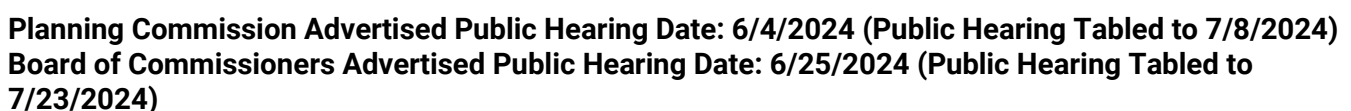




Case Number:	SUP2024-00020
Current Zoning:	C-2 (General Business District)
Request:	Special Use Permit
Overlay District:	Gateway 85
Additional Request:	Variance
Address:	5560 Jimmy Carter Boulevard
Map Number:	R6195 097
Site Area:	0.96 acres
Square Footage:	9,995 sq ft
Proposed Development:	Convenience store with fuel pumps
Commission District:	District 1 – Carden
Character Area:	Urban High

Planning Commission
Recommendation: DENIAL



Applicant: Capital Commercial 5560 Properties, LLC
c/o W. Charles "Chuck" Ross
5560 Jimmy Carter Boulevard
Norcross, GA 30093

Owner: Capital Commercial 5560 Properties, LLC
5560 Jimmy Carter Boulevard
Norcross, GA 30093

Contact: W. Charles "Chuck" Ross

Phone: 770.962.0100

Zoning History

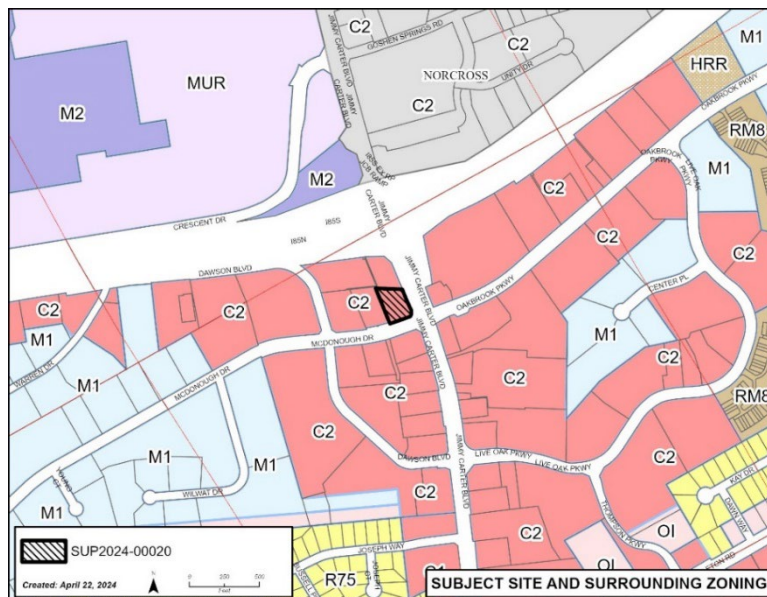
The subject property is zoned C-2 (General Business District), pursuant to a county-wide zoning action in 1970. A special use permit for automobile sales and service was approved in 1994, pursuant to SUP-94-043. The site is located in the Gateway 85 Overlay District.

Existing Site Condition

The subject property is a 0.96-acre parcel at the northwest corner of the intersection of Jimmy Carter Boulevard and McDonough Drive. The site is developed with a one-story commercial building that is currently vacant after a title pawn shop closed in 2023. The site is relatively flat, and accessed by two driveways on Jimmy Carter Boulevard and one driveway on McDonough Drive. A five-foot-wide sidewalk is located along both street frontages. The nearest Gwinnett County Transit Stop is 0.10 miles from the subject site.

Surrounding Use and Zoning

The subject property is surrounded by a variety of commercial uses including a drive-through restaurant to the west and a truck rental business to the north along Jimmy Carter Boulevard. There is a multi-tenant retail center to the east across Jimmy Carter Boulevard and a restaurant to the south across McDonough Drive. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning
Proposed	Convenience store with fuel pumps	C-2
North	Commercial – Truck Rental	C-2
East	Commercial – Retail Center	C-2
South	Commercial – Restaurant	C-2
West	Commercial – Restaurant	C-2

Project Summary

The applicant requests a special use permit for a convenience store with fuel pumps, including:

- A 9,995 square foot building consisting of a 4,360 square foot convenience store and three, 1,200 square foot retail tenant spaces on the first floor, and 2,035 square feet of office space on a partial second floor.
- A fuel canopy with eight fuel pumps between the building and Jimmy Carter Boulevard.
- Exterior building materials consisting of brick, siding, and glass.
- 23 parking spaces located to the front and side of the building.
- A dumpster enclosure in the side yard to the north of the building.
- Continued use of the existing two right-in/right-out driveways on Jimmy Carter Boulevard and one right-in/right-out driveway on McDonough Drive.
- An 8-foot-wide sidewalk and a 10-foot-wide landscape strip along both road frontages.
- A 5-foot-wide walkway and crosswalk from the building to the sidewalk along McDonough Drive.
- Interparcel driveway stubs provided to the adjacent parcels to the north and west.
- 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 in C-2 for a convenience store with fuel pumps. The following is a summary of applicable Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
FAR	Maximum 1.0	0.25	YES
Building Height	Maximum 45'	34'	YES
Coverage (% of lot)	Maximum 80%	79.83%	YES
Front Yard Setback	0'	>0'	YES
Side Yard Setback	0'	>0'	YES
Rear Yard Setback	0'	>0'	YES
Off-Street Parking	Minimum: 22 spaces Maximum 36 spaces	23 spaces	YES
Landscape Strip	10'	10'	YES
Driveways Surrounding Gasoline Pumps	Maximum 40'	22' and 26'	YES

In addition, the following standards apply in the Gateway 85 Overlay District:

Standard	Required	Proposed	Meets Standard?
Sidewalk and Sidewalk Landscape Strip	Minimum 8' and 2'	8' and 2'	YES
Landscape Strip	10'	10'	YES
Driveways on Priority Corridor when access can be provided from non-Priority Corridor	No driveway access on Jimmy Carter Boulevard	2 driveways	NO*

*The applicant requests a variance to exceed the maximum number of driveways allowed on a Priority Corridor in the Gateway 85 Overlay District.

Variance Request

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

- Section 214-40.8. Driveways may not be located on a Priority Corridor when vehicular access is available from a right-of-way that is not classified as a Priority Corridor, except where the Director of Planning and Development determines it is infeasible due to conflicts with adjacent land uses.**

The applicant proposes to retain and modify two existing driveways on Jimmy Carter Boulevard, which is classified as a priority corridor.

Public Participation

The applicant held a community meeting for the development on April 30, 2024, at 7:00 PM at the Norcross Cultural Arts and Community Center located at 10 College Street, Norcross, Georgia 30071. No members of the public were in attendance. The public participation report is shown in Exhibit G.

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 H). 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 commercial uses along Jimmy Carter Boulevard. There is an existing convenience store with fuel pumps approximately 800 feet to the south of the site on Jimmy Carter Boulevard. There is also a convenience store with fuel pumps to the southeast, on the property across Jimmy Carter Boulevard at the intersection with Live Oak Parkway. Although commercial tenant space is an appropriate use for this area, a convenience store with fuel pumps that requires a special use permit is not suitable at this location.

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

The applicant is proposing three right-in/right-out driveways, two along Jimmy Carter Boulevard and one along McDonough Drive. The driveways are in close proximity to the intersection of Jimmy Carter Boulevard and McDonough Drive as well as the driveway serving the truck rental establishment to the north. The proposal would generate traffic that may adversely impact vehicular and pedestrian safety by these three driveways accessing a relatively small site.

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

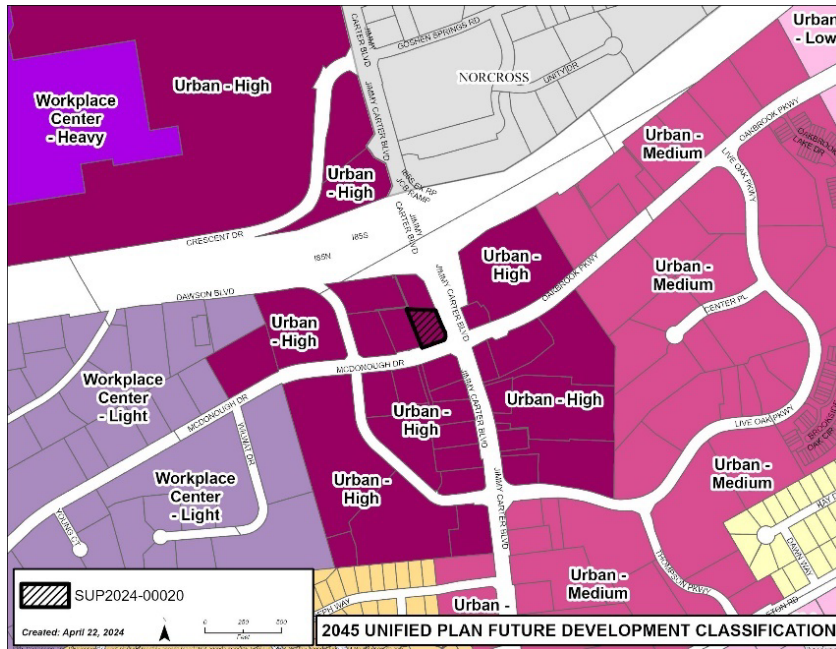
The property has a reasonable economic use as currently zoned.

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 H).

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

The Unified Plan's Future Development Map indicated "Urban-High" for the subject property, which envisioned high-intensity vertical mixed-use development that prioritizes the safety of pedestrians and bicyclists. Auto-oriented commercial uses are not recommended uses. The proposed special use permit for a convenience store with fuel pumps is not in conformity with the policy and intent of the 2045 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 Board of Commissioners approved the Gateway 85 Overlay in 2021, with the intent to promote quality redevelopment, reduce and eliminate incompatible land uses, and promote safe and convenient pedestrian and bicycle mobility. The proposed automobile-oriented use is not in conformity with the intent of the Gateway 85 Overlay, thus giving supporting grounds for disapproval.

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

The Gateway 85 Overlay District prohibits driveways along priority corridors when access is available along roadways not classified as such. The applicant requests a variance to maintain two existing driveways along Jimmy Carter Boulevard while providing right-in/right-out access on McDonough Drive. Approval of the variance would oppose the general spirit and intent of the UDO. Therefore, staff recommends denial of the variance request to retain the two curb cuts on Jimmy Carter Boulevard.

Staff Recommendation

Based on 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 request:

1. To allow a driveway onto a Primary Corridor when vehicular access is available from a right-of-way that is not classified as a Priority Corridor.

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 in C-2 (General Business District), subject to the following conditions:

1. The following accessory uses shall be prohibited:
 - a. Drive-through facilities
 - b. Emission inspection establishments
 - c. Vehicle parts and accessories sales
 - d. Vehicle washing establishments
2. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan and Exhibit C: Building Elevations dated received April 17, 2024, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
3. A maximum of one curb cut shall be allowed on Jimmy Carter Boulevard, subject to review and approval by the Gwinnett County Department of Transportation.

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 request:

1. To allow a driveway onto a Primary Corridor when vehicular access is available from a right-of-way that is not classified as a Priority Corridor.

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. DWR Sewer Capacity Certification Letter
- G. Public Participation Report
- H. Internal and External Agency Review Comments
- I. Maps

Exhibit A: Site Visit Photos



View of the site from Jimmy Carter Boulevard



View of the property frontage along Jimmy Carter Boulevard facing north



View from the site facing south across McDonough Drive



View from the rear of the site facing west

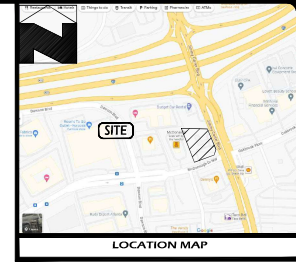
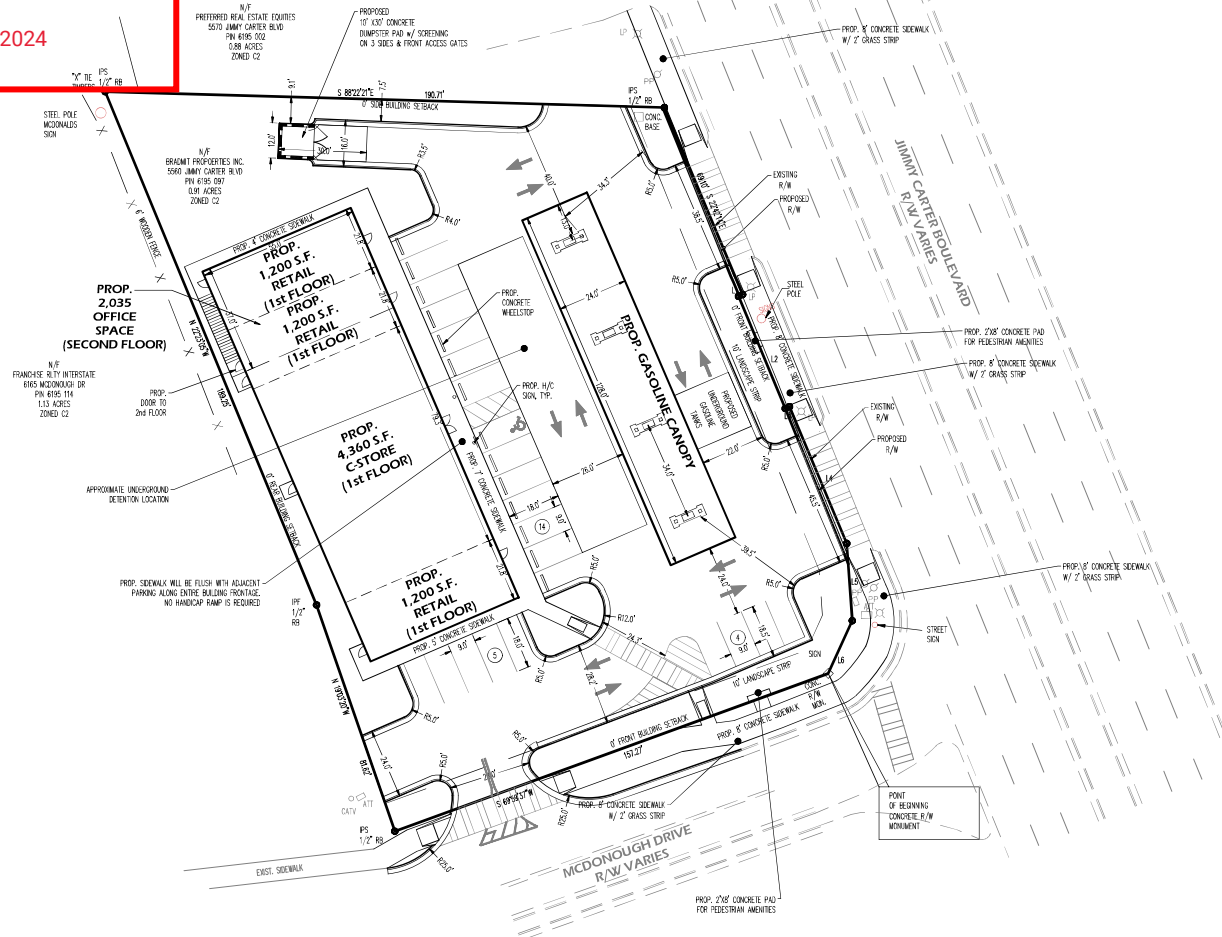
Exhibit B: Site Plan

[attached]

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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ZONING DATA TABLE:

CURRENT ZONING:	C2
PROPOSED ZONING:	N/A
OVERLAY DISTRICT:	GATEWAY BS OVERLAY
PROPOSED USE ALLOWED IN ZONING:	YES (WITH APPROVED SPECIAL USE PERMIT)
MINIMUM LOT AREA:	N/A
MINIMUM LOT WIDTH:	N/A
MINIMUM ROAD FRONTAGE:	N/A
MAXIMUM BUILDING HEIGHT:	45'
MAXIMUM COVER:	80% (CURRENT COVERAGE 78.8%)
BUILDING SETBACKS:	
FRONT:	0'
SIDE:	0'
REAR:	0'
LANDSCAPE STRIPS:	
ALONG ROSE:	10'
OTHER:	
BUFFERS:	N/A
ZONING BUFFER:	
OTHER:	

PARKING REQUIREMENTS:

COUNTY REQUIREMENT:	REQUIRED MAXIMUM	REQUIRED MINIMUM	TOTAL PARKING PROVIDED
C-STORE @ 4,360 S.F.			
1 SPACE FOR 300 S.F. (MINIMUM)	15	9	10
1 SPACE FOR 300 S.F. (MINIMUM)			
RETAIL @ 3,600 S.F.			
1 SPACE FOR 300 S.F. (MINIMUM)	12	8	8*
1 SPACE FOR 300 S.F. (MINIMUM)			
OFFICE SPACE @ 2,035 S.F.			
1 SPACE FOR 300 S.F. (MINIMUM)	9	5	5*
1 SPACE FOR 300 S.F. (MINIMUM)			
TOTAL:	36	22	23*

* INCLUDES 1 ADA SPACE (2 REQUIRED)



Know what's below.

Call before you dig.

UTILITY DISCLAIMER:

IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION. SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVIENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THESE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGE MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

Course	Bearing	Distance
L1	S 87°22'00" W	1.50'
L2	S 22°37'00" E	41.45'
L3	N 61°30'00" E	1.56'
L4	S 22°42'00" E	50.55'
L5	S 84°05'00" E	26.37'
L6	S 24°25'00" W	19.77'

OWNER/DEVELOPER:

NAME:
ADDRESS:

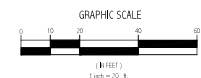
PHONE:
EMAIL:

24-HR CONTACT:

NAME:
PHONE:
EMAIL:

ENGINEER:

EVANS DESIGN GROUP, INC.
4755 SUMMER SONG COURT
BUDFORD, GA 30519
678.207.6830 (PH)
CONTACT: JON M. EVANS, P.E.



PROJECT NAME
**JIMMY CARTER
RETAIL AND
C-STORE**

5560 JIMMY
CARTER BLVD.
LL 196, 6TH DIST.
GWINNETT
GEORGIA

DATE:
01-14-24

DESIGN BY: DRAWN BY: CHECKED BY:

JME JME JME

☐ Not Released For Construction
☐ Released For Construction

OWNER/DEVELOPER

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ANY INFORMATION STORAGE AND RETRIEVAL
SYSTEM, WITHOUT PERMISSION IN WRITING FROM
EVANS DESIGN GROUP, INC.

REVISIONS

NO.	DESCRIPTION	DATE

JOB NUMBER:
23-060

SHEET TITLE
**SITE
PLAN**

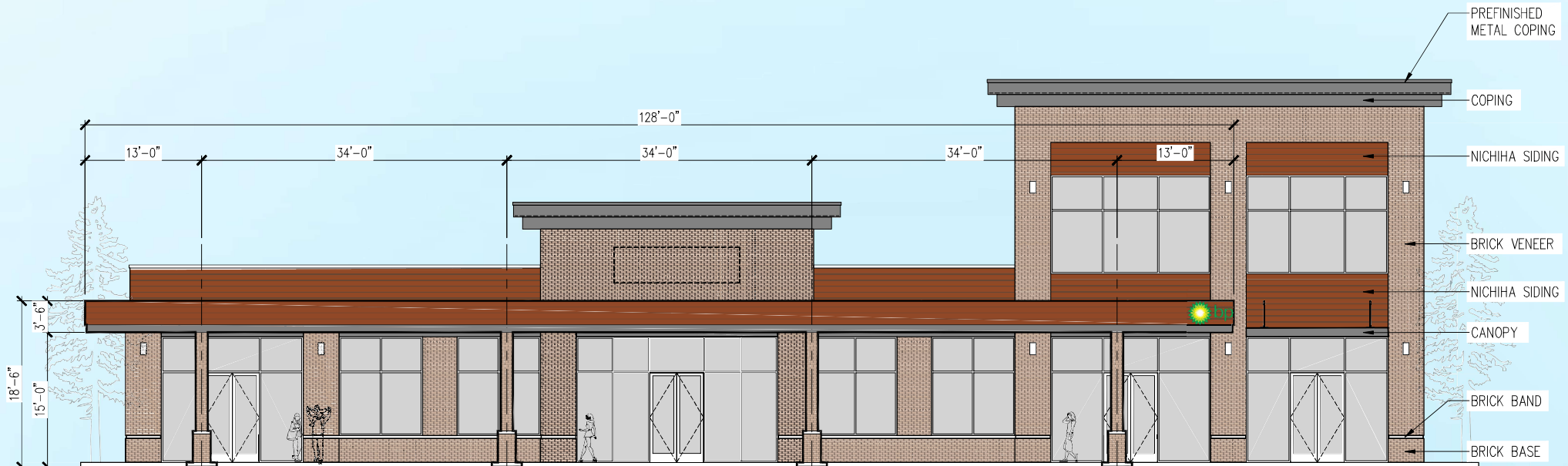
C-4

Exhibit C: Building Elevations

[attached]

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EXTERIOR MATERIALS LEGEND



BRICK MASONRY EXTERIOR FINISH
(OLD PEARL RIVER BY CHEROKEE)



HORIZONTAL SIDING
(VINTAGE-REDWOOD BY NICHIHA)



ALUMINUM CLADDING
(SLATE GRAY BY PAC CLAD)

CANOPY FRONT ELEVATION

04.10.24
SCALE: 3/32" = 1'-0"
SHEET 1

Pate Design Group






INTERIORS | ARCHITECTURE | PLANNING

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EXTERIOR MATERIALS LEGEND	
	BRICK MASONRY EXTERIOR FINISH (OLD PEARL RIVER BY CHEROKEE)
	HORIZONTAL SIDING (VINTAGE-REDWOOD BY NICHHA)
	ALUMINUM CLADDING (SLATE GRAY BY PAC CLAD)

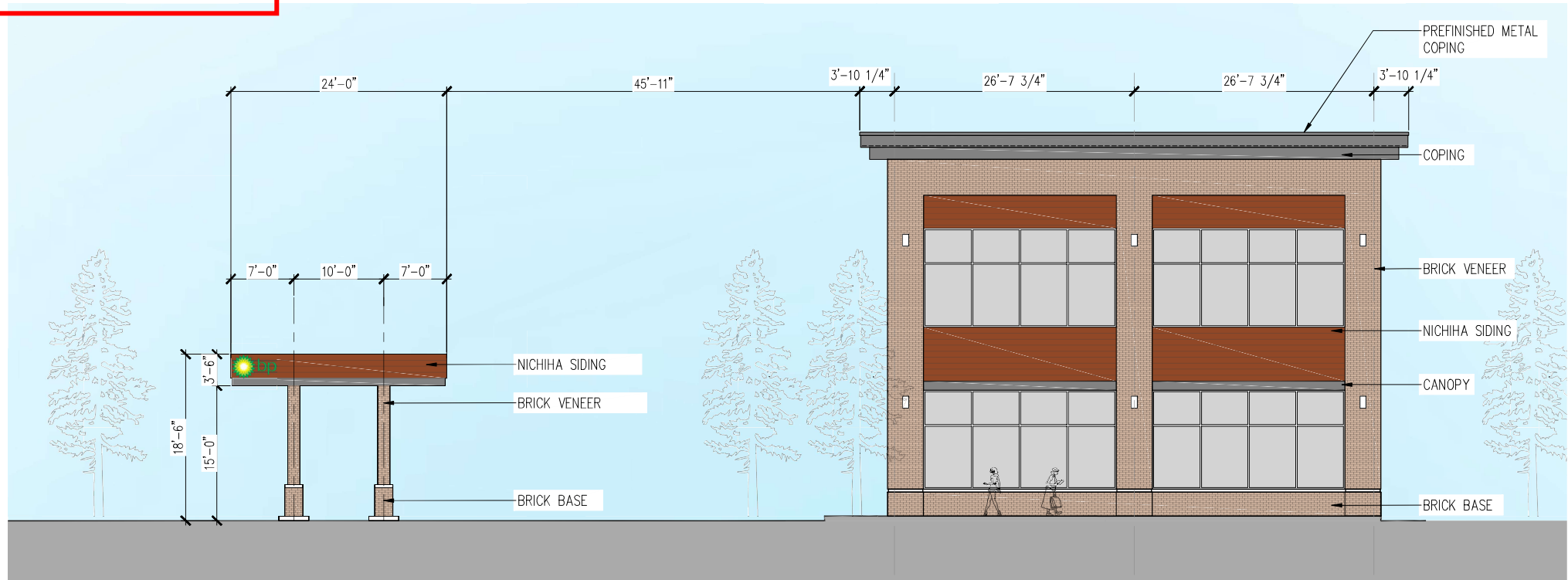
CANOPY LEFT ELEVATION

04.10.24
SCALE: 3/32" = 1'-0"
SHEET 2



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EXTERIOR MATERIALS LEGEND



BRICK MASONRY EXTERIOR FINISH
(OLD PEARL RIVER BY CHEROKEE)



HORIZONTAL SIDING
(VINTAGE-REDWOOD BY NICHHA)



ALUMINUM CLADDING
(SLATE GRAY BY PAC CLAD)

CANOPY RIGHT ELEVATION

04.10.24
SCALE: 3/32" = 1'-0"
SHEET 3

Pate Design Group



INTERIORS | ARCHITECTURE | PLANNING

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

[attached]

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March 28, 2024

Matt Dickison, Director
Gwinnett County Planning & Development
75 Langley Drive
Lawrenceville, Georgia 30046

**RE: APPLICATION FOR A SPECIAL USE PERMIT AND LETTER OF
INTENT FOR CAPITAL COMMERCIAL 5560 PROPERTIES, LLC,
5560 JIMMY CARTER BOULEVARD, NORCROSS.**

Dear Mr. Dickison:

Powell & Edwards, P.C. submits this Letter of Intent on behalf of Capital Commercial 5560 Properties, LLC (the "Applicant") to request a Special Use Permit for a convenience store with fuel pumps to redevelop its existing C-2 parcel by removing the existing structure and constructing a commercial building with a convenience store with fuel pumps and three (3) additional retail spaces to be built upon property located on Jimmy Carter Boulevard in Norcross and having Gwinnett County Tax ID Number of R6195 097 (the "Property").

The Applicant is the owner of the .91-acre parcel which currently houses a pawn shop in a building originally constructed as a gas station in 1970. The applicant intends to demolish the existing structure and construct a commercial building housing four retail businesses and fuel pumps. This development would be consistent with the Regional Activity Center Character Area under the 2040 Unified Plan which specifically provides for intense commercial activity. Further, it makes little sense to encourage commercial, office/employment and high-density residential elements as provided in the Unified Plan and not provide for a fuel station adjacent to the largest and heaviest traffic corridor (I-85) in the county. This property also falls under the Gateway 85 Overlay District and is designed to be fully compliant with the additional regulations of this overlay. Additionally, the Property falls within the Gateway 85 Community Improvement District. The Applicant has spoken to the CID Director who has indicated that the CID will not oppose this application. From a commonsense perspective, there is not a more appropriate location in Gwinnett County for a fuel station than next to an Interstate exit ramp on one of the busiest roads in Gwinnett County.

Although Applicant believes that the provisions of Section 214-40.8 of the Gwinnett County Unified Development Ordinance is not applicable to redevelopments with existing

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driveways, pursuant to Planning Staff's request, Applicant requests a variance for relief from Section 214-40.8 to allow the existing curb cuts to remain as they currently exist. The building and fuel canopy will be finished with approved materials which when placed among the many aging properties in the immediate vicinity, should serve to spur renovation of the surrounding properties.

The Applicant and its representatives welcome the opportunity to meet with 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 a Special Use Permit filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted,

POWELL & EDWARDS, P.C.



W. Charles "Chuck" Ross
Attorney for Applicant

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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 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:

Yes, the adjacent properties are entirely commercial as the subject Property is located two hundred feet from the Interstate 85 North exit ramp onto Jimmy Carter Boulevard, one of the busiest exits in Gwinnett County. This proposed new structure will contain four (4) total retail spaces including the requested special use.

- (B) Whether a proposed special use permit will adversely affect the existing use or usability of adjacent or nearby property:

No. The Property was originally a gas station and in fact should serve to improve the usability of nearby properties by allowing those motorists just needing fuel while traveling North on the Interstate an opportunity to exit, easily get fuel and then make a quick and safe return to the Interstate which will prevent drivers from having to travel further down Jimmy Carter Boulevard than necessary.

- (C) Whether the property to be affected by a proposed special use permit has reasonable economic use as currently zoned:

No. As noted above, this property is located in extremely close proximity to the Interstate exit ramp. The current structure is currently used as a pawn shop and while it may have **some** economic use, no court would find that the current economic use is **reasonable** as opposed to the special use being requested.

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

No. This portion of Jimmy Carter Boulevard is already equipped for this type of use and as noted above, the Property previously operated in the same capacity. Further, as this special use would be the closest fuel station to the Interstate exit, it would serve to reduce the distance of travel required by those just wishing to get on and off of the Interstate for fuel.

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

The Property lies within the Urban-High Future Development Area of the 2045 Unified Plan which specifically encourages mixed use, multifamily, office, retail/entertainment and institutional use. The proposed new structure contains four different retail establishments in addition to the fuel pumps. Providing a convenience store and retail shops which are walkable from the surrounding uses is truly consistent with the vision

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of the Urban corridor designation. Further, too even propose that a fuel station adjacent to the Interstate 85 exit ramp onto Jimmy Carter Boulevard is not an appropriate location for a gas station would be truly absurd.

(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:

Yes. As noted above, this location is situated about as close to the exit ramp from Interstate 85 as one can get. The special use would provide the easiest and safest opportunity for a motorist to get off the Interstate to fuel and easily return to the Interstate on what is one of the heaviest traveled roads in Gwinnett County.

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

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SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
Name: <u>Capital Commercial 5560 Properties, LLC</u>	Name: <u>Capital Commercial 5560 Properties, LLC</u>
Address: <u>5560 Jimmy Carter Blvd.</u>	Address: <u>5560 Jimmy Carter Blvd.</u>
City: <u>Norcross</u>	City: <u>Norcross</u>
State: <u>Georgia</u> ZIP: <u>30093</u>	State: <u>Georgia</u> ZIP: <u>30093</u>
Phone: <u>770-401-9655</u>	Phone: <u>770-401-9655</u>
Email: <u>mikepanj@icloud.com</u>	Email: <u>mikepanj@icloud.com</u>
Contact Person: <u>W. Charles "Chuck" Ross, Esq.</u> Phone: <u>770-962-0100</u>	
Contact's Email: <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	
Existing/Proposed Zoning District(s): <u>C2/C2</u>	
Parcel Number(s): <u>R6195 097</u> Acreage: <u>.91</u>	
Property Address(es): <u>5560 Jimmy Carter Blvd., Norcross, Georgia 30093</u>	
Proposed Development: <u>Commercial building with retail space and convenience store</u> <u>with gas pumps</u>	
Variance(s): <u>Relief from UDO Section 214-40.8</u> Waiver(s): _____	
Building/Leased Sq. Ft.: <u>9,995</u> Floor Area Ratio: <u>.252</u>	

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Gwinnett County Planning Division
Special Use Permit Application
Last Updated 12/2023

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 six (6) months from the date of last action by the Board of Commissioners.

Signature of Applicant

Date

02/22/2024

Minhas Panjwani, Member

Type or Print Name and Title

Signature of Notary Public

Date

Notary Seal

2-22-24



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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 six (6) months from the date of last action by the Board of Commissioners.

Signature of Property Owner

Date

02/22/2024

Minhas Panjwani, Member

Type or Print Name and Title

Signature of Notary Public

Date

Notary Seal

2-22-24



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04/17/2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 12/2023

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.

Signature of Applicant

Date

02/22/2024 Minhas Panjwani, Member
Type of Print Name and Title

Signature of Applicant's
Attorney or Representative

Date

Type or Print Name and Title

Signature of Notary Public

Date

Notary Seal



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners?

☐ Yes ☒ No Minhas Panjwani (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

04/17/2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 12/2023

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.

Signature of Applicant Date Type of Print Name and Title

W. Charles Ross

2/22/2024

W. Charles Ross, Esquire

Signature of Applicant's
Attorney or Representative

Date

Type or Print Name and Title

Amanda DeSena

2/22/2024

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?



Yes



No

W. Charles Ross, Esquire

(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
Kirkland Carden, Commissioner	\$1,000.00	October 2023

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

RECEIVED

04/17/2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 12/2023

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 Gwinnett County Tax Commissioner. In no case shall an application or reapplication for special use permits be processed without such property verification.

A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

Parcel I.D. Number: R6195 097

(Map Reference Number)

Signature of Applicant

Date

Minhas Panjwani, Member

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. THIS FORM MUST BE SIGNED BY A REPRESENTATIVE OF THE TAX COMMISSIONER'S OFFICE.

TAX COMMISSIONERS USE ONLY

Payment of all property taxes billed to date for the above referenced parcel has been verified as paid current and confirmed by the signature below.

Name

Title

Date

Exhibit F: DWR Sewer Capacity Certification Letter

[attached]



Gwinnett

WINNETT COUNTY
DEPARTMENT OF WATER RESOURCES

684 Winder Highway | Lawrenceville, GA 30045-5012
678.376.6700
www.gwinnettcounty.com | www.gwinnett2o.com

March 19, 2024

Mike Panjwani
Capital Commercial Properties, LLC
3665 Moya Trail
Duluth, Ga. 30097

<input checked="" type="checkbox"/>	APPROVED
<input type="checkbox"/>	DENIED
<input type="checkbox"/>	CONDITIONALLY APPROVED
Sewer Capacity Request #C2024-069-03	
Expiration Date: 03/19/2025	
P&D Number: SUP2024-00020	
Tie-In Manhole FID: 230908	

RE: Sewer Availability for Proposed Development – 5560 Jimmy Carter Blvd. Retail and C-Store
Parcel ID 6195 097

Dear Mr. Panjwani:

Gwinnett County Department of Water Resources (GCDWR) has reviewed the impact of the proposed development consisting of 2,035-sf of office space with 4 employees, 3,600 SF Retail, a 4,436-sf convenience store with 8 gas pumps on the above parcel and determined:

Gwinnett County has adequate sewer capacity to serve the proposed development.

This confirmation is based on your anticipated annual average daily flow of **2.26 gpm** discharging to the sewer tie-in manhole at Facility ID **230908**.

Capacity Allocation: Sewer capacities are allocated only upon the issuance of a Development Permit, by Gwinnett County Planning & Development and after all applicable conditions established in this Sewer Capacity Certification, if any, are met.

Certification Expiration: The Sewer Capacity Certification is valid for 12 months from the date of this letter. If rezoning is approved, GCDWR will issue a revised Sewer Capacity Certification based on the approved units, as needed. The capacity request can be renewed for an additional 12 months. If a Development Permit has not been obtained by the expiration date above the developer may apply for renewal by providing evidence of active rezoning, plan review, or permitting efforts.

Once the Sewer Capacity Certification expires, the capacity is no longer allocated, and a new Sewer Capacity Certification request must be submitted for re-evaluation with no guarantee of available capacity. The evaluation will be based on the updated conditions of the sewer system.

Certification Invalidation: This certification is not valid if there are proposed changes to your development that could impact downstream sewer capacity (e.g. land use density, sewer tie-in manhole, parcel changes, and/or rezoning). In this case the development must resubmit for a

new Sewer Capacity Request with updated information prior to the expiration of the previous one.

Please contact us at 678-376-7026 if you have any questions.

Sincerely,

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES



Tai Yi Su, PE
Division Director, Infrastructure Support
678.376.2104

C: Gwinnett County DWR – Lorraine Campagne, Section Manager; Raghu Vemuru, Engineer V; Mikala Weston, Engineer III
Gwinnett County P&D – Charli Young, Planning Manager; Geniva Sylvain, Engineer I; Christina Dejarnette, Engineer I

Exhibit G: Public Participation Report

[attached]



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.**

A copy of our notification packet and Postal Service Form 3877 is attached.

Also attached is a copy of the receipt for the room rental and a couple of photographs of the room.

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.**

April 30, 2024 at 7:00 PM at the Norcross Cultural Arts & Community Center,

10 College Street, Norcross, Georgia

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.**

Other than the Applicant and his attorney, no other parties attended. Applicant's Attorney
remained on site until 7:40 pm.

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

N/A

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?**

N/A

Exhibit H: Internal and External Agency Review Comments

[attached]



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:		SUP2024-00020		
Case Address:		5560 Jimmy Carter Boulevard		
Comments:		<input checked="" type="checkbox"/>	YES	<input type="checkbox"/> NO
1	Water: The proposed redevelopment may connect to an existing 16-inch water main located on the western right-of-way of Jimmy Carter Boulevard.			
2	Sewer: A Sewer Capacity Certification (C2024-069-03) has been approved for 2,035 square feet of office space, 3,600 square feet of retail, and a 4,436 square foot convenience store with gas pumps. The proposed development plans to connect to an existing 8-inch gravity sewer located to the west on parcel 6195 114.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO
1				
2				
3				
4				
5				
6				
7				

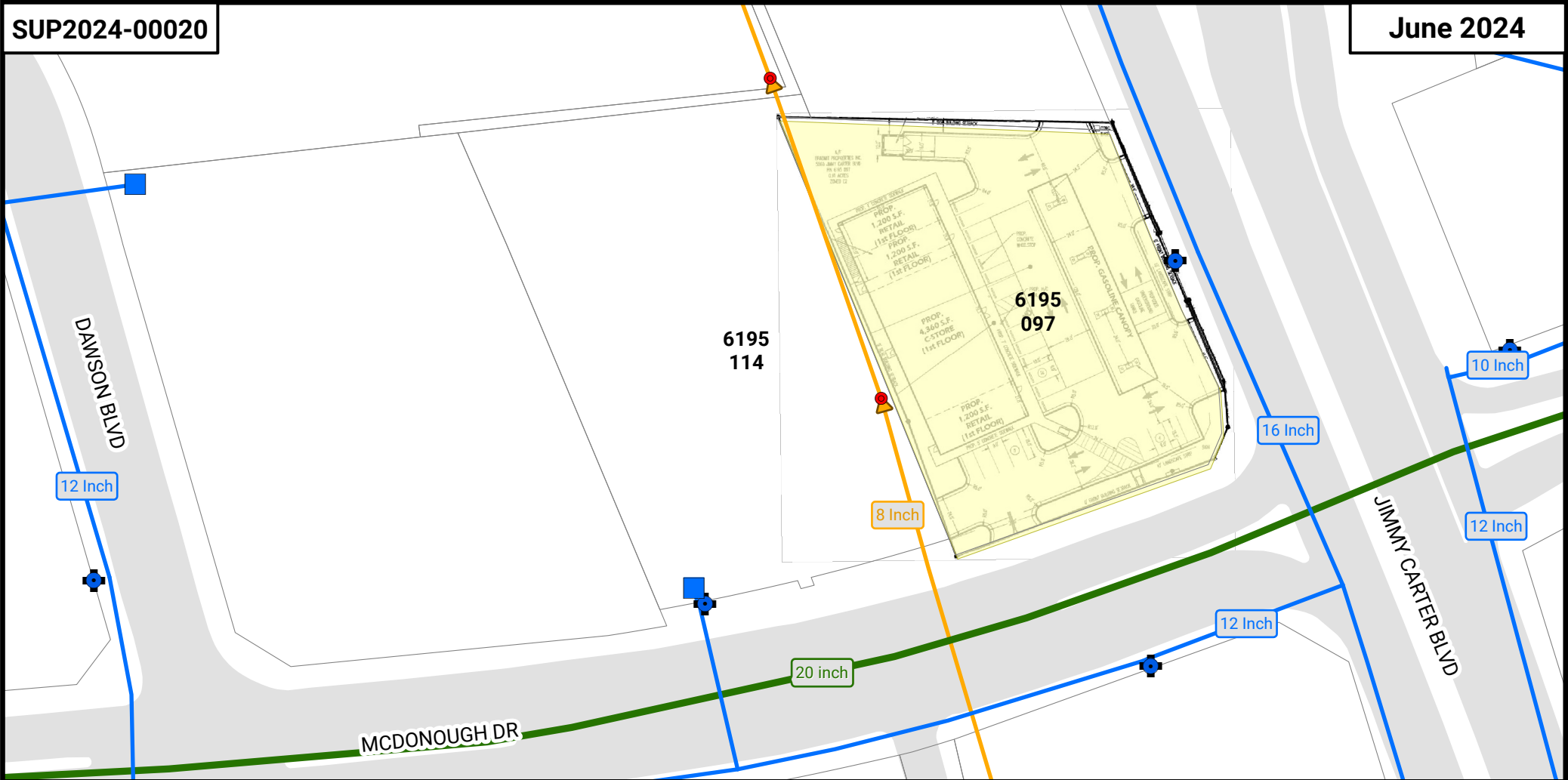


Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		05.03.2024	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcounty.com	
Case Number:		SUP2024-00020	
Case Address:		5560 Jimmy Carter Boulevard, Norcross, 30093	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES <input type="checkbox"/> NO
1	Jimmy Carter Boulevard is a principal arterial. ADT = 51,469.		
2	0.1 mile to the nearest transit facility (#2335099) located at Dawson Boulevard and McDonough Drive (Rooms2Go).		
3	Site driveways shall meet the standards per the UDO section 360-40, to include number of driveways, location, and design.		
4	Per Section 360-100 of the UDO, a 12' multi-use path shall be required along all arterial streets.		
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> X NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021



LEGEND

Water Main

Hydrant

Master Vault

Manhole

Sewer Collector

Sewer Force Main

5560 Jimmy Carter Blvd
C-2

Water & Sewer
Utility Map

LOCATION

Water Comments: The proposed redevelopment may connect to an existing 16-inch water main located on the western right-of-way of Jimmy Carter Boulevard.

Sewer Comments: A Sewer Capacity Certification (C2024-069-03) has been approved for 2,035 square feet of office space, 3,600 square feet of retail, and a 4,436 square foot convinience store with gas pumps. The proposed development plans to connect to an existing 8-inch gravity sewer located to the west on parcel 6195 114.

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 I: Maps

[attached]



JIMMY CARTER BLVD

OAKBROOK
PKWY

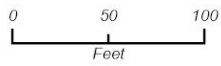
MCDONOUGH DR

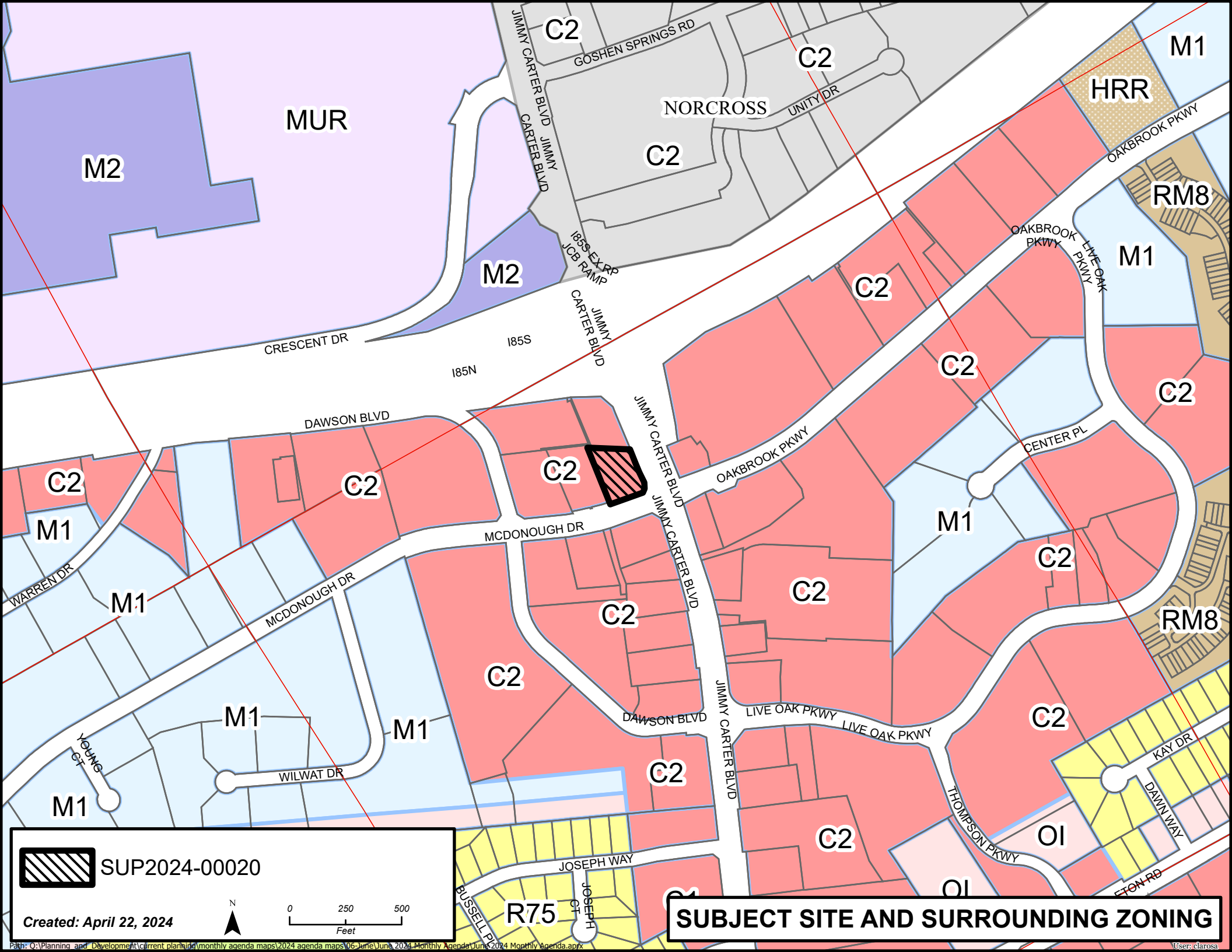
DAWSON
BLVD



SUP2024-00020

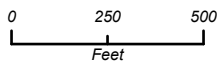
Created: April 22, 2024



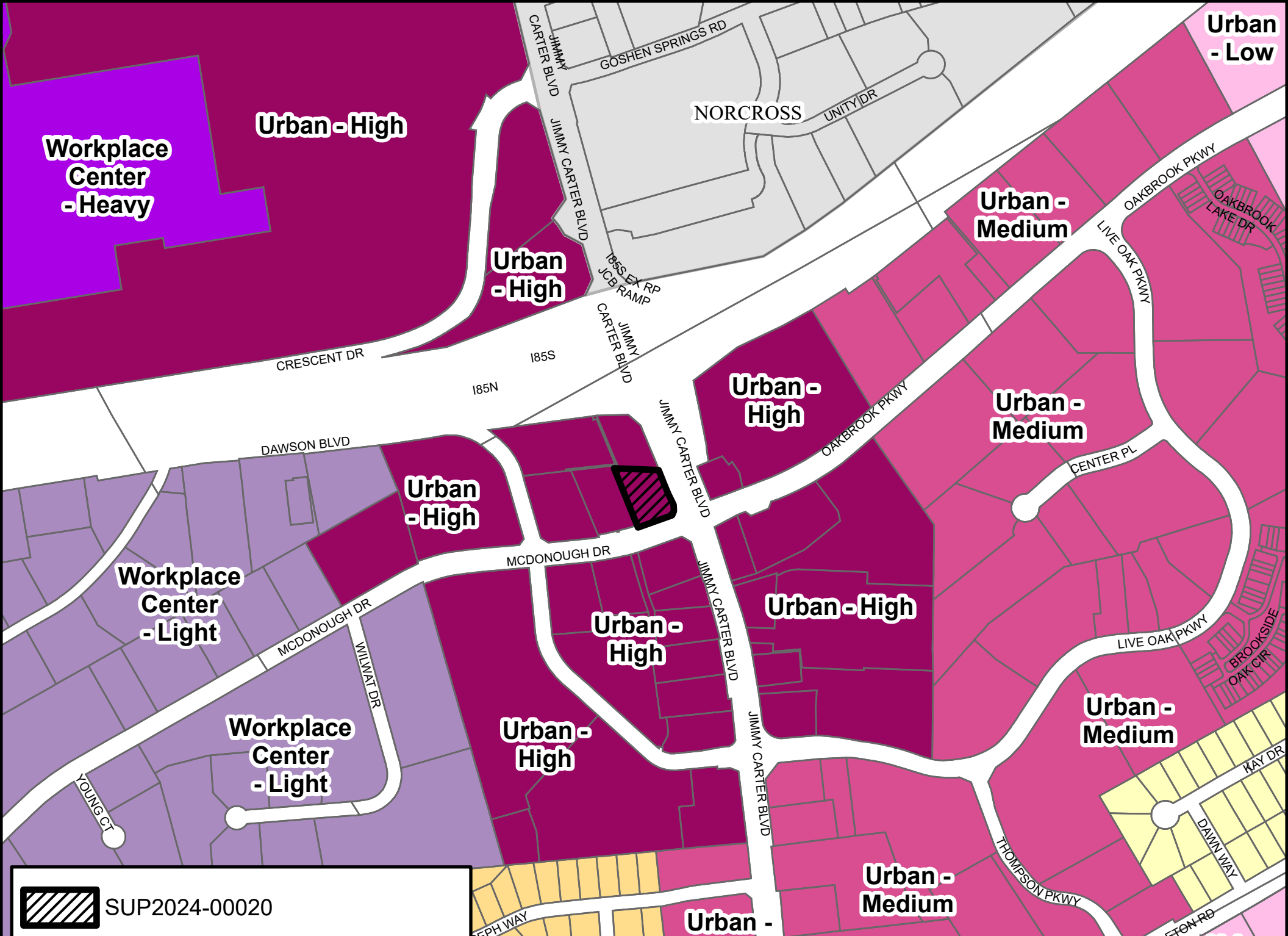



SUP2024-00020

Created: April 22, 2024




SUBJECT SITE AND SURROUNDING ZONING



 SUP2024-00020

Created: April 22, 2024



2045 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION