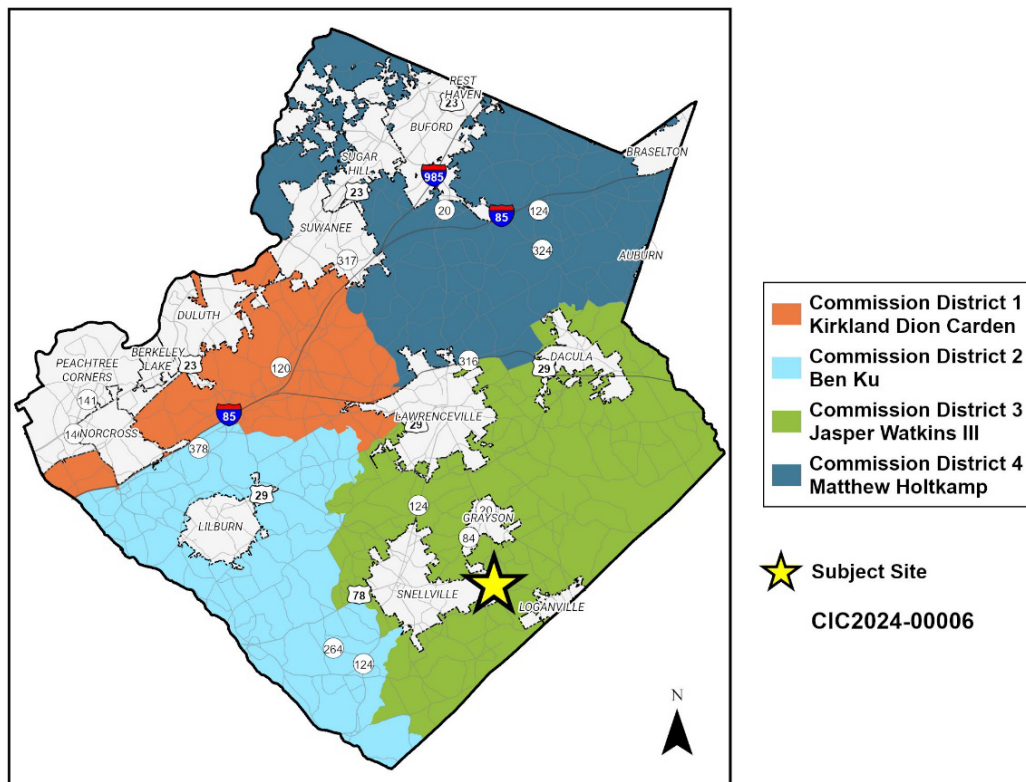


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: CIC2024-00006
Current Zoning: R-75 (Single-Family Residence District)
Request: Change in Conditions
Address: 3132 Rosebud Road
Map Number: R5100 014
Site Area: 4.27 acres
Lots: 4
Proposed Development: Single-Family Detached Subdivision
Commission District: District 3 – Commissioner Watkins
Character Area: Vibrant Communities

Staff Recommendation: **APPROVAL WITH CONDITIONS**

Planning Commission Recommendation: **APPROVAL WITH CONDITIONS**



Planning Commission Advertised Public Hearing Date: 2/6/2024
Board of Commissioners Advertised Public Hearing Date: 2/27/2024

Applicant: 123 Culver LLC
778 Natchez Valley Trace
Grayson, GA 30017

Owner: 123 Culver LLC
778 Natchez Valley Trace
Grayson, GA 30017

Contact: William Nash

Contact Phone: 678.206.7887

Zoning History

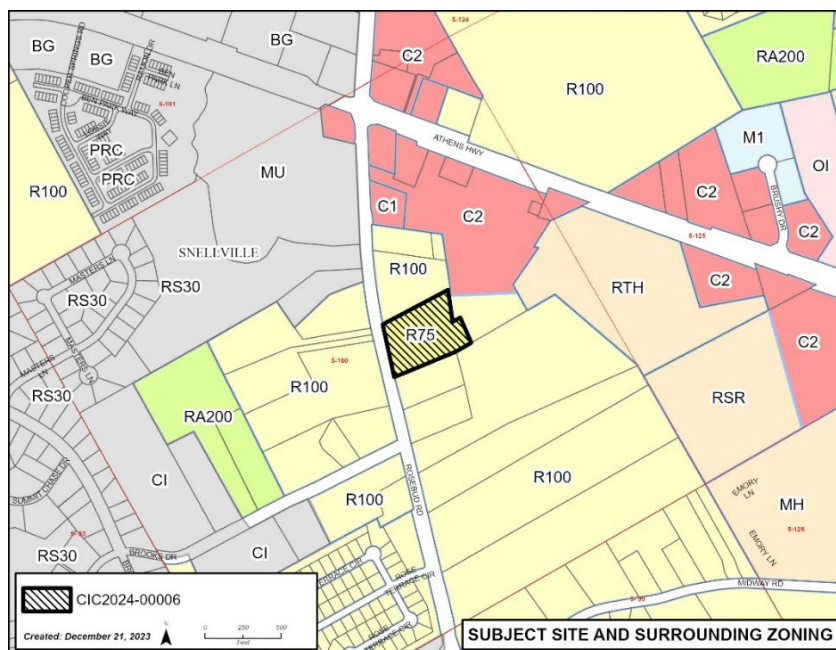
The subject property is zoned R-75 (Single-Family Residence District). In 1973, the property was part of an areawide rezoning which rezoned it from RA-200 (Agriculture-Residence District) to R-100 (Single-Family Residence District). In 2000, the property was rezoned from R-100 to O-I (Office-Institutional District) for an office park, pursuant to RZ-00-103. In 2022, the property was rezoned from O-I to R-75 to construct 12 single-family residences, pursuant to RZM2022-00010. This change in conditions request is to amend the conditions of approval of the latest rezoning case.

Existing Site Condition

The subject site is a 4.27-acre vacant lot located along Rosebud Road south of its intersection with Athens Highway. Evidence of a demolished single-family residence is on the property, with a dilapidated driveway, foundation, and pool. The site has been largely cleared with some remaining dense vegetation at the southwest corner of the property, with the remainder of the site overgrown. The site slopes generally upwards approximately 8 feet from Rosebud Road to the east. Overhead utilities are present along the road frontage. There are no sidewalks along this portion of Rosebud Road. The nearest Gwinnett County Transit stop is approximately 3.5 miles from the site.

Surrounding Use and Zoning

The subject site is surrounded by single-family residences on large lots to the west, south, and north. An undeveloped parcel is located to the east. A small commercial node is located farther north at the intersection of Rosebud Road and Stone Mountain Highway. Uses at this intersection include a multi-tenant commercial shopping center, convenience stores with fuel pumps, and stand-alone commercial buildings. The following is a summary of surrounding uses and zoning:



| Location | Land Use | Zoning | Density |
|----------|------------------------------------|--------------|---------------------|
| Proposed | Single-Family Detached Subdivision | R-75 | 0.94 units per acre |
| North | Single-Family Residence | R-100 | 0.33 units per acre |
| East | Commercial Undeveloped | C-2 R-100 | N/A N/A |
| South | Single-Family Residence | R-100 | 0.51 units per acre |
| West | Single-Family Residence | R-100 | 0.12 units per acre |

Project Summary

The applicant requests a change in conditions for the development of a single-family detached subdivision, including:

- Four single-family detached residences on lots ranging in size from 0.99 to 1.14 acres, yielding a density of 0.94 units per acre.
- Two-story residences with a minimum heated floor area of 3,200 square feet with front porches, and side-facing two-car garages
- Exterior building materials consisting of brick, stone and cementitious siding.
- Residences to be served by individual septic systems located in the front yard of each lot.
- Lots to be served by a shared access driveway with one curb cut onto Rosebud Road. Access easements connect the shared driveway to individual driveways on each lot.
- According to the Letter of Intent, the applicant was unable to obtain sewer easements necessary to construct the single-family detached subdivision which was approved in 2022. The proposed 4-lot subdivision would not need the sewer easement as the residences would be served by private septic systems.
- A change in conditions of zoning case RZM2022-00010. The applicant is requesting the following changes to the approved conditions:
 - Condition 1. *“The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received on May 3, 2022, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.”* The applicant is requesting to reference the site plan submitted with this application dated received December 12, 2023.
 - Condition 2. *“Uses shall be limited to single-family detached and accessory uses, not to exceed 12 units.”* The applicant is requesting to reduce the number of lots to 4.
 - Condition 4. *“Front facades of homes shall be constructed primarily of brick and/or stone. The balance of the home may be the same or fiber cement siding or shake.”* The applicant is requesting to reference the elevations submitted with this application which include exterior materials of brick, stone, and cementitious siding.
 - Condition 5. *“A mandatory homeowners association shall be established and shall be responsible for maintenance of all common areas/facilities, and external street frontage landscaping. The covenants of the homeowners association shall contain a provision restricting the number of homes which may be rented at any given time to no more than 25 percent.”* The applicant is requesting to eliminate this condition in its entirety.
 - Condition 6. *“The road frontage and the subdivision entrances shall be landscaped by the developer and maintained by the homeowners association or property management company. The entrance shall include a decorative masonry entrance feature. Landscape and entrance feature plans shall be subject to review and approval by the Department of Planning and Development.”* The applicant is requesting to eliminate this condition in its entirety.

- Condition 7 *“Natural vegetation shall remain on the property until the issuance of a development permit.”* The applicant is requesting to amend this condition to require natural vegetation to remain on the property pending approval of an exemption plat and the issuance of building permits.
- Condition 8. *“All grassed areas shall be sodded.”* The applicant is requesting to eliminate this condition in its entirety.
- Condition 9. *“Stormwater BMP facilities shall be screened from view of adjoining properties and rights of way by landscaping and/or decorative fencing that is in compliance with the Gwinnett County Stormwater Management Manual, subject to review and approval by the Director of Planning and Development.”* The applicant is requesting to eliminate this condition in its entirety as a stormwater BMP will not be required.

Zoning and Development Standards

Below are the applicable development standards for the R-75 (Single-Family Residence District) in the Unified Development Ordinance (UDO):

| Standard | Required | Proposed | Meets Standard? |
|--------------------|----------------------------|----------------------------|-----------------|
| Lot Size (Septic) | Minimum 25,500 square feet | Minimum 43,124 square feet | YES |
| Lot Width | 75' | 88.72' | YES |
| Building Height | Maximum 35' | ≤35' | YES |
| Front Yard Setback | Minimum 50' | >50' | YES |
| Side Yard Setback | Minimum 10' | 10' | YES |
| Rear Yard Setback | Minimum 30' | 30' | YES |
| Heated Floor Area | Minimum 1,200 square feet | 3,200 | YES |
| Density | Maximum 3.0 units per acre | 0.94 units per acre | YES |

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

Staff Analysis

Change in Conditions Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, or change in conditions, 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 change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed change in conditions would permit a use that is suitable in view of the use of

adjacent and nearby low-density single-family detached residential properties on large lots. The proposed site plan is consistent with other single-family detached residences along this portion of Rosebud Road.

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

The proposed change in conditions would not adversely affect the existing use or usability of adjacent or nearby residential or undeveloped property. The proposed site plan is consistent with other single-family detached residences along this portion of Rosebud Road. In addition, the single curb cut onto Rosebud Road is more favorable for traffic conditions than four individual driveways.

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

The property has a reasonable economic use as currently zoned.

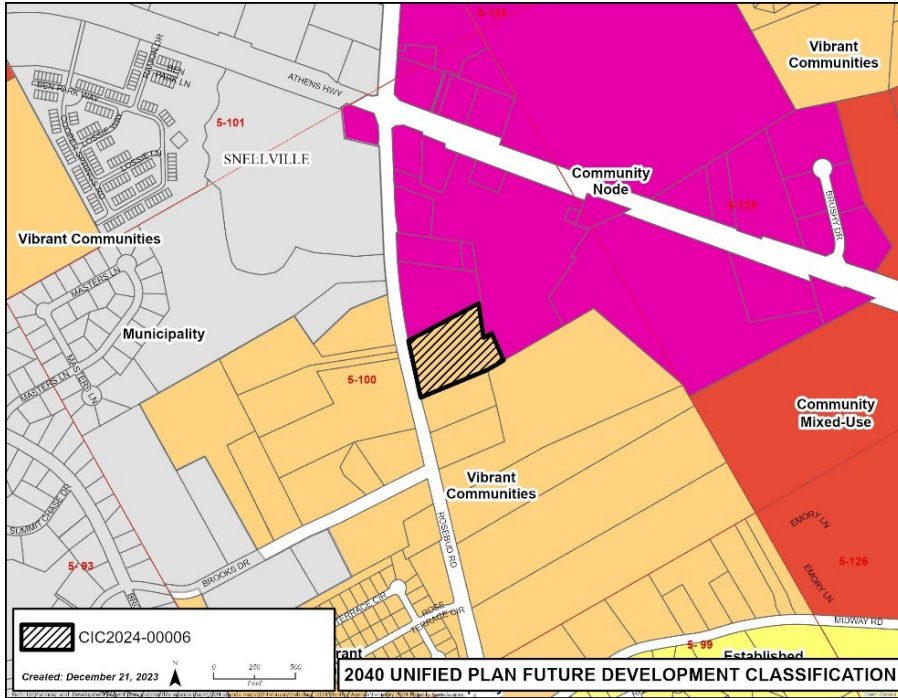
D. Whether the proposed change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

An increase in impacts 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 requirements, and planning. A minimal impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning request are attached (Exhibit G).

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

The 2040 Unified Plan and Future Development Map indicate that the subject property is located within the Vibrant Communities Character Area and abuts a Neighborhood Node Character Area to the north and east.

The Vibrant Communities Character Area is intended to serve as a transition between nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where the various types of activity centers and nodes are located. Dependent on the setting, zoning pattern, and intensity of development characterizing these various locations throughout the County, new development and redevelopment in Vibrant Communities may contain a mix of housing types, including small lot single-family housing, multifamily housing, townhomes, and senior housing. The proposed change in conditions is not in conformity with the policy and intent of the Unified Plan and Future Development Map; however, due to the lack of sewerage available to the site, the proposed development is appropriate and consistent with the existing development pattern in the area.



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 change in conditions.

The subject site was approved in 2022 for a single-family detached residential subdivision. The approved site plan included 12 single-family detached homes on a cul-de-sac street. The applicant is unable to secure the necessary sewer easements to construct the site as approved. The revised site plan for four detached lots with a shared driveway is appropriate for this site and is consistent with the existing development pattern in the area.

Staff Recommendation

Based on staff’s evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** for the change in conditions request.

Planning Commission Recommendation

Based on staff’s evaluation of the request, 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 **APPROVAL WITH CONDITIONS** of the change in conditions request.

Planning Commission Recommendation (includes Staff Recommended Conditions, as Amended)

Note: The conditions below are those from RZM2022-00010 with suggested changes in bold or strikethrough.

Approval of the change in conditions for development of a single-family detached subdivision, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received on **December 12, 2023** ~~May 3, 2022~~, 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 shall be limited to single-family detached **residences** and accessory uses, not to exceed **4** ~~12 units~~ **lots**.
3. The minimum heated floor area per dwelling unit shall be **2,400** ~~3,000~~ ~~2,000~~ square feet.
4. ~~Front facades of homes shall be constructed primarily of brick and/or stone. The balance of the home may be the same or fiber cement siding or shake.~~ **The proposed residences shall be constructed in general conformance with Exhibit C: Building Elevations dated received December 12, 2023, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.**
5. ~~A mandatory homeowners association shall be established and shall be responsible for maintenance of all common areas/facilities, and external street frontage landscaping. The covenants of the homeowners association shall contain a provision restricting the number of homes which may be rented at any given time to no more than 25 percent.~~
6. ~~The road frontage and the subdivision entrances shall be landscaped by the developer and maintained by the homeowners association or property management company. The entrance shall include a decorative masonry entrance feature. Landscape and entrance feature plans shall be subject to review and approval by the Department of Planning and Development.~~
5. Natural vegetation shall remain on **each individual lot** ~~the property~~ until the issuance of a **building** development permit **for the subject lot**.
8. ~~All grassed areas shall be sodded.~~
9. ~~Stormwater BMP facilities shall be screened from view of adjoining properties and rights-of-way by landscaping and/or decorative fencing that is in compliance with the Gwinnett County Stormwater Management Manual, subject to review and approval by the Director of Planning and Development.~~
6. **The site shall be limited to a single, shared entrance from Rosebud Road.**

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Previously Approved Resolution (RZM2022-00010)
- E. Letter of Intent and Applicant's Response to Standards
- F. Application and Disclosure of Campaign Contributions
- G. Internal and External Agency Review Comments
- H. Maps

Exhibit A: Site Visit Photos



View of north side of property from the front



View of south side of property from the front



View of center of property at slab of previous house facing north



View of center of property at slab of previous house facing south

Exhibit B: Site Plan

[attached]

RECEIVED

12/12/2023

TOTAL AREA: 4.265 ACRES

- LEGEND :**
- POB POINT OF BEGINNING
 - LA/L LAND LOT LINE
 - N/T NORTH OF WAY
 - N/W NOW OR FORMERLY
 - CP/ CONCRETE PIPE
 - OP/ OPEN TOP FOUND
 - OT/ OPEN TOP FOUND
 - REBAR REBAR
 - CM/ CORRUGATED METAL PIPE
 - RC/ REINFORCED CONCRETE PIPE
 - DI/ DUCTILE IRON PIPE
 - PVC POLYVINYLCHLORIDE PIPE
 - EM/ SINGLE WING CATCH BASIN
 - DM/ DOUBLE WING CATCH BASIN
 - CS/ CURB INLET
 - DI/ DRIP INLET
 - CS/ OUTLET CONTROL SYSTEM
 - JB JUNCTION BOX
 - FE/ FLARED END SECTION
 - HW HEAD WALL
 - MI/ MIER INLET
 - SM/ SANITARY SEWER MANHOLE
 - CO/ CLEAN OUT
 - INV INVERT
 - OH/ OVERHEAD POWER LINE
 - OT/ OVERHEAD TELEPHONE LINE
 - UT/ UNDERGROUND TELEPHONE LINE
 - EO/ ELECTRIC OUTLET
 - UL/ UTILITY POLE
 - UP/ UNDERGROUND POWER LINE
 - GM/ GUY WIRE
 - FP/ FOWER POLE
 - LP/ LIGHT POLE
 - C/I/ CABLE/INTERNET/TELEPHONE
 - FI/ FIRE HYDRANT
 - W/ WATER LINE
 - WM/ WATER METER
 - WV/ WATER VALVE
 - SM/ SIGNAL MARKER
 - SP/ SIGN POST
 - BL/ BUILDING LINE
 - CL/ CENTERLINE
 - ED/ EDGE OF PAVEMENT
 - SP/ SAMPLING POINT
 - MP/ MONITORING POINT
 - W/ WETLANDS
 - S/ STREET LIGHT

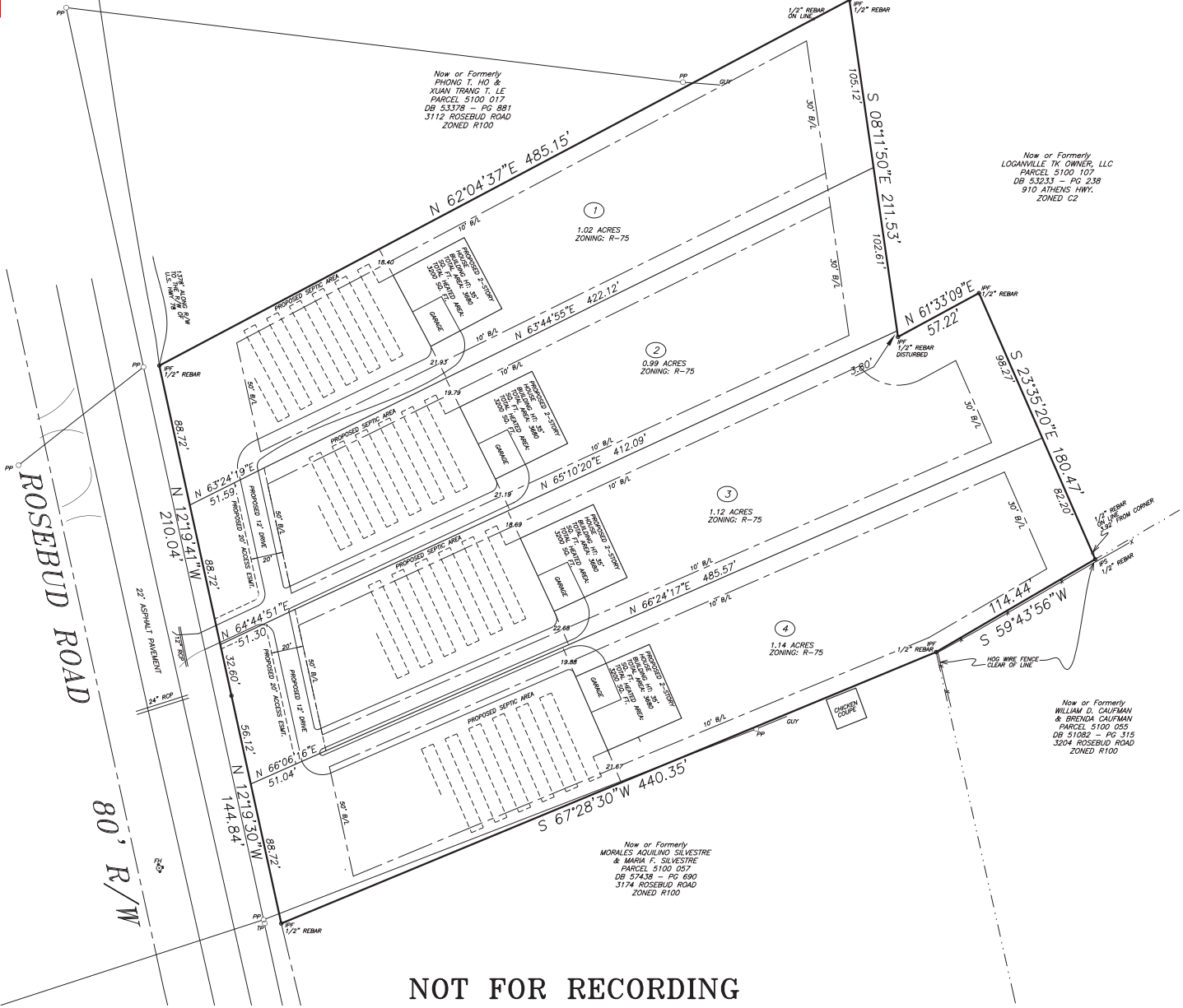


SURVEY NOTATION:
THIS SURVEY WAS RUN USING A GEOMAX ZOOM 90 ROBOTIC TOTAL STATION EDM UNIT. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 23,498 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

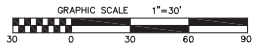
THIS PLAT HAS BEEN CALCULATED FOR PRECISION AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 681,879 FEET.

REFERENCE MATERIAL:
PLAT OF SURVEY FOR MRS. E.R. WAZI, PREPARED BY JAMES FLANDERS DATED 10-18-79 AND RECORDED IN PLAT BOOK 1, PAGE 241 B.
PLAT OF SURVEY FOR G. MILLS BENNETT, PREPARED BY HANNON METTS AND BAGWELL, DATED 10-10-80 AND RECORDED IN PLAT BOOK 14, PAGE 7.

SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD DISTRICT PER F.I.R.M. PANEL 13135C0131F DATED SEPTEMBER 29, 2006.



NOT FOR RECORDING



RINGO ABERNATHY & ASSOCIATES
CONSULTANTS
SURVEYORS
PLANNERS

174 DACULA ROAD - DACULA, GA. 30019
Phone (770) 862-8456

| | |
|--------------------|------------|
| COUNTY: | GWINNETT |
| LAND LOT/DISTRICT: | 100/516 |
| PARCEL(S): | 14 |
| DATE: | 01/28/2022 |
| SCALE: | 1" = 30' |
| JOB NO.: | 21129 |

ZONING CONCEPT SITE PLAN FOR:

WILL NASH

3132 ROSEBUD ROAD

| REVISIONS | NO. | DATE |
|-----------|-----|----------|
| | 1 | 12-12-23 |

SHEET
1 OF 1

CURRENT ZONING: R-75



KNOW WHAT'S BELOW CALL BEFORE YOU DIG
IF YOU DIG GEORGIA...CALL 811

THE EXISTING UTILITIES SHOWN ON THIS PLAN WERE OBTAINED FROM VARIOUS UTILITY COMPANIES, WEROS GOVERNMENT AGENCIES, AND ABOVE GROUND OBSERVATION. THE SURVEYOR AND/OR ENGINEER WERE NOT ASKED TO RE-EXAMINE THESE UTILITIES. THE USER'S LOCATION OF UTILITIES SHOULD BE VERIFIED BY THE USER. EXCAVATION, PRIOR TO BEGINNING ANY EARTH DISTURBING ACTIVITIES, THE UTILITY PROTECTION SERVICE FOR THIS AREA MUST BE NOTICED.

Exhibit C: Building Elevations

[attached]

RECEIVED

12/12/2023

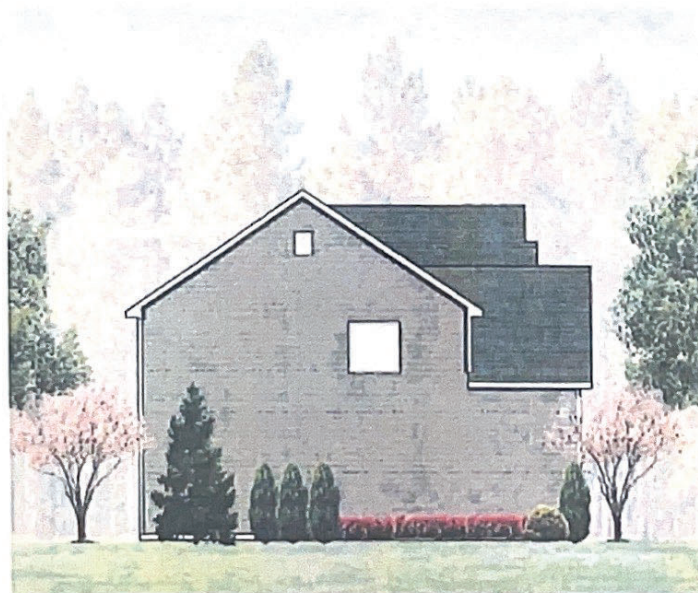
Character Example of Two Story Homes Architecture



Front Elevation



Rear Elevation



Left Elevation



Right Elevation

Exhibit D: Previously Approved Resolution (RZM2022-00010)

[attached]

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: AMENDMENT TO THE OFFICIAL ZONING MAP

ADOPTION DATE: MAY 24, 2022

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

| | <u>Present</u> | <u>Vote</u> |
|-----------------------------------|----------------|-------------|
| Nicole L. Hendrickson, Chairwoman | Yes | Aye |
| Kirkland Carden, District 1 | Yes | Aye |
| Ben Ku, District 2 | Yes | Aye |
| Jasper Watkins, III, District 3 | Yes | Aye |
| Marlene Fosque, District 4 | Yes | Aye |

On motion of Commissioner Watkins, which carried 5-0, the following Resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from O-I to R-TH by Crogan Street LLC for the proposed use of Townhouses on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in the Gwinnett Daily Post, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on May 24, 2022, and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, this 24th day of May 2022, that the aforesaid application to amend the Official Zoning Map from O-I to R-TH is hereby **APPROVED as R-75** with the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received on May 3, 2022, 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 shall be limited to single-family detached and accessory uses, not to exceed 12 units.
3. The minimum heated floor area per dwelling unit shall be 2,000 square feet.
4. Front facades of homes shall be constructed primarily of brick and/or stone. The balance of the home may be the same or fiber cement siding or shake.
5. A mandatory homeowners association shall be established and shall be responsible for maintenance of all common areas/facilities, and external street frontage landscaping. The covenants of the homeowners association shall contain a provision restricting the number of homes which may be rented at any given time to no more than 25 percent.
6. The road frontage and the subdivision entrances shall be landscaped by the developer and maintained by the homeowners association or property management company. The entrance shall include a decorative masonry entrance feature. Landscape and entrance feature plans shall be subject to review and approval by the Department of Planning and Development.
7. Natural vegetation shall remain on the property until the issuance of a development permit.

8. All grassed areas shall be sodded.
9. Stormwater BMP facilities shall be screened from view of adjoining properties and rights of way by landscaping and/or decorative fencing that is in compliance with the Gwinnett County Stormwater Management Manual, subject to review and approval by the Director of Planning and Development.

In addition, the following Waiver was **DENIED**:

1. To reduce the required 35-foot zoning buffer adjacent to the R-100 Zoning District to 20 feet along the northern and southern property lines, and zero feet along the eastern property line.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Nicole L. Hendrickson
Nicole L. Hendrickson, Chairwoman

Date Signed: July 6, 2022

ATTEST:

By: Sina M. King
County Clerk/Deputy County Clerk



RECEIVED

5/3/22

TOTAL AREA: 4.265 ACRES

LEGEND:

- FOB POINT OF BEGINNING
- L/L LANE LOT LINE
- R/W RIGHT OF WAY
- N/E NOW OF FORMERLY
- CSB CURB SETBACK
- RFB REBAR SET
- R/SB REBAR SET
- OMP CORRUGATED METAL PIPE
- RCP REINFORCED CONCRETE PIPE
- PVC POLYVINYLCHLORIDE PIPE
- SWCB SINGLE WING CATCH BASIN
- DWCB DOUBLE WING CATCH BASIN
- CI CURB INLET
- DI DRAIN INLET
- OCS OUTLET CONTROL SYSTEM
- JB JUNCTION BOX
- FES FLARED END SECTION
- HW HEAD WALL
- MI MANHOLE
- SMH SANITARY SEWER MANHOLE
- CO CLEAN OUT
- INV INVERT
- OHP- OVERHEAD POWER LINE
- OTL- OVERHEAD TELEPHONE LINE
- UT- UNDERGROUND TELEPHONE LINE
- EO ELECTRIC OUTLET
- UP UTILITY POLE
- UGP UNDERGROUND POWER LINE
- SUT SUT WIRE
- PP POWER POLE
- LP LIGHT POLE
- CU/TI CABLE/INTERNET/TELEPHONE
- FH FIRE HYDRANT
- WM WATER METER
- WV WATER VALVE
- VM VALVE MARKER
- SR SIGN POST
- BL BUILDING LINE
- CL CENTERLINE
- EP EDGE OF PAVEMENT
- SP SAMPLING POINT
- M MONITORING POINT
- Wd WETLANDS
- SL STREET LIGHT

SURVEY NOTATION:

THIS SURVEY WAS RUN USING A GEOMAX ZOOM 90 ROBOTIC TOTAL STATION EDM UNIT. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 23,498 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR PRECISION AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 681,879 FEET.

REFERENCE MATERIAL:

PLAT OF SURVEY FOR MRS. E.R. WADE, PREPARED BY JAMES FLANDERS, DATED 11-16-70 AND RECORDED IN PLAT BOOK Y, PAGE 241 B.

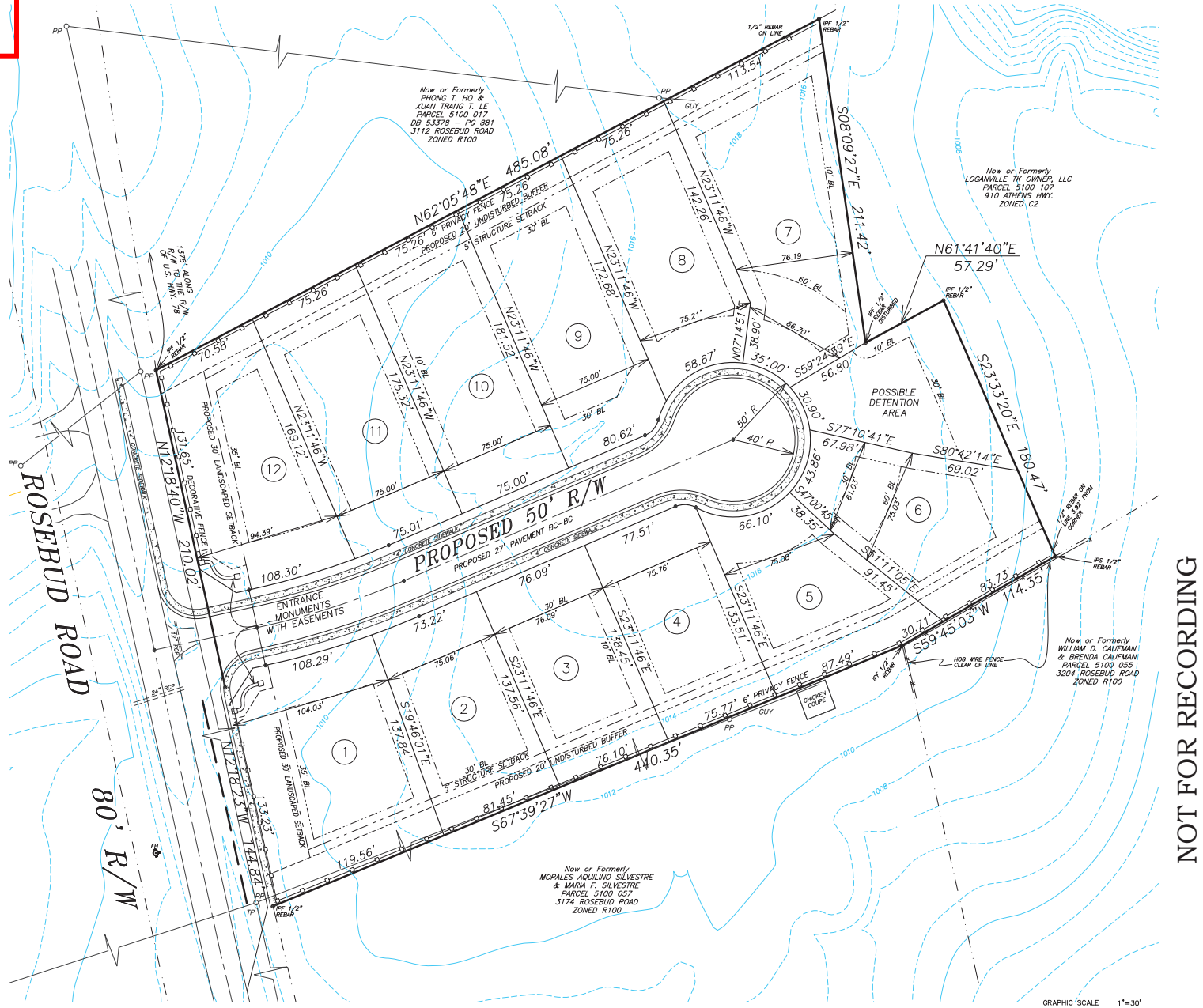
PLAT OF SURVEY FOR G. WILLIS BENNETT, PREPARED BY HANNON MEERS AND BAGWELL, DATED 10-10-80 AND RECORDED IN PLAT BOOK 14, PAGE 7.

- GENERAL NOTES:**
1. PROPERTY IS LOCATED AT 3132 ROSEBUD ROAD.
 2. TOTAL AREA OF PROPERTY: 4.265 ACRES
 3. EXISTING PROPERTY ZONING: O&B
 4. PROPOSED PROPERTY ZONING: R-75
 5. PROPERTY PARCEL: 5100 014
 6. TOTAL NUMBER OF UNITS: 12
 7. GROSS DENSITY: 2.81 UNITS PER ACRE
 8. NET DENSITY: 2.81 UNITS PER ACRE
 9. MINIMUM LOT SIZE: 12,500
 10. MINIMUM LOT WIDTH: 75'
 11. MAXIMUM BUILDING HEIGHT: 35'
 12. SETBACKS: FRONT: 30' / SIDE: 10' / REAR: 30'
 13. MINIMUM DWELLING SIZE: 2,000 SQ. FT. OF HEATED FLOOR SPACE.
 14. MINIMUM EXTERNAL ROAD FRONTAGE: 50'
 15. DEVELOPER IS REQUESTING FOR THE 50' BL ALONG ROSEBUD ROAD TO BE REDUCED FROM 50' TO 35'.
 16. ALL STREETS ARE TO BE PUBLIC STREETS.
 17. ALL GRASSED AREAS SHALL BE SOODED.
 18. WATER SERVICE TO BE PROVIDED BY GWINNETT COUNTY.
 19. SANITARY SEWER SERVICE TO BE PROVIDED BY GWINNETT COUNTY.
 20. ALL UTILITIES TO BE LOCATED UNDERGROUND.
 21. FIRM PANEL 13135C0131F INDICATES THAT THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD ZONE.
 22. THERE ARE NO SIGNIFICANT WILDLIFE HABITATS OR SCENIC VISTAS IDENTIFIED BY THE GEORGIA DEPARTMENT OF NATURAL RESOURCES.
 23. ALL TOWN HOMES SHALL HAVE, AT A MINIMUM, A 2 CAR GARAGE.
 24. LOT LAYOUT SUBJECT TO CHANGE DURING DESIGN PHASE OF PROJECT.
 25. DEVELOPER IS REQUESTING FOR THE 35' BUFFER BE REDUCED TO 20' DUE TO THE CONSTRAINTS OF THE PROPERTY.

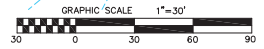


KNOW WHAT'S BELOW. CALL BEFORE YOU DIG. IF YOU DIG GOVERNMENT, CALL FIRST.

THE EXISTING UTILITIES SHOWN ON THIS PLAN WERE OBTAINED FROM VARIOUS UTILITY COMPANIES, WHOSE OPERATIONAL RECORDS AND ABOVE GROUND OBSERVATION. THE SURVEYOR AND/OR DIGNORER WERE NOT LIABLE TO THE COMPLETION OF THIS INFORMATION. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION, DEPTH, SIZE, EXISTENCE, AND TYPE OF ALL UTILITIES PRIOR TO ANY EXCAVATION. THE UTILITY PROTECTION SERVICE FOR THIS AREA MUST BE NOTICED.



NOT FOR RECORDING



Professional Engineer
Will Nash
No. 8819
State of Georgia

CONSULTANTS
PLANNERS
**RINGO
ABERNATHY
& ASSOCIATES**
174 DACULA ROAD - DACULA, GA. 30019
Phone (770) 962-9656



COUNTY: GWINNETT
LAND LOT/DISTRICT: 100/5th
PARCEL(S): 14
DATE: 05/03/2022
SCALE: 1" = 30'
JOB NO.: 21129

REZONING CONCEPT PLAN FOR:
WILL NASH
3132 ROSEBUD ROAD

| REVISIONS | NO. | DATE |
|-----------|-----|------|
| | | |
| | | |
| | | |

SHEET
1 OF 1

NOT FOR RECORDING

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

[attached]

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Applicant's Letter of Intent

Change in Conditions – Rosebud Road

The Applicant, 123 Culver LLC, requests a change in conditions of the existing zoning conditions on a 4.265-acre tract on Rosebud Road. On May 24, 2022, the Board of Commissioners unanimously approved case RZM2022-00010 with conditions to rezone the subject property from OI to R-75 to construct a 12-lot single-family subdivision. The Applicant requests to amend the existing conditions to allow for an updated layout. Specifically, the Applicant, requests to amend conditions 1, 2, 4, 5, 6, 7, 8, and 9 to reference the attached updated site plan.

In the engineering phase, after the initial rezoning, it was determined that the approved layout was not feasible due to not being able to receive a sewer easement. As an alternative, the Applicant is requesting to subdivide the property into only four lots, instead of the previous twelve lots. At four lots, and a reduced density of 0.938 units per acre, each lot will have an area of around one acre and will require significantly less land disturbance throughout its development. Apart from the proposed condition changes, the Applicant will abide by all remaining conditions of zoning.

The Applicant appreciates the consideration for approval of this change in conditions request and would be happy to address any questions or concerns. Attached are the existing conditions in addition to the Applicant's proposed condition changes.

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Standards Governing the Exercise of the Zoning Power

To further demonstrate that the proposed rezoning and land use is consistent with the intent of the UDO and 2040 Unified Plan, the applicant submits its response to the Standards Governing Exercise of the Zoning Power as follows:

A. WHETHER A PROPOSED CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

The proposed change in conditions permits a use that is suitable in the view of the use and development of adjacent and nearby property. The use, which was previously approved by the Board of Commissioners, will not change due to an approved CIC.

B. WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

A change in conditions will not adversely affect the existing use or usability of adjacent or nearby property. The proposed change will reduce the number of lots and minimize impact on the surrounding properties.

C. WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The current zoning category is a result of an approved rezoning in 2022. Because of the reasonable economic use, the applicant only requests minor changes to the existing conditions. The use will remain as single-family dwellings.

D. WHETHER THE PROPOSED CHANGE IN CONDITIONS WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

The proposed change in conditions will not result in a use which will cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. As proposed, the plan will have less lots than what was previously approved.

E. WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

The proposed change in conditions is in conformity with the intent of the 2040 Unified Plan. The proposed modified conditions and layout will not affect the use of the property, or its conformity with the character area.

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 CHANGE IN CONDITIONS:

Please see letter of intent.

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

Exhibit F: Application and Disclosure of Campaign Contributions

[attached]

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Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS APPLICATION

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

| APPLICANT INFORMATION | PROPERTY OWNER INFORMATION* |
|--|--|
| NAME: <u>123 Culver LLC</u> | NAME: <u>123 Culver LLC</u> |
| ADDRESS: <u>778 Natchez Valley Trace</u> | ADDRESS: <u>778 Natchez Valley Trace</u> |
| CITY: <u>Grayson</u> | CITY: <u>Grayson</u> |
| STATE: <u>GA</u> ZIP: <u>30017</u> | STATE: <u>GA</u> ZIP: <u>30017</u> |
| PHONE: <u>(678)-206-7887</u> | PHONE: <u>(678)-206-7887</u> |
| EMAIL: <u>Nashwill26@gmail.com</u> | EMAIL: <u>Nashwill26@gmail.com</u> |
| CONTACT PERSON: <u>William Nash</u> PHONE: <u>(678)-206-7887</u> | |
| CONTACT'S E-MAIL: <u>Nashwill26@gmail.com</u> | |

| | |
|--|--|
| APPLICANT IS THE: | |
| <input type="checkbox"/> OWNER'S AGENT | <input checked="" type="checkbox"/> PROPERTY OWNER |
| <input type="checkbox"/> CONTRACT PURCHASER | |
| ZONING DISTRICTS(S): <u>R-75</u> PRIOR ZONING CASE: <u>RZM2022-00010</u> | |
| PARCEL NUMBER(S): <u>R5100-014</u> ACREAGE: <u>4.265</u> | |
| ADDRESS OF PROPERTY: <u>3132 Rosebud Road</u> | |
| PROPOSED CHANGE IN CONDITIONS: <u>Condition #1, #2, #4, #5, #6, #7, #8, #9</u> | |
| RESIDENTIAL DEVELOPMENT: | NON-RESIDENTIAL DEVELOPMENT: |
| NO. OF LOTS/DWELLING UNITS: <u>4</u> | NO. OF BUILDINGS/LOTS: <u>N/A</u> |
| DWELLING UNIT SIZE (Sq. Ft.): <u>2,800</u> | TOTAL GROSS SQUARE FEET: <u>N/A</u> |
| GROSS DENSITY: <u>0.938</u> | DENSITY: <u>N/A</u> |
| NET DENSITY: <u>0.938</u> | |

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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12/12/2023

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

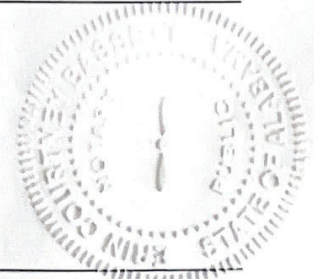
CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION

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.

William Nash 11/29/23
Signature of Applicant Date

William Nash Member of 123 Culler LLC
Type or Print Name and Title

Erin Courtney Bassett 11/29/2023 Notary Seal Expires 10/23/27
Signature of Notary Public Date



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Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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.

William Nash 11/29/23 William Nash Member of
123 COVER LLC
Signature of Applicant Date Type or Print Name and Title

William Nash 11/29/23 William Nash Member of
123 COVER LLC
Signature of Applicant's Date Type or Print Name and Title
Attorney or Representative

Erin Courtney Bassett 11/29/23 [Notary Seal]
Signature of Notary Public Date Notary Seal

Expires 10/23/27

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 William Nash
Your Name

If the answer is yes, please complete the following section:

| NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL | CONTRIBUTIONS (List all which aggregate to \$250 or More) | DATE CONTRIBUTION WAS MADE (Within last two years) |
|--|---|--|
| | | |
| | | |
| | | |

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

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12/12/2023

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

**VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS**

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: 5 - 100 - 014
(Map Reference Number) District Land Lot Parcel

William Nash 11/27/23
Signature of Applicant Date

William Nash, 123 Culver 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)

Riki Schoby TSA II
NAME TITLE
11/30/2023
DATE

Exhibit G: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

| | | | |
|---------------------------------------|--|--|-------------------------------------|
| TRC Meeting Date: | | 01.10.2024 | |
| Department/Agency Name: | | Transportation | |
| Reviewer Name: | | Brent Hodges | |
| Reviewer Title: | | Construction Manager 1 | |
| Reviewer Email Address: | | Brent.Hodges@gwinnettcounty.com | |
| Case Number: | | CIC2024-00006 | |
| Case Address: | | 3132 Rosebud Road, Loganville, 30052 | |
| Comments: | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | YES | NO |
| 1 | Rosebud Road is a minor arterial. ADT = 14,127. | | |
| 2 | 3.5 miles to the nearest transit facility located at E. Main Street and Wisteria Drive. | | |
| 3 | Per the recently updated UDO, a 5' concrete sidewalk shall be required along the entire site frontage during the development process. | | |
| 4 | As shown on the zoning site plan, the developer shall construct a shared driveway to limit the direct driveway connections to Rosebud Road. | | |
| 5 | If the ditch along the frontage of Rosebud Road is filled for the development of the site, then piping shall be put in to avoid drainage issues. | | |
| 6 | | | |
| 7 | | | |
| Recommended Zoning Conditions: | | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | | YES | NO |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |

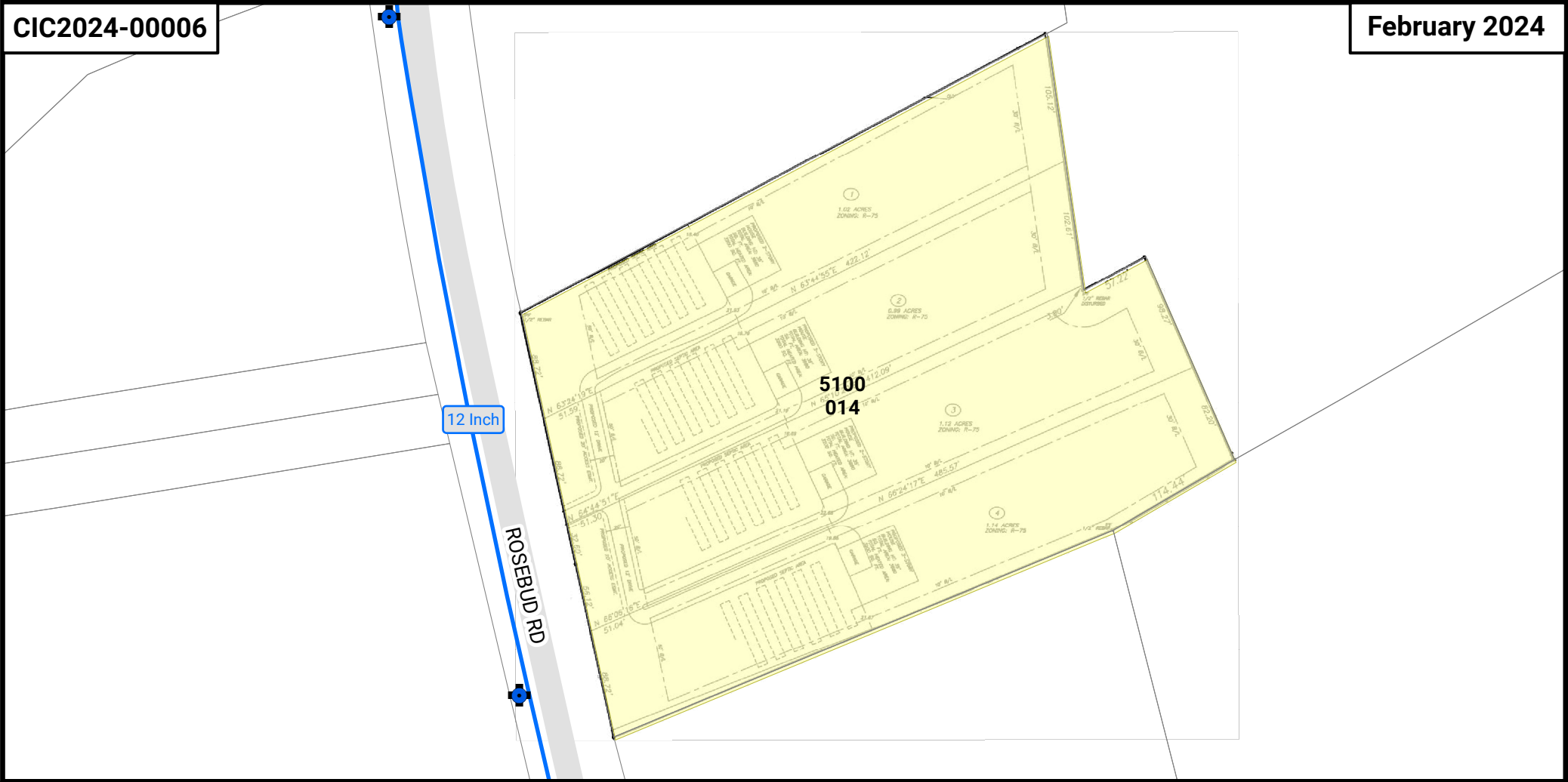


**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

| | | | | |
|---------------------------------------|--|--|--------------------------|-------------------------------------|
| TRC Meeting Date: | | | | |
| Department/Agency Name: | | DWR | | |
| Reviewer Name: | | Mike Pappas | | |
| Reviewer Title: | | GIS Planning Manager | | |
| Reviewer Email Address: | | Michael.pappas@gwinnettcountry.com | | |
| Case Number: | | CIC2024-00006 | | |
| Case Address: | | 3132 Rosebud Rd | | |
| Comments: | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1 | Water: The development may connect to an existing 12-inch water main located on the west right-of-way of Rosebud Rd. | | | |
| 2 | Sewer: The proposed development plans to be on septic systems pending approval from the GNR Public Health. | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| Recommended Zoning Conditions: | | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |

Note: Attach additional pages, if needed

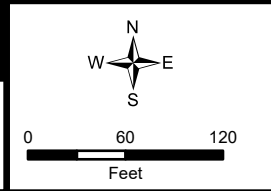
Revised 7/26/2021



LEGEND

- Water Main
- Hydrant

3132 Rosebud Rd
R-75
**Water & Sewer
Utility Map**



Water Comments: The development may connect to an existing 12-inch water main located on the west right-of-way of Rosebud Rd.

Sewer Comments: The proposed development plans to be on septic systems pending approval from the GNR Public Health.

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, **February, 2024**

| | | | | | | | | | | | Proposed Zoning |
|-------------------------------|--------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|---|
| | School | 2023-24 | | | 2024-25 | | | 2025-26 | | | Approximate Student Projections from Proposed Developments |
| | | Forecast | Capacity | +/- Cap. | Forecast | Capacity | +/- Cap. | Forecast | Capacity | +/- Cap. | |
| CIC2024-00006 | South Gwinnett HS | 2,651 | 2,750 | -99 | 2,704 | 2,750 | -46 | 2,758 | 2,750 | 8 | 1 |
| | Grace Snell MS | 1,316 | 1,200 | 116 | 1,342 | 1,200 | 142 | 1,369 | 1,200 | 169 | 1 |
| | Magill ES | 1,346 | 1,525 | -179 | 1,386 | 1,525 | -139 | 1,427 | 1,525 | -98 | 2 |
| CIC2024-00002 | Parkview HS | 3,258 | 2,900 | 358 | 3,307 | 2,900 | 407 | 3,330 | 2,900 | 430 | 64 |
| | Trickum MS | 2,203 | 1,775 | 428 | 2,236 | 2,275 | -39 | 2,258 | 2,275 | -17 | 47 |
| | Camp Creek ES | 1,370 | 1,325 | 45 | 1,384 | 1,325 | 59 | 1,400 | 1,325 | 75 | 84 |
| RZR2024-00005 & RZR2024-00006 | South Gwinnett HS | 2,651 | 2,750 | -99 | 2,704 | 2,750 | -46 | 2,758 | 2,750 | 8 | 26 |
| | Grace Snell MS | 1,316 | 1,200 | 116 | 1,342 | 1,200 | 142 | 1,369 | 1,200 | 169 | 18 |
| | Rosebud ES | 991 | 1,200 | -209 | 1,011 | 1,200 | -189 | 996 | 1,200 | -204 | 33 |
| RZR2024-00007 | Seckinger HS | 2,004 | 2,800 | -796 | 2,226 | 2,800 | -574 | 2,330 | 2,800 | -470 | 1 |
| | Jones MS | 1,699 | 1,575 | 124 | 1,767 | 1,575 | 192 | 1,870 | 1,575 | 295 | 1 |
| | Ivy Creek ES | 1,649 | 1,275 | 374 | 1,739 | 1,275 | 464 | 1,795 | 1,275 | 520 | 1 |

Exhibit H: Maps

[attached]

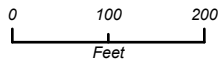


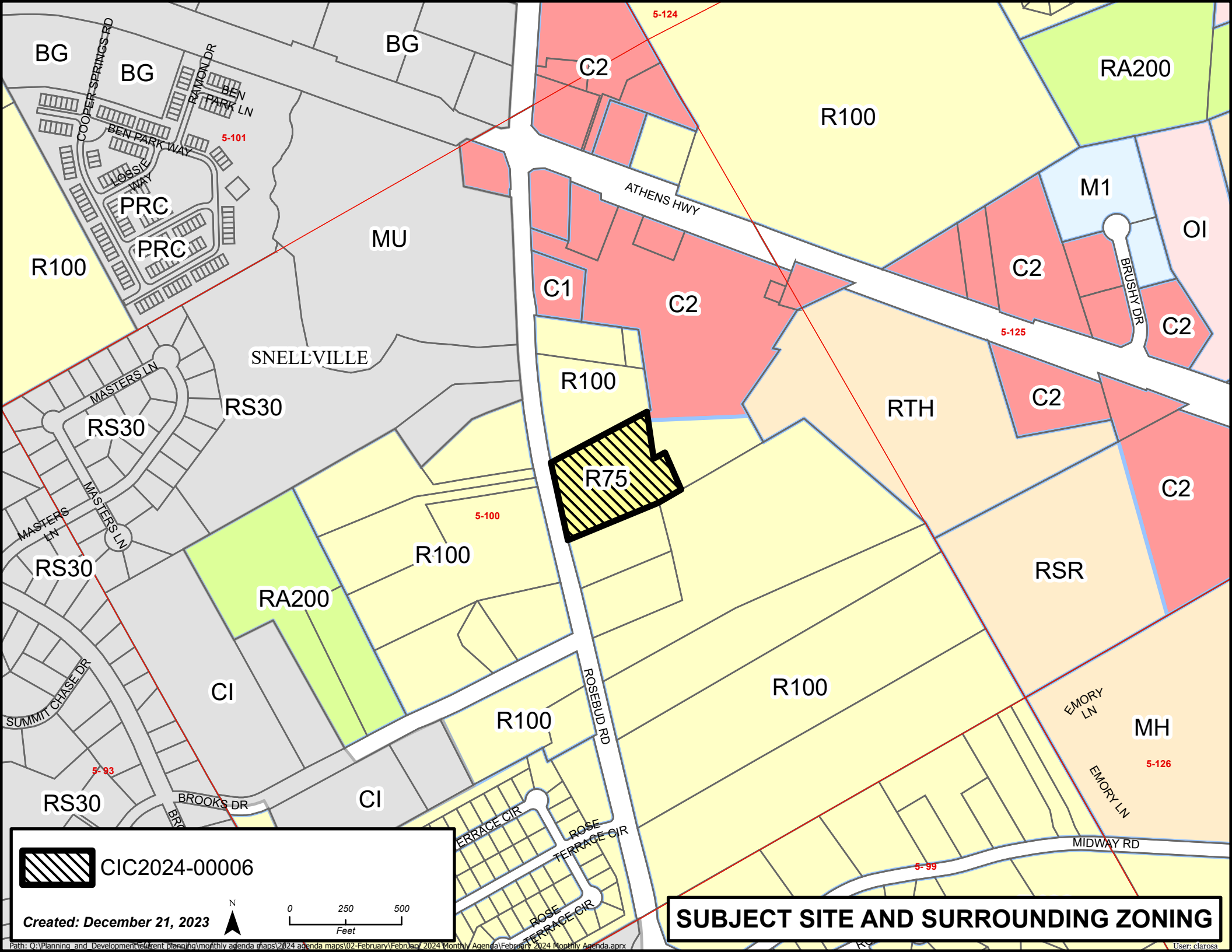
ROSEBUD RD

BROOKS DR

 CIC2024-00006

Created: December 21, 2023





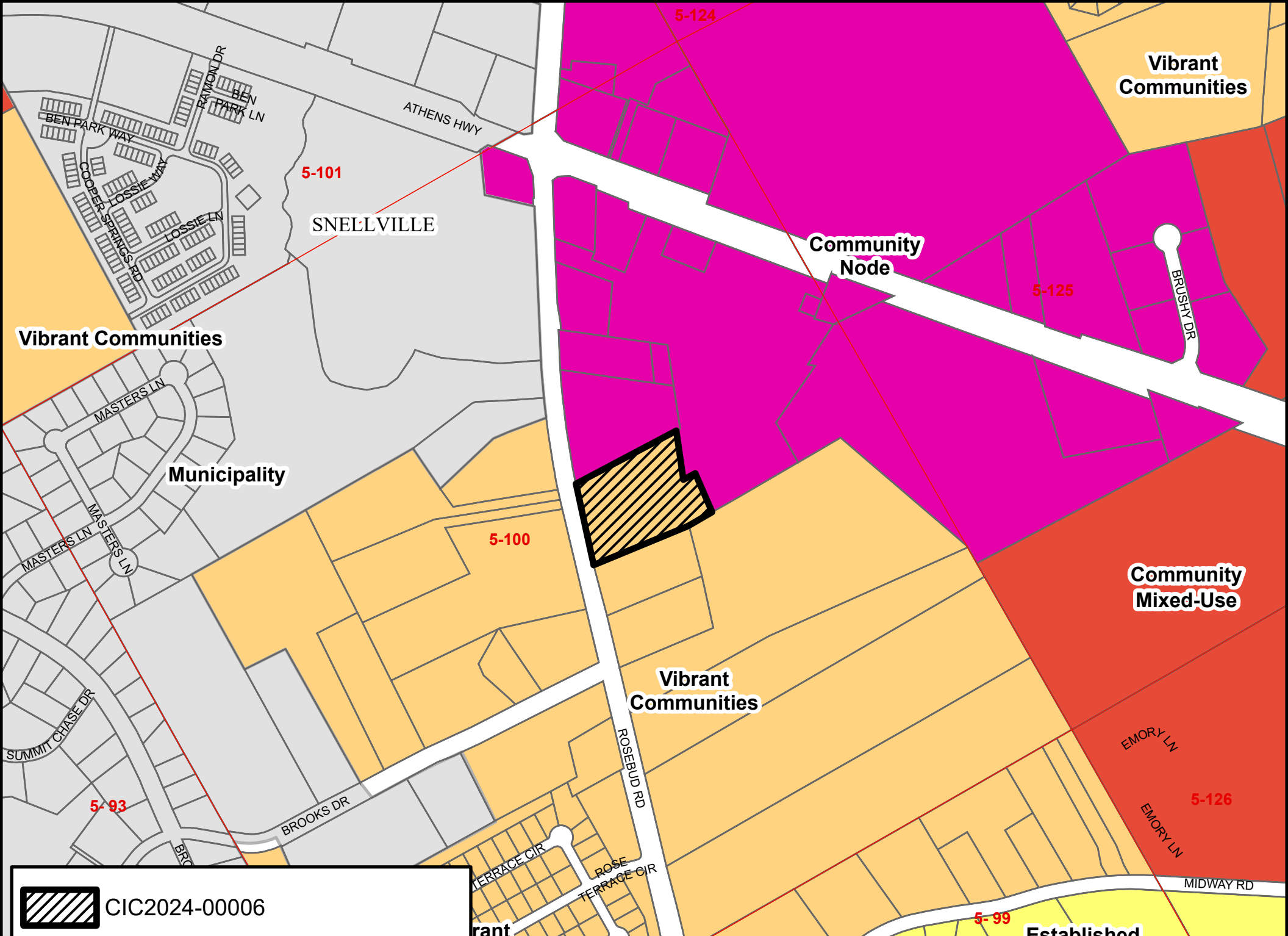
 CIC2024-00006


Created: December 21, 2023

0 250 500 Feet


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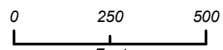
SUBJECT SITE AND SURROUNDING ZONING



 CIC2024-00006

Created: December 21, 2023

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2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION