

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>ASC Acquisitions, LLC</u>	NAME: <u>*See attached owner sheet</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>	

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): R-100 REQUESTED ZONING DISTRICT: O-1

LAND DISTRICT(S): 5 LAND LOT(S): 087 & 106 ACREAGE: +/- 56.12

ADDRESS OF PROPERTY: Webb Gin House Road

PROPOSED DEVELOPMENT: Retirement Community, Continuing Care

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>422</u>	No. of Buildings/Lots: <u>4</u>
Dwelling Unit Size (Sq. Ft.): <u>+/- 730 - 1,800 square feet</u>	Total Building Sq. Ft. <u>+/-80,700</u>
Gross Density: <u>+/- 7.52 units per acre</u>	Density: <u>+/- 1,438 square feet per acre</u>
Net Density: <u>+/- 7.52 units per acre</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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**LIST OF PROPERTY OWNERS**

<b>Parcel #</b>	<b>Owner Name</b>	<b>Address</b>
5087 120	JLC Holdings, LLLP	2301 Lenora Rd, Loganville, GA 30052
5106 278	JLC Holdings, LLLP	2301 Lenora Rd, Loganville, GA 30052
5106 003	Clark, Vinnie Lucile	2301 Lenora Rd, Loganville, GA 30052
5106 067	Harrison, Richard L. & Joyce	1141 Webb Gin House Rd, Lawrenceville GA 30045

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## CELEBRATION SNELLVILLE LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOTS 86, 87 & 106 OF THE 5TH DISTRICT OF GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1 ½ INCH OPEN TOP PIPE FOUND AT THE CORNER COMMON TO LAND LOTS 86, 87, 106 AND 107; SAID CORNER BEING ALSO THE SOUTHEASTERN CORNER OF LOT 24 OF THE VILLAS OF KNOLLWOOD LAKES UNIT ONE SUBDIVISION AS RECORDED IN PLAT BOOK 115, PAGE 52, SAID CORNER BEING ALSO THE SOUTHWESTERN CORNER OF LOT 28 OF KNOLLWOOD LAKES UNIT 4-A SUBDIVISION AS RECORDED IN PLAT BOOK 98, PAGE 155.

FROM THE POINT OF BEGINNING, AS THUS ESTABLISHED, PROCEEDING WITH THE SOUTHEASTERN BOUNDARY LINE OF KNOLLWOOD LAKES UNIT 4-A SUBDIVISION AS RECORDED IN PLAT BOOK 98, PAGE 155, AND FURTHER WITH THE SOUTHEASTERN BOUNDARY LINE OF KNOLLWOOD LAKES UNIT TWO AS RECORDED IN PLAT BOOK 102 PAGE 94, ALONG THE LAND LOT LINE COMMON TO LAND LOTS 106 AND 107 NORTH 60 DEGREES 19 MINUTES 23 SECONDS EAST, A DISTANCE OF 790.00 FEET TO AN AXEL FOUND AT THE NORTHWESTERN CORNER OF LOT 24 OF THE ARBORS OF KNOLLWOOD LAKES UNIT TWO AS RECORDED IN PLAT BOOK 104, PAGE 146;

THENCE LEAVING SAID LAND LOT LINE AND PROCEEDING WITH THE SOUTHWESTERN BOUNDARY LINE OF THE ARBORS OF KNOLLWOOD LAKES UNIT TWO AS RECORDED IN PLAT BOOK 104, PAGE 146, SOUTH 30 DEGREES 19 MINUTES 20 SECONDS EAST, A DISTANCE OF 686.18 FEET TO A ½ INCH REBAR FOUND AT THE NORTHWESTERN CORNER OF THE ARBORS OF KNOLLWOOD LAKES UNIT ONE OPEN SPACE AS RECORDED IN PLAT BOOK 104, PAGE 207;

THENCE PROCEEDING WITH THE SOUTHWESTERN BOUNDARY LINE OF THE ARBORS OF KNOLLWOOD LAKES UNIT ONE OPEN SPACE AS RECORDED IN PLAT BOOK 104, PAGE 207, SOUTH 30 DEGREES 19 MINUTES 47 SECONDS EAST, A DISTANCE OF 699.90 FEET TO A ½ INCH REBAR SET ON THE NORTHWESTERN RIGHT OF WAY LINE OF WEBB GIN HOUSE ROAD (RIGHT OF WAY VARIES);

THENCE PROCEEDING ALONG SAID RIGHT OF WAY OF WEBB GIN HOUSE ROAD ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 1446.99 FEET AND AN ARC LENGTH OF 140.62 FEET (SAID CURVE HAVING A CHORD BEARING OF SOUTH 60 DEGREES 04 MINUTES 02 SECONDS WEST AND A CHORD DISTANCE OF 140.56 FEET) TO A ½ INCH REBAR SET;

THENCE SOUTH 30 DEGREES 17 MINUTES 44 SECONDS EAST A DISTANCE OF 14.03 FEET TO A ½ INCH REBAR SET;

THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 1442.91 FEET AND AN ARC LENGTH OF 156.51 FEET (SAID CURVE HAVING A CHORD BEARING OF SOUTH 68 DEGREES 09 MINUTES 33 SECONDS WEST AND A CHORD DISTANCE OF 156.39 FEET) TO A POINT;

THENCE SOUTH 72 DEGREES 04 MINUTES 56 SECONDS WEST A DISTANCE OF 273.87 FEET TO A POINT;

THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 1744.05 FEET AND AN ARC LENGTH OF 58.11 FEET (SAID CURVE HAVING A CHORD BEARING OF SOUTH 71 DEGREES 07 MINUTES 40 SECONDS WEST AND A CHORD DISTANCE OF 58.10 FEET) TO A ½ INCH REBAR SET;

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THENCE NORTH 20 DEGREES 29 MINUTES 02 SECONDS WEST A DISTANCE OF 24.23 FEET TO A ½ INCH REBAR SET;

THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 1855.00 FEET AND AN ARC LENGTH OF 77.29 FEET (SAID CURVE HAVING A CHORD BEARING OF SOUTH 68 DEGREES 19 MINUTES 25 SECONDS WEST AND A CHORD DISTANCE OF 77.29 FEET) TO A ½ INCH REBAR SET;

THENCE NORTH 22 DEGREES 52 MINUTES 03 SECONDS WEST A DISTANCE OF 5.00 FEET TO A ½ INCH REBAR SET;

THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 1860.00 FEET AND AN ARC LENGTH OF 155.00 FEET (SAID CURVE HAVING A CHORD BEARING OF SOUTH 64 DEGREES 44 MINUTES 34 SECONDS WEST AND A CHORD DISTANCE OF 154.96 FEET) TO A ½ INCH REBAR SET;

THENCE SOUTH 40 DEGREES 28 MINUTES 05 SECONDS WEST A DISTANCE OF 54.15 FEET TO A ½ INCH REBAR SET;

THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 10179.48 FEET AND AN ARC LENGTH OF 393.01 FEET (SAID CURVE HAVING A CHORD BEARING OF SOUTH 61 DEGREES 15 MINUTES 46 SECONDS WEST AND A CHORD DISTANCE OF 392.99 FEET) TO A ½ INCH REBAR SET;

THENCE SOUTH 60 DEGREES 50 MINUTES 48 SECONDS WEST A DISTANCE OF 542.18 FEET TO A ½ INCH REBAR SET;

THENCE SOUTH 54 DEGREES 48 MINUTES 39 SECONDS WEST A DISTANCE OF 42.91 FEET TO A 3 INCH OPEN TOP PIPE FOUND AT THE SOUTHEASTERN PROPERTY CORNER OF SOLA FIDE EVANGELICAL LUTHERAN CHURCH OF LAWRENCEVILLE, GEORGIA, AS RECORDED IN DEED BOOK 14073, PAGE 55;

THENCE LEAVING WEBB GIN HOUSE ROAD AND PROCEEDING WITH THE NORTHEASTERN PROPERTY LINE OF SOLA FIDE EVANGELICAL LUTHERAN CHURCH OF LAWRENCEVILLE, GEORGIA, AS RECORDED IN DEED BOOK 14073, PAGE 55, AND FURTHER WITH THE NORTHEASTERN PROPERTY LINE OF SCENIC CAPITAL, LLC, AS RECORDED IN DEED BOOK 50773, PAGE 280, NORTH 20 DEGREES 12 MINUTES 52 SECONDS WEST A DISTANCE OF 1443.42 FEET TO A LEAF SPRING FOUND AT THE SOUTHEASTERN CORNER OF ANOTHER PROPERTY OF SCENIC CAPITAL, LLC, AS RECORDED IN DEED BOOK 52556, PAGE 197;

THENCE PROCEEDING WITH THE NORTHEASTERN PROPERTY LINE OF SCENIC CAPITAL, LLC, AS RECORDED IN DEED BOOK 52556, PAGE 197, NORTH 22 DEGREES 41 MINUTES 32 SECONDS WEST A DISTANCE OF 191.09 FEET TO A 1 ½ INCH OPEN TOP PIPE FOUND AT THE SOUTHWESTERN CORNER OF LOT 15 OF THE VILLAS OF KNOLLWOOD LAKES UNIT ONE SUBDIVISION AS RECORDED IN PLAT BOOK 115, PAGE 52;

THENCE NORTH 83 DEGREES 10 MINUTES 55 SECONDS EAST A DISTANCE OF 878.60 FEET TO THE POINT OF BEGINNING,

SAID TRACT OR PARCEL OF LAND CONTAINING 2,444,737 SQUARE FEET OR 56.12 ACRES, MORE OR LESS.

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LOCATION MAP

SITE LOCATION

AREA SUMMARY

NOTES

- 1. This plot was prepared for the exclusive use of the person, persons, or entity named in the title block. Said use may not extend to any unassured person without express permission...

CERTIFICATION

UTILITY STATEMENT

REFERENCE PLATS

TITLE EXCEPTIONS

TITLE EXCEPTIONS

Table with 2 columns: REVISIONS, DATE. Contains a list of revisions.



BOUNDARY SURVEY

Webb Gin House Road Tract



THE STATE OF GEORGIA



- LEGEND
(1) LAND LOT IDENTIFICATION
(1) DIMENSION LIST NUMBER
(1) IRON PIN FOUND (AS NOTED)
(1) PROPERTY CORNER
(1) MANDATORY POWER POLE RIGHT-OF-WAY

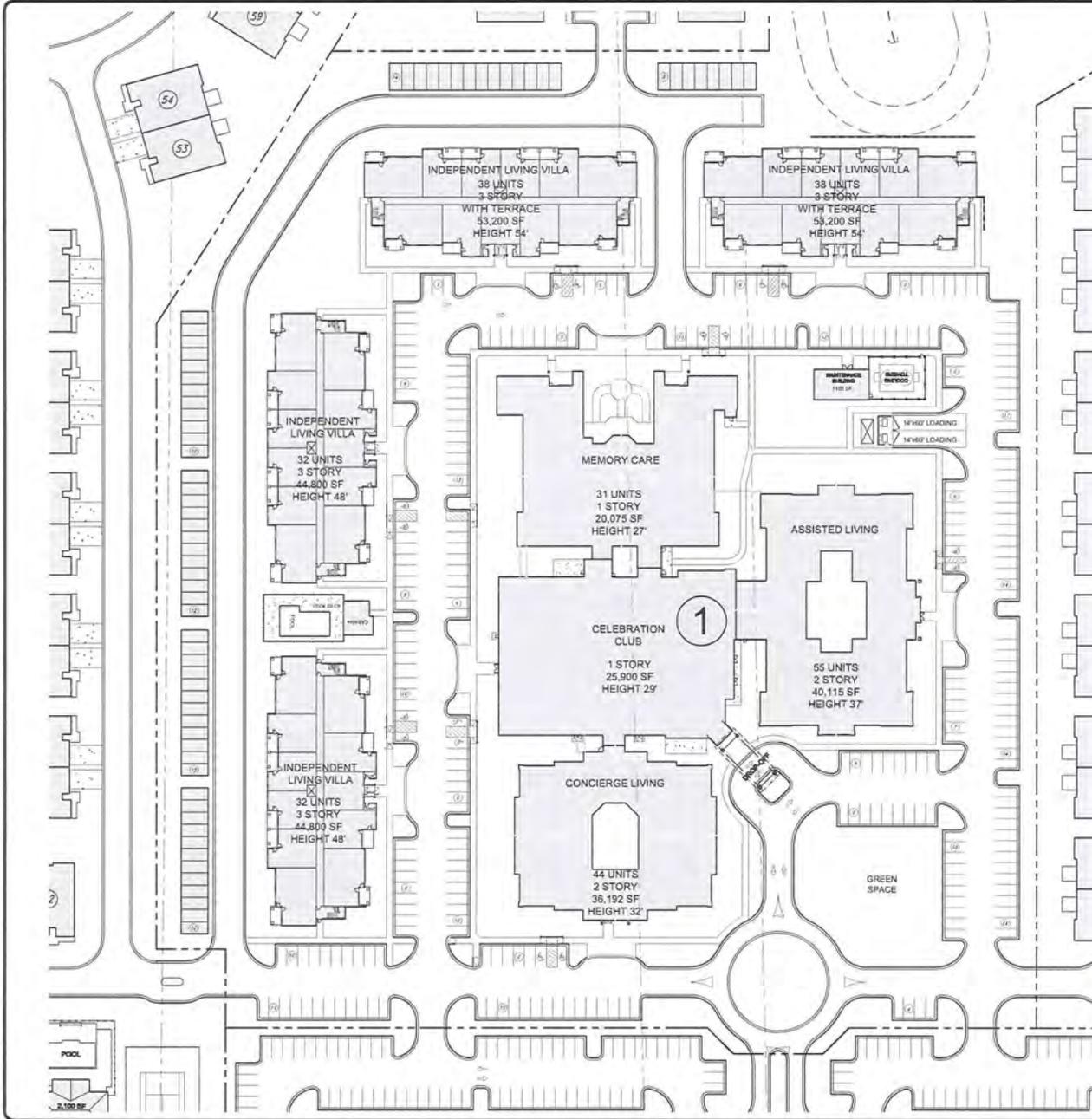
Line Table with columns: Line #, Direction, Length. Lists line segments with bearings and distances.

Curve Table with columns: Curve #, Radius, Length, Chord Length, Chord Bearing. Lists curve data for the survey.

TITLE EXCEPTIONS
This survey shall show information combined with a plat of the same number...

TITLE EXCEPTIONS
This survey shall show information combined with a plat of the same number...





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**GEORGIA811**  
 Utility Protection Center, Inc.  
 Know what's below  
 Call 811 or (800) 282-7411  
 Before You Dig

\*\*\*CAUTION\*\*\*  
 THE UTILITIES SHOWN HEREIN ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY  
 THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER  
 ASSUMES NO RESPONSIBILITY FOR THE LOCATION, DEPTH AND TYPE OF UTILITIES.  
 THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF  
 THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL  
 BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

GRAPHIC SCALE  
 ( IN FEET )  
 1 inch = 40 ft.



**paradigm**  
 Engineering Services, Inc.  
 8000 Peachtree Dunwoody Park  
 Atlanta, GA 30338  
 404.252.2200  
 www.paradigmga.com

Project No. P-1712  
 Design By: RBD  
 Drawn By: LJS  
 Checked By: RBD  
 Date: 10/27/17  
 Scale: 1" = 40'

No.	Revision	Date

**ACTIVE SENIOR CONCEPTS**  
 14500 Peachtree Dunwoody Park  
 Suite 4-3  
 Johns Creek, GA 30097

VILLAGE SITE PLAN  
 CELEBRATION SNELLVILLE  
 LL 06, 87 & 106, 5TH DISTRICT  
 GWINNETT COUNTY, SNELLVILLE, GEORGIA

Drawing No.  
**C2.1**

**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

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- (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

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- (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

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

Please see attached

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- (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 & SPECIAL USE PERMIT APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

- (A) Yes, the proposed development will permit a use that is suitable in view of the use and development of adjacent and nearby property. The property is adjacent to existing residential uses as well as institutional and commercial uses located along Scenic Highway (State Route 124).
- (B) No, the proposed development will not adversely affect the existing use or usability of any of the nearby properties.
- (C) In light of the size, location, layout, and character of surrounding uses, the Applicant submits that the property does not have reasonable economic use as currently zoned.
- (D) No, the proposed development will not result in an excessive or burdensome use of the infrastructure systems. The proposed use of a retirement community is a relatively low-intensity use which will generate fewer vehicle trips than other potential developments. The proposed subject Property has convenient access to Georgia Highway 124 and Grayson Highway.
- (E) Yes, the proposed development is in conformity with the policy and intent of the Gwinnett County 2030 Unified Plan.
- (F) The Applicant submits that the commercial/retail nature of adjoining properties provides additional support for the Applications.

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

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

**LETTER OF INTENT FOR REZONING AND SPECIAL USE PERMIT**  
**APPLICATIONS OF ASC ACQUISITIONS, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning and special use permit applications (the "Applications") on behalf of ASC Applications, LLC (the "Applicant") for the purpose of requesting the rezoning of an approximately 56.12 acre tract of land (the "Property") to the O-I zoning classification. The Applicant is requesting special use permits for the use of Retirement Community, Continuing Care and a building height increase. The Property is located on the northerly side of Webb Gin House Road approximately one half mile east of its intersection with Scenic Highway (a/k/a State Route 124). The Property is currently zoned R-100.

The Applicant is requesting approval of the Applications in order to develop the Property as a Retirement Community including a variety of residential options for residents as well as various amenities including pools, tennis courts, and an approximately 25,900 square foot Celebration Club facility. The proposed development would include independent living villas, concierge-style residences, assisted living, and memory care units providing a diversity of residents and levels of care. Residents would be able to age in place and transition within the proposed development based on their needs. For example, Independent Living Villas would be available for residents that live on their own, but desire a more cohesive community atmosphere and convenient access to various amenities. Additionally, assisted living and memory care units would be available for residents that require help with daily tasks.

The UDO encourages the type of development that is proposed by the Applicant. Specifically, the Gwinnett County 2030 Unified Plan specifically sets forth Policy A.4.4 to "Support Expanded Housing Options for Seniors." The 2030 Plan provides that expanding housing options for seniors improves quality of life by increasing the ability of senior relatives of Gwinnett residents to move closer to their families. Moreover, the proposed community would increase the walkability of Webb Gin House Road and would expand the pedestrian connectivity of Webb Gin House Road to Scenic Highway and adjacent commercial and retail uses. Such

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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walkability would promote a healthier lifestyle for existing residents of the surrounding area as well as residents of the proposed development.

Residents and visitors would have convenient access to the Property via Webb Gin House Road and Scenic Highway. The Property is also located in close proximity to Grayson Highway to the east and Sugarloaf Parkway to the north. The proposed retirement community would also generate substantially fewer vehicle trips than a typical multi-family or mixed-use development and would also have essentially a net zero effect on school enrollment since residents are typically beyond the family formation stages of their lives.

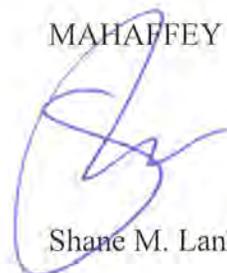
As depicted on the site plan submitted with the Application (the "Site Plan"), the Applicant is also requesting a buffer reduction along the Property's easterly, northerly, and a portion of the westerly boundary lines where adjacent to residentially-zoned properties. The UDO requires a 50-foot natural, undisturbed buffer and the Applicant is requesting a modification of that buffer to a 50-foot landscaped buffer. As a large portion of the Property is open pasture land, there is little to no buffering currently in place. Additionally, as depicted on the Site Plan, the Applicant is requesting the approval of a special use permit for a building height increase up to 54 feet to accommodate buildings within the proposed development's centrally-located Village area.

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

This 1st day of November, 2017

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

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**REZONING APPLICANT'S CERTIFICATION**

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

Signature of Applicant

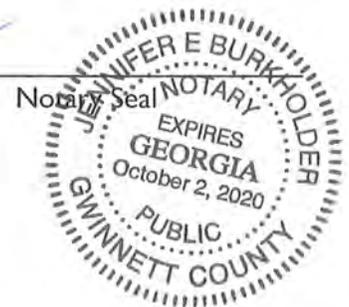
Date

**Shane Lanham, Attorney for the Applicant**

Type or Print Name and Title

Signature of Notary Public

Date



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**REZONING APPLICANT'S CERTIFICATION**

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AAVA J 10-26-17  
Signature of Applicant Date

A A VARI JR 10.26-17  
Type or Print Name and Title

Elizabeth L. Mowry 10/26/17  
Signature of Notary Public 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.

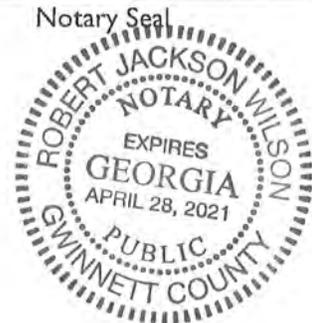
Joyce Harrison 10-27-17  
Signature of Property Owner Date

Joyce Harrison  
Type or Print Name and Title

[Signature] 10-27-17  
Signature of Notary Public Date Notary Seal

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**REZONING PROPERTY OWNER'S CERTIFICATION**

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

*Richard L Harrison*  
\_\_\_\_\_  
Signature of Property Owner

*10.27-17*  
\_\_\_\_\_  
Date

*Richard L Harrison*  
\_\_\_\_\_  
Type or Print Name and Title

*[Signature]*  
\_\_\_\_\_  
Signature of Notary Public

*10-27-17*  
\_\_\_\_\_  
Date



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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING** /SVP

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

                      10/26/17                      Shane M. Lanham, Attorney for Applicant

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

                      10/26/17                      [Signature]

SIGNATURE OF NOTARY PUBLIC                      DATE                      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 OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
See attached.		

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

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

MAHAFFEY PICKENS TUCKER, LLP

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Tommy Hunter	\$1000	01/27/2016
Charlotte Nash	\$1000	03/08/2016

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**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING** /SOP

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                      - 087                      - 120  
(Map Reference Number)                      District                      Land Lot                      Parcel





Signature of Applicant

Date

**Shane Lanham, Attorney for the Applicant**

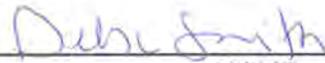
Type or Print Name and Title

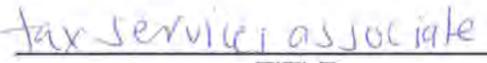
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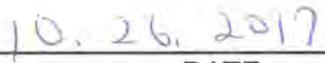
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**TAX COMMISSIONERS USE ONLY**

(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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**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING** /SUP

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                      -      106                      -      067  
(Map Reference Number)      District                      Land Lot                      Parcel

  
Signature of Applicant

10/28/17  
Date

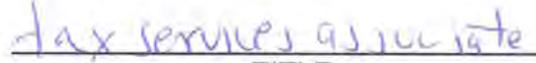
**Shane Lanham, Attorney for the Applicant**

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

10.26.2017  
DATE

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## JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance (the “UDO”) which classify or may classify the property (the “Property”) which is the subject of the rezoning and special use permit applications submitted herewith (the “Applications”) 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 and the owner’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 and/or without the requested special use permit (the “SUP”), 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 O-I classifications with the SUP 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 the Applications 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

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Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the O-I classification and approve the SUP, as set forth in the Applications, 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 O-I classifications and/or approval of the SUP, subject to conditions which are different from the conditions by which the Applicant may amend its Applications, 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 Applications submitted by the Applicant relative to the Property be granted.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

  
Shane M. Lanham  
*Attorneys for Applicant*

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

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