



PLANNING COMMISSION PUBLIC HEARING AGENDA

Thursday, August 24, 2023 at 6:30 PM

Municipal Council Chambers, 4303 Lawrenceville Road

1. CALL MEETING TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A. Approval of Minutes from 6.22.23

5. NEW BUSINESS

A. **Case # R23-008**– Jose Hurtado - filed an application to rezone 5.1+/- acres located on 827 Lee Byrd Road Map/Parcel # LG100049, Walton County, Georgia. The property owner is Jose Hurtado. The current zoning is OI. The requested zoning is R-44 for the purpose of residential zoning.

B. **Case # R23-009** – Twin Lakes Road, LLC c/o Mahaffey Pickens Tucker, LLP- filed an application to rezone 27.85+/- acres located on 3520 Atlanta Hwy Map/Parcel # LG140020, Walton County, Georgia. The property owner is Twin Lakes Road, LLC. The current zoning is PUV. The requested zoning is CH for the development of contractor's office with outdoor storage of equipment and materials.

6. ADJOURN

Public is welcomed to attend.



PLANNING COMMISSION PUBLIC HEARING MINUTES

Thursday, June 22, 2023 at 6:30 PM

Municipal Council Chambers, 4303 Lawrenceville Road

1. CALL MEETING TO ORDER

PRESENT

Chairman Keith Colquitt
Commissioner Tiffany Ellis
Commissioner Barbara Forrester
Commissioner Amanda Soesbe
Commissioner Alma Thomas
Director Tim Prater
Assistant Director Robbie Schwartz
Administrative Assistant Sarah Black

ABSENT

Commissioner Lisa Luttrell
Commissioner William Williams II

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A. Approval of Minutes 5.25.23

Motion made by Commissioner Forrester to approve the minutes, Seconded by Commissioner Ellis.

Voting Yea: Commissioner Ellis, Commissioner Forrester, Commissioner Soesbe, Commissioner Thomas. Motion carried 4-0.

5. NEW BUSINESS

A. Case # R23-006 – Syed F Hussian - filed an application to rezone 1.417+/- acres located on 207 Walton Street Map/Parcel # LG060156, Walton County, Georgia. The property owner is Fouad Sher Badshah. The current zoning is R16. The requested zoning is RM-6 for the development of residential apartments.

Chairman Colquitt asked if anyone is in attendance to represent the case. Syed Hussian was and presented a PowerPoint on the vision for the rezone of 207 Walton Street.

Mr. Hussian wanted to place 8 apartments on the property in two separate buildings, having 4 apartments per building including a parking lot with 47 parking spaces. He stated that the water and sewer lines were already in place on the parcel to handle this project and that it would not increase traffic or require a separate roadway.

Commissioner Ellis asked the applicant what the 1st floor of the apartment buildings would be used for, what the “covered area” on the application would entail and if the detention pond would be at the front of the property.

Mr. Hussian stated that the 1st floor of the apartment buildings would be an area for a gym, coffee shop and office space for management. The covered area on the application referred to a common play area between the buildings for residents. He also stated that the detention pond was shown at the front of the property since that area had the most space to contain it. However, it could be moved

if need be. Assistant Director Robbie Schwartz stated that a hydrology study would have to be done on the property to determine the placement of the detention pond.

Chairman Colquitt open the floor to the public for comments/questions.

Mr. Knight of 171 Walton Street stated that he lives next door to this parcel and is opposed to the apartments due to the amount of traffic and the amount of apartments already within the city limits.

Lisa Newberry of 972 Village View Circle, was also in opposition of the rezone. She stated that there are already code enforcement issues in the area and that most of that area is zoned R16 (residential). She proposed the question if the detention pond could be a part of the condition of the rezone to be placed on the back end of the property, instead of the front, if the rezone was approved. Assistant Director Robbie Schwartz stated that the lay of the land and hydrology report of the parcel would determine where the detention pond was placed; that a condition for the placement of the pond would not be granted.

Kandi Smith of 148 Towler Sholas Drive was also in opposition, stating that Walton Street is very narrow and with a parking lot, it would negatively affect the traffic congestion.

Becky Munn of 706 Village Lane had a question. She wanted to know what the estimated monthly rental price of the apartments would be and if they would be subject to Section 8 Housing.

Mr. Hussain responded that the estimated monthly cost would be between \$1,300 - \$1,500 / month.

Ron Shoop of 956 Village View Circle had a question about the layout of the buildings. Chairman Colquitt stated that each apartment building would be 3 stories with the bottom level being offices/gym and the upper 2 levels being the apartments (2 apartments per floor). Mr. Shoop then responded that he was in opposition as well to the rezone.

Commissioner Ellis made a motion to approve the rezone request but with the zoning being RM-4 rather than RM-8. None of the commissioner's seconded the motion.

Motion made by Commissioner Thomas to deny the rezone request, Seconded by Commissioner Forrester.

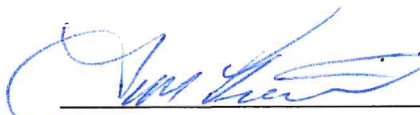
Voting Yea: Commissioner Ellis

Voting Nay: Commissioner Forrester, Commissioner Soesbe, Commissioner Thomas. Motion denied 3-1.

6. ADJOURN

Motion made by Commissioner Soesbe, Seconded by Commissioner Thomas.

Voting Yea: Commissioner Ellis, Commissioner Forrester, Commissioner Soesbe and Commissioner Thomas. Motion carried 4-0.



Planning & Development 8-24-23
Date



Planning Commission Chairman 8/24/23
Date



Date: 6/20/23

Application # **R** 23-008

REQUEST FOR ZONING MAP AMENDMENT
 A PETITION TO AMMEND THE OFFICIAL ZONING MAP OF THE CITY OF LOGANVILLE, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Jose Hurtado</u> ADDRESS: <u>316 Rockland way</u> CITY: <u>Lawrenceville</u> STATE: <u>GA</u> Zip: <u>30046</u> PHONE: <u>678-255-6731</u>	NAME: <u>Jose Hurtado</u> ADDRESS: <u>316 Rockland way</u> CITY: <u>Lawrenceville</u> STATE: <u>GA</u> Zip: <u>30046</u> PHONE: <u>678-255-6731</u> (*attach additional pages if necessary to list all owners)
Applicant is: <input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Agent <input type="checkbox"/> Attorney	
CONTACT PERSON: <u>Jose Hurtado</u> PHONE: <u>404-754-7699</u> EMAIL: <u>harm.lean20@gmail.com</u> FAX: _____	
PROPERTY INFORMATION	
MAP & PARCEL # <u>LG100049</u> PRESENT ZONING: <u>01</u> REQUESTED ZONING: <u>R-44 residential</u> ADDRESS: <u>827 Lee Byrd Rd</u> COUNTY: <u>Walton</u> ACREAGE: <u>5.1</u> PROPOSED DEVELOPMENT: <u>rezone to residential</u>	

You must attach: Application Fee Legal Description Plat of Property Campaign Contribution Disclosure
 Letter of Intent Site Plan Names/Addresses of Abutting Property Owners Impact Analysis

Pre-Application Conference Date: 6-20-23

Accepted by Planning & Development: [Signature] DATE: _____ FEE PAID: \$500.00

CHECK # _____ RECEIPT # _____ TAKEN BY: _____ DATE OF LEGAL NOTICE: _____ NEWSPAPER: THE WALTON TRIBUNE

PLANNING COMMISSION RECOMMENDATION: Approve Approve w/conditions Deny No Recommendation

Commission Chairman: [Signature] DATE: 8-24-23

CITY COUNCIL ACTION: Approved Approved w/conditions Denied Tabled to _____
 Referred Back to Planning Commission Withdrawn

[Signature] Mayor [Signature] City Clerk 9/14/23 Date

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

The undersigned, making application for rezoning with the City of Loganville, Georgia, have 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 as requested below.

Jose Hurtado
 Applicant's Signature _____ Date _____

Jose Hurtado Ortiz
 Print Name _____

 Signature of Applicant's Attorney or Agent _____ Date _____

 Print Name _____

Has the Applicant, attorney for applicant, or other agent, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor, Member of the City Council or member of the Planning Commission of the City of Loganville, Georgia?

_____ YES X _____ NO

If YES, complete the following:

NAME OF INDIVIDUAL MAKING CONTRIBUTION _____

NAME & OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all aggregating to \$250 or more)	DATE OF CONTRIBUTION
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attach additional sheets as necessary to disclose and describe all contributions.

Applicant's Certification

The undersigned hereby certifies that they are authorized by the property owner(s) to make this application and that all information contained herein is complete and accurate, to the best of their knowledge.

Applicant's Signature: Jose Hurtado Date: 6/20/23

Print Name and Title: Jose Hurtado Ortiz

Sworn to and subscribed before me this 20 day of June, 2023.

(Seal) [Notary Seal: Karen Pena, Notary Public, Walton County, Georgia, My Commission Expires October 01, 2023] Signature of Notary Public: [Signature]

Property Owner's Certification (complete a separate form for each owner)

The undersigned hereby certifies that they are: (check all that apply)

- a) [X] the owner of record of property contained in this application, and/or
b) the Chief Executive of a corporation or other business entity with ownership interest in the property and is duly authorized to make this application, and

that all information contained in this application is complete and accurate to the best of their knowledge.

Owner's Signature: Jose Hurtado Date: 6/20/23

Print Name and Title: Jose Hurtado Ortiz

Sworn to and subscribed before me this 20 day of June, 2023.

(Seal) [Notary Seal: Karen Pena, Notary Public, Walton County, Georgia, My Commission Expires October 01, 2023] Signature of Notary Public: [Signature]

APPLICANT'S RESPONSES TO EVALUATION CRITERIA

In the space provided or in a separate attachment, provide responses to the following questions:

- 1. How does the proposed use impact the overall appearance of the City and aesthetic conditions of adjacent parcels?

no impact

- 2. How does the proposed use impact thoroughfare congestion and traffic safety?

will be reduced by changing from commercial to residential.

- 3. How does the proposed use impact population density and the potential for overcrowding and urban sprawl?

no impact

- 4. How does the proposed use impact the provision of water, sewerage, transportation and other urban infrastructure services;

no impact

- 5. How does the proposed zoning provide protection of property against blight and depreciation?

no impact

- 6. How is the proposed use and zoning consistent with the adopted Comprehensive Plan?

- 7. In what way does the proposed zoning affect adjacent property owners if the request is approved?

no impact, adjacent properties are residential, property to the right of home is owned by city of Loganville.

- 8. What is the impact upon adjacent property owners if the request zoning is not approved?

if kept as commercial there will be more traffic / congestion.

- 9. Describe any other factors affecting the health, safety, morals, aesthetics, convenience, order, prosperity, or the general welfare of the present and future inhabitants of the City of Loganville.

no impact.

Abutting properties: TLJT LLC 847 Lee Byrd Rd

City of Loganville Fire Station 789 Lee Byrd.

ACKNOWLEDGEMENT AND RECEIPT OF SETTLEMENT STATEMENT

DATE: 02/28/22

FILE: 2201-37

PURCHASER: JOSE GUADALUPE HURTADO ORTIZ

SELLER: PATRICIA MCDONALD

PROPERTY ADDRESS: 827 LEE BYRD ROAD, LOGANVILLE, GA 30052

Purchaser and Seller acknowledge that each has received, reviewed, and approved the entries appearing on the Settlement Statement, and each acknowledges receipt of a copy of same. Seller acknowledges receipt and payment in full of the proceeds due Seller from the settlement. Seller warrants the correctness of all payoff amounts for outstanding liens and encumbrances; if any deficiency occurs, Seller shall promptly remit the same to the settlement agent.

If the proration of taxes and assessments was made based on estimated amounts prior to receipt of current actual bills, Purchaser and Seller agree to adjust the prorations shown on the Settlement Statement between themselves when current actual bills are received. The payment of all outstanding taxes and assessments not paid at settlement are assumed by Purchaser, including, but not limited to, any additional taxes by reason of an increased or amended assessment or by reason of a failure to file homestead exemption.

Purchaser and Seller acknowledge that settlement agent makes no representations as to the status of any outstanding or past due water, sewerage, or other utility bills applicable to the property. The status of such items shall be determined by and are the responsibility of the Purchaser and Seller. Any deficiencies discovered after settlement relating to outstanding or past due amounts including, but not limited to, water, sewerage, sanitation, utility, termite inspections, assessments, or taxes shall be the responsibility of the Purchaser and Seller. Purchaser and Seller further agree to adjust the prorations shown on the Settlement Statement between themselves relating to the aforementioned items when current actual bills are received.

Purchaser and Seller agree that should any inadvertent errors or omissions later be discovered in any documents executed at settlement, they shall promptly execute such corrective documents and remit such sums as may be required to adjust or correct such errors or omissions.

Purchaser hereby acknowledges that a real property tax return and application for homestead exemption is required by law and is to be filed with the county tax collector in which the property lies, between January 1 and March 31 of the year immediately following settlement and that such filings are the sole responsibility of Purchaser. Seller warrants that all required tax returns and applicable exemption applications have been filed for the current tax year. Seller further agrees to reimburse Purchaser for any penalties caused by Seller's failure to file a proper and timely tax return.

As part of the consideration of this sale, the contract between the parties is by reference incorporated herein and made a part hereof; the terms and conditions contained therein shall survive the closing and shall not merge upon delivery of the Warranty Deed.

WARNING: It is a crime to knowingly make false statements to the United States on this or any similar form. Penalties upon conviction can include a fine and/or imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.

Patricia McDonald by

Donald Wesley McDonald VAF

**PATRICIA MCDONALD by
DONALD WESLEY MCDONALD,
Attorney in Fact
SELLER**

Jose Hurtado

**JOSE GUADALUPE HURTADO ORTIZ
PURCHASER/BORROWER**

BY: _____
Settlement Agent


Return Recorded Document to
THE JULES LAW GROUP, LLC
3985 STEVE REYNOLDS BLVD
BUILDING D
NORCROSS, GA 30093

**LIMITED
WARRANTY DEED**

STATE OF GEORGIA
COUNTY OF GWINNETT

FILE #: 2201-37

THIS INDENTURE made this **28th** day of **February, 2022**, between **PATRICIA MCDONALD**, of the County of Walton and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **JOSE GUADALUPE HURTADO ORTIZ**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

827 LEE BYRD ROAD, LOGANVILLE, GA 30052

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 153 OF THE 4TH LAND DISTRICT, WALTON COUNTY, GEORGIA, CONTAINING 5.108 ACRES AS SHOWN ON A PLAT OF SURVEY PREPARED BY WILLIAM J. GREGG, SR., SURVEYOR, DATED JANUARY 22, 1971, RECORDED IN PLAT BOOK 15, PAGE 246, WALTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKED BY AN IRON PIN ON THE EASTERLY RIGHT-OF-WAY LINE OF LEE BYRD ROAD LOCATED 1247.6 FEET SOUTHERLY AS MEASURED ALONG SAID RIGHT-OF-WAY LINE FROM THE POINT AT WHICH THE EASTERLY RIGHT-OF-WAY LINE OF LEE BYRD ROAD IS INTERSECTED BY THE ORIGINAL LAND LOT LINE SEPARATING LAND LOTS 153 AND 192; RUN THENCE NORTH 64 DEGREES 42 MINUTES EAST 1326.7 FEET TO AN IRON PIN; RUN THENCE SOUTH 26 DEGREES 38 MINUTES EAST ALONG PROPERTY NOW OR FORMERLY OWNED BY B.O. BYRD, 165 FEET TO A POINT; RUN THENCE SOUTH 64 DEGREES 42 MINUTES WEST, 1372.9 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF LEE BYRD ROAD; RUN THENCE NORTH 11 DEGREES 04 MINUTES WEST ALONG SAID RIGHT-OF-WAY LINE 170 FEET TO AN IRON PIN AT THE PLACE OR POINT OF BEGINNING.

TAX ID # LG100-00000-049-000

This Deed is given subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, together 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 the said Grantee, forever in **FEE SIMPLE**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above-named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

Witness

PATRICIA MCDONALD by
DONALD WESLEY MCDONALD,
Attorney in Fact (SEAL)

Notary Public (SEAL)

June 16, 2023

City Of Loganville
4303 Lawrenceville Rd.
Loganville, GA 30052

RE: 827 Lee Byrd Rd

To Whom It May Concern,

I, Jose Hurtado, am requesting rezone for the property located at 827 Lee Byrd Rd Loganville, GA. The purpose of the rezone is to change from a commercial zone to residential zone. In doing so, this home will become my primary residence and only used as so. Having this property rezoned will help avoid traffic and congestion in the area, being that it will no longer be used for business. I hope you take high consideration upon my request.

Please feel free to contact me with any questions or concerns.

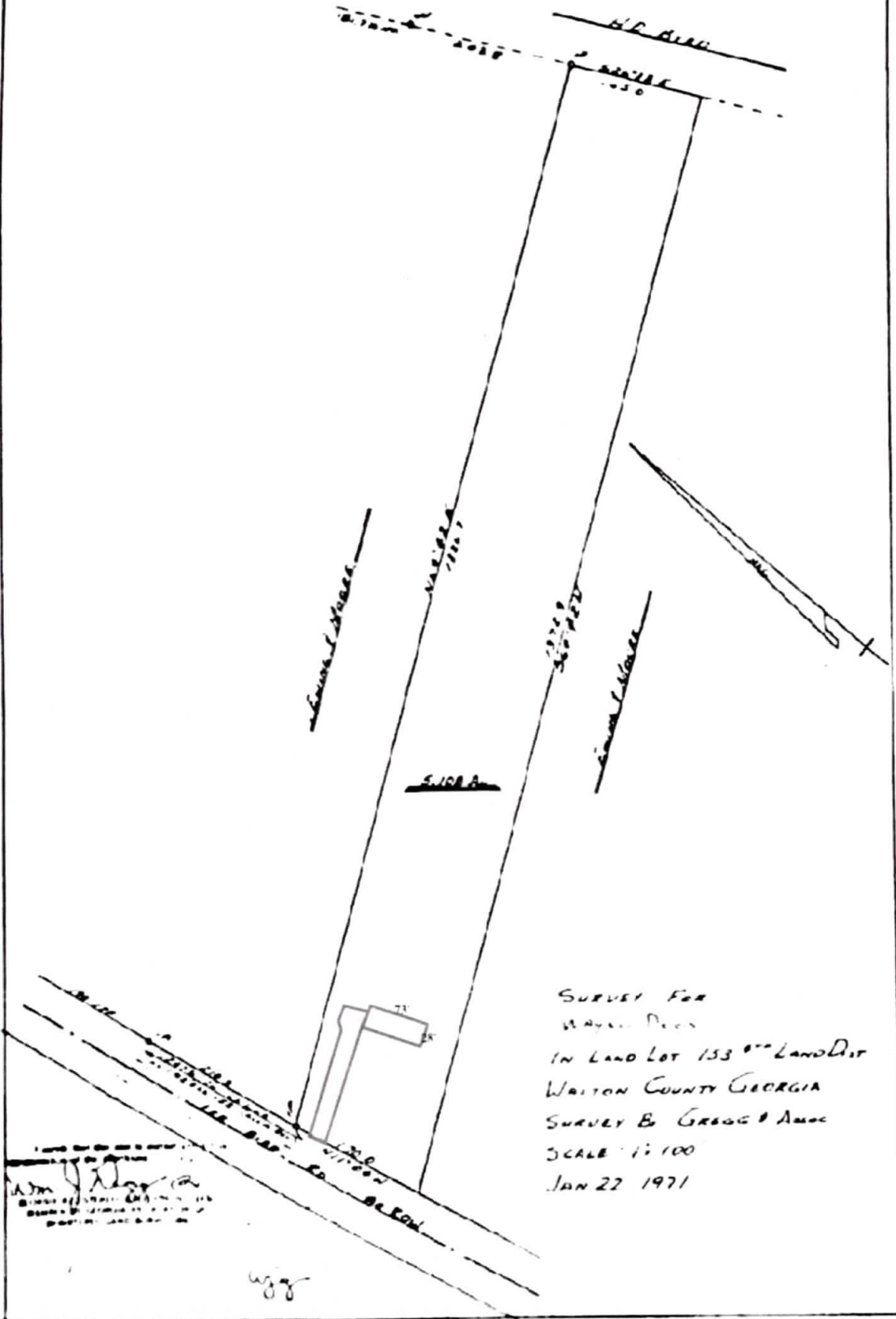
Sincerely,

Jose Hurtado

Jose Hurtado

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15-246



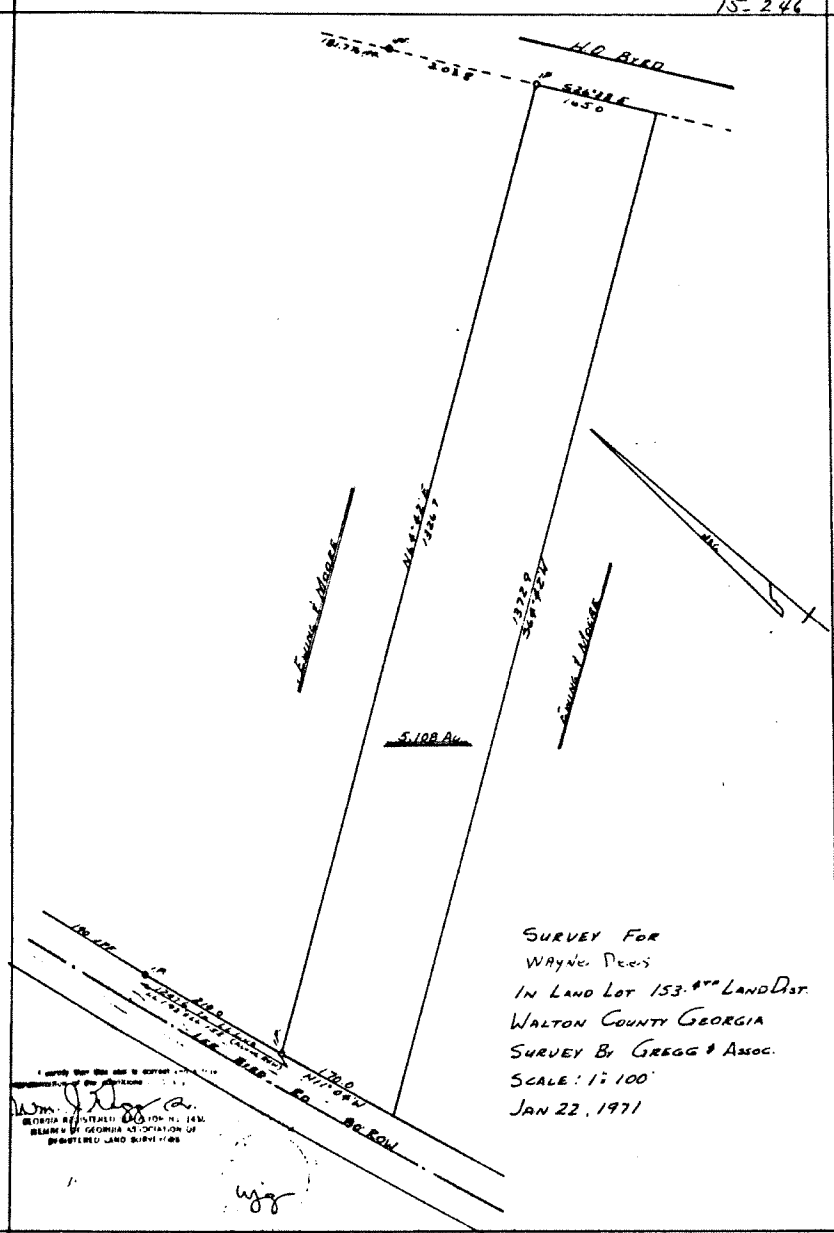
SURVEY FOR
 WALTER DEAN
 IN LAND LOT 153 8th LAND DIST
 WILTON COUNTY GEORGIA
 SURVEY BY GREGG & AMOS
 SCALE 1" = 100'
 JAN 22 1971

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[Handwritten initials]

246

15-246

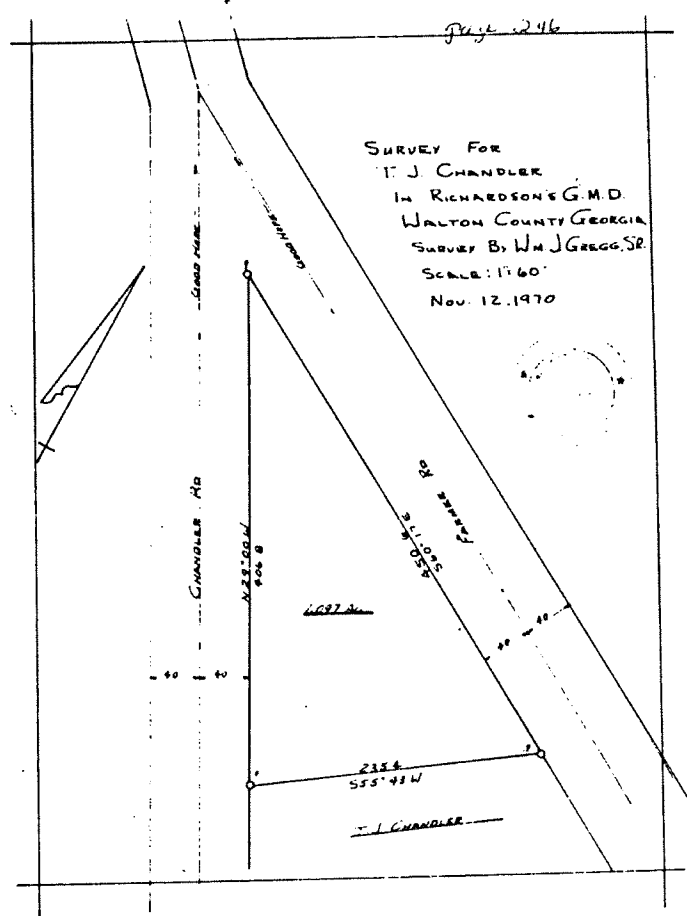


SURVEY FOR
 WAYNE PEERS
 IN LAND LOT 153, 4TH LAND DIST.
 WALTON COUNTY GEORGIA
 SURVEY BY GREGG & ASSOC.
 SCALE: 1:100
 JAN 22, 1971

Wm. J. Gregg
 GEORGIA REGISTERED LAND SURVEYOR
 BOARD OF GEORGIA SURVEYORS
 REGISTERED LAND SURVEYOR

RECORDED ON THE 4TH DAY OF Feb. 1976

Page 246



SURVEY FOR
 T. J. CHANDLER
 IN RICHARDSON'S G.M.D.
 WALTON COUNTY GEORGIA
 SURVEY BY Wm. J. GREGG, SR.
 SCALE: 1:60
 NOV. 12, 1970

RECORDED ON THE 4TH DAY OF Feb. 1976
 Thomas J. Batchelor



Planning & Development
4385 Pecan Street
Loganville, GA 30052
Phone 770.466.2633
Fax: 770.554.5556

Case #: R23-008

Applicant: Jose Hurtado

Property Owner: Jose Hurtado

Property Location: 827 Lee Byrd Road

Tax Map/Parcel: LG100049

Property Size: 5.11 acres

Current Zoning: O&I

Proposed Zoning: R-44

Proposed Use: Residential

Applicant's Request

The applicant is seeking to return the property to its residential zoning to become his primary residence.

Existing Conditions

The house was built in 1971 and maintained its residential purpose until an application was filed in 2005 seeking an O&I classification. The case was approved by the Planning Commission on Sept. 26, 2005, with the conditions that the property be used for professional purposes only, the front of the house was not altered, parking was limited to the rear of the house and limits were placed on signage for the property. This was subsequently approved by the City Council.

An application was filed in 2021 seeking a CH designation for the property for the purpose of an office with storage. The Planning Commission recommended approval for the re-zone on July 22, 2021 but was denied by the City Council.

The applicant bought the property and sought to re-zone it to residential in March 2022, but City ordinances dictate that at least 12 months must pass between re-zoning attempts.

Impact Analysis/Recommendation

What is the impact upon the overall appearance of the City and impacts upon aesthetic conditions of adjacent parcels? There would be no aesthetic impact.

What is the impact upon thoroughfare congestion and traffic safety? This would potentially result in less traffic as a result of the property moving from a commercial to residential use.

What is the impact upon population density and the potential for overcrowding and urban sprawl? The impact would be minimal.

What is the impact upon the provision of water, sewerage, transportation and other urban infrastructure services? The impact would be minimal.

How does the proposed use provide protection of property against blight and depreciation? There would be no protection.

Is the proposed use consistent with the adopted Comprehensive Plan? The City's future land use map shows this property as maintaining its O&I zoning.

What is the impact upon adjacent property owners if the request is approved? Approval would place the property more in line with the character of the area, which is primarily R-44. The only non-residential zoning in the immediate vicinity is limited to the City's fire/public works/public utilities complex.

What is the impact upon adjacent property owners if the request is not approved? There would be no impact on adjacent property owners if this request is not approved.

Are there any other factors effecting the health, safety, morals, aesthetics, convenience, order, prosperity, or the general welfare of the present and future inhabitants of the City of Loganville?
No.

Recommended action: Staff recommendations are to approve the rezone to place the property more in line with surrounding zoning and the intended character of the area.

Staff recommends approval of the rezone.

Planning Commission Recommended Conditions

- 1) Approval with the condition that no home based business been run from the property.

City Council Conditions



Section 5, Section 5, Item B.
CITY OF LOGANVILLE
 Department of Planning & Development
 P.O. Box 39 • 4303 Lawrenceville Road
 Loganville, GA 30052
 770.466.2633 • 770.466.3240 • Fax 770.554.5556

Date: 7-7-2023

Application # **R** 23-009

REQUEST FOR ZONING MAP AMENDMENT

A PETITION TO AMMEND THE OFFICIAL ZONING MAP OF THE CITY OF LOGANVILLE, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Twin Lakes Road, LLC c/o Mahaffey Pickens Tucker, LLP</u> ADDRESS: <u>1550 North Brown Road, Suite 125</u> CITY: <u>Lawrenceville</u> STATE: <u>Georgia</u> Zip: <u>30043</u> PHONE: <u>770 232 0000</u>	NAME: <u>Twin Lakes Road, LLC</u> ADDRESS: <u>1785 Oak Road</u> CITY: <u>Snellville</u> STATE: <u>Georgia</u> Zip: <u>30078</u> PHONE: <u>770 232 0000</u> (*attach additional pages if necessary to list all owners)
Applicant is: <input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Contract Purchaser <input type="checkbox"/> Agent <input type="checkbox"/> Attorney	
CONTACT PERSON: <u>Gabrielle Schaller</u> PHONE: <u>770 232 0000</u> EMAIL: <u>gschaller@mptlawfirm.com</u> FAX: <u>678 518 6880</u>	
PROPERTY INFORMATION	
MAP & PARCEL # <u>LG140020</u> PRESENT ZONING: <u>PUV</u> REQUESTED ZONING: <u>CH</u> ADDRESS: <u>Twin Lakes Road 3520 Atlanta Highway</u> COUNTY: <u>Walton</u> ACREAGE: <u>+/- 27.85</u> PROPOSED DEVELOPMENT: <u>Contractor's Office with outdoor storage of equipment and materials</u>	

You must attach: Application Fee Legal Description Plat of Property Campaign Contribution Disclosure
 Letter of Intent Site Plan Names/Addresses of Abutting Property Owners Impact Analysis

Pre-Application Conference Date: 6-8-2023

Accepted by Planning & Development: Tim Prater DATE: 7-7-2023 FEE PAID: \$500.00

CHECK # _____ RECEIPT # _____ TAKEN BY: _____ DATE OF LEGAL NOTICE: _____ NEWSPAPER: THE WALTON TRIBUNE

PLANNING COMMISSION RECOMMENDATION: Approve Approve w/conditions Deny No Recommendation

Commission Chairman: [Signature] DATE: 8-24-23

CITY COUNCIL ACTION: Approved Approved w/conditions Denied Tabled to _____
 Referred Back to Planning Commission Withdrawn
[Signature] [Signature] 9/14/23
 Mayor City Clerk Date

Application # **R** 23-009

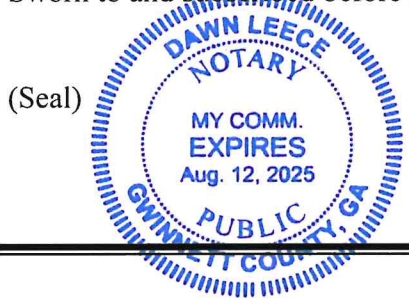
Applicant's Certification

The undersigned hereby certifies that they are authorized by the property owner(s) to make this application and that all information contained herein is complete and accurate, to the best of their knowledge.

Mark C. Schumacher, V.P. and General Counsel 6/29/23
Applicant's Signature Date

Mark C. Schumacher, V.P. and General Counsel
Print Name and Title

Sworn to and subscribed before me this 29th day of June, 2023.



Dawn Leece
Signature of Notary Public

Property Owner's Certification
(complete a separate form for each owner)

The undersigned hereby certifies that they are: (check all that apply)

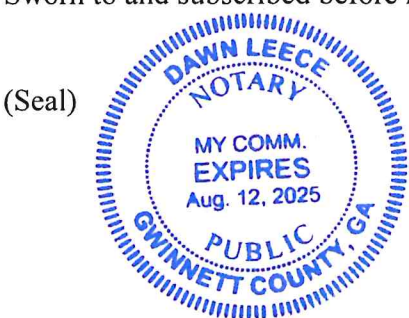
- a) the owner of record of property contained in this application, and/or
- b) the Chief Executive of a corporation or other business entity with ownership interest in the property and is duly authorized to make this application, and

that all information contained in this application is complete and accurate to the best of their knowledge.

Mark C. Schumacher 6/29/23
Owner's Signature Date

Mark C. Schumacher, V.P. and General Counsel
Print Name and Title

Sworn to and subscribed before me this 29th day of June, 2023.



Dawn Leece
Signature of Notary Public

Application # **R** 23-009

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

The undersigned, making application for rezoning with the City of Loganville, Georgia, have 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 as requested below.

Mark C. Schmecher 6/29/23
Applicant's Signature Date

Mark C. Schmecher
Print Name

Signature of Applicant's Date
Attorney or Agent

Print Name

Has the Applicant, attorney for applicant, or other agent, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor, Member of the City Council or member of the Planning Commission of the City of Loganville, Georgia?

_____ **YES** ✓ _____ **NO**

If YES, complete the following:

NAME OF INDIVIDUAL MAKING CONTRIBUTION _____

NAME & OFFICIAL POSITION
OF GOVERNMENT OFFICIAL

CONTRIBUTIONS (List all
aggregating to \$250 or more)

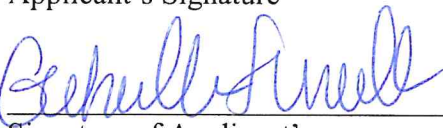
DATE OF
CONTRIBUTION

Attach additional sheets as necessary to disclose and describe all contributions.

Application # **R** 23-009

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

The undersigned, making application for rezoning with the City of Loganville, Georgia, have 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 as requested below.

Applicant's Signature	Date
	6/30/23
Signature of Applicant's Attorney or Agent	Date

Print Name
Gabrielle Schaller, attorney for Applicant
Print Name

Has the Applicant, attorney for applicant, or other agent, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor, Member of the City Council or member of the Planning Commission of the City of Loganville, Georgia?

_____ **YES** xx _____ **NO**

If YES, complete the following:

NAME OF INDIVIDUAL MAKING CONTRIBUTION	CONTRIBUTIONS (List all aggregating to \$250 or more)	DATE OF CONTRIBUTION
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attach additional sheets as necessary to disclose and describe all contributions.

Legal Description

All that tract or parcel of land lying and being in Land Lot 151, 4th District of Walton County, Georgia, being more particularly described as follows:

Beginning at the centerline intersection of Georgia Highway number 81 (100' r/w) and Twin Lakes Road (40' r/w), Thence South 76 degrees 44 minutes 17 seconds West for a distance of 904.86 feet to a point on the Northwesternly right-of-way of Twins Lake Road (40' r/w); said point being THE TRUE POINT OF BEGINNING.

THENCE North 25 degrees 46 minutes 49 seconds West for a distance of 536.15 feet to a one inch open top pipe leaving the aforesaid right-of-way;

THENCE North 25 degrees 30 minutes 14 seconds East for a distance of 1023.10 feet to a one-half inch open top pipe;

THENCE North 13 degrees 10 minutes 46 seconds East for a distance of 374.40 feet to a one-half inch rebar on the Southerly right-of-way of U.S Highway 78/Georgia State Route number 10;

THENCE along the aforesaid right-of-way South 77 degrees 56 minutes 38 seconds East for a distance of 456.06 feet to a point;

THENCE South 00 degrees 36 minutes 01 seconds East for a distance of 357.00 feet to a point, leaving the aforesaid right-of-way;

THENCE South 31 degrees 07 minutes 20 seconds East for a distance of 333.64 feet to a point;

THENCE South 07 degrees 29 minutes 54 seconds West for a distance of 112.23 feet to a point;

THENCE South 84 degrees 17 minutes 17 seconds West for a distance of 127.03 feet to a 3/4 inch open top pipe;

THENCE South 04 degrees 35 minutes 54 seconds West for a distance of 64.06 feet to a one-half inch open top pipe;

THENCE South 29 degrees 29 minutes 54 seconds East for a distance of 361.20 feet to a point on the Northwesternly right-of-way of Twin Lakes Road (40' r/w);

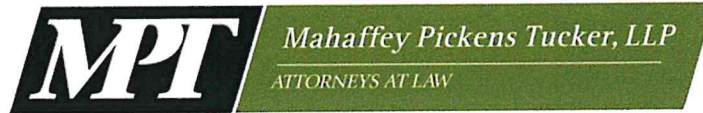
THENCE along the aforesaid right-of-way the following two courses and distances;

THENCE South 59 degrees 57 minutes 00 seconds West for a distance of 583.56 feet to a point;

THENCE South 61 degrees 37 minutes 00 seconds West for a distance of 501.76 feet to a point;

Said point being THE TRUE POINT OF BEGINNING.

Said property having an area of 27.850 acres.



Matthew P. Benson
Catherine W. Davidson
Gerald Davidson, Jr.*
Rebecca B. Gober
Brian T. Easley
Christopher D. Holbrook
Shane M. Lanham

Jeffrey R. Mahaffey
Jessica R. Pickens
Steven A. Pickens
Gabrielle H. Schaller
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

**LETTER OF INTENT FOR REZONING APPLICATION OF
TWIN LAKES ROAD, LLC.**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and the attached rezoning application (the “Application”) on behalf of Twin Lakes Road, LLC (the “Applicant”), relative to a proposed development on approximately 27.850 acres of land (the “Property”) located at Twin Lakes Road. The Property is currently zoned PUV. The Applicant requests that the City rezone the Property to the CH classification.

The Property’s location on Highway 78 would provide easy, convenient access for employees to major transportation corridors. The Applicant is proposing to develop a contractor training facility with material storage and office space. The office building will be 20,000 square-foot located on Highway 78 with 107 parking spaces. The development will include space for outdoor storage for equipment and materials on the back of the Property on Twin Lakes Road. The development will include a tree conservation area and maintain the existing lake on the Property. The Property’s location on Highway 78 makes it an appropriate location for commercial-highway and office uses.

The proposed development is compatible with surrounding uses and development trends on Highway 78, which contains a mix of commercial and office uses. The Property is surrounded by properties zoned CH within the City of Loganville. Heading east down Highway 78 there is an auto repair shop adjacent to the Property, a tire shop and a Ford service center. Adjacent to the west of the Property is a shared office space. The proposed development will situate the office space to have road frontage on Highway 78, mirroring the exiting uses. The training area will be in the back of the Property on Twin Lakes Road. The property across Twin Lakes Road to the

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

www.mptlawfirm.com

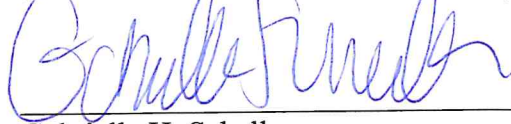
south of the Property is undeveloped, and West Walton Park is just to the southeast of the Property. The proposed development's layout would provide an appropriate transition of land uses from office use on Highway 78 to open space for the training and material storage in the back of the Property.

Although the Property is designated "undeveloped" on the Future Land Use Map, the area surrounding the Property has since been developed along Highway 78 into commercial uses. The proposed development is in line with that growth. Additionally, the remaining surrounding area is designated as commercial on the Future Land Use Map. The Comp Plan specifically encourages office, retail, and highway commercial uses in areas designated as commercial on the Future Land Use Map. Due to the lack of a designation on the Future Land Use Map for the Property and the dominance of the commercial designation surrounding the Property, the Applicant submits that the proposed development is in line with the spirit and intent of the Comp Plan and the Future Land Use Map.

The proposed development is compatible with existing land uses and zoning classifications of the surrounding area, is in line with the spirit and intent of the Comp Plan, and is an appropriate land use due to the Property's close proximity to a major transportation corridor. The Applicant welcomes the opportunity to meet with staff of the City of Loganville Department of Planning and Development 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.

Respectfully submitted this 7th day of July, 2023.

MAHAFFEY PICKENS TUCKER, LLP

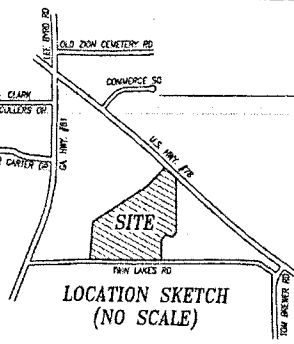


Gabrielle H. Schaller
Attorneys for the Applicant

- LEGEND:
- INT - INTERSECTION
 - RBR - CURB
 - COND - CONCRETE
 - N.B. - ROAD WALL
 - FE - FENCE
 - CR - CATCH BASIN
 - DE - DRAINAGE EASEMENT
 - BL - BUILDING LINE
 - R - RADIOS
 - R.C.P. - REINFORCED CONCRETE PIPE
 - C.M.P. - CORRUGATED METAL PIPE
 - L.L. - LAND LOT
 - L.L.L. - LAND LOT LINE
 - CL - CENTER LINE
 - S.E. - SCOPE EASEMENT
 - ~ - FIRE INTERIAR
 - W - WATER VALVE
 - P.M.P. - FROST CONTROL DEWCE
 - MR3 - SOIL PIPE
 - - COMPASSED POINT

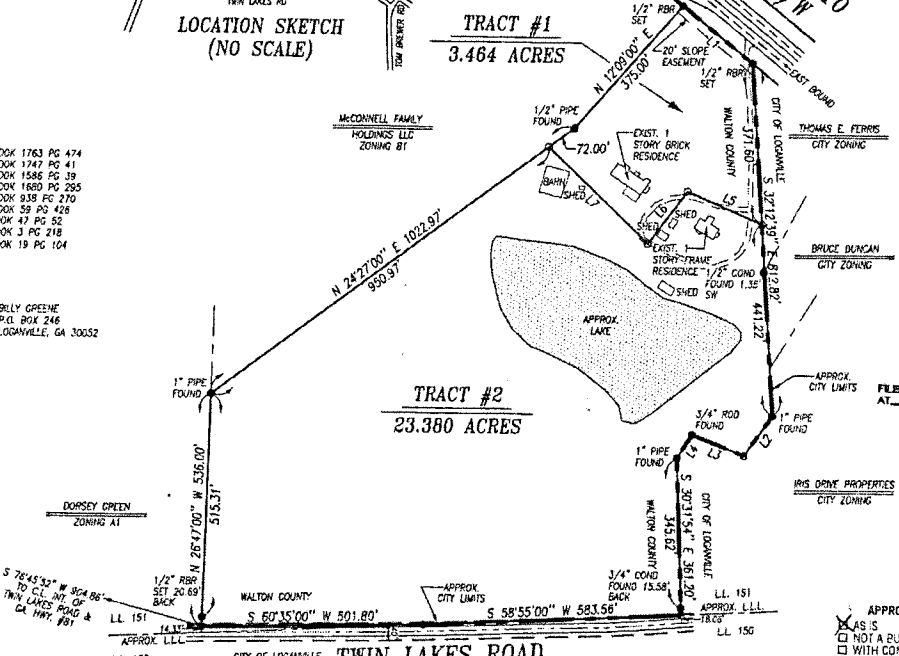
I HAVE CONSULTED THE FLOOD INSURANCE RATE MAPS AND DETERMINED THAT, IN MY OPINION, THE AREA AS SHOWN ON THIS SURVEY DOES NOT LAY WITHIN A DESIGNATED FLOOD HAZARD AREA. COMMUNITY PANEL NO. 13297000038 EFFECTIVE DATE: 2/16/1990 & COMMUNITY PANEL NO. 13297000038 EFFECTIVE DATE: 2/16/1990

NUMBER	DIRECTION	DISTANCE
L1	S 78°47'37" E	296.11'
L2	S 05°27'47" W	112.23'
L3	S 83°33'14" W	127.00'
L4	S 03°37'14" W	84.94'
L5	S 85°18'15" W	184.44'
L6	S 08°04'07" W	150.60'
L7	N 74°13'07" W	318.00'



- REF:
- DEED BOOK 1763 PG 474
 - DEED BOOK 1747 PG 41
 - DEED BOOK 1586 PG 19
 - DEED BOOK 1680 PG 285
 - DEED BOOK 938 PG 270
 - DEED BOOK 59 PG 428
 - PLAT BOOK 47 PG 52
 - PLAT BOOK 3 PG 218
 - PLAT BOOK 19 PG 104

OWNER: BILLY GREENE
P.O. BOX 248
LOGANVILLE, GA 30052



FILED AND RECORDED 02/12/08
AT 12:27 P.M. IN PLAT BOOK 203 PAGE 133
KATHY M. TROST
CLERK SUPERIOR COURT
WALTON COUNTY, GEORGIA

- APPROVED FOR RECORDING
- AS S
 - NOT A BUILDABLE RESIDENTIAL LOT
 - WITH COMMENTS NOTED BELOW

WALTON COUNTY CODE ENFORCEMENT
2-11-08 P.M. *Martin S.D. Carlo*
DATE NAME

TOTAL AREA = 26.844 ACRES

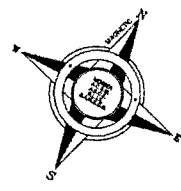
Scale 1" = 200'

EXCEPT AS SPECIFICALLY SHOWN OR STATED THIS SURVEY DOES NOT PURPORT TO REFLECT ANY FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT SUBJECT TO ALL RIGHT-OF-WAYS, EASEMENTS AND BUFFERS SHOWN OR NOT SHOWN ON THIS SURVEY. NO EXISTING NATIONAL GEODETIC SURVEY MONUMENT WAS FOUND TO BE WITHIN 500' OF SUBJECT PROPERTY.

CERTIFICATE OF APPROVAL FOR RECORDING
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE LAND DEVELOPMENT ORDINANCE OF WALTON COUNTY, GEORGIA, AND THAT IT IS HEREBY APPROVED FOR RECORDING IN THE OFFICE OF THE CLERK OF SUPERIOR COURT OF WALTON COUNTY, GEORGIA.
D.M. Martin S.D. Carlo 2-11-08
DIRECTOR OF WALTON COUNTY PLANNING DEPARTMENT DATE

BEING A DIVISION OF CO#43 PAR#31, ZONING TC

- SURVEYOR'S CERTIFICATE
1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS A CLOSE-RISE PRECISION OF ONE FOOT IN 25000 FEET AND AN ANGULAR ERROR OF 2 SECONDS FOR ANGLE POINT.
 2. THE DATA SHOWN HEREIN HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 50000 FEET AND WAS ADJUSTED BY USING THE COFFASS RULE.
 3. ALL TIES AND OTHER MEASUREMENTS OBTAINED BY USING A TOPCON GPT 3005...



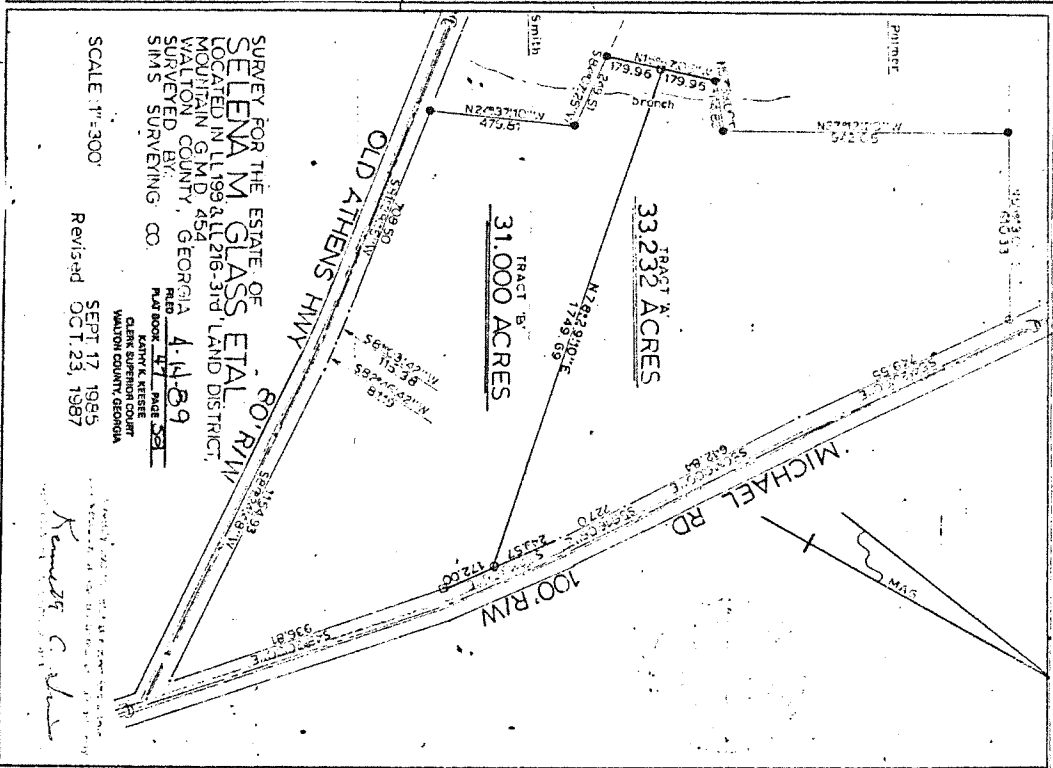
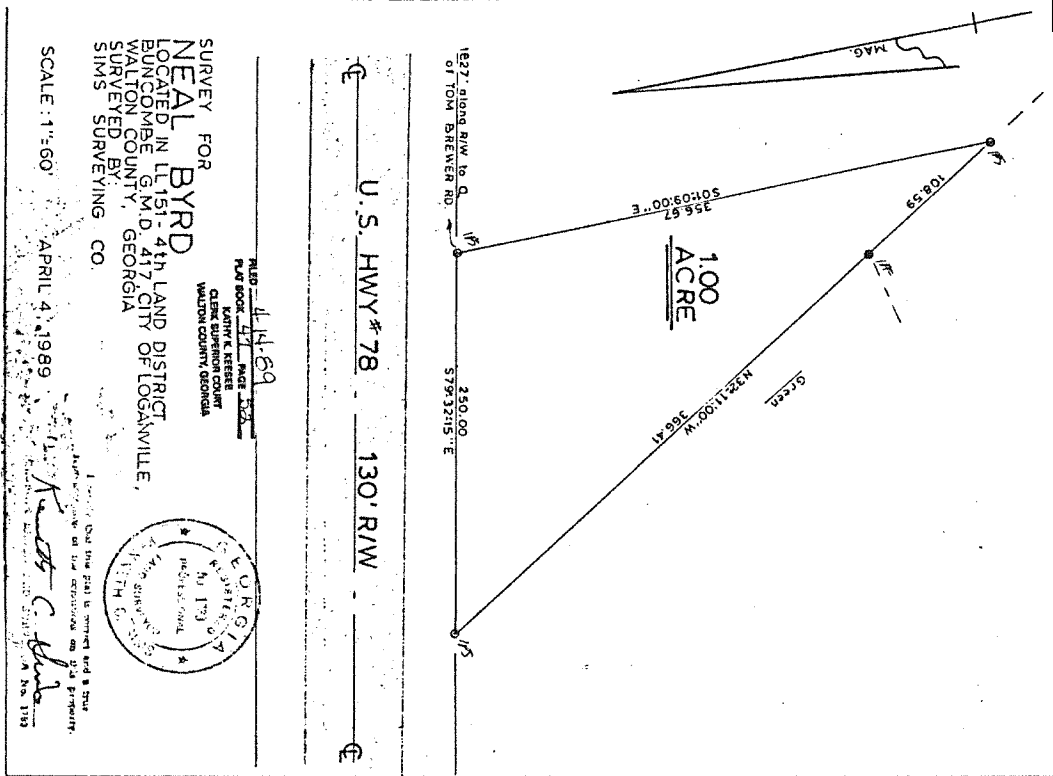
SURVEY FOR
LAKEVIEW VILLAGE, LLC

STATE OF GEORGIA
WALTON COUNTY
LAND LOT 191
4TH DISTRICT
DATE 2/5/2008
SCALE 1"=200'
JOB #08013
REVISIONS



JOHN BREWER & ASSOCIATES
DEVELOPMENT CONSULTATION
LAND SURVEYING
ENGINEERING
207 MILLEDGE AVE.
MONROE GEORGIA 30085
TEL-770-267-3337
FAX-770-266-7980
www.ges-rveying.com

Section 5, Item B.



ABUTTING PROPERTY OWNERS

Name/Address	Parcel
MCCONNELL FAMILY HOLDINGS LLC 161 HARRINGTON LN SAINT SIMONS ISLAND, GA 31522	C0430032
GREEN DORSEY MRS & JONES JANICE G, BENNETT GLORIA G 3709 GEORGIA HIGHWAY 81 LOGANVILLE, GA 30052	C0210008
IRIS DRIVE PROPERTIES INC C/O FELLERS SCHEWE SCOTT P O BOX 450233 ATLANTA, GA 31145	LG140012
HOLT FOOD SYSTEMS INC 13 ROBERTA DRIVE GREENVILLE, SC 29615	LG140013

APPLICANT’S RESPONSES TO EVALUATION CRITERIA

In the space provided or in a separate attachment, provide responses to the following questions:

1. **How does the proposed use impact the overall appearance of the City and aesthetic conditions of adjacent parcels?**
Please see attached

2. **How does the proposed use impact thoroughfare congestion and traffic safety?**
Please see attached

3. **How does the proposed use impact population density and the potential for overcrowding and urban sprawl?**
Please see attached

4. **How does the proposed use impact the provision of water, sewerage, transportation and other urban infrastructure services;**
Please see attached

5. **How does the proposed zoning provide protection of property against blight and depreciation?**
Please see attached

6. **How is the proposed use and zoning consistent with the adopted Comprehensive Plan?**
Please see attached

7. **In what way does the proposed zoning affect adjacent property owners if the request is approved?**
Please see attached

8. **What is the impact upon adjacent property owners if the request zoning is not approved?**
Please see attached

9. **Describe any other factors affecting the health, safety, morals, aesthetics, convenience, order, prosperity, or the general welfare of the present and future inhabitants of the City of Loganville.**
Please see attached

APPLICANT'S RESPONSE TO EVALUATION CRITERIA

1. **How does the proposed use impact the overall appearance of the City and aesthetic conditions of adjacent parcels?** The proposed development would maintain the overall appearance of the City and aesthetics conditions of adjacent parcels, because the Applicant is proposing to construct a new office building on the site that follows the current trends of commercial growth on Highway 78. The proposed rezoning would allow the Applicant to develop the property in accordance with the growth and character of the area.
2. **How does the proposed use impact thoroughfare congestion and traffic safety?** The proposed use would not cause a significant detriment to thoroughfare congestion and traffic safety. The Property has convenient access to Highway 78 and Twin Lakes Road.
3. **How does the proposed use impact population density and the potential for overcrowding and urban sprawl?** The proposed use would not impact population density or cause overcrowding or urban sprawl. Rather, the proposed development is for a commercial use and will serve as an employment and training center.
4. **How does the proposed use impact the provision of water, sewerage, transportation and other urban infrastructure services?** The proposed use would not overburden the existing utilities.
5. **How does the proposed zoning provide protection of property against blight and depreciation?** The proposed development would enhance the aesthetics of the property. The property is currently under-developed. The proposed development will bring activity to an otherwise underutilized property.
6. **How is the proposed use and zoning consistent with the adopted Comprehensive Plan?** The Comprehensive Plan anticipates and encourages non-residential development along major corridors. The Property is located along Highway 78 and the proposed use is compatible with surrounding uses and existing development patterns.
7. **In what way does the proposed zoning affect adjacent property owners if the request is approved?** The proposed zoning would not likely affect adjacent property owners if the request is approved. The proposed use is relatively low-intensity compared to large-scale commercial uses that exist nearby along major transportation corridors such as Loganville Highway.
8. **What is the impact upon adjacent property owners if the request zoning is not approved?** The Property will likely not be developed or will be placed on the market.
9. **Describe any other factors affecting the health, safety, morals, aesthetics, convenience, order, prosperity, or the general welfare of the present and future inhabitants of the City of Loganville.** The Applicant respectfully submits that the proposed use of the Property is compatible with the land use policies of the City of Loganville and it is consistent with established development patterns in the City. The proposed use also represents job growth within the City limits and a positive impact to the City's tax digest.

JUSTIFICATION FOR REZONING OF PROPERTY AT TWIN LAKES ROAD

The portions of the Zoning Ordinance of Loganville, Georgia (the “Ordinance”) which classify or may classify the property which is the subject of this Application (the “Property”) into any less intensive zoning classification other than as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's/Owner’s property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Ordinance as applied to the subject Property, which restricts its use to the present zoning classification and/or Land Use Map designation is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner’s 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, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

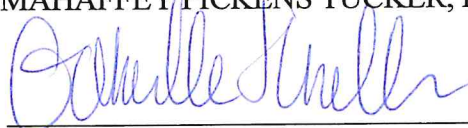
The Property is presently suitable for development and use under the CH classification as requested by the Applicant, and is not economically suitable for development under the present PUV zoning classification of the City of Loganville. A denial of this Application would constitute an arbitrary and capricious act by the Mayor and Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City to rezone the Property to the CH classification with such conditions as agreed to by the Applicant, so as to permit Applicant's feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the CH classification, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Accordingly, the Applicant respectfully requests that the Application submitted by the Applicant relative to the Property be approved and the Property rezoned as shown on the application.

Respectfully submitted,

MAHAFFEY/PICKENS TUCKER, LLP



Gabrielle H. Schaller
Attorneys for Applicant

Sarah Black

From: Gabrielle H. Schaller <gschaller@mptlawfirm.com>
Sent: Monday, July 10, 2023 10:35 AM
To: Sarah Black
Cc: Tim Prater
Subject: RE: EXTERNAL :: RE: R23-009

**This email contains an INTERNET LINK.
 Use caution when clicking links as they could open malicious web sites.**

-Loganville Tech Department

Thank you!

Gabrielle H. Schaller, Esq.
MAHAFFEY PICKENS TUCKER, LLP
 1550 North Brown Road
 Suite 125
 Lawrenceville, Georgia 30043
 P: 770.232.0000
 F: 678.518.6880
 E: gschaller@mptlawfirm.com
<https://link.edgepilot.com/s/244b8548/LTKvMeUpoE2YzpuXdib56w?u=http://www.mptlawfirm.com/>

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From: Sarah Black <sblack@loganville-ga.gov>
Sent: Monday, July 10, 2023 10:34 AM
To: Gabrielle H. Schaller <gschaller@mptlawfirm.com>
Cc: Tim Prater <tprater@loganville-ga.gov>
Subject: RE: EXTERNAL :: RE: R23-009

Oh it's no problem! Just wanted you to be aware.

Thanks, we will update it!

From: Gabrielle H. Schaller [<mailto:gschaller@mptlawfirm.com>]
Sent: Monday, July 10, 2023 10:31 AM
To: Sarah Black <sblack@loganville-ga.gov>

Cc: Tim Prater <tprater@loganville-ga.gov>

Subject: EXTERNAL :: RE: R23-009

**This email contains an INTERNET LINK.
Use caution when clicking links as they could open malicious web sites.**

-Loganville Tech Department

Sarah,

I apologize for my mistake. Please make the correction.

Thank you,

Gabrielle H. Schaller, Esq.

MAHAFFEY PICKENS TUCKER, LLP

1550 North Brown Road

Suite 125

Lawrenceville, Georgia 30043

P: 770.232.0000

F: 678.518.6880

E: gschaller@mptlawfirm.com

<https://link.edgepilot.com/s/85683a88/EgbYQXf3y0mnaoBW5htlLw?u=http://www.mptlawfirm.com/>

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From: Sarah Black <sblack@loganville-ga.gov>

Sent: Monday, July 10, 2023 10:26 AM

To: Gabrielle H. Schaller <gschaller@mptlawfirm.com>

Cc: Tim Prater <tprater@loganville-ga.gov>

Subject: R23-009

Hello Gabrielle,

The address on the rezone application you submitted needs to be corrected.

It should be 3520 Atlanta Highway.

Would you want to resubmit with the correct address or do you mind if we edit the document?

Thanks!

Sarah Beth Black

Administrative Assistant II

Planning and Development

City of Loganville

P.O. Box 39 - 4303 Lawrenceville Rd.

Loganville, GA 30052

(P) 770-466-2633

(F) 770-554-5556

(E) sblack@loganville-ga.gov

Web Site: <https://link.edgepilot.com/s/c5aa0861/cGOfTUz1QU2Y8cOu-W9YXw?u=http://www.loganville-ga.gov/>

Sarah Black

Administrative Assistant

Planning and Development

City of Loganville

(P)

(F)

(E) sblack@loganville-ga.gov

Web Site: <https://link.edgepilot.com/s/c5aa0861/cGOfTUz1QU2Y8cOu-W9YXw?u=http://www.loganville-ga.gov/>

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Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



Planning & Development
4385 Pecan Street
Loganville, GA 30052
Phone 770.466.2633
Fax: 770.554.5556

Case #: R23-009

Applicant: Twin Lakes Road LLC

Property Owner: Twin Lakes Road LLC

Property Location: 3520 Atlanta highway

Tax Map/Parcel: LG140020

Property Size: 27.84 acres

Current Zoning: PUV

Proposed Zoning: CH

Proposed Use: Contractor training facility with material storage and office space

Applicant's Request

The site will serve as a training facility for a contracting business and will include a 20,000-square-foot office building with 107 parking spaces in addition to space for outdoor storage of equipment and materials.

Existing Conditions

Two homes as well as a barn and two utility buildings were originally built on this property in 1960. It is difficult to pinpoint the last date it served a residential purpose, but the houses have been vacant for a few years now. There is a lake encompassing approximately 3.8 acres of the site.

An application was filed in 2008 seeking to annex an adjacent 26.844 acres to be combined with the 1 acre already inside City limits seeking a PUV designation for the property for the purpose of mixed use development that included 69 flats or lofts above ground floor office or retail. The Planning Commission recommended approval with the conditions that the project be tied to a site plan submitted on March 28, 2005, the total gross floor area will not exceed 300,000 square feet without a Development of Regional Impact study, and the applicant must complete a traffic study prior to construction. The City Council approved the re-zone with conditions on Aug. 14, 2008.

Impact Analysis/Recommendation

What is the impact upon the overall appearance of the City and impacts upon aesthetic conditions of adjacent parcels? The project would likely fall in line with the commercial character of the area.

What is the impact upon thoroughfare congestion and traffic safety? Traffic counts along Highway 78 near this site have steadily been increasing from 24,300 vehicles in 2020 to 27,300 in 2021 and 27,900 in 2022, according to GDOT traffic counts. About 5 percent of this traffic is considered to be large trucks. It is unlikely that the project would have any significant impact on the highway, though the City must give special consideration to the potential impact of this project on Twin Lakes Road, which is not rated to handle large vehicles.

What is the impact upon population density and the potential for overcrowding and urban sprawl? The impact would be minimal.

What is the impact upon the provision of water, sewerage, transportation and other urban infrastructure services? While there is water readily available to the site, the City cannot guarantee sewerage service as initially there did not appear to be a tie-in to the system within 200 feet of already existing sewer service. The applicant would likely have to work with the City to find the best way to tie-in to the system or, due to the size of the parcel, coordinate efforts with the Walton County Health Department for the installation of a septic system, as was the case with the nearby Dollar General. As mentioned before, while the potential impact to traffic on Highway 78 would likely be negligible, there is potential for a negative impact to Twin Lakes Road which is not designed to handle large trucks.

How does the proposed use provide protection of property against blight and depreciation? As the property currently remains vacant, any development would potentially offer limited protection against blight and depreciation.

Is the proposed use consistent with the adopted Comprehensive Plan? The City's future land use map shows this property as maintaining a PUV zoning, though a shift to CH would put the parcel more in line with adjacent parcels along the Highway 78 corridor.

What is the impact upon adjacent property owners if the request is approved? There would be limited impact on adjacent property owners as the site is surrounded predominantly by various commercial zonings.

What is the impact upon adjacent property owners if the request is not approved? None as the property would likely continue to remain in its current vacant state.

Are there any other factors effecting the health, safety, morals, aesthetics, convenience, order, prosperity, or the general welfare of the present and future inhabitants of the City of Loganville?

The City hopes that the applicant is true to its word in preserving a tree conservation area and maintaining the existing lake.

Recommended action: Staff recommendations are to approve the rezone with the condition that no trucks over six wheels are permitted to use Twin Lakes Road.

Amended Staff Recommendations: After a meeting on Sept. 5, 2023 with the applicant and representatives from the City’s Streets and Highway Department, the Staff Recommendation is to approve the rezone with the following conditions:

1. Prior to the issuance of a certificate of occupancy, the Applicant will coordinate with the City of Loganville to perform a full depth reclamation repair on the portion of Twin Lakes Road located between the intersection of Tom Brewer Road and Twin Lakes Road, and the entrance of the Applicant’s proposed development on Twin Lakes Road. The full depth reclamation repair will generally consist of 8 inches of reclaimed subgrade, 2 inches of asphalt binder, and 2 inches of asphalt topping. The City of Loganville will pay for the materials needed to perform the full depth reclamation repair in an amount not to exceed \$100,000.00, and the Applicant will donate the labor to perform the full depth reclamation repair in the approximate amount of \$135,000.00.
2. Additionally, the Applicant and the City of Loganville shall endeavor to enter into a separate parking agreement (“Parking Agreement”) to allow the City of Loganville to use an approximately 22,500 square foot area as a gravel parking area for patrons of West Walton Park (“Parking Area”) in the approximate area shown on the Applicant’s revised site plan. Nothing contained in this condition shall create or be deemed to create any easements or use rights in the general public or constitute a public dedication for any public use whatsoever. If the Applicant and the City of Loganville do not enter into a parking agreement, then Applicant’s trucks with more than six (6) wheels shall not be permitted to use Twin Lakes Road (except in the case of emergency use) between the hours of 3:00 p.m. through 9:00 p.m. Mondays through Fridays, and the hours of 9:00 a.m. to 9:00 p.m. Saturdays and Sundays.

Staff recommends approval of the rezone.

Planning Commission Recommended Conditions

- 1) No trucks over six wheels are permitted to use Twin Lakes Road pending the outcome of talks with the transportation department.

City Council Conditions