REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: Hyun "Mike" Woo Park c/o Andersen, Tate & Carr, PC	NAME: Hyun "Mike" Woo Park c/o Andersen, Tate & Carr, PC
ADDRESS: 1960 Satellite Blvd., Suite 4000	ADDRESS: Same
CITY: Duluth	CITY:
STATE: GA ZIP: 30097	STATE: ZIP:
PHONE: (770) 822-0900	PHONE: (770) 822-0900

CONTACT PERSON: Marian C. Adeimy, Esq. PHONE: (678) 518-6855

CONTACT'S E-MAIL: madeimy@atclawfirm.com

APPLICANT IS THE:

[X] OWNER'S AGENT [ ] PROPERTY OWNER [ ] CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): RA-200 REQUESTED ZONING DISTRICT: C-2

LAND DISTRICT(S): 5 LAND LOT(S): 300 ACREAGE: 1.22 acres

ADDRESS OF PROPERTY: 782 Harbins Road, Dacula, Georgia 30019

PROPOSED DEVELOPMENT: Medical, Dental and Commercial Space

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units	No. of Buildings/Lots: 1
Dwelling Unit Size (Sq. Ft.):	Total Building Sq. Ft. 6,000 sq. ft.
Gross Density:	Density:
Net Density:	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

See Exhibit A attached hereto.

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Exhibit "A" - Legal Description

782 Harbins Road

All that tract or parcel of land lying and being in Land Lot 300 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

To arrive at the True point of beginning begin at a point formed by the Intersection of the northeasterly side of the center line of Dacula-Harbins Road with the northwesterly side of the center line of Old Harbins-Lawrenceville Road, running thence north 30 degrees 05 west a distance of 1070.00 feet to a point, running thence northeasterly a distance of 40.0 feet to the northeasterly side of Dacula-Harbins Road and the True point of beginning, running thence northwesterly a distance of 198.0 feet to a point; running thence north 58 degrees 48 minutes east a distance of 277 6 feet to a point; running thence south 30 degrees 05 minutes east a distance of 192.0 feet to a point; running thence south 58 degrees 48 minutes west a distance of 277.6 feet to the northeasterly side of Dacula-Harbins Road and the true point of beginning.

Parcel ID No. R5300 046

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LEGEND

RBF	REBAR FOUND (1/2" REBAR)
CRS	CAPPED REBAR SET (1/2" REBAR)
OTF	OPEN TOP FOUND
CTF	CRIMP TOP FOUND
☼	LIGHT POLE
BL	BUILDING LINE
C.L.F	CHAIN LINK FENCE
R/W	RIGHT-OF-WAY
TPED	PHONE PEDASTAL
CATV	CABLE BOX
WM	WATER METER
⊡	TRANSFORMER
(12.34'D)	DEED DISTANCE
DW	DOGWOOD
HW	HARDWOOD
MAG	MAGNOLIA
P	PINE

GENERAL NOTES

SURVEY PERFORMED BY ABE CONSULTING, INC. DATED 2/17/15 FOR PARK DENTAL GROUP. ALL SURVEY INFORMATION WAS TAKEN FROM THIS SURVEY, AND HAS NOT BEEN VERIFIED BY SCI DEVELOPMENT SERVICES.

FLOOD NOTE:

BASED ON GRAPHIC DETERMINATION, THIS PROPERTY DOES NOT LIE IN A F.E.M.A./F.I.R.M. SPECIAL FLOOD HAZARD AREA PER COMMUNITY PANEL NO. 13135C0077F DATED SEPTEMBER 29, 2006

SURVEY NOTES

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE BY LATITUDES AND DEPARTURES AND IS FOUND ACCURATE TO WITHIN ONE FOOT IN 289,546 FEET.

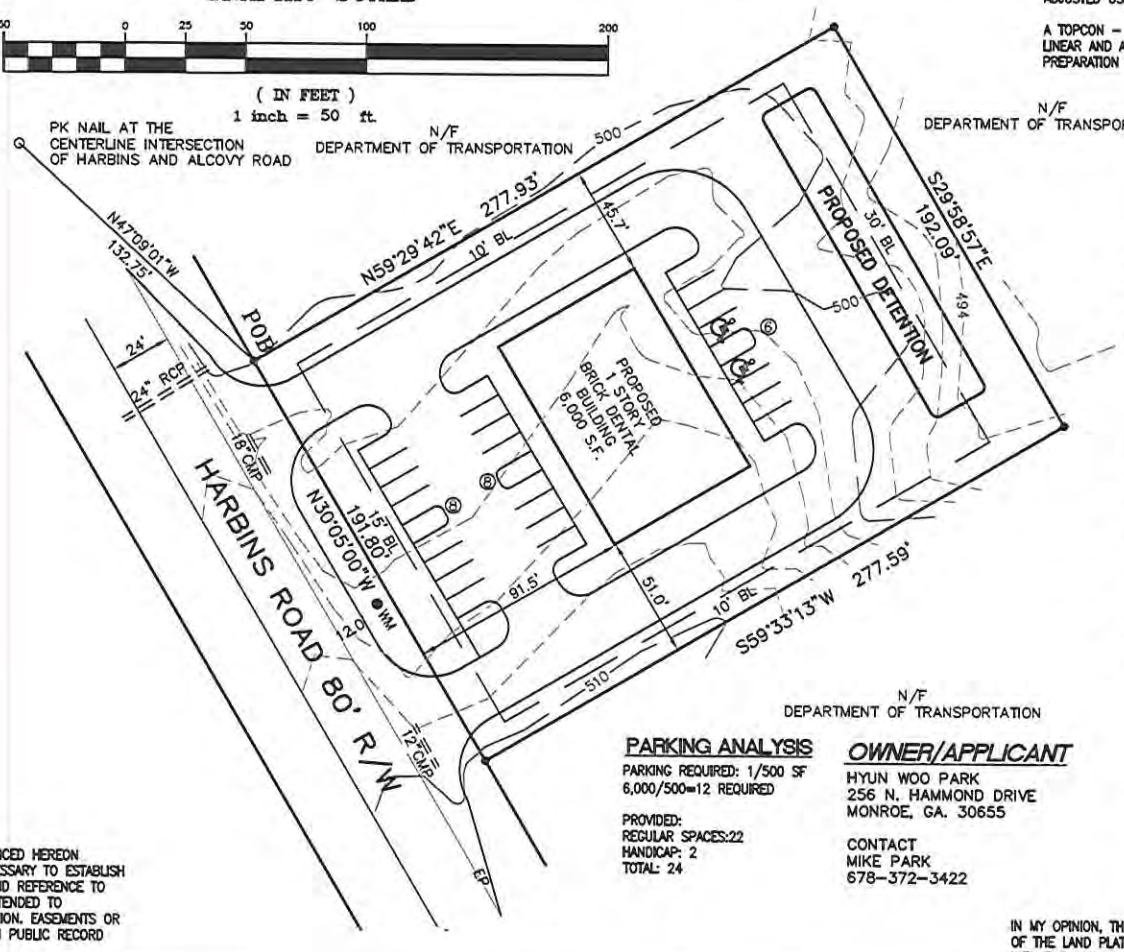
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 15,000+ FEET AND AN ANGULAR ERROR OF 04" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

A TOPCON – TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.



BASE BEARING ON EAST R/W PER RECORDED PLAT (ASSUMED)

PARCEL ID: 5300-046

PROPOSED ZONING: R-C2

MIN. LOT AREA: NONE
MIN LOT FRONTAGE: NONE'

SETBACKS:
FRONT-15 FEET
REAR -30 FEET
SIDE -10 FEET

EXISTING ZONING: RA-200

MIN. LOT AREA: 40,000 SF
MIN LOT FRONTAGE: 200'

SETBACKS:
FRONT-50 FEET
REAR -40 FEET
SIDE -20 FEET

MAXIMUM BUILDING HEIGHT=35 FEET

PARKING ANALYSIS

PARKING REQUIRED: 1/500 SF
6,000/500=12 REQUIRED

PROVIDED:
REGULAR SPACES:22
HANDICAP: 2
TOTAL: 24

OWNER/APPLICANT

HYUN WOO PARK
256 N. HAMMOND DRIVE
MONROE, GA. 30655

CONTACT
MIKE PARK
678-372-3422

GEORGIA REGISTERED No. 2978 3/16/15 LAND SURVEYOR JOHN A. STEERMAN

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

NOTE: THE PUBLIC RECORDS REFERENCED HEREON REFLECT ONLY THOSE RECORDS NECESSARY TO ESTABLISH THE BOUNDARIES SHOWN HEREON, AND REFERENCE TO THE SAME DOES NOT AND IS NOT INTENDED TO CONSTITUTE A TITLE SEARCH OR OPINION. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.

SCI Development Services
ENGINEERS - SURVEYORS - LAND PLANNERS
2020 WESTSIDE COURT-STE E-SNELLVILLE GEORGIA 30078
(770) 736-7666 FAX (770) 736-4623
MAIL@SURVEYCONCEPTS.NET

PROJECT: 52023
DWG BY: DCP
CHKD BY: JAS
DATE: 3/16/15
SCALE: 1"=50'

SURVEY FOR:
PARK DENTAL GROUP

LAND LOT 300 5th DISTRICT
GWINNETT COUNTY, GEORGIA
REFERENCED IN DEED BOOK 52923, PAGE 263

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, 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 Exhibit B

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

See Exhibit B

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

See Exhibit B

(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 Exhibit B

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

See Exhibit B

(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:

See Exhibit B

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Exhibit "B" - APPLICANT'S RESPONSE
782 HARBINS ROAD, DACULA, GEORGIA

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A) WHETHER THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The property provides an appropriate transition between commercial and residential uses and in light of its location near a major highway and commercial node.

B) WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No. The proposed commercial and medical office uses have little to no impact on adjacent and nearby residential property uses and will provided a needed service to residents in the area. The requested uses are consistent with the commercial and transitional uses nearby.

C) WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No. The property is located near a major corridor, is the remnant of a larger tract, and is not appropriate or large enough for residential use. The proposed use will create an active business at a property that has been vacant and located near more intense uses.

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

No. The use would not cause any excessive or burdensome use of existing streets, transportation facilities or utilities. There would be no impact on the schools.

E) WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes. The proposed use is consistent with the Gwinnett 2030 Unified Plan guidelines and the commercial and mixture of uses already permitted in this area, and given the appropriate location for this transitional zoning.

F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

Yes. The proposed use is entirely appropriate in light of existing development patterns and land uses in the surrounding area and there is no other economic use for the property. The proposed zoning presents the highest and best use.

MeA

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1960 SATELLITE BOULEVARD, SUITE 4000
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FACSIMILE: (770) 236-9702
www.atclawfirm.com

MARIAN C. ADEIMY
Direct: (678) 518-6855

E-mail: madeimy@atclawfirm.com

LETTER OF INTENT FOR REZONING APPLICATION

The Applicant, Dr. Hyun "Mike" Park (hereafter, "Applicant"), submits this Rezoning Application for the purpose of rezoning to the property located at 782 Harbins Road, Dacula, Georgia (the "Property") from its current RA-200 zoning classification to C-2 to allow for the development of a 6,000 square foot dental and medical office building. The 1.224 acre Property is located near the corner of Harbins Road and Highway 316. Hwy. 316 has increasingly become a commercial corridor and the proposed medical office provides an appropriate transition between the existing commercial and residential developments.

Use and development of the property as C-2 is the highest and best use of the property and a medical office building and similar commercial uses would be perfectly consistent with and will act as a transitional zoning between the more intense commercial uses and nearby residential uses. The proposed use is consistent with the Property's location fronting Highway 316, a major thoroughfare. The development of the property as a commercial and medical office building under the guidelines of the Unified Development Ordinance is appropriate to the subject tract and is entirely consistent with the uses of the surrounding property.

This site location is also consistent with other property in the area zoned C-2. The property has access to a public water supply, public sanitary sewer, and "convenient access to collector streets, major thoroughfares or state or interstate highways." The subject property will be located on the public transportation routes and locations planned or being considered in Gwinnett County.

This proposed zoning would result in a high quality commercial, medical and dental center in Gwinnett County. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

This 3rd day of April, 2015.

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Respectfully submitted,

Marian C. Adeimy
Attorney for Applicant

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JUSTIFICATION FOR ZONING REQUEST(S) / CONSTITUTIONAL OBJECTIONS

The portions of the Gwinnett County Zoning Ordinances and Unified Development Ordinance (collectively, the "UDO") and/or zoning conditions which presently restrict the property which is the subject of this Application (the "Property") to its current zoning and permitted uses are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO and/or zoning conditions which presently restrict the property to its current zoning and permitted uses is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for the proposed uses and conditions, as requested by the Applicant, and is not economically suitable for development with only the currently permitted uses. A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore and contrary to other recent Board of Commissioners actions, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to allow the requested use(s) and condition(s), so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of a use or condition for the Subject Property or rezoning to some other classification, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Accordingly, the Applicant respectfully requests that the Application(s) submitted by the Applicant relative to the Property, as amended, be approved.

This 3rd day of April, 2015.

ANDERSEN, TATE & CARR, P.C.

Marian C. Adeimy
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 of Applicant — Date: 4/3/15

Marian C. Adeimy, Attorney for Applicant

Type or Print Name and Title

URSULA KING NOTARY EXPIRES GEORGIA Mar 30, 2019 PUBLIC GWINNETT COUNTY, GEORGIA

Signature of Notary Public — Date: 4/3/15 — 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.

4/3/15

Signature of Property Owner — Date

Marian C. Adeimy, Attorney for Owner

Type or Print Name and Title

URSULA KING NOTARY EXPIRES GEORGIA Mar. 30, 2019 PUBLIC GWINNETT COUNTY, GEORGIA

4/3/15

Signature of Notary Public — Date — Notary Seal

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EXHIBIT "C"
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS BY ANDERSEN, TATE & CARR, P.C.

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE CONTRIBUTION WAS MADE
Charlotte Nash, Chairman	$1,000 $1,000 $500	February 22, 2011 November 16, 2011 February 20, 2013
Jace Brooks, District 1 Commissioner	$500 $500 $1,500	March 15, 2012 December 20, 2012 November 12, 2013
Lynette Howard, District 2 Commissioner	$1,000 $1,000	May 25, 2010 October 27, 2011
Tommy Hunter, District 3 Commissioner	$1,500 $500 $1,500 $500	October 1, 2012 December 28, 2012 August 22, 2013 March 5, 2015
John Heard, District 4 Commissioner	$1,000 $1,000 $500 $200	February 16, 2010 August 25, 2011 April 2014 May 2014

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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 4/3/15	Marian C. Adeimy, Attorney TYPE OR PRINT NAME AND TITLE
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE 4/3/15	Marian C. Adeimy, Attorney TYPE OR PRINT NAME AND TITLE
SIGNATURE OF NOTARY PUBLIC	DATE 4/3/15	NOTARY SEAL

NOTARY PUBLIC EXPIRES GEORGIA Mar 30, 2019 GWINNETT COUNTY, GEORGIA

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?

[X] YES [ ] NO Andersen, Tate & Carr, PC

YOUR NAME

If the answer is yes, please complete the following section: See Exhibit C.

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

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

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 5 - 300 - 046
(Map Reference Number) District Land Lot Parcel

Signature of Applicant — Date: 4/2/15

Marian C. Adeimy, Attorney for Applicant
Type or Print Name and Title

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

PAM CASHMAN
NAME

TAX SERVICES ASSOC II
TITLE

4-2-15
DATE

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