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1/6/2022 11:05AM

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
Rich-West Properties c/o Mahaffey Pickens NAME: <u>Tucker, LLP</u>	NAME: <u>DEESCO, Inc.</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>PO BOX 186</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Lawrenceville, Georgia 30043</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30046</u>
PHONE: <u>770-232-0000</u>	PHONE: <u>770 232 0000</u>
CONTACT PERSON: <u>Samuel Kennon</u> PHONE: <u>770 232 0000</u>	
CONTACT'S E-MAIL: <u>skennon@mptlawfirm.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

RM, R75, &

PRESENT ZONING DISTRICTS(S): C2 REQUESTED ZONING DISTRICT: R-TH

PARCEL NUMBER(S): 5082 218 & 5079 028 ACREAGE: 7.13

ADDRESS OF PROPERTY: Intersection of Monfort Road and Monfort Way

PROPOSED DEVELOPMENT: Single family townhome community.

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>46</u>	No. of Buildings/Lots: <u>N/A</u>
Dwelling Unit Size (Sq. Ft.): <u>Varies per UDO</u>	Total Building Sq. Ft. <u>N/A</u>
Gross Density: <u>6.45</u>	Density: <u>N/A</u>
Net Density: <u>6.45</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LAND DESCRIPTION

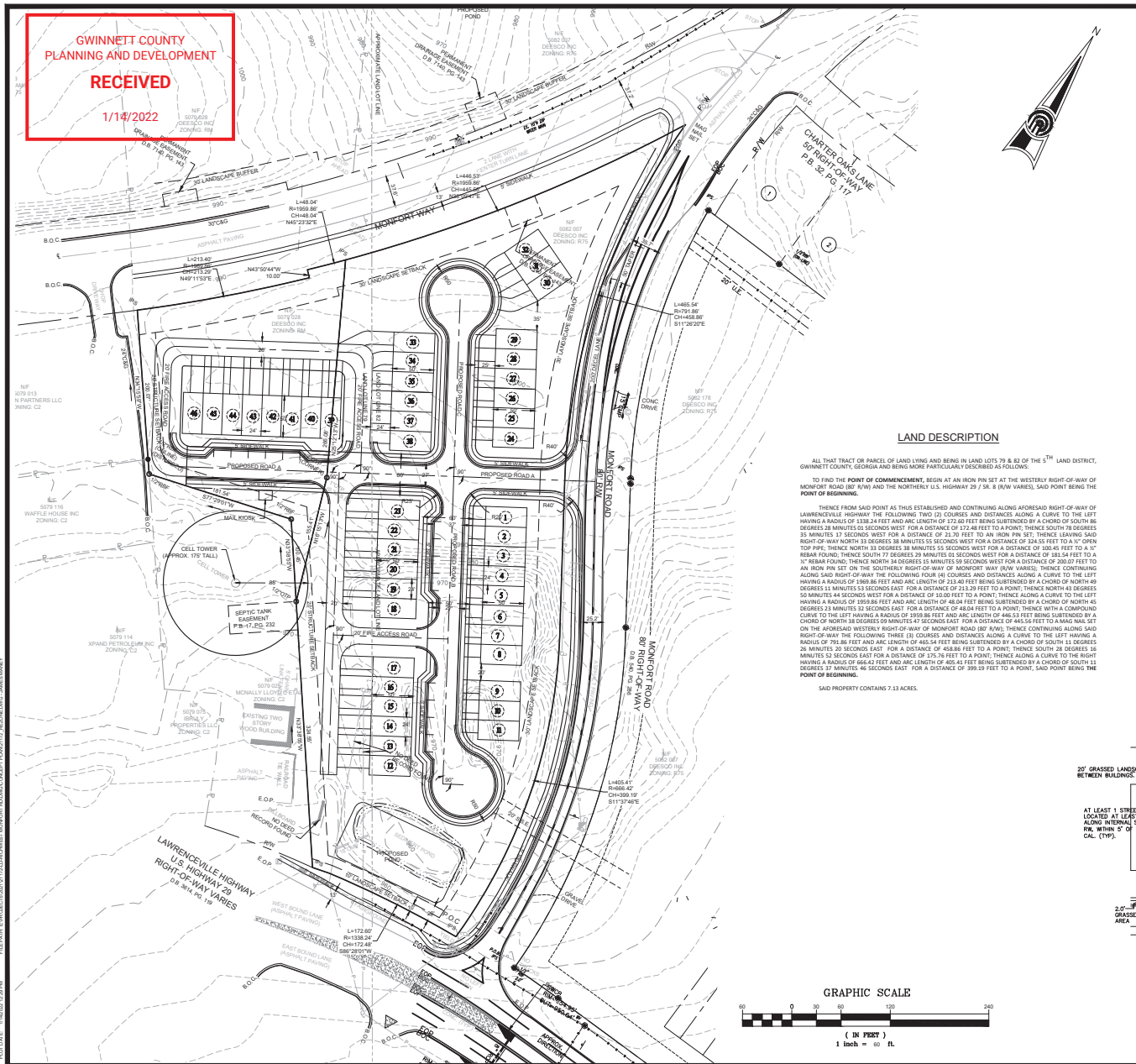
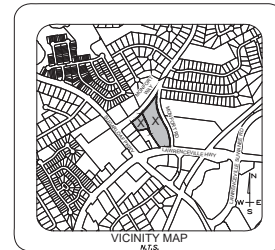
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 79 & 82 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF COMMENCEMENT, BEGIN AT AN IRON PIN SET AT THE WESTERLY RIGHT-OF-WAY OF MONFORT ROAD (80' R/W) AND THE NORTHERLY U.S. HIGHWAY 29 / SR. 8 (R/W VARIES), SAID POINT BEING THE POINT OF BEGINNING.

THENCE FROM SAID POINT AS THUS ESTABLISHED AND CONTINUING ALONG AFORESAID RIGHT-OF-WAY OF LAWRENCEVILLE HIGHWAY THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1338.24 FEET AND ARC LENGTH OF 172.60 FEET BEING SUBTENDED BY A CHORD OF SOUTH 86 DEGREES 28 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 172.48 FEET TO A POINT; THENCE SOUTH 78 DEGREES 35 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 21.70 FEET TO AN IRON PIN SET; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 33 DEGREES 38 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 324.55 FEET TO A ½" OPEN TOP PIPE; THENCE NORTH 33 DEGREES 38 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 100.45 FEET TO A ½" REBAR FOUND; THENCE SOUTH 77 DEGREES 29 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 181.54 FEET TO A ½" REBAR FOUND; THENCE NORTH 34 DEGREES 15 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 200.07 FEET TO AN IRON PIN SET ON THE SOUTHERLY RIGHT-OF-WAY OF MONFORT WAY (R/W VARIES); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1969.86 FEET AND ARC LENGTH OF 213.40 FEET BEING SUBTENDED BY A CHORD OF NORTH 49 DEGREES 11 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 213.29 FEET TO A POINT; THENCE NORTH 43 DEGREES 50 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 10.00 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1959.86 FEET AND ARC LENGTH OF 48.04 FEET BEING SUBTENDED BY A CHORD OF NORTH 45 DEGREES 23 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 48.04 FEET TO A POINT; THENCE WITH A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 1959.86 FEET AND ARC LENGTH OF 446.53 FEET BEING SUBTENDED BY A CHORD OF NORTH 38 DEGREES 09 MINUTES 47 SECONDS EAST FOR A DISTANCE OF 445.56 FEET TO A MAG NAIL SET ON THE AFORESAID WESTERLY RIGHT-OF-WAY OF MONFORT ROAD (80' R/W); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 791.86 FEET AND ARC LENGTH OF 465.54 FEET BEING SUBTENDED BY A CHORD OF SOUTH 11 DEGREES 26 MINUTES 20 SECONDS EAST FOR A DISTANCE OF 458.86 FEET TO A POINT; THENCE SOUTH 28 DEGREES 16 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 175.76 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 666.42 FEET AND ARC LENGTH OF 405.41 FEET BEING SUBTENDED BY A CHORD OF SOUTH 11 DEGREES 37 MINUTES 46 SECONDS EAST FOR A DISTANCE OF 399.19 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID PROPERTY CONTAINS 7.13 ACRES.

**GWINNETT COUNTY
PLANNING AND DEVELOPMENT
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1/14/2022



LAND DESCRIPTION

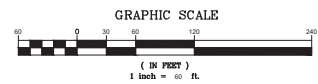
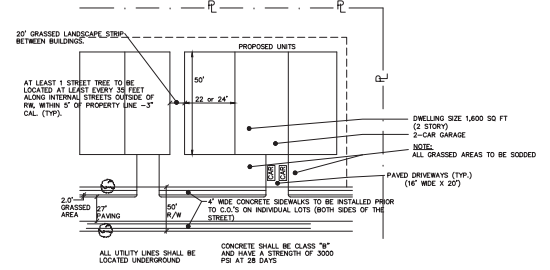
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SAID PROPERTY CONTAINS 7.13 ACRES.

- NOTES**
- CURRENT ZONING RM, PROPOSED ZONING R-TH (PARCEL #S: 5079 028 & 5082 007)
 - TOTAL AREA = 7.13 ACRES
 - NET ACREAGE = 7.13 ACRES
 - TOTAL LOTS = 46
 - GROSS DENSITY = 6.45 UNITS/AC
 - NET DENSITY = 6.45 UNITS/AC
 - MAX DENSITY = 10 UNITS/AC
 - COMMON AREA = 2.08 ACRES (90,604.80 SQ. FT.) 31.85% PROVIDED MINIMUM CONTIGUOUS COMMON AREA 3,000 SQ. FT.
 - IF THERE IS NO FLOODPLAIN ON THIS PROPERTY FROM A WATER COURSE WITH A DRAINAGE AREA EXCEEDING 100 ACRES PER FIRM PANEL 13135C0087F, EFFECTIVE SEPTEMBER 29, 2006.
 - BOUNDARY & TOPOGRAPHIC INFORMATION IS FROM GWINNETT COUNTY GIS.
 - PROPOSED MINIMUM DWELLING SIZE: TOWNHOMES 1600 S.F.
 - MAXIMUM BUILDING HEIGHT FOR TOWNHOMES = 35 FT
 - WETLANDS DO NOT EXIST ON OR WITHIN 200 FEET OF THE PROJECT SITE.
 - STATE WATERS DO NOT EXIST ON OR WITHIN 200 FEET OF THE PROJECT SITE.
 - PARKING PER UNIT: 2 DOUBLE-CAR GARAGE + 1 CAR DRIVEWAY = MINIMUM 138 PRIVATE PARKING SPACES WITHIN UNITS
 - OFF STREET PARKING PROVIDED AT A RATIO OF 0.25 SPACE/DWELLING UNIT: 0.25X46 = 12 PARKING SPACES REQUIRED 13 PARKING SPACES PROVIDED
 - EXTERNAL SETBACKS ALONG PROPERTY ZONED R-75: MINIMUM BUFFER OF 30 FEET PROPOSED BUFFER OF 30 FEET



R-TH UNIT LAYOUT

OWNER / DEVELOPER
RICH WEST PROPERTIES, LLC
200 CONSTITUTION BOULEVARD
LAWRENCEVILLE, GA 30046
CONTACT: MARK RICHARDSON
PHONE: (770) 951-4131
EMAIL: MARK@RWHOMES.COM

ENGINEER
PRECISION PLANNING, INC.
400 PINE BOULEVARD
LAWRENCEVILLE, GA 30046
CONTACT: JAMES MANNY
PHONE: (770) 338-8000
EMAIL: 472JM@PPU.US

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STAMP

PRECISION
Planning Inc.
planners • engineers • architects • surveyors
400 Pine Boulevard, Lawrenceville, GA 30046
770.338.8000 • www.ppri.us

AMBERLY RIDGE
Parcel 5079 028 & 5082 007
Lawrenceville, GA 30044

DATE	DESCRIPTION	BY	CHECKED	ES	
01/14/2022 <td>DATE <td>DESCRIPTION <td>BY <td>CHECKED <td>ES </td></td></td></td></td>	DATE <td>DESCRIPTION <td>BY <td>CHECKED <td>ES </td></td></td></td>	DESCRIPTION <td>BY <td>CHECKED <td>ES </td></td></td>	BY <td>CHECKED <td>ES </td></td>	CHECKED <td>ES </td>	ES

REZONE PLAN
SHEET TITLE
R21-172
RTH PROJECT NO.

1 OF 1

GWINNETT COUNTY
PLANNING DEVELOPMENT

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RIGHT ELEVATION



REAR ELEVATIONS

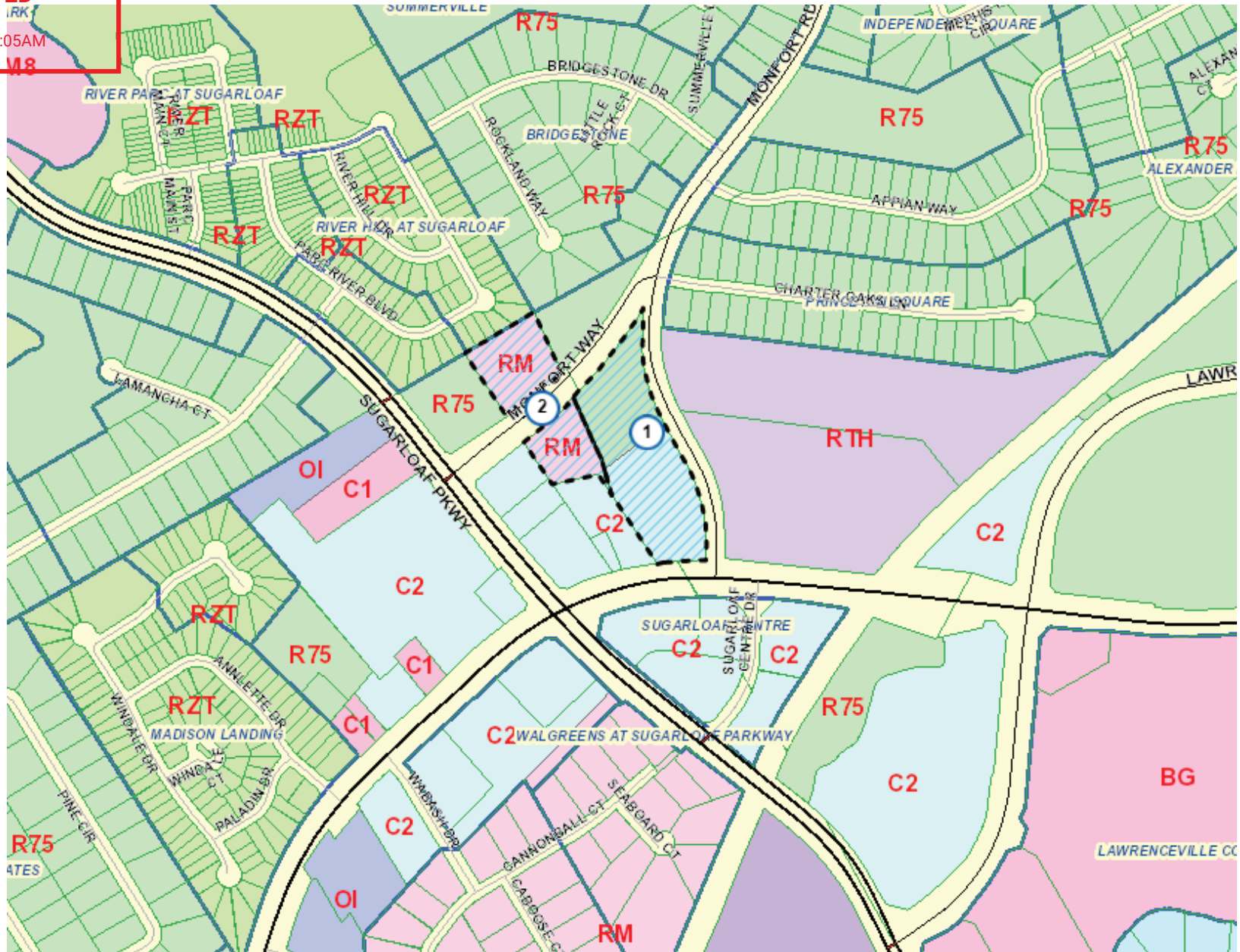


LEFT ELEVATION



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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 has frontage on Monfort Road and is currently zoned RM and R-TH. The Property is also located in close proximity to land zoned C-2, RM, and BG (City of Lawrenceville).
- (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 adjacent and nearby land uses. The proposed residential development is compatible with existing residential and commercial development in the area.
- (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 split-zoned.
- (D) No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has frontage on Monfort Road with convenient access to Sugarloaf Parkway and Lawrenceville Highway. Water and sewer infrastructure are present in the area.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan which classifies the Property as within the Community Mixed-Use Character Area. Residential infill development is encouraged and townhomes are specifically provided for in this character area as a potential development type.
- (F) The Applicant submits that the subject Property's location in close proximity to major roadways, its current zoning classifications, and its proximity to major employment centers provide additional supporting grounds for approval of the Application.

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Matthew P. Benson

Catherine W. Davidson

Gerald Davidson, Jr.*

Rebecca B. Gober

Brian T. Easley

Christopher D. Holbrook



Samuel C. Kennon
Shane M. Lanham
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

**LETTER OF INTENT FOR REZONING APPLICATION OF
RICH-WEST PROPERTIES, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Rezoning Application on behalf of the Applicant, Rich-West Properties, LLC (the "Applicant"), for the purpose of requesting the rezoning of an approximately 7.13-acre tract of land (the "Property") situated at the intersection of Monfort Road and Monfort Way. The Property is currently split-zoned RM, R-75, and C2.

The Applicant is requesting to rezone the Property to the R-TH zoning classification in order to develop a single-family attached residential townhome community with 112 homes. Homes would include attractive architectural design and building materials consisting of brick, stacked stone, and/or cementitious shake, siding, board and batten or combinations thereof consistent with the elevations submitted with this Letter of Intent. The proposed development would have a single entrance on Monfort Road which would be landscaped with an attractive entrance feature. The Applicant is proposing to provide 30-foot wide landscaped building setbacks along the rights-of-way of Monfort Road and Monfort Way to enhance the aesthetics of those roadways. The Applicant proposes to develop the neighborhood with rear entry units and front

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entry units arranged so that fronts of units face each other, encouraging walkability within the development and creating a greater sense of community.

The proposed development would provide attractive, high-quality housing that is compatible with surrounding land uses and is in line with the policies and intent of the Gwinnett County 2040 Comprehensive Plan (the “2040 Plan”). The 2040 Plan Future Development Map classifies the Property as within the Community Mixed-Use Character Area. The surrounding area is characterized primarily by a mixed-use node which spans the intersections of Lawrenceville Highway and Sugarloaf Parkway and Lawrenceville Highway and Lawrenceville-Suwanee Road. A large Walmart shopping center is present at the intersection of Lawrenceville-Suwanee Road and Lawrenceville Highway. Uses in the area surrounding the existing activity node include commercial/retail uses as well as a mix of single-family detached homes and attached townhomes within the River Hill at Sugarloaf and River Parc at Sugarloaf subdivisions located just to the west along Sugarloaf Parkway. The proposed residential development would complement existing commercial/retail uses with residential critical mass to support the viability of those businesses as well as anticipated future growth of the larger activity node. Furthermore, the Property is across Monfort Road from a townhome community that was rezoned in the spring of 2021 providing additional evidence that the proposed land use is appropriate for the area.

Policies for the Community Mixed-Use Character Area encourage residential infill development that is compatible with adjacent and nearby development such as the proposed community and specifically identify townhomes as a potential development type.

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

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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any concerns relating to the matters set forth in this letter or in the Rezoning Application filed
1/6/2022 11:05AM

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

Respectfully submitted this 6th day of January, 2022.

MAHAFFEY PICKENS TUCKER, LLP



Samuel C. Kennon
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

11/11/21

Date

MARK RICHARDSON - MANAGER

Type or Print Name and Title



Signature of Notary Public

11-11-21

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.

 11/11/21 MARK RICHARDSON MANAGER
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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


 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 MARK RICHARDSON
 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)
<u>NICOLE LOVE HENDRICKSON</u>	<u>\$ 250</u>	<u>10/20/20</u>

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

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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.

Peggy L. McCleskey
Signature of Property Owner

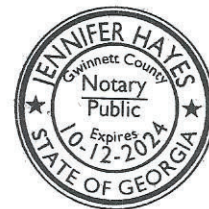
Nov. 13, 2021
Date

Peggy L. McCleskey CFO, Deesco, Inc.

Type or Print Name and Title

[Handwritten Signature]
Signature of Notary Public

11/13/2021
Date



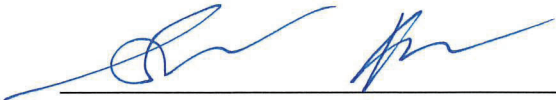
Notary Seal

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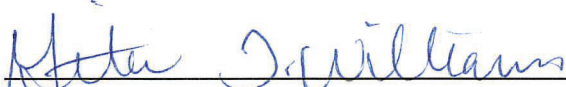
Signature of Applicant

1/5/2022

Date

Sam Kennon, attorney for applicant

Type or Print Name and Title

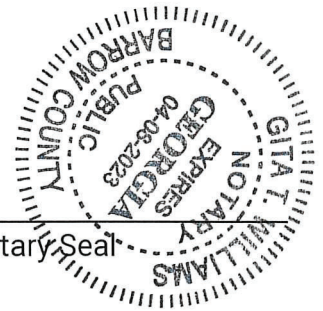


Signature of Notary Public

1/5/2022

Date

Notary Seal



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SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

[Signature] 1/5/2022 Sam Kennon, attorney for Applicant

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

[Signature] 1/5/2022

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

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)
Kirkland Carden, County Commissioner	\$2,800.00	November 18, 2021

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

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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

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

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

5 - 082 - 218
District Land Lot Parcel


Signature of Applicant

1/5/2022

Date

Sam Kennon, Attorney for Applicant

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

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)

Arlene Howes
NAME

Tax Services Assoc II
TITLE

1-6-2022
DATE

TAXES ARE CURRENT

RECEIVED

1/6/2022 11:05AM

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 - 079 - 028
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

1/5/2022
Date

Sam Kennon, Attorney for 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)

Aranta Flowers
NAME

Tax Services Assoc II
TITLE

1-6-2022
DATE

TAXES ARE CURRENT

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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 classifications, 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 R-TH classification as requested by the Applicant, and is not economically suitable for development under the present RM, R-75 & C2 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 R-TH 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 R-TH 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 6th day of January, 2022.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Samuel C. Kennon
Attorneys for Applicant

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