

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>R. JAMES HALSEMA</u>	NAME: <u>BEAVER RUN 14593 LLC</u>
ADDRESS: <u>205 MALVERN PLACE</u>	ADDRESS: <u>8924 E. PINNACLE PEAK RD.</u>
CITY: <u>ROSWELL</u>	CITY: <u>SCOTTSDALE</u>
STATE: <u>GA</u> ZIP: <u>30076</u>	STATE: <u>ARIZONA</u> ZIP: <u>85255-3649</u>
PHONE: <u>770-316-9345</u>	PHONE: <u>603-695-1358</u>
CONTACT PERSON: <u>JIM HALSEMA</u> PHONE: <u>770-316-9345</u>	
CONTACT'S E-MAIL: <u>JIM@ARCHITECTURALADVOCATES.COM</u>	

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): C-1 REQUESTED ZONING DISTRICT: C-2

PARCEL NUMBER(S): 6-158A032 6-158A033
6-158A035 6-158A034 ACREAGE: 2.53

ADDRESS OF PROPERTY: BURNS ROAD LILBURN GA 30047

PROPOSED DEVELOPMENT: RETAIL CENTER

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>2</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>21,050</u>
Gross Density: _____	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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EXHIBIT A

Legal Description

All that tract or parcel of land lying and being in Land Lot 158 of the 6th District, Gwinnett County, Georgia and being more particularly described follows:

Beginning at the intersection of the northeasterly Right-of-Way line of Beaver Run Road (130' Right-of-Way) and the northerly Right-of-Way line of Burns Road (80' Right-of-Way); thence along the northeasterly Right-of-Way line of Beaver Run Road North 53 Degrees 04 Minutes 47 Seconds West, 297.57 feet to a point; thence leaving said Right-of-Way line of Beaver Run Road North 46 Degrees 02 Minutes 14 Second East, 268.67 feet to a point; thence South 16 Degrees 26 Minutes 00 Seconds East, 143.25 feet to point; thence North 80 Degrees 00 Minutes 00 Seconds East, 177.80 feet to a point; thence North 87 Degrees 29 Minutes 10 Seconds East, 34.53 feet to a point; thence North 87 Degrees 39 Minutes 29 Seconds East, 74.97 feet to a point; thence South 08 Degrees 10 Minutes 34 Seconds East, 217.81 feet to a point on the northerly Right-of-Way line of Burns Road; thence along the northerly Right-of-Way line of Burns Road South 83 Degrees 13 Minutes 27 Seconds West, 99.58 feet to a point; thence continue along the northerly Right-of-Way line of Burns Road South 82 Degrees 16 Minutes 50 Seconds West, 80.00 feet to a point; thence continue along the northerly Right-of-Way line of Burns Road South 80 Degrees 13 Minutes 50 Seconds West, 92.40 feet to a point; thence continue along the northerly Right-of-Way line of Burns Road South 76 Degrees 55 Minutes 12 Seconds West, 36.95

feet to a point; thence South 79 Degrees 31 Minutes 57 Seconds West, 6.19 feet to The Point of Beginning containing 2.55 Acres.

Further less and except from the above described property that portion of the property conveyed by that certain Order and Judgment as entered in that certain Condemnation - Gwinnett County, Georgia, vs. BP Products North America, Inc., as successor by merger to Amoco Oil Company, 2,410.30 square feet of required right of way and 1,046.99 square feet of permanent construction easement, being Civil Action File No. 07A-00539-3, dated January 19, 2007, filed for record January 22, 2007 at 8:39 a.m., Records of Gwinnett County, Georgia.

Further less and except from the above described property that portion of the property conveyed by that certain Order and Judgment as entered in that certain Condemnation - Gwinnett County, Georgia, vs. BP Products North America, Inc., as successor by merger to Amoco Oil Company, 1,214.32 square feet of required right of way and 2,902.65 square feet of permanent construction easement, being Civil Action File No. 07A-00541-2, dated January 19, 2007, filed for record January 22, 2007 at 4:05 p.m., aforesaid Records.

Less and except those portions of subject property which lie within the bounds of Beaver Run Road.

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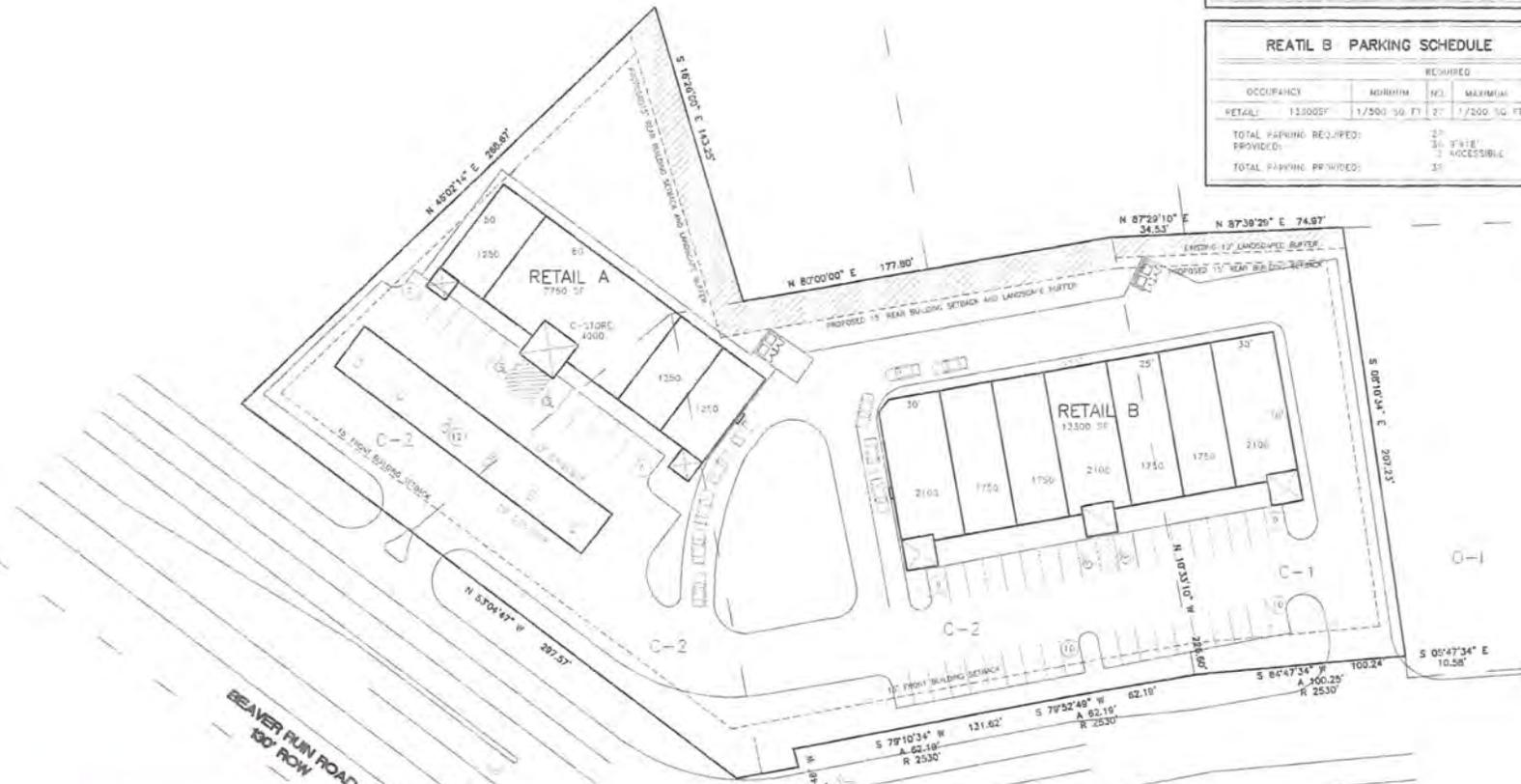
LOT 10
R-75

LOT 11 AND PART
OF LOT 12
R-75

RETAIL A PARKING SCHEDULE					
		REQUIRED			
OCCUPANCY	MINIMUM	N/S	MAXIMUM	NO.	
RETAIL:	7750 SF	1/500 SQ FT	16	1/200 SQ FT	39
TOTAL PARKING REQUIRED:			17		
PROVIDED:			21	3'x15'	1 ACCESSIBLE
TOTAL PARKING PROVIDED:			26		

RETAIL B PARKING SCHEDULE					
		REQUIRED			
OCCUPANCY	MINIMUM	N/S	MAXIMUM	NO.	
RETAIL:	13300 SF	1/500 SQ FT	27	1/200 SQ FT	67
TOTAL PARKING REQUIRED:			27		
PROVIDED:			30	3'x15'	2 ACCESSIBLE
TOTAL PARKING PROVIDED:			35		

DRAFTER:		
DESIGN CHECK: JH		
SCALE: 1"=30'		
DATE: 12/26/16		
DATE	BY/REVISED	NO.



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SITE PLAN
RETAIL CENTER
BEAVER RUN ROAD
LILBURN GA 30047

Sp-1 08 1 8'

GWINNETT

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:
THIS REZONING WILL ALLOW FOR THE ASSEMBLY OF 4 PARCELS FOR A RETAIL CENTER THAT WILL BE SUITABLE WITH THE ADJACENT LAND USES
- (B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
THE REZONING WILL NOT AFFECT THE ADJACENT PROPERTIES
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
THE PARCEL IS ONLY 2.53 OF AN ACRE AND HAS A VERY LIMITED USE UNLESS COMBINED WITH THE ADJACENT C-2 PARCELS
- (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:
THE REZONING WILL NOT CREATE AN IMPACT ON THE EXISTING INFRASTRUCTURE.
- (E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
THE REZONING WILL BE COMPATIBLE WITH THE LAND USE PLAN.
- (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:
THE TAX COMMISSIONER'S OFFICE REQUIRES ALL OF THE ASSEMBLED PARCELS HAVE THE SAME ZONING CLASSIFICATION **RECEIVED BY**



ARCHITECTURAL
advocates
A Professional Corporation
R. James Halsema, Architect

December 27, 2016

Gwinnett County Department of Planning and Development
446 West Grogan Street
Lawrenceville GA 30046-2440

RE: Rezoning Application
Letter of Intent

Gentlemen:

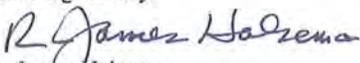
This is a rezoning application to rezone an assembly of parcels 6-158A032, 6-158A033, 6-158A034, and 6-158A035 to C-2 with a buffer reduction from 75 feet to 15 feet.

These 2.55 acre parcels are currently zoned C-1 and C-2 and we propose to develop a two building retail project of 7750 sf and 13300 sf. The site is geometrically challenged with an elbow in the middle of the rear property line and the seventy five (75) foot buffer requirement would make the development of these parcels unfeasible. This is the eighteenth site plan that was generated trying to overcome the rear property line geometry with a reasonable site design. These properties also drop approximately 25 feet from the street frontage to the back property lines and will require extensive earthwork and retaining walls to develop the building footprints.

We are requesting a common C-2 zoning and the fifteen (15) foot buffer to facilitate the development of the two retail buildings. The current BR-98-004 reduced the property line buffer to zero (0) feet and the rezoning RZ-21-85 approved a ten foot (10) foot property line buffer. With the realignment of the buffer we are also requesting a reduction in the landscape material count from the Condition No. 1 in the Br-98-004 from 200 trees to 50 trees and from 700 shrubs to 125 shrubs to be located throughout the proposed landscape buffer.

Please review this Letter of Intent, the application, along with the site plan and the legal description, and if you should have any other questions always feel free to contact this office at your convenience. Thank you.

Have a good day:


R. James Halsema
Architect, NCARB

*Architectural Advocates Inc., 205 Malvern Place, Roswell, Georgia 30076
Tel. (770) 316-9345 Fax (404) 263-0045
jim@architecturaladvocates.com*

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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.

R. James Halsema 1-4-17
Signature of Applicant Date

R. JAMES HALSEMA ARCHITECT
Type or Print Name and Title

E. H. Novin 1/4/17 
Signature of Notary Public Date Notary Seal

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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.

[Handwritten Signature]

Signature of Property Owner

1/31/2017

Date

RUSSELL SEARAMELLA

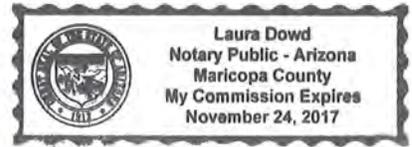
Type or Print Name and Title

[Handwritten Signature]

Signature of Notary Public

1/31/2017

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.

R. James Halsema 1-4-17 R. JAMES HALSEMA ARCHITECT
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

E.H. Novin 1/4/17
 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 R. JAMES HALSEMA
 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 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: 6TH - 158A - 033,032
(Map Reference Number) District Land Lot Parcel
034,035

R. James Halsema 12-27-16
Signature of Applicant Date

R. JAMES HALSEMA ARCHITECT
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)

J. Hume TSA II
NAME TITLE
1-5-17
DATE

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LOT 10
R-75

LOT 11 AND PART
OF LOT 12
R-75

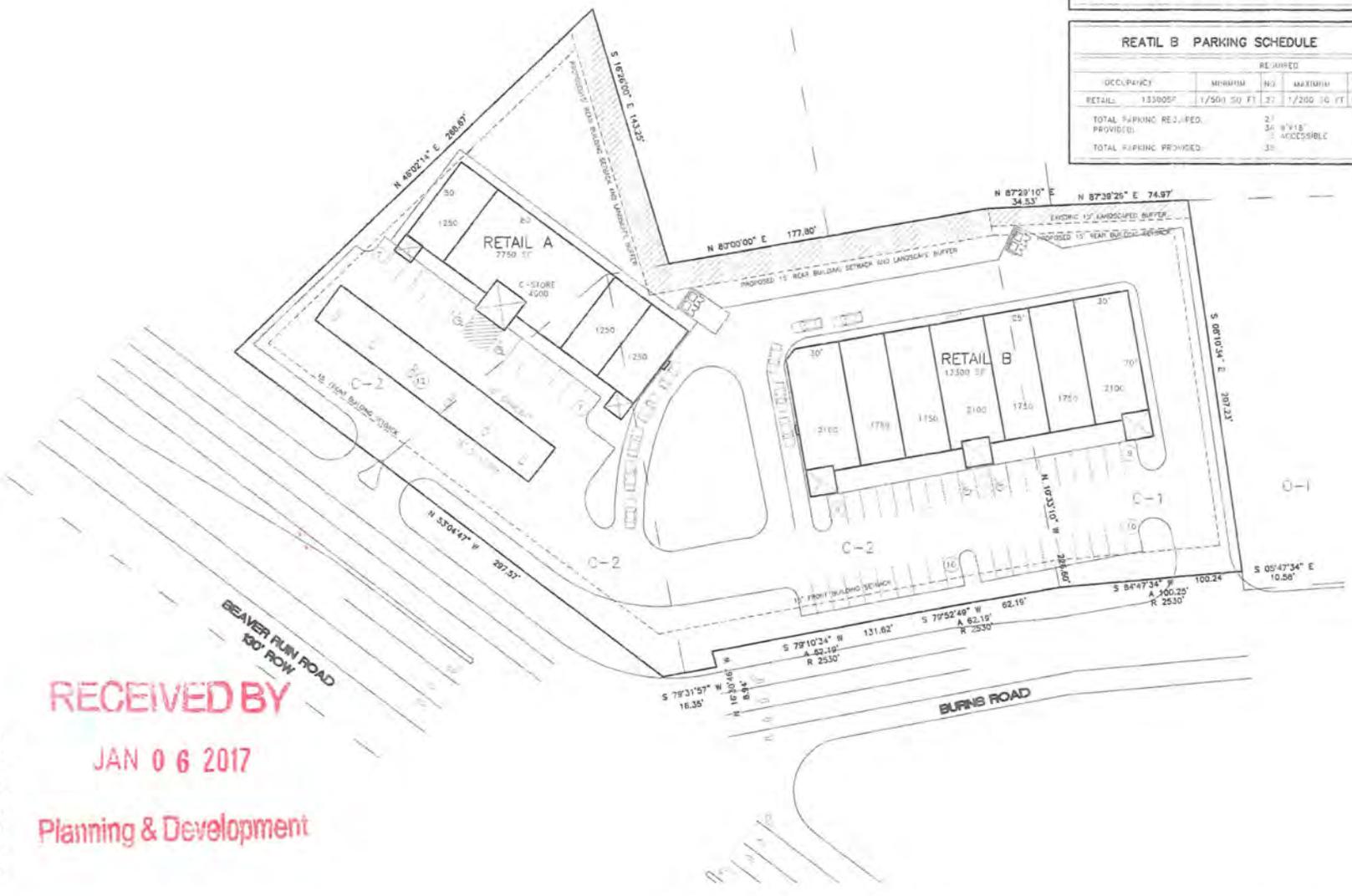
RETAIL A PARKING SCHEDULE				
REQUIRED				
OCCUPANCY	MINIMUM	MIN.	MAXIMUM	NO.
RETAIL	7750 SF	1/200	50 FT	16
TOTAL PARKING REQUIRED:				16
PROVIDED:		24	8'x8'	3 ACCESSIBLE
TOTAL PARKING PROVIDED:				20

RETAIL B PARKING SCHEDULE				
REQUIRED				
OCCUPANCY	MINIMUM	MIN.	MAXIMUM	NO.
RETAIL	13300 SF	1/500	50 FT	27
TOTAL PARKING REQUIRED:				27
PROVIDED:		36	8'x8'	3 ACCESSIBLE
TOTAL PARKING PROVIDED:				39



DRAWN:
DESIGN CHECK: JH
SCALE: 1"=30'
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DATE	ISS./REVISION	BY



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SITE PLAN
RETAIL CENTER
BEAVER RUN ROAD
LILBURN, GA 30047

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GWINNETT

