

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
United Family Homes, LLC c/o Mahaffey NAME: <u>Pickens Tucker, LLP</u> ADDRESS: <u>1550 North Brown Road, Suite 125</u> CITY: <u>Lawrenceville</u> STATE: <u>Georgia</u> ZIP: <u>30043</u> PHONE: <u>770.232.0000</u>	NAME: <u>Sung Gong Properties, LLC</u> ADDRESS: <u>2935 Red Pine Ct</u> CITY: <u>Duluth</u> STATE: <u>Georgia</u> ZIP: <u>30096</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>	

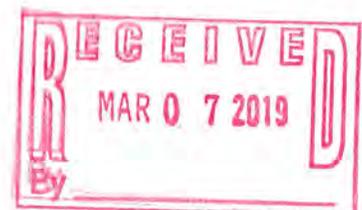
**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): R-100 REQUESTED ZONING DISTRICT: TND  
 LAND DISTRICT(S): 7 LAND LOT(S): 336 ACREAGE: +/-16.075  
 ADDRESS OF PROPERTY: 5760 S Richland Creek Road  
 PROPOSED DEVELOPMENT: Single-family residential community

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>+/-30</u>	No. of Buildings/Lots: <u>NA</u>
Dwelling Unit Size (Sq. Ft.): <u>1,600+ square feet</u>	Total Building Sq. Ft. <u>NA</u>
Gross Density: <u>+/-1.87 units per acre</u>	Density: _____
Net Density: <u>+/-2.48 units per acre</u>	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**



## LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 323 & 336 of the 7<sup>th</sup> District, Gwinnett County, Georgia and being more particularly described as follows:

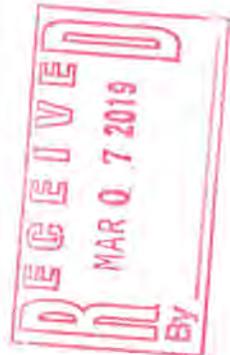
To ascertain the Point of Beginning, commence at a 5/8" rebar set on the southerly right-of-way of South Richland Creek Road (Variable R/W), said point being North 71 degrees 03 minutes 00 seconds East for a distance of 400.00 feet (Per Deed Book 48960, Page 632) from the intersection of the southerly right-of-way of South Richland Creek Road (Variable R/W) and easterly right-of-way of Sycamore Road (80' R/W):

Thence along the southerly right-of-way of South Richland Creek Road (Variable R/W) along the following courses:

North 71 degrees 02 minutes 54 seconds East for a distance of 180.04 feet to a point;  
Thence North 72 degrees 07 minutes 00 seconds East for a distance of 82.00 feet to a point;  
Thence North 74 degrees 55 minutes 00 seconds East for a distance of 114.06 feet to a point;  
Thence North 70 degrees 53 minutes 00 seconds East for a distance of 87.17 feet to a point;  
Thence North 62 degrees 04 minutes 00 seconds East for a distance of 85.00 feet to a point,  
Thence North 60 degrees 54 minutes 00 seconds East for a distance of 80.01 feet to a point;  
Thence North 58 degrees 54 minutes 00 seconds East for a distance of 138.67 feet to a point;

Leaving the southerly right-of-way of South Richland Creek Road (Variable R/W) and following along the centerline of Richland Creek and the property of now or formerly RBC Bank (Deed Book 50628, Page 891) along the following courses:

Thence South 34 degrees 13 minutes 13 seconds East for a distance of 17.38 feet to a point;  
Thence South 28 degrees 03 minutes 14 seconds East for a distance of 119.61 feet to a point;  
Thence South 55 degrees 01 minutes 51 seconds East for a distance of 39.37 feet to a point;  
Thence South 38 degrees 44 minutes 49 seconds East for a distance of 59.61 feet to a point;  
Thence South 45 degrees 50 minutes 21 seconds East for a distance of 58.45 feet to a point;  
Thence South 34 degrees 21 minutes 30 seconds East for a distance of 47.72 feet to a point;  
Thence South 71 degrees 59 minutes 06 seconds East for a distance of 38.21 feet to a point;  
Thence North 88 degrees 19 minutes 25 seconds East for a distance of 27.49 feet to a point;  
Thence South 17 degrees 03 minutes 57 seconds East for a distance of 30.63 feet to a point;  
Thence South 18 degrees 20 minutes 02 seconds West for a distance of 41.40 feet to a point;  
Thence South 08 degrees 08 minutes 41 seconds West for a distance of 19.53 feet to a point;  
Thence South 67 degrees 11 minutes 21 seconds East for a distance of 29.69 feet to a point;  
Thence North 59 degrees 36 minutes 13 seconds East for a distance of 50.19 feet to a point;  
Thence South 76 degrees 54 minutes 12 seconds East for a distance of 42.57 feet to a point;  
Thence South 45 degrees 04 minutes 48 seconds East for a distance of 32.61 feet to a point;  
Thence South 11 degrees 52 minutes 15 seconds West for a distance of 35.83 feet to a point;  
Thence South 77 degrees 20 minutes 02 seconds West for a distance of 36.55 feet to a point;  
Thence South 37 degrees 59 minutes 15 seconds West for a distance of 29.84 feet to a point;  
Thence South 40 degrees 09 minutes 55 seconds East for a distance of 15.00 feet to a point;  
Thence South 26 degrees 44 minutes 26 seconds East for a distance of 30.20 feet to a point;  
Thence South 82 degrees 35 minutes 22 seconds East for a distance of 60.61 feet to a point;  
Thence North 36 degrees 13 minutes 37 seconds East for a distance of 41.73 feet to a point;  
Thence North 74 degrees 18 minutes 35 seconds East for a distance of 29.57 feet to a point;  
Thence South 56 degrees 26 minutes 26 seconds East for a distance of 37.85 feet to a point;



RZR '19 013

## LEGAL DESCRIPTION

Leaving the centerline of Richland Creek and following along the property of now or formerly James Gaines (Plat Book 45, Page 36 & Plat Book 101, Page 66) along the following courses:

Thence South 43 degrees 28 minutes 00 seconds West for a distance of 222.94 feet to a 5/8" rebar set;

Thence South 14 degrees 23 minutes 00 seconds East for a distance of 104.34 feet to a 1" open top pipe found;

Thence South 18 degrees 13 minutes 00 seconds East for a distance of 59.22 feet to a 5/8" rebar set;

Leaving the property of now or formerly James Gaines (Plat Book 45, Page 36 & Plat Book 101, Page 66) and following along the property of now or formerly Gwinnett County Board of Education (Deed Book 17802, Page 162) along the following course:

Thence South 81 degrees 12 minutes 13 seconds West for a distance of 939.03 feet to a 1/2" open top pipe found;

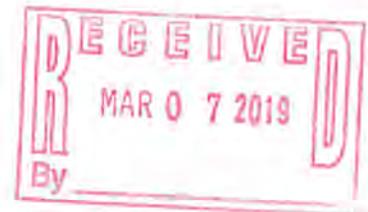
Leaving the property of now or formerly Gwinnett County Board of Education (Deed Book 17802, Page 162) and following along the property of now or formerly Byoung O Lim (Deed Book 48960, Page 632) along the following course:

Thence North 14 degrees 45 minutes 00 seconds West for a distance of 671.53 feet to a 5/8" rebar set ;

Located on the southerly right-of-way of South Richland Creek Road (Variable R/W), said point being the Point of Beginning.

Said tract contains 16.075 acres (700,216 square feet).

RZR '19 013





**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

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

Please see attached

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

Please see attached

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- (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

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

Please see attached

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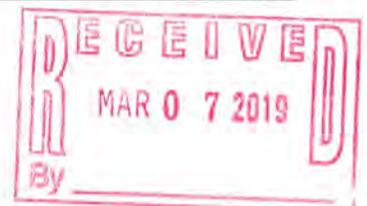
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- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING:

Please see attached

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## STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- A. Approval of the proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. The subject Property is adjacent to existing large-scale industrial and institutional uses. The proposed development would provide an appropriate transition from these higher-intensity uses to lower-density residential uses.
- B. Approval of the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. Rather, the proposed development would complement existing residential land uses by providing appropriate infill development as well as additional housing options for current and future residents of Gwinnett County.
- C. The Applicant submits that due to its size, location, layout, and existing physical characteristics, the subject property does not have a reasonable economic use as currently zoned.
- D. Approval of the proposed rezoning will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The property has convenient access to Buford Dam Road and Buford Drive (State Route 20) via Sycamore Road and has existing water and sewer utilities either within adjacent right-of-way or on-site.
- E. The proposed rezoning is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The subject Property is designated as within the Emerging Suburban Character Area on the 2040 Plan Future Development Map. Encouraged land uses for this character area include "single-family residential" and "mixed residential developments."
- F. The fact that the proposed development would provide (i) residential infill development compatible with existing nearby residential uses as well as (ii) an appropriate transition of land uses from intense industrial/institutional uses to lower-intensity residential land uses each provide additional supporting grounds for approval of the Application.

RZR 19013



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.

\*Of Counsel

**LETTER OF INTENT FOR REZONING APPLICATION**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Rezoning Application on behalf of United Family Homes, LLC (the “Applicant”) for the purpose of requesting the rezoning of an approximately 16.075-acre tract (the “Property”) located on South Richland Creek Road just east of Sycamore Road in northern Gwinnett County. The Property is currently zoned R-100. The Applicant proposes to develop a distinctive and attractive single-family residential community under the Traditional Neighborhood Development District (TND) consisting of 30 homes. The proposed development would be served by a single entrance on South Richland Creek Road.

The proposed development includes large areas of natural green space in the center of the development which would provide a recreational opportunity for residents. The proposed green space would include nature trails and related pedestrian amenities which would connect to sidewalks in the development creating a walkable environment and promoting a healthy lifestyle. Homes in the proposed community would be compatible with homes in the surrounding area and would include two-car garages and attractive architectural elements. Building façades of the proposed homes would include primarily brick, stone, shake/siding, and/or board and batten as depicted in the building elevations submitted with the Application.

The proposed development would be compatible with nearby and adjacent uses and would provide an appropriate transition of land uses from adjacent industrial uses to the north and east towards additional single-family residential uses along Sycamore Road and Riverside Road to the west. In fact, the Property is bordered on three sides by industrial or institutional uses including the Richland Creek Landfill which is located to the north directly across the right-of-way of Richland Creek Road. The Applicant is also requesting a modest buffer reduction where adjacent to land zoned R-100 on the Property’s westerly and southerly boundary lines. The UDO calls for a 30-foot wide natural, undisturbed buffer on land zoned TND where adjacent to land zoned R-100. However, the adjacent property to the south contains Sycamore Elementary School, which although zoned R-100, is in reality a large, institutional use. Accordingly, the

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

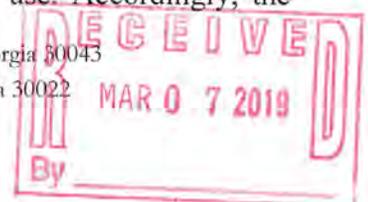
NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

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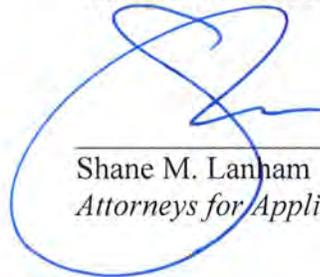
Applicant is requesting to reduce the buffer along the southern property line to a 20-foot landscaped buffer. Similarly, the Applicant is requesting a 20-foot landscaped buffer adjacent to the westerly property line as depicted on the site plan. The buffer reduction is necessary in order to accommodate the development's driveway, potential grading on proposed lots 29 and 30, and also to minimize impact on the floodplain. Disturbed areas of the proposed landscaped buffers would be revegetated to a buffer standard.

The Future Development Map of the Gwinnett County 2040 Unified Plan (the "2040 Plan") classifies the Property as within the Emerging Suburban Character Area. Potential Development Types for this character area include "single-family residential" and "mixed residential developments." The proposed development is in line with these encouraged land uses and also with Theme 4 of the 2040 Plan which is to "Provide More Housing Choices." The proposed development would provide residential in-fill development at a density and with architectural character that is compatible with existing development. Accordingly, the proposed development is compatible with the spirit and intent of the 2040 Plan—especially when considering that the Property is located adjacent to large-scale industrial and institutional uses.

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 1st day of March, 2019.

**MAHAFFEY PICKENS TUCKER, LLP**



Shane M. Lanham  
*Attorneys for Applicant*



RZR '19 013

**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

2/28/19  
Date

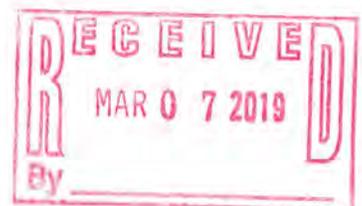
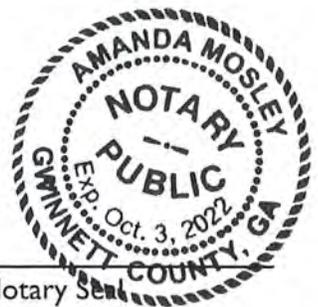
Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

  
Signature of Notary Public

2/28/19  
Date

Notary Seal



**REZONING APPLICANT'S CERTIFICATION**

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*[Handwritten Signature]*

Signature of Applicant

02/20/19

Date

RAMAKRISHNA SRINIVASU Owner

Type or Print Name and Title

*[Handwritten Signature]*

Signature of Notary Public

2/20/2019

Date

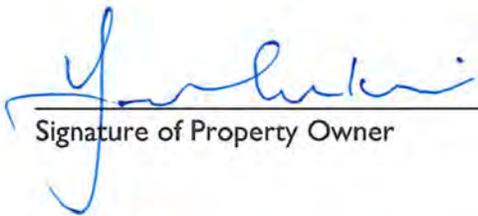


Notary Seal



**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.



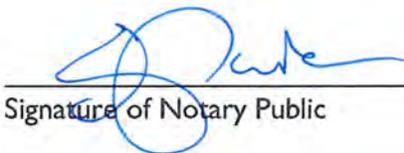
Signature of Property Owner

2/5/2019

Date

Yanghee Kim, Sole member of  
Sunggong properties LLC

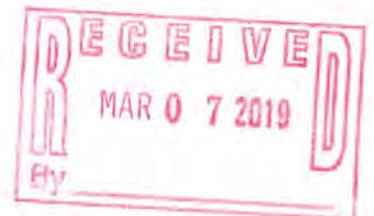
Type or Print Name and Title



Signature of Notary Public

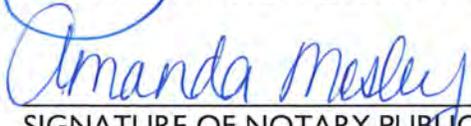
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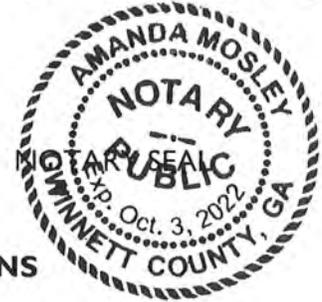
Date



**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
	2/28/19	Shane M. Lanham, Attorney for Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	2/28/19	
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 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.



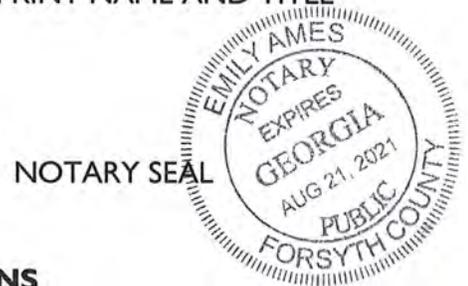
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The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

[Signature]                      02/20/19                      RAMAKRISHNAN SEENIVASAN  
 SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

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

Emily Ames                      2/20/2019  
 SIGNATURE OF NOTARY PUBLIC                      DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

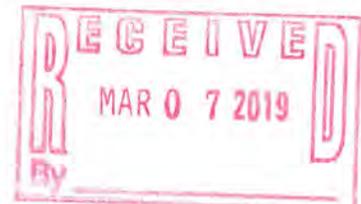
Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES     NO    RAMAKRISHNAN SEENIVASAN  
 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.





## JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance (the "UDO") which classify or may classify the property which is the subject of this Application (the "Property") into any less intensive zoning classification other than as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO as applied to the subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the TND classification as requested by the Applicant, and is not economically suitable for development under the present R-100 zoning classification of Gwinnett County. A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the TND classification with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly

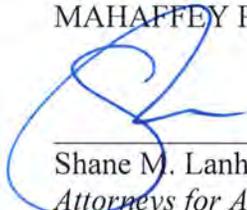


situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the TND classification, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

Respectfully submitted,

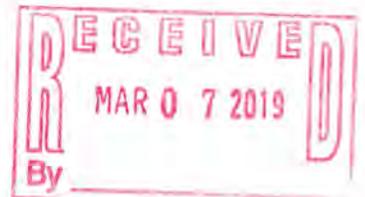
MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham  
*Attorneys for Applicant*

1550 North Brown Road  
Suite 125  
Lawrenceville, Georgia 30043  
(770) 232-0000

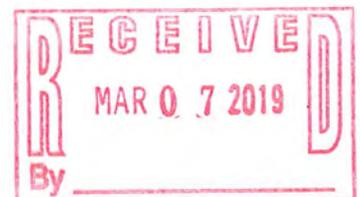
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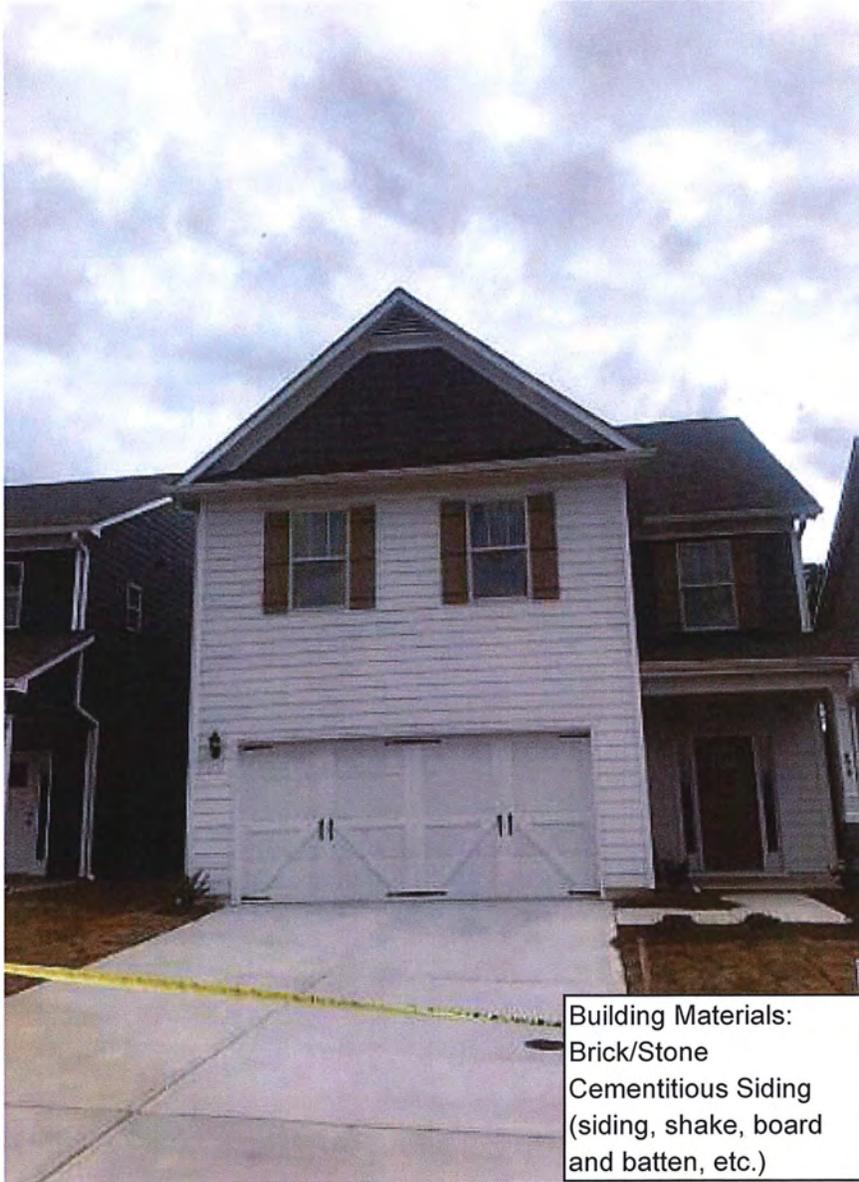




Building Materials:  
Brick/Stone  
Cementitious Siding  
(siding, shake, board  
and batten, etc.)

RZR '19 013





Building Materials:  
Brick/Stone  
Cementitious Siding  
(siding, shake, board  
and batten, etc.)



RZR '19 013



Building Materials:  
Brick/Stone  
Cementitious Siding  
(siding, shake, board  
and batten, etc.)

RZR 19013

RECEIVED  
MAR 07 2019  
By \_\_\_\_\_



RECEIVED  
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By \_\_\_\_\_

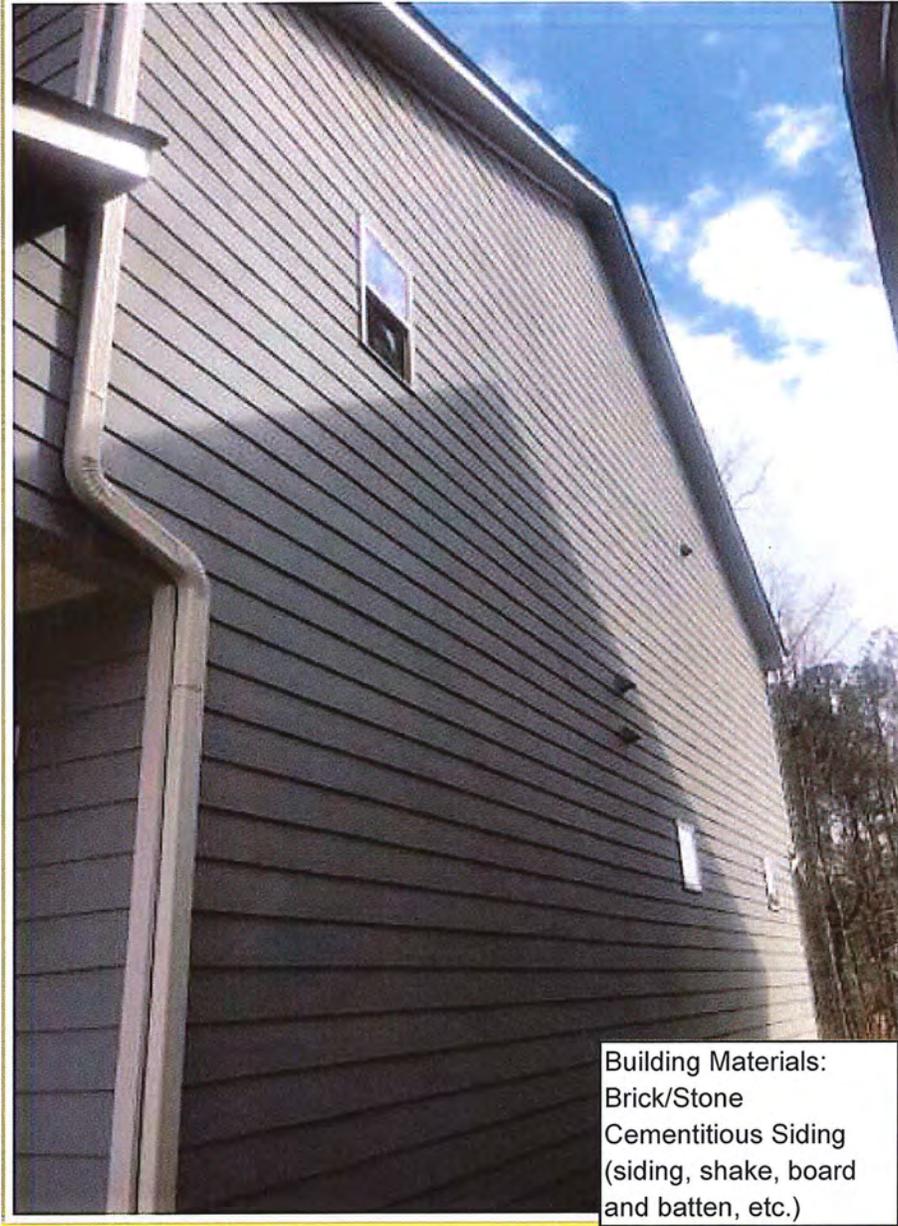
RZR '19 013



Building Materials:  
Brick/Stone  
Cementitious Siding  
(siding, shake, board  
and batten, etc.)

RZR 19013

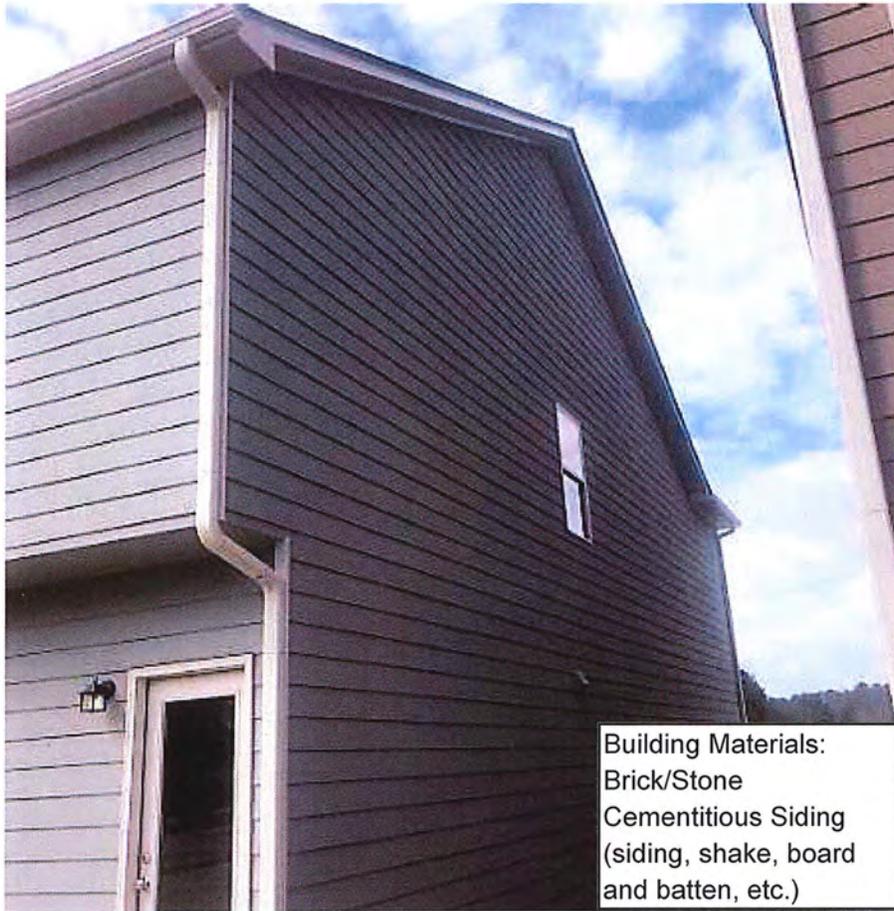
RECEIVED  
MAR 07 2019  
By \_\_\_\_\_



Building Materials:  
Brick/Stone  
Cementitious Siding  
(siding, shake, board  
and batten, etc.)

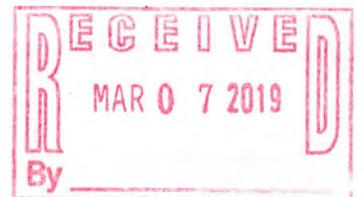
RZR '19 013

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MAR 07 2019  
By \_\_\_\_\_



Building Materials:  
Brick/Stone  
Cementitious Siding  
(siding, shake, board  
and batten, etc.)

RZR '19 013





Building Materials:  
Brick/Stone  
Cementitious Siding  
(siding, shake, board  
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