

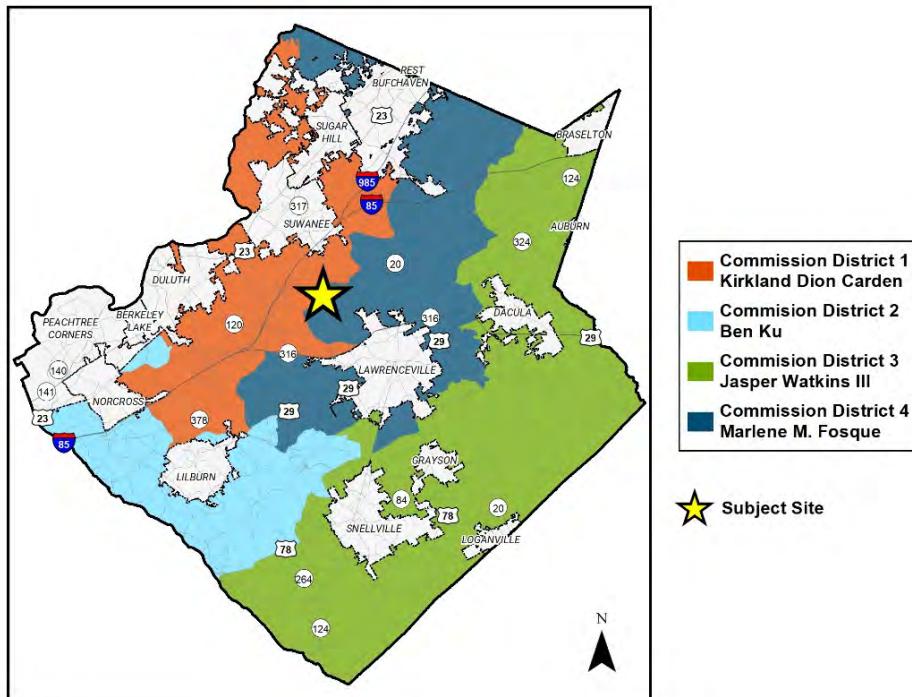


## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

<b>Case Number:</b>	RZR2022-00032
<b>Current Zoning:</b>	R-100 (Single-Family Residence District)
<b>Request:</b>	Rezoning to <b>R-75</b> (Single-Family Residence District)
<b>Additional Request:</b>	Waiver
<b>Address:</b>	794 Tab Roberts Road
<b>Map Number:</b>	R7085 005B
<b>Site Area:</b>	6.18 acres
<b>Units:</b>	14
<b>Proposed Development:</b>	Single-Family Detached Subdivision
<b>Commission District:</b>	District 4 – Commissioner Fosque*
<b>Character Area:</b>	Established Neighborhoods
<b>Staff Recommendation:</b>	<b>APPROVAL WITH CONDITIONS</b>

### Planning Commission

<b>Recommendation:</b>	<b>APPROVAL WITH CONDITIONS</b>
------------------------	---------------------------------



\*Commission District 1 beginning on January 1, 2023

**Planning Commission Advertised Public Hearing Date: 11/2/2022**  
**Board of Commissioners Advertised Public Hearing Date: 11/15/2022**

**Applicant:** Mohawk Group, LLC  
202 Tribble Gap Road, Suite 200  
Cumming, GA 30040

**Owner:** Mohawk Group, LLC  
1800 Hog Mountain Road  
Building 500, Suite 101  
Watkinsville, GA 30677

**Contact:** J. Ethan Underwood

**Contact Phone:** 770.781.4100

## Zoning History

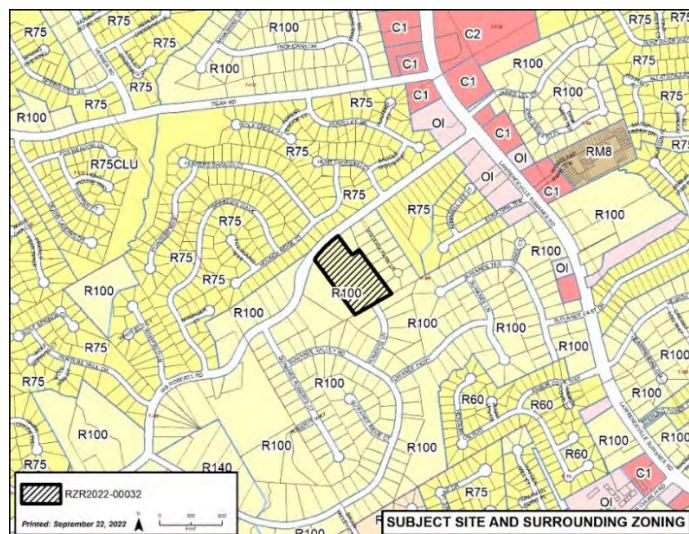
The subject property is zoned R-100 (Single Family Residence District). There are no previous zoning cases on record for the subject property.

## Existing Site Condition

The subject site is a 6.18-acre parcel located on Tab Roberts Road, west of its intersection with Lawrenceville-Suwanee Road. The parcel contains a 1,734 square foot single-family residence. The front half of the parcel, located in front of and around the existing residence is cleared and grassed. The rear half of the property is heavily vegetated with dense, mature tree canopy. The site slopes down approximately 55 feet from the road frontage to the rear of the property. There are no natural streams or ponds located on the property. A drainage swale is located along the Tab Roberts Road frontage. Sidewalks are located on the opposite side of Tab Roberts Road. The nearest Gwinnett County Transit stop is approximately 2.7 miles from the subject site.

## Surrounding Use and Zoning

The subject site is surrounded by single-family residences on large lots and within subdivisions. Across Tab Roberts Road to the north is Huntcliff, a detached single-family subdivision. To the east of the subject property is Wisteria Estates, another detached single-family subdivision. Farther east, is a small commercial node located at the Tab Roberts Road and Lawrenceville-Suwanee Road intersection. Hunting Creek, a detached single-family subdivision is located to the south of the property. A single-family residence on a large lot is located to the west. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Single-Family Residential	R-75	2.26 units per acre
North	Single-Family Residential	R-75	3.42 units per acre
East	Single-Family Residential	R-100	2.42 units per acre
South	Single-Family Residential	R-100	1.14 units per acre
West	Single-Family Residential	R-100	0.39 units per acre

## Project Summary

The applicant requests rezoning of a 6.18-acre property from R-100 to R-75 for a single-family detached subdivision, including:

- 14 front-entry, detached single-family residences with heated floor areas ranging from 2,500 square feet to 4,000 square feet, yielding a net density of 2.26 units per acre.
- A 24-foot-wide private cul-de-sac street with gated access.
- Five-foot-wide sidewalks located on both sides of the private street and along Tab Roberts Road extending the width of the development.
- A mail kiosk located in front of the gated entry.
- One stormwater management facility near the southeastern corner of the development.
- Exterior building materials consisting of brick veneer on the front facades.

## Zoning and Development Standards

The applicant is requesting rezoning to R-75 (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
Lot Width	Minimum 75'	75'	YES
Front Yard Setback	Minimum 30'	>30'	YES
Side Yard Setback	Minimum 10'	>10'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Heated Floor Area	Minimum 1,200 square feet	Minimum 2,500 square feet	YES
Minimum Lot Size	Minimum 10,500 square feet (sewer)	Minimum 11,207 square feet	YES
Density	Maximum 3 units per acre	2.26 units per acre	YES

## **Waiver Request**

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

1. Section 900-20.F.2. Dead End Streets:

Dead end streets on abutting property shall be extended into a proposed subdivision and incorporated into the street design of the development.

Roberts Lane is an existing local street that dead ends into the rear of the subject property. The proposed site plan does not include extending Roberts Lane into the development. The applicant is requesting a waiver from this requirement.

## **Internal and External Agency Review**

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. External agency review comments are attached (Exhibit D). 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:

- 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 residential subdivisions and residences on large lots. The proposed density and nature of this development is similar to the adjacent subdivisions. The development is suitable given the surrounding area and recently approved developments.

- 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 affected by the zoning change. Adjacent properties are developed with single-family subdivisions and residences on large lots. The addition of a development of this nature would be consistent with the surrounding neighborhoods.

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

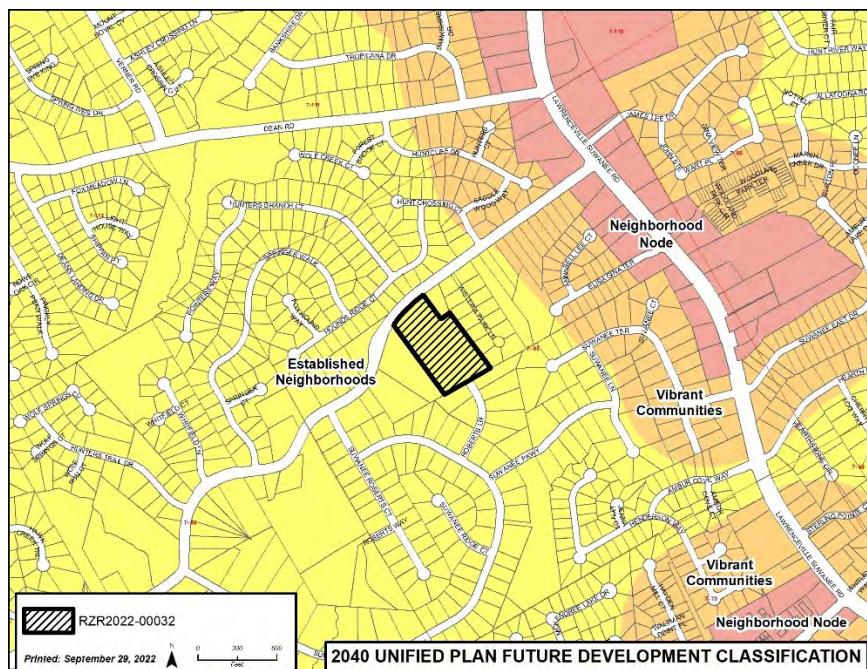
The property has a reasonable economic use as currently zoned.

**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 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. An increased impact is anticipated on school enrollment. Agency review comments concerning any potential improvements related to this request are attached (Exhibit D).

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

The 2040 Unified Plan and Future Development Map indicates that the subject property lies within the Established Neighborhoods Character Area. This area designates well established neighborhoods and single-family residential areas that are unlikely to undergo any significant changes or redevelopment in the next 20 years. The intention of this character area is to underscore areas where changes in land use are not anticipated or encouraged, and any new development - including residential infill properties - should be consistent in scale, architecture, and use with surrounding properties. The surrounding properties were developed over the years with homes being constructed from the 1970s into the 2010s. Therefore, architecture and scale vary throughout the area, but the proposed new construction would retain the area as a single-family residential area. A single-family detached subdivision, as proposed by the applicant, would be appropriate within this character area.



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

The proposed development is substantially similar to the existing Wisteria Estates subdivision located immediately to the east of the subject property. The addition of a substantially similar small, low-density residential subdivision along Tab Roberts Road gives support for approval of the proposed rezoning.

**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 applicant requests a waiver from Section 900 of the UDO to not extend Roberts Lane, an existing dead-end street, into the proposed development. Roberts Lane is located within the Hunting Creek subdivision. Hunting Creek has three entrances. Two entrances access Tab Roberts Road and one accesses Lawrenceville-Suwanee Road. Three access points allowing convenient travel paths to all directions are sufficient for this neighborhood. Roberts Lane, the existing dead-end street in question, is located close to one of the access points onto Tab Roberts Road. In addition, the applicant is proposing a private, gated street. Therefore, adding another connection to Tab Roberts Road would be redundant.

### **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 request:

1. To not extend Roberts Lane into the proposed development.

### **Planning Commission Recommendation**

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

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

1. To not extend Roberts Lane into the proposed development.

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

Approval as R-75 (Single-Family Residence District) for a single-family subdivision, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received September 1, 2022, by the Department of Planning and Development, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. The property shall be limited to single-family detached dwellings and accessory uses and structures, not to exceed 14 lots.
3. The minimum heated floor area per dwelling unit shall be 2,500 square feet.
4. All detached residences shall adhere to the Architectural Design Standards for Category 3, Detached Residential Buildings.
5. All dwellings shall have a minimum two-car garage.
6. The road frontage and the subdivision entrance shall be landscaped by the developer and maintained by the mandatory homeowners association. The entrance shall include a decorative masonry entrance feature. A decorative fence shall be required along the Tab Roberts Road frontage. Landscape and entrance feature plans shall be subject to review and approval by the Department of Planning and Development.
7. A mandatory homeowners association shall be established and shall be responsible for maintenance of all common areas/facilities and street frontage landscaping.
8. Natural vegetation shall remain on the property until the issuance of a development permit.
9. All grassed areas shall be sodded.
10. Stormwater BMP facilities shall be screened from view of adjoining properties and rights of way by landscaping and/or decorative fencing that is in compliance with the Gwinnett County Stormwater Management Manual, subject to review and approval by the Department of Planning and Development.

**Exhibits:**

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

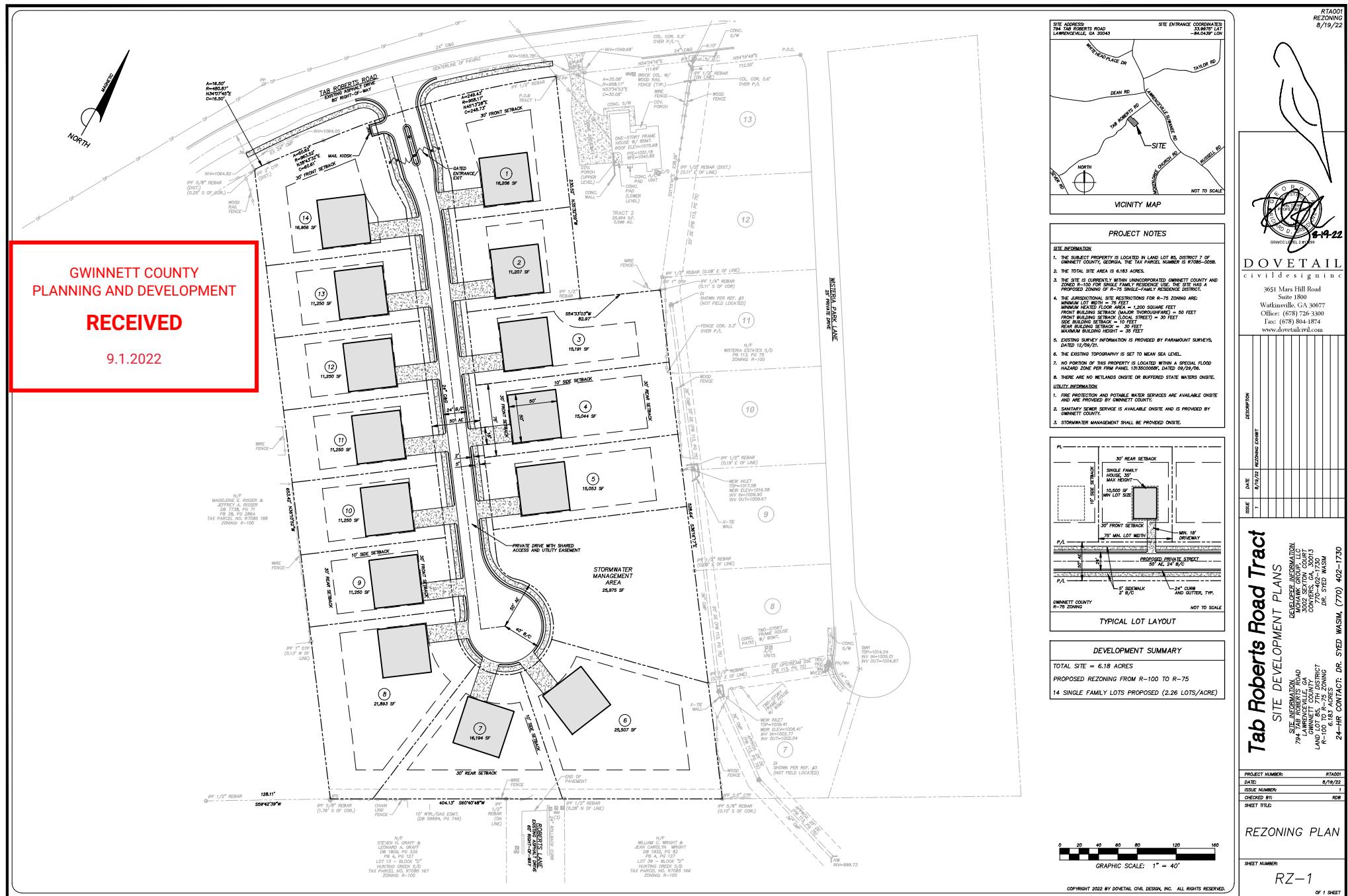
## Exhibit A: Site Visit Photos



**Photo of the subject property from Tab Roberts Road**

**Exhibit B: Site Plan**

**[attached]**



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

**[attached]**



J. Ethan Underwood  
[eunderwood@mhtlegal.com](mailto:eunderwood@mhtlegal.com)

**LETTER OF INTENT**

**Applicant:** Mohawk Group, LLC  
**Subject Property:** 6.183 +/- Acres Designated as Gwinnett County Tax Parcel(s): R7085 005B  
**Current Zoning:** Residential, Single Family Residence District (R-100)  
**Proposed Zoning:** Residential, Single Family Residence District (R-75)  
**Proposed Use:** 14 Dwelling Units, Single Family Detached  
**Application:** Rezoning with Waiver  
**ROW Access:** Tab Roberts Road  
**Governing Jurisdiction:** Gwinnett County

This Letter of Intent is intended to comply with application procedures established by Gwinnett County, Georgia, and is intended to set forth a preliminary development plan for the Subject Property, to evaluate the proposed development and new zoning classification, special use and variances (if any), based upon factors set forth by Gwinnett County. The Applicant has provided all required information and has submitted the appropriate application fees. The requested Application meets all judicial and statutory requirements for approval.

The Applicant intends to develop the Subject Property for the Proposed Use, as more fully described in the Application, incorporated herein by this reference. Any zoning request, special use permit, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The zoning request, special use permit, and variance applications, along with all supplemental plans and documents are collectively referred to as the "Applicant's Proposal."

**Specifically, the Applicant requests the following:**

- a) **Rezone the Subject Property from Single Family Residence District (R-100) to Single Family Residential District (R-75).**
- b) **Waiver to UDO § 900-20.2(F)(2)- Waiver to remove requirement that dead end street on abutting property be extended into the proposed subdivision and incorporated into the street design of the development.**
- c) **Approval of private streets pursuant to UDO § 900-140.1(A).**

**PROPOSED USE**

The subject property consists of 6.183 +/- acres and is designated as Gwinnett County Tax Parcel R7085 005B (zoned R-100). The Subject Property is owned by Mohawk Group, LLC.

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A residence is currently located on the Subject Property. The Applicant proposes to demolish the residential buildings currently located on the property to develop fourteen (14) single family detached homes. The Subject Property is located on Tab Roberts Road shown as Established Neighborhoods in the County's 2040 Unified Plan.

The proposed homes will range from a minimum square footage of 2500 sq. ft. up to 4000 sq. ft. featuring a cul-de-sac. The neighborhood will also consist of a storm water management area that will be improved with benches for the residents to enjoy. The neighborhood entrance will front Tab Roberts Road and will consist of a gated entrance with elegant signage.

#### **COMPREHENSIVE PLAN**

The Proposed Zoning and Proposed Use complies with the intent of the Gwinnett County 2040 Unified Plan. The Subject Property is located within the Established Neighborhoods Character Area in the County's 2040 Unified Plan. The Proposed Zoning is a recommended zoning category within the Established Neighborhoods Character Area.

#### **CONCLUSION**

The Applicant respectfully requests that the Application, as requested by the Applicant, be approved. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.



J. Ethan Underwood  
[eunderwood@mhtlegal.com](mailto:eunderwood@mhtlegal.com)

#### APPLICANT'S RESPONSE STATEMENT

<b>Applicant:</b>	<b>Mohawk Group, LLC</b>
<b>Subject Property:</b>	<b>6.183 +/- Acres Designated as Gwinnett County Tax Parcel(s): R7085 005B</b>
<b>Current Zoning:</b>	<b>Residential, Single Family Residence District (R-100)</b>
<b>Proposed Zoning:</b>	<b>Residential, Single Family Residence District (R-75)</b>
<b>Proposed Use:</b>	<b>14 Dwelling Units, Single Family Detached</b>
<b>Application:</b>	<b>Rezoning with Waiver</b>
<b>ROW Access:</b>	<b>Tab Roberts Road</b>
<b>Governing Jurisdiction:</b>	<b>Gwinnett County</b>

This statement is intended to comply with the application procedures established by the Unified Development Ordinance of Gwinnett County (the "Zoning Ordinance"), the Gwinnett County Application for Public Hearing, and other Gwinnett County Ordinances and Standards, and is otherwise intended as the Applicant Response Statement required thereby.

The Applicant incorporates all statements made in the Application for Public Hearing by the Applicant (the "Application"). Any zoning request, special use permit, waiver, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The Application sets forth a preliminary development plan for the Subject Property, to evaluate the proposed development and its zoning classification, based upon factors set forth by Gwinnett County. The Applicant has provided all required information and has submitted the appropriate application fees. The Application meets all judicial and statutory requirements for approval.

#### SUMMARY OF INTENT

The Applicant submits a request to rezone the Subject Property from the Current Zoning to the Proposed Zoning with a Waiver to facilitate the Proposed Use. The Applicant incorporates herein the statements contained in the Letter of Intent, submitted as part of the Application, to substantiate this land use application.

**Specifically, the Applicant requests the following:**

- a) **Rezone the Subject Property from Single Family Residence District (R-100) to Single Family Residential District (R-75).**
- b) **Waiver to UDO § 900-20.2(F)(2)- Waiver to remove requirement that dead end street on abutting property be extended into the proposed subdivision and incorporated into the street design of the development.**
- c) **Approval of private streets pursuant to UDO § 900-140.1(A).**

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The Applicant submits the following Response Statement pursuant to the Standards Governing the Exercise of Zoning Power:

**RESPONSE STATEMENT**

**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 Applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Subject Property is located in the Established Neighborhoods Character Area in the 2040 Gwinnett County Unified Plan, which identifies R-75 as an appropriate zoning classification. The Subject Property is adjoined to the North and East by residential properties, zoned R-75, and to the South and West by properties zoned R-100.

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

The Proposed Use will not adversely affect the existing use or usability of adjacent or nearby properties. The Proposed Use is compatible with the surrounding residential uses. Additionally, the Subject Property is located in the Established Neighborhoods Character area in the 2040 Gwinnett County Unified Plan, which identifies R-75 as an appropriate zoning classification.

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

No, there is no reasonable use of the Subject Property under any other zoning classification than as requested by the Applicant and no resulting benefit to the public from designation to any other classification would accrue.

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

The Proposed Use will not result in a use that will cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The projected impact on schools and utilities will be in keeping with projected growth, and any applicable impact fees and/or taxes from the development will fund infrastructure improvements.

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

The Proposed Use is in conformity with the policy and intent of the Unified Plan. The Subject Property is located in the Established Neighborhoods Character Area in the 2040 Gwinnett County Unified Plan, which identifies R-75 as an appropriate zoning classification.

**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 Proposed Use is in keeping with the character of surrounding and nearby uses, the trend in the area has been for the development of single-family homes using the R-75 zoning category.

**Waiver #1- UDO § 900-20.2(F)(2)- Waiver to remove requirement that dead end street on abutting property be extended into the proposed subdivision and incorporated into the street design of the development.**

**1. The necessity of the requested waiver arises from a condition that is unique and peculiar to the land, structures and buildings involved.**

The proposed Waiver will not eliminate the UDO's intent of providing inter-parcel connectivity between developments. The topography and natural features of the land between these developments prevents the connection of Roberts Lane to the new road that will be constructed within the Subject Property. In addition, the Applicant seeks to develop the Subject Property as a gated community with private streets, which cannot be gated if connected to a public road.

**2. The waiver is necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced.**

The Subject Property's shape, size, and topography substantially limit the possibility of inter-parcel connectivity. Connection of Roberts Lane to the new subdivision road would create unacceptable land use conflicts between the two developments. Firstly, this connection would prohibit the development of private streets on the Subject Property. In addition, connection of Roberts Lane to the Subject Property will create an unsafe condition by establishing Roberts Lane as a cut-through for Hunting Creek Subdivision.

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**3. The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.**

The topography and natural features of the land between these developments, prevents connection of Roberts Lane to the new road that will be constructed within the Subject Property. In addition, the Applicant, seeks to develop the Subject Property as a gated community with private streets which cannot be gated if it is connected to a public road.

**4. The condition requiring the waiver is created by the UDO and not by an action or actions of the property owner or the applicant.**

The requirement of connecting Roberts Lane to the new road of the proposed subdivision will require the removal of at least one lot. The developer of Roberts Lane developed Hunting Creek Subdivision, but had no right to require access through the Subject Property. Requiring access through the Subject Property amounts to a condemnation on behalf of a private developer and is prohibited by the Constitution of the State of Georgia of 1983.

**5. The granting of the waiver will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.**

Approval of the proposed variance will not create a safety hazard or noxious condition. Granting of the waiver as requested preserves the status quo with traffic from Hunting Creek subdivision accessing Tab Roberts Road via Sawnee Roberts Ct. Maintaining the status quo will not cause a detriment to the safety, health, or welfare of the public, or impair or injure other property or improvements in the neighborhood in which the Subject Property is located nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.

**6. The waiver granted is the minimum that will make possible the reasonable use of the land, building or structures.**

The requested waiver is the minimum necessary to accommodate the proposed improvements, maintain the status quo access of Hunting Creek Subdivision to Tab Roberts Road, and allow the Subject Property to be developed in an economically feasible and physically practical manner.

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**7. The variance desired will not be opposed to the general spirit and intent of Title 2 of the UDO or the purpose and intent of the Gwinnett County Unified Plan.**

The proposed Waiver will not eliminate the UDO's intent of connecting through roads to new places of the same subdivision. However, the Subject Property will not be subject to or have access to the POA, covenants, or amenities of Hunting Creek Subdivision. It is not appropriate to require connection of subdivision streets where a new subdivision will not be included within the adjoining subdivision or where the original developer was unable to acquire such access in a private transaction.

The Applicant respectfully requests that the Application, as requested by the Applicant, be approved. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.

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

**[attached]**



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

<b>TRC Meeting Date:</b> 10.7.2022		
Department/Agency Name: Transportation		
Reviewer Name: Brent Hodges		
Reviewer Title: Construction Manager 1		
Reviewer Email Address: <a href="mailto:Brent.Hodges@gwinnettcounty.com">Brent.Hodges@gwinnettcounty.com</a>		
Case Number: RZR2022-00032		
Case Address: 794 Tab Roberts Road		
<b>Comments:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	Tab Roberts Road is a minor collector. ADT = 3,200.	
2	2.7 miles to nearest transit facility (#2454809) Lawrenceville Suwanee Road and Verizon.	
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<b>Recommended Zoning Conditions:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	If the interior street is dedicated as right-of-way/public, the developer shall connect the proposed driveway to Roberts Lane.	
2		
3		
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7		

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

*Revised 7/26/2021*

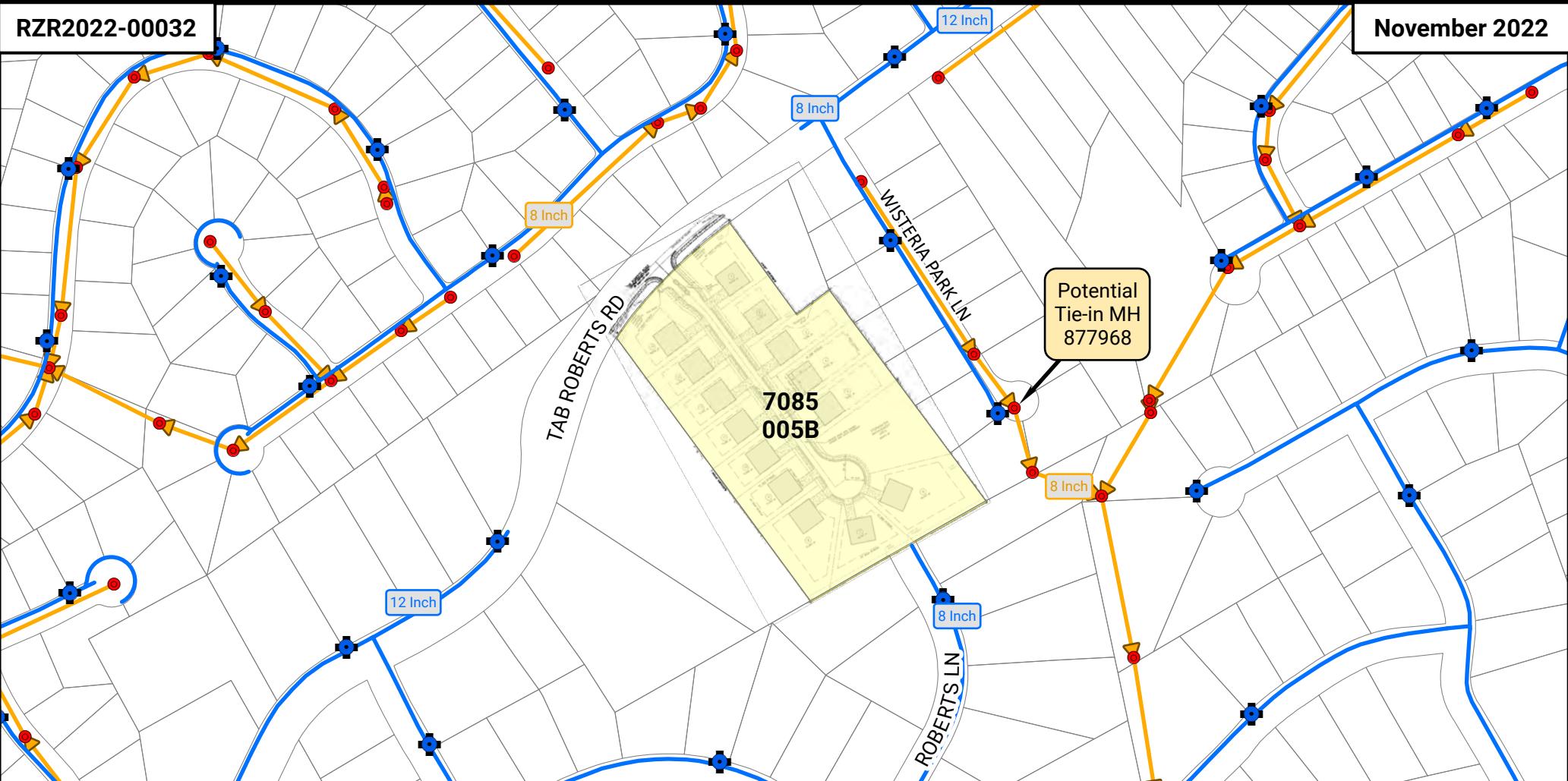


## Department of Planning and Development TECHNICAL REVIEW COMMITTEE

<b>TRC Meeting Date:</b>		November Cases		
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		<a href="mailto:Michael.pappas@gwinnettcounty.com">Michael.pappas@gwinnettcounty.com</a>		
Case Number:		RZM2022-00045		
Case Address:		794 Tab Roberts Road		
<b>Comments:</b>		<input checked="" type="checkbox"/> <b>YES</b>	<input type="checkbox"/>	<b>NO</b>
1	Water: The existing 8-inch water main located on the north right-of-way of Tab Roberts Road at the intersection with Wisteria Park Lane will need to be extended approximately 550 feet across the frontage of the development.			
2	Sewer: A Sewer Capacity Certification is required for this development. Pending available capacity, the proposed development may connect to an existing sanitary sewer main located approximately 150 feet east in the right-of-way of Wisteria Park Lane. An easement to access this sewer was provided on the Wisteria Estates Final Plat.			
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<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<b>YES</b>	<input checked="" type="checkbox"/> <b>NO</b>
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**Note:** Attach additional pages, if needed

*Revised 7/26/2021*

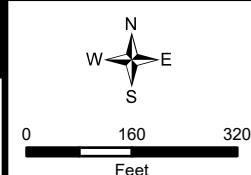


## LEGEND

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

## 794 Tab Roberts Road

R-100 to R-75

Water & Sewer  
Utility Map

## LOCATION



**Water Comments:** The existing 8-inch water main located on the north right-of-way of Tab Roberts Road at the intersection with Wisteria Park Lane will need to be extended approximately 550 feet across the frontage of the development.

**Sewer Comments:** A Sewer Capacity Certification is required for this development. Pending available capacity, the proposed development may connect to an existing sanitary sewer main located approximately 150 feet east in the right-of-way of Wisteria Park Lane. An easement to access this sewer was provided on the Wisteria Estates Final Plat.

**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.

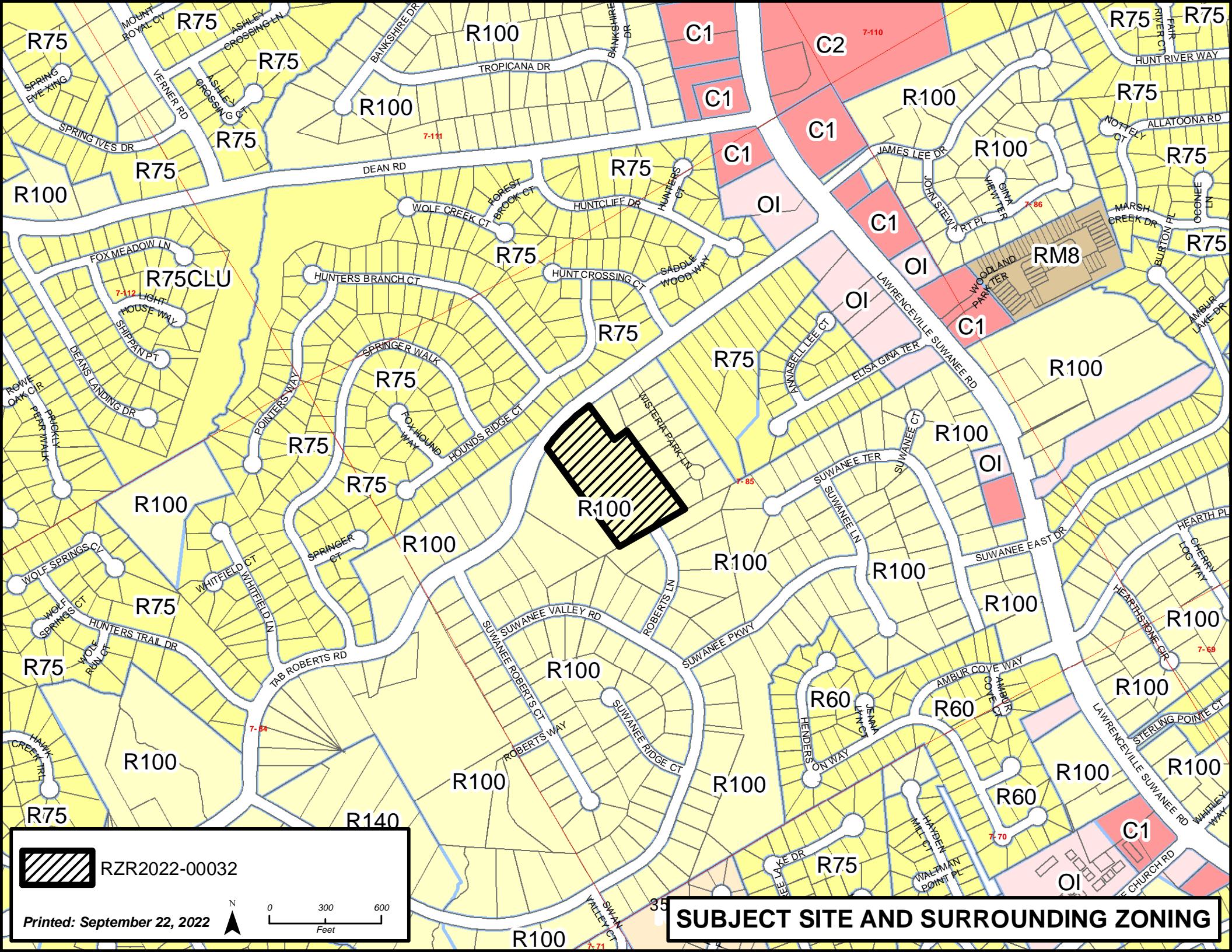
**Private Road Developments:** Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among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

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

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

**Exhibit E: Maps**

**[attached]**

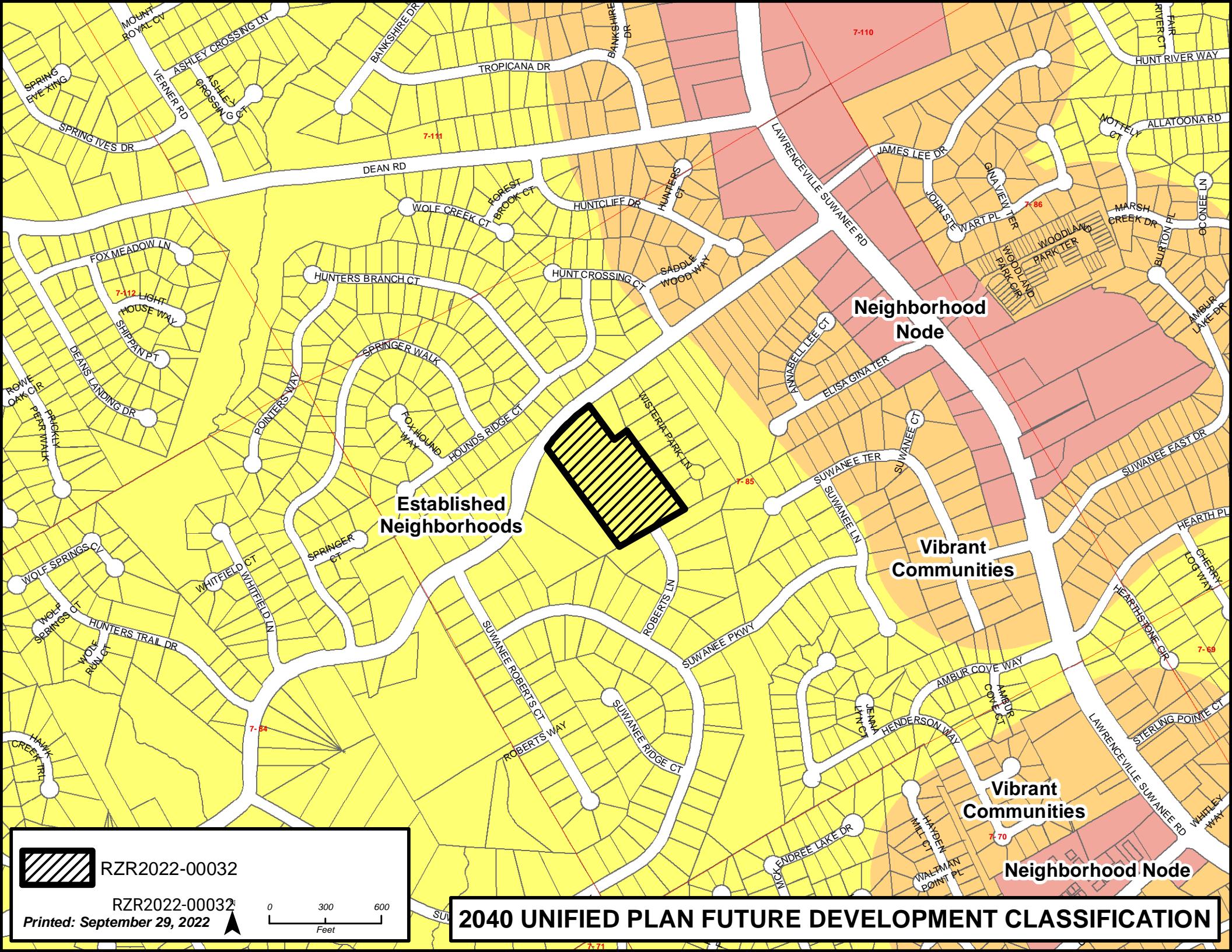


 RZR2022-00032

A scale bar for a map. It consists of a horizontal line with tick marks at 0, 300, and 600. The word "Feet" is written below the line.

Printed: September 22, 2022

## **SUBJECT SITE AND SURROUNDING ZONING**



## Established Neighborhoods

# Neighborhood Node

# Vibrant Communities

# Vibrant Communities

## Neighborhood Node



RZR2022-00032

RZR2022-0003  
Printed: September 29, 2022

RZR2022-00032

A horizontal number line with arrows at both ends. The number 0 is at the left end. The number 300 is at a tick mark on the line. The number 600 is at another tick mark on the line. There is a tick mark between the 300 and 600 marks. The word "Feet" is written below the line, centered under the tick mark between 300 and 600.

2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION



Printed: September 22, 2022



N  
0 80 160  
Feet

**Exhibit F: Application and Disclosure of Campaign Contributions**

**[attached]**

RECEIVED

9.1.2022

## REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
<p>NAME: Mohawk Group, LLC</p> <p>ADDRESS: 202 Tribble Gap Road Ste. 200</p> <p>CITY: Cumming</p> <p>STATE: GA ZIP: 30040</p> <p>PHONE: 770-781-4100</p> <p>EMAIL: eunderwood@mhtlegal.com / tfisher@mhtlegal.com</p>	<p>NAME: Mohawk Group, LLC</p> <p>ADDRESS: 1800 Hog Mountain Road, Bldg. 500, Ste. 101</p> <p>CITY: Watkinsville</p> <p>STATE: GA ZIP: 30677</p> <p>PHONE: _____</p> <p>EMAIL: _____</p>
<p>CONTACT PERSON: J. Ethan Underwood Miles Hansford &amp; Tallant, LLC</p> <p>PHONE: 770-781-4100</p> <p>CONTACT'S E-MAIL: eunderwood@mhtlegal.com / tfisher@mhtlegal.com</p>	
<p><b>APPLICANT IS THE:</b></p> <p><input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER</p>	
<p>PRESENT ZONING DISTRICT(S): R-100</p> <p>REQUESTED ZONING DISTRICT: R-75</p>	
<p>PARCEL NUMBER(S): R7085 005B</p> <p>ACREAGE: 6.183</p>	
<p>ADDRESS OF PROPERTY: 794 Tab Roberts Road Lawrenceville, GA 30043</p>	
<p>PROPOSED DEVELOPMENT: 14 Dwellings, Single Family Detached</p>	

<p>RESIDENTIAL DEVELOPMENT</p> <p>No. of Lots/Dwelling Units: 14</p> <p>Dwelling Unit Size (Sq. Ft.): Min. 2200 sqft</p> <p>Gross Density: 2.26</p> <p>Net Density: 2.26</p>	<p>NON-RESIDENTIAL DEVELOPMENT</p> <p>No. of Buildings/Lots: _____</p> <p>Total Building Sq. Ft. _____</p> <p>Density: _____</p>
--	--

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

**RECEIVED**

9.1.2022

**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.

*Syed Wasim*

Signature of Applicant

*08/24/2022*

Date

Mohawk Group, LLC

Syed Wasim

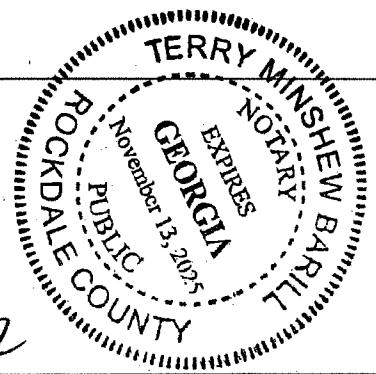
Type or Print Name and Title

*Omishell*

Signature of Notary Public

*8/24/2022*

Date



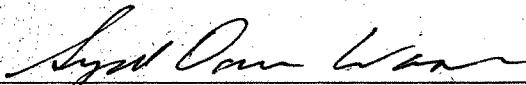
Notary Seal

RECEIVED

9.1.2022

**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.



08/24/2022

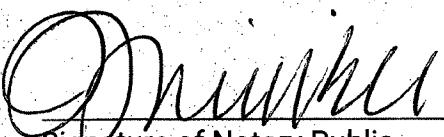
Signature of Property Owner

Date

Mohawk Group, LLC

Syed Wasim

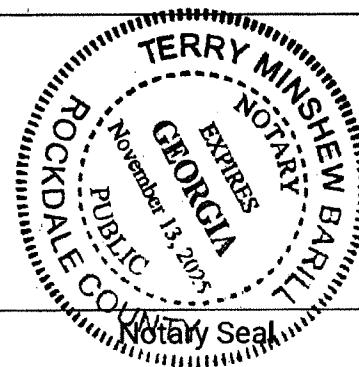
Type or Print Name and Title



08/24/22

Signature of Notary Public

Date



RECEIVED

9.1.2022

**CONFFLICT OF INTEREST CERTIFICATION FOR REZONING**

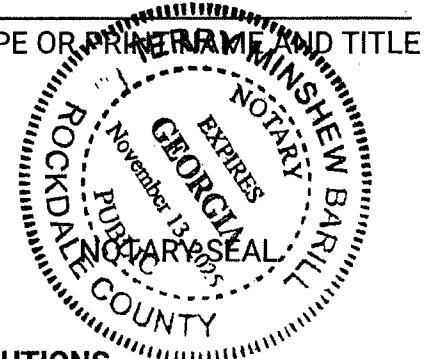
The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Syed Wasim 08/24/2022 Mohawk Group, LLC Syed Wasim  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

D. M. Whill 08/24/2022

SIGNATURE OF NOTARY PUBLIC DATE

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

 YES NO

Syed Wasim

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.

RECEIVED

9.1.2022

CONFFLICT OF INTEREST CERTIFICATION FOR REZONINGS

THE UNDERSIGNED BELOW, MAKING APPLICATION FOR 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.



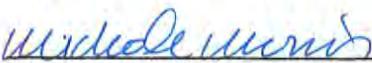
Signature of Applicant's  
Attorney or Representative

8/31/22

Date

J. Ethan Underwood  
Miles Hansford & Tallant, LLC

Type or print name and title

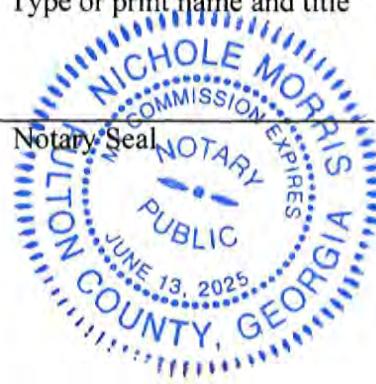


Signature of Notary Public

8/31/22

Date

Notary Seal



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the governing body which may hear this application?

Yes  No

Miles Hansford & Tallant, LLC

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 2 years)

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

2022 Taxes due by November 1, 2022

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 10/2021

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

RECEIVED

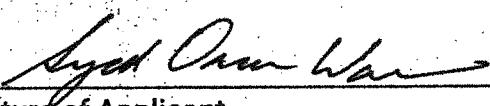
9/6/2022

**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.**

<b>PARCEL I.D. NUMBER:</b> (Map Reference Number)	R7	- 085	- 005B
	District	Land Lot	Parcel

  
Signature of Applicant

08/24/2022  
Date

Mohawk Group, LLC

Syed Wasim

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)

Chris Nelson

NAME

August 25, 2022

DATE

Senior Tax Services Associate

TITLE

RECEIVED

9.1.2022

## REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
<p>NAME: Mohawk Group, LLC</p> <p>ADDRESS: 202 Tribble Gap Road Ste. 200</p> <p>CITY: Cumming</p> <p>STATE: GA ZIP: 30040</p> <p>PHONE: 770-781-4100</p> <p>EMAIL: eunderwood@mhtlegal.com / tfisher@mhtlegal.com</p>	<p>NAME: Mohawk Group, LLC</p> <p>ADDRESS: 1800 Hog Mountain Road, Bldg. 500, Ste. 101</p> <p>CITY: Watkinsville</p> <p>STATE: GA ZIP: 30677</p> <p>PHONE: _____</p> <p>EMAIL: _____</p>
<p>CONTACT PERSON: J. Ethan Underwood Miles Hansford &amp; Tallant, LLC</p> <p>PHONE: 770-781-4100</p> <p>CONTACT'S E-MAIL: eunderwood@mhtlegal.com / tfisher@mhtlegal.com</p>	
<p><b>APPLICANT IS THE:</b></p> <p><input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER</p>	
<p>PRESENT ZONING DISTRICT(S): R-100</p> <p>REQUESTED ZONING DISTRICT: R-75</p>	
<p>PARCEL NUMBER(S): R7085 005B</p> <p>ACREAGE: 6.183</p>	
<p>ADDRESS OF PROPERTY: 794 Tab Roberts Road Lawrenceville, GA 30043</p>	
<p>PROPOSED DEVELOPMENT: 14 Dwellings, Single Family Detached</p>	

<p>RESIDENTIAL DEVELOPMENT</p> <p>No. of Lots/Dwelling Units: 14</p> <p>Dwelling Unit Size (Sq. Ft.): Min. 2200 sqft</p> <p>Gross Density: 2.26</p> <p>Net Density: 2.26</p>	<p>NON-RESIDENTIAL DEVELOPMENT</p> <p>No. of Buildings/Lots: _____</p> <p>Total Building Sq. Ft. _____</p> <p>Density: _____</p>
--	--

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

9.1.2022

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

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

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

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

See Attached Applicant's Response Statement.

---

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

See Attached Applicant's Response Statement.

---

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

See Attached Applicant's Response Statement.

---

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

See Attached Applicant's Response Statement.

---

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

See Attached Applicant's Response Statement.

---

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

See Attached Applicant's Response Statement.

---

**RECEIVED**

9.1.2022

**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.

*Syed Wasim*

Signature of Applicant

*08/24/2022*

Date

Mohawk Group, LLC

Syed Wasim

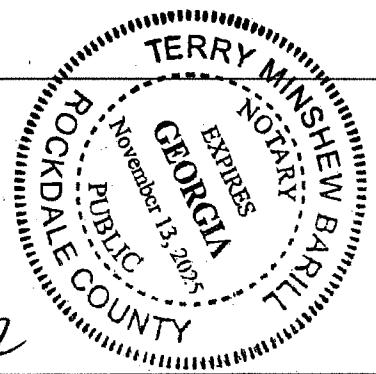
Type or Print Name and Title

*Omishell*

Signature of Notary Public

*8/24/2022*

Date



Notary Seal

RECEIVED

9.1.2022

**REZONING PROPERTY OWNER'S CERTIFICATION**

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CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION  
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08/24/2022

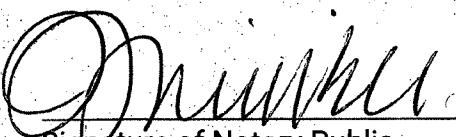
Signature of Property Owner

Date

Mohawk Group, LLC

Syed Wasim

Type or Print Name and Title



08/24/22

Signature of Notary Public

Date



RECEIVED

9.1.2022

**CONFFLICT OF INTEREST CERTIFICATION FOR REZONING**

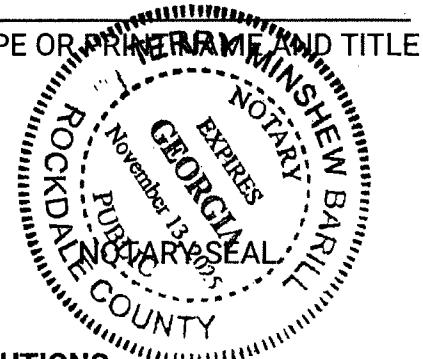
The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Syed Wasim 08/24/2022 Mohawk Group, LLC Syed Wasim  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

D. M. Whill 08/24/2022

SIGNATURE OF NOTARY PUBLIC DATE

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES  NO Syed Wasim

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.

RECEIVED

9.1.2022

CONFFLICT OF INTEREST CERTIFICATION FOR REZONINGS

THE UNDERSIGNED BELOW, MAKING APPLICATION FOR 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's  
Attorney or Representative

8/31/22

Date

J. Ethan Underwood  
Miles Hansford & Tallant, LLC

Type or print name and title

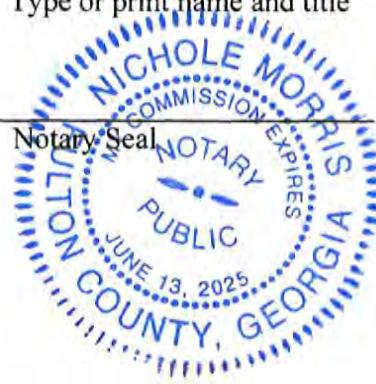


Signature of Notary Public

8/31/22

Date

Notary Seal



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the governing body which may hear this application?

Yes  No

Miles Hansford & Tallant, LLC

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 2 years)

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

2022 Taxes due by November 1, 2022

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 10/2021

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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

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

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

<b>PARCEL I.D. NUMBER:</b> (Map Reference Number)	R7	- 085	- 005B
	District	Land Lot	Parcel

Syed Wasim  
Signature of Applicant

08/24/2022  
Date

Mohawk Group, LLC

Syed Wasim

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)

Chris Nelson

NAME

August 25, 2022

DATE

Senior Tax Services Associate

TITLE

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### Legal Description

All that tract or parcel of land lying and being in Land Lot 85 of the 7<sup>th</sup> Land District of Gwinnett County, Georgia, containing approximately 6.183 acres, more or less, according to a plat of survey dated December 13, 2021, prepared for Mohawk Group, LLC by Paramount Surveys, certified by Barron M. Dunn, Georgia Registered Land Surveyor No. 3351 and, according to such plat of survey, being more particularly described as follows:

To find the True Point of Beginning, commence from a point located at the westerly intersection of Wisteria Park Lane (a 25' private drive) and Tab Roberts Road (a 80' R/W), which is the True Point of Commencement run

thence South 54 degrees 19 minutes 49 seconds West a distance of 112.55 feet to an iron pin found (1/2" rebar);

thence North 21 degrees 15 minutes 41 seconds West a distance of 6.10 feet to an iron pin set; run

thence South 54 degrees 34 minutes 16 seconds West a distance of 111.69 feet to a point, which is the True Point of Beginning run

thence, with a curve to the right having a radius of 958.17 feet, an arc length 30.08 feet, and a chord bearing of I South 53 degrees 34 minutes 53 seconds West a distance of 30.08 feet to an iron pin found (1/2" rebar); run

thence South 35 degrees 32 minutes 59 seconds East a distance of 230.52 feet to an iron pin found (1/2" rebar); run

thence North 54 degrees 33 minutes 03 seconds East a distance of 82.97 feet to an iron pin found (1" open top pipe); run

thence South 36 degrees 16 minutes 17 seconds East a distance of 528.64 feet to an iron pin found (2 1/2 crimped top pipe); run

thence South 60 degrees 40 minutes 48 seconds West a distance of 404.13 feet to an iron pin found (5/8" rebar); run

thence North 36 degrees 10 minutes 52 seconds West a distance of 653.42 feet to an iron pin found (5/8" rebar); run

thence, with a curve to the right having a radius of 480.87 feet, an arc length 16.50 feet, and a chord bearing of North 34 degrees 07 minutes 45 seconds East a distance of 16.50 feet to an iron pin found (2" open top pipe); run

thence, with a curve to the right having a radius of 963.52 feet, an arc length of 60.62 feet; and a chord bearing of North 38 degrees 43 minutes 32 seconds East a distance of 60.61 feet to an iron pin found; run

thence, with a curve to the right having a radius of 958.17 feet; an arc length of 249.43 feet; and a chord bearing of North 45 degrees 13 minutes 28 seconds East a distance of 248.73 feet to an iron pin found (1/2" rebar), which is the True Point of Beginning.

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Said property is more fully described according to the above-referenced plat, which is incorporated herein by this reference.

**This legal description is prepared solely for the purpose of facilitating a land use application and should not be relied upon for any other purpose.**



# Miles Hansford & Tallant, LLC

ATTORNEYS AT LAW

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040

178 S Main Street | Suite 310 | Alpharetta, Georgia 30009

770-781-4100 | [www.mhtlegal.com](http://www.mhtlegal.com)

J. Ethan Underwood  
[eunderwood@mhtlegal.com](mailto:eunderwood@mhtlegal.com)

## LETTER OF INTENT

**Applicant:** Mohawk Group, LLC  
**Subject Property:** 6.183 +/- Acres Designated as Gwinnett County Tax Parcel(s): R7085 005B  
**Current Zoning:** Residential, Single Family Residence District (R-100)  
**Proposed Zoning:** Residential, Single Family Residence District (R-75)  
**Proposed Use:** 14 Dwelling Units, Single Family Detached  
**Application:** Rezoning with Waiver  
**ROW Access:** Tab Roberts Road  
**Governing Jurisdiction:** Gwinnett County

This Letter of Intent is intended to comply with application procedures established by Gwinnett County, Georgia, and is intended to set forth a preliminary development plan for the Subject Property, to evaluate the proposed development and new zoning classification, special use and variances (if any), based upon factors set forth by Gwinnett County. The Applicant has provided all required information and has submitted the appropriate application fees. The requested Application meets all judicial and statutory requirements for approval.

The Applicant intends to develop the Subject Property for the Proposed Use, as more fully described in the Application, incorporated herein by this reference. Any zoning request, special use permit, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The zoning request, special use permit, and variance applications, along with all supplemental plans and documents are collectively referred to as the "Applicant's Proposal."

**Specifically, the Applicant requests the following:**

- a) Rezone the Subject Property from Single Family Residence District (R-100) to Single Family Residential District (R-75).
- b) Waiver to UDO § 900-20.2(F)(2)- Waiver to remove requirement that dead end street on abutting property be extended into the proposed subdivision and incorporated into the street design of the development.
- c) Approval of private streets pursuant to UDO § 900-140.1(A).

## PROPOSED USE

The subject property consists of 6.183 +/- acres and is designated as Gwinnett County Tax Parcel R7085 005B (zoned R-100). The Subject Property is owned by Mohawk Group, LLC.

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A residence is currently located on the Subject Property. The Applicant proposes to demolish the residential buildings currently located on the property to develop fourteen (14) single family detached homes. The Subject Property is located on Tab Roberts Road shown as Established Neighborhoods in the County's 2040 Unified Plan.

The proposed homes will range from will a minimum square footage of 2500 sq. ft. up to 4000 sq. ft. featuring a cul-de-sac. The neighborhood will also consist of a storm water management area that will be improved with benches for the residents to enjoy. The neighborhood entrance will front Tab Roberts Road and will consist of a gated entrance with elegant signage.

**COMPREHENSIVE PLAN**

The Proposed Zoning and Proposed Use complies with the intent of the Gwinnett County 2040 Unified Plan. The Subject Property is located within the Established Neighborhoods Character Area in the County's 2040 Unified Plan. The Proposed Zoning is a recommended zoning category within the Established Neighborhoods Character Area.

**CONCLUSION**

The Applicant respectfully requests that the Application, as requested by the Applicant, be approved. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.



J. Ethan Underwood  
[eunderwood@mhtlegal.com](mailto:eunderwood@mhtlegal.com)

#### APPLICANT'S RESPONSE STATEMENT

<b>Applicant:</b>	<b>Mohawk Group, LLC</b>
<b>Subject Property:</b>	<b>6.183 +/- Acres Designated as Gwinnett County Tax Parcel(s): R7085 005B</b>
<b>Current Zoning:</b>	<b>Residential, Single Family Residence District (R-100)</b>
<b>Proposed Zoning:</b>	<b>Residential, Single Family Residence District (R-75)</b>
<b>Proposed Use:</b>	<b>14 Dwelling Units, Single Family Detached</b>
<b>Application:</b>	<b>Rezoning with Waiver</b>
<b>ROW Access:</b>	<b>Tab Roberts Road</b>
<b>Governing Jurisdiction:</b>	<b>Gwinnett County</b>

This statement is intended to comply with the application procedures established by the Unified Development Ordinance of Gwinnett County (the "Zoning Ordinance"), the Gwinnett County Application for Public Hearing, and other Gwinnett County Ordinances and Standards, and is otherwise intended as the Applicant Response Statement required thereby.

The Applicant incorporates all statements made in the Application for Public Hearing by the Applicant (the "Application"). Any zoning request, special use permit, waiver, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The Application sets forth a preliminary development plan for the Subject Property, to evaluate the proposed development and its zoning classification, based upon factors set forth by Gwinnett County. The Applicant has provided all required information and has submitted the appropriate application fees. The Application meets all judicial and statutory requirements for approval.

#### SUMMARY OF INTENT

The Applicant submits a request to rezone the Subject Property from the Current Zoning to the Proposed Zoning with a Waiver to facilitate the Proposed Use. The Applicant incorporates herein the statements contained in the Letter of Intent, submitted as part of the Application, to substantiate this land use application.

**Specifically, the Applicant requests the following:**

- a) **Rezone the Subject Property from Single Family Residence District (R-100) to Single Family Residential District (R-75).**
- b) **Waiver to UDO § 900-20.2(F)(2)- Waiver to remove requirement that dead end street on abutting property be extended into the proposed subdivision and incorporated into the street design of the development.**
- c) **Approval of private streets pursuant to UDO § 900-140.1(A).**

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The Applicant submits the following Response Statement pursuant to the Standards Governing the Exercise of Zoning Power:

**RESPONSE STATEMENT**

**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 Applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Subject Property is located in the Established Neighborhoods Character Area in the 2040 Gwinnett County Unified Plan, which identifies R-75 as an appropriate zoning classification. The Subject Property is adjoined to the North and East by residential properties, zoned R-75, and to the South and West by properties zoned R-100.

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

The Proposed Use will not adversely affect the existing use or usability of adjacent or nearby properties. The Proposed Use is compatible with the surrounding residential uses. Additionally, the Subject Property is located in the Established Neighborhoods Character area in the 2040 Gwinnett County Unified Plan, which identifies R-75 as an appropriate zoning classification.

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

No, there is no reasonable use of the Subject Property under any other zoning classification than as requested by the Applicant and no resulting benefit to the public from designation to any other classification would accrue.

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

The Proposed Use will not result in a use that will cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The projected impact on schools and utilities will be in keeping with projected growth, and any applicable impact fees and/or taxes from the development will fund infrastructure improvements.

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

The Proposed Use is in conformity with the policy and intent of the Unified Plan. The Subject Property is located in the Established Neighborhoods Character Area in the 2040 Gwinnett County Unified Plan, which identifies R-75 as an appropriate zoning classification.

**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 Proposed Use is in keeping with the character of surrounding and nearby uses, the trend in the area has been for the development of single-family homes using the R-75 zoning category.

**Waiver #1- UDO § 900-20.2(F)(2)- Waiver to remove requirement that dead end street on abutting property be extended into the proposed subdivision and incorporated into the street design of the development.**

**1. The necessity of the requested waiver arises from a condition that is unique and peculiar to the land, structures and buildings involved.**

The proposed Waiver will not eliminate the UDO's intent of providing inter-parcel connectivity between developments. The topography and natural features of the land between these developments prevents the connection of Roberts Lane to the new road that will be constructed within the Subject Property. In addition, the Applicant seeks to develop the Subject Property as a gated community with private streets, which cannot be gated if connected to a public road.

**2. The waiver is necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced.**

The Subject Property's shape, size, and topography substantially limit the possibility of inter-parcel connectivity. Connection of Roberts Lane to the new subdivision road would create unacceptable land use conflicts between the two developments. Firstly, this connection would prohibit the development of private streets on the Subject Property. In addition, connection of Roberts Lane to the Subject Property will create an unsafe condition by establishing Roberts Lane as a cut-through for Hunting Creek Subdivision.

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**3. The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.**

The topography and natural features of the land between these developments, prevents connection of Roberts Lane to the new road that will be constructed within the Subject Property. In addition, the Applicant, seeks to develop the Subject Property as a gated community with private streets which cannot be gated if it is connected to a public road.

**4. The condition requiring the waiver is created by the UDO and not by an action or actions of the property owner or the applicant.**

The requirement of connecting Roberts Lane to the new road of the proposed subdivision will require the removal of at least one lot. The developer of Roberts Lane developed Hunting Creek Subdivision, but had no right to require access through the Subject Property. Requiring access through the Subject Property amounts to a condemnation on behalf of a private developer and is prohibited by the Constitution of the State of Georgia of 1983.

**5. The granting of the waiver will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.**

Approval of the proposed variance will not create a safety hazard or noxious condition. Granting of the waiver as requested preserves the status quo with traffic from Hunting Creek subdivision accessing Tab Roberts Road via Sawnee Roberts Ct. Maintaining the status quo will not cause a detriment to the safety, health, or welfare of the public, or impair or injure other property or improvements in the neighborhood in which the Subject Property is located nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.

**6. The waiver granted is the minimum that will make possible the reasonable use of the land, building or structures.**

The requested waiver is the minimum necessary to accommodate the proposed improvements, maintain the status quo access of Hunting Creek Subdivision to Tab Roberts Road, and allow the Subject Property to be developed in an economically feasible and physically practical manner.

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**7. The variance desired will not be opposed to the general spirit and intent of Title 2 of the UDO or the purpose and intent of the Gwinnett County Unified Plan.**

The proposed Waiver will not eliminate the UDO's intent of connecting through roads to new places of the same subdivision. However, the Subject Property will not be subject to or have access to the POA, covenants, or amenities of Hunting Creek Subdivision. It is not appropriate to require connection of subdivision streets where a new subdivision will not be included within the adjoining subdivision or where the original developer was unable to acquire such access in a private transaction.

The Applicant respectfully requests that the Application, as requested by the Applicant, be approved. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.

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# Miles Hansford & Tallant, LLC

ATTORNEYS AT LAW

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040

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J. Ethan Underwood  
[eunderwood@mhtlegal.com](mailto:eunderwood@mhtlegal.com)

## RESERVATION OF CONSTITUTIONAL AND OTHER LEGAL RIGHTS

<b>Applicant:</b>	<b>Mohawk Group, LLC</b>
<b>Subject Property:</b>	<b>6.183 acres +/- Acres Designated as Gwinnett County Tax</b>
<b>Parcel(s):</b>	<b>R7085 005B</b>
<b>Current Zoning:</b>	<b>Residential, Single Family Residence District (R-100)</b>
<b>Proposed Zoning:</b>	<b>Residential, Single Family Residence District (R-75)</b>
<b>Proposed Use:</b>	<b>14 Dwelling Units, Single Family Detached</b>
<b>Application:</b>	<b>Rezoning with Concurrent Waivers/Variances</b>
<b>ROW Access:</b>	<b>Tab Roberts Road</b>
<b>Governing Jurisdiction:</b>	<b>Gwinnett County</b>

This Reservation of Constitutional and Other Legal Rights ("the Reservation") is intended to supplement and form a part of the land use application (including any request for zoning, conditional use permit, site plan approval, and variances) (collectively, the "Application") of the Applicant and the owners of the Subject Property and to put the Governing Jurisdiction on notice of the Applicant's assertion of its constitutional and legal rights.

The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The Application meets all judicial and statutory requirements for approval.

The Applicant objects to the standing of any opponents who are not owners of land adjoining the Subject Property and to the consideration by the Governing Jurisdiction of testimony or evidence presented by any party without standing in making its decision regarding the Application. The Applicant also objects to the consideration of testimony or evidence that is hearsay, violates any applicable rules of procedure or evidence, or that is presented by any party who fails to comply with notice and campaign disclosure requirements.

The Current Zoning (and/or zoning conditions) of the Subject Property is unconstitutional and deprives the Subject Property and all viable economic use thereof. The Proposed Use is the only viable economic use of the Subject Property, and the Governing Jurisdiction has deemed this Application necessary to allow the Proposed Use. As such, the Applicant and owners file this Application for the purpose of changing the Current Zoning (and/or zoning conditions) to facilitate the Proposed Use, and to exhaust administrative remedies in the event the Application is denied. The Applicant and owners reserve the right to challenge the Current Zoning and any zoning conditions and other restrictions affecting the Subject Property.

Denial of the Application or approval of the Application in any form that is different than as requested by the Applicant will impose a disproportionate hardship on the Applicant and Owners of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject Property other than as proposed by the Application and no resulting benefit to the public from denial of or modification to the Application.

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Any provisions in the applicable land use, subdivision, and /or zoning ordinances (collectively the "Zoning Ordinance") that classify, or may classify, the Subject Property into any of the non-requested zoning or use classifications, including the Proposed Zoning District and Proposed Use at a density or intensity less than that requested by the Applicant, are unconstitutional in that they constitute a taking of the Applicant's and Owner's property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is suitable for development as proposed in the Application and it is not suitable for development under any other zoning classification, use, or at a density or intensity less than that requested by the Applicant. Failure to approve the Application as requested by the Applicant would be an unreasonable application of local land use authority, which bears no relationship to the public health, safety, morality or general welfare of the public and would constitute an arbitrary and capricious abuse of discretion in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant will prohibit the only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Owner and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Governing Jurisdiction to approve the Application as requested by the Applicant without the consent of persons elected to the governing body of the Governing Jurisdiction will amount to an unlawful delegation of the Governing Jurisdiction's authority, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended.

Furthermore, the Governing Jurisdiction cannot lawfully impose more restrictive standards on the Subject Property's development than are presently set forth in the Zoning Ordinance. Any conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and Owner that do not serve to reasonably ameliorate the negative impacts of the development are invalid and void. The imposition of improvements or design requirements unnecessary to facilitate the proposed development constitute an illegal impact fee, an unconstitutional condemnation, or both. As such, the Applicant and Owner reserve the right to challenge any such conditions, restrictions, or design requirements.

Finally, the Applicant and Owner assert that the Zoning Ordinance, Character Area Map, Future Development Map and Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant's request based upon provisions illegally adopted will deprive the Applicant and Owners of due process under the law.

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This Reservation constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-11-1, which places the Governing Jurisdiction and all other agents of the Governing Jurisdiction, in their official and individual capacities, on notice of the Applicant's and owners' intent to seek monetary damages and attorney's fees against the Governing Jurisdiction for any rezoning action, zoning condition, illegal impact fee, and any other unlawful restrictions and exactions that are imposed upon the Subject Property, the Applicant, or the owners.

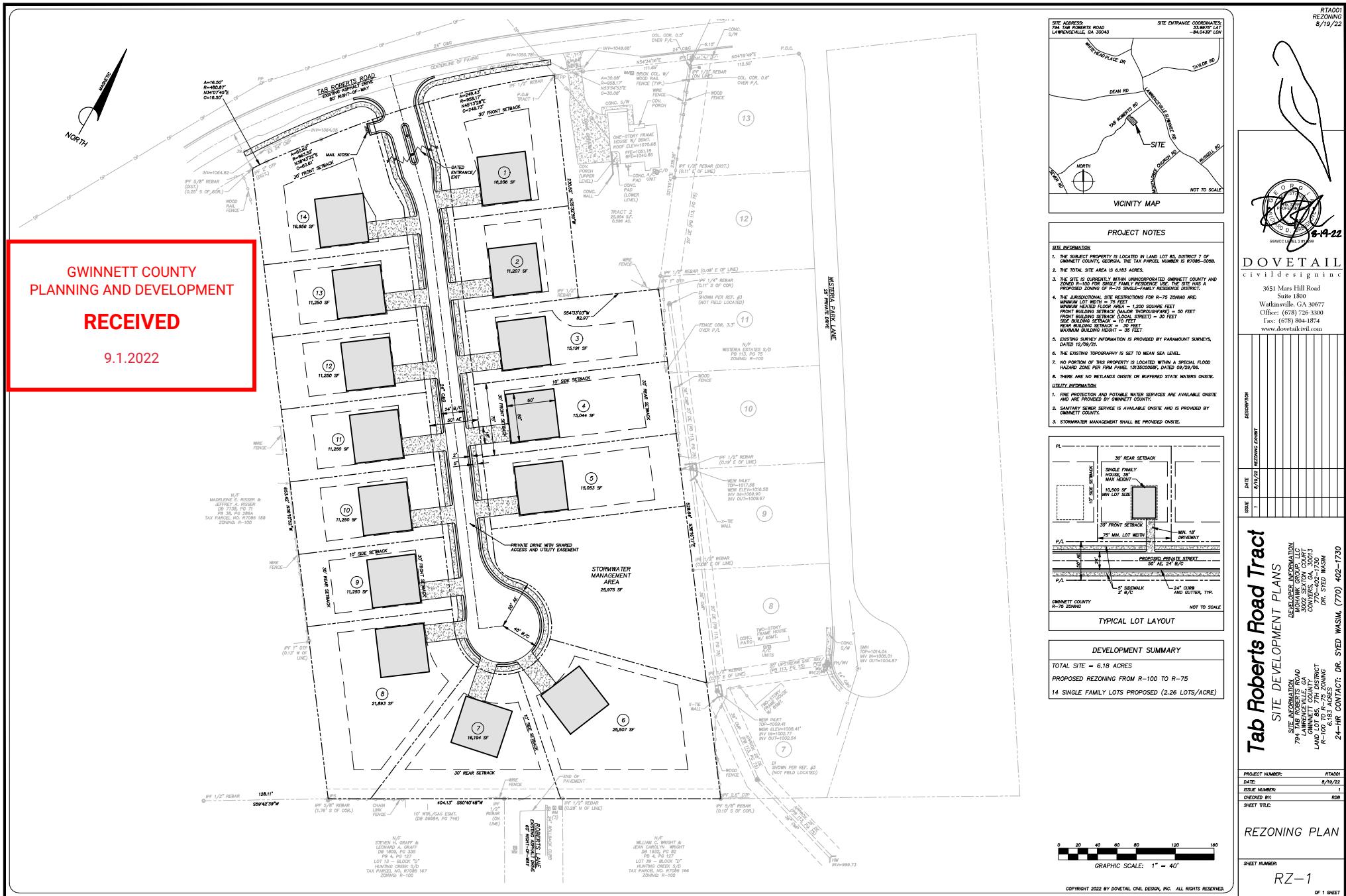
By filing this Reservation, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

The Applicant and Owners respectfully request that the Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Application, and we ask that this Reservation be included with the Applicant's other Application materials. The Applicant and owners reserve the right to amend and supplement this Reservation at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Ethan Underwood".

Ethan Underwood  
Attorney for Applicant





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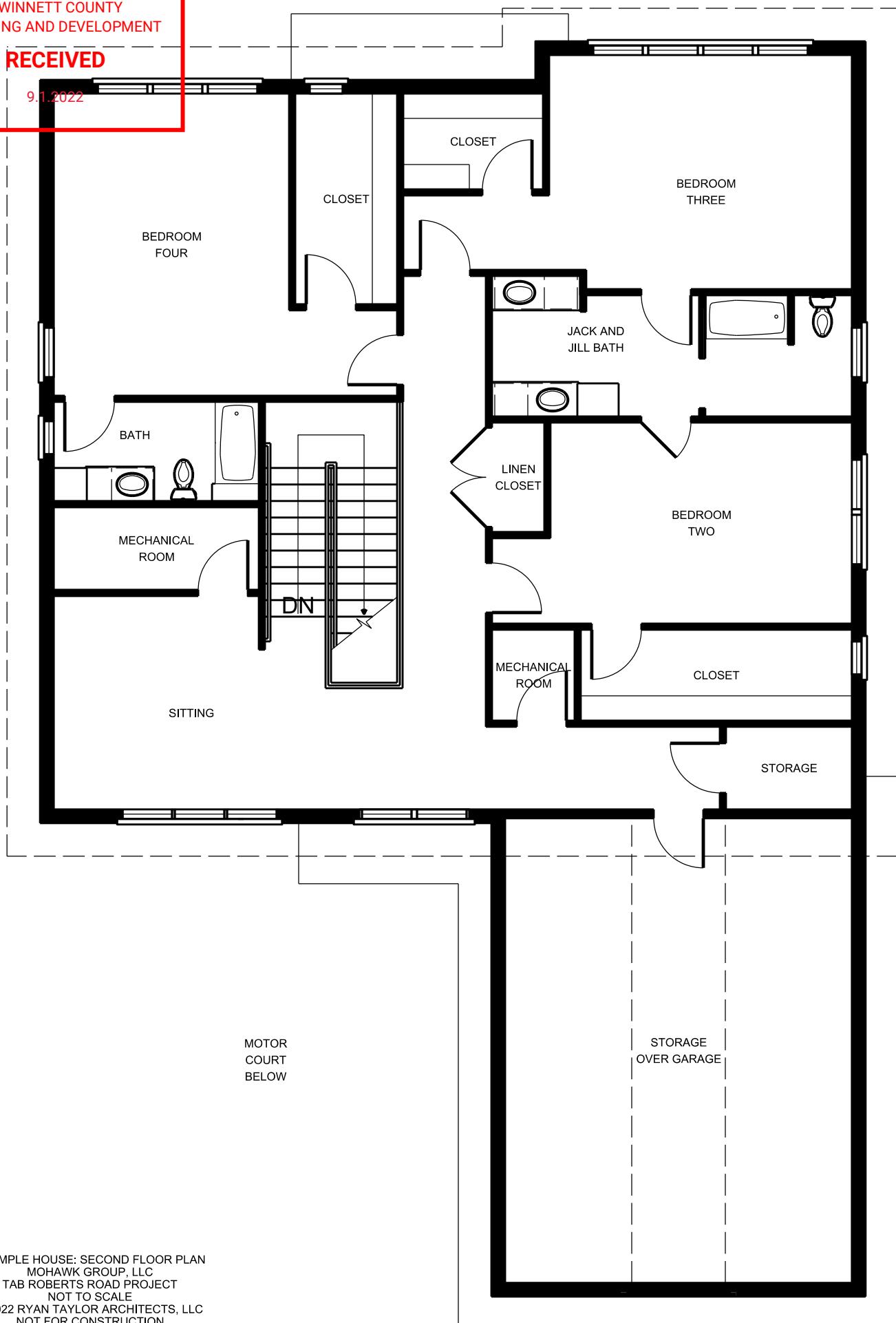
EXAMPLE HOUSE: FRONT EXTERIOR ELEVATION  
MOHAWK GROUP, LLC  
TAB ROBERTS ROAD PROJECT  
NOT TO SCALE  
©2022 RYAN TAYLOR ARCHITECTS, LLC  
NOT FOR CONSTRUCTION



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PLANNING AND DEVELOPMENT

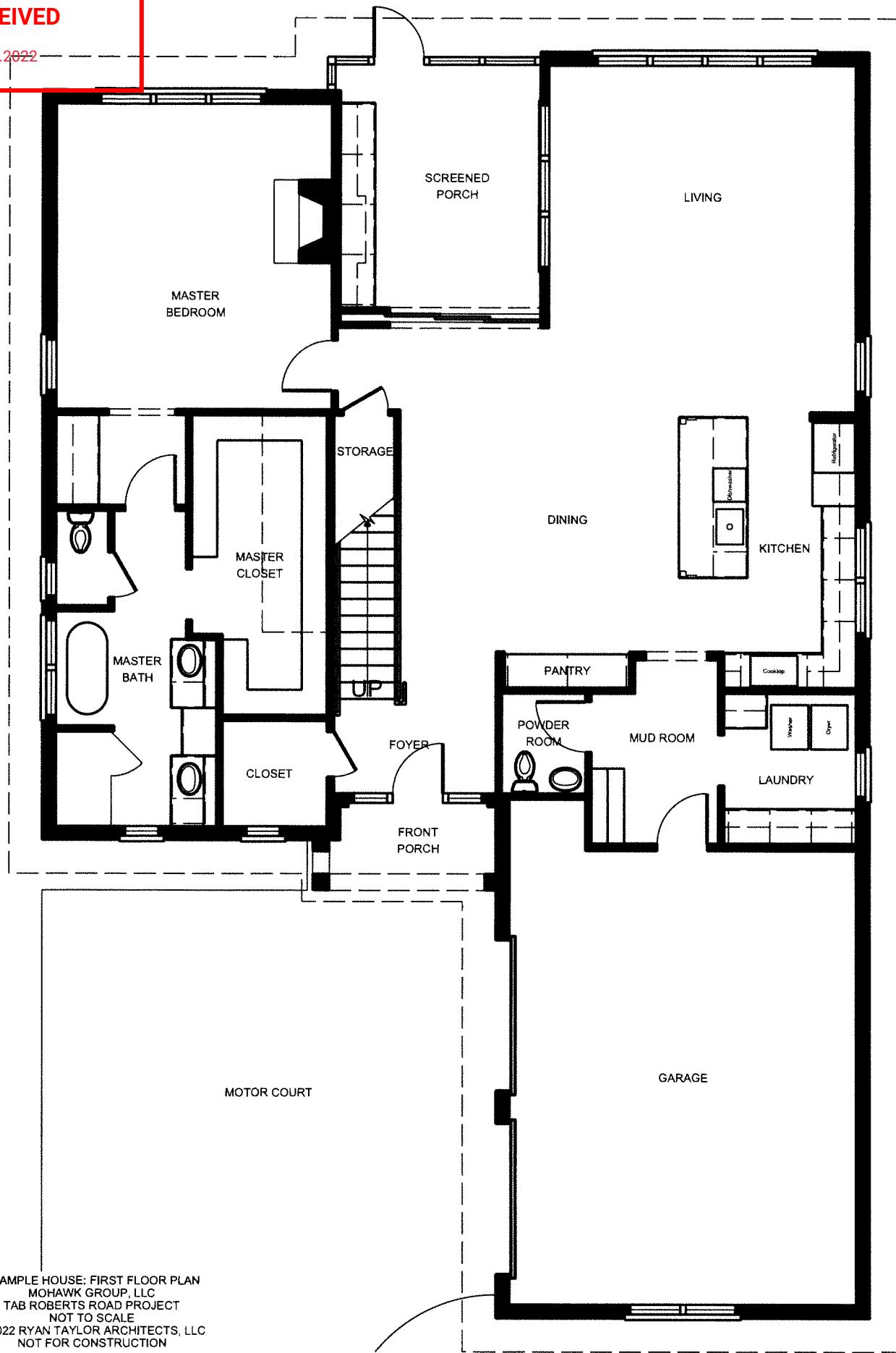
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