

**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Edge City Properties, Inc.</u>	NAME: <u>L. Williams, Jimmy V. Williams Williams Family Holdings</u>
ADDRESS: <u>4280 Dove Pt</u>	ADDRESS: <u>2071 Lullwater Place</u>
CITY: <u>Duluth</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30096</u>	STATE: <u>GA</u> ZIP: <u>30043</u>
PHONE: <u>770-814-4500</u>	PHONE: <u>678-982-2650</u>
CONTACT PERSON: <u>Michael Dye</u> PHONE: <u>770-814-4500</u>	
CONTACT'S E-MAIL: <u>mdye@EdgeCP.net</u>	

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): RA200 REQUESTED ZONING DISTRICT: R60

PARCEL NUMBER(S): 1003 026 ACREAGE: 10.824

ADDRESS OF PROPERTY: 3216 Friendship Road, Buford GA 30519

PROPOSED DEVELOPMENT: Residential

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>16</u>	No. of Buildings/Lots: <u>N/A</u>
Dwelling Unit Size (Sq. Ft.): <u>Min 1500</u>	Total Building Sq. Ft.: <u>N/A</u>
Gross Density: _____	Density: <u>N/A</u>
Net Density: <u>1.47 lots/acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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**LAND DESCRIPTION  
A PORTION OF TRACT ONE  
10.824 ACRES  
GWINNETT COUNTY, GEORGIA**

All that tract or parcel of land lying and being GMD 1397, Gwinnett County, Georgia, containing 10.824 acres and being more particularly described as follows:

COMMENCING at a point at the northwesterly end of the mitered intersection at the intersection of the southerly Right-of-Way of Friendship Road (State Route 347) (Right-of-Way width varies) and the westerly Right-of-Way of Windgate Drive (Right-of-Way width varies); THENCE along the southerly Right-of-Way of Friendship Road 896.64 feet in a westerly direction to an iron pin found; Thence departing said Right-of-Way, South 18 degrees 35 minutes 37 seconds West for a distance of 1494.09 feet to a point on the dividing line of Hall County, Georgia (Friendship GMD (1419)) and Gwinnett County (Pucketts GMD (1397)), said Point being the **POINT OF BEGINNING**; THENCE continue South 18 degrees 35 minutes 37 seconds West for a distance of 539.90 feet to an iron pin found; THENCE North 51 degrees 41 minutes 19 seconds West for a distance of 627.61 feet to an iron pin found; THENCE North 49 degrees 16 minutes 18 seconds West for a distance of 927.91 feet to an iron pin found; THENCE North 13 degrees 17 minutes 07 seconds East for a distance of 93.88 feet to an iron pin set on the dividing line of Hall County, Georgia (Friendship GMD (1419)) and Gwinnett County (Pucketts GMD (1397)); THENCE along the dividing line between Hall County and Gwinnett County, South 66 degrees 54 minutes 06 seconds East for a distance of 1463.54 feet to the **POINT OF BEGINNING**.

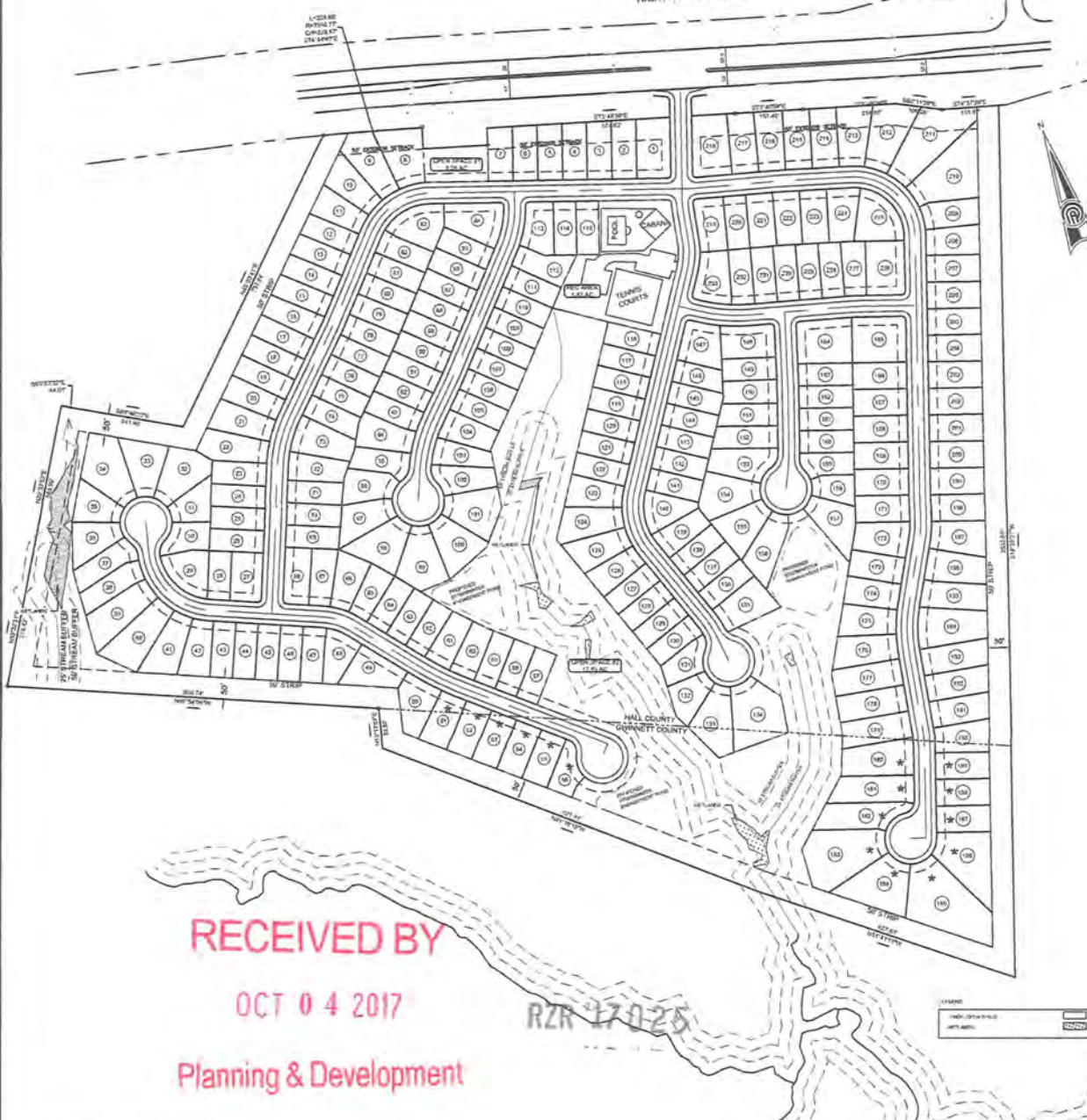
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FRIENDSHIP ROAD  
STATE ROUTE 347  
RIGHT-OF-WAY VARIES



SITE DATA (HALL COUNTY)	
PROJECT NO.	17025
OWNER/PLANNING	PRECISION PLANNING INC.
TOTAL LOT AREA	74.17 ACRES
TOTAL LOT AREA	3,224,400 SQ. FT.
CONTRACT NO.	17025
TOWN APPROVED	HALL COUNTY
DATE APPROVED	08/14/17
DATE SUBMITTED	08/14/17
TOTAL RESIDENTIAL UNITS	177 UNITS
TOTAL SITE DENSITY	2.4 UNITS/ACRE
DETACHED REQUIREMENTS	
REAR YARD SETBACK	5 FT. MIN.
FRONT YARD SETBACK	5 FT. MIN.
REAR SIDE SETBACK	5 FT. MIN.
FRONT SIDE SETBACK	5 FT. MIN.
MIN. LOT AREA	8,000 SQ. FT. MIN.
MIN. FRONT YARD	10 FT. MIN.
COMMON AREA	
TOTAL SITE AREA	142.14 ACRES
MIN. FRONT YARD SETBACK	10 FT. MIN.
MIN. SIDE YARD SETBACK	5 FT. MIN.
MIN. REAR YARD SETBACK	5 FT. MIN.



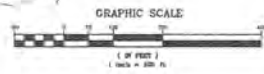
SITE DATA (GWINNETT COUNTY)	
PARCELS TO BE	130-20
PLANNING AREA	130-20
TOTAL LOT AREA	142.14 ACRES
TOTAL LOT AREA	3,224,400 SQ. FT.
CONTRACT NO.	17025
TOWN APPROVED	GWINNETT COUNTY
DATE APPROVED	08/14/17
DATE SUBMITTED	08/14/17
TOTAL RESIDENTIAL UNITS	142 UNITS
TOTAL SITE DENSITY	1.0 UNITS/ACRE
DETACHED REQUIREMENTS	
REAR YARD SETBACK	5 FT. MIN.
FRONT YARD SETBACK	5 FT. MIN.
REAR SIDE SETBACK	5 FT. MIN.
FRONT SIDE SETBACK	5 FT. MIN.
MIN. LOT AREA	8,000 SQ. FT. MIN.
MIN. FRONT YARD	10 FT. MIN.
COMMON AREA	
TOTAL SITE AREA	142.14 ACRES
MIN. FRONT YARD SETBACK	10 FT. MIN.
MIN. SIDE YARD SETBACK	5 FT. MIN.
MIN. REAR YARD SETBACK	5 FT. MIN.



- NOTES:**
1. THE EXISTING DATA USED FOR THE PREPARATION OF THIS REZONING PLAN WAS OBTAINED FROM GWINNETT AND HALL COUNTY GIS AND PUBLIC INFORMATION FROM PRECISION PLANNING INC. UNLESS INDICATED.
  2. ALL PLANS DRAWN AND CONCEPTUAL ONLY AND DO NOT CONSTITUTE APPROVAL FOR CONSTRUCTION BY ANY GOVERNING AGENCY.
  3. ALL STREETS ARE PUBLIC.
  4. WATER AND SEWER SERVICES WILL BE PROVIDED BY GWINNETT COUNTY.
  5. A PERMANENT 52' STRIP ALONG THE EXTENSION OF THE PROPERTY MUST BE MAINTAINED AT ALL TIMES.
  6. THE PROPERTY WILL BE ACCESSED VIA FRIENDSHIP ROAD.
  7. STORM WATER MANAGEMENT WILL BE PROVIDED ON-SITE.
  8. OPEN SPACE AND RECREATION AREAS TO BE DESIGNED AND MAINTAINED BY QUALIFIED HOMEOWNERS ASSOCIATES.
  9. ALL UTILITIES TO BE LOCATED UNDERGROUND.

**ENGINEER:**  
PRECISION PLANNING INC.  
400 PIKE BOULEVARD  
LAWRENCEVILLE, GEORGIA 30046  
CONTACT: ERIC SIMPSON  
PHONE: (770) 338-8000  
E27es@ppl.us

**OWNER:**  
EDGE CITY PROPERTIES  
480 DOVE PT.  
DUBLIN, GA 30096  
CONTACT: MIKE DYE  
PHONE: 770.814.4500  
MDYE@EDGECP.COM



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**GEORGIA811**  
Utilities Protection Center, Inc.  
Keep streets below.  
Call before you dig.

**PRECISION**  
Planning Inc.  
planners • engineers • architects • surveyors  
10000 N. HUNTERS LANE, SUITE 100  
DUBLIN, GA 30096

TRINITY FALLS SD  
2246 FRIENDSHIP ROAD  
HALL/GWINNETT COUNTY, GA 30118

REZONING SITE PLAN  
DATE: 08/14/2017  
SCALE: 1"=100'-0"

SHEET TITLE  
DATE: 08/14/2017  
BY: R17-140  
CHECKED: [ ]  
DATE: [ ]  
SCALE: [ ]

RELEASE

STAMP

Z1

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

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

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

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

Yes, the Subject Property is surrounded by residential development to the east and south.

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

No, the surrounding properties have similar residential uses and will not negatively impact them.

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

The R200 zoning does not have reasonable economic use as many of the surrounding parcels are being developed for more intensive densities.

- (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:

The zoning proposal will have minimal impact on schools and only minimal impact on existing streets.

The new residences will connect to Gwinnett County sewer and water. Adequate capacity is available.

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

Yes, the Future Land Use Map and Comprehensive plan have this parcel designated for "Existing/Emerging Suburban Character Area"

This application is in conformity with this 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 REZONING:

The parcel is being developed with the adjacent Hall County acreage and will be similar in density and lot size.

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September 27, 2017

**LETTER OF INTENT**

Gwinnett County Planning and Development  
Attn: Kathy Holland, Director  
One Justice Square  
446 West Crogan Street  
Lawrenceville, GA 30046

**Re: Rezoning Application for 10.824 Acres at 3216 Friendship Road, Buford GA,  
Gwinnett Parcel R1003-026**

Dear Ms. Holland:

Please accept this Rezoning Application for the above referenced parcel of land. The Applicant, Edge City Properties, Inc., on behalf of the Owners request a rezoning from R200 to R60 of approximately 10.824 acres of land located at 3216 Friendship Road, Buford Georgia, respectively (the "Property").

The Applicant proposes to improve the Property with (16) single family detached homes with homes prices from \$305,000 to \$365,000. The homes shall have a minimum of 1,500 heated square feet. The Property is being developed with the contiguous Hall County acreage where all vehicular access will be from Friendship Road (S.R. 347). The development shall be called Trinity Falls and the site plan depicts the combined parcels including the Hall County portion currently being rezoned by that municipality.

All of Trinity Falls will be served by Gwinnett water and sewer and capacity has been reserved. In addition, an Intergovernmental Agreement has been submitted to both Hall County and Gwinnett County which addresses the standards and controlling governance of a development split by two counties.

Respectfully, the Applicant requests that you act favorably to this application so that the applicant is able to proceed with the lawful use and development of the Property.

Sincerely,

Mike Dye  
President  
Edge City Properties, Inc., Applicant

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**REZONING APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

*Michael Dye*

10-3-17

Signature of Applicant

Date

**Michael Dye, President**

Type or Print Name and Title

*Linda S. Kieffer*

10/3/2017

Signature of Notary Public

Date

Notary Seal



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**REZONING PROPERTY OWNER'S CERTIFICATION**

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

*Laura Lurene Skinner Williams*      6-5-17

Signature of Property Owner

Date

**Laura Lurene Skinner Williams**

Type or Print Name and Title

*[Handwritten Signature]*

Signature of Notary Public

6/5/17

Date

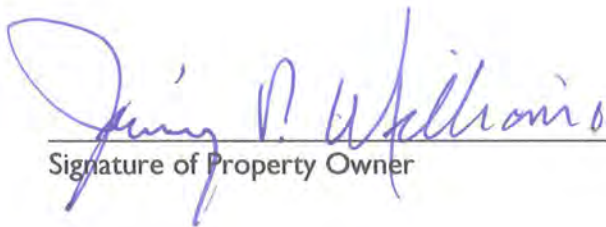


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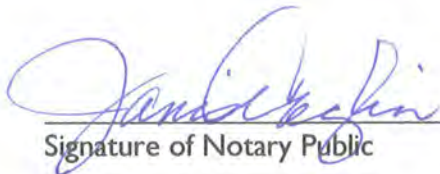
Signature of Property Owner

6/2/17

Date

**Jimmy V. Williams**

Type or Print Name and Title



Signature of Notary Public

6/2/17

Date



Notary Seal

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Joan Williams, Secretary 6/2/17  
Signature of Property Owner Williams Family Holding LLLP Date

**Williams Family Holdings, LLLP**

Type or Print Name and Title

Kimberley S. Royal 6/2/17  
Signature of Notary Public Date



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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Michael Dye 10-3-17 Michael Dye, President  
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Linda S. Kieffer 10/3/2017  
 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 Michael Dye  
 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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**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:** GMD 1397 - 1003 - 026  
(Map Reference Number)                      District                      Land Lot                      Parcel



10-3-17

Signature of Applicant

Date

**Michael Dye**

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)

Julie Ballard

TSA I

NAME

TITLE

10-3-17

DATE

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## CONSTITUTIONAL OBJECTIONS

Applicant: EDGE CITY PROPERTIES, INC.  
Subject Property: 10.824 Acres of land at 3216 Friendship Road, Buford GA  
Current Zoning : R200  
Proposed Zoning: R60 for single family detached homes

Georgia Law and the procedures of Gwinnett County require us to raise Federal and State Constitutional objections during the rezoning application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at the stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

A denial of the Application would be unconstitutional in that it would destroy the Owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment of the Constitution of the United States.

Any application of the Code of Gwinnett County, or the Zoning Ordinance of Gwinnett County, to the Subject Property that prohibits the Owner from developing the Subject Property as proposed is unconstitutional, illegal, null and void because such an application constitutes a taking of the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and a violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States because such an application denies the Owner an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would also constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to grant the Application would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Application that subjects the Subject Property to conditions that are different from the conditions requested by the Owner, to the extent such different conditions would have the effect of further restricting the Owner's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the

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Subject Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

In addition, this constitutes formal written notice to Hall County, pursuant to O.C.G.A 36-11-1, that the Owner plans to seek to recover all damages that is sustains or suffers as a result of the denial of this Application and/or unconstitutional zoning of the Subject Property from Gwinnett County. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Subject Property, attorney's fees and expenses of litigation.

Accordingly, the Owner respectfully request that the Board of Commissioners of Gwinnett County grant the Application as requested.

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