

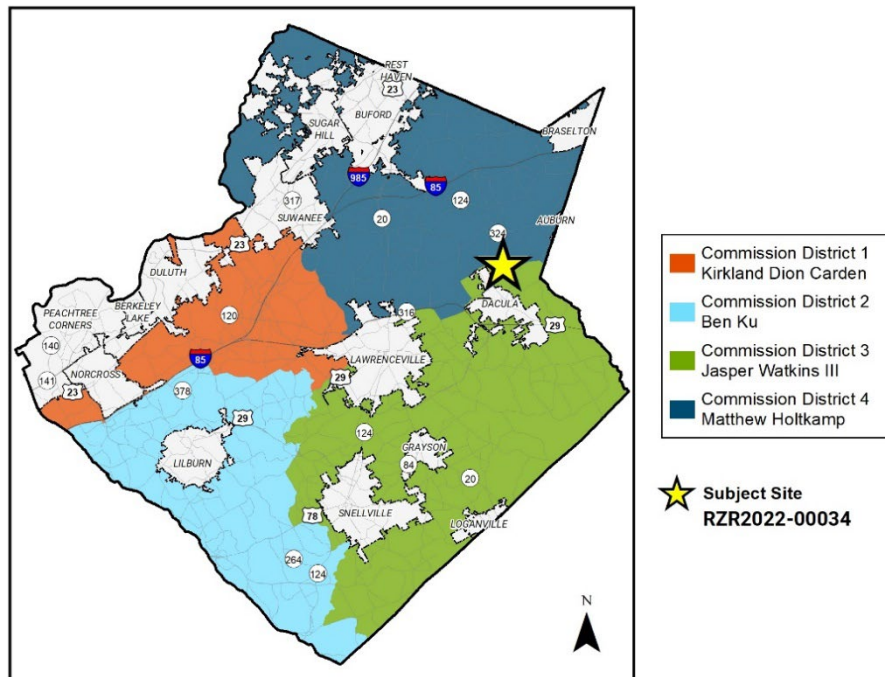


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZR2022-00034
Current Zoning: RA-200 (Agriculture-Residence District)
Request: Rezoning to **R-60** (Single-Family Residence District)
Address: 2905 Fence Road
Map Number: R5305 001
Site Area: 14.27 acres
Units: 28
Proposed Development: Single-Family Detached Subdivision
Commission District: District 3 - Commissioner Watkins and District 4 - Commissioner Fosque
(Formerly District 3-Commissioner Watkins)
Character Area: Suburban Estate Living

Staff Recommendation: DENIAL

Planning Commission Recommendation: DENIAL



Planning Commission Advertised Public Hearing Date: 11/2/2022 (Public Hearing Tabled to 2/7/2023)

Board of Commissioners Advertised Public Hearing Date: 11/15/2022 (Public Hearing Tabled to 2/28/2023)

Applicant: Casgwyn Construction, LLC
c/o Andersen Tate & Carr
1960 Satellite Boulevard, Suite 4000
Duluth, GA 30097

Owners: Hinton Family LP
2753 Merritt Drive
Buford, GA 30518

Contact: Melody A. Glouton

Contact Phone: 770.822.0900

Zoning History

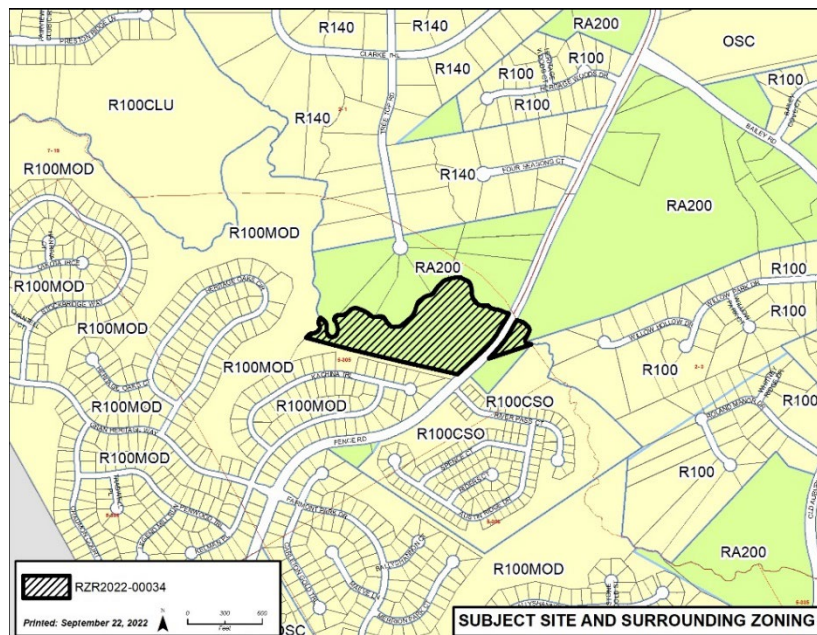
The subject site is zoned RA-200 (Agriculture-Residence District). No prior zoning requests are on record for this property.

Existing Site Condition

The subject site is a 14.27-acre parcel located on Fence Road, between its intersections with Bailey Road to the north and Dacula Road to the south. The majority of the property and the 13.43-acre portion proposed for redevelopment is located on the west side of Fence Road. The site is undeveloped and heavily wooded, with substantial vegetation and tree canopy. There are significant topography changes throughout the site as it slopes upward approximately 40 feet from the northeast property line to the southeast corner of the site on Fence Road. The Apalachee River with associated buffers runs the length of the northern property line with a significant portion of the site within the special flood hazard area. A sanitary sewer easement runs through the property, outside of the 50-foot undisturbed stream buffer and flood hazard area. There is no sidewalk along the property frontage. A guard rail extends for a portion of the property on Fence Road where the roadway curves. The nearest Gwinnett County Transit stop is 6.8 miles from the subject site.

Surrounding Use and Zoning

Single-family subdivisions, residences on large lots, and undeveloped parcels surround the property. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Single-Family Residential	R-60	1.96 units per acre
North	Undeveloped Single-Family Residential	RA-200	N/A 0.23 units per acre
East	Single-Family Residential	RSR R-100	2.45 units per acre 1.06 units per acre
South	Undeveloped Single-Family Residential	R-100MOD R-100MOD	N/A 2.8 units per acre
West	Undeveloped	R-100MOD	N/A

Project Summary

The applicant requests rezoning of a 14.27-acre parcel from RA-200 to R-60 for a single-family detached subdivision, including:

- 28 detached single-family residences with a minimum heated floor area of 1,800 square feet for one-story homes and 2,000 square feet for two-story homes, yielding a net density of 1.96 units per acre.
- Exterior building materials of fiber cement siding and board and batten.
- Five-foot-wide sidewalks throughout the site and along Fence Road.
- A detention pond located in the western portion of the site, between lots and outside of the stream buffers.
- A 20-foot-wide landscape strip including the required 10-foot-wide no access easement along the property frontage.

Zoning and Development Standards

The applicant is requesting a rezoning to R-60, Single-Family Residence District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	<35'	YES
Front Yard Setback	Minimum 25'	25'	YES
Side Yard Setback	Minimum 7.5'	7.5'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Heated Floor Area	Minimum 1,000 square feet	Minimum 1,800 square feet	YES
Minimum Lot Size	Minimum 7,200 square feet (sewer)	Minimum 7,200 square feet	YES
Density	Maximum 4.0 units per acre	1.96 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). Standard site and infrastructure improvements will also be required related to transportation, stormwater, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

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

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

The site is located adjacent to single-family residences on large lots and single-family detached subdivisions zoned RA-200 and R-100MOD. The Apalachee Heritage subdivision to the south has a minimum lot size of nearly 10,500 square feet while the proposed subdivision typical lot size would be 7,200 square feet. Although the development is proposed as a single-family detached subdivision of 28 residences, the dimensional standards for the R-60 zoning district would not align with the existing zoning districts of surrounding parcels. The proposed rezoning as R-60 would not be suitable at this location.

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

The proposed rezoning would adversely affect the existing use or usability of adjacent or nearby property. Single-family residences on large lots and single-family detached subdivisions surround the property. Approval of the R-60 zoning district for the site would establish a precedence for the development of subdivisions with significantly smaller lots.

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

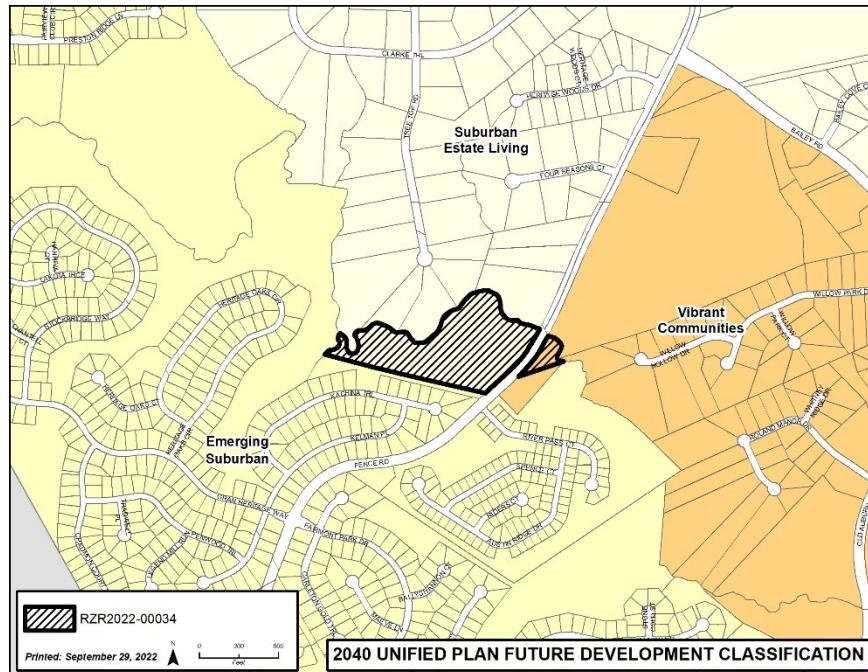
The property has a reasonable economic use as currently zoned.

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 is 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 and Future Development Map indicates that the subject property lies within the Suburban Estate Living Character Area. This designation is intended to convey the County's desire to preserve its historical and agricultural character so that new development is low in intensity, and consists primarily of large residential lots. A single-family detached subdivision zoned R-60 with 7,200 square foot lots would not 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.

Single-family residences on large lots and single-family detached subdivisions surround the site on parcels zoned RA-200 and R-100MOD. The site has remained vacant for an extensive period of time due, in part, to the Apalachee River that runs the length of the northern property line, limiting the developable area. Although the proposed density of 1.96 units per acre is less than the Apalachee Heritage subdivision to the south, the lot sizes are substantially less than those of the surrounding area and there are no parcels currently zoned R-60 nearby. Therefore, the R-60 zoning district would not be an appropriate designation for this site.

Staff Recommendation

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

Staff Recommended Conditions

NOTE: The following conditions are a guide should the Board of Commissioners choose to approve the rezoning request.

Approval as R-60 (Single-Family Residence District) subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received September 13, 2022, and Exhibit C: Building Elevations dated received September 1, 2022, with revisions required by conditions of approval and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. The development shall be limited to single-family detached dwellings and accessory uses and structures, not to exceed 28 lots.
3. The minimum heated floor area shall be 1,800 square feet.
4. All dwellings shall have at least a double-car garage.
5. 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 Fence Road frontage. Landscape and entrance feature plans shall be subject to review and approval by the Department of Planning and Development.
6. A mandatory homeowners association shall be established and shall be responsible for maintenance of all common areas/facilities and street frontage landscaping.
7. Natural vegetation shall remain on the property until the issuance of a development permit.
8. All grassed areas shall be sodded.
9. 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.
10. A 12-foot-wide wide multi-use trail shall be provided, at no cost to the County, within the right-of-way of Fence Road as identified in the Gwinnett County Trails Master Plan.

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 **DENIAL** of the rezoning request.

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
- G. Application and Disclosure of Campaign Contributions

Exhibit A: Site Visit Photos



View of subject site on Fence Road



View of subject site on Fence 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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September 1, 2022

LETTER OF INTENT AND JUSTIFICATION FOR REZONING

**Rezoning Application
Gwinnett County, Georgia**

Applicant:
Casgwyn Construction, LLC

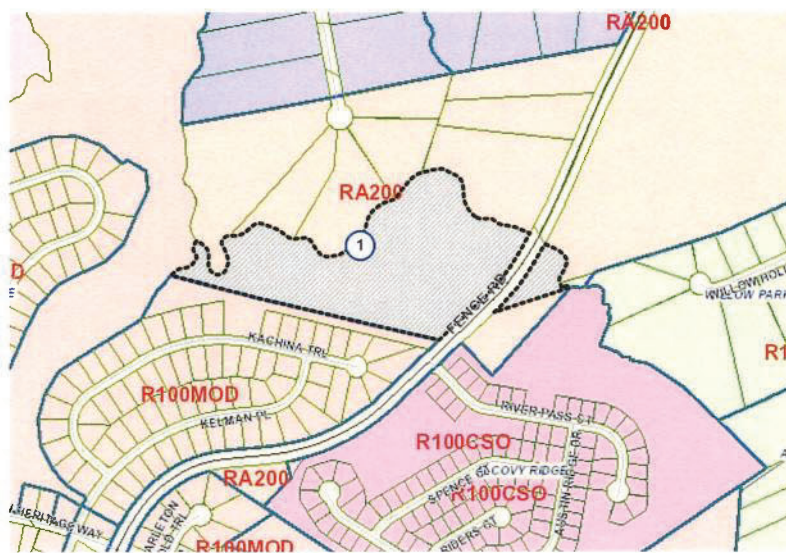
Property:
Tax Parcel ID R5305 001
±14.27 Acres of Land
Located at Fence Road, Dacula, Georgia
From R-100 to R-60

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

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The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Suburban Estate Living,” of the Gwinnett County Future Development Map. The Suburban Estate Living character area is one of the last remaining character area types that would provide large tracts of land for greenfield development. A single-family detached residential community with 28 lots, as proposed by the Applicant, would be appropriate within this Character Area. The proposed development is consistent with the spirit and intent outlined in the 2040 Plan. Below is a map of the surrounding zoning classifications for the Property:



III. PROJECT SUMMARY

As shown on the site plan prepared by Ridgeline Land Planning, Inc., and filed with this Application (the “Site Plan”), the Applicant proposes to develop the Property into a distinctive and attractive residential community. The Applicant is proposing to rezone 14.21 acres from R-200 to R-60 in order to accommodate the development of a single-family residential community with approximately 28 units for a gross density of 1.96 units per acre. As indicated above, the site is surrounded by single-family residential subdivisions and the proposed density and nature of this development is similar to the existing and recently approved adjacent subdivisions. For example, the site immediately across the street is proposed to be zoned R-SR with a density of 2.45 units per acre and the existing development to the south has a density of 2.8 units per acre. The proposed development would provide attractive residences ranging in sizes with a minimum heated floor area of 1,800 square feet for one-story and 2,000 square feet for two-story homes. 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 be of a farmhouse style and 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 Fence Road which would be landscaped and maintained by a Homeowners Association.

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9.1.2022 **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 R-60, 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 Fence Road. The proposed residential development is compatible with existing residential uses and will further diversify housing options in the surrounding area. The site is surrounded by single-family residential subdivisions and residences and the proposed density and nature of this development is similar to the existing and recently approved adjacent subdivisions.

(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. Rather the proposed development would complement existing residential uses. Moreover, adjacent properties are developed with single-family subdivisions.

(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 Fence Road. The proposed development would complement the existing and nearby residential uses. However, any potential impacts would be mitigated with appropriate zoning conditions, site development requirements, and planning.

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(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 residential infill developments similar in scale and architecture to surrounding developments.

(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 additional single-family housing. This particular area of Fence Road has experienced significant growth in recent years, primarily through single-family detached subdivisions. While there has not been a R-60 subdivision zoned nearby, the proposed density of the site is commensurate with subdivisions in the area, including a pending rezoning immediately across the street from this site for R-SR.

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 R-60 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

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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 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 RA-200 to R-60 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 1st day of September, 2022.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Exhibit E: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		10.7.2022	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		RZR2022-00034	
Case Address:		2905 Fence Road	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	Fence Road is a major collector. ADT = 11,261.		
2	6.8 miles to nearest transit facility (#2454819) Collins Hill Road and Collins Industrial Way.		
3	Prior to the issuance of a Development Permit, a sight distance certification shall be provided.		
4	Minimum separation from a driveway, public road, or side street shall be provided as specified in the Gwinnett County Unified Development Ordinance.		
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Recommended Zoning Conditions:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	Per Fence Road being shown as within the GC Trails Master Plan, the developer shall install a minimum 10' concrete trail along the property frontage.		
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Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		November Cases		
Department/Agency Name:		DOCS		
Reviewer Name:		Glenn Boorman		
Reviewer Title:		Division Director – Project Admin – Parks & Recreation		
Reviewer Email Address:		glenn.boorman@gwinnettcountry.com		
Case Number:				
Case Address:		PID 5305 001, Fence Road, Dacula		
Comments:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO
1				
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Recommended Zoning Conditions:		<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
1	Provide at no cost to the County a 12' wide multi-use trail / side path within the right of way along Fence Road within the right of way as identified in the Gwinnett County Trails Master Plan and required by the Unified Development Ordinance.			
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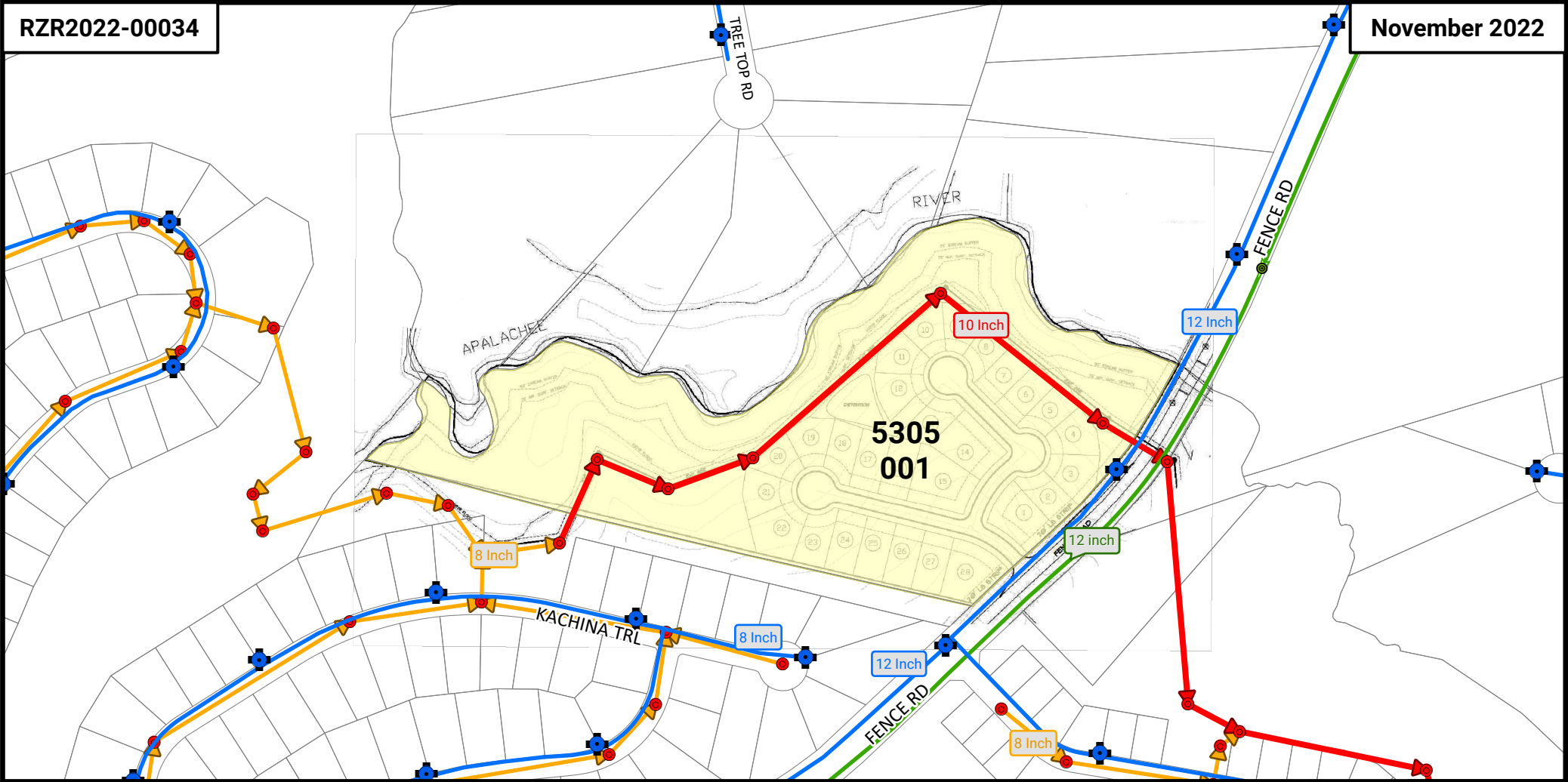
Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County BOC, November, 2022

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



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		November Cases		
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcounty.com		
Case Number:		RZR2022-00034		
Case Address:		2095 Fence Road		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The development may connect to an existing 12-inch water main located on the west right-of-way of Fence Road.			
2	Sewer: A Sewer Capacity Certification is required for this development. Pending available capacity, the proposed development may connect to an existing 10-inch sanitary sewer main located on the subject property. No permanent structures shall be located within the sewer easement, including homes, retaining walls (or their zone of influence), decks, AC units, etc. Stormwater ponds and their berms shall not be placed within the sewer easement, including homes, retaining walls (or their zone of influence), decks, AC units, etc. Stormwater ponds and their berms shall not be placed within the sewer easement.			
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Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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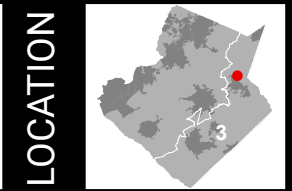
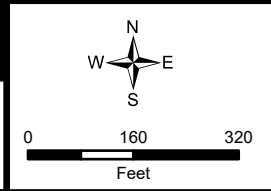


LEGEND

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

2905 Fence Road
RA-200 to R-60

Water & Sewer
Utility Map



Water Comments: The development may connect to an existing 12-inch water main located on the west right-of-way of Fence Road.

Sewer Comments: A Sewer Capacity Certification is required for this development. Pending available capacity, the proposed development may connect to an existing 10-inch sanitary sewer main located on the subject property. No permanent structures shall be located within the sewer easement, including homes, retaining walls (or their zone of influence), decks, AC units, etc. Stormwater ponds and their berms shall not be placed within the sewer easement, including homes, retaining walls (or their zone of influence), decks, AC units, etc. Stormwater ponds and their berms shall not be placed within the sewer easement.

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

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

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

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

Exhibit F: Maps

[attached]



TREE
TOP RD

KACHINA TRL

FENCE RD

RIVER PASS CT

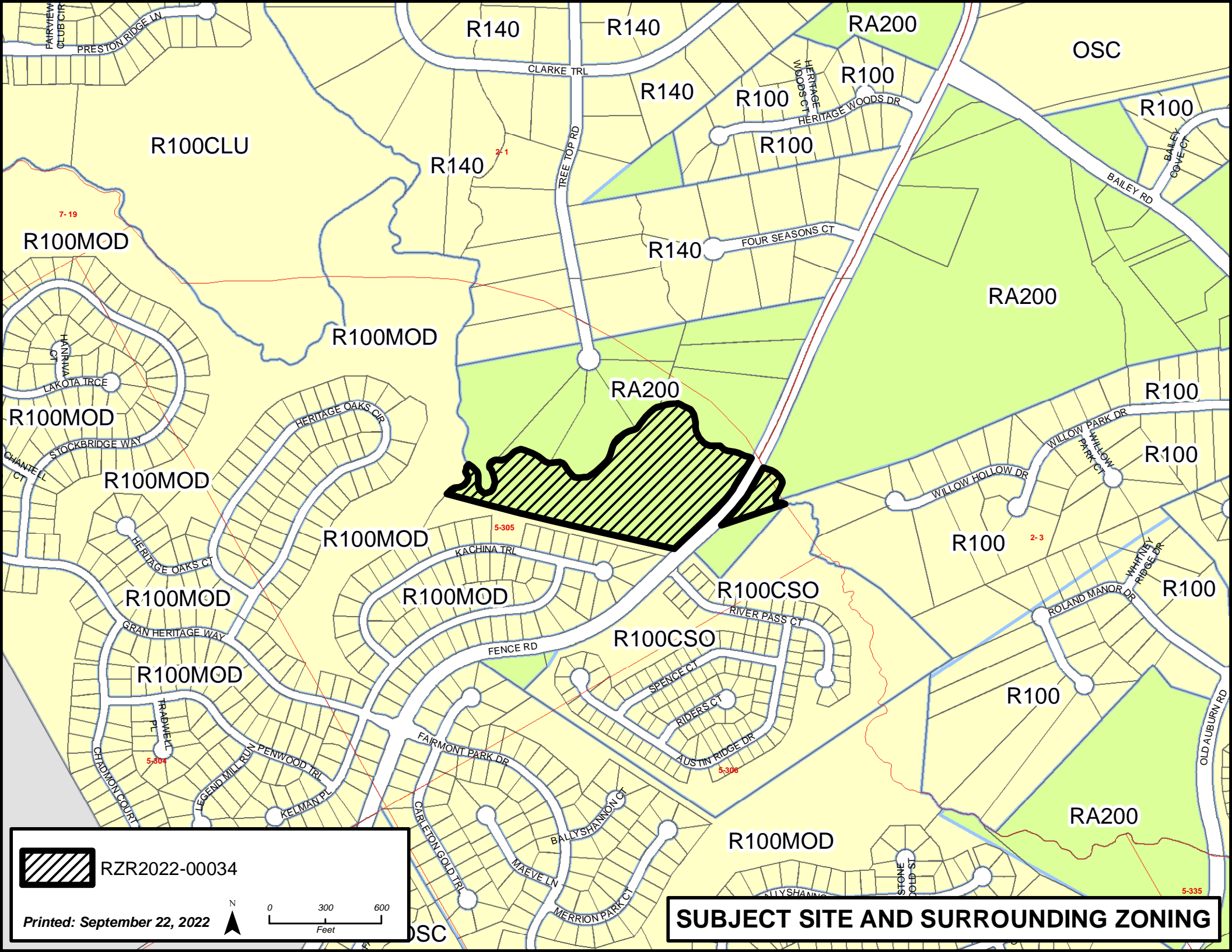


RZR2022-00034

Printed: September 22, 2022

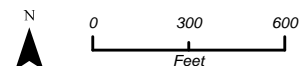


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Feet

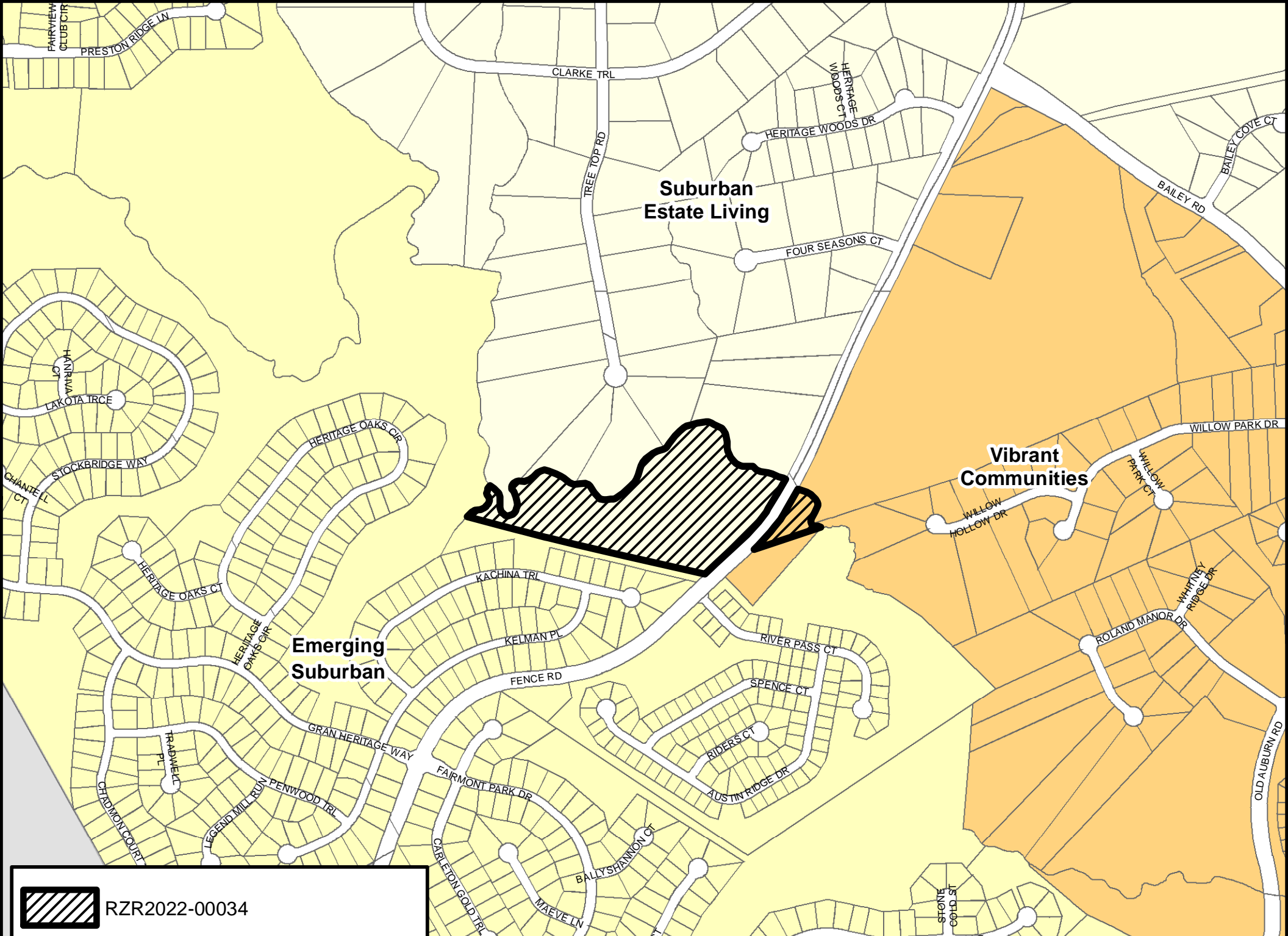


 RZR2022-00034

Printed: September 22, 2022



SUBJECT SITE AND SURROUNDING ZONING



 RZR2022-00034

Exhibit G: Application and Disclosure of Campaign Contributions

[attached]

RECEIVED

9/13/22

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Casgwyn Construction, LLC c/o Andersen Tate & Carr	NAME: Hinton Family LP
ADDRESS: 1960 Satellite Blvd Suite 4000	ADDRESS: 2753 Merritt Drive
CITY: Duluth	CITY: Buford
STATE: GA ZIP: 30097	STATE: GA ZIP: 30518
PHONE: 770-822-0900	PHONE: 770-277-9978 Ext. 101
EMAIL: mglouton@atclawfirm.com	EMAIL: gcantrell@livingstoneproperties.com
CONTACT PERSON: Melody A. Glouton PHONE: 770-822-0900	
CONTACT'S E-MAIL: mglouton@atclawfirm.com	
<p align="center">APPLICANT IS THE:</p> <p> <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER </p>	
PRESENT ZONING DISTRICTS(S): RA200 REQUESTED ZONING DISTRICT: R60	
PARCEL NUMBER(S): R5305 001 ACREAGE: 14.27	
ADDRESS OF PROPERTY: 2905 Fence Road, Dacula, GA	
PROPOSED DEVELOPMENT: single family detached residential	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units 28	No. of Buildings/Lots:
Dwelling Unit Size (Sq. Ft.): 1800 to 2000 sq feet	Total Building Sq. Ft.:
Gross Density: 1.96	Density:
Net Density: 1.96	

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.



Signature of Applicant

8-22

Date

William Gwyn Partner

Type or Print Name and Title



Signature of Notary Public

8-26-22

Date



RECEIVED

9.1.2022

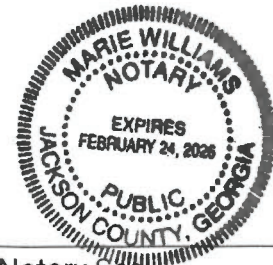
REZONING PROPERTY OWNER'S CERTIFICATION

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.

Joanne Hinton 8/28/22
Signature of Property Owner Date

Joanne Hinton, Managing Partner Hinton Family LLP
Type or Print Name and Title

Marie Williams 8/28/22
Signature of Notary Public Date



Notary Seal

RECEIVED

9.1.2022

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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

[Signature] 8-24 William Gwyn Partner
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

[Signature] 8-26-22
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 _____
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.

RECEIVED

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Melody A. Glouton 8/31/22 Melody A. Glouton, Attorney

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

[Signature] 8/31/22

SIGNATURE OF NOTARY PUBLIC DATE



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☒ YES ☐ NO Anderson Tate & Carr
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	\$1,000	09/30/2020
Kirkland Carden	\$2,800	11/16/2021
Commissioner Ben Ku	\$1,000	3/25/2022
Kirkland Carden	\$500	05/05/2022
Marlene Fosque	\$1,500	06/08/2022

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RECEIVED

9.1.2022

2022 taxes due November 1, 2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

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: 5th - 305 - 001
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

8/30/2022
Date

Melody A. Glouton, Attorney for Applicant
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

Senior Tax Services Associate
TITLE

August 30, 2022
DATE

RECEIVED

9/13/22

REZONING APPLICATION

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

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PHONE: 770-822-0900	PHONE: 770-277-9978 Ext. 101
EMAIL: mglouton@atclawfirm.com	EMAIL: gcantrell@livingstoneproperties.com
CONTACT PERSON: Melody A. Glouton PHONE: 770-822-0900	
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PROPOSED DEVELOPMENT: single family detached residential	

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Dwelling Unit Size (Sq. Ft.): 1800 to 2000 sq feet	Total Building Sq. Ft.:
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Signature of Applicant

8-22

Date

William Gwyn Partner

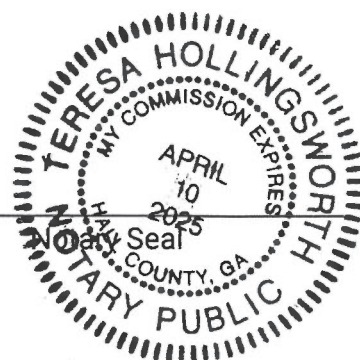
Type or Print Name and Title



Signature of Notary Public

8-26-22

Date



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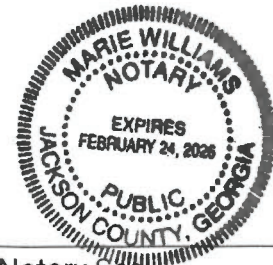
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Joanne Hinton 8/28/22
Signature of Property Owner Date

Joanne Hinton, Managing Partner Hinton Family LLP
Type or Print Name and Title

Marie Williams 8/28/22
Signature of Notary Public Date



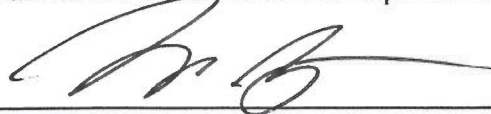
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SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

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SIGNATURE OF NOTARY PUBLIC DATE



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☐ YES ☒ NO _____
YOUR NAME

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Melody A. Glouton 8/31/22 Melody A. Glouton, Attorney

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

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☒ YES ☐ NO Anderson Tate & Carr
YOUR NAME

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(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

8/30/2022
Date

Melody A. Glouton, Attorney for Applicant
Type or Print Name and Title

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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

Senior Tax Services Associate
TITLE

August 30, 2022
DATE

RECEIVED

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EMAIL: mglouton@atclawfirm.com	EMAIL: gcantrell@livingstoneproperties.com
CONTACT PERSON: Melody A. Glouton PHONE: 770-822-0900	
CONTACT'S E-MAIL: mglouton@atclawfirm.com	
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Gross Density: 1.96	Density:
Net Density: 1.96	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

9.1.2022

BK19764 PG0080

EXHIBIT A

TRACT ONE:

All that tract or parcel of land lying and being in Land Lot 303 of the 5th Land District of Gwinnett County, Georgia, and bounded now or formerly as follows: On the north by lands J. B. Freeman; east by lands of R. M. Stanley; south and west by the Jefferson and Monroe Roads, containing 5½ acres, more or less. This being the same land conveyed by J. B. Freeman to W. T. Hinton by deed dated February 21, 1900 and recorded in Deed Book 10, page 116, Gwinnett County Records.

TRACT TWO:

All that tract or parcel of land lying and being in Land Lot 305 of the 5th Land District of Gwinnett County, Georgia, containing 12 acres, more or less, and bounded formerly as follows: North by J. Isaac Hill; East by lands for mill belonging to Dr. S. H. Freeman; south by Dr. S. H. Freeman; west by lands of L. Jack Simmons.

This description is amended by plat of survey by S. R. Fields and Son dated 2/20/86 and recorded in Plat Book 35, page 54, Gwinnett County Records on 3/31/86. Said plat by reference is included in this deed.

TRACT THREE:

All that tract or parcel of land lying and being in Land Lot 303 of the 5th Land District of Gwinnett County, Georgia, and bounded now as follows: On the north by lands of H. B. Freeman and Mrs. J. L. Barnard; on the east by the lands of W. S. (Buck) Warbington; on the south by the lands of S. L. Hinton Estate and Mrs. J. G. Hood; on the west by the lands of J. L. Freeman, H. B. Freeman, and the five acres containing herein as "Parcel One" above. Said tract containing 100 acres, more or less, and lies on the east side of said land lot.

Tracts Two and Three being the same as that described in a deed from R. M. Stanley to William T. Hinton, dated December 1, 1902, and recorded in Deed Book 12, page 129, Gwinnett County Records.

Tracts One, Two and Three being the same property as described in a Deed of Gift from Leonard O. Hinton, Jr. to Joanne J. Hinton dated January 12, 1995 and recorded in Deed Book 11045, pages 316-317 of the Gwinnett County, Georgia, Deed Records.

RECEIVED

9.1.2022

BK19764 PG0081

LESS AND EXCEPT FROM TRACT THREE:

All that tract or parcel of land lying and being in Land Lot 303 of the 5th District of Gwinnett County, Georgia being more particularly described as follows:

BEGINNING at the land lot corner common to Land Lots 303, 304, 305 and 306; from said land lot corner running thence S58°25'30"W, 98.52 feet to a 1" CT found on the western right-of-way of Fence Road (80 foot right-of-way), said point being the TRUE POINT OF BEGINNING; thence continuing along said western right-of-way of Fence Road S19°39'10"W, 203.10 feet; thence S21°34'48"W, 327.48 feet; thence southwesterly along the arc of a curve to the right having a radius of 1922.62 feet and a distance of 408.26 feet, chord bearing S31°24'56"W, 407.49 feet; thence southwesterly along the arc of a curve to the right having a radius of 4802.08 feet and a distance of 365.29 feet, chord bearing S32°35'42"W, 365.21 feet; thence S31°19'04"W, 269.24 feet to a point; thence leaving said right-of-way of Fence Road and continuing N36°59'13"W, 790.51 feet to a rock found; thence N57°12'51"E, 162.26 feet to a rock monument found; thence N58°25'30"E, 1264.18 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 14.226 acres as shown on that certain Survey for The Church Development Committee of the North Georgia Conference, Inc., Chicago Title Insurance Company, and Metropolitan Title Agency, Inc., prepared by Hambrick Surveying, Inc., dated January 8, 1997, and bearing the seal of Wallace Long Hambrick, Georgia Registered Land Surveyor No. 1325.

This being the same property as described in a Deed from Leonard O. Hinton, Jr. and Joanne J. Hinton to The Church Development Committee of the North Georgia Conference, Inc. as recorded in the Gwinnett County, Georgia, Deed Records in January 1997.

ALSO LESS AND EXCEPT FROM TRACT THREE:

All that tract or parcel of land lying and being in Land Lot 303 of the 5th District of Gwinnett County, Georgia being Tract B, containing 2.725 acres, together with a non-exclusive perpetual easement for access, ingress and egress to and from Tract B from Fence Road within that certain 20 foot ingress/egress easement, all as shown on that certain plat of survey for Leonard O. Hinton, Jr. prepared by Larry R. Bollinger, Georgia Registered Land Surveyor No. 2361, dated May 8, 1996, recorded in Plat Book 70, page 188, re-recorded in Plat Book 70, page 232, Gwinnett county, Georgia Records, which plat is incorporated herein by reference for a more particularly description of property and said ingress and egress

RECEIVED

9.1.2022

BK 19764 PG 0082

easement.

This being the same property as described in a Quit Claim Deed dated October 8, 1996 between Michael Cantrell and Teresa Cantrell to Leonard O. Hinton, Jr. and Joanne J. Hinton as recorded in Deed Book 13326, pages 37-38 of the Gwinnett County, Georgia, Deed Records.

This also being the same property as described in a Deed of Gift dated October 8, 1996 between Leonard O. Hinton, Jr. and Joanne J. Hinton to J. Michael Cantrell and Teresa H. Cantrell as recorded in Deed Book 13337, pages 247-248 of the Gwinnett County Deed Records.

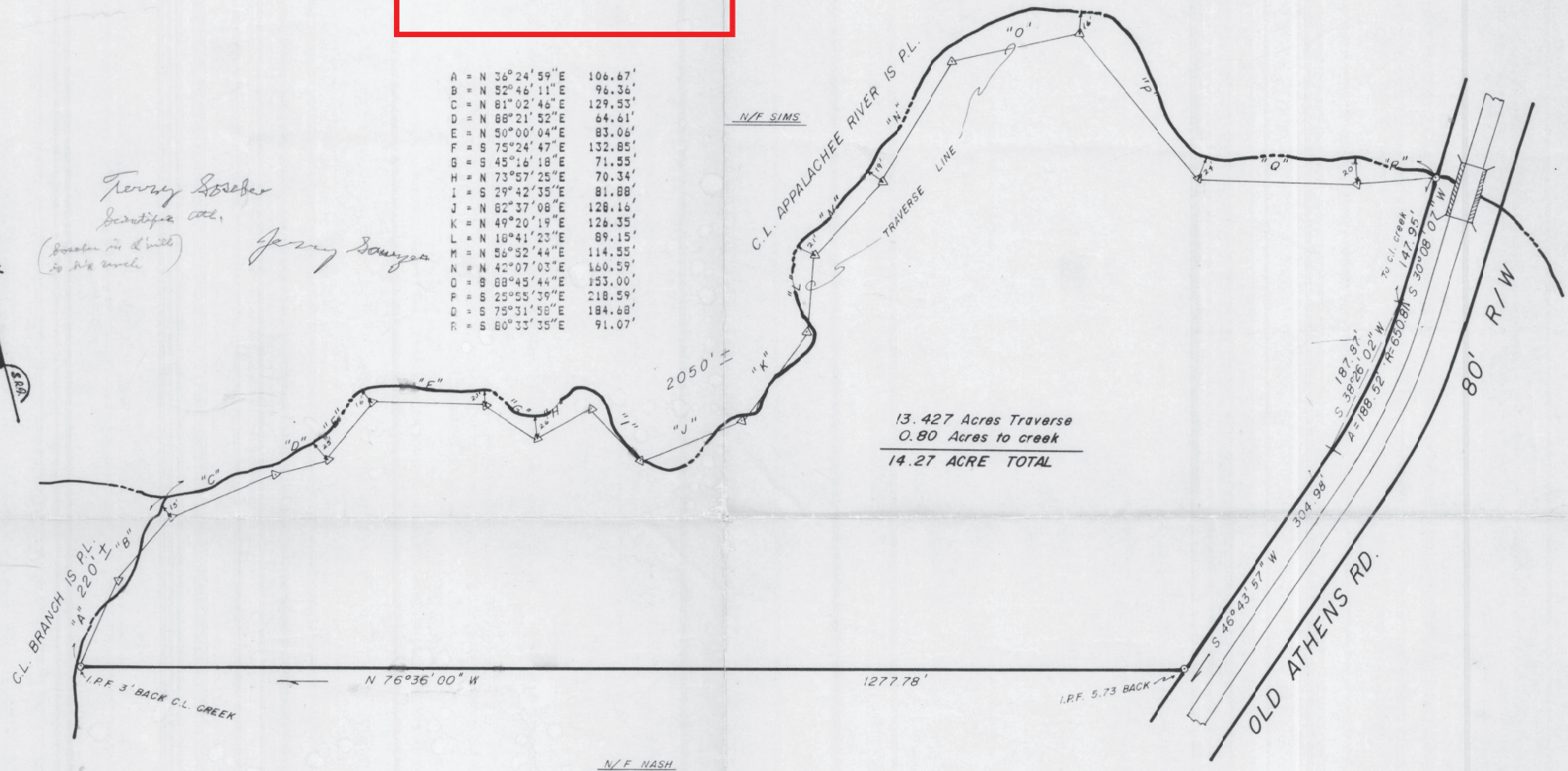
I.P.F. = IRON PIN FOUND
 I.P.S. = IRON PIN SET
 B.L. = BUILDING LINE
 C.L. = CENTER LINE
 P.L. = PROPERTY LINE
 L.L.L. = LAND LOT LINE
 R/W = RIGHT OF WAY
 M.H. = MAN HOLE
 T.H. = TEST HOLE
 W.M. = WATER METER
 D.E. = DRAINAGE EASEMENT
 S.S.E. = SANITARY SEWER EASEMENT
 M.T. = MARKED TREE

ARC. = CURVE ARC LENGTH
 CHD. = CURVE LONG LENGTH
 R. = RADIUS
 P.T. = POINT OF TANGENCY
 P.C. = POINT OF CURVATURE
 C.B. = CATCH BASIN
 C.D. = CROSS DRAIN
 H.W. = HEAD WALL
 T. = TELEPHONE LINE
 W. = WATER LINE
 S.S. = SANITARY SEWER LINE
 P. = POWER LINE

GWINNETT COUNTY
 PLANNING AND DEVELOPMENT

RECEIVED

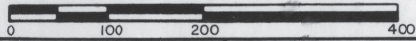
9.1.2022



A	= N 38°24'59"E	108.67'
B	= N 52°46'11"E	96.36'
C	= N 81°02'46"E	129.53'
D	= N 88°21'52"E	64.61'
E	= N 50°00'04"E	83.06'
F	= S 75°24'47"E	132.85'
G	= S 45°16'18"E	71.55'
H	= N 73°57'25"E	70.34'
I	= S 29°42'35"E	81.88'
J	= N 62°37'08"E	128.16'
K	= N 49°20'19"E	126.35'
L	= N 18°41'23"E	89.15'
M	= N 56°52'44"E	114.55'
N	= N 42°07'03"E	160.59'
O	= S 68°45'44"E	153.00'
P	= S 25°55'39"E	218.59'
Q	= S 75°31'58"E	184.68'
R	= S 60°33'35"E	91.07'

13.427 Acres Traverse
 0.80 Acres to creek
 14.27 ACRE TOTAL

GRAPHIC SCALE



IN MY OPINION, THIS PLAT IS A
 CORRECT REPRESENTATION OF
 THE LAND PLATTED AND HAS
 BEEN PREPARED IN CONFORMITY
 WITH THE MINIMUM STANDARDS
 AND REQUIREMENTS OF LAW.

S.R. Fields
 GA. R.L.S. NO 739



S.R. FIELDS & SON
 LAND SURVEYING & PLANNING
 P.O. BOX 165
 485 PERRY STREET
 LAWRENCEVILLE, GA. 30246
 404 / 963-4801

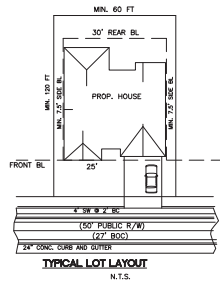


SURVEY FOR:

LEONARD HINTON, JR.

REVISIONS

LAND LOT 305
 DISTRICT 5
 GWINNETT COUNTY, GEORGIA
 ACRES: 14.27
 SCALE: 1" = 100'
 DATE: 2/20/86



GWINNETT COUNTY
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SUMMARY

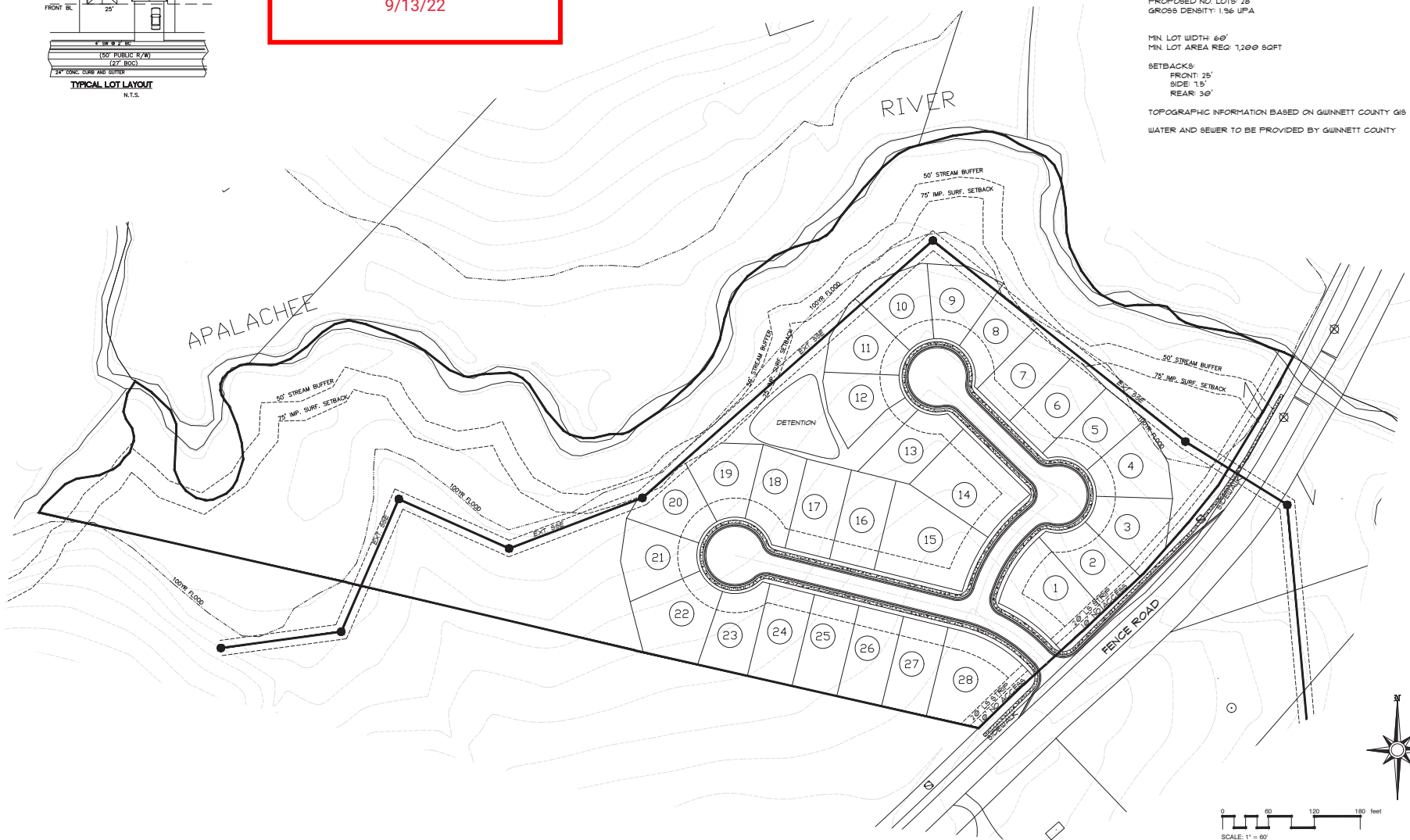
PARCEL 5305 001
CURRENT ZONING: RA-200
PROPOSED ZONING: R60
AREA: 14.21 ACRES

PROPOSED NO. LOTS: 28
GROSS DENSITY: 1.96 UFA

MIN. LOT WIDTH: 60'
MIN. LOT AREA REQ: 1,200 SQFT

SETBACKS:
FRONT: 25'
SIDE: 15'
REAR: 30'

TOPOGRAPHIC INFORMATION BASED ON GWINNETT COUNTY GIS
WATER AND SEWER TO BE PROVIDED BY GWINNETT COUNTY



HINTON TRACT
2905 FENCE ROAD

RIDGELINE
LAND PLANNING, INC.
1833 BROADWAY SUITE 1000 ATLANTA, GA 30333
404.525.8888

ZONING
PLAN

SHEET TITLE

DATE	REVIEWER	COMMENTS
9/13/22	DATE	DATE

DATE
9/13/2022
JOB NUMBER

Z-1

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ANDERSEN | TATE | CARR

September 1, 2022

LETTER OF INTENT AND JUSTIFICATION FOR REZONING

**Rezoning Application
Gwinnett County, Georgia**

Applicant:
Casgwyn Construction, LLC

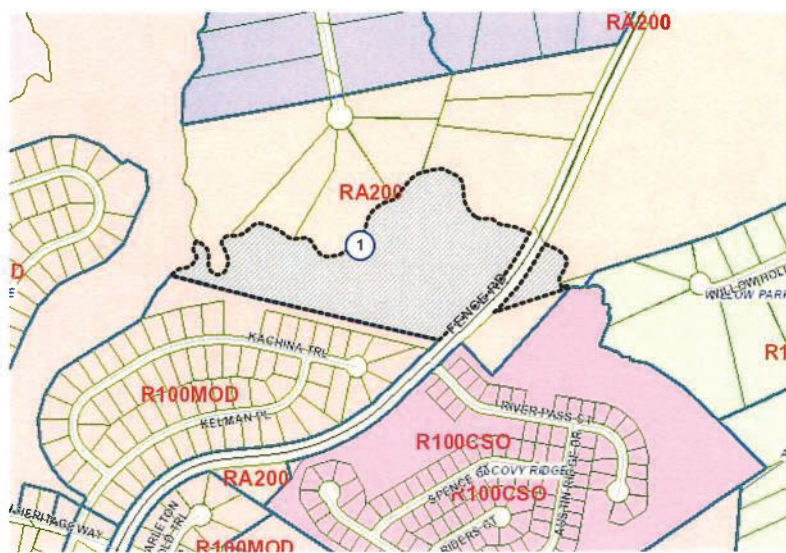
Property:
Tax Parcel ID R5305 001
±14.27 Acres of Land
Located at Fence Road, Dacula, Georgia
From R-100 to R-60

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

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The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Suburban Estate Living,” of the Gwinnett County Future Development Map. The Suburban Estate Living character area is one of the last remaining character area types that would provide large tracts of land for greenfield development. A single-family detached residential community with 28 lots, as proposed by the Applicant, would be appropriate within this Character Area. The proposed development is consistent with the spirit and intent outlined in the 2040 Plan. Below is a map of the surrounding zoning classifications for the Property:



III. PROJECT SUMMARY

As shown on the site plan prepared by Ridgeline Land Planning, Inc., and filed with this Application (the “Site Plan”), the Applicant proposes to develop the Property into a distinctive and attractive residential community. The Applicant is proposing to rezone 14.21 acres from R-200 to R-60 in order to accommodate the development of a single-family residential community with approximately 28 units for a gross density of 1.96 units per acre. As indicated above, the site is surrounded by single-family residential subdivisions and the proposed density and nature of this development is similar to the existing and recently approved adjacent subdivisions. For example, the site immediately across the street is proposed to be zoned R-SR with a density of 2.45 units per acre and the existing development to the south has a density of 2.8 units per acre. The proposed development would provide attractive residences ranging in sizes with a minimum heated floor area of 1,800 square feet for one-story and 2,000 square feet for two-story homes. 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 be of a farmhouse style and 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 Fence Road which would be landscaped and maintained by a Homeowners Association.

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9.1.2022 **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 R-60, 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 Fence Road. The proposed residential development is compatible with existing residential uses and will further diversify housing options in the surrounding area. The site is surrounded by single-family residential subdivisions and residences and the proposed density and nature of this development is similar to the existing and recently approved adjacent subdivisions.

(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. Rather the proposed development would complement existing residential uses. Moreover, adjacent properties are developed with single-family subdivisions.

(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 Fence Road. The proposed development would complement the existing and nearby residential uses. However, any potential impacts would be mitigated with appropriate zoning conditions, site development requirements, and planning.

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(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 residential infill developments similar in scale and architecture to surrounding developments.

(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 additional single-family housing. This particular area of Fence Road has experienced significant growth in recent years, primarily through single-family detached subdivisions. While there has not been a R-60 subdivision zoned nearby, the proposed density of the site is commensurate with subdivisions in the area, including a pending rezoning immediately across the street from this site for R-SR.

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 R-60 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

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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 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 RA-200 to R-60 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 1st day of September, 2022.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

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REZONING APPLICANT'S CERTIFICATION

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



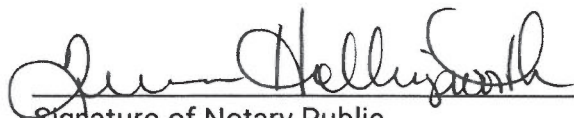
Signature of Applicant

8-22

Date

William Gwyn Partner

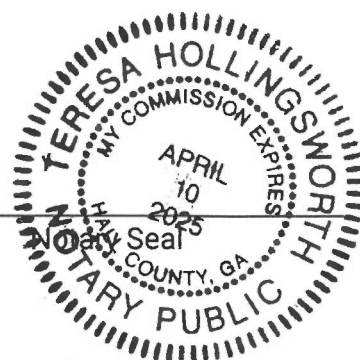
Type or Print Name and Title



Signature of Notary Public

8-26-22

Date



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REZONING PROPERTY OWNER'S CERTIFICATION

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

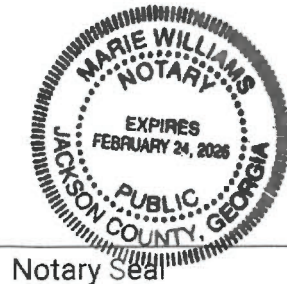
Joanne Hinton
Signature of Property Owner

8/28/22
Date

Joanne Hinton, Managing Partner Hinton Family LLP
Type or Print Name and Title

Marie Williams
Signature of Notary Public

8/28/22
Date



Notary Seal

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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] 8-24 William Gwyn Partner
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

[Signature] 8-26-22
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 _____
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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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Melody A. Glouton 8/31/22 Melody A. Glouton, Attorney

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

[Signature] 8/31/22

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 Anderson Tate & Carr
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	\$1,000	09/30/2020
Kirkland Carden	\$2,800	11/16/2021
Commissioner Ben Ku	\$1,000	3/25/2022
Kirkland Carden	\$500	05/05/2022
Marlene Fosque	\$1,500	06/08/2022

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

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2022 taxes due November 1, 2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

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: 5th - 305 - 001
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

8/30/2022
Date

Melody A. Glouton, Attorney for Applicant
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

Senior Tax Services Associate
TITLE

August 30, 2022
DATE

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