



May 17, 2022

**LETTER OF INTENT AND JUSTIFICATION FOR REZONING,
ANNEXATION AND LAND USE PLAN AMENDMENT**

**Rezoning Application
City of Snellville
Gwinnett County, Georgia**

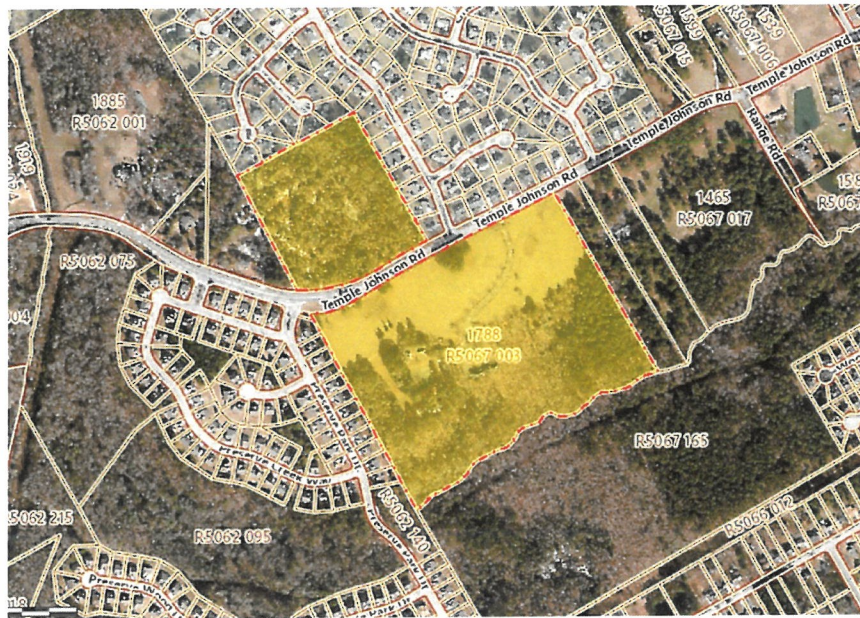
Applicant:
David Pearson Communities, Inc.

Property:
Tax Parcel ID R5067 003
±52.289 Acres of Land
Located at 1788 Temple Johnson Rd, Loganville, 30052
From R-100 to RA-5

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

I. INTRODUCTION

This Application for Rezoning and Annexation is submitted for a 52.289-acre parcel of land located in Land Lot 67 of the 5th District of Gwinnett County, Georgia, Loganville, and known as 1788 Temple Johnson Rd (hereinafter the “Property”). The Property consists of two tracts under one tax parcel that is divided by Temple Johnson Road. The southern tract consists of a single-family home and multiple accessory structures and impervious areas on the site. The northern tract is undeveloped. The Property is shown on the survey prepared by Centerline Surveying and Land Planning, Inc. and filed with this Application. The Property is owned by Anne Mazzawi and is further identified below from the Gwinnett County GIS:



The Property is currently zoned R-100 (Single-Family Residence District) pursuant to the Gwinnett County Unified Development Ordinance. The Applicant, David Pearson Communities, Inc. (the “Applicant”) now seeks approval to rezone and annex the Property into the City of Snellville. Specifically, the Applicant seeks to rezone the property to RS-5 (Single-Family Residential) to develop a distinctive and attractive residential community with 127 homes.

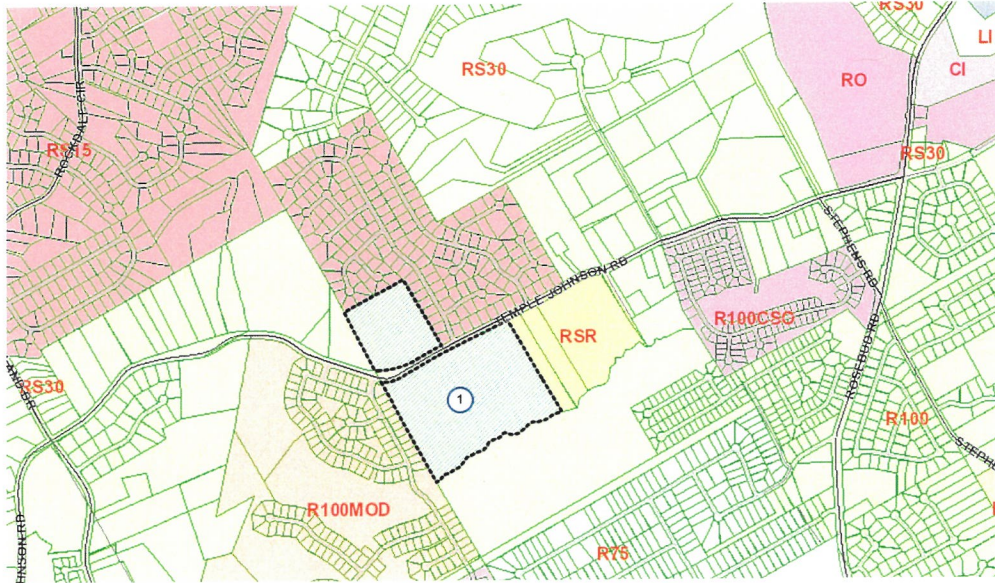
This document is submitted as the Letter of Intent, Response to Standards Governing the Exercise of Zoning Power, and other materials required by “The Unified Development Ordinance for the City of Snellville, Georgia” (the UDO”).

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property consists of two square tracts divided by Temple Johnson Road in Loganville, Georgia. It is bounded on the North and Northeast by residentially zoned properties, zoned R100-CLU and R100-CSO (both of which are inactive zoning classifications). To the East of the Property, there are residential properties zoned RA-200,

and R-SR. To the South, the Property is adjacent to parcels zoned R-100 and R-140 (another inactive zoning classification). Finally, to the West of the Property is R-100 zoning classification. The surrounding area is uniformly zoned single-family residential and the adjacent parcels are improved with residential properties.

Below is a map of the surrounding zoning classifications to the Property:



III. PROJECT SUMMARY

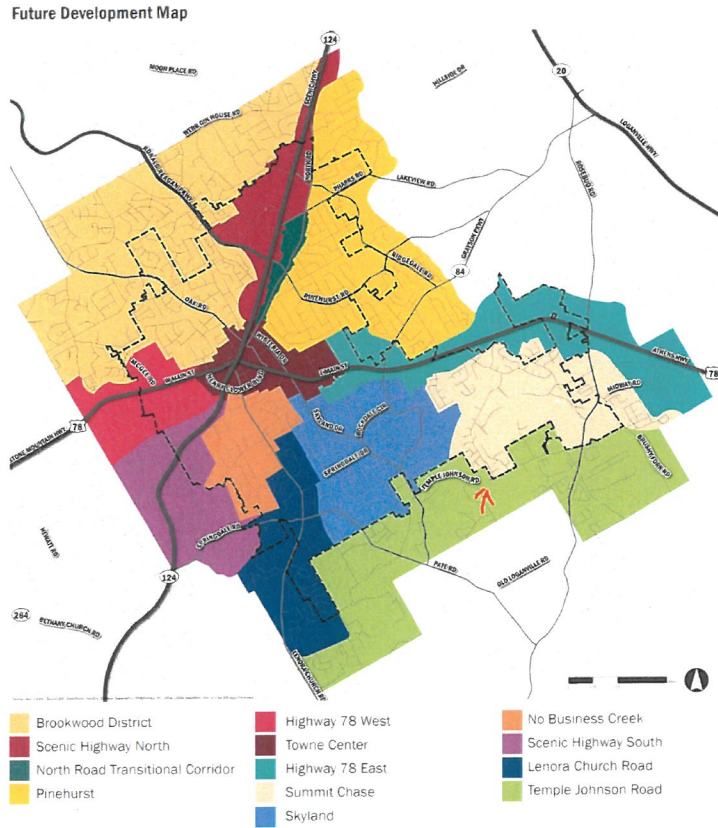
As shown on the site plan by Centerline Surveying and Land Planning, Inc. dated May 13, 2022, and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes to develop the Property into a distinctive and attractive residential community. The Applicant is proposing to rezone the Property from R-100 to RS-5 in order to accommodate the development of a single-family residential community with approximately 127 units, for a proposed site density of 2.42/units per acre. The proposed development would provide attractive, high-end residences with various amenities including, green space, clubhouse, tennis courts, and swimming pool. The proposed development will consist of homes at a size, quality, and price point commensurate with or exceeding homes in the surrounding communities. Generally, the architectural style and composition of the exterior of the homes would consist of brick, stacked stoned, cedar and/or cementitious shake, siding board and batten or combinations thereof. The proposed development would have two entrances onto Temple Johnson Road with 127 homes and separate green space on the northern tract (consisting of 13.397 acres) to be maintained by a Homeowners Association.

The proposed development would provide attractive, high-quality housing that is compatible with surrounding land use and in conformance with the policies and intent of the 2040 Plan. The proposed elevations of the development are filed with this Application.

IV. 2040 COMPREHENSIVE PLAN

The Snellville 2040 Comprehensive Plan (the “2040 Plan”) identifies the Property as within the “Temple Johnson Road” character area. This character area is characterized mainly by single-family homes, agricultural land, and undeveloped parcels. As indicated, the Property is currently outside the City of Snellville’s boundaries, and the area is predominately undeveloped, or used as agriculture/forestry, estate residential, and low density residential. The 2040 Plan provides that while the vision for this character area is a quiet and rural community of homes and agriculture, new development can be permitted through regulations, preservation of portions of land, and continuity with existing developments. The Property is immediately adjacent to the “Summit Chase” character area, which has two central focal points: Johnson Lake and the Summit Chase Golf and Country Club. These amenities support a high quality of life for residents in the surrounding neighborhoods. In addition, the predominate land uses within the Summit Chase character area include low-density residential, single-family homes and estate residences. As such, the proposed use would be complimentary to the existing neighborhoods and provide another community to residents that desire to live in the City. In terms of the Future Land Use category, the Applicant is requesting the Property be designated as low density residential. Pursuant to the 2040 Plan, low density residential is described as low density residential with less than 4 units per acre. The site plan reflects a density of 2.42/units per acre.

The Property is identified below on the Future Development Map:



The 2040 Comp Plan further provides the following Land Use and Economic Development Goals and Policies that provide additional support for the rezoning and land use plan change:

- H-2.2: Encourage the construction of housing types that appeal to young families
- ED-8.1: Reduce reliance on septic systems
- H-2.1: Promote Snellville as an affordable alternative to intown housing
- H-3.3: Allow the development of smaller single-family residential units

V. SITE IMPACT ANALYSIS

Pursuant to Section 103-9.4.C.11 of the UDO, the Applicant submits its written impact analysis of the proposed rezoning and land use change with respect to the following matters:

(A) WHETHER A PROPOSED REZONING AND LAND USE CHANGE 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 and Land Use Change will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Property is located on Temple Johnson Road. The proposed residential development is compatible with existing residential uses and will further diversify housing options in the surrounding area.

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

No, the proposed Rezoning and Land Use Change 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.

(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 AND LAND USE CHANGE WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR

BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No, the proposed rezoning and land use change will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Temple Johnson Road. The proposed development would complement the existing and nearby residential uses.

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

The Applicant is seeking to annex the Property into the City of Snellville. The proposed rezoning application is in conformity with the policy and intent of the 2040 Plan. The subject property is located within the Temple Johnson Road character area and immediately adjacent to the Summit Chase character area. Encouraged land uses for the Temple Johnson Road character area specifically promote residential developments similar in scale and architecture to surrounding developments. The proposed development will contain larger lots and less density than the adjacent R-SR community to the east.

(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 AND LAND USE CHANGE PROPOSAL:

The Applicant submits that the character of the surrounding development and quality of the proposed homes provide supporting reasons for approval of both the rezoning and land use change applications. Anticipated growth in the City of Snellville based on the 2040 Plan suggests a strong need for additional housing units.

VI. JUSTIFICATION FOR REZONING

The Applicant respectfully submits that " The Unified Development Ordinance for the City of Snellville, Georgia" (the "UDO"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a single family residential development under the RS-5 zoning classification, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the UDO deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the City of Snellville Mayor and Council to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the UDO constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested rezoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the Mayor and Council of the City of Snellville cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

These Applications meet favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

VII. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Application to Rezone from R-100 to RS-5 be approved, as well as the application for Land Use Plan Amendment and Annexation application be approved. The Applicant welcomes the opportunity to meet with the City of Snellville Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 17th of May, 2022.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
DWB/mag