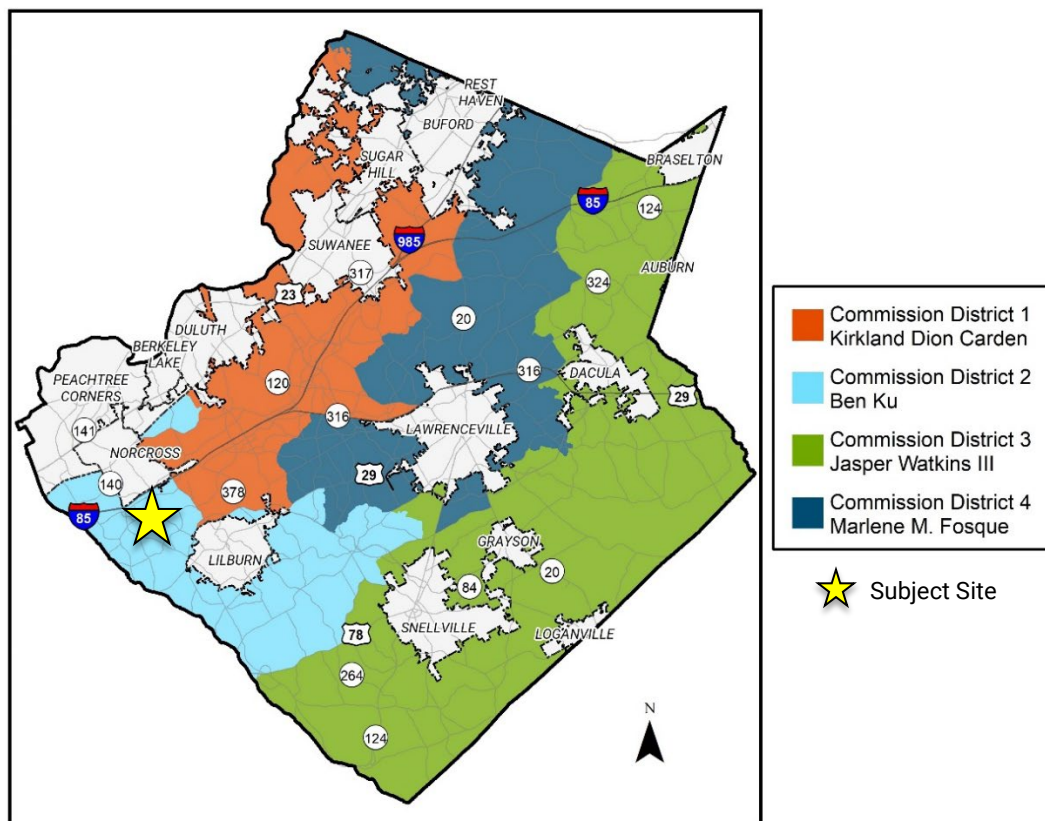




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2022-00018
Current Zoning: O-I (Office-Institutional District)
R-75 (Single-Family Residence District)
Overlay District: Gateway 85 Overlay District
Request: Rezoning to C-1 (Neighborhood Business District)
Address: 5624, 5634, and 5644 Singleton Road
Map Number: R6188 017, 360, and 361
Site Area: 3.59 acres
Square Feet: 15,200
Proposed Development: Retail Development with Fuel Pumps
2022 Commission District: District 2 – Commissioner Ku
Character Area: Vibrant Communities

Staff Recommendation: DENIAL



Applicant: GMI1, Inc.
c/o Andersen, Tate & Carr, PC
1960 Satellite Boulevard
Suite 4000
Duluth, GA 30097

Owners: David K. Giang and Maria C. Giang
60 Cross Creek Drive
Lilburn, GA 30047

Daniel W. Williams
2781 Gardenwood Court SW
Lilburn, GA 30047

GMI1, Inc.
Bharti Mehta
1867 Independence Square, Suite D
Dunwoody, GA 30338

Contact: Melody A. Glouton

Contact Phone: 770.339.0475

Zoning History

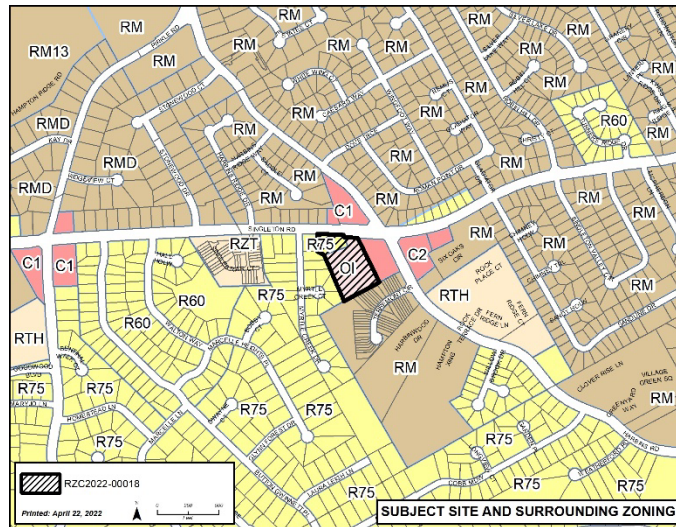
The subject property is zoned O-I (Office-Institutional District) and R-75 (Single-Family Residence District). A 1995 rezoning case, RZ-95-077, rezoned Parcel 6188 017 from R-75 to O-I for a commercial development that was never constructed. No other rezoning cases are on record for Parcels 6188 360 and 361.

Existing Site Condition

The subject site is a 3.59-acre assemblage of three parcels located along Singleton Road, west of its intersection with Harbins Road. Parcels R6188 360 and 361 are currently developed with single-family residences constructed in 1981. Parcel R6188 017 is undeveloped and heavily vegetated. Driveways for the single-family residences are located along Singleton Road. Sidewalks are present along the road frontage. The site slopes down approximately 42 feet from the road frontage to the rear of the property. Sidewalks are present along the road frontage. The nearest Gwinnett County Transit stop is along the frontage of the parcel adjacent to the subject site, at the intersection of Harbins Road and Singleton Road.

Surrounding Use and Zoning

The subject site is surrounded by single-family residences and commercial uses. To the north are commercial uses, including a convenience store with fuel pumps at the intersection of Singleton Road and Harbins Road. To the south is a townhouse development. To the west are single-family subdivisions. To the east are a discount retail store and an early childhood education center. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Commercial	C-1	N/A
North	Commercial	C-1	N/A
East	Commercial	C-1	N/A
South	Townhouses	RM	5.44 units per acre
West	Single-Family Residential	R-75	2.34 units per acre

Project Summary

The applicant requests rezoning of a 3.59-acre assemblage of three parcels from O-I and R-75 to C-1 for a retail development with fuel pumps, including:

- A 15,200 square foot retail development with fuel pumps, including a 4,346 square foot convenience store, 9,600 square feet of retail tenant space, and 2,400 square feet of restaurant tenant space.
- 93 parking spaces with 13 of the parking spaces located in front of the convenience store and seven located behind the retail building.
- A fuel canopy along Singleton Road covering six fuel pumps.
- One full access driveway with a deceleration lane from Singleton Road and one interparcel driveway from the adjacent discount retail store to the east.
- An existing five-foot wide sidewalk along Singleton Road.
- An internal five-foot wide sidewalk providing a connection from the existing sidewalk on Singleton Road to the proposed retail building.
- Two dumpster enclosures located to the west and south of the primary structure, and one dumpster enclosure located in front of the convenience store.
- A 50-foot wide zoning buffer adjacent to R-75 and RM zoned single-family attached and detached subdivisions.
- No stormwater management facility is indicated on the site plan.
- A 10-foot wide landscape strip along Singleton Road.
- One electric vehicle charging station toward the front of the site.

Zoning and Development Standards

The applicant is requesting a rezoning to C-1, Neighborhood 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 35'	<35'	YES
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	>10'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Off-Street Parking	Minimum: 44 spaces Maximum: 115 spaces	93 spaces	YES
Landscape Strip	10'	10'	YES
Sidewalk	Minimum 8' along Major Arterial	5'	NO*
Zoning Buffer	50' – R-75	50'	YES

*Table 220.4 of the UDO requires a minimum eight-foot wide sidewalk for developments within the Gateway 85 Overlay District. This will be required during construction of the project.

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 D). 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 Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

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

The site is primarily surrounded by residentially zoned properties. Commercial activity in the immediate area includes a convenience store with fuel pumps, a dollar store, and an early childhood learning facility. A retail center with fuel pumps would not be suitable given the surrounding use and development. Office uses, as currently permitted, would be a more appropriate transitional use between the existing commercial development and adjacent residences.

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

Surrounding properties would be negatively impacted by the proposed rezoning request. Rezoning the property to a commercial designation for an automotive oriented use would negatively impact adjacent properties. Due to the site's proximity to multiple Gwinnett County Transit stops, a non-automotive oriented use would more positively support accessibility and usability of these stops. Also, an additional curb cut onto Singleton Road would negatively impact pedestrian access in the area, as well as create additional vehicular traffic adjacent to existing single-family detached residences.

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

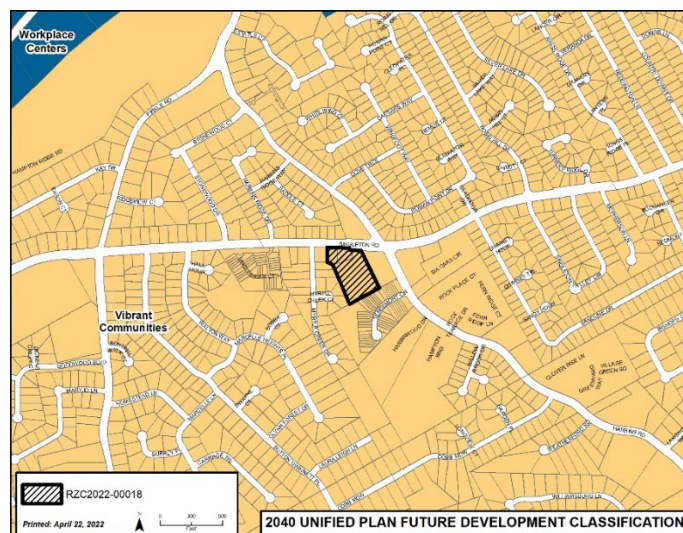
The property has a reasonable economic use as currently zoned.

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.

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

E. Whether the proposed rezoning 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 Vibrant Communities Character Area. This Character Area is intended to serve as a transition between neighborhood nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from primary intersections where activity centers and nodes are located. The addition of a convenience store with fuel pumps would not be appropriate in this Character Area which should be utilized for more neighborhood serving retail and employment uses within walking distance of adjacent and nearby residential properties.



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.

The nearby area is already developed with neighborhood serving commercial uses and single-family residences. Much of the surrounding area is already developed, leaving few properties currently zoned for office uses or other similar neighborhood serving uses. Professional office uses within walking distance of adjacent and nearby residential properties, along with the development's proximity to an existing Gwinnett County Transit stop, would be a more appropriate given the existing condition of the surrounding area.

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 request.

Staff Recommended Conditions

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

Approval as C-1 (Neighborhood Business District) for a retail development with fuel pumps, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received April 19, 2022 with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.
2. Buildings shall comply with the requirements of Architectural Design Category 3. Final building elevations shall be submitted for review and approval by the Department of Planning and Development.
3. 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.
4. Outdoor loudspeakers shall be prohibited.
5. Natural vegetation shall remain on the property until the issuance of a development permit.
6. Billboards shall be prohibited.
7. Fuel pumps shall be prohibited.

Exhibits:

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

Exhibit A: Site Visit Photos



View of Singleton Road and adjacent driveway



View of adjacent driveway



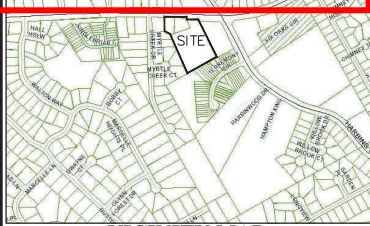
View across Singleton Road

Exhibit B: Site Plan

[attached]

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VICINITY MAP

N.T.S.

THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS SHOWN ON F.I.R.M. COMMUNITY PANEL NUMBER 13135C009B DATED SEPTEMBER 29, 2006.

CONTRACTOR PLEASE NOTE THERE ARE NUMEROUS UNDERGROUND UTILITIES. ALL SHALL BE FIELD LOCATED PRIOR TO CONSTRUCTION OF DRIVEWAY AND PROPOSED UTILITY AND STORM DRAIN CROSSINGS. IMMEDIATELY BRING TO THE ATTENTION OF THE OWNER / DEVELOPER AND / OR UTILITY PROVIDER OF EXISTING CONFLICTS.

SITE PLAN DEVELOPED FROM A SURVEY PROVIDED BY THE CLIENT BY BOSTONE SURVEYING, C.O.E. RESERVES THE RIGHT TO REVISE THE SITE PLAN AS ADDITIONAL INFORMATION IS MADE AVAILABLE. SITE PLAN SUBJECT TO CHANGE.

CIVIL ENGINEER

CIVIL CONSULTING ENGINEERS, INC.
211 S. MAIN STREET
CANTON, GA 30114
ENGINEER: TERRY S. BOOPER
PHONE: 678.462.4072

DEVELOPER

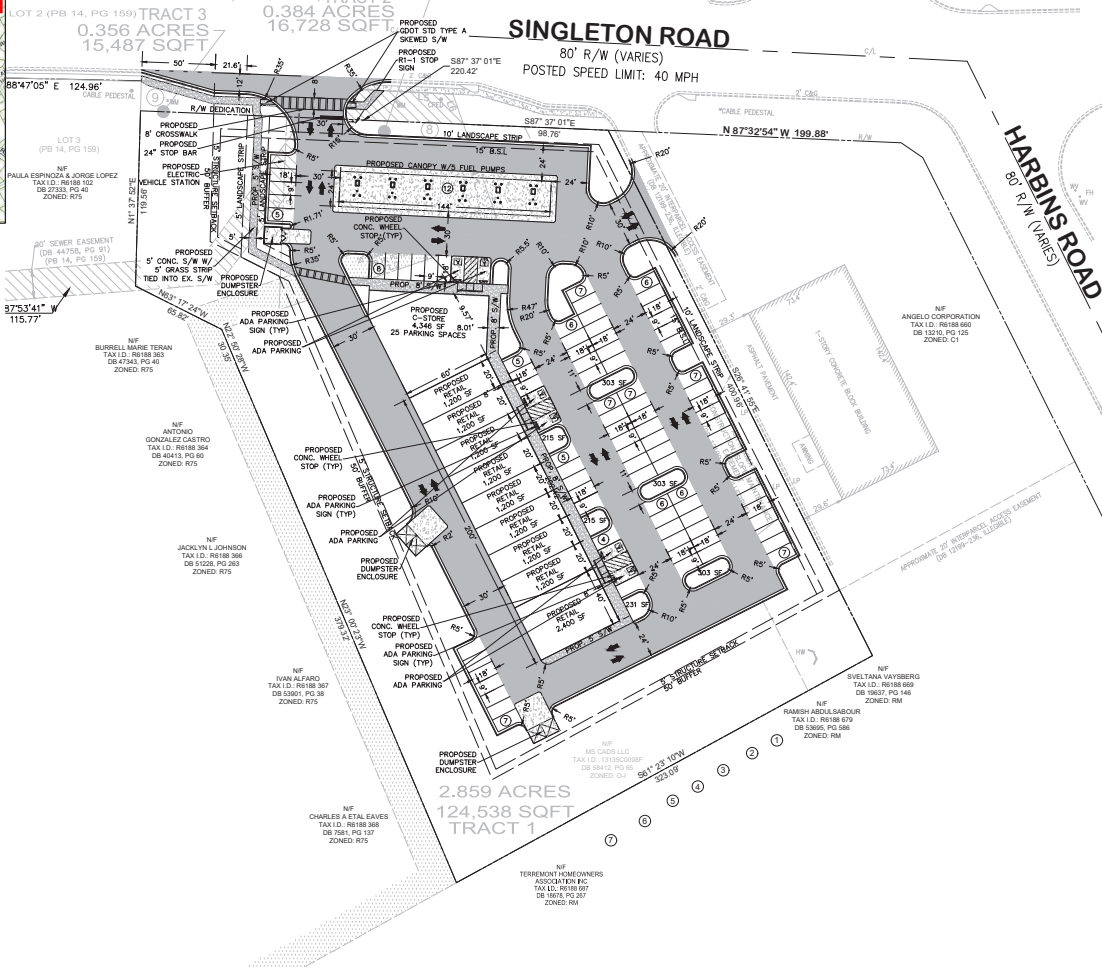
MEHTA ENTERPRISES, LLC
1616 INDEPENDENT SQUARE
SUITE 210
DUNWOODY, GA 30338
CONTACT: SUMIT MEHTA
PHONE: 678.426.5162
EMAIL: SUMIT@MEHTAENTERPRISES.COM

OWNER

5634 SINGLETON RD
MS CADS LLC
5802 SW 14TH ST
SUITE 210
PALMISTO BEACH, FL 33176

5634 SINGLETON RD
DANG DANG K & MARIA C
40 CROSS CREEK DR
LEBRON, GA 30047

5644 SINGLETON RD
MILLING LINES, W
2781 GREENWOOD CT SW
LEBRON, GA 30047



SITE DATA

PARCEL ID: REFERENCE: 618030, 618030 & 618017
FUTURE LAND USE: RESIDENTIAL
EXISTING LAND USE: OFFICE
CURRENT ZONING CLASSIFICATION: O & R75
PROPOSED ZONING CLASSIFICATION: C1
OVERLAY DISTRICT CLASSIFICATION: GATEWAY RS OVERLAY DISTRICT
CURRENT LOCAL JURISDICTION: GWINNETT COUNTY
FLOOD ZONE CLASSIFICATION: "ZONE X"
PROPOSED SITE AREA: 152,279 SF OR 3.50 AC
PROPOSED ROOF OF ANY DEDICATION AREA: 4469 SF OR 0.10 AC
C-STORE BUILDING AREA: 4346 SF
RETAIL BUILDING AREA: 9600 SF
RESTAURANT BUILDING AREA: 2400 SF
TOTAL BUILDING AREA: 15200 SF

DIRECTION	PROPERTY USE	ZONING
NORTH	RESIDENTIAL	RM
SOUTH	RESIDENTIAL	RM
WEST	RESIDENTIAL	R75
EAST	COMMERCIAL	C1

DIRECTION	REQUIRED SETBACK	PROVIDED SETBACK
FRONT	15'	SEE PLAN
REAR	40' BUFFER	SEE PLAN
SIDE	15'	SEE PLAN
SIDE	40' BUFFER	SEE PLAN

PROPOSED PARKING DATA

CONVENIENT STORE, GASOLINE STATIONS
MIN: 1 PER 500 SF MAX: 1 PER 125 SF
4346/200-9 4346/125-35

RETAIL USE
MIN: 1 PER 500 SF MAX: 1 PER 200 SF
9600/200-19 MAX: 9600/200-48

RESTAURANT
MIN: 1 PER 150 SF MAX: 1 PER 75 SF
2400/150-16 MAX: 2400/75-32

MINIMUM PARKING REQUIRED: 44
MAXIMUM PARKING ALLOWED: 115
TOTAL PARKING PROVIDED: 83+14 (AT FUEL PUMPS)+105 W/ 6 ADA PARKING SPACES

SITE DATA

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SITE WORK SPECIFICATIONS AND SHALL COMPLY APPLICABLE FEDERAL, STATE, AND COUNTY DEVELOPMENT REGULATIONS.
- REFERENCE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS, TRUCK DOCKS, SIDEWALKS, STEPS, TRANSFORMER PADS, ETC.
- TOPOGRAPHIC BOUNDARY SURVEY, PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, SITE TOPOGRAPHY WITH SPOT ELEVATIONS, OUTSTANDING PHYSICAL FEATURES AND EXISTING STRUCTURE LOCATIONS WAS PROVIDED BY BOSTONE SURVEYING.
- ALL HANDICAP ACCESSIBLE PARKING SPACES AND STRIPING SHALL BE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITY ACT (ADA) REQUIREMENTS AND STATE CODE.
- ALL TRAFFIC SIGNS SHALL CONFORM TO THE UNIFORM TRAFFIC CONTROL MANUAL AND THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION. ALL STRIPING SHALL BE THERMOPLASTIC.
- ALL STRIPPED OR CURBED PADS SHALL BE 5' UNLESS OTHERWISE NOTED.
- THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY EXISTING IMPROVEMENTS, ONSITE OR OFF SITE, SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, ETC. THE REPAIR MUST BE APPROVED BY THE ENGINEER AND BE EQUAL OR BETTER THAN EXISTING CONDITIONS.
- SITE LIGHTING SHALL BE INCLUDED IN THE GENERAL CONTRACTOR'S SCOPE OF WORK. ALL PARKING LOT LIGHTING POLES, BASES, FIXTURES WITH LAMPS SHALL BE INSTALLED BY THE GENERAL CONTRACTOR'S ELECTRICAL CONTRACTOR AND SHALL SUPPORT A ONE YEAR WARRANTY CERTIFICATE.
- CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
- SITE CONTRACTOR SHALL SUPPLY AS-BUILT PLANS INDICATING ALL CHANGES AND DEVIATIONS.
- ANY DEVIATION FROM THESE PLANS MAY CAUSE THE WORK TO BE UNACCEPTABLE.
- ANY UNANTICIPATED CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE IDENTIFIED TO THE ENGINEER IMMEDIATELY.
- ALL CONCRETE SHALL BE 4,000 PSI 28 DAY COMPRESSIVE STRENGTH.
- PROJECT SIGNAGE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- ALL CURB AND GUTTER WITHIN THE DEVELOPMENT SHALL BE 24" UNLESS OTHERWISE NOTED.
- WATER AND SEWER PROVIDED BY GWINNETT COUNTY.

LEGEND - PROPOSED

	SETBACK LINE		WATER METER		SEWERWALKS AND ARCHITECTURAL CONCRETE
	PROPOSED CURB & GUTTER		ADA RAMP		HEAVY DUTY ASPHALT
	PARKING SPACE NUMBER		CONCRETE WHEEL STOP		HEAVY DUTY CONCRETE
	DIRECTIONAL ARROWS		TRANSFORMER PAD		STANDARD DUTY ASPHALT
	STOP BAR				
	ACCESSIBLE SPACES				
	ID SIGN				

①	NF HAK LEE TAX ID: R6188 880 DB 50055, PG 383 ZONED: RM	②	NF MADDOCK-ARMED TAX ID: R6188 881 DB 54657, PG 873 ZONED: RM	③	NF ENRI U VILLATORO VELMA ISABEL VILLATORO TAX ID: R6188 882 DB 57002, PG 1 ZONED: RM	④	NF CHERYL CALUPAS TAX ID: R6188 883 DB 50274, PG 224 ZONED: RM	⑤	NF MARIE BLONK TAX ID: R6188 884 DB 58886, PG 802 ZONED: RM	⑥	NF 5770 TERREBENT LUC TAX ID: R6188 885 DB 58885, PG 437 ZONED: RM	⑦	NF YIBEN XUE TAX ID: R6188 886 DB 50274, PG 171 ZONED: RM	⑧	NF DANIEL K AND WENDY C OWING TAX ID: R6188 886 DB 44735, PG 39 ZONED: R75	⑨	NF DANIEL W WILLIAMS TAX ID: R6188 861 DB 4064, PG 238 ZONED: R75
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THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREON, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY CIVIL CONSULTING ENGINEERS, INC. SHALL BE WITHOUT LIABILITY TO CIVIL CONSULTING ENGINEERS, INC.

Civil Consulting Engineers, Inc.

211 EAST MAIN STREET
CANTON, GA 30114
678-462-4072

enc.

STATE OF GEORGIA
REGISTERED PROFESSIONAL ENGINEER
TERRY S. BOOPER
4/18/22
ENGINEER OF RECORD
TERRY S. BOOPER, P.E.

PROPOSED COMMERCIAL USE

PROJECT NAME: MEHTA ENTERPRISES, LLC
PROJECT ADDRESS: 5634, 5634 & 5644 SINGLETON RD
CLIENT NAME: MEHTA ENTERPRISES, LLC
CLIENT ADDRESS: 1876 INDEPENDENT SQUARE STE D, DUNWOODY, GA 30338

OTHER PROJ. #:
CLIENT PROJ. #:
CDE PROJ. # 2022-013
ISSUE DATE: 3/17/22
SHEET NAME: REZONING PLAN
SHEET NO: RZ1

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

[attached]

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ANDERSEN | TATE | CARR

April 4, 2022

LETTER OF INTENT AND JUSTIFICATION FOR REZONING

**Rezoning Application
Gwinnett County, Georgia**

Applicant:
GMI 1, Inc.

Property:
Tax Parcel ID R6188 360, R6188 361, R6188 007
±3.599 Acres of Land
Located at 5624 Singleton Road, Norcross, Georgia
From O-I and R-75 to C-1

Submitted for Applicant by:
Melody A. Glouton, Esq.
ANDERSEN TATE & CARR, P.C.
One Sugarloaf Centre
1960 Satellite Blvd.
Suite 4000
Duluth, Georgia 30097
770.822.0900
mglouton@atclawfirm.com

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I. INTRODUCTION

This Application for Rezoning is submitted for a 3.599-acre assemblage of land located in Land Lots 188 of the 6th District of Gwinnett County, Georgia, Norcross, and identified as Parcel IDs R6188 360, R6188 361, and R6188 007 (hereinafter the “Property”). The Property is located near the corner of Singleton Road and Harbins Road.

The Property that is the subject of this rezoning application is shown on the survey prepared by IronStone Surveying, dated February 16, 2022. The Property is further identified as shown below from the Gwinnett County Geographical Information System:



The Property is currently zoned O-I (Office-Institutional District) and R-75 (Single-Family Residence District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant, GMI 1, Inc. (the “Applicant”) now seeks approval to rezone the 3.599-acres to C-1 (Neighborhood Business District) to develop a neighborhood serving convenience store with fuel pumps and multi-tenant one-story retail building. The rezoning of the Property will allow for a quality commercial development that will service the surrounding community in accordance with the 2040 Comprehensive Plan. The proposed development will consist of five (5) gas pumps under a single canopy and two buildings totaling approximately 15,200 square feet.

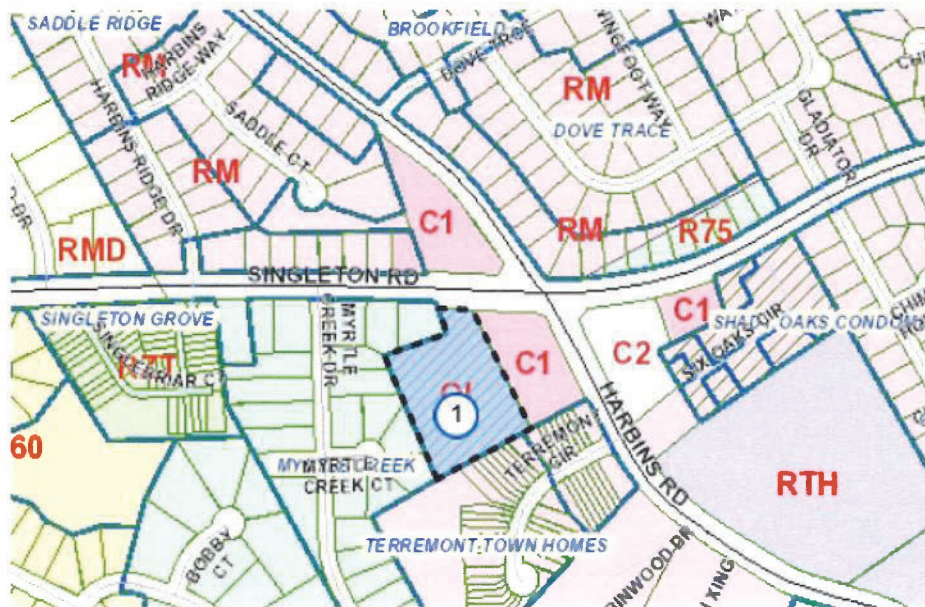
This document is submitted as the Letter of Intent, Response to Standard Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

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II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is an assemblage of three parcels fronting Singleton Road, in Norcross, Georgia. It is a mostly rectangular tract with access to both Singleton and Harbins Road through inter-parcel connectivity with the adjacent commercial development to the east. The Property is surrounded by residential and commercial uses. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning
Subject Property	Convenience Store with Retail/Restaurant tenant spaces	C-1
North	Convenience Store; Tax Service; Insurance; Multifamily residential	C-1; RM
East	Dollar General	C-1
South	Multifamily Residential	RM
West	Single Family Residential	R-75

It is bounded on the North and East by properties that are zoned both C-1 (Neighborhood Business District).

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Pursuant to the Gwinnett County Unified Development Ordinance, the C-1 zoning classification is intended to provide for commercial uses of a convenience nature for nearby residential neighborhoods. These uses are intended to be facilities serving the everyday needs of these nearby neighborhoods rather than the larger community. Due to the size and layout of the Property, the Property is not suited for residential development. The Applicant submits that the current zoning classification of O-I and R-75 is inappropriate for this location, given the size and topography of the site. Instead, development of the site for a for commercial purposes would yield a more desirable development that provides services to the existing residential.

The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Vibrant Communities Character Area,” of the Gwinnett County Future Development Map. The Vibrant Communities Character Area is intended to serve as a transition between neighborhood nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where the various types of activity centers and nodes are located.

III. PROJECT SUMMARY

As shown on the overall site plan by Civil Consulting Engineerings, Inc., dated March 17, 2022, and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes to develop the Property as a neighborhood serving convenience store with fuel pumps. The rezoning of the Property will develop a vacant site and allow for a quality commercial development that will service the surrounding community in accordance with the 2040 Comprehensive Plan. The proposed convenience store will consist of one convenience store totaling 3,200 square feet, and one multi-tenant building totaling 12,000 square feet. The proposal calls for a total of five (5) gas pumps located under a single canopy. The multi-tenant spaces will be intended for use as restaurant and retail, both permitted uses within the C-1 zoning district.

IV. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that rezoning to RM-24 and TND, satisfies UDO § 270-20.5, entitled “Standards Governing Exercise of the Zoning Power,” as follows:

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

Yes. The Property and development of a neighborhood-serving convenience store is consistent with, and will complement both the adjacent residential and nearby commercial properties. As the Singleton Road is a heavily developed commercial area, the proposed rezoning is compatible with the adjacent properties.

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

No, this rezoning request proposes a neighborhood-use that is entirely compatible with the adjoining and nearby residential and commercial property, and will not adversely affect those properties. The proposed rezoning is consistent with the existing commercial corridor along Singleton Road and the property is surrounded by other commercial uses.

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

No. The subject property does not have any reasonable economic use. It is not suitable for residential development. The development of the Property will create a neighborhood serving commercial use for residents in the community.

(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, the subject property is located in an area with public water and sewer availability, and convenient access to major thoroughfares and state highways. This rezoning is consistent with the existing uses, and this rezoning is for the development of a convenience store with gas pumps, with additional retail/commercial uses. The Property is currently zoned O-I and R-75. Due to the size and layout of the Property, it is not reasonable to develop the property for residential purposes. The rezoning will not cause excessive use of existing streets, transportation facilities or utilities, and will have no impact whatsoever on the schools.

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

Yes. The 2040 Unified Plan identifies this Property as within the Vibrant Communities Character Area and corner/neighborhood serving non-residential developments may be integrated into the community. The development of the Property is also in compliance with Theme 2 of the 2040 Plan, which supports corner neighborhood-serving stores.

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL:

Yes, the Board of Commissioners' actions in permitting similar commercial and convenience store uses in the area clearly established the character of this area as a commercial activity center, making utilization of land that cannot be developed as residential to be developed as commercial property. The purpose and intent of the development is the creation of a more viable commercial parcel, which is entirely consistent with the goals for this area.

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V. JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the “UDO”) which classify or may classify the Subject Property which is the subject of the rezoning application into any more or less intensive zoning classification, development and/or conditions other than as requested by the Applicant are, and would be, unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO, as applied to the Subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant any economically viable use of the Subject Property while not substantially advancing legitimate state interests. Under *Lathrop v. Deal*, the application of the UDO in a way that constitutes a taking shall be deemed a waiver of sovereign immunity.¹

The Subject Property is presently suitable for development under the C-1 zoning classification as requested by the Applicant and is not economically suitable for development under its present O-I and R-75 zoning classifications of Gwinnett County. A denial of the requested rezoning would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Subject Property to C-1 zoning classification, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Subject Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

Any rezoning of the Subject Property to the C-1 classification, subject to conditions which are different from the requested conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would

¹ *Lathrop v. Deal*, 301 Ga 408, 880-881 S.E. 2d 867 (2017)

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likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Applications to Rezone from O-I and R-75 to C-1 be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 4th day of April, 2022.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/ag

Exhibit D: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		5.18.22	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcounty.com	
Case Number:		RZC2022-00018	
Case Address:		5624, 5634, and 5644 Singleton Road	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	Singleton Road is a minor arterial. ADT = 22,929.		
2	180 feet to nearest transit facility (#2335468) located at Singleton Road and Myrtle Creek Drive.		
3	Minimum separation from a driveway, public road, or side street shall be provided as specified in the Gwinnett County Unified Development Ordinance (UDO).		
4	Prior to the issuance of a Development Permit, a sight distance certification shall be provided.		
5	Extend proposed deceleration lane as continuous up through the existing deceleration lane into the property located at the corner of Singleton Road and Harbins Road.		
6			
7			
Recommended Zoning Conditions:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	Per the Gateway 85 overlay district, an 8' sidewalk shall be constructed along the frontage of the property.		
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		Wednesday, May 18, 2022		
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.Pappas@gwinnettcountry.com		
Case Number:		RZC2022-00018		
Case Address:		5624, 5634, and 5644 Singleton Road		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: There is a 12-inch water main located approximately 280 feet east at the intersection of Harbins Road and Singleton Road that will need to be extended approximately 600 feet across the frontage of the development.			
2	Water: Connection to the existing 24-inch water transmission main on Singleton Road is not allowed.			
3	Sewer: A Sewer Capacity Certification is required to confirm capacity.			
4	Sewer: Pending available sewer capacity, the development may be able to connect to an existing 8-inch sanitary sewer main located on subject property.			
5	Sewer: The developer must contact DWR if a private pump station is proposed.			
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1				
2				
3				
4				
5				
6				
7				

Note: Attach additional pages, if needed

Revised 7/26/2021

June 2022

SINGLETON RD

24 Inch

SINGLETON ROAD

40' R/W (MINUS)
POSTED SPEED LIMIT: 40 MPH

6188
361

6188
360

8 Inch

6188
017

8 Inch

Myrtle Creek Dr













Myrtle Creek Ct

Treemont Cir

HARBINS RD

HARBINWOOD DR

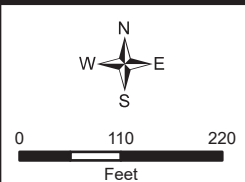
LEGEND

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

RZC2022-00018

O-I & R-75 to C-1

Water & Sewer Utility Map



LOCATION



Water Comments: There is a 12-inch water main located approximately 280 feet east at the intersection of Harbins Road and Singleton Road that will need to be extended approximately 600 feet across the frontage of the development. Connection to the existing 24-inch water transmission main on Singleton Road is not allowed.

Sewer Comments: A Sewer Capacity Certification is required to confirm capacity. Pending available sewer capacity, the development may be able to connect to an existing 8-inch sanitary sewer main located on subject property. The developer must contact DWR if a private pump station is proposed.

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 project, 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 E: Maps

[attached]



SINGLETON RD

HARBINS RD

MYRTLE CREEK DR

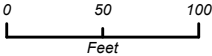
MYRTLE
CREEK CT

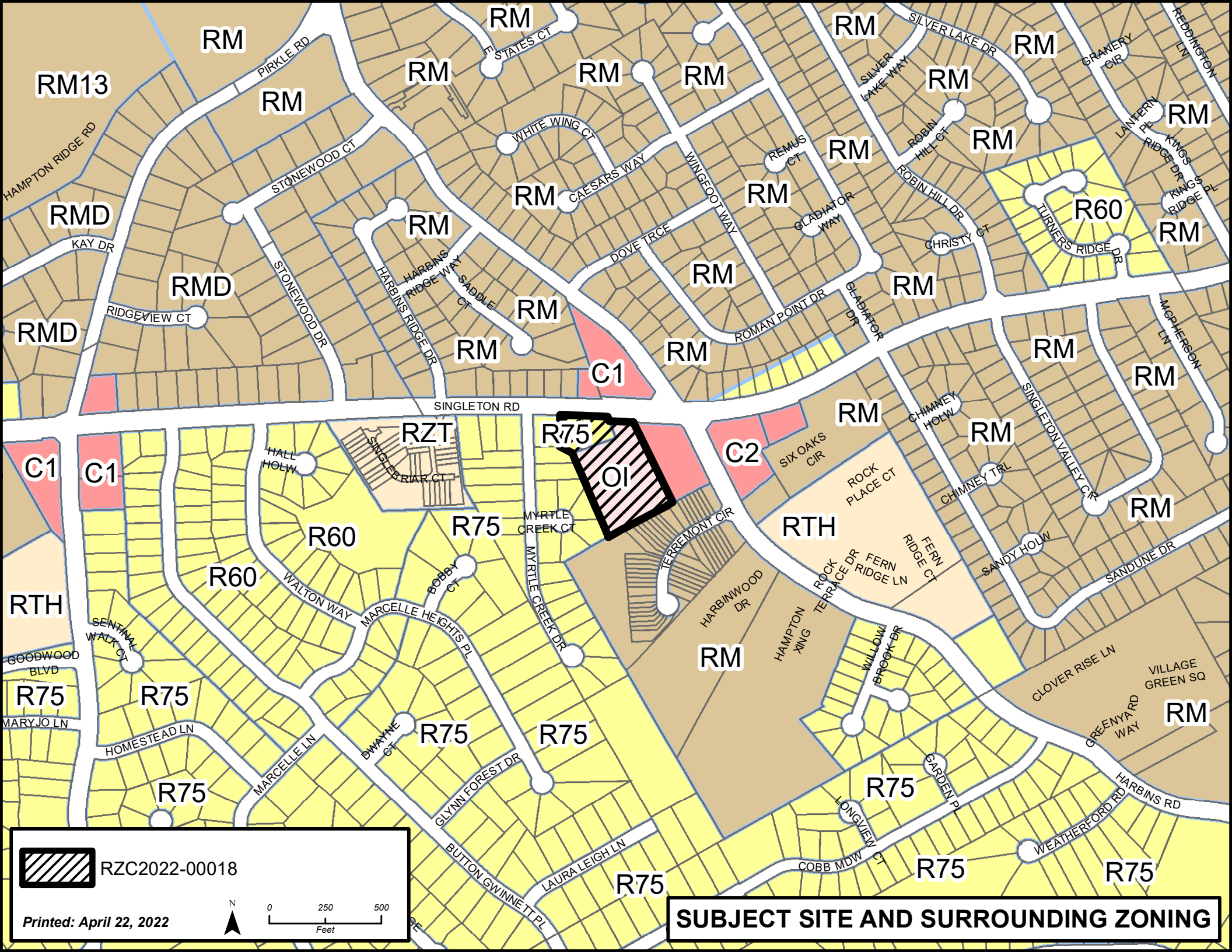
TERREMONT CIR



RZC2022-00018


Printed: April 22, 2022





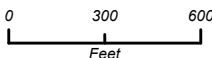

**Workplace
Centers**

**Vibrant
Communities**

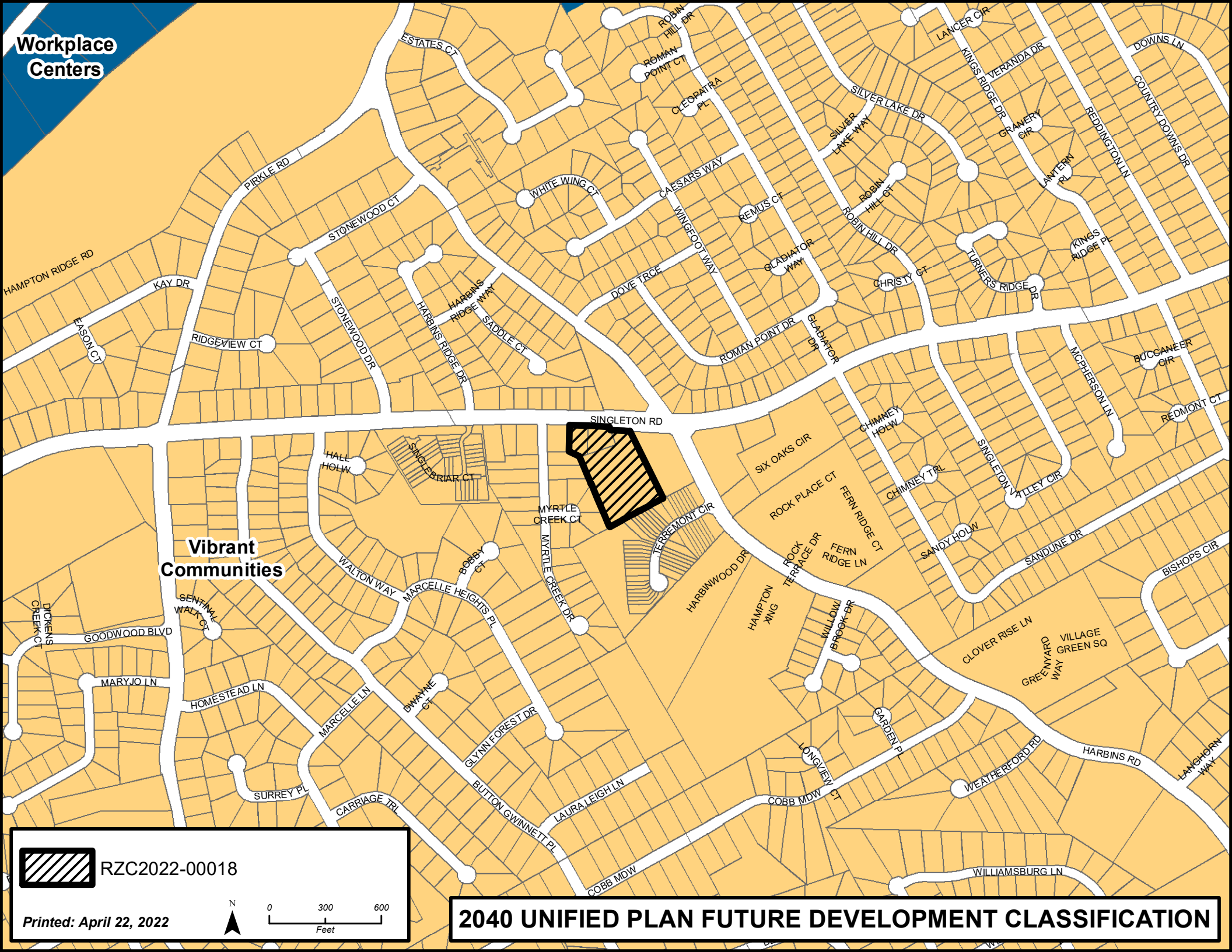
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Printed: April 22, 2022

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2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION



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REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: GMI1, Inc. c/o Andersen, Tate & Carr, PC	NAME: See Attached
ADDRESS: 1960 Satellite Blvd S-4000	ADDRESS: _____
CITY: Duluth	CITY: _____
STATE: GA ZIP: 30097	STATE: _____ ZIP: _____
PHONE: 770-339-0475	PHONE: _____
EMAIL: mglouton@atclawfirm.com	EMAIL: _____
CONTACT PERSON: Melody A. Glouton PHONE: 770-339-0475	
CONTACT'S E-MAIL: mglouton@atclawfirm.com	
<p align="center">APPLICANT IS THE:</p> <p> <input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER </p>	
PRESENT ZONING DISTRICTS(S): O/R-75 REQUESTED ZONING DISTRICT: C-1	
PARCEL NUMBER(S): R6188 017; R6188 360; R6188 361 ACREAGE: 3.59	
ADDRESS OF PROPERTY: 5624, 5634, and 5644 Singleton Road, Norcross, GA	
PROPOSED DEVELOPMENT: proposed commercial development to include retail, restaurant, convenience store with fuel pumps	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: 2 buildings
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. 15,200 sq feet
Gross Density: _____	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

WINNETT COUNTY
PLANNING AND DEVELOPMENT

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4.4.2022

Parcel: R6188 360

David K. and Maria C. Giang
60 Cross Creek Drive
Lilburn, GA 30047

Parcel: R6188 361

Daniel W. Williams
2781 Gardenwood Court, SW
Lilburn, GA 30047

Parcel R6188 007

GMI 1, Inc.
Bharti Mehta
1867 Independence Square
Suite D
Dunwoody, GA 30338

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4.4.2022

LEGAL DESCRIPTION – REVISION 1 (AS-SURVEYED)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 188 OF THE 6TH DISTRICT OF WINNETT COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SINGLETON ROAD (80' VARIABLE RIGHT-OF-WAY) AND BEING LOCATED N87°32'54"W 199.88 FEET FROM THE NORTHWESTERN MOST CORNER OF THE MITERED SOUTHERLY RIGHT-OF-WAY OF SINGLETON ROAD AND THE WESTERLY RIGHT-OF-WAY OF HARBINS ROAD (80' VARIABLE RIGHT-OF-WAY), SAID POINT BEING LABELED AND KNOWN AS "POB 1";

THENCE LEAVING SAID RIGHT-OF-WAY S26°41'55"E A DISTANCE OF 400.96 FEET TO A POINT;

THENCE S61°23'10"W A DISTANCE OF 323.09 FEET TO A FOUND 1/2" REBAR;

THENCE N23°00'23"W A DISTANCE OF 379.32 FEET TO A FOUND 1/2" REBAR;

THENCE N22°50'28"W A DISTANCE OF 30.35 FEET TO A FOUND 1/2" REBAR;

THENCE N71°11'25"E A DISTANCE OF 202.09 FEET TO A FOUND 1/2" MASHED-TOP PIPE;

THENCE N19°29'32"W A DISTANCE OF 79.32 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SINGLETON ROAD;

THENCE ALONG SAID RIGHT-OF-WAY S87°37'01"E A DISTANCE OF 98.76 FEET TO A POINT, WHICH IS THE POINT OF BEGINNING.

SAID LAND HAVING AN AREA OF 2.859 ACRES, MORE OR LESS.

TOGETHER WITH:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 188 OF THE 6TH DISTRICT OF WINNETT COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 2

COMMENCING AT A POINT ON THE NORTHWESTERN MOST CORNER OF THE MITERED SOUTHERLY RIGHT-OF-WAY OF SINGLETON ROAD (80' VARIABLE RIGHT-OF-WAY) AND THE WESTERLY RIGHT-OF-WAY OF HARBINS ROAD (80' VARIABLE RIGHT-OF-WAY), THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF SINGLETON ROAD N87°32'54"W A DISTANCE OF 199.88 FEET TO A POINT BEING LABELED AND

KNOWN AS "POB 1"; THENCE ALONG SAID RIGHT-OF-WAY N87°37'01"W A DISTANCE OF 98.76 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING, LABELED AND KNOWN AS "POB 2";

THENCE LEAVING SAID RIGHT-OF-WAY S19°29'32"E A DISTANCE OF 79.32 FEET TO A FOUND 1/2" MASHED-TOP PIPE;

THENCE S71°11'25"W A DISTANCE OF 160.81 FEET TO A FOUND 1/2" REBAR;

THENCE N02°16'01"E A DISTANCE OF 152.72 FEET TO A SET 1/2" REBAR ON THE SOUTHERLY RIGHT-OF-WAY OF SINGLETON ROAD, SAID POINT BEING LABELED AND KNOWN AS "POB 3";

THENCE ALONG SAID RIGHT-OF-WAY S87°16'18"E A DISTANCE OF 80.00 FEET TO A POINT;

THENCE S87°06'09"E A DISTANCE OF 32.66 FEET TO A POINT;

THENCE S19°17'37"E A DISTANCE OF 21.74 FEET TO A POINT, WHICH IS THE POINT OF BEGINNING.

SAID LAND HAVING AN AREA OF 0.384 ACRES, MORE OR LESS.

TOGETHER WITH:

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 188 OF THE 6TH DISTRICT OF GWINNETT COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 3

COMMENCING AT A POINT ON THE NORTHWESTERN MOST CORNER OF THE MITERED SOUTHERLY RIGHT-OF-WAY OF SINGLETON ROAD (80' VARIABLE RIGHT-OF-WAY) AND THE WESTERLY RIGHT-OF-WAY OF HARBINS ROAD (80' VARIABLE RIGHT-OF-WAY), THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF SINGLETON ROAD N87°32'54"W A DISTANCE OF 199.88 FEET TO A POINT BEING LABELED AND KNOWN AS "POB 1"; THENCE ALONG SAID RIGHT-OF-WAY N87°37'01"W A DISTANCE OF 98.76 FEET TO A POINT BEING LABELED AND KNOWN AS "POB 2; THENCE N19°17'37"W A DISTANCE OF 21.74 FEET TO A POINT; THENCE N87°06'09"W A DISTANCE OF 32.66 FEET TO A POINT; THENCE N87°16'18"W A DISTANCE OF 80.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING, LABELED AND KNOWN AS "POB 3";

THENCE LEAVING SAID RIGHT-OF-WAY S02°16'01"W A DISTANCE OF 152.72 FEET TO A POINT;

THENCE S71°11'25"W A DISTANCE OF 41.29 FEET TO A FOUND 1/2" REBAR;

THENCE N63°17'24"W A DISTANCE OF 65.82 FEET TO A POINT;

THENCE N01°37'52"E A DISTANCE OF 140.00 FEET TO A SET 1/2" REBAR ON THE SOUTHERLY RIGHT-OF-WAY OF SINGLETON ROAD;

THENCE ALONG SAID RIGHT-OF-WAY S87°55'41"E A DISTANCE OF 100.00 FEET TO A POINT, WHICH IS THE POINT OF BEGINNING.

SAID LAND HAVING AN AREA OF 0.356 ACRES, MORE OR LESS.

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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4.4.2022

ANDERSEN | TATE | CARR

April 4, 2022

LETTER OF INTENT AND JUSTIFICATION FOR REZONING

**Rezoning Application
Gwinnett County, Georgia**

Applicant:
GMI 1, Inc.

Property:
Tax Parcel ID R6188 360, R6188 361, R6188 007
±3.599 Acres of Land
Located at 5624 Singleton Road, Norcross, Georgia
From O-I and R-75 to C-1

Submitted for Applicant by:
Melody A. Glouton, Esq.
ANDERSEN TATE & CARR, P.C.
One Sugarloaf Centre
1960 Satellite Blvd.
Suite 4000
Duluth, Georgia 30097
770.822.0900
mglouton@atclawfirm.com

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4.4.2022

I. INTRODUCTION

This Application for Rezoning is submitted for a 3.599-acre assemblage of land located in Land Lots 188 of the 6th District of Gwinnett County, Georgia, Norcross, and identified as Parcel IDs R6188 360, R6188 361, and R6188 007 (hereinafter the “Property”). The Property is located near the corner of Singleton Road and Harbins Road.

The Property that is the subject of this rezoning application is shown on the survey prepared by IronStone Surveying, dated February 16, 2022. The Property is further identified as shown below from the Gwinnett County Geographical Information System:



The Property is currently zoned O-I (Office-Institutional District) and R-75 (Single-Family Residence District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant, GMI 1, Inc. (the “Applicant”) now seeks approval to rezone the 3.599-acres to C-1 (Neighborhood Business District) to develop a neighborhood serving convenience store with fuel pumps and multi-tenant one-story retail building. The rezoning of the Property will allow for a quality commercial development that will service the surrounding community in accordance with the 2040 Comprehensive Plan. The proposed development will consist of five (5) gas pumps under a single canopy and two buildings totaling approximately 15,200 square feet.

This document is submitted as the Letter of Intent, Response to Standard Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

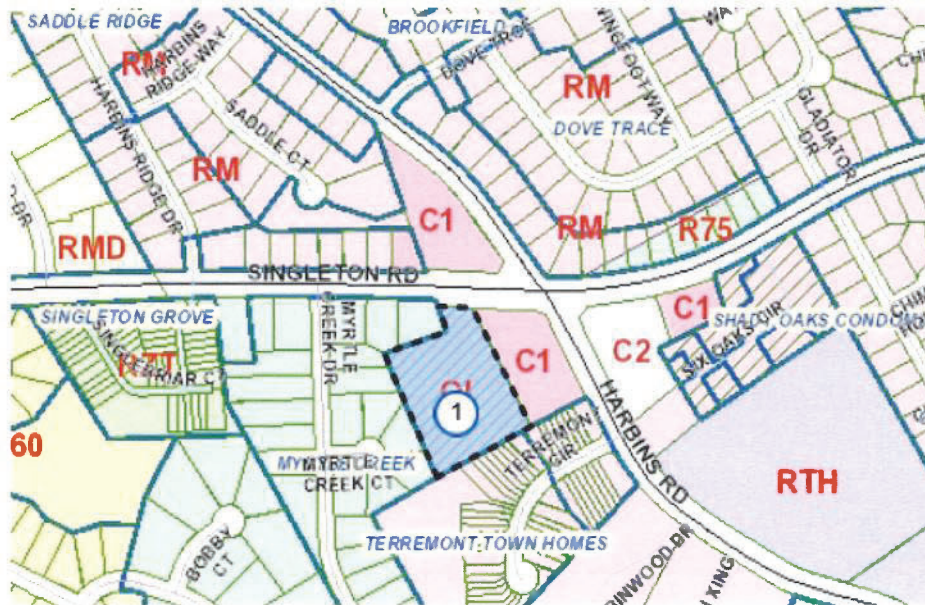
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II.

DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is an assemblage of three parcels fronting Singleton Road, in Norcross, Georgia. It is a mostly rectangular tract with access to both Singleton and Harbins Road through inter-parcel connectivity with the adjacent commercial development to the east. The Property is surrounded by residential and commercial uses. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning
Subject Property	Convenience Store with Retail/Restaurant tenant spaces	C-1
North	Convenience Store; Tax Service; Insurance; Multifamily residential	C-1; RM
East	Dollar General	C-1
South	Multifamily Residential	RM
West	Single Family Residential	R-75

It is bounded on the North and East by properties that are zoned both C-1 (Neighborhood Business District).

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Pursuant to the Gwinnett County Unified Development Ordinance, the C-1 zoning classification is intended to provide for commercial uses of a convenience nature for nearby residential neighborhoods. These uses are intended to be facilities serving the everyday needs of these nearby neighborhoods rather than the larger community. Due to the size and layout of the Property, the Property is not suited for residential development. The Applicant submits that the current zoning classification of O-I and R-75 is inappropriate for this location, given the size and topography of the site. Instead, development of the site for a for commercial purposes would yield a more desirable development that provides services to the existing residential.

The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Vibrant Communities Character Area,” of the Gwinnett County Future Development Map. The Vibrant Communities Character Area is intended to serve as a transition between neighborhood nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where the various types of activity centers and nodes are located.

III. PROJECT SUMMARY

As shown on the overall site plan by Civil Consulting Engineerings, Inc., dated March 17, 2022, and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes to develop the Property as a neighborhood serving convenience store with fuel pumps. The rezoning of the Property will develop a vacant site and allow for a quality commercial development that will service the surrounding community in accordance with the 2040 Comprehensive Plan. The proposed convenience store will consist of one convenience store totaling 3,200 square feet, and one multi-tenant building totaling 12,000 square feet. The proposal calls for a total of five (5) gas pumps located under a single canopy. The multi-tenant spaces will be intended for use as restaurant and retail, both permitted uses within the C-1 zoning district.

IV. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that rezoning to RM-24 and TND, satisfies UDO § 270-20.5, entitled “Standards Governing Exercise of the Zoning Power,” as follows:

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

Yes. The Property and development of a neighborhood-serving convenience store is consistent with, and will complement both the adjacent residential and nearby commercial properties. As the Singleton Road is a heavily developed commercial area, the proposed rezoning is compatible with the adjacent properties.

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

No, this rezoning request proposes a neighborhood-use that is entirely compatible with the adjoining and nearby residential and commercial property, and will not adversely affect those properties. The proposed rezoning is consistent with the existing commercial corridor along Singleton Road and the property is surrounded by other commercial uses.

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

No. The subject property does not have any reasonable economic use. It is not suitable for residential development. The development of the Property will create a neighborhood serving commercial use for residents in the community.

(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, the subject property is located in an area with public water and sewer availability, and convenient access to major thoroughfares and state highways. This rezoning is consistent with the existing uses, and this rezoning is for the development of a convenience store with gas pumps, with additional retail/commercial uses. The Property is currently zoned O-I and R-75. Due to the size and layout of the Property, it is not reasonable to develop the property for residential purposes. The rezoning will not cause excessive use of existing streets, transportation facilities or utilities, and will have no impact whatsoever on the schools.

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

Yes. The 2040 Unified Plan identifies this Property as within the Vibrant Communities Character Area and corner/neighborhood serving non-residential developments may be integrated into the community. The development of the Property is also in compliance with Theme 2 of the 2040 Plan, which supports corner neighborhood-serving stores.

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL:

Yes, the Board of Commissioners' actions in permitting similar commercial and convenience store uses in the area clearly established the character of this area as a commercial activity center, making utilization of land that cannot be developed as residential to be developed as commercial property. The purpose and intent of the development is the creation of a more viable commercial parcel, which is entirely consistent with the goals for this area.

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V. JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the “UDO”) which classify or may classify the Subject Property which is the subject of the rezoning application into any more or less intensive zoning classification, development and/or conditions other than as requested by the Applicant are, and would be, unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO, as applied to the Subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant any economically viable use of the Subject Property while not substantially advancing legitimate state interests. Under *Lathrop v. Deal*, the application of the UDO in a way that constitutes a taking shall be deemed a waiver of sovereign immunity.¹

The Subject Property is presently suitable for development under the C-1 zoning classification as requested by the Applicant and is not economically suitable for development under its present O-I and R-75 zoning classifications of Gwinnett County. A denial of the requested rezoning would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Subject Property to C-1 zoning classification, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Subject Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

Any rezoning of the Subject Property to the C-1 classification, subject to conditions which are different from the requested conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would

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4.4.2022

likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Applications to Rezone from O-I and R-75 to C-1 be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 4th day of April, 2022.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/ag

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4.4.2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2015

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.

B.A. mehta 3/28/22
Signature of Applicant Date

Bhasti. mehta - Owner
Type or Print Name and Title

[Signature] 3/28/22
Signature of Notary Public Date



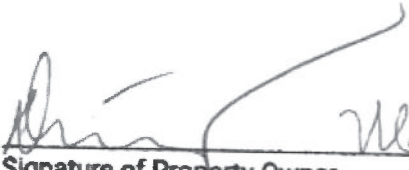
RECEIVED

4.4.2022

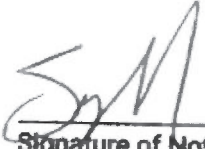
Gwinnett County Planning Division
Rezoning Application
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REZONING PROPERTY OWNER'S CERTIFICATION

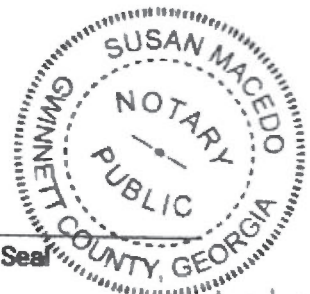
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE 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.

 David K. Giang 3/20/2022
Signature of Property Owner Date

DAVID K. GIANG / MARIA C GIANG OWNERS
Type or Print Name and Title

 03/20/2022
Signature of Notary Public Date

Notary Seal



Expires: 02/12/2024

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4.4.2022

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Daniel M. Williams 3-18-22
Signature of Property Owner Date

Daniel W. Williams (owner)
Type or Print Name and Title

Katrina Lett 03/18/2022
Signature of Notary Public Date



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4.4.2022

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B.A. mehta 3/28/22
Signature of Property Owner Date

Bhasti. mehta- Owner
Type or Print Name and Title

[Signature] 3/28/22
Signature of Notary Public Date



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4.4.2022

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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.

B.A. mehta 3/28/22 Bhaski mehta. owner
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

[Signature] 3/28/22
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 ☒ NO B.A. mehta
YOUR NAME

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

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

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

RECEIVED

4.4.2022

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Melody A. Glouton 4/4/22

Melody A. Glouton, Esq.

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

[Signature] 4/4/22

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

☐

NO

Melody A. Glouton

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)
Nicole Love Hendrickson	\$1,000	09/30/2020
Kirkland Carden	\$2,800	11/16/2021
Commissioner Ben Ku	\$1,000	03/25/2022

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

RECEIVED

4.4.2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2015

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: 06 - 0188 - R6188 017
(Map Reference Number) District Land Lot Parcel

B. A. mehta 3/28/22
Signature of Applicant Date

Bharti mehta 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)

Chris Nelson Senior Tax Services Associate
NAME TITLE
March 30, 2022
DATE

RECEIVED

4.4.2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2015

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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

PARCEL I.D. NUMBER: 06 - 0188 - R6188 361
(Map Reference Number) District Land Lot Parcel

B.A. Mehta 3/28/22
Signature of Applicant Date
Bhaati Mehta 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.

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Chris Nelson Senior Tax Services Associate
NAME TITLE
March 30, 2022
DATE

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

PARCEL I.D. NUMBER: 06 - 0188 - R6188 360
(Map Reference Number) District Land Lot Parcel

B.A. Mehta 3/28/22
Signature of Applicant Date

Bharti Mehta 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)

Chris Nelson Senior Tax Services Associate
NAME TITLE
March 30, 2022
DATE

RECEIVED

4.4.2022

BLACK RESERVED FOR CLERK OF
SUPERIOR COURT

TREE TABLE	TREE TABLE	TREE TABLE	TREE TABLE
#	#	#	#
1	129	255	391
2	130	256	392
3	131	257	393
4	132	258	394
5	133	259	395
6	134	260	396
7	135	261	397
8	136	262	398
9	137	263	399
10	138	264	400
11	139	265	401
12	140	266	402
13	141	267	403
14	142	268	404
15	143	269	405
16	144	270	406
17	145	271	407
18	146	272	408
19	147	273	409
20	148	274	410
21	149	275	411
22	150	276	412
23	151	277	413
24	152	278	414
25	153	279	415
26	154	280	416
27	155	281	417
28	156	282	418
29	157	283	419
30	158	284	420
31	159	285	421
32	160	286	422
33	161	287	423
34	162	288	424
35	163	289	425
36	164	290	426
37	165	291	427
38	166	292	428
39	167	293	429
40	168	294	430
41	169	295	431
42	170	296	432
43	171	297	433
44	172	298	434
45	173	299	435
46	174	300	436
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63	191	317	453
64	192	318	454
65	193	319	455
66	194	320	456
67	195	321	457
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69	197	323	459
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72	200	326	462
73	201	327	463
74	202	328	464
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78	206	332	468
79	207	333	469
80	208	334	470
81	209	335	471
82	210	336	472
83	211	337	473
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85	213	339	475
86	214	340	476
87	215	341	477
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92	220	346	482
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94	222	348	484
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113	241	367	503
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117	245	371	507
118	246	372	508
119	247	373	509
120	248	374	510
121	249	375	511
122	250	376	512
123	251	377	513
124	252	378	514
125	253	379	515
126	254	380	516
127	255	381	517

SITE ADDRESS: 5624 SINGLETON ROAD, NORCROSS, GEORGIA 30093

LEGEND

- A = ARC LENGTH
- BL = BUILDING RETRACK LINE
- CL = CENTERLINE
- CL = CURB & GUTTER
- CALC = CALCULATED POINT
- CB = CATCH BASIN
- CBK = CABLE BOX
- CHB = CHORD BEARING
- CHL = CHORD LENGTH
- CPED = CABLE PEDESTAL
- CO = CLEAVAGE
- D = DELTA ANGLE
- DB = DEED BOOK
- FFE = FINISHED FLOOR ELEVATION
- FI = FIRE HYDRANT
- GM = GAS METER
- IE = INVERT ELEVATION
- IPF = IRON PIN FOUND
- IPP = IRON PIN PLACED
- LLL = APPARENT LAND LOT LINE
- LL = LAND LOT
- MTP = MARKED TOP PIPE
- NF = NOW OR FORMERLY
- ONW = OVERHEAD WIRE
- OTP = OPEN TOP PIPE
- PL = PROPERTY LINE
- PLB = PLAT BOOK
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- PP = POWER POLE
- R = RADII
- ROW = RIGHT OF WAY
- RB = REBAR
- RE = RAIL ELEVATION
- SBM = SANITARY SEWER MANHOLE
- SOFT = SQUARE FEET
- TPED = TELEPHONE PEDESTAL
- VCP = VITRIFIED CLAY PIPE
- WM = WATER METER
- WV = WATER VALVE

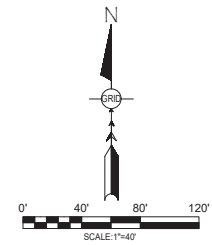
SYMBOL LEGEND

- CONCRETE
- ASPHALT PAVEMENT
- BUILDING OUTLINE
- ORANGE UTILITY PAINT
- YELLOW UTILITY PAINT
- OVERHEAD WIRE
- UNDERGROUND SEWER LINE
- IRON PIN FOUND
- IRON PIN PLACED
- BOUNDARY POINT
- BLUE UTILITY PAINT

LINE	BEARING	DISTANCE
L1	S 19°29'32"E	79.32'
L2	S 71°11'25"W	160.91'
L3	N 02°16'01"E	152.72'
L4	S 87°18'18"E	80.00'
L5	S 87°00'09"E	32.66'
L6	S 19°17'37"E	21.74'
L7	S 02°16'01"W	152.72'
L8	S 71°11'25"W	41.29'
L9	N 63°17'42"W	65.82'
L10	N 01°37'52"E	140.00'
L11	S 87°55'41"E	100.00'

REFERENCE MATERIALS INCLUDE:

- PG 14, PG 159
- PG 82, PG 79
- DB 58412, PG 65
- DB 15510, PG 15
- DB 19637, PG 146
- DB 53601, PG 146
- DB 55032, PG 363
- DB 54867, PG 272
- DB 57002, PG 1
- DB 20374, PG 224
- DB 58586, PG 802
- DB 58501, PG 137
- DB 20374, PG 171
- DB 19678, PG 267
- DB 7581, PG 137
- DB 53001, PG 36
- DB 51228, PG 363
- DB 46411, PG 40
- DB 47443, PG 40
- DB 4654, PG 239
- DB 47258, PG 37
- GWINNETT COUNTY RECORDS



CERTIFY TO:
BANKART MENTAL
FIRST AMERICAN TITLE INSURANCE COMPANY
MR. CADS LLC, A FLORIDA LIMITED LIABILITY COMPANY
DAVID AND MARIA GARG
DANIEL W. WILLIAMS
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT
IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD
DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, ONLY
ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS
1, 2, 3, 4, 5, 6(a), 7(a), 8, 9, 11, 13, 14, 16, 17, 18, AND 19
OF TABLE A THEREOF.

THE FIELDWORK WAS COMPLETED ON: 02/16/2022
DATE OF PLAT OR MAP: 02/25/2022
JONATHAN B. PRINCE, R.L.S. #3244

02/25/2022
DATE



THIS DRAWING IS THE PROPERTY OF IRONSTONE SURVEYING. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF IRONSTONE SURVEYING IS PROHIBITED.

NO. JOB NO. DESCRIPTION OF RESURVEYING

IRONSTONE SURVEYING
96 Emerald Bluffs Drive, Jackson, Georgia 30233
Phone 770-957-4614 | Email office@ironstonesurveying.com

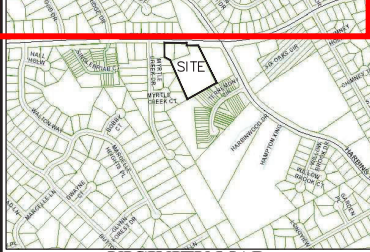
ALTANSPS LAND TITLE SURVEY
FOR GMI 1 INC.
IN LAND LOT 188, DISTRICT 6, GWINNETT COUNTY, GEORGIA

ORIGINAL PLAT DATE: 02/25/2022
SCALE: 1" = 40'
DRAWN BY: JBP
CHECKED BY: JBP
ORIGINAL FIELD DATE: 02/16/2022
CREW:
FIELD BOOK:
FIELD SKETCH:
JOB NO.: 210391
DWG NO.: 210391-SUL-R1
SHEET: 2 OF 2

WINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

4/19/22



VICINITY MAP

N.T.S.

THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS SHOWN ON F.I.R.M. COMMUNITY PANEL NUMBER 13135C009B DATED SEPTEMBER 29, 2006.

CONTRACTOR PLEASE NOTE THERE ARE NUMEROUS UNDERGROUND UTILITIES. ALL SHALL BE FIELD LOCATED PRIOR TO CONSTRUCTION OF DRIVEWAY AND PROPOSED UTILITY AND STORM DRAIN CROSSINGS. IMMEDIATELY BRING TO THE ATTENTION OF THE OWNER / DEVELOPER AND / OR UTILITY PROVIDER OF EXPOSED CONFLICTS.

SITE PLAN DEVELOPED FROM A SURVEY PROVIDED BY THE CLIENT BY BOSTONE SURVEYING, C.O.E. RESERVES THE RIGHT TO REVISE THE SITE PLAN AS ADDITIONAL INFORMATION IS MADE AVAILABLE. SITE PLAN SUBJECT TO CHANGE.

CIVIL ENGINEER

CIVIL CONSULTING ENGINEERS, INC.
211 S. MAIN STREET
CANTON, GA 30114
ENGINEER: TERRY S. BOOPER
PHONE: 678.462.4072

DEVELOPER

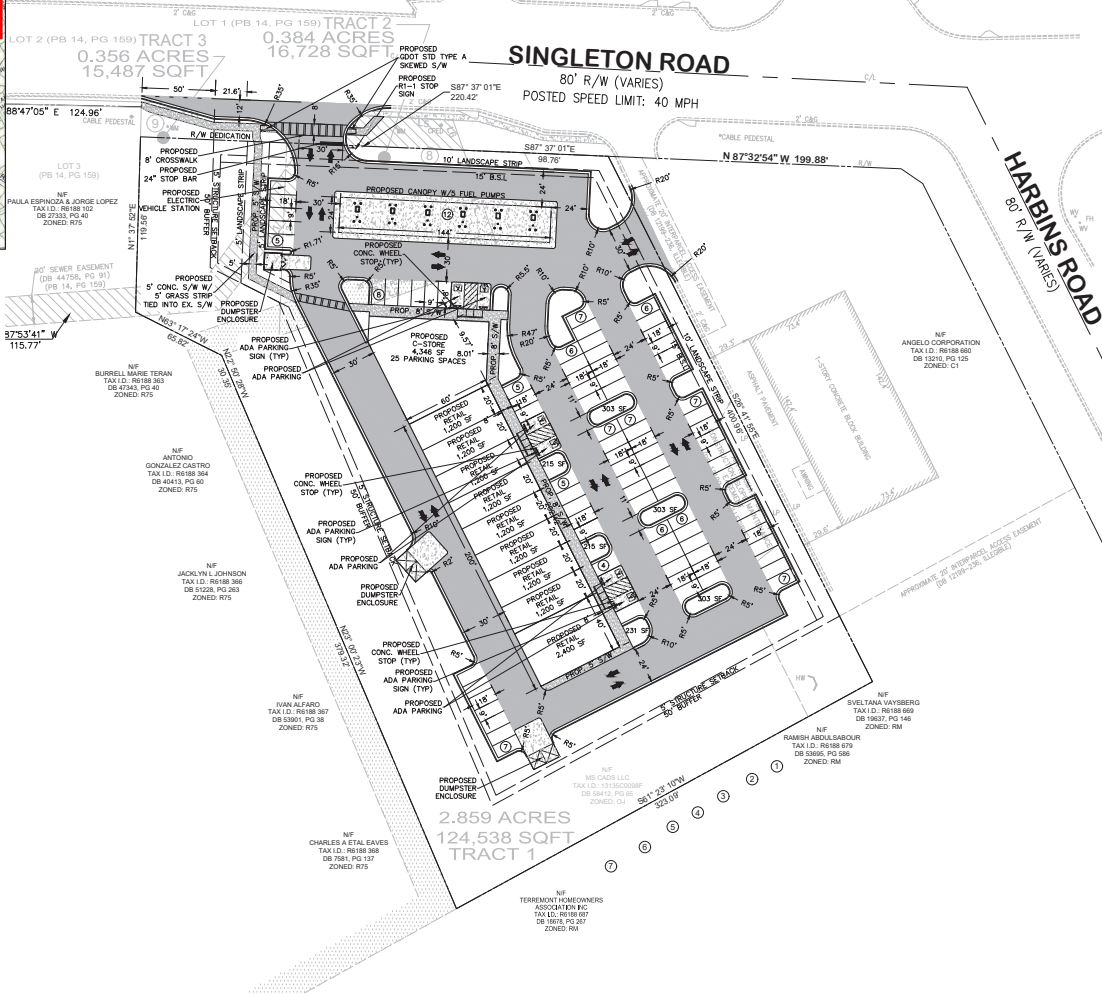
MEHTA ENTERPRISES, LLC
1876 INDEPENDENT SQUARE
SUITE 210
DUNWOODY, GA 30338
CONTACT: SUMIT MEHTA
PHONE: 678.426.5162
EMAIL: SUMIT@MEHTAENTERPRISES.COM

OWNER

5634 SINGLETON RD
MS CDS LLC
5652 SW 14TH ST
SUITE 210
PALMISTO BEACH, FL 33176

5634 SINGLETON RD
DANG DAVID K & MARIA C
40 CROSS CREEK DR
LEARN, GA 30047

5644 SINGLETON RD
MILLING LINDSEY W
2781 GREENWOOD CT SW
LEARN, GA 30047



SITE DATA

PARCEL ID: REFERENCE: 618030, 618030 & 618017
FUTURE LAND USE: RESIDENTIAL
EXISTING LAND USE: OFFICE
CURRENT ZONING CLASSIFICATION: O & R75
PROPOSED ZONING CLASSIFICATION: C1
OVERLAY DISTRICT CLASSIFICATION: GATEWAY RS OVERLAY DISTRICT
CURRENT LOCAL JURISDICTION: GWINNETT COUNTY
FLOOD ZONE CLASSIFICATION: "ZONE X"
PROPOSED SITE AREA: 152,279 SF OR 3.50 AC
PROPOSED ROOF OF ANY DEDICATION AREA: 4469 SF OR 0.10 AC
C-STORE BUILDING AREA: 4346 SF
RETAIL BUILDING AREA: 9600 SF
RESTAURANT BUILDING AREA: 2400 SF
TOTAL BUILDING AREA: 15200 SF

DIRECTION	PROPERTY USE	ZONING
NORTH	RESIDENTIAL	RM
SOUTH	RESIDENTIAL	RM
WEST	RESIDENTIAL	R75
EAST	COMMERCIAL	C1

DIRECTION	REQUIRED SETBACK	PROVIDED SETBACK
FRONT	15'	SEE PLAN
REAR	40' BUFFER	SEE PLAN
SIDE	15'	SEE PLAN
SIDE	40' BUFFER	SEE PLAN

PROPOSED PARKING DATA

CONVENIENT STORE, GASOLINE STATIONS
MIN: 1 PER 500 SF MAX: 1 PER 125 SF
4346/200-9 4346/125-35

RETAIL USE
MIN: 1 PER 500 SF MAX: 1 PER 200 SF
9600/200-19 MAX: 9600/200-48

RESTAURANT
MIN: 1 PER 150 SF MAX: 1 PER 75 SF
2400/150-16 MAX: 2400/75-32

MINIMUM PARKING REQUIRED: 44
MAXIMUM PARKING ALLOWED: 115
TOTAL PARKING PROVIDED: 83+12 (AT FUEL PUMPS)+105 W/ 6 ADA PARKING SPACES

SITE DATA

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SITE WORK SPECIFICATIONS AND SHALL COMPLY APPLICABLE FEDERAL, STATE, AND COUNTY DEVELOPMENT REGULATIONS.
- REFERENCE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS, TRUCK DOCKS, SIDEWALKS, STEPS, TRANSFORMER PADS, ETC.
- TOPOGRAPHIC BOUNDARY SURVEY, PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, SITE TOPOGRAPHY WITH SPOT ELEVATIONS, OUTSTANDING PHYSICAL FEATURES AND EXISTING STRUCTURE LOCATIONS WAS PROVIDED BY BOSTONE SURVEYING.
- ALL HANDICAP ACCESSIBLE PARKING SPACES AND STRIPING SHALL BE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITY ACT (ADA) REQUIREMENTS AND STATE CODE.
- ALL TRAFFIC SIGNS SHALL CONFORM TO THE UNIFORM TRAFFIC CONTROL MANUAL AND THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION. ALL STRIPING SHALL BE THERMOPLASTIC.
- ALL STRIPPED OR CURBED PADS SHALL BE 5' UNLESS OTHERWISE NOTED.
- THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY EXISTING IMPROVEMENTS, ON-SITE OR OFF-SITE, SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, ETC. THE REPAIR MUST BE APPROVED BY THE ENGINEER AND BE EQUAL OR BETTER THAN EXISTING CONDITIONS.
- SITE LIGHTING SHALL BE INCLUDED IN THE GENERAL CONTRACTOR'S SCOPE OF WORK. ALL PARKING LOT LIGHTING POLES, BASES, FIXTURES WITH LAMPS SHALL BE INSTALLED BY THE GENERAL CONTRACTOR'S ELECTRICAL CONTRACTOR AND SHALL SUPPORT A ONE YEAR WARRANTY CERTIFICATE.
- CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
- THE CONTRACTOR SHALL SUPPLY AS-BUILT PLANS INDICATING ALL CHANGES AND DEVIATIONS.
- ANY DEVIATION FROM THESE PLANS MAY CAUSE THE WORK TO BE UNACCEPTABLE.
- ANY UNANTICIPATED CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE IDENTIFIED TO THE ENGINEER IMMEDIATELY.
- ALL CONCRETE SHALL BE 4,000 PSI 28 DAY COMPRESSIVE STRENGTH.
- PROJECT SIGNAGE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- ALL CURB AND GUTTER WITHIN THE DEVELOPMENT SHALL BE 24" UNLESS OTHERWISE NOTED.
- WATER AND SEWER PROVIDED BY GWINNETT COUNTY.

LEGEND - PROPOSED

	SETBACK LINE		WATER METER		SEWERWALKS AND ARCHITECTURAL CONCRETE
	PROPOSED CURB & GUTTER		ADA RAMP		HEAVY DUTY ASPHALT
	PARKING SPACE NUMBER		CONCRETE WHEEL STOP		HEAVY DUTY CONCRETE
	DIRECTIONAL ARROWS		TRANSFORMER PAD		STANDARD DUTY ASPHALT
	STOP BAR				
	ACCESSIBLE SPACES				
	ID SIGN				

①	NF HAK LEE TAX ID: R6188 880 DB 03085, PG 383 ZONED: RM	②	NF MABOOD ARMED TAX ID: R6188 881 DB 04067, PG 873 ZONED: RM	③	NF ENRI U VILLATORO VELMA ISABEL VILLATORO TAX ID: R6188 882 DB 07002, PG 1 ZONED: RM	④	NF CHERYL CALUPAS TAX ID: R6188 883 DB 00274, PG 224 ZONED: RM	⑤	NF MARIE BLONK TAX ID: R6188 884 DB 08886, PG 802 ZONED: RM	⑥	NF S70 TERREBENT LUC TAX ID: R6188 885 DB 08886, PG 437 ZONED: RM	⑦	NF YIBEN XUE TAX ID: R6188 886 DB 00274, PG 171 ZONED: RM	⑧	NF DANIEL K AND WENDY C OWING TAX ID: R6188 886 DB 04476, PG 38 ZONED: R75	⑨	NF DANIEL W WILLIAMS TAX ID: R6188 861 DB 0464, PG 238 ZONED: R75
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STATE OF GEORGIA
REGISTERED PROFESSIONAL ENGINEER
TERRY S. BOOPER
4/18/22
ENGINEER OF RECORD
TERRY S. BOOPER, P.E.

PROPOSED COMMERCIAL USE

PROJECT NAME: MEHTA ENTERPRISES, LLC
PROJECT ADDRESS: 5624, 5634 & 5644 SINGLETON RD
CLIENT NAME: MEHTA ENTERPRISES, LLC
CLIENT ADDRESS: 1876 INDEPENDENT SQUARE STE D, DUNWOODY, GA 30338

REVISION	DATE	DESCRIPTION
1	4/19/22	ISSUED FOR PERMIT

OTHER PROJ. #:
CLIENT PROJ. #:
CDE PROJ. # 2022-013
ISSUE DATE: 3/17/22

SHEET NAME: REZONING PLAN
SHEET NO: RZ1