

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>CHRISTOPHER M. HUNT</u> GREEN COMMUNITY DEV.	NAME: <u>MARK POTKIN / PMSICOM INVESTMENT GROUP, INC</u> (205E) 600
ADDRESS: <u>5456 PEACHTREE BLVD STE 410</u>	ADDRESS: <u>1130 HUNNING & SHAWLS</u>
CITY: <u>ATLANTA</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30341-2235</u>	STATE: <u>GEORGIA</u> ZIP: <u>30043</u>
PHONE: <u>770-457-3300</u>	PHONE: <u>770-314-5768</u>
CONTACT PERSON: <u>CHRISTOPHER HUNT</u> PHONE: <u>770-457-3300</u>	
CONTACT'S E-MAIL: <u>CMH@GREENCOMMUNITYDEV.COM</u>	

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): M-11 REQUESTED ZONING DISTRICT: O-F ELDERLY HOUSING

LAND DISTRICT(S): 7 LAND LOT(S): 28 ACREAGE: 6.04

ADDRESS OF PROPERTY: 1080 + 1088 BURROD DR BURROD GA 30542

PROPOSED DEVELOPMENT: O-F ELDERLY HOUSING

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>120</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>400 +/-</u>	Total Building Sq. Ft. _____
Gross Density: <u>19.9 u/ac</u>	Density: _____
Net Density: <u>19.9 u/ac</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 28 of the 7th District of Gwinnett County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at a R/W monument at the intersection of the southerly R/W line of Rivershyre Parkway with the westerly R/W line of Georgia State Route No. 20 (R/W varies); thence running along said R/W line of Georgia State Route No. 20 South 43 degrees 56 minutes 27 seconds East a distance of 130.17 to the **POINT OF BEGINNING**; thence continuing along said R/W line the following courses and distances: South 43 degrees 56 minutes 27 seconds East a distance of 136.84 feet to a R/W monument found; thence running South 51 degrees 37 minutes 33 seconds West a distance of 28.67 feet to a R/W monument found; thence running South 37 degrees 41 minutes 57 seconds East a distance of 42.64 feet to a R/W monument found; thence running North 52 degrees 58 minutes 33 seconds East a distance of 33.35 feet to a R/W monument found; thence running along a curve to the right an arc distance of 321.98 feet, said arc having a radius of 1,219.70 feet and a chord which bears South 35 degrees 47 minutes 52 seconds East a distance of 321.05 feet to an iron pin found; thence leaving said R/W line South 67 degrees 38 minutes 40 seconds West a distance of 235.32 feet to a point; thence running South 10 degrees 58 minutes 49 seconds East a distance of 68.41 feet to a point; thence running North 84 degrees 07 minutes 30 seconds West a distance of 226.62 feet to a point; thence running South 81 degrees 41 minutes 12 seconds West a distance of 118.74 feet to a point; thence running North 65 degrees 11 minutes 07 seconds West a distance of 149.11 feet to a point; thence running North 45 degrees 19 minutes 45 seconds West a distance of 74.22 feet to a point; thence running North 31 degrees 38 minutes 19 seconds West a distance of 154.38 feet to a point; thence running North 59 degrees 39 minutes 24 seconds East a distance of 583.61 feet to the **POINT OF BEGINNING**.

Said Tract or Parcel containing 6.038 acres of land

The above tract is described per Boundary Survey for Ray Little, prepared by Mark Veal, RLS, dated 01/27/2002, recorded in Plat Book 92, page 236, Gwinnett County Records.

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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:

PLEASE SEE ATTACHED FOR THOROUGH EXPLANATION

- (A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

YES

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

NO

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

NO

- (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:

NO

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

YES

- (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:

APPROVAL

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STATEMENT OF INTENT

and
Other Materials
for
Rezoning Application
per Section 1702
of 1985 Zoning Resolution

by

Green Community Development, LLC

Project:

GreenLeaf Community on Buford Hwy 20

for

6.04 Acres of Land located in
Land Lot 28, 17th District
of Gwinnett County, Georgia

From Mobile Homes to O-I Senior Housing
With Two Special Use Permits
for Height & Assisted Living

July 29, 2013

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I. Introduction

This Application seeks the conditional rezoning of 6.04 acres of land located Land Lots 28, 7th District, known as 1080 and 1088 Buford Road/GA Hwy 20 Lawrenceville Georgia 30542, to permit the development for elderly housing. The proposed density of 120 units is in compliance with the current Comprehensive Land Use Plan. The requested height of three stories above one level of parking is reasonable given the tract's topographic elevations and is preferred for maximizing green space buffers and preserving the environment. Senior Housing is an urgent need for Gwinnet Citizens.

The Applicant files the engineered site plan, rendering of units, and if required a list of Conditions it is willing to assume in conjunction with the rezoning and development of this property.

Gwinnett County will be proud of this first of a kind LEED Platinum USGBC green elderly housing center to replace existing mobile home park.

Approving this zoning is actually helpful for Gwinnett county in warding off bad density residential zonings in areas where the comprehensive zoning map requires higher density for the urgently needed elderly housing this application requests. Approving this zoning will bolster Gwinnett's reputation that it is not capricious and arbitrary but rather adheres to zoning plans and standards. This is proven smart and green zoning.

This property can become a show place for trend setting that will help set a standard for Gwinnett. It is perfectly situated on a rare larger tract on a major thoroughfare. Because the Conditions of Zoning set such a high standard, the proposed development will establish a desirable known standard to help increase values. The undesired economic alternative for this property if improperly forced to remain mobile homes is to the neglect of much needed housing for the elderly for only more environmentally unfriendly housing that negatively impacts the neighborhood.

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant's Constitutional rights, and a written Justification for the Application. This document also is intended to address and substantiate the requisite responses to the state "Stemberg Act", O.C.G.A. § 36-67-1 et seq. A plat of the property with seal has been filed contemporaneously with the Application, along with other required materials.

II AREA CHARACTERISTICS

The Subject Property is located on the southern side of Buford Road, between I-85 Mall of Georgia Area and 316 that is being transformed into a major expressway. The entire Buford Road is commercial. The property abutting to the South is residential with huge buffers and during initial introductory meeting the were positive to best option due to low noise, good neighbors and appreciates property values. All along Buford on both sides of streets are numerous zonings consisting of Apartments, Churches, Schools, Commercial and a minority single family residential that would only be positively effected by this zoning.

The Gwinnett County government has already sanctioned redevelopment in this area for projects quite similar to the one proposed for the Subject Property.

III. HISTORY

The Subject Property has been zoned mobile homes with less restrictive buffers and green spaces. Many of the surrounding tracts in same comprehensive land use map are already zoned for high densities and commercial. The current zoning is inappropriate for the needs of Gwinnett County.

IV IMPACT ANALYSIS PER Section 27-832

A. THE PROPOSED ZONING IS CONSISTENT WITH THE POLICY AND INTENT OF THE COMPREHENSIVE LAND USE PLAN, AND THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

The countywide Comprehensive Land Use Plan which Gwinnett County adopted consists of a text and series of maps. In this instance the Application complies fully with the Plan Map, which sanctions O-I development as Applicant desires. Moreover, the Application satisfies the Plan's general long-range goals as set forth in the text, including:

(a) Appropriate use and management of land, water, soils, forest, mineral, historic and human resources and planned and orderly growth consistent with the County's resources and ability to extend or provide necessary public services and facilities to accommodate and support such development;

(b) Limitation of growth in areas that cannot sustain increased development due to environmental or infrastructure constraints; and

(c) Planned growth consistent with County resources and the ability to extend or provide necessary public services and facilities to accommodate and support development.

The Applicant's proposed use will promote all of the above goals, policies and objectives, among others. The Applicant's overall project constitutes a high-quality and first-class use. The project is located in that portion of Gwinnett County which has a very strong need for housing to accommodate the needs of the community and commercial Gwinnett area. The population of this area is projected to increase and given the already high demand for housing this project is perfectly located for easy access for family visits and emergency care. Applicant's proposed development is consistent with such development trends and projections. Redevelopment of this quality should encourage similar infill in this area and would stabilize it.

In addition to compliance with these general goals, this request is consistent with specific short term objectives and Policies of the new Plan as follows:

Objective: Maintain and improve the individual character and identity of neighborhoods and communities.

(Housing and Land Use)

Policies:

1. Protect established single family residential neighborhoods from encroachment by incompatible development.

2. Encourage appropriate transitions between various residential districts by an appropriate intermediate land uses.

3. Encourage clustering of neighborhood and community shopping and office facilities in nodes with defined boundaries the are convenient to population concentrations and major transportation facilities.

Objective: Provide opportunities for quality, affordable, safe and sanitary housing to all residents of Gwinnett County.

Policies:

1. While meeting infill and historic guidelines, identify and encourage new and innovative approaches to quality residential developments that expand housing opportunities and minimize public and private costs.

Objective: Develop appropriate mix of dwelling types, sizes and prices to meet current and projected housing needs of the County's residents.

Policies:

1. Encourage the level and type of residential development compatible with physical the limitations of the land and the surrounding natural and built environment.

In summary, the development's design and use of appropriate density, landscaping, buffers, privacy fence and other conditions voluntarily assumed only enhances the values of adjacent or proximate properties. The project at issue represents a consistent use commensurate with other existing uses on adjacent and nearby sites, in an area that is convenient to shopping and office uses. The proposed use therefore is suitable vis-a-vis the policies.

B. THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT OR NEARBY PROPERTY.

The Subject Property is entirely consistent with surrounding commercial developments and is complimentary to abutting residential housing by residential architectural design and underneath parking maximizing green space buffers. The proposed development will have a positive impact on the surrounding area by meeting a strong demographic residential need so will help maintain residential integrity with high property values. The intended final appearance of this small development will exceed in quality and environmental benefit as comparable projects in this community. Appropriate attention to scale, buffering, setbacks and landscaping has been given to ensure that this project will blend harmoniously with its surroundings.

C. THE SUBJECT PROPERTY TO BE EFFECTED BY THE ZONING PROPOSAL DOES NOT HAVE A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

The requested zoning complies with the comprehensive land use plan. Given the nature of the Subject property having far less desirable mobile homes crammed onto small buildable area, and that immediately surrounding properties have been granted zonings for elderly housing in high demand, the Applicant on behalf of the property owners, respectfully submits that the current zoning of mobile homes economically penalizes the property owners and prohibits them from realizing reasonable economic return which is "balanced" by public welfare concerns. On behalf of the Applicant, the land prices will not support a low density development so as to allow a reasonable economic return from development.

Accordingly, the Applicant, on behalf of the owners of the tract of land at issue in this rezoning application (the "Property"), respectfully submits that the Zoning Ordinance of Gwinnett County, Georgia, as amended from time to time and known as the "Gwinnett County Zoning Ordinance", to the extent that it classifies the Property in any zoning district which would preclude the development of this project (or to the extent conditions inconsistent with the requested zoning might be imposed), 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 Gwinnet Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and those requested herein, would deprive the current owner of any reasonable use and development of the Property. Further, an attempt by the Board of Commissioners 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 Mobile Home zoning classification and any other zoning of the Property save for what has been requested (O-I) by it as established in the Gwinnett County Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning

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 Property owner. Further, the existing inconsistent zoning classifications constitute, 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 Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the Board of Commissioner's failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the 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 Board of Commissioners 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 M Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably 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, Guhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977).

But the issue even more important than the economics is serving the needs of this community, and the demand for a different type of housing product, which this Application's purpose is to provide, is also the only financially viable option for both property owners and Applicant.

D. THE PROPOSED ZONING WILL NOT RESULT IN A USE THAT WILL OR COULD CAUSE AN EXCESSIVE BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

The demographic group being served is the least impactful. Very few drive and with the proposed bus service being provided to major areas of interest the proposed use will have minimal impact given the size of roadways and exiting traffic. This project, if approved, certainly will not effect existing streets, transportation facilities, utilities or schools given its small scale serving the niche elderly demographic group as compared to the available capacity of all streets, transportation facilities, utilities and schools. The proposed use will not have a negative impact or cause an excessive or burdensome use of existing utilities. According to Gwinnett's recent studies, water, sewer and drainage facilities are all sufficient to permit Applicant's proposed use. Sewer lines are adjacent to the Property and sewer capacity is available to service this project. Further, the main water line serving the Property is adequate to handle the property's water needs. There are ample resources necessary to provide electric, gas, water and telephone utilities to the project.

E. THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN.

The O & I category is compatible along this major commercial corridor of GA Hwy 20 between 316 to east and I-85 to west. The use for Elderly Housing makes it even more compatible. It is a rare tract which provides depth of set back for privacy and green space while still easy access for visitors.

F. OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

The Subject property is located between I-85 and 3-16 among commercial zonings. Its relative ease of access, coupled with the development which has occurred in this area, have resulted in this node of commercial generating an extremely high demand for housing as proposed by Applicant.

To the Applicant's best knowledge, there are no known existing nor changing conditions that would negatively effect the use and development of this land.

The requested zoning proposal should be approved because it meets an important need of housing for the citizens of Gwinnett County and 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 ZONING PROPOSAL WILL NOT ADVERSELY EFFECT ANY HISTORIC BUILDINGS, SITES, DISTRICTS, OR ACHAEOLOGICAL RESOURCES.

In conclusion, for the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Board of Commissioners, Staff or other officials so that such recommendations or input might be incorporated as conditions for approval of the Application.

Sincerely,



Christopher M. Hunt, Applicant
Green Community Development, LLC
5456 Peachtree Blvd., Ste 410
Atlanta, Georgia 30341-2235
(770) 457-3300
cmh@greencommunitydev.com

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JUSTIFICATION FOR REZONING
and SPECIAL USE PERMITS FOR HEIGHT & ASSISTED LIVING

TO: Gwinnett County Commissioners and Planning Commission

Dear Gwinnett County Commissioners,

The following Application for rezoning is justified for the following reasons (which will be explained in more detail in following pages):

1. Subject Property does not have reasonable economic value under its current zoning of Mobile Homes.

2. The request of rezoning to more appropriate O-I conditional Senior Housing is consistent with adjoining properties as well as numerous other properties on same street. The requested Special Use Permit for Height is cooperative with the topography as and maximizes the green space buffers and Assisted Living is needed to meet the County's future needs.

3. This Application is requesting a plan consistent with the Comprehensive Land Use Plan.

4. The Application, if approved, would only be advantageous to the community in many ways and will have no known negative impact. Just a few of the advantages are helping meet the urgent and growing need for elderly housing. It will set a new standard for green development and construction fulfilling Gwinnett's smart green growth and meeting the need for Senior housing. It will increase the tax base and raise property values with minimal burden on infrastructure.

5. The quality of this LEED Platinum project will enhance the image of Gwinnett County and help attract similar quality projects into Gwinnett. The roof top garden increases the green space and usability of the property.

Thank you for your consideration and support at the Rezoning hearings. If you should have any questions or comments, please do not hesitate to call me (770) 457-3300.

Sincerely,



Christopher M. Hunt, Applicant
Green Community Development, LLC
5456 Peachtree Blvd., Ste. 410
Atlanta, Georgia 30341-2235
(770) 457-3300
cmh@greencommunitydev.com

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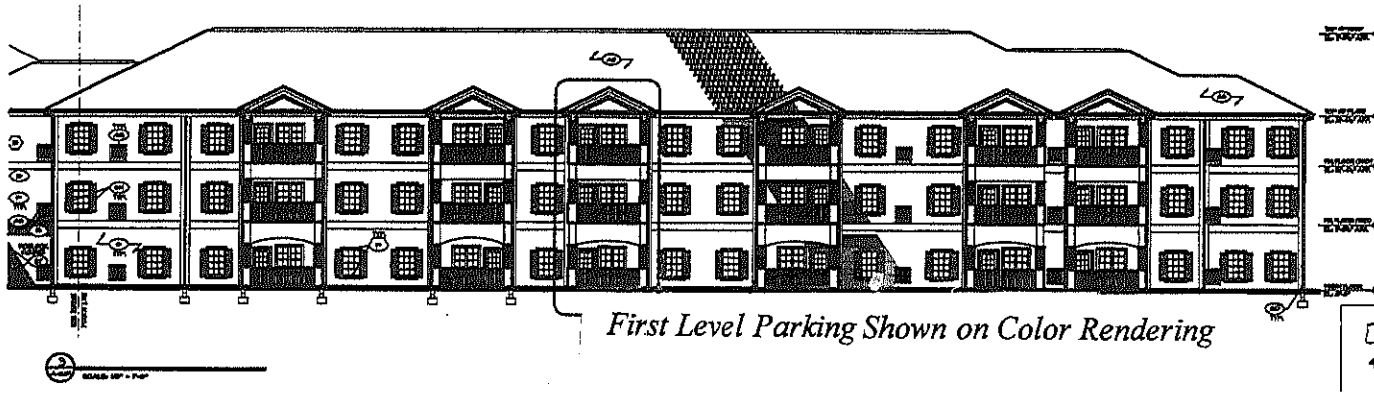
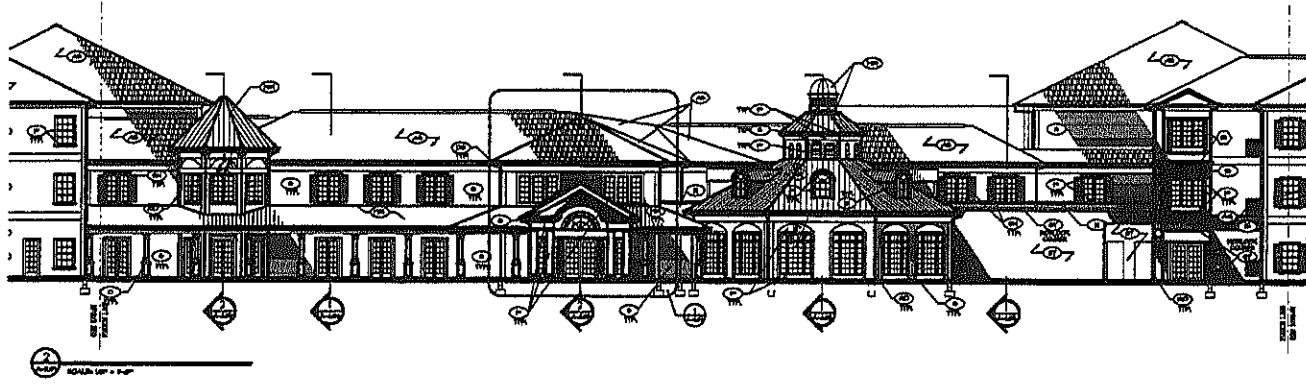
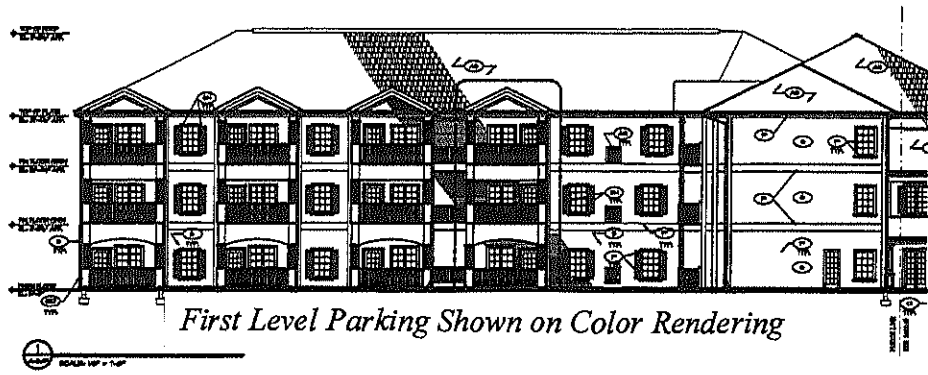
*Conceptual Rendering for GreenLeaf on Buford
LEED Platinum Senior Living Residences*

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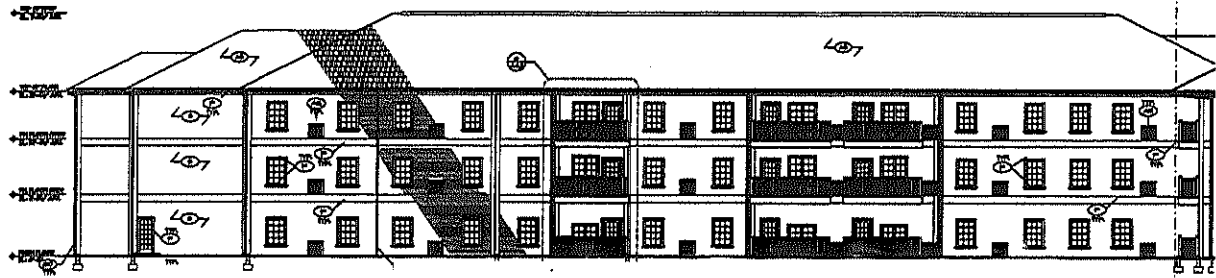
*Conceptual Elevations for GreenLeaf on Buford
LEED Platinum Senior Living Residences*

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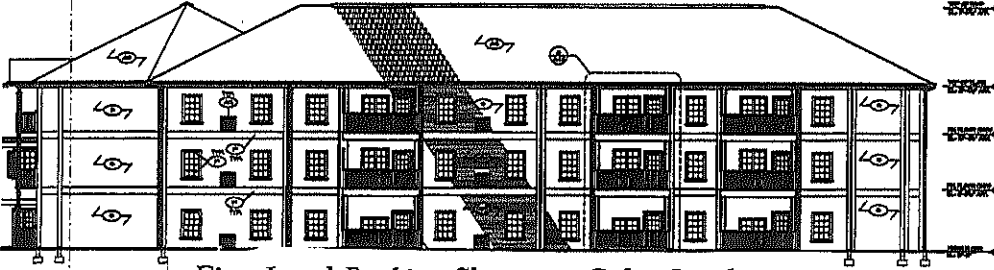
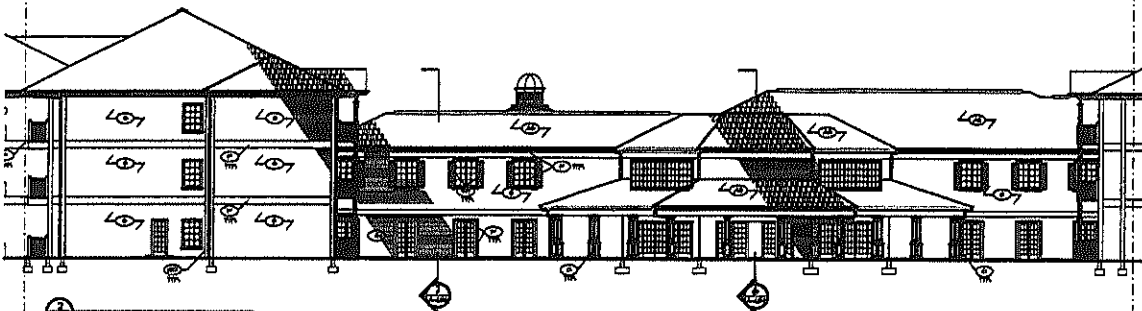
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First Level Parking Shown on Color Rendering

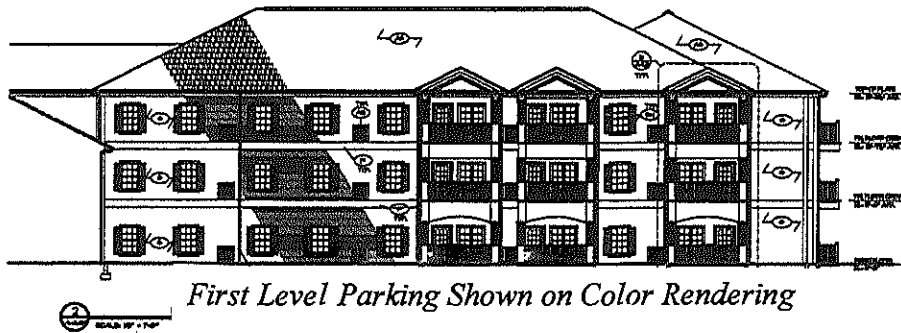
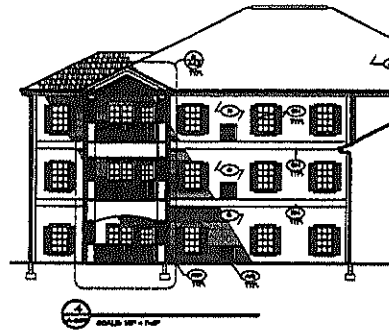
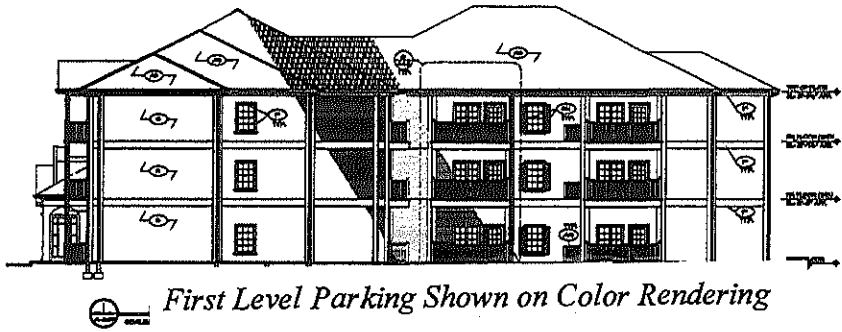


First Level Parking Shown on Color Rendering

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*Conceptual Elevations for GreenLeaf on Buford
 LEED Platinum Senior Living Residences*



*Conceptual Elevations for GreenLeaf on Buford
LEED Platinum Senior Living Residences*

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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.

Christopher M. Hunt Sr

Signature of Applicant Date

CHRISTOPHER M. HUNT SR

Type or Print Name and Title

Rebecca Petty

Signature of Notary Public *7/5/13*
Date



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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.

American Investment Group, Inc.

By *[Signature]*, *President*
Signature of Property Owner

7-5-13
Date

MARK POTTINGER, AMERICAN INVESTMENT GROUP INC
Type or Print Name and Title *President*

[Signature] 7/5/13
Signature of Notary Public Date



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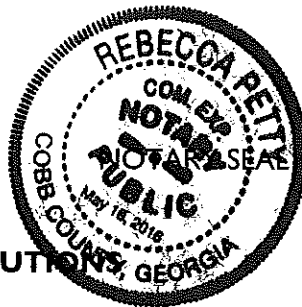
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

Christopher M. Hunt Sr 2 July CHRISTOPHER M. HUNT SR
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Rebecca Pettit 7/5/13
 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 CHRISTOPHER M. HUNT SR
 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.

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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: 7TH - 28 - 7-028-010
(Map Reference Number) District Land Lot Parcel

1080 + 1088 BUFORD DRIVE BUFORD GA

WR

Signature of Applicant ^{owner}

7-5, 13

Date

Mark Pittinger Pres. American Investment Group Inc
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)

Rhonda Oglethorpe
NAME

Tax Services Assoc.
TITLE

8/2/13

DATE

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SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>CHRISTOPHER M. HUNT</u>	NAME: <u>MARIC POTTINGER / AMERICAN INVESTMENT GROUP</u>
ADDRESS: <u>5456 PEACHTREE BLVD</u> <u>STE 410</u>	ADDRESS: <u>1730 HAVENWORTH ST</u> <u>STE 1600</u>
CITY: <u>ATLANTA</u>	CITY: <u>LAWRENCEVILLE</u>
STATE: <u>GA</u> ZIP: <u>30341</u>	STATE: <u>GA</u> ZIP: <u>30043</u>
PHONE: <u>770-457-3300</u>	PHONE: <u>770-314-5768</u>
CONTACT PERSON: <u>CHRISTOPHER HUNT</u> PHONE: <u>770-457-3300</u>	
CONTACT'S E-MAIL: <u>CMH@GREENCOMMUNITYDEV.COM</u>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
EXISTING/PROPOSED ZONING: <u>MH</u>	BUILDING/LEASED SQUARE FEET: <u>0-1 ELDERS</u>
LAND DISTRICT(S): <u>7</u>	LAND LOT(S): <u>28</u> ACREAGE: <u>6.04</u>
ADDRESS OF PROPERTY: <u>1080 + 1088 BUFORD DR BUFORD GA</u> <u>70542</u>	
SPECIAL USE REQUESTED: <u>0-1 ELDERS HOUSING</u> <u>ASSISTED LIVING</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 28 of the 7th District of Gwinnett County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at a R/W monument at the intersection of the southerly R/W line of Rivershyre Parkway with the westerly R/W line of Georgia State Route No. 20 (R/W varies); thence running along said R/W line of Georgia State Route No. 20 South 43 degrees 56 minutes 27 seconds East a distance of 130.17 to the **POINT OF BEGINNING**; thence continuing along said R/W line the following courses and distances: South 43 degrees 56 minutes 27 seconds East a distance of 136.84 feet to a R/W monument found; thence running South 51 degrees 37 minutes 33 seconds West a distance of 28.67 feet to a R/W monument found; thence running South 37 degrees 41 minutes 57 seconds East a distance of 42.64 feet to a R/W monument found; thence running North 52 degrees 58 minutes 33 seconds East a distance of 33.35 feet to a R/W monument found; thence running along a curve to the right an arc distance of 321.98 feet, said arc having a radius of 1,219.70 feet and a chord which bears South 35 degrees 47 minutes 52 seconds East a distance of 321.05 feet to an iron pin found; thence leaving said R/W line South 67 degrees 38 minutes 40 seconds West a distance of 235.32 feet to a point; thence running South 10 degrees 58 minutes 49 seconds East a distance of 68.41 feet to a point; thence running North 84 degrees 07 minutes 30 seconds West a distance of 226.62 feet to a point; thence running South 81 degrees 41 minutes 12 seconds West a distance of 118.74 feet to a point; thence running North 65 degrees 11 minutes 07 seconds West a distance of 149.11 feet to a point; thence running North 45 degrees 19 minutes 45 seconds West a distance of 74.22 feet to a point; thence running North 31 degrees 38 minutes 19 seconds West a distance of 154.38 feet to a point; thence running North 59 degrees 39 minutes 24 seconds East a distance of 583.61 feet to the **POINT OF BEGINNING**.

Said Tract or Parcel containing 6.038 acres of land

The above tract is described per Boundary Survey for Ray Little, prepared by Mark Veal, RLS, dated 01/27/2002, recorded in Plat Book 92, page 236, Gwinnett County Records.

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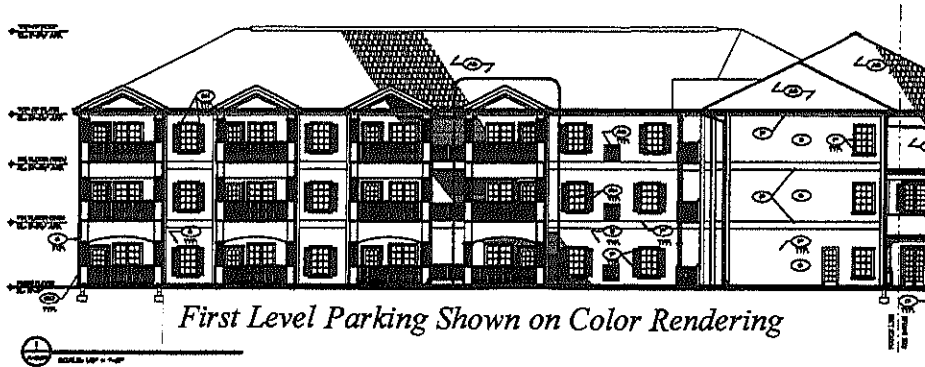
*Conceptual Rendering for GreenLeaf on Buford
LEED Platinum Senior Living Residences*

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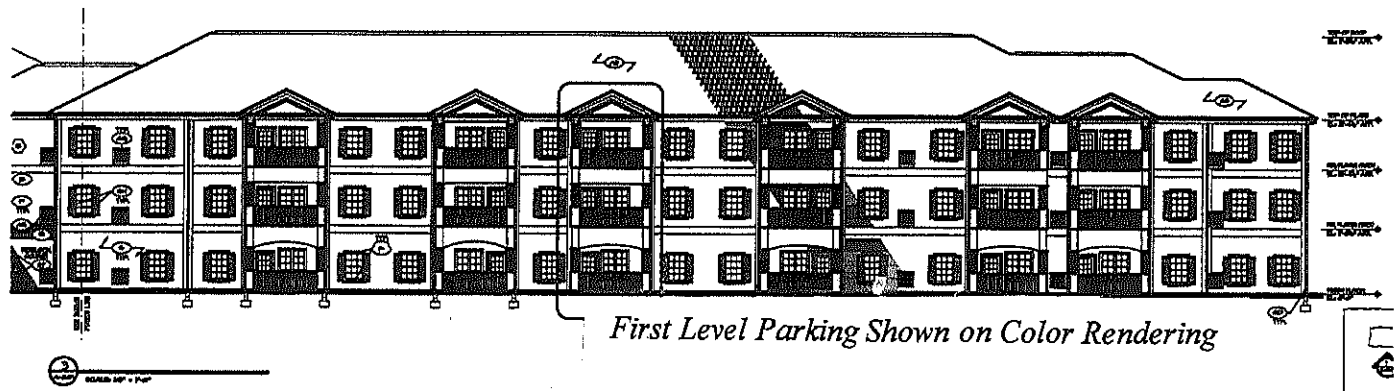
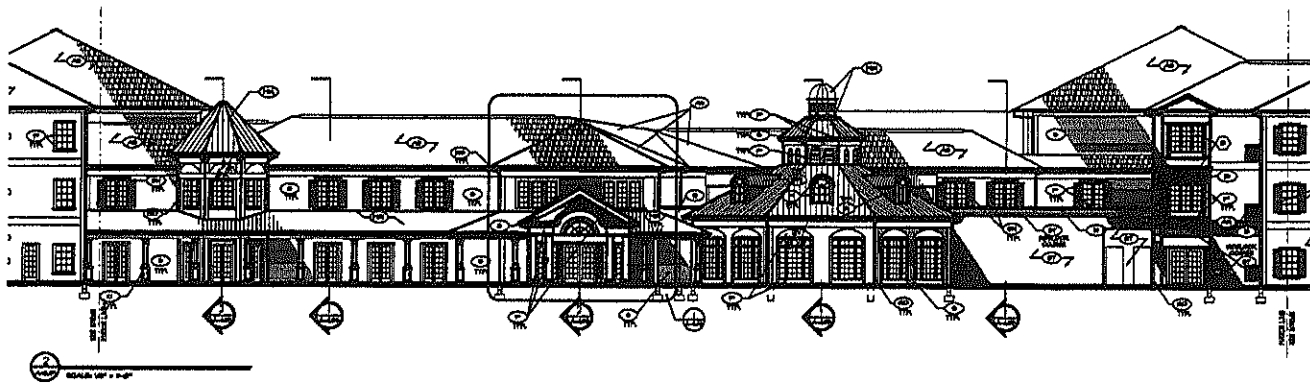
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First Level Parking Shown on Color Rendering

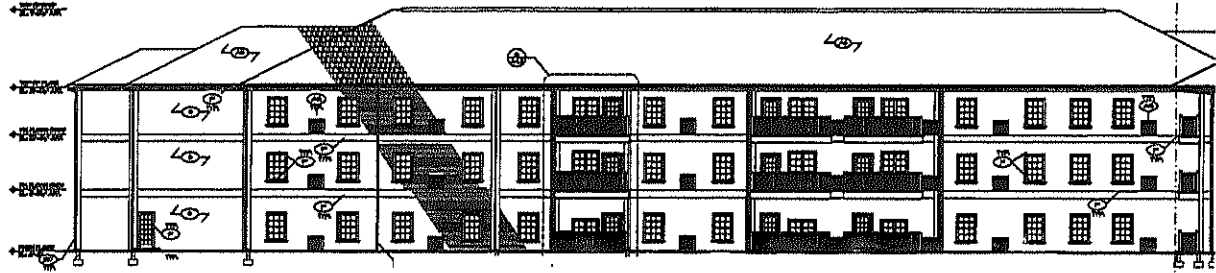


First Level Parking Shown on Color Rendering

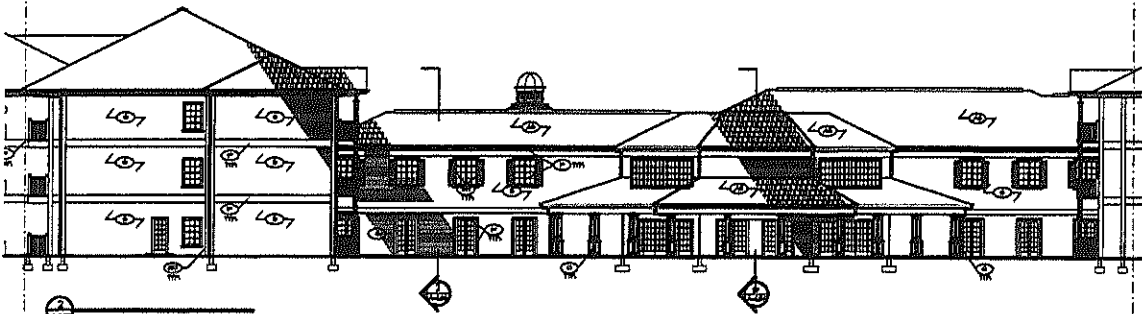
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*Conceptual Elevations for GreenLeaf on Buford
LEED Platinum Senior Living Residences*

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First Level Parking Shown on Color Rendering



First Level Parking Shown on Color Rendering



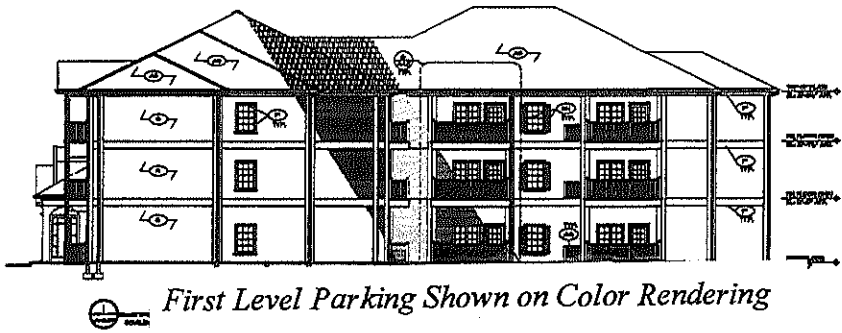
SUP '13 0 4 5

*Conceptual Elevations for GreenLeaf on Buford
LEED Platinum Senior Living Residences*

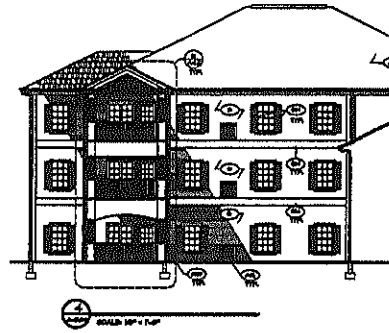
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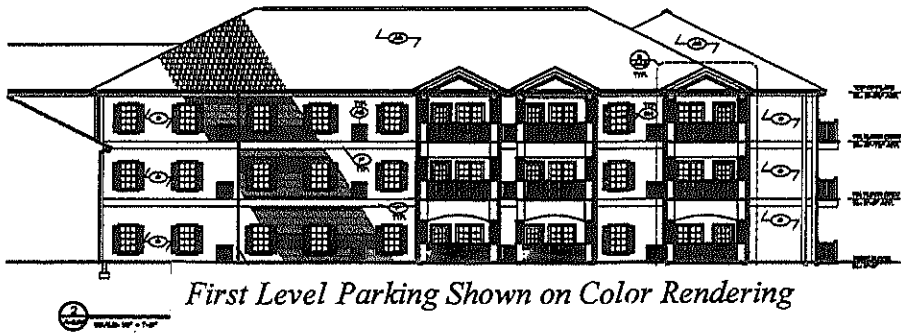
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First Level Parking Shown on Color Rendering



First Level Parking Shown on Color Rendering



First Level Parking Shown on Color Rendering



SUP '13 0 4 5

*Conceptual Elevations for GreenLeaf on Buford
LEED Platinum Senior Living Residences*

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SPECIAL USE PERMIT 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:

(SEE ATTACHED RESPONSE APPLICATION)

(A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

YES

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

NO

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

NO

(D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

NO

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

YES

(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 SPECIAL USE PERMIT:

APPROVAL

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STATEMENT OF INTENT

and
Other Materials
for
Rezoning Application
per Section 1702
of 1985 Zoning Resolution

by

Green Community Development, LLC

Project:

GreenLeaf Community on Buford Hwy 20

for

6.04 Acres of Land located in
Land Lot 28, 17th District
of Gwinnett County, Georgia

From Mobile Homes to O-I Senior Housing
With Two Special Use Permits
for Height & Assisted Living

July 29, 2013

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I. Introduction

This Application seeks the conditional rezoning of 6.04 acres of land located Land Lots 28, 7th District, known as 1080 and 1088 Buford Road/GA Hwy 20 Lawrenceville Georgia 30542, to permit the development for elderly housing. The proposed density of 120 units is in compliance with the current Comprehensive Land Use Plan. The requested height of three stories above one level of parking is reasonable given the tract's topographic elevations and is preferred for maximizing green space buffers and preserving the environment. Senior Housing is an urgent need for Gwinnet Citizens.

The Applicant files the engineered site plan, rendering of units, and if required a list of Conditions it is willing to assume in conjunction with the rezoning and development of this property.

Gwinnett County will be proud of this first of a kind LEED Platinum USGBC green elderly housing center to replace existing mobile home park.

Approving this zoning is actually helpful for Gwinnett county in warding off bad density residential zonings in areas where the comprehensive zoning map requires higher density for the urgently needed elderly housing this application requests. Approving this zoning will bolster Gwinnett's reputation that it is not capricious and arbitrary but rather adheres to zoning plans and standards. This is proven smart and green zoning.

This property can become a show place for trend setting that will help set a standard for Gwinnett. It is perfectly situated on a rare larger tract on a major thoroughfare. Because the Conditions of Zoning set such a high standard, the proposed development will establish a desirable known standard to help increase values. The undesired economic alternative for this property if improperly forced to remain mobile homes is to the neglect of much needed housing for the elderly for only more environmentally unfriendly housing that negatively impacts the neighborhood.

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant's Constitutional rights, and a written Justification for the Application. This document also is intended to address and substantiate the requisite responses to the state "Steinberg Act", O.C.G.A. § 36-67-1 et seq. A plat of the property with seal has been filed contemporaneously with the Application, along with other required materials.

II AREA CHARACTERISTICS

The Subject Property is located on the southern side of Buford Road, between I-85 Mall of Georgia Area and 316 that is being transformed into a major expressway. The entire Buford Road is commercial. The property abutting to the South is residential with huge buffers and during initial introductory meeting the were positive to best option due to low noise, good neighbors and appreciates property values. All along Buford on both sides of streets are numerous zonings consisting of Apartments, Churches, Schools, Commercial and a minority single family residential that would only be positively effected by this zoning.

The Gwinnett County government has already sanctioned redevelopment in this area for projects quite similar to the one proposed for the Subject Property.

III. HISTORY

The Subject Property has been zoned mobile homes with less restrictive buffers and green spaces. Many of the surrounding tracts in same comprehensive land use map are already zoned for high densities and commercial. The current zoning is inappropriate for the needs of Gwinnett County.

IV IMPACT ANALYSIS PER Section 27-832

A. THE PROPOSED ZONING IS CONSISTENT WITH THE POLICY AND INTENT OF THE COMPREHENSIVE LAND USE PLAN, AND THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

The countywide Comprehensive Land Use Plan which Gwinnett County adopted consists of a text and series of maps. In this instance the Application complies fully with the Plan Map, which sanctions O-I development as Applicant desires. Moreover, the Application satisfies the Plan's general long-range goals as set forth in the text, including:

(a) Appropriate use and management of land, water, soils, forest, mineral, historic and human resources and planned and orderly growth consistent with the County's resources and ability to extend or provide necessary public services and facilities to accommodate and support such development;

(b) Limitation of growth in areas that cannot sustain increased development due to environmental or infrastructure constraints; and

(c) Planned growth consistent with County resources and the ability to extend or provide necessary public services and facilities to accommodate and support development.

The Applicant's proposed use will promote all of the above goals, policies and objectives, among others. The Applicant's overall project constitutes a high-quality and first-class use. The project is located in that portion of Gwinnett County which has a very strong need for housing to accommodate the needs of the community and commercial Gwinnett area. The population of this area is projected to increase and given the already high demand for housing this project is perfectly located for easy access for family visits and emergency care. Applicant's proposed development is consistent with such development trends and projections. Redevelopment of this quality should encourage similar infill in this area and would stabilize it.

In addition to compliance with these general goals, this request is consistent with specific short term objectives and Policies of the new Plan as follows:

Objective: Maintain and improve the individual character and identity of neighborhoods and communities.

(Housing and Land Use)

Policies:

1. Protect established single family residential neighborhoods from encroachment by incompatible development.

2. Encourage appropriate transitions between various residential districts by an appropriate intermediate land uses.

3. Encourage clustering of neighborhood and community shopping and office facilities in nodes with defined boundaries the are convenient to population concentrations and major transportation facilities.

Objective: Provide opportunities for quality, affordable, safe and sanitary housing to all residents of Gwinnett County.

Policies:

1. While meeting infill and historic guidelines, identify and encourage new and innovative approaches to quality residential developments that expand housing opportunities and minimize public and private costs.

Objective: Develop appropriate mix of dwelling types, sizes and prices to meet current and projected housing needs of the County's residents.

Policies:

1. Encourage the level and type of residential development compatible with physical the limitations of the land and the surrounding natural and built environment.

In summary, the development's design and use of appropriate density, landscaping, buffers, privacy fence and other conditions voluntarily assumed only enhances the values of adjacent or proximate properties. The project at issue represents a consistent use commensurate with other existing uses on adjacent and nearby sites, in an area that is convenient to shopping and office uses. The proposed use therefore is suitable vis-a-vis the policies.

B. THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT OR NEARBY PROPERTY.

The Subject Property is entirely consistent with surrounding commercial developments and is complimentary to abutting residential housing by residential architectural design and underneath parking maximizing green space buffers. The proposed development will have a positive impact on the surrounding area by meeting a strong demographic residential need so will help maintain residential integrity with high property values. The intended final appearance of this small development will exceed in quality and environmental benefit as comparable projects in this community. Appropriate attention to scale, buffering, setbacks and landscaping has been given to ensure that this project will blend harmoniously with its surroundings.

C. THE SUBJECT PROPERTY TO BE EFFECTED BY THE ZONING PROPOSAL DOES NOT HAVE A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

The requested zoning complies with the comprehensive land use plan. Given the nature of the Subject property having far less desirable mobile homes crammed onto small buildable area, and that immediately surrounding properties have been granted zonings for elderly housing in high demand, the Applicant on behalf of the property owners, respectfully submits that the current zoning of mobile homes economically penalizes the property owners and prohibits them from realizing reasonable economic return which is "balanced" by public welfare concerns. On behalf of the Applicant, the land prices will not support a low density development so as to allow a reasonable economic return from development.

Accordingly, the Applicant, on behalf of the owners of the tract of land at issue in this rezoning application (the "Property"), respectfully submits that the Zoning Ordinance of Gwinnett County, Georgia, as amended from time to time and known as the "Gwinnett County Zoning Ordinance", to the extent that it classifies the Property in any zoning district which would preclude the development of this project (or to the extent conditions inconsistent with the requested zoning might be imposed), 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 Gwinnet Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and those requested herein, would deprive the current owner of any reasonable use and development of the Property. Further, an attempt by the Board of Commissioners 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 Mobile Home zoning classification and any other zoning of the Property save for what has been requested (O-I) by it as established in the Gwinnett County Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning

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 Property owner. Further, the existing inconsistent zoning classifications constitute, 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 Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the Board of Commissioner's failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the 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 Board of Commissioners 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 M Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably 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, Guhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977).

But the issue even more important than the economics is serving the needs of this community, and the demand for a different type of housing product, which this Application's purpose is to provide, is also the only financially viable option for both property owners and Applicant.

D. THE PROPOSED ZONING WILL NOT RESULT IN A USE THAT WILL OR COULD CAUSE AN EXCESSIVE BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

The demographic group being served is the least impactful. Very few drive and with the proposed bus service being provided to major areas of interest the proposed use will have minimal impact given the size of roadways and exiting traffic. This project, if approved, certainly will not effect existing streets, transportation facilities, utilities or schools given its small scale serving the niche elderly demographic group as compared to the available capacity of all streets, transportation facilities, utilities and schools. The proposed use will not have a negative impact or cause an excessive or burdensome use of existing utilities. According to Gwinnett's recent studies, water, sewer and drainage facilities are all sufficient to permit Applicant's proposed use. Sewer lines are adjacent to the Property and sewer capacity is available to service this project. Further, the main water line serving the Property is adequate to handle the property's water needs. There are ample resources necessary to provide electric, gas, water and telephone utilities to the project.

E. THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN.

The O & I category is compatible along this major commercial corridor of GA Hwy 20 between 316 to east and I-85 to west. The use for Elderly Housing makes it even more compatible. It is a rare tract which provides depth of set back for privacy and green space while still easy access for visitors.

F. OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

The Subject property is located between I-85 and 3-16 among commercial zonings. Its relative ease of access, coupled with the development which has occurred in this area, have resulted in this node of commercial generating an extremely high demand for housing as proposed by Applicant.

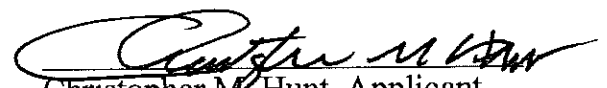
To the Applicant's best knowledge, there are no known existing nor changing conditions that would negatively effect the use and development of this land.

The requested zoning proposal should be approved because it meets an important need of housing for the citizens of Gwinnett County and 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 ZONING PROPOSAL WILL NOT ADVERSELY EFFECT ANY HISTORIC BUILDINGS, SITES, DISTRICTS, OR ACHAEOLOGICAL RESOURCES.

In conclusion, for the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Board of Commissioners, Staff or other officials so that such recommendations or input might be incorporated as conditions for approval of the Application.

Sincerely,



Christopher M. Hunt, Applicant
Green Community Development, LLC
5456 Peachtree Blvd., Ste 410
Atlanta, Georgia 30341-2235
(770) 457-3300
cmh@greencommunitydev.com

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JUSTIFICATION FOR REZONING
and SPECIAL USE PERMITS FOR HEIGHT & ASSISTED LIVING

TO: Gwinnett County Commissioners and Planning Commission

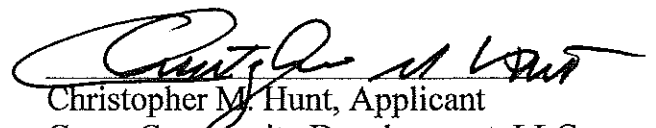
Dear Gwinnett County Commissioners,

The following Application for rezoning is justified for the following reasons (which will be explained in more detail in following pages):

1. Subject Property does not have reasonable economic value under its current zoning of Mobile Homes.
2. The request of rezoning to more appropriate O-I conditional Senior Housing is consistent with adjoining properties as well as numerous other properties on same street. The requested Special Use Permit for Height is cooperative with the topography as and maximizes the green space buffers and Assisted Living is needed to meet the County's future needs.
3. This Application is requesting a plan consistent with the Comprehensive Land Use Plan.
4. The Application, if approved, would only be advantageous to the community in many ways and will have no known negative impact. Just a few of the advantages are helping meet the urgent and growing need for elderly housing. It will set a new standard for green development and construction fulfilling Gwinnett's smart green growth and meeting the need for Senior housing. It will increase the tax base and raise property values with minimal burden on infrastructure.
5. The quality of this LEED Platinum project will enhance the image of Gwinnett County and help attract similar quality projects into Gwinnett. The roof top garden increases the green space and usability of the property.

Thank you for your consideration and support at the Rezoning hearings. If you should have any questions or comments, please do not hesitate to call me (770) 457-3300.

Sincerely,



Christopher M. Hunt, Applicant
Green Community Development, LLC
5456 Peachtree Blvd., Ste. 410
Atlanta, Georgia 30341-2235
(770) 457-3300
cmh@greencommunitydev.com

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SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

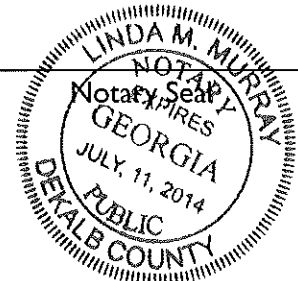
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE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

By: MRP
Signature of Property Owner

7-5-2013
Date

Mark Pottinger Pres. American Investment Group, Inc
Type or Print Name and Title

Linda M. Murray 7/5/13
Signature of Notary Public Date



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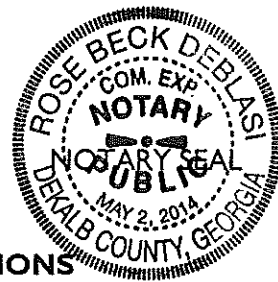
CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, 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.

Christophe M. Hunt Sr 2/10/13 Christophe M. Hunt Sr
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Rose Beck DeBlasi 08/02/13
 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 Christophe M. Hunt Sr
 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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CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

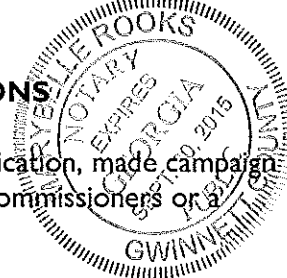
The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Charles M. Hunt 2/26/13 Charles M. Hunt
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Charles M. Hunt 2/26/13 _____
 SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
 ATTORNEY OR REPRESENTATIVE

Manville Rooks 8/2/13
 SIGNATURE OF NOTARY PUBLIC DATE

NOTARY SEAL



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 *Charles M. Hunt*
 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.

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

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 SPECIAL USE PERMIT REQUEST.**

PARCEL I.D. NUMBER:
(Map Reference Number)

774 - 28 - 7-028-D10
District Land Lot Parcel

[Signature] 2 AUG 13
Signature of Applicant Date

Christina M. Hunt Sr
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)

[Signature]
NAME

Tax Services Assoc.
TITLE

8/2/13
DATE

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Planning & Development

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>CHRISTOPHER M. HUNT</u>	NAME: <u>MARC POTTINGER / AMERICAN INVESTMENT GROUP</u>
ADDRESS: <u>5456 PRAIRIE BLVD</u> <u>STE 410</u>	ADDRESS: <u>1130 Haverhill St</u> <u>STE 1600</u>
CITY: <u>ATLANTA</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30341</u>	STATE: <u>GA</u> ZIP: <u>30043</u>
PHONE: <u>770-457-3300</u>	PHONE: <u>770-314-5768</u>
CONTACT PERSON: <u>CHRISTOPHER HUNT</u> PHONE: <u>770-457-3300</u>	
CONTACT'S E-MAIL: <u>CMH@GREENCOMMUNITYDEV.COM</u>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

EXISTING/PROPOSED ZONING: MH BUILDING/LEASED SQUARE FEET: 0-I ELDERS

LAND DISTRICT(S): 7 LAND LOT(S): 28 ACREAGE: 6.04

ADDRESS OF PROPERTY: 1080+1088 BUFORD DR BUFORD GA
70542

SPECIAL USE REQUESTED: 0-I ELDERS HOUSING
55.6 Building height / 4 stories

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 28 of the 7th District of Gwinnett County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at a R/W monument at the intersection of the southerly R/W line of Rivershyre Parkway with the westerly R/W line of Georgia State Route No. 20 (R/W varies); thence running along said R/W line of Georgia State Route No. 20 South 43 degrees 56 minutes 27 seconds East a distance of 130.17 to the **POINT OF BEGINNING**; thence continuing along said R/W line the following courses and distances: South 43 degrees 56 minutes 27 seconds East a distance of 136.84 feet to a R/W monument found; thence running South 51 degrees 37 minutes 33 seconds West a distance of 28.67 feet to a R/W monument found; thence running South 37 degrees 41 minutes 57 seconds East a distance of 42.64 feet to a R/W monument found; thence running North 52 degrees 58 minutes 33 seconds East a distance of 33.35 feet to a R/W monument found; thence running along a curve to the right an arc distance of 321.98 feet, said arc having a radius of 1,219.70 feet and a chord which bears South 35 degrees 47 minutes 52 seconds East a distance of 321.05 feet to an iron pin found; thence leaving said R/W line South 67 degrees 38 minutes 40 seconds West a distance of 235.32 feet to a point; thence running South 10 degrees 58 minutes 49 seconds East a distance of 68.41 feet to a point; thence running North 84 degrees 07 minutes 30 seconds West a distance of 226.62 feet to a point; thence running South 81 degrees 41 minutes 12 seconds West a distance of 118.74 feet to a point; thence running North 65 degrees 11 minutes 07 seconds West a distance of 149.11 feet to a point; thence running North 45 degrees 19 minutes 45 seconds West a distance of 74.22 feet to a point; thence running North 31 degrees 38 minutes 19 seconds West a distance of 154.38 feet to a point; thence running North 59 degrees 39 minutes 24 seconds East a distance of 583.61 feet to the **POINT OF BEGINNING**.

Said Tract or Parcel containing 6.038 acres of land

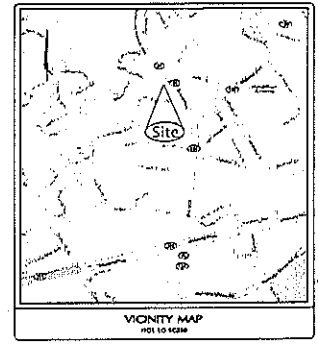
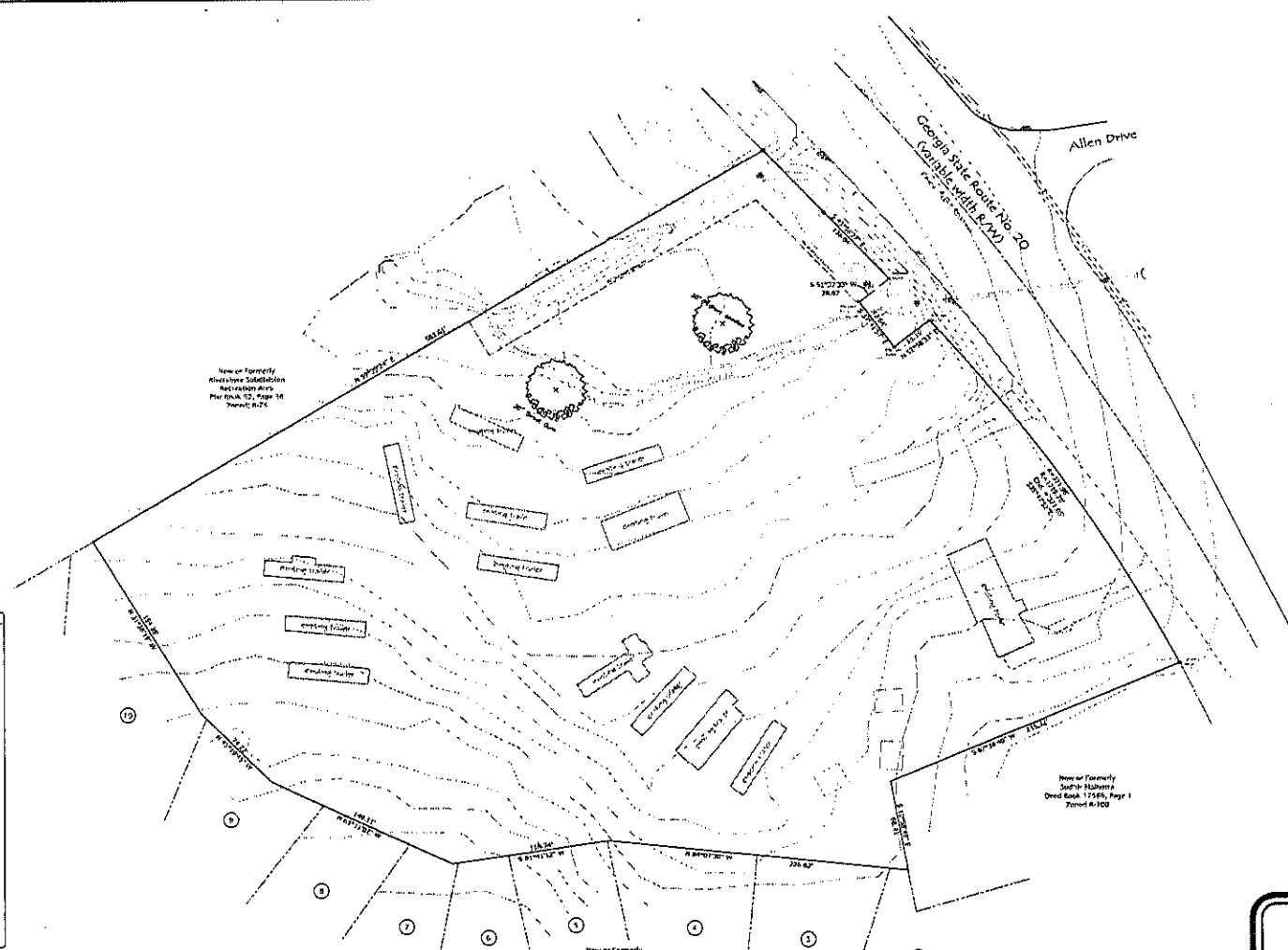
The above tract is described per Boundary Survey for Ray Little, prepared by Mark Veal, RLS, dated 01/27/2002, recorded in Plat Book 92, page 236, Gwinnett County Records.

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- LEGEND**
- 1. Subdivision Boundary
 - 2. Boundary
 - 3. Easement
 - 4. Right-of-Way
 - 5. Easement
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 - 100. Easement

Site Notes

1. Site on State Number 1760200
2. Site address: 1000 before highway, Leon County, GA, 30624
3. Total Project Area: 6.8 acres
4. Existing zoning: see

Survey References

1. Boundary Information: Deed records were taken from that boundary survey for the site, prepared by W.S. Neal, S.S., dated 07/10/08. Topographic information was taken from a survey of the site, prepared by Daniel Smith, P.E., under the direction of W. Lister Dulin, P.E., on September 2, 2008.

2. Project description: 1.50 of Catch Basin - see sheet 2, reference station is shown on sheet 2.

Flood Plain

1. This project is located in within a Zone A-100 river flood hazard area as defined by the F.L.M.A. Insurance Risk Map of Gwinnett County, Georgia, Community Parcel Number: 0117602007, dated September 29, 2008.

State Waters

1. State Waters are not present on this site. Any State Waters present on the site are fully indicated hereon and any applicable buffer restrictions are noted and adhered to.

Wetlands

1. There are no wetlands being disturbed on this site. The owner of the property is responsible for compliance with the rules or regulations pertaining regarding wetlands.

Information regarding site presence, size, character and location of existing underground utilities and structures is shown hereon. There is no warranty of the accuracy of the information and it shall be concerning to the user by doing using the drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown by the engineer. The owner, their employees, former consultants and former contractors shall hereby accept and understand that the engineer performed is not responsible for the correctness or sufficiency of the information.

OWNER / DEVELOPER

Green Community Development
 Mr. Christopher M. Hunt, Sr.
 5456 Peachtree Boulevard, Suite 410
 Atlanta, Georgia 30341-2235
 Phone: 770-473-9392

24 HOUR - EMERGENCY CONTACT

EES

ESSENTIAL ENGINEERING SERVICES

PLANNING • ENGINEERING • ENVIRONMENTAL
 SURVEYING • LANDSCAPE ARCHITECTURE

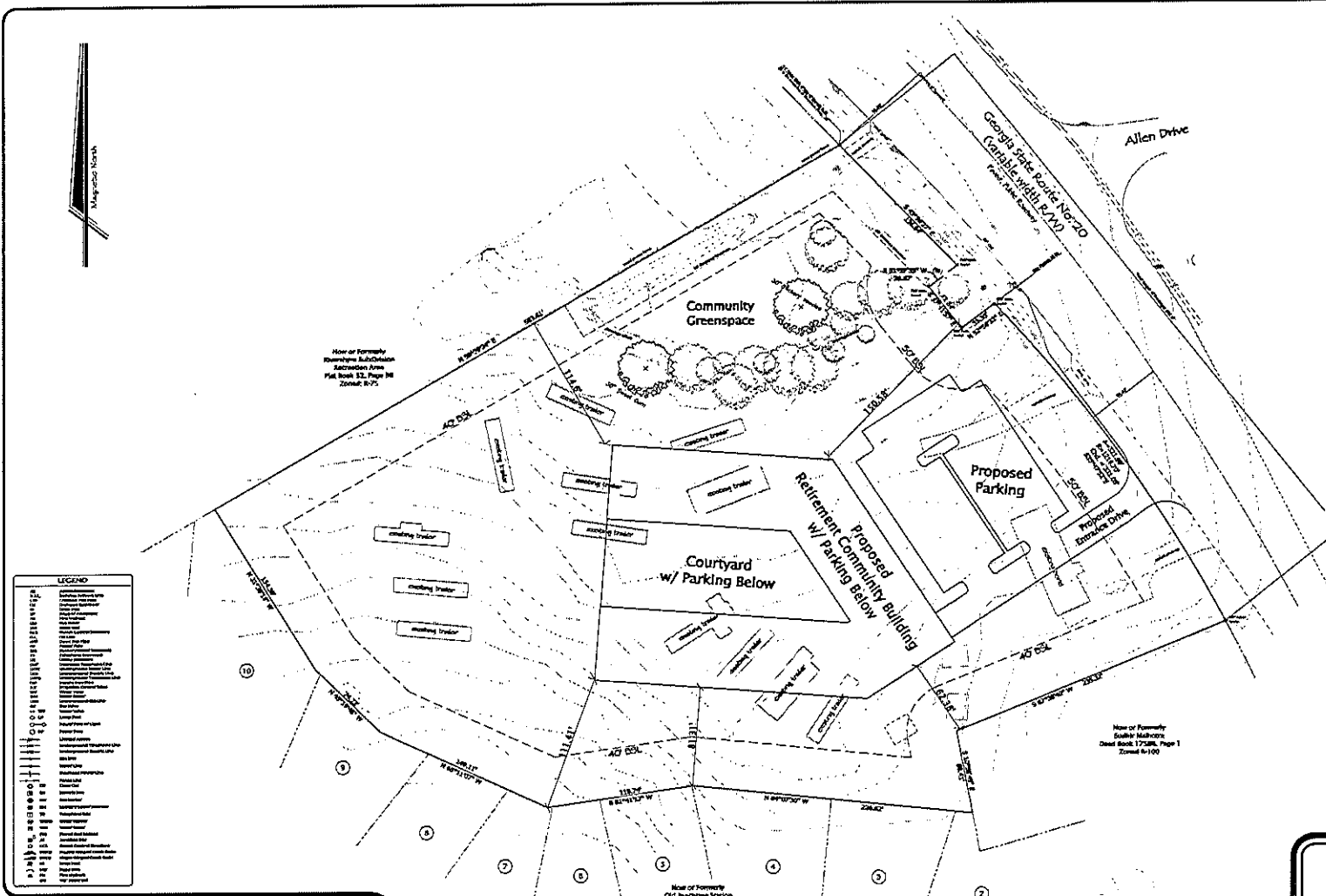
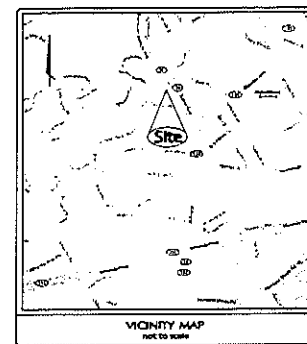
3290 Camella Lane
 Suwanee, Georgia 30024
 Phone: 878-340-0007 Fax: 878-340-0374
 Web: www.essentialeng.com

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	Existing Conditions Highway 20 at Allen Road Tract
	July 3, 2013 Scale: 1" = 60'
	County Project # One 040-030000-0106 Job Alias: Sheet 1 of 1
LL 28, 7th District Parcel # 7-028-010 Gwinnett County Georgia	



LEGEND

1	Proposed Building
2	Proposed Parking
3	Proposed Courtyard
4	Proposed Greenspace
5	Proposed Walkway
6	Proposed Utility
7	Proposed Fencing
8	Proposed Signage
9	Proposed Lighting
10	Proposed Stormwater
11	Proposed Retention Pond
12	Proposed Access
13	Proposed Erosion Control
14	Proposed Tree
15	Proposed Shrub
16	Proposed Flowering Shrub
17	Proposed Grass
18	Proposed Mulch
19	Proposed Soil
20	Proposed Rock
21	Proposed Sand
22	Proposed Gravel
23	Proposed Asphalt
24	Proposed Concrete
25	Proposed Brick
26	Proposed Stone
27	Proposed Wood
28	Proposed Metal
29	Proposed Glass
30	Proposed Plastic
31	Proposed Rubber
32	Proposed Paper
33	Proposed Fabric
34	Proposed Leather
35	Proposed Cotton
36	Proposed Wool
37	Proposed Silk
38	Proposed Linen
39	Proposed Polyester
40	Proposed Nylon
41	Proposed Spandex
42	Proposed Rayon
43	Proposed Acrylic
44	Proposed Fleece
45	Proposed Denim
46	Proposed Canvas
47	Proposed Corduroy
48	Proposed Tweed
49	Proposed Flannel
50	Proposed Knitwear
51	Proposed Outerwear
52	Proposed Footwear
53	Proposed Eyewear
54	Proposed Headwear
55	Proposed Jewelry
56	Proposed Bags
57	Proposed Shoes
58	Proposed Hats
59	Proposed Scarves
60	Proposed Gloves
61	Proposed Socks
62	Proposed Underwear
63	Proposed Sleepwear
64	Proposed Activewear
65	Proposed Sportswear
66	Proposed Swimwear
67	Proposed Lingerie
68	Proposed Hosiery
69	Proposed Suits
70	Proposed Dresses
71	Proposed Blouses
72	Proposed Shirts
73	Proposed Pants
74	Proposed Skirts
75	Proposed Shorts
76	Proposed T-Shirts
77	Proposed Hoodies
78	Proposed Jackets
79	Proposed Coats
80	Proposed Sweaters
81	Proposed Cardigans
82	Proposed Blazers
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Site Notes

1. Site Tax Parcel Number 7-029-010
2. Site Address: 1000 Buford Highway, Lawrenceville, GA, 30043
3. Total Project Area: 6.04 acres
4. Existing Zoning: M1
5. Proposed Zoning: O1
6. Proposed Lot Line: 120 Unit Retirement Home
7. Proposed Density: 10.0 u/s
8. Proposed 2-story building above parking deck, not to exceed 100,000 sq ft of leasable living space.

Building Notes

1. Proposed Building to be 3 stories in height
2. Proposed Building to have parking under main level
3. Proposed Building to have a rooftop garden.
4. Proposed Building to be LEED Certified.

OWNER / DEVELOPER

GREEN Community Development

Mr. Christopher M. Hunt, Sr.

1456 Peachtree Boulevard, Suite 410
Atlanta, Georgia 30341-2231
Phone: 770-972-0900

24 HOUR - EMERGENCY CONTACT

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3380 Chamblee Lane
Buckhead, Georgia 30328
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Web: www.essentialengineers.com

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Concept Plan

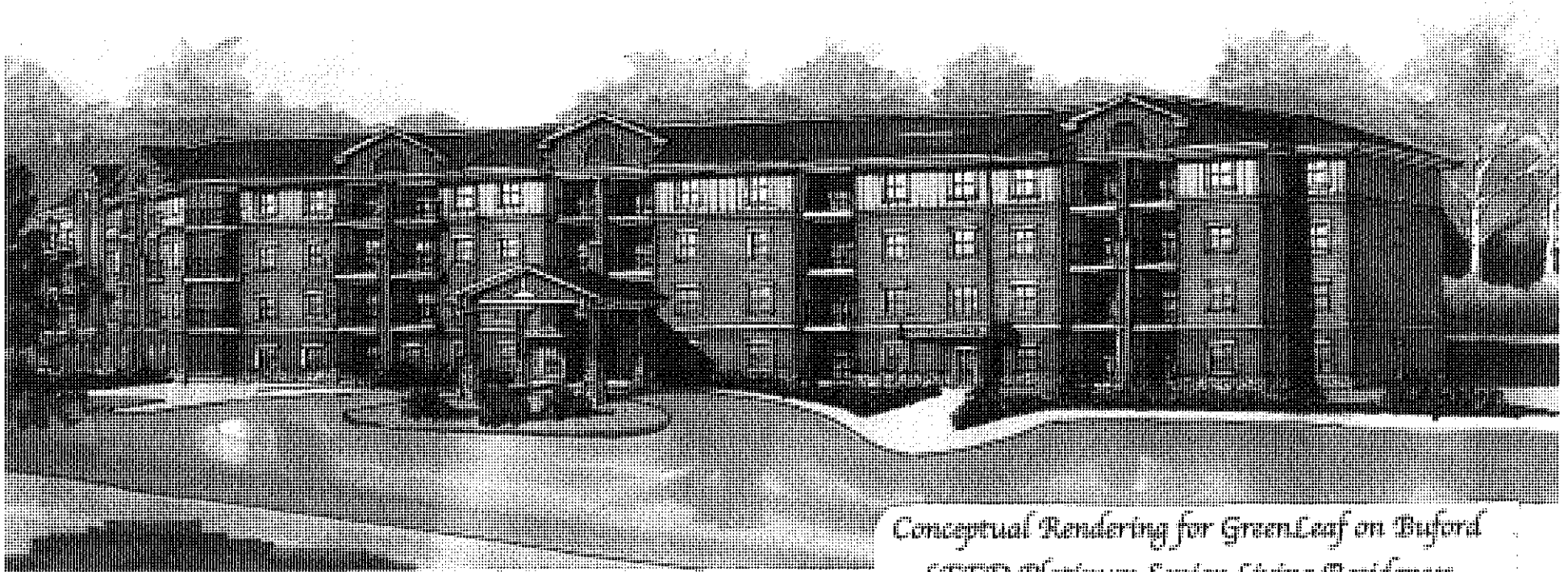
July 3, 2013
Scale: 1" = 60'

County Project #
CH: 0043concept-02.dwg
Job Allen

Sheet 1 of 1

Highway 20 at Allen Road Tract

LL 28, 7th District
Parcel # 7-029-010
Gwinnett County
Georgia

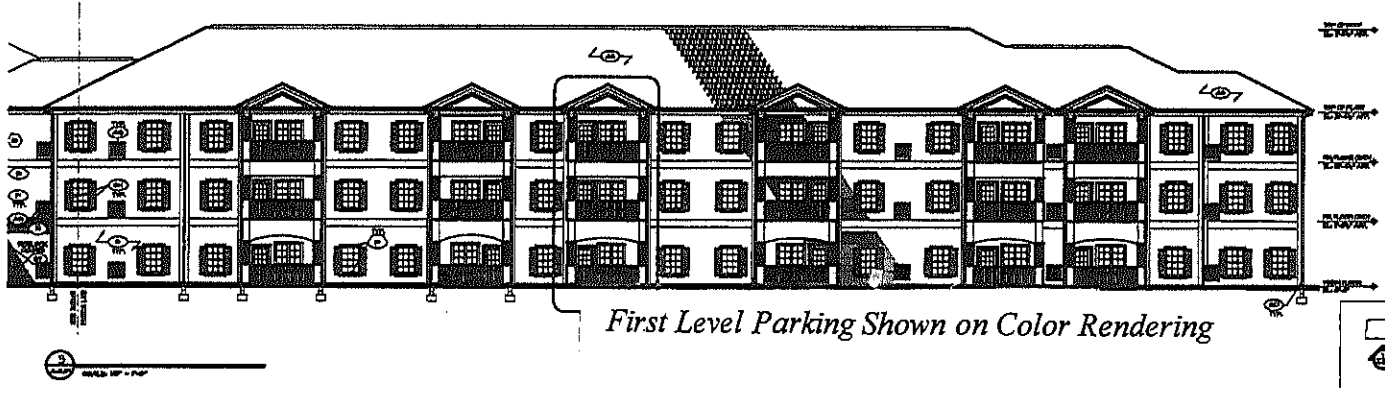
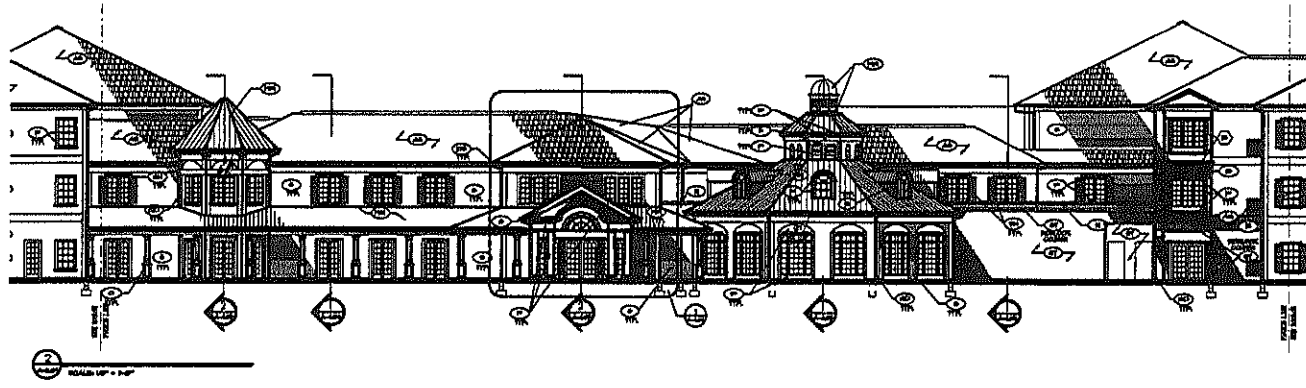
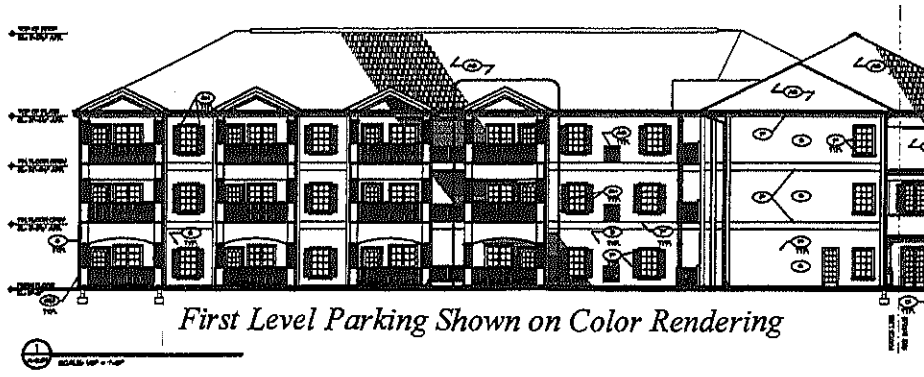


Conceptual Rendering for GreenLeaf on Buford
LEED Platinum Senior Living Residences
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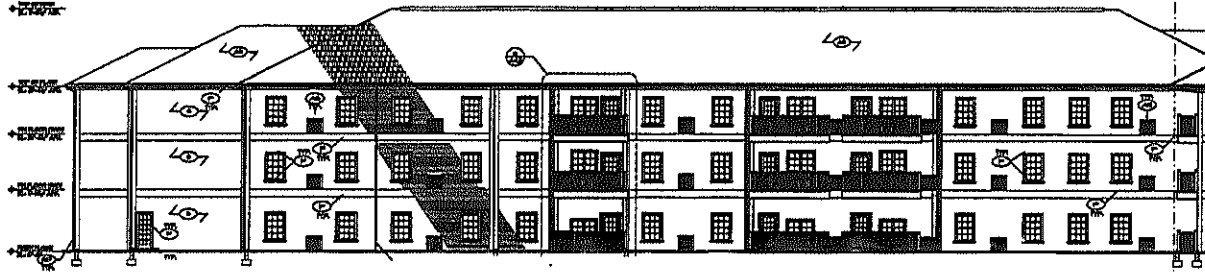
*Conceptual Elevations for GreenLeaf on Buford
LEED Platinum Senior Living Residences*

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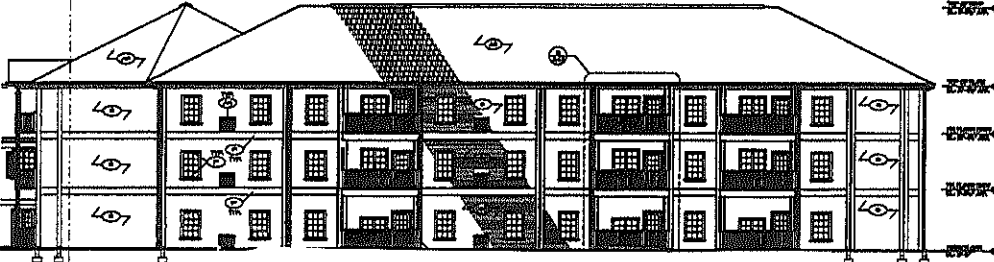
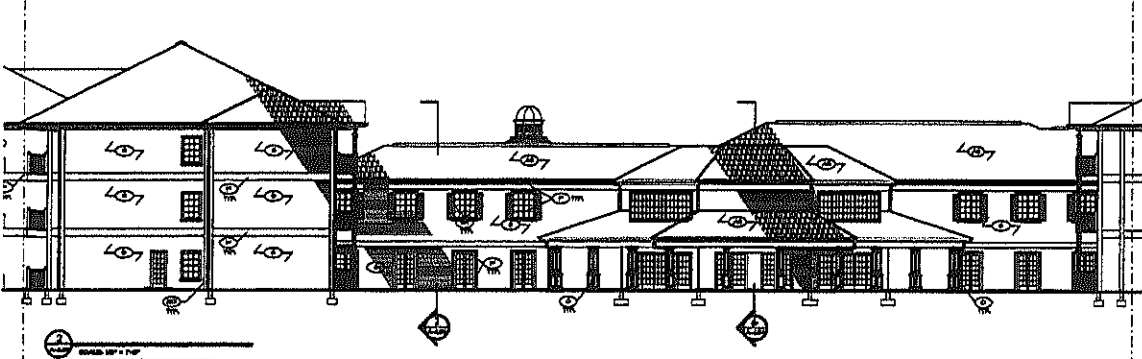
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First Level Parking Shown on Color Rendering



First Level Parking Shown on Color Rendering

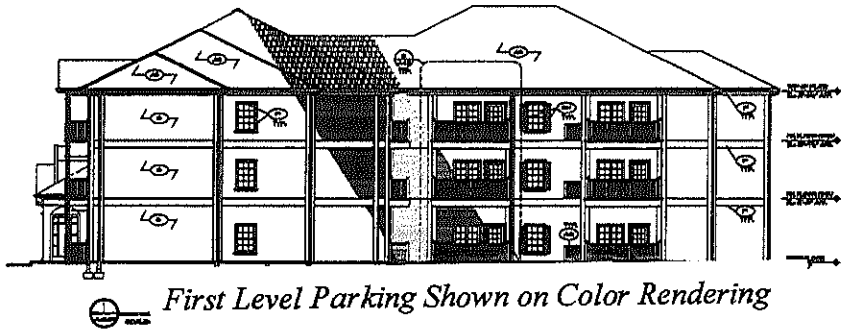
*Conceptual Elevations for GreenLeaf on Buford
LEED Platinum Senior Living Residences*

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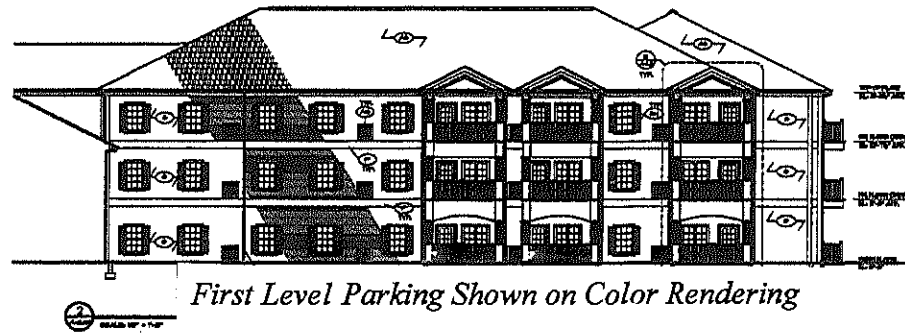
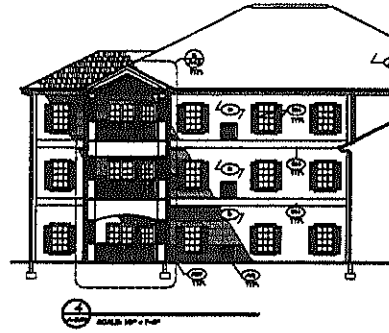
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First Level Parking Shown on Color Rendering



First Level Parking Shown on Color Rendering



*Conceptual Elevations for GreenLeaf on Buford
LEED Platinum Senior Living Residences*

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SPECIAL USE PERMIT 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:

PLEASE ATTACHED APPLICATION PART 1020061A EXPLANATION

(A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

YES

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

NO

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

NO

(D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

NO

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

YES

(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 SPECIAL USE PERMIT:

APPROVAL

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STATEMENT OF INTENT

and
Other Materials
for
Rezoning Application
per Section 1702
of 1985 Zoning Resolution

by

Green Community Development, LLC

Project:

GreenLeaf Community on Buford Hwy 20

for

6.04 Acres of Land located in
Land Lot 28, 17th District
of Gwinnett County, Georgia

From Mobile Homes to O-I Senior Housing
With Two Special Use Permits
for Height & Assisted Living

July 29, 2013

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I. Introduction

This Application seeks the conditional rezoning of 6.04 acres of land located Land Lots 28, 7th District, known as 1080 and 1088 Buford Road/GA Hwy 20 Lawrenceville Georgia 30542, to permit the development for elderly housing. The proposed density of 120 units is in compliance with the current Comprehensive Land Use Plan. The requested height of three stories above one level of parking is reasonable given the tract's topographic elevations and is preferred for maximizing green space buffers and preserving the environment. Senior Housing is an urgent need for Gwinnet Citizens.

The Applicant files the engineered site plan, rendering of units, and if required a list of Conditions it is willing to assume in conjunction with the rezoning and development of this property.

Gwinnett County will be proud of this first of a kind LEED Platinum USGBC green elderly housing center to replace existing mobile home park.

Approving this zoning is actually helpful for Gwinnett county in warding off bad density residential zonings in areas where the comprehensive zoning map requires higher density for the urgently needed elderly housing this application requests. Approving this zoning will bolster Gwinnett's reputation that it is not capricious and arbitrary but rather adheres to zoning plans and standards. This is proven smart and green zoning.

This property can become a show place for trend setting that will help set a standard for Gwinnett. It is perfectly situated on a rare larger tract on a major thoroughfare. Because the Conditions of Zoning set such a high standard, the proposed development will establish a desirable known standard to help increase values. The undesired economic alternative for this property if improperly forced to remain mobile homes is to the neglect of much needed housing for the elderly for only more environmentally unfriendly housing that negatively impacts the neighborhood.

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant's Constitutional rights, and a written Justification for the Application. This document also is intended to address and substantiate the requisite responses to the state "Steinberg Act", O.C.G.A. § 36-67-1 et seq. A plat of the property with seal has been filed contemporaneously with the Application, along with other required materials.

II AREA CHARACTERISTICS

The Subject Property is located on the southern side of Buford Road, between I-85 Mall of Georgia Area and 316 that is being transformed into a major expressway. The entire Buford Road is commercial. The property abutting to the South is residential with huge buffers and during initial introductory meeting the were positive to best option due to low noise, good neighbors and appreciates property values. All along Buford on both sides of streets are numerous zonings consisting of Apartments, Churches, Schools, Commercial and a minority single family residential that would only be positively effected by this zoning.

The Gwinnett County government has already sanctioned redevelopment in this area for projects quite similar to the one proposed for the Subject Property.

III. HISTORY

The Subject Property has been zoned mobile homes with less restrictive buffers and green spaces. Many of the surrounding tracts in same comprehensive land use map are already zoned for high densities and commercial. The current zoning is inappropriate for the needs of Gwinnett County.

IV IMPACT ANALYSIS PER Section 27-832

A. THE PROPOSED ZONING IS CONSISTENT WITH THE POLICY AND INTENT OF THE COMPREHENSIVE LAND USE PLAN, AND THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

The countywide Comprehensive Land Use Plan which Gwinnett County adopted consists of a text and series of maps. In this instance the Application complies fully with the Plan Map, which sanctions O-I development as Applicant desires. Moreover, the Application satisfies the Plan's general long-range goals as set forth in the text, including:

- (a) Appropriate use and management of land, water, soils, forest, mineral, historic and human resources and planned and orderly growth consistent with the County's resources and ability to extend or provide necessary public services and facilities to accommodate and support such development;
- (b) Limitation of growth in areas that cannot sustain increased development due to environmental or infrastructure constraints; and
- (c) Planned growth consistent with County resources and the ability to extend or provide necessary public services and facilities to accommodate and support development.

The Applicant's proposed use will promote all of the above goals, policies and objectives, among others. The Applicant's overall project constitutes a high-quality and first-class use. The project is located in that portion of Gwinnett County which has a very strong need for housing to accommodate the needs of the community and commercial Gwinnett area. The population of this area is projected to increase and given the already high demand for housing this project is perfectly located for easy access for family visits and emergency care. Applicant's proposed development is consistent with such development trends and projections. Redevelopment of this quality should encourage similar infill in this area and would stabilize it.

In addition to compliance with these general goals, this request is consistent with specific short term objectives and Policies of the new Plan as follows:

Objective: Maintain and improve the individual character and identity of neighborhoods and communities.

(Housing and Land Use)

Policies:

1. Protect established single family residential neighborhoods from encroachment by incompatible development.
2. Encourage appropriate transitions between various residential districts by an appropriate intermediate land uses.
3. Encourage clustering of neighborhood and community shopping and office facilities in nodes with defined boundaries the are convenient to population concentrations and major transportation facilities.

Objective: Provide opportunities for quality, affordable, safe and sanitary housing to all residents of Gwinnett County.

Policies:

1. While meeting infill and historic guidelines, identify and encourage new and innovative approaches to quality residential developments that expand housing opportunities and minimize public and private costs.

Objective: Develop appropriate mix of dwelling types, sizes and prices to meet current and projected housing needs of the County's residents.

Policies:

1. Encourage the level and type of residential development compatible with physical the limitations of the land and the surrounding natural and built environment.

In summary, the development's design and use of appropriate density, landscaping, buffers, privacy fence and other conditions voluntarily assumed only enhances the values of adjacent or proximate properties. The project at issue represents a consistent use commensurate with other existing uses on adjacent and nearby sites, in an area that is convenient to shopping and office uses. The proposed use therefore is suitable vis-a-vis the policies.

B. THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT OR NEARBY PROPERTY.

The Subject Property is entirely consistent with surrounding commercial developments and is complimentary to abutting residential housing by residential architectural design and underneath parking maximizing green space buffers. The proposed development will have a positive impact on the surrounding area by meeting a strong demographic residential need so will help maintain residential integrity with high property values. The intended final appearance of this small development will exceed in quality and environmental benefit as comparable projects in this community. Appropriate attention to scale, buffering, setbacks and landscaping has been given to ensure that this project will blend harmoniously with its surroundings.

C. THE SUBJECT PROPERTY TO BE EFFECTED BY THE ZONING PROPOSAL DOES NOT HAVE A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

The requested zoning complies with the comprehensive land use plan. Given the nature of the Subject property having far less desirable mobile homes crammed onto small buildable area, and that immediately surrounding properties have been granted zonings for elderly housing in high demand, the Applicant on behalf of the property owners, respectfully submits that the current zoning of mobile homes economically penalizes the property owners and prohibits them from realizing reasonable economic return which is "balanced" by public welfare concerns. On behalf of the Applicant, the land prices will not support a low density development so as to allow a reasonable economic return from development.

Accordingly, the Applicant, on behalf of the owners of the tract of land at issue in this rezoning application (the "Property"), respectfully submits that the Zoning Ordinance of Gwinnett County, Georgia, as amended from time to time and known as the "Gwinnett County Zoning Ordinance", to the extent that it classifies the Property in any zoning district which would preclude the development of this project (or to the extent conditions inconsistent with the requested zoning might be imposed), 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 Gwinnet Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and those requested herein, would deprive the current owner of any reasonable use and development of the Property. Further, an attempt by the Board of Commissioners 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 Mobile Home zoning classification and any other zoning of the Property save for what has been requested (O-I) by it as established in the Gwinnett County Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning

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 Property owner. Further, the existing inconsistent zoning classifications constitute, 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 Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the Board of Commissioner's failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the 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 Board of Commissioners 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 III Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably 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, Guhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977).

But the issue even more important than the economics is serving the needs of this community, and the demand for a different type of housing product, which this Application's purpose is to provide, is also the only financially viable option for both property owners and Applicant.

D. THE PROPOSED ZONING WILL NOT RESULT IN A USE THAT WILL OR COULD CAUSE AN EXCESSIVE BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

The demographic group being served is the least impactful. Very few drive and with the proposed bus service being provided to major areas of interest the proposed use will have minimal impact given the size of roadways and exiting traffic. This project, if approved, certainly will not effect existing streets, transportation facilities, utilities or schools given its small scale serving the niche elderly demographic group as compared to the available capacity of all streets, transportation facilities, utilities and schools. The proposed use will not have a negative impact or cause an excessive or burdensome use of existing utilities. According to Gwinnett's recent studies, water, sewer and drainage facilities are all sufficient to permit Applicant's proposed use. Sewer lines are adjacent to the Property and sewer capacity is available to service this project. Further, the main water line serving the Property is adequate to handle the property's water needs. There are ample resources necessary to provide electric, gas, water and telephone utilities to the project.

E. THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN.

The O & I category is compatible along this major commercial corridor of GA Hwy 20 between 316 to east and I-85 to west. The use for Elderly Housing makes it even more compatible. It is a rare tract which provides depth of set back for privacy and green space while still easy access for visitors.

F. OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

The Subject property is located between I-85 and 3-16 among commercial zonings. Its relative ease of access, coupled with the development which has occurred in this area, have resulted in this node of commercial generating an extremely high demand for housing as proposed by Applicant.

To the Applicant's best knowledge, there are no known existing nor changing conditions that would negatively effect the use and development of this land.

The requested zoning proposal should be approved because it meets an important need of housing for the citizens of Gwinnett County and 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 ZONING PROPOSAL WILL NOT ADVERSELY EFFECT ANY HISTORIC BUILDINGS, SITES, DISTRICTS, OR ACHAEOLOGICAL RESOURCES.

In conclusion, for the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Board of Commissioners, Staff or other officials so that such recommendations or input might be incorporated as conditions for approval of the Application.

Sincerely,



Christopher M. Hunt, Applicant
Green Community Development, LLC
5456 Peachtree Blvd., Ste 410
Atlanta, Georgia 30341-2235
(770) 457-3300
cmh@greencommunitydev.com

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JUSTIFICATION FOR REZONING
and SPECIAL USE PERMITS FOR HEIGHT & ASSISTED LIVING

TO: Gwinnett County Commissioners and Planning Commission

Dear Gwinnett County Commissioners,

The following Application for rezoning is justified for the following reasons (which will be explained in more detail in following pages):

1. Subject Property does not have reasonable economic value under its current zoning of Mobile Homes.
2. The request of rezoning to more appropriate O-I conditional Senior Housing is consistent with adjoining properties as well as numerous other properties on same street. The requested Special Use Permit for Height is cooperative with the topography as and maximizes the green space buffers and Assisted Living is needed to meet the County's future needs.
3. This Application is requesting a plan consistent with the Comprehensive Land Use Plan.
4. The Application, if approved, would only be advantageous to the community in many ways and will have no known negative impact. Just a few of the advantages are helping meet the urgent and growing need for elderly housing. It will set a new standard for green development and construction fulfilling Gwinnett's smart green growth and meeting the need for Senior housing. It will increase the tax base and raise property values with minimal burden on infrastructure.
5. The quality of this LEED Platinum project will enhance the image of Gwinnett County and help attract similar quality projects into Gwinnett. The roof top garden increases the green space and usability of the property.

Thank you for your consideration and support at the Rezoning hearings. If you should have any questions or comments, please do not hesitate to call me (770) 457-3300.

Sincerely,



Christopher M. Hunt, Applicant
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Atlanta, Georgia 30341-2235
(770) 457-3300
cmh@greencommunitydev.com

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SUP '13 0 4 6

SPECIAL USE PERMIT 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]

Signature of Property Owner

7-5-2013

Date

Mark Pottinger Pres. American Investment Group, Inc.

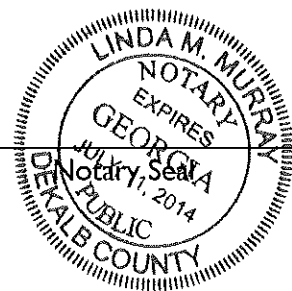
Type or Print Name and Title

Linda M. Murrey

Signature of Notary Public

7/5/13

Date



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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

SPECIAL USE

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:

(Map Reference Number)

SPECIAL USE

7TH

- 28

- 7-028-010

District

Land Lot

Parcel

1080 + 1088 BUFORD DRIVE BUFORD GA

WR

Change of use 7-5, 13

Signature of Applicant owner

APPLICANT

Date

Mark Rittinger
Type or Print Name and Title

for American Investment Group Inc

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)

Rhonda Jackson

NAME

Tax Services Assoc.

TITLE

8/2/13

DATE

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AUG 02 2013

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