

**SPECIAL USE PERMIT APPLICATION**

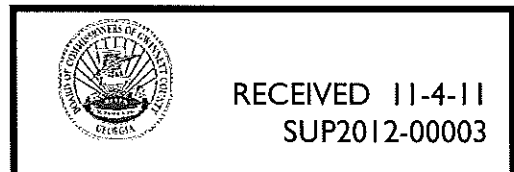
AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Francisco Morales</u>	NAME: <u>RBC Bank (USA) -Asset Resolution Grp.</u>
ADDRESS: <u>1880 Shoreline Trace</u>	ADDRESS: <u>500 West Morgan Street</u>
CITY: <u>Grayson</u>	CITY: <u>Durham</u>
STATE: <u>GA</u> ZIP: <u>30017</u>	STATE: <u>NC</u> ZIP: <u>27701</u>
PHONE: <u>(678)462-5761</u>	PHONE: <u>(919)687-3569</u>
CONTACT PERSON: <u>c/o Eric Johansen</u> PHONE: <u>(678)571-4843 cell</u>	
CONTACT'S E-MAIL: <u>eric@inlandllc.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>M-1</u> BUILDING/LEASED SQUARE FEET: <u>+/- 4,000 sf</u>
LAND DISTRICT(S): <u>5</u> LAND LOT(S): <u>125</u> ACREAGE: <u>+/- 1.19 acres</u>
ADDRESS OF PROPERTY: <u>3225 Brushy Drive, Loganville, GA</u>
SPECIAL USE REQUESTED: <u>Small Engine/Lawn Equipment Sales and Service</u>

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**



**LEGAL DESCRIPTION FOR LOT-2, BRUSHY CREEK BUSINESS CENTER  
3225 Brushy Drive, Loganville, GA**

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 125 of the 5<sup>th</sup> District, Parcel 055, Gwinnett County, Georgia, as shown on the plat titled "Exhibit 'A' Merced Tile, Inc., prepared by Bullard Land Planning, Inc. Dated 6/10/2003 and more particularly described as follows:

Commencing at the point where the Northern R/W of U.S. Hwy 78 intersects the Western R/W miter of Brushy Drive (60'R/W), thence North 64 degrees 23 minutes 14 seconds East, a distance of 28.29 feet; thence North 19 degrees 22 minutes 52 seconds East, a distance of 5.12 feet to the point of curvature of a non-tangent curve, concave to the West, having an arc length of 86.51 feet and having a radius of 149.71 feet, and a chord of 85.31 feet bearing North 02 degrees 49 minutes 47 seconds East;; thence North 13 degrees 43 minutes 32 seconds West, a distance of 170.06 feet to the TRUE POINT OF BEGINNING; thence South 76 degrees 06 minutes 00 seconds West, a distance of 200.00 feet; thence North 16 degrees 28 minutes 00 seconds West, a distance of 258.86 feet; thence North 76 degrees 16 minutes 41 seconds East, a distance of 182.37 feet to the point of curvature of a non-tangent curve, concave to the East, having an arc length of 55.64 feet and having a radius of 60.00 feet, and a chord length of 53.67 feet bearing South 40 degrees 17 minutes 23 seconds East;; thence South 13 degrees 43 minutes 33 seconds East, a distance of 197.94 feet; back to the TRUE POINT OF BEGINNING. Said described tract containing 1.19 acres, more or less.



RECEIVED 11-4-11  
SUP2012-00003

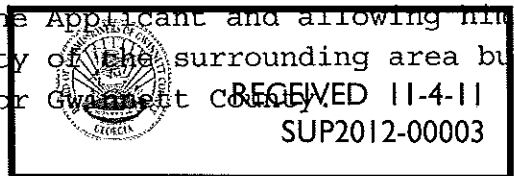


**SPECIAL USE PERMIT APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:  
The proposed use will be compatible and consistent with the immediate and surrounding area of Brushy Drive.
- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  
No, the proposed rezoning will not adversely affect the adjacent and nearby properties.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
Yes, the property does have a reasonable economic use as currently zoned, although the property has been in foreclosure for over two years dating back to 2009.
- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:  
No, the proposed rezoning will not cause and excessive or burdensome use of the existing streets, utilities and school system.
- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
Yes, the proposed rezoning is in conformity with the intent of the current Gwinnett County Unified Plan.
- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:  
The Subject Property is tucked away off of Athens Highway located on Brushy Drive. Since the property has been taken into foreclosure, the general maintenance and upkeep of the Subject Property has been dismal at best. By rezoning the property for the Applicant and allowing him to use it will not only improve the viability of the surrounding area but will also generate more taxes for fees for Gwinnett County.



November 1, 2011

Gwinnett County Board of Commissioners  
75 Langley Drive  
Lawrenceville, GA 30046

**Re: Proposed Rezoning and Special Use Permit  
Letter of Intent  
3225 Brushy Drive, Loganville, GA (Parcel R5125 055)**

Dear Commissioners,

On behalf of Francisco Morales (the "Applicant") we are submitting this request to the Gwinnett County Board of Commissioners for consideration of a Rezoning and Special Use Permit on real property located at 3225 Brushy Drive, Loganville, GA and also commonly referred to as Parcel R5125 055 (the "Subject Property"). **The Applicant is requesting to change the Zoning of the Subject Property from M-1 to C-2 and to allow a permanent Special Use Permit for Small Engine/Lawn Mower Sales and Service.** The Applicant is the Contract Purchaser of the Subject Property subject to the approval of this Rezoning and Special Use Permit request.

The Subject Property is approximately ±1.19 acres and is located in the Brushy Fork Business Center and is developed with a ±4,000 square foot four-sided brick building, all utilities, brick trash enclosure, paved parking and drive aisles, ingress/egress, a storm water management facility, and the building is equipped in the rear with two sets of loading dock doors that will compliment the needs of the Applicant. Previously, the Subject Property was home to Merced Flooring and Tile. With the recent economic downturn, this user fell victim to foreclosure and the Subject Property has been in possession of RBC Bank's Asset Management Group since early 2009. While the site has been marketed for Industrial type users under its current zoning, there has not been any users or changes since Merced Flooring and Tile.

Adjacent to the Subject Property is an Automotive Repair facility zoned C-2, a Daycare facility zoned C-2, a Fire and Sprinkler Supply facility zoned M-1, a large undeveloped M-1 tract at the end of Brushy Drive, and Brushy Fork Creek with the associated vegetated stream buffering. On the other side of Brushy Fork Creek and adjacent to the Subject Property is a Landscape Nursery, Maintenance and Supply facility also zoned C-2. Additionally, within the surrounding area along the Athens Highway corridor are two other businesses operating similarly to the Applicant's proposed use in the John Deere Tractor facility and the recently zoned property in the Creek Stone Sports Complex for Stephens Tractor Repair. Both of these comparable properties are zoned C-2 with an accompanying Special Use Permit for the Sales and Service of Lawn Equipment.

The Applicant is the Owner of Frankie's Repair Service currently located in Grayson, GA and he specializes in the sales and service of small engines and commercial lawn maintenance equipment. The Subject Property will simply need to be cleaned up and will be ready for use immediately. Since the previous user has abandoned the Subject Property, the lack of routine maintenance has caused the overgrowth of all plant materials and even has been the dumping ground for people's trash, debris, and tires (see attached photos). If approved, the Applicant will bring the Subject Property back to the condition it was in at the time of development.



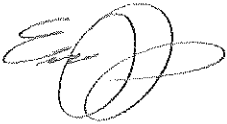
RECEIVED 11-4-11  
SUP2012-00003

In addition to the Rezoning from M-1 to C-2, and the Special Use Permit request, the Applicant also has the need for Outdoor Storage of equipment that has been repaired and is waiting for pickup by its rightful owner. The existing zoning of M-1 (RZ-97-116) permits this use in Condition 1A, as long as, the Outdoor Storage areas are screened by a 6 foot tall opaque fence and are not located within any required front yard setbacks. The intention of the Applicant is to continue this allowed use of Outdoor Storage in the general area of the back third of the side elevation of the building over to the existing trash enclosure to store equipment that has been repaired and is awaiting pick-up.

In summary, we believe there is a precedent in the immediate and surrounding area for C-2 type uses. Furthermore, the existing property was developed in an industrial manner with the necessary building improvements and infrastructure to facilitate the needs of the Applicant without the need for any changes, at this time. The Subject Property has been sitting in a vacant state for over two years and is currently overgrown and collecting trash and other associated debris due to illegal disposals. The Applicant is respectfully requesting the Board of Commissioner's approval of the change in zoning from M-1 to C-2, the Special Use Permit for Small Engine/Lawn Mower Sales and Service, and for the continued use of Outdoor Storage as previously approved. We will be more than happy to meet with Staff and the District Representatives to discuss this Application at a time convenient to all parties.

Thanks for consideration of this request.

Sincerely,



**Eric Johansen, RLA**  
For the Applicant



RECEIVED 11-4-11  
SUP2012-00003

**SPECIAL USE PERMIT APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



Signature of Applicant

10/31/11  
Date

Francisco Morales - Owner of Frankie's Repair Shop

Type or Print Name and Title



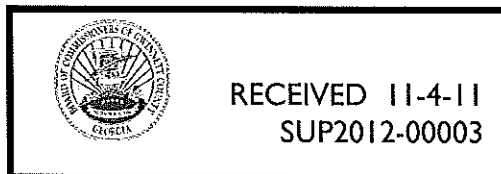
Signature of Notary Public

10-31-11

Date

**JUDY STUEVE**  
NOTARY PUBLIC  
Gwinnett County  
State of Georgia  
My Comm. Expires Aug. 14, 2014

Notary Seal

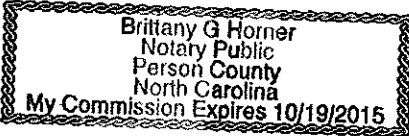


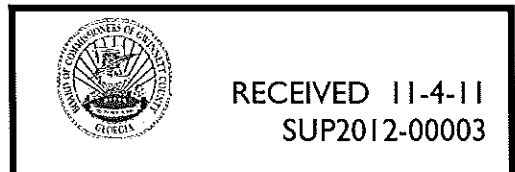
**SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION**

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

Lindsay Campbell, RBC Bank (USA) Bank Officer      10/31/11  
Signature of Property Owner      Date

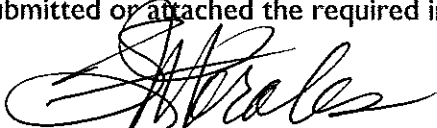
Lindsay Campbell, RBC Bank (USA), Bank Officer  
Type or Print Name and Title

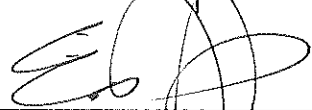
Brittany G. Horner      11/1/11        
Signature of Notary Public      Date      Notary Seal



**CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT**

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

 10/31/11  
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE  
 Francisco Morales - Owner of Frankie's Repair Shop

 10-31-2011  
 SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE  
 Eric Johansen - Agent for the Applicant

 10/31/11  
 SIGNATURE OF NOTARY PUBLIC DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

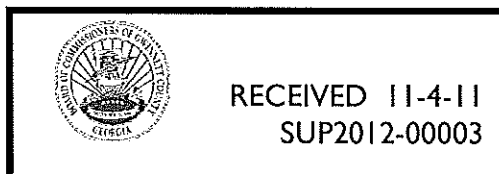
Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES  NO Inland Group, LLC  
 YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
John Heard - D4 Comm	\$1,000.00	08/2011
Lynette Howard - D2 Comm	\$1,000.00	10/2011

Attach additional sheets if necessary to disclose or describe all contributions.





**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Francisco Morales</u>	NAME: <u>RBC Bank (USA) -Asset Resolution Grp.</u>
ADDRESS: <u>1880 Shoreline Trace</u>	ADDRESS: <u>500 West Morgan Street</u>
CITY: <u>Grayson</u>	CITY: <u>Durham</u>
STATE: <u>GA</u> ZIP: <u>30017</u>	STATE: <u>NC</u> ZIP: <u>27701</u>
PHONE: <u>(678)462-5761</u>	PHONE: <u>(919)687-3569</u>
CONTACT PERSON: <u>c/o Eric Johansen</u> PHONE: <u>(678)571-4843 cell</u>	
CONTACT'S E-MAIL: <u>eric@inlandllc.com</u>	

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): M-1 REQUESTED ZONING DISTRICT: C-2

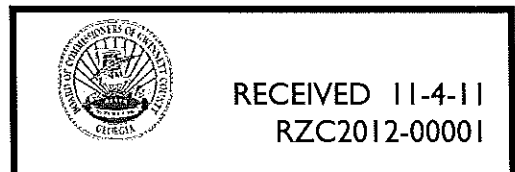
LAND DISTRICT(S): 5 LAND LOT(S): 125 ACREAGE: +/- 1.19 acres

ADDRESS OF PROPERTY: 3225 Brushy Drive, Loganville, GA

PROPOSED DEVELOPMENT: Small Engine/Lawn Equipment Sales and Service

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>+/- 4,000 sf</u>
Gross Density: _____	Density: <u>+/- 3,362 sf/acre</u>
Net Density: _____	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**



**LEGAL DESCRIPTION FOR LOT-2, BRUSHY CREEK BUSINESS CENTER  
3225 Brushy Drive, Loganville, GA**

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 125 of the 5<sup>th</sup> District, Parcel 055, Gwinnett County, Georgia, as shown on the plat titled "Exhibit 'A' Merced Tile, Inc., prepared by Bullard Land Planning, Inc. Dated 6/10/2003 and more particularly described as follows:

Commencing at the point where the Northern R/W of U.S. Hwy 78 intersects the Western R/W miter of Brushy Drive (60'R/W), thence North 64 degrees 23 minutes 14 seconds East, a distance of 28.29 feet; thence North 19 degrees 22 minutes 52 seconds East, a distance of 5.12 feet to the point of curvature of a non-tangent curve, concave to the West, having an arc length of 86.51 feet and having a radius of 149.71 feet, and a chord of 85.31 feet bearing North 02 degrees 49 minutes 47 seconds East;; thence North 13 degrees 43 minutes 32 seconds West, a distance of 170.06 feet to the TRUE POINT OF BEGINNING; thence South 76 degrees 06 minutes 00 seconds West, a distance of 200.00 feet; thence North 16 degrees 28 minutes 00 seconds West, a distance of 258.86 feet; thence North 76 degrees 16 minutes 41 seconds East, a distance of 182.37 feet to the point of curvature of a non-tangent curve, concave to the East, having an arc length of 55.64 feet and having a radius of 60.00 feet, and a chord length of 53.67 feet bearing South 40 degrees 17 minutes 23 seconds East;; thence South 13 degrees 43 minutes 33 seconds East, a distance of 197.94 feet; back to the TRUE POINT OF BEGINNING. Said described tract containing 1.19 acres, more or less.



RECEIVED 11-4-11  
RZC2012-00001

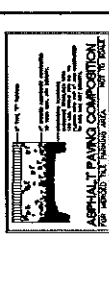
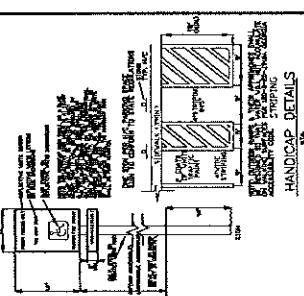
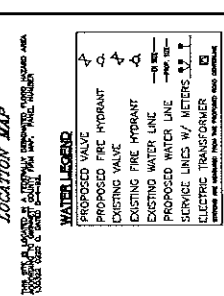
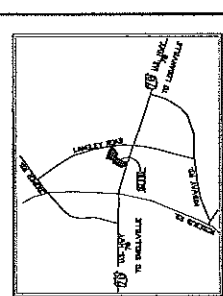
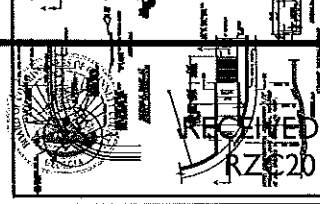
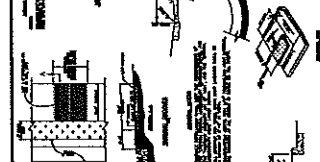
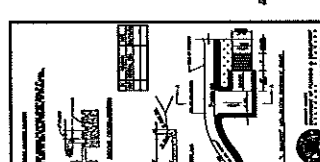
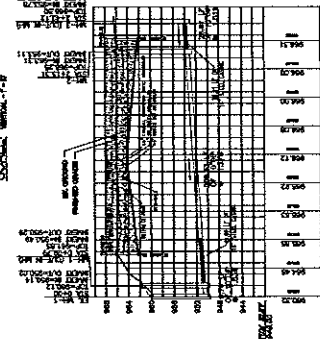
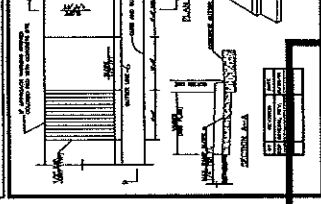
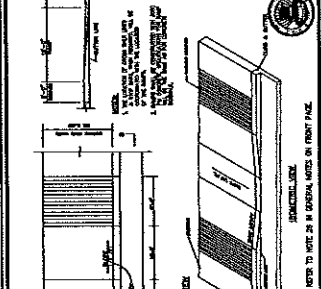
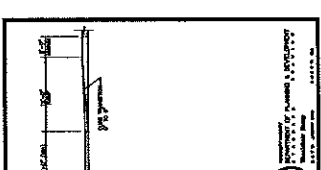
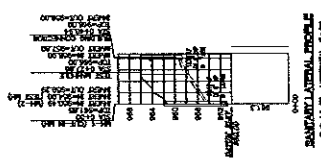
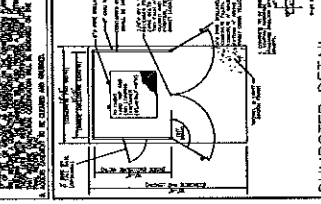
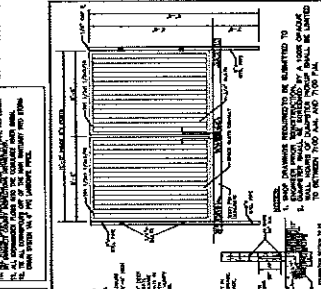
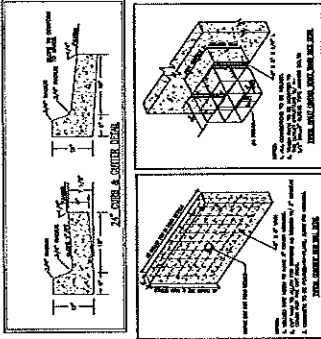
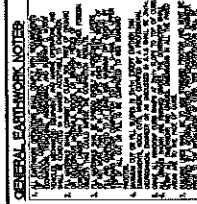
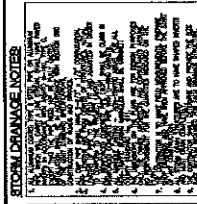
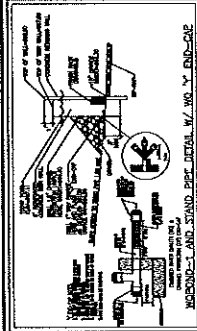
••THERE ARE NO WETLANDS ON THIS SITE••

**MERCED TILE, INC.**  
 3225 BRUSHY DRIVE BRUSHY FORK BUSINESS CENTER  
 LOCATED IN LAND LOT 125, SH. DISTRICT, PARCEL 55  
 CHWNETT COUNTY, GEORGIA

**PARKING CALCULATIONS**  
 4250 / 700 = 6.07 SPACES REQUIRED  
 4250 / 300 = 14.17 SPACES REQUIRED  
 4250 / 200 = 21.25 SPACES REQUIRED  
 4250 / 150 = 28.33 SPACES REQUIRED  
 4250 / 100 = 42.50 SPACES REQUIRED  
 4250 / 75 = 56.67 SPACES REQUIRED  
 4250 / 50 = 85.00 SPACES REQUIRED  
 4250 / 25 = 170.00 SPACES REQUIRED

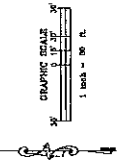
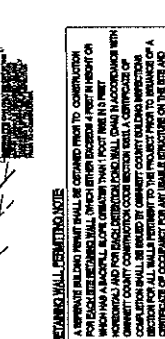
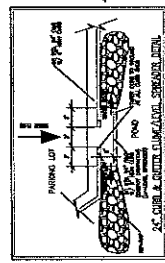
**SETBACK DISTANCE CERTIFICATION**  
 MERCED TILE, INC. HAS BEEN ADVISED BY THE CHWNETT COUNTY PLANNING DEPARTMENT THAT THE PROPOSED PROJECT IS IN CONFORMANCE WITH THE CHWNETT COUNTY ZONING ORDINANCE AND THE CHWNETT COUNTY SUBDIVISION ACT.

**DESIGNER'S CERTIFICATION**  
 I, **R. F. BULLARD**, LICENSED PROFESSIONAL ENGINEER, NO. 10000, STATE OF GEORGIA, HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



**OWNER/DEVELOPER**  
**MERCED TILE, INC.**  
 CONTACT: MARTIN BARNETT  
 3705 HARRISON ROAD - SUITE 100  
 LOGANVILLE, GEORGIA 30052  
 PHONE: 770.659.0020 / FAX: 770.659.0030

**PREPARED BY**  
**BULLARD**  
**LAND PLANNING**  
 7764-A HAMPTON PLACE  
 LOGANVILLE, GEORGIA 30052  
 CONTACT: BOBBY BULLARD  
 DATED: MAY 25, 2005  
 SHEET 3 OF 5



ANY DISCREPANCIES BETWEEN ANY SHEETS IN THIS SET AND/OR IN SITE STAKING AND/OR ACTUAL FIELD CONDITIONS MUST BE IMMEDIATELY REFERRED TO BULLARD LAND PLANNING BY THE CONTRACTOR BEFORE PROCEEDING WITH ANY WORK. THIS SHEET FOR SITE, GRADING, AND DRAINAGE PURPOSES ONLY.

NO.	REVISIONS	DATE	APPROVAL
1	DESCRIPTION		

RECEIVED  
 MAY 25 2005

**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:  
The proposed use will be compatible and consistent with the immediate and surrounding area of Brushy Drive.
- (B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  
No, the proposed rezoning will not adversely affect the adjacent and nearby properties.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
Yes, the property does have a reasonable economic use as currently zoned, although the property has been in foreclosure for over two years dating back to 2009.
- (D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:  
No, the proposed rezoning will not cause and excessive or burdensome use of the existing streets, utilities and school system.
- (E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
Yes, the proposed rezoning is in conformity with the intent of the current Gwinnett County Unified Plan.
- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING:  
The Subject Property is tucked away off of Athens Highway located on Brushy Drive. Since the property has been taken into foreclosure, the general maintenance and upkeep of the Subject Property has been dismal at best. By rezoning the property for the Applicant and allowing him to use it will not only improve the viability of the surrounding area but will also generate more taxes for fees for Gwinnett County



RECEIVED 11-4-11  
RZC2012-00001

November 1, 2011

Gwinnett County Board of Commissioners  
75 Langley Drive  
Lawrenceville, GA 30046

**Re: Proposed Rezoning and Special Use Permit  
Letter of Intent  
3225 Brushy Drive, Loganville, GA (Parcel R5125 055)**

Dear Commissioners,

On behalf of Francisco Morales (the "Applicant") we are submitting this request to the Gwinnett County Board of Commissioners for consideration of a Rezoning and Special Use Permit on real property located at 3225 Brushy Drive, Loganville, GA and also commonly referred to as Parcel R5125 055 (the "Subject Property"). **The Applicant is requesting to change the Zoning of the Subject Property from M-1 to C-2 and to allow a permanent Special Use Permit for Small Engine/Lawn Mower Sales and Service.** The Applicant is the Contract Purchaser of the Subject Property subject to the approval of this Rezoning and Special Use Permit request.

The Subject Property is approximately ±1.19 acres and is located in the Brushy Fork Business Center and is developed with a ±4,000 square foot four-sided brick building, all utilities, brick trash enclosure, paved parking and drive aisles, ingress/egress, a storm water management facility, and the building is equipped in the rear with two sets of loading dock doors that will compliment the needs of the Applicant. Previously, the Subject Property was home to Merced Flooring and Tile. With the recent economic downturn, this user fell victim to foreclosure and the Subject Property has been in possession of RBC Bank's Asset Management Group since early 2009. While the site has been marketed for Industrial type users under its current zoning, there has not been any users or changes since Merced Flooring and Tile.

Adjacent to the Subject Property is an Automotive Repair facility zoned C-2, a Daycare facility zoned C-2, a Fire and Sprinkler Supply facility zoned M-1, a large undeveloped M-1 tract at the end of Brushy Drive, and Brushy Fork Creek with the associated vegetated stream buffering. On the other side of Brushy Fork Creek and adjacent to the Subject Property is a Landscape Nursery, Maintenance and Supply facility also zoned C-2. Additionally, within the surrounding area along the Athens Highway corridor are two other businesses operating similarly to the Applicant's proposed use in the John Deere Tractor facility and the recently zoned property in the Creek Stone Sports Complex for Stephens Tractor Repair. Both of these comparable properties are zoned C-2 with an accompanying Special Use Permit for the Sales and Service of Lawn Equipment.

The Applicant is the Owner of Frankie's Repair Service currently located in Grayson, GA and he specializes in the sales and service of small engines and commercial lawn maintenance equipment. The Subject Property will simply need to be cleaned up and will be ready for use immediately. Since the previous user has abandoned the Subject Property, the lack of routine maintenance has caused the overgrowth of all plant materials and even has been the dumping ground for people's trash, debris, and tires (see attached photos). If approved, the Applicant will bring the Subject Property back to the condition it was in at the time of development.



RECEIVED 11-4-11  
RZC2012-00001

In addition to the Rezoning from M-1 to C-2, and the Special Use Permit request, the Applicant also has the need for Outdoor Storage of equipment that has been repaired and is waiting for pickup by its rightful owner. The existing zoning of M-1 (RZ-97-116) permits this use in Condition 1A, as long as, the Outdoor Storage areas are screened by a 6 foot tall opaque fence and are not located within any required front yard setbacks. The intention of the Applicant is to continue this allowed use of Outdoor Storage in the general area of the back third of the side elevation of the building over to the existing trash enclosure to store equipment that has been repaired and is awaiting pick-up.

In summary, we believe there is a precedent in the immediate and surrounding area for C-2 type uses. Furthermore, the existing property was developed in an industrial manner with the necessary building improvements and infrastructure to facilitate the needs of the Applicant without the need for any changes, at this time. The Subject Property has been sitting in a vacant state for over two years and is currently overgrown and collecting trash and other associated debris due to illegal disposals. The Applicant is respectfully requesting the Board of Commissioner's approval of the change in zoning from M-1 to C-2, the Special Use Permit for Small Engine/Lawn Mower Sales and Service, and for the continued use of Outdoor Storage as previously approved. We will be more than happy to meet with Staff and the District Representatives to discuss this Application at a time convenient to all parties.

Thanks for consideration of this request.

Sincerely,




**Eric Johansen, RLA**  
For the Applicant

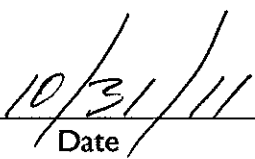


RECEIVED 11-4-11  
RZC2012-00001

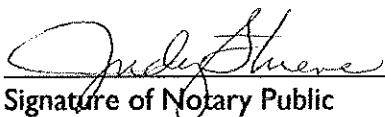
**REZONING APPLICANT'S CERTIFICATION**

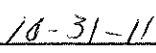
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

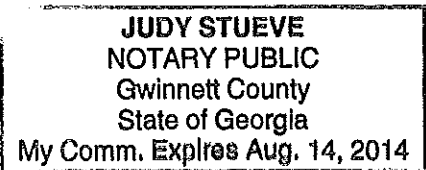
  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Date

Francisco Morales - Owner of Frankie's Repair Shop  
\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Notary Seal

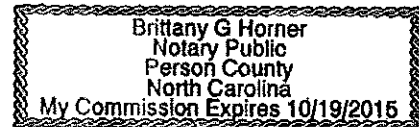


**REZONING PROPERTY OWNER'S CERTIFICATION**

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

Lindsay Campbell, RBC Bank (USA) Bank officer 10/31/11  
Signature of Property Owner Date

Lindsay Campbell, RBC Bank (USA), Bank Officer  
Type or Print Name and Title

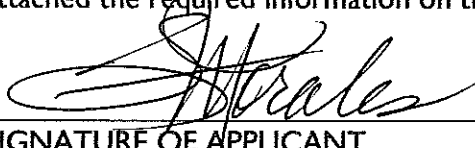
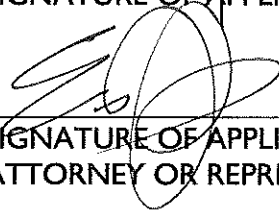
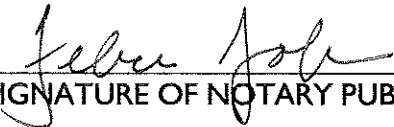


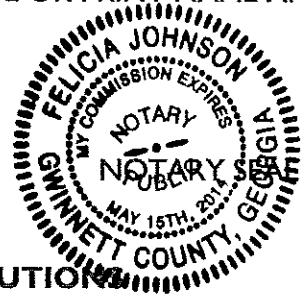
Brittany G. Horner 10/31/11  
Signature of Notary Public Date Notary Seal



**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

	10/31/11	Francisco Morales - Owner of Frankie's Repair Shop
SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	10.31.2011	Eric Johansen - Agent for the Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	10/31/11	
SIGNATURE OF NOTARY PUBLIC	DATE	



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES     NO    Inland Group, LLC  
 YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
John Heard - D4 Comm	\$1,000.00	08/2011
Lynette Howard - D2 Comm	\$1,000.00	10/2011

Attach additional sheets if necessary to disclose or describe all contributions.



