

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Rochester & Associates, Inc</u> <u>c/o Mill Creek Consulting</u>	NAME: <u>WUSF 2 Sugarloaf, LLC and</u> <u>Walton Georgia, LLC</u>
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>4800 N Scottsdale Rd. Suite 4000.</u>
CITY: <u>Buford</u>	CITY: <u>Scottsdale</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>AZ</u> ZIP: <u>85251</u>
PHONE: <u>770-614-6511</u>	PHONE: <u>800-959-6048</u>
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u>	
EMAIL ADDRESS: <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 checked="" type="checkbox"/> OWNERS AGENT	<input type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT (S): <u>RA-200</u>	REQUESTED ZONING DISTRICT: <u>C-2</u> <u>w/Buffer Reduction</u>
LAND DISTRICT (S): <u>5</u>	LAND LOT: <u>243</u> ACREAGE: <u>39.07</u>
ADDRESS OF PROPERTY: <u>Corner of Highway 29 and Highway 316</u>	
PROPOSED DEVELOPMENT: <u>Retail and Office Uses with 4 outparcels</u>	
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/UNITS: <u>13</u>
DWELLING UNIT SIZE (SQ. FT.): _____	TOTAL GROSS SQUARE FEET: <u>342,480</u>
GROSS DENSITY: _____	DENSITY: <u>8,766 sq ft per acre</u>
NET DENSITY: _____	

SEP 04 2013

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Legal Description

All that tract or parcel of land lying and being in Land Lots 242 and 243, 5TH District, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at concrete monument at the intersection of the southeastern right-of-way of Georgia Highway 8, a.k.a. U.S. Highway 129 (R/W Varies) and the southwestern right-of-way of Georgia Highway 316, a.k.a. U.S. Highway 19, a.k.a. University Parkway (R/W Varies); thence along the right-of-way of said Georgia Highway 316 the following courses and distances: South 44°13'45" East, a distance of 402.80 feet to a point; thence North 52°17'33" East, a distance of 27.37 feet to a concrete monument; thence 837.69 feet the arc of a curve to the right having a radius of 11309.59 feet and a chord bearing and distance of South 40°48'52" East 837.50 feet to a point; thence South 38°41'33" East, a distance of 684.75 feet to a point; thence leaving said right-of-way and along the property now or formerly belonging to WUSF 2 Sugarloaf, LLC South 64°15'41" West, a distance of 970.14 feet to a point on the southern line of Colonial Pipeline Easement; thence along said easement North 83°10'51" West, a distance of 185.82 feet to a point; thence along the property now or formerly belonging to Buel S. Williams North 04°47'44" West, a distance of 52.66 feet to a point; thence 102.35 feet along the arc of a curve to the left having a radius of 245.00 feet and a chord bearing and distance of North 16°45'49" West 101.61 feet to a point; thence North 28°43'55" West, a distance of 866.16 feet to a point; thence 250.33 feet along the arc of a curve to the left having a radius of 245.00 feet and a chord bearing and distance of North 58°00'10" West 239.58 feet to a point; thence North 87°16'25" West, a distance of 241.29 feet to a point; thence along the property now or formerly belonging to Eloise W. Williams 407.93 feet along the arc of a curve to the right having a radius of 355.00 feet and a chord bearing and distance of North 54°21'17" West 385.85 feet to a point; thence North 65°26'54" West, a distance of 67.98 feet to a point on the southeastern right-of-way of said Georgia Highway 8; thence North 68°30'27" East, a distance of 206.02 feet to a point; thence leaving said right-of-way and along the property now or formerly belonging to Eloise W. Williams South 25°19'33" West, a distance of 66.61 feet to a point; thence South 18°48'44" East, a distance of 5.53 feet to a point; thence 279.47 feet along the arc of a curve to the left having a radius of 245.00 feet and a chord bearing and distance of South 54°35'44" East 264.56 feet to a point; thence South 87°16'25" East, a distance of 241.29 feet to a point; thence South 86°10'05" East, a distance of 13.70 feet to a point; thence North 68°06'46" East, a distance of 45.39 feet to an iron pin; thence North 29°53'14" West, a distance of 357.57 feet to a point on the southeastern right-of-way of said Georgia Highway 8; thence along said right-of-way 665.10 feet along the arc of a curve to the left having a radius of 1979.86 feet and a chord bearing and distance of North 56°18'01" East 661.98 feet to the ***Point of Beginning***.

Said tract contains 39.07 acres.

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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 AS CURRENTLY ZONED.

(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 EXISTING/EMERGING SUBURBAN.

(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.

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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 _____

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Rochester & Associates, Inc., and the Owners, WUSF 2 Sugarloaf, LLC and Walton Georgia, LLC, respectfully request a rezoning of the subject property from RA-200 to C-2 for the purpose of building a commercial retail and office center with four (4) out-parcels. The subject property is located at the corner of Highway 316 and Highway 29 and is proposed to contain a total of 342,480 square feet of space. The Applicant and Owners also request a reduction in buffers along the main entrance road from Highway 29 continuing to the back property line adjacent to Tax Parcels 5-243-002 and 5-243-001 from 75 feet to 0 feet; a buffer reduction to 0 feet for Parcel 1 where it is adjacent to Tax Parcel 5-243-009; and a buffer reduction from 75 feet to 0 along the rear property line (the adjacent property along this rear property line is also owned by the Owners). The Applicant and Owners are proposing two (2) points of access onto Highway 29 and no access onto Highway 316. The main access point aligns with the entrance for the business park at Alcovy Industrial Boulevard and the secondary entrance aligns with the commercial center directly across Highway 29. The Applicant and Owners understands that all access points must be approved by the Department of Transportation. The Owners also own the adjacent property to the rear of the proposed commercial retail and office center and are providing an access point to the main entrance road for future use. Sugarloaf Parkway has just been completed and connected to Highway 316 just to the east of the subject property and with the improvements underway along Highway 316. The Applicant believes that this will be a very viable commercial area in the near future.

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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.

ROCHESTER & ASSOCIATES, INC., a Georgia corporation




Brian Rochester, Executive Vice President

8/27/13

Date





Signature of Notary Public exp. 1.29.17

8-27-13

Date

Notary Seal

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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.

WALTON GEORGIA, LLC, a Georgia limited liability company

By: Walton International Group, Inc., a Nevada corporation, its Manager

Wayne G Souza

8-1-13

Wayne G. Souza, Authorized Signatory of the Manager of the Owner

Date

Gordon A Price

8-1-13

Gordon A. Price, Authorized Signatory of the Manager of the Owner

Date

Christine A. Silver

8-1-13

Signature of Notary Public

Date



Notary Seal

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WUSF 2 SUGARLOAF, LLC, a Georgia Limited Liability Company

- By: Walton U. S. Land Fund 2, LP, a Delaware limited partnership, its sole member
- By: WUSF-2 GP, LLC, a Delaware limited liability company, its General Partner
- By: Walton Land Management (USA), Inc., a Delaware corporation, its Manager

Wayne G Souza

8-1-13

Wayne G. Souza, Authorized Signatory of the Manager of the General Partner of the sole member of the Owner.

Date

Gordon A Price

8-1-13

Gordon A. Price, Authorized Signatory of the Manager of the General Partner of the sole member of the Owner.

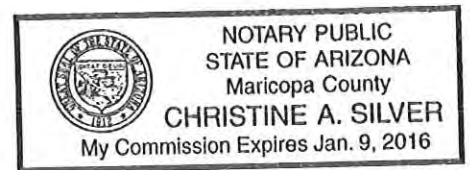
Date

Christine A. Silver

8-1-13

Signature of Notary Public

Date



Notary Seal

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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.

 8/13/2013 *by: Rochester and Associates, Inc.*
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE
 Brian Rochester, Executive Vice President

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

Denise N. Anderson 8-13-13
 SIGNATURE OF NOTARY PUBLIC DATE
exp. 1-29-17



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 
 Brian Rochester, Executive Vice President of Rochester & Associates, Inc.

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.

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