

REZONING APPLICATION

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

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Mangal Real Estate Holdings LLC</u> <u>c/o Alliance Engineering & Planning</u>	NAME: <u>Mangal Real Estate holdings LLC</u>
ADDRESS: <u>4480 Commerce Drive, Suite A</u>	ADDRESS: <u>2639 Hooch Ct. NW</u>
CITY: <u>Buford</u>	CITY: <u>Duluth</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>GA</u> ZIP: <u>30097</u>
PHONE: <u>770-614-6511</u>	PHONE: <u>770-597-7330</u>
CONTACT PERSON: <u>MITCH PEEVY</u> PHONE: <u>(770) 614-6511</u>	
EMAIL ADDRESS: <u>mitchpeevy@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:	
<u> </u> OWNERS AGENT	<u> X </u> PROPERTY OWNER
<u> </u> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT (S): <u>C-1</u>	REQUESTED ZONING DISTRICT: <u>C-2</u>
LAND DISTRICT (S): <u>6</u>	LAND LOT: <u>087</u> ACREAGE: <u>1.110</u>
ADDRESS OF PROPERTY: <u>3020 Five Forks Trickum Road</u>	
PROPOSED DEVELOPMENT: <u>Retail and Restaurant with drive thru</u>	
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u> </u>	NO. OF BUILDINGS/UNITS: <u>2</u>
DWELLING UNIT SIZE (SQ. FT.): <u> </u>	TOTAL GROSS SQUARE FEET: <u>6,076</u>
GROSS DENSITY: <u> </u>	DENSITY: <u>5,474 sq ft per ac</u>
NET DENSITY: <u> </u>	

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PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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EXHIBIT A

(Legal Description of Land or Site Plan/Survey of Property)

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 87 OF THE 5TH DISTRICT OF CHANNEL COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FORMED BY THE SOUTHEASTERN INTERSECTION OF FIVE FORKS TRUCKUM ROAD AND OAK ROAD SAID POINT IS THE TRUE POINT OF BEGINNING; THENCE RUN ALONG SAID RIGHT OF WAY LINE OF OAK ROAD (RIGHT OF WAY VARIES) SOUTH 42 DEGREES 53 MINUTES 01 SECONDS EAST A DISTANCE OF 58.12 FEET TO AN IRON PIN FOUND; THENCE RUN NORTH 50 DEGREES 08 MINUTES 43 SECONDS EAST A DISTANCE OF 16.93 FEET TO A POINT; THENCE RUN SOUTH 30 DEGREES 23 MINUTES 52 SECONDS EAST A DISTANCE OF 202.23 FEET TO A POINT; THENCE DEPARTING SAID RIGHT OF WAY LINE OF OAK ROAD SOUTH 54 DEGREES 32 MINUTES 32 SECONDS WEST A DISTANCE OF 182.55 FEET TO A POINT; THENCE NORTH 49 DEGREES 08 MINUTES 09 SECONDS WEST A DISTANCE OF 189.46 FEET TO A POINT; THENCE NORTH 54 DEGREES 11 MINUTES 41 SECONDS EAST A DISTANCE OF 146.25 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 370.96 FEET (BEING SUSTENDED BY A CHORD HAVING A BEARING OF NORTH 37 DEGREES 11 MINUTES 42 SECONDS EAST AND A LENGTH OF 38.40) A DISTANCE OF 38.42 FEET TO A POINT; THENCE NORTH 40 DEGREES 09 MINUTES 44 SECONDS EAST A DISTANCE OF 48.17 FEET TO THE TRUE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 48,515 SQUARE FEET.

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CONIUM GROUP
 500 W. CROSS STREET RD
 SUITE A-2
 NORCROSS, GA 30071
 478.601.6045
 www.coniumgroup.com



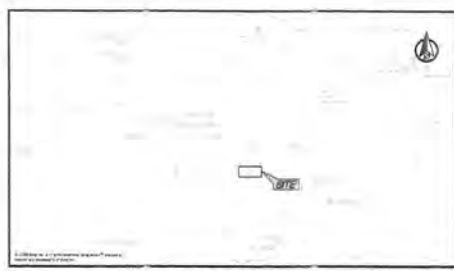
MANGAL ENTERPRISES
 3020 FIVE FORKS TRUCKUM RD
 LEBURTON, GA 30047

RESTAURANT - CONVENIENCE STORE
 ISSUED FOR: CONCEPT PLAN
 JURISDICTION: OCHILTEE COUNTY
 LOCATION: 3020 FIVE FORKS TRUCKUM RD, LEBURTON, GA 30047

DATE	REVISIONS

DRAWN: ADE CHECK: EGS
 JOB NO: 17-315 DATE: 01/30/18

CONCEPT PLAN
 SHEET CSP05

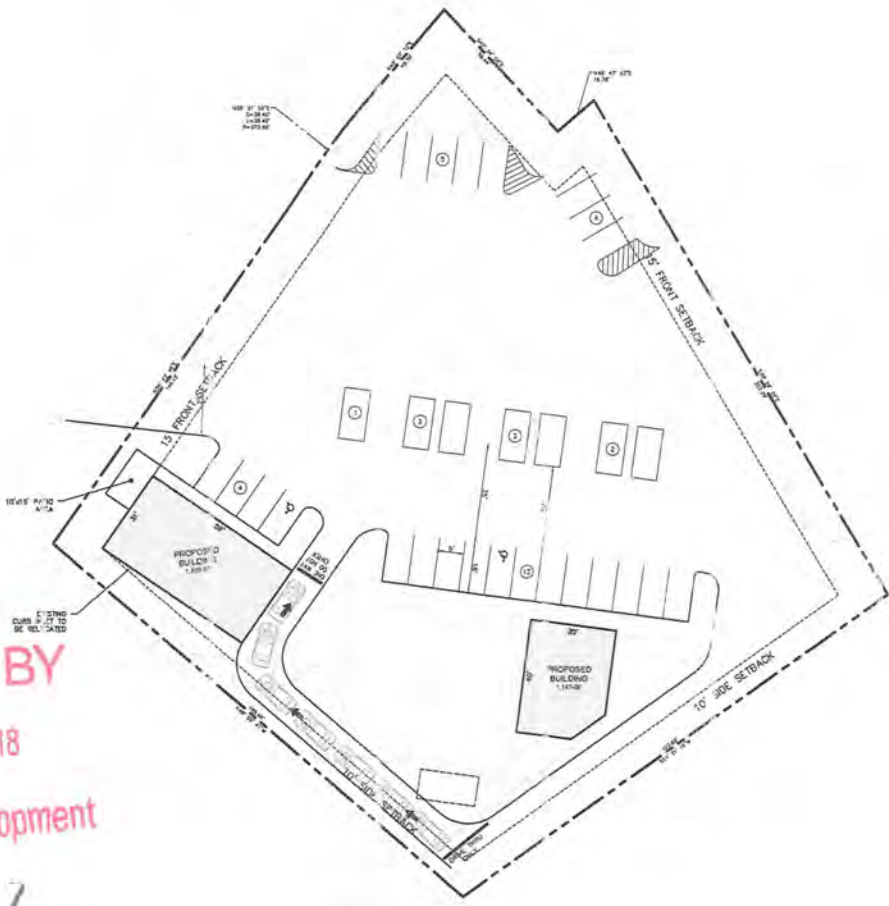


VICINITY MAP
 N.E.S.

SITE SUMMARY	
PROP. ZONING DISTRICT	C-D
PROP. ZONING RESTRICTIONS	RESTAURANT - RETAIL
PROP. ZONING SITE AREA	1.10 AC
PROP. ZONING BUILDINGS	0.76 SF
MAX. IM. ALLOWED BLDG. HEIGHT	
MAX. FLOOR AREA RATIO	
MAX. ALLOWED IMPERVIOUS AREA	
PROP. ZONING IMPERVIOUS AREA	
MIN. IM. LANDSCAPE AREA	
PROP. ZONING LANDSCAPE AREA	
DIST. REQ. AREA	
FRONT BUILDING SETBACK	15'
SIDE BUILDING SETBACK	10'
REAR BUILDING SETBACK	30'
PARKING STALL DIMENSIONS	8' x 18'
REQ. ZONING PARKING	23
PROP. ZONING PARKING	32
PARKING REQUIRED BASED ON: RESTAURANT: 1 STALL PER 100-SQ-FT C-D: 1 RESTAURANT, 1 STALL PER 500-SQ-FT	

SITE LEGEND

- POSITIVE LINE
- SETBACK LINE
- EASEMENT LINE
- ↑↓ TRAFFIC FLOW ARROW (PARKING MARKING)
- ⊕ HANDICAP STALL
- ♻️ DUMPSTER PAD LOCATION
- PARKING SPACE COUNT



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PRELIMINARY CONCEPT

NOTE: THIS CONCEPTUAL DESIGN SHOULD BE UTILIZED AS A GRAPHICAL REPRESENTATION OF A POSSIBLE DESIGN CHOICE. THE INFORMATION ON THIS PLAN HAS BEEN DERIVED FROM LIMITED MATERIAL AND HAS NOT BEEN VERIFIED, THEREFORE IT SHOULD NOT BE USED FOR CONSTRUCTION. WITH ALL APPLICABLE MATERIAL, THESE HAVE BEEN REVIEWED AND INCORPORATED.

D:\Users\p... (unreadable)

STANDARDS GOVERNING 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 REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

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

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

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

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

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

THE SUBJECT PROPERTY IS DESIGNATED AS EXISTING\EMERGING SUBURBAN

(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:

SEE LETTER OF INTENT.

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Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

PLANNING DIVISION USE ONLY

CASE NUMBER _____

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REZONING APPLICANT'S LETTER OF INTENT

The Applicant and Owner, Mangal Real Estate Holdings, LLC, requests rezoning on 1.110 acres for the purpose of developing additional retail and a drive thru restaurant on their property. In order to develop the site as proposed, the Applicants respectfully requests a rezoning from C-1 to C-2. The subject property is located at the intersection of Five Forks Trickum and Oak Roads.

The entire property is surrounded by C-2 and is the only C-1 property in the immediate area. The proposal is to add a donut\coffee shop in the proposed 1,829 square foot stand-alone building and then possibly in the future add up to 1,147 square feet of retail space onto the existing 3,100 square foot building. The existing C-1 zoning does not allow a drive thru window without a Special Use Permit and it also limits the users for the future retail space. The applicant will also agree that the future retail space will not be used for a tattoo business, smoke\vape shop and other uses that the county deems unnecessary to the area. Finally, because the existing building is located only 25 feet from the adjacent property line, it cannot meet the 30 foot rear setback and the applicant is requesting a variance of 5 feet so that the existing building and the proposed future retail addition can remain and be built.

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REZONING 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.

X 
Signature of Applicant

03/01/2018
Date

MOHIT GUPTA
Type or Print Name and Title

PRESIDENT


Signature of Notary Public

3/1/18
Date

T J HOPE NOTARY PUBLIC Gwinnett County Notary Seal State of Georgia My Comm. Expires July 6, 2020

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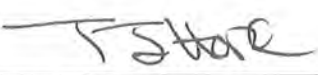
REZONING PROPERTY OWNER'S CERTIFICATION

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.

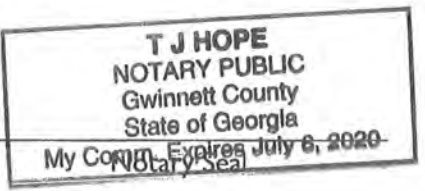
X 
Signature of Property Owner

03/01/2018
Date

MOHIT GUPTA PRESIDENT
Type or Print Name and Title


Signature of Notary Public


3/1/18
Date



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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, making application for a Rezoning, 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

n/a

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

T J Hope *3/1/18*

 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 X *MOHIT GUPTA*

 YOUR NAME

T J HOPE
 NOTARY PUBLIC
 Gwinnett County
 State of Georgia
 My Comm. Expires July 6, 2020

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 REZONING

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 REZONING REQUEST.**

PARCEL I.D. NUMBER: 6 - 087 - 002
(Map Reference Number) District Land Lot Parcel

[Signature] _____
Signature of Applicant Date 03/01/2018

MOHIT GUPTA PRESIDENT
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)

[Signature] _____
NAME TITLE TSA I

3-1-18
DATE

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