



LAND USE PLAN AMENDMENT APPLICATION

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APPLICATION TO AMEND THE LAND USE PLAN OF SNELLVILLE, GEORGIA

GEORGIA SNELLVILLE
PLANNING & DEVELOPMENT

City of Snellville
Planning & Development Department
2342 Oak Road, 2nd Floor
Snellville, GA 30078
Phone 770.985.3514 Fax 770.985.3551 www.snellville.org

TREE LANE- SENIOR LIFESTYLE
#1600408 **RZ 16-04; LUP 16-01**
PARCEL- 5041 105

| | | |
|---|---|---|
| Applicant: is the (check one) Senior Lifestyle Corporation and Griffin Fine Living | Owner's Agent Contract Purchaser Property Owner | Owner (if not the applicant): <input type="checkbox"/> Check here if there are additional property owners and attach additional sheets. SLV Georgia 1, LLC |
| Name (please print) 1960 Satellite Blvd., Suite 4000 | Name (please print) c/o Andersen, Tate & Carr, PC 1960 Satellite Blvd., Suite 4000 | |
| Address Duluth, Georgia 30097 | Address Duluth, Georgia 30097 | |
| City, State, Zip Code (770) 822-0900 | City, State, Zip Code (770) 822-0900 and Marian C. Adeimy, Esq. | |
| Phone Number(s) Fax | Phone Number(s) Fax | |

Contact Person: Marian C. Adeimy Phone: (678) 518-6855 Fax: (770) 236-9702
 Cell Phone: (404) 543-2686 E-mail: madeimy@atclawfirm.com

Current Future Land Use Map Designation: Low Density Residential
 Proposed Future Land Use Map Designation: Civic/Institutional
 Proposed Use(s): Master-planned senior living development
 Property Address/Location: Tree Lane and New Hampton Drive, Snellville, GA District 5th Land Lot 56 Parcel(s) R5041-105

At a minimum, the following items are required with submittal of this application. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

- ✓ Pre-submittal appointment shall be requested and completed a minimum of five (5) business days prior to Application deadline to ensure application is complete, accurate, and includes all required attachments/exhibits and required signatures;
- ✓ Payment of the appropriate application and public notice sign fees. Make checks payable to *City of Snellville*;
- ✓ Letter of Intent explaining the request for the amendment to the Land Use Plan and what is proposed;
- ✓ The names, addresses, and original signatures of the owners of the subject parcel(s) and their agents, if any;
- ✓ The present and proposed land use for the parcel(s);
- ✓ Analysis of impact of the proposed land use change pursuant to Section 15.2(3)(e) of Snellville Zoning Ordinance. (Attachment A);
- ✓ Applicant's and/or Owner's Certification (Attachment B);
- ✓ A current legal description of the parcel(s) being considered for the land use amendment. If the parcel proposed for amendment includes multiple parcels, provide a separate legal description for each individual parcel, together with a composite legal description for all parcels;
- ✓ Verification from county Tax Assessor that all property taxes have been paid and account is current (for all parcels subject to this application). Applicant to obtain confirmation of taxes paid using original Verification Sheet (attached);
- ✓ A Certificate of Title (for all parcels subject to this application);
- ✓ Map indicating the subject parcel(s) and the adjoining parcel(s), identified by property owner(s) name and tax parcel number;
- ✓ Map showing all land uses immediately adjacent to the subject property under the existing land use plan;
- ✓ Thirty (30) copies and one (1) original of the proposed Site and Concept Plan, and one (1) 11" x 17" (or smaller) reduction of the plan, drawn to scale, showing: (a) north arrow; (b) district, land lot(s) and parcel number(s); (c) the dimensions with bearing and distance; (d) acreage; (e) location of the tract(s), (f) the present zoning and land use classification of all adjacent parcels, (g) the proposed location of structures, driveways, parking and loading areas; (h) and the location and extent of required buffer areas. Site and Concept Plan shall be prepared by an architect, engineer, landscape architect, or land surveyor whose Georgia state registration is current and valid. Site plan must be stamped and sealed by one of the four above-mentioned professionals no more than six (6) months prior to the date of submittal;
- ✓ Thirty (30) stapled or bound copies of: (a) Land Use Plan Amendment application including Attachments A and B); (b) Letter of Intent; and (c) Map showing all land uses immediately adjacent to the subject property under the existing land use plan. In addition, one (1) unbound application (original) bearing original signatures and all other required documents. Documents must be folded to 8-1/2 x 11"; and
- ✓ A CD-ROM containing a digital file of: (a) site plan in .pdf and .dwg file formats, (b) legal description(s) in .pdf file format, and (c) completed and signed Land Use Plan Amendment application (and all supporting documents) in .pdf file format;

ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.
ONE SUGARLOAF CENTRE
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GEORGIA 30097
(770) 822-0900
FACSIMILE (770) 822-9680
www.atclawfirm.com



Marian C. Adeimy
(678) 518-6855

Email: madeimy@atclawfirm.com

September 6, 2016

VIA HAND DELIVERY AND E-MAIL

City of Snellville
c/o Mr. Jason Thompson, Director of Planning & Development
Snellville City Hall, 2nd Floor
2342 Oak Road
Snellville, GA 30078

RE: Letter in Support of Application for Land Use Amendment and Application for Rezoning for the strip of property zoned RS-150, located at Tree Land and Hampton Drive, Snellville, Georgia, for Applicants Senior Lifestyle Corporation and Griffin Fine Living

Dear Mr. Thompson and Mr. Dennis:

The undersigned and this firm represent Senior Lifestyle Corporation and Griffin Fine Living Applicant (hereinafter, collectively the "Applicant") and the property owner, SLV Georgia 1, LLC with regard to this Application for Land Use Amendment and Rezoning, for the strip of property zoned RS-150, located behind the site currently zoned R-HOP (62) CC (with conditions).

These applications seek to rezone that strip of property to be consistent with the RHOP (62) CC zoning district, and Civic/Institutional Land Use District, with the related variances and zoning site plan changes requested in the adjacent rezoning application. The combination of the residential parcels will allow for the revised site plan and variances for the proposed senior development and medical uses. These zoning requests are for the approximately one (1) acre strip property located at or near 1520 Tree Lane, Snellville, Georgia, Land Lots 41 and 56, 5th District, City of Snellville, Gwinnett County, Georgia (hereinafter the "Subject Property").

I. Zoning, Site Plan and Variance Requests:

The Subject Property was originally developed for a number of more intense uses. In 2008, the prior contract purchaser rezoned the entire Property to R-HOP (62)-CC, for 700+ senior units, including 346 single-family residences, 51,500 square feet in commercial and medical offices, a 200 bed assisted living home, a 120 bed nursing home, and 60 duplex apartment units for seniors. Economic changes resulted in the rezoning of the adjacent property in 2014, for a quality single-family development, allowing families and empty-nesters to age in place. That rezoning action, RZ 14-04 and LUP 14-03, conditioned most of the adjacent

property, being approximately 15 acres, to remain zoned R-HOP (62) CC, for future development. The current zoning conditions allow for 393 total senior residential units, including a mixture of memory care, assisted living, independent living, and senior cottages, and 51,500 sq. ft. of medical office. The Subject Property was zoned RS-150 to allow for residential access for the new, adjacent single-family subdivision. Based on the proposed senior development, the new owner will agree to provide interparcel access and pedestrian easements to access the shared pond and future amenity area. Pedestrian circulation is proposed as part of that master plan. The site will also retain the current landscaped buffer and area between the two properties and the nearby residential development.

The property's location adjacent to the hospital and close proximity to the commercial/retail corridor along S.R. 124 make it ideal for the long-planned senior development, creating a transitional development where seniors and community members can "age in place". The development will include future interparcel access, outdoor amenities and open space, including bocce ball courts, parks, and walking trails, and will tie into the active detention pond to become a "lake-like" amenity and entrance feature.

Without the City's approval of this requested zoning and land use amendment, the literal interpretation of the Zoning Ordinance and previously approved senior uses and site plan would deprive the Applicants and property owner of the right commonly enjoyed by other properties in that same zoning district and by the overall single-family development to be rezoned on the adjacent and surrounding property. The requested rezoning and variances are necessary for any potential redevelopment of the Subject Property to be consistent with that rezoning and the variances previously approved for the Subject Property.

II. Constitutional Objections and Statutory Justifications:

The portions of the Zoning Ordinance for the City of Snellville which classify or condition the Subject Property into any more or less intensive land use, zoning classification and/or zoning conditions other than as requested by the Applicants and property owner are and would be unconstitutional in that they would destroy the Applicants' and property 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 City of Snellville Zoning Ordinance, as applied to the Subject Property, which restricts its use to the present land use, zoning classification, regulations, requirements, and conditions is unconstitutional, illegal, null and void, constituting a taking of the Applicants' and the property 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, Paragraphs I and 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 Applicants and property owner any

economically viable use of the Subject Property while not substantially advancing legitimate state interests.

The Subject Property is presently suitable for development, subject to the approval of the site plan, uses and variances requested by the Applicants, and is not economically suitable for development under its present zoning and development classification, conditions, regulations, and restrictions due to its location, existing design and structures, surrounding development, and other factors. A denial of any of the requested land use amendment, rezoning and variances would constitute an arbitrary and capricious act by the City of Snellville without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and 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.

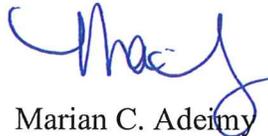
Any zoning or variance action related to the Subject Property subject to conditions which are different from the zoning and variance requests by which the Applicants may amend their application, to the extent such different conditions would have the effect of further restricting the Applicants' and the property owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act by the Mayor and Council in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

The requested rezoning and land use amendment are consistent with the adjacent and existing senior uses and zoning designation. Approval of the requested rezoning, land use amendment and variances will allow the Applicants to continue to meet the intent for the Subject Property, to allow for a quality senior development.

The Applicants and their representatives welcome the opportunity to meet with the staff and City representatives to answer any questions or to address any concerns.

Sincerely,

ANDERSEN, TATE & CARR, P.C.



Marian C. Adeimy
Attorney for Applicants/Property Owner

Enclosures: Application Packets and exhibits

cc: Butch Sanders, City Manager
Jon Dennis, Zoning Administrator

Land Use Plan Amendment Application
Attachment A

Pursuant to Section 15.2(2)(g) of the Snellville Zoning Ordinance, a **written, documented analysis of the impact of the proposed land use change with respect to each of the following matters shall be included.** Please respond to the following standards in the space provided or attach additional sheets if necessary. **Simple yes/no answers or re-statement of the questions are not acceptable.**

1. Whether the proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby properties;

Response: See Exhibit "1"

2. Whether the proposed land use change will adversely affect the existing uses or usability of adjacent or nearby property;

Response: See Exhibit "1"

3. Whether the proposed land use change will result in uses which will or could cause an excessive or burdensome uses of existing streets, transportation facilities, utilities, or schools; and

Response: See Exhibit "1"

4. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or disapproval of the proposed land use change.

Response: See Exhibit "1"

LAN USE PLAN AMENDMENT CERTIFICATIONS

In the event an owner's agent or contract purchaser is filing this application, both of the certifications below must be completed. If the owner is filing the application, only the Owner's Certification must be completed.

APPLICANT'S CERTIFICATION

The undersigned below, or as attached, is authorized to make this application. The undersigned is aware that, should this request be denied by City Council, no application affecting any portion of the same property shall be submitted less than twelve months from the date of denial.

Mary 9/20/16
Signature of Applicant Date

Marian C. Adeimy, Attorney
Type or Print Name and Title

[Signature] 9/2/16
Signature of Notary Public Date



OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that, should this request be denied by City Council, no application affecting any portion of the same property shall be submitted less than twelve months from the date of denial.

Check here if there are additional property owners and attach additional "Owner's Certification" sheets.

Mary 9/20/16
Signature of Owner Date

Marian C. Adeimy, Attorney
Type or Print Name and Title

Notary Seal

[Signature] 9/2/16
Signature of Notary Public Date



LEGAL DESCRIPTION
RS-150

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 41 & 56 of the 5th District, City of Snellville, Gwinnett County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence from a point at the intersection of the Northeastern Right-of-Way line of Tree Lane and the Southwestern Right-of-Way line of New Hampton Dr (Right-of-Way Varies);

Thence leaving the Northeastern Right-of-Way line of Tree Lane North 42 degrees 38 minutes 27 seconds East a distance of 1,819.07 feet to a point and the TRUE POINT OF BEGINNING, from the TRUE POINT OF BEGINNING as thus established; thence North 29 degrees 59 minutes 41 seconds West a distance of 49.51 feet to a point; thence North 59 degrees 59 minutes 14 seconds East a distance of 610.00 feet to a point; thence South 29 degrees 15 minutes 56 seconds East a distance of 207.55 feet to a point; thence South 76 degrees 13 minutes 10 seconds East a distance of 264.14 feet to a point; thence South 19 degrees 24 minutes 33 seconds West a distance of 25.39 feet to a point; thence North 76 degrees 11 minutes 32 seconds West a distance of 250.69 feet to a point; thence 30.52 feet along an arc of a curve to the right, said curve having a radius of 25.00 feet and a chord bearing and distance of North 63 degrees 13 minutes 13 seconds West 28.66 feet to a point; thence North 29 degrees 13 minutes 34 seconds West a distance of 159.32 feet to a point; thence South 60 degrees 01 minutes 02 seconds West a distance of 409.27 feet to a point; thence South 59 degrees 59 minutes 47 seconds West a distance of 66.90 feet to a point; thence South 60 degrees 09 minutes 38 seconds West a distance of 81.75 feet to a point; thence South 60 degrees 00 minutes 19 seconds West a distance of 26.37 feet to a point to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.95 acres.

