

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Chestnut Development, LLC</u> <u>c/o Alliance Engineering and Planning</u>	NAME: <u>SBR Properties, LLC</u>
ADDRESS: <u>6095 Atlanta Hwy Suite 100</u>	ADDRESS: <u>1100 Hwy 98 E Unit B802</u>
CITY: <u>Flowery Branch</u>	CITY: <u>Destin</u>
STATE: <u>GA</u> ZIP: <u>30542</u>	STATE: <u>FL</u> ZIP: <u>32541</u>
PHONE: <u>770-614-6511</u>	PHONE: _____
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 361-8444</u> APPLICANT'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>OWNERS AGENT</u>	<u>PROPERTY OWNER</u>	<u>XCONTRACT PURCHASER</u>
PRESENT ZONING DISTRICT (S): <u>C-2</u>		PRIOR ZONING CASE: <u>RZC-09-005</u>
LAND DISTRICT (S): <u>7</u>	LAND LOT (S): <u>132</u>	ACREAGE: <u>4.716</u>
ADDRESS OF PROPERTY: <u>2465 Buford Drive</u>		
PROPOSED DEVELOPMENT: <u>Minor Auto Repair and Auto Parts Facility</u>		
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:	
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/UNITS: <u>6</u>	
DWELLING UNIT SIZE (SQ. FT.): _____	TOTAL GROSS SQUARE FEET: <u>31,007</u>	
GROSS DENSITY: _____	DENSITY: <u>6,574</u> sq ft per acre	
NET DENSITY: _____		

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LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Rezoning Legal Description,

A parcel of land lying in Land Lot 132, 7th District, Gwinnett County, Georgia, said parcel being more particularly described as follows:

Commence at a point marking the common corner of Land Lots 133, 132, 104, and 105; thence run North 30 degrees 10 minutes 17 seconds West along the Westerly Line of Land Lot 133 and the Easterly Line of Land Lot 132 for a distance of 607.86 feet to a set rebar at a found rock, said point being the POINT OF BEGINNING of the parcel herein described; thence leaving said Land Lot Line run South 60 degrees 49 minutes 53 seconds West for a distance of 279.96 feet to a set 5/8 inch capped rebar, said point lying on the Easterly Right of Way of Georgia Highway 20 (Right of Way Varies), said point also lying on a non-tangent curve to the left, said curve having a radius of 1246.11 feet, a chord bearing of North 31 degrees 51 minutes 34 seconds West, and a chord distance of 7.01 feet; thence run along the arc of said curve and said right of way for a distance of 7.01 feet to a point; thence run North 32 degrees 01 minutes 14 seconds West along said Right of Way line for a distance of 690.17 feet to a point; thence leaving said Right of Way run North 57 degrees 53 minutes 20 seconds East for a distance of 302.52 feet to a point, said point lying on the aforementioned Land Lot Line between Land Lots 133 and 132; thence run South 30 degrees 10 minutes 17 seconds East along said Land Lot Line for a distance of 711.96 feet to the POINT OF BEGINNING. Said parcel contains 205,428 Square Feet or 4.716 acres.

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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 CHANGE IN CONDITIONS.

(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 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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Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request 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.

.....
PLANNING DIVISION USE ONLY

CASE NUMBER _____

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Chestnut Development LLC, requests a Change in Conditions (CIC) and a Special Use Permit (SUP) to allow a "Motoworks" center to be developed, which is a multi-tenant auto service facility for 6-8 tenants. Motoworks is not your typical auto repair facility, as their building design mimics typical retail and commercial architecture in the immediate area. The building is proposed to be 4-sides brick with different entry accents for each business in the center, and the majority of parking is oriented in the rear of the buildings.

The existing C-2 was approved by Gwinnett County in 2009 and condition 1.A. does not allow automotive parts stores or automotive repair, wheel/tire store or emission inspection on the property. The 2009 zoning also required the buffer to be increased to 50' (25' undisturbed & 25' planted). Motorworks is also designed for only "Light/Minor" service repair and will not allow any major-repairs such as auto body/painting and engine/transmission rebuilding. In other words, uses will be limited to general repairs and replacement that are routinely conducted the same day and no vehicles will be allowed to be parked on the site for more than 72 hours.

The typical tenant mix will include general repairs by Brand-groups like European, Asian and Domestic, as well as specialized services like Auto Glass/Tinting, Auto/Truck Accessories, Insurance Claims, Emissions Testing, Tire and Wheel Replacement. There will not be a stand-alone emissions testing facility allowed, but as part of one of the businesses in the center. Motorworks leases also do not allow any work to be performed outside of the buildings in the parking lot area. Finally, Motorworks rules will limit the "open to the public" hours to 7am to 7pm Monday thru Saturday and Sunday from 12pm to 6pm. All tenant lighting/signs will be turned off no later than 11pm, with only down lights with limited radiant range for security purposes on later. The 2 outparcels do not currently have a planned or contracted user but could include a stand-alone auto parts store and possibly a sandwich/coffee shop that could provide a needed amenity to the users of the businesses.

Motoworks is the new standard in multi-tenant auto repair facilities. It is designed in a shopping center-style that presents the environment that consumers prefer, and best-in-class tenants are seeking. They look forward to meeting with the county and our neighbors and address any concerns that anyone might have.

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SUP '20 023

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CHANGE IN CONDITIONS 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.

Richard A. Bell

Signature of Applicant

2-7-2020

Date

Richard A. Bell - Partner

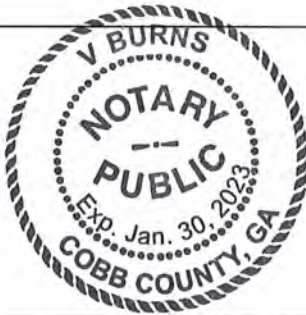
Type or Print Name and Title

[Signature]

Signature of Notary Public

02/07/2020

Date



Notary Seal

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CHANGE IN CONDITIONS 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

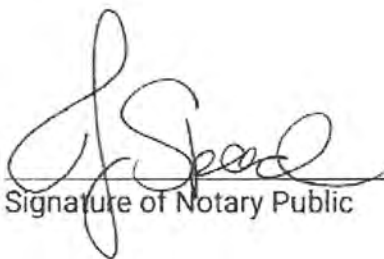
2/6/20

Date

John Bowen

Type or Print Name and Title

MEMBER



Signature of Notary Public

2/6/20

Date



Notary Seal

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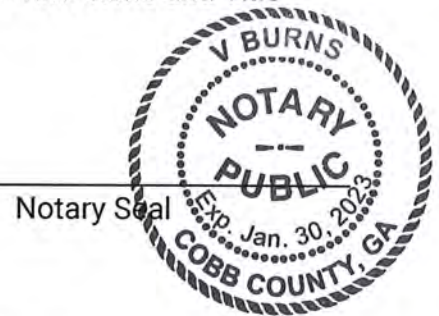
CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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.

Richard A. Bell 2-7-2020 Richard A. Bell - Partner
Signature of Applicant Date Type of Print Name and Title

Signature of Applicant's Date Type or Print Name and Title
Attorney or Representative

[Signature] 02/07/2020
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 Richard A. Bell
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 CHANGE IN CONDITIONS

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: 7 - 132 - 026
(Map Reference Number) District Land Lot Parcel

Richard A. Bell 2-7-2020
Signature of Applicant Date

Richard A. Bell - Partner
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)

Lovell Hamley TSA - I
NAME TITLE
2-7-20
DATE

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VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS

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:
(Map Reference Number)

7 - 132 - 002
District Land Lot Parcel

Richard A. Bell

Signature of Applicant

2-7-2020

Date

Richard A. Bell - Partner

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)

Love H. Huntley

NAME

TS4-I

TITLE

2-7-20

DATE



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GIC '20 016

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