

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Dacula Cong. of Jehovah's Witnesses</u>	NAME: <u>Dacula Cong. of Jehovah's Witnesses</u>
ADDRESS: <u>1960 Satellite Blvd., Suite 4000</u>	ADDRESS: <u>662 Simon Park Circle</u>
CITY: <u>Duluth</u>	CITY: <u>Lawrenceville</u>
STATE: <u>Georgia</u> ZIP: <u>30097</u>	STATE: <u>Georgia</u> ZIP: <u>30045</u>
PHONE: <u>(770) 822-0900</u>	PHONE: _____
CONTACT PERSON: <u>Marian C. Adeimy</u> PHONE: <u>(770) 822-0900</u>	
CONTACT'S E-MAIL: <u>madeimy@atclawfirm.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:	
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
EXISTING/PROPOSED ZONING: <u>RA-200</u>	BUILDING/LEASED SQUARE FEET: <u>5,000</u>
LAND DISTRICT(S): <u>5</u>	LAND LOT(S): <u>280</u> ACREAGE: <u>5</u>
ADDRESS OF PROPERTY: <u>1570 Ace McMillian Rd., Dacula, Georgia</u>	
SPECIAL USE REQUESTED: <u>Church Building (One-Story)</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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**DACULA CONG. OF JEHOVAH'S WITNESSES
PROPERTY PARCEL I DESCRIPTION**

All that tract or parcel of land lying and being in Land Lot 280 of the 5th Land District, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at a point in the centerline of Ace McMillan Rd., said point lying 545.8 feet northeasterly as measured along the centerline of Ace McMillan Rd. from the northerly right of way of Brooks Rd. and also lying 219.40 feet southwesterly from the intersection of the centerline of Ace McMillan Road with the centerline of Givens Rd. as measured along the centerline of Ace McMillan Rd. for a point of beginning.

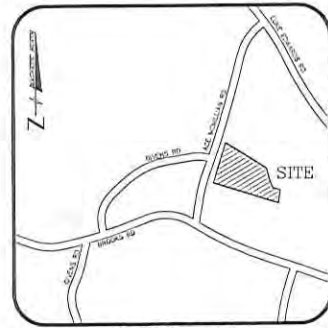
Thence run N 17° 29' 54" E along the centerline of Ace McMillan Road 463.27 feet; thence, departing from said centerline, S 57°40'30" E 50.0 feet to a set iron pin; thence continue S 57°40'30" E 483.99 feet to a set iron pin; thence S 14°25'19" E 134.66 feet to a set iron pin; thence S 21°11'20" E 90.00 feet to a set iron pin; thence S 72°41' E 90.41 feet to a set iron pin; thence S 8°47'19" W 141.59 feet to an iron pin found at a fence corner; thence N 72°41' W generally along a barb-wire fence (passing through an iron pin set 50.0 feet from the road centerline) a total distance of 755.52 feet to the point of beginning; containing 5.66 acres more or less (including 0.42 acre in the public road right-of-way easement).

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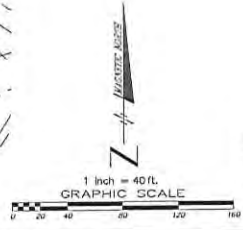
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LOCATION MAP
NO SCALE

GENERAL NOTES:

- TOTAL AREA (GROSS) = 5.66 ACRES
NET AREA = 5.24 ACRES (0.42 ACRES WITHIN R/W)
- ZONING: RA-200
-PROPOSED USE: "PLACE OF WORSHIP"
-GROSS BUILDING AREA = 4,950SF
-TOTAL SEATING CAPACITY = 225
-MINIMUM SETBACKS:
FRONT - 50 FT.
SIDE - 30 FT.
REAR - 30 FT.
- PROPOSED PARKING = 95 SPACES
-THE RATIO OF PARKING SPACES TO SANCTUARY SEATS IS 2:4
- POTENTIAL FUTURE EXPANSION:
-TOTAL GROSS BUILDING AREA: 4,950SF
-TOTAL POTENTIAL PARKING EXPANSION: 55 SPACES
- BOUNDARY AND ADJACENT SURVEY PROVIDED BY PLAT DATED JULY 15, 2007 BY HARRIS AND ASSOCIATES. TOPOGRAPHIC INFORMATION PROVIDED BY GWINNETT COUNTY GIS INFORMATION.
- THIS SITE CONTAINS NO FLOOD PLAIN PER FEMA FLOOD PANEL 13135C0092F, DATED SEPTEMBER 29TH, 2006.
- A TREE PRESERVATION AND REPLACEMENT PLAN PREPARED BY A PROFESSIONAL LANDSCAPE ARCHITECT MUST BE APPROVED PRIOR TO SECURING A LAND DISTURBANCE OR DEVELOPMENT PERMIT.
- NO GARBAGE DUMPSTER IS PROPOSED WITH THIS PROJECT.



ENGINEER CONTACT:
JONATHAN HICKS, P.E.
JVG CIVIL ENGINEERING, INC.
216 14TH ST N.W.
ATLANTA, GA 30318
PH: 770-402-3471
FAX: 404-487-8982
EMAIL: jhicks@jvgconsult.com

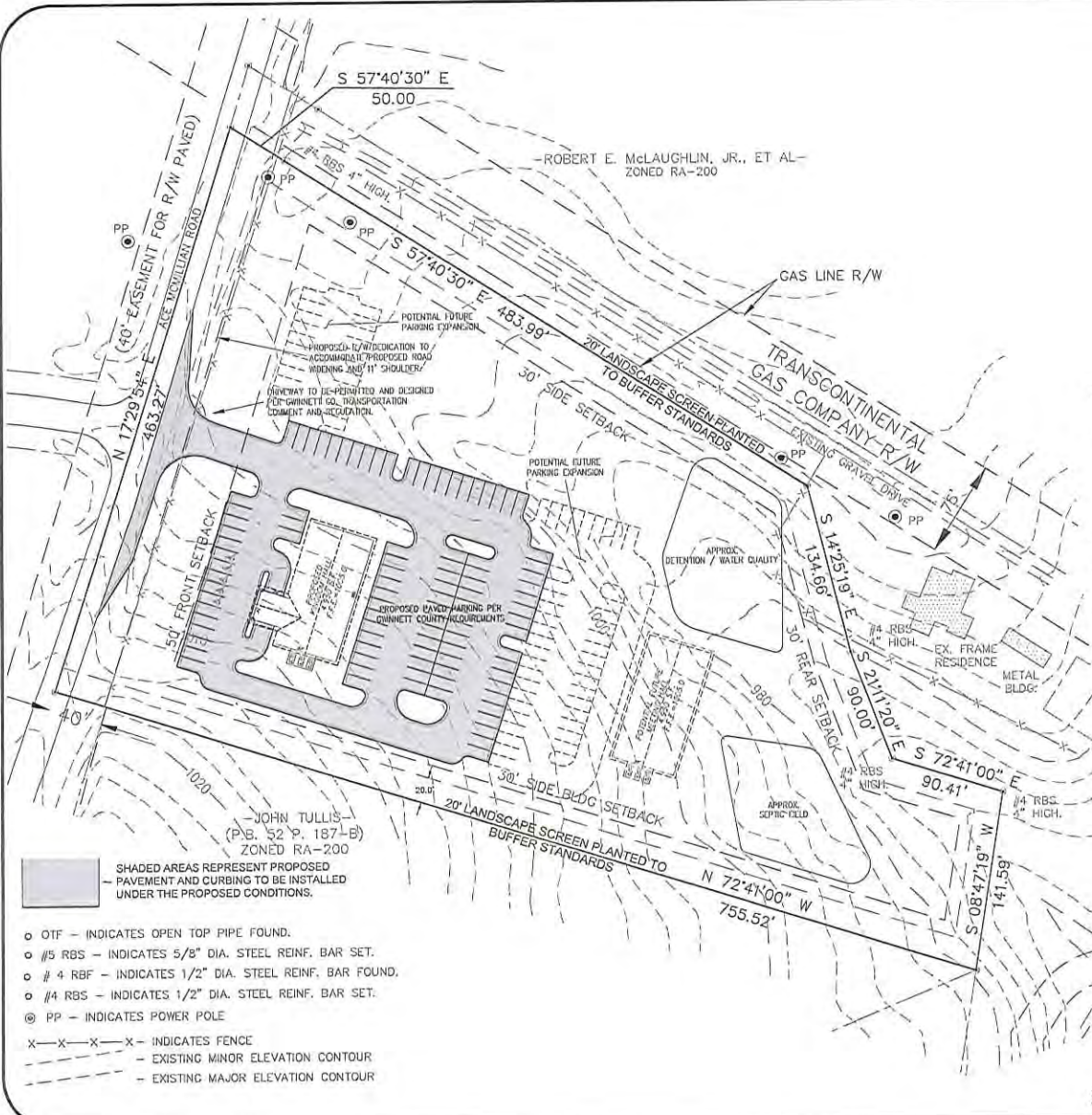
**CONCEPTUAL SITE IMPROVEMENT PLAN
FOR THE
DACULA CONGREGATION KINGDOM
HALL OF JEHOVAH'S WITNESS
LAND LOT 280, 5TH DISTRICT
GWINNETT COUNTY, GEORGIA**

No.	Revision/Issue	Date
1	INITIAL RELEASE	5-11-13

JVG
Civil Engineering
216 14th St. N.W.
Atlanta, GA 30318
770-402-3471

OWNER/DEVELOPER:
DACULA CONGREGATION
JEHOVAH'S WITNESSES
540 HILLSIDE DRIVE
DUNWOODY, GA
CONTACT:
FRANK SANDERS
770-963-9167

Project	Sheet
120417	ZP2
Date	
4-17-13	
Scale	1"=40'



SHADED AREAS REPRESENT PROPOSED PAVEMENT AND CURBING TO BE INSTALLED UNDER THE PROPOSED CONDITIONS.

- OTF - INDICATES OPEN TOP PIPE FOUND.
- #5 RBS - INDICATES 5/8" DIA. STEEL REINF. BAR SET.
- #4 RBF - INDICATES 1/2" DIA. STEEL REINF. BAR FOUND.
- #4 RBS - INDICATES 1/2" DIA. STEEL REINF. BAR SET.
- ⊙ PP - INDICATES POWER POLE
- X-X-X-X - INDICATES FENCE
- - - - - EXISTING MINOR ELEVATION CONTOUR
- - - - - EXISTING MAJOR ELEVATION CONTOUR

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SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE 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 SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

See Exhibit "B".

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

See Exhibit "B".

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

See Exhibit "B".

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

See Exhibit "B".

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

See Exhibit "B".

- (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 SPECIAL USE PERMIT:

See Exhibit "B".

EXHIBIT "B"
APPLICANT'S RESPONSE

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

Yes. A church is typically permitted in RA-zoning, but for the misclassification of Ace McMillian Rd., and is located near a special events facility, and mixed rural residential and neighborhood commercial. The church and will compliment the adjacent zoning as intended by the Zoning Resolution in permitting churches under RA-200 zoning.

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

No, this rezoning request proposes a neighborhood-friendly use, limited to specific meeting days, during off-peak hours, that is entirely compatible with the uses in the area, and will not adversely affect the nearby properties or their useability.

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

No. The subject property does not have any reasonable economic use as a large RA-200 property.

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

No. This rezoning will not cause excessive use of existing streets, transportation facilities or utilities and will have no impact whatsoever on the schools. The church is intended for a small congregation, and a recent traffic study is submitted with this application as evidence of the nonexistent impact on roads or traffic.

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

Yes. The proposed church is consistent with the church use typically permitted in RA-200 zoning.

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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 THE APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING (OR SPECIAL USE PERMIT).

Yes. (1) The existing church use in RA-200 zoning, (2) the location of the property for church-members, and (3) recent Board of Commissioners' action in extending church uses for nearby property in similar neighborhood and low-density areas has clearly established the areas suitable for church use, and due to the existing, inferior road classification, makes utilization under the current zoning inappropriate as well as extremely difficult, if not commercially impossible.

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LETTER OF INTENT
Dacula Congregation (the "Applicant")

The Applicant submits this Special Use Permit Application for the purpose of obtaining a special use permit to permit a church, already allowed under the existing RA-200 zoning classification, but requiring an SUP due to the incorrect, inferior road classification for Ace McMillian Rd. The Applicant seeks an SUP to build a one-story, 5,000 square foot church building on approximately 5 acres of a subdivided lot located on Ace McMillian Rd. near its intersection with Givens Rd. and Luke Edwards Rd. (hereinafter, the "Property"). The subject property covered by this Application is currently zoned RA-200 which typically permits church use without a special use permit.

The property reflects a 50 foot buffer adjacent to Ace McMillian Rd., and a 10 foot landscape strip along the right-of-way. The building will serve approximately 250 members and allows for the required parking and additional zoning requirements. Access is proposed through a single entrance/exit onto Ace McMillian Rd. that would align with Givens Rd. for consistency. Applicant is the owner of the adjacent 5 acres and has no future plan to develop the adjacent tract. The proposed church is compatible with the low-density zoning uses in the surrounding area, consistent with the intent and permitted church use in RA-200 zoning.

The property has access to a public water supply, public sanitary sewer, and convenient access to collector streets and major thoroughfares. Due to the nature of a church's less-intensive use, there will be no impact on traffic, schools, or local roads. The subject Property is located on what can only be characterized as a low-density, neighborhood tract, and the church is intended to service only its members in the immediate Dacula area. No commuting members are expected or intended, given the size and location of other related-churches. Historically, churches have been a very good neighbor, contributing to the community and creating a safe environment. The church will not house a school, daycare, or any other peak-hour activities. The exterior of the church building is intended to be aesthetically pleasing, high-quality brick construction with a residential-feel like the concept rendering filed with this Application.

CONCLUSION

This proposed special use permit would result in a high-quality church to serve its members in the area and compliment the high standard of development already established in Dacula. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

This 7th day, June, 2013.


Respectfully submitted,

ANDERSEN, TATE & CARR, P.C.

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Marian C. Adeimy
Attorney for Applicant

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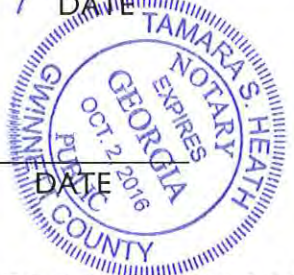
CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, 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.

Maria C. [Signature] 6/7/13 Marian C. Aderny
 SIGNATURE OF APPLICANT DATE attorney for Applicant
 TYPE OR PRINT NAME AND TITLE

Maria C. [Signature] 6/7/13 Marian C. Aderny
 SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
 ATTORNEY OR REPRESENTATIVE

[Signature] DATE NOTARY SEAL
 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 Marian C. Aderny and Anderson, Tate + Carr, PC
 YOUR NAME

If the answer is yes, please complete the following section: See Exhibit "C"

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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EXHIBIT "C"
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS BY ANDERSEN, TATE & CARR, P.C.

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE CONTRIBUTION WAS MADE
Charlotte Nash, Chairman	\$1,000 \$1,000 \$500	February 22, 2011 November 16, 2011 February 20, 2013
Jace Brooks, District 1 Commissioner	\$500 \$500	March 15, 2012 December 20, 2012
Lynette Howard, District 2 Commissioner	\$1,000 \$1,000	May 25, 2010 October 27, 2011
Tommy Hunter, District 3 Commissioner	\$1,500 \$500	October 1, 2012 December 28, 2012
John Heard, District 4 Commissioner	\$1,000 \$1,000	February 16, 2010 August 25, 2011

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[Signature] 6/6/13 Paul E. Petty III
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

[Signature] 6/6/13 Marian C. Adeimy
 SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
 ATTORNEY OR REPRESENTATIVE

[Signature] 6.6.13
 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 Dacula Congregation of Jehovah's witnesses
 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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