

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Manor Restorations LLC</u>	NAME: <u>James Kelly ETAL</u>
ADDRESS: <u>4763 Township Chase</u>	ADDRESS: <u>1658 Temple Johnson Rd</u>
CITY: <u>Marietta</u>	CITY: <u>Loganville</u>
STATE: <u>GA</u> ZIP: <u>30066</u>	STATE: <u>GA</u> ZIP: <u>30052</u>
PHONE: <u>770-652-0044</u>	PHONE: _____
CONTACT PERSON: <u>Bernie Smith</u> PHONE: <u>770-652-0044</u>	
CONTACT'S E-MAIL: <u>bsmith@masterworksatlanta.com</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>R-SR</u>	
PARCEL NUMBER(S): <u>R5067 017, R5067 002</u> ACREAGE: <u>25.78</u>	
ADDRESS OF PROPERTY: <u>1658 Temple Johnson Rd</u>	
PROPOSED DEVELOPMENT: <u>R-SR Single Family Detached</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>92</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>1400</u>	Total Building Sq. Ft. _____
Gross Density: <u>3.57</u>	Density: _____
Net Density: <u>3.57</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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RZR 18024

Planning & Development

Smithton Homes LLC

June 28, 2018

VIA HAND DELIVERY

Gwinnett County Board of Commissioners
c/o Jerry Oberholtzer
Planning Manager
446 West Crogan Street
Lawrenceville, Georgia 30045

RE: 1658 Temple Johnson Rd Rezoning Application
LETTER OF INTENT

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Dear Mr. Oberholtzer and Planning Department,

Respectfully we submit this application to rezone approximately 25.78 acres (see attached survey) from its current zoning of R100 to R-SR to allow for 92 quality professional and Age targeted single family detached homes. We feel that the proposed community is ideally located in an influential part of Gwinnett County.

We are proposing that Ninety Two (92) residential homes at a density of 3.57 units per acre, well below the 4 units per acre threshold allowed for R-SR. The homes will be designed to have the look and feel of "Traditional and Craftsmen Style Homes". The homes will be a minimum of 1400 sq.ft. All homes will be front loaded two car garages, covered entrances with facades of brick, stone, board and batten, and/or fiber cement or shake siding. Surrounding development and existing homes would not face major negative impacts as a result of the proposed development in part because of the substantial buffering required under the UDO. As depicted on the site plan, the adjacent property to the west will lie 25' from the nearest

LEGAL DESCRIPTION

All that tract or parcel of land lying in Land Lot 67 of the 5th District within Gwinnett County, Georgia and being more particularly described as follows;

Beginning at a point located at the intersection of the southwesterly R/W of Range Road (R/W varies) and the southeasterly R/W of Temple Johnson Rd.(80' R/W), said point being the POINT OF BEGINNING; thence running along the southwesterly R/W of Range Road S.31°09'11"E., a distance of 162.13 feet to a point; thence S.58°42'31"E., a distance of 39.19 feet to a point; thence S.32°59'33"E., a distance of 576.84 feet to a point; thence S.25°50'50"E., a distance of 126.69 feet to a point located at the centerline of an un-named creek; thence running in a southwesterly direction and following the meanderings thereof the centerline of the creek for a distance of approximately 1,283 feet to a point; (said creek is identified with a tieline of S.50°46'43"W., and a distance of 1,145.79 feet); thence N.31°09'11"W., a distance of 1,137.76 feet to a point located on the southeasterly R/W of Temple Johnson Rd.(80' R/W); thence running along said R/W N.61°15'24"E., a distance of 616.89 feet to a point ; thence N.57°34'16"E., a distance of 138.87 feet to a point; thence N.59°09'02"E., a distance of 121.98 feet to a point ; thence N.68°19'43"E., a distance of 145.29 feet to a point; thence N.77°26'08"E., a distance of 93.96 feet to a point located at the intersection of the southwesterly R/W of Range Road (R/W varies) and the southeasterly R/W of Temple Johnson Rd.(80' R/W) said point being the POINT OF BEGINNING.

END OF DESCRIPTION.

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OWNER OF RECORD:

JAMES E. KELLEY
1465 TEMPLE JOHNSON ROAD
LOGANVILLE, GA. 30052-1685
PIN: 5067-017
DB: 52958 PG. 553

OWNER OF RECORD:

JAMES E. KELLEY
1465 TEMPLE JOHNSON ROAD
LOGANVILLE, GA. 30052-1685
PIN: 5067-002
DB: 21506 PG. 0001

APPLICANT:

SMITHTON HOMES
4763 TOWNSHIP CHASE
MARIETTA, GA. 30066

24 HR. CONTACT:

BERNIE SMITH
770-652-0044
BSMITH@MASTERWORKSATLANTA.COM

GENERAL SITE NOTES:

PROPOSED USE: SINGLE FAMILY RESIDENTIAL
CURRENT ZONING: R-100
PROPOSED ZONING: RSR

TOTAL AREA - 25.78 AC
TRACT 1 & 3 - 20.7 ACS
TRACT 2 - 5.08 AC

RSR ZONING REQUIREMENTS:

MINIMUM LOT SIZE - 5,000 SF
ALLOWABLE DENSITY - 8.0 UNITS PER ACRE
AVERAGE LOT WIDTH - 50'

PROPOSED SITE REQUIREMENTS:

TOTAL RESIDENTIAL UNITS PROPOSED - 92
MINIMUM LOT SIZE - 6,250 SF
PROPOSED NET DENSITY - 3.57 UNITS PER ACRE
MINIMUM LOT WIDTH - 50'
MAXIMUM BLDG. HEIGHT - 35 FT

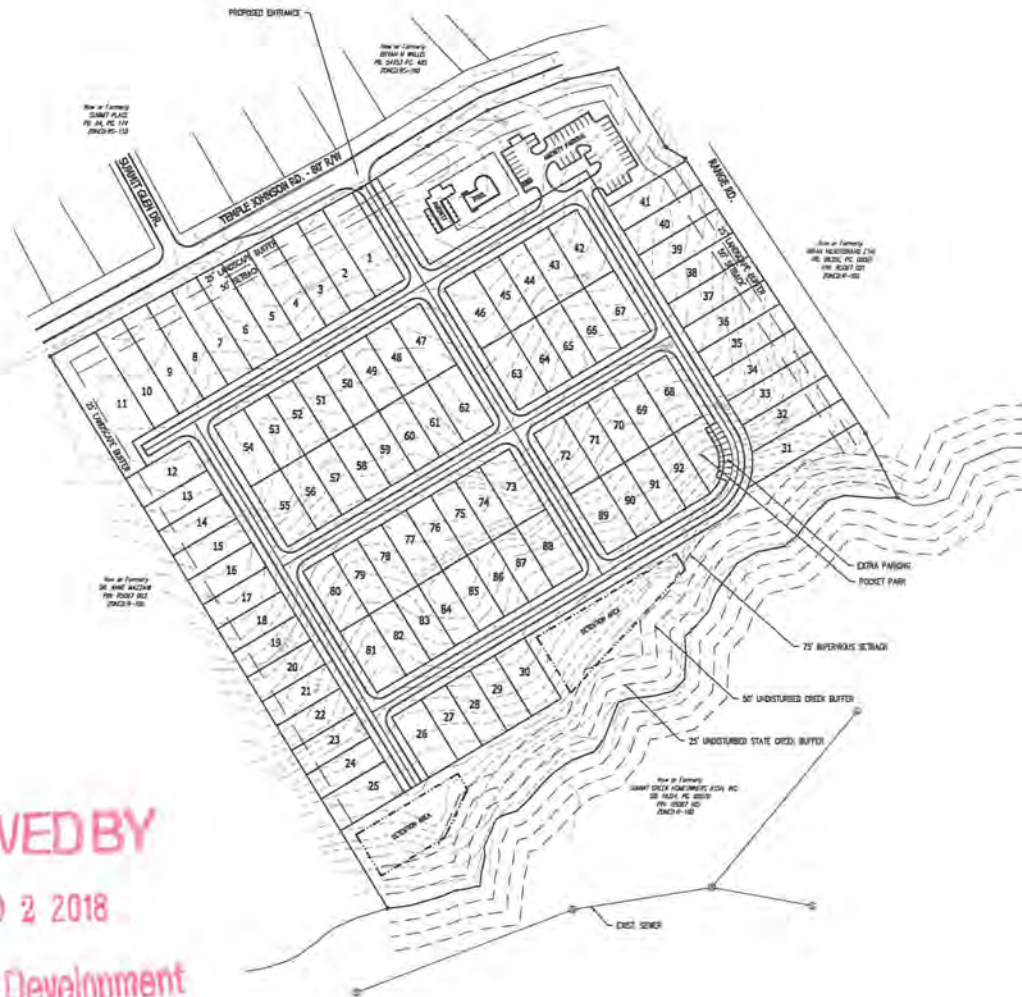
BUILDING SETBACK REQUIREMENTS:

FRONT - 20'
REAR - 25'
SIDE - 5'

GRAPHIC SCALE



RZR '18 024



SITE

AREA MAP: HTS

FLOOD INFORMATION:

THIS PROPERTY IS NOT LOCATED WITHIN
A FEMA 100 YEAR FLOOD ZONE ACCORDING
TO FEMA MAP PANEL 13155C0189F
DATED: SEPT. 29, 2006

REZONING CONCEPTUAL PLAN FOR:

TEMPLE JOHNSON RD
A RESIDENTIAL COMMUNITY BY
SMITHTON HOMES

LAND LOTS 67, 5TH DISTRICT
GWINNETT COUNTY, GEORGIA

centerline

Surveying and Land Planning, Inc.
1301 JONES RD, SUITE 1010, KENNESAW, GA 30144
PHONE: (770) 424-0000 FAX: (770) 424-3300

DRAWN BY:	DP	DATE:	6-7-18
CHECKED BY:	DP	DRAWING NO.:	REZONING
NEW NO.:	TEMPLEJ	SHEET:	1 OF 1
NO.	DATE	REVISION DESCRIPTION	BY

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:

Yes the proposed age restricted development will be consistent with the nearby and adjacent communities

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

No the proposed age restricted will not adversely affect the adjacent and nearby communities

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

The applicant believes that the property does not have reasonable economic use as currently zoned.

- (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:

No age restricted communities do not add any burden to the schools and the traffic is greatly reduced.

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

Yes the proposed use is in conformity with the policy and intent of the current land use plan of Gwinnett County

- (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:

Yes the County has a need for this type of community as it is the fastest growing

demographic in the Metro Area with not nearly enough inventory to serve them.

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proposed lot. On the south there is a 75 ft buffer from the creek. On the north facing Temple Johnson and the east facing Range Rd there will be 25' landscape buffer with a 50' setback. In addition to the landscape buffer we would have a wrought iron type fence, a minimum of 6' high installed along the road frontage. The entrance will have features made of brick or stone with landscaping.

The homes will have a mixture of traditional as well as craftsmen style influence as shown in the attached elevations. The proposed community will have a mandatory homeowners association which will publish and adhere to policies and procedures that demonstrate the community is intended to provide housing for person 55 and over, as permitted by 42 U.S.C. Section 3607b2c for the Federal Fair Housing Act. This will also provide for a community that is professionally maintained to provide a beautiful and safe environment for the community.

The proposed zoning and site plan is entirely consistent with similarly developed, R-SR communities in Gwinnett County. As outlined in the 2030 Unified Plan and Future Development Map, the Subject Property and surrounding areas are designated as *Existing/Emerging Suburban*, consistently found to be appropriate for R-SR. Quality Age Restricted communities will help raise property values, support nearby commercial development while not putting any burden on the local school systems or roads/traffic.

We would ask that all landscaping and building plans be subject to the review and approval of the Director of Planning and Development.

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We respectfully request your approval of this request for Rezoning from R-100 to R-SR to permit this proposed residential community.

Respectfully submitted,



Bernie Smith,
Smithton Homes LLC

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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.



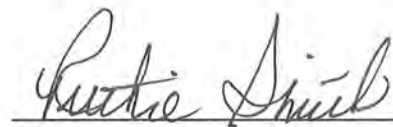
Signature of Applicant

6/28/2018

Date

Bernie Smith Manager

Type or Print Name and Title



Signature of Notary Public

6/28/2018

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.

James E. Kelly 07/27/2018
Signature of Property Owner — JAMES E. KELLY Date

Barbara A. Kelly 4/27/2018

BARBARA A. KELLY

Type or Print Name and Title

Kathy Nixon 4-27-18
Signature of Notary Public Date

exp July 12, 2019



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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.

6/28/2018 Bernie Smith Manager

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Bernie Smith
SIGNATURE OF NOTARY PUBLIC DATE *6/28/2018*



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 Bernie Smith
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)

Attach additional sheets if necessary to disclose or describe all contributions.

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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.**

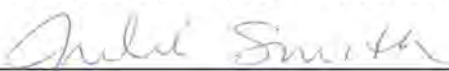
PARCEL I.D. NUMBER: 5 ~~002~~ R5067 ⁰⁰²~~017~~
(Map Reference Number) District Land Lot Parcel

 7/2/18
Signature of Applicant Date
Bernie Smith Manager
Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

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)


 TSA I
NAME TITLE
7-2-18
DATE

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: 5 067 R5067 017
(Map Reference Number) District Land Lot Parcel

 7/2/18
Signature of Applicant Date
Bernie Smith Manager
Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

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)

 TSA I
NAME TITLE
7-2-18
DATE

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