

DEC 05 2019

Planning&Development

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>MTH Enterprises, Inc</u> <u>c/o Alliance Engineering and Planning</u>	NAME: <u>MTH Enterprises, Inc</u>
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>5200 Stone Mountain Hwy</u>
CITY: <u>Buford</u>	CITY: <u>Snellville</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>GA</u> ZIP: <u>30078</u>
PHONE: <u>770-614-6511</u>	PHONE: <u>770-256-2423</u>
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u> EMAIL ADDRESS: <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> X </u> PROPERTY OWNER
<u> </u> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT (S): <u>R-100</u>	REQUESTED ZONING DISTRICT: <u>C-2 with Buffer Reduction</u>
LAND DISTRICT (S): <u> 6 </u>	LAND LOT: <u>051</u>
ACREAGE: <u> .958 </u>	
ADDRESS OF PROPERTY: <u>Highway 78 and Rosedale Road</u>	
PROPOSED DEVELOPMENT: <u>Retail</u>	
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u> </u>	NO. OF BUILDINGS/UNITS: <u> 1 </u>
DWELLING UNIT SIZE (SQ. FT.): <u> </u>	TOTAL GROSS SQUARE FEET: <u>9,750 Total</u> <u>7,550 in R-100 Area</u>
GROSS DENSITY: <u> </u>	DENSITY: <u>7,881 sq. ft. per acre</u>
NET DENSITY: <u> </u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RZC 20004

LEGAL DESCRIPTION
2154 & 2164 Rosedale Road, Snellville, Georgia 30078

All that tracts or parcels of land lying and being in Land Lot 51, of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a ½ inch rebar set at the intersection of the Southeasterly right-of-way line of U.S. Highway 78 and the Northeasterly right-of-way of Rosedale Road; thence along said right-of-way of U.S. Highway 78 the following courses and distances:

North 42°56'14" East a distance of 91.79 feet to a ½ inch rebar set; thence South 47°03'46" East a distance of 6.18 feet to a ½ inch rebar set; thence North 42°56'14" East a distance of 54.76 feet to a ½ inch rebar set; thence leaving said right-of-way South 41°43'07" East a distance of 151.40 feet to a ½ inch rebar found; thence South 41°42'35" East a distance of 19.59 feet to a ½ inch rebar found; thence South 41°42'35" East a distance of 83.58 feet to a 1-inch open top pipe; thence South 48°10'54" West a distance of 213.87 feet to a square rod found on the Easterly right-of-way of Rosedale Road; thence along said right-of-way the following courses and distances:

North 19°06'18" West a distance of 119.04 feet to a ½ inch rebar set; thence North 19°09'20" West a distance of 89.90 feet to a ½ inch rebar set; thence North 54°59'27" West a distance of 56.04 feet to THE TRUE POINT OR PLACE OF BEGINNING

Said tracts or parcels of land containing 0.958 acres.

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A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
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PROPERTY OWNERS:
MTH ENTERPRISES, INC.
PROJECT OWNER, TRACT 1, 2, AND 3:
MTH ENTERPRISES, INC.
5200 STONE MOUNTAIN HWY
SMYTHVILLE, GA 30078
(770)256-2423

	PARCEL ID#
TRACT 1	6051 117
TRACT 2	6051 225 & 6051 226
TRACT 3	6051 025 & 6051 026

SURVEY PROVIDED BY:
ADAM & LEE LAND SURVEYING
5642 GA HWY 20 S.
LOGANVILLE, GEORGIA 30023
770-944-8824

OVERLAY DISTRICT NOTE:
SITE IS NOT LOCATED IN AN OVERLAY DISTRICT

EFMA NOTE:
NO PORTION OF SUBJECT PROPERTY LIES WITHIN A DESIGNATED 100 YEAR FLOOD
HAZARD AREA AS DEPICTED BY SCALED MAP LOCATION AND GRAPHIC PLOTTING
ONLY PER F.J.R.M. PANEL NO. 13135C0129F, DATED 8/26/2008

SEWER NOTE:
SEWER SERVICE PROVIDED BY GWINNETT COUNTY. SANITARY LINE TO CONNECT
WITH EXISTING SEWER MANHOLE WITHIN TRACT 2, AND EXISTING MANHOLE(S) IN
HIGHTOP ROAD.

CLEANOUTS NOTE:
CLEANOUTS ARE TO BE MAINTAINED AT GRADE, AND ARE THE PROPERTY OWNER'S RESPONSIBILITY TO ENSURE ACCESSIBILITY AT ALL TIMES.

WATER WIFE:
WATER PROVIDED BY OWENNETT COUNTY; WATER EXISTING WITHIN TRACT I AND II

TREES NOTE:
TREES NOT ALLOWED IN UTILITY EASEMENTS ACCORDING TO CURRENT GWINNETT COUNTY POLICY. STREET TREES TO BE SPACED 50' O.C. OR GROUPED AT 120' O.C. ALONG RIGHT OF WAY OF HIGH-POINT ROAD AND HIGHWAY 78.

10. STORMWATER NOTES:

1. STORMWATER VEHICLES DIVERTED TO A MASTER DRAIN UNDERGROUND/RETENTION FACILITY LOCATED ON TRACT A'S
2. GWINNETT COUNTY ASSUMES NO RESPONSIBILITY FOR OVERFLOW OR EROSION OF ANY TYPE BEYOND THE RIGHT-OF-WAY. GWINNETT COUNTY DOES NOT GUARANTEE THE RIGHT-OF-WAY OR FOR THE EXTENSION OF CULVERTS BEYOND THE POINT SHOWN ON THE APPROVED AND RECORDED PLAN. GWINNETT COUNTY DOES NOT GUARANTEE THE EXISTENCE OF ANY EXISTING OR FUTURE DRAINAGE OR EASEMENTS BEYOND THE COUNTY RIGHT-OF-WAY.
3. THE OWNER OFFER EASEMENTS AND TO REMAIN IN A NATURAL AND UNDISTURBED CONDITION.
4. STRUCTURES ARE NOT ALLOWED IN DRAINAGE DEPRESSIONS.
5. THERE SHALL BE NO CONSTRUCTION OF ANY TYPE OR A MAINTENANCE COURSE WITH A DRAINAGE AREA EXCEEDING 100 ACRES.
6. THERE SHALL BE NO CONSTRUCTION ON THIS SITE.
7. THERE ARE NO STREAM BUFFERS ON THIS SITE.

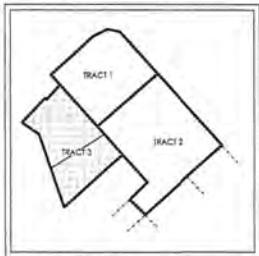
THE OWNER SHALL MAINTAIN THE FACILITY AND THE OWNERS OF THE FACILITY SHALL MAINTAIN THE FACILITY TO KEEP THE FACILITY FREE OF OBSTRUCTIONS AND TO MAINTAIN THE FACILITY FREE OF ACCIDENTS, SLT, AND DEBRIS.

VARIANCES REQUESTED:

1. 35' BUFFER ALONG R100 ZONING
2. 50' BUFFER GRADED AND REPLANTED



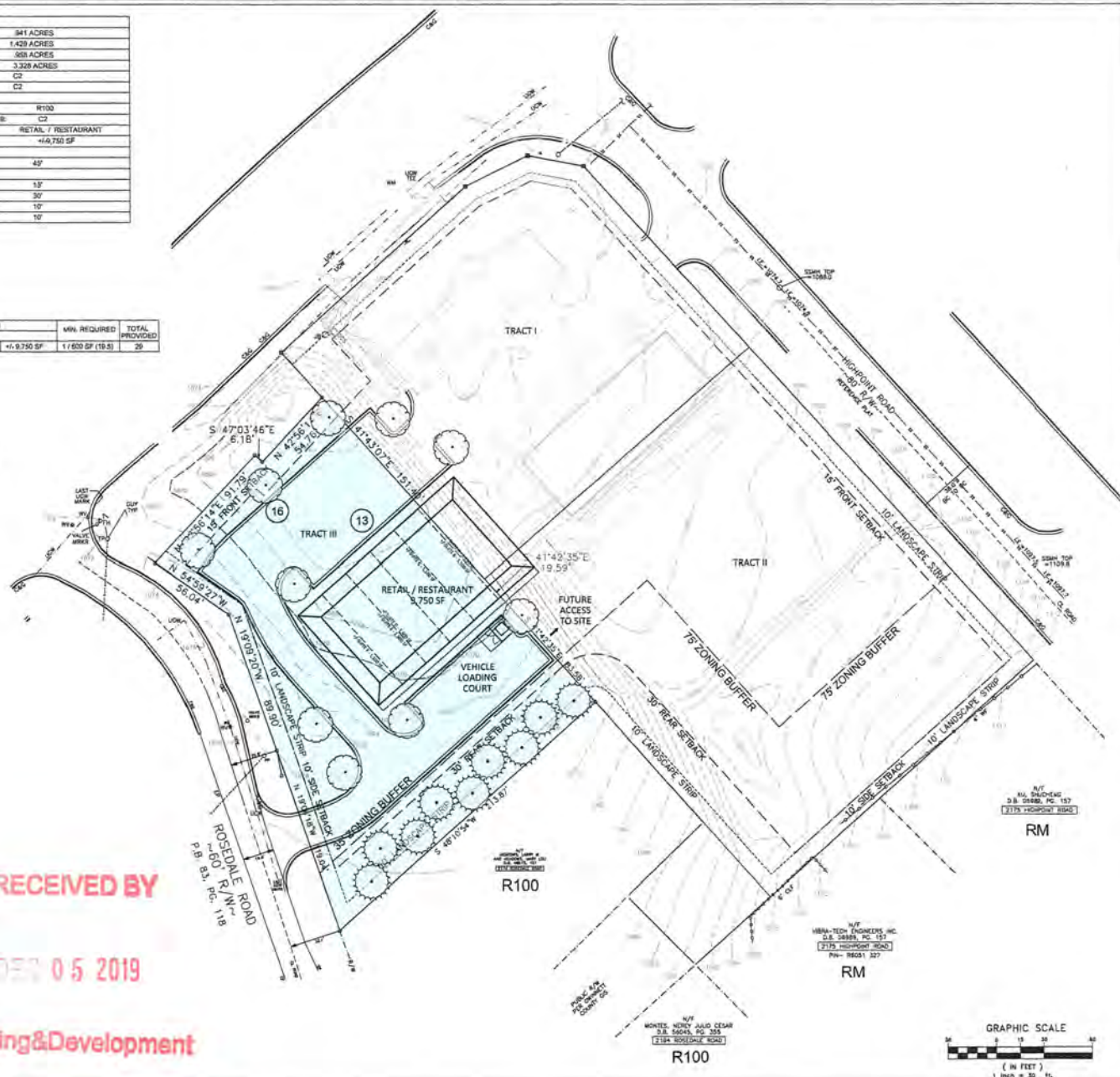
SITE VICINITY MAP - NOT TO SCALE
LAND LOT(S): 31 DISTRICT: 6TH
GWINNETT COUNTY, STATE OF GEORGIA



SITE KEY: HIGHWAY 78 PARCELS

SITE DATA:	
TRACT E	941 ACRES
TRACT F	1,429 ACRES
TRACT III	368 ACRES
TOTAL ACRES:	3,328 ACRES
EXISTING ZONING TRACT I:	C2
EXISTING ZONING TRACT II:	C2
EXISTING ZONING TRACT III: R100	
PROPOSED ZONING TRACT III:	C2
PROPOSED USE:	RETAIL / RESTAURANT
HEATED FLOOR AREA:	+14,730 SF
MAX BLDG HEIGHT:	45'
BUILDING SETBACKS:	
FRONT:	15'
REAR:	30'
SIDE:	10'
FRONT LOT STRIP:	15'

OFF STREET PARKING - TRACT 3		MIN. REQUIRED	TOTAL PROVIDED
USE CATEGORY			
RETAIL	+/- 9,750 SF	1 / 600 SF (TR.5)	20



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AEP ALLIANCE
ENGINEERING + PLANNING
LANDSCAPE ARCHITECTURE

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6043 Sprinkles Road East #03 | Alpharetta, GA 30003
Tel: 770-452-0432
www.aepalliance.com

MTH
ENTERPRISES, INC.
2000 STONE MOUNTAIN HWY

Site Concept Plan for
HWY 78 PARCELS

Issue:	Issue				
	Rev. (1)				
	Rev. (2)				
	Rev. (3)				
	Rev. (4)				
	Rev. (5)				
	Rev. (6)				
Designed by		KS			
Checked by		KS			
Project #		1908			

ZONING
SITE PLAN

11/27/2019

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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 AS CURRENTLY ZONED.

(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 SHOWN 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 and Owner, MTH Enterprises, Inc., requests a rezoning from R-100 to C-2 with a buffer reduction next to the adjacent R-100 property. The applicant has purchased 2 existing commercial properties on Highpoint and Highway 78 as well as the 2 residential tracts on Rosedale that also have frontage along Highway 78. The existing commercial consists of a very old gas and small convenience store which the applicant plans to remove and replace with a much nicer and more modern facility to serve the needs of today's customer. The proposal for the R-100 property is to build a 9,750 with about 7,550 square feet of that building located on the existing R-100 property. The look of the building will be similar in nature to the submitted elevation with the exterior of the building consisting of Brick, Stone and Stucco on all 4 sides. The homes that were on the property have already been removed. One access is proposed onto Rosedale Road and no additional access is proposed onto Highway 78. Finally, due to topo and a large D.O.T. offset along Highway 78, the applicant is requesting a buffer reduction along the rear of the property from 75 feet to a graded and replanted 35-foot buffer next to the existing residential property. A 6-foot-high solid fence is also proposed to be installed along the property line to keep anyone from walking through the buffer area.

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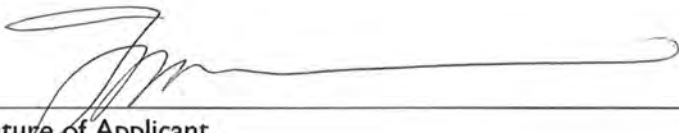
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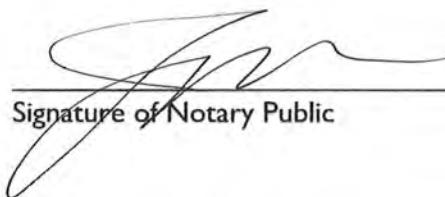
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REZONING APPLICANT'S CERTIFICATION

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.

X  12.4.19
Signature of Applicant Date

MOHAMMAD HASSAN PRESIDENT
Type or Print Name and Title

 12/4/19
Signature of Notary Public Date



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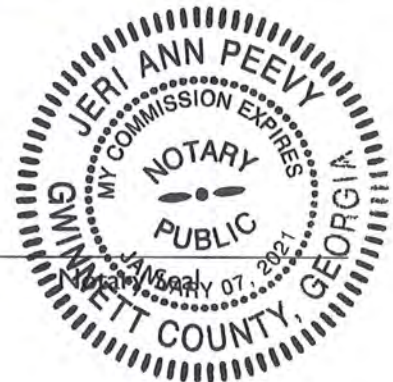
REZONING PROPERTY OWNER'S CERTIFICATION

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.

X  12-4-19
Signature of Property Owner Date

MOHAMMAD HASSAN PRESIDENT
Type or Print Name and Title

 12/4/2019
Signature of Notary Public Date




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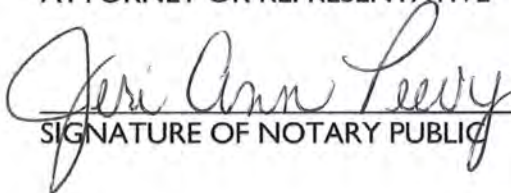
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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

X  12.4.19 MOHAMMAD HASSAN 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

 12/4/2019
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 X MOHAMMAD HASSAN
YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL 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 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 - 051 - 025
(Map Reference Number) District Land Lot Parcel

X [Signature] 12-4-19
Signature of Applicant Date
MUHAMMAD HASSAN President
Type or Print Name and Title

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)

Julie Smith TSA II
NAME TITLE
12-2-19
DATE

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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 - 051 - 026
(Map Reference Number) District Land Lot Parcel

X [Signature] 12-4-19
Signature of Applicant Date
Mottammar Hassan President
Type or Print Name and Title

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)

Julie Smith TSA II
NAME TITLE
12-2-19
DATE

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