

SUP 19 00 7

Gwinnett County Planning Division  
Special Use Permit Application  
Last Updated 12/2015

**SPECIAL USE PERMIT APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Marie Sampson</u>	NAME: <u>Mountain East, LLC</u>
ADDRESS: <u>1145 Pine Lake Drive</u>	ADDRESS: <u>260 Peachtree St., Suite 2500</u>
CITY: <u>Grayson</u>	CITY: <u>Atlanta</u>
STATE: <u>GA</u> ZIP: <u>30017</u>	STATE: <u>GA</u> ZIP: <u>30303</u>
PHONE: <u>(678) 446-8288</u>	PHONE: <u>(404) 584-5912</u>
CONTACT PERSON: <u>Marie Sampson</u> PHONE: <u>(678) 446-8288</u>	
CONTACT'S E-MAIL: <u>msampson.paradise4@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"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
EXISTING/PROPOSED ZONING: <u>M1/C2</u>	BUILDING/LEASED SQUARE FEET: <u>4575</u>
PARCEL NUMBER(S): <u>R6059 009</u>	ACREAGE: <u>3.73</u>
ADDRESS OF PROPERTY: <u>2165 West Park Court, Suite A/BC</u>	
SPECIAL USE REQUESTED: <u>Adult Day Care</u>	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

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BY: f

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FILED AND RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA

18 JUN -7 AM 10:28

RICHARD ALEXANDER, CLERK

RETURN TO:  
Emma A. Benkert, Esq.  
Piedmont Law Group  
3524 Habersham at Northlake  
Tucker, GA 30084

ment To

File No. \_\_\_\_\_ 4

303830

STATE OF GEORGIA  
COUNTY OF GWINNETT

PT-61 # 067-2018-014187  
GWINNETT CO. GEORGIA  
REAL ESTATE TRANSFER TAX  
\$ 12,533.40  
RICHARD T. ALEXANDER, JR. CLERK OF  
SUPERIOR COURT

LIMITED WARRANTY DEED

THIS INDENTURE, made as of the 4<sup>th</sup> day of June, 2018, between CMP Mountain East, LLC, a Georgia limited liability company (hereinafter referred to as "Grantor") and Mountain East, LLC, a Georgia limited liability company (hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors and assigns where the context requires or permits).

WITNESSETH:

That Grantor for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid to Grantor by Grantee at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all those certain tracts or parcels of land lying and being in Land Lots 58, 59 and 60 of the 6<sup>th</sup> District, Gwinnett County, Georgia and being more particularly described on Exhibit A attached hereto and made a part hereof (collectively the "Property").

THIS CONVEYANCE is made subject only to those certain matters as set forth on Exhibit B attached hereto and by reference made a part hereof.

TO HAVE AND TO HOLD the said described Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE.

AND SAID Grantor will warrant and forever defend the right and title to said described Property unto Grantee against the claims of all persons whomsoever claiming by, through or under Grantor, but not otherwise.

[SIGNATURES ON FOLLOWING PAGE]

1

0050200

4837-8120-3815.v1

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Together with:

Tax Parcel: 6059 009  
2165 West Park Court

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 58 and 59 of the 6th District of Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at the iron pin found at the corner common to Land Lots 58, 59, 60 and 61 of said 6<sup>th</sup> District; FROM THE POINT OF BEGINNING AS THUS ESTABLISHED, thence along the land lot line common to Land Lots 58 and 61 and the southeasterly boundary line of the property (now or formerly) owned by Stone Mountain Square Shopping Center, North 60 degrees 58 minutes 23 seconds East for a distance of 97.50 feet to an iron pin placed; thence continuing along the land lot line common to Land Lots 58 and 61 and the southeasterly boundary line of the property (now or formerly) owned by Stone Mountain Square Shopping Center, North 60 degrees 58 minutes 23 seconds East for a distance of 30.00 feet to a point in the center of a branch or creek; thence along the centerline of said branch or creek, along the westerly boundary line of the property (now or formerly) owned by Stone Mountain Square Shopping Center and along the westerly boundary line of the property (now or formerly) owned by New Jerusalem Dream Center Ministries the following courses and distances: North 67 degrees 11 minutes 21 seconds East for a distance of 31.67 feet; South 41 degrees 34 minutes 43 seconds East for a distance of 37.64 feet; North 65 degrees 26 minutes 40 seconds East for a distance of 49.09 feet; South 24 degrees 29 minutes 59 seconds East for a distance of 41.88 feet; South 77 degrees 15 minutes 17 seconds East for a distance of 67.19 feet; South 34 degrees 15 minutes 31 seconds East for a distance of 62.97 feet; North 64 degrees 43 minutes 15 seconds East for a distance of 20.59 feet; North 88 degrees 30 minutes 25 seconds East for a distance of 31.88 feet; South 68 degrees 40 minutes 02 seconds East for a distance of 25.89 feet; South 48 degrees 43 minutes 00 seconds East for a distance of 32.07 feet; South 31 degrees 50 minutes 45 seconds East for a distance of 19.69 feet; South 55 degrees 52 minutes 41 seconds East for a distance of 25.30 feet; South 78 degrees 44 minutes 00 seconds East for a distance of 5.99 feet; thence leaving the centerline of said branch or creek and running along the northwesterly boundary line of the property (now or formerly) owned by James M. Williams Real Estate Company, South 60 degrees 19 minutes 00 seconds West for a distance of 17.30 feet to an iron pin found; thence continuing along the northwesterly boundary line of the property (now or formerly) owned by James M. Williams Real Estate Company, South 60 degrees 19 minutes 00 seconds West for a distance of 215.00 feet to a PK nail placed on the easterly side of the right-of-way of West Park Court (a 60' right-of-way); thence along the northeasterly side of the right-of-way of West Park Court along the arc of a curve to the left an arc length of 100.14 feet (said curve having a radius of 64.00 feet and being subtended by a chord of North 74 degrees 30 minutes 30 seconds West for a chord distance of 90.23 feet) to a point on the northwesterly side of the right-of-way of West Park Court; thence along the northwesterly side of the right-of-way of West Park Court,

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South 60 degrees 40 minutes 36 seconds West for a distance of 415.63 feet to an iron pin placed; thence leaving said northwesterly side of the right-of-way of West Park Court and running along the southeasterly boundary line of the property (now or formerly) owned by James M. Williams, Jr. Real Estate Company, North 34 degrees 34 minutes 24 seconds West for a distance of 241.32 feet to an iron pin found on the land lot line common to Land Lots 59 and 60; thence along the land lot line common to Land Lots 59 and 60 and the southeasterly boundary line of the property (now or formerly) owned by Stone Mountain Square Shopping Center, North 59 degrees 54 minutes 56 seconds East for a distance of 373.88 feet to an iron pin found and THE POINT OF BEGINNING.

Said tract or parcel of land, containing approximately 3.730 acres, is more accurately depicted on that certain Retracement Survey prepared for CMP Mountain East, LLC, State Bank and Trust Company and Chicago Title Insurance Company, by William C. Smith, Registered Land Surveyor No. 1803, dated November 29, 2017.

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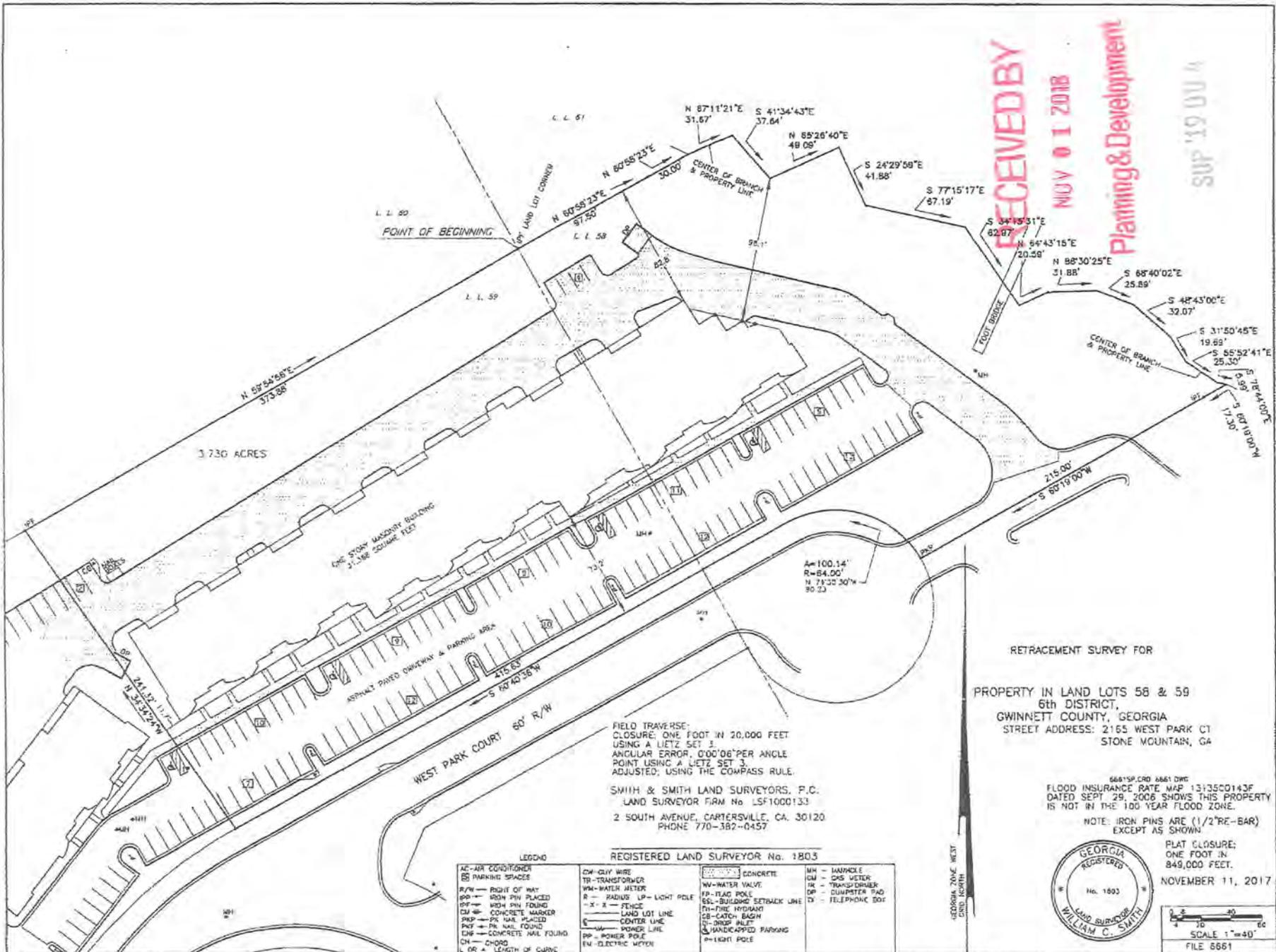
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RETRACEMENT SURVEY FOR  
 PROPERTY IN LAND LOTS 58 & 59  
 6th DISTRICT,  
 GWINNETT COUNTY, GEORGIA  
 STREET ADDRESS: 2165 WEST PARK CT  
 STONE MOUNTAIN, GA

FIELD TRAVERSE:  
 CLOSURE: ONE FOOT IN 20,000 FEET  
 USING A LIETZ SET 3  
 ANGULAR ERROR, 0'00'06\"/>

SMITH & SMITH LAND SURVEYORS, P.C.  
 LAND SURVEYOR FIRM No LS1000133  
 2 SOUTH AVENUE, CARTERSVILLE, GA. 30120  
 PHONE 770-382-0457

66615P CRO 4861 DWE  
 FLOOD INSURANCE RATE MAP 13135C0143F  
 DATED SEPT. 29, 2006 SHOWS THIS PROPERTY  
 IS NOT IN THE 100 YEAR FLOOD ZONE.

NOTE: IRON PINS ARE (1/2\"/>
 EXCEPT AS SHOWN

PLAT CLOSURE:  
 ONE FOOT IN  
 849,000 FEET.

NOVEMBER 11, 2017



REGISTERED LAND SURVEYOR No. 1803

AC - AIR CONDITIONER	CL - CLAY WIRE	CON - CONCRETE	MH - MANHOLE
PS - PARKING SPACES	TR - TRANSFORMER	WV - WATER VALVE	CM - CMS METER
R/W - RIGHT OF WAY	WM - WATER METER	FP - FLAG POLE	TR - TRANSFORMER
IPP - IRON PIN PLACED	R - RADIUS LP - LIGHT POLE	RS - BUILDING SETBACK LINE	DP - DUMPSTER PAD
IMP - IRON PIN FOUND	X - X - FENCE	FI - FIRE HYDRANT	CP - TELEPHONE BOX
CM - CONCRETE MARKER	LL - LAND LOT LINE	CB - CATCH BASIN	
PP - IRON PIN PLACED	CL - CENTER LINE	DI - DIRT MOUND	
PF - IRON PIN FOUND	PL - POWER LINE	HP - HANDICAPPED PARKING	
EM - CONCRETE NAIL FOUND	PP - POWER POLE	LP - LIGHT POLE	
CH - CHORD	EV - ELECTRIC METER		
LC - LENGTH OF CURVE			

**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:

NO

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

NO

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

YES

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- (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:

NO

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

YES

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- (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:

NO

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# Paradise **4** LIVING SERVICES, INC

2165 West Park Court  
Suite ABC  
Stone Mountain, GA 30087  
Phone: (404) 522-3555; Fax: (678) 374-4421  
Email: [msampson.paradise4@gmail.com](mailto:msampson.paradise4@gmail.com)  
Web: [www.paradise4living.org](http://www.paradise4living.org)

October 31, 2018

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

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## **LETTER OF INTENT (FOR LEASE OF PROPERTY)**

Paradise for living Services Inc. is a non-profit 501C3 organization that provides Non-Intensive Outpatient Services and is CAREF, (Commission on Accreditation of Rehabilitation Facilities), accredited. Non-Intensive Outpatient Services mainly include mental health and substance abuse counseling services. However, our program is designed to serve adults with mental health disorders, dual diagnosis, substance abuse individuals affected by HIV/AIDS, individuals involved with the criminal justice system, and an indigent population. The variety of services also includes case management, crisis intervention, diagnostic assessment, and support services to all individuals served.

Paradise For Living Services Inc. is not a medical facility; all other medical needs that need to be met for an individual are referred to outside sources. In addition, all drug screening/testing are done at our contractual testing site. We are required to have a drug treatment and education program (DTAEP) license issued by the Department of Community Health. Although we are providing counseling services the license is still required. We were told that our business license that contains mental health and substance abuse services does not match the zoning certification we were issued.

Paradise for Living Services is seeking a Special Use Permit to operate as an Adult Day Care Program since we provide "care, maintenance, and supervision of individuals." The size of the space is 4,575 square feet. The zoning classification requested is C-2 for Suites ABC. The parking areas, or designated portions are available for the use of tenants of the building and, to the extent designated by Landlord, the employees, agents, customers, and invitees of said tenants subject to the Rules, charges, and rates as set forth by the Landlord from time to time. Landlord may designate other areas to be used only by customers and invitees of tenants of the Building. Landlord may designate other areas to be used only by customers and invitees of tenants of the Building. Landlord has no obligations to enforce others from parking areas from time to time, but such changes shall not reduce Tenant's parking rights. Landlord, or its agents, shall have the right to cause to be removed from said parking areas and cars of Tenant, its employees or agents parked in violation hereof or in violation of Rules, without liability of any kind to Landlord, its agents or employees, and Tenant agrees to hold Landlord harmless from and defend it against

and all claims, losses, or damages and demands asserted or arising in respect to or in connection with such removal of any such automobiles.

We are currently located in Gwinnett County at 2165 West Park Court, Suite ABC, Stone Mountain GA, 30087, and provide services Monday through Friday 9am to 3pm. We will appreciate any decision that can be made to accommodate the proposed zoning request.

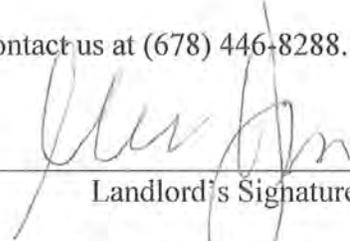
If there are any further questions, please feel free to contact us at (678) 446-8288.



\_\_\_\_\_  
Tenant's Signature

Marie Sampson, PhD  
Print or Type Name

Title: Executive Director



\_\_\_\_\_  
Landlord's Signature

Morris E Harrison, Jr.  
Print or Type Name

Title: Operator for Landlord

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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

11/1/2018

\_\_\_\_\_  
Date

**Marie Sampson, PhD Executive Director**

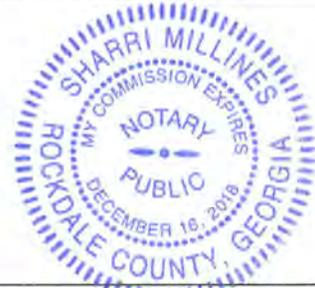
\_\_\_\_\_  
Type or Print Name and Title



\_\_\_\_\_  
Signature of Notary Public

11/1/2018

\_\_\_\_\_  
Date



\_\_\_\_\_  
Notary Seal

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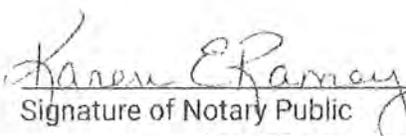
**SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION**

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.

  
\_\_\_\_\_  
Signature of Property Owner

12/31/18  
\_\_\_\_\_  
Date

Morris E. Harrison, Jr Operator for Landlord  
\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public

10-31-18  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Seal

**Karen E Ramey**  
Notary Public  
DeKalb County, Georgia  
My Commission Expires Aug. 28, 2021

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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: 6<sup>th</sup> - 58+59 - R6059009  
(Map Reference Number) District Land Lot Parcel

  
Signature of Applicant

10/30/2018  
Date

MARIE SAMPSON CEO (Lessee)  
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)

April Smith  
NAME

TSAI  
TITLE

10-30-18  
DATE

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