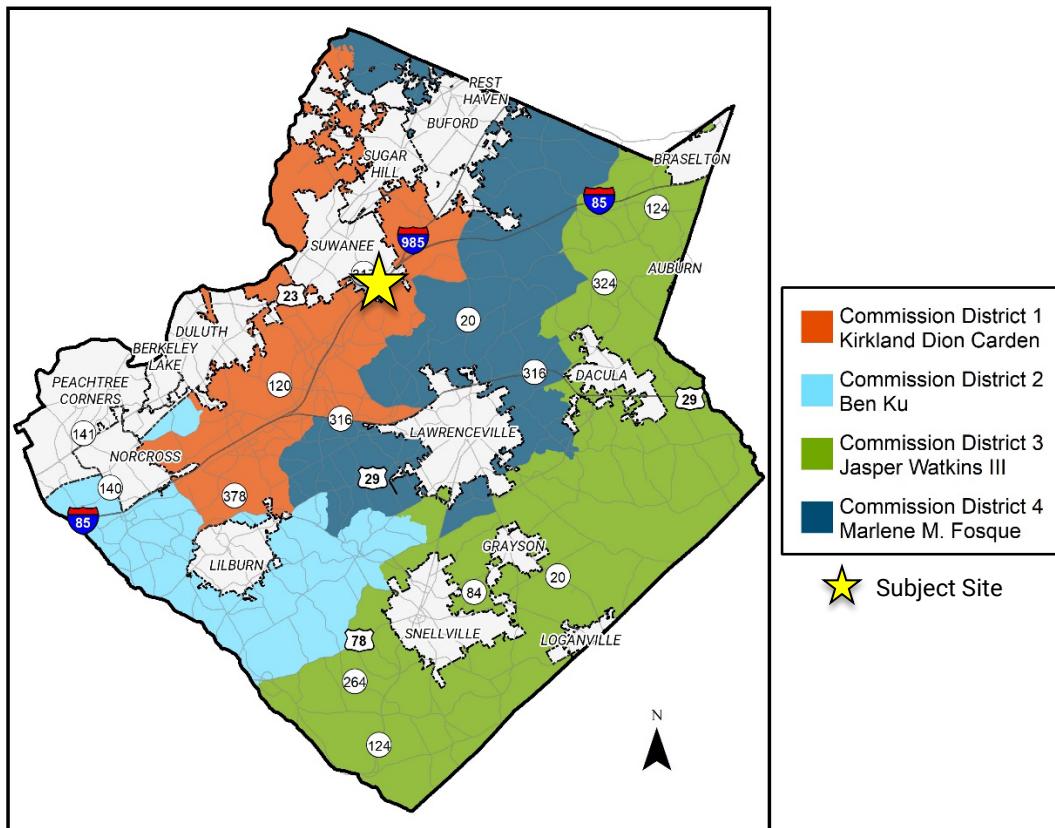




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number:	CIC2022-00006
Current Zoning:	C-2 (General Business District)
Request:	Change in Conditions
Additional Request:	Buffer Reduction Waiver and Variance
Address:	274 Old Peachtree Road
Map Number:	R7152 003
Site Area:	2.31 acres
Square Feet:	7,650
Proposed Development:	Convenience Store with Fuel Pumps and Drive-Through
Commission District:	District 1 – Commissioner Carden
Character Areas:	Community Mixed-Use
Staff Recommendation:	APPROVAL WITH CONDITIONS



Location Map

Planning Commission Advertised Public Hearing Date: 4/13/2022
Board of Commissioners Advertised Public Hearing Date: 4/26/2022

Applicant: Venus USA, LLC
c/o Mahaffey Pickens Tucker, LLP
1550 North Brown Road, Suite 125
Lawrenceville, GA 30043

Owner: Venus USA, LLC
2800 Sugarloaf Club Drive
Duluth, GA 30097

Contact: Tyler Boyd

Contact Phone: 770.232.0000

Zoning History

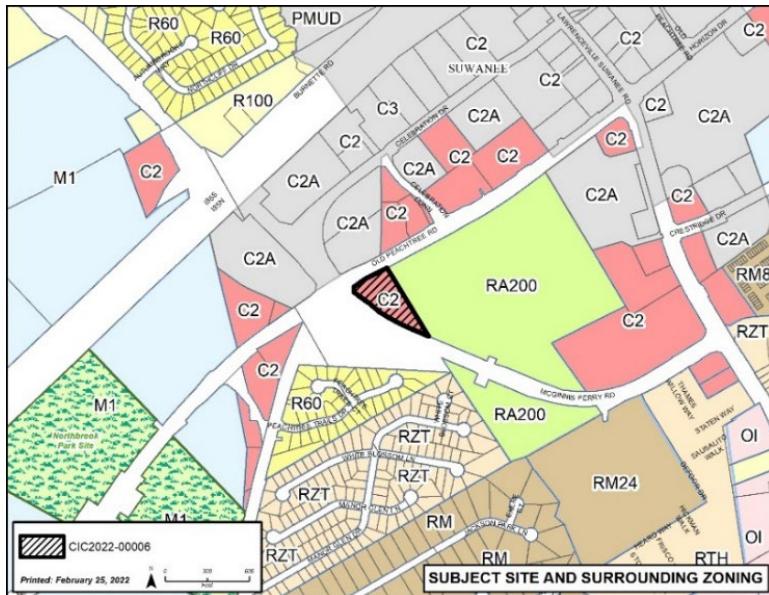
The subject property is zoned C-2 (General Business District). In 1975, an areawide rezoning was approved from RA-200 (Agriculture-Residence District) to HS (Hospital Service District). In 1992, rezoning case RZ-92-121 was approved which rezoned the property from HS to RA-200 for agricultural uses. Finally, in 2016 rezoning case RZC2016-00010 was approved which rezoned the property from RA-200 to C-2 for a convenience store with fuel pumps. This request is a change in conditions from this approval.

Existing Site Condition

The subject site is a 2.31-acre undeveloped parcel located on the eastern corner of the intersection of McGinnis Ferry Road and Old Peachtree Road. The parcel is heavily vegetated and generally slopes down from north to south approximately 38 feet. A five-foot wide sidewalk is present along the Old Peachtree Road frontage and a ten-foot wide multi-use path is present along the McGinnis Ferry Road frontage. Overhead utilities are not present on the property. A permanent construction easement exists along the road frontages. The nearest Gwinnett County Transit stop is located approximately 3.8 miles from the site.

Surrounding Use and Zoning

The subject site is surrounded by commercial, institutional, and residential uses. To the north, across Old Peachtree Road, is a convenience store with fuel pumps along with other retail and hospitality uses. A place of worship is located to the east. A single-family detached subdivision is located to the south across McGinnis Ferry Road. Property to the north is within the city limits of Suwanee. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Convenience Store w/ Pumps	C-2	N/A
North	Commercial	C-2A (Suwanee)	N/A
East	Institutional	RA-200	N/A
South	Single-Family Residential	R-60	3.68 units per acre
West	Single-Family Residential	C-2A (Suwanee)	N/A

Project Summary

The applicant requests a change in conditions for a 2.31-acre property zoned C-2 for a convenience store with fuel pumps and drive-through restaurant, including:

- A modification to a condition of a prior zoning approval in 2016 (RZC2016-00010), which reads as follows:
 - “2.A. Provide a 37.5-foot wide natural undisturbed buffer adjacent to residentially zoned properties. The buffer shall be enhanced where sparsely vegetated.” The applicant proposes to amend condition 2.A. to reduce the required 37.5-foot undisturbed buffer along the eastern property line to 15 feet.
- A 4,000 square foot convenience store with fuel pumps with an additional 1,650 square-foot retail tenant space.
- A 2,000 square-foot restaurant with drive-through is also proposed.
- 34 parking spaces to serve the convenience store, retail tenants, and restaurant. 19 of the proposed spaces are within a parking lot to the southeast of the convenience store.
- A fuel canopy along McGinnis Ferry Road.
- One limited access driveway from McGinnis Ferry Road and one limited access driveway from Old Peachtree Road.
- An existing five-foot wide sidewalk along Old Peachtree Road and an existing ten-foot wide multiuse path along McGinnis Ferry Road.
- A drive-through lane around the proposed fast food restaurant.
- A retaining wall of an unspecified height behind the buildings, five feet from the undisturbed buffer.
- An underground stormwater management structure under the proposed parking lot, to the southeast of the property.

Zoning and Development Standards

The applicant is requesting a change in conditions in the C-2, General Business District. 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 – Old Peachtree Road	Minimum 15'	>15'	YES
Front Yard Setback – McGinnis Ferry Road	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	N/A	YES ¹
Rear Yard Setback	Minimum 30'	28'	NO ²
Off-Street Parking	Minimum: 26 spaces Maximum: 68 spaces	36 spaces	YES
Stacking Spaces	Minimum 5 per lane	<5 spaces	NO
Zoning Buffer	37.5' adjacent to Residential	15'	NO ³
Landscape Strip	10'	10'	YES
Internal Driveway Width	Maximum 40'	>40'	NO ⁴

¹As the parcel is a triangular corner lot, the parcel contains two “front yards” and one “rear yard.”

²The rear yard setback does not meet the minimum required by the C-2 Zoning District. Because this setback encroachment is from the acquisition of right-of-way, according to state law, a variance is not required.

³Per RZC2016-00010, the required zoning buffer adjacent to the RA-200 zoned property is 37.5 feet.

⁴Per Section 240-70.1 of the UDO, interior driveways surrounding gasoline pumps shall not exceed 40 feet. Some of the proposed driveways appear to be in excess of the maximum permitted width.

Variance Request

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

1. Section 250-70.1.E., to increase the maximum driveway width around fuel pumps from 40 feet to 70 feet.

Waiver Request

In addition to the change in conditions request, the applicant is seeking a waiver from the following provision of Title III of the UDO:

1. Section 610-20.5. Minimum Buffer Requirements:
 - A. Required buffers shall be provided in conformity [with] Table 610.0 “Table of Minimum Buffer Requirements”.

A 75-foot zoning buffer is required between the RA-200 zoned property and the C-2 zoned property.

Typically, a C-2 development adjacent to existing RA-200 zoned property would require a 75-foot buffer. However, the conditions of RZC2016-00010 approved a buffer reduction from 75 feet to 37.5 feet. In this case, the applicant is proposing a further reduction of the buffer to 15 feet.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. 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

Change in Conditions 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 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. After this evaluation, staff makes the following findings based on the standards from the UDO:

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

The site is surrounded by commercial and institutional uses which provide services to nearby residences. The 2016 commercial rezoning permits the proposed use of a convenience store with fuel pumps and a fast-food restaurant by right. Nearby uses have experienced minimal change since 2016. Recent development in this area has been primarily commercial. Commercial use at this location is suitable in view of the use and development of adjacent and nearby property.

B. Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property.

The existing use and usability of adjacent or nearby properties would not be negatively impacted by the proposed buffer reduction. The surrounding area is developed with commercial uses or is zoned for commercial development. The nearest structure on the adjacent institutional property is approximately 165 feet from the property line, with screening provided by the undisturbed buffer on the subject site as well as dense vegetation on the neighboring property. The proposed change in conditions would be suitable given the surrounding use.

C. Whether the property to be affected by a proposed change in conditions has a reasonable economic use as currently zoned.

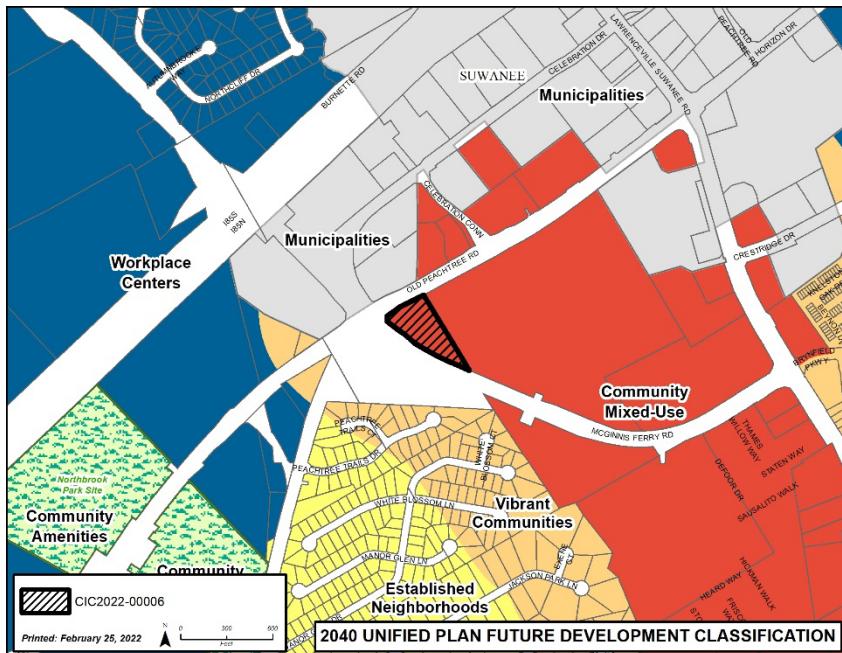
The property has a reasonable economic use as currently zoned.

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

An increased impact on public facilities is 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, related to this request, are attached (Exhibit E).

E. Whether the proposed change in conditions is in conformity with the policy and intent of the Unified Plan and Future Development Map.

The 2040 Unified Plan Future Development Map indicates that the subject property lies within the Community Mixed-Use Character Area. This Character Area is intended for activity nodes and connecting areas along major corridors. A neighborhood serving commercial development at this location would be appropriate given the subject site's adjacency to the major intersection of McGinnis Ferry Road and Old Peachtree Road.



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 change in conditions.

The nearby areas are developed with commercial and institutional uses. The proposed uses on the property are permitted by right and are in keeping with the spirit and intent of the 2040 Plan. The 2016 zoning case was approved prior to the finalization of GCDOT construction plans for the intersection of Old Peachtree Road and McGinnis Ferry Road. The proposed project will result in a loss of approximately 0.58 acres of land along the McGinnis Ferry Road frontage, encroaching approximately 35 feet into the property. Further commercial development of the area, both within the city limits of Suwanee and unincorporated Gwinnett County, are anticipated.

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 requested buffer reduction is located along the shared property line of the C-2 zoned property and RA-200 zoned property, on which is located a place of worship. A buffer reduction is necessary in order for the structure to be constructed as proposed. The need for a buffer reduction is the result of a GCDOT project which has acquired 0.58 acres along the McGinnis Ferry Road frontage, requiring the previously proposed structures to be moved back further into the property. Reducing the buffer would not adversely affect the general public welfare, nor would it nullify the intent of the Development Regulations.

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 requested variance is to increase the maximum driveway width around fuel pumps from 40 feet to 70 feet. The location of this driveway is between the fuel canopy and associated convenience store. A driveway of this width would create both pedestrian and traffic safety concerns. This driveway width is located near the entrance to the subject site from Old Peachtree Road, which serves not only ingress and egress for the property but for the proposed fast-food restaurant. Therefore, the requested variance does not meet the criteria outlined in Section 270-100.7 of the Unified Development Ordinance.

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 **APPROVAL WITH CONDITIONS** of the change in conditions request.

Staff recommends **DENIAL** of the following variance:

1. Section 250-70.1.E., to increase the maximum driveway width around fuel pumps from 40 feet to 70 feet.

In addition, staff recommends **APPROVAL** of the following Waiver request:

1. To reduce the required 37.5-foot wide zoning buffer adjacent to the RA-200 Zoning District to 15 feet.

Staff Recommended Conditions

NOTE: The conditions below are those from RZC2016-00010 with suggested changes in bold or strikethrough.

1. To restrict the use of the property as follows:

- a. Retail, service-commercial, office and accessory uses. The following uses shall be prohibited:
 - i. adult bookstores or entertainment
 - ii. automotive parts stores
 - iii. contractors offices
 - iv. emissions inspection stations
 - v. equipment rental
 - vi. extended stay hotels or motels
 - vii. recovered material processing facilities
 - viii. smoke shops/novelty stores, with exception of cigar store and humidor
 - ix. tattoo parlors
 - x. taxidermists
 - xi. yard trimmings composting facilities
- b. **The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received February 15, 2022 with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.**
- c. Buildings shall be of a brick, stacked stone and/or glass finish on all sides (stucco may only be used as an accent material). Final building elevations shall be submitted for review by the ~~Director~~ **Department** of Planning and Development, ~~in general accordance with elevations submitted at the May 3, 2016 Planning Commission Meeting.~~
- d. Gasoline canopy support columns shall be brick or stacked stone matching the building exterior. The vertical façade panels of the canopy roof shall incorporate a continuous vertical change of plane (either projecting or recessed). The change of plane shall have a minimum offset of one (1) inch and a minimum vertical height of six (6) inches. The offset plane shall have a contrasting color.

2. To abide by the following site development considerations:

- a. Provide a ~~37.5-foot~~ **15-foot** wide natural undisturbed buffer adjacent to residentially zoned properties. The buffer shall be enhanced where sparsely vegetated.
- b. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way.
- c. Natural vegetation shall remain on the property until the issuance of a development permit.
- d. Ground signage shall be limited to monument-type sign(s), and shall be subject to review and approval by the ~~Director~~ **Department** of Planning and Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials. Ground sign(s) shall not exceed eight feet in height.
- e. Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white earth tone) background colors for the sign cabinet.

f. Wall signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state, or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.

g. Billboards or oversized signs shall be prohibited.

h. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.

i. Outdoor storage shall be prohibited.

j. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00AM and 7:00PM.

k. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.

l. Outdoor loudspeakers shall be prohibited, **with the exception of one speaker for the proposed drive-through restaurant.**

m. Peddlers and/or parking lot sales shall be prohibited.

n. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

3. To abide by the following requirements, dedications and improvements:

a. Dedicate at no cost to Gwinnett County the right of way and easements needed for the Gwinnett County D.O.T. project to construct the proposed interchange of McGinnis Ferry Road and Interstate 85.

Exhibits:

- A. Site Visit Photos
- B. Previously Approved Resolution and Site Plan
- C. Site Plan
- D. Letter of Intent and Applicant's Response to Standards
- E. External Agency Review Comments
- F. Maps

Exhibit A: Site Visit Photos



View along Old Peachtree Road



View of intersection at Old Peachtree Road and McGinnis Ferry Road

Exhibit B: Previously Approved Resolution and Site Plan

[attached]

CASE NUMBER RZC2016-00010
GCID 2016-0351

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: Amendment to the Official Zoning Map of Gwinnett County

ADOPTION DATE: MAY 24, 2016

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Name	Present	Vote
Charlotte J. Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Lynette Howard, District 2	Yes	Aye
Tommy Hunter, District 3	Yes	Aye
John Heard, District 4	Yes	Aye

On motion of Commissioner COMM. BROOKS, which carried a 5-0 vote, the following Resolution to Amend the Official Zoning Map of Gwinnett County is hereby adopted:

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from RA-200 to C-2 by MAHAFFEY, PICKENS, TUCKER, LLP for the proposed use of COMMERCIAL/RETAIL TO INCLUDE A CONVENIENCE STORE WITH FUEL PUMPS (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on MAY 24, 2016 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, that the aforesaid application to amend the Official Zoning Map from RA-200 to C-2 is hereby **APPROVED** with the following enumerated conditions:

1. To restrict the use of the property as follows:

- A. Retail, service-commercial, office and accessory uses. The following uses shall be prohibited:
 - adult bookstores or entertainment
 - automotive parts stores
 - contractors offices
 - emissions inspection stations
 - equipment rental
 - extended stay hotels or motels
 - recovered materials processing facilities
 - smoke shops/novelty stores, with exception of cigar store and humidor
 - tattoo parlors
 - taxidermists
 - yard trimmings composting facilities
- B. Buildings shall be of a brick, stacked stone and/or glass finish on all sides (stucco may only be used as an accent material). Final building elevations shall be submitted for review by the Director of Planning and Development, in general accordance with elevations submitted at the May 3, 2016 Planning Commission Meeting.
- C. Gasoline canopy support columns shall be brick or stacked stone matching the building exterior. The vertical façade panels of the canopy roof shall incorporate a continuous vertical change of plane (either projecting or recessed). The change of plane shall have a minimum offset of one (1) inch and a minimum vertical height of six (6) inches. The offset plane shall have a contrasting color.

2. To abide by the following site development considerations:

- A. Provide a 37.5-foot wide natural undisturbed buffer adjacent to residentially-zoned properties. The buffer shall be enhanced where sparsely vegetated.
- B. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way.

- C. Natural vegetation shall remain on the property until the issuance of a development permit.
- D. Ground signage shall be limited to monument-type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials. Ground sign(s) shall not exceed eight feet in height.
- E. Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white earth tone) background colors for the sign cabinet.
- F. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
- G. Billboards or oversized signs shall be prohibited.
- H. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- I. Outdoor storage shall be prohibited.
- J. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
- K. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- L. Outdoor loudspeakers shall be prohibited.
- M. Peddlers and/or parking lot sales shall be prohibited.
- N. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

3. To abide by the following requirements, dedications and improvements:

A. Dedicate at no cost to Gwinnett County the right of way and easements needed for the Gwinnett County D.O.T. project to construct the proposed interchange of McGinnis Ferry Road and Interstate 85.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By:

Charlotte J. Nash

Charlotte J. Nash, Chairman

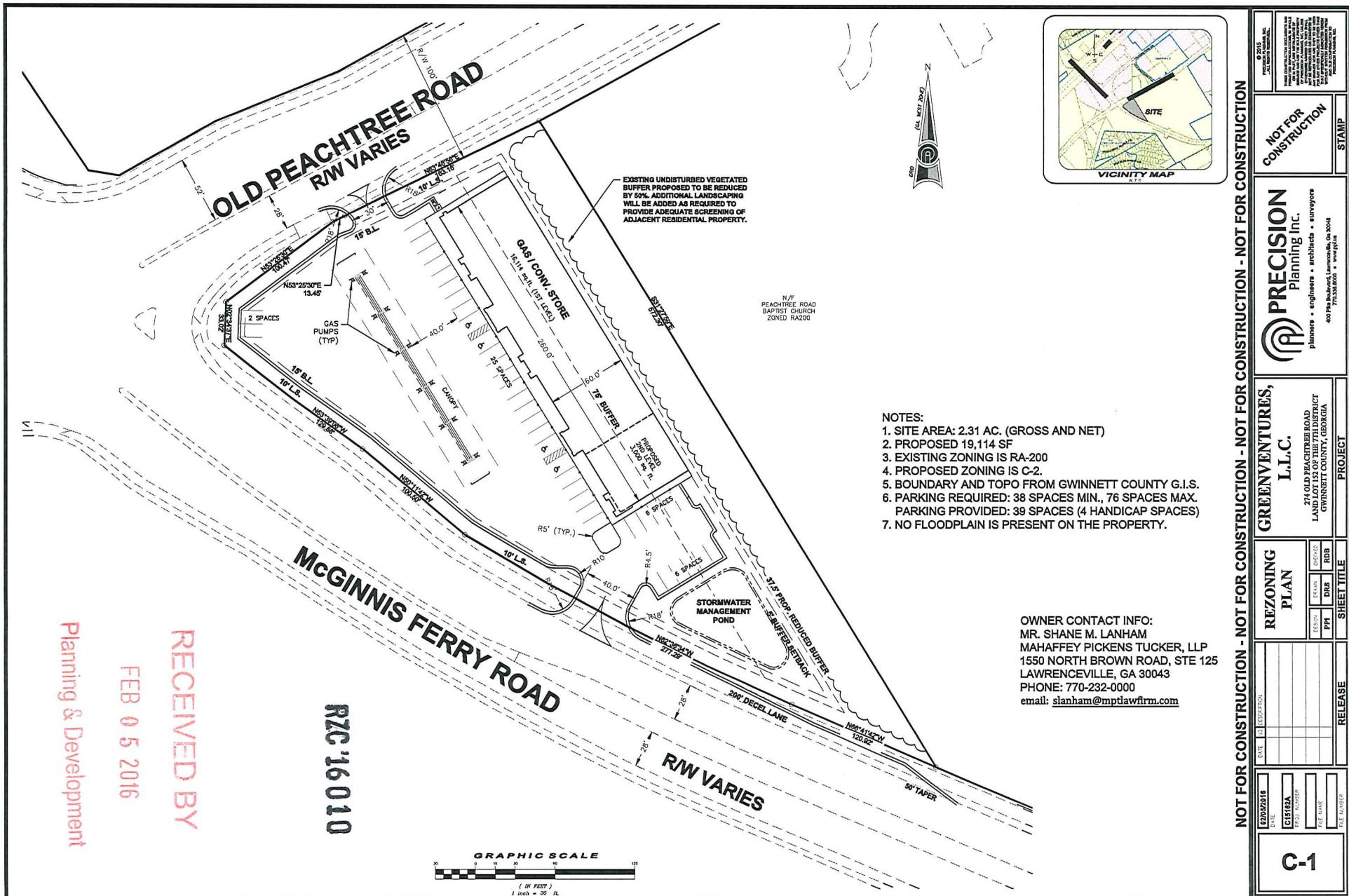
Date Signed:

6/16/2016

ATTEST:



Jina M. King
County Clerk/Deputy County Clerk



CIC2022-00006

Page 17 of 30

LW

Exhibit C: Site Plan

[attached]

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

[attached]



Blackwater Construction Group

2180 Satellite Blvd, Suite 400

Duluth, GA 30097

Tel 404.964.3569 | Fax 866.487.7900

info@blackwaterga.com

www.blackwaterga.com

9/22/2021

Gwinnett County Planning Division

446 W Crogan St #150, Lawrenceville, GA 30046

To Whom it May Concern,

Venus USA LLC. owns a tract of land located at 274 Old Peachtree Road, consisting of 2.3 acres. The tract is zoned C-2, and the proposed use is intended to be a 4,000 square foot gas/convenience store with gas pumps, 2,000 square foot restaurants, and 1,650 square foot retail space.

The owner is requesting a change in condition for the buffer reduction and a rear setback reduction because of the Georgia Department of Transportation (GDOT) planned construction at the intersection of the property. In GDOT's proposed plan, they intend to take approximately 0.60 acres of property for their right-of-way. Therefore, the property acquisition by GDOT is a reduction of 26% of building land for the owner.

Warm regards,



Imran Niazi

PRESIDENT

CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

YES

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

No, the reduction in the 37.5 ft buffer to would not have any impact on any adjacent property.

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

Yes, The property to be affected is currently zoned C2. The proposed use is a C-store with fuel pumps, Quick service restaurant and a retail location.

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

No, the granting of this change in conditions would not cause an excessive or burdensome use of existing Streets, Transportation Facilities, Utilities or Schools

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

Yes, the request for the change in condition for the buffer reduction is the minimum necessary for the owner to make reasonable use of the land.

(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 CHANGE IN CONDITIONS:

Yes, Due to the land being irregular shape and the right-of way being aquired for the McGinnis Ferry road upgrades, a change in condition is being requested to reduce the buffer from 37.5 ft to 15 ft.

Exhibit E: External Agency Review Comments

[attached]

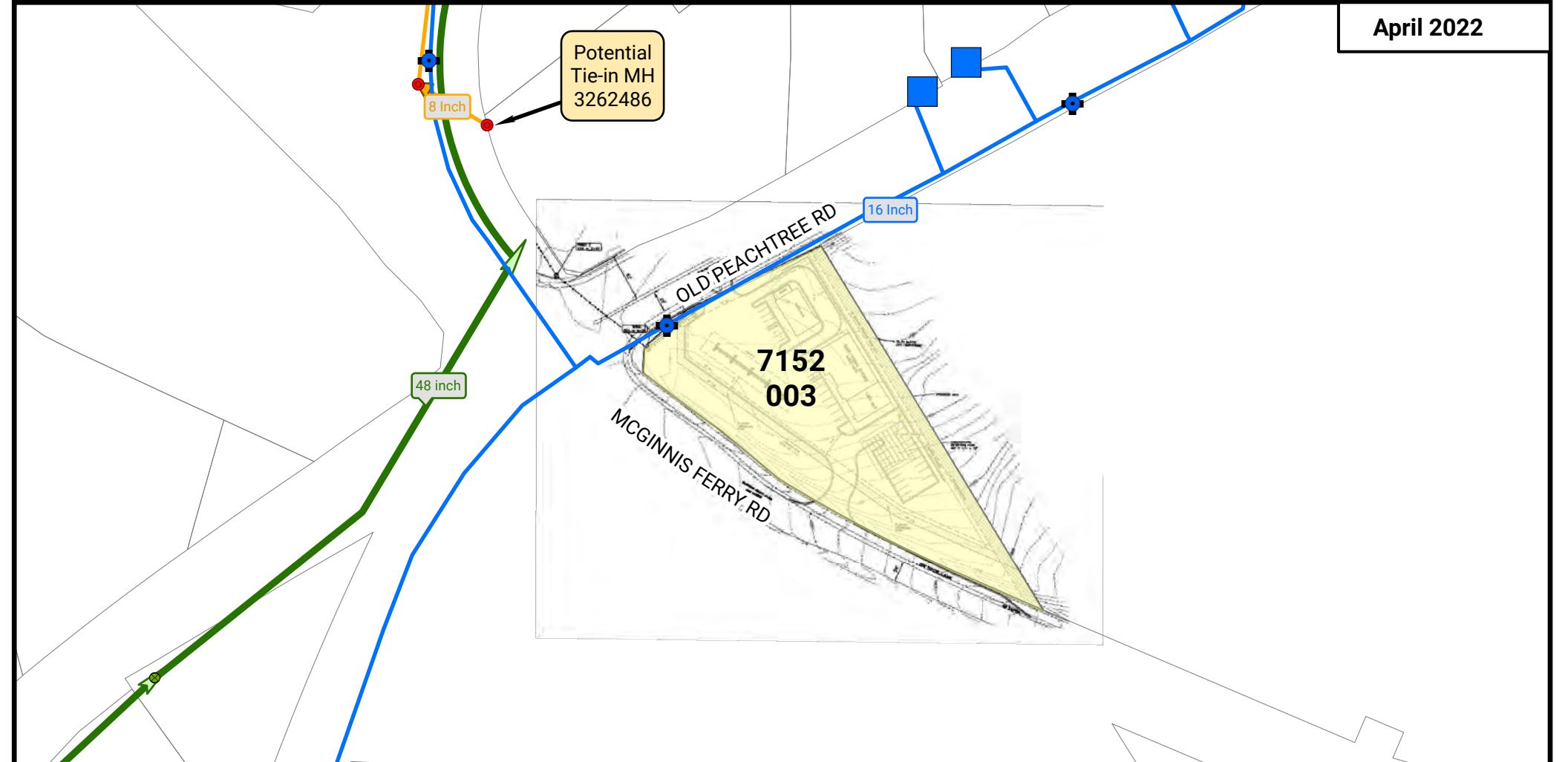


**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:		3/16/2022			
Department/Agency Name:		Transportation			
Reviewer Name:		Brent Hodges			
Reviewer Title:		Construction Manager 1			
Reviewer Email Address:		Brent.Hodges@gwinnettcounty.com			
Case Number:		CIC2022-00006			
Case Address:		274 Old Peachtree Road			
Comments:		<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
1	Old Peachtree Road is a Minor Arterial. ADT = 12,475. McGinnis Ferry is a Major Arterial. ADT = 7,346. Nearest Transit facility is 3.8 miles away at #2334862 N. Brown Road and Sugarloaf Parkway IB.				
2	Provide sight distance certification for ALL driveways/streets connecting to classified roads in accordance with sections 900-40.6 and 900-50.7 of the UDO. Certification must be a signed and sealed statement on the plan.				
3	Frontage along both roads is part of the GC Trails Network. Minimum of 10' multi-use path must be shown.				
4	Show minimum of 50' right-of way from centerline for Old Peachtree Road.				
5	Install right-of-way miter at intersection.				
6					
7					
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
1					
2					
3					
4					
5					
6					
7					

Note: Attach additional pages, if needed

Revised 7/26/2021



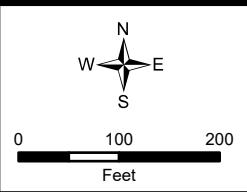
LEGEND

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

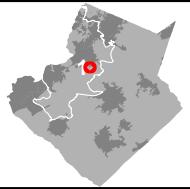
CIC2022-00006

C-2

Water & Sewer Utility Map



LOCATION



Water Comments: The development may connect to an existing 16-inch water main located on the south right-of-way of Old Peachtree Rd.

Sewer Comments: An expired Sewer Capacity Certification C2019-06-113 was approved for 8.28 peak GPM in June 2019. A new request must be submitted. Pending available sewer capacity, the development may connect to an existing 8-inch sanitary sewer main located approximately 365 feet north of proposed development which will require a jack and bore under Old Peachtree Rd.

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.



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date: 3/16/2022			
Department/Agency Name: DWR			
Reviewer Name: Mike Pappas			
Reviewer Title: GIS Planning Manager			
Reviewer Email Address: Michael.pappas@gwinnettcounty.com			
Case Number: CIC2022-00006			
Case Address: 274 Old Peachtree Road			
Comments: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
1	WATER: The development may connect to an existing 16-inch water main located on the south right-of-way of Old Peachtree Rd.		
2	SEWER: An expired Sewer Capacity Certification C2019-06-113 was approved for 8.28 peak GPM in June 2019. A new request must be submitted.		
3	SEWER: Pending available sewer capacity, the development may connect to an existing 8-inch sanitary sewer main located approximately 365 feet north of proposed development which will require a jack and bore under Old Peachtree Rd.		
4			
5			
6			
7			
Recommended Zoning Conditions: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021

Exhibit F: Maps

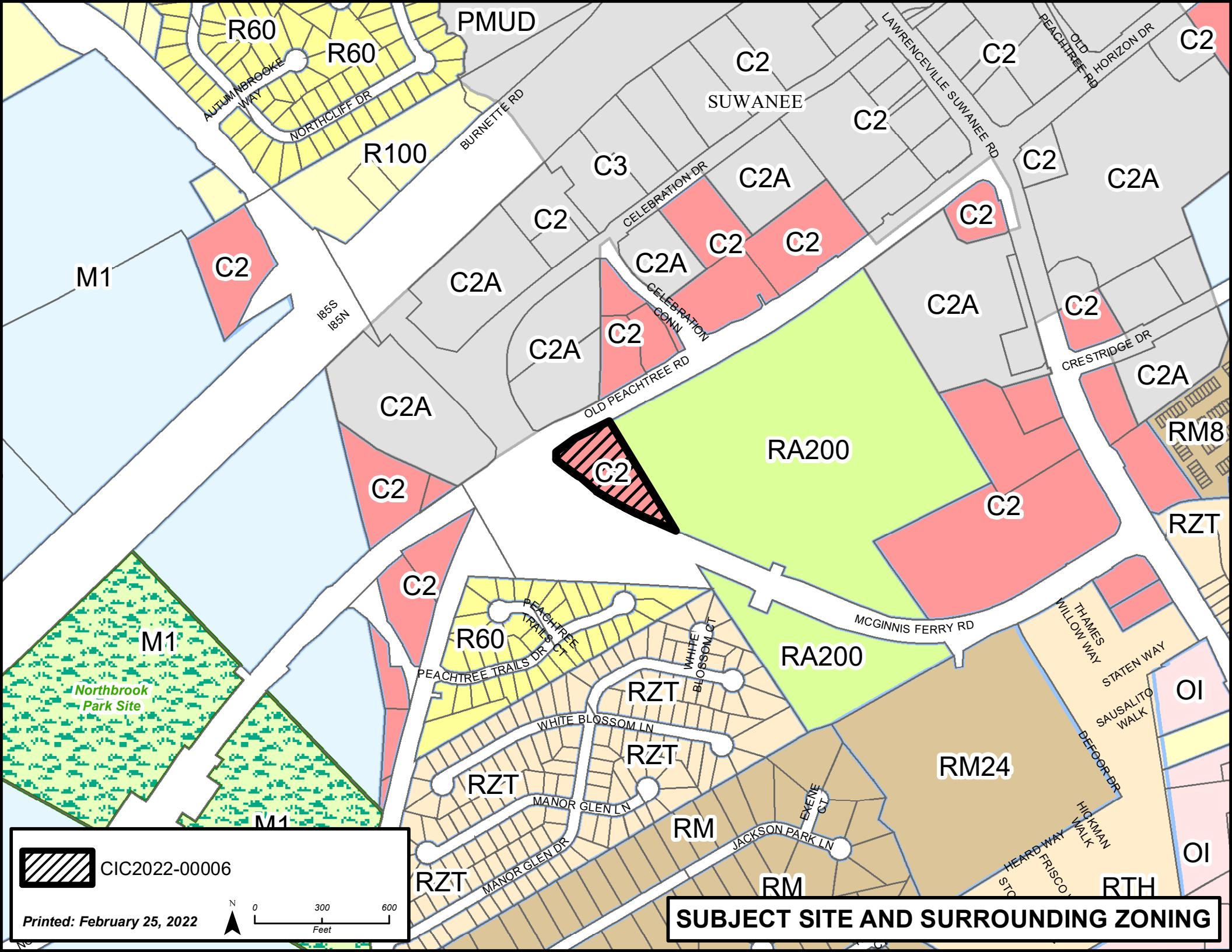
[attached]

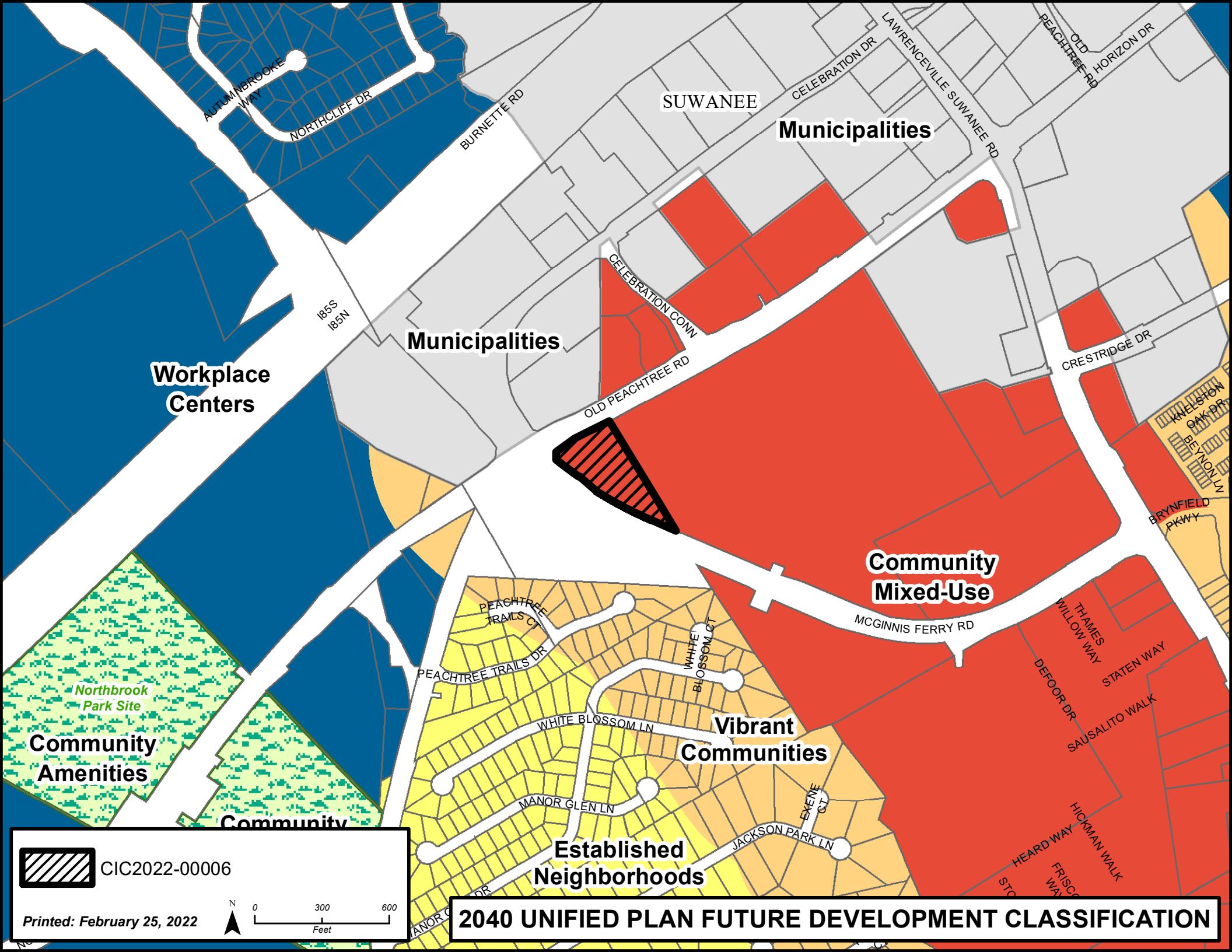


 CIC2022-00006

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Printed: February 25, 2022





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Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Blackwater Construction	NAME: VENUS USA LLC
ADDRESS: 2180 SATELLITE BLVD, SUITE 400	ADDRESS: 2800 SUGARLOAF CLUB DR
CITY: DULUTH	CITY: DULUTH
STATE: GA ZIP: 30097	STATE: GA ZIP: 30097
PHONE: (404) 964-3569	PHONE: (404) 434-1343
EMAIL: INIAZI786@GMAIL.COM	EMAIL: sunnyhajiyani@gmail.com
CONTACT PERSON: IMAD KACHALIA	PHONE: (732) 322-7664
CONTACT'S E-MAIL: ikblackwater@gmail.com	

APPLICANT IS THE:		
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICT(S): C2	PRIOR ZONING CASE: RZC2016-00010	
PARCEL NUMBER(S): 7152 003	ACREAGE: 2.305	
ADDRESS OF PROPERTY: 274 OLD PEACHTREE RD		
PROPOSED CHANGE IN CONDITIONS: REAR BUFFER REDUCTION		

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS:	NO. OF BUILDINGS/LOTS: 2
DWELLING UNIT SIZE (Sq. Ft.):	TOTAL GROSS SQUARE FEET: 7650 sqft
GROSS DENSITY:	DENSITY:
NET DENSITY:	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

YES

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

No, the reduction in the 37.5 ft buffer to would not have any impact on any adjacent property.

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

Yes, The property to be affected is currently zoned C2. The proposed use is a C-store with fuel pumps, Quick service restaurant and a retail location.

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

No, the granting of this change in conditions would not cause an excessive or burdensome use of existing Streets, Transportation Facilities, Utilities or Schools

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

Yes, the request for the change in condition for the buffer reduction is the minimum necessary for the owner to make reasonable use of the land.

(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 CHANGE IN CONDITIONS:

Yes, Due to the land being irregular shape and the right-of way being aquired for the McGinnis Ferry road upgrades, a change in condition is being requested to reduce the buffer from 37.5 ft to 15 ft.

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Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS 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.



Signature of Applicant

11/2/21

Date

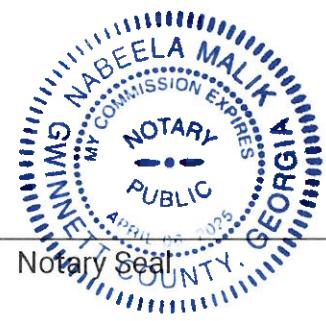
Imran Niazi, President

Type or Print Name and Title


Signature of Notary Public

11/2/21

Date



Notary Seal

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

CHANGE IN CONDITIONS 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

11/03/2021

Date

Venus USA LLC, Owner

Type or Print Name and Title



Signature of Notary Public

11/2/21

Date



Notary Seal

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2/15/2022 3:00PM

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

CONFFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

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

Imran Niazi 11/2/21 *Imran Niazi*
Signature of Applicant Date Type of Print Name and Title

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

Nabeela Malik 11/2/21
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 or a member of the Gwinnett County Planning Commission?

YES

Imran
 NO

Imran Niazi

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)
MARLENE FASQUE	\$ 500.00	
KIRKLAND CARDEN	\$ 500.00	

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

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2/15/2022 3:00PM

VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS

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: 7152 - 003 - 274
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

02/15/2022
Date

VENUS USA LLC, 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)

Tonia Harmon

NAME

2.15.2022

DATE

TSA

TITLE

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2/15/2022 3:00PM

LAND DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 152 of the 7th Land District, Gwinnett County, Georgia and being more particularly described as follows:

To find the **POINT OF COMMENCEMENT** begin at an Iron Pin Set, at the Southerly End of the Mitered Intersection of the Northeasterly Right of Way of McGinnis Ferry Road (Right-of-Way varies) and the Southeasterly Right-of-Way of Old Peachtree Road (Right-of-Way varies), said Point also being **THE POINT OF BEGINNING**.

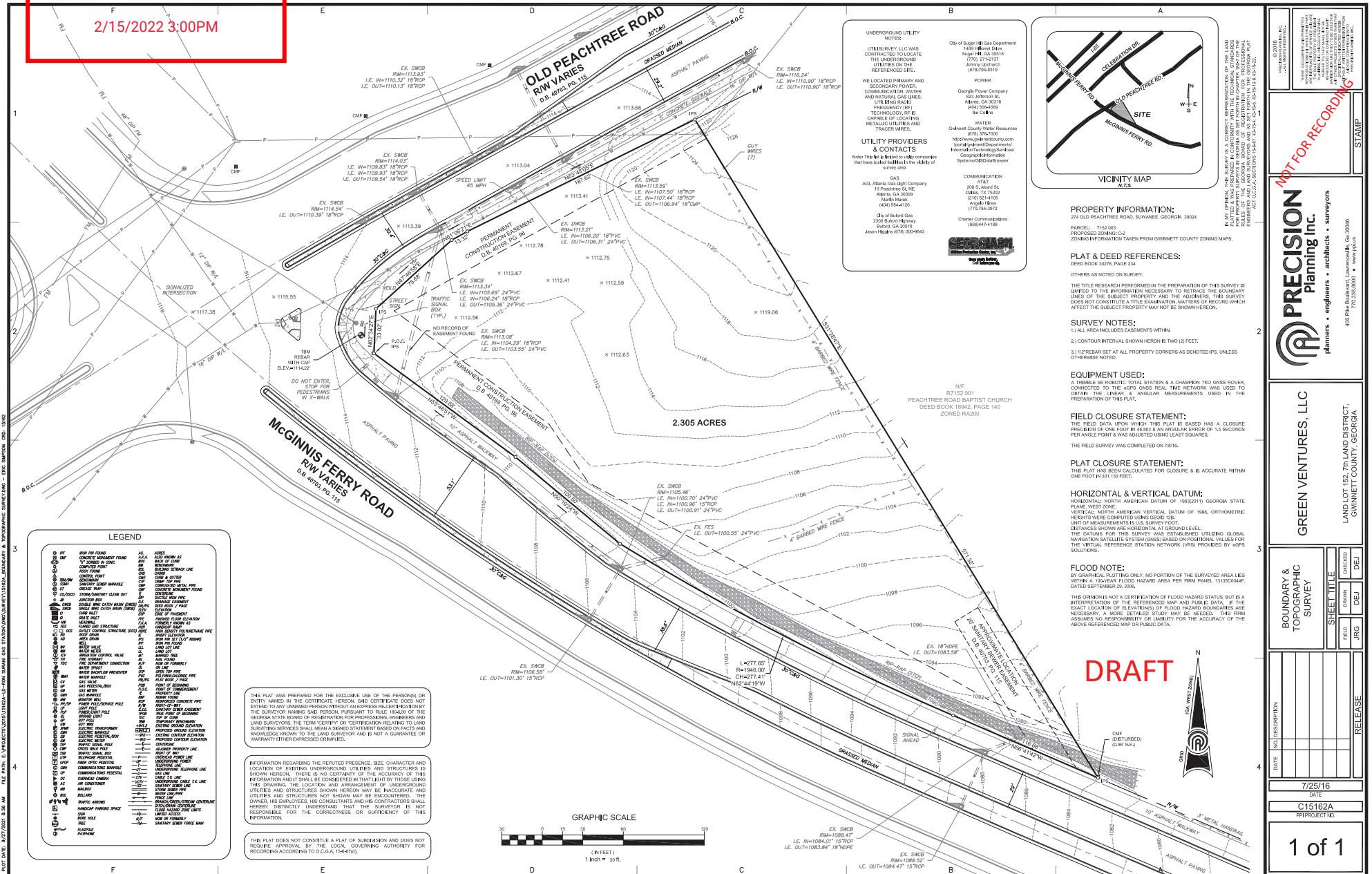
THENCE from said point as thus established and traveling the Mitered Right-of-Way between McGinnis Ferry Road & Old Peachtree Road, North 02 degrees 34 minutes 27 seconds East for a distance of 33.02 feet to an Iron Pin Set; THENCE traveling along the Southeasterly Right-of-Way of Old Peachtree Road the following three (3) courses and distances, North 47 degrees 46 minutes 58 seconds East for a distance of 75.68 feet to a Point; THENCE North 61 degrees 06 minutes 21 seconds East for a distance of 13.32 feet to a Point; THENCE North 63 degrees 48 minutes 05 seconds East for a distance of 187.62 feet to an Iron Pin Set; THENCE leaving said Right-of-Way of Old Peachtree Road, South 31 degrees 28 minutes 47 seconds East for a distance of 571.32 feet to an Iron Pin Set on the aforesaid Northeasterly Right-of-Way of McGinnis Ferry Road; THENCE continuing along said Right-of-Way the following four (4) courses and distances, North 66 degrees 41 minutes 42 seconds West for a distance of 116.66 feet to a Point; THENCE along a curve to the right having a radius of 1946.00 feet and arc length of 277.65 feet being subtended by a chord of North 62 degrees 44 minutes 19 seconds West for a distance of 277.41 feet to a Point; THENCE North 50 degrees 19 minutes 24 seconds West for a distance of 100.50 feet to a Point; THENCE North 53 degrees 46 minutes 51 seconds West for a distance of 129.88 feet to an Iron Pin Set, said point being **THE POINT OF BEGINNING**.

Said property contains 2.305 Acres.

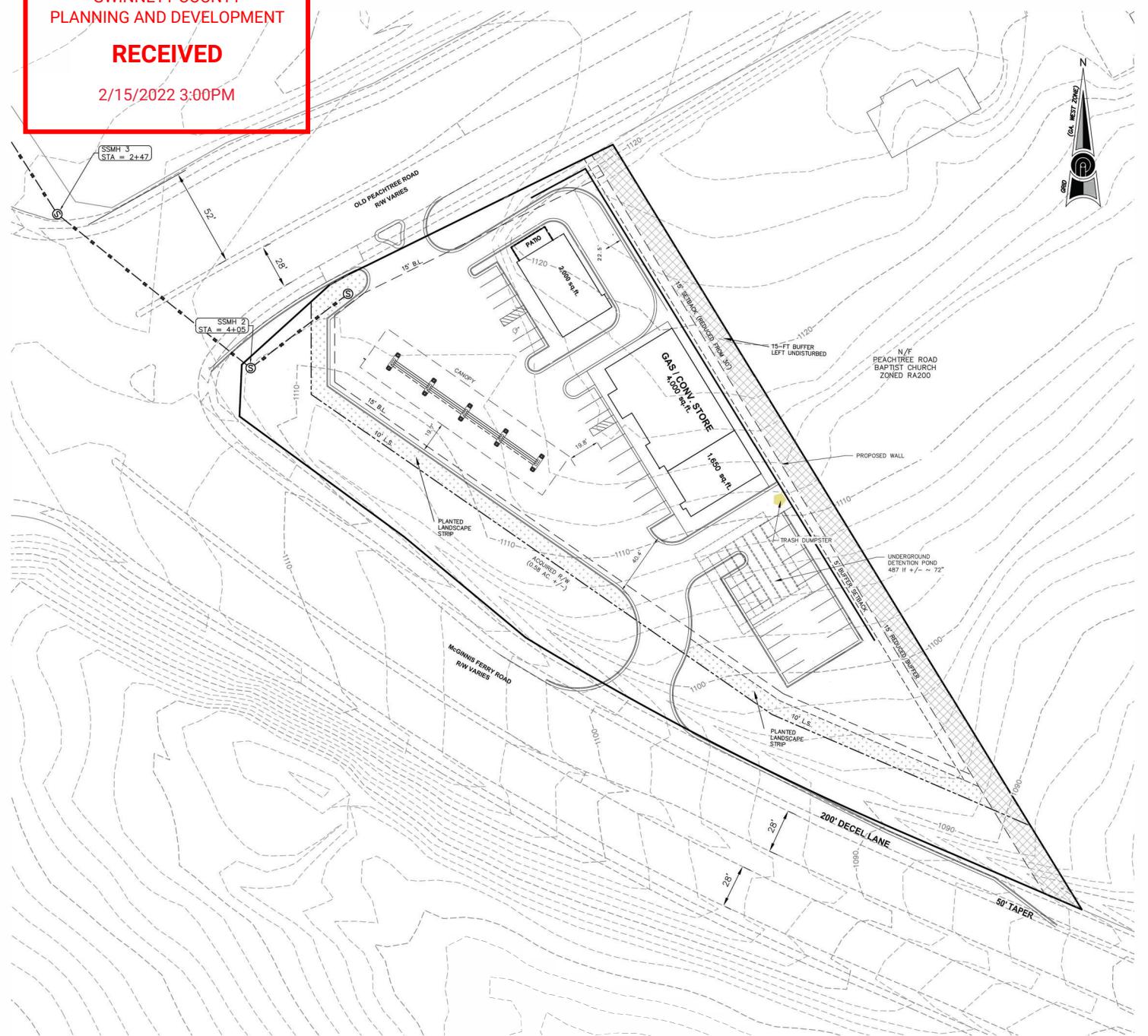
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**GWINNETT COUNTY
PLANNING AND DEVELOPMENT**

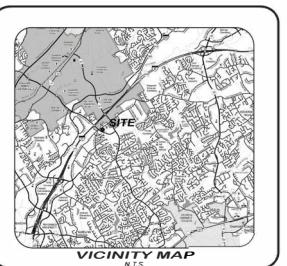


NOTES:

1. PROPOSED BUILDING SQUARE FOOTAGE 6,650 SF
2. EXISTING ZONING C-2.
3. BOUNDARY AND TOPO FROM GWINNETT COUNTY G.I.S.
4. NO FLOODPLAIN IS PRESENT ON THE PROPERTY.

SITE AREA:	2.31 ACRES
GOT R.O.W. TAKE:	0.58 ACRE +/-
REMAINING AREA OF PROPERTY:	1.73 ACRE +/-

NOT FOR CONSTRUCTION - NOT FOR CONSTRUCTION - NOT FOR CONSTRUCTION - NOT FOR CONSTRUCTION





PRECISION
Planning Inc.
planners • engineers • architects • surveyors

SUNNY HAJIYANI

CONCEPT SITE

1

DESCRIPTION

40

DATE

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21

1/27/2015

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1

1

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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 **BLACKWATER**
CONSTRUCTION

2/15/2022 3:00PM

Blackwater Construction Group

2180 Satellite Blvd, Suite 400

Duluth, GA 30097

Tel 404.964.3569 | Fax 866.487.7900

info@blackwaterga.com

www.blackwaterga.com

9/22/2021

Gwinnett County Planning Division

446 W Crogan St #150, Lawrenceville, GA 30046

To Whom it May Concern,

Venus USA LLC. owns a tract of land located at 274 Old Peachtree Road, consisting of 2.3 acres. The tract is zoned C-2, and the proposed use is intended to be a 4,000 square foot gas/convenience store with gas pumps, 2,000 square foot restaurants, and 1,650 square foot retail space.

The owner is requesting a change in condition for the buffer reduction and a rear setback reduction because of the Georgia Department of Transportation (GDOT) planned construction at the intersection of the property. In GDOT's proposed plan, they intend to take approximately 0.60 acres of property for their right-of-way. Therefore, the property acquisition by GDOT is a reduction of 26% of building land for the owner.

Warm regards,



Imran Niazi

PRESIDENT