

CHANGE IN CONDITIONS APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>N W LAND HOLDINGS, LLC</u>	NAME: <u>N W LAND HOLDINGS, LLC</u>
ADDRESS: <u>1160 SATELLITE BLVD. SUITE 102</u>	ADDRESS: <u>1160 SATELLITE BLVD. SUITE 102</u>
CITY: <u>SUWANEE</u>	CITY: <u>SUWANEE</u>
STATE: <u>GEORGIA</u> ZIP: <u>30024</u>	STATE: <u>GEORGIA</u> ZIP: <u>30024</u>
PHONE: <u>678-436-0170</u>	PHONE: <u>678-436-0170</u>
CONTACT PERSON: <u>TRACEY MASON</u> PHONE: <u>770-963-6909</u>	
CONTACT'S E-MAIL: <u>TRACEY@TDMASONLAW.COM</u>	

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

<input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> APPLICANT IS THE: PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
ZONING DISTRICTS(S): <u>R-100 MODIFIED</u> PRIOR ZONING CASE: <u>RZR-2006-00071</u>	
LAND DISTRICT(S): <u>3</u> LAND LOT(S): <u>1</u> ACREAGE: <u>32.64</u>	
ADDRESS OF PROPERTY: <u>3300 HDG MOUNTAIN ROAD</u>	
PROPOSED CHANGE IN CONDITIONS: <u>SEE LETTER OF INTENT ATTACHED</u>	
RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: <u>71</u> DWELLING UNIT SIZE (Sq. Ft.): <u>2500-QUESTA / 2700-TWISTY</u> GROSS DENSITY: <u>2.18 UNITS/ACRE</u> NET DENSITY: <u>2.25 UNITS/ACRE</u>	NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/LOTS: _____ TOTAL GROSS SQUARE FEET: _____ DENSITY: _____

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED RECEIVED BY

L E G A L D E S C R I P T I O N

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN DISTRICT 3, LAND LOT 1, GWINNETT COUNTY, GEORGIA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF HOG MOUNTAIN CHURCH ROAD AND THE NORTHERLY PROJECTED 80' RIGHT OF WAY OF HOG MOUNTAIN-BRASELTON ROAD; THENCE PROCEEDING IN AN EASTERLY DIRECTION ALONG THE RIGHT OF WAY OF HOG MOUNTAIN-BRASELTON ROAD A DISTANCE OF 3239' TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE North 18 degrees 22 minutes 45 seconds East for a Distance of 934.42 feet TO A 1/2" REBAR FOUND;
THENCE North 56 degrees 21 minutes 07 seconds East for a Distance of 400.98 feet TO A POINT;
THENCE North 46 degrees 10 minutes 09 seconds East for a Distance of 209.88 feet TO A POINT;
THENCE South 49 degrees 39 minutes 37 seconds East for a Distance of 524.47 feet TO A CAPPED REBAR FOUND;
THENCE South 49 degrees 36 minutes 52 seconds East for a Distance of 722.96 feet TO A CAPPED REBAR FOUND;
THENCE South 43 degrees 48 minutes 31 seconds West for a Distance of 232.60 feet TO A ROCK FOUND;
THENCE South 35 degrees 00 minutes 50 seconds West for a Distance of 830.24 feet TO A POINT;
THENCE along a curve to the right having a radius of 1030.23 Feet and an arc length of 163.46 feet, being subtended by a chord Of North 55 degrees 09 minutes 53 seconds west for a distance of 163.29 feet TO A POINT;
THENCE North 50 degrees 37 minutes 09 seconds West for a Distance of 145.24 feet TO A POINT;
THENCE along a curve to the left having a radius of 606.46 Feet and an arc length of 225.52 feet, being subtended by a chord Of North 61 degrees 16 minutes 22 seconds west for a distance of 224.23 feet TO A POINT;
THENCE North 22 degrees 33 minutes 36 seconds East for a Distance of 348.85 feet TO A POINT;
THENCE North 73 degrees 32 minutes 29 seconds West for a Distance of 240.45 feet TO A 1/2" OTP FOUND;
THENCE South 17 degrees 39 minutes 40 seconds West for a Distance of 154.72 feet TO A POINT;
THENCE North 83 degrees 09 minutes 41 seconds West for a Distance of 298.35 feet TO A POINT;
THENCE South 17 degrees 01 minutes 14 seconds West for a Distance of 199.94 feet TO A 1/2" REBAR FOUND;
THENCE along a curve to the right having a radius of 4700.21 Feet and an arc length of 152.98 feet, being subtended by a chord Of North 82 degrees 04 minutes 35 seconds west for a distance of 152.97 feet TO A 1/2" OTP FOUND, SAID POINT BEING THE TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements, and Restrictions of record.

Said property contains 32.64 acres.

RECEIVED BY

JUN 3 2014

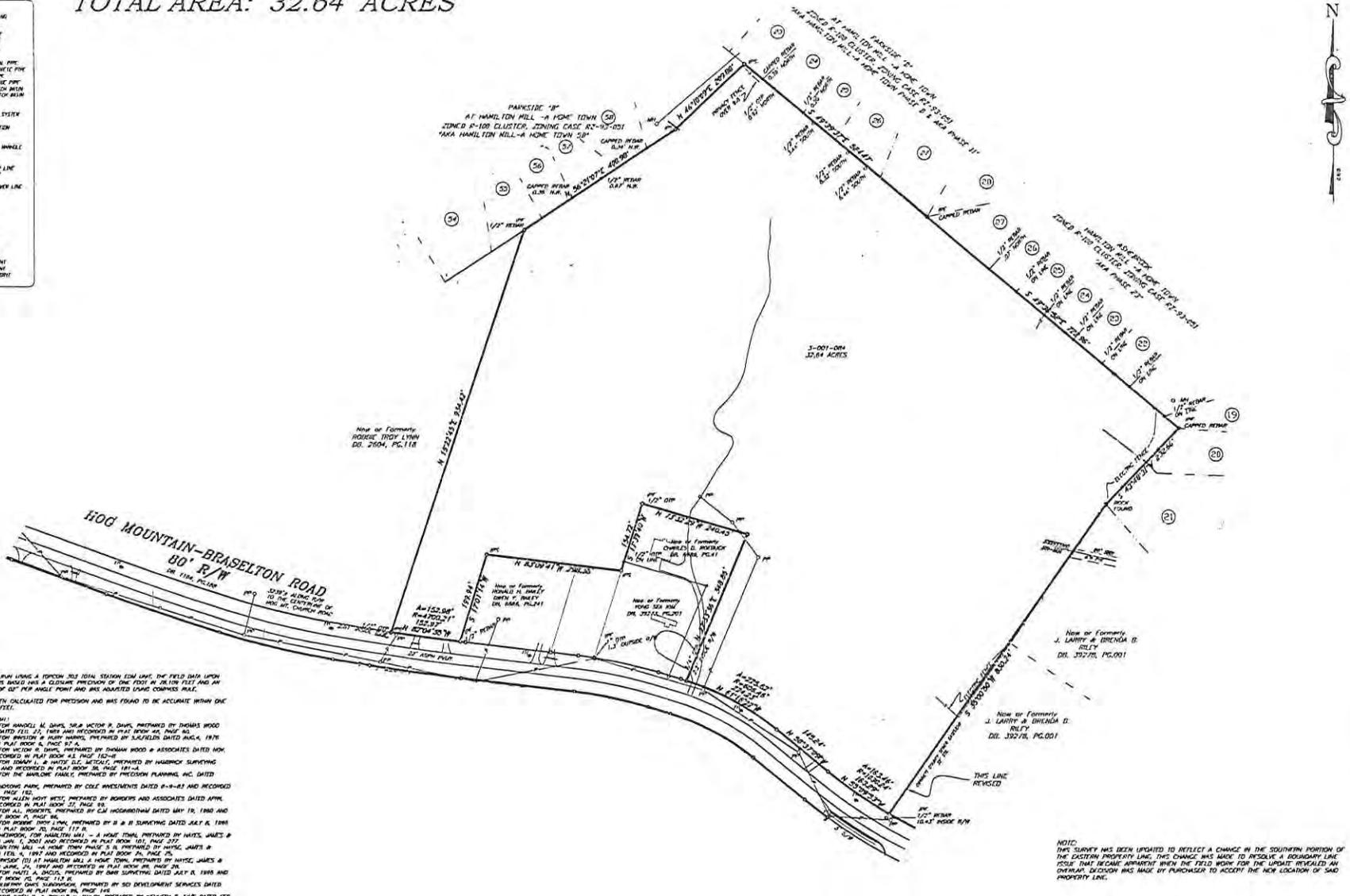
CIC '14 008

Planning & Development

TOTAL AREA: 32.64 ACRES

LEGEND

1.00	BOUNDARY LINE
1.01	LINE OF LOT
1.02	RIGHT OF WAY
1.03	LINE OF CORNER
1.04	LINE OF TOWN
1.05	LINE OF ROAD
1.06	LINE OF FENCE
1.07	LINE OF CURB
1.08	LINE OF DRIVE
1.09	LINE OF SIDEWALK
1.10	LINE OF UTILITY
1.11	LINE OF EASEMENT
1.12	LINE OF ENCUMBRANCE
1.13	LINE OF EJECTA
1.14	LINE OF EJECTA
1.15	LINE OF EJECTA
1.16	LINE OF EJECTA
1.17	LINE OF EJECTA
1.18	LINE OF EJECTA
1.19	LINE OF EJECTA
1.20	LINE OF EJECTA
1.21	LINE OF EJECTA
1.22	LINE OF EJECTA
1.23	LINE OF EJECTA
1.24	LINE OF EJECTA
1.25	LINE OF EJECTA
1.26	LINE OF EJECTA
1.27	LINE OF EJECTA
1.28	LINE OF EJECTA
1.29	LINE OF EJECTA
1.30	LINE OF EJECTA
1.31	LINE OF EJECTA
1.32	LINE OF EJECTA
1.33	LINE OF EJECTA
1.34	LINE OF EJECTA
1.35	LINE OF EJECTA
1.36	LINE OF EJECTA
1.37	LINE OF EJECTA
1.38	LINE OF EJECTA
1.39	LINE OF EJECTA
1.40	LINE OF EJECTA
1.41	LINE OF EJECTA
1.42	LINE OF EJECTA
1.43	LINE OF EJECTA
1.44	LINE OF EJECTA
1.45	LINE OF EJECTA
1.46	LINE OF EJECTA
1.47	LINE OF EJECTA
1.48	LINE OF EJECTA
1.49	LINE OF EJECTA
1.50	LINE OF EJECTA



SURVEY NOTATION:
 THIS SURVEY WAS PERFORMED BY THE SURVEYOR IN THE FIELD USING A TOTAL STATION WITH AN ELECTRONIC DISTANCE MEASUREMENT SYSTEM (EDM) AND AN ANGLE MEASUREMENT SYSTEM (AMS) WITH AN ACCURACY OF 1:50,000. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE SURVEYING AND MAPPING ACT OF 1992 AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING ENGINEERS OF THE STATE OF GEORGIA.

REFERENCE MATERIAL:
 PLAT OF SURVEY FOR PARCELS 34, 35 & 36 VICTOR B. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED FEB. 27, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 80.
 PLAT OF SURVEY FOR PARCELS 37, 38 & 39 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 81.
 PLAT OF SURVEY FOR PARCELS 40, 41 & 42 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 82.
 PLAT OF SURVEY FOR PARCELS 43, 44 & 45 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 83.
 PLAT OF SURVEY FOR PARCELS 46, 47 & 48 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 84.
 PLAT OF SURVEY FOR PARCELS 49, 50 & 51 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 85.
 PLAT OF SURVEY FOR PARCELS 52, 53 & 54 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 86.
 PLAT OF SURVEY FOR PARCELS 55, 56 & 57 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 87.
 PLAT OF SURVEY FOR PARCELS 58, 59 & 60 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 88.
 PLAT OF SURVEY FOR PARCELS 61, 62 & 63 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 89.
 PLAT OF SURVEY FOR PARCELS 64, 65 & 66 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 90.
 PLAT OF SURVEY FOR PARCELS 67, 68 & 69 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 91.
 PLAT OF SURVEY FOR PARCELS 70, 71 & 72 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 92.
 PLAT OF SURVEY FOR PARCELS 73, 74 & 75 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 93.
 PLAT OF SURVEY FOR PARCELS 76, 77 & 78 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 94.
 PLAT OF SURVEY FOR PARCELS 79, 80 & 81 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 95.
 PLAT OF SURVEY FOR PARCELS 82, 83 & 84 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 96.
 PLAT OF SURVEY FOR PARCELS 85, 86 & 87 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 97.
 PLAT OF SURVEY FOR PARCELS 88, 89 & 90 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 98.
 PLAT OF SURVEY FOR PARCELS 91, 92 & 93 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 99.
 PLAT OF SURVEY FOR PARCELS 94, 95 & 96 WALTER W. SMITH, PREPARED BY THOMAS WOOD AND ASSOCIATES DATED MAR. 1, 1983 AND RECORDED IN PLAT BOOK 44, PAGE 100.

IF YOU DIG GEORGIA...
 CALL US FIRST
 UTILITIES PROTECTION CENTER
 STATE WIDE
 1 800 282-7411
 IT'S THE LAW

RECEIVED BY

JUN 3 2014

Planning & Development

CIC'14 008

RINGO ABERNATHY & ASSOCIATES, INC.
 PROFESSIONAL ENGINEER
 STATE OF GEORGIA

PROJECT INFORMATION

COUNTY: CHATTAHOOCHEE
 DISTRICT: 3
 LAND ID: 001
 DATE: 09/24/03
 SCALE: 1"=100'
 JOB NO.: 0050

CLIENT INFORMATION

CLIENT: CHATTAHOOCHEE
 PROJECT: 001
 DATE: 09/24/03
 SCALE: 1"=100'
 JOB NO.: 0050

PROJECT NAME

WIV LAND HOLDINGS, LLC

REVISIONS

NO.	DATE	DESCRIPTION
1	4/25/14	

SHEET

CHANGE IN CONDITIONS APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY.

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

The subject property is zoned R100-Modified. The adjacent and nearby properties are built-out as single family homes. The proposed change in conditions will allow for the development of a comparable neighborhood.

(B) *WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:*

Adjacent and nearby properties are built-out with single family homes. The proposed changes in conditions will not create adverse conditions for those property owners.

(C) *WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:*

The changes in conditions will allow for the opportunity to provide building lots to the market, which are becoming short in supply, for the construction of homes that match an unfulfilled market supply.

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

The proposed changes in conditions will not increase the use of roads, school capacity, or utility capacity. The number of homes proposed is consistent with the number allowed under the existing conditions.

(E) *WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:*

The subject property is zoned R100-Modified. The proposed change in conditions is in conformity with the policy and intent of the zoning district.

RECEIVED BY

CIC '14 008

JUN 3 2014

Planning & Development

(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 CHANGE IN CONDITIONS:

The property was zoned in 2006 simultaneously with the zoning of a property, approximately 41 acres in size, located across Hog Mountain Road from the subject property, which has been developed and built-out by others as The Grove At Hamilton Mill. The properties were zoned R100Modified with conditions that linked the two communities in sharing common amenities and would have a common homeowners association. Foreclosure actions, changes of ownership, and actions taken by a new investor in The Grove At Hamilton Mill created legal changes which are non-reversible, preventing these zoning conditions from being implemented at this time as originally intended. The requested change in conditions will not link the subject property with The Grove At Hamilton Mill, creating a standalone community of 32.64 acres, consistent with the R100Modified single family residence district .

CIC '14 008

RECEIVED BY

JUN 3 2014

Planning & Development

LETTER OF INTENT
CHANGE IN CONDITIONS APPLICATION - RZR-2006-00021

Page 1 of 6

SUBJECT PROPERTY: 32.64 ACRES
ZONING CASE – RZR-2006-00021
APPLICANT – WW LAND HOLDINGS, LLC- Applicant & Owner

This Letter Of Intent is presented in two sections. The first section presents the events and actions taken which necessitated the Change In Conditions application. The second section lists the current Conditions established through Zoning Case RZR-2006-00021 and then the proposed revisions to match the current state of affairs for the property (RZR-2006-00021) as explained in the first section of this letter.

The Subject Property will continue in its current Zoning District – R100Modified Single Family Residence District. The size of the tract is 32.64 acres. The number of lots has not changed from its original zoning case as found more specifically on page 7 of the 2006 Gwinnett County Department of Planning and Development’s 2006 RZR Rezoning Case Report - - 76 lots. The gross and net acreage for the proposed development is 2.18 gross and 2.25 net dwelling units per acre.

SECTION ONE

WW Land Holdings, LLC, being both the Applicant and the Owner for the Subject Property (32.64 acres), is seeking changes in conditions to Zoning Resolution – Case Number RZR-2006-00021. The Board of Commissioners approved an amendment to the official zoning map from RA-200 to R-100Modified, subject to listed conditions, on July 25, 2006. On the same day, a second zoning application was approved for another property (41 acres) – Case number RZR-06-022. Copies of both rezoning cases are attached for easy reference. Also attached is page 7 of the Gwinnett County Department of Planning and Development’s 2006 RZR Rezoning Case Report. Both the attached Rezoning Resolutions and the page from the 2006 Rezoning Case Report explain the linkage between the properties, the Subject Property rezoning case number RZR-2006-00021 and 41 acres rezoning case number RZR-2006-00022.

Subsequent to zoning and prior to foreclosure, the original owner/developer closed on an acquisition and development loan on January 4, 2007. The original owner/developer received approval from Gwinnett County for development and permitting for both parcels of land but commenced development only on the 41 acre parcel (RZR-2006-00022), and did not develop the 32.64 acre parcel (RZR-2006-00021), for which this Change In Conditions is requested.

RECEIVED BY

JUN 3 2014

CIC '14 008

Planning & Development

LETTER OF INTENT
CHANGE IN CONDITIONS APPLICATION - RZR-2006-00021

Page 2 of 6

The original owner/developer filed for record with The Superior Court of Gwinnett County on September 18, 2007, the Declaration of Covenants, Conditions, and Restrictions for The Grove At Hamilton Mill (Declaration) – the 41 acre parcel. However, Exhibit “A”, the legal description to the Declaration, encumbered both parcels – the 41 acre parcel (RZR-2006-00022) that they developed, and the 32.64 acre parcel (the Subject Property - RZR-2006-00021) which they did not develop. Through the recordation of the Declaration there was established a homeowners association to manage both parcels. Found in Exhibit “D” to the recorded Declaration are the By-Laws of The Grove At Hamilton Mill Homeowners Association. Following the recording of the Declaration, the final plat for the 41 acre parcel titled “The Grove At Hamilton Mill” was filed and recorded on October 2, 2007. The 32.64 acre parcel remained undeveloped, permitted, and bound by the recorded Declaration.

On December 30, 2009, the lender for the acquisition and development loan for the original owner/developer, assigned its note and deed to secure debt, and security instrument to Fairway Fund XII, LLC, a New York limited liability company. The assignment was filed for record in The Superior Court of Gwinnett County on February 3, 2010. Fairway Fund XII, LLC, for reason of default, accelerated the principal and interest payable by the original owner/developer. The indebtedness remained in default and the new lender, Fairway Fund XII, LLC, advertised the property for sale to the highest bidder. On March 2, 2010, Fairway Fund XII, LLC, through foreclosure, was the highest bidder and became the owner of the developed lots in The Grove At Hamilton Mill, referred to previously as the 41 acre parcel (RZR-2006-00022) and became the owner of the unimproved 32.64 acre parcel (RZR-2006-00021) – the Subject Property - through a “Deed Under Power”. Fairway Fund XII, LLC, upon taking title through the deed under power, immediately filed for record in The Superior Court of Gwinnett County then proceeded on March 2, 2010, a document referred to as “Lender Consent and Ratification to the Declaration of Covenants, Conditions and Restrictions for The Grove At Hamilton Mill” (Ratification). Fairway Fund XII, LLC claimed that the original owner/developer did not get consent of the original lender for the filing of the Declaration encumbering both The Grove At Hamilton Mill and the unimproved Subject Property (32.64 acre parcel) at the initial filing of the Declaration.

Fairway Fund XII, LLC, as the successor lender to the original lender, did not consent to the subjection of the property to the Declaration upon its original recordation and thus filed the Ratification subjecting the property to the Declaration. Then, at the same time on March 2, 2010, filed for record with The Superior Court of Gwinnett County the “Assignment of Declarant’s Rights Under and Amendment to the Declaration of Covenants, Conditions and Restrictions For The Grove At Hamilton Mill” (Amendment).

The assignment of Declarants rights to Fairway Fund XII, LLC through the powers contained in the Declaration, gave Fairway Fund XII, LLC the right to amend the legal description found in Exhibit “A” of the Declaration. The original Exhibit “A” was deleted from the Declaration and replaced only by the 41 acre parcel recorded as “The Grove At Hamilton Mill” which plat

CIC'14 008

LETTER OF INTENT
CHANGE IN CONDITIONS APPLICATION - RZR-2006-00021

Page 3 of 6

contained 90 recorded lots. The legal description of the Subject Property(32.64 acre parcel - RZR-2006-00021) was eliminated from the Declaration by being removed from Exhibit "A" of the Declaration and resulting in the Subject Property (RZR-2006-00021) no longer being part of the community as originally zoned.

WW Land Holdings, LLC attempted to re-engage with the community, by subjecting itself to the original Declaration and its Homeowners Association controlled by the homeowners in The Grove At Hamilton Mill (the 41 acre developed parcel). WW Land Holdings, LLC met with a majority of the board members for the Homeowners Association who later responded by letter on April 9, 2014, indicating, per the conditions set forth in the Declaration and the By-Laws of the Homeowners Association, that they would present the matter and the related facts to the homeowners for a vote regarding the linking of the two parcels together. Rosa Probst, a board member, notified WW Holdings, LLC by phone indicating that a vote was taken and the community overwhelmingly rejected the linking of the Subject Property (32.64 acre parcel RZR-2006-00021) back into "The Grove At Hamilton Mill". At that time, the former Declarant, Fairway Fund XII, LLC had sold all lots in the Grove At Hamilton Mill and in doing such relinquished its declarant rights leaving the homeowners sole authority in the annexation of any properties into The Grove At Hamilton Mill.

The events listed above and the documents referenced previously, which are bundled and attached, have changed the intended initial planned character for the Subject Property (32.64 acre parcel RZR-2006-00021). The Applicant, WW Holdings, LLC, has filed its Change In Conditions application to re-establish a new community suited for the Subject Property (32.64 acre parcel) primarily matching the previously approved and permitted construction plans under the current Zoning District, R-100 Modified, for the property as established through zoning case RZR-2006-00021.

CIC'14 008

SECTION TWO

1. A. Single-family detached dwellings and access uses at a maximum density of 2.3 units per acre (169 lots for the subdivision combined).

REVISED CONDITION - - Single-family detached dwellings and accessory uses at a maximum density of 2.3 units per acre (76 units) per 2006 Rezoning Cases Report – page 7.

1. B. The minimum heated floor area per dwelling unit shall be 2,500 square feet for one-story homes and 2,700 square feet for two-story homes.

NO CHANGE TO THIS CONDITION.

1. C. All homes shall have a minimum two car garage with painted decorative garage doors (i.e. carriage-style doors).

REVISED CONDITION - - All homes shall have a minimum two car garage with painted garage doors having a consistent architectural style (Ex. carriage-style).

1. D. Lots that are directly adjacent to Hog Mountain Road exterior property lines shall be constructed of four-sides brick, stacked stone or stucco. The balance of the homes shall be the same or fiber-cement siding. The rest of the elevations shall be in general accordance with the elevations shown at the July 19th, 2006 Planning Commission meeting and shall be submitted for review and approval by the Director of Planning and Development.

REVISED CONDITION - -Homes constructed shall have brick, stacked stone, stucco, or fiber-cement siding, or a combination of these materials. Home plans shall be submitted for review and approval by the Director of Planning and Development.

2. A. Provide a 50-foot undisturbed buffer adjacent to all property lines of Mulberry Oaks subdivision and all RA-200 property (excluding County property). These buffers shall be deeded to the HOA. All other property lines shall maintain a 20-foot construction buffer. Provide orange tree save fencing prior to any land disturbance.

REVISED CONDITION - - Provide a 50-foot undisturbed buffer along the northeasterly property line adjacent to the RA-200 property. This buffer shall be deeded to the HOA as open space. All other property lines shall maintain a 20-foot construction buffer. Provide orange tree save fence prior to any land disturbance.

2. B. All grassed areas on dwelling lots shall be sodded.

NO CHANGE TO THIS CONDITION

2. C. One entrance shall be allowed along the east side of Hog Mountain Road. Provide a left turn lane into the development (east side) subject to review and approval of Gwinnett County DOT.

THIS CONDITION DOES NOT APPLY TO THE SUBJECT PROPERTY - - DELETE

2. D. Natural vegetation shall remain on the property prior to the issuance of a Development Permit.

NO CHANGE TO THIS CONDITION

2. E. Provide underground utilities throughout the development.

NO CHANGE TO THIS CONDITION

2. F. Both developments shall have one permanent homeowners association that share in the ongoing maintenance of all detention ponds, exterior frontage, fencing, entrance monuments and recreation areas.

REVISED CONDITION - - The development shall have a mandatory homeowners association, comprised of unit owners, that will provide for ongoing maintenance of "Areas of Common Responsibility" for areas abutting or within the development. These areas to include common areas, public rights-of-way, all landscaping, entry features, signage, fencing, detention ponds, or any other areas the homeowners association designates for common maintenance responsibility.

2. G. The entry monuments shall include monument-style signs with wrought iron fencing with brick or stone columns every 30-feet on center running the length of the property frontage along Hog Mountain Road on both sides. The fence and landscaping shall be subject to review and approval of the Director of Planning and Development.

REVISED CONDITION - - The entrance of the development shall have a combination of hardscape, signage, landscaping, plant material, trees, sod, fencing, irrigation, etc. which will establish the identity and sense of arrival into the development. All improvements will be subject to the review and approval of the Director of Planning and Development.

LETTER OF INTENT
CHANGE IN CONDITION APPLICATION - RZR-2006-00021

Page 6 of 6

2. H. A shared swim and tennis facility including one tennis court minimum, with a clubhouse shall be required.

THIS CONDITION DOES NOT APPLY TO SUBJECT PROPERTY - - DELETE

2. I. Prior to issuance of a Development Permit the developer shall provide \$10,000 to Gwinnett County for realignment or possible intersection improvements to Hog Mountain Road and State Route 124 Braselton Highway (at Hog Mountain Church).

THIS CONDITION HAS BEEN SATISFIED

2. J. Direct lot access to Hog Mountain Road is prohibited.

NO CHANGE TO THIS CONDITION

2. K. No flags, signs or banners shall be allowed in the neighborhood except for the main subdivision for sale sign.

NO CHANGE TO THIS CONDITION

NOTE: See Section One explanations referencing the combining of Zoning Cases RZR2006-00021, and RZR2006-00022. Subsequently, the owner of these properties, Fairway Fund XII, LLC, via foreclosure, ratified the Declaration of Covenants, Conditions, and Restrictions for "The Grove At Hamilton Mill", amending the Declaration by removing the subject property from the planned community. This action, that is non reversible, results in conditions today that do not apply, which led to this C.I.C. application.

CIC'14 008

CHANGE IN CONDITIONS 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.

WW LAND HOLDINGS, LLC

BY: [Signature]

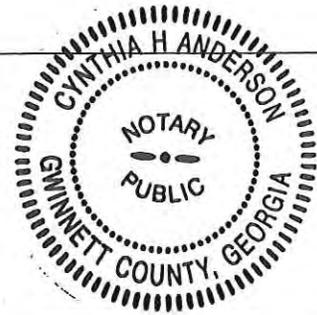
6/3/14

BY: [Signature]
Signature of Applicant

6/3/14
Date

BY: [Signature]

BY: [Signature]
Type or Print Name and Title



[Signature]
Signature of Notary Public
Signature of Notary Public

6/3/14
Date

Date Notary Seal Notary Seal

expires 9/27/17

RECEIVED BY

JUN 3 2014

Planning & Development

CHANGE IN CONDITIONS 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.

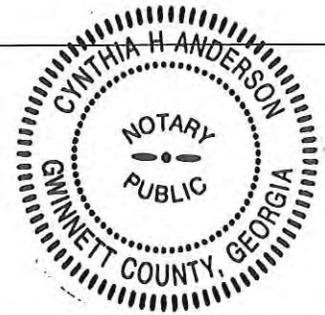
W W LAND HOLDINGS, LLC

BY: [Signature]
Signature of Property Owner

6/3/14
6/3/14
Date

BY: [Signature]
BY: [Signature]
Type or Print Name and Title

[Signature] 6/3/14
Signature of Notary Public Date



Notary Seal
expires 9/27/17

RECEIVED BY
JUN 3 2014
Planning & Development

CIC'14 008

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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.

BY: [Signature] 6/3/14 WADE JOHNSON
 Signature of Applicant Date Type of Print Name and Title
 BY: [Signature] 6/3/14 Warren Neal
 Signature of Applicant Date Type of Print Name and Title

 Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

[Signature] 6/3/14 expirist
 Signature of Notary Public Date
9/27/17



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?

BY [Signature]
 YES NO BY [Signature]
 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.

RECEIVED BY
 JUN 3 2014

