

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>MS & Dale Mabry, LLC</u>	NAME: <u>MS & Dale Mabry, LLC</u>
ADDRESS: <u>2145 Duluth Hwy 120, Suite A</u>	ADDRESS: <u>2145 Duluth Hwy 120, Suite A</u>
CITY: <u>DULUTH</u>	CITY: <u>DULUTH</u>
STATE: <u>GA</u> ZIP: <u>30097</u>	STATE: <u>GA</u> ZIP: <u>30097</u>
PHONE: <u>678-665-8928</u>	PHONE: <u>678-665-8928</u>
CONTACT PERSON: <u>Aziz Dhanani</u> PHONE: <u>678-665-8928</u>	
CONTACT'S E-MAIL: <u>aziz@premierpetroleum.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): O1 REQUESTED ZONING DISTRICT: E2 RA-200

PARCEL NUMBER(S): 6060 016 ACREAGE: 5.82

ADDRESS OF PROPERTY: 2145 Duluth Hwy 120, Suite A

PROPOSED DEVELOPMENT: CEMETERY

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>2</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>3,000 SF</u>
Gross Density: _____	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

SURVEY LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 60 AND 61, DISTRICT 6, GWINNETT COUNTY, GEORGIA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY OF ROCKBRIDGE ROAD (R/W VARIES) WITH THE SOUTHEASTERLY RIGHT OF WAY OF POUNDS ROAD (80' R/W), SAID POINT BEING THE POINT OF BEGINNING;

THENCE TRAVELING ALONG THE SOUTHEASTERLY RIGHT OF WAY OF POUNDS ROAD NORTH 60 DEGREES 57 MINUTES 31 SECONDS EAST FOR A DISTANCE OF 337.73 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 505.07 FEET AND A RADIUS OF 11419.16 FEET, BEING SUBTENDED BY A CHORD OF NORTH 60 DEGREES 32 MINUTES 47 SECONDS EAST A DISTANCE OF 505.03 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY SOUTH 29 DEGREES 37 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 439.11 FEET TO A 1/2" REBAR FOUND; THENCE SOUTH 15 DEGREES 40 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 45.61 FEET TO A POINT; THENCE NORTH 75 DEGREES 33 MINUTES 10 SECONDS WEST FOR A DISTANCE OF 377.54 FEET TO A 1/2" REBAR FOUND; THENCE SOUTH 29 DEGREES 00 MINUTES 35 SECONDS WEST FOR A DISTANCE OF 373.99 FEET TO A PK NAIL FOUND ON THE NORTHEASTERLY RIGHT OF WAY OF ROCKBRIDGE ROAD; THENCE TRAVELING ALONG ROCKBRIDGE ROAD THE FOLLOWING THREE (3) COURSES AND DISTANCES: ALONG A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 206.02 FEET AND A RADIUS OF 1420.39 FEET, BEING SUBTENDED BY A CHORD OF NORTH 60 DEGREES 14 MINUTES 34 SECONDS WEST A DISTANCE OF 205.84 FEET TO A POINT; THENCE SOUTH 33 DEGREES 54 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 2.63 FEET TO A POINT; THENCE NORTH 55 DEGREES 28 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 258.06 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 5.822 ACRES AND IS DEPICTED ON THAT CERTAIN ALTA/NSPS PLAT OF SURVEY PREPARED BY LANDPRO SURVEYING AND MAPPING, INC., SEALED AND CERTIFIED BY JAMES H. RADER, GRLS NO. 3033, DATED APRIL 24, 2018.

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RZR2019-00005

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:

YES. AN EXISTING CEMETERY ON THE OPPOSITE SIDE OF POUNDS ROAD. THE PROPERTY ALSO MEETS THE REQUIREMENTS OF THE SUPPL ZONING REGS

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

NO. TWO OF THE THREE ADJACENT PROPERTIES ARE ALREADY DEVELOPED AS C2 COMMERCIAL. THE THIRD ADJACENT PROPERTY IS ZONED R-100 WITH A PARCEL SIZE OF 2.18 AC

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

THE PROPERTY WAS ZONED O&I FOR A LONG TIME, BUT A USE APPROPRIATE FOR O&I HAS NOT BEEN VIABLE.

- (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:

THE PROPOSED USE SHOULD GENERATE LESS TRAFFIC THAN A POTENTIAL O&I USE AND WILL NOT HAVE ANY IMPACT ON THE SCHOOLS

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

THE FUTURE DEVELOPMENT MAP SHOWS THIS AREA AS AN ESTABLISHED NEIGHBORHOOD, WITH NO MAJOR REDEVELOPMENT EXPECTED IN THE 20 YEARS. AS THIS PROPOSAL FITS IN WITH THE CURRENT CHARACTER, IT IS IN CONFORMITY WITH THE FUTURE LAND USE PLAN.

- (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:

AN EXISTING CEMETERY IS LOCATED ACROSS THE STREET, THEREFORE THIS USE IS SUITABLE.

LETTER OF INTENT

December 7, 2018

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

Re: MS & Dale Mabry, LLC – Application for Special Use Permit for a Cemetery /Rezoning from OI to ~~RA-200~~ RA-200
Parcel No. 6060 016 located at 1836 Rockbridge Road, Stone Mountain GA 30087

Dear Sirs,

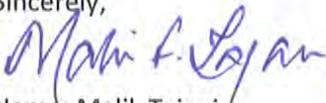
The Applicant, MS Dale Mabry LLC, the current owner of the above listed property, desires to establish a cemetery as an accessory use on the above 5.822 acres property with some modifications to the church buildings.

The property is in the northeast corner of the intersection of Rockbridge Road and Pounds Road. The property was previously used for church use and therefore has building facilities and paved areas for parking on the property. A part of the property towards the east end of the property is grass/undeveloped. There is a connected cluster of buildings on site and a 2,110. sft one story building in the southern corner of the property adjacent to Rockbridge Road. The intent of this application is to retain this 2110 sft. one story building and the original church building labelled as 1-story stone building. The rest of the church buildings are proposed to be demolished. Also, some of the asphalt paved areas are proposed to be removed and used for cemetery purpose. A proposed site plan showing parking layout is attached. ~~A reduction in buffer from 75 ft. to 25 ft is requested adjacent to R100 property on the eastern property boundary.~~

Rockbridge Road is a Minor Arterial. The properties across the roadway from Rockbridge Road are zoned C2 and include WalMart and other retail. The property adjacent to the south along Rockbridge Road is also zoned C2 and is currently occupied by Country Inn & Suites. The property to the north across from Pounds Road is zoned R100 and is currently used as cemetery.

Since the current property is already used as a church and the intent of this application is to continue to use the property with a smaller place of worship and include a cemetery area, we request that this request be approved. Thank you,

Sincerely,



Name: Malik Tajani
MS & Dale Mabry LLC
2145 Duluth Hwy 120, Suite A,
Duluth, GA 30097

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REZONING 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.

Malik F. Sajan

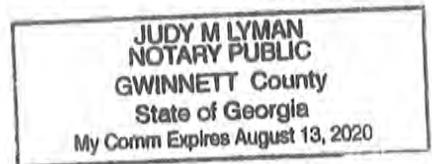
12/7/18

Signature of Applicant

Date

Malik Tajan

Type or Print Name and Title



Judy Lyman

12/7/18

Signature of Notary Public

Date

Notary Seal

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REZONING PROPERTY OWNER'S CERTIFICATION

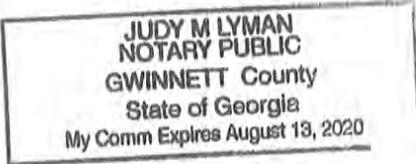
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE 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.

Malic L. Lyman *12/7/18*

Signature of Property Owner Date

Malic Tajana

Type or Print Name and Title

[Signature] *12/07/18* 

Signature of Notary Public Date Notary Seal

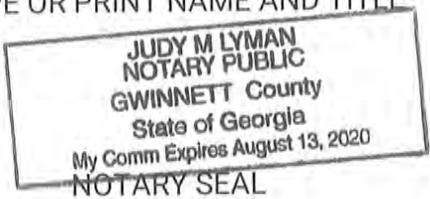
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

Mali Lyman 12/7/18 Mali Lyman
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Judy Lyman 12/07/18
 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 _____
 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.

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: 6 - 060 - 016
(Map Reference Number) District Land Lot Parcel

Mahli Farjani 12/7/18
Signature of Applicant Date

Malik Farjani
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)

Vickie Schokky TSA II
NAME TITLE
12/7/15
DATE