

CHANGE IN CONDITIONS APPLICATION
 AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GEORGIA

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Tri-State Advertising LLC</u> <u>c/o Mahaffey Pickens Tucker, LLP</u> ADDRESS: <u>1550 North Brown Road, Suite 125</u> CITY: <u>Lawrenceville</u> STATE: <u>Georgia</u> ZIP: <u>30043</u> PHONE: <u>(770) 232-0000</u>	NAME: <u>F.A. Sims Properties, Inc.</u> <u>c/o Mahaffey Pickens Tucker,</u> ADDRESS: <u>1550 North Brown Road, Suite 125</u> CITY: <u>Lawrenceville</u> STATE: <u>Georgia</u> ZIP: <u>30043</u> PHONE: <u>(770) 232-0000</u>
CONTACT PERSON: <u>Justin Abernathy</u> PHONE: <u>(770) 232-0000</u> CONTACT'S E-MAIL: <u>jabernathy@mptlawfirm.com</u>	

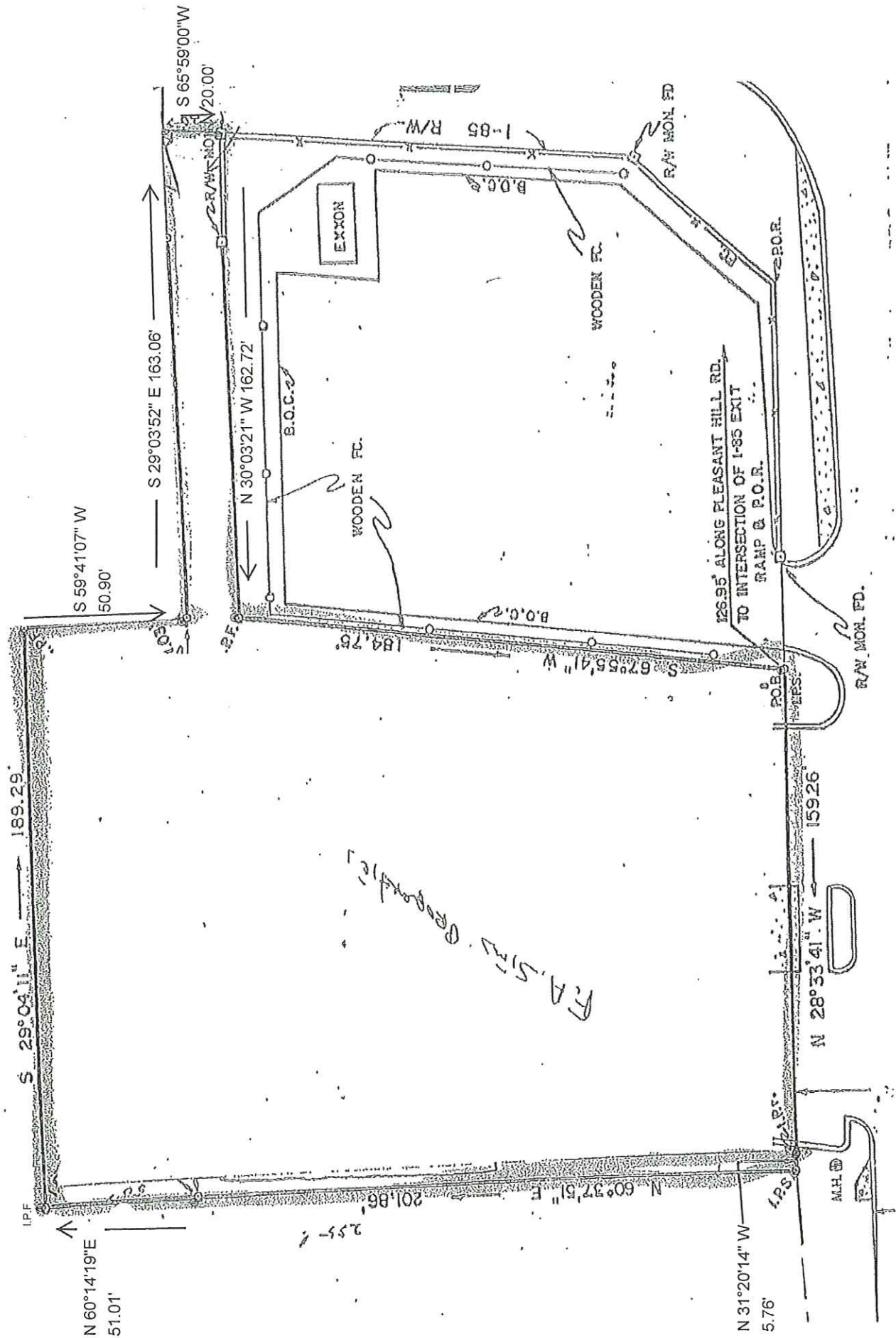
APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICT(S): <u>C-3</u>	PRIOR ZONING CASE: <u>RZ-91-056</u>
LAND DISTRICT(S): <u>6th</u>	LAND LOT(S): <u>207</u> ACREAGE: <u>1.1</u>
ADDRESS OF PROPERTY: <u>1932 Pleasant Hill Road, Duluth, Georgia 30096</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Change in condition One (1) of RZ-91-056, to permit a billboard on the property.</u>	

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/LOTS: <u>1</u>
DWELLING UNIT SIZE (Sq. Ft.): _____	TOTAL GROSS SQUARE FEET: _____
GROSS DENSITY: _____	DENSITY: _____
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

All that tract or parcel of land lying and being in land Lot 207 of the 6th Land District, Gwinnett County, Georgia, as shown and delineated on plat of survey for F. A. Sims Properties, Inc. by Cannington & Associates, Inc. dated July 17, 1985, and more fully described as follows:

BEGINNING at a point on the northeasterly right-of-way line of Pleasant Hill Road at a point which is 126.95 feet northwesterly from the intersection of I-85 exit ramp and P.O.R., as measured along the northeasterly right-of-way line of Pleasant Hill Road, and from said beginning point running thence North 28 degrees 33 minutes 41 seconds West along the northeasterly right-of-way line of Pleasant Hill Road a distance of 159.26 feet to an iron pin; thence running North 31 degrees 20 minutes 14 seconds West a distance of 5.76 feet to an iron pin; thence running North 60 degrees 37 minutes 51 seconds East a distance of 201.86 feet to an axle; thence running North 60 degrees 14 minutes 19 seconds East a distance of 51.01 feet to an iron pin; thence running South 29 degrees 04 minutes 11 seconds East a distance of 189.29 feet to an iron pin; thence running South 59 degrees 41 minutes 07 seconds West a distance of 50.90 feet to an axle; thence running South 29 degrees 03 minutes 52 seconds East a distance of 163.06 feet to a point; thence running South 65 degrees 59 minutes 00 seconds West a distance of 20 feet to a monument; thence running North 30 degrees 03 minutes 21 seconds West a distance of 162.72 feet to an iron pin; thence running South 67 degrees 55 minutes 41 seconds West a distance of 184.75 feet to an iron pin, which is the point or place of beginning.



DATE: 3/21/11
SHEET: 1 OF 1
PROJECT: SENTINEL PROPERTIES
PLASANT HILL ROAD

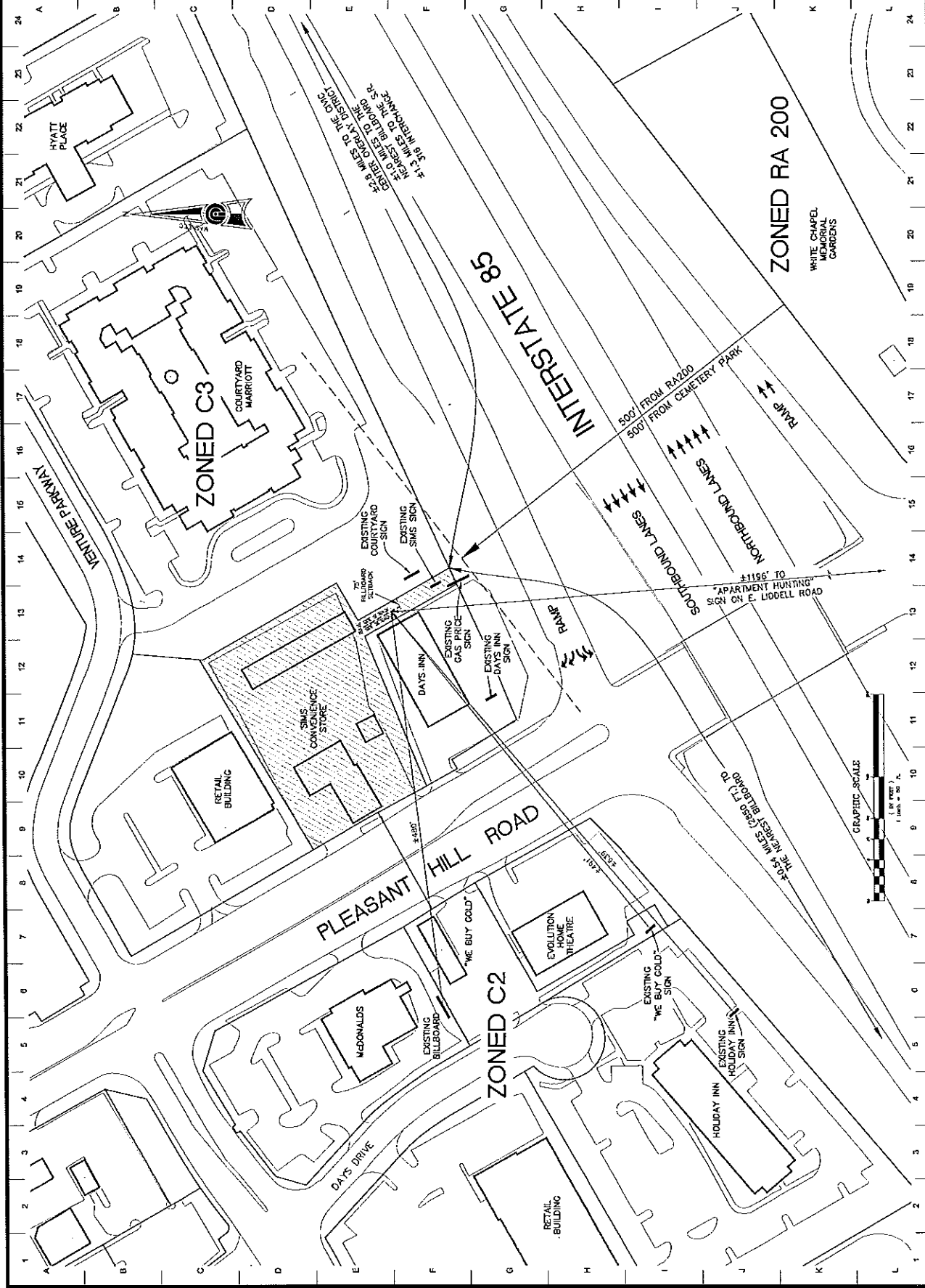
PROJECT: SENTINEL PROPERTIES
PLASANT HILL ROAD
PROJECT: PLASANT HILL ROAD

PRECISION PLANNING, INC.
PLANNERS, ENGINEERS, ARCHITECTS & SURVEYORS
400 East Boulevard
Suite 200
P.O. Box 2219
Denver, Colorado 80202
(303) 733-5500
(303) 733-5500 Fax



STAMP

DATE: 3/21/11
SHEET: 1 OF 1
PROJECT: SENTINEL PROPERTIES
PLASANT HILL ROAD



CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Please see attached.

- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

Please see attached.

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

Please see attached.

- (D) WHETHER THE PROPOSED CHANGE IN CONDITIONS WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

Please see attached.

- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Please see attached.

- (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 CHANGE IN CONDITIONS:

Please see attached.

CHANGE IN CONDITIONS APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) As stated on the Application, the purpose of this Change in Conditions Application is limited in its nature, that is to say, Applicant does not seek to rezone the property to a different zoning classification but merely requests the modification of one (1) condition of zoning. Accordingly, the change of conditions requested will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (B) No, the change of condition requested will not adversely affect the existing use or usability of adjacent or nearby properties.
- (C) The property which is the subject of this application does have reasonable economic use as currently zoned and this Application does not seek to change that use but merely to allow for a more suitable and appropriate development of the property.
- (D) No, the change in condition will not result in any use which would or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. If it impacts said infrastructure systems at all, it will be in a positive way.
- (E) Yes, the proposed application is in conformity with the policy and intent of the Gwinnett County 2030 Unified Plan which shows the subject property as Regional Mixed-Use. Applicant's application does not seek to change those uses.
- (F) Yes. The property's location provides supporting grounds for development of the property in accordance with the application.

CIC '13 004



Jeffrey R. Mahaffey
Steven A. Pickens
R. Lee Tucker, Jr.
Matthew P. Benson
Gerald Davidson, Jr.,
of Counsel

Andrew D. Stancil
E. Michelle Rothmeier
Shawn F. Bratton
Alissa L. Cummo
Justin A. Abernathy
Austen T. Mabe
J. David Gussio
Jill H. Harris,
of Counsel

**LETTER OF INTENT FOR CHANGE IN CONDITIONS APPLICATION OF
TRI-STATE ADVERTISING LLC**

Tri-State Advertising LLC, (the "Applicant") submits this Change in Condition ("CIC") application for the purpose of requesting changes to certain conditions on that parcel of land located at 1932 Pleasant Hill Road, Duluth, Georgia 30096 (the "Property"). The Property is currently zoned C-3, or Highway Business District, as part of Case Number CZ-1-1-88, approved by Resolution of the Board of Commissioners of Gwinnett County, Georgia, on August 23, 1988. The Property was subsequently rezoned on July 23, 1991, pursuant to Case Number RZ-91-056 (the "Resolution") from C-3 to C-3 with a CIC, removing condition six (6), the condition regulating Freestanding Signs. Pursuant to Condition One (1) of the Resolution, billboards are not permitted on the Property.

In its current state, the Property is improved with a convenience store and two oversized signs, as depicted in the picture attached hereto as Exhibit "A" and incorporated by reference herein (the "Existing Signs"). The Applicant is proposing to remove the Existing Signs and replace such with a new oversized sign in accordance with Section 86-115 of the Sign Ordinance, as described more particularly in those sign plans attached hereto as "Exhibit B" and incorporated by reference herein (the "Proposed Sign"). The requested CIC is necessary in order for the Applicant to redevelop the Property and replace the Existing Signs with the Proposed Sign, thereby reducing visual clutter in the area along Interstate 85 and adding updated, aesthetically enhanced signage to the site.

Specifically, the Applicant requests a change in condition to the Resolution to allow for billboards on the Property. Under the C-3 zoning classification of the Gwinnett County Zoning Ordinance, billboards or oversized signs are permitted, as provided for in the Gwinnett County Sign Ordinance.

Applicant requests that Condition One (1) of the Resolution be modified to read as follows:

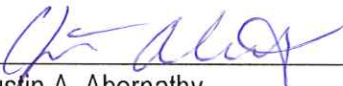
1. Billboards shall be permitted in accordance with the Gwinnett County Sign Ordinance.

The Applicant respectfully requests your approval of the requested change in condition and welcomes the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to address any concerns they may have.

This 6th day of December, 2012.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP


Justin A. Abernathy

CIC '13 00 4

CHANGE IN CONDITIONS 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.

Tri-State Advertising LLC
by:

Signature of Applicant

Date

11/5/12

Terry Poteete, Managing Member

Type or Print Name and Title



Signature of Notary Public

Date

Notary Seal

Jill Haney

11/5/12

CHANGE IN CONDITIONS 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.

[Handwritten Signature]

Signature of Property Owner

11-5-12

Date

Lige Sims President

Type or Print Name and Title

Frances G. Foster

Signature of Notary Public

11-5-12

Date

Notary Seal

Frances G. Foster
Notary Public, Gwinnett County
Georgia
My Commission Expires 9/27/2016

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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.

by: Terry Poteete 11/5/12 Terry Poteete, Managing Member
 Signature of Applicant Date Type of Print Name and Title

Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

[Signature] 11/5/12
 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 Terry Poteete
 Your Name

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

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

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


CIC '13 004

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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.

Signature of Applicant	Date	Type of Print Name and Title
		Mahaffey Pickens Tucker, LLP by: Justin Abernathy, Attorney

Signature of Applicant's Attorney or Representative	Date	Type or Print Name and Title


	Date	Signature of Notary Public



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?

Mahaffey Pickens Tucker, LLP

YES NO by:  _____
Your Name

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

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
	Please see attached.	

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

**CONFLICT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN
CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS**

MAHAFFEY PICKENS TUCKER, LLP

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Lynette Howard	\$1,000	10/13/2010
Jace Brooks	\$1,000	07/02/2012
John Heard	\$500	10/24/2012
Tommy Hunter	\$1,000	09/06/2012

LEE TUCKER, ATTORNEY AT LAW, PC

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
John Heard	\$500	07/07/2010
Lynette Howard	\$500	03/30/2010
Mike Beaudreau	\$500	03/29/2012

JEFF MAHAFFEY, ATTORNEY AT LAW, PC

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
John Heard	\$1,000	07/2010
John Heard	\$250	10/2012

GERALD DAVIDSON, JR., ATTORNEY AT LAW, PC

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
John Heard	\$500	07/26/2010

CIC '13 004

**VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS**

THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

*** NOTE: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 6 207 008
(Map Reference Number) District Land Lot Parcel

Tri-State Advertising LLC

by:

Signature of Applicant

Date

Terry Poteete, Managing Member

Type or Print Name and Title

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Nick Cole TSA II
NAME TITLE
11/13/12
DATE