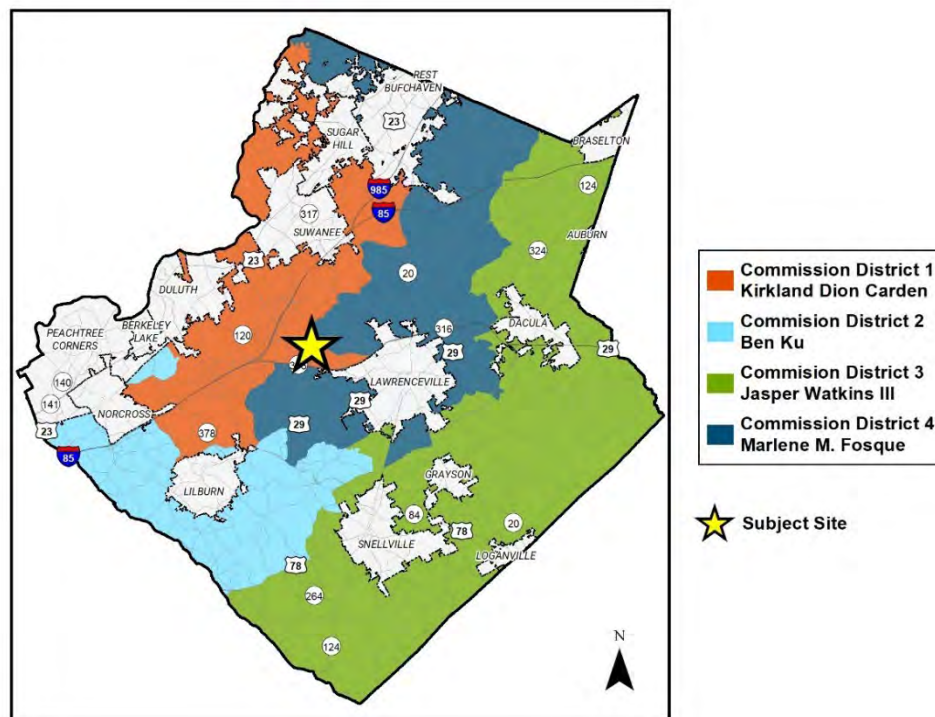


## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** RZM2022-00044  
**Current Zoning:** C-2 (General Business District)  
**Request:** Rezoning to **RM-13** (Multifamily Residence District)  
**Additional Request:** Waivers  
**Address:** 1540 Duluth Highway  
**Map Numbers:** R7073 358  
**Site Area:** 2.86 acres  
**Units:** 37  
**Proposed Development:** Apartments  
**Commission District:** District 1 – Commissioner Carden  
**Character Area:** Established Neighborhoods

**Staff Recommendation:** **APPROVAL WITH CONDITIONS**

**Planning Commission  
Recommendation:** **APPROVAL WITH CONDITIONS**



**Applicant:** Parkland Communities  
c/o Alliance Engineering and Planning  
299 South Main Street  
Alpharetta, GA 30009

**Owners:** Samira Hafsa-Belhareth  
Abdelmajid Belhareth  
1535 Glenhaven Way  
Lawrenceville, GA 30043

**Contact:** Tyler Lasser

**Contact Phone:** 770.225.4730 ext. 819

## Zoning History

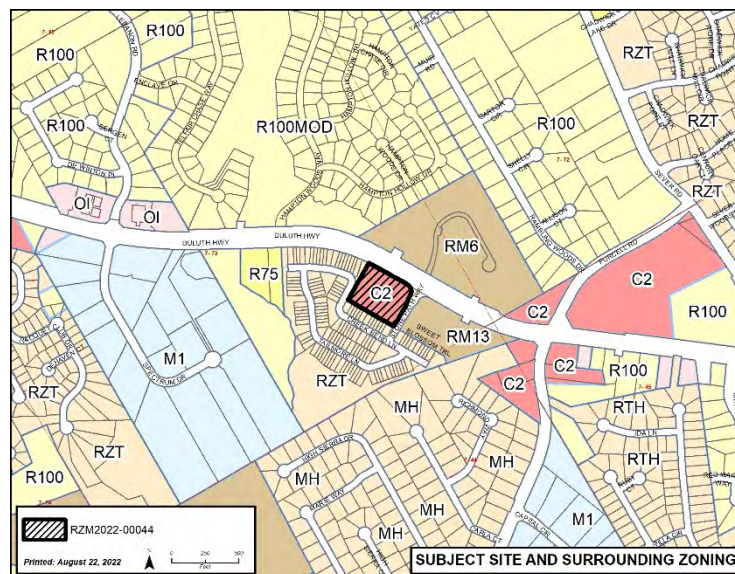
The subject property is zoned C-2 (General Business District). A 1982 zoning case REZ1982-00028 rezoned an area including the subject property from C-2 and O-I (Office-Institutional District) to R-75 (Single-Family Residence District) for a single-family subdivision. A 1986 zoning case REZ1986-00159, rezoned the same area to C-2 and OBP for a shopping center. A 1989 rezoning case REZ1989-00063 again rezoned the same area from OBP, C-2, and R-75 to C-2 for a shopping center. A change in conditions was applied for a larger area including the subject property to allow additional outparcels, pursuant to CIC2006-00013.

## Existing Site Condition

The subject site is a 2.86-acre parcel located along Duluth Highway and west of its intersection with Purcell Road. It appears that the site was once graded as the topography is generally flat except for a berm that encircles the site. The site is heavily vegetated with evergreen trees. A sidewalk and overhead utilities run the length of the property frontage along Duluth Highway. There is no current vehicular access point on the site. The nearest Gwinnett County Transit stop is located 1.3 miles from the subject site.

## Surrounding Use and Zoning

The surrounding areas consist primarily of single-family attached residences and a similar multifamily development. A villa-style townhouse community called the Orchards of Sugarloaf Parc is located north



of the site, across Duluth Highway. Sweetwater Springs is located east of the site. Sweetwater Homes, a townhouse community, is located to the south and west of the site. The following is a summary of surrounding uses and zoning:

Location	Land Use	Zoning	Density
Proposed	Apartments	RM-13	12.94 units per acre
North	Villa Townhouses	RM-6	15.68 units per acre
East	Apartments	RM-13	12.58 units per acre
South	Townhouses	RZT	7.57 units per acre
West	Townhouses	RZT	7.57 units per acre

## Project Summary

The applicant requests the rezoning of a 2.86-acre site from C-2 to RM-13 to construct apartments, including:

- A second phase of the Sweetwater Springs development. The first phase was approved in 2019 pursuant to RZM2019-00005.
- Three, three-story stacked townhouse-style apartment buildings totaling 37 units at a density of 12.94 units per acre.
- Rear entry units with single-car garages, accessible by 20-foot-wide alleys
- A total of 26 on-street parking spaces at the southern end of the site and adjacent to the amenity area near the entrance of the site off Sweet Blossom Way.
- An amenity area located at the center of the site that includes a swimming pool, cabana, office, storage, and a mail kiosk.
- Two and three-bedroom units with a 1,600 square foot minimum heated floor area.
- Architectural renderings depicting exterior materials consisting of a mixture of brick, stone, and cementitious siding on the front, side, and rear façades.
- A single entrance from Stone Path Way, which is a shared access point for the Sweetwater Townhouse Subdivision to the south and Phase I of the Sweetwater Springs development to the east.
- A new sidewalk on Stone Path Way connecting the existing sidewalk along Duluth Highway.
- Stormwater diverted to an existing master stormwater management area located within the adjoining Sweetwater Townhomes development.
- A 10-foot-wide landscape strip along the northern and eastern property lines.
- A dumpster enclosure located at the southwest corner of the property.

## Zoning and Development Standards

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

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 50'	Maximum 35'	YES
Front Yard Setback	Minimum 15'	Minimum 15'	YES
Side Yard Setback	Minimum 10'	Minimum 10'	YES
Rear Yard Setback	Minimum 30'	Minimum 30'	YES

Standard	Required	Proposed	Meets Standard?
Parking	Minimum 56 spaces Maximum 111 spaces	100 spaces	YES
Landscape Strip	Minimum 10'	10'	YES
Density	Maximum 13 units per acre	12.94 units per acre	YES
Minimum Heated Floor Area	Minimum 800 square feet for 2-bedroom Minimum 1,000 square feet for three-bedroom	Minimum 1,600 square feet for two and three-bedrooms	YES
Common Area	Minimum 15%	15%	YES
Zoning Buffer	South and West: 20'	0'	NO*
Structure Setback	Minimum 5' from buffer	0'	NO**

\*The applicant is proposing a 20-foot-wide landscaped buffer in lieu of a 20-foot-wide undisturbed zoning buffer.

\*\*The applicant is proposing to reduce the five-foot-wide structure setback from the buffer in order to construct the on-street parking spaces on Sweet Blossom Way.

## Waiver Requests

In addition to the rezoning request, the applicant is seeking waivers from the following provision of Title III of the UDO:

1. Section 610-20.5. Minimum Buffer Requirements:
  - A. Required buffers shall be provided in conformity [with] Table 610.0 "Table of Minimum Buffer Requirements".

### ***A 20-foot undisturbed zoning buffer adjacent to RZT zoned property.***

A 20-foot-wide undisturbed zoning buffer is required adjacent to all property zoned RZT. This zoning buffer is required along the northern and southern property lines. The applicant is requesting to eliminate this buffer and provide a 20-foot-wide landscaped buffer in lieu of the undisturbed buffer.

2. Section 610-20.4. Buffer Plan Standards and Structure Setbacks.
  - B. All proposed improvements including, but not limited to, driveways, dumpsters, parking facilities, pavement, or retaining walls will be located a minimum of 5 feet from any buffer.

An additional five-foot-wide structure setback is required adjacent to the 20-foot-wide undisturbed zoning buffer. This structure setback is required along the western and southern property lines. The applicant is requesting to eliminate this setback to construct the on-street parking spaces and an alley.

## 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 stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

## Staff Analysis

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

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

The proposed development is compatible with other uses in the surrounding area. Commercial uses are concentrated along Duluth Highway at its intersection with Sugarloaf Parkway and Purcell Road. The proposed residential uses would create a balanced mix of uses to support the commercial uses at the nodes. Additionally, the surrounding uses are predominantly residential. The first phase of this development was approved in 2019. Therefore, the proposed rezoning will permit a use that is suitable in view of the use and development of the adjacent and nearby property.

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

The existing use and usability of adjacent or nearby properties would not be adversely impacted by the zoning change. The proposed development would provide an additional housing option along a main thoroughfare within close proximity to schools, retail, and service establishments.

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

The property as currently zoned has a reasonable economic use.

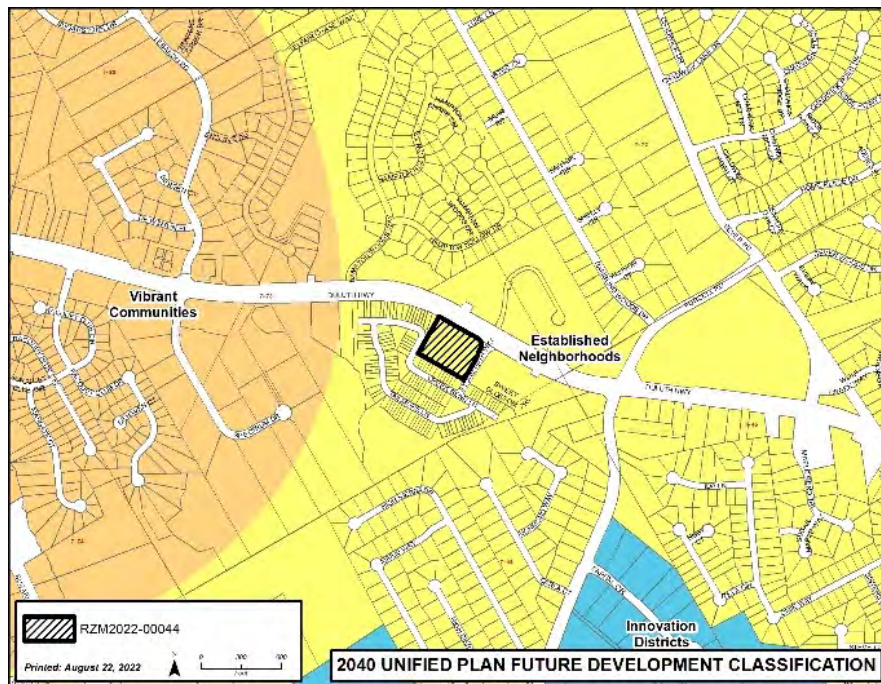
**D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

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



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

The 2040 Unified Plan Future Development Map indicates the subject site is located in an Established Neighborhoods Character Area. The Unified Plan encourages residential infill development in this character area to be consistent in scale, architecture, and use with surrounding properties. A townhouse-style apartment development could be appropriate for this primarily residential character area. Also, the properties located in the vicinity have been developed under the R-ZT, R-TH, RM-6, and RM-13 zoning classifications. With conditions to ensure the residential project is consistent with the existing development pattern of the area, the proposed development may be compatible with the policies of the 2040 Unified Plan.



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

The nearby areas are primarily developed with single-family residences. The subject property is on a major thoroughfare and surrounded by other townhouse and multifamily developments. The first phase of the development was recently approved in 2019. The subject property's location along Duluth Highway, surrounded by R-ZT, R-TH, RM-6, and RM-13 zoning classifications, and within the Established Neighborhood Character Area provide supporting grounds for approval of the proposed rezoning. While the proposed development is for apartments, the architecture of the development and the small size feels more like a townhouse development rather than an apartment development.

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

The requested buffer and structure setback reductions are located along the southern and western property lines of the subject property. The applicant proposes to reduce the buffer to 0 feet and install a 20-foot-wide graded and replanted buffer in lieu of a 20-foot undisturbed zoning buffer with no additional structure setback. The property to the south is developed with townhouses. While technically apartments, the proposed development will appear and function as a townhouse development, making an undisturbed buffer and structure setback unnecessary. The applicant will not be reducing the width of the buffer but will be grading and replanting it. Therefore, removing the structure setback and allowing the buffer to be reduced to 0 feet and graded and replanted to 20 feet would not adversely affect the general public welfare or nullify the intent of the Development Regulations.

### **Staff Recommendation**

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

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

1. The required 20-foot-wide zoning buffer adjacent to RZT zoned property shall be reduced to a 20-foot wide graded and landscaped buffer.
2. Reducing the structure setback from five feet to zero.

### **Planning Commission Recommendation**

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of the rezoning request.

In addition, the Planning Commission recommends **APPROVAL** of the following Waivers:

1. The required 20-foot-wide zoning buffer adjacent to RZT zoned property shall be reduced to a 20-foot wide graded and landscaped buffer.
2. Reducing the structure setback from five feet to zero.

### **Planning Commission Recommended Conditions (includes Staff Recommended Conditions)**

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, and Exhibit C: Building Elevations dated received August 16, 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 37 units.
3. The minimum heated floor area per dwelling unit shall be 1,600 square feet.
4. The buildings shall comply with Category 3, Multi-Family Residential Buildings of the Gwinnett County Architectural Standards.
5. Road frontage and the entrance shall be landscaped by the developer and maintained by the property management company. The entrance shall include a decorative masonry entrance feature. Landscape and entrance feature plans shall be subject to the review and approval of the Department of Planning and Development.
6. 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.
7. The development shall include amenities as depicted on the site plan. Final amenity plan shall be reviewed and approved by the Department of Planning and Development.
8. Natural vegetation shall remain on the property until the issuance of a development permit.
9. All grassed areas shall be sodded.



**Exhibits:**

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Letter of Intent and Applicant's Response to Standards
- E. Internal and External Agency Review Comments
- F. Maps

## Exhibit A: Site Visit Photos



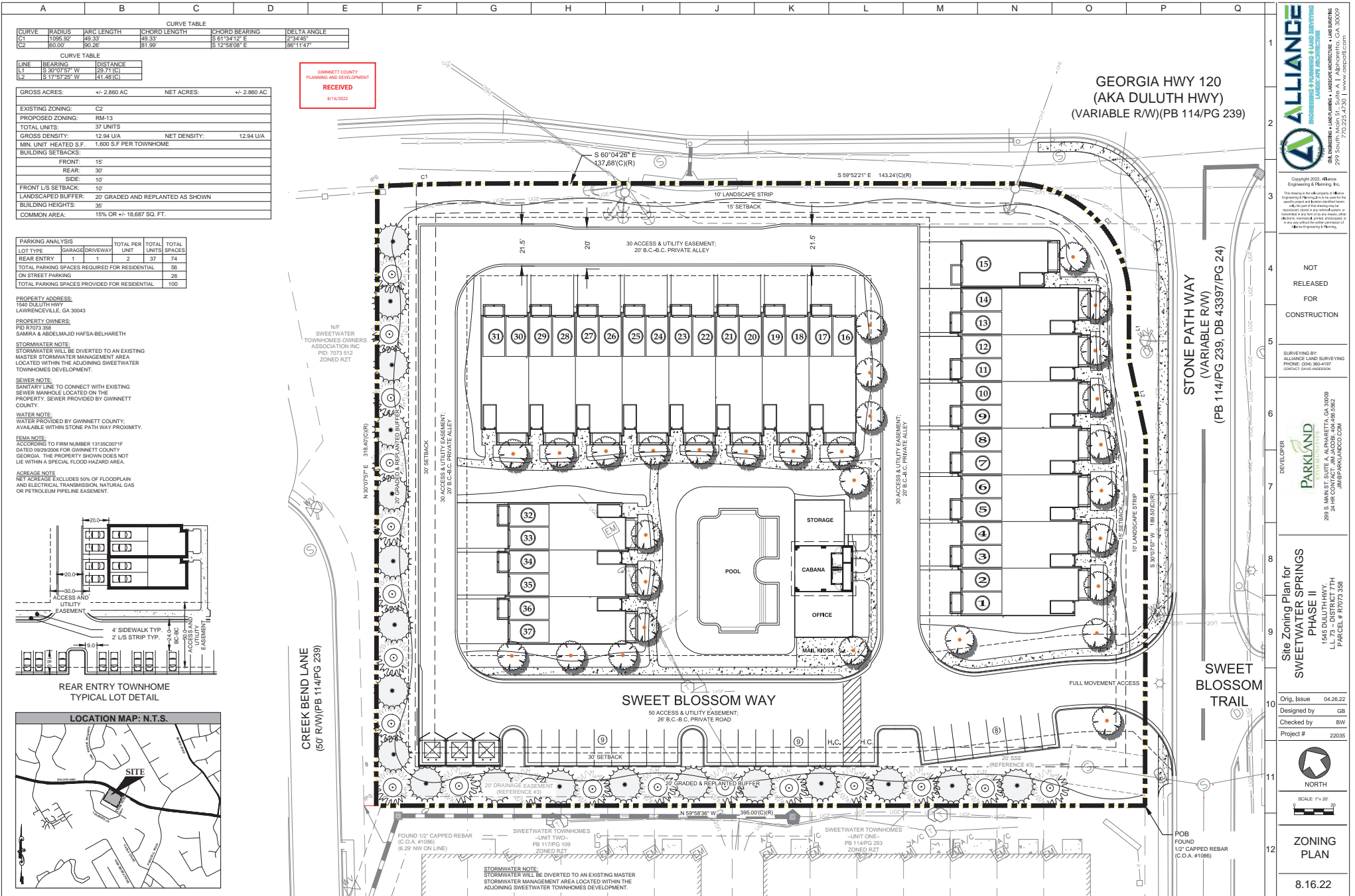
View of the site at Duluth Highway and Stone  
Path Way intersection



View of the site from Stone Path Way

**Exhibit B: Site Plan**

**[attached]**





DULUTH HIGHWAY / GA 120

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## **Exhibit C: Building Elevations**

**[attached]**



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PLANNING AND DEVELOPMENT

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8/16/2022

[sweetwaterspringstownhomes.com](https://sweetwaterspringstownhomes.com)

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

**[attached]**

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**Applicant's Letter of Intent**

Sweetwater Springs Phase II

May 31, 2022

The applicant, Parkland Communities Inc., requests a rezoning on a 2.86-acre lot for the purpose of constructing a townhouse-style apartment community. The site is located on Duluth Highway, adjacent to the existing first phase of the Sweetwater Springs development, which was rezoned to RM-13 in 2019. As proposed, the development will become the second phase of Sweetwater Springs, and will feature 37 new units and an extensive amenity area. To develop the site as proposed, the applicant requests to rezone the property from C-2 (General Business District) to RM-13 (Multifamily Residence Townhouse District). The three multifamily buildings will contain three-story apartments that have the external appearance of individual attached townhomes. All units will have private entrances at the front of the structure as well access through the rear-entry single-car garage. Each garage will be accessible via alley, with supplementary spaces on the driveway for each unit. Additional parking for guests will be provided at the southern end of the site and adjacent to the amenity area near the entrance of the site off Stone Path Way. Each unit will front common space and will have direct access to the interconnected sidewalks throughout the site. The sidewalks will provide safe and direct access to the amenity area, the Duluth Road frontage, and even phase one of the community across Stone Path Way. The amenity area, which will feature a swimming pool, cabana, and office, will be accessible to all within the proposed phase of the community as well as the residents in the existing phase of the community. Units will have a minimum heated floor area of 1,600 square feet and include two or three bedrooms with two-and-a-half bathrooms. Each building will be a maximum of 35 feet in height and have exterior materials consisting of a mixture of brick, stone, and concrete siding on the front façade. The site is conveniently situated on a major thoroughfare within the County, and is within proximity to 316, I85, and a variety of significant commercial centers including Sugarloaf Mills. Due its location and position amongst many other multifamily residences, the proposed development will be consistent with the Established Neighborhoods Character Area of the 2040 Plan, which specifically encourages residential infill to be consistent in use, scale, and architecture of the surrounding properties. Concurrently with the zoning request, the applicant requests to reduce the required 20-foot buffer adjacent to the R-ZT (attached townhomes) to a 20-foot graded and replanted buffer. This area will be densely vegetated for year-round screening.

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



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

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

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

Rezoning the subject site to RM-13 for the purpose of constructing townhouse-style apartments is suitable in relation to the adjacent and nearby properties. The site is neighboring or close by other multi-family or townhome developments, including phase 1 of Sweetwater Springs and the Sweetwater Townhomes.

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

The proposed rezoning will not adversely affect the use of the surrounding properties. The subject property is on a major thoroughfare and surrounded by other townhomes and multifamily developments.

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

Due to the size and location of the property, the applicant believes that the subject property does not have a reasonable economic use as currently zoned. The applicant submits the rezoning would allow for a use more compatible with the pattern of development in the area.

**(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:**

The rezoning will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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

The proposed rezoning is in conformity with the intent of the 2040 Unified Plan. The subject property is located within the Established Neighborhoods Character, which specifically encourages residential infill to be consistent in use, scale, and architecture of the surrounding properties.

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

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

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

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

**[attached]**



Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE

<b>TRC Meeting Date:</b>		9.16.2022	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		<a href="mailto:Brent.Hodges@gwinnettcountry.com">Brent.Hodges@gwinnettcountry.com</a>	
Case Number:			
Case Address:		1540 Duluth Highway	
<b>Comments:</b>		<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>
1	Duluth Highway/SR 120 is a major arterial. ADT = 21,900.		
2	1.3 miles to nearest transit facility (#2334773) Atkinson Road and Dollar Tree.		
3	5' sidewalk required along the frontage of Stone Path Way, to connect to existing sidewalk on each side.		
4			
5			
6			
7			
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/> <b>YES</b>	<input checked="" type="checkbox"/> <b>X</b> <b>NO</b>
1			
2			
3			
4			
5			
6			
7			

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

*Revised 7/26/2021*

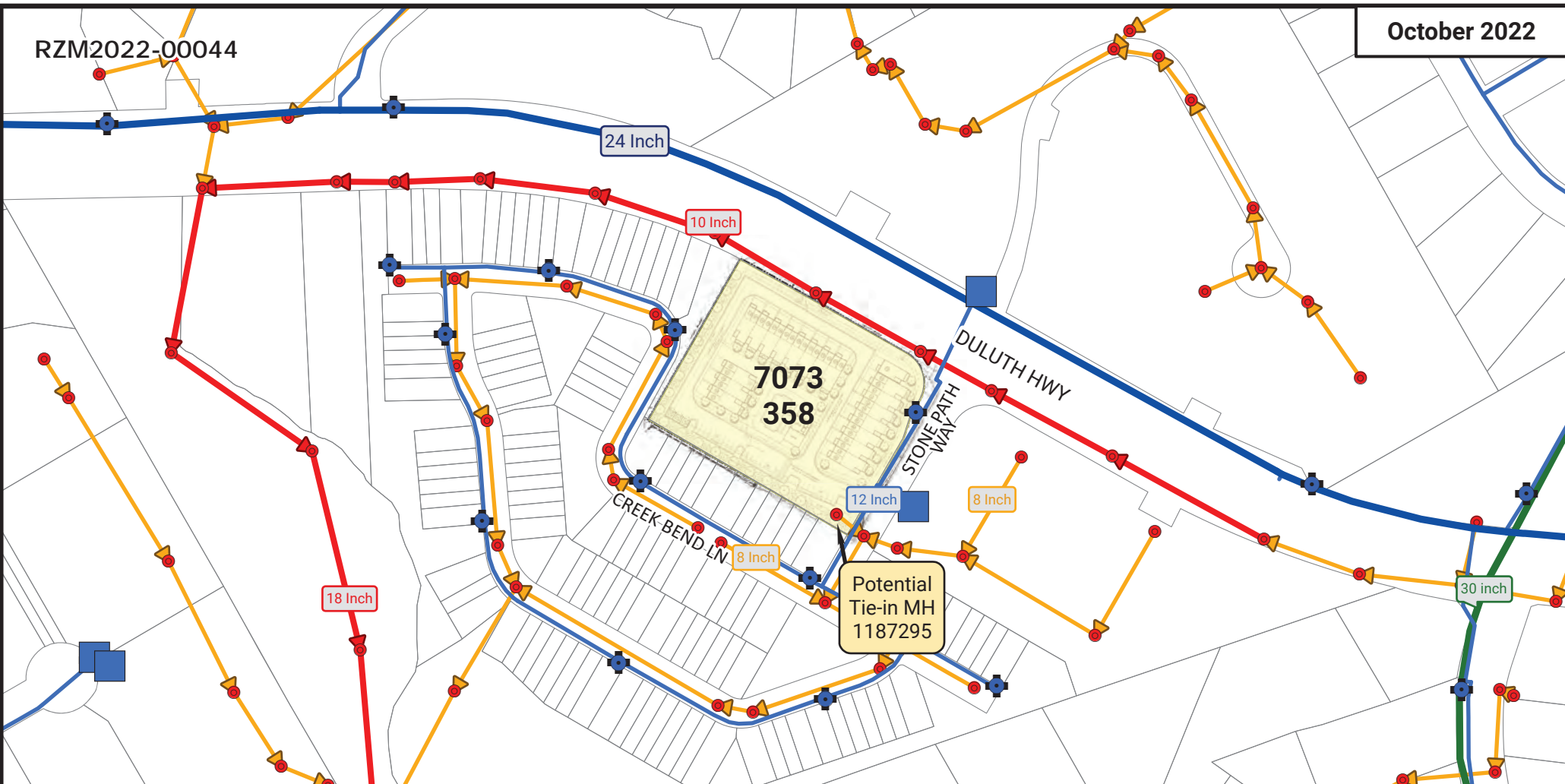


Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:			
Department/Agency Name:		DWR	
Reviewer Name:		Mike Pappas	
Reviewer Title:		GIS Planning Manager	
Reviewer Email Address:		<a href="mailto:Michael.pappas@gwinnettcounty.com">Michael.pappas@gwinnettcounty.com</a>	
Case Number:		RZM2022-00044	
Case Address:		1540 Duluth Highway	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES <input type="checkbox"/> NO
1	Water: The development may connect to an existing 12-inch water main located on the west right-of-way of Stone Path Way.		
2	Sewer: Sewer Capacity Certification C2022-03-067 is approved for 37 single family residences. The development may connect to an existing 8-inch sanitary sewer main located to the southeast corner of the subject property.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> X NO
1			
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RZM2022-00044

October 2022



## LEGEND

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

1540 Duluth Hwy  
C-1 to RM-13

## Water & Sewer Utility Map



0 140 280  
Feet

## LOCATION



**Water Comments:** The development may connect to an existing 12-inch water main located on the northwest right-of-way of Stone Path Way.

**Sewer Comments:** Sewer Capacity Certification C2022-03-067 is approved for 37 single family residences. The development may connect to an existing 8-inch sanitary sewer main located to the southeast corner of the subject property.

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

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

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

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

**Exhibit F: Maps**

**[attached]**



HAMPTON  
WOODS WAY

DULUTH HWY

DULUTH HWY

CREEK BEND LN

STONE PATH WAY

SWEET BLOSSOM TRL

TAILMORE LN



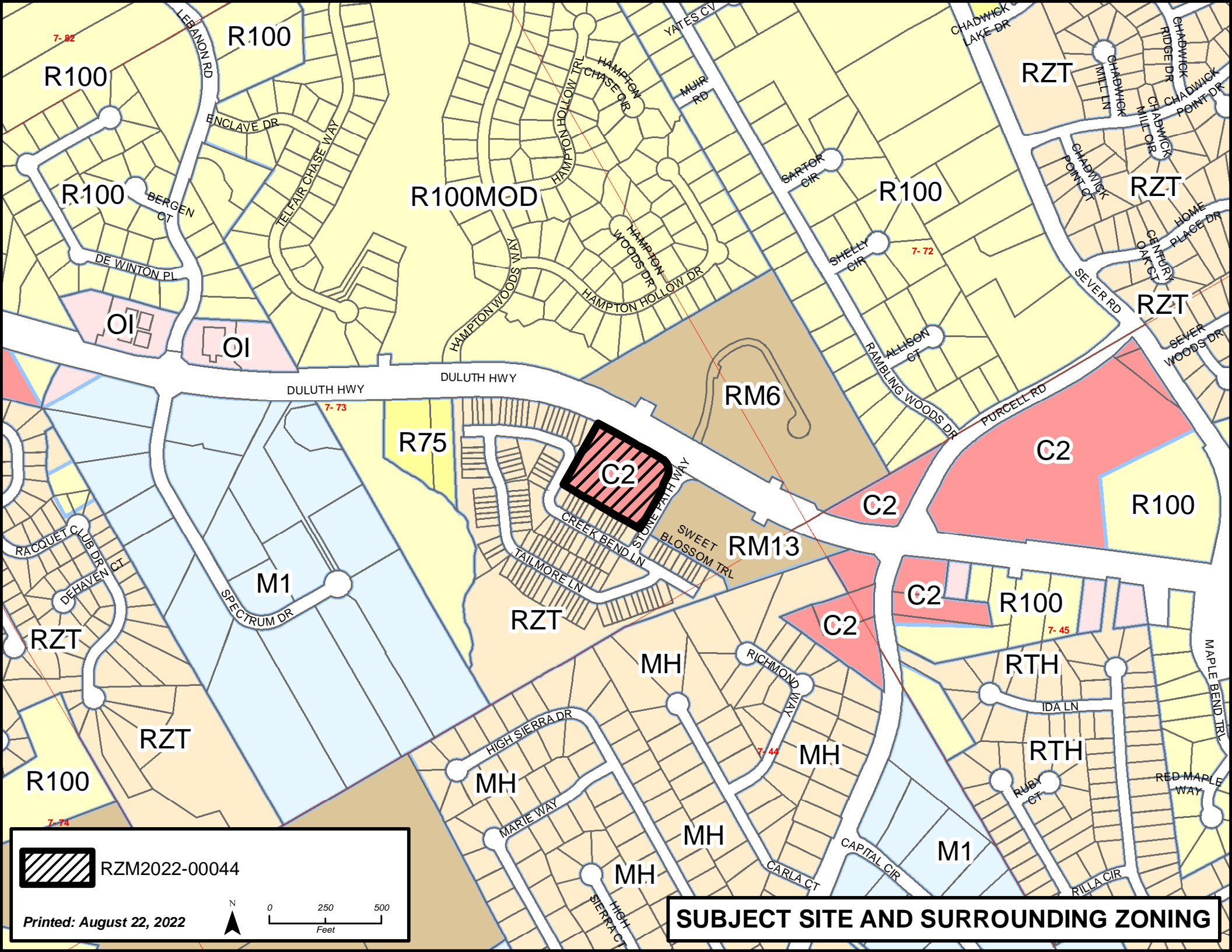
RZM2022-00044


Printed: August 22, 2022



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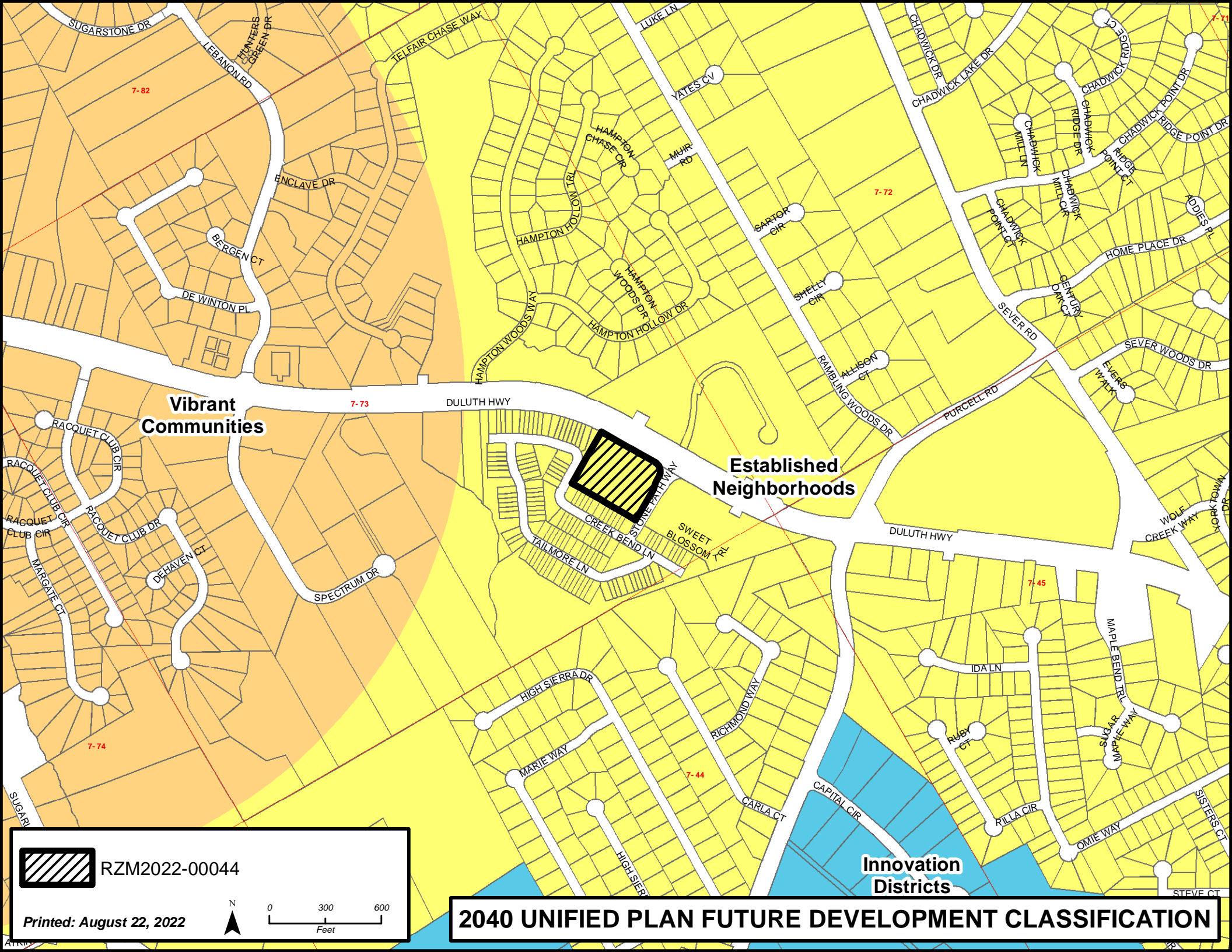


 RZM2022-00044

Printed: August 22, 2022

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**SUBJECT SITE AND SURROUNDING ZONING**



**Vibrant  
Communities**

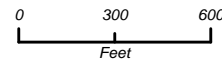
**Established  
Neighborhoods**

**Innovation  
Districts**



RZM2022-00044

Printed: August 22, 2022



**2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION**

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**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Parkland Communities, c/o Alliance Engineering and Planning	NAME: HAFSA-BELHARETH SAMIRA BELHARETH ABDELMAJID
ADDRESS: 299 South Main Street	ADDRESS: 1535 Glenhaven Way
CITY: Alpharetta	CITY: Lawrenceville
STATE: GA ZIP: 30009	STATE: GA ZIP: 30043
PHONE: 770-225-4730 ext. 819	PHONE: 770-225-4730 ext. 819
EMAIL: Tylerl@allianceco.com	EMAIL:
CONTACT PERSON: Tyler Lasser PHONE: 770-225-4730 ext. 819	
CONTACT'S E-MAIL: Tylerl@allianceco.com	
<p align="center"><b>APPLICANT IS THE:</b></p> <p> <input type="checkbox"/> OWNER'S AGENT           <input type="checkbox"/> PROPERTY OWNER           <input checked="" type="checkbox"/> CONTRACT PURCHASER         </p>	
PRESENT ZONING DISTRICTS(S): C-2 REQUESTED ZONING DISTRICT: RM-13 /Buffer Reduction	
PARCEL NUMBER(S): 7073 358 ACREAGE: 2.86	
ADDRESS OF PROPERTY: 1540 Duluth Highway	
PROPOSED DEVELOPMENT: Townhouse-Style Apartments	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units 37	No. of Buildings/Lots:
Dwelling Unit Size (Sq. Ft.): Min. 1,600	Total Building Sq. Ft.:
Gross Density: 12.94	Density:
Net Density: 12.94	

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

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8/16/2022

**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:

Please See Attached

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

Please See Attached

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

Please See Attached

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- (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:

Please See Attached

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

Please See Attached

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- (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:

Please See Attached

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**REZONING APPLICANT'S CERTIFICATION**

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



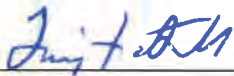
Signature of Applicant

5/24/2022

Date

JAMES D. JACOBI, PRESIDENT

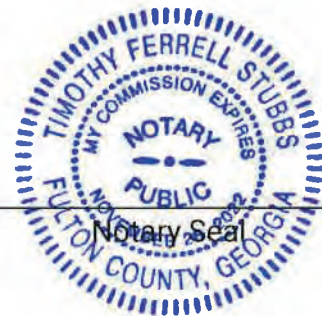
Type or Print Name and Title



Signature of Notary Public

05/24/2022

Date



Notary Seal

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REZONING PROPERTY OWNER'S CERTIFICATION

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

[Signature] AJR 05/28/2022  
Signature of Property Owner Date

SAMIRA HAFSA-BELHARETH & ABDELMAJID BELHARETH, Owners of 1540 Duluth Hwy  
Type or Print Name and Title

[Signature] 05/28/2022 [Seal]  
Signature of Notary Public Date Notary Seal

**M SHIM**  
NOTARY PUBLIC  
Gwinnett County  
State of Georgia  
My Comm. Expires Jan. 17, 2026



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8/16/2022

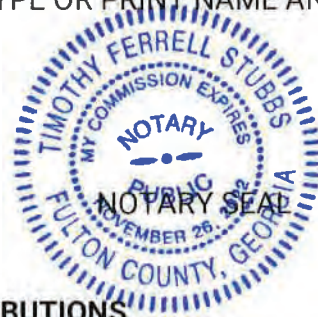
**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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.

James D. Jacob 5/24/2022 JAMES D. JACOBI, PRESIDENT  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Tyler Lasser 5/24/22 Tyler Lasser  
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE  
ATTORNEY OR REPRESENTATIVE

Timothy Ferrell Stubbs 05/24/2022  
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

James D. Jacob  
YOUR NAME

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

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

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

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

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

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

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

7  
District

073  
Land Lot

358  
Parcel

Signature of Applicant

5/24/2022  
Date

JAMES D. JACOBI, PRESIDENT

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)

Jacquleen Garcia

NAME

Tax Associate I

TITLE

06/01/2022

DATE

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**Applicant's Letter of Intent**

Sweetwater Springs Phase II

May 31, 2022

The applicant, Parkland Communities Inc., requests a rezoning on a 2.86-acre lot for the purpose of constructing a townhouse-style apartment community. The site is located on Duluth Highway, adjacent to the existing first phase of the Sweetwater Springs development, which was rezoned to RM-13 in 2019. As proposed, the development will become the second phase of Sweetwater Springs, and will feature 37 new units and an extensive amenity area. To develop the site as proposed, the applicant requests to rezone the property from C-2 (General Business District) to RM-13 (Multifamily Residence Townhouse District). The three multifamily buildings will contain three-story apartments that have the external appearance of individual attached townhomes. All units will have private entrances at the front of the structure as well access through the rear-entry single-car garage. Each garage will be accessible via alley, with supplementary spaces on the driveway for each unit. Additional parking for guests will be provided at the southern end of the site and adjacent to the amenity area near the entrance of the site off Stone Path Way. Each unit will front common space and will have direct access to the interconnected sidewalks throughout the site. The sidewalks will provide safe and direct access to the amenity area, the Duluth Road frontage, and even phase one of the community across Stone Path Way. The amenity area, which will feature a swimming pool, cabana, and office, will be accessible to all within the proposed phase of the community as well as the residents in the existing phase of the community. Units will have a minimum heated floor area of 1,600 square feet and include two or three bedrooms with two-and-a-half bathrooms. Each building will be a maximum of 35 feet in height and have exterior materials consisting of a mixture of brick, stone, and concrete siding on the front façade. The site is conveniently situated on a major thoroughfare within the County, and is within proximity to 316, I85, and a variety of significant commercial centers including Sugarloaf Mills. Due its location and position amongst many other multifamily residences, the proposed development will be consistent with the Established Neighborhoods Character Area of the 2040 Plan, which specifically encourages residential infill to be consistent in use, scale, and architecture of the surrounding properties. Concurrently with the zoning request, the applicant requests to reduce the required 20-foot buffer adjacent to the R-ZT (attached townhomes) to a 20-foot graded and replanted buffer. This area will be densely vegetated for year-round screening.

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

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

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

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

Rezoning the subject site to RM-13 for the purpose of constructing townhouse-style apartments is suitable in relation to the adjacent and nearby properties. The site is neighboring or close by other multi-family or townhome developments, including phase 1 of Sweetwater Springs and the Sweetwater Townhomes.

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

The proposed rezoning will not adversely affect the use of the surrounding properties. The subject property is on a major thoroughfare and surrounded by other townhomes and multifamily developments.

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

Due to the size and location of the property, the applicant believes that the subject property does not have a reasonable economic use as currently zoned. The applicant submits the rezoning would allow for a use more compatible with the pattern of development in the area.

**(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:**

The rezoning will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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

The proposed rezoning is in conformity with the intent of the 2040 Unified Plan. The subject property is located within the Established Neighborhoods Character, which specifically encourages residential infill to be consistent in use, scale, and architecture of the surrounding properties.

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

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



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

GWINNETT COUNTY  
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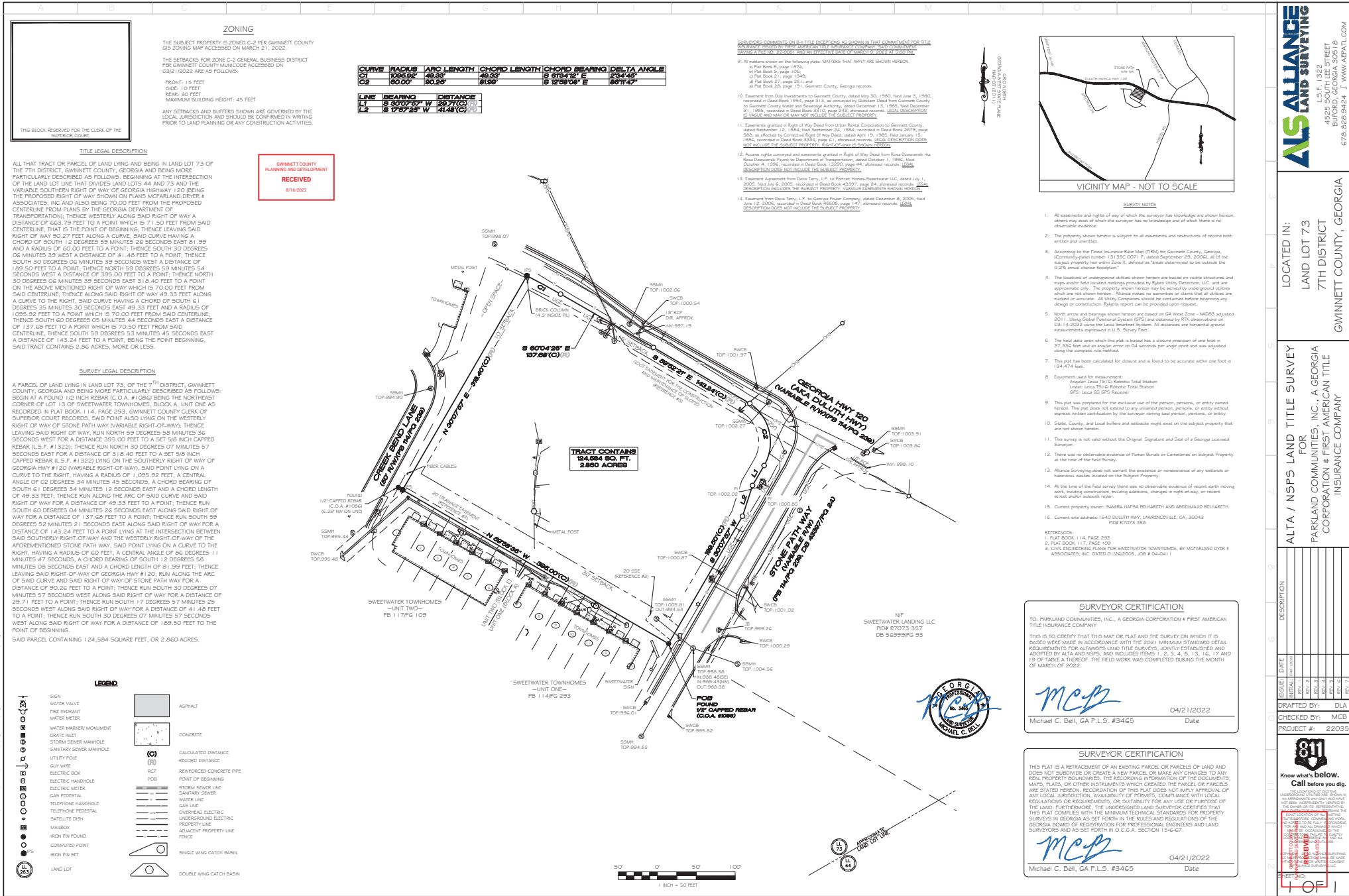
# SURVEY LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN LAND LOT 73, OF THE 7TH DISTRICT, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT A FOUND 1/2 INCH REBAR (C.O.A. #1086) BEING THE NORTHEAST CORNER OF LOT 13 OF SWEETWATER TOWNHOMES, BLOCK A, UNIT ONE AS RECORDED IN PLAT BOOK 114, PAGE 293, GWINNETT COUNTY CLERK OF SUPERIOR COURT RECORDS, SAID POINT ALSO LYING ON THE WESTERLY RIGHT OF WAY OF STONE PATH WAY (VARIABLE RIGHT-OF-WAY); THENCE LEAVING SAID RIGHT OF WAY, RUN NORTH 59 DEGREES 58 MINUTES 36 SECONDS WEST FOR A DISTANCE 395.00 FEET TO A SET 5/8 INCH CAPPED REBAR (L.S.F. #1322); THENCE RUN NORTH 30 DEGREES 07 MINUTES 57 SECONDS EAST FOR A DISTANCE OF 318.40 FEET TO A SET 5/8 INCH CAPPED REBAR (L.S.F. #1322) LYING ON THE SOUTHERLY RIGHT OF WAY OF GEORGIA HWY #120 (VARIABLE RIGHT-OF-WAY), SAID POINT LYING ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,095.92 FEET, A CENTRAL ANGLE OF 02 DEGREES 34 MINUTES 45 SECONDS, A CHORD BEARING OF SOUTH 61 DEGREES 34 MINUTES 12 SECONDS EAST AND A CHORD LENGTH OF 49.33 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AND SAID RIGHT OF WAY FOR A DISTANCE OF 49.33 FEET TO A POINT; THENCE RUN SOUTH 60 DEGREES 04 MINUTES 26 SECONDS EAST ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 137.68 FEET TO A POINT; THENCE RUN SOUTH 59 DEGREES 52 MINUTES 21 SECONDS EAST ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 143.24 FEET TO A POINT LYING AT THE INTERSECTION BETWEEN SAID SOUTHERLY RIGHT-OF-WAY AND THE WESTERLY RIGHT-OF-WAY OF THE AFOREMENTIONED STONE PATH WAY, SAID POINT LYING ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 60 FEET, A CENTRAL ANGLE OF 86 DEGREES 11 MINUTES 47 SECONDS, A CHORD BEARING OF SOUTH 12 DEGREES 58 MINUTES 08 SECONDS EAST AND A CHORD LENGTH OF 81.99 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF GEORGIA HWY #120, RUN ALONG THE ARC OF SAID CURVE AND SAID RIGHT OF WAY OF STONE PATH WAY FOR A DISTANCE OF 90.26 FEET TO A POINT; THENCE RUN SOUTH 30 DEGREES 07 MINUTES 57 SECONDS WEST ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 29.71 FEET TO A POINT; THENCE RUN SOUTH 17 DEGREES 57 MINUTES 25 SECONDS WEST ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 41.48 FEET TO A POINT; THENCE RUN SOUTH 30 DEGREES 07 MINUTES 57 SECONDS WEST ALONG SAID RIGHT OF WAY FOR A DISTANCE OF 189.50 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 124,584 SQUARE FEET, OR 2.860 ACRES.

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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8/16/2022



A		B		C		D		E	
CURVE TABLE									
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE				
C1	1095.92'	49.33'	49.33'	S 61°34'12" E	2°34'45"				
C2	60.00'	90.26'	81.99'	S 12°58'08" E	86°11'47"				

LINE	BEARING	DISTANCE
L1	S 30°07'57" W	29.71'(C)
L2	S 17°57'25" W	41.48'(C)

GROSS ACRES:	±/ 2,860 AC	NET ACRES:	±/ 2,860 AC
EXISTING ZONING:	C2		
PROPOSED ZONING:	RM-13		
TOTAL UNITS:	37 UNITS		
GROSS DENSITY:	12.94 U/A	NET DENSITY:	12.94 U/A
MIN. UNIT HEATED S.F.	1,600 S.F. PER TOWNHOME		
BUILDING SETBACKS:			
FRONT:	15'		
REAR:	30'		
SIDE:	10'		
FRONT L/S SETBACK:	10'		
LANDSCAPED BUFFER:	20'	GRADED AND REPLANTED AS SHOWN	
BUILDING HEIGHTS:	30'		
COMMON AREA:	15% OR ±/ 16,687 SQ. FT.		

PARKING ANALYSIS			TOTAL PER UNIT	TOTAL UNITS	TOTAL SPACES
LOT TYPE	GARAGE	DRIVEWAY			
REAR ENTRY	1	1	2	37	74
TOTAL PARKING SPACES REQUIRED FOR RESIDENTIAL					56
ON STREET PARKING					26
TOTAL PARKING SPACES PROVIDED FOR RESIDENTIAL					100

**PROPERTY ADDRESS:**  
1540 DULUTH HWY  
LAWRENCEVILLE, GA 30043

**PROPERTY OWNERS:**  
PID R7073 358  
SAMIRA & ARDEL MAJID HAESA-BEL HARETH

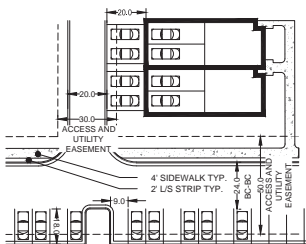
**STORMWATER NOTE:**  
STORMWATER WILL BE DIVERTED TO AN EXISTING  
MASTER STORMWATER MANAGEMENT AREA  
LOCATED WITHIN THE ADJOINING SWEETWATER  
TOWNHOMES DEVELOPMENT.

**SEWER NOTE:**  
SANITARY LINE TO CONNECT WITH EXISTING  
SEWER MANHOLE LOCATED ON THE  
PROPERTY. SEWER PROVIDED BY GWINNETT  
COUNTY.

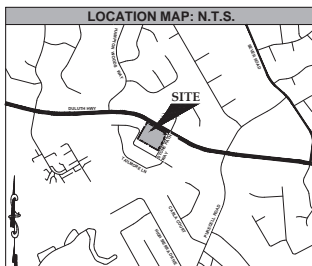
**WATER NOTE:**  
WATER PROVIDED BY GWINNETT COUNTY;  
AVAILABLE WITHIN STONE PATH WAY PROXIMITY.

FEMA NOTE:  
ACCORDING TO FIRM NUMBER 13135C0071F  
DATED 09/29/2006 FOR GWINNETT COUNTY

**ACREAGE NOTE**  
NET ACREAGE EXCLUDES 50% OF FLOODPLAIN  
AND ELECTRICAL TRANSMISSION, NATURAL GAS  
OR PETROLEUM PIPELINE EASEMENT.



### REAR ENTRY TOWNHOME TYPICAL LOT DETAIL



CREEK BEND LANE  
50' R/W (PB 114/PG 239)

N/F  
SWEETWATER  
TOWNHOMES OWNERS  
ASSOCIATION INC  
PID: 7073 512  
ZONED R2T

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SWEET BLOSSOM WAY

50 ACCESS & UTILITY EASEMENT;  
26' B.C.-B.C. PRIVATE ROAD

ETWATER TOWNHOMES  
~UNIT TWO~  
PB 117/PG 109

**NOTE:**  
WILL BE DIVERTED TO AN EXISTING MASTER  
MANAGEMENT AREA LOCATED WITHIN THE  
WETWATER TOWNHOMES DEVELOPMENT.

~UNIT ONE~  
PB 114/PG 293

POB  
FOUND  
1/2" CAPPED REBAR  
(G.O.A. #1086)

[illegible]

GEORGIA HWY 120  
(AKA DULUTH HWY)  
(VARIABLE R/W)(PB 114/PG 239)

STONE PATH WAY  
(VARIABLE R/W)  
PB 114/PG 239, DB 43397/P0

SWEET  
BLOSSOM  
TRAIL

**ALLIANCE**  
ENGINEERING • PLANNING • LAND SURVEYING  
LANDSCAPE ARCHITECTURE

CIVIL ENGINEERING • LAND PLANNING • LANDSCAPE ARCHITECTURE • LAND SURVEYING  
299 South Main St., Suite A | Alpharetta, GA 30009  
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FOR  
CONSTRUCTION

GA 30009  
56.556.2

DEVELOPER

Site Zoning Plan for  
SWEETWATER SPRINGS

Orig. Issue	04.26.2
Designed by	G
Checked by	BT
Project #	2203

# ZONING PLAN

8.16.22



DULUTH HIGHWAY / GA 120

WINNETT COUNTY  
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STONE PATHWAY





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[sweetwaterspringstownhomes.com](http://sweetwaterspringstownhomes.com)





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