

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>SADIQ PATHRAWALA & ASFAK MOMIN</u> ADDRESS: <u>3029 HIDDEN FALLS DR.</u> CITY: <u>BUFORD</u> STATE: <u>GEORGIA</u> ZIP: <u>30519</u> PHONE: <u>678.860.786A</u>	NAME: <u>RENEE BANKS SEAWELL, EXECUTOR FOR TROY L. BUREL & BARBARA BANKS, INDIVIDUALLY & ATT. IN FACT FOR</u> ADDRESS: <u>MILDRED A. BUREL</u> CITY: <u>1920 MINERAL SPRINGS ROAD HOSCHTON</u> STATE: <u>GEORGIA</u> ZIP: <u>30548</u> PHONE: <u>770.945.980A</u>
CONTACT PERSON: <u>GUN ABERNATHY</u> PHONE: <u>770.962.8456</u> CONTACT'S E-MAIL: <u>GUNA@RINGOABERNATHY.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:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

EXISTING/PROPOSED ZONING: PA-200/ C1 SUP BUILDING/LEASED SQUARE FEET: PROPOSED 2,609 SQ. FT
 LAND DISTRICT(S): 1 LAND LOT(S): 1 ACREAGE: LOT AREA- 0.92 ACRE ZONING AREA- 1.65 ACRE
 ADDRESS OF PROPERTY: 2838 HAMILTON MILL ROAD
 SPECIAL USE REQUESTED: FAST FOOD RESTAURANT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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~~RZC '13 0 0 6~~

SUP '13 0 4 3

L E G A L D E S C R I P T I O N

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1, OF THE 1ST DISTRICT, GWINNETT COUNTY, GEORGIA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE RIGHT OF WAY INTERSECTION OF PUCKETTS MILL ROAD (50' R/W), AND THE RIGHT OF WAY OF HAMILTON MILL ROAD (80' R/W), SAID POINT IS **THE TRUE POINT OF BEGINNING**;

THENCE along a curve to the right having a radius of 236.93 feet and an arc length of 67.31 feet, being subtended by a chord of South 76 degrees 50 minutes 27 seconds West for a distance of 67.09 feet TO A POINT;

THENCE South 84 degrees 58 minutes 47 seconds West for a distance of 213.81 feet TO A POINT;

THENCE along a curve to the left having a radius of 225.87 feet and an arc length of 95.75 feet, being subtended by a chord of South 72 degrees 50 minutes 06 seconds West for a distance of 95.04 feet TO A POINT;

THENCE North 20 degrees 39 minutes 08 seconds West for a distance of 57.01 feet TO A POINT;

THENCE North 22 degrees 32 minutes 28 seconds West for a distance of 121.09 feet TO A POINT;

THENCE North 67 degrees 27 minutes 32 seconds East for a distance of 200.34 feet TO A POINT;

THENCE North 31 degrees 35 minutes 39 seconds West for a distance of 76.34 feet TO A POINT;

THENCE North 59 degrees 13 minutes 54 seconds East for a distance of 74.86 feet TO A POINT;

THENCE along a curve to the left having a radius of 11499.16 feet and an arc length of 19.62 feet, being subtended by a chord of South 30 degrees 42 minutes 04 seconds East for a distance of 19.62 feet TO A POINT;

THENCE along a curve to the left having a radius of 1185.93 feet and an arc length of 344.34 feet, being subtended by a chord of South 39 degrees 04 minutes 03 seconds East for a distance of 343.13 feet TO A POINT, SAID POINT BEING **THE TRUE POINT OF BEGINNING**.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.648 acres more or less.

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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:

YES. MEETS THE LAND USE PLAN & IS CONSISTENT WITH ADJACENT ZONINGS.

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

NO. ADJACENT PROPERTY OWNER IS SELLING THE OUT PARCEL & IS IN AGREEMENT WITH INTENT OF ZONING.

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

NO. CURRENT ZONING IS PA-200. HIGHEST & BEST USE FOR PROPERTY IS FOR COMMERCIAL DEVELOPMENT.

- (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:

NO. PROPERTY IS ON THE CORNER OF A MAJOR ARTERIAL & A MINOR COLLECTOR. THE COUNTY HAS ONGOING PLANS TO ENHANCE HAMILTON MILL ROAD.

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

YES.

- (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:

YES. BASED ON ROAD IMPROVEMENTS & C-1 ZONING ACROSS THE STREET. THE SELLER OF THE PROPERTY IS SUPPORTIVE OF REZONING.

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SUP '13 0 4 3

RINGO/ABERNATHY & ASSOCIATES

July 31, 2013

Gwinnett County Planning and Development Department
75 Langley Drive
Lawrenceville, GA 30045

Attn: Geoff West

RE: Rezoning Request –
Dairy Queen Site
Client: Sadiq Pathrawala and Asfak Momin
Parcel: 1-1-452

To Whom it May Concern;

Our Clients, Mr. Pathrawala and Mr. Momin, is seeking to rezone the site on the NW corner of the intersection of Puckett's Mill Road and Hamilton Mill Road, from its current zoning of RA-200 to C1. Further, because the intended use is for a fast food restaurant, they also seek a Special Use Permit (SUP)

Property Info:

The tract being rezoned is 1.65 acres, and is being cut out of a tract owned by the Troy Burel Estate. The parent tract is 8.61 acres. The Burel estate wishes to sell to our clients the corner portion of their site; however they do not intend to rezone the balance of the property at this time. The clients intend to build a Dairy Queen Grill and Chill Restaurant on the tract.

Official Request:

The request is to rezone to C1 with a SUP. Further, the applicants would like to request a reduction in the zoning buffer down to a 20-foot landscape strip.

Reason / Justification for the Requests:

Per the County Zoning Ordinance, this business use may be suited for either C1 with Special Use Permit, or C2. It was our opinion that since the immediately adjacent properties was C1 with SUP (Exxon C-Store, Sherwin Williams / O'Reilly Auto Parts), C1-SUP was the correct request. And, the property owners who are selling the property are in agreement with the use and they are the remaining surrounding entity.

The typical objections to any rezoning seem to be traffic, and schools. The Dairy Queen will not affect schools. And Hamilton Mill Road is slated for some major road improvements (5 lane road section, and the realignment of the Puckett's Mill Road intersection).

The reason for the buffer reduction: A – the seller is in agreement with the plan to build the DQ site and retain the balance of the property. The purpose of the buffer is to protect his property from the commercial development. Our client and the seller are in agreement of the 20-foot buffer reduction. The reason for the landscape strip versus buffer – buffer implies undisturbed. We are working in a pasture area and have some amount of site improvements that may go over into that "strip" which we can then replant in the landscape portion of the project,

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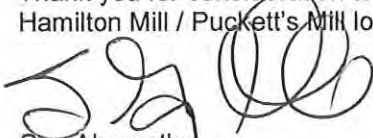
SUP '13 0 4 3

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To REITERATE by Response Narrative:

- a. It is our opinion that the zoning request is a good fit for the area, and the property has no real value in its current zoning.
- b. Traffic issues on Hamilton Mill are being addressed presently by Gwinnett County, and ultimately should not be hindered by this rezoning change.
- c. The rezoning is in conformity with the Long Range Plan. It is at an intersection in a commercial corridor, across the street from current C1-SUP zoning.
- d. The property sellers, though retaining RA-200 zoning on the parent tract, are in agreement with the requested zoning and buffer reductions.

Thank you for consideration to allow Mr. Pathrawala and Mr. Momin to build a Dairy Queen at this Hamilton Mill / Puckett's Mill location.



Guy Abernathy
Ringo Abernathy & Associates
(770-231-9013)

-- on behalf of Sadiq Pathrawala and Asfak Momin

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SUP '13 0 4 3

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.

X *[Signature]*

8-1-2013

X *[Signature]*

8-1-2013

Signature of Applicant

Date

SADIQ PATHRAWALA
ASFAK MOMINI

Type or Print Name and Title

[Signature]
Signature of Notary Public

8/1/2013
Date



Notary Seal

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SUP '13 043

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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.

✓ Barbara Banks ✓ 7-31-13
Signature of Property Owner Date

Barbara Banks Individually and as Attorney in fact for Mildred Burel
Type or Print Name and Title
Barbara Banks, Individually and as
Attorney IN FACT for Mildred A. Burel

✓ James Freeman ✓ 7-31-13
Signature of Notary Public Date Notary Seal

NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES MARCH 2017

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AUG 02 2013

SUP '13 043

Planning & Development

SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

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Renee Banks Seawell

Signature of Property Owner

7-31-13

Date

Renee Banks Seawell, Executor for Troy L. Burel

Type or Print Name and Title
Renee Banks Seawell, Executor for Troy L. Burel

James Freeman

Signature of Notary Public

7-31-13

Date

Notary Seal

JAMES FREEMAN -
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES MARCH

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CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

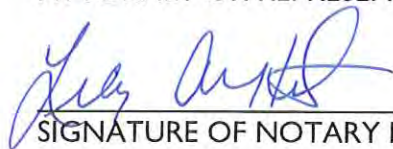
The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.


8-1-2013
SADIQ PATHRAWALA
ASFAK MOMINI

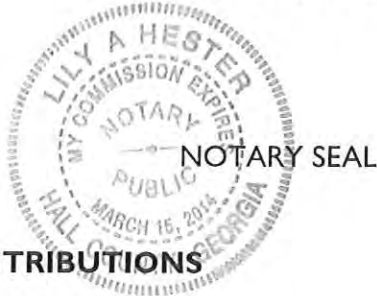
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

8-1-2013

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


8/1/2013

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 SADIQ PATHRAWALA / ASFAK MOMINI
YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICAL 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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SUP '13 0 4 3

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:
(Map Reference Number)

01 - 01 - R1001-452
District Land Lot Parcel

Barbara Banks
Signature of Applicant

7-31-13
Date

Barbara Banks, Individually and AS Attorney IN FACT
Type or Print Name and Title *for Mildred Ar Bures*

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)

Rhonda Jackson
NAME

Tax Services Associate
TITLE

8/2/13
DATE

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AUG 0 2 2013

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

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PARCEL I.D. NUMBER: 01 - 01 - R1001-452
(Map Reference Number) District Land Lot Parcel

✓ Renee Banks Seawell ✓ 7/31/13
Signature of Applicant Date

Renee Banks Seawell, Executor for Troy L. Burel
Type or Print Name and Title Renee Banks Seawell, Executor for Troy L. Burel

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)

Rhonda Opekum Tax Services Associate
NAME TITLE

8/2/13
DATE

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SUP '13 043

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>SADIQ PATHRAWALA & ASEFAK MOMIN</u>	NAME: <u>KENEE BANKS SEAWELL, EXECUTOR FOR TROY L. BUREL, & BARBARA BANKS, INDIVIDUALLY & ATT. IN FACT</u>
ADDRESS: <u>3029 HIDDEN FALLS DR.</u>	ADDRESS: <u>FOR MILDRED A. BUREL</u>
CITY: <u>BUFFORD</u>	CITY: <u>1920 MINERAL SPRINGS ROAD HOUGHTON</u>
STATE: <u>GEORGIA</u> ZIP: <u>30519</u>	STATE: <u>GEORGIA</u> ZIP: <u>30548</u>
PHONE: <u>678.860.7864</u>	PHONE: <u>770.945.9804</u>
CONTACT PERSON: <u>GUY ABERNATHY</u> PHONE: <u>770.962.8456</u>	
CONTACT'S E-MAIL: <u>GUYA@RINGOABERNATHY.COM</u>	

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): PA-700 REQUESTED ZONING DISTRICT: C-1 SUP
LOT AREA - 0.92 AC.

LAND DISTRICT(S): 1 LAND LOT(S): 1 ACREAGE: ZONING AREA - 1.65 AC.

ADDRESS OF PROPERTY: 2838 HAMILTON MILL ROAD

PROPOSED DEVELOPMENT: FAST FOOD RESTAURANT

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>ONE</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>2,609 SQ. FT.</u>
Gross Density: _____	Density: <u>ONE BUILDING</u>
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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RZC '13 006

L E G A L D E S C R I P T I O N

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BEGINNING AT THE RIGHT OF WAY INTERSECTION OF PUCKETTS MILL ROAD (50' R/W), AND THE RIGHT OF WAY OF HAMILTON MILL ROAD (80' R/W), SAID POINT IS **THE TRUE POINT OF BEGINNING**;

THENCE along a curve to the right having a radius of 236.93 feet and an arc length of 67.31 feet, being subtended by a chord of South 76 degrees 50 minutes 27 seconds West for a distance of 67.09 feet TO A POINT;

THENCE South 84 degrees 58 minutes 47 seconds West for a distance of 213.81 feet TO A POINT;

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THENCE along a curve to the left having a radius of 1185.93 feet and an arc length of 344.34 feet, being subtended by a chord of South 39 degrees 04 minutes 03 seconds East for a distance of 343.13 feet TO A POINT, SAID POINT BEING **THE TRUE POINT OF BEGINNING**.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.648 acres more or less.

RZC '13 0 0 6

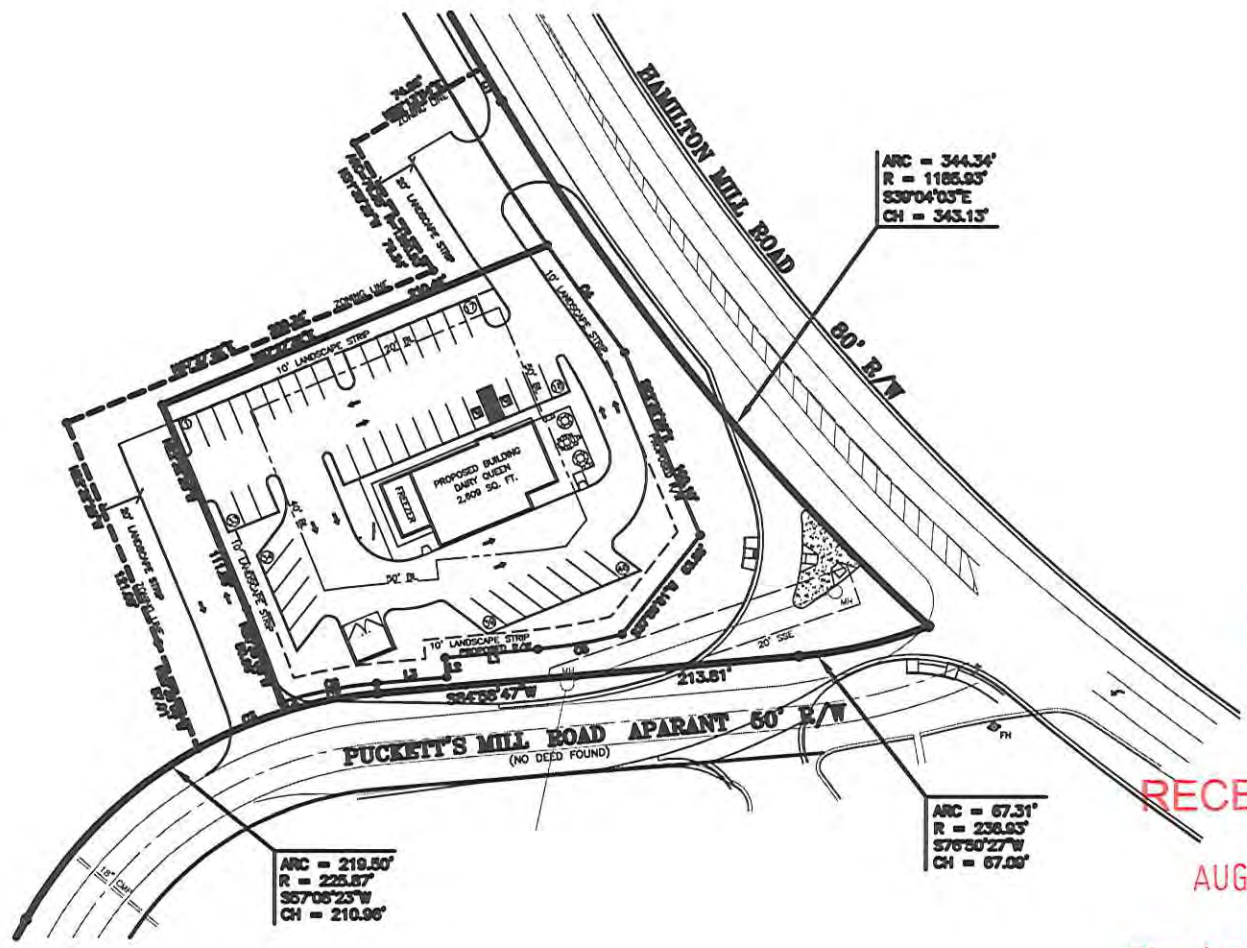
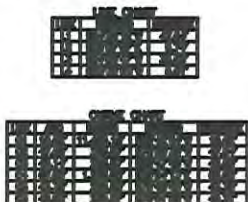
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LOT AREA - 0.92 ACRE
 ZONING AREA - 1.65 ACRE

- F.P.B. FINISH OF EXTERIOR
- L.L. LAND USE LINE
- S.V. EDGE OF VEGETATION
- W.F. WALL OF FURNACE
- C.V. CURB TOP FINISH
- C.P. CURB POINT
- S.P. SPOT TOP FINISH
- S.S. SEWER SET
- C.P. CORRUGATED METAL PIPE
- C.P. REINFORCED CONCRETE PIPE
- R.P. RECTANGLE IRON PIPE
- P.C. POLYETHYLENE GLASS FIBER PIPE
- D.W. DRAINAGE W/ VENT CATCHER
- D.W. DRAINAGE W/ VENT CATCHER
- C.I. CONCRETE
- C.I. CONCRETE
- M.C. METAL CONTROL SYSTEM
- J.A. JUNCTION BOX
- T.C. TRENCH END SECTION
- R.V. RAIN VENT
- D.M. DRAINAGE MANHOLE
- C.W. CLEAN OUT
- S.V. SWIVEL
- S.P. SHOWN POWER LINE
- E.L. ELECTRIC POLE
- M.P. METAL PILL
- M.P. METAL PILL
- M.P. METAL PILL
- P.W. POWER POLE
- L.P. LIGHT POLE
- F.P. FIRE HYDRANT
- W.L. WATER LINE
- W.V. WATER VALVE
- W.W. WATER WALK
- S.P. SEWER PIPE
- S.L. SINKING LINE
- C.L. CENTER LINE
- L.P. LINE OF PROPERTY
- S.P. SURFACE POINT
- M.P. METAL PILL



ARC = 344.34'
 R = 1185.93'
 S39°04'03"E
 CH = 343.13'

ARC = 219.50'
 R = 225.57'
 S57°05'25"W
 CH = 210.96'

ARC = 67.31'
 R = 236.93'
 S76°50'27"W
 CH = 67.06'

RZC '13 0 0 6

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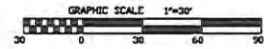
RINGO W. ABERNATHY & ASSOCIATES
 PROFESSIONAL ENGINEERS
 1118 S. HUNTER ST. SUITE 100
 FAYETTEVILLE, GA 30215
 PHONE (770) 842-8438 FAX (770) 842-5587

COUNTY:	GINNETT
DISTRICT/PARCEL:	11452
LAND LOT(S):	1
DATE:	08/02/13
SCALE:	1" = 30'
JOB NO.:	13008

REZONING PLAN FOR
DAIRY QUEEN

REVISIONS	NO.	DATE

IF YOU DIG GEORGIA...
 CALL US FIRST
 UTILITIES PROTECTION CENTER
 STATE WIDE
 1 800 292-7411
 IT'S THE LAW



REZONING 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.

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YES. MEETS THE LAND USE PLAN & IS CONSISTENT WITH ADJACENT ZONINGS.

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

NO. CURRENT ZONING IS RA-200. HIGHEST & BEST USE FOR PROPERTY IS FOR COMMERCIAL DEVELOPMENT.

- (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:

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

YES.

- (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:

YES. BASED ON ROAD IMPROVEMENTS & C-1 ZONING ACROSS THE STREET. THE SELLER OF THE PROPERTY IS SUPPORTIVE OF REZONING.

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AUG 02 2013

3

RZC '13 006

RINGO/ABERNATHY & ASSOCIATES

July 31, 2013

Gwinnett County Planning and Development Department
75 Langley Drive
Lawrenceville, GA 30045

Attn: Geoff West

RE: Rezoning Request –
Dairy Queen Site
Client: Sadiq Pathrawala and Asfak Momin
Parcel: 1-1-452

To Whom it May Concern;

Our Clients, Mr. Pathrawala and Mr. Momin, is seeking to rezone the site on the NW corner of the intersection of Puckett's Mill Road and Hamilton Mill Road, from its current zoning of RA-200 to C1. Further, because the intended use is for a fast food restaurant, they also seek a Special Use Permit (SUP)

Property Info:

The tract being rezoned is 1.65 acres, and is being cut out of a tract owned by the Troy Burel Estate. The parent tract is 8.61 acres. The Burel estate wishes to sell to our clients the corner portion of their site; however they do not intend to rezone the balance of the property at this time. The clients intend to build a Dairy Queen Grill and Chill Restaurant on the tract.

Official Request:

The request is to rezone to C1 with a SUP. Further, the applicants would like to request a reduction in the zoning buffer down to a 20-foot landscape strip.

Reason / Justification for the Requests:

Per the County Zoning Ordinance, this business use may be suited for either C1 with Special Use Permit, or C2. It was our opinion that since the immediately adjacent properties was C1 with SUP (Exxon C-Store, Sherwin Williams / O'Reilly Auto Parts), C1-SUP was the correct request. And, the property owners who are selling the property are in agreement with the use and they are the remaining surrounding entity.

The typical objections to any rezoning seem to be traffic, and schools. The Dairy Queen will not affect schools. And Hamilton Mill Road is slated for some major road improvements (5 lane road section, and the realignment of the Puckett's Mill Road intersection).

The reason for the buffer reduction: A – the seller is in agreement with the plan to build the DQ site and retain the balance of the property. The purpose of the buffer is to protect his property from the commercial development. Our client and the seller are in agreement of the 20-foot buffer reduction. The reason for the landscape strip versus buffer – buffer implies undisturbed. We are working in a pasture area and have some amount of site improvements that may go over into that "strip" which we can then replant in the landscape portion of the project,

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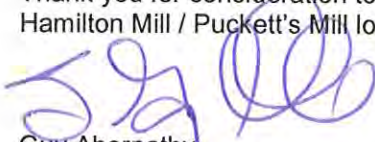
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To REITERATE by Response Narrative:

- a. It is our opinion that the zoning request is a good fit for the area, and the property has no real value in its current zoning.
- b. Traffic issues on Hamilton Mill are being addressed presently by Gwinnett County, and ultimately should not be hindered by this rezoning change.
- c. The rezoning is in conformity with the Long Range Plan. It is at an intersection in a commercial corridor, across the street from current C1-SUP zoning.
- d. The property sellers, though retaining RA-200 zoning on the parent tract, are in agreement with the requested zoning and buffer reductions.

Thank you for consideration to allow Mr. Pathrawala and Mr. Momin to build a Dairy Queen at this Hamilton Mill / Puckett's Mill location.



Guy Abernathy
Ringo Abernathy & Associates
(770-231-9013)

-- on behalf of Sadiq Pathrawala and Asfak Momin

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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.

[Handwritten Signature]

Signature of Applicant

[Handwritten Signature]

AUG 1, 2013

Date

SADIQ PATHRAWALA

Type or Print Name and Title

ASFAK MOMIN

[Handwritten Signature]

Signature of Notary Public

8/1/2013

Date



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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.

Barbara Banks
Signature of Property Owner

7-31-13
Date

Barbara Banks Individually And As Attorney In fact for Mildred A. Burel
Type or Print Name and Title
Barbara Banks, Individually
And As Attorney IN FACT for
Mildred A. Burel

James Freeman
Signature of Notary Public

7-31-13
Date

Notary Seal

JAMES FREEMAN
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES MAR

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✓ Renee Banks Seawell
Signature of Property Owner

✓ 7-31-13
Date

Renee Banks Seawell, Executor for Troy L. Burel
Type or Print Name and Title
Renee Banks Seawell, Executor for Troy L. Burel

✓ James Freeman
Signature of Notary Public

7-31-13
Date

Notary Seal

JAMES FREEMAN
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES MARCH 24, 2014

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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.

x *[Signature]*: 8-1-2013 SADIQ PATHRAWALA
 x *[Signature]*: 8-1-2013 ASFAK MOMIN

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] 8/1/2013
 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 SADIQ PATHRAWALA / ASFAK MOMIN
 YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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

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

PARCEL I.D. NUMBER: 01 - 01 - R1001-452
 (Map Reference Number) District Land Lot Parcel

Barbara Banks ✓ 7-31-13
 Signature of Applicant Date

Barbara Banks, Individually + As Attorney in Fact
 Type or Print Name and Title for Mildred A. Burel

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)

Rhonda Jackson Tax Services Associate
 NAME TITLE
8/2/13
 DATE

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PARCEL I.D. NUMBER: 01 - 01 - R1001-452
(Map Reference Number) District Land Lot Parcel

Renee Banks Seawell, Executor for Troy L. Burel 7-31-13
Signature of Applicant Date

Renee Banks Seawell, Executor for Rd Troy L. Burel
Type or Print Name and Title
Renee Banks Seawell, Executor for Troy L. Burel

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)

Khondra Jackson
NAME

Tax Services Assoc
TITLE

8/2/13
DATE

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