

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Sky King of Lawrenceville, LLC</u> ADDRESS: <u>8750 South Tamiami Trail</u> CITY: <u>Sarasota</u> STATE: <u>FL</u> ZIP: <u>34238</u> PHONE: <u>941-966-5355</u>	NAME: <u>JR Lawrenceville, LLC</u> ADDRESS: <u>11111 Santa Monica Blvd., STE 520</u> CITY: <u>Los Angeles</u> STATE: <u>CA</u> ZIP: <u>90025</u> PHONE: <u>770-822-9593</u>
CONTACT PERSON: <u>Heather Stevenson</u> PHONE: <u>678-990-3038</u> CONTACT'S E-MAIL: <u>h.stevenson@kimfirm.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>4,846</u>	
PARCEL NUMBER(S): <u>R7081 116</u> ACREAGE: <u>3.2</u>	
ADDRESS OF PROPERTY: <u>1956 NE Duluth Highway, STE 102 Lawrenceville, GA 30043</u>	
SPECIAL USE REQUESTED: <u>Consumer retail fireworks facility</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED BY

AUG 17 2018

Planning & Development

SUP '18 058

BK 52747 PG 0164

Exhibit "A"

Legal Description

All that tract or parcel of land lying and being in Land Lot 81 of the 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete right of way monument found at the intersection of the easterly right of way line of Breckinridge Extension (having a variable right of way) and the southerly right of way line of Georgia State Route 120 (having a variable right of way); thence along the southerly right of way of Georgia State Route 120, North 85 degrees, 35 minutes, 38 seconds East a distance of 65.05 feet to a concrete right of way monument found; thence North 76 degrees, 48 minutes, 05 seconds East a distance of 202.01 feet to a concrete right of way monument found; thence North 85 degrees, 08 minutes, 07 seconds East a distance of 370.97 feet to a 5/8" rebar set; thence leaving said right of way, South 03 degrees, 19 minutes, 04 seconds East a distance of 237.40 feet to a 1/2" rebar found; thence South 86 degrees, 41 minutes, 42 seconds West a distance of 408.37 feet to a 1/2" rebar found; thence South 86 degrees, 31 minutes, 36 seconds West a distance of 196.54 feet to a 1/2" rebar found on the easterly right of way line of Breckinridge Extension; thence along said right of way along the arc of a curve to the left with an arc length of 39.43 feet, said curve having a radius of 1390.00 feet, with a chord bearing of North 00 degrees, 16 minutes, 43 seconds East and a chord length of 39.43 feet to a concrete right of way monument found; thence North 89 degrees, 51 minutes, 00 seconds West a distance of 34.50 feet to a concrete right of way monument found; thence along the arc of a curve to the left with an arc length of 77.47 feet, said curve having a radius of 1355.00 feet, with a chord bearing of North 01 degrees, 41 minutes, 01 seconds West and a chord length of 77.46 feet to a concrete right of way monument found; thence North 03 degrees, 30 minutes, 06 seconds West a distance of 73.06 feet to a concrete right of way monument found on the southerly right of way line of Georgia State Route 120; said point being the TRUE POINT OF BEGINNING.

Said Tract of land contains 3.197 acres and is more particularly shown on an ALTA/ACSM Land survey for Discover Commons, LLC, United Americas Bank, N.A. and Chicago Title Insurance Company, dated May 4, 2005, last revised September 6, 2006, prepared by Geo-Survey, Ltd., by Trenton Turk, GRLS No. 2411 and is incorporated herein by reference.

TOGETHER WITH AND SUBJECT TO covenants, restrictions and easements of record.

SUP '18 058

RECEIVED BY

AUG 17 2018

Planning & Development

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 location is consistent and complementary to the surrounding property as they are all retail businesses.

- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
There will be no adverse effect on the nearby property.

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
The property has been previously granted a Special Use Permit for the same purpose therefore granting this application will allow it to continue to have reasonable economic use.

- (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 proposed use will not result in an excessive or burdensom use of th existing streets, transportation facilities, utilities, or schools.

- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
The policy and intent of the land use plan was for this area to have retail sales. This special use permit is in conformity with that purpose.

- (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 property was previously granted a Special Use Permit for the same purpose with no adverse impact.

RECEIVED BY

AUG 17 2018

SUP '18 058

Planning & Development

The **KIM FIRM**, LLC
Attorneys & Counselors at Law

5755 North Point Parkway, Suite 50
Alpharetta, Georgia 30022
Tel: 678.990.3038 Fax: 678.990.3155
Tollfree: 877.804.5417
www.kimfirm.com

August 17, 2018

VIA HAND DELIVERY

Gwinnett County Planning Division
446 West Crogan Street, STE 250
Lawrenceville, GA 30046

RE:SPECIAL USE PERMIT- SKY KING LAWRENCEVILLE, LLC

Dear Sir or Madam:

This Firm and the undersigned represent Sky King Lawrenceville, LLC ("Sky King") the application for a Special Use Permit for fireworks sales. Sky King Lawrenceville, LLC is part of the Sky King affiliate family which has been a fireworks retailer for over thirty (30) years. Sky King proposes to continue to operate a Consumer Fireworks Retail Sales Facility ("CFRSF") in accordance with Georgia law.

The proposed location is 1956 Duluth Highway, STE 102 Lawrenceville, Georgia 30043. Suite 102 is 4,846 square feet and is located on a 3.2 acre site with adequate parking. The Site Plan has been included as required which also encompasses a boundary survey. The retail location will operate much as any other retail store. There will be no changes to the building or structure of the suite located within the Discover Commons Shopping Center. The applicant has operated in the space for the previous two years/

The primary zoning standard to be considered is whether Sky King's proposed CFRSF will comply with all applicable local, state, and federal laws, rules, regulations, and ordinances. Sky King can verify that it will maintain such compliance. The standards governing the exercise of zoning power and the issuance of a Special Use Permit have been complied with. This proposed Special Use does not involve new construction, as such the dimensional standards regarding the zoning districts, building issues relating to height limitation, frontage, encroachment, fences, and walls are not at issue. Additionally, the accessory standards are not a consideration.

RECEIVED BY

AUG 17 2018


SUP '18 058

Planning & Development

Sky King is confident it has met all requirements for the issuance of a Special Use Permit and looks forward to its continued efforts as a productive, cooperative member of the Gwinnett business community. Therefore, please accept this letter as part of a respectful request of your approval of the Special Use Permit Application.

Please do not hesitate to contact me with any further questions.

Sincerely,



Heather L. Stevenson, Esq.

RECEIVED BY

AUG 17 2018

SUP '18 058

Planning & Development

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.

Joseph Raman

Signature of Property Owner

8/13/18

Date

Joseph Raman, Managing member

Type or Print Name and Title

Tracy M. Ransom

Signature of Notary Public

8/13/18

Date



Notary Seal

RECEIVED BY

AUG 17 2018

SUP '18 058

Planning & Development

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)

COUNTY OF Los Angeles)

On 8/13/18 before me, Tracy M. Ransom Notary
Public, Date (here insert name and title of the officer)

personally appeared Joseph Raman

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Handwritten Signature] (Seal)



OPTIONAL

Description of Attached Document

Title or Type of Document: Special Use Permit Number of Pages: _____

Document Date: _____ Other: _____

AUG 17 2018

SUP '18 058

Planning & Development

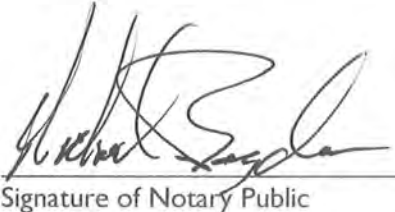
SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

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

8/1/18
Date

Dustin Luer, President, Sky King Fireworks of Lawrenceville, LLC
Type or Print Name and Title


Signature of Notary Public

8/1/18
Date

MICHAEL T. BOGDAN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF169100
Expires 10/16/2018


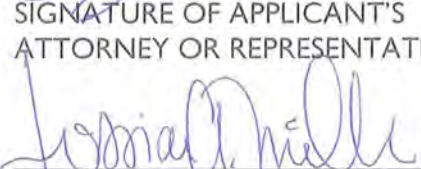
Notary Seal

RECEIVED BY
AUG 17 2018
Planning & Development

SUP '18 058

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 OR PRINT NAME AND TITLE
	8/17/18	Heather Stevenson, Attorney
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	8/17/2018	
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 Heather Stevenson -
 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.

RECEIVED BY

AUG 17 2018

SUP '18 058

