



Date: 9-5-24

Application # R 24-031

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>BAMM Real Estate, LLC c/o Mahaffey Pickens Tucker, LLP</u> ADDRESS: <u>1550 North Brown Road, STE 125</u> CITY: <u>Lawrenceville</u> STATE: <u>GA</u> Zip: <u>30043</u> PHONE: <u>(770) 232-0000</u>	NAME: <u>Ann R. Jones</u> ADDRESS: <u>P.O. Box 408</u> CITY: <u>Loganville</u> STATE: <u>GA</u> Zip: <u>30052</u> PHONE: _____ (*attach additional pages if necessary to list all owners)
Applicant is: <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Contract Purchaser <input type="checkbox"/> Agent <input type="checkbox"/> Attorney	
CONTACT PERSON: <u>Shane M. Lanham, Attorney for Applicant</u> PHONE: <u>(770) 232-0000</u> EMAIL: <u>slanham@mptlawfirm.com</u> FAX: <u>(678) 518-6880</u>	
PROPERTY INFORMATION	
MAP & PARCEL # <u>LG060129</u> PRESENT ZONING: <u>R-44</u> REQUESTED ZONING: <u>CH</u> ADDRESS: <u>Atlanta Highway</u> COUNTY: <u>Walton</u> ACREAGE: <u>+/- 5.09</u> PROPOSED DEVELOPMENT: <u>Medical Office Building</u>	

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

Pre-Application Conference Date: 9-3-24

Accepted by Planning & Development: [Signature]

DATE: 9-5-24

FEE PAID: \$500.00

CHECK # 10722 RECEIPT # R1019729 TAKEN BY: SD DATE OF LEGAL NOTICE: _____ NEWSPAPER: THE WALTON TRIBUNE

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

Commission Chairman: [Signature]

DATE: 10/24/24

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 Referred Back to Planning Commission Withdrawn

[Signature] Mayor
[Signature] City Clerk

11/17/24
 Date

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

Print Name and Title

Sworn to and subscribed before me this _____ day of _____, 20____.

(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) 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.


Ann R. Jones by [Signature] 8.30.2024
 Owner's Signature Date

Michael R. Jones as agent for Ann R. Jones
Print Name and Title

Sworn to and subscribed before me this 30th day of August, 2024.

(Seal)

Diane Hale
Signature of Notary Public



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 _____

Print Name and Title _____

Sworn to and subscribed before me this _____ day of _____, 20____.

(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) 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

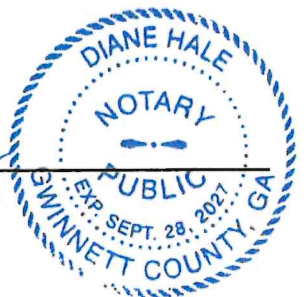
that all information contained in this application is complete and accurate to the best of their knowledge.

Ann R. Jones by Austin O. Jones as Agent _____ 8/28/24
Owner's Signature Date

Ann R. Jones by Austin O. Jones as Agent
Print Name and Title

Sworn to and subscribed before me this 28th day of August, 2024.

(Seal) _____
Signature of Notary Public



Application # R

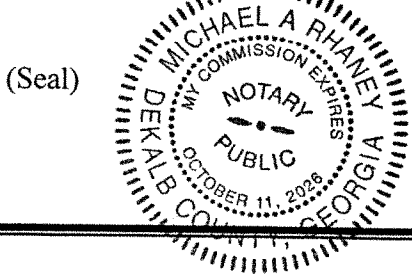
Applicant's Certification

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.

[Signature] 8-30-2024
Applicant's Signature Date

Michael Sunshine managing member of BAMM Real estate llc
Print Name and Title

Sworn to and subscribed before me this 30th day of August, 2024.



[Signature]
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.

Owner's Signature Date


Print Name and Title

Sworn to and subscribed before me this _____ day of _____, 20____.

(Seal) _____
Signature of Notary Public

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.

 8-30-2024 Michael Sunshine
Applicant's Signature Date Print Name

Signature of Applicant's Date Print Name
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 CONTRIBUTION _____

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

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

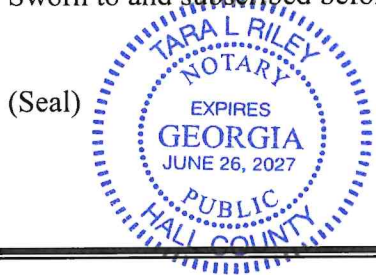
Applicant's Certification

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

Julia Maxwell _____
Applicant's Signature 9/3/24
Date

Julia Maxwell, Attorney for Applicant
Print Name and Title

Sworn to and subscribed before me this 3rd day of September, 2024.



Tara L. Riley
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.

Owner's Signature Date

Print Name and Title

Sworn to and subscribed before me this _____ day of _____, 20____.

(Seal) _____
Signature of Notary Public

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

The undersigned, making application for rezoning with the City of Loganville, Georgia, have complied with the Official Code of Georgia, Section 36-67A-1, et. seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information as requested below.

_____ Applicant's Signature	_____ Date	_____ Print Name
<i>Julia Maxwell</i> Signature of Applicant's Attorney or Agent	<i>9/3/24</i> Date	<i>Julia Maxwell, attorney for Applicant</i> Print Name

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

_____ **YES** **NO**

If YES, complete the following:

NAME OF INDIVIDUAL MAKING CONTRIBUTION _____

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

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

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?**

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

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

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

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

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

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

- 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.**

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 use is compatible with the overall appearance of the City and aesthetic conditions of adjacent commercial parcels. Adjacent land uses include commercial and residential uses. The proposed medical office building is compatible with existing land uses and will feature attractive architectural and landscape elements.

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

The proposed development is located along Atlanta Highway, which is a major transportation corridor and US Highway. The proposed development will not have a significant impact on thoroughfare congestion or traffic safety.

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

The proposed medical office building would not contribute to overcrowding or urban sprawl as the land use is compatible with surrounding development. The subject property is located along Atlanta Highway, which is Loganville's most heavily developed corridor. Additionally, the proposed development is not isolated or out-of-place and will continue the development of commercial uses along the Atlanta Highway corridor.

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

The proposed medical office building would utilize public water, sewer, and other utilities, providing upgrades where necessary. Given the property's location along a major transportation corridor, the proposed development would not negatively impact the provision of urban infrastructure or other municipal services.

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

The proposed development would provide the City with a high-quality, Class A medical office building that is much needed in the area. The medical office building would have attractive architectural features and would provide quality jobs to residents as well as increased access to medical care.

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

The proposed use and zoning are consistent with the adopted Comprehensive Plan because the subject property is surrounded by parcels designated as Commercial on the Future Land Use Map. The proposed medical office building would be a commercial use and is fitting with the character of the adjacent parcels.

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

The proposed rezoning will have minimal affect on the adjacent property owners if the request is approved. The proposed development is designed in a way so that the more intense portion of the use is situated close to and fronting Atlanta Highway and the less intense use is fronting Covington Street which is predominately residential.

ADJACENT PROPERTY OWNERS LIST:

Name	Address	Parcel No.	County
C3 Church Grayson, Inc.	1840 Silverstone Drive Lawrenceville, GA 30045	LG110010	Walton
Ann R. Jones	P.O. Box 408 Loganville, GA 30052	LG110007	Walton
Whitley Stalvey Properties, LLC	3132 US Highway 278 Covington, GA 30014	LG110009	Walton
JBL Enterprises, LLC	4460 Atlanta Highway Loganville, GA 30052	LG060139	Walton
Loganville Property c/o Flanagan Bilton, LLC	1 N. Lasalle Street Suite 2100 Chicago, IL 60602	LG060137	Walton
Ingles Markets, Inc.	P.O. Box 6676 Asheville, NC 28816	LG060138	Walton
Gallman Properties, LLC	4935 Shiloh Drive Loganville, GA 30052	LG060150	Walton

LEGAL DESCRIPTION

Tract 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Loganville, Land Lots 154, 155, and 185, 4th District, G.M.D. 417, Walton County, Georgia, and being more particularly described as follows:

COMMENCING at the intersection of the southwesterly R/W line of Church Street (40' R/W) with the southerly R/W line of Covington Street (40' R/W); THENCE running along said R/W line of Covington Street the following courses and distances: North 71 degrees 29 minutes 30 seconds West a distance of 347.83 feet to a 1/2" rebar found; THENCE North 72 degrees 06 minutes 38 seconds West a distance of 332.38 feet to a 1/2" rebar with cap found; said point being the **POINT OF BEGINNING**;

THENCE leaving said R/W line of Covington Street South 18 degrees 02 minutes 01 seconds West a distance of 300.15 feet to a 5/8" rebar found (disturbed); THENCE South 72 degrees 01 minutes 47 seconds East a distance of 51.24 feet to a metal fence post found; THENCE South 19 degrees 10 minutes 29 seconds West a distance of 442.98 feet to an iron pin set on the northeasterly R/W line of Atlanta Highway (aka U.S. Highway No. 78) (variable width R/W); THENCE running along said R/W line of Atlanta Highway the following courses and distances: THENCE North 58 degrees 48 minutes 27 seconds West a distance of 24.39 feet to a point; THENCE South 82 degrees 31 minutes 57 seconds West a distance of 32.01 feet to a right of way monument found; THENCE North 58 degrees 48 minutes 27 seconds West a distance of 325.00 feet to a right of way monument found; THENCE North 31 degrees 45 minutes 38 seconds West a distance of 15.42 feet to a 1/2" rebar with cap found; THENCE leaving said R/W line of Atlanta Highway North 32 degrees 29 minutes 00 seconds East a distance of 463.74 feet to a 5/8" rebar found; THENCE North 17 degrees 26 minutes 40 seconds East a distance of 218.11 feet to a 1/2" rebar with cap found on the southerly R/W line of Covington Street; THENCE running along said R/W line of Covington Street South 71 degrees 59 minutes 30 seconds East a distance of 224.99 feet to a 1/2" rebar with cap found; said point being the **POINT OF BEGINNING**.

Said tract or parcel of land containing 211,248 square feet, or 4.850 acres.

**DESCRIPTION OF
Proposed Tract 2A**

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Loganville, Land Lots 155 and 185, 4th District, G.M.D. 417, Walton County, Georgia, and being more particularly described as follows:

COMMENCING at the intersection of the southwesterly R/W line of Church Street (40' R/W) with the southerly R/W line of Covington Street (40' R/W); **THENCE** running along said R/W line of Covington Street North 71 degrees 29 minutes 30 seconds West a distance of 347.83 feet to a 1/2" rebar found; **THENCE** leaving said R/W line of Covington Street South 14 degrees 30 minutes 06 seconds West a distance of 507.09 feet to a 1/2" rebar found (disturbed); **THENCE** North 60 degrees 43 minutes 54 seconds West a distance of 150.20 feet to an iron pin set; **THENCE** North 58 degrees 47 minutes 28 seconds West a distance of 149.60 feet to a 5/8" rebar found (disturbed); said point being the **POINT OF BEGINNING**;

THENCE South 14 degrees 50 minutes 30 seconds West a distance of 314.48 feet to a R/W monument found on the northerly R/W line of Atlanta Highway (aka U.S. Highway No. 78); **THENCE** running along said R/W line of Atlanta Highway North 53 degrees 05 minutes 49 seconds West a distance of 21.97 feet to a point; **THENCE** continuing along said R/W line of Atlanta Highway North 58 degrees 48 minutes 27 seconds West a distance of 25.60 feet to an iron pin set; **THENCE** leaving said R/W line of Atlanta Highway North 19 degrees 10 minutes 29 seconds East a distance of 306.29 feet to a point; **THENCE** South 58 degrees 47 minutes 28 seconds East a distance of 22.70 feet to a 5/8" rebar found (disturbed); said point being the **POINT OF BEGINNING**.

Said tract or parcel of land containing 10,437 square feet, or 0.240 acres.



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

Julia A. Maxwell
Jeffrey R. Mahaffey
Steven A. Pickens
Jack M. Ryan
Gabrielle H. Schaller
S. Tess Shaheen
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

**COMBINED LETTER OF INTENT FOR REZONING AND CONCURRENT
VARIANCE APPLICATIONS OF BAMB REAL ESTATE, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and the attached rezoning and concurrent variance applications (the “Applications”) on behalf of BAMB Real Estate, LLC (the “Applicant”), relative to a proposed medical office building on an approximately 6.238-acre assemblage made up of three tracts of land (the “Property”) located along Atlanta Highway (US Highway 78). Tracts 1 and 2A (as depicted on the survey submitted with the Applications) are currently zoned R-44 (Single-Family Rural Residential District). Tract 3 is currently zoned CH (Commercial Highway District) with no conditions and is not a part of the Applications. The Applicant respectfully requests the city to rezone the Property to the CH (Commercial Highway District) classification in order to develop the Property for use as a Class A medical office building.

The proposed development will consist of a two-story medical office building totaling approximately 50,000 square feet. The Property has road frontage on Atlanta Highway and Covington Street. The Property will have two access driveways: a main entrance off of Atlanta Highway and a smaller back entrance off of Covington Street. The medical office building will be designed with attractive architectural elements that are in line with the surrounding aesthetic. Attractive landscaping will be provided including a ten-foot wide landscape strip along the frontage of Atlanta Highway as well as landscape islands in the parking lot. Additionally, the Applicant will provide screening and a five-foot wide landscape strip between the Property and adjacent residentially-zoned property.

Additionally, the proposed development is compatible with the existing land uses on nearby and adjacent properties. The Property is adjacent to land already zoned CH which has frontage on Atlanta Highway. The Atlanta Highway corridor is one of Loganville’s most highly

developed areas and the proposed development would complement the existing commercial uses as well as bring a much-needed service to Loganville residents. The Atlanta Highway corridor, especially in the area surrounding the Property, is dominated by a wide array of commercial and retail uses including three medical office buildings located to the West of the Property. The proposed medical office building would complement the existing commercial uses and expand Loganville residents' access to healthcare. Further, the proposed development is compatible with the Loganville Future Land Use Map which designates the surrounding properties as "Commercial" future land use categories. The Applicant respectfully submits that the subject Property is a prime location for a medical office building due to a number of factors including its frontage on a major transportation corridor.

In order to develop the Property as depicted on the site plan submitted with the Applications, the Applicant also requests relief from the ZO buffer and parking requirements. Specifically, the Applicant requests the following variances:

1. ZO § 119-380: a variance to decrease the minimum number of parking spaces allowed for a professional office from 1 space per 200 square feet of building area plus 3 spaces for each operator to 4.5 spaces per 1,000 square feet of building area. Based on the proposed building area of 50,000 square feet, the ZO would currently require a minimum of approximately 400 parking spaces.
2. ZO § 119-432: a variance to decrease the minimum required buffer width for the CH zoning district from 30 feet to 0 feet. In lieu of the required buffer, the Applicant will provide a five-foot landscape strip and adequate screening between the Property and the adjacent residential parcel.

The Applicant submits that the requested variance from the minimum number of parking spaces required for a professional office is justified a strict application of the ZO creates an extreme result that does not serve the purpose and intent of the ordinance itself. The purpose and intent of the minimum parking ordinance is to ensure that businesses in Loganville provide adequate parking for their patrons. However, requiring 1 space per 200 square feet of building area plus 3 spaces per operator will result in an excessive amount of parking that will detract from the overall aesthetic of the development and surrounding area. The Applicant is proposing to build a medical office building and has a vested interest in providing an adequate number of parking spaces for their patrons. If strictly interpreted, the ZO requires 5 parking spaces per 1,000 square feet plus an

additional 3 spaces per “operator”. The ZO is currently being interpreted so that “operator” means “employee,” but the ZO specifically uses the word “employee” in other sections of the parking ordinance. Medical office buildings employ a large number of people and it is an unreasonable result to allow for 3 parking spaces per employee when there can be upwards of 40-50 employees. Additionally, parking spaces increase the amount of impervious surface on a parcel which can in turn increase the amount of storm water runoff and negatively affect surrounding property owners.

The Applicant submits that the requested buffer variance from the required 30 feet to 0 feet is justified because of the size and shape of the Property. Also, the home situated on the adjacent residential property is situated sufficiently far away from the Property so that the approval of the requested variance would not create a detriment to the adjacent property owner’s use and enjoyment of their home. The Applicant will provide adequate screening and landscaping to mitigate any light and/or noise pollution that would affect the adjacent property owner. Additionally, the adjacent residential property is located in a heavily commercial area and will most likely be converted into a commercial use in the future. Accordingly, it would not make sense to require a buffer for a property that will likely become commercial when the ZO encourages and requires inter-parcel access between two commercially zoned properties.

The proposed development is compatible with surrounding zoning classifications and land uses, is inline with the land use policy of the Comprehensive Plan, and would provide Loganville residents with access to healthcare facilities. 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 Applications filed herewith. The Applicant respectfully requests your approval of the Applications.

Respectfully submitted this 5th day of September, 2024.

MAHAFFEY PICKENS TUCKER, LLP

Shane Lanham

Shane M. Lanham
Attorneys for the Applicant