

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Home South Communities, LLC c/o Mahaffey Pickens Tucker, LLP</u> ADDRESS: <u>1550 North Brown Rd., Ste 125</u> CITY: <u>Lawrenceville</u> STATE: <u>GA</u> ZIP: <u>30043</u> PHONE: <u>(770)232-0000</u>	NAME: <u>Rufus J. Timms and Marie N. Parker c/o Mahaffey Pickens Tucker, LLP</u> ADDRESS: <u>1550 North Brown Rd., Ste 125</u> CITY: <u>Lawrenceville</u> STATE: <u>GA</u> ZIP: <u>30043</u> PHONE: <u>(770)232-0000</u>
CONTACT PERSON: <u>Jeffrey Mahaffey</u> PHONE: <u>(770)232-0000</u> CONTACT'S E-MAIL: <u>jmahaffey@mptlawfirm.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): R-100 REQUESTED ZONING DISTRICT: R-60
 LAND DISTRICT(S): 7 LAND LOT(S): 287 ACREAGE: 6.83
 ADDRESS OF PROPERTY: 5112 Moore Road
 PROPOSED DEVELOPMENT: Single Family Residences

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>20</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>3,000 sq. ft. min.</u>	Total Building Sq. Ft. _____
Gross Density: <u>2.34</u>	Density: _____
Net Density: <u>2.34</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LEGAL DESCRIPTION

All the tract or parcel of land lying and being in Land Lots 287 of the 7th District, Gwinnett County, Georgia and being more particularly described as follows:

To find the Point of Commencement, commence at a point at the Intersection of the Northerly Right-of-Way of Moore Road (apparent 60' right-of-way) and the common Land Lot Line of Land Lots 286 and 287; said point being THE POINT OF BEGINNING.

THENCE from said point as thus established and leaving said Right-of-Way, North 31 degrees 36 minutes 14 seconds West for a distance of 514.43 feet to a Point; THENCE North 58 degrees 23 minutes 46 seconds East for a distance of 496.59 feet to a Point; THENCE South 48 degrees 32 minutes 57 seconds East for a distance of 486.59 feet to a Point along the Northerly Right-of-Way of Moore Road (apparent 60' right-of-way); THENCE leaving said Point and continuing along said Right-of-Way for the next three (3) calls and distances, along a curve to the right having a radius of 924.93 feet and an arc length of 348.09 feet and being subtended by a chord of South 46 degrees 55 minutes 58 seconds West for a distance of 346.04 feet to a Point; THENCE along a curve to the right having a radius of 924.93 feet and an arc length of 83.84 feet and being subtended by a chord of South 60 degrees 18 minutes 39 seconds West for a distance of 83.81 feet to a Point; THENCE South 62 degrees 54 minutes 27 seconds West for a distance of 216.16 feet to a Point, said point being THE POINT OF BEGINNING.

Said property contains 6.83 +/- acres.

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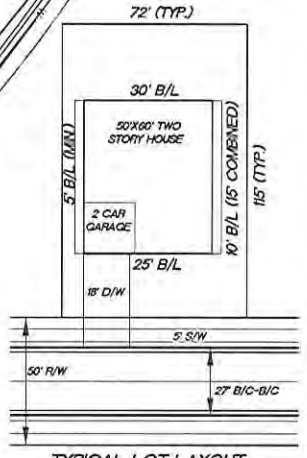
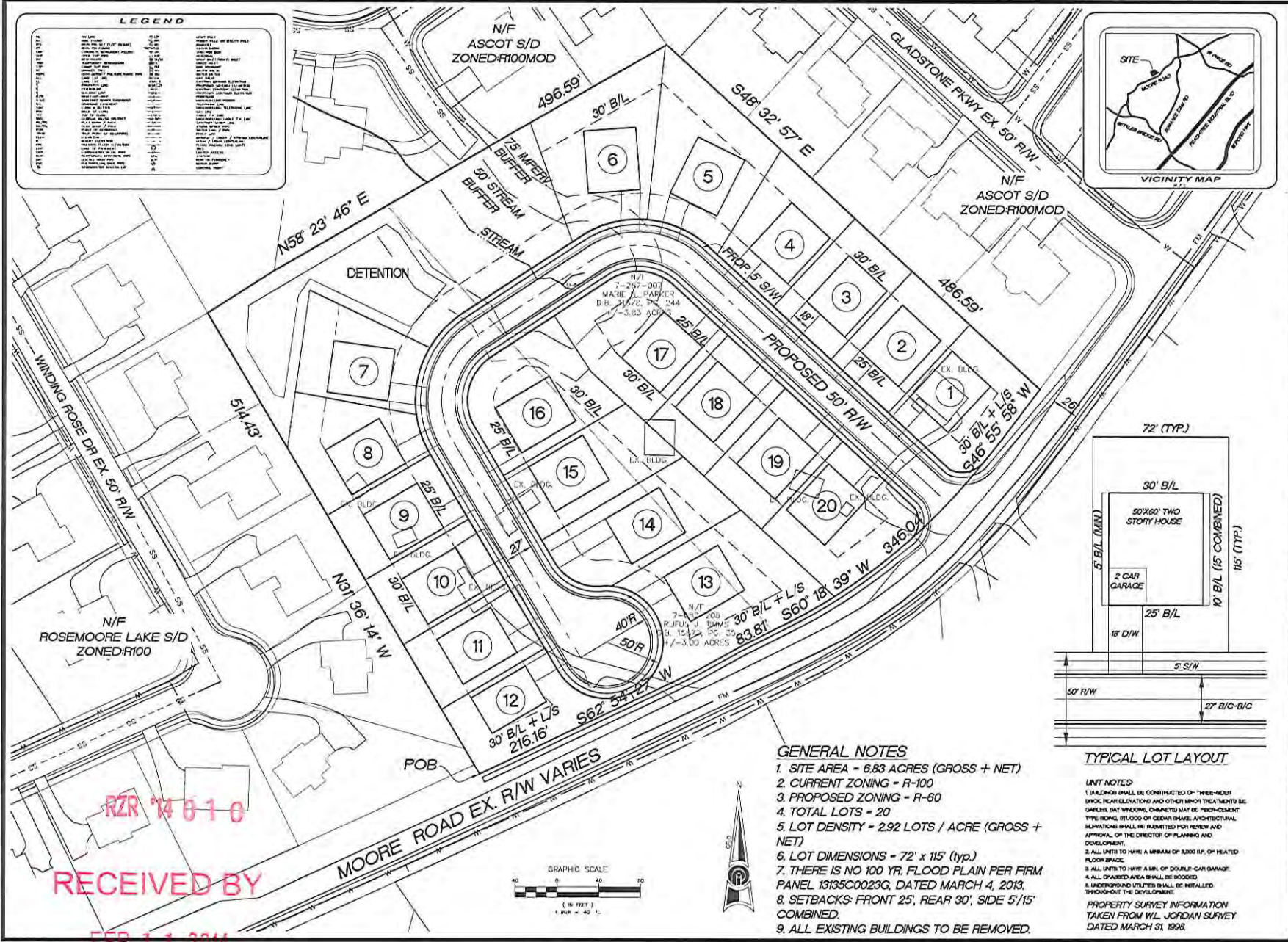
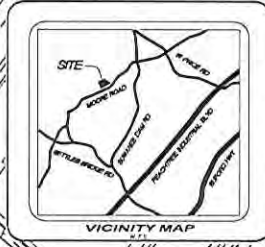
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LEGEND

1. LOT	2. LOT	3. LOT	4. LOT	5. LOT	6. LOT	7. LOT	8. LOT	9. LOT	10. LOT	11. LOT	12. LOT	13. LOT	14. LOT	15. LOT	16. LOT	17. LOT	18. LOT	19. LOT	20. LOT
1. LOT	2. LOT	3. LOT	4. LOT	5. LOT	6. LOT	7. LOT	8. LOT	9. LOT	10. LOT	11. LOT	12. LOT	13. LOT	14. LOT	15. LOT	16. LOT	17. LOT	18. LOT	19. LOT	20. LOT



- GENERAL NOTES**
1. SITE AREA - 6.83 ACRES (GROSS + NET)
 2. CURRENT ZONING - R-100
 3. PROPOSED ZONING - R-60
 4. TOTAL LOTS - 20
 5. LOT DENSITY - 2.92 LOTS / ACRE (GROSS + NET)
 6. LOT DIMENSIONS - 72' x 115' (typ.)
 7. THERE IS NO 100 YR. FLOOD PLAIN PER FIRM PANEL 13135C0023G, DATED MARCH 4, 2013.
 8. SETBACKS: FRONT 25', REAR 30', SIDE 5'/15' COMBINED.
 9. ALL EXISTING BUILDINGS TO BE REMOVED.

UNIT NOTES

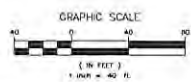
1. SWALES SHALL BE CONSTRUCTED OF THREE-FOOT SPACING NEAR ELEVATION AND OTHER IMPROVEMENTS BE CARRIES, BUT WINDROW CHANNELS MAY BE FISH-CEMENT TYPE BOND, STUCCO OR CEDAR SHAKE ARCHITECTURAL FINISHES SHALL BE SUBMITTED FOR REVIEW AND APPROVAL OF THE DIRECTOR OF PLANNING AND DEVELOPMENT.
2. ALL LOTS TO HAVE A MINIMUM OF 3000 SF OF HEATED FLOOR SPACE.
3. ALL LOTS TO HAVE A MIN. OF DOUBLE-CAR GARAGE.
4. ALL OPENED AREA SHALL BE BROADCAST.
5. UNDERGROUND UTILITIES SHALL BE INSTALLED THROUGHOUT THE DEVELOPMENT.

PROPERTY SURVEY INFORMATION
TAKEN FROM W.L. JORDAN SURVEY
DATED MARCH 31, 1998.

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NOT FOR PUBLIC RELEASE OR CONSTRUCTION - NOT FOR PUBLIC RELEASE OR CONSTRUCTION

PRECISION PLANNING, INC.

PRECISION PLANNING, INC.

MOORE ROAD TRACT

REZONING EXHIBIT

DATE	NO.	DESCRIPTION	BY	CHECKED
			JAR	JAR
			JAR	JAR
			JAR	JAR
			JAR	JAR

1

PROJECT

REVISION

SHEET

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:

Please see attached.

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

Please see attached.

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

Please see attached.

- (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:

Please see attached.

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

Please see attached.

- (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:

Please see attached.

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REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) The subject property is surrounded by residential developments. The proposed zoning of a single family residential subdivision will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- (B) No. The rezoning will not adversely affect the existing use or usability of adjacent or nearby property. Rather, the proposed rezoning and development would be consistent with the adjacent and nearby property and provide an enhancement to the area.
- (C) No. In light of the size and shape of the property, the property has no reasonable economic use as zoned for R-100. The Applicant's requested use as a single family residential development under the R-60 zoning classification will permit a more suitable and appropriate development allowing for the "highest and best use" for the property.
- (D) The proposed development is located in an area with public water and sewer availability and convenient access to major roadways. It will not cause an excessive use of the local fire department, police protection, or solid waste collection/disposal services provided by the County. Further, the rezoning will not cause excessive use of existing streets, transportation facilities, utilities, or schools.
- (E) Yes. The proposed rezoning is in conformance with the Gwinnett County 2030 Unified Plan in that it provides single family residences within an Existing/Emerging Suburban Character Area.
- (F) Yes, the existing zonings of adjacent and nearby properties give additional supporting grounds for the approval of the requested rezoning. Additionally, the property has no reasonable economic use under its current zoning thereby giving additional support for the approval of this Application.

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Justin A. Abernathy
Matthew P. Benson
Shawn F. Bratton
Alissa L. Cummo
Amanda C. Floyd
J. David Gussio
Gerald Davidson, Jr.*
Jill H. Harris*

Christopher D. Holbrook
Austen T. Mabe
Jeffrey R. Mahaffey
Steven A. Pickens
E. Michelle Rothmeier
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
*of Counsel

LETTER OF INTENT FOR REZONING
APPLICATION OF BOWEN, LLC

The Applicant, Home South Communities, LLC, submits this Rezoning Application for the purpose of rezoning to the R-60 (Single Family Residence District) zoning classification a 6.83 acre tract located at 5112 Moore Road, Gwinnett County, Georgia (hereafter, the "Property").

The Property, which is currently undeveloped, is zoned R-100. The Applicant has requested to rezone the Property to the R-60 zoning classification. As seen on the attached site plan, the Applicant has proposed a single family residential subdivision consisting of 20 lots with a minimum of 3,000 square foot floor plans. Additionally, the dwelling units will be comprised of three (3) sides brick, similar to the product provided at McGinnis Reserve in Suwanee.

The Applicant respectfully submits that the proposed use would be the best possible development of the Property and would further provide the community with a much needed benefit. The use and development of the Property as R-100 is not economically viable or physically feasible and is not the highest and best use of the Property. The operation of the Property as a R-60 single family residential subdivision under the guidelines of Gwinnett County is appropriate for the subject tract, is consistent with the

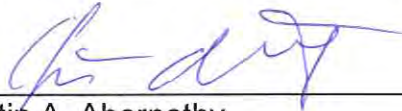
Existing/Emerging Suburban Area under the Gwinnett County 2030 Unified Plan, and is consistent with the surrounding properties.

The Applicant welcomes the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application filed herewith. The Applicant respectfully requests your approval of this Application.

This 7th day of February, 2014.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Justin A. Abernathy
Attorney for Applicant

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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.

Home South Communities, LLC

By: 
Signature of Applicant

2/7/14
Date

Carter Richardson, Vice President of Land

Type or Print Name and Title


Signature of Notary Public

2/7/14
Date



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REZONING PROPERTY OWNER'S CERTIFICATION

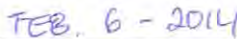
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE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


Signature of Property Owner


Date

Rufus J. Timms
Type or Print Name and Title


Signature of Notary Public


Date

ADRIANA SUCIADI
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires Mar. 20, 2016

Notary Seal

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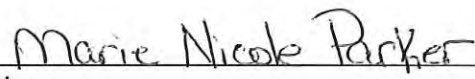
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REZONING PROPERTY OWNER'S CERTIFICATION

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 2-7-14
Date

Marie N. Parker
Type or Print Name and Title 


Signature of Notary Public 2/7/14
Date



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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.

Home South Communities, LLC

by: Carter Richardson 2/7/14 Carter Richardson, Vice President
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

[Signature] 2/7/14
 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 Home South Communities, LLC by Carter Richardson
 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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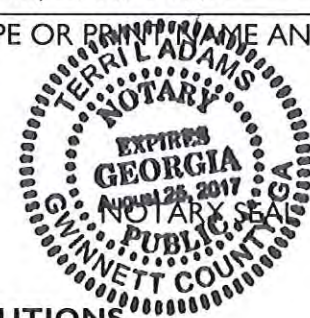
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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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 OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	2/7/14	Mahaffey Pickens Tucker, LLP
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	2/7/14	
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 Mahaffey Pickens Tucker, LLP by Justin Abernathy
 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)
	Please see attached.	

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

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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN
CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS**

MAHAFFEY PICKENS TUCKER, LLP

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Jace Brooks	\$1000	07/02/2012
Tommy Hunter	\$1000	09/06/2012
John Heard	\$ 500	10/24/2012
Tommy Hunter	\$ 500	10/30/2012
Tommy Hunter	\$1000	08/22/2012
John Heard	\$1000	01/09/2014

LEE TUCKER, ATTORNEY AT LAW, PC

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Jace Brooks	\$ 500	07/02/2012

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