

**SPECIAL USE PERMIT APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>RINCO, ABERNATHY &amp; Sonce.</u>	NAME: <u>PG LAND LLC</u>
ADDRESS: <u>174 Dunwoody Road</u>	ADDRESS: <u>3485 S. PUCKETT ROAD</u>
CITY: <u>Dunwoody</u>	CITY: <u>BUCKINGHAM</u>
STATE: <u>GEORGIA</u> ZIP: <u>30019</u>	STATE: <u>GEORGIA</u> ZIP: <u>30519</u>
PHONE: <u>770-902-2450</u>	PHONE: <u>770-231-8843</u>
CONTACT PERSON: <u>GUY ABERNATHY</u> PHONE: <u>770-902-2450</u>	
CONTACT'S E-MAIL: <u>GUYA@RINCOABERNATHY.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>C-2</u> BUILDING/LEASED SQUARE FEET: <u>9000</u>	
LAND DISTRICT(S): <u>7th</u> LAND LOT(S): <u>100</u> ACREAGE: <u>4.580</u>	
ADDRESS OF PROPERTY: <u>23605 CARNEL SPRINGS ROAD</u>	
SPECIAL USE REQUESTED: <u>Auto Repair &amp; Tire Shop (full services)</u>	

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

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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 100 OF THE 7TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE LAND LOT CORNER 99,100, AND 138; THENCE PROCEEDING SOUTH 60 DEGREES 04 MINUTES 20 SECONDS WEST A DISTANCE OF 232.39 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE South 44 degrees 01 minutes 37 seconds East for a distance of 257.52 feet TO A POINT;

THENCE South 60 degrees 13 minutes 07 seconds West for a distance of 795.41 feet TO A POINT;

THENCE North 52 degrees 25 minutes 39 seconds West for a distance of 223.58 feet TO A POINT;

THENCE North 42 degrees 05 minutes 42 seconds East for a distance of 133.40 feet TO A POINT;

THENCE North 60 degrees 04 minutes 20 seconds East for a distance of 466.87 feet TO A POINT;

THENCE North 60 degrees 04 minutes 20 seconds East for a distance of 224.48 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 4.59 acres more or less.

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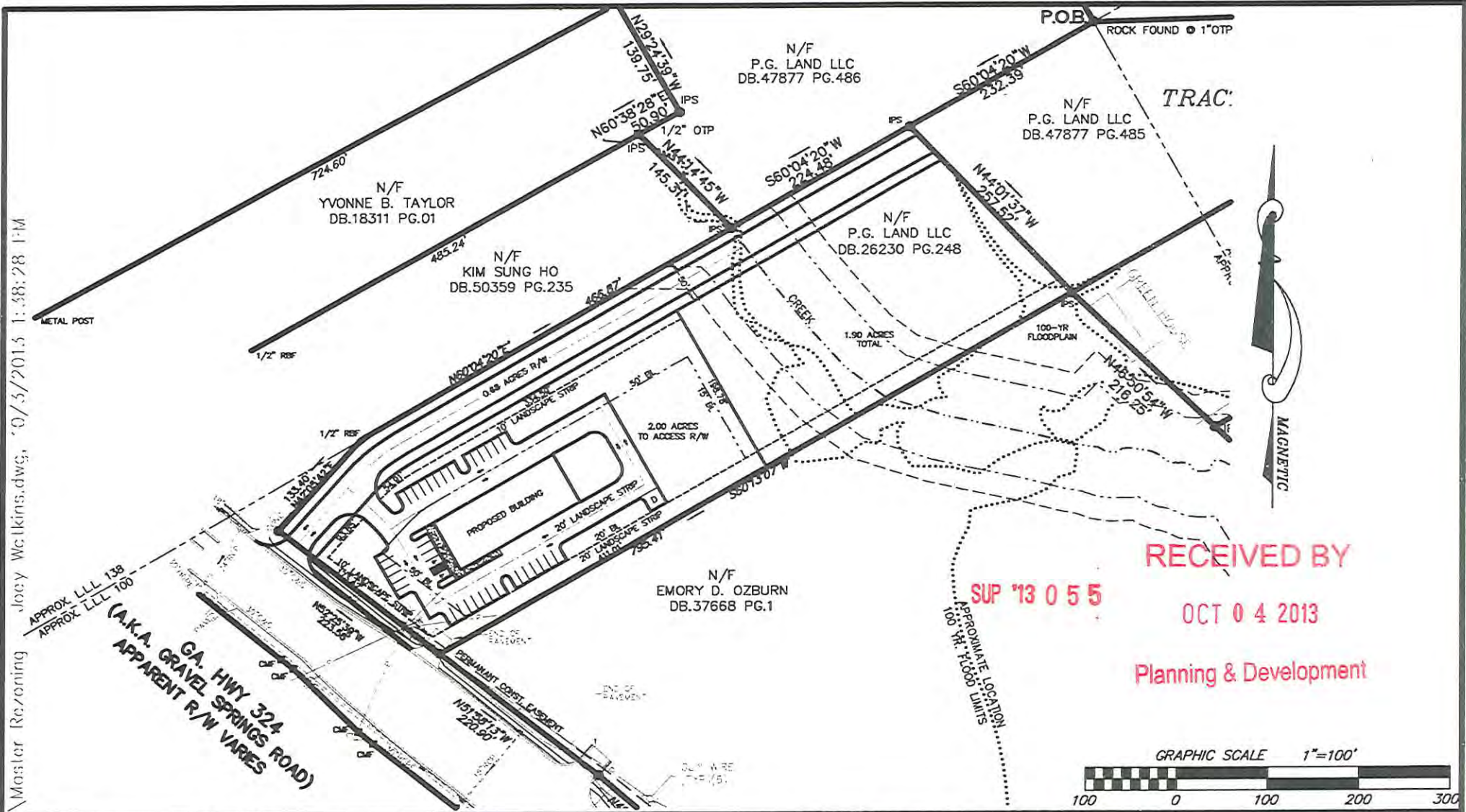
Planning & Development

SUP '13 055

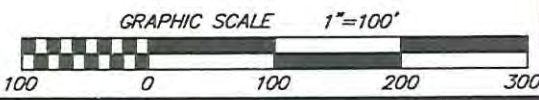
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Master Rezoning

S:\DRAW



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 OCT 0 4 2013  
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NO.	DATE	REVISIONS

REZONING SITE PLAN:  
**P.G. LAND LLC.**

COUNTY:	GWINNETT
DISTRICT/PARCEL:	7/10
LAND LOT:	100
DATE:	09/17/13
SCALE:	1"=100'
JOB NO.:	13040

**RINGO ABERNATHY & ASSOCIATES**  
 CONSULTING SURVEYORS ENGINEERS PLANNERS  
 174 Decatur Road - Decatur Ga. 30019  
 Phone (770) 962-8456 - Fax (770) 277-3881

**Ben Pittarelli Realty**  
 770-597-7062  
 benpittarelli@aol.com

**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 -

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

No

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

No

- (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, AND THE COUNTY HAS JUST COMPLETED MAJOR ROAD PROJECT THEN THIS SECTION

- (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:

WITHIN 1/2 MILE OF PROPOSED INTERCHANGE AT I-85  
USE WILL BE NEIGHBORHOOD TIRE & AUTO CENTER

NEIGHBOR STRONG CANDIDATE FOR COMMERCIAL GROWTH

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**RINGO/ABERNATHY & ASSOCIATES**

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SUP '13 055

Oct 4, 2013

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

Attn: Jeff West

RE: Rezoning Request –  
PG Land, LLC Tract  
Client: JR Duke, LLC  
Parcel: 7-100-010

To Whom it May Concern;

Our Client, JR Duke, LLC, is seeking to rezone the site owned by PG Land, LLC on the SE side of Gravel Springs Road about ½ mile south of I-85, from its current zoning of RA-200 to C2. Further, because the intended use is for a neighborhood auto tire store, a Special Use Permit (SUP) is required.

Property Info:

The tract being rezoned is 4.586 acres. The tract is rectangular; approximately 250 feet wide across the frontage, and 800 feet deep. The site for years was a plant nursery, until the tornado a couple of years ago destroyed the operation.

The site plan shows the tire store occupying the front 2 acres of the site. To the north, about 1 acre of the tract is being set aside for a future residential access street. The balance of the site (1.6 acres) is a small commercial pad surrounded by a small creek with stream buffers and floodplain issues.

As a part of our concept planning, Ringo/Abernathy set up a meeting with Gwinnett County current planning, development planning and the transportation department. We were asked to follow-up with adjacent property owners, the Georgia DOT, and then present a sketch based on the results of these meetings / conversations. The concepts depicted and outlined above were the result of follow-up, and we again met with planning and development planning in a follow-up meeting.

The site plan now displays an entry (street) which will be built to commercial spec, and this road will be used as sole access off of Gravel Springs (please refer to site plan). Additionally, the petitioner would propose to provide inter-parcel access to both the north (to allow Mr. Kim Sung Ho's driveway tie-in to the street), and to the south (for any future development on the parcels owned by Emory D. Ozburn if he so chooses or is directed to provide same access).

Official Request:

The request is to rezone to C2 with a SUP. Further, the applicants would like to request a reduction in the zoning buffer down to a 10-foot landscape strip along the frontage and adjacent

to Gravel Spring Nursery (to the south), and to place the 50-foot right-of-way for the proposed street against the north property line, then put a 10 foot landscape strip to the south of the proposed new street RW.

Reason / Justification for the Requests:

Per the County Zoning Ordinance, this business use falls into the category of C2 with Special Use Permit. It was our opinion that the corridor is close enough to I-85 to support this type of use. The two adjacent property owners to the north acknowledge this trend, and are "in support" of the zoning at the time of this request, though they indicate they do not want to rezone their properties presently.

The property to the south is a legal commercial use on RA-200 land, and is attempting to sell at commercial land prices. We feel the request is in keeping with what should be expected up and down the corridor – Neighborhood supporting type businesses.

The typical objections to any rezoning seem to be traffic, and schools. The JR Duke, LLC building will not affect schools. And with the completion of the Gravel Springs Road project, traffic issues have been greatly reduced.

The reason for the buffer reduction:

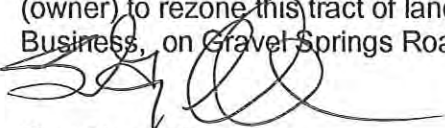
A – the surrounding property owners are in agreement with the plan to build the site as proposed. The current land owner is also owner of the land parcel to the east.

B - The purpose of the buffer is to protect property from the commercial development. But these property owners see the trend and are being supportive.

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 Gravel Springs Road have been addressed presently by Gravel Spring Road Improvement Project recently completed.
- c. The rezoning is in conformity with the Long Range Plan. It is in an emerging commercial corridor, next to present commercial business (though legally operating on RA-200 land), and close to I-85.
- d. The property sellers, though retaining Residential zoning to the east, and the two residential properties to the north (Kim Ho, and Taylor), are in agreement with the requested zoning and buffer reductions.

Thank you for consideration to allow JR Duke, LLC (client and petitioner), and PG Land, LLC (owner) to rezone this tract of land for purpose of The Tire Store, a Neighborhood Service Business, on Gravel Springs Road.



Guy Abernathy  
Ringo Abernathy & Associates  
(770-231-9013)  
-- Applicant for JR Duke, LLC - petitioner

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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

10 OCT 2013  
Date

Guy ABBRUZZESE P.E.  
Type or Print Name and Title

Vice President



10-1-13  
Date

Signature of Notary Public

Notary Seal

**BEN V PITTARELLI  
NOTARY PUBLIC  
Gwinnett County, Georgia  
Commission Expires May 2, 2017**

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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.

Bolling Randolph Sharp IV Pres. 10-1-13  
Signature of Property Owner Date  
P.G. LAND, LLC

Bolling Randolph Sharp IV 10-1-13  
Type or Print Name and Title

Ben Pittarelli 10-1-13  
Signature of Notary Public Date Notary Seal

**BEN V PITTARELLI**  
**NOTARY PUBLIC**  
Gwinnett County, Georgia  
Commission Expires May 2, 2017



**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.

[Signature] \_\_\_\_\_ GUY ASEARNATHY V.P.  
 SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

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

[Signature] 10-1-13 \_\_\_\_\_  
 SIGNATURE OF NOTARY PUBLIC                      DATE                      NOTARY SEAL

**BEN V PITTARELLI**  
**NOTARY PUBLIC**  
 Gwinnett County, Georgia  
 Commission Expires May 2, 2017

**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    S. Guy ASEARNATHY  
 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.

**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:**        1   -   100   -   010    
(Map Reference Number)      District      Land Lot      Parcel



Signature of Applicant

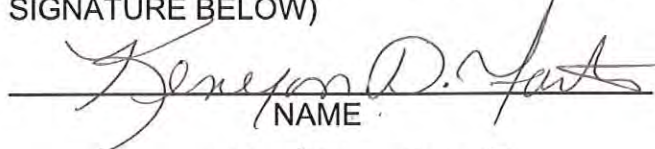
  10 OCT 2013  

Date

  S. Guy AZERWATHY          V. Pres RINCO/AZERWATHY & ASSOC, INC    
Type or Print Name and Title

**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)



NAME

**GWINNETT COUNTY  
TAX COMMISSIONER**

TITLE

  10-7-2013  

DATE

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**REZONING APPLICATION**

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>RUGO, ABERNATHY &amp; ASSOC.</u>	NAME: <u>PG LAND LLC.</u>
ADDRESS: <u>174 DEWLA ROAD</u>	ADDRESS: <u>3485 S. PUCKETT ROAD</u>
CITY: <u>DUBLIN</u>	CITY: <u>BUFORD</u>
STATE: <u>GEORGIA</u> ZIP: <u>30019</u>	STATE: <u>GEORGIA</u> ZIP: <u>30519</u>
PHONE: <u>770-902-8450</u>	PHONE: <u>770-231-8845</u>
CONTACT PERSON: <u>Guy ABERNATHY</u> PHONE: <u>770-902-8450</u>	
CONTACT'S E-MAIL: <u>GUYA@RUGOABERNATHY.COM</u>	

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): RS-200 REQUESTED ZONING DISTRICT: C-2

LAND DISTRICT(S): 7th LAND LOT(S): 100 ACREAGE: 4.580

ADDRESS OF PROPERTY: 2305 GRAVEL SPRINGS ROAD

PROPOSED DEVELOPMENT: AUTOMOTIVE - TIRE & REPAIR SHOP

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>9000</u>
Gross Density: _____	Density: _____
Net Density: _____	

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

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L E G A L   D E S C R I P T I O N

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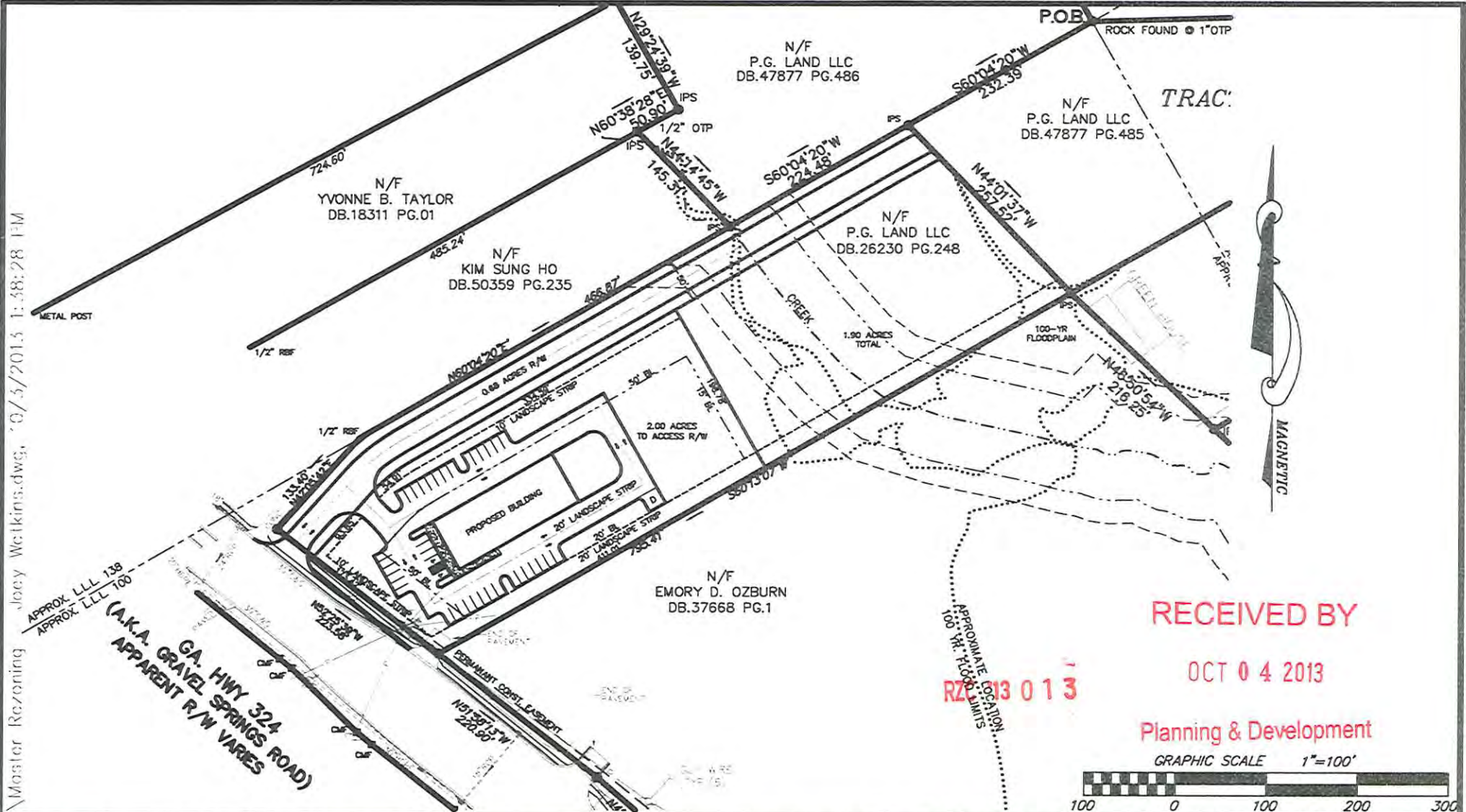
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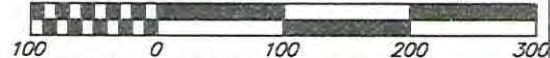


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GRAPHIC SCALE 1"=100'



RZ 13013

REVISIONS	NO.	DATE

REZONING SITE PLAN:  
**P.G. LAND LLC.**

COUNTY:	GWINNETT
DISTRICT/PARCEL:	7/10
LAND LOT:	100
DATE:	09/17/13
SCALE:	1"=100'
JOB NO.:	13040

**RINGO ABERNATHY & ASSOCIATES**  
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**REZONING APPLICANT'S RESPONSE**  
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Yes

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

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NO, AND COUNTY HAS JUST COMPLETED ROAD WIDENING PROJECT IN FRONT OF THIS LOCATION

- (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:

WITHIN 1/2 MILE OF PROPOSED INTERCHANGE AT I-85

USE WILL BE NEIGHBORHOOD TIRE & AUTO CENTER

CORRIDOR STRONG CANDIDATE FOR COMMERCIAL GROWTH

**RINGO/ABERNATHY & ASSOCIATES**

Oct 4, 2013

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

Attn: Jeff West

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PG Land, LLC Tract  
Client: JR Duke, LLC  
Parcel: 7-100-010

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Reason / Justification for the Requests:

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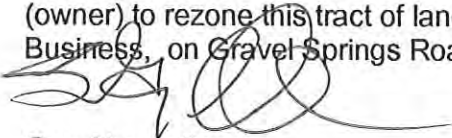
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Guy Abernathy  
Ringo Abernathy & Associates  
(770-231-9013)  
-- Applicant for JR Duke, LLC - petitioner

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**REZONING APPLICANT'S CERTIFICATION**

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Signature of Applicant

1 OCT 2013

Date

GUY ABERNATHY, P.E.

VICE PRESIDENT

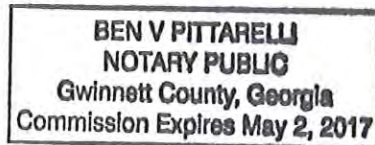
Type or Print Name and Title

10-1-13

Signature of Notary Public

Date

Notary Seal



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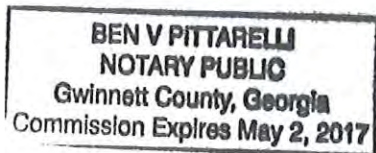
**REZONING PROPERTY OWNER'S CERTIFICATION**

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

Bolling Randolph Sharp IV Pres. 10-1-13  
Signature of Property Owner Date  
P.G. LAND, LLC.

Bolling Randolph Sharp IV  
Type or Print Name and Title

Ben V Pittarelli 10-1-13  
Signature of Notary Public Date Notary Seal



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