

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Su-Tzu Huang</u>	NAME: <u>Su-Tzu Huang</u>
ADDRESS: <u>2368 Brown Road</u>	ADDRESS: <u>2368 Brown Road</u>
CITY: <u>Buford</u>	CITY: <u>Buford</u>
STATE: <u>GA</u> ZIP: <u>30519</u>	STATE: <u>GA</u> ZIP: <u>30519</u>
PHONE: <u>770-925-9727</u>	PHONE: <u>770-925-9727</u>
CONTACT PERSON: <u>Robert Jackson Wilson</u> PHONE: <u>jwilson@rjwpclaw.com</u>	
CONTACT'S E-MAIL: <u>770-962-9780</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
ZONING DISTRICTS(S): <u>C-2</u>	PRIOR ZONING CASE: <u>RZC 07-038</u>
PARCEL NUMBER(S): <u>R2-002-190, 040 & 144</u>	ACREAGE: <u>2.336</u>
ADDRESS OF PROPERTY: <u>3476 Fence Road, Dacula, GA 30019</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Revise Condition 1A to allow gas station/convenience store</u>	

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/LOTS: <u>1</u>
DWELLING UNIT SIZE (Sq. Ft.): _____	TOTAL GROSS SQUARE FEET: <u>8,400</u>
GROSS DENSITY: _____	DENSITY: _____
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

CIC 20017

MAR 06 2020

Legal Description

3476 Fence Road

All that tract or parcel of land lying and being in Land Lot 002, 2nd District, Gwinnett County, Georgia and being more particularly described as follows: BEGINNING at the southwest property corner; thence running North 52 degrees 49 minutes 09 seconds West, a distance of 250.00 feet to a point; thence North 24 degrees 04 minutes 25 seconds East, a distance of 210.60 feet to a point; thence North 26 degrees 26 minutes 30 seconds East, a distance of 193.80 feet to a point; thence along a curve to the Right for an arc distance of 300.14 feet, said curve having a chord bearing of South 37 degrees 37 minutes 10 seconds East and a chord distance of 299.43 feet and a radius of 1,264.56 feet to a point; thence along a curve to the Right for an arc distance of 55.08 feet, said curve having a chord bearing of South 26 degrees 21 minutes 47 seconds East and a chord distance of 55.07 feet and a radius of 904.93 feet to a point; thence South 54 degrees 24 minutes 26 seconds West, a distance of 123.29 feet to a point; thence South 08 degrees 56 minutes 56 seconds West, a distance of 127.67 feet to a point; thence South 61 degrees 36 minutes 47 seconds West, a distance of 68.36 feet to a point, being the POINT OF BEGINNING. Said tract contains 2.336 acres or 101,767 square feet.

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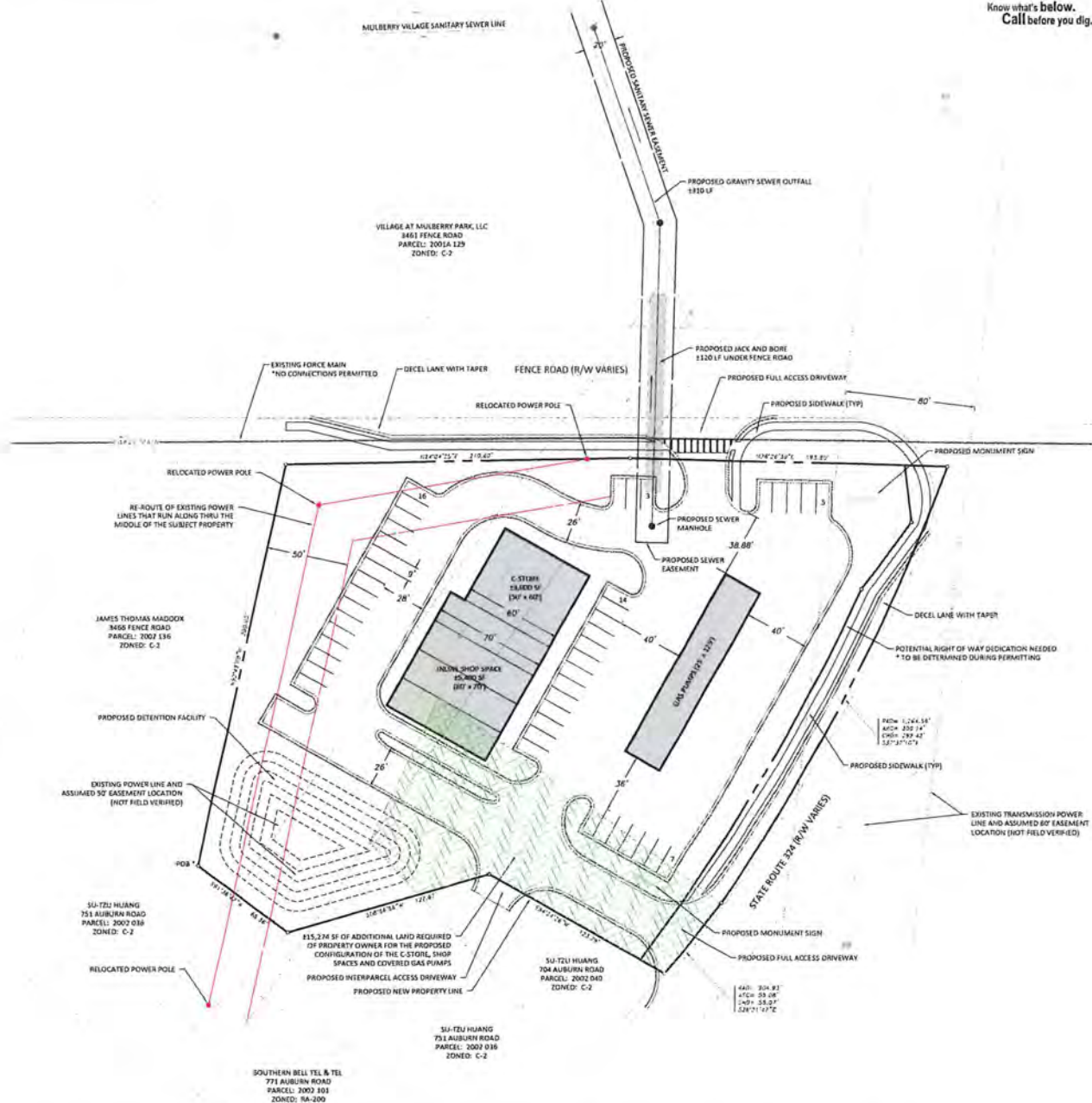
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Know what's below.
Call before you dig.



SITE DATA CHART

GWINNETT COUNTY TAX PARCEL(S)	2002 190, 2002 040, & 2002 144
ADDRESS OF PROPERTY	3476 FENCE ROAD, DACULA, GA 704 AUBURN ROAD, DACULA, GA
AREA OF SUBJECT PROPERTY	±2.336 ACRES
EXISTING ZONING OF SUBJECT PROPERTY	C-2 (RZC-07-038)
OVERLAY DISTRICT	MALL OF GEORGIA
PROPOSED ZONING OF SUBJECT PROPERTY	C-2
PROPOSED USE OF SUBJECT PROPERTY	C-STORE WITH GAS PUMPS & RETAIL/COMMERCIAL AND RESTAURANTS
PROPOSED BUILDING SQUARE FOOTAGE	±15,400 SF
PROPOSED CANOPY SQUARE FOOTAGE	±13,125 SF
PARKING SPACES REQUIRED	SEE ADJACENT PARKING REQUIREMENTS
PARKING SPACES SHOWN (INCLUDING HIC)	45 PARKING SPACES
VARIANCES REQUESTED	NONE

24 HOUR CONTACT

AMIN MERCHANT
770-375-8923 cell
merchantllc@gmail.com

GENERAL NOTES

1. THIS REZONING SITE PLAN IS INTENDED TO CONVEY THE PROPOSED CHANGE IN ZONING FROM C-2 TO C-2 WITH CERTAIN EXCEPTED AREAS TO BE USED FOR THE PURPOSE OF DEVELOPING A C-STORE WITH GAS PUMPS AND ADJACENT RETAIL/COMMERCIAL SHOP SPACES THAT COULD INCLUDE RESTAURANTS.
2. ALL ITEMS DEPICTED ON THIS REZONING SITE PLAN ARE CONCEPTUAL IN NATURE AND WILL REQUIRE THE APPROVAL OF THE CITY OF DACULA THROUGH THE COMMUNITY DEVELOPMENT PERMIT PROCESS.
3. ALL LANDSCAPING SHOWN ON THIS SITE PLAN IS CONCEPTUAL AND IS SUBJECT TO THE REVIEW AND APPROVAL OF GWINNETT COUNTY.
4. ALL EXISTING INFORMATION HAS BEEN OBTAINED FROM PREVIOUS SURVEYS PROVIDED BY THE APPLICANT TO THE GWINNETT COUNTY GIS. RECENTLY AVAILABLE AERIAL PHOTOGRAPHY AND VISUAL INSPECTION FROM A SITE VISIT PERFORMED BY THE DESIGNER.
5. ANY DISCREPANCIES WILL BE RESOLVED DURING THE PERMITTING PROCESS.

PARKING RQMT'S

C-STORE	1 SPACE / 500 SF (MIN) 1 SPACE / 125 SF (MAX)
RETAIL/COMMERCIAL	1 SPACE / 500 SF (MIN) 1 SPACE / 200 SF (MAX)
RESTAURANT	1 SPACE / 150 SF (MIN) 1 SPACE / 75 SF (MAX)

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 002, 2nd District, and being more particularly described as follows:

BEGINNING at the southwest property corner; thence running North 57°45'00" West, a distance of 250.00 feet to a point; thence North 24°42'25" East, a distance of 210.00 feet to a point; thence North 28°59'30" East, a distance of 193.80 feet to a point; thence along a curve to the right for an arc distance of 500.14 feet, said curve having a chord bearing of South 37°37'30" East and a chord distance of 299.43 feet and a radius of 1,264.56 feet to a point; thence along a curve to the right for an arc distance of 55.08 feet, said curve having a chord bearing of South 38°33'40" East and a chord distance of 55.07 feet and a radius of 504.93 feet to a point; thence South 34°24'26" West, a distance of 123.29 feet to a point; thence South 08°55'50" West, a distance of 127.57 feet to a point; thence South 65°36'47" West, a distance of 68.36 feet to a point, being the POINT OF BEGINNING.

Said tract contains 2.336 acres or 101,767 square feet.

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OWNER / DEVELOPER:
(add company name here)
(add address here)
(add address here)
CONTACT: AMIN MERCHANT
PHONE: (770) 375-8923 cell
merchantllc@gmail.com

LAND PLANNER:
FWJ3 VENTURES, LLC
CONTACT: ERIC JOHANSEN
PHONE: (678) 571-4843 cell
fwj3ventures@gmail.com



REZONING SITE PLAN - PROPOSED C-STORE W/ GAS PUMPS

AUBURN RD & FENCE RD

PLAN DATED: MARCH 2, 2020

GRAPHIC SCALE: 1" = 30'



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:

Yes; the proposed use is suitable in view of nearby commercial property and uses.

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

No; the use will not adversely affect surrounding property.

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

No; because of the length of time the property has been vacant and unusable because of the existing condition.

- (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:

No; the proposed use will relieve those facilities by providing a necessary use in close proximity to users.

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

Yes; the property is designated as commercial.

- (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:

Yes; the property has not been improved or sold in approximately 13 years since the condition was imposed.

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ROBERT JACKSON WILSON, PC

ATTORNEY AT LAW

10 LUMPKIN STREET ■ LAWRENCEVILLE, GEORGIA 30046
770-962-9780

ROBERT JACKSON WILSON

jwilson@rjwpclaw.com

March 5, 2020

Ms. Charlotte Nash, Chairman, and
Members of the Board of Commissioners
Gwinnett County Justice and Administration Center
75 Langley Drive
Lawrenceville, GA 30045

Re: Change in Conditions Application
Prior Case 07-038 – 3476 Fence Road, Dacula, GA

Dear Chairman Nash and Members of the Board:

This firm represents Su-Tzu Huang, the Applicant and Owner seeking the Change in Condition for the property referenced above. The property lies at the corner of State Highway 324 (Gravel Springs Road) and Fence Road. The property was rezoned commercial in 2007 in RZC-07-038. The contract purchaser who applied for rezoning in 2007 failed to close. Since that time, the Owner has attempted to market the property without success. The Owner has not been able to find a new purchaser subject to the existing conditions. The Owner has had several inquiries from potential purchasers for use as a gas station/convenience store. Because of the passage of time, current and proposed road improvements on Highway 324, and the absence of any similar service facility in the area, the Owner believes review and revision of the current conditions is warranted. Because the property has not been improved under the current conditions, it does not have a reasonable economic use as currently zoned with the 2007 conditions. The Owner respectfully submits that any action contrary to this application and the continuation of the existing conditions constitute a taking of the property in violation of the U.S. Constitution and the Constitution of the State of Georgia. The Applicant/Owner respectfully requests your approval to delete the existing prohibition on gas stations contained in Condition 1A from RZC 2007-038. If you have any questions or need any additional information, please let me know.

With best regards, I am

Very truly yours,


Robert Jackson Wilson

RJW/bka
cc: Mrs. Huang

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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

3/5/2020

Date

Su-Tzu Huang, Applicant

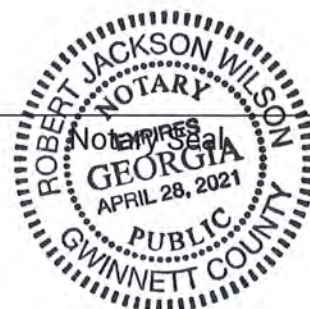
Type or Print Name and Title



Signature of Notary Public

3/5/2020

Date



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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

3/5/2020

Date

Su-Tzu Huang, Owner

Type or Print Name and Title



Signature of Notary Public

3/5/2020

Date



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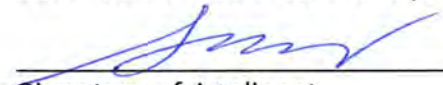
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CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

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.

 3/5/20 Su-Tzu Huang
Signature of Applicant Date Type of Print Name and Title

 3/5/2020 Robert Jackson Wilson
Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

 3/5/20
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

Su-Tzu Huang

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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VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS

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: 2 - 002 - 190
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

Date

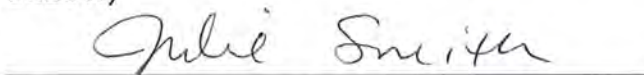
Su-Tzu Huang

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)


NAME

TSA II
TITLE

3-3-2020
DATE

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VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS

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: 2 - 002 - 040
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

3/5/20

Date

Su-Tzu Huang

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)

Loveell Hunley

NAME

TSA - I

TITLE

3-6-20

DATE

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MAR 06 2020

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VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS

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: 2 - 002 - 144
(Map Reference Number) District Land Lot Parcel

Signature of Applicant

Date

Su-Tzu Huang

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)

Loell Hunter

NAME

ISA-I

TITLE

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DATE

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