

# **REZONING APPLICATION**

# APPLICATION TO AMEND THE OFFICIAL ZONING MAP, SNELLVILLE GEORGIA RECEIVED

City of Snellville JUL 1 3 2021 Planning & Development Department RZ 21-05;LUP 21-05;ANX 21-02 #2100368 PARCEL- 5074 007 Snellville, GA 30078 CITY OF SNELLVIL SCENIC POINTE 1498 SCENIC HWY Fax 770.985.3551 Phone 770.985.3515 NING & DEVELOPMENT 10-29-2020 Owner's Agent Owner (if not the applicant): 

Check here if there x Contract Purchaser Applicant is: (check one) additional property owners and attach additional sheets. **Property Owner** Lillian Margene Moulder Trust Scenic Pointe, LLC Name (please print) Name (please print) 1498 Scenic Highway 1505 Lakes Pkwy Address Address Snellville GA 30078 Lawrenceville, GA 30043 City, State, Zip Code City, State, Zip Code (770) 963-3424 (770) 962-9780 Phone Number(s) Fax Fax Phone Number(s) Fax: (770) 963-3424 Phone: (770) 962-9780 Contact Person: Robert Jackson Wilson E-mail: <u>jwilson@rjwpclaw.com</u> Cell Phone:\_ Requested/Proposed Zoning District Classification: <u>BG</u> Present Zoning District Classification: R-100 \_Does the FLUM Require Amending? X No  $\,\Box$ Present Future Land Use Map (FLUM) Designation: Community Mixed Use Yes\* Proposed Use (Describe): Mixed Use, Public Park, Office, Retail and Other Business Uses District 74 Land Lot 5 Parcel(s) 007 Property Address/Location: 1498 Scenic Highway \* 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 - FutureLand 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 \$ 500 560 I to 5 acres 800 5 to 10 acres 1,050 10 to 15 acres 1.350 15 to 20 acres 1,900 Over 20 acres \$ 75 (single-sided) or \$125 (double-sided) per parcel, per road frontage Public Notice Sign

Adjoining Property Owner Notice \$ 15 (per adjoining property X 2 public hearings)

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<br>development ofadjacent 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.   |
|  |
|  |
| B. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or   |
| nearbyproperties.  |
| Response: _No; the proposal will not adversely affect the use or usability of nearby properties. It is consistent with nearby uses   |
| C. Whether the property to be affected by the zoning proposal has a reasonable economic use as   |
| currentlyzoned.  |
|  |
| Response: No; the property does not have an economic use as currently zoned. Gwinnett County recently denied a multi-family use for this property. The applicant believes that proposal was inappropriate for the area; however,   |
| t main family decises the property. The approximation in the control of the contr |
| demonstrates that the property does not have reasonable economic use as residential or as currently zoned  |
| agricultural.  |
| C. Whether the zoning proposal will result in a use which will or could cause an excessive or  |
| burdensomeuse 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 park space will relieve burdens on infrastructure and schools.   |
|  |
| D.   |
| Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Plan.   |
| Response: _Yes; both the County and City comprehensive plans indicate Mixed Use is appropriate at this location  |
|  |
|  |
| E. Whether there are other existing or changing conditions affecting the use and development<br>of theproperty, which give supporting grounds for either approval or disapproval of the zoning<br>proposal.  |
| Response: Yes; the recent County denial of a multi-family application indicates residential use is not appropriate   |
| at this site. A Mixed Use with the inclusion of park space and reservation of rights-of-way for future transportation  |
| enhancements provides supporting grounds for approval.   |
| ennancements provides supporting grounds for approval.   |

#### **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.

| Di EXPRES O  |                           | Affix Notata Seal                              |
|--|---------------------------|--|
| Ronnie De I nomas, Manager   |                           | EQI CEORGIA 14                                 |
| Type or Print Name and Title  APRIL 28, 2025  APRIL 28, 2025  APRIL 28, 2025 | e or Print Name and Title | APRIL 28, 2025  APRIL 28, 2025  APRIL 28, 2025 |
| Signature of Notary Public Date  | nature of Notary Public   |  |

#### PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, swear and affirm that I am (we are) the owner of property that issubject to this application, as shown in the records of Gwinnett County, Georgia which is the subject matter of the attached application. I further authorize Scenic Pointe, LLC to file this application. The undersigned is aware that 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.

# **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 myknowledge and belief.

Signature of Owner or Agent

Date

Dale Wilson, Trustee

Type or Print Name and Title

Signature of Notary Public

Date

Affix Notary Seal

# 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., <u>Conflict of Interest in Zoning Actions</u>, 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.  |   |  |  |  |  |  |
|--|---|--|--|--|--|--|
| Signature of Applicant's Attorney or Repo                          | Date Type or Print  | omas, Manager It Name and Title In Wilson, President It Name and Title  Affix Notary Seal                      |  |  |  |  |
| DISCLOSURE OF CAMPAIGN CONTRIBUTIONS                               |   |  |  |  |  |  |
| campaign contributions aggregati                                   | ng \$250.00 or more or made gifts                         | ne filing of this application, made<br>s having in the aggregate a value<br>il or any member of the Snellville |  |  |  |  |
| ☐ YES XNO  | YOUR NAME: Ronnie   | DeThomas<br>Planton Wilson   |  |  |  |  |
| 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.

BK 50 145 PG 0337

FILED AND RECORDED CLERK SUPERIOR COURT GWINNETT COUNTY GA

10 JUN 30 PM 2: 00

TOM LAWLER, CLERK

PT-61# 67-2010-017 187
GWINNETT CO. GEORGIA
REAL ESTATE TRANSFER TAX

TOM LAWLER CLERK OF
SUPERIOR COURT

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

COUNTY OF GWINNETT

STATE OF GEORGIA

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 \_\_\_\_\_\_ day of \_\_\_\_\_\_\_, 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.

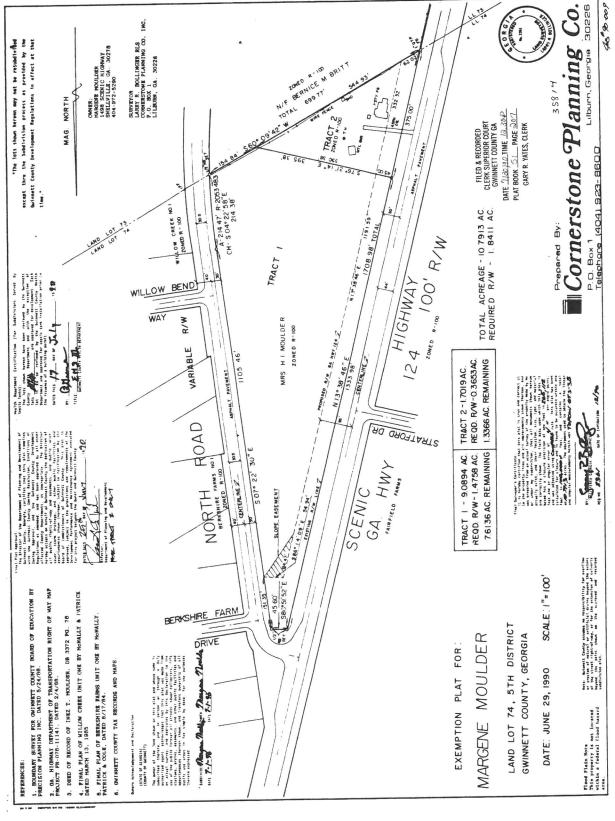
Signed, sealed and delivered

this 41 day of JUNE 2010, in the presence of:

Unofficial Witness

Margene Moulder, Grantor

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



gas 8, 34

# 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.

|   | 5                                | 074           | 007  |      |
|---|----------------------------------|---------------|--|------|
| PARCEL I.D. NUMBER:<br>(Map Reference) Nymber)                        | District                         | Land Lot      |  |      |
| All, K  |                                  |               | 6/22/21  |      |
| Signature of Applicant  |                                  |               | Date   |      |
| Robert Jackson Wi   | lson, Attorr                     | ney           |  |      |
| Type or Print Name and Title  |                                  |               |  |      |
| ***PLEASE TAKE THIS FORI<br>JUSTICE AND ADMINISTRA<br>BELOW.***       |                                  |               |  |      |
|   | TAX COMMISS                      | IONERS USE ON | ILY  |      |
| (PAYMENT OF ALL PROPERT PARCEL HAVE BEEN VERIFIE BELOW)  NAME  O DATE | Y TAXES BILLEI<br>D AS PAID CURI | RENT AND CON  | THE ABOVE REFERENCE<br>FIRMED BY THE SIGNA<br>TAX BUSINES<br>TITLE | TURE |

#### Overall

#### LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 74 of the 5<sup>th</sup> 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

# **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

## **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

# **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

# **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

# **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 northwest 74 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

## **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

# **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

# **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

