

CHANGE IN CONDITIONS APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: MF Georgia I, LLC c/o Mahaffey Pickens Tucker, LLP ADDRESS: 1550 North Brown Road, Suite 125 CITY: Lawrenceville STATE: Georgia ZIP: 30043 PHONE: 770.232.0000	NAME: MF Georgia I, LLC ADDRESS: 13860 Ballantyne Corporate Pl, Ste 130 CITY: Charlotte STATE: North Carolina ZIP: 28277 PHONE: 770.232.0000
CONTACT PERSON: Shane Lanham PHONE: 770.232.0000 CONTACT'S E-MAIL: slanham@mptlawfirm.com	

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): R-100 PRIOR ZONING CASE: CIC2004-00030 LAND DISTRICT(S): 5 LAND LOT(S): 248 ACREAGE: 110.62 ADDRESS OF PROPERTY: Ewing Chapel Road PROPOSED CHANGE IN CONDITIONS: Delete/modify various conditions to permit single-family development as set forth in the Application	
RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: 190 DWELLING UNIT SIZE (Sq. Ft.): 2,200+ GROSS DENSITY: 1.72 units per acre NET DENSITY: 1.83 units per acre	NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/LOTS: N/A TOTAL GROSS SQUARE FEET: _____ DENSITY: _____

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 Lots 248 & 265 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

COMMENCING at a Land Lot Corner common to Land Lots 248, 249, 264 & 265; THENCE leaving said Land Lot Corner North 20 degrees 03 minutes 56 seconds West for a distance of 1202.79 feet to a point on the Southwesterly Right-of-Way of Ewing Chapel Road (80' R/W), said Point being **THE POINT OF BEGINNING**.

THENCE leaving said Right-of-Way South 68 degrees 56 minutes 33 seconds West for a distance of 100.09 feet to a Point; THENCE South 57 degrees 09 minutes 40 seconds West for a distance of 221.35 feet to a Point; THENCE South 60 degrees 02 minutes 58 seconds West for a distance of 160.10 feet to a Point; THENCE South 52 degrees 32 minutes 42 seconds West for a distance of 100.00 feet to a Point; THENCE South 57 degrees 13 minutes 40 seconds West for a distance of 554.89 feet to a Point;

THENCE South 83 degrees 31 minutes 46 seconds West for a distance of 676.96 feet to a Point; THENCE South 32 degrees 27 minutes 07 seconds West for a distance of 50.05 feet to a Point; THENCE South 02 degrees 55 minutes 04 seconds West for a distance of 397.99 feet to a Point; THENCE South 64 degrees 16 minutes 05 seconds West for a distance of 16.77 feet to a Point; THENCE South 11 degrees 50 minutes 31 seconds East for a distance of 460.97 feet to a Point;

THENCE South 35 degrees 54 minutes 24 seconds West for a distance of 621.10 feet to a Point; THENCE South 67 degrees 58 minutes 46 seconds West for a distance of 1658.02 feet to a Point; THENCE South 67 degrees 57 minutes 11 seconds West for a distance of 1053.80 feet to a Point (On a traverse line) 1134.24 to the centerline of Alcovy River; (THENCE continuing along the Centerline of Alcovy River for +/-2171 feet to a point) THENCE continuing along said Traverse Line the following six (6) courses and distances North 20 degrees 19 minutes 35 seconds West for a distance of 106.11 feet to a Point; THENCE North 22 degrees 22 minutes 30 seconds West for a distance of 292.04 feet to a Point; THENCE North 22 degrees 22 minutes 30 seconds West for a distance of 259.68 feet to a Point; THENCE North 34 degrees 48 minutes 34 seconds West for a distance of 570.44 feet to a Point; THENCE North 29 degrees 30 minutes 44 seconds West for a distance of 585.90 feet to a Point; THENCE North 49 degrees 37 minutes 14 seconds West for a distance of 352.33 feet to a Point; THENCE leaving said Traverse Line and Centerline of Alcovy River North 60 degrees 34 minutes 09 seconds East for a distance of 1585.98 feet to a Point; THENCE North 60 degrees 34 minutes 09 seconds East for a distance of 675.82 feet to a Point; THENCE South 26 degrees 31 minutes 48 seconds East for a distance of 588.89 feet to a Point; THENCE South 26 degrees 37 minutes 15 seconds East for a distance of 560.84 feet to a Point; THENCE North 57 degrees 06 minutes 08 seconds East for a distance of 444.00 feet to a Point; THENCE North 57 degrees 13 minutes 06 seconds East for a distance of 605.11 feet to a Point on the aforesaid Right-of-Way of Ewing Chapel Road; THENCE continuing along said Right-of-Way South 35 degrees 32 minutes 56 seconds East for a distance of 60.15 feet to a Point; THENCE leaving aforesaid Right-of-Way of Ewing Chapel Road South 57 degrees 14 minutes 05 seconds West for a distance of 629.54 feet to a Point; THENCE South 57 degrees 11 minutes 31 seconds West for a distance of 428.98 feet to a Point; THENCE South 26 degrees 34 minutes 52 seconds East for a distance of 511.03 feet to a Point; THENCE North 57 degrees 12 minutes 21 seconds East for a distance of 1128.72 feet to a Point on the aforesaid Right-of-Way of Ewing Chapel Road (80' R/W); THENCE continuing along said Right-of-Way the following two (2) courses and distances South 33 degrees 49 minutes 10 seconds East for a distance of 40.01 feet to a Point; THENCE South 33 degrees 10 minutes 38 seconds East for a distance of 39.96 feet to a Point; THENCE leaving aforesaid Right-of-Way South 80 degrees 33 minutes 21 seconds West for a distance of 99.68 feet to a Point; THENCE South 57 degrees 13 minutes 38 seconds West for a distance of 338.08 feet to a Point; THENCE South 38 degrees 03 minutes 57 seconds East for a distance of 49.23 feet to a Point; THENCE South 77 degrees 29 minutes 06 seconds West for a distance of 63.82 feet to a Point; THENCE North 25 degrees 28 minutes 48 seconds West for a distance of 27.14 feet to a Point; THENCE South 57 degrees 13 minutes 38 seconds West for a distance of 657.16 feet to a Point; THENCE South 83 degrees 31 minutes 45 seconds West for a distance of 317.87 feet to a Point; THENCE South 22 degrees 01 minutes 14 seconds East for a distance of 697.73 feet to a Point; THENCE North 67 degrees 58 minutes 46 seconds East for a distance of 997.42 feet to a Point; THENCE North 35 degrees 54 minutes 24 seconds East for a distance of 526.30 feet to a Point; THENCE North

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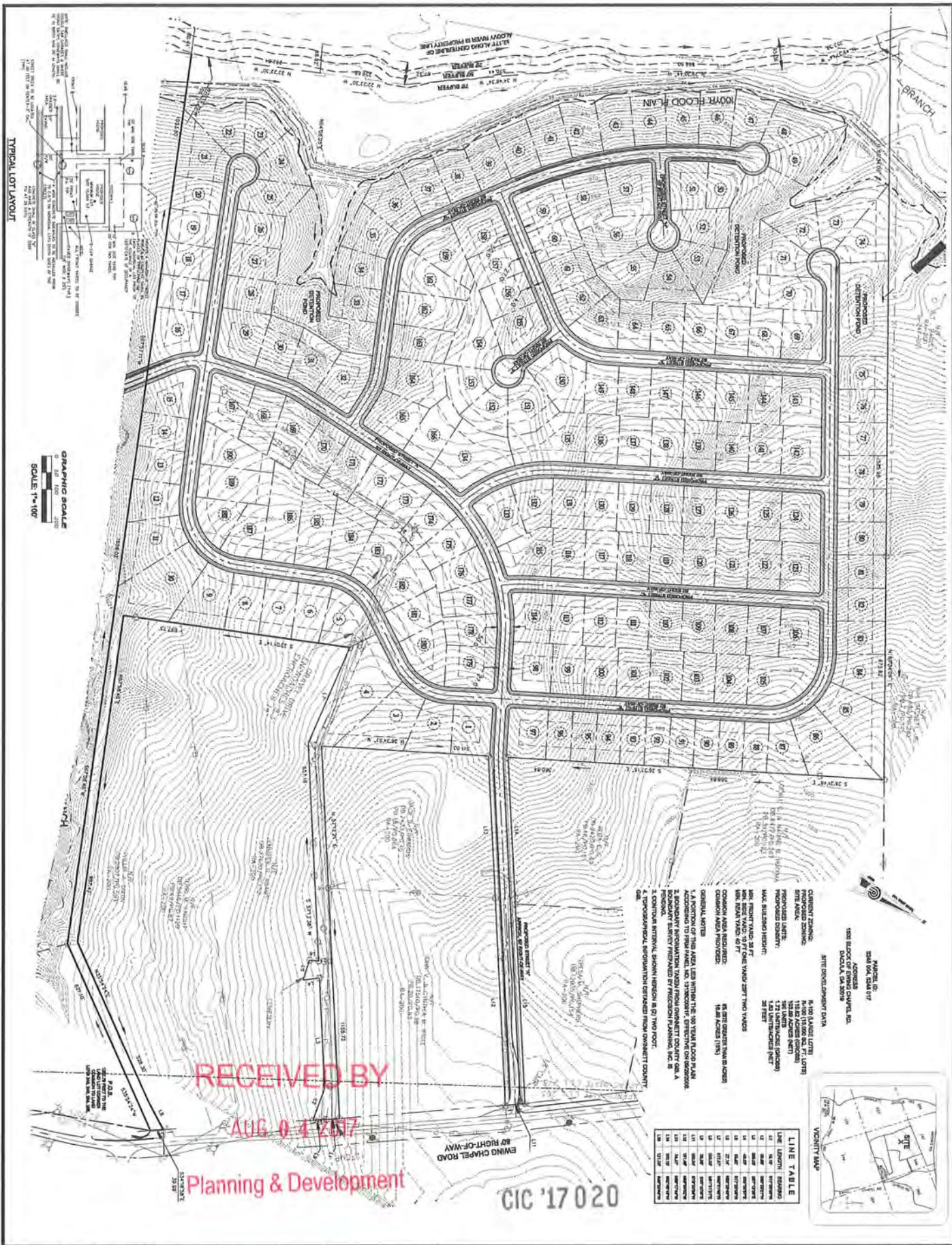
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31 degrees 31 minutes 31 seconds East for a distance of 100.00 feet to a Point on the aforesaid Right-of-Way of Ewing Chapel Road; THENCE South 34 degrees 18 minutes 58 seconds East for a distance of 39.99 feet to a Point, said point being **THE POINT OF BEGINNING**.

Said property contains 107.005 Acres (To Traverse Line), 110.623 Acres to the Centerline of Alcovy River.

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GENERAL NOTES:

1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
2. EMBLEMATIC SYMBOLS ARE FROM THE 2011 ILLINOIS ZONING ORDINANCE.
3. ALL DISTANCES ARE MEASURED FROM THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
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LINE TABLE

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1 OF 1	07/17/17	PRECISION PLANNING INC.	RIVERSPRINGS UNIT 3 1800 BLOCK OF EWING CHAPEL ROAD LAND LOTS 218 & 296, 9TH DISTRICT, PARCELS 017 & 004 SPRINGFIELD COUNTY, GEORGIA	PRECISION Planning Inc. planners • engineers • architects • surveyors 400 Park Boulevard, Lawrenceville, GA 30046 770.969.8700 • www.ppi.com	STAMP
	R17-130A	PRECISION PLANNING INC.			
RELEASE	SHEET TITLE	PROJECT			

CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

Please see attached

- (D) WHETHER THE PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS:

Please see attached

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CHANGE IN CONDITIONS APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) The proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is a single-family residential neighborhood that is compatible with surrounding uses.
- (B) The proposed change in conditions will not adversely affect the existing use or usability of any of nearby property. The proposed development is compatible with surrounding development.
- (C) Due to the size, layout, location, and topography of the subject Property, the Applicant submits that the subject Property does not have any reasonable economic use as currently zoned.
- (D) The proposed change in conditions will not result in an excessive or burdensome use of the infrastructure systems. The subject Property is located off of Ewing Chapel Road with access to utilities. According to the County's GIS mapping system, a pressurized sewer main runs along the Property's westerly boundary. Further, the relatively low development density will not overly burden infrastructure systems.
- (E) The proposed change in conditions is in conformity with the policy and intent of the Land Use Plan. The proposed development would have a gross density of approximately 1.72 units per acre which is below the recommended maximum gross density of 2.0 units per acre set forth in Section C.2.2 of Part 3 of the Unified Plan.
- (F) The Applicant submits that the single-family residential nature of the area as well as the Property's convenient access to Sugarloaf Parkway and Georgia State Route 316 provide additional support of this Application.

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Matthew P. Benson
Gerald Davidson, Jr.*
Brian T. Easley
Kelly O. Faber
Christopher D. Holbrook
Frances H. Kim
Shane M. Lanham

Austen T. Mabe
Jeffrey R. Mahaffey
David G. McGee
Steven A. Pickens
Andrew D. Stancil
R. Lee Tucker, Jr.
*Of Counsel

**LETTER OF INTENT FOR
CHANGE IN CONDITIONS APPLICATION
OF MF GEORGIA I, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Change in Conditions Application (the “Application”) on behalf of MF Georgia I, LLC (the “Applicant”) for the purpose of changing existing conditions of zoning on an approximately 110.62 acre tract of land (the “Property”) situated along Ewing Chapel Road south of Brooks Road in eastern Gwinnett County. The Property is currently zoned R-100 pursuant to RZR2003-00016 and CIC2004-00030 (together the “Previous Zoning”).

The subject Property was rezoned to the R-100 zoning classification in 2003 as part of a larger single-family residential development containing approximately 269 acres. As a result of the Previous Zoning, a condition of zoning, among others, was placed on the Property limiting the gross density across the entire development to a maximum of one lot per acre. The Applicant requests a change in the existing conditions of zoning so as to allow the Applicant to develop the Property as a single-family residential community including 190 detached single-family homes on lots containing a minimum of 15,000 square feet pursuant to the requirements of the R-100 zoning classification as set forth in the Gwinnett County Unified Development Ordinance (the “UDO”). Specifically, the Applicant is requesting to modify the existing Condition 1(A) to

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NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

TELEPHONE 770 232 0000

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allow “Single-family detached dwellings and accessory uses and structures not to exceed 190 units” and to delete Conditions 1(G), 2(G), 2(I), and 3(A) – (F).

The proposed development would have a net density of approximately 1.83 units per acre and a gross density of approximately 1.72 units per acre. The proposed single-family community would be compatible with existing development and would consist of homes at a size, quality, and price-point commensurate with or exceeding homes in the surrounding area. The proposed homes would include two-car garages and attractive architectural elements. The front facades of proposed homes would be constructed primarily of brick, stone, board and batten, and/or fiber-cement or shake siding. The homes in the proposed development would contain a minimum of 2,200 square feet of heated floor area for single-family homes and a minimum of 2,400 square feet of heated floor area for two-story homes. The proposed development would also provide approximately 16.89 acres of common 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 Change in Conditions Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 4th day of August, 2017.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

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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

8/2/17

Date

Shane M. Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

Signature of Notary Public

8/2/17

Date

Date



Notary Seal

Notary Seal

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CIC '17 020

Change in Conditions *82*
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.

Kevin J. Mast

Signature of Applicant

8.1.2017

Date

MF Georgia I, LLC by Kevin J. Mast, Vice President

Type or Print Name and Title

Rachel M Berg

Signature of Notary Public

8/1/17
8.1.2017

Date



Notary Seal

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Change in Conditions *82*

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.

Kevin J. Mast _____ 8.1.2017
Signature of Property Owner Date

MF Georgia I, LLC by Kevin J. Mast, Vice President

Type or Print Name and Title

Rachel M Berg _____ 8/1/17 8.1.2017 _____
Signature of Notary Public Date Notary Seal



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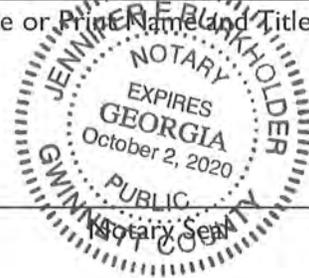
CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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 of Print Name and Title _____
 _____ 8/2/17 _____ Shane M. Lanham, Attorney for the Applicant

Signature of Applicant's Attorney or Representative _____ Date _____ Type or Print Name and Title _____

 _____ 8/2/17 _____
 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	09/29/2015
Tommy Hunter	\$1000	01/27/2016
Charlotte Nash	\$1000	03/08/2016

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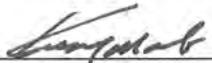
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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

 8.1.2017 MF Georgia I, LLC by Kevin J. Mast, Vice President
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 8.1.2017
 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 KEVIN J. MAST
 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)

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

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**VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS**

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 - 248 - 004
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

8/4/17
Date

Shane M. Lanham, Attorney for the 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)


NAME
8/2/17
DATE

TSA II
TITLE

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**VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS**

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: 5 248 014
(Map Reference Number) District Land Lot Parcel

Signature of Applicant

Date

Shane M. Lanham, Attorney for the 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)

[Signature]
NAME
8/2/17
DATE

TSA II
TITLE

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CASE NUMBER CIC-04-030

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

<u>Present</u>	<u>VOTE</u>
Wayne Hill, Chairman	<u>AYE</u>
Marcia Neaton, District 1	<u>AYE</u>
Albert Nasuti, District 2	<u>AYE</u>
John Dunn, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

On motion of COMM. DUNN, which carried 5-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 to R-100 (CHANGE IN CONDITIONS) by VINTAGE COMMUNITIES for the proposed use of CHANGE IN CONDITIONS (INCREASE DENSITY) on a tract of land described by the attached legal description, which

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is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on DECEMBER 14, 2004 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 14TH day of DECEMBER, 2004, that the aforesaid application to amend the Official Zoning Map from R-100 to R-100 (CHANGE IN CONDITIONS) is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Single-family detached dwellings and accessory uses and structures, with a gross density not to exceed one unit per acre (269 lots).
 - B. The minimum heated floor area per dwelling unit shall be 2,200 square feet for single-story dwellings and 2,400 square feet for two-story dwellings.
 - C. Homes shall be constructed with front facades of brick, stacked stone or stucco with minor treatments (i.e. bay windows or gables) of cedar shake, wood or fiber-cement siding. Remaining sides may be of brick, stacked stone, stucco, wood or fiber-cement siding.
 - D. All dwellings shall have a minimum of a double-car garage.

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- E. The property shall not be developed as a CSO-type subdivision.
 - F. Mass-grading shall be prohibited except where rock is found or where streets are designated. Otherwise lots shall be graded on a lot by lot basis. Trees to be saved shall be tagged and marked with orange tree-save fence prior to grading.
 - G. An undisturbed 50-foot buffer shall remain around the subject property on all sides (including Ewing Chapel Road frontage) and shall be marked with orange tree-save fence prior to any grading.
2. To satisfy the following site development considerations:
- A. Direct lot access to Ewing Chapel Road shall be prohibited. Houses shall maintain a minimum 100-foot setback from Ewing Chapel Road.
 - B. A maximum of two exits/entrances shall be allowed for this development. One entrance/exit shall be located at the south-end and entrance/exit at the north-end (estate lots). The location of exits/entrances shall be subject to review and approval of the Gwinnett County Department of Transportation.
 - C. Provide stub streets as may be required by the Development Division.
 - D. Natural vegetation shall remain on the property until the issuance of a subdivision development permit.
 - E. Provide underground utilities throughout the development.
 - F. All front and side yard areas shall be sodded. Those lots adjacent to the Alcovy Rived shall be sodded or hydro-seeded in the rear yard.
 - G. A 6-foot high chain-link privacy fence shall be installed along the entire 1,500-foot length of the shared property line with Mr. DeLatour. The fence shall be maintained by the Homeowners Association.

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- H. Final Development Plan, location of fencing and landscaping shall be subject to review and approval of the Director of Planning and Development.
 - I. Install a 6-foot high black vinyl coated chain link fence along the shared property line with Mr. Andy Cash.
3. To abide by the following requirements, dedications and improvements:
- A. Prior to the issuance of a Development Permit, donate all right-of-way and easements for a safety alignment project on Ewing Chapel Road per plans on file with the Gwinnett Department of Transportation project number 9395.
 - B. The subdivision entrance onto Ewing Chapel Road shall be relocated outside of the area impacted by the Gwinnett D.O.T. Project 9395 (safety alignment of Ewing Chapel Road).
 - C. Within 90 days of recording the final plat, design and construct a center turn lane at the south entrance. All necessary right-of-way and easements for this construction shall be donated by Gwinnett County. Resurface and stripe Ewing Chapel Road throughout the entire widened section as directed by Department of Transportation. All design and construction will be subject to review and approval of the Department of Transportation.
 - D. Applicant shall dedicate at no cost to Gwinnett County a minimum 20-foot wide easement/right-of-way adjacent to the Alcovy River. Proposed easement location and site plan shall be subject to review by the Department of Community Services. Said easement to be used in the future as a greenway, walkway, park or any other public use as determined by the Director of Community Services.

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- E. A statement shall be placed on the final plat in order to notify future homeowners of the proposed subdivision that they are moving into a rural area customarily used for the raising of hogs, cows, chickens, horses, and other farm animals, and for crops which may cause noises and odors typical of a rural area.

- F. The applicant, in order to provide to school authorities detailed information on the impact the development may have on the school system, shall notify the School Board and School Board Planning Staff in writing, the number of units in the development and the type of housing, the number of bedrooms per house, and the phasing of the development, prior to the issuance of a Development Permit.

GWINNETT COUNTY BOARD OF COMMISSIONERS

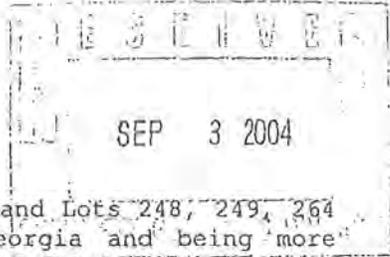
By: *F. Wayne Hill*
F. Wayne Hill, Chairman

Date Signed: 12/29/04

ATTEST:
Brenda Maddox
County Clerk

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L E G A L D E S C R I P T I O N

All the tract or parcel of land lying and being in Land Lots 248, 249, 264 and 265 of the 5th Land District, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a point found at the intersection of Land Lots 248, 249, 264 and 265, said point being THE TRUE POINT OF BEGINNING; THENCE traveling on Land lot Line common to Land Lots 264 and 265 North 61 degrees 53 minutes 29 seconds East for a distance of 89.97 feet to a point, said point being marked by a 1/2 inch rebar found on the westerly right-of-way of Ewing Chapel Road (80' right-of-way); THENCE commencing along said right-of-way South 25 degrees 58 minutes 22 seconds East for a distance of 88.66 feet to a point; THENCE South 28 degrees 38 minutes 14 seconds East for a distance of 623.55 feet to a point; THENCE along a curve to the right having a radius of 552.64 feet and an arc length of 200.52 feet, being subtended by a chord of South 18 degrees 12 minutes 51 seconds East for a distance of 199.42 feet to a point; THENCE South 09 degrees 43 minutes 03 seconds East for a distance of 580.25 feet to a point; THENCE along a curve to the left having a radius of 1034.93 feet and an arc length of 283.17 feet, being subtended by a chord of South 17 degrees 06 minutes 53 seconds East for a distance of 282.29 feet to a point; THENCE South 29 degrees 36 minutes 57 seconds East for a distance of 48.91 feet to a point, said point being marked by a 1/2 inch rebar found; THENCE South 52 degrees 06 minutes 10 seconds West for a distance of 1534.84 feet to a point; THENCE North 75 degrees 19 minutes 54 seconds West for a distance of 132.19 feet to a point; THENCE South 56 degrees 10 minutes 14 seconds West for a distance of 303.64 feet to a point; THENCE North 31 degrees 03 minutes 03 seconds West for a distance of 264.31 feet to a point; THENCE North 65 degrees 23 minutes 30 seconds West for a distance of 657.22 feet to a point; THENCE North 63 degrees 56 minutes 25 seconds West for a distance of 526.91 feet to a point; THENCE North 44 degrees 24 minutes 07 seconds West for a distance of 648.54 feet to a point; THENCE North 34 degrees 17 minutes 35 seconds West for a distance of 372.72 feet to a point; THENCE North 37 degrees 22 minutes 44 seconds West for a distance of 641.74 feet to a point; THENCE North 20 degrees 19 minutes 35 seconds West for a distance of 355.38 feet to a point; THENCE North 20 degrees 19 minutes 35 seconds West for a distance of 106.11 feet to a point; THENCE North 22 degrees 22 minutes 30 seconds West for a distance of 551.72 feet to a point; THENCE North 34 degrees 48 minutes 34 seconds West for a distance of 570.44 feet to a point; THENCE North 29 degrees 30 minutes 44 seconds West for a distance of 585.90 feet to a point; THENCE North 49 degrees 37 minutes 14 seconds West for a distance of 352.33 feet to a point; THENCE North 60 degrees 34 minutes 09 seconds East for a distance of 1585.98 feet to a point, said point being marked by a 1/2 inch open top pipe found; THENCE continuing North 60 degrees 34 minutes 09 seconds East for a distance of 675.82 feet to a point, THENCE South 26 degrees 31 minutes 48 seconds East for a distance of 588.89 feet to a point; THENCE South 26 degrees 37 minutes 15 seconds East for a distance of 560.84 feet to a point; THENCE North 57 degrees 06 minutes 08 seconds East for a distance of 444.00 feet to a point; THENCE North 57 degrees 13 minutes 06 seconds East for a distance of 605.11 feet to a point, said point being marked by a iron pin found along the westerly right-of-way of Ewing Chapel Road; THENCE commencing along said right-of-way South 35 degrees 32 minutes 56 seconds East for a distance of 60.15 feet to a point; THENCE leaving said right-of-way South 57 degrees 14 minutes 05 seconds West for a distance of 629.54 feet to a point; THENCE South 57 degrees 11 minutes 31 seconds West for a distance of 428.98 feet to a point; THENCE South 26 degrees 34 minutes 52 seconds East for a distance of 511.03 feet to a point; THENCE North 57 degrees 12 minutes 21 seconds East for a distance of 1128.72 feet to a point, said point being marked by a 1/2 inch rebar found along

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the westerly right-of-way of Ewing Chapel Road; THENCE commencing along said right-of-way South 33 degrees 49 minutes 10 seconds East for a distance of 40.01 feet to a point; THENCE leaving said right-of-way South 68 degrees 56 minutes 33 seconds West for a distance of 100.09 feet to a point; THENCE South 57 degrees 09 minutes 40 seconds West for a distance of 221.35 feet to a point; THENCE South 60 degrees 02 minutes 58 seconds West for a distance of 160.10 feet to a point; THENCE South 52 degrees 32 minutes 42 seconds West for a distance of 100.00 feet to a point; THENCE South 57 degrees 13 minutes 40 seconds West for a distance of 554.89 feet to a point; THENCE South 83 degrees 31 minutes 46 seconds West for a distance of 676.96 feet to a point; THENCE South 32 degrees 27 minutes 07 seconds West for a distance of 50.05 feet to a point; THENCE South 02 degrees 55 minutes 04 seconds West for a distance of 397.99 feet to a point; THENCE South 64 degrees 16 minutes 05 seconds West for a distance of 16.77 feet to a point; THENCE South 11 degrees 50 minutes 31 seconds East for a distance of 460.97 feet to a point, said point being marked by a ½ inch rebar found; THENCE North 67 degrees 58 minutes 46 seconds East for a distance of 1658.02 feet to a point; THENCE South 45 degrees 42 minutes 07 seconds East for a distance of 315.56 feet to a point; THENCE South 58 degrees 12 minutes 54 seconds West for a distance of 1292.30 feet to a point, said point being marked by a ½ inch rebar found; THENCE South 00 degrees 17 minutes 36 seconds West for a distance of 608.40 feet to a point; THENCE North 61 degrees 53 minutes 29 seconds East for a distance of 1873.67 feet to a point, said point being THE TRUE POINT OF BEGINNING.

Said property contains 269.652 acres.



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