

August 8, 2024

**LETTER OF INTENT AND  
JUSTIFICATION FOR REZONING**

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

**Applicant:**  
GDP Holdings, LLC

**Property/Tax Parcel IDs:**  
R7011 023                      R7011 019  
R7011 153                      R7011 017  
R7011 045A                    R7011 065  
R7011 020                      R7011 016

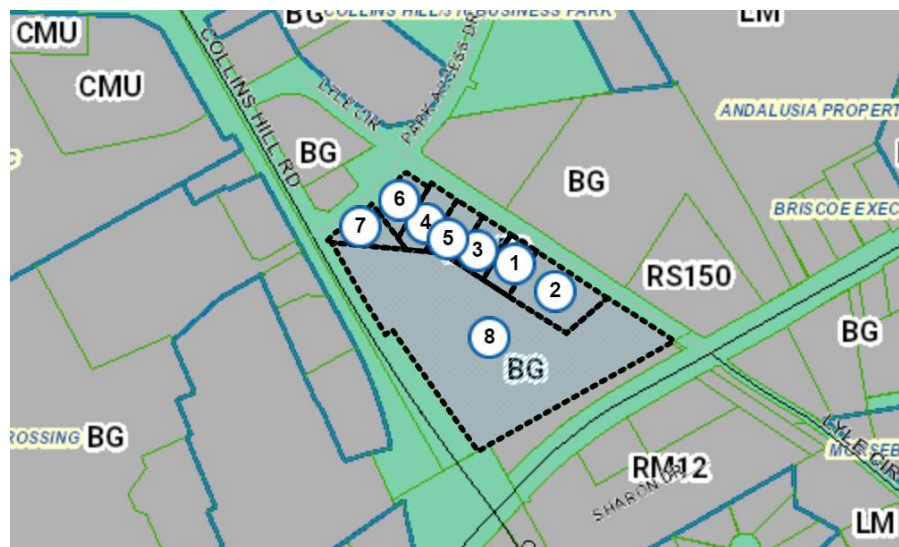
±6.92 Acres of Land  
Located at Collins Hill Road and Lyle Circle, Lawrenceville, Georgia  
**From RS150 and BG to BG & RM-8**

**Submitted for Applicant by:**  
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Location	Land Use	Zoning
Proposed Site	Commercial; Residential	BG and RM-8
North	Vacant; Commercial	BG
South	Multifamily; Commercial	RM-12, BG
East	Utility (Georgia Transmission); Commercial	RS150, BG
West	Commercial (WalMart; Kohls)	BG



The Applicant is requesting the City of Lawrenceville rezone the Property to allow for commercial and residential uses. The development will be compatible with the existing and adjacent properties. The Property is primarily undeveloped and heavily wooded but does include several single-family residences along the eastern border. It is surrounded by other retail and commercial uses, including multifamily residential to the south of the proposed site. As such, it is ideal for a both commercial and residential development.

As stated in the City of Lawrenceville’s 2045 Comprehensive Plan (the “2045 Plan”), the Property lies in the Community Mixed Use Character Area. The intent of Community Mixed Use area is to capitalize on the City of Lawrenceville’s economic strengths and diverse population by fostering vibrant and walkable neighborhoods. Specifically, the Community Mixed Use Character Area allows developments that integrate residential, commercial, and recreational spaces which cater to the needs and preferences of a dynamic and growing community. The key features of this character area include the integration of residential options with a blend of commercial spaces, promoting walkability and enhancing the overall accessibility and convenience of the neighborhood. The goal behind this character area is to promote a walkable and interconnected neighborhood. As indicated in the 2045 Plan, intended uses include local services such as restaurants and small-scale retail, mixed with medium density housing such as townhouses. As such, the proposed development falls within the recommended land use for this area.

### **III. PROJECT SUMMARY**

As shown on the site plan by Sullins Engineering, dated June 17, 2024, and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes to develop the Property into a commercial and residential development. The Applicant is proposing to rezone 6.92 acres from RS150 and BG to BG and RM-8 in order to accommodate the development of 7,100 square feet of retail and 55 rear-entry townhomes that include double-car garages and rear porches. Based on current market conditions, the townhomes are anticipated to range in size from 2,700 – 2,800 square feet, with projected price points of the high \$400,000s. The proposed development would provide attractive, high-end townhomes 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 townhomes would consist of brick, stacked stoned, cedar and/or cementitious shake, siding board and batten or combinations thereof. The proposed development would be served by three full access driveways with entry points at Collins Hills Drive, Park Access Drive, and Lyle Circle. The development has been designed so the majority of the townhome units face open greenspace area with internal walking trails. The Applicant has included preliminary renderings of the townhomes with this Application.

In order to develop the Property as a townhome community shown on the site plan and as set forth in the Applications, the Applicant respectfully requests the following waivers, modifications, variances and/or conditions of zoning, as applicable:

- Variance from Section 102.5 (C) (a) to remove the requirement for development amenities such as a resort style pool, cabana, fitness center, and community room for residents from the Restrictive Covenants.

### **IV. SITE IMPACT ANALYSIS**

The Applicant submits its written impact analysis which shows that rezoning to RM-8 satisfies the “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. The proposed rezoning is consistent and suitable with the existing use and development of adjacent and nearby properties. The Property maintains frontage on Collins Hill Road, Park Access Drive, and Lyle Circle. The proposed townhome development is compatible with existing commercial and residential uses and will further diversify housing options in the surrounding area.

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

No. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. In fact, the proposed zoning classification is compatible with existing residential uses of adjacent property and would be a complimentary development.

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

No, 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 develop 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:

No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to State Route 316. 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 LAND USE PLAN:

The proposed rezoning application is in conformity with the policy and intent of the City of Lawrenceville Comprehensive Plan. The subject property is located within the Community Mixed Use which supports both commercial and residential uses. As such, the proposed development would be compatible with and successfully co-exist with the surrounding uses.

(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 developments and the existing uses in the area provide supporting reasons for approval of the rezoning application. Anticipated growth in the City of Lawrenceville and Gwinnett County further suggests a strong need for this type of housing. In addition, the Applicant submits that the subject Property's location, size, and dimensions, as well as its proximity to downtown

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Lawrenceville, and State Route 316, provide further support for approval of the proposed rezoning application.

**V. JUSTIFICATION FOR REZONING**

The Applicant respectfully submits that “City of Lawrenceville Zoning Ordinance” (the “Ordinance”), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a commercial and townhome development, under the BG and RM-8 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 Ordinance 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 Lawrenceville 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 Ordinance 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 City of Lawrenceville Mayor and Council 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.

This Application meets 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).

**VI. CONCLUSION**

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

Respectfully submitted this 8<sup>th</sup> day of August, 2024.

**ANDERSEN, TATE & CARR, P.C.**

*Melody A. Glouton*

Melody A. Glouton, Esq.

Enclosures  
MAG/dwb  
4863-4368-3798, v. 1

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