

**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
Edge City Properties, Inc. c/o Mahaffey Pickens NAME: <u>Tucker, LLP</u> ADDRESS: <u>1550 North Brown Road, Suite 125</u> CITY: <u>Lawrenceville</u> STATE: <u>GA</u> ZIP: <u>30043</u> PHONE: <u>770.232.0000</u>	NAME: <u>Richard Craig</u> ADDRESS: <u>1585 Five Forks Trickum Road</u> CITY: <u>Lawrenceville</u> STATE: <u>GA</u> ZIP: <u>30044</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>	
<p align="center"><b>APPLICANT IS THE:</b></p> <p><input type="checkbox"/> OWNER'S AGENT    <input type="checkbox"/> PROPERTY OWNER    <input checked="" type="checkbox"/> CONTRACT PURCHASER</p>	
PRESENT ZONING DISTRICT(S): <u>R75</u> REQUESTED ZONING DISTRICT: <u>R-TH</u> PARCEL NUMBER(S): <u>5084 001 &amp; 5084 524</u> ACREAGE: <u>+/-12.39</u> ADDRESS OF PROPERTY: <u>1467 Five Forks Trickum Road</u> PROPOSED DEVELOPMENT: <u>Single-family residential subdivision</u>	
<p align="center"><b>RESIDENTIAL DEVELOPMENT</b></p> No. of Lots/Dwelling Units <u>79</u> Dwelling Unit Size (Sq. Ft.): <u>1800+ square feet</u> Gross Density: <u>+/-6.38 units per acre</u> Net Density: <u>+/-6.38 units per acre</u>	<p align="center"><b>NON-RESIDENTIAL DEVELOPMENT</b></p> No. of Buildings/Lots: <u>N/A</u> Total Building Sq. Ft. <u>N/A</u> Density: <u>N/A</u>

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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## LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 84 of the 5th District, Gwinnett County, Georgia, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, Commence at a one-half inch rebar set on the northwestern right-of-way line of Lawrenceville-Five Forks Trickum Road (having a variable right-of-way width), said one-half inch rebar set being located 477.00 feet northeasterly along said right-of-way-line from the intersection of said right-of-way-line with the northeastern right-of-way line of Trophy Trail (having a 60' right-of-way); Thence, leaving said right-of-way line, North 29°26'47" West a distance of 424.83 feet to a one-half inch rebar set; Thence North 39°16'07" East a distance of 512.09 feet to a one-half inch rebar found on the Land Lot line common to Land Lots 77 and 84 of the 5th District of Gwinnett County, Georgia, said one-half inch rebar found being at the TRUE POINT OF BEGINNING; Thence, from said TRUE POINT OF BEGINNING as thus established and along the land lot line common to Land Lots 77 and 84, North 30°17'43" West a distance of 893.70 feet to a one-half inch rebar found; Thence, leaving said land lot line, North 60°12'51" East a distance of 208.04 feet to a one-half inch rebar set; Thence South 51°47'27" East a distance of 1231.15 feet to a one-half inch rebar set on the northwestern right-of-way line of Lawrenceville-Five Forks Trickum Road (having a variable right-of-way width); Thence along said right-of-way line, South 30°50'50" West a distance of 75.00 feet to a one-half inch rebar set; Thence, continuing along said right-way-line, South 31°08'00" West a distance of 395.00 feet to a point; Thence, leaving said right-of-way line, North 57°32'40" West a distance of 538.54 feet to a one-half inch rebar found on the Land Lot line common to Land Lots 77 and 84 of the 5th District of Gwinnett County, Georgia, said one-half inch rebar found being at the TRUE POINT OF BEGINNING.

Said parcel contains 12.3939 acres and is shown as PROPOSED TRACT on that certain PROPOSED REZONING PLAT FOR: Richard M. Craig Estate, dated March 28, 2018, prepared by McNally & Patrick, Inc. and bearing the seal of Lloyd C. McNally, Jr., R.L.S. No. 2040.

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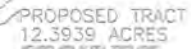






NOTE:  
TOPO IS TAKEN FROM GWINNETT  
COUNTY GIS

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**FIVE FORKS TRICKUM DR. & SUGARLOAF PKWY**  
A MASTER PLANNED RESIDENTIAL DEVELOPMENT

FOR  
**EDGE CITY PROPERTIES**  
4250 DOVE POINT  
DUBLIN, CA 94568  
PHONE: 770.611.4500  
CONTACT: MIKE DYE

EDGE CITY PROPERTIES  
10000 WILLOW CREEK DR., SUITE 200  
DUBLIN, CA 94568  
TEL: 916.243.8800  
WWW.EDGE-CITY.COM

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<h1 style="margin: 0;">REZONING SITE PLAN</h1>	
SCALE	1" = 60'
DATE	03/26/2018
PROJECT	180566.00
<p>THIS SEAL IS ONLY VALID IF COUNTERSIGNED AND DATED WITH AN ORIGINAL SIGNATURE</p>	
<p>DESIGNED BY: [Blank] CHECKED BY: [Blank]          DRAWN BY: [Blank] DATE: [Blank]</p>	
<h1 style="margin: 0;">Z1</h1>	

**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:

See attached

- (B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

See attached

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

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:

See attached

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

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:

See attached

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

- (A) Yes, the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is located on Five Forks Trickum Road just south of Sugarloaf Parkway. The Property is adjacent to land zoned for commercial and retail uses.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classification is compatible with existing commercial, retail, and office uses of adjacent property.
- (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 Sugarloaf Parkway, Scenic Highway (State Route 124), and Ronald Reagan Parkway.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County Land Use Plan.
- (F) The Applicant submits that the subject Property's location adjacent to existing commercial uses and its proximity to major transportation corridors provide additional support of the Application.

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Matthew P. Benson  
Gerald Davidson, Jr.\*  
Brian T. Easley  
Kelly O. Faber  
Mary Grace Griffin  
Christopher D. Holbrook  
Nicholas N. Kemper

Shane M. Lanham  
Austin 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 APPLICATION  
OF EDGE CITY PROPERTIES, INC.**

Mahaffey Pickens Tucker, LLP (the “Applicant”) submits this Letter of Intent and attached Rezoning Application for the purpose of rezoning to the R-TH zoning classification an approximately 12.39 acre tract (the “Property”) situated along Five Forks Trickum Road just south of its intersection with Sugarloaf Parkway. The Property is currently zoned R-75.

The Applicant proposes to develop a single-family residential community, including 79 attached residential townhomes. The proposed development would have a net density of approximately 6.38 units per acre, which is below the maximum allowed density of 8.0 units per acre prescribed for the R-TH zoning classification in the Gwinnett County Unified Development Ordinance (the “UDO”). The proposed single-family community would consist of homes at a size, quality, and price-point commensurate with homes in the surrounding area. The proposed townhomes would include a minimum of 1,800 square feet and would be constructed with front facades of brick, stone, and/or fiber cement shake/siding as well as two-car garages, covered entrances, and attractive architectural elements as depicted on the building elevations submitted with the Application. Further, nine of the proposed homes located along the Property’s frontage on Five Forks Trickum are designed as rear-entry townhomes with front facades facing the roadway and garages located in the rear. This design would improve the visual appearance of

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

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[www.mptlawfirm.com](http://www.mptlawfirm.com)

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Five Forks Trickum Road and increase the walkability of the surrounding area. In order to accomplish this, the Applicant is proposing to provide a 20-foot front building setback from the right-of-way instead of the typically-required 50-foot front setback.

The proposed community would also include approximately 2.85 acres of common area which is 23% of the Property's area. The proposed common area is located in the center of the Property and includes a multi-use open green space, dog park, multi-use trail, and arbor with outdoor fireplace. The proposed common area would serve as a focal point and gathering place for residents which would foster a sense of place and community within the proposed development. A proposed homeowners' association would be responsible for all maintenance of lawns, open space, and the community entrance feature.

Residents would also have convenient pedestrian access to the adjacent Village Shoppes of Sugarloaf which includes a Publix supermarket as well as various other commercial, retail, and restaurant options. The shopping center is within the municipal boundaries of the City of Lawrenceville and bears the City's Highway Service Business (HSB) zoning classification. Additional office, commercial, and restaurant uses are located across Five Forks Trickum Road from the Property. The 2030 Unified Plan encourages infill development at densities and architectural character which are compatible with existing development. The proposed development is in line with the policies of the 2030 Unified Plan as it would provide an appropriate transitional use from these existing commercial uses located along Sugarloaf Parkway and Five Forks Trickum Road to single-family detached uses located further west.

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

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any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 4th day of April, 2018.

MAHAFFEY PICKENS TUCKER, LLP



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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

3/16/18

Date

Shane M. Lanham, Attorney for Applicant

Type or Print Name and Title

Signature of Notary Public

3/16/18

Date



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**REZONING APPLICANT'S CERTIFICATION**

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*Michael Dye*

Signature of Applicant

*3-21-18*

Date

**Michael Dye, President**

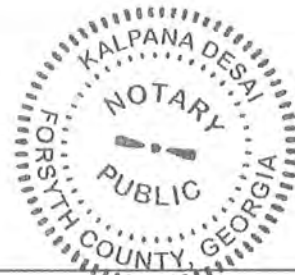
Type or Print Name and Title

*Kalpna Desai*

Signature of Notary Public

*03/21/2018*

Date



Notary Seal

On *03/21/18*, *Michael Dye*  
personally appeared before me and produced  
a *GA DL* as identification.  
My Commission expires *05/20/2018*.

KALPANA DESAI  
NOTARY PUBLIC, FORSYTH COUNTY, GEORGIA  
MY COMMISSION EXPIRES MAY 20, 2018

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**REZONING PROPERTY OWNER'S CERTIFICATION**

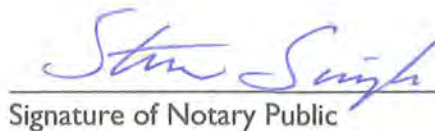
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE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

3-22-2018  
Date

Richard A. Craig

Type or Print Name and Title

  
Signature of Notary Public

3/22/18  
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

Shane M. Lanham, Attorney for Applicant

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

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

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
John Heard	\$2000	02/20/2018

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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.

Michael Dye 3-21-18 Michael Dye, President  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Kalpna Desai 03/21/2018  
SIGNATURE OF NOTARY PUBLIC DATE



KALPANA DESAI  
NOTARY PUBLIC, FORSYTH COUNTY, GEORGIA  
MY COMMISSION EXPIRES MAY 20, 2018

**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 Michael Dye  
YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

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

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**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR 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      - 084      - 001  
(Map Reference Number)      District      Land Lot      Parcel

\_\_\_\_\_  
Signature of Applicant      3/19/18  
\_\_\_\_\_  
Shane Lankam, Attorney for Applicant      Date  
\_\_\_\_\_  
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)

\_\_\_\_\_  
Cardrick Remy      Senior TSA  
NAME      TITLE

\_\_\_\_\_  
3/19/18  
DATE

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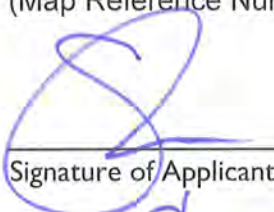


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**\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

**PARCEL I.D. NUMBER:**      5      084      524  
(Map Reference Number)      District      Land Lot      Parcel

      5/19/18  
Signature of Applicant      Date

Share Lankham, 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)

Cordrick Roney      Senior TSA  
NAME      TITLE

3/19/18      RZM '18 00 6  
DATE

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**24' Wide Town Home Series  
Front Elevation**

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The drawings presented are illustrations of character and design intent only, and are subject to change based upon local design considerations (i.e., applicable codes, standards, and RZM design requirements, and any other applicable changes, etc.). ©2018 gmd design group of georgia, inc.





Left Elevation



Right Elevation



Rear Elevation

## 24' Wide Town Home Series

05.31.16

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The drawings presented are illustrative of character and design intent only, and are subject to change based upon local design considerations (i.e., applicable codes, standards, and RFP design requirements), and other / force main changes, etc.  
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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-TH classification as requested by the Applicant, and is not economically suitable for development under the present R-75 zoning classification of Gwinnett County. A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the

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

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the R-TH 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-TH 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 4th day of April, 2018.

Respectfully submitted,  
MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham  
*Attorneys for Applicant*

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