



Change in Condition Application

CASE NUMBER: CIC-2019-01

Date Received: 3/29/19

Please type or print using BLACK ink

Applicant: 733 Pleasant Hills Mall, LP c/o Mahaffey Pickens Tucker, LLP	Property Owner: 733 Pleasant Hills Mall, LP
Address: 1550 North Brown Road, Suite 125	Address: 1550 North Brown Road, Suite 125
City, State & Zip: Lawrenceville, Georgia 30043	City, State & Zip: Lawrenceville, Georgia 30043
Contact Person: Shane Lanham, attorney for the applicant	Owner Contact: Shane Lanham
Business Phone: 770.232.0000	Business Phone: 770.232.0000
Email: slanham@mptlawfirm.com	Email: slanham@mptlawfirm.com
Cell Phone:	Cell Phone:

APPLICANT IS THE Owner's Agent Property Owner Contract Purchaser

PROPERTY ADDRESS: 733 Pleasant Hill Road

LAND DISTRICT: 6 LAND LOT(S): 156 PARCEL(S): 164 ACREAGE: +/-24.74

CURRENT ZONING: CB PROPOSED ZONING DISTRICT(S): CB

PROPOSED DEVELOPMENT: CIC to relocate within the property an approved Auto and Truck Service use

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
Number of Lots/Dwelling Units	Number of Buildings/Lots: 1/1
Dwelling Unit Size (sq.ft.):	Total Gross Square Feet: +/-131,385

Has Applicant filed or intend to file, any other variance, rezoning or waiver applications? YES NO

If YES, describe: _____

Please attach all REQUIRED documents. Refer to Rezoning, SUP and CIC Instructions for deadline s, fees and hearings schedule

- STANDARDS GOVERNING EXERCISE OF THE ZONING POWER (attached)
- CONFLICT OF INTEREST CERTIFICATION/CAMPAIGN CONTRIBUTIONS (attached)
- APPLICANT/PROPERTY OWNER NOTARIZED CERTIFICATIONS (attached)
- TYPED LEGAL DESCRIPTION OF PROPERTY
- TYPED LETTER OF INTENT
- SITE PLAN/ BOUNDARY SURVEY – 1 full size (to scale) copy and 5 reductions (8.5" x 11") or electronic file
- LIST OF ADJOINING PROPERTY OWNERS – names and mailing addresses

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City of Lilburn Planning and Economic Development Department (770) 638-2198 • Fax (770) 921-8854
340 Main St. • Lilburn, Georgia 30047 • www.CityofLilburn.com

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to Section 1702 of the 1985 Zoning Resolution, the Mayor and Council of the City of Lilburn find that the following standards are relevant in balancing interest in promoting the public health, safety, unrestricted use of property and shall govern the exercise of the zoning power.

- (A) Whether a proposed rezoning (or Special Use Permit) will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Please see attached.

- (B) Whether a proposed rezoning (or Special Use Permit) will adversely affect the existing use or usability of adjacent or nearby property:

Please see attached.

- (C) Whether the property to be affected by a proposed rezoning (or Special Use Permit) has a reasonable economic use as currently zoned:

Please see attached.

- (D) Whether the proposed rezoning (or Special Use Permit) 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) Whether the proposed rezoning (or Special Use Permit) is in conformity with the policy and intent of the Land Use Plan:

Please see attached.

- (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 (or Special Use Permit):

Please see attached.

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CHANGE IN CONDITIONS APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, approval of the proposed Change in Conditions Application will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Property is located in an established commercial area located on Pleasant Hill Road near Ronald Reagan Parkway.
- (B) No, approval of the proposed Change in Conditions Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed development would make use of the existing building on the Property.
- (C) Due to the size, layout, location, and topography of the subject property, the Applicant submits that the subject Property does not have reasonable economic use as currently zoned.
- (D) No, approval of the proposed Change in Conditions Application will not result in an excessive or burdensome use of the infrastructure systems. The subject property is located off of Pleasant Hill Road with convenient access to Interstate 85, Ronald Reagan Parkway, and Lawrenceville Highway.
- (E) Yes, approval of the proposed Change in Conditions Application would be in conformity with the policy and intent of the Land Use Plan which encourages development and revitalization along the City's major corridors.
- (F) Applicant submits that the existing commercial nature of the subject Property and surrounding area provide additional support of this Application. Additionally, the proposed use of Auto and Truck Service Center was previously approved by the City pursuant to case number SUP-2017-01 and the proposed Change in Conditions Application would merely relocate the allowed use to a more appropriate location on the subject Property.

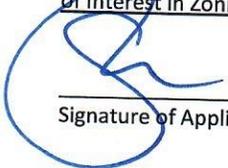
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SECTION 36-37A-4: PENALTIES

Any local government official knowingly failing to make a disclosure required by Code Section 36-85-2 shall be guilty of a misdemeanor. Any applicant for rezoning action knowingly failing to make any disclosures as required by Code Section 36-83-3 shall be guilty of a misdemeanor. (Code 1981, Section 36-67A-4, enacted by Ga. L. 1986, p. 1269, Sec. 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.



Signature of Applicant/Applicant's Attorney or Representative

3/28/19
Date

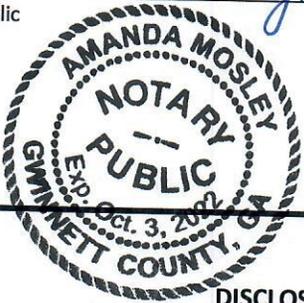
Shane Lanham
Type or Print Name

Attorney
Title

Amanda Mosley
Notary Public

3/28/19
Date

(Seal)



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND/OR GIFTS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions or gifts of an aggregate value that is \$250.00 or more to the Mayor and Council Members or a member of the Lilburn Planning Commission? YES NO. If the answer is YES, please complete the following section:

NAME OF OFFICIAL	CONTRIBUTION/GIFT	DESCRIPTION	DATE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

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APPLICANT CERTIFICATION

The undersigned below is authorized to make this application and is aware that no application or reapplication affecting the same property shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and 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 Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

Signature of Applicant

Date

Share Lanham

Attorney

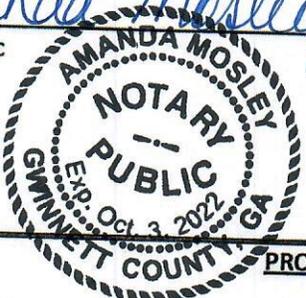
Type or Print Name

Title

Notary Public

Date

(Seal)



PROPERTY OWNER CERTIFICATION

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied by the Mayor and Council, no application or reapplication affecting the same land shall be acted upon within twelve (12) months from the date of last action by the Mayor and Council, unless waived by the Mayor and 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 Mayor and Council. Further, no application may be withdrawn once advertised and must receive final action by the Mayor and Council.

Signature of Owner

Date

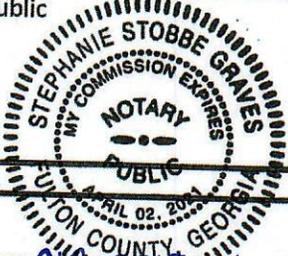
Type or Print Name

Title

Notary Public

Date

(Seal)



ADMINISTRATIVE USE ONLY

CASE NUMBER: 2019-01

DATE COMPLETE: 3/29/19

RECEIVED BY: [Signature]

APPLICATION FEE: \$400

PAID BY/RECEIPT#: 145001

HEARING DATES: PC CC

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Matthew P. Benson
Gerald Davidson, Jr.*
Brian T. Easley
Kelly O. Faber
Christopher D. Holbrook
Nicholas N. Kemper
Shane M. Lanham
Austen T. Mabe

Jeffrey R. Mahaffey
Steven A. Pickens
Catherine V. Schutz
Thomas A. Simpson
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

**LETTER OF INTENT FOR
CHANGE IN CONDITIONS APPLICATION**

Mahaffey Pickens Tucker, LLP submits the attached Change in Conditions Application (the "Application") on behalf of the owner, 733 Pleasant Hills Mall, LP (the "Applicant") for the purpose of modifying the conditions of a previously-approved Special Use Permit on an approximately 24.74 acre tract located on Pleasant Hill Road just north of its intersection with Ronald Reagan Parkway (the "Property"). The proposed change in conditions would allow the approved Auto and Truck Service Center use to be relocated to a more appropriate location on the Property. The Property is currently zoned CB.

The subject Property contains an existing approximately 131,000 square foot single-story block building which was previously used as a home improvement store. The Property is currently utilized as an indoor shopping mall with various shops and outlets. The Applicant is requesting approval of the Application in order to move the approved Auto and Truck Service Center use from the building's southeasterly end to the former garden center on the northwesterly side of the building. The proposed relocation would result in the Auto and Truck Service Center being located much further away from adjacent residential uses. Moreover, there currently exists a 75-foot undisturbed buffer along the Property's northwesterly boundary line which provides significantly more separation and buffering from residential uses than the

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currently-approved location. Specifically, the Applicant is requesting the following changes to the current SUP conditions:

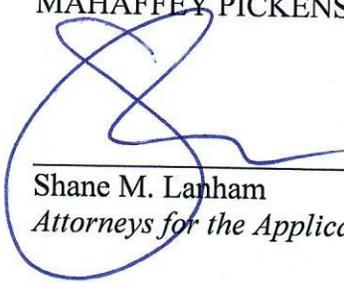
1. Modify Condition #1 to allow the Auto and Truck Service Center in the former garden center on the northwesterly side of the existing building.
2. Delete Condition #5 (including amended language added at the October 9, 2017 City Council Meeting) regarding the installation of additional screening where adjacent to the Avery Park Townhomes since the proposed use will no longer be provided in this location.

The proposed change in conditions is compatible with the existing character of the subject Property and surrounding area and is consistent with the spirit and intent of the 2017 approval. The Applicant welcomes the opportunity to meet with staff of the City of Lilburn Planning & Economic Development Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application filed herewith. The Applicant respectfully requests your approval of the Application.

This 27th day of March, 2019.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for the Applicant

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PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 156 of the 6th District, City of Lilburn, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a 1/2 inch rebar found on the West line of Land Lot 156, said point having State Plane Coordinates of North 1,424,451.44, East 2,311,531.19, Georgia West Zone, said point being the True Point of Beginning; thence along said Land Lot Line North 30 degrees 00 minutes 09 seconds West, a distance of 860.81 feet to a 1/2 inch rebar found; thence North 61 degrees 46 minutes 34 seconds East, a distance of 504.78 feet to a 1/2 inch rebar found; thence North 59 degrees 21 minutes 56 seconds East, a distance of 101.79 feet to a 1/2 inch rebar found; thence North 60 degrees 37 minutes 21 seconds East, a distance of 167.19 feet to a 1/2 inch rebar found; thence North 67 degrees 05 minutes 49 seconds East, a distance of 185.94 feet to a 1/2 inch rebar found; thence North 66 degrees 56 minutes 59 seconds East, a distance of 100.00 feet to a 1/2 inch rebar found; thence North 85 degrees 26 minutes 59 seconds East, a distance of 55.37 feet to a 5/8 inch rebar found; thence South 66 degrees 27 minutes 36 seconds East, a distance of 316.53 feet to a 5/8 inch rebar found; thence North 89 degrees 13 minutes 14 seconds East, a distance of 161.14 feet to a 5/8 inch rebar found; thence North 45 degrees 53 minutes 29 seconds East, a distance of 52.07 feet to a 5/8 inch rebar found on the Westerly right-of-way of Pleasant Hill Road (aka Duluth Road)(variable right-of-way); thence along said right-of-way South 00 degrees 49 minutes 58 seconds East, a distance of 145.68 feet to a 5/8 inch rebar found; thence leaving said right-of-way South 89 degrees 27 minutes 29 seconds West, a distance of 50.00 feet to a 5/8 inch rebar found; thence North 00 degrees 34 minutes 55 seconds West, a distance of 49.92 feet to a 5/8 inch rebar found; thence South 89 degrees 06 minutes 11 seconds West, a distance of 182.84 feet to a 5/8 inch rebar found; thence South 00 degrees 49 minutes 56 seconds East, a distance of 280.03 feet to a 5/8 inch rebar found; thence South 45 degrees 55 minutes 44 seconds East, a distance of 49.56 feet to a 5/8 inch rebar found; thence North 89 degrees 09 minutes 06 seconds East, a distance of 197.55 feet to a 5/8 inch rebar found on the Westerly right-of-way of Pleasant Hill Road; thence along said right-of-way South 00 degrees 49 minutes 07 seconds East, a distance of 281.78 feet to a 5/8 inch rebar found; thence leaving said right-of-way North 89 degrees 51 minutes 15 seconds West, a distance of 208.42 feet to a 5/8 inch rebar found; thence South 62 degrees 05 minutes 25 seconds West, a distance of 243.91 feet to a 5/8 inch rebar found; thence South 00 degrees 14 minutes 36 seconds West, a distance of 80.77 feet to a 5/8 inch rebar found; thence South 62 degrees 01 minutes 49 seconds West, a distance of 249.32 feet to a 5/8 inch rebar found; thence North 89 degrees 41 minutes 51 seconds West, a distance of 175.89 feet to a 5/8 inch rebar found; thence South 59 degrees 37 minutes 10 seconds West, a distance of 283.35 feet to a 1/2 inch rebar found, said point being the True Point of Beginning.
Said tract of land contains 24.744 Acres.

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