

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Hillside 20 Tract, LLC</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>1550 North Brown Road, Suite 125</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Lawrenceville</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30043</u>
PHONE: <u>770.232.0000</u>	PHONE: <u>770.232.0000</u>
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770.232.0000</u>	
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	

APPLICANT IS THE:	
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>C-2</u> REQUESTED ZONING DISTRICT: <u>RM-24</u>	
LAND DISTRICT(S): <u>5</u> LAND LOT(S): <u>137</u> ACREAGE: <u>+/- 12.9</u>	
ADDRESS OF PROPERTY: <u>Hillside Drive and Grayson Highway</u>	
PROPOSED DEVELOPMENT: <u>Residential multi-family development</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>280</u>	No. of Buildings/Lots: <u>N/A</u>
Dwelling Unit Size (Sq. Ft.): <u>600+ square feet per unit</u>	Total Building Sq. Ft. _____
Gross Density: <u>+/- 21.71</u>	Density: _____
Net Density: <u>+/- 21.71</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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## Legal Description

### Hillside Drive

All that tract or parcel of land lying and being in Land Lot 137 of the 5<sup>th</sup> District, Gwinnett County, Georgia and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at a Right of Way monument found at the most easterly mitered intersection of the southwesterly Right of Way Georgia Highway 20 (Variable R/W) and the southeasterly Right of Way of Hillside Drive (Variable R/W); thence running along the southwesterly Right of Way Georgia Highway 20 (Variable R/W) the following courses: South 34° 46' 44" East a distance of 129.76 feet to an iron pin set; thence running along a curve to the left an arc length of 341.94 feet, (said curve having a radius of 5813.64 feet, with a chord bearing of South 28° 25' 09" East, and a chord length of 341.89 feet) to a point and the TRUE POINT OF BEGINNING; from point thus established and continuing along said Right of Way the following courses: running along a curve to the left an arc length of 362.30 feet, (said curve having a radius of 5813.64 feet, with a chord bearing of South 31° 53' 22" East, and a chord length of 362.24 feet); to a Right of Way monument found; thence North 63° 23' 35" East a distance of 2.51 feet to a Right of Way monument found; thence South 32° 57' 52" East a distance of 60.39 feet to an iron pin set; thence leaving said Right of Way South 60° 16' 06" West a distance of 512.32 feet to a 1/2" rebar found; thence South 60° 15' 01" West a distance of 233.05 feet to a 1/2" rebar found; thence North 31° 10' 40" West a distance of 937.72 feet to an iron pin set on the southeasterly Right of Way of Hillside Drive (Variable R/W); thence running along said Right of Way the following courses: North 61° 23' 56" East a distance of 233.04 feet to a 1/2" rebar found; thence North 60° 44' 09" East a distance of 263.87 feet to a point; thence leaving said Right of Way South 29° 00' 15" East a distance of 428.73 feet to a point; thence running along a curve to the left an arc length of 121.29 feet, (said curve having a radius of 77.00 feet, with a chord bearing of South 74° 07' 47" East, and a chord length of 109.13 feet) to a point; thence North 60° 44' 41" East a distance of 181.73 feet to the TRUE POINT OF BEGINNING. Said tract contains 12.904 Acres (562,116 Square Feet).

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<b>SITE DATA</b>	
SITE AREA	12.9 AC
CURRENT ZONING C-2	
PROPOSED ZONING RM-24	
(12.9 acres rezoned from C-2 to RM-24)	
<b>BUILDING DATA</b>	
6 APARTMENT BUILDINGS	
280 UNITS, AVERAGE 900 HEATED SF PER UNIT	
6,000SF CLUB AMENITIES AND LEASING	
TOTAL UNIT COUNT	280 UNITS
PARKING REQUIRED	
1.50 SPACE PER UNIT	420 SPACES
TOTAL PARKING REQUIRED	420 SPACES
PARKING PROVIDED	
SURFACE PARKING	408 SPACES
6 BAY GARAGE PARKING	12 SPACES
TOTAL PARKING PROVIDED	420 SPACES



# SCP - Hillside 20 Tract

## Grayson, Georgia

12.904 ACRES  
 SOLELY 30 TTT  
 DEED BOOK 20621 PAGE 255  
 TAX PARCEL 5-137-000  
 DEED BOOK 13139 PAGE 159  
 TAX PARCEL 5-137-019



**REZONING APPLICANT'S RESPONSE**

**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, 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

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

- (A) Yes, the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development is adjacent to commercially-zoned property and is consistent with the character of surrounding development.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. Rather, the proposed development would complement existing commercial and residential uses.
- (C) In light of the size, location, layout, topography, and natural features of the property and in conjunction with the nature of surrounding development, the Applicant submits that the subject Property does not have reasonable economic use as currently zoned.
- (D) No, the proposed Rezoning Application will not result in an excessive or burdensome use of the infrastructure systems. The proposed development would have convenient access to Grayson Highway and Sugarloaf Parkway.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County 2030 Unified Plan. Mixed-use developments including multi-family residential uses are specifically encouraged in the Corridor Mixed-Use Character area.
- (F) Applicant submits that the character of surrounding development, existing development patterns, and the fact that the subject property is adjacent to an existing multi-family residential development provide additional supporting grounds for approval of the proposed rezoning.

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Matthew P. Benson  
Gerald Davidson, Jr.\*  
Brian T. Easley  
Kelly O. Faber  
Mary Grace Griffin  
Christopher D. Holbrook  
Nicholas N. Kemper

Shane M. Lanham  
Austen T. Mabe  
Jeffrey R. Mahaffey  
David G. McGee  
Steven A. Pickens  
Andrew D. Stancil  
R. Lee Tucker, Jr.  
\*Of Counsel

**LETTER OF INTENT FOR REZONING APPLICATION OF  
HILLSIDE 20 TRACT, LLC**

Mahaffey Pickens Tucker, LLP (the "Applicant") submits this Letter of Intent and attached rezoning application (the "Application") on behalf of the owner, Hillside 20 Tract, LLC for the purpose of rezoning an approximately 12.9 acre tract located on the westerly side of Grayson Highway (Georgia State Route 20) at its intersection with Hillside Drive (the "Property"). The Property is comprised of two tracts. One tract, a majority of the Property, is currently zoned C-2 pursuant to Gwinnett County rezoning case number REZ1997-00142 with a smaller portion zoned R-100 pursuant to case number REZ1973-00071 (the "Current Zoning").

The Applicant is proposing to rezone the Property from its Current Zoning to the RM-24 zoning classification of the Gwinnett County Unified Development Ordinance (the "UDO") in order to create a mixed-use area in line with the Gwinnett County 2030 Unified Plan by providing a combination of residential and commercial uses. The proposed development would provide an attractive multi-family community focused around a central amenity area with 280 units spread across six buildings. The central amenity area would contain a pool and patio as well as additional common space for residents to interact and recreate. The proposed development would also provide multiple pocket parks for the use and enjoyment of residents.

Currently, the entire westerly frontage of Grayson Highway moving southward from Webb Gin House Road is zoned for either commercial or multi-family residential uses. The Applicant is proposing to carve out the Property from a larger tract leaving a smaller piece of commercially-zoned property at the intersection of Grayson Highway and Hillside Drive. This corner piece would remain C-2 for future commercial development. The proposed residential community would naturally support this future commercial development and the two uses would function in harmony with one another.

The proposed development also provides an excellent opportunity for high-quality in-fill development along a major transportation corridor in an active area of the County. Grayson Highway is generally dominated by intense commercial uses and the proposed development would inject a multi-family residential component further diversifying the mix of land uses along the corridor. This land use and development pattern is specifically encouraged by the 2030 Plan in the Corridor Mixed-Use Character Area. Further, the proposed development is in line with

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NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

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Theme 4 of the 2030 Plan which is to “Provide More Housing Choice” and Section C.1 which specifically encourages “ultra-high and high density residential” land uses.

The proposed development would also provide a series of internal sidewalks and pedestrian amenities to activate proposed open space and provide meaningful connections among each of the residential buildings as well as adjacent commercially-zoned land. This overall site design and land planning is consistent with the policy goals set forth in the 2030 Unified Plan. For example, Policy A.5.1 provides that “[q]uality of life in Gwinnett can be enhanced by making it easier for people to walk through their neighborhoods to and from attractions such as local parks, schools, churches, or even neighborhood shopping.” The proposed development would enhance the walkability of Grayson Highway and residents would have convenient access to shopping and other commercial opportunities within the adjacent commercial property as well as the greater Grayson Highway Corridor.

The Applicant and its representatives welcome 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 Applications filed herewith. The Applicant respectfully requests your approval of this Application.

This 2nd day of February, 2017.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

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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.

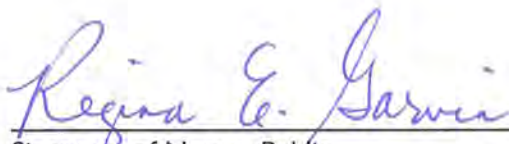


Signature of Applicant

2/1/18  
Date

**Shane Lanham, Attorney for the Applicant**

Type or Print Name and Title



Signature of Notary Public

2/1/18

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.



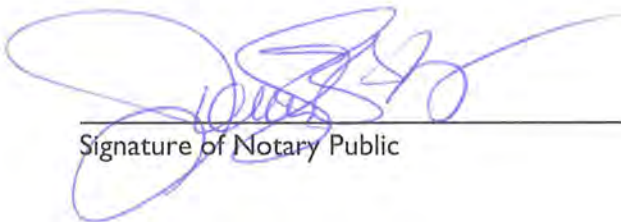
Signature of Property Owner

2/1/18

Date

Shane Lanham, Attorney for Owner

Type or Print Name and Title



Signature of Notary Public

2/1/18

Date



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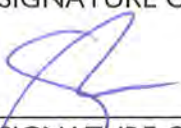
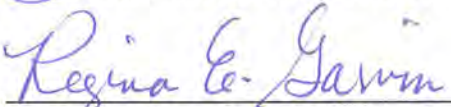
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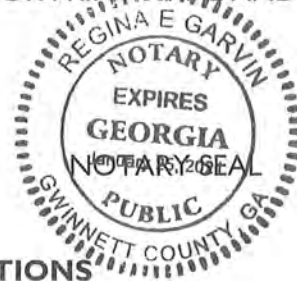
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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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
	2/1/18	Shane M. Lanham, Attorney for Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	2/1/18	
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)
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

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Charlotte Nash	\$1000	03/08/2016

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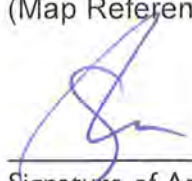
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**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

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:**                      5                      -                      137                      -                      019  
(Map Reference Number)                      District                      Land Lot                      Parcel

  
Signature of Applicant

  
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

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**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

Tax Services Associate I  
TITLE

2-2-2018  
DATE

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

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**\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

**PARCEL I.D. NUMBER:**      5      -      137      -      008  
(Map Reference Number)      District      Land Lot      Parcel

  
Signature of Applicant

  
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

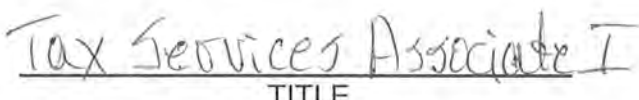
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**TAX COMMISSIONERS USE ONLY**

(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

  
DATE

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## HILLSIDE MULTIFAMILY

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