

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: Home South Communities, LLC c/o Mahaffey Pickens Tucker, LLP	NAME: CRM Central Properties LLC
ADDRESS: 1550 North Brown Rd., Ste 125	ADDRESS: 3620 Six Forks Road, Ste 202
CITY: Lawrenceville	CITY: Raleigh
STATE: GA ZIP: 30043	STATE: NC ZIP: 27609
PHONE: (770)232-0000	PHONE: (770)232-0000
CONTACT PERSON: Jeffrey Mahaffey PHONE: (770)232-0000	
CONTACT'S E-MAIL: jmahaffey@mptlawfirm.com	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): C-2 REQUESTED ZONING DISTRICT: R-TH

LAND DISTRICT(S): 7 LAND LOT(S): 155 ACREAGE: 14.3

ADDRESS OF PROPERTY: 1455 Satellite Boulevard, Suwanee, GA

PROPOSED DEVELOPMENT: Townhomes

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: 102	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): min. 1,800	Total Building Sq. Ft. _____
Gross Density: 7.1	Density: _____
Net Density: 7.1	

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 155 of the 7th Land District, Gwinnett County, Georgia and being more particularly described as follows:

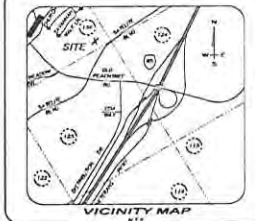
To find **The Point of Beginning**, Commence at the intersection formed by the Northerly Right-of-Way of Satellite Boulevard (Right-of-Way Varies) and the common Land Lot line of land lots 156 & 155, said point being **THE TRUE POINT OF BEGINNING**.

THENCE from said point as thus established and Continuing along said Right-of-Way, South 58 degrees 31 minutes 52 seconds West for a distance of 41.16 feet to a Point; THENCE following along a curve to the left, having a radius of 1,126.33 feet and an arc length of 376.26 feet and being subtended by a chord of South 47 degrees 57 minutes 53 seconds West for a distance of 374.51 feet to a Point; THENCE leaving said Right-of-Way, North 51 degrees 31 minutes 16 seconds West for a distance of 37.40 feet; THENCE North 51 degrees 27 minutes 37 seconds West for a distance of 110.31 feet to a Point; THENCE North 60 degrees 30 minutes 03 seconds West for a distance of 94.55 feet to a Point; THENCE North 60 degrees 12 minutes 29 seconds West for a distance of 92.07 feet to a Point; THENCE South 31 degrees 14 minutes 59 seconds West for a distance of 247.94 feet to a Point; THENCE South 10 degrees 04 minutes 48 seconds West for a distance of 13.01 feet to a Point; THENCE South 06 degrees 29 minutes 43 seconds East for a distance of 40.56 feet to a Point; THENCE South 23 degrees 43 minutes 04 seconds East for a distance of 49.20 feet to a Point; THENCE South 22 degrees 12 minutes 39 seconds East for a distance of 52.77 feet to a Point; THENCE South 55 degrees 56 minutes 21 seconds East for a distance of 17.92 feet to a Point; THENCE South 24 degrees 25 minutes 29 seconds West for a distance of 48.28 feet to a Point; THENCE North 66 degrees 12 minutes 30 seconds West for a distance of 121.89 feet to a Point; THENCE North 28 degrees 51 minutes 18 seconds West for a distance of 402.51 feet to a Point; THENCE North 25 degrees 21 minutes 22 seconds East for a distance of 1,102.80 feet to a Point; THENCE South 29 degrees 52 minutes 33 seconds East for a distance of 467.06 feet to a Point; THENCE South 29 degrees 56 minutes 26 seconds East for a distance of 568.18 feet to a Point, said point being **THE TRUE POINT OF BEGINNING**.

Said property contains 14.30 +/- acres as shown as Tract A2.1 on a Final Plat for The Gates at Sugarloaf, L.L.C, prepared by Jacobs, dated June 7, 2012, and recorded in plat book 129, page 121 Gwinnett County records.

LEGEND

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Precision Planning, Inc.
planners, engineers, architects & surveyors
A Woman Business Enterprise (WBE)
FIG No: 270 - 4018460000 - Leesville, GA 31642-0000
Phone: (770) 242-0000 Fax: (770) 242-0000

IN MY OPINION, THIS SURVEY IS A CORRECT REPRESENTATION OF THE LAND PLATED & WAS PREPARED IN CONFORMANCE WITH THE ECONOMIC STANDARDS FOR PROFESSIONAL SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PRACTICE ACT (O.C.G.A. SECTIONS 18-2-87, 43-10-6, 43-10-6, 43-10-18 & 43-10-22).

REZONING EXHIBIT

PREPARED FOR:
HOMESOUTH COMMUNITIES

PROJECT INFORMATION:
SATELLITE BOULEVARD
PROJECT NAME:
PROJECT NUMBER:
1455 SATELLITE BOULEVARD
PROJECT ADDRESS:
7155 516
PROJECT PARCEL NUMBER:
146
LAND LOT:
799
DISTRICT:
COMMUNITY COUNTY, GEORGIA
CITY, COUNTY, STATE:
C-2
ZONING:

REVISION:

NO.	DESCRIPTION	DATE

SCALE: 1" = 60'
DATE: 1/8/14
SHEET: 1 OF 1

PROPERTY INFORMATION:
1455 SATELLITE BOULEVARD
LEESVILLE, GEORGIA 30057
TAX PARCEL: 7155 516
ZONING INFORMATION TAKEN FROM COMMUNITY COUNTY ZONING MAPS.

PLAT & DEED REFERENCES:
PLAT BOOK 116, PAGE 173
ENTERED AS NOTES ON SURVEY.

THE TITLE RESEARCH PERFORMED IN THE PREPARATION OF THIS SURVEY IS LIMITED TO THE INFORMATION AND SURVEY TO VERIFY THE BOUNDARY LINES OF THE SUBJECT PROPERTY AND THE ADJACENT. THIS SURVEY DOES NOT CONSTITUTE A STUDY, DETERMINATION, ANALYSIS OF RECORDS WHICH AFFECT THE SUBJECT PROPERTY BUT NOT BE SHOWN HEREON.

FLOOD NOTE:
BY GENERAL PLATTING ONLY, NO PORTION OF THE SURVEYED AREA LIES WITHIN A 100-YEAR FLOOD HAZARD AREA PER FEMA FLOOD ZONING, DATED SEPTEMBER 28, 2006.

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS A RECOMMENDATION OF THE REFERENCED MAP AND PUBLIC DATA. THE EXACT LOCATION OF ELEVATIONS OF FLOOD HAZARD REQUIREMENTS AND THE LOCATION OF FLOOD HAZARD MAPS ARE THE SOLE RESPONSIBILITY OF THE CLIENT. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OF PUBLIC DATA.

GENERAL NOTES:
1. ALL AREA INCLUDES EASEMENTS WITHIN.
2. PROPERTY LINE INFORMATION TAKEN FROM EXISTING DEEDS/PLATS OF RECORD IN COMMUNITY COUNTY OF NO SURVEY PERFORMED BY PRECISION PLANNING AT THE TIME OF THIS SURVEY.

NOTES:
SECTION 14555, R-1H SINGLE FAMILY RESIDENCE TOWNSHIP DISTRICT
THIS ZONING DISTRICT IS INTENDED EXCLUSIVELY FOR TOWNSHIP DWELLING UNITS.

- A. WITHIN THE R-1H SINGLE FAMILY RESIDENCE TOWNSHIP DISTRICT, THE FOLLOWING REQUIREMENTS SHALL BE MET:
1. MAXIMUM DENSITY: TWENTY (20) UNITS PER ACRE.
 2. LOT AREA: NO MINIMUM FOR TOWNSHIPS.
 3. LOT WIDTH: NO MINIMUM FOR TOWNSHIPS.
 4. INTERNAL ROAD FRONTAGE: NO MINIMUM.
 5. EXTERNAL ROAD FRONTAGE FOR OVERALL DEVELOPMENT - 50 FEET.
 6. MINIMUM UNIT WIDTH:
 - A. TWENTY-TWO (22) FEET OF DOUBLE-CAR GARAGE TOWNSHIPS.
 - B. TWENTY (20) FEET FOR SINGLE-CAR GARAGE TOWNSHIPS.
 7. MAXIMUM HEIGHT: 35 FEET FOR TOWNSHIPS.
 8. INTERNAL YARD REQUIREMENTS: A 20-FOOT GRASSY OR LANDSCAPED STRIP SHALL BE PROVIDED BETWEEN ALL BUILDINGS AND INTERIOR DRIVEWAYS/STREETS.
 9. EXTERNAL YARD REQUIREMENTS:
 - A. FRONT YARD: 30 FEET
 - B. SIDE YARD: 40 FEET
 - C. REAR YARD: 40 FEET

10. A MINIMUM OF THREE (3) AND MAXIMUM OF FIFTY (50) DWELLING UNITS SHALL BE ALLOWED IN EACH ZONE OF TOWNSHIPS.
11. A 50-FOOT WIDE LANDSCAPED SETBACK SHALL BE PROVIDED ALONG ALL EXTERIOR STREET FRONTAGES. THE LANDSCAPED SETBACK MAY INCORPORATE NATURAL VEGETATION AND SHALL INCLUDE A DECORATIVE FENCE/WALL AND BURNING ARMOR. THE FENCE SHALL BE CONSTRUCTED AS A 50-FOOT HIGH OR STAKED STONE WALL OF AS A MINIMUM 18-INCH-THICK FENCE WITH STOPS OF STAKED STONE COLUMNS (MINIMUM 30-FEET ON-CENTER).
12. CONCEPT PLAN REVIEW

THE FOLLOWING COMMENTS SHALL BE PREPARED BY DESIGN PROFESSIONALS, SUCH AS PLANNERS, ENGINEERS, ARCHITECTS, OF LANDSCAPE ARCHITECTS, AND SUBMITTED TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT:

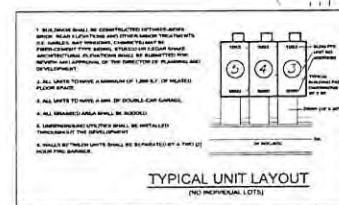
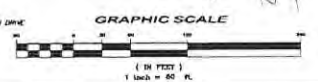
1. A LOCATION MAP INDICATING ZONING ON THE SITE AND TO THE ADJACENT AREAS.
2. A CONCEPT PLAN DRAWING NOT EXCEEDING 100 FEET, INCLUDING THE FOLLOWING INFORMATION:
 - A. LOT LINES AND SETBACKS
 - B. TOPOGRAPHY WITH EXTERIOR ELEVATIONS NO GREATER THAN 20 FEET.
 - C. LAKES, PONDS, AND FLOODPLAINS AND THE SOURCES OF FLOODPLAIN WATER.
 - D. RECREATION FACILITIES TO BE INCORPORATED.
 - E. STORMWATER DETENTION AREAS.
 - F. LOCATION OF TYPICAL OFF-STREET PARKING.
 - G. COORDINATES OF TYPICAL UNITS, AND REAR OF ALL TYPICAL UNITS, INCLUDING PROPOSED BUILDING FOOTPRINTS AND ANY OTHER STRUCTURES SUCH AS RECREATIONAL BUILDINGS.
3. INFORMATION INDICATING THE FOLLOWING:
 - A. UNITS AND NET ACREAGE (SEE DEFINITION OF NET DENSITY).
 - B. LOT SIZES (TYPICAL DIMENSIONS AND SQUARE FOOTAGE).
 - C. AMOUNT OF COMMON OPEN SPACE IN SQUARE FEET (IF APPLICABLE).



PASSIVE RECREATIONAL AREA
115 AC

102 TOTAL UNITS

14.30 +/- ACRES



- NOTES (CONTINUED)**
1. TOTAL AREA = 14.30 ACRES
 2. CURRENT ZONING: C-2
 3. TOTAL NUMBER OF UNITS: 102
NET DENSITY: 4.71 UNITS/ACRE
MAXIMUM DENSITY ALLOWED: 20 UNITS/ACRE
 4. EACH UNIT HAS A TOTAL OF 4 PARKING SPACES: 2 IN GARAGE AND 2 IN DRIVE
 5. REQUIRED BUFFER ADJACENT TO RESIDENTIAL ZONING: 40 FEET
 6. IFC AREA ADEQUACY REQUIRED:
500 SQ. FT./UNIT
IFC AREA REQUIRED = 1.21 AC
IFC AREA PROVIDED = 1.82 AC

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BY:



FRONT AND SIDE ELEVATIONS

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1 TYPICAL BUILDING ELEVATION
3/16" = 1'-0"

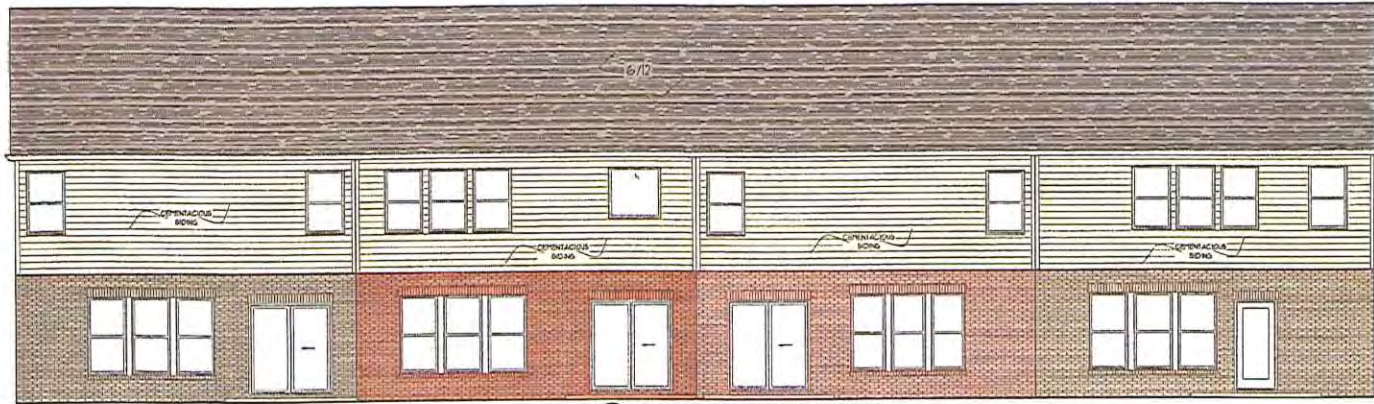
LOE.1	ELEVATION 1
LOT *	UNIT: CARTER

LOE.1	ELEVATION 1
LOT *	UNIT: BURTON

LOE.1	ELEVATION 1
LOT *	UNIT: OGDEN

LOE.1	ELEVATION 1
LOT *	UNIT: LAKELAND

RZM '14 0 0 4



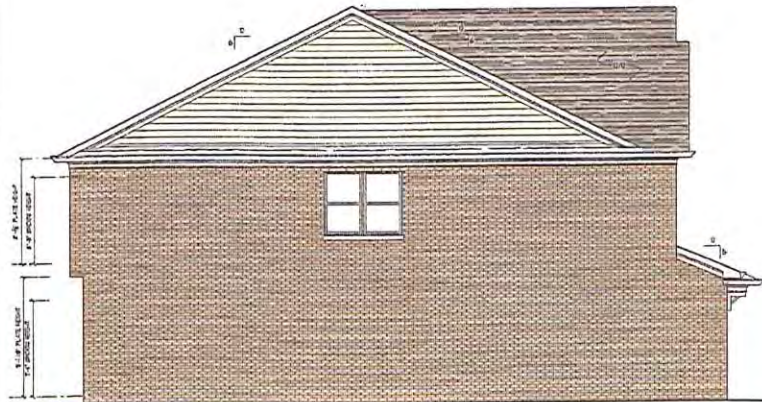
1 REAR BUILDING ELEVATION W/ BRICK
3/16" = 1'-0"

LOT #	ELEVATION 2
LOT #	UNIT: LAKELAND

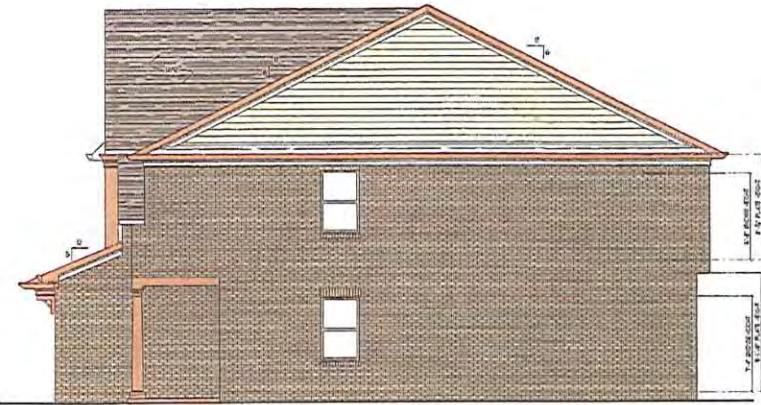
LOT #	ELEVATION 2
LOT #	UNIT: OGDEN

LOT #	ELEVATION 2
LOT #	UNIT: DUTTON

LOT #	ELEVATION 2
LOT #	UNIT: CARTER



2 LEFT SIDE ELEVATION W/ BRICK
3/16" = 1'-0"



3 RIGHT SIDE ELEVATION W/ BRICK
3/16" = 1'-0"

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:

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes. The subject property is located on Satellite Boulevard north of its intersection with Old Peachtree Road. The proposed development will enhance the area by bringing a high quality residential development to this part of Gwinnett County, providing a mix of uses in an existing commercial/institutional area.
- (B) No. This rezoning will enhance the area and will not adversely affect adjacent and nearby properties.
- (C) No. In light of market conditions and the realities of the surrounding property uses, it would be nearly impossible to use and develop the property in accordance with its current C-2 zoning. In addition, other benefits will be gained from allowing the property to be developed under an R-TH classification. For instance, the natural features of the property may be preserved as less grading will be necessary and flexibility in design will allow more creative and advantageous use of the topographical features of the property.
- (D) No. This property is located in an area with public water and sewer availability and convenient access to major roadways. This rezoning will not cause excessive use of existing streets, transportation facilities, utilities, or schools. The development of the property as proposed will not unduly tax the water and sewer facilities in place in the area. The existing streets and continuing improvements to the transportation network in the area offer appropriate access to and from the subject property.
- (E) Yes. The proposed rezoning to an R-TH residential development is in conformance with the intent of the Land Use Plan. While the proposed rezoning is not in strict conformity with the County's Land Use Plan, it does meet the intent and policy of the Plan in that it provides appropriate housing in an area surrounded by potential employment and commercial centers. Also, the subject tract is adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property.
- (F) Yes. The property's location provides supporting grounds for development of the property in accordance with the application. This property is not conducive to development in accordance with its C-2 designation as such development is both inappropriate and extremely difficult. Additionally, with a higher density residential zoning, flexibility and creativity may be utilized in connection with the development of the property furthering the intent of the Comprehensive Plan by providing residential accommodations in an existing commercial/institutional area.

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Justin A. Abernathy
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Shawn F. Bratton
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Amanda C. Floyd
J. David Gussio
Gerald Davidson, Jr.*
Jill H. Harris*

Christopher D. Holbrook
Austen T. Mabe
Jeffrey R. Mahaffey
Steven A. Pickens
E. Michelle Rothmeier
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
*of Counsel

**LETTER OF INTENT FOR
REZONING APPLICATION OF HOME SOUTH COMMUNITIES, LLC.**

Mahaffey Pickens Tucker, LLP submits this Rezoning Application on behalf of Home South Communities, LLC, the Applicant, for the purpose of rezoning to the R-TH zoning classification an approximate 14.30 acre tract (hereinafter, the "Property") located at 1455 Satellite Boulevard, north of its intersection with Old Peachtree Road. The Property is currently zoned C-2.

The Applicant is proposing to develop townhomes on the Property, in general accordance with the site plan included with this Rezoning Application (the "Concept Plan"). The Applicant respectfully submits that the proposed development will enhance the area by bringing a high quality residential development to the community, providing a mix of uses in an existing commercial/institutional center. Furthermore, the Property's location provides supporting grounds for development of the property in accordance with the application. This property is not conducive to development in accordance with its C-2 designation as such development is both inappropriate and extremely difficult. Additionally, with a higher density residential zoning, flexibility and creativity may be utilized in connection with the development of the property furthering the intent of the Comprehensive Plan by providing residential accommodations in an existing commercial, institutional area.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns

relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

This 2nd day of January, 2014.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Justin A. Abernathy
Attorneys for Applicant

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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.



1-3-14

Signature of Applicant

Date

Carter Richardson, Manager

Type or Print Name and Title



1/3/14

Signature of Notary Public

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.



12-20-13

Signature of Property Owner

Date

Tim LAUMAKIS, SunTrust Bank, First Vice President

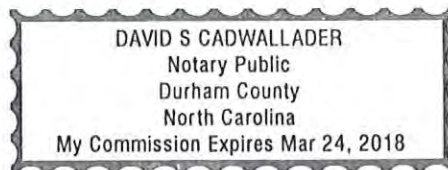
Type or Print Name and Title



December 20, 2013

Signature of Notary Public

Date



Notary Seal

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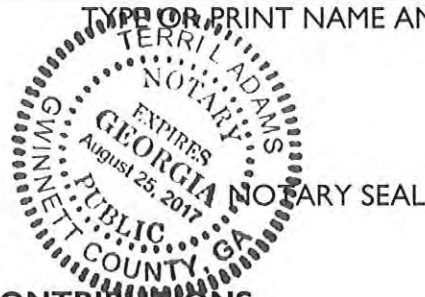
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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	1/2/14	Mahaffey Pickens Tucker, LLP
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	1/2/14	
SIGNATURE OF NOTARY PUBLIC	DATE	
	1/2/14	



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 OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
	Please 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

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 11/14/2013

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