

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>Sean New Hope Properties, Inc.</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>4800 Candacraig</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Alpharetta</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30022</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): R-100 REQUESTED ZONING DISTRICT: C-2

LAND DISTRICT(S): 5 LAND LOT(S): 171 ACREAGE: 2.996

ADDRESS OF PROPERTY: New Hope Road @ Chandler Road

PROPOSED DEVELOPMENT: Convenience Store with Fuel Pumps

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>NA</u>	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.): <u>NA</u>	Total Building Sq. Ft. <u>+/-8,000 square feet</u>
Gross Density: <u>NA</u>	Density: <u>+/-2,670 square feet per acre</u>
Net Density: <u>NA</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LEGAL DESCRIPTION
1066 New Hope Road, Lawrenceville, Georgia 30045

All that tract or parcel of land lying and being in Land Lot 171, of the 5th District, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a ½ inch rebar set at the Northernmost corner of the mitered intersection located at Southerly right-of-way of New Hope Road and the Westerly right-of-way of Chandler Road; thence along said right-of-way of Chandler Road the following courses and distances:

South 23°20'15" East a distance of 30.44 to a ½ inch rebar set; thence South 21°51'42" West a distance of 229.78 feet to a calculated point; thence South 21°52'06" West a distance of 127.96 feet to a calculated point; thence following a curve to the left, said curve having an arc distance of 125.61 feet and a radius of 341.59 feet and being subtended by a chord bearing South 11°19'57" West a distance of 124.90 feet to a ½ inch rebar set; thence leaving said right-of-way North 37°26'29" West a distance of 409.90 feet to a ½ inch rebar with cap found; thence North 22°07'12" East a distance of 293.41 feet to a ½ inch rebar found on the Southerly right-of-way of New Hope Road; thence along said right-of-way the following courses and distances:

South 68°09'12" East a distance of 55.22 feet to a calculated point; thence South 67°51'46" East a distance of 44.39 feet to a calculated point; thence South 68°00'24" East a distance of 207.12 feet to THE TRUE POINT OR PLACE OF BEGINNING.

Said tract or parcel of land containing 2.996 acres.

RZC 19 022

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BOUNDARY CALL CHART

Course	Bearing	Distance
L1	S 68°09'12" E	55.22'
L2	S 67°51'46" E	44.39'
L3	S 68°00'24" E	207.12'

FLOOD HAZARD STATEMENT:
THIS PROPERTY DOES NOT LIE WITHIN THE
1% ANNUAL FLOOD (100-YEAR FLOOD)
FEDERAL FLOOD HAZARD AREA AS
PER PANEL NO. 13135C0090F
DATE: SEPTEMBER 29, 2006

NOTES:
IN MY OPINION THIS PLAT IS A CORRECT
REPRESENTATION OF THE LAND PLATTED
AND HAS BEEN PREPARED IN CONFORMITY
WITH THE MINIMUM STANDARDS AND
REQUIREMENTS OF THE LAW.
THIS SURVEY HAS BEEN PREPARED FOR THE
EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED
HEREON. NO EXPRESS OR IMPLIED WARRANTIES
WITH RESPECT TO THE INFORMATION SHOWN
HEREON IS TO BE EXTENDED TO ANY PERSONS
OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

THIS SURVEY HAS BEEN PREPARED FOR THE
EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED
HEREON. NO EXPRESS OR IMPLIED WARRANTIES
WITH RESPECT TO THE INFORMATION SHOWN
HEREON IS TO BE EXTENDED TO ANY PERSONS
OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

SCALE: 1" = 40'
0' 20' 40' 80'



AREA
2.966 ACRES
129,211 SQUARE FEET

ZONING INFORMATION:
ZONING PER GWINNETT COUNTY, GA
ZONED R-100
BUILDING SETBACK REQUIREMENTS:
FRONT - 35'
SIDE - 15'
REAR - 40'

NOTE:
ZONING INFORMATION SHOWN HEREON
TAKEN FROM ZONING MAPS AND
MUNICODOT.COM ONLINE LIBRARY.
NO ZONING REPORT PROVIDED FOR
THIS SURVEY.

NOTES:
FIELD INFORMATION FOR THIS SURVEY WAS
OBTAINED WITH A 5 SECOND THEODOLITE
AND AN ELECTRONIC DISTANCE METER.
THE FIELD DATA UPON WHICH THIS MAP
OR PLAT IS BASED HAS A CLOSURE
PRECISION OF ONE FOOT IN 101,270 FEET
AND AN ANGULAR ERROR OF 02 SECOND(S)
PER STATION POINT AND WAS ADJUSTED BY
LEAST SQUARES.
THIS MAP OR PLAT HAS BEEN CALCULATED
FOR CLOSURES AND IS FOUND TO BE
ACCURATE WITHIN ONE FOOT IN 296,868 FEET.
ALL IRON PINS LABELED AS SET OR FOUND
ON THIS PLAT AS TO INTENDED USE OF ANY PARCEL
UNLESS OTHERWISE NOTED
(1/2" REBAR W/ CAP)

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R20 191122

2"x3" FOR OFFICIAL USE ONLY

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67,
THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED
BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED
BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS OR STATEMENTS HEREON.
SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE
APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER
OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL.
FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT
THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR
PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND
REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A.
SECTION 15-6-67.

SIGNATURE: JAMES A. JACOBS
PRINTED NAME: JAMES A. JACOBS
DATE: 08/28/19



DATE OF PLAT PREPARATION: 09/04/2019 BY: DWJ
DATE OF FIELD SURVEY: 08/28/2019 BY: AMB

SCALE: 1"=40'
SHEET # 001

19216R2P-01

THIS BLOCK RESERVED FOR
THE CLERK OF THE SUPERIOR COURT
LEGAL REFERENCE
D.B. 1505, PG. 318
P.B. 130, PG. 16

CHANDLER RIDGE SUBDIVISION
P.B. 88, PG. 202

CHANDLER RIDGE SUBDIVISION
P.B. 88, PG. 202

LEGEND

- A ARC
- R RADIUS
- C CHORD
- A/C AIR CONDITIONING
- R/W RIGHT-OF-WAY
- N/F ADJOINING OWNERSHIP
- S/W SIDE WALK
- BC BACK OF CURB
- B/C BUILDING CORNER
- BLD BUILDING
- GUY GUY WIRE
- X/S CROSSWALK SIGNAL
- S.S.E. SANITARY SEWER EASEMENT
- BSL BUILDING SETBACK LINE
- CB CATCH BASIN
- UGG UNDERGROUND GAS
- MRKR MARKER
- CONC CONCRETE
- COR CORNER
- C&G CURB & GUTTER
- CPV CALCULATED POINT
- EM ELECTRICITY METER
- EP EDGE OF PAVEMENT
- FRM FLOOD INSURANCE RATE MAP
- 1/2" REBAR
- 1/2" REBAR W/ CAP
- PL PROPERTY LINE
- PP POWER POLE
- D.B. DEED BOOK
- P.B. PLAT BOOK
- FACE FACE
- P.O.B. POINT OF BEGINNING
- DIST DISTURBED
- SS SANITARY SEWER LINE
- SMH SANITARY SEWER MANHOLE
- ST STORM LINES
- TSB TRAFFIC SIGNAL BOX
- TSP TRAFFIC SIGNAL POLE
- WF WOOD FENCE
- WM WATER METER
- WV WATER VALVE
- 2 OVERHEAD UTILITY LINES

NOTES:
UNLESS STATED OTHERWISE HEREON, ONLY EVIDENCE OF EASEMENTS OR
STRUCTURES THERETO WHICH ARE READILY APPARENT FROM A CASUAL
ABOVE GROUND VIEW OF PREMISES ARE SHOWN. NO LIABILITY IS ASSUMED
BY THE UNDERSIGNED FOR LOSS RELATING TO THE EXISTENCE OF ANY
EASEMENT NOT DISCOVERED FROM MY CASUAL ABOVE GROUND VIEW OF
THE PREMISES.

UNLESS STATED OTHERWISE HEREON, THIS SURVEY WAS PREPARED WITHOUT
BENEFIT OF AN ABSTRACT OF TITLE. NO LIABILITY IS ASSUMED BY THE
UNDERSIGNED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE
DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.
THIS PLAT OF SURVEY MAKES NO WARRANTY OR GUARANTEE AS TO THE
EXISTENCE OF ANY EASEMENTS OF ANY TYPE, NO ABSTRACT OR TITLE
SEARCH WAS PERFORMED TO DISCOVER THE EXISTENCE OF ANY
EASEMENTS.

ONLY ACTS OF POSSESSIONS, IF ANY, THAT ARE VISIBLE FROM CASUAL
INSPECTION OF THE PROPERTY ARE SHOWN HEREON. NO WARRANTY OR
GUARANTEE IS IMPLIED AS TO THE EXISTENCE OF ACTS OF POSSESSION
BY THE ADJOINERS TO THE LANDS SHOWN AND DESCRIBED HEREON.

UNLESS STATED OTHERWISE, GOVERNMENTAL JURISDICTIONAL AREAS OR
NEGATIVE EASEMENTS, IF ANY, WHICH MIGHT IMPACT ON THE USE OF THE
PREMISES WERE NOT LOCATED. NO LIABILITY IS ASSUMED BY THE
UNDERSIGNED FOR ANY LOSS RESULTING FROM THE EXERCISE OF ANY
GOVERNMENTAL JURISDICTION AFFECTING THE USE OF THE PREMISES.
REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SIGNED, DATED,
AND SEALED WITH A SURVEYOR'S SEAL.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL
STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH
BY IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF
REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

A=125.61'
R=341.59'
S 11°19'57"W
C=124.90'

BOUNDARY SURVEY FOR REZONING PLAT:

SEAN NEW HOPE PROPERTIES, LLC

1066 NEW HOPE ROAD, LAWRENCEVILLE, GEORGIA 30045
COUNTY: GWINNETT DISTRICT: 5TH
LAND LOT: 171 SECTION:

ADAM & LEE LAND SURVEYING

5640 GA. HWY. 20 S.
LOGANVILLE, GA. 30052 (770)554-8995

www.adamandlee.com FAX:(770)554-8134

REVISIONS

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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CHANGE IN CONDITIONS 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 currently being used for intense commercial and/or quasi-industrial uses, and the proposed development would reduce the intensity of development on the Property and complement the surrounding residential uses by offering a convenient neighborhood market to current residents.
- (B) No, the proposed development 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 property, 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 existing streets, transportation facilities, utilities, or schools. The proposed development offers retail and fueling options for the surrounding residential neighborhood.
- (E) Yes, the proposed development is in conformity with the policy and intent of the Gwinnett County 2040 Comprehensive Plan. The proposed development would encourage walkability to nearby residents by offering a neighborhood market where residents can get small groceries and other convenience items.
- (F) The Applicant submits that the subject Property's current intense commercial and/or industrial use, its location at the intersection of Chandler Road and New Hope Road and the Property's close proximity to Sugarloaf Parkway offer additional supporting grounds for approval of the Application.

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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
Steven A. Pickens
Catherine V. Schutz
Thomas A. Simpson
Andrew D. Stancil
R. Lee Tucker, Jr.

LETTER OF INTENT FOR REZONING APPLICATION

*Of Counsel

Mahaffey Pickens Tucker, LLP, on behalf of Sean New Hope Properties, LLC (the “Applicant”), submits this Letter of Intent along with the Rezoning Application attached hereto for the purpose of allowing the redevelopment of an approximately 2.996-acre tract located on New Hope Road at its intersection with Chandler Road (the “Property”). The Property is currently split-zoned RA-200 and R-100, but contains a long-established non-residential use which includes trucking, truck storage, and related uses. The proposed development would replace those uses with a neighborhood-scale, community retail use. The proposed building would include attractive architectural design and building materials including brick, stone, and glass.

The Applicant is requesting to rezone the Property to the C-2 zoning classification in order to construct approximately 8,000 square feet of commercial/retail and/or office space including a convenience store with fuel pumps. In addition to everyday convenience items, the Applicant hopes to provide additional fresh food items including a coffee and/or slushie bar. The Gwinnett County 2040 Unified Development Plan specifically encourages “corner/neighborhood-serving retail” as a potential development type for the Emerging Suburban Character Area in which the Property is located.

The subject Property is located at the intersection of New Hope Road and Chandler Road, which can serve as a neighborhood node for surrounding residential uses. The Property also enjoys convenient access to Sugarloaf Parkway via the New Hope Road interchange.

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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

Planning & Development

1126 119022

Accordingly, the Applicant respectfully submits that the proposed development would permit a use that is compatible with surrounding uses. The Applicant is also requesting a buffer reduction to accommodate two 25-foot wide natural buffers along boundary lines common with adjacent residential uses.

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 6th day of September, 2019.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorney for Applicant

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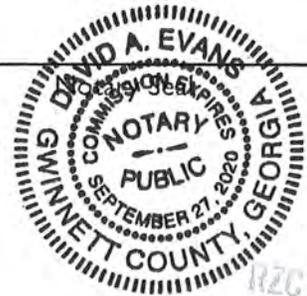
REZONING PROPERTY OWNER'S CERTIFICATION

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.

Danny Cagle executor of Cecil Cagle estate
Signature of Property Owner Date 9-5-19

Danny Cagle executor of Cecil Cagle estate
Type or Print Name and Title 9-5-19

[Signature] 9/5/19
Signature of Notary Public 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.

ahmed 09/05/19 AHMED MERCHANT MEMBER
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Amanda Mosley 9/5/19
 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 AHMED MERCHANT
 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.

RZC 19022

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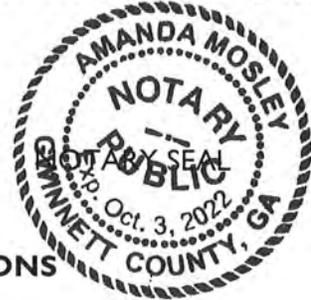
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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
 09/05/19 Shane M. Lanham, Attorney for Applicant

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

 9/5/19
 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 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.

BZC 19022

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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
None		

JEFF MAHAFFEY

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Clint Dixon	\$1500	06/26/2019

LEE TUCKER

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Clint Dixon	\$1000	06/26/2019

RZG 19022

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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: S - 171 - 066
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

 09/05/19

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)

 Ingrid Espinal
NAME

 TSA #
TITLE

 9/5/19
DATE

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REC 19022

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 or with conditions of zoning 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 classifications and conditions, is unconstitutional, illegal, null and void, constituting a taking of the Applicant/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 modified zoning classification, and is not economically suitable for development under the present R-100 modified zoning classification and conditions 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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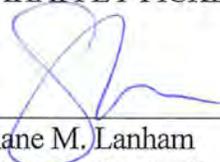
10/19/22

A refusal by the Gwinnett County Board of Commissioners to approve the Application 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 approval of the Application, 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 Application submitted by the Applicant relative to the Property be granted and that the conditions of zoning be modified as shown on the respective application.

This 6th day of September, 2019

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

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020 19022