

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
TitleMax of Georgia, Inc. NAME: <u>c/o Mahaffey Pickens Tucker, LLP</u> ADDRESS: <u>1550 North Brown Road, Ste 125</u> CITY: <u>Lawrenceville</u> STATE: <u>Georgia</u> ZIP: <u>30043</u> PHONE: <u>(770)232-0000</u>	NAME: <u>TY Investments, LLC</u> ADDRESS: <u>15 Bull Street, Ste 200</u> CITY: <u>Savannah</u> STATE: <u>Georgia</u> ZIP: <u>31401</u> PHONE: <u>(770)232-0000</u>
CONTACT PERSON: <u>Justin Abernathy</u> PHONE: <u>(770)232-0000</u> CONTACT'S E-MAIL: <u>jabernathy@mptlawfirm.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"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
EXISTING/PROPOSED ZONING: <u>C-2</u> BUILDING/LEASED SQUARE FEET: <u>+/- 2,800</u>	
LAND DISTRICT(S): <u>6</u> LAND LOT(S): <u>169</u> ACREAGE: <u>0.652</u>	
ADDRESS OF PROPERTY: <u>4955 Jimmy Carter Boulevard</u>	
SPECIAL USE REQUESTED: <u>Title loan facility.</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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EXHIBIT A

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 169 of the 6th Land District of Gwinnett County, Georgia, as depicted as Lot 2A on that certain plat entitled "Re-Subdivision of Greens Corner Shopping Center, Land Lot 169 of the 6th Land District, Gwinnett County, Georgia" prepared by Wolverton & Associates, last revised July 23, 2013 and recorded in Plat Book 130, Pages 129-130, Gwinnett County, Georgia records and being more particularly described as follows:

To find the Point of Beginning, begin at the intersection of the southerly variable right of way of Rockbridge Road and the easterly variable right of way of Jimmy Carter Boulevard (if the right of ways are extended to form an intersection); thence along the easterly right of way of Jimmy Carter Boulevard the following courses and distances: South 10 degrees 34 minutes 34 seconds East a distance of 219.23 feet to a 1/2 inch rebar found; and North 84 degrees 50 minutes 40 seconds East a distance of 10.05 feet to a 1/2 inch rebar found, thence South 10 degrees 36 minutes 11 seconds East a distance of 169.95 feet to a 1/2 rebar found; thence South 84 degrees 48 minutes 16 seconds West a distance of 9.97 feet to a 1/2 inch rebar found; thence South 10 degrees 33 minutes 17 seconds East a distance of 87.87 feet to a point on the easterly right of way of Jimmy Carter Boulevard, said point being the Point of Beginning.

Thence leaving the right of way of North 37 degrees 06 minutes 17 seconds East a distance of 25.56 feet to a point; thence South 89 degrees 48 minutes 57 seconds East a distance of 158.11 feet to a point; thence South 10 Degrees 51 minutes 12 second East a distance of 146.84 feet to a point; thence South 79 degrees 08 minutes 48 seconds West a distance of 175.00 feet to a point on the Easterly right of way of Jimmy Carter Boulevard; thence along said right of way North 10 degrees 33 minutes 17 seconds West a distance of 160.00 feet to a point; said point; said Point being the Point of Beginning.

Said property being 28,402 square feet or 0.652 acres.

Being a portion of the same property as conveyed to TGWC, LLC by Limited Warranty Deed dated January 21, 2012 and recorded in the Office of the Clerk of Superior Court, Gwinnett County, Georgia on February 1, 2012 in Deed Book 51147, Page 458.

TOGETHER WITH and subject to those appurtenant easement rights contained in that certain Declaration of Reciprocal Easements by Hal W. Lamb, III and Home Life Insurance Company, as sole general partners of a Georgia General Partnership, d/b/a Green's Corner Associates, dated January 13, 1981, filed January 16, 1981, and recorded in Deed Book 2101, Page 198, Gwinnett County, Georgia.

TOGETHER WITH and subject to those appurtenant easement rights contained in that certain Easements with Covenants and Restrictions Affecting Land, between Eric S. Zorn, as Trustee of the Wal-Mart Real Estate Business Trust, and TGWC, LLC dated January 31, 2012, filed February 1, 2012, and recorded in Deed Book 51147, Page 504, and as recorded (as an Exhibit)

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in Deed Book 2103, Page 280, Gwinnett County, Georgia records, and as recorded (as an Exhibit) in Deed Book 2103, Page 306, and as amended by that First Amendment to Declaration of Reciprocal Easements by and among TGWC, LLC, Bridgestone Retail Operations, LLC, formerly known as BFS Retail & Commercial Operations, LLC, Luis Macias, Pawnmart, Inc., and O'Reilly Automotive, Inc. dated January 31, 2012, filed February 1, 2012, and recorded in Deed Book 51147, Page 481, Gwinnett County, Georgia records.

TOGETHER WITH a nonexclusive easement for slope and support over an across that certain slope easement area encumbering portions of Lot 4 and Lot 2B as shown and described on that certain plat entitled "Re-Subdivision of Greens Corner Shopping Center, Land Lot 169 of the 6th Land District, Gwinnett County, Georgia" prepared by Wolverton & Associates, last revised July 23, 2013 and recorded in Plat Book 130, Pages 129-130, Gwinnett County, Georgia records.

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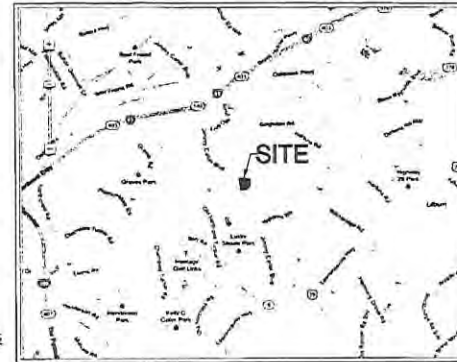
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ROCKBRIDGE ROAD
RIGHT OF WAY VARIES
DB 40885, PG 31
DB 1000, PG 4
40 MPH SPEED LIMIT
PAVEMENT CONDITION: GOOD (PUBLIC)

PERMIT NUMBER	DESCRIPTION	DATE APPROVED
BR02011-00001	BUFFER REDUCTION	10/04/2011
M002011-00016	DECELERATION LANE LENGTH DECREASE	11/15/2011
M002011-00018	DRIVEWAY ENTRANCE	11/15/2011
SUP2004-00075	SPECIAL USE FOR AUTO SERVICE	10/26/2004
WR2011-00001	LANDSCAPE REQUIREMENT ELIMINATION	10/04/2011
WR2011-00002	LANDSCAPE REQUIREMENT ELIMINATION	10/04/2011
ZVR2011-00053	INCREASE INTERIOR DRIVEWAY WIDTH	09/20/2011
ZVR2011-00054	REDUCE PEDESTRIAN CORRIDORS	09/20/2011
ZVR2012-00065	WALL SIGN AREA INCREASE	08/14/2012
ZVR2011-00066	WALL SIGN AGGREGATE AREA INCREASE	08/14/2012

VICINITY MAP - N.T.S.

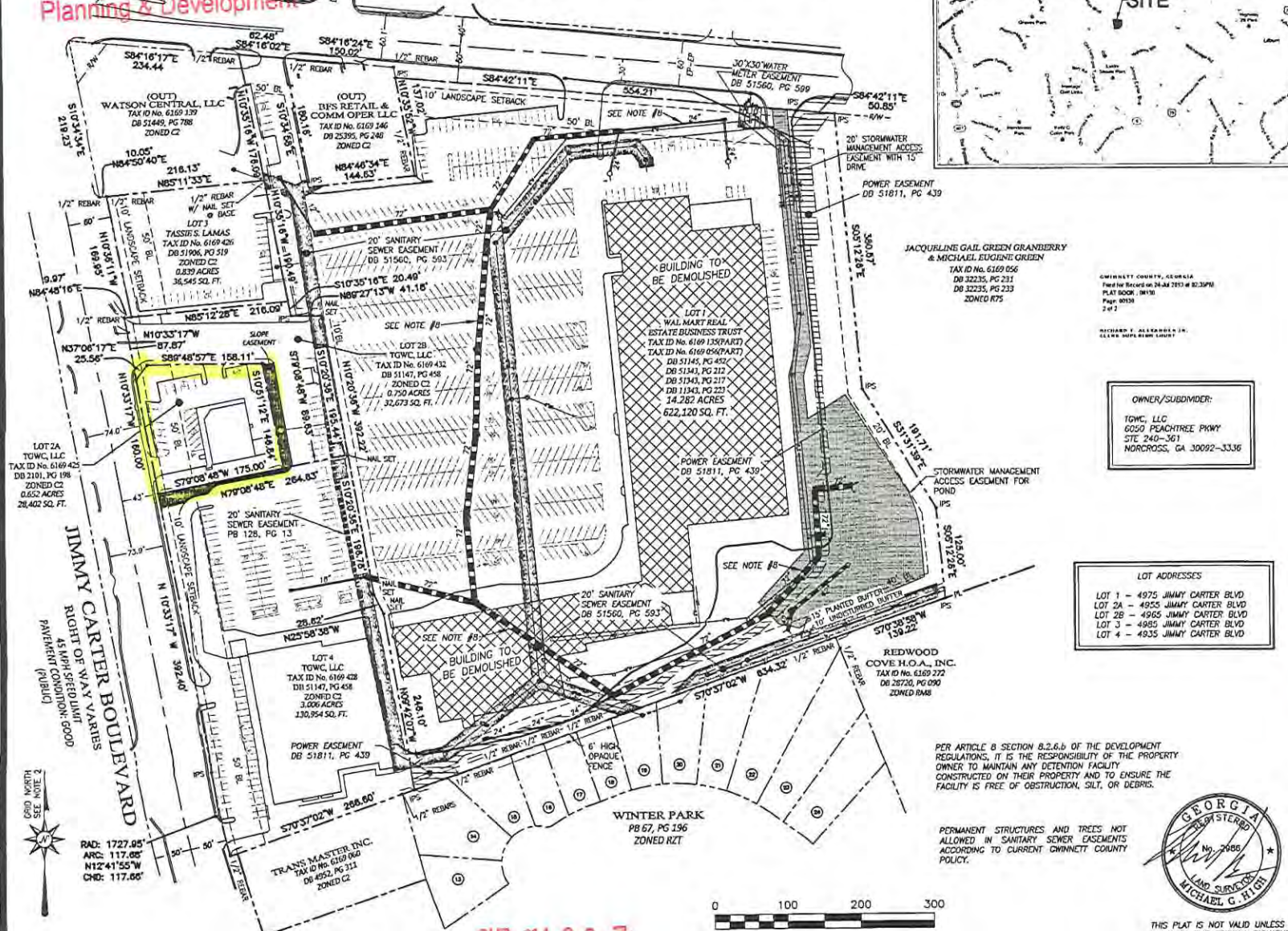


Wolverton & Associates
Consulting Engineers & Land Surveyors
6145 Eugene Parkway • Suite 100 • Duluth, Georgia 30091
Phone (770) 414-9299 • Fax (770) 414-9290
www.wolverton-es.com

RE-SUBDIVISION OF: FPL 2013-00012

GREENS CORNER SHOPPING CENTER

LAND LOT 169 OF THE 6TH LAND DISTRICT
GWINNETT COUNTY, GEORGIA



OWNER/SUBDIVIDER:
TOWC, LLC
6050 PEACHTREE PKWY
STE 240-361
NORCROSS, GA 30092-3336

LOT ADDRESSES
LOT 1 - 4975 JIMMY CARTER BLVD
LOT 2A - 4955 JIMMY CARTER BLVD
LOT 2B - 4965 JIMMY CARTER BLVD
LOT 3 - 4985 JIMMY CARTER BLVD
LOT 4 - 4935 JIMMY CARTER BLVD

PER ARTICLE 8 SECTION 8.2.6.b OF THE DEVELOPMENT REGULATIONS, IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN ANY DETENTION FACILITY CONSTRUCTED ON THEIR PROPERTY AND TO ENSURE THE FACILITY IS FREE OF OBSTRUCTION, SILT, OR DEBRIS.

PERMANENT STRUCTURES AND TREES NOT ALLOWED IN SANITARY SEWER EASEMENTS ACCORDING TO CURRENT GWINNETT COUNTY POLICY.



THIS PLAN IS NOT VALID UNLESS IT CONTAINS THE ORIGINAL SIGNATURES IN BLUE INK OF THE REGISTRANT ACROSS THE REGISTRANTS SEAL.



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REVISIONS	BY
5/16/2013 ADDRESS COUNTY COMMENTS	KBW
5/30/2013 ADDRESS COUNTY COMMENTS	KBW
7/23/2013 DVMD LOT 2 INTO 2A AND 2B	KBW

DRAWN BY	KBW
CHECKED BY	MGH
DATE:	03/11/2013
SCALE:	1"= 100'
JOB No.	10-143
SHEET NUMBER	2

OF 2 SHEETS

SPECIAL USE PERMIT 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 SPECIAL USE PERMIT 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 SPECIAL USE PERMIT 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 SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

Please see attached.

- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT 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 SPECIAL USE PERMIT 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 SPECIAL USE PERMIT:

Please see attached.

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SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, the proposed Special Use Permit Application will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- (B) No, the proposed Special Use Permit Application will not adversely affect the existing use or usability of any of the nearby properties.
- (C) Applicant submits that the property does have reasonable economic use as currently zoned; however, because of the vacant space in the development on the property, such economic use is enhanced with the approval of the requested SUP. Applicant therefore submits the highest and best use of subject tract is for C-2 with the Special Use requested.
- (D) No, the proposed Special Use Permit Application will not result in an excessive or burdensome use of the infrastructure systems. The project itself will not have any effect on the school system other than to generate revenue through an increase in the ad valorem taxes on the subject property.
- (E) Yes, the proposed Special Use Permit Application is in conformity with the policy and intent of the Gwinnett County 2030 Unified Plan.
- (F) Applicant submits that the commercial/retail nature of the area provides additional support of this Application. Further, this project will provide revitalization stimulus for other aging commercial properties within the Gwinnett Village CID.

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R. Lee Tucker, Jr.
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Alissa L. Cummo
Justin A. Abernathy
Austen T. Mabe
J. David Gussio
Jill H. Harris,
of Counsel

**LETTER OF INTENT FOR SPECIAL USE PERMIT
APPLICATION OF TITLEMAX OF GEORGIA, INC.**

Mahaffey Pickens Tucker, LLP submits this Special Use Permit Application on behalf of the Applicant, TitleMax of Georgia, Inc., for the purpose of requesting a Special Use Permit for an approximately 0.652 acre tract located on Jimmy Carter Boulevard at its intersection with Shelby Drive (hereinafter, the "Property"). The Applicant is requesting a Special Use Permit for a Title Loan Facility. The Property is currently zoned C-2.

The Applicant is proposing to move the existing TitleMax at 5309 Jimmy Carter Boulevard (the "Existing Location") to the vacant space previously occupied by Angie's Beauty in the development at 4955 Jimmy Carter Boulevard (the "New Location"). This request is for the purpose of relocating an existing TitleMax store. In the event the Special Use Permit Application is approved, the Existing Location would move to the New Location. TitleBucks, an affiliate of TitleMax which is adjacent to the New Location, would relocate to the Existing Location.

In its current state, the Property is developed as a mixed retail development with a portion of the building being vacant. The request for a Special Use Permit would enable the use and improvement of the Property in contrast to the existing vacant space. The Property is located along the Jimmy Carter Boulevard commercial corridor and this Special Use Permit would allow a use that is consistent with the

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area. Therefore, the requested rezoning will have no adverse impact on the current or contemplated uses of nearby or surrounding properties.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Special Use Permit Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP


Justin A. Abernathy
Attorneys for Applicant

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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.



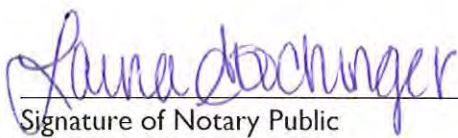
Signature of Applicant

11/25/13

Date

Justin Abernathy, Attorney for Applicant


Type or Print Name and Title



Signature of Notary Public

11/25/13

Date



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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
Date 11/25/13
Tracy Young - TY Investments, LLC - Manager

Type or Print Name and Title

Signature of Notary Public
Date 11/25/13



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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.

Justin Abernathy 11/25/13 Justin Abernathy, Attorney for Applicant
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Laura Stockinger 11/25/13
 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 TitleMax of Georgia, Inc.

 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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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 OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	11/25/13	Justin Abernathy, Attorney for Applicant

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	11/25/13	

SIGNATURE OF NOTARY PUBLIC	DATE
	11/25/13



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 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)
	Please see attached.	

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

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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Updated 8/22/2013

