

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Quattrok, LLC c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Multiple--see attached</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: _____
CITY: <u>Lawrenceville</u>	CITY: _____
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: _____ ZIP: _____
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>	
<p align="center">APPLICANT IS THE:</p> <p><input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER</p>	
PRESENT ZONING DISTRICTS(S): <u>C-2, R-100</u> REQUESTED ZONING DISTRICT: <u>MU-R</u>	
LAND DISTRICT(S): <u>7</u> LAND LOT(S): <u>156</u> ACREAGE: <u>+/- 17.058</u>	
ADDRESS OF PROPERTY: <u>2710 Meadow Church Road</u>	
PROPOSED DEVELOPMENT: <u>Mixed-use development</u>	
<p align="center">RESIDENTIAL DEVELOPMENT</p> No. of Lots/Dwelling Units <u>390</u> Dwelling Unit Size (Sq. Ft.): <u>varies per UDO</u> Gross Density: <u>+/- 22.86 units per acre</u> Net Density: <u>+/- 23.54 units per acre</u>	<p align="center">NON-RESIDENTIAL DEVELOPMENT</p> No. of Buildings/Lots: <u>NA</u> Total Building Sq. Ft. <u>13,700</u> Density: <u>+/- 803.14 square feet per acre</u>

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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PROPERTY OWNER LIST

Name	Address	Parcel
Barryjeff, Inc.	5151 Kim Pl, Atlanta, GA 30338	7156 011
Habif, Isacc N, et al	5 Concourse Pkwy, Ste 1000	7156 012
Habif, Isacc N, et al	5 Concourse Pkwy, Ste 1000	7156 013

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OVERALL LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 156 of the 7th District, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a RW monument found at the mitered intersection of the Southwestern Right-of-Way line of Old Peachtree Road (Right-of-Way Varies) and the Southeastern Right-of-Way line of Meadow Church Road (80' Right-of-Way) said monument being the POINT OF BEGINNING; thence leaving said intersection and following along said Right-of-Way of Old Peachtree Road, South 38 degrees 40 minutes 10 seconds East a distance of 122.24 feet to an iron pin set (1/2" rebar); thence continuing along said Right-of-Way, North 50 degrees 28 minutes 51 seconds East a distance of 8.00 feet to an iron pin set (1/2" rebar); thence continuing along said Right-of-Way, 608.59 feet along an arc of a curve to the left, said curve having a radius of 3,869.81 feet and a chord bearing and distance of South 44 degrees 4 minutes 1 second East 607.96 feet to an iron pin set (1/2" rebar); thence continuing along said Right-of-Way, South 48 degrees 34 minutes 54 seconds East a distance of 101.51 feet to an iron pin set (1/2" rebar); thence continuing along said Right-of-Way, South 52 degrees 11 minutes 23 seconds East a distance of 150.95 feet to an right-of-way monument found at the Northern Right-of-Way line of Meadow Drive (30' Prescriptive Right-of-Way); thence leaving the Southwestern Right-of-Way line of Old Peachtree Road, South 10 degrees 10 minutes 50 seconds East a distance of 43.48 feet to an iron pin found (1/2" rebar); thence South 61 degrees 36 minutes 29 seconds West a distance of 175.98 feet to an iron pin found (1/2" rebar); thence South 80 degrees 57 minutes 13 seconds West a distance of 70.66 feet to an iron pin found (1/2" rebar); thence South 85 degrees 13 minutes 14 seconds West a distance of 196.25 feet to a point; thence South 84 degrees 58 minutes 20 seconds West a distance of 50.84 feet to an iron pin found (1/2" rebar); thence South 77 degrees 07 minutes 26 seconds West a distance of 74.83 feet to an iron pin set (1/2" rebar); thence South 28 degrees 47 minutes 2 seconds East a distance of 156.23 feet to an iron pin set (1/2" rebar); thence South 61 degrees 21 minutes 47 seconds West a distance of 358.80 feet to an iron pin set (1/2" rebar); thence North 30 degrees 2 minutes 15 seconds West a distance of 60.00 feet to an iron pin found (1/2" rebar); thence North 30 degrees 2 minutes 15 seconds West a distance of 152.08 feet to an iron pin found (1/2" rebar); thence North 28 degrees 18 minutes 51 seconds West a distance of 22.29 feet to an iron pin found (1/2" rebar); thence South 70 degrees 28 minutes 59 seconds West a distance of 141.59 feet to a point; thence South 67 degrees 30 minutes 50 seconds West a distance of 13.28 feet to an iron pin found (1/2" rebar); thence South 65 degrees 34 minutes 34 seconds West a distance of 87.24 feet to an iron pin found (1/2" rebar); thence South 58 degrees 26 minutes 50 seconds West a distance of 99.98 feet to an iron pin set (1/2" rebar); thence South 54 degrees 56 minutes 37 seconds West a distance of 72.53 feet to an iron pin found (1/2" rebar); thence continue Southwesterly along said line, a distance of 42.56 feet to an iron pin set (1/2" rebar) on the Southeastern Right-of-Way line of Meadow Church Road (80' Right-of-Way); thence continuing along said Right-of-Way, North 16 degrees 45 minutes 07 seconds East a distance of 326.01 feet to an iron pin set (1/2" rebar); thence continuing along said Right-of-Way, North 23 degrees 29 minutes 33 seconds East a distance of 92.74 feet to an iron pin found (1/2" rebar); thence continuing along said Right-of-Way, North 23 degrees 29 minutes 33 seconds East a distance of 689.48 feet to an iron pin set (1/2" rebar); thence continuing along said Right-of-Way, North 38 degrees 20 minutes 45 seconds East a distance of 195.95 feet to an iron pin set (1/2" rebar); thence continuing along said Right-of-Way, South 82 degrees 46 minutes 05 seconds East a distance of 69.48 feet to a RW monument found and the TRUE POINT OF BEGINNING.

Said tract containing 17.058 acres (743,046.48 square feet).

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REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

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

Please see attached

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

Please see attached

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

Please see attached

- (D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

Please see attached

- (E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Please see attached

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

Please see attached

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REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is surrounded by a diverse mix of land uses including, industrial, office, residential, and commercial.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. Rather, the proposed development will complement surrounding development by enhancing the walkability of the area and providing residential critical mass to support existing commercial and employment-related uses.
- (C) Due to the size, location, layout and dimensions of the subject property, the Applicant submits that the property does not have reasonable economic use as currently zoned.
- (D) No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has frontage on Meadow Church Road and Old Peachtree Road which are classified as Major Collector and Minor Arterial roadways, respectively, on the Gwinnett County Long Range Road Classification Map. The Property also has access to water and sewer utilities.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The Property is located in both the Workplace Center and Vibrant Communities character areas which each encourage mixed-use developments including apartments and townhomes.
- (F) The Applicant submits that the mix of surrounding land uses and the subject Property's proximity to Interstate 85 provide additional supporting grounds for approval of this 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
QUATTROK, LLC

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning application (the "Application") on behalf of Quattrok, LLC (the "Applicant") for the purpose of rezoning an approximately 17.058-acre tract of land located at the intersection of Meadow Church Road and Old Peachtree Road (the "Property"). The Property is currently split-zoned M-2, O-I, C-2, and R-100 (the "Current Zoning") and lies in both the Vibrant Communities and Workplace Center Character Areas pursuant to the Gwinnett County 2040 Unified Plan Future Development Map.

The Applicant is proposing to rezone the Property from the Current Zoning to the MU-R zoning classification in order to accommodate the development and construction of an attractive mixed-use development with residential and commercial uses as set forth on the site plan submitted with the Application (the "Site Plan"). The proposed development would incorporate a mix of commercial/retail/office and residential uses within an attractive, walkable environment that is interconnected with the diverse mix of surrounding land uses. The main entrance for the proposed development would be located at the signalized intersection of Old Peachtree Road and the Sugarloaf Galleria/Assi Plaza main entrance. The proposed development would also have a right-in, right-out driveway further east along Old Peachtree Road and a secondary entrance on Meadow Church Road. The proposed development would primarily align with and relate to Old Peachtree Road with buildings pushed up closer to the right-of-way. The buildings fronting Old

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Peachtree Road would incorporate vertical mixing of land uses with some commercial/retail or office uses on the ground floor creating a retail village around the proposed development's main entrance. Proposed buildings would be finished with attractive finishes including brick and/or stone elements comparable to the Sugarloaf Walk mixed-use development just to the south at the intersection of Meadow Church Road and Duluth Highway (State Route 120). Overall, the proposed development would include approximately 13,700 square feet of non-residential space in addition to approximately 390 units of high-end, luxury apartment homes. While the proposed residential density could be accommodated by the RM-24 zoning classification, the Applicant respectfully submits that the inclusion of some townhome-style homes and a small retail village would enhance the overall development. However, the use of "Dwelling, Townhouse" is not allowed in the RM-24 zoning classification and neither are any retail/commercial or office uses (except for "Customary Home Occupation"). Accordingly, the Applicant is requesting to rezone the Property to the MU-R zoning classification with the condition that the Property may be developed in general accordance with the site plan, including the land use mix and square footages set forth in the Site Data table.

The proposed development is consistent with the policies set forth in the Gwinnett County 2040 Unified Plan (the "2040 Plan"). Specifically, the 2040 plan encourages mixed-use developments and "townhomes and apartments" in both the Vibrant Communities and Workplace Center character areas. The 2040 Plan provides that developments in the Vibrant Communities character areas "will function as a buffer between neighborhood nodes/mixed-use areas and the larger, established residential areas." Similarly, while the Workplace Center area narrative generally encourages "office parks, industrial parks, and locations for freight oriented and logistic uses," the 2040 Plan calls for mixed-use developments including townhomes and apartments to support those employment uses. Accordingly, the proposed development is in line with the policies for both areas and represents a stated goal for each, which is to provide transitions from intense, employment-related uses along the I-85 corridor towards the single-family detached residential uses to the west. The proposed development internalizes this transition by providing the more intense residential-over-retail buildings along Old Peachtree Road, moving to multifamily residences and amenities towards the middle of the Property, and

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finally transitioning to lower-intensity townhome-style homes along Meadow Church Road. The Applicant is also requesting a buffer reduction along the southwesterly property lines from 50 feet to 35 feet to accommodate site development and expanded community garden and green space.

The proposed development would also further other major planning goals of Gwinnett County including enhancing the walkability of the Meadow Church and Old Peachtree Road corridors which currently lack sidewalks along the subject property. The proposed development would make these important sidewalk connections and fill a major gap in Gwinnett County's trail system as set forth in the Gwinnett Countywide Trails Master Plan (the "Trails Master Plan"). The Property's westerly and southerly boundary lines are shown as locations for "Potential Trails" on the Trails Master Plan Technical Report. The trail running along Meadow Church Road would eventually tie into the Infinite Energy Center and the proposed Revel mixed-use development. The trail segment depicted along the Property's southerly boundary would connect to a proposed trail system running along the Satellite Boulevard corridor including a spur along Wildwood Road linking Peachtree Ridge Park, Suwanee Creek Park, and eventually the Chattahoochee Trail network. With these important sidewalk connections in place, residents could walk to adjacent commercial uses in the Sugarloaf Commons shopping center to the east and would have convenient pedestrian access to the larger Sugarloaf Parkway shopping center to the south which includes a Kroger supermarket with associated commercial and retail offerings. Residents could also easily walk to the Business Park at Sugarloaf major employment center along Premiere Parkway which includes a range of employment uses from large-scale office-distribution and warehouse buildings to smaller medical, professional, and financial offices. The proposed development would further enhance these pedestrian connections by installing pedestrian amenities, such as benches and wayfinding signs, "amenitizing" the planned stormwater pond with plans to maintain it as a "wet" pond—which could be utilized for fishing or bird-watching, and dedicating a large area of the Property as public space with a community garden.

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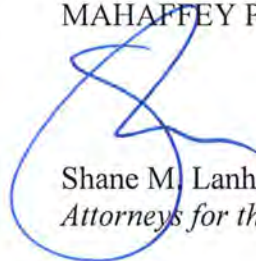
The proposed development is compatible with surrounding land uses and existing development patterns, it is consistent with the policies of the 2040 Plan, and it would fulfill multiple other long-range County planning goals including those set forth in the Trails Master Plan. The proposed development would enhance the walkability of the Civic Center Overlay District and would improve residents' access to shopping and major employment centers. The proposed development also provides an excellent opportunity for high-quality in-fill development in an important area of the County.

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

This 1st day of November, 2019.

Respectfully Submitted,

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

11/1/19

Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

11/1/19

Date



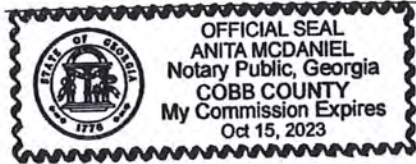
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REZONING PROPERTY OWNER'S CERTIFICATION

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

Jeffrey S. Tarstoot *Barry J. Tarstoot* 11-01-2019
Signature of Property Owner Date

Jeffrey S Tarstoot Barry J. Tarstoot
Type or Print Name and Title

Anita McDaniel 11/01/2019 
Signature of Notary Public Date Notary Seal


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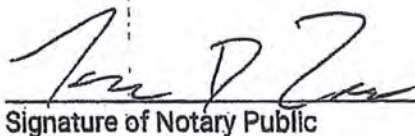
REZONING PROPERTY OWNER'S CERTIFICATION

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Signature of Property Owner


10/29/19
Date

Robert J. Aronoff, Authorized Party
Type or Print Name and Title


Signature of Notary Public

10/29/19
Date



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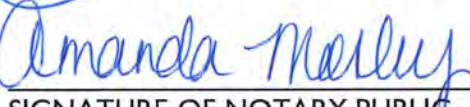
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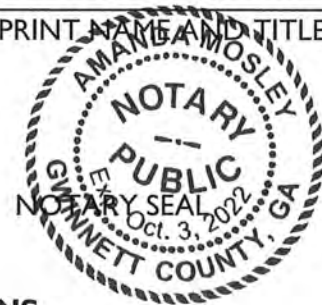
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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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
	11/1/19	Shane M. Lanham, Attorney for Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	11/1/19	
SIGNATURE OF NOTARY PUBLIC	DATE	



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

☒ YES ☐ NO Mahaffey Pickens Tucker, LLP
YOUR NAME

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

NAME AND OFFICIAL 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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Updated 10/02/2019

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: 7 156 011
(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
NAME

TSA - I
TITLE

10-28-19
DATE

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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: 7 - 156 - 012
(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)

Love H Hunley
NAME

TSA-I
TITLE

10-28-19
DATE

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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: 7 - 156 - 013
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

10/30/19
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)

Lovell Aunley
NAME

TSA-I
TITLE

10-28-19
DATE

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JUSTIFICATION FOR REZONING

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 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 MU-R classification as requested by the Applicant, and is not economically suitable for development under the present C-2, R-100, M-2, and/or O-I zoning classifications of Gwinnett County. A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the MU-R 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

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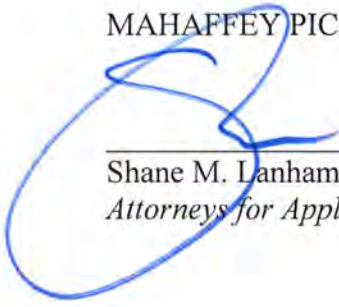
situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the MU-R classification, subject to conditions 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 1st day of November, 2019.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



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