

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Ag-Pro Real Estate Investments, LLC</u> <small>c/o Andersen, Tate & Carr, P.C.</small> ADDRESS: <u>1960 Satellite Blvd., Ste 4000</u> CITY: <u>Duluth</u> STATE: <u>Ga</u> ZIP: <u>30097</u> PHONE: <u>770-822-0900</u>	NAME: <u>Various Owners</u> ADDRESS: <u>See Exhibit "A"</u> CITY: _____ STATE: _____ ZIP: _____ PHONE: _____
CONTACT PERSON: <u>Shaun R. Adams of Andersen, Tate, & Carr</u> PHONE: <u>770-822-0900</u> CONTACT'S E-MAIL: <u>sadams@atclawfirm.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:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER
<input checked="" type="checkbox"/> CONTRACT PURCHASER	
EXISTING/PROPOSED ZONING: <u>C-2/M-1</u> BUILDING/LEASED SQUARE FEET: <u>12,000</u>	
PARCEL NUMBER(S): <u>R6064-006; R6064-003; R6064-074</u> ACREAGE: <u>3.68</u>	
ADDRESS OF PROPERTY: <u>4395 Stone Mountain Hwy, Lilburn, Ga 30047</u>	
SPECIAL USE REQUESTED: <u>Farm Equipment Sales and Service</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED BY

JAN 05 2018

Planning & Development

SUP '18 015

Exhibit "A"

Property Owners

Subject Property: 4395 Stone Mountain Highway Lilburn, Ga 30047

Parcel No.: R6064-006

LGP Enterprises, LLC

Kenneth Shiver

448 Lester Rd SW

Lawrenceville, Ga 30044

Subject Property: 4371 and 4375 Stone Mountain Highway, Lilburn, Ga 30047

Parcel No.: R6064-003 and R6064-074

Lucerne East Investments, LLC

Michael DeMessa

3313 Stone Mountain Hwy

Snellville, Ga 30078

RECEIVED BY

JAN 05 2018

Planning & Development

SUP '18 015

28636
00060

4395 Stone Mountain Highway, Lilburn, Georgia 30047

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 64, 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at the point formed by the intersection of the northerly right-of-way line of Lake Lucerne Road (an 80-foot right-of-way) and the northwesterly right-of-way line of Old Highway 78; continue thence in a northeasterly direction along the aforementioned right-of-way line of Old Highway 78, and following the curvature thereof, a distance of 1961.21 feet to an iron pin found on said right-of-way line which marks THE TRUE POINT OF BEGINNING; from the True Point of Beginning thus established, and leaving the aforesaid right-of-way line run North 25 degrees 25 minutes 41 seconds West a distance of 400.50 feet to an iron pin found; thence North 56 degrees 34 minutes 04 seconds East a distance of 223.69 feet to an iron pin found; thence South 26 degrees 18 minutes 54 seconds East a distance of 400.00 feet to an iron pin set on the northwesterly right-of-way line of Old Highway 78, said point being located North 89 degrees 05 minutes 30 seconds East a distance of 483.67 feet from GC Monument G071; thence along the aforesaid right-of-way line and along the arc of a curve to the right an arc distance of 184.06 feet to a point, said arc being subtended by a chord bearing South 57 degrees 39 minutes 28 seconds West and having a radius of 1185.92 feet; continuing thence along the aforesaid right-of-way line South 52 degrees 35 minutes 49 seconds West a distance of 45.98 feet to THE TRUE POINT OF BEGINNING; being 2.047 acres of improved real property as depicted on that certain Survey for LGP Enterprises, LLC, prepared and certified by Matthew V. Ingram, Georgia Registered Land Surveyor No. 2288, of M. V. Ingram Enterprises, Inc., dated August 6, 2002.

ATLANTA 321634v1

RECEIVED BY

JAN 05 2018

Planning & Development

SUP '18 015

Legal Description

4375 Stone Mountain Highway

All that tract or parcel of land lying and being in Land Lot 64, 6th District, Gwinnett County, Georgia, being identified as Parcel II, containing 0.8635 of an acre, according to plat of survey for Larry Rutledge, dated March 12, 1986, and recorded in Plat Book 35, Page 44, Gwinnett County, Georgia Records, which plat and the record thereof are incorporated herein by reference thereto.

4371 Stone Mountain Highway

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 64 of the 6th District of Gwinnett County, Georgia, being 0.777 acres according to a survey prepared by McNally, Patrick & Cole, Inc., Land surveyors, for Larry Rutledge, dated July 31, 1980, and more particularly described as follows:

To arrive at the TRUE POINT OF BEGINNING, begin at a point located on the centerline of U.S. Highway 78 (Relocated), 2322.9 feet northeasterly from the intersection of the centerline of U.S. Highway 78 (relocated) and center of the Yellow River; thence North 39 degrees, 46 minutes, West a distance of 87.23 feet to the centerline of Old U.S. Highway 78 (80 ft. r/w); thence north 11 degrees 41 minutes West a distance of 40.0 feet to the northern right of way of Old Highway U.S. 78 (80 ft. R/W); thence along the northern right of way of Old U.S. Highway 78, an arc distance of 217.35 feet (said arc having a chord of South 74 degrees, 46 minutes West a distance of 217.25 feet); to a TRUE POINT OF BEGINNING; thence continuing southerly along the said right of way of Old U.S. Highway 78 (80 ft. R/W) an arc distance of 113.06 feet (said arc having a radius of 2112.54 feet); thence North 24 degrees 42 minutes 00 seconds West a distance of 300.00 feet to an iron pin; thence North 66 degrees 59 minutes 28 seconds East a distance of 113.05 feet to an iron pin; then South 24 degrees 42 minutes 00 seconds East a distance of 300.00 feet to a point on the northern right of way of Old U.S. Highway 78 (80 ft. r/w), 0.5 feet from an iron pin found, said point being the TRUE POINT OF BEGINNING.

RECEIVED BY

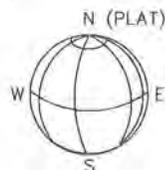
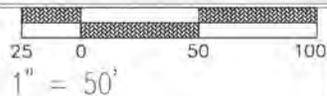
JAN 05 2018

Planning & Development

SUP '18 015

REFERENCE: PB 35 PG 44
DB 19492 PG 131-133

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF GWINNETT COUNTY, GEORGIA 13135C0136F EFFECTIVE DATE SEPTEMBER 29, 2006



CURVE TABLE			
CURVE	LENGTH	RADIUS	BEARING
C1	29.47	2112.54	S64°44'15"W
C2	113.06	2112.54	S66°40'13"W

N/F
FIRST PENTECOSTAL
SLAVIC CHURCH, INC.
DB 46950 PG B69

PARCEL 2
AREA 37,526
ACRES 0.861
4375

N/F
STONE MOUNTAIN
REAL ESTATE HOLDINGS
DB 23332 PG 71

N/F
PATRICIA P. SEALY

N/F
LGP ENTERPRISES, LLC
DB 28636 PG 59

GENERAL NOTES:
1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
4: No Geodetic monuments were found within 500 feet of this site
5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT
SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 19492 PG 131-133
PROPERTY OWNER AT TIME OF SURVEY: PAY PHONE COMMUNICATIONS, INC.
PARCEL NUMBER: R6064 074, R6064 003
WEST PROPERTY LINE IS BEARING BASIS FROM PB 35 PG 44
TOTAL AREA: 71,246 SQ FT, 1.64 AC
CALCULATED PLAT CLOSURE: 1:145,423

FIELD DATA:

DATE OF FIELD SURVEY 10-7-2015
THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.015 FEET.

EQUIPMENT:
ELECTRONIC TOTAL STATION

SURVEY FOR
MICHAEL & CARYN DEMESSA

4371 & 4375 STONE
MOUNTAIN HWY

GWINNETT COUNTY, GEORGIA
LAND LOT 64, DIST 6
DATE: OCTOBER 12, 2015

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

COPY RIGHT 2015—THIS 11 X 17 DRAWING AND REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR



PATRICK F. CAREY, GA R.L.S. #3077
3530 SMOKE RISE WAY
LAWRENCEVILLE, GA 30044
770.315.3063

SUP '18 015

RECEIVED BY

JAN 05 2018

Planning & Development

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:

See Exhibit "B"

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

See Exhibit "B"

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

See Exhibit "B"

- (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:

See Exhibit "B"

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

See Exhibit "B"

- (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 SPECIAL USE PERMIT:

See Exhibit "B"

SUP '18 015

RECEIVED BY

JAN 05 2018

Planning & Development

EXHIBIT B - APPLICANT'S RESPONSE
SPECIAL USE PERMIT APPLICATION FOR 4395 STONE MOUNTAIN HWY,
LILBURN, GA 30047

- 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:

Yes. The proposed use is consistent with the nearby commercial uses in the area. There will be little to no impact on adjacent and nearby property uses.

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

No. The proposed use would be completely contained within the existing property with appropriate buffers. There would be little to no impact on adjacent and nearby properties and the use would not adversely affect these properties.

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

The subject property is currently zoned C-2 and is surrounded by similarly-zoned property, and accordingly, the rezoning request is compatible with the existing uses and usability of the adjacent and nearby property.

- 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:

No. The proposed use will not cause any additional or excessive use of existing streets, transportation facilities or utilities. There will be no impact on the schools. This property is located in an area with public water and sewer availability, and access to major thoroughfares, highways and interstate.

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

Yes. This application for rezoning and special use permit is entirely consistent with the Plan's guidelines.

RECEIVED BY

SUP '18 015

JAN 05 2018

Planning & Development

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 SPECIAL USE PERMIT:

Yes. The proposed use is entirely appropriate in light of emerging needs for Gwinnett citizens and land uses in the surrounding area. The requested rezoning and special use permit is necessary to enable the Applicant to operate at this location. The Property Owner also supports this application for Rezoning and Special Use Permit.

3109606_1.DOC

RECEIVED BY

JAN 05 2018

SUP '18 015

Planning & Development

ANDERSEN | TATE | CARR

Shaun R. Adams
Email: sadams@atclawfirm.com

Telephone: 770.822.0900
Direct Dial: 678.518.6855
Direct Fax: 770.236.9702

January 5, 2018

VIA HAND DELIVERY

Gwinnett County
Attn: Kathy Holland, Director of Planning and Development
446 West Crogan Street
Lawrenceville, Ga 30046-2440

RE: REZONING AND SPECIAL USE PERMIT APPLICATION AND LETTER OF INTENT FOR AG-PRO REAL ESTATE INVESTMENTS, LLC (“AG-PRO”)

Dear Director and Staff:

The Applicant, Ag-Pro Real Estate Investments, LLC (the “Applicant”), submits this request for a Rezoning from C-2 to M-1 and Special Use Permit for Farm Equipment Sales and Service on an approximately 3.68 acre tract of land (hereinafter “Property”), located at 4395 Stone Mountain Highway, Lilburn, Ga 30047 (hereinafter “Subject Property”), and including 4371 and 4375 Stone Mountain Highway, Lilburn, Ga 30047 (hereinafter “Adjacent Property”), located on the northwest side of Stone Mountain Highway, between the Yellow River and Jessica Daron Court. The Rezoning and Special Use Permit application includes the following three parcels: R6064-006 (currently zoned C-2), R6064-003 and R6064-074 (both currently zoned M-1). The Applicant is seeking a rezoning of parcel R6064-006 from C-2 to M-1 to be consistent with the current M-1 zoning of parcels R6064-003 and R6064-074 that are being assembled as part of the proposed project.

We are respectfully requesting a special use permit along with the rezoning to allow for sales and service of lawn and farm equipment by the Applicant whom is a John Deere dealer. The Applicant intends to assemble the three parcels and use the existing building on the Subject Property for its sales and service office with outdoor display of equipment in the front of the building. The Subject Property currently contains a 12,000 square foot single story building with thirty paved parking spaces along the front and side of the building. The Applicant is requesting a rezoning of the Subject Property from C-2 to M-1 for uniformity amongst the three parcels being assembled and to allow for the special use as a lawn and farm equipment sales and service business.

The proposed rezoning to M-1 and special use permit for farm equipment sales and service is consistent with Gwinnett’s 2030 Unified Plan and the Property is not located within an Overlay District. The Property is located in a highway business area that includes medium density automotive sales and service businesses. The Property has access to a public water supply, public sanitary sewer, and convenient access to connector streets, major thoroughfares, and highways.

RECEIVED BY

SUP 18 015

JAN 05 2018

Planning & Development

The Subject Property is an appropriate location for the proposed use, and would have little to no impact on the surrounding properties. The proposed use for the Subject Property is suitable for the location and consistent with the surrounding businesses along Stone Mountain Highway.

The Applicant welcomes the opportunity to meet with the Gwinnett County Planning and Development Staff to answer any questions or to address any concerns relating to this letter or the Rezoning and Special Use Permit Application. The Applicant respectfully requests your approval of the Application.

Respectfully Submitted,

ANDERSEN, TATE & CARR, P.C.



Shaun R. Adams

SRA/ag 3113145_1

SUP '18 015

RECEIVED BY

JAN 05 2018

Planning & Development

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 1/5/18
Date

Timothy Hiers, Partner
Type or Print Name and Title

 1/5/18
Date
Signature of Notary Public Notary Seal: O



4 SUP '18 015

RECEIVED BY
JAN 05 2018
Planning & Development

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.

Kenneth Shiver

1-5-18

Signature of Property Owner

Date

Kenneth Shiver, Managing Director of LGP Enterprises, LLC

Type or Print Name and Title

Joann Brancher

1/5/18

Signature of Notary Public

Date



Notary Seal

RECEIVED BY

JAN 05 2018

Planning & Development

SUP '18 015

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.



1-5-18

Signature of Property Owner

Date

Michael Demossa (owner)

Type or Print Name and Title

Angela Gratz

1-5-18

Signature of Notary Public

Date



RECEIVED BY

JAN 05 2018

Planning & Development

SUP '18 015

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.

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Shaun R. Adams 1/5/2018 Shaun R. Adams, Esq. of Andersen, Tate & Carr

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

Angela Gratz 1-5-18 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 Shaun R. Adams, Esq. of Andersen, Tate & Carr
 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)
	See Exhibit "C"	

Attach additional sheets if necessary to disclose or describe all contributions.

SUP 18 015
7

RECEIVED BY

JAN 05 2018

Planning & Development

**EXHIBIT C AND DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
BY ANDERSEN, TATE & CARR, P.C., ATTORNEY FOR APPLICANT**

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE CONTRIBUTION WAS MADE
Charlotte Nash Commission Chairman	\$1,000 \$500 \$578.10	March 2016 October 20, 2016 October 20, 2016
Jace Brooks District 1 Commissioner	\$500	March 2016
Tommy Hunter, District 3 Commissioner	\$500	January 27, 2016

SUP '18 015

RECEIVED BY

JAN 05 2018

Planning & Development

