ATTACHMENT 5A PAGE 1 REVISED 07/91

## **REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION				
NAME: Forestar Real Estate Group Inc . c\o Alliance Engineering and Planning	NAME: Forestar Real Estate Group Inc				
ADDRESS: 6095 Atlanta Hwy., Suite 100	ADDRESS: 6095 Atlanta Hwy				
CITY: Flowery Branch	CITY: Flowery Branch				
STATE: <u>GA</u> ZIP: <u>30542</u>	STATE: <u>GA</u> ZIP: <u>30542</u> .				
PHONE: 770-361-8444	PHONE:				
CONTACT PERSON: <u>MITCH PEEVY</u> PHON EMAIL ADDRESS: Mitchpeevy@gmail.com	E: <u>(770) 361-8444</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:					
OWNERS AGENT X PROPER	ERS AGENT PROPERTY OWNERCONTRACT PURCHASER				
PRESENT ZONING DISTRICT (S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>R-75</u>					
LAND DISTRICT (S): <u>5</u> LAND LOT:	164 ACREAGE: 75.73				
ADDRESS OF PROPERTY: Ga. Highway 20					
PROPOSED DEVELOPMENT: Single Family Subdivision					
RESIDENTIAL DEVELOPMENT: NON-RESIDENTIAL DEVELOPMENT:					
NO. OF LOTS/DWELLING UNITS: 133	NO. OF BUILDINGS/UNITS:				
DWELLING UNIT SIZE (SQ. FT.): 2,600	TOTAL GROSS SQUARE FEET:				
GROSS DENSITY:1.756 units per ac	DENSITY:				
NET DENSITY:1.795 units per ac					

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

#### **PROPERTY DESCRIPTION**

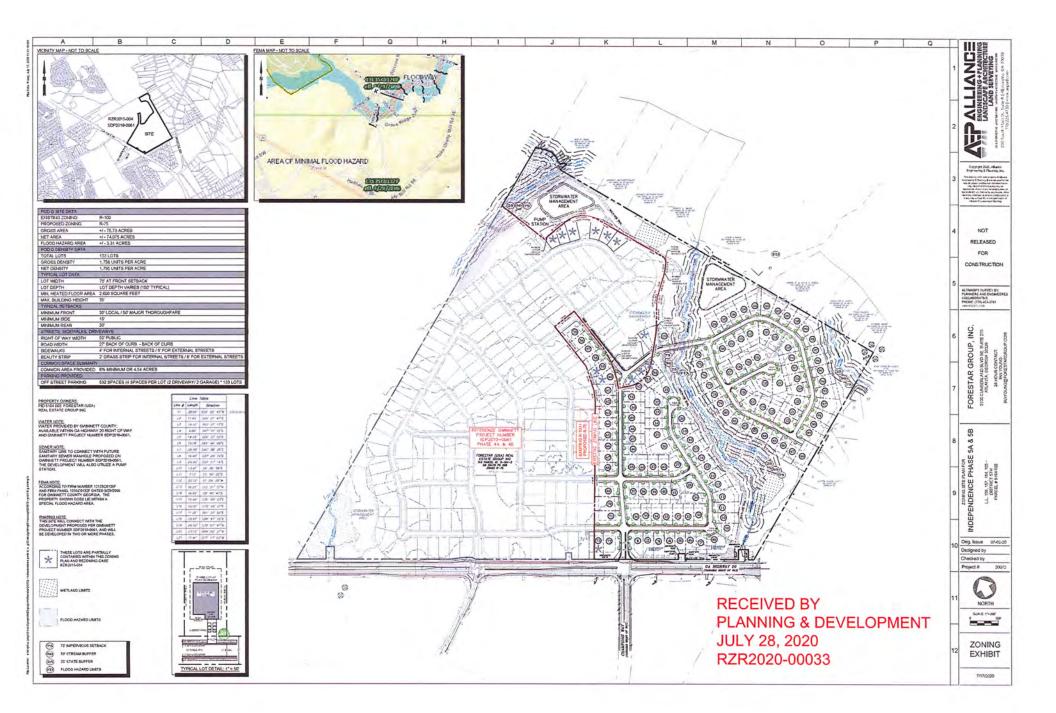
All that tract or parcel of land lying and being in Land Lot 164, 5<sup>th</sup> District, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at the 5/8 inch rebar found at the common corner of Land Lots 163, 164, 189, and 190, said point being the TRUE POINT OF BEGINNING;

Thence South 59 degrees 58 minutes 06 seconds West, a distance of 1,707.93 feet to the 5/8 inch rebar found on the northerly right of way line of Georgia State Route 20 (variable right of way width); thence along said northerly right of way line of Georgia State Route 20 the following courses and distances: thence North 58 degrees 00 minutes 49 seconds West, a distance of 38.68 feet to a point; North 30 degrees 11 minutes 37 seconds East, a distance of 72.00 feet to a point; North 59 degree 48 minutes 23 seconds West, a distance of 69.00 feet to a point; South 30 degrees 11 minutes 37 seconds West, a distance of 72.00 feet to a point; North 59 degrees 48 minutes 23 seconds West, a distance of 379.00 feet to a point; North 30 degrees 11 minutes 37 seconds East, a distance of 42.00 feet to a point; North 59 degrees 48 minutes 23 seconds West, a distance of 46.00 feet to a point; South 30 degrees 11 minutes 37 seconds West, a distance of 42.00 feet to a point; North 59 degrees 48 minutes 23 seconds West, a distance of 596.43 feet to a point; thence leaving said northerly right of way of Georgia State Route 20 (variable right of way width) and proceed North 30 degrees 39 minutes 29 seconds East, a distance of 1,128.45 feet to a point; thence traveling North 23 degrees 38 minutes 25 seconds East, a distance of 75.10 feet to a point; thence traveling North 12 degrees 30 minutes 32 seconds East, a distance of 182.74 feet to a point; thence traveling North 08 degrees 01 minutes 31 seconds West, a distance of 357.66 feet to a point; thence traveling North 81 degrees 58 minutes 29 seconds East, a distance of 175.00 feet to a point; thence traveling South 08 degrees 01 minutes 31 seconds East, a distance of 287.26' to a point; thence traveling the curvature a distance of 326.26 feet, said clockwise arc having a radius of 650.00 feet and being subtended by a chord bearing and distance of South 06 degrees 21 minutes 16 seconds West, a distance of 322.85 feet to a point; thence traveling South 20 degrees 44 minutes 03 seconds West, a distance of 26.40 feet to a point; thence traveling South 71 degrees 17 minutes 56 seconds East, a distance of 78.56 feet to a point; thence traveling the curvature and distance of 236.94 feet, said counter clockwise arc having a radius of 195.00 feet and being subtended by a chord bearing and distance of North 73 degrees 53 minutes 31 seconds East, a distance of 222.63 feet to a point; thence traveling North 39 degrees 04 minutes 59 seconds East, a distance of 204.52 feet to a point; thence traveling the curvature and distance of 66.23 feet, said counter clockwise arc having a radius of 448.50 feet and being subtended by a chord bearing and distance of North 34 degrees 52 minutes 01 seconds East, a distance of 66.17 feet to a point; thence traveling North 30 degrees 39 minutes 03 seconds East a distance of 160.77 feet to a point; thence traveling the curvature and distance of 56.56 feet, said clockwise arc having a radius of 200.00 feet and being subtended by a chord bearing and distance of North 38 degrees 45 minutes 08 seconds East, a distance of 56.37 feet to a point; thence traveling North 46 degrees 51 minutes 14 seconds East, a distance of 154.80 feet to a point; thence traveling the curvature and distance of 30.31 feet, said counter clockwise arc having a radius of 180.00 feet and being subtended by a chord bearing and distance of North 42 degrees 01 minutes 52 seconds East, a distance of 30.27 feet to a point; thence traveling North 37 degrees 12 minutes 31 seconds East, a distance of 52.92 feet to a point; thence traveling the curvature and

distance of 58.60 feet, said counter clockwise arc having a radius of 50.00 feet and being subtended by a chord bearing and distance of North 03 degrees 37 minutes 56 seconds East, a distance of 55.30 feet to a point; thence traveling North 29 degrees 56 minutes 39 seconds West, a distance of 154.48 feet to a point; thence traveling North 29 degrees 55 minutes 09 seconds West, a distance of 228.75 feet to a point; thence traveling North 30 degrees 05 minutes 42 seconds West, a distance of 140.05 feet to a point; thence traveling the curvature and distance of 246.42 feet, said counter clockwise arc having a radius of 205.00 feet and being subtended by a chord bearing and distance of North 64 degrees 31 minutes 51 seconds West, a distance of 231.85 feet to a point; thence traveling South 81 degrees 02 minutes 00 seconds West, a distance of 147.08 feet to a point; thence traveling the curvature and distance of 43.63 feet, said counter clockwise arc having a radius of 200.00 feet and being subtended by a chord bearing and distance of South 74 degrees 47 minutes 02 seconds West, a distance of 43.54 feet to a point; thence traveling North 21 degrees 25 minutes 04 seconds West, a distance of 386.85 feet to a point; thence traveling North 60 degrees 11 minutes 39 seconds East, a distance of 480.94 feet more or less to a point in the centerline of the creek; thence along the centerline of said creek the following courses and distances: South 24 degrees 01 minutes 47 seconds East, a distance of 11.65 feet; South 62 degrees 01 minutes 17 seconds East, a distance of 19.10 feet; South 47 degrees 15 minutes 12 seconds East, a distance of 4.84 feet; South 24 degrees 12 minutes 55 seconds East, a distance of 14.74 feet; South 65 degrees 46 minutes 08 seconds East, a distance of 15.08 feet; South 40 degrees 38 minutes 35 seconds East, a distance of 25.45 feet; South 37 degrees 29 minutes 19 seconds East, a distance of 19.99 feet; South 20 degrees 57 minutes 14 seconds East, a distance of 29.90 feet; South 09 degrees 39 minutes 54 seconds East a distance of 13.91 feet; South 05 degrees 56 minutes 25 seconds East, a distance of 7.13 feet; South 01 degrees 09 minutes 25 seconds West, a distance of 22.12 feet; South 12 degrees 51 minutes 15 seconds West, a distance of 16.25 feet; thence South 08 degrees 40 minutes 47 seconds East, a distance of 16.42 feet; thence South 35 degrees 58 minutes 03 seconds East, a distance of 15.45 feet; thence South 79 degrees 58 minutes 01 seconds East, a distance of 15.00 feet; thence South 61 degrees 35 minutes 52 seconds East, a distance of 11.26 feet; thence South 34 degrees 47 minutes 05 seconds East, a distance of 13.97 feet to an intersection with the centerline of Bay creek; thence along said centerline of Bay creek the following courses and distances: South 79 degrees 07 minutes 41 seconds West, a distance of 26.52 feet; South 84 degrees 56 minutes 21 seconds West, a distance of 23.12 feet; South 77 degrees 17 minutes 03 seconds West, a distance of 11.41 feet; thence leaving the centerline of said Bay creek and proceed along the land lot line common to Land Lot 164 and Land Lot 189 South 29 degrees 30 minutes 07 seconds East, a distance of 2566.75 feet to a 5/8 inch rebar found, said rebar being the TRUE POINT OF BEGINNING.

Containing 75.73 acres, more or less.



## 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: <u>THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A</u>

## REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

(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: <u>YES, THE SUBJECT PROPERTY IS SHOWN AS SUBURBAN ESTATE LIVING</u>

(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.

## ATTACHMENT 5A PAGE 3 REVISED 07/91

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	RECEIVED BY:	

# REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Forestar Real Estate Group Inc., requests rezoning on 75.73 acres for the purpose of developing a Single-Family detached subdivision. To develop the site as proposed, the Applicant respectfully requests a rezoning from R-100 to R-75. The property is located on Georgia Highway 20 and is part of the larger development known as Independence and is across the highway from Grayson High School.

The enclosed site plan indicates 133 homes on the subject site at a density of 1.756 units per acre. The site plan shows that the project will have one access to Highway 20 at the intersection with Champions Way and it will also connect to internal streets in the Independence neighborhood. The minimum heated square footage for the homes will be 2,600 sf. with a maximum height for the proposed dwellings 35'. This is exactly the same as the adjacent R-75 homes that were rezoned with Case Number RZR2015-0004 and D.R. Horton plans to continue building the same style of homes in this section of Independence. Price range for the homes will be from the low \$300's to the mid \$400's. The original layout for Independence had this section of property being developed with 135 R-100 lots at about the same density being proposed with this request. New home buyers in this area are not wanting larger lots that they must maintain but prefer the resort style amenities in this community that are maintained by the mandatory HOA. That includes a Club House, Fitness area, Tot lot, Pool, Nature trails and this new layout provides an additional 4.54 acres of open space that was not proposed on the original plan.

Finally, the applicant is excited to be able to provide additional homes that buyers are responding to. The applicant looks forward to meeting with staff and our neighbors to discuss any concerns that anyone has with the proposal.

### **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

20

Date

Enic Masaschi Southeast Division President

Type or Print Name and Title

urburg 1122/22

Signature of Notary Public



## **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.

12

Signature of Property Owner

22/20

Date

Eric Masaschi Southeast Division President

Type or Print Name and Title

Signature of Notary Public

Date



#### 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, <u>Conflict of Interest in Zoning Actions</u>, and has submitted or attached the required information on the forms provided.

xhin	7/22/20	Eric Masaschi, V.I
SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
RODUM FUNDURED SIGNATURE OF NOTARY PUBLIC	UG 7/20/20 DATE	NOTARY SEAL
DISCLOSURE	OF CAMPAIGN CO	NTRIBUTIONS COUNTY, GENIN
Have you, within the two years immed contributions aggregating \$250.00 or r member of the Gwinnett County Plan	nore to a member of th	
YES PNO X Z	- m2	
and the second state of th	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.

**RECEIVED BY** 

JULY 28, 2020 RZR2020-00033

**PLANNING & DEVELOPMENT** 

### 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.

### \*<u>Note</u>: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL I.D. NUMBER:	5	. 164	. 002		
(Map Reference Number)	District	Land Lot	Parce	1	
x 52° 22			7/22	2)20	
Signature of Applicant			Date		
Eric Masaschi	Sout	heast Di	UISION	President	
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

TITLE

DATE

# Check tag office wait times here.

## Preview the tag office COVID-19 process here: <u>English Spanish</u>

## ACCOUNT DETAIL

Q

View/Pay Your Taxes / Account Detail

Tax Account

Mailing Address: FORESTAR (USA) REAL ESTATE GROUP INC PO BOX 2750 LOGANVILLE , GA 30052-1964

☑ Change Mailing Address

Parcel ID

**Property Type** 

R5164 002

Tax Bills

Real Property

#### Legal Description

TRACT 1 GRAYSON DEVELOPMENT LLC

SITUS: 0 LOGANVILLE HWY

Tax District: COUNTY Unincorporated

Last Update

7/27/2020 10:32:07 AM

Note: Four years of tax information is available online. Email **tax@gwinnettcounty.com** to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2019	\$25,942.01	\$26,663.20	\$0.00	\$0.00	10/15/2019	\$0.00
2018	\$26,053.45	\$26,053.45	\$0.00	\$0.00	10/15/2018	\$0.00
2017	\$26,269.65	\$26,269.65	\$0.00	\$0.00	10/15/2017	\$0.00
2016	\$26,021.51	\$26,021.51	\$0.00	\$0.00	10/15/2016	\$0.00
Total						\$0.00

Print Tax Bill

## Click to view and print your Aug 2019 tax bill.

\* This bill is good through Oct 15, 2019 only.

Pay Now

No payment due for this account.

Schedule Payments

Schedule Future Payments

View or edit your Scheduled Payments here

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