

**REZONING APPLICATION**

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

APPLICANT INFORMATION		OWNER INFORMATION*	
NAME: Brand Properties, LLC	ADDRESS: 3328 Peachtree Rd Suite 100	NAME: SEE ATTACHED	ADDRESS: _____
CITY: Atlanta	STATE: GA ZIP: 30326	CITY: _____	STATE: _____ ZIP: _____
PHONE: 770-962-9223		PHONE: _____	
CONTACT PERSON: Michael C. Hoath		PHONE: (770) 277-8434	
CONTACT'S E-MAIL: mhoath@brandproperties.net			

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): O-1 REQUESTED ZONING DISTRICT: RM-13

LAND DISTRICT(S): 7th LAND LOT(S): 113 - 1334 646 ACREAGE: 15.39 & 2.39

ADDRESS OF PROPERTY: 2387 Huntcrest Way, Lawrenceville, GA

PROPOSED DEVELOPMENT: Multifamily Development

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>230</u>	No. of Buildings/Lots: <u>N/A</u>
Dwelling Unit Size (Sq. Ft.): <u>1,007sf</u>	Total Building Sq. Ft.: <u>N/A</u>
Gross Density: <u>12.9</u>	Density: <u>N/A</u>
Net Density: <u>12.9</u>	

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

## Owner Information

Name: South East Office Partners, LLC

Address: 3756 Lavista Rd Suite 200

City: Tucker

State: Georgia                      Zip: 30084

Phone:

Name: Discovery Development Inc.

Address: 1140 Old Peachtree Rd

City: Duluth

State: Georgia                      Zip: 30043

Phone:

EXHIBIT "A"

LEGAL DESCRIPTION

All that tract or parcel of land containing 15.3926 acres lying and being in Land Lot 113 of the 7th District Gwinnett County, Georgia and being more fully described as follows:

TO FIND THE TRUE POINT OF BEGINNING begin at an iron pin set at the intersection of the easterly right of way of North Brown Road (right of way varies) and the northerly right of way of Huntcrest Way (60' right of way); thence run along the northerly right of way of Huntcrest Way along a curve to the left having a radius of 20.00 feet and an arc length of 30.33 feet, being subtended by a chord of south 38 degrees 45 minutes 28 seconds east for a distance of 27.51 feet to an iron pin set; thence continuing along said right of way south 81 degrees 51 minutes 20 seconds east for a distance of 31.02 feet to an iron pin set; thence continuing along said right of way along a curve to the right having a radius of 180.00 feet and an arc length 169.69 feet, being subtended by a chord of south 54 degrees 50 minutes 50 seconds east for a distance of 163.48 feet to an iron pin set; thence continuing along said right of way south 27 degrees 50 minutes 21 seconds east for a distance of 89.03 feet to an iron pin set, said iron pin being the TRUE POINT OF BEGINNING; thence from the TRUE POINT OF BEGINNING thus established and leaving said right of way north 62 minutes 58 seconds east for a distance of 57.32 feet to an iron pin set; thence along a curve to the left having a radius of 251.00 feet and an arc length of 82.11 feet, being subtended by a chord of north 52 degrees 40 minutes 41 seconds east for a distance of 81.74 feet to an iron pin set; thence north 43 degrees 18 minutes 23 seconds east for a distance of 355.08 feet to an iron pin set; thence along a curve to the left having a radius of 105.00 feet and an arc length of 163.82 feet, being subtended by a chord of north 01 degrees 23 minutes 40 seconds west for a distance of 147.70 feet to an iron pin set; thence north 46 degrees 05 minutes 28 seconds west for a distance of 253.87 feet to an iron pin set; thence north 16 degrees 12 minutes 01 seconds west for a distance of 131.99 feet to a 1 ¾" open top pipe found on the Land Lot line common to Land Lots 113 and 124; thence run along the Land Lot line common to Land Lots 113 and 124 north 58 degrees 38 minutes 59 seconds east for a distance of 441.48 feet to a ½" rebar found; thence leaving said Land Lot line south 31 degrees 01 minutes 09 seconds east for a distance of 210.03 feet to a ½" rebar found; thence north 58 degrees 39 minutes 57 seconds east for a distance of 210.10 feet to a 1/2" rebar found on the Land Lot line common to Land Lots 113 and 112; thence run along the Land Lot line common to Land Lots 113 and 112 south 31 degrees 01 minutes 11 seconds east for a distance of 494.70 feet to a ½" rebar found; thence leaving said Land Lot line south 44 degrees 01 minutes 59 seconds west for a distance of 1175.19 feet to an iron pin set on the aforesaid right of way of Huntcrest Way; thence run along the right of way of Huntcrest Way along a curve to the left having a radius of 211.50 feet and an arc length of 36.76 feet, being subtended by a chord of north 50 degrees 56 minutes 30 seconds west for a distance of 36.71 feet to an iron pin set; thence continuing along said right of way along a curve to the right having a radius of 286.00 feet and an arc length of 49.72 feet, being subtended by a chord of north 50 degrees 56 minutes 22 seconds west for a distance of 49.66 feet to an iron pin set; thence continuing along said right of way north 45 degrees 57 minutes 32 seconds west for a distance of 47.18 feet to an iron pin set; thence continuing along said right of way along a curve to the right having a radius of 220.00 feet and an arc length of 69.58 feet, being subtended by a chord of north 36 degrees 53 minutes 56 seconds west for a distance of 69.29 feet to an iron pin set; thence continuing along said right of way north 27 degrees 50 minutes 21 seconds west for a distance of 205.78 feet to an iron pin set, said iron pin being the TRUE POINT OF BEGINNING, as shown on that certain ALTA/ACSM Land Title Survey For Southeast Office Partners, L.L.C, 36, Riverside Bank, Huntcrest II, LLC and Commonwealth Land Title Insurance Company, prepared by Georgia H. Pinion, Georgia Registered Land Surveyor No. 1606 of Brock Design Group, Inc., dated October 15, 2004, last revised July 25, 2005.

Exhibit "A"  
Legal Description

All that tract or parcel of land lying and begin in Land Lot 113 of the 7<sup>th</sup> District, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a point located at the intersection of the southeasterly right-of-way line of North Brown Road (right-of-way Varies) and the northeasterly right-of-way line of Huntcrest Way (60 foot right-of-way); thence along the southeasterly right-of-way line of North Brown Road and following the curvature thereof to the left an arc distance of 150.84 feet, said curvature being subtended by a chord bearing and distance of North 01 Degrees 06 Minutes 08 Seconds East, 150.74 feet and having a radius of 1,205.92 feet; thence leaving the southeasterly right-of-way line of North Brown Road North 86 Degrees 07 Minutes 37 Seconds East, 144.03 feet to a point marked by an iron pin set; thence North 43 Degrees 54 Minutes 33 Seconds East, 97.07 feet to a point marked by an iron pin found; thence South 46 Degrees 05 Minutes 27 Seconds East, 332.77 feet to a point marked by an iron pin found; thence South 43 Degrees 18 Minutes 23 Seconds West, 167.46 feet to a point marked by an iron pin set; thence following a curve to the right an arc distance of 82.11 feet to a point marked by an iron pin set, said curvature being subtended by a chord bearing and distance of South 52 Degrees 40 Minutes 41 Seconds West, 81.74 feet and having a radius of 251.00 feet; thence South 62 Degrees 02 Minutes 58 Seconds West, 57.32 feet to a point marked by an iron pin set on the northeasterly right-of-way line of Huntcrest Way; thence along the northeasterly right-of-way line of Huntcrest Way North 27 Degrees 50 Minutes 21 Seconds West, 89.03 feet to a point; thence continue along northeasterly right-of-way line of Huntcrest Way following the curvature thereof to the left an arc distance of 169.69 feet to a point, said curvature being subtended by a chord bearing and distance of North 54 Degrees 50 Minutes 50 Seconds West, 163.48 feet and having a radius of 180.00 feet; thence continue along the northeasterly right-of-way line of Huntcrest Way North 81 Degrees 51 Minutes 20 Seconds West, 31.02 feet to a point; thence continue along the northeasterly right-of-way line of Huntcrest Way following the curvature thereof to the right an arc distance of 30.33 feet to The Point of Beginning, said curvature being subtended by a chord bearing and distance of North 38 Degrees 45 Minutes 28 Seconds West, 27.51 feet and having a radius of 20.00 feet. Said parcel is shown as LOT 2, containing 2.398 acres, on an ALTA/ACSM land title survey for Discovery Development, Inc. and Lawyers Title Insurance Corporation, prepared by Harkleroad and Associates, certified by Donald W. Harkleroad, GRLS No. 1578, Job No. 5875SRVY.

TOGETHER WITH those easement rights for the benefit of the above-described property created by the following instruments:

- (1) Sanitary Sewer Easement Agreement by and between Huntcrest II, LLC, a Georgia limited liability company, M. D. Hodges Enterprises, Inc., a Georgia corporation, and SF Properties, Inc., a Georgia corporation, dated March 14, 2000, filed for record on March 16, 2000, at 12:40 p.m., and recorded in Deed Book 20193, Page 166, Gwinnett County, Georgia Deed Records; as amended by that certain Amendment to Sanitary Sewer

Easement Agreement by and between Huntcrest II, LLC, a Georgia limited liability company, M. D. Hodges Enterprises, Inc., a Georgia corporation, and SF Properties, Inc., a Georgia corporation, dated October 31, 2000, filed for record November 7, 2000, at 12:14 p.m., and recorded in Deed Book 21640, Page 207, Gwinnett County, Georgia Deed Records.

- (2) Drainage Easement Agreement by and between Huntcrest II, LLC, a Georgia limited liability company, and SF Properties, Inc., a Georgia corporation, dated October 31, 2000, filed for record November 7, 2000, at 12:14 p.m. and recorded in Deed Book 21640, Page 195, Gwinnett County, Georgia Deed Records.
- (3) Easement Agreement by and between Huntcrest II, LLC, a Georgia limited liability company, and M. D. Hodges Enterprises, Inc., a Delaware corporation, dated September 14, 2001, filed for record September 20, 2001, at 12:55 p.m. and recorded in Deed Book 24543, Page 59, Gwinnett County, Georgia Deed Records.
- (4) Declaration of Easements by Huntcrest II, LLC, a Georgia limited liability company, dated as of April 15, 2004, filed for record April 22, 2004, at 2:00 p.m. and recorded in Deed Book 37926, Page 4, Gwinnett County, Georgia Deed Records.
- (5) Water Line Easement Agreement by and between SF Properties, Inc., a Georgia corporation, LG Atlanta Investment Company, LLC, a Georgia limited liability company (as to a 44% undivided interest) and Dixie Leavitt Agency, a Nevada corporation (as to a 56% undivided interest), dated April 15, 2005, filed for record September 6, 2005, at 1:32 p.m. and recorded in Deed Book 44293, Page 244, Gwinnett County, Georgia Deed Records.
- (6) Declaration of Easements by and between LG Atlanta Investment Company, LLC, a Georgia limited liability company, Dixie Leavitt Agency, a Nevada corporation, and 890 Chattahoochee, LLC, a Georgia limited liability company, dated May 1, 2008, and recorded May 13, 2008, in Deed Book 48847, Page 387, Gwinnett County, Georgia Deed Records.



**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:

SEE ATTACHED

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

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

- (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:

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

- (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:

## **Rezoning Application**

### **Standards Governing The Exercise Of The Zoning Power**

- (A)** Yes, the proposed rezoning will permit the development of a multi-family complex that will be suitable in view of the use and development of the adjacent and nearby properties.
  
- (B)** No, the proposed development will not adversely affect the existing use or usability of adjacent or nearby properties and will only serve to compliment them and provide nearby retailers with additional customers.
  
- (C)** The highest and best use for the property is RM-13 and the property would not have a reasonable economic use as currently zoned.
  
- (D)** The proposed rezoning will not result or cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
  
- (E)** The proposed rezoning, in our view is in conformity with the policy and intent of the land use plan.
  
- (F)** There are no existing conditions affecting the use and development of the property which give supporting grounds for disapproval.

**LETTER OF INTENT FOR**  
**REZONING APPLICATION OF BRAND PROPERTIES, LLC**

The Applicant, Brand Properties, LLC, submits this Rezoning Application for the purpose of rezoning to the RM-13 Multi Family Residence District (RM-13) zoning classification an approximate 17.79 +/- acre tract (the "Property") located along North Brown Road and Huntcrest Way. The Property is currently zoned Office-Institutional (O-I) and General Business District (C-2).

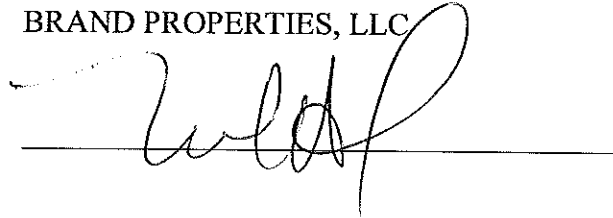
The use and development of the Property as O-I and C-2 is not economically feasible and is not the highest and best use of the Property. As stated in the Rezoning Application, the Applicant intends for the Property to be developed as a multi-family residential use. The operation of the Property as an RM-13 development under the guidelines of Gwinnett County is appropriate for the subject tract. The proposed development and requested zoning classification would not cause any substantial detriment to the public. Rather, such development is consistent with the surrounding property and will afford the owner the opportunity to provide quality residential development for the surrounding area.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address

any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.


Respectfully submitted,

BRAND PROPERTIES, LLC

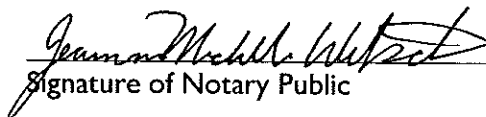
A handwritten signature in black ink, appearing to be "W. J. ...", is written over a horizontal line. The signature is stylized and cursive.

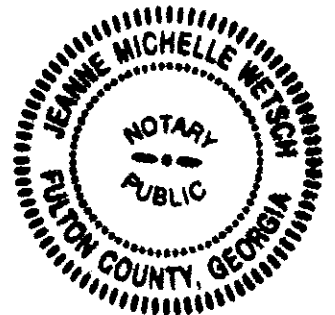
**REZONING APPLICANT'S CERTIFICATION**

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.

  
\_\_\_\_\_  
Signature of Applicant 1.18.12  
Date

Michael C. Hoath PRESIDENT  
\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public 1-18-12  
Date Notary Seal



**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.

*Scott Hawkins*

*1/18/12*

Signature of Property Owner

Date

*Scott D. Hawkins - Mgr.*

Type or Print Name and Title

*Victoria Steele*

*1-18-12*

Signature of Notary Public

Date



**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.

*[Handwritten Signature]*

1-26-12

Signature of Property Owner

Date

Cliff Clark President

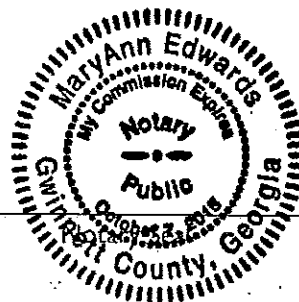
Type or Print Name and Title

MaryAnn Edwards

1/26/12

Signature of Notary Public

Date



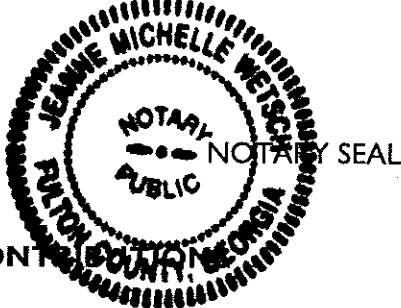
**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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.

[Signature] 1.18.12 Michael Haath President  
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

E. Michelle Rothmeyer 1/18/2012 E. Michelle Rothmeyer, Attorney  
 SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE  
 ATTORNEY OR REPRESENTATIVE

[Signature] 1-18-12  
 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 [Signature] Michael Haath  
 YOUR NAME

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


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

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

**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

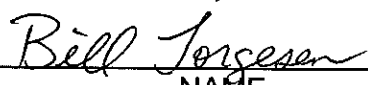
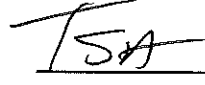
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

**\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

<b>PARCEL I.D. NUMBER:</b> (Map Reference Number)	7th District	-	113 Land Lot	-	646 Parcel
					1.18.12
Signature of Applicant					Date
Michael C. Hoath President					
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)

	
NAME	TITLE
2/3/12	
DATE	
	<b>GWINNETT COUNTY TAX COMMISSIONER</b>

