

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>D & C Management Group LLC</u> <u>clo Mill Creek Consulting</u>	NAME: <u>D & C Management Group LLC</u>
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>Same</u>
CITY: <u>Buford</u>	CITY: _____
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: _____ ZIP: _____
PHONE: <u>770-614-6511</u>	PHONE: _____
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u>	
EMAIL ADDRESS: <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	<input checked="" type="checkbox"/> PROPERTY OWNER
____ CONTRACT PURCHASER	
PRESENT ZONING DISTRICT (S): <u>C-2</u>	REQUESTED ZONING DISTRICT: <u>R-TH</u> <u>wBuffer Reduction</u>
LAND DISTRICT (S): <u>6</u>	LAND LOT: <u>150</u> ACREAGE: <u>3.71</u>
ADDRESS OF PROPERTY: <u>554 Beaver Ruin Road</u>	
PROPOSED DEVELOPMENT: <u>Townhome Subdivision</u>	
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>29</u>	NO. OF BUILDINGS/UNITS: _____
DWELLING UNIT SIZE (SQ. FT.): <u>1,700</u>	TOTAL GROSS SQUARE FEET: _____
GROSS DENSITY: <u>7.82</u>	DENSITY: _____
NET DENSITY: <u>7.82</u>	

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PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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RZM 13 006

**LEGAL DESCRIPTION OF
BEAVER RUIN ROAD COMMERCIAL TRACT**

All that tract or parcel of land lying and being in Land Lots 149 and 150 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TRACT I:

COMENCING at a point on the Land Lot Line intersection of Land Lots 157, 150, 158 and 149; said point also being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING**; South 29 degrees 27 minutes 03 seconds East a distance of 30.87 feet to a point; **THENCE** South 29 degrees 36 minutes 39 seconds East a distance of 81.58 feet to a point; **THENCE** along a curve to the left with a radius of 210.00 feet and an arc length of 57.73 feet, said curve having a chord bearing of South 35 degrees 21 minutes 43 seconds West and a chord distance of 57.54 feet to a point; **THENCE** South 27 degrees 29 minutes 13 seconds West a distance of 11.33 feet to a point; **THENCE** South 41 degrees 41 minutes 56 seconds West a distance of 51.29 feet to a point; **THENCE** along a curve to the right with a radius of 502.50 feet and an arc length of 81.43 feet, said curve having a chord bearing of South 33 degrees 13 minutes 52 seconds West and a chord distance of 81.34 feet to a point; **THENCE** North 52 degrees 07 minutes 34 seconds West a distance of 37.50 feet to a point; **THENCE** South 37 degrees 52 minutes 26 seconds West a distance of 45.53 feet to a point; **THENCE** North 52 degrees 07 minutes 34 seconds West a distance of 58.15 feet to a point; **THENCE** North 37 degrees 52 minutes 26 seconds East a distance of 10.00 feet to a point; **THENCE** North 52 degrees 07 minutes 34 seconds West a distance of 20.00 feet to a point; **THENCE** South 37 degrees 52 minutes 26 seconds West a distance of 10.00 feet to a point; **THENCE** North 52 degrees 07 minutes 34 seconds West a distance of 118.93 feet to a point; **THENCE** North 60 degrees 53 minutes 15 seconds East a distance of 276.63 feet to a point; **THENCE** North 60 degrees 53 minutes 15 seconds East a distance of 37.97 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Containing an area of 44,711 square feet or 1.03 acres.

TRACT II

COMENCING at a point on the Land Lot Line intersection of Land Lots 157, 150, 158 and 149; **THENCE** South 29 degrees 27 minutes 03 seconds East a distance of 30.87 feet to a point; **THENCE** South 29 degrees 36 minutes 39 seconds East a distance of 81.58 feet to a point; **THENCE** South 29 degrees 34 minutes 01 seconds East a distance of 64.06 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

THENCE from said **TRUE POINT OF BEGINNING** South 29 degrees 34 minutes 01 seconds East a distance of 56.94 feet to a point; **THENCE** South 52 degrees 07 minutes 34 seconds East a distance of 364.71 feet to a point; **THENCE** South 37 degrees 52 minutes 26 seconds West a distance of 33.27 feet to a point; **THENCE** South 16 degrees

34 minutes 44 seconds East a distance of 200.57 feet to a point; THENCE South 89 degrees 34 minutes 26 seconds East a distance of 76.68 feet to a point; THENCE South 31 degrees 16 minutes 27 seconds West a distance of 60.58 feet to a point; THENCE South 19 degrees 04 minutes 26 seconds West a distance of 55.40 feet to a point; THENCE South 24 degrees 41 minutes 12 seconds East a distance of 152.78 feet to a point; THENCE along a curve to the left with a radius of 2947.70 feet and an arc length of 714.94 feet, said curve having a chord bearing of North 45 degrees 10 minutes 40 seconds West and a chord distance of 713.19 feet to a point; THENCE North 52 degrees 07 minutes 34 seconds West a distance of 52.74 feet to a point; THENCE North 07 degrees 07 minutes 34 seconds West a distance of 28.28 feet to a point; THENCE North 37 degrees 52 minutes 26 seconds East a distance of 25.53 feet to a point; THENCE along a curve to the left with a radius of 575.00 feet and an arc length of 104.24 feet, said curve having a chord bearing of North 32 degrees 40 minutes 49 seconds East and a chord distance of 104.10 feet to a point; THENCE North 27 degrees 29 minutes 13 seconds East a distance of 51.39 feet to a point; THENCE along a curve to the right with a radius of 150.00 feet and an arc length of 22.24 feet, said curve having a chord bearing of North 31 degrees 44 minutes 05 seconds East and a chord distance of 22.22 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Containing an area of 116,767 square feet or 2.68 acres.

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant and Owner, D & C Management Group, LLC, requests a rezoning for 2 tracts of land on Beaver Ruin Road from C-2 to R-TH for the purpose of developing a townhome residential community. The proposed R-TH property is 3.71 acres total on 2 tracts of land. The properties are adjacent to each other and are split by Jody Lane which is the entrance to the Kingston Subdivision.

This property was zoned commercial in 2005 along with the Kingston subdivision which was zoned R-ZT. There were several restrictions placed on the commercial property that has made it impossible for the owners to sell or to develop and they have tried twice to change the conditions without success. This proposal is to rezone the property for a townhome residential development with the minimum heated area of the units being 1,700 square feet with all units having an attached garage. All outside areas of the development will be controlled by the HOA so that all of the landscaping and upkeep to the homes is done at the same time and not to the whim of the individual owners. Bottom line is that the neighbors are opposed to any attempt to increase the intensity of the commercial uses but the market has spoken that restricted commercial at this location has no value. Therefore, as a compromise, the applicant respectfully requests that the property be approved for a townhome development.

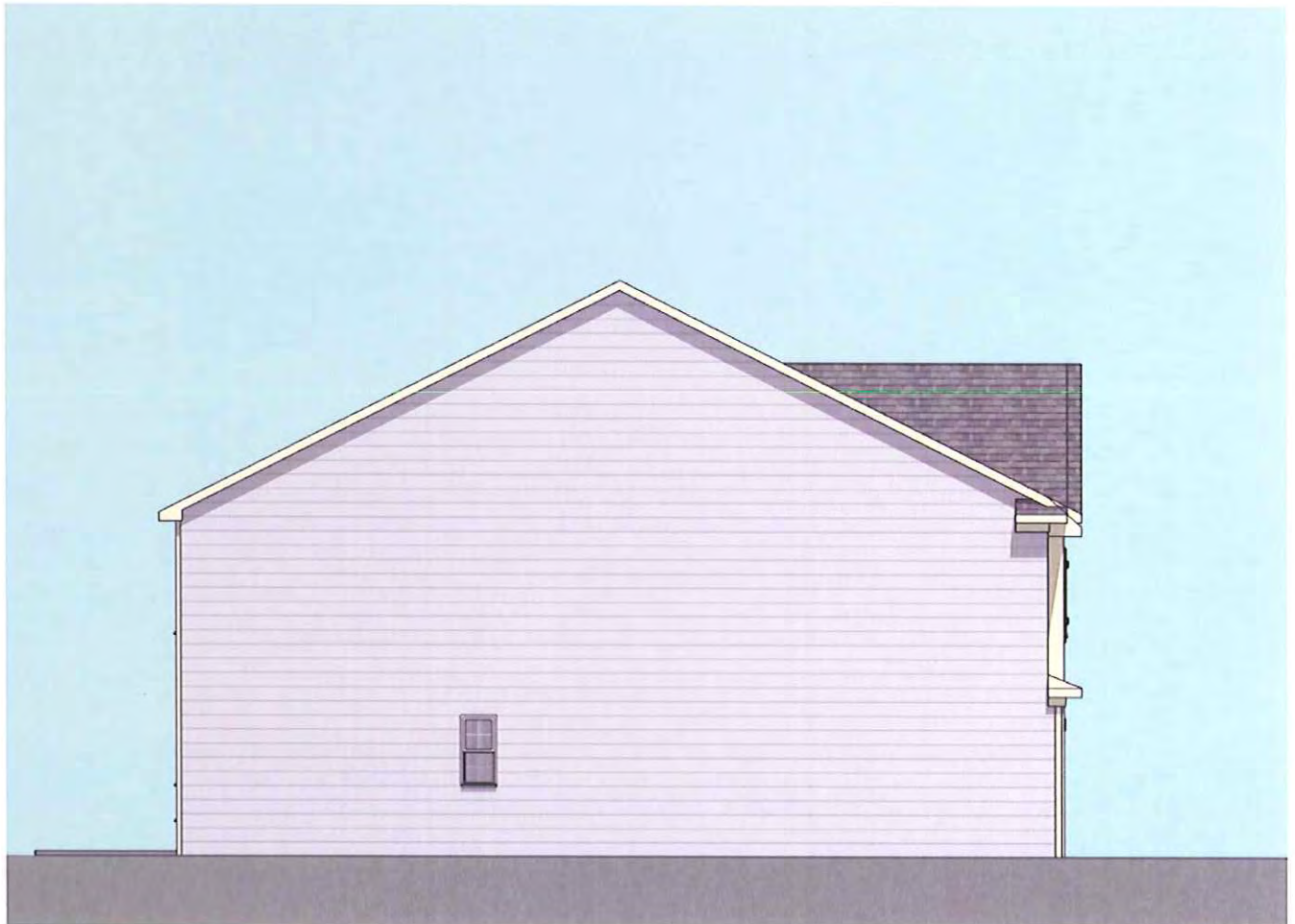
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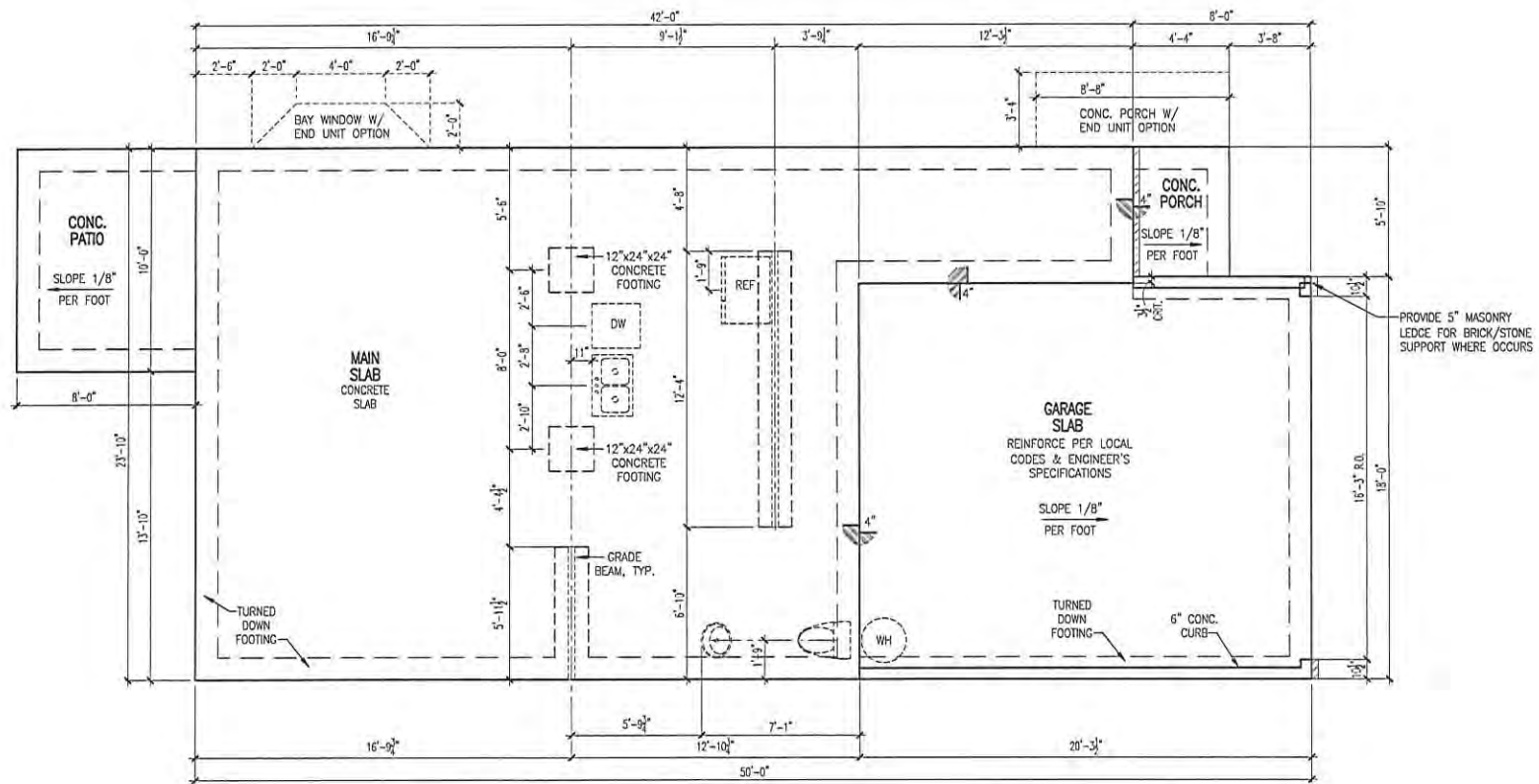
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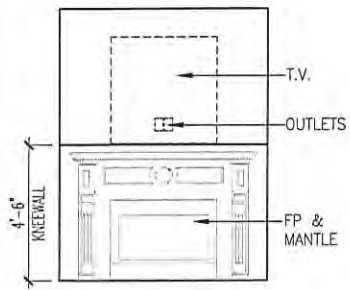
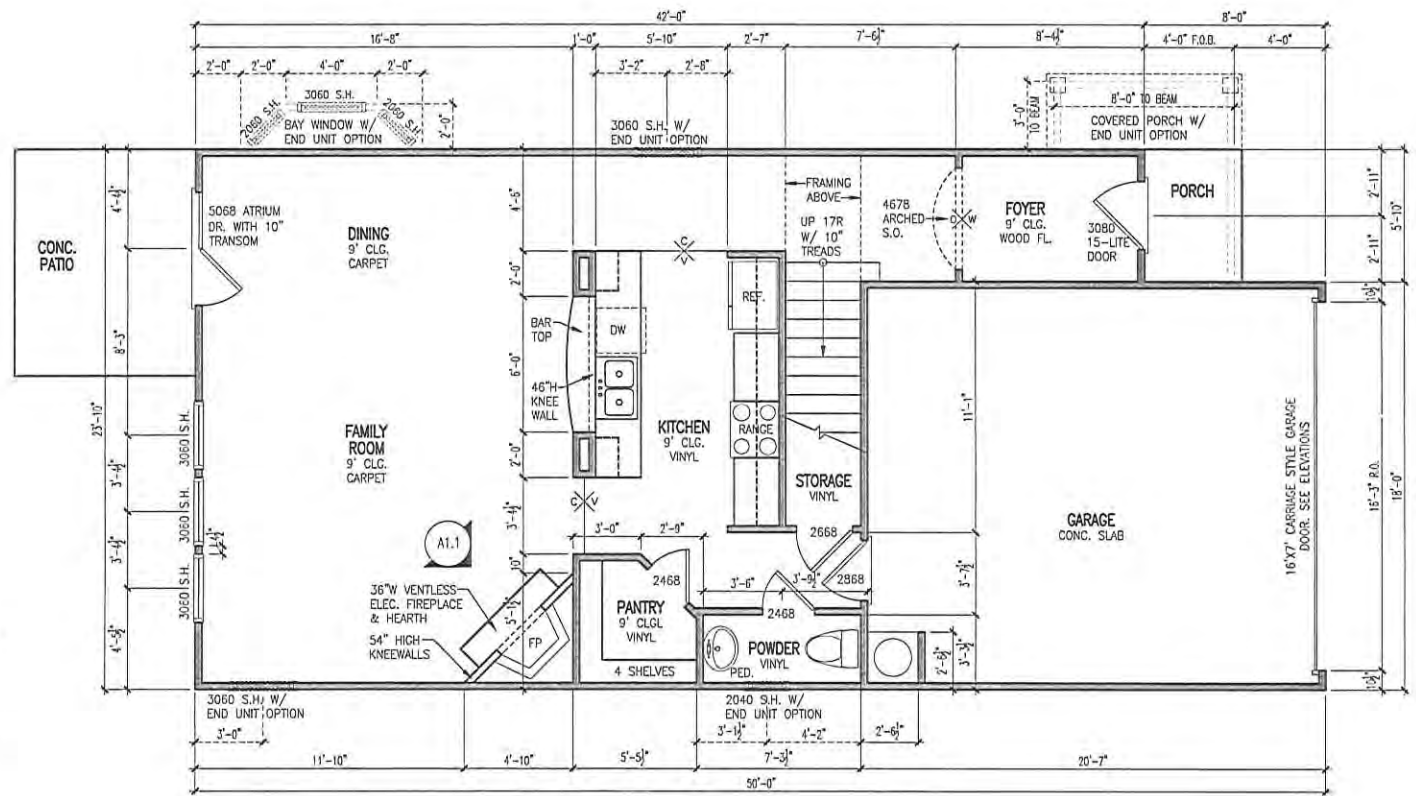






SLAB FOUNDATION PLAN

SCALE: 3/16"=1'-0"

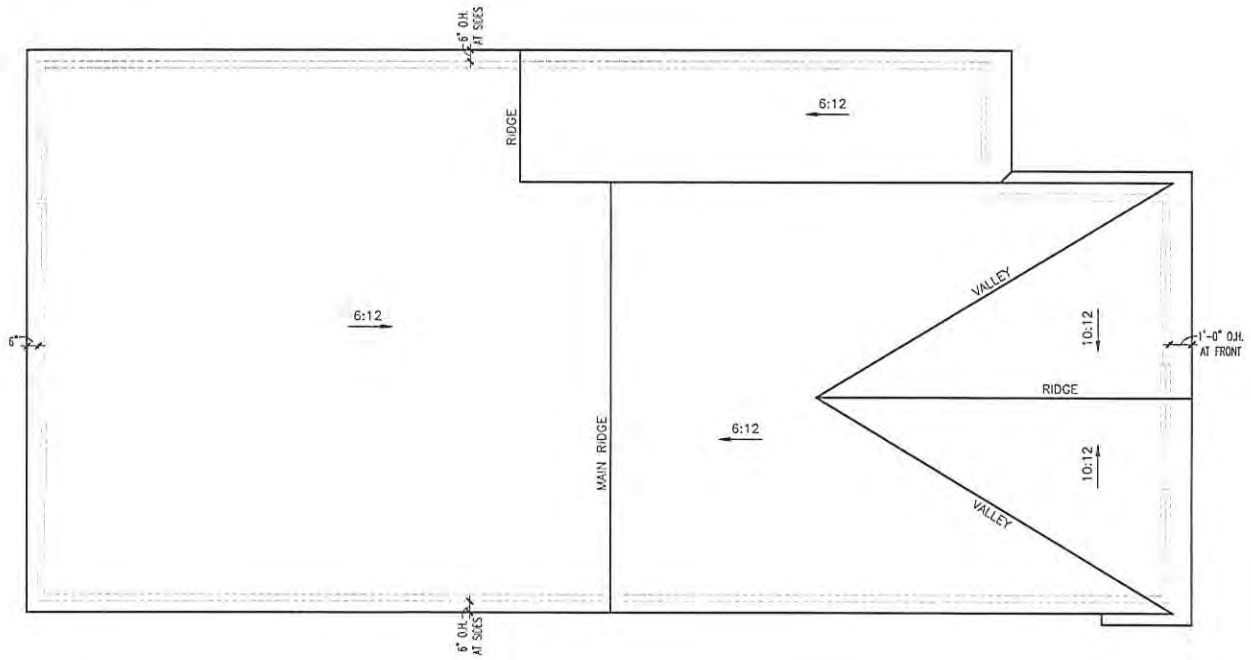


FIREPLACE ELEVATION

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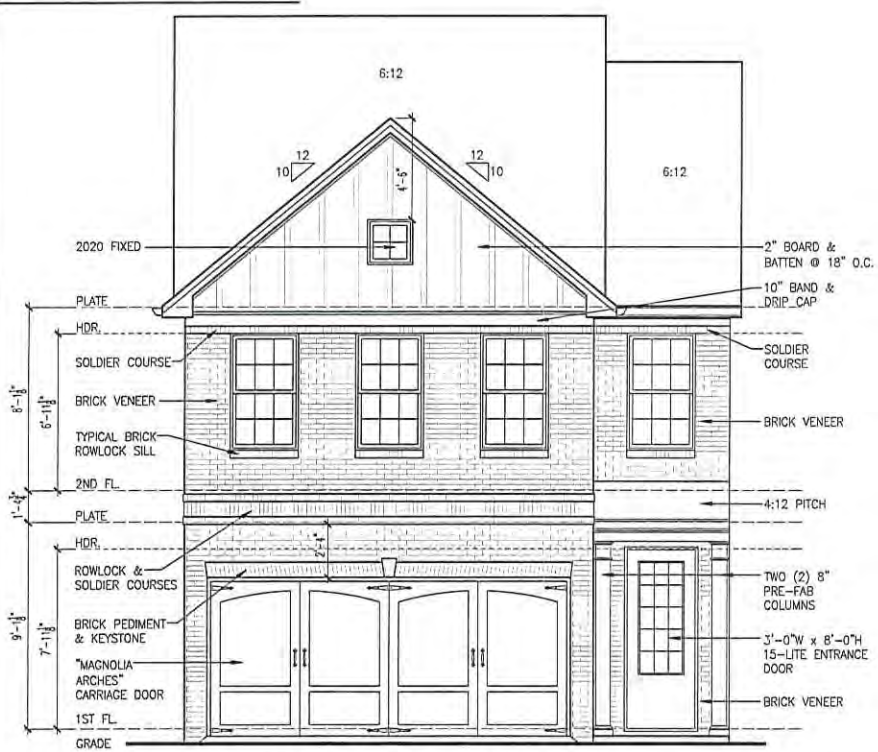
FIRST FLOOR PLAN

SCALE: 3/16"=1'-0"



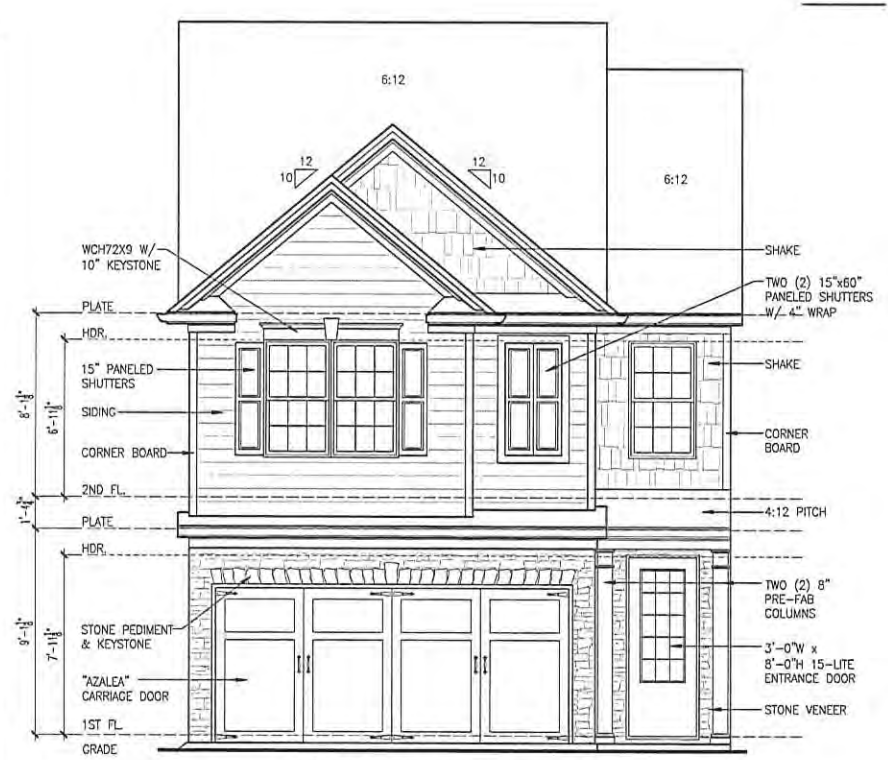
ROOF PLAN

SCALE: 3/16"=1'-0"



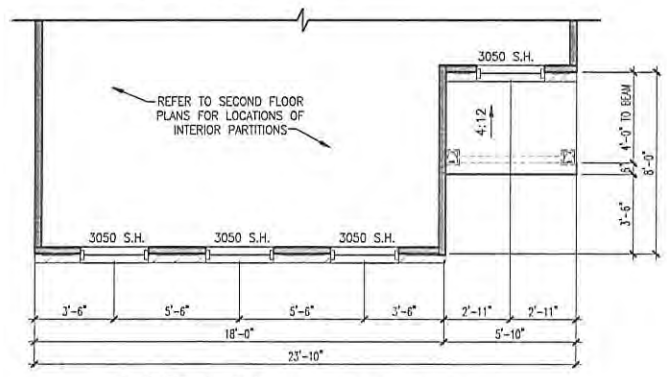
FRONT ELEVATION "A"

SCALE: 3/16"=1'-0"



FRONT ELEVATION "B"

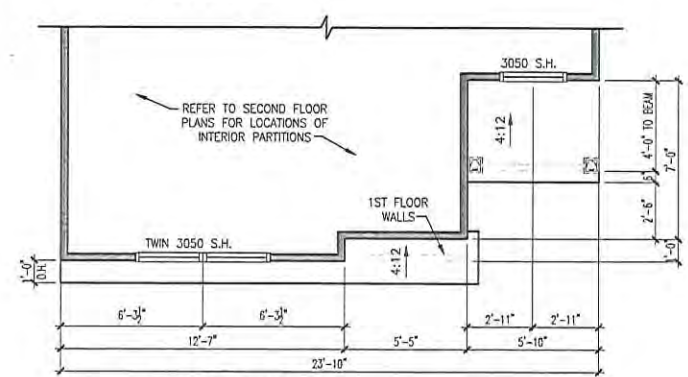
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FLOOR PLAN

ELEVATION "A"

SCALE: 3/16"=1'-0"

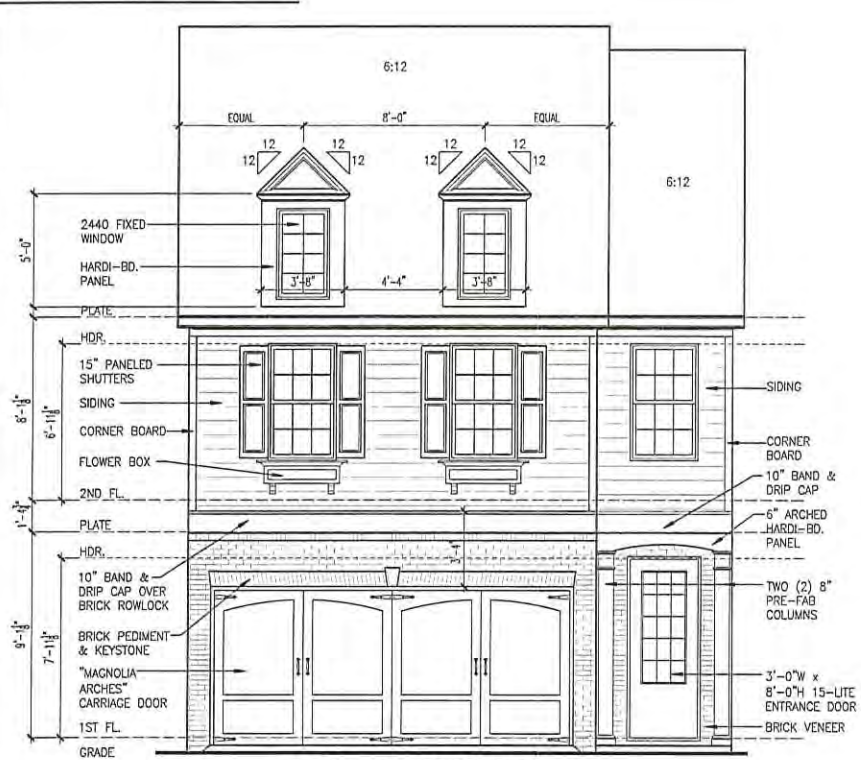


FLOOR PLAN

ELEVATION "B"

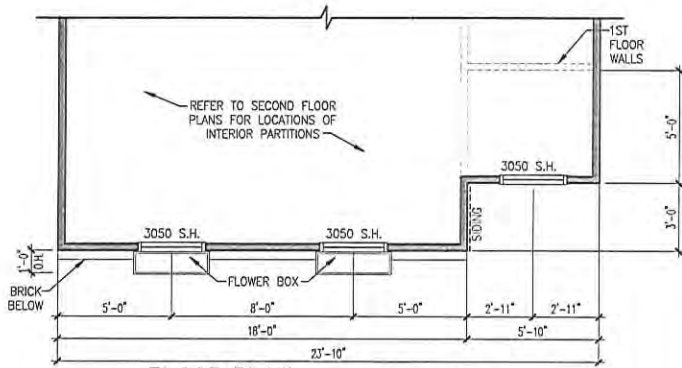
SCALE: 3/16"=1'-0"

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FRONT ELEVATION "C"

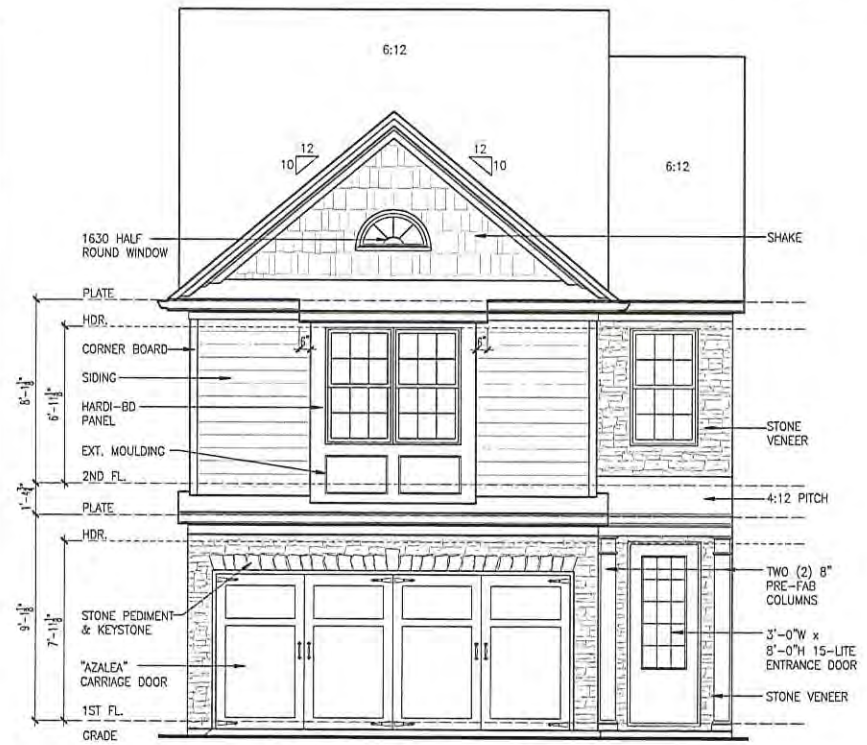
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FLOOR PLAN

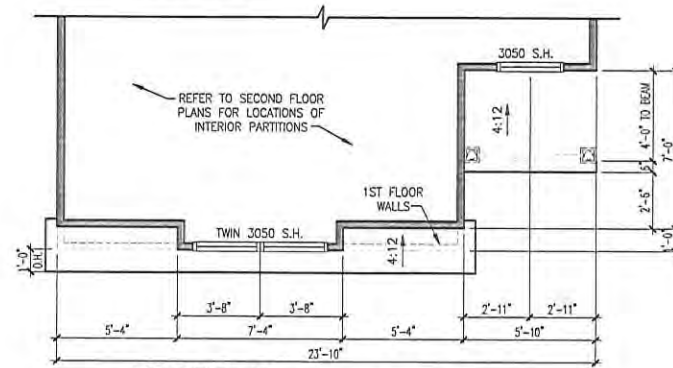
ELEVATION "C"

SCALE: 3/16"=1'-0"



FRONT ELEVATION "D"

SCALE: 3/16"=1'-0"



FLOOR PLAN

ELEVATION "D"

SCALE: 3/16"=1'-0"



REAR ELEVATION

SCALE: 3/16"=1'-0"



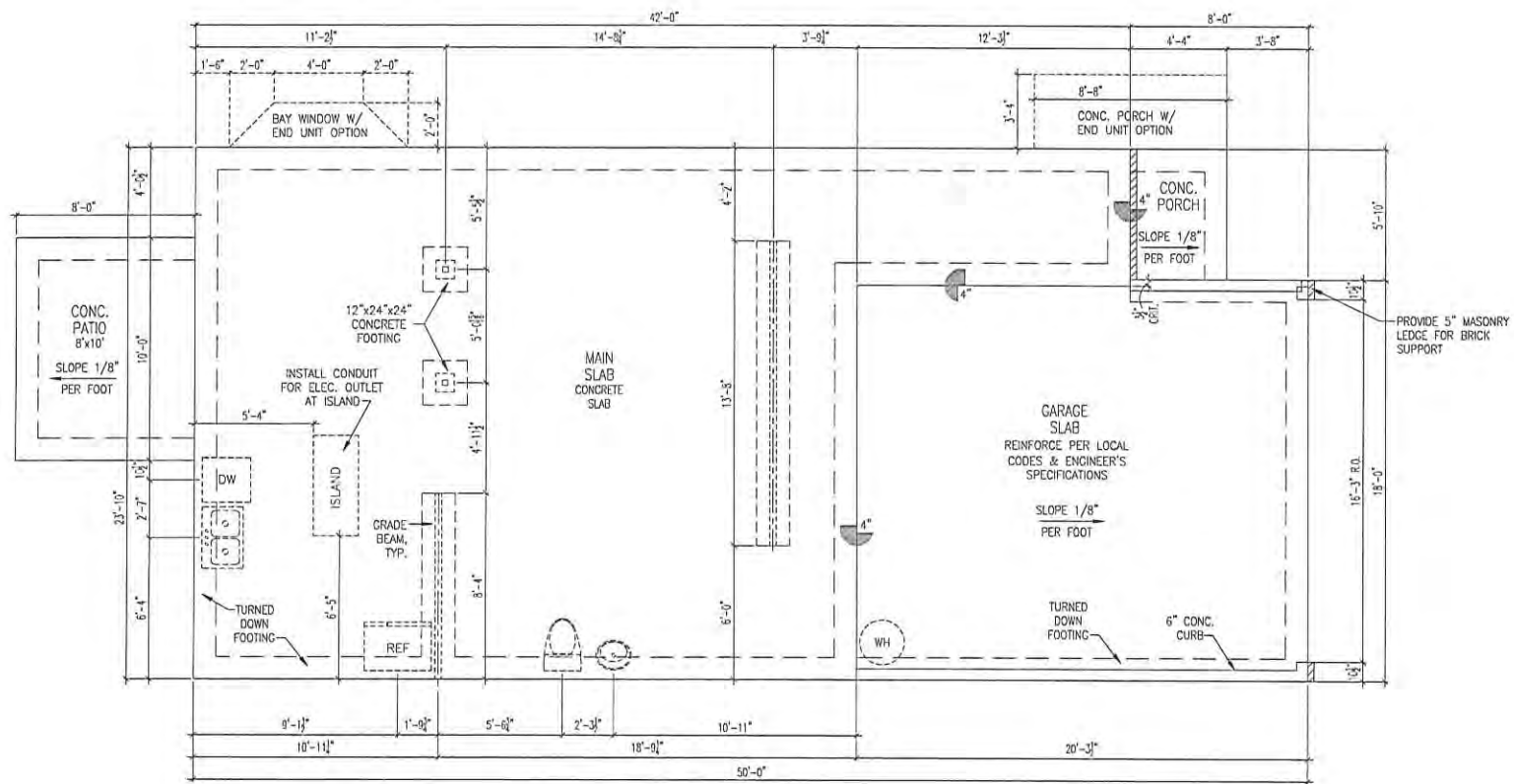
RIGHT SIDE ELEVATION

SCALE: 3/16"=1'-0"



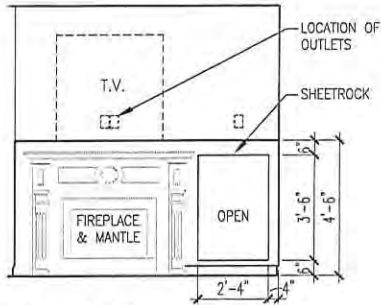
LEFT SIDE ELEVATION

SCALE: 3/16"=1'-0"



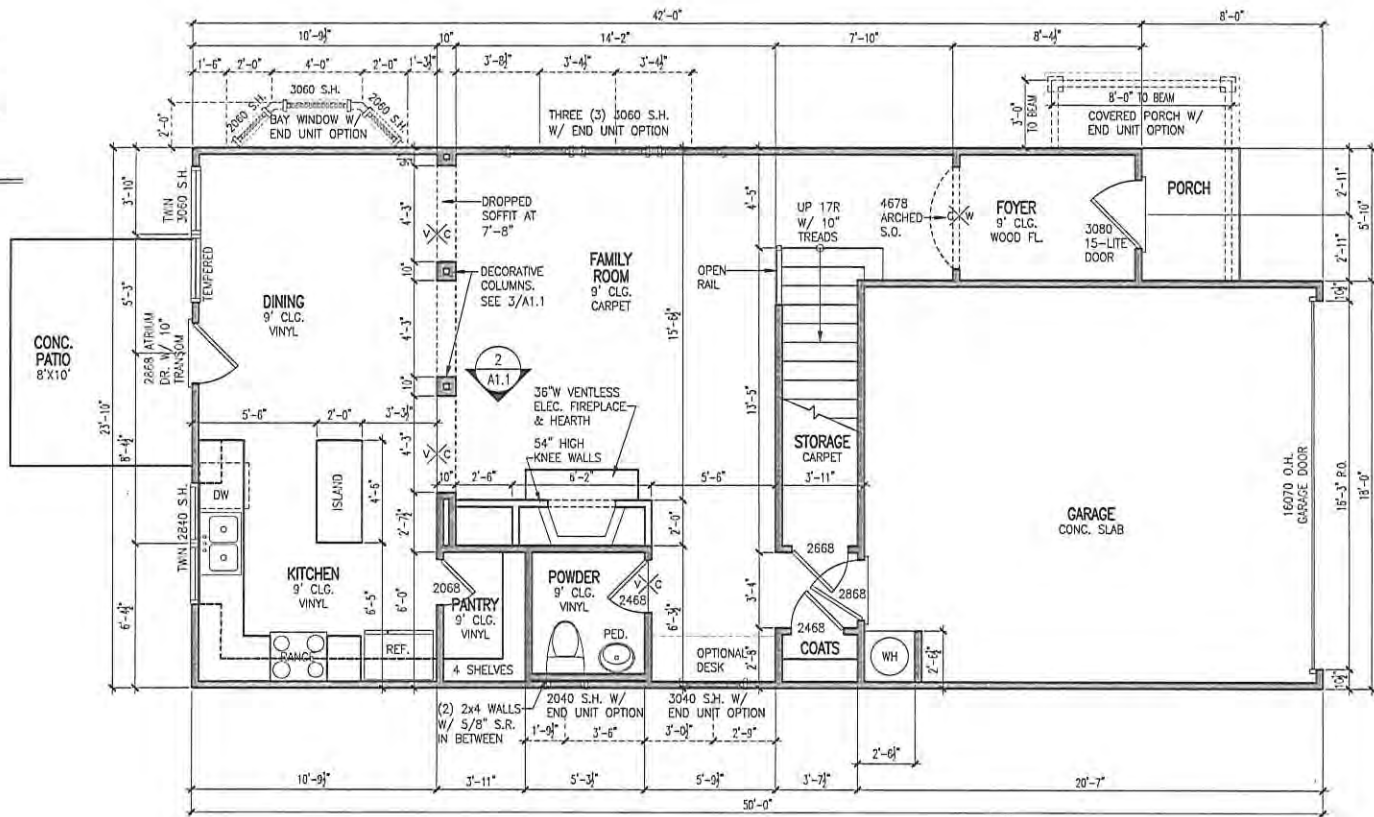
SLAB FOUNDATION PLAN

SCALE: 3/16"=1'-0"



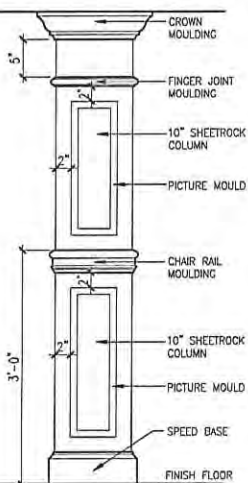
2 ELEVATION - FIREPLACE

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FIRST FLOOR PLAN

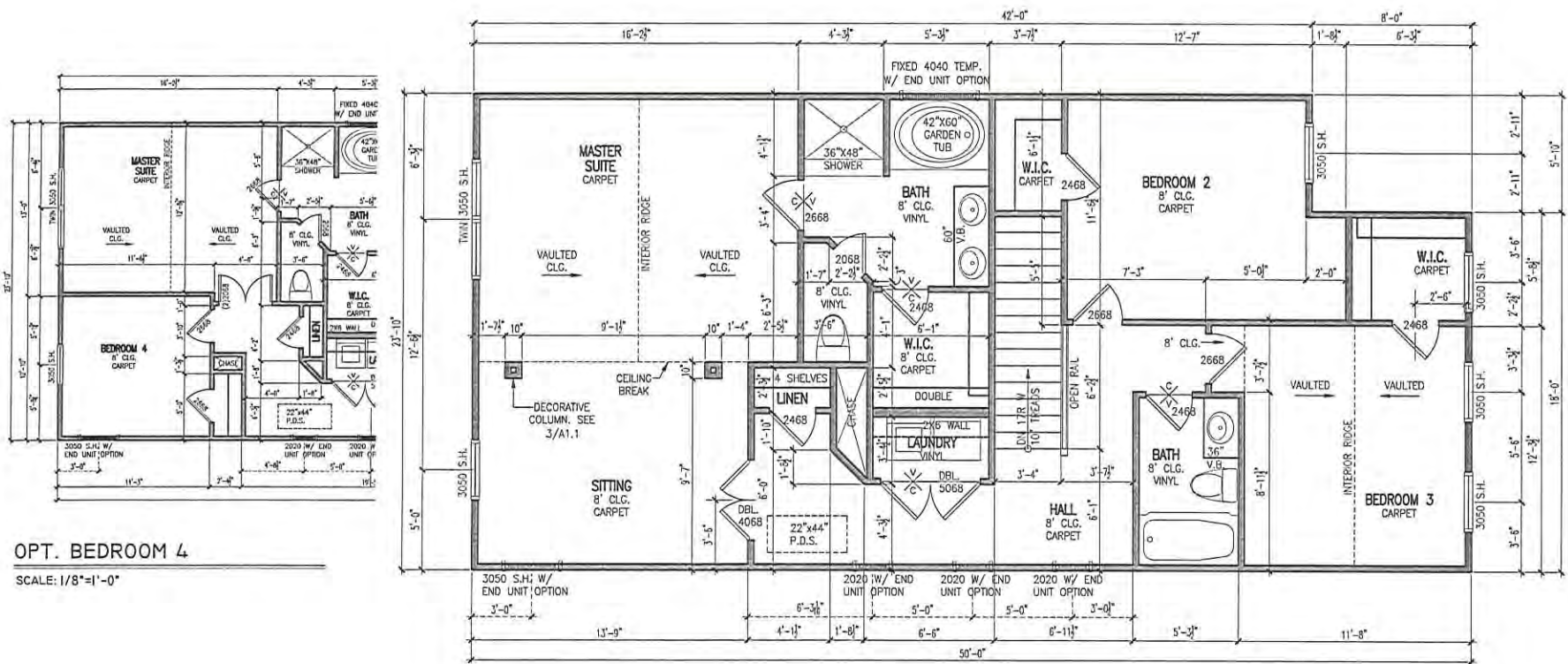
SCALE: 3/16"=1'-0"



3 DECORATIVE COLUMN

SCALE: 3/4"=1'-0"

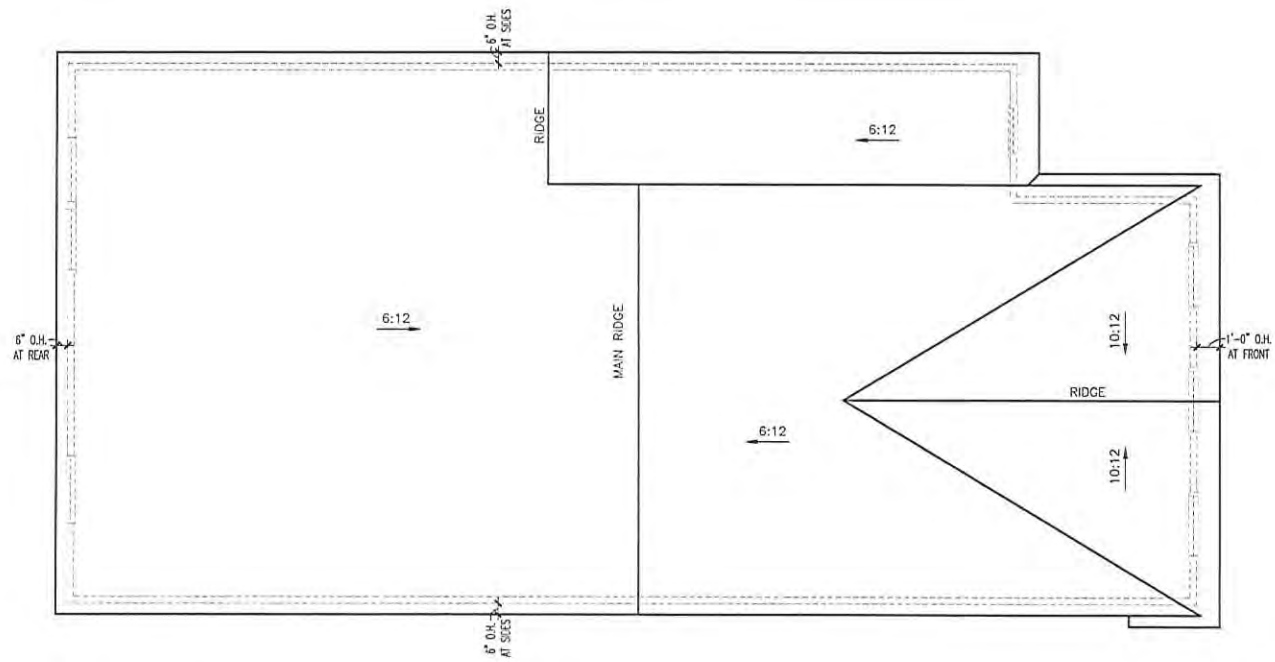
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SECOND FLOOR PLAN

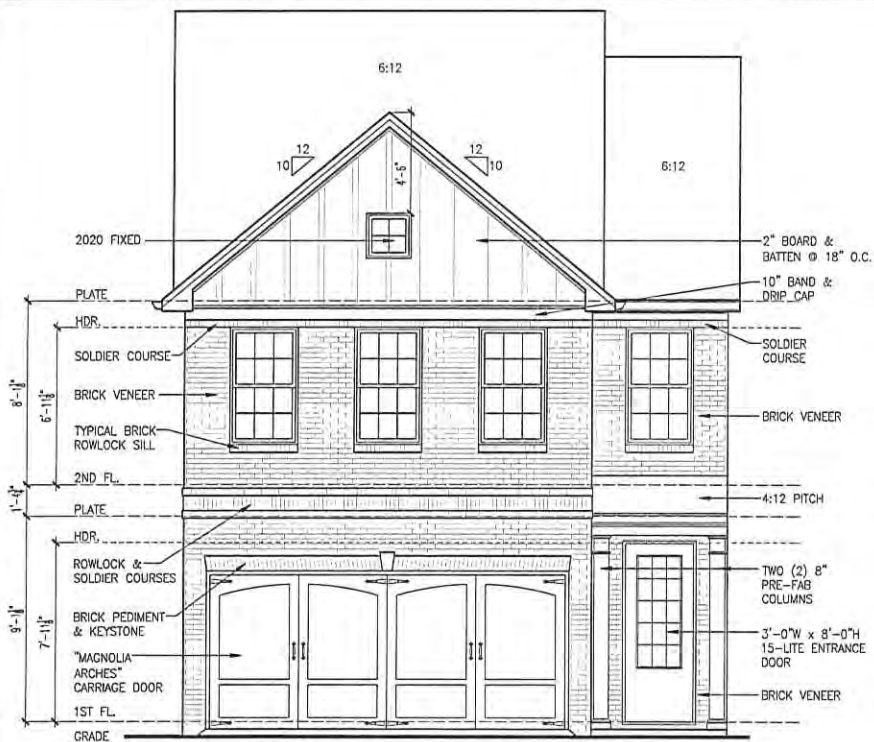
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SEE SHEETS A1.4-A1.6 FOR ELEVATION VARIATIONS



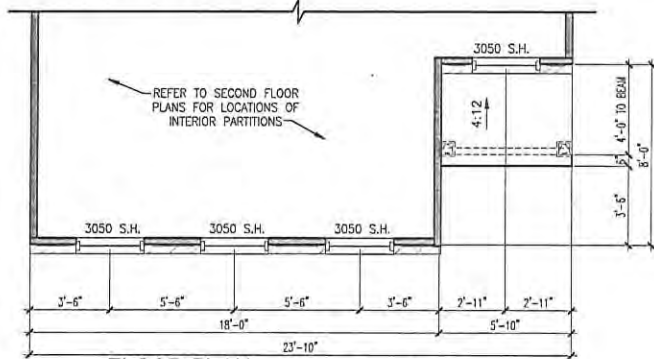
ROOF PLAN

SCALE: 3/16"=1'-0"



FRONT ELEVATION "A"

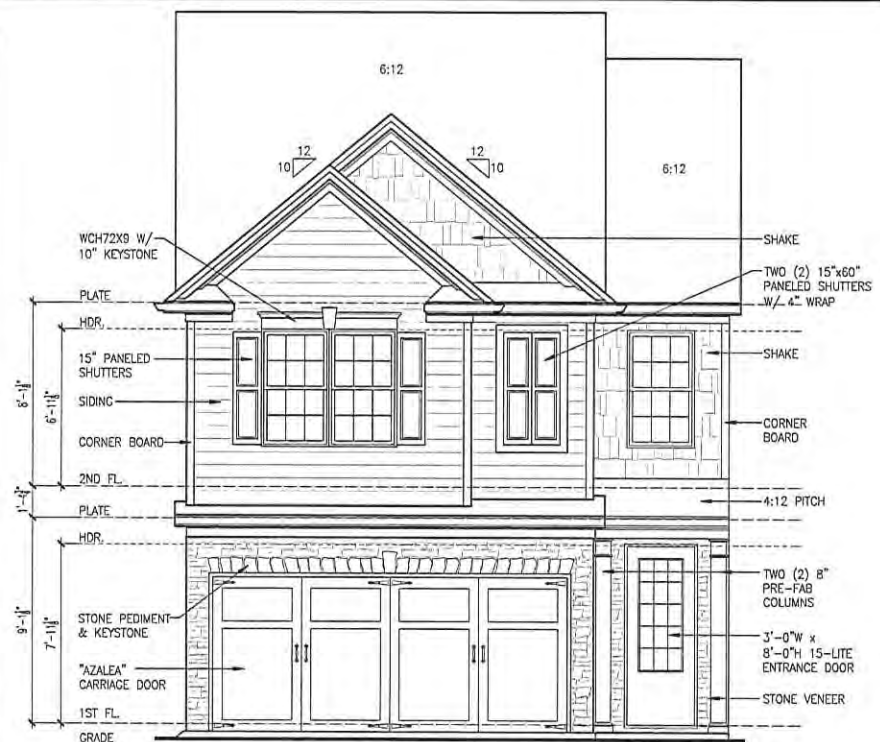
SCALE: 3/16"=1'-0"



FLOOR PLAN

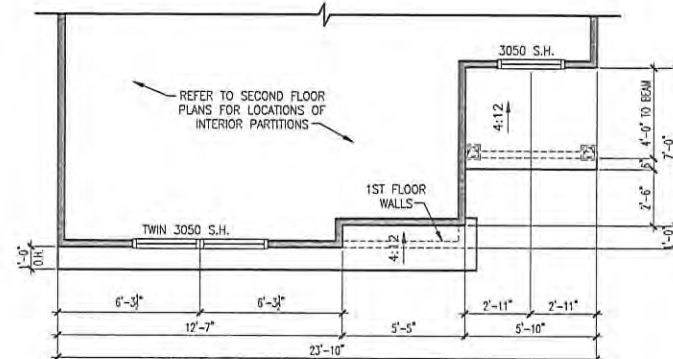
ELEVATION "A"

SCALE: 3/16"=1'-0"



FRONT ELEVATION "B"

SCALE: 3/16"=1'-0"

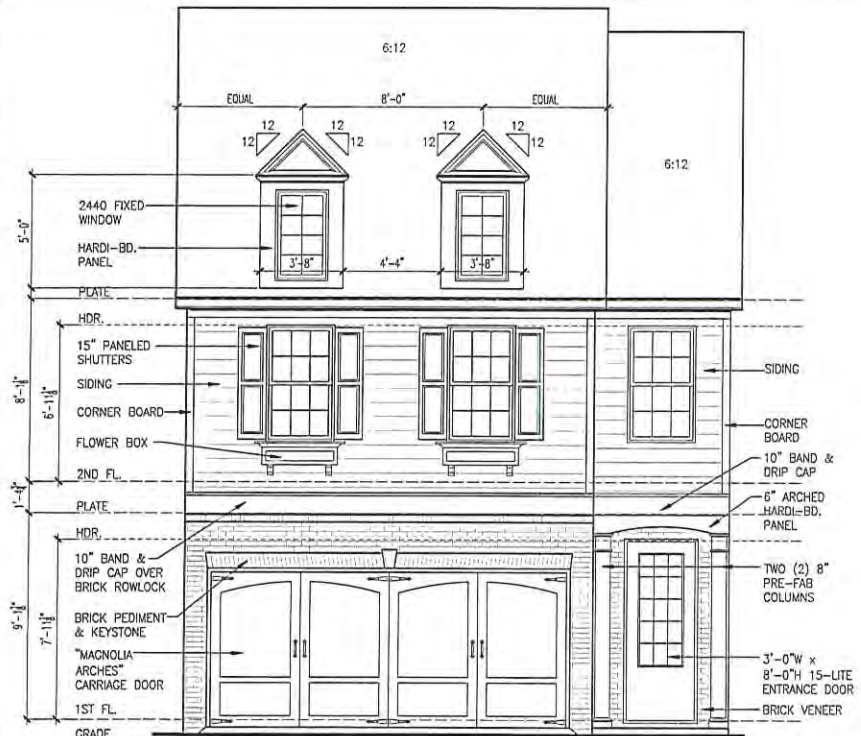


FLOOR PLAN

ELEVATION "B"

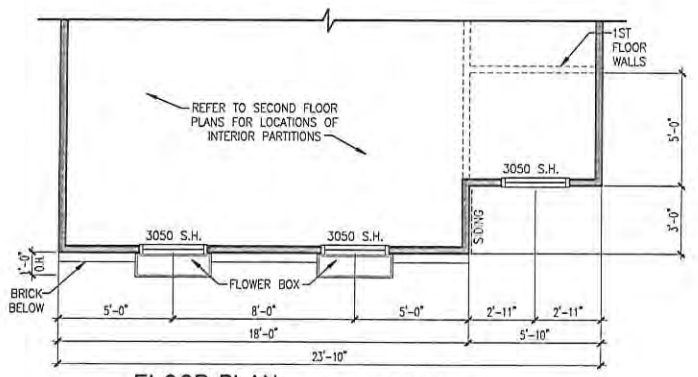
SCALE: 3/16"=1'-0"

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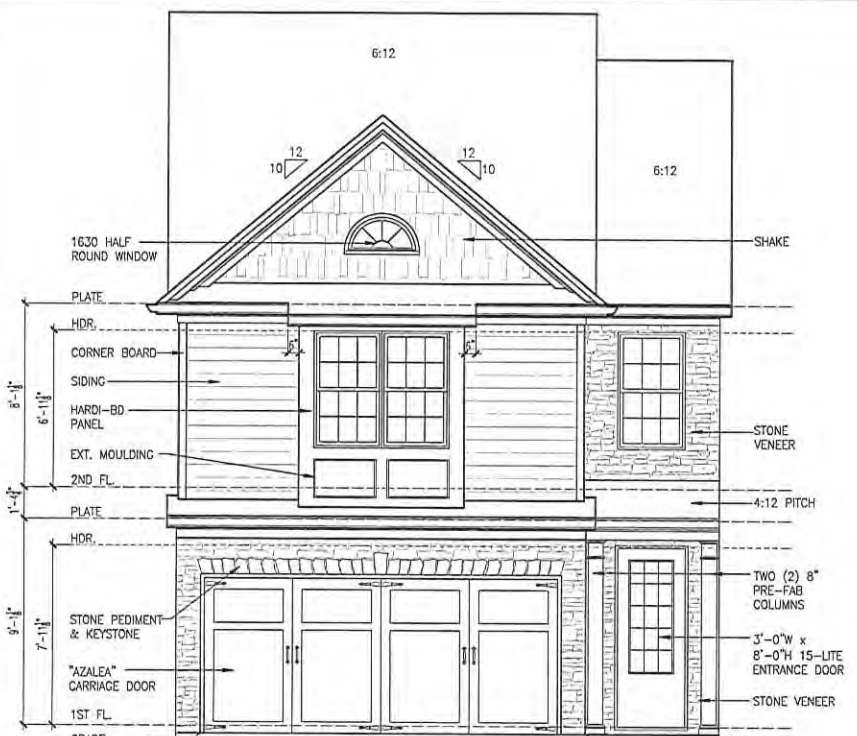
FRONT ELEVATION "C"

SCALE: 3/16"=1'-0"



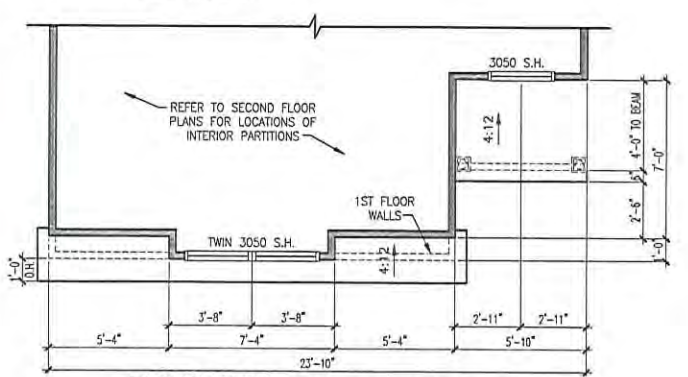
FLOOR PLAN ELEVATION "C"

SCALE: 3/16"=1'-0"



FRONT ELEVATION "D"

SCALE: 3/16"=1'-0"



FLOOR PLAN ELEVATION "D"

SCALE: 3/16"=1'-0"



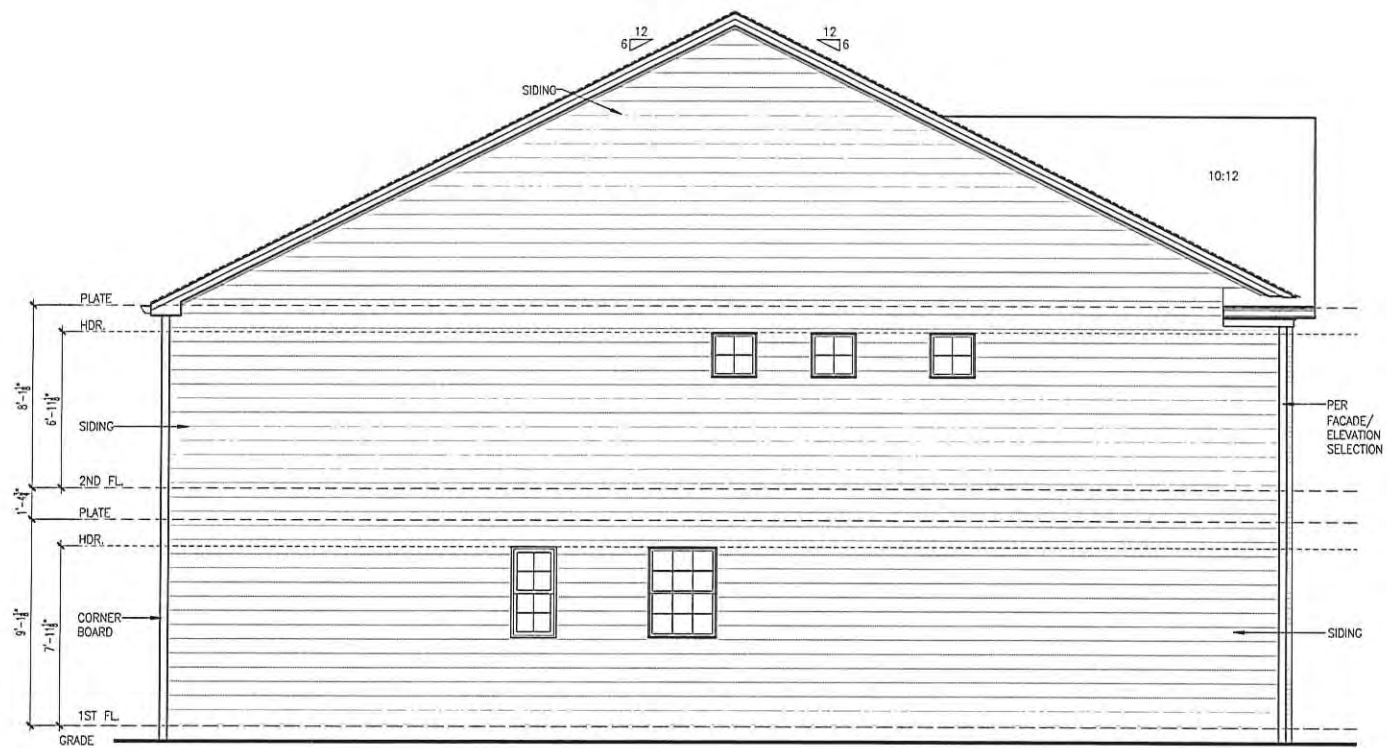
REAR ELEVATION

SCALE: 3/16"=1'-0"



RIGHT SIDE ELEVATION

SCALE: 3/16"=1'-0"



LEFT SIDE ELEVATION

SCALE: 3/16"=1'-0"

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 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 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 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 Cliff Sandoz 6/20/13
Signature of Applicant Date

CLIFF SANDOZ - MANAGER
Type or Print Name and Title

Rebecca Swilling 6/20/13
Signature of Notary Public Date

REBECCA SWILLING
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires November 20, 2014

Notary Seal

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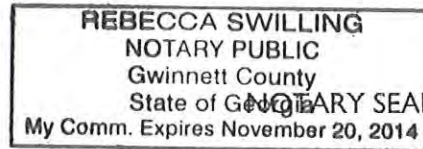
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

X Cliff Sandoz _____ Cliff Sandoz Manager
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Rebecca Swilling 6/20/13
 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 Cliff Sandoz
 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)

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

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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.**

PARCEL I.D. NUMBER: 6 - 150 - 441
(Map Reference Number) District Land Lot Parcel

X Cliff Sandoz 6/20/13
Signature of Applicant Date
Cliff Sandoz Manager
Type or Print Name and Title

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)

Sandra D. Ullman
NAME
6/28/13
DATE

**GWINNETT COUNTY
TAX COMMISSIONER**

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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

PARCEL I.D. NUMBER: 6 - 150 - 013E
(Map Reference Number) District Land Lot Parcel

X Cliff Sandoz 6/20/13
Signature of Applicant Date
Cliff Sandoz Manager
Type or Print Name and Title

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)

Sandra D. Ullman
NAME
6/28/13
DATE

**GWINNETT COUNTY
TAX COMMISSIONER**

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RZM '13 0 0 6