

**CHANGE IN CONDITIONS APPLICATION**

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Indian Shoals Properties, LLC c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Indian Shoals Properties, LLC c/o Mahaffey Pickens Tucker, LLP</u>
ADDRESS: <u>1550 N. Brown Road, Suite 125</u>	ADDRESS: <u>1550 N. Brown Road, Suite 125</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Lawrenceville</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30043</u>
PHONE: <u>770-232-0000</u>	PHONE: <u>770-232-0000</u>
CONTACT PERSON: <u>R. Lee Tucker, Jr., Esq. or Wes Turner, Esq.</u> PHONE: <u>(770) 232-0000</u>	
CONTACT'S E-MAIL: <u>ltucker@mptlawfirm.com or wturner@mptlawfirm.com</u>	

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

APPLICANT IS THE:		
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICT(S): <u>R-100</u>	PRIOR ZONING CASE: <u>RZR-05-033</u>	
LAND DISTRICT(S): <u>5th</u>	LAND LOT(S): <u>316</u>	ACREAGE: <u>5.137 Acres</u>
ADDRESS OF PROPERTY: <u>3000 Block of Indian Shoals Road &amp; 2800 Block of Jones Phillips Road, Dacula, GA 30019</u>		
PROPOSED CHANGE IN CONDITIONS: <u>Modifications to Condition 1H</u>		

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
No. of Lots/Dwelling Units <u>75 (with RZR-05-032)</u>	No. of Buildings/Lots: <u>N/A</u>
Dwelling Unit Size (Sq. Ft.): <u>2,000 S.F. (1 story)/ 2,400 S.F. (2 Story)</u>	Total Building Sq. Ft. <u>N/A</u>
Gross Density: <u>1.75 lots/acre (with RZR-05-032)</u>	Density: <u>N/A</u>
Net Density: <u>1.97 lots/acre (with RZR-05-032)</u>	

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*Land Description*

All that tract or parcel of land lying and being in Land Lot 316 and Land Lot 325 of the 5th Land District of Gwinnett County, Georgia, being more particularly described as follows:

To find the True Point of Beginning commence at a point formed by the intersections of Land Lots 316, 317, 324, and 325, THENCE North 28 degrees 26 minutes 45 seconds West for a distance of 200.13 feet to a point; said point being the TRUE POINT OF BEGINNING. THENCE North 57 degrees 18 minutes 58 seconds East for a distance of 218.48 feet to a point; THENCE South 30 degrees 01 minutes 06 seconds East for a distance of 177.99 feet to a point; THENCE South 62 degrees 04 minutes 29 seconds West for a distance of 141.95 feet to a point; THENCE South 61 degrees 44 minutes 36 seconds West for a distance of 207.46 feet to a point; THENCE South 62 degrees 04 minutes 18 seconds West for a distance of 215.14 feet to a point; THENCE South 61 degrees 18 minutes 29 seconds West for a distance of 177.88 feet to a point; THENCE North 25 degrees 51 minutes 06 seconds East for a distance of 165.80 feet to a point; THENCE along a curve to the right having a radius of 984.93 feet an arc length of 362.72 feet being subtended by a chord bearing of North 15 degrees 18 minutes 06 seconds East for a distance of 360.67 feet to a point; THENCE North 04 degrees 45 minutes 06 seconds East for a distance of 191.00 feet to a point; THENCE along a curve to the right having a radius of 746.20 feet an arc length of 265.05 feet being subtended by a chord bearing of South 05 degrees 25 minutes 27 seconds East for a distance of 263.66 feet to a point; THENCE North 71 degrees 08 minutes 26 seconds East for a distance of 16.40 feet to a point; THENCE South 28 degrees 37 minutes 30 seconds East for a distance of 606.25 feet to a point, said point being the TRUE POINT OF BEGINNING;

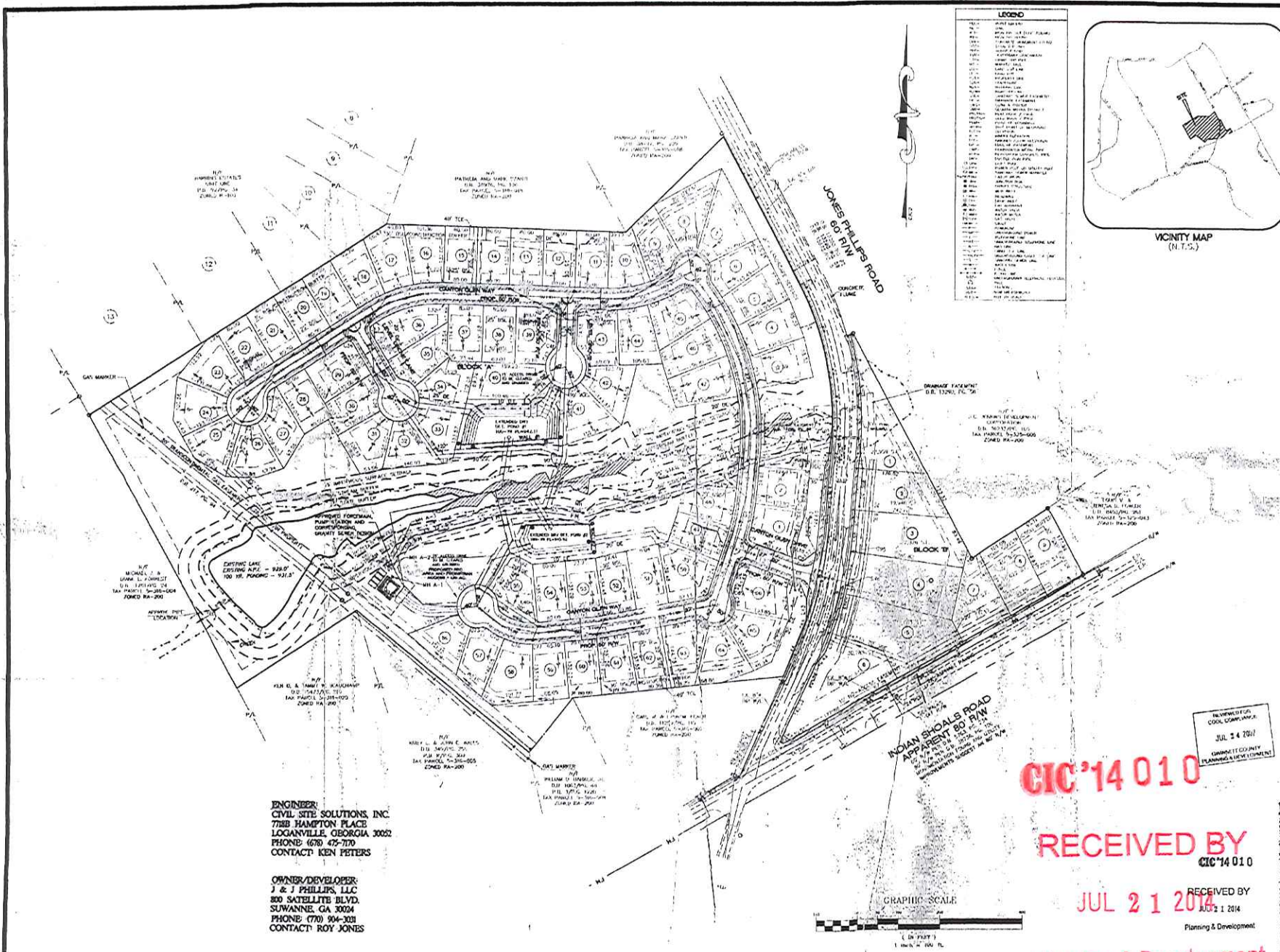
Together with and subject to covenants, easements, and restrictions of record, Said property contains 5.137 acres.

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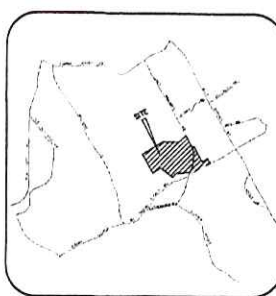
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**LEGEND**

1	PROPERTY LINE
2	LOT CENTER
3	LOT CORNER
4	LOT AREA
5	LOT PERIMETER
6	LOT AREA
7	LOT PERIMETER
8	LOT AREA
9	LOT PERIMETER
10	LOT AREA
11	LOT PERIMETER
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16	LOT AREA
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22	LOT AREA
23	LOT PERIMETER
24	LOT AREA
25	LOT PERIMETER
26	LOT AREA
27	LOT PERIMETER
28	LOT AREA
29	LOT PERIMETER
30	LOT AREA



VICINITY MAP (N.T.S.)

**STAMP**

**CIVIL SITE SOLUTIONS, INC.**  
SITE PLANNING, SURVEYING

**PROJECT**

**SHADY CREEK ESTATES**  
F.K.A.  
JONES PHILLIPS RD. TRACT

LOCATED IN LAND 318  
5TH DISTRICT  
GWINNETT COUNTY, GEORGIA

**PRELIMINARY PLAN**

**SHEET TITLE**

DESIGN	DRAWN	CHECKED
KLP	KLP	KLP

**REVISION**

DATE	DESCRIPTION
07/13/06	
05-143	

3 OF 25

**ENGINEER:**  
CIVIL SITE SOLUTIONS, INC.  
7788 HAMPTON PLACE  
LOGANVILLE, GEORGIA 30024  
PHONE: (678) 475-7770  
CONTACT: KEN PETERS

**OWNER/DEVELOPER:**  
J & J PHILLIPS, LLC  
800 SATELLITE BLVD.  
SUWANNEE, GA 30024  
PHONE: (770) 904-3031  
CONTACT: ROY JONES

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

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

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

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

SEE ATTACHED.

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

SEE ATTACHED.

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

SEE ATTACHED.

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

SEE ATTACHED.

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

SEE ATTACHED.

- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE REZONING:

SEE ATTACHED.

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

- A. Yes, the proposed change in condition will permit a use that is substantially the same as the use and development of adjacent and nearby properties.
- B. No, the proposed change will not adversely affect the existing use/usability of adjacent or nearby properties.
- C. The Property in question does have reasonable economic use as currently zoned. This application does not seek to change the way the Property is currently zoned, but merely seeks to alter certain conditions in light of the number of homes that will be located in the single-family subdivision.
- D. No, the proposed change will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- E. Yes, the proposed change is in conformity with the policy and intent of the land use policy. The Property is developed as a single-family R-100 subdivision, and nothing in this application seeks to change that classification.
- F. Yes, the number of residential homes that will be located in the subdivision and the zoning conditions of other subdivisions in the area surrounding the Property give support for the approval of the proposed change in conditions.

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Matthew P. Benson  
Shawn F. Bratton  
Alissa L. Cummo  
Kelly O. Faber  
Amanda C. Floyd  
J. David Gussio  
Gerald Davidson, Jr.\*  
Jill H. Harris\*

Christopher D. Holbrook  
Jeffrey R. Mahaffey  
Steven A. Pickens  
Andrew D. Stancil  
Kenneth W. Stroud  
R. Lee Tucker, Jr.  
Wesley C. Turner  
\*of Counsel

**LETTER OF INTENT FOR CHANGE IN CONDITIONS APPLICATION OF INDIAN SHOALS PROPERTIES, LLC**

Mahaffey Pickens Tucker, LLP submits this Change in Conditions Application on behalf of Indian Shoals Properties, LLC (the “Applicant”) for the purpose of changing a condition of zoning for an approximate 5.137 acre tract located in the 3000 block of Indian Shoals Road and the 2800 block of Jones Phillips Road, Dacula, Georgia, 30019 (“the Property”). The Property is currently zoned as R-100 by virtue of RZR-05-033.

The Property is developed as a single-family, 75-lot subdivision (when combined with the lots developed pursuant to RZR-05-032).

The Applicant seeks to change the following condition of zoning:

- Condition 1H of the Resolution currently reads as follows:  
“Provide a mandatory swim/tennis amenities package.”
- The Applicant respectfully requests that Condition 1H be modified to read as follows:  
“Provide a mandatory swim/tennis amenity package.”

The Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matter set forth in this letter or in the Change in Conditions

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Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

www.mptlawfirm.com

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Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 18<sup>TH</sup> day of July, 2014.

MAHAFFEY PICKENS TUCKER, LLP



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R. Lee Tucker, Jr.  
*Attorneys for Applicant*

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**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.



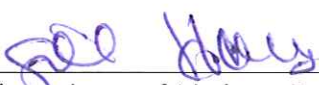
Signature of Applicant

7.17.14

Date

FRANK QUINN                      MANAGER

Type or Print Name and Title



Signature of Notary Public

7-17-14

Date



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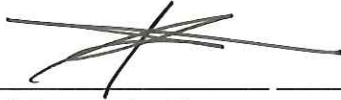
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**CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION**

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.



\_\_\_\_\_  
Signature of Property Owner

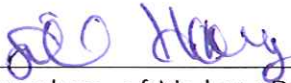
7.17.14

\_\_\_\_\_  
Date

FRANK QUEEN

MANAGER

\_\_\_\_\_  
Type or Print Name and Title



\_\_\_\_\_  
Signature of Notary Public

7-17-14

\_\_\_\_\_  
Date



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**CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS**

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.

 7.17.14 FRANK QUESADA  
 MANAGER

SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

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

 7-17-14

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 Indian Shoals Properties, LLC

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)

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

**CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS**

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.

	7.17.14	Frank Queen
SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	7-18-14	R. Lee Tucker, Jr., Partner
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	7-17-14	
SIGNATURE OF NOTARY PUBLIC	DATE	



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES  NO Mahaffey Pickens Tucker, LLP  
 YOUR NAME

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

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

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

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

MAHAFFEY PICKENS TUCKER, LLP

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Jace Brooks	\$1000	07/02/2012
Tommy Hunter	\$1000	09/06/2012
John Heard	\$ 500	10/24/2012
Tommy Hunter	\$ 500	10/30/2012
Tommy Hunter	\$1000	08/22/2012
John Heard	\$1000	01/09/2014
Lynette Howard	\$1000	03/20/2014

LEE TUCKER, ATTORNEY AT LAW, PC

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Jace Brooks	\$ 500	07/02/2012

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Updated 04/04/2014

