

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Terwilliger Pappas c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Steve Reynolds Associates, LLC & MDE Holdings, LLC</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>1889 Gaineswood Dr</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Tuscaloosa</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Alabama</u> ZIP: <u>35406</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>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): <u>C-3</u> REQUESTED ZONING DISTRICT: <u>RM-24</u>	
LAND DISTRICT(S): <u>6</u> LAND LOT(S): <u>208</u> ACREAGE: <u>+/- 9.533</u>	
ADDRESS OF PROPERTY: <u>Shackleford Road @ Steve Reynolds Boulevard</u>	
PROPOSED DEVELOPMENT: <u>Multifamily residential community</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>+/- 228 dwelling units</u>	No. of Buildings/Lots: <u>NA</u>
Dwelling Unit Size (Sq. Ft.): <u>varies per UDO</u>	Total Building Sq. Ft. <u>NA</u>
Gross Density: <u>+/- 23.92 units per acre</u>	Density: <u>NA</u>
Net Density: <u>+/- 23.92 units per acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Legal Description

Tract 1

All that tract or parcel of land lying and being in Land Lots 202, 203, 208, and 209 of the 6th District, City of Norcross, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set at the southerly most mitered intersection of the westerly Right of Way of Steve Reynolds Boulevard (Variable R/W) and the northerly Right of Way of Shackelford Road (Variable R/W); from point thus established and running along the northerly Right of Way of Shackelford Road the following courses: South 47° 27' 15" West a distance of 60.88 feet to an iron pin set; thence South 59° 51' 37" West a distance of 120.01 feet to an iron pin set; thence running along a curve to the left an arc length of 153.04 feet, (said curve having a radius of 533.93 feet, with a chord bearing of South 51° 38' 57" West, and a chord length of 152.52 feet) to an iron pin set; thence South 43° 26' 16" West a distance of 205.05 feet to a point; thence running along a curve to the right an arc length of 33.46 feet, (said curve having a radius of 607.86 feet, with a chord bearing of South 45° 00' 54" West, and a chord length of 33.46 feet) to a mag nail found; thence leaving said Right of Way of Shackelford Road and running North 32° 13' 56" West a distance of 28.64 feet to a mag nail found; thence running along a curve to the right an arc length of 113.25 feet, (said curve having a radius of 138.69 feet, with a chord bearing of North 08° 47' 20" West, and a chord length of 110.13 feet) to a mag nail found; thence North 14° 37' 46" East a distance of 130.99 feet to a point; thence running along a curve to the left an arc length of 213.09 feet, (said curve having a radius of 136.75 feet, with a chord bearing of North 30° 00' 59" West, and a chord length of 192.18 feet) to a mag nail found; thence North 74° 37' 42" West a distance of 359.89 feet to a mag nail found; thence North 14° 53' 05" East a distance of 265.21 feet to a 1/2" rebar found on the southerly Right of Way of Interstate 85 (Variable R/W); thence running along said southerly Right of Way of Interstate 85 North 71° 49' 18" East a distance of 491.76 feet to a Right of Way Monument found, said monument being the northwesterly most mitered intersection of Steve Reynolds Boulevard and Interstate 85; thence running along said miter South 68° 53' 28" East a distance of 104.17 feet to an iron pin set; thence running along said westerly Right of Way of Steve Reynolds Boulevard South 30° 08' 34" East a distance of 524.94 feet to a 1/2" rebar found; thence running along a miter South 16° 27' 34" West a distance of 74.30 feet to the TRUE POINT OF BEGINNING. Said tract contains 9.533 Acres (415,270 Square Feet).

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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 development will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development would support and complement adjacent and nearby employment uses by providing necessary residential critical mass.
- (B) No, the proposed development will not adversely affect the existing use or usability of any of the nearby properties. Rather, the proposed development would enhance surrounding land uses and diversify the land use mix in the area as called for by the 2040 Plan.
- (C) Due to the size, location, and layout of the property, the Applicant submits that the property does not have reasonable economic use as currently zoned.
- (D) No, the proposed development will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The subject property has convenient access to Interstate 85 and utilities. Both Steve Reynolds Boulevard and Shackleford are classified as Minor Arterials on the Gwinnett County Long-Range Road Classification Map.
- (E) Yes, the proposed development is in conformity with the policy and intent of the Gwinnett County 2040 Comprehensive Plan. The 2040 Plan encourages mixed-use areas and calls for apartments as a potential development type in the Regional Activity Center Character Area.
- (F) The Applicant submits that the subject Property's close proximity to major employment, shopping, and entertainment centers, as well as Interstate 85, provides additional supporting grounds for approval of the application.

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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.

*Of Counsel

LETTER OF INTENT FOR REZONING APPLICATION

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning application (the "Application") for the purpose of requesting the rezoning of an approximately 9.533-acre tract of land located at the intersection of Steve Reynolds Boulevard and Shackelford Road (the "Property"). The Property is currently zoned C-3 and is located in the Regional Activity Center Character Area as set forth on the Gwinnett County 2040 Unified Plan Future Development Map. The surrounding area is characterized by an intense mix of land uses including commercial/retail, office, institutional, and warehouse/distribution uses. The Applicant is proposing to rezone the Property from C-3 to the RM-24 zoning classification of the Gwinnett County Unified Development Ordinance in order to accommodate the development of an attractive, high-end residential community with approximately 228 units. The Property's location would give residents convenient access to Interstate 85 (which forms the Property's northerly boundary) and major employment centers along Shackelford Road and surrounding Gwinnett Place Mall.

The proposed community is compatible with the policies set forth in the 2040 Unified Plan which designate the Property as within the Regional Activity Center Character Area. Multifamily residential developments with medium to high density are specifically encouraged and the 2040 Plan designates "apartments" as an appropriate "potential development type." The proposed development would provide important residential critical mass to support and complement existing employment and commercial uses in the surrounding area. The bulk of homes in the proposed development would be one or two-bedroom units at over ninety percent of the unit mix. A maximum of ten percent of the units would be three-bedroom units. Accordingly, the target demographics would be young professionals and empty nesters rather than families with children. Residents could easily live, work, shop, and play all within a very short distance of the Property.

The proposed development would also enhance the walkability of the area by providing important sidewalk connections along Shackelford Road. Residents would be able to enjoy large outdoor common areas including pocket greens and a resort-style saltwater pool with sundeck

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and cabana. Additional outdoor amenities would include an outdoor pavilion with grilling stations, outdoor television, fire pits, and a dog park. A clubhouse would provide additional opportunities for socializing among residents with a game room and coffee bar as well as a well-equipped, modern fitness center with yoga room. A business center would provide reservable suites and conference room which allow residents to work from home. The community would also provide a package concierge for deliveries including refrigerated storage for grocery delivery. Units would include gourmet kitchens with stainless steel appliances, granite countertops, and attractive LVT flooring. Attractive buildings would step down following the Property's topography from Steve Reynolds Boulevard. Landscaped strips along Steve Reynolds Boulevard and Shackleford Road would enhance the aesthetics of those roadways.

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 Application filed herewith. The Applicant respectfully requests your approval of this Application.

This 6th day of February, 2020

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

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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.



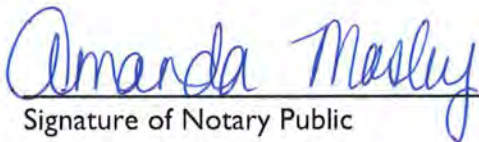
Signature of Applicant

2/6/20

Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

2/6/2020

Date



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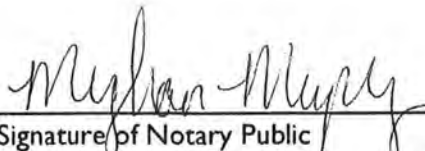
Signature of Applicant

2/6/2020

Date

Greg Power- EVP

Type or Print Name and Title



Signature of Notary Public

2/6/20

Date



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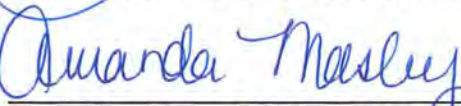
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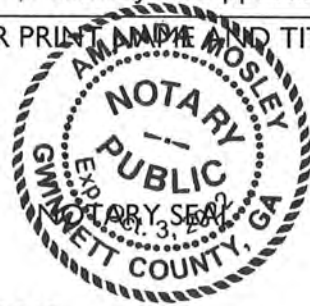
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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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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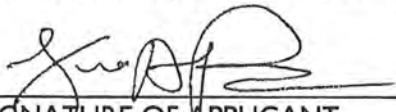
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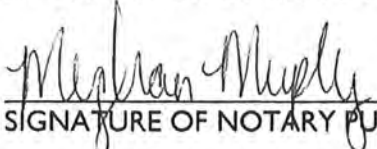
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 2/6/2020 Greg Power- EVP
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

2/6/2020 Shane Lanham
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

 2/6/20
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 Greg Power
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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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.

MDE Holdings, LLC

By: Mark Euster, Member

Signature of Property Owner

2/3/2020

Date

Mark Euster Member

Type or Print Name and Title

Traci H. Pierce

Signature of Notary Public

2-3-20

Date

Notary Seal

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Steve Reynolds Associates, LLC

By Sang K. Pyun 2/1/2020
Signature of Property Owner Sang K. Pyun, Manager Date

Sang K. Pyun, Manager
Type or Print Name and Title



Traci H. Pierce 2-1-2020
Signature of Notary Public Date Notary Seal

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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: 6 - 208 - 034
(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)

Julie Smith
NAME

TS4 II
TITLE

2-6-2020
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: 6 - 208 - 044
(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)

Julie Smith
NAME

TSA II
TITLE

2-6-2020
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: 6 - 208 - 085
(Map Reference Number) District Land Lot Parcel



Signature of Applicant



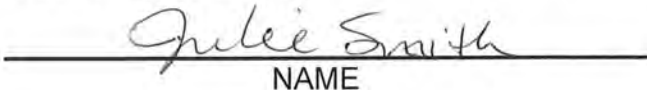
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Shane Lanham, Attorney for the Applicant

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NAME


TITLE


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