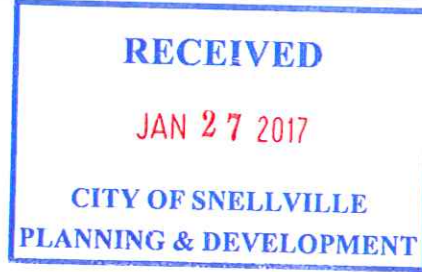




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**SECOND AMENDMENT TO AN APPLICATION TO AMEND
THE OFFICIAL ZONING MAP OF SNELLVILLE, GEORGIA**

APPLICANT: Park Place Snellville, LLC
PRESENT ZONING DISTRICT(S): BG
REQUESTED ZONING DISTRICT(S): BG (Change in Conditions)
PROPERTY: Park Place Snellville
SIZE: +/-2.00 Acres
PROPOSED DEVELOPMENT: Hampton Inn & Suites

Mahaffey Pickens Tucker, LLP, on behalf of the Applicant, Park Place Snellville, LLC, hereby amends its application to amend the official Zoning Map of Snellville, Georgia heretofore filed with the Planning and Development Department of the City by the addition of the attached Exhibit to the original application.

This 27th day of January, 2017.

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham
Attorneys for Applicant

JUSTIFICATION FOR REZONING

The portions of the Zoning Ordinance 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 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 conditions 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 with the change in conditions as requested by the Applicant, and is not economically suitable for development under the present BG zoning classification and conditions 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.

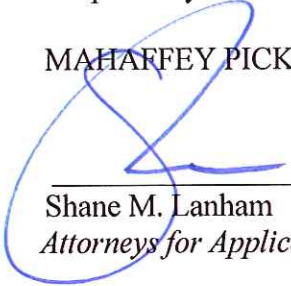
A refusal by the City to modify the conditions of zoning as agreed to by the Applicant, so as to permit Applicant's feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated 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 modification of conditions on the subject Property which would subject the Property 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 current conditions of zoning be amended as requested on the respective application.

This 27th day of January, 2017.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant