

**PLANNING AND DEVELOPMENT DEPARTMENT
CASE REPORT**

Case Number: RZR2023-00020
Current Zoning: RA-200 (Agriculture-Residence District)
Request: Rezoning to **OSC** (Open Space Conservation District)
Additional Requests: Variances
Address: 2905 Fence Road
Map Number: R5305 001 (portion)
Site Area: 13.94 acres
Lots: 27
Proposed Development: Single-Family Detached Subdivision
Commission Districts: District 3 – Commissioner Watkins
District 4 – Commissioner Holtkamp
Character Area: Suburban Estate Living

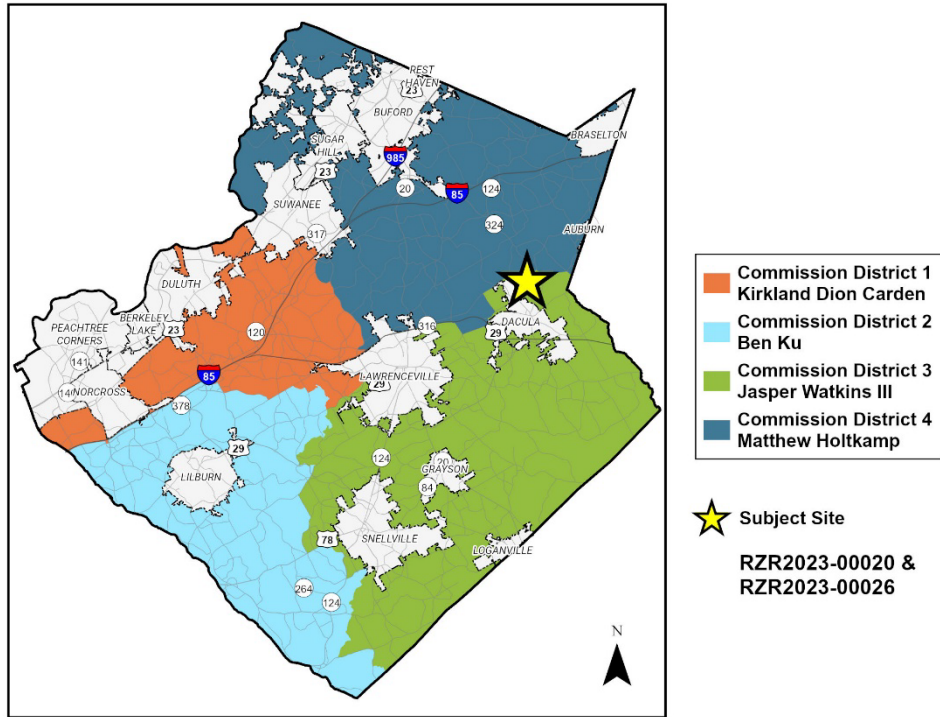
Staff Recommendation: **APPROVAL WITH CONDITIONS**

**Planning Commission
Recommendation:** **APPROVAL WITH CONDITIONS**

Case Number: RZR2023-00026
Current Zoning: RA-200 (Agriculture-Residence District)
Request: Rezoning to **OSC** (Open Space Conservation District)
Address: 2905 Fence Road
Map Number: R5305 001 (portion)
Site Area: 0.98 acre
Lots: 0
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**



Applicant: Casgwyn Construction, LLC
 c/o Andersen Tate & Carr
 1960 Satellite Boulevard, Suite 4000
 Duluth, GA 30097

Owner: Hinton Family, LLLP
 2753 Merritt Drive
 Buford, GA 30518

Contact: Melody A. Glouton

Contact Phone: 770.822.0900

Zoning History

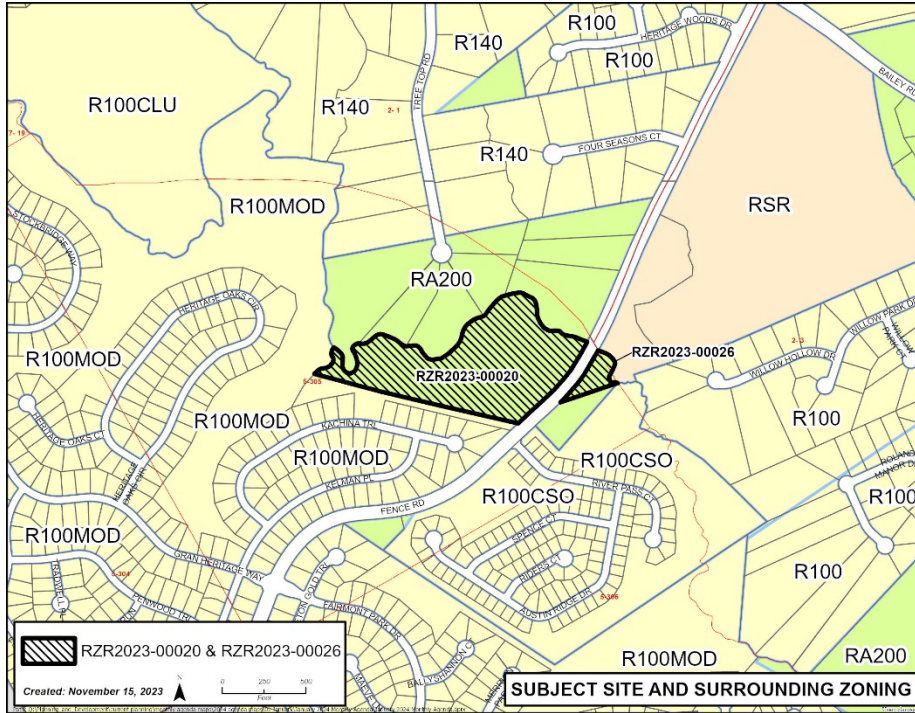
The subject site is zoned RA-200 (Agriculture-Residence District). In February 2023, the Board of Commissioners denied rezoning request RZR2022-00034 to rezone the property to R-60 (Single-Family Residence District) for a 28-unit single-family detached subdivision.

Existing Site Condition

The subject site is a 14.92-acre parcel located on Fence Road, between its intersections with Bailey Road and Dacula Road. The parcel is bisected by Fence Road, with the 13.94-acre portion to be developed on the west side and the remaining 0.98-acre portion to be conserved on the east side of Fence Road. The site is undeveloped and heavily wooded. There are significant topography changes throughout the site as it slopes upward approximately 40 feet from the northeast property line to the southeast corner of the site on Fence Road. The Apalachee River runs along the northern property line, and the northern and western portions of the site contains wetlands and special flood hazard areas. A sanitary sewer easement runs through the property, outside of the 50-foot undisturbed stream buffer and flood hazard area. There is no sidewalk along the property frontage and a guard rail extends for a portion of the property on Fence Road where the roadway curves. The nearest Gwinnett County Transit stop is 6.8 miles from the subject site.

Surrounding Use and Zoning

The subject property is surrounded by single-family detached subdivisions, residences on large lots, and undeveloped land. Apalachee Heritage, a single-family detached subdivision, shares the southern property line with the subject property. A senior-oriented single-family subdivision across Fence Road was approved in 2022 and is currently under development. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Single-Family Residential	OSC	1.89 units per acre
North	Undeveloped	RA-200	N/A
	Single-Family Residential	RA-200	0.23 units per acre
East	Single-Family Residential	R-SR	2.45 units per acre
South	Single-Family Residential	R-100MOD	2.80 units per acre
West	Undeveloped	R-100MOD	N/A

Project Summary

The applicant requests rezoning of a 14.92-acre parcel from RA-200 to OSC for a 27-lot single-family detached subdivision at a density of 1.89 units per acre. The proposal includes:

- A 6.58-acre primary conservation space along the western and northern property lines and on the eastern side of Fence Road.
- An open space in the middle of the development as the secondary conservation space.
- A 50-foot-wide conservation strip along the northern property line.
- A 20-foot-wide landscape strip with 5-foot sidewalk along Fence Road.
- A stormwater management facility located along the western property line.
- Farmhouse-style residences with a minimum heated floor area of 1,800 square feet for one-

story homes and 2,000 square feet for two-story homes.

- Exterior building materials of brick, stacked stone, cedar and/or fiber cement shake, siding, and board and batten.

Zoning and Development Standards

The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Lot Size	Minimum 7,500 square feet	>7,500 square feet	YES
Lot Width	Minimum 60'	>60'	YES
Building Height	Maximum 35'	<35'	YES
Front Yard Setback	Minimum 25'	25'	YES
Side Yard Setback	Minimum 7.5'	7.5'	YES
Rear Yard Setback	Minimum 30'	30'	YES
Street Frontage Buffer	Minimum 50'	20' landscape strip	NO*
Conservation Space	Minimum 25% (3.73 acres)	44% (6.58 acres)	YES
Primary Conservation Space	Minimum 15% (0.56 acres)	97% (6.38 acres)	YES
Heated Floor Area	Minimum 1,400 square feet	Minimum 1,800 square feet	YES
Conservation Strip	50'	50' (northern property line) 0' (southern property line)	NO*
Density	Maximum 2.5 units per acre	1.89 units per acre	YES

* The applicant has requested variances to the street frontage buffer and conservation strip requirements.

Variance Requests

In addition to the rezoning request, the applicant is seeking variances from the following provisions of Title II of the UDO:

1. Section 210-50.13.A.1 Buffer and Transition Areas

A 50-foot conservation space strip adjacent to RA-200, R-140 or R-100 zoned property.

The applicant is requesting a variance to eliminate the required conservation space strip along the southern property line adjacent to the R-100 MOD zoned Apalachee Heritage subdivision.

2. Section 210-50.13 Buffer and Transition Areas

B. Each OSC zoned development shall provide a 50-foot undisturbed street frontage buffer adjacent to all rights-of-way of the exterior streets.

The applicant is requesting a variance to provide a 20-foot-wide landscape strip which contains a 10-foot-wide no-access easement along the Fence Road frontage.

3. Section 210-50.14 Streets

- A. The street network shall form a connected pattern (grid system), with a minimum of cul-de-sacs which shall be approved by the Director only in cases of topographical hardship.**

The applicant is requesting a variance to allow a cul-de-sac in the front of the development where there is not a topographical hardship.

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 I). 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

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 rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The proposal would provide a suitable transition between the R-100 MOD zoned single-family detached subdivision at 2.80 units/acre and RA-200 zoned residences on large lots at 0.23 units/acre. In the OSC Zoning District, smaller lots are allowed in exchange for a significant amount of conservation space. The proposed rezoning to OSC is suitable in view of the use and development of adjacent and nearby property.

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

The proposed rezoning, with the required conservation space and landscape strips, would permanently preserve environmentally sensitive features adjacent to the Apalachee River. In addition, the small scale of the development would have limited traffic impacts on Fence Road. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.

- 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.

- 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.**

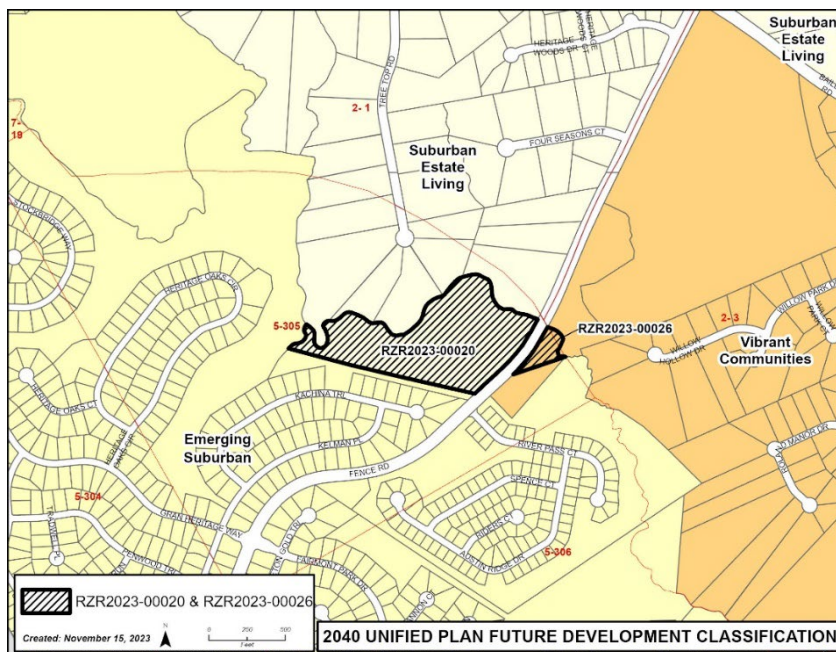
An increase in impacts on public facilities is anticipated in the form of traffic, utility demand, and stormwater runoff. However, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. An increased impact is anticipated on school

enrollment. Agency review comments concerning any potential improvements related to this request are attached (Exhibit I).

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

The Future Development Map of the Unified Plan indicates the 0.98-acre portion of the property, separated from the larger tract by Fence Road is within the Vibrant Communities Living Character Area. The larger 13.94-acre portion of the property is within the Suburban Estate Living Character Area. The vision is to preserve the historical and agricultural character with low-intensity development that consists primarily of large residential lots and executive-style housing. These areas have less intense infrastructure, such as less sewer service and road capacity, and are more suitable for large-lot residential development.

The proposed subdivision is largely within the Suburban Estate Living Character Area and adjacent to properties in the Emerging Suburban and Vibrant Communities Character Areas. In the OSC Zoning District, smaller lots are allowed in exchange for a significant amount of conservation space, resulting in a similar density to a conventional zoning district. The proposed rezoning would allow a development with lot sizes comparable to the adjacent Vibrant Communities Character Area, but with a density more similar to the Suburban Estate Living Character Area. The proposed rezoning is in conformity with the policy and intent of the Unified Plan and Future Development Map, but the proposal would retain a more compatible rural character if approved with the 50-foot conservation strip and street frontage buffer required by the Unified Development Ordinance.



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 proposed rezoning to OSC would allow for the development of new homes while requiring conservation of sensitive environmental features such as stream buffers, wetlands, and flood

plain areas that are prevalent on this property. Although the proposed layout doesn't fully meet the intent of the zoning district due to requested variances, a modified layout that meets all of the OSC requirements is appropriate for this property. The modified layout should preserve all environmental sensitive areas and provide all required buffers.

Variance Request 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 has requested three variances to the OSC standards to allow a site layout that is very similar to the one that was proposed with the R-60 rezoning request, which was denied by the Board of Commissioners in February 2023. As such, the site plan does not fully align with the intent of the OSC district and the requested variances to eliminate the required 50-foot-wide conservation strip and reduce the required street frontage buffer nullify the intent of the Unified Development Ordinance. The requested variance to allow a cul-de-sac is reasonable as shown on the proposed site plan but also may be necessary if the above variances are denied and less land is available for roads and lots.

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 **APPROVAL WITH CONDITIONS** of the rezoning request.

In addition, staff recommends **APPROVAL** of the following variance:

1. To allow cul-de-sacs, subject to the review and approval of the Department of Planning and Development.

In addition, staff recommends **DENIAL** of the following variances:

1. To eliminate the required conservation space strip along the southern property line adjacent to the R-100 MOD zoned Apalachee Heritage subdivision.
2. To provide a 20-foot-wide landscape strip along the Fence Road frontage where a 50-foot-wide undisturbed street frontage buffer is required.

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 rezoning requests.

In addition, the Planning Commission recommends **APPROVAL** of the following variance request:

1. To allow cul-de-sacs, subject to the review and approval of the Department of Planning and Development.

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

1. To eliminate the required conservation space strip along the southern property line adjacent to the R-100 MOD zoned Apalachee Heritage subdivision.

2. To provide a 20-foot-wide landscape strip along the Fence Road frontage where a 50-foot-wide undisturbed street frontage buffer is required.

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

Approval as OSC (Open Space Conservation District) for a single-family subdivision, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit D: Building Elevations dated received July 27, 2023, and dated received October 10, 2023, by the Department of Planning and Development, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. The minimum heated floor area shall be ~~1,800~~ **2,200** square feet.
3. All detached residences shall adhere to the Architectural Design Standards for Category 3, Detached Residential Buildings.
4. Each dwelling shall have a minimum of a two-car garage.
5. Natural vegetation shall remain on the property until the issuance of a development permit.
6. All grassed areas shall be sodded.
7. 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 Department of Planning and Development.
8. Building lots shall not be located within any required stream buffers, accompanying impervious surface setback areas, floodplain or conservation space.
9. A ~~42~~ **10**-foot-wide **concrete** multi-use trail shall be provided, at no cost to the County, within the right-of-way of Fence Road as identified in the Gwinnett County Trails Master Plan.
10. **Rental shall be limited to no more than 10 percent of the total number of lots.**
11. **A mandatory HOA to be established prior to the development permit.**
12. **No portion of any lot shall be located in primary conservation space.**
13. **No accessory dwelling units shall be permitted.**
14. **No direct lot access to Fence Road.**
15. **No lot shall be located with the 100 year floodplain.**

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Existing Features and Site Analysis Plan for OSC
- D. Building Elevations
- E. Letter of Intent and Applicant's Response to Standards
- F. Application and Disclosure of Campaign Contributions
- G. DWR Sewer Capacity Certification Letter
- H. Traffic Impact Study
- I. Internal and External Agency Review Comments
- J. Maps

Exhibit A: Site Visit Photos



View of the western property (for development)



View of the eastern property (for conservation)



View of Apalachee River, subject property on left



View of Alcovy Ridge residences to the southeast



View of Fence Road northbound, subject property on left



View of Fence Road southbound, subject property on right

Exhibit B: Site Plan

[attached]



HINTON TRACT
2905 FENCE ROAD

RIDGELINE
LAND PLANNING, INC.
833 ROBINSON DRIVE, WOODBRIDGE, VA 22190
TEL: 703.880.9476 FAX: 703.880.9477

ZONING
PLAN
SHEET TITLE

11/09/2023	REVISION NUMBER

7/26/2023
DATE

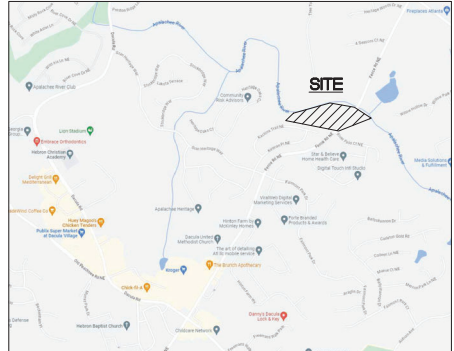
JOB NUMBER

Z-1

GWINNETT COUNTY
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LOCATION MAP - NTS

SUMMARY

PARCEL 5305 001
CURRENT ZONING RA-200
PROPOSED ZONING CS0
GROSS AREA: 14.92 ACRES
NET AREA: 11.12 ACRES

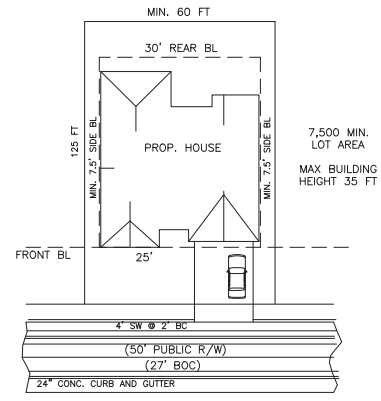
PROPOSED NO. LOTS: 21
GROSS DENSITY: 1.00 UPA
NET DENSITY: 2.30 UPA

MIN. LOT WIDTH: 60'
MIN. LOT AREA REQ: 7500 SQFT
MAX. BUILDING HEIGHT: 35 FT

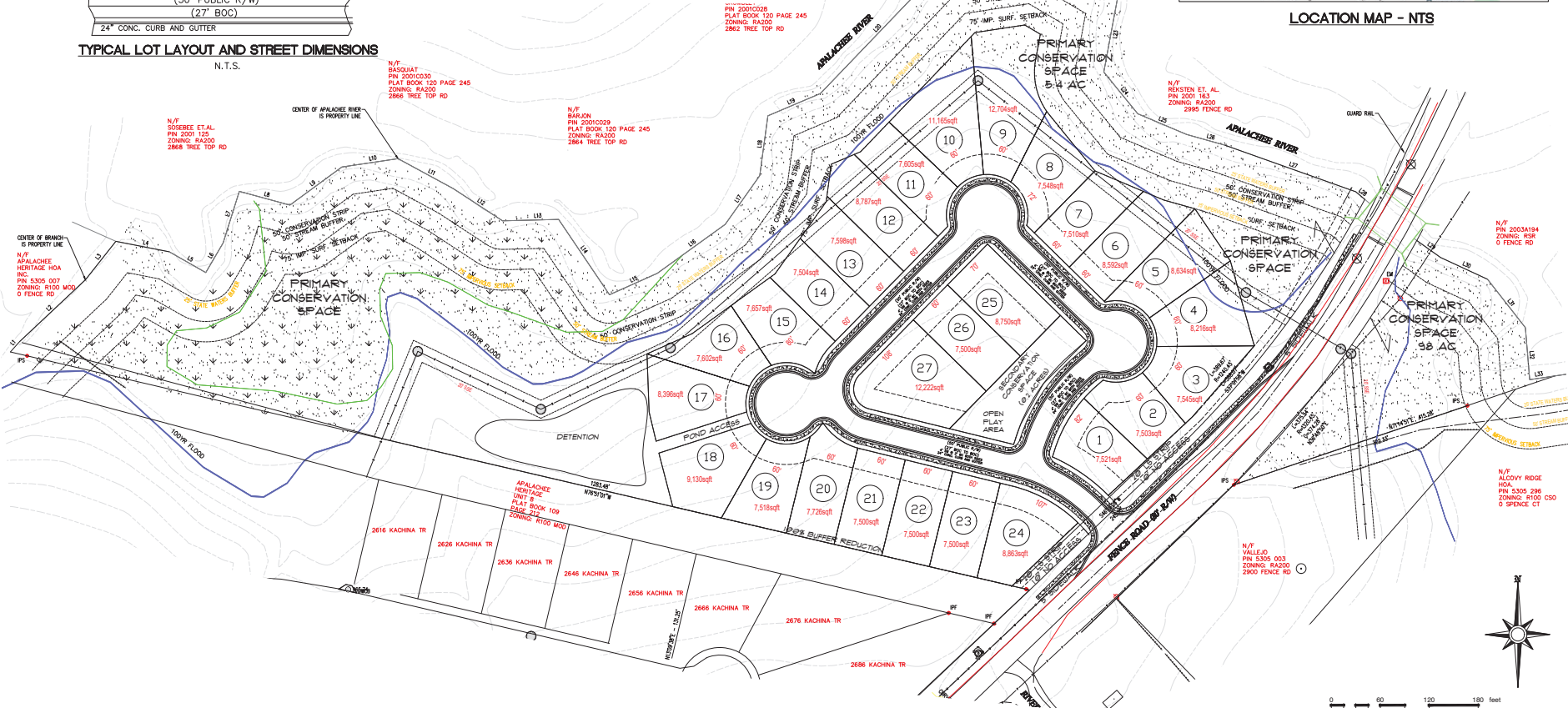
SETBACKS:
FRONT: 25'
SIDE: 15'
REAR: 30'

CONSERVATION SPACE: MINIMUM 25% 3.51 ACRES
CONSERVATION SPACE PROVIDED: 44% 6.58 ACRES
PRIMARY CONSERVATION SPACE: 6.38 ACRES
SECONDARY CONSERVATION SPACE: 2 ACRES

TOPOGRAPHIC INFORMATION BASED ON GWINNETT COUNTY GIS
WATER AND SEWER TO BE PROVIDED BY GWINNETT COUNTY
NO FENCES OR RETAINING WALLS CURRENTLY PROPOSED



TYPICAL LOT LAYOUT AND STREET DIMENSIONS
N.T.S.



0 60 120 180 feet
SCALE: 1" = 60'

Exhibit C: Existing Features and Site Analysis Plan for OSC

[attached]

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Tallman Environmental

October 1, 2023

Michael J. Caswell
Casgwyn Construction, LLC
4411 Suwanee Dam Road, Suite 425
Suwanee, Georgia 30024

Subject: Fence Road Existing Features Site Analysis
5305 001 – 14.27 acres
Dacula, Gwinnett County, Georgia

Mr. Caswell:

On September 29, 2023, Tallman Environmental completed a site reconnaissance to assess the subject property for existing features of natural, ecological, and cultural significance. The 14.27-acre subject property is located north of the intersection of Fence Road NE and River Pass Court NE in Dacula Gwinnett County, Georgia. The property is centered at latitude 34.010100° north and longitude -83.895636° west and is identified by Gwinnett County parcel number 5305 001. At the time of the site reconnaissance, the subject property was undeveloped.

The subject property is located in the Piedmont Ecoregion of Georgia and is comprised of Piedmont pine-oak woodlands (*Guide to the Natural Communities of Georgia*, 2013). Wooded areas were comprised of a mix of hardwood species (*Acer rubrum*, *Liriodendron tulipifera*, *Liquidambar styraciflua*, *Quercus nigra*) and pines (*Pinus taeda*) with an understory of *Ligustrum sinense*, *Acer rubrum*, and *Lonicera japonica*.

Elevation on the subject property ranges from approximately 860 feet to 920 feet and slopes from northwest to southeast. No rock outcroppings were observed on the subject property. The site is mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service with the following soil series:

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
ARE	Ashlar, Rion, and Wateree soils, 10 to 25 percent slopes	6.1	36.6%
PfB2	Pacolet sandy loam, 2 to 6 percent slopes, moderately eroded	0.0	0.2%
PgD2	Pacolet sandy clay loam, 10 to 15 percent slopes, moderately eroded	0.6	3.4%
RAC	Rawlings and Rion soils, 2 to 10 percent slopes	3.4	20.4%
ToA	Toccoa fine sandy loam, 0 to 4 percent slopes, frequently flooded	6.5	39.3%
Totals for Area of Interest		16.7	100.0%

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call or text 24/7 at 678.468.2288 aj@tallmans.net

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(Fence Road Existing Features Site Analysis, Page 2)

A portion of the subject property (approximately 39.5%) is mapped with prime farmland soils. However, because the subject property is located in a developed area and is not currently cultivated, it is exempt from the Farmland Protection Policy Act.

The subject property is located within the Upper Apalachee Rive watershed (Hydrologic Unit Code 030701010801). It is mapped with areas of 100-year floodplain in proximity to the Apalachee River according to the FEMA flood insurance rate map (community panel 13135C 0062F, dated September 29, 2006).

The subject property was investigated for the presence of streams and other hydrologic features that might be considered state waters. Indicators used to identify jurisdictional streams included the following: wrested vegetation within the channel, sediment sorting, mean high water mark, evidence of recent persistent flow, and/or evidence of subsurface hydrology. Hydrologic features were also evaluated using the North Carolina, Division of Water Quality Methodology for Identification of Intermittent and Perennial Streams and Their Origins (Version 4.11, September 2010). At the time of the September 29, 2023 site reconnaissance, a perennial segment of the Apalachee River was observed flowing along the northern boundary of the subject property.

A preliminary assessment of wetlands and other jurisdictional waters of the U.S. was also conducted on the property at the time of the site reconnaissance. Wetland areas were identified at the time of the site reconnaissance. Wetlands and streams are depicted on the National Wetland Inventory map for the project area.

An Information for Planning and Conservation (IPaC) report was obtained from the U.S. Fish and Wildlife Service (USFWS) and is included as an attachment to this letter. The purpose of the IPaC report is to identify species that may occur or could potentially occur on the subject property. The IPaC report identified the following species:

- *Danaus plexippus*. This candidate species was not observed on the subject property during the September 29, 2023 fieldwork.

A critical habitat is a federally designated geographic area that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. Critical habitat may include an area that is not currently occupied by the species but that will be needed for its recovery. The IPaC report did not identify critical habitats on the subject property.

The subject property was also evaluated for migratory bird use. The IPaC report did not identify species of migratory birds that occur within the region. The subject property did not appear to serve as a breeding area for migratory birds at the time of the September 29, 2023 reconnaissance. However, the subject property may require reevaluation for migratory birds if construction is delayed.

A National Wildlife Refuge is a federally designated, protected area of the United States managed by the United States Fish and Wildlife Service. The National Wildlife Refuge System is the system of public lands and waters set aside to conserve America's fish, wildlife, and plants. Gwinnett County tax assessor records indicate private ownership of the subject property.

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(Fence Road Existing Features Site Analysis, Page 3)

The Georgia Department of Natural Resources' Wildlife Resources Division (WRD) maintains records for rare species and communities in conservation databases. WRD tracks species and natural communities that are protected at state and federal levels or not legally protected but considered of special conservation concern by WRD biologists.

According to the Georgia Department of Natural Resources 2015 State Wildlife Action Plan:

Rarity ranks are used to characterize elements and to facilitate conservation planning. These ranks are assigned after reviewing pertinent status information at the state level and globally. Rarity ranks are based on a scale of 1 to 5; the higher the number, the more secure that species is thought to be at the state (or global) level. Therefore, an S1 species is considered very rare or imperiled in the state, while an S5 species is considered common and secure. A species with a rarity rank of G5 S1 is globally secure but occurs in very small numbers in the state. Thus (sic) it is not of global conservation concern but may be considered a priority for conservation within the state, depending on other factors. This ranking system helps to assure that conservation efforts are directed to those species needing the most help in order to maintain biological diversity in a state or region.

Two animal species were identified in the conservation database:

Cyprinella xaenura, Altamaha Shiner
State Rank: S2S3 (Imperiled/Vulnerable)
GA: Threatened
US: No Federal Protection
State Wildlife Action Plan: Yes
Element Occurrences: 71
Habitat: medium-sized to large streams in runs or pools over sand to gravel substrate

Because of sedimentation observed at the time of the site reconnaissance, the onsite segment of the Apalachee River is not suitable habitat for the Altamaha Shiner. The proposed work will be conducted according to Gwinnett County requirements and all applicable BMPs to prevent sedimentation to downgradient waters.

Perimyotis subflavus, Tricolored Bat
State Rank: G3G4/S2 (Vulnerable, Apparently Secure/Imperiled)
GA: No Georgia state protection
US: No Federal Protection
State Wildlife Action Plan: Yes
Element Occurrences: 266
Habitat: Open forests with large trees and woodland edges; roost in tree foliage; hibernate in caves or mines with high humidity

The tricolored bat is proposed to be listed as endangered by the USFWS. Based on conversations with USFWS biologists, the tricolored bat occurs statewide in Georgia and uses forested landscapes during its "active" seasons of spring, summer, and fall. They roost in leaf foliage and nearly all forested areas could be considered suitable habitat. They can also be found in

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(Fence Road Existing Features Site Analysis, Page 4)

transportation structures, abandoned buildings, and military bunkers. In the winter, tricolored bats hibernate in caves and mines where these habitats are available, and culverts across most of Georgia. They also overwinter in bridges, but use of bridges is expected to a lesser extent than use of culverts. In bottomland hardwood forests, tricolored bats have been documented in tree hollows. In much of Georgia, winters are mild enough that tricolored bats are likely active on the landscape to some extent year-round.

To avoid any potential impact, we suggest implementing seasonal tree clearing restrictions during the non-volant (unable to fly) pup season (May 1 to July 31) as well as winter hibernation season (December 1 to February 28) in most Georgia counties. At the writing of this report, the tricolored bat has not been listed as endangered.

Three plant species were identified in the conservation database:

Aesculus glabra, Ohio Buckeye
State Rank: G5/S2 (Secure/Imperiled)
GA: No State Protection
US: No Federal Protection
State Wildlife Action Plan: Yes
Element Occurrences: 10,
Habitat: Mesic forests in mafic soil

Cypripedium acaule, Pink Ladyslipper
State Rank: G5/S4 (Secure/Apparently Secure)
GA: Unusual
US: No Federal Protection
State Wildlife Action Plan: No
Element Occurrences: 212
Habitat: Upland oak-hickory-pine forests; piney woods

Veratrum woodii, Ozark Bunchflower
State Rank: G5/S2 (Secure/Imperiled)
GA: Rare
US: No Federal Protection
State Wildlife Action Plan: Yes
Element Occurrences: 30
Habitat: Mesic hardwood forests over basic soils

The subject property was reconnoitered for the presence of the above-referenced plants; no plants were observed at the time of the reconnaissance. Please refer to the attached photographs documenting conditions at the time of the site reconnaissance.

Tallman Environmental reviewed the Georgia Natural, Archaeological, and Historic Resource Geographic Information System (GNAHRGIS) database for records pertaining to surveyed historic structures listed on or eligible for listing on the National Register of Historic Places (NRHP). An Area of Potential Effect (APE) of ¼ mile (1,320 feet) from the subject property was established for the purposes of this review. Based on review of the database records, one historic structure was mapped within the APE (circa 1925 residence at 3022 Fence Road). This structure could not be located at the time of the reconnaissance and is assumed to be no longer standing. No artifacts or lithic scatters were observed on the subject property at the time of the reconnaissance; no subsurface investigation was conducted.

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(Fence Road Existing Features Site Analysis, Page 5)

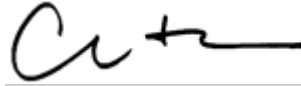
Please feel free to contact me if you have any questions or concerns. We thank you for the opportunity to coordinate with you on this project.

Sincerely,

TALLMAN ENVIRONMENTAL



AJ Tallman
Project Manager



Connie Tallman
Biologist

Attachments:

Vicinity Map
Topographic Map
Soils Map
FEMA FIRM Map
National Wetland Inventory Map
Site Photographs
IPaC Trust Resource Report
Georgia Rare Natural Elements Listings
GNAHRGIS Database Map

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SOURCE: Google Earth

Figure 1
Scale: 1"=275'

Site Location Map
Fence Road
Parcel R5305 001 (14.27 acres)
Dacula, Gwinnett County, Georgia

Tallman Environmental, Inc.
2095 Highway 211 NW 2F #116
Braselton, Georgia 30517
aj@tallmans.net
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SOURCE: Hog Mountain, Georgia 7.5-minute topographic quadrangle map (2020)

Figure 2
Scale: 1"=2,000'

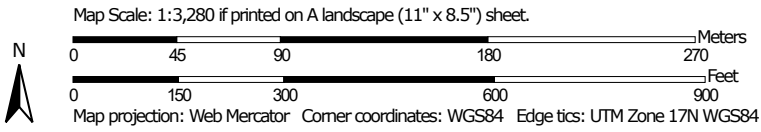
Topographic Map
Fence Road
Parcel R5305 001 (14.27 acres)
Dacula, Gwinnett County, Georgia

Tallman Environmental, Inc.
2095 Highway 211 NW, 2F #116
Braselton, Georgia 30517
aj@tallmans.net
678.468.2288

Soil Map—Gwinnett County, Georgia

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MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)




















Soils







 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Gwinnett County, Georgia
Survey Area Data: Version 14, Aug 30, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Feb 4, 2023—Feb 18, 2023

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

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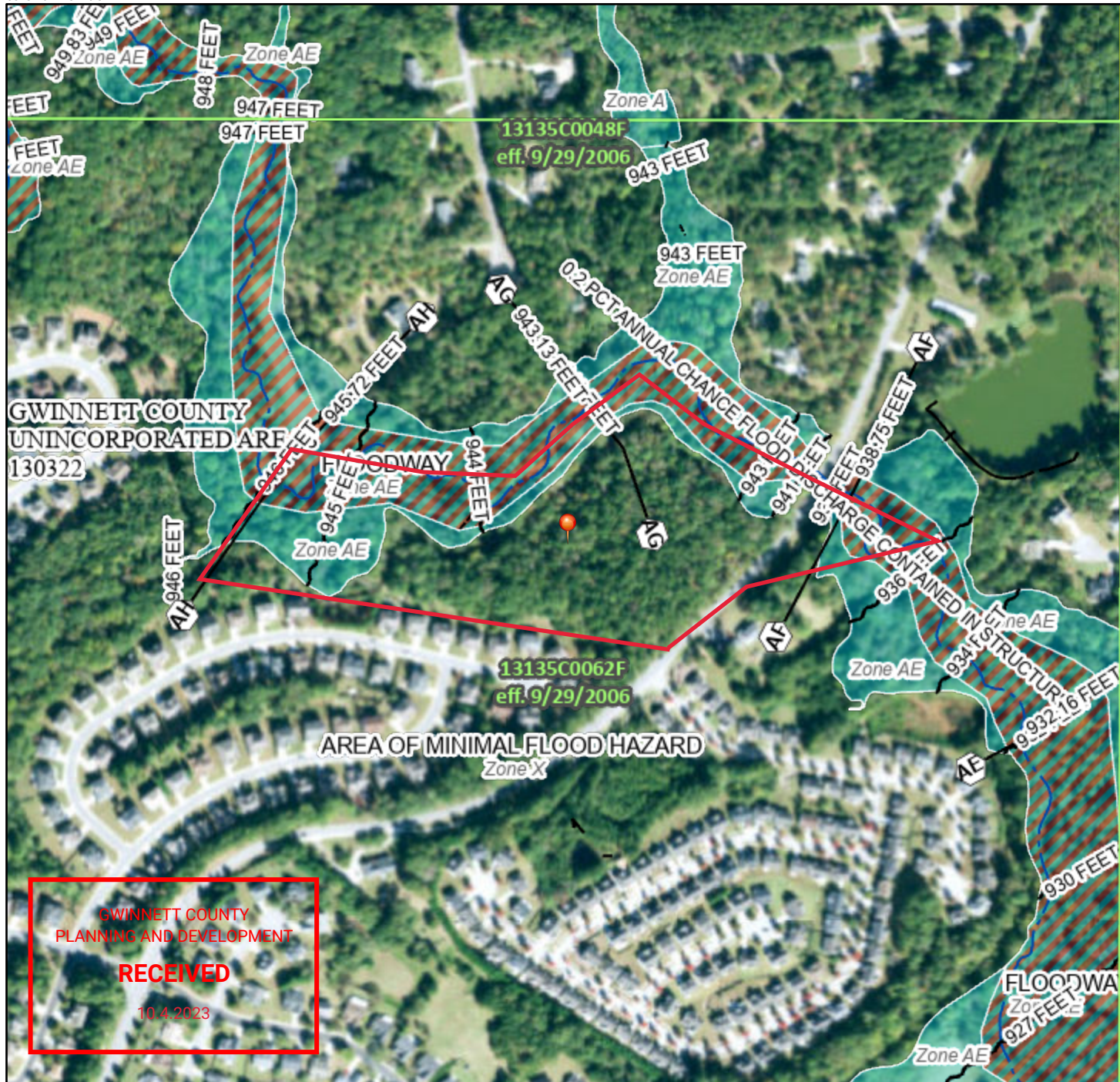
Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
ARE	Ashlar, Rion, and Wateree soils, 10 to 25 percent slopes	6.1	36.6%
PfB2	Pacolet sandy loam, 2 to 6 percent slopes, moderately eroded	0.0	0.2%
PgD2	Pacolet sandy clay loam, 10 to 15 percent slopes, moderately eroded	0.6	3.4%
RAC	Rawlings and Rion soils, 2 to 10 percent slopes	3.4	20.4%
ToA	Toccoa fine sandy loam, 0 to 4 percent slopes, frequently flooded	6.5	39.3%
Totals for Area of Interest		16.7	100.0%

National Flood Hazard Layer FIRMMette



83°54'6"W 34°0'51"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

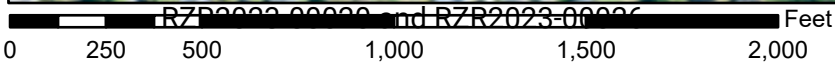
- | | | |
|-----------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes. Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard Zone D |
| | | Channel, Culvert, or Storm Sewer |
| OTHER FEATURES | | Levee, Dike, or Floodwall |
| | | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| MAP PANELS | | 17.5 Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

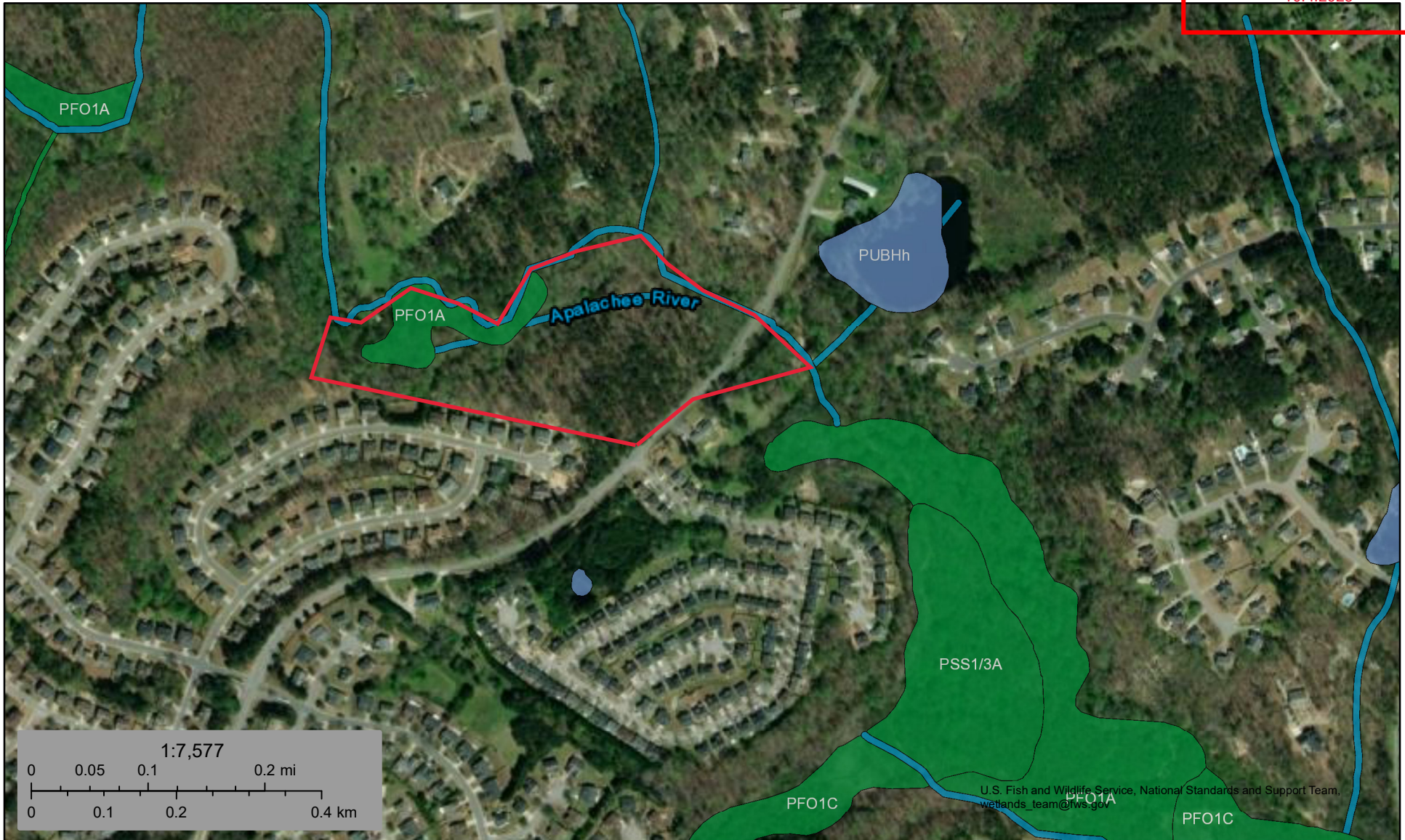
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/1/2023 at 2:21 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



83°53'29"W 34°0'21"N



October 1, 2023

Wetlands

- | | | | | | |
|---|---------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | RZR2023-00020 and RZR2023-00026 |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

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PHOTOGRAPHIC LOG

Site Location:

Fence Road, Parcel R5305 001, Dacula, Gwinnett County, Georgia

Photo No.
1

Date:
9/29/23

Direction Photo Taken:

East



Description:

Subject Property west of Fence Road

Photo No.
2

Date:
9/29/23

Direction Photo Taken:

West



Description:

Subject Property west of Fence Road

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PHOTOGRAPHIC LOG

Site Location:

Fence Road, Parcel R5305 001, Dacula, Gwinnett County, Georgia

Photo No.
3

Date:
9/29/23

Direction Photo Taken:

East

Description:

Upstream along the
Apalachee River



Photo No.
4

Date:
9/29/23

Direction Photo Taken:

West

Description:

Downstream along the
Apalachee River



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PHOTOGRAPHIC LOG

Site Location:

Fence Road, Parcel R5305 001, Dacula, Gwinnett County, Georgia

Photo No.
5

Date:
9/29/23

Direction Photo Taken:

North



Description:

Subject Property east of Fence Road

Photo No.
6

Date:
9/29/23

Direction Photo Taken:

Southwest



Description:

Subject Property east of Fence Road

ALL RARE NATURAL PLANT COMMUNITIES WITHIN HOG MOUNTAIN, GA, SE QUARTER QUAD NOTED NO LOCATION RECORDS RECORDED FOR THIS UNIT AREA

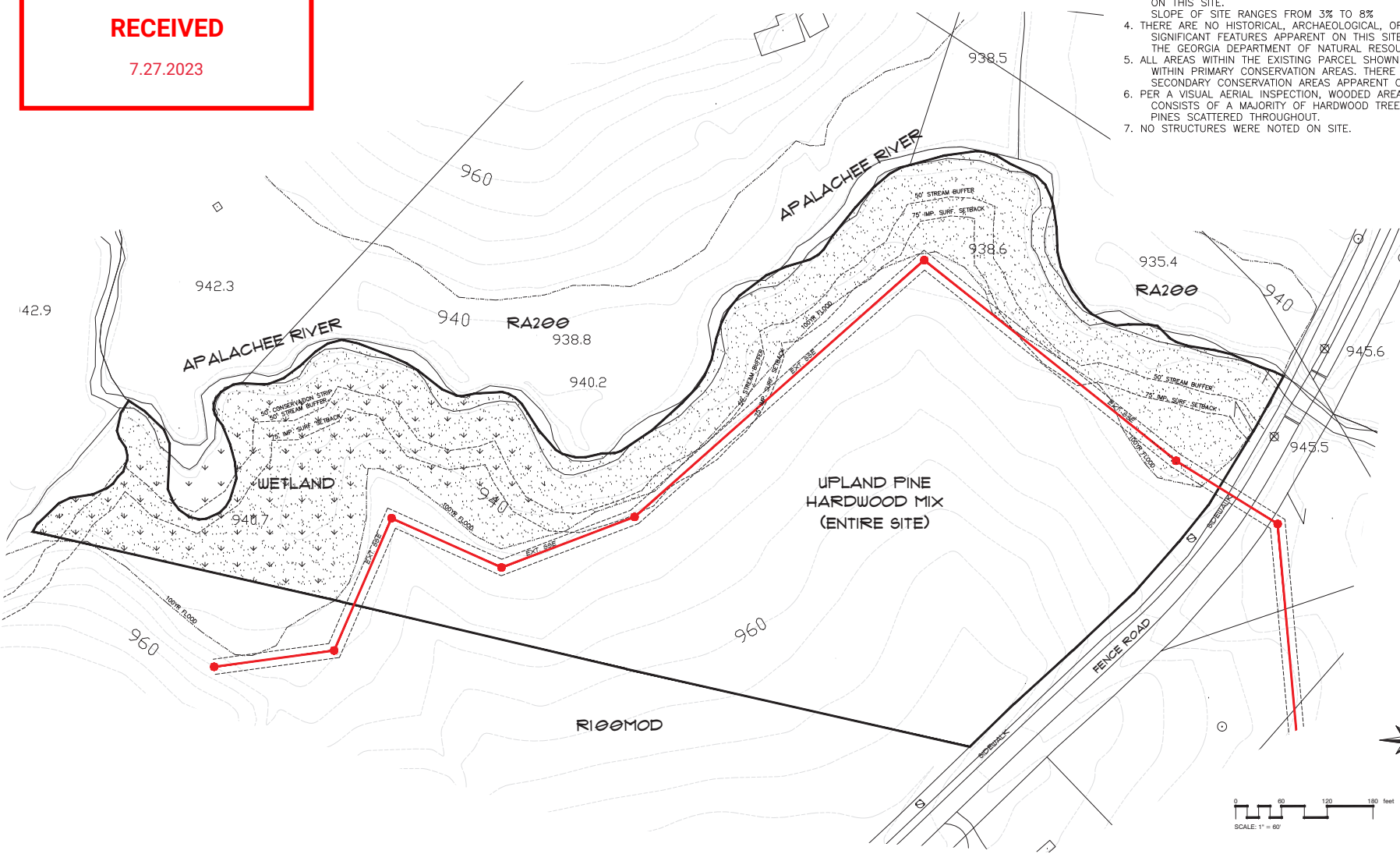
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GENERAL NOTES:

1. ALL INFORMATION REGARDING EXISTING FLORA OR FAUNA ECOSYSTEMS IS MAPPED AND DELINEATED BY GEORGIA DEPARTMENT OF NATURAL RESOURCES, LOCATED AT [HTTPS://GEORGIABIODIVERSITY.ORG](https://georgiabiodiversity.org)2. WETLANDS, FLOOD PLAIN, AND STREAMS SHOWN PER FEMA FIRM PANEL 13135C0062F, EFFECTIVE ON 9/29/2006 AND THE U.S. FISH & WILDLIFE NATIONAL WETLANDS INVENTORY MAPPER.
3. THERE ARE NO STEEP SLOPE AREAS (AREAS OF WHICH THE EXISTING SLOPE IS GREATER THAN 25%) APPARENT ON THIS SITE.
4. THERE ARE NO HISTORICAL, ARCHAEOLOGICAL, OR OTHER SIGNIFICANT FEATURES APPARENT ON THIS SITE - PER THE GEORGIA DEPARTMENT OF NATURAL RESOURCES.
5. ALL AREAS WITHIN THE EXISTING PARCEL SHOWN LIE WITHIN PRIMARY CONSERVATION AREAS. THERE ARE NO SECONDARY CONSERVATION AREAS APPARENT ON SITE.
6. PER A VISUAL AERIAL INSPECTION, WOODED AREA CONSISTS OF A MAJORITY OF HARDWOOD TREES WITH PINES SCATTERED THROUGHOUT.
7. NO STRUCTURES WERE NOTED ON SITE.



HINTON TRACT
2905 FENCE ROAD



EXISTING
CONDITIONS
SHEET TITLE

7/24/2023
DATE
JOB NUMBER

EC-1

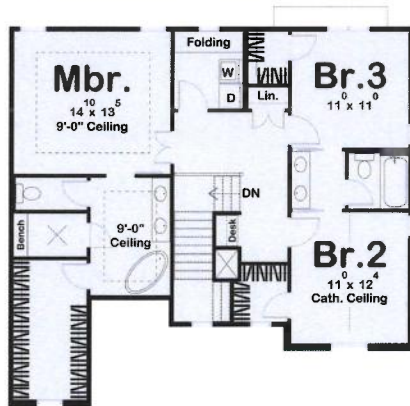
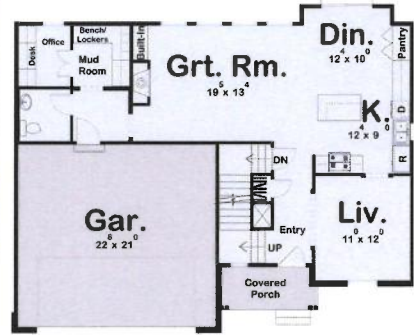
Exhibit D: Building Elevations

[attached]



MODERN FARMHOUSE HOUSE PLAN 963-00496

SQ FT	BEDS	BATHS	1/2 BATHS	STORIES	CARS	WIDTH	DEPTH
2,056	3	2	1	2	2	46' 0"	38' 0"



Exterior

Floor Plans



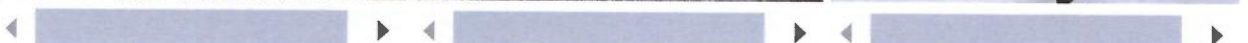
Images copyrighted by the designer. Photographs may reflect a homeowner modification.



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MODERN FARMHOUSE HOUSE PLAN 009-00304

SQ FT	BEDS	BATHS	1/2 BATHS	STORIES	CARS	WIDTH	DEPTH
2,899	4	2	1	2	2	47' 0"	45' 0"



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

[attached]

October 10, 2023

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LETTER OF INTENT FOR REZONING

Rezoning Application
Gwinnett County, Georgia

Applicant:
Casgwyn Construction, LLC

Property:
Tax Parcel ID R5305 001
±14.92 Acres of Land
Located at Fence Road, Dacula, Georgia
From RA-200 to OSC

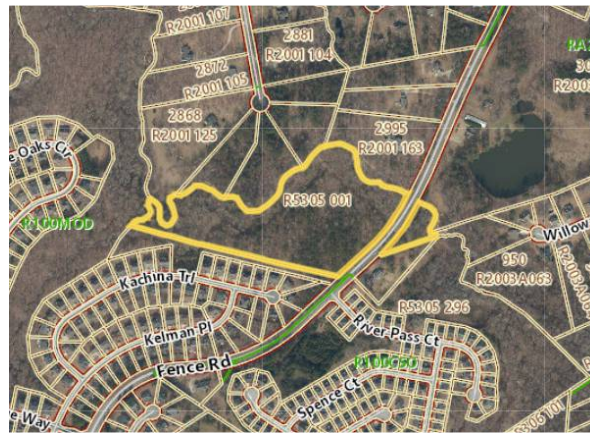
Submitted for Applicant by:
Melody A. Glouton, Esq.
ANDERSEN TATE & CARR, P.C.
One Sugarloaf Centre
1960 Satellite Blvd.
Suite 4000
Duluth, Georgia 30097
770.822.0900
mglouton@atclawfirm.com

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I. INTRODUCTION

Casgwyn Construction, LLC (the “Applicant”) submits this rezoning application (the “Application”) for a 14.92-acre parcel of land located in Land Lot 305 of the 5th District of Gwinnett County, Georgia, Dacula, and known as 2905 Fence Road (the “Property”). The Property consists of a single parcel geographically divided by Fence Road. The majority of the Property and the 13.94-acre portion proposed for redevelopment is located on the west side of Fence Road.¹ The Property is undeveloped and heavily wooded, with substantial vegetation and tree canopy. The Application includes a site plan prepared by Ridgeline Land Planning, Inc. The Property is owned by the Hinton Family LLLP and is further identified below from the Gwinnett County Tax Assessor’s Map:



The Property is currently zoned RA-200 (Agriculture-Residence District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant now seeks approval to rezone the Property to OSC (Open Space Conservation District) to develop a distinctive and attractive single-family detached residential community with less than 30 homes.

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

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

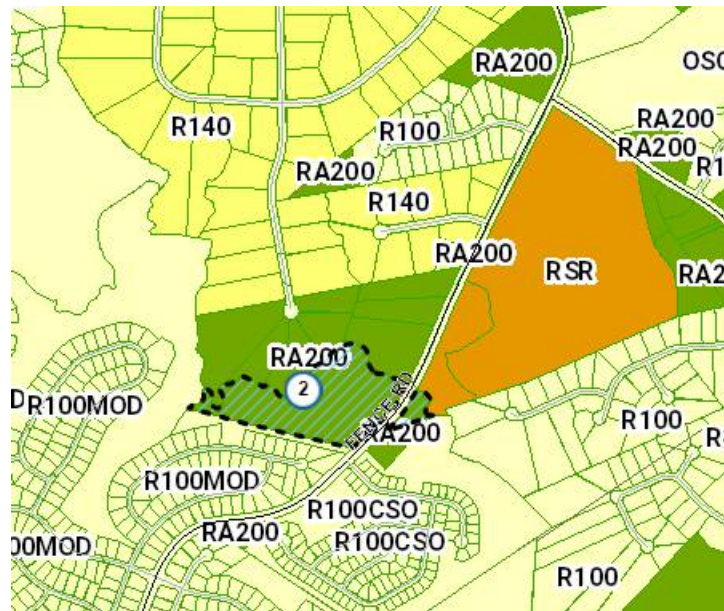
The Property is a single parcel divided by Fence Road in Dacula, Georgia. The Property has significant topography changes throughout the site as it slopes upward approximately 40 feet from the northeast property line to the southeast corner of the site on Fence Road. The Apalachee River with associated buffers runs the length of the northern property line with a significant portion of the site within the special flood hazard area. Beyond the Apalachee River, the Property is surrounded by single-family residential subdivisions. The following is a summary of surrounding uses and existing zoning classifications:

¹ The Applicant is seeking to rezone the entire 14.92-acre tax parcel.

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Location	Land Use	Zoning	Density
Proposed	Single-Family Residential	OSC	1.89 units per acre
North	Undeveloped	RA-200	N/A
	Single-Family Residential		0.23 units per acre
East	Single-Family Residential	RSR	2.45 units per acre (150 feet from proposed site)
		R-100	1.06 units per acre
South	Undeveloped	R-100MOD	N/A
	Single-Family Residential	R-100MOD	2.8 units per acre (immediately adjacent)
West	Undeveloped (HOA buffer)	R-100MOD	N/A



The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as being within *both* the “Suburban Estate Living” and “Vibrant Communities” Character Areas. In addition, the Property is immediately adjacent to the “Emerging Suburban” Character Area. While the majority of the proposed area for development lies within the “Suburban Estate Living” Character Area, this designation is

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intended to provide large tracts of land for greenfield development and includes some remnants of agricultural uses. A single-family detached residential subdivision with 27 lots would be appropriate community with 28 lots, as proposed by the Applicant, would be appropriate for this area as the site is similarly situated to existing residential developments of the same nature.

III. PROJECT SUMMARY

As shown on the site plan prepared by Ridgeline Land Planning, Inc., and filed with this Application (the “Site Plan”), the Applicant proposes to develop the Property into a distinctive and attractive residential community. The Applicant is proposing to rezone 14.92 acres from RA-200 to OSC in order to accommodate the development of a single-family residential community with approximately 27 units for a gross density of 1.89 units per acre. As indicated above, the site is surrounded by single-family residential subdivisions and the proposed density and nature of this development is similar to, or even less dense, than the existing and recently approved adjacent subdivisions. For example, the site immediately across the street was recently rezoned to R-SR with a density of 2.45 units per acre and the existing development to the south has a density of 2.8 units per acre. The proposed development would provide attractive residences ranging in sizes with minimum heated floor areas of 1,800 square feet for one-story and 2,000 square feet for two-story homes. Generally, the architectural style and composition of the exterior of the homes would be of a farmhouse style and consist of brick, stacked stoned, cedar and/or cementitious shake, siding board and batten or combinations thereof. The Applicant has included sample elevations with this submittal. The proposed development would have a single entrance on Fence Road which would be landscaped and maintained by a Homeowners Association. In addition to the natural stream buffers on the Property, the site will also maintain a 50-foot conservation strip adjacent to RA-200 zoned properties.

For the development of the Property, the Applicant is requesting the following variances:

- (1) Section 210-50.13.B.1.: A variance from the required 50-foot natural and undisturbed street frontage buffer along Fence Road. As shown on the site plan, the development will maintain a 20-foot landscape strip and 10 foot no access easement along Fence Road.
- (2) Section 210-50.13.A.1.: To the extent required, the Applicant is also requesting a variance from the 50-foot conservation space strip adjacent to R-100 MOD zoned properties. See also, Table 610.0, that does not require a buffer when OSC zoned property is adjacent to R-100 MOD zoned property. Specifically, lots 18-24 on the site plan are immediately adjacent to an existing 50-foot community association buffer.
- (3) Section 210-50.14.A: A variance from the minimum number of cul-de-sacs due to the significant topographical challenges of the site. The site slopes upward approximately 40 feet from the northeast property line to the southeast corner of the site on Fence Road. The Apalachee River with associated buffers runs the length of the northern property line with a significant portion of the site within the special flood hazard area. A sanitary sewer easement runs through the property, outside of the 50-foot undisturbed stream buffer and flood hazard area.

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The requested variances are necessary to afford the Applicant relief so that the Property may be redeveloped in accordance with the intent of the site plan. Due to the topography of the Property, strict adherence to the requirements of the UDO is not possible in this matter. Further, granting the variances would not adversely affect the existing use or usability of adjacent property.

IV. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that rezoning to OSC, satisfies UDO § 270-20.5, entitled “Standards Governing Exercise of the Zoning Power,” as follows:

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

Yes, approval of the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Property is located on Fence Road. The proposed residential development is compatible with existing residential uses and will further diversify housing options in the surrounding area. The site is surrounded by single-family residential subdivisions and residences and the proposed density and nature of this development is similar to the existing and recently approved adjacent subdivisions.

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

No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classification is compatible with existing residential uses of adjacent property. Rather the proposed development would complement existing residential uses. Moreover, adjacent properties are developed with single-family subdivisions.

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

The Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic use as currently zoned. By way of further response, the Applicant submits the rezoning of the Property would redevelop the site into a more viable and compatible use with surrounding properties.

(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:

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No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Fence Road. The proposed development would complement the existing and nearby residential uses. However, any potential impacts would be mitigated with appropriate zoning conditions, site development requirements, and planning.

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

The proposed rezoning application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The subject property is located within the Suburban Estate Living Character Area of the 2040 Future Development Map. Encouraged land uses for this Character Area specifically promote residential infill developments similar in scale and architecture to surrounding developments.

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

The Applicant submits that the character of the surrounding development and quality of the proposed homes provide supporting reasons for approval of the rezoning application. Anticipated growth in Gwinnett County based on the 2040 Comprehensive Plan suggests a strong need for additional single-family housing. This particular area of Fence Road has experienced significant growth in recent years, primarily through single-family detached subdivisions. There has also been a tract just north of the site recently rezoned to OSC (RZR2021-00015), which also supports the proposed zoning classification and requested density of the site as it is commensurate with subdivisions in the area, including the parcel northeast from this site recently rezoned to R-SR.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone from RA-200 to OSC be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 4th day of October, 2023.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Exhibit F: 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*
CasGwyn Construction, LLC c/o NAME: <u>Andersen Tate & Carr</u> ADDRESS: <u>1960 Satellite Blvd, Ste 4000</u> CITY: <u>Duluth</u> STATE: <u>GA</u> ZIP: <u>30019</u> PHONE: <u>770-822-0900</u> EMAIL: <u>mglouton@atclawfirm.com</u>	NAME: <u>Hinton Family, LLLP</u> ADDRESS: <u>253 Merritt Drive</u> CITY: <u>Buford</u> STATE: <u>GA</u> ZIP: <u>30518</u> PHONE: <u>770-277-9978; ext. 101</u> EMAIL: <u>gcantrell@livingstoneproperties.com</u>
CONTACT PERSON: <u>Melody A. Glouton</u> PHONE: <u>770-822-0900</u> CONTACT'S E-MAIL: <u>mglouton@atclawfirm.com</u>	
APPLICANT IS THE: <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>RA200</u> REQUESTED ZONING DISTRICT: <u>OSC</u> PARCEL NUMBER(S): <u>R5305 001</u> ACREAGE: <u>13.94</u> ADDRESS OF PROPERTY: <u>2905 Fence Road, Dacula, Georgia</u> PROPOSED DEVELOPMENT: <u>Single-Family Detached Subdivision</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>27</u> Dwelling Unit Size (Sq. Ft.): <u>Minimum 1800SF</u> Gross Density: <u>1.89 upa</u> Net Density: <u>2.33 upa</u>	No. of Buildings/Lots: _____ Total Building Sq. Ft. _____ Density: _____

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
CasGwyn Construction, LLC c/o NAME: <u>Andersen Tate & Carr</u>	NAME: <u>Hinton Family, LLLP</u>
ADDRESS: <u>1960 Satellite Blvd, Ste 4000</u>	ADDRESS: <u>253 Merritt Drive</u>
CITY: <u>Duluth</u>	CITY: <u>Buford</u>
STATE: <u>GA</u> ZIP: <u>30019</u>	STATE: <u>GA</u> ZIP: <u>30518</u>
PHONE: <u>770-822-0900</u>	PHONE: <u>770-277-9978; ext. 101</u>
EMAIL: <u>mglouton@atclawfirm.com</u>	EMAIL: <u>gcantrell@livingstoneproperties.com</u>
CONTACT PERSON: <u>Melody A. Glouton</u> PHONE: <u>770-822-0900</u>	
CONTACT'S E-MAIL: <u>mglouton@atclawfirm.com</u>	
APPLICANT IS THE: <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>RA200</u> REQUESTED ZONING DISTRICT: <u>OSC</u>	
PARCEL NUMBER(S): <u>R5305 001</u> ACREAGE: <u>.98</u>	
ADDRESS OF PROPERTY: <u>2905 Fence Road, Dacula, Georgia</u>	
PROPOSED DEVELOPMENT: <u>Single-Family Detached Subdivision</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>0</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. _____
Gross Density: _____	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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7.27.2023

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.

Melody A. Houston for Applicant 7/27/23
Signature of Applicant Date

CasGwyn Construction, LLC
Type or Print Name and Title

D. Wilson 7/27/23
Signature of Notary Public Date



RECEIVED

7.27.2023

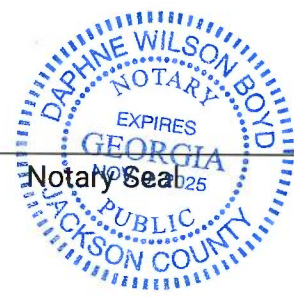
REZONING PROPERTY OWNER'S CERTIFICATION

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.

Melody A. Glouton (with express permission) 7/27/23
Signature of Property Owner Date

Hinton Family, LLLP
Type or Print Name and Title

D. Boyd 7/27/23
Signature of Notary Public Date



RECEIVED

7.27.2023

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.

Melody A. Glouton for Applicant 7/27/23
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

07/27/2023 Melody A. Glouton, Attorney for Applicant
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

D. Wilson 7/27/23
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 Casgwyn Construction, LLC
YOUR NAME

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

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

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

RECEIVED

7.27.2023

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
Melody A. Glouton 7/27/23 Melody A. Glouton, Attorney

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

[Signature] 7/27/23

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 Andersen Tate & Carr

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)
Kirkland Carden	\$2,800	11/16/2021
Ben Ku	\$1,000	03/25/2022
Kirkland Carden	\$500	05/05/2022
Ben Ku	\$1,500	10/06/2022
Love4Gwinnett	\$1,500	03/03/2023
Love4Gwinnett	\$1,000	06/07/2023
Kirkland 4 Gwinnett LLC	\$2,000	07/17/2023

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

RECEIVED

7.27.2023

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: 5th - 305 - 001
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

7/26/23
Date

Melody A. Glouton, Attorney for Applicant

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)

Kathy Lyles
NAME

TSA
TITLE

7/26/2023
DATE

Exhibit G: DWR Sewer Capacity Certification Letter

[attached]



September 6, 2022

Jim Caswell
CasGwyn Construction, LLC
4411 Suwanee Dam Rd, Suite 425
Suwanee, GA 30024

<input checked="" type="checkbox"/>	Approved
<input type="checkbox"/>	Denied
<input type="checkbox"/>	Conditionally Approved
Sewer Capacity Request #C2022-222-09	
Expiration Date: 09/06/2023	
Tie-In Manhole FID: 417532	

RE: Sewer Availability for Proposed Development – Fence Rd Tract SD
Parcel ID District 5 Land Lot 305, Parcel(s) 001

Dear Mr. Caswell:

At present time Gwinnett County Department of Water Resources (GCDWR) can serve the referenced development for sanitary sewer. The existing system has adequate capacity to serve the proposed development consisting of 28 single family homes on the above parcel(s). This confirmation is based on your anticipated peak flow of 19.4 gpm discharging to the sewer tie-in manhole at Facility ID 417532.

The requested capacity is valid for 12 months from the date of this letter. This certification is not valid if there are any development changes (e.g. land use density, sewer tie-in manhole, and/or rezoning) that could impact downstream sewer capacity. In this case the development must resubmit for a new certification with updated information.

Capacity is available on a first-come-first-serve basis. The County is currently making every effort feasible to ensure that there is sufficient sewer capacity to serve its developmental needs. Every proposed project is reviewed and considered for its impact on the individual basins, as well as its overall system impact. At present there are no sewer moratoriums within that basin in Gwinnett County. However, regulatory or court-imposed restrictions, unanticipated new development, or delays in County infrastructure projects could result in a moratorium, which may limit development in a specific or countywide basin. **Assuming the Sewer Capacity Certification is current, capacity is relegated to the proposed development only upon issuance of the Development Permit and after all applicable conditions (if any) established in this certification are met.**

Please let me know if you have any questions.

Sincerely,
WINNETT COUNTY DEPARTMENT OF WATER RESOURCES

Tai Yi Su, PE
Division Director, Infrastructure Support, Water Resources, Engineering and Technical Services
678.376.2104



C: Gwinnett County DWR – Lorraine Campagne, Section Manager; Raghu Vemuru, Engineer V; Mikala Weston, Engineer III
Gwinnett County P&D – Charli Young, Planning Manager; Mark Dickson, Engineer II; Geniva Sylvain, Engineer I

Exhibit H: Traffic Impact Study

[attached]

RECEIVED

11.2.2023



October 31, 2023

Gwinnett County
Department of Planning and Development
466 West Crogan Street, Suite 300
Lawrenceville, GA 30046

Re: Trip generation for parcel 5305 001, 2905 Fence Road

The proposed development will consist of 27 single-family detached homes. Vehicular access will be provided at one location along Fence Road. ITE land use code 210 generates an average of 10 trips per day. The estimated trip generation for this project is 270 ADT. Fence Roads existing Average Daily Traffic volume between Bailey Road and Dacula is estimated at 10,677 ADT per Gwinnett County Traffic Counts Report Published by March 1, 2023

Fence road has a speed limit of 40 MPH. Site distance requirements are 445 ft per Chapter 900 of the Gwinnett County UDC.

The SDR is adequate at the proposed access point. The SDL may require slight grading and or clearing to achieve adequate site distance.

Sincerely,

H. Holt Persinger, PLA

Exhibit I: Internal and External Agency Review Comments

[attached]



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

TRC Meeting Date:		12.01.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		RZR2023-00020 / RZR2023-00026	
Case Address:		2905 Fence Road, Dacula, 30019	
Comments:		<input checked="" type="checkbox"/>	YES
		<input type="checkbox"/>	NO
1	Fence Road is a major collector. ADT = 10,677.		
2	6.7 miles to the nearest transit facility (#2454819) Collins Hill Road and Collins Industrial Way.		
3	The developer shall provide a full-length deceleration lane and ensure the driveway is located in a place of optimal sight distance.		
4	The developer shall provide a 10' concrete trail along the frontage, per UDO Section 900-110, which states that the developer shall construct a trail if the frontage is located within part of the GC Trails Master Plan.		
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	YES
		<input checked="" type="checkbox"/>	NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021

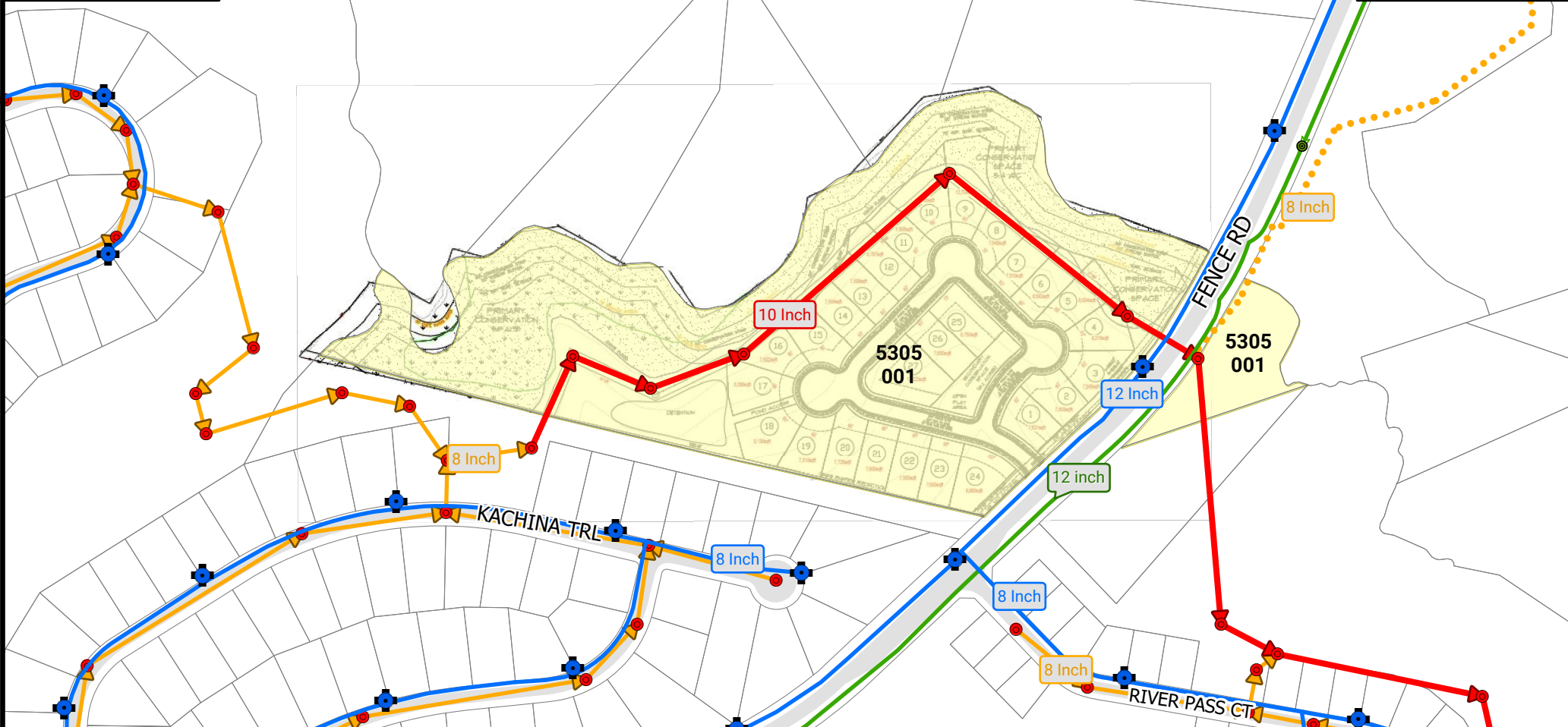


**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

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:		RZR2023-00020 & RZR2023-00026		
Case Address:		2905 Fence Rd		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The proposed development may connect to the existing 12-inch water main along the western right-of-way of Fence Road.			
2	Sewer: A Sewer Capacity Certification (C2022-222-09) approved for 28 single family detached homes has expired. Pending renewal of the sewer capacity certification, the proposed development may connect to an existing 10-inch gravity sewer located on the subject site.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1				
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Note: Attach additional pages, if needed

Revised 7/26/2021

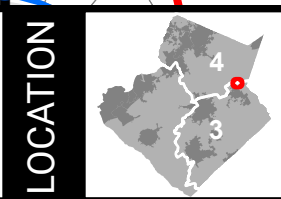
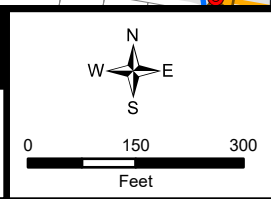


LEGEND

- Water Main
- Hydrant
- Sewer Force Main
- Manhole
- Sewer Collector
- Sewer Interceptor
- Proposed Sewer Collector

2905 Fence Rd
RA-200 to OSC

Water & Sewer Utility Map



Water Comments: The proposed development may connect to the existing 12-inch water main along the western right-of-way of Fence Road.

Sewer Comments: A Sewer Capacity Certification (C2022-222-09) approved for 28 single family detached homes has expired. Pending renewal of the sewer capacity certification, the proposed development may connect to an existing 10-inch gravity sewer located on the subject site.

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.

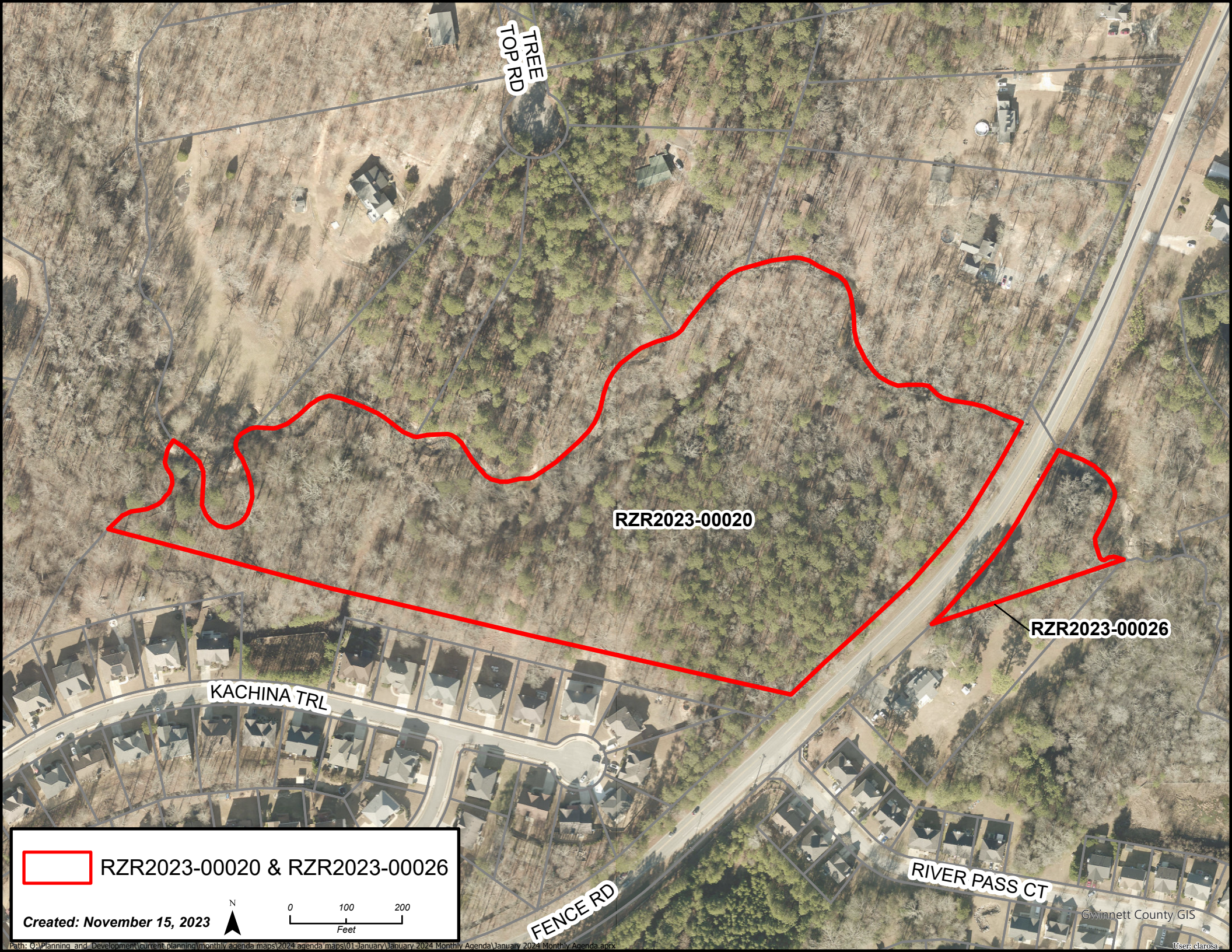
Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among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

Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County BOC, January, 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.	
RZR2023-00020	Dacula HS	2,550	2,550	0	2,641	2,550	91	2,755	2,550	205	8
RZR2023-00026	Dacula MS	1,892	1,900	-8	1,959	1,900	59	2,042	1,900	142	6
(combined)	Dacula ES	1,162	1,550	-388	1,144	1,550	-406	1,161	1,550	-389	13
RZR2024-00002	Mill Creek HS	2,685	2,800	-115	2,644	2,800	-156	2,697	2,800	-103	1
	Osborne MS	1,737	1,575	162	1,770	1,575	195	1,833	1,575	258	1
	Duncan Creek ES	1,468	1,300	168	1,500	1,300	200	1,556	1,300	256	1
RZM2024-00003	Seckinger HS	2,004	2,800	-796	2,226	2,800	-574	2,330	2,800	-470	2
	Jones MS	1,699	1,575	124	1,767	1,575	192	1,870	1,575	295	2
	Ivy Creek ES	1,649	1,275	374	1,739	1,275	464	1,795	1,275	520	2

Exhibit J: Maps

[attached]



TREE
TOP RD


RZR2023-00020

RZR2023-00026

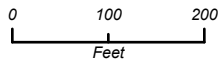
KACHINA TRL

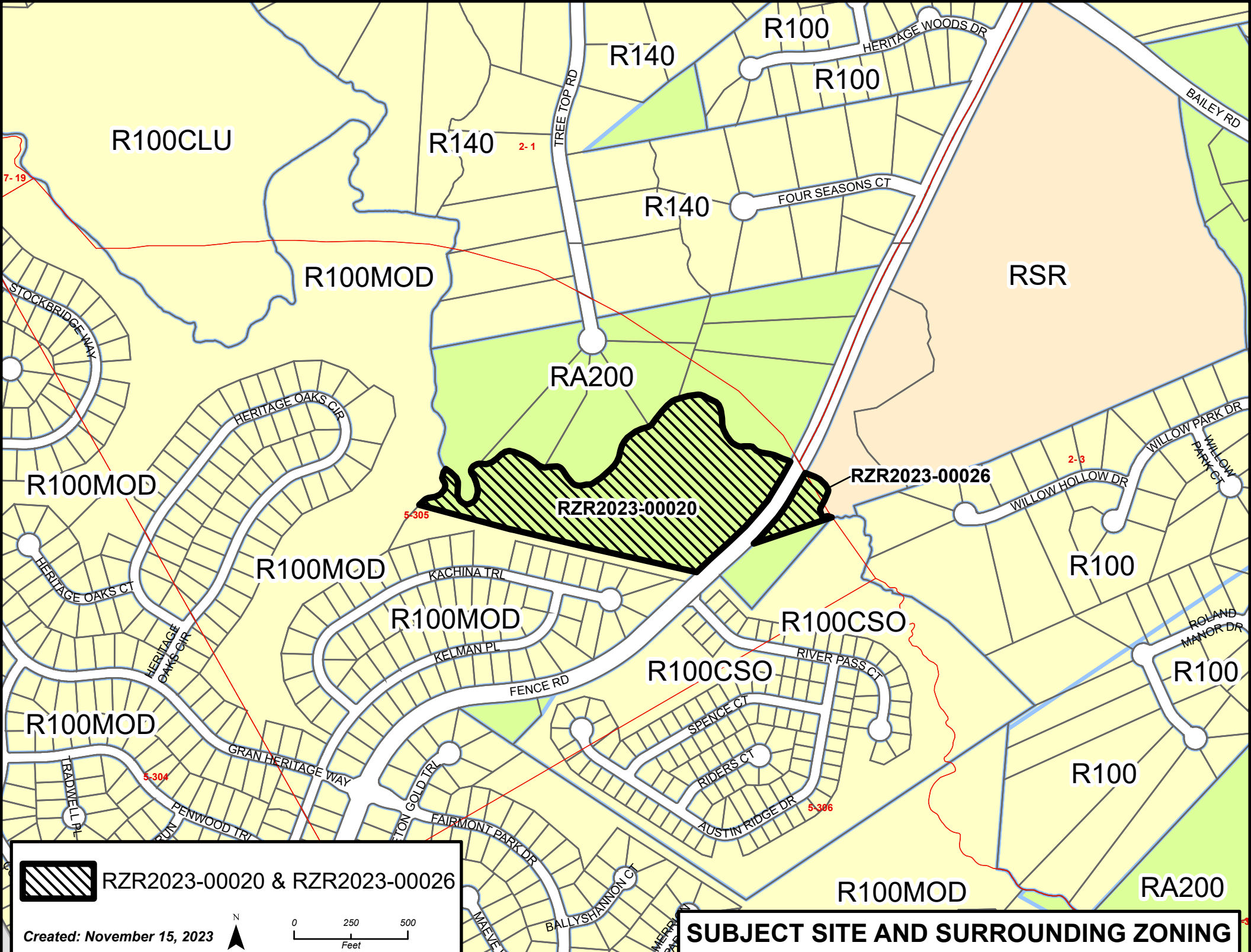
FENCE RD


RIVER PASS CT

 RZR2023-00020 & RZR2023-00026

Created: November 15, 2023

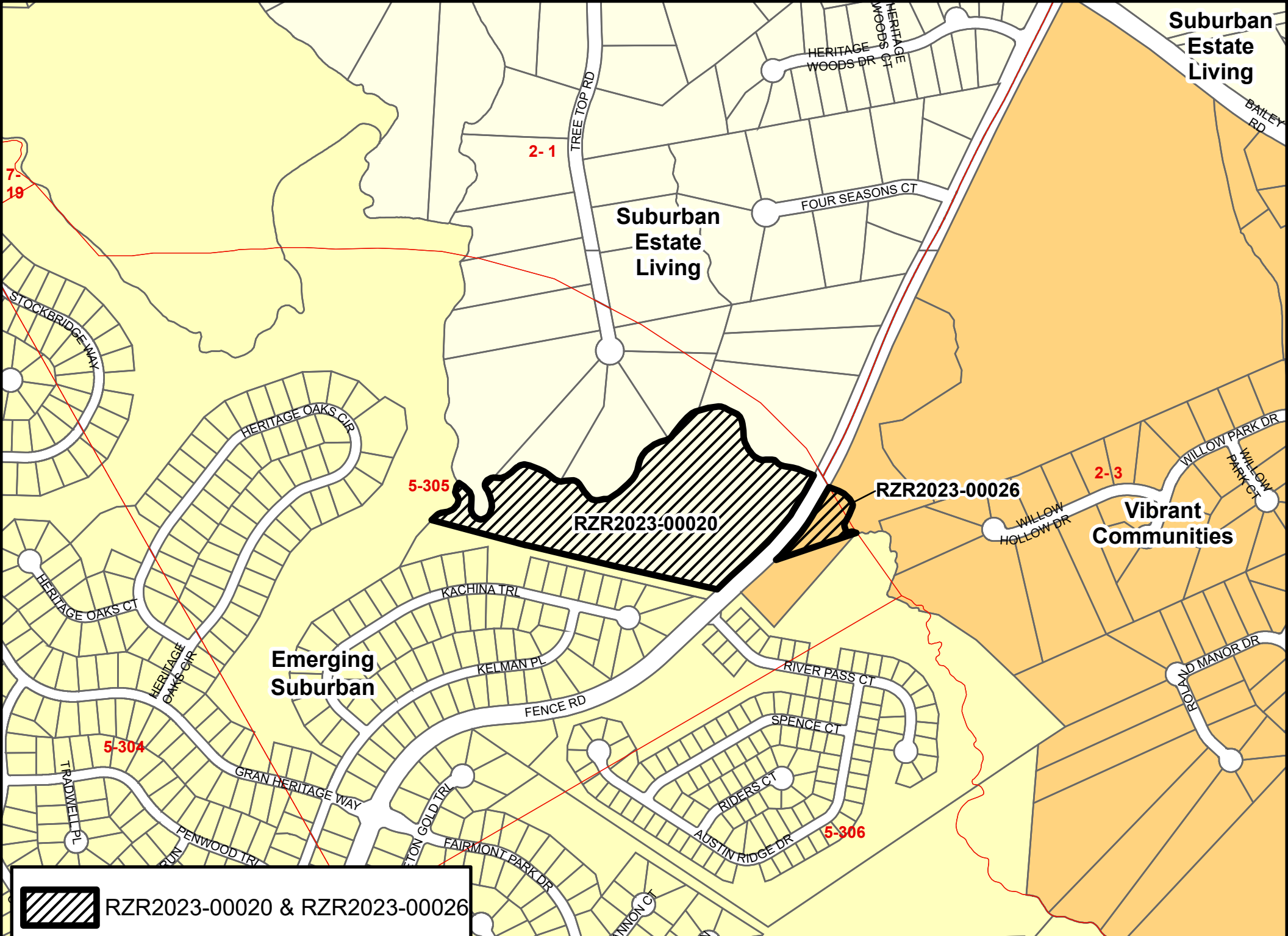





 RZR2023-00020 & RZR2023-00026

Created: November 15, 2023

SUBJECT SITE AND SURROUNDING ZONING



 RZR2023-00020 & RZR2023-00026

Created: November 15, 2023




2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION