

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: Jeffrey R. Mahaffey	NAME: Please See Attached
ADDRESS: c/o Mahaffey Pickens Tucker, LLP	ADDRESS: c/o Mahaffey Pickens Tucker, LLP
CITY: 1550 N. Brown Road, Suite 125, Lville	CITY: 1550 North Brown Road, Suite 125, Lville
STATE: Georgia ZIP: 30043	STATE: Georgia ZIP: 30043
PHONE: (770) 232-0000	PHONE: (770) 232-0000
CONTACT PERSON: Jeff Mahaffey, Attorney PHONE: (770) 232-0000	
CONTACT'S E-MAIL: jmahaffey@mptlawfirm.com and wturner@mptlawfirm.com	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): ^{R-75} _____ REQUESTED ZONING DISTRICT: ^{R-60} _____

LAND DISTRICT(S): ⁵ _____ LAND LOT(S): ¹⁸¹ _____ ACREAGE: ^{20 +/- acres} _____

ADDRESS OF PROPERTY: 789 McCart Road and 795 McCart Road

PROPOSED DEVELOPMENT: 68 single-family residential community

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units ⁶⁸ _____	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): ^{1,800-2,000} _____	Total Building Sq. Ft. _____
Gross Density: ^{3.33} _____	Density: _____
Net Density: ^{3.33} _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Property Owners – McCart Road tracts

1. M. Elizabeth Ogletree
2. Estate of Rosalyn D. Ogletree
 - a) Martha O. Hamilton (co-executor)
 - b) Thomas W. Ogletree (co-executor)

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LEGAL DESCRIPTION

All the tract or parcel of land lying and being in Land Lot 181 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

To find the Point of Commencement, begin at a point at the Intersection of the Southerly Right-of-Way of Castle Top Lane (50' Right-of-Way) and the Westerly Right-of-Way of McCart Road (60' Right-of-Way); THENCE leaving said Intersection and traveling along the Westerly Right-of-Way of McCart Road in a Southerly direction for 134.94 feet to a Point, said point being THE POINT OF BEGINNING.

THENCE from said point as thus established and continuing along said Right-of-Way the following five (5) courses and distances, along a curve to the left, having a radius of 11309.01 feet and arc length of 50.00 feet, being subtended by a chord of South 07 degrees 33 minutes 10 seconds West for a distance of 50.00 feet to a Point; THENCE South 07 degrees 06 minutes 59 seconds West for a distance of 453.71 feet to a Point; THENCE South 07 degrees 05 minutes 22 seconds West for a distance of 365.18 feet to a Point; THENCE along a curve to the left, having a radius of 3229.76 feet and arc length of 94.57 feet, being subtended by a chord of South 06 degrees 04 minutes 09 seconds West for a distance of 94.57 feet to a Point; THENCE South 05 degrees 13 minutes 49 seconds West for a distance of 238.15 feet to a Point; THENCE leaving said Right-of-Way, North 84 degrees 46 minutes 11 seconds West for a distance of 108.55 feet to a Point; THENCE South 61 degrees 17 minutes 38 seconds West for a distance of 134.34 feet to a Point; THENCE North 84 degrees 46 minutes 11 seconds West for a distance of 220.62 feet to a Point on the Land Lot Line Common to Land Lots 172 & 181; THENCE continuing along said Land Lot Line the following two (2) courses and distances, North 29 degrees 51 minutes 10 seconds West for a distance of 528.10 feet to a Point; THENCE North 29 degrees 52 minutes 46 seconds West for a distance of 302.23 feet to a Point; THENCE leaving said Land Lot Line, North 60 degrees 07 minutes 08 seconds East for a distance of 231.56 feet to a Point; THENCE North 16 degrees 44 minutes 23 seconds East for a distance of 198.49 feet to a Point; THENCE North 33 degrees 41 minutes 46 seconds East for a distance of 375.95 feet to a Point; THENCE South 75 degrees 30 minutes 44 seconds East for a distance of 340.27 feet to a Point; THENCE South 82 degrees 53 minutes 01 seconds East for a distance of 204.22 feet to a Point on the aforesaid Westerly 60' Right-of-Way of McCart Road, said point being THE POINT OF BEGINNING.

Said property contains 20 +/- Acres.

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General Notes

Total site area is 327 +/- acres.
 Total site to be rezoned is 217 +/- acres.
 Tax Parcels 2158724, 2161104 and 2161124 are located in unincorporated Gwinnett County.

Existing zoning is R-75 in Gwinnett County.

Proposed zoning (R-60) in Gwinnett County.

State lot requirements:
 Minimum lot area = 7,200 sq ft
 Minimum lot width = 60 ft
 Front yard setback = 27 ft (45 ft on major roads)
 Side yard setback = 7.5 ft
 Side yard setback for two lots = 15 ft
 Rear yard setback = 30 ft

Total number of lots proposed is 68.
 R-60 lots = 68
 Total gross density and acreage (for entire site) is 3.4 lots / acre.
 Gross density and acreage for R-60 development is 3.4 lots / acre.

Total open space required is 11 acres. Total open space provided is 11.27 acres (including the stormwater management ponds).
 Open space shall be owned and maintained by a mandatory homeowners association.

Total length of proposed roadways is 2,224.8 ft.

There is an flood plain on this property per FEMA FIRM 130500200A dated September 29, 2008.

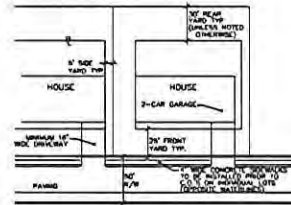
Boundary information taken from the following sources:
 Final Plat for McCart Place unit 1 by Hanson, Morka & Bagwell, dated April 8, 2004.
 Correction Plat for Millstone Properties by McCall & Patrick, dated October 21, 2005.
 Survey for M. Elizabeth Ogletree prepared by Cassington & Associates, Inc., dated September 30, 2008.
 Survey for Rosalyn D. Ogletree prepared by Paul L. Borders, dated April 2, 2010.
 Final Plat for Adams Landing unit 1 prepared by Hanson, Morka & Bagwell, dated August 26, 1999.

Topographic information taken from Gwinnett County GIS maps which is based on mean sea level.

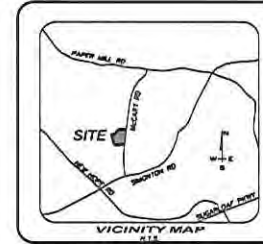
This property is proposed to be served by both public water & public sanitary sewer.

This plan is conceptual in nature and is not to be construed as a recordable plat or used for construction.

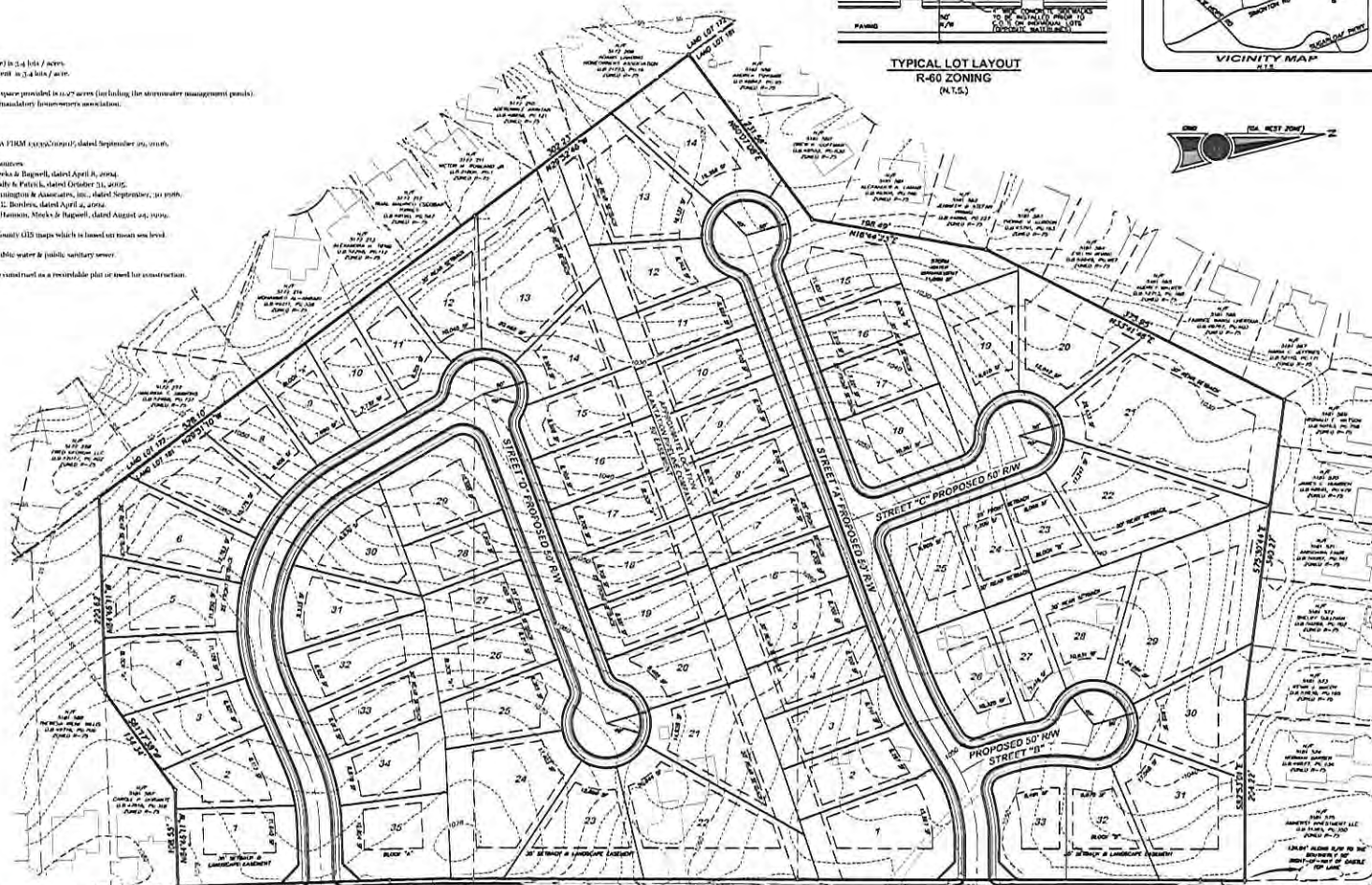
LOT CHART
 BLOCK "A" = 35 LOTS
 BLOCK "B" = 33 LOTS
 TOTAL = 68 LOTS



TYPICAL LOT LAYOUT
 R-60 ZONING
 (A1.5)



VICINITY MAP
 21.8



Owner / Applicant
 MAHAFFEY PICKENS TUCKER, LLP
 ATTN: JEFF MAHAFFEY
 1550 NORTH BROWN ROAD
 SUITE 125
 LAWRENCEVILLE, GA 30043

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Precision Planning, Inc.
 planners, engineers, architects & surveyors
 A Women Business Enterprise (WBE)
 PO Box 2210 40703-2210 - Lawrenceville, GA 30046-2210
 Phone: (770) 338-8800 Fax: (770) 338-8801 Web: www.ppinc.com

GEORGIA
 SURVEYORS
 BOARD
 4-4-14

CONCEPTUAL PLAN & REZONING EXHIBIT

PREPARED FOR:
MAHAFFEY PICKENS TUCKER, LLP

PROJECT INFORMATION:
 PROJECT NAME: _____
 PROJECT NUMBER: _____
 PROJECT ADDRESS: _____
 PROJECT PARCEL NUMBER: _____
 DISTRICT: _____
 CITY, COUNTY, STATE: _____
 PROPOSED ZONING: _____

NO.	REVISION	DATE

SCALE: 1" = 60'
 DATE: 3/24/14
 SHEET: 1 OF 1

GRAPHIC SCALE
 0 30 60 120
 SCALE: 1" = 60'

RZR '14 012

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 is consistent with adjacent and nearby property and seeks to enhance the character of the area by providing a unique residential development.
- (C) No. In light of the size and shape of the property, the property has no reasonable economic use as zoned R-75. 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 as well as providing diversification among housing in the area.
- (D) The proposed development is located in an area with public water and sewer availability and convenient access to major thoroughfares. The proposed development will not cause excessive use of local fire departments, police protection, or solid waste collection/disposal services provided by the County. Additionally, the rezoning will not cause excessive use of existing streets, transportation facilities, utilities, or schools.
- (E) Yes. The proposed rezoning conforms to the intent and spirit of the Gwinnett County 2030 Unified Plan because it provides single family residences within an Existing/Emerging Suburban Character Area as well as increasing additional residential housing choices.
- (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 decreased economic viability due to ample properties designed and developed to fall within the guidelines of the R-75 Zone. Rezoning this property to R-60 will bring a diverse array of housing to the area which fulfills the intent of the 2030 Unified Plan by providing additional housing choices.

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

Jill H. Harris*
Christopher D. Holbrook
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
*of Counsel

**LETTER OF INTENT FOR THE REZONING APPLICATION OF
MAHAFFEY PICKENS TUCKER, LLP**

Mahaffey Pickens Tucker, LLP (the "Applicant"), submits this Rezoning Application for the purpose of rezoning an approximately 20 acre tract situated along McCart Road in unincorporated Gwinnett County, Georgia (the "Property") to the R-60 zoning classification. The Property is currently zoned R-75.

The Applicant proposes to develop a single-family residential community, including 68 detached residential homes and approximately .27 acres of common area (including the stormwater management ponds) for the community. The residences will be developed at a net density of approximately 3.33 units per acre, which is below the maximum density of 4.0 units per acre prescribed in the R-60 zoning classification.

The community will consist of single story residences of 1,800 sq. ft. and two-story residences of 2,000 sq. ft. The quality and price point of this community will be commensurate with or exceed homes in adjoining communities. For example, the neighborhood directly behind this property, Adams Landing, is zoned R-75M and consists of lot widths of 65 feet with zoning conditions setting a minimum of 1,600 to 1,800 sq. ft. residences. The proposed R-60 residences will exceed the zoning standards of Adams Landing's properties and contain lot widths of 60 feet. Further, the proposed R-60 residences

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North Point Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022
TELEPHONE 770 232 0000
FACSIMILE 678 518 6880
www.mptlawfirm.com

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will again exceed the minimum standards in the McCart Place neighborhood (1,200 sq. ft.) which sits directly to the right of the proposed residences and is zoned R-75.

The proposed residences shall be craftsman in style and architecture and shall have a minimum two car, attached garage. Additionally, the architectural style and composition of the exterior of the homes shall consist of brick veneer, board and batten, hardi-plank shake-type, hardi-plank siding, or combinations thereof with the balance of the sides to be hardi-plank. The proposed residences will be constructed on property zoned "Existing/Emerging Suburban" by the 2030 Unified Plan Future Development Map. More importantly, the proposed development of 68 single-family residences is encouraged by the 2030 Unified Plan's land use categories for the subject property's zoning as Existing/Emerging Suburban.

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 Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 4th day of April, 2014.

MAHAFFEY PICKENS TUCKER, LLP



Wesley C. Turner
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.



Signature of Applicant

4/4/2014

Date

Jeff Mahaffey, Attorney

Type or Print Name and Title



Signature of Notary Public

4.4.14

Date

Notary Seal



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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.

Martha O. Hamilton

M Elizabeth Ogletree

Thomas W Ogletree
Signature of Property Owner

4/1/14

Date

Martha O. Hamilton

Co-Executor of RDO Estate

M. Elizabeth Ogletree

Property owner

Thomas W. Ogletree
Type or Print Name and Title

Co-Executor of RDO Estate



[Signature]
Signature of Notary Public

April 1, 2014

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.

 4.4.2014 Jeffrey R. Mahaffey, Attorney
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

 4.4.2014 Jeffrey R. Mahaffey, Attorney
 SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
 ATTORNEY OR REPRESENTATIVE

 4-5-14 NOTARY SEAL
 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
 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)
Please see attached.	Please see attached.	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
Lynette Howard	\$1000	03/20/2014

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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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:
 (Map Reference Number) 51 81 074
 District Land Lot Parcel

[Handwritten Signature]

 Signature of Applicant

4.4.2014

 Date

Jeffrey R. Mahaffey, Attorney

 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)

[Handwritten Signature]

 NAME

[Handwritten Signature]

 TITLE

4-4-14

 DATE

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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: 51 81 004
 (Map Reference Number) District Land Lot Parcel


 Signature of Applicant

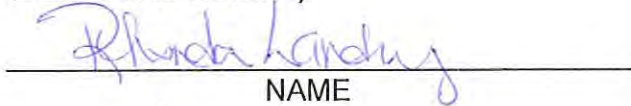
4.4.2014


Date

Jeffrey R. Mahaffey, Attorney
 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


 TITLE

4/6/14
 DATE

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