

ANDERSEN | TATE | CARR

September 6, 2024

COMBINED LETTER OF INTENT AND JUSTIFICATION FOR ANNEXATION AND REZONING

**Annexation and Rezoning Application
City of Loganville, Walton County, Georgia**

Applicant:
Uprise Development

Rezoning Tax Parcel IDs:
C0040009 (50.28 acres)(Walton County)
C0040009A00 (9.34 acres)(Walton County)
LG060189 (8.07 acres)(City of Loganville)
LG060188 (2.53 acres)(City of Loganville)
R4216 001 (0.83 acres)(Gwinnett County)

Annexation Tax Parcel IDs:
C0040009 (50.28 acres)(Walton County)
C0040009A00 (9.34 acres)(Walton County)
R4216 001 (0.83 acres)(Gwinnett County)

±71.05 Acres of Land
Located at 4500, 4550 Tuck Road and 4332 Tom Brooks Road, Loganville, Georgia
From A2, B3, CN, R-100 to PUV

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 Annexation and Rezoning is submitted for a 71.05-acre assemblage of land located at 4500 Tuck Road, 4550 Tuck Road, and 4332 Tom Brooks Road, Loganville Georgia (hereinafter the “Property”).¹ The Property is an assemblage of five (5) tax parcels with frontage on Tuck Road and Tom Brooks Road.² The Property is identified below from the Walton County and Gwinnett County tax assessor’s website:



Walton County



Gwinnett County

The Property currently maintains several different zoning classifications: A2 (Rural Estate District), B3 (Rural Estate District/General Business District), CN (Commercial Neighborhood District), and R-100 (Single Family Residence District). The Applicant, Uprise Development (the “Applicant”) now seeks approval to rezone the assemblage of properties to PUV (Planned Urban Village District)³ to accommodate the development of the Property as a mixed-use development with single-family detached homes, townhomes, and neighborhood-serving commercial/retail uses. The rezoning of the Property will allow for a quality mixed-use development that will provide additional housing supply to the surrounding community and support the adjacent commercial development.

This document is submitted as the Letter of Intent, Response to Standards Governing the Exercise of Zoning Power, and other materials required by the City of Loganville Zoning Ordinance.

¹ The Applicant reserves the right to amend the proposed total acreage of the development pending confirmation of legal descriptions and/or property surveys.

² The Applicant is requesting to annex three tax parcels into the City of Loganville: C0040009 and C0040009A00 (Walton County), and R4216 001 (Gwinnett County).

³ Pursuant to the City of Loganville Zoning Ordinance, the purpose of the PUV district is intended to “encourage and accommodate high-quality, pedestrian oriented, unified design and combinations of retail, cultural, public and residential uses and facilities in accordance with an approved master plan. The district allows for flexibility and encourages creative, efficient and aesthetically desirable design and placement of buildings, open spaces, circulation patterns and parking facilities in order to best utilize special site features of topography, size or shape.”

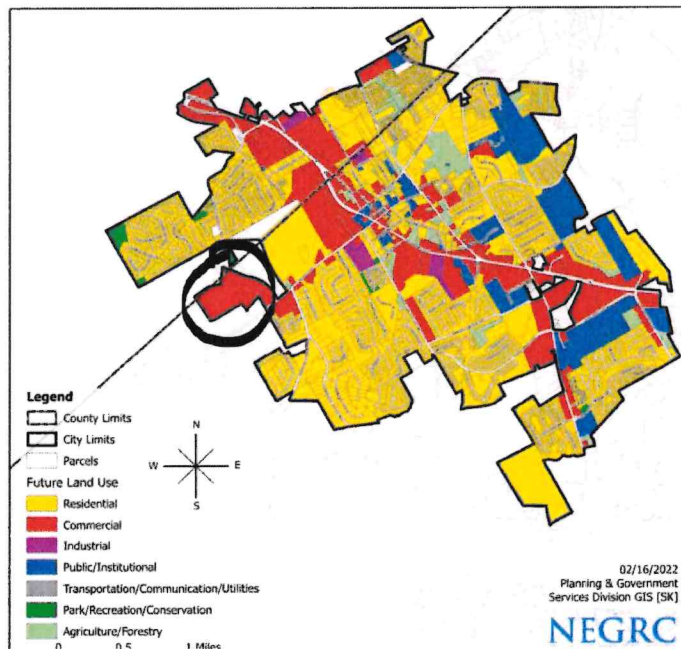
II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is an assemblage of five (5) tax parcels located on Tuck Road near its intersection with Tom Brooks Road. A portion of the Property is currently developed with a single-family residence; however, the majority of the site remains heavily wooded and undeveloped. The Property is surrounded by a variety of land uses, including single-family residential (Gwinnett County), commercial (Walton County), and industrial (Loganville). The proposed development is compatible with the surrounding land uses and would complement the adjacent properties by providing attractive and distinctive residential uses that are walkable to the proposed commercial component.

The City of Loganville 2022 Comprehensive Plan (the “2022 Plan”) classifies this Property as within the “Commercial” future development area. As outlined in the 2022 Plan, the Commercial area is anticipated to include retail, office space, and highway-commercial land uses, though small-scale neighborhood shops or offices may be desirable in certain places.

The Property is shown below on the City of Loganville Future Land Use Map:

Future Land Use Map



III. PROJECT SUMMARY

A. Planned Urban Village (PUV)

As shown on the conceptual site plan and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes to develop a mixed-use development that includes combinations of residential, commercial, retail, and public uses. The rezoning of the Property will allow for the development of an otherwise underutilized site and allow for multiple uses to service the surrounding community.

The development would include 99 single-family detached homes, 60 townhomes, and approximately 24,000 square feet of commercial/retail space. The commercial/retail area would include a unique outdoor gathering space for patrons to enjoy. As indicated above, the site is surrounded by a variety of land uses, including residential, commercial, and industrial. The proposed development would provide an opportunity for transition from commercial and industrial to low and medium density housing. Moreover, the proposal would provide for an additional housing type for the citizens of Loganville and be a catalyst for other developments in the City. As shown in the Site Plan, the community would include both single-family detached homes and townhomes. The development will comply with the minimum/maximum floor areas as defined in Section 119-221(g)(6). While market conditions can fluctuate, the Applicant anticipates the starting price for single-family detached homes to be \$400k and the townhomes to be \$350k. The architectural style of both the single-family homes and townhomes would be constructed with a variety of facades, including brick, stacked stone, hardie plank, shake, board and batten. The development would include several features and amenities such as an outdoor gathering space, dog park, pickleball courts, cabana, and open space. The site is designed for two driveways on Tuck Road. For reference, the Applicant has included sample elevations with this Application.

The Property’s location along Tuck Road, with close proximity to Conyers Road and Highway 20, provides a vibrant, community-focused development. The Property is in an appropriate location for the proposed development, which is surrounded by a mix of land uses. The proposed development is also compatible with the 2022 Plan and will provide a variety of housing types for Loganville residents.

IV. SITE IMPACT ANALYSIS

The Applicant submits its written impact analysis which shows that rezoning to PUV satisfies the responses to evaluation criteria as follows:

1. How does the proposed use impact the overall appearance of the City and aesthetic conditions of adjacent parcels?
 - A. The Property is adjacent to existing residential, commercial, and industrial uses. The site will be developed with quality architectural elements consistent with the City’s development regulations and will not adversely impact the overall appearance of adjacent parcels. Rezoning the Property to PUV will also permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. How does the proposed use impact thoroughfare congestion and traffic safety?

- A. Rezoning the Property to PUV will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities or schools. While the Property has frontage on Tuck Road, the community has been designed for two-full access driveways on Tuck Road.
3. How does the proposed use impact population density and the potential for overcrowding and urban sprawl?
- A. The proposed residential use is suitable in view of the existing development of adjacent and nearby properties. The development will provide additional housing supply in the community and would not create overcrowding.
4. How does the proposed use impact the provision of water, sewerage, transportation and other urban infrastructure services?
- A. The proposed use is a low to medium density residential use compared to surrounding industrial and residential uses on adjacent properties as it relates to water, sewer, and transportation infrastructure. The development will not result in an excessive or burdensome use of the infrastructure. The City of Loganville Public Utilities department has further confirmed that sewer capacity is available and able to serve the development. Moreover, any potential impacts on public facilities such as traffic, utility demand, stormwater, and schools can be mitigated with appropriate zoning conditions and site development requirements.
5. How does the proposed zoning provide protection of property against blight and depreciation?
- A. The proposed zoning activates a site that is currently zoned for manufactured homes and industrial uses. The development of a townhome community brings new economic investment to the City and provides additional housing options.
6. How is the proposed use and zoning consistent with the adopted Comprehensive Plan?
- A. The proposed use is a less intense use of the Property than some permitted uses under the commercial zoning classification. In addition, development of the site with single-family detached and townhomes as opposed to entirely all commercial would serve existing residents in the community as well as new residents seeking housing in the City.
7. In what way does the proposed zoning affect adjacent property owners if the request is approved?
- A. The proposed rezoning will have minimal impact on adjacent property owners as the proposed residential use and commercial uses will be less intensive than what the future development

map calls for. Likewise, a single family detached and townhome community will provide housing options and further support existing and future commercial development.

8. What is the impact upon adjacent property owners if the request is not approved?

A. The Property is currently occupied with a single family residence with the majority of the site being heavily wooded. Should the Property not be rezoned to allow for single-family detached homes, townhomes, and commercial, the area where the Property is located will be deprived of new residential investment that is complimentary to the surrounding uses. The proposed rezoning brings a complimentary use to the surrounding properties and will further support the existing business in the community.

9. Describe any other factors affecting the health, safety, morals, aesthetics, convenience, order, prosperity, or the general welfare of the present and future inhabitants of the City of Loganville.

A. The proposed rezoning would have a positive effect on the aesthetics and prosperity of the present and future citizens of the City by bringing new development to an essentially undeveloped site. The proposed development will provide quality architecture and needed housing supply to the City's current and future residents. The proposed use would be of low impact compared to its current zoning classifications and would not affect the health, safety, or morals of the City's current or future residents.

V. JUSTIFICATION FOR REZONING

The Applicant respectfully submits that "The Code of the City of Loganville, Georgia" (the "Code"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a planned urban village (PUV) 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 Code 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 Mayor and Council of the City of Loganville 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 classifications and any other zoning of the Property save for what has been requested as established in the Code 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 to PUV 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 Loganville 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 for Annexation and Rezoning to PUV be approved. The Applicant welcomes the opportunity to meet with the City of Loganville Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 6th day of September, 2024.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/dwb
4874-4903-1905, v. 1



Front Elevation

3 sided Masonry/Stone Waterfall





Front Elevation

End units to be 3 sided Masonry/Stone Waterfall