

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Paran Homes, LLC c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Please see attached</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: _____
CITY: <u>Lawrenceville</u>	CITY: _____
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: _____ ZIP: _____
PHONE: <u>770.232.0000</u>	PHONE: _____
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770.232.0000</u>	
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	
<p align="center">APPLICANT IS THE:</p> <p><input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER</p>	
PRESENT ZONING DISTRICTS(S): <u>C-2 & O-1</u> REQUESTED ZONING DISTRICT: <u>C-2</u>	
LAND DISTRICT(S): <u>5</u> LAND LOT(S): <u>156</u> ACREAGE: <u>+/-10.08</u>	
ADDRESS OF PROPERTY: <u>2793 Loganville Highway, Loganville</u>	
PROPOSED DEVELOPMENT: <u>Commercial/Retail Development</u>	
<p align="center">RESIDENTIAL DEVELOPMENT</p> No. of Lots/Dwelling Units: <u>N/A</u> Dwelling Unit Size (Sq. Ft.): <u>N/A</u> Gross Density: <u>N/A</u> Net Density: <u>N/A</u>	<p align="center">NON-RESIDENTIAL DEVELOPMENT</p> No. of Buildings/Lots: <u>5/1</u> Total Building Sq. Ft. <u>+/-79,000</u> Density: <u>+/-7,837 square feet per acre</u>

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Property Owners

Name	Parcel	Address
Grayson Development, LLC	5156 269	7 S Main St, Alpharetta, GA 30009
RES-GA LTV, LLC	5156 005	700 NW 107th Ave, Ste 200, Miami, FL 33172

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**DESCRIPTION OF
TRACT II**

All that tract or parcel of land lying and being in Land Lot 156 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the southwesterly R/W line of Loganville Highway (aka State Route No. 20) (variable width R/W) with the northwesterly R/W line of Oak Grove Road (variable width R/W); **THENCE** running along said R/W line of Oak Grove Road the following courses and distances: South 19 degrees 37 minutes 35 seconds West a distance of 32.54 feet to a point; **THENCE** South 34 degrees 45 minutes 53 seconds West a distance of 122.53 feet to a point; **THENCE** South 10 degrees 42 minutes 20 seconds West a distance of 113.40 feet to a point; **THENCE** leaving said R/W line South 82 degrees 35 minutes 31 seconds West a distance of 233.63 feet to a point; **THENCE** North 17 degrees 58 minutes 19 seconds West a distance of 287.87 feet to a point; **THENCE** North 55 degrees 05 minutes 38 seconds West a distance of 241.85 feet to a point; **THENCE** North 59 degrees 56 minutes 40 seconds West a distance of 446.17 feet to a point; **THENCE** South 30 degrees 03 minutes 20 seconds West a distance of 32.40 feet to a point; **THENCE** North 59 degrees 56 minutes 40 seconds West a distance of 271.00 feet to a point; **THENCE** North 59 degrees 56 minutes 40 seconds West a distance of 321.25 feet to a point; **THENCE** North 43 degrees 25 minutes 07 seconds East a distance of 283.54 feet to a point on the southwesterly R/W line of Loganville Highway; **THENCE** running along said R/W line of Loganville Highway the following courses and distances: South 59 degrees 40 minutes 12 seconds East a distance of 546.52 feet to a point; **THENCE** North 16 degrees 58 minutes 17 seconds East a distance of 2.00 feet to a point; **THENCE** South 59 degrees 50 minutes 55 seconds East a distance of 80.58 feet to a point; **THENCE** South 32 degrees 29 minutes 44 seconds East a distance of 68.68 feet to a point; **THENCE** South 69 degrees 00 minutes 57 seconds East a distance of 101.11 feet to a point; **THENCE** North 31 degrees 18 minutes 08 seconds East a distance of 15.44 feet to a point; **THENCE** South 59 degrees 50 minutes 37 seconds East a distance of 78.02 feet to a point; **THENCE** South 58 degrees 41 minutes 54 seconds East a distance of 123.01 feet to a point; **THENCE** South 55 degrees 05 minutes 38 seconds East a distance of 181.30 feet to a point; **THENCE** South 59 degrees 27 minutes 59 seconds East a distance of 19.18 feet to a point; **THENCE** South 42 degrees 06 minutes 43 seconds East a distance of 52.92 feet to a point; **THENCE** South 59 degrees 50 minutes 22 seconds East a distance of 26.39 feet to a point; **THENCE** South 57 degrees 33 minutes 33 seconds East a distance of 125.70 feet to a point; **THENCE** South 47 degrees 11 minutes 19 seconds East a distance of 100.45 feet to a point; **THENCE** South 66 degrees 06 minutes 38 seconds East a distance of 91.55 feet to a point; said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 10.08 acres.

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LEGEND

- 1.0' = 100' SCALE
- 2.0' = 200' SCALE
- 3.0' = 300' SCALE
- 4.0' = 400' SCALE
- 5.0' = 500' SCALE
- 6.0' = 600' SCALE
- 7.0' = 700' SCALE
- 8.0' = 800' SCALE
- 9.0' = 900' SCALE
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- 11.0' = 1100' SCALE
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- 13.0' = 1300' SCALE
- 14.0' = 1400' SCALE
- 15.0' = 1500' SCALE
- 16.0' = 1600' SCALE
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- 19.0' = 1900' SCALE
- 20.0' = 2000' SCALE
- 21.0' = 2100' SCALE
- 22.0' = 2200' SCALE
- 23.0' = 2300' SCALE
- 24.0' = 2400' SCALE
- 25.0' = 2500' SCALE
- 26.0' = 2600' SCALE
- 27.0' = 2700' SCALE
- 28.0' = 2800' SCALE
- 29.0' = 2900' SCALE
- 30.0' = 3000' SCALE
- 31.0' = 3100' SCALE
- 32.0' = 3200' SCALE
- 33.0' = 3300' SCALE
- 34.0' = 3400' SCALE
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- 38.0' = 3800' SCALE
- 39.0' = 3900' SCALE
- 40.0' = 4000' SCALE
- 41.0' = 4100' SCALE
- 42.0' = 4200' SCALE
- 43.0' = 4300' SCALE
- 44.0' = 4400' SCALE
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- 48.0' = 4800' SCALE
- 49.0' = 4900' SCALE
- 50.0' = 5000' SCALE
- 51.0' = 5100' SCALE
- 52.0' = 5200' SCALE
- 53.0' = 5300' SCALE
- 54.0' = 5400' SCALE
- 55.0' = 5500' SCALE
- 56.0' = 5600' SCALE
- 57.0' = 5700' SCALE
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- 59.0' = 5900' SCALE
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- 61.0' = 6100' SCALE
- 62.0' = 6200' SCALE
- 63.0' = 6300' SCALE
- 64.0' = 6400' SCALE
- 65.0' = 6500' SCALE
- 66.0' = 6600' SCALE
- 67.0' = 6700' SCALE
- 68.0' = 6800' SCALE
- 69.0' = 6900' SCALE
- 70.0' = 7000' SCALE
- 71.0' = 7100' SCALE
- 72.0' = 7200' SCALE
- 73.0' = 7300' SCALE
- 74.0' = 7400' SCALE
- 75.0' = 7500' SCALE
- 76.0' = 7600' SCALE
- 77.0' = 7700' SCALE
- 78.0' = 7800' SCALE
- 79.0' = 7900' SCALE
- 80.0' = 8000' SCALE
- 81.0' = 8100' SCALE
- 82.0' = 8200' SCALE
- 83.0' = 8300' SCALE
- 84.0' = 8400' SCALE
- 85.0' = 8500' SCALE
- 86.0' = 8600' SCALE
- 87.0' = 8700' SCALE
- 88.0' = 8800' SCALE
- 89.0' = 8900' SCALE
- 90.0' = 9000' SCALE
- 91.0' = 9100' SCALE
- 92.0' = 9200' SCALE
- 93.0' = 9300' SCALE
- 94.0' = 9400' SCALE
- 95.0' = 9500' SCALE
- 96.0' = 9600' SCALE
- 97.0' = 9700' SCALE
- 98.0' = 9800' SCALE
- 99.0' = 9900' SCALE
- 100.0' = 10000' SCALE

SITE NOTES:

1. BOUNDARY INFORMATION TAKEN FROM LEGAL DESCRIPTION OF PROPERTY. ALL TOPOGRAPHICAL INFORMATION TAKEN FROM COUNTY GIS DATA AND SURVEY PROVIDED BY CLIENT.
2. ACCORDING TO THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY - WETLANDS ARE NOT LOCATED ON THIS SITE.
3. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP FOR OGNWETT COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 13202 PG 115F & 115F. THE PROPERTY DOES NOT FALL WITHIN A DESIGNATED FLOOD ZONE (V) (AREA OF 100 YEAR FLOOD).
4. WATERS OF THE STATE ARE NOT WITHIN 500' OF THIS PROPERTY.
5. THERE ARE NO HISTORICAL OR ARCHAEOLOGICAL LANDMARKS ON THIS SITE.
6. OGNWETT COUNTY FIRE DEPARTMENT SHALL APPROVE ROAD LAYOUT AND DISTANCES.
7. WATER SERVICE SHALL BE PROVIDED BY OGNWETT COUNTY. EXISTING WATER SERVICE ALONG LOGANVILLE HWY WILL BE USED.
8. SANITARY SEWER SERVICE WILL BE PROVIDED BY OGNWETT COUNTY.

REFERENCE DOCUMENTS:

OWNED/DEVELOPER



DAVID CASAGHER

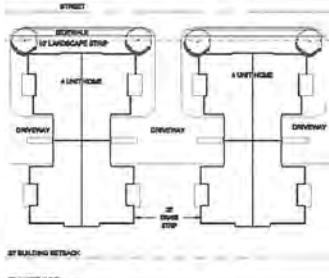
2025 S. Peachtree Rd., Suite 202
Duluth, GA 30326
Phone: (770) 731-5555



4317 Peach Drive, Suite 400
Norcross, Georgia 30093
Phone: (770) 416-7311
Fax: (770) 416-6799
www.travispruitt.com

NOTE: Information regarding the required preserve, size, character and location of existing underground utilities and structures is shown herein. There is no warranty of the accuracy of this information and it shall be considered in due light for those using this drawing. The location and arrangement of underground utilities and structures shown herein may be inaccurate and utilities and structures not shown may be encountered. The owner, their architect, engineer, consultant and their contractors shall be responsible for the accuracy and sufficiency of this information.

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TYPICAL QUAD UNIT DETAIL

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GRAPHIC SCALE - 1" = 100'



RESIDENTIAL SITE DATA:

TRACT 1 GROSS SITE AREA	25.13 ACRES
TRACT 1 NET SITE AREA	27.71 ACRES
TRACT 1 COMMON AREA	4.38 ACRES
FLOODPLAIN (APPROXIMATE)	0
ZONING	CR & O4
EXISTING ZONING	CR & O4
PROPOSED RESIDENTIAL ZONING	R-6A
ZONING JURISDICTION	OGNWETT COUNTY
DEVELOPMENT TYPE	
TOTAL RESIDENTIAL UNITS	108
TOTAL NET DENSITY	3.92 U/A
DEVELOPMENT STANDARDS	
MAXIMUM BUILDING HEIGHT	30'
FRONT YARD SETBACK	15 FEET
REAR YARD SETBACK	10 FEET
SIDE YARD SETBACK	5 FEET
MINIMUM BUILDING SEPARATION	30 FEET
MINIMUM LOT SIZE	1/4 A
MINIMUM FRONTAGE	100'
MAXIMUM DENSITY	8 U/A
MAXIMUM LOT COVERAGE (BLDG. AND PARKING)	80%
COMMON AREA AND/OR OPEN SPACE	15%
SUPPERS	
SIDE/REAR	NONE
FRONT	NONE
RESIDENTIAL PARKING	1.5 PER RESIDENTIAL UNIT
REQUIRED	162
PROVIDED	152
SPACES	10
TOTAL	162

RESIDENTIAL VARIANCES:

THERE ARE NO VARIANCES REQUESTED FOR THE RESIDENTIAL TRACT AT THIS TIME.

COMMERCIAL SITE DATA:

TRACT 2 GROSS SITE AREA	10.08 ACRES
TRACT 2 NET SITE AREA	10.08 ACRES
FLOODPLAIN (APPROXIMATE)	0
ZONING	CR & O4
EXISTING ZONING	CR & O4
PROPOSED COMMERCIAL ZONING	C-2
ZONING JURISDICTION	OGNWETT COUNTY
DEVELOPMENT TYPE	
COMMERCIAL SQUARE FOOTAGE	79,000 SF
TOTAL DENSITY	7,827 SF/ACRE
DEVELOPMENT STANDARDS	
MAXIMUM BUILDING HEIGHT	40'
FRONT SETBACK	15 FEET
REAR SETBACK	10 FEET
SIDE SETBACK	5 FEET
MINIMUM BUILDING SEPARATION	30 FEET
MINIMUM LOT SIZE	1/4 A
MINIMUM FRONTAGE	N/A
COMMON AREA AND/OR OPEN SPACE	N/A
COMMERCIAL PARKING	
REQUIRED SPACES MIN.	1 PER 100 SF = 130
REQUIRED SPACES MAX.	1 PER 150 SF = 520
PROPOSED SPACES	300+

RESIDENTIAL VARIANCES:

THERE ARE NO VARIANCES REQUESTED FOR THE COMMERCIAL TRACT AT THIS TIME.

ZONING PLAN

Loganville Highway Tract

2700 Loganville Hwy
Land Use 150, 8th District
Ognwett County, Georgia



DATED: 05-05-17
SCALE: 1" = 100'
SHEET: 1 OF 1
LBY: JPN
JPN: JPN
FNL: JPN

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

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

- (A) The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development represents an appropriate transitional use.
- (B) The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. 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 could potentially have some reasonable economic use as currently zoned.
- (D) The proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The subject property is located off of Loganville Highway with access to utilities. Further, the development represents a partial downzoning will not overly burden infrastructure systems.
- (E) The proposed rezoning is in conformity with the policy and intent of the Land Use Plan.
- (F) Applicant submits that the increasing commercial/retail nature of the area as well as the reduction in development intensity adjacent to existing residential uses 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

**COMBINED LETTER OF INTENT FOR
REZONING APPLICATIONS OF PARAN HOMES, LLC**

Mahaffey Pickens Tucker, LLP submits the attached rezoning applications (the “Applications”) on behalf of Paran Homes, LLC relating to a proposed development on an approximately 39.21-acre tract of land (the “Property”) located along Loganville Highway (aka Georgia State Route 20) in southeastern Gwinnett County. The Property comprises two tax parcels, R5156 005 and R5156 269 which are both currently “split-zoned” C-2 and O-I. The Applicant is proposing to rezone a +/-29.13-acre portion of the Property (the “R-SR Property”) to the R-SR zoning classification and the remaining +/-10.08-acre portion of the Property (the “C-2 Property”) to the C-2 zoning classification.

The C-2 Property is oriented along the Property’s Loganville Highway frontage and would contain five buildings with a combined total heated floor area of approximately 79,000 square feet. The C-2 Property would be accessed from proposed driveways on Loganville Highway and Oak Grove Road. Additionally, the C-2 Property would be accessible through an interparcel access point on the northwesterly property line which would connect the Property to the Grayson Village Shopping Center. The buildings on the C-2 Property would include attractive architectural features in line with existing commercial development along Loganville Highway. Since the Applicant is planning to develop the R-SR Property and C-2 Property in

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

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conjunction with one another, the Applicant is also requesting to eliminate the required 75-foot buffer.

The proposed development on the R-SR Property would contain 106 senior living villas at a net density of approximately 3.82 units per acre which is substantially below the maximum density of six units per acre set forth in the Gwinnett County Unified Development Ordinance (the “UDO”). The R-SR Property would have access to Oak Grove Road and would tie-in to the C-2 Property driveways via a proposed roundabout. Streets within the proposed R-SR development would be constructed in an interconnected grid pattern. The R-SR Property would also include pocket parks and village greens as well as a potential specimen tree save area for residents’ use and enjoyment. An amenity area with pool and clubhouse would also be provided near the R-SR Property’s entrance on Oak Grove Road.

The Applicant respectfully submits that the proposed development is consistent with the policies and intent of the Gwinnett County 2030 Unified Plan and would be compatible with adjacent properties. The Property is located in the Corridor Mixed-Use character area for which the 2030 Unified Plan encourages high-intensity commercial developments and mixed-use developments. However, the Property is adjacent to land designated as within the Existing/Emerging Suburban character area for which the 2030 Unified Plan encourages lower-intensity residential development. The proposed development would provide an appropriate transition of uses from commercial and retail uses located along Loganville Highway to the single-family detached residences located to the south and southwest of the Property. Moreover, as the R-SR Property is currently zoned O-I and C-2, the proposed rezoning to the R-SR zoning classification would actually represent a down zoning and reduction in intensity of development.

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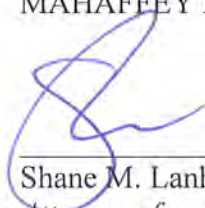
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The Applicant welcomes the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith.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

This 3rd day of May, 2017.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

Attorneys for Applicant

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REZONING APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

Signature of Applicant

5/3/17

Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

Signature of Notary Public

5/3/17

Date



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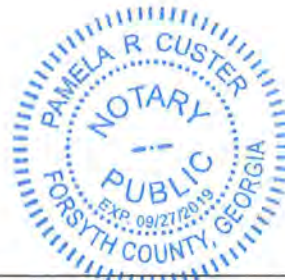
REZONING PROPERTY OWNER'S CERTIFICATION

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.

 May 1, 2017
Signature of Property Owner Date

Irwin W. Stolz, Manager
Type or Print Name and Title

Pamela R. Custer 5-1-17
Signature of Notary Public Date Notary Seal



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REZONING PROPERTY OWNER'S CERTIFICATION

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Signature of Property Owner

Date

Stephen J. Tyde, Jr., Authorized Signatory
Rialto Capital Advisors, LLC, Attorney in Fact

Type or Print Name and Title

Signature of Notary Public

Date



Notary Seal

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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE



5/3/17

Shane M. Lanham, Attorney for Applicant

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE



5/3/17

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 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.

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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
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

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Kendall B. King 5/1/17 Kendall B. King Director of Acquisitions
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Nancy L. Brown 5-1-17
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 Kendall B. King
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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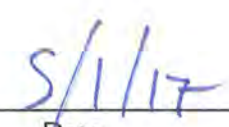
Planning & Development

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.

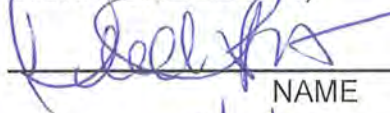

***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 5 - 156 - 005
(Map Reference Number) District Land Lot Parcel

 
Signature of Applicant 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)

 Deidre Pitts TSA II
NAME TITLE

DATE

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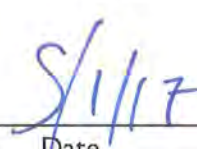
RZC '17 019

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.**

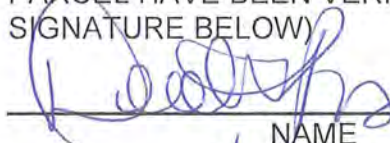
PARCEL I.D. NUMBER: 5 156 269
(Map Reference Number) District Land Lot Parcel


 
Signature of Applicant 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)

 Denise Potts TSA II
NAME TITLE


DATE

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JUSTIFICATION FOR REZONING APPLICATION

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 zoning classification as requested by the Applicant, and is not economically suitable for development under the present C-2 & O-I zoning classifications, including any applicable conditions and/or stipulations, 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 Process Clause of the Fourteenth

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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.

This 3rd day of May 2017.

Respectfully submitted,
MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

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REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Paran Homes, LLC c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Please see attached</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: _____
CITY: <u>Lawrenceville</u>	CITY: _____
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: _____ ZIP: _____
PHONE: <u>770.232.0000</u>	PHONE: _____

CONTACT PERSON: Shane Lanham PHONE: 770.232.0000
CONTACT'S E-MAIL: slanham@mptlawfirm.com

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>C-2 & O-I</u> REQUESTED ZONING DISTRICT: <u>R-SR</u>	
LAND DISTRICT(S): <u>5</u> LAND LOT(S): <u>156</u> ACREAGE: <u>+/-29.13</u>	
ADDRESS OF PROPERTY: <u>2793 Loganville Highway, Loganville</u>	
PROPOSED DEVELOPMENT: <u>Senior Oriented Residential Development</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>106</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>+/-1,000 (min.)</u>	Total Building Sq. Ft. _____
Gross Density: <u>+/-3.64 units per acre</u>	Density: _____
Net Density: <u>+/-3.83 units per acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Property Owners

Name	Parcel	Address
Grayson Development, LLC	5156 269	7 S Main St, Alpharetta, GA 30009
RES-GA LTV, LLC	5156 005	700 NW 107th Ave, Ste 200, Miami, FL 33172

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**LAND DESCRIPTION
TRACT I**

All that tract or parcel of land lying and being in Land Lot 156 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

COMMENCING at the intersection of the southwesterly R/W line of Loganville Highway (aka State Route No. 20) (variable width R/W) with the northwesterly R/W line of Oak Grove Road (variable width R/W), THENCE running along said R/W line of Oak Grove Road the following courses and distances: South 19 degrees 37 minutes 35 seconds West a distance of 32.54 feet to a point; THENCE South 34 degrees 45 minutes 53 seconds West a distance of 122.53 feet to a point; THENCE South 10 degrees 42 minutes 20 seconds West a distance of 113.40 feet to a point; said point being the **TRUE POINT OF BEGINNING**.

THENCE South 07 degrees 24 minutes 29 seconds East a distance of 135.29 feet to a point; THENCE along a curve to the left having a radius of 560.02 feet and a length of 108.88 feet, said curve having a chord bearing of South 12 degrees 21 minutes 46 seconds East and a chord distance of 108.71 feet to a point; THENCE South 17 degrees 16 minutes 33 seconds East a distance of 63.67 feet to a point; THENCE leaving said R/W line of Oak Grove Road South 60 degrees 15 minutes 35 seconds West a distance of 207.95 feet to a point; THENCE South 60 degrees 15 minutes 35 seconds West a distance of 380.41 feet to a point; THENCE North 54 degrees 59 minutes 36 seconds West a distance of 899.50 feet to a point; THENCE North 55 degrees 04 minutes 16 seconds West a distance of 817.96 feet to a point; THENCE North 42 degrees 49 minutes 27 seconds East a distance of 296.12 feet to a point; THENCE North 46 degrees 15 minutes 15 seconds West a distance of 20.25 feet to a point; THENCE North 43 degrees 25 minutes 07 seconds East a distance of 346.40 feet to a point; THENCE South 59 degrees 56 minutes 40 seconds East a distance of 321.25 feet to a point; THENCE South 59 degrees 56 minutes 40 seconds East a distance of 271.00 feet to a point; THENCE North 30 degrees 03 minutes 20 seconds East a distance of 32.40 feet to a point; THENCE South 59 degrees 56 minutes 40 seconds East a distance of 446.17 feet to a point; THENCE South 55 degrees 05 minutes 38 seconds East a distance of 241.85 feet to a point; THENCE South 17 degrees 58 minutes 19 seconds East a distance of 287.87 feet to a point; THENCE North 82 degrees 35 minutes 31 seconds East a distance of 233.63 feet to a point; said point being the **TRUE POINT OF BEGINNING**.

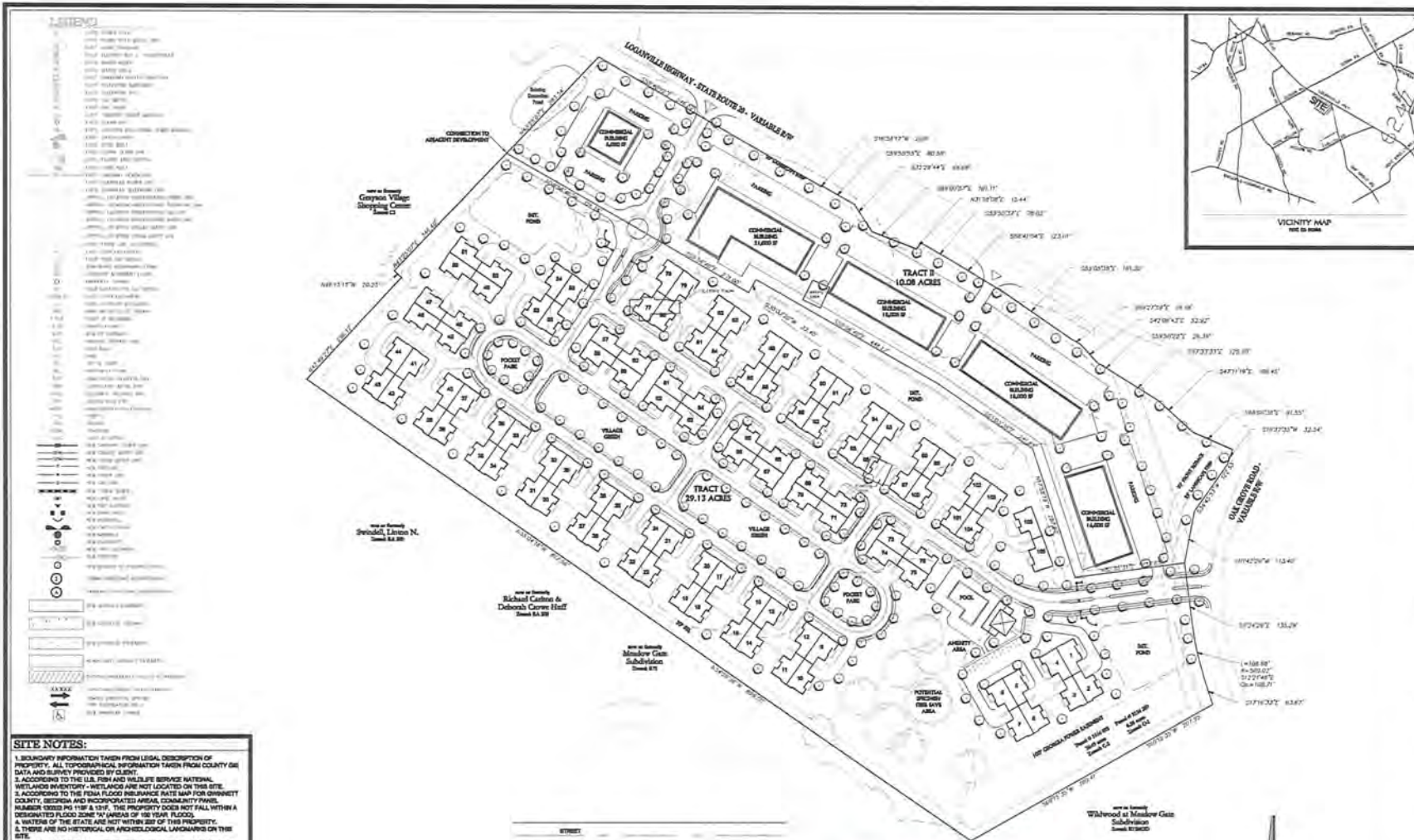
Said tract contains 29.13 acres.

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RESIDENTIAL SITE DATA:

TRACT 1 GROSS SITE AREA	35.13 ACRES
TRACT 1 NET SITE AREA	32.71 ACRES
TRACT 1 COMMON AREA	4.38 ACRES
FLOODPLAIN (APPROXIMATE)	0
ZONING	CS & O4
EXISTING ZONING	R-40
PROPOSED RESIDENTIAL ZONING	OWNETT COUNTY
DEVELOPMENT TYPE	106
TOTAL RESIDENTIAL UNITS	106
TOTAL LOT DENSITY	3.23 UNITS/AC
DEVELOPMENT STANDARDS	
MAXIMUM BUILDING HEIGHT	35'
FRONT YARD	5 FEET
REAR YARD	10 FEET
SIDE YARD	5 FEET
MINIMUM BUILDING SEPARATION	30 FEET
MINIMUM LOT SIZE	NA
MINIMUM FRONTAGE	100'
MAXIMUM DENSITY	8.0 UNITS/AC
MAXIMUM LOT COVERAGE (BLDG. AND PARKING)	80%
COMMON AREA AND/OR OPEN SPACE	15%
STREETS	NONE
BISECTORS	NONE
FRONT	NONE
REAR	NONE
REQUIRED PARKING	1.5 PER RESIDENTIAL UNIT
REQUIRED GARAGE	106
DRIVEWAY SPACES	213
TOTAL	319

RESIDENTIAL VARIANCES
THERE ARE NO VARIANCES REQUESTED FOR THE RESIDENTIAL TRACT AT THIS TIME.

COMMERCIAL SITE DATA:

TRACT 2 GROSS SITE AREA	10.08 ACRES
TRACT 2 NET SITE AREA	10.08 ACRES
FLOODPLAIN (APPROXIMATE)	0
ZONING	CS & O4
EXISTING ZONING	C-2
PROPOSED COMMERCIAL ZONING	OWNETT COUNTY
DEVELOPMENT TYPE	78,000 SF
TOTAL LOT DENSITY	7.80 UNITS/AC
DEVELOPMENT STANDARDS	
MAXIMUM BUILDING HEIGHT	45'
FRONT SETBACK	15 FEET
REAR SETBACK	30 FEET
SIDE SETBACK	10 FEET
MINIMUM BUILDING SEPARATION	30 FEET
MINIMUM LOT SIZE	NA
MINIMUM FRONTAGE	NONE
COMMON AREA AND/OR OPEN SPACE	NA
COMMERCIAL PARKING	
REQUIRED SPACES MIN.	1 PER 100 SF = 158
REQUIRED SPACES MAX.	1 PER 150 SF = 102
PROPOSED SPACES	300+

COMMERCIAL VARIANCES
THERE ARE NO VARIANCES REQUESTED FOR THE COMMERCIAL TRACT AT THIS TIME.

ZONING PLAN
Loganville Highway Tract
2703 Loganville Hwy
Land Lot 156, 5th District
Dulmet County, Georgia

DATE: 05-05-17
SCALE: 1" = 100'
BY: TPA
FOR THE FIRM: Travis Pruitt & Associates, Inc.
DATE: 05-05-17
SCALE: 1" = 100'
BY: TPA
FOR THE FIRM: Travis Pruitt & Associates, Inc.

SITE NOTES:

- BOUNDARY INFORMATION TAKEN FROM LEGAL DESCRIPTION OF PROPERTY. ALL TOPOGRAPHICAL INFORMATION TAKEN FROM COUNTY GIS DATA AND SURVEY PROVIDED BY CLIENT.
- ACCORDING TO THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY, WETLANDS ARE NOT LOCATED ON THIS SITE.
- ACCORDING TO THE FIRM'S FLOOD INSURANCE RATE MAP FOR DULMET COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 0502 10181 & 10191, THE PROPERTY DOES NOT FALL WITHIN A DESIGNATED FLOOD ZONE (V) AREAS OF 100 YEAR FLOOD.
- A REVIEW OF THE STATE AND NOT WITHIN 500' OF THIS PROPERTY, THERE ARE NO HISTORICAL OR ANTHROPOLOGICAL LANDMARKS ON THIS SITE.
- DULMET COUNTY FIRE DEPARTMENT SHALL APPROVE ROAD LAYOUT AND ENTRANCES.
- WATER SERVICE SHALL BE PROVIDED BY DULMET COUNTY. EXISTING WATER SERVICE ALONG LOGANVILLE HWY WILL BE USED.
- SANITARY SEWER SERVICE WILL BE PROVIDED BY DULMET COUNTY.

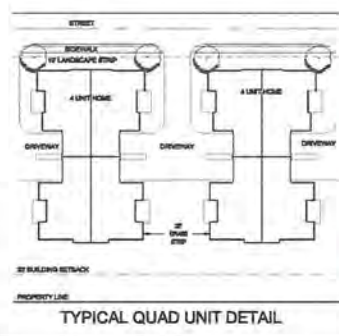
REFERENCE DOCUMENTS:

OWNERS/DEVELOPER
PARAN HOMES
DAVID CARABER
3025 Swindell Rd., Suite 200
Duluth, GA 30096
Phone: (770) 723-0540

4317 Park Drive, Suite 400
Norcross, Georgia 30093
Phone: (770) 416-7311
Fax: (770) 416-6759
www.travispruitt.com

NOTE: Information regarding the required presence, size, placement and location of existing underground utilities and structures is shown herein. There is no warranty of the accuracy of this information and it shall be considered to this right by those using this drawing. The location and arrangement of underground utilities and structures shown herein may be inaccurate and utilities and structures not shown may be encountered. The owner, engineer, architect, contractor and other parties shall be held harmless for any damages or loss resulting from the use of this information.

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Scale: 1" = 100'

North Arrow

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

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

- (A) The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development represents an appropriate transitional use.
- (B) The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. 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 could potentially have some reasonable economic use as currently zoned.
- (D) The proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The subject property is located off of Loganville Highway with access to utilities. Further, the development represents a partial downzoning will not overly burden infrastructure systems.
- (E) The proposed rezoning is in conformity with the policy and intent of the Land Use Plan.
- (F) Applicant submits that the increasing commercial/retail nature of the area as well as the reduction in development intensity adjacent to existing residential uses 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

COMBINED LETTER OF INTENT FOR
REZONING APPLICATIONS OF PARAN HOMES, LLC

Mahaffey Pickens Tucker, LLP submits the attached rezoning applications (the “Applications”) on behalf of Paran Homes, LLC relating to a proposed development on an approximately 39.21-acre tract of land (the “Property”) located along Loganville Highway (aka Georgia State Route 20) in southeastern Gwinnett County. The Property comprises two tax parcels, R5156 005 and R5156 269 which are both currently “split-zoned” C-2 and O-I. The Applicant is proposing to rezone a +/-29.13-acre portion of the Property (the “R-SR Property”) to the R-SR zoning classification and the remaining +/-10.08-acre portion of the Property (the “C-2 Property”) to the C-2 zoning classification.

The C-2 Property is oriented along the Property’s Loganville Highway frontage and would contain five buildings with a combined total heated floor area of approximately 79,000 square feet. The C-2 Property would be accessed from proposed driveways on Loganville Highway and Oak Grove Road. Additionally, the C-2 Property would be accessible through an interparcel access point on the northwesterly property line which would connect the Property to the Grayson Village Shopping Center. The buildings on the C-2 Property would include attractive architectural features in line with existing commercial development along Loganville Highway. Since the Applicant is planning to develop the R-SR Property and C-2 Property in

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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conjunction with one another, the Applicant is also requesting to eliminate the required 75-foot buffer.

The proposed development on the R-SR Property would contain 106 senior living villas at a net density of approximately 3.82 units per acre which is substantially below the maximum density of six units per acre set forth in the Gwinnett County Unified Development Ordinance (the “UDO”). The R-SR Property would have access to Oak Grove Road and would tie-in to the C-2 Property driveways via a proposed roundabout. Streets within the proposed R-SR development would be constructed in an interconnected grid pattern. The R-SR Property would also include pocket parks and village greens as well as a potential specimen tree save area for residents’ use and enjoyment. An amenity area with pool and clubhouse would also be provided near the R-SR Property’s entrance on Oak Grove Road.

The Applicant respectfully submits that the proposed development is consistent with the policies and intent of the Gwinnett County 2030 Unified Plan and would be compatible with adjacent properties. The Property is located in the Corridor Mixed-Use character area for which the 2030 Unified Plan encourages high-intensity commercial developments and mixed-use developments. However, the Property is adjacent to land designated as within the Existing/Emerging Suburban character area for which the 2030 Unified Plan encourages lower-intensity residential development. The proposed development would provide an appropriate transition of uses from commercial and retail uses located along Loganville Highway to the single-family detached residences located to the south and southwest of the Property. Moreover, as the R-SR Property is currently zoned O-I and C-2, the proposed rezoning to the R-SR zoning classification would actually represent a down zoning and reduction in intensity of development.

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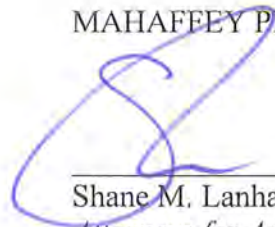
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The Applicant welcomes the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith.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

This 3rd day of May, 2017.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

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REZONING APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.




Signature of Applicant

5/1/17

Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

5/1/17

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

May 1, 2017

Date

Irwin W. Stolz, Manager

Type or Print Name and Title

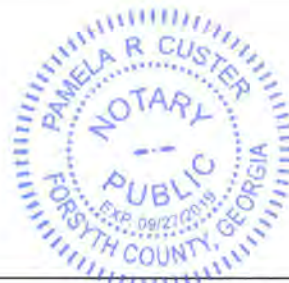
Pamela R. Custer

Signature of Notary Public

5-1-17

Date

Notary Seal



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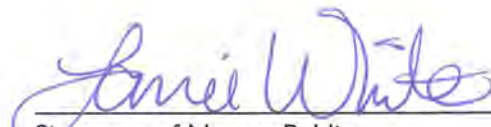
Signature of Property Owner

5/1/17

Date

Stephen J. Tyde, Jr., Authorized Signatory
Rialto Capital Advisors, LLC, Attorney in Fact

Type or Print Name and Title



Signature of Notary Public

5/1/17

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.

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

 5/11/17 Shane M. Lanham, Attorney for Applicant

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

 5/11/17 NOTARY SEAL



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.

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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
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

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RZR '17 012

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.

Kendall B. King 5/1/17 Kendall B. King Director of Acquisition
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Nancy L. Brown 5-1-17
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

Kendall B. King

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.

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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 - 156 - 005
(Map Reference Number) District Land Lot Parcel



 
Signature of Applicant 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)

 Deidre Pitts TSA II
NAME TITLE

DATE

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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 - 156 - 269
(Map Reference Number) District Land Lot Parcel



Signature of Applicant





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)

NAME TITLE


DATE

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JUSTIFICATION FOR REZONING APPLICATION

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 R-SR classification as requested by the Applicant, and is not economically suitable for development under the present C-2 & O-I zoning classifications 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 Process Clause of the Fourteenth Amendment to the Constitution of the United States.

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RZR '17 012

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the R-SR 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 R-SR 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.

This 3rd day of May 2017.

Respectfully submitted,
MAHAFFEY PICKENS TUCKER, LLP



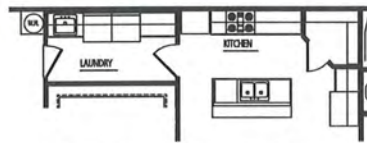
Shane M. Lanham
Attorneys for Applicant

RZR '17 012

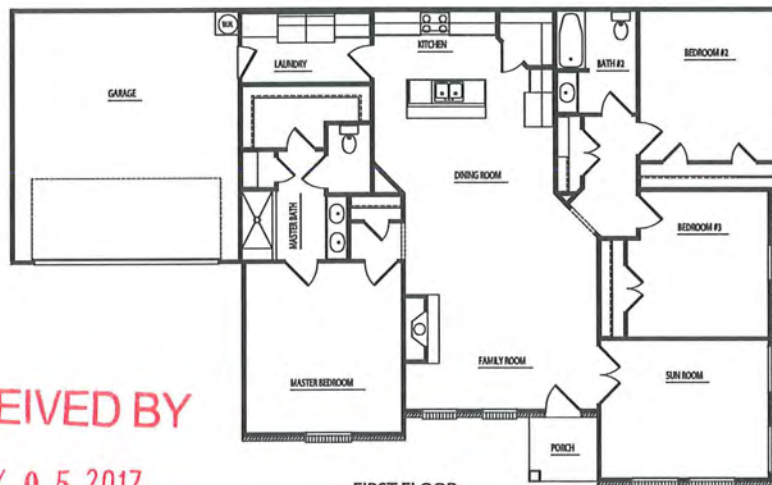


Augusta

Villas at Park Place



LAUNDRY SINK GOURMET KITCHEN



FIRST FLOOR

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4.20.17 Artist Rendering and Floor Plan Graphics are for demonstration purposes only; Actual Construction Materials and Floor Plan May Vary per Community. Information believed accurate but not warranted. Prices and specifications subject to change without prior notice. Sales and marketing by Paran Realty.

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www.PARANHOMES.com

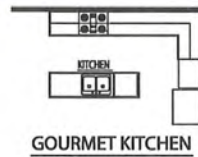


Information believed accurate but not warranted. Prices and specifications subject to change without prior notice.



Veranda

Villas at Park Place



GOURMET KITCHEN



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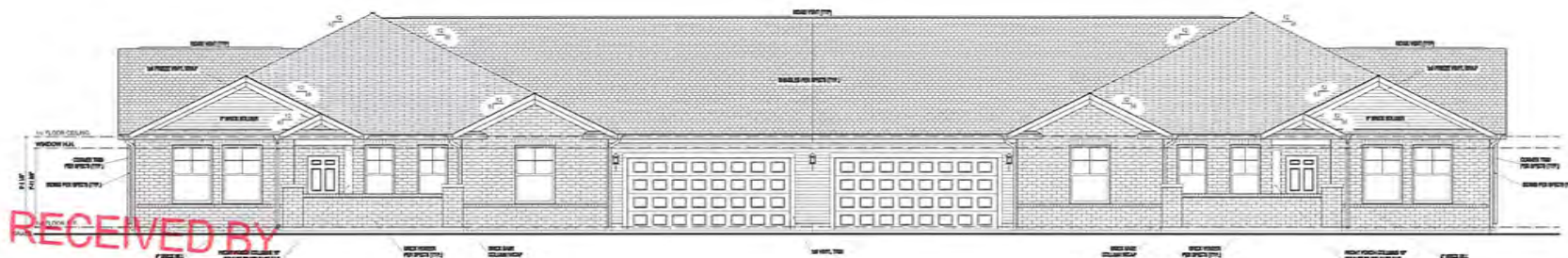
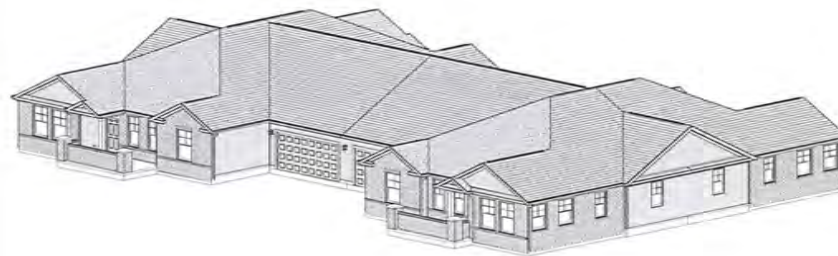


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020 17012



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FRONT ELEVATION

SCALE: 3/16"=1'-0"

RZR '17012

REV. NO.	DATE	REMARKS

Multi-Family Attached

Unsprinkled



PRINT DATE:
03/28/2017

Building_AA

FOR: Paran Homes

LOCATION:

A-01



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RIGHT ELEVATION

SCALE 350-450

RZR '17 012

[illegible]

PRINT DATE: 03/28/2017	
Building_AA	
FOR	
Paran Homes	
LOCATION	
SHEET NUMBER	
A-03	