



PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZM2022-00035
Current Zoning: R-100 (Single-Family Residence District)
Request: Rezoning to RM-13 (Multifamily Residence District)
Address: 901 Athens Highway
Map Number: R5125 005
Site Area: 54.42 acres
Units 662
Proposed Development: Apartments
Commission District: District 3 – Commissioner Watkins
Character Area: Community Node (Previously Community Mixed Use)

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** PUBLIC HEARING TABLED TO JANUARY 3, 2023

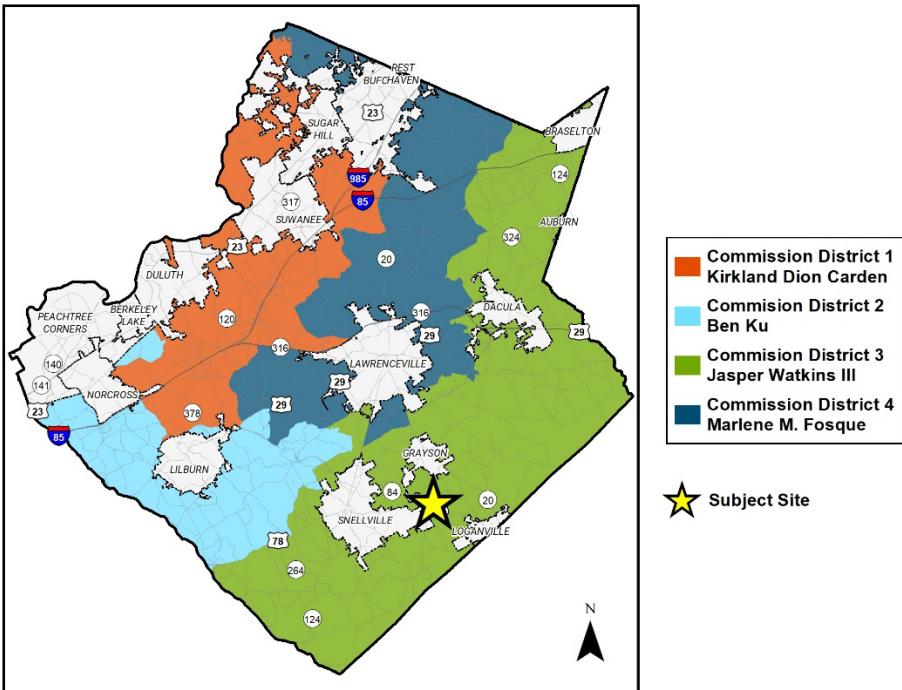
Case Number: RZC2022-00029
Current Zoning: R-100 (Single-Family Residence District)
Request: Rezoning to C-2 (General Business District)
Address: 901 Athens Highway
Map Number: R5125 005
Site Area: 3.34 acres
Square feet: 22,100
Proposed Development: Restaurant and Office/Retail
Commission District: District 3 – Commissioner Watkins
Character Area: Community Node (Previously Community Mixed Use)

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** PUBLIC HEARING TABLED TO JANUARY 3, 2023

Planning Commission Advertised Public Hearing Date: 11/01/2022 (Public Hearing Tabled to 1/3/2023)

Board of Commissioners Advertised Public Hearing Date: 11/15/2022 (Public Hearing Table to (1/24/2023)



Applicant: Aventon Companies
1201 Edwards Mill Road, Suite 120
Raleigh, NC 27607

Owner: Abe Podber, Et Al.
1205 Lenox Circle
Atlanta, GA 30306

Contact: Dennis J. Webb, Jr.

Contact Phone: 404.815.3620

Zoning History

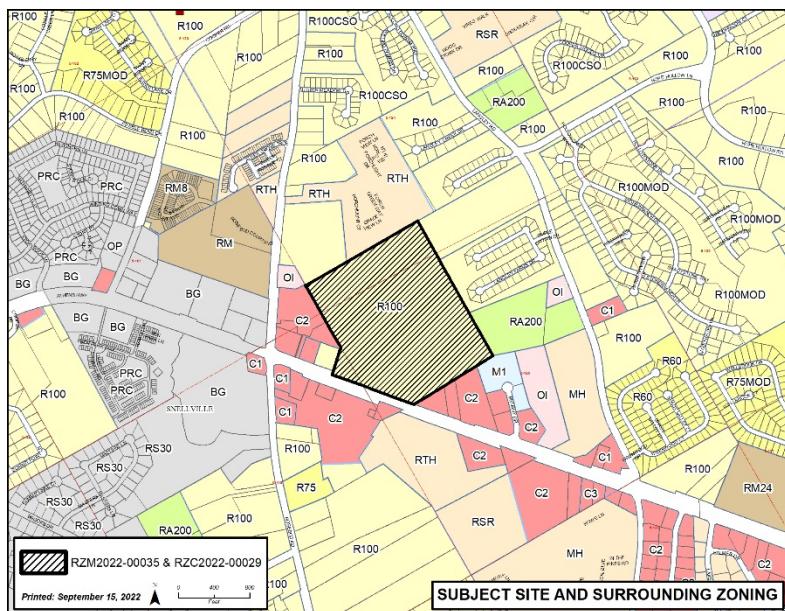
The subject property is zoned R-100 (Single-Family Residence District). No prior zoning requests are on record for this property.

Existing Site Condition

The subject site is a 57.76-acre parcel located along Athens Highway, east of its intersection with Rosebud Road. The site is heavily vegetated with dense, mature tree canopy and contains a pond in the center. Brushy Fork and its associated buffers run across the eastern corner of the site. This portion of the property also contains wetlands and floodplain. The topography of the site slopes down from the west to east towards the stream by approximately 62 feet. A 20-foot-wide permanent sanitary sewer easement also runs across the eastern portion of the site. There is no sidewalk on Athens Highway along the subject property's frontage. Overhead powerlines are present along the road frontage. The nearest Gwinnett County Transit stop is located 6.4 miles from the subject site.

Surrounding Use and Zoning

The surrounding area is characterized by light industrial, commercial, and residential developments. Adjacent properties to the north have frontage on Rosebud Road and Langley Road. These parcels are mostly residences within subdivisions along with a place of worship. Properties to the east, south, and west fronting Athens Highway are commercial and light industrial. To the east along Athens Highway, are commercial and light industrial uses such as an HVAC maintenance shop, turf supplier, lawn irrigation contractor, and other similar uses. To the south, across Athens Highway is Midway Plaza Shopping Center with several commercial uses including a grocery store with fuel pumps, hair salon, and restaurants. West of the site is a parcel used for the Georgia Transmission Corporation. Other uses to the west include a multi-tenant retail building and a convenience store with fuel pumps. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Apartments Commercial	RM-13 C-2	13 units per acre N/A
North	Undeveloped Single-Family Residential Single-Family Residential Townhouses (Approved) Place of Worship	RA-200 R-100CSO R-100 R-TH R-100	N/A 2.30 units per acre 0.065 units per acre 5.56 (RZM2020-00025) N/A
East	Commercial/Light Industrial Light Industrial	C-2 M-1	N/A N/A
South	Commercial	C-2	N/A
West	Commercial Georgia Transmission Corporation	C-2 R-100	N/A N/A

Project Summary

The applicant requests rezoning of a 57.76-acre property zoned R-100 to RM-13 and C-2 for apartments and commercial uses, including:

- A total of 662 apartments units, within nine, four-story apartment buildings yielding a net density of 13 units per acres.
- Apartments planned in two phases on a 54.42-acre portion of the site. Phase I to contain 368 units with 623 parking spaces. Phase II to contain 294 units with 492 parking spaces. Detached garage parking spaces provided within both phases.
- A maximum of 10% of units to be 3-bedroom units.
- Minimum heated floor area of 750 square feet for one-bedroom units.
- 5-foot-wide internal sidewalks throughout both phases which connect to the proposed commercial development and ultimately Athens Highway.
- Both phases accessed via separate driveways onto a 26-foot-wide public loop road with two connections to Athens Highway.
- Each phase developed with a clubhouse, leasing office, parking, and amenity area including a pool, grill area, gym, and valet trash pick-up.
- Three stormwater management facilities on the site. Two ponds proposed on the Phase I portion of the development and one pond proposed on the Phase II portion of the development.
- A required 50-foot-wide zoning buffer between the RM-13 and R-100 single-family residences and a required 20-foot-wide buffer between RM-13 and R-TH.
- Architectural elevations and renderings show buildings with exterior building materials of brick and fiber cement siding.
- A conceptual commercial development on a 3.34-acre portion of the site fronting Athens Highway containing 5,400 square feet of restaurant space and 16,700 square feet office/retail space in multiple buildings.
- Applicant proposed prohibited commercial uses include, but are not limited to, coin laundry in multiple buildings, pool room, adult entertainment, adult bookstore, auto sales and or leasing, and auto repair.
- 114 parking spaces for the commercial development along Athens Highway.
- A 15-foot front yard setback and a 10-foot-wide landscape strip along the Athens Highway frontage. Note: The entire commercial development is surrounded by right-of-way, therefore all setbacks will be front yards.
- Common area totaling 30.7 (56.4%) acres including 13.11 acres of common area (44%) in Phase 1 and 17.59 acres of common area (71%) in phase II.
- An alternative design to construct a public park on half of 3.34-acre commercial tract.
- Regional review as a Development of Regional Impact (DRI) completed by the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA). The Georgia Regional Transportation Authority (GRTA) Notice of Decision attached herewith.
- No architectural renderings were submitted for the proposed commercial buildings.

Zoning and Development Standards

The applicant is requesting a rezoning to RM-13, Multifamily Residence District and C-2, General Business District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

RM-13: Multifamily Residence District

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 50'	49'7"	YES
Front Yard Setback	Minimum 15'	15'	YES
Side Yard Setback	Minimum 10'	10'	YES
Rear Yard Setback	Minimum 30'	30'	YES
Off-Street Parking	Minimum: 993 spaces Maximum: 1,986 spaces	1,115 spaces	YES
Density	13 units per acre	13 units per acre	YES
Heated Floor Area	1 Bedroom – 600 sq. ft. 2 Bedroom – 800 sq. ft. 3 Bedroom – 1,000 sq. ft.	1 Bedroom – 750 sq. ft. 2 Bedroom – 800 sq. ft. 3 Bedroom – 1,000 sq. ft.	YES
Common Area	15%	56.4%	YES
Zoning Buffer	50' (R-100, R-100CSO, and RA-200) 20' (R-TH)	50' 20'	YES YES
Landscape Strip	10'	10'	YES

C-2: General Business District

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	<45'	YES
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	N/A	N/A
Rear Yard Setback	Minimum 30'	N/A	N/A
Off-Street Parking	Minimum: 69 spaces Maximum: 143 spaces	114 spaces	YES
Landscape Strip	10'	10'	YES

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 located adjacent to single-family detached residences, commercial, and light industrial developments. The site is located across from Midway Plaza near the intersection of Athens Highway (SR 10/US 78) and Rosebud Road both of which are classified as arterial roads by the GCDOT Long Range Road Classification. This high visibility intersection affords an opportunity to provide a transitional development between commercial developments and single-family detached residences. Multiple aging commercial and industrial structures are located at this intersection and are anticipated to be redeveloped in the future. A mixed-use development with a step-down in density and intensity adjacent to single family residential zoned property would be more appropriate. The proposed rezoning is not suitable at this location.

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

The proposed rezoning would adversely affect the existing use and usability of adjacent or nearby properties. The proposed commercial development is only conceptual in nature. A true mixed-use development with a mixture of housing types would provide a more effective transition in density while providing alternative housing options and new commercial uses for nearby residents.

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

The property has a reasonable economic use as currently zoned.

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

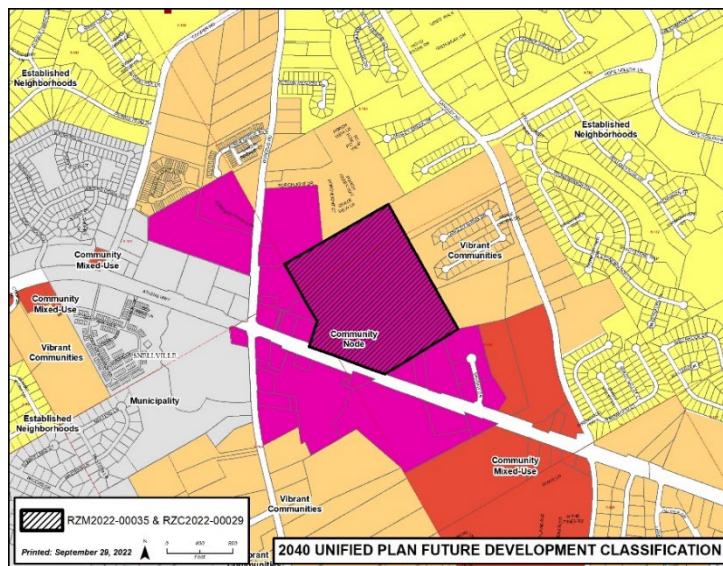
An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. An increased impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning request are attached (Exhibit 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 Future Development Map indicates that the property lies within the Community Node Character Area. This character area is intended for areas located at major intersections throughout the County. This area is characterized by high-density mixed-use developments incorporating commercial, office, live-work, and similar ground floor uses with high-density residential uses. Ground floor non-residential uses should be oriented toward the street with direct pedestrian access, outdoor patios, plazas, etc., to encourage pedestrian activity. These activity centers are intended to serve surrounding residential communities and people throughout the County by providing shopping, dining, and entertainment venues.

The rezoning request is not in conformity with the policy and intent of the Unified Plan and Future Development Map. The proposal does not align with the goals and intent of the Character Area by providing standalone conceptual commercial uses fronting Athens Highway and standalone medium-density residential uses to the rear. The applicant has presented an alternative design to build a park in a section within the commercial portion of the development. However, improving the commercial corridor by adding new mixed use commercial buildings would better serve the community and possibly spur more high-quality commercial redevelopment in this node. The proposed development does not properly incorporate commercial uses in conformity with the policy and intent of the Unified Development Plan and Future Development Map.

Prior to September 27, 2022, the site was located within the Community Mixed Use Character Area. This character area is intended for activity nodes and connecting areas located along major corridors. This is characterized by mixed-use developments incorporating mostly commercial uses with some smaller office tenants, and medium to high density residential uses concentrated at major intersections. Although the proposed development has mix of uses, the commercial and residential portion are completely separated by right of way and are intended to be disconnected. A mixed-use development with a step-down in density and intensity adjacent to single family residential zoned property would have met the intent the character area. Therefore, although the site plan was prepared prior to the change in character area, the proposed development does not meet the intent of the Community Mixed Use Character Area.



F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

The site is located along Athens Highway which is classified as principal arterial road. Further, the site is adjacent to commercially zoned properties. However, the site is also adjacent to single-family residential uses and is large enough to provide a step down in density towards the rear of the site. Incorporating the commercial uses in the ground floor of mixed-use buildings would increase the amount of space for these transitional uses. This area of the County is

rapidly changing and becoming increasingly denser and would be an appropriate site for a mixed-use development. These factors provide supporting grounds for the approval of the rezoning 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 Recommended Conditions

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

RZM2022-00024:

Approval as RM-13 (Multifamily Residence District), subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan, dated received 10/3/2022, and Exhibit C: Building Elevations, dated received 5/31/2022, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. Development shall be limited to multifamily residential units and accessory uses and structures, not to exceed 662 units.
3. Efficiency units shall be prohibited.
4. A maximum of 10 percent of units may be three bedrooms, or larger.
5. All buildings shall comply with Category 3, Multi-Family Residential Buildings, of the Gwinnett County Architectural Standards.
6. Common area and amenity plan shall be subject to the review and approval of the Department of Planning and Development.
7. The stormwater management facilities shall be constructed as a decorative feature per development. This could include a water feature, trails, enhanced landscaping, benches, gazebos, etc. The final design and layout shall be reviewed and approved by the Department of Planning and Development and the Department of Water Resources.
8. A property management company shall be responsible for maintenance of all common areas/facilities, street frontage landscaping, lawn, and ornamental planting maintenance, decks, roofs, painting of exteriors, and other property maintenance.
9. Natural vegetation shall remain on the property until the issuance of a development permit.
10. All grassed areas shall be sodded.
11. Pedestrian connectivity shall be provided between all buildings and uses.
12. Developer shall adhere to findings and recommendations from DRI 3734 Aventon Park,

attachment C, section 1 and 2, and make any recommended improvements prior to the issuance of the first certificate of occupancy

13. Prior to the issuance of the certificate of occupancy, the following roadway & site access improvement shall be made at Athens Highway (SR 10/US 78) and Midway Plaza Driveway/Driveway B (Intersection 3):
 - a. Driveway B shall be constructed to operate as a full movement, side-street stop-controlled intersection.
 - b. One (1) ingress lane entering the site and one (1) egress lane exiting the site shall be constructed.
 - c. One (1) westbound right-turn lane along Athens Highway (SR 10/ US 78) shall be constructed.

14. Prior to the issuance of the certificate of occupancy, the following roadway & site access improvement shall be made at Athens Highway (SR 10/US 78) and Driveway A (Intersection 6)

- a. Driveway A shall be constructed to operate as a full movement, side-street stop-controlled intersection.
 - b. One (1) ingress lane entering the site and one (1) egress lane exiting the site shall be constructed.
 - c. One (1) westbound right-turn lane along Athens Highway (SR 10/ US 78) shall be constructed.

15. The developer shall fill in sidewalk gaps on the south side of Atlanta Highway between the intersection of Rosebud Road and the westernmost site access into the existing Kroger development.

Staff Recommended Conditions

RZC2022-00029:

Approval as C-2 (Commercial Business District) subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan, dated received 10/3/2022, and Exhibit C: Building Elevations, dated received 5/31/2022, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. The commercial area shall be enhanced with outdoor plaza and landscaping, including outdoor furnishing such as benches, gazebo, water feature, and outdoor lighting subject to the review and approval of the Department of Planning and Development.
3. The stormwater management facilities shall be constructed as a decorative feature per development. This could include a water feature, trails, enhanced landscaping, benches, gazebos, etc. The final design and layout shall be reviewed and approved by the Department of Planning and Development and the Department of Water Resources.

4. Natural vegetation shall remain on the property until the issuance of a development permit.
5. All grassed areas shall be sodded.
6. Pedestrian connectivity shall be provided between all buildings and uses.
7. The developer shall provide a sidewalk along site frontage on Athens Highway.
8. Developer shall adhere to findings and recommendations from DRI 3734 Aventon Park, attachment C, section 1 and 2, and make any recommended improvements prior to the issuance of the first certificate of occupancy
9. Prior to the issuance of the certificate of occupancy, the following roadway & site access improvement shall be made at Athens Highway (SR 10/US 78) and Midway Plaza Driveway/Driveway B (Intersection 3):
 - a. Driveway B shall be constructed to operate as a full movement, side-street stop-controlled intersection.
 - b. One (1) ingress lane entering the site and one (1) egress lane exiting the site shall be constructed.
 - c. One (1) westbound right-turn lane along Athens Highway (SR 10/ US 78) shall be constructed.
10. Prior to the issuance of the certificate of occupancy, the following roadway & site access improvement shall be made at Athens Highway (SR 10/US 78) and Driveway A (Intersection 6)
 - a. Driveway A shall be constructed to operate as a full movement, side-street stop-controlled intersection.
 - b. One (1) ingress lane entering the site and one (1) egress lane exiting the site shall be constructed.
 - c. One (1) westbound right-turn lane along Athens Highway (SR 10/ US 78) shall be constructed.
11. The developer shall fill in sidewalk gaps on the south side of Atlanta Highway between the intersection of Rosebud Road and the western most site access into the existing Kroger development.

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. Georgia Regional Transportation Authority (GRTA) Notice of Decision
- G. Maps
- H. Application and Disclosure of Campaign Contributions

Exhibit A: Site Visit Photos



View of the site from Athens Highway



View of the Midway Plaza across from Athens Highway

Exhibit B: Site Plan

[attached]

**GWINNETT COUNTY
PLANNING AND DEVELOPMENT**

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10.3.2022

DEVELOPER INFORMATION

AVENTON COMPANIES
1201 EDWARDS MILL ROAD, SUITE 120
RALEIGH, NC 27607
CONTACT: RON PERERA
TEL: 919-451-2093
rperera@aventoncompanies.com

AS-SURVEYED LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 5TH DISTRICT, LAND LOTS 100, 125 AND 124 OF GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY SIDE OF U.S. HIGHWAY NO. 78, SAID POINT BEING 752 FEET SOUTHEASTERLY FROM THE INTERSECTION OF U.S. HIGHWAY 78 AND ROSEBUD ROAD, AS MEASURED ALONG THE NORTHWESTERLY SIDE OF U.S. HIGHWAY NO. 78, RUNNING THENCE NORTH 63°30' EAST, 307.7 FEET TO A 15' REBAR FOUND; RUNNING THENCE NORTH 30°38' 45" WEST, 800.30 FEET TO A 15' REBAR WITH A 15' REBAR FOUND; TURNING THENCE NORTH 59°23' 24" EAST, 1462.24 FEET TO A PAINTED ROCK FOUND; RUNNING THENCE SOUTH 30°02'00" EAST, 1729.48 FEET TO A 1" SQUARE SPIKE FOUND; THENCE SOUTH 59°31'00" WEST, 1062.00 FEET TO A MAGNETIC NAIL SET, SAID POINT BEING 45 FEET NORTHEAST OF THE MID-LINE OF U.S. HIGHWAY NO. 78 AND BEING LOCATED ON THE NORTHEASTERLY SIDE OF SAID ROADWAY; RUNNING THENCE NORTH 70°03'55" WEST, 966.75 FEET, AS MEASURED ALONG THE NORTHERLY SIDE OF U.S. HIGHWAY NO. 78, TO AN IRON PIN SET AND THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 57.7557 ACRES OR 2,515,839.02 SQUARE FEET.

PROHIBITED USES:
No portion of the C-2 zoned land shall be utilized for a dry cleaning plant, car wash, billiards, dog-related paraphernalia, swap meet, pool hall, adult entertainment facility, massage parlor (except to the extent included as part of a day spa), adult book or video store, funeral parlor, flea market, bingo parlor, gaming, arcade, gambling, betting or game of chance business (exclusive of the sale of lottery tickets); sale, rental or lease of automobiles, trucks, other motorized vehicles or trailers; auto repair or repair business, gun or weapon shop, pawn shop, medical and/or recreational marijuana dispensing facility, plant nursery (but a florist or other establishment selling cut flowers or potted plants shall be allowed); or a tattoo parlor.

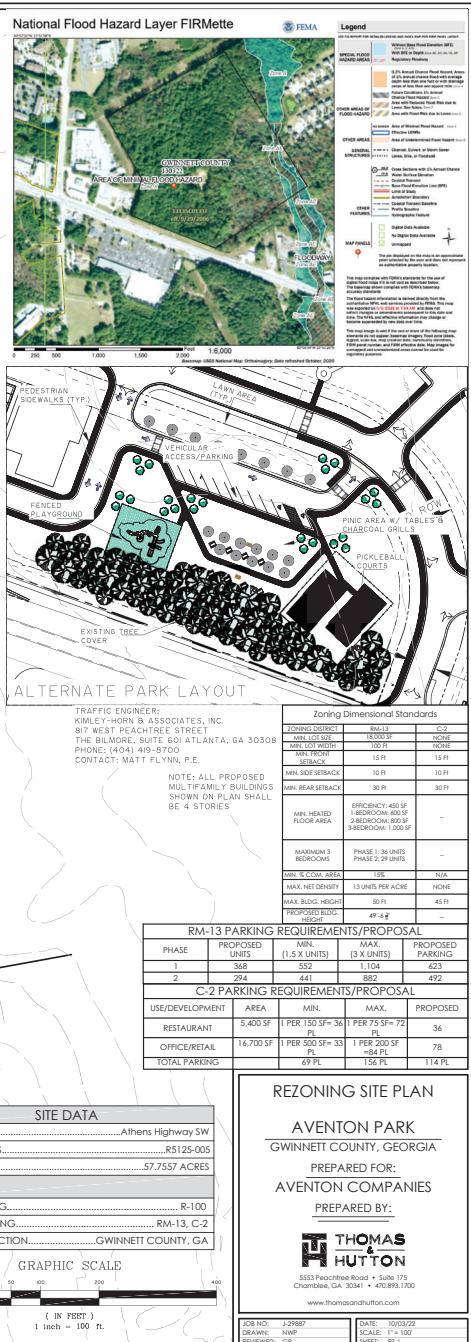
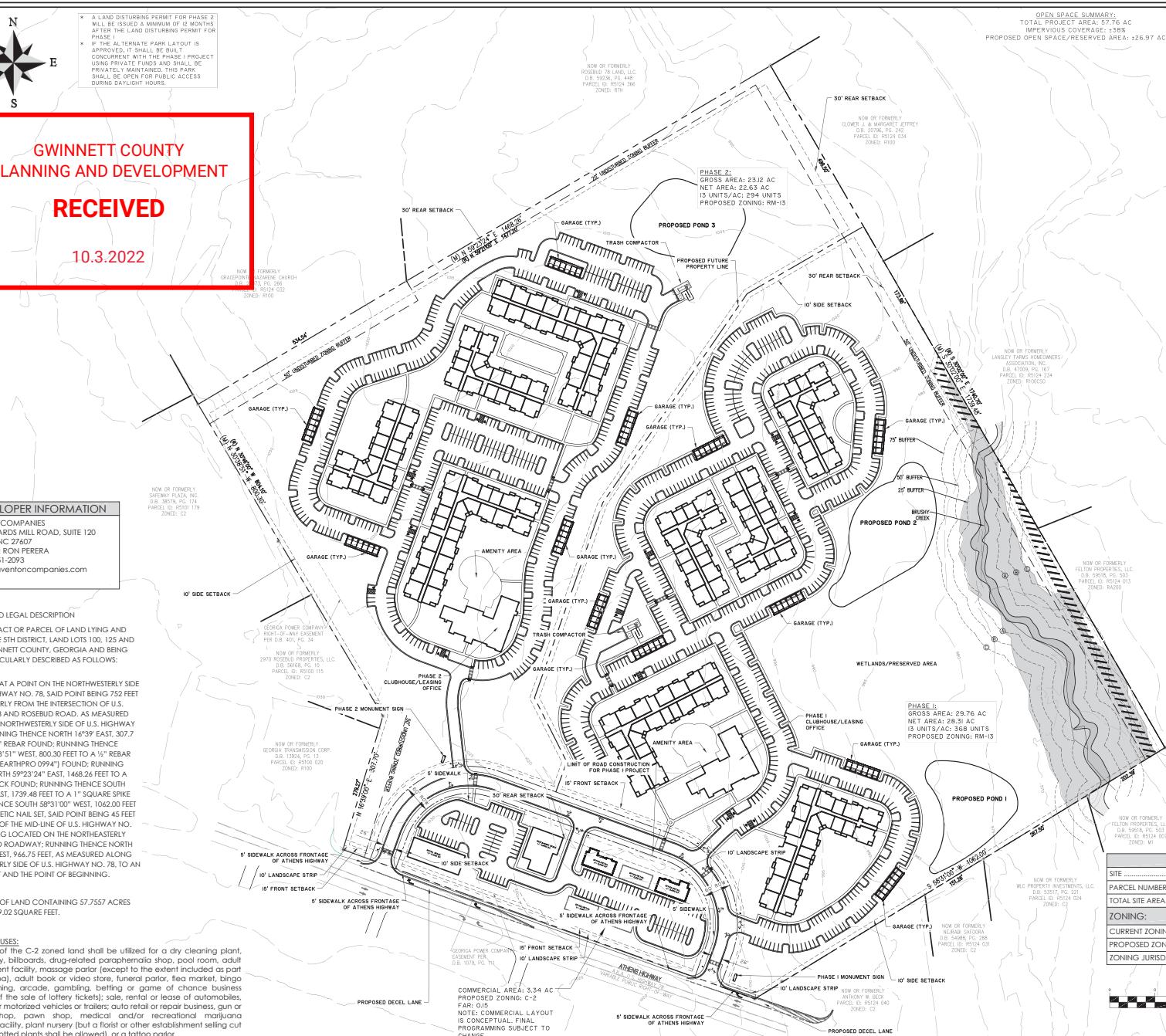


Exhibit C: Building Elevations

[attached]

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EXTERIOR MATERIALS LEGEND

A		FIBER CEMENT BOARD AND BATTEN PANELS - EXTRA WHITE - SW 7006
B		FIBER CEMENT FLAT PANELS - MINDFUL GRAY - SW 7016
C		FIBER CEMENT LAP SIDING - SW 6243
D		FIBER CEMENT LAP SIDING - SW 7067
E		BRICK VENEER - LIGHT GREY
F		BRICK VENEER - DARK GREY
G		ASPHALT SHINGLES - NATURAL GRAY
H		STANDING SEAM METAL ROOF

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ARCHITECTURE + INTERIORS
Scott + Cormia Architecture and Interiors, LLC
429 S. Keller Road, Suite 200
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project

AVENTON
APARTMENTS
ATHENS HIGHWAY 78
GWINNETT COUNTY, GA

seal

**NOT FOR
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CONSTRUCTION**

To the best of the architect's or engineer's knowledge, the plans and specifications are complete, accurate, and in accordance with the applicable codes and the applicable fire-safety standards as determined by the appropriate authority having jurisdiction.

submissions

#	DATE	DESCRIPTION

drawing info

PROJECT #: 22070
DRAWN BY: JS, SR, CH
CHECKED BY:
sheet number
BUILDING TYPE I - EXTERIOR ELEVATIONS

A301



2 BLDG TYPE I RIGHT SIDE ELEVATION

SCALE: 3/32" = 1'-0"



1 BLDG TYPE I FRONT ELEVATION

SCALE: 3/32" = 1'-0"

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② BLDG TYPE I 3D VIEW 02
SCALE:① BLDG TYPE I 3D VIEW 01
SCALE:

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RZM2022-00035 and RZC2022-00029

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A341

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ARCHITECTURE + INTERIORS

Scott + Cormia Architecture and Interiors, LLC

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Orlando, Florida 32810t. 407-660-2766
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project

AVENTON
APARTMENTSATHENS HIGHWAY 78
GWINNETT COUNTY, GA

seal

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To the best of the architect's or engineer's knowledge, the plans and specifications herein are in accordance with the applicable building code and the applicable fire-safety standards as determined by the authority having jurisdiction.

submissions

DATE DESCRIPTION

drawing info

PROJECT #: 22070

DRAWN BY: JS, SR, CH

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BLDG TYPE I - 3D VIEWS

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CORMIA

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AA25002980
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submissions

#	DATE	DESCRIPTION

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sheet number
BLDG TYPE I - RENDER ENSCAPE

A353



1 BUILDING TYPE I - VIEW 01- RENDER

SCALE: 6" = 1'-0"

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GWINNETT COUNTY, GA



3 CLUBHOUSE - 3D VIEW 03
SCALE:



2 CLUBHOUSE - 3D VIEW 02
SCALE:



1 CLUBHOUSE - 3D VIEW 01
SCALE:

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BIDDING OR
CONSTRUCTION**

To the best of the architect's or engineer's knowledge, the plans and specifications herein are complete, accurate, and applicable in accordance with the building code and the applicable fire-safety standards as determined by

submissions

#	DATE	DESCRIPTION

drawing info

PROJECT #: 22070
DRAWN BY: JS, CH, SR
CHECKED BY: BH
sheet number 3D VIEWS

A304C

IF THIS SHEET DOES NOT MEASURE TO 24 x 36, IT HAS BEEN ENLARGED OR REDUCED. ADJUST SCALE ACCORDINGLY.

THIS SHEET IS PART OF THE DOCUMENT SET AND SHOULD NOT BE SEPARATED.

ALWAYS REFER TO THE LATEST DRAWING SET.

EACH CONTRACTOR SHALL COORDINATE THEIR WORK WITH ALL OTHER TRADES.

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

[attached]

LETTER OF INTENT
IMPACT ANALYSIS

and

Other Material Required by
The Gwinnett County Unified Development Code
for the
Rezoning Application

of

AVENTON COMPANIES

for

± 57.7557 Acres of Land
located on U.S. Highway 78
Parcel ID R5125-005, Gwinnett County, Georgia

From R-100 to RM-13 and C-2

Submitted for Applicant by:

Dennis J. Webb, Jr.
Kathryn M. Zickert
J. Alexander Brock
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

SGR/37591766.1

I. INTRODUCTION

This Application seeks to rezone a ± 57.7557 -acre tract of land from Single-Family Residence District (R-100) to Multifamily Residence District (RM-13) and General Business District (C-2) to allow for a mixed use development consisting of multifamily residential and commercial elements. The property is located on the north side of U.S. Highway 78 (“Athens Highway”) approximately 700 feet east of its intersection with Rosebud Road, and more particularly at 0 U.S. Highway 78 (Parcel ID R5125-005) in Gwinnett County, Georgia, (“Subject Property”). The Subject Property formerly contained a single family home and accessory structures (a barn and several sheds) and was improved with grassed fields and a pond. The home was vacant for a number of years before being removed approximately four years ago. During the home’s vacancy, the property’s grassed fields became overgrown with vegetation and the pond deteriorated into a poor condition. The Subject Property is now primarily composed of small diameter trees and undergrowth.

Aventon Companies (“Applicant”) seeks to redevelop the Subject Property for ± 662 market-rate, multifamily units (13 units per acre), which will be developed in two phases on a ± 52.88 acre portion of the Subject Property.¹ Each phase will have a clubhouse with a leasing office, parking and amenity areas. The amenities will include a pool, grill area, gym, and valet trash pick-up, among others. In addition, the Applicant is proposing a commercial development on a ± 3.34 -acre portion of the Subject Property fronting Athens Highway. The commercial component will preliminarily consist of $\pm 5,400$ square feet of restaurant space and $\pm 16,700$ square feet of office/retail space (the residential development and the commercial development shall

¹ Phase I will contain ± 368 units on 29.76 acres and Phase II will contain ± 294 units on 23.12 acres. This area does not include ± 1.5357 acres of proposed right-of-way for the internal public streets.

compose the “Proposed Development”). The Applicant is seeking an RM-13 zoning for the multifamily development and a C-2 zoning to allow for the commercial development. The Applicant is also proposing an alternative design to construct a public park area on half of the ±3.34-acre commercial tract. The park option includes pickleball courts, a playground and a picnic area with grills. The park will be professionally landscaped and preserve a strip of existing tree cover along Athens Highway to buffer it against the traffic on that roadway. Plans for the alternative park design are attached to this Application. The Applicant is open to developing either the park or commercial options and will have discussions with County Officials and the community during the rezoning process to determine which is preferred.

The Proposed Development is compatible with the existing development in the area. To the northwest, the Subject Property borders the First Church of the Nazarene Atlanta property, which operates as the Gracepointe Church, and is zoned R-100 and Residential Townhome (R-TH)². To the northeast, the Subject Property borders a 15.22-acre parcel containing a single family residence, addressed as 2995 Langley Road and zoned R-100. To the east the Subject Property borders vegetated common area within the Langley Farms subdivision³ zoned Single Family Residential Conservation Subdivision Overlay (R-100CSO), as well as undeveloped property owned by Felton Properties, LLC that is zoned Agriculture-Residence District (RA-200). To the southeast, the Subject Property borders a second undeveloped property owned by Felton Properties, LLC that is zoned Light Industrial (M-1). Also to the southeast are several properties fronting Athens Highway that are zoned C-2 and contain existing businesses including Tony Beck

² The property was rezoned from R-100 to R-TH in 2022 (Case No. RZM2022-00013) to allow for the development of 201 townhome units. As of the date of this Statement of Intent, the townhome construction has not yet begun.

³ The portion of the Langley Farms subdivision that abuts the Subject Property is owned by the Langley Farms Homeowners Association, Inc.

Heating & Air, Waldrop's Lawn Care, and a former auto sales lot.⁴ In addition to the uses immediately abutting the Subject Property, there are other multifamily residential developments in the vicinity of a similar or greater density than what the Applicant proposes. For example, the Cambridge Downs Apartments, located at 2945 Rosebud Road (± 400 feet west of the Subject Property), has a density of ± 12.62 units per acre⁵ and the Villas at Loganville apartments, located at 2935 Rosebud Road (± 520 feet west of the Subject Property), has a density of ± 23.38 units per acre⁶. The Applicant's proposed density of 13 units per acre is commensurate with the surrounding multifamily uses.

In addition, the proposed RM-13 and C-2 zoning will provide a transition in intensity from the commercial uses along Athens Highway to the single family residential to the north. The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. To effect the off-site transition, the Proposed Development will locate the more intense commercial uses along Athens Highway with the higher-density residential to the rear. This will step down the intensity from Athens Highway through the Proposed Development to the adjacent single family residential districts to the north and east. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or adjacent to the more intensive use to protect neighborhoods from adverse

⁴ The property at 835 Athens Highway formerly contained the ZMS Automotive Sales, but is now being redeveloped for an unknown commercial use.

⁵ ± 196 units on ± 15.53 acres.

⁶ ± 175 units on ± 7.82 acres.

effects. The Proposed Development will be preserving a large section of open space, ranging in width from 230 feet to over 600 feet, that will buffer the existing homes to the east.

In addition to being compatible with the surrounding uses, the Proposed Development is in alignment with the Gwinnett 2040 Unified Plan (“Comp Plan”). The Gwinnett County Future Development Map identifies the Subject Property as lying within the Community Mixed-Use activity center. The Comp Plan envisions the Community Mixed-Use activity center being characterized by mixed-use developments incorporating commercial elements with medium to high density housing.⁷ Additionally, the Community Mixed-Use character area supports the proposed RM-13 and C-2 districts, and, importantly, is not compatible with the current R-100 district. In sum, the proposed rezoning to RM-13 and C-2 will bring the zoning into alignment with the Comp Plan and allow a development meeting the goals for the Community Mixed-Use activity center.

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant’s constitutional rights, an impact analysis as required by the Gwinnett County Unified Development Ordinance § 270-20.6, and an analysis of the standards governing the exercise of zoning power in the Gwinnett County Unified Development Ordinance §270-20.5.

II. OTHER PERMITTING

In the pre-application meeting, Gwinnett County Planning Staff requested that the Applicant identify additional permits beyond Gwinnett County’s review that will be required for the Proposed Development. The Applicant notes that the Proposed Development will require a Development of Regional Impact (“DRI”) review and an U.S. Army Corps of Engineers’

⁷ See Gwinnett 2040 Unified Plan, pg. 296.

(“USACE”) Clean Water Act (“CWA”) Section 404 Permit. A DRI review through the Atlanta Regional Commission and the Georgia Regional Transportation Authority is necessary for any development proposing 500 or more new residential units.⁸ The Applicant’s engineer is currently preparing a traffic study and other materials needed for the DRI submittal.⁹ Additionally, the Applicant will need to obtain an Individual Permit under Section 404 of the CWA for impacts to existing onsite wetlands. The limits of the wetlands are depicted on the survey by Bechtler Greenfield Surveying, LLC, dated 3/11/2022, a copy of which is submitted with this Application. In anticipation of its USACE submittal, the Applicant is preparing an Environmental Site Analysis to detail the wetlands impacts. The Individual Permit will be sought concurrently with the rezoning Application.

III. IMPACT ANALYSIS

1.

THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY

As noted in previous paragraphs, the Proposed Development is compatible with the existing uses found in the area today, including other nearby commercial and multifamily developments. Additionally, the Proposed Development will provide a transition in intensity away from Athens Highway. The Subject Property is situated directly on Athens Highway, a four lane principal arterial with a middle turn lane. This type of roadway is intended to convey a large amount of traffic and is not conducive the single family residential allowed by the Subject Property’s current R-100 zoning. In addition to the transitioning of uses, the Proposed Development is providing a significant amount of buffer between the apartments and the adjacent

⁸ See the Rules of Georgia Department of Community Affairs Chapter 110-12-7-05.

⁹ The DRI review is initiated by Gwinnett County after submittal for the rezoning.

residential properties to the north and east. This buffer will include landscaped open space areas as well as a large amount of naturally vegetated and forested stream buffer. The significant amount of vegetation will buffer the adjacent properties from any impacts. The proposed rezoning will permit a fitting use given the Subject Property's location and the surrounding uses.

2.

THE ZONING PROPOSAL WILL NOT ADVERSELY AFFECT THE EXISTING USE OR
USABILITY OF ADJACENT OR NEARBY PROPERTY

The Proposed Development will not adversely affect the surrounding residential, institutional, and commercial uses. The proposed mixed use development is harmonious with the adjacent uses and will incorporate significant buffers to mitigate any impacts. As noted in previous paragraphs, the Proposed Development is incorporating approximately 230 feet to over 600 feet of vegetated buffer, including at least 150 feet of naturally forested stream buffer. Moreover, traffic from the Proposed Development will enter an exit Athens Highway, limiting impacts to surrounding roadways.

3.

THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL DOES NOT HAVE A
REASONABLE ECONOMIC USE AS CURRENTLY ZONED

The Subject Property is currently zoned R-100, which restricts development to single family dwellings and limited other uses, on lots of 15,000 square feet or more. The R-100 zoning is out of step with the development patterns in the area and is out of sync with the goals of the Comp Plan. The existing home on the Subject Property was developed prior to 1955¹⁰, when much of the area was rural with sparse density and few commercial uses along Athens Highway. In the past sixty-seven years, the area has transformed from the R-100 zoned, rural homesteads

¹⁰ The actual construction date of the home is unknown, but aerial photographs dating back to 1955 reveal the presence of the home.

into more suburban commercial and residential developments. The Comp Plan recognizes this growth and has designated the area as a Community Mixed-Use activity center. This type of activity center encourages mixed use development and requires zoning that allows those types of uses. Consequently, the Subject Property is now much more appropriate for a mixed-use type development such as the one currently proposed. Conversely, the Subject Property's R-100 zoning inhibits its development and absent a rezoning to a suitable district, it is likely to remain undeveloped.

4.

THE ZONING PROPOSAL WILL NOT RESULT IN A USE WHICH WILL OR COULD
CAUSE AN EXCESSIVE BURDEN SOME USE OF EXISTING STREETS,
TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS

This Project, if approved, will not affect existing transportation facilities. Requisite parking is provided incidental to this development. Further, this Application qualifies as a DRI and Kimley-Horn and Associates, Inc. has been engaged to perform the traffic study required by the Atlanta Regional Commission and the Georgia Regional Transportation Authority. The trips generated by this development and their impact on the surrounding roadway network will be studied extensively and mitigation efforts, if any are required, will be implemented.

The school children living in the residential portion of the development will attend Trip Elementary School, Bay Creek Middle School, and Grayson High School. All of the schools are currently listed as at or over capacity. *See Residential Rezoning Impact on Local Schools Prepared for Gwinnett County BOC, May, 2022.* The impacts to the schools will be mitigated, however. The Applicant is restricting the number of three bedroom and larger units, which are more attractive to tenants with children, to no more than ten percent of the total multifamily development. The smaller one and two bedroom units, which typically do not attract residents with children, will compose the majority (90%) of the units, thus the number of school-age children

should be limited.

As for utilities, the Subject Property has access to water and sewer.

5.

THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICIES AND INTENT OF
THE LAND USE PLAN

The Gwinnett County Future Development Map identifies the Subject Property as being within the Community Mixed-Use activity center. The proposed mix of multifamily and commercial uses aligns with the Comp Plan's stated intent for the Community Mixed-Use activity center. Additionally, the Comp Plan identifies potential development types sought for the Community Mixed-Use activity center as, *inter alia*, medium-scale mixed-use developments with apartments, retail, and small-scale office.¹¹ The Proposed Development's mix of uses falls directly in-line with the intent of the Community Mixed-Use activity center. More importantly, the Comp Plan notes that existing R-100 zoning is not compatible with the Community Mixed-Use activity center and the proposed RM-13 and C-2 will bring the Subject Property's zoning into alignment with the Comp Plan's land use. Further, the Comp Plan also encourages the incorporation of small-scale, intense, public open spaces. The Applicant's option for a small-scale public park along Athens Highway is intended to meet this goal. In sum, the Proposed Development serves to implement specific goals, objectives and policies of the Comp Plan. The project at issue represents a consistent use commensurate with other existing uses on adjacent and nearby properties. The proposed use, therefore, is suitable *vis-a-vis* the policies of the Comp Plan.

¹¹ Refer to the Gwinnett 2040 Unified Plan Future Development, pg. 296

6.

THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE
AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR
APPROVAL OF THE ZONING PROPOSAL

The Subject Property's single family home is a remnant of the former rural character of the area and is now out of sync with the current development in the area and the future development that the County, through its Comp Plan, envisions for the area. The current R-100 district limits development to single residential lots with limited other uses. The Applicant's proposal to rezone to RM-13 and C-2 for a mixed use development will bring the Subject Property into alignment with the development trends in the area and allow a practical and fitting mixed use development in step with the current and anticipated future development trends.

**IV. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING
AND PRESERVATION OF CONSTITUTIONAL RIGHTS**

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the Gwinnett County Unified Development Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and

Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the Board of Commissioners' failure to approve the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the development in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The practical effect of a denial of the Rezoning will be to drive up the cost of housing which will have the effect of discriminating on the basis of race and familial status in violation of the Fair Housing Act of the United States and Georgia.

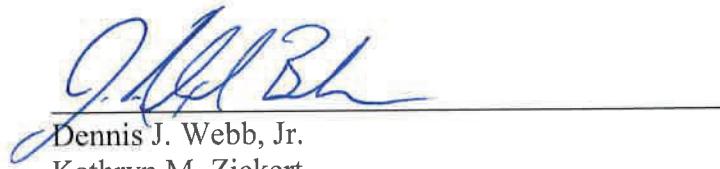
Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning and comprehensive land use amendment be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the County.

This 31st day of May, 2022.

Respectfully submitted,



Dennis J. Webb, Jr.
Kathryn M. Zickert
J. Alexander Brock
Attorneys for Applicant

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

Exhibit E: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date: 10.7.2022	
Department/Agency Name: Transportation	
Reviewer Name: Brent Hodges	
Reviewer Title: Construction Manager 1	
Reviewer Email Address: Brent.Hodges@gwinnettcounty.com	
Case Number: RZM2022-00035 / RZC2022-00029	
Case Address: 901 Athens Highway	
Comments: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
1	Athens Highway/SR 10 is a principal arterial. ADT = 33,200.
2	6.4 miles to the nearest transit facility (#2454884) Grayson Highway and Veterans Organization (VFW #5255).
3	The developer shall coordinate with the Georgia Department of Transportation (GDOT) regarding property access.
4	
5	
6	
7	
Recommended Zoning Conditions: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
1	The developer shall satisfy the conditions set forth and agreed upon per DRI #3734 Aventon Park, relating to sidewalk and GC Trails connections.
2	
3	
4	
5	
6	
7	

Note: Attach additional pages, if needed

Revised 7/26/2021



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		November Cases			
Department/Agency Name:		DWR			
Reviewer Name:		Mike Pappas			
Reviewer Title:		GIS Planning Manager			
Reviewer Email Address:		Michael.pappas@gwinnettcounty.com			
Case Number:		RZM2022-00035 & RZC2022-00029			
Case Address:		901 Athens Highway			
Comments:		<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
1	Water: The development may connect to an existing 12-inch water main located on the south right-of-way of Athens Highway.				
2	Sewer: Sewer Capacity Certification C2022-02-041 is approved for 660 units (271.18 GPM). The proposed development may connect to the existing 10-inch sanitary sewer main located on the subject parcel. Please contact DWR for potential aerial crossing requirements.				
3					
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



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

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

												Proposed Zoning
	School	Forecast	2022-23 Capacity	+/- Cap.	Forecast	2023-24 Capacity	+/- Cap.	Forecast	2024-25 Capacity	+/- Cap.	Approximate Student Projections from Proposed Developments	
CIC2022-00029 fka RZC2021-00021	Mountain View HS	2,370	2,300	70	2,285	2,300	-15	2,254	2,300	-46	32	
	Twin Rivers MS	1,665	2,150	-485	1,715	2,150	-435	1,766	2,150	-384	23	
	Woodward Mill ES	1,019	1,200	-181	1,060	1,200	-140	1,102	1,200	-98	42	
RZR2022-00024	Shiloh HS	2,250	2,275	-25	2,330	2,275	55	2,365	2,275	90	2	
	Shiloh MS	1,669	1,600	69	1,653	1,600	53	1,670	1,600	70	3	
	Anderson-Livsey ES	628	975	-347	634	975	-341	642	975	-333	4	
RZR2022-00015	Brookwood HS	3,920	3,000	920	3,893	3,000	893	3,841	3,000	841	5	
	Five Forks MS	1,227	1,150	77	1,241	1,150	91	1,218	1,150	68	4	
	Gwin Oaks ES	1,067	875	192	1,056	875	181	1,043	875	168	7	
RZR2022-00033	Dacula HS	2,565	2,550	15	2,670	2,550	120	2,748	2,550	198	2	
	Dacula MS	1,852	1,900	-48	1,906	1,900	6	1,962	1,900	62	1	
	Mulberry ES	750	975	-225	773	975	-202	796	975	-179	2	
RZR2022-00034	Dacula HS	2,565	2,550	15	2,670	2,550	120	2,748	2,550	198	9	
	Dacula MS	1,852	1,900	-48	1,906	1,900	6	1,962	1,900	62	6	
	Dacula ES	1,166	1,550	-384	1,190	1,550	-360	1,214	1,550	-336	13	
RZR2022-00035	Seckinger HS	1,345	2,800	-1,455	1,810	2,800	-990	2,015	2,800	-785	14	
	Jones MS	1,568	1,575	-7	1,599	1,575	24	1,623	1,575	48	11	
	Ivy Creek ES	1,504	1,275	229	1,519	1,275	244	1,542	1,275	267	21	
RZM2022-00045	Dacula HS	2,565	2,550	15	2,670	2,550	120	2,748	2,550	198	8	
	Dacula MS	1,852	1,900	-48	1,906	1,900	6	1,962	1,900	62	6	
	Alcova ES	1,423	1,150	273	1,451	1,150	301	1,495	1,150	345	11	
RZR2022-00032	Peachtree Ridge HS	3,262	3,050	212	3,295	3,050	245	3,271	3,050	221	5	
	Northbrook MS	882	1,025	-143	870	1,025	-155	879	1,025	-146	3	
	Jackson ES	1,426	1,475	-49	1,440	1,475	-35	1,455	1,475	-20	6	
RZC2022-00041	Grayson HS	3,277	3,000	277	3,375	3,000	375	3,477	3,000	477	16	
	Couch MS	1,089	1,150	-61	1,055	1,150	-95	1,070	1,150	-80	12	
	Starling ES	1,144	1,200	-56	1,167	1,200	-33	1,190	1,200	-10	22	
RZM2022-00035 & RZC2022-00029	Grayson HS	3,277	3,000	277	3,375	3,000	375	3,477	3,000	477	65	
	Bay Creek MS	1,318	1,150	168	1,345	1,150	195	1,385	1,150	235	48	
	Trip ES	1,241	1,200	41	1,266	1,200	66	1,291	1,200	91	86	

**Exhibit F: Georgia Regional Transportation Authority (GRTA) Notice of
Decision [attached]**



NOTICE OF DECISION

To: Anna Roach, ARC
(via electronic mail) Bob Voyles, GRTA
Dick Anderson, GRTA
Kathryn Zickert, GRTA
Sharon Mason, GRTA
Sonny Deriso, GRTA

To: Gwinnett County
(via electronic mail and certified mail) Ron Perera

From: Heather Aquino, GRTA Interim Executive Director

Copy: Donald Shockey, ARC
(via electronic mail) Aries Little, ARC
December Weir, ATL/GRTA
Arnold, Michelle, Gwinnett County
Michael D. Johnson, Gwinnett County
Brent Hodges, Gwinnett County
Catherine Long, Gwinnett County
Sushmita Arjyal, Gwinnett County
Lorraine Campagne, Gwinnett County
Andrew Thompson, Gwinnett County
Tom Sever, Gwinnett County
Patrick Burke, Gwinnett County Public Schools

Flynn, Matt, Kimley-Horn
Dennis Webb, Smith, Gambrell & Russell, LLP
Phelps, Garrett, Thomas, and Hutton

Date: October 5, 2022

**Notice of Decision for
Request for Non-Expedited Review of
DRI 3734 Aventon Park**

The purpose of this notice is to inform Ron Perera (the Applicant) and Gwinnett County (the Local Government), the Georgia Regional Transportation Authority (GRTA) Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding Development of Regional Impact (DRI) 3734 Aventon Park (the DRI Plan of Development). GRTA has completed a non-expedited Review for the DRI Plan of Development pursuant to Section 4.2.3 of the *GRTA DRI Review Procedures* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Section 4.3. The DRI Plan of Development as proposed is **approved subject to conditions**, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

Subject to the conditions set forth in Attachment A and Attachment B, GRTA will approve the expenditure of state and/or federal funds for providing the Land Transportation Services and Access improvements listed in Section 2 of Attachment C. The need for said approval shall terminate and be of no further force and effect after ten (10) years from the date of this Notice of Decision, unless substantial construction of the proposed DRI has been commenced during this ten (year) period.

The notice of decision is based on a review of the applicant's DRI Review Package received by GRTA on August 29, 2022. The review package includes: the site development plan (Site Plan) dated August 18, 2022 titled "DRI 3437" prepared by Thomas and Hutton, Transportation Study dated July 11, 2022 prepared by Kimley-Horn received by GRTA on July 11, 2022, and the DCA Initial and Additional forms filed on June 15, 2022 and August 26, 2022.

Pursuant to Section 5 of the *GRTA DRI Review Procedures* the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) Business Days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Section 5 of the *GRTA DRI Review Procedures*. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will schedule the appeal hearing according to the timeline established in Section 5.1.2 of the *GRTA DRI Review Procedures*.

Heather Aquino
Interim Executive Director
Georgia Regional Transportation Authority

Attachment A – General Conditions

General Conditions of Approval to GRTA Notice of Decision:

Pedestrian, Bicycle and Transit Facilities

- Provide pedestrian connectivity between all buildings and uses.
- Provide a sidewalk along site frontage on Atlanta Highway.

Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

Athens Highway (SR 10/US 78) at Midway Plaza Driveway/Driveway B (Intersection 3) – Full Movement

- Construct Driveway B to operate as a full movement, side-street stop-controlled intersection.
- Construct one (1) ingress lane entering the site and one (1) egress lane exiting the site.
- Construct one (1) westbound right-turn lane along Athens Highway (SR 10/ US 78).

Athens Highway (SR 10/US 78) at Driveway A (Intersection 6)

- Construct Driveway A to operate as a full movement, side-street stop-controlled intersection.
- Construct one (1) ingress lane entering the site and one (1) egress lane exiting the site.
- Construct one (1) westbound right-turn lane along Athens Highway (SR 10/ US 78).

Attachment B – Required Elements of the DRI Plan of Development

Conditions Related to Altering Site Plan after GRTA Notice of Decision:

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All “Proposed Conditions of Approval to GRTA Notice of Decision” set forth in Attachment A are provided.

Attachment C – Required Improvements to Serve the DRI

As defined by the *GRTA DRI Review Procedures*, a “Required Improvement means a land transportation service or access improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

Section 1:

General Conditions of Approval to GRTA Notice of Decision:

Pedestrian, Bicycle and Transit Facilities

- Provide pedestrian connectivity between all buildings and uses.
- Provide a sidewalk along site frontage on Atlanta Highway.

Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

Athens Highway (SR 10/US 78) at Midway Plaza Driveway/Driveway B (Intersection 3) – Full Movement

- Construct Driveway B to operate as a full movement, side-street stop-controlled intersection.
- Construct one (1) ingress lane entering the site and one (1) egress lane exiting the site.
- Construct one (1) westbound right-turn lane along Athens Highway (SR 10/ US 78).

Athens Highway (SR 10/US 78) at Driveway A (Intersection 6)

- Construct Driveway A to operate as a full movement, side-street stop-controlled intersection.
- Construct one (1) ingress lane entering the site and one (1) egress lane exiting the site.
- Construct one (1) westbound right-turn lane along Athens Highway (SR 10/ US 78).

Section 2:

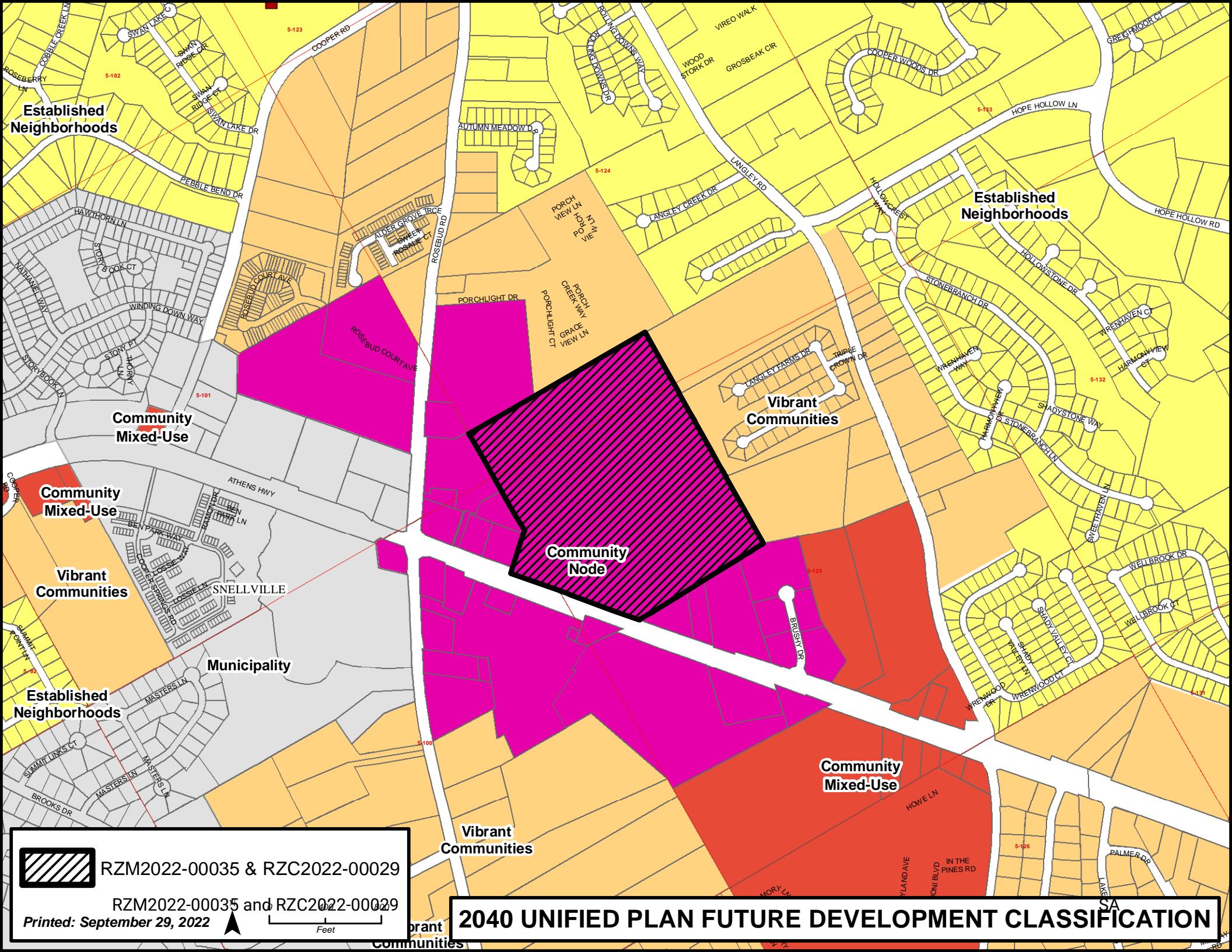
Roadway Improvement Conditions to GRTA Notice of Decision:

Bicycle, Pedestrian, & Transit Facilities

- Fill in sidewalk gaps on the south side of Atlanta Highway between the intersection of Rosebud Road and the westernmost site access into the existing Kroger development.

Exhibit G: Maps

[attached]





RZM2022-00035 & RZC2022-00029

RZM2022-00035 and RZC2022-00029

Printed: September 15, 2022



Feet

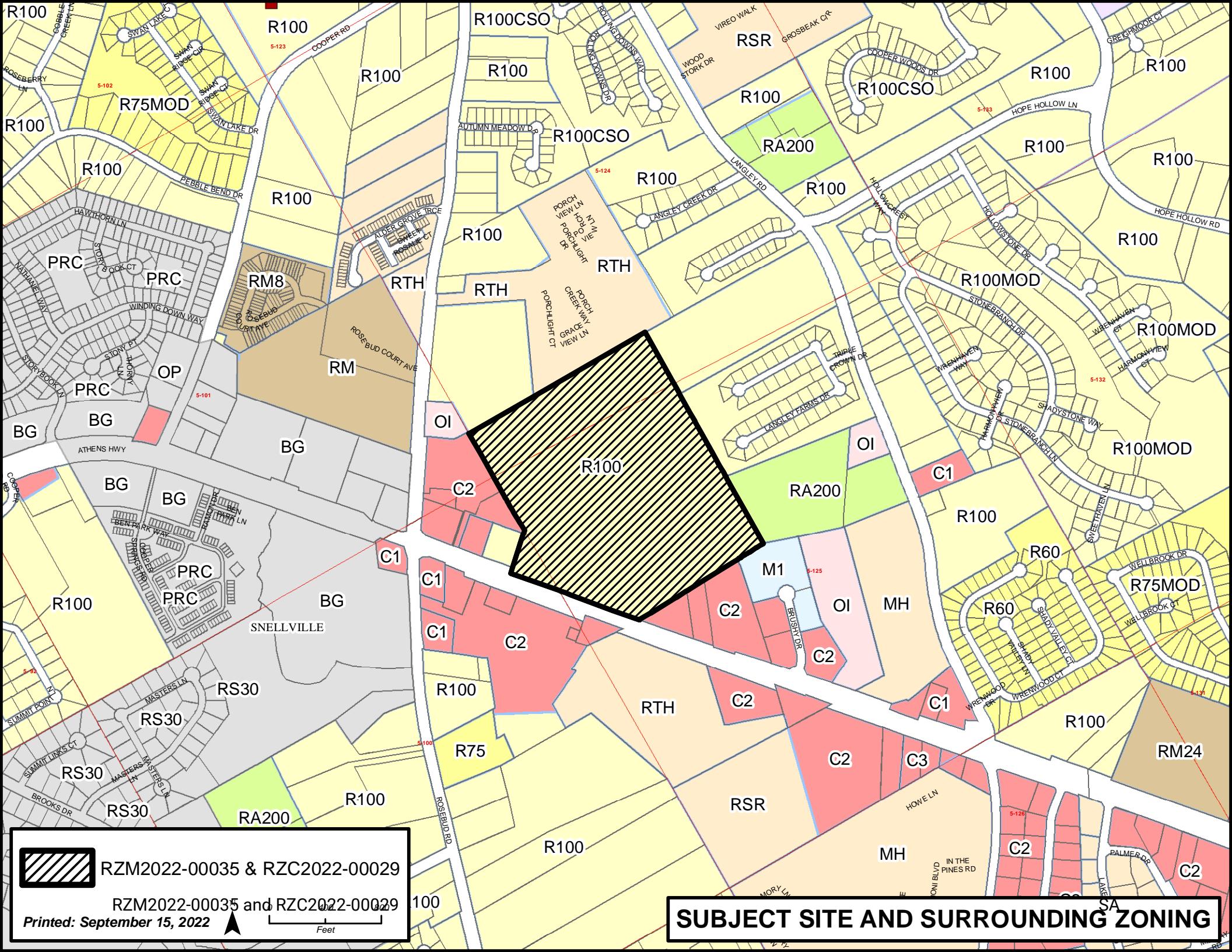


Exhibit H: Application and Disclosure of Campaign Contributions

[attached]

RECEIVED

REZONING APPLICATION

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

9/28/2022

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Aventon Companies (Ron Perera)	NAME: Abe Podber, Et Al.
ADDRESS: 1201 Edwards Mill Rd., Suite 120	ADDRESS: 1205 Lenox Circle
CITY: Raleigh	CITY: Atlanta
STATE: NC ZIP: 27607	STATE: GA ZIP: 30306
PHONE: (919) 451-2093	PHONE: _____
EMAIL: rperera@aventoncompanies.com	EMAIL: _____
CONTACT PERSON: Dennis J. Webb, Jr. Smith, Gambrell & Russell, LLP	PHONE: 404-815-3620
CONTACT'S E-MAIL: dwebb@sgrlaw.com	
APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>RM-13 and C-2</u>	
PARCEL NUMBER(S): <u>R5125-005</u> ACREAGE: <u>57.76</u>	
ADDRESS OF PROPERTY: <u>901 Athens Highway</u>	
PROPOSED DEVELOPMENT: <u>Multi-family and Commercial</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>± 662</u>	No. of Buildings/Lots: <u>7 Buildings</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>± 22,100</u>
Gross Density: <u>12.5 u/a (662/52.88)</u>	Density: <u>0.15 FAR (22,100 sf / 145,490 sf)</u>
Net Density: <u>13 u/a (662/50.93)</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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.

Ronald P. Perera

Signature of Applicant

5/18/22

Date

Ron Perera, Sr. Managing Director (Aventon Companies)

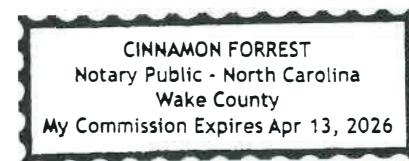
Type or Print Name and Title

Cinnamon Forrest

Signature of Notary Public

5.18.22

Date



Notary Seal

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.

Arnold Podber

Signature of Property Owner

4/9/2022

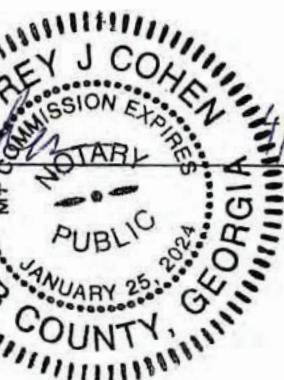
Date

ARNOLD PODBER, PARTNER

Type or Print Name and Title

Jeffrey J. Cohen

Signature of Notary Public



4/9/2022

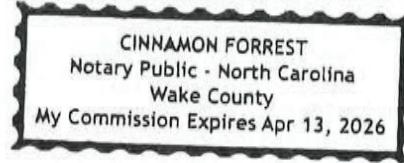
Date

Notary Seal

CONFFLICT OF INTEREST CERTIFICATION FOR REZONING

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

Ronald P. Perera 5/18/22 Aventon Companies
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

N/A
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE
Cinnamon Forrest 5.18.22 
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 RONALD. P. PERERA (Aventon Companies)
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.

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.

Deneed Podber 5/30/2022 *owner, partner*
(Arnold Podber)

SIGNATURE OF APPLICANT

DATE

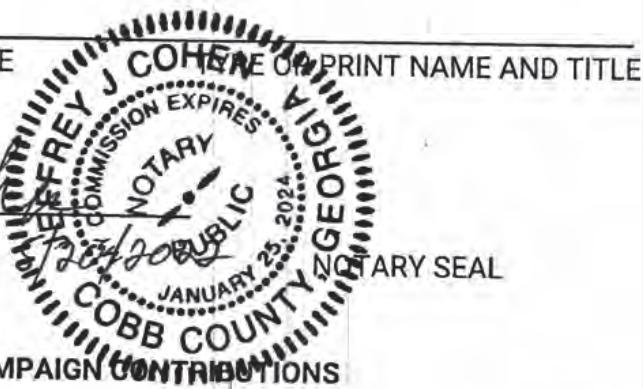
TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

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

Arnold Podber

YOUR NAME

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

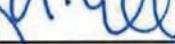
NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

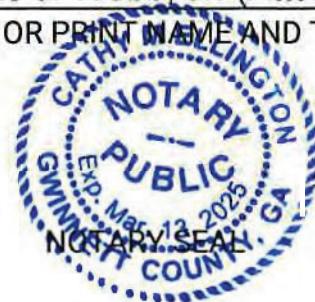
Attach additional sheets if necessary to disclose or describe all contributions.

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.

N/A

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	05.17.22	Dennis J. Webb, Jr. (Attorney)
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	05.17.2022	
SIGNATURE OF NOTARY PUBLIC	DATE	
	My commission expires: 03.13.2025	
		



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 Dennis J. Webb, Jr. Smith, Gambrell & Russell, 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)

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

CONFFLICT OF INTEREST CERTIFICATION FOR REZONING

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

N/A

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Kathryn M Zickert

05.17.22

Kathryn M. Zickert (Attorney)

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

Cathy M. Ellington

05.17.2022

CATHY M ELLINGTON
NOTARY PUBLIC
GWINNETT COUNTY, GA
NOTARY SEAL
Mar. 13, 2025

SIGNATURE OF NOTARY PUBLIC DATE

My commission expires: 03.13.2025

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 Kathryn M. Zickert Smith, Gambrell & Russell, LLP
YOUR NAME

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

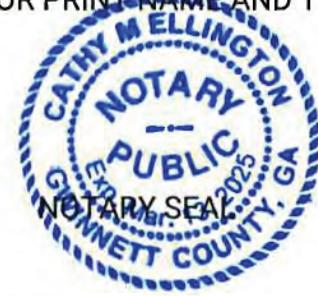
NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

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

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.

N/A

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	05.17.22	J. Alexander Brock (Attorney)
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	05.17.2022	
SIGNATURE OF NOTARY PUBLIC	DATE	
My commission expires: 03.13.2025		

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 Joseph Alexander Brock Smith, Gambrell & Russell, 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)

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

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: R5125-005
(Map Reference Number) _____ - District _____ - Land Lot _____ - Parcel _____


Signature of Applicant _____ Date 05/18/2022
J. Alexander Brock (Smith, Gambrell, & Russell, LLP)
Type or Print Name and Title _____

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

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Jacqueleen Garcia

Tax Associate I

NAME

TITLE

05/18/2022

DATE

RECEIVED**REZONING APPLICATION**

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

9/28/2022

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Aventon Companies (Ron Perera)</u>	NAME: <u>Abe Podber, Et Al.</u>
ADDRESS: <u>1201 Edwards Mill Rd., Suite 120</u>	ADDRESS: <u>1205 Lenox Circle</u>
CITY: <u>Raleigh</u>	CITY: <u>Atlanta</u>
STATE: <u>NC</u> ZIP: <u>27607</u>	STATE: <u>GA</u> ZIP: <u>30306</u>
PHONE: <u>(919) 451-2093</u>	PHONE: _____
EMAIL: <u>rperera@aventoncompanies.com</u>	EMAIL: _____
CONTACT PERSON: <u>Dennis J. Webb, Jr.</u> PHONE: <u>404-815-3620</u> <u>Smith, Gambrell & Russell, LLP</u>	
CONTACT'S E-MAIL: <u>dwebb@sgrlaw.com</u>	
APPLICANT IS THE: <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>RM-13 and C-2</u>	
PARCEL NUMBER(S): <u>R5125-005</u> ACREAGE: <u>57.76</u>	
ADDRESS OF PROPERTY: <u>901 Athens Highway</u>	
PROPOSED DEVELOPMENT: <u>Multi-family and Commercial</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>± 662</u>	No. of Buildings/Lots: <u>7 Buildings</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>± 22,100</u>
Gross Density: <u>12.5 u/a (662/52.88)</u>	Density: <u>0.15 FAR (22,100 sf / 145,490 sf)</u>
Net Density: <u>13 u/a (662/50.93)</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

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

See attached Statement of Intent

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

See attached Statement of Intent

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

See attached Statement of Intent

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

See attached Statement of Intent

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

See attached Statement of Intent

(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:

See attached Statement of Intent

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.

Ronald P. Perera

Signature of Applicant

5/18/22

Date

Ron Perera, Sr. Managing Director (Aventon Companies)

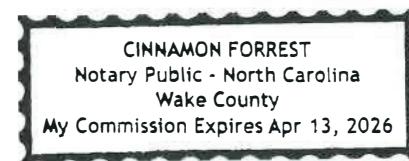
Type or Print Name and Title

Cinnamon Forrest

Signature of Notary Public

5.18.22

Date



Notary Seal

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.

Arnold Podber

Signature of Property Owner

4/9/2022

Date

ARNOLD PODBER, PARTNER

Type or Print Name and Title

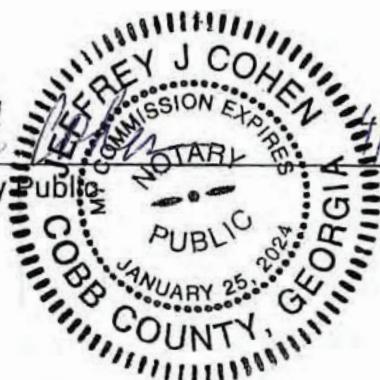
Jeffrey J. Cohen

Signature of Notary Public

4/9/2022

Date

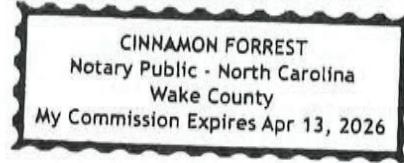
Notary Seal



CONFFLICT OF INTEREST CERTIFICATION FOR REZONING

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

Ronald P. Perera 5/18/22 Aventon Companies
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

N/A
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE
Cinnamon Forrest 5.18.22 
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 RONALD. P. PERERA (Aventon Companies)
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.

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.

Deneed Podber 5/30/2022 *owner, partner*
(Arnold Podber)

SIGNATURE OF APPLICANT

DATE

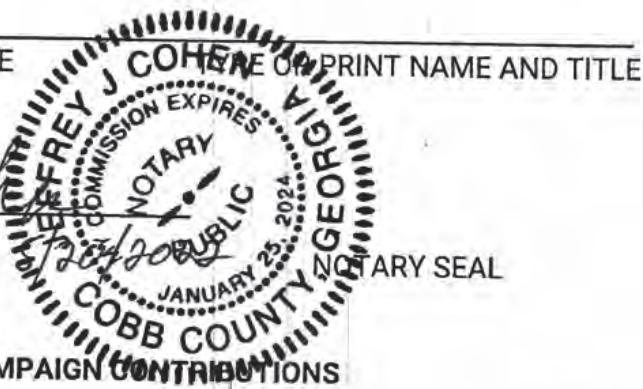
TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

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

Arnold Podber

YOUR NAME

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

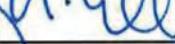
NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

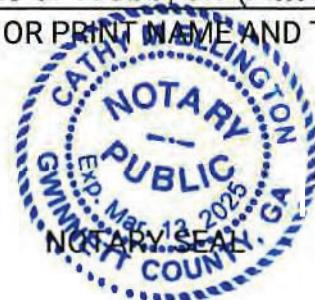
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N/A

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	05.17.22	Dennis J. Webb, Jr. (Attorney)
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	05.17.2022	
SIGNATURE OF NOTARY PUBLIC	DATE	
	My commission expires: 03.13.2025	
		



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 Dennis J. Webb, Jr. Smith, Gambrell & Russell, 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)

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

CONFFLICT OF INTEREST CERTIFICATION FOR REZONING

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N/A

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
<i>Kathryn M Zickert</i>	05.17.22	Kathryn M. Zickert (Attorney)
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
<i>Cathy M. Ellington</i>	05.17.2022	
SIGNATURE OF NOTARY PUBLIC	DATE	
<i>My commission expires: 03.13.2025</i>		



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 Kathryn M. Zickert Smith, Gambrell & Russell, LLP
YOUR NAME

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

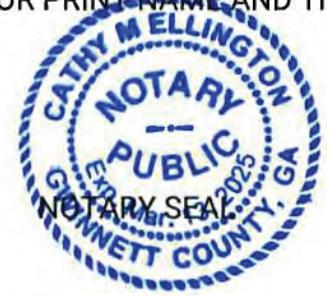
NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

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

CONFFLICT OF INTEREST CERTIFICATION FOR REZONING

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

N/A

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	05.17.22	J. Alexander Brock (Attorney)
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	05.17.2022	
SIGNATURE OF NOTARY PUBLIC	DATE	
My commission expires: 03.13.2025		

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 Joseph Alexander Brock Smith, Gambrell & Russell, 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)

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

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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Pre-Application Meeting



Gwinnett

GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

446 West Crogan Street, Suite 300 | Lawrenceville, GA 30046-2440

678.518.6000

GwinnettCounty.com

PRE-APPLICATION INFORMATION FORM

NOTE: Once the Pre-Application Meeting is complete, staff will provide the applicant with a signed copy of this form. This signed copy must be submitted with your official zoning/variance application.

Applicant Information:

Name: J. Alexander Brock

Company: Smith, Gambrell & Russell, LLP

Mailing Address: 1105 West Peachtree Street, NE

City, State, Zip Code: Atlanta, Georgia 30309

Phone Number: 404-815-3603

Email Address: jabrock@sgrlaw.com

Project Summary:

Address of Project: 0 Hwy 78 (Parcel ID: R5125-005)

Name of Project: Aventon Park

Application Type (Rezoning, Change in Conditions, Special Use Permit, Buffer Reduction, Variance, Other):

Rezoning

Total Project Acreage: 57.7557 ± 22,100 Total Square Footage: (commercial) ± 662 Total Number of Lots/Units: multifamily units

Detailed Description (Include Proposed Use(s) and Square Footage of Floor Area for each use): Rezone from R-100 to RM-13 and C-2 for the development of ± 662 multifamily units and ± 22,100 of commercial space

Pre-Application Information Form Submittal Checklist:

- Completed Pre-Application Information Form
- One PDF digital version of Concept Plan

For Internal Use Only:

5/25/2022

Pre-Application Meeting Date: _____

Staff Printed Name: SUSHMITA ARJYAL

Signed: Sushmita Arjyal

GWINNETT COUNTY
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Site Plan



- * A LAND DISTURBING PERMIT FOR PHASE 2 WILL BE ISSUED A MINIMUM OF 12 MONTHS AFTER THE LAND DISTURBING PERMIT FOR PHASE 1
- * IF THE ALTERNATE PARK LAYOUT IS APPROVED, IT SHALL BE BUILT CONCURRENT WITH THE PHASE 1 PROJECT USING PRIVATE FUNDS AND SHALL BE PRIVATELY MAINTAINED. THIS PARK SHALL BE OPEN FOR PUBLIC ACCESS DURING DAYLIGHT HOURS.

GWINNETT COUNTY PLANNING AND DEVELOPMENT

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10.3.2022

DEVELOPER INFORMATION

AVENTON COMPANIES
1201 EDWARDS MILL ROAD, SUITE 120
RALEIGH, NC 27607
CONTACT: RON PERERA
TEL. 919-451-2093

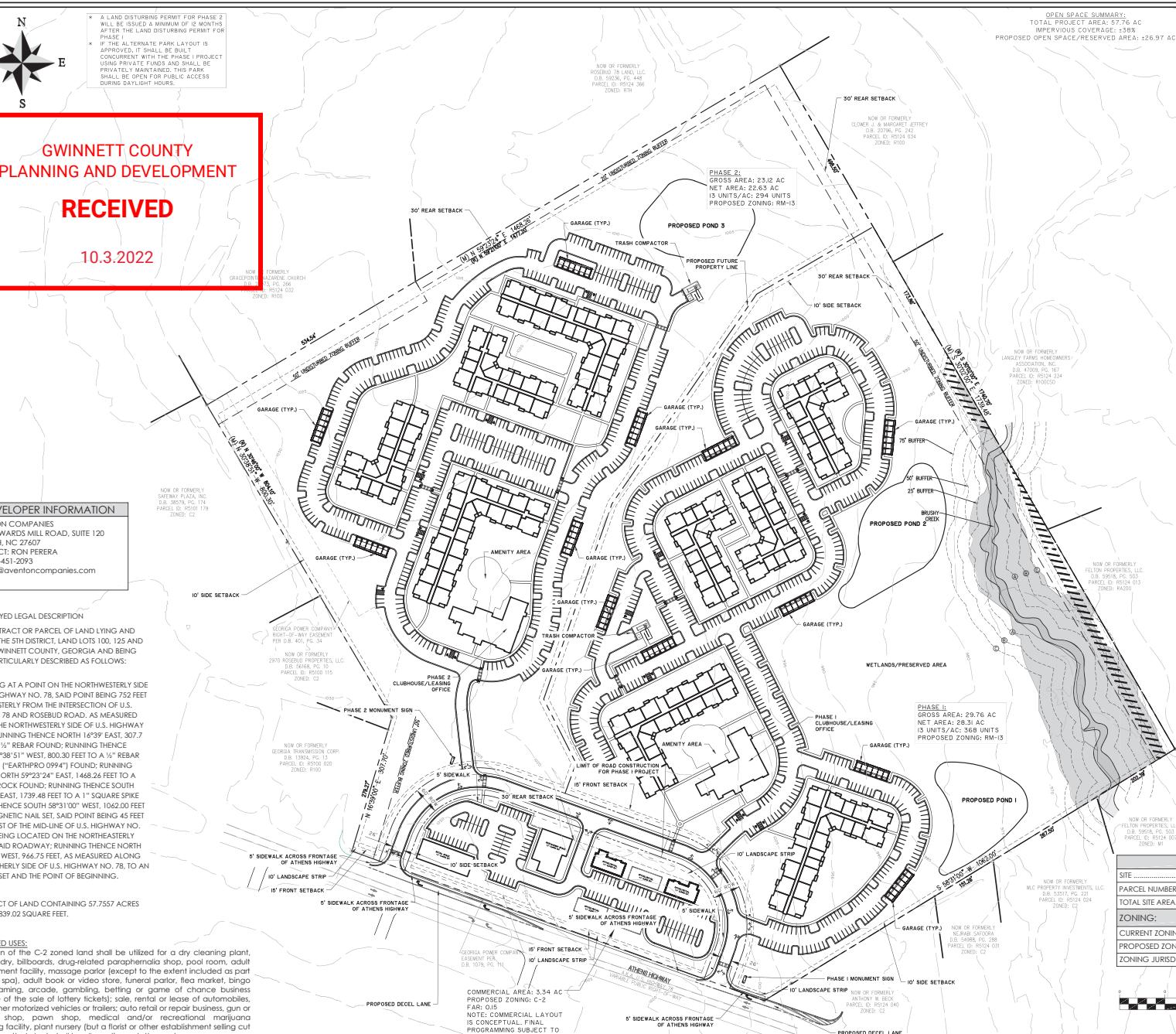
AS-SURVEYED LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 5TH DISTRICT, LAND LOTS 100, 125 & 24 OF GWINNETT COUNTY, GEORGIA AND BEING

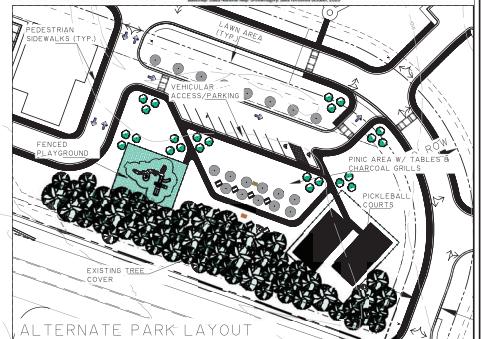
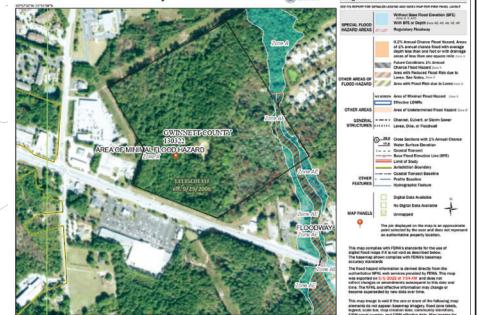
BEGINNING AT A POINT ON THE NORTHWESTERLY SIDE OF U.S. HIGHWAY NO. 78, SAID POINT BEING 752 FEET SOUtheasterly FROM THE INTERSECTION OF U.S. HIGHWAY 78 AND ROSEBUD ROAD, AS MEASURED ALONG THE NORTHWESTERLY SIDE OF U.S. HIGHWAY NO. 78, RUNNING THENCE NORTH 18° 33' EAST, 307.7 FEET TO A 1" REBAR FOUND, RUNNING THENCE NORTH 75° 45' WEST, 300.0 FEET TO A 1" REBAR AND CAR (FEARHORN) FOUND, RUNNING THENCE NORTH 59° 22' 24" EAST, 148.26 FEET TO A PAINTED ROCK FOUND, RUNNING THENCE SOUTH 20° 12' EAST, 179.48 FEET TO A 1" SQUARE SPIKE OUND, THENCE SOUTH 59° 31' 00" WEST, 106.00 FEET TO A MAGNETIC NAIL, SET SAID POINT BEING 752 FEET NORTHEAST OF THE MID-LINE OF U.S. HIGHWAY NO. 78 AND BEING LOCATED ON THE NORTHEASTERLY SIDE OF SAID ROADWAY, RUNNING THENCE NORTH 10° 55' WEST, 66.75 FEET AS MEASURED ALONG THE NORTHEASTERLY SIDE OF U.S. HIGHWAY NO. 78, TO AN IRON PIN SET AND THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 57.7557 ACRES
OR 2,515,839.02 SQUARE FEET

PROHIBITED USES: No part of any C-2 zoned land shall be utilized for a dry cleaning plant, car wash, billboards, drug-related paraphernalia shop, pool room, adult entertainment facility, massage parlor (except to the extent included as part of a day spa), adult book or video store, flea market, bingo parlor, gambling, arcade, gambling, betting or game of chance business (exclusive of the sale of lottery tickets); sale, rental or lease of automobiles, trucks, other motorized vehicles or trailers; auto repair or repair business, gun or weapon shop, pawn shop, medical and/or recreational marijuana dispensing facility, plant nursery (but a florist or other establishment selling cut



National Flood Hazard Layer FIRMette



Zoning Dimensional Standards		
ZONING DISTRICT	RW-13	C-2
MIN. LOT SIZE	18,000 SF	NONE
MIN. LOT WIDTH	100 FT	NONE
MIN. SIDE SETBACK	15 FT	15 FT
MIN. SIDE SETBACK	10 FT	10 FT
MIN. REAR SETBACK	30 FT	30 FT
MIN. HEATED FLOOR AREA	EFFICIENCY: 450 SF 1-BEDROOM: 400 SF 2-BEDROOM: 800 SF 3-BEDROOM: 1,000 SF	—

RM-13 PARKING REQUIREMENTS/PROPOSAL		PROPOSED NUMBER OF PARKING SPACES (1.5 X UNITS)	PROPOSED NUMBER OF PARKING SPACES (3 X UNITS)	PROPOSED NUMBER OF PARKING SPACES (3 X UNITS)
PHASE	PROPOSED NUMBER OF PARKING SPACES (1.5 X UNITS)			
1	348	552	1,104	623
2	294	441	882	492
C-2 PARKING REQUIREMENTS/PROPOSAL				
USE/DEVELOPMENT	AREA	MIN.	MAX.	PROPOSED
RESTAURANT	1,400 SF	1 PER 150 SF = 9 ^a	1 PER 75 SF = 7 ^b	36
OFFICE/RETAIL	16,700 SF	1 PER 500 SF = 33 ^c PL	1 PER 200 SF = 84 PL	78

REZONING SITE PLAN

AVENTON PARK

GWINNETT COUNTY, GEORGIA

PREPARED FOR:
AVENTON COMPANIES

THOMAS
&
HUTTON
5553 Peachtree Road • Suite 175

www.thomasandhutton.com

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Legal Description

LEGAL DESCRIPTION

AS-SURVEYED LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 5TH DISTRICT, LAND LOTS 100, 125 AND 124 OF GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY SIDE OF U.S. HIGHWAY NO. 78, SAID POINT BEING 752 FEET SOUTHEASTERLY FROM THE INTERSECTION OF U.S. HIGHWAY 78 AND ROSEBUD ROAD. AS MEASURED ALONG THE NORTHWESTERLY SIDE OF U.S. HIGHWAY NO. 78, RUNNING THENCE NORTH $16^{\circ}39'$ EAST, 307.7 FEET TO A $\frac{1}{2}$ " REBAR FOUND; RUNNING THENCE NORTH $30^{\circ}38'51"$ WEST, 800.30 FEET TO A $\frac{1}{2}$ " REBAR WITH CAP ("EARTHPRO 0994") FOUND; RUNNING THENCE NORTH $59^{\circ}23'24"$ EAST, 1468.26 FEET TO A PAINTED ROCK FOUND; RUNNING THENCE SOUTH $30^{\circ}02'00"$ EAST, 1739.48 FEET TO A 1" SQUARE SPIKE FOUND; THENCE SOUTH $58^{\circ}31'00"$ WEST, 1062.00 FEET TO A MAGNETIC NAIL SET, SAID POINT BEING 45 FEET NORTHEAST OF THE MID-LINE OF U.S. HIGHWAY NO. 78 AND BEING LOCATED ON THE NORTHEASTERLY SIDE OF SAID ROADWAY; RUNNING THENCE NORTH $70^{\circ}03'55"$ WEST, 966.75 FEET, AS MEASURED ALONG THE NORTHERLY SIDE OF U.S. HIGHWAY NO. 78, TO AN IRON PIN SET AND THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 57.7557 ACRES OR 2,515,839.02 SQUARE FEET.

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Architectural Elevations and Renderings

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THIS SHEET IS PART OF THE DOCUMENT SET AND SHOULD NOT BE SEPARATED.

ALWAYS REFER TO THE LATEST DRAWING SET.

EACH CONTRACTOR SHALL COORDINATE THEIR WORK WITH ALL OTHER TRADES.



2 BLDG TYPE I RIGHT SIDE ELEVATION

SCALE: 3/32" = 1'-0"



1 BLDG TYPE I FRONT ELEVATION

SCALE: 3/32" = 1'-0"

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EXTERIOR MATERIALS LEGEND

A		FIBER CEMENT BOARD AND BATTEN PANELS - EXTRA WHITE - SW 7006
B		FIBER CEMENT FLAT PANELS - MINDFUL GRAY - SW 7016
C		FIBER CEMENT LAP SIDING - SW 6243
D		FIBER CEMENT LAP SIDING - SW 7067
E		BRICK VENEER - LIGHT GREY
F		BRICK VENEER - DARK GREY
G		ASPHALT SHINGLES - NATURAL GRAY
H		STANDING SEAM METAL ROOF

SCOTT + CORMIA
ARCHITECTURE + INTERIORS
Scott + Cormia Architecture and Interiors, LLC
429 S. Keller Road, Suite 200
Orlando, Florida 32810
t. 407-660-2766
f. 407-875-3278
www.scott+cormia.com

project [redacted]

AVENTON
APARTMENTS
ATHENS HIGHWAY 78
GWINNETT COUNTY, GA

seal [redacted]
NOT FOR
BIDDING OR
CONSTRUCTION

To the best of the architect's or engineer's knowledge, the plans and specifications herein are correct and in accordance with the applicable building code and the applicable fire-safety standards as determined by the authority having jurisdiction.

submissions

#	DATE	DESCRIPTION

drawing info

PROJECT # :	22070
DRAWN BY :	JS, SR, CH
CHECKED BY :	
sheet number	

BUILDING TYPE I - EXTERIOR ELEVATIONS

A301

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② BLDG TYPE I 3D VIEW 02



① BLDG TYPE I 3D VIEW 01

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ARCHITECTURE + INTERIORS

Scott + Cormia Architecture and Interiors, LLC

429 S. Keller Road, Suite 200

Orlando, Florida 32810

t. 407-660-2766

f. 407-875-3278

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project

AVENTON
APARTMENTSATHENS HIGHWAY 78
GWINNETT COUNTY, GA

seal

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CONSTRUCTION

To the best of the architect's or engineer's knowledge, the plans and specifications are complete and correct in all respects, including the building code and the applicable fire-safety standards as determined by the architect or engineer.

submissions

#	DATE	DESCRIPTION

drawing info

PROJECT #: 22070

DRAWN BY: JS, SR, CH

CHECKED BY: XXX

sheet number

BLDG TYPE I - 3D VIEWS

A341

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f. 407-875-3276

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project

AVENTON
CLUBHOUSE
ATHENS HIGHWAY 78
GWINNETT COUNTY, GA

2 CLUBHOUSE LEFT ELEVATION

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

NOT FOR
BIDDING OR
CONSTRUCTION

To the best of the architect's or engineer's knowledge, the plans and specifications herein are correct and complete, and are in accordance with good building and the applicable fire-safety standards as determined by the architect or engineer.

submissions

DATE DESCRIPTION

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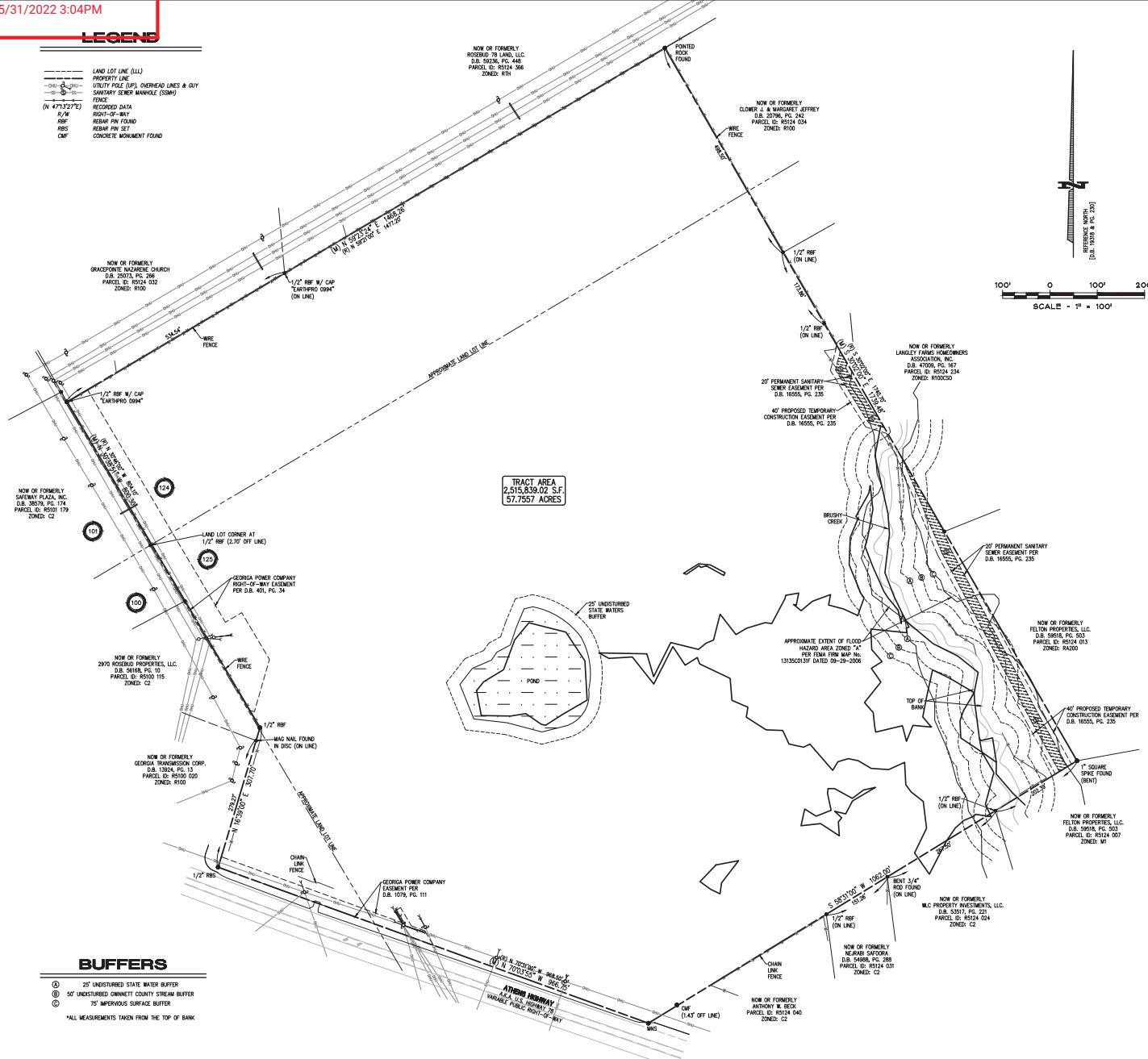
Survey

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~~LEGEND~~

LAND LOT LINE (LLL)
 PROPERTY LINE
 UTILITY POLE (UP), OVERHEAD LINES & GUY
 SANITARY SEWER MANHOLE (SSMH)
 FENCE
 (N 47°13'27" E)
 RECORDED DATA
 R/W
 RFB
 RBS
 CMF
 RIGHT-OF-WAY
 REBAR PIN FOUND
 REBAR PIN SET
 CONCRETE MONUMENT FOUND



BUFFERS

- Ⓐ 25' UNDISTURBED STATE WATER BUFFER
- Ⓑ 50' UNDISTURBED GWINNETT COUNTY STREAM BUFFER
- Ⓒ 75' IMPERVIOUS SURFACE BUFFER

*ALL MEASUREMENTS TAKEN FROM THE TOP OF BANK

*ALL MEASUREMENTS TAKEN FROM THE TOP OF BANK

LOCATION MA

1. SURVEY PROCEDURES: THIS SURVEY IS BASED ON MEASUREMENTS OBTAINED USING AN INSTRUMENT CAPABLE OF PROVIDING ANGULAR MEASUREMENTS DIRECTLY TO A MINIMUM OF 5 SECONDS OF ANGULAR MEASURE AND A DISTANCE PRECISION OF 1.0 FEET.
2. THE FIELD DATA (UPON WHICH THIS PLAT IS BASED) HAS A CLOSURE PRECISION OF ONE FOOT IN 15,540.5 FEET, AND AN ANGULAR ERROR OF 7.81 FEET PER ANGLE POINT AND IS ADJUSTED BY COMPASS RAY LINE METHOD.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE, AND IS FOUND TO BE ACCURATE WITHIN THE PRECISION STATED IN PARAGRAPH 2.
4. TITLE TO THE SURVEYED PROPERTY IS CURRENTLY HELD IN 50% FAMILY PARTNERSHIP, LPA, BY VIRTUE OF CULTURED GARDEN INC. D/B/A BUD NAME, PAGE 200 OF CINNICKETI, OHIO, COUNTY, GEORGIA RECORDS.
5. I HAVE EXAMINED FEMA FLOOD RESISTANCE DATA MAP NO. 13-000007 DATED SEPTEMBER 2003, AND FOUND THAT THE PROPERTY IS LOCATED SOLELY BY PHYSICAL LOCATION ON THE MAP THAT THIS PROPERTY IS SHOWN TO BE LOCATED WITHIN THE LIMITS OF A DESIGNATED FLOOD HAZARD AREA ("ZONE A").
6. THE BASIS OF RECORDING FOR THIS SURVEY IS THE EXHIBIT "A" LEGAL DESCRIPTION SHOWN ON THE SURVEY MAP, AND THE SURVEYOR IS NOT RESPONSIBLE FOR THE EXHIBIT "A" LEGAL DESCRIPTION.
7. THE SURVEYED PROPERTY IS OWNED BY 100% OWNER (TITLE TO PROPERTY EXCLUDED) ACCORDING TO THE CINNICKETI, OHIO PLANNING & ZONING DEPARTMENT AND IS SUBJECT TO THE REQUIREMENTS AND RESTRICTIONS OF THIS ZONING CLASSIFICATION. THE SETBACK REQUIREMENTS FOR THIS EASEMENT ARE AS FOLLOWS:

FRONT	55 FT. (MAJOR THOROUGHFARE)
SIDE	25 FT.
REAR	40 FT.
MAXIMUM BUILDING HEIGHT	55 FT.

8. THE PARCEL NUMBERS FOR THE SUBJECT PROPERTY IS R5125 005.
9. ALL DISTANCES SHOWN ON SURVEY ARE HORIZONTAL "GROUND" DISTANCES EXPRESSED IN U.S. SURVEY FEET.
10. ALL ANGULAR DIRECTIONS ARE EXPRESSED AS DEGREES, MINUTES, AND SECONDS.
11. NO ELEVATIONS WERE DETERMINED WHILE CONDUCTING SURVEYING PROPERTY.
12. UTILITY INFORMATION SHOWN ON THE SURVEY IS BASED ON AVAILABLE SURFACE INFORMATION OBSERVED AT THE TIME OF FIELD SURVEY. NO CERTIFICATIONS, OR WARRANTY ANY KIND IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE INFORMATION CONCERNING UTILITIES SHOWN ON THE SURVEY.
13. THIS SURVEY WAS PREPARED IN COMPLIANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 100-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS PROVIDED IN THE GEORGIA PROFESSIONAL ENGINEER AND LAND SURVEYOR'S ACT.

SURVEYOR'S CERTIFICATION

THIS PLAT IS A REBIRTH OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREBE. RECORDATION OF THIS PLAT IS NOT A CONCERN OF THE LAND SURVEYOR. THE LAND SURVEYOR IS NOT RESPONSIBLE FOR COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT IS PREPARED IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS OF THE GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN G.C.C.A. SECTION

RODNEY E. ABNEY, JR.
GEORGIA PLS NO. 2815

NOT
ON OF
MITS,
OR
THIS
CORSI
N
CTION

BOUNDARY SURVEY
FOR
VENTION PROPERTIES

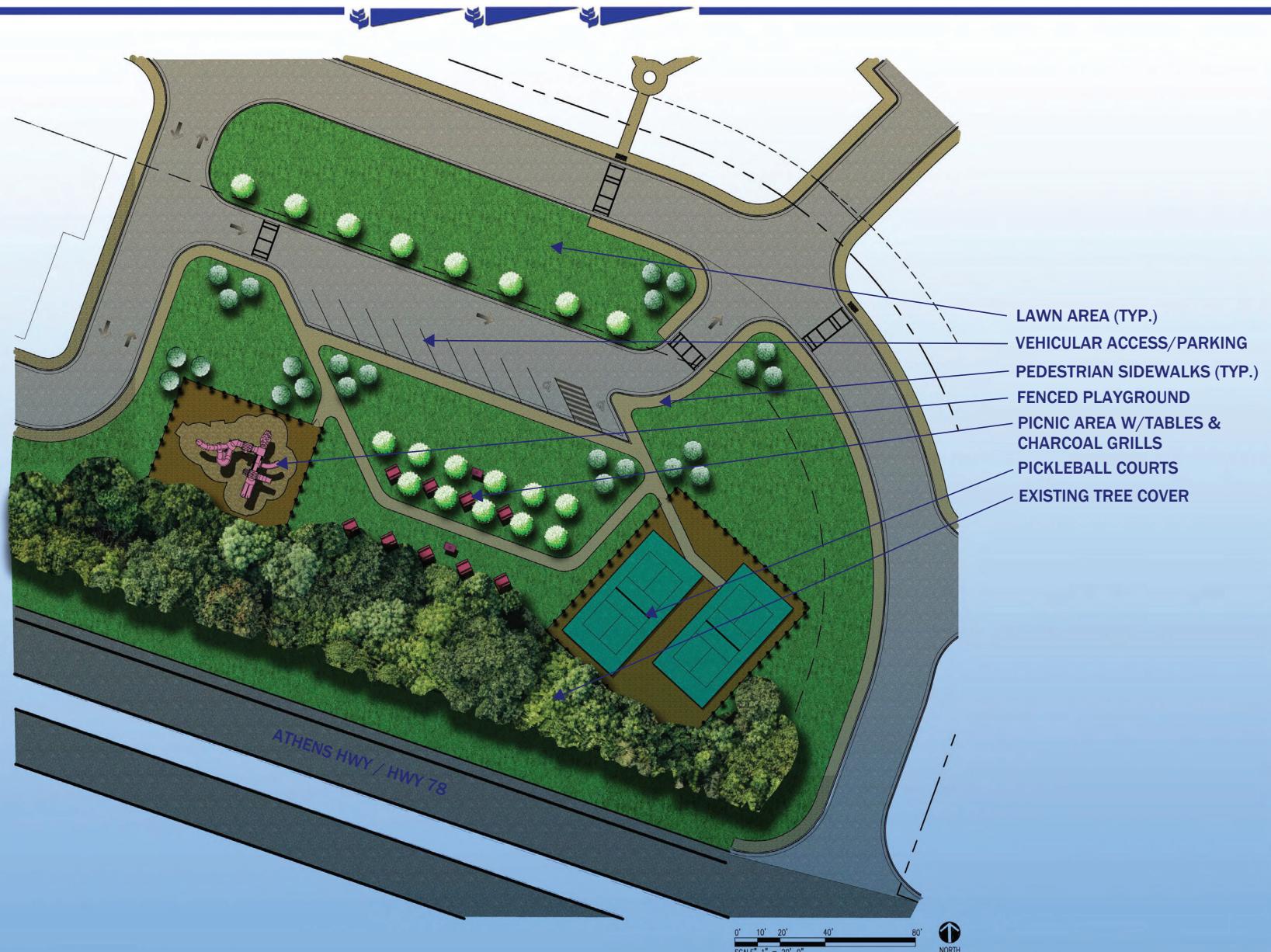
PROJECT NO.
21-178-0
DRAWING FILE:
21-178-0 Survey.dwg
SHEET NO.

S-1

Conceptual Park
and
Landscaping Plan

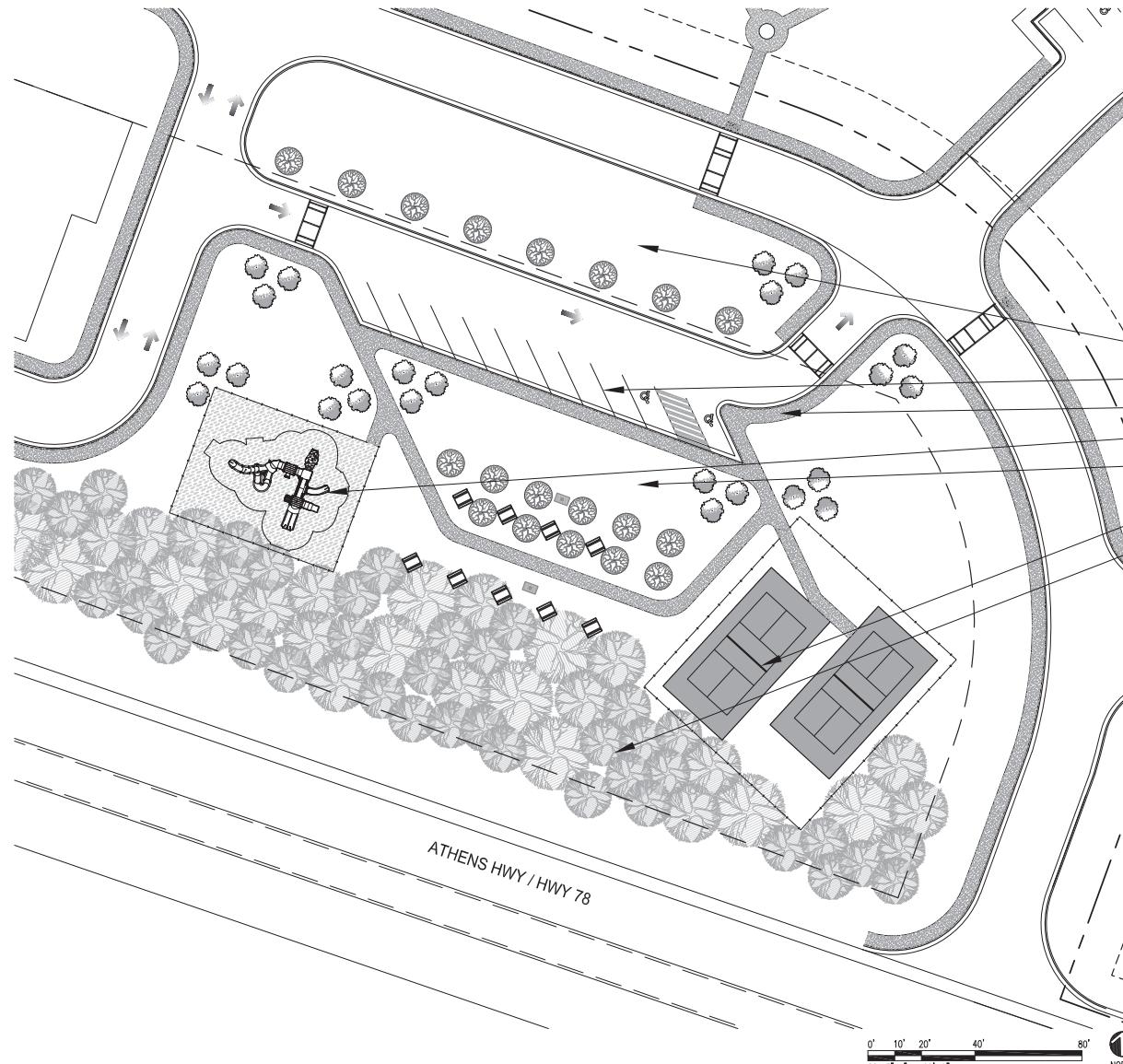
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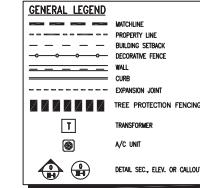


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AVENTON PUBLIC ACCESS PARK



SEAL

CONSULTANT

PROJECT NAME
ROSEBUD
GWINNETT COUNTY, GEORGIA

PROJECT OWNER
AVENTON
COMPANIES

1201 EDWARDS MILL RD. STE 120
RALEIGH, NC 27607

aventon

ISSUED FOR:

REVISIONS:

PROJECT # 22018

SHEET TITLE

LANDSCAPE

ARCHITECTURAL SITE PLAN

SHEET NUMBER

L1-01

COMMENTS

GWINNETT COUNTY
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Verification of Tax Payment

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: R5125-005
(Map Reference Number) _____ - _____ - _____
District Land Lot Parcel


Signature of Applicant _____ Date 05/18/2022
J. Alexander Brock (Smith, Gambrell, & Russell, LLP)
Type or Print Name and Title _____

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

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Jacqueleen Garcia

Tax Associate I

NAME

TITLE

05/18/2022

DATE

**Letter of Intent
And
Standards Governing Exercise of the Zoning Power**

LETTER OF INTENT
IMPACT ANALYSIS

and

Other Material Required by
The Gwinnett County Unified Development Code
for the
Rezoning Application

of

AVENTON COMPANIES

for

± 57.7557 Acres of Land
located on U.S. Highway 78
Parcel ID R5125-005, Gwinnett County, Georgia

From R-100 to RM-13 and C-2

Submitted for Applicant by:

Dennis J. Webb, Jr.
Kathryn M. Zickert
J. Alexander Brock
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

I. INTRODUCTION

This Application seeks to rezone a ± 57.7557 -acre tract of land from Single-Family Residence District (R-100) to Multifamily Residence District (RM-13) and General Business District (C-2) to allow for a mixed use development consisting of multifamily residential and commercial elements. The property is located on the north side of U.S. Highway 78 (“Athens Highway”) approximately 700 feet east of its intersection with Rosebud Road, and more particularly at 0 U.S. Highway 78 (Parcel ID R5125-005) in Gwinnett County, Georgia, (“Subject Property”). The Subject Property formerly contained a single family home and accessory structures (a barn and several sheds) and was improved with grassed fields and a pond. The home was vacant for a number of years before being removed approximately four years ago. During the home’s vacancy, the property’s grassed fields became overgrown with vegetation and the pond deteriorated into a poor condition. The Subject Property is now primarily composed of small diameter trees and undergrowth.

Aventon Companies (“Applicant”) seeks to redevelop the Subject Property for ± 662 market-rate, multifamily units (13 units per acre), which will be developed in two phases on a ± 52.88 acre portion of the Subject Property.¹ Each phase will have a clubhouse with a leasing office, parking and amenity areas. The amenities will include a pool, grill area, gym, and valet trash pick-up, among others. In addition, the Applicant is proposing a commercial development on a ± 3.34 -acre portion of the Subject Property fronting Athens Highway. The commercial component will preliminarily consist of $\pm 5,400$ square feet of restaurant space and $\pm 16,700$ square feet of office/retail space (the residential development and the commercial development shall

¹ Phase I will contain ± 368 units on 29.76 acres and Phase II will contain ± 294 units on 23.12 acres. This area does not include ± 1.5357 acres of proposed right-of-way for the internal public streets.

compose the “Proposed Development”). The Applicant is seeking an RM-13 zoning for the multifamily development and a C-2 zoning to allow for the commercial development. The Applicant is also proposing an alternative design to construct a public park area on half of the ±3.34-acre commercial tract. The park option includes pickleball courts, a playground and a picnic area with grills. The park will be professionally landscaped and preserve a strip of existing tree cover along Athens Highway to buffer it against the traffic on that roadway. Plans for the alternative park design are attached to this Application. The Applicant is open to developing either the park or commercial options and will have discussions with County Officials and the community during the rezoning process to determine which is preferred.

The Proposed Development is compatible with the existing development in the area. To the northwest, the Subject Property borders the First Church of the Nazarene Atlanta property, which operates as the Gracepointe Church, and is zoned R-100 and Residential Townhome (R-TH)². To the northeast, the Subject Property borders a 15.22-acre parcel containing a single family residence, addressed as 2995 Langley Road and zoned R-100. To the east the Subject Property borders vegetated common area within the Langley Farms subdivision³ zoned Single Family Residential Conservation Subdivision Overlay (R-100CSO), as well as undeveloped property owned by Felton Properties, LLC that is zoned Agriculture-Residence District (RA-200). To the southeast, the Subject Property borders a second undeveloped property owned by Felton Properties, LLC that is zoned Light Industrial (M-1). Also to the southeast are several properties fronting Athens Highway that are zoned C-2 and contain existing businesses including Tony Beck

² The property was rezoned from R-100 to R-TH in 2022 (Case No. RZM2022-00013) to allow for the development of 201 townhome units. As of the date of this Statement of Intent, the townhome construction has not yet begun.

³ The portion of the Langley Farms subdivision that abuts the Subject Property is owned by the Langley Farms Homeowners Association, Inc.

Heating & Air, Waldrop's Lawn Care, and a former auto sales lot.⁴ In addition to the uses immediately abutting the Subject Property, there are other multifamily residential developments in the vicinity of a similar or greater density than what the Applicant proposes. For example, the Cambridge Downs Apartments, located at 2945 Rosebud Road (± 400 feet west of the Subject Property), has a density of ± 12.62 units per acre⁵ and the Villas at Loganville apartments, located at 2935 Rosebud Road (± 520 feet west of the Subject Property), has a density of ± 23.38 units per acre⁶. The Applicant's proposed density of 13 units per acre is commensurate with the surrounding multifamily uses.

In addition, the proposed RM-13 and C-2 zoning will provide a transition in intensity from the commercial uses along Athens Highway to the single family residential to the north. The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. To effect the off-site transition, the Proposed Development will locate the more intense commercial uses along Athens Highway with the higher-density residential to the rear. This will step down the intensity from Athens Highway through the Proposed Development to the adjacent single family residential districts to the north and east. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or adjacent to the more intensive use to protect neighborhoods from adverse

⁴ The property at 835 Athens Highway formerly contained the ZMS Automotive Sales, but is now being redeveloped for an unknown commercial use.

⁵ ± 196 units on ± 15.53 acres.

⁶ ± 175 units on ± 7.82 acres.

effects. The Proposed Development will be preserving a large section of open space, ranging in width from 230 feet to over 600 feet, that will buffer the existing homes to the east.

In addition to being compatible with the surrounding uses, the Proposed Development is in alignment with the Gwinnett 2040 Unified Plan (“Comp Plan”). The Gwinnett County Future Development Map identifies the Subject Property as lying within the Community Mixed-Use activity center. The Comp Plan envisions the Community Mixed-Use activity center being characterized by mixed-use developments incorporating commercial elements with medium to high density housing.⁷ Additionally, the Community Mixed-Use character area supports the proposed RM-13 and C-2 districts, and, importantly, is not compatible with the current R-100 district. In sum, the proposed rezoning to RM-13 and C-2 will bring the zoning into alignment with the Comp Plan and allow a development meeting the goals for the Community Mixed-Use activity center.

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant’s constitutional rights, an impact analysis as required by the Gwinnett County Unified Development Ordinance § 270-20.6, and an analysis of the standards governing the exercise of zoning power in the Gwinnett County Unified Development Ordinance §270-20.5.

II. OTHER PERMITTING

In the pre-application meeting, Gwinnett County Planning Staff requested that the Applicant identify additional permits beyond Gwinnett County’s review that will be required for the Proposed Development. The Applicant notes that the Proposed Development will require a Development of Regional Impact (“DRI”) review and an U.S. Army Corps of Engineers’

⁷ See Gwinnett 2040 Unified Plan, pg. 296.

(“USACE”) Clean Water Act (“CWA”) Section 404 Permit. A DRI review through the Atlanta Regional Commission and the Georgia Regional Transportation Authority is necessary for any development proposing 500 or more new residential units.⁸ The Applicant’s engineer is currently preparing a traffic study and other materials needed for the DRI submittal.⁹ Additionally, the Applicant will need to obtain an Individual Permit under Section 404 of the CWA for impacts to existing onsite wetlands. The limits of the wetlands are depicted on the survey by Bechtler Greenfield Surveying, LLC, dated 3/11/2022, a copy of which is submitted with this Application. In anticipation of its USACE submittal, the Applicant is preparing an Environmental Site Analysis to detail the wetlands impacts. The Individual Permit will be sought concurrently with the rezoning Application.

III. IMPACT ANALYSIS

1.

THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY

As noted in previous paragraphs, the Proposed Development is compatible with the existing uses found in the area today, including other nearby commercial and multifamily developments. Additionally, the Proposed Development will provide a transition in intensity away from Athens Highway. The Subject Property is situated directly on Athens Highway, a four lane principal arterial with a middle turn lane. This type of roadway is intended to convey a large amount of traffic and is not conducive the single family residential allowed by the Subject Property’s current R-100 zoning. In addition to the transitioning of uses, the Proposed Development is providing a significant amount of buffer between the apartments and the adjacent

⁸ See the Rules of Georgia Department of Community Affairs Chapter 110-12-7-05.

⁹ The DRI review is initiated by Gwinnett County after submittal for the rezoning.

residential properties to the north and east. This buffer will include landscaped open space areas as well as a large amount of naturally vegetated and forested stream buffer. The significant amount of vegetation will buffer the adjacent properties from any impacts. The proposed rezoning will permit a fitting use given the Subject Property's location and the surrounding uses.

2.

THE ZONING PROPOSAL WILL NOT ADVERSELY AFFECT THE EXISTING USE OR
USABILITY OF ADJACENT OR NEARBY PROPERTY

The Proposed Development will not adversely affect the surrounding residential, institutional, and commercial uses. The proposed mixed use development is harmonious with the adjacent uses and will incorporate significant buffers to mitigate any impacts. As noted in previous paragraphs, the Proposed Development is incorporating approximately 230 feet to over 600 feet of vegetated buffer, including at least 150 feet of naturally forested stream buffer. Moreover, traffic from the Proposed Development will enter an exit Athens Highway, limiting impacts to surrounding roadways.

3.

THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL DOES NOT HAVE A
REASONABLE ECONOMIC USE AS CURRENTLY ZONED

The Subject Property is currently zoned R-100, which restricts development to single family dwellings and limited other uses, on lots of 15,000 square feet or more. The R-100 zoning is out of step with the development patterns in the area and is out of sync with the goals of the Comp Plan. The existing home on the Subject Property was developed prior to 1955¹⁰, when much of the area was rural with sparse density and few commercial uses along Athens Highway. In the past sixty-seven years, the area has transformed from the R-100 zoned, rural homesteads

¹⁰ The actual construction date of the home is unknown, but aerial photographs dating back to 1955 reveal the presence of the home.

into more suburban commercial and residential developments. The Comp Plan recognizes this growth and has designated the area as a Community Mixed-Use activity center. This type of activity center encourages mixed use development and requires zoning that allows those types of uses. Consequently, the Subject Property is now much more appropriate for a mixed-use type development such as the one currently proposed. Conversely, the Subject Property's R-100 zoning inhibits its development and absent a rezoning to a suitable district, it is likely to remain undeveloped.

4.

THE ZONING PROPOSAL WILL NOT RESULT IN A USE WHICH WILL OR COULD
CAUSE AN EXCESSIVE BURDEN SOME USE OF EXISTING STREETS,
TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS

This Project, if approved, will not affect existing transportation facilities. Requisite parking is provided incidental to this development. Further, this Application qualifies as a DRI and Kimley-Horn and Associates, Inc. has been engaged to perform the traffic study required by the Atlanta Regional Commission and the Georgia Regional Transportation Authority. The trips generated by this development and their impact on the surrounding roadway network will be studied extensively and mitigation efforts, if any are required, will be implemented.

The school children living in the residential portion of the development will attend Trip Elementary School, Bay Creek Middle School, and Grayson High School. All of the schools are currently listed as at or over capacity. *See Residential Rezoning Impact on Local Schools Prepared for Gwinnett County BOC, May, 2022.* The impacts to the schools will be mitigated, however. The Applicant is restricting the number of three bedroom and larger units, which are more attractive to tenants with children, to no more than ten percent of the total multifamily development. The smaller one and two bedroom units, which typically do not attract residents with children, will compose the majority (90%) of the units, thus the number of school-age children

should be limited.

As for utilities, the Subject Property has access to water and sewer.

5.

THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICIES AND INTENT OF
THE LAND USE PLAN

The Gwinnett County Future Development Map identifies the Subject Property as being within the Community Mixed-Use activity center. The proposed mix of multifamily and commercial uses aligns with the Comp Plan's stated intent for the Community Mixed-Use activity center. Additionally, the Comp Plan identifies potential development types sought for the Community Mixed-Use activity center as, *inter alia*, medium-scale mixed-use developments with apartments, retail, and small-scale office.¹¹ The Proposed Development's mix of uses falls directly in-line with the intent of the Community Mixed-Use activity center. More importantly, the Comp Plan notes that existing R-100 zoning is not compatible with the Community Mixed-Use activity center and the proposed RM-13 and C-2 will bring the Subject Property's zoning into alignment with the Comp Plan's land use. Further, the Comp Plan also encourages the incorporation of small-scale, intense, public open spaces. The Applicant's option for a small-scale public park along Athens Highway is intended to meet this goal. In sum, the Proposed Development serves to implement specific goals, objectives and policies of the Comp Plan. The project at issue represents a consistent use commensurate with other existing uses on adjacent and nearby properties. The proposed use, therefore, is suitable *vis-a-vis* the policies of the Comp Plan.

¹¹ Refer to the Gwinnett 2040 Unified Plan Future Development, pg. 296

6.

THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE
AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR
APPROVAL OF THE ZONING PROPOSAL

The Subject Property's single family home is a remnant of the former rural character of the area and is now out of sync with the current development in the area and the future development that the County, through its Comp Plan, envisions for the area. The current R-100 district limits development to single residential lots with limited other uses. The Applicant's proposal to rezone to RM-13 and C-2 for a mixed use development will bring the Subject Property into alignment with the development trends in the area and allow a practical and fitting mixed use development in step with the current and anticipated future development trends.

**IV. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING
AND PRESERVATION OF CONSTITUTIONAL RIGHTS**

The Applicant respectfully submits that the current zoning classification of the Subject Property and any proposed intervening district is unconstitutional and that rules relative to the Subject Property owner's right to use the Property established in the Gwinnett County Unified Development Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and

Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the Board of Commissioners' failure to approve the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the development in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The practical effect of a denial of the Rezoning will be to drive up the cost of housing which will have the effect of discriminating on the basis of race and familial status in violation of the Fair Housing Act of the United States and Georgia.

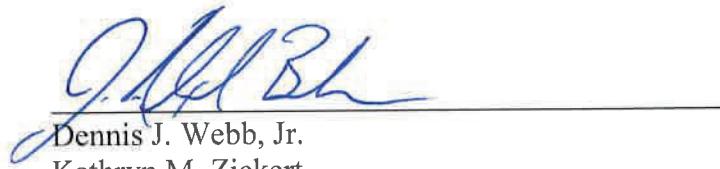
Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning and comprehensive land use amendment be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the County.

This 31st day of May, 2022.

Respectfully submitted,



Dennis J. Webb, Jr.
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J. Alexander Brock
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DRI Form 1

Initial Information



Developments of Regional Impact

[DRI Home](#)[Tier Map](#)[Apply](#)[View Submissions](#)[Login](#)

New DRI

DEVELOPMENT OF REGIONAL IMPACT Initial DRI Information

This form is to be completed by the city or county government to provide basic project information that will allow the RDC to determine if the project appears to meet or exceed applicable DRI thresholds. Refer to both the [Rules for the DRI Process](#) and the [DRI Tiers and Thresholds](#) for more information.

Local Government Information

Submitting Local Government:

Individual completing form:

Telephone:

E-mail:

*Note: The local government representative completing this form is responsible for the accuracy of the information contained herein. If a project is to be located in more than one jurisdiction and, in total, the project meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

Proposed Project Information

Name of Proposed Project:

Location (Street Address, GPS Coordinates, or Legal Land Lot Description):

Brief Description of Project:

Development Type:

<input type="radio"/> (not selected)	<input type="radio"/> Hotels	<input type="radio"/> Wastewater Treatment Facilities
<input type="radio"/> Office	<input checked="" type="radio"/> Mixed Use	<input type="radio"/> Petroleum Storage Facilities
<input type="radio"/> Commercial	<input type="radio"/> Airports	<input type="radio"/> Water Supply Intakes/Reservoirs
<input type="radio"/> Wholesale & Distribution	<input type="radio"/> Attractions & Recreational Facilities	<input type="radio"/> Intermodal Terminals
<input type="radio"/> Hospitals and Health Care Facilities	<input type="radio"/> Post-Secondary Schools	<input type="radio"/> Truck Stops
<input type="radio"/> Housing	<input type="radio"/> Waste Handling Facilities	<input type="radio"/> Any other development types
<input type="radio"/> Industrial	<input type="radio"/> Quarries, Asphalt & Cement Plants	

If other development type, describe:

Project Size (# of units, floor area, etc.):

Developer:

Mailing Address:

Address 2:

City: State: Zip:

Telephone:

Email:

Is property owner different from developer/applicant? (not selected) Yes No

If yes, property owner:

Is the proposed project entirely located within (not selected) Yes No
your local government's jurisdiction?

If no, in what additional jurisdictions is the project located?

Is the current proposal a continuation or expansion of a previous DRI? (not selected) Yes No

If yes, provide the following information: Project Name:

Project ID:

Rezoning

Variance

Connect Sewer

Connect Water

Permit

Other

The initial action being requested of the local government for this project:

Is this project a phase or part of a larger overall project? (not selected) Yes No

If yes, what percent of the overall project does this project/phase represent?

Estimated Project Completion Dates: This project/phase: *
Overall project: 2025

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