

CHANGE IN CONDITIONS APPLICATION
 AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Amy Miles</u> 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>	

APPLICANT IS THE:
<input checked="" type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICTS(S): <u>C-2</u> PRIOR ZONING CASE: <u>BRD2011-00001</u> PARCEL NUMBER(S): <u>R6169 135</u> ACREAGE: <u>13.035</u> ADDRESS OF PROPERTY: <u>4975 Jimmy Carter Blvd, Norcross, GA 30093</u> PROPOSED CHANGE IN CONDITIONS: <u>Remove restriction on metal sided or portable buildings on the property.</u>

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>N/A</u>	NO. OF BUILDINGS/LOTS: <u>1</u>
DWELLING UNIT SIZE (Sq. Ft.): <u>N/A</u>	TOTAL GROSS SQUARE FEET: <u>Building - 145,910 sf</u> <u>Site - 622,067 sf</u>
GROSS DENSITY: <u>N/A</u>	DENSITY: <u>23</u>
NET DENSITY: <u>N/A</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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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:

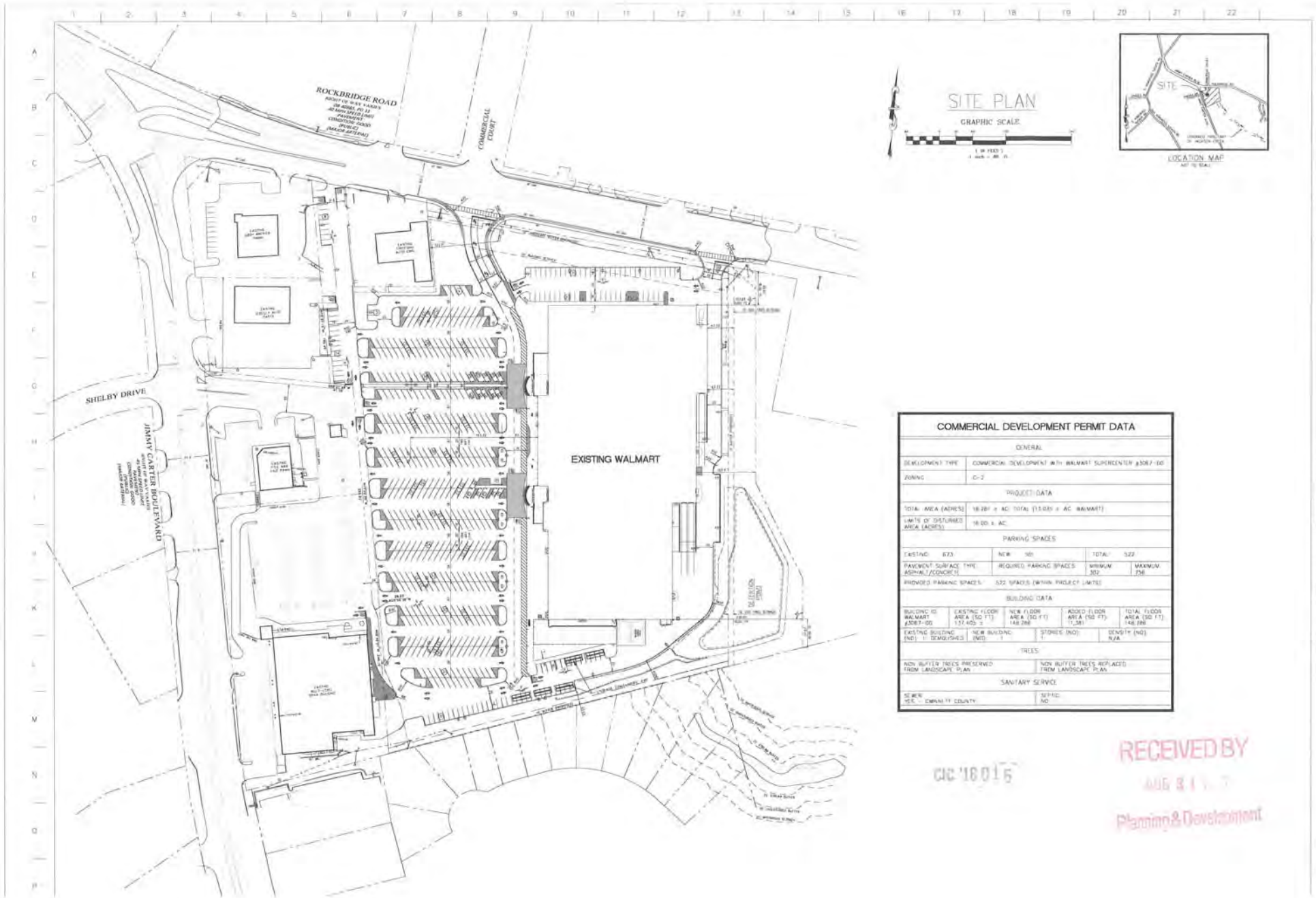
TO FIND THE POINT OF BEGINNING, BEGIN AT THE INTERSECTION OF THE SOUTHERLY VARIABLE RIGHT OF WAY OF ROCKBRIDGE ROAD AND THE EASTERLY VARIABLE RIGHT OF WAY OF JIMMY CARTER BOULEVARD (IF THE RIGHT OF WAY IS EXTENDED TO AN INTERSECTION) THENCE ALONG THE EASTERLY RIGHT OF WAY OF JIMMY CARTER BOULEVARD SOUTH 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 13.085 ACRES

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COMMERCIAL DEVELOPMENT PERMIT DATA					
GENERAL					
DEVELOPMENT TYPE	COMMERCIAL DEVELOPMENT WITH WALMART SUPERCENTER #307-00				
ZONING	C-2				
PROJECT DATA					
TOTAL AREA (ACRES)	18.28F ± AC TOTAL (13.65F ± AC WALMART)				
LIMITS OF DISTURBED AREA (ACRES)	18.00 ± AC				
PARKING SPACES					
EXISTING	873	NEW	0	TOTAL	873
PAVEMENT SURFACE TYPE (ASPHALT/CONCRETE)	REQUIRED PARKING SPACES	MINIMUM	302	MAXIMUM	758
PROVIDED PARKING SPACES	522 SPACES (WITHIN PROJECT LIMITS)				
BUILDING DATA					
BUILDING ID	EXISTING FLOOR AREA (SQ FT)	NEW FLOOR AREA (SQ FT)	ADDED FLOOR AREA (SQ FT)	TOTAL FLOOR AREA (SQ FT)	
WALMART 007-00	177,400 ±	140,296	17,281	334,977	
EXISTING BUILDING (NO.)	NEW BUILDING (NO.)	STORIES (NO.)	DENSITY (NO.)	N/A	
1	1	1	N/A		
TREES					
NON-BUFFER TREES PRESERVED FROM LANDSCAPE PLAN		NON-BUFFER TREES REPLACED FROM LANDSCAPE PLAN			
SANITARY SERVICE					
SEWER	DOWNTOWN COUNTY		SEPTIC	NO	

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Walmart
WORKFORCE

CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:
The proposed change in conditions will not have an affect on the current use or development of adjacent or nearby property.
- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
The proposed change in conditions will not adversely affect the existing use or usability of adjacent or nearby property.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
The property to be affected by the proposed change in conditions has reasonable economic use as currently zoned (C-2).
- (D) WHETHER THE PROPOSED CHANGE IN CONDITIONS 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 change in conditions will not result in a use which will cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
Once the proposed change of condition is granted, the property owner will file for a special use permit per the requirements 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 CHANGE IN CONDITIONS:
Existing mature trees provide screening that prevent proposed outside storage containers from being seen by abutting property owners. Outside storage containers 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

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SEPT 17, 2018
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CIC2018-00015
SUP2018-00059

CHANGE IN CONDITIONS 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.

Amy Miles
Signature of Applicant

8/29/18
Date

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

Heather Edmiston
Signature of Notary Public

8/29/18
Date

HEATHER EDMISTON
WASHINGTON COUNTY
NOTARY PUBLIC - ARKANSAS
My Commission Expires November 22, 2019
Commission No: 12373568
Notary Seal

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CHANGE IN CONDITIONS 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.

Mandi Arnold 8/29/18
Signature of Property Owner Date

Muki Asplund Project Manager Realty
Type or Print Name and Title

Lisa 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

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CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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


8/29/18
Date

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

N/A
Signature of Applicant's
Attorney or Representative

N/A
Date

N/A
Type or Print Name and Title


Signature of Notary Public

8/29/18
Date



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 Amy Miles, pb2 architecture + engineering
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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