

REZONING APPLICATION

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

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>	ADDRESS: <u>1550 Lakes Parkway, Suite 190</u>
CITY: <u>1550 North Brown Road, Suite 125, Lawr</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30043</u>	STATE: <u>GA</u> ZIP: <u>30043</u>
PHONE: <u>770-232-0000</u>	PHONE: <u>770-232-0000</u>
CONTACT PERSON: <u>R. Lee Tucker, Attorney or Wes T</u> PHONE: <u>770-232-0000</u>	
CONTACT'S E-MAIL: <u>ltucker@mptlawfirm.com and wturner@mptlawfirm.com</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): 7th LAND LOT(S): 080 ACREAGE: +/- 3.567

ADDRESS OF PROPERTY: 2255 Newpoint Parkway, Lawrenceville, GA 30043

PROPOSED DEVELOPMENT: Retail-

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>n/a</u>	No. of Buildings/Lots: <u>1/1</u>
Dwelling Unit Size (Sq. Ft.): <u>n/a</u>	Total Building Sq. Ft.: <u>40,800</u>
Gross Density: <u>n/a</u>	Density: <u>.264</u>
Net Density: <u>n/a</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 80 of the 5th District of Gwinnett County Georgia and being more particularly described as follows:

Commence at a 5/8-inch rebar set at the northern side of the mitered intersection of the southern right of way line of Georgia Hwy. 120 and the eastern right of way line of Interstate 85 and thence run along said miter South 60 degrees 29 minutes 37 seconds West a distance of 133.79 feet to a concrete monument found on said eastern right of way; Thence run along said eastern right of way along the arc of a curve to the left having a radius of 210.00 feet a distance of 123.39 feet to a concrete monument found, with said arc being subtended by a chord bearing of South 43 degrees 56 minutes 17 seconds West and a chord length of 121.62 feet, thence continue South 27 degrees 01 minutes 10 seconds West a distance of 32.62 feet to a point and the Point of Beginning; Thence from said Point of Beginning and leaving said right of way run South 50 degrees 46 minutes 30 seconds East a distance of 397.17 feet to a point located on the western right of way of Newpoint Parkway having a variable right of way; Thence run along said right of way the following four courses; South 51 degrees 52 minutes 01 seconds West a distance of 43.80 feet to a 1/2-inch rebar found; Thence along the arc of a curve to the left having a radius of 355.00 feet a distance of 585.75 feet to a 1/2-inch rebar found, with said arc being subtended by a chord bearing of South 04 degrees 44 minutes 59 seconds West and a chord length of 521.53 feet; thence South 42 degrees 32 minutes 12 seconds East a distance of 175.75 feet to a 1/2-inch rebar found; Thence along the arc of a curve to the right having a radius of 270.86 feet a distance of 138.03 feet to a 1/2-inch rebar found, with said arc being subtended by a chord bearing of South 27 degrees 56 minutes 16 seconds East and a chord length of 136.54 feet; thence leaving said right of way and run South 60 degrees 35 minutes 13 seconds West a distance of 7.38 feet to a 1/2" rebar found; thence North 36 degrees 31 minutes 57 seconds West a distance of 220.14 feet to a 1/2" rebar found; thence North 47 degrees 40 minutes 40 seconds West a distance of 79.89 feet to a 1/2" rebar found; thence North 47 degrees 46 minutes 38 seconds West a distance of 116.42 feet to a pk nail found; thence North 31 degrees 14 minutes 41 seconds West a distance of 351.92 feet to a pk nail found; thence North 18 degrees 58 minutes 45 seconds West a distance of 214.53 feet to a concrete monument found on said eastern right of way of Interstate 85; thence run along said right of way North 27 degrees 07 minutes 13 seconds East a distance of 167.92 feet to a 1/2"-rebar found; thence continue North 27 degrees 01 minutes 10 seconds East a distance of 100.55 feet to a point and the Point of Beginning.

Said tract or parcel contained 3.567 Acres.

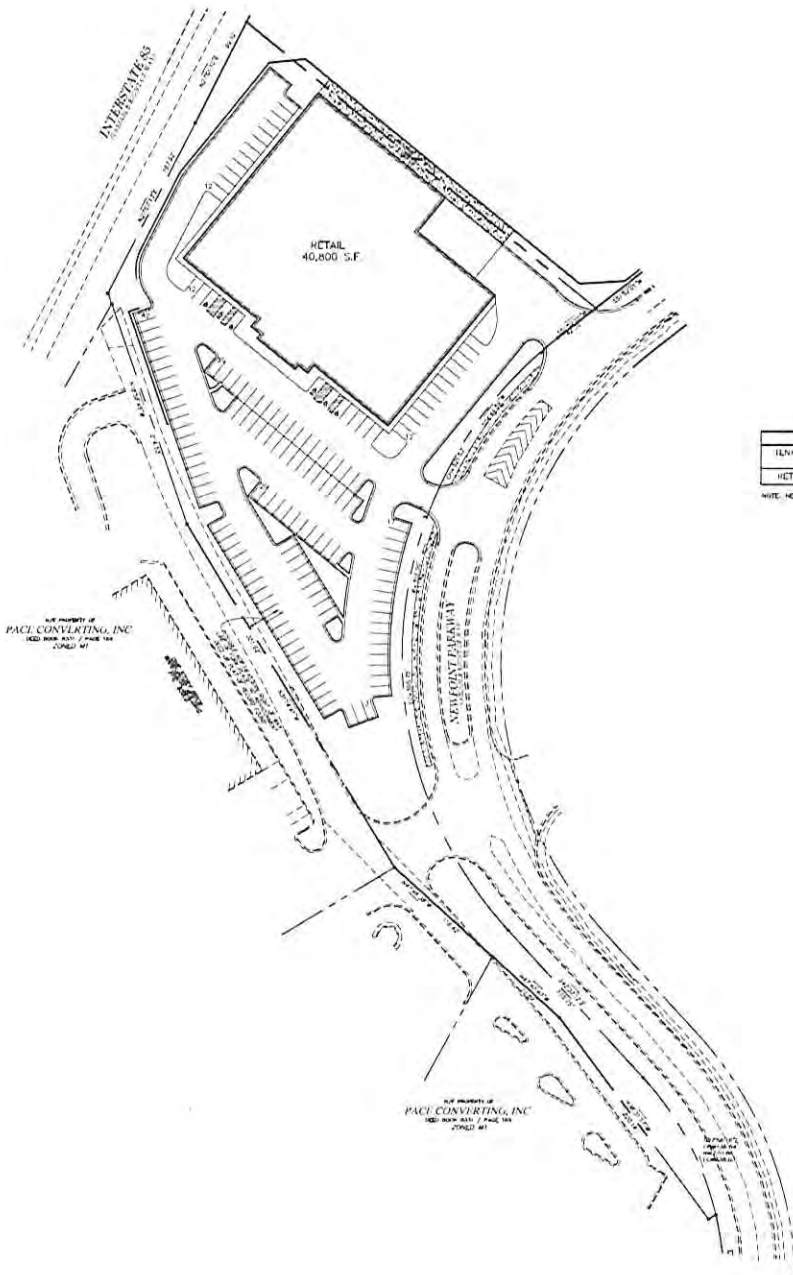
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LOCATION MAP
N.E.A.



NOT PROPERTY OF
PACIFIC CONVERTING, INC.
1625 ROAD 833 / BOX 104
JONESBORO, TX

NOT PROPERTY OF
PACIFIC CONVERTING, INC.
1625 ROAD 833 / BOX 104
JONESBORO, TX

		SITE DATA			
USE	AREA (S.F.)	PARKING SPACES	PARKING RATIO	NET AREA	NET DENSITY
METAL	40,800	153	3.75/1,000 S.F.	355 ACRES	0.264
					0.284

NOTE: NET AREA DENSITY IS SUBJECT TO CHANGE WITH FINAL DESIGN.

- NOTES:**
1. THERE IS NO FLOODPLAIN ON THIS PROPERTY FROM A WATER COURSE WITH A FLOODING AREA EXCEEDING 100 ACRES. A FLOODPLAIN FOR THE PARCEL TO BE OBTAINED UNDER DEVELOPMENT IS SHOWN.
 2. THERE ARE NO WETLANDS BEING OBTAINED ON THIS SITE.
 3. THERE ARE NO STREAM BUFFERS ON THIS PROPERTY.
 4. THE DESIGN PROFESSIONAL, WHOSE SEAL APPEARS HEREON, CERTIFIES THE FOLLOWING: (1) THE NATIONAL WETLANDS PROXY DATA HAS BEEN CONSULTED, AND (2) THE APPROPRIATE PLAN SHEET (1) AND (2) DOES NOT INDICATE AREAS OF WETLANDS AND (3) AREAS OF WETLANDS, JURISDICTIONAL WETLANDS AS SHOWN ON THE MAPS AND (4) IF APPROPRIATE ARE INDICATED, THE LANDS WOULD BE OBTAINED FOR THIS PROJECT. THIS DOES NOT GUARANTEE OR PROMISE WETLANDS SHALL NOT OCCUR UNLESS THE APPROPRIATE FEDERAL WETLANDS ALLOCATION (SECTION 404) REPORT HAS BEEN OBTAINED.

LEGEND	
EXISTING FEATURES:	---
HIGHWAY LINES:	---
PROPOSED FEATURES:	---
PROPOSED BUILDING:	---
PROPOSED FENCE:	---
REINFORCED CONC. PAVING/DRIVEWAY:	---

REZONING SITE PLAN

GRAPHIC SCALE

IN FEET
1 inch = 50 ft.

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HOUSES GOSWAM & ASSOCIATES
CIVIL, ENVIRONMENTAL & PLANNING
10015 N. GARDEN DRIVE, SUITE 100
DALLAS, TEXAS 75243
TEL: 972.382.7770

HGA

TTM HOLDINGS
10015 Lakes Parkway, Suite 100
Lubbock, Texas 79424

PAPPAS RESTAURANTS, INC.
1229 N. Garland Ave.
Ft. Worth, Texas 76102

NEWPOINT PARKWAY
RETAIL

PROPERTY OF
LAWRENCE G. GIBSON, 8000
LUTHERVILLE, GEORGIA 30054
LOT 20, P. O. BOX 700-205 THE VILLAGES, 1 000

DATE	0/0/14
PROJECT TITLE	REZONING SITE PLAN
SHEET NUMBER	RZ-2

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

Please See Attached

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

Please See Attached

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

Please See Attached

- (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:

Please See Attached

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

Please 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:

Please See Attached

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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 the Interstate 85/Highway 120 interchange. 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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Matthew P. Benson
Shawn F. Bratton
Alissa L. Cummo
Kelly O. Faber
Amanda C. Floyd
J. David Gussio
Gerald Davidson, Jr.,*
Jill H. Harris,*

Christopher D. Holbrook
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
Wesley C. Turner
*of Counsel

LETTER OF INTENT FOR REZONING
APPLICATION OF TTM HOLDINGS, LLC

The Applicant, TTM Holdings, LLC, submits this Rezoning Application for the purpose of rezoning a +/- 3.567 acre tract of land located at 2255 Newpoint Parkway (the "Property") from the M-1 (light industrial) zoning classification to the C-2 zoning classification. As you will see on the enclosed site plan, the Applicant proposes to develop a 40,800 square foot commercial retail development on the Property.

The proposed C-2 development matches the intent and spirit of the County's 2030 Unified Plan in that it provides commercial property in the midst of an existing commercial corridor at the Interstate 85/Highway 120 interchange. Furthermore, the 2030 Unified Plan 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.

The Applicant welcomes the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns relating to the materials set forth in the Application filed herewith. The Applicant respectfully requests your approval of this Application.

This the 1st day of May, 2014.

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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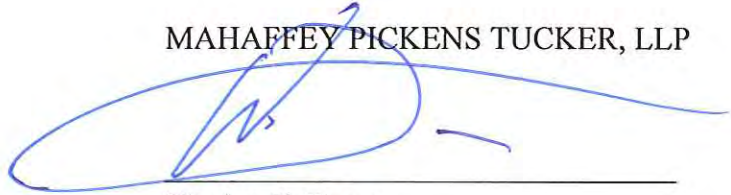
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This the 1st day of May, 2014.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Wesley C. Turner
Attorney for Applicant

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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.

RSALC 5/1/14
Signature of Applicant Date

R. Lee Tucker, Jr. and MAHAFFEY PICKENS TUCKER, LLP 5/1/14
Type or Print Name and Title

Laura Stockinger 5/1/14
Signature of Notary Public Date



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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.

R. Lee Tucker, Jr. 5/1/14
Signature of Property Owner Date

R. Lee Tucker, Jr. and MAHAFFEY PICKENS TUCKER, LLP 5/1/14
Type or Print Name and Title

Laura Stockinger 5/1/14 
Signature of Notary Public Date

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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.

RS All 5/1/14 Ronnie DeThomas - member
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Laura Stockinger 5/1/14
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 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.

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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.

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE
 MAHAFFEY PICKENS TUCKER, LLP
 5/1/14 . Lee Tucker, Jr., Attorney for Applicant

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

 5/1/14
 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 R. Lee Tucker, Jr. and MAHAFFEY PICKENS TUCKER, LLP
 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)
*See attached list.		

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

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**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
John Heard	\$1000	01/09/2014
Lynette Howard	\$1000	03/20/2014

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 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.


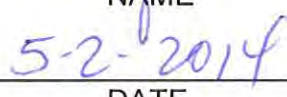
***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 07 080 128
(Map Reference Number) District Land Lot Parcel


Signature of Applicant 05/01/14
Date
R. Lee Tucker, 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)

 TSA II
NAME TITLE

DATE

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RECEIVED
MAY 2 2014
PROPERTY TAX DIVISION
TAX COMMISSIONER'S OFFICE