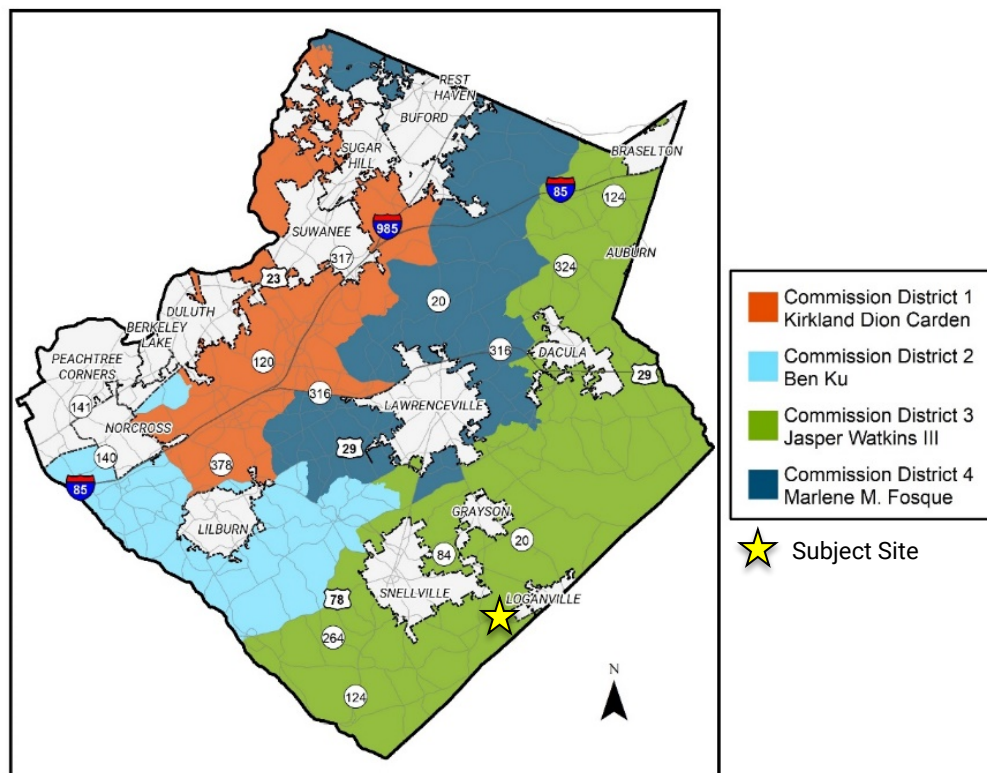




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZR2022-00005
Current Zoning: R-100 (Single-Family Residence District)
Request: Rezoning to **OSC** (Open Space Conservation District)
Address: Smith Road
Map Number: R5097 002
Site Area: 41 acres
Lots: 60
Proposed Development: Single-Family Detached Subdivision
Commission District: District 3 – Commissioner Watkins
Character Area: Suburban Estate Living

Staff Recommendation: **APPROVAL WITH CONDITIONS**



Location Map

Applicant: David Pearson Communities, Inc.
c/o Anderson, Tate & Carr, P.C.
1960 Satellite Boulevard, Suite 4000
Duluth, GA 30097

Owners: Hugh N Mazzawi Trust
1778 Emory Ridge Drive
Atlanta, GA 30329

Contact: Melody A. Glouton

Contact Phone: 770.822.0900

Zoning History

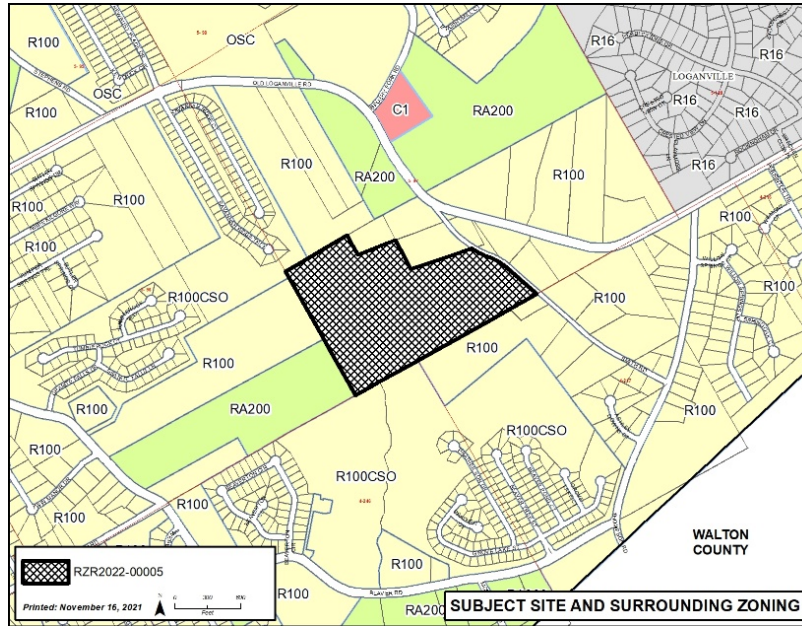
The subject property is zoned R-100 (Single-Family Residence District). No prior zoning requests are on record for this property.

Existing Site Condition

The subject parcel is a 41.00-acre parcel fronting Smith Road near its intersection with Old Loganville Highway, which is about 500 feet north of the property. Smith Road bisects the parcel which results in three separate portions of land. The subject site lies on the west side of Smith Road while the remaining two parcel fragments lie to the west of Smith Road. The parcel fragments are not a part of the rezoning. The subject parcel is currently heavily wooded. Brushy Fork Creek runs across the property, creating stream buffers and rendering most of the western portion of the lot unbuildable. The subject parcel is also in a Category 1 Dam Breach Zone, which is the area downstream of the dam that would be flooded in the event of a failure (breach) or uncontrolled release of water. Currently, there are no restrictions regarding construction within the Dam Breach Zone. The site slopes down approximately 36 feet from the east corner of the site to the western property boundary which is partially formed by a stream. There is no sidewalk on Smith Road. The nearest Gwinnett Transit stop is 6.3 miles from the site.

Surrounding Use and Zoning

The subject site is surrounded primarily by single-family residential uses. The Savannah Ridge subdivision is located to the northwest of the site, the Shady Grove subdivision is to the southeast, and the rest of the surrounding properties are single-family residences on large lots. JC Magill Elementary School and Grace Snell Middle School are located to the south of the site on Brushy Fork Road. The following is a summary of surrounding uses and zoning:



Surrounding Zoning

Location	Land Use	Zoning	Density
Proposed	Single-Family Subdivision	OSC	1.43 units per acre
North	Single-Family Subdivision	R-100 CSO	2.52 units per acre
South	Single-Family Subdivision	R-100 CSO	2.30 units per acre
	Single-Family Subdivision	R-100	1.06 units per acre
	Single-Family Subdivision	R-100	0.09 units per acre
East	Single-Family Residential	R-100	0.43 units per acre
West	Equestrian Center	RA-200	0.04 units per acre
	Single Family Residential	R-100	0.04 units per acre

Project Summary

The applicant requests rezoning of a 41-acre property zoned R-100 to OSC for a single-family detached subdivision, including:

- 60 lots with a minimum lot area of 7,500 square feet, yielding a net density of 1.82 units per acre and a gross density of 1.43 units per acre.
- Homes with a minimum heated floor area of 1,400 square feet.
- Access to the site from a single entrance on Smith Road.
- 25.3 acres dedicated as conservation space.
- 22.8 acres dedicated as primary conservation space along both sides of Brush Fork Creek.
- 2.5 acres dedicated as secondary conservation space toward the rear of the site and along the perimeter of the development.
- A mail kiosk near the entrance with 5 off-street parking spaces.
- A stormwater management facility on the northwest corner of the parcel.
- A 20-foot-wide access area between lots 24 and 25, connecting the proposed internal subdivision streets to the open space.
- Front facades constructed primarily of brick with architectural accents of cementitious shake, siding, and/or board and batten.

Zoning and Development Standards

The applicant is requesting a rezoning to OSC, Open Space Conservation 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 25'	> 25'	YES
Perimeter Conservation Strip	Minimum 50'	50'	YES
Minimum Lot Size	7,500 square feet	7,500 square feet	YES
Heated Floor Area	1,400 square feet	1,400 square feet	YES
Street Frontage Buffer	Minimum 50'	50'	YES
Conservation Space	25% or 10.25 acres	61.7% or 25.3 acres	YES
Primary Conservation Space	15% or 6.5 acres	55.6% or 22.8 acres	YES
Density	Max. 2.5 units/acre	1.43 units per acre	YES

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit E). The 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 primarily by residential uses to the east, west, and south. As shown above, the gross density of the proposed development is compatible with the densities of adjacent properties. The gross density of the adjacent properties ranges from 0.09 units per acre to 2.52 units per acre. Also, the density of single-family lots along Smith Road ranges from 0.2 units per acre to 2 units per acre. Hence, the proposed gross density of 1.43 is within the range of densities found on adjacent and nearby parcels. The proposed open space conservation subdivision would be a suitable use.

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 adjacent and nearby properties are zoned for residential uses. The subdivision will maintain a 50-foot-wide conservation strip along the perimeter of the

development which will provide additional screening from Smith Road and the adjacent single-family homes. In addition, several other open space conservation subdivisions have been developed in the area.

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

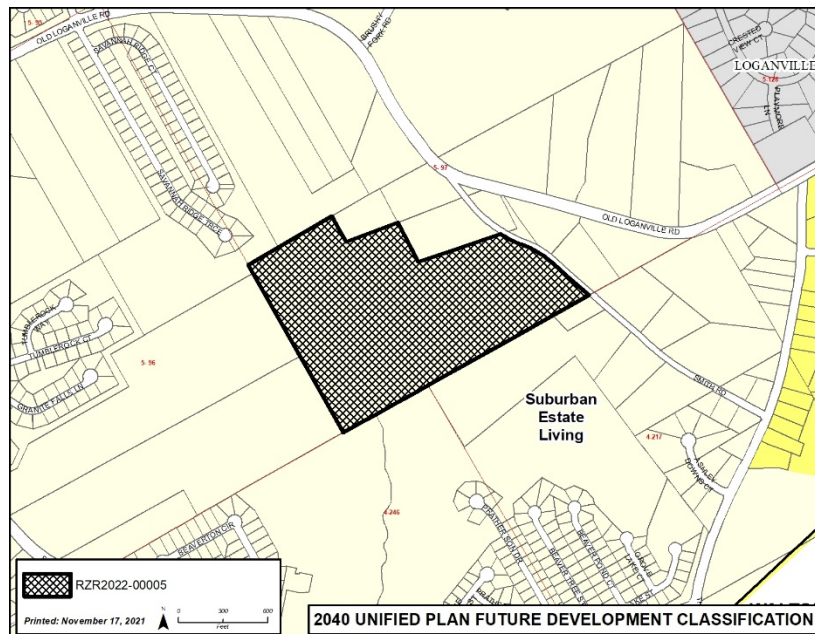
The property has a reasonable economic use as currently zoned.

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

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

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

The 2040 Unified Plan Future Development Map indicates that the subject property lies within the Suburban Estate Living Character Area. The Suburban Estate Living Character Area designation is intended to provide large tracts of land for greenfield development and includes some remnants of agricultural uses. The proposal will allow for the preservation of approximately 25 acres of conservation space. Also, a 50' conservation strip proposed along the perimeter of the development will protect existing trees as well as maintain a natural buffer to adjacent properties and uses. The proposed OSC rezoning for the development of a single-family detached subdivision would be consistent with the 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.

Nearby areas are developed primarily with single-family uses. The proposed development would be consistent with the existing zoning pattern and offer residents a housing option that preserves open space.

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.

Staff Recommended Conditions

Approval as OSC (Open Space Conservation 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 December 7, 2021, and Exhibit C: Building Elevations dated received November 4, 2021, with revisions required by conditions of approval and the UDO, as reviewed and approved by the Planning and Development Director.
2. Uses on the site shall be limited to single-family detached dwellings and accessory uses and structures, not to exceed 60 lots.
3. The minimum heated floor area per dwelling unit shall be 1,400 square feet.
4. All dwellings shall have at least a double-car garage.
5. Homes shall be constructed with front facades of primarily brick or stone. The balance of the home may be the same, or of fiber-cement siding or shake siding with a minimum two-foot-high brick or stacked stone water table.
6. The Smith Road frontage shall be landscaped by the developer where sparsely vegetated and maintained by the homeowners association or property management company. The entrance shall include a decorative masonry entrance feature. Landscape and entrance feature plans shall be subject to review and approval by the Director of Planning and Development.
7. Natural vegetation shall remain on the property until the issuance of a development permit.
8. All grassed areas within residential lots shall be sodded.
9. Stormwater BMP facilities shall be screened from view of adjoining properties and rights of way by decorative fencing and/or landscaping in compliance with the Gwinnett County Stormwater Management Manual.
10. Building lots shall not be located within any required stream buffers, accompanying impervious surface setback areas, or dam breach zone.
11. Amenities shall be constructed within the development and may including such items as trails, gazebos, benches, fire pits, etc. Off-street unpaved trails and pedestrian connections to the conservation areas and amenity areas shall be provided throughout the development. The final

layout and design of these features shall be subject to the review and approval of the Director of Planning and Development.

12. At least three (3) pedestrian access points shall be provided from the proposed internal road to the amenities located within the primary open space per the approval of the Director of Planning and Development.

Exhibits:

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

Exhibit A: Site Visit Photos



View from Smith Road



Adjacent Residence to Subject Property



View from Smith Road

Exhibit B: Site Plan

[attached]

Exhibit C: Building Elevations

[attached]

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

[attached]

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ANDERSEN | TATE | CARR

Applicant:

David Pearson Communities, Inc.

Property:

Tax Parcel ID R5097 002

±41.0 Acres of Land

Located at Smith Road, Loganville, Georgia

From R-100 to OSC

Submitted for Applicant by:

Melody A. Glouton, Esq.

ANDERSEN TATE & CARR, P.C.

One Sugarloaf Centre

1960 Satellite Blvd.

Suite 4000

Duluth, Georgia 30097

770.822.0900

mglouton@atclawfirm.com

I. INTRODUCTION

This Application for Rezoning is submitted for a 41-acre parcel of land located in Land Lot 97 of the 5th District of Gwinnett County, Georgia, Loganville on Smith Road (hereinafter the “Property”). The Property is a single tax parcel of vacant land fronting Smith Road near the intersection of Old Loganville Road. The Property is shown on the survey prepared by Atwell, Inc. dated, September 30, 2021 and filed with this Application. The Property that is the subject of this rezoning application is owned by the Hugh N. Mazzawi Trust and further identified below from the Gwinnett County GIS:



The Property is currently zoned R-100 (Single-Family Residence District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant, David Pearson Communities (the “Applicant”) now seeks approval to rezone the Property to OSC (Open Space Conservation District) to develop a distinctive and attractive single-family residential community with 60 homes that preserves the natural surroundings.

This document is submitted as the Letter of Intent, Response to Standards Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is mostly rectangular shaped with a jagged boundary on the northeast corner along Smith Road in Loganville, Georgia. It is bounded on all sides by residentially zoned properties. The surrounding area is uniformly zoned single-family residential, and the adjacent parcels include a mix of vacant land and residences.

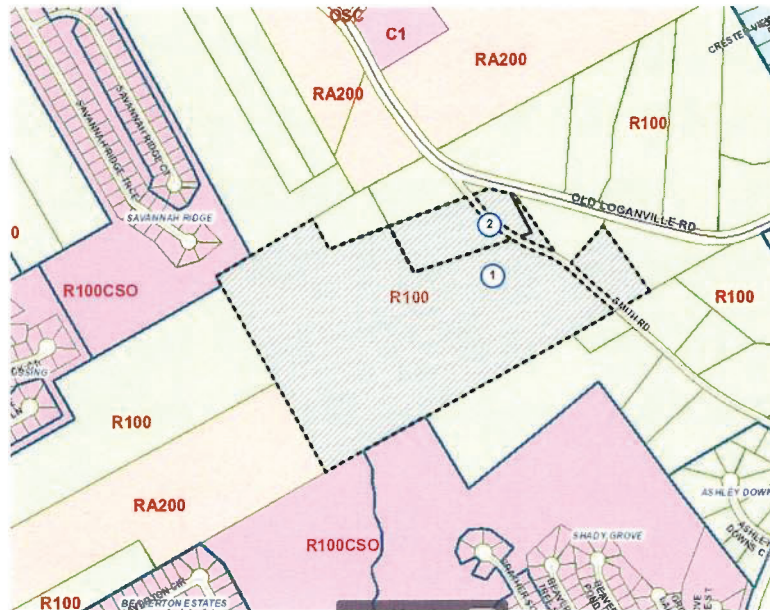
The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Suburban Estate Living Character Area,” of the

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Gwinnett County Future Development Map. This Character Area designation includes large tracts of land for greenfield development of low intensity. As such, the 2040 Plan anticipates that these areas will experience new residential development and specifically encourages Open Space Conservation subdivisions. Accordingly, the proposed development is consistent with the spirit and intent set forth in the 2040 Plan.

Below is a map of the surrounding zoning classifications to the Property:



III. PROJECT SUMMARY & DEVELOPER

As shown on the site plan by David Pearson Communities, Inc. dated September 22, 2021, and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes to develop the Property into a distinctive and attractive residential community that preserves its natural surroundings. The Applicant is proposing to rezone 41 acres from R-100 to OSC in order to accommodate the development of a single-family residential community with approximately 60 units, for a gross density of 1.46 units per acre. The proposed development would provide attractive, high-end residences with natural amenities including green space. The proposed development will consist of homes at a size, quality, and price point commensurate with or exceeding homes in the surrounding communities. Generally, the architectural style and composition of the exterior of the homes would consist of brick, stacked stoned, cedar and/or cementitious shake, siding board and batten or combinations thereof. The proposed development would have a single entrance on Smith Road which would be landscaped and maintained by a Homeowners Association.

The proposed development would provide attractive, high-quality housing that is compatible with surrounding land use and in conformance with the policies and intent of the 2040 Plan. The proposed elevations of the development are filed with this Application.

IV. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that rezoning to OSC, satisfies UDO § 270-20.5, entitled “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:

Yes, approval of the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Property is located on Smith Road. The proposed residential development is compatible with existing residential uses and will provide for conservation and preservation of natural amenities on the property.

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

No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classification is compatible with existing residential uses of adjacent property and expressly encouraged within the Suburban Estate Living Character Area.

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

The Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic use as currently zoned. By way of further response, the Applicant submits the rezoning of the Property would redevelop the site into a more viable and compatible use with surrounding properties.

(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:

No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Smith Road and access to sewer. The proposed development would complement the existing and nearby residential uses.

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

The proposed rezoning application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The subject property is located within the Suburban Estate Living Character Area of the 2040 Future Development Map. Encouraged land uses for this Character Area specifically promote Open Space Conservation subdivisions.

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

The Applicant submits that the character of the surrounding development and quality of the proposed homes provide supporting reasons for approval of the rezoning application. Anticipated growth in Gwinnett County based on the 2040 Comprehensive Plan suggests a strong need for housing as proposed by the Applicant while preserving the natural amenities on the property.

V. JUSTIFICATION FOR REZONING

The Applicant respectfully submits that "The Unified Development Ordinance of Gwinnett County, Georgia" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a single family residential development under the OSC zoning classification, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Gwinnett County Board of Commissioners to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of

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the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

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

Finally, the Applicant respectfully submits that the Gwinnett County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone from R-100 to OSC be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 4th day of November, 2021.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/ag

Exhibit E: Internal and External Agency Review Comments

[attached]



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:		RZR2022-00005	
Case Address:		4120 Block of Smith Road	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	WATER: There is an available 8-inch water main located on the northeast right-of-way of Smith Rd.		
2	SEWER: Sewer Capacity Certification required to confirm available capacity.		
3	SEWER: There is an existing 30-inch sanitary sewer main located on parcel 5097 002.		
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/> YES
		<input checked="" type="checkbox"/> X	<input type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		12-14-2021	
Department/Agency Name:		Transportation	
Reviewer Name:		Michael Johnson	
Reviewer Title:		Construction Manager 2	
Reviewer Email Address:		Michael.johnson2@gwinnettcountry.com	
Case Number:		RZR2022-00005	
Case Address:		4120 Block of Smith Road	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES <input type="checkbox"/> NO
1	Smith Road is a Local Road requiring 25' of Right of Way from the centerline of the roadway with a posted speed limit of 35MPH		
2	The Nearest Transit Stop is 7.5 miles away		
3	Entrances shall be provided to the site per current development regulations.		
4	Prior to the issuance of a Development Permit, a sight distance certification shall be provided.		
5	A 5' sidewalk will be required along the property frontage		
6	Traffic calming measures for new local streets are required to encourage and maintain maximum vehicle operating speeds of 25 mph. In order to achieve this objective the maximum length of roadway section between speed control points shall be 500 feet		
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
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Note: Attach additional pages, if needed

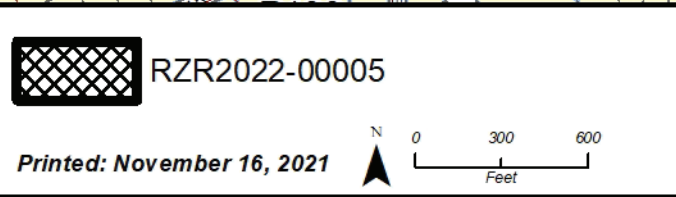
Revised 7/26/2021

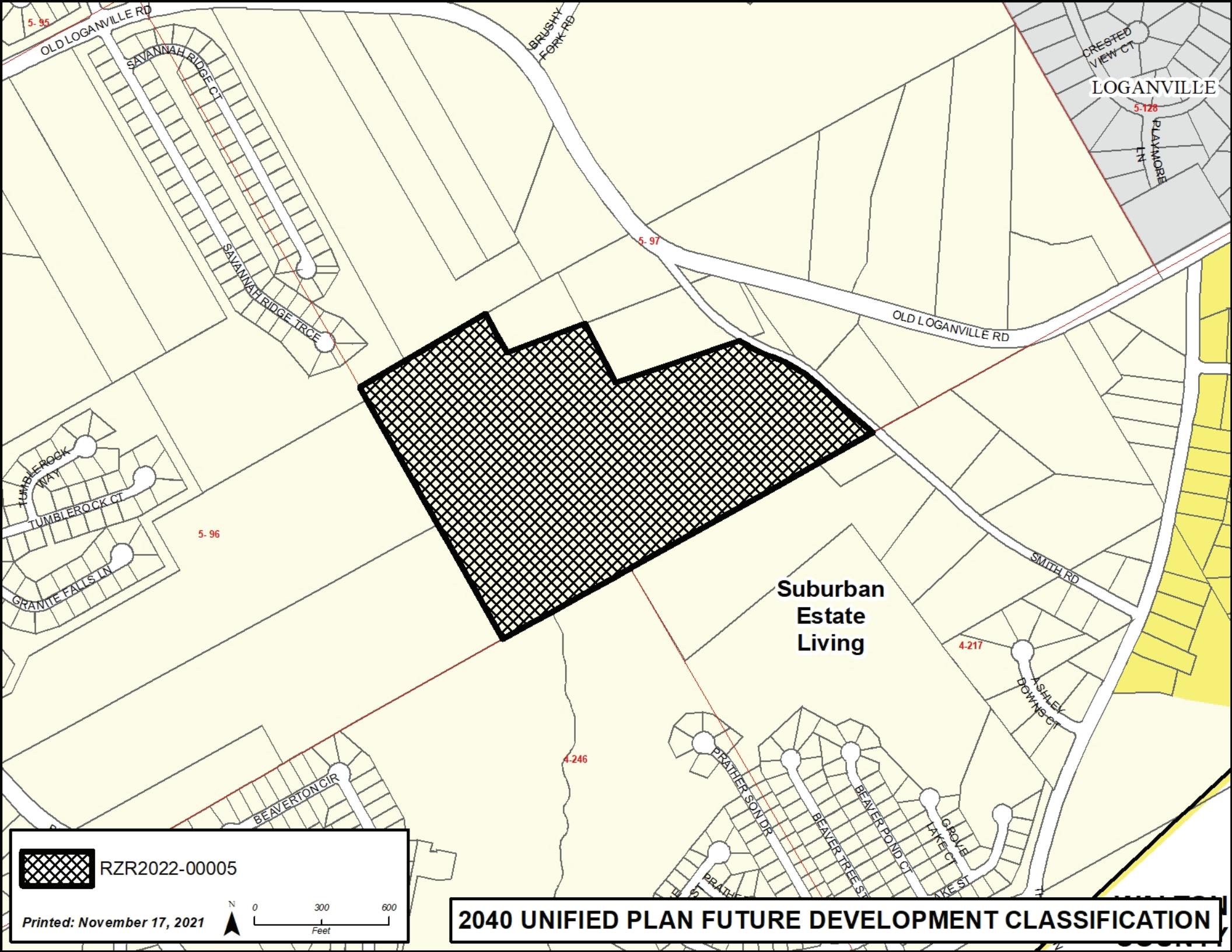
Residential Rezoning Impact on Local Schools						
Prepared for use in the January 2022 Board of Commissioners Meeting						
	Local Schools to be Impacted by Requested Rezoning					
Case#	Elementary School		Middle School		High School	
	Yr 2021-2022	Yr 2022--2023	Yr 2021-2022	Yr 2022-2023	Yr 2021-2022	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>						

Exhibit F: Maps

[attached]







5-95

OLD LOGANVILLE RD

SAVANNAH RIDGE CT

SAVANNAH RIDGE TRCE

BRUSHY FORK RD

5-97

OLD LOGANVILLE RD

LOGANVILLE

5-128

PLAYMORE LN

CRESTED VIEW CT

TUMBLEROCK WAY

TUMBLEROCK CT

GRANITE FALLS LN

5-96

Suburban
Estate
Living

4-217

SMITH RD

ASHLEY DOWNS CT

4-246

BEAVER TON CIR

PRAIRIE SOND

BEAVER POND CT

BEAVER TREE ST

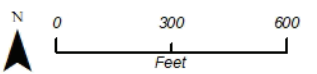
LAKE CT

LAKE ST



RZR2022-00005

Printed: November 17, 2021



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

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Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2020

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>David Pearson Communities, Inc. c/o Andersen, Tate & Carr, P.C.</u>	NAME: <u>Hugh N Mazzawi Trust</u>
ADDRESS: <u>1960 Satellite Blvd., Suite 4000</u>	ADDRESS: <u>1778 Emory Ridge Dr. NE</u>
CITY: <u>Duluth</u>	CITY: <u>Atlanta</u>
STATE: <u>GA</u> ZIP: <u>30097</u>	STATE: <u>GA</u> ZIP: <u>30329-2588</u>
PHONE: <u>770-822-0900</u>	PHONE: _____
CONTACT PERSON: <u>Melody A. Glouton, Esq.</u> PHONE: <u>770-822-0900</u>	
CONTACT'S E-MAIL: <u>mglouton@atclawfirm.com</u>	

APPLICANT IS THE:
<input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): <u>R100</u> REQUESTED ZONING DISTRICT: <u>OSC</u>
PARCEL NUMBER(S): <u>R5097 002</u> ACREAGE: <u>41.0</u>
ADDRESS OF PROPERTY: <u>Smith Rd., Loganville</u>
PROPOSED DEVELOPMENT: <u>Single-family residential community</u>

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>60</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>per UDO</u>	Total Building Sq. Ft. _____
Gross Density: <u>1.46 units per acre</u>	Density: _____
Net Density: <u>2.43 units per acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LEGAL DESCRIPTION

Being all that tract or parcel of land lying in and being in Land Lot 97 of the 5th District, Gwinnett County, Georgia and more particularly described as:

Beginning at a point located at the common intersection of land Lots 96 and 97 of the 5th district and Land Lot 246 of the 4th District, said point being the POINT OF BEGINNING; thence running along the common line of Land Lots 96 & 97 of the 5th District N29°38'08"W, a distance of 1,325.58 feet to a point; thence running N59°47'05"E, a distance of 654.34 feet to a point; thence running S28°25'33"E, a distance of 202.25 feet to a point; thence running N68°42'27"E, a distance of 368.65 feet to a point; thence running S 27°52'03"E, a distance of 300.43 feet to a point; thence running N 70°37'31"E, a distance of 579.52 feet to a point located on the apparent right of way of Smith Road (50' R/W); thence running along the said right-of way and a curve to the left for an arc of radius 1014.35 feet for a distance of 53.09 feet (said curve being subtended by a chord of S60°51'17"E, with a distance of 53.09 feet) to a point; thence continue along the said right-of way and a curve to the left for an arc of radius 1054.95 feet for a distance of 104.89 feet (said curve being subtended by a chord of S64°04'30"E, with a distance of 104.84 feet) to a point; thence running along a curve to the right on an arc of radius 721.87 feet for a distance of 110.20 feet (said curve being subtended by a chord of S64°07'50"E, with a distance of 110.09 feet) feet to a point; thence running along a curve to the right for an arc of radius 771.69 feet for a distance of 115.63 feet (said curve being subtended by a chord of S52°59'09"E, with a distance of 115.52 feet) to a point; thence running S50°53'34"E, a distance of 119.85 feet to a point; thence running along a curve to the right on an arc of radius 4057.57 feet for a distance of 122.15 feet (said curve being subtended by a chord of S49°59'04"E, with a distance of 122.15 feet) to a point; thence running along a curve to the left on an arc of radius 3965.20 feet for a distance of 114.63 feet (said curve being subtended by a chord of S48°24'37"E, with a distance of 114.63 feet) to a point; thence leaving said apparent right of way of Smith Road and running S60°04'27"W, a distance of 1,893.55 feet to a point to the POINT OF BEGINNING.

Containing 1,786,227.57 square feet or 41.00 acres, more or less.

END OF DESCRIPTION.

PLANNING AND DEVELOPMENT

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BOUNDARY SURVEY FOR:

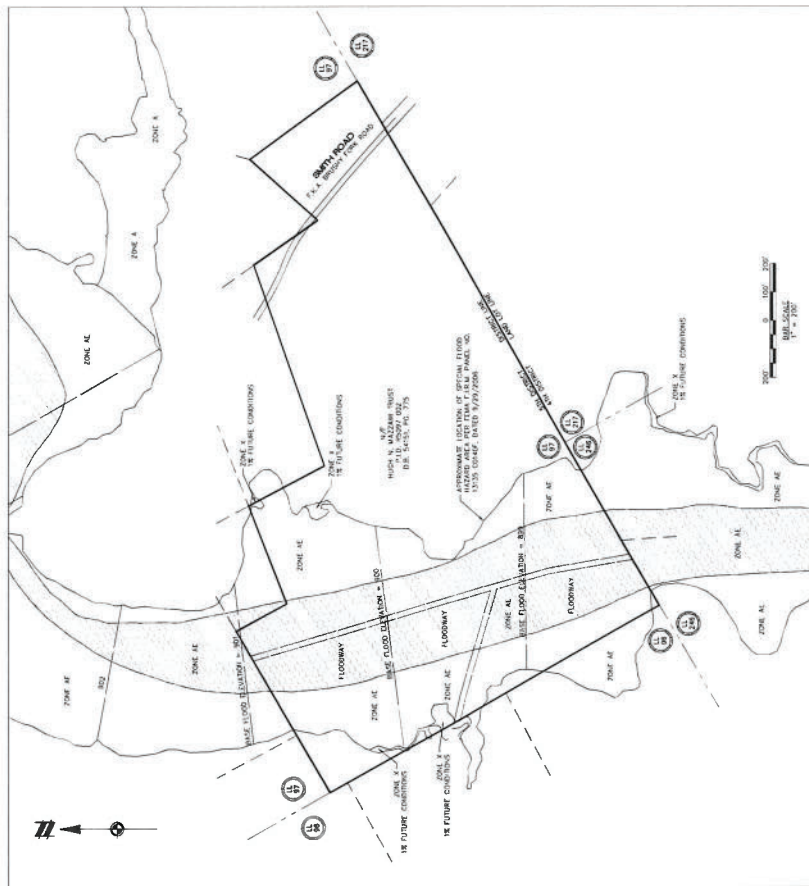
DAVID PEARSON COMMUNITIES, LLC
TWIN FORKS - SMITH ROAD

GWINNETT COUNTY, GEORGIA

PARCEL IDENTIFICATION NUMBER: R5097 002

44.116 ACRES

1,921,699 SQ. FT.



ABBREVIATIONS

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200

ZONING

THE SUBJECT PROPERTY IS ZONED R-100 PER OWENETT COUNTY INTERACTIVE ZONING.

THE UTILITIES FOR ZONE R-100 SINGLE FAMILY RESIDENCE DISTRICT ARE:

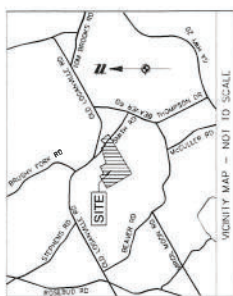
SEWER	20-11-11
WATER	20-11-11
GAS	20-11-11
TELEPHONE	20-11-11

NOTE: ZONING REPORTS NOT PROVIDED TO SUBMITTORS AT THE TIME OF SUBMITTAL.

SURVEY REFERENCES

- WILL BE COVERED IN BOOK 5451 PAGE 175
WILL BE COVERED IN BOOK 12443 PAGE 72
WILL BE COVERED IN BOOK 12443 PAGE 75
WILL BE COVERED IN BOOK 9 PAGE 197

LEGEND

[illegible]

SURVEY NOTES

- [illegible]

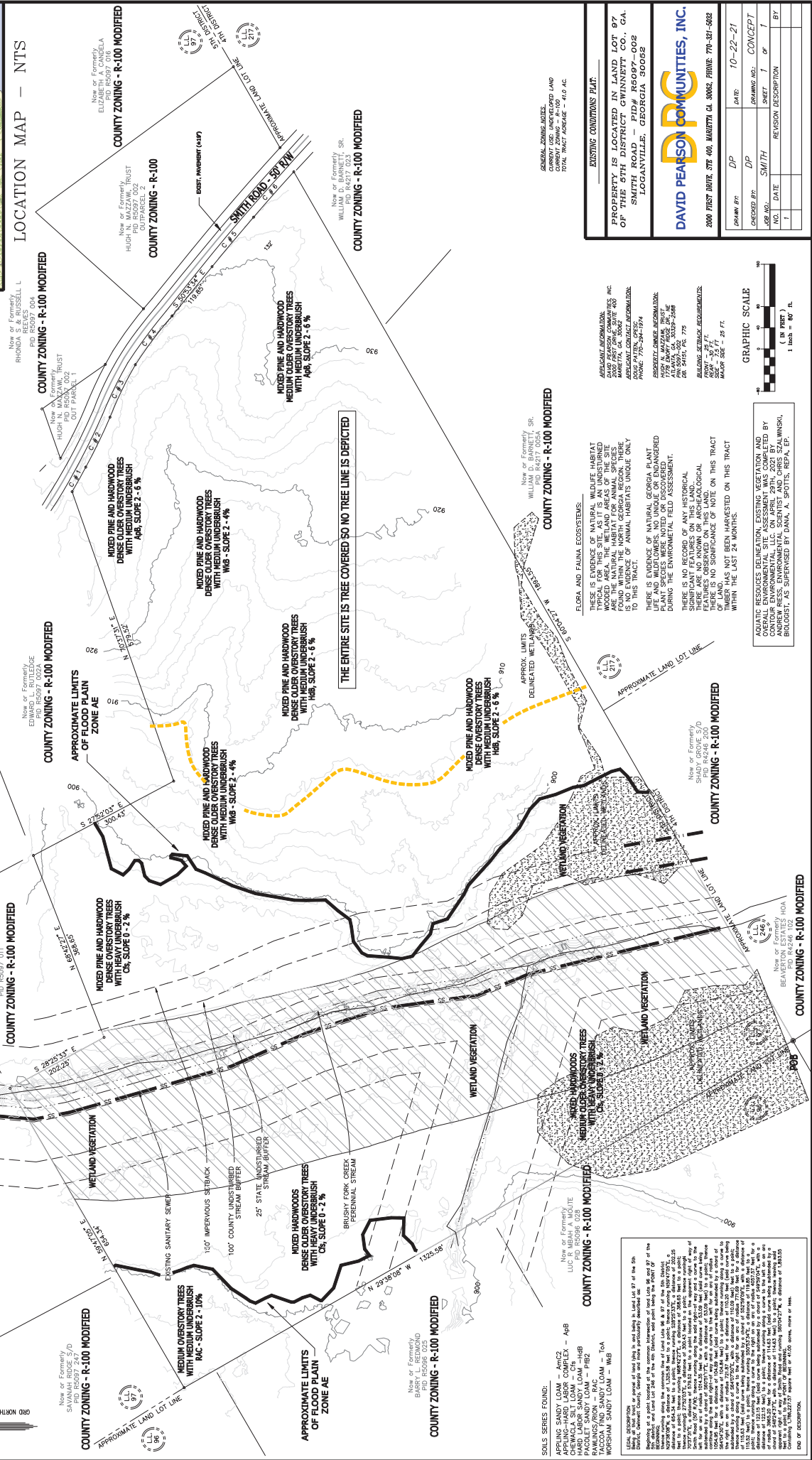
SURVEY CERTIFICATION:

[illegible]

CHRISTOPHER G. LEA, R.S.
CINCINNATI, OHIO 45202-1000
DATE 10-29-2021

CHRISTOPHER G. LEA, Ph.D.
Associate Professor of Management, University of Illinois at Chicago, Chicago, IL 60607

© 2005 Blackwell Publishing Ltd, *Journal of Internal Medicine* 257: 103–112



FLOOD INFORMATION:
A PORTION OF THIS PROPERTY IS LOCATED WITHIN
A FEMA 100 YEAR FLOOD ZONE "AE" ACCORDING
TO FEMA MAP PANEL 13135C0140F
DATED: SEPT. 29, 2006

WINNETT COUNTY
PLANNING AND DEVELOPMENT
RECEIVED
11/29/2021

BOUNDARY SURVEY COMPLETED BY: ATWELL, INC.
DATED: 9-30-21
BASED ON HORZ. DATUM: NAD 83, GA. WEST ZONE
VERTICAL: NAVD 88
GEOID: GEICD 12B CONUS

CURVE TABLE			
CURVE	RADIUS	LENGTH	BEARING
C # 1	1014.35'	53.09'	S60°31'17"E
C # 2	1054.95'	104.88'	S64°04'30"E
C # 3	721.87'	110.20'	S64°07'50"E
C # 4	771.69'	115.63'	S52°39'09"E
C # 5	4055.57'	122.15'	S49°39'04"E
C # 6	3965.20'	124.63'	S49°24'37"E

PROPERTY IS LOCATED IN LAND LOT 97
OF THE 5TH DISTRICT GWINNETT CO., GA.
SMITH ROAD - PID# R5097-002
LOGANVILLE, GEORGIA 30052

DAVID PEARSON COMMUNITIES, INC.

DRAWN BY:	DP	DATE:	10-22-21
CHECKED BY:	DP	DRAWING NO.:	CONCEPT
JOB NO.:	SMITH	SHEET	1 OF 1
NO.	DATE	REVISION	DESCRIPTION
1			

THESE ARE EVIDENCE OF NATURAL WILDLIFE HABITAT
 TYPICAL FOR THIS SITE, AS IT IS AN UNDISTURBED
 WOODED AREA OF THE WETLAND AREAS OF THE SITE
 LOCATED WITHIN THE NORTH GEORGIA REGION. THERE
 ARE EVIDENCES OF ANIMAL HABITATS UNIQUE ONLY
 TO THIS TRACT.
 THERE IS EVIDENCE OF NATURAL GEORGIA PLANT
 LIFE AND LOWLIVERS, NO UNIQUE OR ENDANGERED
 SPECIES ARE FOUND HERE.
 DURING THE ENVIRONMENTAL FIELD ASSESSMENT,
 THERE IS NO RECORD OF ANY HISTORICAL
 SIGNIFICANT FEATURES ON THIS LAND.
 THERE ARE NO KNOWN OR ARCHEOLOGICAL
 REMAINS ON THIS TRACT.
 THERE IS NO SIGNIFICANCE OF NOTE ON THIS TRACT
 TIMBER HAS NOT BEEN HARVESTED ON THIS TRACT
 WITHIN THE LAST 24 MONTHS.

GRAPHIC SCALE
(IN FEET)

AQUATIC RESOURCES DELINEATION, EXISTING VEGETATION AND OVERALL ENVIRONMENTAL SITE ASSESSMENT WAS COMPLETED BY CONTOUR ENVIRONMENTAL, LLC. ON APRIL 29TH, 2021 BY ANDREW RIESS, ENVIRONMENTAL SCIENTIST AND CHRIS SZALWINSKI, BIOLOGIST. AS SUPERVISED BY DANA. A. SPOTTS. REPAEP.

SOILS SERIES FOUND:

APPLING SANDY LOAM
APPLING-HARD LABOR
CHEWCLA SILT LOAM
HARD LABOR SANDY
PACOLET SANDY LOAM
RAWLINGS/RION - RA
TACCOA FINE SANDY
WORSHAM SANDY LO

LOCAL DESCRIPTION
 A small, irregularly shaped, white, crystalline solid. It is odorless and tasteless. It is soluble in water, alcohol, and ether. It is stable in air and light.

ANALYSIS
 The compound was analyzed by mass spectrometry and infrared spectroscopy. The molecular weight was determined to be 154.04 g/mol. The infrared spectrum showed characteristic absorption bands at 1715 cm⁻¹ (C=O stretch), 1640 cm⁻¹ (C=C stretch), and 1510 cm⁻¹ (C-N stretch). The mass spectrum showed a base peak at m/z 154.04.

PREPARATION
 The compound was prepared by the reaction of 1.0 g of 2-mercaptoethanol with 1.0 g of acetic anhydride in the presence of pyridine as a catalyst. The reaction mixture was stirred at room temperature for 24 hours. The product was isolated by extraction with ether and dried over anhydrous sodium sulfate. The yield was 0.8 g (80%).

REFERENCES
 1. J. H. Williams, *J. Org. Chem.*, **25**, 1234 (1960).
 2. R. S. Stein, *J. Am. Chem. Soc.*, **82**, 5678 (1960).
 3. L. F. Fieser, *Organic Chemistry*, 3rd ed., Houghton Mifflin Co., Boston, 1968, p. 1234.

Containing 1,700,000
END OF DESCRIPTION.

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11/04/2021 at 2:05PM

ANDERSEN | TATE | CARR

Applicant:

David Pearson Communities, Inc.

Property:

Tax Parcel ID R5097 002

±41.0 Acres of Land

Located at Smith Road, Loganville, Georgia

From R-100 to OSC

Submitted for Applicant by:

Melody A. Glouton, Esq.

ANDERSEN TATE & CARR, P.C.

One Sugarloaf Centre

1960 Satellite Blvd.

Suite 4000

Duluth, Georgia 30097

770.822.0900

mglouton@atclawfirm.com

I. INTRODUCTION

This Application for Rezoning is submitted for a 41-acre parcel of land located in Land Lot 97 of the 5th District of Gwinnett County, Georgia, Loganville on Smith Road (hereinafter the “Property”). The Property is a single tax parcel of vacant land fronting Smith Road near the intersection of Old Loganville Road. The Property is shown on the survey prepared by Atwell, Inc. dated, September 30, 2021 and filed with this Application. The Property that is the subject of this rezoning application is owned by the Hugh N. Mazzawi Trust and further identified below from the Gwinnett County GIS:



The Property is currently zoned R-100 (Single-Family Residence District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant, David Pearson Communities (the “Applicant”) now seeks approval to rezone the Property to OSC (Open Space Conservation District) to develop a distinctive and attractive single-family residential community with 60 homes that preserves the natural surroundings.

This document is submitted as the Letter of Intent, Response to Standards Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is mostly rectangular shaped with a jagged boundary on the northeast corner along Smith Road in Loganville, Georgia. It is bounded on all sides by residentially zoned properties. The surrounding area is uniformly zoned single-family residential, and the adjacent parcels include a mix of vacant land and residences.

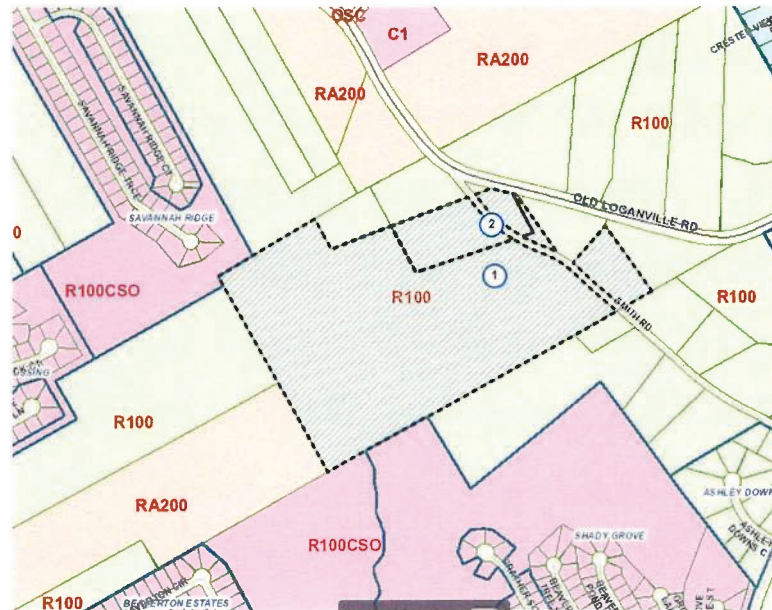
The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Suburban Estate Living Character Area,” of the

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Gwinnett County Future Development Map. This Character Area designation includes large tracts of land for greenfield development of low intensity. As such, the 2040 Plan anticipates that these areas will experience new residential development and specifically encourages Open Space Conservation subdivisions. Accordingly, the proposed development is consistent with the spirit and intent set forth in the 2040 Plan.

Below is a map of the surrounding zoning classifications to the Property:



III. PROJECT SUMMARY & DEVELOPER

As shown on the site plan by David Pearson Communities, Inc. dated September 22, 2021, and filed with this Application (hereinafter the "Site Plan"), the Applicant proposes to develop the Property into a distinctive and attractive residential community that preserves its natural surroundings. The Applicant is proposing to rezone 41 acres from R-100 to OSC in order to accommodate the development of a single-family residential community with approximately 60 units, for a gross density of 1.46 units per acre. The proposed development would provide attractive, high-end residences with natural amenities including green space. The proposed development will consist of homes at a size, quality, and price point commensurate with or exceeding homes in the surrounding communities. Generally, the architectural style and composition of the exterior of the homes would consist of brick, stacked stoned, cedar and/or cementitious shake, siding board and batten or combinations thereof. The proposed development would have a single entrance on Smith Road which would be landscaped and maintained by a Homeowners Association.

The proposed development would provide attractive, high-quality housing that is compatible with surrounding land use and in conformance with the policies and intent of the 2040 Plan. The proposed elevations of the development are filed with this Application.

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IV. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that rezoning to OSC, satisfies UDO § 270-20.5, entitled “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:

Yes, approval of the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Property is located on Smith Road. The proposed residential development is compatible with existing residential uses and will provide for conservation and preservation of natural amenities on the property.

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

No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classification is compatible with existing residential uses of adjacent property and expressly encouraged within the Suburban Estate Living Character Area.

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

The Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic use as currently zoned. By way of further response, the Applicant submits the rezoning of the Property would redevelop the site into a more viable and compatible use with surrounding properties.

(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:

No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Smith Road and access to sewer. The proposed development would complement the existing and nearby residential uses.

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

The proposed rezoning application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The subject property is located within the Suburban Estate Living Character Area of the 2040 Future Development Map. Encouraged land uses for this Character Area specifically promote Open Space Conservation subdivisions.

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

The Applicant submits that the character of the surrounding development and quality of the proposed homes provide supporting reasons for approval of the rezoning application. Anticipated growth in Gwinnett County based on the 2040 Comprehensive Plan suggests a strong need for housing as proposed by the Applicant while preserving the natural amenities on the property.

V. JUSTIFICATION FOR REZONING

The Applicant respectfully submits that "The Unified Development Ordinance of Gwinnett County, Georgia" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a single family residential development under the OSC zoning classification, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Gwinnett County Board of Commissioners to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of

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the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

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

Finally, the Applicant respectfully submits that the Gwinnett County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone from R-100 to OSC be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 4th day of November, 2021.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/ag

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Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

REZONING APPLICANT'S CERTIFICATION

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



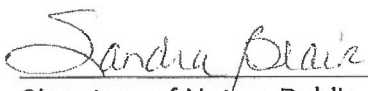
Signature of Applicant

11-1-21

Date

 - *DIRECTOR OF LAND DEVELOPMENT*

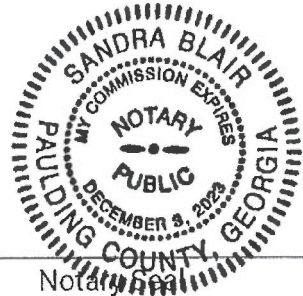
Type or Print Name and Title



Signature of Notary Public

11-1-21

Date



Notary Public


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Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

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.



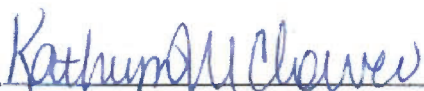
Signature of Property Owner
11/4/2021

Date

JAMES M MAZZAWI - TRUSTEE

JOHN MARK MAZZAWI - TRUSTEE

Type or Print Name and Title



Signature of Notary Public
11/4/21

Date
KATHRYN M CLOWER
NOTARY PUBLIC
WALTON COUNTY, GEORGIA
MY COMMISSION EXPIRES
DECEMBER 12, 2021

Notary Seal


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Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

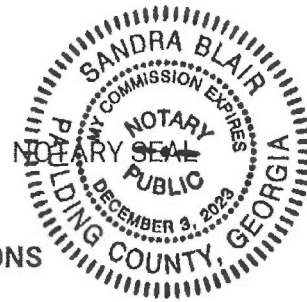
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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

 11-1-21 DOUG PATTEN, DIRECTOR
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 11-1-21
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

DOUG PATTEN
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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Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2015

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

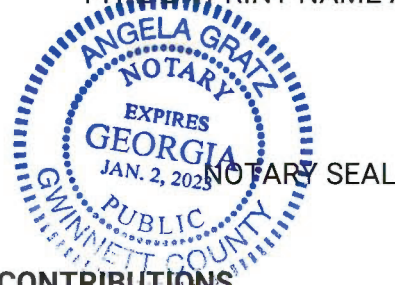
The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Melody A. Glouton 11/4/21 Melody A. Glouton, Esq., Attorney for Applicant

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

Angela Matz 11-4-21
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 Andersen, Tate & Carr, PC (Attorney for Applicant)
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)
Nicole Love Hendrickson, Chairwoman	\$1,000	9/30/2000

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

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Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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

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

PARCEL I.D. NUMBER: 5 - 97 - 002
(Map Reference Number) District Land Lot Parcel

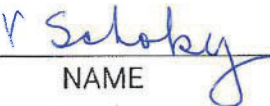
 11-1-21
Signature of Applicant Date

DOUG DATTEEN, DIRECTOR
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 II
NAME TITLE
11/4/2021
DATE

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11/04/2021 at 2:05PM





GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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11/04/2021 at 2:05PM

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11/04/2021 at 2:05PM





REZONING CHECKLIST

The following is a checklist of information required for submission of a Rezoning application. The Planning and Development Department reserves the right to reject any incomplete application.

- ☐ Pre-Application Acknowledgement Form (if applicable)
- ☐ Application Form
- ☐ Legal Description
- ☐ Boundary Survey
- ☐ Site Plan (one (1) copy and one (1) 8-1/2" X 11" reduction)
- ☐ Standards Governing Exercise of the Zoning Power
- ☐ Letter of Intent
- ☐ Applicant Certification with Notarized Signature
- ☐ Property Owner Certification with Notarized Signature
- ☐ Conflict of Interest Certification/Campaign Contributions
- ☐ Verification of Paid Property Taxes (most recent year)
- ☐ Application Fee – make checks payable to Gwinnett County

Additional Exhibits (if required):

- ☐ Additional site plan requirements for OSC, TND, R-SR, R-TH, MU-N, MU-C, MU-R and HRR rezoning requests
- ☐ Traffic Study
- ☐ Review Form for Development of Regional Impact

Please bring this checklist when filing for a Rezoning