

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>VDC Development Group, LLC</u> <u>c/o Alliance Engineering and Planning</u>	NAME: <u>VDC Development Group, LLC</u>
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>6122 Brookside Lane</u>
CITY: <u>Buford</u>	CITY: <u>Hoschton</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>GA</u> ZIP: <u>30548</u>
PHONE: <u>770-614-6511</u>	PHONE: _____
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u>	
CONTACT'S E-MAIL: <u>Mitchpeevy@gmail.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:	
<u> </u> OWNERS AGENT	<u> X </u> PROPERTY OWNER
<u> </u> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT (S): <u>MUO</u>	REQUESTED ZONING DISTRICT: <u>O & I w/SUP</u> <u>to allow Senior Housing Facility & SUP for</u> <u>Height Increase</u>
LAND DISTRICT (S): <u>3</u>	LAND LOT (S): <u>006</u> ACREAGE: <u>11.52</u>
ADDRESS OF PROPERTY: <u>Thompson Mill Road</u>	
PROPOSED DEVELOPMENT: <u>Senior Housing for residents 62 and up</u>	
	<p style="color: red; font-weight: bold; font-size: 1.2em;">RECEIVED BY</p> <p style="color: red; font-weight: bold; font-size: 1.2em;">NOV 04 2019</p> <p style="color: red; font-weight: bold; font-size: 1.2em;">Planning & Development</p>

LETTER OF INTENT SUP '20 007
 PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

Legal Description – Proposed Rezoned Parcel

A portion of a parcel of land situated in Duncans General Militia District 1749, Gwinnett County, Georgia, as shown on that plat recorded in Plat Book 145, Page 230 in the Clerk of Superior Courts Office in Gwinnett County, Georgia, said parcel being more particularly described as follows:

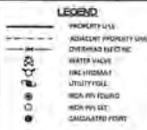
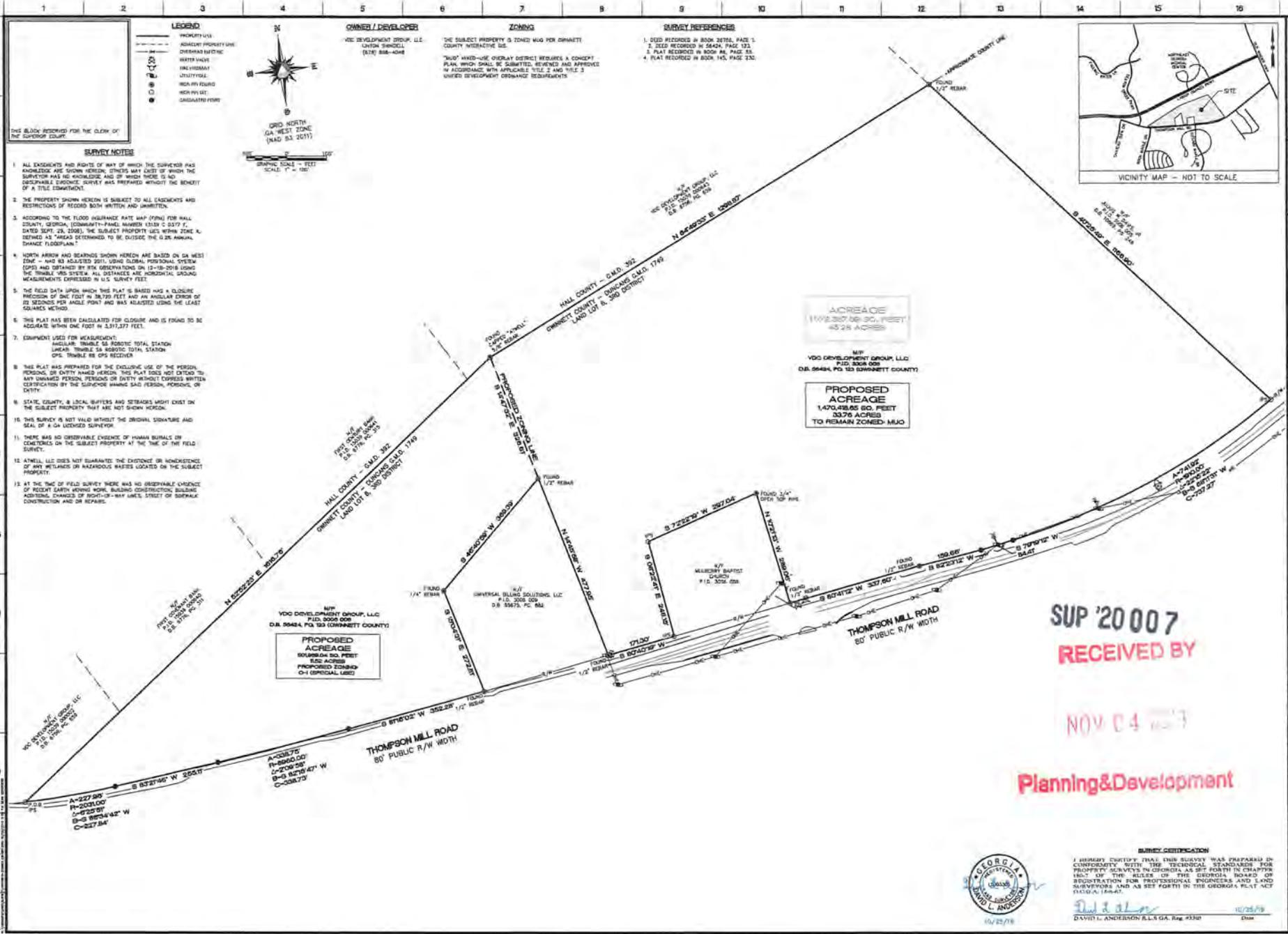
Beginning at a set 5/8 inch capped rebar marking the Westernmost Corner of the parcel of land as shown on that plat recorded in Plat Book 145, Page 230 in the Clerk of Superior Courts Office in Gwinnett County, Georgia, said point also marking the intersection of the Northerly Right of Way of Thompson Mill Road (having a 80' Public Right of Way Width) and the dividing line between Hall County and Gwinnett County, Georgia; thence leaving said Right of Way run North 52 degrees 52 minutes 23 seconds East along said County line for a distance of 1616.76 feet to a found 5/8 inch capped rebar; thence leaving said County line run South 14 degrees 47 minutes 32 seconds East along the proposed zoning line for a distance of 326.61 feet to a found 1/2 inch rebar; thence leaving said proposed zoning line run South 46 degrees 40 minutes 59 seconds West for a distance of 369.39 feet to a found 1/4 inch rebar; thence run South 15 degrees 04 minutes 31 seconds East for a distance of 272.81 feet to a found 1/2 inch rebar lying on the Northerly Right of Way of the aforementioned Thompson Mill Road; thence run South 81 degrees 16 minutes 02 seconds West along said Right of Way for a distance of 352.28 feet to a point, said point lying on a curve to the right, said curve having a radius of 8960.00 feet, a central angle of 02 degrees 09 minutes 58 seconds, a chord bearing of South 82 degrees 16 minutes 47 seconds West, and a chord distance of 338.73 feet; thence run along the arc of said curve and said Right of Way for a distance of 338.75 feet to a point; thence run South 83 degrees 21 minutes 46 seconds West for a distance of 265.11 feet to a point, said point lying on a curve to the right, said curve having a radius of 2031.00 feet, a central angle of 06 degrees 25 minutes 51 seconds, a chord bearing of South 86 degrees 34 minutes 42 seconds West, and a chord distance of 227.84 feet to a point; thence run along the arc of said curve and said Right of Way for a distance of 227.96 feet to the POINT OF BEGINNING. Said parcel contains 501,969.04 Square Feet or 11.52 Acres.

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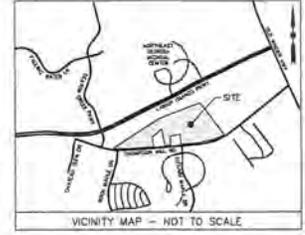
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OWNER / DEVELOPER
 VDC DEVELOPMENT GROUP, LLC
 LYNN SHIBELL
 (336) 338-4048

ZONING
 THE SUBJECT PROPERTY IS ZONED MUJ PER GWINNETT COUNTY INTERACTIVE USE.
 "MUJ" MIXED-USE OVERLAY DISTRICT REQUIRES A CONCEPT PLAN, WHICH SHALL BE SUBMITTED, REVIEWED AND APPROVED IN ACCORDANCE WITH APPLICABLE TITLE 2 AND TITLE 3 UNIFIED DEVELOPMENT ORDINANCE REQUIREMENTS.

SURVEY REFERENCES
 1. DEED RECORDED IN BOOK 2674, PAGE 1.
 2. DEED RECORDED IN BOOK 2674, PAGE 123.
 3. PLAT RECORDED IN BOOK 84, PAGE 23.
 4. PLAT RECORDED IN BOOK 145, PAGE 230.



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

SURVEY NOTES

1. ALL ENCUMBRANCES AND RIGHTS OF WAY OF WHICH THE SURVEYOR HAS KNOWLEDGE ARE SHOWN HEREON; OTHERS MAY EXIST OF WHICH THE SURVEYOR HAS NO KNOWLEDGE AND OF WHICH THESE ARE NO DISCUSSIBLE EVIDENCE. SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
2. THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL ENCUMBRANCES AND RESTRICTIONS OF RECORD BOTH WRITTEN AND UNWRITTEN.
3. ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FOR HALL COUNTY, GEORGIA, (COMMUNITY-PANEL NUMBER 1315V C 0377 F, DATED 08/01/2006), THE SUBJECT PROPERTY LIES WITHIN ZONE X, DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL EXCESS FLOODPLAIN."
4. NORTH ARROW AND BEARINGS SHOWN HEREON ARE BASED ON DA WEST ZONE - NAD 83 ADJUSTED 2011, USING GLOBAL POSITIONAL SYSTEM (GPS) AND OBTAINED BY RTK OBSERVATIONS ON 15-18-2018 USING THE TRIMBLE V90 SYSTEM. ALL DISTANCES AND HORIZONTAL ANGLE MEASUREMENTS EXPRESSED IN U.S. SURVEY FEET.
5. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS A CLOSED POLYGON OF ONE FOOT IN 18,790 FEET AND AN ANGULAR ERROR OF 0.35 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
6. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 3,317,377 FEET.
7. EQUIPMENT USED FOR MEASUREMENT:
 LINEAR: TRIMBLE S6 ROBOTIC TOTAL STATION
 OPS: TRIMBLE RS OPS RECEIVER
8. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS WRITTEN CERTIFICATION BY THE SURVEYOR NAMED EACH PERSON, PERSONS, OR ENTITY.
9. STATE, COUNTY, & LOCAL OFFICERS AND SETBACKS MIGHT EXIST ON THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON.
10. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A LICENSED SURVEYOR.
11. THERE WAS NO OBSERVABLE EVIDENCE OF HUMAN BURIALS OR CEMETERIES ON THE SUBJECT PROPERTY AT THE TIME OF THE FIELD SURVEY.
12. ATWELL, LLC DOES NOT GUARANTEE THE EXISTENCE OR NONEXISTENCE OF ANY HAZARDOUS OR HAZARDOUS WASTES LOCATED ON THE SUBJECT PROPERTY.
13. AT THE TIME OF FIELD SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, BUILDING ADDITIONS, CHANGES OF RIGHT-OF-WAY LINES, STREET OR HIGHWAY CONSTRUCTION AND OR REPAIRS.

PROPOSED ACREAGE
 1470,8845 SQ. FEET
 33.76 ACRES
 TO REMAIN ZONED: MUJ

ACREAGE
 1192,307 SQ. FEET
 27.28 ACRES

PROPOSED ACREAGE
 1470,8845 SQ. FEET
 33.76 ACRES
 TO REMAIN ZONED: MUJ

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SURVEY CERTIFICATION
 I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR SURVEYING PRACTICES IN GEORGIA AS SET FORTH IN CHAPTER 803 OF THE RULES OF THE GEORGIA BOARD OF SURVEYING AND AS SET FORTH IN THE GEORGIA PLAT ACT (O.C.G.A. 18-4-47).
 David L. Anderson
 DAVID L. ANDERSON R.L.S. GA. Reg #1300
 Date

811
 Know what's below.
 Call before you dig.
 The location of buried utility lines is not shown on this plat. Call 811 to locate utility lines before you dig. Callers will be connected to the appropriate utility company. Callers should provide the location of the dig, the date of the call, and the name of the person calling. Callers should also provide the name of the utility company they are calling. Callers should also provide the name of the utility company they are calling. Callers should also provide the name of the utility company they are calling.

ATWELL
 1300 WOODBURN DRIVE
 SUITE 100
 LAWRENCEVILLE, GA 30046
 (770) 962-1111
 www.atwellgroup.com

LOCKED BY: DUNCAN E.M.G. 1749
 GWINNETT COUNTY
 GEORGIA

ZONING EXHIBIT
 VDC DEVELOPMENT GROUP'S
 GWINNETT PARCELS COMBINATION
 FOR
 VDC DEVELOPMENT GROUP, LLC

DATE: 10-25-2018

SCALE: 1" = 100 FEET

DL: SDC (M. DLA)
 T.M. D. ANDERSON
 BOOK: 18000810
 SHEET NO.: 1 OF 1



SITE PLAN DESCRIPTION

TOTAL SITE ACREAGE = 11.52 AC.
 14 BLDGS X 22 UNITS = 308 UNITS

23 PARKING SPACES IN DECK PER BUILDING = 322 PARKING SPACES

140 PARKING SPACES EXTERIOR

TOTAL PARKING ON SITE = 462 SPACES
 1.50 PARKING SPACES PER UNIT.

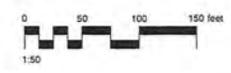
SETBACKS REQUIRED:
 FRONT = 15' (15' SHOWN)
 SIDE = 0' (10' SHOWN)
 REAR = 0' (10' SHOWN)

BUILDING FOOTPRINT = 9,691 GSF
 X 14 BLDGS

TOTAL AREA = 135,674 GSF

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STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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:
THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE DUE TO THE TOPO WITHOUT THE SPECIAL USE PERMIT.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:
THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
YES, THE SUBJECT PROPERTY IS DESIGNATED AS EMERGING SURBURBAN.

(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:
SEE LETTER OF INTENT.

PLANNING DIVISION USE ONLY

SUP '20 007

CASE NUMBER _____

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LETTER OF INTENT

The applicant's vision and primary focus for the area under consideration for this rezoning is to provide opportunities for housing, wellness, services and a lifestyle component for a segment of the senior population that is sixty-two years and older. With that in mind, the Applicant, VDC Development Group, LLC requests a rezoning from MUO to O & I with a Special Use Permit to allow a Gated Senior Living Offering for residents 62 years of age or older. The MUO was approved by Gwinnett County in 2008 prior to the construction of Northeast Georgia Medical Center. Del Webb has also developed two of their Active Adult housing communities in the immediate area with other senior housing facilities also opening in the area. The current approval for the 11.52 acres is for over one-hundred townhomes. This request is to replace the current zoning to allow the applicant to build three hundred and eight units of Independent Living space containing one- and two-bedroom units. Instead of building a massive multi-story building, this Independent Living project will consist of fourteen separate buildings with twenty-two units in each building. There will be underground parking below each building with a large lobby area on the first floor for entertaining guests or activities and meetings with other residents. There will be four units on the first floor and six units on all the other floors and all the buildings will have elevators. The average heated space for each unit will be 1,136 square feet. The buildings will be modeled after large elegant homes using French provincial, English Manor and other architectural styles. Through the architectural control process, each building will have distinctive features and colors that will separate it from the other buildings in the development. Every unit will have a full kitchen, dining area, living area, bedrooms, bathrooms with walk-in shower, outdoor patio/balcony and additional features. The proposed plan is that once the development becomes more occupied there will be a catering restaurant located in the commercial area of the MUO where residents can have a full dining experience or can choose to have meals delivered to their home on an as-needed basis. Also, there are plans to have a Wellness/Clubhouse facility in the MUO portion of the community that residents will have available for exercise as well as other social group activities. Some of the proposed "A La Carte Services" offered to residents include concierge services, a Wellness Coordinator, linen and dry-cleaning service, weekly house cleaning service, transportation coordination, and 3rd party healthcare services. All the units will be only for Independent Living residents as no assisted or memory care facilities are being proposed. One gated entrance is proposed off of Thompson Mill Road and another internal gated entrance to the existing MUO property.

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The applicant's second SUP request is for a height increase to a maximum height of 57 feet 10 inches and an average height of 50 feet for the buildings throughout this proposed development.

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Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the rezoning will constitute a taking of 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, and Article 1, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

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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.

Linton N. Swindell
Signature of Property Owner

11-1-2019
Date

LINTON N. SWINDELL, MGR. VDC DEVELOPMENT GROUP, LLC
Type or Print Name and Title

Jeri Ann Peavy
Signature of Notary Public

11/1/2019
Date



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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: 3 - 006 - 006
(Map Reference Number) District Land Lot Parcel

Linton N. Swindell 10-31-2019
Signature of Applicant Date

LINTON N. SWINDELL, MGR. VDC DEVELOPMENT GROUP, LLC
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.*****

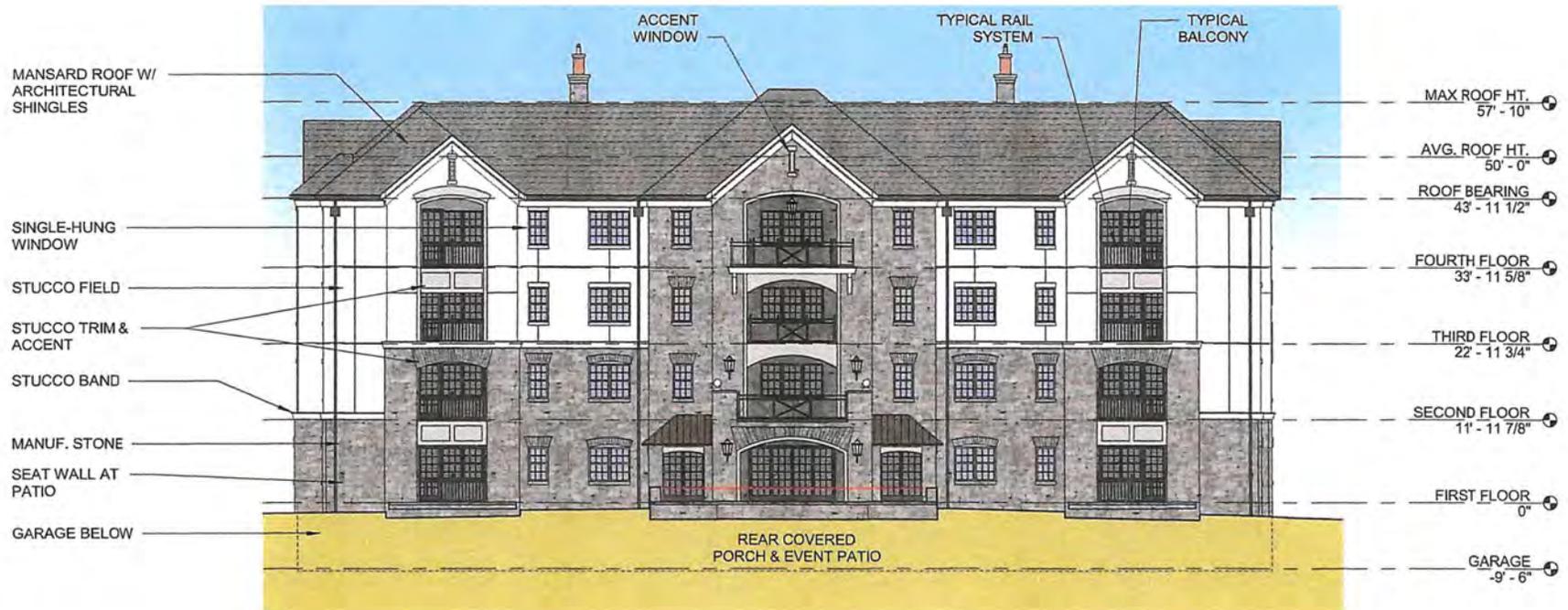
TAX COMMISSIONERS USE ONLY

(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)

Lovell Hunley TSA-I
NAME TITLE

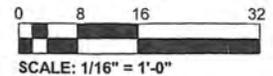
10-31-19
DATE

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ENGLISH MANOR-REAR ELEVATION

PROPOSED ADDITIONAL COLOR OPTIONS:
 MATERIAL AND COLOR CONCEPT FOR VDC SENIOR INDEPENDENT LIVING IS TO PROVIDE TWO ARCHITECTURAL STYLES, ENGLISH MANOR AND ENGLISH TUDOR, THAT ALLOWS STYLE VARIATION WITHIN THE SENIOR COMMUNITY AND AVOIDS THE REPETITIVE HOUSING EFFECT. THIS VARIATION IS FURTHER REINFORCED BY PROVIDING AN ADDITIONAL COLOR OPTION FOR EACH STYLE WHILE MAINTAINING THE CURRENT MATERIAL PALETTE SHOWN. THE COLOR OPTIONS FOR BOTH STYLES WOULD BE WITHIN THE SAME COLOR FAMILY AND COMPLEMENTARY TO THE PROPOSED BASE COLOR OPTION SHOWN ABOVE. THIS ADDITIONAL COLOR OPTION FOR EACH STYLE WOULD STRENGTHEN THE BUILDING VARIATION AND INCREASE A MORE VILLAGE-LIKE EXPERIENCE FOR THIS 10-ACRE NEIGHBORHOOD WHICH TIES INTO THE OVERALL MASTER PLANNED COMMUNITY.



FOLEY DESIGN
 www.foleydesign.com

ENGLISH MANOR-REAR ELEVATION
VDC SENIOR INDEPENDANT LIVING
 BRASELTON, GA

11.01.2019
 VDC Development Group LLC

SUP '20 007

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