



CONDITIONAL USE PERMIT APPLICATION

RECEIVED

DEC 14 2015

Snellville Planning & Development Department

2342 Oak Road

Snellville, GA 30078

Phone 770.985.3514

Fax 770.985.3551

www.snellville.org

DATE RECEIVED CITY OF SNELLVILLE
PLANNING & DEVELOPMENT

1709 SCENIC HWY

#1500446
PARCEL-5056 042

CONDITIONAL USE PERMIT
12STONE CHURCH (CUP16-02)

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.

12Stone Church, Inc.
Name (please print)

1709 Scenic Highway North, LLC
Name (please print)

1322 Buford Drive
Address

1000 Marina Village Pkwy, Ste 100
Address

Lawrenceville, GA 30043

Alameda, CA 94501-6457

City, State, Zip Code
678-990-8100 678-827-0938

City, State, Zip Code
Richard Swope, Owner's Agent, 770-645-0090

Phone Number(s) Fax

Phone Number(s) Fax

Contact Person: C. Norwood Davis, CFO Phone: 678-990-9512 Fax: 678-827-0938

Cell Phone: 678-898-2735 E-mail: norwood.davis@12stone.com

Present Zoning Classification(s): _____ Present Land Use Classification(s): _____

Property Address/Location: 1709 Scenic Hwy, Snellville District 10 Land Lot TR.1 Parcel(s) 5056 042

Applicants must submit a Conditional Use Permit application (and Land Use Plan Amendment and/or Zoning Map Amendment application, if required) for the following permitted uses (check one):

- Automotive Body Repair Shops (HSB District Only)
- Automotive Parts Store (with or without lubrication or tune-up centers) (BG and HSB Districts)
- Automotive Repair Shops including major engine repair (transmission, radiator repair and engine overhauls) (HSB District Only)
- Automotive and Motorcycle Sales and Rental Establishments and associated service facilities (BG and HSB Districts)
- Automotive Service Stations or Tire Stores (including lubrication, tune-up, battery replacement, brake repair centers) (BG District Only)
- Banks and Savings & Loan Institutions (OP District Only)
- Beauty and Barber Shops, including Manicurists (OP District Only)
- Boat Sales Establishments and associated service facilities (HSB District Only)
- Building Supply Centers with screened outdoor storage (BG and HSB Districts)
- Camper and Recreational Vehicle Sales and Rental Establishments and associated service facilities (HSB District Only)
- Cell Towers (new) and Telecommunications Antennas and Towers (new) (All Zoning Districts)
- Cemetery (All Residential Districts)
- Churches and related religious uses (All Residential Districts, BG and HSB Districts Only)
- Community Living Arrangement (RS-180 or RS-150 District)
- Commercial Recreational Enterprises (All Residential Districts; BG and HSB Districts)
- Contractor's Office with outdoor storage of equipment or materials (HSB District Only)
- Day Care Centers, provided that State day care requirements and health regulations are met (OP District Only)
- Drug Stores and Pharmacies accessed through and associated with medical clinics, doctors' offices, or dental offices (OP District Only)
- Emissions Inspections Stations (BG District Only)
- Equipment Rental, Sales, or Service Establishments with outdoor storage of equipment (HSB District Only)
- Family Personal Care Home (RS-180 or RS-150 District)
- Gas (Fuel) Stations (BG and HSB Districts)
- Group Home (RS-180 or RS-150 District)
- Historical Event Venue (All Residential Districts)
- Lawnmower Sales and Repair Shops (BG and HSB Districts)
- Machine and/or Welding Shops (BG District Only)
- Mini-Warehouse Storage Facilities (HSB District Only)
- Parking Lots and Parking Structures (OP District Only)
- Pawn Shops and Pawn Brokers, Title Pawn Shops, and Check Cashing Businesses (BG District Only)

- Plumbing, Electrical, Pool, and Homebuilding Supply Showrooms and Sales Centers with outdoor storage (HSB District Only)
- Psychics and Fortuntellers (BG District Only)
- Public, Private and Parochial Schools (All Residential Districts)
- Railroad through and spur tracks (All Residential Districts; OP, BN, BG, and HSB Districts)
- Tattoo and or Body Piercing Establishments (BG District Only)
- Taxicab or Limousine Services (BG and HSB Districts)
- Utility Substation (All Residential Districts; OP, BN, BG, and HSB Districts)

At a minimum, the following items are required with submittal of all CUP applications. Incomplete applications will not be accepted.

- √ Pre-submittal appointment shall be requested and completed a minimum of five (5) business days prior to Application deadline to ensure application is complete, accurate, and includes all required attachments/exhibits and required signatures;
- √ Payment of the appropriate application and public notice sign fees. Make checks payable to *City of Snellville*;
- √ Letter of Intent explaining the request for a Conditional Use Permit and what is proposed;
- √ The names, addresses, and original signatures of the owners of the subject parcel(s) and their agents, if any;
- √ The present zoning district and land use plan classification for the subject parcel(s);
- √ Analysis of impact of the proposed Conditional Use Permit pursuant to Section 15.2(3)(e) of Snellville Zoning Ordinance. (Attachment A);
- √ Applicant's and/or Owner's Certification (Attachment B);
- √ Conflict of Interest Certification and Disclosure of Campaign Contributions (Attachment C and D);
- √ A current legal description of the parcel(s) proposed for a Conditional Use Permit;
- √ Verification from county Tax Assessor that all property taxes have been paid and account is current (for all parcels subject to this application). Applicant to obtain confirmation of taxes paid using original Verification Sheet (attached);
- √ A Certificate of Title or Warranty Deed (for all parcels subject to this application);
- √ Map indicating the subject parcel(s) and the adjoining parcel(s), identified by property owner(s) name and tax parcel number;
- √ Ten (10) copies and one (1) original of the proposed Site and Concept Plan, and one (1) 11" x 17" (or smaller) reduction of the plan, drawn to scale, showing: (a) north arrow; (b) district, land lot(s) and parcel number(s); (c) the dimensions with bearing and distance; (d) acreage; (e) location of the tract(s), (f) the present zoning and land use classification of all adjacent parcels, (g) the proposed location of structures, driveways, parking and loading areas; (h) and the location and extent of required buffer areas. Site and Concept Plan shall be prepared by an architect, engineer, landscape architect, or land surveyor whose Georgia state registration is current and valid. Site plan must be stamped and sealed by one of the four above-mentioned professionals no more than six (6) months prior to the date of submittal;
- √ Additional information in narrative form, or depicted on the site plan, demonstrating how all provisions regarding the conditional use as listed in the Zoning Ordinance will be complied with;
- √ Ten (10) stapled or bound copies of the Conditional Use Permit application, Architectural building renderings and all supporting documents, in addition to one (1) unbound application (original) bearing original signatures. All documents must be folded to 8-1/2 x 11"; and
- √ A CD-ROM containing a digital file of: (a) site plan in .pdf and .dwg file formats, (b) legal description(s) in .pdf file format, and (c) completed and signed Conditional Use Permit application (and all supporting documents) in .pdf file format;

The following uses must comply with additional regulations, which is in-addition to the general submittal requirements above:

- Automotive Body Repair Shops – Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Automotive Repair Shops including major engine repair (transmission, radiator repair and engine overhauls) – Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Automotive and Motorcycle Sales and Rental Establishments and associated service facilities (include on Site & Concept Plan):

	Complies (check one)
a) The property for said use shall not be less than two (2) acres in area;	<input type="checkbox"/> Yes <input type="checkbox"/> No
b) The property shall have a minimum road frontage of two-hundred (200) feet;	<input type="checkbox"/> Yes <input type="checkbox"/> No
c) One thousand (1,000) linear feet of separation exists between said business and any other automotive and motorcycle sales business.;	<input type="checkbox"/> Yes <input type="checkbox"/> No
d) Include the following statement on the Site & Concept Plan, "All vehicles on the sales lots are to be in operating condition at all times";	<input type="checkbox"/> Yes <input type="checkbox"/> No
e) Include the following statement on the Site & Concept Plan, "All vehicle inventory stored/parked/displayed outside must be on paved parking surfaces only and shall not be stored/parked/displayed in landscaped areas or elevated by use of a ramp, post or other device higher than five-feet (5') above grade";	<input type="checkbox"/> Yes <input type="checkbox"/> No
f) Include the following statement on the Site & Concept Plan, "Showrooms and/or service bays that keep new/used/service vehicles within building structures, must meet all applicable Federal, State, County, and local building and life-safety codes (at the time of application for an Occupation tax Certificate) regarding the storage of hazardous materials";	<input type="checkbox"/> Yes <input type="checkbox"/> No

NOTE: Internet automobile/motorcycle sales where there is no temporary or permanent storage, parking, delivery, or display of inventory may submit an Administrative Variance application in lieu of a Conditional Use Permit application for administrative review and approval.

- Building Supply Centers with outdoor lumber yards or storage areas - Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Cell Towers (new) and Telecommunications Antennas and Towers (new): See Attachment B

- Cemeteries (new):
- a) All new cemeteries shall front on a street having a minimum road classification of "major collector", for a distance of at least one-hundred feet (100'); Complies (check one)
 Yes No
- b) New cemeteries shall have a minimum lot size shall be two (2) acres; Yes No
- c) A landscape buffer having a width of ten-feet (10') shall be installed along all side and rear lot lines and shall have a fence of a type specified in the City of Snellville Architectural Design Standards. Show on Site Plan and provide pictures of proposed fencing. Yes No
- Churches and related religious uses:
- a) All such facilities shall front on a street having a minimum road classification of "major collector", for a distance of at least one-hundred feet (100'); Complies (check one)
 Yes No
- b) The minimum lot size shall be one (1) acre; Yes No
- c) The maximum lot size shall be three (3) acres; Yes No
- d) All buildings shall be set back at least fifty-feet (50') from the front property line, forty-feet (40') from the rear property line, and twenty-feet (20') from the side property lines (thirty-five feet) (35') on the street side if a corner lot; and Yes No
- e) A densely planted buffer, no less than six feet (6') in height, having a minimum width of ten-feet (10') shall be installed along all side and rear property lines which abut Residential Land Use. Show on Site Plan. Yes No
- Community Living Arrangement:
- a) Minimum one (1) acre lot size; Complies (check one)
 Yes No
- b) Licensed by the Department of Human Resources of the State of Georgia as a Community Living Arrangement; Yes No
- c) The community living arrangement shall apply for and receive an occupation tax certificate/business license from the City of Snellville prior to operation; Yes No
- d) May be granted for the care of up to 6 adults, aged 18 years or older; and Yes No
- e) Approved by the Gwinnett County Department of Environmental Health for properties having an on-site sewage management (septic) system. Yes No
- Contractor's Office with outdoor storage of equipment or materials – Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Drug Stores and Pharmacies:
- a) Accessed through and associated with medical clinics, doctors' offices, or dental offices; and Complies (check one)
 Yes No
- b) Provide floor plan showing office space and public and private access areas. Yes No
- Family Personal Care Home:
- a) Minimum one (1) acre lot size; Complies (check one)
 Yes No
- b) Licensed by the Department of Human Resources of the State of Georgia as a Community Living Arrangement; Yes No
- c) The community living arrangement shall apply for and receive an occupation tax certificate/business license from the City of Snellville prior to operation; Yes No
- d) May be granted for the care of up to 6 adults, aged 18 years or older; and Yes No
- e) Approved by the Gwinnett County Department of Environmental Health for properties having an on-site sewage management (septic) system. Yes No
- f) The dwelling unit must be the primary and legal place of residence for the owner of the family personal care home. Owner of the family personal care home is defined as an individual, not a partnership or corporation, that has sole ownership of 51% or more of the stock, assets, or value of the family personal care home business. Yes No
- g) Operation of the family personal care home is subject to the regulations or Article XVIII, Home Occupations and Businesses of the City of Snellville Zoning Ordinance. Yes No
- Gas (Fuel) Stations:
- a) Fuel pumps shall not be closer than thirty-feet (30') from right-of-way. Show on Site Plan; Complies (check one)
 Yes No
- b) Fuel pumps and gas storage tanks shall be setback at least one-hundred feet (100') from any residential zoning district; Show on Site Plan; Yes No
- c) Canopy design shall conform to the specifications indicated in Architectural Design Standards. Provide examples. Yes No
- Group Home:
- a) Minimum one (1) acre lot size; Complies (check one)
 Yes No
- b) Licensed by the Department of Human Resources of the State of Georgia as a Child Care Institution; Yes No
- c) The group home shall apply for and receive an occupation tax certificate/business license from the City of Snellville prior to operation; Yes No
- d) May be granted for 6 or more children or child care institution for medically fragile children (1-12 children) that provides full-time group home care for children through 18 years of age outside their own home; Yes No
- e) Approved by the Gwinnett County Department of Environmental Health for properties having an on-site sewage management (septic) system. Yes No
- f) Dwelling and premises shall maintain residential in character. Yes No

- Historical Event Venue: Complies (check one)
- a) Principal building must have been built at least 50 years prior to the Conditional Use Permit application, and the principal building must maintain historical significance based upon criteria used for The National Register of Historic Places; provided however, that failure to be listed by The National Register of Historic Places shall not disqualify such a building for consideration by the City of Snellville for designation as an Historic Event Venue; Yes No
- b) In addition to all principal permitted uses and permitted accessory uses, any such venue facility shall only be used for the following commercial uses – weddings, private parties, business lunches, receptions, showers, and events of similar characteristics; Yes No
- c) The minimum lot size shall be one (1) acre. Show on Site Plan; Yes No
- d) The minimum size of the principal building shall be 1,800 square feet. Show on Site Plan; and Yes No
- e) A buffer shall be planted along all side and rear property lines, having a minimum width of ten-feet (10'), when abutting residentially zoned properties. Show on Site Plan. Yes No
- Pawn Shops and Pawn Brokers, Title Pawn Shops, and Check Cashing Businesses: Complies (check one)
- a) No pawnshop/broker, title pawn shop or check cashing business shall be licensed or operated within one-thousand feet (1,000') of any residential zoning district, public or private school or college, church or other place of worship, library, daycare facility, public park or playground, massage establishment, tattoo and/or body piercing establishment, and existing pawnshop, title pawnshop, check cashing or adult establishment. Provide distance survey by GA Registered Land Surveyor; Yes No
- Plumbing, electrical, pool and homebuilding supply showrooms and sales centers with outdoor storage – Site and Concept Plan shall include the location of a six-foot (6') high opaque fence. Provide picture(s) of proposed fencing.
- Psychics and Fortunetellers: Complies (check one)
- a) No psychic or fortuneteller shall be licensed or operated within two-thousand feet (2,000') of any residential zoning district, public or private school or college, church or other place of worship, library, daycare facility, public park or playground, massage establishment, adult entertainment establishment, tattoo and/or body piercing establishment, and any other existing psychic and fortunetelling business. Provide distance survey by GA Registered Land Surveyor; Yes No
- Public, Private and Parochial schools: Complies (check one)
- a) A minimum site of five (5) acres is provided; Yes No
- b) The site shall front on a street having a minimum road classification of "major collector", for a distance of at least one-hundred-feet (100'); Yes No
- c) A buffer is provided along all side and rear property lines having a minimum width of ten-feet (10'). Show on Site Plan; Yes No
- Railroad through and spur tracks: Complies (check one)
- a) No sidings or terminal facilities shall be provided; Yes No
- b) No service, repair or administrative facilities shall be provided. Yes No
- Tattoo and or Body Piercing Establishments: Complies (check one)
- a) No tattoo and/or body piercing establishment shall be licensed or operated within two-thousand feet (2,000') of any residential zoning district, public or private school or college, church or other place of worship, library, daycare facility, public park or playground, massage establishment, adult entertainment establishment, or any other existing tattoo and/or body piercing establishment. Provide distance survey by GA Registered Land Surveyor; Yes No
- Utility Substation: Complies (check one)
- a) Documentation is presented by the utility company depicting the need for such substation in a residential locale; Yes No
- b) Any substation shall conform with all setback and space limits of the zoning district in which they are located; Yes No
- c) Substations shall be enclosed by an opaque fence other than a cyclone type, and shall be appropriately landscaped; Yes No
- d) A buffer shall be planted along all side and rear property lines, having a minimum width of ten-feet (10'). Yes No

Pursuant to Section 15.2(3)(e) of the Snellville Zoning Ordinance, a written, documented analysis of the impact of the proposed Conditional Use Permit 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 questions is not acceptable.**

1. 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 proposed use as a church is consistent with the current land use and development of adjacent properties. The area includes a mix of retail, institutional and office/professional uses. 12Stone Church existing campuses in Lawrenceville, Hamilton Mill, Flowery Branch, and Duluth demonstrate the compatibility of the church to function and co-exist in a mix of retail, office and institutional uses.

2. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.

Response: No, the proposal will not adversely affect existing use or usability of adjacent property.

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

Response: Yes, the property has a reasonable economic use as currently zoned for retail/commercial use. It should be noted that the city's 2030 plan contemplates future land use as office/professional for the area as it is adjacent to the institutional use of the Eastside Hospital. 12Stone Church's Sugarloaf Campus in Duluth is also located in an office/professional park and is compatible with that land use.

4. 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 proposal will not cause an excessive or burdensome use of existing infrastructure. The most congested use will be on Sunday mornings which is not the most heavily trafficked time or day in the area.

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

Response: Yes, the proposal conforms to the Land Use Plan.

6. 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 Best Buy, current occupant of the space, is vacating the space and moving to an adjacent new retail development. As a stand alone big box retail, the property will be vacant for an unknown length of time if the proposal is denied. We submit that 12Stone is a financially solid tenant and willing to enter into a long-term lease for the facility.

CELL TOWERS

Check here if section is NOT APPLICABLE

Article XIX of the Snellville Zoning Ordinance should be reviewed by the applicant in its entirety and the following shall be formally addressed in writing. Check here and attach additional sheets if necessary.

1) Section 19.4 (B) Inventory of Existing Sites and towers, that are either within the City of Snellville or within three miles of the border thereof, including specific information about the location, height, and design of each tower: _____

2) Section 19.5 (C) Factors Considered in Granting Conditional Use Permits:

A) Height of Proposed Tower: _____ (ft) _____ (meters)

B) Proximity of the tower to residential structures and residential district boundaries:

C) Nature of uses on adjacent and nearby properties:

D) Surrounding topography:

E) Surrounding tree coverage and foliage:

F) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness:

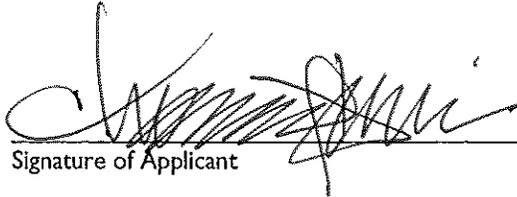
G) Availability of suitable existing towers and other structures as discussed in Section 19.5 (D) of the Snellville Zoning Ordinance:

CERTIFICATIONS

In the event an owner's agent or contract purchaser is filing this application, both of the certifications below must be completed. If the owner is filing the application, only the Owner's Certification must be completed.

APPLICANT'S CERTIFICATION

The undersigned below, or as attached, is authorized to make this application. The undersigned is aware that, should this request be denied by City Council, no application affecting any portion of the same property shall be submitted less than six months from the date of denial.

 14 DEC 15
Signature of Applicant Date

C. NORWOOD DAVIS, CFO
Type or Print Name and Title

Notary Seal

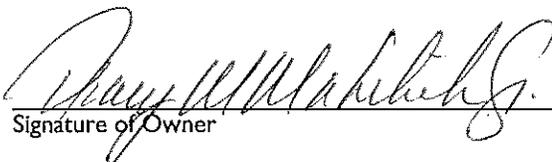
 12/14/15
Signature of Notary Public Date

M CAMPBELL
NOTARY PUBLIC
GWINNETT COUNTY
STATE OF GEORGIA
My Commission Expires January 28, 2017

OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that, should this request be denied by City Council, no application affecting any portion of the same property shall be submitted less than six months from the date of denial.

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

 12/14/15
Signature of Owner Date

Tracy W. Wahrlich
Type or Print Name and Title

Notary Seal

see Attached certificate
Signature of Notary Public Date

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

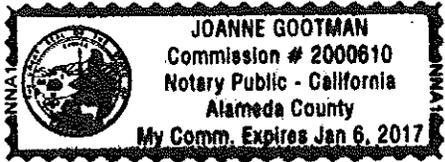
State of California)
County of Alameda)

On December 1, 2015 before me, Joanne Gootman, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Tracy W. Wahlech
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Joanne Gootman
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document CUP Application
Title or Type of Document: Owner Certification Document Date: 12/1/15
Number of Pages: 1 Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)
Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

CONFLICT OF INTEREST CERTIFICATIONS FOR ZONING ACTIONS

The undersigned below, making application for rezoning or a Conditional Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. sec., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on forms provided.

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

C. Norwood Davis 12-DEC-15
Signature of Applicant Date

C. NORWOOD DAVIS, CFO
Type or Print Name and Title

Tracy W. Wahrlich 12/1/15
Signature of Owner Date

Tracy W. Wahrlich
Type or Print Name and Title

see attached certificate
Signature of Notary Public Date

M Campbell
12-14-15

M CAMPBELL
NOTARY PUBLIC
GWINNETT COUNTY
STATE OF GEORGIA

Notary Seal

My Commission Expires January 28, 2017

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the last four (4) 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?

As to Applicant (circle one): YES NO

As to Property Owner (circle one): YES NO

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

Name of Government Official	Contributions or Descriptions of Gifts (List all which aggregate to \$250.00 or more)	Date when Contribution or Gift was made within the last four years
_____	_____	_____
_____	_____	_____
_____	_____	_____

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

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

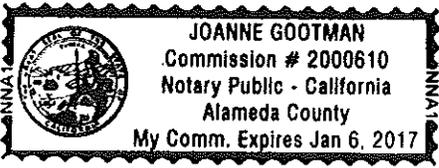
State of California)
County of Alameda)

On December 1, 2015 before me, Joanne Gootman, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Tracy W. Wahrlich
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~ authorized capacity(ies), and that by his/~~her~~/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Joanne Gootman
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document Conflict of Interest Certifications for
Title or Type of Document: Zoning Actions Document Date: 12/1/15
Number of Pages: 1 Signer(s) Other Than Named Above: NONE

Capacity(ies) Claimed by Signer(s)
Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA.

2007 SEP 21 AM 9:20

TOM LAWLER, CLERK

307527-29

After Recording Return to:
Calloway Title and Escrow, LLC
4170 Ashford Dunwoody Road
Suite 285 Z-201SS
Atlanta, Georgia 30319

PT-61 # 67-2007-030424
GWINNETT CO. GEORGIA
REAL ESTATE TRANSFER TAX
\$ 3,644.90
TOM LAWLER CLERK OF
SUPERIOR COURT

LIMITED WARRANTY DEED

THIS INDENTURE, made the 20th day of September, 2007, between **SNELLVILLE CROSSING, L.L.C.**, a Georgia limited liability company, as party of the first part, hereinafter called "Grantor," and **1709 SCENIC HIGHWAY NORTH LLC**, a Delaware limited liability company, as party 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 and No/100 (\$10.00) Dollars, and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which being hereby acknowledged by Grantor, 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 56, 5th District, Gwinnett County, Georgia, and being more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the said tract or parcel of land, together 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.

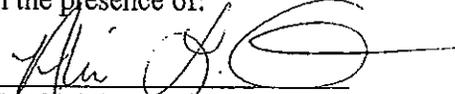
Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons, claiming by, through or under Grantor.

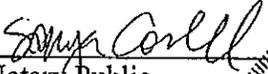
The conveyance and warranty of title hereunder are expressly subject to those matters shown on Exhibit "B," attached hereto and made a part hereof by reference.

0134741

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

Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public

(NOTARY SEAL)

My Commission Expires



SELLER:

SNELLVILLE CROSSING, L.L.C., a Georgia
limited liability company

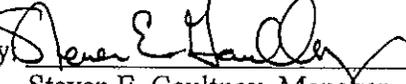
By 
Steven E. Gaultney, Manager

EXHIBIT "A"

(Legal Description)

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 56, 5th District, City of Snellville, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a point on the westerly right of way of S.R. #124 (aka Scenic Highway, R/W varies) said point being 1751.32 feet southwesterly as measured along the westerly right of way of S.R. #124 from the southerly right of way of Janmar Road (80' R/W);

THENCE South 14 degrees 47 minutes 53 seconds West for a distance of 231.75 feet along the westerly right of way of S.R. #124 to a ½ inch rebar found;

THENCE North 76 degrees 15 minutes 58 seconds West for a distance of 698.20 feet to a point;

THENCE North 14 degrees 47 minutes 53 seconds East for a distance of 399.20 feet to a point;

THENCE South 76 degrees 15 minutes 08 seconds East for a distance of 428.91 feet to a point;

THENCE South 14 degrees 47 minutes 53 seconds West for a distance of 131.34 feet to a point;

THENCE South 75 degrees 12 minutes 07 seconds East for a distance of 95.50 feet to a point;

THENCE South 14 degrees 47 minutes 53 seconds West for a distance of 31.00 feet to a point;

THENCE South 75 degrees 12 minutes 06 seconds East for a distance of 173.75 feet to a point on the westerly right of way of S.R. #124 and the Point of Beginning.

Together with those certain rights contained in that certain Reciprocal Easement Agreement for Snellville Crossing made by Snellville Crossing, LLC and Snellville Crossing II, LLC dated January 19, 2006 and recorded in Deed Book 46071, Page 34 of the Gwinnett County real property records.

Said property contains 5.45 acres more or less as shown on that certain ALTA/ACSM As Built Survey for Snellville Crossing, LLC, Principal Commercial Funding, LLC, and Chicago Title Insurance Company prepared by Columbia Engineering dated December 2, 2005, last revised January 13, 2006.

Tax Parcel 5-056-042

EXHIBIT "B"

(Permitted Exceptions)

1. All general and special taxes and assessments for the year 2007 and subsequent years not yet due and payable.
2. Right of Way Deed from G.W. Pharr to State Highway Board of Georgia dated August 8, 1938, recorded in Deed Book 54, page 605, Gwinnett County Records.
3. Construction/Maintenance Easement from Georgia Brogdon, et al to The Department of Transportation dated September 7, 1990, recorded in Deed Book 6202, page 297, aforesaid records.
4. Right of Way Deed from Casey Brogdon, et al to Walton Electric Membership Corporation dated April 1, 1986, recorded in Deed Book 7080, page 266, aforesaid records.
5. Construction/Maintenance Easement from Kathryn Williams to The Department of Transportation dated September 19, 1990, recorded in Deed Book 6212, page 52, aforesaid records.
6. Easement from Snellville Crossing, LLC to Gwinnett County Water and Sewerage Authority dated December 17, 2004, recorded in Deed Book 44643, page 52, aforesaid records.
7. Reciprocal Easement Agreement for Snellville Crossing made by Snellville Crossing, LLC and Snellville Crossing II, LLC dated January 17, 2006 and recorded in Deed Book 46071, Page 0034 of the Gwinnett County real property records.
8. Rights of Best Buy Stores, L.P. to the Property, as tenant only, under that certain Lease dated November 17, 2004, as amended from time to time, which lease contains no option or right of first refusal to purchase the Property.

EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 56, 5th District, City of Snellville, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a point on the westerly right of way of S.R. # 124 (aka Scenic Highway, R/W Varies) said point being 1751.32 feet southwesterly as measured along the westerly right of way of S.R. # 124 from the southerly right of way of Janmar Road (80' R/W);

THENCE South 14 degrees 47 minutes 53 seconds West for a distance of 231.75 feet along the westerly right of way of S.R. # 124 to a 1/2" rebar found;

THENCE North 76 degrees 15 minutes 58 seconds West for a distance of 698.20 feet to a point;

THENCE North 14 degrees 47 minutes 53 seconds East for a distance of 399.20 feet to a point;

THENCE South 76 degrees 15 minutes 08 seconds East for a distance of 428.91 feet to a point;

THENCE South 14 degrees 47 minutes 53 seconds West for a distance of 131.34 feet to a point;

THENCE South 75 degrees 12 minutes 07 seconds East for a distance of 95.50 feet to a point;

THENCE South 14 degrees 47 minutes 53 seconds West for a distance of 31.00 feet to a point;

THENCE South 75 degrees 12 minutes 07 seconds East for a distance of 173.75 feet to a point on the westerly right of way of S.R. # 124 and the Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 5.4454 acres more or less.



ACCOUNT DETAIL

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

Tax Account

<p>Mailing Address: 1709 SCENIC HIGHWAY NORTH LLC 1000 MARINA VILLAGE PKWY STE 100 ALAMEDA , CA 94501-6457</p> <p><input checked="" type="checkbox"/> Change Mailing Address</p>	<p>SITUS: 1709 SCENIC HWY</p> <p>Tax District: SNELLVILLE</p>
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Parcel ID	Property Type	Last Update
R5056 042	Real Property	11/3/2015 8:21:42 AM

Legal Description

Tract 1 SR 124

Tax Bills

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

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2015	\$71,359.45	\$72,073.04	\$0.00	\$0.00	10/15/2015	\$0.00
Total						\$0.00

Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2014	\$82,405.74	\$82,405.74	\$0.00	\$0.00	12/1/2014	\$0.00
2013	\$111,884.31	\$111,884.31	\$0.00	\$0.00	10/3/2013	\$0.00
2012	\$112,111.51	\$112,111.51	\$0.00	\$0.00	10/15/2012	\$0.00
Total						\$0.00

Print Tax Bill

Click to view and print your Aug 2015 tax bill.

* This bill is good through Oct 15, 2015 only.

Pay Online

No payment due for this account.



Click here for map



BILL DETAIL

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

Tax Account

Mailing Address:

1709 SCENIC HIGHWAY NORTH LLC
1000 MARINA VILLAGE PKWY STE 100
ALAMEDA, CA 94501-6457

SITUS:

1709 SCENIC HWY

Tax District:

SNELLVILLE

Parcel ID

R5056 042

Property Type

Real Property

Last Update

11/3/2015 8:21:42 AM

Legal Description

Tract 1 SR 124

Tax Values

Description

Market Value

Assessed Value

Land

\$1,895,700.00

\$758,280.00

Improvement

\$2,654,300.00

\$1,061,720.00

Total

\$4,550,000.00

\$1,820,000.00

Class Codes

345-Discount Department Store

Assessments

Operation	Net Tax	Savings
<u>School Taxes</u>	\$36,036.00	\$0.00
<u>STATE OF GEORGIA TAXES</u>	\$91.00	\$0.00
<u>City of Snellville Taxes</u>	\$8,350.16	\$0.00
<u>County Incorporated No Police</u>	\$20,709.78	\$0.00
Sub Total	\$65,186.94	\$0.00
Bond	Net Tax	Savings
<u>School Taxes</u>	\$3,731.00	\$0.00
<u>County Incorporated No Police</u>	\$436.80	\$0.00
Sub Total	\$4,167.80	\$0.00
Special Assessment	Net Tax	Savings
<u>SNELLVILLE STORMWATER FEES</u>	\$2,004.71	\$0.00
Sub Total	\$2,004.71	\$0.00
Total Tax	\$71,359.45	\$0.00

Tax Installment Information

Period	Bill Number	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	22395056	10/15/2015	2015	\$0.00	\$0.00	\$0.00	\$0.00
Total Due:				\$0.00	\$0.00	\$0.00	\$0.00

Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2015	22395056	B15.134298	\$72,073.04	10/30/2015

ADJACENT PROPERTIES MAP



Legend

- Land Parcels
- Landlots

This map is a graphical representation of data obtained from aerial photography, recorded deeds, plats and engineering drawings and other public records and data. Gwinnett County does not warrant the accuracy or consistency of the data it has provided and does not guarantee the suitability of the data for any purpose, expressed or implied. ALL DATA IS PROVIDED AS IS, WITH ALL FAULTS, WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. This map is the proprietary product of Gwinnett County and in no event will Gwinnett County be liable for damages, including any loss of profits, loss of savings, or other incidental or consequential damages arising out of the use of or inability to use this map.



LOCATION MAP

Map Produced by Gwinnett County GIS
Date of Photography: January 2015
Georgia State Plane Coordinate System
GA West Zone
North American Datum 1983

CUP APPLICATION ADJACENT PARCELS

MAP #1

Tax Parcel # R5056 016

Hotel Durant, LLC

1000 Marina Village Parkway

Suite 100

Alameda, CA 94501

MAP #2

Tax Parcel # R5056 099

Scenic Avenue, LLC

PO Box 987

Grayson, GA 30017

MAP #3

Tax Parcel # R5056 003

Snellville Crossing II, LLC

1505 Lakes Parkway

Suite 190

Lawrenceville, GA 30043

MAP #4

Tax Parcel: N/A (public right of way)

Gwinnett County Department of Transportation

Subject Parcel

