

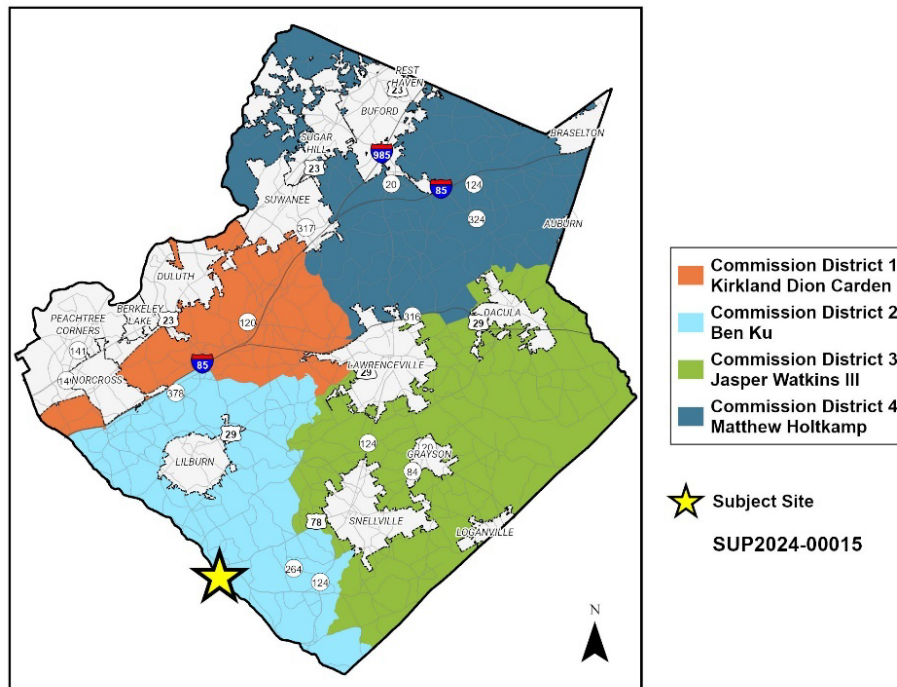


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: SUP2024-00015
Current Zoning: C-2 (General Business District)
Request: Special Use Permit
Overlay District: Highway 78 Corridor
Additional Requests: Variances
Addresses: 2155 West Park Place Boulevard or 5625 Bermuda Road
Map Number: R6060 064
Site Area: 3.12
Square Footage: 7,200
Proposed Development: Convenience store with fuel pumps
Commission District: District 2 – Ku
Character Area: Regional Activity Center

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL



Planning Commission Advertised Public Hearing Date: 4/9/2024 (Public Hearing Tabled to 6/4/2024)
Board of Commissioners Advertised Public Hearing Date: 4/23/2024 (Public Hearing Tabled to 6/25/2024)

Applicant: Mustaq Moosa
105 Foe Creek Court
Roswell, GA 30076

Owner: Williams J. M. Jr. Et al.
3856 Mount Paran Church Road
Social Circle, GA 30025

Contact: Mustaq Moosa

Contact Phone: 404.704.6356

Zoning History

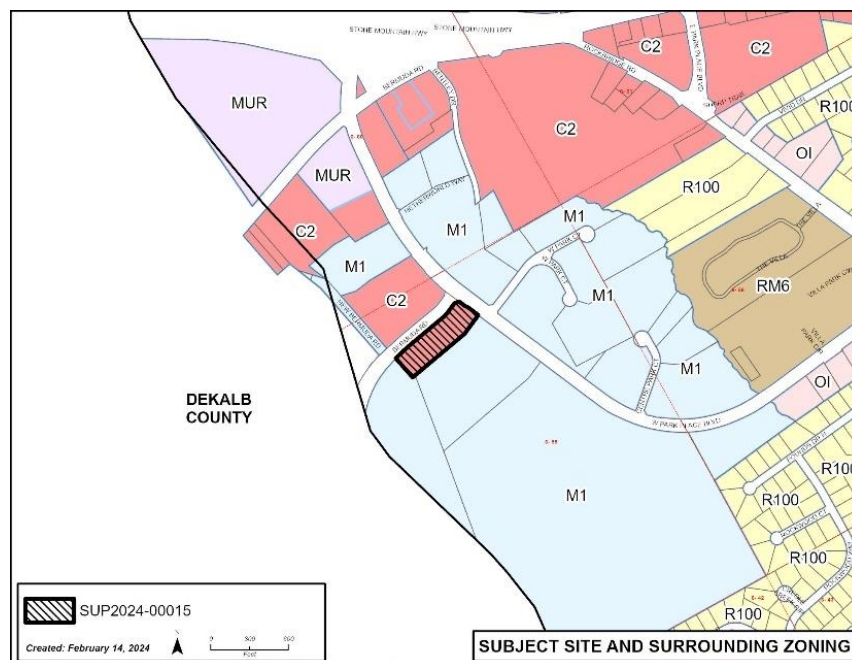
In 2007, the property was rezoned from M-1 (Light Industry District) to C-2, pursuant to RZC-07-034. The site is located in the Highway 78 Corridor Overlay District.

Existing Site Condition

The subject site is a 3.12-acre rectangular parcel at the southeast corner of the intersection of West Park Place Boulevard and Bermuda Road. The site is undeveloped and contains mature tree cover throughout. The site gradually slopes downward from west to east towards West Park Place Boulevard. There are no curb cuts or sidewalks along either frontage. The nearest Gwinnett County Transit Stop is 350 feet from the subject site.

Surrounding Use and Zoning

The subject site is surrounded by a variety of uses. An assisted living and memory care facility is located across Bermuda Road to the west. A single-family residential independent living community in DeKalb County is located farther south across Bermuda Road. An office with warehouse is located to the east, and vacant land and warehousing uses are located across West Park Place Boulevard. Additionally, the ATL2 Amazon warehouse and distribution facility is located east of the site on West Park Place Boulevard. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning
Proposed	Convenience store with fuel pumps	C-2
North	Assisted Living/Apartments	C-2
East	Vacant/Light Industrial	M-1
South	Office/Warehouse	M-1
West	Vacant	M-1

Project Summary

The applicant requests a special use permit for a 3.12-acre property zoned C-2 for a convenience store with fuel pumps, including:

- A 7,200 square foot building with a 5,100 square foot convenience store and a 2,100 square foot retail space.
- Exterior building materials consisting of brick and glass.
- A bicycle rack and outdoor seating on the east side of the building.
- A fuel canopy with eight fuel pumps along West Park Place Boulevard, and a fuel canopy with six fuel pumps for tractor trailers along Bermuda Road.
- A total of 52 parking spaces including six spaces in front of the building, 10 spaces behind the building, and 36 spaces along the perimeter of the site including four electric vehicle charging spaces.
- A dumpster enclosure in the rear, adjacent to the electric vehicle parking spaces.
- A full-access driveway and a right-in/right-out access driveway on Bermuda Road.
- A right-in only slip lane on West Park Place Boulevard.
- A driveway stub on the east side of the property for future inter-parcel connectivity to the adjoining property.
- 6-foot-wide sidewalks and a 10-foot-wide landscape strip along both road frontages.
- Underground stormwater facilities between the building and the pumps in the front yard.

Zoning and Development Standards

The applicant is requesting a special use permit for a convenience store with fuel pumps in C-2. The application was received after January 1, 2024, and is subject to the amended Unified Development Ordinance (UDO). The following is a summary of applicable development standards from the UDO:

Standard	Required	Proposed	Meets Standard?
FAR	Maximum 1.0	<1.0	YES
Building Height	Maximum 45'	<45'	YES
Coverage (% of lot)	Maximum 80%	≤80%	YES
Off-Street Parking	Minimum: 16 spaces Maximum 52 spaces	52 spaces	YES
Landscape Strip	10'	10'	YES
Driveways Surrounding Gasoline Pumps	Maximum 40'	100' and 142'	NO*

*The applicant requests a variance to exceed the maximum interior driveway width between the gasoline pump islands and the face-of-curb.

In addition, the following standards apply in the Highway 78 Corridor Overlay District:

Standard	Required	Proposed	Meets Standard?
Sidewalk Connecting Building Entrance to ROW	Minimum 4'	7.5'	YES
Landscape Strip	10'	10'	YES
Parking Spaces between the Building and ROW	Maximum 10% of spaces	10% of spaces	YES
Primary Building Entrance Distance from the ROW	Maximum 70'	>70' on each frontage	NO*

*The applicant requests a variance to exceed the maximum distance of the building entrance to the right-of-way.

Variance Requests

In addition to the special use permit request, the applicant is seeking two variances from the following provisions of Title II of the UDO:

- 1. Section 240-70.1(E). Interior driveways surrounding gasoline pumps shall be no more than 40 feet in total width (as measured from the base of the gasoline pump islands to the face-of-curb).**

The applicant proposes to install a canopy with six fuel pumps for tractor trailers in the rear of the lot with interior driveway widths of 100 feet and 142 feet.

- 2. Section 214-20.3(E)(4). Primary building facades and entrances shall be located no more than 70 feet from the public rights-of-way and shall be oriented toward the street and shall provide a sidewalk connecting the front entrance to a continuous sidewalk placed parallel to the street.**

The applicant proposes the building façade be located approximately 158 feet from the right-of-way of West Park Place Boulevard.

Public Participation

The applicant held a community meeting for the development on March 7, 2024, at Stone Mountain Pizza Café located at 5370 Stone Mountain Highway. There were no community members in attendance. The public participation forms are shown in Exhibit F.

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 G). 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

Special Use Permit Analysis: According to the UDO, the staff analysis and recommendation on each application for a Special Use Permit shall follow the same procedures as those contained in Section 270-20. Emphasis shall be given to the evaluation of characteristics of the proposed use in relationship to neighboring properties and the compatibility of the proposed use with its surroundings. For Special Use Permits, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.6. After this evaluation, staff makes the following findings based on the standards from the UDO:

A. Whether a proposed special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The site is surrounded by residential, commercial, and light industrial uses. The properties across Bermuda Road to the west are developed with multi-family assisted living/memory care and senior single-family detached independent living residences. Allowing a special use permit for a convenience store with fuel pumps, including tractor trailer fuel pumps, and large surface parking areas, would not be suitable in view of the use and development of adjacent and nearby residential property.

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

The special use permit approval would adversely affect the existing residential use or usability of adjacent or nearby property to the west across Bermuda Road. Access to the tractor trailer fuel pumps is provided by a full-access driveway and a right-in/right-out driveway on Bermuda Road, which is classified as a local street. This could result in traffic congestion on Bermuda Road for residents leaving the senior independent living facility to access West Park Place Boulevard. Additionally, 36 parking spaces are located around the tractor trailer fuel pumps which could be unsafe for customers trying to access the convenience store or retail space from these parking spaces.

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

The property has a reasonable economic use as currently zoned.

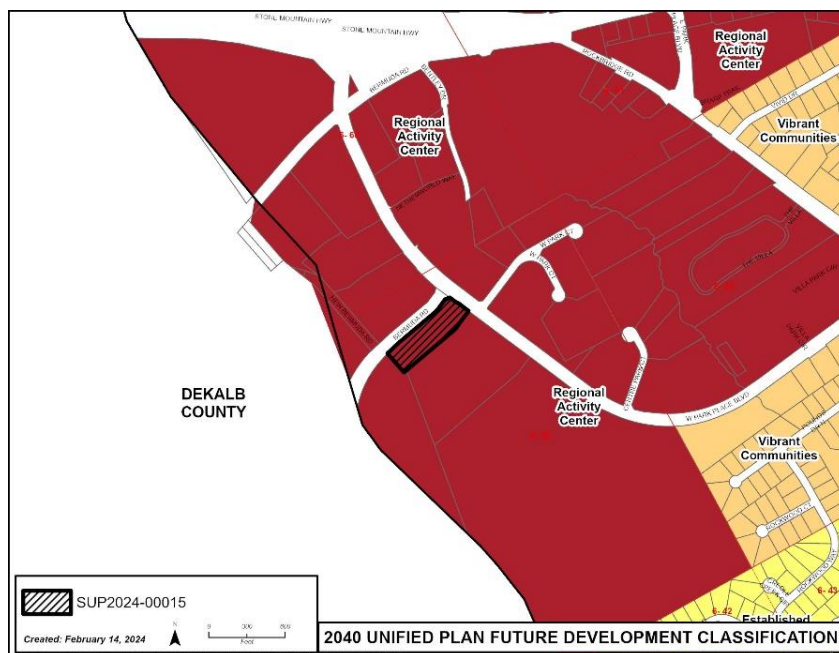
D. Whether the proposed special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Impact on public facilities is anticipated in the form of traffic, utility demand, and stormwater runoff; however, the impacts would be mitigated with appropriate conditions, site development, and planning. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements for this request are attached (Exhibit G).

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

The application was received prior to the adoption of the 2045 Unified Plan, and was analyzed based on the 2040 Unified Plan. The Future Development Map indicates that the subject property lies within the Regional Activity Center Character Area. This character area is intended for areas that have intense commercial and office/employment activity, as well as high-density residential elements. The dominant focus of Regional Activity Centers are major activity centers for Gwinnett County and the broader region and would include a combination of retail, office, high-density residential uses and transit-oriented development. To encourage a walkable live/work/play environment, developments should incorporate pedestrian-friendly design.

The proposed special use permit for a convenience store with fuel pumps for automobiles and tractor trailers is not in conformity with the policy and intent of the Unified Plan and Future Development Map.



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 special use permit.

The subject property is located in the Highway 78 Corridor Overlay District, which is intended to enhance the viability and livability of the area surrounding major activity centers. A convenience store with fuel pumps for tractor trailers located on a local street and adjacent to senior housing and a memory care facility is not appropriate at this location.

Variance Request Analysis: The standards for granting variances are outlined in Section 270-90.7 of the UDO. Staff makes the following findings related to the variance request:

The applicant is requesting a variance to exceed the maximum 40-foot-wide driveway requirement surrounding gasoline pumps, to have driveways of 100 feet and 142 feet in width around the gasoline

pumps serving tractor trailers. The applicant is requesting a second variance from the Highway 78 Corridor Overlay District requirement to exceed the maximum distance that the building entrances can be located from the rights-of-way. The proposed building entrance is approximately 158 feet from the rights-of-way of West Park Place Boulevard.

There is nothing peculiar or unique to the site that necessitates the proposed site configuration. The applicant could propose a site configuration that meets these regulations and does not require variances. Approval of the variances would oppose the general spirit and intent of the UDO. Therefore, staff recommends denial of the variance requests.

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 special use permit request.

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

1. To allow driveway widths exceeding 40 feet measured from the base of the gasoline pump islands to the face-of-curb.
2. To allow the primary building façade and entrance to be located more than 70 feet from the right-of-way.

Staff Recommended Conditions

NOTE: The following conditions are provided as a guide should the Board of Commissioners choose to approve the petition.

Approval of a special use permit for a convenience store with fuel pumps, subject to the following conditions:

1. The property shall be limited to a convenience store with fuel pumps, at a maximum gross floor area of 7,200 square feet, with the following uses excluded:
 - a. Parts and accessories stores.
 - b. Standalone liquor stores.
 - c. Standalone smoke, novelty, or CBD stores.
 - d. Drive-through facilities
2. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received March 14, 2024, and Exhibit C: Building Elevations dated received February 7, 2024, subject to the review and approval of the Department of Planning and Development.
3. The final location and design of the driveway on West Park Place Boulevard shall be subject to review and approval by the Department of Planning and Development.

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 **DENIAL** of the special use permit request.

In addition, the Planning Commission recommends **DENIAL** of the following variance requests:

1. To allow driveway widths exceeding 40 feet measured from the base of the gasoline pump islands to the face-of-curb.
2. To allow the primary building façade and entrance to be located more than 70 feet from the right-of-way.

Exhibits:

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

Exhibit A: Site Visit Photos



View of the site from Bermuda Road facing east



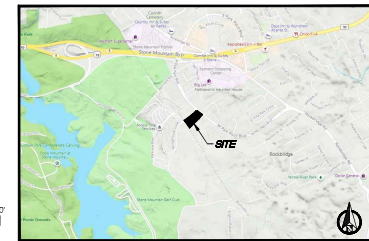
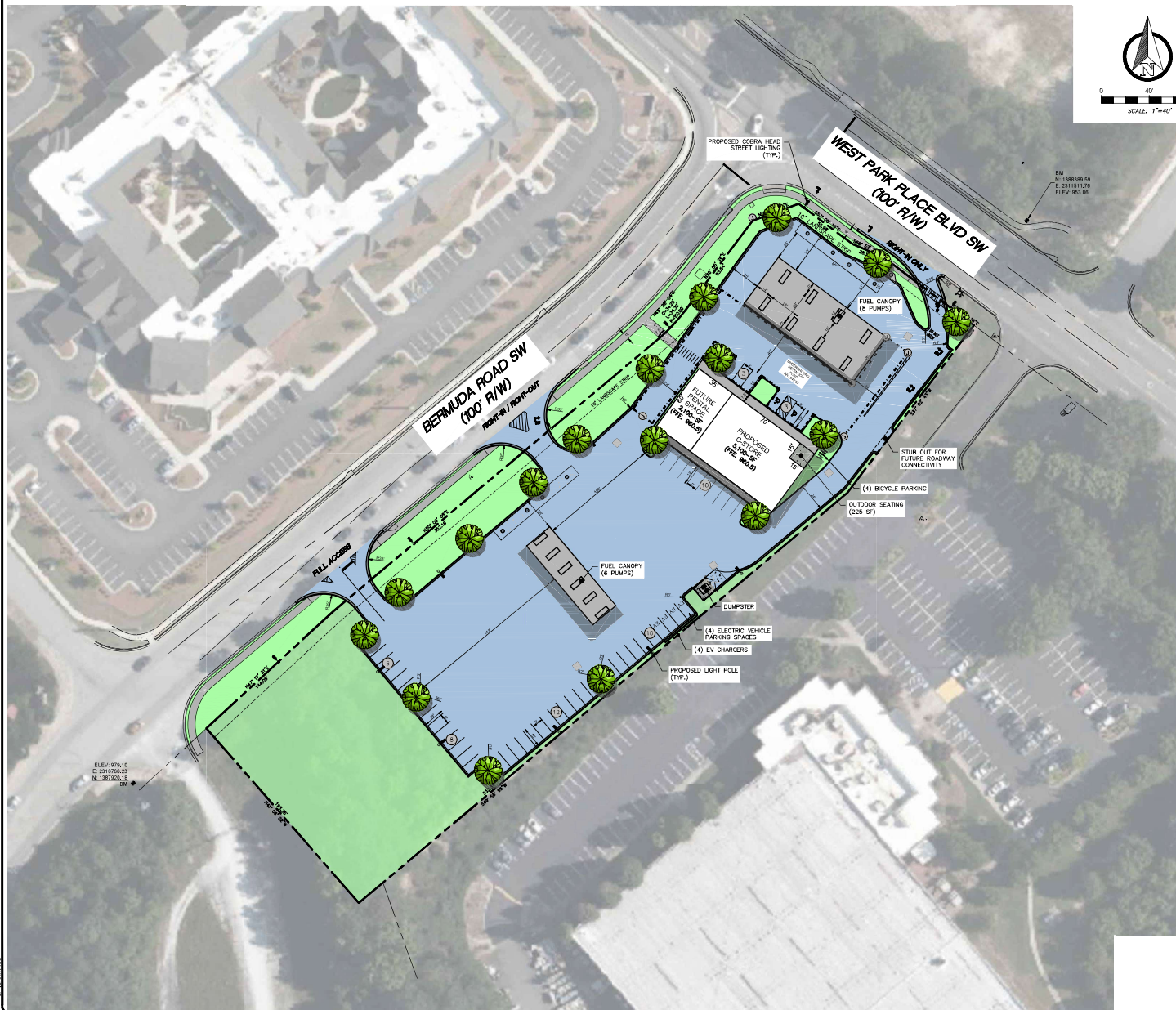
View of site from adjacent driveway facing north on West Park Place Boulevard



View of site facing west from across West Park Place Boulevard

Exhibit B: Site Plan

[attached]



VICINITY MAP

N.T.S.

SITE LEGEND

- PROPERTY LINE
- SETBACK LINE
- EASEMENT LINE
- TRAFFIC FLOW ARROW (PAVEMENT MARKING)
- HANDICAP STALL
- DUMPSTER PAD LOCATION
- PARKING SPACE COUNT

SITE DATA

LOCAL JURISDICTION	OWENNETT COUNTY
PRIMARY PARCEL ID	R0600 064
ZONING DESIGNATION	C-3
OVERLAY DISTRICT	ACTIVITY CNTR/CONDO
TOTAL PROPERTY ACREAGE	8.313 ACRES
PROPOSED USE	C-STORE, RETAIL RESTAURANT
MAX. BUILDING HEIGHT	45'
MIN. PARKING SIZE	9' X 18'
FRONT SETBACK	0'
SIDE SETBACK	0'
REAR SETBACK	0'
LANDSCAPE STRIP	10'
LOT COVERAGE	2.1 AC (67%)

PARKING SUMMARY (RETAIL SCENARIO)

	C-STORE	RETAIL	TOTAL
5,100-SF	11	41	52
2,100-SF	5	11	16
TOTAL	7,200-SF	52	52

PARKING SUMMARY (RESTAURANT SCENARIO)

	C-STORE	RESTAURANT	TOTAL
5,100-SF	11	41	52
2,100-SF	14	28	42
TOTAL	7,200-SF	69	69

- REQUIREMENTS BASED ON:
- CONVENIENCE STORE, GASOLINE STATIONS:
MIN: 1 PER 500 SQ. FT.
MAX: 1 PER 125 SQ. FT.
 - RETAIL:
MIN: 1 PER 500 SQ. FT.
MAX: 1 PER 200 SQ. FT.
 - RESTAURANTS:
MIN: 1 PER 150 SQ. FT.
MAX: 1 PER 75 SQ. FT.
 - BICYCLE RACKS:
MIN: 1 SPACE PER 30 MOTORIZED VEHICLE
PARKING SPACES.
REQUIRED = 3 SPACES
PROVIDED = 4 SPACES

NOTES

- MAX. 25% OF REQUIRED PARKING SPACES MAY BE COMPACT.
- BUILDINGS < 7,500-SF SHALL PROVIDE MAX. 20% OF PARKING IN FRONT OF BUILDING, W/ MAX. 1 DOUBLE ROW. MAX. 20% OF OFF-STREET PARKING TO BE AT BUILDING SIDES.
- MAX. PARKING AT FRONT OF BUILDING TO BE 11-SP.
- BUILDINGS > 7,500-SF TO BE MAX. 70' FROM PUBLIC ROW.
- DUMPSTERS TO BE SCREENED ON ALL SIDES BY MIN. 6' HIGH WALL.
- LIGHT POLE LOCATIONS SHOWN FOR CONCEPT ONLY, AND SUBJECT TO RELOCATION BASED OFF OF PHOTO-METRIC DESIGN.
- LANDSCAPING SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.

FIRE DEPARTMENT NOTES

- ANY NEW CONSTRUCTION SHALL BE MADE ADA-ACCESSIBLE (2010 ADA 36.401).
- FIRE DEPARTMENT ACCESS ROADS SHALL BE A MINIMUM OF 20 FEET IN WIDTH.
- HOSE LAYS FROM FIRE HYDRANTS, AS MEASURED VIA ROAD TRAVEL, SHALL NOT EXCEED 400 FEET. HOSE LAYS CANNOT GO OVER TRAFFIC MEDIANS, OR THROUGH OTHER MATERIALS THAT MAY PUNCTURE THE HOSE.
- THE FIRE DEPARTMENT ACCESS ROAD SHALL BE ABLE TO REACH ALL PORTIONS OF THE BUILDING WITHIN 150 FEET.



CONTINUED GROUP
SUITE 600
755 COMMERCE DRIVE
LILBURN, GA 30047
404.457.3919
www.log-engineer.com

AJANI INVESTMENTS
2648 KINNETT COURT
LILBURN, GA 30047
CONTACT: KARIM AJANI
770.310.2053

STONE MOUNTAIN C-STORE DEVELOPMENT
ISSUED FOR: CONSTRUCTION
JURISDICTION: OWENNETT COUNTY
LOCATION: WEST PARK BLVD & BERMDA RD
SHEET NO. 23-271

#	DATE	REVISIONS

DRAWN: TL	CHECK: RTC
JOB NO: 23-271	DATE: 03/12/24

SITE PLAN
SHEET C200

Exhibit C: Building Elevations

[attached]

RECEIVED

02/07/2024



1 FRONT ELEVATION
3/16" = 1'-0"



2 REAR ELEVATION
3/16" = 1'-0"



PLANSET TITLE

PROJECT:
WEST PARK PLACE
BERMUDA
ADDRESS:
-

OWNER: -

SEAL

REVISIONS:

DRAWN BY: CHA

CHECKED BY: NAG

Date: 22-JAN-24

A101

FRONT & REAR
ELEVATIONS

Scale: 3/16" = 1'-0"

RECEIVED

02/07/2024



PLANSET TITLE

PROJECT:
WEST PARK PLACE
BERMUDA
ADDRESS:
-
OWNER:-

SEAL

REVISIONS:

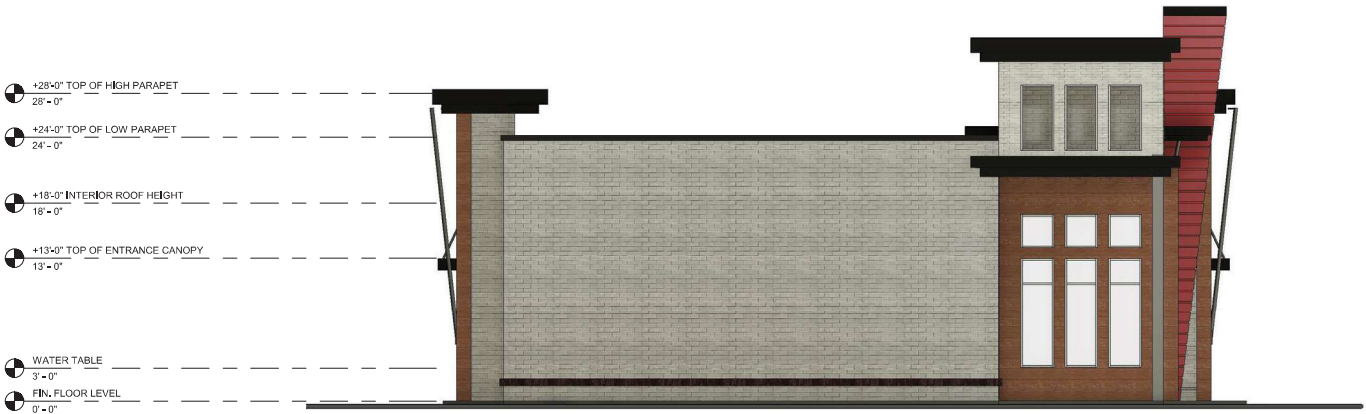
DRAWN BY: CHA
CHECKED BY: NAG

Date: 22-JAN-24

A102

LEFT & RIGHT
ELEVATIONS

Scale: 3/16" = 1'-0"



1 LEFT ELEVATION
3/16" = 1'-0"



2 RIGHT ELEVATION
3/16" = 1'-0"

RECEIVED

02/07/2024



PLANSET TITLE

PROJECT:
WEST PARK PLACE
BERMUDA
ADDRESS:
-
OWNER:-

SEAL

REVISIONS:

DRAWN BY: CHA
CHECKED BY: NAG

Date: 22-JAN-24

A103
FRONT VIEW 1

Scale:

RECEIVED

02/07/2024



PLANSET TITLE

PROJECT:
WEST PARK PLACE
BERMUDA
ADDRESS:
-

OWNER:-

SEAL

REVISIONS:

DRAWN BY: CHA
CHECKED BY: NAG

Date: 22-JAN-24

A104

FRONT VIEW 2

Scale:

RECEIVED

02/07/2024



PLANSET TITLE

PROJECT:
WEST PARK PLACE
BERMUDA
ADDRESS:
-
OWNER:-

SEAL

REVISIONS:

DRAWN BY: CHA
CHECKED BY: NAG

Date: 22-JAN-24

A105
FRONT VIEW 3

Scale:

RECEIVED

02/07/2024



PLANSET TITLE

PROJECT:
 WEST PARK PLACE
 BERMUDA
 ADDRESS:
 -
 OWNER:-

SEAL

REVISIONS:

DRAWN BY: CHA
 CHECKED BY: NAG

Date: 22-JAN-24

A107

BUILDING WITH
 CANOPY 2

Scale:

RECEIVED

02/07/2024



PLANSET TITLE

PROJECT:
WEST PARK PLACE
BERMUDA
ADDRESS:
-
OWNER:-

SEAL

REVISIONS:

DRAWN BY: CHA
CHECKED BY: NAG

Date: 22-JAN-24

A108

BUILDING WITH
CANOPY 1

Scale:

RECEIVED

02/07/2024



PLANSET TITLE

PROJECT:
 WEST PARK PLACE
 BERMUDA
 ADDRESS:
 -
 OWNER:-

SEAL

REVISIONS:

DRAWN BY: CHA
 CHECKED BY: NAG

Date: 22-JAN-24

A106
 LEFT SIDE VIEW
 Scale:

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

[attached]

RECEIVED

03/14/2024



CONTINEO GROUP

March 12, 2024

Gwinnett County Development Services Department
Gwinnett Justice & Administration Center
75 Langley Drive
Lawrenceville, GA 30046

**RE: Stone Mountain C-Store Development
Special Use Permit & Variance – Letter of Intent [23-271]**

The following Letter of Intent for the Special Use Permit Application, for the property located at West Park Place Boulevard and Bermuda Road, located on the southeast corner of the intersection of Bermuda Road and West Park Place Boulevard. The Special Use Permit is required based on the 2007 approval for this location, as that approval was site specific.

The proposed development is a convenience store with fuel pumps. The total property is 3.13 acres. The proposed plan includes a single-story, 5,100 sf convenience store with a Fuel Canopy of 8 pumps along with a Truck Fueling Canopy for 5 trucks. There is also a proposed 2,100 sf of rental space (retail or restaurant) under the same roof as the convenience store.

We are also requesting a variance for Sec. 240-70.1(E) which states, "*Interior driveways surrounding gasoline pumps shall be no more than 40 feet in total width (as measured from the base of the gasoline pump islands to the face-of-curb).*" The length of our vehicles for the rear canopy will exceed the 40-foot minimum, which would prohibit an otherwise permitted use within our zoning designation of C-2.

Section 214-20.3(E)(4). Primary building facades and entrances shall be located no more than 70 feet from the public rights-of-way and shall be oriented toward the street and shall provide a sidewalk connecting the front entrance to a continuous sidewalk placed parallel to the street.).

The reason this additional variance is needed is because the convenience store entrance will be located at what appears to be approximately 158 feet from the ROW of West Park Place Boulevard and approximately 95 feet from the ROW of Bermuda Road.

All stormwater detention will be underground. All utilities (water, sewer, power, telecom) have been identified to be available from the street frontages, either West Park Place Boulevard or Bermuda Road. All of the Landscape Code Regulations will be followed along with the Architectural, Design, Lighting and Canopy Requirements specific to the Highway 78/Activity Overlay District.

03/14/2024



All further detail will be completed during the design process. We anticipate providing full design of utility layout and connections, grading and stormwater management, truck movements including fire access, erosion control measures, photometrics, landscape and hardscape design plans along with a water and sewer report and hydrology drainage calculations for the full design submission application for the property.

Please accept this outline of the development intent and let us know if you should have any further questions or clarifications requested.

Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read "Ron T. Crump".

Ron Crump, PE

Owner

RonC@TheContineoGroup.com

Cell: 404.556.7721

RECEIVED

02/07/2024

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENT 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 SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

The Special Use Permit is required based on the 2007 approval for this location as that approval was site specific. Additionally, the SUP will allow the intended and proposed use to serve the immediate neighborhood and meet Gwinnett County's requirements of an SUP for C Store with canopy and pumps.

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

The requested Special Use Permit (SUP), in our understanding, shall not adversely impact or affect the existing use of adjacent and nearby properties.

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

The current zoning of the property is C2 which allows the proposed use of the property for retail purposes and for the purposes of a C Store. Thus, a rezoning is not requested.

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

The requested Special Use Permit (SUP) will not cause any excessive burden on the existing infrastructure.

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

Yes

- (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 SPECIAL USE PERMIT:

The existing conditions of the site which were put in place in 2007 only required a Change in Conditions application (related to inter parcel access). This was submitted in December 2023. However, since Gwinnett County adopted an SUP process for C Store development, this application is being submitted. This was not previously required. Thus, approval is requested.

RECEIVED

02/07/2024

Standards for Granting Variances:

Responses to the following criteria must be submitted for each variance requested (attach additional sheets as needed). According to the Unified Development Ordinance (UDO), a variance shall not be granted unless evidence is presented supporting conclusions that the variance meets each of the following criteria:

- a. Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain: _____
The Variance request is for Sec. 240-70.1 (E) to allow for interior driveways surrounding gasoline pumps to be greater than 40ft in total width. This request is to accommodate circulation of vehicles at the rear pumps and canopy that are greater than 40ft in length.
- b. Is the request necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved result in an unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced? Please explain: _____
The project has pumps and canopy at the front (of the building) facing West park Place. The variance is not needed for that section as the design has been done in accordance with Sec. 240-70.1 (E). The Variance is only requested for driveways the rear pumps because the 40ft restriction will cause hardship and make it impossible for the vehicles, which are greater than 40ft in length, to move safely in that part of the property.
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: _____
All properties that provide access to longer vehicles are most likely going to request relief and variance from this zoning condition. It is our opinion that in all sites facing this challenge, variance is going to be requested and will be necessary.
- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain: _____
Yes. The requested variance is a result of the regulation and not the result of the actions of the Owner and applicant since the site zoning allows for the intended use for which the variance is being requested.
- e. Would granting the variance impair or injure other property or improvements in the neighborhood in which the subject property is located, or impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety, or substantially diminish or impair property values within the neighborhood? Please explain: _____
Allowing the variance does not adversely impact the subject site, immediate roads and surrounding areas now or in the future. Additionally, the requested variance does not adversely impact the quality of light, air, existing greenery or the environment in any manner, neither does it endanger public property or property values in the neighborhood.
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: _____
Yes. The variance is only being requested for a section of the site. A similar situation (canopy and pumps) is designed for the front of the property and no variance is requested for that section of the property.
- g. Does the variance desired meet the general spirit and intent of Title 2 of the UDO and/or the purpose and intent of the Gwinnett County Unified Plan? Please explain: _____
It is our opinion that requested variance is kept a minimum and respects the general spirit of Sec. 240-70.1 (E) of the UDO and the Gwinnett County Unified Plan.

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

RECEIVED

02/07/2024

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Mustaq Moosa</u>	NAME: <u>Williams J M JR. ETAL</u>
ADDRESS: <u>105 Foe Creek Court</u>	ADDRESS: <u>3856 Mount Paran Church Road</u>
CITY: <u>Roswell</u>	CITY: <u>Social Circle</u>
STATE: <u>GA</u> ZIP: <u>30076</u>	STATE: <u>GA</u> ZIP: <u>30025</u>
PHONE: <u>404 704 6356</u>	PHONE: <u>404-642-8660</u>
EMAIL: <u>Mustaq@cityviewdb.com</u>	EMAIL: <u>williamsservicegrouppllc@gmail.com</u>
CONTACT PERSON: <u>Mustaq Moosa</u> PHONE: <u>404 704 6356</u>	
CONTACT'S E-MAIL: <u>Mustaq@cityviewdb.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>7200 SF</u>
PARCEL NUMBER(S): <u>R6060-064</u> ACREAGE: <u>3.12</u>
ADDRESS OF PROPERTY: <u>2155 West Park Place and 5625 Bermuda Road, Stone Mountain, GA 30087</u>
SPECIAL USE REQUESTED: <u>Special Use Permit for a convenience store in the C-2 zoning district with variance for driveway width around fuel pumps</u>

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

02/07/2024

SPECIAL USE PERMIT 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.



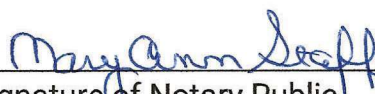
Signature of Applicant

January 25, 2024

Date

Mustaq Moosa(applicant)

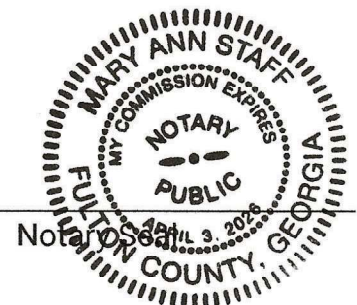
Type or Print Name and Title



Signature of Notary Public

Jan 25, 2024

Date

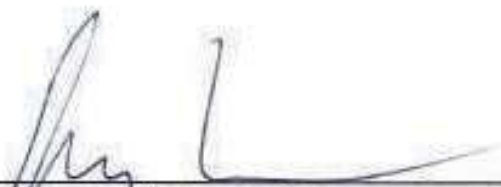


RECEIVED

02/07/2024

SPECIAL USE PERMIT 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


12/28/23

Date

Brad Williams

Type or Print Name and Title

Manager



Signature of Notary Public

12/28/23

Date



Notary Seal

RECEIVED

02/07/2024

CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, 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.

Mustaq Moosa January 25, 2024 Mustaq Moosa (applicant)
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Mary Ann Staff Jan 25, 2024
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 Mustaq Moosa
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.

RECEIVED

02/07/2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 10/2021

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

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 SPECIAL USE PERMIT REQUEST.**

PARCEL I.D. NUMBER: 6th - 59 - R6060-064
(Map Reference Number) District Land Lot Parcel

Mustaq January 24, 2024
Signature of Applicant Date
Mustaq Moosa (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)

Kathy Lyles TSA
NAME TITLE
2/7/24
DATE

Exhibit F: Internal and External Agency Review Comments

[attached]



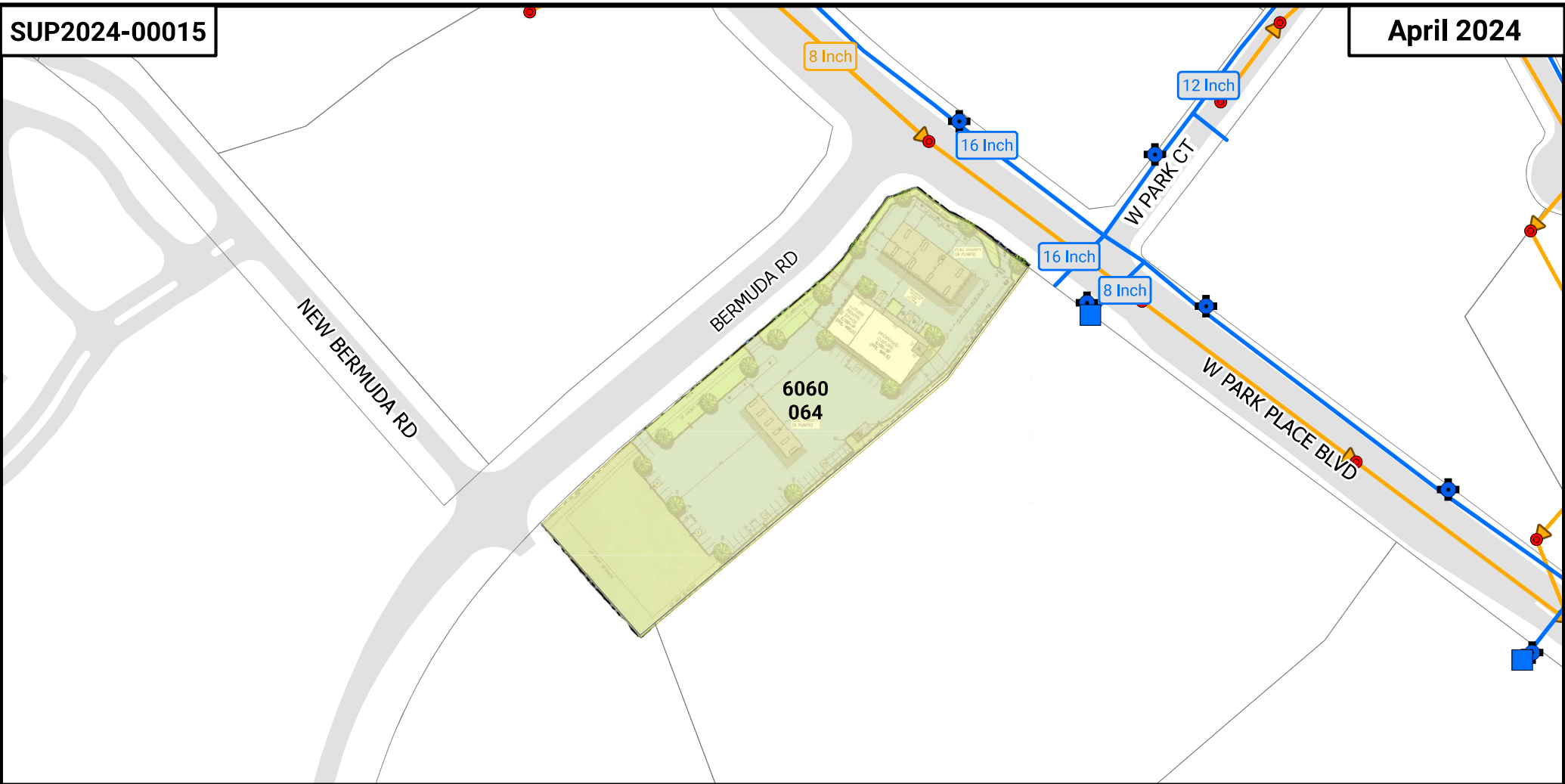
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:				03.01.2024	
Department/Agency Name:				Transportation	
Reviewer Name:				Brent Hodges	
Reviewer Title:				Construction Manager 1	
Reviewer Email Address:				Brent.Hodges@gwinnettcountry.com	
Case Number:				SUP2024-00015	
Case Address:				West Park Place Boulevard and Bermuda Road, Stone Mountain, 30087	
		Comments:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
1	West Park Place Boulevard is a minor arterial. ADT = 19,053.				
2	350' feet to the nearest transit facility located along the frontage of West Park Place Boulevard at the Pebblebrook Senior residential complex.				
3					
4					
5					
6					
7					
		Recommended Zoning Conditions:	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
1	The developer shall coordinate with the Gwinnett County Department of Transportation (Design Division) regarding SPLOST project F-1519-01 – West Park Place Boulevard Improvements.				
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:		SUP2024-00015		
Case Address:		West Park Place & Bermuda Road		
Comments:		<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
1	Water: The proposed development shall connect to the existing 16-inch water main on the southern right-of-way of West Park Place Blouvard.			
2	Sewer: A Sewer Capacity Certification is required prior to obtaining a Land Disturbance Permit. Pending available capacity, the proposed development may connect to an existing 8-inch gravity sewer located under the pavement of West Park Place Boulevard. Coordination with DOT will be required.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO
1				
2				
3				
4				
5				
6				
7				



LEGEND

Water Main

Hydrant

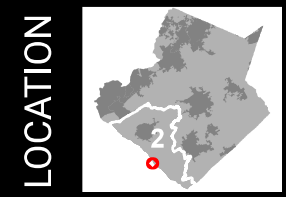
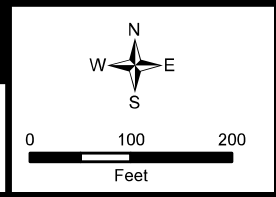
Master Vault

Manhole

Sewer Collector

West Park Pl & Bermuda Rd
C-2

Water & Sewer
Utility Map



Water Comments: The proposed development shall connect to the existing 16-inch water main on the southern right-of-way of West Park Place Blouvard.

Sewer Comments: A Sewer Capacity Certification is required prior to obtaining a Land Disturbance Permit. Pending available capacity, the proposed development may connect to an existing 8-inch gravity sewer located under the pavement of West Park Place Boulevard. Coordination with DOT will be required.

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 G: Public Participation Plan and Report

[attached]



Public Participation Plan

1. **Who do you intend to contact in addition to property owners within 1,000 feet of the site, if any?**

We shall contact all property owners and residents within 1000 feet vicinity based on the list of
addresses provided by Gwinnett County. At this time we do not intend to invite additional participants.

2. **Where do you plan to host the Public Participation Meeting? Ensure that the meeting is held in person at a convenient location for interested parties.**

The meeting shall be held in person at Stone Mountain Pizza Cafe located at :
5370 Stone Mountain Highway, Stone Mountain, GA 30087

3. **What date and time do you plan to host the Public Participation Meeting? Ensure that the meeting is held at a convenient time for interested parties, e.g. not during typical work hours on weekdays.**

The meeting shall be held on Thursday, March 7, 2024 at 7pm.

4. **What is your method for providing opportunities for discussion with interested parties at the Public Participation Meeting?**

Following is the proposed agenda for the meeting:

1. Welcome the participants
2. Power Point presentation of the project (Site plan, renderings, etc.)
3. Presentation by the owners and operators as to the manner in which they will operate the business
4. Open for discussions and Questions and Answers by the participants.

During the discussion session, we shall allow the participants to share their views and opinions and
we will take notes of the questions and responses provided. After the meeting we shall provide
detailed notes to Planning & Zoning Department



Public Participation Report

1. List all groups that you notified of the requested application. Include a copy of the notification package and stamped Postal Service Form 3877 (attached) with itemized name and address of each addressee.

Stamped Postal Service Form attached

2. Provide the date, time, and location of all meeting(s) that the applicant and/or representative attended to discuss an application with interested parties.

March 7, 2024 at 7:00pm

Location: Stone Mountain Pizza Cafe (5370 Stone Mountain Hwy #1030, Stone Mountain, GA 30087)

3. Provide the number of people who participated in the meeting(s). Include the sign-in sheet(s) with meeting date, time, location, and attendee names.

No participants attended the meeting

4. What issues and concerns were expressed by attendees at the meeting(s)?

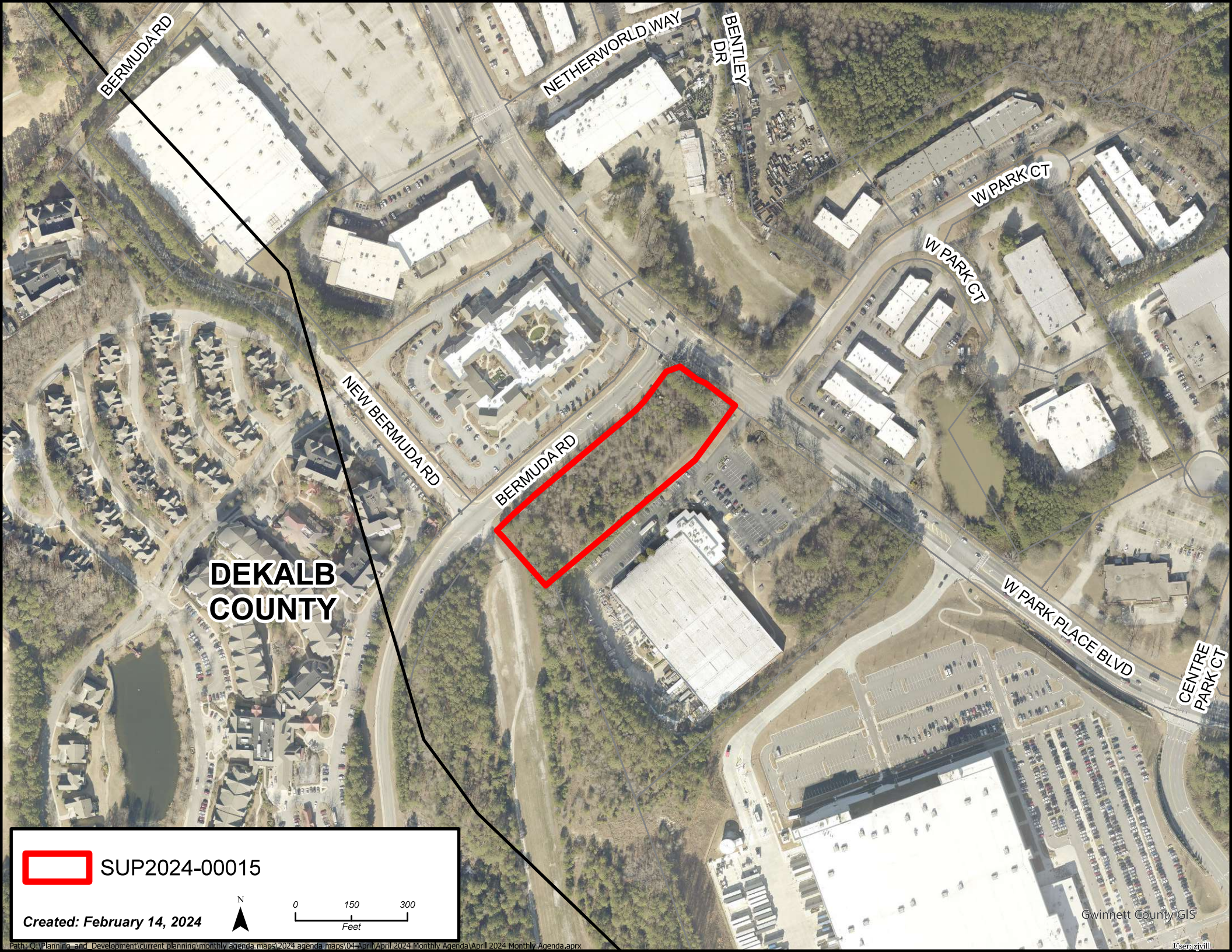
Not Applicable

5. What are the applicant's responses to the issues and concerns that were expressed at the meetings? What changes to the development will be made?

Not Applicable

Exhibit H: Maps

[attached]

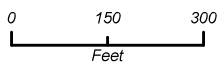


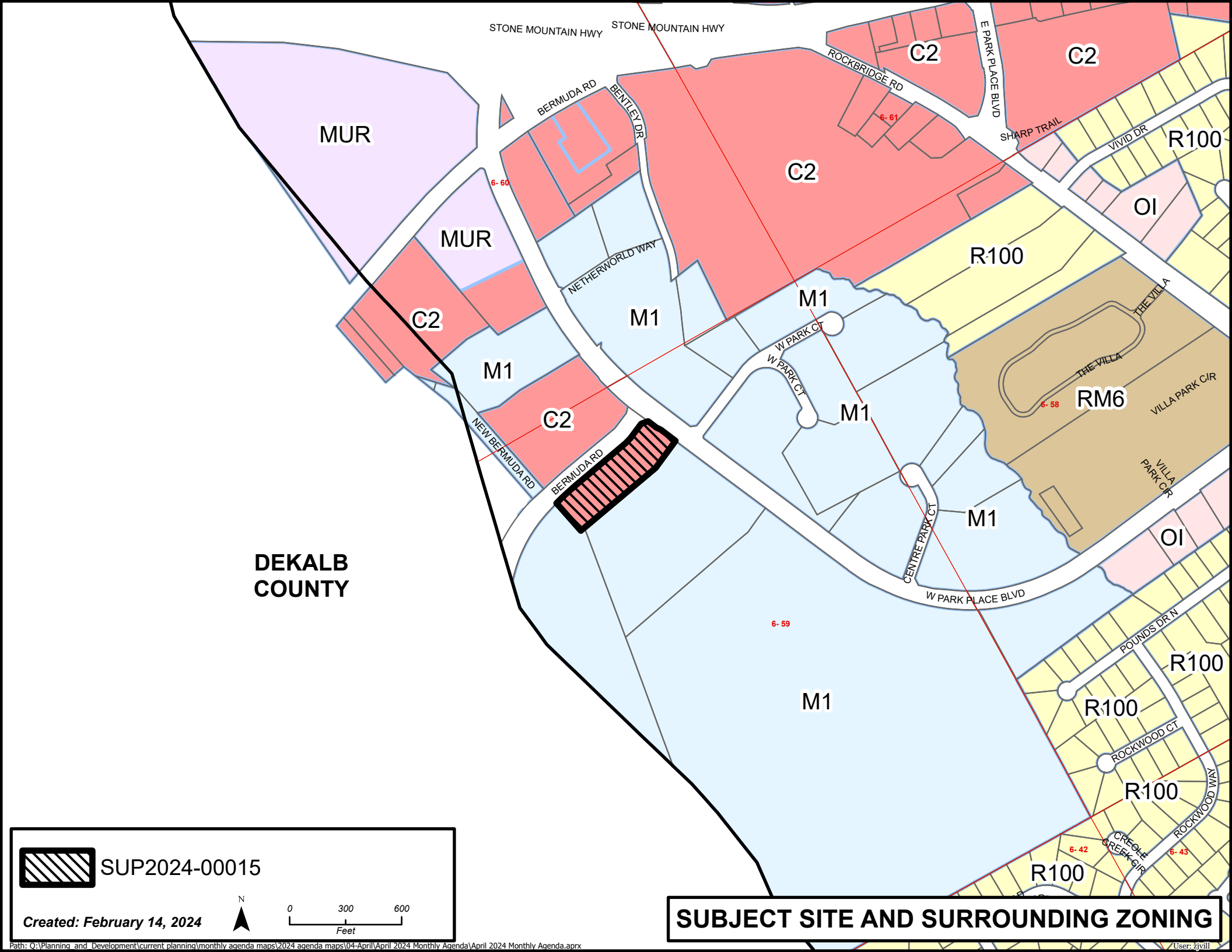
**DEKALB
COUNTY**



SUP2024-00015

Created: February 14, 2024



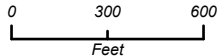


DEKALB
COUNTY

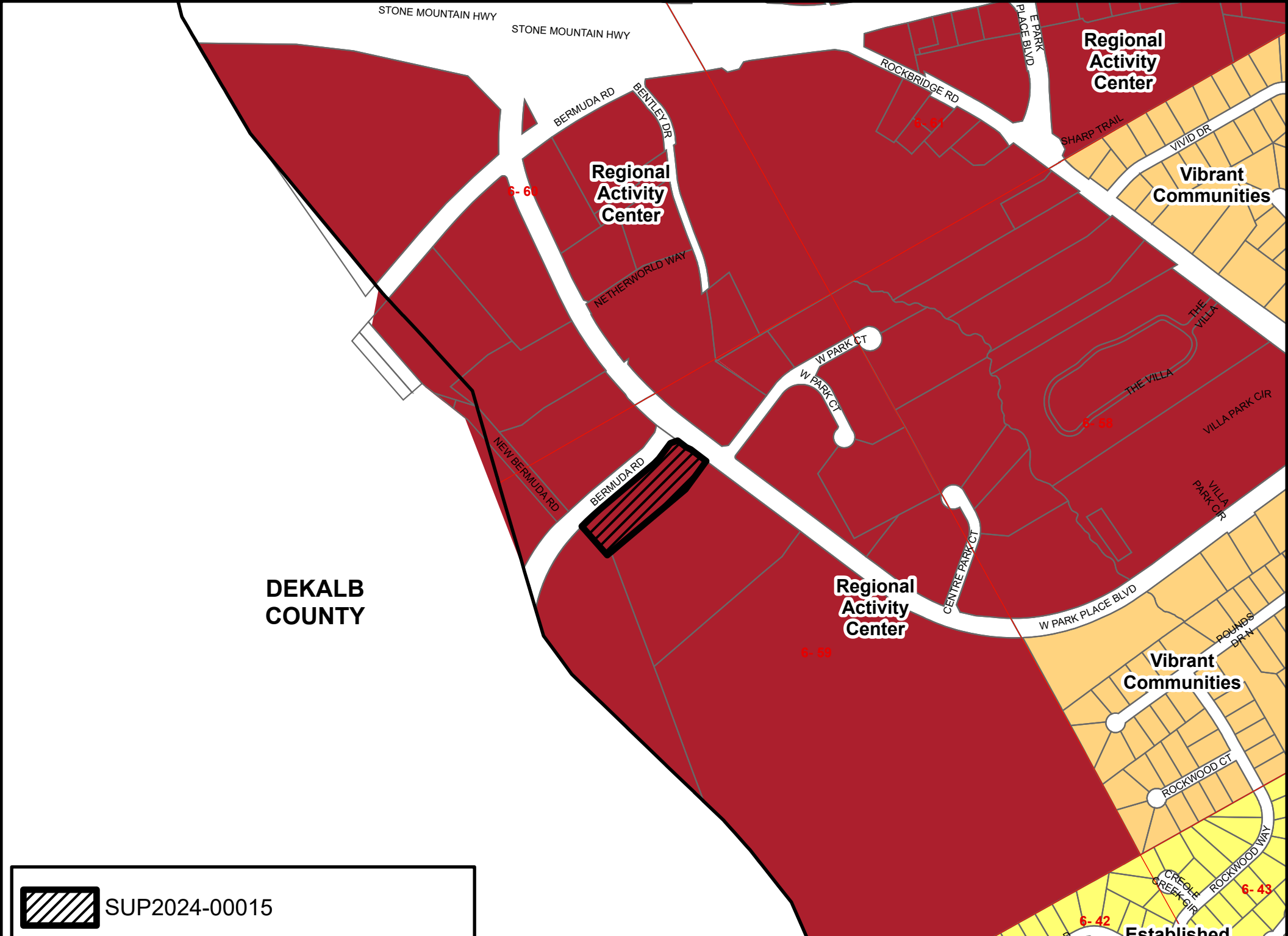


SUP2024-00015

Created: February 14, 2024

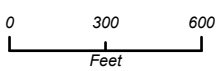


SUBJECT SITE AND SURROUNDING ZONING



 SUP2024-00015

Created: February 14, 2024



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION