REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME:	NAME: Please see attached
ADDRESS:	ADDRESS:
CITY:	CITY:
STATE:ZIP:	STATE:ZIP:
PHONE:	PHONE:
CONTACT PERSON: Melody A. Glouton, Esq.	PHONE:
CONTACT'S E-MAIL:mglouton@atclawfirm.com	
APPLICAN OWNER'S AGENT PROPERTY OWN R100 and RA2 PRESENT ZONING DISTRICTS(S):REQU PARCEL NUMBER(S): R7062 003 and R7061 012 1640 Broading Hug or	IER CONTRACT PURCHASER CONTRACT PURCHASER CONING DISTRICT: R60 CONING DISTRICT: 45.345 CONING ACREAGE: 45.345
ADDRESS OF PROPERTY:	
RESIDENTIAL DEVELOPMENT No. of Lots/Dwelling Units	NON-RESIDENTIAL DEVELOPMENT No. of Buildings/Lots: <u>N/A</u> Total Building Sq. Ft. <u>N/A</u> Density: <u>N/A</u>
PLEASE ATTACH ALETTER OF INTEN	IT EXPLAINING WHAT IS PROPOSED RZR '19 0 1 8

Owner Information for Gwinnett County Rezoning Application; Applicant Stature Properties, LLC

Parcel No. R7062 003; 1649 Braselton Hwy Ricky L. Hannah as Executor of the Estate of Early S. Hannah, Jr. 1649 Braselton Hwy Lawrenceville, GA 30043 Phone: 678-770-4146

Parcel No. R7061 012; 1802 Prospect Church Rd. James and Kimberly Adams 1802 Prospect Church Rd. Lawrenceville, GA 300043 Phone: 678-770-4146



ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 62 of the 7th District, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a 1/2" open top pipe found located at the easterly right-of-way (R/W) of Braselton Hwy (R/W varies) and the common intersection line of land lots 62 and 93, said point being the POINT OF BEGINNING; thence along said common intersection line of land lots 62 and 93 North 60 degrees 48 minutes 21 seconds East a distance of 46.69 feet to a 1" open top pipe found; thence North 60 degrees 36 minutes 4 seconds East a distance of 107.98 feet to a #4 rebar found; thence North 60 degrees 30 minutes 0 seconds East a distance of 157.67 feet to a point; thence ± 2292 along the center line of a creek the following calls: South 61 degrees 58 minutes 23 seconds East a distance of 17.44 feet to a point; thence South 49 degrees 40 minutes 28 seconds East a distance of 32.68 feet to a point; thence South 61 degrees 16 minutes 59 seconds East a distance of 29.60 feet to a point; thence South 55 degrees 3 minutes 43 seconds East a distance of 43.64 feet to a point; thence South 32 degrees 16 minutes 13 seconds East a distance of 48.05 feet to a point; thence South 6 degrees 24 minutes 5 seconds East a distance of 11.04 feet to a point; thence South 0 degrees 31 minutes 38 seconds East a distance of 8.59 feet to a point; thence South 41 degrees 55 minutes 42 seconds East a distance of 46.25 feet to a point; thence South 39 degrees 6 minutes 35 seconds East a distance of 31.52 feet to a point; thence South 29 degrees 32 minutes 51 seconds East a distance of 42.25 feet to a point; thence South 59 degrees 39 minutes 36 seconds East a distance of 28.28 feet to a point: thence North 74 degrees 22 minutes 52 seconds East a distance of 21.45 feet to a point; thence South 40 degrees 54 minutes 15 seconds East a distance of 44.15 feet to a point; thence South 45 degrees 7 minutes 29 seconds East a distance of 32.15 feet to a point; thence South 70 degrees 52 minutes 42 seconds East a distance of 40.26 feet to a point; thence North 57 degrees 39 minutes 16 seconds East a distance of 24.81 feet to a point; thence South 77 degrees 58 minutes 55 seconds East a distance of 35.72 feet to a point; thence South 38 degrees 59 minutes 49 seconds East a distance of 39.88 feet to a point; thence South 30 degrees 18 minutes 5 seconds East a distance of 45.45 feet to a point; thence South 64 degrees 8 minutes 18 seconds East a distance of 37.59 feet to a point; thence South 54 degrees 5 minutes 41 seconds East a distance of 46.55 feet to a point; thence South 63 degrees 12 minutes 10 seconds East a distance of 40.15 feet to a point; thence South 29 degrees 57 minutes 38 seconds West a distance of 30.78 feet to a point; thence South 65 degrees 12 minutes 4 seconds East a distance of 20.01 feet to a point; thence South 36 degrees 57 minutes 35 seconds East a distance of 23.35 feet to a point; thence South 45 degrees 59 minutes 11 seconds East a distance of 50.48 feet to a point; thence South 87 degrees 22 minutes 43 seconds East a distance of 48.58 feet to a point: thence South 80 degrees 57 minutes 41 seconds East a distance of 19.32 feet to a point; thence South 45 degrees 53 minutes 25 seconds East a distance of 44.15 feet to a point; thence South 89 degrees 01 minute 51 seconds East a distance of 33.70 feet to a point; thence North 50 degrees 16 minutes 9 seconds East a distance of 25.45 feet to a point; thence North 80 degrees 58 minutes 15 seconds East a distance of 41.78 feet to a point; thence South 15 degrees 59 minutes 1 second West a distance of 13.43 feet to a point; thence South 73 degrees 12 minutes 33 seconds East a distance of 38.68 feet to a point; thence South 73 degrees 58 minutes 55

seconds East a distance of 55.40 feet to a point; thence South 81 degrees 56 minutes 52 seconds East a distance of 57.70 feet to a point; thence North 71 degrees 34 minutes 11 seconds East a distance of 34.94 feet to a point; thence South 39 degrees 48 minutes 53 seconds East a distance of 38.18 feet to a point; thence South 48 degrees 59 minutes 25 seconds East a distance of 35.37 feet to a point; thence South 47 degrees 32 minutes 22 seconds East a distance of 50.21 feet to a point; thence South 29 degrees 49 minutes 38 seconds East a distance of 82.17 feet to a point: thence South 74 degrees 5 minutes 9 seconds East a distance of 42.96 feet to a point; thence South 38 degrees 22 minutes 8 seconds East a distance of 22.69 feet to a point; thence South 74 degrees 51 minutes 17 seconds East a distance of 24.65 feet to a point; thence South 53 degrees 6 minutes 51 seconds East a distance of 20.70 feet to a point; thence South 70 degrees 15 minutes 48 seconds East a distance of 22.87 feet to a point; thence South 33 degrees 48 minutes 14 seconds East a distance of 15.34 feet to a point; thence South 43 degrees 14 minutes 34 seconds East a distance of 17.73 feet to a point; thence South 65 degrees 31 minutes 12 seconds East a distance of 36.78 feet to a point; thence South 20 degrees 30 minutes 27 seconds West a distance of 13.82 feet to a point: thence South 47 degrees 13 minutes 2 seconds East a distance of 16.63 feet to a point; thence North 69 degrees 4 minutes 30 seconds East a distance of 20.53 feet to a point; thence South 62 degrees 8 minutes 28 seconds East a distance of 7.74 feet to a point; thence South 79 degrees 11 minutes 0 seconds East a distance of 39.00 feet to a point; thence South 78 degrees 35 minutes 2 seconds East a distance of 17.30 feet to a point; thence North 80 degrees 56 minutes 16 seconds East a distance of 54.38 feet to a point; thence South 33 degrees 29 minutes 11 seconds East a distance of 27.26 feet to a point; thence North 34 degrees 51 minutes 9 seconds East a distance of 18.84 feet to a point; thence South 49 degrees 38 minutes 29 seconds East a distance of 23.52 feet to a point: thence South 25 degrees 47 minutes 23 seconds West a distance of 3.22 feet to a point; thence South 42 degrees 3 minutes 16 seconds East a distance of 59.92 feet to a point; thence South 85 degrees 41 minutes 0 seconds East a distance of 39.36 feet to a point; thence North 39 degrees 19 minutes 20 seconds East a distance of 22.82 feet to a point; thence North 81 degrees 52 minutes 14 seconds East a distance of 18.11 feet to a point; thence South 57 degrees 46 minutes 52 seconds East a distance of 25.39 feet to a point; thence South 84 degrees 57 minutes 44 seconds East a distance of 12.17 feet to a point; thence North 82 degrees 17 minutes 50 seconds East a distance of 40.47 feet to a point; thence North 76 degrees 45 minutes 38 seconds East a distance of 10.50 feet to a point; thence North 65 degrees 16 minutes 4 seconds East a distance of 32.55 feet to a point; thence North 80 degrees 40 minutes 7 seconds East a distance of 21.79 feet to a point; thence South 85 degrees 30 minutes 16 seconds East a distance of 28.73 feet to a point; thence North 79 degrees 5 minutes 13 seconds East a distance of 17.62 feet to a point; thence North 29 degrees 51 minutes 19 seconds East a distance of 19.18 feet to a point; thence North 64 degrees 43 minutes 58 seconds East a distance of 5.87 feet to a point located at the common intersection line of land lots 61 and 62; thence along said common intersection line of land lots 61 and 62 South 30 degrees 4 minutes 17 seconds East a distance of 821.83 feet to a 2" open top pipe found; thence leaving said common intersection line of land lots 61 and 62 South 59 degrees 32 minutes 47 seconds West a distance of 252.18 feet to a #4 rebar found; thence South 59 degrees 31 minutes 55 seconds West a distance of 176.31 feet to a 1" open top pipe found; thence North 66 degrees 37 minutes 58 seconds West a distance of 311.60 feet to a point; thence North 66 degrees 51 minutes 51 seconds West a distance of 187.23 feet to a #4 rebar found; thence North 67 degrees 17 minutes 56 seconds West a distance

of 149.25 feet to a point; thence North 66 degrees 12 minutes 28 seconds West a distance of 132.20 feet to a point; thence North 66 degrees 47 minutes 11 seconds West a distance of 191.57 feet to a point; thence continue Northwesterly along said line, a distance of 166.63 feet; thence continue Northwesterly along said line, a distance of 101.46 feet; thence North 66 degrees 41 minutes 29 seconds West a distance of 204.49 feet to a point; thence North 67 degrees 10 minutes 45 seconds West a distance of 186.61 feet to a point; thence North 66 degrees 49 minutes 36 seconds West a distance of 298.10 feet to a point; thence North 67 degrees 10 minutes 0 seconds West a distance of 120.97 feet to a point; thence North 66 degrees 45 minutes 28 seconds West a distance of 179.38 feet to a 11/2" open top pipe found located at the easterly RW of Braselton Hwy (R/W varies); thence along said easterly R/W of Braselton Hwy (R/W varies) North 7 degrees 59 minutes 9 seconds East a distance of 65.54 feet to a point; thence North 6 degrees 54 minutes 29 seconds East a distance of 78.76 feet to a point; thence North 5 degrees 19 minutes 12 seconds East a distance of 118.07 feet to a point; thence North 0 degrees 39 minutes 37 seconds West a distance of 121.44 feet to a point; thence North 7 degrees 28 minutes 5 seconds West a distance of 138.34 feet to a point; thence North 9 degrees 10 minutes 1 second West a distance of 187.90 feet to a point; thence North 8 degrees 9 minutes 1 second West a distance of 60.03 feet to a 1/2" open top pipe found and the TRUE POINT OF BEGINNING.

Said tract containing ±42.868 acres more or less.



LEGAL DESCRIPTION (Tract 2)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 61 of the 7th District, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at a 1/2" open top pipe found located at the easterly right-of-way (R/W) of Braselton Hwy (R/W varies) and the common intersection line of land lots 62 and 93: thence along said common intersection line of land lots 62 and 93 North 60 degrees 48 minutes 21 seconds East a distance of 46.69 feet to a 1" open top pipe found; thence North 60 degrees 36 minutes 4 seconds East a distance of 107.98 feet to a #4 rebar found; thence North 60 degrees 30 minutes 0 seconds East a distance of 157.67 feet to a point; thence ± 2292 along the center line of a creek the following calls: South 61 degrees 58 minutes 23 seconds East a distance of 17.44 feet to a point; thence South 49 degrees 40 minutes 28 seconds East a distance of 32.68 feet to a point; thence South 61 degrees 16 minutes 59 seconds East a distance of 29.60 feet to a point; thence South 55 degrees 3 minutes 43 seconds East a distance of 43.64 feet to a point; thence South 32 degrees 16 minutes 13 seconds East a distance of 48.05 feet to a point; thence South 6 degrees 24 minutes 5 seconds East a distance of 11.04 feet to a point; thence South 0 degrees 31 minutes 38 seconds East a distance of 8.59 feet to a point; thence South 41 degrees 55 minutes 42 seconds East a distance of 46.25 feet to a point; thence South 39 degrees 6 minutes 35 seconds East a distance of 31.52 feet to a point; thence South 29 degrees 32 minutes 51 seconds East a distance of 42.25 feet to a point; thence South 59 degrees 39 minutes 36 seconds East a distance of 28.28 feet to a point; thence North 74 degrees 22 minutes 52 seconds East a distance of 21.45 feet to a point; thence South 40 degrees 54 minutes 15 seconds East a distance of 44.15 feet to a point; thence South 45 degrees 7 minutes 29 seconds East a distance of 32.15 feet to a point; thence South 70 degrees 52 minutes 42 seconds East a distance of 40.26 feet to a point; thence North 57 degrees 39 minutes 16 seconds East a distance of 24.81 feet to a point; thence South 77 degrees 58 minutes 55 seconds East a distance of 35.72 feet to a point; thence South 38 degrees 59 minutes 49 seconds East a distance of 39.88 feet to a point; thence South 30 degrees 18 minutes 5 seconds East a distance of 45.45 feet to a point: thence South 64 degrees 8 minutes 18 seconds East a distance of 37.59 feet to a point; thence South 54 degrees 5 minutes 41 seconds East a distance of 46.55 feet to a point; thence South 63 degrees 12 minutes 10 seconds East a distance of 40.15 feet to a point; thence South 29 degrees 57 minutes 38 seconds West a distance of 30.78 feet to a point; thence South 65 degrees 12 minutes 4 seconds East a distance of 20.01 feet to a point; thence South 36 degrees 57 minutes 35 seconds East a distance of 23.35 feet to a point; thence South 45 degrees 59 minutes 11 seconds East a distance of 50.48 feet to a point; thence South 87 degrees 22 minutes 43 seconds East a distance of 48.58 feet to a point; thence South 80 degrees 57 minutes 41 seconds East a distance of 19.32 feet to a point; thence South 45 degrees 53 minutes 25 seconds East a distance of 44.15 feet to a point; thence South 89 degrees 01 minute 51 seconds East a distance of 33.70 feet to a point; thence North 50 degrees 16 minutes 9 seconds East a distance of 25.45 feet to a point; thence North 80 degrees 58 minutes 15 seconds East a distance of 41.78 feet to a point; thence South 15 degrees 59 minutes 1 second West a distance of 13.43 feet to a point; thence South 73 degrees 12 minutes 33 seconds East a distance of 38.68 feet to a point; thence South 73 degrees 58 minutes 55 seconds East a distance of 55.40 feet to a point; thence South 81 degrees 56 minutes 52 seconds East a distance of 57.70 feet to a point;

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Said tract containing 2.477 acres.

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 61 and 62 of the 7th District, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a 1/2" open top pipe found located at the easterly right-of-way (R/W) of Braselton Hwy (R/W varies) and the common intersection line of land lots 62 and 93. said point being the POINT OF BEGINNING; thence along said common intersection line of land lots 62 and 93 North 60 degrees 48 minutes 21 seconds East a distance of 46.69 feet to a 1" open top pipe found; thence North 60 degrees 36 minutes 4 seconds East a distance of 107.98 feet to a #4 rebar found; thence North 60 degrees 30 minutes 0 seconds East a distance of 157.67 feet to a point; thence ± 2292 along the center line of a creek the following calls: South 61 degrees 58 minutes 23 seconds East a distance of 17.44 feet to a point; thence South 49 degrees 40 minutes 28 seconds East a distance of 32.68 feet to a point; thence South 61 degrees 16 minutes 59 seconds East a distance of 29.60 feet to a point; thence South 55 degrees 3 minutes 43 seconds East a distance of 43.64 feet to a point; thence South 32 degrees 16 minutes 13 seconds East a distance of 48.05 feet to a point; thence South 6 degrees 24 minutes 5 seconds East a distance of 11.04 feet to a point; thence South 0 degrees 31 minutes 38 seconds East a distance of 8.59 feet to a point: thence South 41 degrees 55 minutes 42 seconds East a distance of 46.25 feet to a point; thence South 39 degrees 6 minutes 35 seconds East a distance of 31.52 feet to a point; thence South 29 degrees 32 minutes 51 seconds East a distance of 42.25 feet to a point: thence South 59 degrees 39 minutes 36 seconds East a distance of 28.28 feet to a point; thence North 74 degrees 22 minutes 52 seconds East a distance of 21.45 feet to a point; thence South 40 degrees 54 minutes 15 seconds East a distance of 44.15 feet to a point; thence South 45 degrees 7 minutes 29 seconds East a distance of 32.15 feet to a point; thence South 70 degrees 52 minutes 42 seconds East a distance of 40.26 feet to a point; thence North 57 degrees 39 minutes 16 seconds East a distance of 24.81 feet to a point; thence South 77 degrees 58 minutes 55 seconds East a distance of 35.72 feet to a point; thence South 38 degrees 59 minutes 49 seconds East a distance of 39.88 feet to a point; thence South 30 degrees 18 minutes 5 seconds East a distance of 45.45 feet to a point; thence South 64 degrees 8 minutes 18 seconds East a distance of 37.59 feet to a point; thence South 54 degrees 5 minutes 41 seconds East a distance of 46.55 feet to a point; thence South 63 degrees 12 minutes 10 seconds East a distance of 40.15 feet to a point; thence South 29 degrees 57 minutes 38 seconds West a distance of 30.78 feet to a point; thence South 65 degrees 12 minutes 4 seconds East a distance of 20.01 feet to a point; thence South 36 degrees 57 minutes 35 seconds East a distance of 23.35 feet to a point; thence South 45 degrees 59 minutes 11 seconds East a distance of 50.48 feet to a point; thence South 87 degrees 22 minutes 43 seconds East a distance of 48.58 feet to a point; thence South 80 degrees 57 minutes 41 seconds East a distance of 19.32 feet to a point; thence South 45 degrees 53 minutes 25 seconds East a distance of 44.15 feet to a point: thence South 89 degrees 01 minute 51 seconds East a distance of 33.70 feet to a point; thence North 50 degrees 16 minutes 9 seconds East a distance of 25.45 feet to a point; thence North 80 degrees 58 minutes 15 seconds East a distance of 41.78 feet to a point; thence South 15 degrees 59 minutes 1 second West a distance of 13.43 feet to a point; thence South 73 degrees 12 minutes 33 seconds

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thence South 59 degrees 31 minutes 55 seconds West a distance of 176.31 feet to a 1" open top pipe found; thence North 66 degrees 37 minutes 58 seconds West a distance of 311.60 feet to a point; thence North 66 degrees 51 minutes 51 seconds West a distance of 187.23 feet to a #4 rebar found: thence North 67 degrees 17 minutes 56 seconds West a distance of 149.25 feet to a point; thence North 66 degrees 12 minutes 28 seconds West a distance of 132.20 feet to a point; thence North 66 degrees 47 minutes 11 seconds West a distance of 191.57 feet to a point; thence continue Northwesterly along said line, a distance of 166.63 feet; thence continue Northwesterly along said line, a distance of 101.46 feet; thence North 66 degrees 41 minutes 29 seconds West a distance of 204.49 feet to a point; thence North 67 degrees 10 minutes 45 seconds West a distance of 186.61 feet to a point; thence North 66 degrees 49 minutes 36 seconds West a distance of 298.10 feet to a point; thence North 67 degrees 10 minutes 0 seconds West a distance of 120.97 feet to a point; thence North 66 degrees 45 minutes 28 seconds West a distance of 179.38 feet to a 11/2" open top pipe found located at the easterly RW of Braselton Hwy (R/W varies); thence along said easterly R/W of Braselton Hwy (R/W varies) North 7 degrees 59 minutes 9 seconds East a distance of 65.54 feet to a point; thence North 6 degrees 54 minutes 29 seconds East a distance of 78.76 feet to a point: thence North 5 degrees 19 minutes 12 seconds East a distance of 118.07 feet to a point; thence North 0 degrees 39 minutes 37 seconds West a distance of 121.44 feet to a point; thence North 7 degrees 28 minutes 5 seconds West a distance of 138.34 feet to a point; thence North 9 degrees 10 minutes 1 second West a distance of 187.90 feet to a point; thence North 8 degrees 9 minutes 1 second West a distance of 60.03 feet to a 1/2" open top pipe found and the TRUE POINT OF BEGINNING.

Said tract containing ±45.345 acres more or less.





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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RZR '19 0 1 8 3	JUN 1 0 2019

REZONING APPLICANT STATURE PROPERTIES, LLC'S RESPONSE TO STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Approval of the proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Subject Property is adjacent to additional land zoned for residential uses. The Subject Property is located along Braselton Highway and within close proximity to Georgia Highway 20 and University Parkway (Georgia State Route 316).

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

Approval of the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties. Rather the proposed development would complement surrounding residential land uses by providing additional housing options for current and future residents of Gwinnett County.

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

The Applicant submits that due to the size, location, layout and dimensions of the Subject Property, it does not have reasonable economic use as currently zoned.

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:

Approval of the proposed rezoning will not result in an excessive or burdensome use of the existing streets, transportation facilities, utilities, or schools. The property has convenient access to Georgia Highway 20 and State Route 316 and has access to utilities.

E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN: The proposed rezoning is in conformity with the policy and intent of the 2040 Plan. The subject property is designated as within the Emerging Suburban Character Area on the 2040 Plan Future Development Map. Encouraged land uses for this character area specifically include single-family residential and mixed residential developments.

F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL:

Yes. The Emerging Suburban Character Area in the 2040 Plan encourages the development of established single family residential communities. Therefore, the proposed rezoning is entirely appropriate for the Subject Property in light of the emerging needs for Gwinnett citizens and the current land uses in the surrounding area.

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ANDERSEN | TATE | CARR

Melody A. Glouton Email: mglouton@atclawfirm.com Telephone: 770.822.0900 Direct Dial: 770.339.0475 Direct Fax: 770.236.9719

June 10, 2019

VIA HAND DELIVERY

Gwinnett County Planning and Development c/o Kathy Holland, Director of Planning and Development 446 West Crogan Street Lawrenceville, GA 30046-2440

RE: <u>LETTER OF INTENT FOR REZONING APPLICATION</u> OF STATURE PROPERTIES, LLC

Dear Director and Staff:

Andersen Tate & Carr, P.C. submits this Letter of Intent and attached Rezoning Application on behalf of Stature Properties, LLC (the "Applicant") for the purpose of requesting the rezoning of an approximate 45.345-acre tract (the "Property") located on Braselton Highway just north of Prospect Road. The Property is situated on Braselton Highway with convenient access to Buford Drive and University Parkway (Georgia State Route 316), which is less than three miles away to the south. The Subject Property includes two separate tax parcels and is zoned R100 and RA200 in unincorporated Gwinnett County. The Applicant proposes to develop a distinctive and attractive single-family residential community under the R60 zoning classification consisting of 121 homes. The proposed development would be served by one entrance on Braselton Highway.

The Applicant is proposing to rezone the Subject Property to the R60 (Single-Family Residence District) zoning classification of Gwinnett County in order to develop a high-quality, single-family residential community, including 121 homes. The proposed community would consist of homes at a size, quality, and price-point commensurate with or exceeding homes in the surrounding area. Proposed homes would include two-car garages as well as attractive architectural elements. Building materials for the proposed homes would include brick, stone, and/or cementitious shake, siding, and/or board and batten.

The Gwinnett County 2040 Unified Plan (the "2040 Plan") Future Development Map identifies the Subject Property as within the Emerging Suburban Character Area. Encouraged land uses for this character area include single-family residential and mixed residential developments. Further, the 2040 Plan specifically encourages single-family residential as a

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potential development type. Accordingly, the proposed development is in line with the policies of the 2040 Plan and is compatible with surrounding and nearby development. Encouraging single-family residential uses at appropriate densities with the Emerging Suburban Character Area further the 2040 Plan's objectives by promoting efficient land use and expanding housing options for current and future residents. Specifically, Theme 4 of the 2040 Plan is to "Provide More Housing Choices" and Policy 4.1 is to "Preserve and Expand Housing for All Income Levels and Phases of Life." The proposed development is compatible with the spirit and intent of the 2040 Plan especially when considering that the Subject Property is located in close proximity to land zoned R60 and R-100 MOD.

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 June, 2019.

ANDERSEN TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq. Attorney for Applicant



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ANDERSEN | TATE | CARR

Melody A. Glouton Email: mglouton@atclawfirm.com Telephone: 770.822.0900 Direct Dial: 770.339.0475 Direct Fax: 770.236.9719

June 7, 2019

VIA HAND DELIVERY

Gwinnett County Attn: Kathy Holland, Director of Planning and Development 446 West Crogan Street Lawrenceville, Ga 30046

RE: JUSTIFICATION FOR REZONING FOR STATURE PROPERTIES, LLC (1649 Braselton Highway and 1802 Prospect Church Road, Lawrenceville, GA, Parcels R7062 003 and R7061 012)

Dear Chairman & Commissioners:

This letter is written on behalf of Stature Properties, LLC (the "Applicant"), in connection with the rezoning application for property located at 1649 Braselton Highway and 1802 Prospect Church Road, Lawrenceville, Georgia (the "Subject Property").

Constitutional Objections

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or may classify the Subject Property which is the subject of the rezoning Application into any more or less intensive zoning classification, development and/or conditions other than as requested by the Applicant are, and 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, 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 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, Paragraphs I and 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 any economically viable use of the Subject Property while not substantially advancing legitimate state interests. Under *Lathrop v. Deal*, the application of the UDO in a way that constitutes a taking shall be deemed a waiver of sovereign immunity.¹

¹ Lathrop v. Deal, 301 Ga 408, 880-881 S.E. 2d 867 (2017)

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The Subject Property is presently suitable for development under the R-60 classification as requested by the Applicant, and is not economically suitable for development under its present R100 and RA 200 zoning classification of Gwinnett County. A denial of the requested rezoning 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, Paragraphs I and 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 Subject Property to R-60 zoning classification, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Subject 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.

Any rezoning of the Subject Property to the R-60 classification, subject to conditions which are different from the requested 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 utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Subject Property be granted and that the Subject Property be rezoned to the zoning classification as shown on the respective application.

Respectfully,

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton



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REZONING APPLICANT'S CERTIFICATION

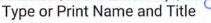
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL 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

6-7-19

Date

JOHN MANSOOR - MANAGER - STATURE PROPER



Signature of Notary Public

6-7-19 Date



RZR '19018

Notary Sea

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.

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Signature of Property Owner

Type or Print Name and Title

Signature of Notary Public



RZR '19018

6 - 7 - 19 Date

Notary Seal

Date

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Signature of Property Owner

CAMS JAMOS

Type or Print Name and Title

7 - 19

Signature of Notary Public





6-7-19 Date

Date

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6-7-19

Signature of Property Owner

Date

executo annak

Type or Print Name and Title



Signature of Notary Public

6-7-19

Date



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, <u>Conflict of Interest in Zoning Actions</u>, and has submitted or attached the required information on the forms provided.

JOHN MANSON/ Mar. Stitture Bops, LLC DATE TYPE OR PRINT NAME AND TITLE SIGNATURE OF APPLICANT SHAKA RXXADAHSXAKKOKAA¥XAADAKSEKXXDAKEXXXDAK RXX. TYPE OR PRINT NAME AND TITLE SIGNATURE OF APPLICANT'S DATE ATTORNEY OR REPRESENTATIVE SIGNATURE OF NOTARY PUBLIC NOTARY SEAL 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? VES YOUR NAME If the answer is yes, please complete the following section: CONTRIBUTIONS DATE CONTRIBUTION NAME AND OFFICAL (List all which aggregate to WAS MADE **POSITION OF** \$250 or More) **GOVERNMENT OFFICIAL** (Within last two years)

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

UN 1 0 2019

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SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
Thele des A. Glouton	6/7/19	Melody A. Glouton, Attorney for Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TARE OT ARE AND TITLE
SIGNATURE OF NOTARY PUBLIC	- <u>1-19</u> DATE	EXPIRES GEORGIA JAN. 2, 2023 NOTARY SEAL
DISCLOSU	RE OF CAMPA	IGN CONTRIBUTIONS
	ing \$250.00 or	ceding the filing of this application, made r more to a member of the Board of ounty Planning Commission?

J_{YES} Andersen, Tate & Carr, P.C.

YOUR NAME

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

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

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



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.

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

PARCEL I.D. NUMBER: (Map Reference Number)	 District	<u> 7062 - (</u> Land Lot	<u>DD3</u> Parcel	
A II			, / /	
Signature of Applicant		(0/7/20/9 Date	
Signature of Applicant	STATURE DE	Pops LIC - Mr.	NAGER	

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)

Andre Smith NAME		 4 II.
<u>Le - 7 - 19</u> DATE		
	7	RZR '19018

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PARCEL I.D. NUMBER:	K	7061 -1	012	
(Map Reference Number)	District	Land Lot	Parcel	
amure			6/7/2019	
Signature of Applicant	- 0	S	Date	
Type or Print Name and Title	STATURE TI	ps. 210 - 1	MANAGER	

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)

Aulie Smith NAME		TSA II TITLE	
6-7-19 DATE			
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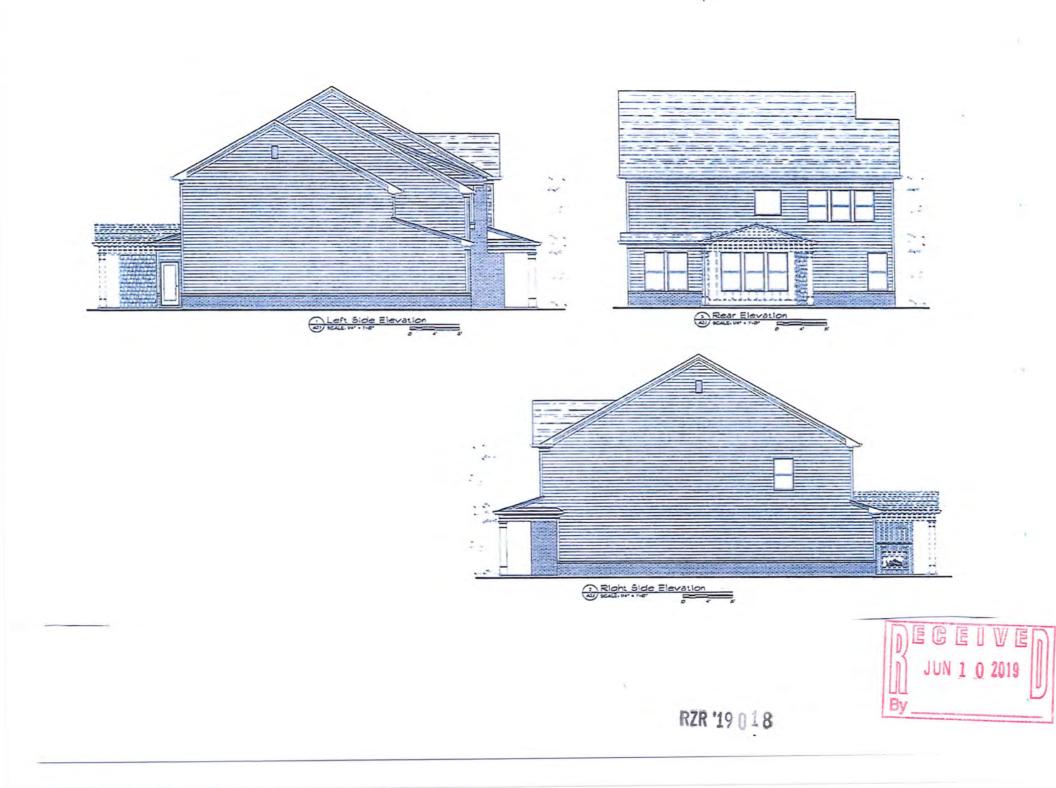


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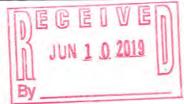
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