

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Davis Development</u>	NAME: <u>RES-GA LTV, LLC</u>
ADDRESS: <u>1050 Eagles Landing Pkwy, Suite 300</u>	ADDRESS: <u>750 Hammond Drive, Suite 300</u>
CITY: <u>Stockbridge</u>	CITY: <u>Atlanta</u>
STATE: <u>GA</u> ZIP: <u>30281</u>	STATE: <u>GA</u> ZIP: <u>30328</u>
PHONE: <u>(770) 474-4345</u>	PHONE: <u>(404) 443-3613</u>
CONTACT PERSON: <u>Heath Hawkins</u> PHONE: <u>(770) 474-4345</u>	
CONTACT'S E-MAIL: <u>heath@davisdevga.com</u>	

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): C2&OI REQUESTED ZONING DISTRICT: RM13

LAND DISTRICT(S): 5 LAND LOT(S): 156 ACREAGE: 30.352

ADDRESS OF PROPERTY: 2793 Loganville Hwy

PROPOSED DEVELOPMENT: Apartment Community

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>262</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>Varies</u>	Total Building Sq. Ft. _____
Gross Density: <u>8.632 Units Per Acre</u>	Density: _____
Net Density: <u>8.90 Units Per Acre</u>	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

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## LEGAL DESCRIPTION

All that tract or parcel of land lying in Land Lot 156, 5<sup>th</sup> District, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at a point at the intersection of the southerly margin of the right-of-way of Cooper Road (80 foot right-of-way) with the southerly margin of the right-of-way of Georgia Highway 20 (aka Loganville Highway)(variable width right-of-way); Thence running along Georgia Highway 20 the following courses and distances: Thence along a curve to the left an arc distance of 228.00 feet (said arc being subtended by a chord bearing of South 58 degrees 22 minutes 08 seconds East, a chord distance of 227.99 feet and having a radius of 5779.58 feet) to a point; Thence South 30 degrees 30 minutes 03 seconds West, a distance of 25.00 feet to a point; Thence along a curve to the left an arc distance of 22.39 feet (said arc being subtended by a chord bearing of South 59 degrees 36 minutes 34 seconds East, a chord distance of 22.39 feet and having a radius of 5804.58 feet) to a point; Thence South 59 degrees 44 minutes 11 seconds East, a distance of 274.53 feet to a point; Thence North 29 degrees 12 minutes 06 seconds East, a distance of 15.00 feet to a point; Thence South 59 degrees 44 minutes 11 seconds East, a distance of 116.64 feet to a point; Thence South 59 degrees 44 minutes 43 seconds East, 216.52 feet to a ½ inch reinforcing rod found; Thence North 43 degrees 12 minutes 12 seconds East, a distance of 9.48 feet to a point; Thence South 59 degrees 56 minutes 23 seconds East, a distance of 18.19 feet to an iron pin set and the TRUE POINT OF BEGINNING; Thence South 59 degrees 56 minutes 23 seconds East, a distance of 546.72 feet to an iron pin set; Thence leaving said right-of-way and running South 16 degrees 58 minutes 01 seconds West, a distance of 35.97 feet to a 1 ½ inch flat iron found; Thence running South 29 degrees 29 minutes 46 seconds East, a distance of 1345.16 feet to an iron pin set; Thence running South 60 degrees 12 minutes 18 seconds West, a distance of 381.04 feet to a point; Thence running North 55 degrees 16 minutes 00 seconds West, a distance of 897.84 feet to a ½ inch reinforcing rod found; Thence running North 55 degrees 20 minutes 25 seconds West, a distance of 818.02 feet to a 3/4 open top pipe found; Thence running North 42 degrees 34 minutes 04 seconds East, a distance of 296.15 feet to a ½ inch reinforcing rod found; Thence running North 46 degrees 26 minutes 29 seconds West, a distance of 20.30 feet to a ½ inch reinforcing rod found; Thence running North 43 degrees 08 minutes 54 seconds East, a distance of 629.88 feet to an iron pin set and the TRUE POINT OF BEGINNING;

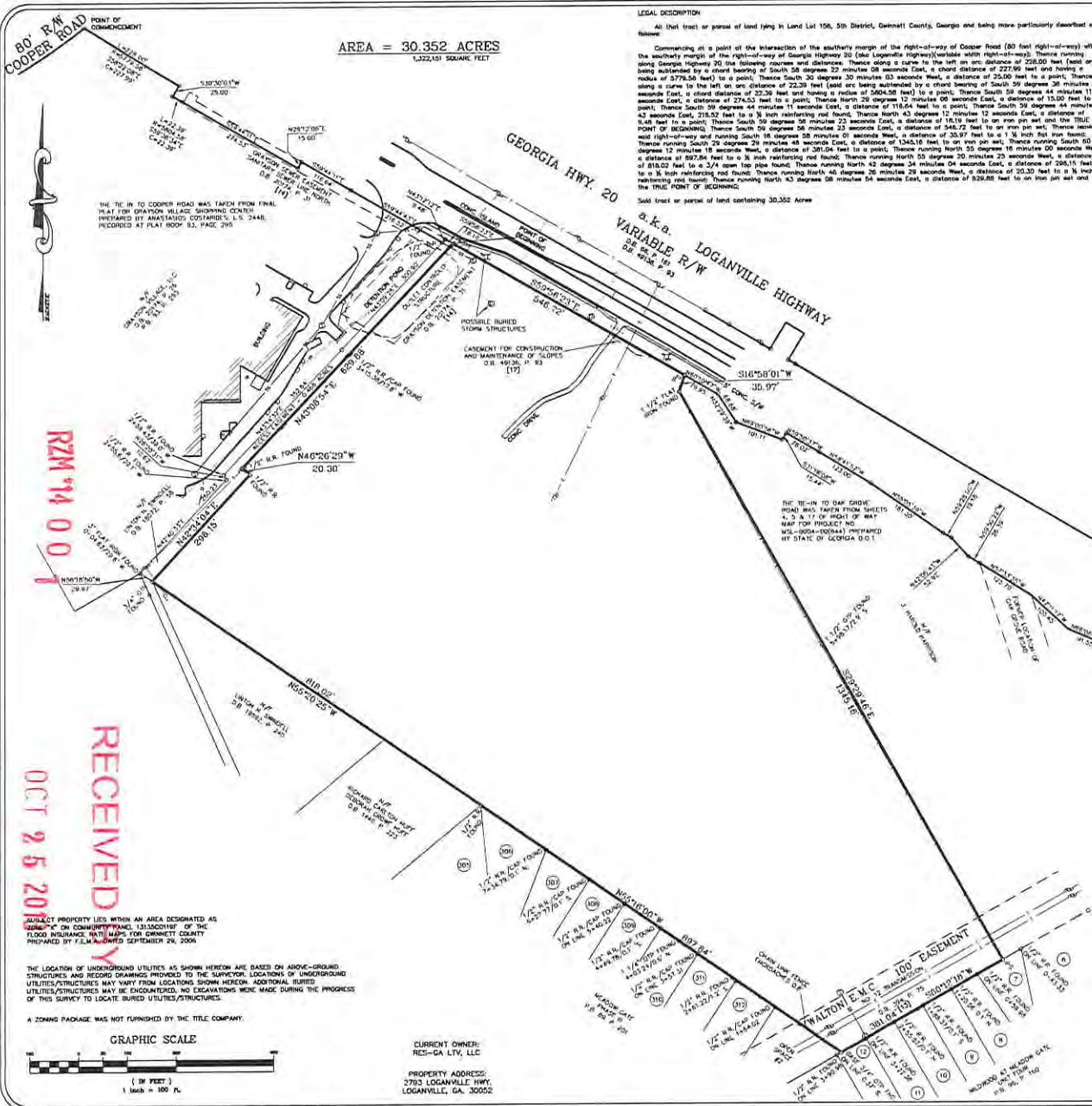
Said tract or parcel of land containing 30.352 Acres

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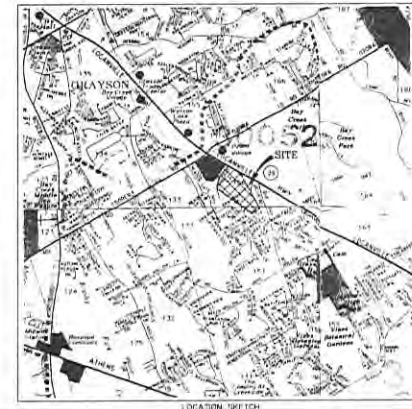


- REFERENCE DATA
- FINAL PLAT FOR GRAYSON VILLAGE SHOPPING CENTER PREPARED BY ANASTASIOS COSTANTIDES, L.S. 2448, DATED 08-19-01, AS REVISED 08-08-02, PLAT BOOK 63, PAGE 265
  - PLAT OF SURVEY FOR MRS. REBECCA PURCELL ESTATE PREPARED BY HANNON & MENZ SURVEYORS DATED 03-29-71, AS REVISED 03-29-72, PLAT BOOK 6, PAGE 248
  - FINAL PLAT OF WELSHOOD AT MEADOW GATE, UNIT FOUR, PREPARED BY LET JAY JOHNSON, L.S. 2946, DATED 08-15-02, AS REVISED 01-08-03, PLAT BOOK 96, PAGE 163
  - FINAL PLAT FOR MEADOW GATE, UNIT 1, PREPARED BY BILLY RAY CHEX, L.S. 1815, DATED 11-10-96, PLAT BOOK 83, PAGE 171
  - FINAL PLAT FOR VINTAGE COMMUNITIES, MEADOW GATE - PHASE B, PREPARED BY BILLY RAY CHEX, L.S. 1815, DATED 08-08-02, AS REVISED 08-08-01, PLAT BOOK 69, PAGE 201
  - PLAT OF BOUNDARY SURVEY FOR LINTON N. SHWIDELL PREPARED BY PRECISION PLANNING, INC. DATED 12-10-89, AS REVISED 05-01-93
  - SHEETS 4, 5 AND 17 OF RIGHT OF WAY MAP FOR PROJECT NO. WEL-0004-00644 PREPARED BY THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION DATED 08-14-06, AS REVISED 07-13-07
  - FINAL PLAT FOR GRAYSON VILLAGE SHOPPING CENTER PREPARED BY ANASTASIOS COSTANTIDES, L.S. 2448, DATED 08-19-01, AS REVISED 08-08-02, PLAT BOOK 63, PAGE 265

TO DAVIS DEVELOPMENT, INC., RES-GA LTV, LLC AND CHICAGO TITLE INSURANCE COMPANY;  
THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA SURVEY. LAND TITLE SURVEY, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NPSI, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 11(a), 13 AND 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MAY 24, 2015.

**W. CARLTON RAKESTRAW, JR.**, L.S. 2236 DATE

- MATTERS OF TITLE DISCLOSED IN SCHEDULE B - SECTION 2 OF CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE CASE NO. 3004105 WITH AN EFFECTIVE DATE OF APRIL 4, 2015:
- (1) GEORGIA POWER COMPANY EASEMENT, DEED BOOK 49, PAGE 508, LIES WITHIN THE CURRENT RIGHT OF WAY OF STATE ROUTE 20 AND DOES NOT AFFECT SUBJECT PROPERTY.
  - (2) BLANKET EASEMENT FOR DRAINAGE, CONSTRUCTION AND MAINTENANCE CONTAINED IN RIGHT OF WAY DEED FOR DECATUR PLANT NO. 562 DEED BOOK 58, PAGE 161, CAN NOT BE PLOTTED; DOES AFFECT SUBJECT PROPERTY.
  - (3) EASEMENT FOR RIGHT OF WAY, WALTON C.A.C. NO. 12 TRANSMISSION; DEED BOOK 394, PAGE 79, PLOTTED HEREON; DOES AFFECT SUBJECT PROPERTY.
  - (4) SANITARY SEWER, STORM WATER DRAINAGE AND ACCESS EASEMENT AGREEMENT, DEED BOOK 3074, PAGE 25, DRENCHILL TRACT #1, LOCATED NORTH OF GA. HWY. 20, DRENCHILL TRACT #1, DESCRIBES SUBJECT PROPERTY; GRAYSON VILLAGE EASEMENT PLOTTED HEREON, BLANKET EASEMENTS CAN NOT BE PLOTTED; DOES AFFECT SUBJECT PROPERTY.
  - (5) DECLARATION OF CONVEY; DEED BOOK 49781, PAGE 790, CAN NOT BE PLOTTED; DOES AFFECT SUBJECT PROPERTY.
  - (6) ENVIRONMENTAL INSPECTION EASEMENT; DEED BOOK 22244, PAGE 189, CAN NOT BE PLOTTED; DOES AFFECT SUBJECT PROPERTY.
  - (7) EASEMENT TO CONSTRUCT AND MAINTAIN SLOPES CONTAINED IN DEPARTMENT OF TRANSPORTATION AND MAINTENANCE EASEMENT FOR PROJECT WEL-0004-00644; DEED BOOK 49158, PAGE 83, PLOTTED HEREON; DOES AFFECT SUBJECT PROPERTY.
  - (8) PLAT OF SURVEY FOR MRS. REBECCA PURCELL ESTATE; PLAT BOOK 6, PAGE 248.



**DATE:** 08/07/13 **DRAWN BY:** CDL  
**SCALE:** 1" = 100' **CHECKED BY:** WCR  
NO./24/13 AND ACCESS EASEMENT ALONG NORTH SIDE C.2.4  
DATE DESCRIPTION REVISIONS

**CARLTON RAKESTRAW & ASSOCIATES**  
REGISTERED LAND SURVEYORS  
2203 CHARLES HARDY PARKWAY  
DALLAS, GEORGIA 30157  
770-352-2200  
FAX - 770-413-2355

**DAVIS DEVELOPMENT, INC.**  
RES-GA LTV, LLC  
CHICAGO TITLE INSURANCE COMPANY

**PROJECT NO.**  
13-037

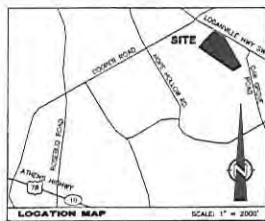
**PLAT FILE - 13-037ALTA**

STATE OF GEORGIA  
COUNTY OF DEKALB

DATE OF FIELD WORK - 08/25/13

DAV, INC. CERTIFICATE OF AUTHORIZATION AND EXP. FIRM LICENSE NO. LP2200048

TECHNICAL DATA  
TRACING PRECISION - 1/20-235  
ANGLE ADJUSTMENT - 02' / ANGLE  
PLAT PRODUCTION - 1/8" = 235'  
EQUIPMENT - SURVEYOR SET 7-100  
RIP - 1/2" I.C. 860 SET  
RIP - HEINZ DRILLING RIG  
COP - SWEENY TRIP HIC  
BARBED WIRE FENCE  
WOODEN PILE CAPS  
CONCRETE UTILITY  
UTILITY POLES  
STORM JUNCTION BOX  
CATCH BASIN  
FIRE HYDRANT  
SANITARY MANHOLE  
SANITARY SEWER  
LIGHT METAL POST  
TRANSFORMER  
GROUND NAIL



**SITE DATA**

EXISTING ZONING	C2, O1
PROPOSED ZONING	RM-11
TOTAL AREA	30.352 ACRES
TOTAL UNITS	202 D.U.
DENSITY	6.632 D.U. / AC.
NET DENSITY (OUTSIDE ESMT'S)	6.00 D.U. / AC.
<b>SETBACKS</b>	
FRONT	50 FT.
SIDE (TWO STORY BLDGS)	20 FT.
REAR	40 FT.
PARKING TOTAL	824 SPACES
PARKING RATIO	2.0 SPACES / D.U.

**DENSITY ALLOCATION**

1. SITE AREA	30.352 ACRES
2. AREA INSIDE 100 YEAR FLOODPLAIN	0 ACRES
3. AREA INSIDE UTILITY EASEMENTS (OUTSIDE FLOODPLAIN)	0.823 ACRES
4. NET AREA	29.429 ACRES
5. DENSITY ALLOCATION IN AREA OUTSIDE FLOODPLAIN & ESMTS.	28.876 AC @ 13.854 / AC = 398,977 D.U.
6. DENSITY ALLOCATION INSIDE 100 YEAR FLOODPLAIN & EASEMENTS	0.023 AC @ 26.400 / AC = 603 D.U.
7. TOTAL ALLOWABLE DWELLING UNITS	399,580 D.U.

NO. 1
NO. 2
NO. 3
NO. 4
NO. 5
NO. 6
NO. 7
NO. 8
NO. 9
NO. 10
NO. 11
NO. 12
NO. 13
NO. 14
NO. 15
NO. 16
NO. 17
NO. 18
NO. 19
NO. 20

NO PART OF THE PROPERTY OF THE ENGINEER AND MAY NOT BE USED OR REPRODUCED WITHOUT HIS WRITTEN PERMISSION

**The Draughtsperson, inc.**  
 ARCHITECTURAL & ENGINEERING  
 1015 N. HUNTERS BLVD. SUITE 100  
 ATLANTA, GA 30328  
 (404) 876-1234

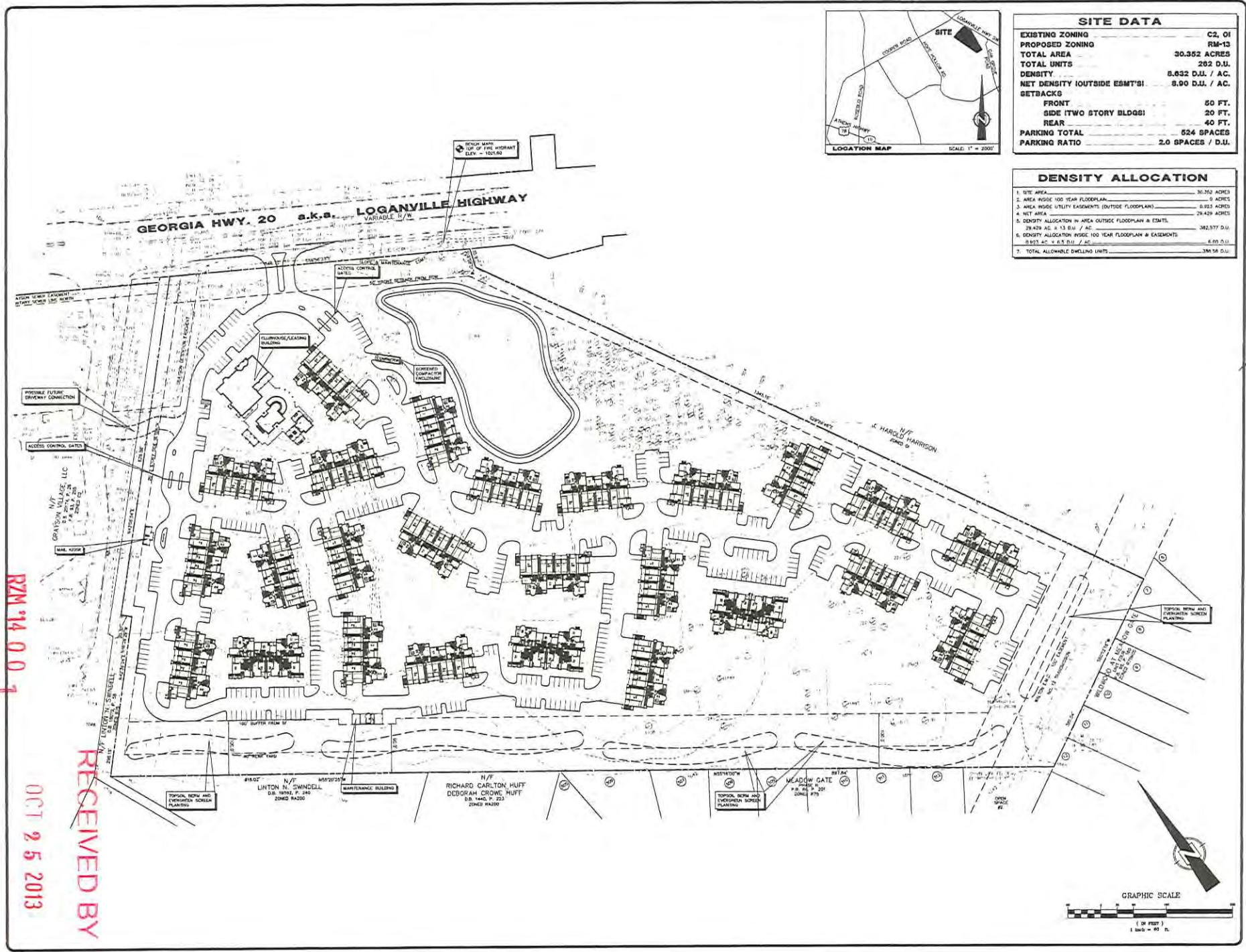


DATE DEVELOPMENT PLAN SUBMITTED TO DISTRICT OFFICE: 10/25/2013  
 DISTRICT OFFICIAL: [Signature]

**CONCEPT PLAN**  
**LOGANVILLE - GEORGIA 20**  
 LL 156, 3TH DISTRICT, CHMINKET COUNTY, GEORGIA

DRAWN BY	APR
CHECKED BY	SH
DATE	10-24-13
SCALE	1" = 60'
DATE	11-1-2013
CAD FILE	13020-CONCEPT.dwg
SHEET	

1



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**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE 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:

"See Schedule One"

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

"See Schedule One"

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

"See Schedule One"

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- (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:

"See Schedule One"

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

"See Schedule One"

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- (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 Schedule One"

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Schedule One

- (A) Adjacent uses are undeveloped land, the right-of-way for Loganville Highway, a shopping center, and a single family subdivision. A multi-family apartment community would be suitable for the Property considering the surrounding uses.
- (B) The proposed rezoning will not adversely affect the usability of adjacent or nearby property.
- (C) The Property is currently undeveloped vacant land. The Property was zoned to its current zoning classification of C2 and OI back in 2000. Given that the Property has remained undeveloped for the past thirteen years, there is no reasonable use for the current zoning.
- (D) The proposed rezoning will not cause an excessive or burdensome use of existing streets, utilities, or schools. The Property abuts Loganville Highway and will not cause an adverse increase in traffic. As noted in correspondence from the Gwinnett County Department of Public Utilities, water and sewer capacity exists for the project. As for the schools, this will be a luxury apartment community which generates less school age children than single family, townhouse, or low-income apartment communities.
- (E) The proposed rezoning is in conformity with the policy and intent of the land use plan. The Property lies within the Corridor Mixed-Use category. As outlined in the Gwinnett County 2030 Unified Plan high density residential is encouraged.
- (F) The Property's location along Loganville Highway and proximity to retail and commercial uses make the Property's location ideal for multi-family.

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# Davis Development

1050 Eagles Landing Parkway  
Suite 300  
Stockbridge, Georgia 30281  
(770) 474-4345 • Fax (770) 474-5213

## VIA HAND DELIVERY

October 24, 2013

Gwinnett County  
Department of Planning and Development  
446 West Crogan Street, Suite 250  
Lawrenceville, Georgia 30046

**RE: REZONING APPLICATION FOR THAT CERTAIN 30.352 ACRE  
PARCEL OF LAND LOCATED ALONG LOGANVILLE HWY (THE  
“PROPERTY”)**

Dear Sir or Madam:

This letter serves as our Letter of Intent with respect to the rezoning of the Property.

Davis Development desires to develop a luxury multi-family apartment community on the Property. Smart growth principles recommend locating high density residential along major arteries near office and retail uses and major transportation areas. The Property is in such a location as it is along Loganville Highway, adjacent to retail uses.

The luxury multi-family apartment community will consist of 262 luxury apartment units (the “Apartment Community”). The Apartment Community will contain the following features:

- 1) Attached direct access garages for approximately 84% of the units;
- 2) Clubhouse with:
  - (a) exercise/fitness facility;
  - (b) business center; and
  - (c) game room/entertainment area;
- 3) Resort swimming pool;
- 4) Grilling/BBQ area;
- 5) Lush landscaping;
- 6) Gate-controlled access;
- 7) Nine foot ceilings and crown moldings in all units; and
- 8) Pre-wiring for high-speed internet service in all units.

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The Apartment Community will be consistent with the existing uses bordering and located nearby the Property. The uses immediately adjacent to the Property are a shopping center, undeveloped land, the Loganville Highway right-of-way, and a single family subdivision. Additionally the Property is designated as Corridor Mixed-Use on the Gwinnett County 2030 Unified Plan. As outlined in the Unified Plan high density residential is encouraged in areas designated as Corridor Mixed-Use. Accordingly, the rezoning is consistent with Gwinnett County policy for the proposed land use in the area.

Davis Development recently constructed and developed The Terraces at Suwanee Gateway located at 480 Northholt Parkway. This project will mirror the high quality design, landscaping and construction of The Terraces at Suwanee Gateway, which can be seen online at <http://terracesatsuwaneegateway.net>.

A copy of the site plan, survey, legal description and evidence of utility service and availability are included with the rezoning application. Please do not hesitate to contact me with any questions regarding this letter of intent or the rezoning application.

Sincerely,



Heath D. Hawkins

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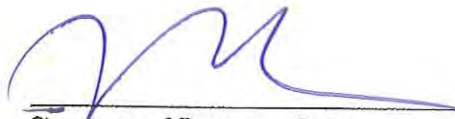
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**REZONING PROPERTY OWNER'S CERTIFICATION**

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.

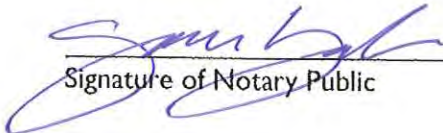


Signature of Property Owner

10/18/13  
Date

Mike Maogen, Authorized Signatory

Type or Print Name and Title



Signature of Notary Public

10/18/13  
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.

Heath D. Hawkins

Associate of Davis Development, Inc.

*Heath D. Hawkins*

10/21/2013

SIGNATURE OF APPLICANT

DATE

TYPE OR PRINT NAME AND TITLE

Lance A. Chernow

General Counsel of Davis Development, Inc.

SIGNATURE OF APPLICANT'S  
ATTORNEY OR REPRESENTATIVE

10/21/13

DATE

TYPE OR PRINT NAME AND TITLE



SIGNATURE OF NOTARY PUBLIC

10/21/2013

DATE

My Commission Expires January 31, 2016

**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 Davis Development, Inc.  
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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**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

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

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

**PARCEL I.D. NUMBER:**                      5                      156                      005  
(Map Reference Number)                      District                      Land Lot                      Parcel

  
Signature of Applicant

10/21/2013  
Date


Heath Hawkins

Associate of Davis Development

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)

  
NAME

Tax Services Associate  
TITLE

10/25/13  
DATE

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