

**SPECIAL USE PERMIT APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Massive Auto Brokers, Inc.</u> <small>c/o Andersen, Tate &amp; Carr, P.C.</small>	NAME: <u>JEKA Property Investments LLC</u>
ADDRESS: <u>1960 Satellite Blvd., Ste 4000</u>	ADDRESS: <u>3060 Boles Farm Ln</u>
CITY: <u>Duluth</u>	CITY: <u>Duluth</u>
STATE: <u>GA</u> ZIP: <u>30097</u>	STATE: <u>GA</u> ZIP: <u>30096</u>
PHONE: <u>770-822-0900</u>	PHONE: <u>404-421-2728</u>
CONTACT PERSON: <u>Melody Glouton, Esq.</u> PHONE: <u>770-822-0900</u>	
CONTACT'S E-MAIL: <u>mglouton@atclawfirm.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>2,200</u>
PARCEL NUMBER(S): <u>R6190 172</u>	ACREAGE: <u>694</u>
ADDRESS OF PROPERTY: <u>5055 Jimmy Carter Blvd. Norcross GA 30093</u>	
SPECIAL USE REQUESTED: <u>Auto sales and dealership</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED BY

JAN 0 8 2018

Planning & Development

EXHIBIT "A"

LEGAL DESCRIPTION

(Legal Description of 5055 Jimmy Carter Boulevard)

All that tract or parcel of land lying or being in Land Lot 190, 6<sup>th</sup> District, in Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a right-of-way monument found at the intersection of the northeasterly right-of-way of Jimmy Carter Boulevard (a variable right-of-way) with the mitered corner of the northwesterly right-of-way of Rockbridge School Road (a 60-foot right-of-way) and THE TRUE POINT OF BEGINNING; thence proceeding northwesterly along said northwesterly right-of-way of Jimmy Carter Boulevard north 60 degrees 57 minutes 30 seconds west a distance of 188.96 feet to a point; thence proceeding north 51 degrees 51 minutes 00 seconds east a distance of 163.85 feet to an iron point found; thence proceeding south 61 degrees 32 minutes 00 seconds east a distance of 200.00 feet to a point on the northwesterly right-of-way of Rockbridge School Road; thence proceeding southwesterly along said northwesterly right-of-way of Rockbridge School Road south 51 degrees 49 minutes 45 seconds west a distance of 152.93 feet to a right-of-way monument found; thence proceeding along the mitered corner between Rockbridge School Road and Jimmy Carter Boulevard south 80 degrees 50 minutes 07 seconds west a distance of 19.48 feet to a right-of-way monument found and THE TRUE POINT OF BEGINNING, being improved property and containing 0.694 acres, more or less, all as shown on that As-Built Survey for Wilken Investments, L.L.C., Penn Investments, Inc., SouthTrust Bank, N.A., and Lawyers Title Insurance Corp. dated July 22, 1997 by Richard E. McDaniel, Jr., G.R.L.S. # 2374, of Advance Survey, Inc.

RECEIVED BY

JAN 08 2018

Planning & Development

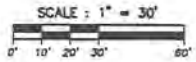
RECEIVED BY

JAN 08 2018

Planning & Development

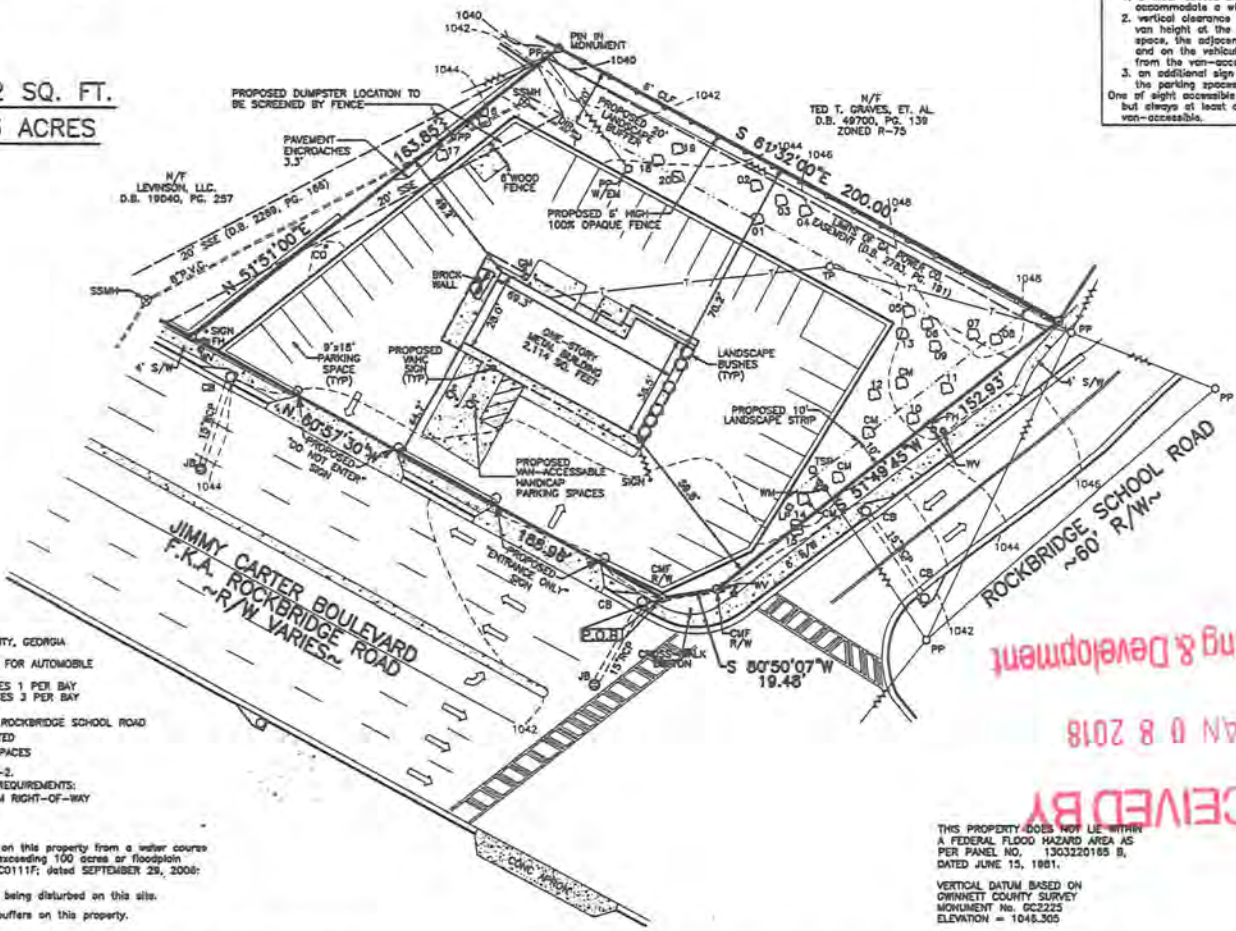
5055 JIMMY CARTER BLVD





**30,222 SQ. FT.**  
**0.693 ACRES**

MAGNETIC



ADA Design Guide:  
 Field information for this survey was obtained with a 5 second theodolite and an electronic distance meter for veins:  
 1. a wider access aisle (96") to accommodate a wheelchair (H);  
 2. vertical clearance to accommodate van height of the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and  
 3. an additional sign that identifies the parking spaces as "van accessible".  
 One of eight accessible parking spaces, but always at least one, must be van-accessible.

**NOTES:**  
 FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A 5 SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER.  
 THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 84,040 FEET AND AN ANGULAR ERROR OF 07 SECOND PER ANGLE POINT AND WAS ADJUSTED BY LEAST SQUARES.  
 THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 91,439 FEET.

- TREE LIST**
- 01 - 15' PINE
  - 02 - 15' PINE
  - 03 - 12' PINE
  - 04 - 14' PINE
  - 05 - 15' PINE
  - 06 - 13' PINE
  - 07 - 12' PINE
  - 08 - 13' PINE
  - 09 - 14' HW
  - 10 - 13' HW
  - 11 - 14' HW
  - 12 - 17' HW
  - 13 - 8' PINE
  - 14 - 11' HW
  - 15 - 17' HW
  - 16 - 20' HW
  - 17 - 19' HW
  - 18 - 18' PINE
  - 19 - 13' PINE
  - 20 - 18' PINE
  - CU - 19' PINE

- LEGEND:**
- A ARC
  - R RADIUS
  - C CHORD
  - R/W RIGHT OF WAY
  - N/F ADJOINING OWNERSHIP
  - IPF IRON PIN SET
  - IFP IRON PIN FOUND
  - CB CATCH BASIN
  - CMF CONCRETE MONUMENT FOUND
  - CO CLEAN-OUT
  - DIR DIRECTION
  - WV WATER VALVE
  - WM WATER METER
  - GM GAS METER
  - EM ELECTRIC METER
  - DI DROPP INLET
  - CM CREPE MYRTLE
  - HW HARDWOOD
  - PVC POLY(VINYL CHLORIDE) PIPE
  - RCP REINFORCED CONCRETE PIPE
  - SSM SANITARY SEWER MANHOLE
  - SSE SANITARY SEWER EASEMENT
  - SH FIRE HYDRANT
  - CLF CHAIN LINK FENCE
  - TP TELEPHONE POLE
  - TSP TRAFFIC SIGNAL POLE
  - TYP TYPICAL
  - LP LIGHT POLE
  - PP POWER POLE
  - D.B. DEED BOOK
  - PAGE PAGE
  - P.O.B. POINT OF BEGINNING
  - RS REBAR
  - OT OPEN TOP PIPE
  - VWC VAN ACCESSIBLE HANDICAP PARKING
  - EXISTING FENCE
  - OVERHEAD POWER LINE
  - WATER LINE
  - GAS LINE
  - OVERHEAD TELEPHONE



**NOTES:**  
 AS PER OWINNETT COUNTY, GEORGIA SECTION 240-20.3 PARKING REQUIREMENTS FOR AUTOMOBILE SERVICE CENTER  
 MINIMUM PARKING SPACES 1 PER BAY  
 MAXIMUM PARKING SPACES 3 PER BAY  
 NO ENTRANCE/EXIT ON ROCKBRIDGE SCHOOL ROAD  
 NO BILLBOARDS PERMITTED  
 32 EXISTING PARKING SPACES  
 PROPERTY IS ZONED C-2  
 MINIMUM SET-BACK REQUIREMENTS:  
 FRONT - 15' FROM RIGHT-OF-WAY  
 SIDE - 10'  
 REAR - 30'

There is no floodplain on this property from a water course with a drainage area exceeding 100 acres or floodplain per FIRN Panel 13135C0111F; dated SEPTEMBER 29, 2006.  
 There are no wetlands being disturbed on this site.  
 There are no stream buffers on this property.

**ZONING NOTES:**  
 210-180.2 Permitted Uses. Uses permitted in the C-3 District are as listed in the UDO in Section 230-100 Table of Permitted and Special Uses provided that they comply with the Supplemental Use Standards of Section 230-120.  
 210-180.3 Accessory Uses and Structures. Accessory uses and structures shall be permitted in the C-3 District in accordance with Section 230-100 Table of Permitted and Special Uses and provisions detailed in Section 230-120 Accessory Use Standards of the UDO.  
 210-180.4 Special Uses. Special uses may be permitted in the C-3 District in accordance with Section 230-100 Table of Permitted Uses. Special uses shall be subject to approval of a Special Use Permit as provided in Section 270-30 and may be subject to the additional Supplemental Use Standards established in Section 230-130 of the UDO.  
 210-180.5 Property Development Standards. Property in the C-3 District shall be developed in accordance with Section 230-10 Dimensional Standards of Zoning Districts and the applicable site related provisions contained in Title 3 of the UDO.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON.

THIS PROPERTY DOES NOT LIE WITHIN A FEDERAL FLOOD HAZARD AREA AS PER PANEL NO. 1303220165 B, DATED JUNE 15, 1981.  
 VERTICAL DATUM BASED ON OWINNETT COUNTY SURVEY MONUMENT NO. 022225 ELEVATION = 1048.305

ALL ISSUES OF TITLE ARE EXCEPTED ON THIS SURVEY UNLESS NOTED AS NO TITLE REPORT HAS BEEN PROVIDED  
 IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.



**VICINITY MAP**  
(NOT TO SCALE)

REVISIONS	PROJECT DESCRIPTION: PLAN FOR:		AUTO APPEARANCE PRO	
	5085 JIMMY CARTER BOULEVARD			
	P.L.N. 8180 172		DISTRICT: 9TH	
	COUNTY: OWINNETT		SECTION:	
	LAND USE: 199		D.B. 52897, PG. 526	

**ADAM & LEE LAND SURVEYING**  
 5640 GA. HWY. 20 S.  
 LOGANVILLE, GA. 30052 (770)554-8995  
 www.adamandlee.com FAX:(770)554-8134



OFFICE:	10/06/14
BY:	DLW
FIELD:	10/18/14
BY:	SS
SCALE:	1" = 30'
SHEET #	1 OF 1
14194	

CIC 18005

**CHANGE IN CONDITIONS APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO REQUIREMENTS 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

See Exhibit "A"

---

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

See Exhibit "A"

---

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

See Exhibit "A"

---

- (D) WHETHER THE PROPOSED CHANGE IN CONDITIONS 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 "A"

---

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

See Exhibit "A"

---

- (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 CHANGE IN CONDITIONS:

See Exhibit "A"

---

RECEIVED BY

JAN 08 2018

Planning & Development

CIC '18 005



# ANDERSEN | TATE | CARR

Melody A. Glouton  
Email: [mglouton@atclawfirm.com](mailto:mglouton@atclawfirm.com)

Telephone: 770.822.0900  
Direct Dial: 770.339.0475  
Direct Fax: 770.236.9719

January 8, 2018

**Via E-mail Transmission:**  
**[helen.appenzeller@gwinnettcountry.com](mailto:helen.appenzeller@gwinnettcountry.com)**

Gwinnett County  
Attn: Kathy Holland, Director of Planning and Development  
446 West Crogan Street  
Lawrenceville, GA 30046-2440

RE: Special Use Permit Application and Change in Conditions  
Application Letter of Intent for Massive Auto Brokers, Inc. 5055  
Jimmy Carter Blvd., Norcross, GA

Dear Director and Staff:

The property owner, JEKA Property Investments, and applicant, Massive Auto Brokers, Inc. (the "Applicant"), hereby submit this request and application for a Special Use Permit and Change in Conditions for automobile sales and repair uses on the property located at 5055 Jimmy Carter Blvd., Norcross, Georgia 30093, located in unincorporated Gwinnett County.

The subject property includes approximately .694 acres and contains one 2,200 square foot building in which the automobile sales and repair uses have historically been located and will continue to take place. The property has retained its C-2 zoning and has been part of and consistent with the adjacent the Jimmy Carter commercial node in existence since the 1970's.

The existing building has been used for similar auto repair uses and the proposed auto sales business will be operated by an experienced auto dealer with other locations in the Atlanta area. The property is in need of redevelopment and business activity. The auto sales and repair uses will allow for a quality tenant to maintain and operate on what has been a vacant property for the last few years. The property is located on a major highway with similar commercial and business uses.

The existing buffers and conditions adjacent to neighboring properties would remain and the business would occupy the existing building. In addition to a Special Use Permit

RECEIVED BY

JAN 08 2018

CIC '18 005

Planning & Development

for the proposed auto sales use, the Applicant has filed a supplemental application for Change in Conditions seeking to change the existing conditions.

Specifically, the Conditions would allow for auto sales as an additional use on the property, as well as a Condition to allow the parking of vehicles for sale at the front and sides of the property. The Applicant plans to meet all other prior zoning conditions, subject to the requests herein, as amended.

Because the subject property is adjacent to a significant concentration of commercial property, located off of a major highway, and is near a commercial intersection, and the proposed special use would be entirely consistent with the current zoning and development patterns, the 2030 Unified Plan, and Board of Commissioners' precedent for this and surrounding property.

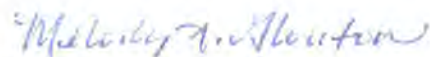
### CONCLUSION

The subject property is an appropriate location for the proposed auto sales and the previously-approved repair uses. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development, Planning Commissioners, and the Board of Commissioners to answer any questions or to address any concerns. Applicant respectfully requests your approval of its Application for Special Use Permit and Application for Change in Conditions.

This 5<sup>th</sup> day of January, 2018.

Respectfully submitted,

ANDERSEN, TATE & CARR, P.C.



Melody A. Glouton  
Attorney for the Applicant

CIC '18 005

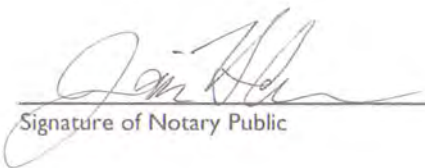
RECEIVED BY  
JAN 08 2018  
Planning & Development

**CHANGE IN CONDITIONS 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 1-2-18  
Date

Jim Henderson, CEO of Massive Auto Brokers, Inc.  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public 1-2-18  
Date Notary Seal

**RECEIVED BY**  
JAN 08 2018  
Planning & Development

CIC '18 005



**CHANGE IN CONDITIONS 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

11/8/2017  
\_\_\_\_\_  
Date

Vivian Phung, owner  
\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public

11/8/17  
\_\_\_\_\_  
Date



RECEIVED BY

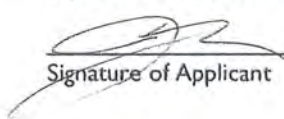
JAN 08 2018

Planning & Development

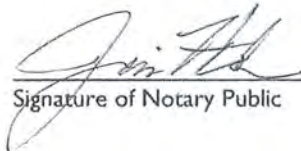


**CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS**

The undersigned below, making application for a change in conditions, 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.

 \_\_\_\_\_ 1-2-18 \_\_\_\_\_ Jim Henderson - Owner  
 Signature of Applicant Date Type of Print Name and Title

\_\_\_\_\_  
 Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

 \_\_\_\_\_ 1-2-18 \_\_\_\_\_  
 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 Jim Henderson - Owner  
 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.

6  
**RECEIVED BY**  
 JAN 08 2018  
 Planning & Development

**CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS**

The undersigned below, making application for a change in conditions, 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 of Print Name and Title
<i>Melody G. Glouton</i>	<i>1/5/18</i>	Melody Glouton, Esq. of Andersen, Tate & Carr, P.C.

Signature of Applicant's Attorney or Representative	Date	Type or Print Name and Title
<i>Angela Gratz</i>	<i>1-5-18</i>	



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    Melody Glouton, Esq. of Andersen, Tate & Carr, 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)
	See Exhibit "B"	

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

RECEIVED BY

JAN 08 2018

6  
 Planning & Development

CIC '18 005

**EXHIBIT B AND DISCLOSURE OF CAMPAIGN CONTRIBUTIONS  
BY ANDERSEN, TATE & CARR, P.C., ATTORNEY FOR APPLICANT**

<b>NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL</b>	<b>CONTRIBUTIONS</b>	<b>DATE CONTRIBUTION WAS MADE</b>
Charlotte Nash Commission Chairman	\$1,000 \$500 \$578.10	March 2016 October 20, 2016 October 20, 2016
Jace Brooks District 1 Commissioner	\$500	March 2016
Tommy Hunter, District 3 Commissioner	\$500	January 27, 2016

**RECEIVED BY**

JAN 08 2018

**Planning & Development**

CIC '18 005



