

RECEIVED BY

CHANGE IN CONDITIONS APPLICATION

CIC '13 01 1

APR 04 2013 APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GEORGIA

Planning & Development

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Luke Mellon</u> <u>c/o Mill Creek Consulting</u>	NAME: <u>Paul Sunwoo</u>
ADDRESS: <u>4480 Commerce Dr., Suite A</u>	ADDRESS: <u>792 Mill Stream Road</u>
CITY: <u>Buford</u>	CITY: <u>Ponte Vedra Beach</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>FL</u> ZIP: <u>32082-4145</u>
PHONE: <u>770-614-6511</u>	PHONE: _____
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u>	
APPLICANT'S E-MAIL: <u>millcreekconsulting@gmail.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"/> OWNERS AGENT	<input type="checkbox"/> PROPERTY OWNER	<input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT (S): <u>C-2</u>	PRIOR ZONING CASE: <u>SUP2012-00005</u>	
LAND DISTRICT (S): <u>6</u>	LAND LOT (S): <u>062</u>	ACREAGE: <u>0.36</u>
ADDRESS OF PROPERTY: <u>4985 Stone Mountain Highway</u>		
PROPOSED DEVELOPMENT: <u>A Title Pawn Business</u>		
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:	
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/UNITS: <u>1</u>	
DWELLING UNIT SIZE (SQ. FT.): _____	TOTAL GROSS SQUARE FEET: <u>1,275</u>	
GROSS DENSITY: _____	DENSITY: <u>3,541.66 sq.ft./acre</u>	
NET DENSITY: _____		

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

LAND DESCRIPTION

Parcel 6-062-135

All that tract or parcel of land lying and being in Land Lot 062 of the 6th district, Gwinnett County, Georgia and being more particularly described as follows:

To find the True Point of Beginning commence at the apparent intersection of the northeastern intersection of the right-of-way of Stone Mountain Hwy – Hwy78 (Apparent 100' right-of-way) and Pucketts Drive(Apparent 80' right-of-way); said point being THE TRUE POINT OF BEGINNING; THENCE continuing along said right-of-way of Pucketts Drive North 28 degrees 29 minutes 13 seconds West for a distance of 33.33' to a point; THENCE North 32 degrees 09 minutes 42 seconds West for a distance of 36.32' to a point; THENCE North 39 degrees 24 minutes 38 seconds West for a distance of 68.64' to a point; THENCE leaving said right-of-way North 44 degrees 15 minutes 37 seconds East for a distance of 91.44' to a point; THENCE South 83 degrees 37 minutes 18 seconds East for a distance of 40.91' to a point; THENCE South 17 degrees 26 minutes 51 seconds East for a distance of 164.54' to a point; Said Point being on the right of way of Stone Mountain Highway (Hwy 78) THENCE along the right of way South 77 degrees 11 minutes 27 seconds West for a distance of 76.91' to a point; said point being THE TRUE POINT OF BEGINNING

Said property contains 0.36 +/- acres.

RECEIVED BY

APR 04 2013

Planning & Development

CIC '13 01 1

STANDARDS GOVERNING 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 APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

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

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE WITHOUT THE CHANGE IN CONDITIONS.

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

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

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

THE SUBJECT PROPERTY IS DESIGNATED AS REGIONAL MIXED USE.

(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:

SEE LETTER OF INTENT.

RECEIVED BY

APR 04 2013

Planning & Development

CIC '13 01 1

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of 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, and Article P, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

.....
PLANNING DIVISION USE ONLY

CASE NUMBER _____

RECEIVED BY: _____

RECEIVED BY

APR 04 2013

Planning & Development

CIC '13 01 1

REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Luke Mellon, requests a Change in Conditions for the property located at 4985 Stone Mountain Highway for the purpose of opening a Title Loan Facility. The subject property was approved for as a Pawn Shop for jewelry pawn only on February 21st of last year but that business has since closed.

The request is to modify condition number 2 to allow a Title Loan business only instead of a jewelry pawn only. The request is to also remove condition number 14 that makes the SUP for a Pawn business only valid for a two-year period. This is a small 1,275 square foot building at the corner of Stone Mountain Highway and Pucketts Drive with only 5 parking spaces of available. That will make this location hard to rent to any commercial use that needs any volume of customers but will be perfect for a small financial institution such as the proposed Title Pawn where on a busy day they might have 10 to 12 customers. All of the other existing conditions will be followed.

RECEIVED BY

APR 04 2013

Planning & Development

CIC '13 01 1

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.

[Handwritten Signature] 4-1-13
Signature of Applicant Date

Luke Mellon / L H Mellon Financial Inc. / Owner
Type or Print Name and Title

Tawney E. Craig 04-01-13
Signature of Notary Public Date



RECEIVED BY


APR 04 2013

Planning & Development

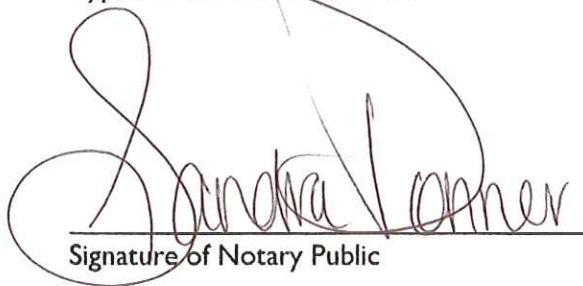
CIC '13 01 1

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.


Signature of Property Owner _____ Date 3/19/2013

INWON PAUL SUNWOO, OWNER
Type or Print Name and Title


Signature of Notary Public _____ Date 03/19/13



RECEIVED BY

APR 04 2013

CIC '13 01 1

Planning & Development

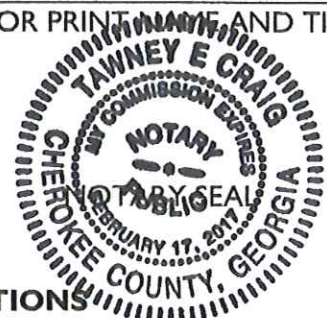
CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

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.

[Signature] 4-1-13 Luke Mellon / LH Mellon Financial Inc. / Owner
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

 SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
 ATTORNEY OR REPRESENTATIVE

[Signature] 04-01-13
 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 Luke Mellon
 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.

RECEIVED BY

APR 04 2013

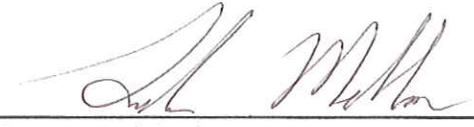
CIC '13 01 1

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. 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 SPECIAL USE PERMIT REQUEST.**

PARCEL I.D. NUMBER: R 6 - 062 - 135
(Map Reference Number) District Land Lot Parcel


Signature of Applicant 4-1-13
Date
Luke Mellon / L.H. Mellon Financial, Inc. / Owner
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)

Jarvis Crowe TSA
NAME TITLE
04/04/13
DATE
WINNETT COUNTY
X COMMISSIONER

RECEIVED BY

APR 04 2013

CIC '13 011