

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Spark I, LLC</u>	NAME: <u>Spark I, LLC</u>
ADDRESS: <u>c/o Mahaffey Pickens Tucker, LLP</u>	ADDRESS: <u>c/o Mahaffey Pickens Tucker, LLP</u>
CITY: <u>1550 North Brown Road, Suite 125</u>	CITY: <u>1550 North Brown Road, Suite 125</u>
STATE: <u>Lawrenceville, GA</u> ZIP: <u>30043</u>	STATE: <u>Lawrenceville, GA</u> ZIP: <u>30043</u>
PHONE: <u>(770) 232-0000</u>	PHONE: <u>(770) 232-0000</u>
CONTACT PERSON: <u>Lee Tucker</u> PHONE: <u>(770) 232-0000</u>	
CONTACT'S E-MAIL: <u>ltucker@mptlawfirm.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): R-ZT REQUESTED ZONING DISTRICT: RM-13

LAND DISTRICT(S): 7th LAND LOT(S): 188 ACREAGE: 17.799 Acres

ADDRESS OF PROPERTY: Plunketts Road/Woodward Mill Road, Buford

PROPOSED DEVELOPMENT: Multi-Family Residential

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>199 Units</u>	No. of Buildings/Lots: <u>N/A</u>
Dwelling Unit Size (Sq. Ft.): <u>Varies</u>	Total Building Sq. Ft.: <u>N/A</u>
Gross Density: <u>11.18 Units per acre</u>	Density: <u>N/A</u>
Net Density: <u>11.67 Units per acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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BK 50105 PG 0205

EXHIBIT "A"

KINGSBRIDGE

Legal Description

All that tract or parcel of land lying and being in Land Lots 188 and 189 of the 7th District of Gwinnett County, Georgia and being more particularly described as follows:

Beginning at the Land Lot Corner of Land Lots 188, 189, 216 and 217 of the 7th District, said point being the POINT OF BEGINNING; THENCE along said Land Lot line dividing Land Lots 188 and 189 heading South 30 degrees 03 minutes 25 seconds East for a distance of 539.09 feet to a point, said point being the TRUE POINT OF BEGINNING; THENCE South 30 degrees 03 minutes 25 seconds East for a distance of 135.29 feet to a point; THENCE North 59 degrees 48 minutes 57 seconds East for a distance of 534.17 feet to a point; THENCE South 54 degrees 06 minutes 56 seconds East for a distance of 452.74 feet to a point; THENCE South 59 degrees 59 minutes 04 seconds East for a distance of 314.12 feet to a point; THENCE South 73 degrees 05 minutes 07 seconds East for a distance of 151.29 feet to a point; THENCE along a curve to the left having a radius of 11445.88 feet, an arc length of 82.93 feet, being subtended by a chord bearing of South 45 degrees 01 minutes 33 seconds West for a distance of 82.93 feet, to a point; THENCE along a curve to right having a radius of 36013.90 feet, an arc length of 28.33 feet, being subtended by a chord bearing of South 44 degrees 49 minutes 40 seconds West for a distance of 28.33 feet, to a point; THENCE along a curve to the right having a radius of 36013.90 feet, an arc length of 249.58 feet, being subtended by a chord bearing of South 45 degrees 02 minutes 56 seconds West for a distance of 249.58 feet, to a point; THENCE along a curve to the right having a radius of 424.16 feet, an arc length of 124.65 feet, being subtended by a chord bearing of South 55 degrees 03 minutes 00 seconds West for a distance of 124.20 feet, to a point; THENCE along a curve to the right having a radius of 338.31 feet, an arc length of 174.77 feet, being subtended by a chord bearing of South 79 degrees 39 minutes 37 seconds West for a distance of 172.84 feet, to a point; THENCE along a curve to the right having a radius of 961.28, an arc length of 109.25 feet, being subtended by a chord bearing of North 83 degrees 08 minutes 36 seconds West for a distance of 109.19 feet, to a point; THENCE along a curve to the right having a radius of 2087.92 feet, an arc length of 159.04 feet being subtended by a chord bearing of North 78 degrees 55 minutes 23 seconds West for a distance of 159.01 feet to a point; THENCE along a curve to the right having a radius of 9432.59 feet, an arc length of 174.71 feet, being subtended by a chord bearing North 77 degrees 22 minutes 21 seconds West for a distance of 174.71 feet, to a point; THENCE along a curve to the left having a radius of 2477.61 feet, an arc length of 9.04 feet, being subtended by a chord bearing of North 77 degrees 46 minutes 49 seconds West for a distance of 9.04 feet, to a point; THENCE North 30 degrees 14 minutes 31 seconds West for a distance of 52.64 feet to a point; THENCE along a curve to the left having a radius of 2489.85 feet, an arc length of 244.30 feet, being subtended by a chord bearing of North 81 degrees 25 minutes 00 seconds West for a distance of 244.20 feet, to a point; THENCE along a curve to the left having a radius of 866.20 feet, an arc length of 126.12 feet, being subtended by a chord bearing of North 88 degrees 23 minutes 56 seconds West for a distance of 126.01 feet, to a point; THENCE along a curve to the left having a radius of 191.84 feet, an arc length of 109.04 feet, being subtended by a chord bearing of South 71 degrees 09 minutes 49 seconds West for a distance of 107.58 feet, to a point; THENCE North 87 degrees 03 minutes 20 seconds West for a distance of 67.84 feet to a point; THENCE North 32 degrees 38 minutes 24 seconds for a distance of 234.85 feet to a point; THENCE North 46 degrees 02 minutes 30 seconds East for a distance of 483.58 feet to a point; said point being the TRUE POINT OF BEGINNING.

Sold property contains 17.799 acres and is shown as Tract 3 (Proposed Kingsbridge Subdivision) on the Concept Plan titled Kingsbridge/Westloigh, prepared by Myers Engineering, Inc. dated 11/29/06 (the "Land").

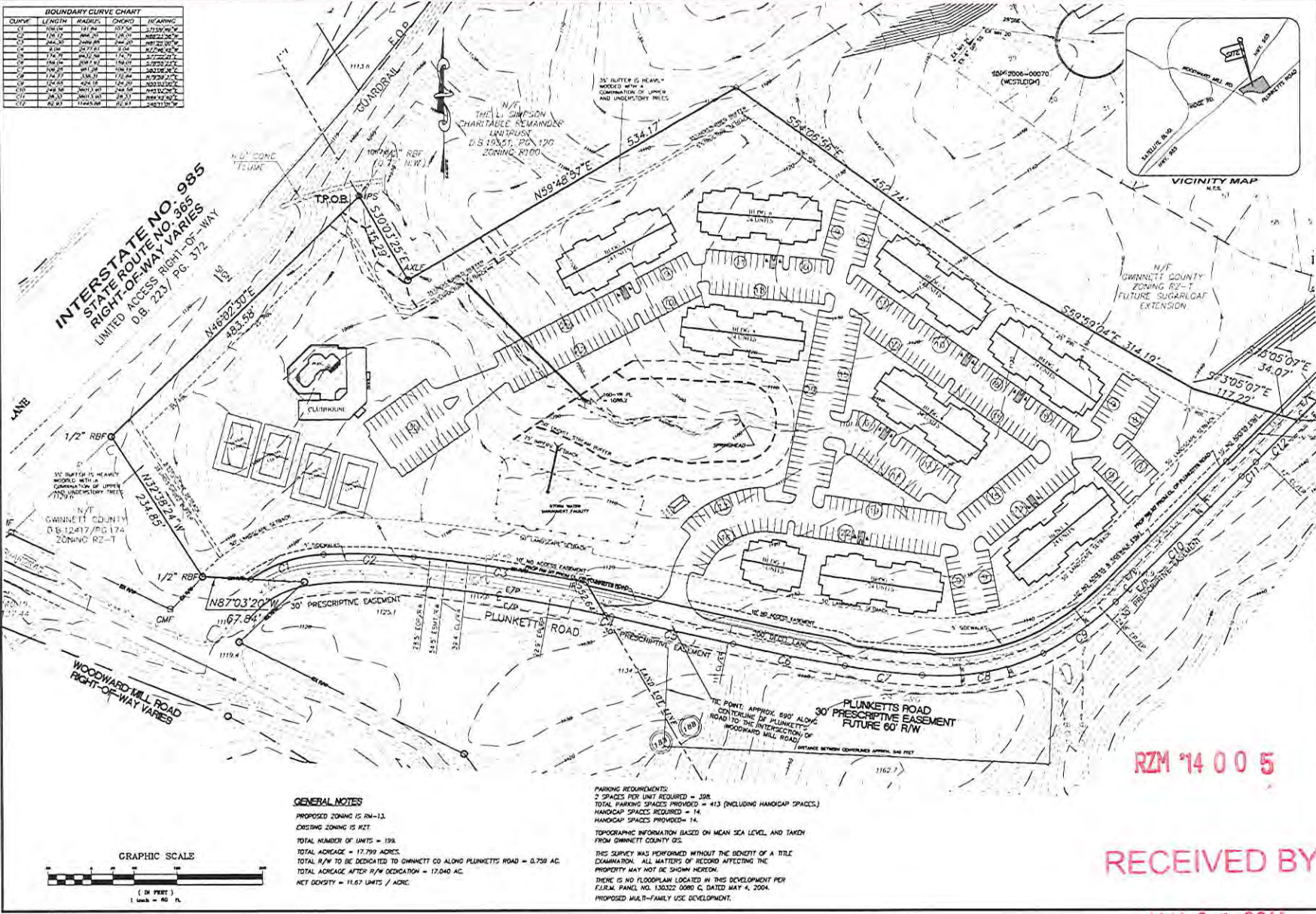
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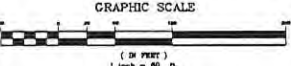
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CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	100.00	100.00	100.00	90.00°00'00"
C2	100.00	100.00	100.00	90.00°00'00"
C3	100.00	100.00	100.00	90.00°00'00"
C4	100.00	100.00	100.00	90.00°00'00"
C5	100.00	100.00	100.00	90.00°00'00"
C6	100.00	100.00	100.00	90.00°00'00"
C7	100.00	100.00	100.00	90.00°00'00"
C8	100.00	100.00	100.00	90.00°00'00"
C9	100.00	100.00	100.00	90.00°00'00"
C10	100.00	100.00	100.00	90.00°00'00"
C11	100.00	100.00	100.00	90.00°00'00"
C12	100.00	100.00	100.00	90.00°00'00"
C13	100.00	100.00	100.00	90.00°00'00"
C14	100.00	100.00	100.00	90.00°00'00"
C15	100.00	100.00	100.00	90.00°00'00"
C16	100.00	100.00	100.00	90.00°00'00"
C17	100.00	100.00	100.00	90.00°00'00"
C18	100.00	100.00	100.00	90.00°00'00"
C19	100.00	100.00	100.00	90.00°00'00"
C20	100.00	100.00	100.00	90.00°00'00"
C21	100.00	100.00	100.00	90.00°00'00"
C22	100.00	100.00	100.00	90.00°00'00"
C23	100.00	100.00	100.00	90.00°00'00"
C24	100.00	100.00	100.00	90.00°00'00"
C25	100.00	100.00	100.00	90.00°00'00"
C26	100.00	100.00	100.00	90.00°00'00"
C27	100.00	100.00	100.00	90.00°00'00"
C28	100.00	100.00	100.00	90.00°00'00"
C29	100.00	100.00	100.00	90.00°00'00"
C30	100.00	100.00	100.00	90.00°00'00"



INTERSTATE NO. 985
STATE ROUTE NO. 363
RIGHT-OF-WAY VARIES
 LIMITED ACCESS RIGHT-OF-WAY
 D.B. 223 / PG. 372

WOODWARD MILL ROAD
RIGHT-OF-WAY VARIES



GENERAL NOTES
 PROPOSED ZONING IS RM-13.
 EXISTING ZONING IS RZT.
 TOTAL NUMBER OF UNITS = 199.
 TOTAL ACREAGE = 17.799 ACRES.
 TOTAL R/W TO BE DEDICATED TO GWINNETT CO ALONG PLUNKETTS ROAD = 0.759 AC.
 TOTAL ACREAGE AFTER R/W DEDICATION = 17.040 AC.
 NET DENSITY = 11.67 UNITS / ACRE.

PARKING REQUIREMENTS:
 2 SPACES PER UNIT REQUIRED = 398
 TOTAL PARKING SPACES PROVIDED = 413 (INCLUDING HANDICAP SPACES)
 HANDICAP SPACES REQUIRED = 14
 HANDICAP SPACES PROVIDED = 14

TOPOGRAPHIC INFORMATION BASED ON MEAN SEA LEVEL, AND TAKEN FROM GWINNETT COUNTY GIS.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE EXAMINATION. ALL MATTERS OF RECORD AFFECTING THE PROPERTY MAY NOT BE SHOWN HEREON.

THERE IS NO FLOODPLAIN LOCATED IN THIS DEVELOPMENT PER F.I.R.M. PANEL NO. 130322 0080 C, DATED MAY 4, 2004.

PROPOSED MULTI-FAMILY USE DEVELOPMENT.

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Scale

MYERS ENGINEERING
 Civil Engineers
 P.O. BOX 434
 GAINESVILLE, GA 30602
 770-534-9333
 770-534-9400

Project Description
HERITAGE VIEW
 PARCEL NUMBER 7-483-001
 7TH DISTRICT LAND LOTS 103 & 103
 GWINNETT COUNTY, GEORGIA

DATE 7-1-10
JOB NO. 04-442
Sheet No. REZONING PLAN

PROJECT
1

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 proposed zoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The requested development and rezoning are of a residential character; most of the surrounding properties are residentially zoned as well.
- (B) No, the proposed zoning will not adversely affect the existing use or usability of adjacent or nearby properties. As stated in item (A) above, the proposed residential development would be consistent in scheme with surrounding properties. The subject property is surrounded by Interstate 985, the right of way of the Sugarloaf Parkway and Plunketts Road, and is, therefore, relatively isolated from adjacent uses.
- (C) The Applicant submits that the use of the property will be enhanced. As stated in the Letter of Intent, the subject tract has been cut off from a larger tract based on a condemnation by Gwinnett County. By cutting the subject property off from a larger tract, the subject property has been left somewhat isolated and difficult to develop. The proposed rezoning would allow the Applicant to enhance the subject property by giving it a suitable use.
- (D) No, the proposed rezoning will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. In fact, the increase in use, if any, from development of the property under the current R-ZT zoning is marginal.
- (E) The proposed rezoning meets the intent and policy of the Land Use Plan in that it provides for a use that is residential in nature.
- (F) As discussed, the recent reconfiguration of the subject property leaves the tract in a unique position which provides grounds for support of the requested rezoning.

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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 SPARK I, LLC

The Applicant, Spark I, LLC, seeks to develop a 17.799 acre tract located on Plunketts Road as a multi-family residential property and is requesting to rezone the subject property to the RM-13 zoning classification. The property is bounded on the northwest property line by Interstate 985, on the northeast property line by the Sugarloaf Parkway extension, and on the southern property line by Plunketts Road (hereinafter, the “Property”).

Originally, the Property, which is currently zoned R-ZT, was intended to be developed as part of a larger single-family residential development and zoning scheme. The Property was cut from the balance of the larger tract by virtue of a condemnation action by Gwinnett County, for purposes of the Sugarloaf Parkway extension. Based upon this fact, the Property remains somewhat isolated in its location, bounded on three sides by the aforementioned major roadways. The proposed development and requested zoning classification would enhance the use of the Property due to its unique configuration.

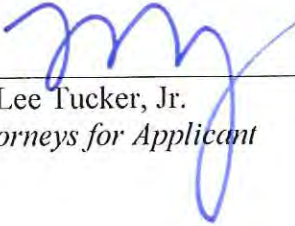
In addition, the proposed development and requested zoning classification would not cause any substantial detriment to the public. In fact, the proposed development and zoning classification would result in less of an impact on schools than would the current R-ZT zoning classification. With that said, the Applicant requests that the Property be rezoned to the requested zoning classification.

The Applicant respectfully requests Gwinnett County's approval of this Application and herewith offers to meet with any member of the County's Planning Department to address any concerns or questions staff may have.

This 21 day of January, 2014.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP




R. Lee Tucker, Jr.
Attorneys for Applicant

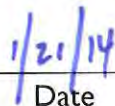
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REZONING APPLICANT'S CERTIFICATION

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.



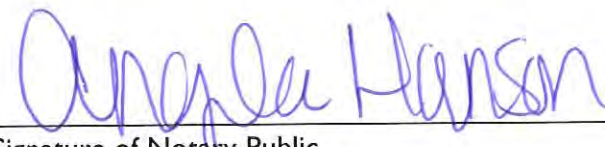
Signature of Applicant



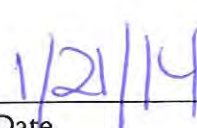
Date

Lee Tucker, MAHAFFEY PICKENS TUCKER, LLP, Attorneys for Spark I, LLC


Type or Print Name and Title



Signature of Notary Public



Date


Notary Seal

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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.

Signature of Property Owner

1/21/14

Date

Lee Tucker, MAHAFFEY PICKENS TUCKER, LLP, Attorneys for Spark I, LLC

Type or Print Name and Title

Signature of Notary Public

1/21/14

Date



Notary Seal


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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.

 1/21/14 Lee Tucker, Attorneys for Spark I, LLC
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 1/21/14
 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 Spark I, LLC
 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)
None.		

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

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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	1/21/14	Lee Tucker, Attorneys for Spark I, LLC
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	1/21/14	
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 OFFICAL 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

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
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

LEE TUCKER, ATTORNEY AT LAW, PC

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

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Updated 01/16/2014

