SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: Knoll Construction, LLC c/o Mahaffey Pickens Tucker, LLP	NAME: Parikh & Park, LLC
ADDRESS: 1500 N. Brown Rd., Suite 125	ADDRESS: 1500 N. Brown Rd., Suite 125
CITY: Lawrenceville	CITY: Lawrenceville
STATE: GA ZIP: 30043	STATE: GA ZIP: 30043
PHONE: 770-232-0000	PHONE: 770-232-0000

CONTACT PERSON: Shane Lanham PHONE: 770-232-000

CONTACT'S E-MAIL: slanham@mptlawfirm.com

*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:

☐ OWNER'S AGENT ☐ PROPERTY OWNER ☒ CONTRACT PURCHASER

EXISTING/PROPOSED ZONING: C-2 BUILDING/LEASED SQUARE FEET: 5,656 sq. ft.

LAND DISTRICT(S): 5-108 LAND LOT(S): 108 ACREAGE: 3.75

ADDRESS OF PROPERTY: 845 Scenic Highway, Building D, Lawrenceville, GA 30045

SPECIAL USE REQUESTED: Pep Boys Auto Parts and Service

Automobile Parts Store (with installation)

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 BING IN LAND LOT 108 OF THE 5TH DISTRICT OF GWINNETT COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE RIGHT-OF-WAY MONUMENT MARKING THE NORTHERLY MITERED CORNER OF THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY-LINE OF SUGARLOAF PARKWAY (AKA DULUTH BYPASS) HAVING A VARIABLE RIGHT-OF-WAY AND THE WESTERLY RIGHT-OF-WAY LINE OF SCENIC HIGHWAY (AKA STATE ROUTE 124) HAVING A VARIABLE RIGHT-OF-WAY; THENCE RUN ALONG SAID MITERED RIGHT-OF-WAY LINE S 68°04'29" W, A DISTANCE OF 54.55 FEET TO A 1/2" REBAR; THENCE DEPART SAID MITERED RIGHT-OF-WAY LINE AND RUN ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, N 69°39'34" W, A DISTANCE OF 207.52 FEET TO A 1/2" REBAR; THENCE DEPART SAID NORTHERLY RIGHT-OF-WAY LINE, N 16°05'23" E, A DISTANCE OF 649.64 FEET TO A 1" REBAR; THENCE S 68°21'06" E, A DISTANCE OF 235.85 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT; THENCE S 69°20'36" E, A DISTANCE OF 14.36 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT MARKING A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF SCENIC HIGHWAY; THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE S 16°00'27" W, A DISTANCE OF 607.44 FEET TO POINT OF BEGINNING. SAID TRACT OR PARCEL OF LAND CONTAINING 3.687 ACRES MORE OR LESS.

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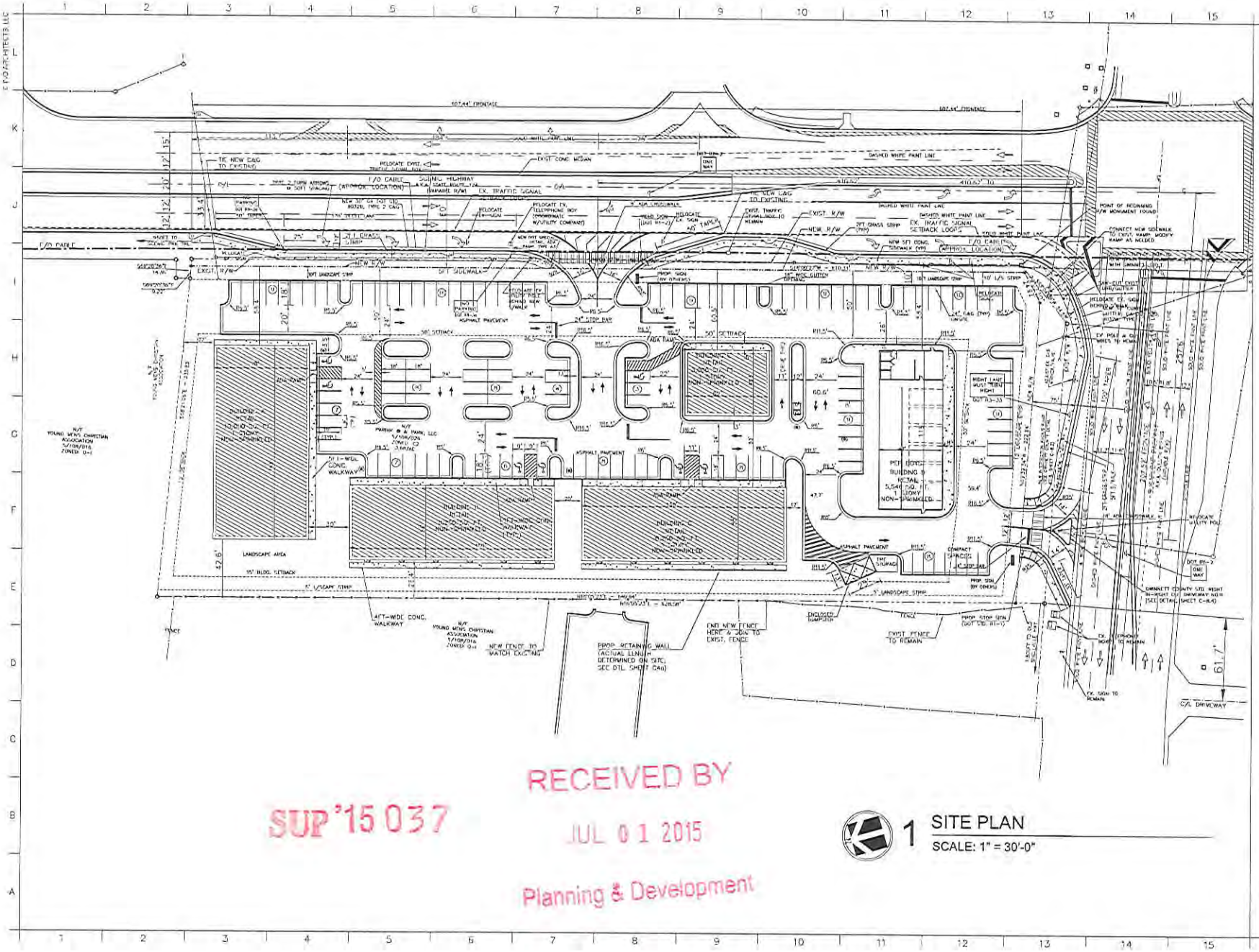
INO
INO Architects, LLC
3100 Mimlock Bridge Road Building 500
Norcross, GA 30071
Tel: 770-242-3300
Fax: 770-242-7707
SEAL
NOTE
No.
Date
THE BOW CENTER
845 Scenic Highway
Gwinnett County, GA
LAND DIST.: 6TH
LAND LOT: 100
DRAWING TITLE:
SITE PLAN
PROJECT NO.
DRAWING NO.
DATE
SCALE
C-3
NOT FOR CONSTRUCTION
1 SITE PLAN
SCALE: 1" = 30'-0"
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SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

See attached

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

See attached

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

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:

See attached

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

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:

See attached

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Knoll Construction, LLC

Special Use Permit Application

Standards Governing the Exercise of the Zoning Power – Responses

A. Yes, the proposed special use permit ("SUP") will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed use would be consistent with the uses of surrounding properties.
B. No, the proposed SUP will not adversely affect the existing use or usability of an adjacent or nearby property.
C. No, in light of the location, topography, and surrounding uses, the property to be affected by the proposed SUP does not have reasonable economic use as currently zoned.
D. No, the proposed SUP would not result in a use which would or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed SUP would not generate excessive vehicle trips. The proposed SUP would permit a use consistent with the use of the surrounding area.
E. Yes, the proposed SUP is in conformity with the policy and intent of the land use plan. The Future Land Use Plan designates the subject property as Corridor Mixed-Use, and the proposed SUP would further this designation by being a recommended commercial services use pursuant to Section D.1.3 of the Gwinnett County 2030 Unified Plan, Part 3: Implementation.
F. Yes, there are existing or changing conditions affecting the use and development of the property which give supporting grounds for approval of the proposed special use permit, namely the continued development along Scenic Highway, specifically at this commercial node, which has experienced substantial commercial development in recent years.

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Mahaffey Pickens Tucker, LLP
ATTORNEYS AT LAW

Matthew P. Benson
Alissa L. Cummo
Kelly O. Faber
Amanda F. Henningsen
Christopher D. Holbrook
Joshua P. Johnson
Gerald Davidson, Jr.*
Jill H. Harris*

Austen T. Mabe
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
*Of Counsel

LETTER OF INTENT FOR
SPECIAL USE PERMIT APPLICATION

The Applicant, Knoll Construction, LLC (on behalf of the owner, Parikh & Park, LLC), submits this Special Use Permit Application for the purpose of building a Pep Boys Auto Parts and Service ("Pep Boys") on an approximately 3.75 acre tract (the "Property") located at 845 Scenic Highway, Building D, Lawrenceville, GA 30045. Pep Boys is a nationally known and highly regarded chain of automobile parts and installation service stores with over 800 stores in 35 states. The Property is currently zoned C-2.

Currently, the Property is a vacant site at the intersection of Sugarloaf Parkway and Scenic Highway. The request for a Special Use Permit would enable the commercial use and development of the Property in a manner consistent with its surrounding areas. The proposed building would consist of approximately 5,656 square feet and stand at a height of approximately twenty feet. The Applicant respectfully submits that the proposed building would be an improvement of the Property in contrast to the existing vacant site, and it would be located in an appropriate commercial area and would not be detrimental to the public health, safety or welfare. Additionally, the requested Special Use Permit will have no adverse impact on the current or contemplated uses of nearby or surrounding properties.

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NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022
TELEPHONE 770 232 0000
FACSIMILE 678 518 6880
www.mptlawfirm.com

The proposed SUP is consistent with the policy and intent of the Gwinnett County Unified Development Ordinance and the Gwinnett County 2030 Unified Plan.

The Applicant and its representatives welcome the opportunity to meet with the 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 prior to the public hearing process. The Applicant respectfully requests your approval of this Application.

This 2nd day of July, 2015.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham
Attorneys for Applicant

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*Of Counsel

JUSTIFICATION FOR CHANGE IN CONDITIONS APPLICATION OF KNOLL CONSTRUCTION, LLP ("THE APPLICANT")

The portions of the Gwinnett County Unified Development Ordinance (hereafter the "Ordinance") which classify or may classify the property which is the subject of this Application (the "Property") into any less intensive zoning classification other than as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Ordinance as applied to the subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's 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, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the C-2 classification with the special use permit ("SUP") as requested by the Applicant, and is not presently suitable without the

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requested special use permit. A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal to grant the requested SUP by the Gwinnett County Board of Commissioners, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the Special Use Permit, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Accordingly, the Applicant respectfully requests that the Special Use Permit Application submitted by the Applicant relative to the Property be granted.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham
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 — Date: 6/26/15

Shane Lanham, Attorney for the Applicant
Type or Print Name and Title

Signature of Notary Public — Date: 6-26-15 — Notary Seal

WENDY M FRANK NOTARY PUBLIC GWINNETT COUNTY GA EXPIRES GEORGIA April 13, 2019

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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: 6-29-2015

KYU-MAN PARK
Type or Print Name and Title

Signature of Notary Public — Date: 6-29-15 — Notary Seal

WENDY M FRANK
NOTARY PUBLIC
GWINNETT COUNTY, GA
EXPIRES
GEORGIA
April 13, 2019

SUP '15 037

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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
	6-29-2015	KYU-MAN PARK

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

SIGNATURE OF NOTARY PUBLIC	DATE
	6-29-15

WENDY M FRANK NOTARY PUBLIC GEORGIA EXPIRES April 13, 2018 GWINNETT COUNTY NOTARY SEAL

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 _____ 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
	6/29/15	Shane Lanham, Attorney for Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
SIGNATURE OF NOTARY PUBLIC	DATE	NOTARY SEAL

WENDY M. FRANK NOTARY PUBLIC GEORGIA EXPIRES April 13, 2019 GWINNETT COUNTY, GA

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?

[X] 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)
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

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Tommy Hunter	$1000	08/22/2013
John Heard	$1000	01/09/2014
Lynette Howard	$1000	03/21/2014
Tommy Hunter	$1000	03/05/2015
Jace Brooks	$1000	03/05/2015
John Heard	$1000	03/31/2015

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Updated 05/04/2015

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: (Map Reference Number) 5 (District) - 108 (Land Lot) - 062 (Parcel)

Signature of Applicant — Date: 6/26/15

Shane Lanham, Attorney for the 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)

NAME: Lynn Howard — TITLE: TSA

DATE: 6-29-15

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