

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Atlantis Arnold Rd, LLC c/o Dillard Sellers, LLC</u>	NAME: <u>Atlantis Arnold Rd, LLC</u>
ADDRESS: <u>1776 Peachtree Street Suite 390N</u>	ADDRESS: <u>5887 Glenridge Dr., Suite 440</u>
CITY: <u>Atlanta</u>	CITY: <u>Atlanta</u>
STATE: <u>Georgia</u> ZIP: <u>30309</u>	STATE: <u>Georgia</u> ZIP: <u>30328</u>
PHONE: <u>404-665-1242</u>	PHONE: <u>770-392-1662</u>
CONTACT PERSON: <u>Julie L. Sellers</u> PHONE: <u>404-664-1242</u>	
CONTACT'S E-MAIL: <u>jsellers@dillardsellers.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): C-1, RM-8 REQUESTED ZONING DISTRICT: C-2

PARCEL NUMBER(S): 5047 003; 5047 949; contiguous former R/W ACREAGE: +/- 1.249

ADDRESS OF PROPERTY: 2169 Lawrenceville Highway

PROPOSED DEVELOPMENT: Restaurant with drive-thru

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>N/A</u>	No. of Buildings/Lots: <u>1/1</u>
Dwelling Unit Size (Sq. Ft.): <u>N/A</u>	Total Building Sq. Ft. <u>+/- 2,695'</u>
Gross Density: <u>N/A</u>	Density: <u>2,695'/51,816' (no max in C-2)</u>
Net Density: <u>N/A</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

Legal Description

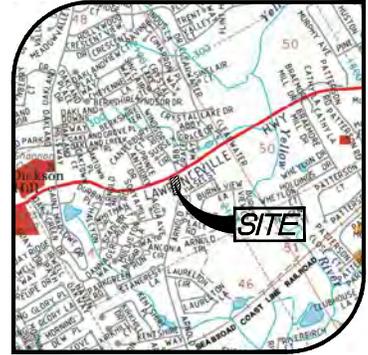
ALL THAT TRACT OR PARCEL OF LAND lying in and being located in Land Lot 47 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at a 5/8-inch capped rebar set at the mitered intersection of the southeasterly right of way U.S. Highway 29 (having a publicly dedicated 60 foot right of way) and the westerly right of way of Arnold Road (having a publicly dedicated 80 foot right of way), said capped rebar being the TRUE POINT OF BEGINNING.

Thence leaving said right of way of U.S. Highway 29 and continuing along said mitered intersection South 69 degrees 19 minutes 32 seconds East a distance of 38.71 feet to a 5/8 inch capped rebar set; Thence leaving said intersection and continuing along said right of way of Arnold Road the following courses and distances: along a curve to the right, said curve having a radius of 469.30 feet, with an arc distance of 241.21 feet, with a chord bearing of South 02 degrees 52 minutes 51 seconds East and a chord length of 238.56 feet to a 5/8-inch capped rebar set; South 11 degrees 22 minutes 23 seconds West a distance of 24.76 feet to a 5/8-inch capped rebar set; South 12 degrees 04 minutes 36 seconds West a distance of 248.50 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Arnold Road North 15 degrees 09 minutes 56 seconds West a distance of 474.08 feet to a 5/8-inch capped rebar set on said right of way of U.S. Highway 29; Thence continuing along said right of way of U.S. Highway 29 the following courses and distances: North 66 degrees 29 minutes 58 seconds East a distance of 58.62 feet to a point; along a curve to the left, said curve having a radius of 2376.93 feet, with an arc distance of 87.72 feet, with a chord bearing of North 64 degrees 08 minutes 37 seconds East and a chord length of 87.71 feet to a 5/8-inch capped rebar set, said rebar being the TRUE POINT OF BEGINNING.

Said tract of land contains 1.249 acres (54,387 square feet).

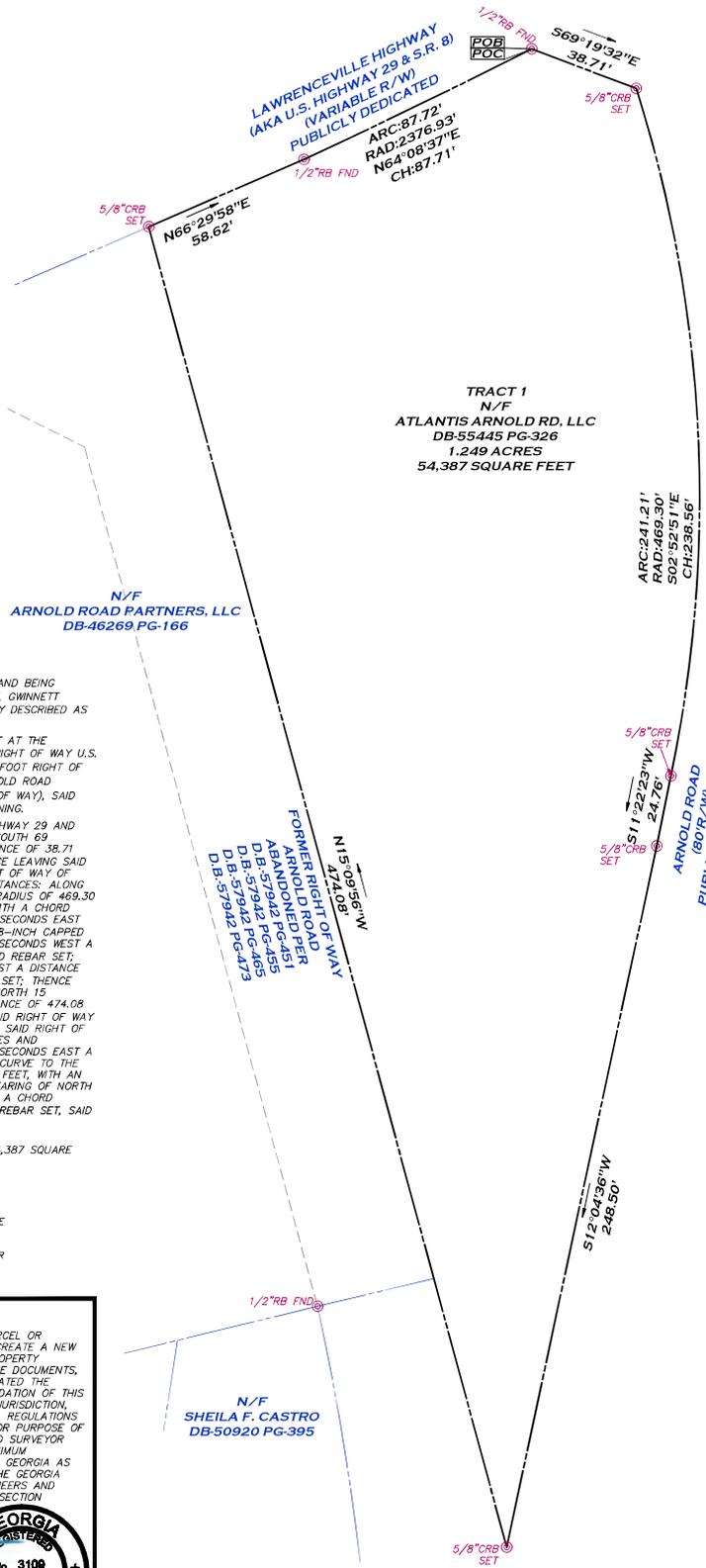
RZC2021-00003
RECEIVED 11-06-20



VICINITY MAP



GRAPHIC SCALE
30' 0 30' 60'
1 Inch = 30 Feet



TRACT 1
N/F
ATLANTIS ARNOLD RD, LLC
DB-55445 PG-326
1.249 ACRES
54,387 SQUARE FEET

N/F
ARNOLD ROAD PARTNERS, LLC
DB-46269 PG-166

FORMER RIGHT OF WAY
ABANDONED ROAD
D.B.: 57942 PG-455
D.B.: 57942 PG-465
D.B.: 57942 PG-473
D.B.: 57942 PG-473

N/F
SHEILA F. CASTRO
DB-50920 PG-395

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING LOCATED IN LAND LOT 47 OF THE 5TH DISTRICT, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH CAPPED REBAR SET AT THE MITERED INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY U.S. HIGHWAY 29 (HAVING A PUBLICLY DEDICATED 80 FOOT RIGHT OF WAY) AND THE WESTERLY RIGHT OF WAY OF ARNOLD ROAD (HAVING A PUBLICLY DEDICATED 80 FOOT RIGHT OF WAY), SAID CAPPED REBAR BEING THE TRUE POINT OF BEGINNING. THENCE LEAVING SAID RIGHT OF WAY OF U.S. HIGHWAY 29 AND CONTINUING ALONG SAID MITERED INTERSECTION SOUTH 69 DEGREES 19 MINUTES 32 SECONDS EAST A DISTANCE OF 58.71 FEET TO A 5/8 INCH CAPPED REBAR SET, THENCE LEAVING SAID INTERSECTION AND CONTINUING ALONG SAID RIGHT OF WAY OF ARNOLD ROAD THE FOLLOWING COURSES AND DISTANCES: ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 469.30 FEET, WITH AN ARC DISTANCE OF 241.21 FEET, WITH A CHORD BEARING OF SOUTH 02 DEGREES 52 MINUTES 51 SECONDS EAST AND A CHORD LENGTH OF 238.56 FEET TO A 5/8-INCH CAPPED REBAR SET; SOUTH 11 DEGREES 22 MINUTES 23 SECONDS WEST A DISTANCE OF 24.76 FEET TO A 5/8-INCH CAPPED REBAR SET, SOUTH 12 DEGREES 04 MINUTES 36 SECONDS WEST A DISTANCE OF 248.50 FEET TO A 5/8-INCH CAPPED REBAR SET; THENCE LEAVING SAID RIGHT OF WAY OF ARNOLD ROAD NORTH 15 DEGREES 09 MINUTES 56 SECONDS WEST A DISTANCE OF 474.08 FEET TO A 5/8-INCH CAPPED REBAR SET ON SAID RIGHT OF WAY OF U.S. HIGHWAY 29; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF U.S. HIGHWAY 29 THE FOLLOWING COURSES AND DISTANCES: NORTH 66 DEGREES 29 MINUTES 58 SECONDS EAST A DISTANCE OF 58.62 FEET TO A POINT; ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2376.93 FEET, WITH AN ARC DISTANCE OF 87.72 FEET, WITH A CHORD BEARING OF NORTH 64 DEGREES 08 MINUTES 37 SECONDS EAST AND A CHORD LENGTH OF 87.71 FEET TO A 5/8-INCH CAPPED REBAR SET, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1.249 ACRES (54,387 SQUARE FEET).

LEGEND

- PROPERTY LINE
- RB REBAR
- CRB CAPPED REBAR
- FND FOUND

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Mitchell Lowery
MITCHELL LOWERY GEORGIA RLS# 109
No. 3100 REGISTERED LAND SURVEYOR

RZC2021-00003
RECEIVED 11-06-20

SURVEY NOTES

- 1) PROPERTY SHOWN HEREON WAS SURVEYED JULY 11, 2017 REVISED OCTOBER 17, 2019.
- 2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE IF 1' IN 26,548' WITH AN ANGULAR ERROR OF 2.17 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
- 3) A TOPCON GPT-3005LW TOTAL STATION, TOPCON HIPER SR GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.
- 4) SUBJECT PROPERTY HAS A MAP CLOSURE OF 1' IN 240,297'.
- 5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X ON FLOOD INSURANCE RATE MAP NO. 1313500102E, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2006, FOR COMMUNITY NUMBER 130322, IN GWINNETT COUNTY, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
- 6) BEARING BASIS (NAD83, GAGEST) FOR THIS SURVEY WAS ESTABLISHED USING A TOPCON HIPER SR GPS RECEIVER UTILIZING NETWORK RTK CORRECTIONS PROVIDED BY THE REAL TIME NETWORK OPERATED BY EARL DUDLEY. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .04 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

DATE: NOVEMBER 4, 2020
JOB #: 171934
SCALE: 1"=30'
SHEET: 01 OF 1

BOUNDARY SURVEY OF: 2169 LAWRENCEVILLE HWY LAWRENCEVILLE, GA 30044	
STATE: GEORGIA	COUNTY: GWINNETT
LAND LOT: 47	DISTRICT: 5TH

PREPARED FOR:
ATLANTIS ARNOLD RD, LLC

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-00102



0 30' 60'
SCALE: 1"=30'

LEGEND

- PROPERTY LINE
- SETBACK LINE
- EASEMENT LINE



CONTINIO GROUP
755 COMMERCE DRIVE
SUITE 800
DECATUR, GA 30030
678.601.6646
www.icg-engineer.com



5887 GLENRIDGE DRIVE
SUITE 440
ATLANTA, GA 30328
PHONE: 770.392.1862

NEXT LEVEL PETROLEUM LLC

ARNOLD ROAD PARTNERS
ISSUED FOR: LOP
JURISDICTION: GWINNETT COUNTY
DISTRICT 5, LAND LOT 47, PARCEL 5047, 517/003
LOCATION: 2185 LAWRENCEVILLE HIGHWAY, LAWRENCEVILLE, GA 30044

#	DATE	REVISIONS

DRAWN: KJH
CHECK: RTC
JOB NO: 17-249
DATE: 11/04/20

ZONING PLAN
SHEET **C200**

RZC2020-0003
RECEIVED 11-06-20

PROPERTY DATA

- GROSS ACREAGE (OF PROPERTY BEING REZONED): 1.249 AC
- NET ACREAGE (OF PROPERTY BEING REZONED): 1.249 AC
- NO FLOOD PLAIN OR UTILITY EASEMENT ENCUMBRANCES EXIST ON THE PROPERTY
- BASED ON 2,695-SF RESTAURANT
- PARKING REQUIRED MIN: 18 SPACES (1/150-SF)
- PARKING REQUIRED MAX: 35 SPACES (1/75-SF)
- PARKING PROVIDED: ±30 SPACES (AT 1/90-SF)
- PROPERTY WILL BE CONSOLIDATED AFTER ZONING; SETBACKS ARE SHOWN FOR REFERENCE ON THE OVERALL PROPERTY.

GWINNETT COUNTY STAMP
PROJECT: CDP2020-



SITE NOTES

1. COMPLETION OF ALL WORK SHALL BE IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS, AS WELL AS ALL FEDERAL, STATE, AND LOCAL REGULATIONS. DEVIATION FROM THESE MAY CAUSE THE PROJECT TO BE UNACCEPTABLE.
2. THE PROJECT IS TO BE DELIVERED IN ACCORDANCE WITH THE AMERICANS WITH DISABILITY (ADA) ACT PER FEDERAL, STATE, AND LOCAL CODES.
3. THE PROJECT IS TO BE DELIVERED IN ACCORDANCE WITH THE UNIFORM TRAFFIC CONTROL MANUAL (MUTCD), HASTOT, AS WELL AS STATE AND LOCAL REGULATIONS.
4. ARCHITECTURAL PLANS ARE TO GOVERN THE AREA WITHIN 5' OF THE BUILDING ENVELOPE. THIS IS TO INCLUDE BUT NOT BE LIMITED TO STEPS, STOPS, SIDEWALKS, RAMPS, HANDRAILS, ETC. THE SITE CONTRACTOR IS RESPONSIBLE FOR ALL WORK OUTSIDE THE ENVELOPE.
5. THE FACE OF CURB AND OUTSIDE FACE OF BUILDING SHALL BE THE DIMENSIONAL REFERENCE FOR ALL SITE MEASUREMENTS AND SHALL, UNLESS OTHERWISE NOTED, ALL FASH SHALL BE ASSUMED TO BE 5' WHERE NO DIMENSION IS GIVEN.
6. EXISTING AND REMAINING FACILITIES, WHETHER ON THE PROPERTY OR ON ADJACENT PROPERTIES, SHALL BE MAINTAINED IN THEIR ORIGINAL CONDITIONS. IF DISTURBED, THESE STRUCTURES SHALL BE RESTORED TO THEIR ORIGINAL CONDITION.
7. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING AS-BUILTS AND OTHER CERTIFICATIONS IN ORDER TO OBTAIN THE ACCEPTANCE OF THE PROJECT BY THE CLIENT AND RELEASE OF OCCUPANCY.
8. CONTRACTOR TO VERIFY THE EXISTING CONDITIONS ON WHICH THE PROJECT DESIGN (ALL PHASES) ARE BASED AND BECOME FAMILIAR WITH ALL NECESSARY INFORMATION WHETHER ON THE SUBJECT TRACT OR ADJACENT PROPERTIES. IF UNKNOWN CONDITIONS ARE DISCOVERED WHICH AFFECT THE SCOPE AND DELIVERY OF THE PROJECT, THE CONTRACTOR IS TO PROVIDE IMMEDIATE WRITTEN NOTIFICATION TO THE ENGINEER.
9. ALL EASEMENTS REQUIRED TO COMPLETE THE WORK, BUT NOT PROVIDED BY THE CLIENT, ARE THE RESPONSIBILITY OF THE CONTRACTOR.
10. CURB AND GUTTER SHALL BE 24" UNLESS OTHERWISE SPECIFIED.
11. THE CONTRACTOR SHALL DELIVER THE CURB AND GUTTER AT A 28-DAY COMPRESSIVE STRENGTH OF 3,000 PSI.
12. THE CONTRACTOR SHALL DELIVER ANY REQUIRED PAINTING AND STRIPING WITH A MINIMUM OF TWO COATS OF PAINT PER PROJECT SPECIFICATIONS.

GWINNETT COUNTY SITE NOTES

1. CONTRACTOR SHALL CALL DEVELOPMENT INSPECTIONS TO SCHEDULE A PRE-CONSTRUCTION MEETING PRIOR TO THE START OF ANY CONSTRUCTION 678.518.6000.
2. NOTIFY GWINNETT COUNTY INSPECTOR 24 HOURS PRIOR TO BEGINNING OF EVERY PHASE OF CONSTRUCTION 678.018.6000.
3. NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.
4. NO DRIVE-UP WINDOWS ARE TO BE INSTALLED.
5. NO OUTDOOR STORAGE PROPOSED. THIS INCLUDES SUPPLIES, EQUIPMENT, VEHICLES, PRODUCTS, ETC.
6. SIGNS, LOCATION, NUMBER, AND SIZE ARE NOT APPROVED UNDER THIS PERMIT. A SEPARATE PERMIT IS REQUIRED FOR EACH SIGN.
7. ALL CONSTRUCTION IS TO COMPLY WITH GWINNETT COUNTY STANDARDS.
8. NO OVERSIZED SIGNS ARE PERMITTED.
9. NATURAL VEGETATION SHALL REMAIN ON THE PROPERTY UNTIL ISSUANCE OF A DEVELOPMENT PERMIT. NO INTERIOR LAND DISTURBANCE PERMITS SHALL BE ISSUED.

D:\DWG\03\CONTRD-MASTER\GWINNETT\PROJECTS\CDP2020-17-249 - N.P. - ARNOLD RD PARTNERS.DWG

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:

See attached letter of intent.

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

See attached letter of intent.

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

See attached letter of intent.

- (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:

See attached letter of intent.

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

See attached letter of intent.

- (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 attached letter of intent.

Letter of Intent and Constitutional Notice

Gwinnett County, GA

Rezoning Application

Applicant:

Atlantis Arnold, LLC

Property:

+/-1.249 Acres on Arnold Road & Lawrenceville Highway (US 29)

Parcel ID Nos.

R5047 003

R5047 949

Former R/W Arnold Road aka Old Arnold Road

Submitted for Applicant by:

Julie L. Sellers

Jeffrey S. Haymore

DILLARD SELLERS, LLC

1776 Peachtree Street, Suite 390-North

Atlanta, Georgia 30309

(404) 665-1241

I. INTRODUCTION

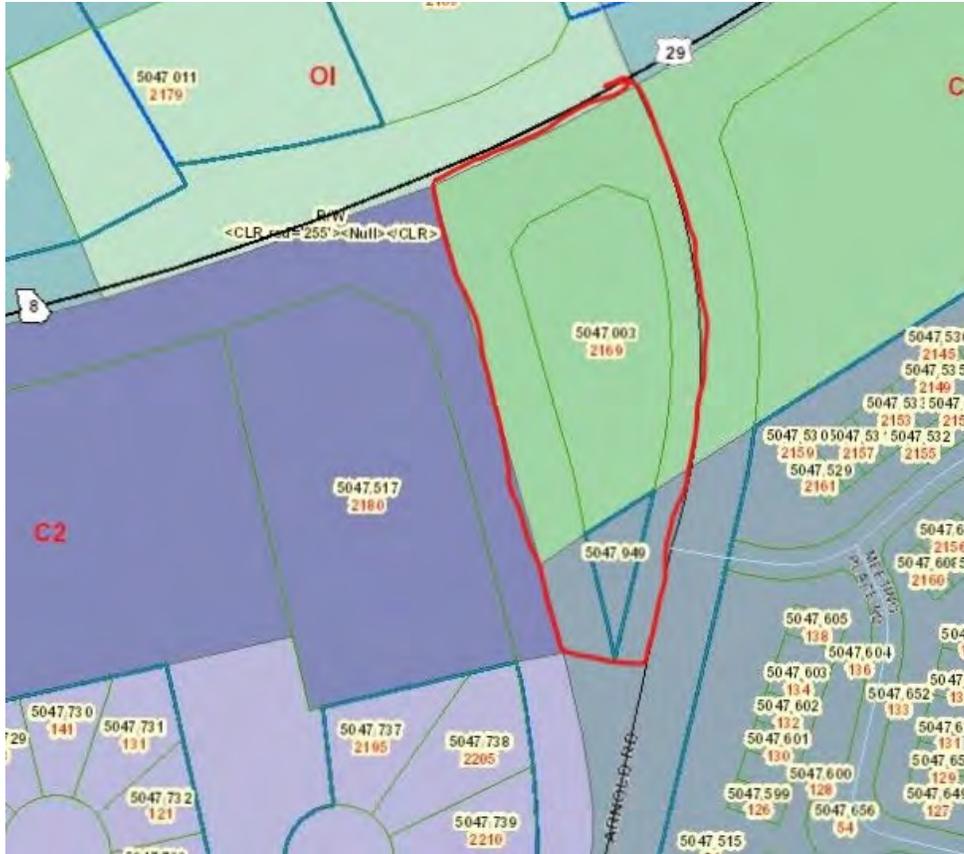
Atlantis Arnold Rd, LLC (“Applicant”) proposes to develop approximately 3 acres of property it has assembled at the northwest corner of Lawrenceville Highway and Arnold Road. Half of the property, 2180 Lawrenceville Highway (tax parcel 5041 517) and former Arnold Road right-of-way (discussed below), currently zoned C-2, is not the subject of this application. This application is submitted to rezone the balance of the property (~1.249 acres), from C-1 and RM-8 to C-2. The overall development will include restaurants with drive through facilities, a convenience store, and fuel pumps.

II. CRITICAL BACKGROUND

In approximately 2006/2007, Gwinnett County realigned Arnold Road at its intersection with Lawrenceville Highway, by shifting Arnold Road to the east. Prior to re-alignment, the centerline of Arnold Road served as the zoning line between C-2 (to the west) and C-1 (to the east) for parcels also fronting on Lawrenceville Highway. It also served as the zoning line between C-2 and RM-8, the latter pertaining to the Patriots Point residential community. However, when re-aligning Arnold Road, Gwinnett County did not concurrently amend the official zoning map by shifting the zoning line to the new centerline of Arnold Road. In addition, the re-alignment created a remnant piece (.109 acres) of RM-8 zoned property on the western side of Arnold Road and separated from the Patriots Point residential community (parent parcel). Thus, the Arnold Road realignment resulted in a blend of C-1, C-2 and RM-8 zoned parcels west of Arnold Road at its intersection with Lawrenceville Highway.

Subsequently, through action of its Board of Commissioners in April 2009 and June 2020, Gwinnett County formally abandoned portions of the old Arnold Road roadbed and conveyed such former right-of-way to abutting owners Arnold Road Partners, LLC, Atlantis Arnold Rd, LLC and/or its predecessors-in-title. The zoning of this former right-of-way, however, continues to be a blend of C-2, C-1 and RM-8. In addition, Atlantis Arnold Rd, LLC acquired the remnant piece zoned RM8 (tax parcel 5047 949) that was part of the Patriots Point community before the relocation of Arnold Road. It should be noted that the remnant piece zoned RM8 could not be developed as zoned due to the size of the remnant parcel. As such, the rezoning and consolidation for a cohesive development approach will benefit the County and surrounding community.

Consistent with sound land use and planning principles, the approval of this Application will correct the split zoning so that once again the new/current Arnold Road centerline will be the dividing line between C-2 zoning (to the west) and C-1 zoning (to the east), as shown in the map:



III. THE PROPERTY & DEVELOPMENT

The property that is the subject of this application is owned by Atlantis Arnold Rd, LLC as follows (“Subject Property”):

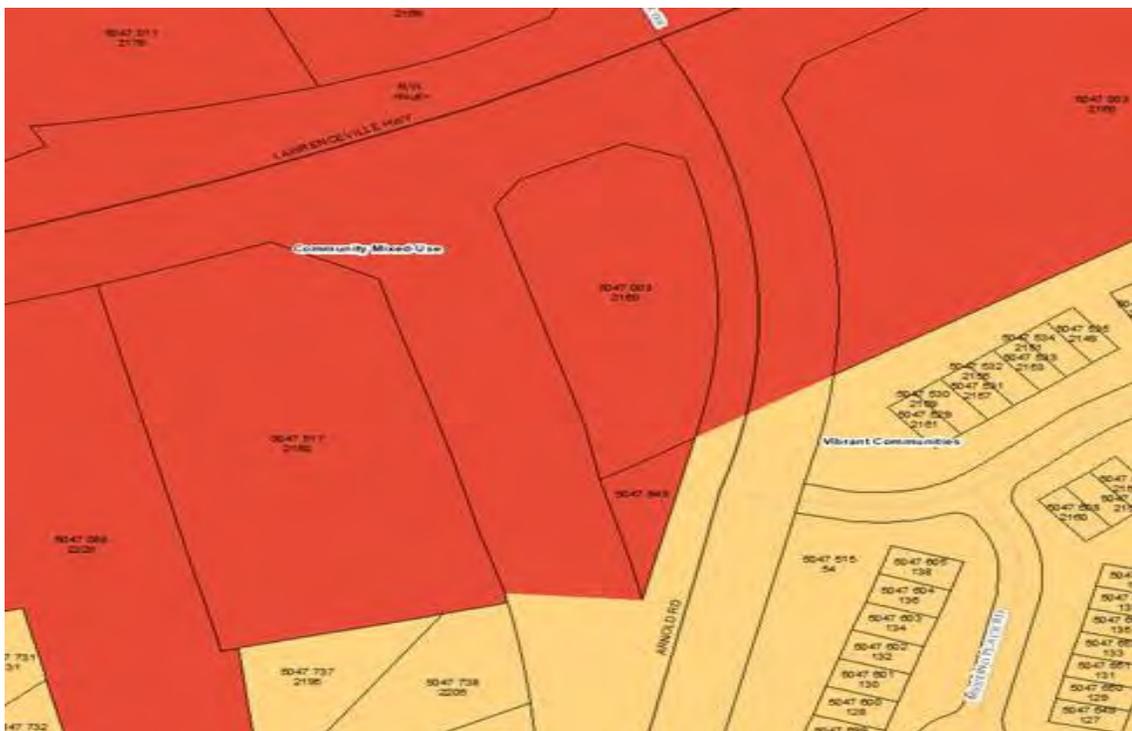
Parcel/Formal R/W	Current Owner	Former Owner	Deed Book/ Page	Current Zoning	Proposed Zoning
5047 003	Atlantis Arnold Rd, LLC	Mary Leo Lambos	55445/326	C-1	C-2
5047 949	Atlantis Arnold Rd, LLC	Westchase, LLC	56460/158	RM-8	C-2
Former Arnold Rd. R/W (east/right of former centerline)	Atlantis Arnold Rd, LLC	Gwinnett County	57942/451	C-1	C-2

Former Arnold Rd. R/W (east/right of former centerline	Atlantis Arnold Rd, LLC	Gwinnett County	57942/473	RM-8	C-2
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In the aggregate, the Subject Property is approximately +/- 1.249 acres of land located in Land Lot 47 of the 5th District of Gwinnett County. The Subject Property consists of asphalt roadbed and undeveloped property. The precise boundary and dimensions are shown on the enclosed legal description and survey.

The Applicant plans to develop a drive-thru restaurant on the Subject Property in a ~ 2,695 square foot building. The building will be below the 45-foot height maximum in C-2 and have 30 spaces in the parking lot, where the minimum parking requirement (in C-2) is 18 spaces (1:150') and the maximum parking requirement (in C-2) is 35 spaces (1:75').

Rezoning to C-2 is compatible with the 2040 Unified Future Development Plan, which designates the Subject Property to the Community Mixed-Use character area (denoted in red):



The Community Mixed-Use character area is intended for activity nodes and connecting areas located along major corridors, including Lawrenceville Highway. This includes medium mixed-use developments incorporating mostly commercial uses, including shopping plazas, small office buildings and retail, like convenience stores and drive-through restaurant facilities. See

Gwinnett 2040 Unified Plan, pg. 296-297. Rezoning to C-2 is compatible with the Community Mixed-Use character areas.

The Applicant submits this Letter of Intent and attached rezoning application for the purpose of rezoning the Subject Property to the General Business (C-2) zoning classification. Upon rezoning and consolidation, all tracts that make of the development, including the Subject Property, will have uniform C-2 zoning. After the Subject Property is rezoned, the overall development will include restaurants with drive-thrus, convenience store and fuel pumps as depicted on the overall master plan. See, Exhibit A for overall master concept site plan.

IV. SITE IMPACT ANALYSIS

Pursuant to Unified Development Ordinance (UDO) § 270-20.6, entitled “Impact Analysis”, Applicant herein submits its written impact analysis which shows that rezoning to C-2 satisfies UDO § 270-205, entitled “Standards Governing Exercise of the Zoning Power”, as follows:

UDO Standards Governing the Exercise of the Zoning Power

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Rezoning to C-2 will permit a use that is suitable in view of the use and development of adjacent and nearby property. This portion of the Lawrenceville Highway is a commercial corridor with a variety of uses including self-storage facility, car dealerships, convenience stores, fuel stations, restaurants and other commercial and retail uses.

- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.

Rezoning the Subject Property to C-2 will not adversely affect the existing use or usability of adjacent or nearby property. As discussed previously, property to the east across Arnold Road is currently vacant but zoned C-1. Property to the west is zoned C-2 and used for self-storage. Property to the north is across Lawrenceville Highway and is zoned O-1 and used for office space.

- C. Whether the property to be affected by a proposed rezoning has reasonable economic use as currently zoned.

The current RM-8 and C-1 zoning districts do not permit a reasonable economic use of the Subject Property, individually or in the aggregate. The RM-8 zoned parcel is .109 acres in size and is a remnant piece from the Arnold Road re-alignment. Given its de minimis size, the parcel is undevelopable under the current RM-8 zoning. Similarly, the C-1 zoned parcel is .751 acres in size and was severed from its parent parcel at the time of Arnold Road re-alignment. With said alignment, it is the only piece fronting on Lawrenceville Highway west of Arnold Road that is still zoned C-1. Rezoning to C-2 serves to unify the Subject Property under one zoning district. The proposed C-2 zoning district is the only zoning district that will allow for reasonable economic use of the Subject Property.

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.

Rezoning the Subject Property to C-2 will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or schools. The Subject Property fronts on and will be oriented towards Lawrenceville Highway, which is a major corridor identified in the Gwinnett 2040 Unified Plan, pg. 296. Applicant is working with GDOT on a right-in/right-out driveway permit (aka “curb-cut”) that will ensure proper circulation and vehicular and pedestrian safety. A full access driveway is proposed along Arnold Road at the location of the current vehicular access/connection point between Arnold Road and Old Arnold Road (now abandoned). Sidewalks currently exist along Arnold Road but not the Lawrenceville Highway frontage. Applicant will build sidewalks along the Lawrenceville Highway frontage, connecting same to its intersection with Arnold Road. Finally, the proposed commercial use will have no impacts on schools.

E. Whether the proposed rezoning is in conformity with the policy and intent of the land use plan.

According to the Gwinnett County 2040 Unified Plan Future Development Map, adopted by the Board of Commissioners on February 4, 2019, the Subject Property is designated to the “Community Mixed-Use” character area.

The Community Mixed-Use Character Area is intended for activity nodes and connecting areas located along major corridors, including Lawrenceville Highway. This includes medium mixed-use developments incorporating mostly commercial uses, including shopping plazas, small office buildings and retail, like convenience stores and drive-through restaurant facilities. See Gwinnett 2040 Unified Plan, pg. 296-297. Rezoning to C-2 to develop drive through restaurant is consistent with the intent of the Community Mixed-Use character areas.

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.

The Arnold Road realignment and subsequent abandonment of Old Arnold Road as public right-of-way gives supporting grounds for approval of the proposed rezoning and will achieve the prior zoning distribution of C-2 parcels located on the western side of Arnold Road.

V. CONSTITUTIONAL NOTICE

Georgia law and the procedures of Gwinnett County require us to raise Federal and State constitutional objections during the rezoning application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Gwinnett County Unified Land Development Code, facially and as applied to the Property, which restrict the Property to any uses, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Gwinnett County Unified Land Development Code, facially and as applied to the Property, which restricts the Property to any uses, or to any zoning classification other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the rezoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by Gwinnett County Board of Commissioners to grant this rezoning application in accordance with the criteria requirements as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

For all the foregoing reasons, it is submitted on behalf of the Applicant that the rezoning application meets the requirements of the Gwinnett County Unified Land Development Code.

Standing Objection

The Applicant further objects to the standing of each and every surrounding resident to challenge, whether before the Board or any court of competent jurisdiction, any zoning decision by the Board in that he/she has not shown, nor can show, that he/she will suffer special damages within the meaning of Georgia law as a result of said decision. The Applicant raises this objection before the Board and requests the Board to determine the standing of any individual who challenges or objects to the Board's decision to rezone the Property. Applicant further raises this objection before the Board to preserve said objection on appeal, if any, to any court of competent jurisdiction.

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this rezoning application be granted as requested by the Applicant. If there are any questions about this rezoning request, you may contact me at 404-665-1242 or jsellers@dillardsellers.com

Sincerely,

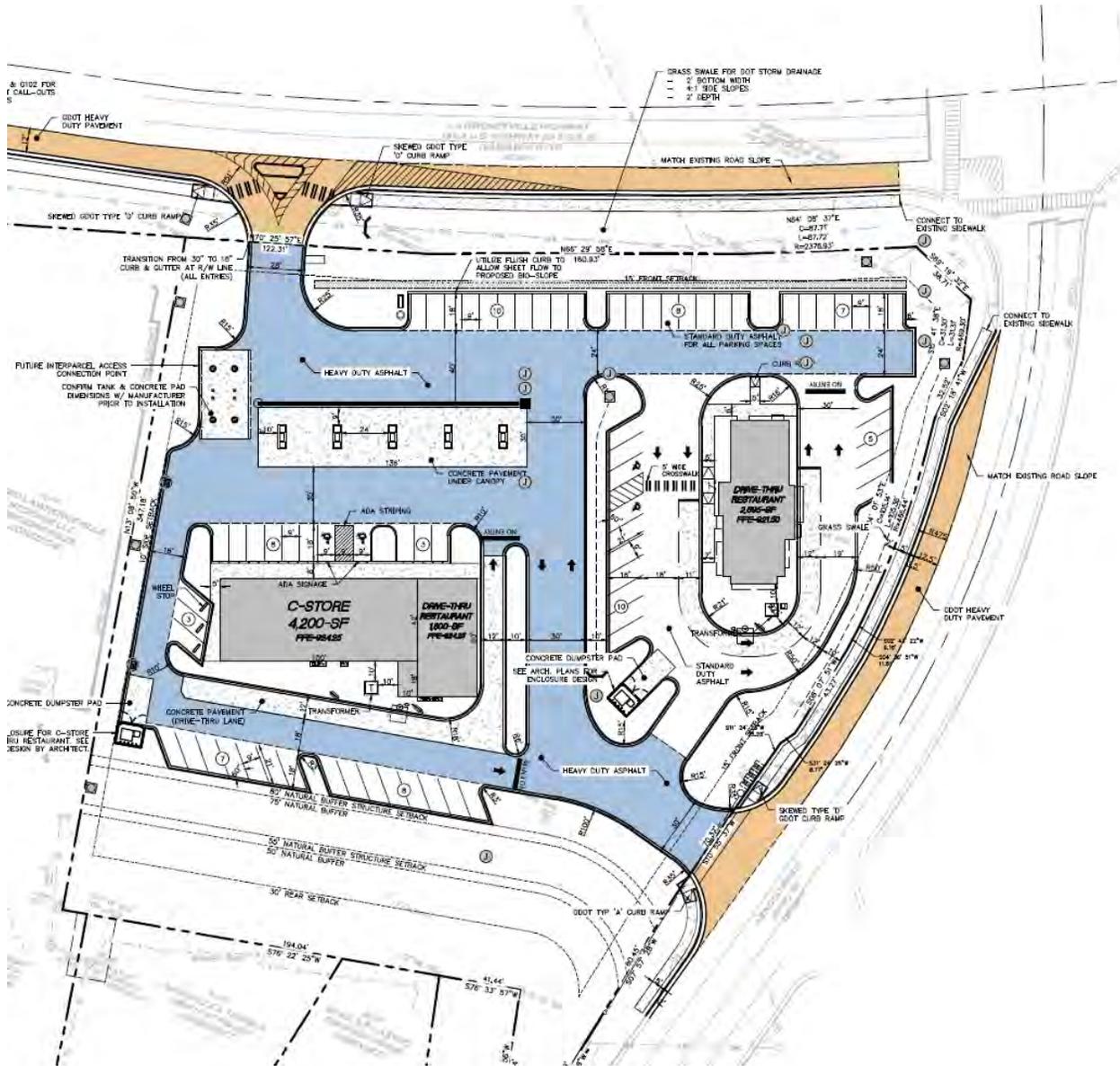
Dillard Sellers



Julie L. Sellers
Jeffrey S. Haymore

**Exhibit A
Overall Master Concept Plan**

(The portion of this property that include the C-store and fuel pumps are already zoned C-2 and are not subject to this zoning request. See Zoning Site plan and survey for property subject to this rezoning request)



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.

[Handwritten Signature]

11-3-2020

Signature of Applicant

Date

ROSTAM RAMJI

MANAGER

Type or Print Name and Title

[Handwritten Signature]

11/3/2020

Signature of Notary Public

Date



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.



11-2-2020

Signature of Property Owner

Date

Atlantis Arnold Rd, LLC

Type or Print Name and Title



11/02/20

Signature of Notary Public

Date



Notary Seal

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: R50 - 47 - 003
(Map Reference Number) District Land Lot Parcel

[Signature] 11-3-2020
Signature of Applicant Date
RUSTAM RAMJI MANAGER
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)

Jessilyn M. Duffre TSA
NAME TITLE
11/3/20
DATE

*I was A/c
Current
2020 Taxes
A/c Due
Doc 01, 2020*

RZC2021-00003
RECEIVED 11-06-20