

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Pacifico Sgambato</u>	NAME: <u>Jimmy Nguyen</u>
ADDRESS: <u>6315 McDonough</u>	ADDRESS: <u>1945 Briar Gate Dr.</u>
CITY: <u>Gwinnett County</u>	CITY: <u>Duluth</u>
STATE: <u>Norcross</u> ZIP: <u>30093</u>	STATE: <u>GA</u> ZIP: <u>30097</u>
PHONE: <u>404 291 6204</u>	PHONE: <u>678-770-0535</u>
CONTACT PERSON: <u>Pacifico Sgambato</u> PHONE: <u>404 291 6204</u>	
CONTACT'S E-MAIL: <u>Podge loves seafood@gmail.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>M1</u>	BUILDING/LEASED SQUARE FEET: <u>18,733</u>
PARCEL NUMBER(S): <u>6194272</u>	ACREAGE: <u>1.28</u>
ADDRESS OF PROPERTY: <u>6315 McDonough</u>	
SPECIAL USE REQUESTED: <u>Processing Seafood</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Legal Description of the Land

All that tract or parcel of land lying and being in Land Lots 194 and 195 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the corner common to Land Lots 193, 194, 217 and 218 of said 6th District; run thence in a northeasterly direction along the line dividing said Land Lots 194 and 217 a distance of 3020.12 feet to the Point of Beginning; from said POINT OF BEGINNING as thus established proceed thence North 59 degrees 17 minutes 25 seconds East along the line dividing said Land Lots 194 and 217 and along the line dividing Land Lots 195 and 216 of said 6th District, 178.00 feet to iron pin; thence South 31 degrees 00 minutes 35 seconds East 313.28 feet to a nail on the northwesterly line of the right-of-way of McDonough Drive; thence South 58 degrees 59 minutes 00 seconds West along the northwesterly line of the right-of-way of McDonough Drive 178 feet to an iron pin; thence North 31 degrees 00 minutes 35 seconds West 314.23 feet to the point of beginning; said tract containing 1.2821 acres more or less, and being shown on the Boundary Survey for F&B Group and SouthTrust Bank, N.A. by Boutwell Engineering, Inc., Cleveland S. Boutwell, Jr., registered land surveyor No.1704, dated April 7, 1999, which survey is incorporated herein by this reference.

TOGETHER WITH a non-exclusive easement for ingress and egress purposes in, to, on, over and across the following described property, to wit:

All that tract or parcel of land lying and being in Land Lots 194 and 195 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING, commence at the corner common to Land Lots 193, 194, 217, and 218 of said 6th District and run thence in a northeasterly direction along the line dividing said Land Lots 194 and 217 and along the line dividing Land Lots 195 and 216 of said 6th District, a distance of 3,198.12 feet to an iron pin; run thence South 31 degrees 00 minutes 35 seconds East 313.28 feet to a nail on the northwesterly line of the right-of-way of McDonough Drive, said nail being at the Point of Beginning; from said POINT OF BEGINNING as thus established PROCEED THENCE along said right of way line North 58 degrees 59 minutes 00 seconds East 15.00 feet to a point; thence North 31 degrees 00 minutes 35 seconds West 125.00 feet to a point; thence North 58 degrees 59 minutes 25 seconds East 27.00 feet to a point; thence North 31 degrees 00 minutes 35 seconds West 157.00 feet to a point; thence South 58 degrees 59 minutes 25 seconds West 42.00 feet to a point; thence South 31 degrees 00 minutes 35 seconds East 282.00 feet to the Point of Beginning, as shown on the above referenced survey.

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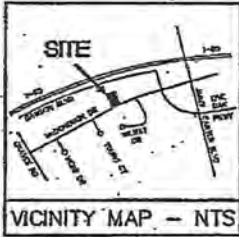
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GENERAL NOTES:

- (1) Area of tract = 1.2221 acres.
- (2) Only readily visible above-ground utilities are shown hereon. Other utilities not shown likely exist.
- (3) No portion of this tract lies within a FEMA-designated 100-year Flood Hazard zone per FEMA Community Flood No. 120322 0207 F, Colleton County, Georgia, dated 8/29/06.
- (4) Number of parking spaces: #7 (includes 1 marked handicap space and 2 truck spaces at loading docks).
- (5) Field error of closures is 21,270. Plot error of closures is 222,233.
- (6) Equipment used for this survey was a 6-second theodolite/lev.

ZONING NOTE:

The subject property is zoned M-1 according to the Colleton County Zoning Department. The setback lines for M-1 zoning are as follows:
 Front - 30 feet Side - 20 feet Rear - 15 feet.
 Conditions of zoning, if any, were not investigated by the Surveyor.



TITLE DOCUMENTATION NOTES:

- The following documents are listed at Chicago Title Insurance Company Commitment No. 7323-81, effective date 12/16/06. A review of these documents comprises the extent of title-related investigation performed by the Surveyor. Numbering shown corresponds to that of Schedule B, Section 2 of said title commitment. Book/page references are to Colleton County records. (ch = deed book; pl = plat book).
- (6) pl2/382 Plot of Phase II, Hercules/RS Center; subject property is part of Lots 1 and 2, Block "C" as shown thereon.
 - (9) pl2/357 Plot of Phase II, Hercules/RS Center; subject property is part of Lots 1 and 2, Block "C" as shown thereon.
 - (10) ch1253/512 Protective Covenants for Hercules RS Center; partially applied per Article 11, Paragraph 2.04 of Declaration.
 - (11) ch190/378 Agreement for Sewer Service; not considered to be matter of survey.
 - (12) ch1099/972 Covenant, laws and provisions as contained in Survey's Deed; non-exclusive Easement for Ingress and Egress as described therein is shown hereon at eastern portion of subject property.

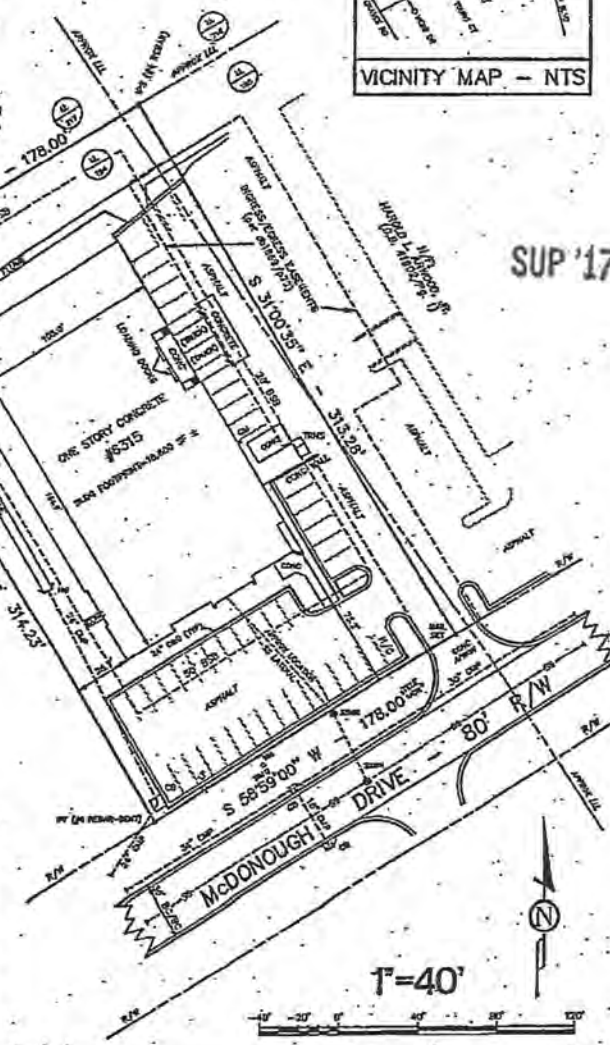
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LAND DESCRIPTION:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 194 AND 195 OF THE 5TH DISTRICT OF COUNTY OF COLLETON, GEORGIA, AND MORE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, commencing at the same corner to Land Lots 194, 195, 217 and 218 of said 5th District, run thence in a northerly direction along the line dividing said Land Lot 194 and 217 a distance of 3000.12 feet to the Point of Beginning; from said Point of Beginning in a line established proceed thence North 53 degrees 17 minutes 25 seconds East along the line dividing said Land Lot 194 and 217 and along the line dividing Land Lots 195 and 218 of said 5th District, 178.00 feet to an iron pin marker South 31 degrees 00 minutes 35 seconds East 233.28 feet to a nail on the northerly side of the 194-1/2-way of McDonough Drive thence South 58 degrees 53 minutes 00 seconds West along said northerly side of McDonough Drive 178.00 feet to an iron pin marker North 31 degrees 00 minutes 35 seconds West 314.23 feet to an iron pin being the Point of Beginning; said tract containing 1.2221 acres, more or less.

LEGEND	
A/C	AIR CONDITIONER UNIT
B	BACK OF CURB
BS	BUILDING SETBACK LINE
BSB	BACK STOP
CS	CATCH BASIN
CSB	CHUTE & GUTTER
CL	CONTROL LINE
CLT	CHAIN LINK FENCE
COP	COMPRESSED METAL PIPE
CPC	BRASS/COPPER CATCHER
EL	ELECTRICAL
FI	FIRE HYDRANT
FIH	SEALED
HC	HANDICAP PARKING
HCN	HANDICAP PARKING
HP	HIGH PINE TREES
IPS	IRON PIN SET
JL	JUNCTION BOX
LL	LAND LOT LINE
LP	LOAD POLE
N/P	NAIL OR FERROUS
P	POWER LINE (ELECTRICAL)
P/L	PROPERTY LINE
PP	POWER POLE
PS	PAVING SPACE
RB	REINFORCING BAR
REMC	REINFORCED CONCRETE
R/S	RIGHT OF WAY
SS	SANITARY SINK
SSB	SANITARY SINK EXHAUST
SHP	SANITARY SEWER MANHOLE
S/M	SEWER
TL	TELEPHONE LINE (CONDUIT)
TRNS	TRANSFORMER
U/P	UTILITY POLE
WM	WATER METER
WV	WATER VALVE



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SURVEYOR'S CERTIFICATE:

With respect to the survey shown hereon, prepared by the undersigned, the undersigned does hereby certify to T & T International Seafood, Inc.; United American Bank and Chicago Title Insurance Company that:

- (1) The survey and plat actually runs on the ground, shows field measurement and the record description of the land and structures, and other material improvements situated on the land, the number and location of all loading docks and parking spaces; the location of readily visible above-ground water courses or water bodies; the location of lot lines as evidenced by physical monuments and record property descriptions; Except as shown on the survey, there are no visible monuments benefiting or burdening the premises, or rights of way across the land or any other easements or rights of way which the undersigned has been advised; no party making no observed above-ground encroachments onto adjoining premises, streets or alleys by way of improvements situated on the land; no observed above-ground encroachments onto the land by buildings, structures or other material improvements situated on adjoining premises.
- (2) The land does not lie within a FEMA-designated flood hazard area per Flood Insurance Rate Map No. 120322C0077 (Community Panel No. 120322 0207 F) for Colleton County, Georgia of 9/29/06.
- (3) Access to and across from said premises are shown and are provided via the route indicated on the survey. Readily visible, above-ground utilities are situated in the locations indicated on the survey.
- (4) This is to certify that this map or plat of the survey on which it is based was made in accordance with the "Minimum Standard Detail" Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by ALTA, ACSM and NSPS in 2009, and Section 1.2.1, 4.4 (as in being updated only), 7.0, 7.1(1), 8.2, 10, 11(c) & 13 of Table "A" thereof. Pursuant to the Accuracy Standards as adopted by ALTA, ACSM and NSPS and in effect on the date of this certification, undersigned further certifies that proper field procedures, instrumentation and adequate survey personnel were employed in order to achieve results comparable to those attained in the "Minimum Detail" Distance and Closure Requirements for Survey Measurements which Control Land Boundaries for ALTA/ACSM Land Title Surveys.

Jon H. Denton, Sr., RL5 0025 Date: January 17, 2007

REVISIONS		
A	01/15/07	SURVEY UPDATE (FIELD CONDITIONS AS OF 12/28/06)
B	01/17/07	REVISE NAMES IN TITLE BLOCK & CERTIFICATION

BOUTWELL ENGINEERING, INC.
 CIVIL ENGINEERING — LAND SURVEYING
 124 West Church Street, Abbeville, Georgia (706) 682-3148



ALTA/ACSM SURVEY FOR
 T & T INTERNATIONAL SEAFOOD, INC.; UNITED
 AMERICA'S BANK & CHICAGO TITLE INSURANCE CO.
 LYING AND BEING IN LAND LOTS 194 & 195, 6TH DISTRICT,
 COLLETON COUNTY, GEORGIA

SHEET
1
 OF 1
 DATE: APRIL 7, 1999

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:

PLEASE SEE ANSWERS ON FOLLOWING PAGES.

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

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

- (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:

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

- (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:

~~WE ARE TAKING OVER THE EXISTING SENIOR COMPANY~~

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Special Use Permit Applicant's Response

Standards Governing the Exercise of the Zoning Power:

- A. We believe the proposed special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Nearby properties are predominately similarly sized industrial facilities that fall under a "light industrial" type use. Further, the facility was previously used for the processing and distribution of seafood in the past, as well as for the processing and storage of poultry products at another point.
- B. We do not feel the proposed special use permit would adversely affect the existing use or usability of adjacent or nearby property, primarily because the facility was used in the same capacity in the past.
- C. The property does have economic use as currently zoned. The facility already contains large freezer and cooler storage areas, as well as a floor drains and an underground grease trap, which are used by food processing companies.
- D. The proposed use will provide no more of a burden on the county infrastructure, utilities, schools, and buses than the previous users or than other nearby users.
- E. We feel the proposed special use permit is in conformity with the policy and intent of the land use plan.
- F. Conditions which support the approval of the special use permit include the following, i.) the facility was previously used for the processing of seafoods and poultry, and ii.) the facility is currently built out to support a food processing use by way of frozen storage capability, cooler storage capability, floor drains in the concrete slab, and an underground grease trap to support the floor drains. It would take significant investment for any company that is not a food processor to retrofit the facility to any use other than food processing.

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June 19, 2017

Gwinnet County Planning Division
446 W Crogan St, # 150
Lawrenceville, GA 30046

Re: Letter of Intent - Proposed use of 6315 McDonough Drive, Norcross, GA 30093

To Whom it may concern:

We respectfully submit this letter of intent to be included in our Special Use Permit Application regarding 6315 McDonough Drive, Norcross, GA 30046. The proposed use of the property is for the processing and distribution of fresh seafood products. We are a "box in, box out" operation, meaning fresh seafood comes to our facility packaged in boxes, we then custom cut the seafood per our customers orders, then we repackage the orders into boxes and deliver to our customers. The facility is well suited for this use as it was previously home to a seafood processing and distribution company, as well as poultry processing and distribution company. Further details regarding the site include:

- The tract is 1.28 acres.
- We are not requesting a zoning change. The building is currently M1 and our use falls under M1.
- The property consists of one lot (parcel R6194 272) and has a 18,733 square foot industrial warehouse which was originally built in 1979. No additional square footage is being constructed on the site and the existing structure is not being altered in any way.
- There are currently 34 car parking spaces, as well as additional parking areas for trucks and trailers.
- The building height is 22 feet.
- We are not requesting any change in buffers, or any changes to the site or building.

Best Regards,

Podge Sgamboto

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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.



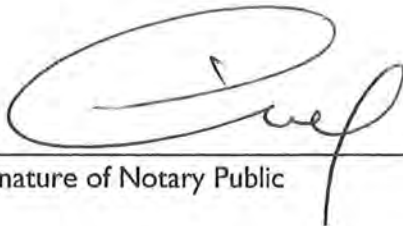
Signature of Applicant

^{PS}
6/20/17

Date

Pacifico Spambato

Type or Print Name and Title



Signature of Notary Public

6/20/17

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

5/19/2017
Date

Timothy Nguyen OWNER

Type or Print Name and Title



Signature of Notary Public

6-19-17

Date



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CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

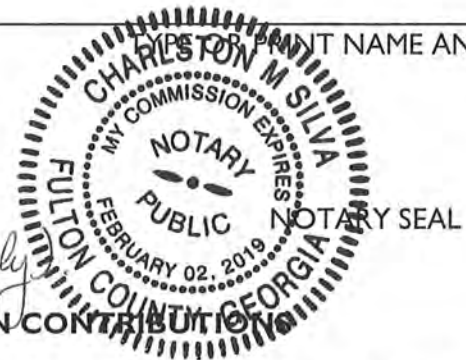
The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

[Signature] 6/20/17 Pacifico Sgambato
 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] 6/20/17
 SIGNATURE OF NOTARY PUBLIC DATE

Notary for Pacifico A. Sgambato (only)



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 Pacifico Sgambato
 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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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.**

(26194 272)

PARCEL I.D. NUMBER: 6 - 194 - 272
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

6/20/17
Date

Pacifico Sgambato
Type or Print Name and Title

*****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)

Debra Smith
NAME

tax services associate
TITLE

June 20, 2017
DATE

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