

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: Clayton Properties Group, Inc. dba Chafin Land Development c/o Mahaffey Pickens Tucker, LLP	NAME: Multiple--see attached
ADDRESS: 1550 North Brown Road, Suite 125	ADDRESS: _____
CITY: Lawrenceville	CITY: _____
STATE: Georgia ZIP: 30043	STATE: _____ ZIP: _____
PHONE: 770.232.0000	PHONE: 770.232.0000
CONTACT PERSON: Shane Lanham PHONE: 770.232.0000	
CONTACT'S E-MAIL: slanham@mptlawfirm.com	

APPLICANT IS THE:

☐ OWNER'S AGENT ☒ PROPERTY OWNER ☐ CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): R-100 REQUESTED ZONING DISTRICT: TND

LAND DISTRICT(S): 3 LAND LOT(S): 003 ACREAGE: +/- 65.05

ADDRESS OF PROPERTY: 1350 Mt Moriah Road

PROPOSED DEVELOPMENT: Single-family residential subdivision

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: 142	No. of Buildings/Lots: NA
Dwelling Unit Size (Sq. Ft.): Varies per UDO	Total Building Sq. Ft.: NA
Gross Density: +/- 2.32 units per acre	Density: NA
Net Density: +/- 2.35 units per acre	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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PROPERTY OWNER LIST

Parcel	Name	Address
3003 071	Clayton Properties Group, Inc.	5230 Belle Wood Ct, Ste A, Buford, GA 30518
3003 578	Clayton Properties Group, Inc.	5230 Belle Wood Ct, Ste A, Buford, GA 30518
3003 286	Clayton Properties Group, Inc.	5230 Belle Wood Ct, Ste A, Buford, GA 30518
3003 245	Clayton Properties Group, Inc.	5230 Belle Wood Ct, Ste A, Buford, GA 30518
3003 024	Clayton Properties Group, Inc.	5230 Belle Wood Ct, Ste A, Buford, GA 30518
3003 258	CMH Parks, Inc. N/K/A Clayton Properties Group, Inc.	5230 Belle Wood Ct, Ste A, Buford, GA 30518

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LAND DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 3 of the 3rd District of Duncans GMD 1749 Land District, Gwinnett County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, begin at the intersection of the Southerly Right-of-Way of Ga. Hwy 124 (apparent Right-of-Way varies) and the Westerly Right-of-Way of Mt. Moriah Road (apparent 80' Right-of-Way) if extended; THENCE leaving said intersection and traveling along the Southerly Right-of-Way of Ga. Hwy 124 (apparent Right-of-Way varies) in a Westerly direction for a distance of 665.80 feet to a point, said Point being The True Point of Beginning.

THENCE from said Point as thus established and leaving said Right-of-Way, South 01 degrees 18 minutes 14 seconds East for a distance of 2369.11 feet to a Point; THENCE North 79 degrees 14 minutes 07 seconds East for a distance of 446.67 feet to a Point; THENCE North 45 degrees 47 minutes 11 seconds East for a distance of 573.74 feet to a Point; THENCE South 44 degrees 13 minutes 38 seconds East for a distance of 200.47 feet to a 1/2" Rebar Found; THENCE North 50 degrees 13 minutes 22 seconds East for a distance of 374.93 feet to a Point; THENCE South 39 degrees 51 minutes 26 seconds East for a distance of 78.64 feet to a Point; THENCE South 04 degrees 53 minutes 58 seconds West for a distance of 93.99 feet to a Point; THENCE South 30 degrees 07 minutes 48 seconds West for a distance of 17.50 feet to a Point; THENCE South 31 degrees 21 minutes 48 seconds East for a distance of 41.25 feet to a Point; THENCE South 10 degrees 07 minutes 17 seconds East for a distance of 45.02 feet to a Point; THENCE South 39 degrees 51 minutes 26 seconds East for a distance of 136.62 feet to a Point; THENCE North 50 degrees 08 minutes 34 seconds East for a distance of 300.47 feet to a Point; THENCE South 39 degrees 00 minutes 38 seconds East for a distance of 15.16 feet to a Point; THENCE South 41 degrees 07 minutes 38 seconds East for a distance of 212.50 feet to a 3/4" Open Top Pipe; THENCE South 39 degrees 11 minutes 19 seconds East for a distance of 142.73 feet to a 1/2" Open Top Pipe; THENCE South 32 degrees 43 minutes 35 seconds East for a distance of 105.01 feet to a Point; THENCE South 25 degrees 58 minutes 07 seconds East for a distance of 101.56 feet to a 1/2" Rebar Found; THENCE along a curve to the right having a radius of 1017.51 feet and arc length of 224.83 feet being subtended by a chord of South 16 degrees 07 minutes 14 seconds East for a distance of 224.37 feet to a Point; THENCE South 09 degrees 47 minutes 25 seconds East for a distance of 187.16 feet to a 1/2" Open Top Pipe; THENCE South 69 degrees 33 minutes 21 seconds West for a distance of 1236.74 feet to a Point, said Point being along the centerline of the Mulberry River; THENCE following along said centerline of the Mulberry River for the next twenty one (21) calls and distances, North 64 degrees 29 minutes 18 seconds West for a distance of 84.19 feet to a Point; THENCE North 83 degrees 10 minutes 40 seconds West for a distance of 53.45 feet to a Point; THENCE South 79 degrees 01 minutes 52 seconds West for a distance of 40.74 feet to a Point; THENCE South 78 degrees 04 minutes 54 seconds West for a distance of 46.67 feet to a Point; THENCE South 72 degrees 57 minutes 53 seconds West for a distance of 46.85 feet to a Point; THENCE North 60 degrees 19 minutes 25 seconds West for a

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distance of 42.62 feet to a Point; THENCE North 21 degrees 17 minutes 59 seconds West for a distance of 58.09 feet to a Point; THENCE North 47 degrees 39 minutes 38 seconds West for a distance of 57.87 feet to a Point; THENCE North 74 degrees 29 minutes 39 seconds West for a distance of 51.28 feet to a Point; THENCE North 68 degrees 47 minutes 12 seconds West for a distance of 71.98 feet to a Point; THENCE North 80 degrees 41 minutes 15 seconds West for a distance of 58.55 feet to a Point; THENCE North 82 degrees 29 minutes 49 seconds West for a distance of 48.26 feet to a Point; THENCE North 88 degrees 48 minutes 13 seconds West for a distance of 49.68 feet to a Point; THENCE South 78 degrees 44 minutes 09 seconds West for a distance of 53.22 feet to a Point; THENCE South 67 degrees 24 minutes 14 seconds West for a distance of 50.32 feet to a Point; THENCE North 52 degrees 46 minutes 47 seconds West for a distance of 46.02 feet to a Point; THENCE South 68 degrees 59 minutes 42 seconds West for a distance of 49.99 feet to a Point; THENCE South 30 degrees 28 minutes 27 seconds West for a distance of 70.32 feet to a Point; THENCE South 50 degrees 17 minutes 46 seconds West for a distance of 45.68 feet to a Point; THENCE South 70 degrees 24 minutes 10 seconds West for a distance of 68.55 feet to a Point; THENCE South 88 degrees 42 minutes 25 seconds West for a distance of 39.61 feet to a Point, said Point being at the centerline intersection of the Mulberry River and an unnamed Creek; THENCE leaving said centerline of the Mulberry River and following along the centerline of said unnamed Creek for the next twenty three (23) calls and distances, North 12 degrees 54 minutes 57 seconds West for a distance of 40.93 feet to a Point; THENCE North 01 degrees 31 minutes 27 seconds West for a distance of 45.39 feet to a Point; THENCE North 39 degrees 03 minutes 35 seconds West for a distance of 20.20 feet to a Point; THENCE North 12 degrees 53 minutes 01 seconds West for a distance of 57.57 feet to a Point; THENCE North 23 degrees 48 minutes 23 seconds West for a distance of 30.00 feet to a Point; THENCE North 38 degrees 47 minutes 16 seconds West for a distance of 69.21 feet to a Point; THENCE North 60 degrees 09 minutes 03 seconds West for a distance of 87.21 feet to a Point; THENCE North 42 degrees 21 minutes 33 seconds West for a distance of 25.42 feet to a Point; THENCE North 53 degrees 14 minutes 12 seconds West for a distance of 80.40 feet to a Point; THENCE North 35 degrees 16 minutes 03 seconds West for a distance of 79.78 feet to a Point; THENCE North 42 degrees 24 minutes 32 seconds West for a distance of 13.22 feet to a Point; THENCE North 49 degrees 23 minutes 29 seconds West for a distance of 30.96 feet to a Point; THENCE North 52 degrees 55 minutes 27 seconds West for a distance of 79.35 feet to a Point; THENCE North 82 degrees 14 minutes 34 seconds West for a distance of 57.54 feet to a Point; THENCE North 68 degrees 06 minutes 04 seconds West for a distance of 52.99 feet to a Point; THENCE North 59 degrees 15 minutes 06 seconds West for a distance of 67.80 feet to a Point; THENCE North 74 degrees 42 minutes 18 seconds West for a distance of 52.56 feet to a Point; THENCE North 79 degrees 31 minutes 12 seconds West for a distance of 46.59 feet to a Point; THENCE North 50 degrees 13 minutes 00 seconds West for a distance of 43.42 feet to a Point; THENCE South 77 degrees 58 minutes 09 seconds West for a distance of 62.81 feet to a Point; THENCE South 80 degrees 30 minutes 32 seconds West for a distance of 36.91 feet to a Point; THENCE North 62 degrees 50 minutes 34 seconds West for a distance of 32.80 feet to a Point; THENCE North 34 degrees 36 minutes 23 seconds West for a distance of 27.59 feet to a Point; THENCE North 37 degrees 04 minutes 25 seconds West for a distance of 39.48

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feet to a Point; THENCE South 79 degrees 11 minutes 57 seconds West for a distance of 160.84 feet to a 1 1/2" Open top Pipe; THENCE North 02 degrees 12 minutes 48 seconds West for a distance of 267.96 feet to a Point; THENCE North 74 degrees 55 minutes 02 seconds East for a distance of 505.50 feet to a Point; THENCE North 21 degrees 12 minutes 22 seconds West for a distance of 308.95 feet to a Point; THENCE North 87 degrees 44 minutes 44 seconds East for a distance of 646.03 feet to a 1/2" Open top Pipe; THENCE North 01 degrees 18 minutes 14 seconds West for a distance of 1858.06 feet to a Point along the Southerly Right-of-Way of Ga. Hwy 124 (apparent Right-of-Way varies); THENCE along the Southerly Right-of-Way of Ga. Hwy 124 (apparent Right-of-Way varies), North 88 degrees 41 minutes 46 seconds East for a distance of 40.00 feet to a Point, said Point being the Point of beginning.

Said property contains +/- 65.05 acres
Including easements within

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2. SURVEY PREPARED FOR KINZALE
HARRIS, JR., PRECISION PLANNING, INC.
DATED 08/04/04
3. EXEMPTION PLAN FOR DINGM & CARROLL
POWELL SHANNON DIAGNOSIS, RECORDED IN
BOOK 10, PAGE 100
4. SURVEY FOR CHARLES D. & HELEN A. S.
PREPARED BY M.T. DUNAHOO DATED 12/07/03
5. BOUNDARY SURVEY FOR LINDA L. & JAMES
DUNAHOO, PREPARED BY LAND DEVELOPMENT
SURVEYORS, INC. DATED 9/27/05 AND LAST
REVISED 2/7/06
6. BOUNDARY SURVEY FOR VINUAG
DUNAHOO, INC., PREPARED BY LAND
DEVELOPMENT SURVEYORS, INC. DATED
12/07/03
7. BOUNDARY SURVEY FOR CHAFIN BUILDING
LLC, PREPARED BY LAND DEVELOPMENT
SURVEYORS, INC. DATED 12/07/03
8. SURVEY FOR A TAYLOR COLLIER PREPARED
BY M.T. DUNAHOO DATED 8/20/02
9. SURVEY FOR GEORGE CONSTRUCTION
CORPORATION, PREPARED BY M.T. DUNAHOO
DATED 11/02/03
10. SURVEY FOR THE W.M. WOOD ESTATE
PREPARED BY M.T. DUNAHOO DATED 12/03/03
11. SURVEY FOR THE W.M. WOOD ESTATE
PREPARED BY W.A. APPELBY DATED 7/27/03
12. SURVEY FOR JAMES E. WEBB PREPARED
BY M.T. DUNAHOO DATED 4/05/07
13. SURVEY FOR THE W.M. WOOD ESTATE PREPARED
BY M.T. DUNAHOO DATED 4/23/07

- 16.) SURVEY FOR CL. MASH PREPARED BY W.T. DUNAHED DATED 2/26/78.
- 17.) SURVEY FOR TOMMY BOB GRAHAM PREPARED BY BILLY L. SHARP DATED 11/08/78.
- 18.) SURVEY FOR BILLY L. SHARP PREPARED BY HANNOX, WEEKS & BACCELL DATED 3/04/79.
- 19.) SURVEY FOR BILLY L. SHARP PREPARED BY BORDERS AND ASSOCIATES, DATED 8/6/78 AND RECORDED IN PLAT BOOK B, PAGE 1238.
- 20.) SURVEY FOR BILLY SHARP PREPARED BY W.T. DUNAHED, DATED 8/19/78 AND RECORDED IN PLAT BOOK 1, PAGE 183.
- 21.) SURVEY FOR BILLY L. SHARP PREPARED BY BORDERS AND ASSOCIATES, DATED 6/9/87 AND RECORDED IN PLAT BOOK 4, PAGE 1238.
- 22.) SURVEY FOR ALBERT E. TENENGAH ET AL. PREPARED BY PRECISION PLANNING, INC., DATED 7/14/79 AND RECORDED IN PLAT BOOK 1, PAGE 183.
- 23.) DEED BOOK 2851, PAGE 221
- 24.) DEED BOOK 10771, PAGE 208
- 25.) DEED BOOK 22321, PAGE 208
- 26.) DEED BOOK 13853, PAGE 233
- 27.) DEED BOOK 21935, PAGE 208
- 28.) DEED BOOK 23654, PAGE 189
- 29.) DEED BOOK 19177, PAGE 221

SITE AREA: 65.05 AC
FLOOD PLAIN: 3.16 AC
NET AREA: 60.47 AC

CURRENT ZONING: M-100
PROPOSED ZONING: IND

PROPERTY NUMBER OF LOTS: 142
LARGE (36,500 SQ. YD. 55 (38.7K, 105'-150, 60' WIDE)
MEDIUM (24,000 SQ. YD. 37 (13.5K, 105'-100, 50' WIDE)
SMALL (10,500 SQ. YD. 49 (39', 237.5K, 105'-140, 40' WIDE)

PROP. HOUSE SIZES
40' LOTS: 1,450 SF
50' LOTS: 1,450 SF
60' LOTS: 1,850 SF

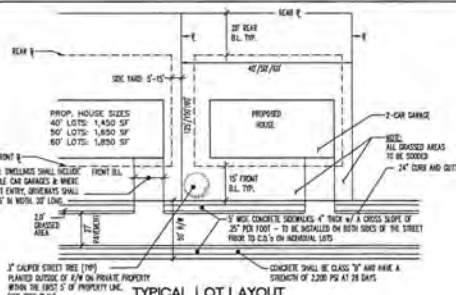
DENSITY ALLOWED: 8.0 UN/AC
GROSS DENSITY PROPOSED: 2.33 UN/AC
NET DENSITY PROPOSED: 2.36 UN/AC

OPEN SPACE REQUIRED: 12.24 AC (20%)
OPEN SPACE PROVIDED: 24.50 AC (40%)

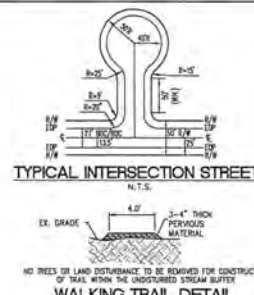
SETBACKS
FRONT: 15'
SIDE: 5'
REAR: 20'

WATER AND SANITARY SEWER SERVICE BY DUNSMITH COUNTY
A PORTION OF SUBJECT PROPERTY IS WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA

WATER AND SANITARY SEWER SERVICE BY OWENETT COUNTY
A PORTION OF SUBJECT PROPERTY LIE WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA
AS DEPICTED ON F.I.R.M. PANEL NO. 13135C0200MC & 13135C0200SL, DATED MARCH 4, 2013
BOUNDARY INFORMATION BASED ON SURVEY BY LAND DEVELOPMENT SURVEYORS INC. FOR
HOLT BUILDERS, L.L.C. DATED 8-8-2008
TOPOGRAPHIC INFORMATION BASED ON OWENETT COUNTY GIS.



TYPICAL LOT LAYOUT




TYPICAL INTERSECTION STREET



VICINITY MAP

GRAPHIC SCALE

199 200

PREPARED BY

PRIMUS
INSULATION
CORP. 10000 HAMILTON MILL RD. SUITE 100
BUDRO, GA 30519

CONTACT:
Byron J. Arsenaux, P.E.
878 858-3842
byron@primusinsulation.com

PREPARED FOR
CLAYTON PROPERTIES GROUP
dba
CHAFIN BUILDERS, INC.
5230 BELLE WOOD CT
SUITE A
BUFORD, GA 30518

24 HR CONTACT
MATT STOKES
404 358-0114

STONewater Creek Phase 3

JIMMY MORRIS RD., AUBURN, GA 30011
 3003-024, -071, -286, -245, -578
 M.D. 1749, LAND LOT 3, 3RD DISTRICT
 GWINNETT COUNTY, GEORGIA

CONCEPT PLAN

CONCEPT PLAN

SIGNED / SEALED

GEORGIA
REGISTERED
No. 25785
PROFESSIONAL
ENGINEER
J. ARCEAUX

SSWCC CERTIFICATION
NONDISCLOSURE

[illegible]

LINE TABLE					
LINE	LENGTH (T)	BEARING	LINE	LENGTH (T)	BEARING
L1	84.19	N84°29'18" E	L24	20.20	N02°03'30" W
L2	55.45	N85°30'10" E	L25	51.57	N02°30'15" W
L3	40.74	S73°01'52" E	L26	50.08	N03°48'23" W
L4	66.57	S72°00'00" E	L27	50.00	N04°00'00" W
L5	46.85	S72°53'53" E	L28	87.21	N05°00'03" W
L6	42.67	N65°29'25" E	L29	25.42	N42°03'37" W
L7	54.01	N65°29'25" E	L30	86.45	N42°03'37" W
L8	57.87	N47°38'38" E	L31	79.78	N35°02'03" W
L9	51.78	N47°39'30" E	L32	13.22	N42°36'32" W
L10	51.78	N66°12'12" E	L33	78.35	N42°36'32" W
L11	55.85	N67°41'51" E	L34	78.35	N42°36'32" W
L12	43.86	N67°49'30" E	L35	57.54	N67°34'54" W
L13	43.86	N67°49'30" E	L36	57.54	N67°34'54" W
L14	53.32	S76°48'00" E	L37	87.80	N04°00'03" W
L15	50.32	S67°12'14" E	L38	22.56	N47°48'12" W
L16	50.32	S67°12'14" E	L39	22.56	N47°48'12" W
L17	49.89	S68°59'42" E	L40	43.42	S00°31'30" W
L18	70.32	S30°28'27" E	L41	62.81	S77°30'30" W
L19	48.88	S07°17'56" E	L42	62.81	S77°30'30" W
L20	58.55	S07°17'56" E	L43	32.80	S77°30'30" W
L21	39.61	S88°42'25" E	L44	27.30	N13°45'22" W
L22	40.33	S87°36'53" E	L45	35.48	N13°45'22" W

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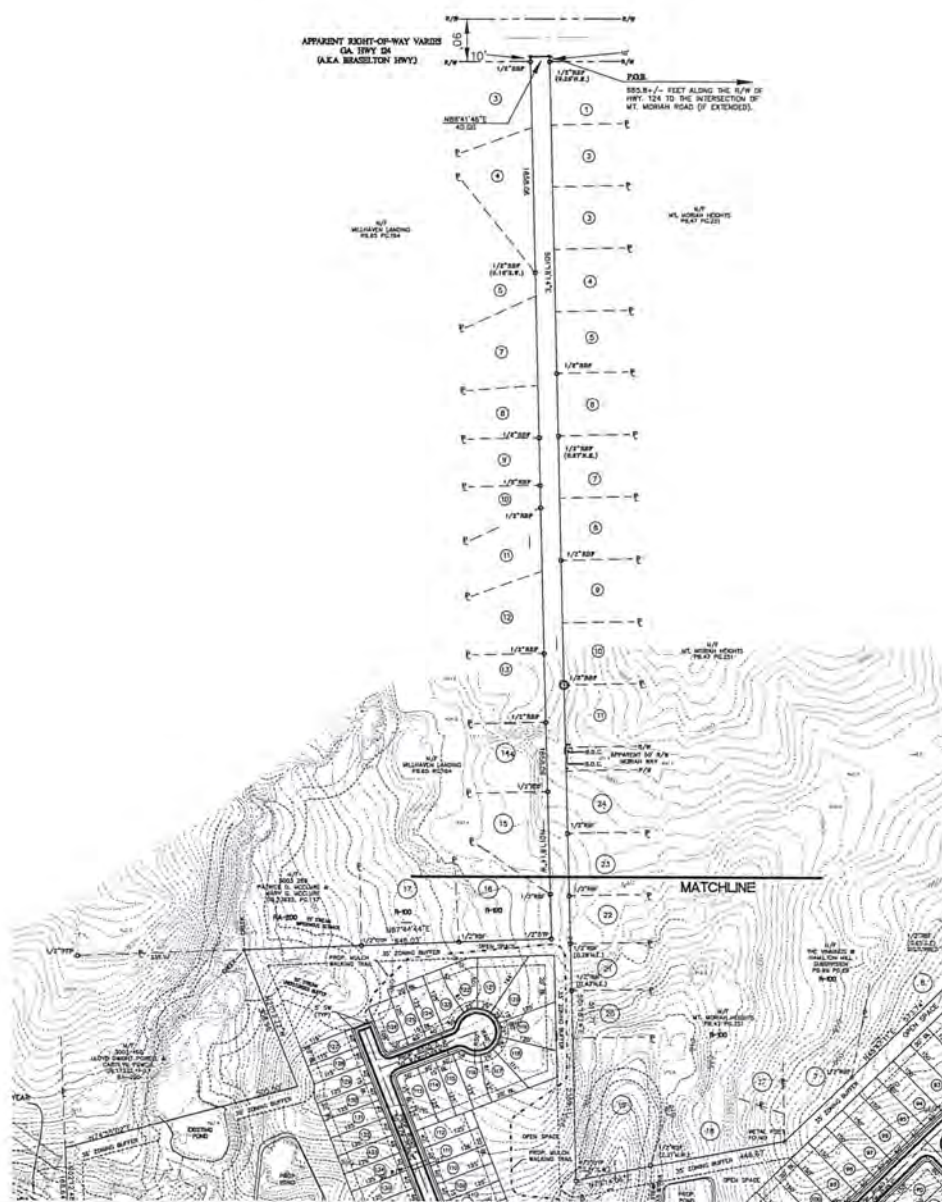
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- 1.) SURVEY REFERENCES
- 2.) SURVEY PREPARED FOR VENTAGE COMMUNITIES BY FREDRICK J. PLANNING, DATED 1/27/79.
- 3.) EXEMPTION PLAT FOR DWIGHT & CAROLYN SHARON DARGHOSE, RECORDED IN P&S# PC.724.
- 4.) SURVEY FOR CHARLES D. & HELEN J. SMITH PREPARED BY FREDRICK J. PLANNING, DATED 1/27/79.
- 5.) BOUNDARY SURVEY FOR VENTAGE COMMUNITIES, INC. PREPARED BY LAND DEVELOPMENT SURVEYS, INC., DATED 9/27/79 AND LAST REVISED 7/21/79.
- 6.) BOUNDARY SURVEY FOR VENTAGE COMMUNITIES, INC. PREPARED BY LAND DEVELOPMENT SURVEYS, INC., DATED 10/21/79.
- 7.) BOUNDARY SURVEY FOR CHAMBERLAIN, INC. PREPARED BY LAND DEVELOPMENT SURVEYS, INC., DATED 4/27/77.
- 8.) SURVEY FOR CHAMBERLAIN, INC. PREPARED BY M.T. DUHANO DATED 8/20/72.
- 9.) SURVEY FOR GEORGE CONSTRUCTION COMPANY, INC. PREPARED BY M.T. DUHANO, DATED 11/7/72.
- 10.) SURVEY FOR THE W.H. WOOD ESTATE PREPARED BY M.T. DUHANO DATED 10/30/74.
- 11.) SURVEY FOR THE E.W. VOUD ESTATE PREPARED BY W.J. ANPLEY DATED 7/27/1972.
- 12.) SURVEY FOR THE W.H. WOOD ESTATE PREPARED BY M.T. DUHANO DATED 4/20/72.
- 13.) SURVEY FOR CHARLES WHITCHES PREPARED BY M.T. DUHANO DATED 7/27/72.

- 13.) SURVEY FOR C.L. MASH, PREPARED BY W.T. DUNAHOO DATED 2/26/84
- 14.) SURVEY FOR BILLY BOB GRAHAM PREPARED BY W.T. DUNAHOO DATED 11/08/84
- 15.) SURVEY FOR THOMAS LESTERSON PREPARED BY HANNAH, MEERS & BACHELL DATED 3/08/74
- 16.) SURVEY FOR BILLY F. SHARP PREPARED BY W.T. DUNAHOO DATED 8/25/84
- 17.) SURVEY FOR BILLY F. SHARP DATED 9/8/78 AND RECORDED IN PLAT BOOK 8
- 18.) SURVEY FOR BILLY SHARP PREPARED BY W.T. DUNAHOO, DATED 6/19/84 AND RECORDED IN PLAT BOOK 8
- 19.) SURVEY FOR BILLY F. SHARP PREPARED BY BORDERS AND ASSOCIATES, DATED 11/28/84 AND RECORDED IN PLAT BOOK 8
- 20.) SURVEY FOR ALBERT E. TENENBAUM ETAL PREPARED BY PRECISION PLANNING, INC., DATED 7/14/84 AND RECORDED IN PLAT BOOK 8
- 21.) DEED BOOK 3881, PAGE 221
- 22.) DEED BOOK 16777, PAGE 183
- 23.) DEED BOOK 13803, PAGE 193
- 24.) DEED BOOK 13803, PAGE 233
- 25.) DEED BOOK 21958, PAGE 108
- 26.) DEED BOOK 13803, PAGE 188
- 27.) DEED BOOK 19177, PAGE 271



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PRIMUS
ENGINEERING, INC.
7700 CHATELAIN DRIVE • SUITE 100 • DALLAS, TEXAS 75241
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PREPARED FOR
CLAYTON PROPERTIES GROUP
dba
CHAFFIN BUILDERS, INC
5230 BELLE WOOD CT
SUITE A
BUFDRL, GA 30518

24 HR CONTACT
MATT STOKES
404.358-0114

STONEWATER CREEK PHASE 3

1280 MOUNT MORIAH RD., ALBURN, CA 90011
PARCELS: 3003-024, -071, -265, -245, -578
DUNCANS C.M.D. 1749, LAND LOT 3, 3RD DISTRICT
WINNETT COUNTY, GEORGIA

CONCEPT PLAN

SIGNED / SEALED



11

1

DESIGNED BY: BJA SCALE: 1"=120'

DRAWN BY	SJA	02
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DATE: 07-11-2007 PAGE: 2 OF 2

10-30-19	19036
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DATE:	PROJ. NO.
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GRAPHIC SCALE

(IN FEET)

† inch = 129

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

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 proposed residential development is compatible with existing residential uses and will further diversify housing options in the surrounding area.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties.
- (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 proposed development has convenient access to Mt Moriah Road which provides connections to Braselton Highway (State Route 124) to the north and Atlanta Highway (US Route 29 – Business Route) to the south. The Property has access to water and sewer utilities.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan which encourages residential development in light of access to utilities.
- (F) The Applicant submits that the quality of the proposed homes and the large amounts of reserved open space provide 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
OF CLAYTON PROPERTIES GROUP, INC. dba CHAFIN LAND DEVELOPMENT**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Rezoning Application on behalf of Clayton Properties Group, Inc. dba Chafin Land Development (the "Applicant") for the purpose of requesting the rezoning of an approximately 65.05-acre tract (the "Property") located on the westerly side of Mount Moriah Road just south of Braselton Highway (State Route 124). The Property is apparently zoned R-100 according to the Gwinnett County zoning map and lies in both the Suburban Estate Living and Emerging Suburban Character Areas of the Gwinnett County 2040 Unified Plan Future Development Map. Current zoning conditions require two-car garages and a minimum floor area of 2,000 square feet for one-story homes and 2,200 square feet for two-story homes.

The Applicant proposes to develop a high-quality, single-family residential community with characteristics of both a traditional neighborhood development as well as a conservation subdivision. The proposed community would include a variety of lot sizes, home styles, and building architecture to provide diversity within the overall development. The proposed community would provide neighborhood amenities such as an attractive cabana, a large pool and patio area, a gazebo, and a mail kiosk for the use and enjoyment of residents. In addition to these amenities, the Property is uniquely situated to provide a large network of nature trails and other

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outdoor recreation options. As shown on the site plan submitted with the Application, multiple nature trails wind their way around the property through massive continuous areas of reserved open space. In addition to sidewalks that would extend throughout the development, the proposed community would provide almost a mile of nature trails. Two existing ponds on the Property could also be utilized by residents for additional outdoor recreation opportunities such as bird-watching or even fishing. In all, the proposed development would reserve nearly 25 acres of open space which is over 40% of the Property's net acreage.

The proposed development would provide a mix of housing options including three lot size options for single-family detached homes pursuant to the requirements of the Gwinnett County Unified Development Ordinance (the "UDO") for the Traditional Neighborhood Development District (TND) zoning classification. The large- and medium-sized lots are located towards the easterly side of the development closer to Mt Moriah Road. The smaller lots are located towards the rear of the Property where buffers and the strategic use of cul-de-sacs provides appropriate separation between homes in the proposed community and adjacent development. Despite the Property's potential access to Braselton Highway and Skybrooke Lane, the Applicant is not proposing to install an entrance along Braselton Highway and is also not proposing to connect the proposed community the existing Stonewater Creek subdivision. The proposed development is compatible with the use and development of adjacent and nearby property and would provide homes that are compatible with the existing mix of home sizes, styles, and price points in the area. Homes would include two-car garages as well as attractive architectural stylings that are compatible with the surrounding area. The exteriors of the homes

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would include brick, stone, and/or cedar or cementitious shake/siding and/or board and batten as depicted in the building elevations submitted with the Application.

As part of its “Short Term Initiatives,” the Gwinnett County 2040 Unified Plan (the “2040 Plan”) lays out five major themes which describe the 2040 Plan’s key policies and Theme 4 of the 2040 Plan is to “Provide More Housing Choices.” The proposed development provides a healthy mix of homes within the overall project which directly addresses and furthers this policy goal. As mentioned above, the Property is located in both the Suburban Estate Living and Emerging Suburban character areas according to the 2040 Plan Future Development Map. The Property is located at the far extent of the Suburban Estate Living area and has many characteristics that differentiate it from the core of this character area. For example, the Area Narrative for the Suburban Estate Character Area describes it as agricultural and having “less intense infrastructure, such as less sewer service,” but the Property is surrounded by land either currently used or zoned for single-family residential uses, it is less than a half mile from Braselton Highway (State Route 124), has direct access to sewer utilities, including a large sewer line which runs directly through the Property. In fact, the Mulberry Regional Pump Station is less than 800 feet from the Property. Moreover, the Property has frontage on both Braselton Highway (State Route 124) and Mount Moriah Road which are classified as Minor Arterial and Minor Collector roadways on the Gwinnett County Long Range Road Classification Map. Accordingly, the Applicant submits that the policies of the Emerging Suburban Character Area are more appropriate for the Property. Encouraged land uses for the Emerging Suburban Character Area include “single-family residential,” “Open Space Conservation Subdivisions”

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(which are also encouraged in the Suburban Estate Character Area), and “mixed residential developments.” The proposed development qualifies as each of these recommended uses.

Accordingly, the proposed development would provide high-end, single-family residential housing that is compatible with the style and density of surrounding development. With a net density of only 2.35 units per acre, the proposed development is well below the maximum 8.0 units per acre allowed in the TND zoning classification. 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 November, 2019.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

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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

10/31/19
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

10/31/19
Date



Notary Seal

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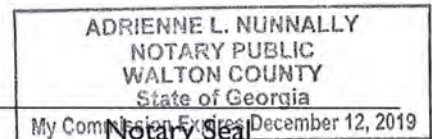

Signature of Applicant

11/1/19
Date

Daryl Chafin Vice President
Type or Print Name and Title Clayton Properties Group, Inc.
dba Chafin Land Development


Signature of Notary Public

11/1/19
Date



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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.

 11/1/19
Signature of Property Owner Date

Daryl Chafin Vice President
Type or Print Name and Title Clayton Properties Group, Inc.
dba/Chafin Land Development

 11/1/19
Signature of Notary Public Date



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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

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

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)
Please see attached		

Attach additional sheets if necessary to disclose or describe all contributions.

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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN
CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS**

MAHAFFEY PICKENS TUCKER, LLP

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
None		

JEFF MAHAFFEY

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Clint Dixon	\$1500	06/26/2019

LEE TUCKER

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Clint Dixon	\$1000	06/26/2019

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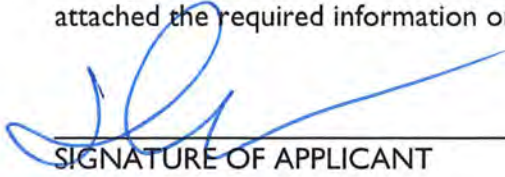
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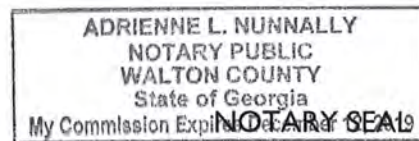
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 11/1/19 Daryl Chafin Vice President
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 11/1/19
SIGNATURE OF NOTARY PUBLIC DATE



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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☐ YES ☒ NO Daryl Chafin
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 - 258
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

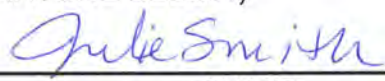
11/1/19
Date

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)


NAME

TSA II
TITLE

11-1-19
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 - 024
(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

11-1-19
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 - 245
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

11/1/19
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)


NAME

TSA II
TITLE

11-1-19
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 - 286
(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

11-1-19

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 - 578
(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

11-1-19
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 - 071
(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)

Cherie Smith

NAME

TSA II

TITLE

11-1-19

DATE

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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

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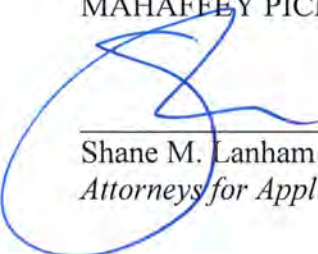
situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the TND classification, subject to conditions 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.

This 1st day of November, 2019.

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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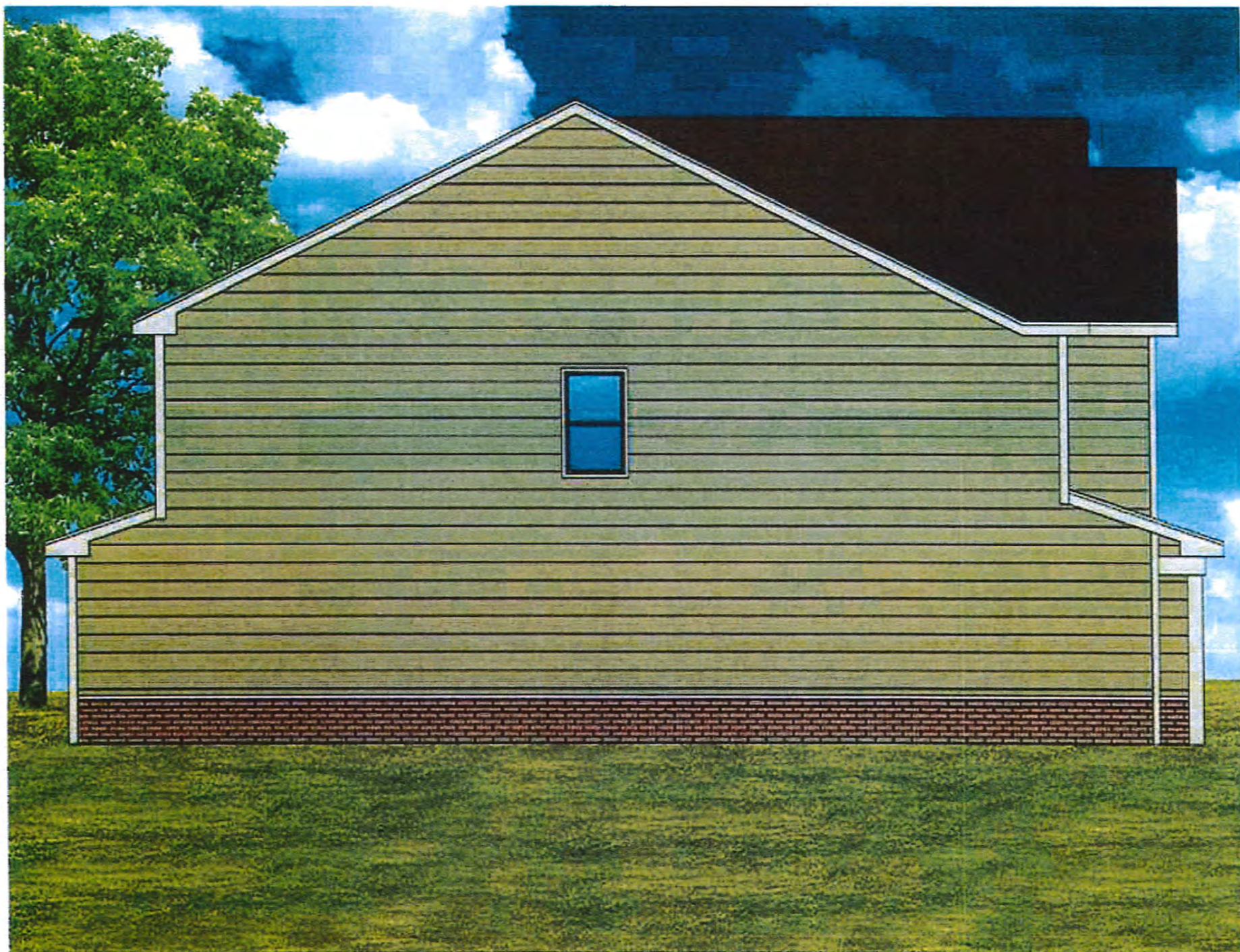
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