



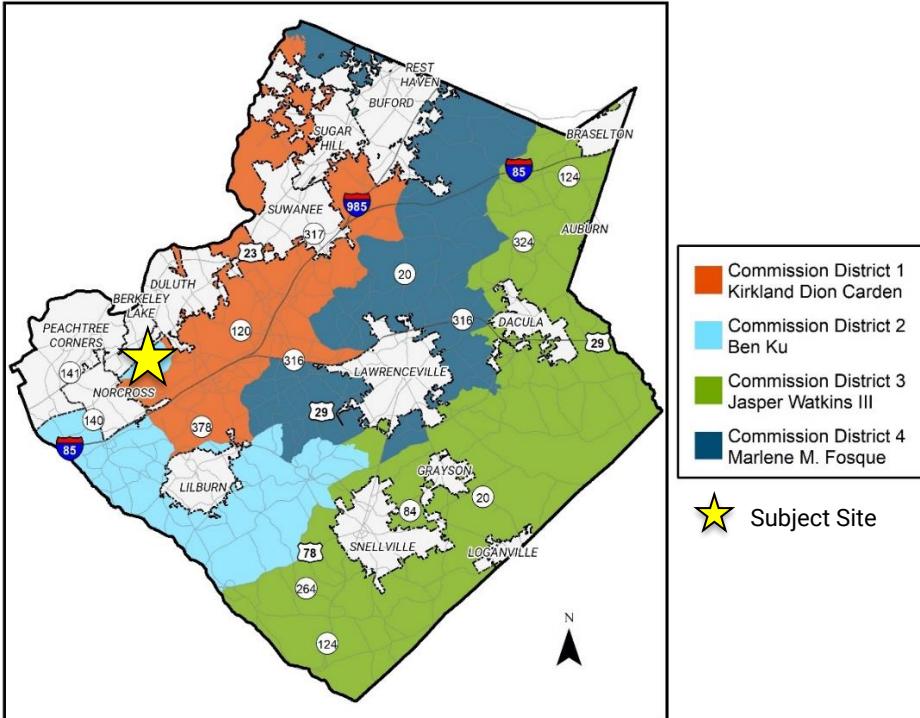
PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2022-00022
Current Zoning: R-75 (Single-Family Residence District)
Request: Rezoning to C-2 (General Business District)
Additional Request: Waiver
Address: 2621 Pittman Circle
Map Number: R6257 014A
Site Area: 0.92 acres
Proposed Development: Truck Sales and Service
2022 Commission District: District 2 – Commissioner Ku*
Character Area: Workplace Center

Staff Recommendation: APPROVAL WITH CONDITIONS

Case Number: SUP2022-00032
Current Zoning: R-75 (Single-Family Residence District)
Request: Special Use Permit in a Proposed C-2 Zoning District
Additional Request: Waiver
Address: 2621 Pittman Circle
Map Number: R6257 014A
Site Area: 0.92 acres
Proposed Development: Truck Sales and Service
2022 Commission District: District 2 – Commissioner Ku*
Character Area: Workplace Center

Staff Recommendation: APPROVAL WITH CONDITIONS



This property will be in Commission District 1 beginning on January 1, 2023.

Applicant: Mousy Holdings, LLC
4930 Buford Highway
Norcross, GA 30071

Owner: Mousy Holdings, LLC
4930 Buford Highway
Norcross, GA 30071

Contact: Robert Jackson Wilson

Contact Phone: 770.962.9780

Zoning History

The subject property is zoned R-75 (Single-Family Residence District). No prior zoning requests are on record for this property.

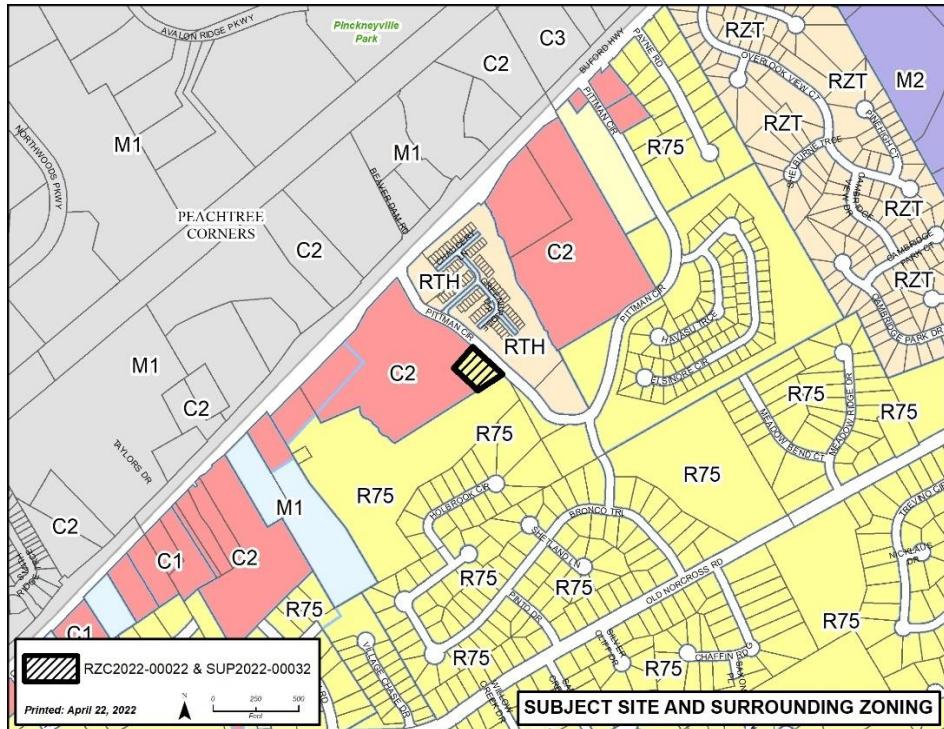
Existing Site Condition

The subject site is a 0.92-acre property located on the south side of Pittman Circle, east of its intersection with Buford Highway. The property is developed with a single-family residence and a driveway. A 100-foot-wide power line easement bisects the property from east to west. The terrain is mostly flat. A sidewalk exists along Pittman Circle and terminates at the subject property. The nearest Gwinnett County Transit stop is 250 feet from the subject site.

Surrounding Use and Zoning

The subject property is surrounded by commercial and single-family residential uses. Adjacent uses include an existing truck body and repair shop to the west, a single-family detached subdivision to

south, and a townhouse subdivision to the north. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Truck Sales and Service	C-2	N/A
North	Townhouses	R-TH	7.68 units per acre
East	Townhouses	R-TH	7.68 units per acre
South	Undeveloped	R-75	N/A
West	Commercial	C-2	N/A

Project Summary

The applicant requests rezoning of a 0.92-acre property from R-75 to C-2 and a special use permit to allow truck sales and service, including:

- The expansion of a parking area totaling six new parking spaces on the subject parcel, for trucks and trailers awaiting repairs or recently repaired at the adjacent Ace Truck Body and Trailer Repair business. Additional parking spaces will be added to the adjacent parcel, but this use was previously authorized through a different request. In total, approximately 35 parking spaces are being added to the business.
- Removal of the existing single-family home.
- Extension of the landscape strip along Pittman Circle.
- A proposed water quality facility along the southwestern side of the parcel.
- No truck sales.
- An existing 100-foot-wide Georgia Power easement through the property from front to rear along the southern half of the property.

Zoning and Development Standards

The applicant is requesting a rezoning to C-2, General Business District, and a Special Use Permit for truck sales and service to expand a truck body and repair shop. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	>10'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Zoning Buffer	Minimum 75' with at least 20' outside of easement	75' with 10' outside of easement	NO*
Landscape Strip	10'	10'	YES

* A minimum 20-foot buffer is required outside the utility easement.

Waiver Requests

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

1. Section 610-20.2. Buffer Widths:

C. In the event the buffer includes a utility or pipeline easement, a minimum buffer of no less than 20 feet in width will be required outside the easement. In no case will the buffer be less than 20 feet.

The applicant proposes to reduce the buffer outside the power line easement from 20 feet to 10 feet to accommodate the parking expansion.

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 and Special Use Permit 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. For Special Use Permits, the Department shall also evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, the staff makes the following findings based on the standards from the UDO:

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

The subject site is surrounded by commercially zoned property to the west and residential uses to the north, east, and south. To the west is the existing truck body and repair facility. With recommended conditions to restrict access and to provide screening, the proposed zoning and special use permit are suitable in view of the use and development of adjacent and nearby property.

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

The extension of parking for the existing truck body and repair shop to the west is consistent with commercial and industrial uses along Buford Highway. Extending the landscape buffer further along Pittman Circle will maintain the current screening and design of the street. The addition of the parking area will not result in any additional noise or traffic to the neighborhood. Additionally, presence of the large power line easement provides separation from the proposed parking area to existing residences. The proposed rezoning and special use permit will not adversely affect the existing use or usability of adjacent or nearby property.

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

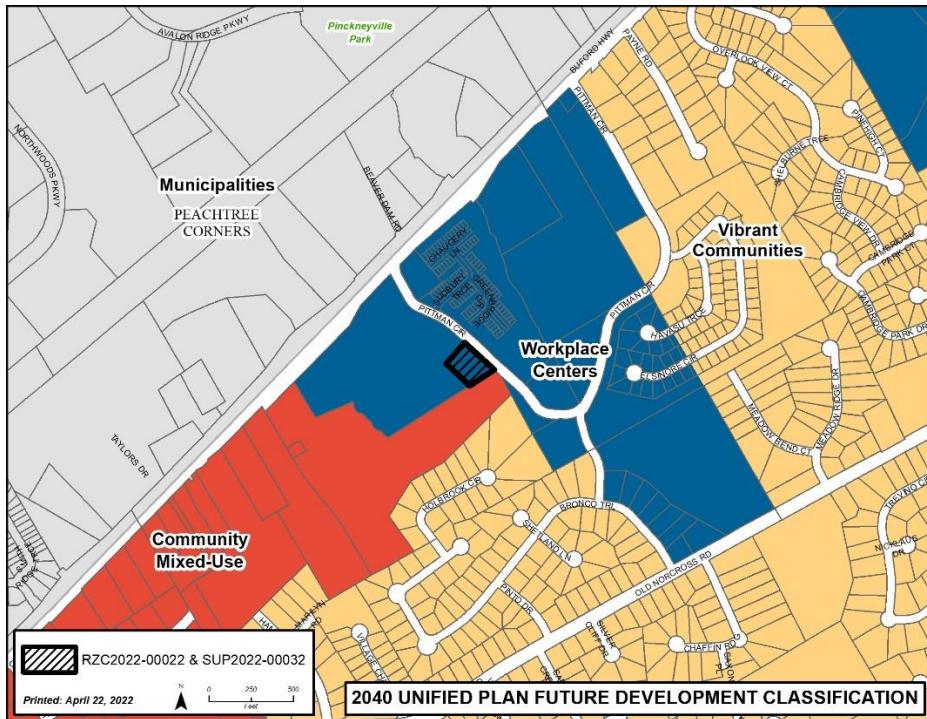
The property has a reasonable economic use as currently zoned.

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

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

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

The 2040 Unified Plan and Future Development Map indicates the subject property lies within the Workplace Center Character Area. This designation encourages service employment and includes areas containing office parks, industrial parks, and freight-oriented and logistics uses. The expansion of a truck body and repair shop directly supports the nearby freight and logistics industry and is consistent with the policy and intent of the Unified Plan and Future Development Map.



F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning and special use permit.

The nearby Buford Highway corridor contains industrial and commercial properties. These include other truck repair shops, such as Rs Auto and Truck Repair and Sinaloa Truck Services and Tire, among others. Moreover, the power line easement that traverses the subject property limits its buildable area. The expansion of the truck body and repair shop for truck and trailer parking offers a viable use considering the site encumbrances. In summary, the similar uses nearby and the site construction limitations provide supporting grounds for approval with conditions of the proposed rezoning and special use permit.

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 southeast property line between the power line easement and the adjacent property zoned R-75. The applicant seeks to maintain the existing 10-foot buffer. The waiver request would not adversely affect the general public welfare or nullify the intent of the Development Regulations, as the opposite side of the buffer contains another power line easement on the adjacent parcel. The second power line easement creates adequate separation between the subject site and single-family residential properties.

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 rezoning and special use permit requests.

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

1. To reduce the buffer outside the utility easement from 20 feet to 10 feet

Staff Recommended Conditions

RZC2022-00022:

Approval as C-2 (General Business District) for truck sales and service, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan received April 20, 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. Salvage of inoperable vehicles and outdoor storage of automobile parts or tires shall be prohibited. No inoperable vehicles shall be stored on the property for more than fourteen days. Any vehicles abandoned by their owners, whether before or after repair, shall be removed from the property within five days after they become abandoned under State and/or County law.
3. The property shall not be used as a towing/wrecker service or junk salvage yard.
4. All repair activities shall take place indoors. No repairs may be conducted in the parking lot.
5. All semi-trucks and trailers shall be parked on a paved surface. Parking within the right of way shall be prohibited.
6. Direct access to Pittman Circle shall be prohibited. Existing driveway shall be removed and the area landscaped.
7. Provide a 50-foot-wide planted buffer outside the dedicated right of way of Pittman Circle, to be planted to buffer standards.
8. Storage area for trucks or trailers shall be visually screened with an opaque fence eight feet in height and landscape materials subject to review and approval of the Department of Planning and Development.
9. 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.

10. Outdoor loudspeakers shall be prohibited.
11. The parcel shall be combined with parcel R6257 014 through the platting process, prior to the issuance of a development permit.

SUP2022-00032:

Approval of a special use permit for truck sales and service, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan received April 20, 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. Salvage of inoperable vehicles and outdoor storage of automobile parts or tires shall be prohibited. No inoperable vehicles shall be stored on the property for more than fourteen days. Any vehicles abandoned by their owners, whether before or after repair, shall be removed from the property within five days after they become abandoned under State and/or County law.
3. The property shall not be used as a towing/wrecker service or junk salvage yard.
4. All repair activities shall take place indoors. No repairs may be conducted in the parking lot.
5. All semi-trucks and trailers shall be parked on a paved surface. Parking within the right of way shall be prohibited.
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10. Outdoor loudspeakers shall be prohibited.
11. The parcel shall be combined with parcel R6257 014 through the platting process, prior to the issuance of a development permit.

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



Existing single-family residence



Power easement across the property



Truck body and repair shop entrance along Buford Highway

Exhibit B: Site Plan

[attached]

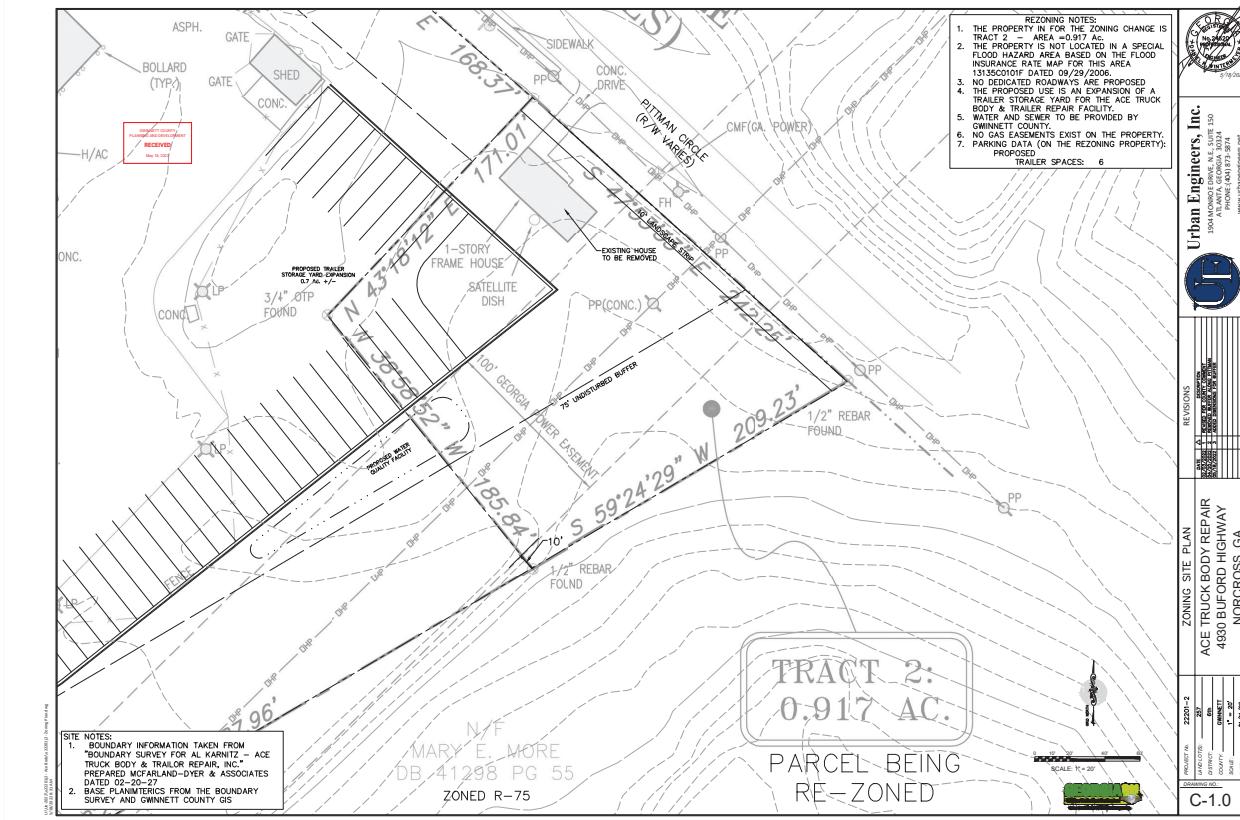


Exhibit C: Letter of Intent and Applicant's Response to Standards

[attached]

RECEIVED

3/8/2022

LETTER OF INTENT
2621 Pittman Circle
Mousy Holdings, LLC
Parcel No. R6257 014A

The Applicant submits this Letter of Intent requesting rezoning of 0.971 acres from residential (R-75) to commercial (C-2) to allow additional truck parking in combination with its adjoining parcel. The applicant and its predecessor have owned the subject property since 2009 and held it contemplating incorporating it into its adjoining eleven (11) acre industrial truck repair facility.

Ace Truck Body and Trailer Repair has been in business in Gwinnett County since 1981. It employs 46 employees and contractors. It is a full service mechanical repair and body shop for tractor trailer trucks and over-the-road vehicles. Customers include Children's Heath Care of Atlanta, Publix, Pepsi and a number of freight carriers. It provides necessary services for maintaining the supply chain and transportation infrastructure in Gwinnett County and northern Atlanta. Ace and the Applicant/Property Owner are owned by the same individuals. Both are qualified Women Business Enterprises (WBE).

Ace has outgrown its existing parking facility which has been in place since the 1990s. It needs to expand the area in which trailers and trucks can be parked temporarily while they await repairs or pick-up by customers. The expansion into the area covered in this application will allow Ace to continue its work. The property is encumbered by a large overhead electric transmission line, which renders it of limited use for any other purpose. The Applicant proposes to provide the full buffers required by the UDO to protect adjacent property owners. To satisfy the requirements of Georgia law, the Applicant notes that the denial of the application or approval with conditions not approved by the Applicant would violate the Applicant and Owner's constitutional rights protected by the U.S. and Georgia Constitutions.

The Applicant respectfully requests approval of its application and would be happy to meet with staff, planning commission members, or elected officials, or to provide any other information to assist in the decision-making process.

RECEIVED

3/8/2022

REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

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

Yes, the use is suitable in view of the location and adjoining long standing commercially zoned use

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

No. The use will not adversely affect any adjacent or nearby property. Buffers will meet the requirements of the UDO and provide adequate screening to neighboring owners.

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

No. Because of its configuration, close proximity to existing commercial property, and the overhead power lines, the property does not have 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:

No. The commercial use will relieve those burdens, enhance the tax base, and provide for balance between residential and non-residential uses uses. Allowing the repair use to continue will reduce vehicle trips and relieve transportation burdens.

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

Yes. By providing necessary products and services along Buford Highway, and providing an employment center, the proposed use conforms to the policy and intent of the 2040 Comprehensive Plan.

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

Yes--Other nearby industrial uses on Buford Highway support approval of this application. The large overhead transmission lines indicate the property is not suitable for residential use.

Exhibit D: Internal and External Agency Review Comments

[attached]

May 23, 2022

Gwinnett County Department of Planning and Development
446 West Crogan Street
Lawrenceville, GA 30046-2440

VIA EMAIL: p&d-planningzoning@gwinnettcounty.com

Dear Sirs,

Thank you for your recent notification regarding applications RZC2022-00021 and RZC2022-00022/SUP2022-00032, it is my determination that the City of Norcross does not have any objections or comments relative to the applications. If we may be of further assistance, please feel free to contact me.

Sincerely,

Tracy D. Rye, AICP
Community Development & Planning Director
City of Norcross



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: RZC2022-00022 and SUP2022-00032		
Case Address: 2621 Pittman Circle		
Comments: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	Pittman Circle is a local street. No ADT listed for this street.	
2	250 feet to the nearest transit facility (#2334908) located at Buford Highway and Pittman Circle.	
3		
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

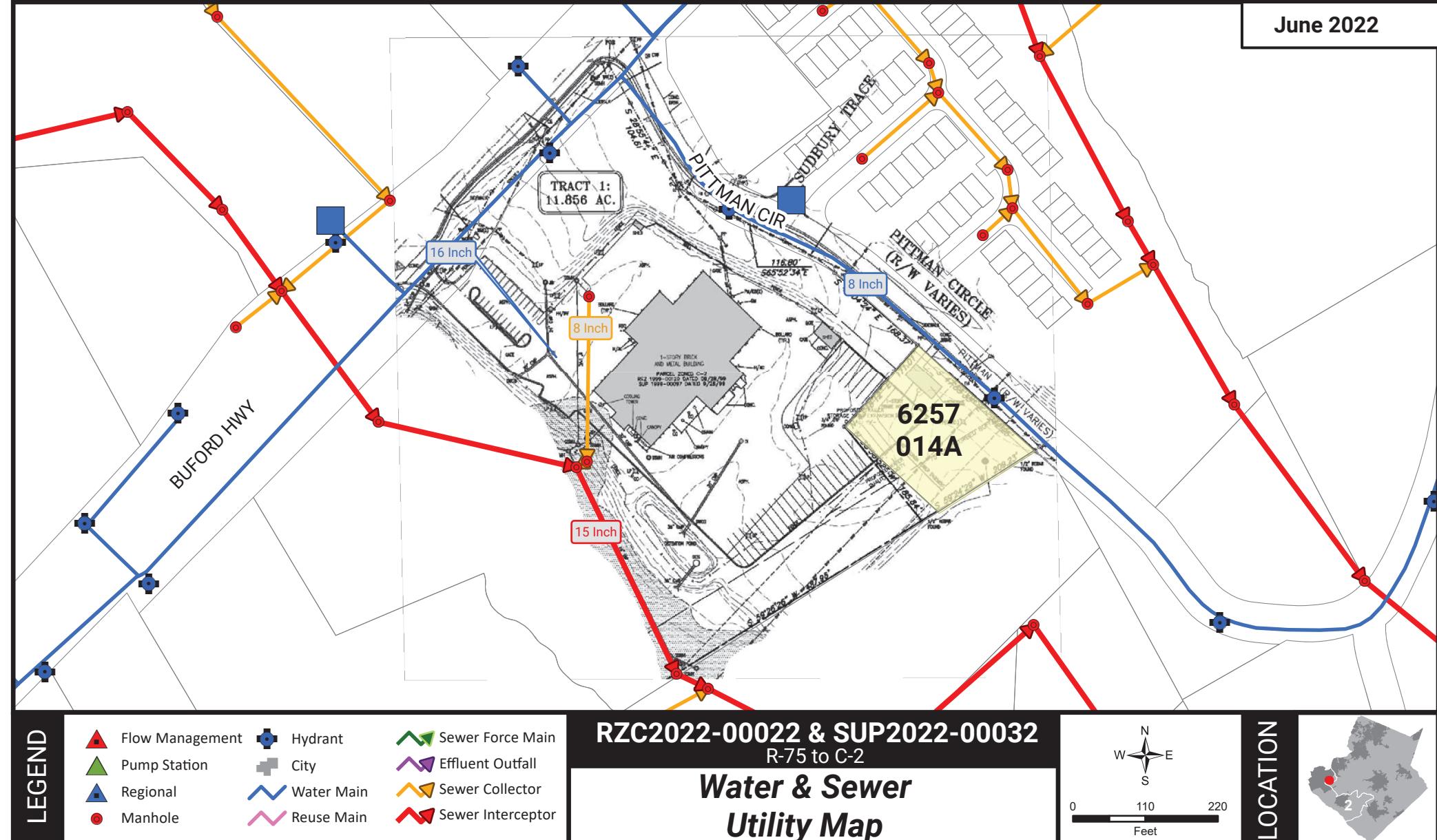


Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

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@gwinnettcounty.com			
Case Number:		RZC2022-00022 & SUP2022-00032			
Case Address:		2621 Pittman Circle			
Comments:		<input type="checkbox"/>	YES	X	NO
1	Water: There are no DWR Water comments for this case.				
2	Sewer: There are no DWR Sewer comments for this case.				
3					
4					
5					
6					
7					
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	X	NO
1					
2					
3					
4					
5					
6					
7					

Note: Attach additional pages, if needed

Revised 7/26/2021



Water Comments: There are no DWR Water comments for this case.

Sewer Comments: There are no DWR Sewer comments for this case.

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

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

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

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

Exhibit E: Maps

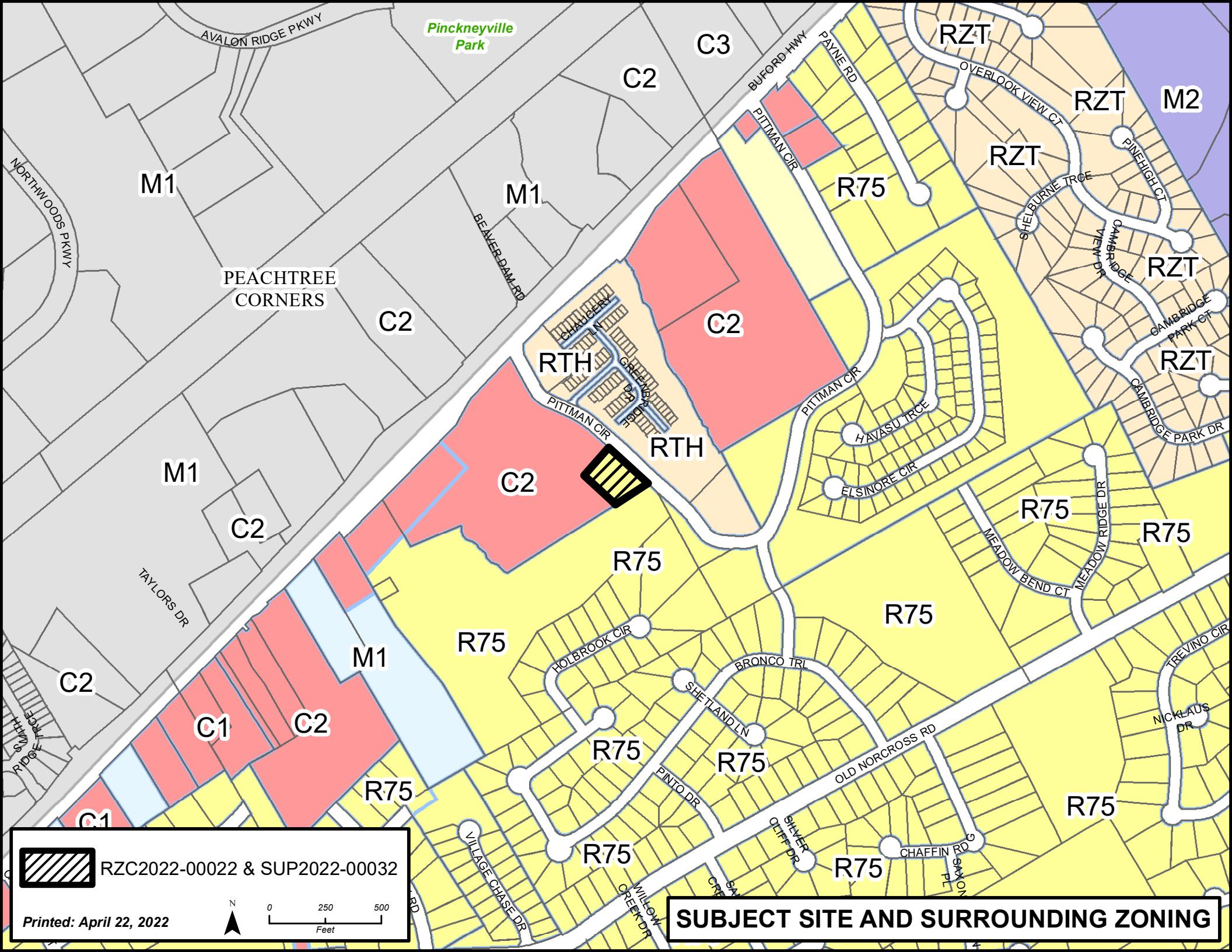
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Printed: April 22, 2022



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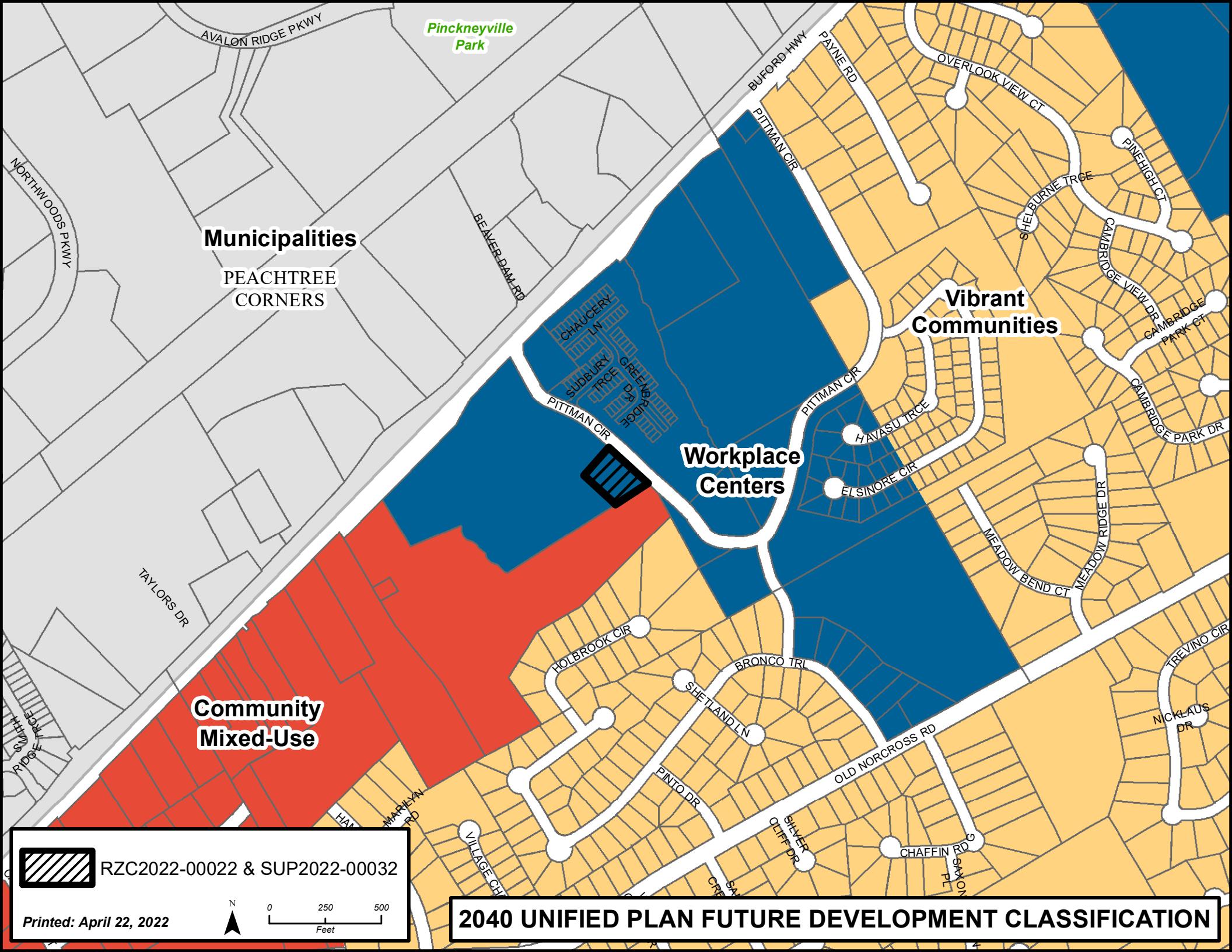
RZC2022-00022 & SUP2022-00032

Printed: April 22, 2022



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SUBJECT SITE AND SURROUNDING ZONING



RECEIVED

April 22, 2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2015

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Mousy Holdings, LLC</u> ADDRESS: <u>4930 Buford Hwy.</u> CITY: <u>Norcross</u> STATE: <u>GA</u> ZIP: <u>30071</u> PHONE: <u>(770) 447-8434</u>	NAME: <u>Mousy Holdings, LLC</u> ADDRESS: <u>4930 Buford Hwy.</u> CITY: <u>Norcross</u> STATE: <u>GA</u> ZIP: <u>30071</u> PHONE: <u>(770) 447-8434</u>
CONTACT PERSON: <u>Robert Jackson Wilson</u> PHONE: <u>770.962.9780</u> CONTACT'S E-MAIL: <u>jwilson@rjwpclaw.com</u>	
<p>APPLICANT IS THE:</p> <p><input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER</p>	
PRESENT ZONING DISTRICT(S): <u>R-75</u> REQUESTED ZONING DISTRICT: <u>C-2</u>	
PARCEL NUMBER(S): <u>R6257 014A</u> ACREAGE: <u>0.917</u>	
ADDRESS OF PROPERTY: <u>2621 Pittman Circle</u>	
PROPOSED DEVELOPMENT: <u>Parking Expansion</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.):	Total Building Sq. Ft. <u>0</u>
Gross Density:	Density: <u>0</u>
Net Density:	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

3/8/2022

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Yes, the use is suitable in view of the location and adjoining long standing commercially zoned use

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Parcel No. R6257 014A

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RECEIVED

3/8/2022

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.


Signature of Applicant

2/2/22

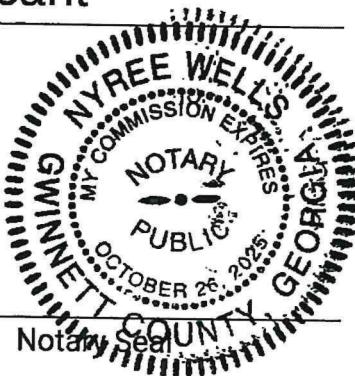
Date

Jamie Cole, Mousy Holdings, LLC, Applicant

Type or Print Name and Title


Signature of Notary Public

2/2/22
Date



RECEIVED

3/8/2022

REZONING PROPERTY OWNER'S CERTIFICATION

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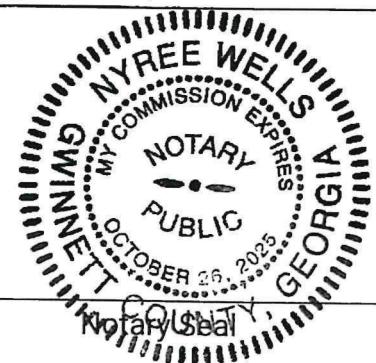
Jamie Cole
Signature of Property Owner

2/2/22
Date

Jamie Cole, CEO, Mousy Holdings, LLC, Applicant
Type or Print Name and Title

Notary Public
Signature of Notary Public

2/2/22
Date



RECEIVED

3/8/2022

CONFFLICT 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.

<u>Jamie Cole</u>	<u>2/2/22</u>	Jamie Cole, CEO
SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
<u>Robert Jackson Wilson</u>	<u>2/28/22</u>	Robert Jackson Wilson
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
<u>B. Karen Atcher</u>	<u>2/24/22</u>	
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 Jamie Cole, CEO and Robert Jackson Wilson
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

3/8/2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2015

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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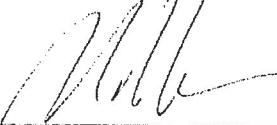
***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 6 - 257 - 014A
(Map Reference Number)

District

Land Lot

Parcel


Signature of Applicant

2/1/2022
Date

Robert Jackson Wilson, Attorney for Applicant

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)

Amanda Alexander
NAME

Sr. Tax Business Mgr
TITLE

2/1/2022

DATE

RECEIVED

April 20, 2022

Property Description

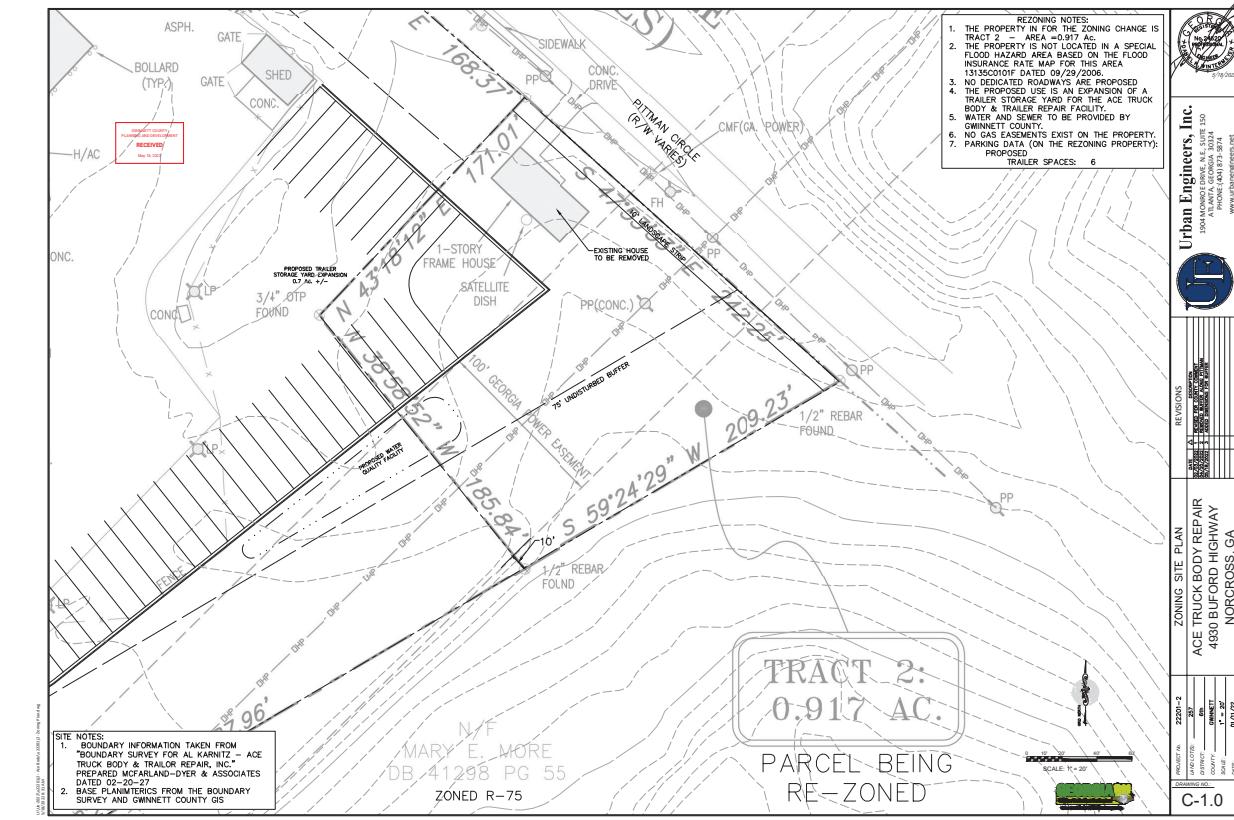
As shown on a survey for Al Karnitz and Ace Truck Body & Trailer Repair, Inc., prepared by McFarland-Dyer & Associates, dated February 20, 2017.

All that tract or parcel of land lying or being in Land Lot 27, 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

COMMENCING at the intersection of the Southeasterly right-of-way of Buford Highway (U.S. Highway 23) (Georgia Highway 13) (variable right-of-way) with the Southwesterly right-of-way of Pittman Circle (variable right-of-way); thence along said Southwesterly right-of-way of Pittman Circle South 28 degrees 55 minutes 44 seconds East, a distance of 66.54 feet to a point; thence South 28 degrees 55 minutes 44 seconds East, a distance of 104.61 feet to a point; thence along a curve to the left, said curve having an arc length of 108.57 feet with a radius of 168.37 feet, being subtended by a chord bearing of South 47 degrees 24 minutes 09 seconds East, a distance of 106.70 feet to a point; thence South 65 degrees 52 minutes 34 seconds East, a distance of 116.80 feet to a point; thence along a curve to the right, said curve having an arc length of 93.47 feet with a radius of 318.73 feet, being subtended by a chord bearing of South 57 degrees 28 minutes 29 seconds East, a distance of 93.14 feet to a point; thence South 49 degrees 04 minutes 24 seconds East, a distance of 168.37 feet to a point, said point being the POINT OF BEGINNING;

Thence continuing along said right-of-way of Pittman Circle South 47 degrees 53 minutes 33 seconds East, a distance of 242.25 feet to a 1/2 inch rebar found; thence leaving said right-of-way South 59 degrees 24 minutes 29 seconds West, a distance of 209.23 feet to a 1/2 inch rebar found; thence North 38 degrees 58 minutes 52 seconds West, a distance of 185.84 feet to a 3/4 inch open top pipe found; thence North 43 degrees 18 minutes 12 seconds East, a distance of 171.01 feet to a point on the Southwesterly right-of-way of Pittman Circle, said point being the True Point of Beginning.

Said tract or parcel of land containing 0.917 acres.



A rectangular stamp with a red border. Inside, the text "GWINNETT COUNTY" is on the top line, "PLANNING AND DEVELOPMENT" is on the second line, and "RECEIVED" is on the third line in a larger, bold font. At the bottom, the date "April 20, 2022" is printed.

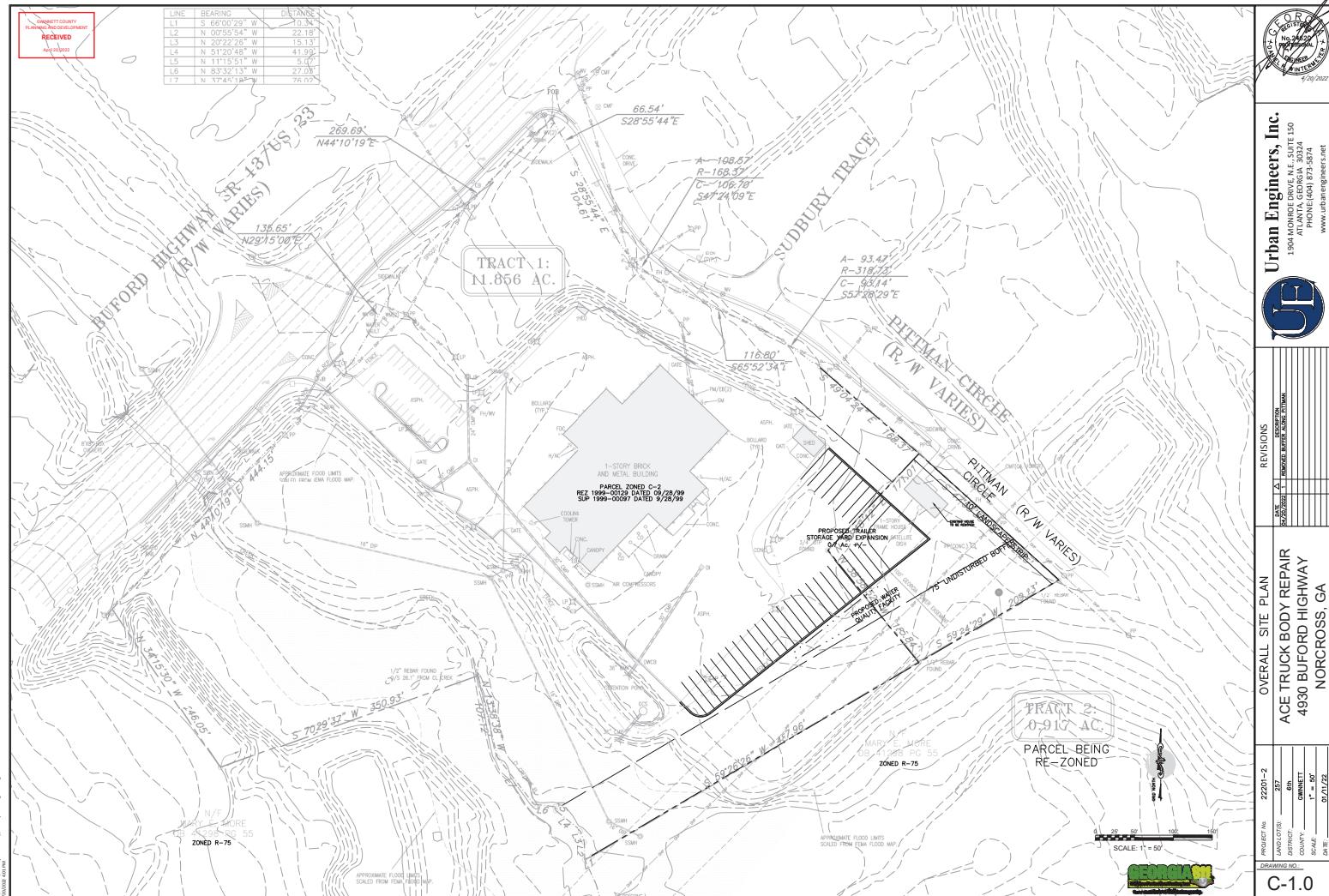
LINE	BEARING	DISTANCE
L1	S 66°00'29" W	10
L2	N 00°55'54" W	22
L3	N 20°22'26" W	15
L4	N 51°20'48" W	41
L5	N 11°15'51" W	5
L6	N 85°32'13" W	27
L7	N 37°45'18" W	76

Engineers, Inc.
1000 N. McDonnel Drive, Suite 30324
Lananta, Georgia 30324
(404) 873-5874
www.urbanengineers.net

U

OVERALL SITE PLAN
TRUCK BODY REPAIR
30 BUFORD HIGHWAY
NORCROSS, GA

DRAWING NO.:



RECEIVED

April 22, 2022

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 10/2021

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Mousy Holdings, LLC</u> ADDRESS: <u>4930 Buford Hwy.</u> CITY: <u>Norcross</u> STATE: <u>GA</u> ZIP: <u>30071</u> PHONE: <u>(770) 447-8434</u>	NAME: <u>Mousy Holdings, LLC</u> ADDRESS: <u>4930 Buford Hwy.</u> CITY: <u>Norcross</u> STATE: <u>GA</u> ZIP: <u>30071</u> PHONE: <u>(770) 447-8434</u>
CONTACT PERSON: <u>Robert Jackson Wilson</u> PHONE: <u>770.962.9780</u> CONTACT'S E-MAIL: <u>jwilson@rwpclaw.com</u>	
<p>APPLICANT IS THE:</p> <p><input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER</p>	
PRESENT ZONING DISTRICT(S): <u>R-75</u> REQUESTED ZONING DISTRICT: <u>C-2</u>	
PARCEL NUMBER(S): <u>R6257 014A</u> ACREAGE: <u>0.917</u>	
ADDRESS OF PROPERTY: <u>2621 Pittman Circle</u>	
PROPOSED DEVELOPMENT: <u>Parking Expansion</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.):	Total Building Sq. Ft. <u>0</u>
Gross Density:	Density: <u>0</u>
Net Density:	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

April 20, 2022

REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

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

Yes, the use is suitable in view of the location and adjoining long standing commercially zoned use

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

No. The use will not adversely affect any adjacent or nearby property. Buffers will meet the requirements of the UDO and provide adequate screening to neighboring owners.

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

No. Because of its configuration, close proximity to existing commercial property, and the overhead power lines, the property does not have 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:

No. The commercial use will relieve those burdens, enhance the tax base, and provide for balance between residential and non-residential uses. Allowing the repair use to continue will reduce vehicle trips and relieve transportation burdens.

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

Yes. By providing necessary products and services along Buford Highway, and providing an employment center, the proposed use conforms to the policy and intent of the 2040 Comprehensive Plan.

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

Yes--Other nearby industrial uses on Buford Highway support approval of this application. The large overhead transmission lines indicate the property is not suitable for residential use.

RECEIVED

April 20, 2022

LETTER OF INTENT
2621 Pittman Circle
Mousy Holdings, LLC
Parcel No. R6257 014A

The Applicant submits this Letter of Intent requesting rezoning of 0.971 acres from residential (R-75) to commercial (C-2) with a special use permit to allow additional truck parking in combination with its adjoining parcel. The applicant and its predecessor have owned the subject property since 2009 and held it contemplating incorporating it into its adjoining eleven (11) acre industrial truck repair facility.

Ace Truck Body and Trailer Repair has been in business in Gwinnett County since 1981. It employs 46 employees and contractors. It is a full service mechanical repair and body shop for tractor trailer trucks and over-the-road vehicles. Customers include Children's Heath Care of Atlanta, Publix, Pepsi and a number of freight carriers. It provides necessary services for maintaining the supply chain and transportation infrastructure in Gwinnett County and northern Atlanta. Ace and the Applicant/Property Owner are owned by the same individuals. Both are qualified Women Business Enterprises (WBE).

Ace has outgrown its existing parking facility which has been in place since the 1990s. It needs to expand the area in which trailers and trucks can be parked temporarily while they await repairs or pick-up by customers. The expansion into the area covered in this application will allow Ace to continue its work. The property is encumbered by a large overhead electric transmission line, which renders it of limited use for any other purpose. The Applicant proposes to provide the full buffers required by the UDO to protect adjacent property owners. To satisfy the requirements of Georgia law, the Applicant notes that the denial of the application or approval with conditions not approved by the Applicant would violate the Applicant and Owner's constitutional rights protected by the U.S. and Georgia Constitutions.

The Applicant respectfully requests approval of its application and would be happy to meet with staff, planning commission members, or elected officials, or to provide any other information to assist in the decision-making process.

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April 20, 2022

SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

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Jamie Cole

Signature of Applicant

4/19/22

Date

Jamie Cole, Mousy Holdings, LLC, Applicant CEO

Type or Print Name and Title

MH

Signature of Notary Public

4/19/2022

Date



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April 20, 2022

SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

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ACTION BY THE BOARD OF COMMISSIONERS.

Jamie Cole

Signature of Property Owner

4/19/22

Date

Jamie Cole, Mousy Holdings, LLC, Applicant CEO

Type or Print Name and Title

MW

Signature of Notary Public

4/19/2022

Date



RECEIVED

April 20, 2022

CONFFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

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Jamie Cole 4/19/22 Jamie Cole, CEO, Mousy Holdings, LLC
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

M. Jackson Wilson 4/19/2022 Robert Jackson Wilson
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

B. Karen Atcher 4/19/22 
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 Jamie Cole / Robert Jackson Wilson
YOUR NAME

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GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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PARCEL I.D. NUMBER: 6 - 257 - 014A
(Map Reference Number) District Land Lot Parcel


Signature of Applicant


Date

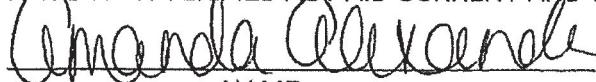
Robert Jackson Wilson, Attorney for Applicant

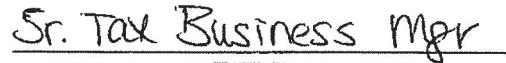
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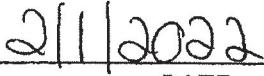
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TAX COMMISSIONERS USE ONLY

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NAME


TITLE


DATE

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April 20, 2022

Property Description

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