### **REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*		
Virginia Pines Investments, LLC c/o Mahaffey NAME: Pickens Tucker, LLP	NAME: Multiple-see attached		
ADDRESS: 1550 North Brown Road, Suite 125	ADDRESS:		
CITY: Lawrenceville	CITY:		
STATE: Georgia ZIP: 30043	STATE:ZIP:		
PHONE: 770.232.0000	PHONE:		
CONTACT PERSON: Shane Lanham	PHONE: 770.232.0000		
CONTACT'S E-MAIL: slanham@mptlawfirm.com			
OWNER'S AGENT PROPERTY OWNER XX CONTRACT PURCHASER			
PRESENT ZONING DISTRICTS(S): RA-200 REQUESTED ZONING DISTRICT: C-2			
LAND DISTRICT(S): 3 LAND LOT(S): 007 ACREAGE: +/-10.00			
ADDRESS OF PROPERTY: 4692 & 4717 Spout Springs Road			
PROPOSED DEVELOPMENT: Covered Outdoor Boat and RV Storage			
RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT		
No. of Lots/Dwelling Units NA	No. of Buildings/Lots: 7/1		
Dwelling Unit Size (Sq. Ft.): NA	Total Building Sq. Ft. +/-104,410		
Gross Density: NA	Density: +/-10,441 square feet per acre		
Net Density: NA			

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

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## PROPERTY OWNER LIST

Name	Address	Parcel
Virginia Pine Investments, LLC	2859 PACES FERRY RD SE STE 1140 ATLANTA GA 30339	3007 033
Applegate, Carla & Landress, Melvin	4717 SPOUT SPRINGS RD BUFORD GA 30519	3007 198

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#### **LEGAL DESCRIPTION**

LEGAL DESCRIPTION: TRACT 7/Virginia Pine Investments

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND, LYING AND BEING WITHIN DUNCAN'S GEORGIA MILITIA DISTRICT 1749, IN GWINNETT COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AND DESIGNATED ON A PROPERTY SURVEY FOR WALT BUSSEY DATED OCTOBER 11, 1978 CREATED BY MCNALLY, PATRICK & COLE, INC. AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF DUNCAN'S SHORE DRIVE (R/W VARIES) AND THE NORTHERLY RIGHT-OF-WAY OF LAWRENCEVILLE-THOMPSON MILL ROAD (80' R/W); THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY OF LAWRENCEVILLE-THOMPSON MILL A DISTANCE OF 424.05'± TO A POINT, THE POINT-OF-BEGINNING (P.O.B.).

THENCE FROM THE POINT-OF-BEGINNING CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT WITH A RADIUS OF 5,689.58', AN ARC LENGTH OF 53.35', A CHORD BEARING SOUTH 67 DEGREES 14 MINUTES 18 SECONDS WEST (S67°14'18"W) AND A CHORD DISTANCE OF 53.35' TO A POINT; THENCE CONTINUING SOUTH 70 DEGREES 07 MINUTES 45 SECONDS WEST (S70°07'45"W) A DISTANCE OF 73.48' TO A POINT; THENCE CONTINUING ALONG A CURVE TO THE LEFT WITH A RADIUS OF 1,185.92', AN ARC LENGTH OF 78.20', A CHORD BEARING SOUTH 70 DEGREES 02 MINUTES 02 SECONDS WEST (\$70°02'02"W) AND A CHORD DISTANCE OF 78.19' TO A POINT; THENCE TURNING AND LEAVING SAID RIGHT-OF-WAY AND CONTINUING ALONG THE LINE OF N/F TRACT NO. 6 NORTH 28 DEGREES 01 MINUTES 15 SECONDS WEST (N28°01'15"W) A DISTANCE OF 1,050.73' TO A POINT AT THE CENTERLINE OF AN OLD ROAD; THENCE TURNING AND CONTINUING ALONG SAID CENTER LINE NORTH 22 DEGREES 01 MINUTES 50 SECONDS EAST (N22°01'50"E) A DISTANCE OF 80.62' TO A POINT; THENCE CONTINUING NORTH 05 DEGREES 13 MINUTES 30 SECONDS EAST (NO5°13'30"E) A DISTANCE OF 162.66' TO A POINT; THENCE CONTINUING NORTH 13 DEGREES 43 MINUTES 25 SECONDS EAST (N13°43'25"E) A DISTANCE OF 28.80' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE LINE OF N/F TRACT NO. 8 SOUTH 29 DEGREES 29 MINUTES 45 SECONDS EAST (\$29°29'45"E) A DISTANCE OF 1,286.71' TO THE POINT-OF BEGINNING (P.O.B.). SAID TRACT CONTAINS 5.008 ACRES (218,127 SQ. FT.).

#### TOGETHER WITH:

LEGAL DESCRIPTION: TRACT 8/CARLA APPLEGATE

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND, LYING AND BEING WITHIN DUNCAN'S GEORGIA MILITIA DISTRICT 1749, IN GWINNETT COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AND DESIGNATED ON A PROPERTY SURVEY FOR CARLA APPLEGATE DATED JULY 1, 1991 CREATED BY COLE INVESTMENTS, INC. AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

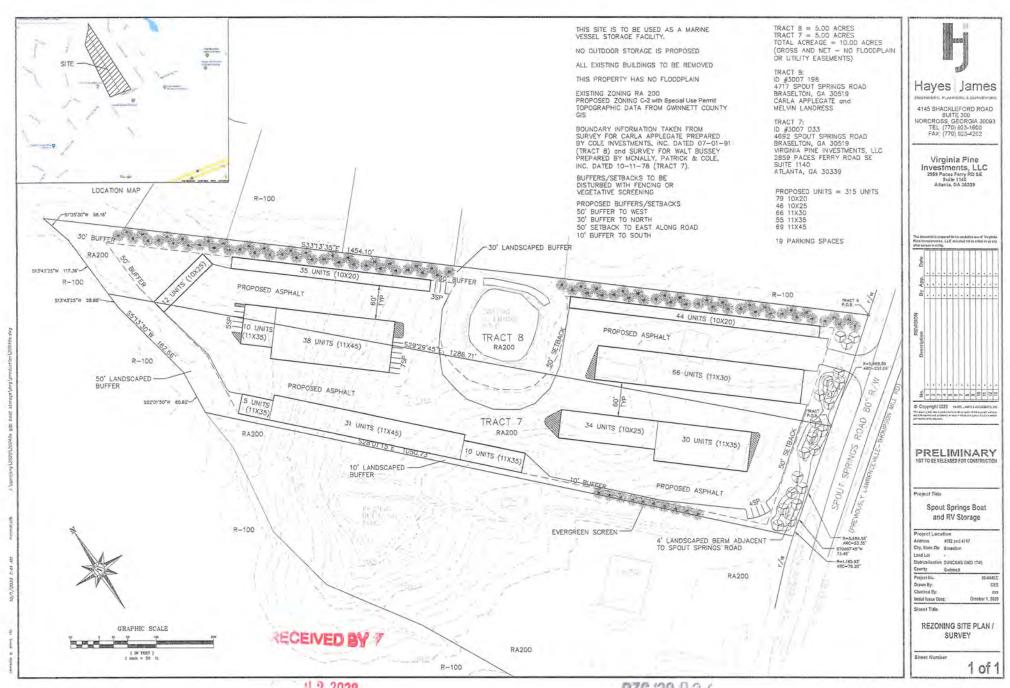
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF DUNCAN'S SHORE DRIVE (R/W VARIES) AND THE NORTHERLY RIGHT-OF-WAY OF LAWRENCEVILLE-THOMPSON MILL ROAD (80' R/W); THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY OF LAWRENCEVILLE-THOMPSON MILL A DISTANCE OF 217'± TO A POINT, THE POINT-OF-BEGINNING (P.O.B.).

THENCE FROM THE POINT-OF-BEGINNING CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT WITH A RADIUS OF 5,689.58', AN ARC LENGTH OF 207.06', A CHORD BEARING SOUTH 68 DEGREES 32 MINUTES 58 SECONDS WEST (S68°32'58"W) AND A CHORD DISTANCE OF 207.05' TO A

POINT; THENCE TURNING AND LEAVING SAID RIGHT-OF-WAY AND CONTINUING ALONG THE LINE OF N/F TRACT NO. 7 NORTH 29 DEGREES 29 MINUTES 45 SECONDS WEST (N29°29'45"W) A DISTANCE OF 1,286.71' TO A POINT AT THE CENTERLINE OF AN OLD ROAD; THENCE TURNING AND CONTINUING ALONG SAID CENTER LINE NORTH 13 DEGREES 43 MINUTES 25 SECONDS EAST (N13°43'25"E) A DISTANCE OF 117.36' TO A POINT; THENCE CONTINUING NORTH 01 DEGREES 35 MINUTES 30 SECONDS EAST (N01°35'30"E) A DISTANCE OF 58.16' TO A POINT; THENCE TURNING AND CONTINUING ALONG THE LINE OF N/F WALT BUSSEY SOUTH 33 DEGREES 13 MINUTES 35 SECONDS EAST (S33°13'35"E) A DISTANCE OF 1,454.10' TO THE POINT-OF BEGINNING (P.O.B.). SAID TRACT CONTAINS 4.994 ACRES (217,543 SQ. FT.).

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## 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.

T.	ACHMENT AS NECESSARY:
	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
	WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  Please see attached
	WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED: Please see attached
	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
	WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN: Please see attached
	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

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

- (A) Yes, approval of the Applications will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development would complement nearby residential uses by providing a neighborhood amenity.
- (B) No, approval of the Applications will not adversely affect the existing use or usability of any of the nearby properties. Rather, the proposed development will complement existing land uses.
- (C) Due to the size, layout, location, and topography of the subject property, the Applicant submits that the subject property does not have reasonable economic use as currently zoned.
- (D) No, approval of the Applications will not result in an excessive or burdensome use of the infrastructure systems. The subject property is located off of Spout Springs Road with access to utilities. Moreover, the proposed vehicle storage use would not generate excessive vehicle trips and would not add any students to the school system.
- (E) Yes, approval of the Applications would be in conformity with the policy and intent of the Land Use Plan which encourages neighborhood-serving commercial land uses along major transportation corridors. Spout Springs Road is classified as a Major Collector on the Gwinnett County Long Range Road Classification Map.
- (F) The Applicant submits that the Property's close proximity to Interstate 85 and the relatively low-intensity of the proposed use provide additional supporting grounds for approval of the Applications.





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.

\*Of Counsel

# LETTER OF INTENT FOR REZONING AND SPECIAL USE PERMIT APPLICATIONS OF VIRGINIA PINES INVESTMENTS, LLC

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning application (the "Application"), and on behalf of Virginia Pines Investments, LLC (the "Applicant") relative to an approximately 10.00-acre tract (the "Property") located off Spout Springs Road just north of Interstate 85. The Applicant is proposing to develop a vehicle storage facility on the Property comprised of covered boat, RV, and vehicle storage. The Property is currently zoned RA-200.

The Applicant's proposal is to develop the Property to include seven buildings with approximately 315 covered storage spaces for boat, vehicle, and RV storage. The proposed buildings would be enclosed on two sides but open to the front and rear allowing customers to conveniently pull their vehicles through into the covered storage area. The buildings would be oriented perpendicular to Spout Springs Road to minimize their visibility from the roadway with facades facing Spout Springs Road being finished with brick and/or stone. Further, to maintain the aesthetics of Spout Springs Road, the Applicant is proposing a fifty-foot wide building setback along the right-of-way of Spout Springs with a four-foot high landscaped berm as depicted on the site plan submitted with the Application. The Applicant is also requesting buffer reductions along the perimeter of the Property in order to provide a 30-foot landscaped buffer along the eastern boundary line, a 50-foot landscaped buffer along the northern boundary line and a 10-foot landscaped buffer along the westerly boundary line. The proposed buffers would be enhanced with evergreen vegetative screening where sparsely vegetated.

The surrounding area is mostly characterized by residential land uses which the proposed development hopes to serve as a community amenity. Additionally, there are a handful of institutional uses along this segment of Spout Springs Road including churches and a Montessori school. The proposed development would also be compatible with the land use policies set forth in the Gwinnett County 2040 Unified Plan (the "2040 Plan") which classifies the Property as

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within the Emerging Suburban Character Area. Policies for this character area encourage low-intensity, neighborhood-serving non-residential uses such as the proposed development. Vehicle storage facilities such as the proposed development typically generate lower amounts of vehicle trips than institutional or residential uses. As residential development continues in the area, new residents are seeking convenient, safe, high-quality facilities to store their boats and RVs. Accordingly, the Applicant is requesting a rezoning to the C-2 zoning classification with a special use permit for the use of Automobile, Truck, or Vehicle Storage Lot to accommodate the proposed development as set forth in the Application. Despite the required zoning classification, the proposed development is a generally low-intensity, neighborhood-serving use which is encouraged by the 2040 Plan.

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

This 1st day of October, 2020.

Respectfully submitted,

MAHAPFEY PICKENS TUCKER, LLP

Shane M. Lanham

Attorneys for the Applicant

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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

Shane Lanham, Attorney for the Applicant

Type or Print Name and Title

Signature of Notary Public

Date

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Signature of Applicant

Date

Virginia fires Investments, Who tric Auracan, Manager

Type or Print Name and Title

Signature of Notary Public

Date

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Notary Sear

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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.

Cala please, Main Sangers Signature of Property Owner	10-01-2020
Signature of Property Owner	Date

Carla Applegate Melvin LANdRess

Type or Print Name and Title

gnature of Notary Public Plans Date



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Signature of Property Owner

Virsing Times Fales

Type or Print Name and Title

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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-I, et. seq, <u>Conflict of Interest in Zoning Actions</u>, and has submitted or attached the required information on the forms provided.

X /	DATE	TYPE OR PRINT NAME AND TITLE
	Shane N	1. Lanham, Attorney for Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTAT	DATE	TYPE OR PRINT NO PAND TITLE
Amanda Mossell	10/1/200	10 A-12
SIGNATURE OF NOTARY PUB	BLIC DATE	PARY SEAL OF COUNTY
DISCLOSU	JRE OF CAMPAIGN CONT	RIBUTIONS
contributions aggregating \$250.0 member of the Gwinnett County	0 or more to a member of the B	ker, LLP
If the answer is yes, please comp	lete 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)
NAME AND OFFICAL POSITION OF GOVERNMENT	CONTRIBUTIONS (List all which aggregate	WAS MADE
NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate	WAS MADE (Within last two years)
NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	WAS MADE (Within last two years)

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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, <u>Conflict of Interest in Zoning Actions</u>, and has submitted or attached the required information on the forms provided.

attached the required information	n on the forms provided.	
Em L When	9/30/20	TYPE OR PRINT NAME AND TITLE
SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
Have you, within the two years in contributions aggregating \$250.00 member of the Gwinnett County	DATE  JRE OF CAMPAIGN COmmediately preceding the fill of the Planning Commission?	ing of this application, made campaign
	YOUR	NAME
If the answer is yes, please compl	ete the following section:	
NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	te DATE CONTRIBUTION WAS MADE (Within last two years)

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

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Gwinnett County Planning Division Rezoning Application Last Updated 2/2014

### **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

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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.

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PARCEL I.D. NUMBER:	9		
(Map Reference Number)	District	Land Lot	Parcel
			10/1/2020
Signature of Applicant			Datė
Shane Lanham, At	torney for th	ne Applicant	
Type or Print Name and Title			
	TAX COMMISSION	ONERS USE ONLY	
(PAYMENT OF ALL PROPER PARCEL HAVE BEEN VERIF SIGNATURE BELOW)			
Judy M An	gelo	Senior	Tax Services Assac
10 1/20			TITLE
DATE			

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