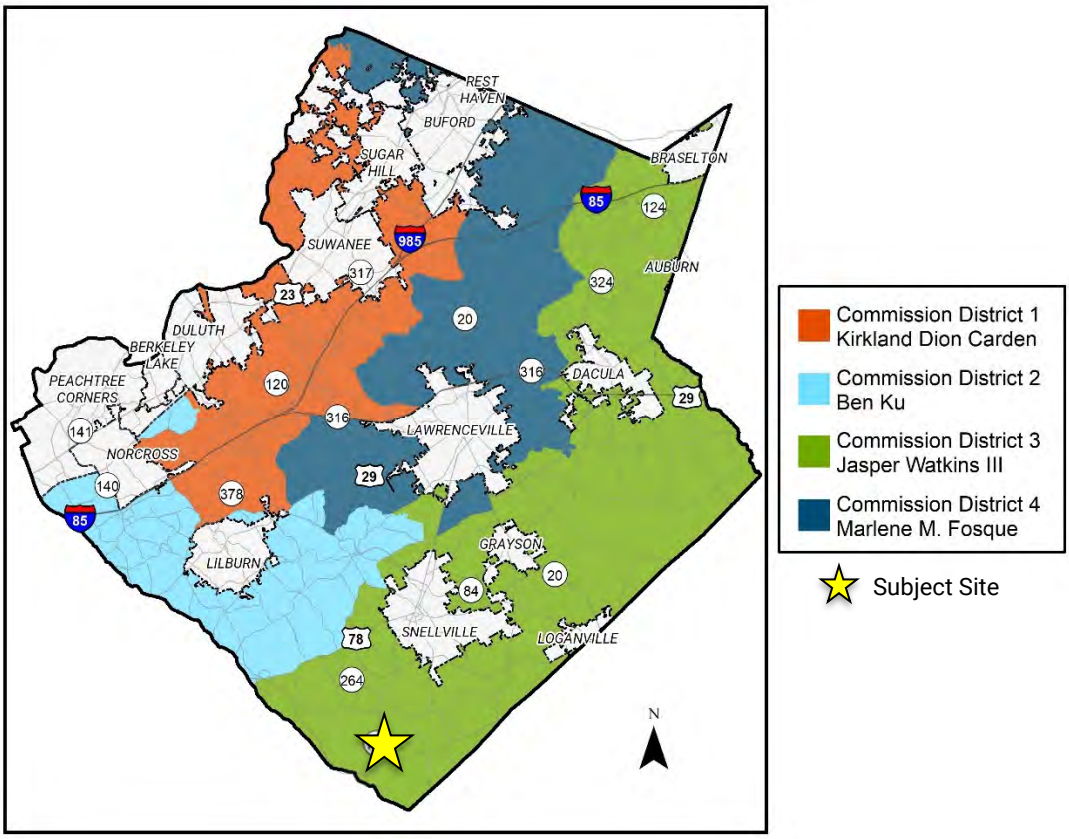
GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT
446 West Crogan Street, Suite 150 | Lawrenceville, GA 30046-2440
678.518.6000
www.gwinnettcounty.com

PLANNING AND DEVELOPMENT DEPARTMENT
CASE REPORT

Case Number:	**RZM2021-00012**
Current Zoning:	**R-100** (Single-Family Residence District)
Request:	Rezoning to **R-TH** (Single-Family Residence Townhouse District)
Additional Request:	Buffer Reduction Waiver
Address:	3800 Block of Centerville Highway
Map Number:	R6013 014
Site Area:	6.19 acres
Proposed Development:	48 Townhouses
Commission District:	District 3 – Commissioner Watkins
Character Area:	Neighborhood Node
Staff Recommendation:	**APPROVAL WITH CONDITIONS**
Planning Commission Recommendation:	**PUBLIC HEARING TABLED TO 5/4/2021**



Location Map

Planning Commission Advertised Public Hearing Date: 4/14/2021 (Public Hearing Tabled to 5/4/2021)
Board of Commissioners Advertised Public Hearing Date: 4/27/2021

Applicant:	Senior Design Group, LLC C/O Anderson, Tate & Carr, P.C. 1960 Satellite Blvd., Suite 4000 Duluth, GA 30097	**Owner:**	Loise Properties, LLC 2680 Ravenoaks Pl. Marietta, GA 30062
Contact:	Melody A. Glouton, Esq.	**Contact Phone:**	770-822-0900

Zoning History

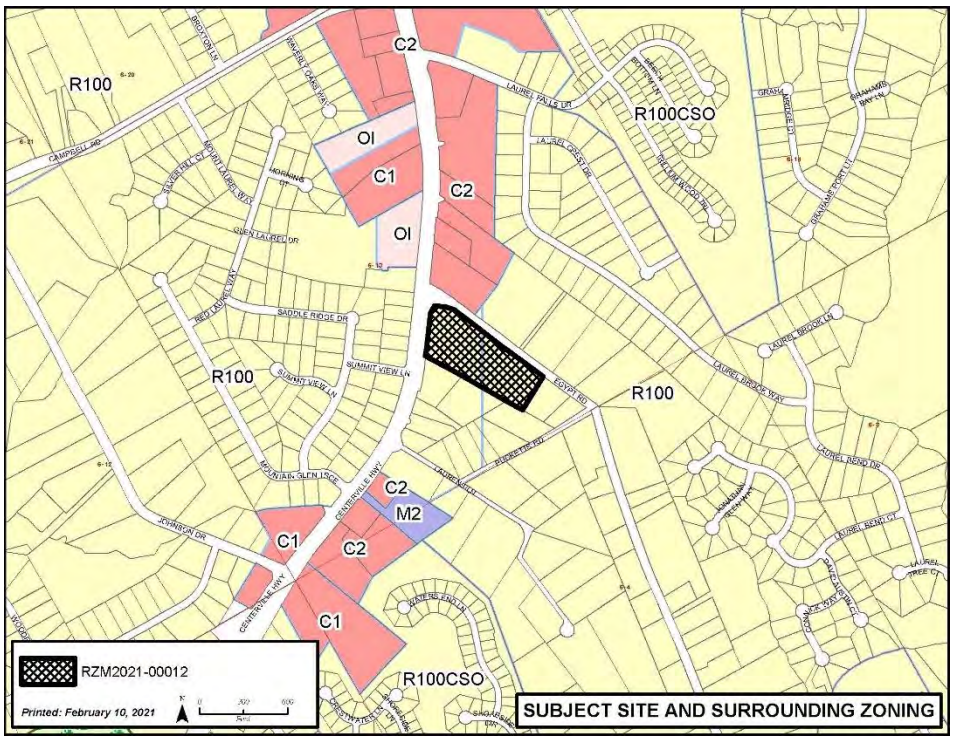
The subject property is zoned R-100 (Single-Family Residence District).

Existing Site Condition

The subject site is a 6.19-acre parcel located at the southeast corner of the intersection of Centerville Highway and Egypt Road. The southeastern portion of the site is developed with a single-family detached residence. The remainder of the site is cleared and undeveloped. Centerville Highway is a Georgia DOT maintained road. Sidewalks are present along the property frontage of Centerville Highway but are not along the property frontage of Egypt Road.

Surrounding Use and Zoning

The subject site is surrounded by large-lot single family homes. To the north, across Egypt Road, is an undeveloped parcel zoned commercial. Across Centerville Highway to the west is the Mountain Creek Farm subdivision. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Subject Property	Single-Family Residential	R-100	0.16
North	Vacant	C-2 and R-100	0.13
East	Single-Family Residential	R-100	0.71
South	Single-Family Residential	R-100	0.22
West	Single-Family Residential	R-100	1.74

Project Summary

The applicant requests rezoning of a 6.19-acre property from R-100 to R-TH to construct a townhouse development, including:

- A total of six townhouse buildings, each containing eight units. The applicant states in the letter of intent each unit would have a minimum heated area of 1,600 square feet. Approximately half of the units are shown as rear access via a private alley.
- A full access driveway is proposed onto Egypt Road while a limited right-in/right-out driveway is proposed onto Centerville Highway.
- Above ground stormwater management facilities are proposed at the northwest and southeast corners of the development.
- A total of 12 guest parking spaces are proposed in the form of parallel on-street parking.
- A community mail kiosk along the proposed internal right-of-way adjacent to three guest parking spaces.
- A 50-foot wide landscape strip along the road frontage of Centerville Highway.
- A 30-foot landscape setback along the road frontage of Egypt Road; however, the proposed alley encroaches into this buffer.
- A buffer reduction from 30 feet to 25-feet along property lines adjacent to property zoned R-100
- Submitted building elevations indicate the front facades of the townhouses would be constructed of a combination of brick, fiber cement siding, board and batten, and shake. The sides and rear facades would be constructed primarily of fiber cement siding.

Zoning and Development Standards

The applicant is requesting rezoning to the R-TH, Single-Family Residence Townhouse District which is intended for attached townhouse dwellings and detached single-family and duplex dwellings on small lots. These developments are appropriate for smaller infill tracts or assemblages of land in areas where public sewerage facilities are available or can be readily obtained and where there is convenient access to collector streets, major thoroughfares or state or interstate highways. Residential dormitories are only permitted adjacent to Georgia Gwinnett College property for the exclusive use of students and/or staff of the college. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35’	Unknown	Unknown
Front Yard Setback (Internal)	None	Unknown	YES
Side Yard Setback (Internal)	None	Unknown	YES

Rear Yard Setback (Internal)	None	Unknown	YES
Front Yard Setback (External)	Minimum 10’	50’	YES
Side Yard Setback (External)	Minimum 20’	40’	YES
Rear Yard Setback (External)	Minimum 20’	40’	YES
Off-Street Parking	Minimum: 120 spaces + 10 guest spaces Maximum 240 spaces	160 spaces + 10 guest spaces	YES
Zoning Buffer	30’ adjacent to R-100	≈28’	NO
Landscape Strip	30’	≈20’	NO

Waiver Request

In addition to the rezoning request, the applicant is seeking a waiver from the following provisions of Title II and III of the UDO:

1. Section 210-100.A.16. Within the R-TH Single-Family Residence Townhouse District, the following requirements shall be met:
    A. When the rear of buildings face external public streets, a 30-foot wide landscaped setback shall be provided along the exterior street frontages. The landscaped setback may incorporate natural vegetation and shall include a decorative fence/wall and entrance monument. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or stacked stone columns (maximum 30-feet on-center).

The proposed 16 units along Egypt Road are rear facing and accessed by a proposed private alley. The alley encroaches approximately 10 feet into the required 30-foot landscaped setback. Therefore, the applicant is requesting to reduce the required landscape setback from 30 feet to 20 feet.

2. Section 610-20.5. Minimum Buffer Requirements
    A. Required buffers shall be provided in conformity [with] Table 610.0 “Table of Minimum Buffer Requirements”.

30’ buffer for R-TH development adjacent to existing R-100 zoned property

Since the proposed R-TH development is adjacent to existing R-100 zoned property, a 30-foot permanent buffer is required. In this case, the applicant is proposing a 30-foot buffer; however, the proposed sidewalk encroaches a few feet into the required buffer at the driveway onto Egypt Road. Therefore, the applicant is requesting to reduce the required buffer from 30-feet to 25-feet along the eastern property line.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit E). For this project, the following are notable items that will be required during the site

development process:

- All proposed improvements including, but not limited to, driveways, dumpsters, parking facilities, pavement, or retaining walls will be located a minimum of 5 feet from any buffer. Provide 5 ft structure setback in addition to buffer;
- Standard deceleration lanes with appropriate taper and adequate right-of-way will be required;
- Coordinate with the Georgia D.O.T regarding access on SR 124;
- Driveway width 27’ back-of-curb/back-of-curb;
- Proposed sidewalk shall be placed around parallel parking; and
- A 5' sidewalk will be required along the property frontage

Standard site and infrastructure improvements will also be required related to stormwater, water, and sewer utilities. Any recommended improvements, not already required by the UDO, have been added as staff recommended conditions.

Staff Analysis

Rezoning Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

A. Whether a proposed zoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The site is adjacent to residentially zoned single-family development on all sides. An undeveloped tract of commercially zoned property is located to the north across Egypt Road along Centerville Highway. While the proposed townhouse development would not be compatible with the established residential densities of the area, the development could provide an appropriate transition between those neighborhoods and the non-residential developments located along Centerville Highway. The proposed development would be suitable in this area.

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.

The existing use and usability of adjacent or nearby properties would likely not be impacted by the zoning change. Centerville Highway is a heavily traveled state route and a higher intensity residential development such as the proposal would be appropriate at this location given its proximity to commercial developments to the north at Annistown Road and Centerville Highway.

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.

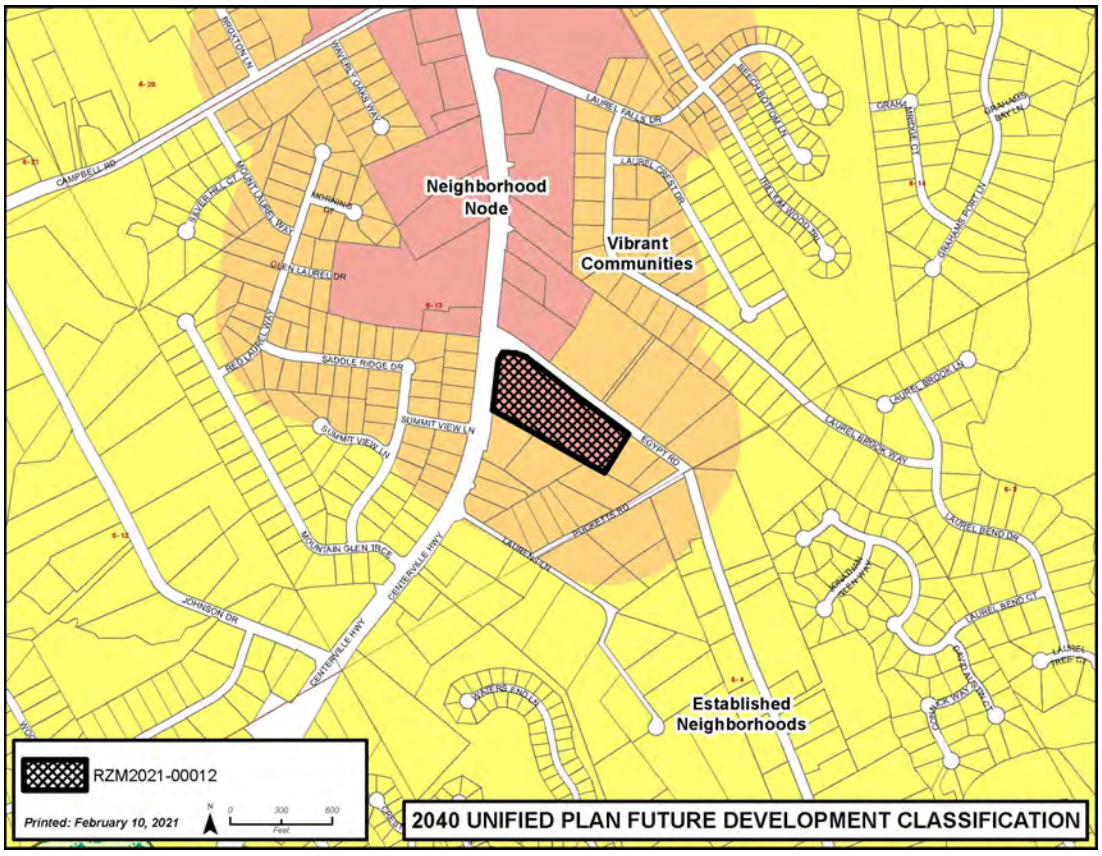
The property, as currently zoned, has a reasonable economic use. Many of the properties in the vicinity have a similar zoning designation.

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.

An impact on public facilities is anticipated in the form of traffic, utility demand, and stormwater runoff. However, with appropriate conditions and site development requirements these impacts would be mitigated. Agency review comments related to any potential improvements, related to this request, are attached (Exhibit E).

E. Whether the proposed rezoning is in conformity with the policy and intent of the Unified Plan and Future Development Map; and

The 2040 Unified Plan Future Development Map indicates that the subject property lies within the Neighborhood Node Character Area. This designation is intended to focus activity and intensity in more central and nodal environments. Furthermore, the proposed townhouse use is specifically encouraged in the character area as a potential development type. Given these factors, the proposed development would be appropriate at this location.



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.

The nearby area is developed with single-family detached homes and vacant commercial land that is yet to be developed. The proposed project would be inconsistent with the existing residential densities of the area. However, the location along a major commercial corridor and its proximity to the established commercial node to the north could provide an opportunity to introduce a higher density housing product.

Waiver Request Analysis: When considering waivers from Title II and III of the UDO, staff is required to review whether an undue hardship may result from strict compliance with the regulations and that approval would not adversely affect the general public welfare or nullify the intent of the Development Regulations. In addition, there must be a determination that there are unusual topographical or other exceptional conditions. Staff makes the following findings related to the waiver request:

> The requested buffer and landscape setback reductions are located along the northern property line of the subject property adjacent to Egypt Road. The applicant did not identify the requests as part of the application; instead, staff noted the inconsistencies as part of the application review process. No justification or hardship has been provided by the applicant. Additionally, the setback encroachment, which is a requirement of Title II, must be reviewed through the variance process.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing exercise of zoning power, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the rezoning. In addition, the staff recommends **DENIAL** of all requested Waivers because no hardship or justification has been provided.

Staff Recommended Conditions

Approval as R-TH (Single-Family Residence Townhouse District), subject to the following conditions:

1. Development shall be limited to 48 single-family attached townhouses and accessory uses.
2. The minimum heated floor area per dwelling unit shall be 1,600 square feet.
3. Homes shall be constructed with front facades of primarily brick and/or stacked stone. The balance of the home may be the same or of cedar or fiber-cement siding or shake with a minimum three-foot brick or stacked stone water table.
4. All dwellings shall have at least a double-car garage.
5. Provide a 30-foot wide undisturbed buffer adjacent to residentially zoned properties.
6. Provide a 30-foot wide landscape setback along Centerville Highway. Project entrance shall be landscaped by the developer and maintained by the Homeowners Association. Entrance shall include a decorative masonry entrance feature. Landscape and entrance feature plans shall be subject to the review and approval by the Director of Planning and Development.
7. Open space shall be provided as shown on the submitted site plan. Final design shall be subject to the review and approval by the Director of Planning and Development.
8. Natural vegetation shall remain on the property until the issuance of a development permit.
9. All grassed areas shall be sodded.
10. All utilities shall be placed underground.

11. Detention pond(s) shall be fenced with a black vinyl-coated chain link fence a minimum of four feet in height and shall be fully screened from view of adjacent residences with a double staggered row of evergreens.

Exhibits:

A. Site Visit Photos
B. Site Plan
C. Building Elevations
D. Letter of Intent and Applicant's Response to Standards
E. Internal and External Agency Review Comments
F. Maps

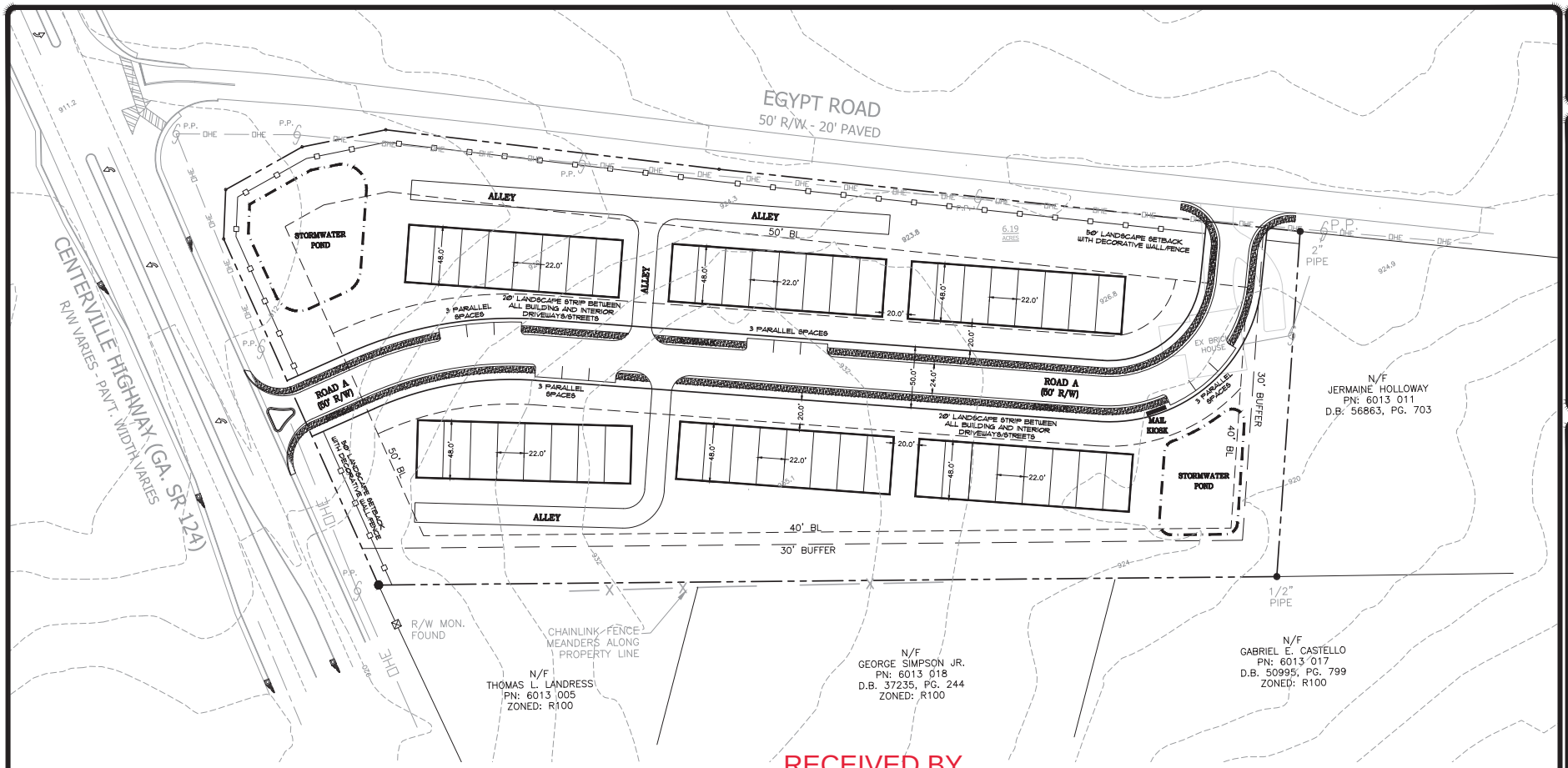
Exhibit A: Site Visit Photos

EXISTING RESIDENTIAL STRUCTURE

SITE FRONTAGE ALONG LAWRENCEVILLE HIGHWAY

Exhibit B: Site Plan

[attached]



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OWNER/DEVELOPER
SENIOR DESIGN GROUP, LLC
3112 MAIN STREET – SUITE 200
DULUTH, GA, 30096
(678) 641-2284

24 HOUR CONTACT
MR. WAYNE MOREHEAD
(678) 641-2284

ENGINEERING CONTACT:
DAY DESIGN GROUP, INC.
BRYAN H. DAY, ASLA
(770) 271-4676
ddg@daydesigngroup.com

SURVEY CONTACT
DUSOUTH
SURVEYING & ENGINEERING, INC
22 BARNETT SHOALS ROAD
WATKINSVILLE, GA 30677
JERRY D. WOOD, RLS
706-310-1961

GRAPHIC SCALE
40 0 40 80
(IN FEET)
1 INCH = 40' FT.

BLDG MATRIX

BUILDING TYPE	NO.	TOTAL
8 UNIT	6	48
7 UNIT	0	0
6 UNIT	0	0
5 UNIT	0	0
4 UNIT	0	0
3 UNIT	0	0
TOTAL		48

NOTES

1. TOTAL SITE AREA = +/- 6.19 ACRES
2. EXISTING ZONING = R-100
3. SANITARY SEWER AND WATER PROVIDED BY GWINNETT COUNTY
4. BOUNDARY PREPARED BY DUSOUTH SURVEYING & ENGINEERING, INC., DATED 01/12/21.
5. TOPOGRAPHY TAKEN FROM GIS
6. PROPOSED ZONING = R-TH
7. USE = TOWNHOMES
8. BUILDING SETBACKS
   FRONT = 50' (external) 20' (interior)
   SIDE = 40' (external)
   REAR = 40' (external)
9. TOTAL UNITS = 48
10. GROSS/NET DENSITY = 7.75 UNITS PER ACRE (48 UNITS / 6.19 AC)
11. MINIMUM UNIT WIDTH = 22'
12. A STORM WATER DETENTION FACILITY IS PROPOSED FOR THIS PROJECT & SHALL BE DESIGNED PER THE GWINNETT COUNTY STORMWATER MANUAL, LATEST EDITION.
13. PARKING IS PROVIDED IN UNIT GARAGES AND IN FRONT OF THE UNITS OFF THE ROAD
14. MAXIMUM BUILDING HEIGHT = 35'
15. GUEST PARKING = 12 PROVIDED (48 X 0.25 REQUIRED)

VICINITY MAP N.T.S. *from Aero Atlas*

FLOOD MAP N.T.S.
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE PER F.E.M.A. FLOOD INSURANCE RATE MAPS OF GWINNETT COUNTY, GEORGIA. COMMUNITY PANEL NOs. 13135C 0151F & 13135C 0145F EFFECTIVE DATE SEPTEMBER 29, 2006.

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
SITE PLANNING
P.O. BOX 848
BUFORD, GA 30515
(770) 271-4676 ph.
(706) 389-8568 fax
ddg@daydesigngroup.com
www.daydesigngroup.com

DAY DESIGN GROUP, Inc.

REZONING CONCEPTUAL SITE PLAN
FOR
PARK WAY JAMES
A TOWNHOME COMMUNITY
LOCATED IN
LAND LOT 13, 6TH DISTRICT, PARCEL R6013 014
3855 CENTERVILLE HWY, GWINNETT COUNTY, GEORGIA

NO.	DATE	REVISIONS DESCRIPTION

DATE: 01/25/21
DRAWN BY: BHD
JOB NO.: 21-100

SHEET 1 OF 1

Exhibit C: Building Elevations

[attached]

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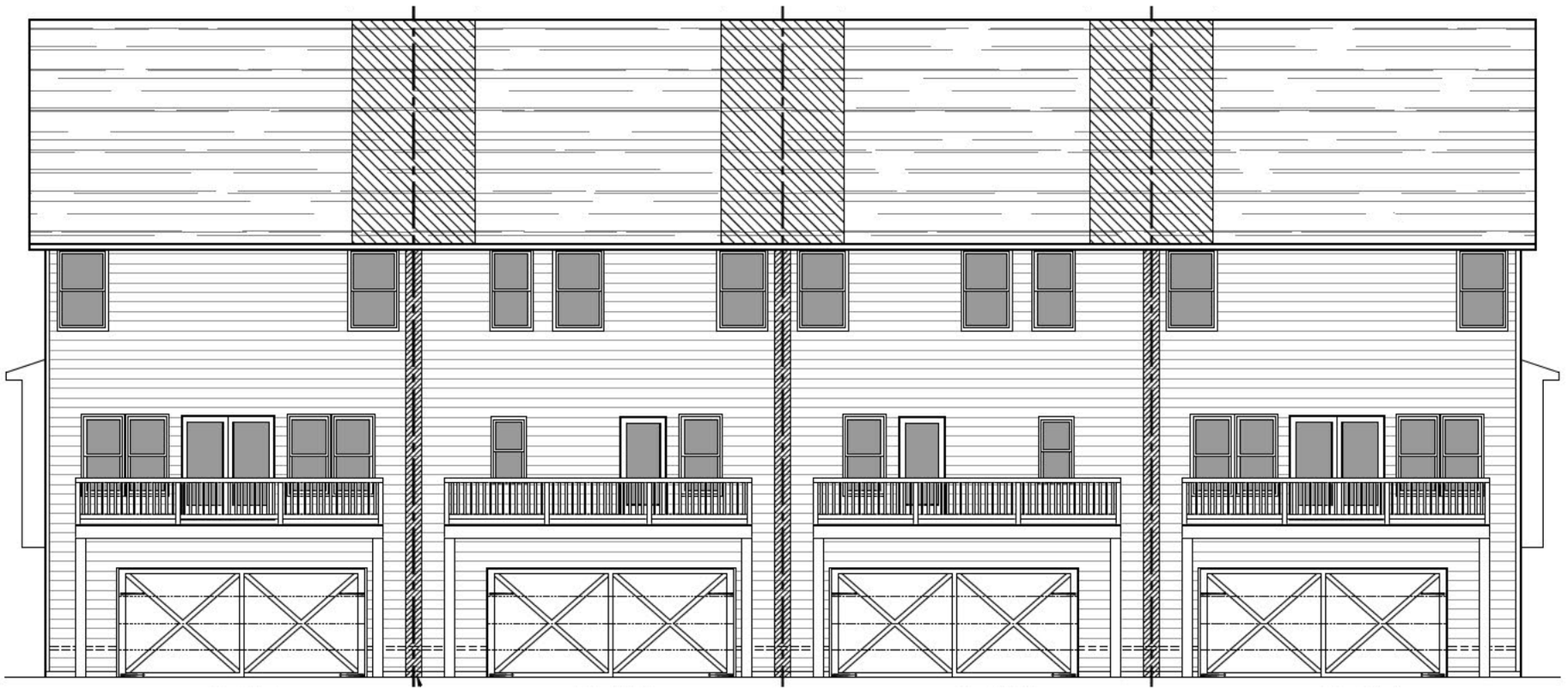

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Exhibit D: Letter of Intent and Applicant's Response to Standards

[attached]

LETTER OF INTENT
AND
RESPONSE TO STANDARDS GOVERNING EXERCISE OF THE ZONING POWER
the Unified Development Ordinance of Gwinnett County, Georgia
for the
Rezoning Application

of

SENIOR DESIGN GROUP, LLC

for

±6.19 Acres of Land
Located at 3855 Centerville Highway, Snellville, Georgia 30039
Land Lot 13, 6th District of Gwinnett County, Georgia
Tax Parcel ID R6013 014

From R-100 to R-TH

Submitted for Applicant by:

Melody A. Glouton, Esq.
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I. INTRODUCTION

This Application for Rezoning is submitted for a 6.19-acre parcel of land located in Land Lot 13 of the 6th District of Gwinnett County, Georgia, Snellville, and known as 3855 Centerville Highway (hereinafter the "Property"). The Property is shown on the survey prepared by Du South Surveying & Engineering dated January 12, 2021 and filed with this Application.

The Property is currently zoned R-100 (Single Family Residence District) pursuant to the Gwinnett County Unified Development Ordinance (the "UDO"). The Applicant, Senior Design Group, LLC (the "Applicant") now seeks approval to rezone the entire Property to R-TH (Single-Family Residence Townhome District) to develop a distinctive and attractive residential townhome community with approximately 48 units.

This document is submitted as the Letter of Intent, Response to Standard Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a rectangular tract fronting Centerville Highway at the intersection of Egypt Road in Snellville, Georgia. It is bounded on the North by a collection of properties that are all zoned C-2 (General Business District) that continue past the intersection of Centerville Highway and Laurel Falls Drive and extend to the heavily commercialized intersection of Centerville Highway and Annistown Road. Across the street, there are five lots zoned R-100 (Single-Family Residence District) which then transition into O-I (Office-Institutional District), C-1 (Neighborhood Business District), C-2, and C-3 (Highway Business District) as you travel toward the intersection of Centerville Highway and Annistown Road. To the South of the Property, there is C-1, C-2 and M-2 (Heavy Industrial District) zoning classifications. The Property is mostly undeveloped with vegetation. There is a single-family home on the rear of the property with access to Egypt Road. As indicated, the adjacent parcels are zoned C-1, C-2, C-3, M-2, and R-100 and improved with service businesses, gas stations, churches, day cares, urgent care facilities, auto collision and repair, car dealerships, fast food restaurants, grocery stores, and financial institutions.

The Future Development Map of the Gwinnett County 2040 Unified Plan (the "2040 Plan") classifies this Property as within the "Neighborhood Node Character Area," of the Gwinnett County Future Development Map. The Neighborhood Node Character Area is intended for smaller commercial/retail nodes at various intersections located throughout the County. Mainly serving the residents of the surrounding residential neighborhoods, these nodes will most likely draw customers from the nearby area. Future development and redevelopment should maintain the community-oriented feel of these areas, with a focus on creating small mixed-use areas combining retail, low intensity office uses and *medium density residential uses in a pedestrian friendly environment* and allowing nearby residents to safely walk to and within them.

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Potential development types that are specifically encouraged in this Character Area include townhomes. As such, the proposed development is in line with the encouraged land use and also with Theme 4 of the 2040 Plan, which is to "Provide More Housing Choices." The proposed development would provide residential in-fill development at a density and with architectural character that is compatible with existing development. Accordingly, the proposed development is compatible with the spirit and intent of the 2040 Plan, especially when considering the Property is adjacent to commercial uses and can provide a transitional density into the existing residential communities.

III. PROJECT SUMMARY

As shown on the conceptual site plan prepared by Day Design Group, Inc. dated January 25, 2021 and filed with this Application (hereinafter the "Site Plan"), the Applicant proposes to develop the Property into a distinctive and attractive residential townhome community with approximately 48 units, for a net density of 7.75 units per acre. The Applicant is requesting a buffer reduction from 35' to 30' along the property lines adjacent to the R-100 neighborhoods which will allow for grading necessary for stormwater management, detention, and access to Egypt Road. The Applicant will further be seeking a concurrent variance to address the encroachment of the alley in the landscape setback adjacent to Egypt Road. The proposed townhome community would consist of home at a size, quality, and price-point commensurate with or exceeding homes in the surrounding area. The proposed townhomes would be approximately 1,600 square feet, and include both front-entry and rear-entry (single-car and double-car) garages as well as attractive architectural elements which are compatible with the surrounding area. The anticipated price point for the townhomes would range from the high $200,000 to mid $300,000. The front facades of the homes would be constructed primarily of brick, stone, shake/siding, and/or board and batten as depicted in the building elevations submitted with the Application. The renderings / elevations of the proposed townhomes are filed with this Application. As a result, the proposed development will be compatible with the surrounding uses and will blend harmoniously into the area.

IV. RESPONSE TO STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

The Applicant provides the following information in response to the required analysis:

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes, approval of the proposed Rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is located on Centerville Highway at the intersection of Egypt Road. The Property is adjacent the commercial zoned property and across the street from residentially zoned property. The proposed development would provide additional housing options to this growing Neighborhood Node Character Area.

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(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classification is compatible with existing residential and commercial uses of adjacent property. In fact, the proposed development would provide an appropriate transition of land uses from commercial to residential.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have 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 STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Centerville Highway and Centerville Rosebud Road. The proposed development would complement the existing commercial and residential uses along Centerville Highway and the surrounding area by providing necessary residential critical mass to support those uses.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

The proposed rezoning is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The subject property is located within the Neighborhood Node Character Area of the 2040 Future Development Map. Encouraged land uses for the Neighborhood Node Character Area specifically include townhomes. The proposed development would be compatible with and successfully co-exist with the surrounding uses.

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL:

The Applicant submits that the character of the surrounding development and the existing mix of uses in the area provide supporting reasons for approval of the rezoning. Anticipated growth in Gwinnett County based on the 2040 Comprehensive Plan suggests a strong need for this type of housing. In addition, the Applicant submits that the subject Property's location, size, and dimensions, as well as its proximity to Centerville Highway

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and Centerville Rosebud Road provide further support for approval of the proposed rezoning application.

V. JUSTIFICATION FOR REZONING

The Applicant respectfully submits that "The Unified Development Ordinance of Gwinnett County, Georgia" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a residential townhome community, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Gwinnett County Board of Commissioners to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute and arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested rezoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the Gwinnett County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking o the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to

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neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone from R-100 to R-TH be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 4th day of February, 2021.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton, Esq.

Enclosures
MAG/ag

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RZM2021-00012

Exhibit E: Internal and External Agency Review Comments

[attached]

REVIEW COMMENTS: RZM2021-00012

BUILDING PLAN REVIEW:

RZM2021-00012	The applicant shall obtain a residential building permit for each townhouse and achieve satisfactory field inspections for issuance of a Certificate of Occupancy. Architectural Design Recommendations: 1. Architectural design of the proposed building shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Design Category 3.

DEVELOPMENT PLAN REVIEW:

RZM2021-00012	• All proposed improvements including, but not limited to, driveways, dumpsters, parking facilities, pavement, or retaining walls will be located a minimum of 5 feet from any buffer. Provide 5 ft structure setback in addition to buffer. • Buffers/site shall meet the minimum screening requirements. • Landscaping shall be in compliance with Chapters 610, 620, and 630 of the UDO.

DEPARTMENT OF TRANSPORTATION PLAN REVIEW:

- Entrances shall be provided to the site per current development regulations.
- Standard deceleration lanes with appropriate taper and adequate right-of-way will be required.
- The project entrance shall align with opposing roads or driveways in accordance with the Gwinnett County Unified Development Ordinance.
- Prior to the issuance of a Development Permit, a sight distance certification shall be provided.
- The number and locations of driveways are subject to Gwinnett County D.O.T. approval.
- Coordinate with the Georgia D.O.T regarding access on SR 124.
- A 5' sidewalk will be required along the property frontage.
- Driveway Width 27' BC/BC
- Proposed sidewalk shall be placed around parallel parking

GWINNETT COUNTY PUBLIC SCHOOLS PLAN REVIEW:

Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County, April 2021

		2020-21			2021-22			2022-23			Proposed Zoning
	School	Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	Approximate Student Projections from Proposed Developments
RZM2021-00012	**Shiloh HS**	2,154	2,275	-121	2,197	2,275	-78	2,241	2,275	-34	5
	Shiloh MS	1,813	1,600	213	1,849	1,600	249	1,886	1,600	286	5
	Anderson-Livsey ES	674	975	-301	663	975	-312	656	975	-319	9

STORMWATER PLAN REVIEW:

RZM2021-00012
3800 BLOCK OF CENTERVILLE HWY/3800 – 4100 BLOCKS OF EGYPT RD
6013 014

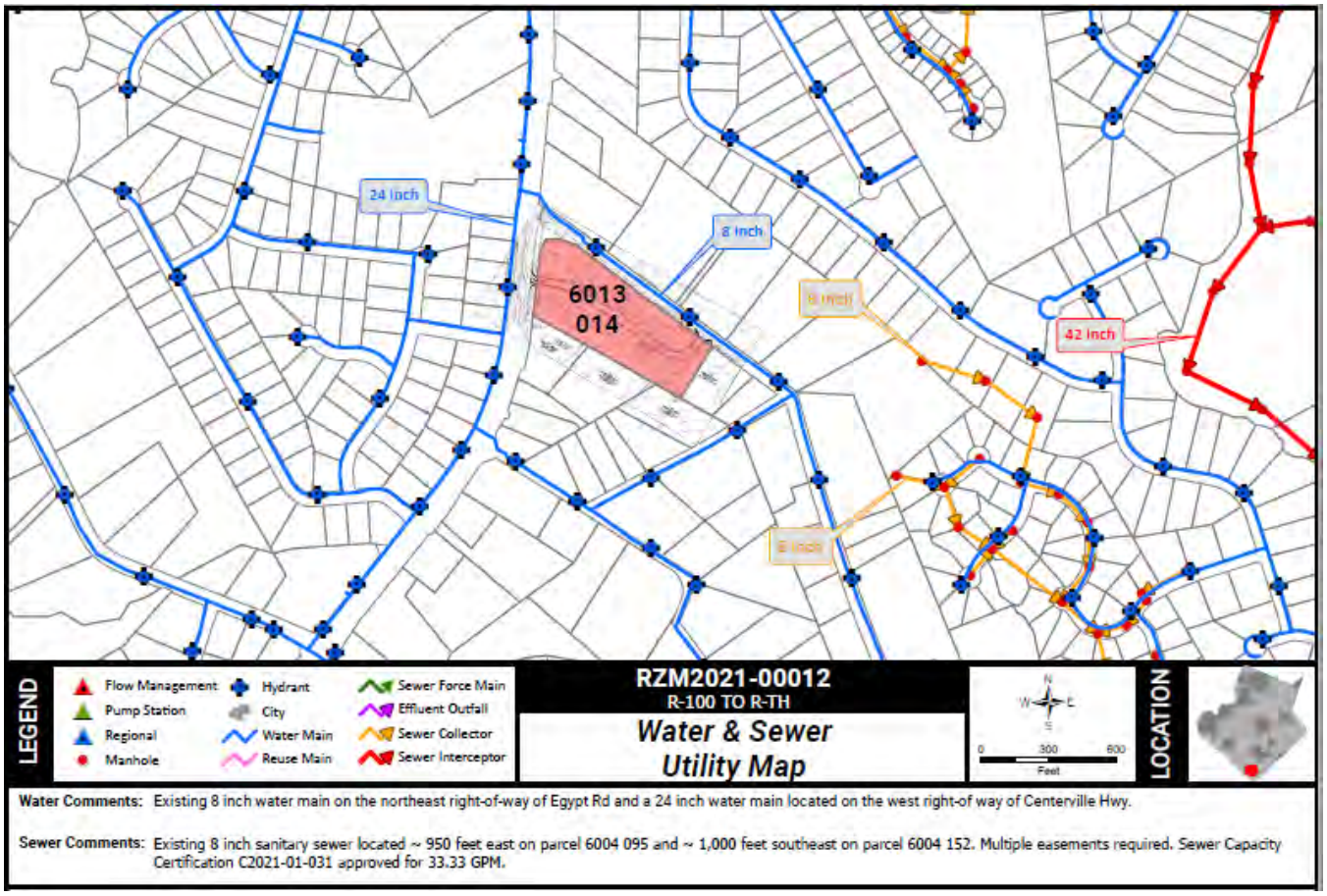
Currently, the Exhibit provided does show proposed stormwater management facilities, but the design of the facilities, including the size and location, are not reviewed or approved during this process. During the permitting phase, the project will be reviewed and will be required to meet all applicable stormwater regulations and standards included in the Gwinnett County Stormwater Management Manual, the Unified Development Ordinance (including the UDO Resolution UDOA2020-00003), and the Gwinnett County Storm Sewer Pipe Standards.

WATER/SEWER PLAN REVIEW:

RZM2021-000012
3800 Block of Centerville Highway & 3800-4100 Blocks of Egypt Rd.
R6013 014

Sanitary sewer connection would need to be made for this facility. A detailed plan for that connection would need to be considered during planning.

DEPARTMENT OF WATER RESOURCES PLAN REVIEW:



Water Comments: Existing 8 inch water main on the northeast right-of-way of Egypt Rd and a 24 inch water main located on the west right-of way of Centerville Hwy.

Sewer Comments: Existing 8 inch sanitary sewer located ~ 950 feet east on parcel 6004 095 and ~ 1,000 feet southeast on parcel 6004 152. Multiple easements required. Sewer Capacity Certification C2021-01-031 approved for 33.33 GPM.

GWINNETT COUNTY
DEPARTMENT OF WATER RESOURCES
684 Winder Highway | Lawrenceville, GA 30045-5012
678.376.6700
www.gwinnettcounty.com | www.gwinnetth2o.com

PROPOSED DEVELOPMENT UTILITY LETTER

February 22, 2021

Applicant: SENIOR DESIGN GROUP, LLC

Case No.: RZM2021-00012

Email:

Development Name:

Location: 3800 BLOCK OF CENTERVILLE HIGHWAY

3800-4100 BLOCKS OF EGYPT ROAD

DISTRICT: 6 **LANDLOT:** 013 **PARCEL:** 014

WATER AVAILABILITY:

The available utility records show that the subject development is currently in the vicinity of a 8 inch water main located on the NE right-of-way of Egypt Rd and a 24 inch water main located on the west right-of way of Centerville Hwy.

Demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development and will not be provided by this department. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments, including connections to existing mains. This department makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

SANITARY SEWER AVAILABILITY:

The available utility records show that the subject development is currently in the vicinity of a 8 inch sanitary sewer main located ~ 950 feet east on parcel 6004 095 and ~ 1,000 feet southeast on parcel 6004 152. Multiple easements required. Sewer Capacity Certification C2021-01-031 approved for 33.33 GPM.

Proposed Development Utility Letter

Sewer Availability continued

The subject development is located within the Norris Lake Service area. This does not guarantee there is sewer capacity to serve this development. A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development.

Demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development and will not be provided by this department. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

Water, Sewer, and Stormwater Requirements

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

Stormwater facilities must comply with the current Gwinnett County codes and ordinances.

Private Road Developments

Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Master Water Meter

Master water meters are only allowed under certain conditions to be approved by Gwinnett County. If there are multiple owners within one property, master meters will not be allowed. Individual water meters must be placed off of county-maintained water mains.

NOTE: As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Respectfully,

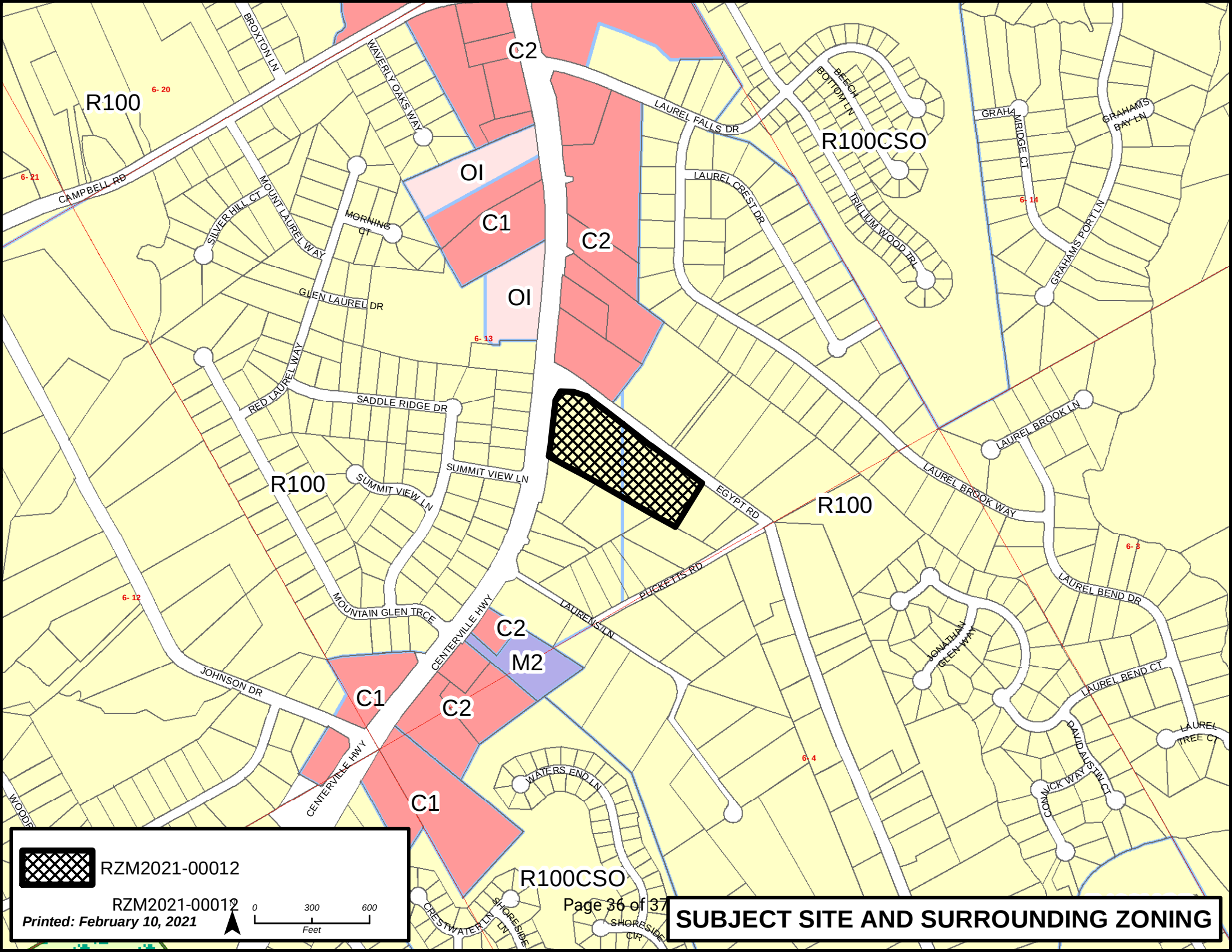
Mike Pappas
GIS Planning Manager
Gwinnett County Department of Water Resources
Infrastructure Support
678-376-7032

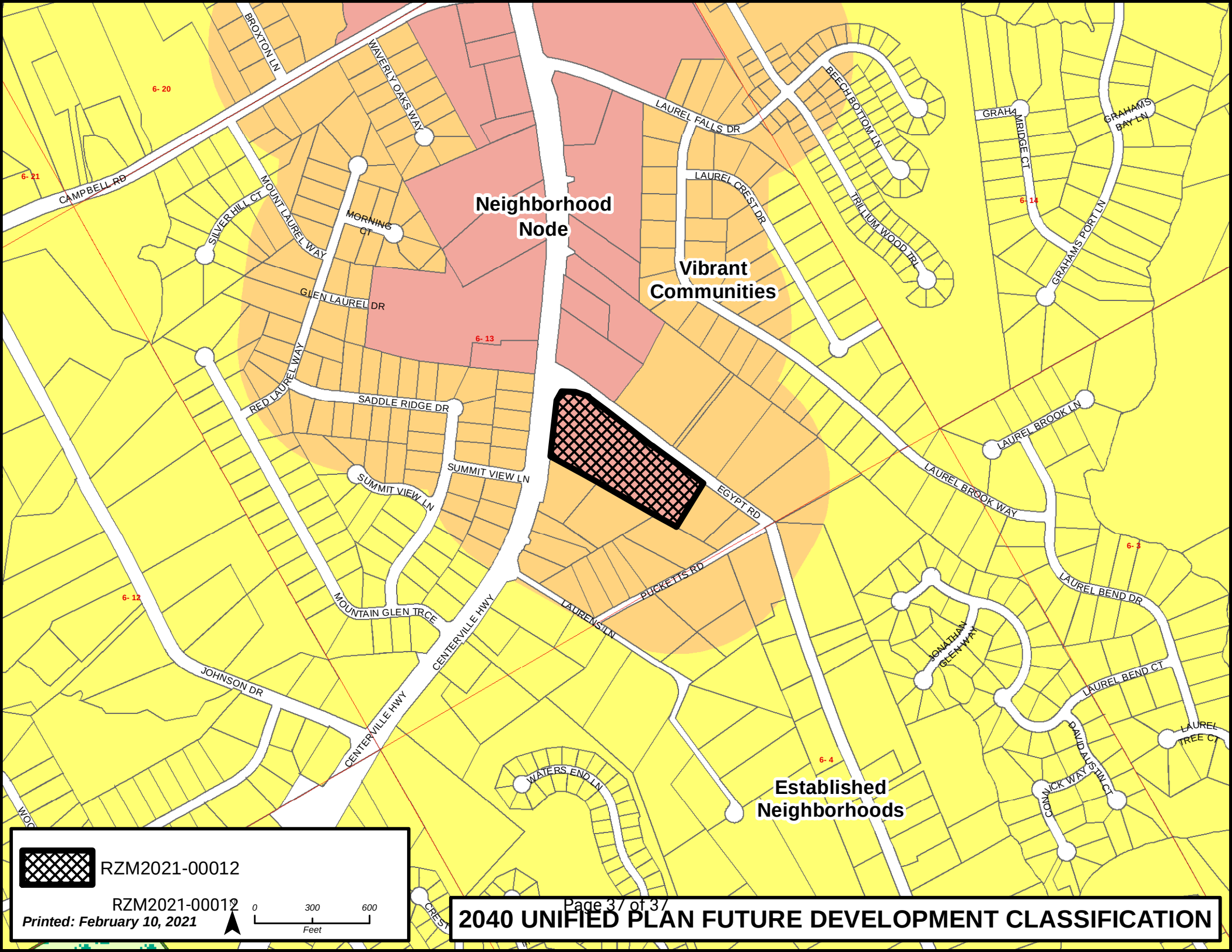
Exhibit F: Maps

[attached]

EGYPT RD
SUMMIT VIEW LN
RZM2021-00012
RZM2021-00012
Printed: February 9, 2021
0
50
100
Feet

SILVER HILL CT
MOUNT LAUREL WAY
MORNING CT
LAUREL CREST DR
TRILLIUM WOOD TRL
GLEN LAUREL DR
RED LAUREL WAY
LAUREL BROOK WAY
SADDLE RIDGE DR
SUMMIT VIEW LN
SUMMIT VIEW LN
EGYPT RD
PUCKETTS RD
LAUREL BEND CT
MOUNTAIN GLEN TRCE
CENTERVILLE HWY
LAURENS LN
JONATHAN GLEN WAY
RZM2021-00012
RZM2021-00012
Printed: February 9, 2021
0
200
400
Feet


R100
6- 20
6- 21
CAMPBELL RD
BROXTON LN
WAVERLY OAKS WAY
C2
OI
C1
C2
OI
LAUREL FALLS DR
BEECH BOTTOM LN
R100CSO
TRILLIUM WOOD TRL
LAUREL CREST DR
GRAHAMS BRIDGE CT
GRAHAMS BAY LN
GRAHAMS PORT LN
6- 14
SILVER HILL CT
MOUNT LAUREL WAY
MORNING CT
GLEN LAUREL DR
6- 13
RED LAUREL WAY
SADDLE RIDGE DR
SUMMIT VIEW LN
SUMMIT VIEW LN
R100
EGYPT RD
LAUREL BROOK LN
LAUREL BROOK WAY
R100
6- 3
6- 12
MOUNTAIN GLEN TRCE
CENTERVILLE HWY
C2
M2
LAURENS TLN
PUCKETTS RD
LAUREL BEND DR
JONATHAN GLEN WAY
LAUREL BEND CT
DAVID AUSTIN CT
LAUREL TREE CT
JOHNSON DR
C1
C2
CENTERVILLE HWY
6- 4
WATERS END LN
CONNICK WAY
C1
R100CSO
CRESTWATER LN
SHORESIDE LN
SHORESIDE CIR
RZM2021-00012
RZM2021-00012
Printed: February 10, 2021
0
300
600
Feet
SUBJECT SITE AND SURROUNDING ZONING



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Senior Design Group, LLC c/o Andersen, Tate & Carr, P.C.	NAME: Lois Properties, LLC
ADDRESS: 1960 Satellite Blvd., Suite 4000	ADDRESS: 2680 Ravenoaks Pl.
CITY: Duluth	CITY: Marietta
STATE: GA ZIP: 30097	STATE: GA ZIP: 30062
PHONE: 770-822-0900	PHONE:

CONTACT PERSON: Melody A. Glouton, Esq. PHONE: 770-822-0900

CONTACT'S E-MAIL: mglouton@atclawfirm.com

APPLICANT IS THE:

☐ OWNER'S AGENT ☐ PROPERTY OWNER ☒ CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): R100 REQUESTED ZONING DISTRICT: RTH

PARCEL NUMBER(S): R6013 014 ACREAGE: 6.19

ADDRESS OF PROPERTY: 3855 Centerville Highway, Snellville

PROPOSED DEVELOPMENT: Residential townhome community

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units 48	No. of Buildings/Lots:
Dwelling Unit Size (Sq. Ft.): 1,600 sq. ft.	Total Building Sq. Ft.
Gross Density: 7.75	Density:
Net Density: 7.75	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LEGAL DESCRIPTION

Commencing at the centerline intersection of Centerville Highway (R/W Varies), and Egypt Road (50' R/W) thence in a Southeasterly direction South 56 degrees 21 minutes 57 seconds East a distance of 253.11 feet to a computed point on the southern right-of-way line of Egypt Road (50' R/W), that point being the True Point of Beginning (T.P.O.B.), thence along said right of way South 53 degrees 15 minutes 21 seconds East a distance of 274.34 feet to a computed point, thence South 53 degrees 53 minutes 12 seconds East a distance of 477.71 feet to a 2" Pipe, thence leaving said right-of-way South 33 degrees 51 minutes 46 seconds West a distance of 282.84 feet to a 1/2" Pipe, thence North 60 degrees 32 minutes 14 seconds West a distance of 734.28 feet to a computed point on the eastern right-of-way line of Centerville Highway (R/W Varies) thence along said right of way North 05 degrees 52 minutes 35 seconds East a distance of 310.04 feet to a computed point, thence leaving said right-of-way North 32 degrees 26 minutes 28 seconds East a distance of 40.35 feet to a computed point, thence South 89 degrees 12 minutes 28 seconds East a distance of 71.55 feet to a computed point, thence South 71 degrees 33 minutes 22 seconds East 69.82 feet to a computed point, that point being the True Point of Beginning.

This above described area consists of 6.19 Acres.

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RZM2021-00012

Clerk of Superior Court Filing Information

This survey is a retracement of an existing parcel of land and does not subdivide or create a new parcel. The recording information of the document(s), map(s), plat(s) or other instrument(s) which created the parcel(s) are stated hereon. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF THE LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Further, the undersigned land surveyor certifies that this map, plat, or plan complies with the minimum technical standards for property surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act OCGA 15-6-67.

Jerry D. Word GA RLS# 2999 — Date 1/12/21

SURVEY CLOSURE STATEMENT

The Field Data upon which this plat is based has a closure precision of one foot in 40,350 feet, and an angular error of 1" per angle point, and was not adjusted.

This plat has been calculated for closure and is found to be accurate within one foot in 100,000+ feet.

Linear Measurement obtained using TOPCON GPT 3002
Angular Measurement obtained using TOPCON GPT 3002
Field Work completed 12/11/20

VICINITY MAP
(NOT TO SCALE)

DŪ SOUTH
SURVEYING & ENGINEERING, INC.
22 BARNETT SHOALS RD
WATKINSVILLE, GA 30677
706.310.1961 OFFICE
Email: dusouthsurveying@gmail.com
Online: www.dusouthsurveying.com

SURVEY FOR:

SEED CAPITAL, LLC

LAND LOT 13, 6th DISTRICT
GWINNETT COUNTY, GEORGIA

CHANGES	DATE

THIS PLAN, INCLUDING ALL INFORMATION, DETAILS AND DRAWINGS, IS A COPYRIGHT OF DUSOUTH SURVEYING & ENGINEERING, INC. AND CANNOT BE ALTERED, COPIED OR CHANGED IN ANY FORM WITHOUT WRITTEN CONSENT OF DUSOUTH SURVEYING & ENGINEERING, INC.

DATE
01-12-21

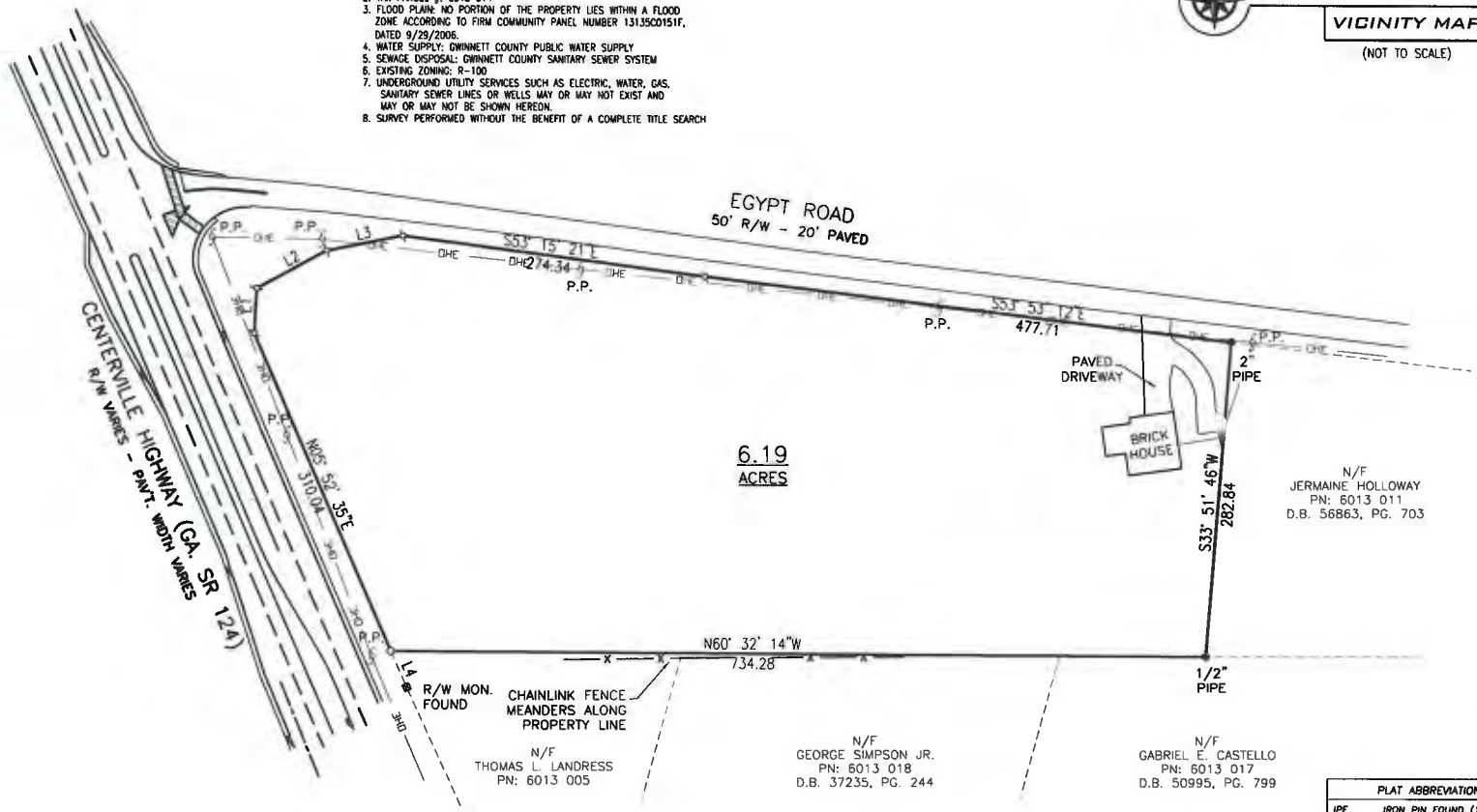
PROJECT
20-260

BOUNDARY SURVEY

SHEET
1 OF 1

PROJECT DATA

1. TOTAL PROJECT ACREAGE: 6.19 ACRES
2. TAX PARCEL #: 6013 014
3. FLOOD PLAIN: NO PORTION OF THE PROPERTY LIES WITHIN A FLOOD ZONE ACCORDING TO FIRM COMMUNITY PANEL NUMBER 13135C0151F, DATED 9/29/2006.
4. WATER SUPPLY: GWINNETT COUNTY PUBLIC WATER SUPPLY
5. SEWAGE DISPOSAL: GWINNETT COUNTY SANITARY SEWER SYSTEM
6. EXISTING ZONING: R-100
7. UNDERGROUND UTILITY SERVICES SUCH AS ELECTRIC, WATER, GAS, SANITARY SEWER LINES OR WELLS MAY OR MAY NOT EXIST AND MAY OR MAY NOT BE SHOWN HEREON.
8. SURVEY PERFORMED WITHOUT THE BENEFIT OF A COMPLETE TITLE SEARCH



Line Table		
Line #	Length	Direction
L1	40.35	N32° 26' 28"E
L2	71.56	S89° 12' 28"E
L3	69.82	S71° 33' 22"E
L4	32.26	S05° 32' 38"W

MONUMENTATION LEGEND

- Depicts Computed Point Only
- Depicts Iron Pin Set
- Depicts Iron Pin Found
- Depicts Monument Set
- Depicts Monument Found
- Fire Hydrant
- Sanitary Sewer
- Power Pole
- Transformer
- Drop Inlet
- Light Pole

PLAT ABBREVIATIONS

IPF	IRON PIN FOUND (1/2" REBAR)
IPS	IRON PIN SET (1/2" REBAR)
OTP	OPEN TOP PIPE
CTP	CRIMP TOP PIPE
CMF	CONCRETE MONUMENT FOUND
LL	LAND LOT LINE
R/W	RIGHT OF WAY
TPOB	TRUE POINT OF BEGINNING
POB	POINT OF BEGINNING
POR	POINT OF REFERENCE
CL	CENTERLINE
PL	PROPERTY LINE
SF	SQUARE FOOT
CONC	CONCRETE
SSMH	SANITARY SEWER MANHOLE
JB	JUNCTION BOX
DI	DROP INLET
SWCB	SINGLE WING CATCH BASIN
DWCB	DOUBLE WING CATCH BASIN
HW	HEADWALL
PP	POWER POLE
LP	LIGHT POLE
UP	UTILITY POLE
WM	WATER METER
WV	WATER VALVE
FH	FIRE HYDRANT

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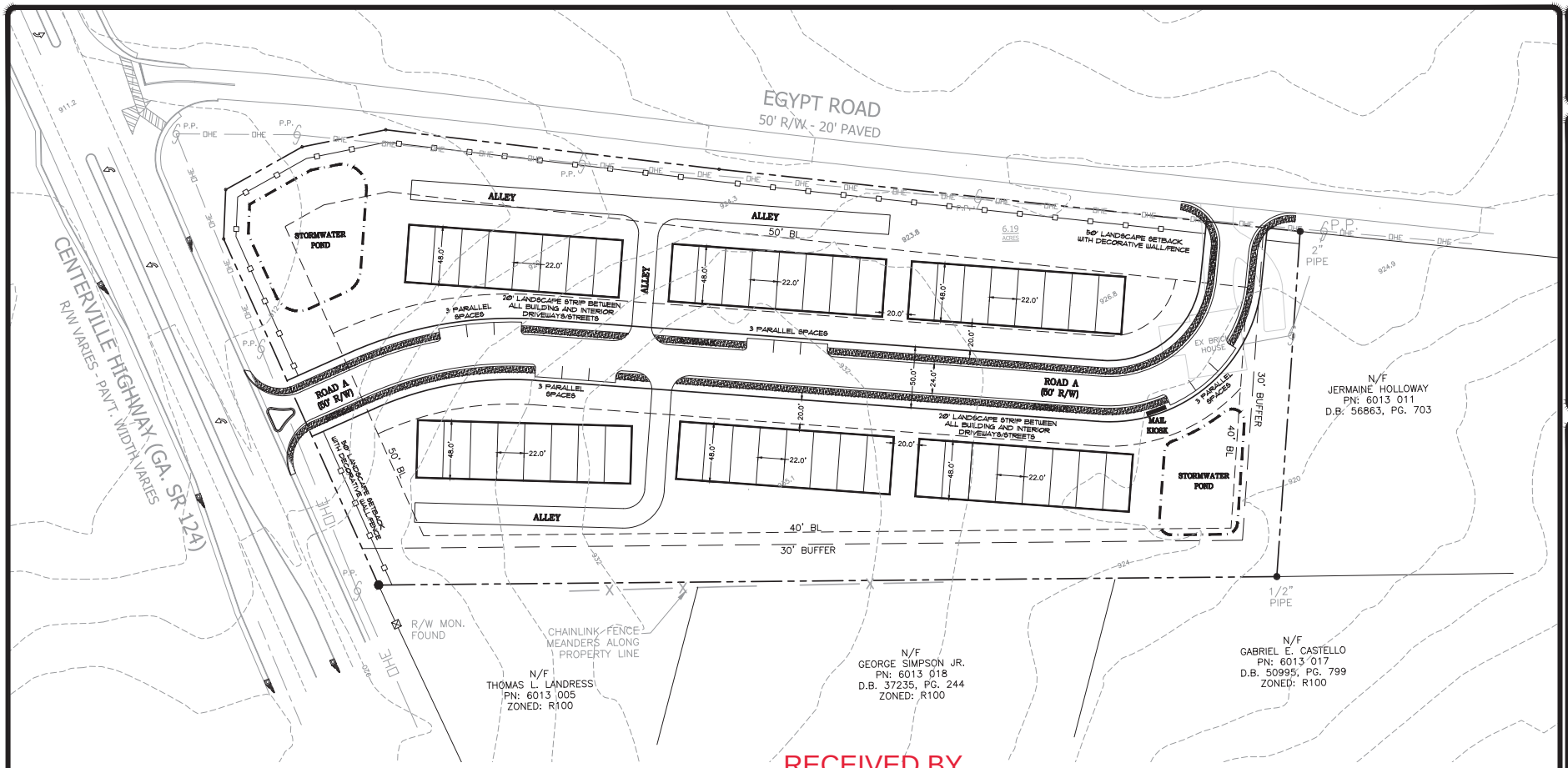
GRID NORTH

BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983 GEORGIA STATE PLANE COORDINATE SYSTEM (WESTERN ZONE) ELEVATIONS ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988

GRAPHIC SCALE
0' 50' 100' 200' 300'
SCALE: 1" = 100'

GEORGIA REGISTERED LAND SURVEYOR JERRY D. WORD



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RZM2021-00012

OWNER/DEVELOPER
SENIOR DESIGN GROUP, LLC
3112 MAIN STREET – SUITE 200
DULUTH, GA, 30096
(678) 641-2284

24 HOUR CONTACT
MR. WAYNE MOREHEAD
(678) 641-2284

ENGINEERING CONTACT:
DAY DESIGN GROUP, INC.
BRYAN H. DAY, ASLA
(770) 271-4676
ddg@daydesigngroup.com

SURVEY CONTACT
DUSOUTH
SURVEYING & ENGINEERING, INC
22 BARNETT SHOALS ROAD
WATKINSVILLE, GA 30677
JERRY D. WOOD, RLS
706-310-1961

NORTH

GRAPHIC SCALE
40 0 40 80
(IN FEET)
1 INCH = 40' FT.

BLDG MATRIX

BUILDING TYPE	NO.	TOTAL
8 UNIT	6	48
7 UNIT	0	0
6 UNIT	0	0
5 UNIT	0	0
4 UNIT	0	0
3 UNIT	0	0
TOTAL		48

NOTES

1. TOTAL SITE AREA = +/- 6.19 ACRES
2. EXISTING ZONING = R-100
3. SANITARY SEWER AND WATER PROVIDED BY GWINNETT COUNTY
4. BOUNDARY PREPARED BY DUSOUTH SURVEYING & ENGINEERING, INC., DATED 01/12/21.
5. TOPOGRAPHY TAKEN FROM GIS
6. PROPOSED ZONING = R-TH
7. USE = TOWNHOMES
8. BUILDING SETBACKS
   FRONT = 50' (external) 20' (interior)
   SIDE = 40' (external)
   REAR = 40' (external)
9. TOTAL UNITS = 48
10. GROSS/NET DENSITY = 7.75 UNITS PER ACRE (48 UNITS / 6.19 AC)
11. MINIMUM UNIT WIDTH = 22'
12. A STORM WATER DETENTION FACILITY IS PROPOSED FOR THIS PROJECT & SHALL BE DESIGNED PER THE GWINNETT COUNTY STORMWATER MANUAL, LATEST EDITION.
13. PARKING IS PROVIDED IN UNIT GARAGES AND IN FRONT OF THE UNITS OFF THE ROAD
14. MAXIMUM BUILDING HEIGHT = 35'
15. GUEST PARKING = 12 PROVIDED (48 X 0.25 REQUIRED)

VICINITY MAP N.T.S. *from Aero Atlas*

FLOOD MAP N.T.S.
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE PER F.E.M.A. FLOOD INSURANCE RATE MAPS OF GWINNETT COUNTY, GEORGIA. COMMUNITY PANEL NOs. 13135C 0151F & 13135C 0145F EFFECTIVE DATE SEPTEMBER 29, 2006.

CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
SITE PLANNING
P.O. BOX 848
BUFORD, GA 30515
(770) 271-4676 ph.
(706) 389-8568 fax
ddg@daydesigngroup.com
www.daydesigngroup.com
DAY DESIGN GROUP, Inc.

REZONING CONCEPTUAL SITE PLAN
FOR
PARK WAY JAMES
A TOWNHOME COMMUNITY
LOCATED IN
LAND LOT 13, 6TH DISTRICT, PARCEL R6013 014
3855 CENTERVILLE HWY, GWINNETT COUNTY, GEORGIA

NO.	DATE	REVISIONS DESCRIPTION

DATE: 01/25/21
DRAWN BY: BHD
JOB NO.: 21-100

SHEET 1 OF 1

ANDERSEN | TATE | CARR

LETTER OF INTENT
AND
RESPONSE TO STANDARDS GOVERNING EXERCISE OF THE ZONING POWER
the Unified Development Ordinance of Gwinnett County, Georgia
for the
Rezoning Application

of

SENIOR DESIGN GROUP, LLC

for

±6.19 Acres of Land
Located at 3855 Centerville Highway, Snellville, Georgia 30039
Land Lot 13, 6th District of Gwinnett County, Georgia
Tax Parcel ID R6013 014

From R-100 to R-TH

Submitted for Applicant by:

Melody A. Glouton, Esq.
ANDERSEN TATE & CARR, P.C.
One Sugarloaf Centre
1960 Satellite Blvd.
Suite 4000
Duluth, Georgia 30097
770.822.0900
mglouton@atclawfirm.com

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I. INTRODUCTION

This Application for Rezoning is submitted for a 6.19-acre parcel of land located in Land Lot 13 of the 6th District of Gwinnett County, Georgia, Snellville, and known as 3855 Centerville Highway (hereinafter the "Property"). The Property is shown on the survey prepared by Du South Surveying & Engineering dated January 12, 2021 and filed with this Application.

The Property is currently zoned R-100 (Single Family Residence District) pursuant to the Gwinnett County Unified Development Ordinance (the "UDO"). The Applicant, Senior Design Group, LLC (the "Applicant") now seeks approval to rezone the entire Property to R-TH (Single-Family Residence Townhome District) to develop a distinctive and attractive residential townhome community with approximately 48 units.

This document is submitted as the Letter of Intent, Response to Standard Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a rectangular tract fronting Centerville Highway at the intersection of Egypt Road in Snellville, Georgia. It is bounded on the North by a collection of properties that are all zoned C-2 (General Business District) that continue past the intersection of Centerville Highway and Laurel Falls Drive and extend to the heavily commercialized intersection of Centerville Highway and Annistown Road. Across the street, there are five lots zoned R-100 (Single-Family Residence District) which then transition into O-I (Office-Institutional District), C-1 (Neighborhood Business District), C-2, and C-3 (Highway Business District) as you travel toward the intersection of Centerville Highway and Annistown Road. To the South of the Property, there is C-1, C-2 and M-2 (Heavy Industrial District) zoning classifications. The Property is mostly undeveloped with vegetation. There is a single-family home on the rear of the property with access to Egypt Road. As indicated, the adjacent parcels are zoned C-1, C-2, C-3, M-2, and R-100 and improved with service businesses, gas stations, churches, day cares, urgent care facilities, auto collision and repair, car dealerships, fast food restaurants, grocery stores, and financial institutions.

The Future Development Map of the Gwinnett County 2040 Unified Plan (the "2040 Plan") classifies this Property as within the "Neighborhood Node Character Area," of the Gwinnett County Future Development Map. The Neighborhood Node Character Area is intended for smaller commercial/retail nodes at various intersections located throughout the County. Mainly serving the residents of the surrounding residential neighborhoods, these nodes will most likely draw customers from the nearby area. Future development and redevelopment should maintain the community-oriented feel of these areas, with a focus on creating small mixed-use areas combining retail, low intensity office uses and *medium density residential uses in a pedestrian friendly environment* and allowing nearby residents to safely walk to and within them.

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Potential development types that are specifically encouraged in this Character Area include townhomes. As such, the proposed development is in line with the encouraged land use and also with Theme 4 of the 2040 Plan, which is to "Provide More Housing Choices." The proposed development would provide residential in-fill development at a density and with architectural character that is compatible with existing development. Accordingly, the proposed development is compatible with the spirit and intent of the 2040 Plan, especially when considering the Property is adjacent to commercial uses and can provide a transitional density into the existing residential communities.

III. PROJECT SUMMARY

As shown on the conceptual site plan prepared by Day Design Group, Inc. dated January 25, 2021 and filed with this Application (hereinafter the "Site Plan"), the Applicant proposes to develop the Property into a distinctive and attractive residential townhome community with approximately 48 units, for a net density of 7.75 units per acre. The Applicant is requesting a buffer reduction from 35' to 30' along the property lines adjacent to the R-100 neighborhoods which will allow for grading necessary for stormwater management, detention, and access to Egypt Road. The Applicant will further be seeking a concurrent variance to address the encroachment of the alley in the landscape setback adjacent to Egypt Road. The proposed townhome community would consist of home at a size, quality, and price-point commensurate with or exceeding homes in the surrounding area. The proposed townhomes would be approximately 1,600 square feet, and include both front-entry and rear-entry (single-car and double-car) garages as well as attractive architectural elements which are compatible with the surrounding area. The anticipated price point for the townhomes would range from the high $200,000 to mid $300,000. The front facades of the homes would be constructed primarily of brick, stone, shake/siding, and/or board and batten as depicted in the building elevations submitted with the Application. The renderings / elevations of the proposed townhomes are filed with this Application. As a result, the proposed development will be compatible with the surrounding uses and will blend harmoniously into the area.

IV. RESPONSE TO STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

The Applicant provides the following information in response to the required analysis:

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes, approval of the proposed Rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is located on Centerville Highway at the intersection of Egypt Road. The Property is adjacent the commercial zoned property and across the street from residentially zoned property. The proposed development would provide additional housing options to this growing Neighborhood Node Character Area.

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(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classification is compatible with existing residential and commercial uses of adjacent property. In fact, the proposed development would provide an appropriate transition of land uses from commercial to residential.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have 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 STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Centerville Highway and Centerville Rosebud Road. The proposed development would complement the existing commercial and residential uses along Centerville Highway and the surrounding area by providing necessary residential critical mass to support those uses.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

The proposed rezoning is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The subject property is located within the Neighborhood Node Character Area of the 2040 Future Development Map. Encouraged land uses for the Neighborhood Node Character Area specifically include townhomes. The proposed development would be compatible with and successfully co-exist with the surrounding uses.

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL:

The Applicant submits that the character of the surrounding development and the existing mix of uses in the area provide supporting reasons for approval of the rezoning. Anticipated growth in Gwinnett County based on the 2040 Comprehensive Plan suggests a strong need for this type of housing. In addition, the Applicant submits that the subject Property's location, size, and dimensions, as well as its proximity to Centerville Highway

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and Centerville Rosebud Road provide further support for approval of the proposed rezoning application.

V. JUSTIFICATION FOR REZONING

The Applicant respectfully submits that "The Unified Development Ordinance of Gwinnett County, Georgia" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a residential townhome community, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Gwinnett County Board of Commissioners to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute and arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested rezoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the Gwinnett County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking o the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to

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neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone from R-100 to R-TH be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 4th day of February, 2021.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/ag

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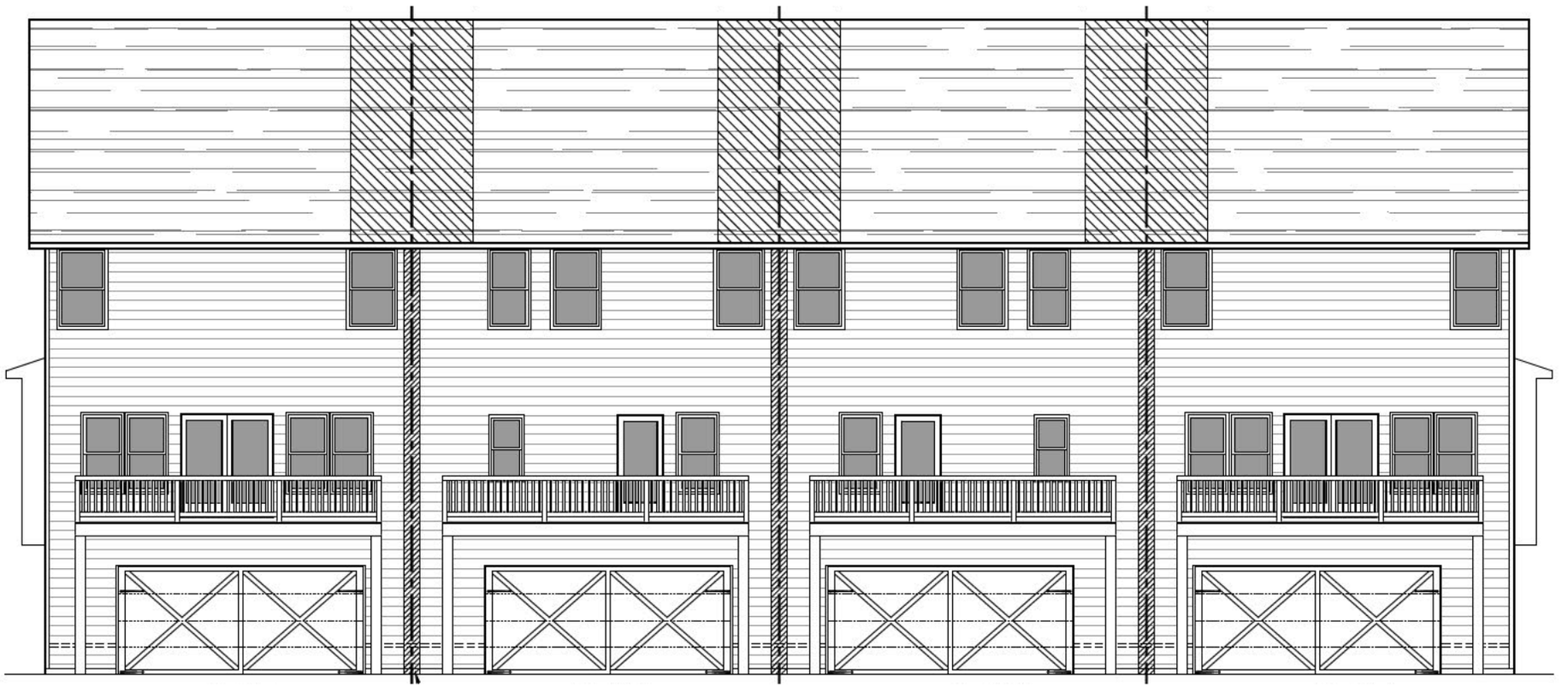

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REZONING APPLICANT'S CERTIFICATION

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.

Wayne M

Signature of Applicant

1/29/21

Date

Wayne Morehead - Manager

Type or Print Name and Title

Karyl Bentley

Signature of Notary Public

1/29/2021

Date

KARYL BENTLEY NOTARY PUBLIC GWINNETT COUNTY, GEORGIA MY COMMISSION EXPIRES AUGUST 11, 2024

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.

Signature of Property Owner — Date: 1.20.21

Anthony Lois member Lois Properties LLC
Type or Print Name and Title

Signature of Notary Public — Date: 1/20/2021 — Notary Seal

JOAN KIM
NOTARY PUBLIC
COBB COUNTY, GEORGIA
MY COMMISSION EXPIRES OCTOBER 22, 2023

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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.

Wayne Morehead 1/29/21 Wayne Morehead - Manager

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Karyl Bentley 1/29/2021

SIGNATURE OF NOTARY PUBLIC DATE

KARYL BENTLEY NOTARY PUBLIC GWINNETT COUNTY, GEORGIA MY COMMISSION EXPIRES AUGUST 1, 2023 NOTARY SEAL

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 Wayne Morehead

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)
Nicole Love/Commissioner	$250	October 2020

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

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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

Melody A. Glouton 2/4/21 | Melody A. Glouton, Attorney for Applicant

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

Angela Gratz 2-4-21

SIGNATURE OF NOTARY PUBLIC | DATE | NOTARY SEAL

ANGELA GRATZ NOTARY PUBLIC GWINNETT COUNTY GEORGIA EXPIRES JAN. 2, 2023

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?

[X] YES [ ] NO Andersen, Tate & Carr, P.C.

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)
Nicole Love Hendrickson Commissioner	$1,000	9/30/2020

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.

R6013 014

PARCEL I.D. NUMBER: 6 - 13 - 14
(Map Reference Number) District Land Lot Parcel

Wayne Morehead 1/29/21
Signature of Applicant Date

Wayne Morehead - Manager
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)

Megan Kittrell — NAME
Assistant Manager — TITLE

2-4-2021
DATE

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