

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Antonio Sample- Eberly & Associates	NAME: J.M. Williams Jr
ADDRESS: 2951 Flowers Rd S, Suite 119	ADDRESS: PO Box 3429
CITY: Atlanta	CITY: Suwanee
STATE: Georgia ZIP: 30341	STATE: Georgia ZIP: 30024
PHONE: 770-452-4849	PHONE:
CONTACT PERSON: Antonio Sample PHONE: 770-452-7849	
CONTACT'S E-MAIL: asample@eberly.net	

*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 checked="" type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
EXISTING/PROPOSED ZONING: M-1 BUILDING/LEASED SQUARE FEET:
PARCEL NUMBER(S): 6059 001B ACREAGE: 78.112
ADDRESS OF PROPERTY: West Park Place
SPECIAL USE REQUESTED:
INCREASE THE MAXIMUM BUILDING HEIGHT FROM 45 FT TO 80 FT.

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LEGAL DESCRIPTION, TRACT 1 (BASED ON THIS SURVEY)

All that tract or parcel of land lying and being in Land Lot 59 of the 6th Land District, Gwinnett County, Georgia, said tract or parcel of land being more fully shown and designated as Tract 1 on a plat of survey prepared by Valentino & Associates, Inc. (Job #18-009; Drawing/File #18-009), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Grid North, Georgia West Zone, as follows:

BEGINNING at a rock found at the common corner of Land Lots 42, 43, 58 and 59; THENCE proceeding along the line which divides Land Lots 42 and 59 the following courses and distances:

South 61 degrees 01 minutes 30 seconds West for a distance of 187.17 feet to a 1/2"rebar found;

THENCE South 61 degrees 18 minutes 05 seconds West for a distance of 188.87 feet to a 1/2"rebar found;

THENCE South 60 degrees 58 minutes 50 seconds West for a distance of 670.59 feet to a 1"crimp-top pipe found;

THENCE South 61 degrees 37 minutes 15 seconds West for a distance of 63.05 feet to a 1/2"rebar found;

THENCE South 60 degrees 59 minutes 27 seconds West for a distance of 514.27 feet to a broken concrete monument found at the intersection of said line which divides Land Lots 42 and 59 and the line which divides Gwinnett and Dekalb Counties;

THENCE proceeding along said line which divides Gwinnett and Dekalb Counties the following courses and distances:

North 42 degrees 57 minutes 10 seconds West for a distance of 394.60 feet to a 1"solid rod found;

THENCE North 20 degrees 09 minutes 58 seconds West for a distance of 239.71 feet to a 1"solid rod found;

THENCE North 38 degrees 15 minutes 22 seconds West for a distance of 314.27 feet to a 1"open-top pipe found;

THENCE North 44 degrees 39 minutes 45 seconds West for a distance of 60.10 feet to a 1"solid rod found;

THENCE North 44 degrees 29 minutes 14 seconds West for a distance of 355.26 feet to a 1"solid rod found;

THENCE departing said line which divides Gwinnett and Dekalb Counties North 19 degrees 42 minutes 24 seconds West for a distance of 742.00 feet to a 1/2"iron pin set;

THENCE North 50 degrees 00 minutes 56 seconds East for a distance of 869.62 feet to a 1/2"rebar found;

THENCE North 36 degrees 54 minutes 16 seconds East for a distance of 162.18 feet to a 1/2"rebar found on the southwesterly right-of-way line of West Park Place (100' public r/w);

THENCE proceeding along said southwesterly right-of-way line of West Park Place the following courses and distances:

South 53 degrees 07 minutes 39 seconds East for a distance of 550.20 feet to a computed point;

THENCE along a curve to the left having a radius of 1098.38 feet for an arc distance of 749.40 feet (said arc being subtended by a chord of South 72 degrees 40 minutes 24 seconds East for a distance of 734.95 feet) to a computed point at the intersection of said southwesterly right-of-way line of West Park Place and the line which divides Land Lots 58 and 59 (said computed point being witnessed by two 1/2"rebars with caps found 0.88 and 1.04 feet northwest thereof);

THENCE proceeding along the line which divides Land Lots 58 and 59 the following

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courses and distances:

South 28 degrees 31 minutes 09 seconds East for a distance of 421.67 feet to a 1"solid rod found;

THENCE South 28 degrees 36 minutes 36 seconds East for a distance of 84.87 feet to a 1/2"rebar found;

THENCE South 28 degrees 34 minutes 11 seconds East for a distance of 254.86 feet to a 1/2"rebar found;

THENCE South 28 degrees 31 minutes 12 seconds East for a distance of 90.09 feet to a 1/2"rebar found;

THENCE South 28 degrees 36 minutes 47 seconds East for a distance of 150.03 feet to a 1/2"rebar found;

THENCE South 28 degrees 30 minutes 02 seconds East for a distance of 260.66 feet to a rock found at the common corner of Land Lots 42, 43, 58 and 59, said rock found being the POINT OF BEGINNING.

Said tract or parcel of land contains 78.112 acres or 3,402,561 square feet.

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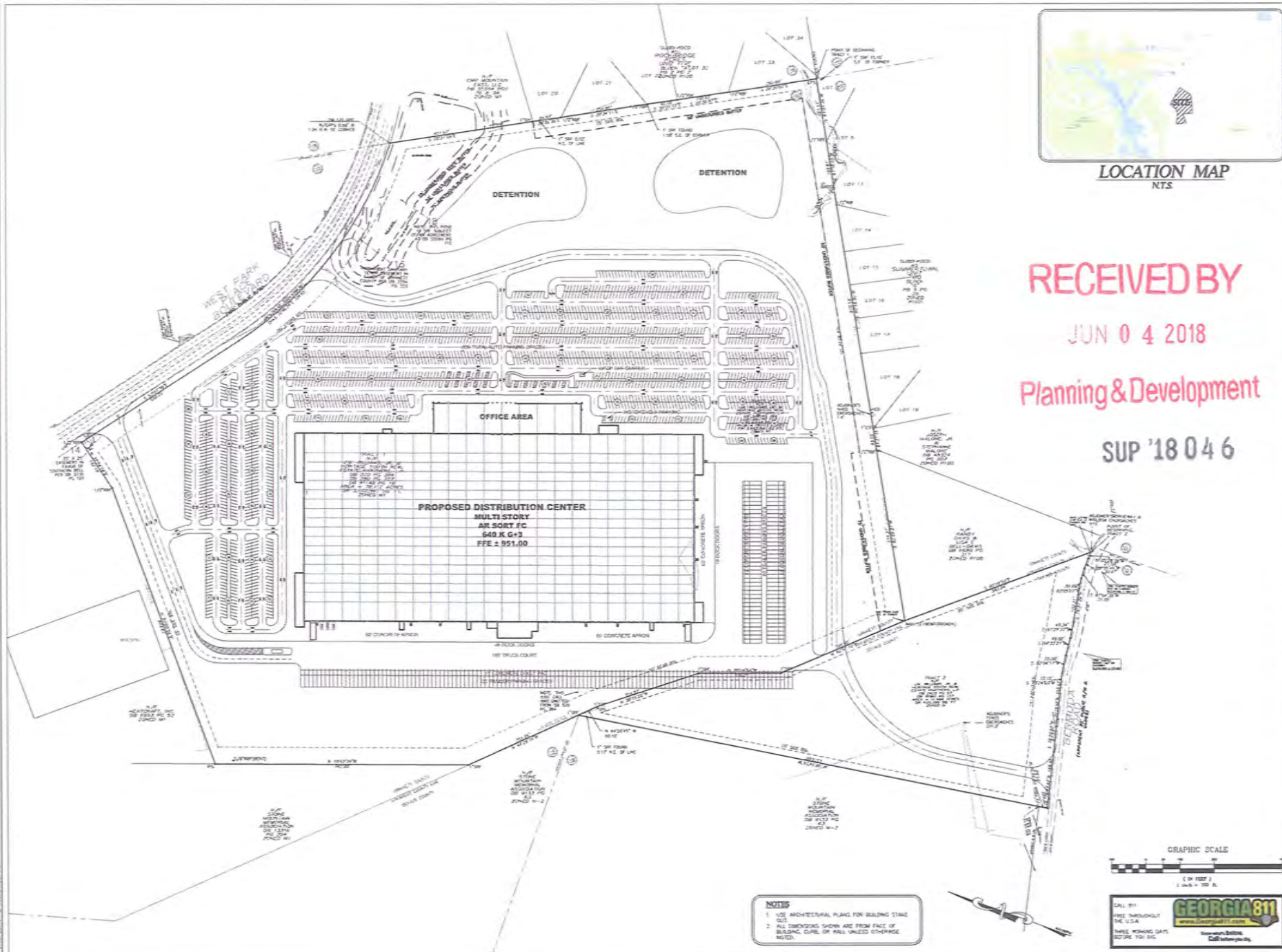


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1852 CENTURY PLACE, SUITE 202
ALBANY, GEORGIA 31705
WWW.LIBERTY.NET

▼
LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

PROJECT ROCKET

STONE MOUNTAIN
GEORGIA

REVISIONS:

[illegible]

SCALE:	1"= 100'
DATE:	XX/XX/XX
DRAWN BY:	PROJECT ENG
PROJECT MANAGER:	PROJECT MGR
QA/QC CHECK:	XXXXXX

PROJECT NO.
18-025

SHEET NO.

C3.0

**APPLICATION FOR SPECIAL USE PERMIT
GWINNETT COUNTY, GEORGIA**

Eberly & Associates (the "Applicant"), submits this Special Use Permit application for approximately 78 acres that are located on the south side of West Park Place Blvd across from the Mountain East Business Center (the "Property"). The Property is zoned to the Light Industrial District (M-1). The Applicant is requesting a Special Use Permit in accordance with Section 230-20.9 of the Gwinnett County UDC in order to increase the maximum allowed height in the Light Industrial District from forty-five (45) feet to eighty (80) feet for a new multi-story 2.5 million square foot warehousing distribution facility that will preserve, protect and enhance this area's role as an economic center of the metropolitan region.

The Applicant responds to the following standards governing the exercise of the zoning power for Special Use Permit requests:

(A) Whether the proposed Special Use Permit will permit a use that is suitable in view of the use and development of adjacent and nearby property:

The Applicant's proposal will permit a use that is suitable in light of the use and development of adjacent and nearby property. The Property is zoned to the Light Industrial district which allows the proposed use. Property to the north and northwest is zoned to the Light Industrial district and is used for office and light industrial uses. Other adjacent and nearby parcels are developed and used for residential, dense multi-family, office, or commercial purposes. The increase in height will allow the needed square footage to be placed in a multi-story facility that will reduce the impact of the footprint of the proposed development and allow the reservation of significant buffers to adjacent residential uses.

(B) Whether the proposed Special Use Permit will adversely affect the existing use or usability of adjacent or nearby property:

The Applicant's proposal will not adversely affect the existing use or usability of adjacent or nearby property. The Applicant's proposal is compatible with nearby light industrial and office uses and provides a significant buffer to adjacent residential uses. The proposed use is a warehouse distribution facility which will conduct its operations indoors and will not emit noise or offensive or noxious gases. The proposed development is currently undergoing a Development of Regional Impact review to assess the effect of traffic that will be generated.

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(C) Whether the property to be affected by a proposed Special Use Permit has reasonable economic use as currently zoned:

While the Property currently has some economic value, the Property is currently undeveloped indicating that the market response has been lacking. As a result, the Property does not have a reasonable economic use as currently zoned without the Special Use Permit as requested by the Applicant.

(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 use of the Property for a warehouse distribution facility is a permitted use under the existing zoning classification. The proposed development will not generate any students and therefore will not cause an excessive use of schools. On the contrary, the property tax that will be generated by the proposed development for the County school system will be considerably more than that currently generated by the Property. The proposal will not overly burden the water or sewer system, or any other utilities that serve the proposed use. The Applicant proposes to develop land that is currently undeveloped. As mentioned above, the proposed development is currently undergoing a Development of Regional Impact review that will assess the proposed development's impact on existing streets and transportation facilities.

(E) Whether the proposed Special Use Permit is in conformity with the policy and intent of the Land Use Plan:

The Gwinnett County 2030 Unified Plan 2030 Future Development Map designates the Property as Community Mixed-Use. The Foster Redevelopment Plan theme map (Figure 72) of the 2030 Unified Plan recommends that Community Mixed-Use areas should evolve over time from their current predominant strip commercial status into mixed-use corridors. The Foster Redevelopment Plan recommends a variety of redevelopment incentives and density bonuses to help attract development, including new standards for building height, massing of development and Floor Area Ratio, to allow more intensive development than in other parts of the County. The Foster Redevelopment Map also designates CID areas, such as the Property's Evermore CID, as key redevelopment priorities. The Applicant's request is in keeping with these planning efforts and policies that focus on encouraging development and redevelopment.

Although it is true that the Community Mixed-Use land use category discourages industrial uses, the Property is already zoned Light Industrial and will be well buffered from adjacent properties as recommended by the 2030 Unified Plan. Not only is the Applicant's proposal appropriate for the site, but it will fulfill the policy objectives mentioned above by developing an area with a facility that will expand the economic base of the County by providing additional employment opportunities and additional tax revenues.

(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:

As indicated above, the Applicant proposes a development that will be compatible with adjacent land uses. The development will support both local community and regional economic development. Undeveloped properties of this size zoned to the Light Industrial zoning district near an adequate road network is very difficult to find in metro-Atlanta. As a result, denial of the Special Use Permit could mean a loss of a significant economic development, not only for Gwinnett County, but also the region. As such, the Applicant's proposal is suitably placed.

The Applicant respectfully requests that the Gwinnett County Board of Commissioners grant the Special Use Permit as requested above.



LAND PLANNING
▼
CIVIL ENGINEERING
▼
LANDSCAPE ARCHITECTURE

April 25th, 2018

Gwinnett County Government
Department of Planning & Development
Planning Division
446 West Crogan Street, Suite 250
Lawrenceville, GA 30046

Subject:
Project Rocket
Letter of Intent

To Whom It May Concern:

Eberly & Associates is working on a team that is proposing a new 2.5 million square foot warehouse distribution building in Stone Mountain, Georgia. The overall development is split between the two (2) jurisdictions of Gwinnett County and Dekalb County, with the entire building structure being within the Gwinnett County jurisdiction. The building will be nested on the undeveloped 78.112 ac parcel (PIN 6059 001B) located on the south side of West Park Place Blvd across from the Mountain East Business Center. The current site is currently zoned Light Industrial District (M-1) based on the rezoning case RZ-284-83. The proposed development will be in conformance with the permitted use based on Table 230.4 of the Gwinnett County Unified Development Code (UDC). The overall site will include 1,800 employee parking spaces and 207 trailer spaces. Access to the site will be provided with two drives along West Park Place Blvd to the north and an additional along Bermuda Road to the south. The current maximum allowed height for the Light Industrial District (M-1) is 45 ft per Table 230.3 "Dimensional Standards for Non-Residential, HRR, and Mixed-Use Districts" of the Gwinnett County UDC. We are formally requesting a variance to increase the maximum structure height to 80 ft to allow us to develop the multi-story structure.

Sincerely,

EBERLY & ASSOCIATES, INC.

Antonio Sample E.I.T.
asample@eberly.net
(678) 287-4745

WWW.EBERLY.NET

TEL: 770.452.7849
FAX: 770.452.0086

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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.



Signature of Applicant

4-23-18

Date

Antonio M. Sample

Project Engineer

Type or Print Name and Title



Signature of Notary Public

04/23/2018

Date



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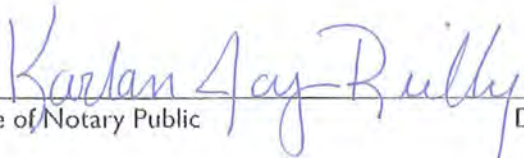
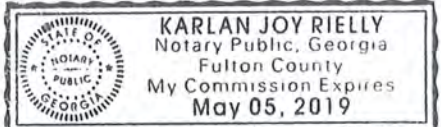
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SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

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.

 6/1/18
Authorized Signature Date

J.M. Williams Jr., individually
Type or Print Name and Title

 06/01/18 
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.

[Signature] 4-23-18 PROTECT ENGINEER
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

[Signature] 4-23-18 PROTECT ENGINEER
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

[Signature] 04/23/2018
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 ANTONIO SAMPLE
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: 6th 59 6059 001B
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

4-23-18

Date

ANTONIO SAMPLE

Type or Print Name and Title

PROJECT ENGINEER

*****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)

Cordrick Roney

NAME

Senior TSA

TITLE

4/25/18

DATE

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CONSTITUTIONAL OBJECTIONS
APPLICATION FOR SPECIAL USE PERMIT
GWINNETT COUNTY, GEORGIA

Georgia Law and the procedures of the Gwinnett County require us to raise Federal and State Constitutional objections during the rezoning application process. While the Owner/Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Owner/Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Zoning Ordinance of the Gwinnett County, Georgia, as applied to the Property, that would result in a denial of the Special Land Use Permit as requested by the Owner/Applicant, are, or would be, unconstitutional in that they would destroy the Owner/Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I 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.

Any application of the Code of Gwinnett County or its Zoning Ordinance to the Property which restricts its use to any use in a manner other than that requested by the Owner/Applicant is unconstitutional, illegal and null and void because such an application constitutes a taking of the Owner/Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States because such an application denies the Owner/Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would also constitute an arbitrary and capricious act by the Board of Commissioners of Gwinnett County without any rational basis therefore, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I 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 to grant the Special Land Use Permit as requested by the Owner/Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Owner/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 of the United States. Any approval of the Special Land Use Permit subject to conditions that are different from the conditions requested by the Owner/Applicant, to the extent such different conditions would have the effect of further restricting the Owner/Applicant's utilization of the Property, would also

constitute an arbitrary, capricious and discriminatory act and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

In addition, this constitutes formal written notice to Gwinnett County, pursuant to O.C.G.A. § 36-11-1, that the Owner/Applicant plans to seek to recover all damages that it sustains or suffers as a result of the denial of this Application and/or the unconstitutional zoning of the Property by Gwinnett County. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

Accordingly, the Applicant respectfully requests that the Board of Commissioners grant the Special Use Permit requested by the Applicant.

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