



CITY OF LOGANVILLE Section 5, Item A.
 Department of Planning & Development
 P.O. Box 39 • 4303 Lawrenceville Road
 Loganville, GA 30052
 770.466.2633 • 770.466.3240 • Fax 770.554.5556

Date: 2-6-25

Application # R 25-003

REQUEST FOR ZONING MAP AMENDMENT
 A PETITION TO AMMEND THE OFFICIAL ZONING MAP OF THE CITY OF LOGANVILLE, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>The Revive Land Group, 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>Twin Lakes Road LLC</u> ADDRESS: <u>1785 Oak Road</u> CITY: <u>Snellville</u> STATE: <u>Georgia</u> Zip: <u>30078</u> PHONE: <u>770 232 0000</u> (*attach additional pages if necessary to list all owners)

Applicant is: Property Owner Contract Purchaser Agent Attorney

CONTACT PERSON: Shane Lanham **PHONE:** 770 232 0000
EMAIL: slanham@mptlawfirm.com **FAX:** 678 518 6880
g.schaller@mptlawfirm.com

PROPERTY INFORMATION

MAP & PARCEL # LG140020 **PRESENT ZONING:** CH **REQUESTED ZONING:** RM-6
ADDRESS: Twin Lakes Road **COUNTY:** Walton **ACREAGE:** +/- 27.85
PROPOSED DEVELOPMENT: 149 Residential Units

You must attach: Application Fee Legal Description Plat of Property Campaign Contribution Disclosure
 Letter of Intent Site Plan Names/Addresses of Abutting Property Owners Impact Analysis

Pre-Application Conference Date: 1-16-25

Accepted by Planning & Development: [Signature] **DATE:** 2-6-25 **FEE PAID:** \$500.00

PAID ONLINE **RECEIPT #** NGC7JAWADM **TAKEN BY:** [Signature] **DATE OF LEGAL NOTICE:** 3/2/25 **NEWSPAPER:** THE WALTON TRIBUNE

PLANNING COMMISSION RECOMMENDATION: Approve Approve w/conditions Deny (tabled) No Recommendation

Commission Chairman: [Signature] **DATE:** 3/27/25

CITY COUNCIL ACTION: Approved Approved w/conditions Denied Tabled to _____
 Referred Back to Planning Commission Withdrawn

 Mayor City Clerk Date

Applicant's Certification

The undersigned hereby certifies that they are authorized by the property owner(s) to make this application and that all information contained herein is complete and accurate, to the best of their knowledge.

Applicant's Signature

Date

Print Name and Title

Sworn to and subscribed before me this _____ day of _____, 20____.

(Seal)

Signature of Notary Public

Property Owner's Certification
(complete a separate form for each owner)

The undersigned hereby certifies that they are: (check all that apply)

- a) _____ the owner of record of property contained in this application, and/or
- b) the Chief Executive of a corporation or other business entity with ownership interest in the property and is duly authorized to make this application, and

that all information contained in this application is complete and accurate to the best of their knowledge.

A.S. Briscoe
Owner's Signature

1/23/25
Date

A. Scott Briscoe, President of Twin Lakes Road, LLC
Print Name and Title

Sworn to and subscribed before me this 23rd day of January, 2025.



Kelley Pollard
Signature of Notary Public

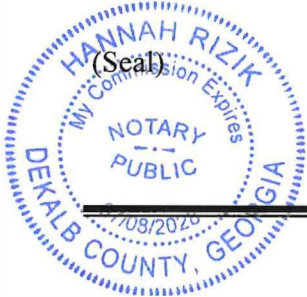
Applicant's Certification

The undersigned hereby certifies that they are authorized by the property owner(s) to make this application and that all information contained herein is complete and accurate, to the best of their knowledge.

[Signature] Applicant's Signature 2-3-25 Date

Neville Allison, Managing Partner
Print Name and Title

Sworn to and subscribed before me this 3rd day of February, 2025.



[Signature]
Signature of Notary Public

Property Owner's Certification
(complete a separate form for each owner)

The undersigned hereby certifies that they are: (check all that apply)

- a) _____ the owner of record of property contained in this application, and/or
- b) _____ the Chief Executive of a corporation or other business entity with ownership interest in the property and is duly authorized to make this application, and

that all information contained in this application is complete and accurate to the best of their knowledge.

Owner's Signature Date

Print Name and Title

Sworn to and subscribed before me this _____ day of _____, 20_____.

(Seal) _____
Signature of Notary Public

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

The undersigned, making application for rezoning with the City of Loganville, Georgia, have 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 as requested below.

Applicant's Signature

Date

Print Name

Gabrielle Schaller

12/26/24

Gabrielle Schaller

Signature of Applicant's Attorney or Agent

Date

Print Name

Has the Applicant, attorney for applicant, or other agent, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor, Member of the City Council or member of the Planning Commission of the City of Loganville, Georgia?

_____ YES XX NO

If YES, complete the following:

NAME OF INDIVIDUAL MAKING CONTRIBUTION _____

NAME & OFFICIAL POSITION OF GOVERNMENT OFFICIAL

CONTRIBUTIONS (List all aggregating to \$250 or more)

DATE OF CONTRIBUTION

NAME & OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all aggregating to \$250 or more)	DATE OF CONTRIBUTION
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attach additional sheets as necessary to disclose and describe all contributions.

APPLICANT'S RESPONSES TO EVALUATION CRITERIA

In the space provided or in a separate attachment, provide responses to the following questions:

1. **How does the proposed use impact the overall appearance of the City and aesthetic conditions of adjacent parcels?**
Please see attached

2. **How does the proposed use impact thoroughfare congestion and traffic safety?**
Please see attached

3. **How does the proposed use impact population density and the potential for overcrowding and urban sprawl?**
Please see attached

4. **How does the proposed use impact the provision of water, sewerage, transportation and other urban infrastructure services;**
Please see attached

5. **How does the proposed zoning provide protection of property against blight and depreciation?**
Please see attached

6. **How is the proposed use and zoning consistent with the adopted Comprehensive Plan?**
Please see attached

7. **In what way does the proposed zoning affect adjacent property owners if the request is approved?**
Please see attached

8. **What is the impact upon adjacent property owners if the request zoning is not approved?**
Please see attached

9. **Describe any other factors affecting the health, safety, morals, aesthetics, convenience, order, prosperity, or the general welfare of the present and future inhabitants of the City of Loganville.**
Please see attached

APPLICANT'S RESPONSE TO EVALUATION CRITERIA

1. **How does the proposed use impact the overall appearance of the City and aesthetic conditions of adjacent parcels?** The proposed development would improve the overall appearance of the City and aesthetics conditions of adjacent parcels, because the Applicant is proposing to construct a new residential community on the site that would utilize attractive architectural design and building materials. The site is currently underdeveloped.
2. **How does the proposed use impact thoroughfare congestion and traffic safety?** The proposed use would not cause a significant detriment to thoroughfare congestion and traffic safety. The Property has convenient access to Highway 78 and Twin Lakes Road.
3. **How does the proposed use impact population density and the potential for overcrowding and urban sprawl?** The proposed use would attract newcomers to the city and contribute to the city's goal of a live, work, play environment.
4. **How does the proposed use impact the provision of water, sewerage, transportation and other urban infrastructure services?** The proposed use would not overburden the existing utilities.
5. **How does the proposed zoning provide protection of property against blight and depreciation?** The proposed development would enhance the aesthetics of the property. The property is currently underdeveloped. The proposed development will bring activity to an otherwise underutilized property.
6. **How is the proposed use and zoning consistent with the adopted Comprehensive Plan?** The Property is located along Highway 78 and the proposed use is compatible with surrounding uses and existing development patterns. The proposed development also responds to the Comprehensive Plan's goal to provide attractive high-quality housing for newcomers.
7. **In what way does the proposed zoning affect adjacent property owners if the request is approved?** The proposed zoning would not likely affect adjacent property owners if the request is approved. The proposed use is relatively low intensity compared to the neighboring commercial uses.
8. **What is the impact upon adjacent property owners if the request zoning is not approved?** The Property will likely not be developed or will be placed on the market.
9. **Describe any other factors affecting the health, safety, morals, aesthetics, convenience, order, prosperity, or the general welfare of the present and future inhabitants of the City of Loganville.** The Applicant respectfully submits that the proposed use of the Property is compatible with the land use policies of the City of Loganville and is more compatible with the adjacent West Walton Park than the current CH zoning district.

Legal Description

All that tract or parcel of land lying and being in Land Lot 151, 4th District of Walton County, Georgia, being more particularly described as follows:

Beginning at the centerline intersection of Georgia Highway number 81 (100' r/w) and Twin Lakes Road (40' r/w), Thence South 76 degrees 44 minutes 17 seconds West for a distance of 904.86 feet to a point on the Northwestern right-of-way of Twins Lake Road (40' r/w); said point being THE TRUE POINT OF BEGINNING.

THENCE North 25 degrees 46 minutes 49 seconds West for a distance of 536.15 feet to a one inch open top pipe leaving the aforesaid right-of-way;

THENCE North 25 degrees 30 minutes 14 seconds East for a distance of 1023.10 feet to a one-half inch open top pipe;

THENCE North 13 degrees 10 minutes 46 seconds East for a distance of 374.40 feet to a one-half inch rebar on the Southerly right-of-way of U.S Highway 78/Georgia State Route number 10;

THENCE along the aforesaid right-of-way South 77 degrees 56 minutes 38 seconds East for a distance of 456.06 feet to a point;

THENCE South 00 degrees 36 minutes 01 seconds East for a distance of 357.00 feet to a point, leaving the aforesaid right-of-way;

THENCE South 31 degrees 07 minutes 20 seconds East for a distance of 333.64 feet to a point;

THENCE South 07 degrees 29 minutes 54 seconds West for a distance of 112.23 feet to a point;

THENCE South 84 degrees 17 minutes 17 seconds West for a distance of 127.03 feet to a 3/4 inch open top pipe;

THENCE South 04 degrees 35 minutes 54 seconds West for a distance of 64.06 feet to a one-half inch open top pipe;

THENCE South 29 degrees 29 minutes 54 seconds East for a distance of 361.20 feet to a point on the Northwestern right-of-way of Twin Lakes Road (40' r/w);

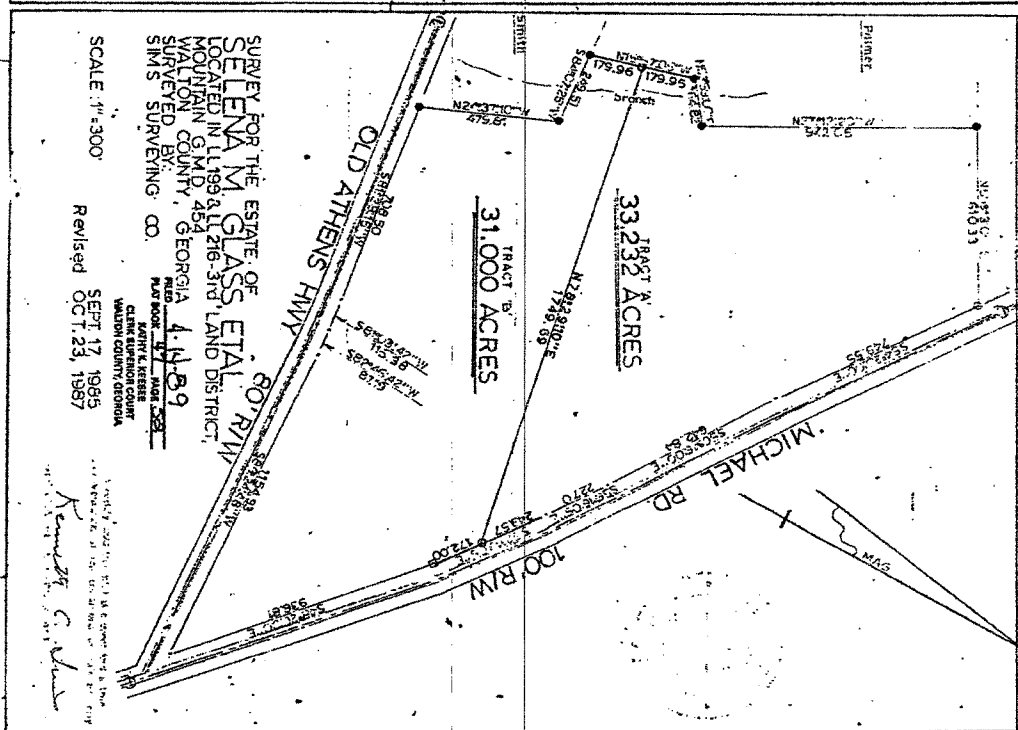
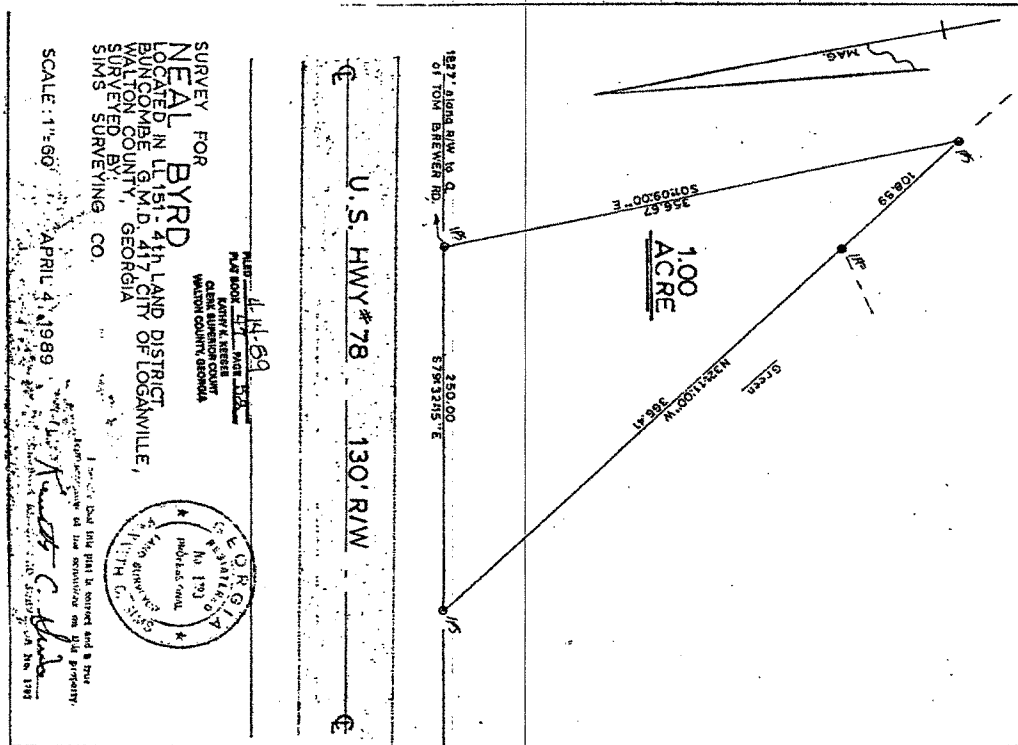
THENCE along the aforesaid right-of-way the following two courses and distances;

THENCE South 59 degrees 57 minutes 00 seconds West for a distance of 583.56 feet to a point;

THENCE South 61 degrees 37 minutes 00 seconds West for a distance of 501.76 feet to a point;

Said point being THE TRUE POINT OF BEGINNING.

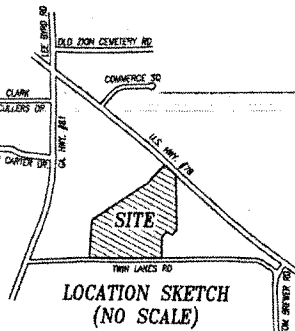
Said property having an area of 27.850 acres.



- LEGEND:
- INT - INTERSECTION
 - R/R - RIGHT OF WAY
 - COND - CONDUIT
 - H.W. - HIGH WALL
 - C.B. - CATCH BASIN
 - R/W - RIGHT OF WAY
 - D.E. - DRAINAGE EASEMENT
 - B.L. - BUILDING LINE
 - R - RADUS
 - R.C.P. - REINFORCED CONCRETE PIPE
 - C.M.P. - CORRUGATED METAL PIPE
 - L.L. - LAND LOT
 - L.L.L. - LAND LOT LINE
 - C.L. - CENTER LINE
 - S.E. - SLOPE EASEMENT
 - ° - FIRE HYDRANT
 - M - WATER METER
 - B.M.P. - EROSION CONTROL DEVICE
 - LL 151 - SOL TYPE
 - C - COMPUTED POINT

I HAVE CONSULTED THE FLOOD INSURANCE RATE MAPS AND DETERMINED THAT, IN MY OPINION, THE AREA AS SHOWN ON THIS SURVEY DOES NOT LAY WITHIN A DESIGNATED FLOOD HAZARD AREA. COMMUNITY PANEL NO. 1320700000 EFFECTIVE DATE: 2/16/1990 & COMMUNITY PANEL NO. 1320700000 EFFECTIVE DATE: 2/16/1990

NUMBER	DIRECTION	DISTANCE
L1	S 78°47'32" E	206.11'
L2	S 06°27'42" W	112.23'
L3	S 83°31'14" W	127.00'
L4	S 03°37'14" W	84.94'
L5	S 85°18'18" W	184.46'
L6	S 08°04'07" W	150.00'
L7	N 74°13'07" W	316.00'

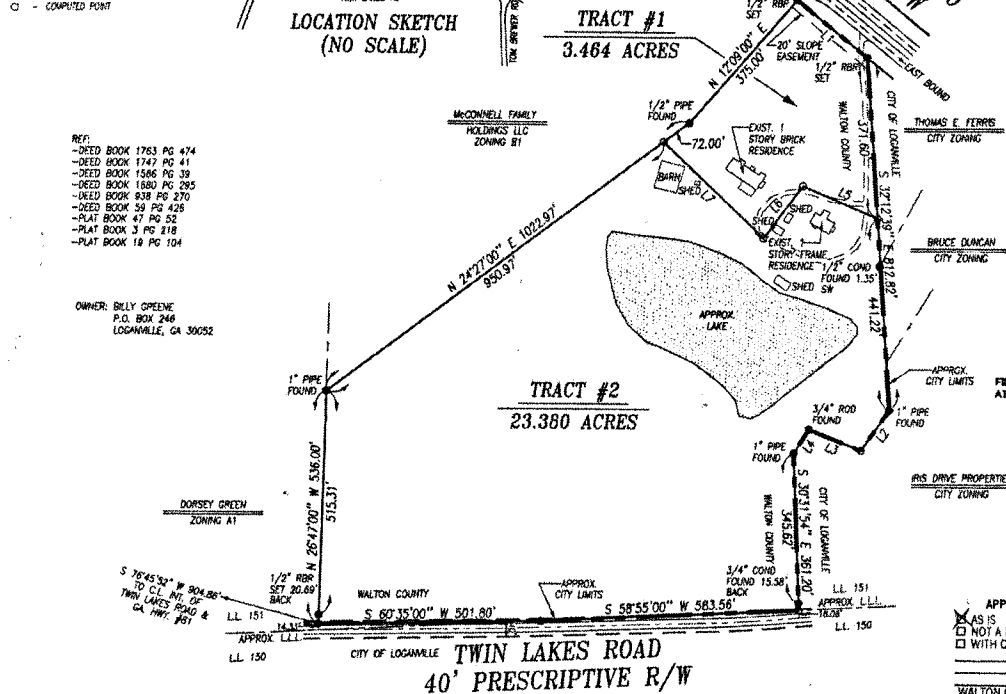


- REF:
- DEED BOOK 1763 PG 474
 - DEED BOOK 1747 PG 41
 - DEED BOOK 1586 PG 39
 - DEED BOOK 1860 PG 295
 - DEED BOOK 838 PG 270
 - DEED BOOK 59 PG 428
 - PLAT BOOK 47 PG 52
 - PLAT BOOK 3 PG 218
 - PLAT BOOK 19 PG 104

OWNER: BILLY GREENE
P.O. BOX 246
LOGANVILLE, GA 30052

McCONNELL FAMILY HOLDINGS LLC ZONING B1

FILED AND RECORDED AT 2/12/08
AT 2:24 P.M. (E.A.)
PLAT BOOK 203 PAGE 133
KATHY K. TROST
CLERK SUPERIOR COURT
WALTON COUNTY, GEORGIA



EXCEPT AS SPECIFICALLY SHOWN OR STATED THIS SURVEY DOES NOT PURPORT TO REFLECT ANY FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT SUBJECT TO ALL RIGHT-OF-WAYS, EASEMENTS AND BUFFERS SHOWN OR NOT SHOWN ON THIS SURVEY. NO EXISTING NATIONAL GEODETIC SURVEY MONUMENT WAS FOUND TO BE WITHIN 500' OF SUBJECT PROPERTY.

CERTIFICATE OF APPROVAL FOR RECORDING
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE LAND DEVELOPMENT ORDINANCE OF WALTON COUNTY, GEORGIA, AND THAT IT IS HEREBY APPROVED FOR RECORDING IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF WALTON COUNTY, GEORGIA.
P.M. Martin *S.D. Castle* 2-11-08
DIRECTOR OF WALTON COUNTY PLANNING DEPARTMENT DATE

- APPROVED FOR RECORDING
- AS IS
 - NOT A BUILDABLE RESIDENTIAL LOT
 - WITH COMMENTS NOTED BELOW

WALTON COUNTY CODE ENFORCEMENT
2-11-08 *P.M. Martin* *S.D. Castle*
DATE NAME

TOTAL AREA = 26.844 ACRES
Scale 1" = 200'

BEING A DIVISION OF CO#43 PAR#31, ZONING TC

- SURVEYOR'S CERTIFICATE
1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PROPORTION OF ONE FOOT IN 24,500 FEET AND AN ANGULAR ERROR OF 2 SECONDS PER ANGLE POINT.
 2. THE DATA SHOWN HEREIN HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 335,627 FEET AND WAS ADJUSTED BY USING THE COMPASS RULE.
 3. ANGULAR AND LINEAR MEASUREMENTS OBTAINED BY USING A TOPCON OPT 3005.



SURVEY FOR
LAKEVIEW VILLAGE, LLC

STATE OF GEORGIA
WALTON COUNTY
LAND LOT 151
4TH DISTRICT
DATE 2/3/2008
SCALE 1"=200'
JOB #08015
REVISIONS



JOHN BREWER & ASSOCIATES

DEVELOPMENT CONSULTATION
LAND SURVEYING
ENGINEERING
207 MLEDGE AVE.
MONROE, GEORGIA 30685
TEL-(770)267-3337
FAX-(770)266-7980
www.gasurveying.com

**CONFLICT OF INTEREST CERTIFICATIONS
FOR REZONING APPLICATION**

The undersigned below, making application for 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 forms provided.

Check here if there are additional applicants and attach additional "Conflict of Interest Certification" sheets.

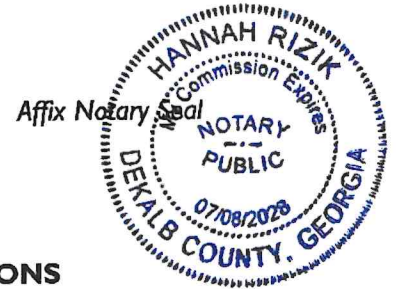
 2-3-25
Signature of Applicant Date

Neville Allison, Managing Partner
Type or Print Name and Title

Signature of Applicant's Attorney or Representative Date

Type or Print Name and Title

Hannah Rizik 2/3/2025
Signature of Notary Public Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the last two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to any member of the Mayor and City Council or any member of the Snellville Planning Commission?

YES NO YOUR NAME: Neville Allison, The Revive Land Group, LLC

If the answer above 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 the last two years)

Check here and attach additional sheets if necessary to disclose or describe all contributions or gifts.

David Belle Isle
Matthew P. Benson
Catherine W. Davidson
Gerald Davidson, Jr.*
Brian T. Easley
Rebecca B. Gober
John D. Hipes*
Christopher D. Holbrook
Jessica R. Kelly
Shane M. Lanham
Julia A. Maxwell

Jeffrey R. Mahaffey
John N. Mahaffey
Steven A. Pickens
Jack M. Ryan
Gabrielle H. Schaller
S. Tess Shaheen
Andrew D. Stancil
Michael A. Tralongo
R. Lee Tucker, Jr.

*Of Counsel

**LETTER OF INTENT FOR REZONING APPLICATION OF
THE REVIVE LAND GROUP, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and the attached rezoning application (the “Application”) on behalf of The Revive Land Group, LLC (the “Applicant”) relative to an approximately 27.846-acre tract of land located along Atlanta Highway (U.S. Route 78) with additional road frontage on Twin Lakes Road (the “Property”). The Property is currently unoccupied and includes two residential dwellings with additional outbuildings. The Property is currently zoned CH (Commercial Highway District) in the City of Loganville (Walton County). The Applicant requests the city rezone the Property to the RM-6 zoning district.

The Applicant is requesting the approval of the Application to permit the redevelopment of the Property into a master planned residential community with a total of 149 units. The community would offer both townhomes and single-family detached options to potential residents. Access to the community would be provided off both Atlanta Highway (Hwy 78) and Twin Lakes Road. The Property’s location on Highway 78 would provide easy, convenient access for residents to major transportation corridors. The proposed development would also provide areas of common space for the use and enjoyment of residents, including pocket parks, active amenity areas, and space for residents to enjoy the natural beauty of the Property including the large lake at the center of the Property and mulched walking trails. The residents would also have convenient access to West Walton Park, which is located just across Twin Lakes Road from the Property. The homes would be constructed with attractive architectural design and building materials. The proposed development will include 471 parking spaces and an additional 40 guest spaces.

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

Alpharetta Office || 178 South Main Street, Suite 250, Alpharetta, Georgia 30009

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

www.mptlawfirm.com

The proposed development is compatible with surrounding uses including West Walton Park, Loganville High School, and the new apartment development known as The Cottages at Loganville; and will contribute to the mix of uses in the surrounding area as it will draw new residents and contribute to increased walkability from the proposed development to the park.

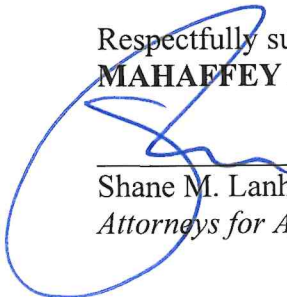
The proposed development is also compatible with the spirit and intent of the City of Loganville Comprehensive Plan (the "Comp Plan"), which encourages high quality housing; increased safe spaces for walking, biking and greenspace; and providing a live/work/play environment. The Applicant's proposal will provide high quality housing constructed with an attractive mix of building materials such as brick, stone, and/or cementitious siding, shake, and/or board and batten. Additionally, the proposed development preserves a large area greenspace and places critical mass in an area with a mix of uses to promote a live/work/play environment, which will encourage healthy living and provide safe spaces for walking, biking and greenspace for residents to commune with neighbors. The proposed development includes mulched walking trails throughout the community; sidewalk; a community gathering area with a fire pit and pavilion; a dog park; a cabana and pool; and several linear and pocket parks. These active spaces will encourage a healthy and active lifestyle for the residents.

As stated in the Comp Plan, the city needs quality housing to provide for its growing population. There is a stronger demand for housing in Loganville than in other parts of the state as a result of the growing population. The proposed development will meet this need by providing high quality housing options, including townhomes, which tend to attract younger residents. Additionally, the Comp Plan encourages expanding the housing options in the city to provide a broader range of housing types, especially "missing middle" housing. The townhome units included in the proposed development meet this need. The Comp Plan also encourages building walkable neighborhoods where people can travel without a personal car, and providing attractive places for people to gather. The proposed development is located in close proximity to a school, employment centers, and a public park, providing residents with the option to walk instead of drive to nearby destinations. The close proximity to the park and large greenspace areas on the subject property will encourage the residents to gather with neighbors and the larger Loganville community.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Loganville 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 Application filed herewith. The Applicant respectfully requests your approval of the Application.

This 6th day of February, 2025.

Respectfully submitted,
MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

ABUTTING PROPERTY OWNERS

Name/Address	Parcel
MCCONNELL FAMILY HOLDINGS LLC 161 HARRINGTON LN SAINT SIMONS ISLAND, GA 31522	C0430032
GREEN DORSEY MRS & JONES JANICE G, BENNETT GLORIA G 3709 GEORGIA HIGHWAY 81 LOGANVILLE, GA 30052	C0210008
IRIS DRIVE PROPERTIES INC C/O FELLERS SCHEWE SCOTT P O BOX 450233 ATLANTA, GA 31145	LG140012
HOLT FOOD SYSTEMS INC 13 ROBERTA DRIVE GREENVILLE, SC 29615	LG140013

PORTERFIELD HOLDINGS LLC
1960 PLEASANT VALLEY RD NE
MONROE, GA 30655

BOBBIE MAC INVESTMENTS LLC
3025 WOOD VALLEY CT
LOGANVILLE, GA 30052

WALTON COUNTY GEORGIA
303 S HAMMOND DRIVE
SUITE 330
MONROE, GA 30655

JUSTIFICATION FOR REZONING OF PROPERTY AT TWIN LAKES ROAD

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/Owner’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 and/or Land Use Map designation 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 and use under the RM-6 classification as requested by the Applicant, and is not economically suitable for development under the present CH zoning classification of the City of Loganville. A denial of this Application would constitute an arbitrary and capricious act by the Mayor and 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 City to rezone the Property to the RM-6 classification with such conditions as agreed to by the Applicant, so as to permit Applicant's 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 RM-6 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 Application submitted by the Applicant relative to the Property be approved and the Property rezoned as shown on the application.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Gabrielle H. Schaller
Attorneys for Applicant