SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Edward Allen	NAME: Home Depot Development of Maryland, Inc.
ADDRESS: 1430 W. Peachtree Street, NW	ADDRESS: PO Box 105842
CITY: Atlanta	CITY: Atlanta
STATE: GA ZIP: 30309	STATE: GA ZIP:
PHONE: (678) 412-6007	PHONE: 770-433-8211

CONTACT PERSON: Edward Allen PHONE: (678) 412-6007

CONTACT'S E-MAIL: eallen@greenbergfarrow.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: 4,000 sf

LAND DISTRICT(S): 3 LAND LOT(S): 002 ACREAGE: 13.3

ADDRESS OF PROPERTY: 2120 Hamilton Creek Pkwy, Dacula, GA 30019

SPECIAL USE REQUESTED: Approval of Penske truck rental operation with on-site parking of light to medium-duty trucks.

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 BEING IN DUNCAN'S GEORGIA MILITIA DISTRICT NO. 1749, GWINNETT COUNTY, GEORGIA, BEING SHOWN AS LOT 4, BLOCK "A", PHASE ONE ON A FINAL PLAT ENTITLED "HAMILTON MILL TOWNE CENTRE" BY HAYES, JAMES & ASSOCIATES, DATED NOVEMBER 3, 1999, LAST REVISED ON SEPTEMBER 23, 2008 AND RECORDED ON NOVEMBER 5, 2008, GWINNETT COUNTY, GEORGIA RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF HAMILTON MILL PARKWAY (160' PUBLIC RIGHT-OF-WAY) AND THE NORTHERLY RIGHT-OF WAY OF GEORGIA HIGHWAY NO. 124 (PUBLIC RIGHT-OF-WAY VARIES); THENCE LEAVING SAID INTERSECTION AND ALONG SAID NORTHERLY RIGHT-OF-WAY OF GEORGIA HIGHWAY NO. 124 SOUTH 73°15'47" EAST, A DISTANCE OF 160.23 FEET TO A POINT; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 781.20 FEET, AN ARC LENGTH OF 256.67 FEET, A CHORD WHICH BEARS SOUTH 70°14'01" EAST, A DISTANCE OF 255.52 FEET TO A POINT; THENCE SOUTH 30°22'34" WEST, A DISTANCE OF 24.51 FEET TO A POINT; THENCE SOUTH 59°37'46" EAST, A DISTANCE OF 415.24 TO A 1/2" REBAR WITH CAP FOUND (STAMPED "COA 613"); THENCE NORTH 07°13'59" EAST, A DISTANCE OF 16.27 FEET TO A POINT; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY AND CONTINUE NORTH 07°13'59" EAST, A DISTANCE OF 213.46 FEET TO A 1/2" REBAR SET; SAID POINT BEING THE TRUE POINT OF BEGINNING.

THUS HAVING ESTABLISHED THE TRUE POINT OF BEGINNING, THENCE CONTINUE NORTH 07°13'59" EAST, A DISTANCE OF 744.95 FEET TO A 1/2" REBAR WITH CAP (STAMPED "LOT CORNER"); THENCE SOUTH 82°45'50" EAST, A DISTANCE OF 386.40 FEET TO A 1/2" REBAR SET; THENCE SOUTH 07°14'10" WEST, A DISTANCE OF 20.00 FEET TO A 1/2" REBAR SET; THENCE SOUTH 82°45'50" EAST, A DISTANCE OF 191.97 FEET TO A PK NAIL SET; THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 394.62 FEET, A CHORD WHICH BEARS SOUTH 26°14'16" EAST, A DISTANCE OF 333.65 FEET TO A PK NAIL FOUND; THENCE SOUTH 30°15'00" WEST, A DISTANCE OF 69.20 FEET TO A PK NAIL SET; THENCE SOUTH 59°49'02" EAST, A DISTANCE OF 26.00 FEET TO A PK NAIL SET; THENCE SOUTH 30°14'59" WEST, A DISTANCE OF 44.31 FEET TO A 1/2" REBAR SET; THENCE CONTINUE SOUTH 30°14'59" WEST, A DISTANCE OF 241.59 FEET TO A 1/2" REBAR SET; THENCE SOUTH 14°47'02" EAST, A DISTANCE OF 28.24 FEET TO A 1/2" REBAR SET; THENCE SOUTH 59°49'02" EAST, A DISTANCE OF 144.02 FEET TO A 1/2" REBAR SET ON THE WESTERLY RIGHT-OF-WAY OF HAMILTON CREEK PARKWAY (90' PUBLIC RIGHT-OF-WAY); THENCE ALONG SAID RIGHT-OF-WAY SOUTH 30°14'59" WEST, A DISTANCE OF 60.00 FEET TO A 1/2" REBAR SET; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 59°49'02" WEST, A DISTANCE OF 143.98 FEET TO A 1/2" REBAR SET; THENCE SOUTH 75°12'58" WEST, A DISTANCE OF 28.33 FEET TO A POINT; THENCE SOUTH 30°14'59" WEST, A DISTANCE OF 166.05 FEET TO A 1/2" REBAR SET; THENCE SOUTH 14°45'02" EAST, A DISTANCE OF 28.58 FEET TO A 1/2" REBAR FOUND; THENCE SOUTH 30°14'59" WEST, A DISTANCE OF 18.02 FEET TO A PK NAIL FOUND; THENCE NORTH 59°37'46" WEST, A DISTANCE OF 305.70 FEET TO A PK NAIL SET; THENCE SOUTH 30°22'14" WEST, A DISTANCE OF 21.00 FEET TO A PK NAIL SET; THENCE NORTH 59°37'46" WEST, A DISTANCE OF 191.78 FEET TO A 1/2" REBAR SET; THENCE NORTH 75°28'22" WEST, A DISTANCE OF 109.86 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING AN AREA OF 579.270 SQUARE FEET OR 13.298 ACRES, MORE OR LESS.

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GreenbergFarrow
1430 West Peachtree Street
Suite 200
Atlanta, GA 30309
t: 404 681 4000

THE HOME DEPOT (#161)
GWINNETT COUNTY, GA
HOME DEPOT USA
20151253

Penske
SCALE: 1:50

EX-1

DATE: 02.04.16

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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:

The proposed special use is compatible with the use of adjacent property. Please see attachment.

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

The proposed special use will NOT adversely affect the existing use or usability of adjacent property.
Please refer to the attachment for further information.

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

Home Depot's property has reasonable economic use as currently zoned.
Please refer to the attachment for further information.

(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:

The proposed special use will not negatively impact existing public facilities.
Please refer to the attachment for further information.

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

The special use permit conforms to the policy and intent of the land use plan.
Please refer to the attachment for further information.

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPOSED SPECIAL USE PERMIT:

Not applicable.

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SPECIAL USE PERMIT APPLICATION

APPLICANT'S RESPONSE ADDENDUM

The proposed Penske truck rental transfer operation is compatible with the land use, zoning and development of adjacent properties. Home Depot's property is zoned C-2, which allows truck leasing/rental as a special use per Unified Development Ordinance Section 230-100 - Table of Permitted and Special Uses. The Home Depot is surrounded by intense commercial uses including a Publix supermarket, Kohl's department store, cinema, restaurants and strip shopping centers. All of the previously mentioned commercial uses are zoned C-2. The Home Depot is located in a designated commercial corridor according to the Gwinnett County 2030 Unified Plan.

The proposed Penske truck rental operation will not negatively impact public infrastructure. Since the proposed use is ancillary to an existing commercial operation, there will be no impact to utilities or schools. Based on transaction data provided by Penske, there will be an estimated 15 transactions per day with nearly half of the total of weekly transactions occurring on Saturday and Sunday. Impacts to existing streets will be minimal with the Penske operation only generating approximately 30 vehicle trips per day on average with a few additional trips occurring on Saturdays and Sundays.

The Home Depot will meet or exceed all of the performance criteria for truck rental facilities as contained in UDO Section 230-130 GG. All vehicles will be parked in the existing paved parking area. As previously mentioned, the Home Depot is surrounded by intense commercial uses; therefore, no residential properties will be affected. The proposed Penske use involves only the transfer of vehicles. All vehicle storage, fueling, cleaning and maintenance will take place off-site at Penske facilities.

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1430 West Peachtree Street, NW
Suite 200
Atlanta, GA 30309
t: 404 601 4000

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SHANGHAI
MEXICO CITY

GreenbergFarrow

February 19, 2016

Mr. Jerry Oberholtzer, Planning Manager
Gwinnett County Department of Planning & Development
446 West Crogan Street, Suite 250
Lawrenceville, GA 30046

Re: Letter of Intent
Proposed Penske Truck Rental Operation at The Home Depot at 2120 Hamilton Creek Parkway

Dear Mr. Oberholtzer:

The Home Depot and Penske have partnered to give customers a greater shopping convenience at the above location by allowing them to transport large items safely using Penske trucks, as well as the ability to rent trucks for their moving needs. This proposed operation will be ancillary to and compatible with the existing Home Depot's operations. The Home Depot and Penske have similar operations at approximately 530 Home Depot stores throughout the United States, indicating the demand from customers for this type of use, and the success of the partnership.

Penske's business operates as follows at The Home Depot stores:

1. Trucks are rented by customers through the internet or in-person at The Home Depot store.
2. The paperwork and key pick-up and drop-off are handled inside the Home Depot store at the Tool Rental Center counter. Renters are allowed to drop off trucks during non-business hours.
3. The trucks have box enclosures varying in size from twelve (12) feet to twenty-six (26) feet in length. Only vehicles that can be operated with a standard driver's license are rented to customers.
4. No semi-trucks, tractor-trailer type vehicles or vehicles that require a Commercial Driver's License (CDL) to operate are included in the truck rental program.
5. No fueling, servicing or maintenance of the trucks will take place at The Home Depot; all of these activities will take place off-site at Penske facilities.

This Penske proposes to operate an average of ten (10) trucks at The Home Depot, with several more during the peak moving season from Memorial Day to Labor Day. The site plan submitted with this application depicts the proposed location of the Penske truck rental area. Parking for the trucks will be restricted to this area. A total of twenty (20) parking stalls are planned to be used for parking the Penske Trucks to allow enough parking for the 26-foot long trucks, which would occupy two (2) parking stalls.

Should you have any questions, or need anything further, please do not hesitate to contact James Rosich at 404-601-3925 or jrosich@greenbergfarrow.com

Sincerely,

Edward J. Allen
Site Development Coordinator

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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.

Feb. 19, 2016

Signature of Applicant — Date

Jessica Borgert
Senior Corporate Counsel

Type or Print Name and Title

IVELISSE GUADALUPE
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 6, 2019
DEKALB COUNTY, GEORGIA

Ivelisse Guadalupe 02/19/2016

Signature of Notary Public — Date — Notary Seal

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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.

Feb. 19, 2016

Signature of Property Owner — Date

Jessica Borgert
Senior Corporate Counsel

Type or Print Name and Title

IVELISSE GUADALUPE
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 6, 2019
DEKALB COUNTY, GEORGIA

02/19/2016

Signature of Notary Public — Date — Notary Seal

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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.

Jessica Borgert
Senior Corporate Counsel

02/19/2016

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Ivelisse Guadalupe 02/19/2016

SIGNATURE OF NOTARY PUBLIC DATE NOTARY SEAL

IVELISSE GUADALUPE
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 6, 2019
DEKALB 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?

☐ YES ☒ NO Edward Allen
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 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: _____ - 9031 - R3002 384
(Map Reference Number) District Land Lot Parcel

Signature of Applicant — Date: Feb. 19, 2016

Jessica Borgert
Senior Corporate Counsel

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
NAME

tax service associate
TITLE

2-22-2016
DATE

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