

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GEORGIA

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Peachtree Parkway Holdings LLC</u> c/o Mill Creek Consulting	NAME: <u>Peachtree Parkway Holdings LLC</u>
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>5185 Peachtree Parkway</u>
CITY: <u>Buford</u>	CITY: <u>Peachtree Corners</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>Ga</u> ZIP: <u>30092</u>
PHONE: <u>770-614-6511</u>	PHONE: <u>770-814-7001</u>
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u> Email: <u>Millcreekconsulting@gmail.com</u>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:

 OWNERS AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICT (S): C-2 & RM-13 REQUESTED ZONING DISTRICT: C-2 w\buffer reduction

LAND DISTRICT (S): 6 LAND LOT: 301 ACREAGE: 4.318

ADDRESS OF PROPERTY: Peachtree Parkway

PROPOSED DEVELOPMENT: Restaurants, Office and Retail

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u> </u>	NO. OF BUILDINGS/UNITS: <u>4</u>
DWELLING UNIT SIZE (SQ. FT.): <u> </u>	TOTAL GROSS SQUARE FEET: <u>37,800</u>
GROSS DENSITY: <u> </u>	DENSITY: <u>8,754 sq ft\acre</u>
NET DENSITY: <u> </u>	

RZC 13001

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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BY:

**LEGAL DESCRIPTION
PARCELS 1-4**

All that tract or parcel of land lying and being in Land Lot 301 of the 6th Land District, Gwinnett County, Georgia and being more particularly described as follows:

TO FIND THE POINT OF COMMENCEMENT, begin at the intersection of the Northerly Right-of-Way of Peachtree Corners Circle (Right-of-Way Varies) and the Easterly Right-of-Way of Peachtree Parkway a.k.a. State Route 141 (Right-of-Way varies) if extended to form a Point; THENCE following along said Right-of-Way of Peachtree Parkway a.k.a. State Route 141, along a curve to the left having a radius of 11459.16 feet and an arc length of 12.26 feet and being subtended by a chord of North 28 degrees 40 minutes 36 seconds East for a distance of 12.26 feet to a Point; THENCE along a curve to the left having a radius of 11459.16 feet and an arc length of 227.46 feet and being subtended by a chord of North 29 degrees 16 minutes 33 seconds East for a distance of 227.46 feet to a Point; THENCE North 29 degrees 50 minutes 43 seconds East for a distance of 197.39 feet to a Point; THENCE North 43 degrees 52 minutes 53 seconds East for a distance of 103.08 feet to a Concrete Monument Found; THENCE North 29 degrees 50 minutes 43 seconds East for a distance of 98.83 feet to a Concrete Monument Found; THENCE North 16 degrees 30 minutes 43 seconds East for a distance of 102.54 feet to a Concrete Monument Found; THENCE North 29 degrees 23 minutes 40 seconds East for a distance of 400.40 feet to a Concrete Monument Found; THENCE North 36 degrees 42 minutes 59 seconds West for a distance of 44.14 feet to a Point, said point being THE POINT OF BEGINNING.

THENCE from said point as thus established and continuing along said Right-of-Way of Peachtree Parkway a.k.a. State Route 141, North 36 degrees 42 minutes 59 seconds East for a distance of 120.50 feet to a ¾" Open Top Pipe Found; THENCE North 36 degrees 42 minutes 35 seconds East for a distance of 237.18 feet to a Point; THENCE North 29 degrees 45 minutes 46 seconds East for a distance of 252.39 feet to a Point; THENCE leaving said Right-of-Way, South 60 degrees 14 minutes 14 seconds East for a distance of 117.65 feet to a Point; THENCE South 60 degrees 14 minutes 14 seconds East for a distance of 117.65 feet to a Point; THENCE North 59 degrees 32 minutes 53 seconds East for a distance of 203.17 feet to a Point on the Westerly Right-of-Way of Medlock Bridge Road (Right-of-Way Varies); THENCE continuing along said Right-of-Way the following two (2) courses and distances, THENCE South 29 degrees 27 minutes 07 seconds East for a distance of 67.12 feet to a Point; THENCE South 30 degrees 19 minutes 01 seconds East for a distance of 135.00 feet to a Point; THENCE leaving said Right-of-Way, South 66 degrees 51 minutes 51 seconds West for a distance of 215.52 feet to a Point; THENCE South 34 degrees 57 minutes 42 seconds West for a distance of 513.41 feet to a Point; THENCE North 59 degrees 59 minutes 32 seconds West for a distance of 260.00 feet to a Point, said point being THE POINT OF BEGINNING.

Said property contains 4.318 acres.

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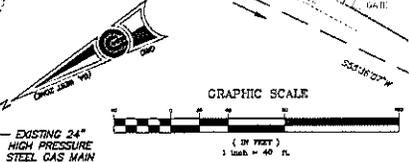
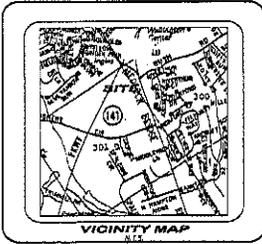
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BUSH ROAD
MEDLOCK BRIDGE ROAD
R/W VARIES

NOTES:
 1. EXISTING ZONING IS C2 AND RM13
 PROPOSED ZONING IS C2
 2. EXISTING C2 AREA IS 2.522 AC.
 EXISTING RM13 AREA IS 2.937 AC.
 TOTAL AREA IS 5.459 AC.
 3. GROSS SQUARE FOOTAGE PER ACRE
 IS 8754.1 SF, OUTPARCELS 1 THRU 4.

REFERENCE MATERIAL:
 - EXHIBIT PLAT FOR PIEDMONT FIVE, LLC &
 CHICAGO TITLE INSURANCE COMPANY, BY
 PRECISION PLANNING, INC., DATED 8/31/12.



NOTE: PROPOSED 20' ENHANCED LANDSCAPE STRIP REPLACES 75' ZONING BUFFER

N/E
 6301 163
 ROADYS PROPERTIES RESIDENTIAL, LP
 O.B. 41147 / PG. 163
 P.B. 117 / PG. 116
 20062 PAT 3

PROPOSED 20' ENHANCED LANDSCAPE STRIP
 EXISTING 24" HIGH PRESSURE STEEL GAS MAIN
 TOWER COMMUNICATION

EXISTING BANK ± 7800 SF
 2.522 ac.
 EXISTING ZONING C2
 (TO REMAIN C2)

PROPOSED MULTI-STORY RETAIL/OFFICE 14,000 SF
 202.99
 EXISTING ZONING RM13

2.937 ac.
 EXISTING ZONING RM13
 PROPOSED ZONING C2
 PROPOSED RESTAURANT 8000 SF
 PROPOSED RETAIL/RESTAURANT 7800 SF

PROPOSED BANK OR RESTAURANT 8000 SF

PEACHTREE PARKWAY
 STATE ROUTE 141
 R/W VARIES

(DB. 263/PG. 542-DB. 262/PG. 156)
 NO ACCESS PER DB. 3489/PG. 95

NOTE:
 TOTAL AREA TO BE REZONED IS 4.318 ACRES
 WHICH CONSISTS OF OUTPARCELS 1, 2, 3 & 4.

OUTPARCEL	AREA	PARKING REQUIRED	PARKING PROVIDED
1	0.878 AC.	1/500 min to 1/225 max = 28 to 68 SPACES	42 SPACES
2	1.320 AC.	1/150 min to 1/75 max = 54 to 107 SPACES	76 SPACES
3	0.856 AC.	1/500 min to 1/75 max = 34 to 66 SPACES	40 SPACES
4	1.204 AC.	1/150 min to 1/75 max = 54 to 107 SPACES	78 SPACES
BANK	1.141 AC.	1/500 min to 1/200 max = 16 to 40 SPACES	40 SPACES
TOTAL	5.459 AC.		276 SPACES

ENTRANCE TO THE FORUM

1031112 DATE 001396G PROJ. NUMBER 1 of 1	REZONING PLAN SHEET RELEASE	PROJECT PIEDMONT FIVE L.L.C. PEACHTREE PARKWAY, CITY OF PEACHTREE DISTRICT LAND LOT 501 OF THE 6TH DISTRICT CONNESSETT COUNTY, GEORGIA	Precision Planning, Inc. 600 Peachtree Street, NE Atlanta, GA 30308 (404) 525-8800 www.precisionplanning.com	STAMP October 31, 2012
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STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS 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) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

THE SUBJECT PROPERTY IS DESIGNATED AS PREFERED OFFICE

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING:

SEE LETTER OF INTENT.

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Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article P, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

.....
PLANNING DIVISION USE ONLY

CASE NUMBER _____

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RZC'13 001

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant and Owner, Peachtree Parkway Holdings, LLC, requests a rezoning for 4.318 acres for the purpose of developing office, restaurants and retail commercial buildings on the property. The subject property is located on Peachtree Parkway\State Route 141 and is found in the 6th district land lot 301 in The City of Peachtree Corners.

The enclosed site plan indicates that there will be 4 new buildings surrounding the existing Piedmont Bank. Parcel 1 is proposed to be a 2 story retail/office building with a total square footage of 14,000 feet. Parcels 2 and 4 are each proposed to be restaurants at 8,000 square feet each or parcel 4 could be a bank site since it is located on the corner with access to the intersection with a traffic light. Finally, parcel 3 is proposed to be a retail building of 7,800 square feet that could be all retail or a restaurant/coffee shop with a drive thru. The property is currently C-2 and RM-13 with a little more than half zoned multi-family and the site plan shows that we are proposing a buffer reduction along the rear of the property from the required 75 feet to a graded and enhanced buffer of 20 feet. That buffer is further reduced to allow proper alignment of our access across from Bush Road at Medlock Bridge Road. While the future development map for the city shows this property as preferred office we believe that the location across from The Forum and the fact we are removing almost 3 acres from the RM-13 zoned property meets the intent of the plan. The buildings are in the overlay district and the applicant intends to meet all of the additional requirements with the architectural design planned to match the style of the existing Piedmont Bank and the Forum.

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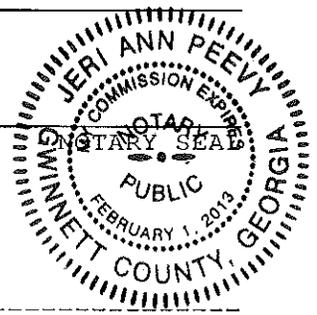
REZONING APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS 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 BOARD OF COMMISSIONERS UNLESS
WAIVED BY THE BOARD OF COMMISSIONERS. 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 BOARD OF
COMMISSIONERS.

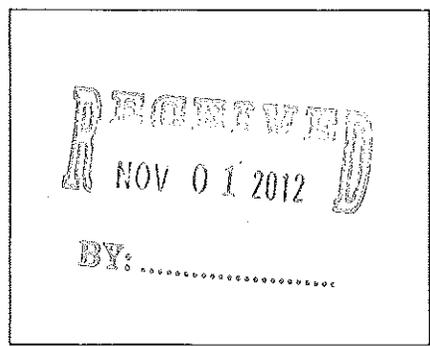
Peachtree Parkway Holdings, LLC
X Arthur D. Cury 10/12/12
SIGNATURE OF APPLICANT DATE

Robert D. Cheeley, President
TYPE OR PRINT NAME AND TITLE

Jeri Ann Peavy 10/22/12
SIGNATURE OF NOTARY PUBLIC DATE



CASE NUMBER _____



RZC 71300 1

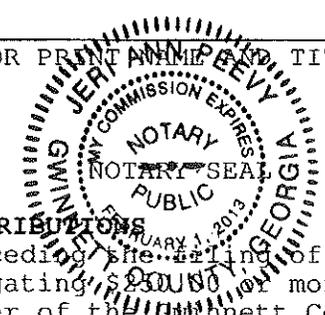
CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

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

x John D. Cheeley 10/12/12 Peachtree Parkway Holdings, LLC
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE
Robert D. Cheeley, President

 SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

Jeri Ann Peavy 10/22/12
 SIGNATURE OF NOTARY PUBLIC DATE



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Winnett County Planning Commission?

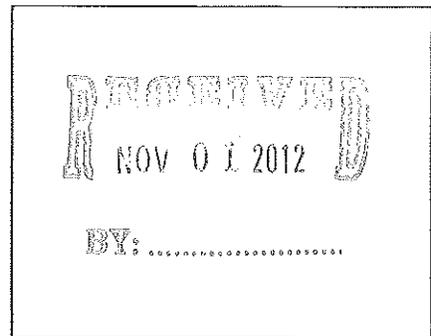
No (yes/no)
John D. Cheeley
 YOUR NAME

If the answer 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 Last Two Years)

Attach additional sheets if necessary to disclose or describe all contributions.

CASE NUMBER _____



RZC 18001

VERIFICATION OF CURRENT AND PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS 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: 6 - 301 - 165

(Map Reference Number) District Land Lot Parcel

SIGNATURE OF APPLICANT Robert D. Cheeley DATE 10/22/12
Robert D. Cheeley, Pres.

TYPE OR PRINT NAME AND TITLE Robert D. Cheeley, Pres.

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)

NAME Nick Cole TITLE TSAT
DATE 11/1/2012

CASE NUMBER RZC'13001

