

**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 DISTRICTS(S): <u>R-100 MOD</u>	PRIOR ZONING CASE: <u>RZR-05-032</u>	
LAND DISTRICT(S): <u>5th</u>	LAND LOT(S): <u>316</u>	ACREAGE: <u>37.79 Acres</u>
ADDRESS OF PROPERTY: <u>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-05-033)</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-05-033)</u>	Density: <u>N/A</u>
Net Density: <u>1.97 lots/acre (with RZR-05-033)</u>	

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*Land Description*

All that tract or parcel of land lying and being in Land Lot 316 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 intersection of the northerly right-of-way of Indian Shoals Road and the westerly right-of-way of Jones Phillips Road, Thence along said right-of-way of Jones Phillips Road in a northerly direction for a distance of approximately 244.02 feet to an Iron Pin Set; said point being the TRUE POINT OF BEGINNING; THENCE South 84 degrees 37 minutes 40 seconds West for a distance of 517.97 feet to a point; THENCE South 39 degrees 44 minutes 57 seconds West for a distance of 166.78 feet to a point; THENCE North 51 degrees 43 minutes 07 seconds West for a distance of 534.47 feet to a point; THENCE South 58 degrees 43 minutes 59 seconds West for a distance of 341.81 feet to a point; THENCE North 28 degrees 50 minutes 54 seconds West for a distance of 738.91 feet to a point; THENCE North 58 degrees 48 minutes 49 seconds East for a distance of 844.85 feet to a point; THENCE South 87 degrees 55 minutes 49 seconds East for a distance of 581.44 feet to a point; THENCE North 46 degrees 31 minutes 30 seconds East for a distance of 329.16 feet to a point; THENCE along a curve to the left having a radius of 22,888.31 feet an arc length of 55.29 feet being subtended by a chord bearing of South 28 degrees 07 minutes 59 seconds East for a distance of 55.29 feet to a point; THENCE South 28 degrees 03 minutes 50 seconds East for a distance of 339.16 feet to a point; THENCE along a curve to the left having a radius of 686.20 feet an arc length of 393.01 feet being subtended by a chord bearing of South 11 degrees 39 minutes 22 seconds East for a distance of 387.66 feet to a point; THENCE South 04 degrees 45 minutes 06 seconds West for a distance of 191.00 feet to a point; THENCE along a curve to the left having a radius of 924.93 feet an arc length of 340.62 feet being subtended by a chord bearing of South 15 degrees 18 minutes 06 seconds West for a distance of 338.7 feet to a point; THENCE South 25 degrees 51 minutes 06 seconds West for a distance of 24.90 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 37.79 acres.

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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 Modified 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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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 37.79 acre tract located in the 2800 block of Jones Phillips Road, Dacula, Georgia, 30019 (the “Property”). The Property is currently zoned as R-100 Modified by virtue of RZR-05-032.

The Property is developed as a single-family, 75-lot subdivision (when combined with the lots developed pursuant to RZR-05-033).

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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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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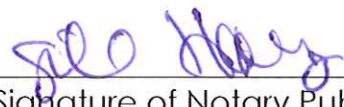
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**CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION**

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

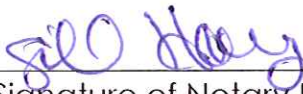
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE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

MANAGER  
\_\_\_\_\_

  
\_\_\_\_\_  
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 QUINN MANAGER
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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