# REZONING APPLICATION

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

| APPLICANT INFORMATION | OWNER INFORMATION* |
|---|---|
| NAME: Grayson Investment Partners, LLC | NAME: Medical College of Georgia Foundation |
| ADDRESS: c/o Mahaffey Pickens Tucker, LLP | ADDRESS: c/o Mahaffey Pickens Tucker, LLP |
| CITY: 1550 N. Brown Rd., Ste. 125, L'ville | CITY: 1550 N. Brown Rd., Ste. 125, L'ville |
| STATE: GA ZIP: 30043 | STATE: GA ZIP: 30043 |
| PHONE: 770-232-0000 | PHONE: 770-232-0000 |

CONTACT PERSON: Jeff Mahaffey and/or Wes Turner PHONE: 770-232-0000

CONTACT'S E-MAIL: jmahaffey@mptlawfirm.com and wturner@mptlawfirm.com

**APPLICANT IS THE:**

☐ OWNER'S AGENT ☐ PROPERTY OWNER ☒ CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): R-100 REQUESTED ZONING DISTRICT: C-2

LAND DISTRICT(S): 05 LAND LOT(S): 156 ACREAGE: 18.594

ADDRESS OF PROPERTY: 88 Loganville Highway

PROPOSED DEVELOPMENT: Retail Development

| RESIDENTIAL DEVELOPMENT | NON-RESIDENTIAL DEVELOPMENT |
|---|---|
| No. of Lots/Dwelling Units | No. of Buildings/Lots: ~7 Buildings |
| Dwelling Unit Size (Sq. Ft.): | Total Building Sq. Ft. ~103,056 |
| Gross Density: | Density: ~5,542.43 sq. ft. per acre |
| Net Density: | |

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

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**LEGAL DESCRIPTION**
**TRACT TWO**

All the tract or parcel of land lying and being in Land Lot 156 & 157 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

Commence at the Intersection of the Easterly Right-of-Way of Oak Grove Road (R/W Varies) and the Southwesterly Right-of-Way of Georgia State Route 20 (a.k.a. Loganville Highway, R/W Varies), said Point being THE POINT OF BEGINNING.

THENCE from said Point as thus established and Continuing along said Right-of-Way of Georgia State Route 20 the following nine (9) courses and distances, South 67 degrees 02 minutes 09 seconds East for a distance of 144.19 feet to a Point; THENCE South 62 degrees 55 minutes 52 seconds East for a distance of 150.21 feet to a Point; THENCE South 49 degrees 07 minutes 13 seconds East for a distance of 101.79 feet to a Point; THENCE South 61 degrees 42 minutes 40 seconds East for a distance of 250.13 feet to a Point; THENCE South 82 degrees 29 minutes 53 seconds East for a distance of 65.00 feet to a Point; THENCE South 59 degrees 52 minutes 42 seconds East for a distance of 216.00 feet to a Point; THENCE South 56 degrees 03 minutes 51 seconds East for a distance of 180.40 feet to a Point; THENCE South 59 degrees 52 minutes 45 seconds East for a distance of 273.72 feet to a Point; THENCE leaving said Right-of-Way, South 59 degrees 05 minutes 52 seconds West for a distance of 1198.33 feet to a Point on the Easterly Right-of-Way of Oak Grove Road (R/W Varies); THENCE continuing along said Right-of-Way the following ten (10) courses and distances, along a curve to the left, having a radius of 1887.16 feet and arc length of 241.91 feet, being subtended by a chord of North 12 degrees 33 minutes 03 seconds West for a distance of 241.74 feet to a Point; THENCE North 16 degrees 15 minutes 26 seconds West for a distance of 195.57 feet to a Point; THENCE North 17 degrees 29 minutes 54 seconds West for a distance of 371.83 feet to a Point; THENCE North 72 degrees 02 minutes 11 seconds East for a distance of 10.35 feet to a Point; THENCE North 17 degrees 27 minutes 10 seconds West for a distance of 139.03 feet to a Point; THENCE along a curve to the right, having a radius of 514.27 feet and arc length of 101.23 feet, being subtended by a chord of North 07 degrees 27 minutes 06 seconds West for a distance of 101.06 feet to a Point; THENCE North 11 degrees 26 minutes 30 seconds East for a distance of 107.25 feet to a Point; THENCE North 30 degrees 34 minutes 44 seconds East for a distance of 45.04 feet to a Point; THENCE North 17 degrees 21 minutes 13 seconds East for a distance of 94.19 feet to a Point; THENCE North 30 degrees 05 minutes 22 seconds East for a distance of 36.97 feet to a Point, said Point being THE POINT OF BEGINNING.

Said property contains 18.594 Acres as shown as Tract Two on the Rezoning Plan Prepared for Proposed Loganville Highway Commercial Property, prepared by Precision Planning, Inc., dated November 13, 2014 (Job # S14251).

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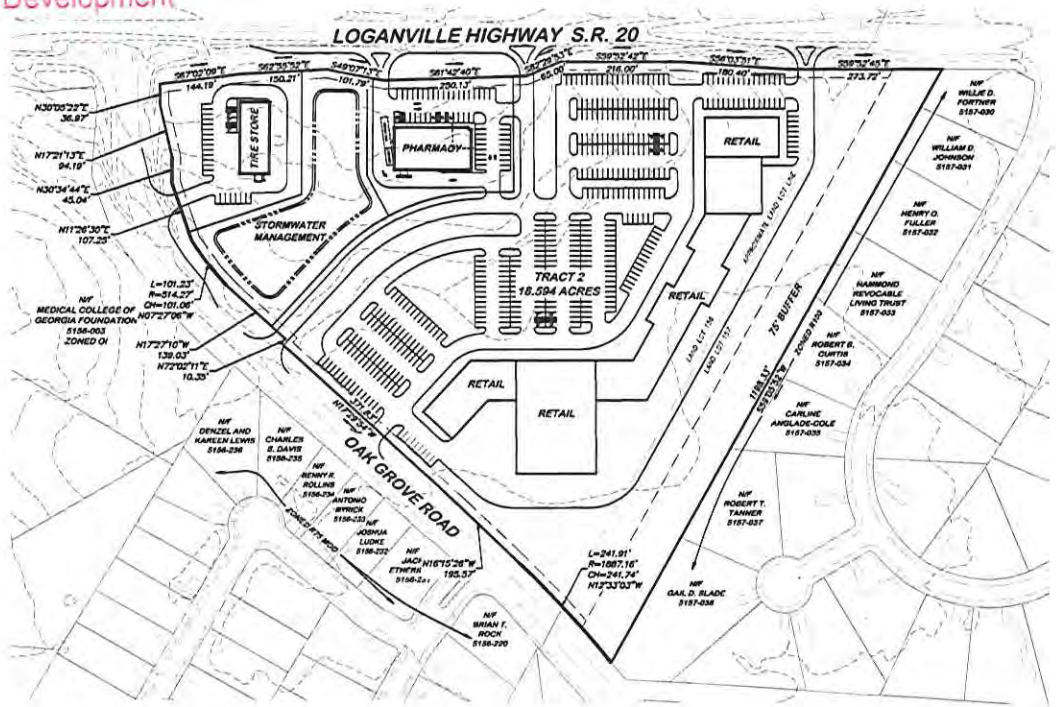

**NOTES:**

1. BOUNDARY AND TOPO FROM GWINNETT COUNTY G.I.S.
2. NO PORTION OF THIS TRACT LIES WITHIN A 100 YEAR FLOOD HAZARD AREA PER FIRM PANEL 13135C0119F & 13135C0131F, DATED SEPTEMBER 29, 2006.
3. SETBACKS: FRONT - 15', SIDE - 10', REAR - 30'

**TRACT 2**
CURRENT ZONING: R100
PROPOSED ZONING: C2
AREA: 18.594 AC.

RETAIL SPACE: 96,470 SF
PARKING SPACES REQ'D: 193 min., 483 max.
PARKING SPACES PROV'D: 459+11 H/C = 470 SPACES

TIRE CENTER: 6,586 SF
PARKING SPACES REQ'D: 8 min., 24 max.
PARKING SPACES PROV'D: 21+3 H/C = 24 SPACES

TOTAL PARKING PROVIDED: 480+14 H/C = 494 SPACES

Precision Planning, Inc.
P.O. Box 2270
Suwanee, Georgia 30174-2270
(770) 338-8000
(770) 932-8092 Fax

PROPOSED LOGANVILLE HIGHWAY COMMERCIAL PROPERTY
BI LOGANVILLE PROPERTY
TAX PARCEL 5186-001 (PORTION OF)
GWINNETT COUNTY, GEORGIA

TRACT 2 REZONING PLAN
SHEET TITLE

DESIGN PN | DRAWN DSS | CHECKED RCB

| DATE | No. | DESCRIPTION |
|---|---|---|
| | | |

11/13/2014 DATE
1"=100' SCALE
FILE NUMBER

RZ-2

STAMP
PROJECT
REVISION
SHEET

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**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:

See Attached

(B) WHETHER A PROPOSED REZONING 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 REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

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:

See Attached

(E) WHETHER THE PROPOSED REZONING 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 REZONING:

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. The subject property is surrounded by commercial and residentially-zoned properties. 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. In light of market conditions and the realities of the surrounding property uses, it would be nearly impossible to use and develop the property in accordance with its current R-100 zoning.

(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 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 is in conformity with the intent of the Land Use Plan in that it provides free standing commercial/retail uses within a small scale commercial node at a signalized intersection. 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 surrounded by ample infrastructure, and is located in close proximity to a major 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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Mahaffey Pickens Tucker, LLP
ATTORNEYS AT LAW

Matthew P. Benson
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J. David Gussio
Amanda F. Henningsen
Christopher D. Holbrook
Gerald Davidson, Jr.*
Jill H. Harris*

Joshua P. Johnson
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 GRAYSON INVESTMENT PARTNERS, LLC**

Mahaffey Pickens Tucker, LLP submits this Rezoning Application, on behalf of Grayson Investment Partners, LLC (the "Applicant"), for the purpose of rezoning an approximate 18.594 acre tract (hereinafter, the "Property") located on State Route 20/Loganville Highway ("Highway 20") to the C-2 zoning classification. The Property is currently zoned R-100.

As stated in the Rezoning Application, the Applicant intends to develop the Property as a commercial development with a density of approximately 5,542.43 square feet per acre. The proposed commercial development will contain approximately seven (7) commercial, single-story buildings with approximately 494 parking spaces. Of the seven (7) buildings, six (6) will be for retail use and one (1) will consist of a tire center. The retail aspect of the proposed development consists of 96,470 square feet of available retail space with 470 dedicated parking spaces. The tire center would be 6,586 square feet and contain 24 parking spaces.

The Applicant respectfully submits that the proposed development will conform to the Gwinnett County 2030 Unified Plan as the development creates a small scale commercial node at the signalized intersection of Highway 20 and Oak Grove Road, continuing the existing commercial corridor along Highway 20 just past its intersection with Ozora Road. As such, rezoning the property to C-2 will protect and promote the quality of life of the surrounding

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community by providing additional free standing commercial/retail options along a major arterial in a developing area of Gwinnett County.

Additionally, the proposed rezoning will not impose any additional burdens on the transportation network as Highway 20 is a four (4) lane highway (with a median) and a major arterial in Gwinnett County. The development will not place a burden on the public infrastructure as this particular area is well supported by a strong utility and water/sewer infrastructure. The Applicant welcomes 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 Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

This 5th day of December, 2014.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP

Wesley C. Turner
Attorneys 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.

Grayson Investment Partners, LLC

12-4-14

Signature of Applicant — Date

Carter Richardson, Assistant Manager

Type or Print Name and Title

Laura Stockinger — 12.4.14

Signature of Notary Public — Date — Notary Seal

LAURA STOCKINGER
MY COMMISSION EXPIRES
NOTARY
March 27, 2015
PUBLIC
GWINNETT COUNTY, GEORGIA

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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.

Medical College of Georgia Foundation, Inc.,
a Georgia nonprofit corporation

James B. Osborne — 12/1/14

Signature of Property Owner — Date

James B Osborne Sr, EdD, President + CEO

Type or Print Name and Title

Kathryn G. Yates — 12/1/14

Signature of Notary Public — Date — Notary Seal

Kathryn G Yates
My Commission Expires
Notary Public
January 8, 2017
Richmond County, Georgia

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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.

Grayson Investment Partners, LLC

| | | |
|---|---|---|
| | 12-4-14 | Carter Richardson, Asst. Mgr |
| SIGNATURE OF APPLICANT | DATE | TYPE OR PRINT NAME AND TITLE |
| | 12/4/14 | Wes Turner |
| SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE | DATE | TYPE OR PRINT NAME AND TITLE |
| | 12.4.14 | |
| SIGNATURE OF NOTARY PUBLIC | DATE | |

NOTARY SEAL

LAURA STOCKINGER
NOTARY PUBLIC
MY COMMISSION EXPIRES March 27, 2015
GWINNETT COUNTY, GEORGIA

### 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 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

| NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL | CONTRIBUTIONS | DATE |
|---|---|---|
| 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

| NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL | CONTRIBUTIONS | DATE |
|---|---|---|
| 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:** (Map Reference Number) 05 (District) - 156 (Land Lot) - 003 (Parcel)

Signature of Applicant — Date: 12/5/14

Wes Turner, 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)

Diane Fox — NAME

TSA II — TITLE

12-05-2014 — DATE

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PROPERTY TAX DIVISION
TAX COMMISSIONER'S OFFICE