

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Mason Family Management Company, LLC</u> <u>c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Joffe Athens Highway, LLC</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>2233 Peachtree Rd NE, Ste 303</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Atlanta</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30309</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:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): <u>C-2</u> REQUESTED ZONING DISTRICT: <u>RM-24</u>	
LAND DISTRICT(S): <u>5</u> LAND LOT(S): <u>126</u> ACREAGE: <u>+/- 18.423</u>	
ADDRESS OF PROPERTY: <u>600 Block of Athens Highway (US Route 78)</u>	
PROPOSED DEVELOPMENT: <u>Multifamily residential community</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>+/- 352</u>	No. of Buildings/Lots: <u>NA</u>
Dwelling Unit Size (Sq. Ft.): <u>Average of +/-975 square feet</u>	Total Building Sq. Ft. <u>NA</u>
Gross Density: <u>+/-19.11 units per acre</u>	Density: <u>NA</u>
Net Density: <u>+/-19.11 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 OR BEING IN LAND LOTS 126 AND 131, 5TH DISTRICT, GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LAND LOT 131, SAID CORNER BEING COMMON TO LAND LOTS 125, 126, 130 AND 131; THENCE PROCEED ALONG THE WESTERN LINE OF SAID LAND LOT 131 (SAID LINE ALSO BEING THE EASTERN LINE OF LAND LOT 126) SOUTH 29°41'15" EAST, A DISTANCE OF 164.00 FEET TO AN IRON PIN FOUND, A ONE-HALF INCH REBAR, THENCE CONTINUING ALONG THE SAID WESTERN LINE OF LAND LOT 131 SOUTH 30°29'19" EAST, A DISTANCE OF 28.93 FEET TO AN IRON PIN FOUND, A ONE-HALF INCH REBAR, SAID IRON PIN ALSO BEING THE POINT OF BEGINNING, THENCE CONTINUING ALONG THE SAID WESTERN LINE OF LAND LOT 131 SOUTH 29°34'29" EAST, A DISTANCE OF 603.07 FEET TO A ROCK FOUND; THENCE LEAVING THE SAID WESTERN LINE OF LAND LOT 131 PROCEED SOUTH 80°10'18" WEST, A DISTANCE OF 482.16 FEET TO AN IRON PIN FOUND, A ONE-HALF INCH REBAR ON THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 78 (A.K.A. STATE ROUTE 10) (A.K.A. ATHENS HIGHWAY) A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY; THENCE ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 78 NORTH 70°10'48" WEST, A DISTANCE OF 172.99 FEET TO A ONE-HALF INCH REBAR FOUND; THENCE LEAVING THE SAID NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 78 PROCEED NORTH 21°52'44" EAST, A DISTANCE OF 760.45 FEET TO A ONE-HALF INCH REBAR FOUND ON THE WESTERN LINE OF LAND LOT 131, SAID IRON PIN ALSO BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 211,122 SQUARE FEET OR 4.847 ACRES, MORE OR LESS.

TOGETHER WITH:

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOTS 126 AND 131, 5TH DISTRICT, GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LAND LOT 131, SAID CORNER BEING COMMON TO LAND LOTS 125, 126, 130 AND 131; THENCE PROCEED ALONG THE WESTERN LINE OF SAID LAND LOT 131 (SAID LINE ALSO BEING THE EASTERN LINE OF LAND LOT 126) SOUTH 29°41'15" EAST, A DISTANCE OF 164.00 FEET TO AN IRON PIN FOUND, A ONE-HALF INCH REBAR, SAID IRON PIN BEING THE POINT OF BEGINNING:

THENCE FROM THE POINT OF BEGINNING THUS ESTABLISHED AND LEAVING THE SAID WESTERN LINE OF LAND LOT 131 PROCEED SOUTH 70°21'18" EAST, A DISTANCE OF 1025.54 FEET TO AN IRON PIN SET ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF WELLBROOK DRIVE (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), SAID IRON PIN SET BEING 5.1 FEET SOUTH OF AND ON LINE WITH A ONE-HALF INCH REBAR FOUND; THENCE ALONG THE SAID SOUTHWESTERLY AND WESTERLY RIGHT-OF-WAY LINE OF WELLBROOK DRIVE THE FOLLOWING BEARINGS AND DISTANCES: SOUTH 43°15'31" EAST, A DISTANCE OF 75.54 FEET TO A POINT; THENCE SOUTHEASTERLY AND SOUTHERLY A DISTANCE OF 121.80 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.00 FEET, A DELTA ANGLE OF 46°31'25" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 19°59'46" EAST, FOR A DISTANCE OF 118.48 FEET, TO A POINT; THENCE SOUTH 03°15'59" WEST, A DISTANCE OF 289.38 FEET TO A POINT; THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE OF WELLBROOK DRIVE AND PROCEED NORTH 70°13'48" WEST, A DISTANCE OF 363.17 FEET TO A POINT; THENCE SOUTH 20°47'35" WEST, A DISTANCE OF 377.95 FEET TO A POINT ON THE SAID NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 78; THENCE ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NORTH 70°14'29" WEST, A DISTANCE OF 713.68 FEET TO A ONE-HALF INCH REBAR FOUND WITH A CAP; THENCE LEAVING THE SAID NORTHERLY RIGHT-OF-WAY LINE PROCEED NORTH 60°10'18" EAST, A DISTANCE OF 482.16 FEET TO A ROCK ON THE WESTERN LINE OF LAND LOT 131, (SAID LINE ALSO BEING THE EASTERN LINE OF LAND LOT 126); THENCE ALONG THE SAID WESTERN LINE OF LAND LOT 131 NORTH 29°34'29" WEST, A DISTANCE OF 603.07 FEET TO A ONE-HALF INCH REBAR FOUND; THENCE CONTINUING ALONG THE SAID WESTERN LINE OF LAND LOT 131 NORTH 30°29'19" WEST, A DISTANCE OF 28.93 FEET TO THE POINT OF BEGINNING.

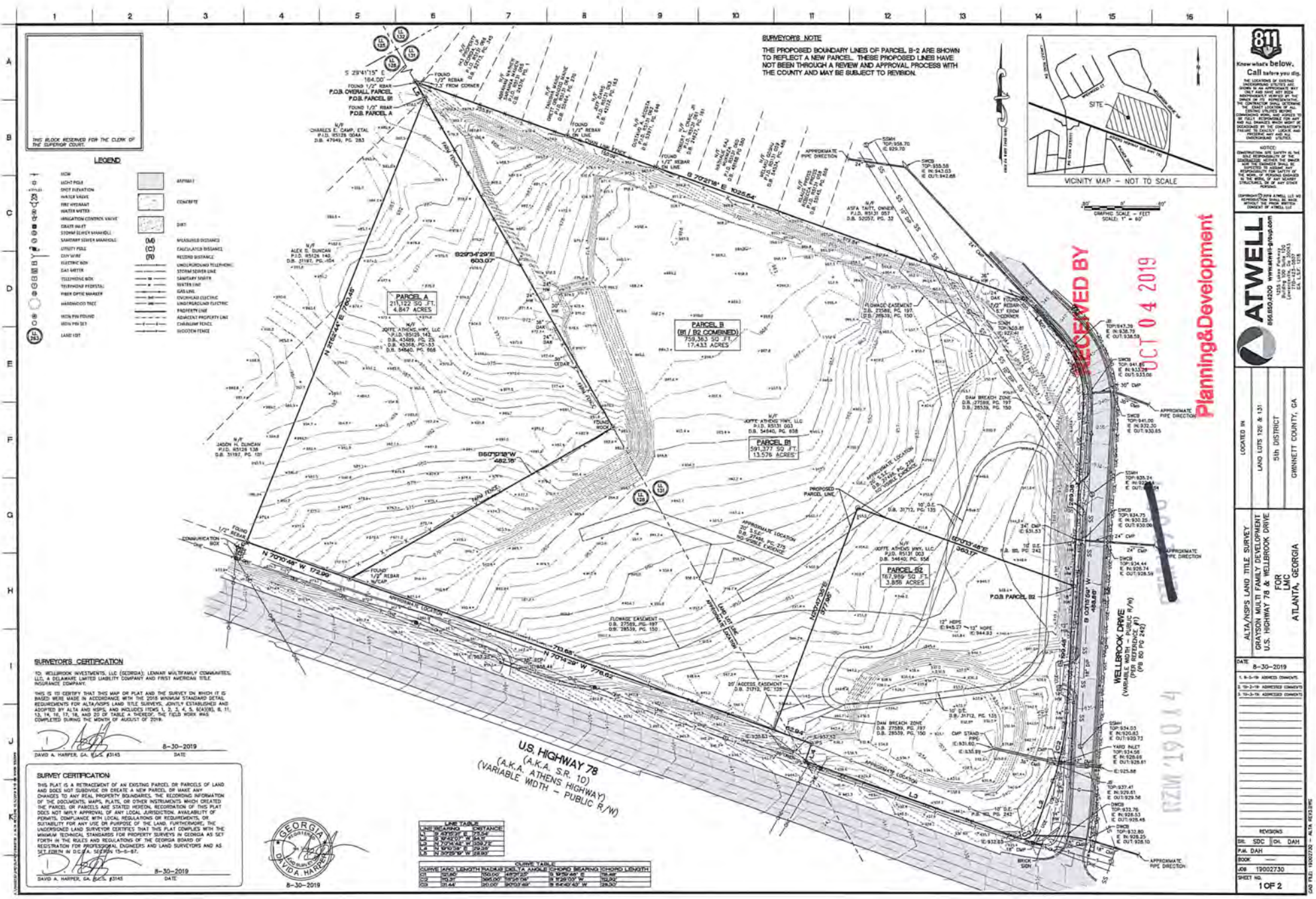
SAID TRACT OR PARCEL OF LAND CONTAINING 591,377 SQUARE FEET OR 13.576 ACRES, MORE OR LESS.

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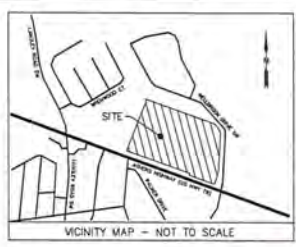
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SURVEYOR'S NOTE
THE PROPOSED BOUNDARY LINES OF PARCEL B-2 ARE SHOWN TO REFLECT A NEW PARCEL. THESE PROPOSED LINES HAVE NOT BEEN THROUGH A REVIEW AND APPROVAL PROCESS WITH THE COUNTY AND MAY BE SUBJECT TO REVISION.



Know what's below.
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888.850.0000 www.atwell-survey.com

LOCATED IN:
LAND LOTS 120 & 131
5th DISTRICT
GWINNETT COUNTY, GA

ALTA/NSPS LAND TITLE SURVEY
GRAYSON MULTI FAMILY LAND DEVELOPMENT
U.S. HIGHWAY 78 & WELBROOK DRIVE
FOR
LNC
ATLANTA, GEORGIA

DATE: 8-30-2019

NO.	DATE	REVISIONS
1	8-30-19	ADDED COMMENTS
2	10-20-19	ADDED COMMENTS
3	10-15-19	ADDED COMMENTS

REVISIONS
DL: SDC, CH: DAH
BOOK: 19002730
SHEET NO: 1 OF 2

SURVEYOR'S CERTIFICATION
I, DAVID A. HARPER, a duly Licensed Professional Surveyor in the State of Georgia, do hereby certify that this survey was made in accordance with the Georgia Surveying and Mapping Act of 1998, and that the same is a true and correct representation of the actual survey made by me or under my direct supervision and in accordance with the standards and practices of the Surveying and Mapping profession in the State of Georgia.

DAVID A. HARPER, GA. SLS. #3143
8-30-2019
DATE

SURVEY CERTIFICATION
THIS PLAT IS A RETRIBUTION OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL, OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREIN. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. 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 G.S.A. SECTION 15-6-87.

DAVID A. HARPER, GA. SLS. #3143
8-30-2019
DATE



LINE TABLE	
LINE NO.	DISTANCE
1	100.00
2	100.00
3	100.00
4	100.00
5	100.00
6	100.00
7	100.00
8	100.00
9	100.00
10	100.00
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UNIT MIX DATA

Unit Mix	Count	Area (sq ft)	Count	Area (sq ft)	Count	Area (sq ft)	Count	Area (sq ft)	Count	Area (sq ft)
1 Bed	128	12,800	2 Bed	160	16,000	3 Bed	64	6,400	Total	352
1 Bed	128	12,800	2 Bed	160	16,000	3 Bed	64	6,400	Total	352
1 Bed	128	12,800	2 Bed	160	16,000	3 Bed	64	6,400	Total	352
1 Bed	128	12,800	2 Bed	160	16,000	3 Bed	64	6,400	Total	352
1 Bed	128	12,800	2 Bed	160	16,000	3 Bed	64	6,400	Total	352
1 Bed	128	12,800	2 Bed	160	16,000	3 Bed	64	6,400	Total	352
1 Bed	128	12,800	2 Bed	160	16,000	3 Bed	64	6,400	Total	352
1 Bed	128	12,800	2 Bed	160	16,000	3 Bed	64	6,400	Total	352
1 Bed	128	12,800	2 Bed	160	16,000	3 Bed	64	6,400	Total	352

ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FOR GWINNETT COUNTY, FLORIDA, COMMUNITY PANEL NUMBER 17-05 (02-01-19), DATED SEPTEMBER 20, 2008, ALL OF THE SUBJECT PROPERTY LIES WITHIN ZONE X, DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

CONCEPT SITE DATA:

PROPOSED ZONING RM-24
GROSS AND NET ACREAGE: 18.4 Ac.
RESIDENTIAL SITE AREA (AC) 18.4 Ac.

DEVELOPMENT STANDARDS

MAXIMUM HEIGHT 65'
OPEN SPACE REQUIRED 20%
OPEN SPACE PROPOSED 5.2 Ac.
28.2%

SETBACK REQUIREMENTS

FRONT SETBACK 15 FT
SIDE SETBACK 15 FT
REAR SETBACK 30 FT

PROPOSED UNITS 352
1 BEDROOM 128
2 BEDROOM 160
3 BEDROOM 64

ALLOWED UNIT DENSITY 24 Du/Ac.
441 Units
PROPOSED UNIT DENSITY 19.1 Du/Ac.
352 Units

REQUIRED PARKING (1.5/UNIT) 528

PROPOSED PARKING (1.75:1) 573



0 30 60 120 240



CONCEPT SITE PLAN
STATE ROAD 78 PARCEL
Gwinnett County, GA

Date: October 1, 2019

The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes, structural, and MEP design requirements, unit plan / floor plan changes, etc.) © 2019 BSB Design, Inc.



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, approval the submitted Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is currently zoned C-2 and is in close proximity to land zoned for commercial and industrial uses. The proposed development would provide an appropriate transitional land use from more intense commercial and industrial land uses along the Highway 78 corridor to less intense single-family detached uses to the north.
- (B) No, approval of the submitted Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. Rather, the proposed development would complement existing commercial and residential uses.
- (C) In light of the size, location, layout, topography, and natural features of the property and in conjunction with the nature of surrounding development, the Applicant submits that the subject Property does not have reasonable economic use as currently zoned.
- (D) No, approval of the submitted Rezoning Application will not result in an excessive or burdensome use of the infrastructure systems. The Property is located directly on Highway 78 with access to utilities.
- (E) Yes, approval the submitted Rezoning Application would be in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. Mixed-uses including multi-family residential uses are specifically encouraged in the Community Mixed-Use Character area.
- (F) The Applicant submits that the character of surrounding development, existing development patterns, and the fact that, according to the Gwinnett County Long Range Road Classification Map, the subject property is located on a Principal Arterial (Highway 78) give 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.

*Of Counsel

**LETTER OF INTENT FOR REZONING APPLICATION OF MASON FAMILY
MANAGEMENT COMPANY, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning application (the "Application") on behalf of Mason Family Management Company, LLC (the "Applicant") for the purpose of requesting the rezoning of an approximately 18.423-acre tract of land located on the northerly side of Atlanta Highway (U.S. Route 78) near its intersection with Midway Road/Wellbrook Drive (the "Property"). The Property is currently zoned C-2 and has over 800 feet of frontage on Highway 78.

The surrounding area includes a mix of land uses including residential, commercial/retail, industrial, and entertainment. This existing mix of uses aligns with the policies of the Gwinnett 2040 Unified Plan (the "2040 Plan") which designates the Property as within the Community Mixed-Use Character Area. Encouraged land uses for this character area include mixed-use developments, multifamily communities, and shopping plazas. The Applicant is proposing to rezone the Property from the existing C-2 (General Commercial) zoning classification to the RM-24 (Multifamily Residence) zoning classification as set forth in the Gwinnett County Unified Development Ordinance (the "UDO") in order to accommodate the development of a multifamily residential community with approximately 352 units. The proposed development, as set forth in the Application, represents a "downzoning" of the Property from its current commercial designation, which accommodates large-scale commercial uses. Rather than develop the property under its current zoning as a large commercial center, the Applicant is proposing to create a mixed-use environment by reducing the scale of potential commercial development and introducing a multi-family residential use to provide a healthier balance of uses on the Property and in the surrounding area. Moreover, the proposed development would provide a more appropriate transition of land uses from the more intense commercial and industrial uses along the Highway 78 corridor to the single-family detached uses located to the north.

The proposed development would be focused around a large central amenity area including a club building, pool with patio area, and a green space with dog park. The club building would contain several additional amenities for residents including office space and a fitness center. The pool and patio area would include grilling stations, fire pits, and other areas for residents to recreate and socialize. Internal pedestrian connectivity would promote a healthy lifestyle and allows residents to walk from their homes to community amenities. The Applicant

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

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is also requesting a buffer reduction as depicted on the site plan submitted with the Application. The Applicant is proposing to provide 25-foot-wide landscaped buffers to accommodate necessary grading on the site.

The proposed community is compatible with the policies set forth in the 2040 Plan. Chapter 4 of the 2040 Plan provides that there are “fundamental questions” as to “how and where [Gwinnett] will house its future residents.” In addressing how housing needs and desires are continually evolving, the 2040 Plan notes that “nearly 3/4 of our housing units” are single-family detached homes built from the 1980s to the 2000s. The 2040 Plan has identified this “over-reliance on detached single-family homes” as a “major threat to our future success” and encourages a diversification of housing types across the County to address this issue. The 2040 Plan also acknowledges demonstrated shifts in housing preferences and provides that “younger people are broadly driving changes in how housing has historically been viewed. While owning a traditional suburban detached single family home will continue to be very desirable, younger generations are looking for more types of housing product options and for flexibility that ownership is not able to provide.” Additionally, nearly fifty percent of households in Gwinnett are one- or two-person households. According to the 2040 Plan, this fact alone shows that “Gwinnett needs more variety in housing types than currently exists.” Therefore, in order to diversify housing types and meet existing and future demand for non-single-family detached housing, the 2040 Plan encourages multi-family developments in certain Character Areas such as the Community Mixed-Use Character Area which includes the subject Property. The proposed development fits squarely within the policies of the 2040 Plan and would create a walkable mixed-use environment which would enhance the vitality and aesthetics of the Highway 78 corridor.

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 Application filed herewith. The Applicant respectfully requests your approval of this Application.

This 4th day of October, 2019.

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

10/1/19
Date

Shane Lanham, Attorney for the Applicant

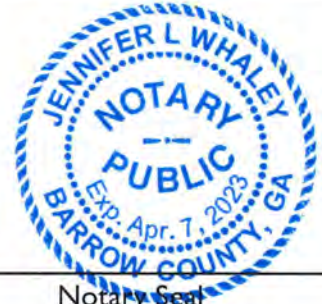
Type or Print Name and Title



Signature of Notary Public

10/01/2019

Date



Notary Seal

RZM 19014

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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.



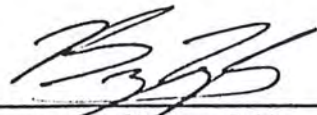
10-2-2019

Signature of Property Owner

Date

Howard Joffe, President

Type or Print Name and Title



Signature of Notary Public

10/2/19

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.

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

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)
Please 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
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

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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 - 131 - 003
(Map Reference Number) District Land Lot Parcel

Signature of Applicant

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)

Lovell Hunley III
NAME

Tax Associate
TITLE

9-3-19
DATE

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 - 126 - 142
(Map Reference Number) District Land Lot Parcel

Signature of Applicant

9/26/19
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)

NAME

DATE

TITLE

DZM 19014

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JUSTIFICATION FOR CHANGE IN CONDITIONS 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 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 zoning classification with the change in conditions as requested by the Applicant, and is not economically suitable for development under the present C-2 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

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Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the C-2 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 C-2 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 October, 2019

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

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