

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: JK124, LLC	NAME: Brookside Ventures, LLC
ADDRESS: c/o Mahaffey Pickens Tucker, LLP	ADDRESS: 3287 Bailey Road
CITY: 1550 N. Brown Rd., Ste. 125, L'ville	CITY: Dacula
STATE: GA ZIP: 30043	STATE: GA ZIP: 30019
PHONE: 770-232-0000	PHONE: 770-232-0000
CONTACT PERSON: Jeff Mahaffey and/or Wes Turner 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): O-1 REQUESTED ZONING DISTRICT: R-75

LAND DISTRICT(S): 02 LAND LOT(S): 003 (1587 GMD) ACREAGE: 26.416 +/- Acres

ADDRESS OF PROPERTY: R2003-014C Auburn Road

PROPOSED DEVELOPMENT: Single Family Residential

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units +/- 66	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): ~2,000 - 2,200	Total Building Sq. Ft. _____
Gross Density: 2.50	Density: _____
Net Density: 2.50	

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

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2

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## LAND DESCRIPTION

- All that tract or parcel of land lying and being in Land Lot 3 of The 2nd Land District of Gwinnett County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, begin at the intersection of the Westerly right-of-way of Tama Hill Court (Apparent right-of-way varies) and the Southerly right-of-way of SR 324 a.k.a. Auburn Road (Apparent 60 foot right-of-way)if extended; THENCE following along the westerly right-of-way of Tama Hill Court South 03 degrees 18 minutes 57 seconds East for a distance of 44.26 feet to a point; THENCE South 40 degrees 46 minutes 39 seconds West for a distance of 76.57 feet to a point; THENCE South 27 degrees 14 minutes 34 seconds West for a distance of 75.05 feet to a point; THENCE South 42 degrees 41 minutes 57 seconds West for a distance of 266.67 feet to a point; THENCE leaving said right-of-way North 47 degrees 17 minutes 08 seconds West for a distance of 513.18 feet to a point; THENCE North 46 degrees 52 minutes 08 seconds West for a distance of 898.27 feet to a point; THENCE North 39 degrees 49 minutes 46 seconds West for a distance of 714.64 feet to a point; THENCE North 35 degrees 43 minutes 28 seconds West for a distance of 518.96 feet to a point; THENCE North 45 degrees 36 minutes 46 seconds East for a distance of 368.75 feet to a point on the westerly right-of-way of SR 324. THENCE along said right-of-way along a curve to the left having a radius of 3679.14 feet an arc length of 217.89 feet being subtended by a chord bearing of South 44 degrees 22 minutes 46 seconds East for a chord length of 217.86 feet to a point; THENCE South 44 degrees 03 minutes 46 seconds East for a distance of 190.56 feet to a point; THENCE South 41 degrees 17 minutes 52 seconds East for a distance of 393.57 feet to a point; THENCE South 40 degrees 16 minutes 45 seconds East for a distance of 324.73 feet to a point; THENCE along a curve to the right having a radius of 2225.04 feet an arc length of 295.97 feet being subtended by a chord bearing of South 43 degrees 58 minutes 45 seconds East for a chord length of 295.75 feet to a point; THENCE South 46 degrees 37 minutes 06 seconds East for a distance of 255.87 feet to a point; THENCE South 46 degrees 53 minutes 09 seconds East for a distance of 275.92 feet to a point; THENCE South 47 degrees 04 minutes 36 seconds East for a distance of 275.92 feet to a point; THENCE South 47 degrees 18 minutes 09 seconds East for a distance of 330.77 feet to a point, said point being the True Point of Beginning.

Said property contains 26.416 acres.  
Including easements within

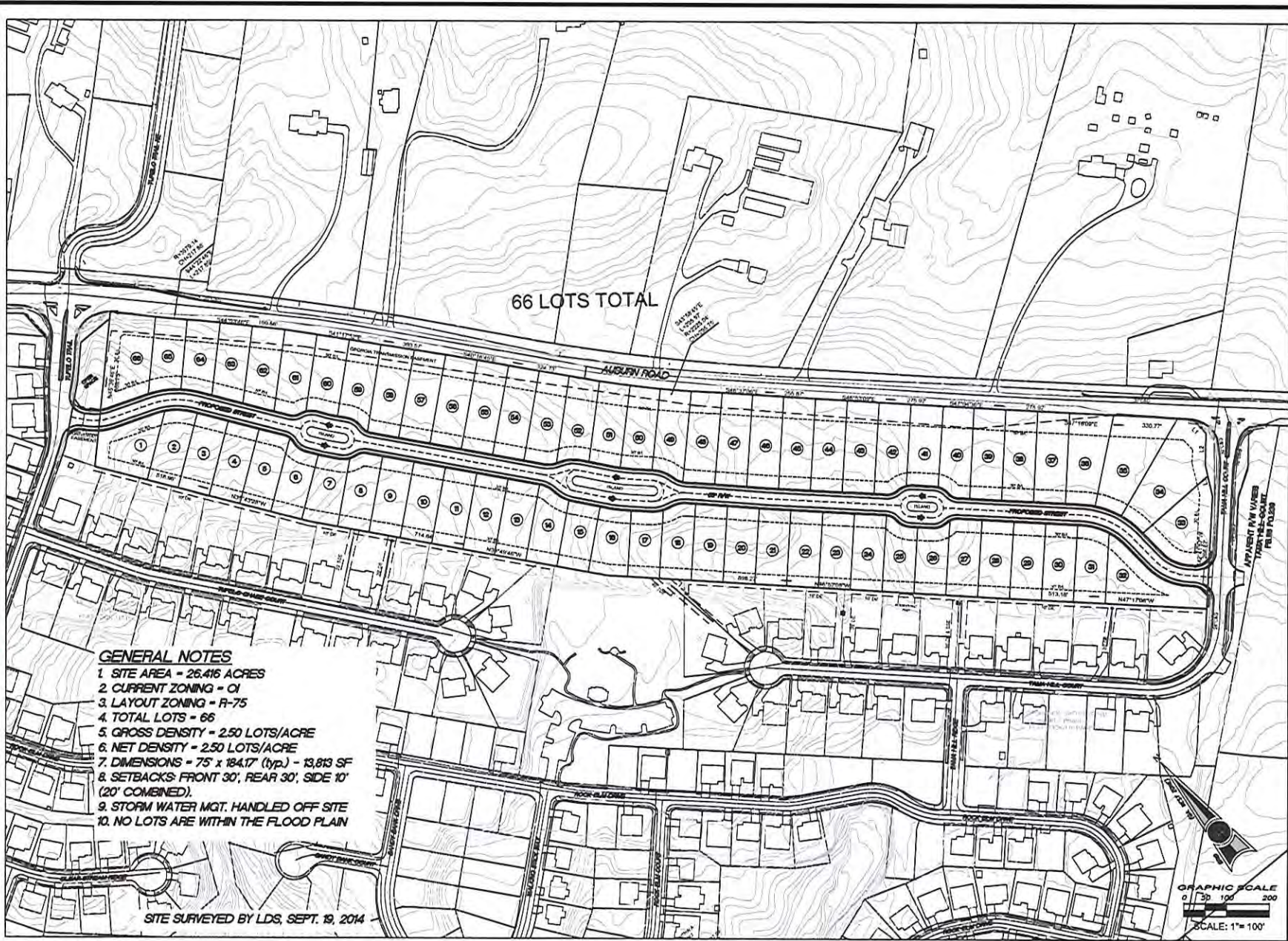
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**GENERAL NOTES**

1. SITE AREA - 26.416 ACRES
2. CURRENT ZONING - CI
3. LAYOUT ZONING - R-75
4. TOTAL LOTS - 66
5. GROSS DENSITY - 2.50 LOTS/ACRE
6. NET DENSITY - 2.50 LOTS/ACRE
7. DIMENSIONS - 75' x 184.17' (typ.) - 13,813 SF
8. SETBACKS FRONT 30', REAR 30', SIDE 10' (20' COMBINED).
9. STORM WATER MGT. HANDLED OFF SITE
10. NO LOTS ARE WITHIN THE FLOOD PLAIN

SITE SURVEYED BY LDS, SEPT. 19, 2014



	 <p><b>Precision Planning, Inc.</b>  <small>precisionplanning.com          4000 West 10th Street, Suite 100          P.O. Box 2213          Aurora, CO 80012          303.688.8000          1775.802.0800 Fax</small></p>	<p>PROJECT</p>	<p>STAMP</p>
<p>AUBURN ROAD TRACT          RESIDENTIAL LAYOUT          NEW R-75/OLD R-100 MODIFIED</p>		<p>REVISION</p>	<p>SHEET</p>
<p>DATE</p>	<p>DESCRIPTION</p>	<p>DESIGN</p>	<p>CHECKED</p>
<p>9-25-14</p>	<p>114-035-03</p>	<p>JAR</p>	<p>JAR</p>
<p>SITE</p>	<p>PROJECT</p>	<p>JAR</p>	<p>SWS</p>
<p>114-035-03</p>	<p>PROJECT</p>	<p>JAR</p>	<p>SWS</p>
<p>114-035-03</p>	<p>PROJECT</p>	<p>JAR</p>	<p>SWS</p>

**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 Attached

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

See Attached

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

See Attached

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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 Attached

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

See Attached

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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 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 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 O-I. The Applicant's requested use as a single family residential development under the R-75 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.
- (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-75 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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Matthew P. Benson  
Shawn E. 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.  
Wesley C. Turner  
\*of Counsel

**LETTER OF INTENT FOR REZONING**  
**APPLICATION OF JK124, LLC**

The Applicant, JK124, LLC, submits this Rezoning Application for the purpose of rezoning to the R-75 (Single Family Residence District) zoning classification an approximate 26.416 acre tract located at Auburn Road, Gwinnett County, Georgia (hereafter, the "Property").

The Property, which is currently undeveloped, is zoned O-I. The Applicant has requested to rezone the Property to the R-75 zoning classification. As seen on the attached site plan, the Applicant has proposed a single family residential subdivision consisting of +/- 66 lots.

The adjacent properties are currently zoned R-100M, R-100, and C-2. As indicated on the site plan, the lot dimensions of the proposed development are consistent with the lot dimensions of the surrounding R-100M properties. Furthermore, given the character of the adjacent R-100 and C-2 properties as well as the current zoning of the subject property, O-I, rezoning to R-75 provides for downzoning in the area.

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 O-I is not economically viable or physically feasible and is not the highest and best use of the Property due to its

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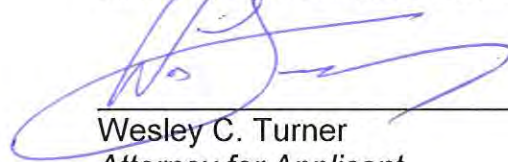
surroundings. The operation of the Property as an R-75 single-family residential subdivision under the guidelines of Gwinnett County is appropriate for the subject tract.

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 1<sup>st</sup> day of October, 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.

*[Handwritten Signature]*

Signature of Applicant

9-4-2014

Date

JK124, LLC

BY: Jeff Cox,

Its: Manager

*[Handwritten Signature]*  
Signature of Notary Public

9.4.14

Date



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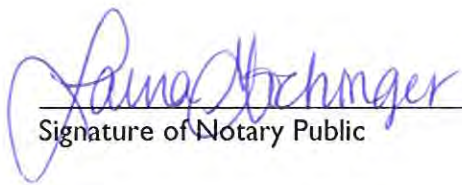


**REZONING PROPERTY OWNER'S CERTIFICATION**

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      *Manger Member*      9/5/14  
Date

Brookside Ventures, LLC BY: Peter Boyce ITS: Manger-Member  
\_\_\_\_\_  
Type or Print Name and Title

 \_\_\_\_\_  
Signature of Notary Public      9.5.14      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.

SIGNATURE OF APPLICANT MAHAFFEY PICKENS TUCKER, LLP <i>[Signature]</i>	DATE 9/5/14	TYPE OR PRINT NAME AND TITLE Wesley C. Turner, Attorney for Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE <i>[Signature]</i>	DATE 9.5.14	TYPE OR PRINT NAME AND TITLE
SIGNATURE OF NOTARY PUBLIC <i>[Signature]</i>	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 Wesley C. Turner. and 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)
*See attached list.		

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

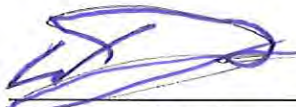
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**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

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:**                      2                      003                      014C  
(Map Reference Number)                      District                      Land Lot                      Parcel

 \_\_\_\_\_                      9/5/14  
Signature of Applicant                      Date

Wesley C. Turner, 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)

Rhonda Landrey                      \_\_\_\_\_                      TSA II  
NAME                      TITLE

9/5/14                      \_\_\_\_\_                      2014 is due 10/1/14  
DATE                      No delinquent taxes -

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