



**City of Dacula**  
 P. O. Box 400  
 Dacula, GA 30019  
 (770) 962-0055 / Fax (770) 513-2187

**REZONING/ CHANGE OF CONDITIONS/ SPECIAL USE PERMIT APPLICATION**

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF DACULA, GEORGIA.  
 (Please Type or Print using BLACK INK)

APPLICANT *	PROPERTY OWNER *
NAME SK Automotive Sales, LLC	NAME SK Automotive Sales, LLC
ADDRESS 450 Pike Park Drive	ADDRESS 450 Pike Park Drive
CITY Lawrenceville	CITY Lawrenceville
STATE Georgia ZIP 30046	STATE Georgia ZIP 30046
PHONE _____ FAX _____	PHONE _____ FAX _____

**APPLICANT IS THE:**

- OWNER'S AGENT
- PROPERTY OWNER
- CONTRACT PURCHASER

*\* Include any person having a property interest and/or a financial interest in any business entity having property interest (use additional sheets if necessary).*

CONTACT PERSON William J. Diehl  
 COMPANY NAME Thompson, O'Brien, Kappler & Nasuti, PC  
 ADDRESS 2 Sun Court, Suite 400  
Peachtree Corners, Georgia 30096  
 PHONE 770-925-0111 FAX 770-925-8597  
 EMAIL wdiehl@tokn.com

PRESENT ZONING DISTRICT(S) C-2 REQUESTED ZONING DISTRICT SUP (Used Car Sales)  
 LAND LOT(S) R5 PARCEL # 271 DISTRICT(S) 052 ACREAGE 5.26

PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED Applicant seeks to allow limited used vehicle sales from the property. Sales would be limited to no more than ten (10) vehicles at any given time and would be "staged" in the existing parking lot. The SUP would not materially alter the existing operations. The existing office would be utilized as a business center.

<u>RESIDENTIAL DEVELOPMENT:</u>	<u>NON-RESIDENTIAL DEVELOPMENT:</u>
NO. OF LOTS/DWELLINGS UNITS _____	NO. OF BUILDINGS/LOTS <u>1</u>
DWELLING UNIT SIDE (SQ. FT.) _____	TOTAL GROSS SQ. FEET <u>approx. 6,000</u>

**LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY**

\*\*\* PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING WHAT IS PROPOSED and TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AMENDED \*\*\*

**CASE NUMBER**

**CONCEPT PLAN FOR  
SPECIAL USE PERMIT**

**SK Automotive Sales, LLC**

**2103 Winder Highway,  
Dacula, Georgia  
(PIN: R5271 052)**

**Total Acreage: 5.26**

**Approx. Acreage for Use:  
20,300 sq./ft. // .466 acres**



Area for Vehicle Sales Use



November 8, 2024

**VIA HAND DELIVERY**

City of Dacula, Georgia  
Department of Planning and Development  
442 Harbins Road  
Dacula, GA 30019

RE: Special Use Permit to allow for Automotive Sales pursuant to Section 906(E) of the Zoning Resolution at 2103 Winder Hwy, Dacula, Georgia (PIN: 5271 052) (the "Property")

**I. INTRODUCTION**

Please allow this correspondence to serve as the Letter of Intent and Zoning Standards associated with the Property referenced above. SK Automotive Sales, LLC ("SK") is both the applicant and current property owner. SK seeks a Special Use Permit ("SUP") to allow for limited automotive sales from the Property. Such use would be ancillary to the existing, permitted uses on the Property, which is currently being used as a vehicle repair facility and for commercial vehicle storage. SK is *not* proposing to redevelop the Property for a Used Car Sales Establishment. Their use will *not* involve large sales lot, brash signage, and offices exclusively used to sell vehicles. Rather, the SUP will allow SK to sell a limited number of vehicles from its existing parking lot. As discussed below, SK is willing to propose conditions to ensure that the SUP use is appropriately limited and that site standards are maintained.

To provide some context on SK's existing operations, SK owns the Property and from it operates a vehicle repair facility and commercial vehicle storage. It does not currently conduct any sales from the Property. Separately, SK owns an automotive dealership in Lawrenceville, Georgia (450 Pike Park Drive, Lawrenceville, Georgia). From there, it sells vehicles and most of its sales are listed on internet car sales sites. When vehicles located at the Property are to be sold, SK must transport the vehicle to Lawrenceville where it can be sold to buyers.

The lot layout, tree and shrub coverage, the adjoining commercial building, and the existing facilities currently obscure the automotive uses from direct sight lines along Winder Highway, where possible. The driveway to the service center is lined with mature trees, including some large evergreen trees. To the east of the Property, a large powerline easement limits the extent to which additional landscaping can be installed; however, there are opportunities for supplemental plantings in other areas on the Property.

This proposal would allow SK to sell the vehicles directly from the Property but *only* as an accessory or ancillary use. SK expects that it will only have between five (5) to ten (10) vehicles on site that will be available for purchase, and all will be sold internally within the existing parking facilities (in other words, none will be displayed along the road frontage). SK would have very limited signage noting the vehicle sales use along Winder Highway, and would proffer a condition that no temporary signage, flags, inflatable sales-devices, or any other signage would be placed in a manner visible from Winder Highway. Cars that are for sale on the Property will have signage that is visible only from the interior parking lot. The following conditions to this approval are proffered to ensure regulatory compliance from the Property.

## **II. PROFFERED CONDITIONS**

The following conditions are proposed with the SUP by SK to ensure that the use is compliant with the existing and planned development and use patterns.

1. The Special Use Permit shall be deemed abandoned by the Property Owner if the accompanying automotive service use is ceased for more than six (6) six months.
2. Property owner shall have no more than ten (10) vehicles for sale from the Property at any time. Vehicles listed for sale must be located within the paved parking spaces located between the main commercial building and the stormwater detention facility.
3. Automotive sales may be indicated on the existing monument signage as an accessory to the existing automotive service facility. For example, the signage may indicate "Automotive Service & Sales". No temporary yard-signs, flags, inflatable signs, or any other similar signs (including human advertisement such as sign spinners) shall be placed on the right of way along Winder Highway for advertising purposes.
4. Where possible by existing topography, power-line easements, and other encumbrances, Property Owner shall supplement planting with native, evergreen shrubs or trees to screen visibility of the Property from Winder Highway. Such planting shall be at the reasonable direction of the Director of the City's Planning and Development Department.
5. Should the Property Owner be found in violation of any of these conditions or other regulations relevant to the Automotive Sales Use three (3) times within any 365-day period, the Special Use Permit shall be deemed abandoned and revoked.

## **III. ZONING STANDARDS**

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

Yes. The Automotive Sales, particularly as an accessory use to an automotive service establishment, is consistent with the surrounding commercial and light industrial uses surrounding

the Property. These uses are present currently in the adjoining parcels. 2105 and 2115 Winder Highway are commercial buildings. 2095 Winder Highway is an industrial and logistics-based business. Indeed, Winder Highway is a commercial and light industrial thoroughfare within the City and its traffic capacities, access to Highway 316, and location outside of the Downtown district, make the Property ideally situated for higher intensity commercial uses. The proffered conditions ensure that the use remains accessory to the Property's current uses and minimizes the extent to which the use will impact surrounding uses.

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

No. As discussed above, the surrounding uses are commercial and industrial in nature. The proposed use is consistent and complementary to those uses. Conditions regarding the extent of advertisement and requiring site improvements will ensure that the use will not detract from the existing character of Winder Highway.

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

The preclusion of automotive sales imposes regulations that do cause additional expenses to the Property Owner, by requiring the applicant to transport vehicles. The property is currently being used for an economically viable use. The use envisioned here is accessory to that use.

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

No. The use will not cause an increase in traffic, utility demand, or schools. The automotive sales use will be within the existing facilities and will be limited by conditions to no more than ten (10) vehicle sales. Allowing for vehicle sales on the Property will limit the extent to which the applicant must transport vehicles to its other locations where vehicle sales are permitted; therefore, the use may reduce existing impacts on traffic.

**Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan:**

Yes. The Property is located within the Dacula Job Center character area. While this area is primarily an industrial center particularly for logistic uses, this SUP would support the existing automotive service facility and would not materially change the nature and use of the Property. As currently situated, vehicles to be sold are repaired from the Property and transported elsewhere for sales. Granting this SUP will bolster the existing use by limiting the extent to which transportation is needed to facilitate the business's operations.

**Whether there are other existing or changing conditions affect the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning:**

Existing conditions support granting the SUP. SK is committed to ensuring that the Property continues to be well maintained and appropriate for this commercial and industrial corridor. SK will comply with existing conditions for landscaping and tree cover and will supplement tree cover where appropriate to ensure compatibility with the surrounding uses.

Very truly yours,

THOMPSON, O'BRIEN, KAPPLER & NASUTI, P.C.

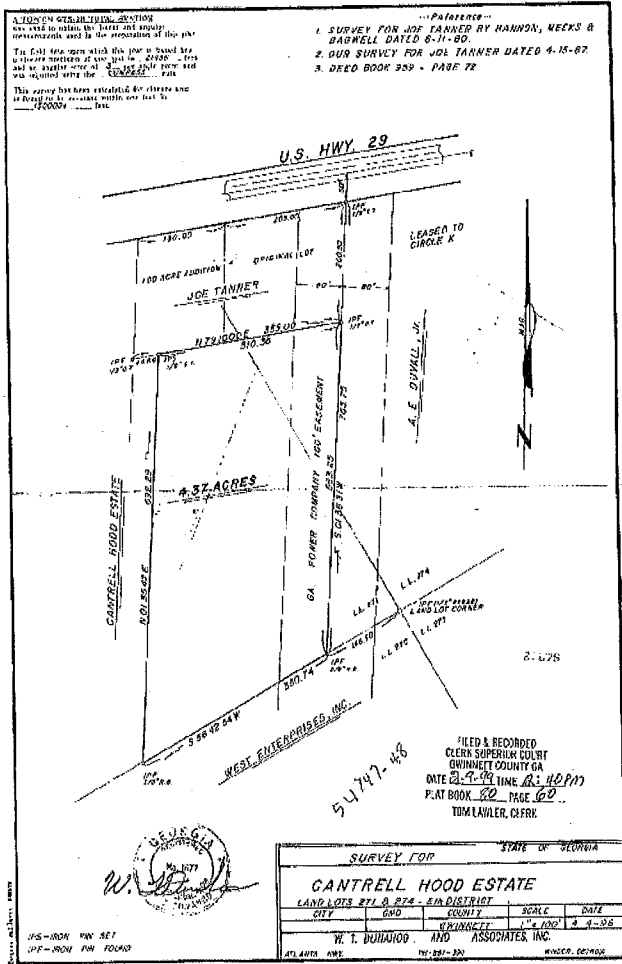
A handwritten signature in black ink, appearing to read "W. J. Diehl", written in a cursive style.

William J. Diehl

Legal Description

ALL THAT TRACT or parcel of land lying and being in Land Lots 271 and 274 of the 5<sup>th</sup> Land District, Gwinnett County, Georgia, containing 5.265 Acres as shown on a plat of survey for Parker Gann by W. T. Dunahoo and Associates (W. T. Dunahoo, Georgia Registered Land Surveyor No. 1577), dated May 2, 2001, being more particularly described according to said plat as follows:

To locate the point of beginning, begin at an iron pin found at the original corner common to Land Lots 270, 271, 274 and 275, and run thence southwest along the land lot line common to Land Lots 270 and 271 a distance of 146.20 feet to a point marked by a one-half inch open top found which is the TRUE PLACE OR POINT OF BEGINNING, from said beginning point as thus established run thence along the land lot line common to Land Lots 270 and 271 South 58 degrees 43 minutes 00 seconds West 360.70 feet to a point marked by a one-half inch rebar found; run thence North 01 degree 30 minutes 54 seconds East 905.73 feet to a point marked by a one-half inch rebar found on the southeast right of way of Georgia Highway No. 8 (formerly U.S. Highway 29) (an 80-foot right of way); run thence along said right of way line North 79 degrees 39 minutes 48 seconds East 106.42 feet to a point marked by an iron pin set; run thence along property now or formerly owned by Joe Tanner South 01 degree 36 minutes 31 seconds West 129.50 feet to a point marked by an iron pin set; run thence along the line of property now or formerly owned by Joe Tanner North 79 degrees 14 minutes 31 seconds East 205.00 feet to a point marked by an iron pin set; run thence South 01 degree 36 minutes 31 seconds West 646.26 feet to a point marked by a one-half inch open top found on the land lot line common to Land Lots 270 and 271, WHICH IS THE PLACE OR POINT OF BEGINNING.





**APPLICANT CERTIFICATION**

The undersigned is authorized to make this application and is aware that if an application is denied, no application or re-application affecting the same property shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Applicant [Signature] Date 11/7/21

Type or Print Name/Title Shokirzhon Karimov, President

Notary Public [Signature] Date \_\_\_\_\_



**PROPERTY OWNER CERTIFICATION**

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied, no application or re-application affecting the same land shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Property Owner [Signature] Date \_\_\_\_\_

Type or Print Name/Title Shokirzhon Karimov, President

Notary Public [Signature] Date \_\_\_\_\_



**FOR ADMINISTRATIVE USE ONLY**

DATE RECEIVED \_\_\_\_\_ RECEIVED BY \_\_\_\_\_ FEE \_\_\_\_\_ RECEIPT # \_\_\_\_\_

LAND LOT \_\_\_\_\_ DISTRICT \_\_\_\_\_ PARCEL # \_\_\_\_\_ HEARING DATE \_\_\_\_\_

ACTION TAKEN \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

STIPULATIONS \_\_\_\_\_

\_\_\_\_\_

**ADJOINING PROPERTY OWNERS**

HEATH INDUSTRIAL PROPERTY LLC  
2145 WINDER HWY  
DACULA GA 30019-2209

<b>Property ID</b>	R5274 047
<b>Alternate ID</b>	560316
<b>Address</b>	2145 WINDER HWY
<b>Property Class</b>	Manufacturing/Processing
<b>Neighborhood</b>	9800
<b>Deed Acres</b>	4.8700

REJI & SINDHU LLC  
2424 TREEHAVEN DR  
SNELLVILLE GA 30078-5516

<b>Property ID</b>	R5274 088
<b>Alternate ID</b>	1631980
<b>Address</b>	2115 WINDER HWY
<b>Property Class</b>	Convenience Food Market
<b>Neighborhood</b>	9800
<b>Deed Acres</b>	1.1300

2105 DACULA INVESTMENT LLC  
2905 FITZGERALD TRCE  
DULUTH GA 30097-6210

<b>Property ID</b>	R5271 070
<b>Alternate ID</b>	559431
<b>Address</b>	2105 WINDER HWY
<b>Property Class</b>	Convenience Food Market
<b>Neighborhood</b>	9800
<b>Deed Acres</b>	0.4900

DUVALL A E JR  
135 ROCK HOUSE RD  
LAWRENCEVILLE GA 30045-5139

<b>Property ID</b>	R5274 017
<b>Alternate ID</b>	560120
<b>Address</b>	HWY 29
<b>Property Class</b>	Residential Vacant
<b>Neighborhood</b>	8016
<b>Deed Acres</b>	1.0700

2095 WINDER HWY V1 LLC  
45 MAIN ST STE 506  
BROOKLYN NY 11201-1093

<b>Property ID</b>	R5271 051
<b>Alternate ID</b>	559342
<b>Address</b>	2095 WINDER HWY
<b>Property Class</b>	Warehouse, PreFab
<b>Neighborhood</b>	9800
<b>Deed Acres</b>	5.8700

## **DISCLOSURE & PENALTIES**

### **36-67A-2 Disclosure of Financial Interests**

A local government official who:

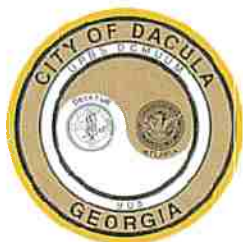
- (1) Has a property interest in any real property affected by a rezoning action upon which that official is authorized to vote.
- (2) Has a financial interest in any business entity which a property interest in any real property affected by a rezoning action upon which that official is authorized to vote; or
- (3) Has a member of the family having any interest described in paragraph (1) or (2) of this Code section shall immediately disclose the nature and extent of such interest, in writing to the governing authority of the local government in which the local government official is a member. Such disclosures shall be a public record and available for public inspection at any time during normal working hours. (Code 1981, Sec. 36-67A-2, enacted by Ga.L. 1986, p. 1269, Sec.1.).

### **36-67A-3 Disclosure of Campaign Contributions.**

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more or made gifts having in the aggregate a value of \$250.00 or more to a local government official of the local government which will consider the applications, it shall be the duty of the applicant and the attorney representing the applicant to file a disclosure report with the governing authority of the respective local government showing:
  - (1) The name of the local government official to whom the campaign contribution or gift was made;
  - (2) The dollar amount of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution; and
  - (3) An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning change.
- (b) The disclosures required by subsection (1) of this Code shall be filed within ten days after the application for the rezoning action is first filed. (Code 1981, Sec. 36-67A-3, enacted by Ga. L. 1986, p. 1269, Sec. 1)

### **36-67A-4 Penalties**

Any local government official knowingly failing to make a disclosure required by Code Section 36-85-2 shall be guilty of a misdemeanor. Any applicant for rezoning action knowingly failing to make any disclosures as required by Code Section 36-83-3 shall be guilty of a misdemeanor. (Code 1981, Sec. 36-67A-4, enacted by Ga.L. 1986, p. 269, Sec.1.)



## City of Dacula

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### IMPACT ANALYSIS STATEMENT

As required by the Zoning Resolution of the City of Dacula, 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. **ALL APPLICATIONS MUST BE COMPLETED WITH THE COMPLETED IMPACT ANALYSIS STATEMENT.**

DATE \_\_\_\_\_ APPLICANT \_\_\_\_\_

A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: (See attached) \_\_\_\_\_

B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: (See attached) \_\_\_\_\_  
\_\_\_\_\_

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: (See attached) \_\_\_\_\_  
\_\_\_\_\_

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

E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: (See attached) \_\_\_\_\_  
\_\_\_\_\_

F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning: (See attached) \_\_\_\_\_  
\_\_\_\_\_



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**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 the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

Yes  No

If the answer is *Yes*, please complete the following section:

<b>Name of Government Official</b>	<b>Contributions</b> <i>(All which aggregate to \$250.00+)</i>	<b>Contribution Date</b> <i>(within last 2 years)</i>
_____		
_____		
_____		
_____		

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

Yes  No

If the answer is *Yes*, please complete the following section:

<b>Name of Government Official</b>	<b>Description of Gifts</b> <i>(Valued aggregate \$250.00+)</i>	<b>Date Gift was Given</b> <i>(within last 2 years)</i>
_____		
_____		
_____		
_____		

*(Attach additional sheets if necessary to disclose or describe all contributions/gifts)*

**CONFLICT OF INTEREST CERTIFICATION**

The undersigned, making application for rezoning/SUP, 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 11/7/2024

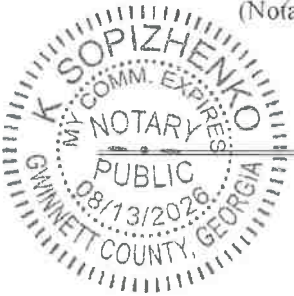
Type or Print Name/Title Shorkirzhon Karimov, President

Signature of Applicant' Attorney  Date 11/7/2024

Type or Print Name/Title William J. Diehl, Thompson, O'Brien, Kappler & Nasuti, PC

Notary Public  Date 11/7/2024

(Notary Seal)



**Official Use Only**

DATE RECEIVED \_\_\_\_\_ ZONING CASE NUMBER \_\_\_\_\_

RECEIVED BY \_\_\_\_\_

\_\_\_\_\_