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Planning & Development

ATTACHMENT 5A

PAGE 1

REVISED 07/91

REZONING APPLICATION

RZC '14 0 1 3

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

| APPLICANT INFORMATION | OWNER INFORMATION |
|--|--|
| NAME: <u>BT Snellville Associates, LLC</u> <u>c/o Mill Creek Consulting</u> | NAME: <u>Jean Cato</u> <u>c/o Mill Creek Consulting</u> |
| ADDRESS: <u>4480 Commerce Drive, Suite A</u> | ADDRESS: <u>4480 Commerce Drive, Suite A</u> |
| CITY: <u>Buford</u> | CITY: <u>Buford</u> |
| STATE: <u>GA</u> ZIP: <u>30518</u> | STATE: <u>GA</u> ZIP: <u>30518</u> |
| PHONE: <u>770-614-6511</u> | PHONE: <u>770-614-6511</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: | |
| <u> </u> OWNERS AGENT | <u> </u> PROPERTY OWNER <u> X </u> CONTRACT PURCHASER |
| PRESENT ZONING DISTRICT (S): <u>R-100</u> | REQUESTED ZONING DISTRICT: <u>C-2 with SUP and buffer reduction</u> |
| LAND DISTRICT (S): <u> 5 </u> | LAND LOT: <u>092</u> ACREAGE: <u> 6.7 </u> |
| ADDRESS OF PROPERTY: <u>1484 Athens Highway</u> | |
| PROPOSED DEVELOPMENT: <u>Tractor Supply Company Store</u> | |
| RESIDENTIAL DEVELOPMENT: | NON-RESIDENTIAL DEVELOPMENT: |
| NO. OF LOTS/DWELLING UNITS: <u> </u> | NO. OF BUILDINGS/UNITS: <u> 1 </u> |
| DWELLING UNIT SIZE (SQ. FT.): <u> </u> | TOTAL GROSS SQUARE FEET: <u> 19,097 </u> |
| GROSS DENSITY: <u> </u> | DENSITY: <u> 2,850 sq ft per acre </u> |
| NET DENSITY: <u> </u> | |

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

LEGAL DESCRIPTION

All the tract or parcel of land lying and being in Land Lot 92 of the 5th District, Gwinnett County, Georgia, per plat by B.J. Goble, Jr., Registered Engineer, dated March 13, 1968 and recorded in Plat Book O, Page 231, Gwinnett County, Georgia Records, and being more particularly described as follows:

Beginning at a point on the Southerly Side of U.S. Highway 78 at the Haynes Creek Bridge; THENCE running South down said Creek 465 feet, more or less; THENCE running in a Southwesterly Direction 441 feet, more or less to an Iron Pin Found; THENCE running in a Northwesterly direction a distance of 303.5 feet to an Iron Pin Found; THENCE running in a Southwesterly direction a distance of 57.3 feet to an Iron Pin Found; THENCE running Northwesterly 361.3 feet to an Iron Pin Found; THENCE running in a Northeasterly direction along the Southerly side of U.S. Highway 78 a distance of 807 feet, more or less, to the Point of Beginning.

Said property contains 7.37 acres, more or less.

Less and Except the portion of the above described property conveyed in that certain Right-of-Way Deed, dated July 26, 1982, recorded in Deed Book 2430, Page 26, Gwinnett County, Georgia Records

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**TSC TRACTOR
SUPPLY CO**



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 WITHOUT THE SPECIAL USE PERMIT.

(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 CORRIDOR MIXED USE.

(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.

.....
PLANNING DIVISION USE ONLY

CASE NUMBER _____

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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, BT Snellville Associates, LLC requests a rezoning from R-100 to C-2 with a special use to allow outside storage and sales for the purpose of building a Tractor Supply Company store. The subject property totals 6.7 acres and is located on Highway 78 just east of South Crestview Drive. The applicant proposes to reduce the buffer along the western property line from 75 feet to 37.5 feet as one of the parcels is a church and the other abuts commercial property in the City of Snellville. No buffer reduction is proposed along the rear of the property or adjacent to the Big Haynes Creek area.

Tractor Supply Company is a rapidly growing Lawn and Garden retail business and is looking to expand into the Gwinnett County market area. A typical Tractor Supply Company retail facility is primarily used for the sale of farm/ranch equipment and maintenance products; general maintenance products; animal (domestic and farm) feeds, equipment and health products; horse and rider tack, equipment and related products; bird feed, housing and related products; lawn and garden equipment and products; tools and hardware; vehicle equipment and maintenance products; all-terrain vehicles; utility vehicles; clothing and footwear; and any other items normally sold in TSC's stores. Because of the size and the amount of equipment that is available at the stores they do need to have the ability to store, display and sell certain items including, but not limited to, bulk propane, welding gas, trailers, pedal boats and motorized vehicles, including mini bikes, dirt bikes, scooters and UTV's outside the building, in areas designated as Permanent Trailer & Equipment Display Areas. They do not repair or maintain any of the equipment at their stores as this is just a retail sales location only.

The applicant is excited to bring this business to the South Gwinnett area and believes that this location will provide a needed service to the local community.

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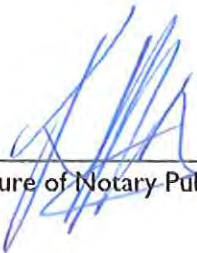
REZONING APPLICANT'S CERTIFICATION


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.

X  _____ 4/29/14
Signature of Applicant Date

N. Brad Thomason, Manager of BT Snellville Associates, LLC

Type or Print Name and Title

 _____ 4/28/14
Signature of Notary Public Date

 _____
Notary Seal

RZC '14 0 1 3

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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.

X Jean Sara Cato, Jean Cato 5-1-2014
Signature of Property Owner Date

Jean Sara Cato a/k/a Jean Cato
Type or Print Name and Title

Amanda Corley 5-1-14
Signature of Notary Public Date



RZC '14 013


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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.

X  4/29/14 N. Brad Thomason, Manager of
 SIGNATURE OF APPLICANT DATE BT Snellville Associates, LLC
 TYPE OR PRINT NAME AND TITLE

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

 4/29/14
 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 X  _____
 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:
(Map Reference Number)

5 - 092 - 001
District Land Lot Parcel

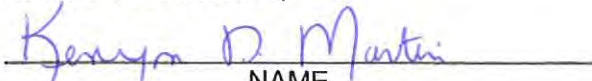
X 
Signature of Applicant

4/29/14
Date

N. Brad Thomason, Manager of BT Snellville Associates, LLC
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

**GWINNETT COUNTY
TAX COMMISSIONER**
TITLE

5-2-2014
DATE

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SPECIAL USE PERMIT APPLICATION

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

| APPLICANT INFORMATION | OWNER INFORMATION |
|--|-------------------------|
| NAME: <u>BT Snellville Associates, LLC</u> <u>c/o Mill Creek Consulting</u> | NAME: <u>Jean Cato</u> |
| ADDRESS: <u>4480 Commerce Drive, Suite A</u> | ADDRESS: <u>Same</u> |
| CITY: <u>Buford</u> | CITY: _____ |
| STATE: <u>GA</u> ZIP: <u>30518</u> | STATE: _____ ZIP: _____ |
| PHONE: <u>770-614-6511</u> | PHONE: _____ |
| CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u> | |
| CONTACT'S E-MAIL: <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 type="checkbox"/> OWNERS AGENT | <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER |
| PRESENT ZONING DISTRICT (S): <u>R-100</u> | REQUESTED ZONING DISTRICT: <u>C-2 with buffer reduction</u> |
| LAND DISTRICT (S): <u>5</u> | LAND LOT (S): <u>092</u> ACREAGE: <u>6.7</u> |
| ADDRESS OF PROPERTY: <u>1484 Athens Highway</u> | |
| PROPOSED DEVELOPMENT: <u>Tractor Supply Lawn and Garden Store</u> | |
| | RECEIVED BY SUP '14 0 2 9 MAY 0 2 2014 Planning & Development |

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

LEGAL DESCRIPTION

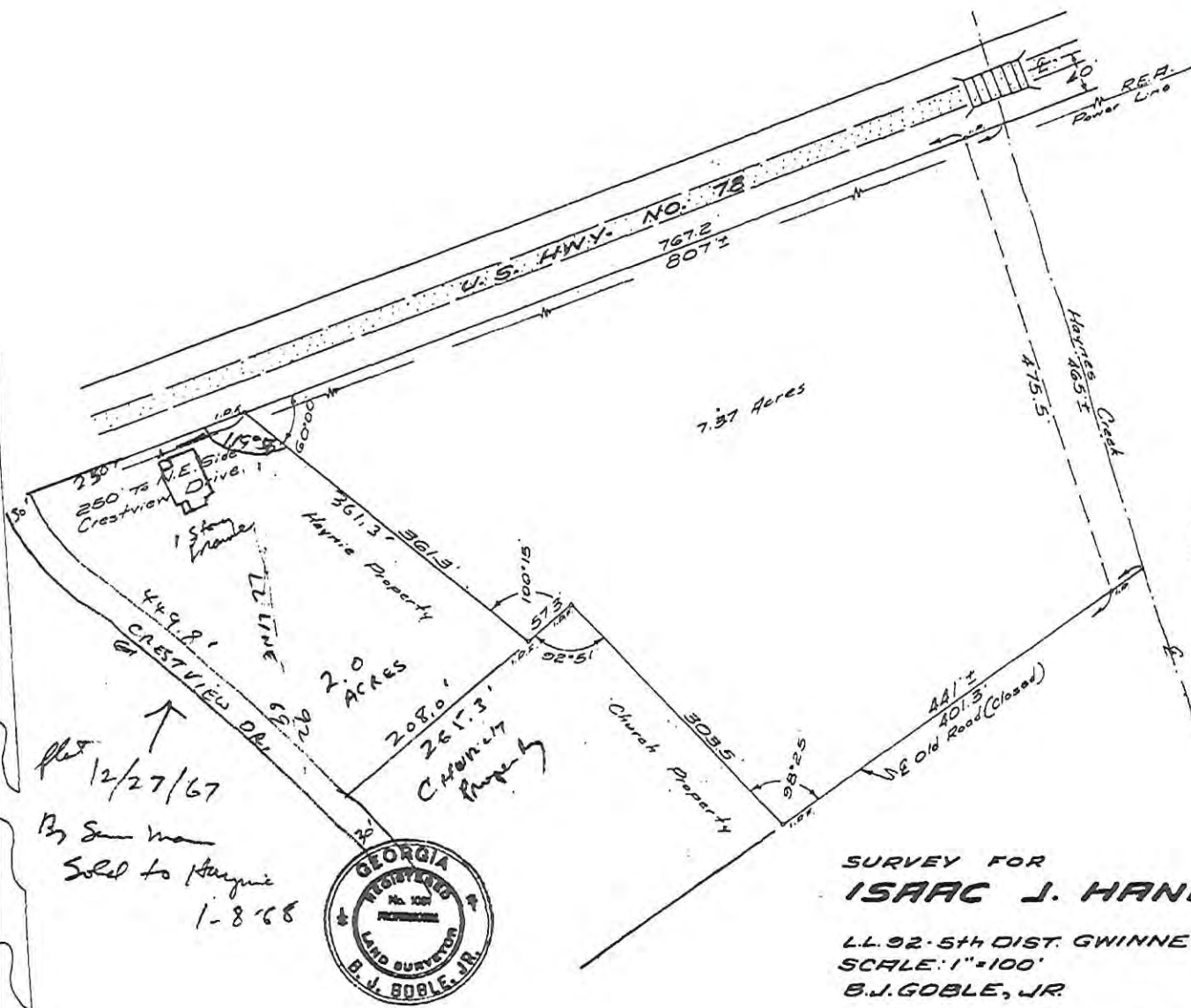
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FILED & RECORDED
 CLERK SUPERIOR COURT
 GWINNETT COUNTY GA
 DATE 4-25-68 TIME _____
 PLAT BOOK 0 PAGE 231
 TOM LAWLER, CLERK
 (KS) 49-02

Plot 12/27/67
 By Sam Man
 Sold to Margie
 1-8-68



**SURVEY FOR
 ISAAC J. HAND**

LL 92-5th DIST. GWINNETT COUNTY, GA.
 SCALE: 1"=100' MAR. 13, 1968
 B.J. GOBLE, JR. REG. No. 1081

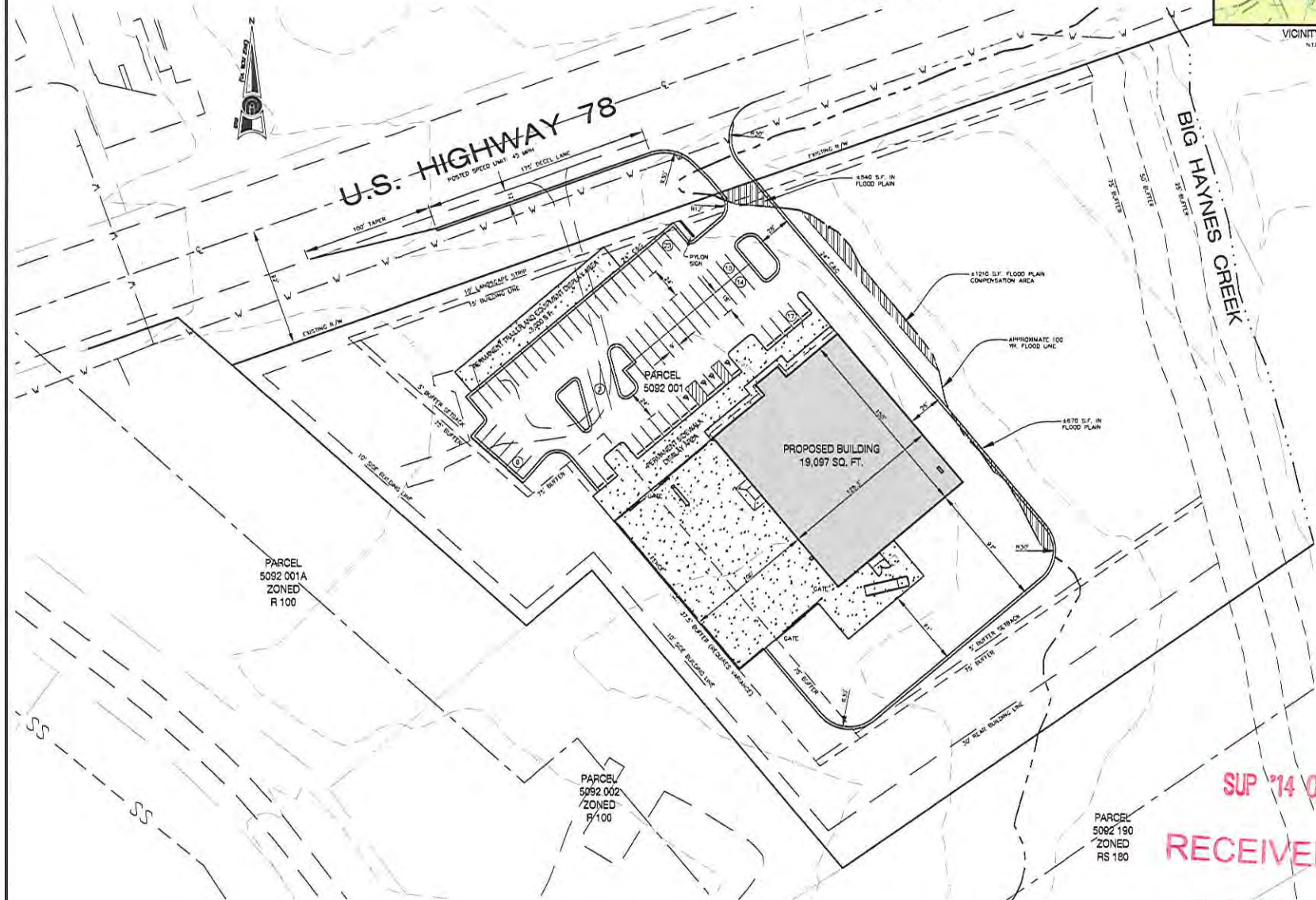
I certify that this plot is correct and is a true representation of existing conditions.

Recorded April 25, 1968 O. Mendenhall Survey E. & S.

- NOTES:
 1. BOUNDARY AND TOPO FROM GWINNETT COUNTY G.I.S.
 2. GROSS PROPERTY AREA IS 86.7 ACRES.
 NET PROPERTY AREA IS 23.3 ACRES.
 3. PARKING REQUIRED: 36 SPACES MIN. AND 96 SPACES MAX.
 PARKING PROVIDED: 76 SPACES
 4. FLOOD LINE FROM F.L.R.M. MAP NUMBER 13135C0130F, DATED 30 SEPTEMBER 29, 2006
 5. PROPERTY ADDRESS: 1484 ATHENS HIGHWAY, GRAYSON, GA.
 6. PROPERTY CURRENTLY ZONED R100.
 7. PROPOSED ZONING C2 WITH S.U.P. FOR OUTDOOR SALES, STORAGE AND DISPLAY; AND REDUCTION OF 75' BUFFER (ADJACENT TO PARCEL 5092 002) TO 37.5'.



VICINITY MAP
N.T.S.



SUP '14 '0 2 '9
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| | | | |
|--|--|---------|--|
| <p>Precision Planning, Inc. Planners, engineers, architects & interior designers 200 East 27th Atlanta, Georgia 30309 (404) 525-3300 WWW.PRECISSIONPLANNING.COM</p> | | STAMP | |
| PROJECT CHANGING THE WAY WE LIVE 1144 ATHENS HIGHWAY, 1/4 AC LAND LOT 2 OF THE 1ST OUTLOT GWINNETT COUNTY, GEORGIA | | PROJECT | |
| SHEET REZONING PLAN REVISIONS: | | SHEET | |
| RELEASE DATE NO. DESCRIPTION 1 1 2014 | | RELEASE | |
| 1 of 1 | | | |

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.

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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:

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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 CORRIDOR MIXED-USE

(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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SUP '14 0 2 9

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REZONING APPLICANT'S LETTER OF INTENT

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SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

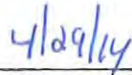

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Signature of ApplicantDate

N. Brad Thomason, Manager of BT Snellville Associates, LLC

Type or Print Name and Title



Signature of Notary PublicDate


Notary Seal

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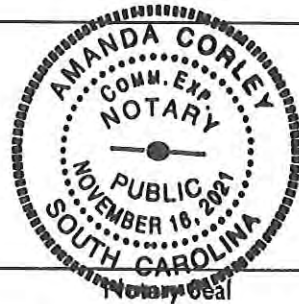
SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

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Jean Sarah Cato, Jean Cato 5-1-2014
Signature of Property Owner Date

Jean Sarah Cato a/k/a Jean Cato
Type or Print Name and Title

Amanda Corley 5-1-14
Signature of Notary Public Date



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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

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***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.**

PARCEL I.D. NUMBER:
(Map Reference Number)

5 - 092 - 001
District Land Lot Parcel

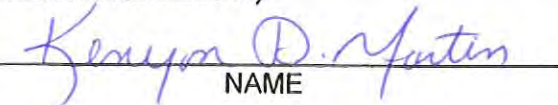

Signature of Applicant

4/29/14
Date

N. Brad Thomason, Manager of BT Snellville Associates, LLC
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

**GWINNETT COUNTY
TAX COMMISSIONER**
TITLE

5-2-2014
DATE

SUP '14 0 2 9 RECEIVED BY

MAY 0 2 2014

Planning & Development