

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Garner Racing, LLC</u>	NAME: <u>Pet Super Store of Snellville, Inc.</u>
ADDRESS: <u>2885 Atkinson Road</u>	ADDRESS: <u>3413 Diversified Drive</u>
CITY: <u>Loganville</u>	CITY: <u>Loganville</u>
STATE: <u>GA</u> ZIP: <u>30052</u>	STATE: <u>GA</u> ZIP: <u>30052</u>
PHONE: <u>678-869-3278</u>	PHONE: <u>770-979-2980</u>
CONTACT PERSON: <u>Robert J. Kiser</u> PHONE: <u>770-554-2480</u>	
CONTACT'S E-MAIL: <u>rjkiser@kiserlaw.org</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 type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
EXISTING/PROPOSED ZONING: <u>C2</u>	BUILDING/LEASED SQUARE FEET: <u>3,742</u>
LAND DISTRICT(S): <u>5th</u>	LAND LOT(S): <u>126</u> ACREAGE: <u>0.75</u>
ADDRESS OF PROPERTY: <u>3413 Diversified Drive, Loganville, GA 30052</u>	
SPECIAL USE REQUESTED: <u>Used Car Sales - Lot</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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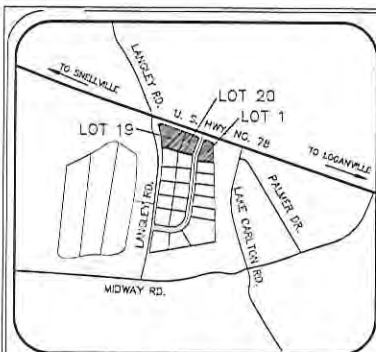
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 126 of the 5th Land District of Gwinnett County, Georgia, and shown as Lot 20, Block B, Langley Business Park, in a plat of survey entitled "Final Plat, Langley Business Park," dated March 29, 2002, prepared by EMA Engineering Management Associates, Inc., certified by Robert W. Von Itter, RLS in Georgia No. 2251, and recorded in Plat Book 93, Page 75, Gwinnett County, Georgia, records, reference is made to said plat and the record thereof for a more particular description of the property conveyed and for the purpose of incorporating the same herein. Said property has a current address of 3413 Diversified Drive, Loganville, Georgia, and a current tax map number of R126 129.

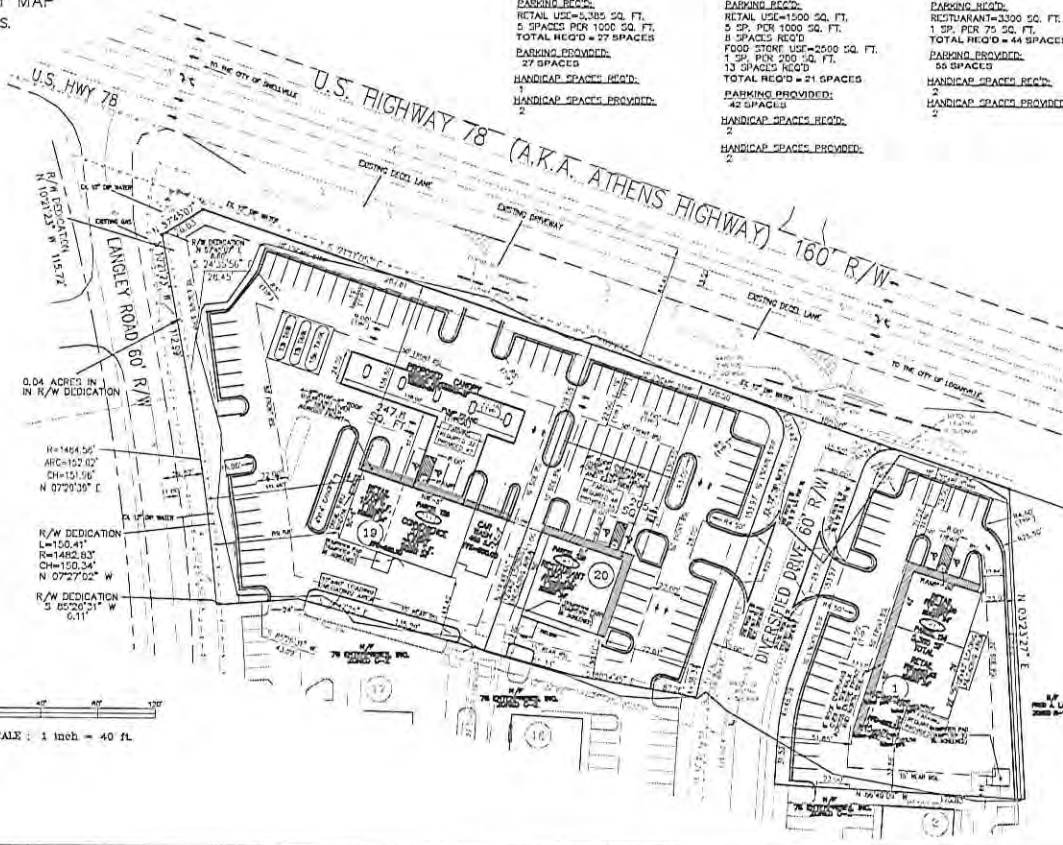
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VICINITY MAP
N.T.S.



GRAPHIC SCALE: 1 inch = 40 ft.

PARKING SUMMARY:

LOT#1
 PARKING REQ'D:
 RETAIL USE=3,385 SQ. FT.
 5 SP. PER 1000 SQ. FT.
 TOTAL REQ'D = 27 SPACES
 PARKING PROVIDED:
 27 SPACES
 HANDICAP SPACES REQ'D:
 1
 HANDICAP SPACES PROVIDED:
 2

LOT#2
 PARKING REQ'D:
 RETAIL USE=1,500 SQ. FT.
 5 SP. PER 1000 SQ. FT.
 TOTAL REQ'D = 8 SPACES
 FOOD STORE USE=2,680 SQ. FT.
 1 SP. PER 200 SQ. FT.
 TOTAL REQ'D = 21 SPACES
 PARKING PROVIDED:
 42 SPACES
 HANDICAP SPACES REQ'D:
 2
 HANDICAP SPACES PROVIDED:
 2

LOT#3
 PARKING REQ'D:
 RESTAURANT=3,000 SQ. FT.
 1 SP. PER 75 SQ. FT.
 TOTAL REQ'D = 44 SPACES
 PARKING PROVIDED:
 55 SPACES
 HANDICAP SPACES REQ'D:
 2
 HANDICAP SPACES PROVIDED:
 2

CORNER SIGHT DISTANCE - PRIVATE DRIVEWAYS

ESTABLISHED IN 1944 THE SITE IS FRONTED BY U.S. HIGHWAY 78. THE PROPOSED DRIVEWAYS ARE LOCATED AT THE CORNERS OF THE LOT. THE DRIVEWAYS ARE TO BE LOCATED AT THE CORNERS OF THE LOT. THE DRIVEWAYS ARE TO BE LOCATED AT THE CORNERS OF THE LOT. THE DRIVEWAYS ARE TO BE LOCATED AT THE CORNERS OF THE LOT.

MITCHELL E. HERRMANN, P.E.

- LOT 1 CONTAINS 0.78 ACRES TOTAL, WITH 0.78 ACRES DEVELOPED. LOT 2 CONTAINS 1.50 ACRES TOTAL, WITH 1.50 ACRES DEVELOPED. LOT 3 CONTAINS 1.50 ACRES TOTAL, WITH 1.50 ACRES DEVELOPED. TOTAL ACRES TOTAL: THIS PROJECT WITH 3.78 ACRES TOTAL, DEVELOPED.
- PROPERTY IS ZONED G-2.
- BOUNDARY INFORMATION TAKEN FROM A SURVEY FOR 78 ENTERPRISES, INC. BY VON ITTEN & ASSOCIATES INC. DATED OCTOBER 20, 1998.
- TOPOGRAPHIC INFORMATION TAKEN FROM A SURVEY FOR 78 ENTERPRISES, INC. BY VON ITTEN & ASSOCIATES INC. DATED OCTOBER 20, 1998. DATUM IS MEAN SEA LEVEL.
- NO PART OF THIS SITE IS IN A FLOOD HAZARD ZONE ACCORDING TO GWINNETT COUNTY FLOOD HAZARD MAP DATED OCTOBER 20, 1998.
- MINIMUM ALLOWABLE BUILDING HEIGHT = 35'.
- ALL CURB RISES ARE 4" UNLESS OTHERWISE NOTED.
- ALL CURB DIMENSIONS ARE TO THE BACK OF CURB UNLESS OTHERWISE NOTED.
- ALL CONSTRUCTION TO COMPLY WITH GWINNETT COUNTY STANDARDS.
- SEE ARCHITECTURAL PLANS FOR BUILDING FLOOR PLAN DIMENSIONS, DOOR LOCATIONS, AND OTHER ARCHITECTURAL DETAILS.
- HANDICAP PARKING SPACES SHALL BE DESIGNATED AS RESERVED FOR DISABLED BY A SIGN MOUNTED ON THE FRONT OF ANY BUILDING. SIGN SHALL NOT BE OBLSCURED BY ANY OTHER SIGN OR STRUCTURE.
- NOTICE GWINNETT COUNTY ORDINANCE 24 HOURS BEFORE BEGINNING OF ANY PHASE OF CONSTRUCTION, FROM 0200-0800.
- TRAIL LOCATION, NUMBER AND SIZE, ALL NOT APPROVED UNDER THIS BUILDING PERMIT.
- NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.
- NO SIGNING PERMITTED ON THIS PROJECT.
- NO EXISTING STRUCTURES ON SITE, LOT IS VACANT.
- NO PROPOSED RETAINING WALLS.

A HIGH INTENSITY LIGHTING FACILITIES SHALL BE SO ARRANGED THAT THE SOURCE OF ANY LIGHT IS CONCEALED FROM PUBLIC VIEW AND FROM ADJACENT RESIDENTIAL PROPERTY AND DOES NOT INTERFERE WITH TRAFFIC.

DESIGN BY:
Von Itten & McGee, Inc.
 Surveyors & Engineers
 P.O. BOX 1000
 2205 Highway 84 South
 Loganville, Georgia 30052
 Phone: 770-466-4092
 Fax: 770-466-4290



SITE PLAN

3412 & 3413
 DIVERSIFIED DR.
 & 3334 LANGLEY PARK DR.
 BUSINESS PARK
 LOTS 1, 19 & 20

LAND LOT 126, PARCELS 114, 120 & 128
 5th District, LOTS 1, 19 & 20
 DIVERSIFIED DR. & LANGLEY RD.
 Gwinnett County, Georgia

07-06-2002
 SCALE: 1"=40'

OWNER / DEVELOPER
78 ENTERPRISES, INC.
 4983 RABBIT FARM RD.
 LOGANVILLE, GA, 30052

24 HOUR - EMERGENCY CONTACT
 MR. DANNY HERRMANN
 PH. 770 466-3065

REVISIONS	
NO.	DATE DESCRIPTION
1	10-16-02 GWINNETT CO. REVIEW
2	10-30-02 GWINNETT CO. REVIEW
3	06-18-03 GRADING REDESIGN
4	07-14-03 REVISED CAR WASH

98-039
 SHEET 2 OF 6

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SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENT 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 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"

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BY:

EXHIBIT "B"
SPECIAL USE PERMIT – APPLICANT’S RESPONSE

- A) Yes. The subject property is located on a primary arterial of Highway 78. The subject property is located between Snellville and Loganville and adjacent to a variety of commercial and retail uses, including other used car lots and automobile service centers in both directions. The proposed used car sales lot is consistent with the current commercial uses and development of adjacent and nearby properties, both residential and commercial, and will serve those occupants. The proposed special use permit proposes a use that is ideally suited to and consistent with adjacent and nearby property.
- B) No. This request proposes a use that is entirely consistent with the uses and zoning of every other property on both sides of Highway 78 in either direction and will not adversely affect the adjacent or nearby properties, whether in their existing use or future useability.
- C) No. The size and location of the existing building, as well as years of transitional businesses, offer more than enough evidence that there is little use of the property in its current condition. Several businesses have occupied the property, from a restaurant to a pet supply store. While there may be other uses, none have provided a long-term, consistent use that was economically feasible. The requested special use permit will allow this property to become a vibrant business for Gwinnett County properly serving the citizens of the surrounding area.
- D) No. This property is located in an area with public water and sewer availability and convenient access fronting on a major thoroughfare. The use will have impact at all on the schools, and will not create a excessive or burdensome use of the streets, transportation facilities or utilities.
- E) Yes. The proposed special use is in conformity with the policy and intent of the land use plan, being a use that is allowed under the current zoning and simply requiring this special use permit.
- F) Yes. The location of the subject property along a major thoroughfare, such as Highway 78, and the proposed use will maintain the property in a manner that is pleasing and suitable for the surrounding properties.

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KISER LAW, P.C.

ATTORNEYS AT LAW

ROBERT J. KISER
ROBERT L. KISER – OF COUNSEL

3915 HARRISON ROAD, SUITE 500
LOGANVILLE, GEORGIA 30052

MAIN PHONE 770-554-2480
MAIN FAX 770-554-2580
REAL ESTATE FAX 770-554-2052

LETTER OF INTENT FOR SPECIAL USE PERMIT APPLICATION

The Applicant, Garner Racing, LLC, authorized agent for Fast Auto Sales, LLC (hereafter, collectively the “Applicant”) submits this Special Use Permit Application for the property located at 3413 Diversified Drive, Loganville, Georgia (hereinafter, the “Property”) previously housing a retail pet supply store. The subject property covered by this Application is currently zoned C2 – General Business District.

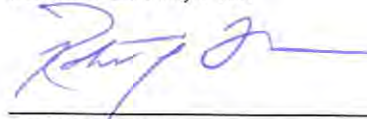
The Applicant intends to use the property as a used car sales lot. The proposed use would be designed to meet Gwinnett County development standards and would be entirely consistent with the existing commercial corridor in which it is located. The property has seen several businesses come and go over the past few years, with no one sustaining a consistent business that would economically support the value of the property. The need for a viable, well capitalized business to use this property and maximize the potential of same requires this special use permit.

The property is currently surrounded by commercial uses, including other automobile sales and service facilities. The property sits directly adjacent to, and shares common access to Highway 78 with, a gas station and convenience store. There is also a recreational vehicle sales store directly across Diversified Drive from the subject property.

The proposed use is consistent with the current Unified Plan Future Development Map, and is consistent with the intent of the Zoning Ordinance for C-2 uses and the permitted special uses. The property also has access to a public water supply, public sanitary sewer, and convenient access to streets and major thoroughfares.

This proposed zoning would result in a high-quality, commercial business use of the property, causing same to be cleaned up, maintained in a pleasant manner, and provide a new retail business for the residents in that part of Gwinnett County. Applicant respectfully requests your approval of this Application. Applicant and its representatives welcome the opportunity to meet with the Planning and Development staff to answer any questions or to address any concerns.

KISER LAW, P.C.



Robert J. Kiser
Attorney for Applicant

SUP '14 046



BY:

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



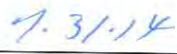
Date

Robert J. Kiser, Attorney for Applicant

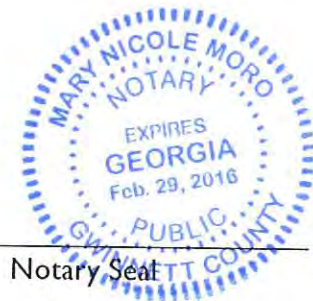
Type or Print Name and Title



Signature of Notary Public



Date



Notary Seal

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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.

Mary Ellen Wertanen

Signature of Property Owner

7-24-2014

Date

MARY ELLEN WERTANEN

Type or Print Name and Title

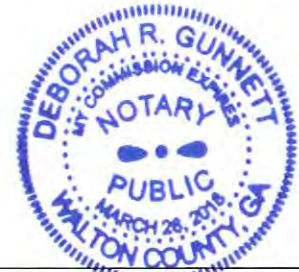
PRESIDENT

Deborah R. Gunnett

Signature of Notary Public

7/24/14

Date



Notary Seal


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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.

 2/26/14 Robert J. Kiser, Attorney for Applicant
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

 2/26/14 Robert J. Kiser, Attorney for Applicant
 SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
 ATTORNEY OR REPRESENTATIVE

 7.31.14
 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 Kiser Law, P.C.
 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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