

## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** RZC2024-00015  
**Current Zoning:** O-I (Office-Institutional District)  
**Request:** Rezoning to C-2 (General Business District)  
**Additional Request:** Variance  
**Address:** 1207 Braselton Highway  
**Map Number:** R7054 114  
**Site Area:** 1.60 acres  
**Square Feet:** 8,000  
**Proposed Development:** Convenience Store with Fuel Pumps  
**Commission District:** District 4 – Commissioner Holtkamp  
**Future Development Type:** Suburban Residential

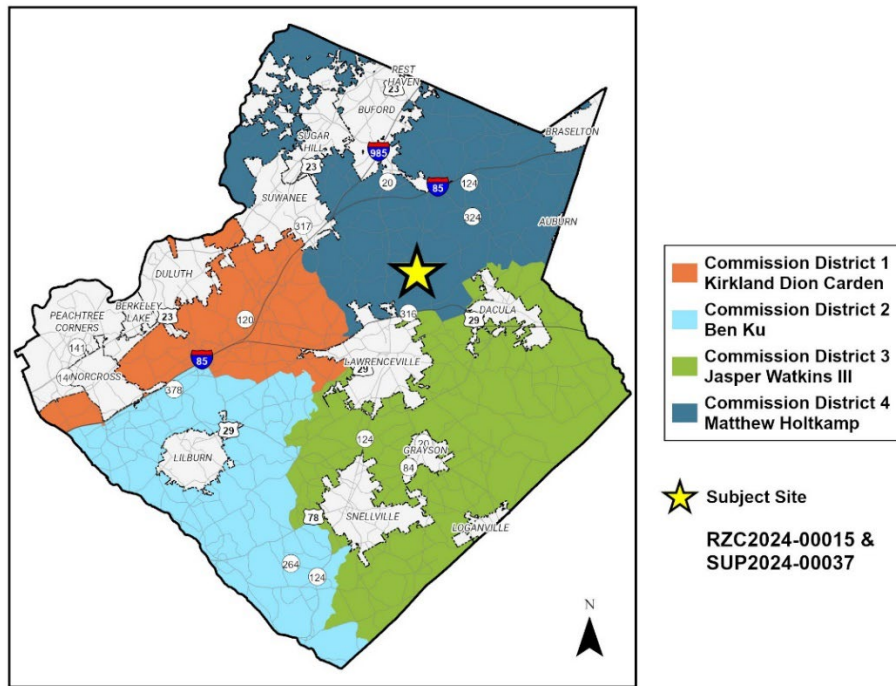
**Staff Recommendation:** DENIAL

**Planning Commission  
Recommendation:** DENIAL

**Case Number:** SUP2024-00037  
**Proposed Zoning:** C-2 (General Business District)  
**Request:** Special Use Permit  
**Additional Request:** Variance  
**Address:** 1207 Braselton Highway  
**Map Number:** R7054 114  
**Site Area:** 1.60 acres  
**Square Feet:** 8,000  
**Proposed Development:** Convenience Store with Fuel Pumps  
**Commission District:** District 4 – Commissioner Holtkamp  
**Future Development Type:** Suburban Residential

**Staff Recommendation:** DENIAL

**Planning Commission  
Recommendation:** DENIAL



**Applicants:** Keshwani Holdings, LLC  
c/o W. Charles "Chuck" Ross  
P.O. Box 1390  
Lawrenceville, GA 30046

**Owner:** Annie Akmakjian  
4768 Wellington Drive  
Long Grove, IL 60047

**Contact:** W. Charles "Chuck" Ross

**Contact Phone:** 770.962.0100

## Zoning History

The subject property is zoned O-I (Office-Institutional District). In 2004, a rezoning to C-2 (General Business District) for a retail center was denied, pursuant to RZC-04-041.

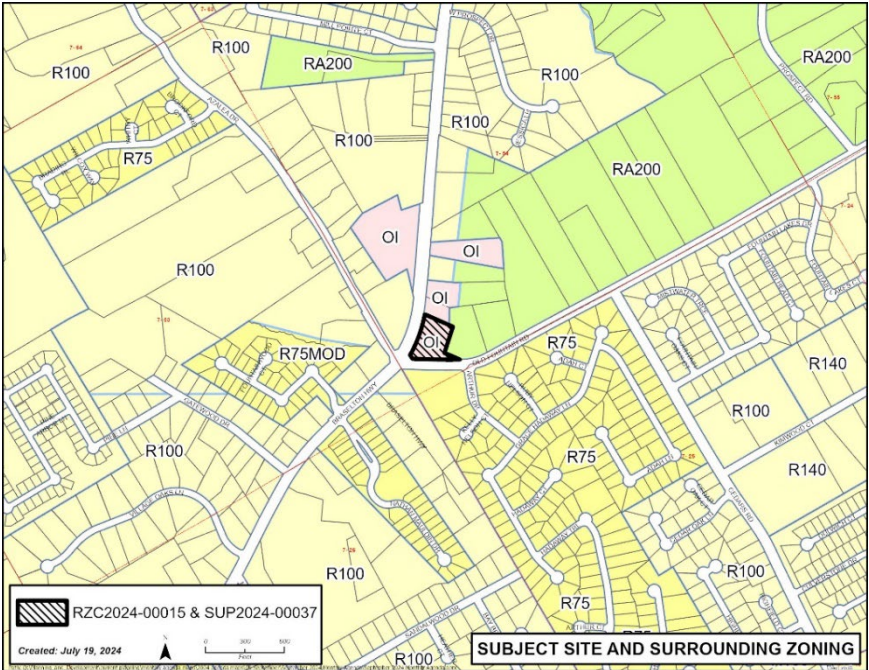
## Existing Site Condition

The site is a 1.60-acre parcel located in the northeast corner of Braselton Highway and Old Fountain Road. The site is vacant; however, pavement and existing driveways onto Braselton Highway remain from a previous use. The site is flat and wooded along the eastern and southern property lines. There are no sidewalks along either road frontage; however, crosswalks are located at the intersection. The nearest Gwinnett County Transit stop is approximately 3.2 miles from the subject property.

## Surrounding Use and Zoning

The site is located in a residential area alongside neighborhood-serving office and institutional uses fronting Braselton Highway. Small office buildings and a daycare center are located to the north along Braselton Highway. The recreation area for the Hadaway residential subdivision is located to the south across Old Fountain Road. A residence on a large lot fronting Old Fountain Road is located to the east.

A vacant single-family residence is located across Braselton Highway to the west. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning
Proposed	Convenience Store with Fuel Pumps	C-2
North	Office	O-I
East	Single-Family Residential	RA-200
South	Single-Family Residential	R-75
West	Single-Family Residential	R-100

### Project Summary

The applicant requests a rezoning of a 1.60-acre property from O-I to C-2 and a special use permit for a convenience store with fuel pumps, including:

- An 8,000 square foot building consisting of a 5,000 square foot convenience store and two 1,500 square foot retail tenant spaces.
- Two fuel canopies with a total of eight fuel pumps located between the building and Braselton Highway.
- Exterior building materials consisting of brick, EIFS, and a stone water table.
- 22 parking spaces, including three compact spaces, located to the front and side of the building.
- A four-foot-wide sidewalk adjacent to the front and southern side of the building connecting all building entrances.
- A dumpster enclosure in the side yard to the north of the building.
- Reuse of the existing right-in/right-out driveway on Braselton Highway and adding one right-in/right-out driveway on Old Fountain Road.
- A 5-foot-wide sidewalk and a 10-foot-wide landscape strip along both road frontages.
- A 20-foot-wide interparcel driveway stub to the adjacent O-I zoned parcel to the north.
- Underground stormwater area between the building and Old Fountain Road in the front yard.

- A 75-foot-wide buffer along the eastern property line, reduced to 59.4 feet along the access drive on Old Fountain Road.
- An eight-foot-tall opaque fence along the rear of the building outside of the 75-foot-wide buffer.

## Zoning and Development Standards

The applicant is requesting a rezoning and special use permit in C-2 for a convenience store with fuel pumps. The following is a summary of applicable Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Floor Area Ratio	Maximum 1.0	0.12	YES
Building Height	Maximum 45'	<45'	YES
Lot Coverage	Maximum 80%	45%	YES
Front Yard Setback	0'	>0'	YES
Side Yard Setback	0'	>0'	YES
Rear Yard Setback	0'	>0'	YES
Off-Street Parking	Minimum: 16 spaces Maximum 27 spaces	22 spaces	YES
Landscape Strip	10'	10'	YES
Driveways Surrounding Gasoline Pumps	Maximum 40'	28'	YES
Zoning Buffer	75'	59.4'	NO*

\* The applicant has requested a variance to reduce the required buffer.

In addition to the rezoning and special use requests, the applicant is seeking a variance from the following provision of Title II of the UDO:

### 1. Section 230-100.1 C. Minimum Buffer Requirements.

#### **A 75-foot-wide undisturbed zoning buffer for C-2 adjacent to RA-200 zoned property.**

The applicant is requesting to reduce a portion of the required 75-foot-wide undisturbed zoning buffer adjacent to RA-200 along the eastern property line to 59.4 feet to provide space for the driveway access to Old Fountain Road. The required 5-foot-wide structure setback against the zoning buffer would remain.

## Public Participation

The applicant held a community meeting for the development on Friday, August 16, 2024, at the Dacula Park Activity Building in Dacula. There were 10 community members in attendance, who raised questions and concerns regarding traffic impacts, stormwater impacts, and potential decreases in property values of surrounding residences. The applicant responded by proposing to enhance the zoning buffer with a privacy fence and intends to discuss potential road improvements with the Gwinnett County Department of Transportation including an extended deceleration lane and bollards to prevent left turns from Old Fountain Road. The public participation plan and report are in Exhibit F.



## Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit G). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

## Staff Analysis

**Rezoning and Special Use Permit Requests Analysis:** According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.6. For special use permits, the Department shall also evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.6. After this evaluation, staff makes the following findings based on the standards from the UDO:

**A. Whether a proposed rezoning and special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The surrounding area is predominantly single-family residential, with a few relatively small parcels zoned for office and institutional uses. The nearest C-2 zoned development is located almost two miles southwest at the intersection of Braselton Highway and Buford Drive. The proposed rezoning and special use permit would permit a use that is not suitable in view of the use and development of adjacent and nearby property.

**B. Whether a proposed rezoning and special use permit will adversely affect the existing use or usability of adjacent or nearby property.**

Introducing a convenience store with fuel pumps in an established residential area could result in excessive noise and traffic generation impacts. The applicant is also requesting a buffer reduction which could exacerbate potential adverse impacts on the existing adjoining residence.

**C. Whether the property to be affected by a proposed rezoning and special use permit has a reasonable economic use as currently zoned.**

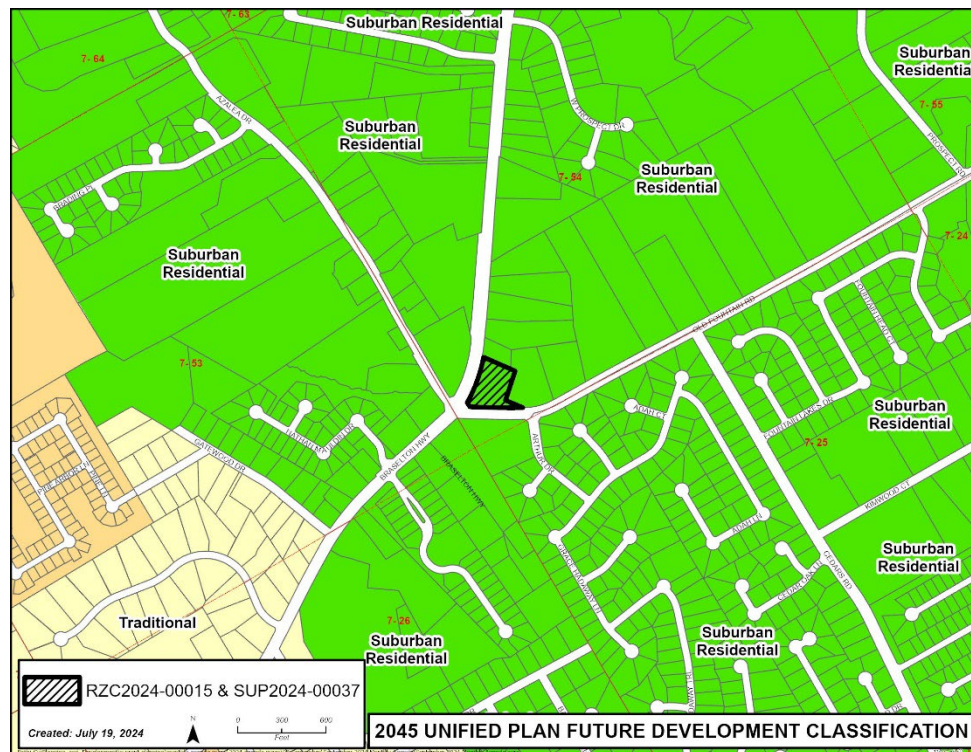
The property has a reasonable economic use as currently zoned.

**D. Whether the proposed rezoning and special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning and special use permit request are attached (Exhibit G).

**E. Whether the proposed rezoning and special use permit is in conformity with the policy and intent of the Unified Plan and Future Development Map; and**

The Unified Plan's Future Development Map indicates "Suburban Residential" for the subject property, which envisions single-family detached residential uses. Auto-oriented commercial is not a recommended land use and C-2 is not a recommended zoning district for the future development type. The proposed rezoning is not in conformity with the policy and intent of the Unified Plan and Future Development Map.



**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 proposed rezoning and special use permit.**

There are no other conditions giving support for approval or disapproval of the proposed rezoning and special use permit requests.

**Variance Request Analysis:** The standards for granting variances are outlined in Section 270-100.7 of the UDO. Staff makes the following findings related to the variance request:

The applicant is requesting to reduce the required 75-foot-wide undisturbed zoning buffer to 59.4 feet adjacent to RA-200 along the eastern property line. The reduction would allow for right-in/right-out access to Old Fountain Road. This request is limited to a triangular portion of the buffer resulting from an unusually shaped property line. Although the variance would not nullify the intent of the Unified Development Ordinance, it is related to the zoning and special use permit requests that are recommended to be denied.

## Staff Recommendation

Based on the staff's evaluation of the requests and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the rezoning and special use permit requests.

In addition, staff recommends **DENIAL** of the following variance:

1. To reduce the zoning buffer to 59.4 feet for driveway access to Old Fountain Road.

## Staff Recommended Conditions

NOTE: The following conditions are provided as a guide should the Board of Commissioners choose to approve this petition.

### **RZC2024-00015**

Approval of a special use permit for a convenience store with fuel pumps and accessory uses in C-2 (General Business District), subject to the following conditions:

1. Uses on the property shall be limited to a convenience store with fuel pumps and accessory uses with a valid Special Use Permit.
2. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received July 17, 2024, and Exhibit C: Building Elevations dated received July 11, 2024, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
3. The interparcel access driveway stub to the north shall be provided with a minimum width of 22 feet.
4. A traffic impact study shall be provided with the application of a land disturbance permit to include analysis of the intersection of Braselton Highway and Old Fountain Road/Azalea Drive, as well as each proposed site driveway. Any recommended improvements shall be required subject to the review and approval of the Gwinnett County Department of Transportation or the Georgia Department of Transportation.
5. Access to the dumpster shall not impede vehicular parking spaces.

### **SUP2024-00037**

Approval of a special use permit for a convenience store with fuel pumps and accessory uses subject to the following conditions:

1. The special use of the property shall be limited to a convenience store with fuel pumps and accessory uses.
2. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received July 17, 2024 and Exhibit C: Building Elevations dated received July 11,

2024, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.

3. The interparcel access driveway stub to the north shall be provided with a minimum width of 22 feet.
4. A traffic impact study shall be provided with the application of a land disturbance permit to include analysis of the intersection of Braselton Highway and Old Fountain Road/Azalea Drive, as well as each proposed site driveway. Any recommended improvements shall be required subject to the review and approval of the Gwinnett County Department of Transportation or the Georgia Department of Transportation.
5. Access to the dumpster shall not impede vehicular parking spaces.

### **Planning Commission Recommendation**

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **DENIAL** of the rezoning and special use permit requests.

In addition, the Planning Commission recommends **DENIAL** of the following variance request:

1. To reduce the zoning buffer to 59.4 feet for driveway access to Old Fountain Road.

**Exhibits:**

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. Public Participation Plan and Report
- G. Internal and External Agency Review Comments
- H. Maps



## Exhibit A: Site Visit Photos



View of existing main access to Braselton Highway



View of existing secondary access to Braselton Highway





View of Old Fountain Road frontage, site on right



View of Braselton Highway frontage, site on left



View of abutting dentist office to the north



View of abutting residence to the east

**Exhibit B: Site Plan**

**[attached]**



RECEIVED

7.17.2024

**SITE NOTES:**

1. THE SITE CONTAINS 1,595 ACRES/ 69,516 SQUARE FEET  
TOTAL DISTURBED ACREAGE: TBD
2. SITE ADDRESS: 1207 BRASELTON HWY, LAWRENCEVILLE, GWINNETT COUNTY, GA, 30043
3. EXISTING ZONING: O-1 (OFFICE INSTITUTIONAL)
4. PROPOSED ZONING: C-2 (GENERAL BUSINESS DISTRICT)
5. SURVEY INFORMATION TAKEN FROM SURVEYS PERFORMED BY ADAM & LEE LAND SURVEYING  
DATED 9-11-2024.
6. THIS SITE IS NOT LOCATED WITHIN A ZONE (A, AE, SHADED ZONE X) AS DEFINED BY F.L.R.M.  
COMMUNITY PANEL NUMBERS 13135C0060 F DATED SEPTEMBER 20, 2008 FOR  
UNINCORPORATED GWINNETT COUNTY, GEORGIA.
7. THERE ARE NO EXISTING EASEMENTS, STATE WATER BUFFERS, STREAM BUFFERS OR  
FLOODPLAIN BUFFER THAT APPLY TO THIS PROPERTY.
8. TO THE BEST OF OUR KNOWLEDGE, THERE NO CEMETERIES, ARCHITECTURAL, OR  
ARCHAEOLOGICAL LANDMARKS EXIST ON SITE. IN THE EVENT THAT THESE LANDMARKS ARE  
DISCOVERED DURING CONSTRUCTION, THE ENGINEER MUST BE CONTACTED IMMEDIATELY FOR  
REVIEW AND AMENDING THE CONSTRUCTION PLANS.

THE DEVELOPMENT SHALL BE ADA COMPLIANT

**ZONING CONFORMANCE:**

SITE ZONING: C-2 (GENERAL BUSINESS DISTRICT)  
ALL SETBACKS: 0 FEET  
BUILDING HEIGHT: NO MORE THAN 45 FEET

**PARKING:**

**COMMERCIAL STORE, GASOLINE STATION:**

BUILDING AREA = 8,000 FT<sup>2</sup>  
MINIMUM SPACES ALLOWED = 1 SPACE PER 500 FT<sup>2</sup> =  $\frac{8000}{500}$  = 16 SPACES  
MAXIMUM SPACES ALLOWED = 1 SPACE PER 300 FT<sup>2</sup> =  $\frac{8000}{300}$  = 27 SPACES

**PROVIDED SPACES:**

STANDARD SPACES = 17 SPACES  
COMPACT SPACES = 3 SPACES (15% ALLOWED)  
ADA SPACES = 2 SPACES  
TOTAL SPACES = 22 SPACES

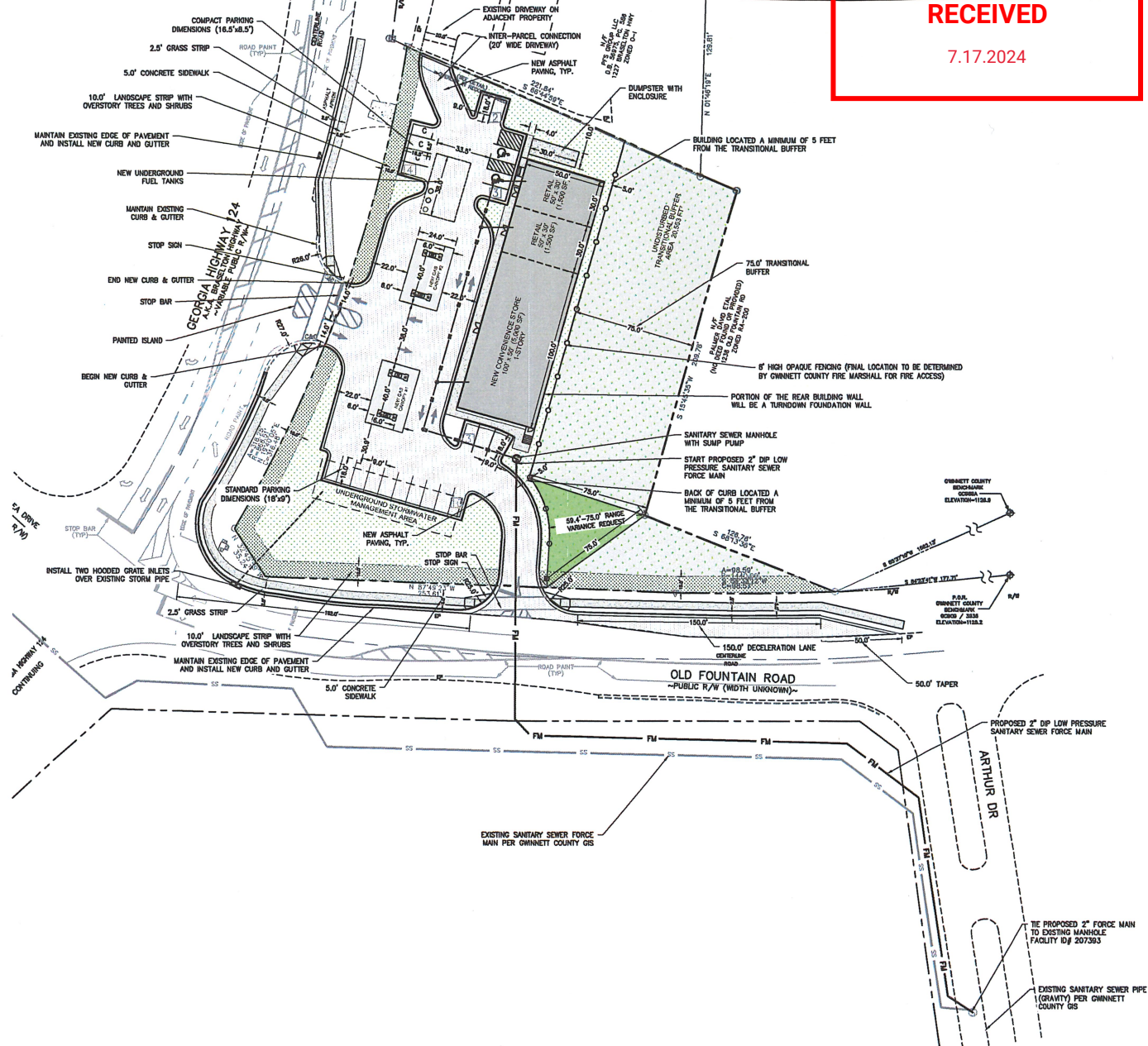
**LOT COVERAGE CALCULATIONS:**

THE SITE CONTAINS: 69,516 FT<sup>2</sup>  
PROPOSED IMPERVIOUS AREAS  
BUILDING = 8,000 FT<sup>2</sup>  
GAS CANOPY = 1,920 FT<sup>2</sup>  
SIDEWALK + DUMPSTER PAD = 1,540 FT<sup>2</sup>  
ASPHALT = 17,747 FT<sup>2</sup>  
CURB & GUTTER = 1,928 FT<sup>2</sup>  
TOTAL IMPERVIOUS AREA = 31,135 FT<sup>2</sup>

PROPOSED LOT COVERAGE = 44.78%  
MAXIMUM ALLOWABLE COVERAGE = 60%

**FAR CALCULATION:**

TOTAL SITE AREA: 69,516 FT<sup>2</sup>  
BUILDING AREA: 8,000 FT<sup>2</sup>  
PROPOSED FAR = 0.12  
ALLOWED FAR = 1



Prepared By:  
CRESSIDY NEW  
ENGINEERING, LLC  
2114 Fraser Street  
Marietta, GA 30060  
770-426-1111  
www.cressidynew.com

Prepared For:  
KESHWANI,  
INVESTMENTS, LLC  
1000 Peachtree Street, NE  
Atlanta, GA 30309  
404-516-8848  
KESHWANI@GMAIL.COM

**SITE PLAN**

DATE	02/22/24	REVISIONS	02/22/24	COUNTY COMMENTS	02/22/24
SCALE	AS SHOWN	02/22/24			
CHECKED	02/22/24				

CONSTRUCTION PLANS FOR:  
1207 BRASELTON HWY  
LAND LOT 84, 7TH DISTRICT  
LAWRENCEVILLE, GWINNETT COUNTY, GA

OVER PLOT 24-092

SHEET NO.  
C-1



## **Exhibit C: Building Elevations**

**[attached]**



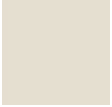


RECEIVED

7.11.2024

Color and Material Legend:

- Fuel Canopy façade  
Color: Southern Breeze  
(PPG1097-2)



- Store:
- EIFS – 3' up, all sides  
Color Anew Gray



- Brick – 3' down, all sides



- Wood columns & Beams –  
Location: front of C-Store.  
Color: SW 3029 Ember



- Eldorado Stone  
Location: Front of Store  
Column .  
Style - Country Rubble  
Color-Cognac



**Exhibit D: Letter of Intent and Applicant's Response to Standards**

**[attached]**

Tony Powell  
Brian Edwards  
Nathan Powell  
W. Charles Ross



**POWELL & EDWARDS**  
ATTORNEYS AT LAW

Jay Crowley  
Mandy Williams  
Laura Walsh  
Laura Shoop

June 27, 2024

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

**RECEIVED**

7.17.2024

Matt Dickison, Director  
Gwinnett County Planning & Development  
75 Langley Drive  
Lawrenceville, Georgia 30046

**RE: APPLICATION FOR REZONING, SPECIAL USE PERMIT AND  
LETTER OF INTENT FOR KESHWANI HOLDINGS, LLC.**

Dear Mr. Dickison:

Powell & Edwards, P.C. submits this Letter of Intent on behalf of Keshwani Holdings, LLC (the “Applicant”) to request a rezoning from the O-I district to the C-2 district and for a Special Use Permit for a convenience store with fuel pumps to be built upon property located at 1207 Braselton Highway in Lawrenceville and having Gwinnett County Tax ID Number of R7054 114 (the “Property”).

The Applicant is the contract purchaser of the 1.595-acre parcel which sits at the intersection of Braselton Highway and Old Fountain Road. The Applicant intends to construct a modern 5,000 square foot convenience store with fuel pumps and two attached retail suites of 1,500 square feet each. The Property is located within the Suburban Residential Character Area of the new 2045 Unified Plan. Although the proposed use is not contemplated in this character area which only includes residential uses, it should be noted that the property is already zoned O-I which is also not contemplated under this character area. Additionally, a dental office, insurance agency and two-preschools are also in the immediate area and would not fall under the definition of the character area either. Most important is that as a practical matter, the location is at an intersection that is highly traveled and no residential property, which is only what is contemplated under this character area, would ever be constructed there. In fact, due to the nature of the busy intersection, the property owner has not been able to find any purchasers interested in an office, pre-school or associated permitted use.

However, the corner location is a positive attribute for the proposed use. The corner lot would aid in ingress and egress. It should be noted that both ingress/egress points are “right-in/right-out” only, so there is no danger of traffic backing up from motorists trying to cross traffic. Additionally, this not a location that would generate additional traffic as it would not be a destination anyone would specifically travel to, but rather would serve as a

**A PROFESSIONAL CORPORATION**

P.O. Box 1390 • Lawrenceville, Georgia 30046-1390 • [powelledwards.com](http://powelledwards.com) • 770.962.0100

*Street Address For Direct Deliveries Only • 10 Lumpkin Street Lawrenceville, GA 30046*



convenience for the nearby resident's and passing commuters to easily enter, get gas or food and then continue on their way.

The parcel is bordered by an O-I use to the north and a residential property to the east. A 75-foot buffer with privacy fence will be situated between the properties. The building and fuel canopy will be finished with County-approved materials which will be attractive and appropriate situated next to a row of O-I properties on one side and a buffer on the other. Due to well-developed land planning, the only variance requested is for relief from Section 230-100 for a very small section (less than 10%) of the 75-foot buffer where it meets the apex of the southern driveway.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concern relating to the matters set forth in this Letter of Intent or in its applications for rezoning and a Special Use Permit filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted,

POWELL & EDWARDS, P.C.



W. Charles "Chuck" Ross  
Attorney for Applicant

RECEIVED

6.27.2024

### STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to requirements of the Unified Development Ordinance, the Board of Commissioners finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use attachment as necessary:

- (A) Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property:  
Yes. The property sits in a heavily-traveled intersection which makes it inappropriate for residential or its current O-I designation. It is bordered on one side by an O-I use and a residential property on the other. There will be a 75-foot wooded buffer between the project and residential use.
- (B) Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property:  
No. This use will not be a "destination" that brings more traffic. It will be a convenience for neighbors or motorists passing by. As it is "right-in/right-out" only, there will not be an issue of traffic backing up to enter or exit.
- (C) Whether the property to be affected by a proposed rezoning has reasonable economic use as currently zoned:  
No, due to the busy nature of the intersection, the property has received little interest to develop as it is currently zoned.
- (D) Whether the proposed rezoning will result in a use which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:  
No. As noted above, this will not be a destination, unlike a pre-school or office use. Rather, it will simply be a convenience for those already traveling the corridor.
- (E) Whether the proposed rezoning is in conformity with the policy and intent of the Unified Plan and Future Development Map:  
As noted in the Letter of Intent, the Property is located within the Suburban Residential Character Area of the new 2045 Unified Plan. This Character Area only contemplates residential use. However, it is currently zoned in a non-residential capacity, is adjacent to another O-I use and is in the immediate vicinity of at least 3 other non-residential uses. Further, due to the nature of the intersection, this property will never be developed as residential. The fact that the owner has been unable to sell the property as currently zoned attests to this fact. Accordingly, to follow the Unified Plan in regard to this parcel would be an unconstitutional exercise of government zoning power.

(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 proposed rezoning:

Yes. The two roads abutting the Property have become extremely heavily-traveled which has significantly altered the potential uses of the Property and makes it non-representative of the character area.

4

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

**RECEIVED**

6.27.2024

**Exhibit E: Application and Disclosure of Campaign Contributions**

**[attached]**

RECEIVED

7.17.2024

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF WINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
<p>Keshwani Holdings LLC C/O</p> <p>Name: <u>W. Charles "Chuck" Ross, Esq</u></p> <p>Address: <u>PO Box 1390</u></p> <p>City: <u>Lawrenceville</u></p> <p>State: <u>Georgia</u> ZIP: <u>30046</u></p> <p>Phone: <u>770-962-0100</u></p> <p>Email: <u>cross@powelledwards.com</u></p>	<p>Name: <u>Annie Akmakjian</u></p> <p>Address: <u>4768 Wellington Drive</u></p> <p>City: <u>Long Grove</u></p> <p>State: <u>Illinois</u> ZIP: <u>60047-5223</u></p> <p>Phone: <u>847-778-0463</u></p> <p>Email: <u>drsam001@aol.com</u></p>
<p>Contact Person: <u>W. Charles "Chuck" Ross, Esq.</u> Phone: <u>770-962-0100</u></p> <p>Contact's Email: <u>cross@powelledwards.com</u></p>	
<p><b>APPLICANT IS THE:</b></p> <p> <input type="checkbox"/> Owner's Agent           <input type="checkbox"/> Property Owner           <input checked="" type="checkbox"/> Contract Purchaser         </p>	
<p>Current Zoning District(s): <u>O-1</u> Requested Zoning District: <u>C-2</u></p> <p>Parcel Number(s): <u>R7054 114</u> Acreage: <u>1.595</u></p> <p>Property Address(es): <u>1207 Braselton Highway, Lawrenceville, Georgia 30043</u></p> <p>Proposed Development: <u>Convenience store with gas pumps &amp; attached retail businesses.</u></p> <p>Variance(s): <u>Relief from 230-100 for portion of buffer(&lt;10% overall)</u> Waiver(s): <u>N/A</u></p>	
<p><b>RESIDENTIAL DEVELOPMENT</b></p> <p>No. of Dwelling Units: _____</p> <p>Dwelling Unit Sq. Ft.: _____</p> <p>Density: _____</p> <p>Floor Area Ratio (LRR, MRR, HRR): _____</p>	<p><b>NON-RESIDENTIAL DEVELOPMENT</b></p> <p>No. of Buildings: <u>1</u></p> <p>Total Building Sq. Ft.: <u>8,000</u></p> <p>Floor Area Ratio: <u>0.12</u></p>
<p><b>MIXED-USE DEVELOPMENT</b></p> <p>No. of Dwelling Units: _____ Dwelling Unit Sq. Ft.: _____</p> <p>Total Non-Residential Sq. Ft.: _____ Floor Area Ratio: _____</p>	



**RECEIVED**

7.17.2024

**SPECIAL USE PERMIT APPLICATION**

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
Name: <u>Keshwani Holdings, LLC C/O W. Charles "Chuck" Ross, Esq</u>	Name: <u>Annie Akmakjian</u>
Address: <u>PO Box 1390</u>	Address: <u>4768 Wellington Drive</u>
City: <u>Lawrenceville</u>	City: <u>Long Grove</u>
State: <u>Georgia</u> ZIP: <u>30046</u>	State: <u>Illinois</u> ZIP: <u>60047-5223</u>
Phone: <u>770-962-0100</u>	Phone: <u>847-778-0463</u>
Email: <u>cross@powelledwards.com</u>	Email: <u>drsam001@aol.com</u>
Contact Person: <u>W. Charles Ross, Esq.</u> Phone: <u>770-962-0100</u>	
Contact's Email: <u>cross@powelledwards.com</u>	
<p align="center"><b>APPLICANT IS THE:</b></p> <p> <input type="checkbox"/> OWNER'S AGENT    <input type="checkbox"/> PROPERTY OWNER    <input checked="" type="checkbox"/> CONTRACT PURCHASER </p>	
Existing/Proposed Zoning District(s): <u>O-I/C-2</u>	
Parcel Number(s): <u>R7054 114</u> Acreage: <u>1.595</u>	
Property Address(es): <u>1207 Braselton Highway, Lawrenceville, Georgia 30043</u>	
Proposed Development: <u>Convenience store with gas pumps &amp; attached retail businesses.</u>	
Variance(s): <u>Relief from 230-100 for portion of buffer(&lt;10% overall)</u> Waiver(s): <u>N/A</u>	
Building/Leased Sq. Ft.: <u>8,000</u> Floor Area Ratio: <u>0.12</u>	

RECEIVED

6.27.2024

**REZONING APPLICANT'S CERTIFICATION**

The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.



Signature of Applicant

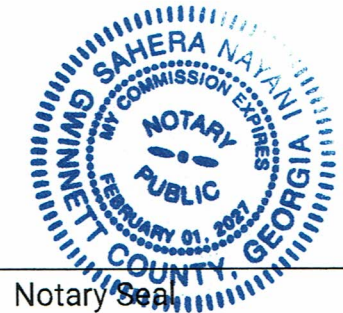
4/30/24  
Date

Naushad Keshwani, Member  
Type or Print Name and Title



Signature of Notary Public

4/30/2024  
Date



Notary Seal


RECEIVED

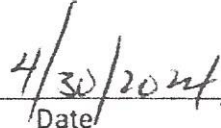
6.27.2024

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 12/2023

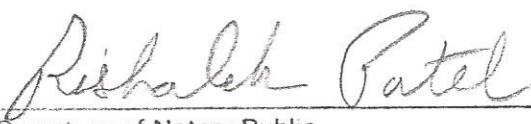
**REZONING PROPERTY OWNER'S CERTIFICATION**

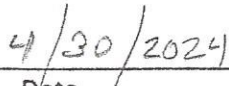
The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.

  
Signature of Property Owner

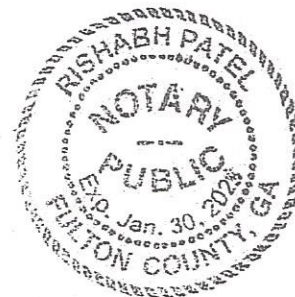
  
Date

Annie Akmakjian, Owner  
Type or Print Name and Title

  
Signature of Notary Public

  
Date

Notary Seal


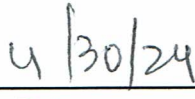


RECEIVED

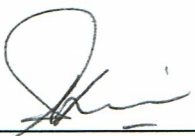
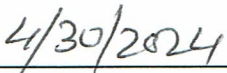
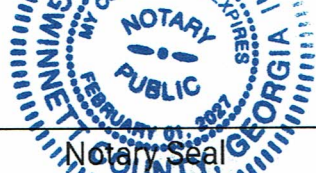
6.27.2024

**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

The undersigned below, making application for a rezoning, 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 the forms provided.



 Naushad Keshwani, Member  
 Signature of Applicant Date Type of Print Name and Title

Signature of Applicant's Attorney or Representative Date Type of Print Name and Title



  
 Signature of Notary Public Date Notary Seal

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners?

☐ Yes
 ☒ No
 \_\_\_\_\_ (Your Name)

If the answer 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 last two years)

Attach additional sheets if necessary to disclose or describe all contributions.



RECEIVED

6.27.2024

### CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, making application for a rezoning, 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 the forms provided.

Signature of Applicant Date Type of Print Name and Title

*W. Charles "Chuck" Ross*

5/2/2024

W. Charles "Chuck" Ross, Esq.

Signature of Applicant's  
Attorney or Representative

Date

Type or Print Name and Title

*Deborah Allen Gerdes* 5/2/2024

Signature of Notary Public

Date



### DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners?



Yes



No

W. Charles "Chuck" Ross, Esq. (Your Name)

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Matthew Holtkamp, Commissioner	\$1,000.00	October 2022
Kirkland Carden, Commissioner	\$1,000.00	October 2023

Attach additional sheets if necessary to disclose or describe all contributions.

RECEIVED

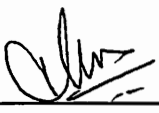
6.27.2024

**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 Gwinnett County Tax Commissioner. In no case shall an application or reapplication for rezoning be processed without such property verification.

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

Parcel I.D. Number: R7054 114  
(Map Reference Number)

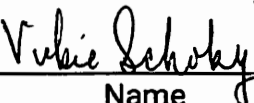
 6/30/24  
Signature of Applicant Date

Naushad Keshwani, Member  
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. THIS FORM MUST BE SIGNED BY A REPRESENTATIVE OF THE TAX COMMISSIONER'S OFFICE.**

**TAX COMMISSIONERS USE ONLY**

Payment of all property taxes billed to date for the above referenced parcel has been verified as paid current and confirmed by the signature below.

 TSA II  
Name Title  
5/2/2024  
Date



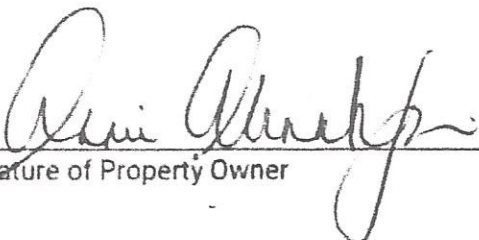
RECEIVED

6.27.2024


Gwinnett County Planning Division  
Special Use Permit Application  
Last Updated 12/2023

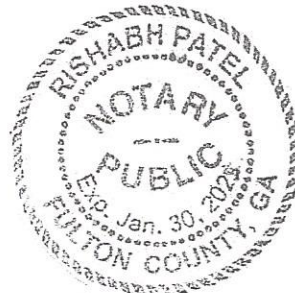
**SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION**

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.

  
Signature of Property Owner      4/30/2024      Date

Annie Akmakjian, Owner  
Type or Print Name and Title

  
Signature of Notary Public      4/30/2024      Date      Notary Seal



**RECEIVED**

6.27.2024

**SPECIAL USE PERMIT APPLICANT'S CERTIFICATION**

The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.



Signature of Applicant

4/30/24

Date

Naushad Keshwani, Member

Type or Print Name and Title



Signature of Notary Public

4/30/2024

Date





Notary Seal

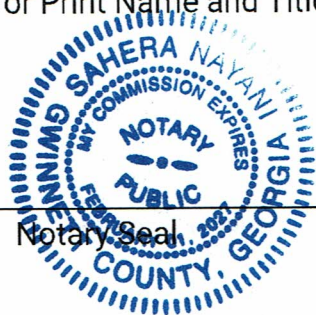
RECEIVED

6.27.2024

**CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT**

The undersigned below, making application for a Special Use Permit, 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 the forms provided.

Signature of Applicant	Date	Type of Print Name and Title
	4/30/24	Naushad Keshwani, Member
Signature of Applicant's Attorney or Representative	Date	Type or Print Name and Title
	4/30/2024	
Signature of Notary Public	Date	Notary Seal



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners?

☐ Yes ☒ No \_\_\_\_\_ (Your Name)

If the answer is yes, please complete the following section:

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

Attach additional sheets if necessary to disclose or describe all contributions.



RECEIVED

6.27.2024

Gwinnett County Planning Division  
Special Use Permit Application  
Last Updated 12/2023

### CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, 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 the forms provided.

Signature of Applicant Date Type of Print Name and Title

*W. Charles "Chuck" Ross* 5/2/2024 W. Charles "Chuck" Ross, Esq.

Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

*Deborah Allen Gerdes* 5/2/2024

Signature of Notary Public

Date

Notary Seal



### DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners?

☒ Yes ☐ No W. Charles "Chuck" Ross, Esq. (Your Name)

If the answer 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 last two years)
Matthew Holtkamp, Commissioner	\$1,000.00	October 2022
Kirkland Carden, Commissioner	\$1,000.00	October 2023

Attach additional sheets if necessary to disclose or describe all contributions.

## **Exhibit F: Public Participation**

**[attached]**



## Public Participation Plan

1. Who do you intend to contact in addition to property owners within 1,000 feet of the site, if any?

Applicant is confident that notification to the property owners within 1,000 feet of the property will sufficiently notify any parties who might have an interest in the requests.

2. Where do you plan to host the Public Participation Meeting? Ensure that the meeting is held in person at a convenient location for interested parties.

Dacula Park Activity Building, Community Room, 2735 Old Auburn Ave. Dacula, 30019

3. What date and time do you plan to host the Public Participation Meeting? Ensure that the meeting is held at a convenient time for interested parties, e.g., not during typical work hours on weekdays.

August 16, 2024, at 7:00 pm.

4. What is your method for providing opportunities for discussion with interested parties at the Public Participation Meeting?

The Applicant will provide a presentation regarding the requested change of condition and then will open the floor for public comment and input.

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

**RECEIVED**

7.31.2024





## Public Participation Report

1. **List all groups that you notified of the requested application. Include a copy of the notification package and stamped Postal Service Form 3877 (attached) with itemized name and address of each addressee.**

Attached, is a copy of the notification packet and Post Office Forms 3877.

This was also previously submitted and received by Planning Staff on July 31, 2024.

2. **Provide the date, time, and location of all meeting(s) that the applicant and/or representative attended to discuss an application with interested parties.**

The meeting was held at the Dacula Park Activity Center Community Room from 7:00-9:00 PM on Friday, August 16, 2024

3. **Provide the number of people who participated in the meeting(s). Include the sign-in sheet(s) with meeting date, time, location, and attendee names.**

The meeting was held at the Dacula Park Activity Center in the Community Room from 7:00-9:00 PM on August 16, 2024. A total of ten (10) interested citizens attended in addition to the Applicant, his wife and the property owner's broker. Copies of the sign-in sheets are attached.

4. **What issues and concerns were expressed by attendees at the meeting(s)?**

Concern there will be traffic disruption from cars entering and leaving the property. Concern that residents of Hadaway cannot get back to their neighborhood directly from property exit. Concern that drivers will deliberately drive out of the entrance to make a left turn. Concern there will be a decrease in property values. Adjacent neighbor concerned about drainage and noise from cars decelerating. Concern that people will drive drunk to buy beer and wine. One individual stated there would be an increase in violent crime, but also conceded that he had researched Applicant's other properties and they were all well maintained.

5. **What are the applicant's responses to the issues and concerns that were expressed at the meetings? What changes to the development will be made?**

Applicant will contact Gwinnett Transportation to discuss possibility of starting decel lane past the adjacent house and possility of plastic bollards between traffic lanes to prevent left turns. Applicant to remove old fence behind site and enhance 75' buffer including a privacy fence.

**Exhibit G: Internal and External Agency Review Comments**

**[attached]**



Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE

<b>TRC Meeting Date:</b>		08.02.2024	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 2	
Reviewer Email Address:		<a href="mailto:Brent.Hodges@gwinnettcountry.com">Brent.Hodges@gwinnettcountry.com</a>	
Case Number:		RZC2024-00015 & SUP2024-00037	
Case Address:		1207 Braselton Highway, Lawrenceville, 30043	
<b>Comments:</b>		<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>YES</b>
		<input type="checkbox"/>	<input type="checkbox"/> <b>NO</b>
1	Braselton Highway (SR 124) is a minor arterial. The Average Daily Traffic Volume = 19,900. Old Fountain Road is a major collector. The Average Daily Traffic Volume = 8,643.		
2	3.2 miles to the nearest transit facility located at Collins Hill Road and Collins Industrial Way.		
3	Driveway spacing minimums shall be met, per section 360-40.5 of the UDO.		
4	Per section 360-100 of the UDO, the developer shall construct a 12' trail along the Braselton Highway (SR 124) frontage.		
5			
6			
7			
<b>Recommended Zoning Conditions:</b>		<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>YES</b>
		<input type="checkbox"/>	<input type="checkbox"/> <b>NO</b>
1	The developer shall provide a traffic impact study to include analysis of the intersection of Braselton Highway (SR 124) and Old Fountain Road/Azalea Drive, as well as each proposed site driveway.		
2			
3			
4			
5			
6			
7			

**Note:** Attach additional pages, if needed

*Revised 7/26/2021*

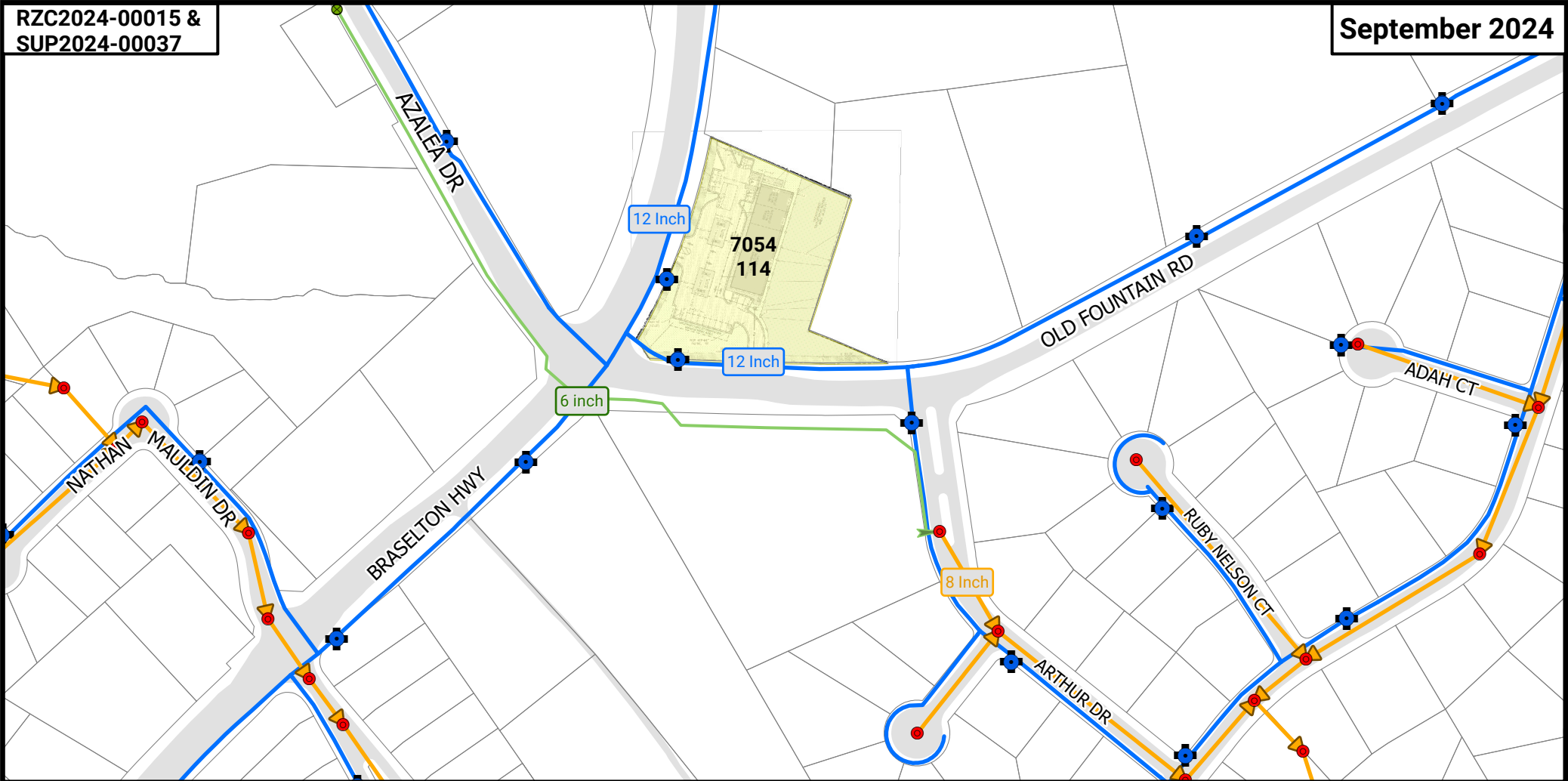


Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:			
Department/Agency Name:		DWR	
Reviewer Name:		Mike Pappas	
Reviewer Title:		GIS Planning Manager	
Reviewer Email Address:		<a href="mailto:Michael.pappas@gwinnettcounty.com">Michael.pappas@gwinnettcounty.com</a>	
Case Number:		RZC2024-00015 & SUP2024-00037	
Case Address:		1207 Braselton Highway	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES <input type="checkbox"/> NO
1	Water: The proposed development may connect to an existing 12-inch water main located on either the northern right-of-way of Old Fountain Road or on the eastern right-of-way of Braselton Highway.		
2	Sewer: A Sewer Capacity Certification is required for public sewer connection. The developer shall contact GCDWR to discuss potential connection.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> X <input type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			

**Note:** Attach additional pages, if needed

*Revised 7/26/2021*

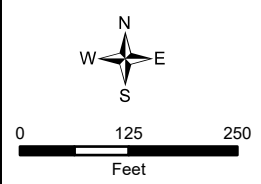


LEGEND

- Water Main
- Manhole
- Hydrant
- Sewer Collector
- Sewer Force Main

1207 Braselton Hwy  
O-I to C-2

# Water & Sewer Utility Map



LOCATION



**Water Comments:** The proposed development may connect to an existing 12-inch water main located on either the northern right-of-way of Old Fountain Road or on the eastern right-of-way of Braselton Highway.

**Sewer Comments:** A Sewer Capacity Certification is required for public sewer connection. The developer shall contact GCDWR to discuss potential connection.

**Water Availability:** Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

**Sewer Availability:** A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

**Water and Sewer Design and Construction Requirements:** Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

**Private Road Developments:** Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

**Exhibit H: Maps**

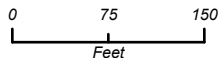
**[attached]**





RZC2024-00015 & SUP2024-00037

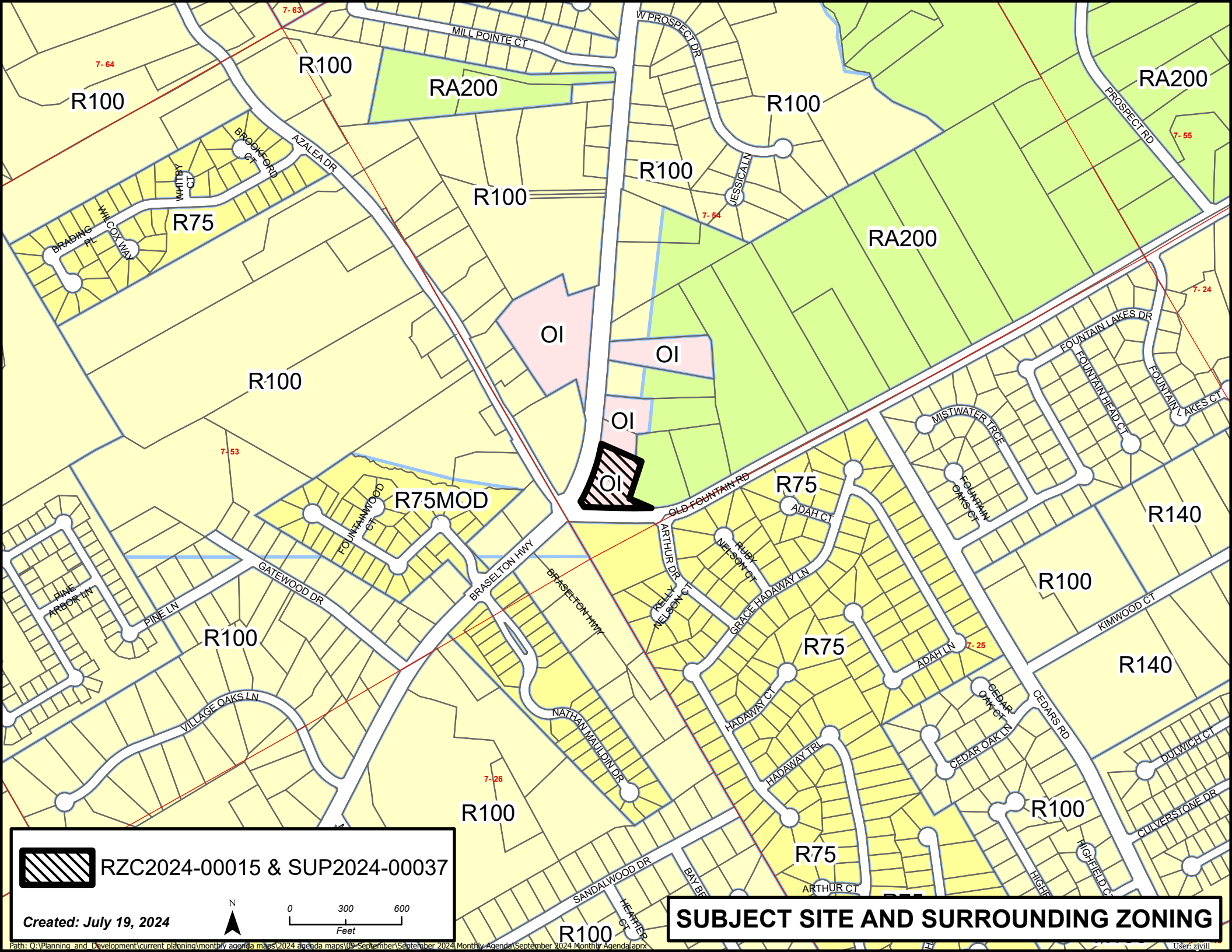
Created: July 19, 2024




Gwinnett County GIS

User: givill





 RZC2024-00015 & SUP2024-00037

Created: July 19, 2024



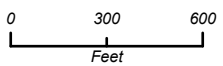
0 300 600  
Feet

**SUBJECT SITE AND SURROUNDING ZONING**



RZC2024-00015 & SUP2024-00037

Created: July 19, 2024



## 2045 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION