

**AMENDMENT TO AN APPLICATION TO AMEND THE OFFICIAL
ZONING MAP OF THE CITY OF LOGANVILLE, GEORGIA**

APPLICANT:	Green River Builders, Inc. c/o MAHAFFEY PICKENS TUCKER, LLC
ZONING CASE NUMBER(S):	A24-012, R24-013, V24-014
PRESENT ZONING DISTRICT(S):	A2, R44, CH, and unzoned
REQUESTED ZONING DISTRICT(S):	PUV
PROPERTY:	Tuck Farm
SIZE:	+/- 201.376 Acres
PROPOSED DEVELOPMENT:	Mixed-use development

The Applicant, Green River Builders, Inc., hereby amends its application to amend the official zoning map of The City of Loganville, Georgia heretofore filed with the Planning Department of Loganville, Georgia by the addition of the attached Exhibit to the original application.

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Attorneys for Applicant

JUSTIFICATION FOR REZONING APPLICATIONS

The portions of the Zoning Ordinance of Loganville, Georgia (the “Ordinance”) 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 Ordinance 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 PUV zoning classification as requested by the Applicant, and is not economically suitable for development under the present AZ, R44, CH, and Unzoned zoning classification of City of Loganville, Walton County and Gwinnett County. A denial of the Application would constitute an arbitrary and capricious act by the Loganville City Council 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 Loganville City Council to rezone the Property to the PUV zoning classification as set forth in the application 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 PUV zoning classification, subject to conditions which are different from the conditions by which the Applicant may amend its Application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner’s utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an

unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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

This 3rd day of April 2024.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham
Attorneys for Applicant