

## CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Manor Lake Development LLC</u> <u>c/o Alliance Engineering and Planning</u>	NAME: <u>Kent &amp; Tim Puckett, Jack Burel</u> <u>c/o Alliance Engineering and Planning</u>
ADDRESS: <u>6095 Atlanta Hwy Suite 100</u>	ADDRESS: <u>6095 Atlanta Hwy Suite 100</u>
CITY: <u>Flowery Branch</u>	CITY: <u>Flowery Branch</u>
STATE: <u>GA</u> ZIP: <u>30542</u>	STATE: <u>GA</u> ZIP: <u>30542</u>
PHONE: <u>770-614-6511</u>	PHONE: _____
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u> APPLICANT'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:		
<input type="checkbox"/> OWNERS AGENT	<input type="checkbox"/> PROPERTY OWNER	<input checked="" type="checkbox"/> <u>X</u> CONTRACT PURCHASER
PRESENT ZONING DISTRICT (S): <u>R-60</u>		PRIOR ZONING CASE: <u>RZC-07-009</u>
LAND DISTRICT (S): <u>1</u>	LAND LOT (S): <u>001</u>	ACREAGE: <u>9.016</u>
ADDRESS OF PROPERTY: <u>2911 &amp; 2969 Hamilton Mill Road</u>		
PROPOSED DEVELOPMENT: <u>Senior Housing Facility</u>		
<b>RESIDENTIAL DEVELOPMENT:</b> NO. OF LOTS/DWELLING UNITS: _____ DWELLING UNIT SIZE (SQ. FT.): _____ GROSS DENSITY: _____ NET DENSITY: _____		<b>NON-RESIDENTIAL DEVELOPMENT:</b> NO. OF BUILDINGS/UNITS: <u>4</u> TOTAL GROSS SQUARE FEET: <u>88,522</u> DENSITY: <u>9,818 sq ft per acre</u>

DEC 30 2019

LETTER OF INTENT

CIC '20013

SURVEY LEGAL DESCRIPTION

TRACTS 1 AND 2

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN PUCKETTS GEORGIA MILITIA DISTRICT 1397, GWINNETT COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY OF PLANTATION MILL DRIVE (50' PUBLIC RIGHT OF WAY) AND THE EAST RIGHT OF WAY OF HAMILTON MILL ROAD (PUBLIC RIGHT OF WAY VARIES), THENCE SOUTH ALONG THE SAID RIGHT OF WAY OF HAMILTON MILL ROAD A DISTANCE OF 124.51 FEET TO AN IRON PIN FOUND, WHICH IS THE POINT OF BEGINNING;

THENCE LEAVING THE SAID RIGHT OF WAY NORTH 60 DEGREES 03 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 544.92 FEET TO AN IRON PIN FOUND; THENCE SOUTH 29 DEGREES 58 MINUTES 49 SECONDS EAST FOR A DISTANCE OF 293.56 FEET TO AN IRON PIN FOUND; THENCE NORTH 44 DEGREES 51 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 335.02 FEET TO AN IRON PIN FOUND; THENCE SOUTH 45 DEGREES 03 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 204.20 FEET TO AN IRON PIN FOUND; THENCE SOUTH 44 DEGREES 56 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 961.19 FEET TO AN IRON PIN FOUND ON THE EAST RIGHT OF WAY OF HAMILTON MILL ROAD; THENCE TRAVELING ALONG SAID RIGHT OF WAY THE FOLLOWING FOUR (4) COURSES AND DISTANCES: NORTH 31 DEGREES 39 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 315.79 FEET TO A POINT; THENCE NORTH 56 DEGREES 41 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 15.69 FEET TO A POINT; THENCE NORTH 30 DEGREES 09 MINUTES 57 SECONDS WEST FOR A DISTANCE OF 212.06 FEET TO A POINT; THENCE NORTH 29 DEGREES 32 MINUTES 20 SECONDS WEST FOR A DISTANCE OF 124.99 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 9.016 ACRES AND IS DEPICTED ON THAT CERTAIN ALTA/NSPS PLAT OF SURVEY PREPARED BY LANDPRO SURVEYING AND MAPPING, INC., SEALED AND CERTIFIED BY JAMES H. RADER, GRLS NO. 3033, DATED OCTOBER 9, 2019.

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12-26-10



PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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 WITHOUT THE CHANGE IN CONDITIONS.

(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 COMMUNITY MIXED USE.

(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.

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Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request 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.

.....  
PLANNING DIVISION USE ONLY

CASE NUMBER \_\_\_\_\_

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## REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Manor Lake Development LLC, requests a Change in Conditions (CIC) with a Special Use Permit (SUP) to allow a Senior Living Complex for residents 55 years old or older. The existing O & I zoning was approved by Gwinnett County in 2007 which was prior to the economic crash that the country went through. The property owners have not had any proposals from any developers to build an office park on the property. The applicant is proposing to build a single-story retirement facility that will have a total of 76 units with 88 beds with an additional 12 Independent Living units on the rear of the property. The main building will provide living space for Assisted Living in 48 of the units with a total of 52 beds and for Memory Care in 28 of the units with a total of 36 beds. Proposed amenities are Laundry\Housekeeping, 3 full meals daily with a 24/7 grab and go Bistro, Reserved private dining room, Hair salon and spa, Group Activities and arts and crafts room, Physical therapy, Movie Theater, Garden plots, Courtyard fountain and fire pit, Monthly cookouts for residents and family and a shuttle service for outings.

The proposed condition changes are:

1. B. Remove the restriction against congregate personal care homes and retirement communities.  
D. Change the building material to match the submitted elevations of Stone Veneer and Concrete Siding.  
E. Change the height of the buildings to only be allowed as one-story.
2. A. Allow a reduction in the 50-foot buffer adjacent to the Independent living units along the rear of the property to 15 feet as shown on the submitted plan. The berm and fencing will be installed to separate the property from the adjoining single family homes.

The SUP is to allow a retirement facility in the O & I zoning category with less traffic.

This proposed facility will be a low impact use next to the existing subdivision as the majority of the traffic produced will be off peak hours. In reality, the Independent Living residents in the 12 units will be the main ones that still use their car and even that is not on a daily basis. The assisted living residents will only have about 5 cars typically among this total number of units that they even occasionally use.

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**CHANGE IN CONDITIONS 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

12/17/19  
\_\_\_\_\_  
Date

William R. Creekmore, President  
\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public

12/17/19  
\_\_\_\_\_  
Date



\_\_\_\_\_  
Notary Seal

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**CHANGE IN CONDITIONS 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.

Kent B. Puckett 12/20/19  
Signature of Property Owner *EXECUTOR* Date

Kent B. Puckett  
Type or Print Name and Title *EXECUTOR*

Jeri Ann Peavy 12/20/19  
Signature of Notary Public Date



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Jack Bruce  
Signature of Property Owner

12-20-19  
Date

Jack Bruce owner  
Type or Print Name and Title

Jeri Ann Peavy  
Signature of Notary Public

12/20/19  
Date



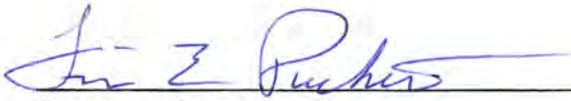
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\_\_\_\_\_  
Signature of Property Owner  
Executor

12-20-2019  
\_\_\_\_\_  
Date

Tim E. Puckett  
\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public

12/20/19  
\_\_\_\_\_  
Date



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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.

 12/17/19 William Creekmore, Jr. Pres.  
SIGNATURE OF APPLICANT      DATE      TYPE OR PRINT NAME AND TITLE

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

 12/17/19  
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 William Creekmore, Jr.  
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 CHANGE IN CONDITIONS**

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:**

(Map Reference Number)

District

Land Lot

Parcel

Signature of Applicant

*William Crawford* *President*

Type or Print Name and Title

*12/17/09*  
Date

**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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**PARCEL I.D. NUMBER:**  
(Map Reference Number)

1 - 001 - 009  
District Land Lot Parcel

x Mitch Peery  
Signature of Applicant

12-2-19  
Date

Mitch Peery Applicant Representative  
Type or Print Name and Title

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**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 II  
TITLE

12-2-19  
DATE

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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:**  
(Map Reference Number)

1 - 001 - 045  
District Land Lot Parcel

  
Signature of Applicant

12-2-19  
Date

Mitch Peery Applicant Representative  
Type or Print Name and Title

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**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

TSA II  
TITLE

12-2-19  
DATE

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- G.
- |  |   |   |  |
|--|---|---|--|
|  | STONE VENEER<br>TENNESSEE THIN VENEER FIELDSTONE<br>(OR EQUAL)          |  | BODY<br>SHERWIN WILLIAMS SW7014 -<br>SOFTWARE    |
|  | ARCHITECTURAL SHINGLE<br>GAF TIMBERLINE HD SHINGLES -<br>HEATHERED HOOD |  | TRIM<br>SHERWIN WILLIAMS SW6285 -<br>DOVER WHITE |

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MANOR LAKE - HAMILTON MILL  
INDEPENDENT LIVING COTTAGES  
PCA



ONE VENEER  
INCREASED THAN VENEER FIELDSTONE  
R EQUAL

SCHECTER SHINGLE  
AP TIMBERLINE HD SHINGLES -  
CATHEDRAL HOOD

ROOF  
SHOWN WILLIAMS SH1074 -  
SOFTWARE

TRIM  
SHOWN WILLIAMS SW8555 -  
DOVER WHITE

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