

22-00250

RECEIVED



CHANGE IN CONDITIONS APPLICATION

MAY 16 2022

APPLICATION TO AMEND THE OFFICIAL ZONING MAP, SNELLVILLE GEORGIA
AND REQUEST TO AMEND PRIOR APPROVED CONDITIONS OF ZONING

CITY OF SNELLVILLE
PLANNING & DEVELOPMENT

City of Snellville
Planning & Development Department
2342 Oak Road, 2nd Floor
Snellville, GA 30078
Phone 770.985.3514 Fax 770.985.3551 www.snellville.org

3340 ROSEBUD RD #2200250
CHANGE IN ZONING COND #CIC 22-02
PARCEL- 5099 005; 027,003
TOMCO 3320/3330/3340 ROSEBUD RD

Applicant is: (check one)
 Owner's Agent
 Contract Purchaser
 Property Owner

Owner (if not the applicant): Check here if there are additional property owners and attach additional sheets.

Tomco Systems c/o Alliance Engineering and Planning

Name (please print) _____
299 South Main Street
Address _____
Alpharetta GA 3009
City, State, Zip Code _____
770-225-4730 ext. 819
Phone Number(s) _____ Fax _____

Name (please print) _____
Address _____
City, State, Zip Code _____
Phone Number(s) _____ Fax _____

Contact Person: Tyler Lasser Phone: 770-225-4730 ext. 819 Fax: _____
Cell Phone: 770-225-4730 ext. 819 E-mail: Tylerl@allianceco.com

Request to Change the Conditions for Rezoning Case No. **RZ** _____ and Ordinance No. _____ Approval Date: _____
Property Address/Location: 3330/3340/3320 Rosebud Road District 5 Land Lot 099 Parcel(s) 027, 005, 003

APPLICATION FEES:

- Change in Conditions Application \$ 500
- Public Notice Sign \$ 75 (single-sided) or \$125 (double-sided) per parcel, per road frontage
- Adjoining Property Owner Notice \$ 15 (per adjoining property X 2 public hearings)

UDO Sec. 103-9.9 Rezoning Condition Alteration

- An application to alter conditions of rezoning must be submitted and processed in accordance with all provisions applicable to zoning map amendments (UDO Sec. 103-9.4.C) through the Department, the Planning Commission for a public hearing, and to the City Council for a public hearing.
- The City Council may add or delete conditions to rezoning applications during the public hearing that are more or less restrictive than the UDO.

UDO Sec. 103-9.4.C. Zoning Map Amendments

Zoning map amendment applications must include the following:

1. Payment of the appropriate application fee as determined by the fee schedule.
2. A current legal description of the site to be rezoned. If the site proposed for amendment includes multiple lots, provide a separate legal description for each individual lot, together with a composite legal description for all lots.
3. Ten (10) printed boundary surveys of the site to be rezoned, at least one of which should be an 11 x 17-inch (or smaller) reduction. In addition, a digital copy in .pdf format must be submitted using email, flash drive, or other means approved by the Director. The survey must have been prepared by a registered land survey no more than 12 months before the date of submittal.
4. Letter of intent explaining what is proposed.
5. Applicant's and/or owner's certification.
6. Conflict of interest certification and disclosure of campaign contributions.
7. The names and addresses of the owners of the land and their agents, if any.

Pursuant to Section 103-9.4.C.11. of the Snellville Unified Development Ordinance, a written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters shall be included. Please respond to the following standards in the space provided or attach additional sheets if necessary. Simple yes/no answers or re-statement of the standard is not acceptable and shall be considered non-responsive.

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Response: Please see attached

B. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties.

Response: Please see attached

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Response: Please see attached

D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Response: Please see attached

E. Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Plan.

Response: Please see attached

F. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

Response: Please see attached

CERTIFICATIONS

APPLICANT'S CERTIFICATION

The undersigned below does hereby, swear or affirm under penalty of perjury under the laws of the State of Georgia, is authorized to make this application for Change in Conditions and that the statements and documents submitted as part of this application are true and accurate to the best of my knowledge or belief. The undersigned is aware that if the change in conditions application is denied by the City Council, no change in conditions application affecting any portion of the same property may be submitted less than twelve (12) months from the date of denial.

CSM 4/14/22
Signature of Applicant Date
CHRIS SCHMOGGER
VICE PRESIDENT
Type or Print Name and Title

Affix Notary Seal

Kimberly M Linton 4/14/22
Signature of Notary Public Date



PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, swear and affirm that I am (we are) the owner of property that is subject to this application, as shown in the records of Gwinnett County, Georgia which is the subject matter of the attached application. I further authorize Alliance Engineering and Planning to file this application. The undersigned is aware that that if the change in conditions application is denied by the City Council, no change in conditions application affecting any portion of the same property may be submitted less than twelve (12) months from the date of denial.

Check here if there are additional property owners and attach additional "Owner's Certification" sheets.

[Signature] 4/14/22
Signature of Owner Date
President
Type or Print Name and Title

Affix Notary Seal

Kimberly M Linton 4/14/22
Signature of Notary Public Date



AUTHORIZATION TO INSPECT PREMISES

With the signature below, I authorize the staff of the Department of Planning and Development of the City of Snellville, Georgia to inspect the premises, which are the subject of this Change in Conditions application.

I swear and affirm that the information contained in this application is true and accurate to the best of my knowledge and belief.

CSM

4/14/22

Signature of Owner or Agent

Date

CHRIS SCHMOEGKA - VICE PRESIDENT

Type or Print Name and Title

Affix Notary Seal



Kimberly M Linton

4/14/22

Signature of Notary Public


Date

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 5 - 099 - 027
(Map Reference Number) District Land Lot Parcel

 5/10/22
Signature of Applicant Date
CITRUS SCHMAECKEL - Vice President
Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Jacquleen P. Garcia Tax Associate I

NAME TITLE
05/13/2022


DATE

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 5 - 099 - 005
(Map Reference Number) District Land Lot Parcel

 5/10/22
Signature of Applicant Date
CITRUS SCHMOEGER - VICE PRESIDENT
Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

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Jacquleen P. Garcia Tax Associate I

NAME TITLE
05/13/2022


DATE

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***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 5 - 099 - 003
(Map Reference Number) District Land Lot Parcel

 5/10/22
Signature of Applicant Date
CHRIS SCHMOEGER - VICE PRESIDENT
Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Jacquleen P. Garcia Tax Associate I

NAME TITLE
05/13/2022

DATE

**CONFLICT OF INTEREST CERTIFICATIONS
FOR CHANGE IN CONDITIONS APPLICATION**

The undersigned below, making application for a Change in Conditions, has complied with the Official Code of Georgia Section 36-67A-1, et. seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on forms provided.

check here if there are additional applicants and attach additional "Conflict of Interest Certification" sheets.

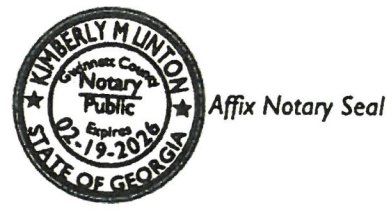
CSM 4/19/22
Signature of Applicant Date

CHRIS SCHMOECKEL - VP
Type or Print Name and Title

[Signature] 4/20/22
Signature of Applicant's Attorney or Representative Date

Luke Bradshaw - President
Type or Print Name and Title

Kimberly M Linton 4/20/22
Signature of Notary Public Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the last two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to any member of the Mayor and City Council or any member of the Snellville Planning Commission?

YES NO YOUR NAME: CHRIS SCHMOECKEL

If the answer above is YES, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (list all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within the last two years)

Check here and attach additional sheets if necessary to disclose or describe all contributions or gifts.

eFiled & eRecorded
DATE: 2/28/2018
TIME: 3:09 PM
DEED BOOK: 55711
PAGE: 00982 - 00984
RECORDING FEE: 18.00
PARTICIPANT ID: 6405611605
CLERK: Richard T Alexander Jr
Gwinnett County, GA
Cross-References: 2
NOTE: 18E006004

After recording return to:
Calloway Title & Escrow, LLC
David W. Dudley 2-359 89
4170 Ashford Dunwoody Rd. Ste. 525
Atlanta, Georgia 30319

<p>Please return to: Clay Sparrow, Esq. Seyfarth Shaw LLP 1075 Peachtree Street, N.E., Suite 2500 Atlanta, Georgia 30309</p>	<p>Please cross-reference to: Warranty Deed recorded at Deed Book 379, Page 501, Gwinnett County, Georgia records, as corrected by Corrective Warranty Deed recorded in Deed Book 441, Page 10, aforesaid Records.</p>
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TITLE AFFIDAVIT WITH RESPECT TO CERTAIN REAL PROPERTY

The undersigned (“Affiant”) appearing before me, a notary public in and for the State of Georgia, authorized to take and administer oaths, having been duly sworn, deposes and says that:

1. Affiant is the Chief Financial Officer and Treasurer, Transfer Agent and Assistant Secretary for Tomco₂ Systems Company, a Georgia corporation (“Tomco₂”).
2. Tomco₂ is the successor-by-name-change to Tomco₂ Equipment Company, a Georgia corporation. Tomco₂ Equipment Company is the current owner of certain real property described on Exhibit “A” (“Property”) attached hereto and incorporated herein by reference, which Property is the subject of this Affidavit.
3. This Affidavit is made pursuant to the provisions of O.C.G.A. Section 44-2-20 with the knowledge that the same will be filed for record under the provisions of said Section and with the knowledge that it may be relied upon by attorneys examining the title to the Property, by a purchaser or purchasers in purchasing the Property, by a lender or lenders making a loan or loans secured by the Property, and/ or by a title insurance company in issuing its policy or policies of title insurance with respect to the Property.
4. On April 9, 1970, Tomco₂ Equipment Company acquired certain real property by virtue of that certain Warranty Deed from Joe B. Dekle, recorded in the Deed Records of Gwinnett County, Georgia at Deed Book 379, Page 501 (the “Original Warranty Deed”). The legal description set forth in the Original Warranty Deed described seven (7) acres shown on a survey by S.R. Fields, Surveyor, dated August 24, 1970 (the “Fields Survey”) and recorded in Plat Book U, Page 158 of the aforesaid Records. The Original Warranty Deed also contained a metes and bounds description for the property conveyed thereby.
5. The Original Warranty Deed incorrectly recited the name of Tomco₂ Equipment Company as “Tomco Equipment Company”. Tomco₂ Equipment Company has never been incorporated as “Tomco Equipment Company”, and the use of the name “Tomco Equipment Company” as grantee in the Original Warranty Deed was an error.

6. On January 4, 1972, Joe B. Dekle executed and delivered a Corrective Warranty Deed correcting the name of the grantee from "Tomco Equipment Company" to "Tomco₂ Equipment Company". The Corrective Warranty Deed was recorded in Deed Book 441, Page 10 of the aforesaid Records (the "Corrective Warranty Deed").

7. The Corrective Warranty Deed contains the same legal description as the legal description set forth in the Original Warranty Deed, including the same metes and bounds; however, the plat book recording information for the Field Survey was not completed in the legal description for the Corrective Warranty Deed. It should have referenced Plat Book U, Page 158, as set forth in the Original Warranty Deed.

FURTHER, AFFIANT SAYETH NOT.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand and seal, this 23 day of February, 2018.

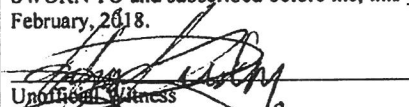


SWORN TO and subscribed before me, this <u>23</u> day of February, 2018.	AFFIANT:
 _____ Notary Public	 (SEAL) Name: Lynn G. Brown
My Commission Expires: <u>7/27/20</u>	
[NOTARIAL SEAL]	



EXHIBIT "A"

All that 15.212 acres lying and being in Land Lot 99 of the 5th Land District of Gwinnett County, Georgia and being more particularly described as follows;

Commencing at the intersection of the southerly 60' right of way of Brushy Fork Road and the easterly 80' right of way of Rosebud Road and running thence along said 80' right of way of Rosebud Road a distance of 293.21' to a 1" square rod, said 1" square rod being the Point of Beginning, thence leaving said right of way S 63°44'23"E 617.25' to a 5/8" rebar on the aforesaid 60' right of way of Brushy fork Road, thence along said 60' right of way of Brushy Fork Road S 27°45'06"E a distance of 55.63' to a point, thence leaving said right of way S 62°08'08"W a distance of 70.00' to a point, thence S 27°45'06"E a distance of 30.00' to a point, thence S 62°08'08"W a distance of 275.23' to a 5/8" rebar, thence S 01°07'08"W a distance of 452.30' to a 1/2" rebar, thence S 41°26'50"E a distance of 374.60' to a 1/2" rebar, thence S 81°42'02"W a distance of 171.12' to a 1/2" rebar, thence N 30°26'55"W a distance of 317.23' to a 1/2" rebar in concrete, thence S 68°18'03"W a distance of 198.46' to a 1/2" rebar, thence N 84°50'43"W a distance of 334.58' to a 1/2" rebar in concrete, thence N 13°37'13"W a distance of 465.36' to a 1/2" rebar on the aforesaid right of way of Rosebud Road, thence continuing along said right of way N 39°23'06"E a distance of 345.89' to a point, thence 248.18' along the arc of a 2285.35' radius curve to the left, said curve being subtended by a chord of N 36°16'27"E a distance of 248.06' to a point, thence 134.42' along the arc of a 796.04' radius curve to the left, said curve being subtended by a chord of N 28°19'32"E a distance of 134.26' to a 1" square rod and the Point of Beginning.

eFiled & eRecorded
DATE: 2/28/2018
TIME: 7:48 PM
DEED BOOK: 55711
PAGE: 00985 - 00989
RECORDING FEE: 18.00
TRANSFER TAX: 129.00
PARTICIPANT ID: 3905886521
CLERK: Richard T Alexander Jr
Gwinnett County, GA
PT61: 067-2018-004631
NOTE: 18E006005 Sug

Return Recorded Document to:

**The Beltrami Law Firm, P.C.
1820 The Exchange
Suite 150
Atlanta, GA 30339**

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COBB

File #: L18-36

THIS INDENTURE, Made the 28th day of February, in the year 2018, between SUWANEE DAM DEVELOPMENT COMPANY LLC, a Georgia Limited Liability Company, as party or parties of the first part, hereinafter called Grantor, and SDC GWINNETT LLC, a Georgia limited liability company, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor for and in consideration of the sum of Ten and 00/100 (\$10.00) DOLLARS and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee:

See Exhibit "A" attached hereto and made a part hereof.

Subject only to those matters set forth and described on Exhibit "B" attached hereto and incorporated herein by reference (hereinafter referred to as the "Permitted Exceptions"), incident or appurtenant thereto (hereinafter referred to collectively as the "Property").

This conveyance is made subject to all reservations, covenants, conditions, restrictions, and easements of record, and to all applicable zoning ordinances and/or restrictions or requirements imposed by governmental authorities, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons owning, holding, or claiming by, through or under the said Grantor, except for claims arising under or by virtue of the Permitted Exceptions attached hereto as Exhibit "B", and hereby incorporated by reference.

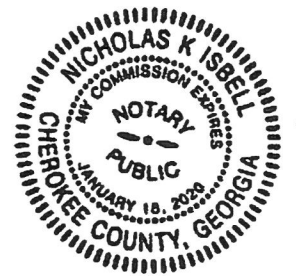
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

Edward W. Kloister
Unofficial Witness

[Signature]
Notary Public

Suwanee Dam Development Company
LLC, a Georgia limited liability company
By: [Signature]
John W. Sax, Director of Finance



eFiled & eRecorded
 DATE: 2/28/2018
 TIME: 3:09 PM
 DEED BOOK: 55711
 PAGE: 00979 - 00981
 RECORDING FEE: 28.00
 PARTICIPANT ID: 6405611605
 CLERK: Richard T Alexander Jr
 Gwinnett County, GA
 Cross-References: 2
 NOTE: 18E006003

After recording return to:
 Calloway Title & Escrow, LLC
David W. Dudley 2-359889
 4170 Ashford Dunwoody Rd. Ste. 525
 Atlanta, Georgia 30319

Return to: Seyfarth Shaw LLP
 Attn: Clay Sparrow, Esq.
 1075 Peachtree Street, NE
 Suite 2500
 Atlanta, Georgia 30309

Cross-Reference: Deed Book 2786, Page 632
 Deed Book 5723, Page 20
Gwinnett County, GA Records

QUITCLAIM DEED FOR RELEASE OF SECURITY DEEDS

STATE OF NORTH CAROLINA
 COUNTY OF GUILFORD

THIS INDENTURE is made this 1st day of February, 2018 by and between THE LINCOLN NATIONAL LIFE INSURANCE COMPANY, an Indiana corporation, successor-by-merger to Jefferson-Pilot Life Insurance Company, which is the successor-by-name-change to Jefferson Standard Life Insurance Company, as party of the First Part, hereinafter called "Grantor", and TOMCO₂ SYSTEMS COMPANY, successor-by-name-change to Tomco₂ Equipment Company, as party or parties of the Second Part, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits and shall include the singular and plural and the masculine, feminine, and neuter as the context requires),

WITNESSETH

THAT Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, in hand paid at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, does hereby remise, release, convey and forever QUITCLAIM unto the said Grantee all the right, title, interest, claims, or demands of Grantor in and to the following described property, to wit:

THE PROPERTY DESCRIBED ON EXHIBIT "A", WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

This instrument is intended and does release the above described property from the following Deeds To Secure Debt and Security Agreements:

1. Deed to Secure Debt and Security Agreement from Tomco₂ Equipment Company, a Georgia corporation, to Jefferson Standard Life Insurance Company, a North Carolina corporation, dated March 29, 1984, filed for record May 17, 1984 at 4:46 p.m., recorded in Deed Book 2786, Page 632, Records of Gwinnett County, Georgia.

2. Deed to Secure Debt and Security Agreement from Tomco₂ Equipment Company, a Georgia corporation to Jefferson-Pilot Life Insurance Company, a North Carolina corporation, dated October 19, 1989, filed for record October 23, 1989 at 3:26 p.m., recorded in Deed Book 5723, Page 20, Records of Gwinnett County, Georgia.

This Quitclaim Deed For Release Of Deeds to Secure Debt is intended to and does solely release the above described property from the Deeds To Secure Debt and Security Agreements described above and is not intended to and does not release or discharge Grantee from any obligation and/or indebtedness Grantee may have to Grantor under any other promissory note, guaranty, security deed, security instrument, or any other loan document and/or agreement between the parties hereto.

TO HAVE AND TO HOLD the said described property to Grantee, its heirs, and assigns so neither Grantor nor any person or persons claiming under Grantor shall at any time hereafter, by any means or ways, have, claim or demand any right of title or interest in or to the aforesaid property or its appurtenances, or any rights hereof.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

Maelyn J. Smith
Unofficial Witness

Zachary M. Illig
Notary Public

My Commission Expires: 11/11/18



THE LINCOLN NATIONAL LIFE INSURANCE COMPANY, an Indiana corporation

By: Richard C. Millard *af*
Richard C. Millard, Vice President

By: Andrea Fox Tierney
Andrea Fox Tierney, Assistant Secretary

EXHIBIT "A"

All that 15.212 acres lying and being in Land Lot 99 of the 5th Land District of Gwinnett County, Georgia and being more particularly described as follows;

Commencing at the intersection of the southerly 60' right of way of Brushy Fork Road and the easterly 80' right of way of Rosebud Road and running thence along said 80' right of way of Rosebud Road a distance of 293.21' to a 1" square rod, said 1" square rod being the Point of Beginning, thence leaving said right of way S 63°44'23"E 617.25' to a 5/8" rebar on the aforesaid 60' right of way of Brushy fork Road, thence along said 60' right of way of Brushy Fork Road S 27°45'06"E a distance of 55.63' to a point, thence leaving said right of way S 62°08'08"W a distance of 70.00' to a point, thence S 27°45'06"E a distance of 30.00' to a point, thence S 62°08'08"W a distance of 275.23' to a 5/8" rebar, thence S 01°07'08"W a distance of 452.30' to a 1/2" rebar, thence S 41°26'50"E a distance of 374.60' to a 1/2" rebar, thence S 81°42'02"W a distance of 171.12' to a 1/2" rebar, thence N 30°26'55"W a distance of 317.23' to a 1/2" rebar in concrete, thence S 68°18'03"W a distance of 198.46' to a 1/2" rebar, thence N 84°50'43"W a distance of 334.58' to a 1/2" rebar in concrete, thence N 13°37'13"W a distance of 465.36' to a 1/2" rebar on the aforesaid right of way of Rosebud Road, thence continuing along said right of way N 39°23'06"E a distance of 345.89' to a point, thence 248.18' along the arc of a 2285.35' radius curve to the left, said curve being subtended by a chord of N 36°16'27"E a distance of 248.06' to a point, thence 134.42' along the arc of a 796.04' radius curve to the left, said curve being subtended by a chord of N 28°19'32"E a distance of 134.26' to a 1" square rod and the Point of Beginning.

Applicant's Letter of Intent

5009 027, 5009 005, 5009 003

The applicant, Tomco Systems, submits the attached Change-in-Conditions application to request a series of variances on the subject site. The variances would largely allow for the site to remain in its current condition, which has been sufficient since the operations of the company began. As proposed, the only significant change would be the construction of a 2,400 square foot expansion of the existing metal buildings on site. The below list provides a breakdown of what would remain on the site in its current state, which would require a variance to maintain. In phase 2, after the construction of the metal building expansion, Tomco plans to construct a new building on the existing parking area at the southwest corner of the site. At this time, Tomco will upgrade the site to meet the standards of the zoning ordinance, including stormwater facilities, parking, landscaping, etc. The variances, however, will allow for Tomco to maintain the site as-is until phase 2. In the meantime, Tomco will be upgrading their ground signage to a monument-style sign, which would otherwise require a variance to maintain in its current state.

Requested Variances

- Allow for existing metal buildings to remain and allow for the expansion of the building to be metal.
- Allow to maintain parking area as exists and maintain gravel parking/storage.
- Keep and maintain existing stormwater facilities and waive curb and gutter standards.
- Maintain existing lighting on site.
- Maintain existing tree density
- Maintain parking lot islands

Please refer the attached documents including pictures of the existing site, and conceptual plans for the phase 2 expansion.

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Response:

Yes, the use of the property will remain as is.

B. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties. Response:

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Any planned additions to the development will not impact the surround properties.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned. Response:

Yes, the site does have a reasonable economic use as currently zoned. The use will remain the same, and the site will be updated.

D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Response:

The zoning proposal will not affect the use of existing streets, transportation facilities, utilities or schools.

E. Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Plan. Response:

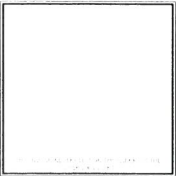
The zoning proposal will not have an impact on the site's current conformity with the intent of the Future Land Use Plan.

F. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal. Response:

The proposed addition's consistency with the current state of the development, as well as plans to meet other code compliance concurrently and/or during a second phase are amongst reasons for approval of the change in conditions request.

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of 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, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

2023-06-01 10:45:30 AM 10.000000 10.000000 10.000000 10.000000



ZONING
 R-1 Single-Family Residential
 R-2 Single-Family Residential
 R-3 Single-Family Residential
 R-4 Single-Family Residential
 R-5 Single-Family Residential
 R-6 Single-Family Residential
 R-7 Single-Family Residential
 R-8 Single-Family Residential
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 R-10 Single-Family Residential
 R-11 Single-Family Residential
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 R-50 Single-Family Residential

ZONING
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 R-45 Single-Family Residential
 R-46 Single-Family Residential
 R-47 Single-Family Residential
 R-48 Single-Family Residential
 R-49 Single-Family Residential
 R-50 Single-Family Residential

LEGEND

- Building
- Boundary
- Easement
- Right-of-Way
- Survey Point
- Utility
- Fencing
- Other

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
CC	2285.53	246.88	246.08	N 37°44'00" E	87°02'00"
CC	706.04	54.27	54.11	N 53°38'04" E	67°36'51"
CC	603.94	532.80	231.69	N 57°23'49" E	18°53'28"
CC	447.47	283.45	259.69	S 30°10'47" E	33°44'00"

LINE TABLE

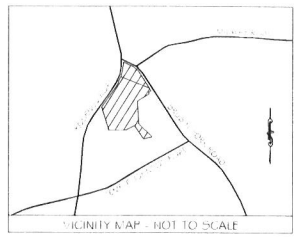
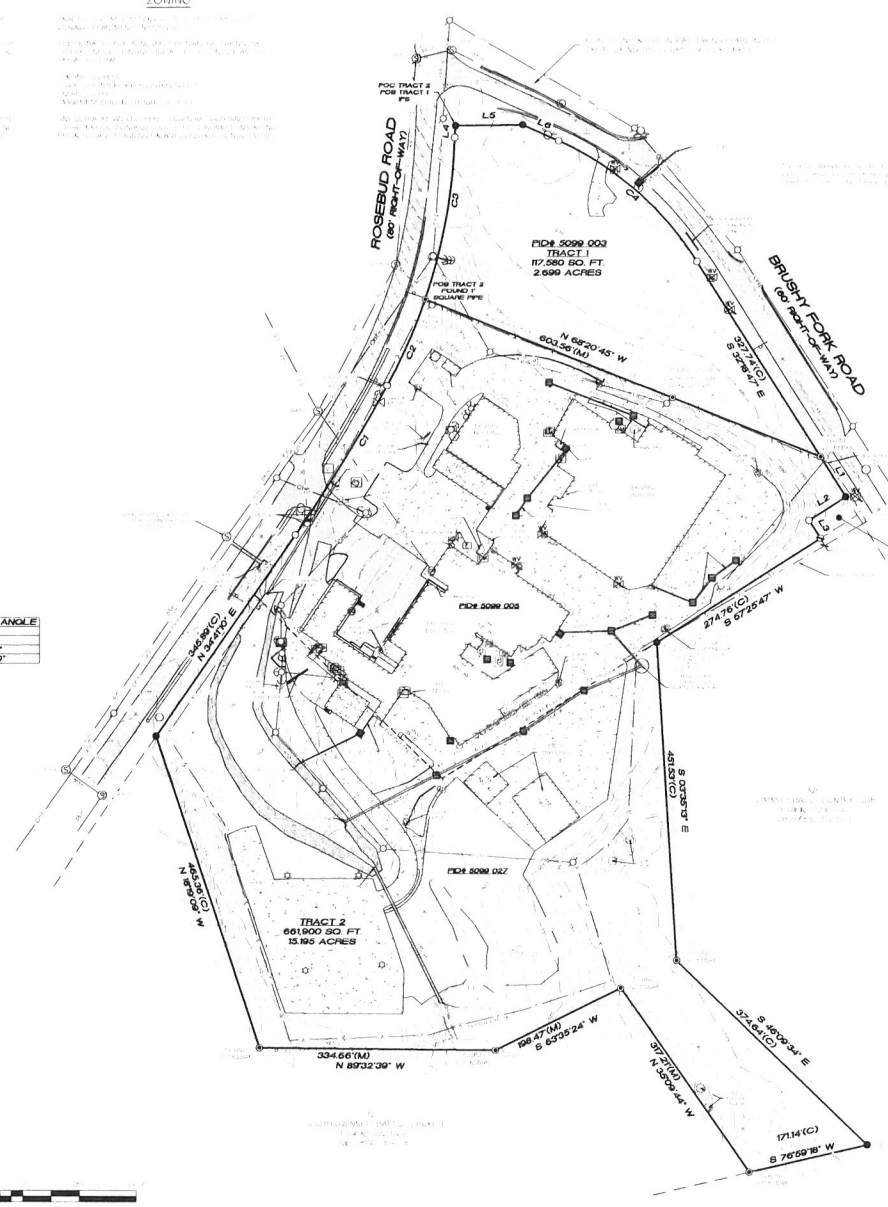
LINE	BEARING	DISTANCE
L1	S 32°49'47" E	66.64
L2	S 57°25'47" W	81.69
L3	S 57°27'27" E	39.95
L4	N 2°48'22" E	17.00
L5	N 60°03'40" E	86.45
L6	S 59°02'47" E	55.98

SEWER INVERTS

1.00' 10.00' 11.00' 12.00' 13.00' 14.00' 15.00' 16.00' 17.00' 18.00' 19.00' 20.00' 21.00' 22.00' 23.00' 24.00' 25.00' 26.00' 27.00' 28.00' 29.00' 30.00' 31.00' 32.00' 33.00' 34.00' 35.00' 36.00' 37.00' 38.00' 39.00' 40.00' 41.00' 42.00' 43.00' 44.00' 45.00' 46.00' 47.00' 48.00' 49.00' 50.00' 51.00' 52.00' 53.00' 54.00' 55.00' 56.00' 57.00' 58.00' 59.00' 60.00' 61.00' 62.00' 63.00' 64.00' 65.00' 66.00' 67.00' 68.00' 69.00' 70.00' 71.00' 72.00' 73.00' 74.00' 75.00' 76.00' 77.00' 78.00' 79.00' 80.00' 81.00' 82.00' 83.00' 84.00' 85.00' 86.00' 87.00' 88.00' 89.00' 90.00' 91.00' 92.00' 93.00' 94.00' 95.00' 96.00' 97.00' 98.00' 99.00' 100.00'

STORM INVERTS

1.00' 2.00' 3.00' 4.00' 5.00' 6.00' 7.00' 8.00' 9.00' 10.00' 11.00' 12.00' 13.00' 14.00' 15.00' 16.00' 17.00' 18.00' 19.00' 20.00' 21.00' 22.00' 23.00' 24.00' 25.00' 26.00' 27.00' 28.00' 29.00' 30.00' 31.00' 32.00' 33.00' 34.00' 35.00' 36.00' 37.00' 38.00' 39.00' 40.00' 41.00' 42.00' 43.00' 44.00' 45.00' 46.00' 47.00' 48.00' 49.00' 50.00' 51.00' 52.00' 53.00' 54.00' 55.00' 56.00' 57.00' 58.00' 59.00' 60.00' 61.00' 62.00' 63.00' 64.00' 65.00' 66.00' 67.00' 68.00' 69.00' 70.00' 71.00' 72.00' 73.00' 74.00' 75.00' 76.00' 77.00' 78.00' 79.00' 80.00' 81.00' 82.00' 83.00' 84.00' 85.00' 86.00' 87.00' 88.00' 89.00' 90.00' 91.00' 92.00' 93.00' 94.00' 95.00' 96.00' 97.00' 98.00' 99.00' 100.00'



DESCRIPTION

This plat shows the boundaries of Tract 1 and Tract 2, as well as various easements and utility lines. The survey was conducted using modern surveying techniques and instruments. The bearings and distances are given in feet and inches, rounded to the nearest hundredth of an inch. The survey is subject to the provisions of the Georgia Surveying and Mapping Act of 1997.

WARRANTY

The surveyor warrants that the bearings and distances are true to the best of his knowledge and belief, and that the survey was conducted in accordance with the standards and practices of the profession. The surveyor does not warrant the accuracy of the bearings and distances, or the validity of the survey, except as stated herein.



SURVEYOR CERTIFICATION

I, Michael C. Bell, Surveyor No. 145, do hereby certify that I am a duly licensed and qualified surveyor under the laws of the State of Georgia. I am satisfied that the foregoing is a true and correct copy of the original survey plat, as shown to me by the client, and that the same conforms to the standards and practices of the profession. I have read the foregoing and I am satisfied that the same is a true and correct copy of the original survey plat, as shown to me by the client, and that the same conforms to the standards and practices of the profession.

Michael C. Bell



Specimen Tree Survey Data

Specimen Tree ID Number	Size (Inches) DBH	Type (Common Name)	Description (Identification Criteria)	Condition Summary (Excellent, Good, Fair, Poor, Dead)	Not a Specimen (X)
1	92	Loblolly Pine	Minor Dead Limbs	Fair	

Sample Area #1

DBH	Species
16	Loblolly Pine
22	Loblolly Pine
26	Loblolly Pine
4	Black Gum
4	Water Oak
5	Water Oak
19	Loblolly Pine
6	Black Gum
4	Water Oak
17	Loblolly Pine
16	Loblolly Pine
21	Loblolly Pine
4	Black Cherry
9	Water Oak
5	Water Oak
7	Water Oak
6	Black Cherry
9	Black Cherry
6	Red Maple
5	Black Gum

MOORE
URBAN FORESTRY

5962 LAKE LANIER HEIGHTS RD
BUDORD, GEORGIA 30518
(770) 530-4114
MOOREURBANFORESTRY@GMAIL.COM

PREPARED FOR

ALLIANCE ENGINEERING & PLANNING, LLC
299 S. Main St.
Alpharetta, GA. 30009
770-225-4730

PROJECT NAME

TOMCO2 SYSTEMS

TASK

Specimen Tree Survey



PROJECT INFORMATION

TOMCO2 SYSTEMS

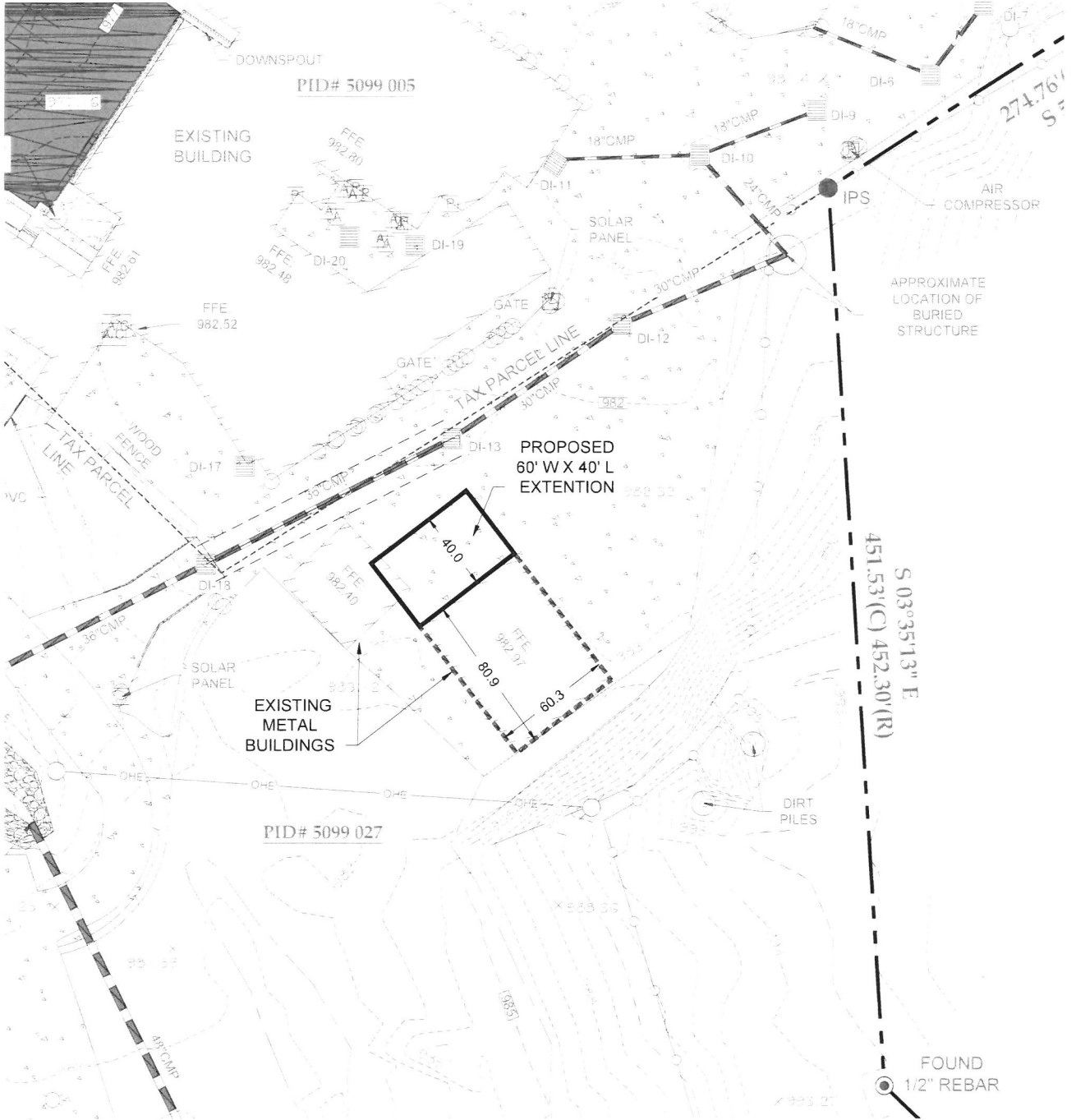
Project Number
3340 Rosebud Road
Project Address
Parcel ID No. 10
City/State/County
Snellville, GA, Gwinnett

DATE	BY

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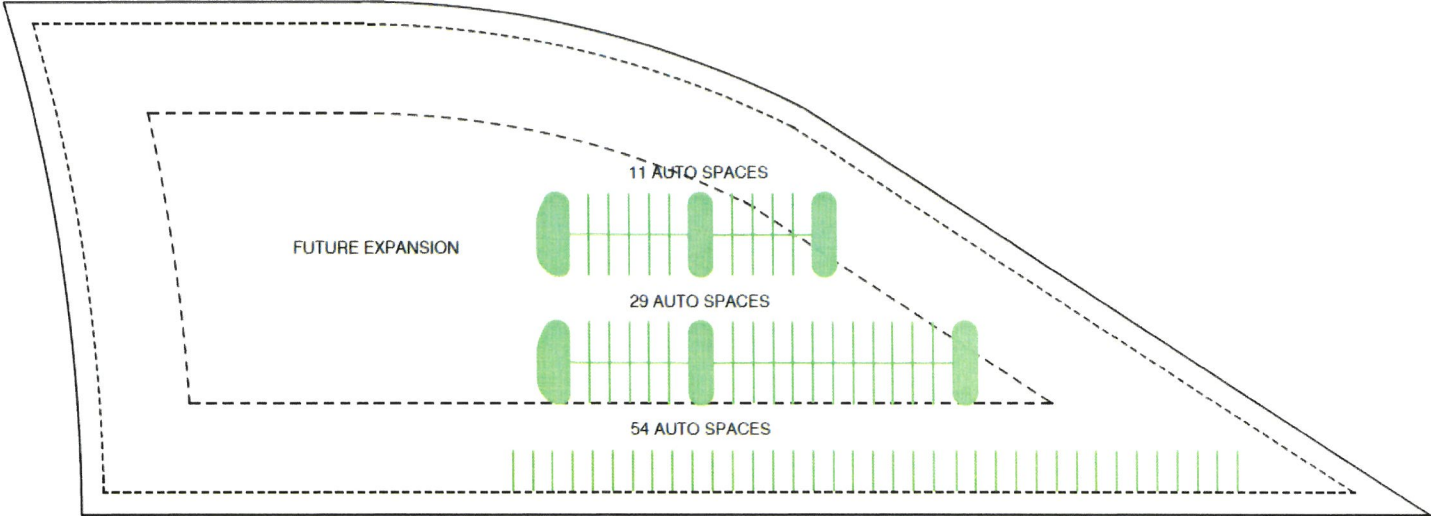
T1

PROJECT NO.



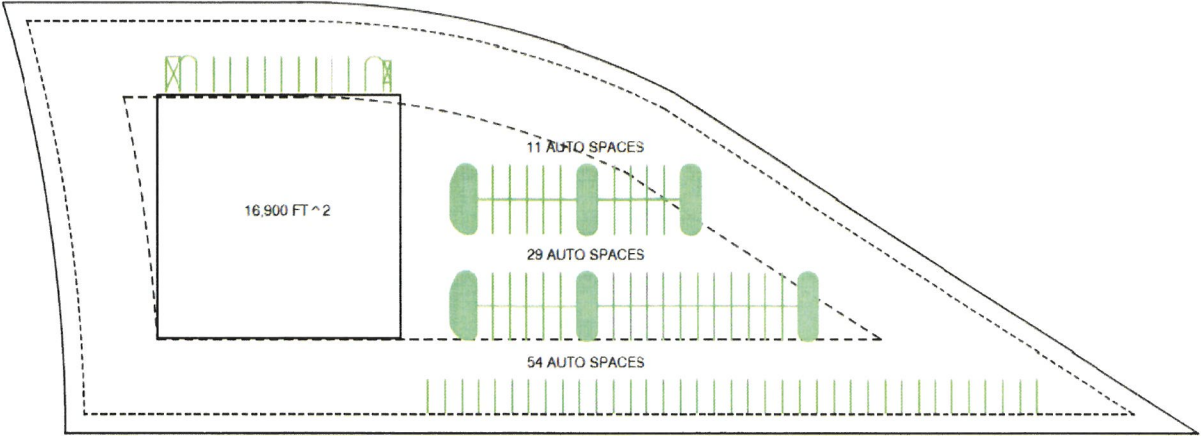
Land Acquisition | Scenario 1 – Parking/Storage

- Employee Parking – 100+ spaces
- Allows for immediate transition of existing parking lot to equipment storage
- Leaves room for potential future expansion



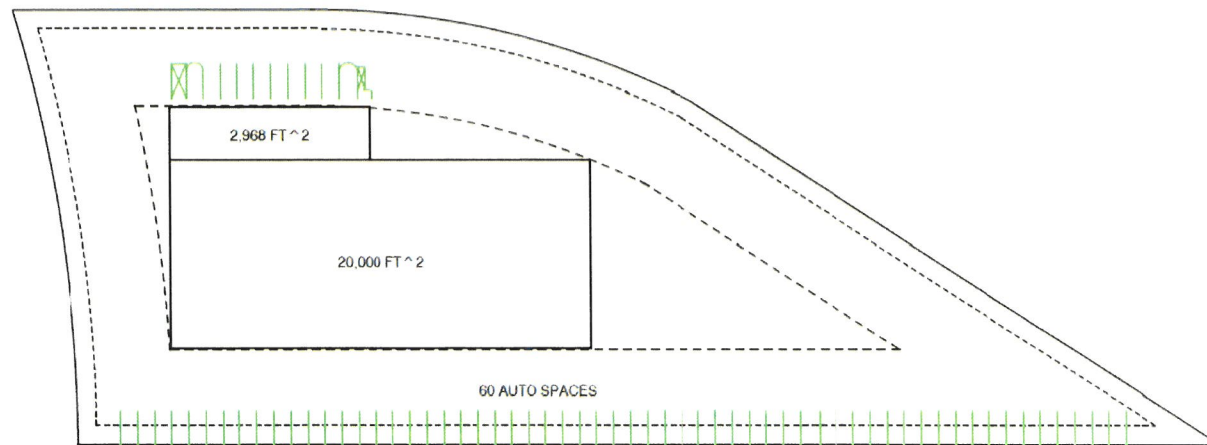
Land Acquisition | Scenario 2 – Office Expansion

- Employee Parking
- 17,000 sq ft Office Space

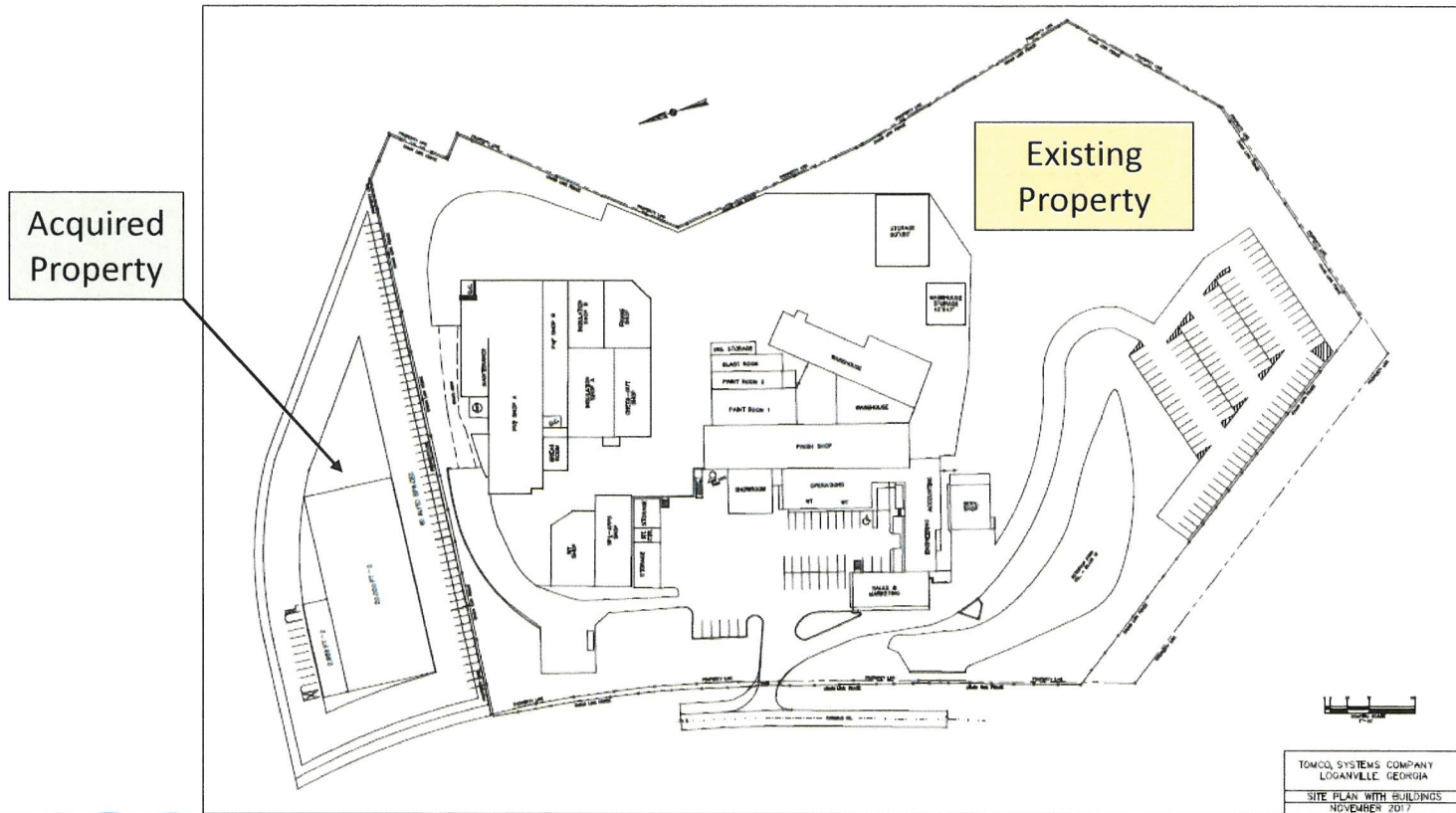


Land Acquisition | Scenario 3 - Office, Light Production/Warehouse

- Employee Parking
- Allows for future potential expansion/relocation of other product lines/businesses (additional jobs/revenue for city/county)
- 3000 sq ft Office Space
- 20,000 sq ft light production/warehouse space

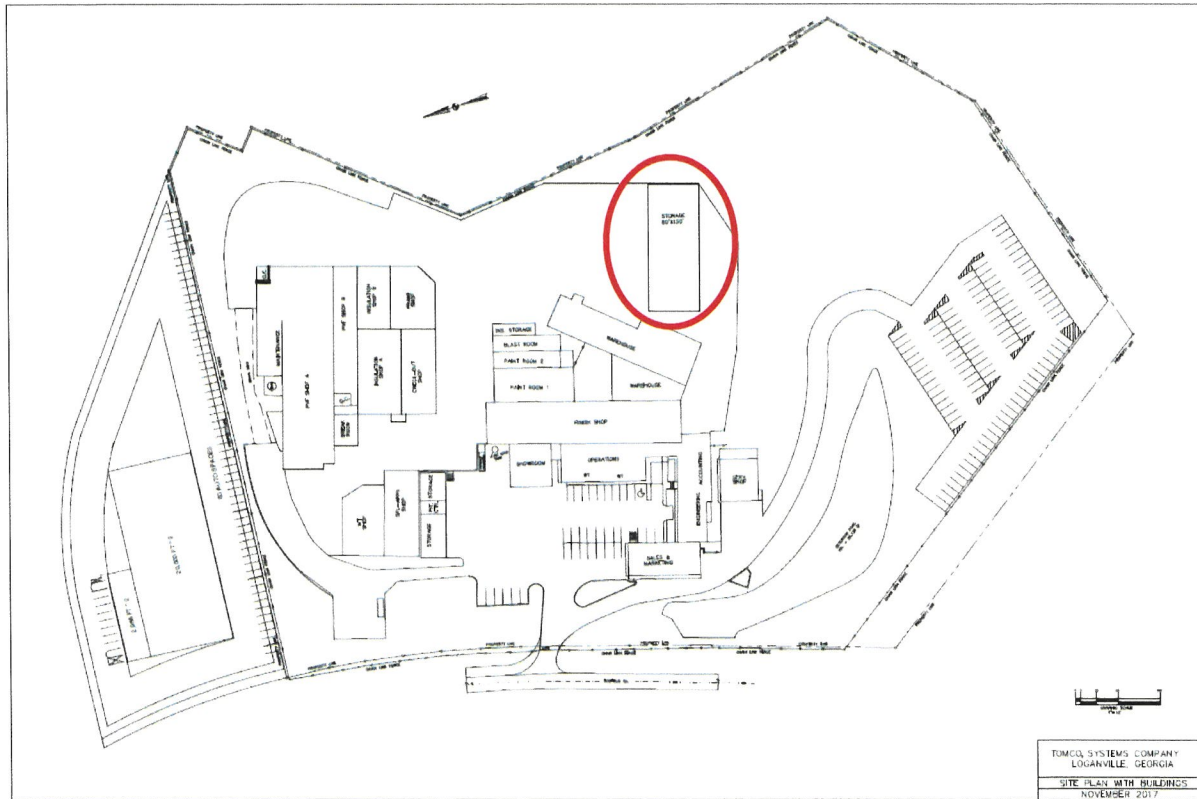


Land Acquisition | Combined (Current & New Property) Aerial View



Driving Global CO₂ Solutions

Potential Future Plans | Expand/Enclose Storage Building



Potential Future Plans | Additional Manufacturing Building

