

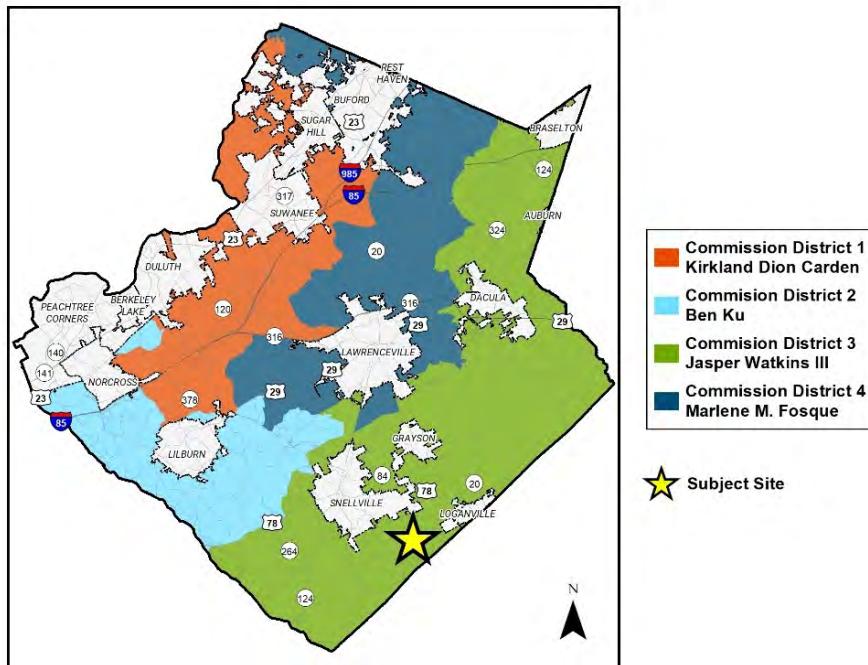


## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** RZC2022-00049  
**Current Zoning:** RA-200 (Agriculture-Residence District)  
**Request:** Rezoning to C-2 (General Business District)  
**Additional Request:** Variance  
**Addresses:** 3927 and 3939 Rosebud Road  
**Map Numbers:** R5065 016 and R5065 036  
**Site Area:** 3.85 acres  
**Square footage:** 7,480  
**Proposed Development:** Convenience Store with Fuel Pumps  
**Commission District:** District 3 – Commissioner Watkins  
**Character Area:** Suburban Estate Living  
  
**Staff Recommendation:** DENIAL

### Planning Commission

**Recommendation:** PUBLIC HEARING TABLED TO JANUARY 3, 2023



Planning Commission Advertised Public Hearing Date: 12/5/2022 (Public Hearing Tabled to 1/3/2023)

Board of Commissioners Advertised Public Hearing Date: 12/13/2022 (Public Hearing Tabled to 1/24/2023)

**Applicant:** Aashish Mavani  
2377 Huntcrest Way  
Lawrenceville, GA 30043

**Owner:** Aashish Mavani  
2377 Huntcrest Way  
Lawrenceville, GA 30043

**Contact:** Robert Jackson Wilson

**Contact Phone:** 770.962.9780

## Zoning History

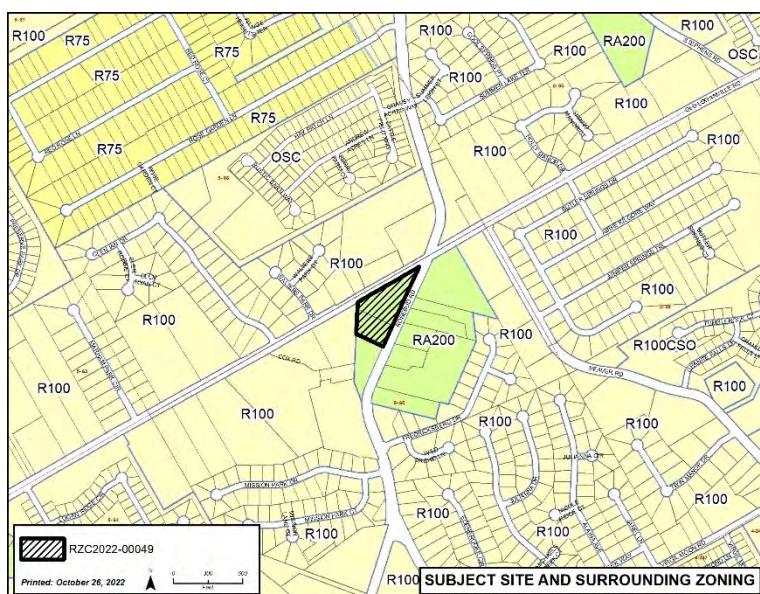
The subject property is zoned RA-200 (Agriculture-Residence District). No prior zoning requests are on record for this property.

## Existing Site Condition

The subject site is a 3.85-acre assemblage of two parcels located at the intersection of Rosebud Road and Old Loganville Road. Both parcels contain a single-family home with a driveway from Rosebud Road. The house on the parcel adjacent to the intersection appears to be abandoned. The remainder of that parcel is wooded with mature trees. The second parcel is mostly cleared of vegetation, however, there are a few mature trees on the lot. The subject site is relatively flat with little changes in topography. Sidewalks do not exist along either road frontage. Overhead powerlines are present along the Old Loganville Road frontage. The nearest Gwinnett County Transit stop is 8.9 miles from the site.

## **Surrounding Use and Zoning**

The subject site is surrounded almost exclusively by residential uses. Single-family homes on large lots are located on all sides of the subject property. The only non-residential property in the immediate area is the Missionary of St. Francis De Sales place of worship. The place of worship is located to the north across Old Loganville Road. The Haynes Creek Cemetery is located south of the subject property on Rosebud Road. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Convenience store with fuel pumps	C-2	N/A
North	Place of Worship	R-100	N/A
	Single-Family Residential	R-100	0.79 units per acre
East	Single-Family Residential	RA-200	0.75 units per acre
South	Undeveloped	RA-200	N/A
West	Single-Family Residential	R-100	0.30 units per acre

## Project Summary

The applicant requests the rezoning of a 3.85-acre assemblage of two parcels from RA-200 to C-2 to construct a convenience store with fuel pumps, including:

- One 7,480 square-foot convenience store served with 17 parking spaces.
- An outdoor eating area on the eastern side of the building.
- Eight fuel pumps located under a single canopy.
- Two full access driveways to access the property from Old Loganville Road and Rosebud Road.
- 5-foot-wide sidewalks and 10-foot-wide landscape strips along the Old Loganville Road and the Rosebud Road extending the length of the subject property frontages.
- A dumpster located in the front yard to the east of the convenience store.
- Stormwater management provided on the rear portion of the site.
- A 75-foot-wide undisturbed zoning buffer and 5-foot-wide structure setback adjacent to residentially zoned property.

## Zoning and Development Standards

The applicant is requesting a rezoning to C-2 (General Business District). The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	<35'	YES
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	10'	YES
Rear Yard Setback	Minimum 30'	50'	YES
Off-Street Parking	Minimum: 15 spaces Maximum: 50 spaces	17 spaces	YES
Landscape Strip	Minimum 10'	10'	YES
Zoning Buffer	Minimum 75' from RA-200 and R-100	75'	YES
Dumpster location	Rear or Side Yard	Front Yard	NO*

\* Per UDO sec 230-120.13, Dumpsters shall be located in the rear or side yard. Dumpsters, including the enclosure structure, shall be located a minimum of 5 feet from property lines and buffers. The applicant is requesting a variance to allow a dumpster in the front yard.

## **Variance Request**

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

1. Section 230-120.13 Location. Dumpsters shall be located in the rear or side yard. Dumpsters are not allowed in front yards.

The applicant is proposing to locate the dumpster in the front yard at the northern corner of the site.

## **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 E). Standard site and infrastructure improvements will also be required related to transportation, stormwater, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

## **Staff Analysis**

**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:

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

The subject property is surrounded by single-family residences on large lots and a place of worship. The introduction of commercial zoning would be inconsistent with the zoning and development pattern of the area and detract from its residential character. Moreover, the proposed convenience store with fuel pumps is incompatible with the adjacent and nearby subdivisions and place of worship.

- 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 area is developed with single-family homes with no commercial uses. The convenience store with fuel pumps would introduce an incompatible land use in the predominately residential area by introducing excessive noise, lighting, and traffic to the area.

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

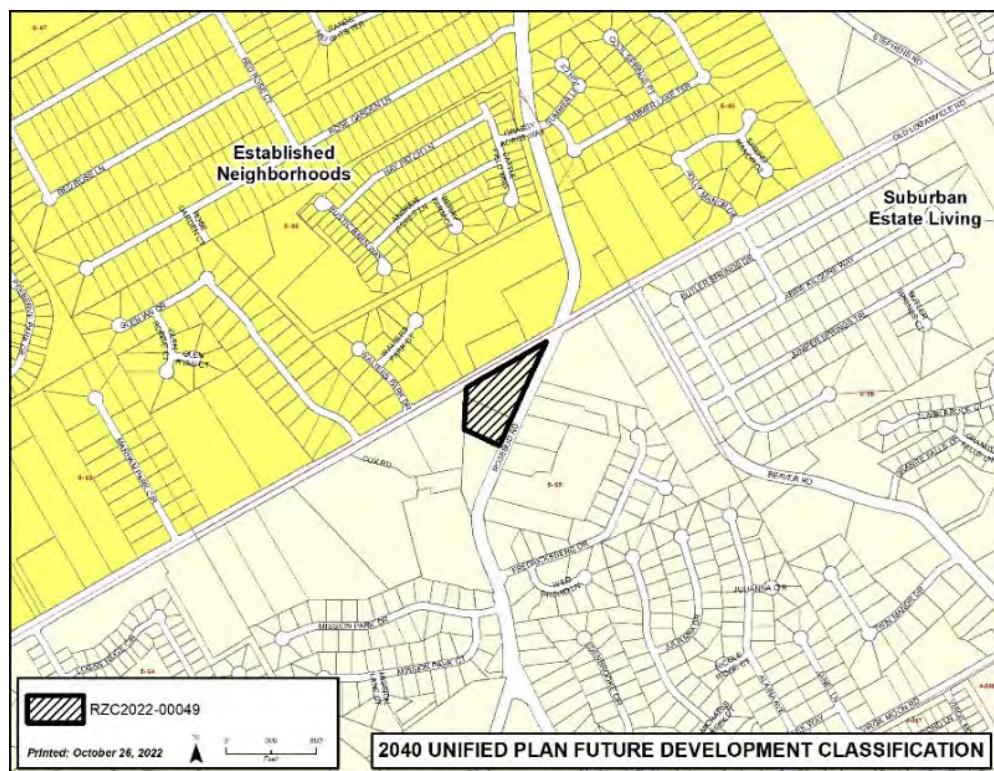
The property has a reasonable economic use as currently zoned.

**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.**

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

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

The 2040 Unified Plan Future Development Map indicates the subject property lies within the Suburban Estate Living Character Area. The Suburban Estate Living Character Area is one of the last remaining character area types that would provide large tracts of land for greenfield development and include some remnants of agricultural uses. This area is intended to convey the County's desire to preserve its historical and agricultural character so that new development is low in intensity and consists primarily of large residential lots. For many residents, these are the last communities in Gwinnett County that reflect its character before rapid development began in the 1980s. These areas may also have less intense infrastructure, such as less sewer service. Low density residential and Open Space Conservation subdivisions are recommended development types in this character area. For these reasons, the requested commercial zoning does not conform 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.**

The surrounding land use is characterized by single family residential uses. Convenience stores with fuel pumps are generally located along major corridors such as Atlanta Highway to the north and Scenic Highway to the west. These conditions give supporting grounds for disapproval of the proposed rezoning.

**Variance Request Analysis:** The standards for granting variances are outlined in Section 270-100.7 of the UDO. Staff makes the following findings related to the variance request:

The requested variance is to allow a dumpster in the front yard. The site is a triangular shaped, double frontage lot. This limits the applicant's ability to locate the dumpster in the rear of the property. However, a better site layout and building configuration would enable a better location for a dumpster. Therefore, the requested variance does not meet the criteria outlined in Section 270-100.7 of the Unified Development Ordinance.

### **Staff Recommendation**

Based on the staff's evaluation of the request and the standards governing exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the rezoning request.

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

1. To allow a dumpster in a front yard.

### **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-2 (General 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 October 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. The number of buildings on the site shall be limited to one and shall be limited to retail and service commercial and accessory uses, which may include a convenience store with fuel pumps. Outdoor storage shall be prohibited.
3. The building and canopy shall comply with the requirements of Architectural Design Category 3. Final building elevations shall be submitted for review and approval by the Department of Planning and Development.
4. Outdoor loudspeakers shall be prohibited.
5. Natural vegetation shall remain on the property until the issuance of a development permit.

6. 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.
7. Overnight parking of business vehicles shall be prohibited.
8. Hours of operation shall be limited to 7:00am to 11:00pm daily.
9. A 50' right-of-way miter at the intersection of Rosebud Road and Old Loganville Road shall be provided subject to the review and approval of Gwinnett County Department of Transportation.

**Exhibits:**

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

## **Exhibit A: Site Visit Photos**



View from Old Loganville Highway and Rosebud Road Intersection



View from Rosebud Road

**Exhibit B: Site Plan**

**[attached]**



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

**[attached]**

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10.19.2022

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 12/2015

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

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

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

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

Yes, the use is suitable in view of the location and traffic pattern along Rosebud Road

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

No. The use will not adversely affect any adjacent or nearby property

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

No. The property was marketed under its current zoning without success

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(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:

No. The commercial use will relieve those burdens, enhance the tax base, and provide for balance between commercial and residential uses. Providing necessary products in close proximity to nearby residents will reduce vehicle trips and relieve transportation burdens.

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

Yes. By providing necessary products and services in a growing area, and providing an amenity to nearby residents, the proposed use conforms to the policy and intent of the 2040 Comprehensive Plan.

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(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:

Traffic volumes on Rosebud Road and the lack of a neighborhood market in the immediate vicinity

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provide supporting grounds for this application.

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LETTER OF INTENT  
3939 and 3927 Rosebud Road  
Glorious Ventures, LLC  
Rezoning Application

The Applicant submits this Letter of Intent requesting approval to allow the development of 3.85-acre site located at the intersection Rosebud Road and Old Loganville Road. The Applicant proposes to rezone the Property to the C-2, General Business District, zoning classification to permit development of small-scale neighborhood-retail space, including a convenience store with fuel pumps.

The proposed development would provide an approximately 7,480 square foot convenience store with fuel pumps and a canopy. The proposed building would include attractive architecture and building materials such as stacked stone, brick, glass storefront design, fiber cement siding, and/or EIFS. The Applicant proposed a small outdoor seating area to accommodate and encourage neighborhood use of the restaurant. The Applicant requests a variance to allow the structure to be located in the front yard. This is necessary because of the layout of the building and the triangular configuration of the property at the intersection.

Given the Property's pin-corner location, and the nearby existing and proposed commercial projects, the proposed development could serve as a component of a node integrated with and complementing nearby residential uses. The development would feature convenience-retail and fresh foods that services surrounding residents and local commuter traffic. For these reasons, the Applicant submits that the proposed development would permit a use that is compatible with adjacent uses. To satisfy the requirements of Georgia law, the Applicant notes that the denial of the application or approval with conditions not approved by the Applicant would violate the Applicant and Owner's constitutional rights protected by the U.S. and Georgia Constitutions.

The Applicant would be glad to meet with staff of the Gwinnett County Department of Planning & Development and neighboring property owners to answer any questions or to address any concerns relating to the Application.

**Exhibit D: Application and Disclosure of Campaign Contributions**  
**[attached]**

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Gwinnett County Planning Division  
Rezoning Application  
Last Updated 12/2015**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Aashish Mavani</u>	NAME: <u>Aashish Mavani</u>
ADDRESS: <u>2377 Huntcrest Way</u>	ADDRESS: <u>2377 Huntcrest Way</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30043</u>	STATE: <u>GA</u> ZIP: <u>30043</u>
PHONE: <u>770-363-5241</u>	PHONE: <u>404-363-5241</u>

CONTACT PERSON: Robert Jackson Wilson PHONE: 770.962.9780CONTACT'S E-MAIL: jwilson@rjwpclaw.com**APPLICANT IS THE:**

OWNER'S AGENT

PROPERTY OWNER

CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): RA-200 REQUESTED ZONING DISTRICT: C-2PARCEL NUMBER(S): R5065 036 and R5065 016 ACREAGE: 3.85ADDRESS OF PROPERTY: 3939 and 3927 Rosebud Road, LoganvillePROPOSED DEVELOPMENT: Retail convenience store with fuel pumps and restaurant

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.):	Total Building Sq. Ft. <u>7,480</u>
Gross Density:	Density:
Net Density:	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

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Gwinnett County Planning Division  
Rezoning Application  
Last Updated 12/2015

REZONING APPLICANT'S CERTIFICATION

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

  
Signature of Applicant

10-3-2022  
Date

Aashish Mavani, Applicant

Type or Print Name and Title

  
Signature of Notary Public

10/3/2022  
Date



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Rezoning Application  
Last Updated 12/2015

**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

10-3-2022  
Date

**Aashish Mavani**

Type or Print Name and Title

  
Signature of Notary Public

10/1/2022  
Date



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Gwinnett County Planning Division  
Rezoning Application  
Last Updated 12/2015

### 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.

 10-3-2022 Aashish Mavani  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
		B. KAREN ATCHER
		NOTARY
		EXPIRES
		GEORGIA
		JAN. 5, 2024
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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Gwinnett County Planning Division  
Rezoning Application  
Last Updated 12/2015

**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

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

**PARCEL I.D. NUMBER:** 5 - 065 - 016  
(Map Reference Number)      District      Land Lot      Parcel

  
Signature of Applicant

9/30/22  
Date

**Robert Jackson Wilson, Attorney for Applicant**

Type or Print Name and Title

**\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.\*\*\***

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**TAX COMMISSIONERS USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Amanda C. Wilson  
NAME

Sr. Tax Business Mgr  
TITLE

10/4/22

2022 taxes are due 11/1/22

DATE

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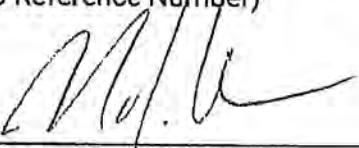
Gwinnett County Planning Division  
Rezoning Application  
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**\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 5 - 065 - 036  
(Map Reference Number)      District      Land Lot      Parcel

  
Signature of Applicant

9/30/22  
Date

Robert Jackson Wilson, Attorney for Applicant

Type or Print Name and Title

**\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.\*\*\***

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**TAX COMMISSIONERS USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Amanda Alleviello  
NAME

Sr. Tax Business Mgr  
TITLE

10/4/22  
DATE

2022 taxes are due 11/1/22.

**Exhibit E: Internal and External Agency Review Comments  
[attached]**



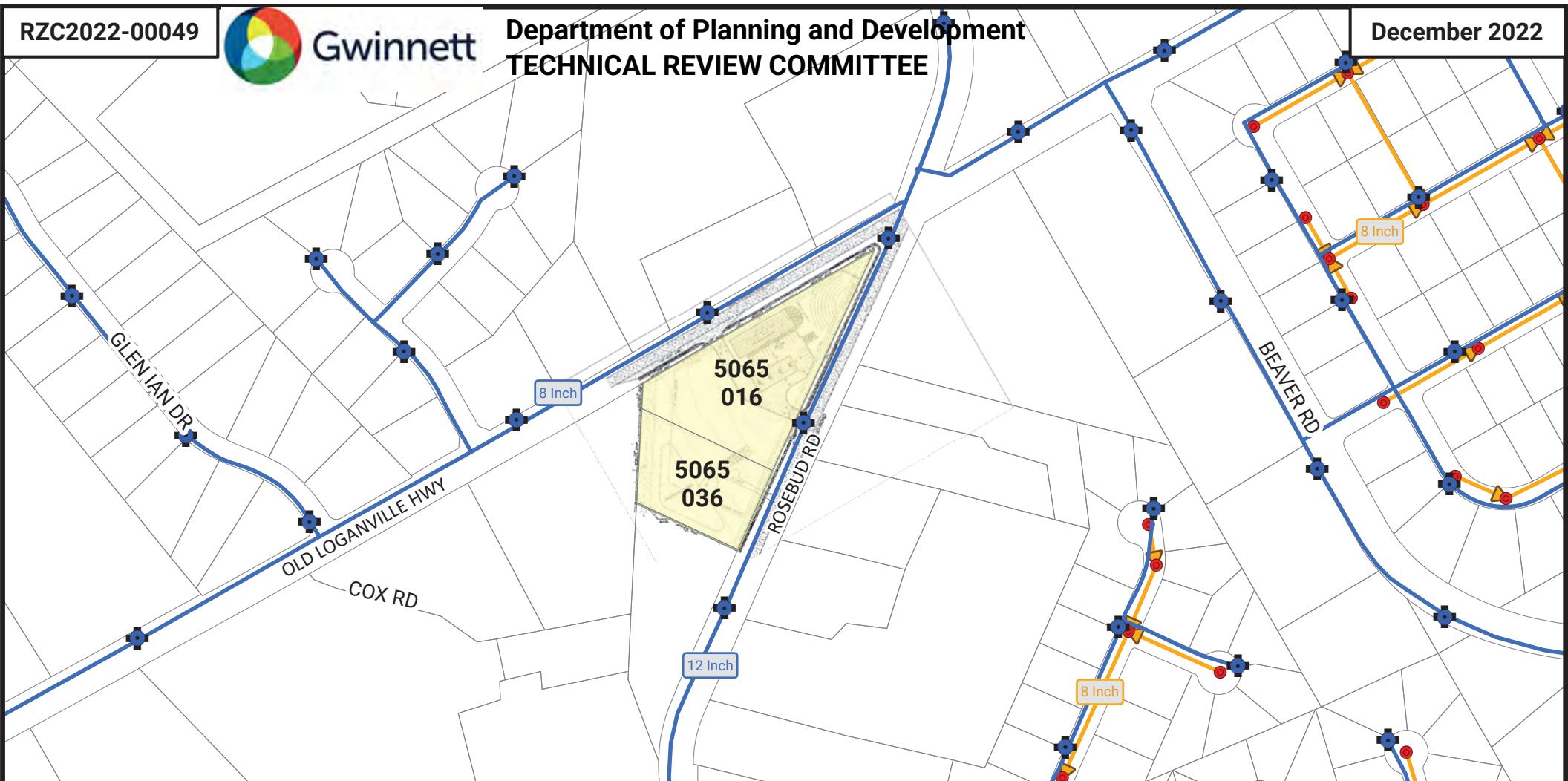
**Department of Planning and Development**  
**TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b> 11.9.2022		
Department/Agency Name: Transportation		
Reviewer Name: Brent Hodges		
Reviewer Title: Construction Manager 1		
Reviewer Email Address: <a href="mailto:Brent.Hodges@gwinnettcounty.com">Brent.Hodges@gwinnettcounty.com</a>		
Case Number: RZC2022-00049		
Case Address: 3927 and 3939 Rosebud Road		
<b>Comments:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	Rosebud Road is a minor arterial. ADT = 6,566.	
2	8.9 miles to the nearest transit facility (#2335042) Johnson Road and Sugarloaf Landing Plaza.	
3		
4		
5		
6		
7		
<b>Recommended Zoning Conditions:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	The developer shall provide a 50' right-of-way miter at the intersection of Rosebud Road and Old Loganville Road.	
2		
3		
4		
5		
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7		



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

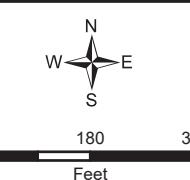
<b>TRC Meeting Date:</b>	
Department/Agency Name: DWR	
Reviewer Name: Mike Pappas	
Reviewer Title: GIS Planning Manager	
Reviewer Email Address: <a href="mailto:Michael.pappas@gwinnettcounty.com">Michael.pappas@gwinnettcounty.com</a>	
Case Number: RZC2022-00049	
Case Address: 3939 & 3927 Rosebud Road	
<b>Comments:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
1	Water: The development may connect to a existing 12-inch water main on the northeast right-of-way of Rosebud Road.
2	Sewer: Parcel to be developed on septic.
3	
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<b>Recommended Zoning Conditions:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
1	
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**LEGEND**

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

**3939 & 3927 Rosebud Road**

R-100 to C-2

**Water & Sewer  
Utility Map****LOCATION**

**Water Comments:** The development may connect to a existing 12-inch water main on the northeast right-of-way of Rosebud Road.

**Sewer Comments:** Parcel to be developed on septic.

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

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

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

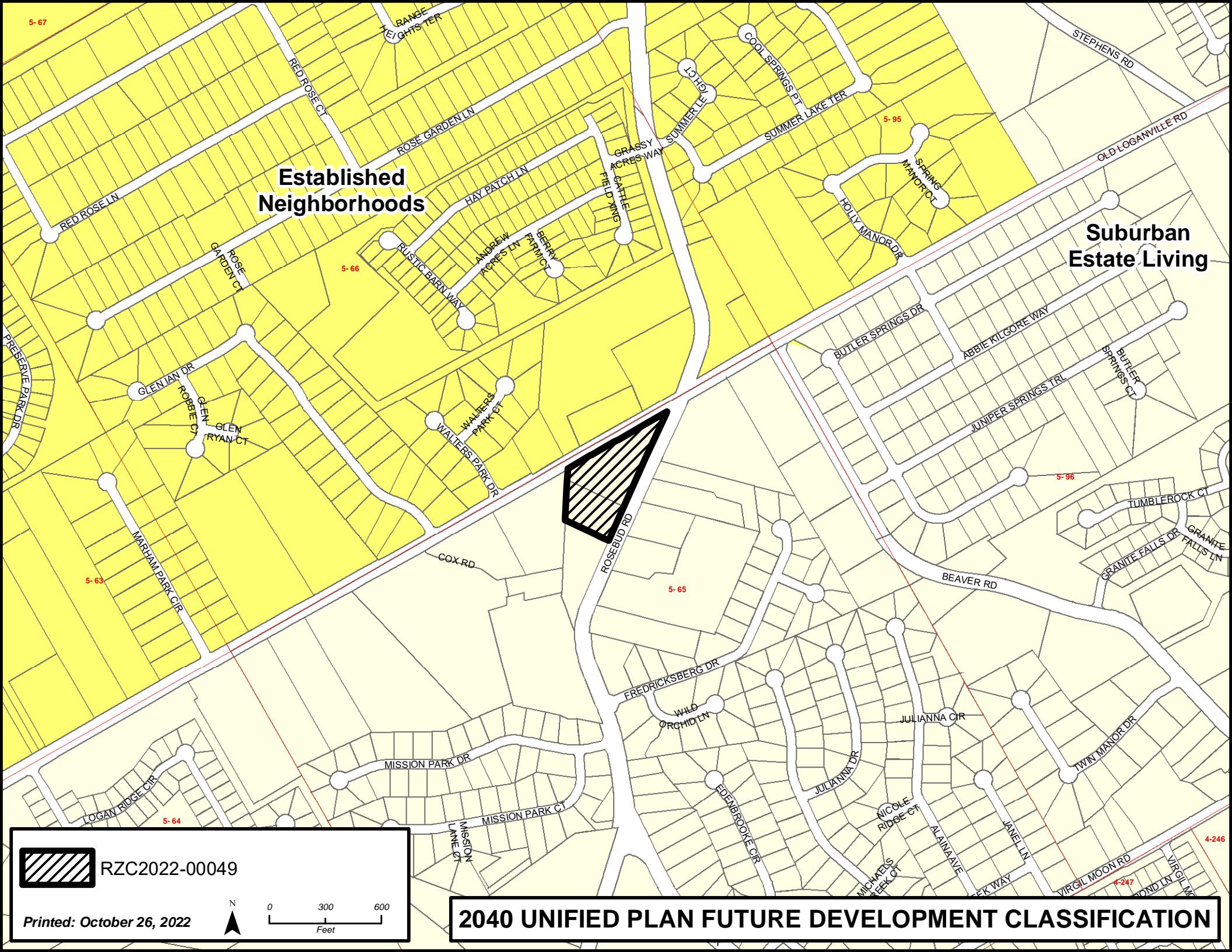
**Private Road Developments:** Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among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

**Exhibit F: Maps**

**[attached]**







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Gwinnett County Planning Division  
Rezoning Application  
Last Updated 12/2015**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Aashish Mavani</u>	NAME: <u>Aashish Mavani</u>
ADDRESS: <u>2377 Huntcrest Way</u>	ADDRESS: <u>2377 Huntcrest Way</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Lawrenceville</u>
STATE: <u>GA</u> ZIP: <u>30043</u>	STATE: <u>GA</u> ZIP: <u>30043</u>
PHONE: <u>770-363-5241</u>	PHONE: <u>404-363-5241</u>

CONTACT PERSON: Robert Jackson Wilson PHONE: 770.962.9780CONTACT'S E-MAIL: jwilson@rjwpclaw.com**APPLICANT IS THE:**

OWNER'S AGENT

PROPERTY OWNER

CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): RA-200 REQUESTED ZONING DISTRICT: C-2PARCEL NUMBER(S): R5065 036 and R5065 016 ACREAGE: 3.85ADDRESS OF PROPERTY: 3939 and 3927 Rosebud Road, LoganvillePROPOSED DEVELOPMENT: Retail convenience store with fuel pumps and restaurant

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.):	Total Building Sq. Ft. <u>7,480</u>
Gross Density:	Density:
Net Density:	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

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Rezoning Application  
Last Updated 12/2015

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

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

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

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

Yes, the use is suitable in view of the location and traffic pattern along Rosebud Road

---

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

No. The use will not adversely affect any adjacent or nearby property

---

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

No. The property was marketed under its current zoning without success

---

(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:

No. The commercial use will relieve those burdens, enhance the tax base, and provide for balance between commercial and residential uses. Providing necessary products in close proximity to nearby residents will reduce vehicle trips and relieve transportation burdens.

---

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

Yes. By providing necessary products and services in a growing area, and providing an amenity to nearby residents, the proposed use conforms to the policy and intent of the 2040 Comprehensive Plan.

---

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

Traffic volumes on Rosebud Road and the lack of a neighborhood market in the immediate vicinity

---

provide supporting grounds for this application.

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Rezoning Application  
Last Updated 12/2015

REZONING APPLICANT'S CERTIFICATION

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

  
Signature of Applicant

10-3-2022  
Date

Aashish Mavani, Applicant

Type or Print Name and Title

  
Signature of Notary Public

10/3/2022  
Date



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Rezoning Application  
Last Updated 12/2015

**REZONING PROPERTY OWNER'S CERTIFICATION**

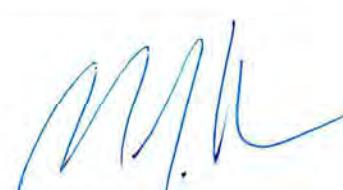
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY  
CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION  
OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12  
MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS  
WAIVED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

10-3-2022  
Date

**Aashish Mavani**

Type or Print Name and Title

  
Signature of Notary Public

10/1/2022  
Date



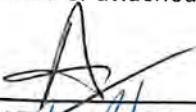
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10.19.2022

Gwinnett County Planning Division  
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Last Updated 12/2015

**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

10-3-2022 DATE

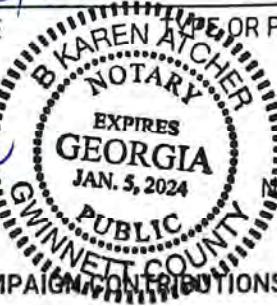
Aashish Mavani  
TYPE OR PRINT NAME AND TITLE

  
SIGNATURE OF APPLICANT'S  
ATTORNEY OR REPRESENTATIVE

10/3/2022 DATE

Robert Jackson Wilson  
TYPE OR PRINT NAME AND TITLE

  
SIGNATURE OF NOTARY PUBLIC 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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Gwinnett County Planning Division  
Rezoning Application  
Last Updated 12/2015

**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

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

**PARCEL I.D. NUMBER:** 5 - 065 - 016  
(Map Reference Number)      District      Land Lot      Parcel

Robert Jackson Wilson  
Signature of Applicant

9/30/22  
Date

**Robert Jackson Wilson, Attorney for Applicant**

Type or Print Name and Title

**\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.\*\*\***

**TAX COMMISSIONERS USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Amanda C. Wilson  
NAME

Sr. Tax Business Mgr  
TITLE

10/4/22  
DATE

2022 taxes are due 11/1/22

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10.19.2022

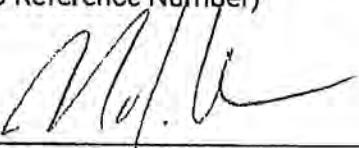
Gwinnett County Planning Division  
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**\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 5 - 065 - 036  
(Map Reference Number)      District      Land Lot      Parcel

  
Signature of Applicant

9/30/22  
Date

Robert Jackson Wilson, Attorney for Applicant

Type or Print Name and Title

**\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.\*\*\***

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**TAX COMMISSIONERS USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Amanda Alvekohli  
NAME

Sr. Tax Business Mgr  
TITLE

10/4/22

2022 taxes are due 11/1/22.

DATE

RECEIVED

10.19.2022

LETTER OF INTENT  
3939 and 3927 Rosebud Road  
Glorious Ventures, LLC  
Rezoning Application

The Applicant submits this Letter of Intent requesting approval to allow the development of 3.85-acre site located at the intersection Rosebud Road and Old Loganville Road. The Applicant proposes to rezone the Property to the C-2, General Business District, zoning classification to permit development of small-scale neighborhood-retail space, including a convenience store with fuel pumps.

The proposed development would provide an approximately 7,480 square foot convenience store with fuel pumps and a canopy. The proposed building would include attractive architecture and building materials such as stacked stone, brick, glass storefront design, fiber cement siding, and/or EIFS. The Applicant proposed a small outdoor seating area to accommodate and encourage neighborhood use of the restaurant. The Applicant requests a variance to allow the structure to be located in the front yard. This is necessary because of the layout of the building and the triangular configuration of the property at the intersection.

Given the Property's pin-corner location, and the nearby existing and proposed commercial projects, the proposed development could serve as a component of a node integrated with and complementing nearby residential uses. The development would feature convenience-retail and fresh foods that services surrounding residents and local commuter traffic. For these reasons, the Applicant submits that the proposed development would permit a use that is compatible with adjacent uses. To satisfy the requirements of Georgia law, the Applicant notes that the denial of the application or approval with conditions not approved by the Applicant would violate the Applicant and Owner's constitutional rights protected by the U.S. and Georgia Constitutions.

The Applicant would be glad to meet with staff of the Gwinnett County Department of Planning & Development and neighboring property owners to answer any questions or to address any concerns relating to the Application.



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10.19.2022

Legal Description

All that tract or parcel of land lying and being in Land Lot 65 of the 5<sup>th</sup> District, of Gwinnett County, Georgia, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING commence at a point located at the intersection of the southeasterly right of way of Old Loganville Road and westerly right of way of Rosebud Road; proceed thence, along said right of way of Rosebud Road, South 24°50'26" West a distance of 182.91 feet to a point; thence continuing along said right of way South 24°43'31" West a distance of 181.25 feet to a point, thence continuing along said right of way South 24°31'42" West a distance of 196.22 feet a point, thence continuing along said right of way South 23°48'00" West a distance of 198.74 feet to a point; thence leaving said right of way travelling North 65°01'40" West a distance of 256.59 feet to a point; thence, North 02°58'57" East a distance of 216.99 feet to point; traveling thence North 03°10'22" East a distance of 58.62 feet to a point on the southerly right of way of Old Loganville Road, traveling thence along said right of way North 55°44'03" East a distance of 98.27 feet to a point, thence continuing along said right of way North 59°48'37" East a distance of 172.34 feet to a point; continuing thence along said right of way North 60°09'30" East a distance of 111.65 feet to a point; thence continuing along said right of way North 60°08'38" East a distance of 200.72 feet to a point; thence continuing along said right of way, North 60°18'25" East a distance of 31.79 feet to the TRUE POINT OF BEGINNING;

Said tract or parcel contains 3.85 acres as shown on that plat prepared by Matthew Sullins dated September 19, 2022.