

**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Wayne Proctor</u>	NAME: <u>Denis Burke</u>
ADDRESS: <u>319 Atlanta St., Ste 210</u>	ADDRESS: <u>1264 Beaver Run Rd.</u>
CITY: <u>Marietta</u>	CITY: <u>Norcross</u>
STATE: <u>GA</u> ZIP: <u>30060</u>	STATE: <u>GA</u> ZIP: <u>30093</u>
PHONE: <u>770-425-6890</u>	PHONE: <u>941-224-3893</u>
CONTACT PERSON: <u>Wayne Proctor</u> PHONE: <del>770-425-6890</del>	
CONTACT'S E-MAIL: <u>acmeamericanllc@bellsouth.net</u> <u>770-425-6890</u>	

**APPLICANT IS THE:**

OWNER'S AGENT     PROPERTY OWNER     CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): M-1 REQUESTED ZONING DISTRICT: C-2

LAND DISTRICT(S): 6<sup>th</sup> LAND LOT(S): 184 ACREAGE: 0.75

ADDRESS OF PROPERTY: 1264 Beaver Run Rd, Norcross, GA 30093

PROPOSED DEVELOPMENT: Commercial Retail

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>3</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>6190</u>
Gross Density: _____	Density: _____
Net Density: _____	

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

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Legal Description 1264 Beaver Ruin Road

Said tract is 0.75 acres and is located in Land Lot 184 of the 6th district in Gwinnett County, Georgia and is described as follows:

To find the true point of beginning start at a point located on the northeasterly side of the right of way of Beaver Ruin Road 175.3 feet northwesterly from the centerline of Arcadia Way; thence 322.18 feet along the right of way of Beaver Ruin which is southwest corner of the property and point of beginning; thence 437.42 feet along right of way with radius of 1207.20 feet; thence proceed n57deg49'14"e 48.15 feet; thence proceed South 31 degrees 2 minutes and 14 seconds East 410.08 feet to a point; thence s59degrees 16'20"w 64.26 feet; thence s21degrees 13'21" west 31.93 feet;

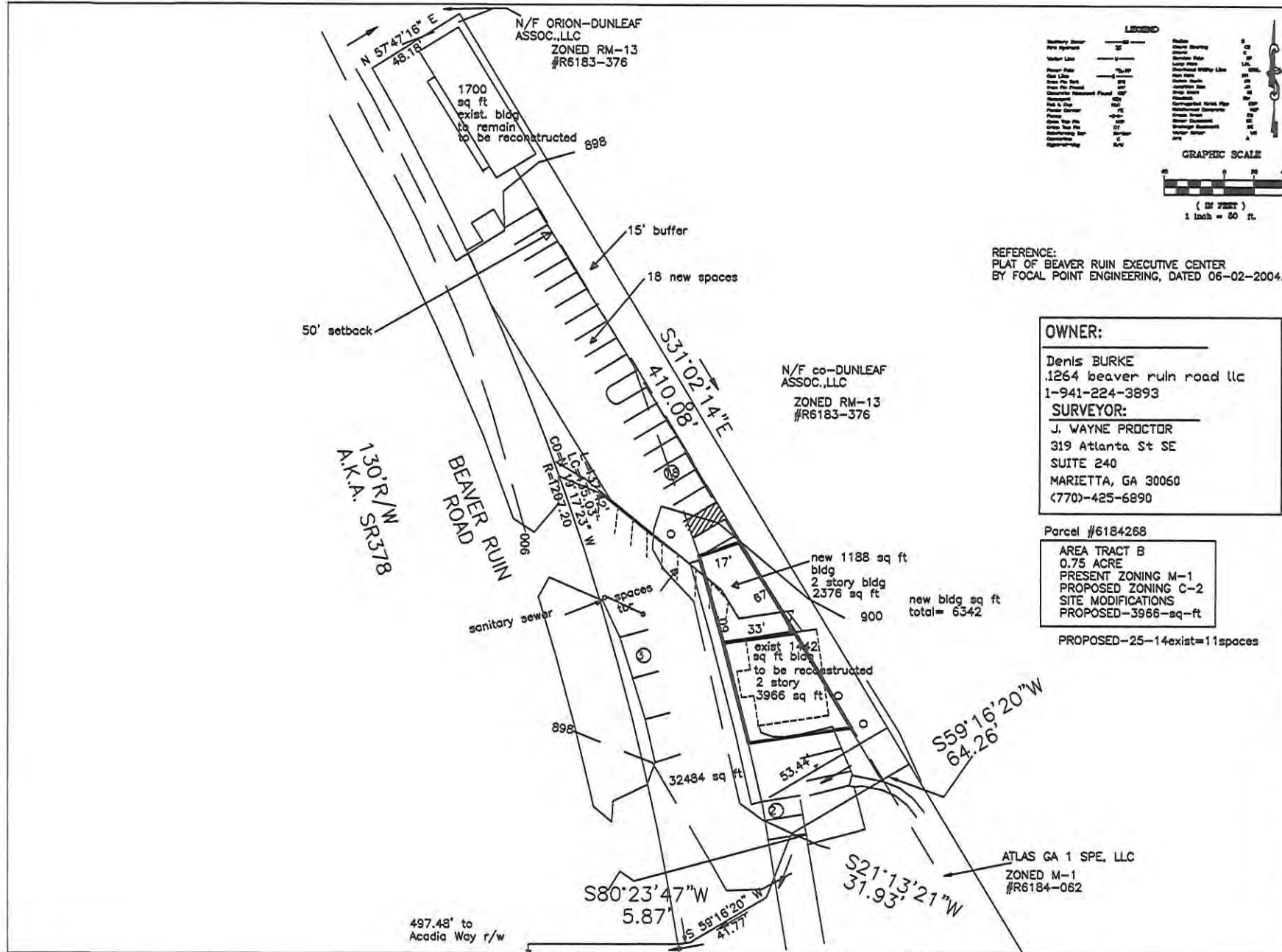
thence s59degrees 16"20" west 41.77 feet thence s80deg23'47"w 5.87 feet to the true point of beginning.

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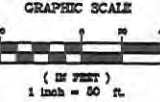
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LEGEND

Property Line	---	Right of Way	---
Lot Line	---	Right of Way	---
Street Line	---	Right of Way	---
Water Line	---	Right of Way	---
Power Pole	---	Right of Way	---
Sanitary Sewer	---	Right of Way	---
Water Line	---	Right of Way	---
Sanitary Sewer	---	Right of Way	---
Electric Pole	---	Right of Way	---
Water Line	---	Right of Way	---
Sanitary Sewer	---	Right of Way	---



REFERENCE:  
 PLAT OF BEAVER RUIN EXECUTIVE CENTER  
 BY FOCAL POINT ENGINEERING, DATED 06-02-2004.


**OWNER:**  
 Denis BURKE  
 1264 beaver ruin road llc  
 1-941-224-3893

**SURVEYOR:**  
 J. WAYNE PROCTOR  
 319 Atlanta St SE  
 SUITE 240  
 MARIETTA, GA 30060  
 (770)-425-6890

Parcel #6184268  
 AREA TRACT B  
 0.75 ACRE  
 PRESENT ZONING M-1  
 PROPOSED ZONING C-2  
 SITE MODIFICATIONS  
 PROPOSED-3966-sq-ft

PROPOSED-25-14 exist=11 spaces

39 Atlanta St., S.E. Suite 240, Marietta, Georgia 30060  
**ACME AMERICAN, L.L.C.**  
 Architects, Construction Managers, Engineers  
 voice (770) 425-6898 - fax (770) 425-9777



**SITE PLAN**  
 project **1264 BEAVER RUIN ROAD LLC**  
 1264-A, 1264-C BEAVER RUIN ROAD  
 LAND LOT 184 -- 6th DISTRICT  
 GWINNETT COUNTY, GEORGIA

DATE: \_\_\_\_\_  
 SEAL: \_\_\_\_\_  
 SCALE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_  
 DATE: 03-07-14  
 DESIGNED BY: \_\_\_\_\_  
 CHECKED BY: JVP  
 DRAWN BY: \_\_\_\_\_

SITE

**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, 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:

NEARBY PROPERTY IS M-1 AND OTHER PROPERTY IS  
MULTI FAMILY,

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

ADJACENT PROPERTY WILL NOT BE AFFECTED.

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

CAN NOT BE LEASED WITH M-1 ZONING.

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

C2 ZONING WILL ALLOW SAME NUMBER OF  
CARS AS M-1 ZONING.

- (E) WHETHER THE PROPOSED REZONING 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 REZONING:

THIS AREA AND THE STREET HAS CHANGED FROM  
TO A RESIDENTIAL AREA TO A COMMERCIAL  
AREA.

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# ACME AMERICAN, LLC

319 Atlanta Street, SE Unit 240

Marietta, GA 30060

Phone: (770) 425-6890

Fax: (770) 425-5777

2/7/2014

Gwinnett County  
Department of Planning & Development  
One Justice Square, 1<sup>st</sup> Floor, Suite 150  
446 West Crogan Street  
Lawrenceville, GA 30045

RE: Rezoning Request M-1 to C-2 for 1264 Beaver Ruin Road  
Norcross, GA

Dear Sirs:

Previously a jewelry store site was presently zoned M-1. It primarily was a site to manufacture jewelry which is sold offsite. It sold to the public 10:00 a.m. – 6:30 p.m. on weekdays and 10:00 a.m. – 4:00 p.m. on Saturdays. We wish to lease to retail allowed by C-2 zoning.

The size of the site is 0.75 acre.

We request C-2 zoning.

We propose one new building and to repair one on site which is non conforming.

The square footage per acre is 14%.

We propose a total of 23 parking spaces.

The height of the new building is 24 feet.

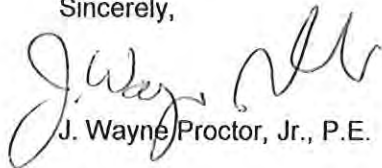
We contacted adjoining property owners present. In the rear apartments east of the site is Ms. Lariman. To the south is Norcross Office Holding. This is owned by Mr. Denis Burke. To the north and west is Beaver Ruin Road.

Tim New rented the jewelry store. The building is owned by Mr. Burke. Mr. New's contact number is 404-428-8178. The store had a total of two (2) employees.

Existing M-1 zoning allows uses similar to a jewelry store, which is not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that which not create fire or explosion hazards.

C-2 zoning allows retail sales which is a more wanted use.

Sincerely,

  
J. Wayne Proctor, Jr., P.E.

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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.

Jasper Proctor 3/7/14  
Signature of Applicant Date

JASPER PROCTOR JR 3/7/14  
Type or Print Name and Title

Kerry L. Cancro 3/7/14   
Signature of Notary Public 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.

*Denis Burke*  
*Denis Burke*

Signature of Property Owner

*2/7/14*  
*2/7/14*

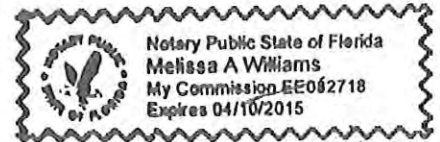
Date

*DENIS BURKE*  
Type or Print Name and Title

*Melissa Williams* *2/7/14*

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.

Jasper Proctor      3-3-14      JASPER PROCTOR VR  
 SIGNATURE OF APPLICANT      DATE      TYPE OR PRINT NAME AND TITLE

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

Kerry L. Cancro      3/7/14  
 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    Jasper Proctor  
 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 REZONING**

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:** 6 - 124 - 6104268  
(Map Reference Number) District Land Lot Parcel  
1264A

Jasper Proctor Signature of Applicant 3-3-14 Date

JASPER PROCTOR JR, ENGINEER, P.E.  
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)

Rhonda Lambrey NAME Tax Services Associate TITLE

3/7/14 DATE

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