

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Ag-Pro Real Estate Investments, LLC</u> <small>c/o Andersen, Tate & Carr, P.C.</small> ADDRESS: <u>1960 Satellite Blvd., Ste 4000</u> CITY: <u>Duluth</u> STATE: <u>GA</u> ZIP: <u>30097</u> PHONE: <u>770-822-0900</u>	NAME: <u>Various Owners</u> ADDRESS: <u>See Exhibit "A"</u> CITY: _____ STATE: _____ ZIP: _____ PHONE: _____
CONTACT PERSON: <u>Shaun R. Adams, Esq. of Andersen, Tate & Carr</u> PHONE: <u>770-822-0900</u> CONTACT'S E-MAIL: <u>sadams@atclawfirm.com</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): C-2 and M-1 REQUESTED ZONING DISTRICT: M-1
 PARCEL NUMBER(S): R6064-006; R6064-003; R6064-074 ACREAGE: 3.68
 ADDRESS OF PROPERTY: 4395 Stone Mountain Highway, Lilburn, GA 30047
 PROPOSED DEVELOPMENT: Farm Equipment Sales and Service

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>12,000</u>
Gross Density: _____	Density: <u>0</u>
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Exhibit "A"

Property Owners

Subject Property: 4395 Stone Mountain Highway Lilburn, Ga 30047

Parcel No.: R6064-006

LGP Enterprises, LLC

Kenneth Shiver

448 Lester Rd SW

Lawrenceville, Ga 30044

Subject Property: 4371 and 4375 Stone Mountain Highway, Lilburn, Ga 30047

Parcel No.: R6064-003 and R6064-074

Lucerne East Investments, LLC

Michael DeMessa

3313 Stone Mountain Hwy

Snellville, Ga 30078

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28636
00060

4395 Stone Mountain Highway, Lilburn, Georgia 30047

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 64, 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at the point formed by the intersection of the northerly right-of-way line of Lake Lucerne Road (an 80-foot right-of-way) and the northwesterly right-of-way line of Old Highway 78; continue thence in a northeasterly direction along the aforementioned right-of-way line of Old Highway 78, and following the curvature thereof, a distance of 1961.21 feet to an iron pin found on said right-of-way line which marks THE TRUE POINT OF BEGINNING; from the True Point of Beginning thus established, and leaving the aforesaid right-of-way line run North 25 degrees 25 minutes 41 seconds West a distance of 400.50 feet to an iron pin found; thence North 56 degrees 34 minutes 04 seconds East a distance of 223.69 feet to an iron pin found; thence South 26 degrees 18 minutes 54 seconds East a distance of 400.00 feet to an iron pin set on the northwesterly right-of-way line of Old Highway 78, said point being located North 89 degrees 05 minutes 30 seconds East a distance of 483.67 feet from GC Monument G071; thence along the aforesaid right-of-way line and along the arc of a curve to the right an arc distance of 184.06 feet to a point, said arc being subtended by a chord bearing South 57 degrees 39 minutes 28 seconds West and having a radius of 1185.92 feet; continuing thence along the aforesaid right-of-way line South 52 degrees 35 minutes 49 seconds West a distance of 45.98 feet to THE TRUE POINT OF BEGINNING; being 2.047 acres of improved real property as depicted on that certain Survey for LGP Enterprises, LLC, prepared and certified by Matthew V. Ingram, Georgia Registered Land Surveyor No. 2288, of M. V. Ingram Enterprises, Inc., dated August 6, 2002.

ATLANTA 321634v1

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Legal Description

4375 Stone Mountain Highway

All that tract or parcel of land lying and being in Land Lot 64, 6th District, Gwinnett County, Georgia, being identified as Parcel II, containing 0.8635 of an acre, according to plat of survey for Larry Rutledge, dated March 12, 1986, and recorded in Plat Book 35, Page 44, Gwinnett County, Georgia Records, which plat and the record thereof are incorporated herein by reference thereto.

4371 Stone Mountain Highway

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 64 of the 6th District of Gwinnett County, Georgia, being 0.777 acres according to a survey prepared by McNally, Patrick & Cole, Inc., Land surveyors, for Larry Rutledge, dated July 31, 1980, and more particularly described as follows:

To arrive at the TRUE POINT OF BEGINNING, begin at a point located on the centerline of U.S. Highway 78 (Relocated), 2322.9 feet northeasterly from the intersection of the centerline of U.S. Highway 78 (relocated) and center of the Yellow River; thence North 39 degrees, 48 minutes, West a distance of 87.23 feet to the centerline of Old U.S. Highway 78 (80 Ft. r/w); thence north 11 degrees 41 minutes West a distance of 40.0 feet to the northern right of way of Old Highway U.S. 78 (80 ft. R/W); thence along the northern right of way of Old U.S. Highway 78, an arc distance of 217.35 feet (said arc having a chord of South 74 degrees, 46 minutes West a distance of 217.25 feet); to a TRUE POINT OF BEGINNING; thence continuing southerly along the said right of way of Old U.S. Highway 78 (80 ft. R/W) an arc distance of 113.06 feet (said arc having a radius of 2112.54 feet); thence North 24 degrees 42 minutes 00 seconds West a distance of 300.00 feet to an iron pin; thence North 66 degrees 59 minutes 28 seconds East a distance of 113.05 feet to an iron pin; then South 24 degrees 42 minutes 00 seconds East a distance of 300.00 feet to a point on the northern right of way of Old U.S. Highway 78 (80 ft. r/w), 0.5 feet from an iron pin found, said point being the TRUE POINT OF BEGINNING.

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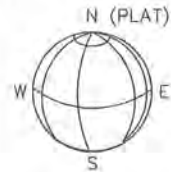
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REFERENCE: PB 35 PG 44
DB 19492 PG 131-133

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF GWINNETT COUNTY, GEORGIA 1313500136F EFFECTIVE DATE SEPTEMBER 29, 2006

25 0 50 100
1" = 50'



CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	29.47	2112.54	29.47	S64°44'15"W
C2	113.06	2112.54	113.05	S66°40'13"W

LEGEND

- EQP EDGE OF PAVEMENT (CURB)
- PP POWER POLE
- R/W RIGHT OF WAY
- IPF IRON PIN FOUND
- IPS 1/2" REBAR SET
- SW SIDE WALK
- BOLLARD
- OHP OVERHEAD POWER
- FH FIRE HYDRANT
- CB CATCH BASIN
- MH MANHOLE
- WM WATER METER
- WV WATER VALVE
- GV GAS VALVE
- GM GAS METER
- LP LIGHT POLE
- CONCRETE PAD

GENERAL NOTES:
1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.

2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.

3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.

4: No Geodetic monuments were found within 500 feet of this site

5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT
SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 19492 PG 131-133
PROPERTY OWNER AT TIME OF SURVEY: PAY PHONE COMMUNICATIONS, INC.
PARCEL NUMBER: R6064 074, R6064 003

WEST PROPERTY LINE IS BEARING BASIS FROM PB 35 PG 44

TOTAL AREA: 71,246 SQ FT, 1.64 AC

CALCULATED PLAT CLOSURE: 1:145,423

FIELD DATA:

DATE OF FIELD SURVEY 10-7-2015

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.015 FEET.

EQUIPMENT:
ELECTRONIC TOTAL STATION

SURVEY FOR
MICHAEL & CARYN DEMESSA

4371 & 4375 STONE MOUNTAIN HWY

GWINNETT COUNTY, GEORGIA
LAND LOT 64, DIST 6
DATE: OCTOBER 12, 2015



U.S. HI HWY 78 & GA. HI HWY 10



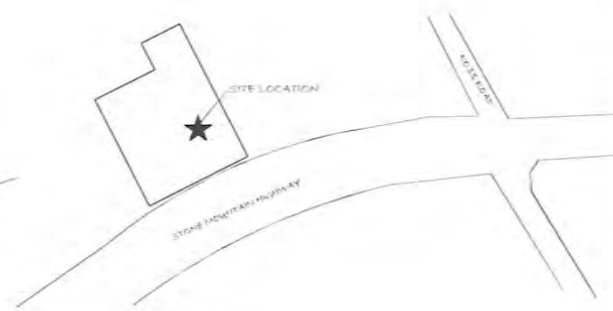
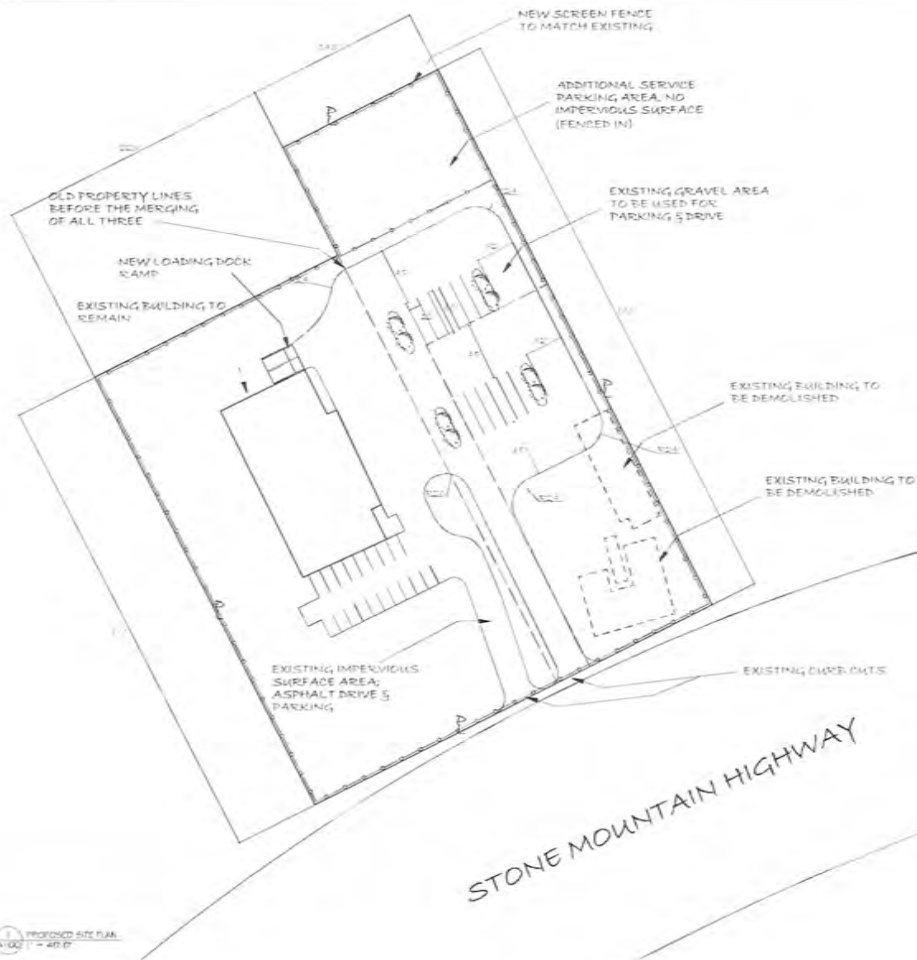
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PATRICK F. CAREY, GA R.L.S. #3077
3530 SMOKE RISE WAY
LAWRENCEVILLE, GA 30044
770.315.3063

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THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67. AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

COPY RIGHT 2015—THIS 11 X 17 DRAWING AND REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR



PROPOSED SITE PLAN
 A100 1" = 40' 0"

NOTES

1. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC) AS ADOPTED BY THE CITY OF ATLANTA.

2. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL, ELECTRICAL AND PLUMBING CODE (IMC), THE INTERNATIONAL ELECTRICAL CODE (IEC), AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPC) AS ADOPTED BY THE CITY OF ATLANTA.

3. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODE (IFSC) AS ADOPTED BY THE CITY OF ATLANTA.

4. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AS ADOPTED BY THE CITY OF ATLANTA.

5. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL GREEN BUILDING CODE (IGBC) AS ADOPTED BY THE CITY OF ATLANTA.

6. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SUSTAINABLE DESIGN AND CONSTRUCTION CODE (ISDC) AS ADOPTED BY THE CITY OF ATLANTA.

7. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL WELL-BEING AND PRODUCTIVITY CODE (IWPC) AS ADOPTED BY THE CITY OF ATLANTA.

8. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL COMMUNITY DEVELOPMENT AND URBAN DESIGN CODE (ICDUC) AS ADOPTED BY THE CITY OF ATLANTA.

9. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL TRANSPORTATION AND TRAVEL CODE (ITTC) AS ADOPTED BY THE CITY OF ATLANTA.

10. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PUBLIC SAFETY AND SECURITY CODE (IPSSC) AS ADOPTED BY THE CITY OF ATLANTA.

11. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENVIRONMENTAL AND CLIMATE CHANGE CODE (IECCC) AS ADOPTED BY THE CITY OF ATLANTA.

12. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CULTURAL AND HERITAGE CODE (ICHC) AS ADOPTED BY THE CITY OF ATLANTA.

13. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL TOURISM AND RECREATION CODE (ITRC) AS ADOPTED BY THE CITY OF ATLANTA.

14. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ARTS AND CULTURE CODE (IACC) AS ADOPTED BY THE CITY OF ATLANTA.

15. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL EDUCATION AND RESEARCH CODE (IERC) AS ADOPTED BY THE CITY OF ATLANTA.

16. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL HEALTH AND WELLNESS CODE (IHC) AS ADOPTED BY THE CITY OF ATLANTA.

17. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SOCIAL EQUITY AND JUSTICE CODE (ISEJC) AS ADOPTED BY THE CITY OF ATLANTA.

18. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ECONOMIC DEVELOPMENT AND GROWTH CODE (IEDGC) AS ADOPTED BY THE CITY OF ATLANTA.

19. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL INFRASTRUCTURE AND TRANSPORTATION CODE (IITC) AS ADOPTED BY THE CITY OF ATLANTA.

20. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL COMMUNICATIONS AND INFORMATION TECHNOLOGY CODE (ICITC) AS ADOPTED BY THE CITY OF ATLANTA.

21. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY AND ENVIRONMENTAL CODE (IEEC) AS ADOPTED BY THE CITY OF ATLANTA.

22. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL WATER AND WASTE MANAGEMENT CODE (IWWMC) AS ADOPTED BY THE CITY OF ATLANTA.

23. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL AIR QUALITY AND CLIMATE CODE (IAQCC) AS ADOPTED BY THE CITY OF ATLANTA.

24. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL NOISE AND VIBRATION CODE (INVC) AS ADOPTED BY THE CITY OF ATLANTA.

25. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL LIGHT AND GLARE CODE (ILGC) AS ADOPTED BY THE CITY OF ATLANTA.

26. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL THERMAL ENVIRONMENTAL CONDITIONS AND ENERGY PERFORMANCE CODE (TCC) AS ADOPTED BY THE CITY OF ATLANTA.

27. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SOUND AND VIBRATION CODE (SVC) AS ADOPTED BY THE CITY OF ATLANTA.

28. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ELECTROMAGNETIC INTERFERENCE AND RADIATION CODE (EMIR) AS ADOPTED BY THE CITY OF ATLANTA.

29. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RADIO FREQUENCY INTERFERENCE CODE (RFIC) AS ADOPTED BY THE CITY OF ATLANTA.

30. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL TELECOMMUNICATIONS CODE (ITC) AS ADOPTED BY THE CITY OF ATLANTA.

31. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CABLE TELEVISION CODE (CTC) AS ADOPTED BY THE CITY OF ATLANTA.

32. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BROADCASTING CODE (BC) AS ADOPTED BY THE CITY OF ATLANTA.

33. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL TELEVISION CODE (TV) AS ADOPTED BY THE CITY OF ATLANTA.

34. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RADIO AND TELEVISION BROADCASTING CODE (RTBC) AS ADOPTED BY THE CITY OF ATLANTA.

35. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SOUND AND AUDIO CODE (SAC) AS ADOPTED BY THE CITY OF ATLANTA.

36. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL VIDEO AND MULTIMEDIA CODE (VMC) AS ADOPTED BY THE CITY OF ATLANTA.

37. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL TELEVISION AND VIDEO CODE (TVC) AS ADOPTED BY THE CITY OF ATLANTA.

38. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL TELEVISION AND VIDEO BROADCASTING CODE (TVBC) AS ADOPTED BY THE CITY OF ATLANTA.

39. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL TELEVISION AND VIDEO BROADCASTING CODE (TVBC) AS ADOPTED BY THE CITY OF ATLANTA.

40. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL TELEVISION AND VIDEO BROADCASTING CODE (TVBC) AS ADOPTED BY THE CITY OF ATLANTA.

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**GARSCHAGEN & GODWIN
 ARCHITECTURE, LLC**
 AIA - NCARB - LEED AP
 Thomsville, Ga - Brant@garschagenandgodwin.com - 279.274.2320
 Valdosta, Ga - Dorinda@garschagenandgodwin.com - 279.241.3800



**SITE ALTERATIONS FOR
 AG-PRO COMPANIES
 4395 STONE MOUNTAIN HWY
 LILBURN, GEORGIA**

DATE	DEC 28 2017
BY	MARK BIRD
SCALE	AS SHOWN
DESIGN	RLG
ARCHITECT	DCC
CLIENT	
PROJECT	

A100

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 Exhibit "B"

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

See Exhibit "B"

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

See Exhibit "B"

- (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 Exhibit "B"

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

See Exhibit "B"

- (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 Exhibit "B"

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EXHIBIT B - APPLICANT'S RESPONSE
REZONING APPLICATION FOR 4395 STONE MOUNTAIN HWY, LILBURN, GA 30047

- A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The proposed use is consistent with the nearby commercial uses in the area. There will be little to no impact on adjacent and nearby property uses.

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

No. The proposed use would be completely contained within the existing property with appropriate buffers. There would be little to no impact on adjacent and nearby properties and the use would not adversely affect these properties.

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

The subject property is currently zoned C-2 and is surrounded by similarly-zoned property, and accordingly, the rezoning request is compatible with the existing uses and usability of the adjacent and nearby 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:

No. The proposed use will not cause any additional or excessive use of existing streets, transportation facilities or utilities. There will be no impact on the schools. This property is located in an area with public water and sewer availability, and access to major thoroughfares, highways and interstate.

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

Yes. This application for rezoning and special use permit is entirely consistent with the Plan's guidelines.

- F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH

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GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING:

Yes. The proposed use is entirely appropriate in light of emerging needs for Gwinnett citizens and land uses in the surrounding area. The requested rezoning and special use permit is necessary to enable the Applicant to operate at this location. The Property Owner also supports this application for Rezoning and Special Use Permit.

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ANDERSEN | TATE | CARR

Shaun R. Adams
Email: sadams@atclawfirm.com

Telephone: 770.822.0900
Direct Dial: 678.518.6855
Direct Fax: 770.236.9702

January 5, 2018

VIA HAND DELIVERY

Gwinnett County
Attn: Kathy Holland, Director of Planning and Development
446 West Crogan Street
Lawrenceville, Ga 30046-2440

RE: REZONING AND SPECIAL USE PERMIT APPLICATION AND LETTER OF INTENT FOR AG-PRO REAL ESTATE INVESTMENTS, LLC ("AG-PRO")

Dear Director and Staff:

The Applicant, Ag-Pro Real Estate Investments, LLC (the "Applicant"), submits this request for a Rezoning from C-2 to M-1 and Special Use Permit for Farm Equipment Sales and Service on an approximately 3.68 acre tract of land (hereinafter "Property"), located at 4395 Stone Mountain Highway, Lilburn, Ga 30047 (hereinafter "Subject Property"), and including 4371 and 4375 Stone Mountain Highway, Lilburn, Ga 30047 (hereinafter "Adjacent Property"), located on the northwest side of Stone Mountain Highway, between the Yellow River and Jessica Daron Court. The Rezoning and Special Use Permit application includes the following three parcels: R6064-006 (currently zoned C-2), R6064-003 and R6064-074 (both currently zoned M-1). The Applicant is seeking a rezoning of parcel R6064-006 from C-2 to M-1 to be consistent with the current M-1 zoning of parcels R6064-003 and R6064-074 that are being assembled as part of the proposed project.

We are respectfully requesting a special use permit along with the rezoning to allow for sales and service of lawn and farm equipment by the Applicant whom is a John Deere dealer. The Applicant intends to assemble the three parcels and use the existing building on the Subject Property for its sales and service office with outdoor display of equipment in the front of the building. The Subject Property currently contains a 12,000 square foot single story building with thirty paved parking spaces along the front and side of the building. The Applicant is requesting a rezoning of the Subject Property from C-2 to M-1 for uniformity amongst the three parcels being assembled and to allow for the special use as a lawn and farm equipment sales and service business.

The proposed rezoning to M-1 and special use permit for farm equipment sales and service is consistent with Gwinnett's 2030 Unified Plan and the Property is not located within an Overlay District. The Property is located in a highway business area that includes medium density automotive sales and service businesses. The Property has access to a public water supply, public sanitary sewer, and convenient access to connector streets, major thoroughfares, and highways.

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The Subject Property is an appropriate location for the proposed use, and would have little to no impact on the surrounding properties. The proposed use for the Subject Property is suitable for the location and consistent with the surrounding businesses along Stone Mountain Highway.

The Applicant welcomes the opportunity to meet with the Gwinnett County Planning and Development Staff to answer any questions or to address any concerns relating to this letter or the Rezoning and Special Use Permit Application. The Applicant respectfully requests your approval of the Application.

Respectfully Submitted,

ANDERSEN, TATE & CARR, P.C.



Shaun R. Adams

SRA/ag 3113145_1

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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

12/28/17

Date

Matthew Carlson COO

Type or Print Name and Title



Signature of Notary Public

12/28/2017

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.

Kenneth M. Shiver

12/28/2017

Signature of Property Owner

Date

Kenneth M. Shiver *Managing Director*

Type or Print Name and Title

[Signature]

12/28/17

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.



1-5-18

Signature of Property Owner

Date

MICHAEL DEMESSA (owner)

Type or Print Name and Title

Angela Gratz

1-5-18

Signature of Notary Public

Date



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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.

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	11/5/2018	Shaun R. Adams, Esq. of Andersen, Tate & Carr
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	1-9-19	
SIGNATURE OF NOTARY PUBLIC	DATE	NOTARY SEAL



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 Shaun R. Adams, Esq. of Andersen, Tate & Carr
 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)
	See Exhibit "C"	

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

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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.

Timothy Hiers 1/5/18 Timothy Hiers, Partner
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Marie Butler 1/5/18
 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 Timothy Hiers
 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)
<u>See Exhibit C</u>		

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

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**EXHIBIT C AND DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
BY ANDERSEN, TATE & CARR, P.C., ATTORNEY FOR APPLICANT**

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE CONTRIBUTION WAS MADE
Charlotte Nash Commission Chairman	\$1,000 \$500 \$578.10	March 2016 October 20, 2016 October 20, 2016
Jace Brooks District 1 Commissioner	\$500	March 2016
Tommy Hunter, District 3 Commissioner	\$500	January 27, 2016

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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.**

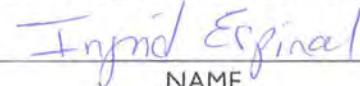
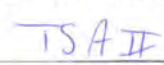
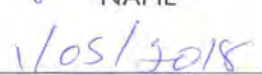
PARCEL I.D. NUMBER: R6 - 064 - 074
(Map Reference Number) District Land Lot Parcel

 1/5/18
Signature of Applicant Date
 Timothy Hiers, 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)

 
NAME TITLE

DATE

RZC '18 005

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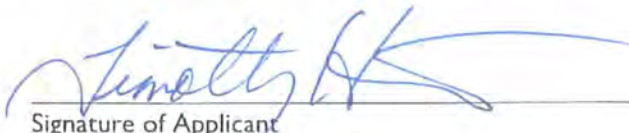
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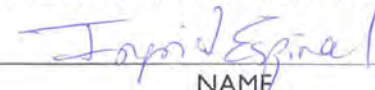
PARCEL I.D. NUMBER: R6 064 003
(Map Reference Number) District Land Lot Parcel

 1/5/18
Signature of Applicant Date
 Timothy Hiers, 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)

 TSA II
NAME TITLE
 1/05/2018
DATE

RZC '18 005

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***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: R6 - 064 - 006
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

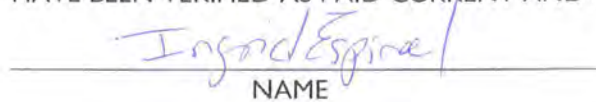
1/5/18
Date

Timothy Hiers, Partner
Type or Print Name and Title

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NAME

TSA II
TITLE

1/05/2018
DATE

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