

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Northpointe Communities, LLC c/o Mahaffey Pickens Tucker, LLP</u> ADDRESS: <u>1550 North Brown Road, Suite 125</u> CITY: <u>Lawrenceville</u> STATE: <u>Georgia</u> ZIP: <u>30043</u> PHONE: <u>770.232.0000</u>	NAME: <u>Northpointe Realty Investments, LLC</u> ADDRESS: <u>3276 Buford Dr, Ste 104-102</u> CITY: <u>Buford</u> STATE: <u>Georgia</u> ZIP: <u>30519</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:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): R-100 REQUESTED ZONING DISTRICT: TND  
 LAND DISTRICT(S): 5 LAND LOT(S): 099 ACREAGE: +/- 26.465 acres  
 ADDRESS OF PROPERTY: Brushy Fork Road @ Temple Johnson Road  
 PROPOSED DEVELOPMENT: Single-family residential subdivision

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>80</u>	No. of Buildings/Lots: <u>NA</u>
Dwelling Unit Size (Sq. Ft.): <u>1,600 + Sq. Ft.</u>	Total Building Sq. Ft.: <u>NA</u>
Gross Density: <u>+/- 3.11 units per acre</u>	Density: <u>NA</u>
Net Density: <u>+/- 3.26 units per acre</u>	

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

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## Legal Description

All that tract or parcel of land containing 26.465 acres lying and being in Land Lot 99 of the 5<sup>th</sup> District located in Gwinnett County, being shown as Tracts 1, 2 and 3 on a Boundary Survey for Northpointe Realty Investments, LLC, prepared by Griffin Land Surveying, Inc., Jeff Griffin, GRLS No. 2503, dated 11/17/17, and being more particularly described as follows:

To arrive at the **True Point of Beginning**, commence at a point where the southeasterly 80' right of way of Temple Johnson Road intersects the southwesterly 60' right of way of Brushy Fork Road, this point being the **True Point of Beginning**;

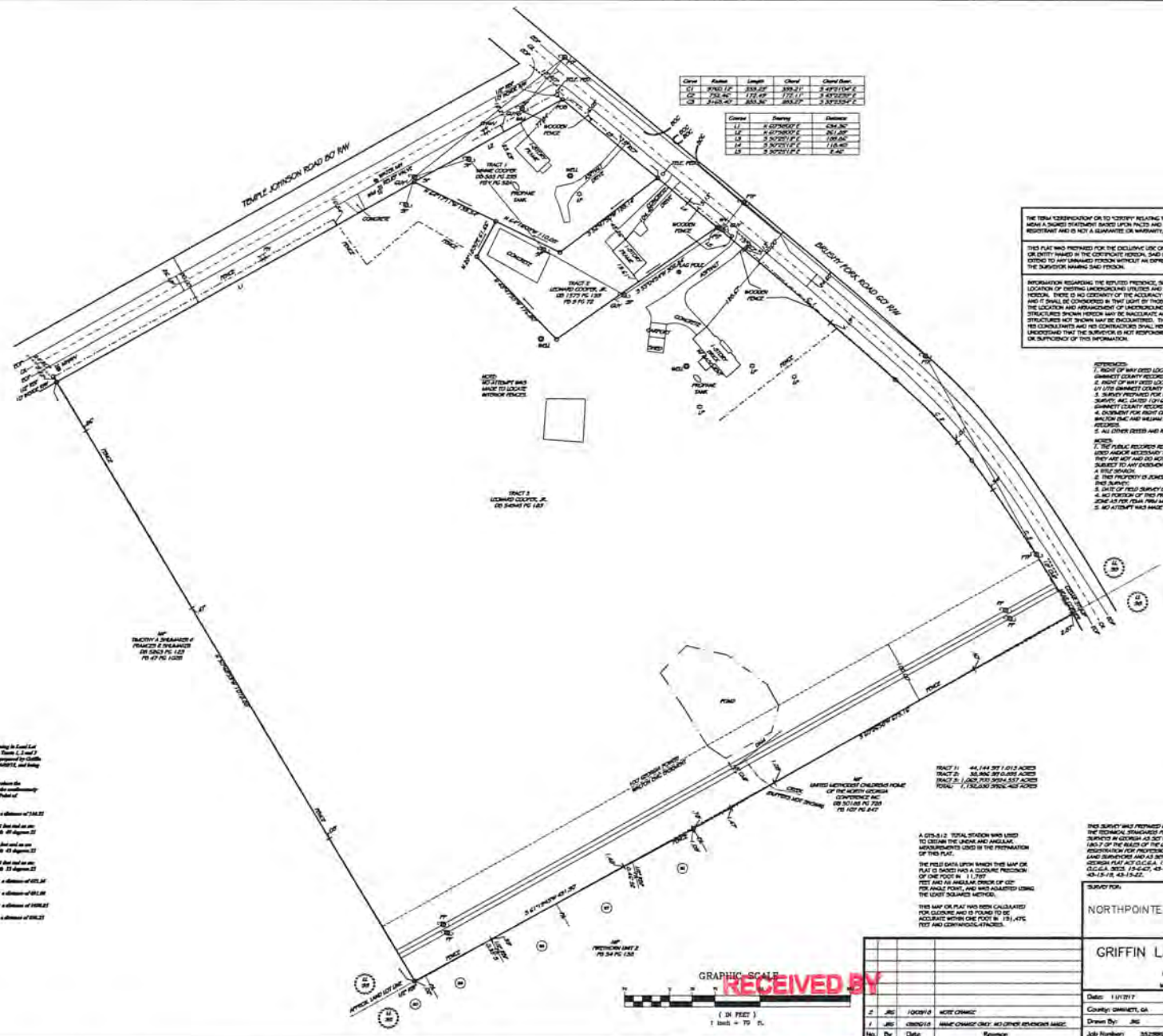
- running thence **South** 50 degrees 25 minutes 12 seconds **East** a distance of 310.72 feet to a point;
- running thence along a curve to the right have a radius of 9760.12 feet and an arc length of 359.23 feet, said arc subtended by a chord bearing **South** 49 degrees 21 minutes 04 seconds **East** a distance of 359.21 feet to a point;
- running thence along a curve to the right have a radius of 752.46 feet and an arc length of 172.49 feet, said arc subtended by a chord bearing **South** 43 degrees 22 minutes 39 seconds **East** a distance of 172.11 feet to a point;
- running thence along a curve to the right have a radius of 3168.40 feet and an arc length of 283.36 feet, said arc subtended by a chord bearing **South** 33 degrees 23 minutes 34 seconds **East** a distance of 283.27 feet to a point;
- running thence **South** 60 degrees 26 minutes 58 seconds **West** a distance of 673.16 feet to a point;
- running thence **South** 61 degrees 19 minutes 45 seconds **West** a distance of 491.90 feet to a 1/2" rebar found;
- running thence **North** 30 degrees 48 minutes 33 seconds **West** a distance of 1078.85 feet to a point;
- running thence **North** 60 degrees 58 minutes 00 seconds **East** a distance of 896.25 feet to the **True Point of Beginning**.

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RZR '20 003



Circle	Radius	Length	Chord	Chord Area
C1	1.0000	1.5708	1.5708	0.7854
C2	2.0000	3.1416	3.1416	3.1416
C3	3.0000	4.7124	4.7124	7.0686

Circle	Diameter	Area
C1	2.0000	3.1416
C2	4.0000	12.5664
C3	6.0000	28.2743
C4	8.0000	50.2656
C5	10.0000	78.5398

THE TRAVELER(S) OR TO TRAVELER(S) RELATING TO LAND SURVEYING SERVICES SHALL BE A SOUND INVESTMENT BASED UPON FACTS AND INFORMATION KNOWN TO THE SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESS OR IMPLIED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE COMPLETE RECORD. SAID SURVEYOR DOES NOT INTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECEPTION BY THE SURVEYOR MAKING SAID PERSON.

INFORMATION REGARDING THE SERVICES PROVIDED, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO GUARANTEE OF THE ACCURACY OF THIS INFORMATION, AND IT SHALL BE CONSIDERED BY THAT PARTY BY WHOM THIS DRAWING, LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES IS MADE HEREON MAY BE INACCURATE AND UNRELIABLE AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONTRACTORS AND HIS CONTRACTORS SHALL HEREBY HEREBY HEREBY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

- NOTICES:**
1. BOOK OF MAPS ISSUED LOCATED AT 101.1534 ACRES RECORDED IN 2017 GANNETT COUNTY RECORDS.
  2. BOOK OF MAPS ISSUED LOCATED AT 101.1534 ACRES RECORDED IN 2017 GANNETT COUNTY RECORDS.
  3. SURVEY PREPARED FOR TRACT 1 EDWARD COOPER, JR. 10.50 ACRES IN 1975 BY JAMES W. GIBSON AND GUYTON L. GIBSON ARE RECORDED AT 101.1534 ACRES IN 1975 GANNETT COUNTY RECORDS.
  4. EASEMENT FOR FRONT OF MAP LOCATED AT 101.1534 ACRES BETWEEN MAP FOR ONE HALF ACRES RECORDED IN 2017 GANNETT COUNTY RECORDS.
  5. ALL OTHER DEEDS AND REFERENCES ARE SHOWN HEREON.
- NOTES:**
1. THE PUBLIC RECORDS REFERENCED ON THIS PLAT MAY INCLUDE FUTURE LOTS AND/OR NECESSARY TO THE CONTINUITY OF THE PROPERTY. THEY ARE NOT AND ARE NOT INTENDED TO BE THE SUBJECT PROPERTY OF SUBJECT TO ANY ENCUMBRANCES, EASEMENTS, ETC. REFERENCED BY A REFERENCE TO THIS PLAT.
  2. THE PUBLIC RECORDS REFERENCED ON THIS PLAT MAY INCLUDE FUTURE LOTS AND/OR NECESSARY TO THE CONTINUITY OF THE PROPERTY. THEY ARE NOT AND ARE NOT INTENDED TO BE THE SUBJECT PROPERTY OF SUBJECT TO ANY ENCUMBRANCES, EASEMENTS, ETC. REFERENCED BY A REFERENCE TO THIS PLAT.
  3. DATE OF THIS SURVEY IS 1/10/2019.
  4. NO PORTION OF THIS PROJECT HAS WITHIN A DESIGNATED FLOOD ZONE AS PER FEMA FIRM MAP 17132C0140P DATED SEPTEMBER 2014 AND ANY PART HAS MADE TO LOCATE WATER FENCES.

**LOCAL GOVERNMENT:**  
 ALL DISTRICTS OF THE COUNTY OF GANNETT SHALL BE IN FULL FORCE AND EFFECT AS OF THE DATE OF THIS SURVEY. THE LOCAL GOVERNMENT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LOCAL GOVERNMENT RECORDS AND SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LOCAL GOVERNMENT RECORDS AND SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LOCAL GOVERNMENT RECORDS.

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THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYING AS SET FORTH IN CHAPTER 140 OF THE RULES OF THE GEORGIA BOARD OF PROFESSIONAL SURVEYING ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT, O.C.G.A. § 43-2-2. ACCURACY CLASSIFICATION: 1/4" = 1" (1:48,000) (19-2-2017, 43-2-2, 43-2-14, 43-2-15, 43-2-16).

A 0.015-0.12 TOTAL STATION WAS USED TO OBTAIN THE BEARINGS AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE PEGS WITH WHICH THIS MAP OR PLAT IS MADE HAS A CLOSURE ERROR OF ONE FOOT IN 11,700 FEET AND AN ANGULAR ERROR OF ONE SECOND OF AN ARC AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 175,476 FEET AND CORRESPONDING ANGLES.



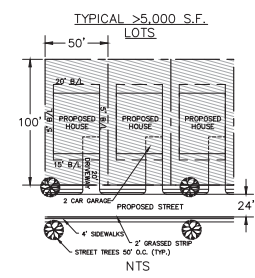
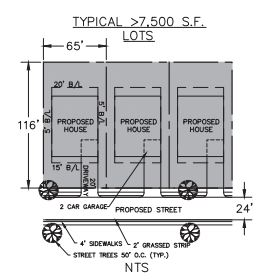
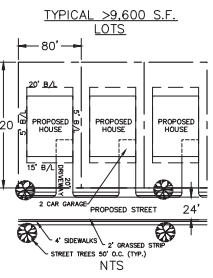
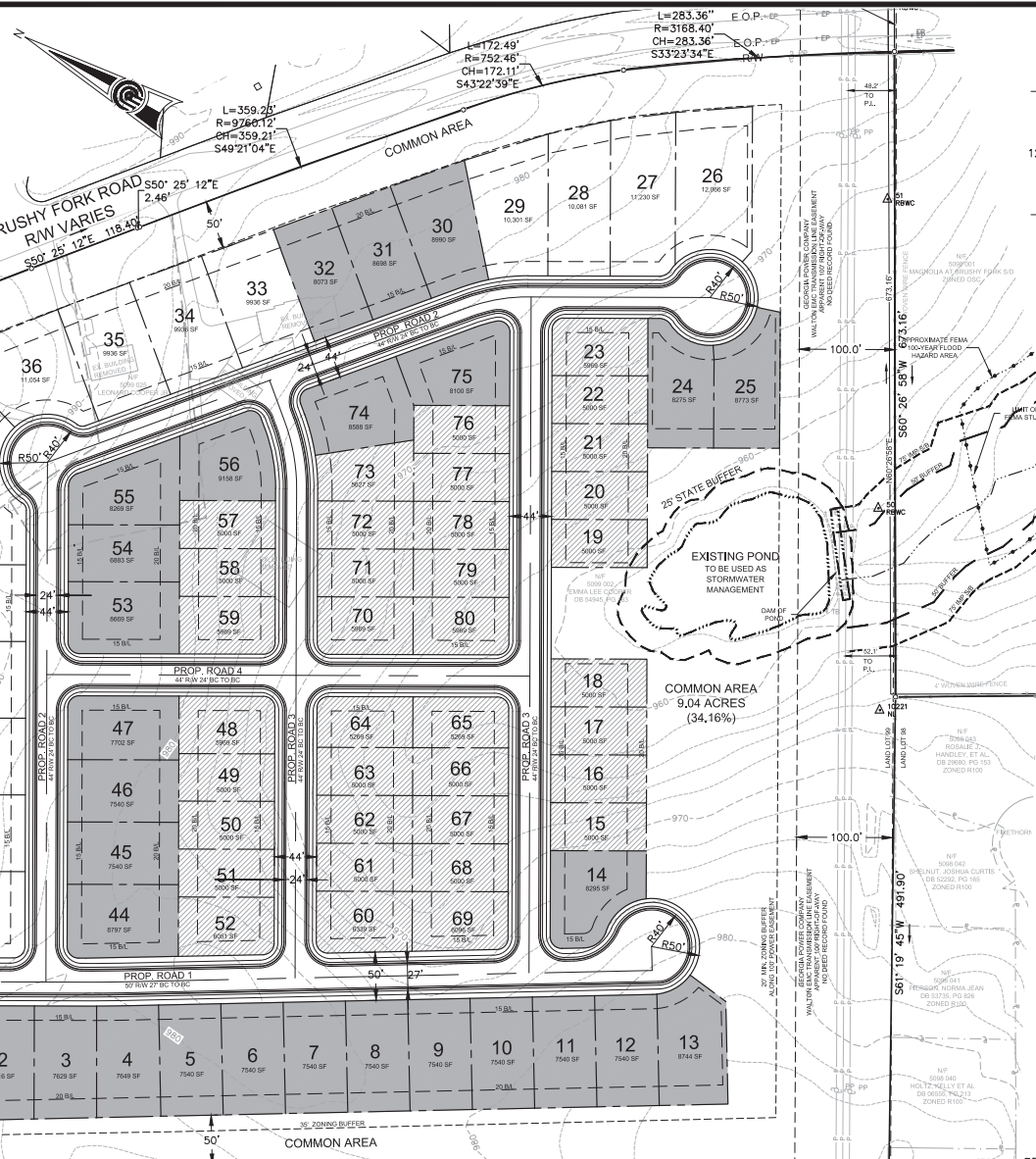
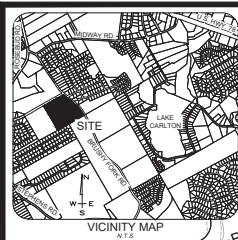
**LEGEND**

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NORTHPOINTE REALTY INVESTMENTS, L.L.C.	
GRIFFIN LAND SURVEYING, INC.	
2574 SOUTH OXLEY DRIVE, SUITE A LAWRENCEVILLE, GEORGIA 30046 (770) 962-9125 WWW.GRIFFINLANDSURVEYING.COM	
Date: 1/10/2019	Level: 308
County: GANNETT, GA	Scale: 1"=75'
Drawn By: JMS	Checked By: JMS
Job Number: 152298165	File Number:

No.	By	Date	Reason
1	JMS	1/10/2019	NOTE CHANGE
2	JMS	1/10/2019	NAME CHANGE ONLY, NO OTHER REVISIONS MADE

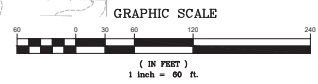
OCT 31 2019 RZR '2000 3



**NOTES**

1. CURRENT ZONING - R100
  2. PROPOSED ZONING = TND
  3. TOTAL AREA = 26.465 ACRES
  4. NET ACREAGE = 25.135 ACRES
  5. TOTAL LOTS = 80
  6. GROSS DENSITY = 3.02 UNITS/AC
  7. NET DENSITY = 3.18 UNITS/AC\*
  8. MAX DENSITY = 8 UNITS/AC
  9. COMMON AREA = 34.16% PROVIDED\*\*  
20% REQUIRED
  10. LOT BREAKDOWN:  
15 - 9500 SF LOTS  
29 - 7500 SF LOTS  
36 - 5000 SF LOTS
  11. THERE IS NO FLOODPLAIN ON THIS PROPERTY FROM A WATER COURSE WITH A DRAINAGE AREA EXCEEDING 100 ACRES PER FIRM PANEL 1313500140F, EFFECTIVE SEPTEMBER 29, 2006.
  12. BOUNDARY SURVEY BY GRIFFIN LAND SURVEYING, INC. DATED 11/17/2017. TOPOGRAPHIC INFORMATION IS FROM GWINNETT COUNTY GIS.
  13. ALL GARAGES TO BE FRONT ENTRY.
  14. PROPOSED MINIMUM DWELLING SIZE:  
1 STORY = 16000 S.F.  
2 STORY = 18000 S.F.
  15. IN ACCORDANCE WITH THE NATIONAL WETLANDS INVENTORY, THE ONLY WETLANDS ON SITE ARE WITHIN THE EXISTING POND.
- \*NET DENSITY = # OF LOTS (80) DIVIDED BY TOTAL AREA (26.465 AC) - POWER EASEMENT (2.66 AC)/2
- \*\*COMMON AREA CALCULATIONS = 34.16% TOTAL  
11.34% IN POWER EASEMENT & EXISTING POND  
22.82% OUTSIDE OF POWER EASEMENT & EXISTING POND

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NOVEMBER 5, 2019  
RZR2020-00003



**OWNER / DEVELOPER**  
NORTHPOINT HOLDINGS LLC  
3278 BUFORD DRIVE, SUITE 104-102  
BUFORD, GA 30519  
CONTACT: BILL AUSTIN  
PHONE: (404) 597-8242  
EMAIL: BILL.AUSTIN@NFCPLANTAMA.COM

**LANDSCAPE ARCHITECT**  
PRECISION PLANNING, INC.  
400 FIVE BOULEVARD  
LAWRENCEVILLE, GA 30046  
CONTACT: STEVE SAMPSON  
PHONE: 770-338-8149  
EMAIL: 74958@PPRI.US

**GEORGIA811**  
Utility Professionals of Georgia  
Ring up before you dig. Call before you dig.

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**PRECISION Planning Inc.**  
planners • engineers • architects • surveyors  
400 Five Boulevard, Lawrenceville, GA 30046  
770.338.8100 • www.ppri.us

**BRUSHY FORK ROAD TRACT**  
1500 BRUSHY FORK ROAD  
TALLASSEE, GA 31505  
TAX ID: 580802, 690017 & 509025  
UNINCORPORATED GWINNETT COUNTY, GA

REZONING EXHIBIT

DATE	NO. DESCRIPTION	BY	CS	SWS
11/05/19	1 REFERENCE GRIFFIN'S BOUNDARY	CS	CS	SWS

17219  
PROJECT NO.

1 OF 1

**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

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

Please see attached

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

Please see attached

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- (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

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

Please see attached

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- (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 in close proximity to Athens Highway (US Route 78) and is near a variety of land uses including traditional single-family detached subdivisions, churches, schools, and a large industrial facility.
- (B) No, the proposed Rezoning Application 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 2040 Plan.
- (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 is located in close proximity to a major thoroughfare and has access to utilities.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County Land Use Plan. The Property is designated as within the Suburban Estate Living Character Area which encourages residential development.
- (F) The Applicant submits that the mix of surrounding land uses and the subject Property's proximity to Athens Highway 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 NORTHPOINTE COMMUNITIES, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Rezoning Application on behalf of Northpointe Communities, LLC (the "Applicant") for the purpose of requesting the rezoning of an approximately 26.465-acre tract (the "Property") located on Brushy Fork Road at its intersection with Temple Johnson Road just south of Athens Highway (US Route 78). The Property is currently zoned R-100. The Applicant proposes to develop an attractive single-family residential community under the Traditional Neighborhood Development District zoning classification (TND) consisting of 80 homes with a variety of house styles and designs. The proposed development would be served by a single entrance on Temple Johnson Road.

The proposed development would include three different home types including detached homes on large, medium, and small lots as set forth in the Gwinnett County Unified Development Ordinance (the "UDO"). Single-story homes would have a minimum area of 1,600 square feet with two-story homes beginning at 1,800 square feet. The site was designed with the larger lots on the external road frontages and the small and medium-sized lots located internally. This design creates an appropriate transition of land uses the intersection of Temple Johnson Road and Brushy Fork Road towards additional single-family detached developments to the south. Moreover, additional buffering is provided along the Property's southerly boundary lines to provide appropriate separation from adjacent residential uses and to provide additional open space and common area. Specifically, the UDO requires a minimum of 20% common area for the TND zoning classification, but the proposed development provides over 31% common area for the use and enjoyment of residents. The proposed development also meets or exceeds the minimum buffer requirements set forth in the UDO. Even though no buffer is required adjacent to land zoned OSC for TND developments less than 4.0 units per acre, the proposed

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 NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022  
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 www.mptlawfirm.com

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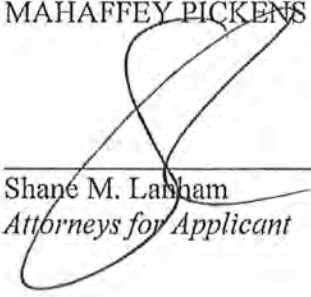
development continues the 20-foot-wide buffer along the 100-foot-wide power easement providing approximately 120 feet of separation. Moreover, the UDO requires a 30-foot wide buffer where adjacent to R-100, but the proposed development would provide a 35-foot wide buffer inside a 50-foot wide strip of common area. Taking the provided 50-foot wide common area strip and combining it with the minimum rear yard setback of lots along that property line effectively provides a minimum 70-foot wide building setback from the Property's southwesterly boundary line.

The proposed community would consist of homes at a size, quality, and price-point commensurate with or exceeding homes in the surrounding area. The proposed homes would include double-car garages as well as attractive architectural elements which are compatible with the surrounding area. The front façades of the homes would be constructed primarily of brick, stone, shake/siding, and/or board and batten as depicted in the building elevations submitted with the Application. The proposed development is also compatible with the recently-approved small-lot senior development to the north across Temple Johnson 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 Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 30th day of October, 2019.

MAHAFFEY PICKENS TUCKER, LLP

  
\_\_\_\_\_  
Shane M. Lanham  
*Attorneys for 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.

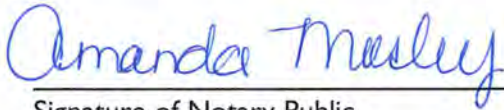


Signature of Applicant

10/24/19  
Date

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public

10/24/19

Date



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**REZONING APPLICANT'S CERTIFICATION**


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

9/27/2019  
\_\_\_\_\_  
Date

Northpointe Realty Investments, LLC by Gwinnett Development Corporation,  
Its Manager,  
William Austin, President 

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

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

9-27-19  
\_\_\_\_\_  
Date



\_\_\_\_\_  
Notary Seal

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**REZONING PROPERTY OWNER'S CERTIFICATION**


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

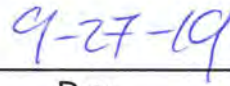
  
\_\_\_\_\_  
Signature of Property Owner


  
\_\_\_\_\_  
Date

Northpointe Realty Investments, LLC by Gwinnett Development Corporation,  
Its Manager,  
William Austin, President

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

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

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Notary Seal

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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

                      10/24/19                      Shane M. Lanham, Attorney for Applicant

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

                      10/24/19                      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 OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Please see attached.		

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

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**CONFLICT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN  
CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS**

**MAHAFFEY PICKENS TUCKER, LLP**

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
None		

**JEFF MAHAFFEY**

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Clint Dixon	\$1500	06/26/2019

**LEE TUCKER**

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Clint Dixon	\$1000	06/26/2019

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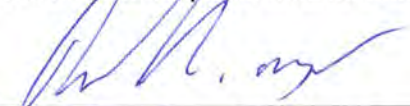
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**RZR '20 003**

**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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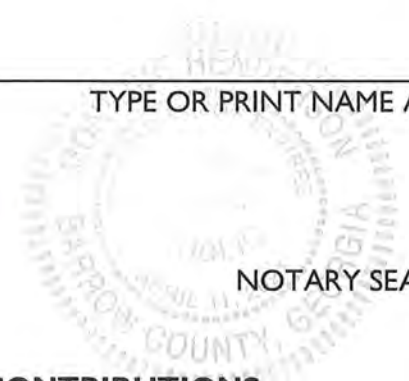
  
 \_\_\_\_\_  
 SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

**William Austin**

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

                      9-27-19  
 \_\_\_\_\_

SIGNATURE OF NOTARY PUBLIC                      DATE                      NOTARY SEAL



**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    William Austin  
 \_\_\_\_\_  
 YOUR NAME

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

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

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

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

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

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

**PARCEL I.D. NUMBER:**                      5                      - 099                      - 002  
(Map Reference Number)                      District                      Land Lot                      Parcel

  
Signature of Applicant

9/30/19  
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)

  
NAME

TSA II  
TITLE

9-27-19  
DATE

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

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

**PARCEL I.D. NUMBER:**                      5                      -                      099                      -                      017  
(Map Reference Number)                      District                      Land Lot                      Parcel

Signature of Applicant

9/30/19  
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)

Julie Smith  
NAME

TSA II  
TITLE

9-27-19  
DATE

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

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

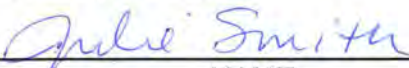
**PARCEL I.D. NUMBER:** 5 - 099 - 025  
(Map Reference Number) District Land Lot Parcel

 \_\_\_\_\_  
Signature of Applicant Date 9/30/19

Shane Lanham, Attorney for the Applicant  
\_\_\_\_\_  
Type or Print Name and Title

**TAX COMMISSIONERS USE ONLY**

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

 \_\_\_\_\_  
NAME TITLE TSA II  
9-27-19 \_\_\_\_\_  
DATE

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## JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Zoning Resolution 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 Gwinnett County Zoning Resolution 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 Owners' 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 TND classification as requested by the Applicant, and is not economically suitable for development under the present R-100 zoning classification of Gwinnett County. A denial of 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 TND

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classification with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the TND 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 Owners' 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 25<sup>th</sup> day of October, 2019

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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