## REZONING APPLICATION

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

| APPLICANT INFORMATION | PROPERTY OWNER INFORMATION* |
| :---: | :---: |
| NAME: NINE OAKS PARK, LLC | NAME: $\qquad$ <br> ADDRESS: $\qquad$ <br> CITY: $\qquad$ LOGANVILE <br> STATE: $\qquad$ GEORGIA ZIP: $\qquad$ 30052 <br> PHONE: $\qquad$ (770) 778-5854 |
| ADDRESS: WLHAVEN COURT |  |
| CITY: LOGANVILE |  |
| STATE: GEORGIA ZIP: 30052 |  |
| PHONE: (770) 778-5854 |  |
| CONTACT PERSON: JIMMY BARGE$\qquad$ CONTACT'S E-MAIL: jimmybarge@msn.com |  |
|  |  |  |

## APPLICANT IS THE:

## $\square$ OWNER'S AGENT $\quad X_{\text {PROPERTY OWNER }} \quad$ CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): R100 REQUESTED ZONING DISTRICT: OSC PARCEL NUMBER(S): 4-247-004 ACREAGE: 11.58 ACRES ADDRESS OF PROPERTY: 1525 KNIGHT CIRCLE, LOGANVILLE, GEORGIA 30052 PROPOSED DEVELOPMENT: SINGLE FAMILY DETACHED SUBDIVISION

| RESIDENTIAL DEVELOPMENT | NON-RESIDENTIAL DEVELOPMENT |
| :---: | :---: |
| No. of Lots/Dwelling Units 26 | No. of Buildings/Lots: |
| Dwelling Unit Size (Sq. Ft.): $\begin{aligned} & 1800 \text { ONE FLOOR } \\ & 2000 \text { TWO FLOOR }\end{aligned}$ | Total Building Sq. Ft. |
| Gross Density: 2.25 LOTS/ACRE | Density: |
| Net Density: 2.25 LOTS/ACRE |  |

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED RECEIVED BY

## LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 247 of the 4th District, Gwinnett County, Georgia, as shown on a survey for James Barge, dated August 19, 2019 by SCI development Services, bearing the seal of John A. Steerman, GRLS \# 2576, and being more particularly described as follows:

BEGINNING at a point at the southwesterly intersection of Virgil Moon Road ( $60^{\prime}$ right-of-way) and Knight Circle ( $60^{\prime}$ right-of-way), running thence along the southerly right-of-way line of Knight Circle the following calls: $\mathrm{S} 59^{\circ} 43^{\prime} 38^{\prime \prime} \mathrm{E}$ a distance of 633.87 feet to a point; thence following a curve to the right, said curve having a length of 68.75 feet and a radius of 846.29 feet, and being subtended by a chord of $S 56^{\circ} 42^{\prime} 46^{\prime \prime} \mathrm{E}$ a distance of 66.73 feet to a point; thence following a curve to the right, said curve having a length of 145.16 feet with a radius of 134.39 feet, and being subtended by a chord of $S 28^{\circ} 53^{\prime} 38^{\prime \prime} \mathrm{E}$ a distance of 138.21 feet to a point; running thence $S 02^{\circ} 40^{\prime} 23^{\prime \prime}$ E a distance of 98.42 feet to a point; thence following a curve to the left, said curve having a length of 217.17 feet with a radius of 355.20 feet, and being subtended by a chord of $S 16^{\circ} 30^{\prime} 23^{\prime \prime} \mathrm{E}$ a distance of 213.80 feet to a point; thence following a curve to the left, said curve having a length of 42.58 feet with a radius of 582.04 feet, and being subtended by a chord of $S 37^{\circ} 17^{\prime} 28^{\prime \prime}$ E a distance of 42.57 feet to a $1 / 2 \prime \prime$ rebar on the southerly right-of-way line of Knight Circle; thence leaving said right-of-way line and running $558^{\circ} 22^{\prime} 21^{\prime \prime}$ E a distance of 491.52 feet to a $3 / 4^{\prime \prime}$ open top pipe; running thence $\mathrm{N} 29^{\circ} 22^{\prime} 36^{\prime \prime} \mathrm{W}$ a distance of 1098.90 feet to a $1 / 2^{\prime \prime}$ rebar on the southerly right-of-way line of Virgil Moon Road; thence following said right-of-way line N59 $45^{\prime} 52^{\prime \prime} \mathrm{E}$ a distance of 227.38 feet to a point and the POINT OF BEGINNING.

Said tract having 11.581 acres

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Panning\&iDevelopment
RZR'19021




# REZONING APPLICANT'S RESPONSE <br> 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:
SUBJECT PROPERTY IS IN A NEIGHBORHOOD OF PROPERTIES DEVELOPED AS R100 AND R100 CSO SUBDIVSIONS ALONG WTH SEVERAL SINGLE FAMILY HOMES ZONED R100 AND RA200. THE PROPOSED R100 OSC ZONING IS COMPATBLE WTH SURROUNDING PROPERTIES AND WLL CONTRIBUTE TO THE ASTHETICS OF THE SURROUNDING COMMUNITY.
(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
THE EXISTING USE OR USABLLTY OF THE ADJACENT OR NEARBY PROPERTY WLL NOT BE ADVERSELY AFFECTED.
(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
THE PROPERTY IS 11.58 ACRES AND ZONED R100. THE EXISTING LARGE OAK TREE CLUSTER IN THE CENTER OF THE PROPERTY AND SHAPE OF THE PROPERTY AND THE ECONOMY OF SCALE FOR A SMALL DEVELOPMENT RENDERS THE PROPERTY ECONOMICALLY UNFEASIBLE DEVELOPED UNDER RIOO ZONING.
(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 SITE IS ACCESSIBLE FROM SEVERAL DIRECTIONS ON THE LOCAL STREETS. ROSEBUD ROAD NEARBY IS CLASSIFIED AS A MINOR ARTERIAL ROAD AND WLL HANDLE THE TRAFFIC FROM THE 26 LOT DEVELOPMENT. WATER AND SEWER CAPACITY IS AVALLABLE. THE DEVELOPMENT IS IN THE ROSEBUD ELEMENTARY, GRACE SNELL MIDDLE SCHOOL AND SOUTH GWINNETT HIGH SCHOOL CLUSTER. CURRENTLY THE SCHOOLS HAVE AVAILABLE CAPACITY FOR ADDITONAL STUDENTS,
(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
THE GWNNETT COUNTY 2040 UNIFIED PLAN FUTURE DEVELOPMENT MAP SHOWS THE SUBJECT PROPERTY BEING IN A TRANSISTIONAL AREA BETWEEN ESTABLISHED SUBDIVSIONS AND EMERGING SUBURBAN AREAS ALONG WTH RURAL ESTATE LAND USES. THE SURROUNDING AREA IS SEEING THAT TYPE OF LAND USE OCCURING AS THE REAL ESTATE MARKET HAS BEEN EXPANDING OVER THE LAST DECADE. OSC ZONING IS IN CONFORMITY WTH THE LAND USE PLAN.
(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING:
THERE HAVE BEEN SEVERAL. LARGE TRACTS IN THE NEARBY AREA RECENTLY REZONED FROM R100 TO OSC. SEVERAL HUNDRED NEW SINGLE FAMILY HOUSES are planned for construction over the in the area in the next several years. The expanoing residential real estate market in the se part

OF THE COUNTY WLL CONTINUE TO ATTRACT MORE OF THE SAME TYPE OF MEDIUM DENSITY HOUSING. THE REQUESTED REZONING FROM RIOO TO OSC IS GROUNDED IN THE RECENT REZONING CASES APPROVED. THE PRESERVATION OF OPEN SPACE AND OTHER SIGNIFICANT LAND FEATURES ALSO GIVE SUPPORT FOR APPROVAL. THE PROPERTY IS AN ATTRACTVE PROPERTY THAT HAS BEEN CLEANED UP RECENTLY BY THE APPLICANT FROM DECADES OF ILLEGAL DUMPING OF CONSTRUCTION DEBRIS ON THE SITE. THE SITE HAS BEEN A MAGNET TO UNWANTED TRESPASSING AND ABANDONMENT OF VEHICLES, SOME STOLEN. THE



Nine Oaks Park, LLC<br>712 Wilhaven Court<br>Loganville, Georgia 30052

September 5, 2019

## VIA HAND DELIVERY

Ms. Kathy Holland, Director
Gwinnett County Planning and Development Department
446 West Crogan Street
Lawrenceville, Georgia 30046-2440
Re: Rezoning Letter of Intent
Nine Oaks Park
Knight Circle / Virgil Moon Road
Parcel \#: 4-247-004
Dear Director and Staff:
I am submitting this Letter of Intent and the attached Rezoning Application, as the applicant and property owner, requesting the rezoning of parcel 4-247-004 located at the southwest intersection of Knight Circle and Virgil Moon Road. The tract is 11.58 acres in area and is presently zoned R100. The requested zoning is OSC - Open Space Conservation Subdivision, per Section 210-50 of the Gwinnett County Unified Development Ordinance.

This request for rezoning is based upon the Site Plan prepared by InSite Engineering Inc., dated June 27, 2019. The proposed development is for 26 new single family detached houses to be built. The proposed gross and net density for the project is 2.25 lots/acre. The development sets aside 3.30 acres of land, $28.5 \%$ of the parcel, as permanent open space to be owned by the required future Homeowner's Association. The maximum density allowed for OSC zoning, given the $28.5 \%$ open space provided, is 2.63 lots/acre. The minimum open space area required for an OSC development is $25 \%$. The property is located at the high point of the surrounding area and is gently sloped with a mixture of pasture, mixed pine and hardwood forest areas. The proposed entrance is located on Knight Circle, at the road's highpoint, approximately 300' south of Virgil Moon Road with adequate sight distance. Sewer is accessed at the upstream manhole of Ewing Estates Subdivision at the right of way of Knight Circle. There is an existing $8^{\prime \prime}$ diameter water main on the west side of Knight Circle that would serve the development.

At the center of the property is an existing oak tree cluster formed by nine separate trees joined at the base, with a collective diameter of $138^{\prime \prime}$ or $11.5^{\prime}$. The tree cluster is well formed and has a drip line diameter of approximately $100^{\prime}$ and a height of approximately $80^{\prime}$. A picture of the tree is shown on the attached Existing Site Features Analysis Plan. The tree is considered to be coplanar, meaning that at the DBH (diameter at breast height) the individual trees or tree trunks have separated. The tree is estimated to be 80 years old and is considered to be in reasonably good health. The tree is a specimen tree on the basis of the largest tree in the cluster being $44^{\prime \prime}$ at DBH. Because the tree is coplanar, it is considered to be at risk given its divided nature. It is not technically required to be preserved as a specimen tree and would not count towards the total preserved tree credits needed to meet the requirements of the UDO.

The proposed Site Plan has this tree as the centerpiece of the proposed development, being preserved in a centrally located park surrounded by a one-way round-a-bout road. The proposed park would be a $123^{\prime}$ diameter circle, with a non-impervious landscaped area of 0.27 acre. While preserving the tree is of great necessity, there are certain design challenges that must be addressed in order to develop a feasible plan. OSC developments begin with providing a $50^{\prime}$ perimeter Conservation Space Strip. This strip is to be exclusive of all subdivision lots and is to be left undisturbed except for road and necessary utility access points. The Site Plan shows a variance from this requirement over a 'length across three lots. The $50^{\prime}$ strip would be replaced with a $25^{\prime}$ Conservation Space Strip. As shown on the Site Plan the rear building setback line for lots 20 and 21 would be reduced from $30^{\prime}$ to $20^{\prime}$. The front building line setback for lot 20 would be reduced from $25^{\prime}$ to $20^{\prime}$. The front setback line for lot 21 would be reduced from 25 ' to 15 '. These variances will help to keep the front of the houses to be more in line with the other adjacent houses and enlarge the building setback envelope to be comparable to the other lots. The approval of this variance to the zoning code would allow for a continuous 3000 linear feet ( 0.57 mile), multi-use path connecting to the sidewalks on Knight Circle and Virgil Moon Road. The path would also provide connection points at the southernmost corner for future developments on the adjoining tracts. The trail is located in a very scenic area and is expected to be used often by future residents of the development.

The area of open space at the intersection of Knight Circle and Virgil Moon Road is currently a pasture area. In order to enhance the appearance of the subdivision at the road intersection, a landscaped area would be provided, consisting of a new $4^{\prime}$ equestrian style black fence, nine $3^{\prime \prime}$ caliper new oak trees, an inner woven sidewalk along with other landscaping features. The fence would extend from the northwest corner of the property to the entrance road open space area. It is requested that the required sidewalks be within the conservation strip, with an associated easement to allow for more room for landscaping and the ability to build character into the area and prevent crowding by the existing drainage swale and utilities.

It is also requested that some allowance for the grading of an earthen dam detention pond in the $50^{\prime}$ Conservation Open Space Strip at the south corner of the site be given. The purpose of this allowance is to eliminate the need for an unsightly poured concrete retaining wall structure adjacent to the proposed multi-use trail. While new trees will not be allowed on the back slope of the dam, new evergreen trees will be planted along the base of the slope and around the remainder of the pond to mitigate the disruption of the constructed facility to the natural area.

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Respectfully Submitted, NINE OAKS PARK LLD

James H. Barge

Enclosures: Application From<br>Legal Description<br>Boundary Survey<br>Site Plan<br>Existing Site Features Analysis Plan<br>House Elevations<br>CD Copy of Plans and Documents<br>Rezoning Applicant's response to the Standards Governing Exercise of the Zoning Power Rezoning Applicant's Certification<br>Property Owner's Certification<br>Conflict of Interest Certification for Rezoning<br>Verification of Paid 2018 Property Taxes<br>Application Fee Check<br>Rezoning Checklist

## REZONING APPLICANTS CERTIFICATION


#### Abstract

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.




NINE OAKS PARK, LLC
JAMES H. BARGE, SOLE MEMBER
Type or Print Name and Title


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## Gwinnett County Planning Division

Rezoning Application
Last Updated 12/2015

## 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.


NINE OAKS PARK, LLC
JAMES H. BARGE, SOLE MEMBER
Type or Print Name and Title


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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.


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?

## $\square_{\text {YES }} \quad \mathrm{X}_{\text {NO }}$ <br> JAMES H. BARGE <br> YOUR NAME

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

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

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

## 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.
$\begin{gathered}\text { PARCEL ID. NUMBER: } \\ \text { (Map Reference Number) }\end{gathered} \frac{4}{\text { District }}-\frac{247}{\text { Land Lot }}-\frac{004}{\text { Parcel }}$

$6 / 11 / 2019$
Date
James fl. Barge, Member, Nine Oaks Park, L LC 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)


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Elevations shown represent the general character of a proposed two-story house. Final elevations and floorplans to be submitted to Gwinnett County Planning and Development for approval.

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