

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Mahaffey Pickens Tucker, LLP</u>	NAME: <u>McCann, Louis F & Robinson, Steven</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>2 Cynthia Rd</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Newark</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Delaware</u> ZIP: <u>19702</u>
PHONE: <u>770.232.0000</u>	PHONE: <u>770.232.0000</u>
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770.232.0000</u>	
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): RA-200 REQUESTED ZONING DISTRICT: TND

LAND DISTRICT(S): 3 LAND LOT(S): 004 ACREAGE: +/- 13.27

ADDRESS OF PROPERTY: 1431 Dee Kennedy Road

PROPOSED DEVELOPMENT: Single-family residential subdivision

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>54</u>	No. of Buildings/Lots: <u>N/A</u>
Dwelling Unit Size (Sq. Ft.): <u>1,600+</u>	Total Building Sq. Ft.: _____
Gross Density: <u>+/-4.07 units per acre</u>	Density: _____
Net Density: <u>+/-4.07 units per acre</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 Duncan's Militia District No. 1749, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at the intersection of the Southerly right-of-way of Georgia Highway 124 and the Southwesterly right of way of Dee Kennedy Road, and run thence in a Westerly direction along the Southerly right of way of Georgia Highway 124 a distance of 132 feet to an iron pin;

Thence South 10 degrees 58 minutes East along property of M. H. Tribble a distance of 141.41 feet to an iron pin;

Thence South 55 degrees 10 minutes East along property of Tribble a distance of 474.46 feet to an iron pin;

Thence South 55 degrees 32 minutes East for a distance of 286.77 feet to an iron pin corner;

Thence North 31 degrees 37 minutes East for a distance of 129.60 feet to an iron pin on the Southerly right-of-way line of Dee Kennedy Road;

Thence South 32 degrees 14 minutes along said right of way a distance 207.50 feet to an iron pin;

Thence South 33 degrees 53 minutes East for a distance of 237 feet to an iron pin;

Thence South 63 degrees 17 minutes West for a distance of 502.40 feet to an iron pin;

Thence North 33 degrees 53 minutes West for a distance of 19.00 feet to a point;

Thence South 60 degrees 06 minutes West for a distance of 361.28 feet to an iron pin corner;

Thence North 15 degrees 53 minutes West for a distance of 1067.52 feet to an iron pin on the Southerly right of way of Georgia Highway 124;

Thence along said right of way North 79 degrees 14 minutes East for a distance of 210.00 feet to the POINT OF BEGINNING;

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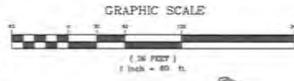
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- GENERAL NOTES**
- TOTAL ACREAGE = 13.27 ACRES.
 - NET ACREAGE = 13.27 ACRES.
 - NET DENSITY = 3.99 UNITS/ACRE.
 - CROSS DENSITY = 3.99 UNITS/ACRE.
 - COMMON AREA = 20.52'
 - EXISTING ZONING = RA-200
 - PROPOSED ZONING = TAD
 - PROPOSED NO. OF LOTS = 53
 - MINIMUM LOT AREA SMALL LOT = 5,000-7,499
 - MINIMUM LOT AREA MEDIUM LOT = 7,500-9,499
 - MINIMUM LOT AREA LARGE LOT = >9,500
 - FRONT SETBACK = 15 FT.
 - REAR SETBACK = 20 FT.
 - SIDE SETBACK = 5 FT.
 - MAXIMUM BUILDING HEIGHT = 35 FT.
 - ZONING INFORMATION SHOWN HEREON PER GWINNETT COUNTY TAX RECORDS.
 - DEVELOPMENT TO BE SERVED BY GWINNETT COUNTY WATER AND SANITARY SEWER SERVICE.
 - NO FLOOD PLAIN ON THE PROPERTY.
 - BOUNDARY LINES SHOWN HEREIN PER DEEDS AND RECORDS. ALL MATTERS OF RECORD AFFECTING THIS PROPERTY MAY NOT BE SHOWN HEREON.

LOT CHART	
TYPE	LOTS
SMALL	46
MEDIUM	3
LARGE	4
TOTAL	53



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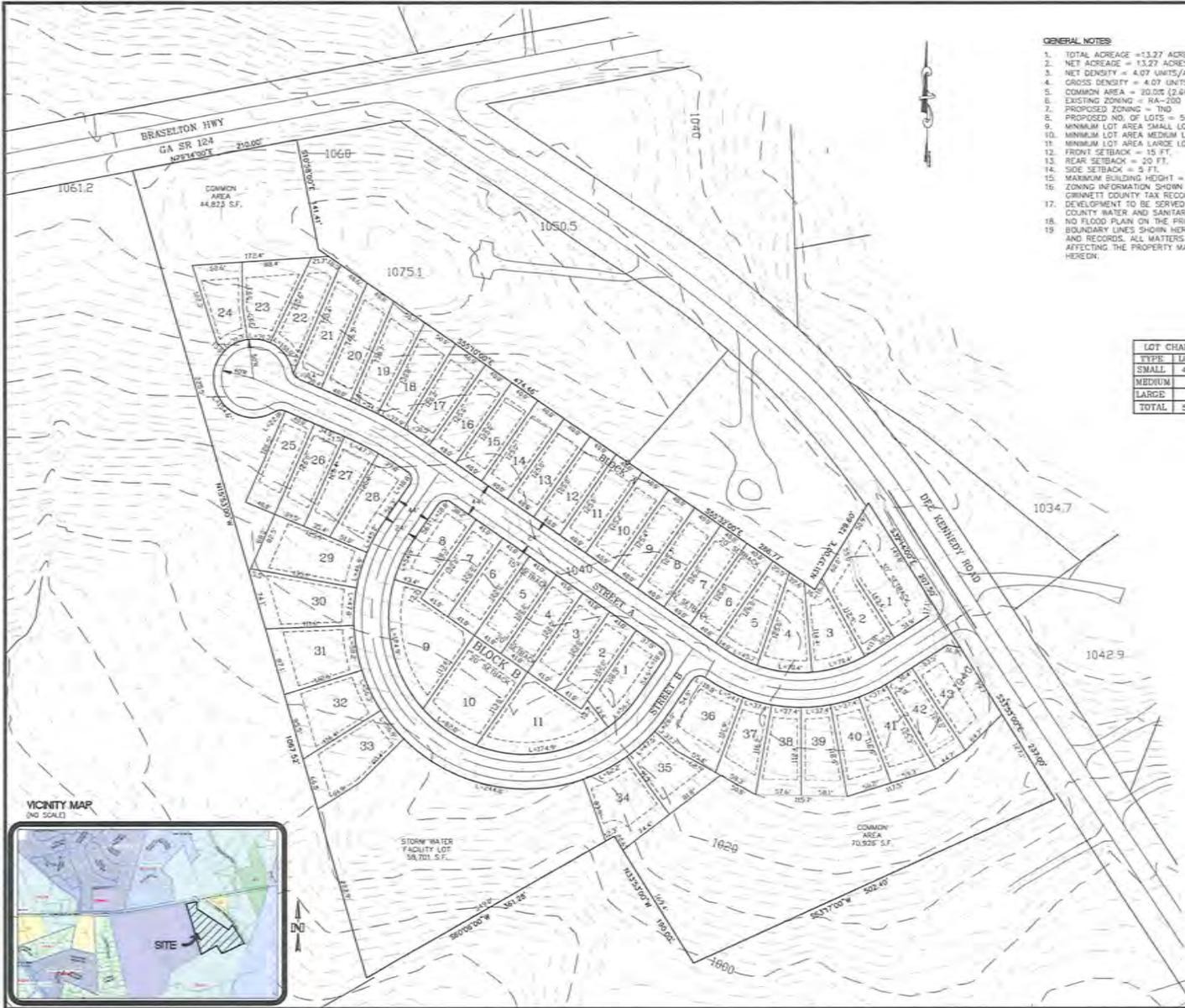
Copyright
 MYERS & COMPANY, INC.
 1100 N. W. 10th Street, Suite 100
 Gainesville, FL 32609
 Phone: 352-339-1100
 Fax: 352-339-1101
 Email: info@myers-inc.com

MYERS & CO.
 civil engineers
 P.O. BOX 814
 GAINESVILLE, GA 32603
 770-297-9703
 info@myers-and-co.com

Project Description
DEE KENNEDY ROAD TRACT
 PARCELS R3004 082, R3004 081 & R3004 018
 GWINNETT COUNTY, GEORGIA

DATE 12-20-17
 JOB NO. 17-36
 Sheet Title
SITE BOUNDARY

Revisions
 SHEET
1



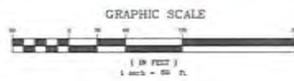
- GENERAL NOTES**
- TOTAL ACREAGE = 13.27 ACRES.
 - NET ACREAGE = 13.27 ACRES.
 - NET DENSITY = 4.07 UNITS/ACRE
 - GROSS DENSITY = 4.07 UNITS/ACRE
 - COMMON AREA = 20.015 (2.66 ACRES)
 - EXISTING ZONING = RA-200
 - PROPOSED ZONING = TND
 - PROPOSED NO. OF LOTS = 54
 - MINIMUM LOT AREA (SMALL LOT) = 5,000-7,499
 - MINIMUM LOT AREA (MEDIUM LOT) = 7,500-9,499
 - MINIMUM LOT AREA (LARGE LOT) = 19,500
 - FRONT SETBACK = 15 FT.
 - REAR SETBACK = 30 FT.
 - SIDE SETBACK = 5 FT.
 - MAXIMUM BUILDING HEIGHT = 35 FT.
 - ZONING INFORMATION SHOWN HEREON PER GWINNETT COUNTY TAX RECORDS.
 - DEVELOPMENT TO BE SERVED BY GWINNETT COUNTY WATER AND SANITARY SEWER SERVICE.
 - NO FLOOD PLAN ON THE PROPERTY.
 - BOUNDARY LINES SHOWN HEREON PER DEEDS AND RECORDS. ALL MATTERS OF RECORD AFFECTING THE PROPERTY MAY NOT BE SHOWN HEREON.

LOT CHART	
TYPE	LOTS
SMALL	43
MEDIUM	6
LARGE	3
TOTAL	54

LOT NO	BLOCK	AREA	SIZE
1	A	8,953	Medium
2	A	5,293	Small
3	A	5,177	Small
4	A	5,448	Small
5	A	5,387	Small
6	A	5,251	Small
7	A	5,541	Small
8	A	5,231	Small
9	A	5,021	Small
10	A	5,210	Small
11	A	5,001	Small
12	A	5,200	Small
13	A	5,000	Small
14	A	5,200	Small
15	A	5,200	Small
16	A	5,200	Small
17	A	5,207	Small
18	A	5,454	Small
19	A	5,734	Small
20	A	5,729	Small
21	A	6,221	Small
22	A	5,323	Small
23	A	6,140	Small
24	A	5,548	Small
25	A	5,201	Small
26	A	5,289	Small
27	A	5,156	Small
28	A	6,229	Small
29	A	7,549	Medium
30	A	7,581	Medium
31	A	7,287	Medium
32	A	7,552	Medium
33	A	7,528	Medium
34	A	7,228	Medium
35	A	8,242	Small
36	A	7,639	Medium
37	A	5,075	Small
38	A	5,179	Small
39	A	5,435	Small
40	A	5,594	Small
41	B	5,251	Small
42	B	5,001	Small
43	B	5,252	Small
44	B	7,537	Medium
45	B	5,251	Small
46	B	5,001	Small
47	B	5,001	Small
48	B	5,001	Small
49	B	5,223	Small
50	B	5,581	Large
51	B	9,223	Large

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ENGINEER
MYERS & CO., INC.
 1000 W. BIRCHWOOD DR., SUITE 100
 GAINESVILLE, FL 32609
 TEL: 352-385-1111
 FAX: 352-385-1112
 WWW.MYERSANDCO.COM

MYERS & CO.
 civil engineers
 770-277-0793
 1400 W. UNIVERSITY BLVD., SUITE 100
 GAINESVILLE, FL 32609

Project Description)
DEE KENNEDY ROAD TRACT
 PARCELS 10000, 102, 10300, 103, & 10304-018
 GAINESVILLE, FLORIDA, 32609

DATE	1-15-18
JOB NO.	17-36
Sheet Title	REZONING PLAN
Revisions	
SHEET	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

- (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) 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 adjacent to Braselton Highway (State Route 124) and is near land zoned C-2, R-100CSO, and M-1.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties.
- (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 Braselton Highway and Interstate 85 with access to utilities.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County Land Use Plan. The Property is designated as within the Rural Estate Character Area which encourages residential development and specifically provides for non-estate residential development at roadway intersections or nodes.
- (F) The Applicant submits that the subject Property's proximity to Interstate 85 and land zoned C-2 provide additional support of this 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
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 APPLICATION
OF MAHAFFEY PICKENS TUCKER, LLP**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Rezoning Application for the purpose of requesting a rezoning to the TND (Traditional Neighborhood Development) zoning classification of an approximately 13.27-acre tract (the "Property") located at the intersection of Braselton Highway (Georgia Route 124) and Dee Kennedy Road. The Property is currently zoned RA-200. The Applicant proposes to develop the Property for use as a single-family residential community, consisting of 54 homes with various lot sizes in accordance with the requirements of the TND zoning classification. The proposed development would also provide approximately 2.66 acres of common area which is 20.0% of the Property's total area. The Property is oddly shaped with frontage on both Braselton Highway and Dee Kennedy Road. The proposed community would consist of homes at a size, quality, and price-point commensurate with or exceeding homes in the surrounding area. The proposed homes would include two-car garages and attractive architectural elements which are compatible with the surrounding area. The front façades of the homes would be constructed primarily of brick, stone, cedar or cementitious shake/siding, and/or board and batten as depicted in the building elevations submitted with the Application.

The proposed development contains a single entrance on Dee Kennedy Road. Proposed common area for the use and enjoyment of residents is located on the northerly portion of the Property along Braselton Highway as well as on the southerly portion of the Property adjacent to

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

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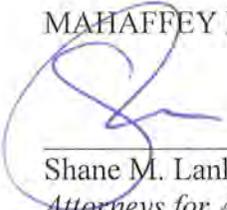
neighboring land zoned RA-200. The Applicant is also proposing to reduce or eliminate the required buffers adjacent to land zoned R-100 Modified and RA-200 as depicted on the site plan submitted with the Application. While the adjacent land to the north is currently zoned RA-200, the Gwinnett County Unified Plan encourages the development of “crossroads” commercial/retail uses at roadway intersections or nodes. The proposed lots in this area were designed with this potential future land use in mind and are sufficiently deep to provide appropriate buffering and screening for residents.

The Gwinnett County 2030 Unified Plan (the “2030 Plan”) provides that “promoting a variety of housing options for Gwinnett County residents is one of the policy goals of the Unified Plan.” The proposed development is compatible with the spirit and intent of the 2030 Plan. Additionally, the Property is located across Dee Kennedy Road from land currently zoned C-2 which permits relatively intense commercial and retail uses. An approval of the Application would be compatible with the spirit and intent of the 2030 Plan by providing a mix of housing options and encouraging infill development.

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

Respectfully submitted this 2nd day of February, 2018.

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

1/31/18

Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

1/31/18

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.

Louis F. McCann

Signature of Property Owner

12/19/17

Date

Louis F McCann

Type or Print Name and Title

Marsea Medori

Signature of Notary Public

12-19-17

Date

Notary Seal

MARSEA MEDORI
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES 11/06/2019

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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 12-23-17
Date

Steven L. Robinson
Type or Print Name and Title

See attached
Signature of Notary Public Date Notary Seal

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This certificate is attached to a 1 page document dealing with/entitled Steven and dated 12/23/2017

Robinson
rezoning property
owner's certification

Acknowledgment in an Individual Capacity

State of Georgia
County of Barrow

This record was acknowledged before me on 12-23-2017
Date

by Steven L Robinson
Printed name(s) of individual(s) signing document

who proved to me on the basis of satisfactory evidence to be the person(s)
who appeared before me.

Personally Known
or
 Produced Identification
Type ID GA 01

Amanda Lynn Sasso
Signature of notary public

Amanda Lynn Sasso
(Name of notary, typed, stamped or printed)
Notary Public State of Georgia

My commission expires: Jan 11, 2020

Stamp/Seal

AMANDA LYNN SASSO
NOTARY PUBLIC
Barrow County
State of Georgia
My Comm. Expires Jan. 11, 2020

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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

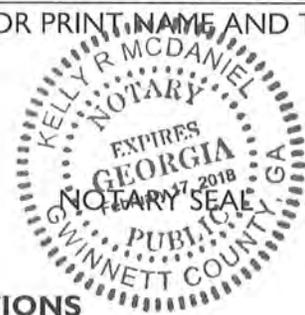
The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

 1/31/18 Shane M. Lanham, Attorney for Applicant

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

 1/31/18 TYPE OR PRINT NAME AND TITLE



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>
Charlotte Nash	\$1000	03/08/2016

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Updated 01/31/2018

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: 3 - 004 - 061
(Map Reference Number) District Land Lot Parcel

Signature of Applicant

1/5/18
Date

Type or Print Name and Title

Shara Lankum, Attorney for Applicant

*****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)

Julie Ballard

NAME

TSA I

TITLE

12-14-17

DATE

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2018
Prestige Homes



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