

**REZONING APPLICATION**

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

| APPLICANT INFORMATION   | OWNER INFORMATION*  |
|---|---|
| NAME: Mahalo Investments IV, LLC<br>C/O Mahaffey Pickens Tucker, LLP<br>ADDRESS: _____<br>1550 N. Brown Road, Ste 125, Lawrenceville<br>CITY: _____<br>STATE: GA ZIP: 30043<br>PHONE: (770)232-0000 | NAME: Mahalo Investments IV, LLC<br>C/O Mahaffey Pickens Tucker, LLP<br>ADDRESS: _____<br>1550 N. Brown Road, Ste 125, Lawrenceville<br>CITY: _____<br>STATE: GA ZIP: 30043<br>PHONE: (770)232-0000 |
| CONTACT PERSON: Justin Abernathy PHONE: (770)232-0000<br>CONTACT'S E-MAIL: jabernathy@mptlawfirm.com  |   |

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): R-SR REQUESTED ZONING DISTRICT: R-60  
 LAND DISTRICT(S): 7th LAND LOT(S): 94 ACREAGE: 9.578 Acres  
 ADDRESS OF PROPERTY: 1798 Old Peachtree Road  
 PROPOSED DEVELOPMENT: Single Family Residence

| RESIDENTIAL DEVELOPMENT                          | NON-RESIDENTIAL DEVELOPMENT  |
|--|------------------------------|
| No. of Lots/Dwelling Units: 35                   | No. of Buildings/Lots: _____ |
| Dwelling Unit Size (Sq. Ft.): 2,000 sq. ft. min. | Total Building Sq. Ft. _____ |
| Gross Density: 3.65 Lots/Acre                    | Density: _____               |
| Net Density: 3.65 Lots/Acre                      |                              |

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

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## LAND DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 094 of the 7<sup>th</sup> district, Gwinnett County, Georgia and being more particularly described as follows:

To find the True Point of Beginning commence at the northwesterly intersection of the right-of-way of Old Peachtree Road (apparent 80' right-of-way) and Sunny Hill Road (apparent 80' right-of-way); said point being THE TRUE POINT OF BEGINNING; THENCE continuing along the right-of-way of Old Peachtree Road North 64 degrees 57 minutes 28 seconds West for a distance of 315.11' to a point; THENCE North 65 degrees 43 minutes 17 seconds West for a distance of 98.51' to a point; THENCE North 67 degrees 08 minutes 29 seconds West for a distance of 98.46' to a point; THENCE North 68 degrees 54 minutes 48 seconds West for a distance of 92.54' to a point; THENCE North 38 degrees 10 minutes 23 seconds West for a distance of 34.38' to a point; THENCE continuing along the right-of-way of Rock Springs Road North 07 degrees 25 minutes 58 seconds West for a distance of 240.29' to a point; THENCE North 10 degrees 55 minutes 50 seconds West for a distance of 78.33' to a point; THENCE North 14 degrees 46 minutes 38 seconds West for a distance of 68.56' to a point; THENCE North 17 degrees 17 minutes 35 seconds West for a distance of 102.93' to a point; THENCE leaving the right-of-way North 61 degrees 20 minutes 53 seconds East for a distance of 169.50' to a point; THENCE South 62 degrees 30 minutes 44 seconds East for a distance of 754.58' to a point; THENCE continuing along the right-of-way of Sunny Hill Road South 08 degrees 52 minutes 45 seconds East for a distance of 107.10 to a point; THENCE South 03 degrees 04 minutes 04 seconds West for a distance of 55.73 to a point; THENCE South 12 degrees 29 minutes 15 seconds West for a distance of 37.81 to a point; THENCE South 18 degrees 42 minutes 24 seconds West for a distance of 46.78 to a point; THENCE South 22 degrees 47 minutes 53 seconds West for a distance of 68.80 to a point; THENCE South 26 degrees 13 minutes 35 seconds West for a distance of 109.94 to a point; THENCE South 28 degrees 07 minutes 10 seconds West for a distance of 80.82 to a point; THENCE South 71 degrees 34 minutes 51 seconds West for a distance of 29.03 to a point; said point being THE TRUE POINT OF BEGINNING

Said property contains 9.578 +/- acres.

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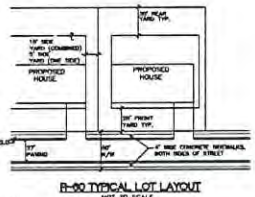
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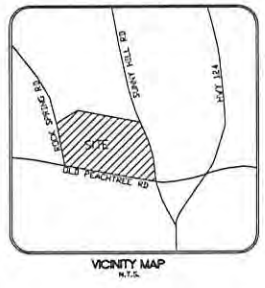
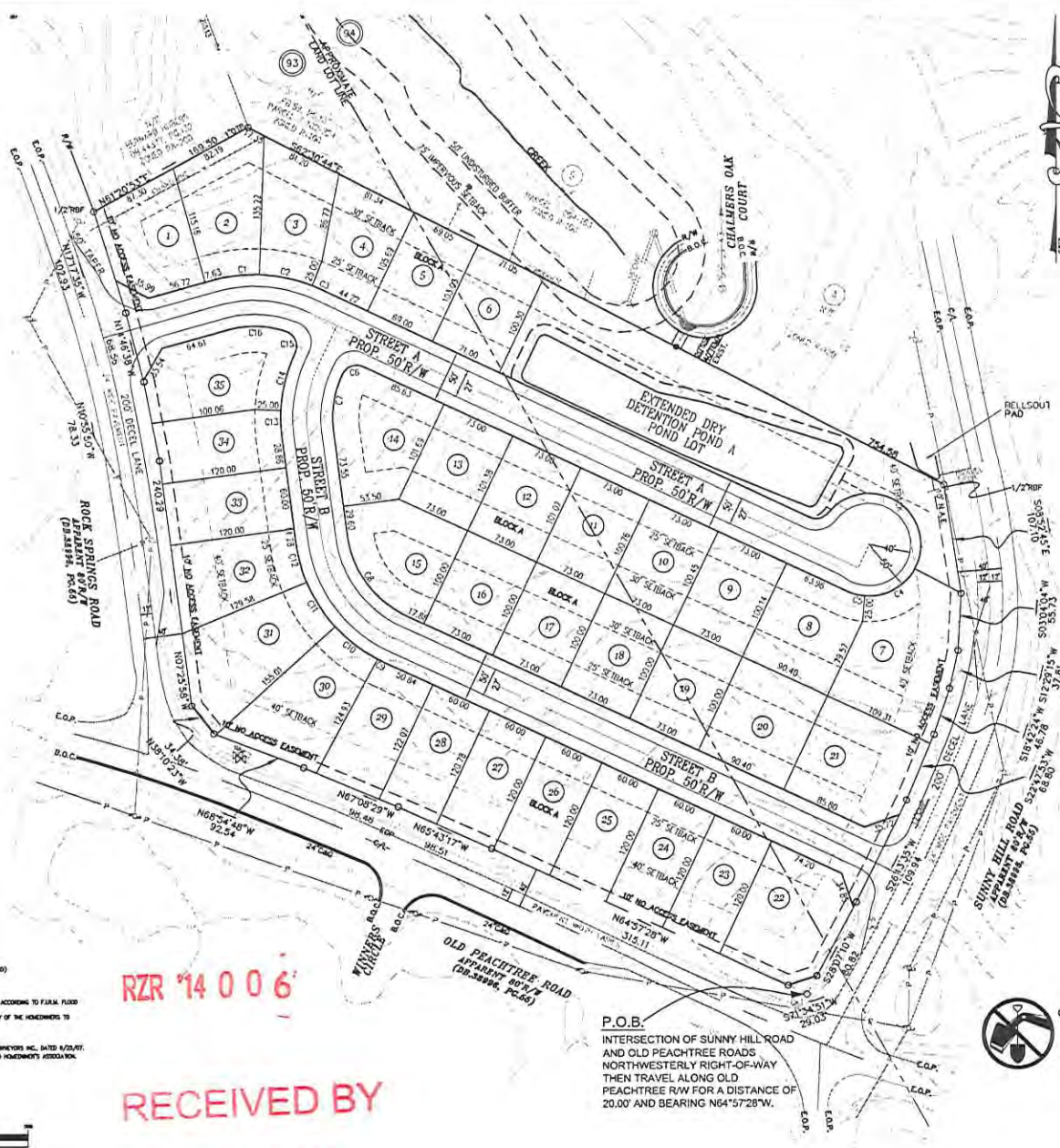
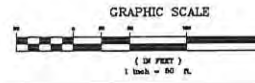
**LEGEND**

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- NOTES:**
1. ALL UTILITIES SHALL BE RELOCATED AS NECESSARY.
  2. A MINIMUM OF THREE TREES AT LEAST PER ACRE OR FORTY PER ACRE SHALL BE PLANTED.
  3. ALL PLANTINGS SHALL BE INSTALLED WITHIN THE 14-DAY PERIOD OF OCCUPANCY.
  4. MINIMUM SPACING BETWEEN TREES SHALL BE 10 FEET.

- GENERAL NOTES:**
1. TOTAL AREA: 6.50 ACRES
  2. TOTAL NUMBER OF LOTS: 35
  3. DISTRICT: ZONING R-20
  4. SUBDIVISION: 35 LOTS
  5. BLOCKS: 5 BLOCKS
  6. BLOCK A: 10 LOTS / 6.50 ACRES = 1.30 ACRES
  7. BLOCK B: 10 LOTS / 6.50 ACRES = 1.30 ACRES
  8. BLOCK C: 10 LOTS / 6.50 ACRES = 1.30 ACRES
  9. BLOCK D: 10 LOTS / 6.50 ACRES = 1.30 ACRES
  10. BLOCK E: 10 LOTS / 6.50 ACRES = 1.30 ACRES
  11. MINIMUM LOT SIZE: 2,250 SQUARE FEET
  12. MINIMUM LOT WIDTH: 40 FEET

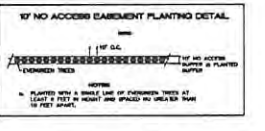


**CURVE TABLE**

| CURVE NO. | LENGTH | PI     | PC     | PT     | STATIONING | DEFLECTION |
|-----------|--------|--------|--------|--------|------------|------------|
| 1         | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 2         | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 3         | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 4         | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 5         | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 6         | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 7         | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 8         | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 9         | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 10        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 11        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 12        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 13        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 14        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 15        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 16        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 17        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 18        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 19        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 20        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 21        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 22        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 23        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 24        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 25        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 26        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 27        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 28        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 29        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 30        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 31        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 32        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 33        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 34        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |
| 35        | 150.00 | 150.00 | 150.00 | 150.00 | 150.00     | 150.00     |

**LOT CHART**

| LOT NO. | AREA   | LOT NO. | AREA   |
|---------|--------|---------|--------|
| 1       | 180.00 | 17      | 180.00 |
| 2       | 180.00 | 18      | 180.00 |
| 3       | 180.00 | 19      | 180.00 |
| 4       | 180.00 | 20      | 180.00 |
| 5       | 180.00 | 21      | 180.00 |
| 6       | 180.00 | 22      | 180.00 |
| 7       | 180.00 | 23      | 180.00 |
| 8       | 180.00 | 24      | 180.00 |
| 9       | 180.00 | 25      | 180.00 |
| 10      | 180.00 | 26      | 180.00 |
| 11      | 180.00 | 27      | 180.00 |
| 12      | 180.00 | 28      | 180.00 |
| 13      | 180.00 | 29      | 180.00 |
| 14      | 180.00 | 30      | 180.00 |
| 15      | 180.00 | 31      | 180.00 |
| 16      | 180.00 | 32      | 180.00 |
| 17      | 180.00 | 33      | 180.00 |
| 18      | 180.00 | 34      | 180.00 |
| 19      | 180.00 | 35      | 180.00 |



**BLOCK & LOT CHART**

| BLOCK | NO. OF LOTS |
|-------|-------------|
| A     | 10          |
| B     | 10          |
| C     | 10          |
| D     | 10          |
| E     | 10          |
| TOTAL | 50          |

**ENGINEER:**  
LAND DEVELOPMENT ENGINEERING, INC.  
230 AMBERLY HILLS TRAIL  
Dacula, GA 30099  
PHONE: 678-442-8540  
CONTACT: KENNETH H. HARWELL

**PROJECT NAME:** SUNNY HILL ROAD TRACT  
LOCATED IN LAND LOT 64 OF THE DISTRICT, BARCEL 605  
SPANNY COUNTY, GEORGIA

**CLIENT NAME:**

**LAND DEVELOPMENT ENGINEERING, INC.**  
3300 AMBERLY HILLS TRAIL, Dacula, GA 30099  
(770) 442-8540

CSWCC - 000001917  
FORMED - 10/14/2009

**STAMP**

**DATE:** 11/17/2013  
**DATE:** 06-04-13  
**JOB NUMBER:**

**REVISION:**  
**EXHIBIT:**

**SHEET TITLE:**

**SHEET NUMBER:** 1

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**Caution Underground Service Alert! Call Before You Dig!**  
**UTILITIES PROTECTION CENTER, INC.**  
1 (800) 282-7411 Throughout Georgia  
OUTSIDE GEORGIA Call Collect (770) 325-5000

**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.

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

Please see attached.

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

Please see attached.

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- (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.

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

Please see attached.

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- (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) The subject property is surrounded by residential developments. The proposed zoning of a single family residential subdivision will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- (B) No. The rezoning will not adversely affect the existing use or usability of adjacent or nearby property. Rather, the proposed rezoning and development would be consistent with the adjacent and nearby property and provide an enhancement to the area.
- (C) No. In light of market conditions the property has no reasonable economic use as zoned for R-SR. The Applicant's requested use as a single family residential development under the R-60 zoning classification will permit a more suitable and appropriate development allowing for the "highest and best use" for the property.
- (D) The proposed development is located in an area with public water and sewer availability and convenient access to major roadways. It will not cause an excessive use of the local fire department, police protection, or solid waste collection/disposal services provided by the County. Further, the rezoning will not cause excessive use of existing streets, transportation facilities, utilities, or schools.
- (E) Yes. The proposed rezoning is in conformance with the Gwinnett County 2030 Unified Plan in that it provides single family residences within an Existing/Emerging Suburban Character Area.
- (F) Yes, the existing zonings of adjacent and nearby properties give additional supporting grounds for the approval of the requested rezoning. Additionally, the property has no reasonable economic use under its current zoning thereby giving additional support for the approval of this Application.

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Jeffrey R. Mahaffey  
Steven A. Pickens  
R. Lee Tucker, Jr.  
Matthew P. Benson  
Gerald Davidson, Jr.,  
of Counsel

Andrew D. Stancil  
E. Michelle Rothmeier  
Shawn F. Bratton  
Alissa L. Cummo  
Justin A. Abernathy  
Austen T. Mabe  
J. David Gussio  
Jill H. Harris,  
of Counsel

**LETTER OF INTENT FOR REZONING**  
**APPLICATION OF MAHALO INVESTMENTS IV, LLC**

The Applicant, Mahalo Investments IV, LLC, submits this Rezoning Application for the purpose of rezoning to the R-60 (Single Family Residence District) zoning classification a 9.578 acre tract located at the intersection of Rock Springs Road, Old Peachtree Road and Sunny Hill Road in Gwinnett County, Georgia (hereafter, the "Property").

The Property, which is currently undeveloped, is zoned R-SR (Senior Oriented Residence District). The Applicant has requested to rezone the Property to the R-60 zoning classification. As seen on the attached site plan, the Applicant has proposed a single family residential subdivision consisting of 35 lots.

The Applicant respectfully submits that the proposed use would be the best possible development of the Property and would further provide the community with a much needed benefit. The use and development of the Property as R-SR is not economically feasible and is not the highest and best use of the Property. The operation of the Property as a R-60 single family residential subdivision under the guidelines of Gwinnett County is appropriate for the subject tract, is consistent with the Existing/Emerging Suburban Area under the Gwinnett County 2030 Unified Plan, and is consistent with the surrounding properties.

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

This 6th day of December, 2013.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

  
\_\_\_\_\_  
Justin A. Abernathy  
*Attorney 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]* 12/6/13  
\_\_\_\_\_  
Signature of Applicant Date

Justin Abernathy, Attorney for Applicant  
\_\_\_\_\_  
Type or Print Name and Title

*[Signature]* 12/6/13  
\_\_\_\_\_  
Signature of Notary Public Date



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**REZONING PROPERTY OWNER'S CERTIFICATION**

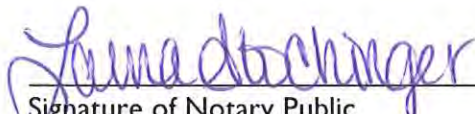
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE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

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

12/6/13  
\_\_\_\_\_  
Date

Justin Abernathy, Attorney for Property Owner

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

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

12/6/13  
\_\_\_\_\_  
Date



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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.

Justin Abernathy 12/6/13 Justin Abernathy, Attorney for Applicant  
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Justin Abernathy 12/6/13 Justin Abernathy, Attorney  
 SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

Laura Stockinger 12/6/13  
 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) |
|---|---|--|
|   |   |  |
|   | 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<br/>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<br/>OF GOVERNMENT OFFICIAL</u> | <u>CONTRIBUTIONS</u> | <u>DATE</u> |
|--|----------------------|-------------|
| Jace Brooks  | \$ 500               | 07/02/2012  |

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