

**CHANGE IN CONDITIONS APPLICATION**

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Wayne H. Mason</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>1960 Satellite Boulevard</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Duluth</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30097</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>	

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

APPLICANT IS THE:	
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICTS(S): <u>R-TH</u>	PRIOR ZONING CASE: <u>RZM2018-00001</u>
LAND DISTRICT(S): <u>6</u>	LAND LOT(S): <u>050</u> ACREAGE: <u>+/-6.169</u>
ADDRESS OF PROPERTY: <u>2500 Highpoint Road, Snellville, GA 30078</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Modifications to front landscaping strip and rear buffer</u>	
<b>RESIDENTIAL DEVELOPMENT:</b> NO. OF LOTS/DWELLING UNITS: <u>49</u> DWELLING UNIT SIZE (Sq. Ft.): <u>1,600</u> GROSS DENSITY: <u>+/- 7.94 units per acre</u> NET DENSITY: <u>+/- 7.94 units per acre</u>	<b>NON-RESIDENTIAL DEVELOPMENT:</b> NO. OF BUILDINGS/LOTS: <u>NA</u> TOTAL GROSS SQUARE FEET: <u>NA</u> DENSITY: <u>NA</u>

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

GIC 18017

RECEIVED BY  
 RECEIVED BY  
 SEP 07 2018  
 Planning & Development  
 Planning & Development

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 50 of the 6<sup>th</sup> Land District of Gwinnett County, Georgia and being more particularly described as follows:

To find THE TRUE POINT OF BEGINNING, begin at a point located on the northeasterly right-of-way of Highpoint Road having a 80' right-of-way width with the intersection on the Land Lot Line Common to Land Lots 50 and 51, said point being THE TRUE POINT OF BEGINNING;

THENCE North 60 degrees 57 minutes 21 seconds East for a distance of 244.34 feet leaving said right-of-way to point;

Thence South 29 degrees 16 minutes 27 seconds East for a distance of 1,095.61 feet to a point;

THENCE South 59 degrees 21 minutes 06 seconds West for a distance of 244.74 feet to point located on the northeasterly right-of-way of Highpoint Road having a 80' right-of-way width;

THENCE North 29 degrees 15 minutes 25 seconds West for a distance of 1,102.46 feet along said right-of-way to a point, said point being THE TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record. Said property contains 6.169 acres more or less.

NOV 08 017

RECEIVED BY

NOV 07 2017

Planning & Development

RECEIVED BY

NOV 02 2017

Planning & Development

RZW '12 00 1

**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:

---

- (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

---

ENC 18017

RECEIVED BY  
SEP 07 2018  
Planning & Development



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

- (A) Yes, the proposed Change in Conditions ("CIC") will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is located on Highpoint Road just north of Scenic Highway (aka Georgia State Route 124). The Property is also adjacent to land zoned O-I and RM.
- (B) No, the proposed CIC will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classification is compatible with existing multifamily and office professional zoning classifications of adjacent property. The Applicant is also willing to increase the minimum required square footage of homes.
- (C) Due to the size, location, layout and dimensions of the subject property, the Applicant submits that the property does not have reasonable economic use as currently zoned.
- (D) No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Scenic Highway (State Route 124) and Stone Mountain Highway (US Route 78).
- (E) Yes, the proposed CIC is in conformity with the policy and intent of the Gwinnett County Land Use Plan.
- (F) The Applicant submits that the subject Property's proximity to Scenic Highway and Stone Mountain Highway provides additional support of this Application. The Applicant is also willing to increase the minimum required square footage of homes.

10017

RECEIVED BY

SEP 07 2013

Planning & Development



Matthew P. Benson  
 Gerald Davidson, Jr.\*  
 Brian T. Easley  
 Kelly O. Faber  
 Christopher D. Holbrook  
 Nicholas N. Kemper  
 Shane M. Lanham  
 Austen T. Mabe

Jeffrey R. Mahaffey  
 David G. McGee  
 Steven A. Pickens  
 Catherine V. Schutz  
 Thomas A. Simpson  
 Andrew D. Stancil  
 R. Lee Tucker, Jr.  
 \*Of Counsel

**LETTER OF INTENT FOR CHANGE IN CONDITIONS APPLICATION**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Change in Conditions Application for the purpose of modifying certain conditions of zoning recently approved by the Board of Commissioners relative to an approximately 6.169-acre tract located along Highpoint Road outside Snellville.

Specifically, the Applicant is requesting to modify the spacing of masonry fence columns within the required Highpoint Road landscaped setback. Current conditions require columns spaced 30 feet on center. The Applicant is requesting to modify that requirement to 100 feet on center. The Applicant is also requesting to reduce the 20-foot landscaped buffer required in Condition 2(A) to 0 feet. By changing the column spacing it will make the entrance more visually appealing and consistent with other developments in the area. Also, having the columns spaced 30 feet on center will cause visibility issues with residence trying to enter Highpoint Road. The Applicant would still provide a six-foot-tall stained wooden privacy fence along that shared property line. Moreover, the Applicant is willing to modify Condition 1(B) to increase the minimum required heated floor area from 1,200 square feet to 1,600 square feet.

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

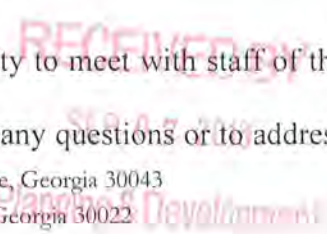
Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

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

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

www.mptlawfirm.com



any concerns relating 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 6th day of September, 2018.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

*Attorneys for the Applicant*

SEP 11 2018

RECEIVED BY

SEP 07 2018

Planning & Development





**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

9/6/18  
\_\_\_\_\_  
Date

Shane M. Lanham, Attorney for the Applicant

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

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

9/6/18  
\_\_\_\_\_  
Date  
Date



\_\_\_\_\_  
Notary Seal  
Notary Seal

10017

RECEIVED BY  
SEP 07 2018  
Planning & Development



**CHANGE IN CONDITIONS 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

9-6-18  
\_\_\_\_\_  
Date

Wayne H Mason  
\_\_\_\_\_  
Type or Print Name and Title

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

9-6-18  
\_\_\_\_\_  
Date



016-18017

RECEIVED BY  
5/17/18  
Planning & Development



CONFLICT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN  
CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS

MAHAFFEY PICKENS TUCKER, LLP

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
John Heard	\$2000	02/20/2018
Lynnette Howard	\$1000	04/18/2018

cic 10017

RECEIVED BY  
SEP 07 2018  
Planning & Development



**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:** 6th - 050 - 234  
(Map Reference Number)      District      Land Lot      Parcel

[Signature]      9/6/18  
Signature of Applicant      Date

Shane Lohman, Attorney for Applicant  
Type or Print Name and Title

**\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.\*\*\***

**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)

Cherie Smith      TSA I  
NAME      TITLE  
9-6-18  
DATE

CIG 18017

RECEIVED BY  
GWINNETT COUNTY  
PLANNING DIVISION