

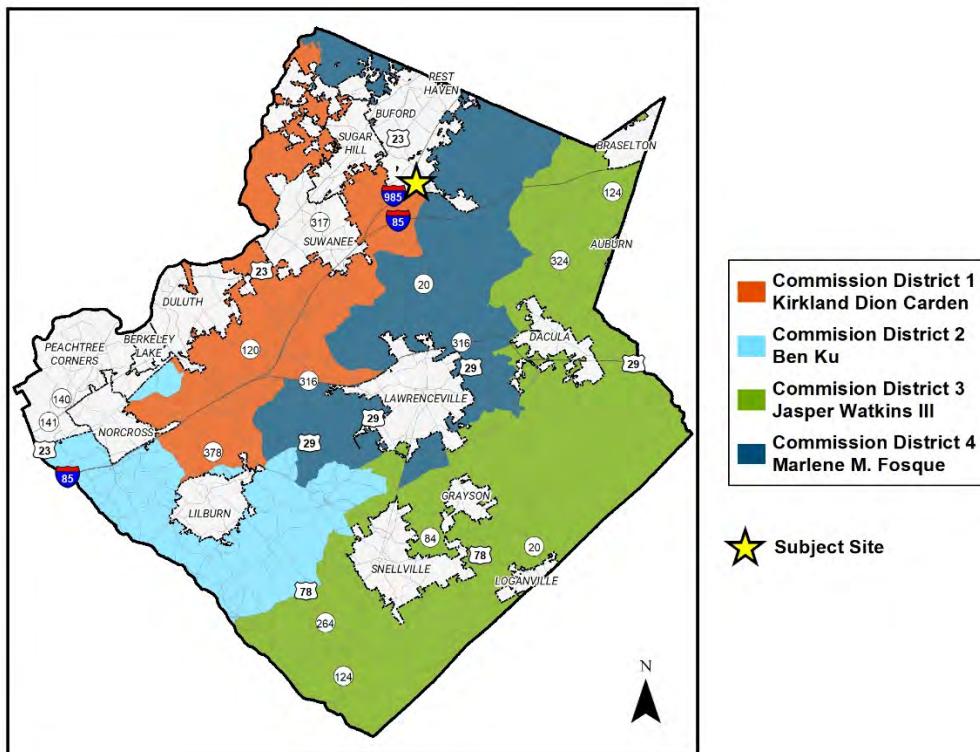


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2022-00030
Current Zoning: R-100 (Single-Family Residence District)
Request: Rezoning to M-1 (Light Industry District)
Additional Request: Buffer Reduction Waiver
Address: 1781 Plunketts Road
Map Number: R7218 003
Site Area: 11.11 acres
Square Feet: 138,500
Proposed Development: Office Warehouse
Commission District: District 1 – Commissioner Carden*
Character Area: Regional Activity Center

Staff Recommendation: DENIAL

Planning Commission: DENIAL WITHOUT PREJUDICE



* Commission District 4 effective January 1, 2023

Planning Commission Advertised Public Hearing Date: 9/6/2022
Board of Commissioners Advertised Public Hearing Date: 9/27/2022

Applicant: Bogan Enterprise, LLC
c/o Alliance Engineering and Planning
299 South Main Street
Alpharetta, GA 30009

Owner: Bogan Enterprise, LLC
11555 Medlock Bridge Road, Suite 190
Johns Creek, GA 30097

Contact: Tyler Lasser

Contact Phone: 770.225.4730 ext. 819

Zoning History

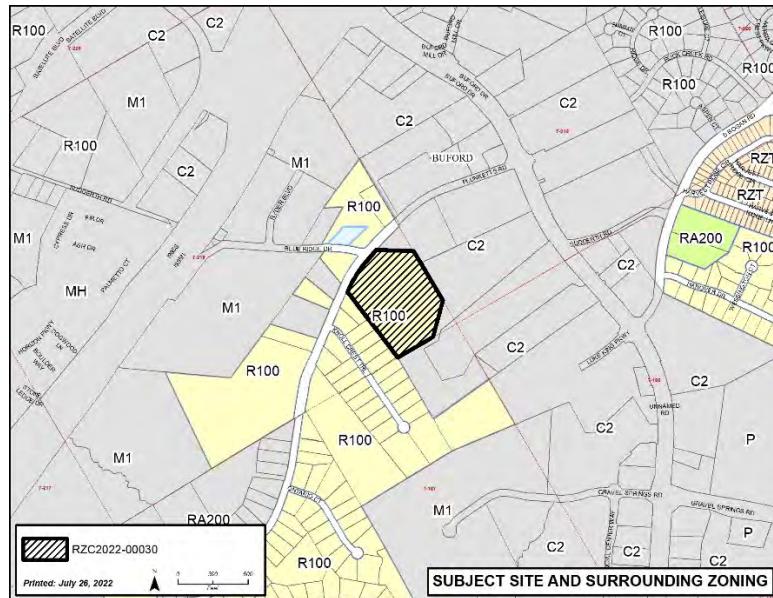
The subject property is zoned R-100 (Single-Family Residence District). No prior zoning requests are on record for this property.

Existing Site Condition

The subject property is a 11.11-acre parcel located on the east side of Plunketts Road, across from its intersection with Blue Ridge Drive and south of Buford Drive. The site contains a single-family home, although the majority of the property remains wooded. The topography slopes downward approximately 80 feet from northwest to southeast toward a stream that exists along the southeastern property line. A sidewalk exists along the road frontage. The nearest Gwinnett County Transit stop is 1.4 miles from the subject site.

Surrounding Use and Zoning

The subject site is surrounded by single-family residential and commercial uses. Plunketts Road is predominantly residential, containing single-family subdivisions and individual residential lots. The subject property borders the rear of an automobile dealership along Buford Drive within the City of Buford. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Office Warehouse	M-1	N/A
North	Single-Family Residential	R-100	0.20 units per acre
East	Automobile Sales	C-2 (City of Buford)	N/A
South	Undeveloped	C-2 (City of Buford)	N/A
West	Single-Family Residential	R-100	1.21 units per acre

Project Summary

The applicant requests rezoning of a 11.11-acre property zoned R-100 to M-1 for two office warehouse buildings, including:

- A total of 138,500 square feet of office warehouse space distributed between two 40-foot-tall buildings.
- A single loading area between the two buildings.
- A total of 184 employee parking spaces.
- A single driveway entrance from Plunketts Road, aligned with the Blue Ridge Drive intersection.
- A deceleration lane along Plunketts Road.
- A stormwater management facility along the southern property line.
- A dumpster area with two enclosed dumpsters to the rear of buildings.
- Maintaining and relocating the five-foot-wide sidewalk along Plunketts Road.
- A 50-foot-wide graded and replanted buffer adjacent to the existing R-100 neighborhood to the west.

Zoning and Development Standards

The applicant is requesting a rezoning to M-1, Light Industry District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	40'	YES
Front Yard Setback	Minimum 50'	>50'	YES
Side Yard Setback	Minimum 25'	>25'	YES
Rear Yard Setback	Minimum 50'	>50'	YES
Off-Street Parking	Minimum: 55 spaces Maximum 185 spaces	184 spaces	YES
Loading Spaces	Minimum: 4 spaces	>4	YES
Landscape Strip	Minimum 10'	10'	YES
Zoning Buffer	Minimum 50'	0'	NO*

*The applicant proposes a 50-foot landscaped buffer in lieu of a 50-foot natural undisturbed buffer. The applicant is requesting a waiver from this requirement.

Waiver Request

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

1. Section 610-20.5. Minimum Buffer Requirements:

- A. Required buffers shall be provided in conformity [with] Table 610.0 "Table of Minimum Buffer Requirements".

50' buffer for M-1 development adjacent to R-100 zoned property

A 50-foot undisturbed zoning buffer is required between property zoned M-1 and R-100. This zoning buffer is required adjacent to the western property line. The applicant is requesting to eliminate this buffer and provide a 50-foot-wide landscaped buffer in lieu of the natural undisturbed buffer.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and external agency review comments are attached (Exhibit 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 rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The site is surrounded by single-family residences along Plunketts Road, an adjacent single-family subdivision to the west, and an automobile dealership along Buford Drive to the south. With the exception of the Buford Drive intersection, Plunketts Road is a two lane road that serves single-family detached neighborhoods and homes. The proposed rezoning is not suitable in view of the surrounding residential uses.

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

The proposed rezoning would adversely impact the existing use and usability of adjacent and nearby properties. The proposed office warehouse facility requires a buffer reduction and would introduce a use and zoning classification that is inconsistent with adjacent and nearby uses and detract from the area's residential character. Moreover, the anticipated truck traffic on a predominantly residential street would affect surrounding homes by creating noise, congestion, and air pollution from large vehicles.

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

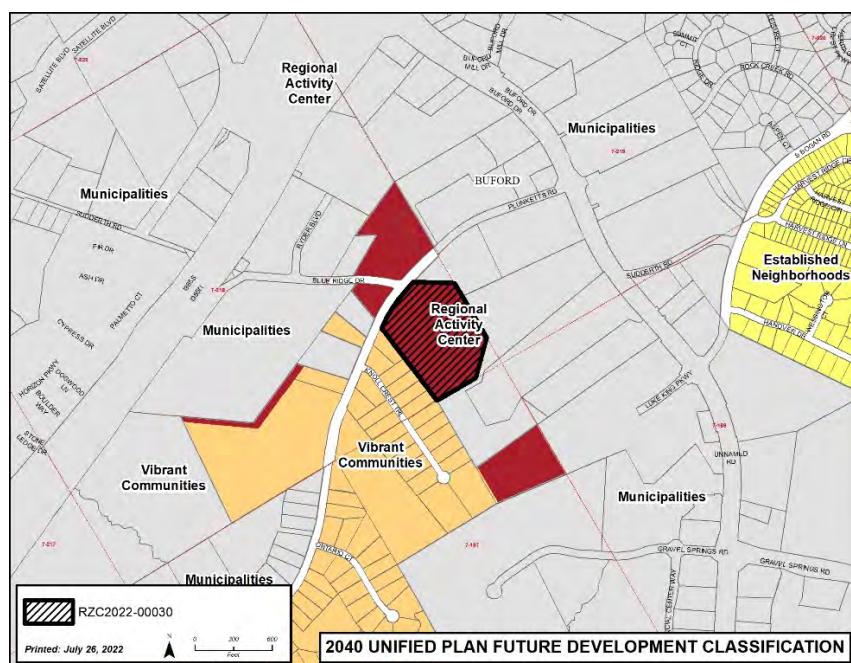
The property has a reasonable economic use as currently zoned.

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.

The rezoning request would create impacts on public facilities 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 the rezoning request are 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 and Future Development Map indicate the subject property lies within the Regional Activity Center Character Area. The intent of this character area is to provide a major activity center for Gwinnett County and the broader region with intense commercial, retail, and office uses, particularly within a pedestrian friendly setting. The character area does not support light industrial and warehouse uses as a potential development type, and these uses are inconsistent 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.

Other warehouse uses are located nearby along Blue Ridge Drive, facing Interstate 985. Unlike Blue Ridge Drive, Plunketts Road is predominantly a residential street. Moreover, the subject property is immediately adjacent to the Knoll Crest subdivision to the west. The area's residential character provides supporting grounds for disapproval of the requested light industrial zoning and office warehouse development.

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 waiver would exacerbate potential negative impacts, such as noise, lighting, and vehicle pollution on adjoining residential properties. The required 50-foot buffer would provide necessary screening and protection to single-family homes from the proposed incompatible neighboring use and zoning classification.

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.

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

1. To reduce the required buffer along property zoned R-100 from 50 feet to 0 feet.

Staff Recommended Conditions

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

Approval as M-1 (Light Industry District) for office warehouses, subject to the following conditions:

1. The development shall be constructed in general conformance with Exhibit B: Site Plan dated received July 19, 2022, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. Buildings shall comply with the requirements of Gwinnett County Architectural Design Category 2. 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. Outdoor storage shall be prohibited.
6. Natural vegetation shall remain on the property until the issuance of a development permit.
7. Sewer easements shall be provided to upstream unsewered properties, subject to the review and approval of the Department of Water Resources.
8. The Developer shall install a left-turn lane, with adequate taper and storage, from Plunketts Road into the proposed development.
9. The developer shall install a left-turn lane from Plunketts Road onto Blue Ridge Drive, subject to the review and approval of the Department of Transportation.

Planning Commission Recommendation

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **DENIAL WITHOUT PREJUDICE** of the rezoning request.

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

1. To reduce the required buffer along property zoned R-100 from 50 feet to 0 feet.

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



Wooded area of property

Exhibit B: Site Plan

[attached]

**GWINNETT COUNTY
PLANNING AND DEVELOPMENT**
RECEIVED

July 19, 2022

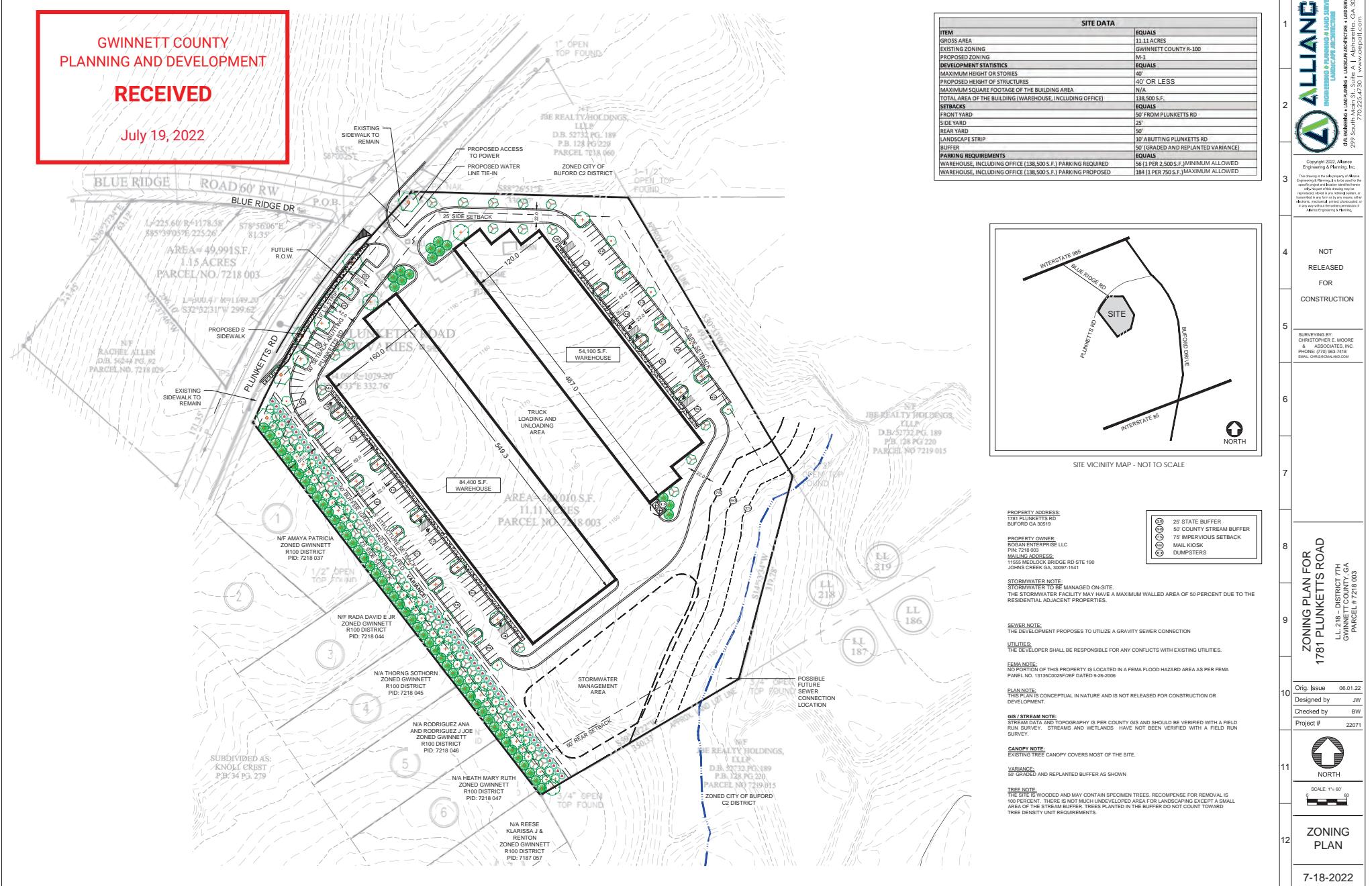


Exhibit C: Letter of Intent and Applicant's Response to Standards

[attached]

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July 19, 2022

Applicant's Letter of Intent

Rezoning from R-100 to M-1
1781 Plunketts Road

The Applicant, Bogan Enterprise, LLC, requests a rezoning of an approximately 11.1-acre site located on Plunketts Road, west of Buford Drive. In accordance with the submitted zoning exhibit, the Applicant intends to construct offices with warehousing. The development will consist of two buildings, totaling 138,500 square feet in size. The office space will be located facing the side property lines, with direct access to the parking area. The vehicular access to the warehousing will be located internal to the site. To develop the site as proposed, the Applicant requests to rezone the site from R-100 to M-1 (Light Industry District). Upgrades along the frontage of Plunketts Road will include a new deceleration lane for vehicular access into the site, a 5-foot-wide sidewalk, and a 10-foot-wide landscape strip. Due to the steep topography of the site, the Applicant is proposing a densely vegetated 50-foot graded and replanted buffer along the entirety of the property line adjacent to the R-100-zoned subdivision for sufficient year-round screening. Situated amongst primarily intense commercial and light industrial uses along the Satellite Boulevard, Buford Drive, and 985 corridors, the proposed development is consistent with pattern of development in the area. Many of the intense commercial and industrial uses can be found within proximity on Blue Ridge Drive and Buford Drive, including the variety of car dealerships directly behind the subject site. The subject site is located within the Regional Activity Center character area of the 2040 Unified Plan. The proposed use is substantially intense than what the character area generally encourages, including large-scale mixed-use developments, multi-story office buildings, and shopping plazas. In its location, the encouraged uses would not be appropriate, whereas the proposed development is a use that has been proven to be efficient in the area. Currently, the Applicant does not have any confirmed tenants. However, all future tenants of the offices/warehouses will conform to the permitted use requirements of the M-1 zoning district.

The Applicant looks forward to meeting with staff as well as the community to address all questions or concerns.

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July 19, 2022

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

(A) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Yes, the development will be suitable in view of the uses of the adjacent and nearby properties. The subject site sits amongst primarily intense commercial and industrial developments, including car dealerships on Buford Drive and similar office/warehousing between Satellite Boulevard and Buford Drive.

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

No, the proposed use will not adversely affect the usability of adjacent or nearby properties. As proposed, the development will be more consistent with the surrounding area.

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

Due to the size and location of the property, the applicant maintains that the subject property does not have a reasonable economic use as currently zoned. The applicant submits the rezoning would allow for a use more compatible with the pattern of development in the area.

(D) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools:

The rezoning will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

(E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

Yes, as the character area is intended for commercial and office employment activity. The proposed use is significantly less intense than the specified uses encouraged within the character area.

(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 zoning proposal:

The pattern of development in the area and the proposed development's consistency with the nearby uses are among reasons for the approval of the proposed rezoning.

Exhibit D: Internal and External Agency Review Comments

[attached]



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

TRC Meeting Date: 8.17.22		
Department/Agency Name: Transportation		
Reviewer Name: Brent Hodges		
Reviewer Title: Construction Manager 1		
Reviewer Email Address: Brent.Hodges@GwinnettCounty.com		
Case Number: RZC2022-00030		
Case Address: 1781 Plunketts Road		
Comments: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	Plunketts Road is a minor collector. ADT is not listed.	
2	1.4 miles to nearest transit facility (#2334754) Buford/SR 20 Park and Ride.	
3	Prior to the issuance of a development permit, a sight distance certification shall be provided.	
4	Standard deceleration lane with appropriate taper and adequate right-of-way will be required.	
5	A 5' sidewalk will be required along the property frontage.	
6		
7		
Recommended Zoning Conditions: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	The Developer shall install a left-turn lane with adequate taper and storage from Plunketts Road into the proposed development. The developer shall also install a corresponding left-turn lane from Plunketts Road onto Blue Ridge Drive.	
2		
3		
4		
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7		

Note: Attach additional pages, if needed

Revised 7/26/2021

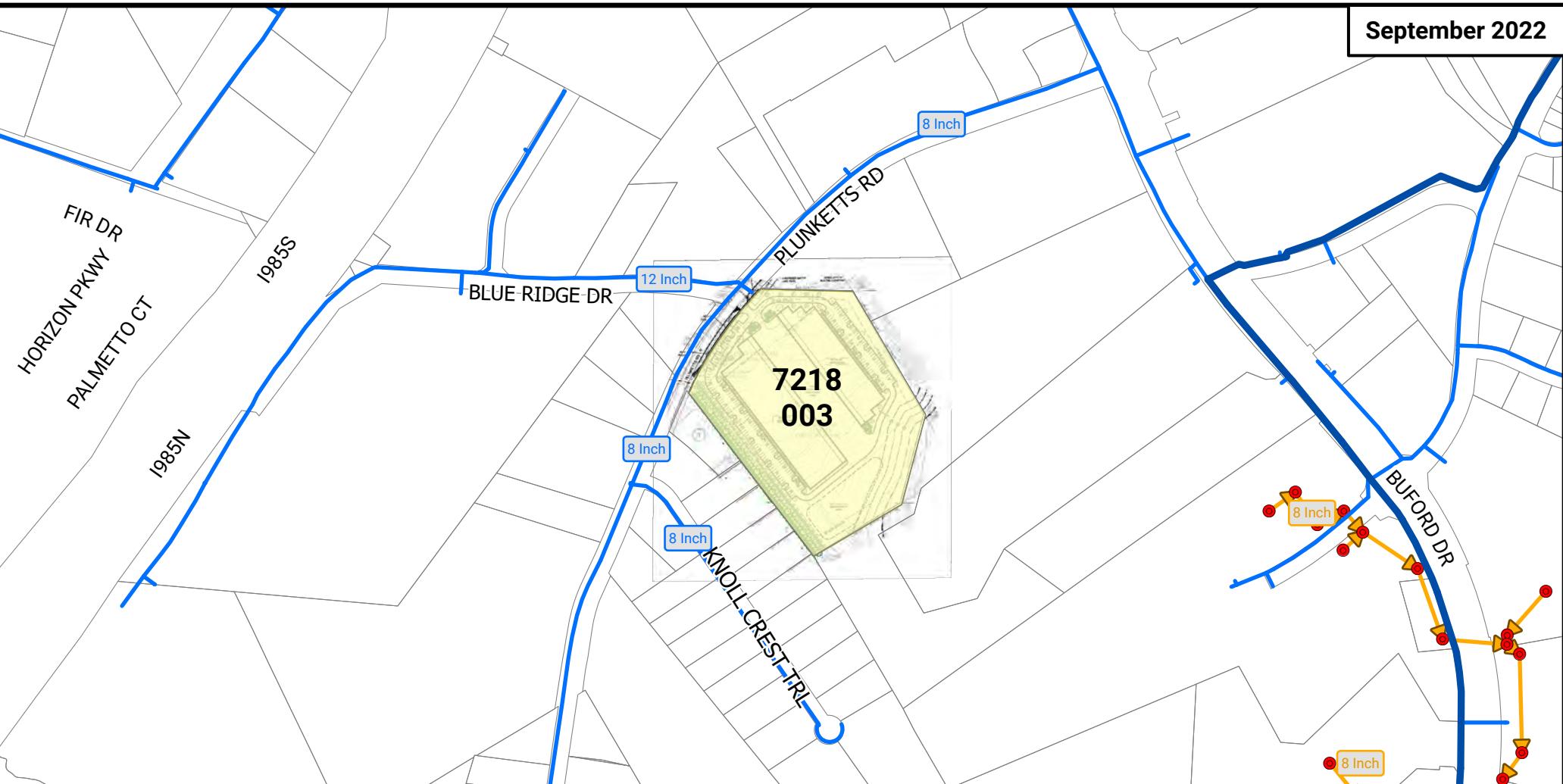


Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		8/17/2022		
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.Pappas@GwinnettCounty.com		
Case Number:		RZC2022-00030		
Case Address:		1781 Plunketts Road		
Comments:		<input checked="" type="checkbox"/> X	YES	<input type="checkbox"/> NO
1	Water: The existing 12-inch water main located near the intersection of Plunketts Road and Buford Drive will need to be extended approximately 1,300 ft down Plunketts Road and across the frontage of the development.			
2	Sewer: There is no public sewer available in the immediate vicinity of the proposed development.			
3	Sewer: The developer should contact DWR to discuss sewer connection options.			
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> X NO
1				
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Note: Attach additional pages, if needed

Revised 7/26/2021



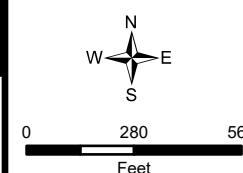
LEGEND

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

RZC2022-00030

R-100 to M-1

Water & Sewer Utility Map



LOCATION



Water Comments: The existing 12-inch water main located near the intersection of Plunketts Road and Buford Drive will need to be extended approximately 1,300 ft down Plunketts Road and across the frontage of the development.

Sewer Comments: There is no public sewer available in the immediate vicinity of the proposed development. The developer should contact DWR to discuss sewer connection options.

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 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

[attached]

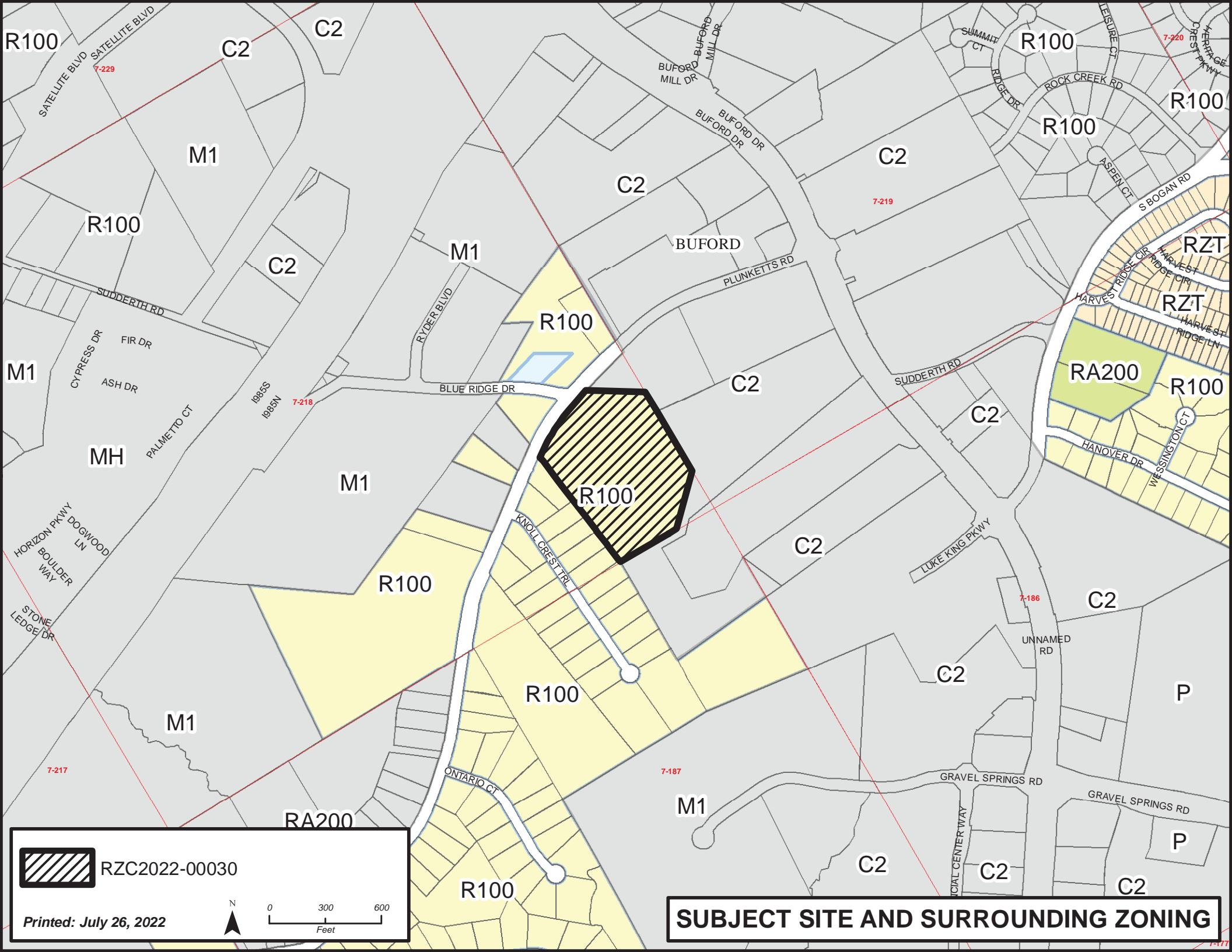
RYDER BLVD
BLUE RIDGE DR
PLUNKETTS RD

KNOLL CREST TRL

RZC2022-00030



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Feet

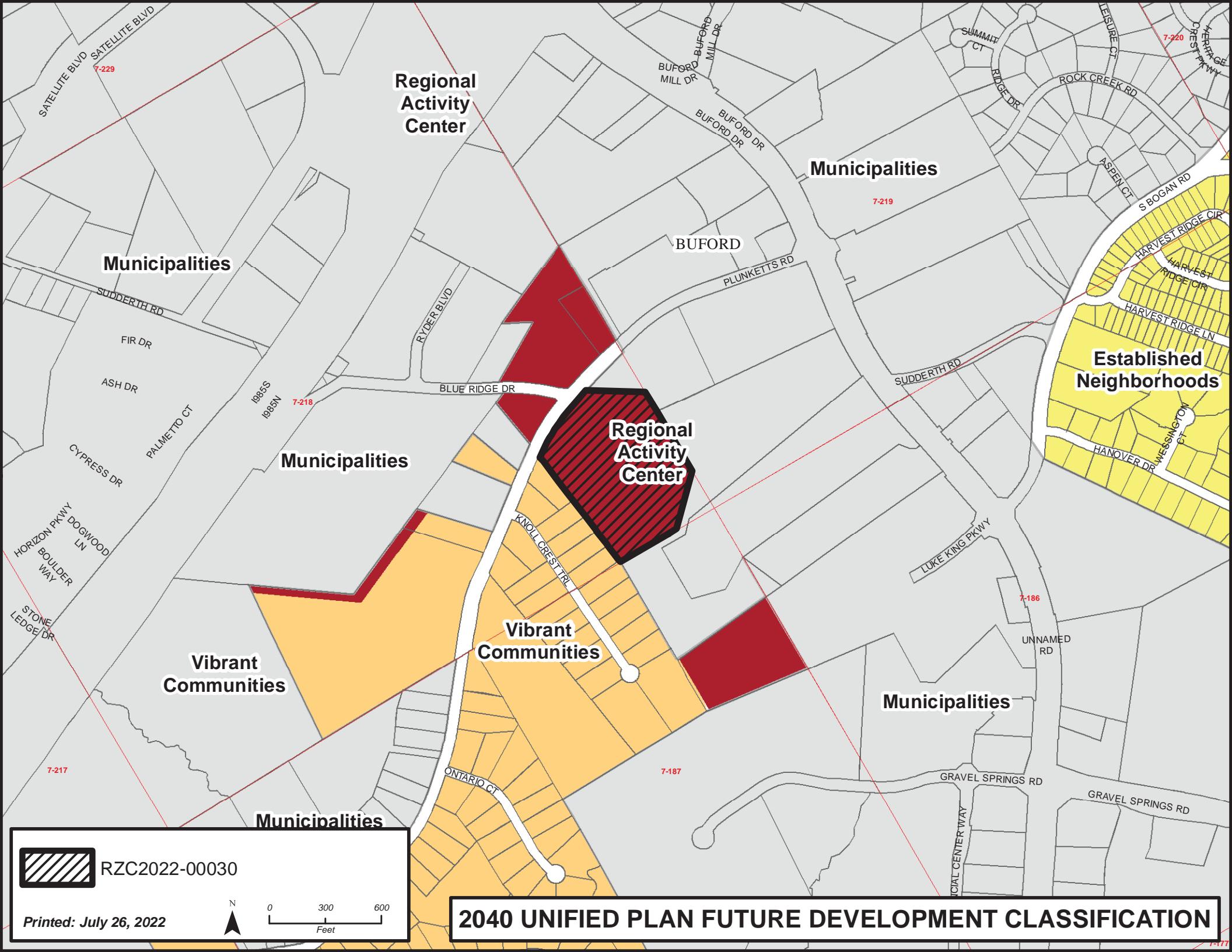


RZC2022-00030

N

Printed: July 26, 2022

SUBJECT SITE AND SURROUNDING ZONING



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July 19, 2022

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Bogan Enterprise LLC c/o Alliance Engineering and Planning</u>	NAME: <u>BOGAN ENTERPRISE LLC</u>
ADDRESS: <u>299 South Main Street</u>	ADDRESS: <u>11555 MEDLOCK BRIDGE RD STE 190</u>
CITY: <u>Alpharetta</u>	CITY: <u>JOHNS CREEK</u>
STATE: <u>GA</u> ZIP: <u>30009</u>	STATE: <u>GA</u> ZIP: <u>30097-1541</u>
PHONE: <u>770-225-4730 ext. 819</u>	PHONE: <u>770-225-4730 ext. 819</u>
EMAIL: <u>Tylerl@allianceeco.com</u>	EMAIL: <u></u>
CONTACT PERSON: <u>Tyler Lasser</u> PHONE: <u>770-225-4730 ext. 819</u>	
CONTACT'S E-MAIL: <u>Tylerl@allianceeco.com</u>	
APPLICANT IS THE: <input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>M-1</u>	
PARCEL NUMBER(S): <u>7218 003</u> ACREAGE: <u>11.11</u>	
ADDRESS OF PROPERTY: <u>1781 Plunketts Road</u>	
PROPOSED DEVELOPMENT: <u>Office/Warehouse</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units	No. of Buildings/Lots: <u>2</u>
Dwelling Unit Size (Sq. Ft.):	Total Building Sq. Ft. <u>138,500</u>
Gross Density:	Density: <u>0.18</u>
Net Density:	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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July 19, 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:

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

- (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:

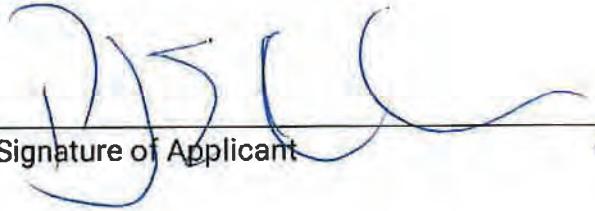
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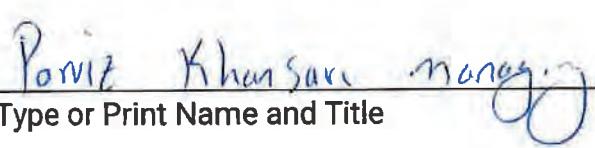
July 19, 2022

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

 7/16/22
Date

 Type or Print Name and Title

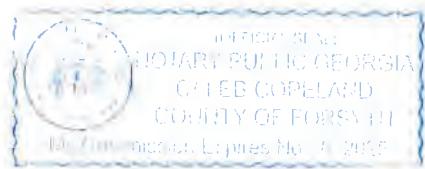
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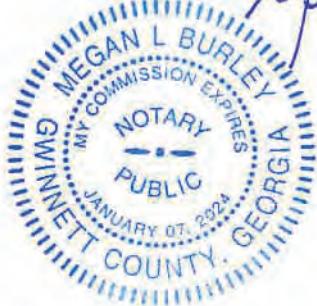
number AKBRA13BDE-LRAS11

 Signature of Notary Public

7/6/2022
Date



Notary Seal



Megan L. Burley
Notarizing

7/6/2022

Fkram Ibrahim Abdelmasih
signature (only)

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July 19, 2022

REZONING PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY
CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION
OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12
MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS
WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR
REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST
ACTION BY THE BOARD OF COMMISSIONERS.

 Signature of Property Owner

 7/6/22 Date

 Parviz Khanpur, manager Type or Print Name and Title

 Signature of Notary Public

 7/6/2022 Date



Notary Seal



 Megan L. Burley 7/6/2022
Notarizing Akram Ibrahim Abobelmash
Signature (only)

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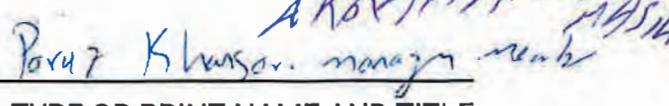
July 19, 2022

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.


SIGNATURE OF APPLICANT

7/6/22
DATE


TYPE OR PRINT NAME AND TITLE

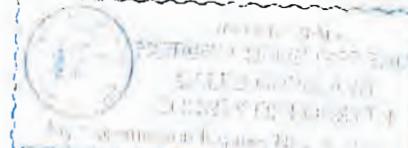

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

7/6/22
DATE

Tyler Lasser
TYPE OR PRINT NAME AND TITLE


SIGNATURE OF NOTARY PUBLIC

7/6/22
DATE


NOTARY SEAL

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

YES

NO


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.

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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:
(Map Reference Number)

7 218 003
District Land Lot Parcel


Signature of Applicant

AKRATA B32E14547/6/22
Date

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)

Jacqueleen Garcia

NAME

Tax Associate I

TITLE

07/07/2022

DATE

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Applicant's Letter of Intent

Rezoning from R-100 to M-1
1781 Plunketts Road

The Applicant, Bogan Enterprise, LLC, requests a rezoning of an approximately 11.1-acre site located on Plunketts Road, west of Buford Drive. In accordance with the submitted zoning exhibit, the Applicant intends to construct offices with warehousing. The development will consist of two buildings, totaling 138,500 square feet in size. The office space will be located facing the side property lines, with direct access to the parking area. The vehicular access to the warehousing will be located internal to the site. To develop the site as proposed, the Applicant requests to rezone the site from R-100 to M-1 (Light Industry District). Upgrades along the frontage of Plunketts Road will include a new deceleration lane for vehicular access into the site, a 5-foot-wide sidewalk, and a 10-foot-wide landscape strip. Due to the steep topography of the site, the Applicant is proposing a densely vegetated 50-foot graded and replanted buffer along the entirety of the property line adjacent to the R-100-zoned subdivision for sufficient year-round screening. Situated amongst primarily intense commercial and light industrial uses along the Satellite Boulevard, Buford Drive, and 985 corridors, the proposed development is consistent with pattern of development in the area. Many of the intense commercial and industrial uses can be found within proximity on Blue Ridge Drive and Buford Drive, including the variety of car dealerships directly behind the subject site. The subject site is located within the Regional Activity Center character area of the 2040 Unified Plan. The proposed use is substantially intense than what the character area generally encourages, including large-scale mixed-use developments, multi-story office buildings, and shopping plazas. In its location, the encouraged uses would not be appropriate, whereas the proposed development is a use that has been proven to be efficient in the area. Currently, the Applicant does not have any confirmed tenants. However, all future tenants of the offices/warehouses will conform to the permitted use requirements of the M-1 zoning district.

The Applicant looks forward to meeting with staff as well as the community to address all questions or concerns.

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Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of 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, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

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

(A) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Yes, the development will be suitable in view of the uses of the adjacent and nearby properties. The subject site sits amongst primarily intense commercial and industrial developments, including car dealerships on Buford Drive and similar office/warehousing between Satellite Boulevard and Buford Drive.

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

No, the proposed use will not adversely affect the usability of adjacent or nearby properties. As proposed, the development will be more consistent with the surrounding area.

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

Due to the size and location of the property, the applicant maintains that the subject property does not have a reasonable economic use as currently zoned. The applicant submits the rezoning would allow for a use more compatible with the pattern of development in the area.

(D) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools:

The rezoning will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

(E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

Yes, as the character area is intended for commercial and office employment activity. The proposed use is significantly less intense than the specified uses encouraged within the character area.

(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 zoning proposal:

The pattern of development in the area and the proposed development's consistency with the nearby uses are among reasons for the approval of the proposed rezoning.

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Property Description

All that tract or parcel of land lying and being in Land Lot 218 of the 7th district, Gwinnett County, Georgia, containing 11.11 acres more or less, and being more particularly described as follows: Begin at an iron pin set at the southerly intersection of Blue Ridge Road (having a 60 foot right of way) and Plunketts Road, running thence South 67 degrees 00 minutes 25 seconds East a distance of 63.11 feet to a $\frac{1}{2}$ inch open top found, said 1/2 inch open top found being the true point of beginning. From the true point of beginning, running thence North 42 degrees 10 minutes 35 seconds East a distance of 95.21 feet to a PK Nail; running thence South 88 degrees 26 minutes 51 seconds East a distance of 330.07 feet to a 1 and $\frac{1}{2}$ inch open top found; running thence South 30 degrees 33 minutes 06 seconds East a distance of 493.22 feet to a 1 and $\frac{1}{2}$ inch open top found; running thence South 14 degrees 53 minutes 34 seconds West a distance of 319.78 feet to a $\frac{3}{4}$ inch open top found; running thence South 59 degrees 40 minutes 22 seconds West a distance of 350.33 feet to a $\frac{3}{4}$ inch open top found; running thence North 37 degrees 37 minutes 30 seconds West a distance of 716.68 feet to a $\frac{1}{2}$ inch rebar found; running thence along an arc of a curve, said curve having an arc length of 334.09 feet and a radius of 1079.20 feet being subtended by a chord having a bearing of North 32 degrees 14 minutes 33 seconds East and a chord distance 332.76 feet to a $\frac{1}{2}$ inch open top found, said $\frac{1}{2}$ inch open top found being the true point of beginning. As more particularly described on a Plat of Survey for Gladys Plunkett Estate, prepared by Christopher E. Moore & Associates, Inc. Professional Land Surveying, Georgia Registered Land Surveyor Number 2828, dated August 30, 2019, said Survey being recorded in Plat Book 146, Page 28, Gwinnett County, Georgia records, which plat is hereby referred to and made a part of this description.

NOTE:
1. ALL MATTERS OF TITLE ARE EXCEPTED.
2. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND
RIGHTS-OF-WAY, PUBLIC OR PRIVATE.
3. THIS SURVEY WAS AUTHORIZED BY CHARLIE
FLUNKETT
4. ELEVATIONS BASED ON NAVD88 DATUM. GPS
OBSERVATIONS WERE TAKEN IN THE PREPARATION OF
THIS SURVEY.

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LEGEND

-

This survey was made without the benefit of a current title commitment. Easements and encumbrances may exist which benefit and burden this property.

This map or plat has been calculated for closure and is found to be accurate within 1 foot in 100,000+feet.

This plot has been prepared using a Nikon Total Station reading directly to 1 second and an electronic distance measuring device reading directly to 1 centimetre. The horizontal scale is 1:10000.

FL-OOD HAZARD NOTE

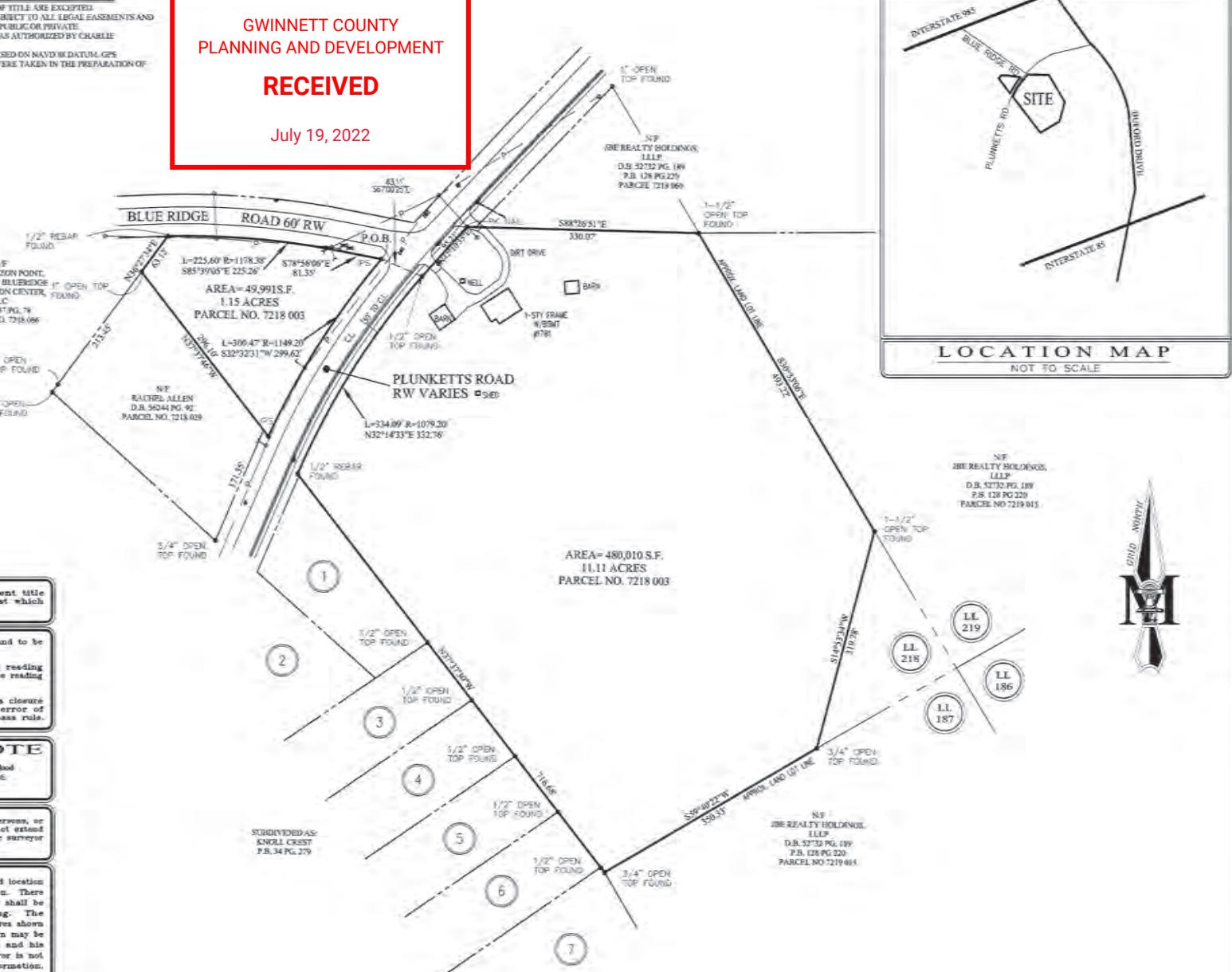
***This property does not lie in a FEMA Flood Zone, as depicted on the FEMA Flood Insurance Rate Map of Gwinnett County, Ga. 13135C002SF26 dated 9-26-2006.**

This plot was prepared for the exclusive use of the person, persons, or entity named in the certificate herein. Said certificate does not extend to any unnamed person without an express recertification by the surveyor.

Information regarding the reputed presence, size, character and location of existing underground utilities and structures is shown herein. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown herein may be inaccurate and utilities and structures not shown may be encountered. The owner, his employees, his consultants and his contractors shall hereby distinctly understand that the surveyor is not responsible for the correctness or sufficiency of this information.

Graphic scale - in feet

50 0 100 200 300 400



The survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 189-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67.



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