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Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>The Residential Group, LLC c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Multiple -- See attached</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: _____
CITY: <u>Lawrenceville</u>	CITY: _____
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: _____ ZIP: _____
PHONE: <u>770 232 0000</u>	PHONE: <u>770 232 0000</u>
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770 232 0000</u>	
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>RM-24</u>	
PARCEL NUMBER(S): <u>Multiple -- See attached</u> ACREAGE: <u>+/- 20.37</u>	
ADDRESS OF PROPERTY: <u>5774 Henry Bailey Road</u>	
PROPOSED DEVELOPMENT: <u>Multifamily residential community</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>344</u>	No. of Buildings/Lots: <u>NA</u>
Dwelling Unit Size (Sq. Ft.): <u>varies per UDO</u>	Total Building Sq. Ft. <u>NA</u>
Gross Density: <u>+/- 16.89</u>	Density: <u>NA</u>
Net Density: <u>+/- 16.89</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

Property Owner List

PIN	Owner 1	Owner 2	Address	City	State	ZIP
7339 001	SUDDERTH L E		6111 CUMMING HWY	SUGAR HILL	GA	30518-5682
7339 002	SUDDERTH L E		6111 CUMMING HWY	SUGAR HILL	GA	30518-5682
7339 003	SUDDERETH EDWARD ETAL		6111 CUMMING HWY	SUGAR HILL	GA	30518-5682
7339 004A	JAY JOHN B & JULIA		PO BOX 88	BUFORD	GA	30515-0088
7339 004B	DOANE TIMOTHY E	DOANE KRISTEN L	371 KENDRIX RD	SUGAR HILL	GA	30518-5629
7339 040	URIBE DOMINGO		2181 CAMMIE WAGES RD	DACULA	GA	30019-1964
7339 073	SUDDERTH BONNIE ETAL		6111 CUMMING HWY	SUGAR HILL	GA	30518-5682
7339 077	ISHEE NATALIE J		339 KENDRIX RD	SUGAR HILL	GA	30518-5629
7339 116	LOLLEY AUSTIN TIMMONS	GORMSEN JESSE WILLIAM	341 KENDRIX RD	SUGAR HILL	GA	30518-5629

GWINNETT COUNTY
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TRG HWY 20

Tract 1

All that tract or parcel of land lying and being in Land Lot 339 of 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at a 1/2" rebar found being the Land Lot corner common to Land Lots 319, 320, 339 and 340; thence running along the Land Lot line common to Land Lots 339 and 340 North 31° 35' 13" West a distance of 299.06 feet to a 1/2" rebar found; thence North 31° 45' 33" West a distance of 449.34 feet to a 1" open top pipe found; thence leaving said Land Lot line North 62° 15' 38" East a distance of 92.23 feet to a 1/2" rebar found and the TRUE POINT OF BEGINNING; thence from point thus established and running North 31° 51' 04" West a distance of 635.52 feet to a 1/2" rebar found on the southeasterly Right of Way of Kendrix Road (60' R/W per deed book 52012, page 877); thence running along said Right of Way North 62° 43' 39" East a distance of 50.24 feet to an iron pin set; thence leaving said Right of Way South 32° 19' 04" East a distance of 180.77 feet to a point; thence North 58° 42' 56" East a distance of 158.45 feet to a 24" oak tree; thence North 32° 17' 13" West a distance of 172.03 feet to a 1/2" rebar found on the southeasterly Right of Way of Kendrix Road (60' R/W per deed book 52012, page 877); thence running along said Right of Way North 61° 17' 25" East a distance of 74.81 feet to a 1" open top pipe found; thence leaving said Right of Way South 32° 11' 03" East a distance of 168.50 feet to a 1" open top pipe found; thence North 58° 44' 00" East a distance of 19.96 feet to an iron pin set; thence North 58° 44' 00" East a distance of 161.85 feet to a 1" open top pipe found; thence South 38° 38' 23" East a distance of 47.44 feet to a 1" open top pipe found; thence South 65° 55' 17" East a distance of 206.25 feet to a 1" open top pipe found; thence South 60° 39' 31" West a distance of 451.63 feet to a 1/2" rebar found; thence South 32° 28' 33" East a distance of 247.28 feet to a 1" open top pipe found; thence South 57° 36' 36" West a distance of 138.82 feet to the TRUE POINT OF BEGINNING. Said tract contains 3.731 Acres (162,511 Square Feet).

Tract 2

All that tract or parcel of land lying and being in Land Lot 339 of 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at a 1/2" rebar found being the Land Lot corner common to Land Lots 319, 320, 339 and 340; thence running along the Land Lot line common to Land Lots 339 and 340 North 31° 35' 13" West a distance of 299.06 feet to a 1/2" rebar found; thence North 31° 45' 33" West a distance of 449.34 feet to a 1" open top pipe found; thence leaving said Land Lot line North 62° 15' 38" East a distance of 92.23 feet to a 1/2" rebar found; thence North 31° 51' 04" West a distance of 635.52 feet to a 1/2" rebar found on the southeasterly Right of Way of Kendrix Road (60' R/W per deed book 52012, page 877); thence running along said Right of Way North 62° 43' 39" East a distance of 50.24 feet to an iron pin set and the TRUE POINT OF BEGINNING; thence from point thus established and running North 32° 19' 04" West a distance of 30.00 feet to a point in the centerline of Kendrix Road (30' Prescriptive Easement per deed book 56863, page 643); thence running along said centerline North 61° 58' 53" East a distance of 158.98 feet to a point; thence leaving said centerline South 32° 17' 25" East a distance of 29.68 feet to a 1/2" rebar found; thence South 32° 17' 13" East a distance of 172.03 feet to a 24" oak tree; thence South 58° 42' 56" West a distance of 158.45 feet to a point; thence North 32° 19' 04" West a distance of 180.77 feet to the TRUE POINT OF BEGINNING. Said tract contains 0.750 Acres (32,685 Square Feet).

Tract 3

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All that tract or parcel of land lying and being in Land Lot 339 of 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

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Tract 4

All that tract or parcel of land lying and being in Land Lot 339 of 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at a 1/2" rebar found being the Land Lot corner common to Land Lots 319, 320, 339 and 340; thence running along the Land Lot line common to Land Lots 339 and 340 North 31° 35' 13" West a distance of 299.06 feet to a 1/2" rebar found; thence North 31° 45' 33" West a distance of 449.34 feet to a 1" open top pipe found; thence leaving said Land Lot line North 62° 15' 38" East a distance of 92.23 feet to a 1/2" rebar found; thence North 57° 36' 36" East a distance of 138.82 feet to a 1" open top pipe found; thence North 32° 28' 33" West a distance of 247.28 feet to a 1/2" rebar found; thence North 60° 39' 31" East a distance of 451.63 feet to a 1" open top pipe found and the TRUE POINT OF BEGINNING; thence from point thus established and running North 60° 50' 19" East a distance of 17.53 feet to a 1" open top pipe found; thence North 60° 14' 06" East a distance of 307.45 feet to a 2" open top pipe found on the southwesterly Right of Way of Cumming Highway a.k.a. State Route 20 (Variable R/W); thence running along said Right of Way South 44° 38' 51" East a distance of 105.00 feet to an iron pin set; thence leaving said Right of Way South 59° 42' 58" West a distance of 325.00 feet to a point; thence North 44° 12' 58" West a distance of 108.02 feet to the TRUE POINT OF BEGINNING. Said tract contains 0.769 Acres (33,495 Square Feet).

Tract 5

All that tract or parcel of land lying and being in Land Lot 339 of 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

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thence North 60° 39' 31" East a distance of 451.63 feet to a 1" open top pipe found; thence South 44° 12' 58" East a distance of 108.02 feet to a point; thence North 59° 42' 58" East a distance of 325.00 feet to an iron pin set on the southwesterly Right of Way of Cumming Highway a.k.a. State Route 20 (Variable R/W); thence running along said Right of Way South 44° 38' 51" East a distance of 132.61 feet to an iron pin set; thence leaving said Right of Way South 59° 16' 28" West a distance of 826.04 feet to the TRUE POINT OF BEGINNING. Said tract contains 3.607 Acres (157,120 Square Feet).

Tract 6

All that tract or parcel of land lying and being in Land Lot 339 of 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

To Reach the TRUE POINT OF BEGINNING commence at a 1/2" rebar found being the Land Lot corner common to Land Lots 319, 320, 339 and 340; thence running along the Land Lot line common to Land Lots 339 and 340 North 31° 35' 13" West a distance of 299.06 feet to a 1/2" rebar found; thence North 31° 45' 33" West a distance of 449.34 feet to a 1" open top pipe found; thence leaving said Land Lot line North 62° 15' 38" East a distance of 92.23 feet to a 1/2" rebar found; thence North 57° 36' 36" East a distance of 138.82 feet to a 1" open top pipe found and the TRUE POINT OF BEGINNING; thence from point thus established and running North 59° 16' 28" East a distance of 826.04 feet to an iron pin set on the southwesterly Right of Way of Cumming Highway a.k.a. State Route 20 (Variable R/W); thence running along said Right of Way the following courses: South 47° 52' 04" East a distance of 44.55 feet to a Right of Way monument found; thence South 08° 28' 55" East a distance of 109.66 feet to a Right of Way monument found; thence South 35° 57' 17" East a distance of 1.74 feet to an iron pin set; thence leaving said Right of Way South 59° 16' 47" West a distance of 797.82 feet to a 1" open top pipe found; thence North 30° 43' 27" West a distance of 145.73 feet to the TRUE POINT OF BEGINNING. Said tract contains 2.752 Acres (119,865 Square Feet).

Tract 7

All that tract or parcel of land lying and being in Land Lot 339 of 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

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Tract 8

All that tract or parcel of land lying and being in Land Lot 339 of 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

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Tract 9

All that tract or parcel of land lying and being in Land Lot 339 of 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

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SUMMARY:
TOTAL GROSS ACREAGE = 20.77 AC.
TOTAL NET ACREAGE = 20.77 AC.
TOTAL AREA LOCATED IN STREAM BUFFERS AND WETLANDS :
3.5 ACRES STREAM BUFFERS.
3.7 ACRES IN PERIMETER LANDSCAPE BUFFERS @ 50'.

PROPOSED ZONING = RM24
20% OPEN SPACE REQUIRED = 4.1 AC
OPEN SPACE PROPOSED 4.94 ACRES (25%)
MAX BLDG HT. = 65'

SETBACKS:
FS = 15'
SIDE = 15'
REAR = 30'

BUFFERS:
BUFFER "A" = 75' WINNETT COUNTY IMPERVIOUS SURFACE SETBACK
BUFFER "B" = 50' WINNETT COUNTY UNDISTURBED STREAM BUFFER
BUFFER "C" = 25' STATE UNDISTURBED STREAM BUFFER

UNIT MIX & PARKING:

BLDG A = 42 UNITS (ADAPTABLE GF)
BLDG B = 36 UNITS (ADAPTABLE GF)
BLDG C = 0 UNITS (CLUB/ LEASING)
BLDG D = 42 UNITS
BLDG E = 131 UNITS
BLDG F = 33 UNITS
BLDG G = 60 UNITS

TOTAL = 344 UNITS

PARKING:
1.76 SPACES PER DU SHOWN
344 X 1.76 = 606 SPACES

NOTES:

1. A 10' WIDE LANDSCAPE STRIP IS REQUIRED ALONG ALL ROAD FRONTAGES PER SEC. 620-10.1
2. SIDEWALKS ARE PROVIDED THROUGHOUT THE DEVELOPMENT, ALONG EXTERNAL ROAD FRONTAGES AND CONNECTING TO ADJOINING EXTERIOR USES.
3. ALL BUFFERS INCLUDE A 5' WIDE STRUCTURAL SETBACK IN COMPLIANCE WITH CHAPTER 610.
4. SIDEWALKS ALONG KENDRIX ROAD AND CUMMINGS HWY HAVE SIDEWALKS AND LANDSCAPE PER SECTION 900-90.
5. FOR ALL STORM WATER PONDS, FULL REDUCTION AND WATER QUALITY CALCULATIONS WILL BE PROVIDED SEPARATELY PER CHAPTER 800.

PROJECT: TRG - HWY 20
WINNETT COUNTY, GA
TRG
PROJ. NO. PR-22-031

Property of Studio Architects, LLC. All Rights Reserved.



FEASIBILITY STUDY
SCALE: 1" = 150'-0"

DATE: March 14, 2022

NUMBER:

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REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, 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:

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STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- A. Approval of the proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. The surrounding area is characterized by a mix of residential, office, and commercial uses. The proposed residential development, which is designed to accommodate future commercial uses, would complement this existing land use mix and provide residential critical mass to support nearby commercial uses at the intersection of Cumming Highway and Suwanee Dam Road.
- B. Approval of the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. Rather the proposed development would complement surrounding land uses by providing additional housing options for current and future residents of Gwinnett County. The proposed development would also serve as an appropriate transitional use from areas designated for more intense land uses along Cumming Highway and Suwanee Dam Road towards less-intense single-family detached residential uses to the south.
- C. The Applicant submits that due to its size, location, and layout, the subject property does not have a reasonable economic use as currently zoned.
- D. Approval of the proposed rezoning will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The property has convenient access to Cumming Highway (State Route 20), Suwanee Dam Road, and Peachtree Industrial Boulevard.
- E. The proposed rezoning is in conformity with the policy and intent of the 2040 Plan. The subject Property fronts on two major corridors and is located just across the right-of-way from land designated as within the Neighborhood Node character area. While the Applicant acknowledges that the Property is designated as within the Chattahoochee River Area, the area narrative for Neighborhood Node describes, very accurately, the environment of the subject property and the immediate area. Therefore, the Applicant respectfully submits that it is appropriate to consider the policies of the Neighborhood Node character area as well.
- F. The Property's frontage on Cumming Highway, its close proximity to intense commercial uses, and both the existing and planned pedestrian infrastructure and trail network of the surrounding area provide additional supporting grounds for approval of the Application.

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Matthew P. Benson
G. Tyler Boyd
Catherine W. Davidson
Gerald Davidson, Jr.*
Rebecca B. Gober
Brian T. Easley
Christopher D. Holbrook

Shane M. Lanham
Jeffrey R. Mahaffey
Jessica R. Pickens
Steven A. Pickens
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

LETTER OF INTENT FOR REZONING APPLICATION
THE RESIDENTIAL GROUP, LLC

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning application (the “Application”) on behalf of The Residential Group, LLC (the “Applicant”), for the purpose of requesting the rezoning of an approximately 20.37-acre tract (the “Property”) situated along Cumming Highway (State Route 20) at its intersection with Henry Bailey Road. The Property also fronts on Kendrix Road, which forms its northerly boundary line, and extends along Kendrix Road to its intersection with Suwanee Dam Road. The surrounding area is characterized by a mix of commercial and residential land uses located in both the City of Sugar Hill and unincorporated Gwinnett County. The Property is currently zoned R-100.

The Applicant is requesting to rezone the Property to the RM-24 zoning classification in order to develop the Property into an attractive multifamily residential community with a total of 344 units. Access to the proposed community would be provided by a main entrance on Cumming Highway as well as a secondary access point on Kendrix Road. The proposed community would include large areas of green space for the use and enjoyment of residents, including preserved natural areas located along a stream which runs through the property. This would also include

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activated green amenity areas such as a large central courtyard, smaller pocket parks, and a dog park. The proposed community would also include an internal trail system which would connect to existing sidewalks on Cumming Highway and Suwanee Dam Road, enhancing the walkability of those major travel corridors. The central courtyard would be provided between Buildings C through F, as shown on the site plan and would include trail segments, a pool and patio area, and a clubhouse which would also include the community's leasing office. Buildings A and B are located on the northeasterly side of the site along Cumming Highway and are pushed up onto the right-of-way with parking located behind the buildings providing an attractive streetscape. In an effort to envision the long-term operation and circumstances of the Property and the surrounding area, these buildings would include ground floor units that are designed to accommodate future commercial development or live-work space. To clarify, the Applicant is not proposing to include commercial uses or live-work units at this time, but the proposed building design would accommodate those potential uses in the future as the activity node surrounding the intersection of Cumming Highway and Suwanee Dam continues to develop and mature.

The proposed development is compatible with surrounding land uses and is in line with the overall policies of the Gwinnett County 2040 Unified Plan (the "2040 Plan"). Since the Property is adjacent to or located in very close proximity to the City of Sugar Hill, the Applicant also reviewed the City's long-term and comprehensive planning documents which support the proposed development as well. The Property is located directly across the street from land designated within the Neighborhood Node Character Area and the area narrative fits the specific situation of the Property. Specifically, the Neighborhood Node Character Area is "intended for smaller commercial/retail nodes at various intersections located throughout the County." The Property's location at the two intersections of Henry Bailey Road at Cumming Highway and Kendrix Road

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at Suwanee Dam Road fit are an ideal location for “creating small mixed-use areas combining retail, low intensity office uses and medium density residential uses in a pedestrian friendly environment.” Moreover, the City of Sugar Hill Character Area Map identifies land adjacent to the Property and across Cumming Highway as within the Commercial Node Character Area. Recently, the City published its Aspire Hwy 20 Sugar Hill SR20 Corridor Study which specifically addresses the subject Property and sets forth “Medium Density Mixed-Use” and “High Density Residential” as “Proposed Land Uses.” Accordingly, the proposed development is compatible with the established development pattern on the ground as well as the spirit and intent of forward-looking comprehensive planning documents of Gwinnett County and the City of Sugar Hill.

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 these Applications.

Respectfully submitted this 1st day of March, 2022.

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Shane M. Lanham
Attorneys for Applicant

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**AMENDMENT TO AN APPLICATION TO AMEND THE OFFICIAL
ZONING MAP OF GWINNETT COUNTY, GEORGIA**

APPLICANT:	The Residential Group, LLC c/o Mahaffey Pickens Tucker, LLP
ZONING CASE NUMBER:	RZM2022-00016
PRESENT ZONING DISTRICT(S):	R-100
REQUESTED ZONING DISTRICT(S):	RM-24
PROPERTY:	5800 Block of Henry Bailey Road, 300 Block of Kendrix Road, 5700 Block of Cumming Highway
SIZE:	+/- Acres
DISTRICT & L.L.:	L.D. 7, L.L. 339
PROPOSED DEVELOPMENT:	Apartments

The Applicant hereby amends its application to amend the official zoning map of Gwinnett County, Georgia heretofore filed with the Planning Division of Gwinnett County, Georgia by the addition of the attached Exhibit to the original application.

This 20th day of June, 2022.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

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JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance (the “UDO”) which classify or may classify the property which is the subject of this Application (the “Property”) into any less intensive zoning classification other than as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO as applied to the subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the RM-24 classification as requested by the Applicant, and is not economically suitable for development under the present R-100 zoning classification of Gwinnett County. A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the RM-24 classification with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia

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of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the RM-24 classification, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.


Opponents to the request set forth in the Application, or in any amendments to the Application, have waived their rights to appeal any decision of the Gwinnett County Board of Commissioners because they lack standing, have failed to exhaust administrative remedies, and/or because they failed to assert any legal or constitutional objections.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

This 20th day of June, 2022.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

1550 North Brown Road
Suite 125
Lawrenceville, Georgia 30043
(770) 232-0000

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Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

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.



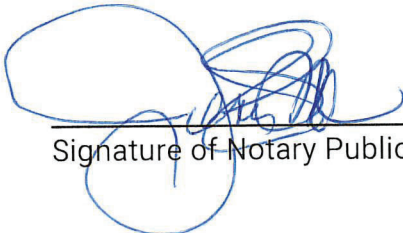
Signature of Applicant

3/2/22

Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

3/2/2022

Date



Notary Seal

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Signature of Applicant

3/2/22

Date

Kurt Alexander, Principal

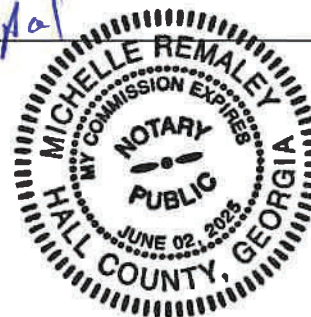
Type or Print Name and Title



Signature of Notary Public

3/2/22

Date



Notary Seal


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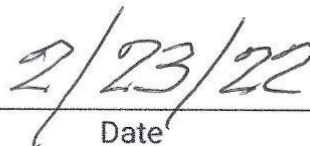
3/3/2022

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Rezoning Application
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REZONING PROPERTY OWNER'S CERTIFICATION

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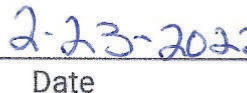

Signature of Property Owner

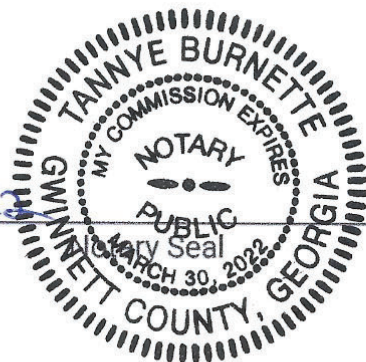

Date

Jerry Sudderth, Co-Executor, Estate of Bonnie H. Sudderth

Type or Print Name and Title


Signature of Notary Public


Date



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Ronnie Sudderth

Signature of Property Owner

2-23-22

Date

Ronnie Sudderth, Co-Executor, Estate of Bonnie H. Sudderth

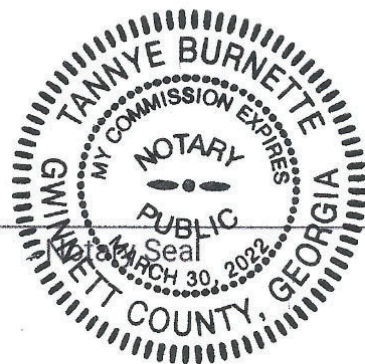
Type or Print Name and Title

Tannye Burnette

Signature of Notary Public

2-23-2022

Date



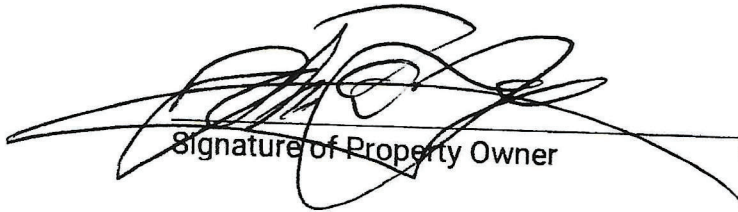
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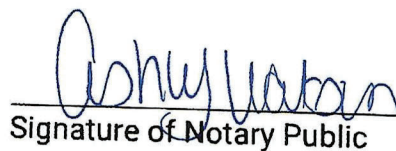
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Signature of Property Owner

Julia K Jay 2/23/22
Date

John B Jay and Julia K Jay owner
Type or Print Name and Title


Signature of Notary Public

2-23-22
Date


Notary Seal

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Timothy E. Doane

Signature of Property Owner

2-22-22

Date

Timothy E. Doane

Type or Print Name and Title

Robert John Webb

Signature of Notary Public

2-22-22

Date



Commission Exp: 01-27-26

REZONING PROPERTY OWNER'S CERTIFICATION

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Kristen L. Dore

Signature of Property Owner

2-22-2022

Date

Kristen L Dore

Type or Print Name and Title

Robert John Webb

Signature of Notary Public

2-22-22

Date

Commission Exp: 01-27-26



Notary

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Natalie Webber

Signature of Property Owner

2/18/2022

Date

Natalie Webber

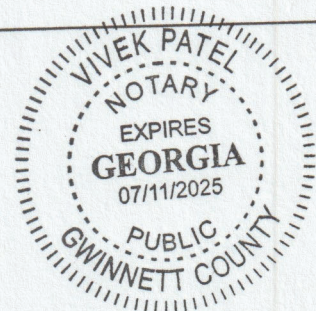
Type or Print Name and Title

[Signature]

Signature of Notary Public

2/18/22

Date



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PLANNING AND DEVELOPMENT

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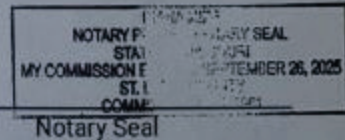
Austin Kelley
Signature of Property Owner

02/22/2022
Date

Austin Kelley, Owner
Type or Print Name and Title

Diana Mize
Signature of Notary Public

02-22-22
Date



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Signature of Property Owner



Date



Type or Print Name and Title



Signature of Notary Public



Date



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Rezoning Application
Last Updated 5/2021

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 OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE



3/2/22

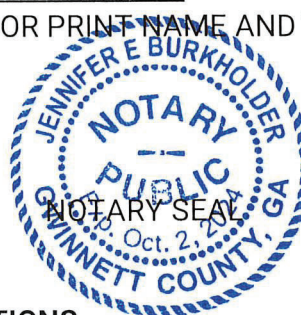
Shane Lanham, attorney for the Applicant

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE



3/2/2022

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

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)
Kirkland Carden	\$2,800	

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

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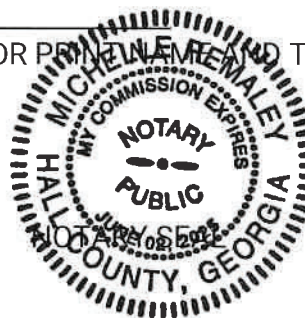
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SGA 3/2/22 Kurt Alexander, Principal
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

Michelle Remaley 3/2/22
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

Kurt Alexander
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)

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

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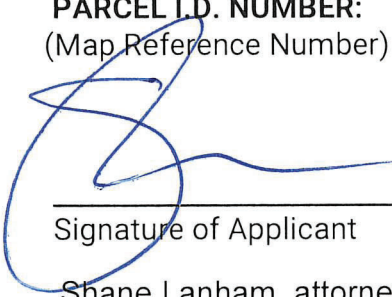
Keating

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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

PARCEL I.D. NUMBER: 7 - 339 - 001
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

3/2/22

Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

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)

V. Schoby

NAME

TSA II

TITLE

3/2/2022

DATE

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3.3.2022

Gwinnett County Planning Division
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Last Updated 5/2021

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PARCEL I.D. NUMBER: 7 - 339 - 002
(Map Reference Number) District Land Lot Parcel

Signature of Applicant

Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

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NAME

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DATE

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PARCEL I.D. NUMBER: 7 - 339 - 003
(Map Reference Number) District Land Lot Parcel

Signature of Applicant

Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

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PARCEL I.D. NUMBER: 7 - 339 - 004A
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

3/2/22

Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

TAX COMMISSIONERS USE ONLY

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Niki Schoby

NAME

TSA II

TITLE

3/2/2022

DATE

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PARCEL I.D. NUMBER: 7 - 339 - 004B
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

3/2/22

Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

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TAX COMMISSIONERS USE ONLY

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Nathie Schoby

NAME

TSA II

TITLE

3/2/2022

DATE

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PARCEL I.D. NUMBER: 7 - 339 - 040
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

3/2/22

Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

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Vickie Schobey

NAME

TSA II

TITLE

3/2/2022

DATE

RECEIVED

3.3.2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

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 - 339 - 073
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

3/2/22

Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

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)

Vickie Schoby

NAME

TSA II

TITLE

3/2/2022

DATE

RECEIVED

3.3.2022

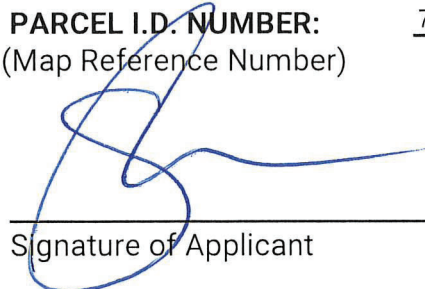
Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

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

PARCEL I.D. NUMBER: 7 - 339 - 077
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

3/2/22
Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

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)

Vicki Schoby
NAME

TSA II
TITLE

3/2/2022
DATE

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Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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

PARCEL I.D. NUMBER: 7 - 339 - 116
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

3/2/22

Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

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)

Vickie Schoby

NAME

PSA II

TITLE

3/2/2022

DATE

RECEIVED

3.4.2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2015

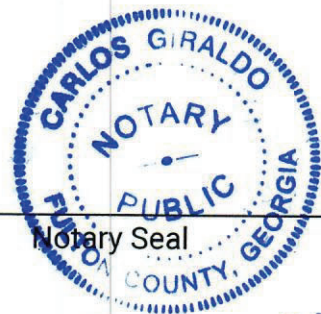
REZONING PROPERTY OWNER'S CERTIFICATION

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.

Dominique Uribe 3 4 2022
Signature of Property Owner Date

DOMINGO URIBE.
Type or Print Name and Title

[Signature] 3-4-2022
Signature of Notary Public Date



EXP 12-15-2024.