

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
Hodges Family Properties, LLC c/o Mahaffey NAME: <u>Pickens Tucker, LLP</u> ADDRESS: <u>1550 North Brown Road, Suite 125</u> CITY: <u>Lawrenceville</u> STATE: <u>Georgia</u> ZIP: <u>30043</u> PHONE: <u>770.232.0000</u>	NAME: <u>Multiple--See attached</u> ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____ PHONE: <u>770.232.0000</u>
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770.232.0000</u> CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): RA-200 REQUESTED ZONING DISTRICT: R-75  
 LAND DISTRICT(S): 7 LAND LOT(S): 055 ACREAGE: +/- 5.337  
 ADDRESS OF PROPERTY: Prospect Road  
 PROPOSED DEVELOPMENT: Single-Family Residential Development

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>48</u>	No. of Buildings/Lots: <u>NA</u>
Dwelling Unit Size (Sq. Ft.): <u>1,400+</u>	Total Building Sq. Ft.: <u>NA</u>
Gross Density: <u>+/-2.55 units per acre</u>	Density: <u>NA</u>
Net Density: <u>+/-2.55 units per acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Property Owner List

Name	Address	Parcel #	
Kathy D. Puckett	1260 Prospect Road, Lawrenceville, GA 30043	7055 022	E
Davis, David A. & Connie	1428 Prospect Road, Lawrenceville, GA 30043	7055 024	W
Lillian F. Davis	1462 Prospect Road, Lawrenceville, GA 30043	7055 005	E+W
Lillian F. Davis	1462 Prospect Road, Lawrenceville, GA 30043	7055 003	W
Lillian F. Davis	1462 Prospect Road, Lawrenceville, GA 30043	7055 005	E+W
Davis, Joseph K. & Michelle	1517 Prospect Ch. Rd, Lawrenceville, GA 30043	7055 019	W

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## LEGAL DESCRIPTION

### Tract 2 – 5.337 Acres

All that tract or parcel of land lying and being in Land Lot 55, 7<sup>th</sup> District, Gwinnett County, Georgia and being more particularly described as follows. Commence at the intersection of the westerly right of way of Prospect Road (right of way varies) and the southerly right of way of Prospect Church Road (80' right of way). Proceed thence, along the westerly right of way of said Prospect Road, along the arc of a curve having a radius of 2603.90 feet a distance of 122.56 feet, said arc being subtended by a chord having a bearing of South 31 degrees 07 minutes 29 seconds East and a distance of 122.55 feet; thence, along the arc of a curve having a radius of 2603.90 feet a distance of 119.87 feet, said arc being subtended by a chord having a bearing of South 28 degrees 27 minutes 27 seconds East and a distance of 119.86 feet; thence, along the arc of a curve having a radius of 1106.72 feet a distance of 84.59 feet, said arc being subtended by a chord having a bearing of South 24 degrees 49 minutes 09 seconds East and a distance of 84.57 feet; thence, along the arc of a curve having a radius of 1106.72 feet a distance of 39.20 feet, said arc being subtended by a chord having a bearing of South 21 degrees 36 minutes 53 seconds East and a distance of 39.20 feet; thence, South 20 degrees 41 minutes 44 seconds East a distance of 285.03 feet; thence, along the arc of a curve having a radius of 1181.20 feet a distance of 60.28 feet, said arc being subtended by a chord having a bearing of South 22 degrees 08 minutes 38 seconds East and a distance of 60.27 feet; thence, along the arc of a curve having a radius of 1181.20 feet a distance of 150.06 feet, said arc being subtended by a chord having a bearing of South 27 degrees 14 minutes 42 seconds East a distance of 149.96 feet; thence, along the arc of curve having a radius of 1181.20 feet a distance of 177.03 feet, said arc being subtended by a chord having a bearing of South 35 degrees 12 minutes 02 seconds East and a distance of 176.87 feet; thence, leaving the westerly right of way of said Prospect Road, North 23 degrees 06 minutes 23 seconds East a distance of 68.00 feet to a point on the easterly right of way of said Prospect Road, said point being the Point of Beginning. Proceed thence, leaving the easterly right of way of said Prospect Road, North 59 degrees 41 minutes 08 seconds East a distance of 527.84 feet; thence, South 26 degrees 44 minutes 33 seconds East a distance of 475.41 feet; thence, South 60 degrees 08 minutes 39 seconds West a distance of 184.47 feet; thence, South 60 degrees 08 minutes 04 seconds West a distance of 320.44 feet to a point on the easterly right of way of said Prospect Road; thence, along the easterly right of way of said Prospect Road, along the arc of a curve having a radius of 545.75 feet a distance of 119.46 feet, said arc being subtended by a chord having a bearing of North 13 degrees 48 minutes 51 seconds West and a distance of 119.22 feet; thence, along the arc of a curve having a radius of 545.75 feet a distance of 192.42 feet, said arc being subtended by a chord having a bearing of North 30 degrees 11 minutes 07 seconds West and a distance of 191.42 feet; thence, North 40 degrees 07 minutes 54 seconds West a distance of 120.76 feet; thence, along the arc of a curve having a radius of 1121.20 feet a distance of 46.31 feet, said arc being subtended by a chord having a bearing of North 39 degrees 02 minutes 35 seconds West and a distance of 46.31 feet, said point being the Point of Beginning. Said tract or parcel of

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land contains 5.337 acres and is further described as Tract 2 on a Boundary Survey prepared by Carlan Land Surveyors for Prospect 20, dated July 13, 2018.

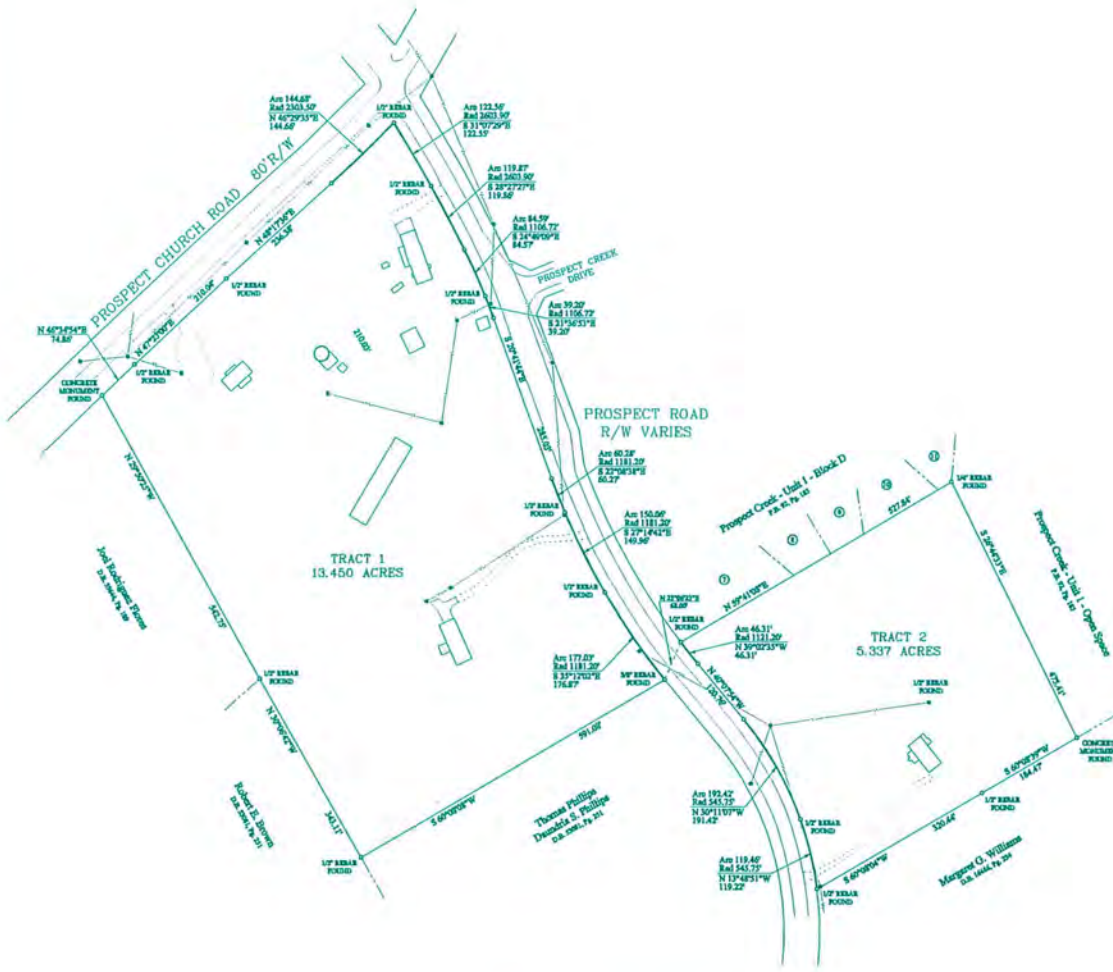
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REC-18-035

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT



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- Notes:**
- This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) § 47-2-47.
  - This survey was prepared without the benefit of a title search. This property is subject to any easements, encumbrances, rights-of-way, or any other encumbrances, both public and private.
  - This plat represents those parts of land adjudicated as Parcel ID 7000 004, 7000 005, 7000 006, 7000 004 & 7000 005, according to Oconee County Title Abstracts.

**DISCLAIMER**  
 As required by subsection (2) of O.C.G.A. Section 47-2-47, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as authorized by approved methods, algorithms, means, or instruments known, then approved or authorized should be consistent with the appropriate governmental bodies by any profession or use of this plat as its intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 47-2-47.

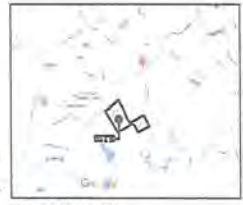
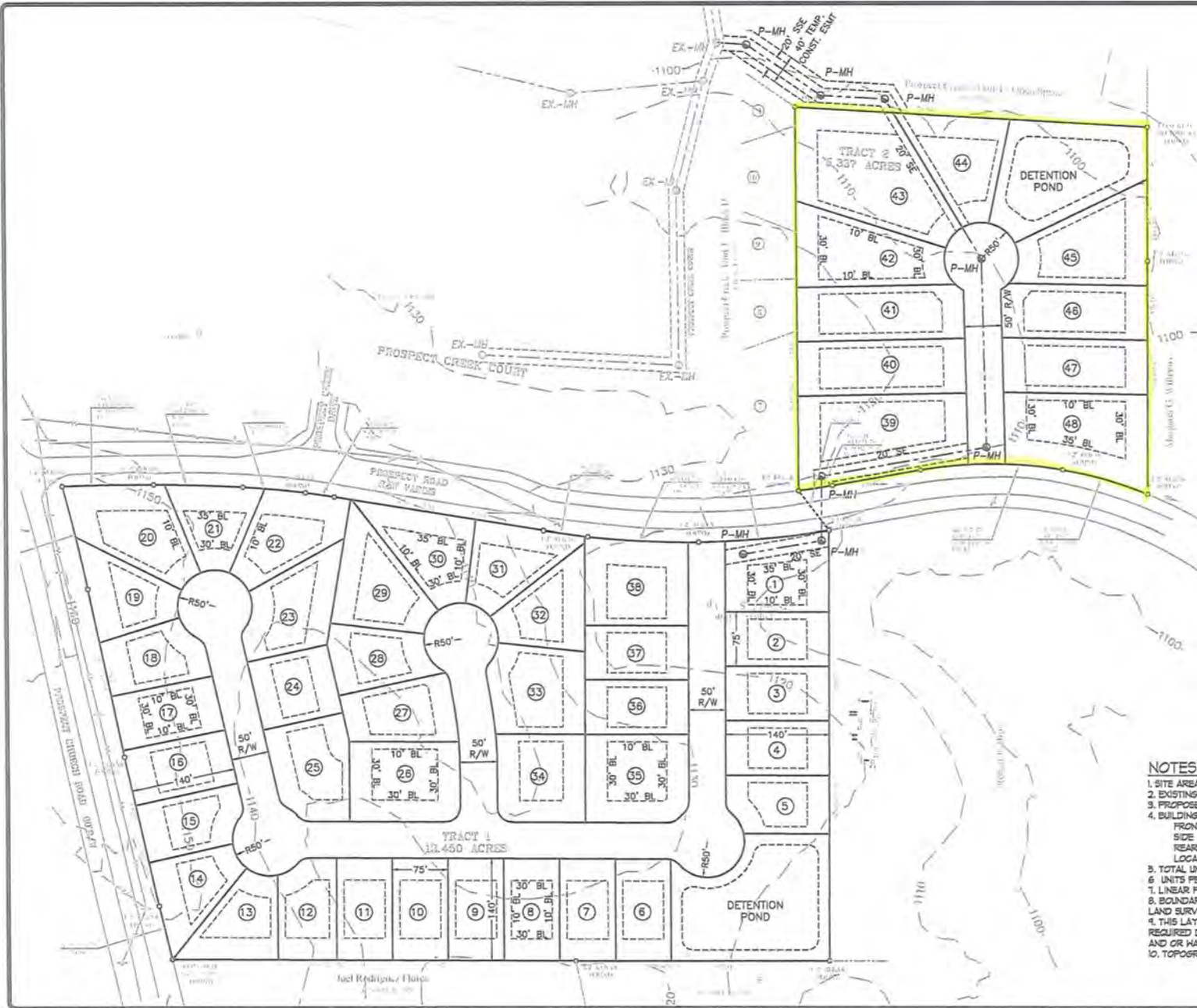
Christopher J. Cohen, G.S. 118 8202

**BOUNDARY SURVEY FOR PROSPECT 20**  
 LOCATED WITHIN  
 Land Lot 55, 7th District  
 Oconee County, Georgia  
 Scale: 1" = 100' July 13, 2018

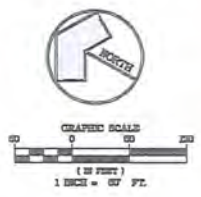
- The field data upon which this plat is based has a closure precision of one foot in 50,000 feet and an angular error of .001" per angle point and was adjusted using the Compass Rule.
  - This plat has been calculated for distance and is found to be accurate within one foot in 400,000 feet.
  - The field equipment used in this survey was a Leica 7312 P Robotic Total Station.
  - The field work was completed 2018.
- 100 0 100 200 300  
 GRAPHIC SCALE - FEET

**CARLAN LAND SURVEYORS**  
 870 SOUTH BROAD STREET  
 COMMERCIAL, GA 30629  
 (706) 358-6969





**FLOOD MAP RITE**  
 THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE PER F.E.M.A. FLOOD INSURANCE RATE MAPS OF GWINNETT COUNTY, GEORGIA. COMMUNITY PANEL NO. 131250004P & 04477, EFFECTIVE DATE 09/19/2006.



**NOTES**

1. SITE AREA = 18,781 ACRES
2. EXISTING ZONING = RA-200
3. PROPOSED ZONING = R-15
4. BUILDING SETBACKS  
 FRONT = 30'  
 SIDE = 10'  
 REAR = 30'  
 LOCAL STREET = 50'
5. TOTAL UNITS = 48
6. UNITS PER ACRE = 2.55
7. LINEAR FEET OF STREET = +/- 1,940
8. BOUNDARY TAKE FROM SURVEY PREPARED BY CARLAN LAND SURVEYORS DATED JULY 15, 2018.
9. THIS LAYOUT DOES NOT ANALYZE THE SITE FOR REQUIRED DETENTION AND WATER QUALITY. DETENTION AND OR WATER QUALITY MAY RESULT IN A LOSS OF UNITS.
10. TOPOGRAPHY TAKEN FROM GWINNETT COUNTY GIS

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CONCEPTUAL SITE PLAN  
FOR  
**PROSPECT RD. TRACT**  
LOCATED IN  
GWINNETT COUNTY, GEORGIA

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**DAY DESIGN GROUP, Inc.**

CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE  
SITE PLANNING  
P.O. BOX 844 (770) 271-4838 GA  
DUBLIN, GA 30188 (770) 238-2505 fax  
daydesigngroup.com  
www.daydesigngroup.com

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NO.	DATE	DESCRIPTION	REVISIONS

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DATE: 09/18/18  
DRAWN BY: JAA  
JOB NO.: 18-108

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SHEET **1** OF **1**



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

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

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

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

Please see attached

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

Please see attached

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

Please see attached

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- (D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

Please see attached

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

Please see attached

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

Please see attached

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

- (A) Yes. The subject property is located along Prospect Road on the east side of Braselton Highway (State Route 124). Approval of the application would permit a suitable development for the area in light of the uses of nearby property. A single-family residential development would serve the demands of the market and maintain the residential character of the area.
- (B) No. Approval of the application would enhance the area and would not adversely affect adjacent and nearby properties.
- (C) No. In light of market conditions, site-specific topography, and the surrounding property uses, the property does not have reasonable economic use under its current zoning classification.
- (D) No. This property is located in an area with public water and sewer availability and convenient access to major roadways including Braselton Highway (Georgia State Route 124), Interstate 85 and University Parkway (State Route 316). Approval of the application would not cause excessive use of existing streets, transportation facilities, utilities, or schools.
- (E) Yes. The proposed development is in conformance with the policies and intent of the 2030 Land Use Plan. The Property is located in an Existing/Emerging Suburban character in between areas designated as Regional Mixed-Use and R & D Corridor character areas, which are major employment centers. Expanding housing options within close proximity to major employment centers complements existing uses in those areas.
- (F) Yes. The property's convenient location to major thoroughfares provides supporting grounds for approval of the application.

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Matthew P. Benson  
Gerald Davidson, Jr.  
Brian T. Easley  
Kelly O. Faber  
Christopher D. Holbrook  
Nicholas N. Kemper  
Shane M. Lanham  
Austen T. Mabe

Jeffrey R. Mahaffey  
David G. McGee  
Steven A. Pickens  
Catherine V. Schutz  
Thomas A. Simpson  
Andrew D. Stancil  
R. Lee Tucker, Jr.  
\*Of Counsel

## LETTER OF INTENT FOR REZONING APPLICATION

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Rezoning Application on behalf of the Applicant, Hodges Family Properties, LLC (the “Applicant”), for the purpose of requesting the rezoning of an approximately 18.787-acre tract of land situated along Prospect Road in central Gwinnett County (the “Property”) east of Braselton Highway (State Route 124) and north of Old Fountain Road. The Property begins at the intersection of Prospect Road and Prospect Church Road and extends southward along the west side of Prospect Road before crossing Prospect Road. The portion of the Property on the east side of Prospect Road is adjacent to the Prospect Creek subdivision zoned R-100 Modified. The Property is currently zoned RA-200.

The Applicant is requesting to rezone the Property to the R-75 zoning classification of Gwinnett County in order to develop a single-family residential community, including 48 detached residential homes. The proposed community will consist of homes at a size, quality and price point commensurate with or exceeding homes in surrounding communities. Generally, the architectural style and composition of the exterior of the homes would consist of brick, stacked stone, cedar and/or cementitious shake, siding, board and batten or combinations thereof. The proposed development would have two entrances off of Prospect Road—one for each side. Entrances would be landscaped with attractive monument signage.

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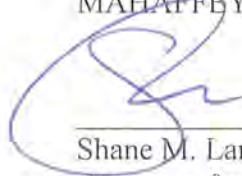
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The proposed development is in conformance with the policies and intent of the 2030 Land Use Plan. The Property is located in an Existing/Emerging Suburban character area between areas designated as Regional Mixed-Use and R & D Corridor character areas, which are major employment centers. Not only would the proposed development provide residential infill development that is compatible with existing development, it would also expand housing options within close proximity to major employment centers which is complementary and supportive of those areas as well.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 7th day of September, 2018.

MAHAFFEY PICKENS TUCKER, LLP



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Shane M. Lanham

*Attorneys for Applicant*

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**REZONING APPLICANT'S CERTIFICATION**

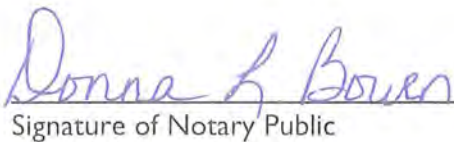
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL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

  
Signature of Applicant

9/6/18  
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

  
Signature of Notary Public

9/6/18  
Date



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122-48035



**REZONING APPLICANT'S CERTIFICATION**

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Gary L. Hodges 9-6-2018  
Signature of Applicant Date

HODGES FAMILY PROPERTIES LLC  
GARY HODGES MGR PARTNER  
Type or Print Name and Title

[Signature] 9/6/18  
Signature of Notary Public Date



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9/7/2018

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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.

*Kathy D Puckett*  
\_\_\_\_\_  
Signature of Applicant

*05-01-2018*

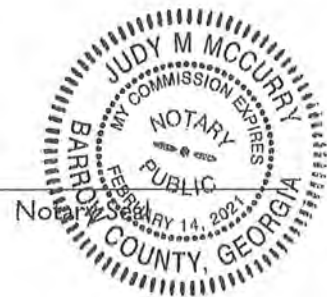
\_\_\_\_\_  
Date

*Kathy D Puckett*  
\_\_\_\_\_  
Type or Print Name and Title

*Judy M McCurry*  
\_\_\_\_\_  
Signature of Notary Public

*5/1/2018*

\_\_\_\_\_  
Date



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Lillian F. Davis  
Signature of Applicant

5/1/2018  
Date

Lillian F. Davis  
Type or Print Name and Title

Judy M. McCurry  
Signature of Notary Public

5/1/18  
Date



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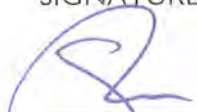
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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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

SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

                      1/6/18                      Shane M. Lanham, Attorney for Applicant

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

                      9/6/18                      NOTARY SEAL



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES     NO    Mahaffey Pickens Tucker, LLP  
 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)
See attached.		

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

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CONFLICT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN  
CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS

MAHAFFEY PICKENS TUCKER, LLP

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
John Heard	\$2000	02/20/2018
Lynnette Howard	\$1000	04/18/2018

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04/18/2018

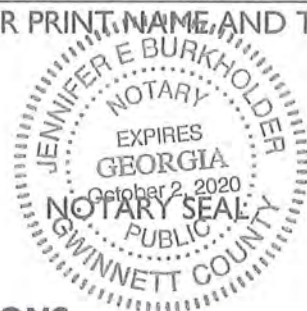
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HODGES FAMILY PROPERTIES LLC  
 Gary L. Hodges 9-6-2018 GARY L. HODGES MGR PARTNER  
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 9/6/18  
 SIGNATURE OF NOTARY PUBLIC DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

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YES  NO GARY L. HODGES  
 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:**                      7                      055                      022  
(Map Reference Number)                      District                      Land Lot                      Parcel

  
\_\_\_\_\_  
Signature of Applicant

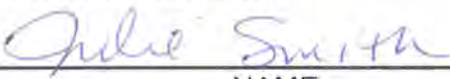
9/6/18  
\_\_\_\_\_  
Date

**Shane Lanham, Attorney for the Applicant**

\_\_\_\_\_  
Type or Print Name and Title

**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)

  
\_\_\_\_\_  
NAME

TSAE  
\_\_\_\_\_  
TITLE

9-6-18  
\_\_\_\_\_  
DATE

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10/10/18

**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

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**PARCEL I.D. NUMBER:**                      7                      055                      005  
(Map Reference Number)                      District                      Land Lot                      Parcel

 \_\_\_\_\_                      9/6/18  
Signature of Applicant                      Date

**Shane Lanham, Attorney for the Applicant**  
\_\_\_\_\_  
Type or Print Name and Title

**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 Smith                      TSA #  
NAME                      TITLE

9-6-18  
DATE

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