

**SPECIAL USE PERMIT APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>John Rooker</u> ADDRESS: <u>4920 North Royal Atlanta Drive</u> CITY: <u>Tucker</u> STATE: <u>GA</u> ZIP: <u>30084</u> PHONE: <u>(678) 367 - 4219</u>	NAME: <u>Michael L. Watkins</u> ADDRESS: <u>1958 Monroe Drive NE</u> CITY: <u>Atlanta</u> STATE: <u>GA</u> ZIP: <u>30324</u> PHONE: <u>(404) 872 - 3841</u>
CONTACT PERSON: <u>John Rooker</u> PHONE: <u>(678) 367 - 4219</u> CONTACT'S E-MAIL: <u>johnrooker@rookerco.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>13,990</u>
LAND DISTRICT(S): <u>6</u> LAND LOT(S): <u>194</u> ACREAGE: <u>5.04</u>
ADDRESS OF PROPERTY: <u>6555 McDonough Drive, Norcross, GA 30093</u>
SPECIAL USE REQUESTED: <u>Truck Fleet Maintenance Shop</u>
<hr/>

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

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FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA.

UPON RECORDING RETURN TO:

Charles A. Brake, Jr., Esq.  
Hartman, Simons, Spielman & Wood, LLP  
6400 Powers Ferry Road, N.W.  
Atlanta, Georgia 30339

'02 DEC -6 AM 8:00  
TOM LAWLER, CLERK

GENERAL WARRANTY DEED GWINNETT CO. GEORGIA  
REAL ESTATE TRANSFER TAX

STATE OF GEORGIA

\$ 1616.00

COUNTY OF GWINNETT

TOM LAWLER CLERK OF  
SUPERIOR COURT

THIS INDENTURE, made as of November <sup>25<sup>th</sup></sup> 2002, between FREIGHT TERMINALS, INC., a Georgia corporation (herein called "Grantor"), and WACO FIRE AND CASUALTY INSURANCE COMPANY, an insurance company organized under the laws of the State of Georgia (herein called "Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land described on Exhibit A attached hereto and made a part hereof together with all permits, privileges, improvements, fixtures, trees, timber, and other crops and plants located thereon.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behalf of Grantee, forever, IN FEE SIMPLE.

Grantor will warrant and forever defend the right and title to the above described property unto Grantee against the lawful claims of all persons.

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context requires or permits.)

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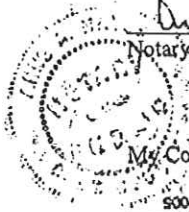
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IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

Sonja Klandell  
Unofficial Witness

Diana A. Hayes  
Notary Public



(NOTARY SEAL)

My Commission Expires:  
My Commission Expires March 11, 2005

FREIGHT TERMINALS, INC., a Georgia corporation

By: William T. Herring  
Name: William T. Herring  
Title: President

Attest: George W. Ready  
Name: George W. Ready  
Title: Treasurer

(CORPORATE SEAL)



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EXHIBIT A

(Legal Description)

All that tract or parcel of land lying and being in Land Lot 194 of the 6<sup>th</sup> District of Gwinnett County, Georgia and more particularly described as follows:

BEGINNING at an iron pin on the northwestern land lot line of Land Lot 194 of the 6<sup>th</sup> District of Gwinnett County, Georgia, said iron pin being located four hundred ninety and nine tenths (490.9) feet northeasterly, as measured along said northwest land lot line, from the common corners of Land Lot 194, 217, 218 and 193 of said district and running thence north 59 degrees 18 minutes 59 seconds east a distance of three hundred thirty six (336) feet to an iron pin; running south 32 degrees 22 minutes 29 seconds east a distance of six hundred thirty two and six one hundredths (632.06) feet to a cross on a concrete spillway, which point s located on the northwesterly right of way of McDonough Drive (80-foot right of way); running thence south 55 degrees 19 minutes 19 seconds west along the northwest right of way of McDonough Drive a distance of one hundred fifty four and forty four one hundredths (154.44) feet to an iron pin; running thence southwesterly along the northwesterly right of way of McDonough Drive a distance of one hundred ninety and thirty four one hundredths (190.34) feet to an iron pin (the chord of said arc along McDonough Drive being south 61 degrees 38 minutes 12 seconds west and having a chord distance of one hundred eighty nine and ninety five one hundredths (189.95) feet); running thence south 67 degrees 57 minutes 06 seconds west along the northwest side of McDonough Drive a distance of six and thirty six one hundredths (6.36) feet to an iron pin; running thence north 31 degrees 05 minutes 24 seconds west a distance of six hundred thirty three and ninety one hundredths (633.90) feet to an iron pin at the point of beginning, said described tract containing 5.041 acres and being designated as Block F, Lot 1, all as more particularly described and delineated by "As Built" Survey for Freight Terminals, Inc. by Lowe Engineers dated January 21, 1976.

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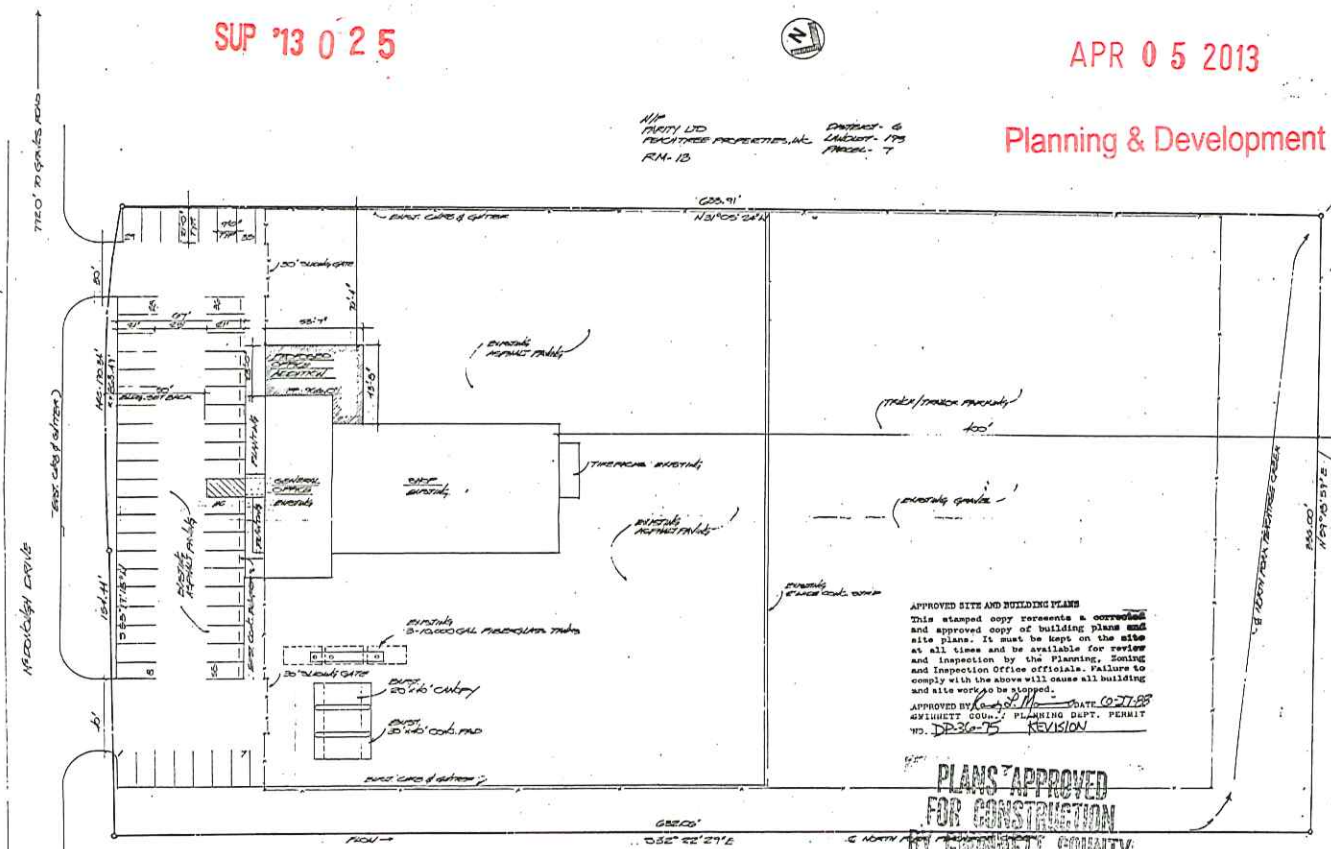
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NIP  
PARTY LTD  
Peachtree Properties, Inc.  
RM-1B



APPROVED SITE AND BUILDING PLANS  
This stamped copy represents a corrected and approved copy of building plans and site plans. It must be kept on the site at all times and be available for review and inspection by the Planning, Zoning and Inspection Office officials. Failure to comply with the above will cause all building and site work to be stopped.  
APPROVED BY: [Signature] DATE: 6/27/08  
GWINNETT COU. PLANNING DEPT. PERMIT NO. 10352-15 REVISION

PLANS APPROVED FOR CONSTRUCTION BY GWINNETT COUNTY

NIP  
MCDONOUGH PARK II, PHASE II  
PROJECT - G  
LAWYER - ET  
PHASE - 1

NIP  
MCDONOUGH PARK II, PHASE II  
PROJECT - G  
LAWYER - ET  
PHASE - 07

NIP  
MCDONOUGH PARK II, PHASE II  
PROJECT - G  
LAWYER - ET  
PHASE - 07  
LOT 4E

SITE PLAN  
1400

GWINNETT COUNTY  
FIRE MARSHAL'S OFFICE  
REVIEWED BY: [Signature]  
CONSTRUCTION PERMIT NO. [Number]  
DATE: 6/27/08  
Final approval subject to related conditions and field inspection based on ICPA Standards 13 and 101 Use Safety

GWINNETT COUNTY WATER  
[Signature]

NOTE: Notify Gwinnett County Inspector 24 hours before beginning of every phase of construction (995-2640).

DEVELOPER: Mettline Associated Industries  
1958 Monroe Drive, NE  
Atlanta, Georgia 30324  
404/872-3041  
BORDERARY SURVEY: From plot plan prepared by: Vee Associates & Associates Inc.  
Peachtree Office Park  
Peachtree Industrial Blvd.  
Suite 107  
Atlanta, Georgia 30340  
404/446-7932  
Dated - 6/12/75

SITE LOCATION: McDonough/MS Park Phase III Lot 1, Block F

LAND LOT:	194
DISTRICT:	6
PARCEL:	194
SITE AREA:	5.041
ZONING:	M-1
BUILDING USE:	Relat. General Office 3,750 sq.ft. Exist. Shop 8,530 sq.ft. Proposed Gen. Office 1,740 sq.ft. Total 14,020 sq.ft.
PARKING SPACES REQUIRED:	Gen. Office: 1 space/300 sq.ft. --- 19 spaces Shop: 1 space/2,000 sq.ft. --- 5 spaces Total --- 24 spaces
PARKING SPACES PROVIDED:	55 spaces Includes 1 handicap space
SPACE SIZE:	9'0" x 21'0"

SITE PLAN  
Wm. J. Stephens Construction Co.  
404/446-9318

LANDSPAN TRUCK TERMINAL  
FORMERLY WATKINS TERMINAL INC.  
8555 MCDONOUGH DRIVE  
MORCROSS, GEORGIA

SP 1

**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:

Yes - The use will be consistent with existing and surrounding commercial uses.

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

No - This use should have no adverse affects on the usability of the surrounding properties.

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

Yes - The use and economic viability is consistent with the uses as allowed per Gwinnett County Code

- (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 - This use will not cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools

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

Yes

- (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 site was originally developed for Land Span, Inc., a trucking/logistics company. Site was originally used as a full service fleet maintenance facility, consistent with this proposed use.

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April 4, 2013

Gwinnett Justice and Administration Center  
75 Langley Drive  
Lawrenceville, GA 30046

RE: 6555 McDonough Drive, Norcross, GA

To Whom It May Concern:

Wingfoot Commercial Tire Systems, LLC is a wholly owned subsidiary of The Goodyear Tire & Rubber Company and we operate 183 tire service facilities throughout the county. We currently operate 12 facilities in the State of Georgia and have 3 service centers in the Atlanta metro area.

Our business at 2280 Cook Drive, Doraville needs to be relocated into a more efficient facility. We have located a building/property, referenced above, that meets our needs.

Our current facility in Doraville is open from 8:00 am – 5:00 pm Monday through Friday and in the summer will open until noon. We have 12 employees which would likely increase once the relocation takes place. Our core business is outside sales, service and warehousing of commercial tires.

We warehouse approx 5,500 commercial and passenger tires locally which are used to service many of the local and national carriers such as Penske, Budget, Schneider National & the City of Atlanta. The majority of our business takes place offsite although we do offer a drive up service to our commercial customers. We have 5 service trucks that provide roadside emergency service 24 hours a day and allow us to make repairs at the customer's yard most off the time.

We have entered into a Letter of Intent for a 10-year lease with Atlanta based Rooker Properties, LLC, a family owned, longstanding and highly reputable real estate development and construction company, whereby they will purchase the property and improvements and lease it back to us in the years to come.

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1000 South 21<sup>st</sup> Street  
Planning & Development

Fort Smith, AR 72901

(Phone) 479-788-6400



We look forward to occupying the subject space in the years to come which will allow us to continue offering great service to the logistics companies in and around the metro area.

If you have any additional questions, please contact me at your convenience at 479-788-6221.

Sincerely,

WINGFOOT COMMERCIAL TIRE SYSTEMS, LLC

A handwritten signature in black ink that reads "Greg Hale".

Greg Hale,  
Facilities Manager

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1000 South 21<sup>st</sup> Street

Fort Smith, AR 72901

(Phone) 479-788-6400




**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 4/4/13  
Date

JOHN ROOKER  
Type or Print Name and Title

  
Signature of Notary Public 4-4-13  
Date



MY COMMISSION EXPIRES AUGUST 31, 2014

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**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.

*[Handwritten Signature]*  
\_\_\_\_\_  
Signature of Property Owner

*4-4-2013*  
\_\_\_\_\_  
Date

*Michael L. Watkins*      *Vice President*  
\_\_\_\_\_  
Type or Print Name and Title

*[Handwritten Signature]*      *4-4-13*  
\_\_\_\_\_  
Signature of Notary Public      Date



MY COMMISSION EXPIRES AUGUST 31, 2014

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**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.

John Rooker                      4/4/13                      John Rooker  
 SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

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

M. Sonja Klaudt                      4/4/13  
 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     NO    John Rooker  
 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.

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**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:**      6      -      194      -      194  
(Map Reference Number)      District      Land Lot      Parcel

*John Rawler*      4/4/13  
Signature of Applicant      Date

John Rawler  
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)

*Janis Crowe*      *TSA*  
NAME      TITLE

04/05/13  
DATE

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**APR 05 2013**

**SUP '13 0 2 5**