

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Brand Road Center, LLC c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>Johnson, Sandra Marie</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>PO Box 236</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Loganville</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30052</u>
PHONE: <u>770.232.0000</u>	PHONE: <u>770.232.0000</u>
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770.232.0000</u>	
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICTS(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>C-2</u>	
LAND DISTRICT(S): <u>5</u> LAND LOT(S): <u>162</u> ACREAGE: <u>+/- 2.98 acres</u>	
ADDRESS OF PROPERTY: <u>207 Brand Road SW, Loganville</u>	
PROPOSED DEVELOPMENT: <u>Convenience store with fuel pumps</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>NA</u>	No. of Buildings/Lots: <u>1/1</u>
Dwelling Unit Size (Sq. Ft.): <u>NA</u>	Total Building Sq. Ft. <u>3,500 square feet</u>
Gross Density: <u>NA</u>	Density: <u>+/- 1,175 square feet per acre</u>
Net Density: <u>NA</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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RZC2020-00016

PROPERTY DESCRIPTION

BEGINNING at a point at the mitered intersection of the rights-of-way of Brand Road and Loganville Highway (aka Georgia State Route 20) thence continuing along said right-of-way of Loganville Highway North 67 degrees 21 minutes 00 seconds West a distance of 45.99 feet to a point; thence North 21 degrees 37 minutes 45 seconds West a distance of 52.00 feet to a point; thence North 28 degrees 28 minutes 19 seconds West a distance of 85.56 feet to a point; thence North 28 degrees 28 minutes 19 seconds West a distance of 15.29 feet to a point; thence North 21 degrees 37 minutes 45 seconds West a distance of 161.68 feet to a point; thence leaving said right-of-way line of Loganville Highway North 59 degrees 53 minutes 00 seconds East a distance of 380.11 feet to a point; thence South 21 degrees 51 minutes 00 seconds East a distance of 176.60 feet to a point; thence South 21 degrees 51 minutes 00 seconds East a distance of 176.60 feet to a point on the right-of-way line of Brand Road; thence continuing along said right-of-way-line of Brand Road South 59 degrees 46 minutes 00 seconds West a distance of 58.97 feet to a point; thence North 30 degrees 06 minutes 52 seconds West a distance of 5.75 feet to a point; thence South 59 degrees 00 minutes 08 seconds West 276 feet to a point; said point being the POINT OF BEGINNING.

Said Property containing approximately 2.98 acres.

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GA. HWY. 20
A.K.A. LOGANVILLE HWY

Know what's below.

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:

Please see attached

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

Please see attached

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

Please see attached

- (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:

Please see attached

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

Please see attached

- (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:

Please see attached

REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, the proposed development will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is located at the intersection of Brand Road and Loganville Highway (State Route 20). The property to the south is zoned for commercial uses in the City of Loganville.
- (B) No, the proposed development will not adversely affect the existing use or usability of any of the nearby properties.
- (C) Due to the size, location, layout and dimensions of the property, the Applicant submits that the property does not have reasonable economic use as currently zoned.
- (D) No, the proposed development will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed development offers retail and fueling options for motorists on Loganville Highway and the surrounding residential neighborhoods.
- (E) Yes, the proposed development is in conformity with the policy and intent of the Gwinnett County 2040 Comprehensive Plan. The proposed development would serve as an amenity to nearby residents by offering a small-scale market where residents can get small groceries and other convenience items.
- (F) The Applicant submits that the subject Property's proximity to commercially-zoned land and its substantial frontage on a Principal Arterial Roadway provide additional supporting grounds for approval of the Application.

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Matthew P. Benson
Gerald Davidson, Jr.*
Brian T. Easley
Kelly O. Faber
Christopher D. Holbrook
W. Brady Hughes

Shane M. Lanham
Austen T. Mabe
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
R. Lee Tucker, Jr.

LETTER OF INTENT FOR REZONING APPLICATION

*Of Counsel

Mahaffey Pickens Tucker, LLP, on behalf of Brand Road Center, LLC (the "Applicant"), submits this Letter of Intent and the attached rezoning application (the "Application") for the purpose of allowing the development of an approximately 2.98-acre site located at the intersection of Loganville Highway (State Route 20) and Brand Road (the "Property"). The Applicant proposes to rezone the Property to the C-2, General Business District, zoning classification to permit development of small-scale neighborhood-retail space, including a convenience store with fuel pumps.

The proposed development would provide an approximately 3,500 square foot convenience store with a single fuel pump canopy and 20 parking spaces. The proposed building would include attractive architecture and building materials such as stacked stone, brick, glass storefront design, fiber cement siding, and/or EIFS. Two entrances are proposed to serve the proposed development—one on Brand Road and another on Loganville Highway. Additionally, the Applicant is requesting two buffer reductions to accommodate the proposed development. To the northeast, the Property is bordered by land owned by the Gwinnett County Water and Sewerage Authority. To the north of the Property is land zoned R-100 which contains an approximately 125-foot wide power easement. This land has also recently been marketed for commercial uses and such commercial development would represent a natural continuance of development trends existing along the Loganville Highway corridor. Accordingly, the Applicant is requesting to reduce those buffers to 20-foot landscaped buffers.

Given the Property's pin-corner location at the intersection of Loganville Highway and Brand Road and the existing commercial zoning in the City of Loganville, the proposed development could reasonably serve as a component of a future neighborhood node integrated with surrounding residential uses. The Gwinnett County 2040 Unified Development Plan specifically encourages "corner/neighborhood-serving retail" as a potential development type for the Emerging Suburban Character Area in which the Property is located. The development would

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043
NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

www.mptlawfirm.com

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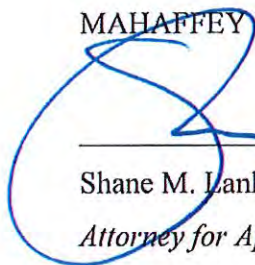
RZC '20 016

feature convenience-retail that services surrounding residents and local commuter traffic. In addition to everyday convenience goods, the Applicant hopes to provide a selection of fresh and specialty food items. Accordingly, the Applicant respectfully submits that the proposed development would permit a use that is compatible with adjacent uses, and, in furtherance thereof, requests, as appropriate, buffer reductions to accommodate development along boundary lines common with adjacent residential uses.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 7th day of August, 2020.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

Attorney for Applicant

RZC '20 016

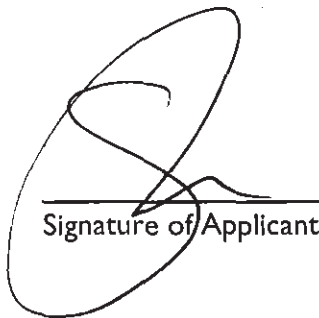
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AUG 24 2020

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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.



Signature of Applicant

8/6/2020

Date

Shane Lanham, Attorney for the Applicant

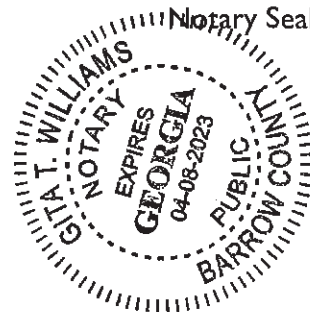
Type or Print Name and Title



Signature of Notary Public

8/6/20

Date



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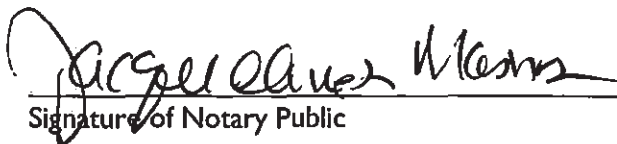
Signature of Applicant

8/6/2020

Date

Marvin Hewatt, Managing Member

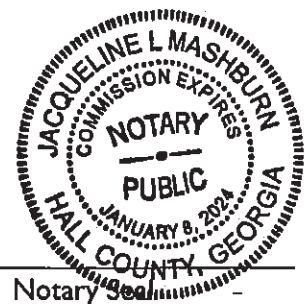
Type or Print Name and Title



Signature of Notary Public

8-6-2020

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.

Cynthia Marie Price
Signature of Property Owner
Executor of Estate
(Saundra Marie Johnson)
Date
Cynthia Marie Price
Type or Print Name and Title

Michael Douglas
Signature of Notary Public
8/7/2020
Date
MICHAEL DOUGLAS
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMM. EXPIRES 04/25/2022
Notary Seal

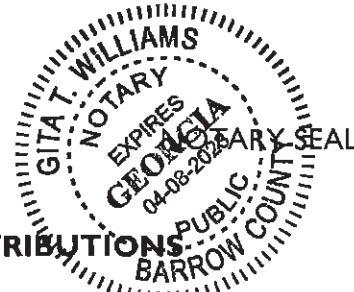
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

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 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 Mahaffey Pickens Tucker, LLP
YOUR NAME

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

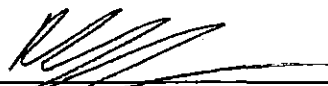
NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
NA		

Attach additional sheets if necessary to disclose or describe all contributions.

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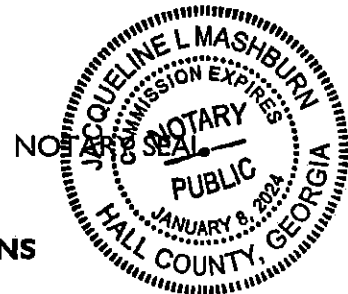
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 8/6/2020 Marvin Hewatt, Managing Member
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 8-6-2020
SIGNATURE OF NOTARY PUBLIC DATE



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☐ YES ☒ NO Marvin Hewatt
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)

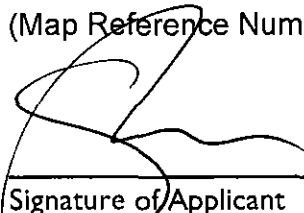
Attach additional sheets if necessary to disclose or describe all contributions.

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: 5 - 162 - 020
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

8/6/2020

Date

Shane Lanham, Attorney for the Applicant

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)

NAME

TITLE

DATE

Check tag office wait times [here](#).

Preview the tag office COVID-19 process here: [English](#) [Spanish](#)



ACCOUNT DETAIL

[View/Pay Your Taxes / Account Detail](#)

Tax Account

Mailing Address:
JOHNSON SAUNDRA MARIE
PO BOX 236
LOGANVILLE, GA 30052-0005

SITUS:
0 LOGANVILLE HWY
Tax District:
COUNTY UnIncorporated

☒ [Change Mailing Address](#)

Parcel ID	Property Type	Last Update
R5162 020	Real Property	8/6/2020 3:30:54 PM

Legal Description

GA HWY 20

Pay Now

No payment due for this account.

Schedule Payments

[Schedule Future Payments](#)

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GoPaperless

Click [here](#) to cancel your Paperless Billing enrollment

Tax Bills

Note: Four years of tax information is available online. Email tax@gwinnettcountry.com to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2019	\$438.58	\$438.58	\$0.00	\$0.00	10/15/2019	\$0.00
2018	\$440.47	\$443.24	\$0.00	\$0.00	10/15/2018	\$0.00
2017	\$444.12	\$449.09	\$0.00	\$0.00	10/15/2017	\$0.00
2016	\$439.92	\$439.92	\$0.00	\$0.00	10/15/2016	\$0.00
Total						\$0.00

Print Tax Bill

[Click to view and print your Aug 2019 tax bill.](#)

* This bill is good through Oct 15, 2019 only.



gwinnettcountry
Assessor's Office
GIS & Property Record Detail

Select Language ▼

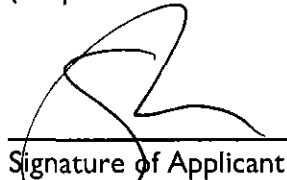
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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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PARCEL I.D. NUMBER: 5 162 021
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

8/6/2020
Date

Shane Lanham, Attorney for the Applicant

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)

NAME

TITLE

DATE

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Preview the tag office COVID-19 process here: [English](#) [Spanish](#)



Chat

ACCOUNT DETAIL

[View/Pay Your Taxes / Account Detail](#)

Tax Account

Mailing Address:
JOHNSON SAUNDRA MARIE
PO BOX 236
LOGANVILLE, GA 30052-0005

SITUS:
207 BRAND RD
Tax District:
COUNTY Unincorporated

☒ [Change Mailing Address](#)

Parcel ID	Property Type	Last Update
R5162 021	Real Property	8/6/2020 3:31:33 PM

Legal Description
GA HWY 20

Pay Now

No payment due for this account.

Schedule Payments

[Schedule Future Payments](#)

.....
[View or edit your Scheduled Payments here](#)

Tax Bills

Note: Four years of tax information is available online. Email tax@gwinnettcountry.com to request other years.

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2019	\$837.59	\$837.59	\$0.00	\$0.00	10/15/2019	\$0.00
2018	\$820.17	\$825.33	\$0.00	\$0.00	10/15/2018	\$0.00
2017	\$872.45	\$882.22	\$0.00	\$0.00	10/15/2017	\$0.00
2016	\$862.41	\$862.41	\$0.00	\$0.00	10/15/2016	\$0.00
Total						\$0.00

Click [here](#) to cancel your Paperless Billing enrollment

Print Tax Bill

[Click to view and print your Aug 2019 tax bill.](#)

* This bill is good through Oct 15, 2019 only.

Select Language | ▼

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