

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Auto Cash-JCB LLC</u> <u>c/o Mill Creek Consulting</u>	NAME: <u>Neil Persaud</u>
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>6130 Prestley Mill Road</u>
CITY: <u>Buford</u>	CITY: <u>Douglasville</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>GA</u> ZIP: <u>30134-2288</u>
PHONE: <u>770-614-6511</u>	PHONE: _____
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u> CONTACT'S E-MAIL: <u>millcreekconsulting@gmail.com</u>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:		
____ OWNERS AGENT	____ PROPERTY OWNER	<u>X</u> CONTRACT PURCHASER
PRESENT ZONING DISTRICT (S): <u>C-2</u>		REQUESTED ZONING DISTRICT: <u>SUP for Title Loan Facility</u>
LAND DISTRICT (S): <u>6</u>	LAND LOT (S): <u>190</u>	ACREAGE: <u>.527</u>
ADDRESS OF PROPERTY: <u>5220 Jimmy Carter Blvd</u>		
PROPOSED DEVELOPMENT: <u>Title Loan Facility</u>		
<p>RECEIVED BY</p> <p>APR 04 2013</p> <p>Planning & Development</p>	<p>SUP '13 0 2 3</p>	

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

All that tract or parcel of land lying and being in Land Lot 190 of the 6th Land District of Gwinnett County, Georgia, being part of Lot 6 of Unit 3 and part of Lot 6 of Unit 2 of the T.A. Mann Subdivision as per a plat recorded in Plat Book G, Page 167B, of the Gwinnett County records, containing .648 acres and being more particularly described as follows:

BEGINNING at an iron pin located at the northwestern corner of Rockbridge Road and Oakwood Circle; thence running south 54 degrees 05 minutes 28 seconds West along the northwesterly side of Oakwood Circle for a distance of 152.87 feet to an iron pin ground; thence departing said road and running North 32 degrees 40 minutes 00 seconds West for a distance of 132.78 feet to an iron pin found; thence running North 51 degrees 19 minutes 37 seconds East for a distance of 177.09 feet to an iron pin found, said pin being located on the southwestern side of Rockbridge Road; thence running along a curve an arc distance of 138.46 feet to a point (said arc being subtended by a chord bearing of South 28 degrees 02 minutes 25 seconds East a distance of 128.37 feet) and having a radius of 692.62 feet to a point along the southwestern side of Rockbridge Road, thence continuing along the southwestern side of Rockbridge Road south 08 degrees 56 minutes 03 seconds West for a distance of 19.80 feet to an iron pin found and the Point of Beginning, containing .527 acres as delineated on that certain survey for Neil A. Persaud, Washington Mutual Bank and Stewart Title Guaranty Company, dated February 5, 2004, prepared by Tru-Line Surveying, Inc. and bearing the seal of W.E. Clonts, GRLS No. 2166.

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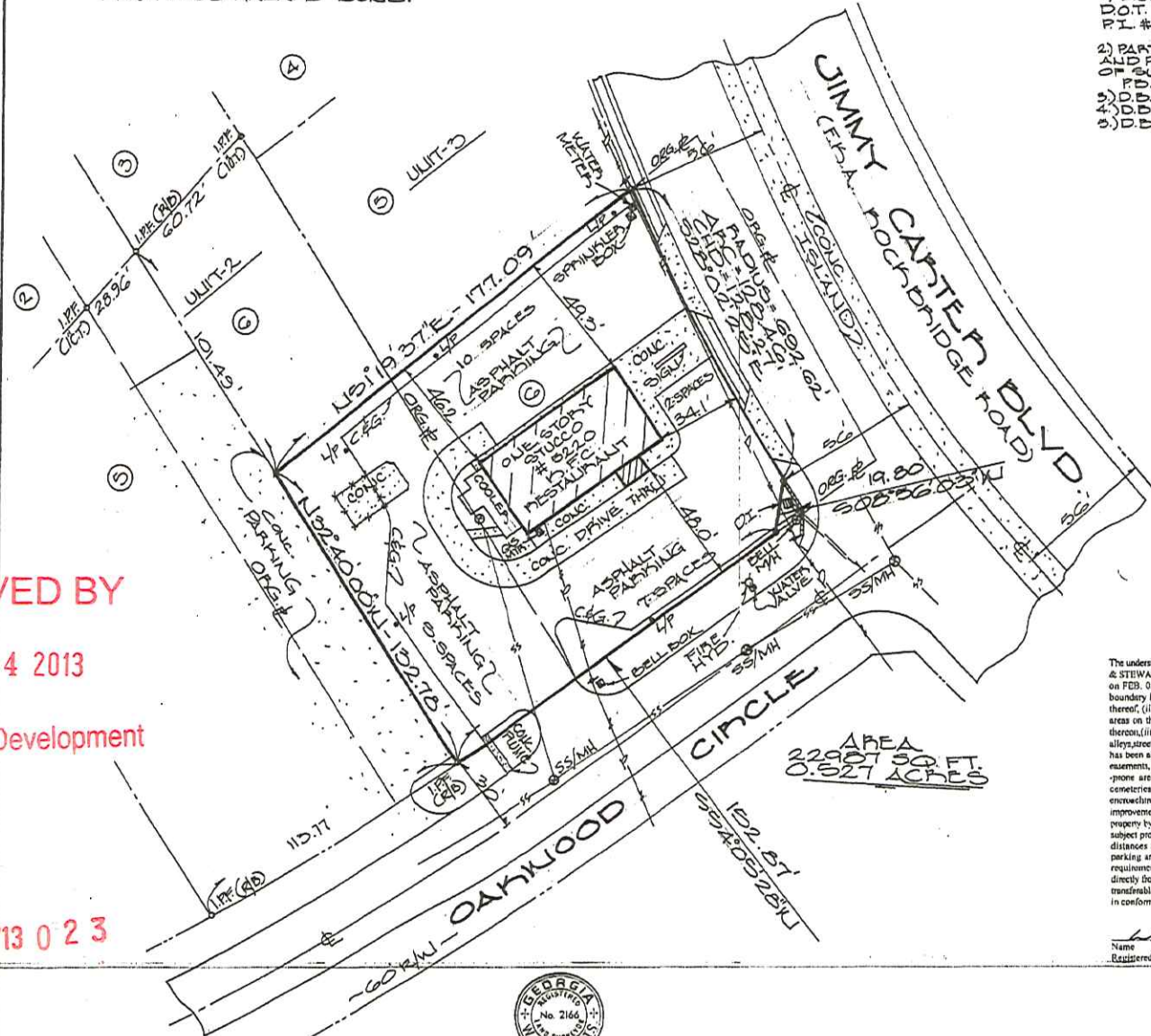
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NOTE:
THIS PROPERTY IS NOT IN A
F.I.A. FLOOD HAZARD ZONE.

- REFERENCE:
- 1) D.B. 7011 PG. 274 & 275
D.O.T. PROJECT MLP-719(C) GWINNETT
P.L. # 161925 - PARCEL 41
 - 2) PART OF LOT 6 - UNIT 2
OLD PART OF LOT 6 - UNIT 3
OF SUBDIVISION FOR T.A. MANN
F.B. # 6 PG. 161-D
 - 3) D.B. 21907 PG. 45 THRU 47
 - 4) D.B. 762 PG. 142 (GA. POWER CO.)
 - 5) D.B. 762 PG. 144 (GA. POWER CO.)

MAGNETIC



THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED USING A THEODOLITE AND T.O.B. AND ONE (1) LINEAR PRECISION RATIO OF ONE (1) IN ONE (1) FEET AND AN ANGULAR ERROR OF ONE (1) SECOND PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CHECKED FOR MATHEMATICAL ACCURACY AND CLOSES WITHIN ONE (1) FT. IN 250,000 FEET.

BEARINGS SHOWN ARE CALCULATED FROM ANGLES TURNED BASED ON A SINGLE MAGNETIC OBSERVATION.

SURVEYOR'S CERTIFICATION

The undersigned hereby certifies to NEILA PERSUAD, MD., WASHINGTON MUTUAL BANK & STEWART TITLE GUARANTY COMPANY that this survey was made on the ground by me on FEB. 05, 2004 as per the field notes shown hereon and correctly and accurately shows the boundary lines and dimensions and area of the land indicated hereon and each individual parcel thereof; (ii) this survey correctly shows the location and dimensions of all buildings and parking areas on the subject property and the location of all structures, improvements or visible items thereon; (iii) this survey correctly and accurately shows the location and dimensions of all alleys, streets, roads, rights-of-way, easements and other matters of record of which the undersigned has been advised affecting the subject property; (iv) except as shown hereon there are no visible easements, rights-of-way, party walls, covenants, officially designated 100-year flood plains or flood-prone areas, springs, streams, creeks, rivers, ponds, lakes or federally designated wetlands, cemeteries or family burying grounds; (v) except as shown hereon, there are no visible encroachments on adjoining premises, streets or alleys by any of the buildings, structure or other improvements located on the subject property, and there are no visible encroachments on the subject property by any buildings, structures or other improvements situated on adjoining premises; (vi) the subject property has uncontrolled access to publicly dedicated and accepted rights-of-way and the distances from the nearest intersecting streets or roads are as shown hereon; (vii) all buildings, parking areas and other structures conform with all applicable zoning ordinances and set-back requirements; (viii) except as shown hereon, all necessary utilities are available to the site, either directly from the public right-of-way of the street adjoining said premises or pursuant to valid and transferable easements which have been located and identified hereon; and (ix) this survey is made in conformity with the minimum technical standards pursuant to Georgia Statutes.

W.A.P.
Name
Registered Land Surveyor No. 66,813, 21,626

SURVEY FOR:
NEIL A. PERSUAD, M.D.
WASHINGTON MUTUAL BANK
STEWART TITLE GUARANTY COMPANY.
LAND LOT 190-6TH. DISTRICT
GWINNETT COUNTY, GEORGIA



In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

W.I.C.
W. I. CLONIS # 2166

TRU-LINE SURVEYING, INC.
2070 ATTIC PARKWAY, SUITE 305
KELLYVILLE, GEORGIA 30142

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STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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:
THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE WITHOUT THE SPECIAL USE PERMIT.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:
THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
THE SUBJECT PROPERTY IS DESIGNATED AS COMMUNITY MIXED USE.

(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:
SEE LETTER OF INTENT.

.....
PLANNING DIVISION USE ONLY

CASE NUMBER: _____

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Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the rezoning will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article P, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Auto Cash-JCB LLC, requests a special use permit on the Kentucky Fried Chicken property for the purpose of opening a Small Financial Institution in the 2,229 square foot building. The subject property is located at 5220 Jimmy Carter Blvd and is found in the 6th District, Land Lot 190 in Gwinnett County.

This site is in a heavily commercial area and it is in fact surrounded by commercial properties. The building has been vacant for a month and due to its size it has been difficult to find an alternate user since the restaurant closed. Auto Cash is a TitleAsset Lender and on a busy day there might be a total of 10 to 12 customers spread out over the entire day. No repossessed vehicles will be offered for sale on the property at any time. Generally, no cash is kept on site unless someone stops by and makes a payment in cash and that is taken to the bank and deposited as soon as possible. This will not be a check cashing or gold buying facility but a TitleAsset Lender only. There will also never be a sign twirler along the sidewalk in front of this proposed business.

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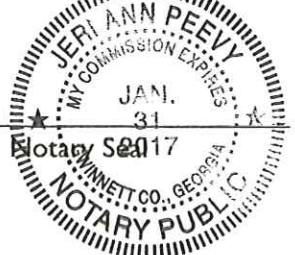
SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

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 *J.S. Browne* Date 3-5-13

J. S. Browne MGR
Type or Print Name and Title

Signature of Notary Public *Jeri Ann Peavy* Date 3/5/13



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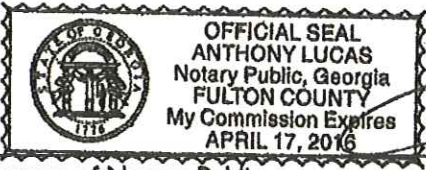
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SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

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.

Neil A. Persaud 4/3/13
Signature of Property Owner Date

Neil A. Persaud
Type or Print Name and Title

 *Anthony Lucas* 04/03/2013
Signature of Notary Public Date Notary Seal

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

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 SPECIAL USE PERMIT REQUEST.**

PARCEL I.D. NUMBER: 6 - 190 - 041
(Map Reference Number) District Land Lot Parcel

Signature of Applicant *J.S. Brown* Date 3-5-13

Type or Print Name and Title J.S. Brown MR

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)

Janis Crowe
NAME

TSA
TITLE

04/04/13
DATE

**GWINNETT COUNTY
TAX COMMISSIONER**

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