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*	
Twin Lakes Road, LLC c/o Mahaffey NAME: Pickens Tucker, LLP 1550 North Brown Road, Suite 125 CITY: Lawrenceville STATE: Georgia Zip: 30043	NAME: Twin Lakes Road, LLC ADDRESS: 1785 Oak Road CITY: Snellville STATE: Georgia Zip: 30078 PHONE: 770 232 0000 (*attach additional pages if necessary to list a	
Applicant is: V Property Owner Contract Pur	haser Agent Attorney	· ·
CONTACT PERSON: Gabrielle Schaller EMAIL: gschaller@mptlawfirm.com PROPER	PHONE: 770 232 0000 FAX: 678 518 6880	
MAP & PARCEL #LG140020 PRESENT ZON		
PROPOSED DEVELOPMENT: Contractor's Office		ials
PROPOSED DEVELOPMENT: Contractor's Office You must attach: Application Fee Legal Description		ials
PROPOSED DEVELOPMENT: Contractor's Office You must attach: Application Fee Legal Description	Plat of Property Campaign Contribution Disclose Addresses of Abutting Property Owners Impact A	ials ure nalysis
PROPOSED DEVELOPMENT: Contractor's Office You must attach: Application Fee Letter of Intent Site Plan Names Pre-Application Conference Date: 6-8-2023	Plat of Property Campaign Contribution Disclose Addresses of Abutting Property Owners Impact Addresses Of Abutting Property Owners France DATE: 7-7-2023	ials ure nalysis EE PAID: \$500.00

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.

Mah C. Flul, V.P. al Several Coursel 6/29/23 Applicant's Signature Date
Applicant's Signature Date
Mark C. Schumuher, VP. and General Counsell Print Name and Title
Sworn to and subscribed before me this 29th day of June, 2023. (Seal) MY COMM. EXPIRES Aug. 12, 2025
MY COMM. EXPIRES Aug. 12, 2025 OUBLIC OUBLIC
Property Owner's Cartification
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.
Marc. Schule 6/29/23
Owner's Signature Date
Mark C. Schumacher, V-P. and Geneal Council Print Name and Title
Print Name and Title
Sworn to and subscribed before me this 29th day of June , 2023.

(Seal)

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

Date	Print Name	C. Schumaoher
Date	Print Name	
ling of this applicate the Mayor, Memb	ation, made ca per of the City	mpaign contributions
_ YES	NO	
:		
CONTRIBUTION		
	`	DATE OF CONTRIBUTION
	for applicant, or ling of this applicant to the Mayor, Member City of Loganville YES CONTRIBUTION CONTRIBUTION	for applicant, or other agent, ling of this application, made can the Mayor, Member of the City le City of Loganville, Georgia? YES NO

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

Applicant's Signature Signature of Applicant's Attorney or Agent	D:) / 23 nte	Print Name Gabrielle Sch Print Name	aller, attorney for Applicant
Has the Applicant, attorney immediately preceding the f aggregating \$250.00 or more the Planning Commission of the Commission of the Planning Commission of the Commission of	iling of th to the May	is applicator, Membe	tion, made ca er of the City Georgia?	ampaign contributions
If YES, complete the following	;:		×	
NAME OF INDIVIDUAL MAKING	CONTRIBU	TION		
NAME & OFFICIAL POSITION OF GOVERNMENT OFFICIAL		NTRIBUTION egating to \$2		DATE OF CONTRIBUTION
Attach additional sheets as necessar		and describ	o all contribution	

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 Northwesterly 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 Northwesterly 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

<u>LETTER OF INTENT FOR REZONING APPLICATION OF</u> 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-feet 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

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.

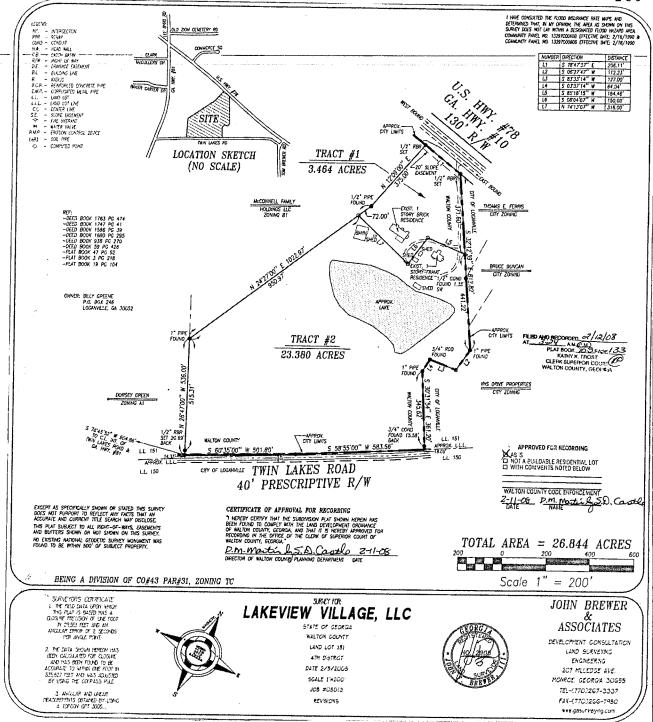
The proposed development is compatible with existing land uses and zoning classifications of the surrounding area, is in line with the spirit and intent of the Comp Plan, and is an appropriate land use due to the Property's close proximity to a major transportation corridor. The Applicant welcomes the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

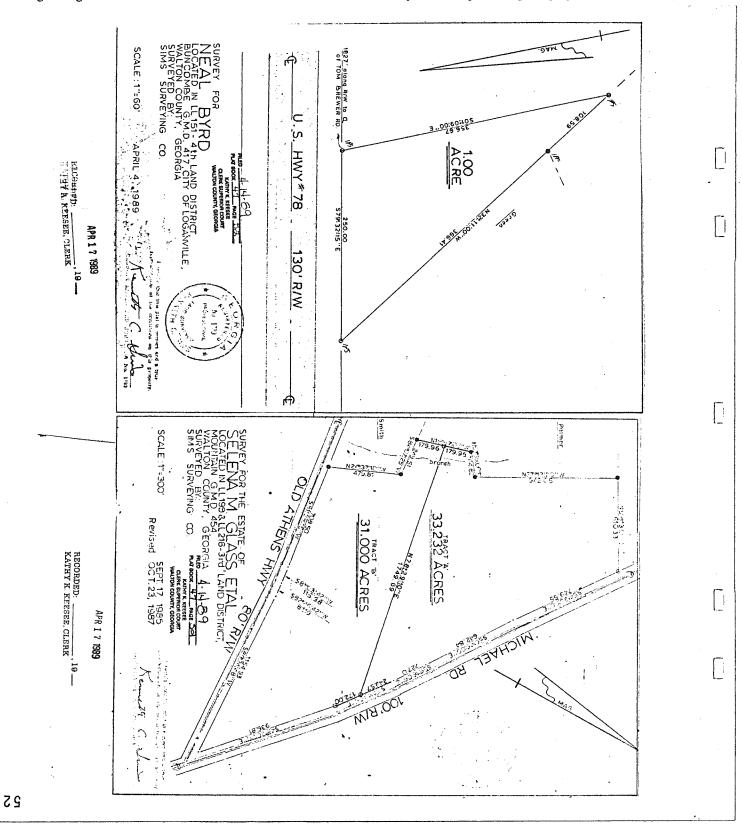
Respectfully submitted this 7th day of July, 2023.

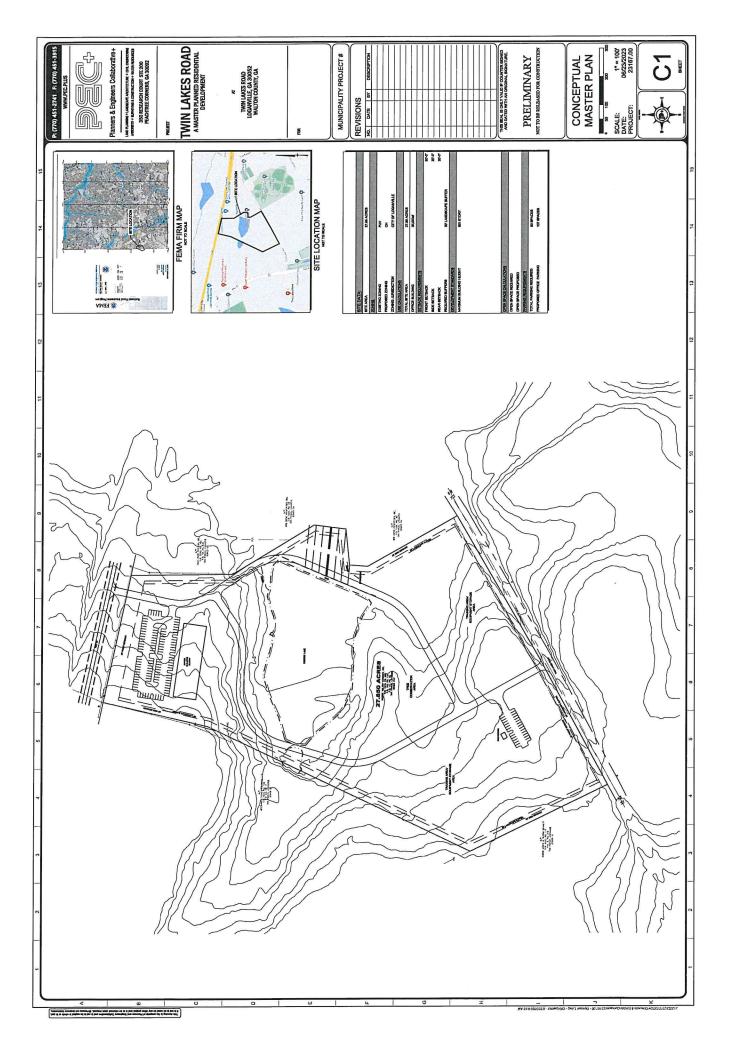
MAHAFFEY PICKENS TUCKER, LLP

Gabrielle H. Schaller

Attorneys for the Applicant







ABUTTING PROPERTY OWNERS

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

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. <u>How does the proposed use impact thoroughfare congestion and traffic safety?</u> 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.

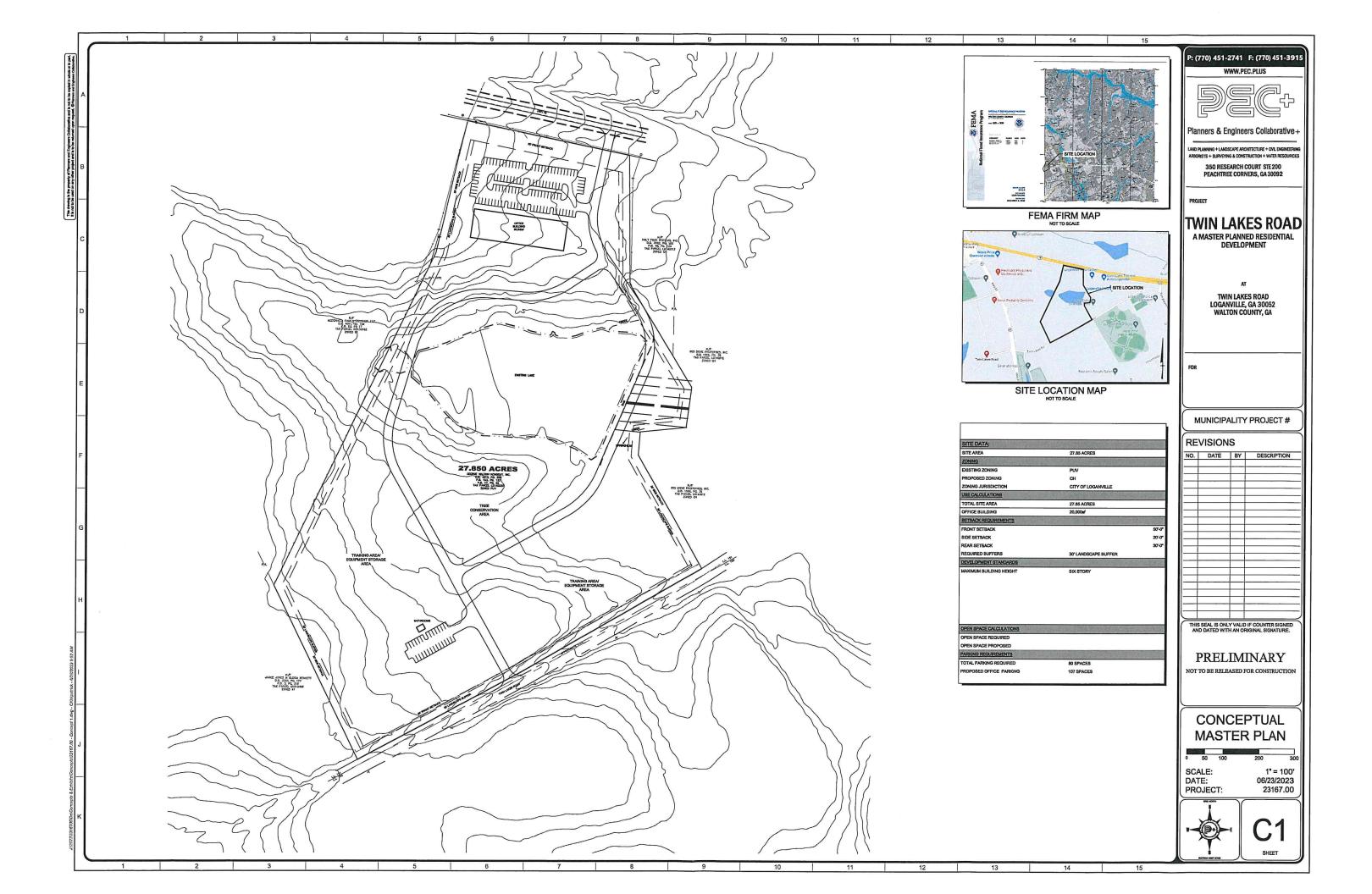
Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

Gabrielle H. Schaller

Attorneys for Applicant

2



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 Departmen

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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