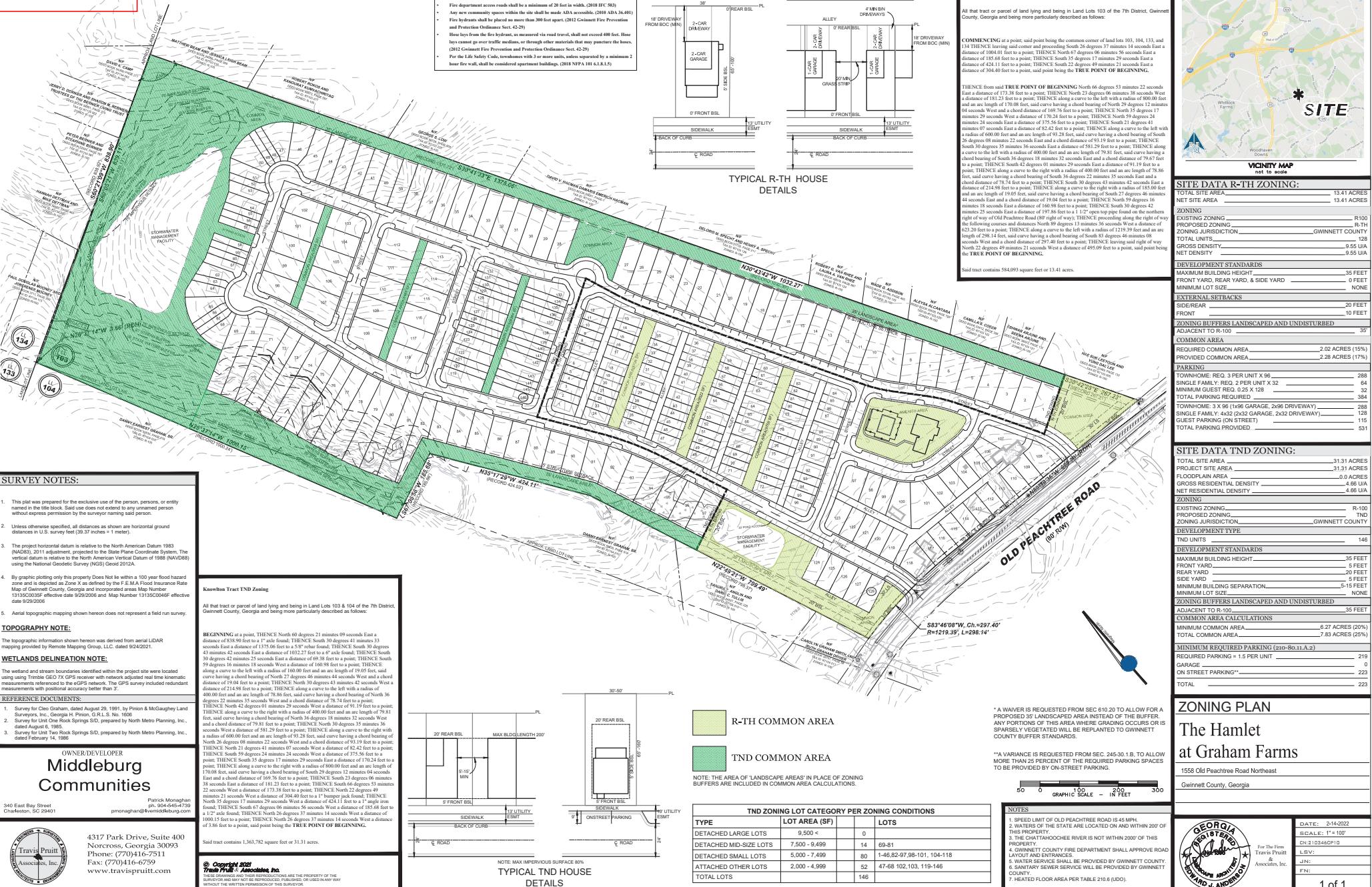


Exhibit C: Building Elevations

[attached]

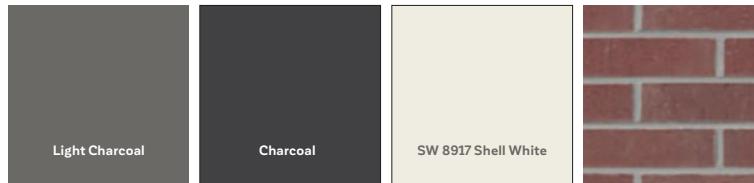
CONCEPTUAL SIGN PACKAGE-THE HAMLET AT GRAHAM FARMS

Branding, Color and Compliance

Logo mark, colors and guidelines

the
H A M L E T

the **H A M L E T**



JOB TITLE

The Hamlet
at Midcity
Sign Concepts
Contact: Eric Brown
Phone: 571.723.4004

LEGEND

VERSION

v1 08-13-2021
v2 09-10-2021
v3 10-13-2021

EGD Studio

by

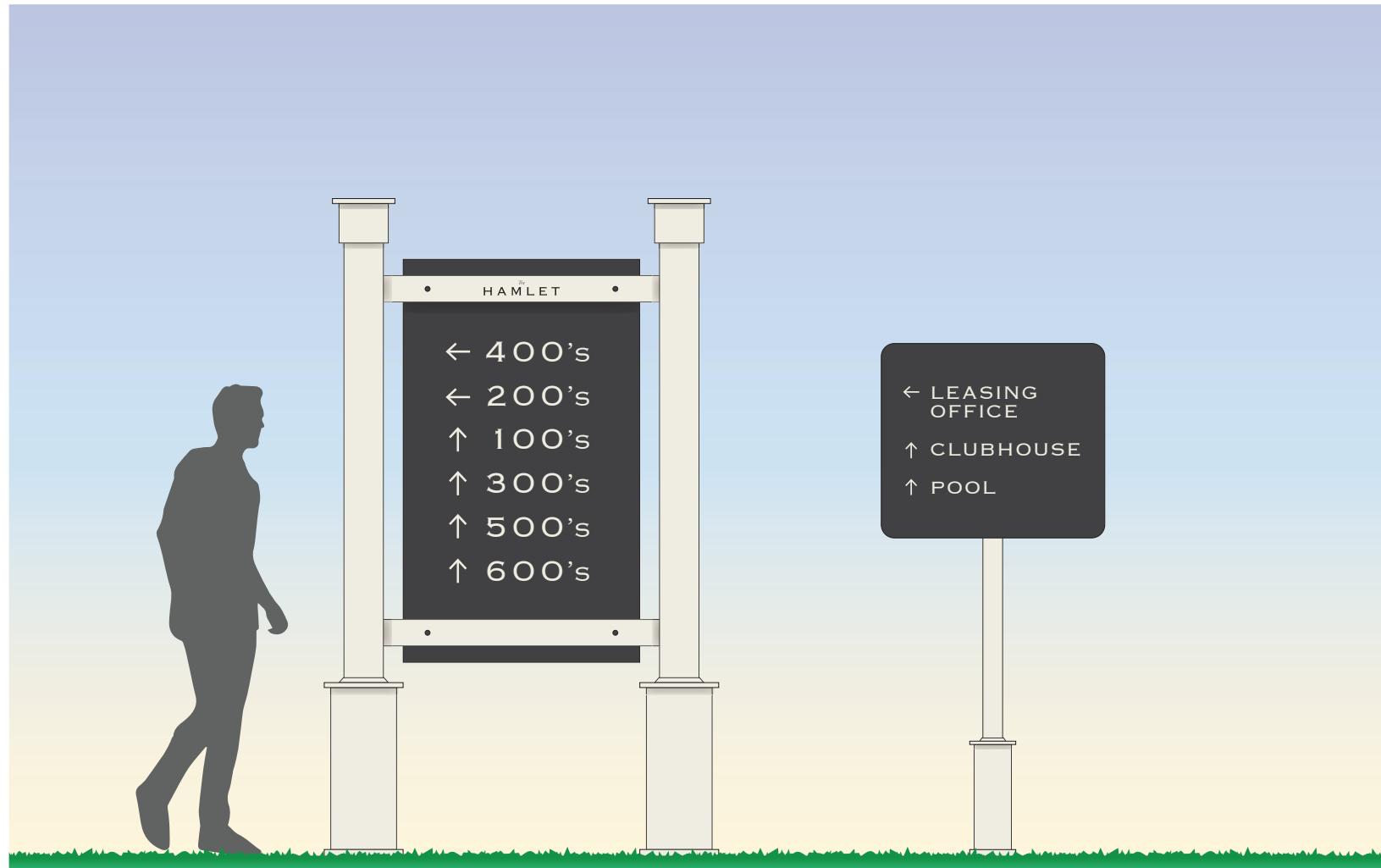


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JOB TITLE	2
The Hamlet at Midcity	
Sign Concepts	
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LEGEND	
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v3	10-13-2021
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GUIDE SIGN

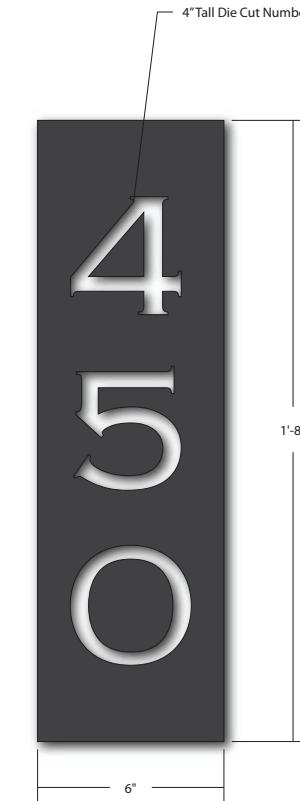


DIRECTIONAL GUIDE

PEDESTRIAN GUIDE

SCALE: 3/4" = 1'

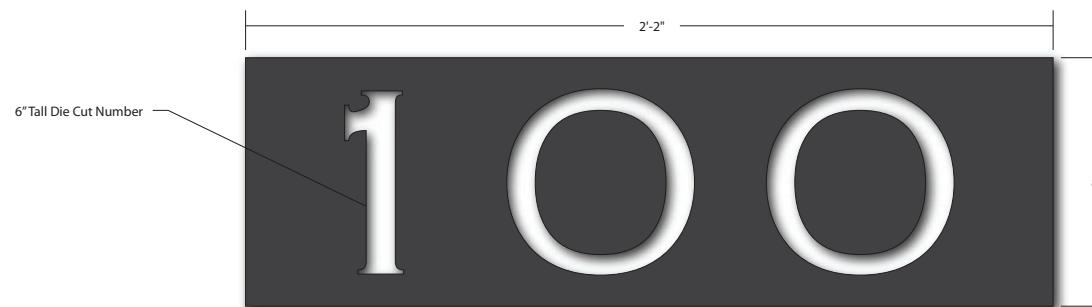
ADDRESS RESIDENTIAL



JOB TITLE	3
The Hamlet at Midcity	
Sign Concepts	
Contact: Eric Brown	
Phone: 571.723.4004	
LEGEND	
VERSION	
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v3	10-13-2021
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SCALE: 1/4" = 1"

ADDRESS AMENITY



SCALE: 1/4" = 1"

JOB TITLE

The Hamlet
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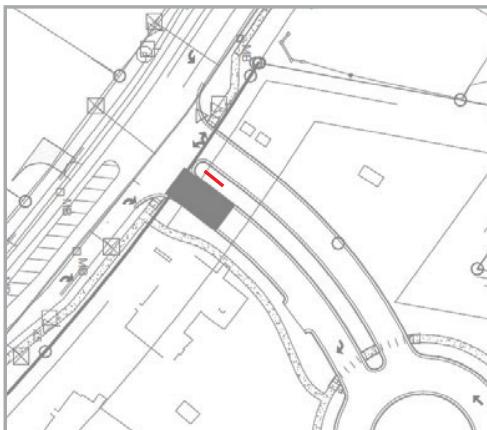
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SIGN DESIGNS

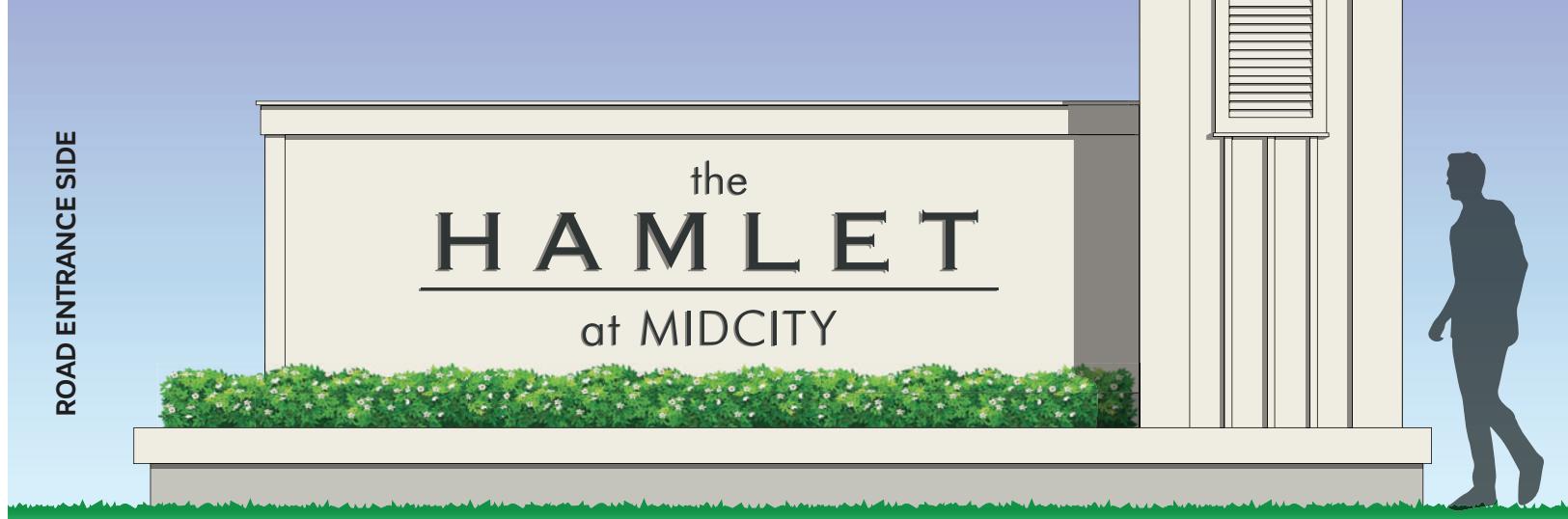
Phone: 813-818-7100
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MONUMENT SIGN OPTION E



NIGHT VIEW: Dimensional Letters, Halo Lighting

OPTIONAL



SCALE: 1/2" = 1'

JOB TITLE

The Hamlet
at Midcity

Sign Concepts
Contact: Eric Brown
Phone: 571.723.4004

LEGEND

VERSION

v1 08-13-2021
v2 09-10-2021
v3 10-13-2021

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TND ZONING
BUILDING HEIGHT AS MEASURED FROM FF TO ROOF RIDGE 19'-8"

EXTERIOR COLOR PALETTES

UNIT A AT THE HAMLET

SGA | NarmourWright
DESIGN

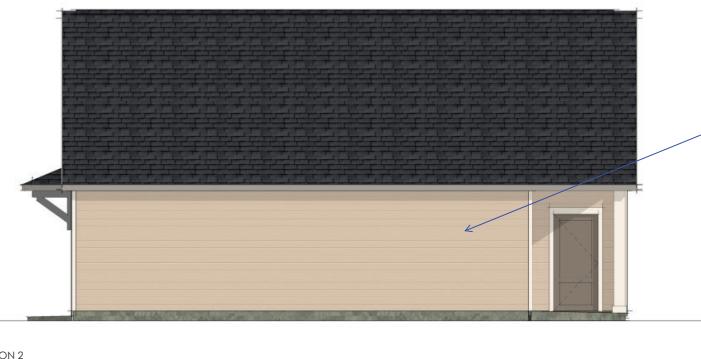
BOARD AND BATTEN LOCATIONS
SHALL COMPOSE OF FIBER CEMENT
SIDING (TYP)



① FRONT ELEVATION
1/4" = 1'-0"



③ SIDE ELEVATION 1
1/4" = 1'-0"



④ SIDE ELEVATION 2
1/4" = 1'-0"



② REAR ELEVATION
1/4" = 1'-0"

TND ZONING
BUILDING HEIGHT MEASURED FROM FF TO ROOF RIDGE: 20'-4"

EXTERIOR COLOR PALETTES

UNIT B1 AT THE HAMLET

SGA | NarmourWright
DESIGN

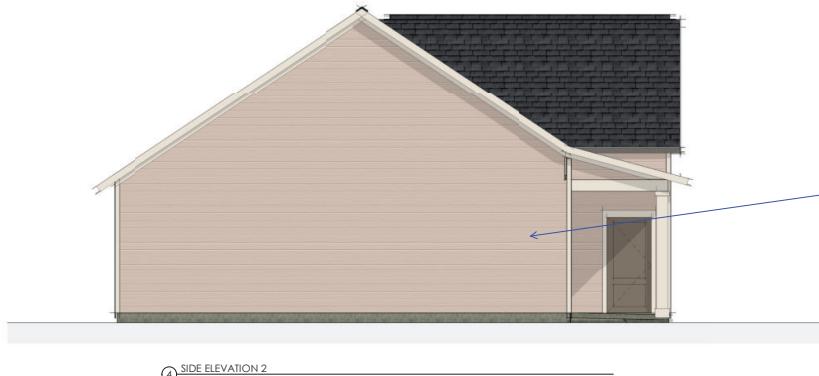
BOARD AND BATTEN LOCATIONS
SHALL COMPOSE OF FIBER SIDING (TYP)



FIBER CEMENT SIDING

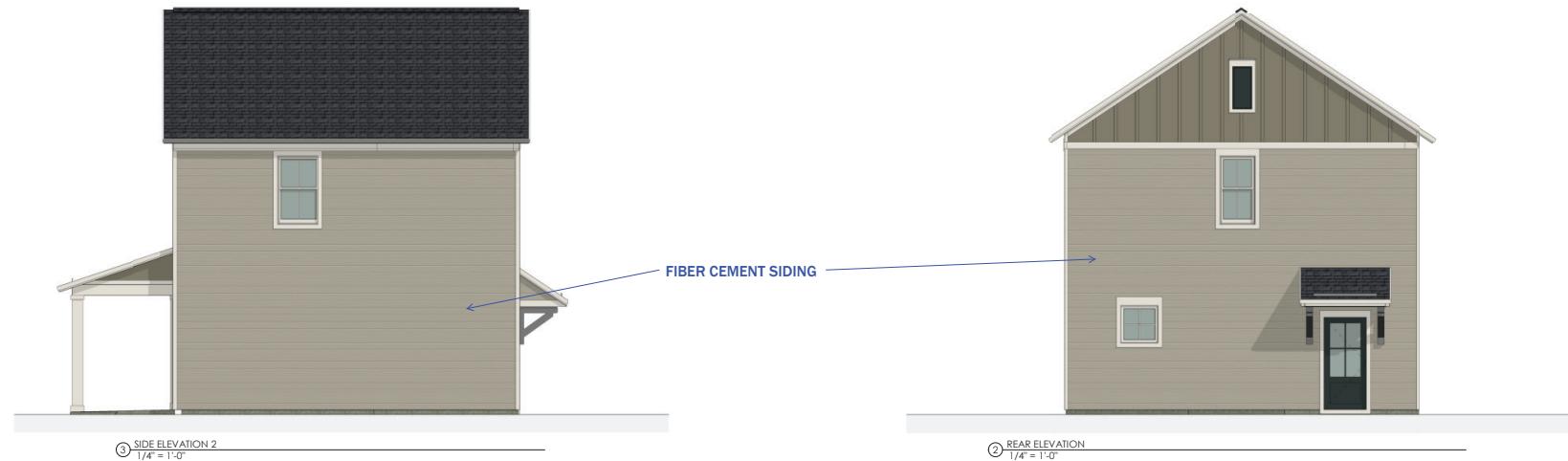
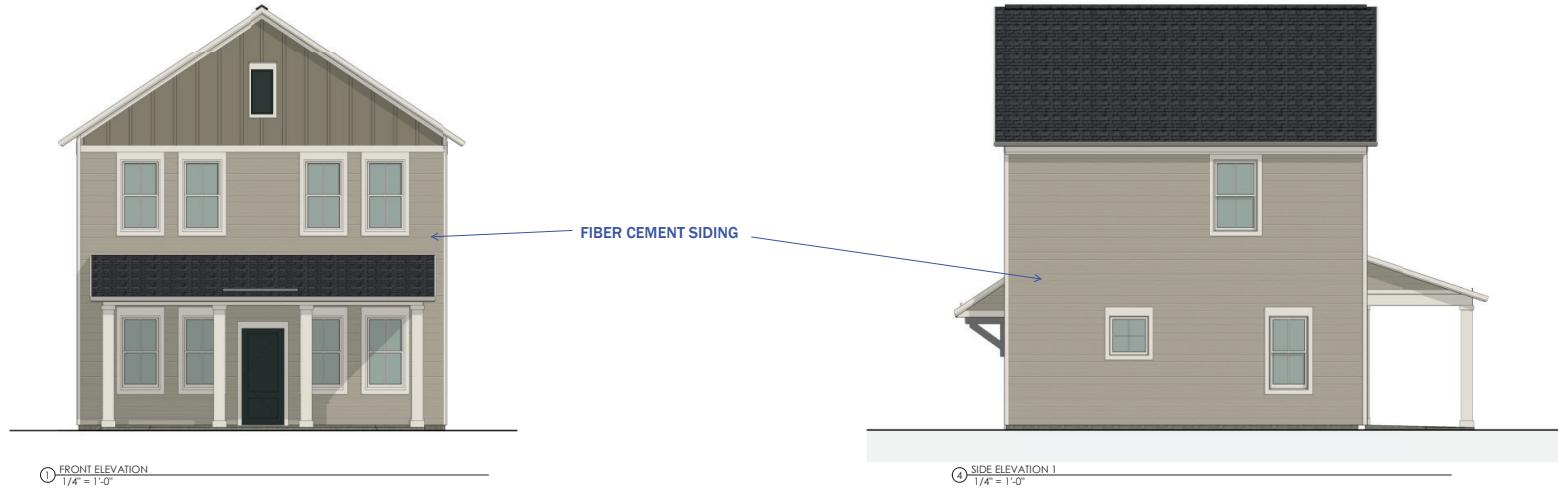


③ SIDE ELEVATION 1



TND ZONING
BUILDING HEIGHT MEASURED FF TO ROOF RIDGE: 20'-8"

EXTERIOR COLOR PALETTES
UNIT B2 AT THE HAMLET

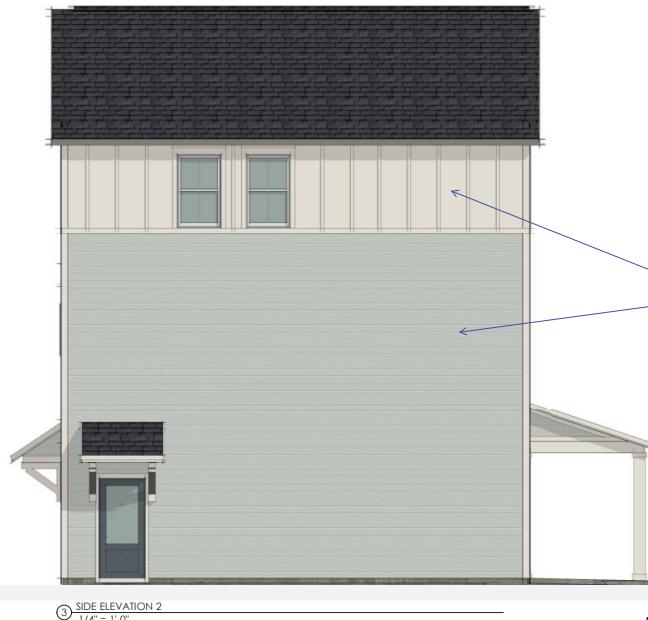
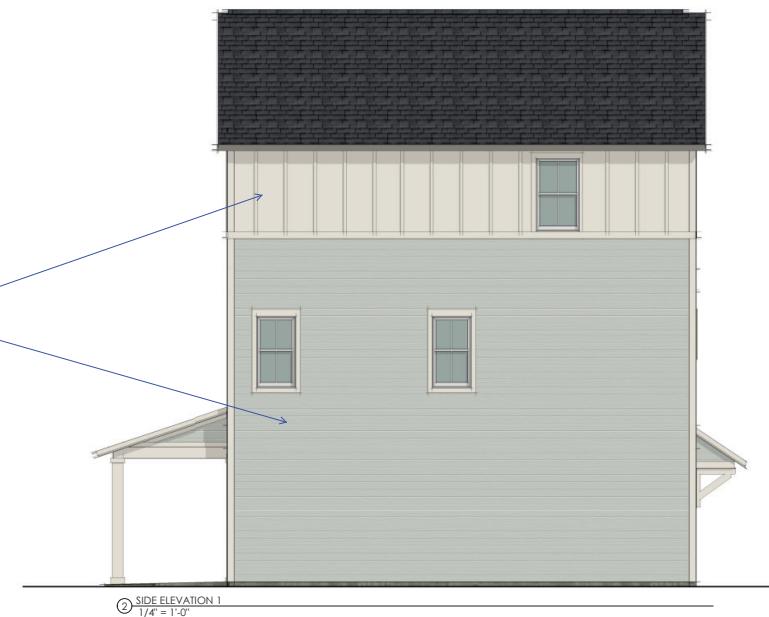


TND ZONING
BUILDING HEIGHT MEASURED FROM FF TO ROOF RIDGE : 28'-4"

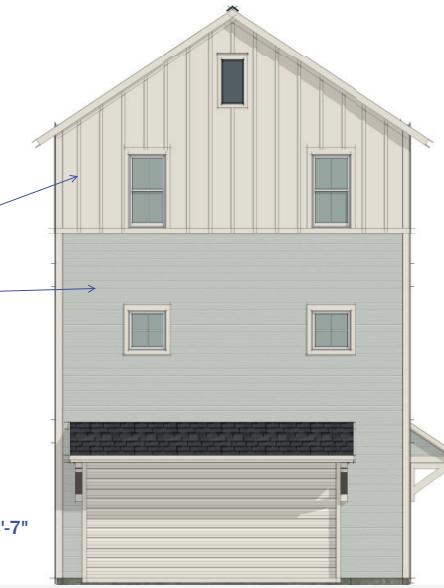
EXTERIOR COLOR PALETTES
UNIT B3 AT THE HAMLET

SGA | NarmourWright
DESIGN

BOARD AND BATTEN LOCATIONS
SHALL COMPOSE OF FIBER CEMENT SIDING (TYP)



RTH ZONING
BUILDING HEIGHT FROM FF TO ROOF RIDGE: 38'-7"
NOTE: 34'-7" (1/2 GABLE HT PER CODE)

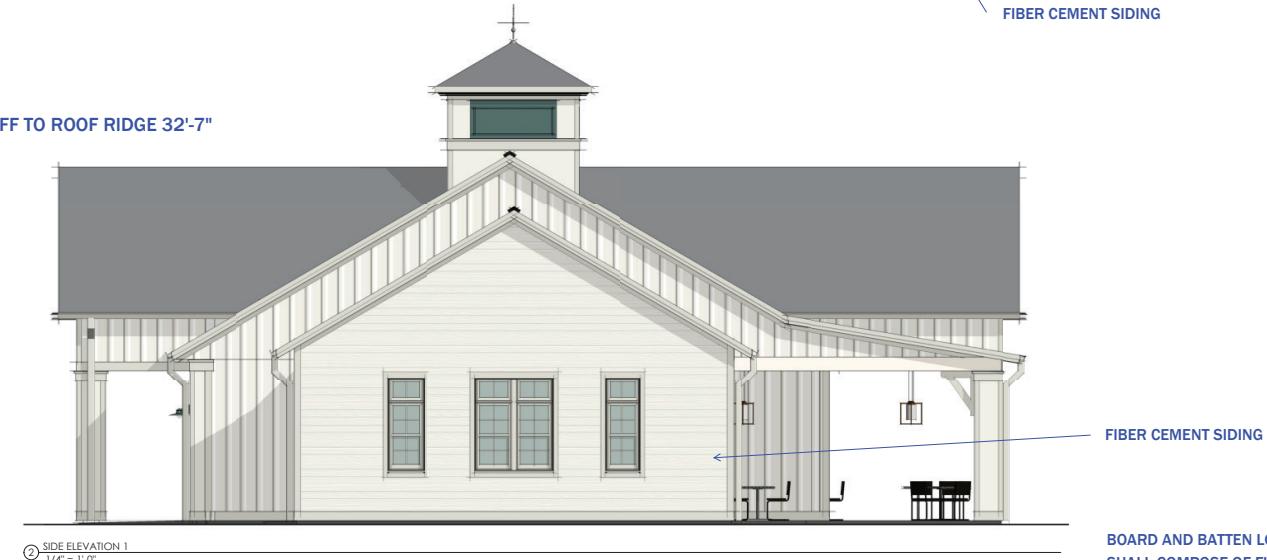


EXTERIOR COLOR PALETTES UNIT C1 AT THE HAMLET

BOARD BATTEN LOCATIONS SHALL COMPOSE
FIBER CEMENT SIDING(TYP)



RTH ZONING
BUILDING HEIGHT MEASURED FROM FF TO ROOF RIDGE 32'-7"



BOARD AND BATTEN LOCATIONS
SHALL COMPOSE OF FIBER CEMENT
SIDING (TYP)



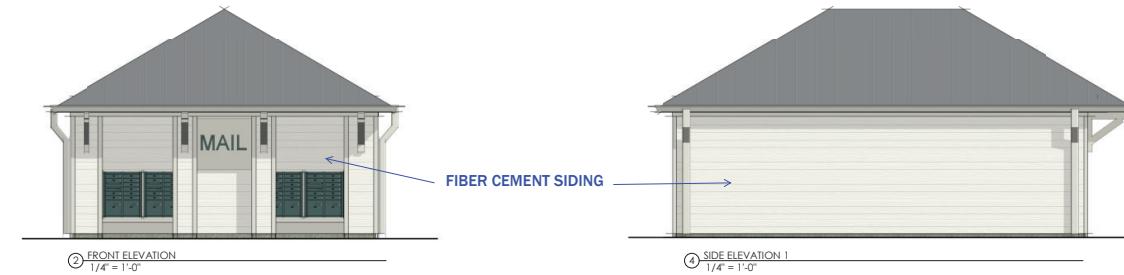
RTH ZONING
BUILDING HEIGHT MEASURED FROM
FF TO ROOF RIDGE 32'-7"



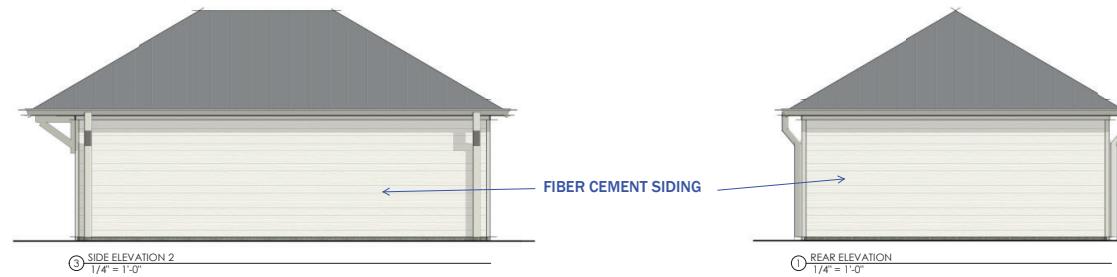
BOARD AND BATTEN LOCATIONS SHALL
COMPOSE OF FIBER CEMENT
SIDING (TYP)

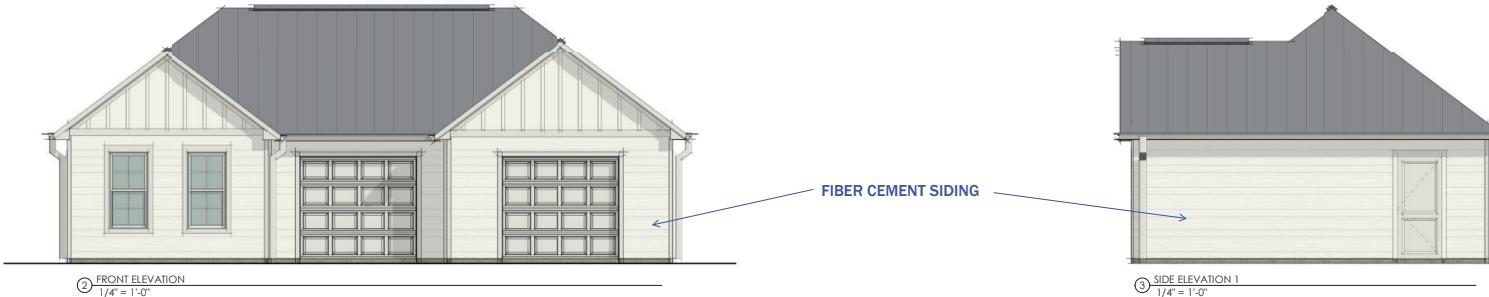
EXTERIOR COLOR PALETTES

CLUBHOUSE AT THE HAMLET

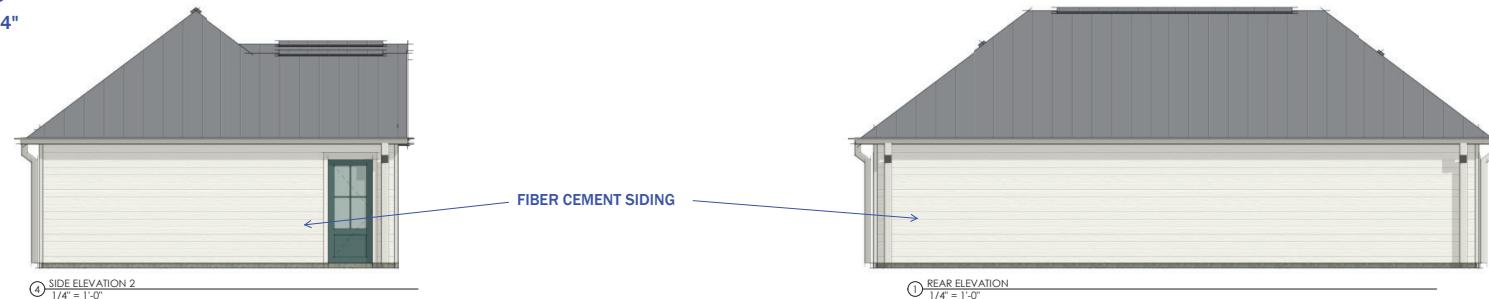


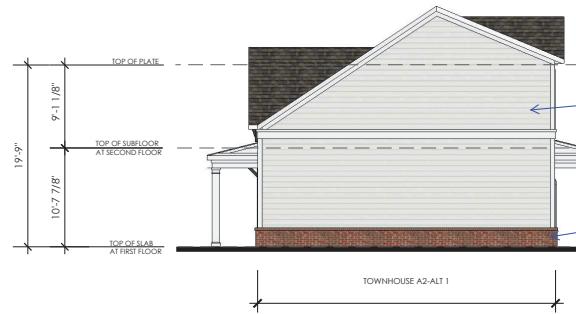
RTH ZONING
BUILDING HEIGHT MEASURED
FROM FF TO ROOF RIDGE 15'-5"





RTH ZONING
BUILDING HEIGHT MEASURED
FROM FF TO ROOF RIDGE 17'-4"





Building #1 Right Side Elevation

Scale: 1/8" = 1'-0"

Elevation



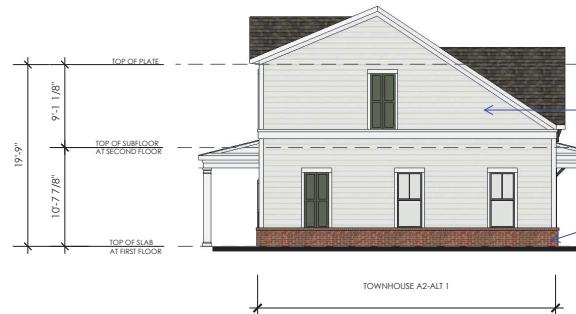
Building #1 Rear Elevation

Scale: 1/8" = 1'-0"

Elevation

BOARD AND BATTEN LOCATIONS
SHALL COMPOSE OF FIBER
CEMENT SIDING (TYP)

TND ZONING
BUILDING HEIGHT FF TO ROOF RIDGE: 26'-0"



Building #1 Left Side Elevation

Scale: 1/8" = 1'-0"

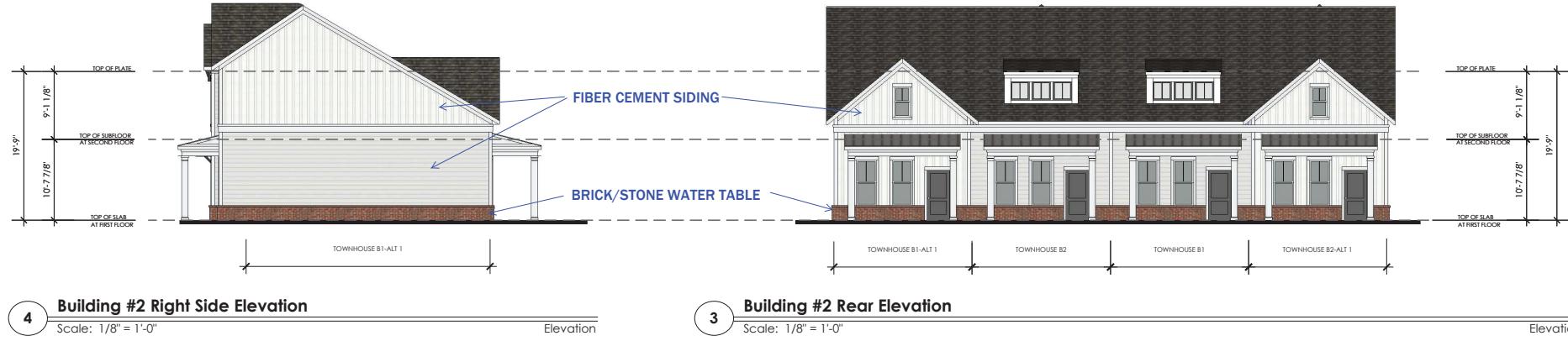
Elevation



Building #1 Front Elevation

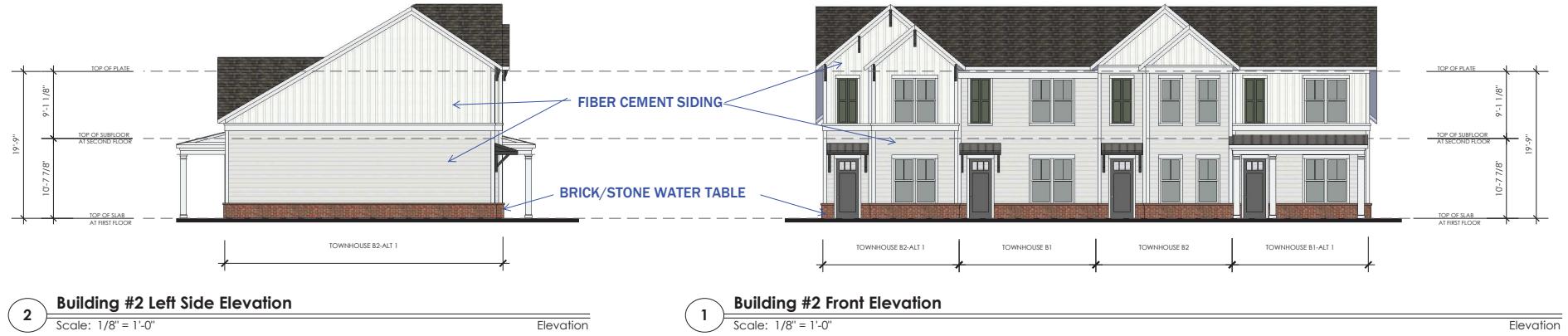
Scale: 1/8" = 1'-0"

Elevation

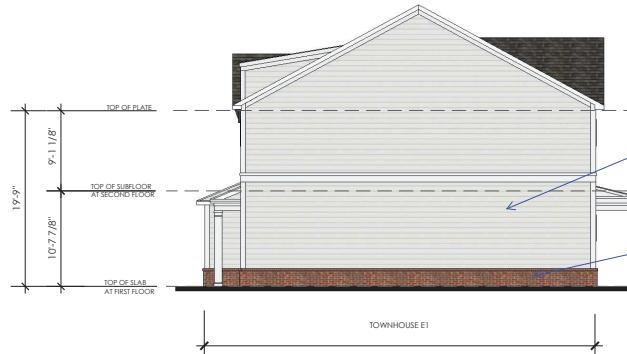


TND ZONING
BUILDING HEIGHT MEASURED FF TO ROOF RIDGE: 28'-4"

**BOARD AND BATTEN LOCATIONS
SHALL COMPOSE OF FIBER
CEMENT SIDING (TYP)**







Building #6 Right Side Elevation

Scale: 1/8" = 1'-0"



Building #6 Rear Elevation

Scale: 1/8" = 1'-0"



Building #6 Left Side Elevation

Scale: 1/8" = 1'-0"

RTH ZONING
BUILDING HEIGHT MEASURED FF TO ROOF RIDGE: 31'-6"

**BOARD AND BATTEN LOCATION
 SHALL COMPOSE OF FIBER
 CEMENT SIDING (TYP)**



Building #6 Front Elevation

Scale: 1/8" = 1'-0"

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

[attached]

Matthew P. Benson
 Catherine W. Davidson
 Gerald Davidson, Jr.*
 Rebecca B. Gober
 Brian T. Easley
 Christopher D. Holbrook

Samuel C. Kennon
 Shane M. Lanham
 Jeffrey R. Mahaffey
 Steven A. Pickens
 Andrew D. Stancil
 R. Lee Tucker, Jr.

*Of Counsel

COMBINED LETTER OF INTENT FOR REZONING APPLICATIONS
OF MIDDLEBURG COMMUNITIES, LLC

Mahaffey Pickens Tucker, LLP submits this combined Letter of Intent and attached rezoning applications (the “Applications”) on behalf of Middleburg Communities, LLC, (the “Applicant”), to request the rezoning of an approximately 44.72-acre tract (the “Property”) situated along the northern side of Old Peachtree Road east of its intersection with Buford Drive (State Route 20) and west of its intersection with Mitchell Road. The Property is located within the Emerging Suburban Character Area of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) and is currently zoned R-100.

The Applicant is submitting the Applications to request the rezoning of the Property to the TND and R-TH zoning classifications of the Gwinnett County Unified Development Ordinance (the “UDO”) in order to develop the Property as an attractive mixed-residential community including small lot cottage-style single-family detached homes and attached residential townhomes. Using a combination of zoning classifications allows the Applicant to provide a wider range of housing options within a single community. The proposed development would be owned, developed, managed, and operated by a single entity which would lease individual homes to residents. The proposed development would include two entrances located on Old Peachtree Road. The easterly entrance would be configured as a full-access entrance with an eastbound left-turn lane on Old Peachtree Road. The westerly driveway would be configured as a right-in-right-out driveway with a westbound deceleration lane on Old Peachtree Road. The proposed community would feature a traditional neighborhood design with a grid street network and abundant vehicular and pedestrian access throughout the community. The proposed main internal streets would

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

exemplify the traditional neighborhood development design by providing on-street, parallel parking spaces. The proposed development would also provide significant common area and open space for the use and enjoyment of residents. Common area is provided throughout the proposed development including multiple areas for green belts, pocket parks, dog walking areas, and other community gathering places. In addition to these passive common areas, the proposed development would include a central, active amenity including a cabana, pool, and patio area. In addition to recreational programming within the proposed community, residents would have easy access to the wide variety of shopping, employment, and entertainment uses at nearby Regional Mixed-Use Centers. Less than a mile to the west is Coolray Field and the Publix at Old Peachtree shopping center. From there, Interstate 85 is only a mile and a half to the north with both the Exchange at Gwinnett and Mall of Georgia regional mixed-use centers. Rock Springs Park is located approximately 2.5 miles to the west and the Mill Creek Nature Center and Ivy Creek Greenway are located just to the north along Mall of Georgia Boulevard. The proposed development would also provide appropriate separation from adjacent single-family detached residential uses with a 35-foot wide landscaped area around the perimeter of the development as depicted on the site plan. Accordingly, the Applicant requests a waiver to provide a 35-foot wide landscaped area in lieu of a 35-foot wide natural, undisturbed buffer around the perimeter of the Property. The proposed 35-foot wide landscaped area would be left undisturbed where practicable, but any disturbed areas would be replanted to provide effective visual screening from adjacent properties.

Homes in the proposed community would be constructed with facades of brick, stone, and/or fiber cement shake/siding as well as attractive architectural elements as depicted on the building elevations submitted with the Application. Accordingly, the Applicant requests approval of alternative architectural design for the R-TH and TND zoning classifications in order to construct homes with varying elevations of brick, stacked stone, and/or fiber cement shake/siding, including homes which would be treated entirely with fiber cement shake/siding. The proposed building materials would allow the Applicant to provide modern farmhouse and cottage motifs with high-quality, long-life building materials. In line with the policies of the 2040 Plan and the purpose and intent of the TND and R-TH zoning classifications as set forth in the UDO, the proposed community would provide a variety of housing types with five types of homes. Detached

homes are proposed on three lot size categories and attached townhomes are proposed in two configurations with different lot sizes. As depicted in the submitted building elevations, homes would be provided with both one- and two-car garage configurations as well as homes without garages which would utilize the provided on-street parking spaces.

The proposed development is compatible with surrounding land uses and is in line with the policies of the Gwinnett County 2040 Unified Plan (the “2040 Plan”). The surrounding area is characterized by a mix of land uses including single-family residential, commercial, office, and multifamily residential. To the west along Old Peachtree Road, land located at the intersection of Buford Drive was recently rezoned by the Board of Commissioners to the RM-24 zoning classification pursuant to case number RZM2021-00033. Moving east (closer to the subject Property) is land zoned TND pursuant to case numbers RZR2019-00002 and RZR2020-00029. The proposed development is also compatible with the policies of the 2040 Plan. Generally, the 2040 Plan promotes residential development and encourages residential development with a variety of housing types. Specifically, Theme 4 of the 2040 Plan is “Provide More Housing Choices.” Further, the 2040 Plan provides that “[t]his theme recognizes this growing complexity and links housing issues to such topics as successful economic development and the overall quality of life of those who choose (and are able) to live in Gwinnett. Economic development and housing issues are intricately linked.” The 2040 Plan also specifically addresses the lack of housing diversity that exists in Gwinnett County. According to the 2040 Plan, 73% of all housing units in Gwinnett County are single-family detached homes. In contrast to the current supply, demand has skewed towards smaller housing units such as the proposed townhome and small lot single-family residences that the proposed development would provide. While large single-family detached homes were heavily in demand during the 70s, 80s, and 90s, current trends have seen the average household size decrease to 3.1 persons per household in Gwinnett County as of 2019 with many residents preferring the financial mobility of renting as opposed to buying. Additionally, while the average is 3.1 persons per household, the majority of households are 1-2 persons per household, further demonstrating the need for mixed residential communities such as the proposed development.

Additionally, the 2040 Plan sets forth Policy 4.1 which is “Preserve and Expand Housing Options for All Income Levels and Phases of Life.” In the discussion section for this Policy, the 2040 Plan warns that “Gwinnett may see a decline in its ability to fill jobs in its services sector as commuting expenses and housing prices become ever greater burdens. Preserving workforce housing within Gwinnett through a variety of measures to retain a variety of housing types and price ranges will help achieve the County’s goals of reducing congestion and sustaining its economic base.” The proposed development would provide necessary housing for people working in and around major employment centers near the Mall of Georgia as well as along the Buford Drive and Interstate 85 corridors. The proposed development is also compatible with the policies of the Emerging Suburban Character Area which anticipate new residential development. Per the 2040 Plan, the areas located within the Emerging Suburban Character Area “are expected to experience new development during the 20-year planning period contemplated by the Unified Plan.” Accordingly, the 2040 Plan lists single-family residential and mixed residential developments as “Potential Development Types.” Therefore, the proposed development, with its mix of single-family housing types is compatible with surrounding land uses, furthers the wider housing policies and goals of the 2040 Plan, and is in line with the specific land use policies outlined for the Emerging Suburban Character Area.

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

Respectfully submitted this 14th day of February, 2022.

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Shane M. Lanham
Attorneys for Applicant

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JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance (the “UDO”) which classify or may classify the property which is the subject of these Applications (the “Property”) into any less intensive zoning classification other than as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO as applied to the subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's 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, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the R-TH and TND classifications as requested by the Applicant, and is not economically suitable for development under the present R-100 zoning classification of Gwinnett County. A denial of the Applications would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the R-TH and TND classifications with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an

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arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the R-TH or TND classifications, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Opponents to the request set forth in the Applications, or in any amendments to the Applications, have waived their rights to appeal any decision of the Gwinnett County Board of Commissioners because they lack standing, have failed to exhaust administrative remedies, and/or because they failed to assert any legal or constitutional objections.

Accordingly, the Applicant respectfully requests that the rezoning applications submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

This 5th day of January, 2022.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Shane M. Lanham
Attorneys for Applicant

1550 North Brown Road
Suite 125
Lawrenceville, Georgia 30043
(770) 232-0000

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REZONING APPLICANT'S COMBINED RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, approval of the Applications will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is located on Old Peachtree Road in close proximity to a variety of land uses including single-family residential, multi-family residential, and commercial. Nearby land on Old Peachtree Road is zoned TND.
- (B) No, the approval of the Applications will not adversely affect the existing use or usability of any of the nearby properties. The proposed land use is compatible with existing land uses of nearby and adjacent property.
- (C) Due to the size, location, layout, and dimensions of the subject property, the Applicant submits that the Property does not have reasonable economic use as currently zoned.
- (D) No, approval of the Applications will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to multiple major transportation corridors including Buford Drive (State Route 20), Braselton Highway (State Route 124), Interstate 985, and Interstate 85.
- (E) Yes, approval of the Applications would be in conformity with the policy and intent of the Gwinnett County Unified Plan. The Property is located within the Emerging Suburban Character area which specifically identifies single-family residential and mixed residential developments as potential development types.
- (F) The Applicant submits that the subject Property's location in close proximity to similar residential developments and zoning classifications and its proximity to major transportation corridors provide additional supporting ground for approval of the Applications.

Exhibit E: Internal and External Agency Review Comments

[attached]



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

Comments: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
TRC Meeting Date:		3/16/2022
Department/Agency Name:		Transportation
Reviewer Name:		Brent Hodges
Reviewer Title:		Construction Manager 1
Reviewer Email Address:		Brent.Hodges@gwinnettcounty.com
Case Number:		RZM2022-00007 and RZR2022-00006
Case Address:		1558 Old Peachtree Road
Comments: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	Old Peachtree Road is a Minor Arterial. ADT = 9,981. Nearest Transit facility is 4.4 miles away at #2334754 Buford Park and Ride.	
2	Provide sight distance certification for ALL driveways/streets connecting to classified roads in accordance with sections 900-40.6 and 900-50.7 of the UDO. Certification must be a signed and sealed statement on the plan.	
3	Standard 200' deceleration lane with 50' taper required with adequate right-of-way for an 11' shoulder required. Provide standard pavement marking detail and typical section with paving specification and Top 12" of subgrade to 98% of maximum dry density.	
4	Sidewalks shall be constructed in all new development or redevelopment along all abutting or internal streets, existing or new, private or public, per UDO Section 900-90.1.	
5	Clearly label internal streets as private or right-of-way.	
6	Show all measurements and specifications of proposed roundabout.	
7	Traffic calming measures for new local streets are required to encourage 25MPH vehicle operating speeds Max length of the roadway between speed control points is 500 feet.	
Recommended Zoning Conditions: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	Developer shall coordinate with RZR2022-00008 regarding the creation of a Traffic Impact Study, a Corridor Study of Old Peachtree Road (from Buford Drive to Sunny Hill Road), and an ICE analysis. Developer shall implement recommended improvements in coordination with the Gwinnett County Department of Transportation.	
2		
3		
4		
5		
6		

Note: Attach additional pages, if needed

Revised 7/26/2021

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

											Proposed Zoning
	School	Forecast	2021-22 Capacity	+/- Cap.	Forecast	2022-23 Capacity	+/- Cap.	Forecast	2023-24 Capacity	+/- Cap.	Approximate Student Projections from Proposed Developments
RZM2022-00007	Mountain View HS	2,801	2,300	501	2,555	2,300	255	2,432	2,300	132	19
	Twin Rivers MS	2,076	2,150	-74	1,688	2,150	-462	1,739	2,150	-411	16
	Woodward Mill ES	974	1,200	-226	1,013	1,200	-187	1,053	1,200	-147	29
RZR2022-00006	Mountain View HS	2,801	2,300	501	2,555	2,300	255	2,432	2,300	132	39
	Twin Rivers MS	2,076	2,150	-74	1,688	2,150	-462	1,739	2,150	-411	33
	Woodward Mill ES	974	1,200	-226	1,013	1,200	-187	1,053	1,200	-147	59
RZM2022-00008	Mountain View HS/Seckinger HS*	2,801	2,300	501	1,100	2,800	-1,700	1,550	2,800	-1,250	20
	Twin Rivers MS/Jones MS*	2,076	2,150	-74	1,526	1,575	-49	1,572	1,575	-3	17
	Patrick ES	791	1,025	-234	831	1,025	-194	872	1,025	-153	30
RZM2022-00010	South Gwinnett HS	2,636	2,750	-114	2,689	2,750	-61	2,742	2,750	-8	5
	Grace Snell MS	1,207	1,200	7	1,213	1,200	13	1,237	1,200	37	4
	Magill ES	1,110	1,525	-415	1,121	1,525	-404	1,143	1,525	-382	8
RZM2022-00011	Grayson HS	3,150	3,000	150	3,245	3,000	245	3,342	3,000	342	6
	Bay Creek MS	1,282	1,150	132	1,320	1,150	170	1,360	1,150	210	5
	Trip ES	1,238	1,200	38	1,263	1,200	63	1,301	1,200	101	8
RZM2022-00012	Discovery HS	2,785	2,525	260	2,813	2,525	288	2,841	2,525	316	8
	Richards MS	2,135	2,200	-65	2,156	2,200	-44	2,178	2,200	-22	7
	Cedar Hill ES	910	1,000	-90	919	1,000	-81	928	1,000	-72	12

*Seckinger HS Cluster Opening 2022-2023 School Year

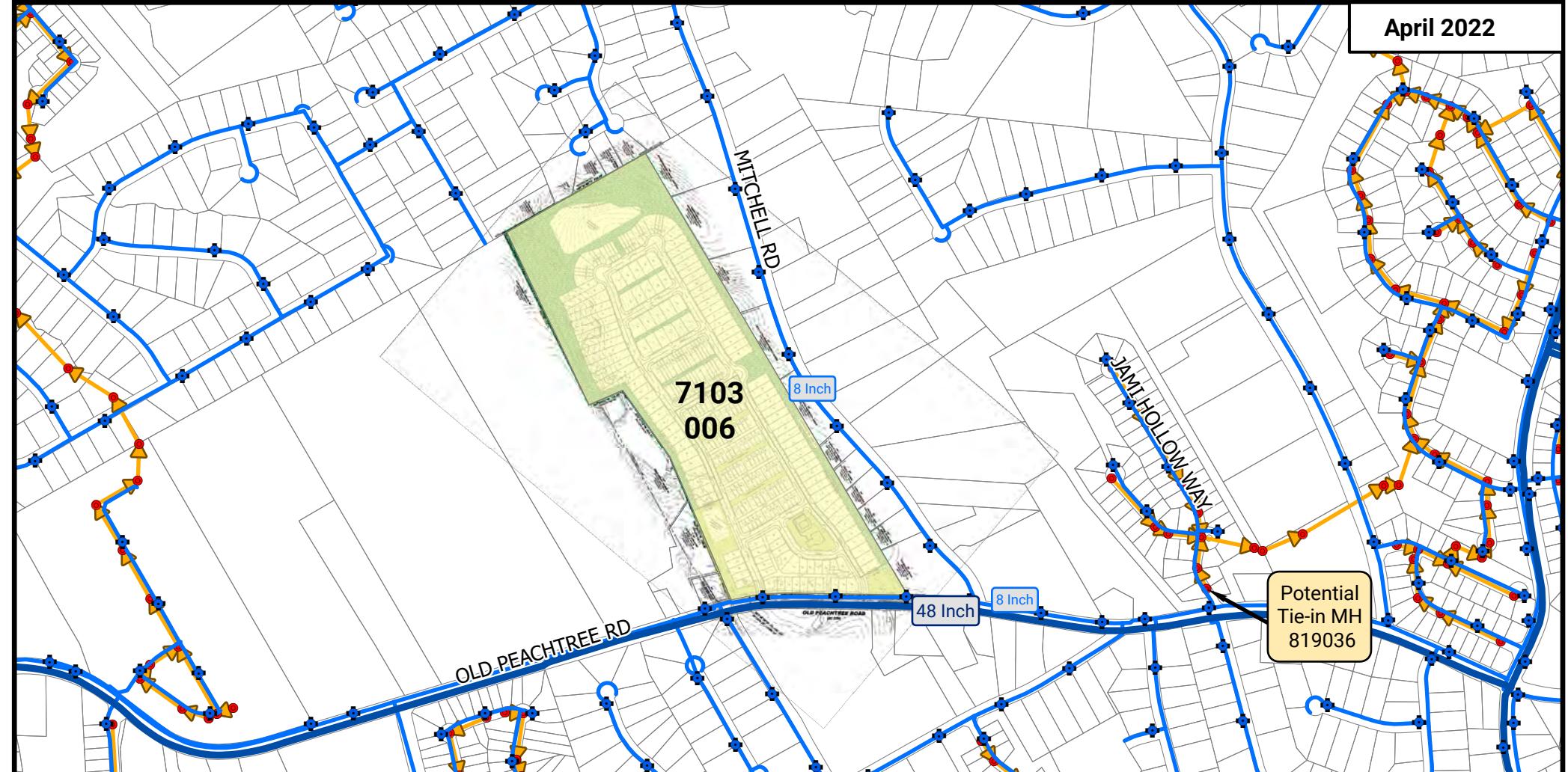


Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		3/16/2022			
Department/Agency Name:		DWR			
Reviewer Name:		Mike Pappas			
Reviewer Title:		GIS Planning Manager			
Reviewer Email Address:		Michael.pappas@gwinnettcounty.com			
Case Number:		RZM2022-00007 & RZR2022-00006			
Case Address:		1558 Old Peachtree Road			
Comments:		<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
1	Water: The development may connect to an existing 8-inch water main located on the north right-of-way of Old Peachtree Road.				
2	Water: The existing 48-inch water main must be avoided during all phases of construction.				
3	Sewer: Sewer Capacity Certification C2021-09-274 conditionally approved 280 residences (194.4 peak GPM) via a new public pump station and associated force main.				
4					
5					
6					
7					
Recommended Zoning Conditions:		<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



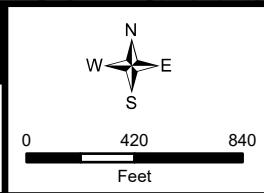
LEGEND

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

RZM2022-00007 & RZR2022-00006

R-100 to R-TH

Water & Sewer Utility Map



LOCATION



Water Comments: The development may connect to an existing 8-inch water main located on the north right-of-way of Old Peachtree Rd. The existing 48-inch water main must be avoided during all phases of construction.

Sewer Comments: Sewer Capacity Certification C2021-09-274 conditionally approved 280 residences (194.4 peak GPM) via a new public pump station and associated force main.

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

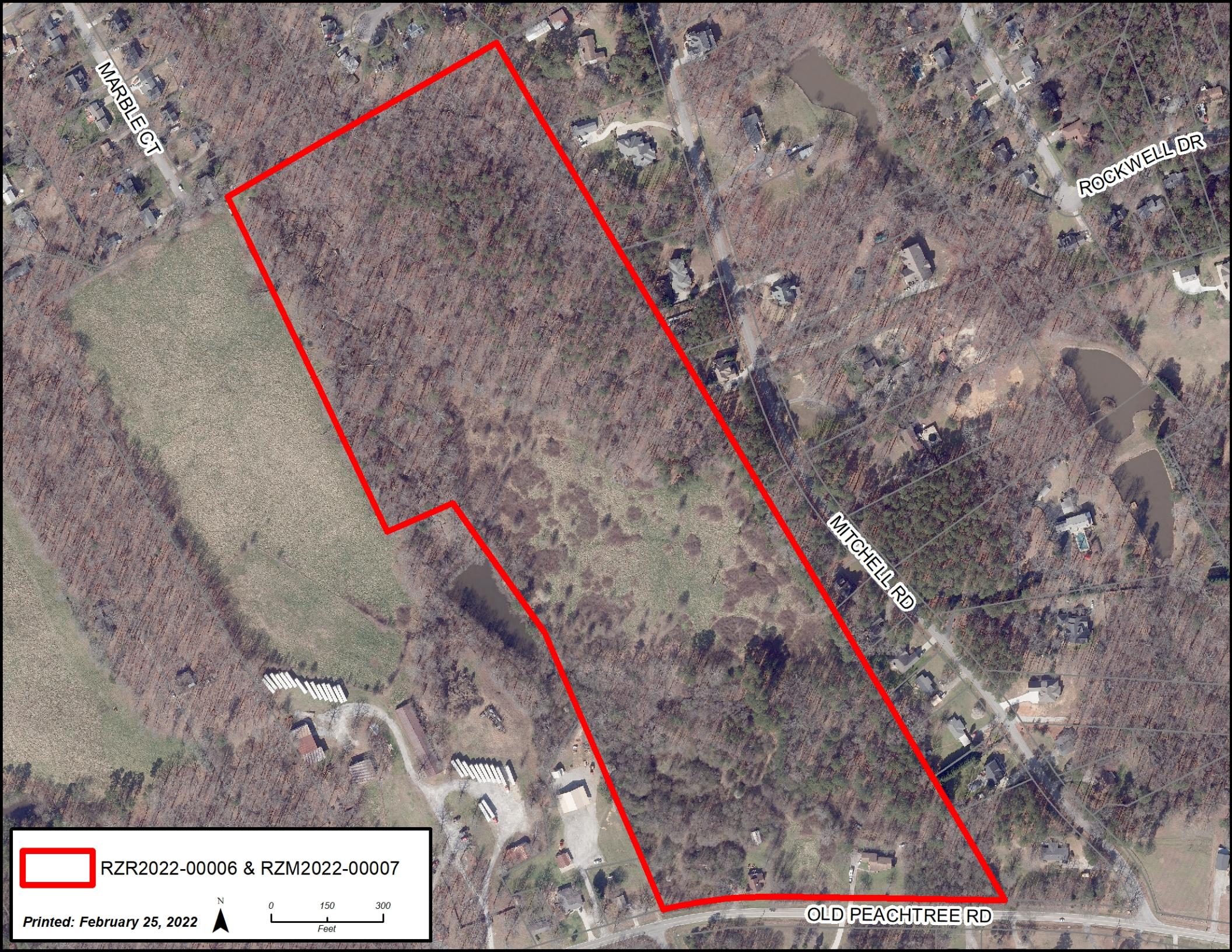
Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station,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

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

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

Exhibit F: Maps

[attached]

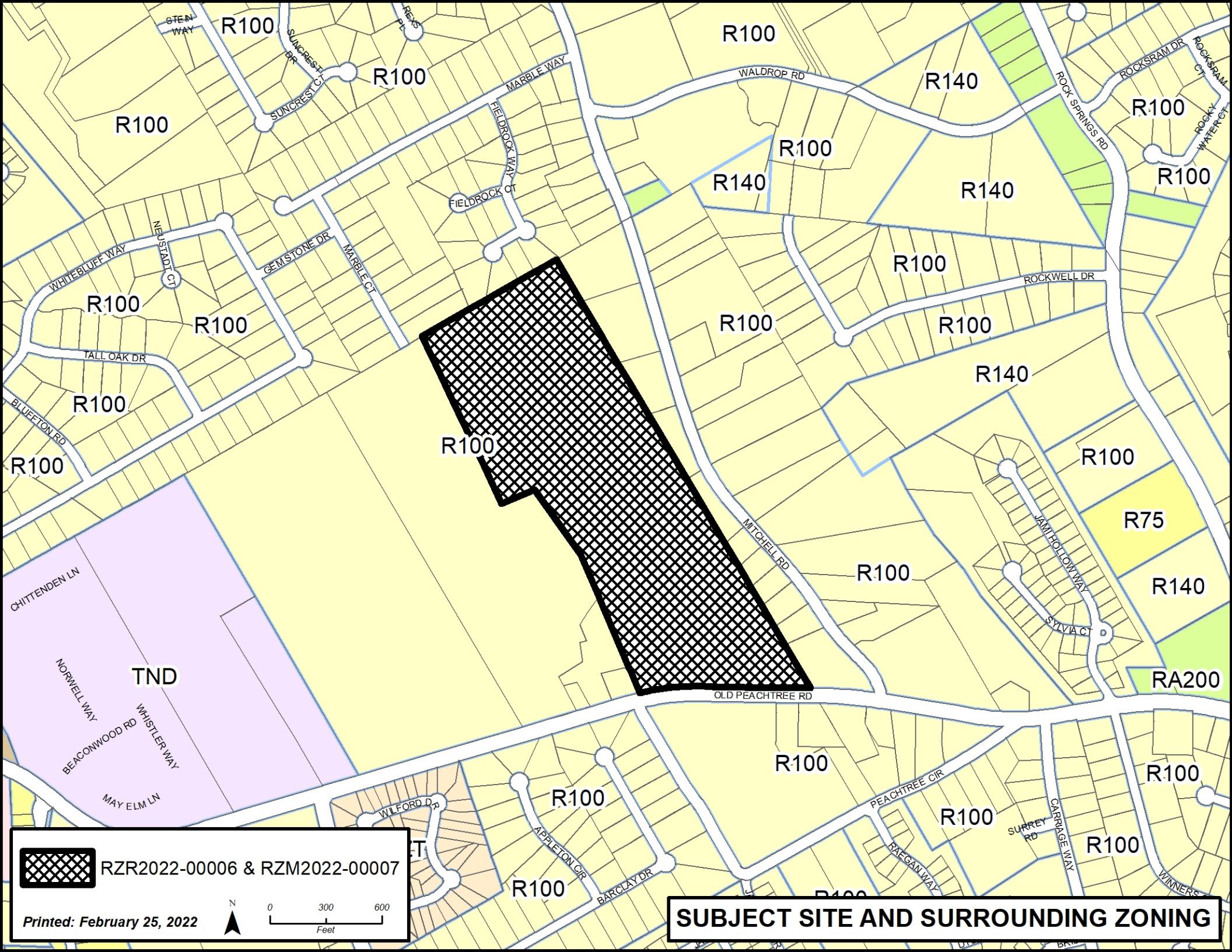


 RZR2022-00006 & RZM2022-00007

N

0 150 300
Feet

Printed: February 25, 2022



RZR2022-00006 & RZM2022-00007

N

A horizontal number line with arrows at both ends. The number 0 is at the left end, and the number 300 is at the right end. Between 0 and 300, there is a tick mark with a vertical line extending downwards. This tick mark is labeled "Foot" below the line.

Printed: February 25, 2022

SUBJECT SITE AND SURROUNDING ZONING

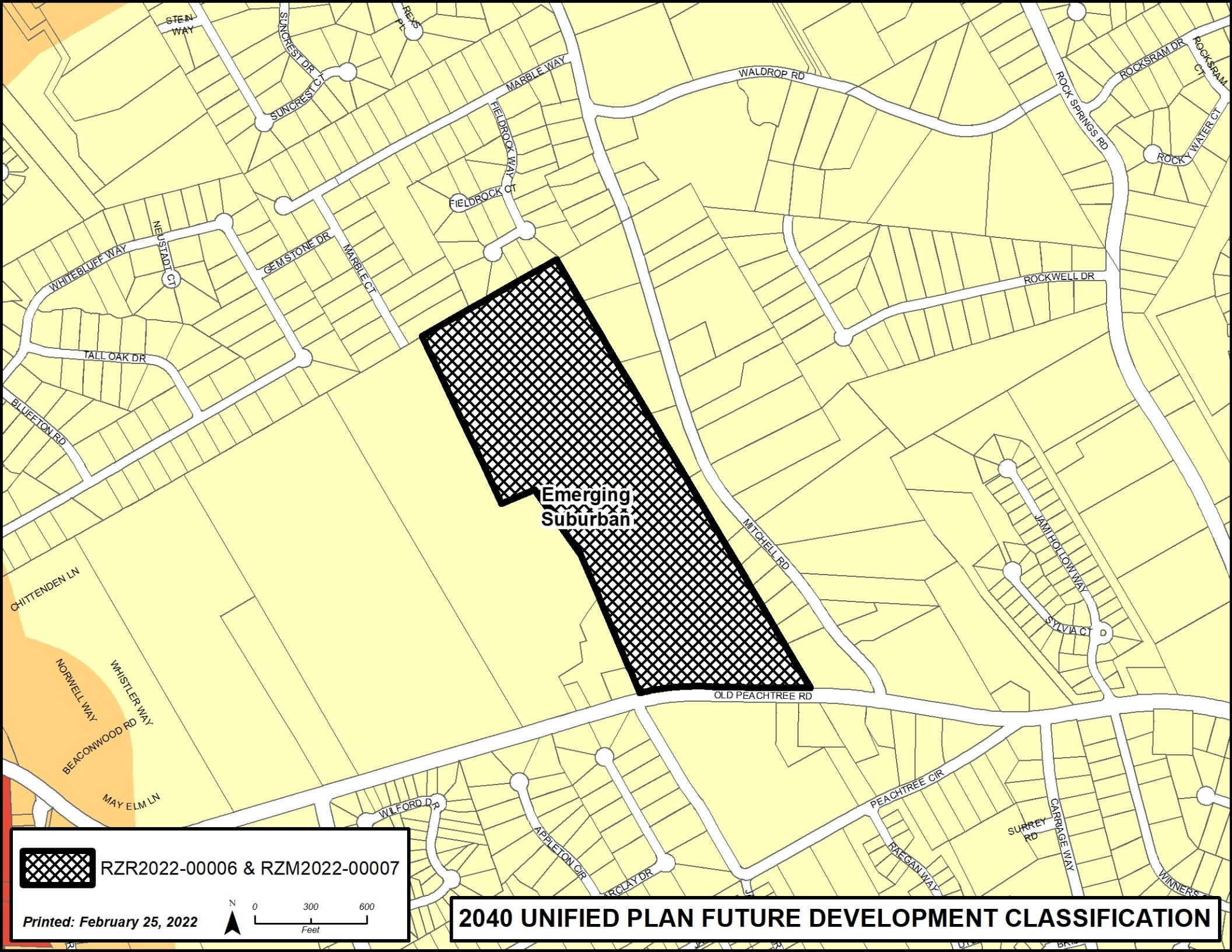


Exhibit G: Revised Site Plan Presented at the 6/7/2022 Planning Commission Public Hearing

[attached]

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REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Middleburg Communities, LLC c/o Mahaffey Pickens</u> NAME: <u>Tucker, LLP</u>	NAME: <u>Rita G. Knowlton</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>1509 Old Peachtree Road</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Lawrenceville</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30043</u>
PHONE: <u>770 232 0000</u>	PHONE: <u>770 232 0000</u>
EMAIL: <u>slanham@mptlawfirm.com</u>	EMAIL: <u>slanham@mptlawfirm.com</u>
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770 232 0000</u>	
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	
APPLICANT IS THE: <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>TND</u>	
PARCEL NUMBER(S): <u>R7103 006</u> ACREAGE: <u>+- 31.31</u>	
ADDRESS OF PROPERTY: <u>1558 Old Peachtree Road</u>	
PROPOSED DEVELOPMENT: <u>Traditional Neighborhood Development</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>146</u>	No. of Buildings/Lots: <u>NA</u>
Dwelling Unit Size (Sq. Ft.): <u>Varies per UDO</u>	Total Building Sq. Ft. <u>NA</u>
Gross Density: <u>+-4.66 units per acre</u>	Density: <u>NA</u>
Net Density: <u>+-4.66 units per acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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REZONING APPLICATIONAN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.
10/08/2014

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
Middleburg Communities, LLC c/o Mahaffey Pickens NAME: Tucker, LLP	NAME: Rita G. Knowlton
ADDRESS: 1550 North Brown Road, Suite 125	ADDRESS: 1509 Old Peachtree Road
CITY: Lawrenceville	CITY: Lawrenceville
STATE: Georgia ZIP: 30043	STATE: Georgia ZIP: 30043
PHONE: 770 232 0000	PHONE: 770 232 0000
EMAIL: slanham@mptlawfirm.com	EMAIL: slanham@mptlawfirm.com
CONTACT PERSON: Shane Lanham	PHONE: 770 232 0000
CONTACT'S E-MAIL: slanham@mptlawfirm.com	
APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): R-100	REQUESTED ZONING DISTRICT: R-TH
PARCEL NUMBER(S): R7103 006	ACREAGE: +/- 13.41
ADDRESS OF PROPERTY: 1558 Old Peachtree Road	
PROPOSED DEVELOPMENT: Single-family residential neighborhood	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units 128	No. of Buildings/Lots: NA
Dwelling Unit Size (Sq. Ft.): varies per UDO	Total Building Sq. Ft. NA
Gross Density: +/- 9.55 units per acre	Density: NA
Net Density: +/- 9.55 units per acre	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

Matthew P. Benson
 Catherine W. Davidson
 Gerald Davidson, Jr.*
 Rebecca B. Gober
 Brian T. Easley
 Christopher D. Holbrook

Samuel C. Kennon
 Shane M. Lanham
 Jeffrey R. Mahaffey
 Steven A. Pickens
 Andrew D. Stancil
 R. Lee Tucker, Jr.

*Of Counsel

**COMBINED LETTER OF INTENT FOR REZONING APPLICATIONS
 OF MIDDLEBURG COMMUNITIES, LLC**

Mahaffey Pickens Tucker, LLP submits this combined Letter of Intent and attached rezoning applications (the “Applications”) on behalf of Middleburg Communities, LLC, (the “Applicant”), to request the rezoning of an approximately 44.72-acre tract (the “Property”) situated along the northern side of Old Peachtree Road east of its intersection with Buford Drive (State Route 20) and west of its intersection with Mitchell Road. The Property is located within the Emerging Suburban Character Area of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) and is currently zoned R-100.

The Applicant is submitting the Applications to request the rezoning of the Property to the TND and R-TH zoning classifications of the Gwinnett County Unified Development Ordinance (the “UDO”) in order to develop the Property as an attractive mixed-residential community including small lot cottage-style single-family detached homes and attached residential townhomes. Using a combination of zoning classifications allows the Applicant to provide a wider range of housing options within a single community. The proposed development would be owned, developed, managed, and operated by a single entity which would lease individual homes to residents. The proposed development would include two entrances located on Old Peachtree Road. The easterly entrance would be configured as a full-access entrance with an eastbound left-turn lane on Old Peachtree Road. The westerly driveway would be configured as a right-in-right-out driveway with a westbound deceleration lane on Old Peachtree Road. The proposed community would feature a traditional neighborhood design with a grid street network and abundant vehicular and pedestrian access throughout the community. The proposed main internal streets would

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

www.mptlawfirm.com

exemplify the traditional neighborhood development design by providing on-street, parallel parking spaces. The proposed development would also provide significant common area and open space for the use and enjoyment of residents. Common area is provided throughout the proposed development including multiple areas for green belts, pocket parks, dog walking areas, and other community gathering places. In addition to these passive common areas, the proposed development would include a central, active amenity including a cabana, pool, and patio area. In addition to recreational programming within the proposed community, residents would have easy access to the wide variety of shopping, employment, and entertainment uses at nearby Regional Mixed-Use Centers. Less than a mile to the west is Coolray Field and the Publix at Old Peachtree shopping center. From there, Interstate 85 is only a mile and a half to the north with both the Exchange at Gwinnett and Mall of Georgia regional mixed-use centers. Rock Springs Park is located approximately 2.5 miles to the west and the Mill Creek Nature Center and Ivy Creek Greenway are located just to the north along Mall of Georgia Boulevard. The proposed development would also provide appropriate separation from adjacent single-family detached residential uses with a 35-foot wide landscaped area around the perimeter of the development as depicted on the site plan. Accordingly, the Applicant requests a waiver to provide a 35-foot wide landscaped area in lieu of a 35-foot wide natural, undisturbed buffer around the perimeter of the Property. The proposed 35-foot wide landscaped area would be left undisturbed where practicable, but any disturbed areas would be replanted to provide effective visual screening from adjacent properties.

Homes in the proposed community would be constructed with facades of brick, stone, and/or fiber cement shake/siding as well as attractive architectural elements as depicted on the building elevations submitted with the Application. Accordingly, the Applicant requests approval of alternative architectural design for the R-TH and TND zoning classifications in order to construct homes with varying elevations of brick, stacked stone, and/or fiber cement shake/siding, including homes which would be treated entirely with fiber cement shake/siding. The proposed building materials would allow the Applicant to provide modern farmhouse and cottage motifs with high-quality, long-life building materials. In line with the policies of the 2040 Plan and the purpose and intent of the TND and R-TH zoning classifications as set forth in the UDO, the proposed community would provide a variety of housing types with five types of homes. Detached

homes are proposed on three lot size categories and attached townhomes are proposed in two configurations with different lot sizes. As depicted in the submitted building elevations, homes would be provided with both one- and two-car garage configurations as well as homes without garages which would utilize the provided on-street parking spaces.

The proposed development is compatible with surrounding land uses and is in line with the policies of the Gwinnett County 2040 Unified Plan (the “2040 Plan”). The surrounding area is characterized by a mix of land uses including single-family residential, commercial, office, and multifamily residential. To the west along Old Peachtree Road, land located at the intersection of Buford Drive was recently rezoned by the Board of Commissioners to the RM-24 zoning classification pursuant to case number RZM2021-00033. Moving east (closer to the subject Property) is land zoned TND pursuant to case numbers RZR2019-00002 and RZR2020-00029. The proposed development is also compatible with the policies of the 2040 Plan. Generally, the 2040 Plan promotes residential development and encourages residential development with a variety of housing types. Specifically, Theme 4 of the 2040 Plan is “Provide More Housing Choices.” Further, the 2040 Plan provides that “[t]his theme recognizes this growing complexity and links housing issues to such topics as successful economic development and the overall quality of life of those who choose (and are able) to live in Gwinnett. Economic development and housing issues are intricately linked.” The 2040 Plan also specifically addresses the lack of housing diversity that exists in Gwinnett County. According to the 2040 Plan, 73% of all housing units in Gwinnett County are single-family detached homes. In contrast to the current supply, demand has skewed towards smaller housing units such as the proposed townhome and small lot single-family residences that the proposed development would provide. While large single-family detached homes were heavily in demand during the 70s, 80s, and 90s, current trends have seen the average household size decrease to 3.1 persons per household in Gwinnett County as of 2019 with many residents preferring the financial mobility of renting as opposed to buying. Additionally, while the average is 3.1 persons per household, the majority of households are 1-2 persons per household, further demonstrating the need for mixed residential communities such as the proposed development.

Additionally, the 2040 Plan sets forth Policy 4.1 which is “Preserve and Expand Housing Options for All Income Levels and Phases of Life.” In the discussion section for this Policy, the 2040 Plan warns that “Gwinnett may see a decline in its ability to fill jobs in its services sector as commuting expenses and housing prices become ever greater burdens. Preserving workforce housing within Gwinnett through a variety of measures to retain a variety of housing types and price ranges will help achieve the County’s goals of reducing congestion and sustaining its economic base.” The proposed development would provide necessary housing for people working in and around major employment centers near the Mall of Georgia as well as along the Buford Drive and Interstate 85 corridors. The proposed development is also compatible with the policies of the Emerging Suburban Character Area which anticipate new residential development. Per the 2040 Plan, the areas located within the Emerging Suburban Character Area “are expected to experience new development during the 20-year planning period contemplated by the Unified Plan.” Accordingly, the 2040 Plan lists single-family residential and mixed residential developments as “Potential Development Types.” Therefore, the proposed development, with its mix of single-family housing types is compatible with surrounding land uses, furthers the wider housing policies and goals of the 2040 Plan, and is in line with the specific land use policies outlined for the Emerging Suburban Character Area.

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

Respectfully submitted this 14th day of February, 2022.

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Shane M. Lanham
Attorneys for Applicant

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JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance (the “UDO”) which classify or may classify the property which is the subject of these Applications (the “Property”) into any less intensive zoning classification other than as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO as applied to the subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's 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, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the R-TH and TND classifications as requested by the Applicant, and is not economically suitable for development under the present R-100 zoning classification of Gwinnett County. A denial of the Applications would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the R-TH and TND classifications with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an

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arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the R-TH or TND classifications, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Opponents to the request set forth in the Applications, or in any amendments to the Applications, have waived their rights to appeal any decision of the Gwinnett County Board of Commissioners because they lack standing, have failed to exhaust administrative remedies, and/or because they failed to assert any legal or constitutional objections.

Accordingly, the Applicant respectfully requests that the rezoning applications submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

This 5th day of January, 2022.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Shane M. Lanham
Attorneys for Applicant

1550 North Brown Road
Suite 125
Lawrenceville, Georgia 30043
(770) 232-0000

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REZONING APPLICANT'S COMBINED RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, approval of the Applications will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is located on Old Peachtree Road in close proximity to a variety of land uses including single-family residential, multi-family residential, and commercial. Nearby land on Old Peachtree Road is zoned TND.
- (B) No, the approval of the Applications will not adversely affect the existing use or usability of any of the nearby properties. The proposed land use is compatible with existing land uses of nearby and adjacent property.
- (C) Due to the size, location, layout, and dimensions of the subject property, the Applicant submits that the Property does not have reasonable economic use as currently zoned.
- (D) No, approval of the Applications will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to multiple major transportation corridors including Buford Drive (State Route 20), Braselton Highway (State Route 124), Interstate 985, and Interstate 85.
- (E) Yes, approval of the Applications would be in conformity with the policy and intent of the Gwinnett County Unified Plan. The Property is located within the Emerging Suburban Character area which specifically identifies single-family residential and mixed residential developments as potential development types.
- (F) The Applicant submits that the subject Property's location in close proximity to similar residential developments and zoning classifications and its proximity to major transportation corridors provide additional supporting ground for approval of the Applications.

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DESCRIPTION OF TND

All that tract or parcel of land lying and being in Land Lots 103 & 104 of the 7th District, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at a point, THENCE North 60 degrees 21 minutes 09 seconds East a distance of 838.90 feet to a 1" axle found; THENCE South 30 degrees 41 minutes 33 seconds East a distance of 1375.06 feet to a 5/8" rebar found; THENCE South 30 degrees 43 minutes 42 seconds East a distance of 1032.27 feet to a 6" axle found; THENCE South 30 degrees 42 minutes 25 seconds East a distance of 69.38 feet to a point; THENCE South 59 degrees 16 minutes 18 seconds West a distance of 160.98 feet to a point; THENCE along a curve to the left with a radius of 160.00 feet and an arc length of 19.05 feet, said curve having a chord bearing of North 27 degrees 46 minutes 44 seconds West and a chord distance of 19.04 feet to a point; THENCE North 30 degrees 43 minutes 42 seconds West a distance of 214.98 feet to a point; THENCE along a curve to the left with a radius of 400.00 feet and an arc length of 78.86 feet, said curve having a chord bearing of North 36 degrees 22 minutes 35 seconds West and a chord distance of 78.74 feet to a point; THENCE North 42 degrees 01 minutes 29 seconds West a distance of 91.19 feet to a point; THENCE along a curve to the right with a radius of 400.00 feet and an arc length of 79.81 feet, said curve having a chord bearing of North 36 degrees 18 minutes 32 seconds West and a chord distance of 79.81 feet to a point; THENCE North 30 degrees 35 minutes 36 seconds West a distance of 581.29 feet to a point; THENCE along a curve to the right with a radius of 600.00 feet and an arc length of 93.28 feet, said curve having a chord bearing of North 26 degrees 08 minutes 22 seconds West and a chord distance of 93.19 feet to a point; THENCE North 21 degrees 41 minutes 07 seconds West a distance of 82.42 feet to a point; THENCE South 59 degrees 24 minutes 24 seconds West a distance of 375.56 feet to a point; THENCE South 35 degrees 17 minutes 29 seconds East a distance of 170.24 feet to a point; THENCE along a curve to the right with a radius of 800.00 feet and an arc length of 170.08 feet, said curve having a chord bearing of South 29 degrees 12 minutes 04 seconds East and a chord distance of 169.76 feet to a point; THENCE South 23 degrees 06 minutes 38 seconds East a distance of 181.23 feet to a point; THENCE South 66 degrees 53 minutes 22 seconds West a distance of 173.38 feet to a point; THENCE North 22 degrees 49 minutes 21 seconds West a distance of 304.40 feet to a 1" bumper jack found; THENCE North 35 degrees 17 minutes 29 seconds West a distance of 424.11 feet to a 1" angle iron found; THENCE South 67 degrees 06 minutes 56 seconds West a distance of 185.68 feet to a 1/2" axle found; THENCE North 26 degrees 37 minutes 14 seconds West a distance of 1000.15 feet to a point; THENCE North 26 degrees 37 minutes 14 seconds West a distance of 3.86 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 1,363,782 square feet or 31.31 acres.

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DESCRIPTION OF

Zone R-TH

All that tract or parcel of land lying and being in Land Lots 103 of the 7th District, Gwinnett County, Georgia and being more particularly described as follows:

COMMENCING at a point; said point being the common corner of land lots 103, 104, 133, and 134 **THENCE** leaving said corner and proceeding South 26 degrees 37 minutes 14 seconds East a distance of 1004.01 feet to a point; **THENCE** North 67 degrees 06 minutes 56 seconds East a distance of 185.68 feet to a point; **THENCE** South 35 degrees 17 minutes 29 seconds East a distance of 424.11 feet to a point; **THENCE** South 22 degrees 49 minutes 21 seconds East a distance of 304.40 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING** North 66 degrees 53 minutes 22 seconds East a distance of 173.38 feet to a point; **THENCE** North 23 degrees 06 minutes 38 seconds West a distance of 181.23 feet to a point; **THENCE** along a curve to the left with a radius of 800.00 feet and an arc length of 170.08 feet, said curve having a chord bearing of North 29 degrees 12 minutes 04 seconds West and a chord distance of 169.76 feet to a point; **THENCE** North 35 degrees 17 minutes 29 seconds West a distance of 170.24 feet to a point; **THENCE** North 59 degrees 24 minutes 24 seconds East a distance of 375.56 feet to a point; **THENCE** South 21 degrees 41 minutes 07 seconds East a distance of 82.42 feet to a point; **THENCE** along a curve to the left with a radius of 600.00 feet and an arc length of 93.28 feet, said curve having a chord bearing of South 26 degrees 08 minutes 22 seconds East and a chord distance of 93.19 feet to a point; **THENCE** South 30 degrees 35 minutes 36 seconds East a distance of 581.29 feet to a point; **THENCE** along a curve to the left with a radius of 400.00 feet and an arc length of 79.81 feet, said curve having a chord bearing of South 36 degrees 18 minutes 32 seconds East and a chord distance of 79.67 feet to a point; **THENCE** South 42 degrees 01 minutes 29 seconds East a distance of 91.19 feet to a point; **THENCE** along a curve to the right with a radius of 400.00 feet and an arc length of 78.86 feet, said curve having a chord bearing of South 36 degrees 22 minutes 35 seconds East and a chord distance of 78.74 feet to a point; **THENCE** South 30 degrees 43 minutes 42 seconds East a distance of 214.98 feet to a point; **THENCE** along a curve to the right with a radius of 185.00 feet and an arc length of 19.05 feet, said curve having a chord bearing of South 27 degrees 46 minutes 44 seconds East and a chord distance of 19.04 feet to a point; **THENCE** North 59 degrees 16 minutes 18 seconds East a distance of 160.98 feet to a point; **THENCE** South 30 degrees 42 minutes 25 seconds East a distance of 197.86 feet to a 1 1/2" open top pipe found on the northern right of way of Old Peachtree Road (80' right of way); **THENCE** proceeding along the right of way the following courses and distances North 89 degrees 13 minutes 36 seconds West a distance of 623.20 feet to a point; **THENCE** along a curve to the left with a radius of 1219.39 feet and an arc length of 298.14 feet, said curve having a chord bearing of South 83 degrees 46 minutes 08 seconds West and a chord distance of 297.40 feet to a point; **THENCE** leaving said right of way North 22 degrees 49 minutes 21 seconds West a distance of 495.09 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 584,093 square feet or 13.41 acres.

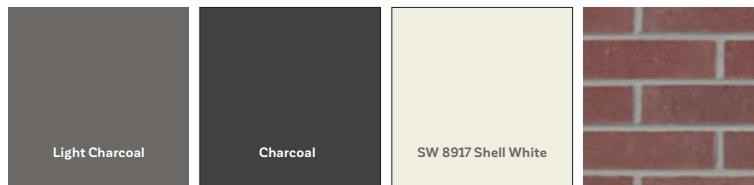
CONCEPTUAL SIGN PACKAGE-THE HAMLET AT GRAHAM FARMS

Branding, Color and Compliance

Logo mark, colors and guidelines

the
H A M L E T

the **H A M L E T**



JOB TITLE

The Hamlet
at Midcity
Sign Concepts
Contact: Eric Brown
Phone: 571.723.4004

LEGEND

VERSION

v1 08-13-2021
v2 09-10-2021
v3 10-13-2021

EGD Studio

by

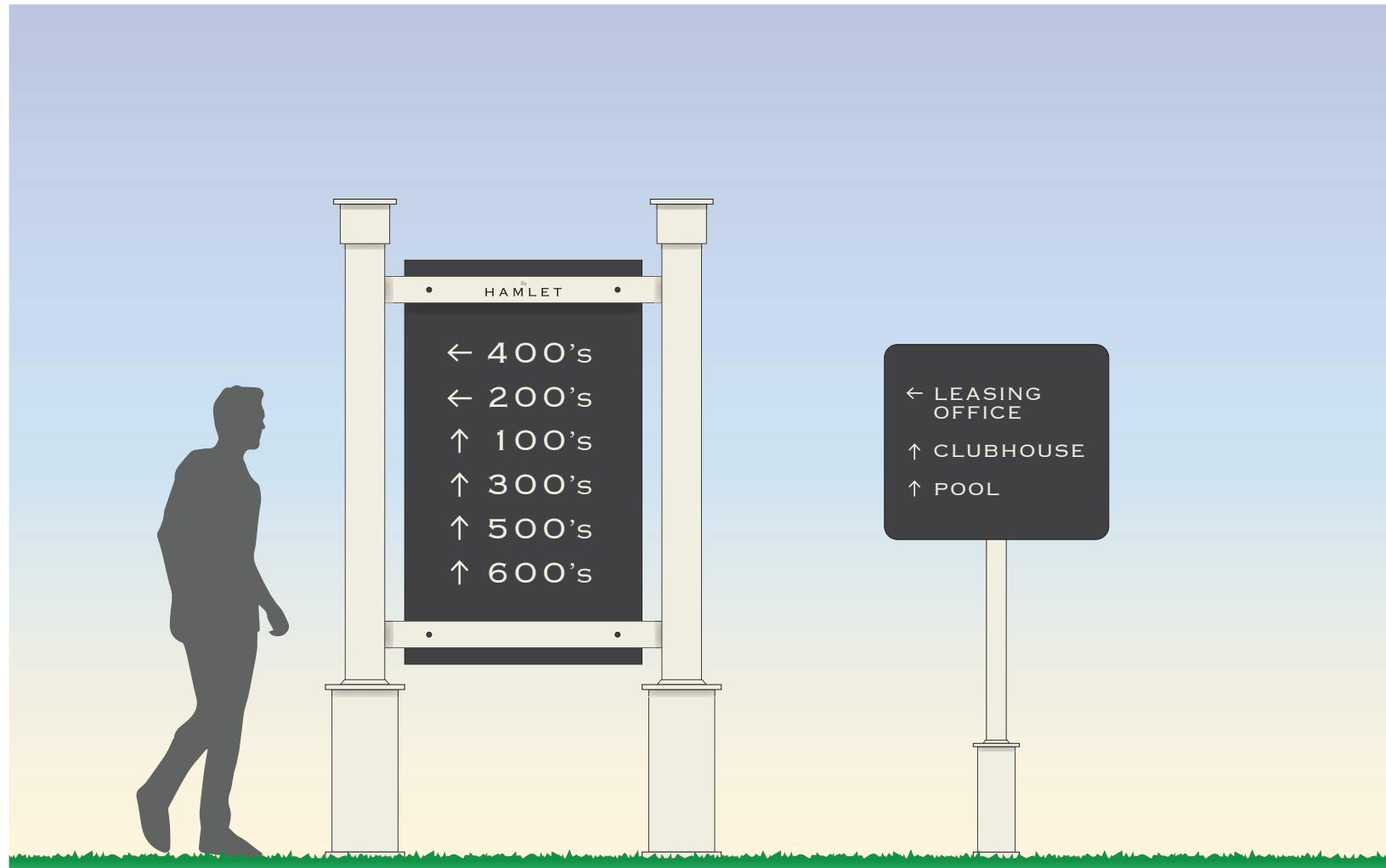


CREATIVE
SIGN DESIGNS

Phone: 813-818-7100
www.CreativeSignDesigns.com

JOB TITLE	The Hamlet at Midcity
Sign Concepts	Contact: Eric Brown Phone: 571.723.4004
LEGEND	
VERSION	
v1	08-13-2021
v2	09-10-2021
v3	10-13-2021
EGD Studio by  CREATIVE SIGN DESIGNS	Phone: 813-818-7100 www.CreativeSignDesigns.com

GUIDE SIGN



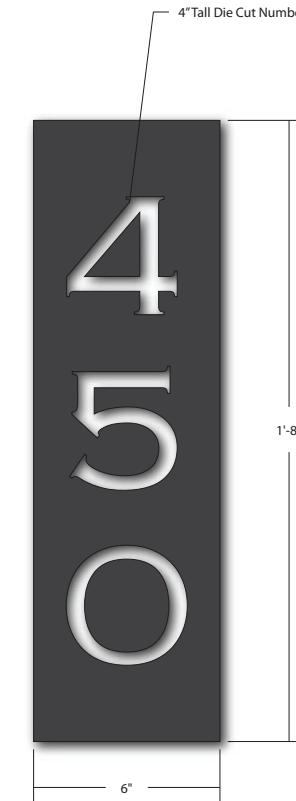
DIRECTIONAL GUIDE

PEDESTRIAN GUIDE

SCALE: 3/4" = 1'

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ADDRESS
RESIDENTIAL

JOB TITLE

**The Hamlet
at Midcity**Sign Concepts
Contact: Eric Brown
Phone: 571.723.4004

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v3 10-13-2021

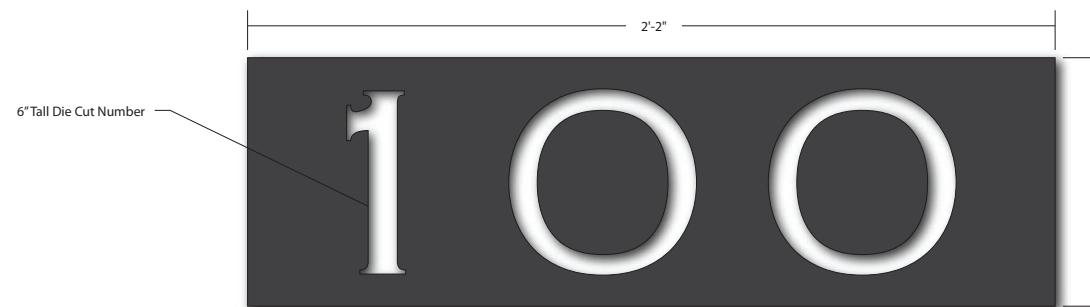
EGD Studio

by

CREATIVE
SIGN DESIGNSPhone: 813-818-7100
www.CreativeSignDesigns.com

SCALE: 1/4" = 1"

ADDRESS AMENITY



SCALE: 1/4" = 1"

JOB TITLE

The Hamlet
at Midcity
Sign Concepts
Contact: Eric Brown
Phone: 571.723.4004

LEGEND

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v1	08-13-2021
v2	09-10-2021
v3	10-13-2021

EGD Studio

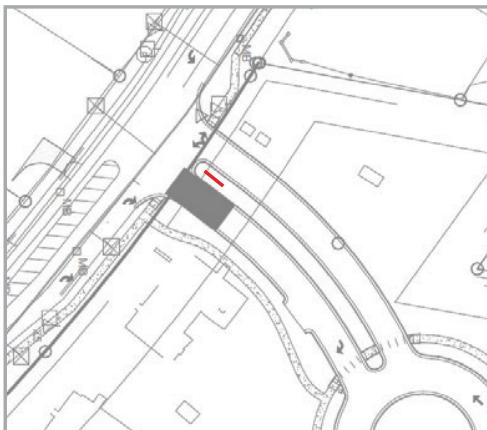
by



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SIGN DESIGNS

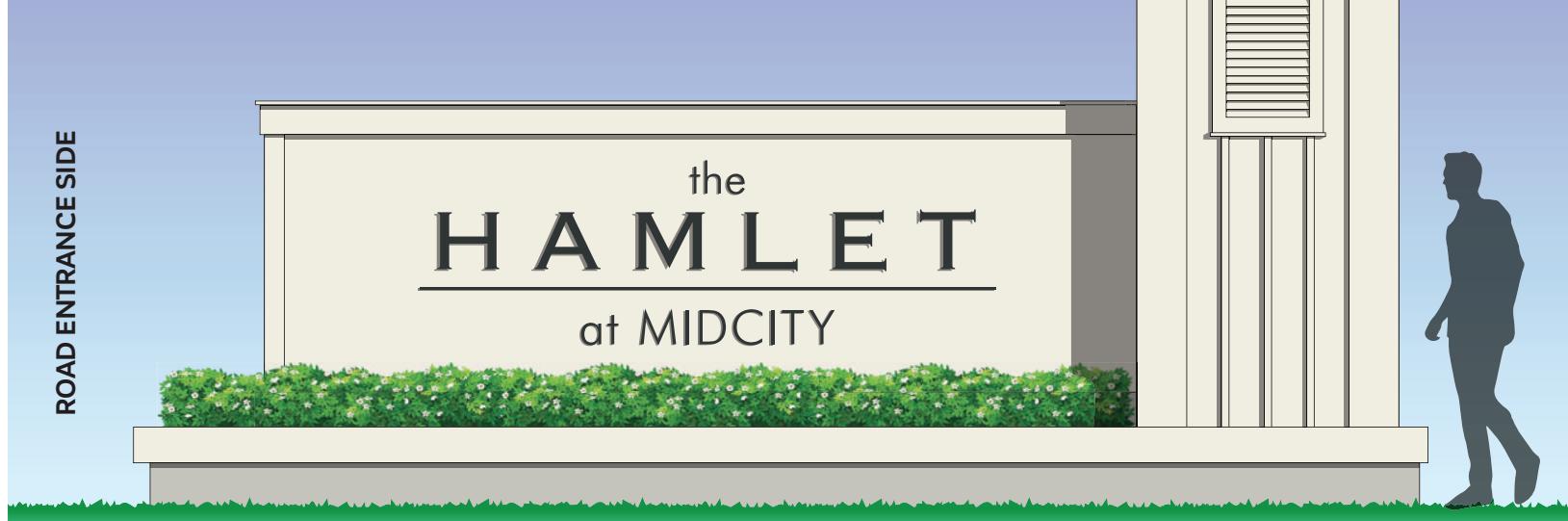
Phone: 813-818-7100
www.CreativeSignDesigns.com

MONUMENT SIGN OPTION E



NIGHT VIEW: Dimensional Letters, Halo Lighting

OPTIONAL



SCALE: 1/2" = 1'

JOB TITLE

The Hamlet
at Midcity

Sign Concepts
Contact: Eric Brown
Phone: 571.723.4004

LEGEND

VERSION

v1 08-13-2021
v2 09-10-2021
v3 10-13-2021

EGD Studio

by



CREATIVE
SIGN DESIGNS

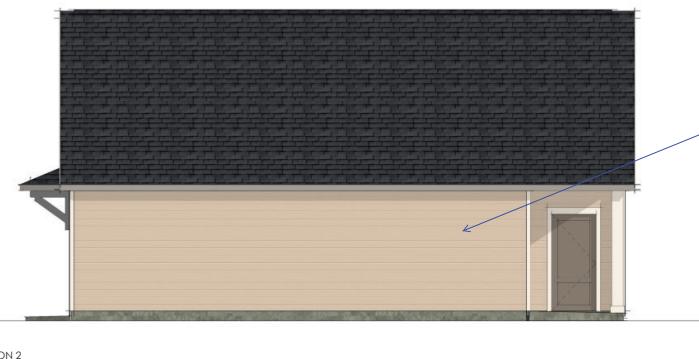
Phone: 813-818-7100
www.CreativeSignDesigns.com



TND ZONING
BUILDING HEIGHT AS MEASURED FROM FF TO ROOF RIDGE 19'-8"

EXTERIOR COLOR PALETTES

UNIT A AT THE HAMLET

① FRONT ELEVATION
1/4" = 1'-0"③ SIDE ELEVATION 1
1/4" = 1'-0"④ SIDE ELEVATION 2
1/4" = 1'-0"② REAR ELEVATION
1/4" = 1'-0"

TND ZONING
BUILDING HEIGHT MEASURED FROM FF TO ROOF RIDGE: 20'-4"

EXTERIOR COLOR PALETTES UNIT B1 AT THE HAMLET

① FRONT ELEVATION
1/4" = 1'-0"③ SIDE ELEVATION 1
1/4" = 1'-0"④ SIDE ELEVATION 2
1/4" = 1'-0"⑤ REAR ELEVATION
1/4" = 1'-0"

TND ZONING
BUILDING HEIGHT MEASURED FF TO ROOF RIDGE: 20'-8"

EXTERIOR COLOR PALETTES UNIT B2 AT THE HAMLET



① FRONT ELEVATION
1/4" = 1'-0"



④ SIDE ELEVATION 1
1/4" = 1'-0"



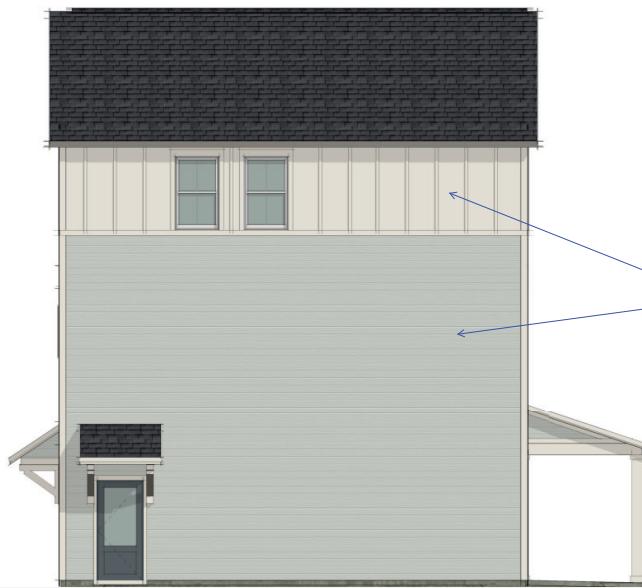
③ SIDE ELEVATION 2
1/4" = 1'-0"



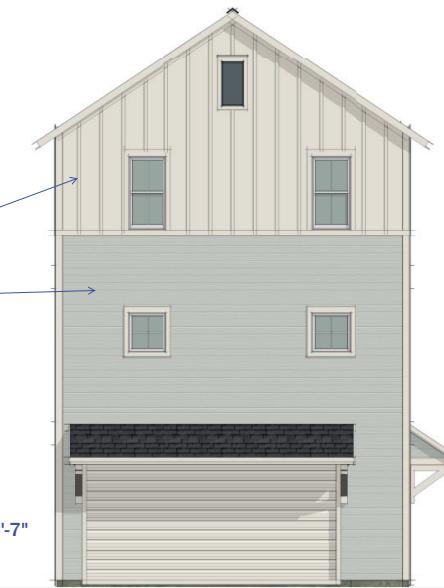
② REAR ELEVATION
1/4" = 1'-0"

TND ZONING
BUILDING HEIGHT MEASURED FROM FF TO ROOF RIDGE : 28'-4"

EXTERIOR COLOR PALETTES UNIT B3 AT THE HAMLET

④ FRONT ELEVATION
1/4" = 1'-0"② SIDE ELEVATION 1
1/4" = 1'-0"③ SIDE ELEVATION 2
1/4" = 1'-0"

RTH ZONING
BUILDING HEIGHT FROM FF TO ROOF RIDGE: 38'-7"
NOTE: 34'-7" (1/2 GABLE HT PER CODE)

① REAR ELEVATION
1/4" = 1'-0"

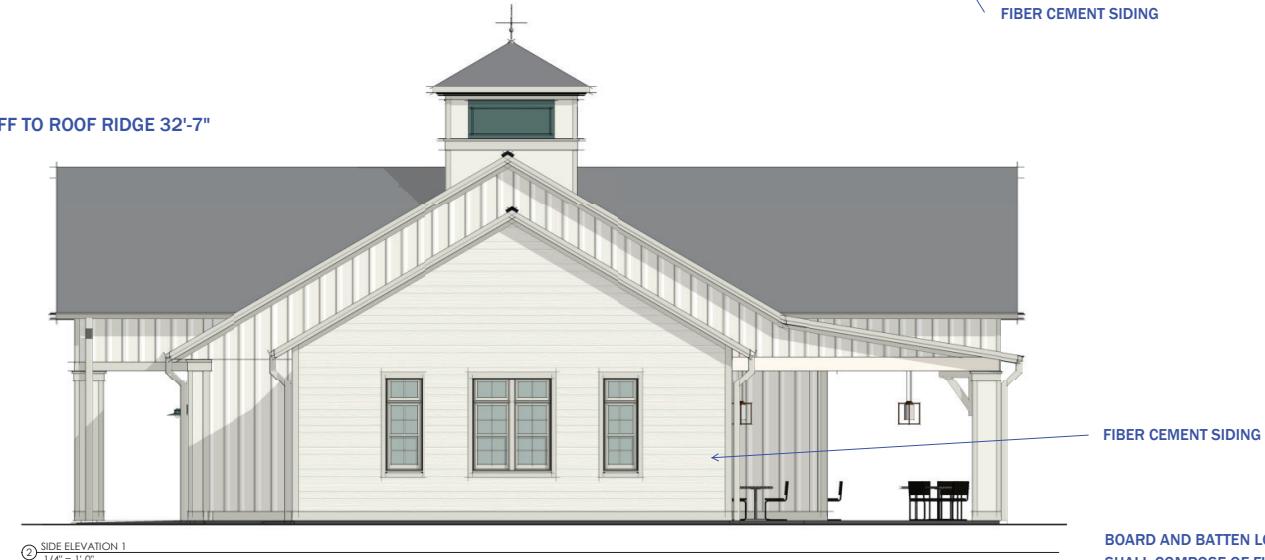
EXTERIOR COLOR PALETTES UNIT C1 AT THE HAMLET



FIBER CEMENT SIDING

RTH ZONING

BUILDING HEIGHT MEASURED FROM FF TO ROOF RIDGE 32'-7"



FIBER CEMENT SIDING

BOARD AND BATTEN LOCATIONS
SHALL COMPOSE OF FIBER CEMENT
SIDING (TYP)

EXTERIOR COLOR PALETTES
CLUBHOUSE AT THE HAMLET

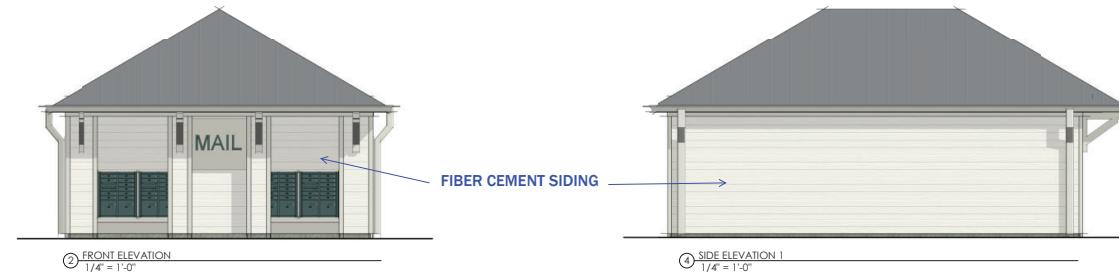


RTH ZONING
BUILDING HEIGHT MEASURED FROM
FF TO ROOF RIDGE 32'-7"



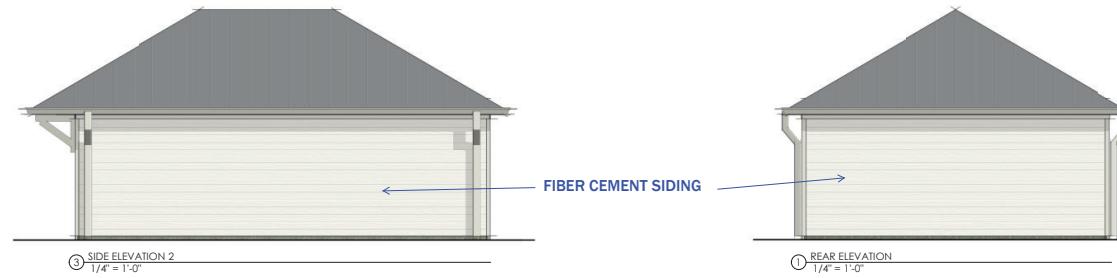
BOARD AND BATTEN LOCATIONS SHALL
COMPOSE OF FIBER CEMENT
SIDING (TYP)

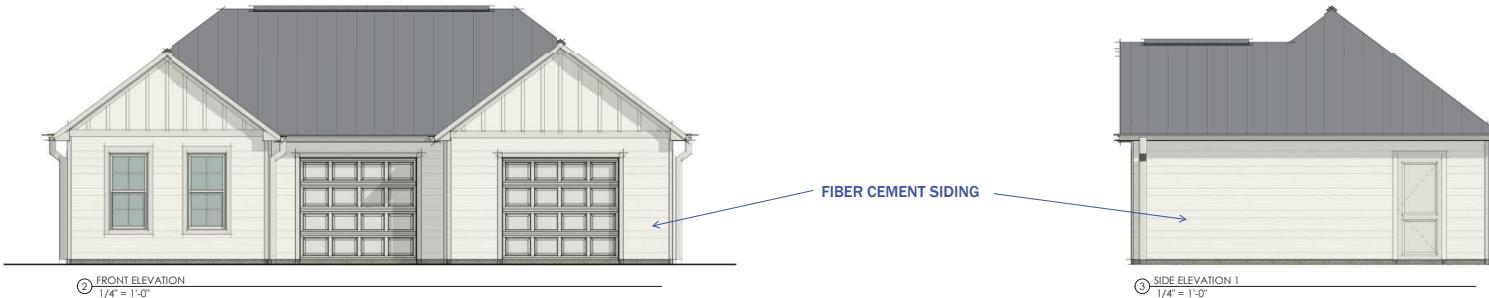
EXTERIOR COLOR PALETTES
CLUBHOUSE AT THE HAMLET



RTH ZONING

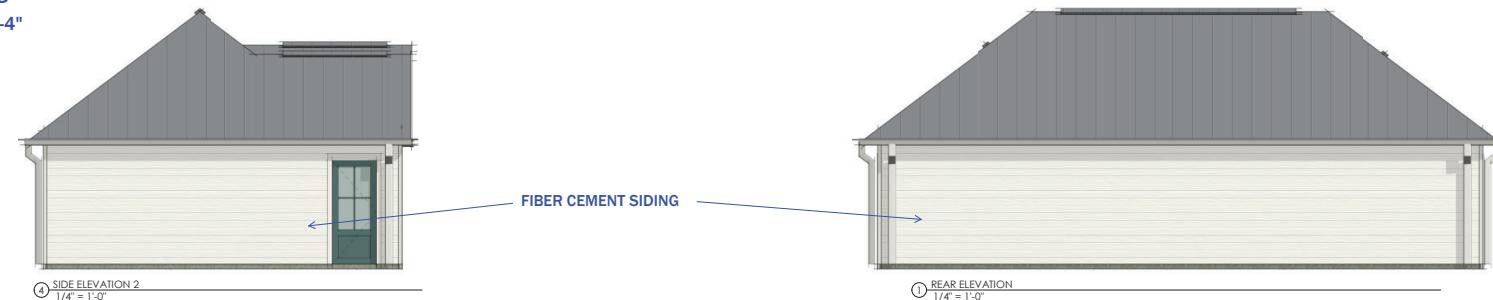
BUILDING HEIGHT MEASURED
FROM FF TO ROOF RIDGE 15'-5"

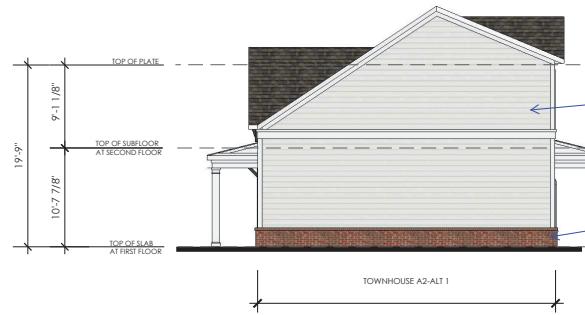




RTH ZONING

BUILDING HEIGHT MEASURED
FROM FF TO ROOF RIDGE 17'-4"





Building #1 Right Side Elevation

Scale: 1/8" = 1'-0"

Elevation



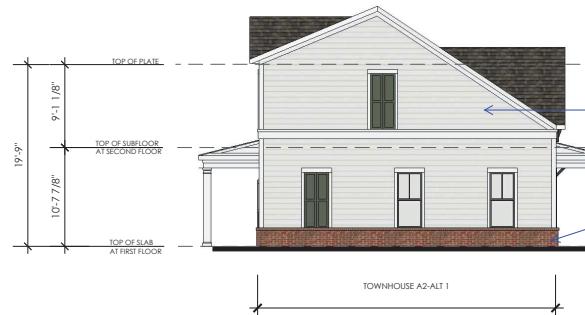
Building #1 Rear Elevation

Scale: 1/8" = 1'-0"

Elevation

BOARD AND BATTEN LOCATIONS
SHALL COMPOSE OF FIBER
CEMENT SIDING (TYP)

TND ZONING
BUILDING HEIGHT FF TO ROOF RIDGE: 26'-0"



Building #1 Left Side Elevation

Scale: 1/8" = 1'-0"

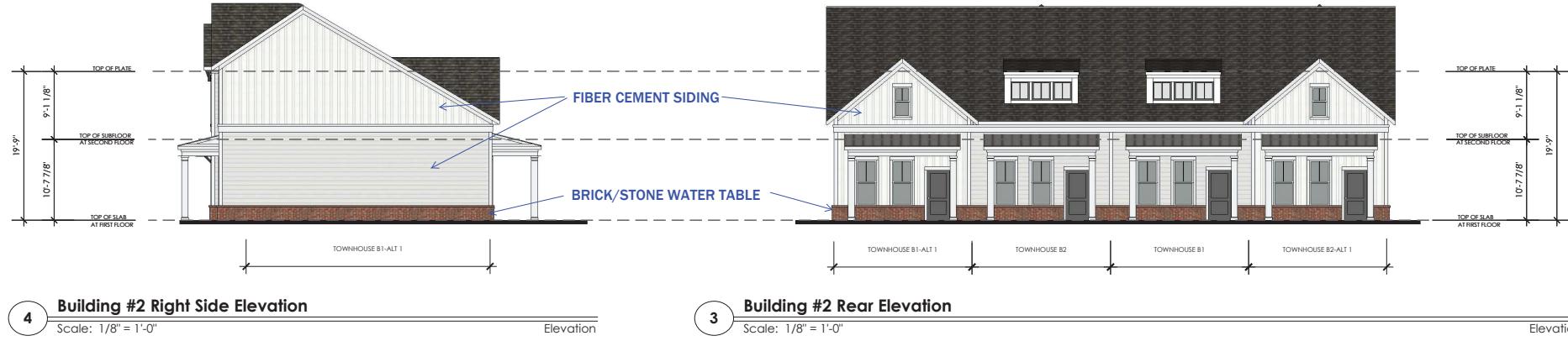
Elevation



Building #1 Front Elevation

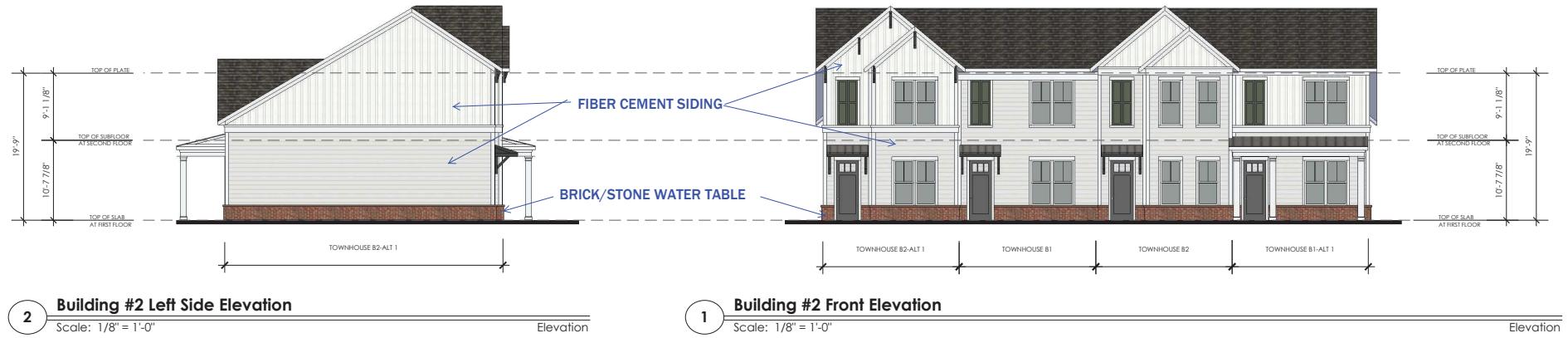
Scale: 1/8" = 1'-0"

Elevation



TND ZONING
BUILDING HEIGHT MEASURED FF TO ROOF RIDGE: 28'-4"

**BOARD AND BATTEN LOCATIONS
SHALL COMPOSE OF FIBER
CEMENT SIDING (TYP)**





4 Building #5 Right Side Elevation
Scale: 1/8" = 1'-0"

3 Building #5 Rear Elevation
Scale: 1/8" = 1'-0"

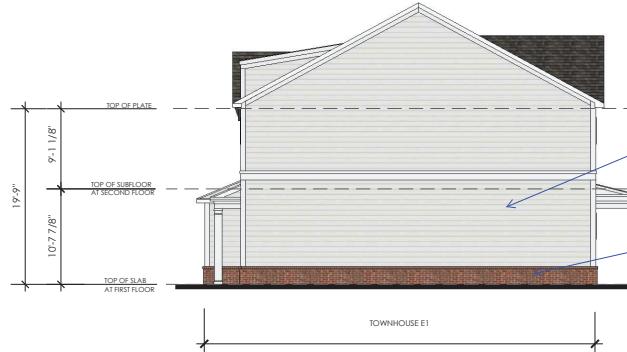


2 Building #5 Left Side Elevation
Scale: 1/8" = 1'-0"

1 Building #5 Front Elevation
Scale: 1/8" = 1'-0"

RTH ZONING
BUILDING HEIGHT MEASURED FF TO ROOF RIDGE: 31'-5"

**BOARD AND BATTEN LOCATION
SHALL COMPOSE OF FIBER CEMENT
SIDING (TYP)**



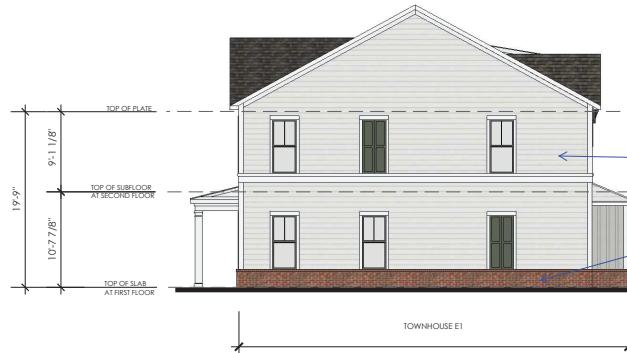
Building #6 Right Side Elevation

Scale: 1/8" = 1'-0"



Building #6 Rear Elevation

Scale: 1/8" = 1'-0"



Building #6 Left Side Elevation

Scale: 1/8" = 1'-0"

RTH ZONING
BUILDING HEIGHT MEASURED FF TO ROOF RIDGE: 31'-6"

**BOARD AND BATTEN LOCATION
 SHALL COMPOSE OF FIBER
 CEMENT SIDING (TYP)**



Building #6 Front Elevation

Scale: 1/8" = 1'-0"

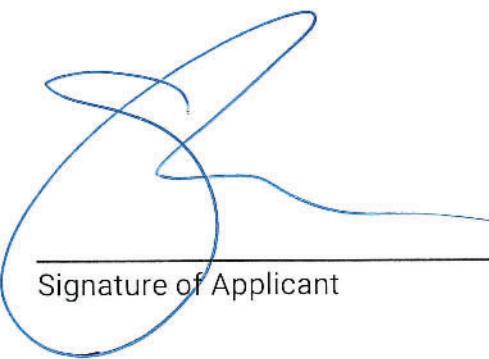
RECEIVED

1/6/2022 3:00PM

Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

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

1/5/21

Date

Shane Lanham, attorney for the Applicant

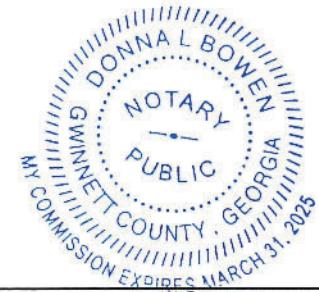
Type or Print Name and Title



Signature of Notary Public

1/5/22

Date



Notary Seal

RECEIVED

1/6/2022 3:00PM

Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

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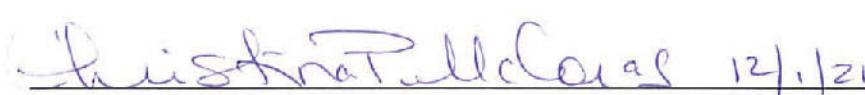
Signature of Applicant

December 1, 2021

Date

Jason C. Pfister, Vice President of Land Entitlements

Type or Print Name and Title



Signature of Notary Public

EXP. 2.21.23

Date

Notary Seal



RECEIVED

1/6/2022 3:00PM

Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2020**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.

Rita Knowlton

Signature of Property Owner

1-4-22

Date

Rita Knowlton

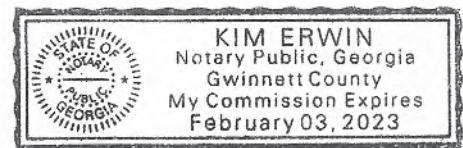
Type or Print Name and Title

OwnerKim Erwin

Signature of Notary Public

1/4/22

Date



Notary Seal

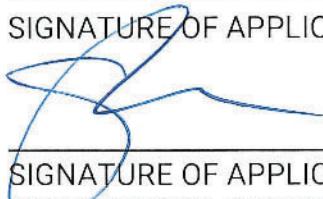
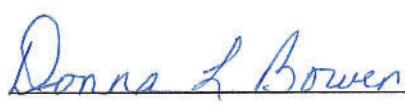
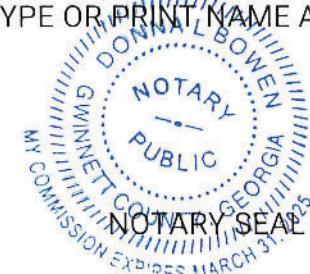
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1/6/2022 3:00PM

Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	1/5/22	Shane Lanham, attorney for the Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	1/5/22	
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

Mahaffey Pickens Tucker, LLP

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)
Kirkland Carden	\$2,800	11/18/2021

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

RECEIVED

1/6/2022 3:00PM

Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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SIGNATURE OF APPLICANT

DATE

Jason C. Pfister, Vice President of Land Entitlements

SIGNATURE OF APPLICANT **DATE** **TYPE OR PRINT NAME AND TITLE**

**SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE**

DATE

TYPE OR PRINT NAME AND TITLE

SIGNATURE OF NOTARY PUBLIC

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 Jason C. Pfister

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.

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1/6/2022 3:00PM

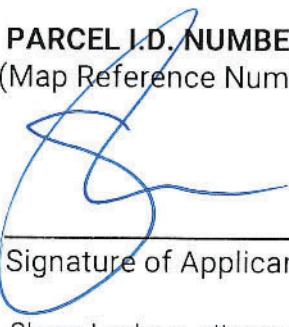
Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

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:
(Map Reference Number)

7 _____ - 103 _____ - 006 _____
District Land Lot Parcel


Signature of Applicant

12/1/21
Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 Langley Drive, FOR THEIR APPROVAL BELOW.*****

TAX COMMISSIONERS USE ONLY

(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)

Alanta Flowers
NAME
12-1-2021
DATE

Tax Services Assoc. II
TITLE

Taxes are current

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

APPLICANT:

Middleburg Communities c/o Mahaffey
Pickens Tucker, LLP

ZONING CASE NUMBER:

RZM2022-00007 & RZR2022-00006

PRESENT ZONING DISTRICT(S):

R-100

REQUESTED ZONING DISTRICT(S):

R-TH and TND

PROPERTY:

1558 Old Peachtree Road Northwest

SIZE:

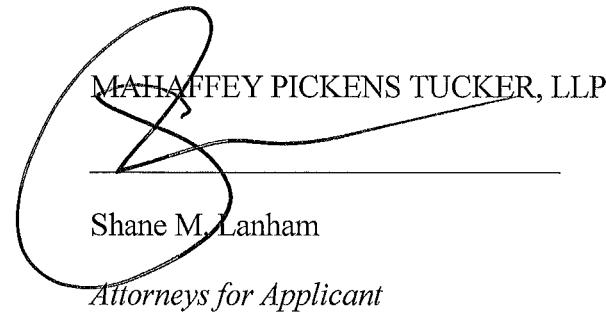
+/- 44.722 Acres

PROPOSED DEVELOPMENT:

Single-Family Residential Neighborhood

The Applicant, hereby amends its applications to amend the official zoning map of Gwinnett County, Georgia heretofore filed with the Planning Division of Gwinnett County, Georgia by the addition of the attached Exhibit to the original applications.

This 21st day of June, 2022.



MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Attorneys for Applicant

JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance (the “UDO”) which classify or may classify the property which is the subject of these Applications (the “Property”) into any less intensive zoning classification other than as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO as applied to the subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's 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, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the R-TH and TND classifications as requested by the Applicant, and is not economically suitable for development under the present R-100 zoning classification of Gwinnett County. A denial of the Applications would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the R-TH and TND classifications with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State

GWINNETT COUNTY

PLANNING AND DEVELOPMENT

RECEIVED

6/21/2022 of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the

Constitution of the United States. Any rezoning of the subject Property to the R-TH and TND classifications, subject to conditions which are different from the conditions by which the Applicant may amend its applications, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

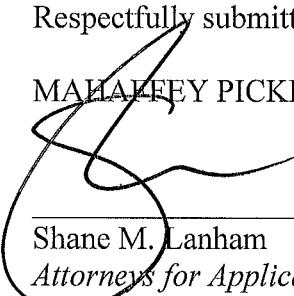
Opponents to the request set forth in the Applications, or in any amendments to the Applications, have waived their rights to appeal any decision of the Gwinnett County Board of Commissioners because they lack standing, have failed to exhaust administrative remedies, and/or because they failed to assert any legal or constitutional objections.

Accordingly, the Applicant respectfully requests that the rezoning applications submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective applications.

This 21st day of June, 2022.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP


Shane M. Lanham
Attorneys for Applicant

1550 North Brown Road
Suite 125
Lawrenceville, Georgia 30043
(770) 232-0000