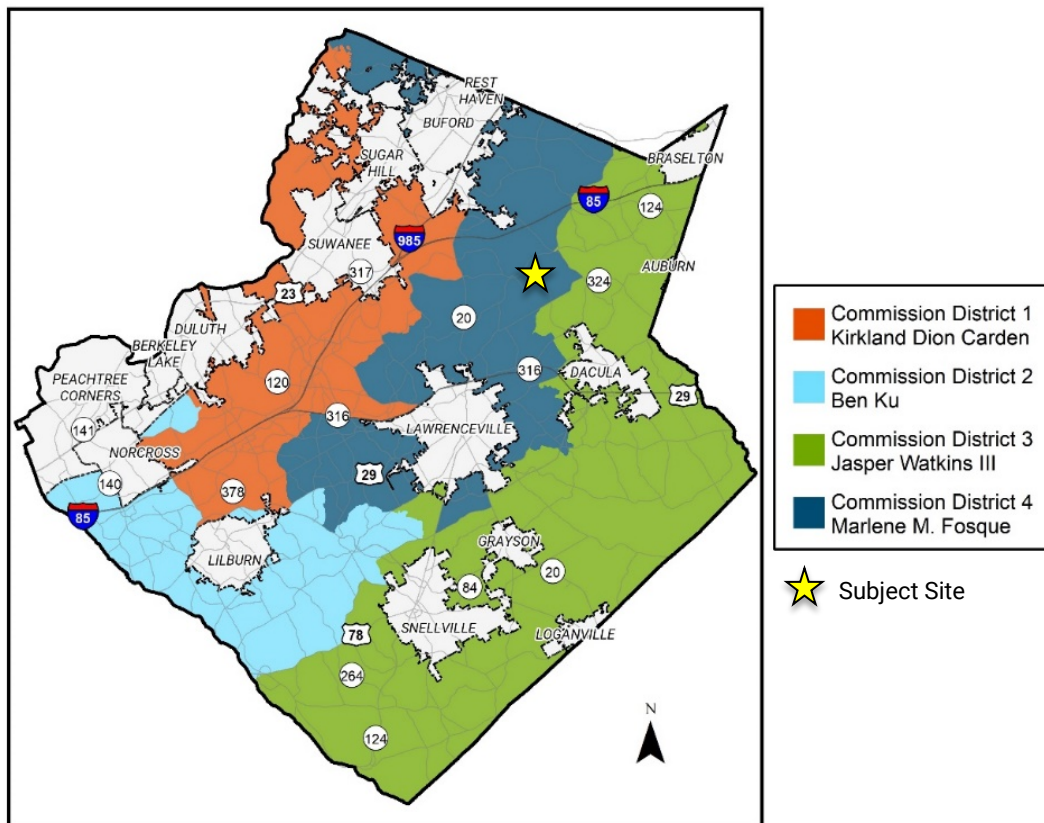




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZR2022-00002
Current Zoning: RA-200 (Agriculture Residence District)
Request: Rezoning to R-100 (Single-Family Residence District)
Additional Request: Exemption Plat Waiver
Addresses: 2253 Old Peachtree Road
Map Numbers: R7060 007
Site Area: 9.46 acres
Lots: 7
Proposed Development: Single-Family Detached Subdivision
Commission District: District 4 – Commissioner Fosque
Character Area: Emerging Suburban

Staff Recommendation: APPROVAL WITH CONDITIONS



Location Map

Planning Commission Advertised Public Hearing Date: 1/4/2022
Board of Commissioners Advertised Public Hearing Date: 1/25/2022

Applicant: T&B, LLC
4321 South Lee Street
Buford, GA 30518

Owners: T&B, LLC
4321 South Lee Street
Buford, GA 30518

Contact: W. Charles Ross, Esq.

Contact Phone: 770.962.0100

Zoning History

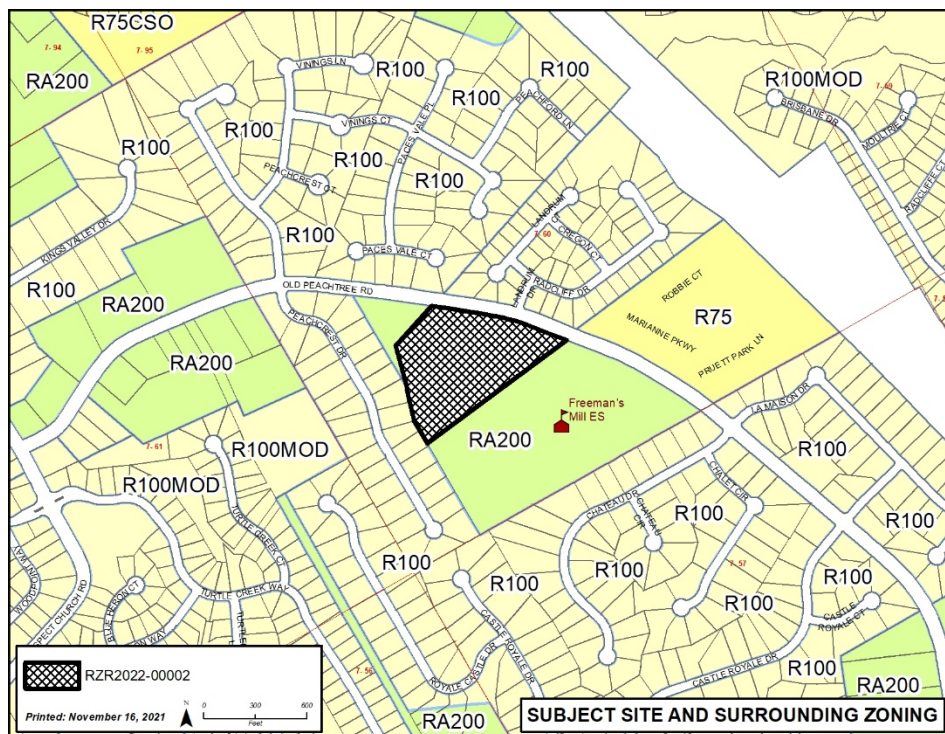
The subject property is zoned RA-200 (Agriculture Residence District). No prior zoning requests are on record for this property.

Existing Site Condition

The subject site is a 9.46-acre undeveloped parcel located on Old Peachtree Road, between Landrum Drive and Peachcrest Drive. The site is heavily vegetated with mature trees and slopes down approximately 30 feet from Old Peachtree Road towards the rear of the property. Sidewalks and overhead utilities are present along the road frontage. The nearest Gwinnett Transit Stop is 4.8 miles from the subject site.

Surrounding Use and Zoning

The subject site is surrounded by existing single-family detached residential subdivisions to the north, west, and south. Freeman's Mill Elementary School is adjacent to the subject property to the southeast. The following is a summary of surrounding uses and zoning:



Surrounding Zoning

Location	Land Use	Zoning	Density
Proposed	Single-Family Residential	R-100	0.74 units per acre
North	Single-Family Residential	R-100MOD	2.32 units per acre
East	Elementary School	RA-200	N/A
South	Single-Family Residential	R-100	1.68 units per acre
West	Vacant	RA-200	N/A

Project Summary

The applicant requests rezoning of a 9.46-acre property zoned RA-200 to R-100 for a single-family residential subdivision, including:

- Seven single-family detached residences yielding a net density of 0.74 units per acre.
- Residences exceeding the 1,400 square foot heated floor area minimum (exact home sizes were not provided by the applicant).
- Access provided by individual driveways to each lot from Old Peachtree Road.
- Existing five-foot sidewalks along Old Peachtree Road.
- Lots to be served by individual septic systems.
- A combination of front and side loaded two-car garages.
- Exterior home finishes that are primarily board and batten farmhouse-style residences.

Zoning and Development Standards

The applicant is requesting a rezoning to R-100, Single-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 35'	<35'	YES
Front Yard Setback	Minimum 50'	>50'	YES
Side Yard Setback	Minimum 10' for one yard Minimum 25' total for two yards	>10' >25'	YES
Rear Yard Setback	Minimum 40'	>40'	YES
Lot Size	Minimum Septic - 25,500 square feet	Minimum 37,278 square feet	YES
Heated Floor Area	Minimum 1,400 square feet	>1,400 square feet	YES

Waiver Request

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

1. Section 310-20.3 Minor Subdivision.
 - A. The division of a buildable lot of record into 5 or fewer lots...

The applicant seeks to develop the property with 7 lots through the exemption plat process. The Director is authorized to grant a modification from the 5-lot maximum exemption; provided, however, modifications shall not be granted to exceed a total of 7 exempt lots. In this case, the applicant is requesting a rezoning to the R-100 Zoning District and authorization to construct 7-lots which would

require the approval of a Waiver from the Board of Commissioners to exceed the 5-lot maximum allowed through the Exemption Plat process. These types of subdivisions are exempt from submitting full Development Plans and from providing certain public improvements such as street lights and sidewalks.

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 zoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The site is surrounded by single-family subdivisions as well as an elementary school. Subdivisions adjacent to the subject property are a higher density than what is proposed by this project. The subject rezoning would be consistent with the area.

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 likely not be impacted by the zoning change, as the area is primarily single-family detached residential.

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

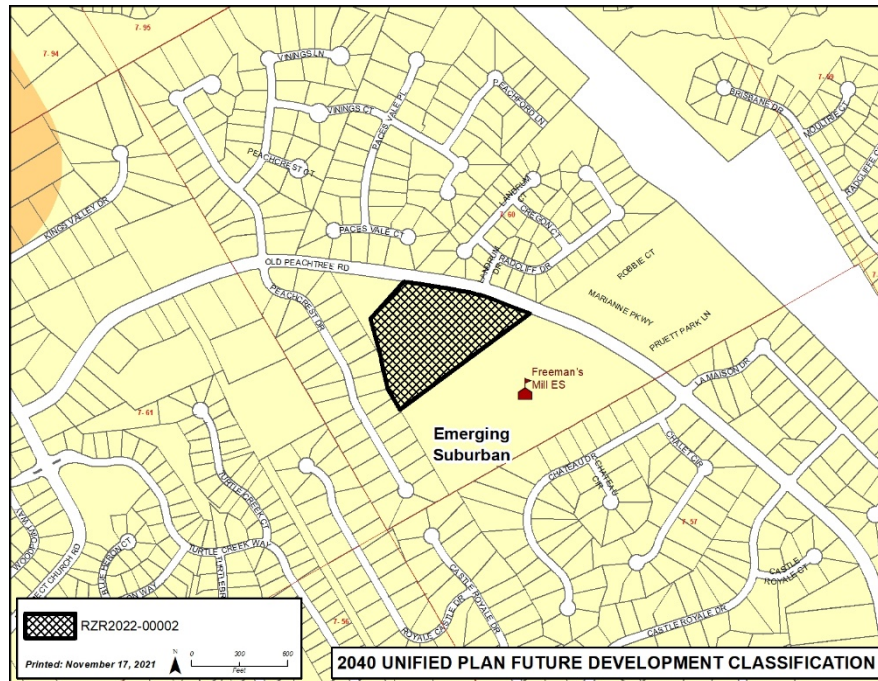
The property has a reasonable economic use as currently zoned.

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.

A minimal impact on public facilities is anticipated in the form of traffic, utility demand, and stormwater runoff. However, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. A minimal impact is anticipated on school enrollment. Agency review comments concerning any potential improvements related to this 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 the subject property lies within the Emerging Suburban Character area. This designation is intended for suburban areas that are currently mainly residential but have not yet matured into established communities due to relatively large amounts of remaining, undeveloped land. Rezoning the property to R-100 for the construction of a single-family detached subdivision would be appropriate in this character area.



Surrounding Future Land Use

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 developed primarily with single-family uses. The proposed rezoning would be consistent with adjacent R-100 properties.

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 exemption is from the maximum permitted lots under an exemption plat. Current development standards require that no more than five lots be permitted through an exemption plat as a minor subdivision. A modification of the minor subdivision requirements allows for up to seven lots with approval by the Director of Planning and Development. The standard allows for flexibility in the subdivision of a small number of lots without requiring improvements

commonly required of larger subdivisions. The property can support the development of seven lots under the R-100 dimensional requirements without the need for any setback variances. Exemption of this development requirement would not adversely affect the general public welfare and will not nullify the intent of the development regulations.

Staff Recommendation

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

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

1. Exemption in accordance with 310-20.3: Minor Subdivision to allow seven lots.

Staff Recommended Conditions

Approval as R-100 (Single-Family Residence District) for development of a single-family detached subdivision, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received November 4, 2021, and Exhibit C: Building Elevations dated received November 4, 2021 with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Director of Planning and Development.
2. The property shall be limited to single-family detached dwellings and accessory uses and structures, not to exceed seven lots.
3. Any future subdivision of the property beyond the proposed seven lots shall require issuance of a full development permit.
4. The number of curb cuts on Old Peachtree Road shall be limited to four. Driveway locations and any required deceleration lanes shall be approved by the Gwinnett Department of Transportation prior to the issuance of the first building permit.
5. All dwellings shall have at least a double-car garage.
6. The front facades shall be finished with brick, stone, wood siding, wood shakes, or fiber cement type siding. The front facades shall incorporate changes in building material, texture, and/or color. The balance of the home may be the same or of cedar or fiber-cement siding or shake with a minimum two-foot-high brick or stacked stone water table.
7. Natural vegetation shall remain on the property until the issuance of a building permit or development permit.

Exhibits:

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

Exhibit A: Site Visit Photos



View from Old Peachtree Road

Exhibit B: Site Plan

[attached]

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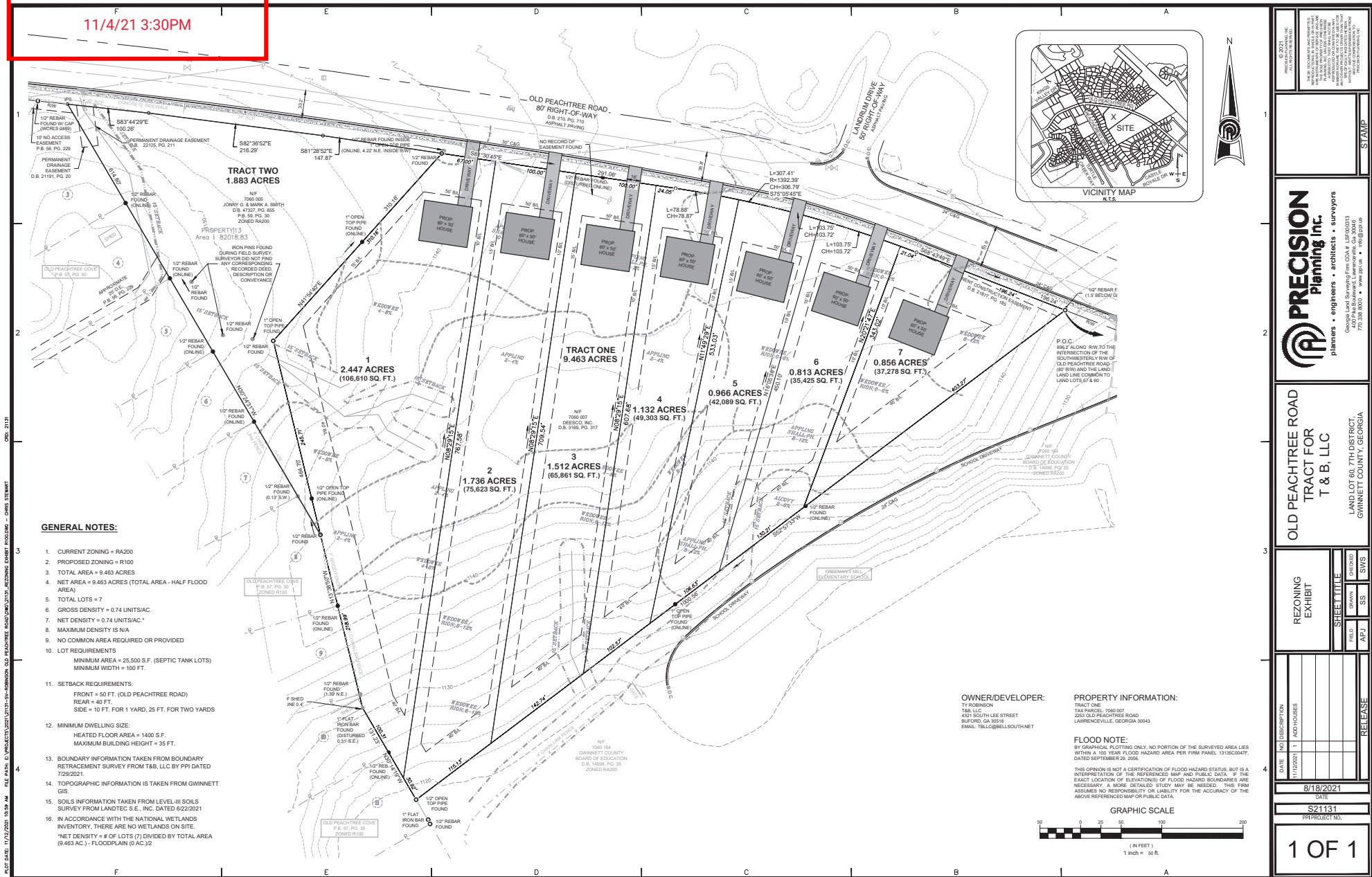
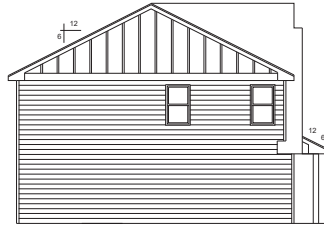


Exhibit C: Building Elevations

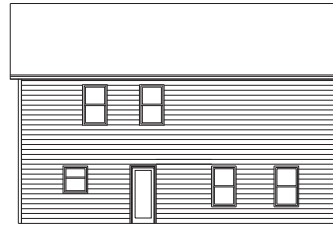
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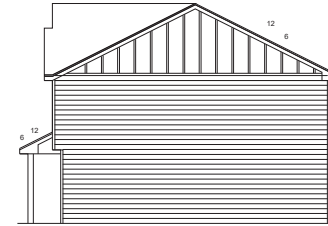
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LEFT ELEVATION



REAR ELEVATION



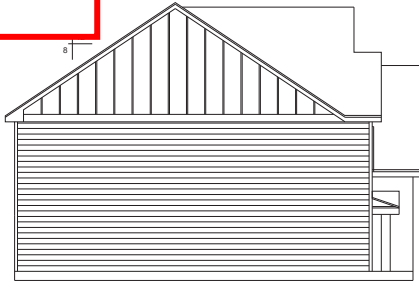
RIGHT ELEVATION



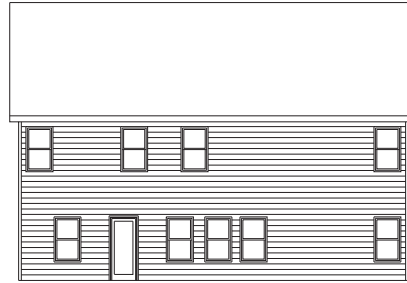
Ella Plan
Front Elevation
Board & Batten Otton

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LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



Robinson Plan
Board & Batten

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Front



Rear

Revisions:

Plan 1512
Ranch

Scale: as noted
Date: 09-16-2020
By: MRD
File:
DWG:
Sheet: 1/1

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

[attached]

Tony Powell
Brian Edwards
Nathan Powell
W. Charles Ross



Mandy Williams
Jay Crowley
Rob Poston
Laura Walsh
Laura Shoop

November 3, 2021

Susan Canon, Director
Gwinnett County Planning & Development
75 Langley Drive
Lawrenceville, Georgia 30046

**RE: REZONING APPLICATION AND LETTER OF INTENT FOR T & B, LLC.,
2253 OLD PEACHTREE ROAD, LAWRENCEVILLE.**

Dear Ms. Canon:

Powell & Edwards, P.C. submits this Letter of Intent on behalf of T & B, LLC (the "Applicant") to request a Rezoning to the R100 zoning designation to allow for seven (7) single family homesites to built upon property located at 2253 Old Peachtree Road in Lawrenceville and having Gwinnett County Tax ID Number of R7060 007 (the "Property").

Applicant is the owner of the undeveloped 9.46-acre parcel which is currently zoned RA200. The property is bordered on two sides by R100 and R100MOD residential developments, Freeman's Mill Elementary School and the Applicant's undeveloped property. The Applicant proposes to develop this property to allow for seven (7) manor-style homes which would have a minimum heated square footage of 1400 square feet but would undoubtedly be considerably larger. This development would be consistent with the surrounding zoning and is the best option for a development located adjacent to the school.

The proposed lots will all be well in excess of the 25,000 square foot minimum requirement for septic tank lots, with the smallest lot being over 35,000 square feet and the remaining six being considerably larger. All lots fully comply with all buffers and setbacks. The Applicant is also requesting a waiver for a modification to allow for seven (7) exempt lots.

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

Respectfully submitted,

POWELL & EDWARDS, P.C.

A handwritten signature in blue ink, appearing to read 'W. Charles Ross'.

W. Charles "Chuck" Ross
Attorney for Applicant

Enclosures

A PROFESSIONAL CORPORATION

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Gwinnett County Planning Division
Rezoning Application
Last Updated
10/2021

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:

The proposed rezoning will allow for development truly consistent with the surrounding properties. The adjacent properties are already zoned R100 or R100MOD and the other adjacent property is Freemans Mill Elementary School. The proposed development is extremely conservative in its use of space, placing only seven (7) single-family homes on the almost ten (10) acre site. This type of limited residential development is the best possible scenario for the school property as there is no danger of any office or commercial development and the possible increase in students to the school would be negligible.

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

As noted above, the surrounding properties are already similarly zoned and at a much higher density than the proposed development. Having only seven (7) single-family homes on a ten (10) acre site is the best scenario the surrounding property owners could have.

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

No, the property is undeveloped as it is currently zoned RA200. This site is not suitable for any profitable agricultural use and is not economically feasible for a residential development given then zoning constraints.

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(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR
11/4/2021 8:09PM COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS,
TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

The addition of seven (7) single family homes will have a negligible impact, if any, and will not cause 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 2040 Unified Plan classifies this area as Emerging Suburban. The proposed development epitomizes the definition for this character area as it is single-family homes, "set back further and allow[ing] more front yard." As such, it is fully in conformity with both the policy and intent of the 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:

This parcel is located next to an elementary school. That severely limits the use of the property. The small number of proposed lots give a strong ground for supporting the approval of this rezoning.

Exhibit E: External Agency Review Comments

[attached]

TRC Meeting Date:		12-14-2021	
Department/Agency Name:		Transportation	
Reviewer Name:		Michael Johnson	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Michael.johnson2@gwinnettcountry.com	
Case Number:		RZR2022-00002	
Case Address:		2253 Old Peachtree Road	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	Old Peachtree Road is Minor Arterial requiring 40' to 50" of Right of Way from the centerline of the roadway with a posted speed limit of 45 MPH, with an Average Annual Daily Traffic of 7,889 Vehicles Per Day		
2	Entrances shall be provided to the site per current development regulations. Standard deceleration lanes with appropriate taper and adequate right-of-way will be required. The developer shall be limited to one curb cut.		
3	Prior to the issuance of a Development Permit, a sight distance certification shall be provided.		
4	The number and locations of driveways are subject to Gwinnett County D.O.T. approval.		
5	A 5' sidewalk will be required along the property frontage		
6	The nearest Transit Stop is 4.8 miles away		
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input checked="" type="checkbox"/> X
		<input type="checkbox"/>	<input type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			

Residential Rezoning Impact on Local Schools						
Prepared for use in the January 2022 Board of Commissioners Meeting						
	Local Schools to be Impacted by Requested Rezoning					
Case#	Elementary School		Middle School		High School	
	Yr 2021-2022	Yr 2022--2023	Yr 2021-2022	Yr 2022-2023	Yr 2021-2022	Yr 2022-2023
CIC2022-00001	no impact	no impact	no impact	no impact	no impact	no impact
CIC2022-00004	no impact	no impact	no impact	no impact	no impact	no impact
RZM2022-00001	Jackson ES	Jackson ES	Northbrook MS	Northbrook MS	Peachtree Ridge HS	Peachtree Ridge HS
RZR2022-00001	no impact	no impact	no impact	no impact	no impact	no impact
RZR2022-00002	Freemans Mill ES	Freemans Mill ES	Twin Rivers MS	Twin Rivers MS	Mountain View HS	Mountain View HS
RZR2022-00003	Ivy Creek ES	Ivy Creek ES	Jones MS	Jones MS	Mill Creek HS	*Seckinger HS
RZR2022-00005	Magill ES	Magill ES	Grace Snell MS	Grace Snell MS	South Gwinnett HS	South Gwinnett HS
SUP2022-00002	no impact	no impact	no impact	no impact	no impact	no impact
SUP2022-00003	no impact	no impact	no impact	no impact	no impact	no impact
<i>*Seckinger HS Cluster Opening 2022-2023 School Year</i>						

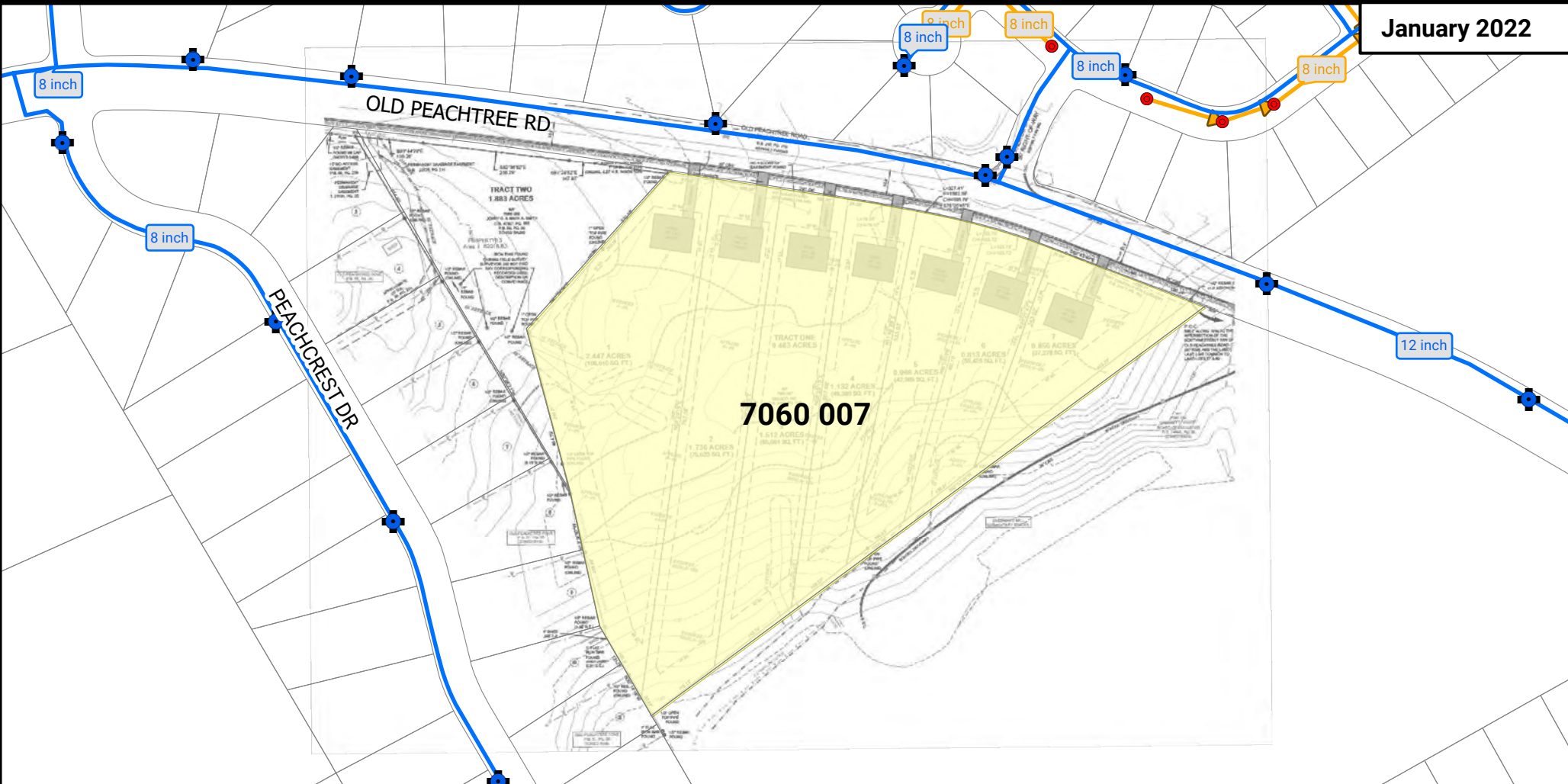


Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		December 14, 2021	
Department/Agency Name:		DWR	
Reviewer Name:		Mike Pappas	
Reviewer Title:		GIS Planning Manager	
Reviewer Email Address:		Michael.pappas@gwinnettcountry.com	
Case Number:		RZR2022-00002	
Case Address:		2253 Old Peachtree Road	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES <input type="checkbox"/> NO
1	WATER: There is an available 12-inch water main located on the north right-of-way of Old Peachtree Rd.		
2	SEWER: Lots to be developed on septic pending approval from GNR Health Departments.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> X <input type="checkbox"/> NO
1			
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Note: Attach additional pages, if needed

Revised 7/26/2021

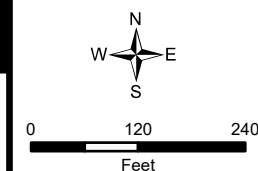


LEGEND

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

RZR2022-00002
RA-200 to R-100

Water & Sewer Utility Map



LOCATION



Water Comments: There is an available 12-inch water main located on the north right-of-way of Old Peachtree Rd.

Sewer Comments: Lots to be developed on septic pending approval from GNR Health Departments.

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

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

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

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

Exhibit F: Maps

[attached]

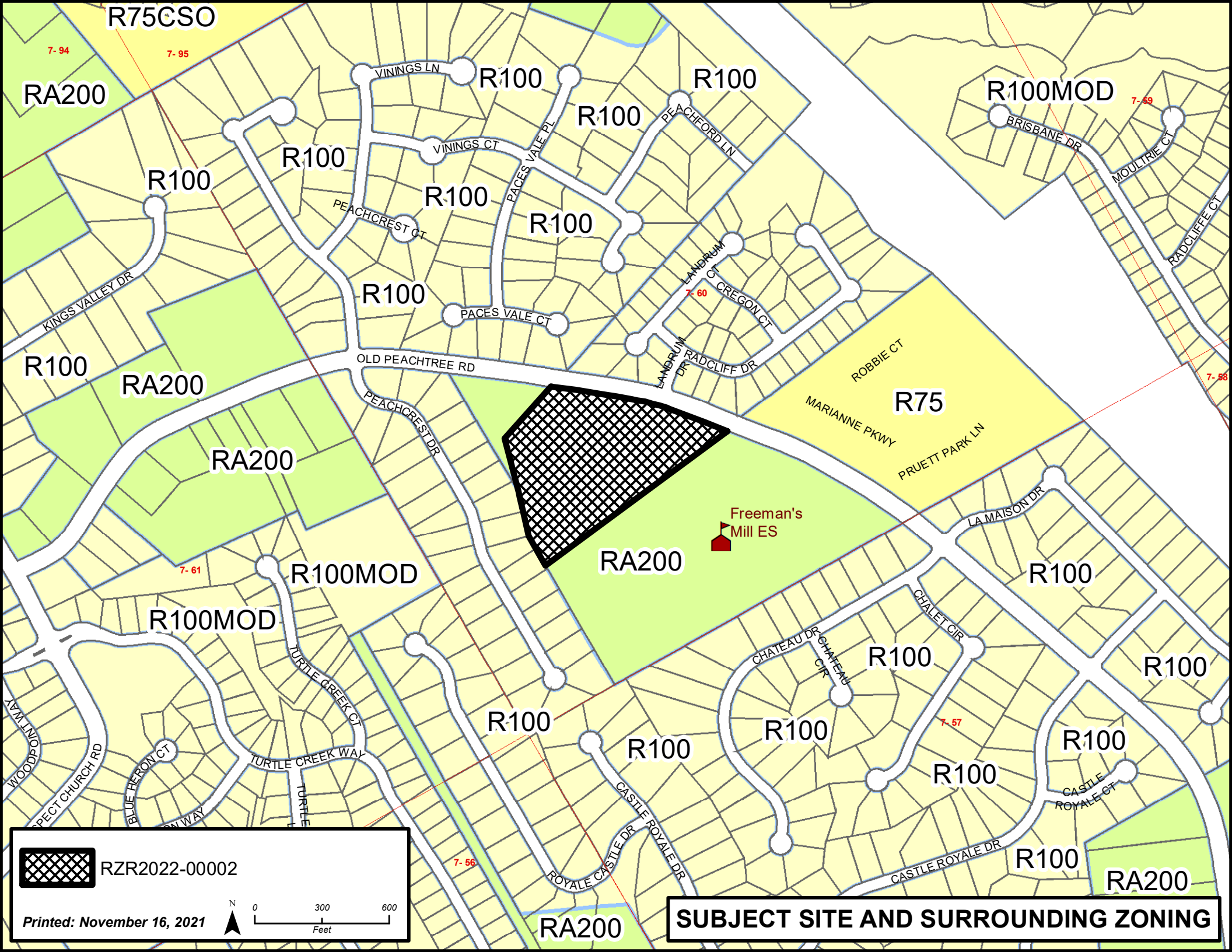


RZR2022-00002

Printed: November 17, 2021

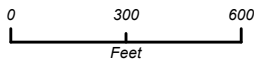


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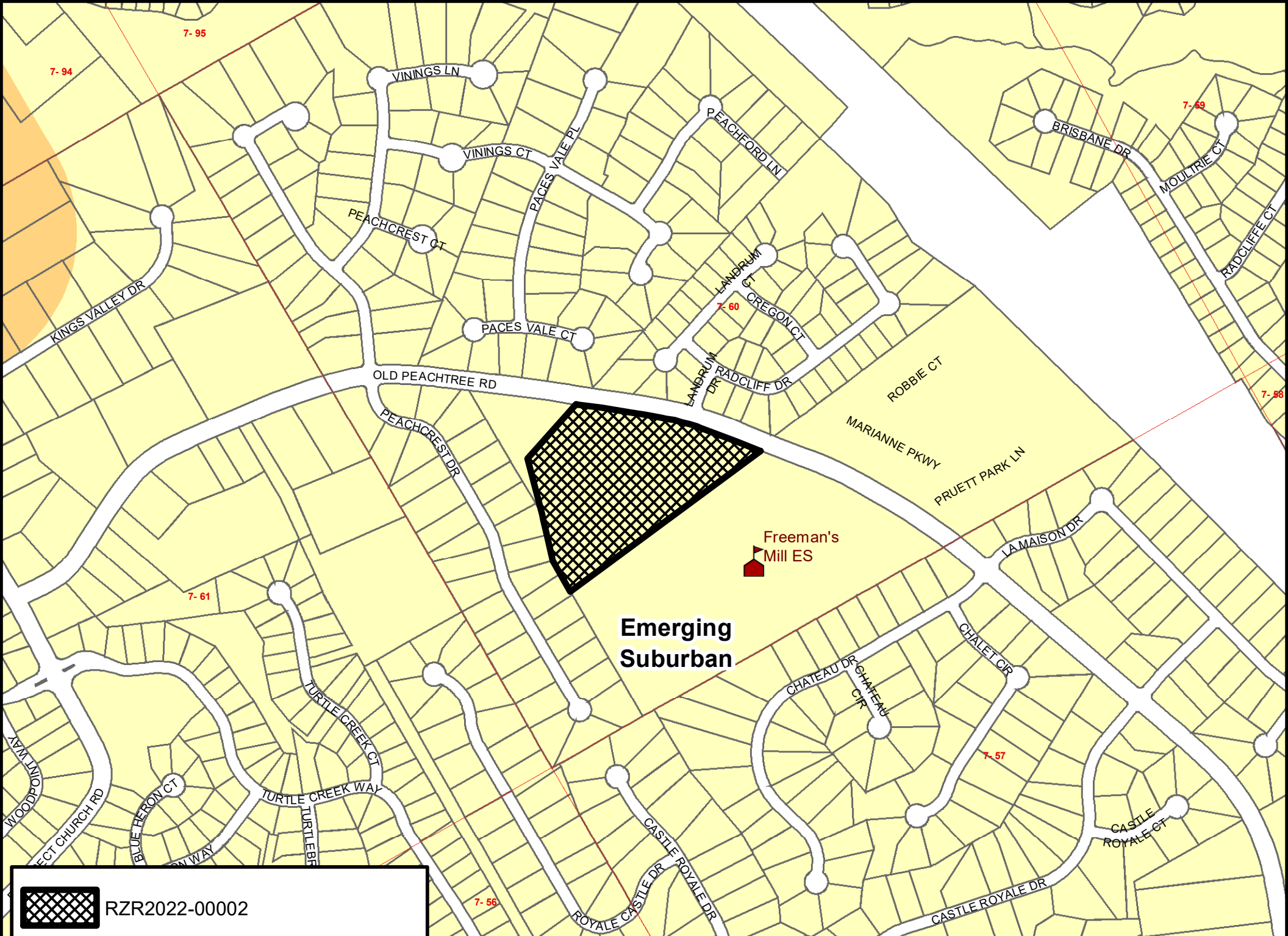


RZR2022-00002

Printed: November 16, 2021

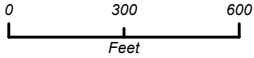


SUBJECT SITE AND SURROUNDING ZONING



RZR2022-00002

Printed: November 17, 2021



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

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REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.
11/4/2021 3:30PM

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>T & B, LLC</u>	NAME: <u>T & B, LLC</u>
ADDRESS: <u>4321 South Lee Street</u>	ADDRESS: <u>4321 South Lee Street</u>
CITY: <u>Buford</u>	CITY: <u>Buford</u>
STATE: <u>Georgia</u> ZIP: <u>30518</u>	STATE: <u>Georgia</u> ZIP: <u>30518</u>
PHONE: <u>770-826-7509</u>	PHONE: <u>770-826-7509</u>
EMAIL: <u>tbllc@bellsouth.net</u>	EMAIL: <u>tbllc@bellsouth.net</u>
CONTACT PERSON: <u>W. Charles "Chuck" Ross, Esq.</u> PHONE: <u>770-962-0100</u>	
CONTACT'S E-MAIL: <u>chuck@wtp.legal</u>	
<p align="center">APPLICANT IS THE:</p> <p> <input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER </p>	
PRESENT ZONING DISTRICTS(S): <u>RA200</u> REQUESTED ZONING DISTRICT: <u>R100</u>	
PARCEL NUMBER(S): <u>R7060 007</u> ACREAGE: <u>9.46</u>	
ADDRESS OF PROPERTY: <u>2253 Old Peachtree Road, Lawrenceville, Georgia 30043</u>	
PROPOSED DEVELOPMENT: <u>Seven (7) single-family homesites.</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>7 lots</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>Min. 1400 heated s.f.</u>	Total Building Sq. Ft. _____
Gross Density: <u>0.74 Units per acre</u>	Density: _____
Net Density: <u>0.74 Units per acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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11/4/2021 3:30PM

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 60 of the 7th District, Gwinnett County, Georgia, being Tract No. 1 containing 1.6093 acres and Tract No. 2 containing 7.8567 acres for a total of 9.4660 acres, according to a plat of survey for Deesco, Inc. dated August 9, 1985 prepared by Hannon, Meeks & Bagwell, Surveyors & Engineers, Inc. and being more particularly described according to said plat as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at a point in the center line of the 80 foot right of way of Old Peachtree Road located a distance of 911.6 feet along the center line to the land lot line dividing Land Lots 57 and 60, said district; from said point in the center line, run thence south 52°36'55" west a distance of 47.02 feet to an iron pin located on the southerly right of way of Old Peachtree Road and the point of beginning; thence south 52°36'55" west a distance of 1000.76 feet to a flat iron found; thence north 30°34'38" west a distance of 131.21 feet to flat iron found; thence north 13°59'00" west a distance of 264.89 feet to 1" tube found; thence north 13°59'00" west a distance of 200.00 feet to a 1" tube found; thence north 41°34'45" east a distance of 310.72 feet to an iron pin on the southerly right of way of Old Peachtree Road; run thence along said right of way south 81°45'00" east a distance of 200.00 feet to an iron pin; continue thence along said right of way south 81°45'00" east a distance of 91.02 feet to a point; continue thence along said right of way and following the curvature thereof a distance of 307.42 feet and along the arc of a curve having a radius of 1392.394 feet to a point (said arc being subtended by a chord having a bearing of south 75°25'30" east and a distance of 306.79 feet); continue thence along said right of way south 69°06'00" east a distance of 196.02 feet to an iron pin and the TRUE POINT OF BEGINNING.

Property is known as 2253 Old Peachtree Road, Lawrenceville, GA Under the present numbering system for Gwinnett County, Georgia.

Map Reference No.: R7060 007

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10/2021

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:

The proposed rezoning will allow for development truly consistent with the surrounding properties. The adjacent properties are already zoned R100 or R100MOD and the other adjacent property is Freemans Mill Elementary School. The proposed development is extremely conservative in its use of space, placing only seven (7) single-family homes on the almost ten (10) acre site. This type of limited residential development is the best possible scenario for the school property as there is no danger of any office or commercial development and the possible increase in students to the school would be negligible.

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

As noted above, the surrounding properties are already similarly zoned and at a much higher density than the proposed development. Having only seven (7) single-family homes on a ten (10) acre site is the best scenario the surrounding property owners could have.

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

No, the property is undeveloped as it is currently zoned RA200. This site is not suitable for any profitable agricultural use and is not economically feasible for a residential development given then zoning constraints.

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(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR
11/4/2021 8:38PM COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS,
TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

The addition of seven (7) single family homes will have a negligible impact, if any, and will not cause 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 2040 Unified Plan classifies this area as Emerging Suburban. The proposed development epitomizes the definition for this character area as it is single-family homes, "set back further and allow[ing] more front yard." As such, it is fully in conformity with both the policy and intent of the 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:

This parcel is located next to an elementary school. That severely limits the use of the property. The small number of proposed lots give a strong ground for supporting the approval of this rezoning.

Tony Powell
Brian Edwards
Nathan Powell
W. Charles Ross



POWELL & EDWARDS
ATTORNEYS AT LAW

Mandy Williams
Jay Crowley
Rob Poston
Laura Walsh
Laura Shoop

November 3, 2021

Susan Canon, Director
Gwinnett County Planning & Development
75 Langley Drive
Lawrenceville, Georgia 30046

**RE: REZONING APPLICATION AND LETTER OF INTENT FOR T & B, LLC.,
2253 OLD PEACHTREE ROAD, LAWRENCEVILLE.**

Dear Ms. Canon:

Powell & Edwards, P.C. submits this Letter of Intent on behalf of T & B, LLC (the "Applicant") to request a Rezoning to the R100 zoning designation to allow for seven (7) single family homesites to built upon property located at 2253 Old Peachtree Road in Lawrenceville and having Gwinnett County Tax ID Number of R7060 007 (the "Property").

Applicant is the owner of the undeveloped 9.46-acre parcel which is currently zoned RA200. The property is bordered on two sides by R100 and R100MOD residential developments, Freeman's Mill Elementary School and the Applicant's undeveloped property. The Applicant proposes to develop this property to allow for seven (7) manor-style homes which would have a minimum heated square footage of 1400 square feet but would undoubtedly be considerably larger. This development would be consistent with the surrounding zoning and is the best option for a development located adjacent to the school.

The proposed lots will all be well in excess of the 25,000 square foot minimum requirement for septic tank lots, with the smallest lot being over 35,000 square feet and the remaining six being considerably larger. All lots fully comply with all buffers and setbacks. The Applicant is also requesting a waiver for a modification to allow for seven (7) exempt lots.

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

Respectfully submitted,

POWELL & EDWARDS, P.C.

W. Charles "Chuck" Ross
Attorney for Applicant

Enclosures

A PROFESSIONAL CORPORATION

P.O. Box 1390 • Lawrenceville, Georgia 30046-1390 • powelledwards.com • 770.962.0100

Street Address For Direct Deliveries Only • 10 Lumpkin Street Lawrenceville, GA 30046

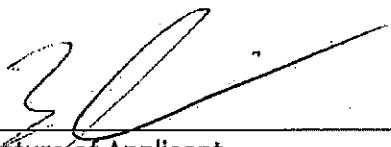
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REZONING APPLICANT'S CERTIFICATION

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.

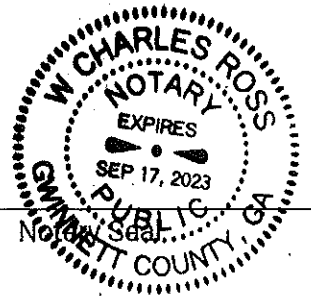

Signature of Applicant

11-2-21
Date

Ty Robinson, Member T & B, LLC
Type or Print Name and Title


Signature of Notary Public

11-2-2021
Date



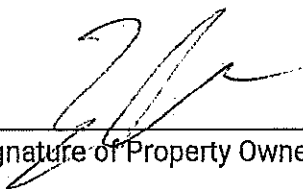
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Gwinnett County Planning Division
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Last Updated 12/2020

REZONING PROPERTY OWNER'S CERTIFICATION

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




Signature of Property Owner

11-2-21

Date

Ty Robinson, Member T & B, LLC

Type or Print Name and Title

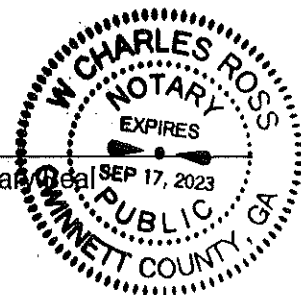


Signature of Notary Public

11-2-2021

Date

Notary Seal




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Last Updated 12/2015

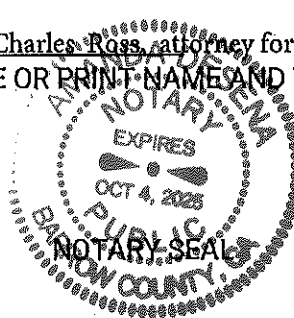
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

 11-2-21 Ty Robinson, Member T & B, LLC
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

 11-2-2021 W. Charles Ross, attorney for Applicant
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

 11-2-2021
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

Ty Robinson
YOUR NAME

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

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

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

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Rezoning Application
Last Updated 12/2020

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.**

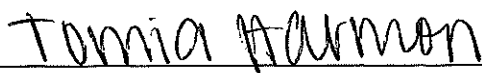
PARCEL I.D. NUMBER: 7 - 60 - 007
(Map Reference Number) District Land Lot Parcel

 11-2-21
Signature of Applicant Date
Ty Robinson, Member, T & B, LLC
Type or Print Name and Title

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

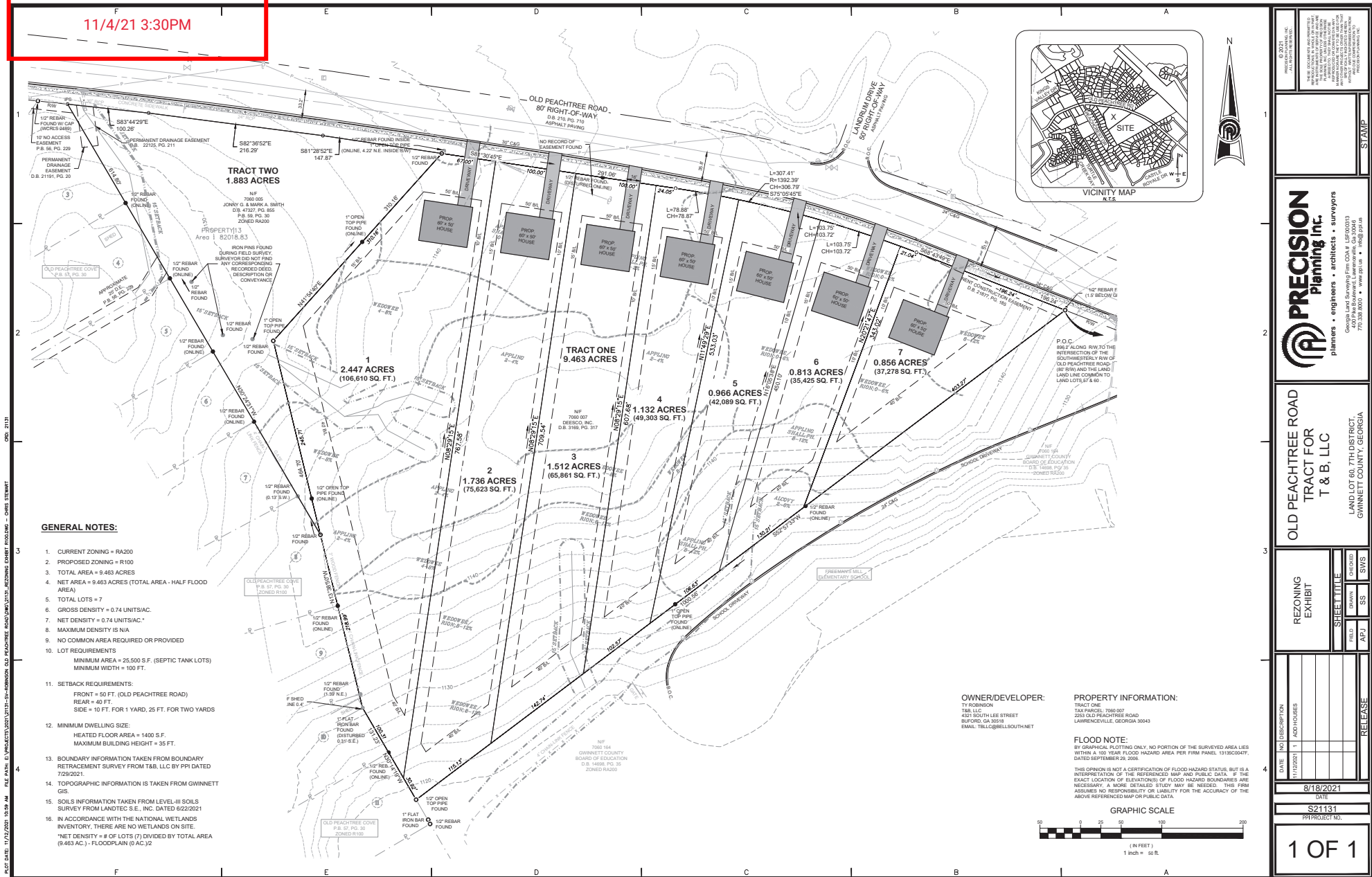
TAX COMMISSIONERS USE ONLY

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

 TSA
NAME TITLE
11-3-2021
DATE

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PRECISION
Planning Inc.
planners • engineers • architects • surveyors

Georgia Land Surveying Firm, C.O.G.S. # LP000333
400 Peachtree Road, Suite 3000
770.338.8000 • www.precisionplanning.com

OLD PEACHTREE ROAD
TRACT FOR
T & B, LLC

LAND LOT 60, 7TH DISTRICT,
WINNETT COUNTY, GEORGIA

REZONING
EXHIBIT

SHEET TITLE

FILED
APU
SS
SWS

DATE
11/12/2021

1
ADD HOUSES

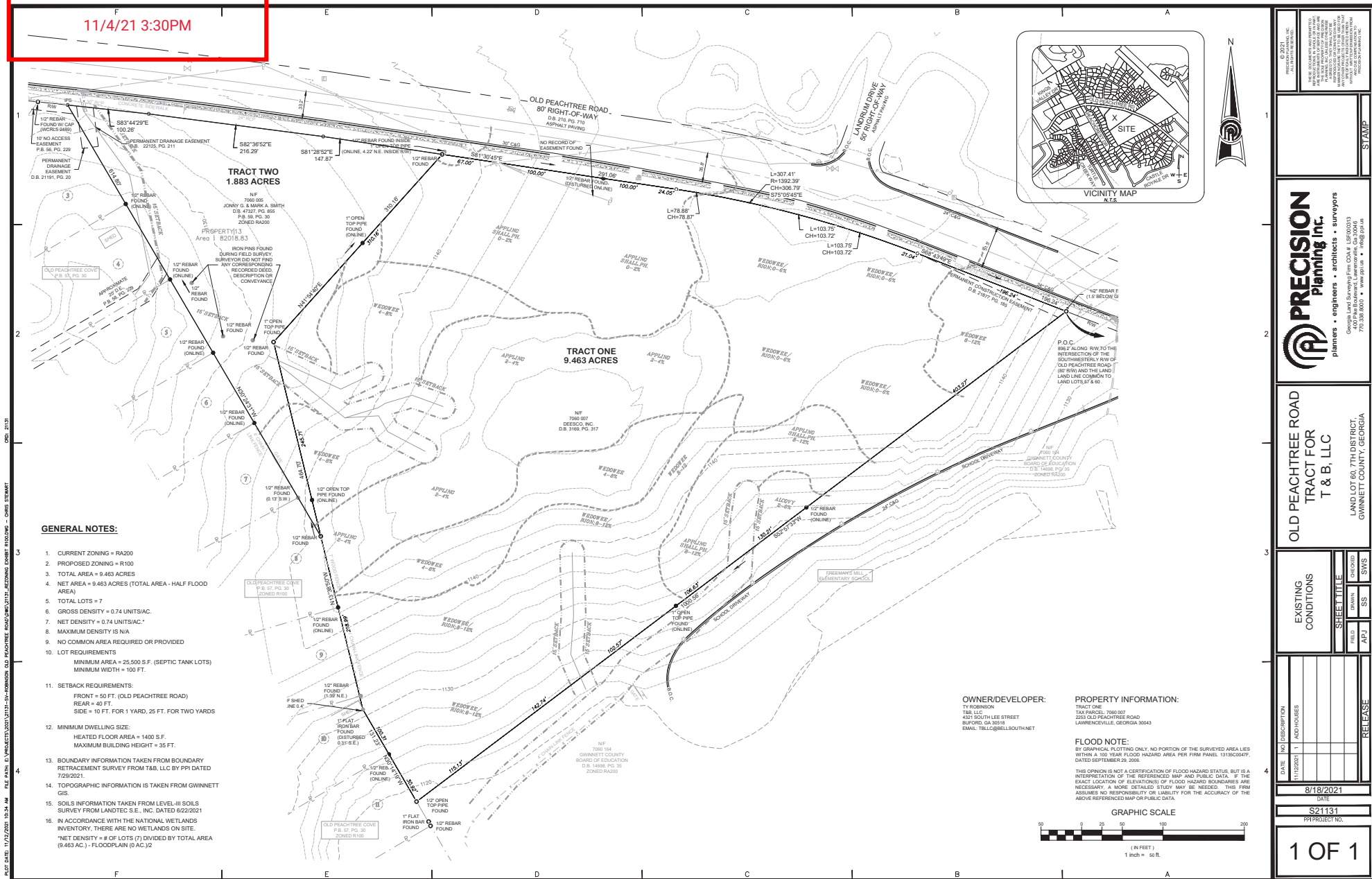
8/18/2021
DATE

S21131
PROJECT NO.

1 OF 1

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PRECISION
Planning Inc.
planners • engineers • architects • surveyors

Georgia Land Surveying Firm, COS # 18P00333
400 Peachtree Lane, Suite 3000
770.338.8000 • www.precisionplanning.com

OLD PEACHTREE ROAD
TRACT FOR
T & B, LLC

LAND LOT 60, 7TH DISTRICT,
WINNETT COUNTY, GEORGIA

EXISTING
CONDITIONS

SHEET TITLE

FILED
DRAWN
APU

SS
SWS

DATE
11/12/2021

1
ADD HOUSES

RELEASE

8/18/2021
DATE

S21131
PROJECT NO.

1 OF 1

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11/4/21 3:30PM



PRECISION
Planning Inc.
planners • engineers • architects • surveyors

Georgia Land Surveying Firm COA # L897000373
400 Pike Boulevard, Lawrenceville, Ga 30046

T&B LLC

BOUNDARY
RETRACEMENT
CURVE

DESCRIPTION

713

S
pol

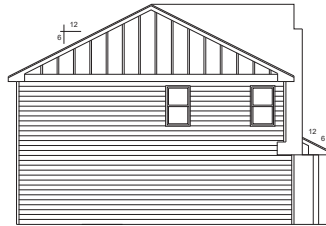
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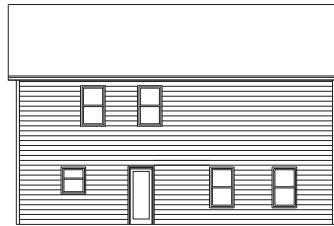
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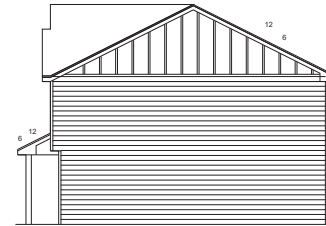
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LEFT ELEVATION



REAR ELEVATION



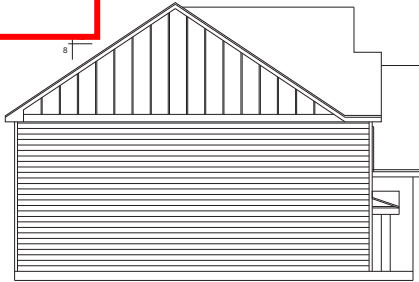
RIGHT ELEVATION



Ella Plan
Front Elevation
Board & Batten Otion

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LEFT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



Robinson Plan
Board & Batten

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Front



Rear

Revisions:

Plan 1512
Ranch

Scale: as noted
Date: 09-16-2020
By: MRD
File:
DWG:
Sheet: 1/1