

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Omran "Sam" Habib</u>	NAME: <u>Omran "Sam" Habib</u>
ADDRESS: <u>10740 SW 116 Street</u>	ADDRESS: <u>10740 SW 116 Street</u>
CITY: <u>Miami</u>	CITY: <u>Miami</u>
STATE: <u>FL</u> ZIP: <u>33176</u>	STATE: <u>FL</u> ZIP: <u>33176</u>
PHONE: <u>305-216-5142 cell</u>	PHONE: <u>305-216-5142 cell</u>
CONTACT PERSON: <u>Eric Johansen, RLA, c/o Inland Group, LLC</u> PHONE: <u>678-571-4843 cell</u>	
CONTACT'S E-MAIL: <u>eric@inlandllc.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 type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
EXISTING/PROPOSED ZONING: <u>C-2</u> BUILDING/LEASED SQUARE FEET: <u>15,000 SF</u>
PARCEL NUMBER(S): <u>R6138 473</u> ACREAGE: <u>+/- 4.16 acres</u>
ADDRESS OF PROPERTY: <u>5835 Lawrenceville Highway, Tucker, GA 30085</u>
SPECIAL USE REQUESTED: <u>To allow the use of Automotive Sales and Automotive Service on the Subject Property</u>

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LAWRENCEVILLE HIGHWAY AND KENVILLA DRIVE

SPECIAL USE PERMIT REQUEST

LEGAL DESCRIPTION

ALL THST TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 138, OF THE 6TH DISTRICT, GWINNETT COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED ACCORDING TO A PLAT OF SURVEY FOR DEESCO, INC & BAGCO, INC BY HANNON, MEEKS & BAGWELL, SURVEYORS & ENGINEERS, INC, REGISTERED LAND SURVEYOR NUMBER 1497, SAID PLAT DATED JULY 10, 1985 AS FOLLOWS:

BEGINNING AT A ONE HALF INCH RE-BAR FOUND AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF KENVILLA DRIVE (A 60 FOOT RIGHT OF WAY), GWINNETT COUNTY, GEORGIA AND THE LAND LOT LINE SEPERATING LAND LOTS 144 AND 138, GWINNETT COUNTY, GEORGIA, THENCE RUN SOUTH 52° 46' 00" EAST A DISTANCE OF 180.97 FEET TO A POINT; THENCE RUN ALONG THE ARC OF A CURVE EASTERLY ALONG THE EASTERLY RIGHT OF WAY OF SAID KENVILLA DRIVE, SAID CURVE HAVING AS ITS ELEMENT A RADIUS OF 5,699.578 FEET AND A CHORD OF SOUTH 51° 58' 42" EAST 156.87 FEET FOR AN ARC DISTANCE OF 156.87 FEET TO A POINT; THENCE RUN SOUTH 43° 29' 00" WEST A DISTANCE OF 165.00 FEET TO A POINT; THENCE RUN SOUTH 46° 31' 00" EAST A DISTANCE OF 6.46 FEET TO A POINT; THENCE RUN SOUTH 43° 31' 32" WEST A DISTANCE OF 370.43 FEET TO A POINT; THENCE RUN NORTH 30° 17' 37" WEST A DISTANCE OF 469.46 FEET TO A POINT; THENCE RUN NORTH 59° 58' 41" EAST A DISTANCE OF 92.11 FEET TO A POINT; THENCE RUN NORTH 59° 48' 25" EAST A DISTANCE OF 293.13 FEET TO A POINT ALONG THE EASTERLY RIGHT OF WAY OF SAID KENVILLA DRIVE AND THE POINT OF BEGINNING; SAID TRACT CONSISTING OF 4.1643 ACRES ACCORDING TO THE REFERENCED SURVEY/PLAT.

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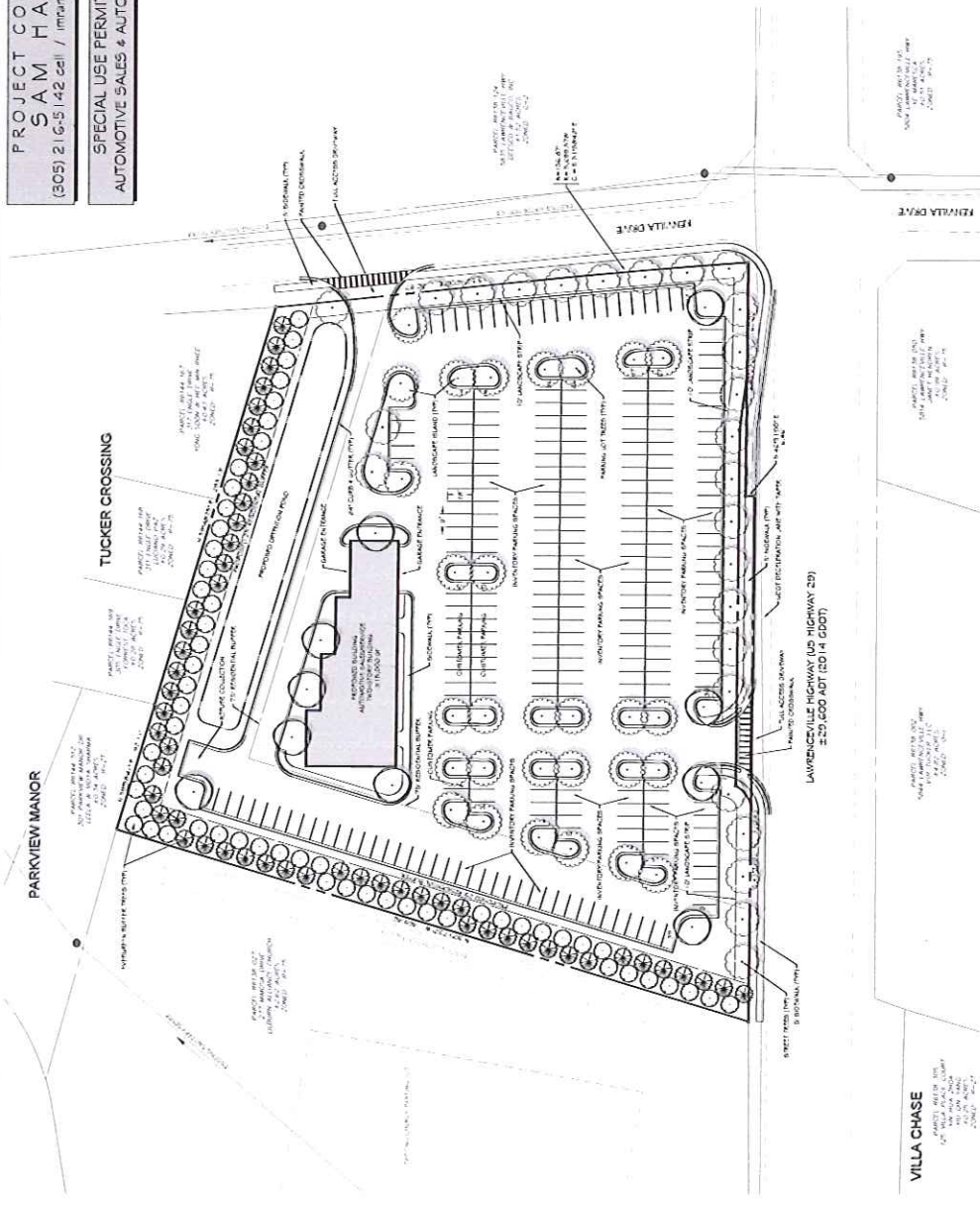
Know what's below.
Call before you dig.

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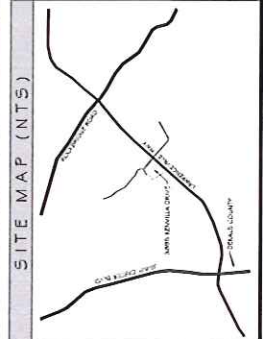
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PROJECT CONTACT:
SAM HABIB
(305) 216-5142 cell / imran-700@hotmail.com

SPECIAL USE PERMIT REQUEST
AUTOMOTIVE SALES & AUTOMOTIVE SERV[illegible]

GENERAL PROJECT NOTES

THE FURTHER INFORMATION USED FOR THE CREATION OF THIS CONCEPTUAL PLAN WAS OBTAINED FROM THE FOLLOWING SOURCES:

1. ALL TRACES SHOWN ON THE PLAN ARE FOR ILLUSTRATIVE PURPOSES ONLY. THE SUBJECT PROPERTY HAS BEEN ACQUIRED TO OBTAIN ALL EXISTING DEVELOPMENT AND BUILDING FOOTPRINTS TO THE CONVEYANCE OF THE PROPERTY TO THE STATE OF NEW YORK FOR THE CURRENT EDITION OF THE GANNETT COUNTY LAND USE ZONING ORDINANCE.
2. ALL TRACES SHOWN ON THE PLAN ARE FOR ILLUSTRATIVE PURPOSES ONLY. A FURTHER DEVELOPMENT PLAN WILL BE PREPARED AT THE TIME OF LAND DISTURBANCE PERMITTING.

LEGAL DESCRIPTION

[illegible]

REVISIONS:

[illegible]

DIRECT TITLE
SPECIAL USE
PERMIT SITE PLAN

0 40 80
SCALE
DATE: FEBRUARY 1, 2000
PROJECT: 10



MAGNETIC



land solutions • construction management
2100 Satellite Boulevard
Suite 400 • 15
Duluth, Georgia 30097
404-305-6700 phone
404-355-4760 fax
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HIGHWAY 29 & KENVILLA DR
AN AUTOMOTIVE DEVELOPMENT
US MOTORS AND FINANCE, LLC
17832 SOUTH DIKE HIGHWAY
MIAMI, FL 33157
(305) 216-5142 phone

[illegible]

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:

Yes, the proposed use will be suitable to the immediate and surrounding area, this area contains a mixture of retail, office, industrial and residential uses

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

No, the proposed SUP will not adversely affect the immediate and surrounding area. The immediate and surrounding area contains a mixture of retail, office, industrial, and residential uses to include a Title Pawn facility, Senior Living Facility, Church, Landscape Supply and housing from R-ZT to R-75 uses.

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

Yes, the proposed has a reasonable economic use as zoned BUT this property has remained undeveloped for 20 plus years dating back to the last use of the property as residential. The Subject Property was part of an area wide rezoning taken by Gwinnett County previously which granted the C-2 use.

- (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, the proposed SUP will not result in a excessive or burdensome use of the surrounding infrastructure. Lawrenceville Highway currently has an ADT of 29,600 vehicles per day, per the 2014 GDOT data. The proposed SUP will capture customers who already travel this heavily commercial corridor.

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

Yes, the proposed SUP is in conformity with the policy and intent of the Land Use Plan, whereby the Subject Property is firmly located in the Corridor Mixed Use character area as defined on the 2030 Future Development Map.

- (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:

The Subject Property has been vacant and bank owned for several years, the Applicant has purchased the Subject Property with the intent to develop and construct a first class pre-owned Automotive Sales and Service facility. He currently operates in other locations around the SE USA and feels he can make this property a success.

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February 5, 2016

Gwinnett County Board of Commissioners
c/o Kathy Holland
Acting Director of Planning and Development
446 West Crogan Street
Lawrenceville, GA 30045

Re: Lawrenceville Highway and Kenvilla Drive – Special Use Permit Letter of Intent
5835 Lawrenceville Highway, Tucker, GA 30084
Parcels: R6138 473
Gwinnett County, GA

Dear Ms. Holland,

Inland Group, LLC ("Inland") has been retained by Omran "Sam" Habib (the "Applicant") to pursue a Special Use Permit Application (the "Application") for real property located at the 5835 Lawrenceville Highway (US 29), Tucker, GA 30084 and further described as Parcel R6138 473 that are approximately ± 4.16 acres (the "Subject Property"). **The Applicant is Owner of the Subject Property.** The Subject Property is currently zoned C-2 and is surrounded by a mixture of residential and commercial uses within the Lawrenceville Highway corridor.

The Applicant is proposing a Special Use Permit ("SUP") for the Subject Property for the specific use of Automotive Sales and Automotive Service. The Subject Property exceeds the minimum standards of Gwinnett County, Georgia (the "County") for Automotive uses and is properly located on a heavy traffic corridor that has an average daily traffic count of 29,600 ADT (per the 2014 GDOT readily available traffic data). The Applicant will provide surface parking for both the customers and employees at the front of the proposed sales and service building, and will provide surface parking for the inventory of automobiles that will be marketed and sold on the Subject Property. The proposed building is a two-story structure that will be approximately $\pm 15,000$ square feet in gross overall size. The front of the building facing Lawrenceville Highway will be treated with architectural features such as brick, stone, glass, metal, and EIFS (all in singular form or combined forms), and the balance of the building will be treated with architectural metal. The service garage door facing Lawrenceville Highway will be primarily glass and will blend into the overall architectural theme of the entire building. The primary color palette of the proposed structure will feature earth tones and will be in keeping with the existing architectural themes found along the immediate and surrounding Lawrenceville Highway corridor.

The Applicant is proposing a reduction in the required 75 foot residential buffer that abuts the adjacent residential zoned properties. There are currently four (4) residential properties to the north of the Subject

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2180 Satellite Boulevard / Suite 400-15 / Duluth, Georgia 30097
(404) 355-6700 Phone (404) 355-6760 Fax
www.inlandgrp.com

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Property that are located in both the Tucker Crossing community and the Parkview Manor community. Additionally, there is a church to the west of the Subject Property called Lilburn Alliance Church. The church property is zoned R-75 but is allowed to function as a church as a use by right. The church property is divided by Mimosa Drive whereby the actual church building and sanctuary is located on the western side of Mimosa and an overflow parking lot is located on the eastern side of Mimosa (this is the actual church property that abuts the Subject Property). On the overflow parking lot of the church that abuts the Subject Property there is a paved parking lot and a detention facility that dumps water onto the Subject Property during every rain event. This pass through storm water is then routed through the Subject Property causing extensive erosion issues for the Applicant.

Our proposal for the evergreen residential buffer is as follows:

1. To provide a 25 foot re-graded and re-planted evergreen buffer that consists of two (2) staggered rows of evergreen plant materials that are planted on fifteen (15) foot centers in each row. The rows will be spaced apart ten (10) feet on center to provide the staggered buffer effect.
2. The evergreen plant materials could include but not be limited to Leyland Cypress, Cryptomeria, Thuga 'Green Giants', Tree Form Hollies, Southern Magnolias, and Wax Myrtles. All trees must be at least 6 feet tall at the time of planting, and the buffer shall be covered with four (4) inches of mulch materials throughout the entire evergreen buffer.
3. Irrigation is not required but maintenance is required of the Applicant to provide until the evergreen buffer can survive with the natural rainfall for its source of irrigation.

We respectfully request your approval of this request for the proposed SUP to permit the use of Automotive Sales and Automotive Service on the Subject Property. The proposed use on the Subject Property is consistent with the current Unified Plan and creates an opportunity to provide a positive tax base for the County. Currently, there is a mixture of retail, office, industrial, and residential uses all combined with the Lawrenceville Highway corridor stretching from the City Limits of Lilburn, GA to the DeKalb County, GA county line. We firmly believe our proposed SUP on the existing C-2 zoned property will be an acceptable and complementary use of the Subject Property based on the existing developed conditions of the immediate and surrounding area.

Upon request, we are available to meet with the County staff and District Representatives at any time to further discuss the merits of this Application.

Thank you for your consideration of this Application.

Sincerely,



Eric Johansen, RLA
Inland Group, LLC
Agent for the Applicants

cc: Applicant
File

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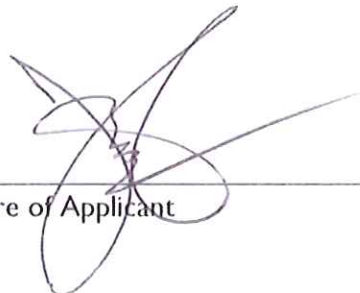

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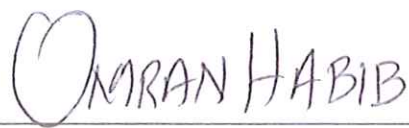

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SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

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 Date

Type or Print Name and Title

Signature of Notary Public Date



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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.




Signature of Property Owner

1/26/16

Date

OMIRAN HABIB OWNER


Type or Print Name and Title



Signature of Notary Public

01-26-16

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.

 1/26/16 OMRAN HABIB - OWNER
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 01.26.16
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 OMRAN HABIB - OWNER
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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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 OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	02/05/16	Eric Johansen, Member of Inland Group, LLC
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	02/5/16	Brenda L West Notary Public, Gwinnett County, GA My Commission Expires September 4, 2016
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 Inland Group, LLC, and Eric Johansen
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)
Jace Brooks - D1 BOC	\$2,000.00	June 2015
Lynette Howard - D2 BOC	\$500.00	April 2014
John Heard - D4 BOC	\$3,000.00	June 2015, March 2014

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

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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:
(Map Reference Number)

6 - 139 - 473
District Land Lot Parcel

Signature of Applicant

1/26/16
Date

Type or Print Name and Title

OMRAN HABIB

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

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)

Diane Top Dye
NAME

TSA II
TITLE

2/5/2016
DATE

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