

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Hodges Family Properties, LLC c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Multiple--See attached</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: _____
CITY: <u>Lawrenceville</u>	CITY: _____
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: _____ ZIP: _____
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 type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT(S): <u>RA-200</u> REQUESTED ZONING DISTRICT: <u>R-75</u>	
LAND DISTRICT(S): <u>7</u> LAND LOT(S): <u>055</u> ACREAGE: <u>+/- 13.45</u>	
ADDRESS OF PROPERTY: <u>Prospect Road</u>	
PROPOSED DEVELOPMENT: <u>Single-Family Residential Development</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>48</u>	No. of Buildings/Lots: <u>NA</u>
Dwelling Unit Size (Sq. Ft.): <u>1,400+</u>	Total Building Sq. Ft. <u>NA</u>
Gross Density: <u>+/-2.55 units per acre</u>	Density: <u>NA</u>
Net Density: <u>+/-2.55 units per acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Property Owner List

Name	Address	Parcel #	
Kathy D. Puckett	1260 Prospect Road, Lawrenceville, GA 30043	7055 022	E
Davis, David A. & Connie	1428 Prospect Road, Lawrenceville, GA 30043	7055 024	W
Lillian F. Davis	1462 Prospect Road, Lawrenceville, GA 30043	7055 005	E & W
Lillian F. Davis	1462 Prospect Road, Lawrenceville, GA 30043	7055 003	W
Lillian F. Davis	1462 Prospect Road, Lawrenceville, GA 30043	7055 005	E & W
Davis, Joseph K. & Michelle	1517 Prospect Ch. Rd, Lawrenceville, GA 30043	7055 019	W

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LEGAL DESCRIPTION

Tract 1 – 13.450 Acres

All that tract or parcel of land lying and being in Land Lot 55, 7th District, Gwinnett County, Georgia and being more particularly described as follows. Commence at the intersection of the westerly right of way of Prospect Road (right of way varies) and the southerly right of way of Prospect Church Road (80' right of way), said point being the Point of Beginning. Proceed thence, along the westerly right of way of said Prospect Road, along the arc of a curve having a radius of 2603.90 feet a distance of 122.56 feet, said arc being subtended by a chord having a bearing of South 31 degrees 07 minutes 29 seconds East and a distance of 122.55 feet; thence, along the arc of a curve having a radius of 2603.90 feet a distance of 119.87 feet, said arc being subtended by a chord having a bearing of South 28 degrees 27 minutes 27 seconds West and a distance of 119.86 feet; thence, along the arc of a curve having a radius of 1106.72 feet a distance of 84.59 feet, said arc being subtended by a chord having a bearing of South 24 degrees 49 minutes 09 seconds East and a distance of 84.57 feet; thence, along the arc of a curve having a radius of 1106.72 feet a distance of 39.20 feet, said arc being subtended by a chord having a bearing of South 21 degrees 36 minutes 53 seconds East and a distance of 39.20 feet; thence, South 20 degrees 41 minutes 44 seconds East a distance of 285.03 feet; thence, along the arc of a curve having a radius of 1181.20 feet a distance of 60.28 feet, said arc being subtended by a chord having a bearing of South 22 degrees 08 minutes 38 seconds East and a distance of 60.27 feet; thence, along the arc of a curve having a radius of 1181.20 feet a distance of 150.06 feet, said arc being subtended by a chord having a bearing of South 27 degrees 14 minutes 42 seconds East and a distance of 149.96 feet; thence, along the arc of a curve having a radius of 1181.20 feet a distance of 177.03 feet, said arc being subtended by a chord having a bearing of South 35 degrees 12 minutes 02 seconds East and a distance of 176.87 feet; thence, leaving the westerly right of way of said Prospect Road, South 60 degrees 08 minutes 08 seconds West a distance of 591.08 feet; thence, North 30 degrees 06 minutes 42 seconds West a distance of 343.11 feet; thence, North 29 degrees 50 minutes 25 seconds West a distance of 542.75 feet to a point on the southerly right of way of said Prospect Church Road, thence, along the southerly right of way of said Prospect Church Road, North 46 degrees 34 minutes 54 seconds East a distance of 74.86 feet; thence, leaving the southerly right of way of said Prospect Church Road, South 29 degrees 50 minutes 40 seconds East a distance of 209.93 feet; thence, North 47 degrees 27 minutes 55 seconds East a distance of 210.48 feet; thence, North 29 degrees 58 minutes 49 seconds West a distance of 210.13 feet to a point on the southerly right of way of said Prospect Church Road; thence, along the southerly right of way of said Prospect Church Road, North 48 degrees 17 minutes 36 seconds East a distance of 236.38 feet; thence, along the arc of a curve having a radius of 2303.50 feet a distance of 144.68 feet, said arc being subtended by a chord having a bearing of North 46 degrees 29 minutes 35 seconds East and a distance of 144.66 feet to a point on the westerly right of way of said Prospect Road, said point being the Point of Beginning. Said tract or parcel of land contains 13.450 acres and is further described as Tract 1 on a

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Boundary Survey prepared by Carlan Land Surveyors for Prospect 20, dated July 13, 2018.

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Christopher J. O'Brien, On 8/18/2006

KT-101 1A-003 p. 3 C-28

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 subject property is located along Prospect Road on the east side of Braselton Highway (State Route 124). Approval of the application would permit a suitable development for the area in light of the uses of nearby property. A single-family residential development would serve the demands of the market and maintain the residential character of the area.
- (B) No. Approval of the application would enhance the area and would not adversely affect adjacent and nearby properties.
- (C) No. In light of market conditions, site-specific topography, and the surrounding property uses, the property does not have reasonable economic use under its current zoning classification.
- (D) No. This property is located in an area with public water and sewer availability and convenient access to major roadways including Braselton Highway (Georgia State Route 124), Interstate 85 and University Parkway (State Route 316). Approval of the application would not cause excessive use of existing streets, transportation facilities, utilities, or schools.
- (E) Yes. The proposed development is in conformance with the policies and intent of the 2030 Land Use Plan. The Property is located in an Existing/Emerging Suburban character in between areas designated as Regional Mixed-Use and R & D Corridor character areas, which are major employment centers. Expanding housing options within close proximity to major employment centers complements existing uses in those areas.
- (F) Yes. The property's convenient location to major thoroughfares provides supporting grounds for approval of the application.

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11/7/2018

11/7/2018 11:53

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Matthew P. Benson
Gerald Davidson, Jr.*
Brian T. Easley
Kelly O. Faber
Christopher D. Holbrook
Nicholas N. Kemper
Shane M. Lanham
Austen T. Mahe

Jeffrey R. Mahaffey
David G. McGee
Steven A. Pickens
Catherine V. Schutz
Thomas A. Simpson
Andrew D. Stancil
R. Lee Tucker, Jr.
*Of Counsel

LETTER OF INTENT FOR REZONING APPLICATION

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Rezoning Application on behalf of the Applicant, Hodges Family Properties, LLC (the "Applicant"), for the purpose of requesting the rezoning of an approximately 18.787-acre tract of land situated along Prospect Road in central Gwinnett County (the "Property") east of Braselton Highway (State Route 124) and north of Old Fountain Road. The Property begins at the intersection of Prospect Road and Prospect Church Road and extends southward along the west side of Prospect Road before crossing Prospect Road. The portion of the Property on the east side of Prospect Road is adjacent to the Prospect Creek subdivision zoned R-100 Modified. The Property is currently zoned RA-200.

The Applicant is requesting to rezone the Property to the R-75 zoning classification of Gwinnett County in order to develop a single-family residential community, including 48 detached residential homes. The proposed community will consist of homes at a size, quality and price point commensurate with or exceeding homes in surrounding communities. Generally, the architectural style and composition of the exterior of the homes would consist of brick, stacked stone, cedar and/or cementitious shake, siding, board and batten or combinations thereof. The proposed development would have two entrances off of Prospect Road—one for each side. Entrances would be landscaped with attractive monument signage.

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Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

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

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

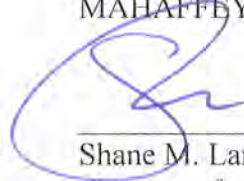
www.mptlawfirm.com

The proposed development is in conformance with the policies and intent of the 2030 Land Use Plan. The Property is located in an Existing/Emerging Suburban character area between areas designated as Regional Mixed-Use and R & D Corridor character areas, which are major employment centers. Not only would the proposed development provide residential infill development that is compatible with existing development, it would also expand housing options within close proximity to major employment centers which is complementary and supportive of those areas as well.

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 Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 7th day of September, 2018.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

Attorneys for Applicant

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REZONING APPLICANT'S CERTIFICATION

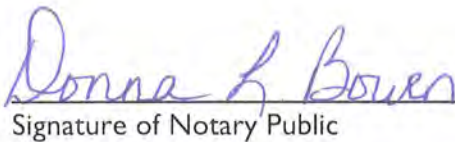
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL 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

9/6/18
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title


Signature of Notary Public

9/6/18
Date



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REZONING APPLICANT'S CERTIFICATION

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Gary L. Hodges
Signature of Applicant

9-6-2018
Date

HODGES FAMILY PROPERTIES LLC
GARY HODGES MGR PARTNER
Type or Print Name and Title

[Signature]
Signature of Notary Public

9/6/18
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.

Lillian F. Davis
Signature of Applicant

5/1/2018
Date

Lillian F. Davis
Type or Print Name and Title

Judy M. McCurry
Signature of Notary Public

5/1/18
Date



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REZONING PROPERTY OWNER'S CERTIFICATION

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David A. Davis Connie Davis

Signature of Applicant

5-1-2018

Date

DAVID A. DAVIS Connie Davis

Type or Print Name and Title

Judy M. McCurry

Signature of Notary Public

5/1/2018

Date



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05/01/2018

REZONING PROPERTY OWNER'S CERTIFICATION

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Joseph Keith Davis Michelle Davis 5/1/18
Signature of Applicant Date

Joseph Keith Davis Michelle Davis
Type or Print Name and Title

Judy M McCurry 5/1/18
Signature of Notary Public Date



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



9/6/18

Shane M. Lanham, Attorney for Applicant

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



9/6/18

SIGNATURE OF NOTARY PUBLIC

DATE



NOTARY SEAL

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 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

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
John Heard	\$2000	02/20/2018
Lynnette Howard	\$1000	04/18/2018

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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.

HODGES FAMILY PROPERTIES LLC
GARY L. HODGES 9-6-2018 GARY L. HODGES MGR PARTNER
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

[Signature] 9/6/18
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 GARY L. HODGES
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.

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.

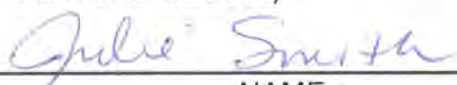

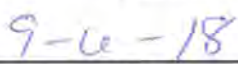
***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 7 - 055 - 005
(Map Reference Number) District Land Lot Parcel

 
Signature of Applicant Date
Shane Lanham, Attorney for the 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 TITLE

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: 7 055 003
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

9/6/18

Date

Shane Lanham, Attorney for the 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)

Julie Smith

NAME

TS&I

TITLE

9-6-18

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: 7 - 055 - 019
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

9/6/18

Date

Shane Lanham, Attorney for the 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)

Julie Smith

NAME

TSA I

TITLE

9-6-18

DATE

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