

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>RH Associates, LLC</u> <u>c/o Mill Creek Consulting</u>	NAME: <u>Estate of Joyce Ogletree</u>
ADDRESS: <u>4480 Commerce Dr., Suite A</u>	ADDRESS: <u>5705 Buck Hollow Drive</u>
CITY: <u>Buford</u>	CITY: <u>Alpharetta</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>GA</u> ZIP: <u>30005</u>
PHONE: <u>770-614-6511</u>	PHONE: _____
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u>	
CONTACT PERSON EMAIL: <u>millcreekconsulting@gmail.com</u>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:	
____ OWNERS AGENT	____ PROPERTY OWNER
_____ <input checked="" type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT (S): <u>R-75 & O & I</u> REQUESTED ZONING DISTRICT: <u>RM-13</u>	
LAND DISTRICT (S): <u>6</u>	LAND LOT (S): <u>128</u> ACREAGE: <u>29.559</u>
ADDRESS OF PROPERTY: <u>Bethesda Church Road and Ronald Reagan Parkway</u>	
PROPOSED DEVELOPMENT: <u>Multi-Family Residential Housing Development</u>	
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>379</u>	NO. OF BUILDINGS/UNITS: _____
DWELLING UNIT SIZE (SQ. FT.): <u>750 to 1,250</u>	TOTAL GROSS SQUARE FEET: _____
GROSS DENSITY: <u>12.82</u>	DENSITY: _____
NET DENSITY: <u>12.93</u>	

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RM '13 001

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LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot(s) 128 of the 6th District, Gwinnett County, Georgia and being more particularly described as follows:

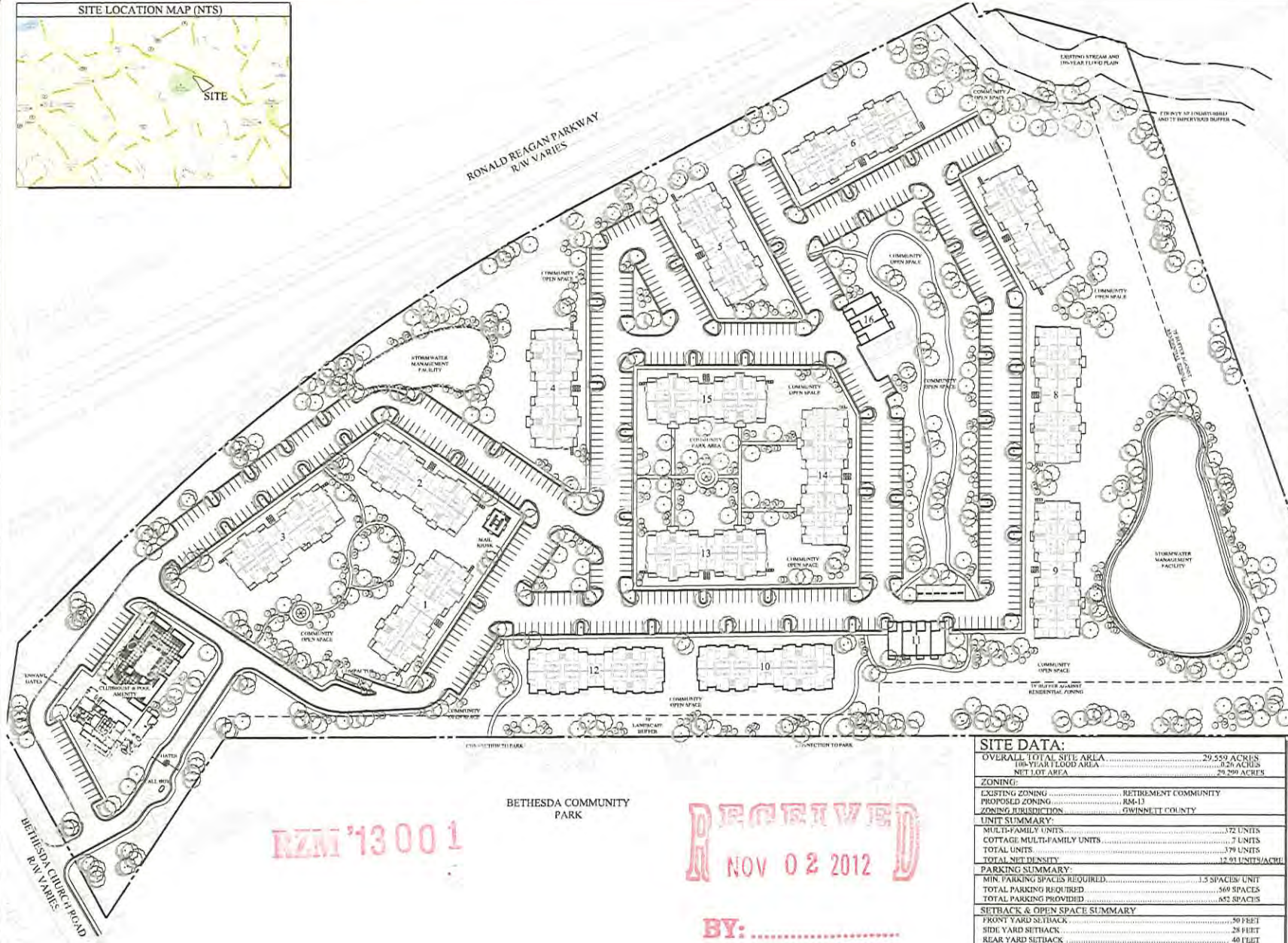
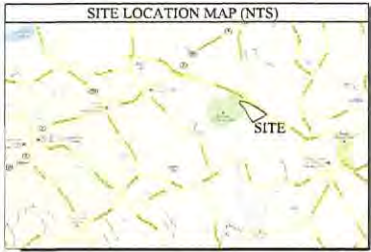
Beginning at a concrete monument found at the northeasterly end of a mitered intersection of the southeasterly right-of-way line of Bethesda Church Road (Variable R/W) and the southwesterly right-of-way line of Ronald Reagan Parkway (Variable R/W), said point being the POINT OF BEGINNING; thence along the southwesterly right-of-way line of Ronald Reagan Parkway the following courses and distances: thence South 75 degrees 07 minutes 08 seconds East a distance of 170.42 feet to a concrete monument found; thence 866.55 feet along an arc of a curve to the right, said curve having a radius of 2,834.79 feet and a chord bearing and distance of South 66 degrees 21 minutes 42 seconds East 863.18 feet to a concrete monument found; thence South 58 degrees 12 minutes 47 seconds East a distance of 328.33 feet to a point; thence South 56 degrees 36 minutes 24 seconds East a distance of 255.84 feet to a concrete monument found; thence leaving said right-of-way line South 35 degrees 28 minutes 24 seconds West a distance of 25.00 feet to a point; thence South 54 degrees 25 minutes 10 seconds East a distance of 26.15 feet more or less to a point on the centerline of Fork Creek; thence along the centerline of said creek and the meanderings thereof, 210 feet more or less and along the traverse line South 15 degrees 08 minutes 43 seconds East a distance of 187.93 feet to a point; thence leaving said creek, South 40 degrees 51 minutes 20 seconds West a distance of 875.14 feet to a point; thence South 45 degrees 18 minutes 40 seconds West a distance of 154.15 feet to a point on the Land Lot Line common to Land Lots 127 & 128; thence along said Land Lot Line the following courses and distances: North 30 degrees 01 minutes 49 seconds West a distance of 670.11 feet to an iron pin found; thence North 30 degrees 06 minutes 12 seconds West a distance of 913.80 feet to a point; thence leaving said Land Lot Line North 86 degrees 30 minutes 57 seconds West a distance of 304.27 feet to a point on the southeasterly right-of-way line of Bethesda Church Road; thence along said right-of-way line the following courses and distances: North 31 degrees 47 minutes 25 seconds East a distance of 300.17 feet to a concrete monument found; thence North 68 degrees 20 minutes 09 seconds East a distance of 126.24 feet to a concrete monument found and the TRUE POINT OF BEGINNING.

Said tract containing 29.559 acres more or less.

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SITE DATA:

OVERALL TOTAL SITE AREA	29,559 ACRES
100-YEAR FLOOD AREA	0.26 ACRES
NET LOT AREA	29,299 ACRES
ZONING:	RETIREMENT COMMUNITY
EXISTING ZONING	RM-13
PROPOSED ZONING	RM-13
ZONING JURISDICTION	GWINNETT COUNTY
UNIT SUMMARY:	
MULTI-FAMILY UNITS	372 UNITS
COTTAGE MULTI-FAMILY UNITS	7 UNITS
TOTAL UNITS	379 UNITS
TOTAL NET DENSITY	12.91 UNITS/ACR
PARKING SUMMARY:	
MIN PARKING SPACES REQUIRED	1.5 SPACES/UNIT
TOTAL PARKING REQUIRED	569 SPACES
TOTAL PARKING PROVIDED	552 SPACES
SETBACK & OPEN SPACE SUMMARY	
FRONT YARD SETBACK	50 FEET
SIDE YARD SETBACK	28 FEET
REAR YARD SETBACK	40 FEET
TOTAL OPEN SPACE	14.19 ac. (48%)

The Preserve at Bethesda Park
A Master Planned Multi-Family Community
RH ASSOCIATES, LLC

PLANNERS AND ENGINEERS COLLABORATIVE
THE PROVIDE SOLUTIONS™
SITE PLANNING LANDSCAPE ARCHITECTURE CIVIL ENGINEERING LAND SURVEYING
325 REAGAN COURT FARGO, GEORGIA 30134-0706 TEL: 770-241-2414 FAX: 770-241-3184 WWW.PEACOL.COM

REVISIONS:

NO.	DATE	BY	DESCRIPTION

REZONING SITE PLAN

SCALE: 1" = 60'
DATE: OCTOBER 18, 2012
PROJECT: 11102.00A

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.



STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY, OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

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

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

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

(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 USE OF THE SURROUNDING PROPERTIES.

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

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE.

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

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

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

THE SUBJECT PROPERTY IS DESIGNATED AS EXISTING/EMERGING SUBURBAN.

(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 LETTER OF INTENT.

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

.....
PLANNING DIVISION USE ONLY

CASE NUMBER _____

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant, RH Associates, LLC, requests a rezoning for 29.559 acres from O & I and R-75 to RM-13 for the purpose of developing a multi family residential community. The subject property is located on Bethesda Church Road at the intersection with Ronald Reagan Parkway and is found in the 6th district, land lot 128 in Gwinnett County.

The property is currently zoned for a retirement community with the total number of units not to exceed 475. These units are approved to be in buildings up to 4 stories high with single family homes abutting the Bethesda Cove subdivision. The applicant proposes to construct 379 units with a mixture of 1, 2 and 3 bedrooms that will range in size from 750 square feet of heated space for a single bedroom unit to 1,250 square feet of heated space for a 3 bedroom unit. The existing zoning with its central dining facility will require a frequent tractor trailer truck delivery to keep the facility stocked with food and supplies. The delivery will be required to use Bethesda Church Road due to the restrictions on trucks for Ronald Reagan Parkway. The proposed development will not have a central dining facility and other than the occasional moving truck, that most likely will be smaller than a tractor trailer, we will not impact Bethesda Church Road with any heavy truck traffic. The applicant is also proposing to provide a 30 foot landscaped buffer adjacent to the park as well as a full 75 foot buffer adjacent to the Bethesda Cove subdivision. The proposed community will have a clubhouse with a work out facility and pool as well as large areas of open space with walking trails and outdoor grilling areas. The applicant also is proposing to have direct walking access to the adjacent Bethesda Park if that can be agreed to with the Gwinnett Parks Department.


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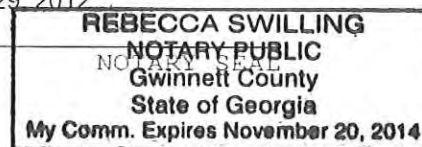
REZONING APPLICANT'S CERTIFICATION

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.

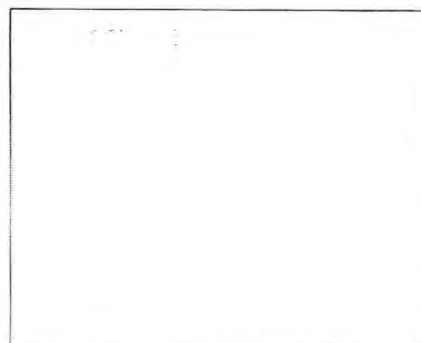
X  October 29, 2012
SIGNATURE OF APPLICANT DATE

Jack R. Brewster, Secretary
TYPE OR PRINT NAME AND TITLE

 October 29, 2012
SIGNATURE OF NOTARY PUBLIC DATE



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REZONING PROPERTY OWNER'S CERTIFICATION

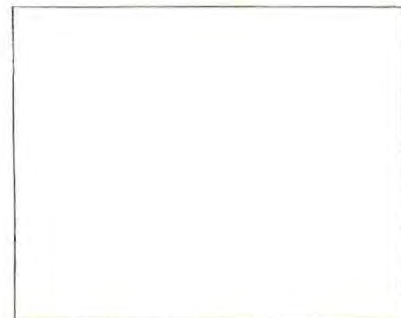
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN HIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE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

X Mary J. Thompson, Executor Joyce Ogletree Estate 10-29-12
SIGNATURE OF OWNER DATE

Mary J. Thompson, Executor Joyce Ogletree Estate
TYPED OR PRINT NAME AND TITLE

R. R. Rallo 10-29-12
SIGNATURE OF NOTARY PUBLIC DATE NOTARY SEAL

CASE NUMBER _____



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CLERK PROBATE COURT
GWINNETT COUNTY, GA
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mt
.CLERK

STATE OF GEORGIA

COUNTY OF GWINNET

ESTATE NO. 11-E-000361

LETTERS TESTAMENTARY
(Relieved of Filing Returns)

By WALTER J. CLARKE, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the 6th day of April, 2011, at a regular term of the Probate Court, the Last Will and Testament dated JANUARY 14, 2009, of MARTHA JOYCE B. OGLETREE deceased, at the time of his or her death a resident of said County, was legally proven in SOLEMN form and was admitted to record by order, and it was further ordered that MARY THOMPSON named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

NOW, THEREFORE, the said MARY THOMPSON, having taken the oath of office and complied with all the necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all the powers of Executor(s) under the Will of said deceased, according to the Will and the law.

Given under my hand and official seal, the 6th day of April, 2011.

Marilyn D. Dull
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Chief Clerk, acting pursuant to the authority of the Code of Georgia Annotated 15-9-36(c)

Issued by:

Mary J. Holmes
PROBATE CLERK/DEPUTY CLERK

STATE OF GEORGIA
GWINNETT COUNTY
I, THE UNDERSIGNED, Clerk of the Probate Court of Gwinnett County, Georgia, DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on the record and filed in the office of the Probate Court of Gwinnett County, Georgia, and that the same is in full force and effect. Witness my hand and Seal of the Probate Court of Gwinnett County, Georgia this 7th day of April, 2011.
Mary J. Holmes
Clerk, Probate Court of Gwinnett County

Effective 8/10

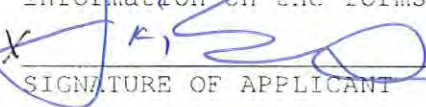
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GPCSF 5 Court

BY:

CONFLICT 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.

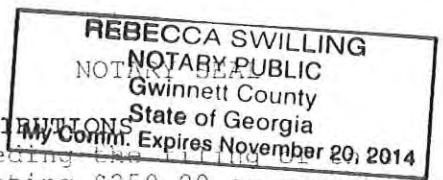
X  10/29/2012
 SIGNATURE OF APPLICANT DATE

Jack R. Brewster, Secretary
 TYPE OR PRINT NAME AND TITLE

 SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE

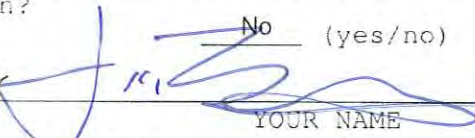
 TYPE OR PRINT NAME AND TITLE

Rebecca Swilling 10/29/12
 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?

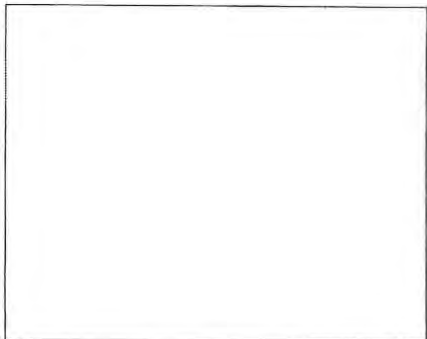
X  No (yes/no)
 YOUR NAME

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.

CASE NUMBER _____



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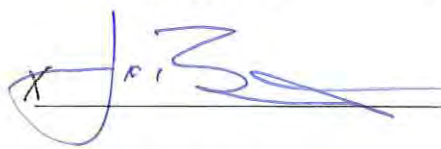
BY: _____

VERIFICATION OF CURRENT AND 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: 6 - 127 - 063
(Map Reference Number) District Land Lot Parcel

SIGNATURE OF APPLICANT X  DATE 10/29/12

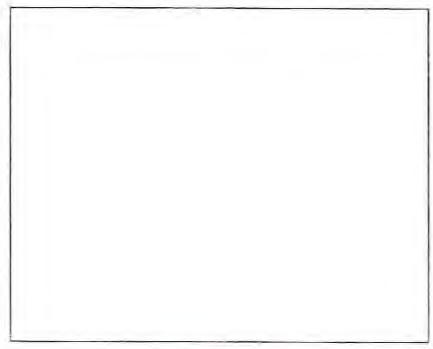
TYPE OR PRINT NAME AND TITLE Jack R. Brewster, Secretary

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)

NAME Nick Cole TITLE TSA II
DATE 11/1/2012

CASE NUMBER _____



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BY:

VERIFICATION OF CURRENT AND PROPERTY TAXES FOR REZONING

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

PARCEL I.D. NUMBER: 6 - 128 - 267
(Map Reference Number) District Land Lot Parcel

SIGNATURE OF APPLICANT X Jack R. Brewster DATE 10/29/12

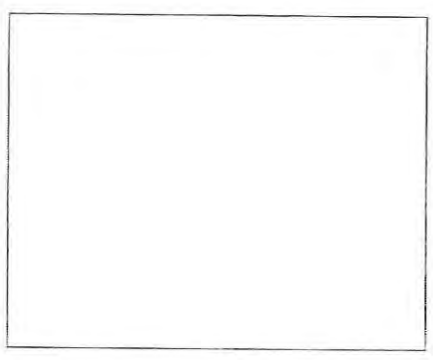
TYPE OR PRINT NAME AND TITLE Jack R. Brewster, Secretary

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NAME Nick Cole TITLE TSA II
DATE 11/1/2012

CASE NUMBER _____



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