

REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF PEACHTREE CORNERS, GEORGIA

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>MDS Holdings USA, LLC</u>	NAME: <u>Please see attached.</u>
ADDRESS: <u>4402 McBrayer Rd</u>	ADDRESS: _____
CITY: <u>Oakwood</u>	CITY: _____
STATE: <u>GA</u> ZIP: <u>30566</u>	STATE: _____ ZIP: _____
PHONE: <u>770/963.6909</u>	PHONE: _____
E-MAIL: <u>tracey@tdmasonlaw.com</u>	E-MAIL: _____
CONTACT PERSON: <u>Tracey Mason</u> PHONE: <u>770/963.6909</u>	
CONTACT'S E-MAIL: <u>Tracey@tdmasonlaw.com</u>	

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): M1 REQUESTED ZONING DISTRICT: MZ

LAND DISTRICT(S): 6th LAND LOT(S): 269 ACREAGE: 4.09±

ADDRESS OF PROPERTY: 4684 South Berkeley Lake Road

PROPOSED DEVELOPMENT: Truck storage

Staff Use Only This Section

Case Number: _____ Hearing Date: P/C _____ C/C _____ Received Date: _____

Fees Paid: _____ By: _____

Related Cases & Applicable Conditions:

Description: _____

REZONING APPLICATION OF MDS HOLDINGS USA, LLC

OWNER INFORMATION

GLORIA EVANS

c/o Jeremy Dupree

King Industrial Realty, Inc.

4154 Silver Peak Parkway

Suite D

Suwanee, GA 30024

770/633-5312

jdupree@kingindustrial.com

BRENDA SMITH

c/o Jeremy Dupree

King Industrial Realty, Inc.

4154 Silver Peak Parkway

Suite D

Suwanee, GA 30024

770/633-5312

jdupree@kingindustrial.com

BETTY SUE HEARIN

c/o Jeremy Dupree

King Industrial Realty, Inc.

4154 Silver Peak Parkway

Suite D

Suwanee, GA 30024

770/633-5312

jdupree@kingindustrial.com

REZONING APPLICATION OF MDS HOLDINGS USA, LLC

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 269 of the 6th Land District of Gwinnett County, Georgia, being more particularly described as follows:

Beginning at a ½ inch rebar found at the intersection of the northwesterly right-of-way of the Norfolk Southern Railroad (having a 200 foot right-of-way) and the southwesterly right-of-way of South Berkeley Lake Road (having a variable right-of-way), said point being the POINT OF BEGINNING;

THENCE along said right-of-way of Norfolk Southern Railroad South 50 degrees 00 minutes 28 seconds West for a distance of 175.11 feet to an iron scrape blade found at the intersection of said right-of-way and the Land Lot Line dividing Land Lots 258 and 269, aforesaid District and County; THENCE leaving said right-of-way and along said Land Lot Line South 59 degrees 54 minutes 24 seconds West for a distance of 550.63 feet to a ½ inch rebar found;

THENCE leaving said Land Lot Line North 30 degrees 42 minutes 15 seconds West for a distance of 255.99 feet to a ½ inch rebar found;

THENCE North 55 degrees 02 minutes 22 seconds East for a distance of 540.55 feet to a 60 'D' nail found on the southwesterly right-of-way of South Berkeley Lake Road;

THENCE along said right-of-way the following (3) three courses and distances: South 62 degrees 55 minutes 45 seconds East for a distance of 153.86 feet to an iron pin set;

THENCE North 27 degrees 04 minutes 15 seconds East for a distance of 10.00 feet to an iron pin set;

THENCE South 62 degrees 55 minutes 45 seconds East for a distance of 176.00 feet to a ½ inch rebar found at the intersection of said right-of-way and the northwesterly right-of-way of the Norfolk Southern Railroad, said point being the POINT OF BEGINNING.

Together with and subject to easements, covenants and restrictions of record. Said property has an area of 4.097 acres as shown on the Boundary Survey for Norcross Truck Storage, LLC, prepared by Apalachee Land Surveying, Inc., dated 02/25/16.

LETTER OF INTENT
FOR THE REZONING APPLICATION OF
MDS HOLDINGS USA, LLC

February 29, 2016

City of Peachtree Corners
Planning and Zoning Department
147 Technology Parkway, Suite 200
Peachtree Corners, GA 30092

RE: Rezoning Application of MDS Holdings USA, LLC, concerning property located
at 4684 South Berkeley Lake Road, Peachtree Corners, GA

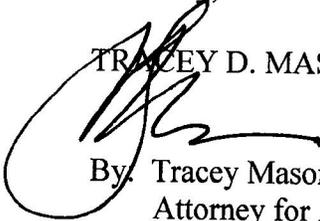
Dear Sir or Madame:

I am writing to you on behalf of the Applicant in the above-referenced case. We are respectfully requesting your approval to rezone this property from the current M1 (Light Industry District) zoning classification to M2 (Heavy Industry District) to allow for the development and operation of a truck storage facility. The Applicant plans to abandon and remove the current buildings on the property and proposes to construct a concrete drive where a guard station would be located. An 8' chain link fence with screening slats would be added to the perimeter of the property with semi-tractor storage on asphalt millings as shown on the site plan attached herewith. Detention will be provided in a regional pond offsite. All necessary easements and agreements will be in place prior to proceeding with construction drawings.

The site is located within an industrial area that is bounded by Buford Highway, South Old Peachtree Road, and North Berkeley Lake Road. The Norfolk Southern Railway abuts the property on the southeast side. The properties in this area are characterized by a range of industrial uses with heavy industrial uses concentrated along the Norfolk Southern Railway. We submit that a truck storage facility would be a suitable use of this property in light of its location abutting the Railway and in light of the industrial activity in the area. Again, we respectfully request your approval of this M2 rezoning request.

We are happy to answer any questions or meet with any of you at your convenience. Thank you again for your time and attention to this matter.

Sincerely,


TRACEY D. MASON, LLC

By: Tracey Mason
Attorney for Applicant

cc: MDS Holdings USA, LLC

APPLICANT'S CERTIFICATION

The undersigned below states under oath that they are authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the city council unless waived by the city council. In no case shall an application or reapplication be acted upon in less than six (6) months from the date of last action by the city council.

Mike Stephens, Manager 2/25/16
Signature of Applicant Date
MDS Holdings USA, LLC
By: Mike Stephens, Manager
Type or Print Name and Title

Cynthia H. Anderson 2-29-2016
Signature of Notary Public Date Notary



Expires 2-29-17

PROPERTY OWNER'S CERTIFICATION

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Signature of Property Owner Date

Type or Print Name and Title

Signature of Notary Public Date Notary Seal

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Type or Print Name and Title

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Gloria Evans 2/24/16
Signature of Property Owner Date

Gloria Evans
Type or Print Name and Title

David A. Evans 2/24/16
Signature of Notary Public Date



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Type or Print Name and Title

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Brenda S. Smith *2/25/16*

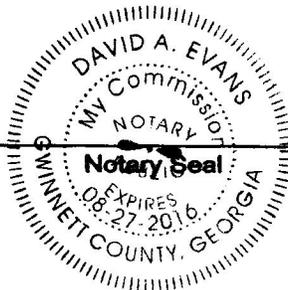
Signature of Property Owner Date

Brenda Smith

Type or Print Name and Title

David A. Evans *2/25/16*

Signature of Notary Public Date



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Betty Sue Hearin 2/24/16

Signature of Property Owner Date

Betty Sue Hearin

Type or Print Name and Title

David A. Evans 2/24/16

Signature of Notary Public Date



APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to section 1702 of the 2012 zoning resolution, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- A. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?

Please see attached.

- B. Will this proposed rezoning, special use permit, or change in conditions will adversely affect the existing use or usability of adjacent or nearby property?

Please see attached.

- C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?

Please see attached.

- D. Will the proposed rezoning, special use permit, or change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

Please see attached.

- E. Will the proposed rezoning, special use permit, or change in conditions is in conformity with the policy and intent of the land use plan?

Please see attached.

- F. Are there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning, special use permit, or change in conditions?

Please see attached.

REZONING APPLICATION OF
MDS HOLDINGS USA, LLC
STANDARDS GOVERNING EXERCISE OF ZONING

A. SUITABILITY OF USE

The subject property is located within the Industrial Corridor Character Area which is largely characterized by automotive, industrial, and warehouse-type uses. The proposed use of a truck storage lot would be suitable in this location in view of the use and development of nearby properties, especially located along the Norfolk Southern Railway.

B. ADVERSE IMPACTS

The City's Comprehensive Plan calls for the preservation of industrial and commercial uses in the Industrial Corridor Character Area. M-2 zoning is currently found in several parcels along the Norfolk Southern Railway and along Buford Highway. A truck storage lot is an M-2 use that would be likely to have no more negative impacts on surrounding properties than uses allowed under the current zoning.

C. REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as zoned.

D. IMPACTS ON PUBLIC FACILITIES

There would be no impact on schools. The impacts of a truck storage lot would create no additional impacts on public facilities compared with the current zoning.

E. CONFORMITY WITH POLICIES

This property is located within the Industrial Corridor Character Area. The Zoning Ordinance indicates that policies for this area encourage light industrial, heavy industrial, and commercial/retail uses, which would include an M-2 zoning to provide for a truck storage lot.

F. CONDITIONS AFFECTING ZONING

The fact that several M-2 properties exist within the Industrial Corridor Character Area along the Norfolk Southern Railway would give supporting grounds for approval of the rezoning. The Applicant is agreeable to conditions excluding junk or wrecked vehicles and conditions concerning screening.

**DISCLOSURE REPORT FORM
CONFLICT OF INTEREST CERTIFICATION/CAMPAIGN CONTRIBUTIONS**

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL?

CHECK ONE: YES NO
(If yes, please complete the "Campaign Contributions" section below)

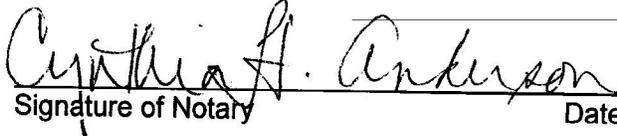
Tracey D. Mason, LLC
Print Name

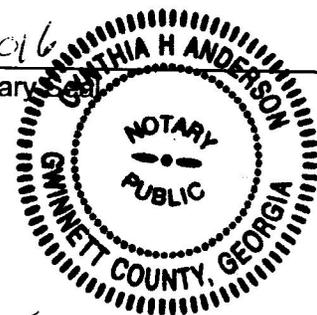
1. CAMPAIGN CONTRIBUTIONS

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

2. THE UNDERSIGNED ACKNOWLEDGES THAT THIS DISCLOSURE IS MADE IN ACCORDANCE WITH THE OFFICIAL CODE OF GEORGIA, SECTION 36-67A-1 ET. SEQ. CONFLICT OF INTEREST IN ZONING ACTIONS, AND THAT THE INFORMATION SET FORTH HEREIN IS TRUE TO THE UNDERSIGNED'S BEST KNOWLEDGE, INFORMATION AND BELIEF.

Signature of Applicant	Date	Type or Print Name and Title
	2.29.16	Tracey D. Mason, LLC
Signature of Applicant's Attorney or Representative	Date	Type or Print Name and Title
		By: Tracey D. Mason, Managing Member

Signature of Notary	Date	Notary
	2-29-2016	CYNTHIA H. ANDERSON



Expires: 9-27-2017

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CONFLICT OF INTEREST CERTIFICATION/CAMPAIGN CONTRIBUTIONS

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT FOR THE REZONING, SPECIAL USE PERMIT, OR CHANGE IN CONDITIONS PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL?

CHECK ONE: YES NO
 (If yes, please complete the "Campaign Contributions" section below)

MDS Holdings USA, LLC
 By: Mike Stephens, Manager
 Print Name

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Mike Stephens MDS Holdings USA, LLC
 Signature of Applicant Date: 2/25/16 By: Mike Stephens, Manager
 Type or Print Name and Title

 Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

Gynthia H. Anderson 2-29-2016
 Signature of Notary Date Notary Seal



Expires: 9-29-19

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF PEACHTREE CORNERS 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 A PUBLIC HEARING APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

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

PARCEL I.D. NUMBER: 6 - 269 - 006A
(Map Reference Number) District Land Lot Parcel

[Signature] 2.29.2016
Signature of Applicant Date

Attorney for Applicant
Type or Print Name and Title

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)

[Signature]
NAME

TSA
TITLE

2-29-16
DATE

TRACEY D MASON LLC
295 SOUTH CULVER STREET STE D
LAWRENCEVILLE, GA 30046

BrandBank
BrandBank is the trade name for
The Brand Banking Company

1449

64-327/611
1

2.29.16

PAY TO THE
ORDER OF

City of Peachtree Corners

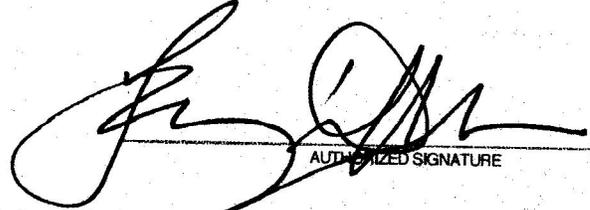
\$ 850.00

Eight Hundred Fifty & 00/100

DOLLARS

MEMO

MDS Holdings USA, LLC
Rezoning Application



AUTHORIZED SIGNATURE

⑈001449⑈ ⑆061103276⑆ 11 74 258⑈

TRACEY D MASON LLC

1449

TRACEY D MASON LLC

1449

Details on Back
Security Features Included