

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: MFT, Inc. c/o Andersen, Tate & Carr, P.C.	NAME: Multiple - please see attached
ADDRESS: 1960 Satellite Blvd. Suite 4000	ADDRESS: _____
CITY: Duluth	CITY: _____
STATE: GA ZIP: 30097	STATE: _____ ZIP: _____
PHONE: 770-822-0900	PHONE: _____
CONTACT PERSON: Shaun R. Adams, Esq. PHONE: 770-822-0900	
CONTACT'S E-MAIL: sadams@atclawfirm.com	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): RA-200 REQUESTED ZONING DISTRICT: C-2	
PARCEL NUMBER(S): R3003 104, R3003 048, R3003 171 ACREAGE: 14.77	
ADDRESS OF PROPERTY: Braselton Highway at Spout Springs Rd.	
PROPOSED DEVELOPMENT: Mixed-use development	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units N/A	No. of Buildings/Lots: 7/7
Dwelling Unit Size (Sq. Ft.): N/A	Total Building Sq. Ft. +/- 71,600 sq. ft.
Gross Density: N/A	Density: +/- 4,850 sq. ft. per acre
Net Density: N/A	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

PROPERTY OWNER LIST

Name	Address	Parcel
MFT LLC	1500 Hwy 124, Auburn, GA 30011	3002 044
BHP Development, LLC	3633 Marys View Ln, Dacula, GA 30019	3003 104
Martha June Britt Revocable Living Trust	1008 Monticellow Dr, Monroe, GA 30655	3003 048
BHP Development LLC	3633 Marys View Lane, Dacula, GA 30019-1616	3003 171

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LEGAL DESCRIPTION

All that tract or parcel of land lying and being in GMD 1749 of Gwinnett County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, begin at the intersection of the northeastern right-of-way line of Rock Quarry Road with northwestern right-of-way line of Braselton Highway (80' r/w): THENCE continuing along the right-of-way line of Braselton Highway in a northeasterly direction a distance of 2,739.34 feet to a point, said point being the TRUE POINT OF BEGINNING;

THENCE North 31 degrees 12 minutes 51 seconds West a distance of 118.27 feet to a point;
THENCE along a curve to the right for an arc length of 79.78 feet, having a radius of 250.00 feet, being subtended by a chord bearing North 22 degrees 04 minutes 21 seconds West, for a distance of 79.44 feet to a point;

THENCE North 12 degrees 55 minutes 51 seconds West a distance of 261.62 feet to a point;
THENCE North 77 degrees 04 minutes 09 seconds East a distance of 428.00 feet to a point;
THENCE North 12 degrees 55 minutes 51 seconds West a distance of 478.92 feet to a point;
THENCE North 73 degrees 46 minutes 27 seconds East a distance of 98.25 feet to a point;
THENCE along a curve to the left for an arc length of 380.00 feet, having a radius of 5819.25 feet, being subtended by a chord bearing North 71 degrees 34 minutes 36 seconds East, for a distance of 379.93 feet to a point;

THENCE South 88 degrees 20 minutes 25 seconds East a distance of 334.00 feet to a point;
THENCE South 14 degrees 11 minutes 07 seconds West a distance of 38.18 feet to a point;
THENCE South 07 degrees 53 minutes 48 seconds West a distance of 47.60 feet to a point;
THENCE South 00 degrees 41 minutes 35 seconds West a distance of 104.60 feet to a point;
THENCE along a curve to the right for an arc length of 340.10 feet, having a radius of 778.22 feet, being subtended by a chord bearing South 33 degrees 38 minutes 35 seconds West, for a distance of 337.40 feet to a point;

THENCE South 41 degrees 17 minutes 50 seconds East a distance of 55.00 feet to a point;
THENCE South 33 degrees 41 minutes 41 seconds West a distance of 269.96 feet to a point;
THENCE South 50 degrees 00 minutes 44 seconds East a distance of 149.23 feet to a point;
THENCE along a curve to the left for an arc length of 546.02 feet, having a radius of 1677.02 feet, being subtended by a chord bearing South 72 degrees 02 minutes 17 seconds West, for a distance of 543.61 feet to a point;

THENCE along a curve to the left for an arc length of 181.42 feet, having a radius of 1880.44 feet, being subtended by a chord bearing South 60 degrees 47 minutes 53 seconds West, for a distance of 181.35 feet to a point;

THENCE South 58 degrees 48 minutes 35 seconds West a distance of 82.19 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said tract contains 14.77 Acres.

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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

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REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby property. The subject property is located adjacent to commercially-zoned land and is bordered by the right-of-way of Interstate 85 along its northerly boundary. The proposed mixed-use development will complement existing land uses and development patterns.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed use is compatible with surrounding land uses and the policies of the Gwinnett County 2040 Unified Plan.
- (C) Due to the size, location, layout and dimensions of the subject property, the Applicant submits that the property does not have reasonable economic use as currently zoned.
- (D) No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property is conveniently-located near major thoroughfares including Interstate 85 with access to utilities. Specifically, Braselton Highway is classified as a Minor Arterial and Spout Springs Road is classified as a Major Collector on the Gwinnett County Long-Range Road Classification Map.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The Property is within the Vibrant Communities and Emerging Suburban character areas for which the 2040 Plan encourages mixed use developments including commercial/retail uses, single-family detached homes, townhomes, and multifamily residences.
- (F) The Applicant submits that the mix of surrounding land uses, the Property's location at the intersection of two major roadways, and its location adjacent to Interstate 85 provide additional supporting grounds for approval of this Application.

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Planning & Development

Shaun R. Adams

Email: sadams@atclawfirm.com

Telephone: 770.822.0900

Direct Dial: 678.518.6855

Direct Fax: 770.236.9702

May 14, 2020

VIA E-MAIL DELIVERY

Gwinnett County Planning and Development
c/o Kathy Holland, Director of Planning and Development
446 West Crogan Street
Lawrenceville, GA 30046-2440

RE: LETTER OF INTENT FOR REZONING APPLICATIONS OF MFT, INC. (Braselton Highway at Spout Springs Road, Gwinnett County, Georgia) (RZC2020-0008, RZM2020-00012, and RZR2020-00013)

Dear Director and Staff:

Andersen Tate & Carr, P.C. submits this Revised Letter of Intent on behalf of MFT, Inc. (the "Applicant") for the purpose of requesting the rezoning of an approximately 77.9-acre tract (the "Property") located on the northerly side of Braselton Highway (SR 124) at its intersection with Spout Springs Road. The Property is adjacent to Interstate 85 and is currently zoned R-75 Modified and RA-200. The Property is adjacent to land zoned C-2 and is located in both the Vibrant Communities and Emerging Suburban Character Areas as set forth on the Gwinnett County 2040 Unified Plan Future Development Map. Potential Development Types for these character areas include "single-family residential," "mixed residential developments," "townhomes and apartments," and "corner/neighborhood serving retail or institutional uses." The proposed mixed-use development described below and in the Applications incorporates several of these encouraged development types and therefore fits squarely within the land use policies set forth in the Gwinnett County 2040 Unified Plan (the "2040 Plan").

Accordingly, the Applicant is requesting to rezone a +/-46.19-acre portion of the Property (the "TND Portion") to the TND zoning classification, a +/-16.96-acre portion of the Property (the "RM-24 Portion") to the RM-24 zoning classification, and a +/-14.77-acre portion of the Property (the "C-2 Portion") to the C-2 zoning classification as depicted on the site plan submitted with the Applications (the "Site Plan"). The proposed development would include a mix of single-family detached homes, townhomes, luxury multi-family homes, and neighborhood-serving commercial/retail uses at the intersection of Braselton Highway and Spout Springs Road. The Applicant proposes to develop the TND Portion as a Traditional Neighborhood Development District with a mix of home types and architectural styles. The proposed development would include a diversity of lot sizes and housing types to accommodate persons of a variety of stages of life in a pedestrian-oriented setting that would be well-integrated with the County's

neighborhoods, parks, civic spaces, and supportive services. Residents of the proposed community would be able to relax and gather at several areas of green space and pocket parks spread throughout the development, as well as an active amenity area located towards the interior of the development including a pool, cabana, and playground area. Residents would also have quick pedestrian access to the proposed neighborhood commercial/retail uses at the intersection of Braselton Highway and Spout Springs Road. Potential uses for this area could include restaurants, retail, and assorted office uses as set forth in Gwinnett County Unified Development Ordinance (the "UDO"). The RM-24 Portion of the proposed development would include approximately 363 units of high-end luxury multifamily units complete with granite countertops and stainless-steel appliances. These high-end multifamily homes are designed to be located in the interior of the site and in the rear adjacent to the interstate. This design provides an internal transition from commercial uses at the eastern end of the site moving westward and stepping down to townhomes and apartments and then to single-family detached homes of increasing lot sizes. Accordingly, the Applicant is also requesting a buffer reduction to eliminate all internal buffers between the RM-24 Portion, the C-2 Portion, and the TND portion. The proposed multifamily community would also include its own active amenities package including a resort-style pool, cabana, grilling stations, and other gathering places. In addition to pocket parks, active amenities, and a walkable commercial/retail area, residents would also have access to an extensive network of walking/nature trails on the Property which could ultimately connect to Duncan Creek Park, the Braselton Highway Trail, and the Ivy Creek Greenway as set forth in the Gwinnett Countywide Trails Master Plan.

The proposed development would also serve as an appropriate transitional land use as encouraged by the 2040 Plan. The 2040 Plan provides that the Vibrant Communities Character Area "is intended to serve as a transition between neighborhood nodes and mixed-use activity centers and surrounding, established single-family residential areas." The proposed development would provide an appropriate transition from Interstate 85 and the larger-scale, more intense commercial uses at the Hamilton Mill interchange to lower-intensity neighborhood node-type commercial uses located at Spout Springs/Braselton Highway intersection and the single-family residential uses located to the east and to the south across Braselton Highway. Moreover, the 2040 Plan specifically encourages "small lot single-family housing," "multifamily housing," and "townhomes" in Vibrant Communities Character Area. The proposed development furthers several policies of the 2040 Plan including Policy 1.1 which is to "Promote Mixed-Use, Nodal Development Along Major Corridors." The proposed development also addresses several trends identified in Chapter 4 of the 2040 Plan including changes in household sizes and ownership preferences. More and more, people (especially young people) are actively choosing the flexibility of renting rather than home ownership. Additionally, nearly fifty percent of Gwinnett County households are one or two-person households. Even if those households choose to own their residence, their housing demands are different than a generation ago.

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DEVELOPMENT
MAY 14, 2020
RZC2020-00008
RZM2020-00012
RZR2020-00013

After thorough analysis of the UDO and in order to provide a carefully designed, comprehensive development, the Applicant is proposing the following development standards relative to the TND Portion of the Property in order to integrate the TND Portion of the Property into the overall development and enhance the quality, walkability, and function of the overall development. For the single-family detached mid-size lots, the Applicant is proposing that homes would be a minimum of 2,200 square feet and constructed with front facades of primarily brick and/or stone. The remaining sides would be the same or fiber cement siding with a minimum two-foot tall brick or stone water table. For single-family detached small lots, homes would be a minimum of 2,000 square feet and likewise constructed with front facades of primarily brick and/or stone with a two-foot tall masonry water table. The proposed townhomes would include a minimum of 1,600 square feet of heated floor area with the same building materials. All single-family dwellings would have at least a double-car garage. The Applicant also proposes that lots within the TND Portion less than 60 feet in width could be served by a street (public or private) or a private alley. Additionally, the Applicant is proposing to provide, within the TND Portion, certain segments public streets that are over 600 feet in length without an intersection with another public street, or alley due to the existing topographical constraints presented by the existing flood plain and stream. In order to enhance the development and curate a traditional mixed-use neighborhood environment, the Applicant is proposing on-street parking as depicted on the site plan.

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 this Application.

This 14th day of May, 2020.

ANDERSEN TATE & CARR, P.C.



Shaun R. Adams, Esq.
Attorney for Applicant

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DEVELOPMENT
MAY 14, 2020
RZC2020-00008
RZM2020-00012
RZR2020-00013

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.



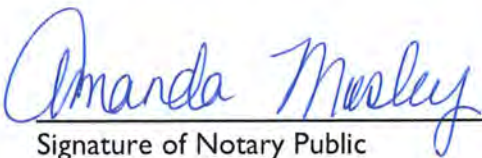
Signature of Applicant

2/6/20

Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

2/6/2020

Date



Notary Seal

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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.

MFT, LLC

George P. Flanigan
Signature of Property Owner

2-6-20

Date

George P. Flanigan, Manager
Type or Print Name and Title

Susan C. Sexton
Signature of Notary Public

2/6/2020

Date



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BHP DEVELOPMENT, LLC

George P. Flanigan
Signature of Property Owner

2-6-20
Date

George P. Flanigan, Manager
Type or Print Name and Title

Susan C. Sexton
Signature of Notary Public

2/6/2020
Date



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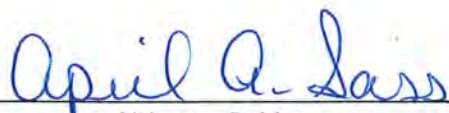
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Signature of Property Owner

12/6/19
Date

PATRICIA S. RIVEY
Type or Print Name and Title


Signature of Notary Public
12/6/19
Date
expires may 2, 2021



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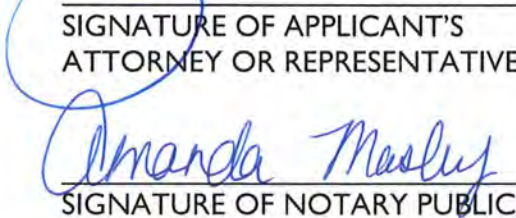
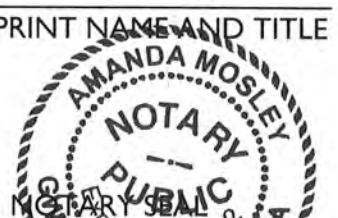
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

 2/6/20 Shane M. Lanham, Attorney for Applicant

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

 2/6/2020 

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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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: 3 003 048
(Map Reference Number) District Land Lot Parcel

Signature of Applicant

10/29/19

Date

Shane Lanham, Attorney for the Applicant

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)

Vicki Scholby
NAME

TSA II
TITLE

10/29/19
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: 3 - 003 - 171
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

10/29/19
Date

Shane Lanham, Attorney for the Applicant

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.*****

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NAME

TSA II
TITLE

10/29/19
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: 3 003 104
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

10/29/19
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

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(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)

Vickie Schokey
NAME

TSA II
TITLE

10/29/19
DATE

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PARCEL I.D. NUMBER: 3 002 044
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

10/29/19
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

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Nekia Schokky
NAME

TSA II
TITLE

10/29/19
DATE

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