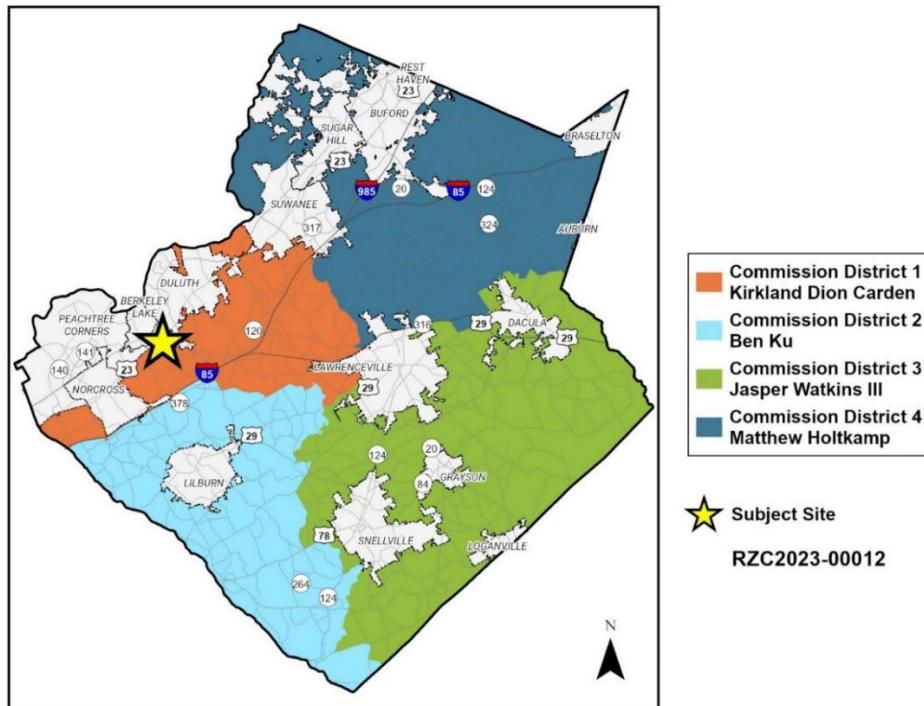


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2023-00012
Current Zoning: M-1 (Light Industry District) and R-75 (Single-Family Residence District)
Request: Rezoning to C-3 (Highway Business District)
Address: 4176 Buford Highway
Additional Requests: Variance and Waiver
Map Number: R6260 012
Site Area: 2.5 acres
Square Feet: 5,020
Proposed Development: Automobile Sales
Commission District: District 1 – Commissioner Carden
Character Area: Workplace Center

Staff Recommendation: DENIAL

Planning Commission Recommendation: APPROVAL WITH CONDITIONS



Planning Commission Advertised Public Hearing Date: 6/7/2023 (Public Hearing Held/ Recommendation Tabled to 7/10/2023)
Board of Commissioners Advertised Public Hearing Date: 6/27/2023 (Public Hearing Tabled to 7/25/2023)

Applicant: Sadeghy Property Investment, LLC
240 Rhine Drive
Alpharetta, GA 30022

Owners: Sadeghy Property Investment, LLC
240 Rhine Drive
Alpharetta, GA 30022

Contact: W. Charles Ross

Contact Phone: 770.962.0100

Zoning History

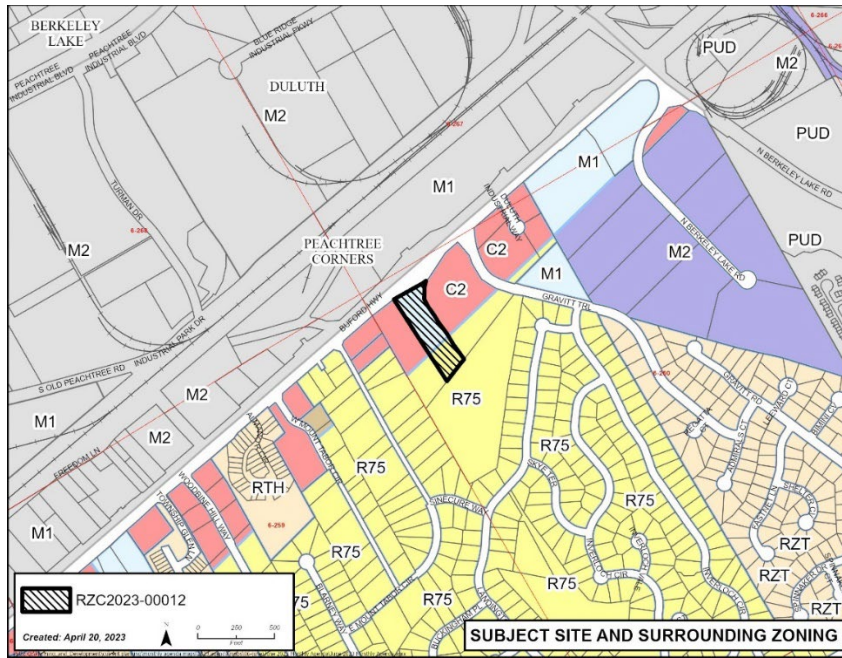
The subject property is zoned R-75 (Single-Family Residence District) and M-1 (Light Industry District). A special use permit for automobile sales and service was approved with a 2-year sunset clause in 2002, pursuant to SUP-02-065. A renewal of the original special use permit was denied in 2004, pursuant to SUP-04-078. A special use permit for the continued use of an automotive service facility was also denied in 2007, pursuant to SUP-07-105. In 2009, special use permit SUP-09-017 for automobile sales and service was approved. CIC2014-00016, SUP2014-00062, and SUP2014-00062 were approved in 2014 for a change in conditions to expand the allowable uses to include motorcycle sales and service, respectively. The majority of the site was subsequently rezoned to M-1 in 2019 to allow a wood pallet sales and storage business, pursuant to RZC2019-00013.

Existing Site Condition

The subject property is a 2.5-acre parcel located at 4176 Buford Highway, south of its intersection with Gravitt Trail. The property contains a 5,020 square-foot, single-story metal building constructed in 1982. Overhead bay doors are located on the front and rear of the building. The site is accessed via a gated entrance from Buford Highway. There is a parking lot in front of and to the east of the building with the remainder of the site behind the building comprised of a gravel lot used for vehicle storage. A barbed wire chain link fence surrounds the perimeter of the site, with the gravel lot enclosed by a screened chain link fence. There is an existing 3-foot-tall concrete retaining wall northeast of the parking lot, and a timber retaining wall southwest of the parking lot. A 100-foot-wide overhead power easement and 20-foot-wide natural gas easement bisects the rear of the property. A stream and associated 25-foot-wide state buffer is located along the site's eastern boundary. The site slopes downward approximately 20 feet from the northwestern corner to the southeastern corner of the site. There is a sidewalk and overhead power lines along Buford Highway. The nearest Gwinnett County Transit stop is approximately 400 feet from the subject site.

Surrounding Use and Zoning

The subject site is surrounded by a mixture of uses. A place of worship and a light industrial warehouse are located to the north, across Buford Highway and within the City of Peachtree Corners. The property to the west and south of the site is currently being used as a wood chipping, shredding, and log splitting facility and proposed for rezoning. The parcel to the east of the site is undeveloped and zoned for commercial and residential uses. The following is a summary of surrounding uses and zoning:



Surrounding Zoning

Location	Land Use	Zoning	Density
Proposed	Automobile Sales	C-3	N/A
North	Light Industry Place of Worship	City of Peachtree Corners (M-1) City of Peachtree Corners (M-1)	N/A N/A
East	Undeveloped	C-2 and R-75	N/A
South	Commercial	R-75	N/A
West	Commercial	C-2 and R-75	N/A

Project Summary

The applicant requests a rezoning of a 2.5-acre property from M-1 and R-75 to C-3 for automobile sales, including:

- Use of the current 5,020 square-foot metal building for automobile sales, that appears to be in disrepair.
- An 85-foot-wide zoning buffer along property lines adjacent to the northeastern and southwestern R-75 zoned properties. A buffer is also required along the southern property line.
- No proposed modifications to the site.
- An existing off-street parking lot with 13 parking spaces for customers and employees; 20 parking spaces for inventory.
- Existing outdoor storage of gravel, vehicles, and other items at the rear of the site in what appears to be a dirt and gravel parking area.
- An existing chain link fence with barbed wire along the property frontage and around portions of the site.
- An existing 5-foot-wide sidewalk along Buford Highway, which is not shown on the submitted site plan.

Zoning and Development Standards

The applicant is requesting a rezoning from M-1 and R-75 to C-3, Highway Business District, for automobile sales. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	<45'	YES
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	10'	YES
Rear Yard Setback	Minimum 30'	30'	YES
Off-Street Parking	Minimum: 13 spaces Maximum: 33 spaces Note: No maximum for inventory	33	YES
Zoning Buffer	85' adjacent to R-75	85'	YES
Landscape Strip	10'	0'	NO*
Riparian Buffer	25'	25'	YES**

*The applicant is requesting a variance to not install the required 10-foot-wide landscape strip along the property frontage of Buford Highway.

** The site only requires the 25' state buffer as it was developed prior to 2005 and is considered legally non-conforming per Chapter 500 of the UDO.

Variance Request

In addition to the rezoning, the applicant is seeking a variance from the following provisions of Title II of the UDO:

1. Section 240-70.1. Interior Driveways.

Inter-parcel driveway connection or provision of a future inter-parcel driveway stub shall be required between adjacent non-residential properties.

The applicant is proposing to maintain the existing conditions of the site and not provide inter-parcel driveway connections to the adjoining properties to the east and west.

Waiver Request

1. Section 620-10.1.A. Landscape Regulations

A Landscape Strip at least 10 feet in width (Type 2, 3, or 5 as shown in Table 620.1) adjacent to any street right-of-way abutting the property and running the length of the entire property frontage.

The applicant is not proposing any modifications to the site and seeks to maintain the site as is. A portion of the existing parking lot is located at the property frontage where the landscape strip is required.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit E). Standard site and infrastructure improvements will also be required related to transportation, stormwater, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Rezoning Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

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 portion of the property currently zoned M-1 was previously zoned C-2 with special use permits allowing for automobile sales and service including motorcycles. The property was then rezoned in 2019 as M-1 and R-75 to allow for a wood pallet sales and storage business. The applicant requests a rezoning to C-3 to allow automobile sales. However, as currently zoned M-1 and R-75, the property could be used for a light industrial business or office use which complements the adjacent employment related uses on Buford Highway and for which the prior rezoning was intended.

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.

The site is surrounded by a place of worship and a light industrial manufacturing plant to the west and north, across Buford Highway and within the city limits of Peachtree Corners. The applicant intends to maintain the property as it exists with no proposed modifications for the automobile sales business. The current building is in disrepair and should be replaced or greatly renovated. There is ample land to construct a new building footprint and a 45-foot maximum height restriction in the M-1 zoning district. As the property is currently zoned, a light industrial or office use would be more appropriate.

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.

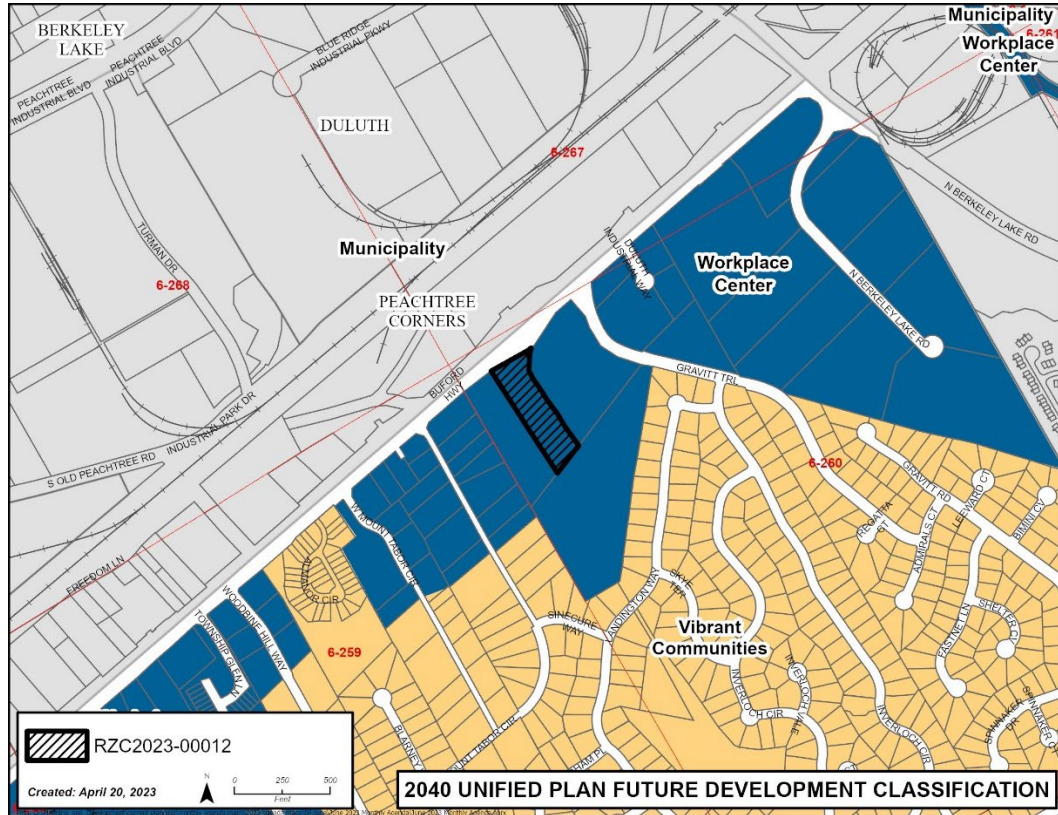
The property has a reasonable economic use as currently zoned.

D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this special use

permit request is attached (Exhibit E).

E. Whether the proposed rezoning is in conformity with the policy and intent of the Unified Plan and Future Development Map.



Surrounding Future Land Use

The 2040 Unified Plan Future Development Map indicates that the subject property lies within the Workplace Center Character Area. The Workplace Center Character Area is intended to accommodate a mixture of intense non-residential, mixed-use, and high-density residential uses around and near several Regional Activity Centers. Emphasis should be placed on encouraging employment-oriented uses including mid- to high-rise office buildings, industrial parks, and locations for freight oriented and logistic uses, where appropriate. The proposed development for automobile sales conflicts with the intended purpose of the Workplace Center Character Area as automobile sales businesses generally provide a limited number of employment opportunities and the vehicle inventory would only include approximately 20 spaces.

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.

The applicant proposes the rezoning of the property for automobile sales with no modifications to the site. While there are similar land uses located along Buford Highway in this area, this portion of the road is characterized by less intense commercial zoning and light industrial uses. As the parcel is currently zoned M-1 and R-75, rezoning the property to C-3 for an automobile sales business may hinder an opportunity for the site to be developed in the future as an employment center, since a small-scale sales center would likely generate very few jobs.

Several automobile related uses have failed on the site indicating that the parcel is not conducive to this type of use. Maintaining the existing zoning of the property allows for a more appropriate use as was intended when originally rezoned.

Variance Request Analysis: The standards for granting variances are outlined in Section 270-100.7 of the Unified Development Ordinance. Staff makes the following findings related to the variance request:

Inter-parcel driveway connections or provisions of a future inter-parcel driveway stub between adjacent non-residential properties is required per the UDO. Although a stream runs along the eastern property line and utility easements are located in the rear of the site, inter-parcel access via a perpendicular driveway across the easements would be feasible to the adjoining property to the south of the site and therefore supports denial of the variance request.

Waiver Request Analysis: When considering waivers from Title III of the UDO, staff is required to review whether an undue hardship may result from strict compliance with the regulations and that approval would not adversely affect the general public welfare or nullify the intent of the Development Regulations. In addition, there must be a determination that there are unusual topographical or other exceptional conditions. Staff makes the following findings related to the waiver request:

The applicant does not propose to modify the site for the automobile sales business. However, the UDO requires a 10-foot-wide landscape strip adjacent to the right-of-way and planted to standards including one tree for each 40 linear feet of strip length and one evergreen shrub, for each 4 linear feet of strip length. The existing property frontage includes a portion of the parking lot while the remainder is grass. Not installing the landscape strip as required eliminates the opportunity for beautification along a major corridor as parcels are rezoned, nullifying the intent of the Development Regulations.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the rezoning request.

In addition, staff recommends **DENIAL** of the following variance:

1. To not provide inter-parcel driveway connection or provision of a future inter-parcel driveway stub between adjacent non-residential properties.

In addition, staff recommends **DENIAL** of the following waiver:

1. To not install the 10-foot-wide landscape strip.

Planning Commission Recommendation

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of the rezoning request.

In addition, the Planning Commission recommends **APPROVAL** of the following variance request:

1. To not provide inter-parcel driveway connection or provision of a future inter-parcel driveway stub between adjacent non-residential properties.

In addition, the Planning Commission recommends **APPROVAL** of the following waiver request:

1. To not install the 10-foot-wide landscape strip.

Planning Commission Recommended Conditions (includes Staff Recommended Conditions, as Amended)

Approval as C-3 (Highway Business District) for automobile sales, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan received, April 11, 2023, with revisions required by conditions of approval and the Unified Development Ordinance. The final site design shall be subject to the review and approval of the Department of Planning and Development.
2. ~~The existing building shall be upgraded with exterior building materials compliant with the UDO. The materials and colors of any re-facing or modification of the structure shall be submitted for review and approval by the Director of Planning and Development.~~
3. Any new buildings shall be finished with architectural treatments of glass, brick and/or stacked stone (stone may only be used as an accent material). Final building elevations shall be submitted for review and approval by the Director of Planning and Development. Portable office trailers shall be prohibited.
4. All parking shall be in paved and striped parking spaces. Double or stacked parking shall be prohibited. Driveway access aisles must be free of obstruction and navigable at all times.
5. Existing perimeter vegetation must be preserved and replaced if dead or diseased. Minor pruning and maintenance to the existing vegetation is permitted.
6. Outdoor sales, storage or display of merchandise other than vehicle sales inventory (such as trailers, automotive parts, junked vehicles, etc.) shall be prohibited.
7. Repair, service, and maintenance of vehicles shall be prohibited.
8. Wash and detail services of vehicles shall be prohibited.
9. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of the grand opening and during special events which shall occur no more than twice per calendar year and last no longer than seven day each.
10. Any existing outdoor storage shall be removed within 60 days of zoning appeal.
11. **Only the M-1 portion of the property shall be rezoned to C-3. The remainder of the property, which is currently zoned R-75, will remain R-75.**

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Applicant's Response to Standards
- D. Application and Disclosure of Campaign Contributions
- E. Internal and External Agency Review Comments
- F. Maps

Exhibit A: Site Visit Photos



View of the Site from Buford Highway



View of Existing Building from Parking Lot



Rear View of Existing Building



Rear View from the Southeastern Property Line



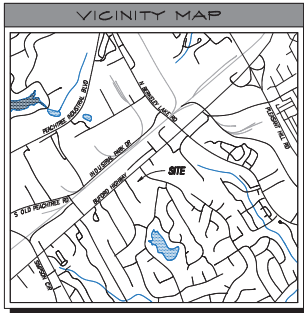
Wetlands Located Near the Southeastern Boundary (Outside Property Lines)

Exhibit B: Site Plan

[attached]

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4/11/2023

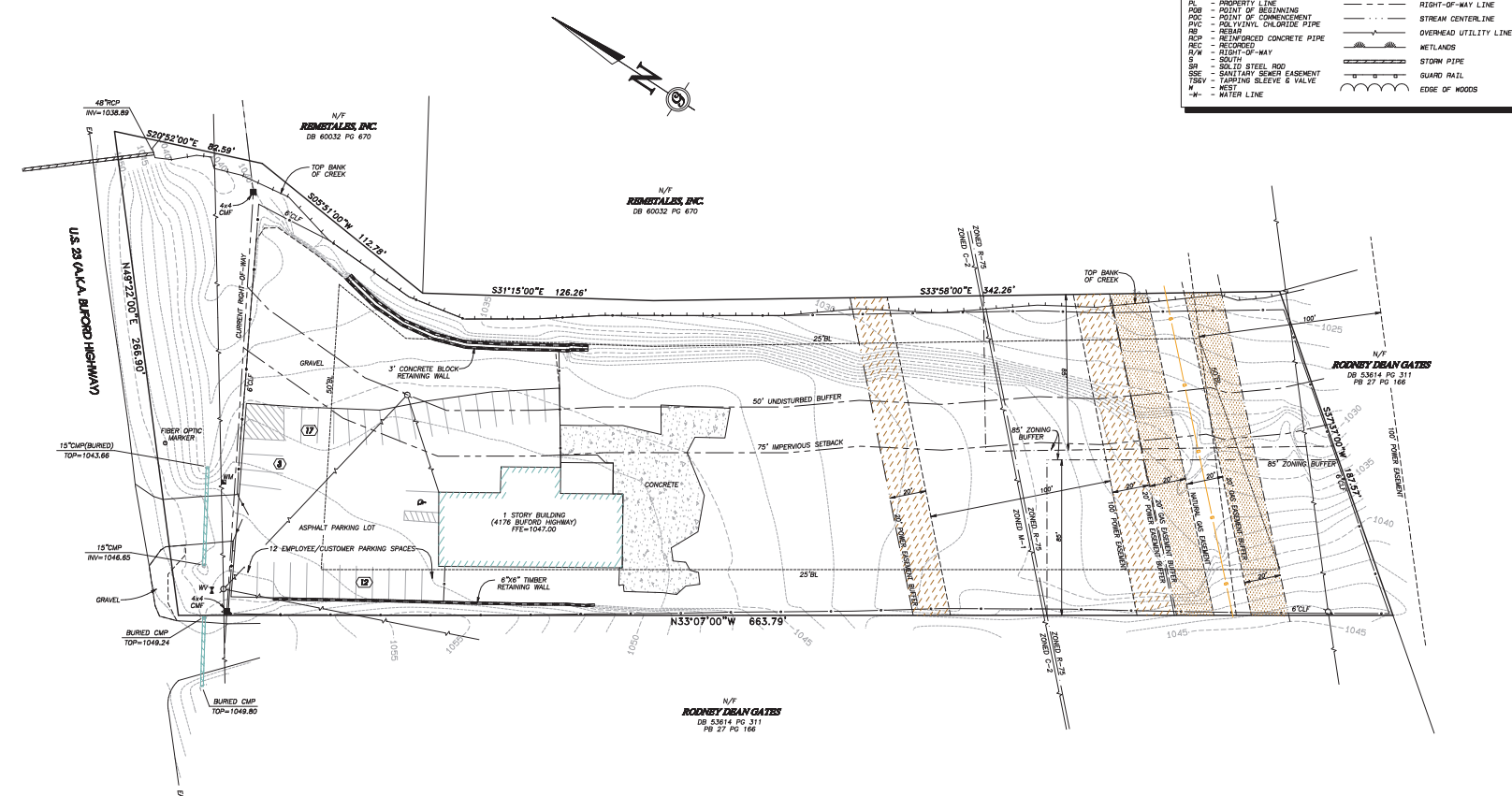


SITE DATA	
TAX PARCEL IDENTIFICATION	A380 012
CURRENT ZONING	M-1 & R-7B
PROPOSED ZONING	C-3
CHARACTER AREA	WORKPLACE CENTER
ADDRESS OF PARCEL	4176 BUFORD HIGHWAY
AREA OF PARCEL	2.5 ACRES
PROPOSED DEVELOPMENT	USED CAR DEALERSHIP
REQUIRED PARKING SPACES	12 (MINIMUM) / 24 (MAXIMUM)
PROPOSED PARKING SPACES	33 STANDARD + 1 HANDICAP
FRONT SETBACK	15 FEET
SIDE SETBACK	10 FEET
REAR SETBACK	80 FEET
MAX BUILDING HEIGHT	48 FEET

NOTES

- 1) THE PURPOSE OF THIS PLAN IS TO DEPICT ALL OF THE LAND CONVEYED TO SADECHY PROPERTY INVESTMENT, LLC BY PARCEL B, DANESHARI, VOL DB 52041 PG 763, DATED 02/07/2013 WITH CURRENT BUFFERS AND EASEMENTS.
- 2) THE BOUNDARY INFORMATION AND BASIS OF BEARING SHOWN HEREON WERE TAKEN FROM PB 13 PG 165A.
- 3) THE VERTICAL DATUM UPON WHICH TOPOGRAPHIC INFORMATION SHOWN HEREON HAS BEEN ASSUMED.
- 4) THE UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND EVIDENCE VISIBLE AT THE TIME OF FIELDWORK, AND/OR AVAILABLE MAPS ON PLATS, AND ARE SHOWN AS ACCURATELY AS POSSIBLE FOR REFERENCE ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY OF UTILITY LOCATIONS, WHICH SHOULD BE INDEPENDENTLY VERIFIED.
- 5) NO PORTION OF THE PROPERTY DEPICTED HEREON LIES WITHIN A FLOOD HAZARD ZONE PER FEMA FIRM MAP NUMBER 131600404R, EFFECTIVE DATE 03/04/2013.
- 6) THIS SURVEY DOES NOT REPRESENT A THOROUGH INSPECTION OF THE INTERIOR OF THE PROPERTY SHOWN HEREON. IMPROVEMENTS, WETLANDS, DUMP SITES AND OTHER SIGNIFICANT FEATURES NOT SHOWN HEREON MAY EXIST.
- 7) A LEICA GPS (GS14) DUAL FREQUENCY RTK SYSTEM WAS USED IN THE COLLECTION OF TOPOGRAPHIC / PLANIMETRIC DATA FOR THIS SURVEY. RELATIVE POSITIONAL TOLERANCE FOR TOPOGRAPHIC/PLANIMETRIC FEATURES IS 0.10' RELATIVE. POSITIONING TOLERANCE WAS CALCULATED AT 95% CONFIDENCE LEVEL BASED ON 2-SIGMA STATISTICAL VALUE OF OBSERVATION RESIDUALS.
- 8) TOPOGRAPHIC AND PLANIMETRIC INFORMATION SHOWN HEREON DERIVED FROM FIELD RUN TOPOGRAPHIC SURVEY BY GMD DATED 05/14/09 & OTHER AVAILABLE MAPS OR IMAGERY.

LEGEND	
ABBREVIATIONS	SYMBOLS
AI - ANGLE IRON	● IRON PIN FOUND
BL - BUILDING SETBACK LINE	● CONCRETE MONUMENT FOUND
BM - BENCHMARK	● ROCK FOUND
BMF - BARR WIRE FENCE	● CURB DILET
CI - CURB & GUTTER	○ IRON PIN SET
CL - CLEAROUT	○ COMPUTED POINT (NOT SET)
CO - CENTERLINE	○ FIRE HYDRANT
CLF - CHAIN LINK FENCE	○ WATER VALVE
CMF - CONCRETE MONUMENT FOUND	○ WATER METER
CONC - CORRUGATED METAL PIPE	○ UTILITY POLE
CP - CURB	○ GUY POLE
D - DEPTH	○ LIGHT POLE
DTP - DRAIN TOP PIPE	○ POWER BOX
DE - DEPTH	
DE - DRAINAGE EASEMENT	
DIP - DILET FROM PIPE	
DI - DISTURBED	
DMCB - DOUBLE WIND CATCH BASIN	
E - EAST	
EA - EDGE OF ASPHALT	
EC - EDGE OF CONCRETE	
EG - EDGE OF GRAVEL	
EE - FINISHED FLOOR ELEVATION	
FE - FIRE HYDRANT	
FG - UNDERGROUND GAS LINE	
GM - GAS METER	
GV - GATE VALVE	
HWF - HOOD WIRE FENCE	
JNB - JUNCTION BOX	
LD - LAND LOT LINE	
N - NORTH	
NW - NW CORNER	
OTF - OPEN TOP PIPE	
PL - PLAT	
PK - POWER BOX	
PS - PASE	
PKN - SURVEY NAIL (PARKER-KALON)	
PL - PROPERTY LINE	
POB - POINT OF BEGINNING	
POC - POINT OF COMMENCEMENT	
PVC - POLYVINYL CHLORIDE PIPE	
RESH - REINFORCED CONCRETE PIPE	
RESH - REINFORCED CONCRETE PIPE	
RESH - REINFORCED CONCRETE PIPE	
S - SOUTH	
S/S - SPLIT STEEL ROD	
SSE - SANITARY SEWER EASEMENT	
TSEV - TAPPING SLEEVE & VALVE	
M - WEST	
W - WATER LINE	



DATE: 04/11/2023	ADDRESS COMMENTS:
1	OF 1
DRAWING DATE: 03/16/2023	
LAST FIELD WORK: 02/17/09	
MANAGER: B.L. COLE, P.E.	CREW CHIEF: GMD
JOB NUMBER: 09W-260-1	FILE: 4176 Buford Highway
SITE PLAN OF 4176 BUFORD HIGHWAY FOR SADECHY PROPERTY INVESTMENT, LLC	
LOCKED IN 1450 1ST STREET GWINNETT COUNTY, GEORGIA	
P.O. BOX 857, JEFFERSON, GA 30646 PHONE: (770) 717-9621 EMAIL: INFO@GEOTURE.COM	
© 2023 GEOTURE SURVEYING AND DESIGN, LLC	

Exhibit C: Letter of Intent and Applicant's Response to Standards

[attached]

Tony Powell
Brian Edwards



POWELL & EDWARDS
ATTORNEYS AT LAW

Jay Crowley
Mandy Williams
Laura Walsh
Laura Shoop

GWINNETT COUNTY
PLANNING AND DEVELOPMENT
W. Charles Ross

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4/11/2023

April 11, 2023

Susan Canon, Director
Gwinnett County Planning & Development
75 Langley Drive
Lawrenceville, Georgia 30046

**RE: REZONING APPLICATION AND LETTER OF INTENT FOR
SADEGHY PROPERTY INVESTMENT, LLC., 4176 BUFORD
HIGHWAY, DULUTH.**

Dear Ms. Canon:

Powell & Edwards, P.C. submits this Letter of Intent on behalf of Sadeghy Property Investment, LLC (the "Applicant") to request a rezoning from M-1 & R-75 to the C3 zoning designation to allow for an Automobile Sales business to operate upon property located at 4176 Buford Highway, Duluth and having Gwinnett County Tax ID Number of R6260 012 (the "Property").

Applicant is the owner of a 2.5-acre parcel which is predominantly zoned M-1 with a smaller undeveloped area in the rear zoned R-75. Most recently, the property was used for heavy equipment outdoor storage. The R-75 portion of the property remains unused due to the electrical utility easements which make any significant development on that portion of the property unfeasible. The Applicant proposes to operate an automobile dealership on the site as there is already a large paved area and an existing, five thousand, twenty (5,020) square foot building. The existing one-story building is well below the maximum forty-five (45) foot height limit and has thirty-three marked parking spaces. The Applicant does not intend make any physical changes to the property.

This property has been approved by the Gwinnett County Board of Commissioners on three prior occasions for the sales and service of automobiles and motorcycles. Further, returning to such use would provide for new life to be pumped into an empty storage lot and would be significantly less intensive than the current industrial designation. This development would be consistent with the surrounding zoning which is C2 on both sides and M1 across the street. The site is located on the outer boundary of the Workplace Center character area. The Workplace Center character area emphasizes medium land use intensity and relatively high coverage, but with buildings less than four stories and transition to surrounding development. The Property and its proposed use is tailor fit for the Unified Plan, as it transitions from the industrial property across the street, to the Property's less intensive

A PROFESSIONAL CORPORATION

P.O. Box 1390 • Lawrenceville, Georgia 30046-1390 • powelledwards.com • 770.962.0100
Street Address For Direct Deliveries Only • 10 Lumpkin Street Lawrenceville, GA 30046

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Page 2
4/11/2023

commercial use and then tapers into the undevelopable area in the rear which is zoned residential.

As this property was developed prior to the passage of the Unified Development Ordinance, Planning Staff has specifically requested that the Applicant request variances for existing conditions which would otherwise qualify as non-conformities under the UDO. Specifically, Applicant requests a variance from the interparcel driveway requirement of Section 240-70.1(B) of the UDO as applicant does not intend to create any new driveway or impervious surface. Additionally, Applicant requests a variance for encroachment into the required ten-foot (10') landscape strip required by Section 620-10.1(A) of the UDO. Again, this property was developed before this requirement existed and is not creating any new encroachment. Finally, Planning Staff states that a refuse dumpster would be required for the Applicant's property. The property has never had a dumpster and to the extent that the new use and zoning classification requests are down zonings to a less intensive use, they would prefer not to have to bring a dumpster onto the property.

The Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concern relating to the matters set forth in this Letter of Intent or in its Application for Rezoning filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted,

POWELL & EDWARDS, P.C.



W. Charles "Chuck" Ross
Attorney for Applicant

Enclosures

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3/16/2023

Gwinnett County Planning Division
Rezoning Application
Last Updated
10/2021

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:

The Property is situated across the street from an industrial property. It is flanked on either side by C-2 properties. The rear of the Property is R-75 due to the significant utility easements which cross the Property. The proposed development is not only a downzoning from the current M1 designation, but it provides a perfect transition between the industrial property across Buford Highway the to the residential area in the rear.

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

This Property has hosted an automobile or motorcycle sales facility on several occasions. Returning to this type of business will be a lower intensity use than the current industrial use which allows for heavy and loud machinery to be brought and stored in the rear of the property.

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

While the Owner has had tenants from time to time, it has not had any that allow it to maximize the full income-producing potential of the Property. Rather, it is an industrial parcel that has been mainly utilized for storage, rather than manufacturing which has not allowed the owner to realize any reasonable economic benefit of the Property. Merely having tenants from time to time does not equate to reasonable economic use.

- (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:

As noted above, the Property has on several occasions operated as proposed. Further, Buford Highway is already a highly traveled road. The addition of customers coming

onto the property will not have an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools.

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

The 2040 Unified Plan classifies this area as a Workplace Center. The Workplace Center character area emphasizes medium land use intensity and relatively high coverage, but with buildings less than four stories and transitioning to surrounding development. As noted in the Applicant's Letter of Intent, the proposed use is tailor fit for this character area, as it transitions from the industrial property across the street, to the Property's less intensive commercial use and then tapers into the undevelopable area in the rear which is zoned residential.

(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:

The rear 1/3 of the parcel has significant utility easements which prevent any further significant development of the property. This severely limits the interest of industrial developers. Considering the adjacent properties on both sides are commercially zoned properties, this gives considerable supporting grounds to approve the proposed rezoning.

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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3/16/2023

RZC2023-00012

Exhibit D: Application and Disclosure of Campaign Contributions

[attached]

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REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Sadeghy Property Investment, LLC</u>	NAME: <u>Sadeghy Property Investment, LLC</u>
ADDRESS: <u>240 Rhine Drive</u>	ADDRESS: <u>240 Rhine Drive</u>
CITY: <u>Alpharetta</u>	CITY: <u>Alpharetta</u>
STATE: <u>Georgia</u> ZIP: <u>30022</u>	STATE: <u>Georgia</u> ZIP: <u>30022</u>
PHONE: <u>770-329-6369</u>	PHONE: <u>770-329-6369</u>
EMAIL: <u>spillc69@gmail.com</u>	EMAIL: <u>spillc69@gmail.com</u>
CONTACT PERSON: <u>W. Charles "Chuck" Ross, Esq.</u> PHONE: <u>770-962-0100</u>	
CONTACT'S E-MAIL: <u>cross@powelledwards.com</u>	
APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>M1 & R75</u> REQUESTED ZONING DISTRICT: <u>C-3</u>	
PARCEL NUMBER(S): <u>R6260 012</u> ACREAGE: <u>2.5</u>	
ADDRESS OF PROPERTY: <u>4176 Buford Highway, Duluth, Georgia 30096</u>	
PROPOSED DEVELOPMENT: <u>Automobile Sales</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>1/1</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>5020</u>
Gross Density: _____	Density: <u>.05 units per acre</u>
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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3/16/2023

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.

Signature of Applicant

Date

03/04/2023

Ashkun Ashley Sadeghy, Member, Sadeghy Property Investment, LLC
Type or Print Name and Title

Signature of Notary Public

Date

Notary Seal

03/04/2023



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3/16/2023

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.

Signature of Property Owner

Date

03/04/2023

Ashkun Ashley Sadeghy, Member, Sadeghy Property Investment, LLC

Type or Print Name and Title



Signature of Notary Public

Date

03/04/2023

Notary Seal



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3/16/2023

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: 6th - 260 - 012
(Map Reference Number) District Land Lot Parcel

 03/16/2023
Signature of Applicant Date

Ashkun Ashley Sadeghy, Member, Sadeghy Property Investment, LLC
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)

Chris Nelson Tax Services Associate
NAME TITLE

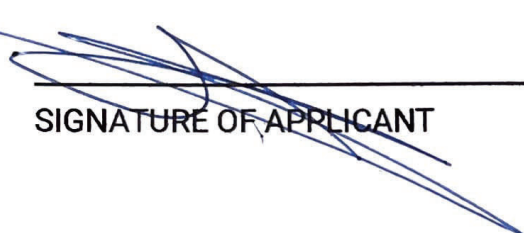
March 16, 2023
DATE

RECEIVED


3/16/2023

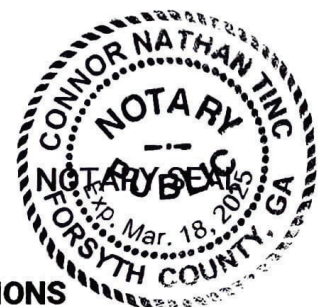
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

 03/04/2023 Ashkun Ashley Sadeghy, Member
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 03/04/2023
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 Ashkyn Ashley Sadeghy
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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3/16/2023

Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

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.

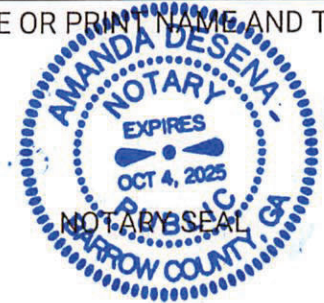
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

W. Charles Ross 3/14/2022 W. Charles Ross, Esquire

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

Amanda DeSena 3-14-2023

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 Powell & Edwards, 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)
Matthew Holtkamp, Commissioner	\$1,000.00	October, 2022

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

Exhibit E: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		05.03.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		RZC2023-00012	
Case Address:		4176 Buford Highway, Duluth, 30096	
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO
1	Buford Highway is a major arterial. ADT = 26,400.		
2	400-feet to the nearest transit facility (#2334865) Buford Highway and Gravitt Trail.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		YES	NO
1			
2			
3			
4			
5			
6			
7			

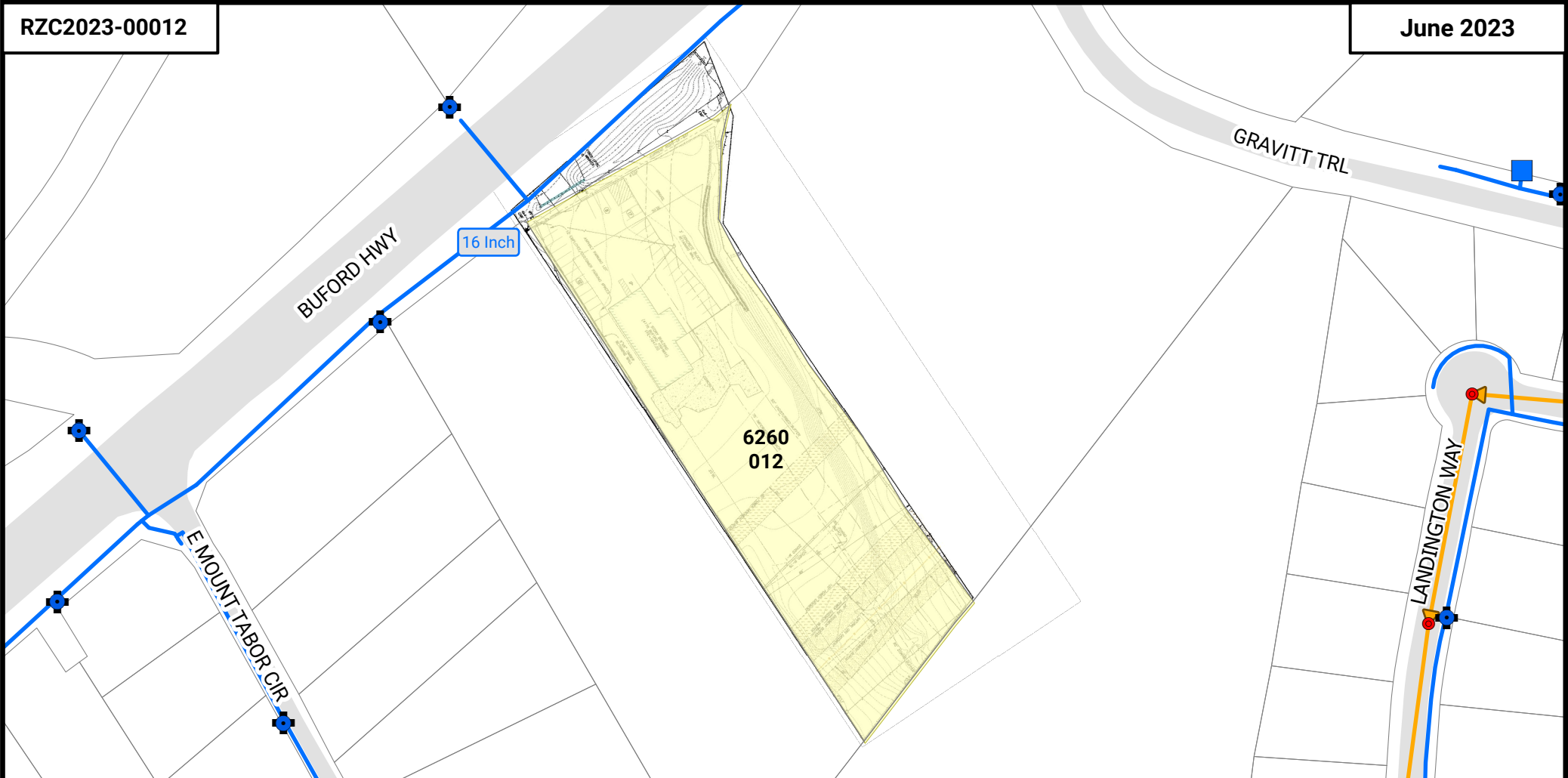


**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:					
Department/Agency Name:		DWR			
Reviewer Name:		Mike Pappas			
Reviewer Title:		GIS Planning Manager			
Reviewer Email Address:		Michael.pappas@gwinnettcountry.com			
Case Number:		RZC2023-00012			
Case Address:		4176 Buford Hwy			
Comments:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
1	Water: DWR does not have comments for this redevelopment. The existing building is connected to public water.				
2	Sewer: DWR does not have comments for this redevelopment. The existing building is connected to septic and will remain on septic.				
3					
4					
5					
6					
7					
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
1					
2					
3					
4					
5					
6					
7					

Note: Attach additional pages, if needed

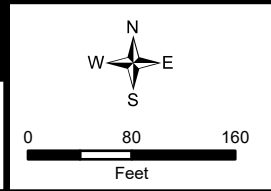
Revised 7/26/2021



4176 Buford Hwy
M1 & R-75 to C-3

**Water & Sewer
Utility Map**

- Water Main
- Hydrant
- Master Vault
- Sewer Collector
- Manhole



Water Comments: DWR does not have comments for this redevelopment. The existing building is connected to public water.

Sewer Comments: DWR does not have comments for this redevelopment. The existing building is connected to septic and will remain on septic.

Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Exhibit F: Maps


[attached]



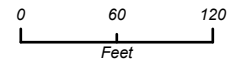
BUFORD HWY

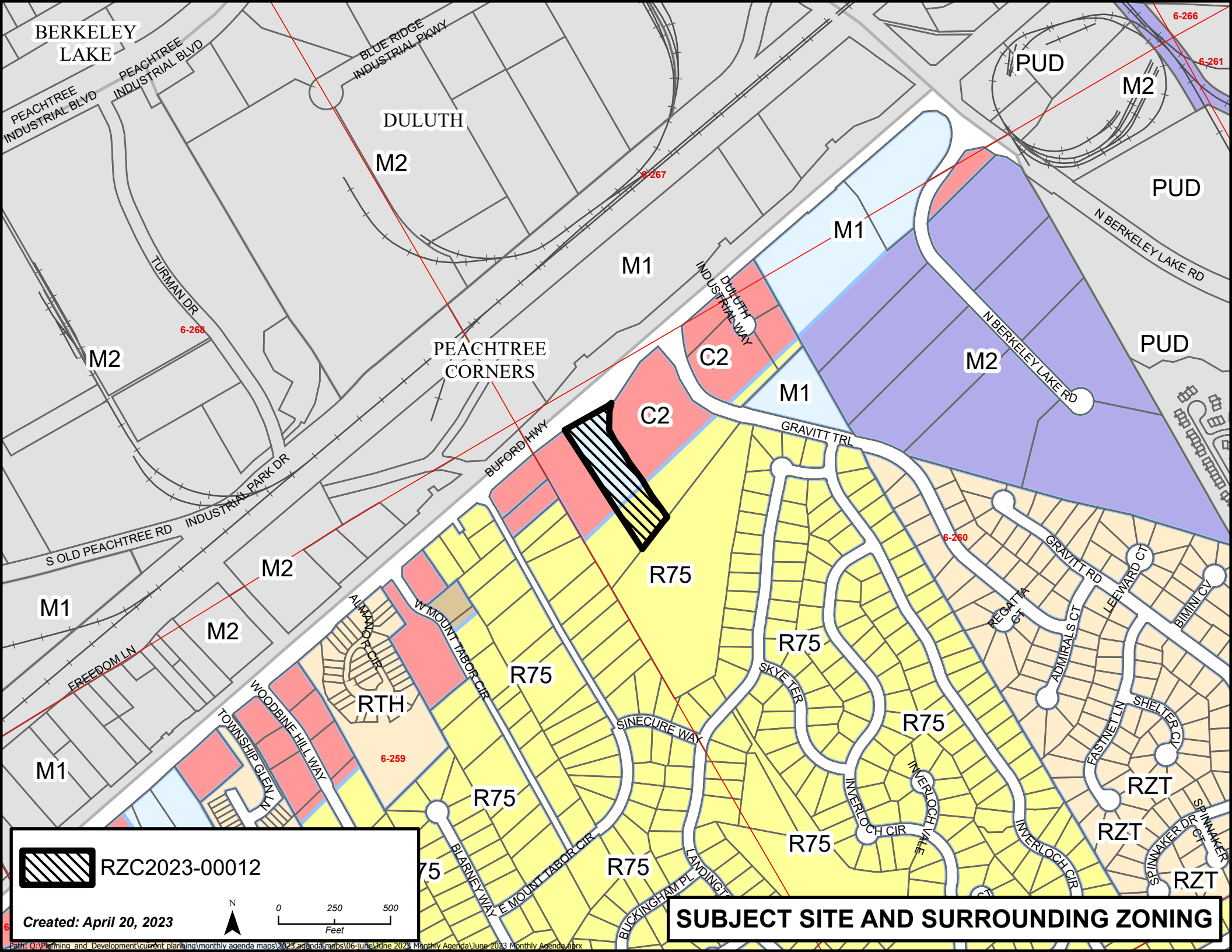
GRAVITT TRL

E MOUNT LABOR CIR

 RZC2023-00012

Created: April 20, 2023





BERKELEY LAKE

DULUTH

PEACHTREE CORNERS

PUD

PUD

PUD

PEACHTREE INDUSTRIAL BLVD

BLUE RIDGE INDUSTRIAL PKWY

N BERKELEY LAKE RD

S OLD PEACHTREE RD

GRAVITT TRL

FREEDOM LN

ALMADA DR CIR

W MOUNT TABOR CIR

TOWNSHIP GLEN WOODBINE HILL WAY

RTH

BLARNEY WAY

R75

SINECURE WAY

R75

R75

SKYE TER

R75

R75

INNERLOCH LAKE

INNERLOCH CIR

INNERLOCH LAKE

REGATA CT

ADMIRALS CT

LEEWARD CT

BIMINICY

RZT

RZT


SHELTER CT

FASTNET LN

SPINNAKER DR

RZT

RZT

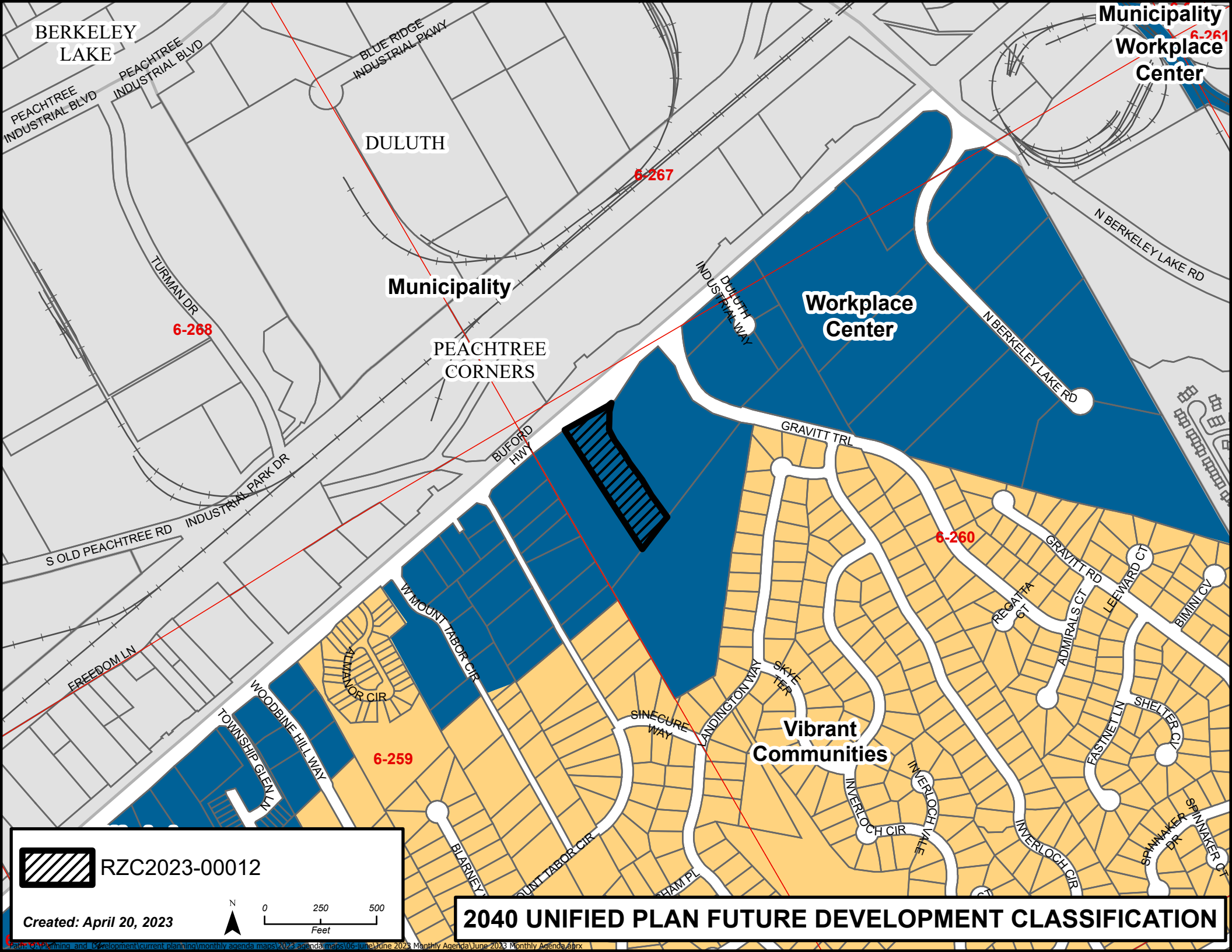
 RZC2023-00012

Created: April 20, 2023

0 250 500 Feet

N

SUBJECT SITE AND SURROUNDING ZONING



BERKELEY LAKE

DULUTH

Municipality
Workplace Center

Municipality

Workplace Center

PEACHTREE CORNERS

Vibrant Communities

 RZC2023-00012

Created: April 20, 2023

N

0 250 500 Feet

2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION