

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Reese Real Estate Development Partners, c/o Alliance Engineering and Planning</u>	NAME: <u>Ashbury 23 LLC</u>
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>Same</u>
CITY: <u>Buford</u>	CITY: _____
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: _____ ZIP: _____
PHONE: <u>770-614-6511</u>	PHONE: _____
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u>	
CONTACT'S E-MAIL: <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:		
<u> </u> OWNERS AGENT	<u> </u> PROPERTY OWNER	<u> X </u> CONTRACT PURCHASER
PRESENT ZONING DISTRICT (S): <u>C-2</u>	REQUESTED ZONING DISTRICT: <u>SUP to allow outside sales and storage</u>	
LAND DISTRICT (S): <u> 3 </u>	LAND LOT (S): <u>002</u>	ACREAGE: <u> 3.86 </u>
ADDRESS OF PROPERTY: <u>3239 Sardis Church Road</u>		
PROPOSED DEVELOPMENT: <u>Tractor Supply Company Store</u>		

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LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

2019

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LEGAL DESCRIPTION

All the tract or parcel of land lying and being in G.M.D. 1397 and 1749, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a ½" rebar found at the Northwesternly Right-of-Way of Interstate Highway 85 (R/W varies) and the Westerly Right-of-Way of Hamilton Mill Road (R/W varies), said Point being the True Point of Beginning.

THENCE from said point as thus established and continuing along aforesaid Right-of-Way of Interstate 85 the following two (2) courses and distances, South 64 degrees 22 minutes 48 seconds West for a distance of 280.21 feet to a Concrete Monument Found (CMF); THENCE South 46 degrees 03 minutes 58 seconds West for a distance of 24.39 feet to an Iron Pin Found (RBWC); THENCE leaving said Right-of-Way of Interstate 85 North 44 degrees 03 minutes 44 seconds West for a distance of 307.43 feet to an Iron Pin Found (RBWC) on the Easterly Right-of-Way of Sardis Church Road (R/W varies); THENCE continuing along said Right-of-Way the following three (3) courses and distances along a curve to the left having a radius of 580.00 feet and arc length of 203.30 feet being subtended by a chord of North 22 degrees 29 minutes 52 seconds East for a distance of 202.26 feet to a Point; THENCE North 12 degrees 33 minutes 36 seconds East for a distance of 42.53 feet to a Point; THENCE along a curve to the left having a radius of 350.00 feet and arc length of 48.60 feet being subtended by a chord of North 08 degrees 38 minutes 08 seconds East for a distance of 48.56 feet to a Point; THENCE leaving aforesaid Right-of-Way South 82 degrees 20 minutes 35 seconds East for a distance of 16.80 feet to a Point; THENCE South 56 degrees 52 minutes 03 seconds East for a distance of 41.54 feet to a Point; THENCE North 75 degrees 08 minutes 34 seconds East for a distance of 224.28 feet to a Point; THENCE North 88 degrees 07 minutes 08 seconds East for a distance of 143.74 feet to a Point; THENCE South 01 degrees 49 minutes 26 seconds East for a distance of 80.16 feet to a Point; THENCE South 88 degrees 14 minutes 00 seconds West for a distance of 143.77 feet to a ½" rebar found; THENCE South 01 degrees 37 minutes 19 seconds East for a distance of 123.48 feet to a ½" rebar found; THENCE South 57 degrees 05 minutes 13 seconds East for a distance of 134.10 feet to a ½" rebar found; THENCE South 01 degrees 37 minutes 45 seconds East for a distance of 115.71 feet to a ½" rebar found, said point being THE POINT OF BEGINNING.

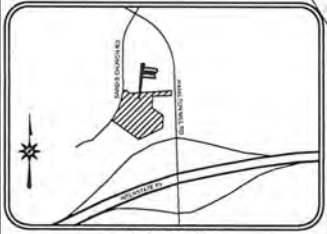
Said property contains 3.863 Acres.

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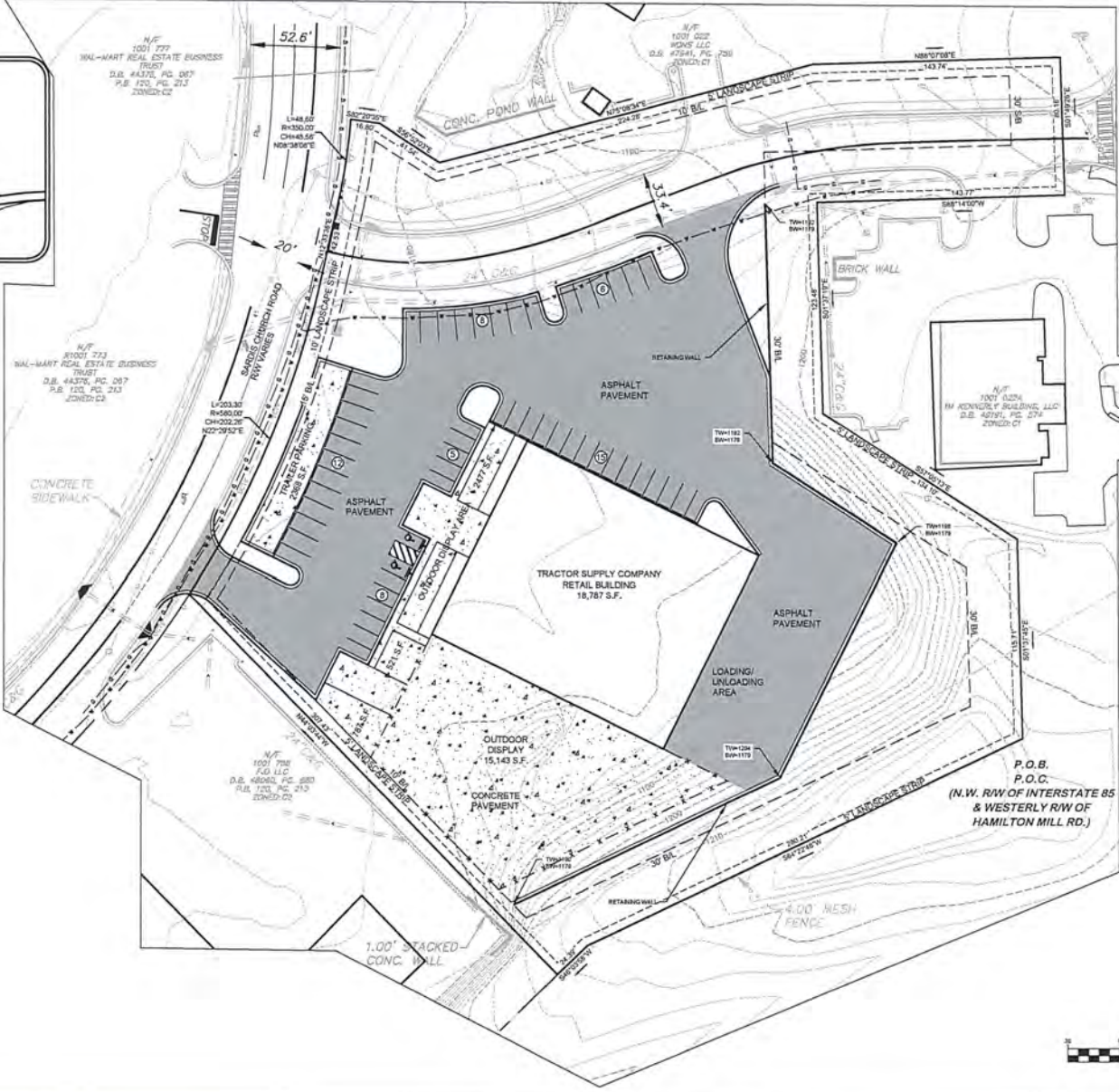
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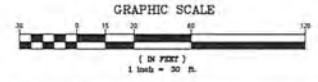
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VICINITY MAP
N.T.S.



- GENERAL NOTES:**
1. ZONING = C-2.
 2. TOTAL SITE AREA = 3.863 AC.
 3. THERE IS NO FLOODPLAIN ON THIS PROPERTY FROM A WATER COURSE WITH A DRAINAGE AREA EXCEEDING 100 ACRES PER FIRM PANEL 1315020050, EFFECTIVE 03/04/2013.
 4. SETBACKS: FRONT = 15 FT
REAR = 30 FT
SIDE = 10 FT
 5. PARKING REQUIRED - 35
PARKING PROVIDED - 54



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STAMP

PRECISION Planning Inc.
 planners • engineers • architects • surveyors
 400 Pike Boulevard, Lawrenceville, GA 30046
 770.338.6000 • www.ppi.com

TRACTOR SUPPLY COMPANY
 3028 SARGES CANYON ROAD
 LAWRENCEVILLE, GA 30048
 LAND LOT 101, DISTRICT 1, PARCEL 297

SPECIAL USE EXHIBIT		DATE	BY	CHECKED	TP
SHEET TITLE		DATE	BY	CHECKED	TP
RELEASE		DATE	BY	CHECKED	TP

OWNER / DEVELOPER
 REESE REAL ESTATE DEVELOPMENT PARTNERS
 1015 SUMMIT DRIVE
 MCDONOUGH, OHIO 43042
 CONTACT: KEITH CARTER
 PHONE: 614-390-6537
 EMAIL: KEITH@RESEEDEV.COM

ENGINEER
 PRECISION PLANNING, INC.
 400 PIKE BOULEVARD
 LAWRENCEVILLE, GA 30046
 CONTACT: TODD PARKER
 PHONE: 770-338-6000
 EMAIL: TODD@PPILUS

07/30/2019
 C19283
 PROJECT NO.

1 OF 1

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 COMMUNITY 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.

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Reese Real Estate Development Partners, requests a Special Use Permit to allow the construction of a Tractor Supply Company Store with outside sales and storage. The property is located in front of the Wal-Mart at the intersection of Hamilton Mill and Sardis Church Road, however, due to the topo of the property there will be very limited visibility from Hamilton Mill Road. There will be retaining walls along the rear of the property abutting Hamilton Mill Road and the proposed project is further blocked from view by an existing office building that fronts onto Hamilton Mill Road.

Tractor Supply Company is a rapidly growing Lawn and Garden retail business and is looking to expand into the Gwinnett County market area. A typical Tractor Supply Company retail facility is primarily used for the sale of farm/ranch equipment and maintenance products; general maintenance products: animal (domestic and farm) feeds, equipment and health products; house and rider tack, equipment and related products; bird feed, housing and related products: lawn and garden equipment and products; tools and hardware; vehicle equipment and maintenance products; all-terrain vehicles; utility vehicles; clothing and footwear; and many other items typically sold in their stores. Because of the size and the amount of equipment that is available at the stores they do need to have the ability to store, display and sell certain items outside the store such as bulk propane, welding gas, trailers, pedal boats and motorized vehicles, including mini bikes, dirt bikes, scooters and ATV's. Some of the outside items are stored in a fenced and secure area beside and to the rear of the building and some of the trailers and equipment are displayed and sold in the front and side of the building and only in the locations shown on the site plan. Items will never be stored in any regular parking space and they do not repair or do maintenance on any of the items that they sell as this is just a retail sales location. Typical hours of operation are Monday to Saturday 8am to 9pm and Sunday from 9am to 7pm. The exterior of the building will be designed to meet the requirements of the overlay district.

The applicant is excited to bring this business to the Hamilton Mill area and believes this location will provide a needed service to the local community.

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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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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

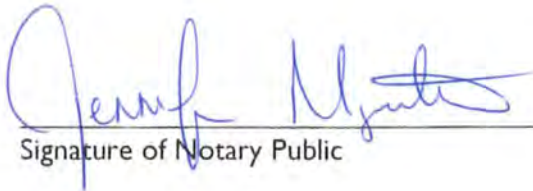
7-31-19

Date

Keith R. Carter

President

Type or Print Name and Title



Signature of Notary Public

7/31/19

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.

Kenneth W. Gary

Signature of Property Owner

7-29-2019

Date

Kenneth W. Gary, Manager

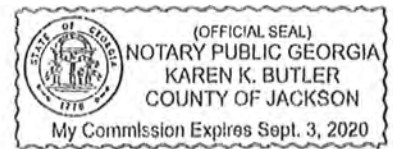
Type or Print Name and Title

Karen K. Butler

Signature of Notary Public

7-29-19

Date



Notary Seal

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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] 7-31-19 Keith R Carter 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

[Signature] 7/31/19
 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 Keith R Carter
 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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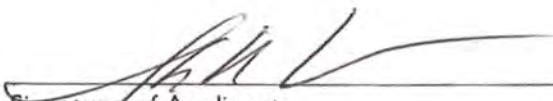
VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

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:
(Map Reference Number)

1 - 001 - 787
District Land Lot Parcel


Signature of Applicant

7-31-19
Date

Keith R Carter President
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)


NAME

TSA II
TITLE

8-1-19
DATE

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