

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: GDP Holdings, LLC <small>C/O Mahaffey Pickens Tucker, LLP</small> ADDRESS: 1550 N. Brown Rd., Ste. 125 CITY: Lawrenceville STATE: GA ZIP: 30043 PHONE: (770)232-0000	NAME: Mutiple, See Owner Certifications <small>C/O Mahaffey Pickens Tucker, LLP</small> ADDRESS: 1550 N. Brown Rd., Ste. 125 CITY: Lawrenceville STATE: GA ZIP: 30043 PHONE: (770)232-0000
CONTACT PERSON: Wes Turner or Jeff Mahaffey 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-100 REQUESTED ZONING DISTRICT: R-60
 LAND DISTRICT(S): 6th LAND LOT(S): 076 ACREAGE: 24.19
 ADDRESS OF PROPERTY: Brownlee and Pounds Road
 PROPOSED DEVELOPMENT: Single Family Residence

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: 79	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): 2,400 sq. ft. min.	Total Building Sq. Ft. _____
Gross Density: 3.265	Density: _____
Net Density: 3.265	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Freeman Property – Brownlee North

All that tract or parcel of land lying and being in Land Lot 76 of the Sixth Land District of Gwinnett County, Georgia and being more particularly described as follows:

COMMENCING at a point at the intersection of the western right-of-way margin of Pounds Road (80' R/West) with the southern right-of way margin of Brownlee Road (80' R/West)

Thence South 63 degrees 00 minutes 00 seconds West for a distance of 56.07 feet to the beginning of a curve;

Thence 459.53 feet along the arc of a curve to the right having a radius of 1676.02 feet and a being subtended by a chord bearing South 70 degrees 51 minutes 00 seconds West and being subtended by a chord distance of 458.09 feet to a point on the southern right-of way margin of Brownlee Road (80' R/West);

Thence North 44 degrees 16 minutes 00 seconds West for a distance of 95.35 feet to a point on the northern right-of way margin of Brownlee Road (80' R/West);

Thence, continue along the northern right of way margin of Brownlee Road, the following courses and distances:

South 78 degrees 42 minutes 00 seconds West for a distance of 11.66;

Thence 131.94 feet along the arc of a curve to the left having a radius of 612.96 feet and being subtended by chord bearing South 72 degrees 31 minutes 59 seconds West for a distance of 131.69 feet;

Thence South 66 degrees 22 minutes 00 seconds West for a distance of 81.87 feet;

Thence 233.02 feet along the arc of a curve to the left having a radius of 517.46 feet and being subtended by a chord bearing South 53 degrees 28 minutes 00 seconds West for a distance of 231.06 feet;

Continue 139.98 feet along a curve to the left having a radius of 517.46 feet and being subtended by a chord bearing South 32 degrees 48 minutes 59 seconds West for a distance of 139.55 feet;

Thence South 25 degrees 04 minutes 00 seconds West for a distance of 150.86 feet;

Thence South 10 degrees 24 minutes 00 seconds West a distance of 131.38 feet to a point on the northern right of way margin of Brownlee Road, said point being the **POINT OF BEGINNING**.

From the **POINT OF BEGINNING** South 10 degrees 24 minutes 00 seconds West for a distance of 94.38 feet;

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Thence 113.12 feet along a curve to the left having a radius of 1472.39 feet, and being subtended by a chord bearing South 08 degrees 11 minutes 57 seconds West for a distance of 113.09 feet;

Thence South 06 degrees 00 minutes 00 seconds West for a distance of 124.88 feet;

Thence 431.92 feet along a curve to the right having a radius of 532.96 feet, and being subtended by a chord bearing South 29 degrees 13 minutes 00 seconds West for a distance of 420.19 feet;

Thence South 52 degrees 26 minutes 00 seconds West for a distance of 33.06 feet;

Thence, leaving the northern right of way margin of Brownlee Road, North 36 degrees 56 minutes 56 seconds West for a distance of 209.04 feet;

Thence South 53 degrees 03 minutes 04 seconds West for a distance of 210.00 feet;

Thence South 36 degrees 56 minutes 56 seconds East for a distance of 210.00 feet a point on the northern right of way margin of Brownlee Road;

Thence 222.73 feet along a curve to the right having a radius of 400.74 feet and being subtended by a chord bearing South 72 degrees 58 minutes 40 seconds West for a distance of 219.87 feet;

Thence South 88 degrees 54 minutes 00 seconds West for a distance of 528.26 feet;

Thence 198.61 feet along a curve to the left having a radius of 421.97 feet, and being subtended by a chord bearing South 75 degrees 24 minutes 59 seconds West for a distance of 196.78 feet;

Thence departing the northern right of way margin of Brownlee Road and following the meanders of the centerline of an un-named branch, represented by the following courses and distances:

North 37 degrees 24 minutes 00 seconds West for a distance of 190.03 feet;

North 21 degrees 47 minutes 50 seconds West for a distance of 156.21 feet;

North 64 degrees 36 minutes 50 seconds West for a distance of 130.85 feet;

Thence, leaving said branch, North 58 degrees 23 minutes 05 seconds East for a distance of 1538.80 feet;

Thence South 61 degrees 36 minutes 00 seconds East a distance of 403.38 feet to the **POINT OF BEGINNING**

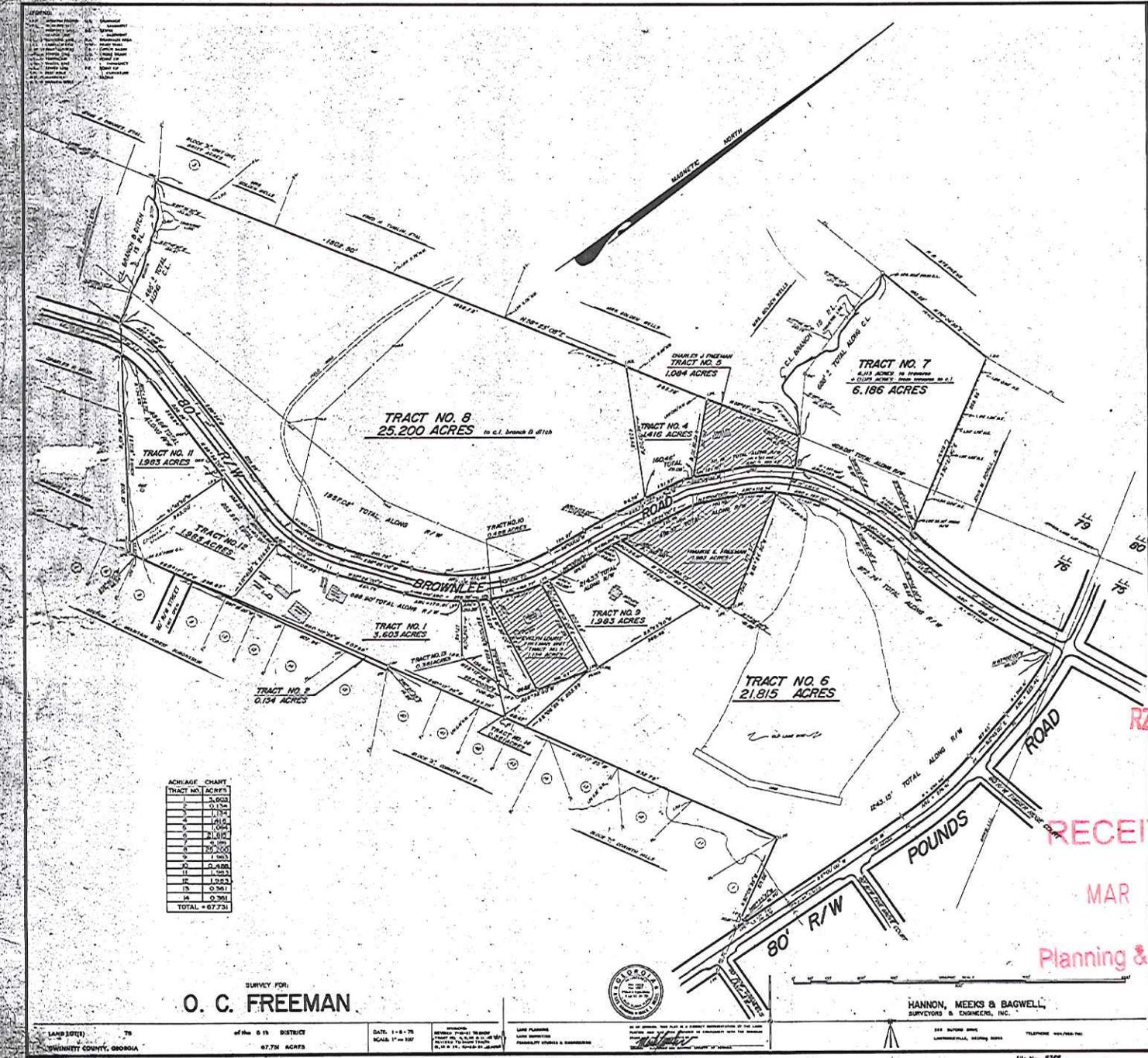
Said tract or parcel contains 24.19 acres, more or less, and is a portion of the property transferred to Mrs. Dortha Freeman described in Deed Book 143, Page 81 of the Gwinnett County Public records.

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ACREAGE CHART

TRACT NO.	ACRES
1	3,603
2	0.124
3	1,983
4	1,416
5	1,084
6	21,815
7	6,186
8	25,200
9	1,983
10	0.488
11	1,983
12	1,868
TOTAL	67,731

SURVEY FOR:
O. C. FREEMAN

LAND 107E1 79
WHITTEY COUNTY, GEORGIA

of the 6th DISTRICT
67.731 ACRES

DATE: 1-8-78
SCALE: 1" = 100'

REVISIONS:
REVISION 1: CORRECTED TRACT NO. 10
REVISION 2: CORRECTED TRACT NO. 11
REVISION 3: CORRECTED TRACT NO. 12

LAND PLANNING
LAND SURVEYING
PROPERTY STUDIES & ENGINEERING



HANNON, MECKS & BAGWELL,
SURVEYORS & ENGINEERS, INC.

SEE SURVEY BOOK
LAWRENCEVILLE, GEORGIA 30046
TELEPHONE 404/866-7861

File No. 2299

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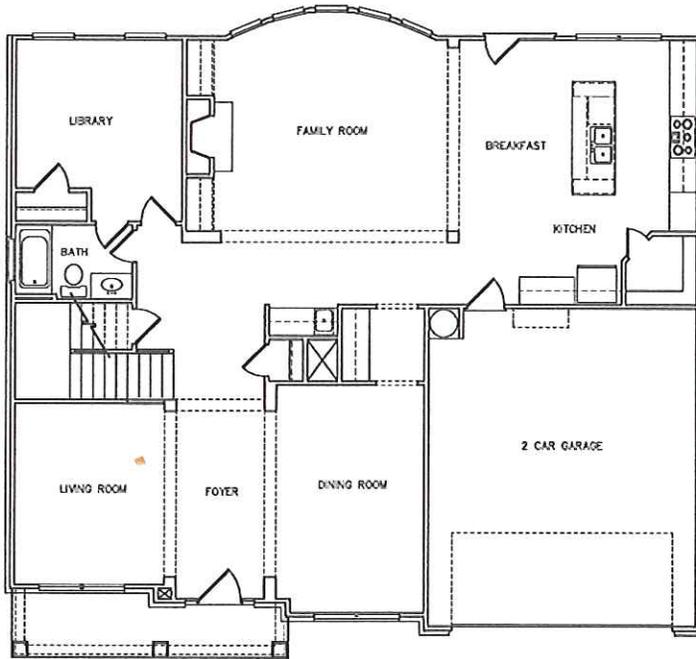


Custom Design Finishes

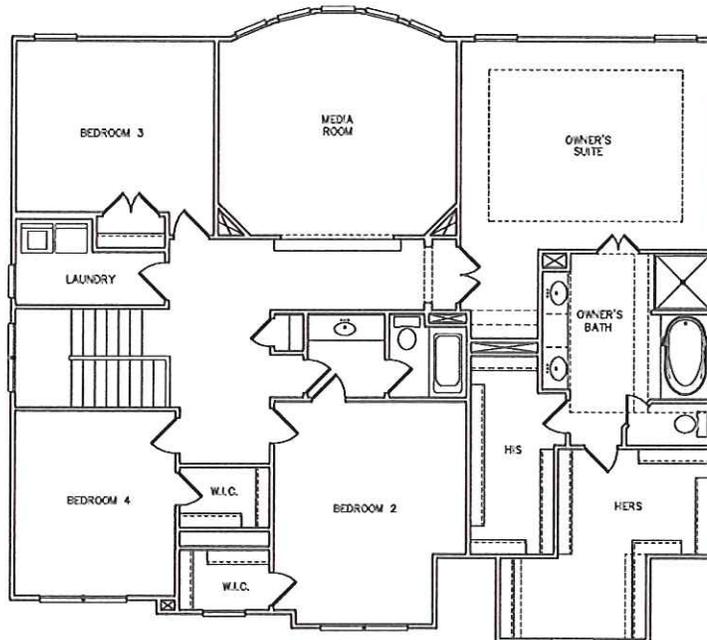
- Not everyone needs a library. You may choose a fifth bedroom & full bath in lieu of a library, giving you more sleeping space for guests or your family.
- Dramatically customize your home's exterior with elegant elevation options like varying roof pitches, porch layouts, window placement and materials used.
- One of the best rooms in your home doesn't have to be in your home at all. An outdoor living space can make the outdoors as cozy and inviting as the indoors.
- A curved wall of windows brings the outside in with a gorgeous view of the surrounding settings.
- Accessorize your family room with walled cabinets for storage and functionality in keeping your home organized.
- A large, open floor plan creates a connected space and inviting feel between your kitchen and family room.

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Main Floor



Second Floor



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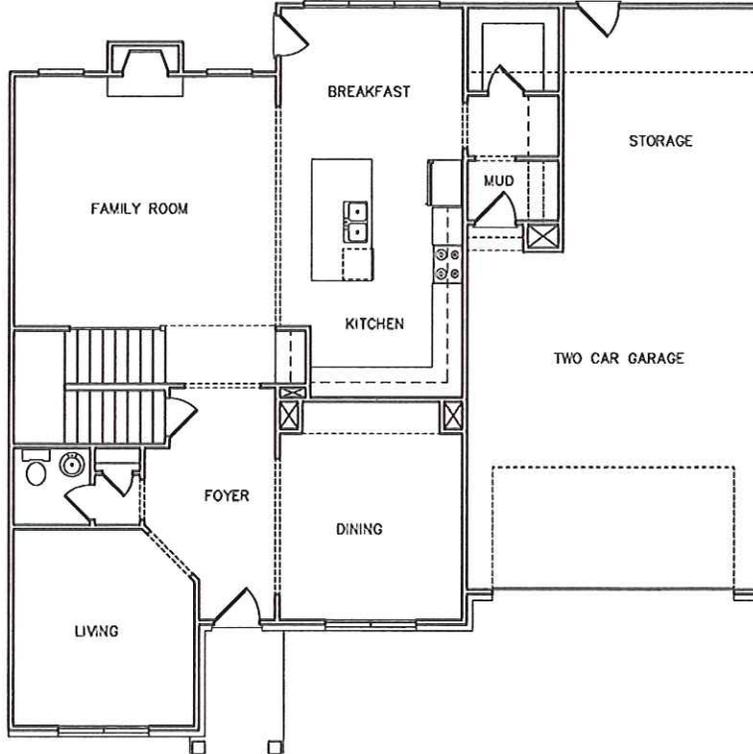


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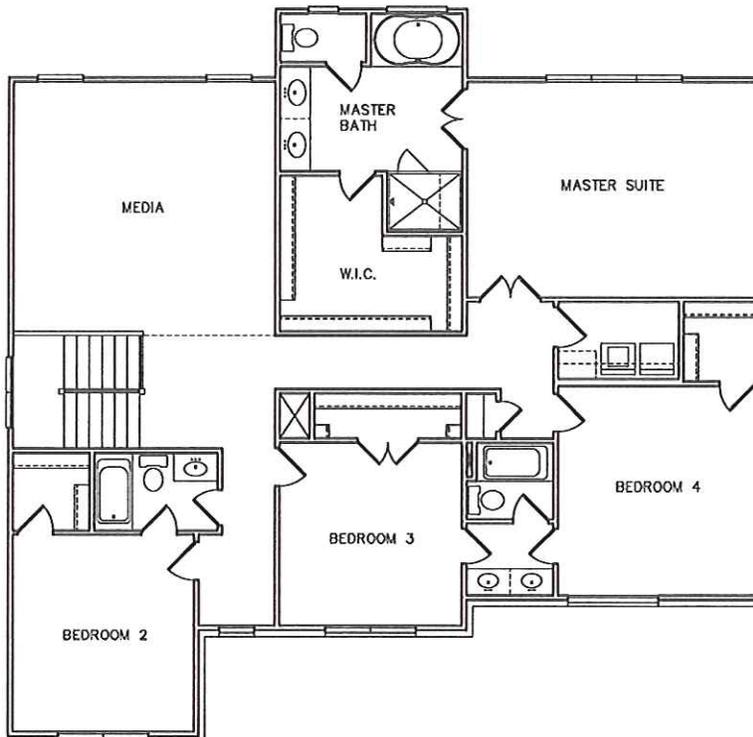
- Need more private space? A fifth bedroom & full bath give you or your guests an area all on its own.
- A keeping room lets guests and family be part of the kitchen experience while providing a little extra comfort and space.
- Gain more utility and clothing room with a stacked third car garage with extended bedroom and closet space above it.
- A side entry garage offers easy access for cars and storage.

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Main Floor



Second Floor



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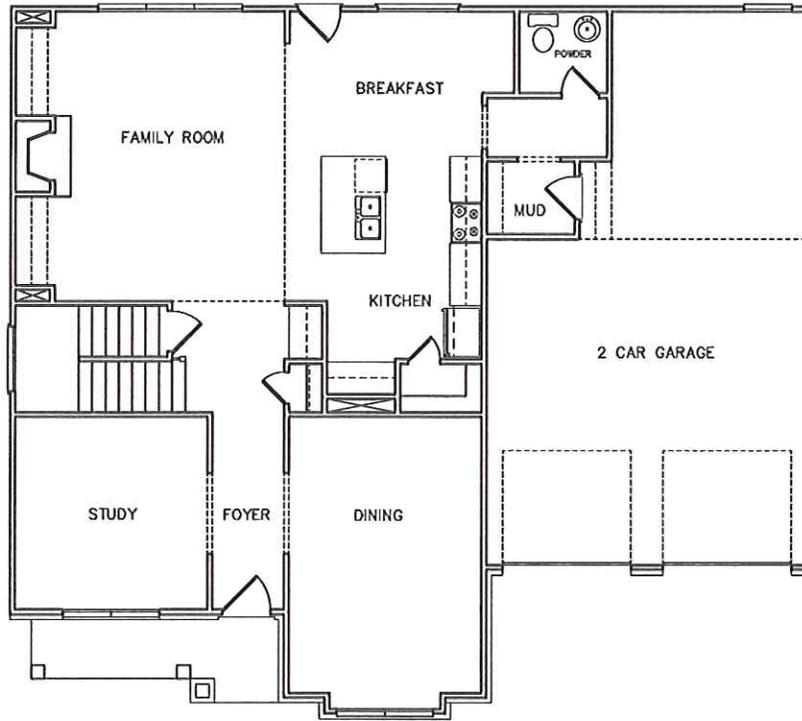


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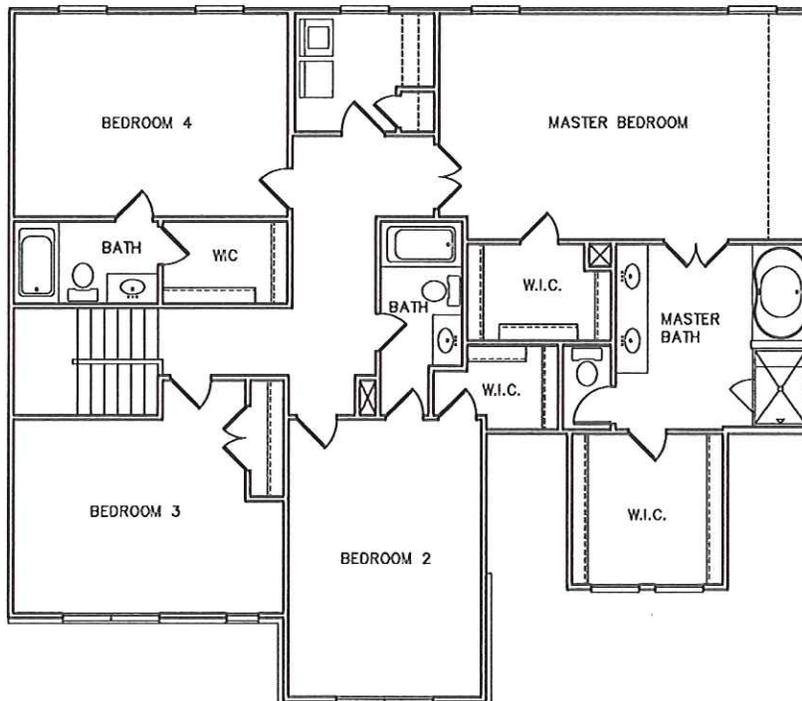
- Need more living room? A keeping room lets guests and family be part of the kitchen experience.
- A coffered ceiling brings depth and a touch of elegance to a room, as well as helping to diminish sound when guests gather.
- Gain more utility and clothing room with a stacked third car garage with extended bedroom and closet space above it.
- A mudroom keeps the family coming in while the shoes and messes stay out.
- Need more private space? A study room gives you an area all your own.
- A large walk in-his and hers master closet keeps his clothes organized and her vision of a dream closet intact.

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Main Floor



Second Floor



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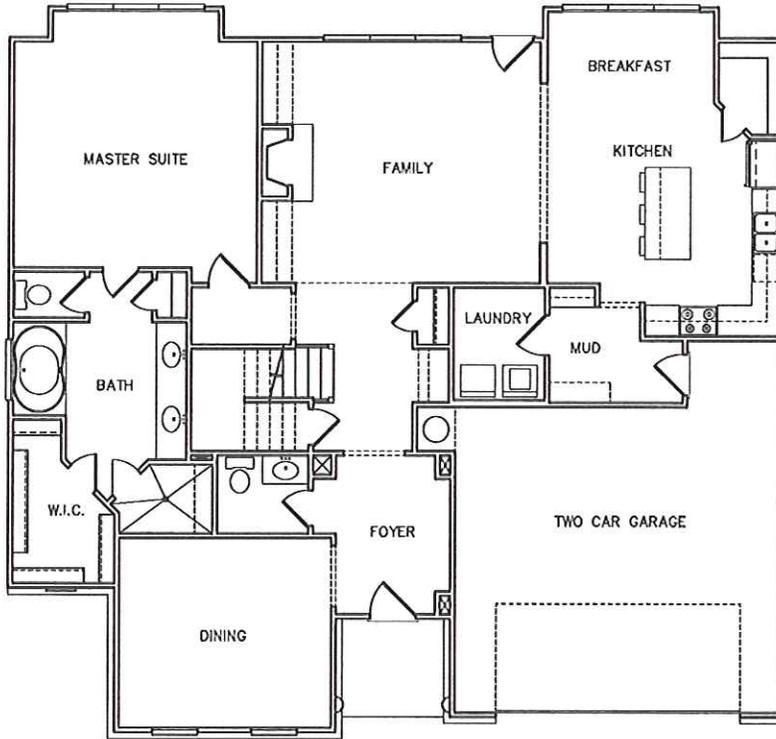


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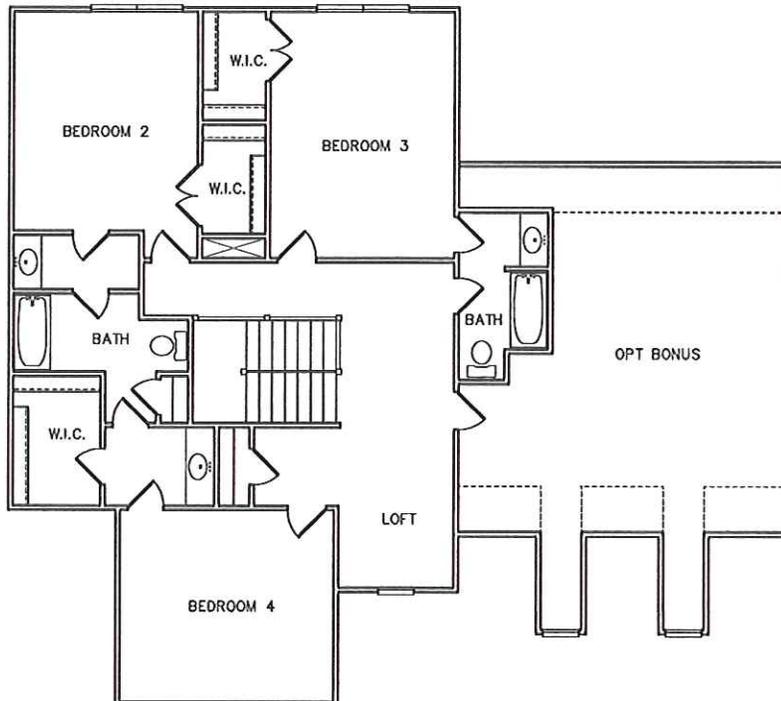
- Need more living room? A sunroom gives you a naturally lit exterior room that brings the beauty of the outside in.
- Coffered ceilings can bring depth and a touch of elegance to a room, as well as help diminish sound when guests gather.
- Gain more utility and clothing room with a stacked third car garage with extended bedroom and closet space above it.
- A fifth bedroom gives you or your guests an area all their own.
- A master on the main allows you to make your easily accessible master suite your perfect little getaway.
- A flex room lets you make the best use of a functional space for all family members.
- A mudroom keeps the family coming in while the shoes and messes stay out.
- The large, open floor plan creates an inviting layout for your family to always feel connected.

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Main Floor



Second Floor



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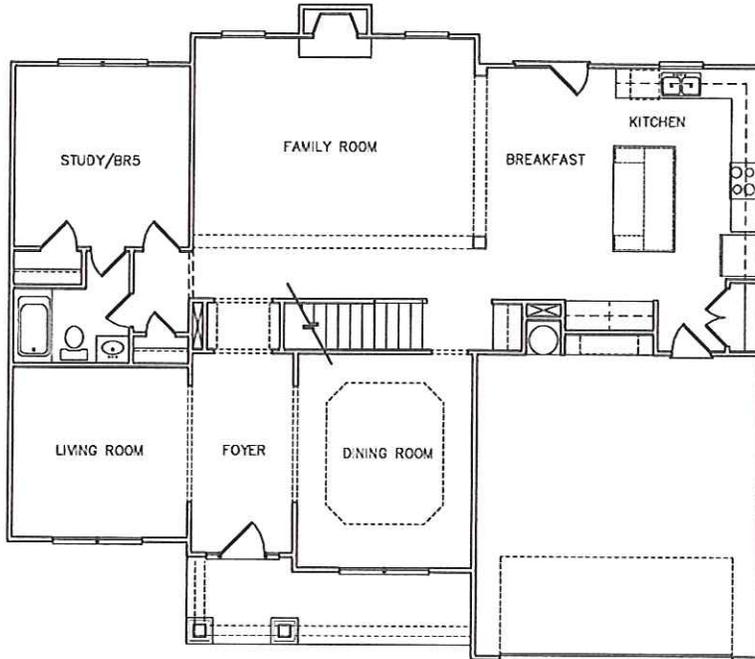


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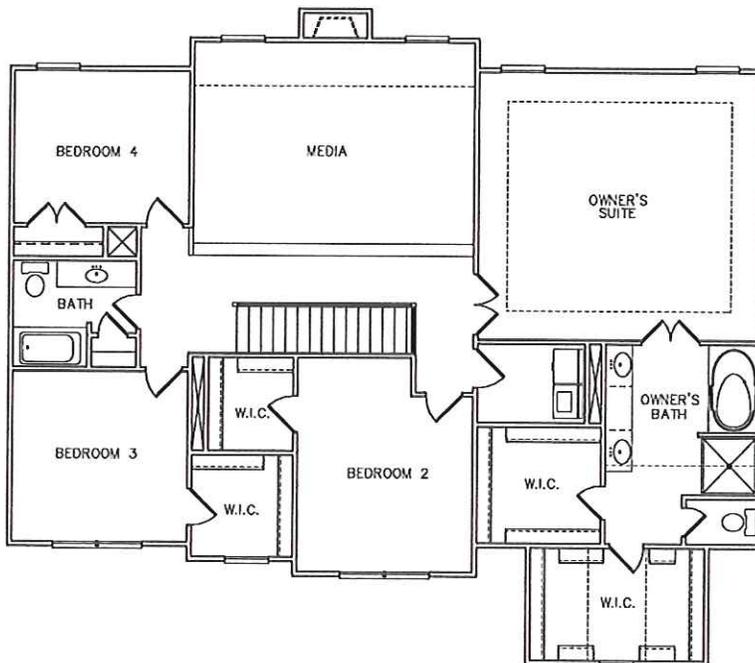
- A cozy keeping room lets guests and family be part of the kitchen experience while providing a relaxing retreat space as well.
- Coffered ceilings bring depth and a touch of elegance to a room.
- Want more private space? An office or extra bedroom gives you or your guests an area all on its own.
- Gain more utility and clothing room with a stacked third car garage with extended bedroom and closet space above it.
- A large, open floor plan creates an connected and convenient layout between your kitchen and family room.
- Make room for fun. A media room or bonus room gives you more recreational space for games, tv or an additional play area for the kids.

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Main Floor



Second Floor



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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 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 market conditions 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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Matthew P. Benson
Alissa L. Cummo
Kelly O. Faber
J. David Gussio
Amanda F. Henningsen
Christopher D. Holbrook
Gerald Davidson, Jr.*
Jill H. Harris*

Joshua P. Johnson
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
Wesley C. Turner
*of Counsel

AMENDED LETTER OF INTENT FOR REZONING
APPLICATION OF GDP HOLDINGS, LLC

Mahaffey Pickens Tucker, LLP, submits this Rezoning Application on behalf of the Applicant, GDP Holdings, LLC, for the purpose of rezoning to the R-60 (Single Family Residence District) zoning classification an approximate 58 acre tract located near the intersection of Brownlee Road and Pounds Road in 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 in order to develop the Property into a single-family residential subdivision mixed with R-60 and R-100 sized lots. Out of the approximate 58 acres, 15 acres will consist of open space. The Property also features a large lake, not only providing a rare amenity, but also enhancing the quality of open space.

In this case, the R-60 classification will merely be a name as the Property will be developed closer to the standards of an R-75 and R-100 zoning classification. However, as described below, the R-60 zoning classification is needed in order to achieve the Applicant's vision for the Property. The net/gross density of the development will be approximately 1.88 units per acre as the Applicant plans on constructing 109 home sites,

87 of which will consist of at least 68 foot lots and 22 of which will consist of at least 100 foot lots. However, if the Applicant drained the lake and developed the entire 58 acres into lots, the net density would be approximately 2.1 units per acre, which would be sufficient for the R-100 zoning classification. Instead, the Applicant seeks to preserve the lake and provide ample open space. Again, R-60 is merely a name.

A simple review of an adjacent neighborhood, Evergreen Lakes, shows 5 units platted for comparison:

1. Evergreen Lakes Unit One, Plat Book 55, page 171, 39 lots on 19.4632 acres; 2.0004 units per acre; minimum house size 1,400 square feet.
2. Evergreen Lakes Unit Two, Plat Book 56, page 240, 56 lots on 33.0031 acres; 1.70 units per acre; minimum house size 2,000 for a one-story and 2,400 for a two-story (This Unit contains Recreation Area and Lake).
3. Evergreen Lakes Unit Three, Plat Book 57, page 258, 26 lots on 12,534 acres; 2.07 units per acre; minimum house size 2,000 for a one-story and 2,400 for a two-story.
4. Evergreen Lakes Unit Four, Plat Book 59, page 111, 20 lots on 9.6548 acres; 2.07 units per acre; minimum house size 2,000 for a one-story and 2,400 for a two-story.
5. Evergreen Lakes Unit Five, Plat Book 56, page 240, 18 lots on 10.3915 acres; 1.73 units per acres; minimum house size 2,000 for a one-story and 2,400 for a two-story (This Unit has some lake area).

As mentioned above, the Applicant's request is 1.88 units per acre. The density for all five units of Evergreen Lakes combined is 1.869 units per acre (159 lots on 85.0466 acres). Essentially, the net density of proposed development is almost identical to the combined density of Evergreen Lakes.

Therefore, in this particular case, the R-60 zoning classification does not mean "higher density," does not mean more homes per acre, does not mean a high impact on schools, and does not mean a decrease in value to adjacent neighborhoods. R-60 in this case means providing high-end homes on lots that vary in size from 60 feet to over 100 feet in width and providing significant open space and amenities that only high-end neighborhoods can achieve. As for quality, all homes will be constructed with front facades of primarily brick, stacked stone, cedar shake or some combination thereof, with the balance being the same or hardiplank siding. All homes shall be at a minimum of 2,400 square feet.

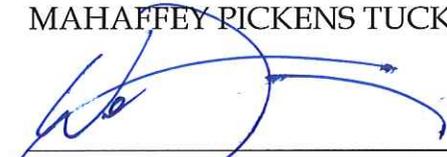
The Applicant respectfully submits that the proposed use would be the best possible development of the Property and would further provide the community with a much needed benefit. As evident from facts and figures presented above, the use and development of the Property as R-100 only is not the highest and best use of the Property. The operation of the Property as a mixed R-100 and 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 11th day of March, 2015.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Wesley C. Turner
Attorney for Applicant

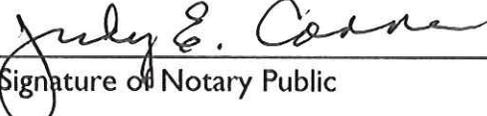
REZONING APPLICANT'S CERTIFICATION

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

2-5-15
Date

Scott Appling V.P. GDP Holdings, LLC
Type or Print Name and Title


Signature of Notary Public

2-5-15
Date

Notary Seal

JUDY E CANNON
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
COMMISSION EXPIRES SEPTEMBER 16, 2016

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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.

Margaret Lavon Freeman
Margaret Lavon Freeman
Olaf Clifford Freeman

2/5/15

Signature of Property Owner

Date

Margaret Lavon Freeman
Olaf Clifford Freeman

Type or Print Name and Title

Judy E. Cannon
Signature of Notary Public

2/5/2015
Date

Notary Seal

JUDY E CANNON
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES SEPTEMBER 18, 2018

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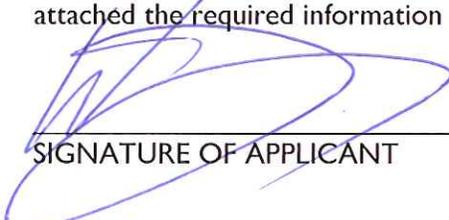
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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

 3/6/15 Wesley C. Turner, Attorney for Applicant
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Wes Turner, Attorney for Applicant 3/6/15 Wesley C. Turner, Attorney
 SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
 ATTORNEY OR REPRESENTATIVE

 3/6/15
 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.	

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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