

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Beverly J. Searles Foundation, Inc. c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Victor & Lynne Cooper</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>345 S Perry St</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Lawrenceville</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30046</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>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
EXISTING/PROPOSED ZONING: <u>R-100/O-I</u>	BUILDING/LEASED SQUARE FEET: <u>+/- 276,000 sf</u>
LAND DISTRICT(S): <u>5</u>	LAND LOT(S): <u>138</u> ACREAGE: <u>+/- 18.089</u>
ADDRESS OF PROPERTY: <u>1466 Grayson Highway</u>	
SPECIAL USE REQUESTED: <u>Retirement Community, Independent Living</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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RECORD LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 137 AND 138 OF THE 5TH DISTRICT, GWINNETT COUNTY, GEORGIA, CONTAINING APPROXIMATELY 18.089 ACRES, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO LOCATE THE POINT OF BEGINNING, BEGIN AT THE POINT OF INTERSECTION OF THE LAND LOT LINE COMMON TO LAND LOTS 137 AND 138 WITH THE EAST RIGHT OF WAY LINE OF GA. HWY. NO. 20 (HAVING A VARIABLE RIGHT OF WAY), AND RUN THENCE ALONG SAID RIGHT OF WAY LINE NORTH 23 DEGREES 12 MINUTES 25 SECONDS WEST A DISTANCE OF 70.44 FEET TO A POINT MARKED BY A 5/8-INCH REBAR SET, WHICH IS THE TRUE PLACE OR POINT OF BEGINNING; FROM SAID BEGINNING POINT AS THUS ESTABLISHED, RUN THENCE ALONG THE EAST RIGHT OF WAY LINE OF GA. HWY. NO. 20, NORTH 24 DEGREES 52 MINUTES 26 SECONDS WEST A DISTANCE OF 507.75 FEET TO A POINT MARKED BY AN IRON PIN; THENCE LEAVING SAID RIGHT OF WAY, RUN NORTH 57 DEGREES 33 MINUTES 38 SECONDS EAST 190.37 FEET TO A POINT MARKED BY AN IRON PIN; RUN THENCE NORTH 76 DEGREES 38 MINUTES 23 SECONDS EAST 467.83 FEET TO A POINT MARKED BY AN IRON PIN; RUN THENCE SOUTH 26 DEGREES 10 MINUTES 56 SECONDS EAST 108.17 FEET TO A POINT MARKED BY AN IRON PIN; RUN THENCE NORTH 73 DEGREES 18 MINUTES 30 SECONDS EAST 658.10 FEET TO A POINT MARKED BY AN IRON PIN; RUN THENCE SOUTH 24 DEGREES 30 MINUTES 20 SECONDS EAST 162.16 FEET TO A POINT MARKED BY AN IRON PIN; RUN THENCE NORTH 58 DEGREES 57 MINUTES 40 SECONDS EAST 353.07 FEET TO A POINT MARKED BY AN IRON PIN FOUND AT THE ORIGINAL CORNER COMMON TO LAND LOTS 137, 138, 151 AND 152; RUN THENCE ALONG THE LAND LOT LINE COMMON TO LAND LOTS 137 AND 152, SOUTH 29 DEGREES 38 MINUTES 05 SECONDS EAST A DISTANCE OF 243.93 FEET TO A POINT MARKED BY AN IRON PIN; RUN THENCE SOUTH 59 DEGREES 01 MINUTE 00 SECONDS WEST 1,285.79 FEET TO A POINT; RUN THENCE NORTH 23 DEGREES 12 MINUTES 43 SECONDS WEST 310.82 FEET TO A POINT; RUN THENCE SOUTH 80 DEGREES 05 MINUTES 10 SECONDS WEST A DISTANCE OF 387.90 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF GA. HWY. NO. 20, WHICH IS THE TRUE PLACE OR POINT OF BEGINNING.

LESS AND EXCEPT PROPERTY CONVEYED BY THE FOLLOWING:

1. RIGHT OF WAY DEED FROM VICTOR LATHAM COOPER TO DEPARTMENT OF TRANSPORTATION, DATED JULY 13, 2004, FILED JULY 14, 2004, AND RECORDED IN DEED BOOK 39080, PAGE 113, GWINNETT COUNTY, GEORGIA, RECORDS.
2. GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY DEED FROM VICTOR LATHAM COOPER TO DEPARTMENT OF TRANSPORTATION, DATED MARCH 30, 2006, FILED APRIL 3, 2006, AND RECORDED IN DEED BOOK 46328, PAGE 71, AFORESAID RECORDS.
3. GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY DEED FROM VICTOR LATHAM COOPER TO DEPARTMENT OF TRANSPORTATION, DATED APRIL 7, 2006, FILED APRIL 13, 2006, AND RECORDED IN DEED BOOK 46376, PAGE 261, AFORESAID RECORDS.
4. RIGHT OF WAY DEED FROM VICTOR LATHAM COOPER TO DEPARTMENT OF TRANSPORTATION, DATED JULY 13, 2004, FILED FOR RECORD JULY 14, 2004, AND RECORDED IN DEED BOOK 39080, PAGE 113, AFORESAID RECORDS.

PARCEL 2

TERMS AND PROVISIONS OF THAT CERTAIN ACCESS EASEMENT AGREEMENT BY AND AMONG DALE CARICO AND TERRI CARICO, VICTOR LATHAM COOPER, DATED JULY 13, 2004, FILED FOR RECORD JULY 14, 2004, AND RECORDED IN DEED BOOK 39080, PAGE 111, AFORESAID RECORDS.

THE LAND DEPICTED AND SHOWN HEREON IS THE SAME AS THE LAND DESCRIBED IN TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT FILE NO. NCS-923721-B051, WITH AN EFFECTIVE DATE OF JULY 30, 2018 AT 8:00 A.M.

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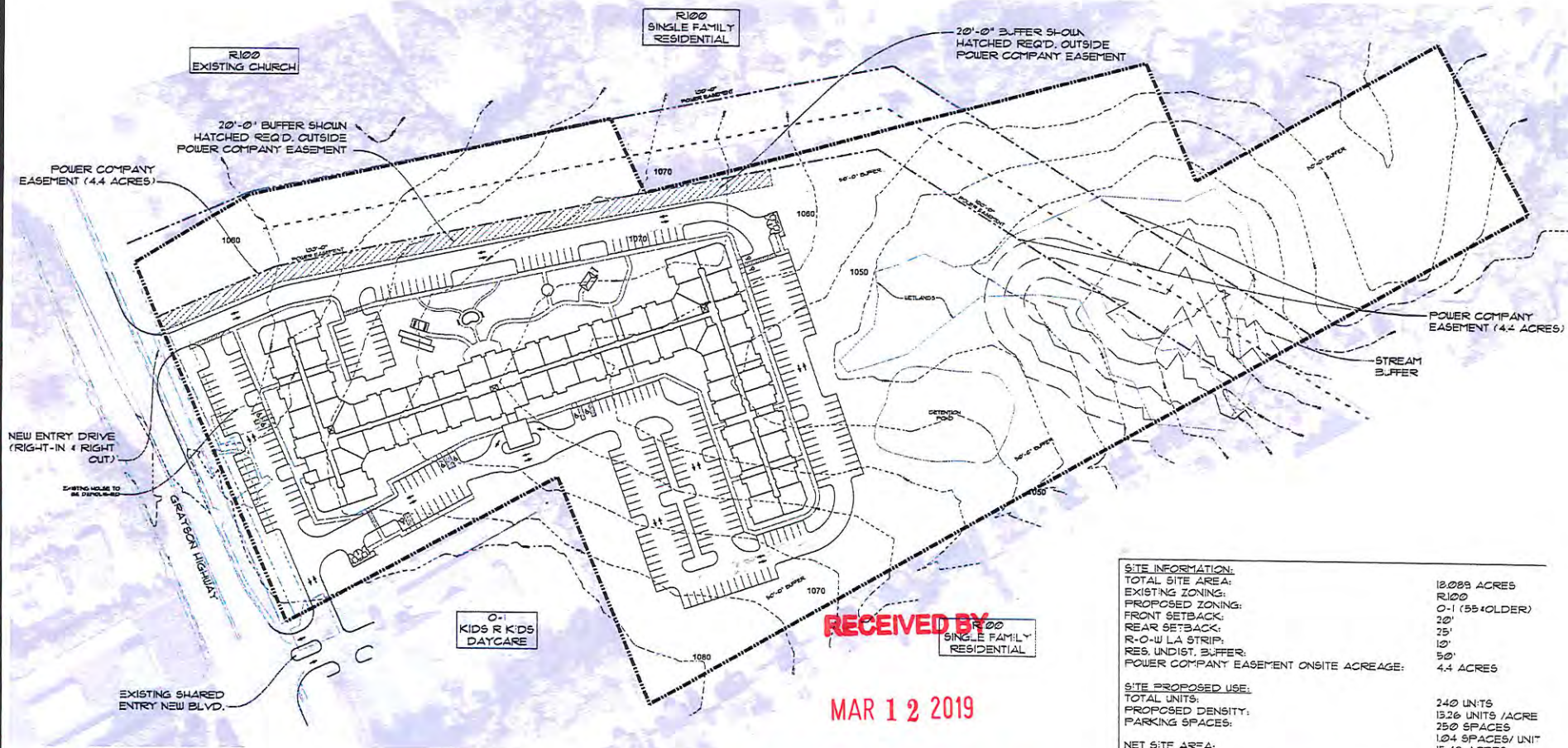
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LEGENDS OF GRAYSON

GWINNETT COUNTY, GA

2-22-2019



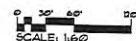
SITE INFORMATION:	
TOTAL SITE AREA:	12.089 ACRES
EXISTING ZONING:	R100
PROPOSED ZONING:	O-1 (55+OLDER)
FRONT SETBACK:	20'
REAR SETBACK:	25'
R-O-W L.A. STRIP:	10'
RES. UNDIST. BUFFER:	50'
POWER COMPANY EASEMENT ONSITE ACREAGE:	4.4 ACRES
SITE PROPOSED USE:	
TOTAL UNITS:	240 UNITS
PROPOSED DENSITY:	19.26 UNITS / ACRE
PARKING SPACES:	250 SPACES
NET SITE AREA:	15.48 ACRES

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R100 SINGLE FAMILY RESIDENTIAL

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MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENT 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 SPECIAL USE PERMIT 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 SPECIAL USE PERMIT 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 SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

Please see attached

- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT 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 SPECIAL USE PERMIT 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 SPECIAL USE PERMIT:

Please see attached

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REZONING AND SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

(A) Yes, the proposed Rezoning and Special Use Permit applications (the "Applications") will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development will provide a transitional use from the commercial uses along Grayson Highway (State Route 20) to the residential uses to the east.

(B) No, the proposed development will not adversely affect the existing use or usability of adjacent or nearby properties. The proposed development will enhance the surrounding area and serve as an amenity for the community by providing additional housing options for seniors and allowing them to age in place closer to their families.

(C) Due to the location and layout of the subject property and the character of surrounding developments, the subject property does not have reasonable economic use as currently zoned.

(D) No, the proposed Applications will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The proposed development will generate less vehicular traffic than other encouraged uses in the Community Mixed-Use Character Area.

(E) Yes, the proposed development is in conformity with the policy and intent of the Gwinnett County 2030 and 2040 Unified Plans. Policy Goal A.4.4 of the 2030 Plan is to "Support Expanded Housing Opportunities for Seniors." Similarly, the 2040 Plan specifically encourages apartments and senior living units in the Property's designated character area.

(F) The Applicant submits that the mixed-use character of the area and the Property's close proximity to single-family detached residential uses provides additional support for approval of the Applications as a transitional use.

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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. Mabe

Jeffrey R. Mahaffey
Steven A. Pickens
Catherine V. Schutz
Thomas A. Simpson
Andrew D. Stancil
R. Lee Tucker, Jr.

LETTER OF INTENT FOR
REZONING AND SPECIAL USE PERMIT APPLICATIONS OF *Of Counsel
BEVERLY J. SEARLES FOUNDATION, INC.

Mahaffey Pickens Tucker, LLP submits this letter of intent and related rezoning and special use permit applications (the "Applications") on behalf of the Beverly J. Searles Foundation, Inc. (the "Applicant") in order to develop an approximately 18.089-acre tract (the "Property") located on the easterly side of Grayson Highway (State Route 20) between Webb Gin House Road and Hillside Drive. The Property is currently zoned R-100 and is adjacent to land zoned O-I. The Property is surrounded by a mix of commercial, institutional, and residential uses. To the north and south, the Property is adjacent to two institutional uses in Cornerstone Baptist Church and the Kids R Kids Daycare. To the west, there are two large properties zoned for multi-family residential uses as well as assorted retail/commercial uses along Grayson Highway including self-storage, restaurants, and convenience stores with fuel pumps. There is also a large, nearly 20 acre tract zoned for commercial uses at the intersection of Webb Gin House Road and Grayson Highway. These existing land uses are in line with the Gwinnett County 2040 Unified Plan Future Development Map which designates the Property as within the Community Mixed-Use Character Area.

The Applicant requests approval of the Applications in order to allow the construction of an approximately 300,000 square foot Independent Living Retirement Community. Specifically, the Applicant is requesting (i) to rezone the Property from R-100 to the O-I zoning classification, (ii) a Special Use Permit for the use of Retirement Community, Independent Living, and (iii) an additional Special Use Permit for a building height increase to 65 feet. The Applicant is also requesting a buffer reduction along the northerly property line where adjacent to the Cornerstone Baptist Church and Gates Mill subdivision. The UDO requires a 50-foot buffer for land zoned O-

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I where adjacent to land zoned R-100. In this case, a 100-foot-wide powerline easement runs across the property near this northerly property line. Accordingly, the Applicant is proposing to provide a 20-foot landscaped buffer the along the northerly property line as depicted on the submitted site plan. Additionally, a 20-foot-wide sanitary sewer easement runs in the vicinity of the powerline easement and any landscaping plantings within that easement area would have to be compatible with the existing sewer line. The Applicant is partnering with Minnesota-based Dominion, which is a long-term owner, operator, developer and residential management company with 45+ years of experience in housing such as the proposed development. Dominion is among the Nation's largest of such companies with over 30,000 units owned and managed. Dominion's long-term approach and decades of experience would ensure a quality development for decades to come.

The proposed development is compatible with the policies of the 2030 and 2040 Unified Plans which both encourage expanding housing options for seniors. The current 2030 Plan encourages land use decisions which allow residents to "age in place" in their current neighborhoods and communities as a way to increase the quality of life for all citizens of Gwinnett County. Expanding housing options for seniors allows current residents to remain in their communities as they progress through various stages of life and also provides housing options for senior citizens that retire from out of the area and choose to relocate closer to their families. Policy A.4.4 of the 2030 Plan is to "Support Expanded Housing Opportunities for Seniors." According to the 2030 Plan, "as more people choose to 'age in place' and/or relocate to Gwinnett to be closer to children and grandchildren, demand for various forms of senior housing will rise." The proposed development will create a community for seniors to "age in place" in close proximity to necessary services such as grocery stores, banks, churches, pharmacies, and health care services as well as recreational opportunities at Alexander Park and Tribble Mill Park. Additionally, the 2040 Plan provides that while Gwinnett has "a broadly younger population, by 2040 many of the people who fueled Gwinnett's initial waves of growth when they were young people will be in a dramatically different phase of life. Providing senior housing options will be critical to ensuring these people are able to remain a part of our community." Similar to the 2030 Plan's character area designation, the 2040 Plan designates the Property as

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within the Community Mixed-Use Character Area which specifically encourages apartments and senior living units as among its "Potential Development Types."

In addition to being supported by the land use policies set forth in the Gwinnett 2030 and 2040 Plans, the proposed development is in line with traditional land planning policies by providing an appropriate transition between commercial, institutional, and residential land uses. Approval of the Applications will provide an appropriate transition from the high-intensity commercial uses along the Grayson Highway corridor and the lower-intensity single-family residential uses to the east. The proposed retirement community is designed for active adults and will provide several amenities to serve future residents. Specifically, the community will include a community garden, courtyard, walkways, benches, and dog washing and walking areas. The Applicant is also proposing to activate and amenitize ample common and natural areas for the use and enjoyment of residents. Interior amenities will include common spaces dedicated for a fitness center, business center, game, card, and craft room, theatre, laundry facilities and beauty salon. Residences would be provided with full kitchens including dishwasher, stove, refrigerator, and microwave. Further, kitchens come equipped with modern powder-based stovetop fire suppression canisters above the stove top. Additionally, each unit will feature an exterior patio/balcony.

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 these Applications.

This 26th day of February, 2019.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham
Attorneys for the Applicant

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SPECIAL USE PERMIT 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



Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public



Date



Notary Seal

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SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

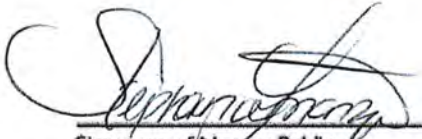
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE 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

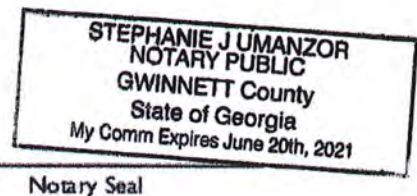
Lynne F. Cooper 1/28/2019
Date


Type or Print Name and Title

Lynne F. Cooper


Signature of Notary Public

01/28/2019
Date



Notary Seal



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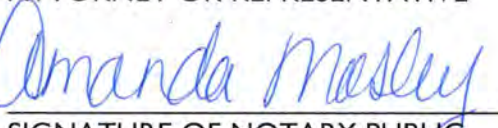
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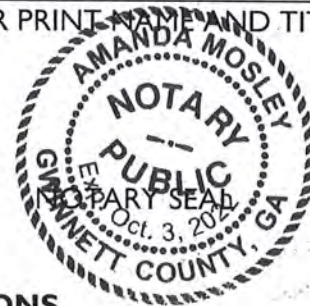
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CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, 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
	2/1/19	Shane Lanham, Attorney for the Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	2/1/19	
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 OFFICIAL 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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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

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 SPECIAL USE PERMIT REQUEST.**

PARCEL I.D. NUMBER: 5 - 138 - 004
(Map Reference Number) District Land Lot Parcel

Signature of Applicant

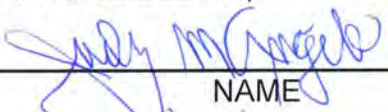
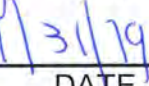
Date

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

DATE

Acting Senior Tax Serv. Assoc.
TITLE

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