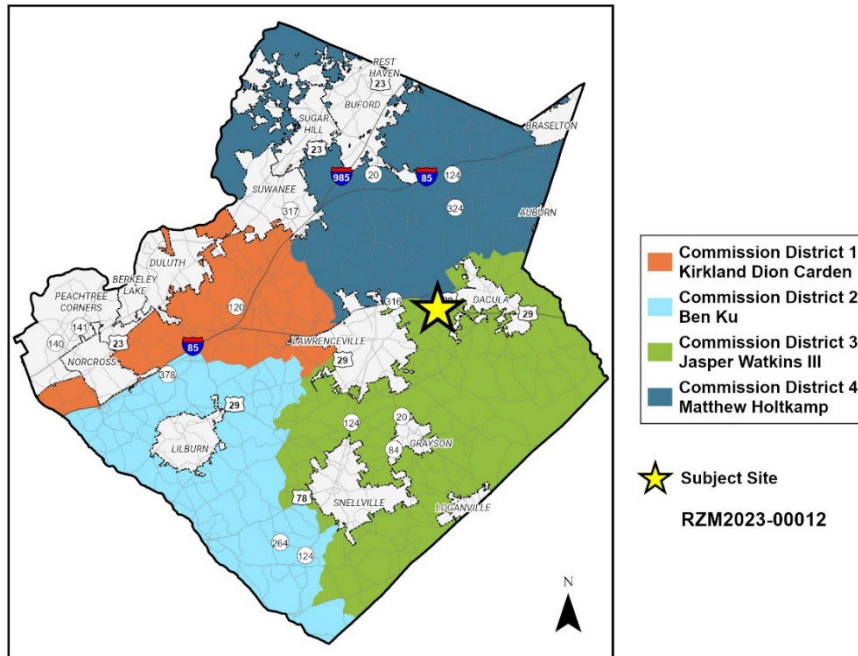


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZM2023-00012
Current Zoning: RM-13 (Multifamily Residence District)
Request: Rezoning to **RM-24** (Multifamily Residence District)
Additional Requests: Variances
Address: 1385 Winder Highway and 1300 Block of Winder Highway
Map Number: R5239 010 and 019
Site Area: 4.88 acres
Units: 72
Proposed Development: Apartments
Commission District: District 3 – Commissioner Watkins
Character Area: Community Node

Staff Recommendation: DENIAL

Planning Commission Recommendation: DENIAL



Planning Commission Advertised Public Hearing Date: 6/6/2023
Board of Commissioners Advertised Public Hearing Date: 6/27/2023

Applicant: Birge & Held c/o Brendan Majev
8902 N. Meridian Street, Suite 205
Indianapolis, IN 46260

Owner: New Rivers Edge 2, LLC
8902 N. Meridian Street, Suite 205
Indianapolis, IN 46260

Contact: Baxter Russell

Contact Phone: 404.665.1224

Zoning History

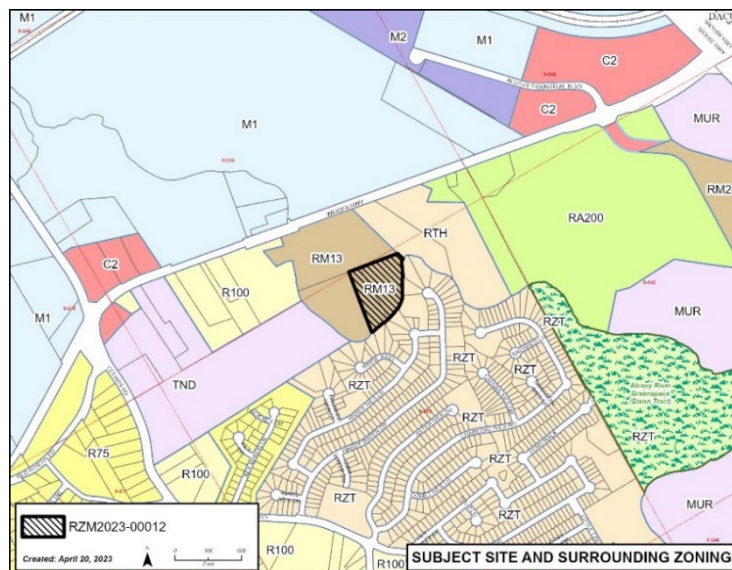
The subject property is zoned RM-13 (Multifamily Residence District). In 2021, the subject property was rezoned from RM-13 and RA-200 (Agriculture-Residence District) to RM-13 for apartments, pursuant to RZM2021-00026. The intent of the rezoning was for the subject property to be a second phase of a larger, previously approved multifamily development located on the adjacent parcels.

Existing Site Condition

The subject site is a 4.88-acre assemblage of two landlocked parcels south of a 15.09 acre parcel with frontage on Winder Highway. A single-family residence built in 1981 and two accessory buildings are located on the site. The site is accessed by a driveway from Winder Highway. Mature trees are present along the perimeter, but most of the site has been cleared of vegetation. The Alcovy River with associated stream buffers, forms the eastern and southern property lines of the subject site. Much of the site near the Alcovy River contains the 100-year flood plain. The site slopes down approximately 26 feet from west to east towards the river. The nearest Gwinnett County transit stop is 3.6 miles from the site.

Surrounding Use and Zoning

The subject property is surrounded by multi-family and single-family residential uses. Phase I of The Alcove at Rivers Edge multi-family development, which is a Low Income Housing Tax Credit (LIHTC) development, is located to the north and west. Farther north, across Winder Highway is the Gwinnett County Water and Sewerage Authority. The Springs at Rockhouse, a single-family detached subdivision is located across the Alcovy River to the south and east. Also to the east, is a heavily wooded undeveloped lot. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Apartments	RM-24	16.9 units per acre
North	Apartments (Phase I) (Under Construction)	RM-13	10.3 units per acre
East	Undeveloped Single-Family Residential	R-TH R-ZT	N/A 5.42 units per acre
South	Single-Family Residential	R-ZT	5.42 units per acre
West	Apartments (Phase I) (Under Construction)	RM-13	10.3 units per acre

Project Summary

The applicant requests rezoning a 4.88-acre property from RM-13 to RM-24 for apartments, including:

- 72 market rate apartments located within two, 3-story buildings yielding a net density of 16.9 units per acre.
- 48 one-bedroom and 24 two-bedroom units with minimum heated floor areas of 750 and 800 square-feet, respectively.
- Exterior building materials of brick, stacked stone, and fiber cement lap siding.
- Access to Winder Highway through an internal private driveway through Phase I. A cross access easement is proposed by the owner for both phases.
- 100 surface parking spaces to the west and north of the apartment buildings and surrounding three bio-retention areas. Three electric vehicle charging stations are provided within the parking area.
- A mail kiosk adjacent to the parking lot and between the buildings.
- A 5-foot-wide sidewalk along the southern side of the driveway, extending around the southern side of the parking lot and along the front of all buildings.
- Amenities located in Phase I of the development to be shared with Phase II including an exercise facility, playground, swimming pool, and community garden.
- A public access greenway easement along the Alcovy River along the eastern and southern boundary for a future trail.
- Common area of 1.08 acres or 22% of the site.

Zoning and Development Standards

The applicant is requesting a rezoning to RM-24, Multifamily Residence District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 65'	3 stories/ 37' 8"	YES
Front Yard Setback	Minimum 15'	15'	YES
Side Yard Setback	Minimum 15'	15'	YES
Rear Yard Setback	Minimum 30'	30'	YES
Off-Street Parking	Minimum: 108 spaces Maximum: 216 spaces	100 spaces	NO*
Zoning Buffer	20' adjacent to RZT 20' adjacent to R-TH	20'	YES
Common Area	20% or 0.98 acres	22% or 1.08 acres	YES
Road Frontage	Minimum 40'	0'	NO**
Minimum Heated Floor Area	600 square feet (1 Bedroom) 800 square feet (2 Bedroom)	750 square feet 800 square feet	YES
Density	24 units per acre	16.9 units per acre	YES

*Applicant requests to reduce required minimum parking spaces from 108 spaces to 100 spaces.

**The applicant requests to reduce the minimum road frontage of the lot from 40' to 0'.

Variance Request

In addition to the rezoning request, the applicant is seeking a variance from the following provision of Title II of the UDO:

1. Section 230-7.1 Road Frontage

No lot shall be created that does not abut for at least 40 feet except as otherwise noted in Section 230-10, Chapters 210 or 220, upon an open street which shall be either a public street, a publicly approved street, publicly maintained street, or private street, and except for stormwater facility lots which shall abut for a minimum of 30 feet.

The applicant requests to eliminate the minimum road frontage required as the property is landlocked and does not have frontage on a public or private street.

2. Section 240-20. Parking Space Requirements

The minimum parking space required for a multifamily residential development in RM-24 is 1.5 spaces per dwelling unit.

The applicant requests to reduce the minimum parking spaces required from 108 to 100 spaces or 1.39 spaces per dwelling unit.

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 F). Standard site and infrastructure improvements will also be required related to

transportation, stormwater, water, and sewer utilities. 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.

A variety of zoning classifications exist in the area. While the proposed multifamily development will provide more housing options in the area, the present RM-13 zoning designation is more compatible with the surrounding area. A recent request for RM-24 zoning was approved as RM-13 as it was determined to be more compatible with adjacent developments.

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

Apartments are currently a permitted use as it was recently rezoned to RM-13. The introduction of high-density multifamily zoning in this area could adversely affect nearby properties, introducing a density incompatible with the surrounding area adjacent to lower-density single-family subdivisions. The current zoning would allow for the construction of 55 units, which is a reduction of 17 units from what is requested with the current application.

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

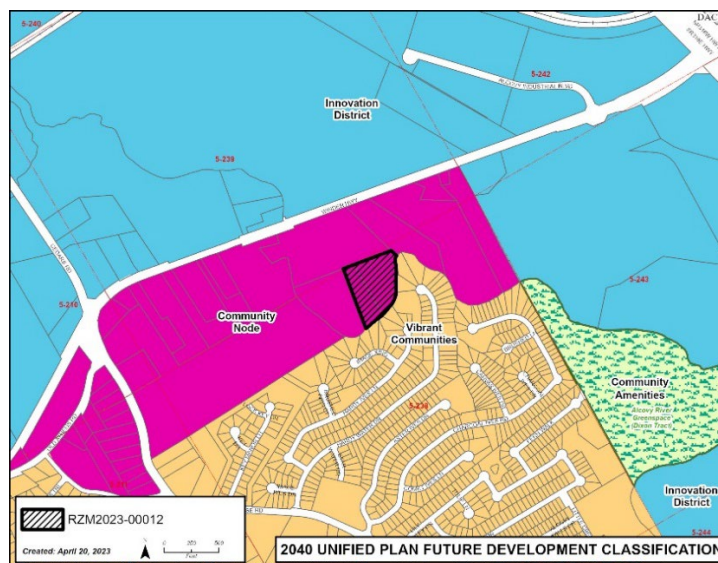
The property has a reasonable economic use as currently zoned. Apartments are currently allowed, but at a slightly lesser density.

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 increased impact on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development regulations, and planning. Impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning request is attached (Exhibit F).

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

The 2040 Unified Plan Future Development Map indicates that the subject property lies within the Community Node Character Area. This area is characterized by high-density mixed-use developments incorporating commercial, office, live-work, and similar ground floor uses with high-density residential uses. Ground floor non-residential uses should be oriented toward the street with direct pedestrian access, outdoor patios, plazas, etc., to encourage pedestrian activity. The subject property was recently designated as a Community Node character area but was previously classified as an Emerging Suburban Character area. The subject site is Phase 2 of previously approved RM-13 rezoning to the north and west and is adjacent to an existing single-family neighborhood to the south and east. This portion of the site should serve as a transition between more denser developments along Winder Highway and the single-family subdivision to the east and south of the property. Therefore rezoning the site to RM-24 for a higher density than what is currently permitted would not meet the goals or intent of the 2040 Unified Plan.



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 multifamily development for Phase I and Phase 2 of The Alcovy at Rivers Edge was approved in July 2021. The applicant requested rezoning to RM-24 but was approved as RM-13 at a maximum density of 276 units. However, since Phase I and II are proposed to be under different ownership, the two phases will be separately calculated for density. When separately calculated, the proposed density for Phase II exceeds the permitted 13 units per acre. Although the requested rezoning aims to lower the approved overall site density of the entire development by 48 units, it will require a much higher zoning designation to accommodate a slight increase in the number of units. In addition, it is important to note that the site can still accommodate 55 units while adhering to the RM-13 zoning, which gives supporting grounds for denial of the proposed rezoning.

Variance Requests Analysis: The standards for granting variances are outlined in Section 270-100.7 of the UDO. Staff makes the following findings related to the variance request:

The applicant requests to eliminate the minimum road frontage required for the parcel. This variance request is required since the site is an assemblage of two parcels that would be combined to create a new lot without road frontage. The site will be accessed by a driveway from Winder Highway through Phase I of the development. Combining these lots into a unified development would eliminate the need for this variance.

The applicant also requests a reduction in the minimum number of required parking spaces from 108 to 100. Reducing the number of required parking spaces may create a shortage of available parking spaces in phase 2 of the development, resulting in residents parking in phase 1.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the rezoning request.

In addition, staff recommends **DENIAL** of the following variance requests:

1. To eliminate the minimum road frontage request.
2. To reduce the minimum parking spaces required from 108 spaces to 100 spaces.

Staff Recommended Conditions

NOTE: The following conditions are provided as a guide should the Board of Commissioners choose to approve this petition.

Approval as RM-24 (Multi-Family Residence District), subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan, dated April 11, 2023 and Exhibit C: Building Elevations dated received March 23, 2023, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. Uses on the property shall be limited to multi-family residential apartments and accessory uses and structures, not to exceed 72 total units.
3. The minimum heated floor area per dwelling unit shall be 750 square feet. Buildings shall be limited to one and two-bedroom units.
4. All unit access shall be from interior corridors with mechanical ventilation. Breezeway and natural ventilation openings in the exterior facades shall be prohibited.
5. The architectural design of proposed buildings shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Design Category 3.

6. Internal soft-surface trails and sidewalk connections shall be provided from the buildings and parking lot to the greenway access area as reviewed and approved by the Department of Planning and Development.
7. A cross-access easement shall be provided by the owner for both phases to have access across one another.

Planning Commission Recommendation

Based on the staff's evaluation of the request, the information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **DENIAL** of the rezoning request.

In addition, the Planning Commission recommends **DENIAL** of the following variance requests:

1. To eliminate the minimum road frontage request.
2. To reduce the minimum parking spaces required from 108 spaces to 100 spaces.

Exhibits:

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

Exhibit A: Site Visit Photos



Main Drive into Subject Property from Winder Highway



View to the West of Winder Highway from Main Drive



View to the East of Winder Highway from Main Drive



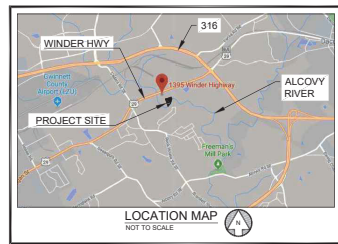
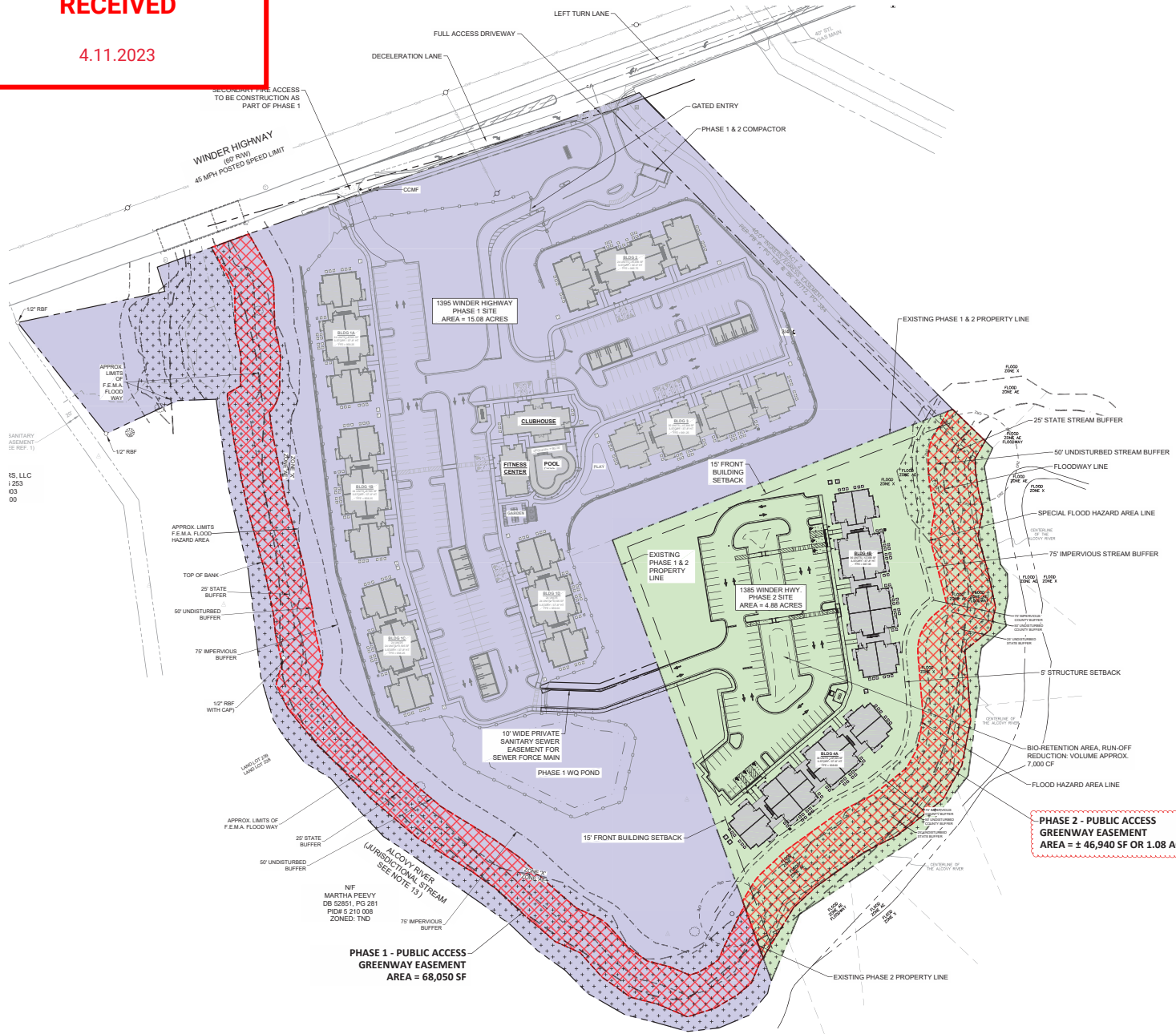
Property Directly North of Subject Property

Exhibit B: Site Plan

[attached]

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4.11.2023



PREPARED IN THE OFFICE OF

GASKINS + LECRAW
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3475 CORPORATE WAY SUITE A
DULUTH, GA 30096
PHONE: 478.548.8100
FAX: 770.441.0295
www.gaskinsandlecrow.com
P-20245

REVISIONS:

NO.	DATE	DESCRIPTION	BY	CHKD
1	04/11/2023	ISSUE FOR PERMITS	TKS	TKS
2	04/11/2023	REVISIONS TO PERMITS	TKS	TKS
3	04/11/2023	REVISIONS TO PERMITS	TKS	TKS
4	04/11/2023	REVISIONS TO PERMITS	TKS	TKS
5	04/11/2023	REVISIONS TO PERMITS	TKS	TKS
6	04/11/2023	REVISIONS TO PERMITS	TKS	TKS
7	04/11/2023	REVISIONS TO PERMITS	TKS	TKS
8	04/11/2023	REVISIONS TO PERMITS	TKS	TKS
9	04/11/2023	REVISIONS TO PERMITS	TKS	TKS
10	04/11/2023	REVISIONS TO PERMITS	TKS	TKS

OVERALL SITE SUMMARY (PHASE 1 + PHASE 2)

OVERALL SITE AREA:	19.96 ACRES
NO. OF UNITS:	238
FLOOD HAZARD AREA (TOTAL / 50%):	3.96 AC / 1.98 AC
GROSS UNIT DENSITY:	11.4 UNITS PER ACRE
NET UNIT DENSITY (228 / 17.98):	12.7 UNITS PER ACRE

PHASE 1 SITE SUMMARY

OVERALL SITE AREA:	15.08 ACRES
NO. OF UNITS:	156
FLOOD HAZARD AREA (TOTAL / 50%):	2.71 AC / 1.36 AC
GROSS UNIT DENSITY:	10.3 UNITS PER ACRE
NET UNIT DENSITY (156 / 12.33):	11.4 UNITS PER ACRE

PHASE 2 SITE SUMMARY

OVERALL SITE AREA:	4.88 ACRES
COMMON AREA (REQUIRED / PROVIDED):	20% / 22%
PUBLIC GREENWAY EASEMENT AREA (SF / %):	1.08 AC / 22%
NO. OF UNITS:	72
FLOOD HAZARD AREA (TOTAL / 50%):	1.25 AC / 0.63 AC
GROSS UNIT DENSITY:	14.8 UNITS PER ACRE
NET UNIT DENSITY (72 / 4.25):	16.9 UNITS PER ACRE

SITE ACCESS NOTE:
A BLANKET EASEMENT WILL BE PROVIDED BY THE OWNER FOR BOTH PHASES TO HAVE ACCESS ACROSS ONE ANOTHER.

PHASE 2 WILL SHARE AMENITIES WITH PHASE 1. THIS INCLUDES THE CLUBHOUSE, POOL, FITNESS CENTER, PLAYGROUND, COMMUNITY GARDEN, COMPACTOR AND GATED ENTRY.



PHASE 2 - PUBLIC ACCESS GREENWAY EASEMENT AREA = ± 46,940 SF OR 1.08 AC

CLIENT: **BIRGE & HELD**
8800 WINDY HILL DRIVE, SUITE 205
INDIANAPOLIS, IN 46226

PROJECT: **PHASE II - THE ALCOVY AT RIVERS EDGE**
LAND LOT 283, 5TH DISTRICT, PARCEL 010 & 019
GWINNETT COUNTY, GEORGIA

SEAL:

4/11/2023

CALL BEFORE YOU DIG

Know what's below.
Call before you dig.

SCALE & NORTH ARROW:

DESIGN INFO:

DRAWN BY:	TKS
DESIGNED BY:	TKS
REVIEWED BY:	TKS
JOB #:	273001
DATE:	April 11, 2023

OVERALL PROPERTY EXHIBIT

C-0.1

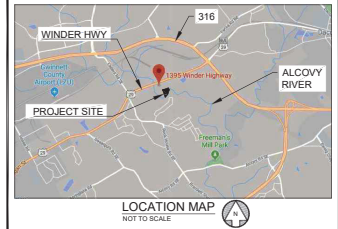
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GENERAL NOTES

- 1) ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS SPECIFIED OTHERWISE.
- 2) ALL TREES SHALL HAVE PROPER PROTECTION DURING CONSTRUCTION UNLESS APPROVED PLANS INDICATE OTHERWISE.
- 3) TOPOGRAPHIC SURVEY AND ELEVATION DATA DATED OCTOBER 16, 2021. BOUNDARY SURVEY BY BRING ABERNATHY & ASSOC., DATED JULY 15, 2015. ELEVATION DATA NOTED ON SURVEYS.
- 4) FLOOD PLAN IS NOT PRESENT ON THIS SITE AS SHOWN ON THE FEMA FIRM MAP NUMBER 131302010E, DATED SEPTEMBER 29, 2006.
- 5) 7' HANCOCK SPACES ARE REQUIRED TO BE AVAILABLE WITH A MINIMUM 9' WALK ACCESS PAIR.
- 6) ACCESSIBLE PARKING AREAS, INCLUDING ASILES, SHALL SLOPE NO MORE THAN 2% IN ANY DIRECTION.
- 7) THE OWNER IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AGREEMENTS FROM ADJACENT PROPERTY OWNERS IN ORDER TO PERFORM THE REQUIRED OFF-SITE WORK, INCLUDING STORM DRAINAGE, CURBS AND GUTTER AND PAVEMENT TO BE AND GRADING.
- 8) REFERENCE ARCH PLAN FOR DIRECTIONAL SIGNAGE, SITE SIGNAGE, BUILDING DIMENSIONS, ETC.
- 9) ALL NEW PAVEMENT SHALL MEET OR EXCEED GEOTECHNICAL SPECIFICATION. SEE REPORT PREPARED BY MATRIX ENGINEERING GROUP, INC. DATED SEPTEMBER 2019.
- 10) ELECTRICAL VEHICLE PARKING SPACES WITH CHARGING STATIONS ARE REQUIRED BY GWINNETT COUNTY.
- 11) A BLACKTOP EASEMENT WILL BE PROVIDED BY THE OWNER FOR BOTH PHASES TO HAVE ACCESS ACROSS ONE ANOTHER.



PHASE II - SITE SUMMARY

SITE AREAS	AREA (TOTAL NET)	AREA (DISTURBED / IMPERVIOUS)
AREA (TOTAL NET)	4.882 AC / 4,326 AC	
AREA (DISTURBED / IMPERVIOUS)	3.7 AC / 1.89 AC (27%)	
SPHA (TOTAL / 50%)	1.25 AC / 1.58 AC	
COMMON AREA (REQUIRED / PROVIDED)	20% / 22%	
PUBLIC GREENWAY EASEMENT AREA (SF / %)	1.08 AC / 22%	

ZONING CLASSIFICATION

JURISDICTION: GWINNETT COUNTY
 ZONING (CASE NUMBER): RM-13 (RM20021-0020)
 ADJACENT ZONING: R-100, RM-13, M-1, RZT

BUFFERS / SETBACKS / LANDSCAPE STRIPS

ZONING BUFFERS: 50' (R-100, M-1), 20' (RZT), 0' (RM-13)
 SETBACKS: 10' / 10' / 30' (FRONT / SIDE / REAR)
 LANDSCAPE STRIP: 10'

UNITS / DENSITY

NO. OF UNITS: 72
 UNIT BREAKDOWN: 48 - 1BR / 24 - 2 BR
 GROSS UNIT DENSITY (72 / 4.882): 14.8 UNITS PER ACRE**
 NET UNIT DENSITY (72 / 4.25): 16.9 UNITS PER ACRE**

PARKING SUMMARY

MINIMUM REQUIRED: 108 SPACES @ 1.5 PER DWELLING
 MAXIMUM ALLOWED: 216 SPACES @ 3 PER DWELLING
 TOTAL PROVIDED: 100 SPACES (8% REDUCTION)
 E.V. PARKING PROVIDED: 3 SPACES (1 PER 30 SPACES)
 STANDARD STALL DIMENSIONS: 9' x 18'
 MIN. DRIVE WIDTH: 34'

*PARKING REDUCTION WILL REQUIRE AN ADMINISTRATIVE VARIANCE *REQUIRES REZONING TO RM-24 DUE TO PROPOSED DENSITY

GWINNETT COUNTY GENERAL NOTES:

1. CONTRACTOR SHALL CALL DEVELOPMENT INSPECTORS TO SCHEDULE A PRE-CONSTRUCTION MEETING PRIOR TO THE START OF ANY CONSTRUCTION. (RS-15-8A00)
2. NOTIFY GWINNETT COUNTY INSPECTOR 24 HOURS BEFORE BEGINNING OF EVERY PHASE OF CONSTRUCTION. (RS-15-8A00)
3. NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED. A SIGN, LOCATION, NUMBER, AND SIZE ARE NOT APPROVED UNDER THIS BUILDING PERMIT. A SEPARATE PERMIT IS REQUIRED FOR EACH UNIT.
4. ALL CONSTRUCTION TO COMPLY WITH GWINNETT COUNTY STANDARDS.
5. NO OVERLAPPING PERMITS ARE PERMITTED.
6. INTERNAL VEGETATION SHALL BE PROTECTED.
7. INTERNAL LAND DISTURBANCE PERMITS SHALL BE ISSUED.
8. IF NO CURB AND GUTTER EXISTING TO THE PROPERTY WITH ISSUANCE OF A DEVELOPMENT PERMIT, NO INTERNAL LAND DISTURBANCE PERMITS SHALL BE FURTHER SETBACK FROM THE EDGE OF PAVEMENT. LOCATION TO BE APPROVED BY DEPARTMENT OF TRANSPORTATION.
9. EACH BUILDING AND ITS LOCATION TO PROPERTY LINES AND OTHER STRUCTURES SHALL COMPLY WITH THE 2015 INTERNATIONAL BUILDING CODE (IBC) WITH GEORGIA STATE AMENDMENTS WITH REGARD TO THE HEIGHT AND AREA REQUIREMENTS. (SEE TABLE 5.10.4.1, 5.10.4.2 AND THE FIRE RESISTANCE AND HORIZONTAL SEPARATION REQUIREMENTS OF IBC TABLE 601.4.1.5.)
10. A SEPARATE BUILDING PERMIT IS REQUIRED FOR STEEL LIGHTING.
11. A SEPARATE BUILDING PERMIT IS REQUIRED FOR ELECTRIC VEHICLE CHARGING EQUIPMENT.
12. NO OUTSIDE STORAGE PROPOSED. THIS INCLUDES SUPPLIES, EQUIPMENT, VEHICLES, PRODUCTS, ETC.
13. ALL BUILDINGS SHALL BE 10 FEET MINIMUM SETBACK FROM THE CENTERLINE OF THE ALCOVY RIVER.
14. MAXIMUM ALLOWABLE PARKING (3 PER DWELLING).
15. MINIMUM HEATED FLOOR AREA FOR ONE- AND TWO-BEDROOM UNITS (750 AND 800 SQUARE FEET RESPECTIVELY). MAXIMUM BUILDING HEIGHT (85 FEET). MAXIMUM BUILDING HEIGHT (13 UNITS/ACRE). MINIMUM COMMON AREA (2%).
16. SIDEWALKS AND CURB RAMPS, WHERE REQUIRED, SHALL BE INSTALLED ON NEW INTERNAL STREETS; BOTH SIDES INCLUDING EVERYONE TURNAROUNDS AND CURB CUTS AND ON EXISTING STREETS.
17. SIDEWALKS SHALL BE LOCATED AT LEAST 2 FEET FROM THE BACK OF CURB AND SHALL BE CONSTRUCTED OF CONCRETE A MINIMUM OF 4 INCH IN WIDTH AND 4 INCH WITH A CROSS SLOPE OF .2% PER FOOT. CONCRETE SHALL BE CLASS 'F' AND HAVE A STRENGTH OF 2000 PSI AT 28 DAYS.
18. SIDEWALKS SHALL BE TYPED ON NEW INTERNAL STREETS (INCLUDING CURB CUTS AND TURNAROUNDS) AND ON EXISTING INTERNAL STREETS (INCLUDING SIDEWALKS) PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
19. INTERSECTION RADIUS CURB RAMP SHALL BE PROVIDED AT STREET INTERSECTIONS. STRAIGHT RAMPS MAY BE PROVIDED AT INTERSECTIONS OF CURBED DRIVEWAYS AND AT STREETS WITHOUT SIDEWALKS.
20. PARKING LOTS SHALL BE MAINTAINED IN GOOD CONDITION, FREE OF POTS, TRASH, WEEDS, DUST, TRASH AND DEBRIS.
21. RECREATION AREA TO BE HELD IN THE OWNERSHIP OF THE OWNER OF THE PRODUCT.

PHASE 2 - PUBLIC ACCESS GREENWAY EASEMENT AREA = ± 46,940 SF OR 1.08 AC



PAVEMENT LEGEND

	CONCRETE PAVEMENT (SEE DETAIL ON SHEET C-7.3)
	HEAVY DUTY PAVEMENT (SEE DETAIL ON SHEET C-7.3)
	STANDARD PAVEMENT (SEE DETAIL ON SHEET C-7.3)
	24" CURB & GUTTER, SEE SHEET C-7.1 FOR DETAIL
	24" WHITE STOP BAR, SEE SHEET C-7.1 FOR DETAIL
	HEAVY DUTY PAVEMENT, SEE SHEET C-7.2 FOR PAVEMENT SPECIFICATIONS
	STANDARD DUTY PAVEMENT, SEE SHEET C-7.2 FOR PAVEMENT SPECIFICATIONS
	5' WIDE CONCRETE SIDEWALK, SEE SHEET C-7.1 FOR DETAIL
	ADA RAMP WITH DETECTABLE WARNING, SEE SHEET C-7.4 FOR DETAIL
	CONTRACTOR TO TIE INTO AND MATCH EXISTING CURB & GUTTER
	LANDSCAPE AREA, SEE SHEET L-1.0 FOR LANDSCAPE PLANTING DESIGN
	ADA PARKING AREA, SEE SHEET C-7.1 FOR DETAILS
	ADA PARKING GOAL, SEE SHEET C-7.1 FOR DETAIL
	CONCRETE WHEEL STOP
	CONCRETE FLUME
	CONCRETE TRANSFER PAD PER UTILITY OWNERS REQUIREMENTS
	TYPICAL PAVEMENT MARKINGS, SEE SHEET C-7.1 FOR DETAILS
	ELECTRIC VEHICLE PARKING SPACE WITH CHARGING STATION, SEE ARCH PLANS
	RIGID PAVEMENT, SEE SHEET C-7.2 FOR PAVEMENT SPECIFICATIONS
	CONCRETE FLUME UNDER SIDEWALK, SEE SHEET C-7.1 FOR DETAIL
	4' WIDE SINGLE SOLID WHITE LINE (ISOLV)
	5' WIDE ACCESS AISLE
	5' WIDE STRIPED PEDESTRIAN CROSSWALK, PAINTED WHITE
	24" WIDE RIBBON FLUSH CURB
	SUPER CURB OVER 9' FROM 10' OF FLUSH

KEY NOTES

- 1) 24" CURB & GUTTER, SEE SHEET C-7.1 FOR DETAIL
- 2) 24" WHITE STOP BAR, SEE SHEET C-7.1 FOR DETAIL
- 3) HEAVY DUTY PAVEMENT, SEE SHEET C-7.2 FOR PAVEMENT SPECIFICATIONS
- 4) STANDARD DUTY PAVEMENT, SEE SHEET C-7.2 FOR PAVEMENT SPECIFICATIONS
- 5) 5' WIDE CONCRETE SIDEWALK, SEE SHEET C-7.1 FOR DETAIL
- 6) ADA RAMP WITH DETECTABLE WARNING, SEE SHEET C-7.4 FOR DETAIL
- 7) CONTRACTOR TO TIE INTO AND MATCH EXISTING CURB & GUTTER
- 8) LANDSCAPE AREA, SEE SHEET L-1.0 FOR LANDSCAPE PLANTING DESIGN
- 9) ADA PARKING AREA, SEE SHEET C-7.1 FOR DETAILS
- 10) ADA PARKING GOAL, SEE SHEET C-7.1 FOR DETAIL
- 11) CONCRETE WHEEL STOP
- 12) CONCRETE FLUME
- 13) CONCRETE TRANSFER PAD PER UTILITY OWNERS REQUIREMENTS
- 14) TYPICAL PAVEMENT MARKINGS, SEE SHEET C-7.1 FOR DETAILS
- 15) ELECTRIC VEHICLE PARKING SPACE WITH CHARGING STATION, SEE ARCH PLANS
- 16) RIGID PAVEMENT, SEE SHEET C-7.2 FOR PAVEMENT SPECIFICATIONS
- 17) CONCRETE FLUME UNDER SIDEWALK, SEE SHEET C-7.1 FOR DETAIL
- 18) 4' WIDE SINGLE SOLID WHITE LINE (ISOLV)
- 19) 5' WIDE ACCESS AISLE
- 20) 5' WIDE STRIPED PEDESTRIAN CROSSWALK, PAINTED WHITE
- 21) 24" WIDE RIBBON FLUSH CURB
- 22) SUPER CURB OVER 9' FROM 10' OF FLUSH

SCALE & NORTH ARROW:

SCALE: 1" = 30'

DESIGN INFO:

DRAWN BY: TKS
 DESIGNED BY: TKS
 JOB #: 273001
 DATE: April 11, 2023

SITE PLAN

PREPARED IN THE OFFICE OF

GASKINS + LECRAW

© 2023 GASKINS + LECRAW, INC.
 3475 CORPORATE WAY
 DULUTH, GA 30096
 PHONE: 478.548.9100
 FAX: 770.441.0295
 www.gaskinsandlecrow.com
 PL-2046

REVISIONS:

NO.	DATE	DESCRIPTION	BY	CHKD
1	04/11/2023	ISSUE FOR PERMITS	TKS	TKS
2	04/11/2023	REVISED PER COMMENTS	TKS	TKS
3	04/11/2023	REVISED PER COMMENTS	TKS	TKS
4	04/11/2023	REVISED PER COMMENTS	TKS	TKS
5	04/11/2023	REVISED PER COMMENTS	TKS	TKS
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9	04/11/2023	REVISED PER COMMENTS	TKS	TKS
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50	04/11/2023	REVISED PER COMMENTS	TKS	TKS

PHASE II - THE ALCOVY AT RIVERS EDGE

LAND LOT 293, 5TH DISTRICT, PARCEL 010 & B 09
 GWINNETT COUNTY, GEORGIA

SEAL:

4/11/2023

CALL BEFORE YOU DIG

811

Know what's below.
 Call before you dig.

SCALE & NORTH ARROW:

SCALE: 1" = 30'

DESIGN INFO:

DRAWN BY: TKS
 DESIGNED BY: TKS
 JOB #: 273001
 DATE: April 11, 2023

SITE PLAN

C-3.0

Exhibit C: Building Elevations

[attached]

SEAL



ARCHITECT



ADDRESS

THE ALCOVE AT RIVERS EDGE
PHASE 2
 1385 Winder Highway Decatur, Ga 30019
 BIRGE & HELD

NO.	DATE	DESCRIPTION
1.	1/28/22	Permit Set
2.	4/26/22	Permit Review Response
3.	2/17/23	General Coordination

Sheet Title:
BUILDING 4
ELEVATIONS -
COLOR

Date: 01.28.22
 Project: 202053

No. **A2-2**

KEYNOTES

#	NOTE
1.1	BRICK RUNNING BOND COURSE PINE HALL BRICK, QUEEN SIZE, SHADOW CREEK
1.11	INSULATED STONE VENEER-NORTH GEORGIA STONE, CHATTAHOOCHEE RUBBLE
1.14	INSULATED STONE, WATER-TABLE
1.23	BRICK ROWLOCK COURSE-PINE HALL BRICK, QUEEN SIZE, SHADOW CREEK
2.1	2X6 WOOD FRAMING
2.2	PAINTED METAL GUARDRAIL-BLACK
2.3	W/IRON BRACKET PAINT COLOR PPG 1007-7 BARK
6.61	DECORATIVE WOOD SHUTTER PANELS-PAINT COLOR PPG 1007-7 BARK
6.66	CABLE KENT PAINT COLOR PPG 1007-7 BARK
7.5	5/4" PAINTED FIBER CEMENT CORNER BOARD 6" WIDE-PAINT COLOR PPG 1007-7 BARK
7.6	1/4" PAINTED FIBER CEMENT TRIM BOARD-PAINT COLOR PPG 1007-7 BARK
7.7	METAL FASCIA-WHITE
7.72	PAINTED FIBER CEMENT VERTICAL SIDING PANEL-PAINT COLOR PPG 1007-4 COOL CHARCOAL
7.73	PAINTED FIBER CEMENT LAP SIDING WITH 7" EXPOSURE-PAINT COLOR PPG 1007-4 COOL CHARCOAL
7.25	1" PREFINISHED SEAMLESS GUTTERS-SPECTRA METALS 30 DEGREE WHITE
7.26	1" PREFINISHED SEAMLESS DOWNSPOUTS, CONNECT TO STORM-TUXEDO GRAY
7.27	ASPHALT ROOF SHINGLES OVER 1/4" FIBER FLEX TWO CAMBRIDGE ARCHITECTURAL HARVARD SLATE
7.4	PAINTED FIBER CEMENT LAP SIDING WITH 7" EXPOSURE-PAINT COLOR PPG 1007-1 WILLOW SPRINGS
8.1	SINGLE HUNG VINYL WINDOW WITH SCREEN-AM WINDOWS, WHITE
8.22	METAL CLAD WOOD DOOR W/ INSULATED GLASS-PAINT COLOR PPG 1007-7 BARK
8.26	SCREEN DOOR TO MATCH PATIO DOOR-PAINT COLOR PPG 1007-7 BARK
23.1	MECHANICAL UNIT SCREENED WITH VEGETATIVE LANDSCAPE (SEE MECHANICAL DRAWINGS)



4 BUILDING FOUR LEFT SIDE ELEVATION
 1/8" = 1'-0" BRICK/STONE COVERAGE: 87.6%



3 BUILDING FOUR RIGHT SIDE ELEVATION
 1/8" = 1'-0" BRICK/STONE COVERAGE: 87.6%



2 BUILDING FOUR REAR ELEVATION
 1/8" = 1'-0" BRICK/STONE COVERAGE: 83.6%



1 BUILDING FOUR FRONT ELEVATION
 1/8" = 1'-0" BRICK/STONE COVERAGE: 83.6%

GWINNETT COUNTY
PLANNING AND DEVELOPMENT
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PLOTTED: 2/14/2023 11:17:23 AM
 3/2/2023 RZM2 2023-00012

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

[attached]

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

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

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

Please see attached letter of intent.

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

Please see attached letter of intent.

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

Please see attached letter of intent.

- (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 letter of intent.

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

Please see attached letter of intent.

- (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 letter of intent.

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**First Amendment
to
Letter of Intent and Impact Analysis**

Gwinnett County

**Rezoning Application
Concurrent Variances**

Applicant-Property Owner:
Birge & Held
c/o Brendan Majev

Property:
1385 Winder Highway

Tax Parcel ID:
5239-010 & 5239-019

Submitted for Applicant by:

Brendan Majev
8902 North Meridian Street, Suite 205
Indianapolis, Indiana 46260
443-834-4502
bmajev@birgeandheld.com

with

R. Baxter Russell
DILLARD SELLERS
1776 Peachtree Street NW, Suite 415S
Atlanta, Georgia 30309
(404) 665-1224
brussell@dillardsellers.com

I. INTRODUCTION

The subject property is approximately 4.88 acres of land located at 1385 Winder Highway between Cedars Road and Highway 316 in unincorporated Gwinnett County (“Property”). The Property consists of two (2) separate parcels, including Tax Parcels 5239-010 & 5239-019. In February 2020, the Gwinnett County Board of Commissioners (“Board”) approved a rezoning application by BH Affordable, LLC (related entity to Birge & Held, the current “Applicant”) for adjacent Tax Parcels 5239-002 and 5239-009 to RM-13 (Multifamily Residence). The February 2020 rezoning of these two parcels to RM-13 allowed the Applicant to begin development on River’s Edge, a workforce multifamily community (“Phase I”). In July 2021, the Board approved a second rezoning application by BH Affordable to expand the River’s Edge community. This July 2021 RM-13 rezoning allowed new market rate multifamily units on the Property (“Phase II”) and provided revised zoning conditions across both Phase I and Phase II sites.¹

Applicant now seeks clarification and confirmation of the density entitlements for the Property. This application requests a rezoning of the Property from RM-13 to RM-24, in order to allow the Applicant to develop the Property and the Phase II multifamily units within the density regulations designated in the July 2021 rezoning conditions. Applicant’s request seeks to reduce the overall Phase I and Phase II density by 48 units and allow a total 72 market rate units in Phase II. Applicant’s proposed gross density for the Property and Phase II is 14.8 units per acre. Additionally, Applicant requests two concurrent variances: (i) a minor parking variance for the Property and Phase II to reduce the minimum parking space requirement from 108 spaces to 100 spaces, and (ii) a minor variance to modify sidewalk requirement for the entrance driveway (*staff references UDO Section 900-90*) to only require a sidewalk along one side of the driveway not both sides of the driveway.

2021 Rezoning and Current Request

As a result of the July 2021 rezoning, properties associated with both Phase I and Phase II of the River’s Edge development (now named “The Alcove at River’s Edge”) are entitled with RM-13 zoning. Pursuant to the associated zoning conditions, the maximum multifamily density permitted across both phases is 276 units. BH Affordable received development permits for Phase I beginning in fall 2020 and commenced construction in 2021. Phase I construction is ongoing for its Low-Income Housing Tax Credit (LIHTC) apartment development containing 156 units.

Based upon the July 2021 rezoning, Applicant also pursued Phase II development and construction permits for 72 units on the Property. By constructing 72 units in Phase II together with the 156 units in Phase I, Applicant’s total unit count across Phase I and Phase II is 48 units fewer than the total unit count entitled by the July 2021 rezoning conditions (276 units). However, Planning and Development Department staff have determined that Applicant is not entitled to develop 72 units on the Property. According to staff’s interpretation, Phase II density must be calculated independently for a RM-13 property under separate ownership. By this calculation, the Applicant’s requested 72 units exceeds RM-13’s density allowance of 13 units per acre. Despite

¹ See Exhibit “A”, Rezoning Resolution by the Gwinnett County Board of Commissioners for Case Number RZM2021-00026, dated July 27, 2021. Resolution rezoned Tax Parcels 5239-002, 5239-009, 5239-010, and 5239-019 (Phase I and Phase II properties) to RM-13 with attached zoning conditions. As described in Condition #1, “[u]ses on the property should be limited to multi-family residential apartments and accessory uses and structures, not to exceed 276 total units.”

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conformance with the 2021 zoning conditions and an overall reduction in density, staff has advised that Applicant cannot pursue development of the Property and Phase II without an increase in allowable density through rezoning.

The Applicant now requests a rezoning of the Property and Phase II site to RM-24 in order to develop 72 multifamily units. Gross density of the Property as a standalone site is 14.8 units per acre. As described in the density chart, Applicant’s requested rezoning and development decreases the total unit count permitted by the July 2021 rezoning by 48 units. The Applicant does not seek to maximize density under the requested RM-24 zoning district, and the development will not approach 24 units per acre.

The Alcove at River’s Edge	2021 Rezoning, Approved	Current Request
Phase I	Not Individually Designated	156 Units, Developed
Phase II	Not Individually Designated	72 Units, <i>Requested</i>
Total	276 Units	228 Units
		<i>(48 Units fewer than 2021 Rezoning)</i>

Rezoning Rationale

To accomplish the phased development as originally intended in 2021, Applicant requests a rezoning of the Property and Phase II site to RM-24 to permit a total unit count of 72 units. With a net density of 14.8 units per gross acre, Applicant’s revised concept plan is consistent with the previously approved rezoning and density for Phase I & Phase II (RZM2021-00026). This proposal increases the Property density above a standalone RM-13 site density only 1.8 units per gross acre. The concept plan for the requested rezoning just crosses the density threshold of RM-13 so as to require RM-24. The Applicant’s requested rezoning to RM-24 will maintain the spirit and intent of the Board’s 2021 rezoning decision for 1385 and 1395 Winder Highway. As discussed, the Property’s requested unit count is consistent with and reduces the approved 2021 unit count.

Community Features and Design

The Applicant requests the Property be rezoned RM-24 (Multifamily Residence) to develop Phase II of the Alcove at River’s Edge. Additionally, Application seeks a rezoning to achieve the vision of the 2021 rezoning for a complete and cohesive multifamily community. Density of Phase II will be 14.8 units per gross acre, with the entire community containing a density of 11.4 units per gross acre.

This rezoning application does not alter the proposal of Applicant’s multifamily community from the 2021 rezoning approval. As previously discussed, the Alcove at River’s Edge development consists of two phases. Phase I includes 156 units and is designed as affordable housing community. Phase I was originally approved by the Board in 2020, reapproved in 2021,

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and construction is ongoing. The Phase I development and operation of income-restricted housing is not included in this application and will not be altered by this rezoning application. Applicant's intent for Phase II also remains unchanged. Phase II includes 72 units and is designed as market rate housing, incorporated into Phase I to create a high-quality multifamily community serving a variety of income levels.

The Alcove at River's Edge community is designed as a cohesive development in both form and function, incorporating a market rate multifamily community into a workforce multifamily community. The entire development consists of eight (8), three-story residential buildings across both phases in addition to a community clubhouse and amenity center building. As described in attached elevations, the residential buildings in both phases will feature an attractive brick and stacked stone design. The apartment unit mix for Phase II will include 1-bedroom and 2-bedroom units with a minimum heated floor area of 750 and 800 square-feet, respectively. Amenities will be shared by community residents of Phase I and Phase II and will include an exercise facility, playground, swimming pool, and community garden. The residential community will also feature ample greenspace and highlight natural features of the Property, including preserving greenspace along the Alcovy River on western and southern boundary.

Applicant's requested rezoning of the Property should be approved as the complete multifamily development will greatly benefit and promote the public health and general welfare by providing both high-quality workforce housing and complementary affordable, market rate housing integrated into one attractive community. Applicant's rezoning and development is consistent with 2040 Unified Plan Amendment adopted in September 2022, as the Property is now designated for increased residential density up to 34 units per acre.² Applicant's rezoning and cohesive multifamily community is also consistent with the vision for the County's future development and stated goals in the County's Unified Plan to provide more high-quality affordable housing and to support construction of new housing at a variety of prices.³ Phase II, together with Phase I, will also contribute to the variety of uses and zoning classifications in the area and enhance the adjacent highway corridor. For all of these reasons and satisfaction of the zoning criteria below, Applicant respectfully requests that a rezoning of the Property to RM-24 be approved by the Board.

Concurrent Variances—Parking Space & Driveway Sidewalk Modifications

Applicant requests a concurrent variance to reduce the minimum parking space requirement from 108 spaces to 100 spaces. Applicant also requests a concurrent variance to modify the driveway sidewalk requirement to only provide a sidewalk along one side of the driveway. Applicant seeks relief from the strict application of the County's parking space and driveway requirements to overcome the hardship presented by these regulations. Applicant has extensive experience developing multifamily communities with less restrictive parking ratios. Given current development trends and resident patterns, the County's requirements will result in an overparking of the site and excess of available parking spaces if not reduced by variance. Applicant's requested variance to remove 8 parking spaces will not unduly burden the Property or

² See Gwinnett 2040 Unified Plan, Appendix F: "High-Density Mixed-Use" land use recommends residential density for 14-34 units per acre. Applicant's Phase II density of 14.8 units per acre is consistent with this recommendation.

³ See Gwinnett County 2040 Unified Plan, pg. 220. "There is significant need for newer affordable housing units, and for affordable housing built with quality construction and amenities."

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surrounding properties. The Phase II market rate apartments provide sufficient parking for both residents and visitors with the requested 100 spaces. Additionally, Applicant's single sidewalk along the driveway connecting Phase I and Phase II provides sufficient connection and access for this development. Furthermore, Applicant maintains that sidewalks are not required on both sides of the driveway. Driveway connecting development phases is not a private subdivision street, internal street, or external street, and development provides sufficient private sidewalk on one side of the driveway.

II. IMPACT ANALYSIS

The Applicant satisfies the standards for rezoning together with the concurrent variances as set forth in the Unified Development Ordinance of Gwinnett County ("UDO"), Section 270-20.5. For this reason, these requests should be granted as requested by the Applicant.

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 proposed rezoning to RM-24 and multifamily use are compatible with (i) the Board's July 2021 rezoning decision and conditioned density maximum, (ii) the mixture of zoning districts in the area, and (iii) the variety of uses on surrounding properties. Applicant's requested rezoning to RM-24 and proposal to include 72 units is consistent with July 2021 rezoning and density maximum of 276 units. Applicant's current proposal reduces the total unit count across the entire development by 48 units. Additionally, surrounding properties are zoned M1, R100, TND, RZT, and RTH, and uses on the nearby properties include industrial uses, small and medium capacity commercial centers, dense single-family residential neighborhoods, single-family residences with highway frontage, and vacant parcels. The proposed multifamily development will provide a much-needed housing option for the area, and the addition of attractive, high-quality residential development will enhance surrounding properties. The Property's proximity to downtown Dacula, downtown Lawrenceville, and Highway 316 make it ideally situated for the proposed multifamily development.

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

The proposed rezoning to RM-24 will have no adverse impact on the use or value of surrounding properties. On the contrary, the proposal for high-quality, multifamily residential use will complement and enhance the value of surrounding uses on nearby properties. The rezoning will also fulfill the intent and vision of the Board's 2021 rezoning of the Property, decreasing the allowable number of units across the entire multifamily community in the process.

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

The Property comprising Phase II has no reasonable economic use as currently zoned. The current RM-13 zoning and staff's interpretation of the Property's density entitlements

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severely impair development on the Property. The existing RM-13 zoning and density limitation are consistent with neither the multifamily development on the adjacent Phase I parcels nor the Board's 2021 rezoning of the Property.

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;

As satisfied in the 2021 rezoning by the Board, the proposed Alcove at River's Edge development will have a nominal impact upon the population, traffic, and schools in the area. Additionally, Applicant's current rezoning request will have even less impact on County infrastructure than the development approved by the July 2021 rezoning, as this request reduces the total development density by 48 units.

Applicant's two-phased development is primarily focused on providing high-quality, affordable and market rate housing options to persons and families currently living in the County and using County services. The proposed apartments will not significantly increase the County's population; rather, Applicant's development will provide a more affordable housing or a newly developed option for current County residents. Any increase in population as a result of the apartments is consistent with residential development in the surrounding area or previously approved development for the Property.

The County's current infrastructure is equipped to provide adequate access and handle any traffic associated with the proposed apartment development. Public services and public facilities, including water and sewer, are currently available for the Property and are sufficient to accommodate the proposed development. The Applicant will work with the County if infrastructure or public service upgrades are determined to be necessary.

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

The Gwinnett County 2040 Unified Plan Amendment designates the Property as Community Node Character Area. The proposed RM-24 zoning classification is consistent with this character area designation's residential density recommendations for 14-34 units per acre. Additionally, the proposed rezoning complies with the policy and intent of the Unified Plan by providing new, high-quality market rate multifamily housing with access to major roadways and in close-proximity to commercial and service centers.

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.

Changed and changing conditions in the area support the proposed rezoning to RM-24 for Phase II of the Alcove at River's Edge development. Most importantly, the Board approved multifamily development and the requested density for the Property in July 2021. At that time, the Board considered and approved a maximum density of 276 units across

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the development. Applicant now requests a rezoning to RM-24 to allow 72 units on Phase II and to decrease the total approved site density by 48 units. This proposed rezoning is also consistent with the Board's amendments to the 2040 Unified Plan, including increased intensities for the Property's character area and residential density designations. This request continues to fulfill the land use policies and housing goals established in the Unified Plan. Finally, Applicant's proposed rezoning is consistent with recently approved rezonings. In August 2022, the Board approved the RM-24 rezoning of a +/- 58-acre parcel located off Winder Highway and Highway 316 (RZM2022-00030). This RM-24 rezoning occurred within approximately a half-mile of Applicant's Property. Based upon this recent rezoning, Applicant's requested RM-24 rezoning of the Property is not inconsistent with zoning on surrounding properties nor incompatible with the area.

III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this application be granted. If there are any questions about this rezoning or concurrent variances, you may contact me at 404-665-1224 or brussell@dillard sellers.com.

Sincerely,

DILLARD SELLERS, LLC

/s/ R. Baxter Russell

R. Baxter Russell

Attorney for the Applicant

I. INTRODUCTION

This Second Amendment is submitted to add an additional variance request regarding the road frontage. All remaining requests and information contained in the First Amended Letter of Intent remain and incorporated herein by reference.

Concurrent Variance— Road Frontage

Applicant requests a concurrent variance to reduce the minimum road frontage set forth in Section 230-70. This application will combine two existing parcels that are landlocked (parcel 5239 010 and 5239 019).



In the event this lot consolidation is interpreted as creating a new lot, Applicant requests a variance to eliminate the 40-foot road frontage requirement of Section 230-70. As set forth in the Application materials, this request is Phase II of River’s Edge development (now named “The Alcove at River’s Edge) previously approved by the Board of Commissioners. The Property is accessed from Winder Highway. As set forth in the letter of intent, this application satisfies the County’s criteria and the variance regarding the road frontage is appropriate given the existing conditions regarding the two lots.

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II. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this application be granted. If there are any questions about this rezoning or concurrent variances, please feel free to contact 404-665-1224 or brussell@dillardsellers.com.

Sincerely,

DILLARD SELLERS, LLC

A handwritten signature in blue ink, appearing to read "Julie L. Sellers".

Julie L. Sellers
Baxter Russell
Attorney for the Applicant

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

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REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Birge & Held c/o Brendan Majev</u>	NAME: <u>New Rivers Edge 2 LLC</u>
ADDRESS: <u>8902 N. Meridian Street, Ste. 205</u>	ADDRESS: <u>(see Applicant info)</u>
CITY: <u>Indianapolis</u>	CITY: _____
STATE: <u>IN</u> ZIP: <u>46260</u>	STATE: _____ ZIP: _____
PHONE: _____	PHONE: _____
EMAIL: _____	EMAIL: _____

CONTACT PERSON: _____ PHONE: _____
 Brendan Majev, bmajev@birgeandheld.com, 443.834.4502
 CONTACT'S E-MAIL: Baxter Russell, brussell@dillardsellers.com, 404.665.1224

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): RM-13 REQUESTED ZONING DISTRICT: RM-24

PARCEL NUMBER(S): 5239-010 & 5239-019 ACREAGE: 4.88 acres

ADDRESS OF PROPERTY: 1385 Winder Highway

PROPOSED DEVELOPMENT: The Alcove at River's Edge--Phase II (72 units, as permitted in 2021 rezoning)
 (see RZM 2021-00026)

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>72</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>min. 750 sq. ft.</u>	Total Building Sq. Ft. _____
Gross Density: <u>14.8 upa (complies with 2021 density)</u>	Density: _____
Net Density: <u>16.9 upa</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

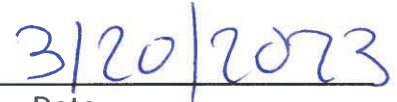
3/23/2023

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.



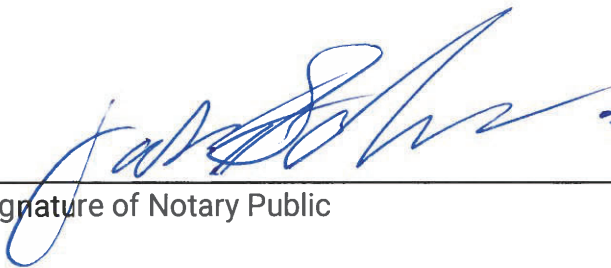
Signature of Applicant



Date

Andrew J. Held, Manager

Type or Print Name and Title

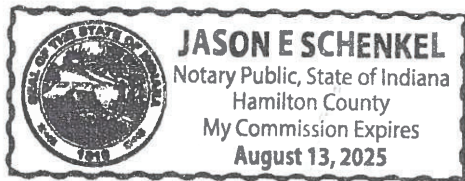


Signature of Notary Public



Date

Notary Seal



RECEIVED

3/23/2023

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.



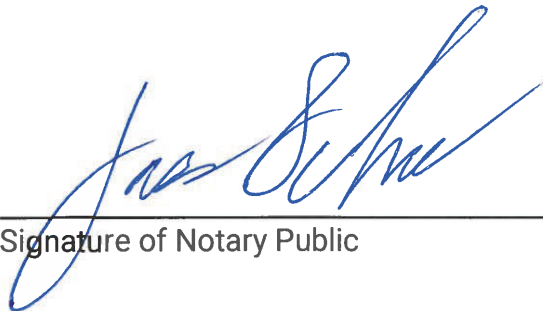
Signature of Property Owner

3/20/2023

Date

Andrew J. Held, Manager

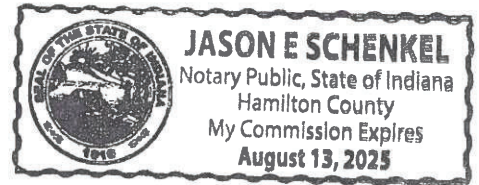
Type or Print Name and Title



Signature of Notary Public

3/20/2023

Date




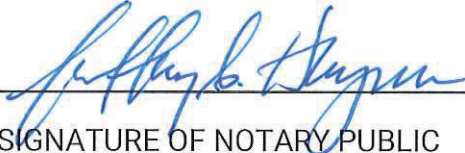
Notary Seal

RECEIVED

3/23/2023

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
	3/21/2023	R. Baxter Russell, Attorney with Dillard Sellers
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	3/21/2023	Jeffrey S. Haymore NOTARY PUBLIC Cobb County State of Georgia My Comm. Expires 07/26/2025 NOTARY SEAL
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 R. Baxter Russell, Attorney with Dillard Sellers
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)
Comm. Ben Ku	\$400	March 22, 2022
Ku for You Campaign 2022		

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

RECEIVED

3/23/2023

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: _____ - 5239 - 010
(Map Reference Number) District Land Lot Parcel

[Signature] _____ 3/21/2023
Signature of Applicant Date

R. Baxter Russell w/ Dillard Sellers For New Rivers Edge 2, LLC
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)

[Signature] _____ TSA
NAME TITLE
3/23/23
DATE

RECEIVED

3/23/2023

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: _____ - 5239 - 019
(Map Reference Number) District Land Lot Parcel

R. Baxter Russell _____ 03/21/2023
Signature of Applicant Date

R. Baxter Russell w/ Diland Sellers For New Rivers Edge 2, LLC
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)

[Signature] _____ TSA _____
NAME TITLE
3/23/23
DATE

Exhibit F: Internal and External Agency Review Comments

[attached]



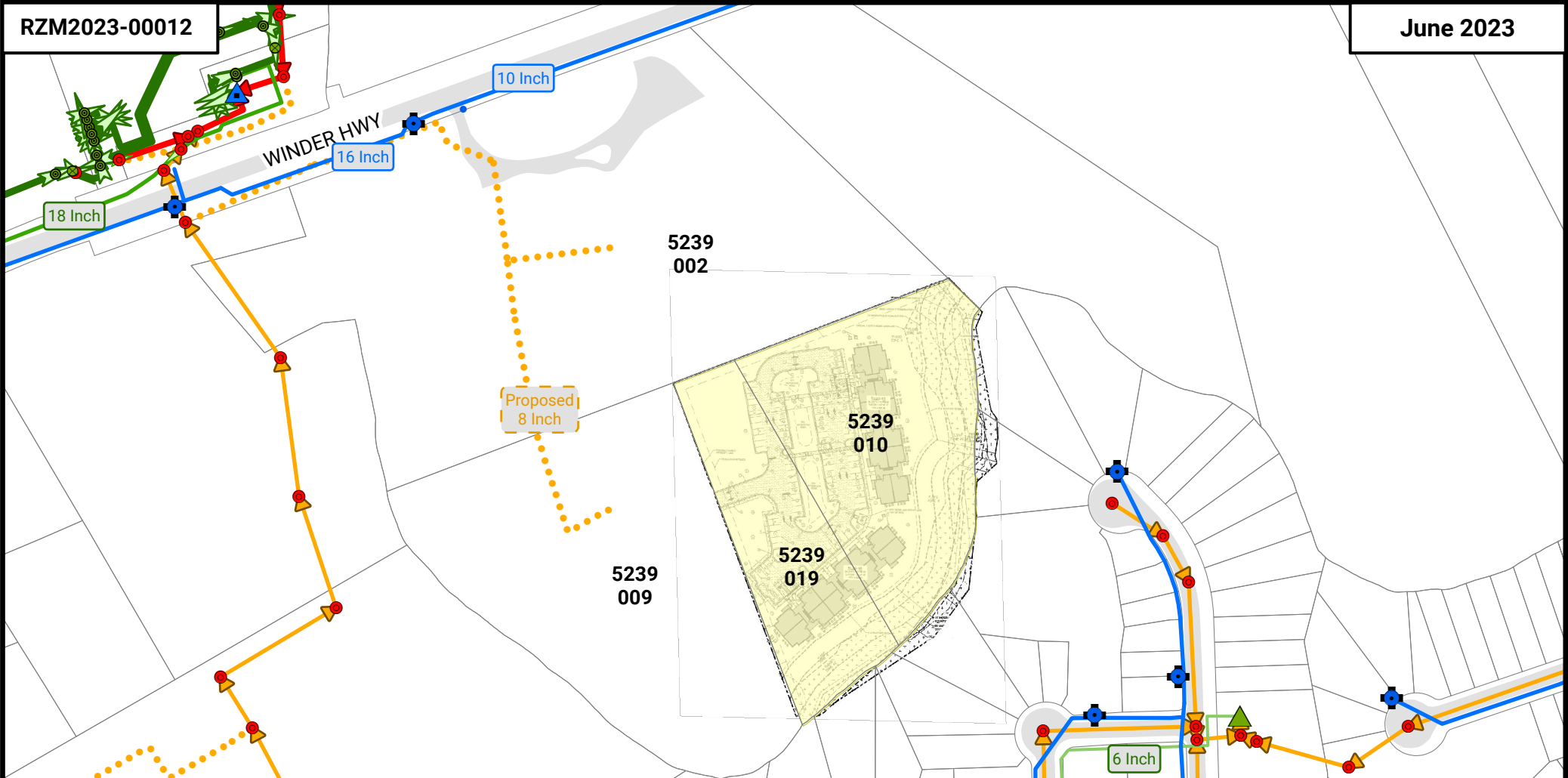
**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:		05.03.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		RZM2023-00012	
Case Address:		1385 Winder Highway	
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO
1	Winder Highway is a major arterial. ADT = 9,820.		
2	3.6 miles to the nearest transit facility (#2334968) Grayson Highway and Lawrenceville Square Plaza.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		YES	NO
1			
2			
3			
4			
5			
6			
7			



**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

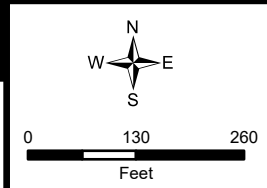
TRC Meeting Date:				
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcounty.com		
Case Number:		RZM2023-00012		
Case Address:		1385 Winder Hwy		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The proposed development intends to connect to the private water main on parcel 5239 009. A private easement for the private water main will be required. In addition, a variance is required to connect to a private water system in lieu of direct connection to the existing public 16-inch water main along the southern right-of-way of Winder Hwy.			
2	Sewer: A Sewer Capacity Certification (C2022-025-02) has expired for this development. Connection to public sewer was conditionally approved for the 72 apartment units contingent upon the installation of a private pump station and associated private infrastructure connecting to the 8-inch proposed sewer on parcel 5239 009. A private easement will be required for the private force main.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1				
2				
3				
4				
5				
6				



LEGEND

Water Main	Pump Station	Sewer Force Main
Hydrant	Regional	Sewer Collector
	Manhole	Sewer Interceptor

**1385 Winder Hwy
RM-13 to RM-24
Water & Sewer
Utility Map**



Water Comments: The proposed development intends to connect to the private water main on parcel 5239 009. A private easement for the private water main will be required. In addition, a variance is required to connect to a private water system in lieu of direct connection to the existing public 16-inch water main along the southern right-of-way of Winder Hwy.

Sewer Comments: A Sewer Capacity Certification (C2022-025-02) has expired for this development. Connection to public sewer was conditionally approved for the 72 apartment units contingent upon the installation of a private pump station and associated private infrastructure connecting to the 8-inch proposed sewer from Phase 1 (RZM2021-00026) of the development on parcel 5239 009. A private easement for the private force main will be required.

Water Availability: Water 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. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer 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. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

Water and Sewer Design and Construction 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.

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.

Residential Rezoning Impact on Local Schools
 Prepared for Gwinnett County BOC, **June, 2023**

											Proposed Zoning
	School	2023-24			2024-25			2025-26			Approximate Student Projections from Proposed Developments
		Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	
CIC2023-00012 (now a senior development)	Peachtree Ridge HS	3,319	3,050	269	3,263	3,050	213	3,246	3,050	196	0
	Hull MS	1,320	1,750	-430	1,353	1,750	-397	1,399	1,750	-351	0
	Mason ES	955	1,150	-195	960	1,150	-190	991	1,150	-159	0
RZR2023-00012	Seckinger HS	2,004	2,800	-796	2,226	2,800	-574	2,330	2,800	-470	5
	Jones MS	1,699	1,575	124	1,767	1,575	192	1,870	1,575	295	4
	Patrick ES	923	1,025	-102	960	1,025	-65	989	1,025	-36	8
RZC2022-00045 (Same property, Both cases combined)											(Both Phases Combined below)
RZM2022-00047	Seckinger HS	2,004	2,800	-796	2,226	2,800	-574	2,330	2,800	-470	46
	Jones MS	1,699	1,575	124	1,767	1,575	192	1,870	1,575	295	34
	Ivy Creek ES	1,649	1,275	374	1,739	1,275	464	1,795	1,275	520	60
RZM2023-00012	Dacula HS	2,550	2,550	0	2,641	2,550	91	2,755	2,550	205	17
	Dacula MS	1,892	1,900	-8	1,959	1,900	59	2,042	1,900	142	14
	Alcova ES	1,478	1,150	328	1,545	1,150	395	1,612	1,150	462	26
RZM2023-00005	Peachtree Ridge HS	3,319	3,050	269	3,263	3,050	213	3,246	3,050	196	4
	Northbrook MS	918	1,025	-107	948	1,025	-77	979	1,025	-46	4
	Jackson ES	1,504	1,475	29	1,483	1,475	8	1,487	1,475	12	7

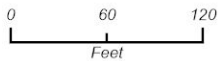
Exhibit G: Maps

[attached]



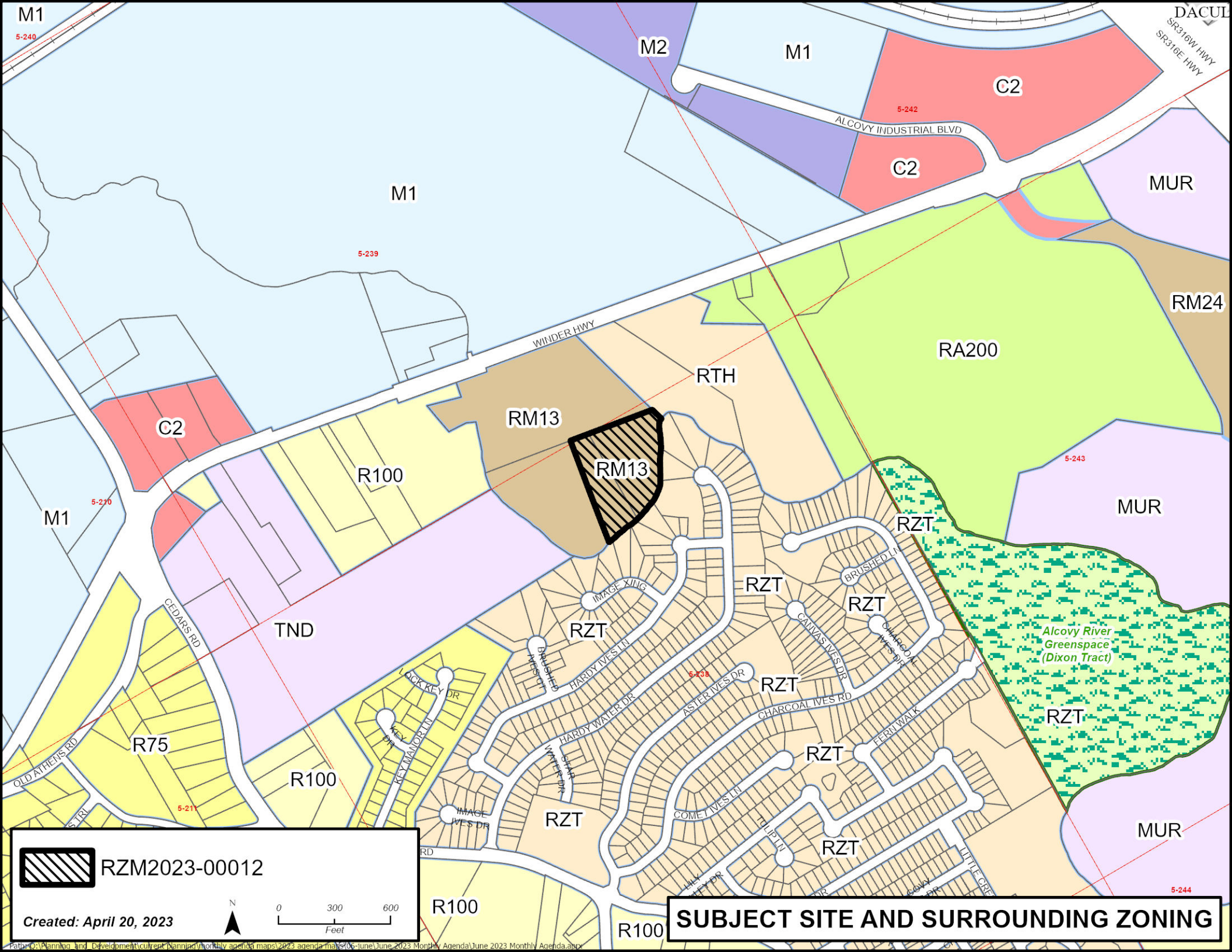
RZM2023-00012

Created: April 20, 2023



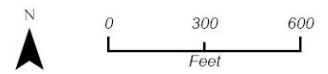
HARDY WATER DR

HARDY IVES LN



 RZM2023-00012

Created: April 20, 2023



SUBJECT SITE AND SURROUNDING ZONING

5-240

SR316W HWY
SR316E HWY

5-242

ALCOVY INDUSTRIAL BLVD

Innovation District

5-239

WINDER HWY

5-243

5-210

CEDARS RD

Community Node

Vibrant Communities

Community Amenities

Alcovy River Greenspace
(Dixon Tract)

OLD IVESTERS RD

5-211

5-238

Innovation District

5-244

 RZM2023-00012

Created: April 20, 2023



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION