



LAND USE PLAN AMENDMENT APPLICATION

APPLICATION TO AMEND ~~THE FUTURE~~ LAND USE MAP, SNELLVILLE GEORGIA

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

CITY OF SNELLVILLE
PLANNING & DEVELOPMENT
www.snellville.org

JUL 13 2021

#2100368 RZ 21-05;LUP 21-05;ANX 21-02
PARCEL- 5074 007
SCENIC POINTE 1498 SCENIC HWY

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.

Scenic Pointe, LLC

Lillian Margene Moulder Trust

Name (please print) Name (please print)
1505 Lakes Pkwy

1498 Scenic Highway

Address
Lawrenceville, GA 30043

Address
Snellville GA 30078

City, State, Zip Code
(770) 962-9780 (770) 963-3424

City, State, Zip Code

Phone Number(s) Fax

Phone Number(s) Fax

Contact Person: Robert Jackson Wilson

Phone: (770) 962-9780

Fax: (770) 963-3424

Cell Phone: E-mail: rwilson@rjwpcplaw.com

Present Future Land Use Map (FLUM) Designation: Commercial Mixed Use (Gwinnett County)

Requested/Proposed Future Land Use Map (FLUM) Amendment: Commercial Retail

Proposed Use (Describe): Commercial Mixed Use, Public Park, Office, Retail and Other Business Uses

Property Address/Location: 1498 Scenic Highway District 5 Land Lot 074 Parcel(s) 007

APPLICATION FEES:

- Land Use Plan Amendment \$ 300
- 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)

UDO Sec. 103-9.4.B. Future Land Use Map Amendments

Future Land Use Map amendment applications must include the following:

1. Payment of the appropriate application fee as determined by the fee schedule.
2. A current legal description of the site proposed for amendment. If the site proposed for amendment includes multiple lots, provide a separate legal description for each individual lot, together with a composite legal description for the entire site.
3. Ten (10) printed boundary surveys of the site that is to have a revised land use under the applicant's proposal, at least one of which should be an 11 x 17-inch (or smaller) reduction. In addition, a digital copy in .pdf format must be submitted using email, flash drive, or other means approved by the Director. The survey must have been prepared by a registered land survey no more than 12 months before the date of submittal.
4. All permitted land uses for the identified area under the existing Future Land Use Map.
5. All changes to existing land use designations that are proposed by the application.
6. All land uses immediately adjacent to the subject property under the existing Future Land Use Map.
7. A letter listing all the reasons for the amendment application.
8. Applicant's and/or owner's certification.
9. Names and addresses of the owner(s) of the land or their agent(s), if any, authorized to apply for an amendment.

Land Use Plan Amendment Application
Attachment A

Pursuant to Section 103-9.4.B.10. of the Snellville Unified Development Ordinance, **a written, documented analysis of the impact of the proposed land use change 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 proposed land use change will permit uses that are suitable in view of the uses and development of adjacent and nearby properties.

Response: Yes; the proposed use is suitable in view of the large number of commercial uses along Scenic Highway.

The use represents an appropriate transition between intensive highway business uses and residential uses on North Road. The proposed use is consistent with the current County 2040 Land Use Plan.

B. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby properties.

Response: No; the proposal will not adversely affect the use or usability of nearby properties. It is consistent and compatible with nearby uses.

C. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome uses of existing streets, transportation facilities, utilities, or schools.

Response: No; transportation improvements including a traffic light on 124, appropriate infrastructure and utilities, and the inclusion of new park space will relieve burdens on infrastructure and schools.

D. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or disapproval of the proposed land use change.

Response: Yes; the recent County denial of a multi-family application indicates residential use is not appropriate at this site. Single family residential use is not feasible at this site and not in keeping with the 2040 Land Use Plan. The mixed use commercial development with the transportation and park improvements proposed by the Applicant provides enhancements beneficial to the community. Annexing the property into the City adds to the City's tax base and provides the City control over the permitting and development process and the City's enhanced standards. These conditions support approval of the proposed change.

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 Land Use Plan Amendment and that the statements and documents submitted as part of this application are true and accurate to the best of my knowledge or belief.

[Signature] 7/12/21
Signature of Applicant Date

Ronnie DeThomas Manager
Type or Print Name and Title

[Signature] 7/12/21
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 Science Pointe, LLC to file this application.

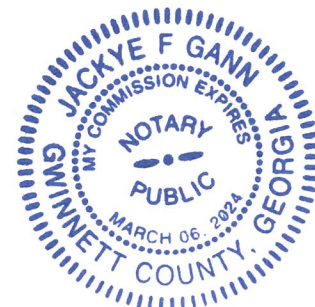
☐ Check here if there are additional property owners and attach additional "Owner's Certification" sheets.

Dale C Wilson 7-12-2021
Signature of Owner Date

Dale C. Wilson
Type or Print Name and Title

[Signature] 7-12-2021
Signature of Notary Public Date

Affix Notary Seal



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.

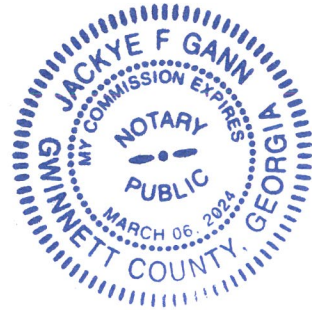
I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

Dale C. Wilson 7-12-2021
Signature of Owner or Agent Date

Dale C. Wilson
Type or Print Name and Title

Affix Notary Seal

Jackye F. Gann 7.12.2021
Signature of Notary Public Date



BK 50145 PG 0337

FILED AND RECORDED
CLERK SUPERIOR COURT
GWINNETT COUNTY GA

10 JUN 30 PM 2:00

TOM LAWLER, CLERK

PT-61# 67-2010-01787
GWINNETT CO. GEORGIA
REAL ESTATE TRANSFER TAX
\$ 0
TOM LAWLER CLERK OF
SUPERIOR COURT

STATE OF GEORGIA
COUNTY OF GWINNETT

DEED PREPARED BY
AND RETURN TO:

James W. Hass, Jr.
LEFKOFF, DUNCAN, GRIMES, MILLER
& McSWAIN, P.C.
Suite 806, 11 Piedmont Center
Atlanta, Georgia 30305 (404) 262-2000

The preparer of this deed renders no "Opinion of Title" or "Title Certification". The legal description below was provided by Grantor and the preparer provided legal services limited to only the deed preparation.

WARRANTY DEED

THIS INDENTURE, made this 4TH day of JUNE, 2010, between Margene Moulder (a/k/a Lillian Margene Moulder) ("Grantor"), and Lillian Margene Moulder, as Trustee (and any Successor Trustee) of The Lillian Margene Moulder Revocable Trust dated April 21, 2010 ("Grantee") (the terms Grantor and Grantee to include their respective heirs, successors and assigns where the context hereof requires or permits).

WITNESSETH:

That Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other valuable consideration, in hand paid at the delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and convey unto Grantee, the following described real property, to-wit:

All that tract or parcel of land lying and being in Land Lot 74 of the 5th District of Gwinnett County, Georgia, being more particularly described as Tract 1, containing 9.0894 acres, more or less, as per plat of survey entitled "Exemption Plat for: Margene Moulder", prepared by Cornerstone Planning Co., Larry R. Bollinger, GRLS# 2361, dated June 29, 1990, as per plat recorded in Plat Book 51, Page 207, Gwinnett County, Georgia Records.

0051445

BK 50145 PG 0338

LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lot 74 of the 5th Land District, Gwinnett County, Georgia and being more particularly described as follows:

Commence at the intersection of the land lot line contains to Land Lots 73 and 74 and the easterly variable right of way of Georgia Highway 124, said point begin the TRUE POINT OF BEGINNING.

Thence, along said right of way of Georgia Highway 124 North 14 degrees 42 minutes 53 seconds East for a distance of 52.23 feet to a point; thence leaving, said right of way South 54 degrees 35 minutes 18 seconds East for a distance of 42.34 feet to a point on the land lot line common to Land Lots 73 and 74; Thence, along said land lot line South 61 degrees 27 minutes 51 seconds West for a distance of 54.38 feet to a point, said point being the TRUE POINT OF BEGINNING.

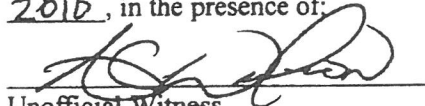
Together with and subject to covenants, easement and restrictions of record.

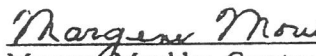
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, in FEE SIMPLE.

AND, SUBJECT TO the title matters expressly set forth hereinabove, if any, Grantor will warrant and forever defend the right and title to the above-described property unto Grantee against the lawful claims of all persons whomsoever.

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

Signed, sealed and delivered
this 4th day of JUNE,
2010, in the presence of:


Unofficial Witness


Margene Moulder, Grantor


Notary Public

Jason Thomas Connolly, Notary Public
My Commission Expires Oct. 15, 2010

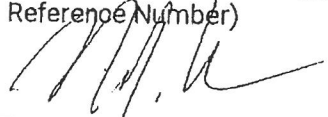


**VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR REZONING APPLICATION**

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: 5 074 007
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

6/22/21

Date

Robert Jackson Wilson, Attorney

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)

Amanda Alexander Sr. Tax Business mgr.

NAME

TITLE

6/23/21

DATE

Overall

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 74 of the 5th District of Gwinnett County, Georgia being more particularly described as follows:

Beginning at a 1/2" rebar found at the intersection of the westerly right of way of North Road (variable R/W) and the line common to land lots 73 and 74 said point being the TRUE POINT OF BEGINNING.

From said point as thus established thence; South 61 degrees 20 minutes 09 seconds West along said Land Lot line a distance of 154.84 feet to a 1/2" rebar found,

Thence, continuing said Land Lot line the same bearing and distance, South 61 degrees 20 minutes 09 seconds West a distance of 428.29 feet to an iron pin set

Thence, leaving said Land Lot line North 54 degrees 35 minutes 18 seconds West a distance of 42.34 feet to an iron pin set on the easterly right of way line of Georgia Highway 124 (aka Scenic Highway) {145' R/W per Georgia Department of Transportation Project FR-078-1{14} Dated 2-4-1988}

Thence, northerly along said easterly right of way North 14 degrees 49 minutes 13 seconds east a distance of 1471.43 feet to an iron pin set

Thence, leaving said right of way South 85 degrees 03 minutes 42 seconds East a distance of 54.94 feet to an iron pin set on the westerly right of way of North Road (variable right of way)

Thence southerly along said westerly right of way South 6 degrees 12 minutes 03 seconds east a distance of 954.11 feet to an iron pin set

Thence, continuing southerly along said westerly right of way following a curve to the right a distance of 214.48 feet, said curve having a radius of 2053.48 feet and being subtended by a line south 3 degrees 12 minutes 31 seconds east a distance of 214.38 feet to a 1/2" rebar found said point being the TRUE POINT OF BEGINNING.

As shown on a survey for Brand Properties by Keystone Land Surveying Dated 9-3-2020

Scenic Pointe

Lot 1 Legal Description

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 07 seconds with a distance of 147.93 feet to a point, said point being the POINT OF BEGINNING; Thence continuing southeast 6 degrees 12 minutes 07 seconds with a distance of 351.22 feet to a point; Thence turning and continuing along a curve with a chord of northeast 47 degrees 00 minutes 48 seconds with a distance of 27.68 feet and a radius of 69.75 to a point; Thence turning and continuing southeast 76 degrees 35 minutes 56 seconds with a distance of 200.44 feet to a point; Thence continuing southeast 25 degrees 23 minutes 06 seconds with a distance of 14.99 to a point; Thence continuing southwest 11 degrees 44 minutes 29 seconds with a distance of 157.80 feet to a point; Thence continuing northeast 14degrees 10 minutes 10 seconds with a distance of 186.82 feet to a point; Thence turning and continuing southeast 75 degrees 18 minutes 29 seconds with a distance of 107.19 feet to a point, said point being the POINT OF BEGINNING.

Total area: 60,780 sf or 1.39 acres

Scenic Pointe

Lot 2 Legal Description

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 07 seconds with a distance of 625.56 feet to a point, said point being the POINT OF BEGINNING; Thence continuing southeast 6 degrees 12 minutes 22 seconds with a distance of 148.07 feet to a point; Thence turning and continuing northwest 75 degrees 12 minutes 53 seconds with a distance of 250.92 feet to a point; Thence turning and continuing northeast 15 degrees 00 minutes 56 seconds with a distance of 157.20 to a point; Thence continuing northeast 61 degrees 04 minutes 58 seconds with a distance of 16.09 to a point; Thence continuing southeast 76 degrees 35 minutes 56 seconds with a distance of 198.22 feet to a point; Thence continuing along a curve with a chord of southeast 42 degrees 56 minutes 45 seconds with a distance of 67.93 feet and a radius of 69.91 to a point, said point being the POINT OF BEGINNING.

Total area: 47,676 sf or 1.09 acres

Scenic Pointe

Lot 3 Legal Description

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 07 seconds with a distance of 773.64 feet to a point; Thence turning and continuing northwest 75 degrees 12 minutes 53 seconds with a distance of 67.75 feet to a point, said point being the POINT OF BEGINNING; Thence continuing southwest 14 degrees 47 minutes 08 seconds with a distance of 132.60 feet to a point; Thence turning and continuing northwest 75 degrees 13 minutes 01 seconds with a distance of 250.45 feet to a point; Thence turning and continuing northeast 14 degrees 22 minutes 18 seconds with a distance of 90.04 feet to a point; Thence turning and continuing southeast 75 degrees 12 minutes 53 seconds with a distance of 250.92 to a point, said point being the POINT OF BEGINNING.

Total area: 33,264 sf or 0.76 acres

Scenic Pointe

Lot 4 Legal Description

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 07 seconds with a distance of 773.64 feet to a point, said point being the POINT OF BEGINNING; Thence continuing southeast 6 degrees 11 minutes 54 seconds with a distance of 180.47 feet to a point; Thence continuing along a curve with a chord of southeast 4 degrees 11 minutes 14 seconds with a distance of 144.32 feet and a radius of 2,055.90 to a point; Thence turning and continuing northwest 75 degrees 13 minutes 01 seconds with a distance of 179.28 feet to a point; Thence turning and continuing southwest 14 degrees 47 minutes 04 seconds with a distance of 172.35 to a point; Thence continuing southwest 14 degrees 47 minutes 08 seconds with a distance of 132.60 feet to a point; Thence turning and continuing northwest 75 degrees 12 minutes 53 seconds with a distance of 67.75 to a point, said point being the POINT OF BEGINNING.

Total area: 38,245 sf or 0.88 acres

Scenic Pointe

Lot 5 Legal Description

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 07 seconds with a distance of 773.64 feet to a point; Thence turning and continuing northwest 75 degrees 12 minutes 53 seconds with a distance of 67.75 feet to a point; Thence continuing southwest 14 degrees 47 minutes 08 seconds with a distance of 132.60 feet to a point, said point being the POINT OF BEGINNING; Thence continuing southwest 14 degrees 47 minutes 04 seconds with a distance of 172.35 feet to a point; Thence turning and continuing northwest 75 degrees 13 minutes 01 seconds with a distance of 249.21 feet to a point; Thence turning and continuing northeast 14 degrees 22 minutes 18 seconds with a distance of 172.36 feet to a point; Thence turning and continuing northwest 75 degrees 13 minutes 01 seconds with a distance of 250.45 to a point, said point being the POINT OF BEGINNING.

Total area: 43,059 sf or 0.99 acres

Scenic Pointe

Lot 6 Legal Description

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 07 seconds with a distance of 954.11 feet to a point; Thence continuing along a curve with a chord southeast 4 degrees 11 minutes 14 seconds with a distance of 144.32 feet and a radius of 2,055.90 to a point, said point being the POINT OF BEGINNING; Thence continuing along a curve with a chord southeast 1 degree 11 minutes 55 seconds with a distance of 70.16 feet and a radius of 2,055.90 to a point; Thence turning and continuing southwest 61 degrees 20 minutes 05 seconds with a distance of 201.42 feet to a point; Thence turning and continuing northwest 75 degrees 12 minutes 53 seconds with a distance of 300.97 feet to a point; Thence turning and continuing northeast 14 degrees 47 minutes 07 seconds with a distance of 88.59 feet to a point; Thence turning and continuing northwest 75 degrees 13 minutes 01 seconds with a distance of 249.21 to a point; Thence continuing northwest 75 degrees 13 minutes 01 seconds with a distance of 179.28 to a point, said point being the POINT OF BEGINNING.

Total area: 81,364 sf or 1.87 acres

Scenic Pointe

Lot 7 Legal Description

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 07 seconds with a distance of 954.11 feet to a point; Thence continuing along a curve with a chord southeast 4 degrees 11 minutes 14 seconds with a distance of 144.32 feet and a radius of 2,055.90 to a point; Thence continuing along a curve with a chord southeast 1 degree 11 minutes 55 seconds with a distance of 70.16 feet and a radius of 2,055.90 to a point; Thence turning and continuing southwest 61 degrees 20 minutes 05 seconds with a distance of 201.42 feet to a point, said point being the POINT OF BEGINNING; Thence continuing southwest 61 degree 20 minutes 05 seconds with a distance of 381.70 feet to a point; Thence turning and continuing northwest 54 degrees 35 minutes 22 seconds with a distance of 25.50 feet to a point; Thence turning and continuing northeast 14 degrees 47 minutes 07 seconds with a distance of 253.53 feet to a point; Thence turning and continuing northwest 75 degrees 12 minutes 53 seconds with a distance of 300.97 feet to a point, said point being the POINT OF BEGINNING.

Total area: 42,528 sf or 0.98 acres

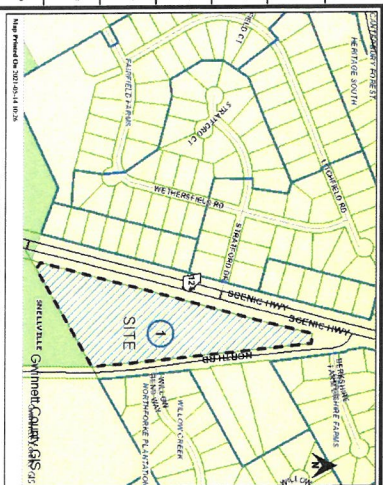
Scenic Pointe

Proposed Park Legal Description

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 07 seconds with a distance of 147.93 feet to a point; Thence turning and continuing southeast 75 degrees 18 minutes 29 seconds with a distance of 107.19 feet to a point; Thence turning and continuing northeast 14 degrees 49 minutes 09 seconds with a distance of 128.90 feet to a point; Thence turning and continuing southeast 85 degrees 03 minutes 46 seconds with a distance of 54.94 feet to a point, said point being the POINT OF BEGINNING.

Total area: 10,896 sf or 0.25 acres



THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS SHOWN ON F.I.M. COMMUNITY PANEL NUMBER 1313500117F DATED SEPTEMBER 29, 2006.

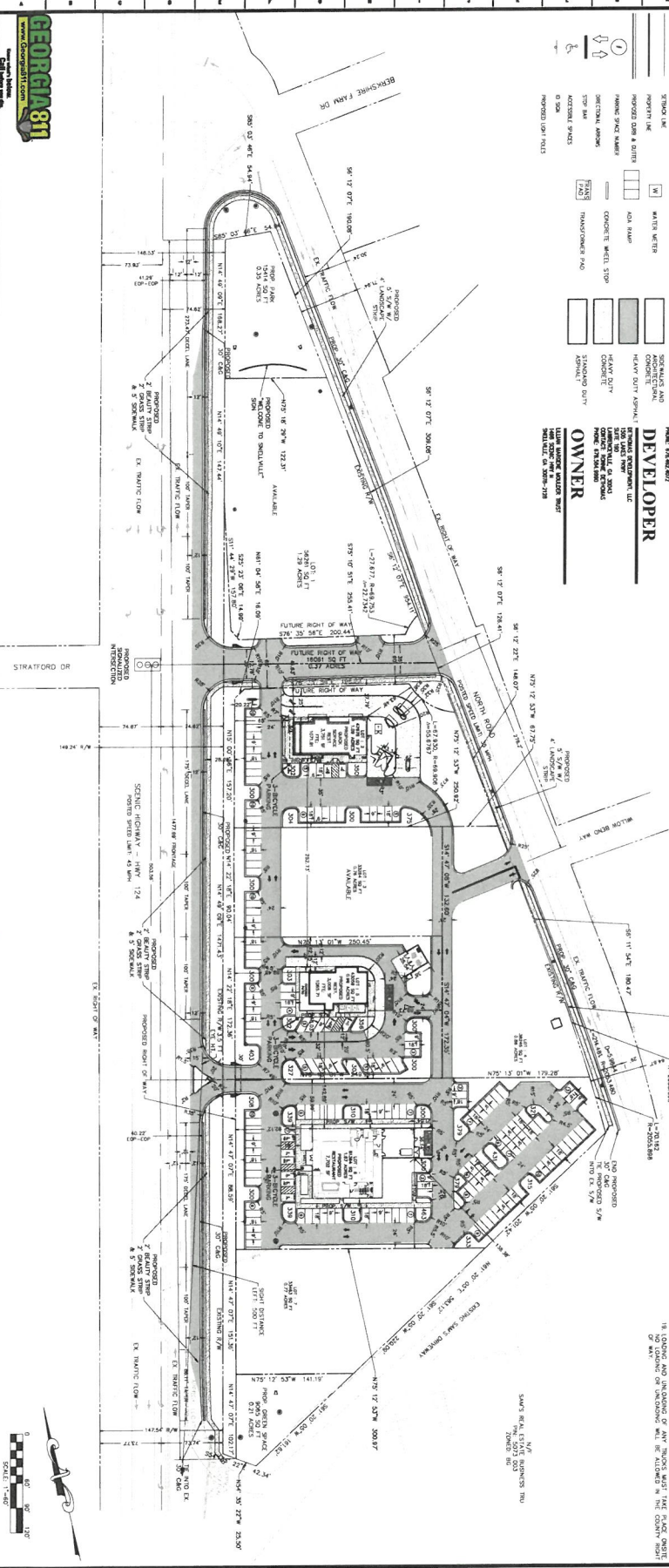
CONTRACTOR PLEASE NOTE THERE ARE NUMEROUS UNDERGROUND UTILITIES. ALL SHALL BE FIELD LOCATED PRIOR TO CONSTRUCTION OF DREYWAY AND PROPOSED UTILITY AND STORM DRAIN CROSSINGS. IMMEDIATELY BRING TO THE ATTENTION OF THE OWNER / ENGINEER AND / OR UTILITY PROVIDER OF EXPOSED CONFLICTS

LEGEND - PROPOSED

CIVIL ENGINEER

DEVELOPER

OWNER



SITE AREA CALCULATIONS

TOTAL GTE AREA		
LOT 1	206,427 SF	8.53 AC.
LOT 2	65,902 SF	1.40 AC.
LOT 3	48,716 SF	1.09 AC.
LOT 4	33,534 SF	0.78 AC.
LOT 5	38,143 SF	0.86 AC.
LOT 6	43,529 SF	0.99 AC.
LOT 7	81,364 SF	1.87 AC.
LOT 8	33,643 SF	0.77 AC.
LOT 9	16,081 SF	0.37 AC.
PROPOSED MOBILE HOME TRAIL	107,800 SF	2.35 AC.
PROPOSED OFFICE SPACE	9005 SF	0.21 AC.
WATERWAYS AREA	253,147 SF	4.70 AC.
WATERWAYS AREA	18,624 SF	0.42 AC.

CITY OF SNELLVILLE

NOTES

[illegible]