



**PLANNING AND DEVELOPMENT DEPARTMENT
CASE REPORT**

Case Number: RZC2023-00005
Current Zoning: RA-200 (Agriculture-Residence District)
Overlay District: Mall of Georgia
Request: C-2 (General Business District)
Additional Requests: Variances and Waiver
Address: 2832 Buford Drive
Map Number: R7146 006
Site Area: 0.71 acres
Square Feet: 2,335
Proposed Development: Cigar Lounge
Commission District: District 4 – Commissioner Holtkamp
Character Area: Regional Activity Center

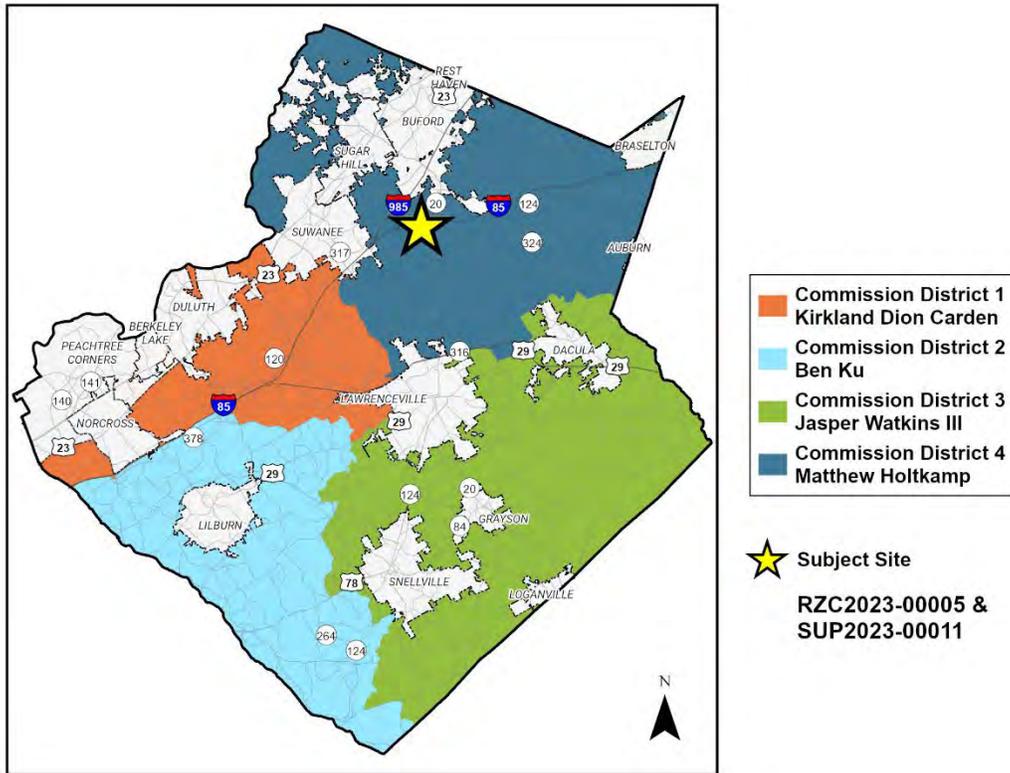
Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL

Case Number: SUP2023-00011
Current Zoning: RA-200 (Agriculture-Residence District)
Overlay District: Mall of Georgia
Request: Special Use Permit
Address: 2832 Buford Drive
Map Number: R7146 006
Site Area: 0.71 acres
Square Feet: 2,335
Proposed Development: Cigar Lounge
Commission District: District 4 – Commissioner Holtkamp
Character Area: Regional Activity Center

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL



Applicant: Adam Tirado
 1000 Elmhurst Court
 Lawrenceville, GA 30043

Owners: Adam Tirado
 2832 Buford Drive
 Buford, GA 30043

Contact: Adam Tirado

Contact Phone: 678.221.1662

Zoning History

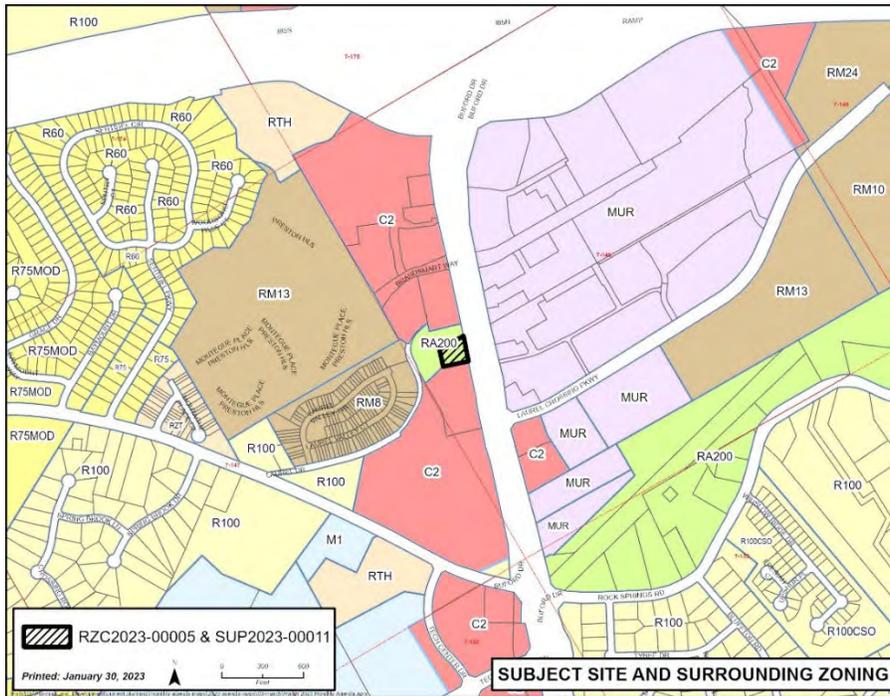
The subject property is zoned RA-200 (Agriculture-Residence District). There are no prior zoning requests on file for this property.

Existing Site Condition

The subject site is a 0.71-acre property located on Buford Drive between Rock Springs Road and Interstate 85. The site is wooded and contains a dilapidated single-family residence constructed in 1962. The site is accessed via a limited-access driveway from the west side of Buford Drive. Overhead utilities are present along Buford Drive and there are no sidewalks along the subject site’s road frontage. The site slopes down approximately 12 feet from Buford Drive to the rear of the site. The site contains two streams and associated buffers and impervious setbacks located within the northern and western portions of the subject property. The nearest Gwinnett County Transit stop is approximately 4.5 miles from the subject site.

Surrounding Use and Zoning

The subject site is surrounded by a mixture of uses. An undeveloped parcel is located to the north and west of the site. Farther north is the Mall of Georgia. The Exchange at Gwinnett, a large commercial and residential development is located to the east of the site, across Buford Drive. A multi-tenant commercial building is located to the south of the site. Farther south is Coolray Field. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Cigar Lounge	C-2	N/A
North	Undeveloped	RA-200	N/A
East	Mixed Use	MU-R	N/A
South	Commercial	C-2	N/A
West	Undeveloped	RA-200	N/A

Project Summary

The applicant requests rezoning of a 0.71-acre parcel from RA-200 to C-2 and a special use permit for a Cigar Lounge, including:

- Converting the existing 2,335 square-foot single-family residence into a commercial building for a Cigar Lounge. Note: Site Plan states the structure is 2,197 square-feet.
- The upper level of the existing residence will be utilized as the retail and humidor area for the tobacco and cigar products while the lower level will contain the approximately 800 square-foot smoking lounge.
- Installing two separate air filtration systems in the smoking lounge to be compliant with the Gwinnett County Smoke-free Air Ordinance.
- A parking lot with 12 parking spaces for employees and customers located to the southern side of the building.

- A partial 10-foot-wide landscaped strip along Buford Drive and a full 10-foot-wide landscape strip along the southern property line (which is not required by the UDO).
- Proposed hours of operation, Monday through Thursday, from 11:00 am to 7:00 pm and Friday and Saturday, from 11:00 am to 8:00 pm, and Sunday from 12:00 pm to 6:00 pm.
- The applicant is not proposing any exterior modifications to the existing building, which does not meet the architectural design standards for the Mall of Georgia Overlay District.
- A dumpster enclosure is shown in front of the building on the site plan, which is not permitted by the UDO.
- Encroachment into required zoning and stream buffers.
- The building is currently served by a private septic system. It is unclear whether the applicant intends to connect to sewer.

Zoning and Development Standards

The applicant is requesting rezoning to C-2 (General Business District) and a special use permit for a Cigar Lounge. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	≤45'	YES
Front Yard Setback	Minimum 15'	≥15'	YES
Side Yard Setback	Minimum 10'	>25'	YES
Rear Yard Setback	Minimum 30'	>50'	YES
Off-Street Parking	Minimum: 5 spaces Maximum: 12 spaces	12 parking spaces	YES
Landscape Strip	Minimum 10'	<10'	NO*
Zoning Buffer	Minimum 75'	25'	NO**
Exterior Sidewalk	Minimum 5'	0'	NO***

*The area labeled as "loading area" on the site plan encroaches into the required 10-foot-wide landscape strip. A variance has been requested by the applicant.

** The applicant is requesting a buffer reduction for the required 75-foot zoning buffer to 25 feet.

***The applicant is required to install a five-foot-wide sidewalk along the property frontage to connect with the existing sidewalk on the adjacent property. Relief from this requirement has not been requested by the applicant and will be required during site development.

In addition, the following standards apply to development in the Mall of Georgia Overlay District:

Standard	Meets Standard?
Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less shall provide no more than 20 percent of parking areas in the front of building(s) and be limited to no more than one double row of parking. No more than 20 percent of off-street parking areas may be located to the sides of building(s), with the balance of parking located to the rear the building(s).	NO*
A sidewalk that is a minimum of four-feet-wide shall connect entrances of buildings to the public right of way.	NO**
Interparcel vehicle access points between all contiguous commercial, office, industrial or attached residential tracts.	NO**
Provide streetlights along all public right of way utilizing decorative light poles/fixtures.	NO**
Provide a minimum 10-foot-wide landscaped strip between all road rights of way and the back-of-curb of abutting off-street paved parking lots.	NO**
Provide street trees spaced 50 feet on-center or grouped at 120 feet on-center along Buford Drive	NO**

*The applicant is requesting a variance for the location of the parking area as it is mostly located to the side of the building.

**If approved, the applicant must provide the required improvements during site development.

Variance Requests

In addition to the rezoning and special use permit, the applicant is seeking variances from the following provisions of Title II of the UDO:

1. Section 220-30.3. E.3. Parking and Accessory Structures

No more than 20 percent of off-street parking areas may be located to the sides of building(s), with the balance of parking located to the rear the building(s).

2. Section 230-120.13 Dumpsters

Dumpsters shall be located in the rear or side yard. Dumpsters are not allowed in front yards.

3. Section 220-30.3.D.4 Landscape Requirements

Provide a minimum 10-foot-wide landscaped strip between all road rights of way and the back-of-curb of abutting off-street paved parking lots.

The applicant is proposing to locate all the required parking spaces in front and to the side of the building. In addition, the applicant is proposing to locate the dumpster within the front yard of the

property. Finally, the applicant is requesting to provide a landscape strip less than 10-feet-wide to accommodate a loading zone.

Waiver Request

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

1. Section 610-20.6, Minimum Buffer Requirements:
 - a. Required Buffers shall be provided in conformity (with) Table 610.1 “table of Minimum Buffer requirements”.

A 75-foot-wide zoning buffer between the proposed C-2 zoned property and adjacent RA-200 zoned property.

A C-2 development adjacent to an RA-200 zoned property requires a 75-foot-wide undisturbed buffer. The applicant is proposing to reduce the 75-foot-wide undisturbed zoning buffer to a 25-foot-wide undisturbed zoning buffer.

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 E). Standard site and infrastructure improvements will also be required related to transportation, stormwater, 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 Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, or a change in conditions, the Department of Planning and Development shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. 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 270-20.5. 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 consists of primarily commercial and mixed-use properties to the east and south of the subject property. An undeveloped property abuts the subject site on the northern and western sides. The proposed development is too large for the subject site. As proposed, multiple waivers and variances would be required to develop the site due to the relatively small developable area, especially for a commercial development zoned C-2.

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

Surrounding properties would be negatively impacted by the proposed rezoning and special use request. Mixed-use and commercial uses of moderate intensity exist on adjacent and nearby parcels. However, due to the existing streams and associated buffers along the western and northern property lines, the proposed building, stormwater management system, and parking spaces encroach within both the 75-foot stream buffer and 75-foot undisturbed zoning buffer. These encroachments could result in issues for adjoining property owners. In addition, the applicant is not meeting several regulations required for the development that would negatively impact the area.

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

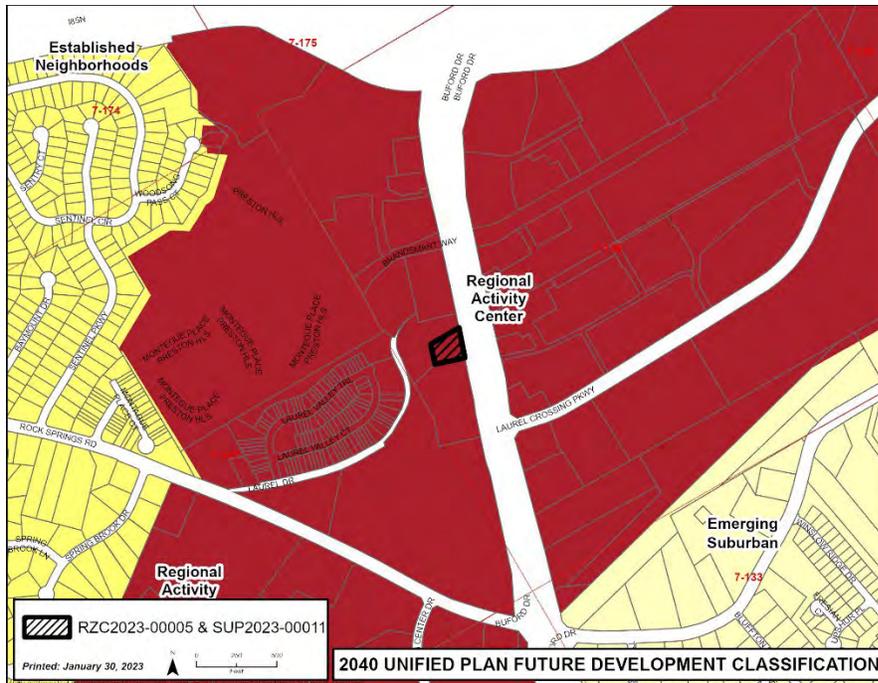
The property has a reasonable economic use as currently zoned.

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.

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

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.

The 2040 Unified Plan and Future Development Map indicate that the subject property is within the Regional Activity Center. Regional Activity Centers serve as major activity centers for Gwinnett County and the broader region and should include a combination of retail, office, high-density residential uses, and transit-oriented development. To encourage a pedestrian and bicycle-friendly, walkable, live/work/play environment around these activity centers, developments should incorporate pedestrian-friendly and urban design standards. The proposed rezoning and special use permit for a Cigar Lounge along Buford Drive is not in conformity with the policy and intent of the Unified Plan and Future Development Map. Proper pedestrian connectivity and amenities are not proposed by the applicant.



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.

The applicant proposes the rezoning of the property and a special use permit for a commercial use. The uses along Buford Drive in this area are predominantly commercial and mixed-use. The proposed Cigar Lounge requires multiple waivers and variances to be developed as proposed. The site is too small to accommodate the proposed development. A less impactful use and zoning district would require less off-street parking and impacts to zoning and stream buffers.

Variance Requests Analysis: The standards for granting variances are outlined in Section 270-100.7 of the Unified Development Ordinance. Staff makes the following findings related to the variance request:

The applicant is proposing twelve off-street parking spaces on the southern side of the building and a dumpster in the front yard of the property. The Mall of Georgia Overlay District allows no more than 20 percent of parking areas in the front of buildings and is limited to no more than one double row of parking. The proposed site plan shows all of the parking spaces to be located to the side and in front of the building. The site is too small and too encumbered with streams and buffers to accommodate the proposed development.

The UDO requires dumpsters to be located in the rear or side yard. The proposed site plan shows the dumpster located in the front yard. There appears to be room for the dumpster enclosure to be located in the appropriate area behind the building. The requested variance does not meet the listed criteria for approval in the UDO.

Finally, the applicant is requesting a variance to allow a landscape strip along Buford Drive to be less than 10-foot-wide to accommodate a loading zone. A loading zone could be located elsewhere on the site to avoid encroachment into the landscape strip.

Waiver Request Analysis: When considering waivers from Title III of the UDO, staff is required to review whether an undue hardship may result from strict compliance with the regulations and that approval would not adversely affect the general public welfare or nullify the intent of the Development Regulations. In addition, there must be a determination that there are unusual topographical or other exceptional conditions. Staff makes the following findings related to the waiver request:

The applicant requests a waiver from the 75-foot-wide zoning buffer along the western and northern property lines. The site is encumbered by existing streams and associated buffers along the western and northern property lines. The site is too small for the proposed development. A smaller and/or less intense commercial development could possibly be developed on the property without the need for multiple waivers and variances.

Staff Recommendation

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

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

1. To exceed the percentage of parking on the side of the building, to allow all parking to the side and front of the building.
2. To locate the dumpster enclosure within the front yard.
3. To encroach into a portion of the 10-foot-wide landscape strip for a loading area.

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

1. To reduce the 75-foot-wide zoning buffer adjacent to the RA-200 zoned property to a 25-foot-wide buffer.

Staff Recommended Conditions

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

RZC2023-00005

Approval as C-2 (General Business District) for a Cigar Lounge, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received, January 24, 2023, with revisions required by conditions of approval and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung,

or strung on the site, except within 60 days of grand opening and during special events which shall occur no more than twice per calendar year, and last no longer than seven days each.

3. All dumpster shall meet the UDO requirements for the location and screening of dumpsters.
4. The building shall comply with Category 3 of the Architectural Design Standards.
5. Parking located within the stream buffer or no-impervious setback shall be constructed with pervious material, subject to the review and approval of the Department of Planning and Development.
6. The existing building shall be brought into compliance with all building codes and ADA requirements prior to issuance of a certificate of occupancy.
7. All requirements of the Mall of Georgia Overlay District shall be satisfied.
8. The use shall meet all requirements related to the indoor use of cigars.

SUP2023-00011

Approval of a Special Use Permit for the Cigar Lounge, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received, January 24, 2023, with revisions required by conditions of approval and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of grand opening and during special events which shall occur no more than twice per calendar year, and last no longer than seven days each.
3. All dumpsters shall meet the UDO requirements for the location and screening of dumpsters.
4. The building shall comply with Category 3 of the Architectural Design Standards.
5. Parking located within the stream buffer or no-impervious setback shall be constructed with pervious material, subject to the review and approval of the Department of Planning and Development.
6. The existing building shall be brought into compliance with all building codes and ADA requirements prior to issuance of a certificate of occupancy.
7. All requirements of the Mall of Georgia Overlay District shall be satisfied.
8. The use shall meet all requirements related to the indoor use of cigars.

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 request.

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

1. To exceed the percentage of parking on the side of the building, to allow all parking to the side and front of the building.
2. To locate the dumpster enclosure within the front yard.
3. To encroach into a portion of the 10-foot-wide landscape strip for a loading area.

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

1. To reduce the 75-foot-wide zoning buffer adjacent to the RA-200 zoned property to a 25-foot-wide buffer.

Exhibits:

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

Exhibit A: Site Visit Photos



View from Buford Drive



View of the Existing Building

Exhibit B: Site Plan

[attached]

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

[attached]

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1/5/2023

LETTER OF INTENT

Our project consists of moving an existing Cigar Retail Store w/ a Smoking Lounge onto the subject property located at 2832 Buford Dr. Our request is for rezoning from RA-200 to C-2, a Special Use Permit for the Smoking Lounge, waiver of parking lot location, and variance requesting buffer reduction.

Existing Cigar Retail Store (Ligero Tobacco House - 2828 Buford Dr #400). LTH carries a large selection of Cigars, Pipe Tobacco, and smoking accessories.

The subject property is currently a residential home consisting of a one story frame with a basement measuring approximately 2,335 Square Feet. The upper level will be utilized as the retail area for the sale of tobacco products and the lower level (Basement) will host our smoking lounge as illustrated on the Concept Plan. No changes will be made to the existing structure of the house. Architectural plans will be submitted for the interior buildout of the house which will consist of a cigar humidor room to be added to the main floor. The proposed site plan consists of adding an entrance/exit driveway and 12 parking spaces.

Hours of operation are from 11AM to 7PM Monday through Thursday, 11AM to 8PM Friday & Saturday, and 12-6PM on Sundays. One to two employees will be on site during operating hours.

Smoking Lounge, Special Use Permit

The proposed Smoking Lounge will be built out towards the rear of the existing structure. The smoking lounge will be around 800 SF and is separated from the retail area of the store which is on the upper level. Currently, there are two separate air filtration systems utilized at Ligero Tobacco House which were approved by Gwinnett County prior to opening the store. The first unit, Fantech SHR8005R, is designed to supply additional air outside of the HVAC unit into a building while exhausting an equal amount of contaminated air to the outside, essentially providing another 800 CFMs of clean air to lounge. The second unit, Blue OX Model 3000-CF, which is an air filtration system that assists in the removal of tobacco odors and also provides an additional 3000 CFM of circulating air.

Waiver of Sec. 220-30.3.E.3 (Parking Lot Location)

Currently, under the Mall of GA Overlay District *Parking and Accessory Structures*, no more than 20 percent of parking areas in the front of building(s) and be limited to no more than one double row of parking. No more than 20 percent of off-street parking areas may be located to the sides of building(s), with the balance of parking located to the rear of the building(s). Due to the limited space between the rear of the building, sides of the building, and 25 ft undisturbed state water buffer, a parking area will not be applicable for this project under these guidelines. As proposed on the site

plan, a parking lot consisting of 12 parking spaces was arranged from a condition that is unique and peculiar to the land, structures and buildings involved.

Buffer Reduction Variance

The subject property is adjacent to an established commercial plaza located just east of the location off of Buford Dr. A 75ft undisturbed buffer is required along the eastside of the property line. Our request is to reduce the undisturbed buffer down to 25ft which is necessary because the particular physical surroundings, the size, shape or topographical condition, specifically the creeks and streams, does not allow for a buffer over 25ft.

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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RZC2023-00005 & SUP2023-00011

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SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENT 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 AN ATTACHMENT AS NECESSARY:

(A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes, currently the subject property is a single-family residential house but over the past few years, the area has become predominately surrounded by other businesses to include the newly constructed "Exchange at Gwinnett" which is directly across Buford Dr from the home

(B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No, the existing property is located between a business plaza (2828 Buford Dr) and Q Top (2900 Buford Dr) and an abundance of existing trees separated all properties

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No

(D) WHETHER THE PROPOSED 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:

No

(E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes, presently zoned RA-200, C-2 required for a Retail Cigar Store

(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 SPECIAL USE PERMIT:

Yes, the existing retail store (Ligero Tobacco House) that will be moving to the subject location also provides a smoking lounge for its customers that was approved several years ago by Gwinnett County. Moving into the existing structure on the property requested to be rezoned would eliminate any current or future discrepancies regarding tobacco smoke or odor by neighboring businesses or outside foot traffic.

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REZONING APPLICANT'S RESPONSE
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 AN 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, currently the subject property is a single-family residential house but over the past few years, the area has become predominately surrounded by other businesses to include the newly constructed "Exchange at Gwinnett" which is directly across Buford Dr from the home.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No, the existing property is located between a business plaza (2828 Buford Dr) and Q-Trip (2900 Buford Dr) and an abundance of existing trees separate all properties.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes, presently zoned RA-200, C-2 required for a Retail Cigar Store.

(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 existing retail store (Ligero Tobacco House) that will be moving to the subject location also provides a smoking lounge for its customers that was approved several years ago by Gwinnett County. Moving into the existing structure on the property requested to be rezoned would eliminate any current or future discrepancies regarding tobacco smoke or odor by neighboring businesses or outside foot traffic.

Exhibit D: Application and Disclosure of Campaign Contributions

[attached]

RECEIVED

1/5/2023

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Adam Tirado</u>	NAME: <u>Adam Tirado</u>
ADDRESS: <u>1000 Elmhurst Ct</u>	ADDRESS: <u>2832 Buford Dr</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Buford</u>
STATE: <u>GA</u> ZIP: <u>30043</u>	STATE: <u>GA</u> ZIP: <u>30043</u>
PHONE: <u>678-221-1662</u>	PHONE: <u>678-221-1662</u>
EMAIL: <u>adamtirado@bellsouth.net</u>	EMAIL: <u>adamtirado@bellsouth.net</u>
CONTACT PERSON: <u>Adam Tirado</u> PHONE: <u>678-221-1662</u>	
CONTACT'S E-MAIL: <u>adamtirado@bellsouth.net</u>	
APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>RA-200</u> REQUESTED ZONING DISTRICT: <u>C-2</u>	
PARCEL NUMBER(S): <u>Map/Parcel No. R7146 006</u> ACREAGE: <u>.71</u>	
ADDRESS OF PROPERTY: <u>2832 Buford Dr, Buford GA 30519</u>	
PROPOSED DEVELOPMENT: <u>Ligero Tobacco House (Existing Retail Cigar Store)</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: _____	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>2,335 SF</u>
Gross Density: _____	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

1/5/2023

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 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

A. Tirado

Signature of Applicant

01-04-23

Date

Adam Tirado (Owner)

Type or Print Name and Title

Darcy Simpson

Signature of Notary Public

1-4-2023

Date



Notary Seal

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1/5/2023

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 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

A.T.
Signature of Applicant

01-04-23
Date

Adam Tirado, Owner
Type or Print Name and Title

Darcy Simpson
Signature of Notary Public

01-04-2023
Date

Notary Seal



RECEIVED

1/5/2023

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 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



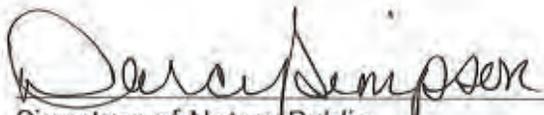
Signature of Property Owner

01-04-23

Date

Adam Tirado, Owner

Type or Print Name and Title



Signature of Notary Public

01-04-2023

Date



Notary Seal

RECEIVED

1/5/2023

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 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



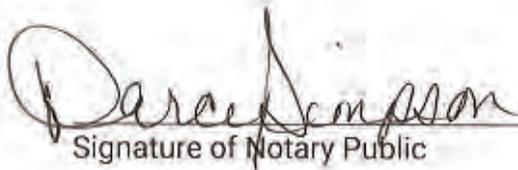
Signature of Property Owner

01-04-23

Date

Adam Tirado (Owner)

Type or Print Name and Title

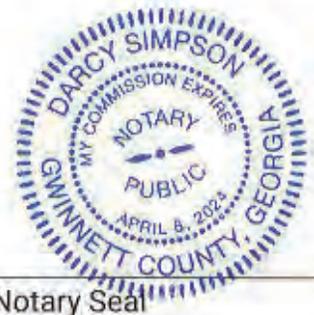


Signature of Notary Public

01-04-2023

Date

Notary Seal



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1/5/2023

**SPECIAL USE PERMIT IN A
RESIDENTIAL DISTRICT**

(Only submit with Special Use Permit Application for a use within a residence)

I, the undersigned applicant, understand and agree that the Special Use Permit, if approved, shall automatically terminate in the event that this property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued.



Signature of Applicant

Adam Tirado (Owner)

Type or Print Name

01-04-23

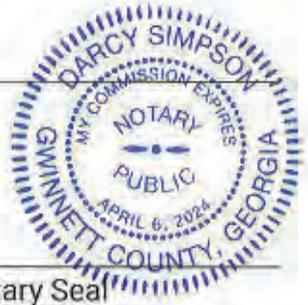
Date



Signature of Notary Public

01-04-2023

Date



Notary Seal

RECEIVED

1/5/2023

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.

ATirado 01-04-23 Adam Tirado, Owner
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

NA _____ _____
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

Darcy Simpson 01-04-2023
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 or a member of the Gwinnett County Planning Commission?

YES NO Adam Tirado
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

1/5/2023

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.

A. Tirado 01-04-23 ADAM TIRADO (owner)
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

NA — —
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

Darcy Simpson 0-1-04-2023
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 or a member of the Gwinnett County Planning Commission?

YES NO Adam Tirado
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

1/5/2023

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: 2 - 7146 - 006
(Map Reference Number) District Land Lot Parcel

[Signature] 12-27-22
Signature of Applicant Date

ADAM TIJADO - OWNER
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)

[Signature] TSA II
NAME TITLE
12/27/2022
DATE

Exhibit E: Internal and External Agency Review Comments

[attached]



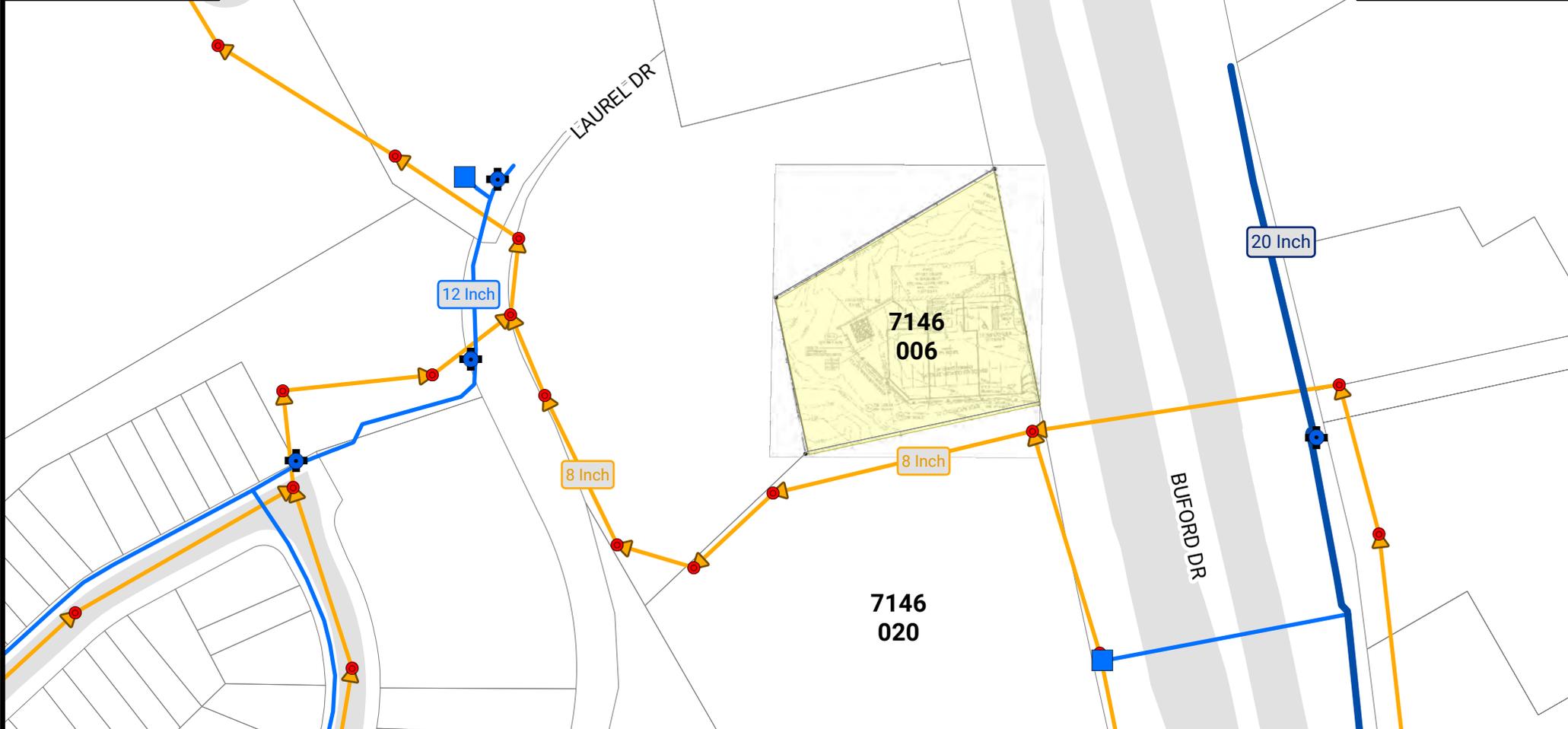
**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:		2.15.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		RZC2023-00005 / SUP2023-00011	
Case Address:		2832 Buford Drive	
Comments:		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
1	Buford Highway (SR 20) is a principal arterial. ADT = 41,500.		
2	4.5 miles to the nearest transit facility (#2334754) Buford Park and Ride.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			



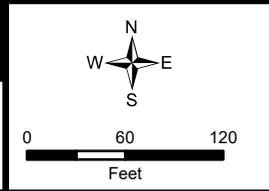
**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:				
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcountry.com		
Case Number:		RZC2023-00005 & SUP2023-00011		
Case Address:		2832 Buford Drive		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The building is currently connected to public water. Contact DWR if proposed water usage requires larger meter and service line.			
2	Sewer: The existing building is served by a septic system. A Sewer Capacity Certification is required for this development to connect to sewer. Pending available capacity, the development may connect to an existing 8-inch gravity main 25 feet south on Parcel 7146 020. A project is under design to upsize the existing 8-inch gravity sewer.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1				
2				
3				
4				
5				
6				
7				



2832 Buford Dr
RA-200 to C-2

Water & Sewer Utility Map



LEGEND

	Flow Management		Hydrant		Sewer Force Main
	Pump Station		City		Effluent Outfall
	Regional		Water Main		Sewer Collector
	Manhole		Reuse Main		Sewer Interceptor

LOCATION

Water Comments: The building is currently connected to public water. Contact DWR if proposed water usage requires larger meter and service line.

Sewer Comments: The existing building is served by a septic system. A Sewer Capacity Certification is required for this development to connect to sewer. Pending available capacity, the development may connect to an existing 8-inch gravity main 25 feet south on Parcel 7146 020. A project is under design to upsize the existing 8-inch gravity sewer.

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 F: Maps

[attached]

LAUREL DR

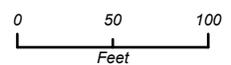
BUFORD DR

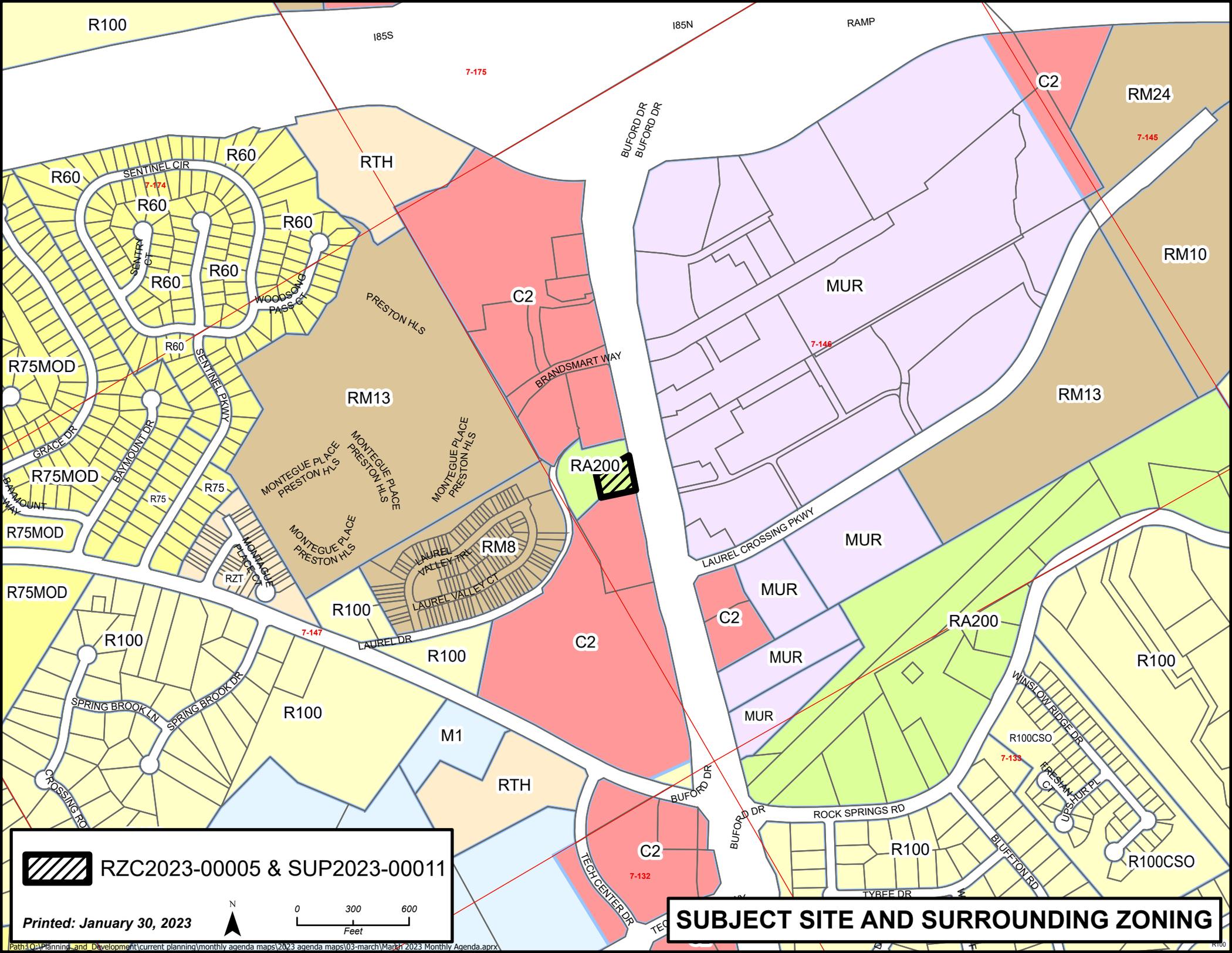
BUFORD DR

LAUREL VALLE

 RZC2023-00005 & SUP2023-00011

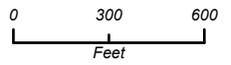
Printed: January 30, 2023





 RZC2023-00005 & SUP2023-00011

Printed: January 30, 2023



SUBJECT SITE AND SURROUNDING ZONING

185N

Established Neighborhoods

7-174

7-175

7-145

SENTRY CT

WOODSONG PASS CT

SENTINEL CIR

PRESTON HLS

BUFORD DR
BUFORD DR

BRANDSMART WAY

Regional Activity Center

7-146

MONTEGUE PLACE
PRESTON HLS

MONTEGUE PLACE
PRESTON HLS

MONTEGUE PLACE
PRESTON HLS

BAYMOUNT DR

SENTINEL PKWY

MONTEGUE PLACE
PRESTON HLS

LAUREL VALLEY TRL
LAUREL VALLEY CT

ROCK SPRINGS RD

7-147

LAUREL DR

LAUREL CROSSING PKWY

SPRING BROOK LN

SPRING BROOK DR

Regional Activity

Emerging Suburban

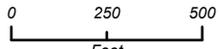
7-133



RZC2023-00005 & SUP2023-00011



Printed: January 30, 2023



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

RECEIVED

1/5/2023

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Adam Tirado</u>	NAME: <u>Adam Tirado</u>
ADDRESS: <u>1000 Elmhurst Ct</u>	ADDRESS: <u>2832 Buford Dr</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Buford</u>
STATE: <u>GA</u> ZIP: <u>30043</u>	STATE: <u>GA</u> ZIP: <u>30043</u>
PHONE: <u>678-221-1662</u>	PHONE: <u>678-221-1662</u>
EMAIL: <u>adamtirado@bellsouth.net</u>	EMAIL: <u>adamtirado@bellsouth.net</u>
CONTACT PERSON: <u>Adam Tirado</u> PHONE: <u>678-221-1662</u>	
CONTACT'S E-MAIL: <u>adamtirado@bellsouth.net</u>	
APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>RA-200</u> REQUESTED ZONING DISTRICT: <u>C-2</u>	
PARCEL NUMBER(S): <u>Map/Parcel No. R7146 006</u> ACREAGE: <u>.71</u>	
ADDRESS OF PROPERTY: <u>2832 Buford Dr, Buford GA 30519</u>	
PROPOSED DEVELOPMENT: <u>Ligero Tobacco House (Existing Retail Cigar Store)</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: _____	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>2,335 SF</u>
Gross Density: _____	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

1/5/2023

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Adam Tirado</u>	NAME: <u>Adam Tirado</u>
ADDRESS: <u>1000 Elmhurst Ct</u>	ADDRESS: <u>2832 Buford Dr</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Buford</u>
STATE: <u>GA</u> ZIP: <u>30043</u>	STATE: <u>GA</u> ZIP: <u>30519</u>
PHONE: <u>678-221-1662</u>	PHONE: <u>678-221-1662</u>
EMAIL: <u>adamtirado@bellsouth.net</u>	EMAIL: <u>adamtirado@bellsouth.net</u>
CONTACT PERSON: <u>Adam Tirado</u> PHONE: <u>678-221-1662</u>	
CONTACT'S E-MAIL: <u>adamtirado@bellsouth.net</u>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
EXISTING/PROPOSED ZONING: <u>RA-200/C-2</u>	BUILDING/LEASED SQUARE FEET: <u>2,335 SF</u>
PARCEL NUMBER(S): <u>Map/Parcel No. R7146 006</u>	ACREAGE: <u>.71 Acre</u>
ADDRESS OF PROPERTY: <u>2832 Buford Dr, Buford GA 30519</u>	
SPECIAL USE REQUESTED: <u>Smoking Lounge for Retail Tobacco Store</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

1/5/2023

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 146 of the 7th District, Gwinnett County, Georgia, being Tract #7 containing .71 acres as shown on Plat of Survey for Dean Woodward Lewis Jr. dated July 10, 1993 prepared by Thomas Wood & Assoc., 50 Main St. Buford, Georgia, registered surveyor, which plat is recorded in Plat Book 59 page 46, Gwinnett County Plat Records and is incorporated herein by reference and made a part thereof. Beginning at iron stake on Highway 20 going S 12 degrees 25 feet 53 inches E for 190.00 to IPF turning S 77 degrees 34 feet 07 inches W for 194.44 feet to IPF turning N 12 degrees 25 feet 53 inches W for 126.42 feet to IPF turning N 59 degrees 27 feet 40 inches E for 204.57 feet to IPF at beginning. Said property having a mailing address of 2832 Buford Drive, Buford, Georgia 30519. Being the same property conveyed from Ruby W. Ogletree to Dean Woodward Lewis Jr., dated August 5, 1998, recorded August 7, 1998, in Deed Book 16528, page 82, Gwinnett County, Georgia Records.



GENERAL NOTES:

- PROJECT NARRATIVE CONSTRUCTION OF A PARKING AREA
- SITE LACKS 20% BIUFORD DRIVE BIUFORD, GA 30519
- DRAINAGE STRUCTURES DO EXIST ON THIS PROPERTY
- CREEK OR DRAINAGE SWALES DO EXIST ON THIS PROPERTY
- NO NEW STORM DRAIN PIPES ARE PROPOSED
- THIS PROPERTY DOES NOT LIE WITHIN THE CHATTAHOOCHEE RIVER CORRIDOR
- THIS PROPERTY IS ON OR WITHIN 200 FEET OF WATERS OF THE STATE



DATE	
REVISION	
NO.	

Vicinity Map (NTS) ©

FIRM Panel Vignette (NTS)

ZONING: RA-200

MINIMUM LOT AREA: 40,000 SF

RA-200 SETBACKS

AS PER PLAT

FRONT: 50 FT

SIDE: 20 FT

REAR: 40 FT

MAXIMUM BUILDING HEIGHT: 35 FT

THE SURVEYOR IN NO WAY INTENDS TO INTERPRET OR MAKE CONCLUSIONS REGARDING THE ZONING AND SETBACK DESIGNATION SHOWN HEREIN. THIS INFORMATION IS REPORTED FROM PUBLIC INFORMATION OBTAINED FROM CITY OR COUNTY PLANNING AND ZONING DEPARTMENTS.

OWNER

ADAM TIARADO

2832 BIUFORD DRIVE

BIUFORD, GA 30519

BUILDER /

24 HR. EMERGENCY CONTACT

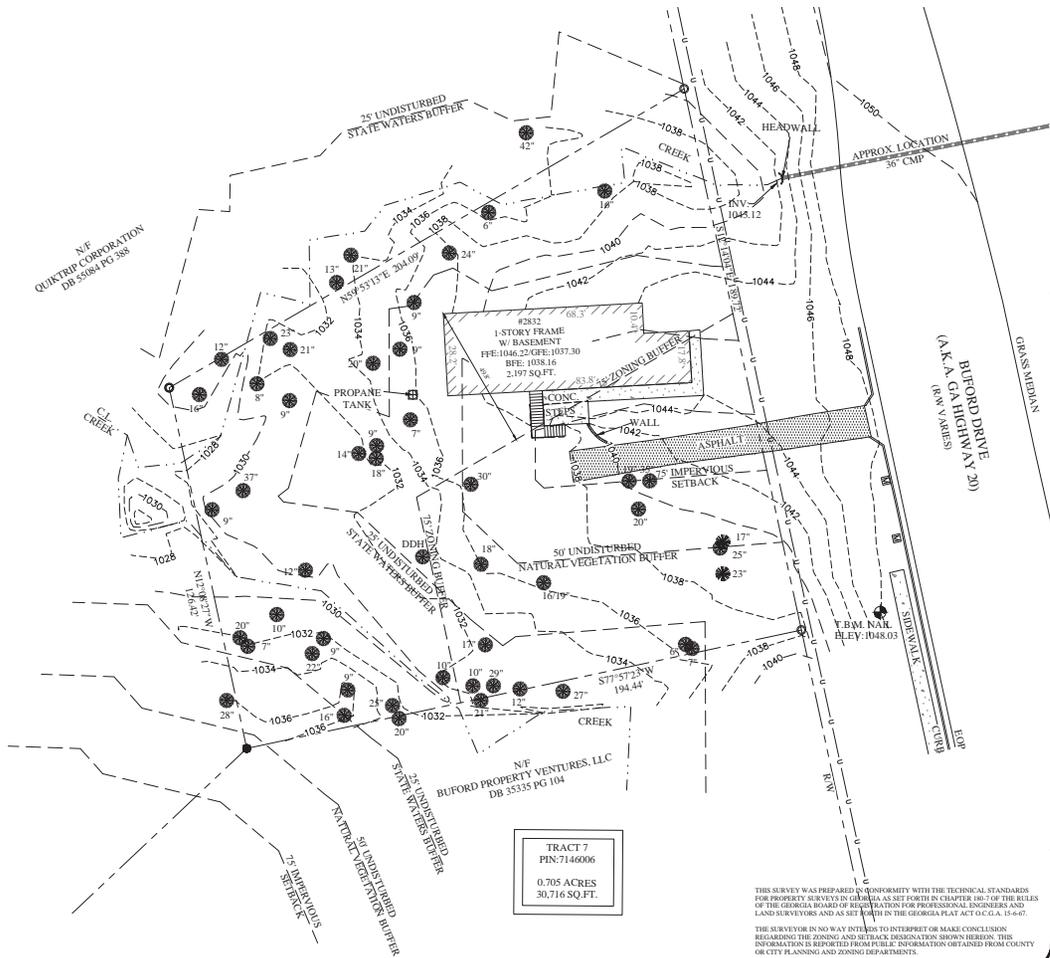
ADAM TIARADO

2832 BIUFORD DRIVE

BIUFORD, GA 30519

678-211-1662

FLOOD HAZARD STATEMENT:
THIS IS TO CERTIFY THAT NO PORTION OF THIS SITE LIES WITHIN A FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD AREA AS SHOWN ON THE F.I.R.M. MAP OF COWNETT COUNTY, GEORGIA PANEL # 13135C0034F, EFFECTIVE ON 09/29/2006



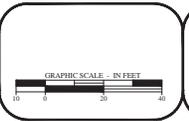
TRACT 7
PIN: 7146006
0.705 ACRES
30,716 SQ. FT.

EXISTING CONDITIONS SURVEY
PREPARED FOR: ADAM TIARADO
2832 BIUFORD DRIVE
TRACT 7, DEAN WOODWARD LEWIS JR. SUBDIVISION
LAND LOT 146, 7TH DISTRICT
BIUFORD, GEORGIA 30519
DATE: 01/12/2023



THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH PERTAIN TO THIS PROPERTY.
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSON OR ENTITY NAMED HEREIN, AND DOES NOT EXTEND TO ANY UNNAMED PERSON, FIRM OR ENTITY.
© COPYRIGHT 2023, BOUNDARY ZONE, INC.
THIS DRAWING AND ITS REPRESENTATIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

TOTAL AREA: 0.705 ACRES / 30,716 SQUARE FEET
BOUNDARY REFERENCE: FIELD BOOK 3089 PAGE 912 PLAT BOOK 89 PAGE 46; FIELDWORK PERFORMED ON 12/23/2022
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000 FEET.
THIS PLAT HAS BEEN PREPARED USING A ROBOTIC TOTAL STATION.
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A RELATIVE POSITIONAL ACCURACY OF 0.02 FEET.





BOUNDARY zone inc. SURVEYORS, ENGINEERS, AND LAND PLANNERS

SWANEE (770) 271-5772
900 SATELLITE BLVD
SWANEE, GEORGIA 30084
ATLANTA (404) 446-8180
100 BUCKWHEAT ST. SUITE 200
ATLANTA, GEORGIA 30309
KENNESAW (678) 738-4291
127 TRINIDAD PARK SUITE 200
KENNESAW, GEORGIA 30144

PROJECT
25299.02

SHEET
1 OF 4

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1/5/2023

LETTER OF INTENT

Our project consists of moving an existing Cigar Retail Store w/ a Smoking Lounge onto the subject property located at 2832 Buford Dr. Our request is for rezoning from RA-200 to C-2, a Special Use Permit for the Smoking Lounge, waiver of parking lot location, and variance requesting buffer reduction.

Existing Cigar Retail Store (Ligero Tobacco House - 2828 Buford Dr #400). LTH carries a large selection of Cigars, Pipe Tobacco, and smoking accessories.

The subject property is currently a residential home consisting of a one story frame with a basement measuring approximately 2,335 Square Feet. The upper level will be utilized as the retail area for the sale of tobacco products and the lower level (Basement) will host our smoking lounge as illustrated on the Concept Plan. No changes will be made to the existing structure of the house. Architectural plans will be submitted for the interior buildout of the house which will consist of a cigar humidor room to be added to the main floor. The proposed site plan consists of adding an entrance/exit driveway and 12 parking spaces.

Hours of operation are from 11AM to 7PM Monday through Thursday, 11AM to 8PM Friday & Saturday, and 12-6PM on Sundays. One to two employees will be on site during operating hours.

Smoking Lounge, Special Use Permit

The proposed Smoking Lounge will be built out towards the rear of the existing structure. The smoking lounge will be around 800 SF and is separated from the retail area of the store which is on the upper level. Currently, there are two separate air filtration systems utilized at Ligero Tobacco House which were approved by Gwinnett County prior to opening the store. The first unit, Fantech SHR8005R, is designed to supply additional air outside of the HVAC unit into a building while exhausting an equal amount of contaminated air to the outside, essentially providing another 800 CFMs of clean air to lounge. The second unit, Blue OX Model 3000-CF, which is an air filtration system that assists in the removal of tobacco odors and also provides an additional 3000 CFM of circulating air.

Waiver of Sec. 220-30.3.E.3 (Parking Lot Location)

Currently, under the Mall of GA Overlay District *Parking and Accessory Structures*, no more than 20 percent of parking areas in the front of building(s) and be limited to no more than one double row of parking. No more than 20 percent of off-street parking areas may be located to the sides of building(s), with the balance of parking located to the rear of the building(s). Due to the limited space between the rear of the building, sides of the building, and 25 ft undisturbed state water buffer, a parking area will not be applicable for this project under these guidelines. As proposed on the site

plan, a parking lot consisting of 12 parking spaces was arranged from a condition that is unique and peculiar to the land, structures and buildings involved.

Buffer Reduction Variance

The subject property is adjacent to an established commercial plaza located just east of the location off of Buford Dr. A 75ft undisturbed buffer is required along the eastside of the property line. Our request is to reduce the undisturbed buffer down to 25ft which is necessary because the particular physical surroundings, the size, shape or topographical condition, specifically the creeks and streams, does not allow for a buffer over 25ft.

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

1/5/2023

RECEIVED

1/5/2023

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENT 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 AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes, currently the subject property is a single-family residential house but over the past few years, the area has become predominately surrounded by other businesses to include the newly constructed "Exchange at Gwinnett" which is directly across Buford Dr from the home

- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No, the existing property is located between a business plaza (2828 Buford Dr) and Q Top (2900 Buford Dr) and an abundance of existing trees separated all properties

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No

- (D) WHETHER THE PROPOSED 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:

No

- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes, presently zoned RA-200, C-2 required for a Retail Cigar Store

- (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 SPECIAL USE PERMIT:

Yes, the existing retail store (Ligero Tobacco House) that will be moving to the subject location also provides a smoking lounge for its customers that was approved several years ago by Gwinnett County. Moving into the existing structure on the property requested to be rezoned would eliminate any current or future discrepancies regarding tobacco smoke or odor by neighboring businesses or outside foot traffic.

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REZONING APPLICANT'S RESPONSE
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 AN 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, currently the subject property is a single-family residential house but over the past few years, the area has become predominately surrounded by other businesses to include the newly constructed "Exchange at Gwinnett" which is directly across Buford Dr from the home.

- (B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No, the existing property is located between a business plaza (2828 Buford Dr) and Q-Trip (2900 Buford Dr) and an abundance of existing trees separate all properties.

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No

- (D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No

- (E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes, presently zoned RA-200, C-2 required for a Retail Cigar Store.

- (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 existing retail store (Ligero Tobacco House) that will be moving to the subject location also provides a smoking lounge for its customers that was approved several years ago by Gwinnett County. Moving into the existing structure on the property requested to be rezoned would eliminate any current or future discrepancies regarding tobacco smoke or odor by neighboring businesses or outside foot traffic.

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1/5/2023

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 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

A. Tirado

Signature of Applicant

01-04-23

Date

Adam Tirado (Owner)

Type or Print Name and Title

Darcy Simpson

Signature of Notary Public

1-4-2023

Date



Notary Seal

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1/5/2023

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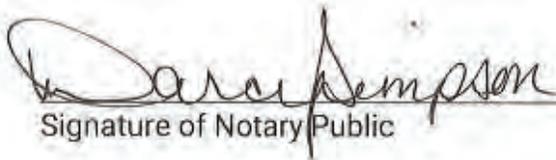
Signature of Applicant

01-04-23

Date

Adam Tirado, Owner

Type or Print Name and Title



Signature of Notary Public

01-04-2023

Date

Notary Seal



RECEIVED

1/5/2023

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 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



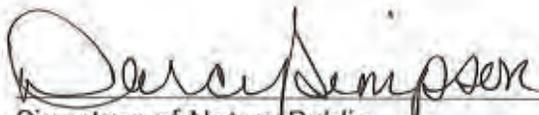
Signature of Property Owner

01-04-23

Date

Adam Tirado, Owner

Type or Print Name and Title



Signature of Notary Public

01-04-2023

Date



Notary Seal

RECEIVED

1/5/2023

SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

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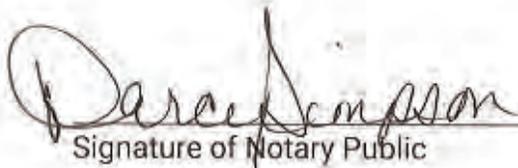
Signature of Property Owner

01-04-23

Date

Adam Tirado (Owner)

Type or Print Name and Title

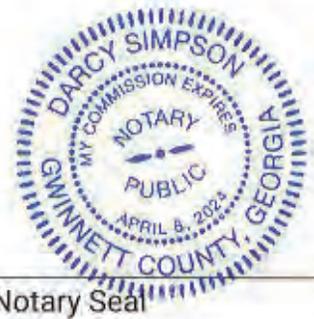


Signature of Notary Public

01-04-2023

Date

Notary Seal



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1/5/2023

**SPECIAL USE PERMIT IN A
RESIDENTIAL DISTRICT**

(Only submit with Special Use Permit Application for a use within a residence)

I, the undersigned applicant, understand and agree that the Special Use Permit, if approved, shall automatically terminate in the event that this property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued.



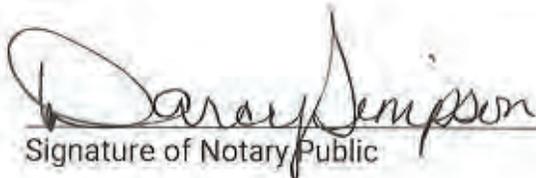
Signature of Applicant

Adam Tirado (Owner)

Type or Print Name

01-04-23

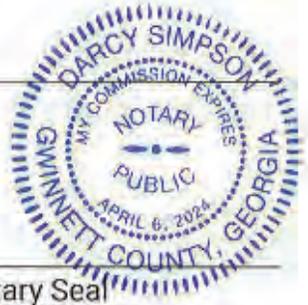
Date



Signature of Notary Public

01-04-2023

Date



Notary Seal

RECEIVED

1/5/2023

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.

ATirado 01-04-23 Adam Tirado, Owner
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

NA _____ _____
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

Darcy Simpson 01-04-2023
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 or a member of the Gwinnett County Planning Commission?

YES NO Adam Tirado
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

1/5/2023

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.

A. Tirado 01-04-23 ADAM TIRADO (owner)
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

NA — —
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

Darcy Simpson 0-1-04-2023
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 or a member of the Gwinnett County Planning Commission?

YES NO Adam Tirado
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

1/5/2023

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: 2 - 7146 - 006
(Map Reference Number) District Land Lot Parcel

[Signature] 12-27-22
Signature of Applicant Date

ADAM TIRADO - OWNER
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)

[Signature] TSA II
NAME TITLE
12/27/2022
DATE

