

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>QuikTrip Corporation</u> c/o Andersen, Tate & Carr, PC ADDRESS: <u>1960 Satellite Blvd., Suite 4000</u> CITY: <u>Duluth</u> STATE: <u>GA</u> ZIP: <u>30097</u> PHONE: <u>(770) 822-0900</u>	NAME: <u>SRB Partners, LLC</u> ADDRESS: <u>PO Box 547</u> CITY: <u>Winder</u> STATE: <u>GA</u> ZIP: <u>30680</u> PHONE: <u>Fax. (770) 425-6639 (Attn: Alex Hill)</u>
CONTACT PERSON: <u>Marian C. Adeimy, Attorney</u> PHONE: <u>(678) 518-6855</u> CONTACT'S E-MAIL: <u>madeimy@atclawfirm.com</u>	

APPLICANT IS THE:
<input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): <u>C-2/M-1</u> REQUESTED ZONING DISTRICT: <u>C-2</u> PARCEL NUMBER(S): <u>6-201-090 and 6-201-007</u> ACREAGE: <u>Approx. 2.18</u> ADDRESS OF PROPERTY: <u>1515 Beaver Ruin Road, Norcross, GA at Steve Reynolds Blvd.</u> PROPOSED DEVELOPMENT: <u>Redevelopment of existing convenience store and gas pumps.</u>

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>5,858</u>
Gross Density: _____	Density: <u>5,858 sq. ft. /95,165 sq. ft.</u>
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Property Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 184 & 201, 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

Commencing at the southeasterly end of the miter at the intersection of the southerly right-of-way of Beaver Ruin Road (variable right-of-way) and the northwesterly right-of-way of Steve Reynolds Boulevard (variable right-of-way) and the TRUE POINT OF BEGINNING;

Thence running along said right-of-way of Steve Reynolds Boulevard a bearing of South 32 degrees 30 minutes 15 seconds West a distance of 124.38 feet to a ½" iron pin found;

Thence running along said right-of-way a bearing of South 25 degrees 53 minutes 18 seconds West a distance of 63.32 feet to a point;

Thence leaving said right-of-way running a bearing of North 70 degrees 35 minutes 42 seconds West a distance of 344.77 feet to a point;

Thence running a bearing of North 19 degrees 16 minutes 14 seconds East a distance of 136.71 feet to a point;

Thence running a bearing of North 39 degrees 17 minutes 17 seconds West a distance of 61.26 feet to a nail found;

Thence running a bearing of North 70 degrees 35 minutes 26 seconds East a distance of 152.99 feet to a ½" rebar found on the southerly right-of-way of Beaver Ruin Road (variable right-of-way);

Thence running along said right-of-way a bearing of South 71 degrees 08 minutes 41 seconds East a distance of 56.47 feet to a ½" rebar found;

Thence running along said right-of-way running a bearing of South 71 degrees 26 minutes 38 seconds West a distance of 171.37 feet to a point;

Thence running a bearing of South 50 degrees 38 minutes 22 seconds East a distance of 46.61 feet to a point;

Thence running a bearing of South 12 degrees 25 minutes 44 seconds East a distance of 79.51 feet to a point at the southeasterly end of the miter at the intersection of the southerly right-of-way of Beaver Ruin Road (variable right-of-way) and the northwesterly right-of-way of Steve Reynolds Boulevard (variable right-of-way) and the TRUE POINT OF BEGINNING.

The above described property contains 2.18 Acres (95,165 Square Feet), more or less.

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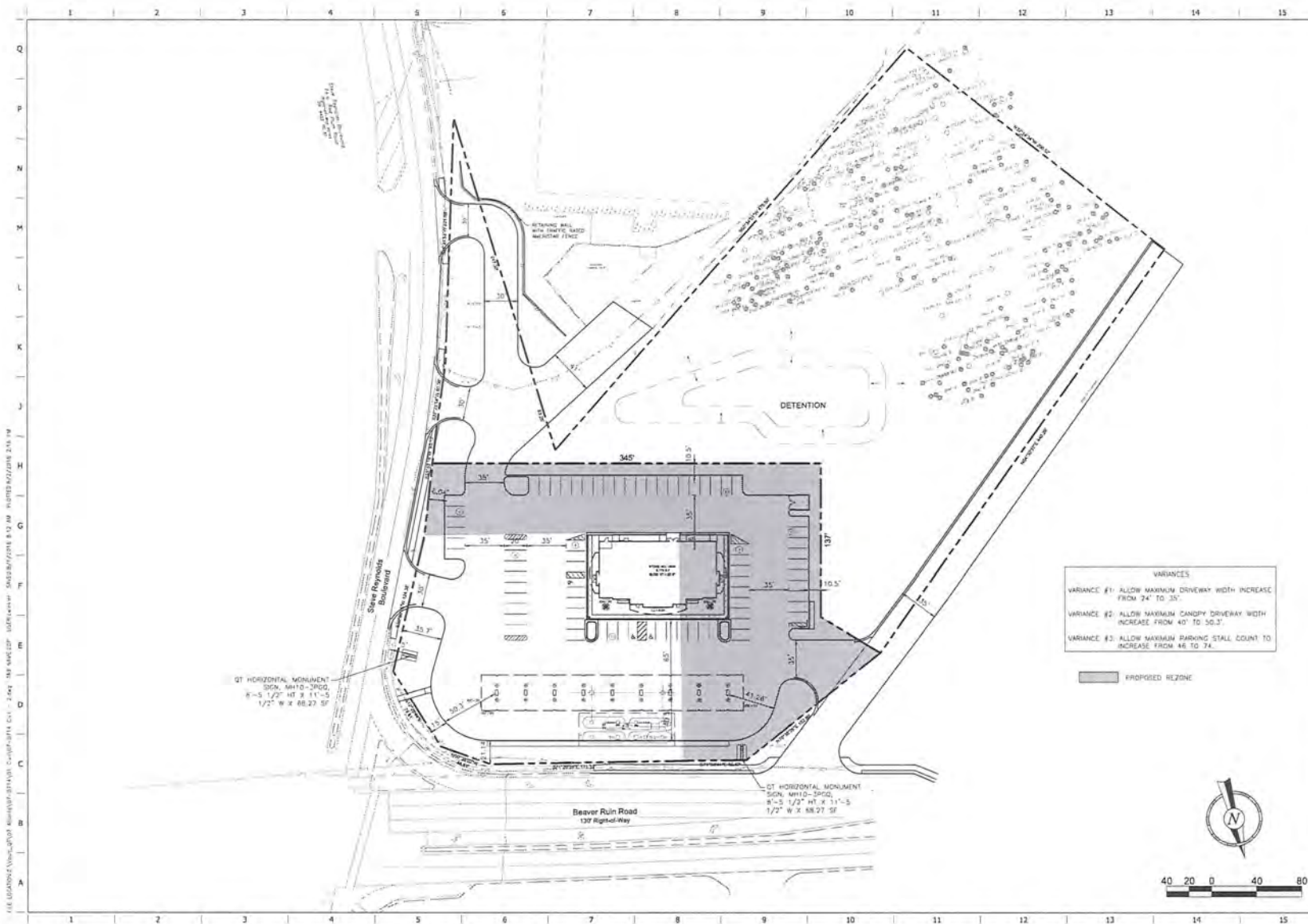
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PROJECT NO:

QuikTrip No. 0714
1515 BEAVER RUIN ROAD
NORCROSS, GA



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OR DISTRIBUTION OF THIS PLAN OR
ANY PART THEREOF IS PERMITTED
WITHOUT THE WRITTEN PERMISSION OF
QUIKTRIP CORPORATION.

PROJECT: 0714
DIVISION: 07
DESIGNED BY: [blank]
DRAWN BY: KSB
REVIEWED BY: [blank]

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: 07/20/16

SHEET TITLE:

SITE/DEMO PLAN

SHEET NUMBER:

1

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REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

Yes, see attached Letter and Responses in support.

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

No, see attached Letter and Responses in support.

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

No, see attached Letter and Responses in support.

- (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:

No, see attached Letter and Responses in support.

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

Yes, see attached Letter and Responses in support.

- (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:

Yes, see attached Letter and Responses in support.

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EXHIBIT "B"
APPLICANT'S RESPONSE

- A) WHETHER A PROPOSED REZONING (OR SPECIAL USE PERMIT) WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The additional property and redevelopment of the existing neighborhood convenience store is consistent with, and will complement the adjacent and nearby commercial properties, convenience stores, retail, and office, zoned C-2 and M-1.

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

No, this rezoning request proposes a neighborhood-use that is entirely compatible with the adjoining and nearby commercial and industrial property, and will not adversely affect on those properties, and is consistent with the existing commercial corridor and current use of the property as a convenience store and gas station.

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

No. The subject property does not have any reasonable economic use as a strip of industrial property and this will create a commercial buffer and more marketable industrial property behind the existing development.

- D) WHETHER THE PROPOSED REZONING (OR 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:

No, this property is located in an area with public water and sewer availability, and convenient access to major thoroughfares and state highways. This rezoning is consistent with the existing uses, and is for redevelopment purposes, creating better circulation and parking. The addition of approximately 1 acre for redevelopment purposes will not cause excessive use of existing streets, transportation facilities or utilities and will have no impact whatsoever on the schools.

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

Yes. The Gwinnett 2030 Unified Plan identifies this portion of Beaver Ruin and I-85 as a commercial corridor that is ripe for redevelopment. The site is also located within the Gwinnett Village CID, which the property is a member and participant.

- F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING (OR SPECIAL USE PERMIT).

Yes, the Board of Commissioners' actions in permitting similar commercial and convenience store uses in the area clearly established the character of this area as a commercial node, making utilization of undeveloped industrial property, and the redevelopment and creation of a more viable commercial parcel entirely consistent with the goals for this area.

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ANDERSEN TATE CARR

ANDERSEN, TATE & CARR, P.C.
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MARIAN C. ADEIMY
Direct: (678) 518-6855

madeimy@atclawfirm.com

August 5, 2016

VIA HAND DELIVERY

Gwinnett County
Board of Commissioners
Attn: Director of Planning and Development
446 West Crogan Street
Lawrenceville, GA 30046-2440

RE: REZONING APPLICATION AND LETTER OF INTENT FOR QUIKTRIP CORPORATION AND REDEVELOPMENT - 1515 BEAVER RUIN RD.

Dear Director and Staff:

This Letter of Intent is written on behalf of the property owner and Applicant, QuikTrip Corporation (the "Applicant"), to rezone the existing QT property, located at 1515 Beaver Ruin Rd., Norcross, Georgia and zoned C-2, and for the addition of approximately one (1) acre of property immediately adjacent to the existing store site, currently zoned M-1, to be combined into one future parcel, totaling 2.18 acres, to be located in Land Lots 184 and 201 of the 6th District of Gwinnett County, and collectively zoned C-2 (collectively, the "Property").

The Applicant intends to purchase the adjacent property in order to redevelop and improve the layout, parking and traffic circulation of the existing QuikTrip. The adjacent property is currently zoned for industrial uses. The remaining M-1 property will allow for future development. The rezoning and addition of this property will allow for a quality redevelopment of the existing QuikTrip location, similar to the newer QuikTrip locations throughout the County.

The proposed updated store and redevelopment will consist of a single building totaling 5,858 square feet. The proposal calls for a total of 9 gas pumps located under a canopy. The newer store includes a QT Kitchen, café and additional amenities to serve patrons and customers in the area.

The subject property has successfully operated as a convenience store location, located at the fully signalized intersection of Beaver Ruin Road and Steve Reynolds Boulevard, and is surrounded by more intense industrial and consistent commercial uses. The site has access to both roads and the requested rezoning and property addition will provide ample parking and circulation, in compliance with Gwinnett County transportation requirements. The property has access to a public water supply, public sanitary sewer, and convenient direct access to collector streets, major thoroughfares and state and interstate highways.

QuikTrip is a different kind of convenience store. They have built a brand with an unparalleled reputation for clean, well-lit stores, staffed by friendly and helpful employees. QuikTrip's slogan "*Quality in Everything We Do. We Guarantee It*" is one that can also be

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applied to this rezoning proposal. QuikTrip is committed to building a quality convenience store to continue to serve Gwinnett County residents and visitors.

The existing store and nearby commercial and industrial uses have had no adverse impacts on surrounding properties and has a demonstrated history of being entirely suitable and even complementary to the other land uses in the area. This further shows the suitability of the use proposed by this Rezoning Application for this additional property.

This request would also be consistent with prior Board of Commissioners' decisions and precedent in rezoning those similarly situated properties in this area to commercial/retail and convenience store uses, consistent with the Future Land Use and Comprehensive Plans for this corridor.

Constitutional Objections

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or condition the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are and would be unconstitutional in that they would destroy the Applicant's and Property Owner'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, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO, as applied to the Property, which restricts its use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Property 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, Paragraphs I and 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 and Property Owner any economically viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for development subject only to the approval of the requested special use permit, as requested and amended by the Applicant, and is not economically suitable for development under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and/or variances 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, Paragraphs I and 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 by the Gwinnett County Board of Commissioners to approve the Applicant's and Property Owner's requested special use permit, with only such additional conditions as agreed to by the Applicant, 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.

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Any zoning designation or condition related to the Property subject to conditions which are different from the requested 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 Property 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 as set forth hereinabove.

Conclusion

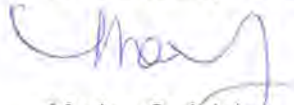
This QuikTrip location is one of the top locations in Gwinnett and provides a quality, retail and convenience store option to patrons in that area. QuikTrip's local office is also based in Lawrenceville, and they continue to maintain an excellent reputation both in Gwinnett County and throughout Georgia.

Applicant submits the Rezoning Application and supporting exhibits in further support of this rezoning request. A denial of the requested rezoning would constitute a taking of the Property owner's Applicant's Property in conflict with the laws of the State of Georgia and the Constitutions of the United States and the State of Georgia.

The Applicant and its representatives welcome the opportunity to meet with the officials and staff to answer any questions. The Applicant respectfully requests your approval of this Application.

Respectfully submitted,

ANDERSEN, TATE & CARR, P.C.



Marian C. Adeimy
Attorneys for Applicant

Enclosures

cc: Ben Qualls
Mike Carey
Guy Watkins

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REZONING APPLICANT'S CERTIFICATION

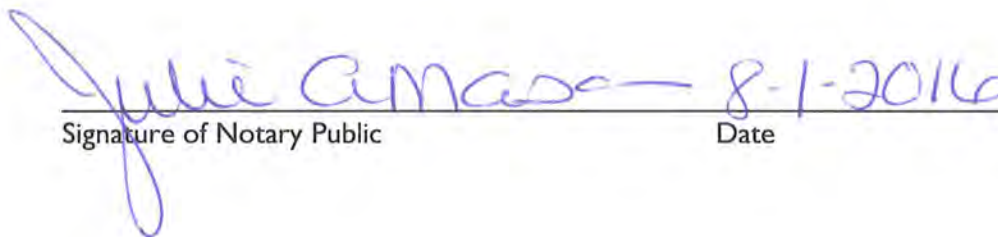
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL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


Signature of Applicant

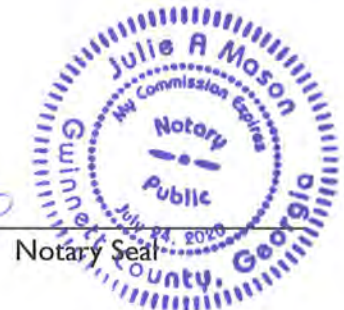
8/1/16
Date

Marian C. Adeimy, Attorney

Type or Print Name and Title


Signature of Notary Public

8-1-2016
Date



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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.

[Signature] July 27, 2016
Signature of Property Owner Date

Alex R. Holtz Managing Member SRB Partners, LLC
Type or Print Name and Title

[Signature] 7/27/2016 
Signature of Notary Public Date Notary Seal

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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.

 8/1/16 Marian C. Adeimy, Attorney
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

 8/1/16 Marian C. Adeimy, Attorney
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

 8-1-2016
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 Andersen, Tate & Carr, P.C. (See attached exhibit.)
YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL 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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**EXHIBIT AND DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
BY ANDERSEN, TATE & CARR, P.C.**

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE CONTRIBUTION WAS MADE
Charlotte Nash Commission Chairwoman	\$1,000	March 2016
Jace Brooks, District 1 Commissioner	\$80.69 \$750 \$500	April 2, 2015 May 2015 March 2016
John Heard, District 4 Commissioner	\$1,000 \$150 \$200	January 9, 2014 May 5, 2014 March 26, 2014
Lynette Howard, District 2 Commissioner	\$1,000	March 19, 2014
Tommy Hunter, District 3 Commissioner	\$750 \$500	March 5, 2015 January 27, 2016

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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)

6 - 201 - 007
District Land Lot Parcel



Signature of Applicant

8/1/16

Date

Marian C. Adeimy, Attorney

Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

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)

Deane Smith
NAME

tax services associate
TITLE

August 1, 2016
DATE

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: 6 201 090
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

8/4/16

Date

Marian C. Adeimy, Attorney

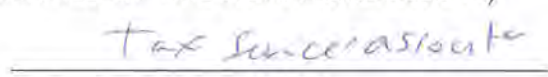
Type or Print Name and Title

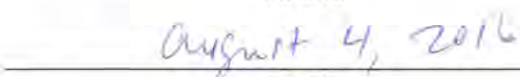
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NAME


TITLE


DATE