

## PLANNING COMMISSION MEETING AGENDA

Thursday, October 27, 2022 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. 7.28.2022 PLANNING COMMISSION MINUTES
- 5. NEW BUSINESS
  - A. **Case #A22-008**: Split Silk Properties LLC, requests Annexation of property located at 4900 Highway 78 Loganville, Ga. 30052 Walton County. Map/Parcel #C0210016. 5.84+/- acres.
  - B. Case #R22-009: Split Silk Properties LLC filed an application to rezone 5.84+/- acres located on 4900 Highway 78 Loganville, GA 30052, Map/Parcel # C0210016, Walton County, Georgia. The property owner is Teresa Needham. The current zoning is B2 & A2. The requested zoning is CH for the development of Commercial Center.
  - <u>C.</u> **Case #A22-012**: Mark Myers, requests Annexation of property located at 4706 Hwy 81 Loganville, Ga. 30052 Walton County. Map/Parcel #C0160006. 2.5+/- acres with a 50' strip along front of property to remain in the county.
  - D. **Case #R22-013**: Mark Myers filed an application to rezone 2.5+/- acres located on 4706 Hwy 81 Loganville, GA 30052, Map/Parcel **#** C0160006, Walton County, Georgia. The property owner is Smith, Richard Byrd & Rodney Don. The current zoning is A2. The requested zoning is CH for the development of Retail Shops with road alignment and outparcels.
  - E. Case #A22-014: Mark Myers, requests Annexation of property located at 4746 Hwy 81 Loganville, Ga. 30052 Walton County. Map/Parcel #C0160006A00. 10.0+/- acres with a 50' strip along front of property to remain in the county.
  - **F. Case #R22-015**: Mark Myers filed an application to rezone 10.0+/- acres located on 4746 Hwy 81 Loganville, GA 30052, Map/Parcel # C0160006A00, Walton County, Georgia. The property owner is Peggy Byrd and Donald Minsk. The current zoning is A2. The requested zoning is CH for the development of Retail Shops with road alignment and outparcels.

## 6. ADJOURN

Public is welcomed to attend.

## Planning Commission Public Hearing Municipal Council Chambers 4303 Lawrenceville Road July 28th 2022• 6:30 p.m.

**ATTENDANCE:** Planning & Development Director, Tim Prater; Planning Commission Chairman, Keith Colquitt; Planning Commissioners: Barbara Forrester, Amanda Soesbe, William Williams, Lisa Luttrell, Alma Thomas, Tiffany Ellis and Admin. Assistant II, Sarah Black recorded the minutes.

**MEETING CALLED TO ORDER:** The meeting was called to order at 6:30 p.m. by Chairman Keith Colquitt.

**INVOCATION:** Given by Chairman Keith Colquitt followed by the pledge of allegiance.

**APPROVAL OF MINUTES:** A motion was made by Lisa Luttrell and seconded by Barbara Forrester to approve the minutes from the June 23, 2022 Planning Commission meeting. Motion carried 6-0.

**BUSINESS:** Chairman Keith Colquitt moves forward with CASE #ZA22-004: Amend Chapter 119-221 of the City of Loganville Zoning Ordinance regarding PUV (Planned Urban Village).

- Chairman Keith Colquitt asks the committee if there are any questions or discussion on the case. Commissioner Tiffany Ellis wanted to verify the changes/suggestions made on the PUV document. Tim Prater states that yes, those are the final changes/suggestions unless City Council wishes to make changes. Commissioner Tiffany Ellis specifies line item 261 – design features on the ordinance. Tim Prater states that the statement on the ordinance is that the minimum is 4 (or 6 depending on façade size) design features out of the list of 14 to choose from. Commissioner Tiffany Ellis states that she agrees to the verbiage of that line item.
- Chairman Keith Colquitt asks if anybody in the audience has a question or comments on the PUV. No response from the audience.
- The Planning Commission made a recommendation to approve this case. A motion was made by Commissioner Tiffany Ellis and seconded by Commissioner Lisa Luttrell. Motion carried 5-1 with Commissioner Amanda Soesbe voting in opposition.
- Commissioner Alma Thomas asked if the property in question was within the city limits or if it would be annexed in. She also asked if any of the property was zoned for conservation. Tim Prater stated that about 90% of it would be within the city limits but a small section of it would have to be annexed in. He also stated that the City of Loganville does not have any of it zoned for conservation that would be through the county.

**ADJOURN:** A motion was made by Commissioner Barbara Forrester and seconded by William Williams to adjourn. Motion carried 6-0.

Date

Meeting adjourned at 6:39 p.m.

Planning & Development

Planning Commission Chairman

Date

Planning Commission Meeting

City of Oganville where people matter

Planning & Development 4303 Lawrenceville Rd. Loganville, GA 30052 Phone 770.466.2633

## **Planning and Development Staff Report**

Case #:	A22-008 R22-009
Applicant:	Split Silk Properties LLC P.O. Box 1725 Loganville Ga. 30052
Property Owner:	Teresa King Needham 4900 Atlanta Hwy Loganville GA 30052
Property Location:	4900 Atlanta Highway
Property Location: Tax Map/Parcel:	4900 Atlanta Highway CO210016 (Walton County)
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Tax Map/Parcel:	CO210016 (Walton County)
Tax Map/Parcel: Property Size:	CO210016 (Walton County) 5.84 acres

## **Applicant's Request**

The applicant proposes to redevelop the property as a Retail Development. The site plan submitted proposes a retail with an entrance on to Atlanta Hwy and an entrance on to Old Zion Cemetery Rd.

## **Existing Conditions**

The property is currently an island located on Atlanta Hwy and Old Zion Cemetery Rd. 3 sides of the property abut to commercial hwy zonings inside the city limits. It was previously occupied by a single-family dwelling that is no longer habitable. Except for the parcel across Old Zion Cemetery Rd which is in incorporated Loganville and residentially zoned, it is abutted on all sides by CH zoned properties in the City. Abutting uses include the recently developed c-store on Commerce Drive consisting of a gas station and other multi-tenant retail uses. The parcel directly across Atlanta Hwy is Maxie Price Auto Sales. Property to the west consist of Popeyes and a Mr. Clean Car Wash zoned CH.

# What is the impact upon the overall appearance of the City and impacts upon aesthetic conditions of adjacent parcels?

The property is partially vacant, consisting of open grass area and woods. The proposed retail development should improve the aesthetic condition of the property compared to the existing conditions.

### What is the impact upon thoroughfare congestion and traffic safety?

The proposed development will increase traffic in the immediate vicinity. The site plan indicates an access drive on each of the two abutting streets. The Atlanta Highway driveway would probably be right in/right out only (determined by GDOT)

#### What is the impact upon population density and the potential for overcrowding and urban sprawl?

The proposed development does not increase population density and does not contribute to urban sprawl as it is within an already urbanized area.

# What is the impact upon the provision of water, sewerage, transportation and other urban infrastructure services?

The city has sufficient capacity in its infrastructure and public services to accommodate the proposed development.

### How does the proposed use provide protection of property against blight and depreciation?

The property is currently underutilized. The proposed development will add value to the property.

## Is the proposed use consistent with the adopted Comprehensive Plan?

Yes. The Future Development Map suggests that the US78 corridor is appropriate for retail/commercial uses.

#### What is the impact upon adjacent property owners if the request is approved?

There should be little adverse impact to adjacent properties.

#### What is the impact upon adjacent property owners if the request is not approved?

None. The proposed development could be built under the existing zoning in unincorporated Walton County.

# 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?

#### **Recommended action:**

In the opinion of the staff, the annexation and development of the subject property as proposed would be in the best interest of the city as it would even the city's boundary and the proposed use is consistent with surrounding zoning and development. Therefore, the staff recommends that A22-008 be APPROVED and R22-009 be APPROVED.

## **Recommended Conditions**

## **Planning Commission Recommendation**



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:	8-2	9-	22
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Application # A 22 - 008

## **REQUEST FOR ANNEXATION**

A PETITION TO ANNEX PROPERTY INTO THE CITY OF LOGANVILLE, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*		
NAME:Split Silk Properties, LLCADDRESS:P.O. Box 1725CITY:LoganvilleSTATE:GAZip: 30052PHONE:678-439-1776	NAME:Teresa King NeedhamADDRESS:4900 Hwy 78CITY:LoganvilleSTATE:GAZip:PHONE:		
Applicant is:  Property Owner  Contract Purchase	r 🔯 Agent 🗆 Attorney		
EMAIL: <u>splitsilkproperties@gmail.com</u>	PHONE: FAX:		
The second s	IT OKMATION		
MAP & PARCEL # C0210016       PRESENT ZONING: B2 & A2       (Separate rezoning request required)         ADDRESS: 4900 Hwy 78 Loganville, GA 30052       COUNTY: Walton       ACREAGE: 5.84         PROPOSED DEVELOPMENT:       Commercial/Retail Center			
You must attach: □ Application Fee □ Legal Description □ Pla □ Names/Addresses of Abutting Property Owner			
Pre-Application Conference Date: 8-29-22 Accepted by Planning & Development: Ann Nac	DATE: <u>5-29-22</u> FEE PAID: <u>\$300.00</u>		
CHECK # RECEIPT # TAKEN BY: DATE OF LEGA	L NOTICE : NEWSPAPER: THE WALTON TRIBUNE		
PLANNING COMMISSION RECOMMENDATION:	ve		
CITY COUNCIL ACTION:	onditions 🗆 Denied 🗆 Tabled to		

Application # A

## **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

Jeff Timler, Owner-Split Silk Properties, LLC

Print Name and Title

pre me this  $\underline{\mathcal{A}}$  day of  $\underline{\mathcal{R}}$  day of  $\underline{\mathcal{R}}$ Sworn to and (Seal) ture 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) X \_\_\_\_\_ the owner of record of property contained in this application, and/or
- b) X 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.

Date ing Theoldam 8-29-22 **Owner's** Signature

Teresa King Needham

CODDOD

Print Name and Title

Sworn to and subscribed before me this	day of <u>Acgust</u> , 20 <u>72</u> .
(Seal)	Eignature of Notary Public

CRICKET CURRENCY LLC P O BOX 704 LOGANVILLE, GA 30052

HIGHWAY 81 LLC P O BOX 2149 LOGANVILLE, GA 30052

FAHHAD INVESTMENTS LLC 5783 VANTAGE COURT STONE MOUNTAIN, GA 30087

TRINITY PREP CAMPUS LLC

2213 COMMERCE DR LOGANVILLE, GA 30052

RUSU ALEXANDRU P O BOX 3433 LOGANVILLE, GA 30052

WENDELL GEIGER P O BOX 324 LOGANVILLE, GA 30052

WALTON PLACE CONDOMINIUM OWNERS ASSOCIATION 2900 BART JOHNSON RD BUFORD, GA 30519

HUTTON LOGANVILLE GA ST LLC C/O CARNETTS MANAGEMENT CO 1265 OAKBROOK DRIVE NORCROSS, GA 30093

## SPLIT SILK PROPERTIES, LLC. P.O. BOX 1725 LOGANVILLE, GA 30052

August 29, 2022

Mr. Tim Prater

**Department of Planning & Development** 

4303 Lawrenceville Road

Loganville, GA 30052

RE: Letter of Intent for rezoning and annexation, Tax Parcel C 0210016 (5.84 acres zoned B2 & A2)

Dear Mr. Prater:

The undersigned (the applicant) is representing Teresa and Danny Needham (the owners), who are seeking rezoning and annexation for the subject property. The property has been in the Needham family since the house was constructed in 1960. The intent of this application is to rezone & annex the 5.84 acres from the County designated zoning of B2 & A2 to the Loganville zoning of CH consistent with the properties that surround it.

The proposed annexation and zoning would allow the owners to market and sell the estimated \$10,000,000.00 project per the concept plan. As currently zoned, the property has little economic value and does not add to the aesthetics of the area. In terms of economic development, the City's tax base would benefit tremendously or a 1,600 percent increase from the current assessment of \$580,000.00. Since most of the infrastructure like water, sewer, roads are in place, there would be little if any additional impact upon city services. Traffic congestion is always a concern; however, most commercial businesses are built because of the existing market and existing traffic counts. This property having multiple (2-3) public road access points would also lessen any impact as customers would have multiple ingress and egress options that most properties in Loganville do not have. As you are aware, state law encourages the elimination of islands through annexation from a service delivery standpoint. Providing services to an unincorporated island can be problematic, especially for emergency services. Lastly, the 2017 Loganville Comprehensive Plan states, "Retail, office space, and highway-commercial uses, through small-scale neighborhood shops or offices may be desirable in certain spaces. Clearly this request is consistent with adjacent and nearby properties uses and meets the comprehensive plan intent. The plan goes on to state that "The vast majority of Loganville's workforce leaves the city for employment (94%), while 95% of jobs within the city belong to people commuting from elsewhere". Creating more jobs and services would increase more opportunities for existing residents and possibly require less trips outside the city for necessary retail and services.

## SPLIT SILK PROPERTIES, LLC. P.O. BOX 1725 LOGANVILLE, GA 30052

We feel that the proposed rezoning and annexation will be a great asset to the community and consistent with the corridor. Thank you for your time and consideration and please do not hesitate to contact me should you have any questions, comments, or concerns.

Sincerely, Dil

Jeff Timler Split Silk Properties, LLC PO Box 1725 Loganville, GA 30052 678-439-1776, splitsilkproperties@gmail.com



#### Legal Description:

All that 5.844 acres lying and being in Land Lot 151 of the 4<sup>th</sup> Land District of Walton County, Georgia, known as street number 4900 Highway 78 and being tax parcel CO210016 as shown on a Retracement Boundary Survey for Teresa King Needham, dated 9/5/2019, last revised 9/24/2020, prepared by Alcovy Surveying & Engineering, Inc. and being more particularly described as follows:

Commencing at the intersection of the westerly 60 foot right of way of Commerce Drive and the northerly 130 foot right of way of U. S. Highway 78 and running thence along the northerly 130 foot right of way of U. S. Highway 78 in a westerly direction 274.33 feet to a ½ inch rebar and the **Point of Beginning**, thence continuing along the northerly 130 foot right of way of U. S. Highway 78 North 78 degrees 17 minutes 09 seconds West a distance of 399.12 feet to a ½ inch rebar, thence leaving the aforesaid right of way, North 12 degrees 37 minutes 12 seconds East a distance of 277.62 feet to a ½ inch rebar, thence North 27 degrees 50 minutes 13 seconds West a distance of 159.47 feet to a ½ inch rebar on the southerly 70 foot right of way f Old Zion Cemetery Road, thence along the aforesaid right of way North 63 degrees 02 minutes 54 seconds East a distance of 401.10 feet to a ½ inch rebar, thence leaving the aforesaid right of way South 33 degrees 51 minutes 10 seconds East a distance of 200.00 feet to a 1 inch angle iron, thence South 33 degrees 45 minutes 31 seconds West a distance of 340.82 feet to a 1 inch open top pipe, thence North 77 degrees 24 minutes 31 seconds West a distance of 195.19 feet to a 4 inch square concrete monument, thence South 13 degrees 16 minutes 40 seconds West a distance of 275.19 feet to a ½ inch rebar of 275.19 feet to a ½ inch rebar of 340.82 feet to a 4 inch square concrete monument, thence South 13 degrees 16 minutes 40 seconds West a distance of 275.19 feet to a ½ inch rebar of 40 seconds West a distance of 275.19 feet to a ½ inch rebar of 275.19 feet to a ½ inch rebar of 275.19 feet to a ½ inch rebar of the northerly 130 foot right of way of U. S. Highway 78 and the **Point of Beginning**.

CRICKET CURRENCY LLC P O BOX 704 LOGANVILLE, GA 30052

HIGHWAY 81 LLC P O BOX 2149 LOGANVILLE, GA 30052

FAHHAD INVESTMENTS LLC 5783 VANTAGE COURT STONE MOUNTAIN, GA 30087

TRINITY PREP CAMPUS LLC 2213 COMMERCE DR LOGANVILLE, GA 30052

RUSU ALEXANDRU P O BOX 3433 LOGANVILLE, GA 30052

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WALTON PLACE CONDOMINIUM OWNERS ASSOCIATION 2900 BART JOHNSON RD BUFORD, GA 30519

HUTTON LOGANVILLE GA ST LLC C/O CARNETTS MANAGEMENT CO 1265 OAKBROOK DRIVE NORCROSS, GA 30093 City of Oganville where people matter

Planning & Development 4303 Lawrenceville Rd. Loganville, GA 30052 Phone 770.466.2633

## **Planning and Development Staff Report**

Case #:	A22-008 R22-009
Applicant:	Split Silk Properties LLC P.O. Box 1725 Loganville Ga. 30052
Property Owner:	Teresa King Needham 4900 Atlanta Hwy Loganville GA 30052
Property Location:	4900 Atlanta Highway
Property Location: Tax Map/Parcel:	4900 Atlanta Highway CO210016 (Walton County)
	6 1
Tax Map/Parcel:	CO210016 (Walton County)
Tax Map/Parcel: Property Size:	CO210016 (Walton County) 5.84 acres

## **Applicant's Request**

The applicant proposes to redevelop the property as a Retail Development. The site plan submitted proposes a retail with an entrance on to Atlanta Hwy and an entrance on to Old Zion Cemetery Rd.

## **Existing Conditions**

The property is currently an island located on Atlanta Hwy and Old Zion Cemetery Rd. 3 sides of the property abut to commercial hwy zonings inside the city limits. It was previously occupied by a single-family dwelling that is no longer habitable. Except for the parcel across Old Zion Cemetery Rd which is in incorporated Loganville and residentially zoned, it is abutted on all sides by CH zoned properties in the City. Abutting uses include the recently developed c-store on Commerce Drive consisting of a gas station and other multi-tenant retail uses. The parcel directly across Atlanta Hwy is Maxie Price Auto Sales. Property to the west consist of Popeyes and a Mr. Clean Car Wash zoned CH.

# What is the impact upon the overall appearance of the City and impacts upon aesthetic conditions of adjacent parcels?

The property is partially vacant, consisting of open grass area and woods. The proposed retail development should improve the aesthetic condition of the property compared to the existing conditions.

### What is the impact upon thoroughfare congestion and traffic safety?

The proposed development will increase traffic in the immediate vicinity. The site plan indicates an access drive on each of the two abutting streets. The Atlanta Highway driveway would probably be right in/right out only (determined by GDOT)

#### What is the impact upon population density and the potential for overcrowding and urban sprawl?

The proposed development does not increase population density and does not contribute to urban sprawl as it is within an already urbanized area.

# What is the impact upon the provision of water, sewerage, transportation and other urban infrastructure services?

The city has sufficient capacity in its infrastructure and public services to accommodate the proposed development.

### How does the proposed use provide protection of property against blight and depreciation?

The property is currently underutilized. The proposed development will add value to the property.

## Is the proposed use consistent with the adopted Comprehensive Plan?

Yes. The Future Development Map suggests that the US78 corridor is appropriate for retail/commercial uses.

### What is the impact upon adjacent property owners if the request is approved?

There should be little adverse impact to adjacent properties.

#### What is the impact upon adjacent property owners if the request is not approved?

None. The proposed development could be built under the existing zoning in unincorporated Walton County.

# 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?

#### **Recommended action:**

In the opinion of the staff, the annexation and development of the subject property as proposed would be in the best interest of the city as it would even the city's boundary and the proposed use is consistent with surrounding zoning and development. Therefore, the staff recommends that A22-008 be APPROVED and R22-009 be APPROVED.

## **Recommended Conditions**

## **Planning Commission Recommendation**



CITY OF LOGANVILLE Section 5, Item B. 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: 8-29-22

Application # R 22.009

## **REQUEST FOR ZONING MAP AMENDMENT**

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

APPLIC	ANT INFORMATION	PR	OPERTY OWNER INFORMAT	ION*
ADDRESS: P.O. Bo CITY: Loganvi STATE: GA	lle	ADDRESS: CITY: STATE: PHONE:	Yeresa Needham         4900 Hwy 78         Loganville         GA       Zip: 30052         nal pages if necessary to list all	owners)
Applicant is: 🗆 Prop	erty Owner 🛛 Contract Purchase	r 🕅 Agent	Attorney	
CONTACT PERSO EMAIL: splitsilkprc	N: Jeff Timler operties@gmail.com		578-439-1776	
	PROPERTY IN	FORMATION	승리가 옷은 물건을 만들어 가운 옷을 알 들었다.	
ADDRESS: 4900 Hv	C0210016 PRESENT ZONING vy 78 Loganville, GA 30052 LOPMENT: Commercial Center			
	lication Fee □ Legal Description □ Pla er of Intent □ Site Plan □ Names/Addr			
Accepted by Planning &	ence Date: <u>8-29-22</u> Development: <i>Crim PalO</i>			E PAID: <u>\$500.00</u>
CHECK # RECEIPT	#TAKEN BY: DATE OF LEGA	L NOTICE :	NEWSPAPER: <u>THE W</u>	ALTON TRIBUNE
PLANNING COMMISSI	ON RECOMMENDATION: 🛛 Appro	ve 🗆 Approve	w/conditions 🗆 Deny 🗆 No F	Recommendation
Commission Chairman:			DATE:	
CITY COUNCIL ACTIC	N: □ Approved □ Approved w/c □ Referred Back to Planning Co		Denied 🛛 Tabled to Withdrawn	
Mayor	City Clerk	D	ate	

## Application $\# \mathbf{R}$

## **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

Date

Jeff Timler, Split Silk Properties, LLC Owner Print Name and Title

29 day of August Sworn to and subscrib , 2022 . (Seal) 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) X the owner of record of property contained in this application, and/or
- b) X 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.

Jeresa King Needhan	8-29-22
Owner's Signature	Date

Teresa King Needham

Print Name and Title

Sworn to and subscribed unfore me this 29	day of <u>August</u> , 20 <u>22</u> .	
(Seal)	tight.	
TOUBLIC .	Signature of Notary Public	
June 01 2.		
ON COUNTER	Page 2	? of 4

Application # **R** 

## 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., <u>Conflict of Interest in Zoning Actions</u>, and has submitted or attached the required information as requested below.

Split Silk Properties, LLC / Jeff Timler pplicant's Signature Print Name Date Split Silk Properties, LLC / Jeff Timler Print Name Signature of Applicant's Date Attorney or Agent

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.

## Application # R

## 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?

The current residential use is not consistent with the area being wedged in between commercial uses and zoning. Developing a commercial center will add to the overall appearance of the city and will be consistent with adjacent parcels and those across Hwy 78.

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

The proposed use will not impact thoroughfares in terms of congestion and traffic safety as it will have 2-3 access points from 2-3 public streets. Not many developments in the city have this access ability and typically only have one access point. If adjoining commercial developments allow inter parcel access, then this development has the potential to reduce the congestion created by the existing developments and possibly access a 3rd public street.

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

Commercial follows residential so the population density, overcrowding and urban sprawl will not be adversely effected.

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

Water and sewerage are available in this area and we are not aware of any capacity issues. Transportation and other urban infrastructure will also be addressed in accordance with the City of Loganville development regulations. Again, having access off of Old Zion Cemetery Road and Highway 78 will give customer access options and reduce potential transportation congestion derived from this development.

5. How does the proposed zoning provide protection of property against blight and depreciation? The current 1440 SF house was built in 1960 and in its current condition might be considered blight and possibly depreciates the area verses what we are proposing. The proposed \$10,000,000.00 development will add to the aesthetics of the area, provide needed commercial retail/ services, as well as additional tax base for the City of Loganville.

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

This property is located in unincorporated Walton County, necessitating the attached annexation application, and therefore it is not addressed in the FLU map. However the property is wedged in between commercial uses so it is logical to assume this property would be designated as commercial on the FLU. This proposal complies the comp plan which states, "Retail, office space, and highway-commercial uses, through small-scale neighborhood shops or offices may be designable in certain spaces.

### 7. In what way does the proposed zoning affect adjacent property owners if the request is approved? The adjoining uses are commercial, which is consistent with our proposal and therefore their value would only be improved with this development. There is potential for inter-parcel access with adjoining property owners should they agree with this access and therefore reducing the need to get onto public roadways.

- 8. What is the impact upon adjacent property owners if the request zoning is not approved? There residential structure and use currently provides no value to the adjacent property owners, if anything possibly reduces their value because of aesthetics.
- 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.

This zoning will provide valuable retail and commercial services to the current and future residents. Instead of having to drive to other cities, having additional retail/commercial options will reduce trips for current residents.

## SPLIT SILK PROPERTIES, LLC. P.O. BOX 1725 LOGANVILLE, GA 30052

August 29, 2022

Mr. Tim Prater Department of Planning & Development 4303 Lawrenceville Road

RE: Letter of Intent for rezoning and annexation, Tax Parcel C 0210016 (5.84 acres zoned B2 & A2)

Dear Mr. Prater:

Loganville, GA 30052

The undersigned (the applicant) is representing Teresa and Danny Needham (the owners), who are seeking rezoning and annexation for the subject property. The property has been in the Needham family since the house was constructed in 1960. The intent of this application is to rezone & annex the 5.84 acres from the County designated zoning of B2 & A2 to the Loganville zoning of CH consistent with the properties that surround it.

The proposed annexation and zoning would allow the owners to market and sell the estimated \$10,000,000.00 project per the concept plan. As currently zoned, the property has little economic value and does not add to the aesthetics of the area. In terms of economic development, the City's tax base would benefit tremendously or a 1,600 percent increase from the current assessment of \$580,000.00. Since most of the infrastructure like water, sewer, roads are in place, there would be little if any additional impact upon city services. Traffic congestion is always a concern; however, most commercial businesses are built because of the existing market and existing traffic counts. This property having multiple (2-3) public road access points would also lessen any impact as customers would have multiple ingress and egress options that most properties in Loganville do not have. As you are aware, state law encourages the elimination of islands through annexation from a service delivery standpoint. Providing services to an unincorporated island can be problematic, especially for emergency services. Lastly, the 2017 Loganville Comprehensive Plan states, "Retail, office space, and highway-commercial uses, through small-scale neighborhood shops or offices may be desirable in certain spaces. Clearly this request is consistent with adjacent and nearby properties uses and meets the comprehensive plan intent. The plan goes on to state that "The vast majority of Loganville's workforce leaves the city for employment (94%), while 95% of jobs within the city belong to people commuting from elsewhere". Creating more jobs and services would increase more opportunities for existing residents and possibly require less trips outside the city for necessary retail and services.

## SPLIT SILK PROPERTIES, LLC. P.O. BOX 1725 LOGANVILLE, GA 30052

We feel that the proposed rezoning and annexation will be a great asset to the community and consistent with the corridor. Thank you for your time and consideration and please do not hesitate to contact me should you have any questions, comments, or concerns.

Sincerely Dil

Jeff Timler Split Silk Properties, LLC PO Box 1725 Loganville, GA 30052 678-439-1776, splitsilkproperties@gmail.com



#### Legal Description:

All that 5.844 acres lying and being in Land Lot 151 of the 4<sup>th</sup> Land District of Walton County, Georgia, known as street number 4900 Highway 78 and being tax parcel C0210016 as shown on a Retracement Boundary Survey for Teresa King Needham, dated 9/5/2019, last revised 9/24/2020, prepared by Alcovy Surveying & Engineering, Inc. and being more particularly described as follows:

Commencing at the intersection of the westerly 60 foot right of way of Commerce Drive and the northerly 130 foot right of way of U. S. Highway 78 and running thence along the northerly 130 foot right of way of U. S. Highway 78 in a westerly direction 274.33 feet to a ½ inch rebar and the **Point of Beginning**, thence continuing along the northerly 130 foot right of way of U. S. Highway 78 North 78 degrees 17 minutes 09 seconds West a distance of 399.12 feet to a ½ inch rebar, thence leaving the aforesaid right of way, North 12 degrees 37 minutes 12 seconds East a distance of 277.62 feet to a ½ inch rebar, thence North 27 degrees 50 minutes 13 seconds West a distance of 159.47 feet to a ½ inch rebar on the southerly 70 foot right of way f Old Zion Cemetery Road, thence along the aforesaid right of way North 63 degrees 02 minutes 54 seconds East a distance of 401.10 feet to a ½ inch rebar, thence leaving the aforesaid right of way South 33 degrees 51 minutes 10 seconds East a distance of 200.00 feet to a 1 inch angle iron, thence South 33 degrees 45 minutes 31 seconds West a distance of 340.82 feet to a 1 inch open top pipe, thence North 77 degrees 24 minutes 31 seconds West a distance of 195.19 feet to a 4 inch square concrete monument, thence South 13 degrees 16 minutes 40 seconds West a distance of 275.19 feet to a ½ inch rebar on the northerly 130 foot right of way of U. S. Highway 78 and the **Point of Beginning**.

CRICKET CURRENCY LLC P O BOX 704 LOGANVILLE, GA 30052

HIGHWAY 81 LLC P O BOX 2149 LOGANVILLE, GA 30052

FAHHAD INVESTMENTS LLC 5783 VANTAGE COURT STONE MOUNTAIN, GA 30087

TRINITY PREP CAMPUS LLC

2213 COMMERCE DR LOGANVILLE, GA 30052

RUSU ALEXANDRU P O BOX 3433 LOGANVILLE, GA 30052

WENDELL GEIGER P O BOX 324 LOGANVILLE, GA 30052

WALTON PLACE CONDOMINIUM OWNERS ASSOCIATION 2900 BART JOHNSON RD BUFORD, GA 30519

HUTTON LOGANVILLE GA ST LLC C/O CARNETTS MANAGEMENT CO 1265 OAKBROOK DRIVE NORCROSS, GA 30093 City of Oganville where people matter

Planning & Development 4303 Lawrenceville Rd. Loganville, GA 30052 Phone 770.466.2633

## **Planning and Development Staff Report**

Case #s:	A22-012, R22-013 A22-014, R22-015
Applicant:	Mark Myers 2130 Highway 81 S. Loganville GA 30052
Property Owner:	A22-012, R22-013 Richard Byrd Smith 100 Christy Marie Lane Piedmont, SC 29673
	Rodney Don Smith 113 Sherman Ct. Piedmont, SC 29673
	A22-014, R22-015 Peggy Byrd 4255 Eddie Byrd Lane Loganville, Ga 30052
	Donald Minsk 1801 Peachtree Street Atlanta, GA 30309
Property Location:	4706 Hwy 81 N. (A22-012, R22-013) 4746 Hwy 81 N. (A22-014, R22-015)
Tax Map/Parcel:	CO160006 (Walton County) (A22-012, R22-013) CO160006A00 (Walton County) (A22-014, R22-015)
Property Size:	2.5 acres (A22-012, R22-013) 10.0 acres (A22-014, R22-015)
Current Zoning:	A-2 (Walton County) A-2 (Walton County)
Proposed Zoning:	СН
Proposed Use:	Retail Development

## **Applicant's Request**

The applicant proposes to combine and develop the property as a Retail Development. The site plan submitted proposes a retail development with a gas station with the realignment of Rock Road to align with Lee Byrd Road. The property would consist of a 50' strip to remain in the county along Hwy 81 to prevent the creation of an island to the property across Hwy 81 N.

## **Existing Conditions**

The property is currently in unincorporated Walton County located on Hwy 81 N. and Rock Rd. Property is occupied by a single-family dwelling at present time. Except for the parcel across Hwy 81 N. which is in unincorporated Loganville residentially zoned and an existing parcel to the north zoned A-2, it is abutted on all sides by zoned properties in the City.

### Impact Analysis/Recommendation

# What is the impact upon the overall appearance of the City and impacts upon aesthetic conditions of adjacent parcels?

The property is partially vacant, consisting of open grass area and woods. The proposed retail development should improve the aesthetic condition of the property compared to the existing conditions.

### What is the impact upon thoroughfare congestion and traffic safety?

The proposed development will not increase traffic in the immediate vicinity. The site plan indicates a realignment of two of the abutting streets Rock Road and Lee Byrd Road. The City is currently in discussion with GDOT in regards to either a round-a-bout or a traffic light at the newly formed intersection.

#### What is the impact upon population density and the potential for overcrowding and urban sprawl?

The proposed development does not increase population density and does not contribute to urban sprawl as it is within an already urbanized area.

# What is the impact upon the provision of water, sewerage, transportation and other urban infrastructure services?

The city has sufficient capacity in its infrastructure and public services to accommodate the proposed development.

### How does the proposed use provide protection of property against blight and depreciation?

The property is currently underutilized. The proposed development will add value to the property.

#### Is the proposed use consistent with the adopted Comprehensive Plan?

The Future Development Map does not show this property however the 81 corridor is a state route and is appropriate for retail/commercial uses.

### What is the impact upon adjacent property owners if the request is approved?

There should be little adverse impact to adjacent properties.

#### What is the impact upon adjacent property owners if the request is not approved?

None. The proposed development could be built in unincorporated Walton County.

# 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?

### **Recommended action:**

In the opinion of the staff, the annexation and development of the subject property as proposed would be in the best interest of the city as it would even the city's boundary and the proposed road improvements would be a positive to improve traffic flow and reduce wrecks at the Rock Road intersection. Therefore, the staff recommends that A22-012 and R22-013 be APPROVED and A22-014 and R22-015 be APPROVED.

**Recommended Conditions** 

**Planning Commission Recommendation** 



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: 07-29-2022

Application # A 22 - 012

## **REQUEST FOR ANNEXATION**

#### A PETITION TO ANNEX PROPERTY INTO THE CITY OF LOGANVILLE, GEORGIA

	APPLICANT INFORMATION	PROPERTY OWNER	INFORMATION*
NAME: ADDRESS: CITY: STATE: PHONE:	Mark Myers           2130 Highway 81           Loganville           GA         Zip: 30052           1-770-231-7444	ADDRESS: (see attached) CITY:	ip:
Applicant is	: 🛛 Property Owner 🛛 Contract Pur	rchaser 🗗 Ágent 🛛 Attorney	/
	PERSON: <u>Mark Myers</u> nark.myers@myersteam.org	PHONE: 1-770-231-744 FAX: 1-770-554-631	
	PROPER	TY INFORMATION	
ADDRESS: PROPOSED	RCEL # PRESENT ZON 4706 HWY 81 DEVELOPMENT: RETAIL SHOP th: CApplication Fee Clegal Description Wames/Addresses of Abutting Property (	COUNTY: WALTON A S WITH ROAD ALIGNMENT AND	CREAGE: <u>2.5*/</u>
	on Conference Date:		FEE PAID: <u>\$300.00</u>
	RECEIPT#TAKEN BY:DATE OF		
PLANNING C Commission Cl	OMMISSION RECOMMENDATION:	Approve D Approve w/conditions D I DATE:	
CITY COUNC	IL ACTION:  Approved Approv Referred Back to Plannin	ed w/conditions	ed to

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Application # A \_\_\_\_\_

## **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.

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V

Mark Myr	8-26-22
Applicant's Signature 🥖	Date
Mark Myers- Brok	ier-
Print Name and Title	
Sworn to and subscribed before me this $2\mathcal{L}_{day}$ day of $\mathcal{L}_{day}$	
(Seal)	Marsha Harrell
NOTAPL DUBLIC STRUBLI	Signature of Notary Public
ON COURT	
Property Owner's (complete a separate form	
The undersigned hereby certifies that they are: (check all the	hat apply)
a) the owner of record of property contained	in this application, and/or
b) the Chief Executive of a corporation or ot property and is duly authorized to make this applic	her business entity with ownership interest in the ation, and
that all information contained in this application is comple	8-22-22
Owner's Signature	Date
Richard SSmm	8-22-22
Print Name and Title	ů – – – – – – – – – – – – – – – – – – –
Sworn to and sufficient bed before me this 22 day of	August, 2022. Ma Signature of Notary Public
CAROLINA.	Page 2 of 2

August 12, 2022

Mr. Tim Prater, Director Planning & Zoning City of Loganville City Hall P.O. Box 39 Loganville, GA 30052

RE: Letter of Intent

Dear Mr. Prater,

It's my pleasure to announce my intention to have annexed into the City of Loganville the tract of land identified as Parcel #C0160006. This parcel, approximately 2.5 acres, is currently zoned A2 and is located on the north side of the city, near the intersections of Winder Road (State Highway 81)/Rock Road and Hwy 81/Lee Boyd Road.

Also, we intent to make application for rezoning of the parcel to be made from residential/agricultural land to CH commercial/highway usage

Sincerel Pichel B. Smith

Richard Byrd Smith 100 Christy Marie Lane Piedmont, SC 29673

864 666-0803 747express@gmail.com

## PROPERTY OWNERS FOR PARCEL ID" C0160006

Richard Byrd Smith 100 Christy Marie Lane Piedmont, SC 29673

Phone:864 666-0803

Rodney Don Smith 113 Sherman Court Piedmont, SC 29673

Phone:770 337-7639



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			Recorded 04/16/2018 02:49PN	I Deed
Ť			KATHY K. TROST	Doc: WD
3	ν.	WALTON COUNTY CLERK OF	WALTON COUNTY CLERK OF COURT	
F	л.	Georgia Transfer Tax Paid : \$0.00		
~	Bk04216 Pg0237-0238 LAW OFFICES OF THOMAS C. BRISSEY, ATTORNEY-AT-LAW, 1010 East North Street, Ste-C-3, GREENVILLE, SOUTH CAROLINA 29601			
	STATE OF SOUTH CAROLINA	)	TITLE TO REAL ESTATE	
	COUNTY OF WALTON	)	NO TITLE EXAMINATION	

### KNOW ALL MEN BY THESE PRESENTS:

THAT I, ANNIE BROWN, in the State aforesaid, with One (\$1.00) Dollar and no other consideration have granted, bargained, released, and by these presents do grant, bargain, sell and release unto J. SCOTT SMITH, his heirs and/or assigns forever all my right, title and interest in the following described property:

Grantees Address: 141 Knox Landing Drive Seneca, South Carolina 29672

- - -

ALL that tract or parcel of land lying and being in Land Lot 192, 5<sup>th</sup> Land District, Buncombe G.M.D. 417 in Walton County, Georgia described in that plat or survey dated February 7, 2005, revised October 26, 2007 by Kenneth Sims, Registered Land Surveyor No. 1783 and recorded in Plat Book 103 at Page 39 in the deed records of Walton County, Georgia.

THIS being the same property conveyed to Annie Brown by deed of J. Scott Smith on November 6, 2007 and recorded in the Register of Deeds Office for Walton County, Georgia in Deed Book 03069 at Page 0410 on July 31, 2009.

This conveyance is subject to all restrictions, set-back lines, roadways, zoning ordinances, easements, and rights-of-way, if any, affecting the above described property.

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in any wise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the Grantee and Grantee's Heirs/Successors and Assigns forever.

AND Grantor does hereby bind Grantor and Grantor's Heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto Grantee and Grantee's Heirs/Successors and Assigns against Grantor and Grantor's Heirs against every person whomsoever

## Exhibit "A"

# All the Estate's one-half (1/2) undivided right, title, interest and equity in and to the following:

All that tract or parcel of land, together with all improvements thereon, situate, lying and being in the State of Georgia, County of Walton, Buncombe GMD 417, containing 10.595 acres, more or less, according to a plat of survey entitled "Survey for Dorothy Byrd", dated February 6, 2006, prepared by Sirns Surveying Company, Certified by Kenneth C. Sims, Georgia Registered Land Surveyor No. 1783, recorded in Plat Book 98, page 138, Clerk's Office, Walton County Superior Court. Reference to said survey is hereby made and the same is incorporated herein for a more complete description of the property conveyed.

This being the real property commonly known as 4746 Hwy 81, according to the present system of numbering properties in Walton County, Georgia.

Tax Parcel ID No. C0160006A00

Being the same property conveyed to the grantor herein by Warranty Deed dated January 11, 2008, recorded in Deed Book 3301, page 481, Walton County, Georgia records.

Mm.B.




August 12, 2022

Mr. Tim Prater, Director Planning & Zoning City of Loganville City Hall P.O. Box 39 Loganville, GA 30052

RE: Letter of Intent

Dear Mr. Prater,

It's my pleasure to announce my intention to have annexed into the City of Loganville the tract of land identified as Parcel #C0160006. This parcel, approximately 2.5 acres, is currently zoned A2 and is located on the north side of the city, near the intersections of Winder Road (State Highway 81)/Rock Road and Hwy 81/Lee Boyd Road.

Also, we intent to make application for rezoning of the parcel to be made from residential/agricultural land to CH commercial/highway usage

Sincerely,

8-16-22

Rodney Don Smith 113 Sherman Court Piedmont, SC 29673

770 337-7639 smithbodi@gmail.com

NL09C108 LAUREL MIST HOMEOWNERS ASSOCIATION INC C0160006A00 PEGGY BYRD 4255 EDDIE BYRD LANE LOGANVILLE, GA 30052 DONALD MINSK 1801 PEACHTREE STREET ATLANTA, GA 30309 LG090019 HENDERSON GARY KENT & HENDERSON DOLLIE M 620 GEORGIA HIGHWAY 81 LOGANVILLE, GA 30052 LG090016 GUERRA FRANKLIN A & GUERRA TANYA P 606 WINDER HIGHWAY LOGANVILLE, GA 30052 GARCIA MARTIN JR

944 LEE BYRD RD LOGANVILLE, GA 30052 City of Oganville where people matter

Planning & Development 4303 Lawrenceville Rd. Loganville, GA 30052 Phone 770.466.2633

## **Planning and Development Staff Report**

Case #s:	A22-012, R22-013 A22-014, R22-015
Applicant:	Mark Myers 2130 Highway 81 S. Loganville GA 30052
Property Owner:	A22-012, R22-013 Richard Byrd Smith 100 Christy Marie Lane Piedmont, SC 29673
	Rodney Don Smith 113 Sherman Ct. Piedmont, SC 29673
	A22-014, R22-015 Peggy Byrd 4255 Eddie Byrd Lane Loganville, Ga 30052
	Donald Minsk 1801 Peachtree Street Atlanta, GA 30309
Property Location:	4706 Hwy 81 N. (A22-012, R22-013) 4746 Hwy 81 N. (A22-014, R22-015)
Tax Map/Parcel:	CO160006 (Walton County) (A22-012, R22-013) CO160006A00 (Walton County) (A22-014, R22-015)
Property Size:	2.5 acres (A22-012, R22-013) 10.0 acres (A22-014, R22-015)
Current Zoning:	A-2 (Walton County) A-2 (Walton County)
Proposed Zoning:	СН
Proposed Use:	Retail Development

### **Applicant's Request**

The applicant proposes to combine and develop the property as a Retail Development. The site plan submitted proposes a retail development with a gas station with the realignment of Rock Road to align with Lee Byrd Road. The property would consist of a 50' strip to remain in the county along Hwy 81 to prevent the creation of an island to the property across Hwy 81 N.

### **Existing Conditions**

The property is currently in unincorporated Walton County located on Hwy 81 N. and Rock Rd. Property is occupied by a single-family dwelling at present time. Except for the parcel across Hwy 81 N. which is in unincorporated Loganville residentially zoned and an existing parcel to the north zoned A-2, it is abutted on all sides by zoned properties in the City.

### Impact Analysis/Recommendation

## What is the impact upon the overall appearance of the City and impacts upon aesthetic conditions of adjacent parcels?

The property is partially vacant, consisting of open grass area and woods. The proposed retail development should improve the aesthetic condition of the property compared to the existing conditions.

### What is the impact upon thoroughfare congestion and traffic safety?

The proposed development will not increase traffic in the immediate vicinity. The site plan indicates a realignment of two of the abutting streets Rock Road and Lee Byrd Road. The City is currently in discussion with GDOT in regards to either a round-a-bout or a traffic light at the newly formed intersection.

### What is the impact upon population density and the potential for overcrowding and urban sprawl?

The proposed development does not increase population density and does not contribute to urban sprawl as it is within an already urbanized area.

## What is the impact upon the provision of water, sewerage, transportation and other urban infrastructure services?

The city has sufficient capacity in its infrastructure and public services to accommodate the proposed development.

### How does the proposed use provide protection of property against blight and depreciation?

The property is currently underutilized. The proposed development will add value to the property.

### Is the proposed use consistent with the adopted Comprehensive Plan?

The Future Development Map does not show this property however the 81 corridor is a state route and is appropriate for retail/commercial uses.

### What is the impact upon adjacent property owners if the request is approved?

There should be little adverse impact to adjacent properties.

### What is the impact upon adjacent property owners if the request is not approved?

None. The proposed development could be built in unincorporated Walton County.

## 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?

### **Recommended action:**

In the opinion of the staff, the annexation and development of the subject property as proposed would be in the best interest of the city as it would even the city's boundary and the proposed road improvements would be a positive to improve traffic flow and reduce wrecks at the Rock Road intersection. Therefore, the staff recommends that A22-012 and R22-013 be APPROVED and A22-014 and R22-015 be APPROVED.

**Recommended Conditions** 

**Planning Commission Recommendation** 



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: 07-29-2022

Application #  $\mathbf{R}$  <u>22-013</u>

### **REQUEST FOR ZONING MAP AMENDMENT**

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

APPLICANI	INFORMATION	PR	OPERTY OWNER INF	FORMATION*
CITY: Loganville	way <u>81</u> _Zip:30052	ADDRESS: CITY: STATE: PHONE:	Smith, Richard Byr (see attached) Zip: nal pages if necessary	
Applicant is:  Property	Owner 🛛 Contract Pure	chaser Agent	C Attorney	
CONTACT PERSON: _ EMAIL:mark_myers	Mark Myers @mayersyeam.org	PHONE:FAX:		
	PROPER	TY INFORMATION		
ADDRESS: 4706 HWY PROPOSED DEVELOP	PRESENT ZON 81 MENT: RETAIL SHOP on Fee Regal Description Intent Site Plan Names	COUNTY:W	ACRI	EAGE: 2.5 + )-
Pre-Application Conference	Date:			
Accepted by Planning & Deve	lopment:	DA1	ГЕ:	FEE PAID: <u>\$500.00</u>
CHECK # RECEIPT #	TAKEN BY: DATE OF	LEGAL NOTICE :	NEWSPAP	ER: <u>THE WALTON TRIBUNE</u>
PLANNING COMMISSION	RECOMMENDATION: D	Approve 🛛 Approve	w/conditions 🛛 Deny	□ No Recommendation
Commission Chairman:			DATE:	
CITY COUNCIL ACTION:	Approved Approved Approved     Referred Back to Plannir		Denied 🛛 🗆 Tabled to Withdrawn	
Mayor	City Clerk	———— D	ate	

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Application # **R**\_\_\_\_\_

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### **Applicant's Certification**

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X

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.

Mad Mas	8-24-22
Applicant's Signature	Date
Mark Myers- Broke	5
Print Name and Title	
Sworn to and subscribed before me this $2\mathcal{U}$ day of	· · · · · · · · · · · · · · · · · · ·
(Seal)	Marton Harriel
PUBLIC	Signature of Notary Public
Suly 2	
ON COULTE Property Owner's	
(complete a separate for	m for each owner)
The undersigned hereby certifies that they are: (check all	that apply)
a) the owner of record of property contained	d in this application, and/or
b) the Chief Executive of a corporation or o property and is duly authorized to make this applied	ther business entity with ownership interest in the cation, and
that all information contained in this application is comple	ete and accurate to the best of their knowledge. $8 \cdot 22 \cdot 22$
Owner's Signature	Date
Richel 3 SmAn	8-2-2-22
Print'Name and Title	
Sworn to and subscribed before me this $\bigcirc$ day of $\bigcirc$ day of $\bigcirc$ (Seal)	August, 2022. Marine day Signature of Notary Public
My Commission Expires	ι
(Seal) NOTARL Ny Commission Expires July 1, 2030 Mary J. Rogers	Page 2 of 4
	_

Application # R \_\_\_\_\_

Print Name

### 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., <u>Conflict of Interest in Zoning Actions</u>, and has submitted or attached the required information as requested below.

Maply	8-74-72	MARK Myers
Applicant's Signature	Date	Print Name
V		

Date

Signature of Applicant's Attorney or Agent

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 CO	ONTRIBUTION	
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 \_\_\_\_\_

### **APPLICANT'S RESPONSES TO EVALUATION CRITERIA**

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

\* 2

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

As the suburban neighborhoods continue to develop nearby, this site will offer a small-town, ready-to-serve-you vibe for one's immediate needs. The architecture will be tasteful and inviting. The proposed outparcels will provide room for the community requirements, to be designed with the local culture in mind.

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

The proposed use will provide for the re-alignment and conjoining of two intersections along Hwy 81, to suit the City's desire to more thoughtfully control how traffic is to collect and disburse from this arterial corridor. This should reduce the likelihood of crash incidents due to legacy control and traffic flow conditions.

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

The addition of small commercial spaces properly and thoughtfully located can potentially mitigate the more invasive construction of Big-Box development. Suburban neighborhoods need foot-accessible shopping and services in order to minimize the impact on one's lifestyle and health brought on by spending extended periods of time within the congested urban shopping and retail environments.

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

The proposed development shall provide a revenue stream thru traditional means (taxes, donations, community support/involvement) in order to facilitate the City's ability to provide and maintain it's vital infrastructure. It will also draw revenue from the surrounding communities outside of the City, in turn bringing revenue into the City's tax-base.

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

The local community is home to a growing number of home-based businesses which are contained within residential subdivisions. Local areas of low-density congregation and commerce are vital to the community in that people may familiarize with each other in places where they won't feel the tension of urban centers. A place where both new and familiar faces can be seen and where people are most comfortable, where they feel at home. An where pedestrians can have a place to go. As they see more of their community, they will care more for it.

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

In keeping with chapter 4 of the Loganville Comprehensive Plan; This site is on an arterial collector which connecting the City to Walton County and the many cities and counties of the State of Georgia. Additionally, the current zoning map for Loganville surrounds this site for miles with low to medium density residential housing. This isolated zoning layout forces residents to travel for shopping and recreation in congested urban areas. This lowers the quality of life for people who already spend much time away from family for travelling and working.

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

The adjacent property owners should see an increase in property values, as modern daily conveniences would become more readily available to the North side of the City of Loganville. Many of the adjacent Single Family Homes are already being used as commercial workshops, places of commerce, and outside unscreened storage areas. All other residential areas are fenced in or adequately screened from view. This development shall provide a cleaner, more professional exterior to the area. (See "Rezoning Application Exhibit A.pdf")

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

The adjacent properties are at the edge of City. Currently, many of the residents could be shopping in adjacent areas such as Lawrenceville as they finish their commutes home along Hwy 20 and Big Creek Rd. Without this rezoning, those local resources will continue to be spent outside of the City's borders.

## 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.

Hwy 81 is the primary corridor between the City of Loganville and the Cities of Bethlehem and Winder. It connects Routes 29 and 78. Wise choices for development along this corridor can intercept some of the recreational and leisure travel between Lawrenceville and Athens, or from points beyond. Businesses such as this proposal can be needed support system for those traveling this route.

### PROPERTY OWNERS FOR PARCEL ID" C0160006

Richard Byrd Smith 100 Christy Marie Lane Piedmont, SC 29673

Phone:864 666-0803

Rodney Don Smith 113 Sherman Court Piedmont, SC 29673

Phone:770 337-7639



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Ŧ			KATHY K. TROST	Doc: WD	٢
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F	<i>.</i> <b>.</b>		Georgia Transfer Tax Paid : \$0.00		
Ĺ	LAW OFFICES OF THOMAS C. BI	RISSEY, AT WILLE, SOU	<b>Bk04216 Pg 0237-0238</b> TORNEY-AT-LAW, 1010-East North Street, Ste JTH CAROLINA 29601	r:€-3,	
	STATE OF SOUTH CAROLINA	)	TITLE TO REAL ESTATE		
	COUNTY OF WALTON	) )	NO TITLE EXAMINATION		

### KNOW ALL MEN BY THESE PRESENTS:

THAT I, ANNIE BROWN, in the State aforesaid, with One (\$1.00) Dollar and no other consideration have granted, bargained, released, and by these presents do grant, bargain, sell and release unto J. SCOTT SMITH, his heirs and/or assigns forever all my right, title and interest in the following described property:

Grantees Address: 142

\_ -

141 Knox Landing Drive Seneca, South Carolina 29672

ALL that tract or parcel of land lying and being in Land Lot 192, 5<sup>th</sup> Land District, Buncombe G.M.D. 417 in Walton County, Georgia described in that plat or survey dated February 7, 2005, revised October 26, 2007 by Kenneth Sims, Registered Land Surveyor No. 1783 and recorded in Plat Book 103 at Page 39 in the deed records of Walton County, Georgia.

THIS being the same property conveyed to Annie Brown by deed of J. Scott Smith on November 6, 2007 and recorded in the Register of Deeds Office for Walton County, Georgia in Deed Book 03069 at Page 0410 on July 31, 2009.

This conveyance is subject to all restrictions, set-back lines, roadways, zoning ordinances, easements, and rights-of-way, if any, affecting the above described property.

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in any wise incident or appertaining.

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the Grantee and Grantee's Heirs/Successors and Assigns forever.

AND Grantor does hereby bind Grantor and Grantor's Heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto Grantee and Grantee's Heirs/Successors and Assigns against Grantor and Grantor's Heirs against every person whomsoever

### Exhibit "A"

# All the Estate's one-half (1/2) undivided right, title, interest and equity in and to the following:

All that tract or parcel of land, together with all improvements thereon, situate, lying and being in the State of Georgia, County of Walton, Buncombe GMD 417, containing 10.595 acres, more or less, according to a plat of survey entitled "Survey for Dorothy Byrd", dated February 6, 2006, prepared by Sims Surveying Company, Certified by Kenneth C. Sims, Georgia Registered Land Surveyor No. 1783, recorded in Plat Book 98, page 138, Clerk's Office, Walton County Superior Court. Reference to said survey is hereby made and the same is incorporated herein for a more complete description of the property conveyed.

This being the real property commonly known as 4746 Hwy 81, according to the present system of numbering properties in Walton County, Georgia.

Tax Parcel ID No. C0160006A00

Being the same property conveyed to the grantor herein by Warranty Deed dated January 11, 2008, recorded in Deed Book 3301, page 481, Walton County, Georgia records.

Km.B.





NL09C108 LAUREL MIST HOMEOWNERS ASSOCIATION INC C0160006A00 PEGGY BYRD 4255 EDDIE BYRD LANE LOGANVILLE, GA 30052 DONALD MINSK **1801 PEACHTREE STREET** ATLANTA, GA 30309 LG090019 HENDERSON GARY KENT & HENDERSON DOLLIE M 620 GEORGIA HIGHWAY 81 LOGANVILLE, GA 30052 LG090016 GUERRA FRANKLIN A & GUERRA TANYA P 606 WINDER HIGHWAY LOGANVILLE, GA 30052 GARCIA MARTIN JR

944 LEE BYRD RD LOGANVILLE, GA 30052



Planning & Development 4303 Lawrenceville Rd. Loganville, GA 30052 Phone 770.466.2633

## **Planning and Development Staff Report**

Case #s:	A22-012, R22-013 A22-014, R22-015
Applicant:	Mark Myers 2130 Highway 81 S. Loganville GA 30052
Property Owner:	A22-012, R22-013 Richard Byrd Smith 100 Christy Marie Lane Piedmont, SC 29673 Rodney Don Smith 113 Sherman Ct. Piedmont, SC 29673 A22-014, R22-015 Peggy Byrd 4255 Eddie Byrd Lane Loganville, Ga 30052 Donald Minsk
	1801 Peachtree Street Atlanta, GA 30309
Property Location:	4706 Hwy 81 N. (A22-012, R22-013) 4746 Hwy 81 N. (A22-014, R22-015)
Tax Map/Parcel:	CO160006 (Walton County) (A22-012, R22-013) CO160006A00 (Walton County) (A22-014, R22-015)
Property Size:	2.5 acres (A22-012, R22-013) 10.0 acres (A22-014, R22-015)
Current Zoning:	A-2 (Walton County) A-2 (Walton County)
Proposed Zoning:	СН
Proposed Use:	Retail Development

### **Applicant's Request**

The applicant proposes to combine and develop the property as a Retail Development. The site plan submitted proposes a retail development with a gas station with the realignment of Rock Road to align with Lee Byrd Road. The property would consist of a 50' strip to remain in the county along Hwy 81 to prevent the creation of an island to the property across Hwy 81 N.

### **Existing Conditions**

The property is currently in unincorporated Walton County located on Hwy 81 N. and Rock Rd. Property is occupied by a single-family dwelling at present time. Except for the parcel across Hwy 81 N. which is in unincorporated Loganville residentially zoned and an existing parcel to the north zoned A-2, it is abutted on all sides by zoned properties in the City.

### Impact Analysis/Recommendation

## What is the impact upon the overall appearance of the City and impacts upon aesthetic conditions of adjacent parcels?

The property is partially vacant, consisting of open grass area and woods. The proposed retail development should improve the aesthetic condition of the property compared to the existing conditions.

### What is the impact upon thoroughfare congestion and traffic safety?

The proposed development will not increase traffic in the immediate vicinity. The site plan indicates a realignment of two of the abutting streets Rock Road and Lee Byrd Road. The City is currently in discussion with GDOT in regards to either a round-a-bout or a traffic light at the newly formed intersection.

### What is the impact upon population density and the potential for overcrowding and urban sprawl?

The proposed development does not increase population density and does not contribute to urban sprawl as it is within an already urbanized area.

## What is the impact upon the provision of water, sewerage, transportation and other urban infrastructure services?

The city has sufficient capacity in its infrastructure and public services to accommodate the proposed development.

### How does the proposed use provide protection of property against blight and depreciation?

The property is currently underutilized. The proposed development will add value to the property.

#### Is the proposed use consistent with the adopted Comprehensive Plan?

The Future Development Map does not show this property however the 81 corridor is a state route and is appropriate for retail/commercial uses.

### What is the impact upon adjacent property owners if the request is approved?

There should be little adverse impact to adjacent properties.

### What is the impact upon adjacent property owners if the request is not approved?

None. The proposed development could be built in unincorporated Walton County.

## 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?

### **Recommended action:**

In the opinion of the staff, the annexation and development of the subject property as proposed would be in the best interest of the city as it would even the city's boundary and the proposed road improvements would be a positive to improve traffic flow and reduce wrecks at the Rock Road intersection. Therefore, the staff recommends that A22-012 and R22-013 be APPROVED and A22-014 and R22-015 be APPROVED.

**Recommended Conditions** 

**Planning Commission Recommendation** 



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: 07-29-2022

Application # A <u>22-014</u>

### **REQUEST FOR ANNEXATION**

A PETITION TO ANNEX PROPERTY INTO THE CITY OF LOGANVILLE, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME:Mark MyersADDRESS:2130 Highway 81CITY:LoganvilleSTATE:GAPHONE:770-554-7230	NAME:       Peggy Byrd and Donald Minsk         ADDRESS:       (see attached)         CITY:
Applicant is: 🛛 Property Owner 🔤 Contract P	Purchaser Agent 🗆 Attorney
CONTACT PERSON:Mark Myers EMAIL:mark.myers@myersteam.org	PHONE:770-554-7230 FAX:
PROPE	ERTY INFORMATION
ADDRESS: 4746 HWY 81 PROPOSED DEVELOPMENT: RETAIL SHO You must attach: @Application Fee Ulegal Description Wames/Addresses of Abutting Property	OPS WITH ROAD ALIGNMENT AND OUTPARCELS
Pre-Application Conference Date: Accepted by Planning & Development:	
CHECK # RECEIPT # TAKEN BY: DATE O	DF LEGAL NOTICE : NEWSPAPER: THE WALTON TRIBUN
PLANNING COMMISSION RECOMMENDATION:	Approve C Approve w/conditions C Deny C No Recommendatio
CITY COUNCIL ACTION: D Approved D Approv D Referred Back to Planni	ved w/conditions
Mayor City C	Clerk

Application # A \_\_\_\_\_

### **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	8-24-22 Date
Mark Myers - Broken Print Name and Title	
Sworn to and subscribed before me this $\frac{2L}{2}$ day o	of augurt, 2022.
(Seal)	Masa Harrell Signature of Notary Public
ON COUL Property Owner (complete a separate	
The undersigned hereby certifies that they are: (check a	all that apply)
<ul> <li>a) the owner of record of property contained</li> <li>b) the Chief Executive of a corporation of property and is duly authorized to make this appropriate to make the corporation of the corporation of</li></ul>	ined in this application, and/or or other business entity with ownership interest in the plication, and
that all information contained in this application is com	plete and accurate to the best of their knowledge.
NUNLEY CONTRACTING G	lwc AUG 1 1 2022
Owner's Signature Doward Minge Presidents	Date
Print Name and Title	
Sworn to and subscribed before me this $day o$ (Seal)	of <u>August</u> , 20 <u>2</u> . <u>Machan</u> Signature of Notary Public
THE COUNTY IN THE	Page 2 of 2

August 12, 2022

Mr. Tim Prater, Director Planning & Zoning City of Loganville City Hall P.O. Box 39 Loganville, GA 30052

RE: Letter of Intent

Dear Mr. Prater,

It's my pleasure to announce my intention to have annexed into the City of Loganville the tract of land identified as Parcel #C0160006A00. This parcel, approximately 10.0 acres, is currently zoned A2 and is located on the north side of the city, near the intersections of Winder Road (State Highway 81)/Rock Road and Hwy 81/Lee Boyd Road.

Also, we intent to make application for rezoning of the parcel to be made from residential/agricultural land to CH commercial/highway usage

Sincerely,

cenered hish

Donald Minsk 1801 Peachtree Street Atlanta, GA 30309

404 803-5205 dminsk@bmmcpa.com

### PROPERTY OWNERS FOR PARCEL ID" C0160006A00

Peggy Byrd 4255 Eddie Byrd Lane Loganville, GA 30052

Phone:770 466-4905 and 404 308-6057

Donald Minsk 1801 Peachtree Street Atlanta, GA 30309

Phone:404 803-5205

Section 5, Item E.



62



BK: 4680 PG: 18-20 Filed and Recorded Sep-21-2020 02:59:26FM BOCM: 02020-013372 Real Estate Transfer Tax \$0.00 1472020003465

Karen P. David CLERK OF SUPERIOR COURT Walton County GA.

### DEED OF ASSENT NTC/RPP

### STATE OF GEORGIA

### COUNTY OF WALTON

WHEREAS, Neal Byrd a/k/a Eddie Neal Byrd died a resident of Walton County, Georgia, on the 23<sup>rd</sup> day of June, 2020, leaving a Last Will and Testament which has been probated in Solemn Form in said County at the July Term, 2020 of the Probate Court thereof; and

WHEREAS, under the terms of said Will the property described in Exhibit "A" was devised to Peggy McMichael Byrd herein; and

WHEREAS, the undersigned duly qualified as Executrix of the Estate of Neal Byrd a/k/a Eddie Neal Byrd, is now administering the estate under the term of said Will; and it has been determined that all debts and claims against the estate have been fully paid or ample funds remain on hand to pay the same.

NOW, THEREFORE, the undersigned as Executrix of the Will of the said Neal Byrd

a/k/a Eddie Neal Byrd, hereby assents to the devise of said property under the terms of said Will so that the title thereto is now vested in the said Peggy McMichael Byrd, as provided in said Will.

WITNESS her hand and seal, this the 15 day of September, 2020.

Signed, sealed and delivered in the presence of: Unofficial Witness PA Notary Public

manue

PEGGY MGMICHAEL BYRD, as Executrix Under the Last Will and Testament of Eddie Neal Byrd, deceased, late of Walton County





Section 5, Item E.

NL09C108 LAUREL MIST HOMEOWNERS ASSOCIATION INC C0160006 SMITH SCOTT J 113 SHERMAN COURT PIEDMONT, SC 29673 C0160005B00 SMITH RICHARD BYRD & **100 CHRISTY MARIE LANE** PIEDMONT, SC 29673 SMITH RODNEY DON 113 SHERMAN COURT PIEDMONT, SC 29673 N016A005 MENDEL RICHARD S 3503 ROCK RD LOGANVILLE, GA 30052-3748 N016A004 SPRING VALLEY FLORIDA, LLC 3825 MOUNT PARON CHURCH ROAD SOCIAL CIRCLE, GA 30025 N016A003 HIGGINS TAMMI & HIGGINS JOHN W JR 3523 ROCK RD LOGANVILLE, GA 30052-2302 NL09B008 KASSIM KABIRU 408 ARMOR DRIVE LOGANVILLE, GA 30052 NL09B007 **REESE PATRICK A &** REESE JENNIFER BROOKS 410 ARMOR DR LOGANVILLE, GA 30052 NL09B006 PROGRESS RESIDENTIAL BORROWER 3 LLC 5690 W CYPRESS ST #5690D TAMPA, FL 336071744 C0160011

Section 5, Item E.

HUGHES CHARLES & HUGHES MARTHA 4743 GEORGIA HIGHWAY 81 LOGANVILLE, GA 30052



Planning & Development 4303 Lawrenceville Rd. Loganville, GA 30052 Phone 770.466.2633

## **Planning and Development Staff Report**

Case #s:	A22-012, R22-013 A22-014, R22-015
Applicant:	Mark Myers 2130 Highway 81 S. Loganville GA 30052
Property Owner:	A22-012, R22-013 Richard Byrd Smith 100 Christy Marie Lane Piedmont, SC 29673
	Rodney Don Smith 113 Sherman Ct. Piedmont, SC 29673
	A22-014, R22-015 Peggy Byrd 4255 Eddie Byrd Lane Loganville, Ga 30052
	Donald Minsk 1801 Peachtree Street Atlanta, GA 30309
Property Location:	4706 Hwy 81 N. (A22-012, R22-013) 4746 Hwy 81 N. (A22-014, R22-015)
Tax Map/Parcel:	CO160006 (Walton County) (A22-012, R22-013) CO160006A00 (Walton County) (A22-014, R22-015)
Property Size:	2.5 acres (A22-012, R22-013) 10.0 acres (A22-014, R22-015)
Current Zoning:	A-2 (Walton County) A-2 (Walton County)
Proposed Zoning:	СН
Proposed Use:	Retail Development

### **Applicant's Request**

The applicant proposes to combine and develop the property as a Retail Development. The site plan submitted proposes a retail development with a gas station with the realignment of Rock Road to align with Lee Byrd Road. The property would consist of a 50' strip to remain in the county along Hwy 81 to prevent the creation of an island to the property across Hwy 81 N.

### **Existing Conditions**

The property is currently in unincorporated Walton County located on Hwy 81 N. and Rock Rd. Property is occupied by a single-family dwelling at present time. Except for the parcel across Hwy 81 N. which is in unincorporated Loganville residentially zoned and an existing parcel to the north zoned A-2, it is abutted on all sides by zoned properties in the City.

### Impact Analysis/Recommendation

## What is the impact upon the overall appearance of the City and impacts upon aesthetic conditions of adjacent parcels?

The property is partially vacant, consisting of open grass area and woods. The proposed retail development should improve the aesthetic condition of the property compared to the existing conditions.

### What is the impact upon thoroughfare congestion and traffic safety?

The proposed development will not increase traffic in the immediate vicinity. The site plan indicates a realignment of two of the abutting streets Rock Road and Lee Byrd Road. The City is currently in discussion with GDOT in regards to either a round-a-bout or a traffic light at the newly formed intersection.

### What is the impact upon population density and the potential for overcrowding and urban sprawl?

The proposed development does not increase population density and does not contribute to urban sprawl as it is within an already urbanized area.

## What is the impact upon the provision of water, sewerage, transportation and other urban infrastructure services?

The city has sufficient capacity in its infrastructure and public services to accommodate the proposed development.

### How does the proposed use provide protection of property against blight and depreciation?

The property is currently underutilized. The proposed development will add value to the property.

### Is the proposed use consistent with the adopted Comprehensive Plan?

The Future Development Map does not show this property however the 81 corridor is a state route and is appropriate for retail/commercial uses.

### What is the impact upon adjacent property owners if the request is approved?

There should be little adverse impact to adjacent properties.

### What is the impact upon adjacent property owners if the request is not approved?

None. The proposed development could be built in unincorporated Walton County.

## 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?

### **Recommended action:**

In the opinion of the staff, the annexation and development of the subject property as proposed would be in the best interest of the city as it would even the city's boundary and the proposed road improvements would be a positive to improve traffic flow and reduce wrecks at the Rock Road intersection. Therefore, the staff recommends that A22-012 and R22-013 be APPROVED and A22-014 and R22-015 be APPROVED.

**Recommended Conditions** 

**Planning Commission Recommendation** 



Section 5, Item F. **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: 07-29-2022

Application # R 22-015

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

	APPLICANT INFORMATION	Pl	ROPERTY OWNER INF	ORMATION*
NAME: ADDRESS: CITY: STATE: PHONE: Applicant is:	Mark Myers 2130 Highway 81 Loganville GA Zip: 30052 1-770-231-7444 Property Owner Contract	CITY: STATE: PHONE: (*attach addit	(see attached) Zip: ional pages if necessary	
CONTACT		PHONE:	<u>1-770-231-7444</u> 1-770-554-6310	
	i ti PRO	PERTRINFORMATION		
PROPOSED	4746 HWY 81 <b>DEVELOPMENT:</b> RETAIL S h: Application Fee Legal Description Letter of Intent Site Plan		LIGNMENT AND OU	TPARCELS
Pre-Applicatio	n Conference Date:			FEE PAID: <u>\$500.00</u>
CHECK#	RECEIPT #TAKEN BY: DAT	E OF LEGAL NOTICE :	NEWSPAPI	ER: <u>THE WALTON TRIBUNE</u>
PLANNING CC Commission Ch	OMMISSION RECOMMENDATION:	Approve Approv	e w/conditions Deny DATE:	No Recommendation
CITY COUNCI	L ACTION: Approved App Referred Back to Pla	[14] T. Q. B. D.	Denied Tabled to Withdrawn	
Mayor	City Clerk		Date	
August 12, 2022

Mr. Tim Prater, Director Planning & Zoning City of Loganville City Hall P.O. Box 39 Loganville, GA 30052

RE: Letter of Intent

Dear Mr. Prater,

It's my pleasure to announce my intention to have annexed into the City of Loganville the tract of land identified as Parcel #C0160006A00. This parcel, approximately 10.0 acres, is currently zoned A2 and is located on the north side of the city, near the intersections of Winder Road (State Highway 81)/Rock Road and Hwy 81/Lee Boyd Road.

Also, we intent to make application for rezoning of the parcel to be made from residential/agricultural land to CH commercial/highway usage

Sincerely,

Peggy Byed

Peggy Byrd 4255 Eddie Byrd Lane Loganville, GA 30052

770 466-4905 joshualee0803@gmail.com

74

# Application $\# \mathbf{R}$

### **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 Myen	8-26-202
Applicant's Signature	Date
Mark Myers - Broker	
Print Name and Title	
Sworn to and subscribed before methics 26 day of C	
(Seal)	Marsh- Harren
A COUNT COUNT	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.

Peggy Band	8-11-2022
Owner's Signature	Date
Peggy Byrd, owner	
Print Name and Title	
Sworn to and subscribed before me this day (Seal)	of <u>August</u> , 20_22. Marsha Hereell
NORAL	Signature of Notary Public
A PAN COUNT	Page 2 of 4

## Application # **R**

## **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.

Date Mark Myers

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	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)		ATE OF ONTRIBUTION		
			_			
· · · · ·			_			

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

75

### **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?

As the suburban neighborhoods continue to develop nearby, this site will offer a small-town, ready-to-serve-you vibe for one's immediate needs. The architecture will be tasteful and inviting. The proposed outparcels will provide room for the community requirements, to be designed with the local culture in mind.

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

The proposed use will provide for the re-alignment and conjoining of two intersections along Hwy 81, to suit the City's desire to more thoughtfully control how traffic is to collect and disburse from this arterial corridor. This should reduce the likelihood of crash incidents due to legacy control and traffic flow conditions.

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

The addition of small commercial spaces properly and thoughtfully located can potentially mitigate the more invasive construction of Big-Box development. Suburban neighborhoods need foot-accessible shopping and services in order to minimize the impact on one's lifestyle and health brought on by spending extended periods of time within the congested urban shopping and retail environments.

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

The proposed development shall provide a revenue stream thru traditional means (taxes, donations, community support/involvement) in order to facilitate the City's ability to provide and maintain it's vital infrastructure. It will also draw revenue from the surrounding communities outside of the City, in turn bringing revenue into the City's tax-base.

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

The local community is home to a growing number of home-based businesses which are contained within residential subdivisions. Local areas of low-density congregation and commerce are vital to the community in that people may familiarize with each other in places where they won't feel the tension of urban centers. A place where both new and familiar faces can be seen and where people are most comfortable, where they feel at home. An where pedestrians can have a place to go. As they see more of their community, they will care more for it.

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

In keeping with chapter 4 of the Loganville Comprehensive Plan; This site is on an arterial collector which connecting the City to Walton County and the many cities and counties of the State of Georgia. Additionally, the current zoning map for Loganville surrounds this site for miles with low to medium density residential housing. This isolated zoning layout forces residents to travel for shopping and recreation in congested urban areas. This lowers the quality of life for people who already spend much time away from family for travelling and working.

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

The adjacent property owners should see an increase in property values, as modern daily conveniences would become more readily available to the North side of the City of Loganville. Many of the adjacent Single Family Homes are already being used as commercial workshops, places of commerce, and outside unscreened storage areas. All other residential areas are fenced in or adequately screened from view. This development shall provide a cleaner, more professional exterior to the area. (See "Rezoning Application Exhibit A.pdf")

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

The adjacent properties are at the edge of City. Currently, many of the residents could be shopping in adjacent areas such as Lawrenceville as they finish their commutes home along Hwy 20 and Big Creek Rd. Without this rezoning, those local resources will continue to be spent outside of the City's borders.

# 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.

Hwy 81 is the primary corridor between the City of Loganville and the Cities of Bethlehem and Winder. It connects Routes 29 and 78. Wise choices for development along this corridor can intercept some of the recreational and leisure travel between Lawrenceville and Athens, or from points beyond. Businesses such as this proposal can be needed support system for those traveling this route.

## PROPERTY OWNERS FOR PARCEL ID" C0160006A00

Peggy Byrd 4255 Eddie Byrd Lane Loganville, GA 30052

Phone:770 466-4905 and 404 308-6057

Donald Minsk 1801 Peachtree Street Atlanta, GA 30309

Phone:404 803-5205



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BK: 4680 PG: 18-20 Filed and Recorded Sep-21-2020 02:59:26PM DOCM: D2020-013372 Real Estate Transfer Tax #D.00 1472020003465

Karen P. David CLERK OF SUPERIOR COURT Walton County GA.

#### DEED OF ASSENT NTC/RPP

#### STATE OF GEORGIA

#### COUNTY OF WALTON

WHEREAS, Neal Byrd a/k/a Eddie Neal Byrd died a resident of Walton County, Georgia, on the 23<sup>rd</sup> day of June, 2020, leaving a Last Will and Testament which has been probated in Solemn Form in said County at the July Term, 2020 of the Probate Court thereof; and

WHEREAS, under the terms of said Will the property described in Exhibit "A" was devised to Peggy McMichael Byrd herein; and

WHEREAS, the undersigned duly qualified as Executrix of the Estate of Neal Byrd a/k/a Eddie Neal Byrd, is now administering the estate under the term of said Will; and it has been determined that all debts and claims against the estate have been fully paid or ample funds remain on hand to pay the same.

NOW, THEREFORE, the undersigned as Executrix of the Will of the said Neal Byrd

a/k/a Eddie Neal Byrd, hereby assents to the devise of said property under the terms of said Will so that the title thereto is now vested in the said Peggy McMichael Byrd, as provided in said Will.

WITNESS her hand and seal, this the 15 day of September, 2020.

Signed, sealed and delivered in the presence of: Unofficial Witness Notary Public

PEGGY MCMICHAEL BYRD, as Executrit Under the Last Will and Testament of Eddie Neal Byrd, deceased, late of Walton County





NL09C108 LAUREL MIST HOMEOWNERS ASSOCIATION INC C0160006 SMITH SCOTT J **113 SHERMAN COURT** PIEDMONT, SC 29673 C0160005B00 SMITH RICHARD BYRD & **100 CHRISTY MARIE LANE** PIEDMONT, SC 29673 SMITH RODNEY DON **113 SHERMAN COURT** PIEDMONT, SC 29673 NØ16AØØ5 MENDEL RICHARD S 3503 ROCK RD LOGANVILLE, GA 30052-3748 N016A004 SPRING VALLEY FLORIDA, LLC 3825 MOUNT PARON CHURCH ROAD SOCIAL CIRCLE, GA 30025 N016A003 HIGGINS TAMMI & HIGGINS JOHN W JR 3523 ROCK RD LOGANVILLE, GA 30052-2302 NL09B008 KASSIM KABIRU 408 ARMOR DRIVE LOGANVILLE, GA 30052 NL09B007 **REESE PATRICK A &** REESE JENNIFER BROOKS 410 ARMOR DR LOGANVILLE, GA 30052 NL09B006 PROGRESS RESIDENTIAL BORROWER 3 LLC 5690 W CYPRESS ST #5690D TAMPA, FL 336071744 C0160011

Section 5, Item F.

HUGHES CHARLES & HUGHES MARTHA 4743 GEORGIA HIGHWAY 81 LOGANVILLE, GA 30052