

SPECIAL USE PERMIT APPLICATION

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

| APPLICANT INFORMATION | PROPERTY OWNER INFORMATION* |
|---|--|
| Amy Miles NAME: <u>pb2.architecture + engineering</u> ADDRESS: <u>2809 Ajax Avenue Suite 100</u> CITY: <u>Rogers</u> STATE: <u>AR</u> ZIP: <u>72758</u> PHONE: <u>479.878.3510</u> | NAME: <u>Walmart Real Estate Business Trust</u> ADDRESS: <u>1301 SE 10th Street</u> CITY: <u>Bentonville</u> STATE: <u>AR</u> ZIP: <u>72712</u> PHONE: <u>479.273.4000</u> |
| CONTACT PERSON: <u>Amy Miles (applicant)</u> PHONE: <u>479.878.3510</u> CONTACT'S E-MAIL: <u>amy.miles@pb2ae.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 checked="" type="checkbox"/> OWNER'S AGENT | <input type="checkbox"/> PROPERTY OWNER |
| <input type="checkbox"/> CONTRACT PURCHASER | |
| EXISTING/PROPOSED ZONING: <u>C2</u> | BUILDING/LEASED SQUARE FEET: <u>145,910</u> |
| PARCEL NUMBER(S): <u>E6169</u> | ACREAGE: <u>13.035</u> |
| ADDRESS OF PROPERTY: <u>4975 Jimmy Carter Blvd.</u> | |
| SPECIAL USE REQUESTED: <u>Walmart would like to request the placement and use of up to</u> <u>10 metal-sided outdoor storage containers to be used for layaway purposes from the dates</u> <u>August 1 - December 31.</u> | |

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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SEP 17 2018

Planning & Development

SUP '18 059

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 169 OF THE 6TH LAND DISTRICT OF GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, BEGIN AT THE INTERSECTION OF THE SOUTHERLY VARIABLE RIGHT OF WAY OF ROCKBRIDGE ROAD AND THE EASTERLY VARIABLE RIGHT OF WAY OF JIMMY CARTER BOULEVARD (IF THE RIGHT OF WAY IS EXTENDED TO AN INTERSECTION) THENCE ALONG THE EASTERLY RIGHT OF WAY OF JIMMY CARTER BOULEVARD SOUTH 10 DEGREES 34 MINUTES 34 SECONDS A DISTANCE OF 219.23 FEET TO A 1/2 INCH REBAR FOUND. THENCE NORTH 84 DEGREES 50 MINUTES 40 SECONDS EAST A DISTANCE OF 10.05 FEET TO A 1/2 INCH REBAR FOUND, THENCE LEAVING THE RIGHT OF WAY OF JIMMY CARTER BOULEVARD NORTH 85 DEGREES 11 MINUTES 33 SECONDS EAST A DISTANCE OF 216.13 FEET TO A NAIL SET AT THE BASE OF A 1/2 INCH REBAR FOUND, SAID POINT BEING THE POINT OF BEGINNING.

THENCE NORTH 10 DEGREES 35 MINUTES 16 SECONDS WEST A DISTANCE OF 176.09 FEET TO A 1/2 INCH REBAR FOUND ON THE SOUTHERLY RIGHT OF WAY OF ROCKBRIDGE ROAD; THENCE ALONG SAID RIGHT OF WAY SOUTH 84 DEGREES 16 MINUTES 02 SECONDS EAST A DISTANCE OF 62.48 FEET TO A 1/2 INCH REBAR FOUND; THENCE LEAVING THE RIGHT OF WAY OF ROCKBRIDGE ROAD AND RUNNING ALONG THE PROPERTY OF BFS RETAIL & COMM OPER LLC SOUTH 10 DEGREES 34 MINUTES 58 SECONDS EAST A DISTANCE OF 180.16 FEET 5/8 INCH REBAR SET WITH CAP; THENCE ALONG AFOREMENTIONED PROPERTY NORTH 84 DEGREES 46 MINUTES 34 SECONDS EAST A DISTANCE OF 144.63 FEET 5/8 INCH REBAR SET WITH CAP; THENCE ALONG AFOREMENTIONED PROPERTY NORTH 10 DEGREES 35 MINUTES 52 SECONDS WEST A DISTANCE OF 137.02 FEET 5/8 INCH REBAR SET WITH CAP ON THE SOUTHERLY RIGHT OF WAY OF ROCKBRIDGE ROAD; THENCE ALONG SAID RIGHT OF WAY SOUTH 84 DEGREES 42 MINUTES 11 SECONDS EAST A DISTANCE OF 554.21 FEET 5/8 INCH REBAR SET WITH CAP; THENCE LEAVING THE RIGHT OF WAY OF ROCKBRIDGE ROAD AND RUNNING ALONG THE PROPERTY OF JACQUELINE GAIL G. GRANBERRY SOUTH 05 DEGREES 12 MINUTES 26 SECONDS EAST A DISTANCE OF 720.70 FEET TO A 1/2" REBAR FOUND; THENCE ALONG THE PROPERTIES OF LAKE FOREST SUBDIVISION AND TRANS MASTERS INC. SOUTH 70 DEGREES 37 MINUTES 02 SECONDS WEST A DISTANCE OF 634.32 FEET TO A POINT; THENCE NORTH 09 DEGREES 42 MINUTES 07 SECONDS WEST A DISTANCE OF 246.10 FEET TO A POINT; THENCE NORTH 25 DEGREES 58 MINUTES 38 SECONDS WEST A DISTANCE OF 28.62 FEET TO A POINT; THENCE NORTH 10 DEGREES 20 MINUTES 36 SECONDS WEST A DISTANCE OF 392.22 FEET TO A POINT; THENCE NORTH 89 DEGREES 27 MINUTES 13 SECONDS WEST A DISTANCE OF 41.18 FEET TO A POINT; THENCE NORTH 10 DEGREES 35 MINUTES 16 SECONDS WEST A DISTANCE OF 190.49 FEET TO A NAIL SET AT THE BASE OF A 1/2 INCH REBAR FOUND; SAID POINT BEING THE POINT OF BEGINNING.

SAID PROPERTY BEING 567,795 SQUARE FEET OR 13.035 ACRES

SUP 16 079



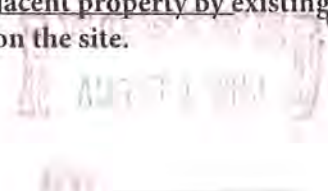
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BRD2011-00001

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 permit will not have an affect on the current use or development of adjacent or nearby property.
- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
The proposed special use permit will not adversely affect the existing use or usability of adjacent or nearby property.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
The property to be affected by the proposed special use permit has reasonable economic use as currently zoned (C-2).
- (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 permit will not result in a use that will cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
The proposed special use permit is in conformity with the polity and intent of the land use ordinance.
- (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:
The store will be increasing customer layaway ability, thereby increasing the need for additional storage of merchandise. Proposed storage containers are screened from adjacent property by existing, mature trees, and are placed to maintain adequate access and traffic flows on the site.





2809 Ajax Avenue Suite 100
Rogers, Arkansas 72758
Phone: 479.636.3545

August 28, 2018

Gwinnett County
Planning & Development
446 West Crogan Street
Suite 250
Lawrenceville, GA 30046

RE: Change in Conditions
Walmart Store #3067
4975 Jimmy Carter Blvd.
Norcross, GA 30093

To Whom It May Concern:

Enclosed is a complete application package for a Change in Conditions for Walmart Store #3067 at 4975 Jimmy Carter Blvd. in Norcross. This 13.035-acre property (R6169-135) is currently zoned C-2 and is used as commercial/mercantile space.

This Change in Conditions application for the single Walmart lot, with a density of 24%, would amend the Board of Commissioners resolution BRD2011-00001 dated October 4, 2011, in which Condition No. 7 prohibits metal sided or portable buildings on site. The property owner, Walmart Real Estate Business Trust, would like to maintain up to ten storage containers (8'W x8.5'H x40'L) on site, from August 1 to December 31. Storage cases will be stored in the parking field to the south side of the building, reducing the number of parking spaces from 522 to 501 during that time.

Thank you for your time and attention in this matter.

Signed,

A handwritten signature in blue ink that reads 'Amy Miles'.

Amy Miles
Senior Permit Coordinator

RECEIVED
SEPT 17, 2018
PLANNING & DEVELOPMENT

CIC2018-00015
SUP2018-00059

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.

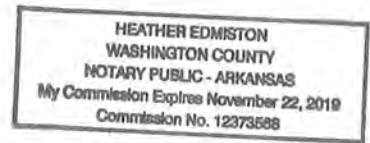

Signature of Applicant

8/29/18
Date

Amy Miles, Senior Permit Coordinator, pb2 architecture + engineering
Type or Print Name and Title


Signature of Notary Public

8/29/18
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.

Mark Asplund 8/29/18
Signature of Property Owner Date

Mark Asplund Project Manager Realty
Type or Print Name and Title

Lisa A. Fisher 8/29/18
Signature of Notary Public Date Notary Seal

LISA A. FISHER
Benton County
Commission Number 12402095
Notary Public - Arkansas
My Commission Expires November 26, 2024

SUP 18059

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AUG 29 2018

**SPECIAL USE PERMIT IN A
RESIDENTIAL DISTRICT**

(Only submit with Special Use Permit Application for a use within a residence)

I, the undersigned applicant, understand and agree that the Special Use Permit, if approved, shall automatically terminate in the event that this property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued.

Signature of Applicant

Type or Print Name

N/A

Date

Signature of Notary Public

Date

Notary Seal

SUP '18 059

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: R - 6169 - 135
(Map Reference Number) District Land Lot Parcel

Amy Miles
Signature of Applicant

8/29/18
Date

Amy Miles, Senior Permit Coordinator, pb2 architecture + engineering
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)

Karin Schrey
NAME

TSA II
TITLE

8/31/18
DATE

SUP '18 059