

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Buford Highway LLC</u> <u>c/o Mill Creek Consulting</u>	NAME: <u>Buford Highway LLC</u>
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>4527 S. Old Peachtree Road</u>
CITY: <u>Buford</u>	CITY: <u>Berkeley Lake</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>GA</u> ZIP: <u>30092</u>
PHONE: <u>770-614-6511</u>	PHONE: <u>770-614-6511</u>
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u> EMAIL ADDRESS: <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:		
<u> </u> OWNERS AGENT	<u> X </u> PROPERTY OWNER	<u> </u> CONTRACT PURCHASER
PRESENT ZONING DISTRICT (S): <u>M-1 & C2</u>		REQUESTED ZONING DISTRICT: <u>M-1 with SUP for equipment sales and outside storage</u>
LAND DISTRICT (S): <u> 6 </u>	LAND LOT: <u>257</u>	ACREAGE: <u> 2.105 </u>
ADDRESS OF PROPERTY: <u>5028 Buford Highway</u>		
PROPOSED DEVELOPMENT: <u>Kubota Tractor and Lawn Equipment Sales and Service</u>		

<p>RESIDENTIAL DEVELOPMENT:</p> <p>NO. OF LOTS/DWELLING UNITS: <u> </u></p> <p>DWELLING UNIT SIZE (SQ. FT.): <u> </u></p> <p>GROSS DENSITY: <u> </u></p> <p>NET DENSITY: <u> </u> BY <u> </u></p>	<p>NON-RESIDENTIAL DEVELOPMENT:</p> <p>NO. OF BUILDINGS/UNITS: <u> 1 </u></p> <p>TOTAL GROSS SQUARE FEET: <u> 10,555 </u></p> <p>DENSITY: <u> 5,014 sq ft per acre </u></p>
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FEB - 6 2015 PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

Legal Description

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 257, 6th District, Gwinnett County, Georgia, being more particularly described as follows:

BEGINNING at the intersection of the easterly right of way of Buford Highway (variable feet right of way) and the southerly right of way of Pittman Circle (40 feet right of way); thence proceed south along the easterly right of way of Buford Highway S 43°07'40" W a distance of 285.34 feet to a point; thence S 28°12'26" W a distance of 135.65 feet to a point; thence S 43°07'12" W a distance of 697.99 feet to a point; thence N 31°48'38" W a distance of 36.22 feet to a point; thence S 43°16'00" W a distance of 165.81 feet to a point; that is the **POINT OF BEGINNING**; thence leaving said right of way S 31°36'42" E a distance of 538.62 feet to a point; thence S 58°22'46" W a distance of 78.85 feet to a point; thence S 58°22'46" W a distance of 99.40 feet to a point; thence N 31°36'42" W a distance of 490.00 feet to a point; thence N 42°57'15" E a distance of 84.75 feet to a point; thence N 43°16'00" E a distance of 100.02 feet to a point; being the **POINT OF BEGINNING**. Said tract contains 2.105 Acres.

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RZC '15 0 1 1

Planning & Development

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 PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

(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:

YES AS THE AREA CURRENTLY HAS SEVERAL TRUCK SERVICE AND REPAIR FACILITIES AS WELL AS LAWN AND GARDEN SUPPLY BUSINESSES.

(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.

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RZC '15 0 1 1

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

.....
PLANNING DIVISION USE ONLY

CASE NUMBER _____

RECEIVED BY: _____

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Planning & Development

RZC '15 0 1 1

REZONING APPLICANT'S LETTER OF INTENT

The Applicant and Owner, Buford Highway, LLC requests a rezoning from M-1 and C-2 to M-1 with a special use to allow outside storage and sales for the purpose of building a Kubota Tractor and Lawn and Garden store. The subject property totals 2.105 acres and is located at 5028 Buford Highway.

The area is in a heavy commercial and industrial area and is surrounded by landscape supply businesses as well as several heavy truck body facilities. Because of the size and the amount of equipment that is available at the stores they do need to have the ability to store, display and sell the items outside the building. Everything from small backhoes, utility vehicles, to commercial grade lawn mowers will be available.

The applicant is excited to bring this business to the Gwinnett area and believes that this location will provide a needed service to the local community.

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RZC '15 0 1 1

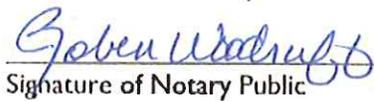
REZONING APPLICANT'S CERTIFICATION

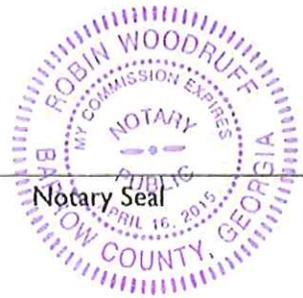
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

X  _____ 02/03/2015
Signature of Applicant Date

Dennis G. Zakas - Principal

Type or Print Name and Title

 _____ 2/3/2015
Signature of Notary Public Date



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Planning & Development

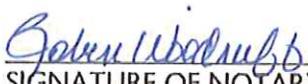
RZC '15 0 1 1

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.

X  02/03/2015 Dennis G. Zakas - Principal
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 2/3/2015
 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 X Dennis Zakas
 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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RZC '15 011

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: 6 - 257 - 018A
(Map Reference Number) District Land Lot Parcel

X  _____
Signature of Applicant Date 02/03/2015
Dennis G. Zakas - Principal
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 service associate
NAME TITLE
2-6-2015
DATE

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7

RZC '15 011

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Buford Highway LLC</u> <u>c/o Mill Creek Consulting</u>	NAME: <u>Buford Highway LLC</u>
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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>	

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APPLICANT IS THE:		
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ADDRESS OF PROPERTY: <u>5028 Buford Highway</u>		
PROPOSED DEVELOPMENT: <u>Kubota Tractor and Lawn Equipment Sales and Service</u>		
<p>RECEIVED BY</p> <p>FEB - 6 2015</p> <p>Planning & Development</p>	<p>SUP '15 0 1 0</p>	

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

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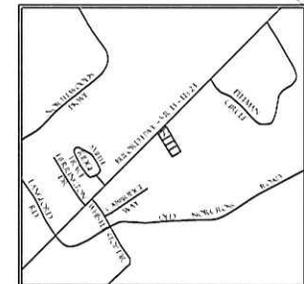
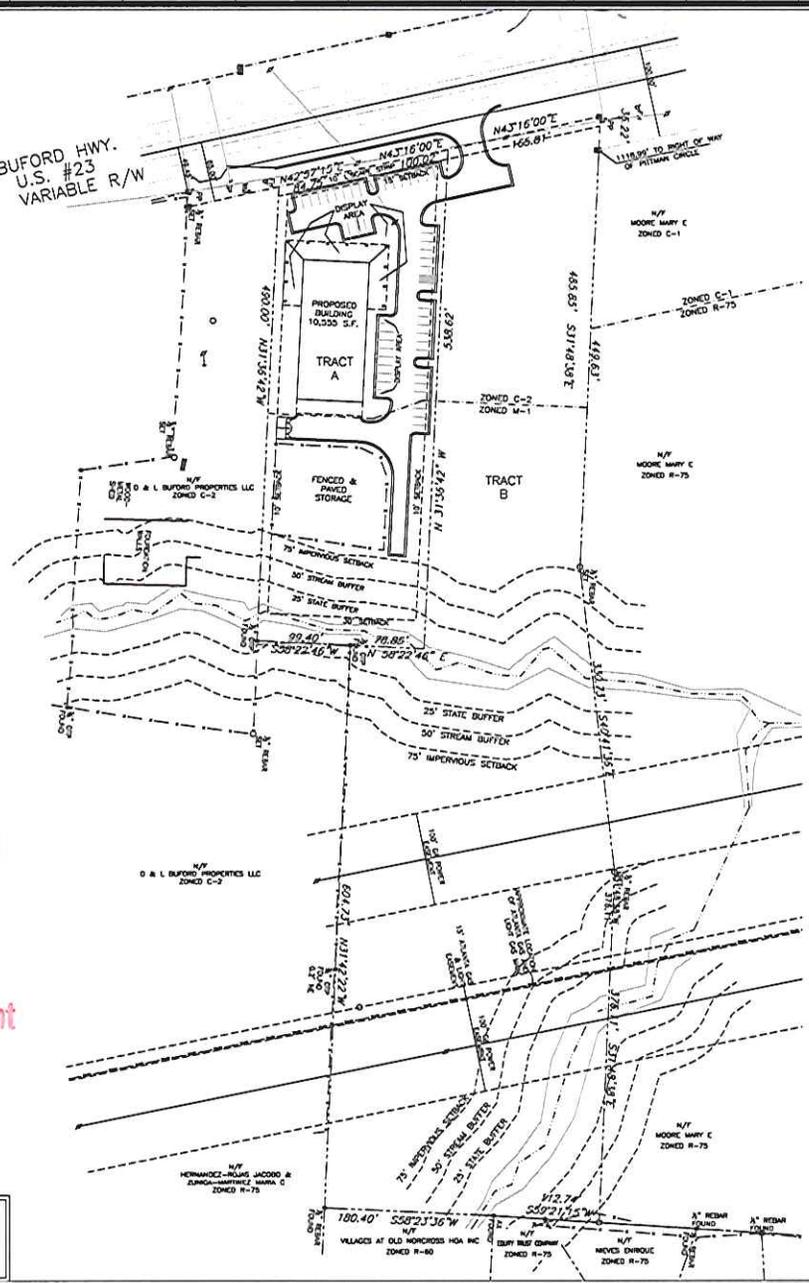
SUP '15 0 1 0
"

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BUFORD HWY.
U.S. #23
VARIABLE R/W

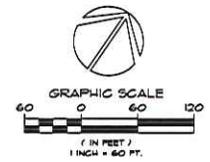


VICINITY MAP
(NOT TO SCALE)

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GENERAL NOTES:

1. PARCEL NUMBER 6257 018A
2. PARCEL AREA = 8.163 ACRES
TRACT A = 2.105 ACRES
TRACT B = 6.058 ACRES
3. CURRENT ZONING IS C-2 AND M-1
4. PARKING DATA: MIN. REQUIRED = 10,555 X 1/500 = 22 SPACES
MAX. REQUIRED = 10,555 X 1/200 = 53 SPACES
PROVIDED = 53 SPACES



WARNING:
Designers, subcontractors, vendors and installers are advised that the printed documents...
[Detailed warning text regarding liability and design responsibilities]

MDA
Mc FALLANDER
& ASSOCIATES, INC.
4740 W. STATE ST. SUITE 200
DURHAM, NC 27705
TEL: 919.487.1100
WWW.MDA-ME.COM

BUFORD HIGHWAY LLC
1857 W. STATE ST. SUITE 400
DURHAM, NC 27705

5028 BUFORD HIGHWAY
PROJECT: 5028 BUFORD HWY
CONTRACT: 018A
DATE: 02/06/15

CONCEPT PLAN
1 OF 1

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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SEE LETTER OF INTENT.

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

.....
PLANNING DIVISION USE ONLY

CASE NUMBER _____

RECEIVED BY: _____

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Planning & Development

SUP '15 0 1 0
B

REZONING APPLICANT'S LETTER OF INTENT

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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

02/03/2015

Date

Dennis G. Zakas - Principal

Type or Print Name and Title



Signature of Notary Public

2/3/2015

Date



Notary Seal

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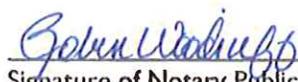
SUP '15 0 1 0

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 02/03/2015

Dennis G. Zakas - Principal
Type or Print Name and Title


Signature of Notary Public _____ Date 2/3/2015



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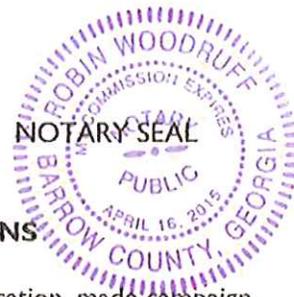
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 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 2/3/2015
 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 X Dennis Zakas
 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)

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PARCEL I.D. NUMBER: 6 - 257 - 018A
(Map Reference Number) District Land Lot Parcel

X  _____
Signature of Applicant Date
02/03/2015
Dennis G. Zakas - Principal
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 Amin _____ tax services associate _____
NAME TITLE
2-6-2015 _____
DATE

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