

SPECIAL USE PERMIT APPLICATION

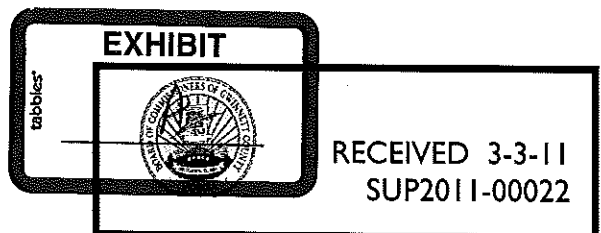
AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>TRAC Limited Partnership</u> ADDRESS: <u>4817 Hargrove Road</u> CITY: <u>Raleigh</u> STATE: <u>NC</u> ZIP: <u>27616</u> PHONE: <u>919-851-2556 (attn Frank Colonna)</u>	NAME: <u>J.W.A. Properties, LLC</u> ADDRESS: <u>c/o Palmetto Bank, 301 Hillcrest Dr</u> CITY: <u>Laurens</u> STATE: <u>SC</u> ZIP: <u>29360</u> PHONE: <u>864-984-4551 (attn W. Glen Keadle)</u>
CONTACT PERSON: <u>John E. Underwood, Esq.</u> PHONE: <u>770-925-0111</u> CONTACT'S E-MAIL: <u>junderwood@tokn.com</u>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:
<input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
EXISTING/PROPOSED ZONING: <u>C-2</u> BUILDING/LEASED SQUARE FEET: <u>3402</u>
LAND DISTRICT(S): <u>6</u> LAND LOT(S): <u>199</u> ACREAGE: <u>1.528</u>
ADDRESS OF PROPERTY: <u>1568 Indian Trail Road, Norcross, GA 30093-2613</u>
SPECIAL USE REQUESTED: <u>Truck/Van rental agency</u>
<hr/>

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED



THOMPSON O'BRIEN

Thompson O'Brien Kemp & Nasuti, P.C. | Attorneys at Law

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OF COUNSEL

John E. Underwood

E-mail: junderwood@tokn.com

March 3, 2011

VIA HAND DELIVERY

Gwinnett County Department of Planning and Development
One Justice Square
446 West Crogan Street
Lawrenceville, Georgia 30045-2440

Re: SUP for Truck Rental
Application of TRAC Limited Partnership
Letter of Intent
Our File No. 6127.00001

Dear Sir or Madam:

This firm represents TRAC Limited Partnership ("TRAC"), the applicant for the above referenced Special Use Permit.¹ TRAC is a North Carolina Limited Partnership created for the purpose of owning and leasing real estate to several commercial entities, including but not limited to, Triangle Rent A Car, LLC, a North Carolina Limited Liability Company authorized to do business in Georgia ("Triangle"). The Subject Property is Tax Parcel ID No. R6-199-110. Its street address is 1568 Indian Trail Road, Norcross, Georgia 30093-2613. A copy of the Limited Warranty Deed to the current owner and containing the current metes and bounds legal description is attached hereto as Exhibit "B."

The Subject Property is located within the Indian Brook Park office development. It is currently vacant, and it consists of a vacant building (approximately 3402 s.f.) with a large parking area containing approximately 47 parking spaces. The lot is approximately 1.528 acres and is currently zoned C-2.² The building is a single story structure approximately 15 feet high. A reduced copy of the Site Plan is attached hereto as Exhibit "C." Four (4) original full sized copies of the Site Plan are also attached.

¹ The original Special Use Permit Application, Special Use Applicant's Certification, Special Use Permit Property Owner's Certification, Notarized Conflict of Interest Certification for Special Use Permit (one each for the Applicant and the Owner) and the verification of Current Property Taxes Paid for Special Use Permit are attached hereto as Exhibit "A."

² This is approximately 2,226 s.f./acre.



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The current owner of the Subject Property is J.W.A. Properties, LLC, currently operated by the Carolyn Coker Moore QTIP Trust (the “QTIP Trust”). The Palmetto Bank is the trustee of the QTIP Trust.³ The Subject Property is currently under contract for sale to TRAC. When the sale is consummated, TRAC intends to enter into a long term lease with Triangle to utilize the property as a retail automobile and truck rental agency.

The last use of the building was for a fast food restaurant. The contract for sale is contingent on an SUP for truck rental being approved by Gwinnett County for the Subject Property.

Triangle is a multi-state retail automobile and truck rental company. It rents automobiles and trucks in North and South Carolina, Virginia and Georgia. It currently has two locations in Gwinnett County, one in Snellville and the other on Jimmy Carter Boulevard. Triangle wishes to close its Jimmy Carter Boulevard location and open a new location on the Subject Property.

Based on discussions with the Gwinnett County of Planning and Development, we understand that Gwinnett County interprets the Zoning Ordinance so that automobile rental is a permitted use within C-2 zoning, but that an SUP must be obtained for any kind of truck rental.⁴ Similarly, an automotive car wash is also a permitted use for property zoned C-2.⁵

Triangle is primarily a retail automobile rental company, but it also offers pickup trucks, SUVs, passenger vans (up to 15 passengers maximum) and small box trucks (up to 15’ maximum) in its rental inventory. Triangle anticipates repainting and using the existing building.

If the SUP is granted, Triangle shall place only rental car, pickup truck, minivans, passenger vans and SUV inventory on the lot between the building and Indian Trail Road. Any and all box van inventory will be stored in the parking area behind (i.e., the parking area north of) the building.

An excerpt from Triangle’s website (www.trianglarentacar.com) showing the size and types of vehicles it currently offers for rent is attached hereto as Exhibit “F”. Triangle does not anticipate having more than three (3) of the fifteen foot (15’) box trucks present on the lot at any given time.

³ A true and correct copy of the Memorandum of Trust appointing Palmetto Bank as Trustee for the Carolyn Coker Moore QTIP Trust is attached hereto as Exhibit “D.” A true and correct copy of the Resolution Authorizing W. Glenn Keadle to execute documents on behalf of the Palmetto Bank is attached hereto as Exhibit “E.”

⁴ The phrase “automobile rental” does not appear in the permitted uses for C-2. Planning and Zoning staff interpret the category of “equipment rental” (Section 1308(A)(33)) to include automobile rental. Planning and Zoning similarly construes the special use of “Heavy equipment and farm equipment sales and service, *and truck rental*” (Section 1308(E)(7) (emphasis added) to mandate an SUP if an automobile rental company wishes to rent any kind of truck, including pick-up trucks and SUVs, at a C-2 location.

⁵ Section 1308(A)(6).



In addition, Triangle intends to operate a hand wash only area in the present kitchen area of the building. Triangle will remove all of the existing kitchen equipment and utilize the existing tile floor and drain for the purpose of washing automobiles inside the existing building. Triangle will have to install one or more roll up doors and a curb cut adjacent to the building to facilitate the car wash area. A diagram showing the proposed location of the car wash area and the box van and commuter van inventory storage area is attached hereto as Exhibit "G". Triangle will not have any outdoor car or truck washing activities on the Subject Property.

Triangle will agree that it will not utilize tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material to be displayed, hung or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs will not be utilized. Triangle will comply with the existing sign ordinance.⁶ Triangle will apply for a sign permit to re-use the extant sign pole that was previously approved for the prior fast food operator.

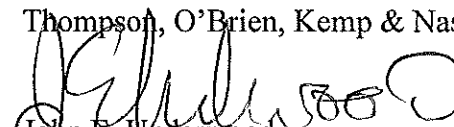
I have attached certain constitutional objections to this letter of intent which are incorporated herein by reference. See Exhibit "H" attached hereto.

Also attached hereto is this firm's check in the amount of \$750.00 made payable to Gwinnett County in payment of the application fee. A copy of the Special Use Permit Application Checklist is also attached as Exhibit "I."

If you have any questions, or if you wish to discuss any additional conditions, please do not hesitate to contact me.

Very truly yours,

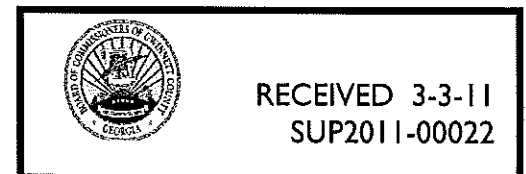
Thompson, O'Brien, Kemp & Nasuti, P.C.

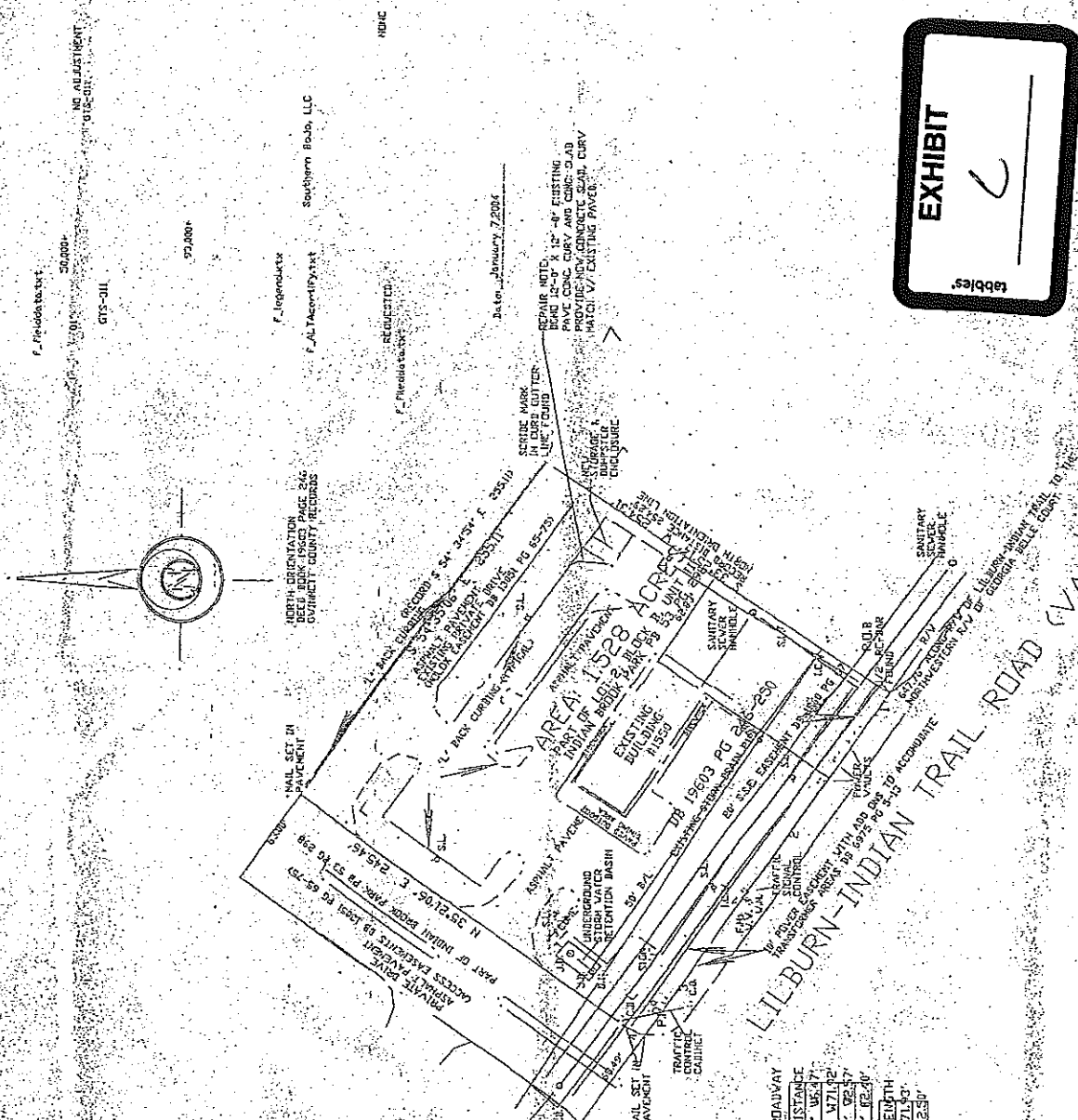

John E. Underwood
Of Counsel

JEU:bms
Enclosures

cc: Frank Colonna, TRAC Limited Partnership (w/encl.)
John Wallace, Esq., counsel for TRAC Limited Partnership (w/encl.)
Glen Keadle, Palmetto Bank (w/encl.)

⁶ Gwinnett County Code, Part II, Sec. 86-100 – 86-125.





"ALTA/ACSM LAND TITLE SURVEY"
 FOR
SOUTHERN BOJO, LLC
 LOCATED IN LAND LOT 199
 6TH LAND DISTRICT
 GWINNETT COUNTY, GEORGIA

COURSES ALONG ROADWAY

COURSE	BEARING	DISTANCE
1	N 56°12'09" W	471.2'
2	N 55°11'01" W	171.2'
3	N 54°08'50" W	252.7'
4	N 52°13'37" E	224.0'

CURVE	RADIUS	ARC LENGTH
1	5668.83'	171.3'
2	2800'	125.0'

- REFERENCES SUPPLIED TO SURVEYOR
- DB 279 PG 263
 - DB 1188 PG 103-107
 - DB 775 PG 205
 - DB 10230 PG 21-25
 - DB 10236 PG 46-70
 - DB 6975 PG 5-10
 - DB 10063 PG 235-260
 - DB 2013 PG 155-207
 - DB 6935 PG 3493-41
 - DB 2896 PG 23-31
 - DB 3077 PG 23
- PLAT PREPARED BY CARACOL LAND SERVICES, INC.
 SURVEYOR

PREPARED BY
Caracol Land Services
 P.O. BOX 354
 MABLETON, GEORGIA 30258
 770-228-6759



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