

REZONING APPLICATION

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

| APPLICANT INFORMATION | OWNER INFORMATION* |
|--|---|
| NAME: <u>Peachtree Hotel Group, LLC c/o Mahaffey Pickens Tucker, LLP</u> | NAME: <u>Mary Virginia Mimms</u> |
| ADDRESS: <u>1550 N Brown Rd, Ste 125</u> | ADDRESS: <u>215 Savanna Estates Ct</u> |
| CITY: <u>Lawrenceville</u> | CITY: <u>Canton</u> |
| STATE: <u>Georgia</u> ZIP: <u>30043</u> | STATE: <u>Georgia</u> ZIP: <u>30115</u> |
| PHONE: <u>770.232.0000</u> | PHONE: <u>770.232.0000</u> |
| CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770.232.0000</u> | |
| CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u> | |

| APPLICANT IS THE: | |
|---|--|
| <input type="checkbox"/> OWNER'S AGENT | <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER |
| PRESENT ZONING DISTRICTS(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>C-2</u> | |
| LAND DISTRICT(S): <u>7</u> LAND LOT(S): <u>114</u> ACREAGE: <u>+/- 4.43</u> | |
| ADDRESS OF PROPERTY: <u>1700 Block North Brown Road, Lawrenceville</u> | |
| PROPOSED DEVELOPMENT: <u>Hotel</u> | |

| RESIDENTIAL DEVELOPMENT | NON-RESIDENTIAL DEVELOPMENT |
|-------------------------------------|---|
| No. of Lots/Dwelling Units _____ | No. of Buildings/Lots: <u>1/1</u> |
| Dwelling Unit Size (Sq. Ft.): _____ | Total Building Sq. Ft. <u>+/-76,299</u> |
| Gross Density: _____ | Density: <u>+/-17,223.25</u> |
| Net Density: _____ | |

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RZC '17 00 6

RECEIVED BY

DEC 02 2016

Planning & Development

PROPERTY DESCRIPTION

Being all that tract or parcel of land lying and being in Land Lot 114, 7th District, Gwinnett County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at a point on the Southeasterly Right-of-Way Line of the Interstate 85 North Access Ramp (having a variable width right-of-way); thence, leaving said point and running with the property now or formerly owned by Huntcrest Commerce Center, LLC per deed recorded among the Land Records of Gwinnett County, Georgia in Deed Book 54333, Page 250, South 43° 21' 00" East, 110.59 feet; thence, South 48° 52' 44" West, 53.15 feet; thence, South 47° 51' 30" West, 56.85 feet to a rebar with cap "BDG" found; thence, South 04° 31' 16" West, 122.95 feet to a rebar with cap "BDG" found on the Land Lot Line common to the Eastern Line of Land Lot 115 and the Western Line of Land Lot 114; thence, running with the said Land Lot Line, South 29° 39' 07" East, 11.46 feet; thence, South 28° 53' 05" East, 121.82 feet to a 1/2" rebar found, being the True Point of Beginning of the herein described tract or parcel of land; thence, leaving the said Land Lot Line and the said Point of Beginning and continuing along the Huntcrest Commerce Center, LLC property

1. North 59° 50' 59" East, 573.44 feet to a rebar with cap "BDG" found on the Westerly Right-of-Way Line of North Brown Road (having an apparent 120 feet wide right-of-way); thence, leaving the aforesaid property of Huntcrest Commerce Center, LLC and running with the said line of North Brown Road
2. 81.12 feet along the arc of a curve deflecting to the left, having a radius of 1,432.40 feet and a chord bearing and distance of South 09° 00' 36" West, 81.11 feet; thence,
3. South 07° 02' 05" West, 550.00 feet; thence,
4. South 07° 38' 04" West, 78.66 feet to a 1/2" rebar with cap "LSF000810" set; thence, leaving the aforesaid line of North Brown Road and running with the property now or formerly owned by Gwinnett County (no recording information found)
5. North 82° 08' 43" West, 179.51 feet to a 1/2" rebar found on the aforesaid Land Lot Line; thence, continuing along the Gwinnett County property and running with the aforesaid Land Lot Line
6. North 30° 10' 16" West, 452.71 feet to the Point of Beginning, containing 192,848 square feet or 4.4272 acres of land, more or less.

RZC '17 00 6

RECEIVED BY

DEC 02 2016

Planning & Development

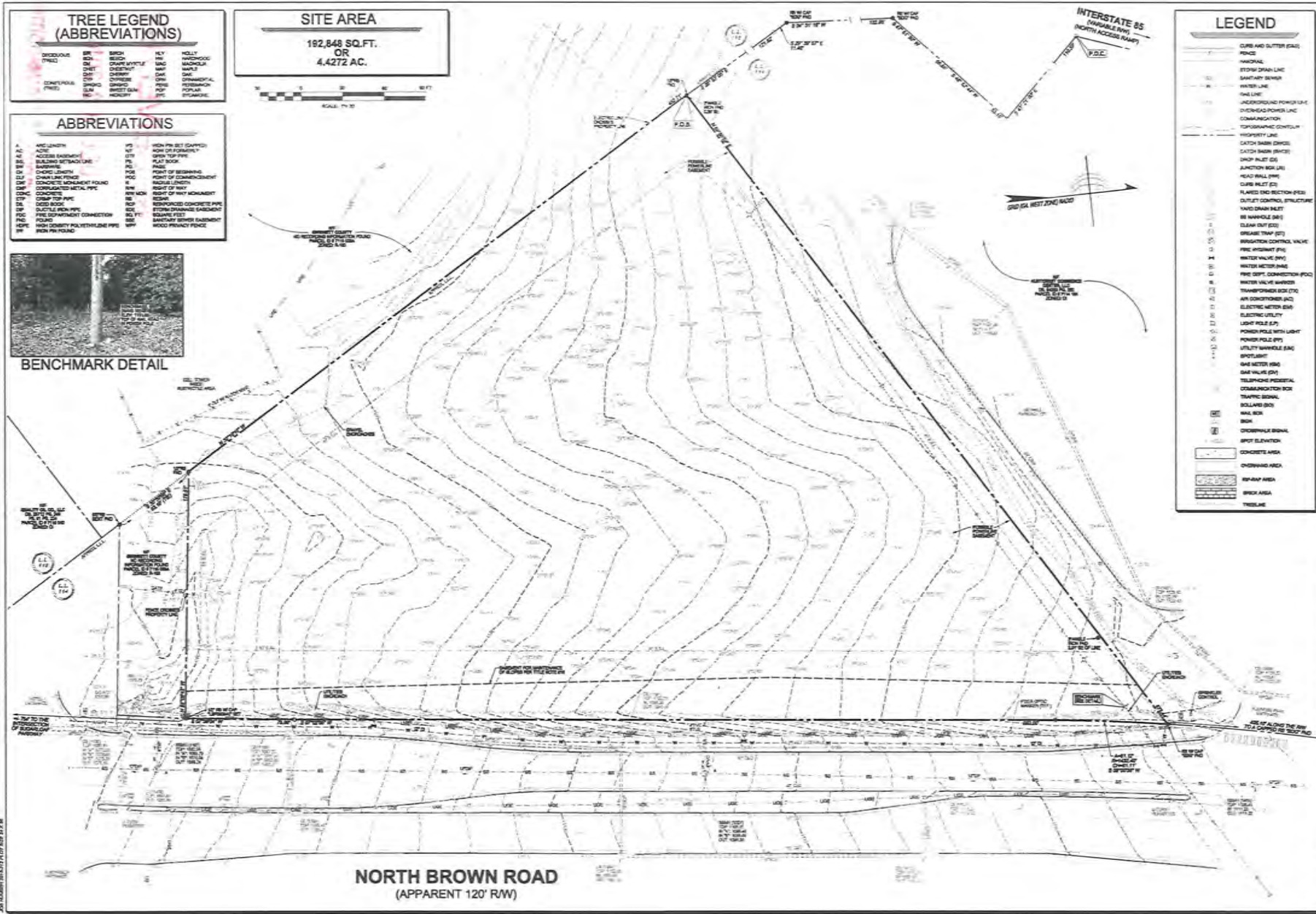
| TREE LEGEND (ABBREVIATIONS) | | | |
|--------------------------------|--------------|--------------|--------------|
| ALBURNUM (FRS) | SPR (FRS) | SPR (FRS) | SPR (FRS) |
| AMERICAN (FRS) | SPR (FRS) | SPR (FRS) | SPR (FRS) |
| AMERICAN (FRS) | SPR (FRS) | SPR (FRS) | SPR (FRS) |
| AMERICAN (FRS) | SPR (FRS) | SPR (FRS) | SPR (FRS) |

| ABBREVIATIONS | | | |
|---------------|----------------------|----|-----------------------|
| A | ARC LENGTH | VS | IRON PIPE SET (CAPED) |
| B | ACCESS EASEMENT | W | WIDE OPEN FORMERLY |
| C | BLANKING METHOD LINE | X | OPEN TOP PIPE |
| D | BLANKING METHOD LINE | Y | PLAT BOOK |
| E | BLANKING METHOD LINE | Z | PLAT |
| F | BLANKING METHOD LINE | AA | POINT OF BEGINNING |
| G | BLANKING METHOD LINE | AB | POINT OF COMMENCEMENT |
| H | BLANKING METHOD LINE | AC | ADJACENT |
| I | BLANKING METHOD LINE | AD | RIGHT OF WAY |
| J | BLANKING METHOD LINE | AE | RIGHT OF WAY ADJACENT |
| K | BLANKING METHOD LINE | AF | RIGHT OF WAY |
| L | BLANKING METHOD LINE | AG | RIGHT OF WAY ADJACENT |
| M | BLANKING METHOD LINE | AH | RIGHT OF WAY |
| N | BLANKING METHOD LINE | AI | RIGHT OF WAY ADJACENT |
| O | BLANKING METHOD LINE | AJ | RIGHT OF WAY |
| P | BLANKING METHOD LINE | AK | RIGHT OF WAY ADJACENT |
| Q | BLANKING METHOD LINE | AL | RIGHT OF WAY |
| R | BLANKING METHOD LINE | AM | RIGHT OF WAY ADJACENT |
| S | BLANKING METHOD LINE | AN | RIGHT OF WAY |
| T | BLANKING METHOD LINE | AO | RIGHT OF WAY ADJACENT |
| U | BLANKING METHOD LINE | AP | RIGHT OF WAY |
| V | BLANKING METHOD LINE | AQ | RIGHT OF WAY ADJACENT |
| W | BLANKING METHOD LINE | AR | RIGHT OF WAY |
| X | BLANKING METHOD LINE | AS | RIGHT OF WAY ADJACENT |
| Y | BLANKING METHOD LINE | AT | RIGHT OF WAY |
| Z | BLANKING METHOD LINE | AU | RIGHT OF WAY ADJACENT |



BENCHMARK DETAIL

SITE AREA
192,848 SQ. FT.
OR
4,4272 AC.



| LEGEND | |
|--------|-----------------------|
| 1 | CURE AND SUTTER (S&S) |
| 2 | INCH |
| 3 | STONY DRAIN LINE |
| 4 | STONY DRAIN LINE |
| 5 | STONY DRAIN LINE |
| 6 | STONY DRAIN LINE |
| 7 | STONY DRAIN LINE |
| 8 | STONY DRAIN LINE |
| 9 | STONY DRAIN LINE |
| 10 | STONY DRAIN LINE |
| 11 | STONY DRAIN LINE |
| 12 | STONY DRAIN LINE |
| 13 | STONY DRAIN LINE |
| 14 | STONY DRAIN LINE |
| 15 | STONY DRAIN LINE |
| 16 | STONY DRAIN LINE |
| 17 | STONY DRAIN LINE |
| 18 | STONY DRAIN LINE |
| 19 | STONY DRAIN LINE |
| 20 | STONY DRAIN LINE |
| 21 | STONY DRAIN LINE |
| 22 | STONY DRAIN LINE |
| 23 | STONY DRAIN LINE |
| 24 | STONY DRAIN LINE |
| 25 | STONY DRAIN LINE |
| 26 | STONY DRAIN LINE |
| 27 | STONY DRAIN LINE |
| 28 | STONY DRAIN LINE |
| 29 | STONY DRAIN LINE |
| 30 | STONY DRAIN LINE |
| 31 | STONY DRAIN LINE |
| 32 | STONY DRAIN LINE |
| 33 | STONY DRAIN LINE |
| 34 | STONY DRAIN LINE |
| 35 | STONY DRAIN LINE |
| 36 | STONY DRAIN LINE |
| 37 | STONY DRAIN LINE |
| 38 | STONY DRAIN LINE |
| 39 | STONY DRAIN LINE |
| 40 | STONY DRAIN LINE |
| 41 | STONY DRAIN LINE |
| 42 | STONY DRAIN LINE |
| 43 | STONY DRAIN LINE |
| 44 | STONY DRAIN LINE |
| 45 | STONY DRAIN LINE |
| 46 | STONY DRAIN LINE |
| 47 | STONY DRAIN LINE |
| 48 | STONY DRAIN LINE |
| 49 | STONY DRAIN LINE |
| 50 | STONY DRAIN LINE |
| 51 | STONY DRAIN LINE |
| 52 | STONY DRAIN LINE |
| 53 | STONY DRAIN LINE |
| 54 | STONY DRAIN LINE |
| 55 | STONY DRAIN LINE |
| 56 | STONY DRAIN LINE |
| 57 | STONY DRAIN LINE |
| 58 | STONY DRAIN LINE |
| 59 | STONY DRAIN LINE |
| 60 | STONY DRAIN LINE |
| 61 | STONY DRAIN LINE |
| 62 | STONY DRAIN LINE |
| 63 | STONY DRAIN LINE |
| 64 | STONY DRAIN LINE |
| 65 | STONY DRAIN LINE |
| 66 | STONY DRAIN LINE |
| 67 | STONY DRAIN LINE |
| 68 | STONY DRAIN LINE |
| 69 | STONY DRAIN LINE |
| 70 | STONY DRAIN LINE |
| 71 | STONY DRAIN LINE |
| 72 | STONY DRAIN LINE |
| 73 | STONY DRAIN LINE |
| 74 | STONY DRAIN LINE |
| 75 | STONY DRAIN LINE |
| 76 | STONY DRAIN LINE |
| 77 | STONY DRAIN LINE |
| 78 | STONY DRAIN LINE |
| 79 | STONY DRAIN LINE |
| 80 | STONY DRAIN LINE |
| 81 | STONY DRAIN LINE |
| 82 | STONY DRAIN LINE |
| 83 | STONY DRAIN LINE |
| 84 | STONY DRAIN LINE |
| 85 | STONY DRAIN LINE |
| 86 | STONY DRAIN LINE |
| 87 | STONY DRAIN LINE |
| 88 | STONY DRAIN LINE |
| 89 | STONY DRAIN LINE |
| 90 | STONY DRAIN LINE |
| 91 | STONY DRAIN LINE |
| 92 | STONY DRAIN LINE |
| 93 | STONY DRAIN LINE |
| 94 | STONY DRAIN LINE |
| 95 | STONY DRAIN LINE |
| 96 | STONY DRAIN LINE |
| 97 | STONY DRAIN LINE |
| 98 | STONY DRAIN LINE |
| 99 | STONY DRAIN LINE |
| 100 | STONY DRAIN LINE |

TerraMark
Professional Land Surveyors

PAUL VERNON MIMS, PLS
AND CHICAGO TITLE INSURANCE COMPANY
(NORTH BROWN ROAD SITE)
LOCATED IN
LAND LOT 114, 7TH DISTRICT
WINNETT COUNTY, GEORGIA

ALTANPS LAND TITLE SURVEY
PAUL VERNON MIMS, PLS ACQUISITIONS, LLC
AND CHICAGO TITLE INSURANCE COMPANY
(NORTH BROWN ROAD SITE)
LOCATED IN
LAND LOT 114, 7TH DISTRICT
WINNETT COUNTY, GEORGIA

SHEET NO.
2/2

DATE
11/14/17

PROJECT NO.
17000

PROJECT NAME
ALTANPS LAND TITLE SURVEY

PROJECT LOCATION
NORTH BROWN ROAD SITE

PROJECT OWNER
PAUL VERNON MIMS, PLS ACQUISITIONS, LLC
AND CHICAGO TITLE INSURANCE COMPANY

PROJECT DESCRIPTION
LAND TITLE SURVEY

PROJECT STATUS
COMPLETED

PROJECT CONTACT
PAUL VERNON MIMS, PLS
1111 11TH STREET, NW
ATLANTA, GA 30309
404.525.1111
www.terra-mark.com



PHILLIPS
architects + engineers

7/20/2016



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



SIDE ELEVATION
SCALE: 1/8" = 1'-0"

HOME2
SUITES BY HILTON

PROPOSED VERSION 3.2 (MAY 2016)

4 STORY, 100,000 SQ. FT.
CENTER ENTRY
W/ EXTERIOR FLOOR

N BROWN ROAD
LAWRENCEVILLE,
GEORGIA

DATE:

PEACHTREE HOTEL
GROUP

TRUDY PERBITTEN PLACE
8801 LAWRENCEVILLE DRIVE, SUITE 400
ATLANTA, GA 30328

DATE: 11/11/16 10:00 AM

BY: JAC

REVIEW: 11/11/16 10:00 AM

SCALE: 1/8" = 1'-0"

EXTERIOR
ELEVATIONS

DATE: 11/11/16

A-4.1

THE PROJECT:
11400 N. BROWN RD., SUITE 400
LAWRENCEVILLE, GA 30046
ATLANTA, GEORGIA

4/20/2017 4:00 PM
Revised December 2, 2015
Planning and Development

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:

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

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

- (A) Yes, the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties.
- (C) Applicant submits that the property does have not reasonable economic use as currently zoned.
- (D) No, the proposed Rezoning Application will not result in an excessive or burdensome use of the infrastructure systems.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County 2030 Unified Plan.
- (F) Applicant submits that the commercial/retail nature of the area provides additional support of this Application.

RZC '17 00 6

RECEIVED BY

DEC 02 2016

Planning & Development



Matthew P. Benson
Gerald Davidson, Jr.*
Brian T. Easley
Kelly O. Faber
Christopher D. Holbrook
Joshua P. Johnson

Shane M. Lanham
Austen T. Mabe
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
R. Lee Tucker, Jr.
*Of Counsel

LETTER OF INTENT FOR
REZONING APPLICATION OF PEACHTREE HOTEL GROUP, LLC

The Applicant, Peachtree Hotel Group, LLC, submits this Rezoning Application for the purpose of rezoning to the C-2 zoning classification an approximately 4.43 acre tract (the "Property") located on North Brown Road near its intersection with Sugarloaf Parkway. The Property is currently zoned R-100.

The use and development of the Property as R-100 is not economically feasible and is not the highest and best use of the Property. It would be impossible to develop and market the Property for use consistent with the R-100 zoning in light of its location immediately adjacent to an expanding commercial corridor at a major intersection. The development of the Property as a C-2 development under the guidelines of Gwinnett County is appropriate for the subject tract and is consistent with the surrounding property. The Applicant intends to develop the Property as a limited service, all-suite hotel within the Hilton family of hotels.

Applicant also requests a buffer reduction to zero feet along the along the common property lines (southerly and westerly boundaries) with property owned by Gwinnett County (parcel number 7115 008A) and submits herewith a site plan reflecting the areas which are the subject of this buffer reduction request.

The development of the Property in accordance with a C-2 designation provides the appropriate type of zoning within the Sugarloaf Parkway and North Brown Road commercial corridors. The proposed use is consistent with the intent of the zoning ordinance for C-2 use.

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

RECEIVED BY

DEC 02 2016

Planning & Development

RZC '17 00 6

The requested rezoning will have no adverse impact on the current or contemplated uses of nearby or surrounding properties.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

RZC '17 00 6

RECEIVED BY

DEC 02 2016

Planning & Development

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

11/28/16
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

11/28/16
Date



RZC '17 00 6

RECEIVED BY

DEC 02 2016

Planning & Development

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.

FOR THE ESTATE OF MARY VIRGINIA MIMMS
Paul V Mimms EXECUTOR Dec 30, 2016
Signature of Property Owner Date

PAUL V MIMMS EXECUTOR
Type or Print Name and Title

[Signature] 11/30/2016
Signature of Notary Public Date



RZC '17 00 6

RECEIVED BY

DEC 02 2016

Planning & Development

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

11/28/16

DATE

TYPE OR PRINT NAME AND TITLE

Shane Lanham, Attorney for Applicant

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

11/28/16

DATE

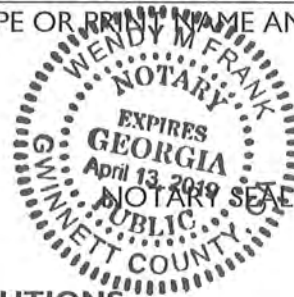
Shane M. Lanham, Attorney for Applicant

TYPE OR PRINT NAME AND TITLE

SIGNATURE OF NOTARY PUBLIC

11/28/16

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) |
|--|---|--|
| See attached. | | |
| | | |
| | | |

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

RZC '17 00 6

RECEIVED BY

DEC 02 2016

Planning & Development

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 |
|--|---------------|------------|
| Tommy Hunter | \$1000 | 03/05/2015 |
| Jace Brooks | \$1000 | 03/05/2015 |
| John Heard | \$1000 | 03/31/2015 |
| Jace Brooks | \$1000 | 09/29/2015 |
| Tommy Hunter | \$1000 | 01/27/2016 |
| Charlotte Nash | \$1000 | 03/08/2016 |

RZC '17 00 6

RECEIVED BY

DEC 02 2016

Planning & Development

Updated 04/29/2016

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

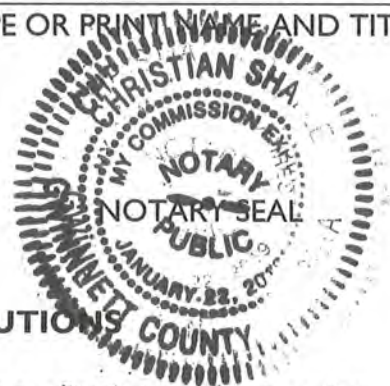
The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

FOR THE ESTATE OF MARY VIRGINIA MINMS

X Paul V Minms EXECUTOR Nov. 30, 2016 PAUL V MINMS EXECUTOR
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE
Property Owner

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

[Signature] 11/30/2016
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 Paul Minms, Executor for Estate of Mary Virginia Minms
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) |
|---|---|--|
| | | |
| | | |
| | | |

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

RECEIVED BY

DEC 02 2016


RZC '17 00 6

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: 7 114 175
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

11/28/16
Date

Shane 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)

Kati Murphy TSAI
NAME TITLE

11-29-16
DATE

~~This is a true and correct copy of a~~
Gwinnett County Property Tax
for the year of 2016

Richard Steele
Tax Commissioner
Date 11-29-16

RZC '17 00 6

RECEIVED BY

DEC 02 2016

Planning & Development

JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance (the “UDO”) which classify or may classify the property which is the subject of this Application (the “Property”) into any less intensive zoning classification other than as requested by the Applicant, 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 as applied to the subject Property, which restricts its use to the present zoning classification, 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 development under the C-2 classification as requested by the Applicant, and is not economically suitable for development under the present R-100 zoning classification of Gwinnett County. A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, 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

RZC '17 00 6

RECEIVED BY

DEC 02 2016

Planning & Development

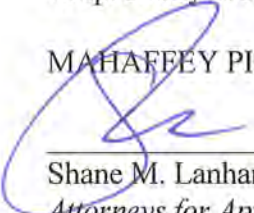
Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the C-2 classification with such conditions as agreed to by the Applicant, 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 rezoning of the subject Property to the C-2 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 the 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 rezoning application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

Attorneys for Applicant

1550 North Brown Road
Suite 125
Lawrenceville, Georgia 30043
(770) 232-0000

RZC '17 00 6

RECEIVED BY

DEC 02 2016

Planning & Development