

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Spark I, LLC</u>	NAME: <u>Spark I, LLC</u>
ADDRESS: <u>c/o Mahaffey Pickens Tucker, LLP</u>	ADDRESS: <u>c/o Mahaffey Pickens Tucker, LLP</u>
CITY: <u>1550 North Brown Road, Suite 125</u>	CITY: <u>1550 North Brown Road, Suite 125</u>
STATE: <u>Lawrenceville, GA</u> ZIP: <u>30043</u>	STATE: <u>Lawrenceville, GA</u> ZIP: <u>30043</u>
PHONE: <u>(770) 232-0000</u>	PHONE: <u>(770) 232-0000</u>
CONTACT PERSON: <u>E. Michelle Rothmeier</u> PHONE: <u>(770) 232-0000</u>	
CONTACT'S E-MAIL: <u>mrothmeier@mptlawfirm.com</u>	

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): R-ZT REQUESTED ZONING DISTRICT: RM-13

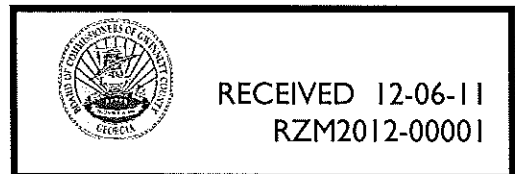
LAND DISTRICT(S): 7th LAND LOT(S): LL 188 & 189 ACREAGE: 17.799 acres

ADDRESS OF PROPERTY: Plunketts Road

PROPOSED DEVELOPMENT: Multi-family residences

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>199 units</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>varies</u>	Total Building Sq. Ft. _____
Gross Density: <u>11.18 units per acre</u>	Density: _____
Net Density: <u>11.97 units per acre</u>	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**



## Legal Description

All that tract or parcel of land lying and being in Land Lots 188 and 189 of the 7<sup>th</sup> District of Gwinnett County, Georgia and being more particularly described as follows:

Beginning at the Land Lot Corner of Land Lots 188, 189, 216 and 217 of the 7<sup>th</sup> District, said point being the POINT OF BEGINNING; THENCE along said Land Lot line dividing Land Lots 188 and 189 heading South 30 degrees 03 minutes 25 seconds East for a distance of 539.09 feet to a point, said point being the TRUE POINT OF BEGINNING; THENCE South 30 degrees 03 minutes 25 seconds East for a distance of 135.29 feet to a point; THENCE North 59 degrees 48 minutes 57 seconds East for a distance of 534.17 feet to a point; THENCE South 54 degrees 06 minutes 56 seconds East for a distance of 452.74 feet to a point; THENCE South 59 degrees 59 minutes 04 seconds East for a distance of 314.19 feet to a point; THENCE South 73 degrees 05 minutes 07 seconds East for a distance of 151.29 feet to a point; THENCE along a curve to the left having a radius of 11445.88 feet, an arc length of 82.93 feet, being subtended by a chord bearing of South 45 degrees 01 minutes 33 seconds West for a distance of 82.93 feet, to a point; THENCE along a curve to right having a radius of 36013.90 feet, an arc length of 28.33 feet, being subtended by a chord bearing of South 44 degrees 49 minutes 40 seconds West for a distance of 28.33 feet, to a point; THENCE along a curve to the right having a radius of 36013.90 feet, an arc length of 249.58 feet, being subtended by a chord bearing of South 45 degrees 02 minutes 56 seconds West for a distance of 249.58 feet, to a point; THENCE along a curve to the right having a radius of 424.16 feet, an arc length of 124.65 feet, being subtended by a chord bearing of South 55 degrees 03 minutes 00 seconds West for a distance of 124.20 feet, to a point; THENCE along a curve to the right having a radius of 338.31 feet, an arc length of 174.77 feet, being subtended by a chord bearing of South 79 degrees 59 minutes 37 seconds West for a distance of 172.84 feet, to a point; THENCE along a curve to the right having a radius of 961.28, an arc length of 109.25 feet, being subtended by a chord bearing of North 83 degrees 08 minutes 36 seconds West for a distance of 109.19 feet, to a point; THENCE along a curve to the right having a radius of 2087.92 feet, an arc length of 159.04 feet being subtended by a chord bearing of North 78 degrees 55 minutes 23 seconds West for a distance of 159.01 feet to a point; THENCE along a curve to the right having a radius of 9432.59 feet, an arc length of 174.71 feet, being subtended by a chord bearing North 77 degrees 22 minutes 21 seconds West for a distance of 174.71 feet, to a point; THENCE along a curve to the left having a radius of 2477.61 feet, an arc length of 9.04 feet, being subtended by a chord bearing of North 77 degrees 46 minutes 49 seconds West for a distance of 9.04 feet, to a point; THENCE North 30 degrees 14 minutes 31 seconds West for a distance of 52.64 feet to a point; THENCE along a curve to the left having a radius of 2489.85 feet, an arc length of 244.30 feet, being subtended by a chord bearing of North 81 degrees 25 minutes 00 seconds West for a distance of 244.20 feet, to a point; THENCE along a curve to the left having a radius of 866.20 feet, an arc length of 126.12 feet, being subtended by a chord bearing of North 88 degrees 23 minutes 56 seconds West for a distance of 126.01 feet, to a point; THENCE along a curve to the left having a radius of 191.84 feet, an arc length of 109.04 feet, being subtended by a chord bearing of South 71 degrees 09 minutes 49 seconds West for a distance of 107.58 feet, to a point; THENCE North 87 degrees 03 minutes 20 seconds West for a distance of 67.84 feet to a point; THENCE North 32 degrees 38 minutes 24 seconds for a distance of 234.85 feet to a point; THENCE North 46 degrees 02 minutes 30 seconds East for a distance of 483.58 feet to a point; said point being the TRUE POINT OF BEGINNING.

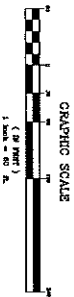
Said property contains 17.799 acres and is shown as Tract 3 (Proposed Kingsbridge Subdivision) on the Concept Plan titled Kingsbridge/Westleigh, prepared by Myers Engineering, Inc. dated 11/29/06 (the "Land").



RECEIVED 12-06-11  
RZM2012-00001

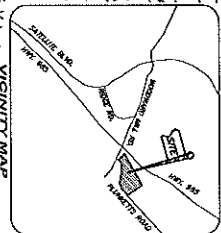
Symbol	Description
1	Proposed Right-of-Way
2	Proposed Easement
3	Proposed Lot
4	Proposed Street
5	Proposed Utility
6	Proposed Structure
7	Proposed Boundary
8	Proposed Survey
9	Proposed Elevation
10	Proposed Area
11	Proposed Volume
12	Proposed Weight
13	Proposed Length
14	Proposed Width
15	Proposed Height
16	Proposed Depth
17	Proposed Diameter
18	Proposed Radius
19	Proposed Circumference
20	Proposed Area
21	Proposed Volume
22	Proposed Weight
23	Proposed Length
24	Proposed Width
25	Proposed Height
26	Proposed Depth
27	Proposed Diameter
28	Proposed Radius
29	Proposed Circumference
30	Proposed Area
31	Proposed Volume
32	Proposed Weight
33	Proposed Length
34	Proposed Width
35	Proposed Height
36	Proposed Depth
37	Proposed Diameter
38	Proposed Radius
39	Proposed Circumference
40	Proposed Area
41	Proposed Volume
42	Proposed Weight
43	Proposed Length
44	Proposed Width
45	Proposed Height
46	Proposed Depth
47	Proposed Diameter
48	Proposed Radius
49	Proposed Circumference
50	Proposed Area

**INTERSTATE NO. 985**  
**STATE ROUTE NO. 168-165**  
 RIGHT-OF-WAY VARIES  
 LIMITED ACCESS RIGHT-OF-WAY  
 D.B. 225 / Pg. 572



**GENERAL NOTES**  
 1. PROPOSED ZONING IS R-1-L.  
 2. EXISTING ZONING IS R-1.  
 3. TOTAL NUMBER OF LOTS = 194.  
 4. TOTAL ACRES = 17.79 ACRES.  
 5. TOTAL SQUARE FEET = 1,194,000 SQ. FT.  
 6. NET ACRES = 14.87 ACRES / 1,030,000 SQ. FT.

**PLANNING REQUIREMENTS**  
 1. 2' SIDEWALK WIDTH REQUIRED = 200'.  
 2. TOTAL PARKING SPACES PROVIDED = 415 (INCLUDING HANDICAP SPACES).  
 3. TOTAL SIDEWALK LENGTH = 1,100'.  
 4. HANDICAP SPACES PROVIDED = 14.  
 5. TOPOGRAPHIC INFORMATION BASED ON LEV. SEA LEVEL, AND TAKEN FROM GANNETT COUNTY GIS.  
 6. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SURVEY.  
 7. PROPERTY LINES NOT BE SHOWN ACCORDING TO THIS SURVEY.  
 8. THERE IS NO ASSURANCE LOCATED IN THIS DEVELOPMENT PER THIS SURVEY.  
 9. PLEASE CONTACT THE SURVEYOR FOR MORE INFORMATION.  
 10. PREPARED BY: [Name] DATE: [Date]

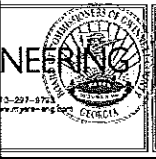


Revisions
1

DATE	7-1-10
JOB NO.	04-442
Sheet No.	REZONING PLAN

**Project Description**  
**HERITAGE VIEW**  
 PARCEL NUMBER 7-188-001  
 7th DISTRICT, LAND LOTS 188 & 189  
 Gwinnett County, Georgia

**MYERS ENGINEERING**  
 civil engineers  
 P.O. BOX 834  
 GAINESVILLE, GA 30603  
 770-531-9723  
 www.myers-engineering.com



Seal  
 Copyright  
 RECEIVED 07-06-11  
 RZ 2012-00001

**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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:

Please see attached.

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

Please see attached.

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

Please see attached.

- (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:

Please see attached.

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

Please see attached.

- (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:

Please see attached.



**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

- (A) Yes, the proposed zoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The requested development and rezoning are of a residential character; most of the surrounding properties are residentially zoned as well.
- (B) No, the proposed zoning will not adversely affect the existing use or usability of adjacent or nearby properties. As stated in item (A) above, the proposed residential development would be consistent in scheme with surrounding properties. The subject property is surrounded by Interstate 985, the right of way of the Sugarloaf Parkway and Plunketts Road, and is, therefore, relatively isolated from adjacent uses.
- (C) The Applicant submits that the use of the property will be enhanced. As stated in the Letter of Intent, the subject tract has been cut off from a larger tract based on a condemnation by Gwinnett County. By cutting the subject property off from a larger tract, the subject property has been left somewhat isolated and difficult to develop. The proposed rezoning would allow the Applicant to enhance the subject property by giving it a suitable use.
- (D) No, the proposed rezoning will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. In fact, the increase in use, if any, from development of the property under the current R-ZT zoning is marginal.
- (E) The proposed rezoning meets the intent and policy of the Land Use Plan in that it provides for a use that is residential in nature.
- (F) As discussed, the recent reconfiguration of the subject property leaves the tract in a unique position which provides grounds for support of the requested rezoning.



RECEIVED 12-06-11  
RZM2012-00001



Jeffrey R. Mahaffey  
Steven A. Pickens  
R. Lee Tucker, Jr.  
Matthew P. Benson  
Gerald Davidson, Jr.,  
of Counsel

Andrew D. Stancil  
E. Michelle Rothmeier  
Kenneth W. Stroud  
Shawn F. Bratton  
Alissa L. Cummo  
Jill H. Harris,  
of Counsel

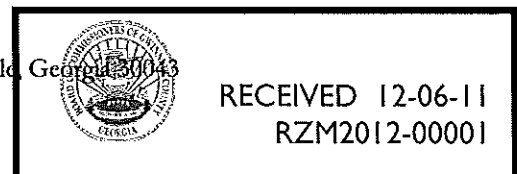
**LETTER OF INTENT**  
**FOR REZONING APPLICATION OF SPARK I, LLC**

The Applicant, Spark I, LLC, seeks to develop a 17.799 acre tract located in Gwinnett County, Georgia as a multi-family residential property and is requesting to rezone the subject property to the RM-13 zoning classification. The property is bounded on the northwest property line by I-985, on the northeast property line by the Sugarloaf Parkway extension, and on the southern property line by Plunketts Road (hereinafter, the "Property").

Originally, the Property, which is currently zoned R-ZT, was intended to be developed as part of a larger single-family residential development and zoning scheme. The Property was cut from the balance of the larger tract by virtue of a condemnation action by Gwinnett County, for purposes of the Sugarloaf Parkway extension. Based upon this fact, the Property remains somewhat isolated in its location, bounded on three sides by the aforementioned major roadways. The proposed development and requested zoning classification would enhance the use of the Property due to its unique configuration.

In addition, the proposed development and requested zoning classification would not cause any substantial detriment to the public. In fact, the proposed development and zoning classification would result in less of an impact on schools than would the current R-ZT zoning classification. With that said, the Applicant requests that the Property be rezoned to the requested zoning classification.

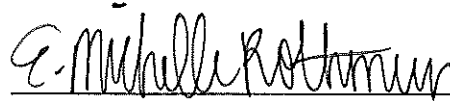
1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043  
TELEPHONE 770 232 0000  
FACSIMILE 678 518 6880  
www.mptlawfirm.com



The Applicant respectfully requests Gwinnett County's approval of this Application and herewith offers to meet with any member of the County's Planning Department to address any concerns or questions staff may have.

This 6th day of December, 2011.

Respectfully submitted,  
MAHAFFEY PICKENS TUCKER, LLP



---

E. Michelle Rothmeier  
Attorney for Applicant



RECEIVED 12-06-11  
RZM2012-00001

**REZONING APPLICANT'S CERTIFICATION**

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.

*E. Michelle Rothmeier*

Signature of Applicant

*December 6, 2011*

Date

E. Michelle Rothmeier, Attorney in Fact for Spark I, LLC

Type or Print Name and Title

*Beth Plummer*

Signature of Notary Public

*12/6/11*

Date




Notary Seal



RECEIVED 12-06-11  
RZM2012-00001

**REZONING PROPERTY OWNER'S CERTIFICATION**

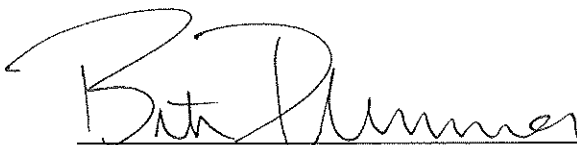
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE 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.

  
Signature of Property Owner

December 6, 2011  
Date

E. Michelle Rothmeier, Attorney in Fact for Spark I, LLC

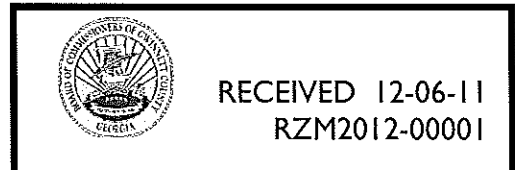
Type or Print Name and Title

  
Signature of Notary Public

12/6/11  
Date



Notary Seal



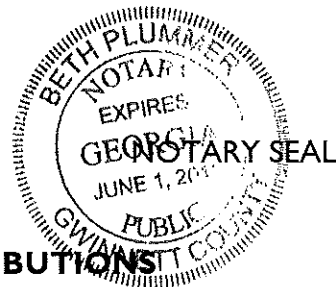
**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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.

E. Michelle Rothmeier      December 6, 2011      E. Michelle Rothmeier, Attorney for Spark I, LLC  
 SIGNATURE OF APPLICANT      DATE      TYPE OR PRINT NAME AND TITLE

E. Michelle Rothmeier      December 6, 2011      E. Michelle Rothmeier  
 SIGNATURE OF APPLICANT'S      DATE      TYPE OR PRINT NAME AND TITLE  
 ATTORNEY OR REPRESENTATIVE

Beth Plummer      12/6/11  
 SIGNATURE OF NOTARY PUBLIC      DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

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?

YES       NO      Mahaffey Pickens Tucker, LLP and Spark I, LLC  
 YOUR NAME

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

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Please see attached.	Please see attached.	Please see attached.

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



**CONFLICT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN  
CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS**

**MAHAFFEY PICKENS TUCKER, LLP**

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Shirley Lasseter	\$1,500	05/07/2009
Lynette Howard	\$1,000	10/13/2010

**LEE TUCKER, ATTORNEY AT LAW, PC**

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
John Heard	\$500	07/07/2010
Lynette Howard	\$500	03/30/2010

**JEFF MAHAFFEY, ATTORNEY AT LAW, PC**

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
John Heard	\$1,000	07/2010

**GERALD DAVIDSON, JR., ATTORNEY AT LAW, PC**

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
John Heard	\$500	07/26/2010



RECEIVED 12-06-11  
RZM2012-00001  
Updated 1/6/2011

**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.**

**PARCEL I.D. NUMBER:** 7 - 188 - 013  
(Map Reference Number) District Land Lot Parcel

E. Michelle Rothmeier, Attorney in fact for Property owner December 6, 2011  
Signature of Applicant Date

E. Michelle Rothmeier, Attorney in Fact for Spark I, LLC  
Type or Print Name and Title

**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)

Jessie Richardson T.A.F.F.  
NAME TITLE  
12-6-11  
DATE

