



REZONING APPLICATION

RECEIVED

APPLICATION TO AMEND THE OFFICIAL ZONING MAP, SNELLVILLE GEORGIA

DEC 21 2022

CITY OF SNELLVILLE
PLANNING & DEVELOPMENT

2154 NORTH RD #220064
RZ 23-01 LUP 23-01
PARCEL- 5039 032

City of Snellville
Planning & Development Department
2342 Oak Road, 2nd Floor
Snellville, GA 30078
Phone 770.985.3515 Fax 770.985.3551 www.snellville.org

Version 10-29-2020

Applicant is: (check one) Owner's Agent
 Contract Purchaser
 Property Owner

Owner (if not the applicant): check here if there are additional property owners and attach additional sheets.

Toney Financial Services Inc. c/o Alliance Engineering and Planning
Name (please print)
299 South Main Street
Address
Alpharetta GA 30009
City, State, Zip Code
770-225-4730 ext. 819
Phone Number(s) Fax

TONEY JAMES MURPHEY, TONEY MEGHAN BANKS
Name (please print)
2154 NORTH ROAD
Address
SNELLVILLE, GA 30078
City, State, Zip Code
770-225-4730 ext. 819
Phone Number(s) Fax

Contact Person: Tyler Lasser Phone: 770-225-4730 ext. 819 Fax: _____
Cell Phone: 770-225-4730 ext. 819 E-mail: Tylerl@allianceco.com

Present Zoning District Classification: RS30 Requested/Proposed Zoning District Classification: NR

Present Future Land Use Map (FLUM) Designation: Low Density Residential Does the FLUM Require Amending? No Yes*

Proposed Use (Describe): Financial Office
Property Address/Location: 2154 NORTH ROAD District 5 Land Lot 039 Parcel(s) 032

* If the requested zoning district is not consistent with the Future Land Use category on the current Future Land Use Map (FLUM) and identified in Table 2 – Future Land Use Categories and Corresponding Zoning Districts (pg. 53) of the Snellville 2040 Comprehensive Plan, applicant shall also be required to submit a Land Use Plan Amendment application and which is considered concurrent with the Rezoning application.

APPLICATION FEES:

- Less than one acre \$ 500
- 1 to 5 acres 560
- 5 to 10 acres 800
- 10 to 15 acres 1,050
- 15 to 20 acres 1,350
- Over 20 acres 1,900
- Public Notice Sign \$ 75 (single-sided) or \$125 (double-sided) per parcel, per road frontage
- Adjoining Property Owner Notice \$ 15 (per adjoining property X 2 public hearings)

IF REQUESTING A CHANGE IN CONDITIONS OF ZONING FROM A PRIOR APPROVED REZONING CASE, PLEASE SUBMIT USING THE CHANGE IN CONDITIONS APPLICATION

Pursuant to Section 103-9.4.C.11. of the Snellville Unified Development Ordinance, **a written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters shall be included.** Please respond to the following standards in the space provided or attach additional sheets if necessary. **Simple yes/no answers or re-statement of the standard is not acceptable and shall be considered non-responsive.**

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Response: Yes, the North Road Corridor consists of a variety of office uses.

B. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties.

Response: No, the site will not require significant changes and the existing historic structure will remain on the land.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Response: No, the subject property does not have a reasonable economic use as currently zoned. The applicant submits the rezoning would allow for a use more compatible with the pattern of development in the area.

D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Response: No, the rezoning will not result in an excessive use of existing streets, transportation facilities, utilities or schools.

E. Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Plan.

Response: The FLU plan designates the subject site as low density residential, likely due to the existing structure on the site. With the existing structure remaining on the site, and the town center and North Road Redevelopment areas adjacent to the site, this proposed rezoning will remain consistent with the intent of the plan.

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 zoning proposal.

Response: The low intensity of the use, consistency with the pattern of development in the area are amongst the reasons supporting approval of the request.

CERTIFICATIONS

APPLICANT'S CERTIFICATION

The undersigned below does hereby, swear or affirm under penalty of perjury under the laws of the State of Georgia, is authorized to make this application for Rezoning and that the statements and documents submitted as part of this application are true and accurate to the best of my knowledge or belief. The undersigned is aware that if the rezoning application is denied by the City Council, no rezoning application affecting any portion of the same property may be submitted less than twelve (12) months from the date of denial.

[Signature] Meghan Toney 10-18-22
Signature of Applicant Date

Janes Toney Meghan Toney Owner(s)
Type or Print Name and Title

[Signature] 10/18/22
Signature of Notary Public Date



PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, swear and affirm that I am (we are) the owner of property that is subject to this application, as shown in the records of Gwinnett County, Georgia which is the subject matter of the attached application. I further authorize AEP to file this application. The undersigned is aware that if the rezoning application is denied by the City Council, no rezoning application affecting any portion of the same property may be submitted less than twelve (12) months from the date of denial.

Check here if there are additional property owners and attach additional "Owner's Certification" sheets.

[Signature] Meghan Toney 10-18-22
Signature of Owner Date

Janes Toney Meghan Toney Owner(s)
Type or Print Name and Title

[Signature] 10/16/22
Signature of Notary Public Date



AUTHORIZATION TO INSPECT PREMISES

With the signature below, I authorize the staff of the Department of Planning and Development of the City of Snellville, Georgia to inspect the premises, which are the subject of this rezoning application.

I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

[Signature] Meghan Joney 10-18-22
Signature of Owner or Agent Date

James Toney Meghan Toney 0-18-22
Type or Print Name and Title

[Signature] 10/18/22
Signature of Notary Public Date



**CONFLICT OF INTEREST CERTIFICATIONS
FOR REZONING APPLICATION**

The undersigned below, making application for 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 forms provided.

check here if there are additional applicants and attach additional "Conflict of Interest Certification" sheets.

James Tony Meghan Toney 10.18.22
Signature of Applicant Date

James Tony Meghan Toney
Type or Print Name and Title

Tyler Lasser 10.18.22
Signature of Applicant's Attorney or Representative Date

Tyler Lasser - AEP
Type or Print Name and Title

Michael T. Byrne 10/18/22
Signature of Notary Public Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the last two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to any member of the Mayor and City Council or any member of the Snellville Planning Commission?

YES NO YOUR NAME: James Tony Meghan Toney

If the answer above is YES, please complete the following section:

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

Check here and attach additional sheets if necessary to disclose or describe all contributions or gifts.

After Recording Return To:
MAHAFFEY PICKENS TUCKER, LLP
1550 North Brown Road, Suite 125
Lawrenceville, Georgia 30043
File #3149-0214 (JRM/gth)
TAX PARCEL NO.: R5039 032

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF GWINNETT

THIS INDENTURE, Made the 1st day of September, 2022, by and between,

GINA M. FOSTER

as party or parties of the first part, hereinafter called Grantor, and

JAMES MURPHEY TONEY and MEGHAN BANKS TONEY,
As Joint Tenants with Rights of Survivorship

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee:

All that tract or parcel of land lying and being in Land Lot 39 of the 5th District, Gwinnett County, Georgia, particularly shown on survey for E. R. Snell Contractor, Inc., by Michael A. Royston,

Georgia Registered Land Surveyor No. 1731, dated October 8, 1977, as last revised July 23, 1998, and Recorded in Plat Book 78, Page 119, Gwinnett County, Georgia Records, which plat is incorporated herein by reference and made a part hereto by this reference.

LESS AND EXCEPT any portion of such property within the right of way of North Road.

Said property is conveyed subject to those permitted title exceptions set forth on Exhibit "A" attached hereto and made a part hereof by this reference.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of Grantor and all others claiming by, through or under Grantor.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
this 1st day of September, 2022,
in the presence of:

GRANTOR:

L. L. Wallace
Unofficial Witness

[Signature]
Notary Public

[Signature] (SEAL)
GINA M. FOSTER

[NOTARY SEAL]

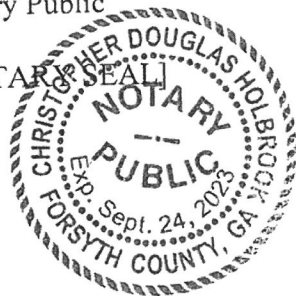


EXHIBIT "A"

Permitted Title Exceptions

1. All County taxes and special assessments, including water, sanitary and other utility bills, for the year 2023 and subsequent years, which are not yet due and payable, together with any and all taxes and special assessments which may become due and payable for the current or previous years, due to, but not limited to, reassessments, rebillings, or errors by tax officials or their agents.
2. All City taxes and special assessments, including water, sanitary and other utility bills, for the year 2022 and subsequent years, which are not yet due and payable, together with any and all taxes and special assessments which may become due and payable for the current or previous years, due to, but not limited to, reassessments, rebillings, or errors by tax officials or their agents.
3. All matters set forth on Plat recorded at Plat Book E, Page 74, Gwinnett County, Georgia Records.
4. All matters set forth on Plat recorded at Plat Book 56, Page 60A, aforesaid records.
5. All matters set forth on Plat recorded at Plat Book 78, Page 119, aforesaid records.
6. Right of Way Deed from T. E. Todd to Gwinnett County dated January 9, 1978, recorded in Deed Book 1403, Page 246, aforesaid records.
7. Temporary Drive Way Easement from Gina M. Foster to Gwinnett County dated April 13, 2015, recorded at Deed Book 53506, Page 706, aforesaid records.
8. Permanent Construction Easement from Gina M. Foster to Gwinnett County dated April 13, 2015, recorded at Deed Book 53506, Page 711, aforesaid records.
9. Permanent Drainage Easement from Gina M. Foster to Gwinnett County dated April 13, 2015, recorded in Deed Book 53506, Page 716, aforesaid records.

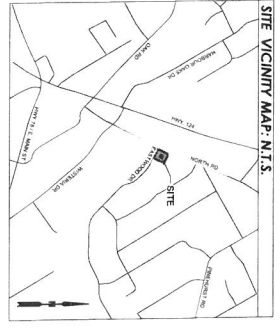
LEGAL DESCRIPTION: AS SURVEYED

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND, LYING AND BEING IN GWINNETT COUNTY, GEORGIA WITHIN THE CITY LIMITS OF SNELLVILLE IN LAND LOT 39 OF THE 5TH DISTRICT AND BEING MORE FULLY SHOWN AND DESIGNATED ON A BOUNDARY SURVEY FOR JAMES M. TONEY & MEGHAN B. TONEY BY COLLIERS ENGINEERING AND DESIGN BEARING THE SEAL OF STEVE M. HARDY, PLS #2662 DATED 10/13/22 AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT A POINT WHERE THE EAST RIGHT-OF-WAY OF NORTH ROAD (50' R/W) INTERSECTS THE NORTH RIGHT-OF-WAY OF EASTWOOD DRIVE (50' R/W) AT A #4 REBAR SET THE POINT-OF-BEGINNING (P.O.B.);

THENCE CONTINUING ALONG THE RIGHT-OF-WAY OF NORTH ROAD (50' R/W) NORTH 24 DEGREES 56 MINUTES 20 SECONDS EAST (N24°56'20"E) A DISTANCE OF 241.06' TO A #4 REBAR SET; THENCE TURNING AND LEAVING SAID RIGHT-OF-WAY AND CONTINUING ALONG THE LINE OF N/F DAN THURMON SOUTH 61 DEGREES 01 MINUTES 30 SECONDS EAST (S61°01'30"E) A DISTANCE OF 212.50' TO A #4 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG THE LINE OF N/F AKIHIDE TSUTSUI SOUTH 25 DEGREES 43 MINUTES 00 SECONDS WEST (S25°43'00"W) A DISTANCE OF 226.24' TO A #4 REBAR FOUND ON THE NORTH RIGHT-OF-WAY OF EASTWOOD DRIVE (50' R/W); THENCE TURNING AND CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 65 DEGREES 01 MINUTES 46 SECONDS WEST (N65°01'46"W) A DISTANCE OF 208.90' TO THE POINT-OF-BEGINNING (P.O.B.) AND CONTAINING 1.129 ACRES (49,178 SQ. FT.).

A B C D E F G H I J K L M N O P Q



SITE DATA SUMMARY		OFFICE OF ZONING	ZONING (PROPOSED)
GRASS ACRES (EXISTING)	41.13 ACRES	RS-30	RS-30
ZONING (EXISTING)	RS-30		
SETBACKS			
FRONT YARD	10'		
REAR YARD	10'		
SIDE YARD	20'		
LANDSCAPE STRIP	10'		
LANDSCAPE STRIP	10'		

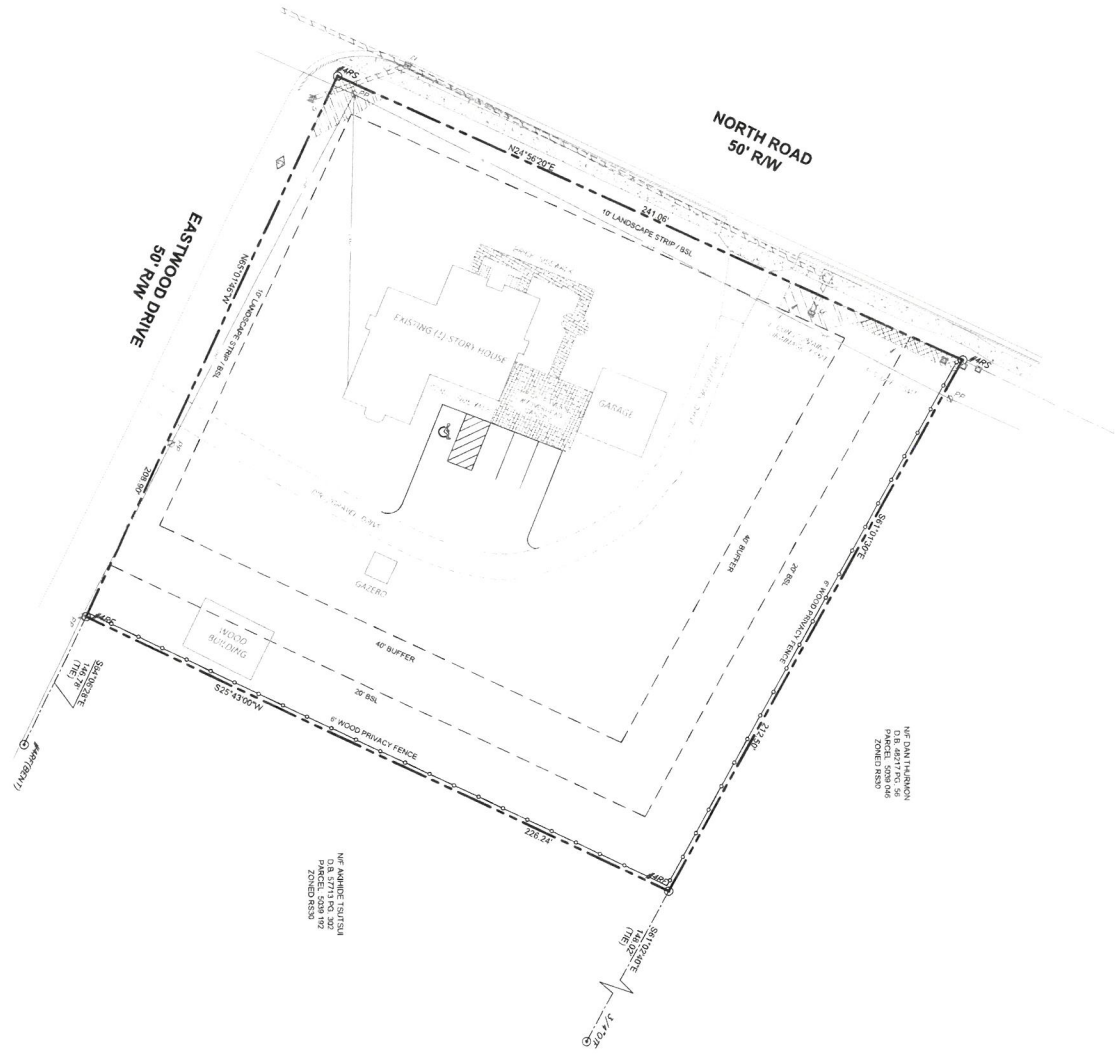
PARKING REQUIREMENTS
 1 SPACE PER 500 SF GROSS FLOOR AREA
 TOTAL PARKING REQUIRED = 2,183 X 10,000 SF = 43 SPACES
 TOTAL PARKING SPACES PROVIDED = 43 SPACES
 TOTAL SPACES OF ADDITIONAL IMPROVED PARKING = 43 SPACES

PROPERTY ADDRESS
 2154 NORTH ROAD
 SNELLVILLE, GA 30078

PROPERTY OWNER
 JAMES TONEY

DATE OF PREPARATION
 12/13/22

SCALE
 1" = 20'



	DEVELOPER JAMES TONEY 1605 WINDING CREEK CIRCLE SNELLVILLE, GA 30078
	2154 NORTH ROAD SNELLVILLE, GA 30078 L.L. 38 - DISTRICT 5TH PARCEL # 5039 032
SCALE: 1" = 20' NORTH	ORIGINAL ISSUE: 10/31/22 DESIGNED BY: JN CHECKED BY: JN PROJECT #: 22004
SITE ZONING PLAN 12.13.22	ALLIANCE ENGINEERING + PLANNING + LAND SURVEYING LANDSCAPE ARCHITECTURE 299 South Main St., Suite A Alpharetta, GA 30009 770.225.4730 www.alliancenco.com