# REZONING APPLICATION

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

| APPLICANT INFORMATION | PROPERTY OWNER INFORMATION* |
|---|---|
| NAME: Edge City Properties, Inc. c/o Mahaffey Pickens Tucker, LLP | NAME: BSD Investments, LP |
| ADDRESS: 1550 North Brown Road, Suite 125 | ADDRESS: PO Box 24 |
| CITY: Lawrenceville | CITY: Tucker |
| STATE: GA ZIP: 30043 | STATE: GA ZIP: 30085 |
| PHONE: 770.232.0000 | PHONE: 770.232.0000 |

CONTACT PERSON: Shane Lanham PHONE: 770.232.0000

CONTACT'S E-MAIL: slanham@mptlawfirm.com

**APPLICANT IS THE:**

☐ OWNER'S AGENT ☐ PROPERTY OWNER ☒ CONTRACT PURCHASER

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

PARCEL NUMBER(S): 5095 007 ACREAGE: +/-84.647

ADDRESS OF PROPERTY: 1212 Old Loganville Road

PROPOSED DEVELOPMENT: Single-family residential subdivision

| RESIDENTIAL DEVELOPMENT | NON-RESIDENTIAL DEVELOPMENT |
|---|---|
| No. of Lots/Dwelling Units 204 | No. of Buildings/Lots: N/A |
| Dwelling Unit Size (Sq. Ft.): 1,650+ square feet | Total Building Sq. Ft. N/A |
| Gross Density: +/-2.4 units per acre | Density: N/A |
| Net Density: +/-2.61 units per acre | |

**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 95, 96, 97 and 98, 5th District, Gwinnett County, Georgia, being more particularly described as follows:

**BEGINNING** at the northeastern intersection of the right of way of Old Loganville Road, a.k.a. Brushy Fork Road (80 feet right of way) and the right of way of Stephens Road (60 feet right of way), that is the **POINT OF BEGINNING;** thence along the right of way of Stephens Road 94.02 feet along a curve to the left, said curve having a chord of North 53°43'16" West 93.99 feet and a radius of 1134.63 feet to a point; thence continuing along said right of way North 56°05'41" West a distance of 348.09 feet to a point; thence leaving said right of way North 60°17'37" East a distance of 236.11 feet to a point; thence North 30°13'23" West a distance of 1287.20 feet to a point; thence North 60°15'44" East a distance of 1977.38 feet to a point; thence South 29°48'29" East a distance of 1696.08 feet to a point located on the Land Lot Line common to Land Lots 97 and 98; thence along said Land Lot Line South 60°37'46" West a distance of 373.37 feet to a point; thence leaving said Land Lot Line South 29°07'41" East a distance of 572.51 feet to a point located on the northerly right of way of Old Loganville Road; thence along said right of way North 88°02'18" West a distance of 616.10 feet to a point; thence continuing along said right of way 746.01 feet along a curve to the left, said curve having a chord of South 78°09'27" West 738.54 feet and a radius of 1519.78 feet to a point; thence continuing along said right of way South 64°35'29" West a distance of 406.63 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 84.647 Acres.

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**SURVEYOR'S CERTIFICATION BOX**

This plat is a retracement 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 hereon. 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 O.C.G.A. Section 15-6-67.

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR No. 3000 — CHRIS WILLIS

REFERENCES:

1. DEED BOOK 37514, PAGE 136
2. DEED BOOK 12653, PAGE 136

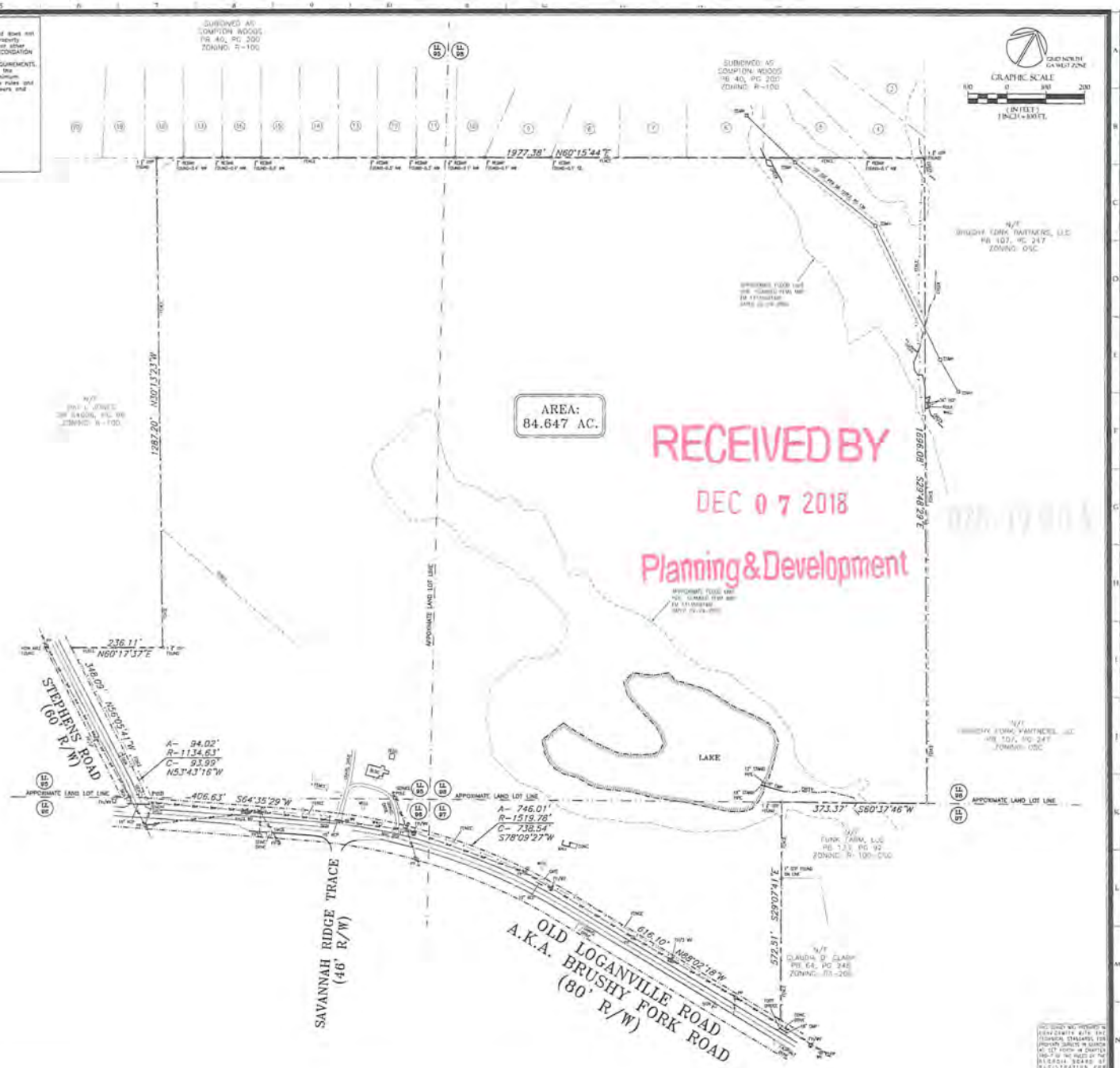
| LEGEND | ABBREVIATIONS | |
|---|---|---|
| UTILITY POLE (PP) | INV | INVERT ELEVATION |
| GUY WIRE | CMP | CORRUGATED METAL PIPE |
| LIGHT POLE (LP) | RCP | REINFORCED CONCRETE PIPE |
| FLAG POLE (FP) | DIP | DUCTILE IRON PIPE |
| FIRE HYDRANT (FH) | POB | POINT OF BEGINNING |
| SIGN | TBM | TEMPORARY BENCHMARK |
| JUNCTION BOX (JB) | GV | GAS VALVE |
| DROP INLET (DI) | UGCM | UNDERGROUND CABLE MARKER |
| WATER VALVE (WV) | GLM | GAS LINE MARKER |
| RIDGE DRAIN (RD) | WLM | WATER LINE MARKER |
| CLEAN OUT (CO) | PB | PLAT BOOK |
| WATER METER (WM) | DB | DEED BOOK |
| SANITARY MANHOLE | N/F | NOW OR FORMERLY |
| IRON PIN FOUND | SSMH | SANITARY SEWER MANHOLE |
| CONCRETE | DWCB | DOUBLE WING CATCH BASIN |
| WALL | SWCB | SINGLE WING CATCH BASIN |
| HEAD WALL (HW) | FES | FLARED END SECTION |
| FENCE LINE | CONC | CONCRETE |
| TREE LINE | | |
| HANDICAP RAMP | | |
| CURB AND GUTTER | | |

## *Legal Description*

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 95, 96, 97 and 98, 16th District, Gwinnett County, Georgia, being more particularly described as follows:

BEGINNING at the northwestern intersection of the right of way of Old Loganville Road, a.k.a. Brushy Fork Road (80 foot right of way) and the right of way of Stephens Road (60 foot right of way), that is the POINT OF BEGINNING; thence along the right of way of Stephens Road 94.02 feet along a curve to the left, said curve having a chord of North 53°43'16" West 93.99 feet and a radius of 1134.63 feet to a point; thence continuing along said right of way North 59°05'41" West a distance of 348.09 feet to a point; thence leaving said right of way North 60°17'37" East a distance of 236.11 feet to a point; thence North 30°13'23" West a distance of 1287.20 feet to a point; thence North 60°15'44" East a distance of 1977.38 feet to a point; thence South 29°09'29" East a distance of 1696.08 feet to a point located on the Land Lot Line common to Land Lots 95 and 96; thence along said Land Lot Line South 60°37'46" West a distance of 373.37 feet to a point; thence leaving said Land Lot Line South 29°07'41" East a distance of 572.51 feet to a point located on the northerly right of way of Old Loganville Road; thence along said right of way, North 88°02'18" West a distance of 616.10 feet to a point; thence continuing along said right of way 746.01 feet along a curve to the left, said curve having a chord of South 78°09'27" West 738.54 feet and a radius of 1519.78 feet to a point; thence continuing along said right of way South 64°35'29" West a distance of 406.63 feet to a point, being the POINT OF BEGINNING. Said tract contains 84.647 Acres.

NOTE:

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This plat and permitted reproductions, in whole or in part, are instruments of service and are the sole property of McFarland-Dyer & Associates, Inc. unless otherwise agreed to. They shall not be reproduced or conveyed to any interest nor are they to be used for any projects other than specifically indicated herein without written authorization from and due compensation to McFarland-Dyer & Associates, Inc.

This plat was prepared for the exclusive use of the person, persons, or entity named herein. This plat does not extend to any unnamed person, persons, or entity without the express recertification of the surveyor naming such person, persons, or entity.

THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH 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, AUTHORITY O.C.G.A. 10-1-98, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

MDA — McFARLAND-DYER & ASSOCIATES, INC. — 1175 PEACHTREE STREET, SUITE 100 — ATLANTA, GEORGIA 30361 — PH: 770-939-8300

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | EXISTING SURVEY |

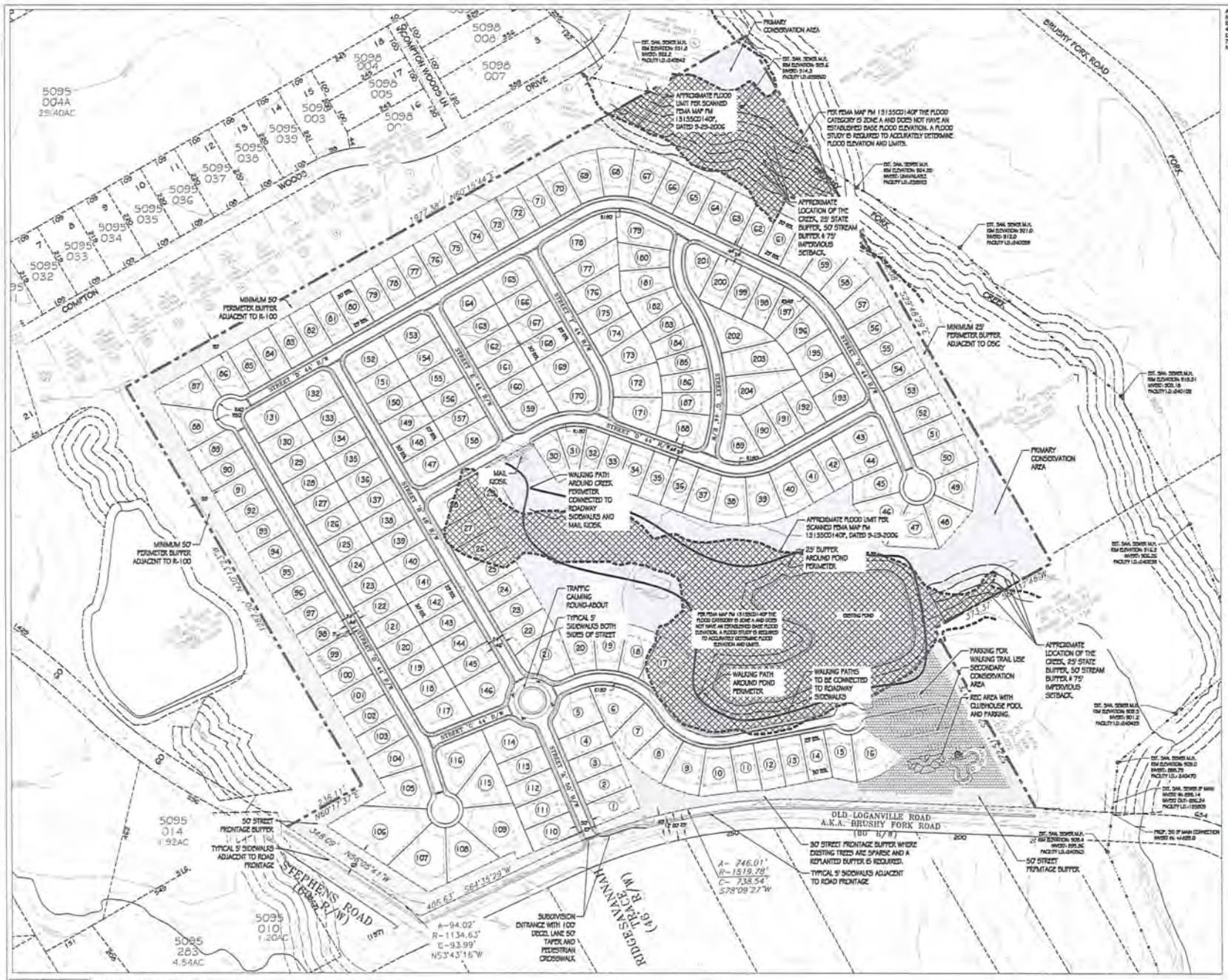
CONTRACTOR: McFARLAND-DYER & ASSOCIATES INC.

SUBJECT PROPERTY: EDGE CITY PROPERTIES, INC. (1213 OLD LOGANVILLE RD.)

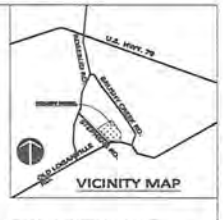
LOCATION: LL 95, 96, 97, 98 — 16th DISTRICT — GWINNETT COUNTY, GEORGIA

BOUNDARY SURVEY

SHEET 1 OF 1




APPLICANT:
MR. MELONE
EDGE CITY PROPERTIES, INC.
4350 COVE POINT
DULUTH, GA 30096
770-594-6500
MCMELONE@EDGECITY.COM




VICINITY MAP

## PROPOSED USE:

THE APPLICANT PROPOSES THE REZONING OF THE SUBJECT PARCEL FOR THE DEVELOPMENT OF A SINGLE FAMILY RESIDENTIAL SUBDIVISION FOLLOWING THE GWINNETT COUNTY DEVELOPMENT STANDARDS FOR A OPEN SPACE CONSERVATION (OSC) ZONING CATEGORY. EXISTING ZONING FOR THE SUBJECT PARCEL IS R-100 UNINCORPORATED GWINNETT COUNTY.

## UTILITIES:

SANITARY SEWER GRAVITY FLOW BY GWINNETT COUNTY.
WATER SERVICE BY GWINNETT COUNTY.

OSC DIMENSIONAL STANDARDS:
MINIMUM LOT SIZE: 7,500 SQ.FT.
MAX. NET DENSITY: 2.5
MIN. LOT WIDTH: 60 FT.
MIN. FRONT SETBACK: 25 FT.
MIN. SIDE SETBACK: 7.5 FT.
MIN. REAR SETBACK: 30 FT.
MIN. HEATED FLOOR AREA: 1,800 SQ.FT.
MIN. COMMON AREA: 25%
MAX. BUILDING HEIGHT: 35 FT.

## SITE NOTES:

- The subject property (Parcel I.D. 5-095-007) is predominately open pasture. Two areas contain state waters, buffers, 100-year flood zones and wetlands.
- Site Acreage: 84.65
- Total Lots: 204
- Gross Density: 2.40 Units Per Acre
- Net Density: Area in Floodzone: 12.05 Acres: 12.05 / 2 = 6.51; 84.65 - 6.51 = 78.14 Net Acreage; 204 / 78.14 = 2.61 Net Units Per Acre, Density Bonus per Table 230.1 = 0.17 dwellings / acre. 2.43 Net Units Per Acre with bonus
- Current Zoning: Gwinnett County R-100 Single Family Residential
- Proposed Zoning: Gwinnett County Open Space Conservation (OSC) Zoning District.
- Minimum Lot Size for OSC Single Family is 7,500 sq.ft.
- Closed Boundary Survey prepared by McFarland-Dyer & Associates dated 10-30-2015.
- Flood Limits per FEMA Firm Panel 13135C0140F dated 9-29-06. Zone A with no established flood elevation.
- Only slope at 25% or greater are located at the dam and is proposed to remain undisturbed.

## CONSERVATION SPACE REQUIREMENTS:

- Site Acreage: 84.65
- 25% of the Site shall be Conservation Areas. 84.65 * .25 = 21.16 Acres Min.
- Proposed Conservation Area: 28.2 Acres
- Area of Rec Area Impervious: 0.32 Acres
- Net Conservation Area: 27.88 Acres (32.5%).
- Density Bonus = 0.17 Dwelling / Acre
- 27.78 Acres (32.3%) > 21.43 Acres (25%), Conservation Area Satisfied.
- Primary Conservation Area: 25.41 Acres
- Secondary Conservation Area: 2.19 Acres - Recreation Area Impervious (0.32 Acres) = 1.87 Acres
- Total Conservation Area = 27.28 Acres

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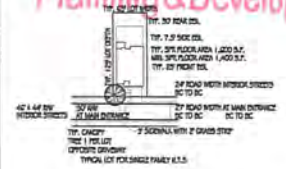


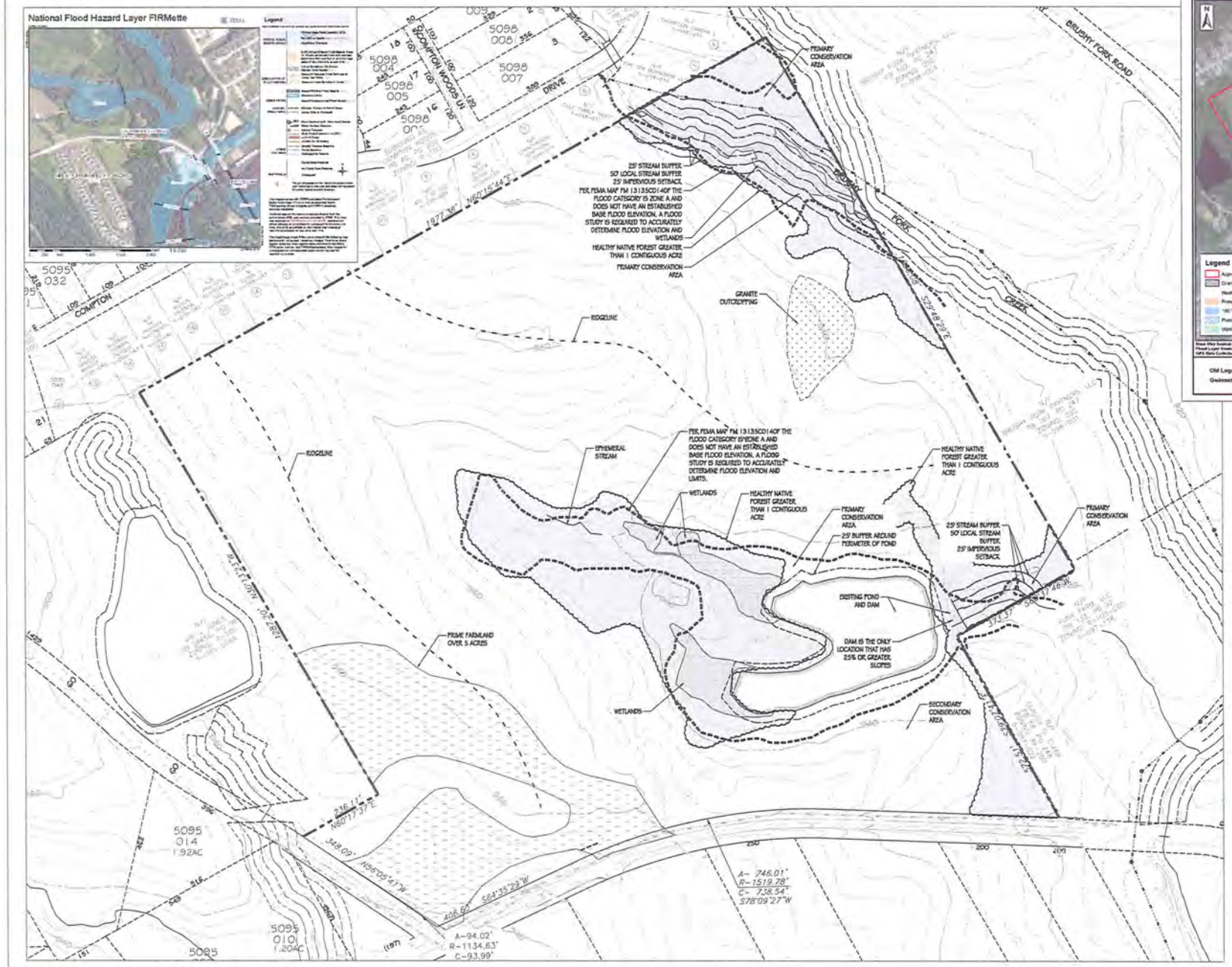

EDGE CITY PROPERTIES

ZONING CONCEPT PLAN
# 1213 OLD LOGANVILLE RD.
Loganville, GA. Unincorporated Gwinnett County 5th District, Land Lot 095 Parcel I.D. 5-095-007
November 2nd, 2018

GRAPHIC SCALE
100 0 100 200

Plan prepared by:
MDA

CONTACT: CHRIS MCCRARY - CMCCRARY@GOMDA.NET - 770-932-6550



**EXISTING FEATURES SITE ANALYISI PLAN NOTES:**

- CLOSED BOUNDARY SURVEY FROM MCFARLAND-DYER & ASSOCIATES DATED 10-30-2018.
- THE FLORA & FAUNA AND JURISDICTIONAL FEATURES WERE SURVEYED BY CORBLU ECOLOGY GROUP ON 10-30-2018.
- CORBLU'S ANALYSIS REVEALED NO PROTECTED SPECIES WERE FOUND, NOR SUITABLE HABITAT.
- PER FEMA FIRM PANEL FM 13135C0140F THE SUBJECT PROPERTY CONTAINS ZONE A FLOOD AREAS.
- THE SUBJECT PROPERTY HAS NOT BEEN TIMBER HARVESTED IN THE PREVIOUS 24 MONTHS.
- SITE OBSERVATIONS REVEALED NO HISTORICAL OR ARCHAEOLOGICAL FEATURES ON THIS SITE.
- THE FORESTED AREAS ARE MIXED PINE AND HARDWOOD PRIMARILY COMPOSED OF LOBLOLLY PINE, REDMAPLE, WINGED SUMAC AND SWEETGUM TREES.
- NO SLOPES OVER 25%EXIST ON THE SITE EXCEPT AT THE POND DAM.

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GRAPHIC SCALE
300 0 100 200

EDGE CITY PROPERTIES

EXISTING FEATURES SITE ANALYSIS PLAN

# 1213 OLD LOGANVILLE RD.

Loganville, GA. Unincorporated Gwinnett County 5th District, Land Lot 095 Parcel I.D. 5-095-007

November 2nd, 2018

## 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 APPLICANTS RESPONSE
## STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

(A) Approval of the proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is a single- family residential neighborhood that will conserve important natural areas. The Property is adjacent to land that is zoned OSC and is in the general area of several other single-family residential developments.

(B) The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. The proposed development is compatible with existing land use and surrounding development.

(C) Due to the size, layout, location, and topography of the subject property, the Applicant submits that the subject property does not have reasonable economic use as currently zoned.

(D) The proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The subject property is located off of Old Loganville Road with access to utilities. Further, the relatively low development density will not overly burden infrastructure systems.

(E) The proposed rezoning is in conformity with the policy and intent of the Land Use Plan.

(F) Applicant submits that the single-family residential nature of the area, the fact that the Property is adjacent to land already zoned OSC, and the Property's proximity to U.S. Highway 78 provide additional support of this Application.

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Mahaffey Pickens Tucker, LLP
ATTORNEYS AT LAW

Matthew P. Benson
Gerald Davidson, Jr.*
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Kelly O. Faber
Christopher D. Holbrook
Nicholas N. Kemper
Shane M. Lanham
Austen T. Mabe

Jeffrey R. Mahaffey
David G. McGee
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 EDGE CITY PROPERTIES, INC.**

Mahaffey, Pickens Tucker, LLP submits this Letter of Intent and attached Rezoning Application (the "Application") on behalf of Edge City Properties, Inc. (the "Applicant") for the purpose of requesting the rezoning of approximately 84.65 acres of land (the "Property") situated on the north side of Old Loganville Road between Brushy Fork Road and Rosebud Road in southeastern Gwinnett County. The Property is mostly pasture and woods and is currently zoned R-100 with convenient access to Highway 78 from Rosebud Road/Brushy Fork Road and Old Loganville Road.

The Applicant is requesting to rezone the Property to the OSC zoning classification in order to permit the development of the Property for use as a single-family residential community including a total of 204 detached homes at a size, quality and price commensurate with or exceeding existing homes in the surrounding area. The proposed OSC zoning classification would allow the Applicant to develop the Property for its intended use while also protecting over 25 acres of natural areas as primary conservation space. This proposed conservation subdivision is in line with existing zoning classifications in the area including an adjacent tract zoned OSC which was approved by the Board of Commissioners in October 2017.

The proposed community would include a mixture of one-story ranch and two-story traditional homes with a minimum of 1,650 square feet for the one-story homes and 2,000 square feet for the two-story homes. The homes proposed would contain two-car garages and attractive architectural design similar to homes in the surrounding area. The front façades of the proposed homes would include a mixture of brick, stone, and/or fiber-cement shake/siding (including board and batten). The proposed development would also contain a recreation/amenity area for the use of residents including a pool and clubhouse. The proposed development is a low-intensity residential subdivision which would have an overall density of approximately 2.4 units per acre which is consistent with the policies set forth in the Gwinnett County 2030 Unified Plan as well as the 2040 Unified Plan. The 2040 Plan designates the Property as within the Suburban Estate Living Character Area and it is adjacent to land within the Established Neighborhoods Character Area. Encouraged land uses for both character areas include single-family detached residences at densities and styles compatible with surrounding uses. The Property is adjacent to land zoned R-100 CSO (Gwinnett's first iteration of conservation zoning) and an existing OSC development with frontage on Brushy Fork Road. Across Brushy Fork Road to the east is the Cobblestone Mill subdivision zoned R-100 Modified. Snell Middle School and Magill Elementary School are also located on the east side of Brushy Fork Road and are large-scale institutional uses despite

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NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022
TELEPHONE 770 232 0000
FACSIMILE 678 518 6880
www.mptlawfirm.com

their R-100 zoning classifications. Accordingly, the proposed OSC community is compatible with surrounding zoning classifications and land uses. Moreover, the 2030 Plan and 2040 Plan both specifically encourage Open Space Conservation subdivisions.

The proposed development would be a quality development that is compatible with development in the surrounding area. The proposed development would also preserve important green space in a rapidly-growing area of Gwinnett County. Specifically, the proposed development would preserve over 27.8 acres of net conservation area which is more than 32.5% of the OSC Property's land area. Further, surrounding development and existing homes would not face major negative impacts as a result of the proposed development as a result of the substantial buffering required under the UDO in conjunction with extensive additional buffering preserved by the Applicant as conservation space.

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 7th day of December 2018.

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham
*Attorneys for the 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 — Date: 12/3/18

Shane M. Lanham, Attorney for Applicant

Type or Print Name and Title

Signature of Notary Public — Date: 12-3-18

Notary Seal: GWEN L CRISWELL NOTARY PUBLIC GWINNETT COUNTY GEORGIA EXPIRES AUGUST 19, 2020

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## REZONING APPLICANT'S CERTIFICATION

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Michael Dye — 11-26-18

Signature of Applicant — Date

Michael Dye, President

Type or Print Name and Title

HNMehta — 26th Nov 2018 — H N MEHTA Gwinnett County Notary Public Expires 10-30-2021 STATE OF GEORGIA

Signature of Notary Public — Date — Notary Seal

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## REZONING PROPERTY OWNER'S CERTIFICATION

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

Lloyd S. Burns III — BSD Investments, L.P. — 11/26/2018

Signature of Property Owner — Date

Lloyd S. Burns III — owner of BSD Investments, L.P.

Type or Print Name and Title

11/26/2018

Signature of Notary Public — Date — Notary Seal

PATRICIA M REINOSO
GWINNETT COUNTY, GEORGIA

PATRICIA M REINOSO
MY COMMISSION EXPIRES
NOTARY
PUBLIC
AUGUST 20, 2020
GWINNETT COUNTY, GEORGIA

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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 |
|---|---|---|
| | 12/3/18 | Shane M. Lanham, Attorney for Applicant |
| SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE | DATE | TYPE OR PRINT NAME AND TITLE |
| Gwen L. Caswell | 12-3-18 | |
| SIGNATURE OF NOTARY PUBLIC | DATE | NOTARY SEAL |

GWEN L. CASWELL NOTARY EXPIRES GEORGIA AUGUST 19, 2020 PUBLIC GWINNETT COUNTY

### 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 |
| Lynnette Howard | $1000 | 04/18/2018 |
| John Heard | $2000 | 10/02/2018 |

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Updated 10/29/2018

## 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 | 11-26-18 | Michael Dye, President |
| SIGNATURE OF APPLICANT | DATE | TYPE OR PRINT NAME AND TITLE |

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

On 11/26/18, Michael Dye personally appeared before me and produced a Driver's License as identification. My commission expires 10/30/2021

| | | |
|---|---|---|
| HNMehta | 11/26/2018 | |
| SIGNATURE OF NOTARY PUBLIC | DATE | NOTARY SEAL |

H N MEHTA Gwinnett County Notary Public Expires 10-30-2021 STATE OF GEORGIA

### 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:** (Map Reference Number) 5 - 095 - 007
District Land Lot Parcel

12/3/18
Signature of Applicant Date

Shane Lanham, attorney
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.*****

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**TAX COMMISSIONERS USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Julie Smith — TSA
NAME TITLE

12-3-18
DATE

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# Single Family Detached Ranch Series

Front Elevation

Side Elevation

Rear Elevation

EDGE CITY
PROPERTIES

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# Single Family Detached Two-Story Series

Front Elevation

Side Elevation

Rear Elevation

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EDGE CITY
PROPERTIES

RZR '19 004

**JUSTIFICATION FOR REZONING APPLICATION OF**
**EDGE CITY PROPERTIES, INC.**

The portions of the Gwinnett County Unified Development Ordinance (the "UDO") which classify or may classify the property (the "Property") which is the subject of the rezoning application submitted herewith (the "Application") into any less intensive zoning classification other than as requested by the Applicant, or that prohibit the development of the Property as set forth in the Application, 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 OSC zoning classification as requested by the Applicant, and is not economically suitable for development under the present R-100 zoning classification of Gwinnett County. A denial of the 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.

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the OSC classification as set forth in 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 rezoning of the subject Property to the OSC 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.

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Likewise, a refusal by the Gwinnett County Board of Commissioners to permit the Applicant to withdraw the Application without prejudice would be 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 1, 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.

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 7th day of December 2018

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham
Attorney for Applicant

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