



# Rezoning Application

An application to amend the official zoning map of the City of Lilburn, Georgia

CASE NUMBER: RZ-2018-02

Date Received: 7/26/18

Please type or print using BLACK ink

Property Owner:	THOMAS A. MITCHELL SR.
Address:	313- LUXOMNI RD
City, State & Zip:	LILBURN GA. 30047
Owner Contact:	TOM MITCHELL
Business Phone:	770-638-7233 / 770-664-7050
Email:	TMITCHELL@AUTORAMA.NET
Cell Phone:	404-867-7342

APPLICANT IS THE  Owner's Agent  Property Owner  Contract Purchaser

PROPERTY ADDRESS: 313 LUXOMNI Rd LILBURN GA 30047

LAND DISTRICT: 6 LAND LOT(S): 150 PARCEL(S): 004 ACRE(S): 3.79

CURRENT ZONING: C-2 SUP. PROPOSED ZONING DISTRICT(S): JA. SUP.

PROPOSED DEVELOPMENT: INPOUND LOT

NON-RESIDENTIAL DEVELOPMENT	
Number of Buildings/Lots:	
Total Gross Square Feet:	

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 deadlines, fees and hearing 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

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:

YES

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

NO

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

YES

- (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:

NO

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

~~NO~~ YES

- (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):

NO

**RECEIVED**  
JUL 26 2018

**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]  
Signature of Applicant/Applicant's Attorney or Representative

7-24-18  
Date

Thomas A Mitchell  
Type or Print Name

PLN  
Title

[Signature]  
Notary Public

7/24/18  
Date

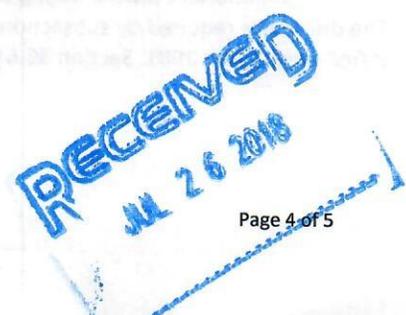


**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND/OR GIFTS**

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.



**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

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: RZ-2018-02

DATE COMPLETE: 7/26/18

RECEIVED BY: [Signature]

APPLICATION FEE: \$1,000

PAID BY/RECEIPT#: 5076

HEARING DATES: PC

8/23/18 CC 9/10/18

**RECEIVED**  
JUL 26 2018



July 26, 2018

### **Reasoning for Re Zoning**

First thank you for the time to allow me the opportunity to ask for a Re Zoning for 313 Luxomni Road NW Lilburn Ga 30047.

I am Tom Mitchell and the Current owner of Autorama Pre Owned Cars and I have been in business here in Lilburn for 21 years. As most of you all know in 2015 I bought the property (313 Luxomni Rd) in hopes to grow my business. I built a beautiful Building on about 4 acres of land. Due to many issues I really can not afford the building as it is costing me too much to maintain and I have put it on the market for sale but no one has come with a offer to date. I recently spoke to another local Lilburn business owner and they are very interested in the property but wanted to use it for auto repairs and towing for their business which I have the zoning for now but they wanted to also expand for a impound facility as well.

I want to be clear on a few issues.

- i. They WILL NOT have any inop cars in the front of building.
- ii. They will not be storing cars for longer then 90 days
- iii. They have a sister company, Ga Carolina Auto Auction, that after they receive notice that the vehicle can be moved Ga Carolina Auto Auction will store it at their location in commerce Ga and then have the auctions there vs here at facility.
- iv. They will keep all cars behind building and I will keep the large buffers that we currently have on location now and a fence between building and rear lot.
- v. The rear lot is well enclosed and not visible from Hwy 29 or Luxomni road
- vi. Business traffic will not increase any more then it is currently

This will allow me to keep the facility or do a lease purchase to the new people and not totally go under with all the expanses of the facility and property taxes that I have occurred with sales not improving like we forecasted.

Autorama will continue to have their business offices on the top floor and the bottom will be rented out to the Auto repair and towing with the additional impound use on the back lot.

This is very important for me to work out as they are the only ones interested in the property so far that has come to the table with money and willing to move forward.

Not only is this truly beneficial to me but it will also clean up the business they are currently using and make Lilburn look a lot cleaner (not that they are messy just over flowing and out grown them selves

and are crowded now). This will now allow them to use the rear lot of Autorama as an overflow for their current location and have the growth potential needed. Also, in order to have a impound location the requirements are 2 plus acres and this is the best place for them with a local Lilburn Business they currently have without going elsewhere.

This is a needed re zoning as I am mentioned and again we will take all cars off lot with in 90 days of being here. They we will not be selling parts off cars or a salvage yard or a permanent holding facility storing vehicles. They have the Auction in Commerce which is 38 acres to use for that purpose. They just need the impound zoning to be able to pick up vehicles and charge the consumers legally and be able to get local bids for business.

Thank you for your time and I am sorry if I made this too long but it is important to me, so I wanted to make sure I covered all bases.

Thomas A. Mitchell

Autorama Pre Owned Cars.

