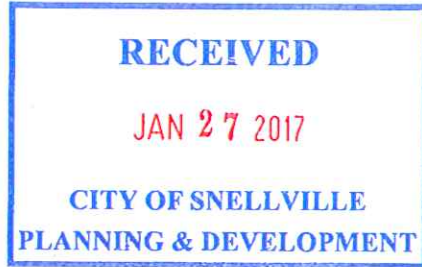




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**AMENDMENT TO APPLICATIONS TO AMEND
THE OFFICIAL ZONING MAP AND LAND USE PLAN OF
THE CITY OF SNELLVILLE, GEORGIA**

APPLICANT: COR Properties, LLC
ZONING CASE NUMBERS: RZ17-04 and LUP17-03
PRESENT ZONING DISTRICT(S): RS 180
REQUESTED ZONING DISTRICT(S): BG
PROPERTY: 1958 Dogwood Road
SIZE: +/-1.75 Acres
PROPOSED DEVELOPMENT: Commercial/Retail Development

Mahaffey Pickens Tucker, LLP, on behalf of the Applicant, COR Properties, LLC, hereby amends its applications to amend the official Zoning Map and Land Use Plan of Snellville, Georgia heretofore filed with the Planning and Development Department of the City by the addition of the attached Exhibit to the original applications.

This 27th day of January, 2017.

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham
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JUSTIFICATION FOR REZONING

The portions of the Zoning Ordinance of Snellville, Georgia and the Future Land Use Plan of Snellville, Georgia (hereafter the "Ordinance") which classify or may classify the property which is the subject of this Application (the "Property") into any less intensive zoning classification and/or Land Use Map designation 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 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 BG classification (and corresponding Land Use Map designation) as requested by the Applicant, and is not economically suitable for development under the present RS-180 zoning classification of the City of Snellville. 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 BG classification (with a corresponding amendment to the Land Use Plan) 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 BG classification and/or amendment of the Property's Land Use Map designation, 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 that the Property's Land Use Map designation be changed and the Property rezoned as shown on the respective application.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant