

FIRST AMENDED
LETTER OF INTENT
and
IMPACT ANALYSIS

and

Other Material Required by
City of Lawrenceville Zoning Ordinance
for the
Rezoning and Concurrent Variance Application

of

MCKINLEY HOMES, LLC

for

± 17.47 Acres of Land
located at 0 Hillcrest Green Drive
PIN: R7010 009 & R7010 A018 Gwinnett County, Georgia

**From RS-150 to RM-24 and
Associated Concurrent Variances**

Submitted for Applicant by:

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I. INTRODUCTION

This project proposes the development of Class A luxury rental units with mixed densities and housing-products on an undeveloped lot currently zoned RS-150. The property is a 17.47 acre assemblage (Property Identification Numbers: R7010 009 & R7010 A018) adjoining Highway 316 to the north and the Groves of Lawrenceville apartment community and Dogwood Lane neighborhood to the south (the “Subject Property”). This proposal seeks rezoning to the RM-24 zoning district and concurrent variances to the setbacks from Highway 316 and from the right of way from the cul-de-sac at the termination of Hillcrest Green Drive, as required by the City of Lawrenceville Zoning Ordinance (the “Zoning Ordinance”). The development envisions the construction of a 227-unit, mixed housing-style community featuring 194 apartment units and 33 townhomes developed in a new urbanist, walkable layout and employing modern farmhouse architecture. The Development results in a density of 12.99 units per acre and will prioritize luxury units intended for a professional market. In keeping with this upscale concept, the Development will include modern amenities such as a clubhouse, resort style-pool, playground, multiuse trail and dog park, among other amenities.

The site is in close proximity to expanding employment centers in the City, such as Northside Hospital Gwinnett and Georgia Gwinnett College (“GGC”), positioning the development to support anticipated (and significant) increases in employment opportunities and population growth within the City. The development expands Lawrenceville’s limited Class A rental inventory, while embracing the high standard for development set by the Lawrenceville Lawn and other similar developments. The resulting product is a community that is connected, vibrant, and intentionally developed to highlight Lawrenceville’s amenities and to provide an attractive and modern gateway into the City from Highway 316.

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Access to Lawrenceville’s trail system is particularly important to this Development and its goals for providing walkability, active amenities and convenience. A portion of land in the northeast corner of the Property will be dedicated to the City, providing the City’s trail system with critical connectivity under Highway 316 and dedicated pedestrian access between GGC and downtown Lawrenceville. This civic space amenity is intentionally highlighted by the development plans, with buildings and landscaping oriented to address and facilitate connectivity with the Development. Further, the primary multi-family building is oriented to face the multi-use trail, providing an inviting and attractive architectural façade from the path. An internal multi-use trail will connect all the units in the community and the Dogwood Lane community to the Lawrenceville trail system via a dedicated pedestrian path. The improvements will help foster a walkable and new-urbanist feel to the development, as opposed to the vehicle-centric, garden style multifamily development of decades past.

Residents entering and exiting the development by vehicle will utilize Hillcrest Green Drive which has direct connectivity to Hurricane Shoals Road at a signalized intersection with designated lefthand turning lanes. The site also benefits from easy connectivity to major transportation thoroughfares, such as Highway 316, Duluth Highway and Collins Hill Road. Residents utilizing the adjoining trail system to access retail facilities (many of which are slated for considerable improvements in connection with an adjoining development) or GGC have less than a half mile walk to GGC or to the retail/grocery amenities on Collins Hill Road. The development will be parked above standards, with parking spaces dispersed throughout the community to ensure accessible parking facilities and reduce concentrations of impervious surfaces. Some of the parking facilities will be improved with unit garages available for residents. The garages will be constructed with masonry materials and will be fully enclosed. An additional

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emergency access point will be developed from Dogwood Lane. To preserve the established residential neighborhood on this street, this access point will be gated with a knox-box and will be used as an emergency-only entrance. Additionally, recreational amenities will be developed on portions to enhance the amenity offerings for residents. The property will preserve tree cover and landscaping will be supplemented where necessary to enhance screening.

The rezoning is supported by the Comprehensive Plan, which places the Property in the Community Mixed Use area. The Character Area envisions higher-density residential communities that “promot[e] walkability and enhance[e] the overall accessibility and convenience of the neighborhood.” (Comp. Plan, pg. 53). As discussed in greater detail below, the development provides additional and newer multifamily inventory, a priority identified in the Comprehensive Plan and the City’s recently adopted Housing Study. That study specifically identified the need for diversifying and re-energizing the City’s aging multifamily housing inventory (See Housing Strategy, p. 8). Expanding rental inventories and products for younger or recently relocated professionals is central to the City’s goals of fostering and retaining an engaged population with the means and desire to make long-term investments within the City.

Lawrenceville’s need for multifamily housing may be more acute than those of other communities within Gwinnett County, particularly given the expansion of Northside Hospital and growth of GGC. Lawrenceville’s projected demographics when compared to other communities, lean more heavily toward younger professionals (employed at Northside Hospital, Gwinnett County or the City of Lawrenceville) and students attending GGC and nearby Philadelphia College of Osteopathic Medicine (“PCOM”) (See Comp. Plan pp. 33 & 40 (recognizing changing demographics and shifts those changes may have on housing preferences)). These individuals often have the incomes to support higher-quality housing but are not interested in longer-term housing

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ownership, either enjoying Lawrenceville’s amenities during their limited tenures at local colleges, or during their transitions to homeownership. Additionally, this demographic is more likely to utilize public amenities (such as trails) and is more likely to patronize local restaurant and retail establishments.

The development team sees this community not only as a landing spot for these young and new residents of the City but also as a launching-off point, helping to foster subsequent investment in for-sale housing products in the area as residents’ careers and families expand. This development introduces Lawrenceville to new residents in a centrally located and amenitized community that is connected to and a part of Lawrenceville’s expanding employment and commercial centers. The Development incorporates two distinct housing products within the centrally managed property, including 33 two-car garage townhomes and 194 multi-family homes divided among three buildings. This configuration allows for variations in unit sizes, which broaden offerings and extend the appeal to residents, particularly younger professionals with varying needs for square footages. The community will be maintained and operated by an established and committed management team, which will ensure that residents receive the Class-A apartment product they desire, with exquisite amenities and essentially no-maintenance obligations on residents.

In addition to this rezoning request, the Applicant also seeks variances from the setback requirements of the Zoning Ordinance. A reduction in the setback from Highway 316 is requested, reducing the buffer from 50 feet to 30 feet. This design is necessitated by the shape of the lot and the perennial stream that splits the lot widthwise and, accordingly, reduces access points. Even with this reduction, the size of the existing right-of-way from Highway 316 will significantly set

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the development back from the highway. Further, the Property's topography and the existing buffer will reduce direct sightlines between the development and the highway.

A variance in the setback from Hillcrest Green Drive is also sought, requesting a reduction from 50 feet to 0 feet from the right-of-way. Hillcrest Green Drive is a public road that terminates in a currently developed cul-de-sac with a right-of-way dedication on the Property of over 100 feet in diameter. Extending an additional 50-foot setback from this cul-de-sac would eliminate large portions of developable land on the Property. Further, the Development's desire to emphasize a new urbanist style with connectivity to the multi-use trail requires that setbacks from parking and transportation rights-of-way be minimized. Doing so allows the development to better emphasize and address public amenities such as the trail. It also provides a better transition between the uses of land. A strict application of the Zoning Ordinance and these setbacks would result in a hardship upon the Property's reasonable development given the unique geographic and topological features of this Property. Additionally, the variances allow for higher quality architectural and site design features of this community.

II. IMPACT ANALYSIS FOR REZONING

1. *Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property*

The Development's proposed multifamily residential use is compatible with surrounding development and uses of land. To the southeast of the Property is the Groves of Lawrenceville, a multifamily rental development currently zoned RM-12. The rental-community development was constructed in 2002 and features older, townhome-style, two-story apartments with no covered parking. To the Southeast of the Property is a large commercial shopping center anchored by Kohl's and Walmart. The Northern boundary of the Property abuts Highway 316.

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Other multifamily communities exist within close proximity to the Property. In Lawrenceville's municipal limits, the SYNC at Ten Oaks apartment community is similarly located between a commercial center (now the Northside Resource Center and Primary Care facilities) and Highway 316. Other apartment communities along the same road (Walther Road) but located in unincorporated Gwinnett County are the Sugar Mill and Parc @ 980 communities. Both developments are within approximately half a mile of the Property and each were developed in 1997. Along Collins Hill Road is an approved multi-family and mixed used community, with approximately 300-units being constructed, additional commercial and retail space, and slated improvements to the facades of existing buildings.

Development patterns and uses, thus, are of relatively high intensities and are compatible with the denser multifamily community envisioned here. The surrounding uses show a clear precedent for multifamily development along this corridor. Many of the surrounding multifamily developments, like the community envisioned here, adjoin the Highway 316 and are accessed by minor collector streets. Moreover, the development reduces its density as it transitions toward the more established residential communities on Dogwood Lane, reducing the impact of the development on this established community. Additional housing units will not interfere with the surrounding uses.

2. Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

As previously described, the surrounding uses are of similar densities and intensity of uses. Other multifamily developments exist within the area and are similarly situated on parcels that adjoin Highway 316. Although this precedent exists, this development will not create an oversupply of multifamily units. The City has an identified need to expand multifamily housing units, particularly with newer units developed for young professionals in the healthcare and public

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administration industries. The demand arises not only from demand for new rental housing¹ but also an by housing turnover, increase in housing demand arising from the desired replacement of depreciated multifamily units with newer, modern facilities as renters look to upgrade their rental housing. In all, the Comprehensive plan identifies the need for more than 1,000 total rental units in the City over the next twenty years (Comp. Plan p. 122).

The proposed multifamily use will be complementary to the surrounding commercial and institutional uses. New residents will provide an active consumer base for surrounding commercial and retail properties. The development of the multi-use trail on the northeastern section of the Property will provide residents with safe and pedestrian-specific walking access to commercial businesses, many of which are located less than half a mile from the Property. The trail also permits residents to access GGC and downtown Lawrenceville, helping to foster meaningful pedestrian activity across important economic and institutional sectors of the City. The Development's proximity to the college and the commercial/retail amenities is approximately the same distance from Lawrenceville City Hall to the Historic Courthouse, making walking or biking a feasible and attractive option for many residents. Further, the site plan will emphasize this connectivity and encourage use by providing landscaping, signage, and hardscaping to direct residents to the trail.

The development also addresses important housing shortcomings recognized in the Comprehensive Plan and the 2022 Housing Study. The study recognizes that well over 12,000 people are employed in Lawrenceville's the Public Administration and Health Care industries. (See Housing Study Presentation, p. 7). Despite large numbers of employees engaged in relatively high paying jobs, few of those employees live in Lawrenceville. The gap, according to the Housing

¹ The Comprehensive Plan identifies the need for 350 additional new rental housing units in the City within the next twenty years. (Comp. Plan p. 122).

Study, leaves more than 10,000 employees exiting the City at the end of the workday and heading outside of the City to live, shop, and engage (Housing Study Presentation, p. 17).

In large part, this gap is a consequence of the lack of housing supply to address unique demands associated with this particular demographic. This Development provides a mix of housing types and styles, offering professionals looking for rental housing in Lawrenceville with the ability to rent Class A apartment flats or exquisitely maintained and attractive townhomes. Every unit is offered with access to resort style amenities and with no-maintenance obligations. Lawrenceville generally lacks this quality of rental-housing inventory. As currently situated, potential residents must either look toward the relatively few Class A rental apartments units available in the City or look to rent older, more traditional single family homes and assume the obligations for lawn and home maintenance generally associated with these types of rental-housing products. For many, neither is attractive and, when faced with these obstacles, many professionals choose to find other housing options outside of the City and commute into Lawrenceville, as opposed to living in the community.

The development proposed here provides Class A rental units for the growing healthcare and other professional employees working in Lawrenceville and provides housing that attracts employees currently unable to purchase for-sale housing products in close proximity to their work and within the City limits. That is, the development's intended market are younger professionals where residents will first be introduced to the breadth of services, facilities, and lifestyle Lawrenceville offers.

3. Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned.

The Property's current zoning is RS-150, a large lot single family zoning district. Given the Property's proximity to Highway 316, topography and the surrounding intensity of uses, a low-

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density single-family development is not feasible on nor reasonable for the Property. Intervening zoning districts, likewise, are not feasible for development of the Property. The Property is situated such that only the requested zoning district provides any reasonably economic use.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The development will not result in an excessive burden to existing infrastructure, utilities, or schools. As will be demonstrated in a traffic study that will be provided in connection with this application, the projected development is not anticipated to create traffic issues. Residents will primarily use Hurricane Shoals to enter and exit the Property, driving east to access Collins Hill Road and west to access Duluth Highway. Hurricane Shoals and Collins Hill Roads are classified as major collector streets. Duluth Highway is classified as a minor Arterial Road. As reflected in the traffic study which will be supplemented with the application, the development is not expected to impact the levels of service for any of these throughfares.

The development is unlikely to have a material impact on schools. The absence of three-bedroom apartments limits the extent to which families with children will likely be residents of the community. Two-bedroom apartments are offered in a roommate layout with separate ensuite bathrooms. The townhome products similarly are not of the style or size that would be attractive to most families. The development is more likely to attract younger professionals and empty nesters than established families with school-aged children. Nevertheless, there appears to be sufficient capacity at Central Gwinnett High School and Lawrenceville Elementary School to accommodate any increase in students.

5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

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The Comprehensive Plan, as previously noted, identifies the need for newer rental communities in Lawrenceville (Comp. Plan p. 116). The need arises from projected population growth, fueled largely by the expansion of Northside Hospital and the existing public administration operations within the City (Comp. Plan pg. 106). These expanding industries often employ younger individuals just beginning professional careers, who often lack the immediate desire or ability to purchase for-sale homes (Comp. Plan. pg. 40). Millennial and Generation Z professionals are typically in the market for newer and larger Class A apartment communities with amenities, connectivity, and luxury units. This is a target market for the Development envisioned here and the site plan address these unique demands, providing luxury style apartments, “lock-and-leave” townhome rentals, modern amenities, and connectivity by way of the multiuse trail.

The Comprehensive Plan identifies the lack of higher-end apartment developments in the City. As noted, much of the City’s apartment inventory is more than twenty years old and only 430 new rental units have been constructed since 2010 (Comp. Plan p. 118). This aged inventory, as the Comprehensive Plan identifies, should be “phased out” and replaced by newer developments with modern design and amenity features like those proposed here (Comp. Plan p. 131). The proposed development provides new higher-end multifamily units in-line with the quality of development set by the Lawrenceville Lawn development and other developments which have leveraged their location and outdoor spaces to create more connected communities. This development style is encouraged in the Comprehensive Plan, which calls for “[e]mbracing innovative housing models that align with changing lifestyles and preferences” (Comp. Plan, pg. 125).

This high standard of development is also consistent with the spirit of the Community Mixed Use character area in which the Property is located. The character area envisions “vibrant

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and walkable neighborhoods” that “promot[e] walkability and enhance[e] the overall accessibility and convenience of the neighborhood” (Comp. Plan p. 53). This development meets these standards by utilizing a property that otherwise would be undevelopable for traditional single-family residential or commercial development. Indeed, the site presents development challenges that preclude any development that could meet the quality and standard the City should expect on one of its primary gateways. This development creates a diversity of luxury-style housing options and types. Further, the development provides a community that is connected to GGC and downtown Lawrenceville. While there are no commercial uses within the development, the site plan is specifically engineered to engage the surrounding commercial and retail facilities and encourages residents to utilize the multiuse trail to access those businesses.

6. 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 zoning proposal.

Existing and changing conditions support the zoning proposal. Lawrenceville continues to be a target for the expansion of medical and other institutional facilities in the Northeast Georgia area. Northside Hospital Gwinnett will become the hospital’s largest facility in the state, even surpassing its traditional Atlanta campus. These expansions have increased projections for growth within the City, even from the relatively recently adopted Housing Study and the Comprehensive Plan. Accordingly, some of the modeling from each plan may have understated housing demand calculations. Even with the prior calculations, however, the development addresses an undersupply of multifamily housing inventory and recent expansions only further reiterate the unfulfilled demand in the area.

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III. **NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS**

The Applicant respectfully submits that the current zoning classification of the Property and any proposed intervening district is unconstitutional and that rules relative to the Property owner's right to use the Property established in the Lawrenceville Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by 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. Further, the failure to allow this use would constitute a taking of 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 would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the City Council's failure to approve the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's 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.

A refusal to allow the development in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law,

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O.C.G.A. § 36-66-1 *et seq.*, due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 14th day of June, 2024.

Respectfully submitted,

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