CIC 2016-00021

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: Hennessy Range Rover & Jaguar c/o Mill Creek Consulting	NAME: Hennessy Cadillac, Inc.
ADDRESS: 4480 Commerce Dr., Suite A	ADDRESS: 3040 Piedmont Rd NE
CITY: Buford	CITY: Atlanta
STATE: GA ZIP: 30518	STATE: GA ZIP: 30305
PHONE: 770-614-6511	PHONE:

CONTACT PERSON: MITCH PEEVY PHONE: (770) 614-6511

APPLICANT'S E-MAIL: millcreekconsulting@gmail.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:

__OWNERS AGENT X PROPERTY OWNER __CONTRACT PURCHASER

PRESENT ZONING DISTRICT (S): C-2 PRIOR ZONING CASE: SUP1998-00064

LAND DISTRICT (S): 6 LAND LOT (S): 232 ACREAGE: 5.05

ADDRESS OF PROPERTY: 3423 Old Norcross Road

PROPOSED DEVELOPMENT: Architectural Update to the Dealership Buildings

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: ____	NO. OF BUILDINGS/UNITS: 1
DWELLING UNIT SIZE (SQ. FT.): ____	TOTAL GROSS SQUARE FEET: 23,388
GROSS DENSITY: ____	DENSITY: 4,631 sq. ft.\acre
NET DENSITY: ____	

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LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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PROPERTY DESCRIPTION
McDaniel Road Tract 1A

Being all that tract or parcel of land lying and being in Land Lot 232, 6th District, Gwinnett County, Georgia and being more particularly described as follows:

Beginning for the same at a ½" rebar found at the north most corner of the inside corner intersection of the Northerly Right-of-Way Line of Old Norcross Road, (variable width right of way) as per Plat Book 84, Page 136, Gwinnett County, Georgia Land Records and the Easterly Right-of-Way Line of McDaniel Road (having a variable right of way) as per aforesaid plat; thence, leaving said Point of Beginning and running with the said line of McDaniel Road

1. North 00° 23' 00" East, 277.09 feet; thence,
2. 139.83 feet along the arc of a curve deflecting to the right, having a radius of 510.00 feet and a chord bearing and distance of North 08° 20' 27" East, 139.40 feet to a ½" rebar found; thence, leaving the said line of McDaniel Road
3. North 85° 07' 10" East, 368.15 feet to a ½" rebar; thence,
4. North 87° 58' 07" East, 269.93 feet to a ½" rebar; thence,
5. South 02° 01' 53" East, 110.47 feet to a ½" rebar; thence,
6. South 74° 53' 52" West, 88.81 feet to a ½" rebar; thence,
7. 113.45 feet along the arc of a curve deflecting to the left, having a radius of 166.22 feet and a chord bearing and distance of South 55° 20' 42" West, 111.26 feet; thence,
8. South 35° 47' 33" West, 125.23 feet to a ½" rebar; thence,
9. 70.36 feet along the arc of a curve deflecting to the right, having a radius of 223.82 feet and a chord bearing and distance of South 44° 17' 47" West, 70.07 feet to a ½" rebar; thence,
10. 112.80 feet along the arc of a curve deflecting to the left, having a radius of 213.83 feet and a chord bearing and distance of South 38° 11' 20" West, 111.50 feet to a ½" rebar; thence,
11. South 23° 04' 30" West, 116.64 feet to the said line of Old Norcross Road; thence, running with the said line of Old Norcross Road
12. 226.89 feet along the arc of a curve deflecting to the left, having a radius of 776.20 feet and a chord bearing and distance of North 75° 17' 53" West, 226.08 feet the south most end of the said inside corner intersection; thence, running with the said inside corner intersection
13. North 00° 23' 09" East, 30.00 feet to a ½" rebar; thence,
14. North 89° 36' 51" West, 30.00 feet to the Point of Beginning, containing 219,619 square feet or 5.0418 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

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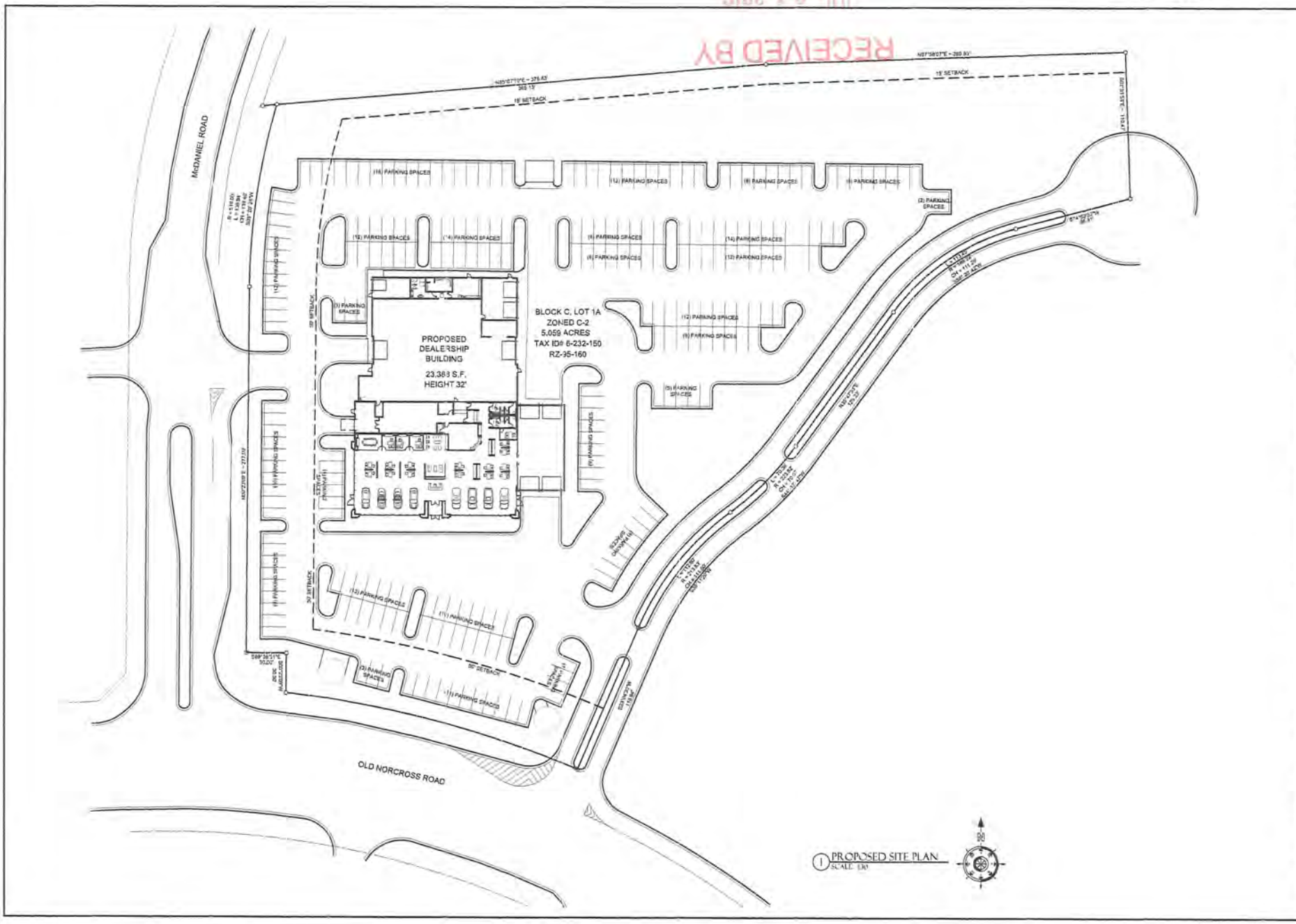

1 PROPOSED SITE PLAN
SCALE: 1:30

SEAL
REVISION DATE

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3678 North Peachtree Road
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ALTERATIONS TO HENNESSY JLR GWINNETT

3423 OLD NORCROSS ROAD
DULUTH GEORGIA 30096

DATE:	06.28.2016
SCALE:	1:30
BY:	JHO/STE
ID:	

PROPOSED SITE PLAN
DRAWING TITLE

ASP1.1

SHEET 2 OF 2

JLR ARCH
Facility Checklist

June 2015
SDA Partnership USA, Inc.

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JAGUAR

LAND ROVER

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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 PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE WITHOUT THE CHANGE IN CONDITIONS.

(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 REGIONAL MIXED USE.

(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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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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REZONING APPLICANT'S LETTER OF INTENT

The Applicant and Owner, Hennessy Jaguar, Land Rover Gwinnett, requests a Change in Conditions from case SUP1998-00064 and the condition that restrict the architectural treatments on the building. Specifically, condition F. states:

> Buildings shall be finished with architectural treatments of glass and/or brick, stone, stucco, or other masonry finish. Alternate type exterior may be allowed after plans are reviewed and approved by the Director of Planning and Development.

Since the time that the dealership was constructed, the manufactures are now requiring that the dealerships upgrade their look to a more modern and sleek appearance. It used to be the Range Rover brand required a "Colorado" look to match the rugged country that the vehicle was known to be able to conquer. Now, with the combination of the Jaguar brand they are also presenting the vehicles as urban rugged starting with the look of the dealership that is now required by the auto company. The proposal is to use colored metal panels that require no maintenance and will look like the attached color pictures. The building will increase in size from 20,026 square feet to 23,388 square feet and the applicant has met with the Gwinnett Place CID and they do not have any issue with the proposed plan to update the building façade.

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CHANGE IN CONDITIONS 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: 6/28/16

Mark W. Hennessy President
Type or Print Name and Title

Signature of Notary Public — Date: 4/28/16 — Notary Seal

STATE OF GEORGIA NOTARY PUBLIC
PATTI JO S HALLISEY
Notary Public, Georgia
DeKalb County
My Commission Expires
January 19, 2018

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CHANGE IN CONDITIONS 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: 6/28/16

Mark W. Hennessy President
Type or Print Name and Title

PATTI JO S HALLISEY
Notary Public, Georgia
DeKalb County
My Commission Expires
January 19, 2018

Signature of Notary Public — Date: 6/28/16 — Notary Seal

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CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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 of Print Name and Title
	4/28/16	Mark W. Hennessy President

Signature of Applicant's Attorney or Representative	Date	Type or Print Name and Title
		PATTI JO S HALLISEY Notary Public, Georgia DeKalb County My Commission Expires January 19, 2018
	4/28/16	
Signature of Notary Public	Date	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 MARK HENNESSY
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 CHANGE IN CONDITIONS

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) 6 - 232 - 150
District - Land Lot - Parcel

Signature of Applicant — Date: 6/28/16

Mark W. Hennessy President
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 — TITLE: T.S.A.T.

DATE: 7-1-16

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