

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>FD Communities, LLC</u>	NAME: <u>Estate of Annie Lou Nash</u>
ADDRESS: <u>2849 Paces Ferry Rd</u>	ADDRESS: <u>4255 Five Forks Trickum Rd</u>
CITY: <u>Atlanta</u>	CITY: <u>Lilburn</u>
STATE: <u>GA</u> ZIP: <u>30339</u>	STATE: <u>GA</u> ZIP: <u>30447</u>
PHONE: <u>770-845-4046</u>	PHONE: <u>770-921-3975</u>
CONTACT PERSON: <u>Marian Adeimy</u> PHONE: <u>770-822-0900</u>	
CONTACT'S E-MAIL: <u>madeimy@atclawfirm.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): O1/R100 REQUESTED ZONING DISTRICT: R-ZT

LAND DISTRICT(S): 6 LAND LOT(S): 90 & 91 ACREAGE: 25.583

ADDRESS OF PROPERTY: 4255 Five Forks Trickum Road, Lilburn, GA 30047

PROPOSED DEVELOPMENT: Single-family Residential

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>57</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>2,400 sq ft</u>	Total Building Sq. Ft. _____
Gross Density: <u>2.23</u>	Density: _____
Net Density: <u>3.35</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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RZR '14 0 0 1

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 90 and 91, of the 6th District, of Gwinnett County, Georgia, being 25.583 Acres, more or less, and being more particularly described as follows:

TO ARRIVE AT THE TRUE POINT OF BEGINNING commence at the intersection of the common corner of Land Lots 90, 91, 102 and 103, of said District and County; running thence South 33 degrees 56 minutes 06 seconds East, along the common Land Lot line between Land Lots 90 and 91, of said District and County, a distance of 332.65 feet, to a point; running thence, and leaving said Land Lot line, South 78 degrees 23 minutes 11 seconds East, a distance of 351.26 feet, to a point and being the TRUE POINT OF BEGINNING.

COMMENCING THENCE FROM SAID TRUE POINT OF BEGINNING as thus established and running thence South 78 degrees 23 minutes 34 seconds East, a distance of 513.57 feet, to a point located on the Northwesterly right-of-way line of Five Forks-Trickum Road; running thence Southwesterly, Southerly and Southeasterly, along the Northwesterly, Westerly and Southwesterly right-of-way line of Five Forks-Trickum Road and following the curvature thereof the following courses and distances: running thence Southwesterly, an arc distance of 242.89 feet (said arc being subtended by a chord bearing of South 37 degrees 28 minutes 53 seconds West, a chord distance of 242.85 feet), to a point; running thence South 35 degrees 41 minutes 00 seconds West, a distance of 363.14 feet, to a point; running thence South 54 degrees 19 minutes 00 seconds East, a distance of 10.00 feet, to a point; running thence South 35 degrees 41 minutes 00 seconds West, a distance of 455.92 feet, to a point; running thence Southwesterly, an arc distance of 496.30 feet (said arc being subtended by a chord bearing of South 21 degrees 53 minutes 08 seconds West, a chord distance of 491.52 feet), to a point; running thence Southerly, an arc distance of 398.69 feet (said arc being subtended by a chord bearing of South 05 degrees 43 minutes 57 seconds East, a chord distance of 394.83 feet), to a point; running thence Southeasterly, an arc distance of 167.06 feet (said arc being subtended by a chord bearing of South 23 degrees 29 minutes 55 seconds East, a chord distance of 166.93 feet), to a point; running thence South 27 degrees 26 minutes 42 seconds East, a distance of 200.35 feet, to a point. Running thence, and leaving said right-of-way line of Five Forks-Trickum Road, Southwesterly, Westerly, Northwesterly, Westerly, Northwesterly, Northerly, Northeasterly, Northerly, Northwesterly, Northerly and Northwesterly, along the centerline of a branch and following the meanderings thereof, located at and along the Northeasterly boundary line side of Lynnwood Forest Subdivision, and traversing following courses and distances: running thence South 66 degrees 17 minutes 10 seconds West, a distance of 72.79 feet, to a point; running thence South 89 degrees 05 minutes 26 seconds West, a distance of 165.96 feet, to a point; running thence North 58 degrees 35 minutes 37 seconds West, a distance of 208.56 feet, to a point; running thence North 77 degrees 27 minutes 47 seconds West, a distance of 136.65 feet, to a point; running thence North 02 degrees 01 minutes 06 seconds West, a distance of 158.47 feet, to a point; running thence North 51 degrees 38 minutes 55 seconds West, a distance of 209.94 feet, to a point; running thence North 28 degrees 21 minutes 02 seconds West, a distance of 206.95 feet, to a point; running thence North 14 degrees 16 minutes 56 seconds West, a distance of 103.14 feet, to a point. Running thence, and leaving said branch/stream, North 44 degrees 04 minutes 04 seconds East, a distance of 213.93 feet, to a point; running thence North 29 degrees 37 minutes 23 seconds East, a distance of 388.67 feet, to a point; running thence North 34 degrees 34 minutes 35 seconds East, a distance of 271.94 feet, to a point; running thence North 57 degrees 10 minutes 07 seconds East, a distance of 94.27 feet, to a point; running thence North 19 degrees 48 minutes 11 seconds East, a distance of 208.59 feet, to a point; running thence North 27 degrees 08 minutes 22 seconds East, a distance of 334.02 feet, to a point; running thence North 34 degrees 45 minutes 42 seconds East, a distance of 281.54 feet, to a point and being the TRUE POINT OF BEGINNING.

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OVERALL BOUNDARY FOR THE
FIVE FORKS TRICKUM TRACT
 LOCATED IN
 LAND LOT 80 AND 81
 OF DISTRICT 10
 GWINNETT COUNTY, GEORGIA

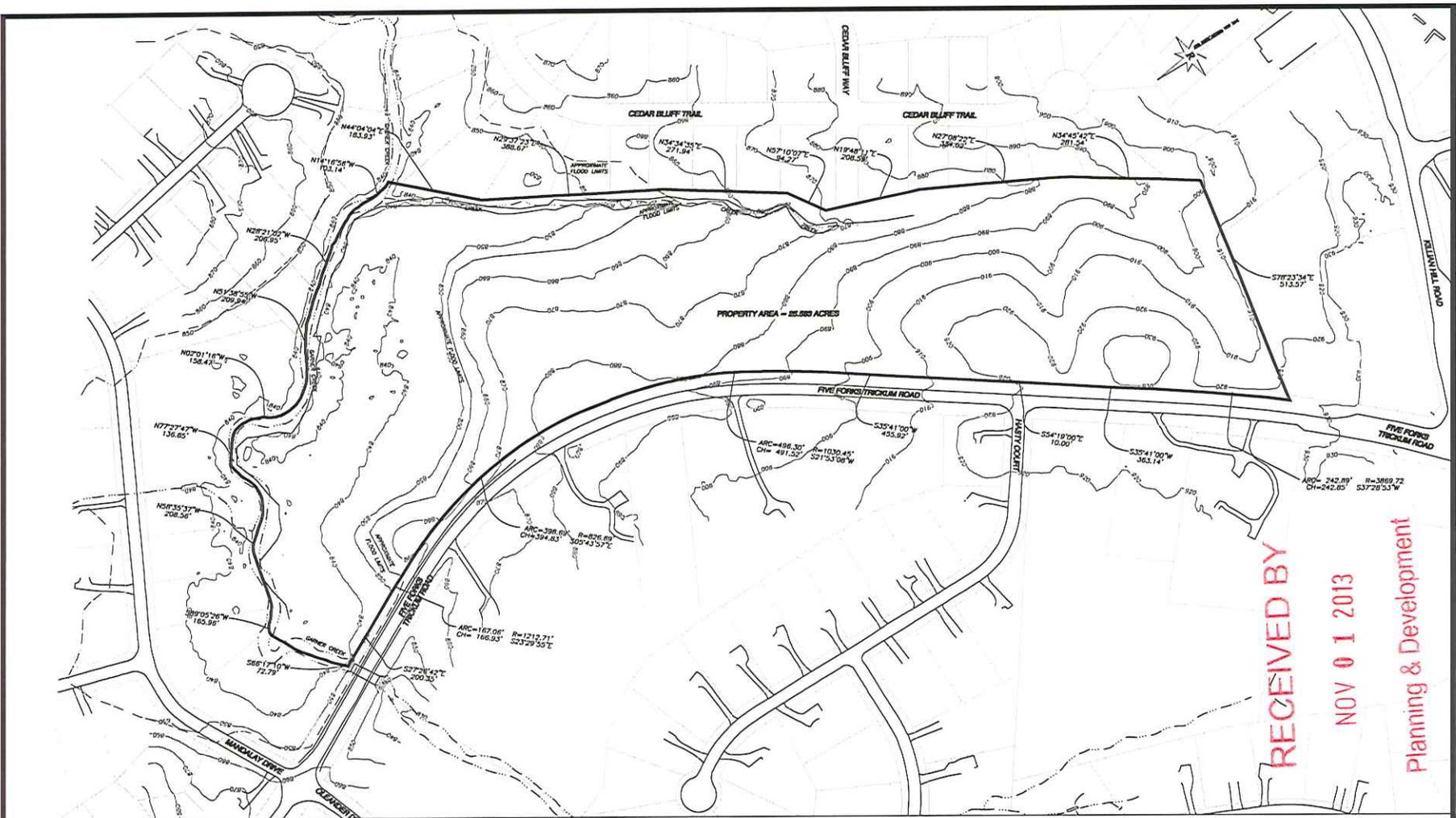
NO.	DATE	DESCRIPTION	REVISIONS



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SHEET
1
 OF
1
 DATE: 11/01/13
 JOB NO.: 130123-001
 SCALE: 1" = 100'
 DRAWN BY: JMM
 CHECKED BY: JMM

RZR 1400



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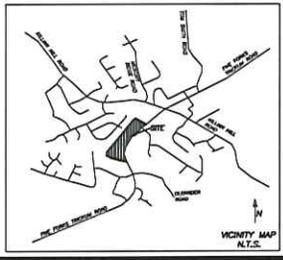
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LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 80 and 81, of the 6th District, of Gwinnett County, Georgia, being 25.882 Acres, more or less, and being more particularly described as follows:

TO ARRIVE AT THE TRUE POINT OF BEGINNING commence at the intersection of the common corner of Land Lots 80, 81, 102 and 103, of said District and County; running thence South 33 degrees 56 minutes 06 seconds East, along the common Land Lot line between Land Lots 80 and 81, of said District and County, a distance of 332.65 feet, to a point; running thence, and leaving said Land Lot line, South 78 degrees 23 minutes 11 seconds East, a distance of 351.26 feet, to a point and being the TRUE POINT OF BEGINNING.

COMMENCING THENCE FROM SAID TRUE POINT OF BEGINNING as then established and running thence South 78 degrees 23 minutes 34 seconds East, a distance of 513.57 feet, to a point located on the Northwestly right-of-way line of Five Forks/Trickum Road; running thence Southwestly, Southerly and Southwesterly, along the Northwestly, Westerly and Southwestly right-of-way line of Five Forks/Trickum Road and following the curvature thereof, the following courses and distances: running thence Southwestly, an arc distance of 242.89 feet (said arc being subtended by a chord bearing of South 37 degrees 26 minutes 53 seconds West, a chord distance of 242.85 feet), to a point; running thence South 35 degrees 41 minutes 00 seconds West, a distance of 363.14 feet, to a point; running thence South 54 degrees 19 minutes 00 seconds East, a distance of 10.00 feet, to a point; running thence South 35 degrees 41 minutes 00 seconds West, a distance of 496.20 feet (said arc being subtended by a chord bearing of South 21 degrees 53 minutes 08 seconds West, a chord distance of 491.52 feet), to a point; running thence Southwesterly, an arc distance of 394.23 feet, to a point; running thence Southwesterly, an arc distance of 167.08 feet (said arc being subtended by a chord bearing of South 23 degrees 29 minutes 50 seconds East, a chord distance of 168.83 feet), to a point; running thence South 27 degrees 29 minutes 42 seconds East, a distance of 200.35 feet, to a point; running thence, and leaving said right-of-way line of Five Forks/Trickum Road, Southwesterly, Westerly, Northwesterly, Westerly, Northwesterly, Northerly, Northwesterly, Northerly and Northwesterly, along the centerline of a branch and following the meanderings thereof, located at and along the Northwestly boundary line side of Lymwood Forest Subdivision, and traversing following courses and distances: running thence South 68 degrees 17 minutes 10 seconds West, a distance of 72.79 feet, to a point; running thence South 89 degrees 05 minutes 29 seconds West, a distance of 165.90 feet, to a point; running thence North 54 degrees 35 minutes 37 seconds West, a distance of 208.50 feet, to a point; running thence North 77 degrees 27 minutes 47 seconds West, a distance of 126.65 feet, to a point; running thence North 52 degrees 07 minutes 08 seconds West, a distance of 156.47 feet, to a point; running thence North 51 degrees 28 minutes 50 seconds West, a distance of 209.84 feet, to a point; running thence North 29 degrees 21 minutes 02 seconds West, a distance of 206.80 feet, to a point; running thence North 14 degrees 16 minutes 04 seconds West, a distance of 103.14 feet, to a point; running thence, and leaving said branch, North 44 degrees 04 minutes 04 seconds East, a distance of 213.83 feet, to a point; running thence North 29 degrees 37 minutes 23 seconds East, a distance of 388.67 feet, to a point; running thence North 34 degrees 34 minutes 35 seconds East, a distance of 271.84 feet, to a point; running thence North 57 degrees 10 minutes 07 seconds East, a distance of 84.27 feet, to a point; running thence North 19 degrees 48 minutes 11 seconds East, a distance of 208.50 feet, to a point; running thence North 27 degrees 08 minutes 22 seconds East, a distance of 324.02 feet, to a point; running thence North 34 degrees 45 minutes 42 seconds East, a distance of 281.54 feet, to a point and being the TRUE POINT OF BEGINNING.



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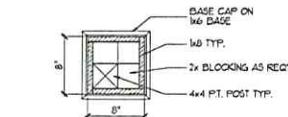
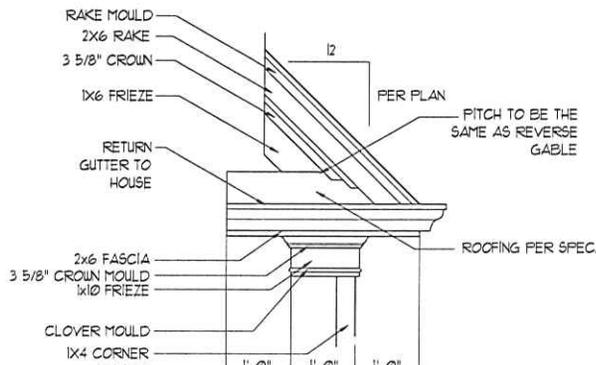
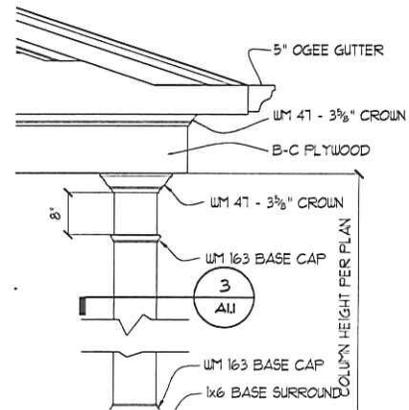
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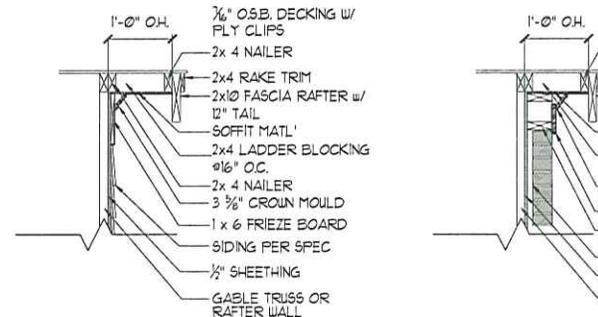


FRONT ELEVATION "A"

1/4" = 1'-0"



3 Wood Column Section
1" = 1'-0"



4 Rake Section (Siding)
3/4" = 1'-0"

5 Rake Section
3/4" = 1'-0"

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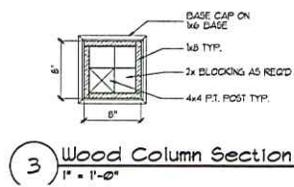
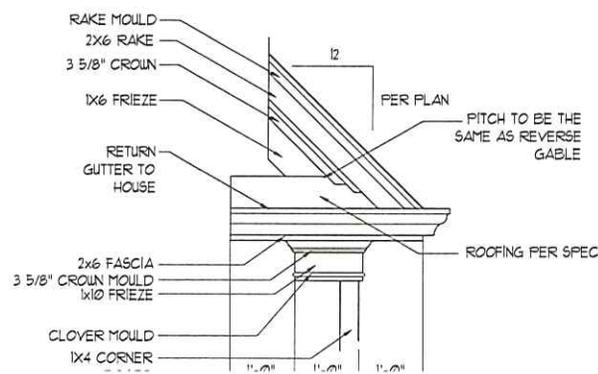
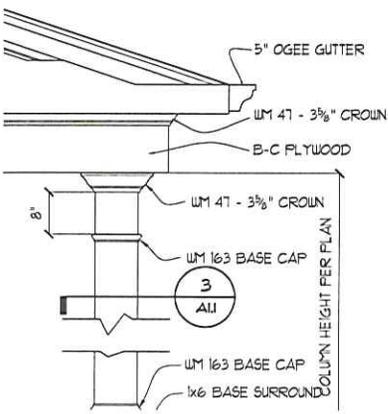
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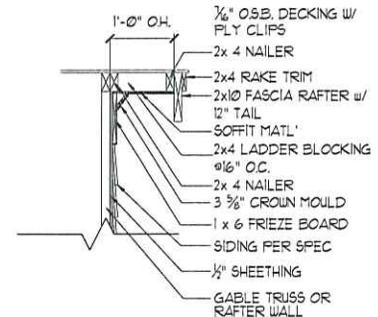


FRONT ELEVATION "B"

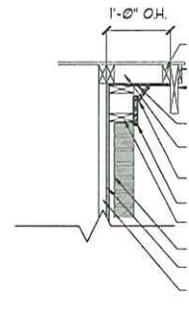
1/4" = 1'-0"



3 Wood Column Section
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3/4" = 1'-0"



5 Rake Section
3/4" = 1'-0"

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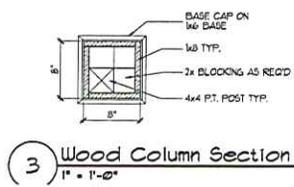
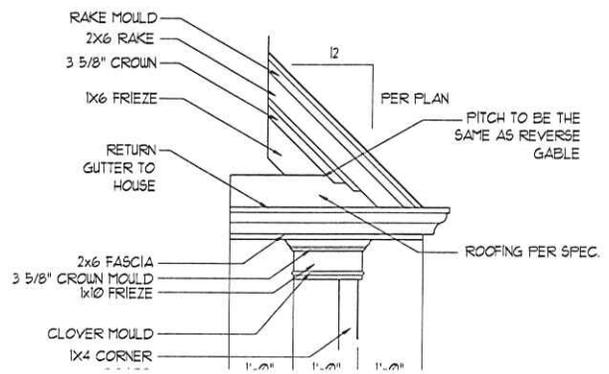
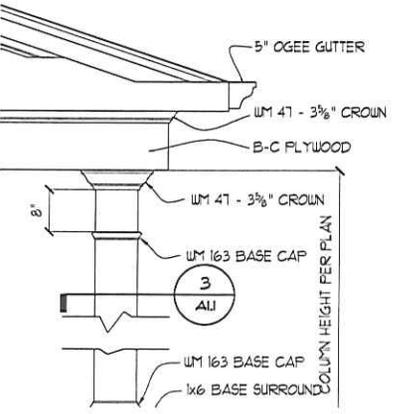
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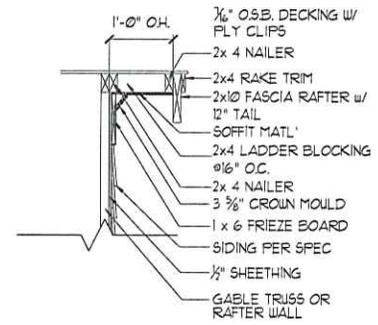


FRONT ELEVATION "B"

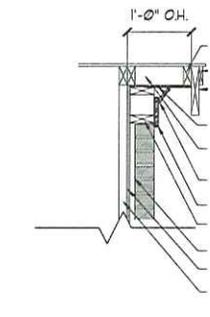
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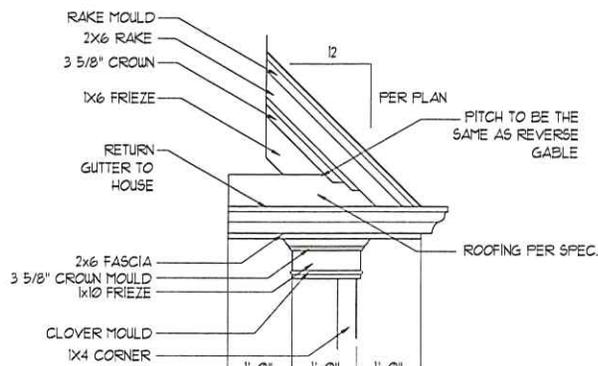
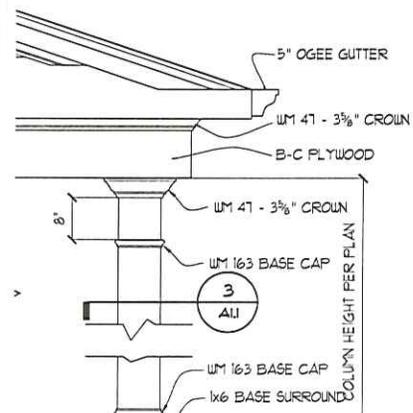
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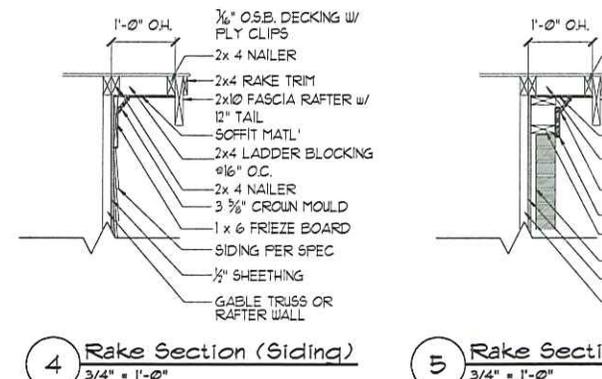


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4 Rake Section (Siding)
3/4" = 1'-0"

5 Rake Section
3/4" = 1'-0"

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:

Yes.

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

No.

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

No.

- (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.

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

Yes.

- (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:

Adjacent property uses such as mini storage facility, along with partial existing office zoning make this property a good candidate for transitional use.

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Overlook 1 / 2849 Paces Ferry Road, SE / Suite 590 / Atlanta, Georgia 30339

LETTER OF INTENT

The applicant, **FD COMMUNITIES, LLC** (hereinafter), submits the rezoning application for the purpose of rezoning one tract of land on the northwest side of Five Forks Trickum Road to RZT zoning classification; 25.583 acres of land. The subject property covered by this application is currently zoned O-I and R-100.

Use and development of the property as O-I and R-100 is not economically feasible and is not the highest and best use of the property, in that it would be impossible to develop and market the property for use consistent with current zoning in light of its location on a major road, adjacent to existing self-storage facilities, shopping centers, and convenience stores, proximity to the commercial node of Killian Hill Road and other factors.

The subject property is located on Five Forks Trickum Road near the commercial node at Killian Hill Road, in an area that is surrounded by properties designated for high commercial utilization, low-density residential, and/or commercial uses on the 2020 Land Use Plan. The designations of the surrounding properties on the 2020 Land Use Map clearly identify the subject property some sort of transitional utilization as prescribed by the current zoning, O-I and R-100.

As stated in the application, the applicant intends to develop the property as a residential detached development with open space containing approximately 3.35 acres.

The property has access to public water, public sanitary sewer, and major thoroughfares. The subject property will be located on the public transportation routes and locations planned or being considered in Gwinnett County.

This proposed zoning would result in a high quality residential single-family detached development. The applicant and its representatives welcome the opportunity to meet with the staff of Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. The applicant respectfully requests your approval of this application this **FIRST DAY of NOVEMBER 2013**.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Eric White".

Eric White
Division Vice President, Atlanta
Front Door Communities

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REZONING APPLICANT'S CERTIFICATION

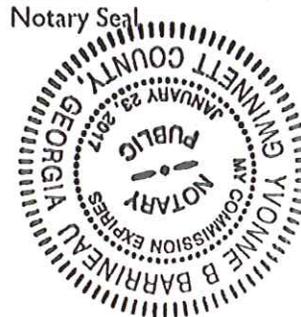
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL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

10/31/13
Date

Eric White - VP of Atlanta Division
Type or Print Name and Title

 10/31/13
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 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 Fred M. Lee
Signature of Property Owner

10-31-2013
Date

THE ESTATE OF ANNIE LEE NASH

FRED M. LEE CO-ADMINISTRATOR
Type or Print Name and Title

Carla W. Stueber
Signature of Notary Public

10-31-2013
Date

Notary Seal

**CARLA W. STUEBER
NOTARY PUBLIC, GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES NOVEMBER 17, 2014**

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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.

Eric White 10/31/13 Eric White - Atlanta VP
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Vronne B Barneau 10/31/13
 SIGNATURE OF NOTARY PUBLIC DATE
Vronne B Barneau 10/31/13



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 Eric White
 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.

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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 - 091 - 006
(Map Reference Number) District Land Lot Parcel

[Signature] 11-1-13
Signature of Applicant Date

Eric White V.P.
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)

[Signature] TSA II
NAME TITLE

11/1/2014
DATE

4255 Five Forks Truckum Rd

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