

SPECIAL USE PERMIT APPLICATION

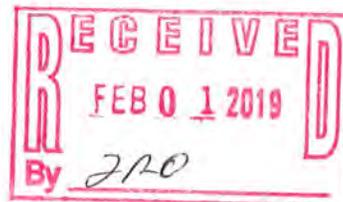
AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Edwin Howard</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>PO Box 5044</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Duluth</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30096</u>
PHONE: <u>770.232.0000</u>	PHONE: <u>770.232.0000</u>
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770.232.0000</u>	
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.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 checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
EXISTING/PROPOSED ZONING: <u>M-1</u>	BUILDING/LEASED SQUARE FEET: <u>+/-25,250</u>
LAND DISTRICT(S): <u>6</u>	LAND LOT(S): <u>246</u> ACREAGE: <u>+/- 2.489</u>
ADDRESS OF PROPERTY: <u>2681 & 2671 Pleasantdale Rd,</u>	
SPECIAL USE REQUESTED: <u>Maintenance Shop</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED



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PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 246 of the 6th Land District of Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the southerly end of a miter at the northeastern corner of the intersection of Pleasantdale Road and Buford Highway (a.k.a. U.S. Route 23); thence running along the easterly right-of-way line of Pleasantdale Road S33°48'44"E a distance of 216.55 feet to a point; thence S33°27'07"E a distance of 8.00 feet to a point, said point being the POINT OF BEGINNING; thence from the POINT OF BEGINNING and leaving said right-of-way line of Pleasantdale Road, N58°16'31"E a distance of 120.81 feet to a point; thence N58°16'31"E a distance of 97.50 feet to an iron pin set; thence N58°05'45"E a distance of 193.63 feet to an iron pin set; thence S31°30'27"E a distance of 132.71 feet to a point; thence S31°40'08"E a distance of 133.00 feet to an iron pin set; thence S58°03'15"W a distance of 403.27 feet to a point on said right-of-way line of Pleasantdale Road; thence continuing along said right-of-way line N33°27'07"W a distance of 133.39 feet to a point; thence N33°27'07"W a distance of 133.39 feet to the POINT OF BEGINNING.

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LEGEND

- IPF = IRON PIN FOUND
- IPS = IRON PIN SET
- BL = BUILDING LINE
- CL = CENTERLINE
- PL = PROPERTY LINE
- LLL = LAND LOT LINE
- R/W = RIGHT OF WAY
- MH = MANHOLE
- WM = WATER METER
- DE = DRAINAGE EASEMENT
- SSE = SANITARY SEWER EASEMENT
- CB = CATCH BASIN
- CD = CROSS DRAIN
- HW = HEAD WALL

REFERENCES:

THE FOLLOWING DEEDS WERE USED IN THE PREPARATION OF THIS SURVEY. THEY ARE LOCATED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT, GWINNETT COUNTY, GEORGIA.

- DEED BOOK 3111, PAGE 120
- DEED BOOK 3991, PAGE 348
- DEED BOOK 3504, PAGE 13
- DEED BOOK 3786, PAGE 648
- DEED BOOK 250, PAGE 792
- DEED BOOK 275, PAGE 548
- DEED BOOK 2797, PAGE 58
- DEED BOOK 69, PAGE 242
- DEED BOOK 117, PAGE 583
- DEED BOOK 368, PAGE 33
- DEED BOOK 66, PAGE 484

BOUNDARY SURVEY FOR JOHN EDWIN HOWARD, RACHEL S. HOWARD, EDWIN HOWARD, J. EDWIN HOWARD BY HANNOX, WEAKS & BAGWELL, SURVEYORS & ENGINEERS, INC., MADX L. WEAKS, GEORGIA R.L.S. NO. 1497, DATED 11-21-90.

BOUNDARY SURVEY FOR DEAN STRINGER BY DIVERSIFIED TECHNICAL GROUP, L.L.C., J. SCOTT SMITH, GEORGIA R.L.S. NO. 3014, DATED 9/12/11.

AS WELL AS ANY DEEDS AND OR PLATS OTHERWISE REFERENCED ON THE FACE OF THIS SURVEY.

GENERAL NOTES

A TOPCON GTS-2B TOTAL STATION AND HP-486X(TDS) DATA COLLECTOR WERE USED TO GATHER FIELD INFORMATION USED IN THE PREPARATION OF THIS PLAT. THIS INFORMATION WAS CALCULATED FOR CLOSURE AND FOUND TO HAVE A CLOSURE PRECISION EXCEEDING 1" IN 10,000' AND WAS ADJUSTED BY USING COMPASS RULE. THE CALCULATED CLOSURE FOR THIS PLAT EXCEEDS 1" IN 100,000'. NO STATE PLANE COORDINATE MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED. BEARINGS SHOWN ARE CALCULATED FROM TURNED ANGLES.



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G R E S H A M
 PLANNING & DEVELOPMENT, INC.
 P.O. BOX 2255
 CLARKSBURY HILLS, GEORGIA 30033
 FAX: 706-354-7145

SURVEY FOR:
6884 BUFORD HWY, LLC and E.H. HOLDINGS, LLC
 LAND LOT 246, AND 281 OF THE 6TH DISTRICT
 GWINNETT COUNTY, GEORGIA

REVISIONS	
NO.	DATE DESCRIPTION



DATE	NOV. 1, 2013
SCALE	1" = 50'
JOB NO.	PHD-002
SHEET	1
OF	1

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

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:

Please see attached

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

Please see attached

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

Please see attached

- (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:

Please see attached

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

Please see attached

- (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:

Please see attached

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CHANGE IN CONDITIONS & SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, approval of the Applications will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development is adjacent to high-intensity commercial and industrial uses and is compatible with the character of surrounding development.
- (B) No, approval of the Applications will not adversely affect the existing use or usability of any of the nearby properties.
- (C) In light of the size, location, layout, topography, and nature features of the property and in conjunction with the nature of surrounding development, the Applicant submits that the subject Property does not have reasonable economic use as currently zoned without the requested special use permits.
- (D) No, approval of the Applications will not result in an excessive or burdensome use of the infrastructure systems. The Property is located on Pleasantdale Road just off Buford Highway (US Route 23) with convenient access to Peachtree Industrial Boulevard (State Route 141), Jimmy Carter Boulevard (State Route 140), and Interstate 285.
- (E) Yes, approval of the Applications would permit a use that is in conformity with the policy and intent of the Gwinnett County Unified Plan which encourages industrial and related employment uses in the Workplace Center Character Area.
- (F) The Applicant submits that the character of surrounding development and the proximity of the Property to major transportation corridors provide additional supporting grounds for approval of the Applications.

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Matthew P. Benson
 Gerald Davidson, Jr.*
 Brian T. Easley
 Kelly O. Faber
 Christopher D. Hollbrook
 Nicholas N. Kemper
 Shane M. Lanham
 Austen T. Mabe

Jeffrey R. Mahaffey
 Steven A. Pickens
 Catherine V. Schutz
 Thomas A. Simpson
 Andrew D. Stancil
 R. Lee Tucker, Jr.

*Of Counsel

LETTER OF INTENT
FOR CHANGE IN CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS OF
HOWARD BROTHERS, INC.

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Change in Conditions and Special Use Permit Applications (the “Applications”) on behalf of Howard Brothers, Inc. (the “Applicant”), related to an approximately 2.489-acre property situated along Pleasantdale Road just off of Buford Highway (U.S. Route 23) (the “Property”). The Property is currently zoned M-1 and contains two main metal buildings with accessory structures. Specifically, the Applicant is requesting the change in conditions and special use permits for “Maintenance Shop” and “Truck Storage Lot” to allow the use of the Property as an automobile/truck inspection facility.

The Property was originally rezoned to M-1 in the 1980’s and has been consistently utilized for industrial-related uses since. The Property is surrounded by commercial and industrial uses including automobile repair, service stations, contractor’s offices, and manufacturing. The two main metal buildings on the Property each have roll-up garage doors and can be accessed internally by vehicles. The Property also includes mixed parking areas consisting of paved asphalt and gravel surfaces.

The Maintenance Shop and Truck Storage uses are secondary to the main proposed use of an automobile/truck inspection facility. Pursuant to existing state and federal regulations,

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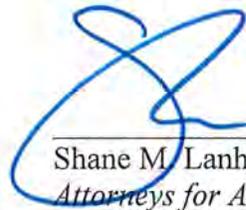
commercial vehicles must be periodically inspected. Inspectors check various vehicle components including brakes, coupling devices, exhaust systems, fuel systems, lighting devices, and loading systems. The proposed inspection service would also complete occasional necessary maintenance or repairs as identified by inspections.

The surrounding area is characterized by heavy commercial and industrial uses. Across Buford Highway there is an equipment rental business as well as a construction aggregates supplier with active rail spur and associated loading facilities. To the south across May Road is an additional construction materials supplier with rail spur and associated loading facilities as well as multiple warehouses buildings. The proposed use is compatible with the policy and intent of the 2030 Plan which encourages land uses that are compatible with surrounding development. The proposed gravel parking lot and truck and trailer parking is compatible with existing heavy commercial and industrial uses

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of the Applications.

Respectfully submitted this 1st day of February, 2019.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

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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.



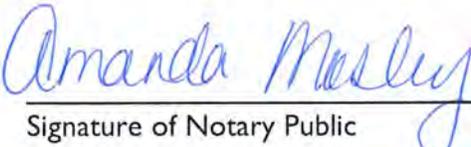
Signature of Applicant

2/1/19

Date

Shane Lanham, Attorney for the Applicant

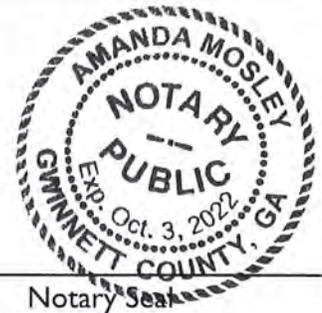
Type or Print Name and Title



Signature of Notary Public

2/1/19

Date



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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.

Douglas Edwin Howard 1/28/19
Signature of Property Owner Date

Douglas Edwin Howard 1/28/19
Type of Print Name and Title
EH Holdings VICE PRES. MANAGING PARTNER

[Signature] 1/28/19
Signature of Notary Public Date Notary Seal

1/31/2022

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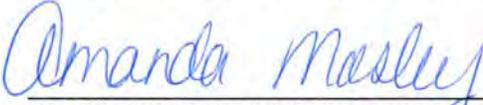
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CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, 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 DATE TYPE OR PRINT NAME AND TITLE
 2/1/19 Shane Lanham, Attorney for the Applicant

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

 2/1/19
 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 Mahaffey Pickens Tucker, LLP
 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)
Please see attached		

Attach additional sheets if necessary to disclose or describe all contributions.

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