

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>TTM Holdings, LLC</u>	NAME: <u>TTM Holdings, LLC</u>
ADDRESS: <u>c/o Mahaffey Pickens Tucker, LLP</u> <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>1550 Lakes Parkway, Suite 190</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Lawrenceville</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30043</u>
PHONE: <u>(770) 232-0000</u>	PHONE: <u>(678) 689-0398</u>
CONTACT PERSON: <u>R. Lee Tucker, Jr.</u> PHONE: <u>(770) 232-0000</u>	
Mahaffey Pickens Tucker, LLP EMAIL: <u>ltucker@mptlawfirm.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 checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT(S): <u>M-1</u> REQUESTED ZONING DISTRICT: <u>C-2</u>	
LAND DISTRICT(S): <u>7th</u> LAND LOT(S): <u>080</u> ACREAGE: <u>3.446 +/- Acres</u>	
ADDRESS OF PROPERTY: <u>Newpoint Parkway/Interstate 85, Lawrenceville</u>	
PROPOSED DEVELOPMENT: <u>Restaurant</u>	
RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: <u>N/A</u> DWELLING UNIT SIZE (sq. ft.): <u>N/A</u> GROSS DENSITY <u>N/A</u> NET DENSITY <u>N/A</u>	NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/LOTS: <u>1/1</u> TOTAL GROSS SQUARE FEET: <u>11,300</u> DENSITY <u>3,279 S.F./Acre</u>

CASE NUMBER RZC '13 0 1 2



LEGAL DESCRIPTION - TRACT 1A

Beginning at the intersection of the southerly margin of the right-of-way of S.R. 120 with the easterly margin of the right-of-way of Interstate I-85, thence along right-of-way of Interstate I-85 South 60 Degrees 37 minutes 55 seconds West, a distance of 134.19 feet to a point; thence 123.22 feet along the arc of a curve to the left having a radius of 210.98 feet and a chord distance and bearing of 121.48 feet and south 43 degrees 53 minutes 59 seconds West to a point; thence South 27 degrees 07 minutes 20 seconds West, a distance of 133.30 feet to a ½" iron pin, being the TRUE POINT OF BEGINNING; thence departing said right-of-way South 75 degrees 12 minutes 52 seconds East, a distance of 432.95 feet to a concrete monument on the right-of-way of Newpoint Parkway; thence South 51 degrees 57 minutes 42 seconds West, a distance of 126.47 feet to a point; thence along said right-of-way 585.57 feet along the arc of a curve to the left having a radius of 355.00 feet and a chord distance and bearing of 521.41 feet and South 04 degrees 42 minutes 23 seconds West to a point; thence South 42 degrees 32 minutes 55 seconds East, a distance of 176.10 feet to a point; thence 137.76 feet along the arc of a curve to the right having a radius of 270.00 feet and a chord distance and bearing of 136.27 feet and South 27 degrees 55 minutes 52 seconds East to a point; thence departing said right-of-way South 61 degrees 04 minutes 16 seconds West, a distance of 7.35 feet to a ½" iron pin; thence North 36 degrees 35 minutes 36 seconds West, a distance of 220.11 feet to a ½" iron pin; thence North 47 degrees 40 minutes 05 seconds West, a distance of 79.49 feet to a point; thence North 47 degrees 48 minutes 50 seconds West, a distance of 116.83 feet to a nail found; thence North 31 degrees 20 minutes 02 seconds West, a distance of 344.19 feet to a nail found; thence North 19 degrees 20 minutes 13 seconds West, a distance of 222.23 feet to a concrete monument on the right-of-way of Interstate I-85; thence along said right-of-way North 27 degrees 05 minutes 26 seconds East, a distance of 167.78 feet to the TRUE POINT OF BEGINNING, Containing 3.446 acres, more or less.

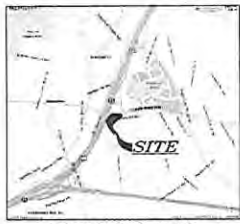
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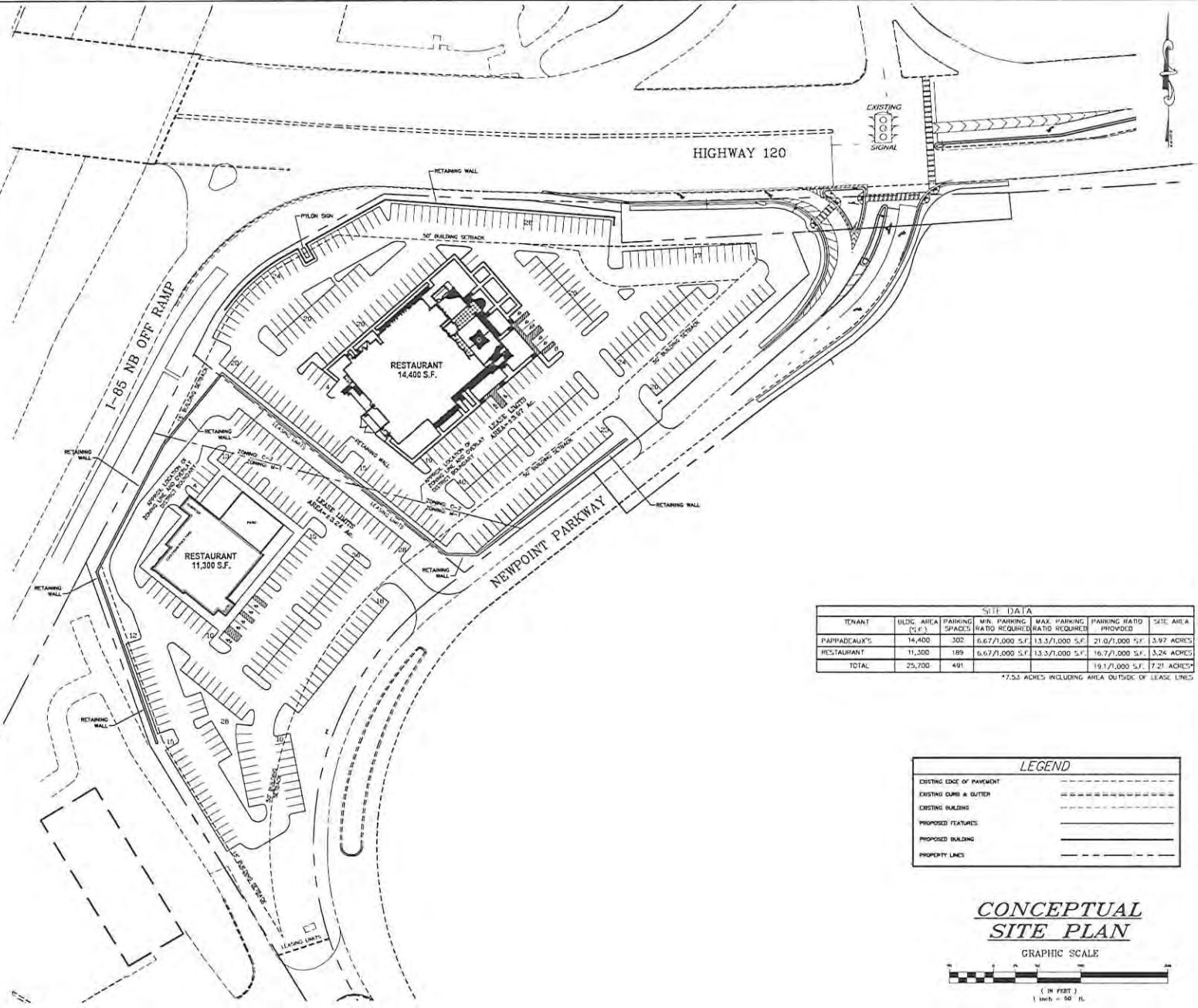
LOCATION MAP

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SITE DATA						
TENANT	BLDG. AREA (S.F.)	PARKING SPACES	MIN. PARKING RATIO REQUIRED	MAX. PARKING RATIO REQUIRED	PARKING RATIO PROVIDED	SITE AREA (ACRES)
PAINTERDAUX'S	14,400	302	6.67/1,000 S.F.	15.5/1,000 S.F.	21.0/1,000 S.F.	3.97 ACRES
RESTAURANT	11,300	189	6.67/1,000 S.F.	15.5/1,000 S.F.	16.7/1,000 S.F.	3.24 ACRES
TOTAL	25,700	491			19.1/1,000 S.F.	7.21 ACRES

*7.53 ACRES INCLUDING AREA OUTSIDE OF LEASE LINES

LEGEND	
EXISTING EDGE OF PAVEMENT	----
EXISTING CURB & GUTTER	- - - -
EXISTING BUILDING	=====
PROPOSED FEATURES	—————
PROPOSED BUILDING	=====
PROPERTY LINES	---

CONCEPTUAL SITE PLAN

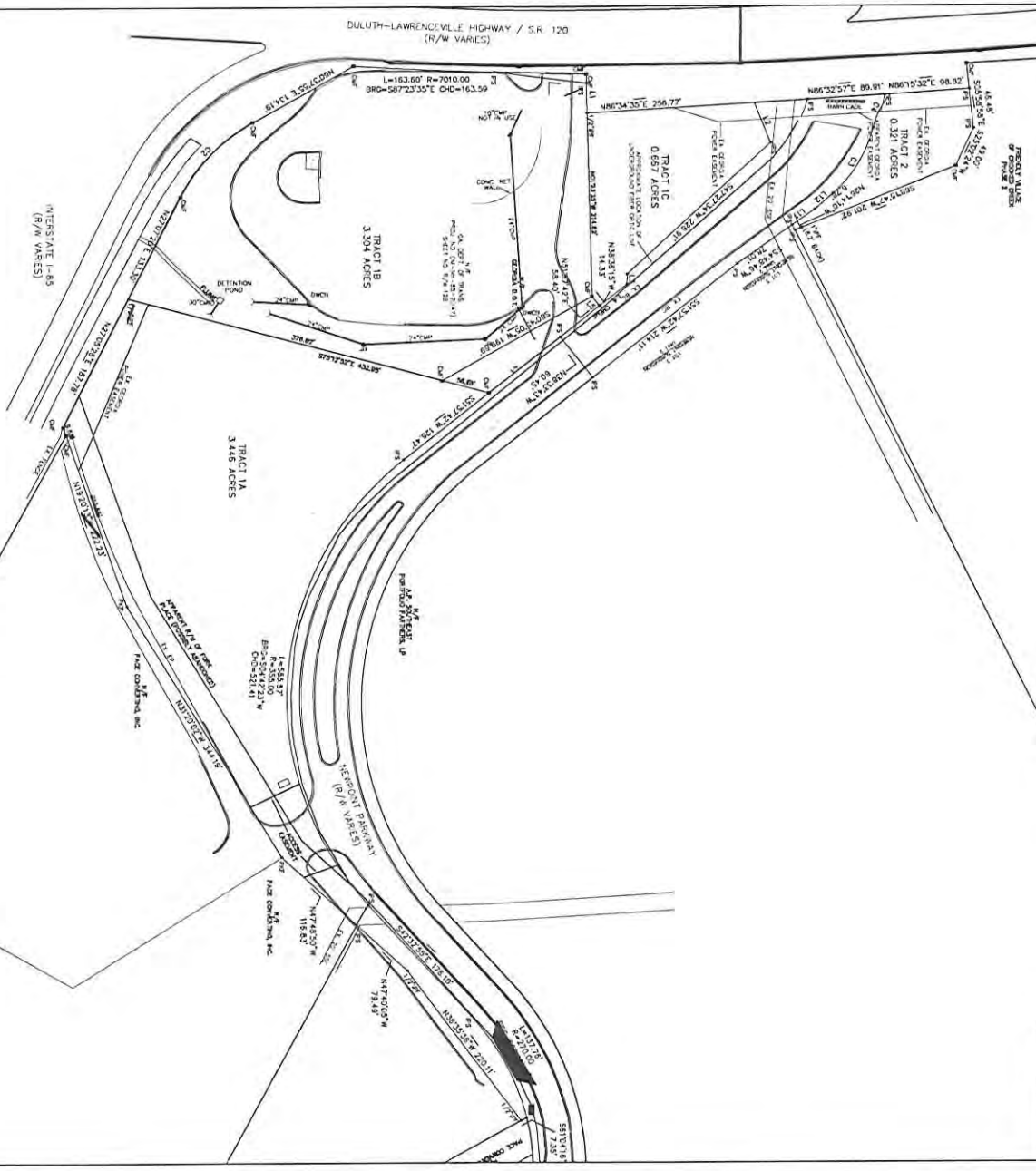
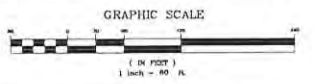
GRAPHIC SCALE



NO.	DATE	DESCRIPTION

DESIGNED BY	CHIEF ENGINEER
DRAWN BY	BLANK
DATE	9/30/13
SHEET TITLE	SITE PLAN
SHEET NUMBER	SP-24
HGA JOB No 2009-039	

SURVEY EXHIBIT



TRINITY HILL ASSOCIATES, INC.
 10000 JAMES LANE, SUITE 100
 FARMERS BRANCH, GA 30204

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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 (OR SPECIAL USE PERMIT) WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

(D) WHETHER THE PROPOSED REZONING (OR 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:

SEE ATTACHED

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

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 REZONING (OR SPECIAL USE PERMIT).

SEE ATTACHED

PLANNING DIVISION USE ONLY

RZC '13 0 1 2

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STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, the proposed Rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. As mentioned in the Letter of Intent filed herewith, the proposed use complies with the Gwinnett County 2030 Unified Plan which specifically notes that in addition to regional mixed-use developments, free-standing commercial/retail uses are acceptable within the Regional Mixed Use character area. The proposed rezoning is compatible with the zonings and uses currently in effect or contemplated for adjacent and nearby properties.
- (B) No, the proposed Rezoning will not adversely affect the existing use or usability of adjacent or nearby property but, to the contrary, will be compatible and consistent with such uses as currently exist or as are contemplated in the future.
- (C) No, the property which is the subject of this proposed Rezoning has no reasonable economic use as zoned for M-1 uses in light of the adjacent property that is currently zoned C-2. The property is surrounded by commercially zoned property.
- (D) No, the proposed Rezoning will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The proposed Rezoning and use will have no effect upon schools other than to generate revenue in the form of ad valorem taxes for the Gwinnett County Public School System. The transportation network in this area has been improved greatly in the last few years and is capable of handling any traffic to be generated by the development of this property under the proposed Rezoning.
- (E) Yes. The proposed rezoning to C-2 is in conformity with the intent of the Land Use Plan in that it provides commercial property in the midst of an existing commercial corridor at Duluth Highway, Highway 120 intersection. Also, the subject tract is adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property.
- (F) Yes, the existing zonings of adjacent and nearby properties and the fact that the subject tract is located on a major cross-county thoroughfare give additional supporting grounds for the approval of the requested rezoning. Additionally, the property has no reasonable economic use under its current zoning thereby giving additional support for the approval of this Application.

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Justin A. Abernathy
Matthew P. Benson
Shawn F. Bratton
Alissa L. Cummo
Amanda C. Floyd
J. David Gussio
Gerald Davidson, Jr.*
Jill H. Harris*

Christopher D. Holbrook
Austen T. Mabe
Jeffrey R. Mahaffey
Steven A. Pickens
E. Michelle Rothmeier
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
*of Counsel

**LETTER OF INTENT FOR REZONING APPLICATION
OF TTM HOLDINGS, LLC**

Mahaffey Pickens Tucker, LLP submits this Rezoning Application on behalf of the Applicant, TTM Holdings, LLC, for the purpose of rezoning an approximate 3.446 acre tract situated on Newpoint Parkway at Interstate 85 (the "Property") to the C-2 zoning classification. The Property is currently zoned M-1, light industrial.

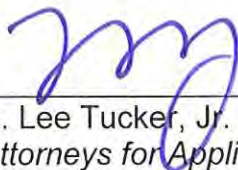
The Applicant proposes to develop an 11,300 square foot restaurant on the Property. As reflected on the site plan submitted herewith, the overall proposed development by the Applicant includes two (2) restaurant sites, including a 14,400 square foot restaurant pad on the tract adjacent to the Property.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 4th day of October, 2013.

MAHAFFEY PICKENS TUCKER, LLP

RZC '13 012



R. Lee Tucker, Jr.
Attorneys for Applicant

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043
NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022
TELEPHONE 770 232 0000
FACSIMILE 678 518 6880
www.mptlawfirm.com

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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.

By: [Signature] 10/4/2013
SIGNATURE OF OWNER DATE

R. Lee Tucker, Jr., Attorney for Owner
TYPE OR PRINT NAME AND TITLE

[Signature] 10/4/2013
SIGNATURE OF NOTARY PUBLIC DATE



CASE NUMBER RZC '13 012



CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for 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.

[Signature]
 SIGNATURE OF APPLICANT DATE

R. Lee Tucker, Jr., Attorney for Applicant
 TYPE OR PRINT NAME AND TITLE

 SIGNATURE OF APPLICANT'S DATE
 ATTORNEY OR REPRESENTATIVE

 TYPE OR PRINT NAME AND TITLE

Angela Hanson 10/4/13
 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?

NO (yes/no)

TTM HOLDINGS, 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)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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


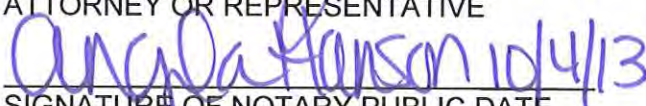
RZC '13 012

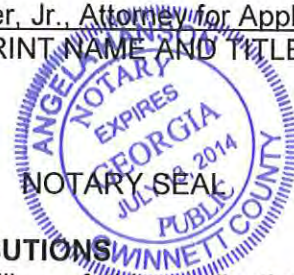
CASE NUMBER _____



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_____ SIGNATURE OF APPLICANT	_____ DATE	_____ TYPE OR PRINT NAME AND TITLE
	10/4/13	R. Lee Tucker, Jr., Attorney for Applicant
_____ SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	_____ DATE	_____ TYPE OR PRINT NAME AND TITLE
	10/4/13	
_____ 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 (yes/no)

MAHAFFEY PICKENS TUCKER, LLP

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)
SEE ATTACHED.		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

CASE NUMBER _____ **RZC '13 0 1 2**



**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>
Jace Brooks	\$1000	07/02/2012
Tommy Hunter	\$1000	09/06/2012
John Heard	\$ 500	10/24/2012
Tommy Hunter	\$ 500	10/30/2012
Tommy Hunter	\$1000	08/22/2012

LEE TUCKER, ATTORNEY AT LAW, PC

<u>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</u>	<u>CONTRIBUTIONS</u>	<u>DATE</u>
Jace Brooks	\$ 500	07/02/2012

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONINGS

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 REZONING REQUEST.

PARCEL I.D. NUMBER: _____
(Map Reference Number) District 7 - Land Lot 080 - Parcel 098

SIGNATURE OF APPLICANT DATE 10/4/13

R. Lee Tucker, Jr., Attorney for Applicant
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)

NAME Debra Smith TITLE tax services supervisor
DATE 10-8-2013

CASE NUMBER _____

