

**BUFFER REDUCTION APPLICATION
TO THE GWINNETT COUNTY BOARD OF COMMISSIONERS
FOR A BUFFER REDUCTION OF MORE THAN 50 PERCENT**

Please complete this application and submit with all necessary attachments as outlined on the **Buffer Reduction Information Form**. (Please type or print).

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Wal-Mart Stores, Inc. by THP Law Firm</u>	NAME: <u>Eliot Properties, a Georgia general partnership</u>
ADDRESS: <u>2001 S.E. 10th Street Bentonville, Arkansas</u>	ADDRESS: <u>c/o M&P Shopping Centers</u>
ZIP CODE: <u>72716-0550</u>	<u>5025 Winters Chapel Road, Dunwoody, GA</u>
PHONE NUMBER: <u>479.644.7723</u>	ZIP CODE: <u>30360</u>
EMAIL ADDRESS: <u>ahillman@thplawfirm.com</u>	PHONE NUMBER: <u>770.698.0403</u>
PROPERTY INFORMATION	
ADDRESS OF PROPERTY:	
STREET ADDRESS: <u>5025 Winters Chapel Road</u>	
ZONING: <u>C-2</u> LAND DISTRICT: <u>6th</u> LAND LOT: <u>280</u> PARCEL: <u> </u>	
BUFFER REDUCTION INFORMATION	
STATE THE BUFFER REQUIREMENT OF THE ZONING RESOLUTION FROM WHICH YOU SEEK A REDUCTION: <u>Section 606.2.2 and Section 606.7 requiring a 75 foot buffer between property zoned to the C-2 zoning classification and residentially zoned property.</u>	
BUFFER REQUESTED: <u>Reduction in required 75 foot buffer with respect to east and south property lines to zero feet to account for existing conditions and an adjacent property zoned for apartments subsequent to development of the subject shopping center. Said buffer shall be planted with supplemental plantings following land disturbance.</u>	
Please attach a Letter of Intent explaining what use is proposed and include your justification for this reduction. <i>See attached Justification and Letter of Intent.</i>	



RECEIVED 9-2-11
BRD2011-00003

September 2, 2011

Gwinnett County Board of Commissioners
c/o Mr. Jeff West, Manager
Gwinnett County Current Planning Division
One Justice Square
446 West Crogan Street, Suite 250
Lawrenceville, Georgia 30030

Re: **JUSTIFICATION AND LETTER OF INTENT**
Application for Buffer Reduction

Wal-Mart Stores, Inc., (the "Applicant")
Renovation of existing retail store for a Wal-Mart Neighborhood Market to be
located within an existing shopping center located at 5025 Winters Chapel Road,
Dunwoody, Georgia 30360, (the "Property").

Dear Mr. West:

Attached please find a Gwinnett County Buffer Reduction Application and required supporting materials requesting a reduction in the required buffer from 75 feet to zero (0) feet on the southeast side of the Property pursuant to Sections 606.2.2 and 606.7 of the Gwinnett County Zoning Ordinance (the "Ordinance"). This reduction is requested to support the redevelopment of a portion of the existing shopping center on the Property for use as a Wal-Mart Neighborhood Market. The buffer reduction is necessary to account for existing conditions on this redevelopment site. The Property was developed prior to enactment of the buffer requirement. As the Property currently exists, there is no buffer.

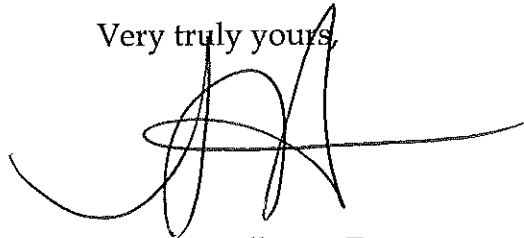
Adjacent to the Property are residential apartments which were constructed several years after the existing shopping center. There is no room on the Property to provide a buffer as is now required by the Ordinance. The proposed Neighborhood Market will not increase structural encroachment into the buffer and will have a substantially similar footprint to what currently exists today. The Applicant also proposes certain enhancements to the buffer where appropriate. Moreover, topographical conditions work to further screen the Property from the adjacent apartment development and ensure that an ample vegetative buffer will remain

between the Property and any adjacent structure. As the proposed project is a redevelopment initiative and involves only part of an existing shopping center, it is not possible for the Applicant to provide a 75 foot buffer, where one does not currently exist. Pictures of the existing buffered area between the Property and the apartments, which will remain virtually undisturbed, are attached as Exhibit A.

The renovation of the Property as proposed is a desirable outcome. The proposed use of the Property will provide a stable economic anchor for the shopping center and enable certain development improvements which will impact in a positive way the current landscape of the shopping center. It will provide a convenient source of fresh food where none exists. The requested buffer reduction is necessary to allow the project to move forward and allow the safe and orderly redevelopment of a vacant store in an existing shopping center. The Applicant's request represents the minimum necessary to afford relief. Accordingly, the Applicant respectfully requests the Board's approval.

Enclosed are all submittal materials required for a Gwinnett Count Buffer Reduction Application. Please contact me directly should you have questions or require further information.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Amy L. Hillman', with a long horizontal flourish extending to the right.

Amy L. Hillman, Esq.

Enclosures



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