

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>WB Services, LLC</u>	NAME: <u>CSX Transportation, Inc.</u>
c/o <u>Mill Creek Consulting</u>	
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>500 Water Street</u>
CITY: <u>Buford</u>	CITY: <u>Jacksonville</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>FL</u> ZIP: <u>32202</u>
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 checked="" type="checkbox"/> OWNERS AGENT	<input type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT (S): <u>M-1</u>	REQUESTED ZONING DISTRICT: <u>SUP for</u>
	<u>Ethanol Storage Tank Facility & Height</u>
	<u>Increase</u>
LAND DISTRICT (S): <u>5</u>	LAND LOT (S): <u>239</u>
ACREAGE: <u>8.905</u>	
ADDRESS OF PROPERTY: <u>1490 Winder Highway</u>	
PROPOSED DEVELOPMENT: <u>Ethanol Storage Tank Facility</u>	
<p>SUP '14 001 A</p>	<p>RECEIVED BY OCT 29 2013 Planning & Development</p>

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

**LEGAL DESCRIPTION
PROJECT AREA**

All that tract or parcel of land lying and being in Land Lot 239 of the 5th Land District, Gwinnett County, Georgia and being a portion of Tract One, Block V, Gwinnett Progress Center, Unit Three as per plat recorded in Plat Book 53, Page 164, Gwinnett County Records, being more particularly described as follows:

To find **The Point of Beginning**, Commence at the intersection formed by the Westerly right-of-way of Georgia Highway No.316 (Right-of-Way varies) and the Southerly Right-of-Way of Seaboard Coastline Railroad (200' Right-of-Way); THENCE leaving said Point South 81 degrees 08 minutes 44 seconds West for a distance of 3,685.88 feet to a Point, said point being **THE TRUE POINT OF BEGINNING**.

THENCE from said point as thus established, South 30 degrees 24 minutes 55 seconds West for a distance of 152.79 feet to a Point; THENCE North 59 degrees 35 minutes 05 seconds West for a distance of 338.55 feet to a Point; THENCE South 30 degrees 31 minutes 52 seconds West for a distance of 397.29 feet to a Point; THENCE North 59 degrees 33 minutes 23 seconds West for a distance of 619.23 feet to a Point; THENCE North 30 degrees 26 minutes 37 seconds East for a distance of 50.53 feet to a Point; THENCE South 59 degrees 33 minutes 23 seconds East for a distance of 60.00 feet to a Point; THENCE North 30 degrees 31 minutes 52 seconds East for a distance of 384.93 feet to a Point; THENCE North 59 degrees 35 minutes 05 seconds West for a distance of 223.55 feet to a Point; THENCE North 30 degrees 24 minutes 55 seconds East for a distance of 114.34 feet to a Point; THENCE South 59 degrees 35 minutes 05 seconds East a distance of 1,121.34 feet to a Point, said Point being the **POINT OF BEGINNING**;

Containing 8.905 acres

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LEGEND

1/16" = 1' (1/8" = 1')	1/32" = 1/2'	1/64" = 1/4'	1/128" = 1/8"	1/256" = 1/16"	1/512" = 1/32"	1/1024" = 1/64"	1/2048" = 1/128"	1/4096" = 1/256"	1/8192" = 1/512"	1/16384" = 1/1024"	1/32768" = 1/2048"	1/65536" = 1/4096"	1/131072" = 1/8192"	1/262144" = 1/16384"	1/524288" = 1/32768"	1/1048576" = 1/65536"	1/2097152" = 1/131072"	1/4194304" = 1/262144"	1/8388608" = 1/524288"	1/16777216" = 1/1048576"	1/33554432" = 1/2097152"	1/67108864" = 1/4194304"	1/134217728" = 1/8388608"	1/268435456" = 1/16777216"	1/536870912" = 1/33554432"	1/1073741824" = 1/67108864"	1/2147483648" = 1/134217728"	1/4294967296" = 1/268435456"	1/8589934592" = 1/536870912"	1/17179869184" = 1/1073741824"	1/34359738368" = 1/2147483648"	1/68719476736" = 1/4294967296"	1/137438953472" = 1/8589934592"	1/274877906944" = 1/17179869184"	1/549755813888" = 1/34359738368"	1/1099511627776" = 1/68719476736"	1/2199023255552" = 1/137438953472"	1/4398046511104" = 1/274877906944"	1/8796093022208" = 1/549755813888"	1/17592186044416" = 1/1099511627776"	1/35184372088832" = 1/2199023255552"	1/70368744177664" = 1/4398046511104"	1/140737488355328" = 1/8796093022208"	1/281474976710656" = 1/17592186044416"	1/562949953421312" = 1/35184372088832"	1/1125899906842624" = 1/70368744177664"	1/2251799813685248" = 1/140737488355328"	1/4503599627370496" = 1/281474976710656"	1/9007199254740992" = 1/562949953421312"	1/18014398509481984" = 1/1125899906842624"	1/36028797018963968" = 1/2251799813685248"	1/72057594037927936" = 1/4503599627370496"	1/144115188075855872" = 1/9007199254740992"	1/288230376151711744" = 1/18014398509481984"	1/576460752303423488" = 1/36028797018963968"	1/1152921504606846976" = 1/72057594037927936"	1/2305843009213693952" = 1/144115188075855872"	1/4611686018427387904" = 1/288230376151711744"	1/9223372036854775808" = 1/576460752303423488"	1/18446744073709551616" = 1/1152921504606846976"	1/36893488147419103232" = 1/2305843009213693952"	1/73786976294838206464" = 1/4611686018427387904"	1/147573952589676412928" = 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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 AREA OF THE 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 RESEARCH AND DEVELOPMENT.

(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 SUP '14 001

RECEIVED BY: OCT 29 2013

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Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the rezoning 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.

SUP '14 0 0 1

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant, WB Services, LLC, requests a special use permit with a height increase for the purpose constructing 3 ethanol storage tanks on property leased from CSX Railroad. The total property contains 124.47 acres and the applicant is leasing 8.905 for the proposed tank storage area. The location is in the center of the property and will be all but impossible to be seen from any surrounding properties. The subject property is currently zoned M-1 and is mainly used as offloading of new cars but since 2011 the applicant has been offloading ethanol directly from the rail cars to tanker trucks. There was no special use required for the existing process but the permanent storage tanks will require a special use permit. The current process involves bringing in 80 to 96 rail cars at a time and then unloading them directly into the tanker trucks can take up to 2 weeks of moving the rail cars around the property before they are all empty. The construction of the 3 storage tanks would reduce the offloading to about 36 hours and would be much more efficient and safer. The ethanol is not stored under pressure as Compressed Naturel Gas or Propane would be and while it is pumped to the tanks for storage it is loaded onto the trucks with gravity flow. The plan is to construct 2 of the tanks immediately and then the third tank as needed. While the tanks will be 42 feet high they will be recessed into the ground approximately 6 feet making them in reality only 36 feet from the actual ground level. The property is not directly in the flight path of Briscoe Field and the actual height of the structures will not impede any flights in any way possible.

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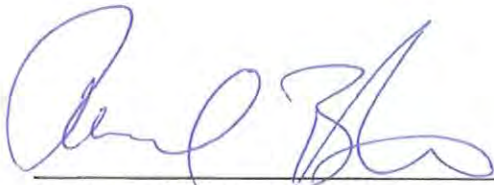
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SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

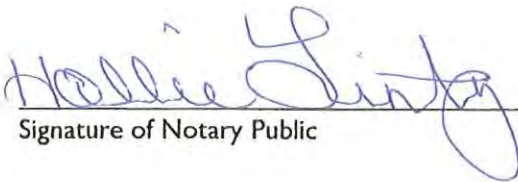
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL 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

10/28/13
Date

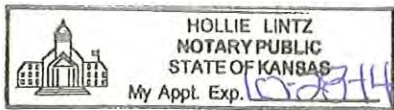
RONALD BEEMILLER PRESIDENT & CEO
Type or Print Name and Title



Signature of Notary Public

10-28-13
Date

Notary Seal



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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.


Signature of Property Owner

10/28/2013

Date

Damien D'Anna - Regional Manager, Sales and Leasing
Type or Print Name and Title

 10/28/13
Signature of Notary Public Date

Notary Seal



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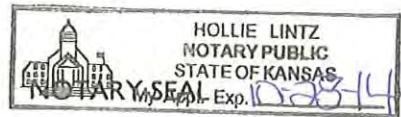
CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

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.

[Signature] 10/28/13 Ronald Beemiller President/ceo
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

[Signature] 10/23/13
 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

[Signature]
 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: 5 - 239 - 046
(Map Reference Number) District Land Lot Parcel

[Signature] _____
Signature of Applicant Date 10/28/13

RONALD BEEMER PRESIDENT & COO _____
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)

Debra Smith _____ tax services associate _____
NAME TITLE
October 29, 2013 _____
DATE

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