

**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>JOHN E. SWINEY</u>	NAME: <u>MUSTAFA SHARIE</u>
ADDRESS: <u>1426 GOLF LINK DR</u>	ADDRESS: <u>2771 CRUSE RD</u> <span style="float: right;">* SUITE 3</span>
CITY: <u>STONE MOUNTAIN</u>	CITY: <u>LAWRENCEVILLE</u>
STATE: <u>GA</u> ZIP: <u>30088</u>	STATE: <u>GA</u> ZIP: <u>30034</u>
PHONE: <u>(4) 502-8574</u>	PHONE: <u>(678) 641-1551</u>
CONTACT PERSON: <u>JOHN E. SWINEY</u> PHONE: <u>(4) 502-8574</u>	
CONTACT'S E-MAIL: <u>SWINEYJ@BELLSOUTHNET</u>	

**APPLICANT IS THE:**

OWNER'S AGENT     PROPERTY OWNER     CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): C-1 REQUESTED ZONING DISTRICT: C-2

PARCEL NUMBER(S): 7039 845 ACREAGE: 1.497 \*

ADDRESS OF PROPERTY: 2771 CRUSE RD (SUITE 4)

PROPOSED DEVELOPMENT: POOL / BILLARDS HALL & RESTUARNT

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>16,835 sq ft</u>
Gross Density: _____	Density: _____
Net Density: _____	

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 39 of the 7th District, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at an Iron Pin Set (IPS) at the mitered intersection of the southwesterly right-of-way of Old Shackelford Road (60' R/W) and the northwesterly right-of-way of Cruse Road (R/W varies); THENCE along the said right-of-way of Cruse Road S58°33'50"W a distance of 251.15' to a Nail Set (N/S); THENCE leaving said right-of-way N33°06'40"W a distance of 184.21' to a Nail Set (N/S); THENCE N31°14'13"W a distance of 101.34' to a Nail Found (NAIL); THENCE N05°56'44"E a distance of 97.94' to a Nail Found (N/F) on the said right-of-way of Old Shackelford Road; THENCE along said right-of-way along a curve to the right an arc distance of 43.74' to an Iron Pin Found (IPF), said arc being subtended by a chord bearing of S79°58'34"E, a chord distance of 43.70', and having a radius of 306.71'; THENCE S88°09'03"E a distance of 29.54' to a point; THENCE along a curve to the right an arc distance of 82.79' to a point, said arc being subtended by a chord bearing of S63°04'35"E, a chord distance of 82.55', and having a radius of 314.31'; THENCE S57°58'14"E a distance of 54.44' to a point; THENCE S56°17'52"E a distance of 199.34' to an Iron Pin Set (IPS) at the mitered intersection of said right-of-ways; THENCE along said miter S02°09'41"W a distance of 21.97' to an Iron Pin Set (IPS) and the POINT OF BEGINNING.

Said tract contains 65,221 ft<sup>2</sup> (1.497 acres) and is more particularly shown on a survey for "GREATER AMERICA INVESTMENT INC.; FIRST IC BANK; CHICAGO TITLE INSURANCE COMPANY", prepared by Busbee & Poss Land Surveying Company dated February 2nd, 2018.

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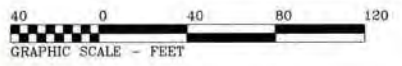
RZC 18 013



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**CALL CHART**

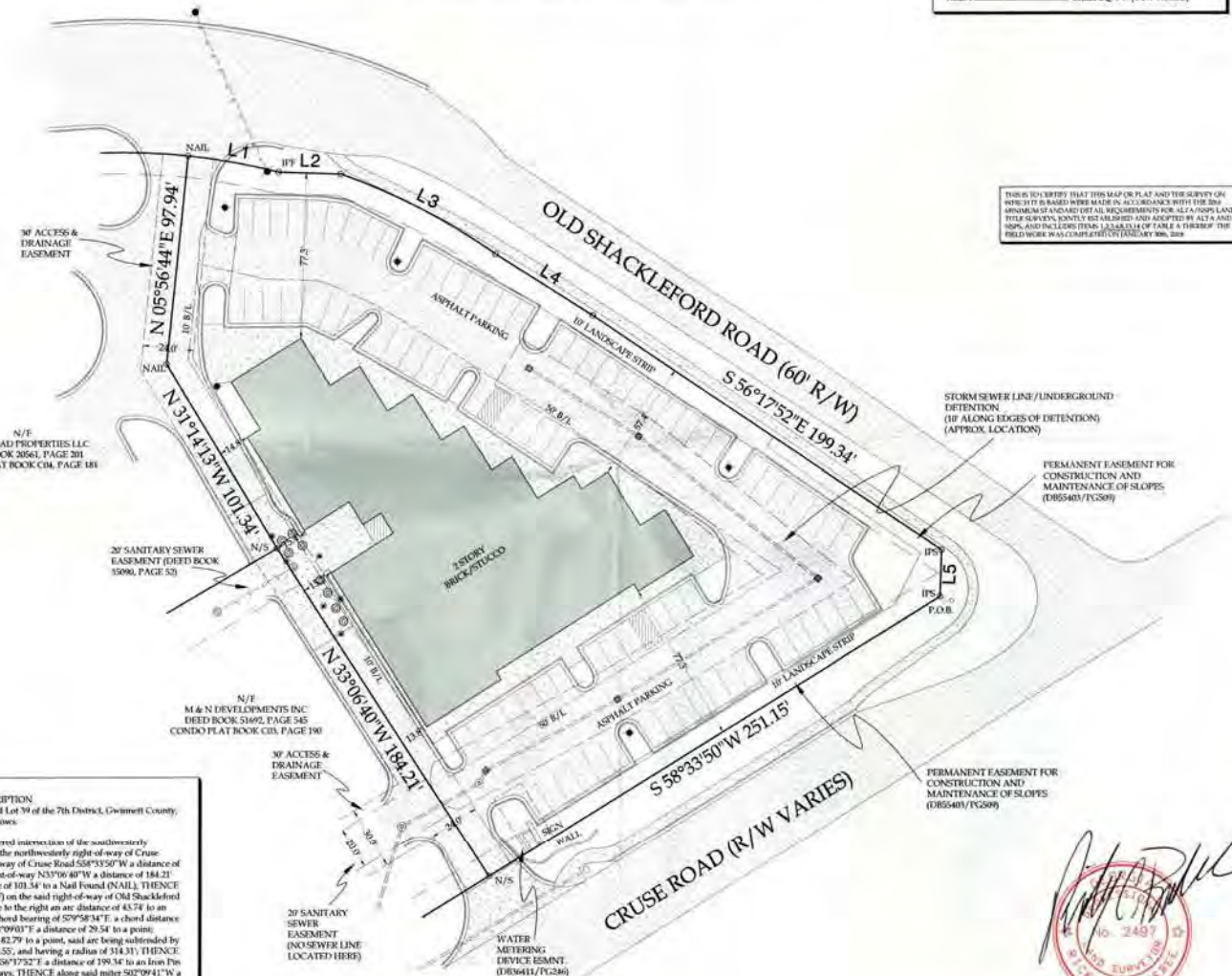
Course	Bearing	Distance
L1	Rad: 306.71' Chd: S 79°58'34" E	Arc: 43.74' 43.70'
L2	S 88°09'03" E	29.54'
L3	Rad: 314.31' Chd: S 63°04'35" E	Arc: 82.79' 82.55'
L4	S 57°58'14" E	54.44'
L5	S 02°09'41" W	21.97'



**SITE DATA:**

FARCEL ID: 7039 945  
ADDRESS: 2773 CRUISE ROAD  
LAWRENCEVILLE, GA 30044  
AREA: 65,221 SQ. FT. (1.497 ACRES)

THIS IS TO BE CERTIFIED THAT THIS MAP OR PLAN AND THE SURVEY OF HEREIN IS BASED UPON THE DATA AND INFORMATION PROVIDED TO THE SURVEYOR BY THE CLIENT AND THAT THE SURVEYOR HAS CONDUCTED A REASONABLE INVESTIGATION OF THE DATA AND INFORMATION PROVIDED AND HAS FOUND IT TO BE SATISFACTORY AND ACCURATE FOR THE PURPOSES INTENDED. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER. THE SURVEYOR'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER.



**LEGAL DESCRIPTION**  
All that tract or parcel of land lying and being in Land Lot 39 of the 7th District, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at an Iron Pin Set (IPS) at the intersected intersection of the westerly boundary right-of-way of Old Shackleford Road (60' R/W) and the northwesterly right-of-way of Cruse Road (R/W varies); THENCE along the said right-of-way of Cruse Road S58°33'50"W a distance of 231.15' to a Nail Set (N/S); THENCE leaving said right-of-way N33°06'40"W a distance of 184.21' to a Nail Set (N/S); THENCE N31°14'13"W a distance of 101.34' to a Nail Found (NAIL); THENCE N85°50'44"E a distance of 97.94' to a Nail Found (N/F) on the said right-of-way of Old Shackleford Road; THENCE along said right-of-way along a curve to the right an arc distance of 43.74' to an Iron Pin Found (IPF); said arc being subtended by a chord bearing of 57°09'54"E, a chord distance of 43.70', and having a radius of 306.71'; THENCE S88°09'03"E a distance of 29.54' to a point; THENCE along a curve to the right an arc distance of 82.79' to a point, said arc being subtended by a chord bearing of 56°04'35"E, a chord distance of 82.55', and having a radius of 314.31'; THENCE: S57°58'14"E a distance of 54.44' to a point; THENCE S02°09'41"W a distance of 21.97' to an Iron Pin Set (IPS) at the intersected intersection of said right-of-way; THENCE along said right-of-way a distance of 21.97' to an Iron Pin Set (IPS) and the POINT OF BEGINNING.

Said tract contains 65,221 sq. ft. (1.497 acres) and is more particularly shown on a survey for "GREATER AMERICA INVESTMENT INC., FIRST IC BANK, CHICAGO TITLE INSURANCE COMPANY", prepared by Busbee & Poiss Land Surveying Company dated February 2nd, 2018.

DRAWN BY: JF

THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS AS PER COMMUNITY PANEL NO. 13135C0066 & DATED SEPTEMBER 2006, ZONE 'X'.

ALTA/NSP/LAND TITLE SURVEY FOR:  
GREATER AMERICA INVESTMENT INC., FIRST IC BANK,  
CHICAGO TITLE INSURANCE COMPANY

DIED BOOK 4TH PAGE 37  
GWINNETT COUNTY, GEORGIA  
SCALE 1"=40' DATE: FEBRUARY 2nd, 2018

BUSBEE & POISS  
LAND SURVEYING COMPANY  
3008 MCDONELL STREET, SUITE A  
DUBLIN, GEORGIA 30096  
(770) 497-9864  
(FAX) 770-497-9881  
www.busbeepoiss.com

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DATE: \_\_\_\_\_ REVISION NOTES: \_\_\_\_\_

**REZONING 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 REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

NONE

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

NONE

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

NONE

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

EXISTING SHOPPING CENTER NO EXCESSIVE OR BURDENSOME W/HEAD CHANGE

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

NONE

- (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:

Help TO INCREASE Family Fnd

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# J.S. CADD DESIGN SERVICE

1426 Golf Link Dr.  
Stonemountain Ga. 30088  
(404) 502-8574

## Letter of Intent

My name is John Swiney i am requesting a rezoning of the property located at 2771 Cruse Rd. from C-1 to C-2 to increase the number of pool table from 3 table which is allow to 8 pool table in the Restaurant that would become a Billiard / Pool hall w/ a Restaurant.

John Swiney  
(404) 502-8574



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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.



Signature of Property Owner



5/31/18

Date

*Mustafa Shereef / President*

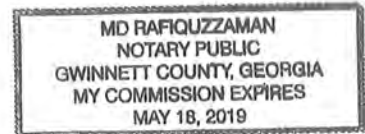
Type or Print Name and Title



Signature of Notary Public

5/31/18

Date



Notary Seal

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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.

*John E. Swiney*      6/4/18      John E. Swiney  
 SIGNATURE OF APPLICANT      DATE      TYPE OR PRINT NAME AND TITLE

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

*Margie Willbanks*      6/4/18  
 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    John E. Swiney  
 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 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)

7th - 39 - 7039 845  
District Land Lot Parcel

Signature of Applicant

~~John E. Swinney~~  
*[Handwritten Signature]*

Date

5/30/18

Type or Print Name and Title

JOHN E. SWINNEY (OWNER AGENT)

**\*\*\*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)

Ingrid Espinal  
NAME

TSAIL  
TITLE

6/01/2018  
DATE