

**SPECIAL USE PERMIT APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Timothy L. Montgomery</u> <u>c/o Alliance Engineering and Planning</u> ADDRESS: <u>4480 Commerce Drive, Suite A</u> CITY: <u>Buford</u> STATE: <u>GA</u> ZIP: <u>30518</u> PHONE: <u>770-614-6511</u>	NAME: <u>Timothy L. Montgomery</u> ADDRESS: <u>Same</u> CITY: _____ STATE: _____ ZIP: _____ 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).

<p style="text-align: center;"><b>APPLICANT IS THE:</b></p> <p> <input type="checkbox"/> OWNERS AGENT               <input checked="" type="checkbox"/> PROPERTY OWNER               <input type="checkbox"/> CONTRACT PURCHASER         </p> <p>           PRESENT ZONING DISTRICT (S): <u>RA-200</u>               REQUESTED ZONING DISTRICT: <u>SUP to allow Truck Fleet Maintenance</u> </p> <p>           LAND DISTRICT (S): <u>5</u>               LAND LOT (S): <u>334</u>               ACREAGE: <u>5.71</u> </p> <p>           ADDRESS OF PROPERTY: <u>3044 Lawrenceville Highway</u> </p> <p>           PROPOSED DEVELOPMENT: <u>Truck Maintenance Facility</u> </p>	
<p>SUP '19082</p>	<p><b>RECEIVED BY</b></p> <p><b>OCT 02 2019</b></p> <p><b>Planning&amp;Development</b></p>

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

## LAND DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 334 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, begin at Point formed by the intersection of Centerline of Givens road and State Route 8; THENCE leaving said Point, North 66 degrees 54 minutes 32 seconds West for a distance of 54.32 feet to a ½" Rebar Found along the Northwesterly Right-of-Way of State Route 8 (Apparent Right-of-Way Varies), said Point being The True Point of Beginning.

THENCE from said Point as thus established and continuing along said Right-of-Way, South 46 degrees 51 minutes 39 seconds West for a distance of 586.28 feet to a ½" Rebar Found Disturbed; THENCE leaving Said Right-of-Way, North 29 degrees 24 minutes 25 seconds West for a distance of 515.34 feet to a ½" Rebar Found along the Southerly Right-of-Way of CSX Railroad (Apparent 100' Right-of-Way); THENCE along said Right-of-Way for the next four(4) calls and distances, North 60 degrees 59 minutes 13 seconds East for a distance of 124.76 feet to a Point; THENCE North 62 degrees 06 minutes 47 seconds East for a distance of 106.51 feet to a Point; THENCE North 63 degrees 20 minutes 22 seconds East for a distance of 118.67 feet to a Point; THENCE North 63 degrees 47 minutes 52 seconds East for a distance of 217.00 feet to a Point; THENCE leaving said Right-of-Way, South 29 degrees 54 minutes 25 seconds East for a distance of 354.68 feet to a point, said Point being The True Point of Beginning.

Said property contains 5.71 acres  
Including easements within

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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:  
YES, THE SUBJECT PROPERTY IS PROPOSED TO BE THE SAME USE AS AN ADJACENT PROPERTY.

(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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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 and Owner, Timothy Montgomery, requests a rezoning from RA-200 to M-1 with a Special Use Permit to allow a Truck Maintenance Facility on 5.71 acres he owns at 3044 Lawrenceville Highway. The proposal is to add an additional 1,750 square feet to an existing veterinary clinic building that he never occupied on the property. The addition to the building will have the roll up doors facing away from the highway so that there will be no visibility into the building when the doors are open. There will be no storage of trailers on the property but just the repair and maintenance to the truck cabs. The property requires a buffer reduction next to the adjacent property zoned RA-200 located to the eastern side of the property. There is an existing driveway and parking area that will intrude into the 50-foot buffer along that side. No additional intrusions are planned along that side of the property, but the request is to let the existing pavement remain. Additional screening or plantings can be installed along that buffer area where sparsely vegetated. Also, along the western property line that adjoins additional property owned by the applicant there is a 30-foot easement for Jasper Road. This is a gravel road that goes back to the CSX Railroad tracts and is in the buffer area for that side of the property. The request is to allow that use to stay in that buffer area.

This is a narrow property that fronts along Lawrenceville Highway and backs up to the railroad tracks making it difficult for any residential uses. There is also a similar use on the other side of the applicant's property that was approved for a truck maintenance facility and for trailer storage.

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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.

Timothy L. Montgomery 9-26-19  
Signature of Applicant Date

Timothy L. Montgomery owner  
Type or Print Name and Title

Samia Gonsalves 9-26-19  
Signature of Notary Public 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.

Timothy L. Montgomery 9-26-19  
Signature of Property Owner Date

Timothy L. Montgomery owner  
Type or Print Name and Title

Samia Gonsalves 9-26-19  
Signature of Notary Public Date



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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.

Timothy L. Monty      9-26-19      Timothy L. Montgomery  
 SIGNATURE OF APPLICANT      DATE      TYPE OR PRINT NAME AND TITLE

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

Samia Gonsalves      9-26-19  
 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    Timothy L. Montgomery  
 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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