

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>McKinley Homes US, 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>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): <u>R-75 &amp; O-1</u> REQUESTED ZONING DISTRICT: <u>OSC</u>	
LAND DISTRICT(S): <u>6</u> LAND LOT(S): <u>129 &amp; 130</u> ACREAGE: <u>+/- 45.82 acres</u>	
ADDRESS OF PROPERTY: <u>Hammett Road and Sir Gregory Manor</u>	
PROPOSED DEVELOPMENT: <u>Open Space Conservation Subdivision</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>91</u>	No. of Buildings/Lots: <u>NA</u>
Dwelling Unit Size (Sq. Ft.): <u>1,600+ for 1-story; and 1,800+ for 2-story</u>	Total Building Sq. Ft. <u>NA</u>
Gross Density: <u>+/- 1.99 units per acre</u>	Density: <u>NA</u>
Net Density: <u>+/- 2.29 units per acre</u>	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

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SEPTEMBER 4, 2020  
RZR2020-00045

**PROPERTY OWNER LIST**

<b>Name</b>	<b>Address</b>	<b>Parcel</b>
HAMMETT BEND LLC	2639 IVY PLANTATION DR BUFORD GA 30519	R6130A208
HAMMETT BEND LLC	2639 IVY PLANTATION DR BUFORD GA 30519	R6130A099
KENERLY MARY ANN	1688 HIGHWAY 53 HOSCHTON GA 30548	R6130A127
GROVE EDWARD A	PO BOX 2157 LILBURN GA 30048	R6130A204

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SEPTEMBER 4, 2020  
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## **Legal Description**

**ALL THAT TRACT OR PARCEL OF** land lying and being in Land Lots 129 and 130, 6<sup>th</sup> District, Gwinnett County, Georgia, being more particularly described as follows:

**TO FIND THE POINT OF BEGINNING** commence at the intersection of the centerline of Hammett Road (30 easement) and the southerly right of way of Hamilton Road (60 feet right of way); thence southwesterly along the centerline of Hammett Road a distance of 590.29 feet to a point, that is the **POINT OF BEGINNING**; thence leaving said centerline of Hammett Road North 62°46'38" East a distance of 56.82 feet to a point; thence South 26°58'06" East a distance of 159.98 feet to a point; thence North 77°45'28" East a distance of 191.03 feet to a point; thence South 12°15'53" East a distance of 182.41 feet to a point; thence North 80°46'57" East a distance of 34.08 feet to a point located on the Land Lot Line common to Land Lots 129 and 130; thence along said Land lot Line the following courses and distances: South 28°13'31" East a distance of 834.40 feet to a point; thence South 27°40'20" East a distance of 8.81 feet to a point; thence South 29°19'00" East a distance of 540.41 feet to a point; thence South 29°07'38" East a distance of 673.13 feet to a point; thence leaving said Land Lot Line South 50°05'12" West a distance of 168.31 feet to a point located on the northeasterly right of way of Ronald Reagan Parkway (feet right of way varies); thence along said right of way the following courses and distances: thence North 67°49'22" West a distance of 159.00 feet to a point; thence North 71°59'04" West a distance of 639.91 feet to a point; thence North 51°50'47" East a distance of 54.70 feet to a point; thence North 74°59'57" West a distance of 185.68 feet to a point; thence North 73°21'29" West a distance of 212.13 feet to a point; thence North 73°21'29" West a distance of 439.11 feet to a point; thence leaving said right of way North 03°42'04" West a distance of 1266.75 feet to a point; thence North 02°27'36" West a distance of 182.77 feet to a point; thence North 62°46'38" East a distance of 406.72 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 45.821 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.



*Chris Whitley*

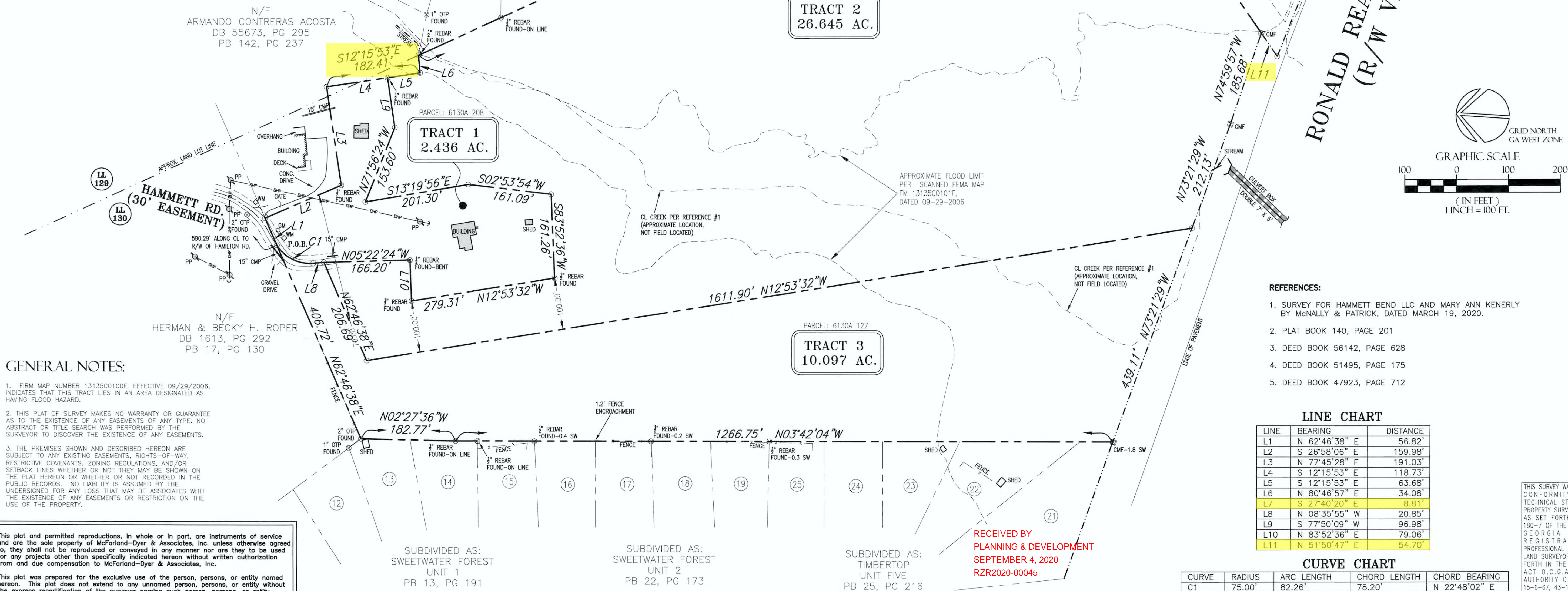
SUPERIOR COURT RECORD INFORMATION

**PARCEL INFO**

TRACT #	PARCEL #	OWNER	ADDRESS	ZONING
1	6130A 208	HAMMETT BEND LLC	260 HAMMETT RD., LAWRENCEVILLE, GA 30044	R75
2	6130A 099	HAMMETT BEND LLC	260 HAMMETT RD., LAWRENCEVILLE, GA 30044	R75
3	6130A 127	MARY ANN KENERLY	HAMMETT RD., LAWRENCEVILLE, GA 30044	R75
4	6130A 204	EDWARD A. GROVE	3308 SIR GREGORY MANOR, LAWRENCEVILLE, GA 30044	O1

TRACT 1: 2.436 AC.  
TRACT 2: 26.645 AC.  
TRACT 3: 10.097 AC.  
TRACT 4: 6.643 AC.  
TOTAL: 45.821 AC.

LEGEND	ABBREVIATIONS
	INV CMP INVERT ELEVATION
	RCP CORRUGATED METAL PIPE
	DIP REINFORCED CONCRETE PIPE
	FFE DUCTILE IRON PIPE
	TBM FINISHED FLOOR ELEVATION
	GM TEMPORARY BENCHMARK
	GV GAS VALVE
	POB POINT OF BEGINNING
	GLM GAS LINE MARKER
	OTP OPEN TOP PIPE
	PB PLAT BOOK
	DB DEED BOOK
	N/F NOW OR FORMERLY
	SSMH SANITARY SEWER MANHOLE
	DWCB DOUBLE WING CATCH BASIN
	SWCB SINGLE WING CATCH BASIN
	FES FLARED END SECTION
	CONC CONCRETE
	OHP OVERHEAD POWER



**GENERAL NOTES:**

1. FIRM MAP NUMBER 13135C0100F, EFFECTIVE 09/29/2006, INDICATES THAT THIS TRACT LIES IN AN AREA DESIGNATED AS HAVING FLOOD HAZARD.
2. THIS PLAT OF SURVEY MAKES NO WARRANTY OR GUARANTEE AS TO THE EXISTENCE OF ANY EASEMENTS OF ANY TYPE, NO ABSTRACT OR TITLE SEARCH WAS PERFORMED BY THE SURVEYOR TO DISCOVER THE EXISTENCE OF ANY EASEMENTS.
3. THE PREMISES SHOWN AND DESCRIBED HEREON ARE SUBJECT TO ANY EXISTING EASEMENTS, RIGHTS-OF-WAY, RESTRICTIVE COVENANTS, ZONING REGULATIONS, AND/OR SETBACK LINES WHETHER OR NOT THEY MAY BE SHOWN ON THE PLAT HEREON OR WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY EASEMENTS OR RESTRICTION ON THE USE OF THE PROPERTY.

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This plat was prepared for the exclusive use of the person, persons, or entity named hereon. 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.

**REFERENCES:**

1. SURVEY FOR HAMMETT BEND LLC AND MARY ANN KENERLY BY McNALLY & PATRICK, DATED MARCH 19, 2020.
2. PLAT BOOK 140, PAGE 201
3. DEED BOOK 56142, PAGE 628
4. DEED BOOK 51495, PAGE 175
5. DEED BOOK 47923, PAGE 712

**LINE CHART**

LINE	BEARING	DISTANCE
L1	N 62°46'38" E	56.82'
L2	S 26°58'06" E	159.98'
L3	N 77°45'28" E	191.03'
L4	S 12°15'53" E	118.73'
L5	S 12°15'53" E	63.68'
L6	N 80°46'57" E	34.08'
L7	S 27°40'20" E	8.81'
L8	N 08°35'55" W	20.85'
L9	S 77°50'09" W	96.98'
L10	N 83°52'36" E	79.06'
L11	N 51°50'47" E	54.70'

**CURVE CHART**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	75.00'	82.26'	78.20'	N 22°48'02" E

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF 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. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.



**MDA**  
McFarland-Dyer & Associates, Inc.  
4774 SHELBY PARK PARKWAY  
SAVANNAH, GEORGIA 31406  
PHONE (770) 932-6550  
FAX (770) 932-6551  
WWW.MCDANET.COM

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 27,664 FEET AND AN ANGULAR ERROR OF ONE SECOND OF AN ARC. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,275 FEET. A TRIMBLE ROBUST TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT. FIELD DATA WAS OBTAINED ON 07/22/2020.

DESCRIPTION	BOUNDARY SURVEY
DATE	07/22/2020
JOB NO.	20-0706
DRAWN BY	CDMP
CHECKED BY	ICW
SURVEYED BY	TW
COPYRIGHT	2020
BY	McFARLAND DYER & ASSOCIATES, INC.

**MCKINLEY HOMES**  
(HAMMETT ROAD TRACTS)

**BOUNDARY SURVEY**  
SHEET 1 OF 1



Legal Description

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SUBDIVIDED AS:  
TIMBERTOP  
UNIT FIVE  
PB 25, PG  
216  
ZONED R-75

SUBDIVIDED AS:  
SWEETWATER FOREST  
UNIT 2  
PB 22, PG 173  
ZONED R-75

SUBDIVIDED AS:  
SWEETWATER FOREST  
UNIT 1  
PB 13, PG 191  
ZONED R-75

SUBDIVIDED AS:  
STRATFORD SQUARE  
UNIT TWO  
PB X, PG 265  
ZONED R-75

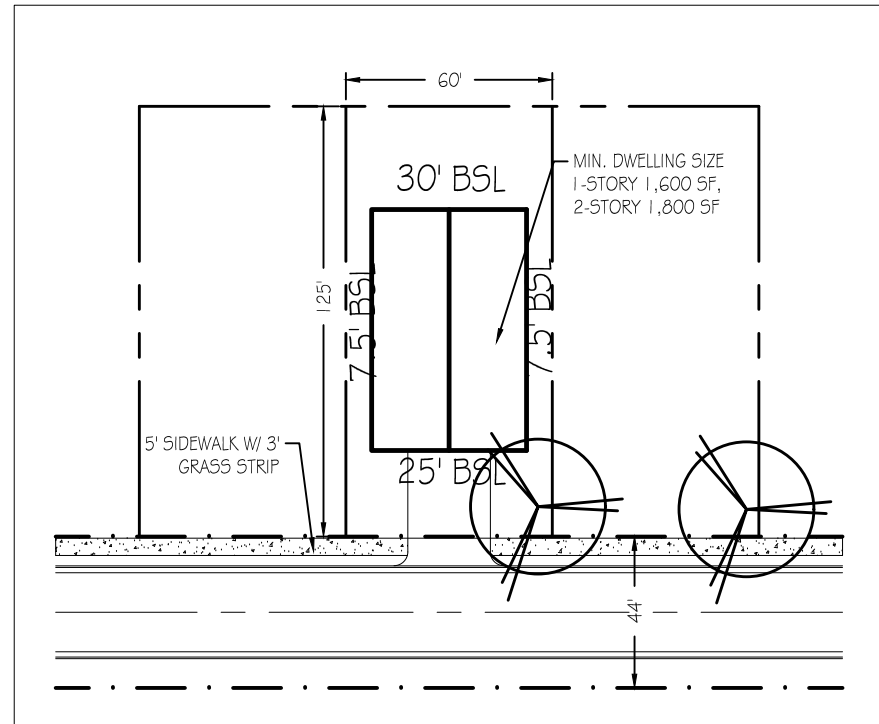
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LOCATION MAP N.T.S.

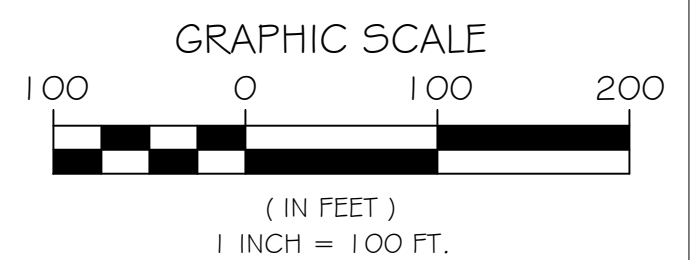
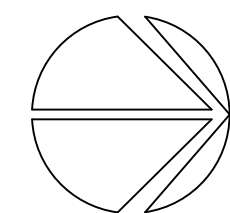
NOTES:

1. SITE AREA = 45.821 ACRES
2. EXISTING ZONING = R75
3. PROPOSED ZONING = R75 OSC
4. MINIMUM LOT SIZE: 7,500 SF
5. MINIMUM CONSERVATION AREA REQUIRED = 40% (15.7 ACRES)
6. CONSERVATION CALCULATIONS:  
PRIMARY CONSERVATION AREA: 621,276 sqft (14.26 ACRES)  
SECONDARY CONSERVATION AREA: 357,898 sqft (8.22 ACRES)  
TOTAL CONSERVATION SPACE: 979,174 (22.48 ACRES) / 57%
7. GROSS DENSITY: 45.821 ACRES  
91 / 45.821 = 1.99 UNITS PER ACRE
8. NET DENSITY: SITE AREA -  $\frac{1}{2}$  FLOOD AREA  
FLOOD AREA : 12.2 ACRES / 2 = 6.1 ACRES  
NET AREA: 39.721 ACRES  
91 / 39.721 = 2.29 UNITS PER ACRE
9. TOTAL OSC LOTS PROVIDED: 91 LOTS
10. SETBACKS:  
EXTERIOR BUFFERS = 25' ADJACENT TO R75 + 50' ADJACENT TO RONALD REGAN PARKWAY  
FRONT SETBACK = 25'  
SIDE SETBACK = 7.5'  
REAR SETBACK = 30'
11. MINIMUM DWELLING SIZE: 1-STORY 1,600 SF, 2-STORY 1,800 SF.



TYPICAL LOT LAYOUT N.T.S.

Parcel Area Table		Parcel Area Table		Parcel Area Table		Parcel Area Table		Parcel Area Table	
Parcel #	Area	Parcel #	Area	Parcel #	Area	Parcel #	Area	Parcel #	Area
1	10591.70	21	8644.84	41	7652.53	61	7500.00	81	10330.22
2	10906.12	22	7871.56	42	7641.35	62	7500.00	82	8503.53
3	10069.74	23	11827.30	43	7575.57	63	7500.00	83	7679.50
4	8303.27	24	8647.66	44	7673.16	64	7500.00	84	7680.00
5	7692.80	25	11814.46	45	7680.00	65	7500.00	85	7680.00
6	7691.58	26	9519.20	46	7680.00	66	7500.00	86	7673.30
7	7690.35	27	7867.40	47	7680.00	67	7500.00	87	7636.51
8	7690.05	28	8292.66	48	7680.00	68	7500.00	88	8789.03
9	7695.23	29	9045.44	49	7680.00	69	7500.00	89	10839.78
10	7701.31	30	9347.11	50	7680.00	70	7500.00	90	16668.18
11	7709.51	31	8949.02	51	10821.57	71	7500.00	91	19900.66
12	7721.60	32	7775.11	52	8700.00	72	7500.00		
13	7727.24	33	7714.42	53	8700.20	73	7500.00		
14	7730.48	34	7672.43	54	14435.31	74	7500.00		
15	7737.02	35	7659.18	55	11220.96	75	7500.00		
16	7818.89	36	7657.88	56	16755.78	76	10684.84		
17	7999.06	37	7671.17	57	12059.74	77	9440.82		
18	8181.39	38	7681.16	58	9902.82	78	8397.98		
19	8397.32	39	7674.91	59	13200.86	79	19003.97		
20	8649.90	40	7663.72	60	7500.00	80	16412.69		



OWNER:  
MCKINLEY HOMES  
655 ENGINEERING DRIVE,  
SUITE 208  
PEACHTREE CORNERS,  
GEORGIA 30092

PROJECT:  
HAMMETT ROAD CONCEPT  
LL 29 & 130, 6TH DISTRICT  
GWINNETT COUNTY, GEORGIA

DATE	DESCRIPTION
8-28-2020	REZONING

JOB NO: 20-0706  
DRAWN BY: CGWMM  
CHECKED BY: JN

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& ASSOCIATES, INC.

REZONING  
CONCEPT  
PLAN





**McFARLAND-DYER  
& ASSOCIATES, INC.**  
4174 SILVER PEAK PARKWAY  
SUWANEE, GEORGIA 30024  
PHONE (770) 932-6550  
FAX (770) 932-6551  
[WWW.GOMDANET](http://WWW.GOMDANET)

OWNEK:  
MCKINLEY HOMES  
655 ENGINEERING DRIVE,  
SUITE 208  
PEACHTREE CORNERS,  
GEORGIA 30092

PROJECT: **HAMMETT ROAD CONCEPT**  
LL 129 & 130, 6TH DISTRICT  
GWINNETT COUNTY, GEORGIA

DATE	DESCRIPTION
-28-2020	REZONING

OB NO: 20-0706  
DRAWN BY: CG/WMM  
CHECKED BY: JN

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& ASSOCIATES, INC.

EXISTING  
FEATURES  
SITE  
ANALYSIS  
PLAN



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

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

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

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

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

- (A) Yes, approval of the proposed development will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed conservations subdivision will complement existing residential land uses while protecting natural areas.
- (B) No, approval of the proposed development will not adversely affect the existing use or usability of any of the nearby properties. The proposed use is compatible with surrounding land uses and the policies of the Gwinnett County 2040 Unified Plan. The proposed use will complement nearby residential development.
- (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, approval of the proposed development will not result in an excessive or burdensome use of the infrastructure systems. The Property is conveniently-located near multiple major thoroughfares with access to utilities.
- (E) Yes, approval of the proposed development would be in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The subject property is located in the Established Neighborhoods Character Area which specifically encourages conservations subdivisions like the proposed development.
- (F) The Applicant submits that the mix of surrounding land uses, the Property's current split-zoning, and the Property's contiguity to land zoned TND 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  
W. Brady Hughes

Shane M. Lanham  
Austen T. Mabe  
Jeffrey R. Mahaffey  
Steven A. Pickens  
Andrew D. Stancil  
R. Lee Tucker, Jr.

**LETTER OF INTENT FOR REZONING APPLICATION**  
**OF MCKINLEY HOMES US, LLC**

\*Of Counsel

Mahaffey Pickens Tucker, LLP, on behalf of McKinley Homes US, LLC (the "Applicant"), submits this Letter of Intent and the attached Rezoning Application (the "Application") for the purpose of rezoning an approximately 45.82-acre tract of land located along Ronald Reagan Parkway between Bethesda Church Road and Lawrenceville Highway (US Route 29) (the "Property"). While the subject Property has frontage on Ronald Reagan Parkway, access would be provided off of Bethesda Church Road via Sir Gregory Manor. The Property is currently zoned R-75 and O-I and is located within the Established Neighborhoods Character Area as set forth on the Gwinnett County 2040 Unified Plan Future Development Map. The Applicant is requesting to rezone the Property to the OSC zoning classification in order to allow a single-family conservation subdivision.

Homes in the proposed community would feature attractive architectural elements with exteriors being constructed with an attractive mix of brick, stone, board and batten, and/or fiber-cement shake or siding. The proposed development would also include over 22 acres of conservation space, which is approximately fifty-seven percent of the Property's overall land area. The proposed development would also provide additional open space areas that could be used as park or common space areas for the use and enjoyment of residents. The Applicant is also requesting to provide 25-foot conservation strips around the perimeter of the Property to provide appropriate buffering and screening for adjacent subdivisions while also working to integrate the proposed development into the surrounding community. Residents of the proposed community would have convenient access to Ronald Reagan Parkway and Lawrenceville Highway via Bethesda Church Road and homes would be located in close proximity to multiple employment, commercial, and entertainment uses along the Lawrenceville Highway corridor.

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Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043  
NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

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The proposed is compatible with the policy and intent of the 2040 Plan which classifies the Property as within the Established Neighborhoods Character Area. Policies for this character area encourage residential infill development that is compatible with surrounding land uses. The 2040 Plan also specifically encourages single-family residential, Conservation Open space subdivisions, mixed residential developments, and even townhomes. The Property is also adjacent to land zoned TND which has frontage on Bethesda Church Road.

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 these Applications.

Respectfully submitted this 4th day of September, 2020.

MAHAFFEY PICKENS TUCKER, LLP



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Shane M. Danham

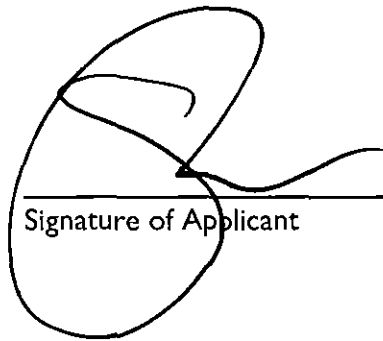
*Attorneys for Applicant*

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RZR2020-00045



**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

9/4/20  
Date

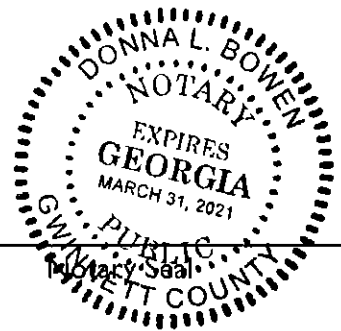
Shane Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

9/4/20  
Date

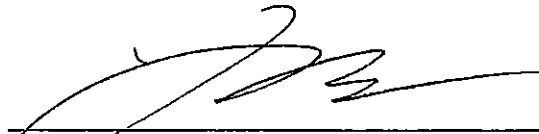


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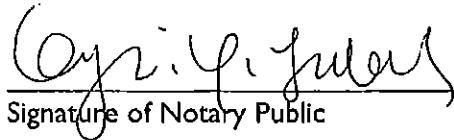
  
\_\_\_\_\_  
Signature of Applicant

08/24/2020

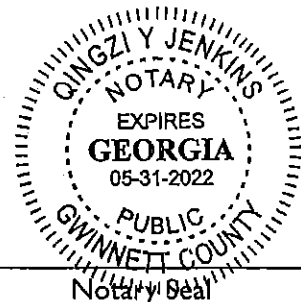
\_\_\_\_\_  
Date

**Jinsong Yang/Managing Member**

\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public

08/24/2020  
\_\_\_\_\_  
Date



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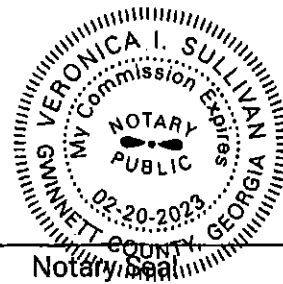
**REZONING PROPERTY OWNER'S CERTIFICATION**

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David H. Freeman 8/31/2020  
Signature of Property Owner Date

Hammett Bend, LLC  
David H. Freeman, Gen Partner  
Type or Print Name and Title

Veronica I. Sullivan 8/31/2020  
Signature of Notary Public Date



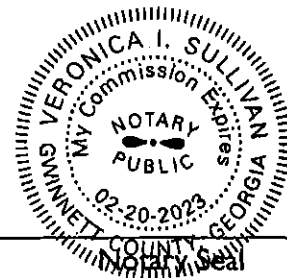
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Theresa Kenedy BOA of Mary Ann Kenedy 9-1-20  
Signature of Property Owner Date

Theresa Kenedy BOA of Mary Ann Kenedy 9-1-20  
Type or Print Name and Title

Veronica Sullivan 9/1/2020  
Signature of Notary Public Date



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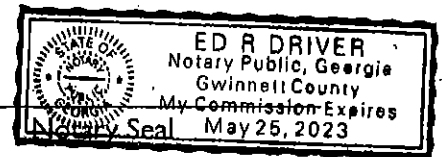
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Edward A. Grove 9/1/20  
Signature of Property Owner Date

EDWARD A. GROVE  
Type or Print Name and Title

Ed R Driver 09-01-2020  
Signature of Notary Public Date



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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

SIGNATURE OF APPLICANT

DATE

TYPE OR PRINT NAME AND TITLE

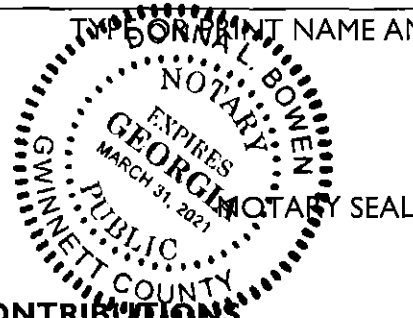
SIGNATURE OF APPLICANT'S  
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE

SIGNATURE OF NOTARY PUBLIC

DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

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

☐

YES

☒

NO

Mahaffey Pickens Tucker, LLP

YOUR NAME

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

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

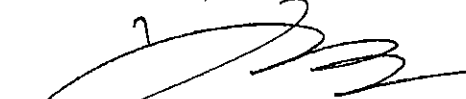
Attach additional sheets if necessary to disclose or describe all contributions.

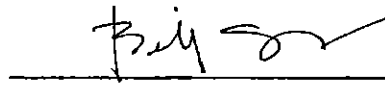
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 08/24/2020 Jinsong Yang/Managing Member  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

 08/24/2020 Bill Schmidt/VP of Investment  
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE  
ATTORNEY OR REPRESENTATIVE

 08/24/2020  
SIGNATURE OF NOTARY PUBLIC DATE



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☐

YES

☒

NO

Jinsong Yang

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)

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

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Know before you go: Check tag office wait times [here](#), and a checklist of required paperwork [here](#).

Property Tax bills will be available Oct. 1 and due Dec. 1. Payments accepted starting Oct. 1, not prior.



Q

## ACCOUNT DETAIL

[View/Pay Your Taxes](#) / [Account Detail](#)

### Tax Account

**Mailing Address:**  
HAMMETT BEND LLC  
2639 IVY PLANTATION DR  
BUFORD, GA 30519-7041

☒ [Change Mailing Address](#)

**SITUS:**  
260 HAMMETT RD  
**Tax District:**  
COUNTY UnIncorporated

Parcel ID	Property Type	Last Update
R6130A208	Real Property	9/2/2020 8:06:09 PM

**Legal Description**  
HAMILTON RD

### Pay Now

No payment due for this account.

### Schedule Payments

[Schedule Future Payments](#)

.....  
[View or edit your Scheduled Payments here](#)

GoPaperless

Click [here](#) to cancel your Paperless Billing enrollment

### Tax Bills

Note: Four years of tax information is available online. Email [tax@gwinnettcountry.com](mailto:tax@gwinnettcountry.com) to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2019	\$895.61	\$895.61	\$0.00	\$0.00	10/15/2019	\$0.00
2018	\$868.77	\$868.77	\$0.00	\$0.00	10/15/2018	\$0.00
2017	\$875.39	\$875.39	\$0.00	\$0.00	10/15/2017	\$0.00
2016	\$658.16	\$658.16	\$0.00	\$0.00	10/15/2016	\$0.00
Total						\$0.00

### Print Tax Bill

Click to view and print your Aug 2019 tax bill.

\* This bill is good through Oct 15, 2019 only.



**gwinnettcountry**  
**Assessor's Office**  
GIS & Property Record Detail

Select Language | ▼



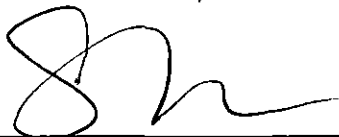
**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

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)

6 - 130 - A099  
District Land Lot Parcel



Signature of Applicant

9/3/2020

Date

**Shane Lanham, Attorney for the Applicant**

Type or Print Name and Title

---

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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)

Ingrid Umazor  
NAME

TSA II  
TITLE

9/3/2020  
DATE

---

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**PARCEL I.D. NUMBER:** 6 - 130 - A127  
(Map Reference Number) District Land Lot Parcel

Shane Lanham 9/3/2020  
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)

Ingrid Umazor TSAIF  
NAME TITLE  
9/3/2020  
DATE

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**PARCEL I.D. NUMBER:**  
(Map Reference Number)

4 - 136 - A204  
District Land Lot Parcel

Signature of Applicant

9/4/20  
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

**TAX COMMISSIONERS USE ONLY**

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Ingrid Umanzor  
NAME

TSA #  
TITLE

9/3/2020  
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 OSC classification as requested by the Applicant, and is not economically suitable for development under the present R-75 and 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 OSC 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,

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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.

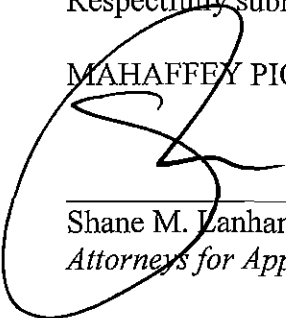
Opponents to the request set forth in the Application, or in any amendments to the Application, have waived their rights to appeal any decision of the Gwinnett County Board of Commissioners because they lack standing, have failed to exhaust administrative remedies, and/or because they failed to assert any legal or constitutional objections.

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

This 4th day of September, 2020.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



---

Shane M. Lanham  
*Attorneys for Applicant*

1550 North Brown Road  
Suite 125  
Lawrenceville, Georgia 30043  
(770) 232-0000

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