

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>William W. Morris for Home Depot</u>	NAME: <u>HD Development of Maryland</u>
ADDRESS: <u>875 Lawrenceville-Suwanee Rd</u>	ADDRESS: <u>2455 Paces Ferry Rd., #C-20</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Atlanta</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30339</u>
PHONE: <u>678-428-9523</u>	PHONE: <u>(770)433-8211 ext. 83802</u>
CONTACT PERSON: <u>William Morris</u> PHONE: <u>678-432-</u>	
<u>OR Gloria Robinson (770)433-8211 ext. 83802</u>	
CONTACT'S E-MAIL: <u>William-W-Morris@homedepot.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

ZONING DISTRICTS(S): C-2 PRIORITY ZONING CASE: SUP 2010 000 10

LAND DISTRICT(S): 7 LAND LOT(S): 8 ACREAGE: 10.209

ADDRESS OF PROPERTY: 875 Lawrenceville - Suwanee Rd.

PROPOSED CHANGE IN CONDITIONS: Use of front parking spaces for pine straw/trailer sales and storage.

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: <u>131,522</u>
GROSS DENSITY: _____	DENSITY: _____
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Legal Description

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EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 8 and 9 of the 7th Land District of Gwinnett County, Georgia, being more particularly described as follows:

Commencing at the intersection of Land Lots 8, 9, 31, and 32, aforesaid district and county; THENCE along the line dividing Land Lots 8 and 9 South 29 degrees 28 minutes 46 East for a distance of 250.01 feet to a point marked by a concrete PK Nail set and the TRUE POINT OF BEGINNING.

THENCE leaving said Land Lot Line North 60 degrees 00 minutes 22 seconds East for a distance of 174.70 feet to a point, said point marked by a concrete PK Nail set; THENCE South 29 degrees 59 minutes 10 seconds East for a distance of 271.95 feet to a point, said point marked by a concrete PK Nail set; THENCE South 60 degrees 00 minutes 50 seconds West for a distance of 105.04 feet to a point, said point marked by a concrete PK Nail set; THENCE South 29 degrees 59 minutes 10 seconds East for a distance of 405.51 feet to a point, said point marked by a concrete PK Nail set; THENCE North 60 degrees 00 minutes 50 seconds East for a distance of 122.89 feet to a point, said point marked by a concrete PK Nail set; THENCE South 29 degrees 59 minutes 10 seconds East for a distance of 78.72 feet to a point on the northerly right-of-way of Georgia State Route 316 (right-of-way varies); THENCE along said right-of-way the following four (4) courses: South 46 degrees 45 minutes 40 seconds West for a distance of 96.29 feet to a point; THENCE South 46 degrees 28 minutes 23 seconds West for a distance of 22.86 feet to a point; THENCE South 60 degrees 22 minutes 22 seconds West for a distance of 466.29 feet to a point; THENCE South 68 degrees 31 minutes 01 seconds West for a distance of 90.65 feet to a point; THENCE leaving said right-of-way North 29 degrees 59 minutes 10 seconds West for a distance of 333.34 feet to a point, said point marked by a concrete PK Nail set; THENCE South 60 degrees 00 minutes 50 seconds West for a distance of 46.96 feet to a point, said point marked by a concrete PK Nail set; THENCE North 29 degrees 59 minutes 10 seconds West for a distance of 252.75 feet to a point, said point marked by a concrete PK Nail set; THENCE North 60 degrees 00 minutes 50 seconds East for a distance of 244.64 feet to a point, said point marked by a concrete PK Nail set; THENCE North 29 degrees 59 minutes 10 seconds West for a distance of 181.14 feet to a point, said point marked by a concrete PK Nail set; THENCE North 60 degrees 00 minutes 22 seconds East for a distance of 281.67 feet to a point marked by a concrete PK Nail set and the TRUE POINT OF BEGINNING.

Said property contains 10.209 acres, more or less, and is designated as Tract C on that certain ALTA/ACSM Land Title Survey dated January 10, 2001, last revised August 24, 2001, prepared for Home Depot U.S.A., Inc. and Commonwealth Land Title Insurance Company by Precision Planning, Inc., bearing the seal and certification of Lee Jay Johnson, Georgia Registered Land Surveyor No. 2846, said property also being designated as Tract C on that certain Final Plat of Lawrenceville Market for Midwest Holding Corp. #7, Inc., Revision No. 3, recorded August 7, 2001 in Plat Book 90, Page 76, Gwinnett County, Georgia records.

Together with the rights and easements contained in that certain Access Easement Agreement (Highway 120) between Cousins/New Market Development Company, Inc., dated December 9, 1994, recorded in Deed Book 10921, Page 120, aforesaid records; as affected by Scrivener's Affidavit by Maureen Theresa Callahan, dated January 4, 1995, recorded in Deed Book, 10981, Page 162, Gwinnett County, Georgia records.

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Together with the rights and easements contained in that certain Operation and Easement Agreement among Cousins/New Market Development Company, Inc., Cousins Properties, Incorporated, Dayton Hudson Corporation, and Home Depot U.S.A., Inc., dated December 9, 1994, recorded in Deed Book 10921, Page 179, aforesaid records, as amended by that certain First Amendment to Operation and Easement Agreement dated November 26, 1996, by and among Dayton Hudson Corporation, Home Depot U.S.A., Inc., Cousins Properties, Incorporated and Cousins/New Market Development Company, Inc. recorded in Deed Book 13500, Page 198, aforesaid records.

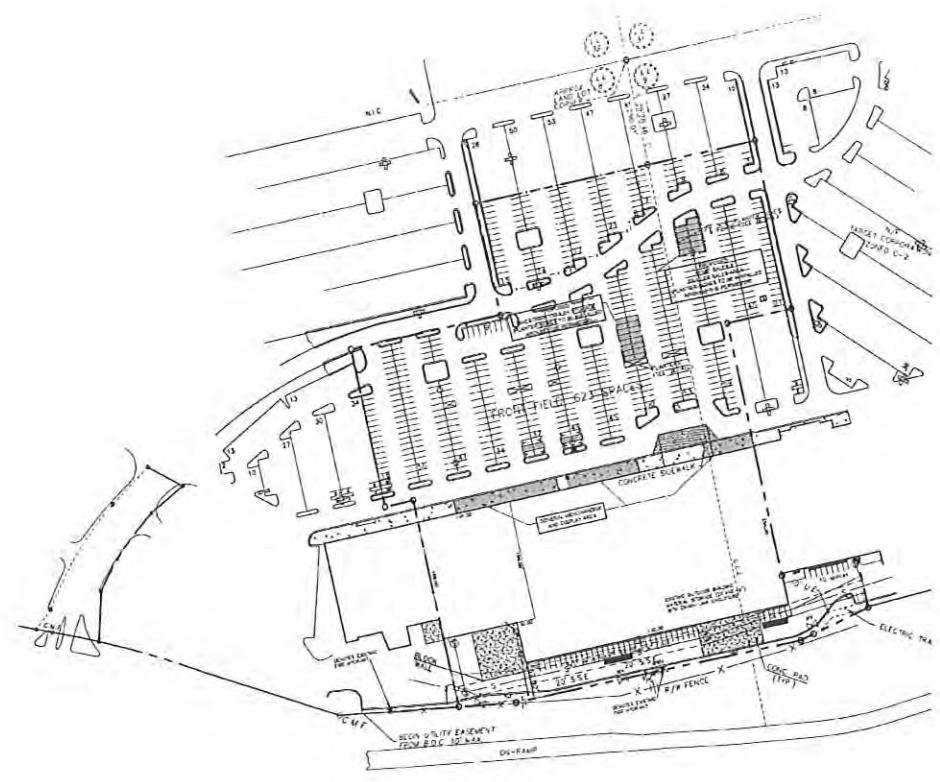
Together with the rights and easements contained in that certain Declaration of Easements by Cousins/New Market Development Company, Inc., dated December 9, 1994, recorded in Deed Book 10921, Page 105, aforesaid records; as affected by Scrivener's Affidavit by Maureen Theresa Callahan, dated January 4, 1995, recorded in Deed Book, 10981, Page 169, aforesaid records.

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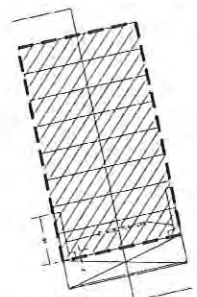
OUTDOOR STORAGE AREAS
THE HOME DEPOT
LAWRENCEVILLE, GEORGIA

PARKING SUMMARY

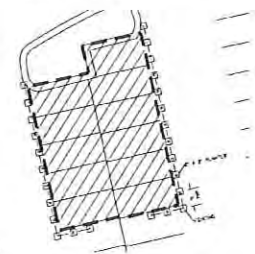
USER	RATIO REQUIRED	SPACES REQ'D	SPACES PROVIDED
THE HOME DEPOT	1 SP/200 SF	518	519
GARDEN CENTER	1 SP/200 SF	141	141
		659	660

HOME DEPOT RATIO PROVIDED 1 SP/200 SF
HOME DEPOT FRONT FIELD PROVIDED 623 SPACES

*27 SPACES WITHIN OUTSIDE SALES AREAS



PROPOSED PINE STRAW TRAILER STORAGE AREA
SCALE 1" = 10'



PROPOSED TEMP SALES & TRAILER SALES AREA
SCALE 1" = 10'

GreenbergFarrow
1410 N. Peachtree St., Suite 200
Atlanta, GA 30309
Tel: 404.525.1100 Fax: 404.525.1101

2013.07.2
SCALE: P=20
08.14.2013



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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:

SEE ATTACHMENT

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

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

- (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:

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

- (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:

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

- (A) Yes, the change in conditions will permit a use that is suitable. The sale of pine straw is typical of a home improvement store in this region.
- (B) A change in condition for the use of this property will not adversely affect the existing use or usability of an adjacent or nearby property.
- (C) It is reasonable for Home Depot to seek a change in conditions in order to relocate the pine straw trailer to the front parking area for easy access and convenience to our customers. Currently, the trailer is located in the rear of the store. Once customers purchase pine straw, they must drive around Petsmart to get to the rear of the Home Depot store to pick up the pine straw. The store tends to lose sales because of this inconvenience.
- (D) The proposed use (having a pine straw trailer/storage in front rather than the rear) will not adversely affect traffic on the streets. If anything, it will lessen the burden for Petsmart. There will less customer traffic driving to the rear of the store for pine straw pick up.
- (E) Yes, the proposed change in conditions conforms with the intent of the Land Use Plan.
- (F) During the high sales season for pine straw, the customer traffic at the rear of the store will be alleviated if the pine straw trailer is located in an easily accessible space.

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2455 Paces Ferry Road • Atlanta, GA 30339
(770)433-8211

Legal Department
Building C 20th Floor
(770) 433-8211 Ext. 83802
Fax: (770) 384-3042

LETTER OF INTENT

November 19, 2013

Gwinnett County – Planning Division
446 West Crogan Street, Suite 250
Lawrenceville, GA 30046

RE: Outside Sales and Storage Area; Home Depot #0126, located at 875 Lawrenceville-Suwanee Rd.

Dear Planning Commission:

Please accept this as the required Letter of Intent accompanying the application to approve the use of certain parking spaces for the storage/sales of pine straw at the above mentioned Home Depot Store.

In order to create convenient pick up as well as meet the demands of our customers, we are seeking approval from the Gwinnett County Planning Commission to allow the use of certain parking spaces as shown on the attached site plan for the storage/sale of pine straw and its trailer. Currently, our customers must drive around the Petsmart store to get to the rear of the Home Depot store to pick up pine straw. This causes a great deal of inconvenience to our customers and in many cases a loss of sales/customers for the store. The area is too small to accommodate more than a couple of customer cars at a time, and the space does not meet the growing demands of our customers during the high sales seasons. The expanded seasonal and temporary outdoor sales/storage area will be specifically designated for the above referenced use. We anticipate that this change in use will allow us to better serve our valued customers in the community.

If you have any questions, please feel free to contact me at (770) 433-8211 ext. 83802.

Thank you in advance for any consideration given.

Sincerely yours,

Home Depot U.S.A., Inc.

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Gloria Robinson
Paralegal – Real Estate/Store Operations

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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.

William W. Morris

Signature of Applicant

12/3/13
Date

William W. Morris, District Operations Manager

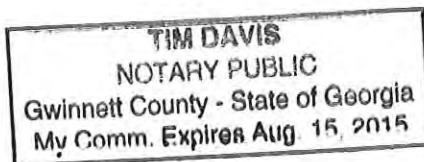
Type or Print Name and Title

Tim Davis

Signature of Notary Public

12/3/13
Date

Notary Seal



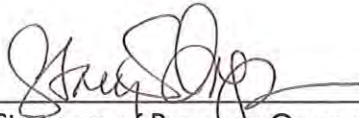
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CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION

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.



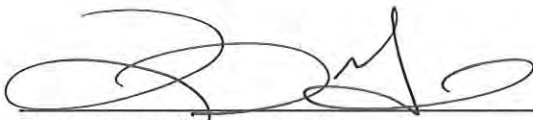
Signature of Property Owner

11/19/13

Date

Stacy S. Ingram, Senior Counsel and Assistant Secretary

Type or Print Name and Title



Signature of Notary Public

11/19/2013

Date

Notary Seal

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Will W. Mc 12/3/13
Signature of Property Owner Date

William W. Morris, District Operations Manager
Type or Print Name and Title

[Signature] 12/3/13 _____
Signature of Notary Public Date Notary Seal

TIM DAVIS
NOTARY PUBLIC
Gwinnett County - State of Georgia
My Comm. Expires Aug. 15, 2015

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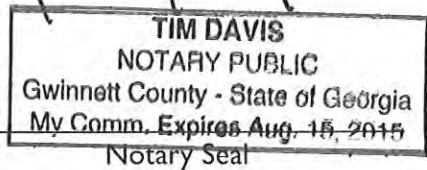
CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

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.

William W. Morris 12/3/13 WILLIAM W. MORRIS DISTRICT OPERATIONS MANAGER
 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] 12/3/13
 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 WILLIAM W. MORRIS
 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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