

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Stone Mountain Toyota</u> <u>c/o Alliance Engineering and Planning</u>	NAME: <u>Kelly Daniel Frances Jr. & Jerri Lovett Griffin</u> <u>c/o Alliance Engineering and Planning</u>
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>4480 Commerce Drive, Suite A</u>
CITY: <u>Buford</u>	CITY: <u>Buford</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>GA</u> ZIP: <u>30518</u>
PHONE: <u>770-614-6511</u>	PHONE: <u>770-614-6511</u>
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u> EMAIL ADDRESS: <u>mitchpeevy@gmail.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"/> OWNERS AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT (S): <u>C-1&R-100</u> REQUESTED ZONING DISTRICT: <u>C-2 & SUP</u> <u>with buffer reduction</u>	
LAND DISTRICT (S): <u>6</u> LAND LOT: <u>055</u> ACREAGE: <u>22.863</u>	
ADDRESS OF PROPERTY: <u>Stone Mountain Highway and Ross Road</u>	
PROPOSED DEVELOPMENT: <u>Toyota Sales and Service Facility</u>	
RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: _____ DWELLING UNIT SIZE (SQ. FT.): _____ GROSS DENSITY: _____ NET DENSITY: _____	NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/UNITS: <u>2</u> TOTAL GROSS SQUARE FEET: <u>102,000</u> DENSITY: <u>4,461 sq ft per acre</u>

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PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Legal Description for Stone Mountain Toyota Site

All that tract or parcel of land lying in Land Lot 55 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

POINT OF BEGINNING being the right of way intersection of Ross Road (80' public right of way) and the centerline of Ross Circle (30' prescriptive easement) whereas the centerline of Ross Circle is also the property line;

FROM THE POINT OF BEGINNING in a northerly direction along the centerline of Ross Circle on a bearing of North 51 degrees 28 minutes 43 seconds East, for a distance of 15.53 feet, to a point;

THENCE, continuing along said centerline on along a curve to the left having an arc length of 63.60 feet, a radius of 347.30 feet and being subtended by a chord with a bearing of North 48 degrees 27 minutes 55 seconds East, for a distance of 63.51 feet, to a point;

THENCE, North 42 degrees 48 minutes 13 seconds East, for a distance of 76.72 feet, to a point;

THENCE, North 41 degrees 33 minutes 39 seconds East, for a distance of 57.63 feet, to a point;

THENCE, North 40 degrees 50 minutes 26 seconds East, for a distance of 57.40 feet, to a point;

THENCE, North 40 degrees 02 minutes 25 seconds East, for a distance of 150.50 feet, to a point;

THENCE, along a curve to the left having an arc length of 94.47 feet, a radius of 831.72 feet and being subtended by a chord with a bearing of North 37 degrees 29 minutes 35 seconds East, for a distance of 94.42 feet, to a point;

THENCE, North 35 degrees 10 minutes 56 seconds East, for a distance of 115.87 feet, to a point;

THENCE, North 37 degrees 12 minutes 50 seconds East, for a distance of 78.41 feet, to a point;

THENCE, North 41 degrees 52 minutes 56 seconds East, for a distance of 55.45 feet, to a point;

THENCE, along said centerline to the southerly right of way intersection with Highway 78, aka Stone Mountain Highway (variable public right of way) along a curve to the left having an arc length of 50.94 feet, a radius of 162.87 feet and being subtended by a chord with a bearing of North 31 degrees 20 minutes 01 seconds East, for a distance of 50.73 feet, to a point;

THENCE, leaving said centerline of Ross Circle in an easterly direction along the southerly right of way of Highway 78, aka Stone Mountain Highway (variable public right of way) to the

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common boundary line with now or formerly Pleasant Hill, LLC. along a curve to the left having an arc length of 505.23 feet, a radius of 1680.81 feet and being subtended by a chord with a bearing of North 82 degrees 32 minutes 54 seconds East, for a distance of 503.33 feet, to a point;

THENCE, leaving said right of way in a southerly direction to the common boundary line with now or formerly Cadiem Properties, LLC., property being Wellington Hills Subdivision, Unit 2, Lot 24 Block "B" on a bearing of South 30 degrees 43 minutes 47 seconds East, for a distance of 421.84 feet, to a 1/2" rebar found;

THENCE, in a westerly direction to the common boundary line with now or formerly Curtis Jones, Lot 25 of said subdivision on a bearing of South 60 degrees 01 minutes 43 seconds West, for a distance of 398.86 feet, to a 1/2" rebar found;

THENCE, in a southerly direction to the common boundary line with now or formerly Franz G. Berg, et al., Lot 28 and Aaron & Laura Weber, Lot 30 of said subdivision on a bearing of South 29 degrees 58 minutes 47 seconds East, for a distance of 428.49 feet, to a 3/4" open top pipe found;

THENCE, on a bearing of South 59 degrees 30 minutes 00 seconds West, for a distance of 901.12 feet, to a point;

THENCE, on a bearing of North 07 degrees 11 minutes 54 seconds West, for a distance of 345.13 feet, to a point;

THENCE, in a westerly direction towards the easterly right of way of Ross Road (80' public right of way) South 83 degrees 42 minutes 29 seconds West, for a distance of 296.16 feet, to a point on the said Ross Road right-of-way;

THENCE, along the easterly right of way of Ross Road on a bearing of North 06 degrees 09 minutes 26 seconds West, for a distance of 56.57 feet, to a point;

THENCE, on a bearing of North 05 degrees 31 minutes 31 seconds West, for a distance of 107.65 feet, to a point;

THENCE, along a curve to the left having an arc length of 137.70 feet, a radius of 8344.16 feet and being subtended by a chord with a bearing of North 06 degrees 24 minutes 35 seconds West, for a distance of 137.70 feet, to a point;

THENCE, along a curve to the left having an arc length of 38.54 feet, a radius of 535.92 feet and being subtended by a chord with a bearing of North 08 degrees 23 minutes 58 seconds West, for a distance of 38.53 feet, to the POINT OF BEGINNING.

The herein described tract of land contains 22.863 acres of land more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.

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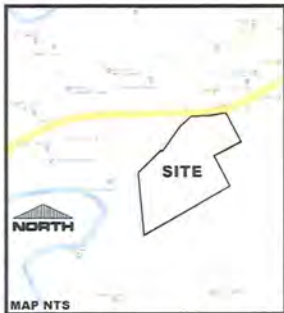
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STONE MOUNTAIN TOYOTA



TOYOTA



LAND LOT(S): 55 DISTRICT: 6TH
GWINNETT COUNTY, GEORGIA
DATE: APRIL 5, 2018



LINE	BEARING	DISTANCE
L1	S 60°01'43" W	398.86'
L2	S 29°58'47" E	428.49'
L3	N 06°09'26" W	56.52'
L4	N 05°31'31" W	107.65'
L5	N 51°28'43" E	15.53'
L6	N 42°48'13" E	76.72'
L7	N 41°33'39" E	57.63'
L8	N 40°50'26" E	57.40'
L9	N 40°02'25" E	150.50'
L10	N 35°10'56" E	119.87'
L11	N 37°12'50" E	78.41'
L12	N 41°52'56" E	55.45'
L13	N 36°00'22" W	16.06'

CURVE	RADIUS	ARC	CHORD	BEARING
C1	1680.81'	505.23'	505.33'	N 82°32'54" E
C2	8344.16'	137.70'	137.70'	N 06°24'35" W
C3	535.92'	38.54'	38.53'	N 08°23'58" W
C4	347.30'	63.60'	63.51'	N 48°27'55" E
C5	831.72'	94.47'	94.42'	N 37°29'35" E
C6	162.87'	50.94'	50.73'	N 31°20'01" E

30' COUNTY UNDISTURBED BUFFER
(AS MEASURED FROM TOP OF BANK)
75' COUNTY IMPERVIOUS SETBACK
(AS MEASURED FROM TOP OF BANK)



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TRACT "A"
N/F DANIEL FRANCIS KELLY, JR.
DB. 54861; PG. 531
21.241 ACRES +/-
PID 6055 002
ZONED R100

NOTE: THIS IS A COMPILATION CONSISTING OF
THREE TRACTS NOTED BY AN "*" THE GRIFFIN
TRACTS DEED REFERS TO ONE TRACT

TRACT "B"
N/F JERRI LOVETT GRIFFIN
DB. 3000; PG. 291
4.436 ACRES +/-
PID 6055 001 & 6055 001A
ZONED C1 & R100

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AEPA ALLIANCE
ENGINEERING + PLANNING
LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING • LAND PLANNING • LANDSCAPE ARCHITECTURE
6845 Shiloh Road East #103 | Alpharetta, GA 30005
770.225.4730 | www.aepalliance.com

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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:

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

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

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

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

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE WITHOUT THE SPECIAL USE PERMIT.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

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

THE SUBJECT PROPERTY IS DESIGNATED AS CORRIDOR MIXED USE.

(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:

SEE LETTER OF INTENT.

.....
PLANNING DIVISION USE ONLY

CASE NUMBER _____

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Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the rezoning will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Stone Mountain Toyota, requests a rezoning from C-1 and R-100 to C-2 with a special use permit to allow auto sales and service. The subject property totals 22.863 acres and is located on Stone Mountain Highway.

Stone Mountain Toyota has enjoyed much success and would like to further its success in the area with a new dealership. The property is located in a predominantly commercial corridor along Highway 78 and has another auto dealership across the street. The existing Stone Mountain Toyota is located 1/3 mile down the street but is no longer big enough to serve its customer base. The applicant has been leasing parking lots in the surrounding area to store inventory cars and trucks just to have enough stock on hand to meet the demand. This new location will allow the dealership to keep all the cars and trucks in one secure location. The existing store will be converted to a used car dealership and the new location will become the new car dealership for sales and service. The applicant is requesting a reduction in the required planting islands as shown on the site plan to accommodate more parking spaces for storage of more inventory vehicles on site.

The proposed buildings will have a trendy aesthetic appearance, similar to the Lakeland Toyota dealership in Florida, that is owned and operated by the applicant and has already been approved by Toyota as meeting their strict "branding" requirements. The site will have two access points along Stone Mountain Highway and will have one entry point from Ross Road.

The property is tight with a lack of depth from Highway 78 so the applicant is requesting a buffer reduction along the rear of the property from 75 feet to 25 feet as shown on the site plan. The proposed buffer reduction matches the existing buffer on the adjacent commercial property along the eastern property line. The site drops almost 130 feet in elevation from the top of the site to Ross Road. The store location will be lowered approximately 20 feet below the adjoining properties and evergreen landscaping and fencing will be installed along the graded buffer to help screen the business. Also along the rear of the property due to the topo the 75 foot buffer will be provided as a 40 foot undisturbed buffer and a 35 foot graded and enhanced buffer. Lighting will be contained in cutoff type luminaries and no loudspeaker system will be used at the business to help minimize the impact on the adjacent residential properties.

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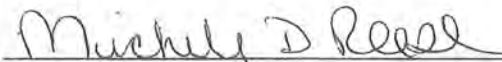
REZONING APPLICANT'S CERTIFICATION

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.

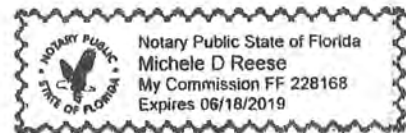
X 
Signature of Applicant

4/4/18
Date

CHRISTOPHER DOHERTY, PRESIDENT
Type or Print Name and Title


Signature of Notary Public

4/4/18
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.

X  4/2/18
Signature of Property Owner Date


Type or Print Name and Title

 4-2-18
Signature of Notary Public Date



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REZONING PROPERTY OWNER'S CERTIFICATION

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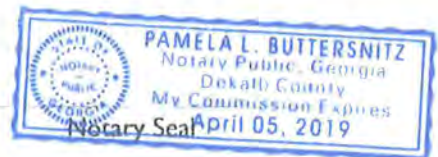
X 
Signature of Property Owner

April 4th, 2018
Date

Terri Lovett Griffin - Owner
Type or Print Name and Title


Signature of Notary Public

4-4-18
Date



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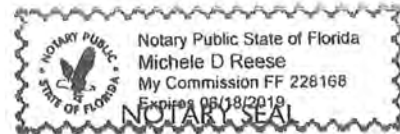
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

X [Signature] 4/4/18 CHRISTOPHER D. HENRY, President
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Michele D Reese 4/4/18
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 X [Signature]
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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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:
(Map Reference Number)

6 - 055 - 002
District Land Lot Parcel

X [Signature]
Signature of Applicant

4/4/18
Date

CHRISTOPHER J. DOWNTY, PRESIDENT
Type or Print Name and Title

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)

Debra Smith
NAME

tax services associate
TITLE

April 6, 2018
DATE

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER:
(Map Reference Number)

6 - 055 - 001
District Land Lot Parcel


Signature of Applicant

4/4/18
Date

Christopher Doherty, President
Type or Print Name and Title

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)

Duke Smith
NAME

tax services associate
TITLE

April 6 2018
DATE

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***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER:
(Map Reference Number)

6 - 055 - 001A
District Land Lot Parcel

X [Signature]
Signature of Applicant

4/4/18
Date

CHRISTOPHER J. JENNITY, PRESIDENT
Type or Print Name and Title

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)

[Signature]
NAME

tax services associate
TITLE

April 6, 2018
DATE

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