

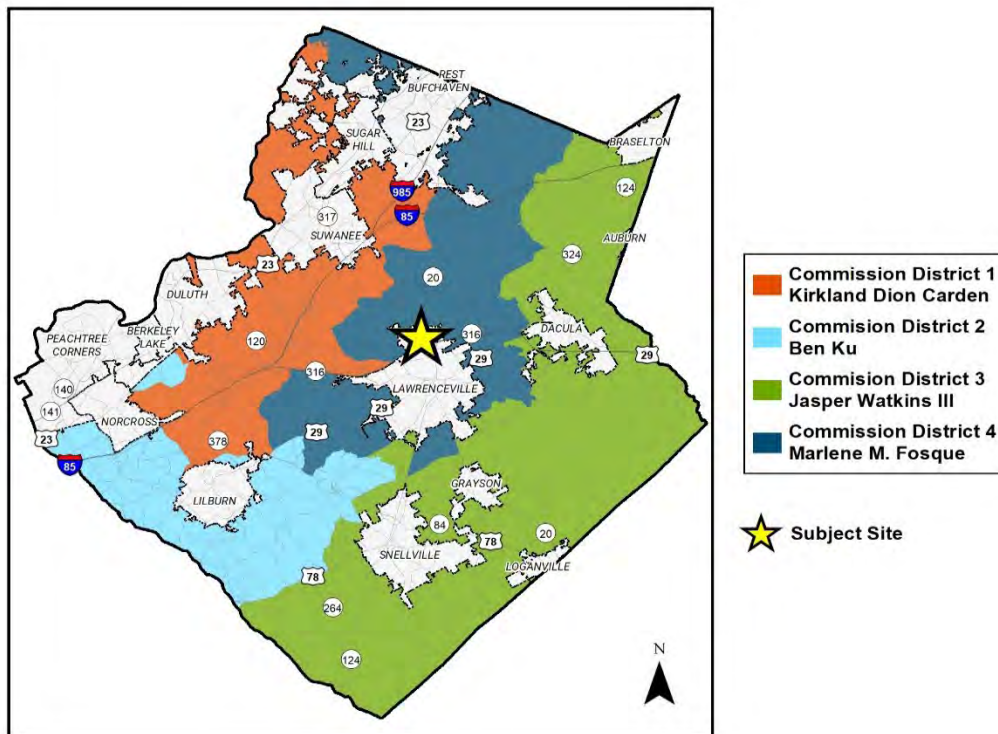


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2022-00031
Current Zoning: R-100 (Single-Family Residence District)
Request: Rezoning to C-1 (Neighborhood Business District)
Address: 885 Collins Hill Road
Map Number: R7011 014B
Site Area: 2.49 acres
Square Feet: 7,000
Proposed Development: Convenience Store with Fuel Pumps
Commission District: District 4 – Commissioner Fosque
Character Area: Established Neighborhoods

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL



Planning Commission Advertised Public Hearing Date: 9/7/2022 (Public Hearing Held/
Recommendation Tabled to 10/4/2022)

Board of Commissioners Advertised Public Hearing Date: 9/27/2022 (Public Hearing Tabled to
10/25/2022)

Applicant: Nabeel Group of Companies, Inc.
c/o Andersen, Tate and Carr, PC
1960 Satellite Boulevard
Suite 4000
Duluth, GA 30097

Owner: Estate of Dovie Caudell
Pamela Caudell Harris
1448 Earlham Lane
Lawrenceville, GA 30043

Contact: Anré D. Washington

Contact Phone: 770.822.0900

Zoning History

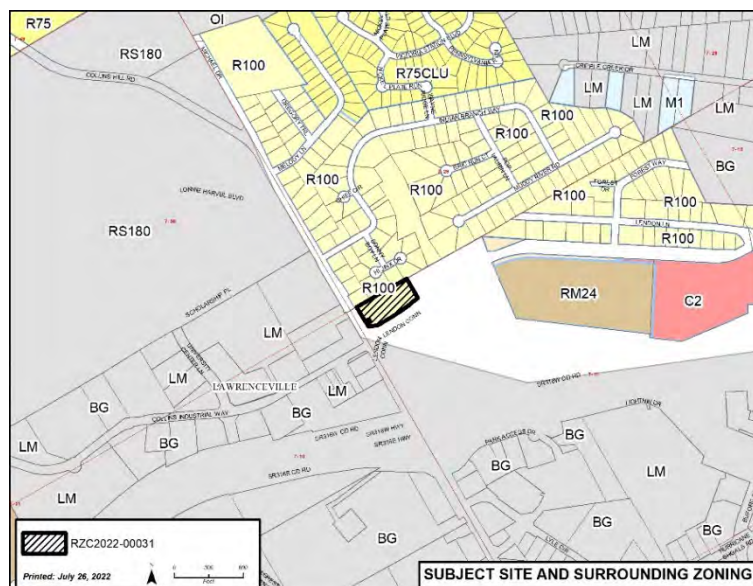
The subject property is zoned R-100 (Single-Family Residence District). No prior zoning cases are on record for this property.

Existing Site Condition

The subject site is a 2.49-acre parcel located on the east side of Collins Hill Road at its intersection with Lendon Connector. The site is developed with a vacant single-family home with overgrown vegetation. The site is heavily wooded in the rear and slopes from Collins Hill towards the rear of the site by approximately 50 feet. Access to the site is provided via one driveway from Collins Hill Road and one driveway from Lendon Connector. There are sidewalks on both road frontages. The nearest Gwinnet Transit stop is approximately 100 feet from the site.

Surrounding Use and Zoning

The surrounding area is characterized by low-density single-family residential subdivisions, multifamily and institutional uses. To the north is Forest River, a single-family detached subdivision. To the west, across Collins Hill Road is Georgia Gwinnett College within the City of Lawrenceville. To the south and east is the University Parkway (SR 316) right-of-way and apartments which are under review for permitting. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Convenience Store with Fuel Pumps	C-1	N/A
North	Single-Family Residential	R-100	1.47 units per acre
East	Right of Way	N/A	N/A
South	Right of Way	N/A	N/A
West	Institutional (Georgia Gwinnett College)	LM (City of Lawrenceville)	N/A

Project Summary

The applicant requests rezoning of 2.49-acre property from R-100 to C-1 to allow for a convenience store with fuel pumps and retail space, including:

- One, three-tenant building totaling 7,000 square feet, including a 4,000 square foot convenience store and two 1,500 square foot retail spaces.
- A total of eight gas pumps located under a single canopy.
- Two limited-access driveways to the property, one each from Collins Hill Road and Lendon Connector with deceleration lanes.
- Sidewalks along Collins Hill Road and Lendon Connector Road with crosswalks.
- A dumpster enclosure located to the northwest of the proposed retail building.
- A parking lot with 22 parking spaces in front of the building.
- A required 50-foot-wide zoning buffer and 5-foot structural setback along the northern property line adjacent to R-100 zoned properties.
- A required 15-foot building setback and 10-foot-wide landscaped strip along the eastern, western, and southern property lines.
- A stormwater management pond located to the rear of the building.
- No building elevations were provided by the applicant.

Zoning and Development Standards

The applicant is requesting a rezoning for a convenience store with fuel pumps and retail space in the in 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'	>15'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Off-Street Parking	Minimum: 14 spaces Maximum: 35 spaces	22	YES
Landscape Strip	10'	10'	YES
Zoning buffer	50' undisturbed buffer adjacent to R-100	50'	YES

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

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

The site is surrounded by residential and institutional uses. Non-residential uses are currently limited to the west of Collins Hill Road and to the south of Lendon Connector in the area. Therefore, the proposal would not be suitable in view of the use and development of adjacent and nearby property.

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

The existing use and usability of adjacent or nearby properties would be impacted by the zoning change. The subject site is adjacent to existing residential uses which would be impacted by an automobile related use. The commercial development, as proposed, is not an appropriate use for this location.

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.

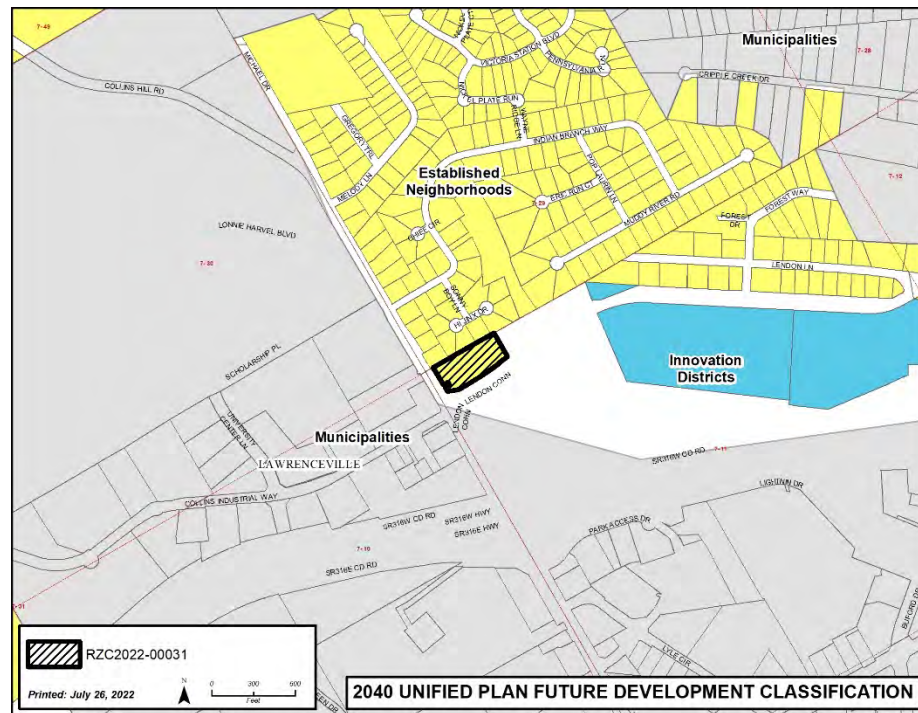
D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

An increased impact on public facilities is anticipated in the form of traffic, utility demand, and stormwater runoff. However, with appropriate conditions and site development requirements, these impacts would be mitigated. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements, related to this 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; and

The 2040 Unified Plan Future Development Map indicates that the subject property lies within the Established Neighborhoods Character Area. These areas are well established neighborhoods and single-family residential areas that are unlikely to undergo any significant

changes or redevelopment in the next 20 years. While corner/neighborhood-serving, non-residential or institutional developments/uses may be integrated into Established Neighborhoods, a development of this nature would serve those beyond the neighborhood. Therefore, the proposed convenience store with fuel pumps would be inconsistent with the goals and intent of the Unified 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.

The surrounding area is characterized predominantly by low-density single-family residential and institutional uses. The site is located across from Georgia Gwinnett College which would support the development of the site into a neighborhood serving use or additional residential units. The site could support a much needed “missing middle” housing type geared toward college students. Therefore, the proposed use of a convenience store with fuel pumps would not be appropriate at this location.

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 convenience store 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 July 21, 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 Planning and Development Department.
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. An 8-foot-tall wooden privacy fence shall be provided along the northern property line zoning buffer.
6. Natural vegetation shall remain on the property until the issuance of a development permit.
7. Billboards shall be prohibited.
8. The location of entrances/exits shall be subject to the review and approval of the Gwinnett County Department of Transportation.
9. Hours of operation shall be limited to 7:00 am to 11:00 pm daily.
10. The applicant shall coordinate with Gwinnett County Department of Transportation (GCDOT) Preconstruction Division on the Collins Hill Road Improvement Project (F-1271).
11. A 12' wide multi-use path, within the right of way along Collins Hill Road, shall be constructed subject to review and approval by Gwinnett County 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** of the rezoning request.

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

[Attached]



Existing house on the property

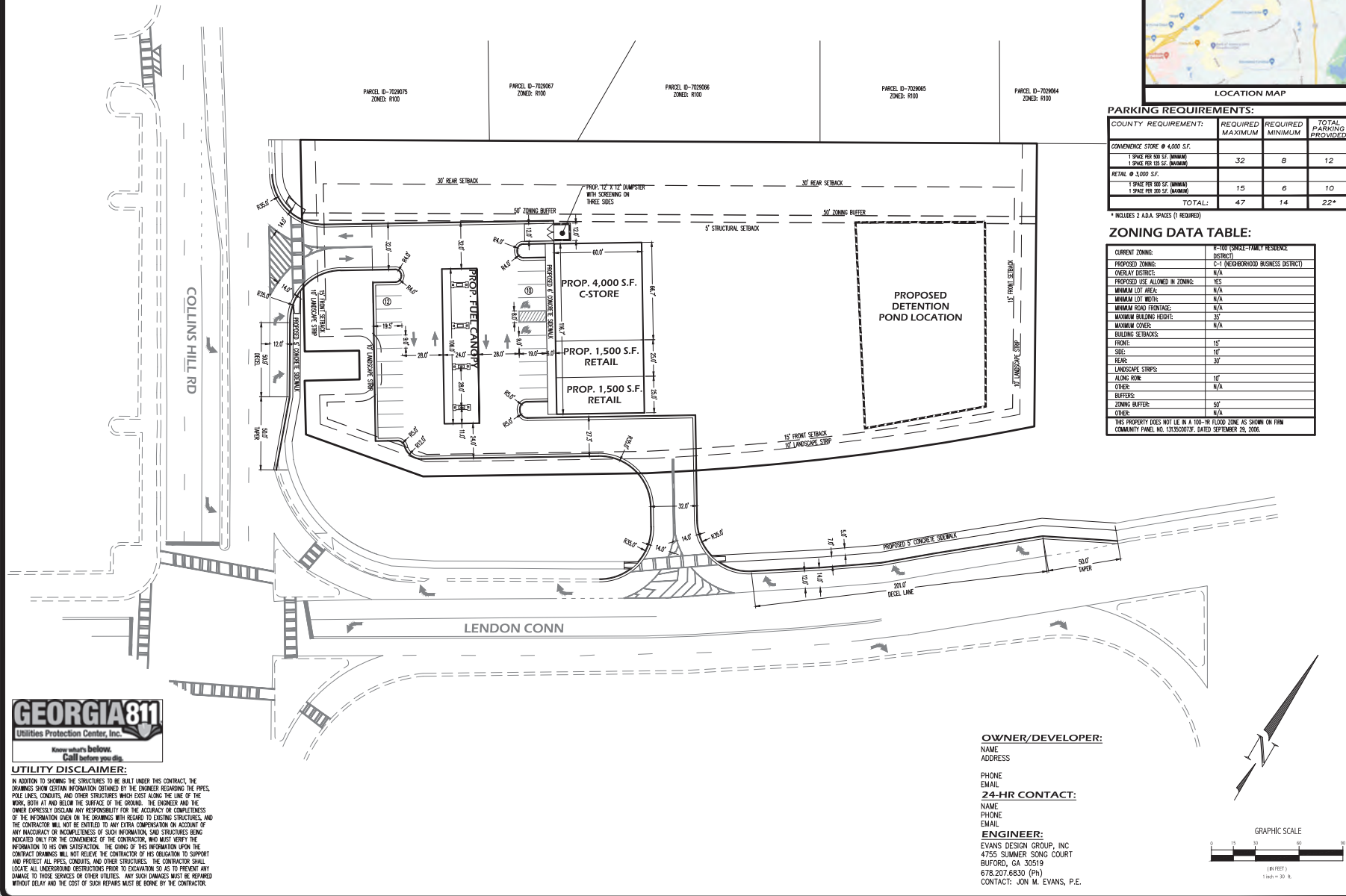


Intersection at Collins Hill Road and Lendon Connector Road

Exhibit B: Site Plan

[Attached]

7/21/2022



PARKING REQUIREMENTS:			
COUNTY REQUIREMENT:	REQUIRED MAXIMUM	REQUIRED MINIMUM	TOTAL PARKING PROVIDED
CONVENIENCE STORE @ 4,000 S.F.			
1 SPACE PER 300 S.F. (MINIMUM)	32	8	12
1 SPACE PER 125 S.F. (MAXIMUM)			
RETAIL @ 3,000 S.F.			
1 SPACE PER 300 S.F. (MINIMUM)	15	6	10
1 SPACE PER 200 S.F. (MAXIMUM)			
TOTAL:	47	14	22*

ZONING DATA TABLE:

CURRENT ZONING:	R-100 (SINGLE-FAMILY RESIDENCE DISTRICT)
PROPOSED ZONING:	C-1 (NEIGHBORHOOD BUSINESS DISTRICT)
OVERLAY DISTRICT:	N/A
PROPOSED USE ALLOWED IN ZONING:	YES
MINIMUM LOT AREA:	N/A
MINIMUM LOT WIDTH:	N/A
MINIMUM FRONT YRONTAGE:	N/A
MAXIMUM BUILDING HEIGHT:	35'
MAXIMUM COVER:	N/A
BUILDING SETBACKS:	
FRONT:	15'
SIDE:	10'
REAR:	30'
LANDSCAPE STRIPS:	
ALONG ROW:	10'
OTHER:	N/A
BUFFERS:	
ZONING BUFFER:	50'
OTHER:	N/A

THIS PROPERTY DOES NOT LIE IN A 100- or 100-yr FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 13X500001 DATED 07/29/2009.



Evans Design Group, Inc.
Civil Engineering /
Site Planning /
Land Development Services
4755 Summer Song Court
Buford, GA 30519
(Ph) 678.207.6830
jevans@evansdg.com



PROJECT NAME
COLLINS HILL RD
C-STORE

885 COLLINS HILL RD
GWINNETT COUNTY,
GEORGIA

DATE: 3-7-22

DESIGN BY	DRAWN BY	CHECKED BY
JME	JME	JME

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

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[illegible]

JOB NUMBER:
22-009

SHEET TITLE
SITE
PLAN
C-4

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

[Attached]

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7/7/2022

ANDERSEN | TATE | CARR

July 7, 2022

LETTER OF INTENT AND JUSTIFICATION FOR REZONING

**Rezoning Application
Gwinnett County, Georgia**

Applicant:
Nabeel Group of Companies, Inc.

Property:
Tax Parcel ID R7011-014B
±2.493 Acres of Land
Located at 885 Collins Hill Road, Lawrenceville, Georgia
From R-100 to C-1

Submitted for Applicant by:
Anre' D. Washington, Esq.
ANDERSEN TATE & CARR, P.C.
One Sugarloaf Centre
1960 Satellite Blvd.
Suite 4000
Duluth, Georgia 30097
770.822.0900
awashington@atclawfirm.com

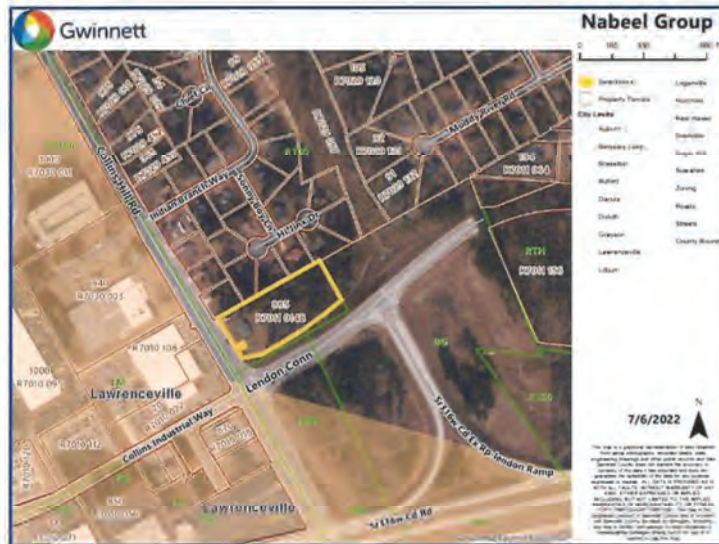
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INTRODUCTION

This Application for Rezoning is submitted for a 2.493-acre parcel of land located in Land Lot 29 of the 7th District of Gwinnett County, Georgia, Lawrenceville, and is identified as Tax Parcel ID R7011-014B (hereinafter the "Property"). The Property is located at the corner of Collins Hill Road and Lendon Connector Road, just northeast of University Parkway and the Collins Industrial Way Corridor.

The Property is detailed in an attached survey dated April 19, 2022, prepared by Lowery & Associates Land Surveying, LLC. The Property is owned by Pamela Caudell Harris and is further identified as shown below from the Gwinnett County GIS:



The Property is largely surrounded by undeveloped land to the east and south, with residentially zoned properties to the northeast and commercial use to the west. As such, this development would allow for a neighborhood-serving commercial use in a heavily saturated mixed-use area. The proposed development will have access to both Collins Hill Road and Lendon Connector Road. In addition, the Property has convenient direct access to collector streets, major thoroughfares, and state and interstate highways.

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

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a nearly perfect rectangular shaped tract on the corner of Collins Hill Road and Lendon Connector Road in Lawrenceville, Georgia.

The proposed Development of the Property is compatible with the policies and intent outlined in the Gwinnett County 2040 Unified Plan (the "2040 Plan"). According to the 2040 Future Development Map, the Property is located in the Established Neighborhood Character Area. As indicated, the adjacent parcels are undeveloped to the south and east but improved with residential properties to the north. However, this Property is uniquely positioned at the border of an Innovation District character area which includes a busy, heavily commercialized corridor. This corridor includes Georgia Gwinnett College, service and retail businesses, fast-food restaurants, apartments, grocery stores, and other businesses. Below is an aerial map of the surrounding area and uses:

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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 convenient nature for nearby residential neighborhoods. These uses are intended to serve 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. Therefore, the Applicant submits that the current zoning classification of R-100 is inappropriate for this location, given the size and location of the site. Instead, the site's development for commercial purposes would yield a more desirable development that provides much needed services to the existing residents.

III. PROJECT SUMMARY

As shown on the overall site plan by Evans Design Group, Inc, dated March 7, 2022, and filed with this Application (hereinafter the "Site Plan"), the Applicant proposes to develop the Property as a multi-tenant development with a neighborhood-serving convenience store with fuel pumps. The rezoning of the Property will activate a vacant site and allow for a quality commercial development that will serve the surrounding community in accordance with the 2040 Comprehensive Plan. The proposed convenience store will consist of one three-tenant building totaling approximately 7,000 square feet with one 4,000 square foot space reserved for the convenience store. The proposal calls for a total of four (4) gas pumps located under a single canopy. The other two 1,500 square foot tenant spaces will provide retail use as permitted uses within the C-1 zoning district. The Property would have two entrances: one along Lendon Connector Road and the other along Collins Hill Road. The rear of the Property will be used for the stormwater/detention pond location. The Development will also maintain a 50-foot buffer between the residential homes with a 10-foot side setback. The Applicant will also add a five-foot sidewalk along Collins Hill and Lendon Connector Roads.

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 C-1, 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 and retail business store are consistent with and will complement the adjacent residential and commercial properties. The proposed rezoning is compatible with the adjacent properties because the University Parkway corridor is a heavily developed commercial area.

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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 Collins Hill Road and Collins Hill Industrial Way.

(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. The site is not suitable for R-100 development because it sits on the corner of a bustling commercial corridor. 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. The Property is currently zoned R-100. Due to the size and layout of the Property, it is not reasonable to develop it for residential purposes. The rezoning will not cause excessive use of existing streets, transportation facilities, or utilities, and will have no impact 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 Established Neighborhoods Character Area. This Area contemplates corner or neighborhood-serving retail or institutional uses activity. The Development of the Property is also in compliance with Theme 2 of the 2040 Plan, which supports corner neighborhood-serving stores. Additionally, the property borders the Innovation District Character area and is directly adjacent to the Georgia Gwinnett College Campus.

(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 a commercial property. The Development's purpose and intent is to create a more viable commercial parcel, which is entirely consistent with the goals for this area.

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

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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 R-100 zoning classification 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 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 Application to Rezone from R-100 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 7th day of July, 2022.

ANDERSEN, TATE & CARR, P.C.

Anne' D. Washington

Anne' D. Washington, Esq.

Enclosures
ADW/dwb

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

Exhibit D: Internal and External Agency Review Comments

[Attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		8/17/2022	
Department/Agency Name:		DOCS	
Reviewer Name:		Glenn Boorman	
Reviewer Title:		Division Director – Project Admin – Parks & Recreation	
Reviewer Email Address:		Glenn.Boorman@GwinnettCounty.com	
Case Number:		RZC2022-00031	
Case Address:		885 Collins Hill Road	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	The Gwinnett County Trails Master Plan has identified the Collins Hill Road corridor as a proposed location for a multi-use trail. Trails are to be planned for both sides of the road. The parcel for this proposed rezoning shall accommodate this requirement according to the Unified Development Ordinance, Chapter 900.		
2			
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	At no cost to the County the developer shall coordinate with Gwinnett Department of Transportation to provide at 12' wide trail/ side path within the right of way along development frontage of Collins Hill Road as required by the Unified Development Ordinance, Chapter 900.		
2			
3			
4			
5			

Note: Attach additional pages, if needed

Revised 7/26/2021



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:		RZC2022-00031	
Case Address:		885 Collins Hill Road	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	Collins Hill Road is a major collector. ADT = 12,229.		
2	100-feet to nearest transit facility (#2454819) Collins Hill Road and Collins Industrial Way.		
3	Prior to the issuance of a Development Permit, a sight distance certification shall be provided for each driveway.		
4	Standard deceleration lanes with appropriate taper and adequate right-of-way will be required for each proposed entrance.		
5	Per Collins Hill Road being listed as a Core Trail network in the GC Trails Master Plan, a 10' or 12' concrete path shall be constructed along the Collins Hill Road frontage.		
6	Coordinate with Loammi Aviles of Gwinnett County Transit on the possible relocation of existing transit stop (#2454819) Collins Hill Road and Collins Industrial Way along the Collins Hill Road frontage.		
7			
Recommended Zoning Conditions:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	Coordinate with Gwinnett County Department of Transportation (GCDOT) Preconstruction Division Director Tony Harris or Project Manager Veronica Finol on the Collins Hill Road Improvement Project (F-1271).		
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:		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:		RZC2022-00031		
Case Address:		885 Collins Hill Road		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The development may connect to an existing 16-inch water main located on the east right-of-way of Collins Hill Road.			
2	Sewer: Public sewer availability is limited 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"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1				
2				
3				
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6				
7				

Note: Attach additional pages, if needed

Revised 7/26/2021

Exhibit E: Maps
[Attached]

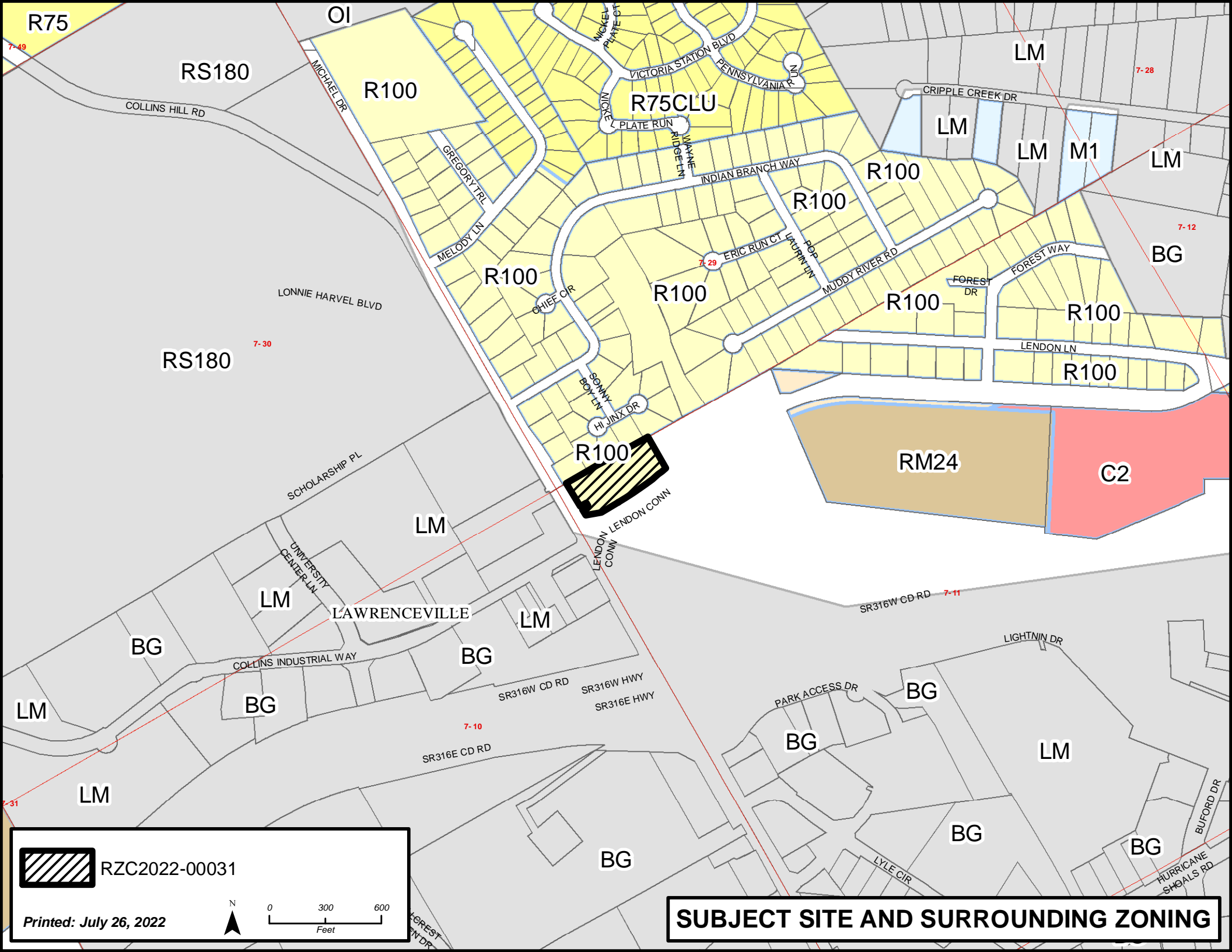


RZC2022-00031

Printed: August 1, 2022



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Feet



R75

RS180

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R75CLU

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LAWRENCEVILLE

LM

BG

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BG

LM

LM

SR316W CD RD

SR316W HWY
SR316E HWY

SR316E CD RD

SR316W CD RD

LIGHTNING DR

BG

BG

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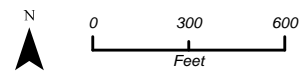
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LYLE CIR

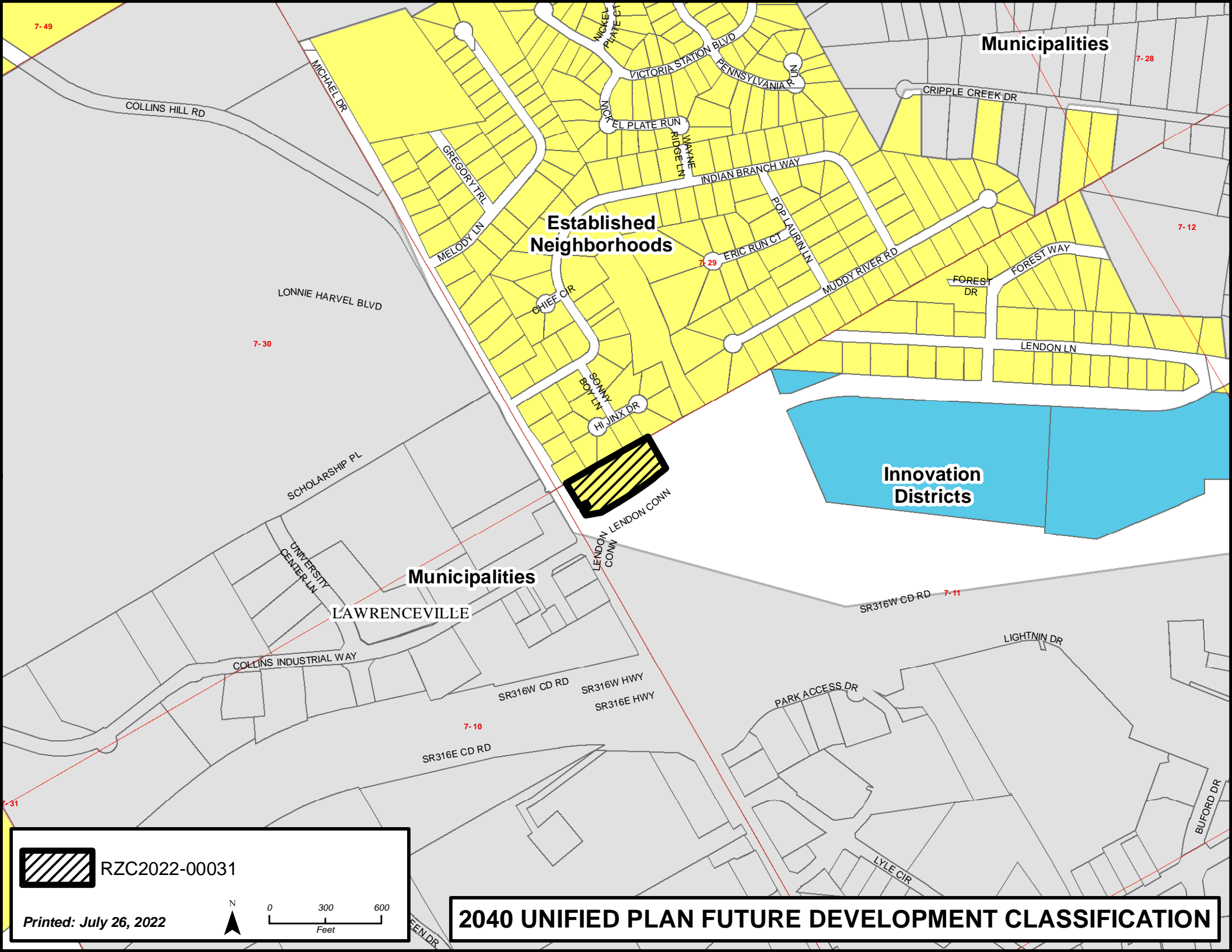
BUFORD DR
HURRICANE SHOALS RD

 RZC2022-00031

Printed: July 26, 2022



SUBJECT SITE AND SURROUNDING ZONING




Municipalities

**Established
Neighborhoods**

**Innovation
Districts**

Municipalities

LAWRENCEVILLE

 RZC2022-00031

Printed: July 26, 2022



0 300 600
Feet

2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

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7/7/2022

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Nabeel Group of Companies, Inc. c/o Andersen, Tate & Carr, PC	NAME: Estate of Dovie Caudell Pamela Caudell Harris
ADDRESS: 1960 Satellite Blvd. Suite 4000	ADDRESS: 1448 Earham Lane
CITY: Duluth	CITY: Lawrenceville
STATE: GA ZIP: 30097	STATE: GA ZIP: 30043
PHONE: 770-822-0900	PHONE: 404-386-4782
EMAIL: awashington@atclawfirm.com	EMAIL: davidewilliams@kw.com
CONTACT PERSON: Anre D. Washington PHONE: 770-822-0900	
CONTACT'S E-MAIL: awashington@atclawfirm.com	
<p align="center">APPLICANT IS THE:</p> <p> <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER </p>	
PRESENT ZONING DISTRICTS(S): R-100 REQUESTED ZONING DISTRICT: C1	
PARCEL NUMBER(S): R7011-014B ACREAGE: 2.493	
ADDRESS OF PROPERTY: 885 Collins Hill Road, Lawrenceville GA 30043	
PROPOSED DEVELOPMENT: convenience store with fuel pumps; with additional retail stores	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units	No. of Buildings/Lots: 1
Dwelling Unit Size (Sq. Ft.):	Total Building Sq. Ft. 7,000 SF
Gross Density:	Density:
Net Density:	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

7/7/2022

Tax Parcel R7011 014B

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 29, IN THE 7TH DISTRICT, IN GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE RIGHT OF WAY MONUMENT FOUND AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF LONDON CONNECTOR (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE EASTERLY RIGHT OF WAY OF COLLINS HILL ROAD (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY), SAID CONCRETE RIGHT OF WAY MONUMENT BEING THE TRUE POINT OF BEGINNING.

THENCE LEAVING SAID RIGHT OF WAY OF LONDON CONNECTOR AND CONTINUING ALONG SAID RIGHT OF WAY OF COLLINS HILL ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 31 DEGREES 34 MINUTES 42 SECONDS WEST A DISTANCE OF 40.36 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; NORTH 60 DEGREES 03 MINUTES 29 SECONDS EAST A DISTANCE OF 37.00 FEET TO A 5/8-INCH CAPPED REBAR SET; NORTH 28 DEGREES 43 MINUTES 01 SECONDS WEST A DISTANCE OF 20.17 FEET TO A 5/8-INCH CAPPED REBAR SET; SOUTH 60 DEGREES 03 MINUTES 29 SECONDS WEST A DISTANCE OF 37.00 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; NORTH 30 DEGREES 21 MINUTES 22 SECONDS WEST A DISTANCE OF 143.17 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; THENCE LEAVING SAID RIGHT OF WAY OF COLLINS HILL ROAD NORTH 59 DEGREES 41 MINUTES 28 SECONDS EAST A DISTANCE OF 127.46 FEET TO A 1/2-INCH REBAR FOUND; THENCE NORTH 60 DEGREES 16 MINUTES 00 SECONDS EAST A DISTANCE OF 372.88 FEET TO A 1/2-INCH REBAR FOUND; THENCE SOUTH 29 DEGREES 09 MINUTES 03 SECONDS EAST A DISTANCE OF 200.39 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND ON THE NORTHERLY RIGHT OF WAY OF LONDON CONNECTOR; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF LONDON CONNECTOR THE FOLLOWING COURSES AND DISTANCES: SOUTH 50 DEGREES 27 MINUTES 55 SECONDS WEST A DISTANCE OF 30.33 FEET TO A 1/2-INCH REBAR FOUND; SOUTH 55 DEGREES 15 MINUTES 42 SECONDS WEST A DISTANCE OF 283.45 FEET TO A 1/2-INCH REBAR FOUND; SOUTH 60 DEGREES 03 MINUTES 29 SECONDS WEST A DISTANCE OF 104.60 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; SOUTH 78 DEGREES 18 MINUTES 18 SECONDS WEST A DISTANCE OF 83.02 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND, SAID CONCRETE RIGHT OF WAY MONUMENT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 2.493 ACRES (108,572 SQUARE FEET).

[illegible]

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7/7/2022



[VICINITY MAP](#)

<u>WATER</u>	
GRINNETT COUNTY WATER	678-325-9631
<u>GAS</u>	
CITY OF LAWRENCEVILLE	770-560-5530
<u>POWER</u>	
GEORGIA POWER	404-506-6539
JACKSON EMC	770-822-3249
<u>COMMUNICATION</u>	
AT&T / D	305-409-1542
CHARTER COMMUNICATION	800-778-9140
GRINNETT COUNTY COMMUNICATION	678-639-8839

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-00102

PREPARED FOR:
BARRELL MEMOR

BOUNDARY / TOPOGRAPHIC LAND SURVEY OF:

4A	COUNTY: GWINNETT
	DISTRICT: 7TH

STATE: GEORGIA
AND LOT: 29

SURVEY NOTES

- 1) PROPERTY SHOWN HEREON WAS SURVEYED APRIL 13, 1932.
- 2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1" IN 49,977' WITH AN ANGULAR ERROR OF 3.21 SECONDS. THE PLAT IS CORRECTED AND ADJUSTED USING THE LEAST SQUARES METHOD.
- 3) A SOKKIA IN TOTAL STATION, CARLSON BROT. GPS RECEIVER, AND A TOTAL STATION DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.
- 4) THIS PLAT HAS A MAP CLOSURE OF 1" IN 36,237.33.
- 5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONING DESIGNATION OF "R-1" (RESIDENTIAL SINGLE-FAMILY) 11/23/2007, WITH A DATE OF IDENTIFICATION OF SEPTEMBER 29, 2007. THE ZONING DISTRICT IS LOCATED WITHIN THE CITY OF ATLANTA, UNINCORPORATED AREA OF STATE OF GEORGIA, WHICH IS THE CURRENT ZONING OR ZONING MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
- 6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE THE INTERSECTION OF THE CORNERS OF THE LOT UTILIZING OPUS-3 FOR POST PROCESSING, THE RELATIVE POSITIONS OF THE CORNERS, 45 COLUMBIA STREET, AND THE CORNERS OF THE GEORGIAN DATA COMMITTEE PART 3: NATIONAL STANDARD FOR THE FORM AND CONTENT OF THE ZONING MAPS, 100 FEET VERTICAL, AND 100 FEET HORIZONTAL, AT THE 90% CONFIDENCE LEVEL.
- 7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING COMPANIES, AND OTHER INFORMATION OBTAINED FROM THE CITY OF ATLANTA, AND ASSOCIATES MAKES NO GUARANTEE AS TO THE LOCATION, DEPTH, OR TYPE OF UTILITIES SHOWN ON THIS PLAT.
- 8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESTONES, OR OTHER BURIAL GROUNDS AT TIME OF SURVEY.
- 9) PROPERTY SHOWN HEREON LIES WITHIN THE GENERAL DESCRIPTION OF A LOT IN GENERAL AND PARTICULAR RECORDS OF DEED BOOK 307, PAGE 638, GWINNETT COUNTY RECORDS.
- 10) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVED AT TIME OF SURVEY.
- 11) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING REMOVAL.
- 12) AT THE TIME OF THE SURVEY THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET CLOSURE.
- 13) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, LANDFILL, OR CEMETERY.
- 14) SUBJECT PROPERTY HAS DIRECT ACCESS TO COLLINS HILL ROAD AND LINDEN CORNER, BEING A PUBLICLY DEDICATED RIGHT OF WAY.
- 15) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY, NO GAPS, GORES, OR OVERLAPS EXIST BETWEEN THE LOTS.

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACTION OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, DEEDS, ETC., WHICH DESCRIBE THE EXISTING PARCEL OR PARCELS ARE STATED HEREON. RECORDED OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, INCLUDING BUT NOT LIMITED TO, THE STATE OF GEORGIA OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR HAS REVIEWED THE PLAT FOR CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

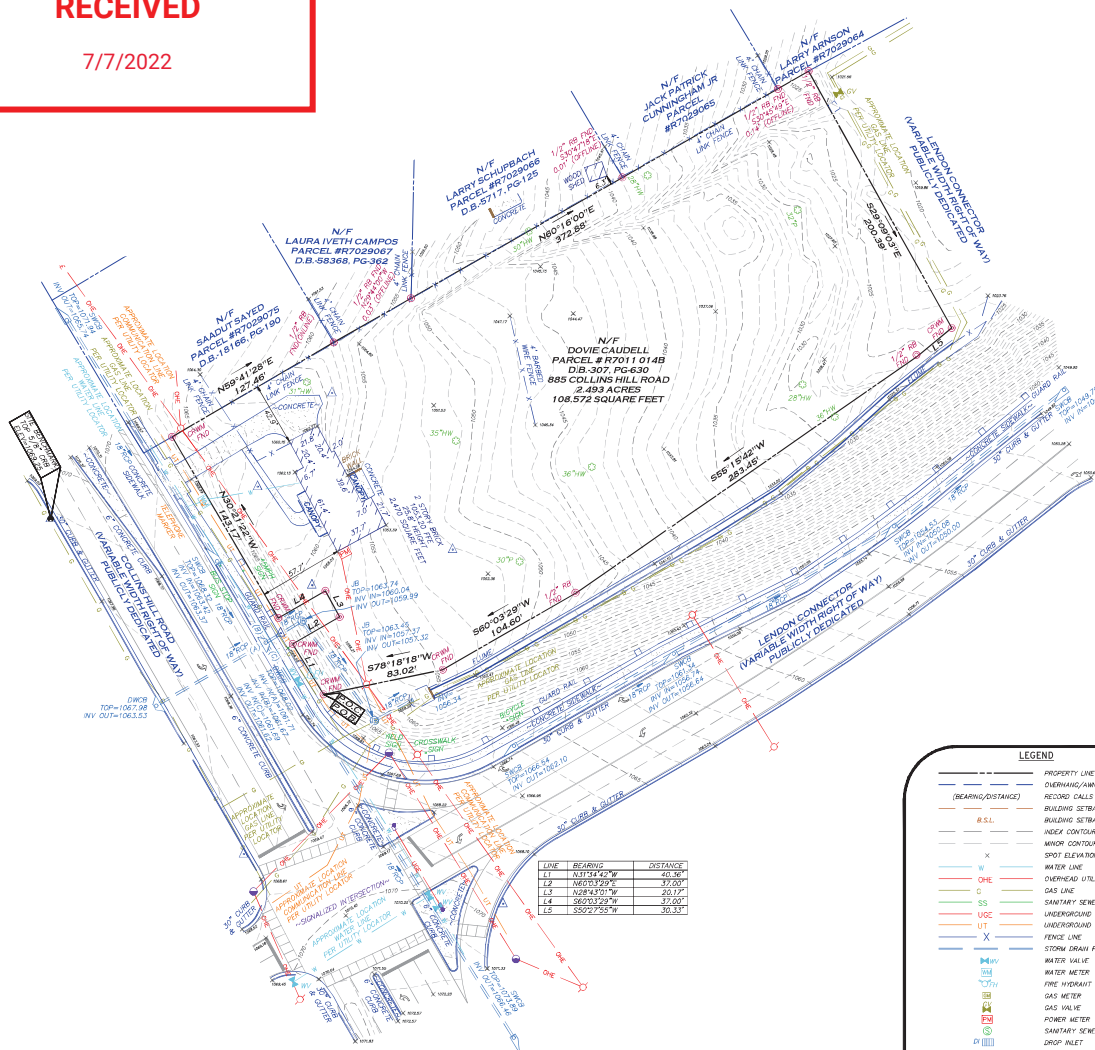


GRID NORTH
GA WEST
SURVEY NOTE 6)

GRAPHIC SCALE

0 40' 80'

1 Inch = 40 Feet



LEGEND

- | SYMBOL | PROPERTY LINE |
|--------------------|----------------------------|
| — | OVERHANG/ANNING |
| (BEARING/DISTANCE) | RECORD CALLS |
| | BUILDING SETBACK LINE |
| B.S.L. | BUILDING SETBACK LINE |
| | INDEX CONTOUR |
| | MANHOLE CATCHER |
| X | POST LANE MARKER |
| W | WATER LINE |
| OH | OVERHEAD UTILITY LINE |
| GS | GAS LINE |
| SS | SANITARY SEWER LINE |
| UGC | UNDERGROUND ELECTRIC LINE |
| UT | UNDERGROUND TELEPHONE LINE |
| X | POLE |
| | STORM DRAIN PIPE |
| WV | WATER VALVE |
| W | WATER TOWER |
| TH | HYDRANT |
| M | GAS METER |
| V | GAS VALVE |
| P | POWER METER |
| | SANITARY SEWER MANHOLE |
| | DROP INLET |
| SW | SEWER CLEANOUT BASIN |
| OW | DOUBLE-WING CATCH BASIN |
| | ANCHOR BOLT |
| CP | CONCRETE PIER |
| CH | CHAIR |
| CHM | CONCRETE PIER MONUMENT |
| FO | FOLIO |
| L | LIGHT POLE |
| S | SIGNAL POLE |
| | SON |
| H | HARDWOOD TREE |
| P | PINE TREE |



**Lowery
& Associates**
LAND SURVEYING, LLC

DATE: APRIL 19, 2022
JOB #: 223676
SCALE: 1"=40'
DRAWN BY: H. FISHER

RECEIVED

7/7/2022



PARKING REQUIREMENTS:

COUNTY REQUIREMENT:	REQUIRED MAXIMUM	REQUIRED MINIMUM	TOTAL PARKING PROVIDED
CONVENIENCE STORE @ 4,000 S.F. 1 SPACE PER 300 S.F. (MINIMUM) 1 SPACE PER 100 S.F. (MAXIMUM)	32	8	12
RETAIL @ 3,000 S.F. 1 SPACE PER 200 S.F. (MINIMUM) 1 SPACE PER 200 S.F. (MAXIMUM)	15	6	10
TOTAL:	47	14	22*

* INCLUDES 2 ADA SPACES (IF REQUIRED)

ZONING DATA TABLE:

CURRENT ZONING:	R-100 (SINGLE-FAMILY RESIDENCE DISTRICT)
PROPOSED ZONING:	C-1 (NEIGHBORHOOD BUSINESS DISTRICT)
OVERLAY DISTRICT:	N/A
PROPOSED USE ALLOWED IN ZONING:	YES
MINIMUM LOT AREA:	N/A
MINIMUM LOT WIDTH:	N/A
MINIMUM ROAD FRONTAGE:	N/A
MAXIMUM BUILDING HEIGHT:	35'
MAXIMUM COVER:	N/A
BUILDING SETBACKS:	
FRONT:	15'
SIDE:	10'
REAR:	30'
LANDSCAPE STRIPS:	10'
ALONG ROAD:	N/A
OTHER:	N/A
BUFFERS:	50'
OTHER:	N/A
NOTES:	THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 13102C0017, DATED SEPTEMBER 29, 2006.



PROJECT NAME
COLLINS HILL RD
C-STORE

885 COLLINS HILL RD
WINNETT COUNTY,
GEORGIA

DATE:
3-7-22

DESIGN BY: JME DRAWN BY: JME CHECKED BY: JME

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

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PERMISSION OF EVANS DESIGN GROUP, INC.

REVISIONS

JOB NUMBER:
22-009

SHEET TITLE
SITE
PLAN
C-4



UTILITY DISCLAIMER:

IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THESE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

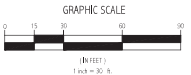
OWNER/DEVELOPER:

NAME:
ADDRESS:

PHONE:
EMAIL:
24-HR CONTACT:

NAME:
PHONE:
EMAIL:

ENGINEER:
EVANS DESIGN GROUP, INC.
4755 SUMMER SONG COURT
BUDORO, GA 30519
678.207.6830 (PH)
CONTACT: JON M. EVANS, P.E.



July 21, 2022



COUNTY REQUIREMENT:	REQUIRED MAXIMUM	REQUIRED MINIMUM	TOTAL PARKING PROVIDED
CONVENIENCE STORE @ 4,000 S.F.			
1 SPACE PER 500 S.F. (MINIMUM)	32	8	12
1 SPACE PER 125 S.F. (MAXIMUM)			
RETAIL @ 3,000 S.F.			
1 SPACE PER 500 S.F. (MINIMUM)	15	6	10
1 SPACE PER 200 S.F. (MAXIMUM)			
TOTAL:	47	14	22*

ZONING DATA TABLE:

	(DISTRICT)
PROPOSED ZONING:	N/A (NEIGHBORHOOD BUSINESS DISTRICT)
OVERLAY DISTRICT:	N/A
PROPOSED USE ALLOWED IN ZONING:	YES
MINIMUM LOT AREA:	1/5
MINIMUM LOT AREA:	1/5
MINIMUM ROAD FRONTAGE:	N/A
MINIMUM BUILDING HEIGHT:	35'
MAXIMUM COVER:	1/5
BUILDING SETBACKS:	N/A
FRONT:	10'
SIDE:	10'
REAR:	30'
LANDSCAPE STRIPS:	
ALONG ROAD:	10'
OTHER:	N/A
BUFFER:	
ZONING BUFFER:	50'
OTHER:	
THIS PROPERTY DOES NOT LIE IN A 100- or 500- YEAR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 13105C007E. (DATED SEPTEMBER 29, 2006)	



885 COLLINS HILL RD
GWINNETT COUNTY,
GEORGIA

DESIGN BY	DRAWN BY	CHECKED BY
JME	JME	JME

☒ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

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DESIGN GROUP, INC.

REVISIONS

JOB NUMBER:
22-009

SHEET TITLE

SITE PLAN

C-4

UTILITY DISCLAIMER:

IN ADDITION TO SHOWING THE STRUCTURES TO BE, BUILDING

IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHALL CONTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND ABOVE THE SURFACE OF THE GROUND. THE ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION FROM THE RECORDS OF THE DIVISIONS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY MISAPPRAISAL OR INCOMPLETENESS OF SUCH INFORMATION, SAYS STRUCTURES BEING LOCATED BY THE CONTRACTOR AT HIS OWN RISK AND WITHOUT ANY ADDITIONAL COST OF INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND STRUCTURES PRIOR TO EXCAVATION AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF SUCH STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ABOVE GROUND STRUCTURES. OTHER STRUCTURES SHALL BE DAMAGED OR DESTROYED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

NAME
ADDRESS

PHONE _____
EMAIL _____

24-H

24-HR CONTACT:

NAME _____

PHONE
EMAIL

ENGINEER:

EVANS DESIGN GROUP, INC.

4755 SUMMER SONG COURT

BUFORD, GA 30519
678.887.8878 (PH)

CONTACT: JON M. EVANS, P.E.

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft

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7/7/2022

ANDERSEN | TATE | CARR

July 7, 2022

LETTER OF INTENT AND JUSTIFICATION FOR REZONING

**Rezoning Application
Gwinnett County, Georgia**

Applicant:
Nabeel Group of Companies, Inc.

Property:
Tax Parcel ID R7011-014B
±2.493 Acres of Land
Located at 885 Collins Hill Road, Lawrenceville, Georgia
From R-100 to C-1

Submitted for Applicant by:
Anre' D. Washington, Esq.
ANDERSEN TATE & CARR, P.C.
One Sugarloaf Centre
1960 Satellite Blvd.
Suite 4000
Duluth, Georgia 30097
770.822.0900
awashington@atclawfirm.com

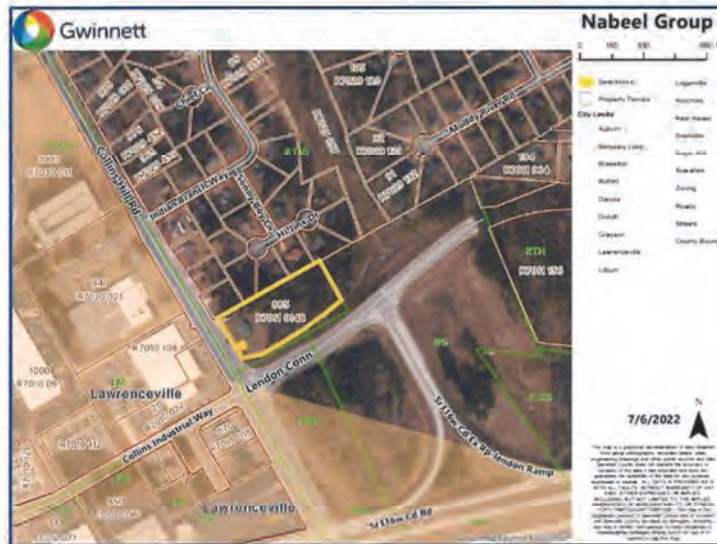
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INTRODUCTION

This Application for Rezoning is submitted for a 2.493-acre parcel of land located in Land Lot 29 of the 7th District of Gwinnett County, Georgia, Lawrenceville, and is identified as Tax Parcel ID R7011-014B (hereinafter the "Property"). The Property is located at the corner of Collins Hill Road and Lendon Connector Road, just northeast of University Parkway and the Collins Industrial Way Corridor.

The Property is detailed in an attached survey dated April 19, 2022, prepared by Lowery & Associates Land Surveying, LLC. The Property is owned by Pamela Caudell Harris and is further identified as shown below from the Gwinnett County GIS:



The Property is largely surrounded by undeveloped land to the east and south, with residentially zoned properties to the northeast and commercial use to the west. As such, this development would allow for a neighborhood-serving commercial use in a heavily saturated mixed-use area. The proposed development will have access to both Collins Hill Road and Lendon Connector Road. In addition, the Property has convenient direct access to collector streets, major thoroughfares, and state and interstate highways.

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

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a nearly perfect rectangular shaped tract on the corner of Collins Hill Road and Lendon Connector Road in Lawrenceville, Georgia.

The proposed Development of the Property is compatible with the policies and intent outlined in the Gwinnett County 2040 Unified Plan (the "2040 Plan"). According to the 2040 Future Development Map, the Property is located in the Established Neighborhood Character Area. As indicated, the adjacent parcels are undeveloped to the south and east but improved with residential properties to the north. However, this Property is uniquely positioned at the border of an Innovation District character area which includes a busy, heavily commercialized corridor. This corridor includes Georgia Gwinnett College, service and retail businesses, fast-food restaurants, apartments, grocery stores, and other businesses. Below is an aerial map of the surrounding area and uses:

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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 convenient nature for nearby residential neighborhoods. These uses are intended to serve 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. Therefore, the Applicant submits that the current zoning classification of R-100 is inappropriate for this location, given the size and location of the site. Instead, the site's development for commercial purposes would yield a more desirable development that provides much needed services to the existing residents.

III. PROJECT SUMMARY

As shown on the overall site plan by Evans Design Group, Inc, dated March 7, 2022, and filed with this Application (hereinafter the "Site Plan"), the Applicant proposes to develop the Property as a multi-tenant development with a neighborhood-serving convenience store with fuel pumps. The rezoning of the Property will activate a vacant site and allow for a quality commercial development that will serve the surrounding community in accordance with the 2040 Comprehensive Plan. The proposed convenience store will consist of one three-tenant building totaling approximately 7,000 square feet with one 4,000 square foot space reserved for the convenience store. The proposal calls for a total of four (4) gas pumps located under a single canopy. The other two 1,500 square foot tenant spaces will provide retail use as permitted uses within the C-1 zoning district. The Property would have two entrances: one along Lendon Connector Road and the other along Collins Hill Road. The rear of the Property will be used for the stormwater/detention pond location. The Development will also maintain a 50-foot buffer between the residential homes with a 10-foot side setback. The Applicant will also add a five-foot sidewalk along Collins Hill and Lendon Connector Roads.

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 C-1, 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 and retail business store are consistent with and will complement the adjacent residential and commercial properties. The proposed rezoning is compatible with the adjacent properties because the University Parkway corridor is a heavily developed commercial area.

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7/7/2022

(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 Collins Hill Road and Collins Hill Industrial Way.

(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. The site is not suitable for R-100 development because it sits on the corner of a bustling commercial corridor. 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. The Property is currently zoned R-100. Due to the size and layout of the Property, it is not reasonable to develop it for residential purposes. The rezoning will not cause excessive use of existing streets, transportation facilities, or utilities, and will have no impact 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 Established Neighborhoods Character Area. This Area contemplates corner or neighborhood-serving retail or institutional uses activity. The Development of the Property is also in compliance with Theme 2 of the 2040 Plan, which supports corner neighborhood-serving stores. Additionally, the property borders the Innovation District Character area and is directly adjacent to the Georgia Gwinnett College Campus.

(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 a commercial property. The Development's purpose and intent is to create a more viable commercial parcel, which is entirely consistent with the goals for this area.

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

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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 R-100 zoning classification 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 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 Application to Rezone from R-100 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 7th day of July, 2022.

ANDERSEN, TATE & CARR, P.C.

Anne' D. Washington

Anne' D. Washington, Esq.

Enclosures
ADW/dwb

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


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Rezoning Application
Last Updated 10/2021

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.



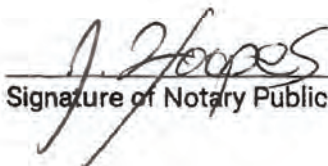
Signature of Applicant

April 1 2022

Date

Mahammed Nabeel Memon

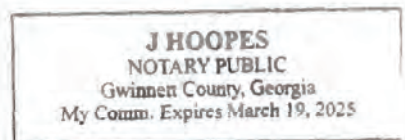
Type or Print Name and Title



Signature of Notary Public

April 1, 2022

Date



Notary Seal

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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.

Pamela Caudell Harris

Signature of Property Owner

3-8-2022

Date

PAMELA CAUDELL HARRIS

Type or Print Name and Title

Brittany Thomas

Signature of Notary Public

3-8-2022

Date



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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.

SIGNATURE OF APPLICANT

DATE

TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE

SIGNATURE OF NOTARY PUBLIC

DATE

NOTARY SEAL

J HOOPES
NOTARY PUBLIC
Gwinnett County, Georgia
My Comm. Expires March 19, 2025

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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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Melody A. Glouton 6/30/22 Melody A. Glouton, Attorney for Applicant

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

[Signature] 6/30/22

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 OFFICIAL 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
Kirkland Carden	\$500	05/05/2022
Marlene Fosque	\$1500	06/08/2022

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 - 011 - 014B
District Land Lot Parcel

Pamela Candell Harris

Signature of Applicant

3-8-2022

Date

PAMELA CANDELL HARRIS

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

NAME

Senior Tax Services Associate

TITLE

March 30, 2022

DATE