

**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Anita Mithwani</u>	NAME: <u>Lexie Kreckman &amp; Linda Shulin</u>
ADDRESS: <u>1829 Bethel Trace</u>	ADDRESS: <u>4706 VERMACK RD</u>
CITY: <u>Suwanee</u>	CITY: <u>Dunwoody</u>
STATE: <u>GA</u> ZIP: <u>30024</u>	STATE: <u>GA</u> ZIP: <u>30338</u>
PHONE: <u>404-905-2117</u>	PHONE: <u>678-725-1099</u>
CONTACT PERSON: <u>Robert Jackson Wilson</u> PHONE: <u>770.962.9780</u>	
CONTACT'S E-MAIL: <u>jwilson@rjwpclaw.com</u>	

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): R-75 REQUESTED ZONING DISTRICT: C-2

PARCEL NUMBER(S): R5018 046 ACREAGE: 2.966

ADDRESS OF PROPERTY: 2696 Lawrenceville Highway

PROPOSED DEVELOPMENT: Retail convenience store with gas/restaurant

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>2</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>6,000/9,800</u>
Gross Density: _____	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

All that tract or parcel of land lying in and being in Land Lot 18 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at 1/2-inch rebar found at the easterly corner of the mitered intersection of the southerly right of way of Lawrenceville Highway (U.S. Highway 29)(having a 130-foot, publicly dedicated right of way) and the easterly right of way of Gloster Road (having a 90-foot, publicly dedicated right of way), said rebar being the TRUE POINT OF BEGINNING.

Thence leaving said intersection and continuing along said right of way of Lawrenceville Highway along a curve to the left, said curve having a radius of 1769.14 feet, with an arc distance of 386.54 feet, with a chord bearing of North 70 degrees 08 minutes 01 seconds East and a chord length of 385.77 feet to a 5/8-inch capped rebar set; Thence leaving said right of way of Lawrenceville Highway South 30 degrees 05 minutes 58 seconds East a distance of 269.99 feet to a 5/8-inch capped rebar set; Thence South 59 degrees 29 minutes 38 seconds West a distance of 428.08 feet to a 5/8-inch capped rebar set on said right of way of Gloster Road; Thence continuing along said right of way of Gloster Road the following courses and distances: North 30 degrees 30 minutes 11 seconds West a distance of 197.54 feet to a point; along a curve to the right, said curve having a radius of 2003.46 feet, with an arc distance of 113.58 feet, with a chord bearing of North 28 degrees 52 minutes 44 seconds West and a chord length of 113.56 feet to a 1/2-inch rebar found at the westerly corner of said mitered intersection; Thence continuing along said mitered intersection North 27 degrees 27 minutes 17 seconds East a distance of 56.19 feet to a 1/2-inch rebar found, said rebar being the TRUE POINT OF BEGINNING.

Said tract of land contains 2.966 acres (129,181 square feet).

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

Yes, the use is suitable in view of the location along Lawrenceville and nearby commercial properties.

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

No. The use will not affect any adjacent or nearby property

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

No. The property has been marketed under its current zoning and not improved for many years.

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- (D) WHETHER THE PROPOSED REZONING 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 commercial use will relieve those burdens, enhance the tax base, and provide for balance between commercial and residential uses.

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

Yes.

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- (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:

Other nearby commercial uses on Lawrenceville Highway and the lack of market demand for new single family residential use on the highway provide supporting grounds for this application.

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# ROBERT JACKSON WILSON, PC

ATTORNEY AT LAW

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

ROBERT JACKSON WILSON

[jwilson@rjwpcclaw.com](mailto:jwilson@rjwpcclaw.com)

August 4, 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: Rezoning application  
Tax Parcel R5018 046--2696 Lawrenceville Hwy

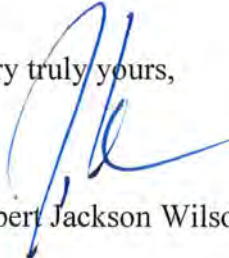
Dear Chairman Nash and Members of the Board:

This firm represents the Applicant, Ms. Anita Mithwani in the enclosed request to rezone 2.494 acres of property on Lawrenceville Highway to C-2. The property has been vacant and unimproved for many years. The Applicant seeks rezoning to allow construction of a convenience store with gas pumps and a separate restaurant fronting Lawrenceville Highway. Commercial uses directly across Gloster Road from the subject property indicate a commercial node in this location.

The Applicant and Owner also seek to reduce the buffer to the adjoining R-75 property to zero feet. The Owners of the property submitted in this Application intend to retain the adjoining R-75 property south of the subject site. These Owners concur in the Applicant's request, and have agreed, in effect, to "waive" the buffer between dissimilar zoning classifications. For these reasons, the Applicant and Owner respectfully request approval of the application. Solely to satisfy the requirements of Georgia law, the Applicant and Owner note that any denial of the application or approval with conditions restricting the proposed use would constitute a violation of their Constitutional rights. If you have any questions or need any additional information, please do not hesitate to call me. Thank you for your attention to these matters.

With best regards, I am

Very truly yours,

  
Robert Jackson Wilson

RJW/bka

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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.

8/5/2020

Signature of Applicant

Date

**Anita Mithwani, Applicant**

Type or Print Name and Title

8/1/20

KARIM KASSIMALI  
NOTARY PUBLIC  
Gwinnett County  
State of Georgia  
My Comm. Expires February 23, 2024

Signature of Notary Public

Date

Notary Seal

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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.

*Linda Shulin*  
*Lexie Kreckman*

*8/6/20*  
*8/6/20*

Signature of Property Owner

Date

*Linda Shulin*  
*Lexie Kreckman*

Type or Print Name and Title

*Douglas Richard Thompson*

Signature of Notary Public

*8/6/2020*

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.

	8/5/2020	Anita Mithwani
SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	8/5/2020	Robert Jackson Wilson
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	8/5/20	
SIGNATURE OF NOTARY PUBLIC	DATE	

KARIM KASSIMALI  
 NOTARY PUBLIC  
 Gwinnett County  
 State of Georgia  
 My Comm. Expires February 23, 2021  
**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 Robert Jackson Wilson  
 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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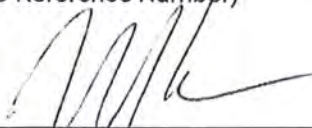


**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

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:      5      -      018      -      046  
(Map Reference Number)      District      Land Lot      Parcel

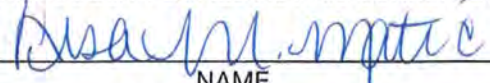
      8/4/2020  
Signature of Applicant      Date

Robert Jackson Wilson, Attorney for Applicant  
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)

      Senior Tax Business Manager  
NAME      TITLE

August 5, 2020  
DATE

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