

## REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Bryan Ashworth</u>	NAME: <u>Ray Hugh Duncan and Joan Duncan Cason</u>
ADDRESS: <u>c/o Mahaffey Pickens Tucker, LLP 1550 North Brown Road, Suite 125</u>	ADDRESS: <u>2755 Old Thompson Mill Rd</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Buford</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30519</u>
PHONE: <u>(770) 232-0000</u>	PHONE: <u>678-889-2609</u>
CONTACT PERSON: <u>R. Lee Tucker, Jr.</u> PHONE: <u>(770) 232-0000</u>	
Mahaffey Pickens Tucker, LLP EMAIL: <u>ltucker@mptlawfirm.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:	
<u>      </u> OWNER'S AGENT	<u>      </u> PROPERTY OWNER
<u>      </u> <b>XX</b> <u>      </u> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT(S): <u>RA-200</u> REQUESTED ZONING DISTRICT: <u>R-60</u>	
LAND DISTRICT(S): <u>1</u> LAND LOT(S): <u>2</u> ACREAGE: <u>12.47+/-</u>	
ADDRESS OF PROPERTY: <u>4478 Sardis Church Road, Buford, GA 30519</u>	
PROPOSED DEVELOPMENT: <u>Single-Family Residential</u>	
<b>RESIDENTIAL DEVELOPMENT:</b> NO. OF LOTS/DWELLING UNITS: <u>+/- 37</u> DWELLING UNIT SIZE (sq. ft.): <u>+/- 2000</u> GROSS DENSITY <u>2.96</u> NET DENSITY <u>2.96</u>	<b>NON-RESIDENTIAL DEVELOPMENT:</b> NO. OF BUILDINGS/LOTS: _____ TOTAL GROSS SQUARE FEET: _____ DENSITY <u>   </u>

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L E G A L   D E S C R I P T I O N

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 2 OF THE 1ST LAND DISTRICT, GWINNETT COUNTY, GEORGIA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE RIGHT OF WAY INTERSECTION OF SARDIS CHURCH ROAD AND OLD THOMPSON MILL ROAD; THENCE PROCEEDING IN A NORTHERLY DIRECTION ALONG THE RIGHT OF WAY OF SARDIS CHURCH A DISTANCE OF 694.23 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE North 56 degrees 46 minutes 44 seconds West for a distance of 238.86 feet TO A POINT;  
THENCE North 06 degrees 12 minutes 48 seconds West for a distance of 265.88 feet TO A POINT;  
THENCE North 30 degrees 04 minutes 16 seconds West for a distance of 195.84 feet TO A POINT;  
THENCE North 16 degrees 35 minutes 22 seconds West for a distance of 602.35 feet TO A POINT IN A CREEK;  
THENCE PROCEEDING IN A NORTHWESTERLY DIRECTION ALONG SAID CREEK A DISTANCE OF 517.93 FEET TO A POINT;  
THENCE North 42 degrees 26 minutes 57 seconds East for a distance of 165.69 feet TO A POINT;  
THENCE South 45 degrees 32 minutes 47 seconds East for a distance of 1098.72 feet TO A POINT;  
THENCE South 06 degrees 02 minutes 20 seconds East for a distance of 344.25 feet TO A POINT;  
THENCE along a curve to the right having a radius of 520.00 feet and an arc length of 224.05 feet, being subtended by a chord of South 06 degrees 18 minutes 16 seconds West for a distance of 222.32 feet TO A POINT;  
THENCE South 18 degrees 38 minutes 53 seconds West for a distance of 101.17 feet TO A POINT;  
THENCE South 18 degrees 13 minutes 48 seconds West for a distance of 221.70 feet TO A POINT;

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 12.47 acres more or less.

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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 (OR SPECIAL USE PERMIT) WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

**SEE ATTACHED**

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

**SEE ATTACHED**

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

**SEE ATTACHED**

(D) WHETHER THE PROPOSED REZONING (OR SPECIAL USE PERMIT) WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

**SEE ATTACHED**

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

**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 (OR SPECIAL USE PERMIT).

**SEE ATTACHED**

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**PLANNING DIVISION USE ONLY**

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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 properties 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 RA-200. 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. The proposed development will feature lot dimensions consistent to that of the surrounding properties. 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 REZONING  
APPLICATION OF LHA HOMES, LLC**

The Applicant, LHA Homes, LLC, submits this Rezoning Application for the purpose of rezoning to the R-60 (Single Family Residence District) zoning classification a 12.47 acre tract located at 4478 Sardis Church Road, Gwinnett County, Georgia (hereafter, the "Property").

The Property, which is currently undeveloped, is zoned RA-200. 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 37 lots.

The adjacent properties are currently zoned R-100 Modified. Due to the adoption of the UDO and the corresponding removal of the R-100 zoning classification, the Applicant is requesting the R-60 zoning classification because it is the next closest zoning classification that is consistent with the surrounding properties. As indicated on the site plan, the lot dimensions of the proposed development are consistent with the lot dimensions of the surrounding R-100 Modified properties. Therefore, rezoning the property to R-60 will provide continuity to the area based on the quality of homes and lot dimensions.

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

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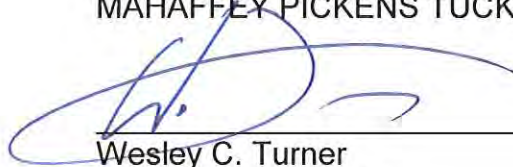
economically viable or physically feasible and is not the highest and best use of the Property. The operation of the Property as an R-60 single-family residential subdivision under the guidelines of Gwinnett County is appropriate for the subject tract, is consistent with the Existing/Emerging Suburban 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 11 day of April, 2014.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



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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.



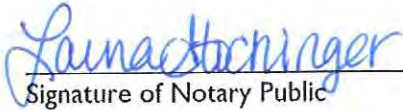
Signature of Applicant

4/10/14

Date

Bryan Ashworth President of Foresight Development Inc. as Manager of Ashton Communities LLC

Type or Print Name and Title



Signature of Notary Public

4/10/14

Date



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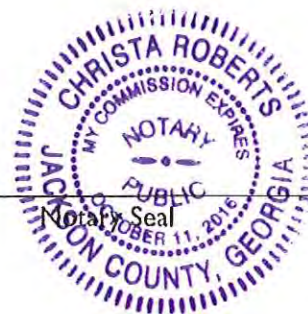
**REZONING PROPERTY OWNER'S CERTIFICATION**

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.

Roy Hugh Duncan, John Duncan Cason      4/10/14  
Signature of Property Owner      Date

Roy Hugh Duncan, John Duncan Cason      OWNER  
Type or Print Name and Title

Christa Roberts      4/14/14  
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.

Ray Hugh Duncan, Joan Duncan Cason      4/10/14  
Signature of Property Owner      Date

Ray Hugh Duncan, Joan Duncan Cason      OWNER  
Type or Print Name and Title

Christa Roberts      4/10/14  
Signature of Notary Public      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.

*BA*                                      4/10/14                                      President of Foresight Development Inc. as Mgr of Ashton Communities LLC  
 SIGNATURE OF APPLICANT                                      DATE                                      TYPE OR PRINT NAME AND TITLE

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

*Laura Stockinger*                                      4/10/14  
 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    Bryan Ashworth  
 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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**CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS**

The undersigned below, making application for 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
	4/10/14	R. Lee Tucker, Jr., Attorney for Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	4/10/14	
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 (yes/no)

**MAHAFFEY PICKENS TUCKER, LLP**

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)
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 REZONINGS**

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)      District      Land Lot      Parcel

SIGNATURE OF APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_  
*R. Lee Tucker, Jr.*  
R. Lee Tucker, Jr., Attorney for Applicant  
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 Diane Fox TITLE TSA II  
DATE 4/11/2014

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