Department of Planning and Development

446 West Crogan Street • Lawrenceville, GA 30046-2440
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www.gwinnettcounty.com

gwinnettcounty

MUNICIPAL-GWINNETT COUNTY PLANNING COMMISSION PUBLIC HEARING AGENDA GWINNETT JUSTICE AND ADMINISTRATION CENTER

TUESDAY, JANUARY 4, 2011 AT 7:00 P.M.

AS SET FORTH IN THE AMERICANS WITH DISABILITIES ACT OF 1992, THE GWINNETT COUNTY GOVERNMENT DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY AND WILL ASSIST CITIZENS WITH SPECIAL NEEDS GIVEN PROPER NOTICE (SEVEN WORKING DAYS). FOR INFORMATION, PLEASE CALLTHE FACILITIES MANAGEMENT DIVISION AT 770.822.8015.

A. CALL TO ORDER, INVOCATION, PLEDGE TO FLAG

B. ELECTION OF OFFICERS FOR 2011

1. CHAIRMAN
2. VICE-CHAIRMAN
3. REPRESENTATIVE TO THE DEVELOPMENT ADVISORY COMMITTEE

C. APPROVAL OF MINUTES

D. OLD BUSINESS (NONE)

E. NEW BUSINESS

1. CASE NUMBER :**RZC2011-00001 (WITHDRAWN)**

2. CASE NUMBER **:SUP2011-00005 (WITHDRAWN)**

3. CASE NUMBER :**RZC2011-00002**
   APPLICANT :METRO GREEN, LLC
   CONTACT :E. MICHELLE ROTHMEIER
   PHONE NUMBER :770.232.0000
   ZONING :M-I TO M-2
   LOCATION :4300 BLOCK OF PLEASANTDALE ROAD
   MAP NUMBER :R6220 010
   ACREAGE :16.84 ACRES
   PROPOSED DEVELOPMENT :RECOVERED MATERIALS PROCESSING FACILITY
   SQUARE FEET :79,800 SQUARE FEET
   COMMISSION DISTRICT :(2) HOWARD
   DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

4. CASE NUMBER :**SUP2011-00007**
   APPLICANT :METRO GREEN, LLC
   CONTACT :E. MICHELLE ROTHMEIER
   PHONE NUMBER :770.220.0000
   ZONING :M-2 (PROPOSED)
   LOCATION :4300 BLOCK OF PLEASANTDALE ROAD
   MAP NUMBER :R6220 010
   ACREAGE :16.84 ACRES
   PROPOSED DEVELOPMENT :SALVAGE OPERATION
   COMMISSION DISTRICT :(2) HOWARD
   DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

5. CASE NUMBER :**RZC2011-00003**
   APPLICANT :JEAN LAUDERDALE AND STANLEY GREEN
   CONTACT :ERIC JOHANSEN
   PHONE NUMBER :678.571.48431
   ZONING :R-100 & C-1 TO C-2
   LOCATION :1300 BLOCK OF OLD PEACHTREE ROAD
   :2800 BLOCK OF MEADOW CHURCH ROAD
   MAP NUMBERS :R7156 004 & R7156 522
   ACREAGE :2.05 ACRES
   PROPOSED DEVELOPMENT :COMMERCIAL/RETAIL (REDUCTION IN BUFFERS)
   SQUARE FEET :20,000 SQUARE FEET
   COMMISSION DISTRICT :(1) LASSETER
   DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

6. CASE NUMBER :**RZC2011-00004**
   APPLICANT :JONATHAN P. DUGAN
   CONTACT :JONATHAN P. DUGAN
   PHONE NUMBER :770.962.5678
   ZONING :M-1 TO C-3
   LOCATION :600 BLOCK OF AIRPORT ROAD
   MAP NUMBER :R5208 028
   ACREAGE :1.10 ACRES
   PROPOSED DEVELOPMENT :AUTOMOBILE REPAIR & COMMERCIAL/RETAIL USES
   SQUARE FEET :11,880 SQUARE FEET
   COMMISSION DISTRICT :(4) HEARD
   DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS AS C-2/SUP**

7. CASE NUMBER :**CIC2011-00001**
   APPLICANT :GWINNETT COMMUNITY BANK
   CONTACT :HAROLD TRIP
   PHONE NUMBER :404.285.3075
   ZONING :R-ZT
   LOCATION :3600-3700 BLOCK OF FALLEN OAK DRIVE
   MAP NUMBERS :R7185 467 THRU R7185 477
   ACREAGE :2.04 ACRES
   PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO REMOVE FENCE REQUIREMENT
   COMMISSION DISTRICT :(4) HEARD
   DEPARTMENT RECOMMENDATION : **DENIAL**

8. CASE NUMBER :**CIC2011-00002**
   APPLICANT :AMADO PORTAL
   CONTACT :AMADO PORTAL
   PHONE NUMBER :404.808.7227
   ZONING :R-100
   LOCATION :1700 BLOCK OF WEBB GIN HOUSE ROAD
   MAP NUMBER :R5074 062
   ACREAGE :3.0 ACRES
   PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO REMOVE BUILDING AND OUTDOOR RECREATION RESTRICTIONS
   SQUARE FEET :13,680 SQUARE FEET
   COMMISSION DISTRICT :(3) BEAUDREAU
   DEPARTMENT RECOMMENDATION : **DENIAL**

9. CASE NUMBER :**CIC2011-00003**
   APPLICANT :KRR PARTNERS, LLC
   CONTACT :GREG SAUL
   PHONE NUMBER :378.384.4480
   ZONING :R-TH
   LOCATION :900 BLOCK OF PARKSIDE WALK LANE
   :900-1000 BLOCK OF PARKSIDE WOOD COURT
   :500-800 BLOCK OF JUSTIN PLACE LANE
   :1000 BLOCK OF JUSTIN PLACE COURT
   :1000 BLOCK OF HALEY WOODS COURT
   :900 - 1000 BLOCK OF HALEY WOODS LANE
   MAP NUMBERS :R7032 416 THRU R7032 430; R7032 439 THRU R7032 490; R7032 503
   ACREAGE :9.67 ACRES
   PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO REDUCE DWELLING SIZE, REVISE REQUIRED BUILDING MATERIALS, AND REDUCE GARAGE REQUIREMENTS
   UNITS :68 UNITS
   COMMISSION DISTRICT :(1) LASSETER
   DEPARTMENT RECOMMENDATION : **DENIAL**

10. CASE NUMBER :**CIC2011-00004**
APPLICANT :KRR BM, LLC
CONTACT :GREG SAUL
PHONE NUMBER :378.384.4480
ZONING :R-75 CSO
LOCATION :3300 BLOCK OF NORTH BOGAN ROAD
:4500-4600 BLOCK OF BOGAN MEADOWS DRIVE
:4500 BLOCK OF BOGAN MEADOWS COURT
MAP NUMBERS : R1004 752; R1004 757 THRU R1004 781;
R1004 783 THRU R1004 793; R1004 496
ACREAGE :30.59 ACRES
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO REDUCE MINIMUM DWELLING SIZE
UNITS :100 UNITS
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION : **DENIAL**

F. AUDIENCE COMMENTS

G. COMMITTEE REPORTS

H. COMMENTS BY STAFF AND PLANNING COMMISSION

I. ADJOURNMENT

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING AND SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**RZC2011-00002**
ZONING CHANGE	:M-1 TO M-2
LOCATION	:4300 BLOCK OF PLEASANTDALE ROAD
MAP NUMBER	:R6220 010
ACREAGE	:16.84 ACRES
PROPOSED DEVELOPMENT	:RECOVERED MATERIALS PROCESSING FACILITY
SQUARE FEET	:79,800 SQUARE FEET
COMMISSION DISTRICT	:(2) HOWARD

CASE NUMBER	:**SUP2011-00007**
ZONING	:M-2 (PROPOSED)
LOCATION	:4300 BLOCK OF PLEASANTDALE ROAD
MAP NUMBER	:R6220 010
ACREAGE	:16.84 ACRES
PROPOSED DEVELOPMENT	:SALVAGE OPERATION
COMMISSION DISTRICT	:(2) HOWARD

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: METRO GREEN, LLC
C/O MAHAFFEY PICKENS TUCKER, LLP
1550 NORTH BROWN ROAD, SUITE 125
LAWRENCEVILLE, GA 30043

CONTACT: E. MICHELLE ROTHMEIER PHONE: 770.232.0000

OWNER: PK - 4351 PLEASANTDALE, LLC
FR - 4351 PLEASANTDALE, LLC
LW - 4351 PLEASANTDALE, LLC
C/O MAHAFFEY PICKENS TUCKER, LLP
1550 NORTH BROWN ROAD, SUITE 125
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests the rezoning of a 16.84-acre property from M-1 (Light Industry District) to M-2 (Heavy Industry District) and a Special Use Permit to allow a recovered materials processing facility and salvage operation. The property is located on the east side of Pleasantdale Road, north of its intersection with Best Friend Road and adjacent to the Dekalb County line.

Presently, the subject site is developed with a 206,700 square foot office/warehouse building, related parking and outdoor storage areas. On a recent site visit, the building appeared to be vacant. The landscaping on the site, which includes mature tree growth, also appeared to be well maintained.

The applicant's submitted site plan indicates that 126,900 square feet of the existing building would be demolished to create an outdoor salvage area. The recycling operation would involve collecting, sorting and processing of demolition debris and other discarded materials. According to the applicant, items received would include: construction and demolition debris, concrete, plastic, masonry materials, glass, paper, metal, rock, asphalt and wood. On-site recycling would result in the segregation of component materials and creation of new products for resale and distribution. Although not indicated in the application materials, it is noted that a use of this nature would typically include large outdoor storage areas, processing machinery, heavy equipment for loading/unloading of materials, trucks, and hauling containers.

ZONING HISTORY:

The property has been zoned M-1 since 1970.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 606.3 of the 1985 Zoning Resolution requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution. A Variance may be required for gravel parking areas.

Parking spaces shall be provided at a ratio of:
Minimum of one space per 2,000 square feet

Maximum of one space per 1,000 square feet

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 10-inch water main located on the eastern right-of-way of Pleasantdale Road, approximately 250 south of Weaver Way.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located on the property.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and authorization.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any interior or exterior building modifications/additions for review and authorization of a building permit by Building Plan Review. The building exterior wall construction shall achieve an acoustical performance of STC (sound transmission class) of 70 or higher as defined by ASTM E90 and ASTM E413. Mechanical/HVAC openings

and other penetrations through the exterior wall shall be designed to diminish the transmission of interior flanking noise and equipment noise.
3. The applicant shall submit structural drawings of the proposed screen fence to Building Plan Review for review and authorization.
4. Upon completion of plan review approvals, the applicant shall obtain a building permit for and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject site is a 16.84-acre property located on the east side of Pleasantdale Road, north of its intersection with Best Friend Road and adjacent to the Dekalb County line. The property is developed with a 206,700 square foot office/warehouse building, and is served by a rail line spur. The property is well landscaped and contains mature tree growth along the property lines and road frontage.

The 2030 Unified Plan Future Development Map indicates that the property is located in a Preferred Office Character Area. Encouraged uses within this character area include professional office uses and mixed-use developments. As such, policies for the Preferred Office Character Area discourage outdoor industrial uses such as those proposed by the applicant. However, if the facility is operated within a fully enclosed building, it could maintain an office/ warehouse appearance, that could be compatible with nearby land uses and could be more consistent with the recommendations of the Unified Plan.

The surrounding area is a mix of office, office/warehouse, retail, and industrial developments. To the west across Pleasantdale Road is a large office warehouse and adjoining the subject site to the east is a petroleum transfer station with large storage tanks that are served by rail. Further to the east are office/warehouse buildings and distribution centers. Adjoining the subject site to the north are industrial buildings and uses, including a landscape material production facility. Given the policies of the Unified Plan to create a more upscale office environment in the area, the grinding, crushing and separating of materials outdoors could

create excessive noise, dust and unsightly outdoor storage. Therefore, the operation of the facility within a fully enclosed building could be compatible with nearby land uses and consistent with the planned future uses in the area.

Although not strictly consistent with the Unified Plan, the requested rezoning and Special Use Permit could be compatible with the Future Development Map provided that the activity occur indoors, with no exterior changes to the site or building. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval as M-2 with a Special Use Permit for a recovered materials processing facility and salvage operation, subject to the following enumerated conditions:

1. The sole M-2 use of the property shall be as a recovered material processing facility and salvage operation. All other use of the site shall conform to the M-1 zoning classification.

2. Any proposed changes to the existing site configuration or building exterior shall be subject to review and approval of the Director of Planning and Development.

3. All processing, recycling and salvage activities shall be conducted indoors, within a fully enclosed building.

4. Outdoor loading/unloading, processing or storage of materials or finished products shall be prohibited.

5. Oversized signs or billboards shall be prohibited.

6. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

7. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

8. Peddlers and/or parking lot sales shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed rezoning and Special Use Permit could be suitable at this location given the nearby industrial uses in the vicinity.

ADVERSE IMPACTS

If the proposed activity occurs indoors, potential adverse impacts in the form of noise, dust and debris could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

It is anticipated that there would be some additional impacts on public facilities in the form of heavy truck traffic.

CONFORMITY WITH POLICIES

Although not strictly consistent with the Unified Plan, the requested rezoning and Special Use Permit could be compatible with the Future Development Map provided that the activity occur indoors.

CONDITIONS AFFECTING ZONING

The professional office developments projected for this area by the Unified Plan suggest that industrial activities should be located indoors. Such a restriction could help achieve and maintain a pleasing visual quality for the property.

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

(A) Yes, the proposed Rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed rezoning is compatible with the zonings and uses currently in effect or contemplated for adjacent and nearby properties.

(B) No, the proposed Rezoning will not adversely affect the existing use or usability of adjacent or nearby property but, to the contrary, will be compatible and consistent with such uses as currently exist or as are contemplated in the future.

(C) The property which is the subject of this proposed Rezoning does not have reasonable economic use as currently zoned; however, given its proximity to other industrial uses, this use could be beneficial for several of the surrounding businesses.

(D) No, the proposed Rezoning will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools.

(E) Yes. The proposed rezoning to M-2 with an SUP is in conformity with the intent of the Land Use Plan. Also, the subject tract is adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property.

(F) Yes, the existing zonings of adjacent and nearby properties and the fact that the subject tract is located in close proximity to other industrial uses gives additional supporting grounds for the approval of the requested rezoning. Additionally, the property has no reasonable economic use under its current zoning thereby giving additional support for the approval of this Application.

RECEIVED 11-05-10
RZC2011-00002

Mahaffey Pickens Tucker, LLP
ATTORNEYS AT LAW

Jeffrey R. Mahaffey
Steven A. Pickens
R. Lee Tucker, Jr.
Matthew P. Benson
Gerald Davidson, Jr., of Counsel

Kelly O. Faber
Andrew D. Stancil
E. Michelle Rothmeier
Kenneth W. Stroud
Bartow B. Duncan, III
Shawn F. Bratton
Jill H. Harris, of Counsel

LETTER OF INTENT FOR REZONING AND SPECIAL USE PERMIT APPLICATIONS OF METRO GREEN, LLC

Mahaffey Pickens Tucker, LLP, submits this Rezoning and Special Use Permit Application on behalf of Metro Green, LLC (the "Applicant"), for the purpose of rezoning to the M-2 zoning classification (with an associated Special Use Permit) an approximately 16.8 acre tract located at 4351 Pleasantdale Road in unincorporated Gwinnett County (the "Property"). The Property is currently zoned M-1.

The Applicant intends to conduct a recycling business on the Property. The recycling operation will involve recovered materials processing (the collecting, sorting, processing, re-configuration and shipping of previously used materials including, without limitation, construction and demolition debris, concrete, masonry materials, plastics, glass, paper, aluminum, rock, iron rebar, porcelain, asphalt and wood). The Applicant will collect the to-be-recycled materials on the Property and then will subject these materials to an on-site recycling process which will result in the creation of new products and segregation of component materials (such as, for example, the conversion of used concrete lined with iron rebar into a new concrete aggregate product which can be

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utilized in road construction and segregated iron which can be shipped off-site to a third party to be melted and re-configured). Recovered materials will be maintained on site prior to distribution.

Affiliates of the Applicant currently conduct activities similar to those proposed in this Application on a site near Hartsfield Jackson International Airport. The Applicant has met with representatives of Gwinnett County in anticipation of filing this application and has been advised that the proposed rezoning and special use permits will be required for the anticipated recycling operation.

The use and development of the Property as M-1 is not economically feasible and is not the highest and best use of the Property. The operation of the Property in a manner consistent with M-2 zoning with a Special Use Permit (to allow the recycling and recovered materials processing and storage) under the guidelines of Gwinnett County is appropriate for the subject tract and is consistent with the surrounding property. The surrounding property consists of a mixture of industrial uses. An M-2 zoning classification will afford the Applicant the opportunity to utilize the Property to provide a much-needed recycling service in Gwinnett County.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning and Special Use Permit Applications filed herewith. The Applicant respectfully requests your approval of this Application.

RECEIVED 11-05-10
RZC2011-00002

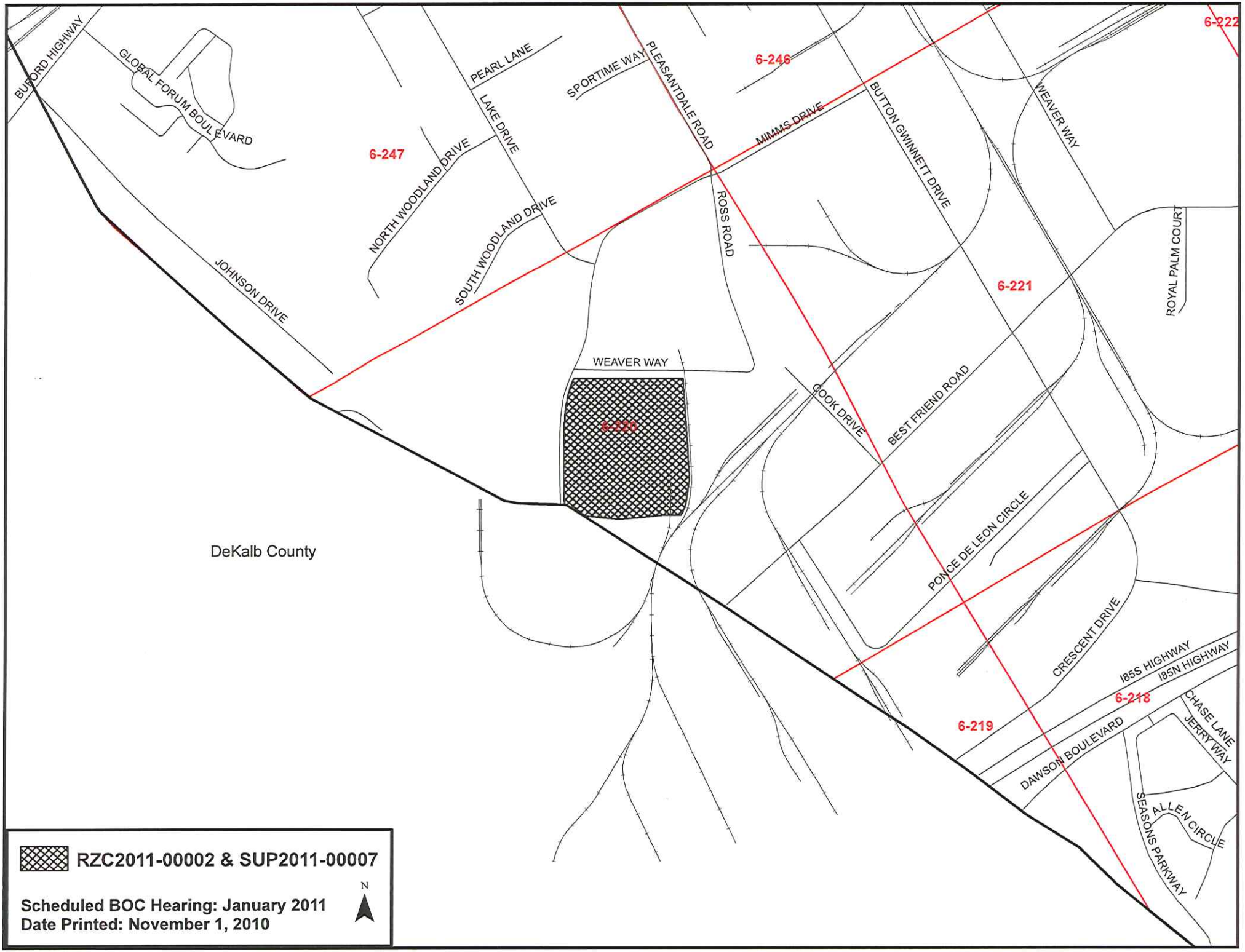
This 5th day of November, 2010.

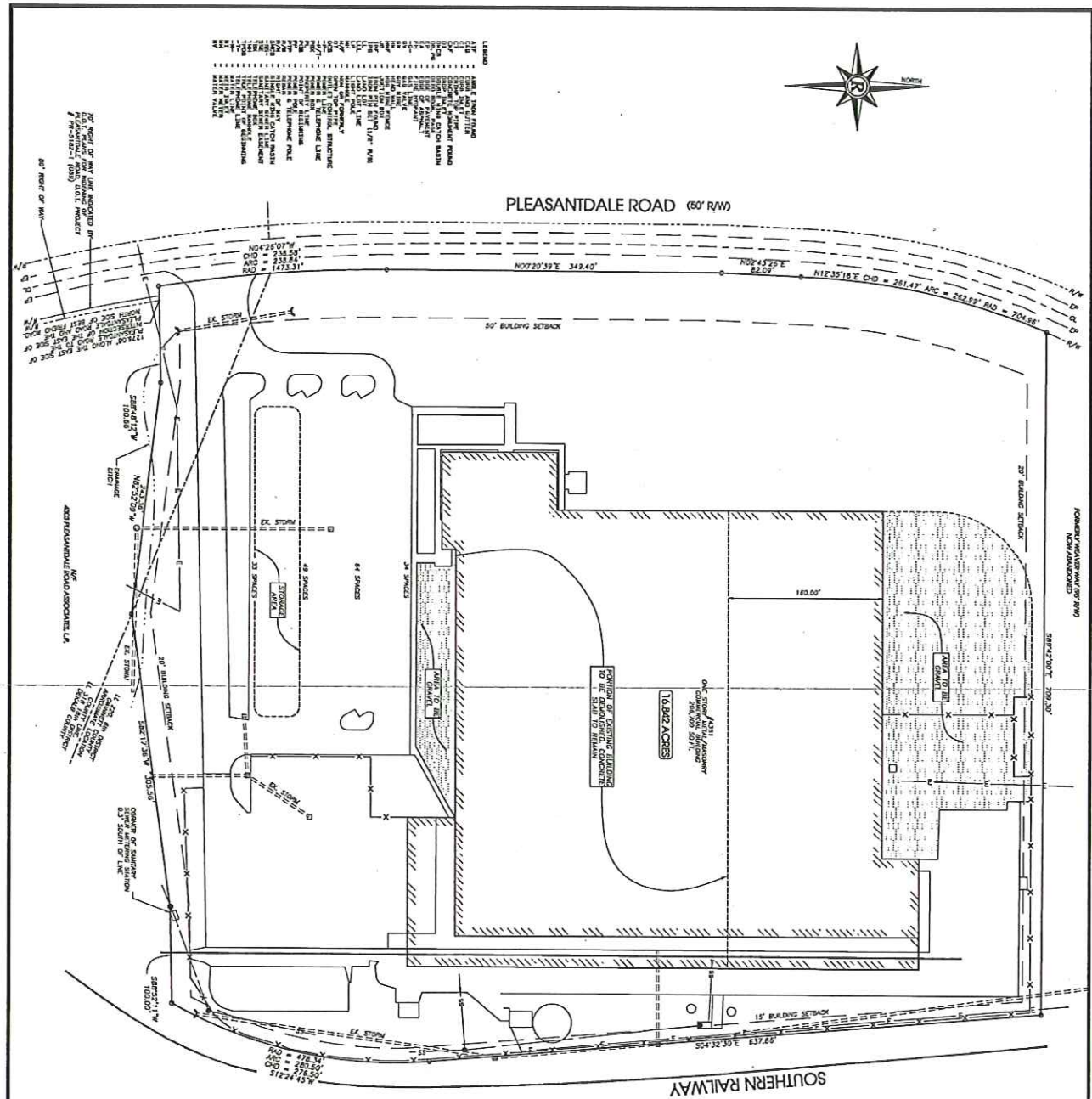
Respectfully submitted,

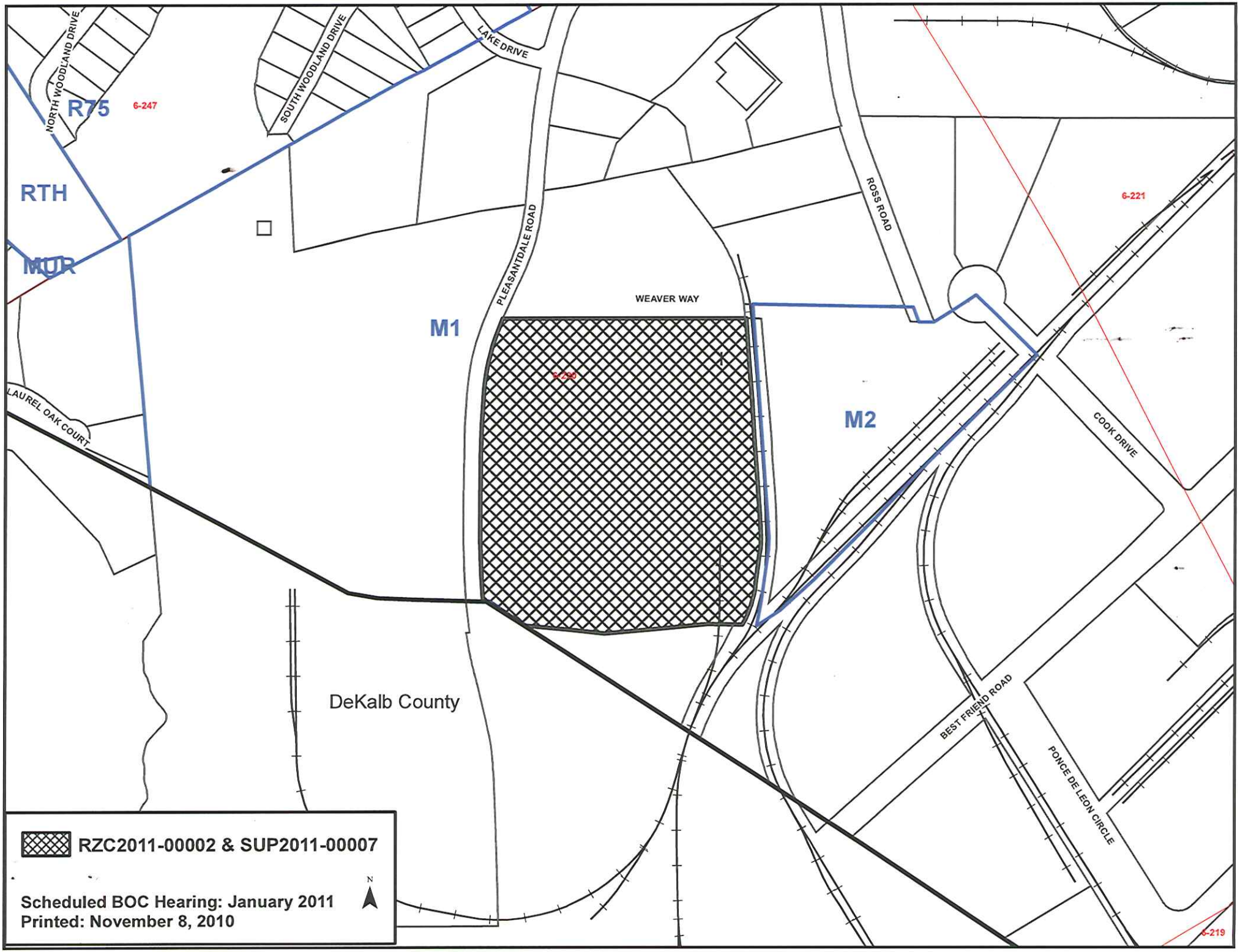
MAHAFFEY PICKENS TUCKER, LLP

E. Michelle Rothmeier, Attorneys for Applicant

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RZC2011-00002


BUFORD HIGHWAY
GLOBAL FORUM BOULEVARD
PEARL LANE
LAKE DRIVE
SPORTIME WAY
PLEASANTDALE ROAD
6-246
6-222
MIMMS DRIVE
BUTTON GWINNETT DRIVE
WEAVER WAY
6-247
NORTH WOODLAND DRIVE
SOUTH WOODLAND DRIVE
ROSS ROAD
JOHNSON DRIVE
ROYAL PALM COURT
6-221
WEAVER WAY
6-220
COOK DRIVE
BEST FRIEND ROAD
DeKalb County
PONCE DE LEON CIRCLE
CRESCENT DRIVE
I85S HIGHWAY
I85N HIGHWAY
6-218
6-219
CHASE LANE
JERRY WAY
DAWSON BOULEVARD
SEASONS PARKWAY
ALLEN CIRCLE
RZC2011-00002 & SUP2011-00007
Scheduled BOC Hearing: January 2011
Date Printed: November 1, 2010
N


PLEASANTDALE ROAD (50' R/W)
SOUTHERN RAILWAY
50' BUILDING SETBACK
20' BUILDING SETBACK
15' BUILDING SETBACK
16.842 ACRES
64 SPACES
34 SPACES
49 SPACES
33 SPACES
EX. STORM
PROPOSED 10' HT. DOUBLE-SIDED ILLUMINATED MONUMENT SIGN
PROPOSED 10' HT. DOUBLE-SIDED ILLUMINATED MONUMENT SIGN
PROPOSED 6' HT. SOLID WOOD FENCE
PROPOSED 6' HT. CHAIN LINK FENCE


NORTH WOODLAND DRIVE
SOUTH WOODLAND DRIVE
LAKE DRIVE
R75
6-247
RTH
MUR
PLEASANTDALE ROAD
WEAVER WAY
ROSS ROAD
6-221
M1
6-220
M2
LAUREL OAK COURT
COOK DRIVE
DeKalb County
BEST FRIEND ROAD
PONCE DE LEON CIRCLE
6-219
RZC2011-00002 & SUP2011-00007
Scheduled BOC Hearing: January 2011
Printed: November 8, 2010
N

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER	:**RZC2011-00003**
ZONING CHANGE	:R-100 & C-1 TO C-2
LOCATION	:1300 BLOCK OF OLD PEACHTREE ROAD :2800 BLOCK OF MEADOW CHURCH ROAD
MAP NUMBERS	:R7156 004 & R7156 522
ACREAGE	:2.05 ACRES
PROPOSED DEVELOPMENT	:COMMERCIAL RETAIL USES (REDUCTION IN BUFFERS)
SQUARE FEET	:20,000 SQUARE FEET
COMMISSION DISTRICT	:(1) LASSETER

FUTURE DEVELOPMENT MAP: **EXISTING/EMERGING SUBURBAN**

APPLICANT: JEAN LAUDERDALE AND STANLEY GREEN
1305 OLD PEACHTREE ROAD
SUWANEE, GA 30024

CONTACT: ERIC JOHANSEN PHONE: 678.571.4843

OWNER: JEAN LAUDERDALE AND STANLEY GREEN
1305 OLD PEACHTREE ROAD
SUWANEE, GA 30024

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests the rezoning of a 2.05-acre property from R-100 (Single Family Residence District) and C-1 (Neighborhood Business District) to C-2 (General Business District) for the construction of a commercial/retail building. The subject property is located at the northwest corner of the intersection of Old Peachtree Road and Meadow Church Road. It is noted that the subject property is located within the Civic Center Overlay District, and must abide by those requirements.

At present, the property owners reside at this location. The letter of intent indicates that the owners do not intend to develop the site at this time. Their intent is to obtain a commercial zoning classification in order to market the property to potential buyers for development at a future date.

The site plan proposes a 20,000 square foot, two-story commercial building and associated parking. Access would be provided via one entrance onto Old Peachtree Road and one entrance onto Meadow Church Road. A total of 108 parking spaces are shown on the site plan, which exceeds the maximum parking allowance.

A 75-foot wide natural, undisturbed buffer is required where C-2 zoning abuts residential property. A request to reduce the required buffer to a 25-foot wide graded and landscaped buffer is being proposed as part of this rezoning action. The 25-foot wide buffer would contain a 5-foot wide earthen berm, planted with two staggered rows of evergreen trees (8-feet in height, planted ten feet on center).

ZONING HISTORY:

In 1970, the subject property was zoned R-100 (Single Family Residence District). A portion of the property was rezoned to C-1 (Neighborhood Business District) in 1992, pursuant to RZ-92-086. A request to rezone the property to C-1 in 2008 was denied, pursuant to RZC-08-056.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 606.3 of the 1985 Zoning Resolution requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

Parking spaces shall be provided at a ratio of:
One space per 200 - 500 square feet for retail.

Section 9.7.5 of the Development Regulations requires proposed driveways to be located at least 100 feet from the centerline of the driveway to the nearest right-of-way line (extended).

Section 6.3.3 and/or 6.3.4 of the Development Regulations requires a 200-foot deceleration lane with a 50-foot taper at each project entrance that proposes access to a Minor Collector

Street, or Major Thoroughfare. Right-of-way dedication to accommodate the deceleration lane and an 11-foot shoulder is also required. Reduction in length of a deceleration lane requires approval of a Modification by the Development Division; elimination of a deceleration lane requires approval of a Waiver by the Board of Commissioners.

Section 6.13 of the Development Regulations requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

Section 606.6 of the 1985 Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Old Peachtree Road is a Major Arterial and 50-feet of right-of-way is required form the centerline, with 75-feet required within 500-feet of a major intersection.

Meadow Church Road is a Local Street and 30-feet of right-of-way is required from the centerline.

Standard deceleration lanes with appropriate taper and adequate right-of-way will be required.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided.

The number and locations of driveways are subject to Gwinnett County Department of Transportation approval.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Sanitary sewer is available to property. This availability will require this project to connect to sanitary sewer. Contact GCEHD concerning food service establishments planned for the project.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the northern right-of-way of Meadow Church Road, and a 24-inch and 48-inch water main located on the western right-of-way of Old Peachtree Road.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located in the right-of-way of Meadow Church Road approximately 400 feet northeast of the intersection of Old Peachtree Road.

The subject development is located within the North Chattahoochee service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.

2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review.

3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

4. Architectural design of the proposed building (s) shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.

5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.

2. Applicant submits architectural drawings to Fire Plan Review for review and approval.

3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject property is located at the intersection of Old Peachtree Road and Meadow Church Road. The property totals 2.05-acres and contain an existing single-family home.

The 2030 Unified Plan Future Development Map indicates that the property lies within the Existing/Emerging Suburban Character Area. The requested rezoning could be consistent with the recommendations for such Character Areas, which encourage commercial/retail uses at appropriate intersections. The two eastern corners of the subject intersection are zoned C-2. Areas to the southwest along Old Peachtree Road are commercially developed, including a large shopping center directly across Meadow Church Road from the subject property. This request could be considered consistent with policies of the Unified Plan for this area.

The surrounding area is characterized by commercial uses and zoning surrounding the interchange of Old Peachtree Road and Interstate 85, extending along Old Peachtree Road to the Meadow Church Road intersection. Residential uses are located to the north and west, beyond the commercial node. Adjacent to the north is the Olde Savannah Square neighborhood and recreation area, zoned R-60. Across Meadow Church Road is the Galleria at Sugarloaf commercial development, zoned C-2. Across Old Peachtree are undeveloped C-2 tracts and a single-family home zoned R-100. Given the property's location at a developed commercial intersection, the requested rezoning could be considered suitable. It is noted that the adjacent recreation area serves as a transitional buffer between the commercial district to the east and residential areas to the west. As such, the subject property could be suitably rezoned to C-2 without establishing an undesirable precedent for vacant properties to the west.

The Department notes that the Galleria at Sugarloaf commercial development was prohibited from directly accessing Meadow Church Road, which serves as the entrance street to the Olde Savannah Square neighborhood to the rear. In the Department's opinion, it may be appropriate to include a similar access prohibition on the subject property, to afford protection to neighboring residences. It may also be appropriate to plant the landscaped strip along Meadow Church Road with evergreen trees and shrubs to provide additional screening for the proposed commercial building.

In conclusion, the requested rezoning could be consistent with the Unified Plan, and compatible with the adjacent commercial node. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval as C-2 subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. Retail, service-commercial, office and accessory uses. The following uses shall be prohibited:

      - adult bookstores or entertainment
      - automotive parts stores
      - contractors offices
      - convenience stores, with or without gasoline pumps
      - emission inspection stations
      - equipment rental
      - extended stay hotels or motels
      - fast food restaurants or restaurants with drive through windows
      - recovered materials processing facilities
      - smoke shops/novelty stores
      - taxidermists
      - yard trimmings composting facilities

   B. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (stucco may only be used as an accent material). Final building elevations shall be submitted for review by the Director of Planning and Development.

   C. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application. Stucco may only be used as an accent building material.

2. To abide by the following site development considerations:

   A. Direct driveway access onto Meadow Church Road shall be prohibited. The existing curb cut and concrete apron on Meadow Church Road shall be removed, and the area re-vegetated as part of the required landscape strip.

   B. Provide a 25-foot wide re-graded and re-planted buffer adjacent to residentially-zoned properties to the northwest (recreational area). Buffer design plantings and berm shall be installed per the submitted site plan received November 5, 2010.

   C. Provide a 75-foot undisturbed buffer adjacent to residentially zoned property to the northeast. The buffer shall be enhanced where sparsely vegetated. If topographically necessary to install a retaining wall, the buffer may be reduced to

50-feet. Retaining wall shall be installed near the edge of the buffer with a material other than cross-ties. Opaque fencing shall be installed above said retaining wall and evergreen type plants such as Leyland Cypress trees shall be planted in front of the wall in order to provide an adequate screen for adjacent neighbors. Buffer design shall be subject to review and approval by Director of Planning and Development.

D. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way. The landscape strip along Meadow Church Road shall be enhanced with evergreen screen plantings. Landscape plan shall be subject to review and approval to Director of Planning and Development.

E. Ground signage shall be limited to monument type sign(s) with a minimum two-foot high brick or stacked stone base. Ground sign(s) shall not exceed 8 feet in height.

F. Billboards or oversized signs shall be prohibited.

G. Outdoor storage shall be prohibited.

H. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.

I. Outdoor loudspeakers shall be prohibited.

J. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.

K. There shall be no overnight parking or idling of trucks on the property.

L. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

M. Peddlers and/or parking lot sales shall be prohibited.

N. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed rezoning could be considered suitable, as it is consistent with similar commercial zoning approvals at the intersection of Meadow Church Road and Old Peachtree Road.

ADVERSE IMPACTS

With the recommended conditions, including buffers and use restrictions, potential impacts on nearby residential properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The subject property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Impacts from storm water runoff, traffic and utility demand could be anticipated from this request.

CONFORMITY WITH POLICIES

The request is considered consistent with the 2030 Unified Plan Future Development Map and with past Board actions which establish the adjacent area as a commercial node.

CONDITIONS AFFECTING ZONING

The emergence of a major commercial district surrounding the Old Peachtree Road and I-85 interchange gives supporting grounds for approval of the request.

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

See Attached Responses

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

See Attached Responses

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

See Attached Responses

(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 Responses

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

See Attached Responses

(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 Responses

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RZC2011-00003

Rezoning Applicant's Response

(A) Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

The adjacent and nearby properties are a mixed bag of zoning categories. Considering the properties that are adjacent and directly across the street from the Subject Property, there is the following zoning designations directly abutting Meadow Church Road and Old Peachtree Road: C-1, C-2, R-60 and R-100.

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

The adjacent and nearby properties are either commercially zoned or used for commercial uses with the exception of the two residential lots directly to the rear of the Subject Property in the Olde Savannah Square subdivision. The proposed commercial use of the Subject Property should be a compatible use to the surrounding uses given the commercial trend of the Old Peachtree Road and Meadow Church Road intersection.

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

The Subject Property has been used for residential purposes for many years. The immediate and surrounding properties have been converting to commercial uses creating traffic issues and quality of life concerns for the property owners. The Subject Property has been placed in the Civic Center Overlay District by Gwinnett County BOC thereby showing favoritism towards commercial type uses. With all of the above mentioned factors, we believe the Subject Property does not have much of a reasonable economic use as currently zoned.

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

The proposed rezoning should not create or cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. Meadow Church Road, according to 2009 GCDOT data averages over 8,000 vehicle trips per day at this location and Old Peachtree Road averages over 21,000 vehicle trips per day at this location. Adequate utilities exist in the immediate area due to the commercial development surrounding this property.

(E) Whether the proposed rezoning is in conformity with the policy and intent of the land use plan.

The Gwinnett County Unified Land Plan has designed this area as Preferred Office. The Subject Property lies within the Huntcrest community which was zoned years ago for Large Office Development that primarily front Satellite Boulevard and Interstate 85. The Subject Property sits 2 blocks away and is already surrounded by commercially zoned properties. The Subject Property is perfectly situated as Support Retail to the other Large Office development slated for the area.

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

The Subject Property currently has a split zoning, where a portion of the property is currently zoned C-1 and a portion zoned R-100. The Subject Property is a pin corner site located at the signalized intersection of Old Peachtree Road and Meadow Church Road. Adjacent to this property is C-2 zoned property.

RECEIVED 11-05-10
RZC2011-00003

November 3, 2010
Revised on November 7, 2010

Gwinnett County Board of Commissioners
75 Langley Drive
Lawrenceville, GA 30045

Re: Old Peachtree Road and Meadow Church Road – Letter of Intent
Inland Project #10-013 / Stanley Green and Jean Lauderdale
Parcel(s) R7156 004 and R7156 522
Gwinnett County, GA

Dear Commissioners,

Inland Group, LLC ("Inland") has been retained by Stanley Green and Jean Lauderdale (the "Applicants") to pursue a change in zoning from the current R-100 (Parcel R7156 004) and C-1 (Parcel R7156 522) to C-2 for future commercial, retail and restaurant uses. **For the record, the Applicants are also the property owners.** The parcels are located at the intersection of Old Peachtree Road and Meadow Church Road commonly referred to as 1305 Old Peachtree Road, Suwanee, GA, (the "Subject Property") and is approximately 2.052 acres. The Subject Property is located within the Civic Center Overlay District and is a pin corner site to a fully signalized intersection.

The Applicants attempted to rezone the Subject Property in 2008 and were not successful in obtaining a commercial zoning, mainly due to access and compatibility issues. Since the 2008 decision, the Applicants worked diligently and obtained a small spite strip of land that prevented them from having access to Meadow Church Road which now squares up the Subject Property and gives them unconditional access. By having this complete and unconditional access to both Old Peachtree Road and Meadow Church Road, the Subject Property is a viable commercial property. The Subject Property has two road frontages, has traffic counts over 8,000 vehicles per day on Meadow Church Road and over 21,000 vehicles per day on Old Peachtree Road, is directly adjacent to a large commercial development zoned C-2 across Meadow Church Road, and sits directly diagonal across the intersection from an undeveloped C-2 tract.

In addition to the change in zoning to C-2, the Applicants also request the required 75 foot transitional buffer adjacent to residentially zoned properties be reduce to a 25 foot re-graded and re-planted buffer, consistent

2180 Satellite Boulevard / Suite 400-15 / Duluth, Georgia 30097
(404) 355-6700 Phone (404) 355-6760 Fax
www.inlandgrp.com

with other commercially zoned properties in Gwinnett County. We will provide a 5 foot tall earthen berm, two staggered rows of 8 foot tall evergreen trees planted every 10 feet on center with the 25 foot buffer. This proposed buffer will add better protection than a standard distance buffer by providing a better acoustical and visual buffer from the adjacent properties into the Subject Property. Furthermore, the existing vegetation is mainly pine tree canopies and other invasive scrub growths that do not provide much protection at the ground level and do not abate sounds like a lower, denser, fully evergreen buffer can provide.

The Applicants have no plans to develop the Subject Property themselves at this time. Their plans are to obtain a commercial zoning designation with reasonable conditions that will make their property attractive to an end user. The Applicants have had several contracts to purchase their land over the years but the current zoning of residential has caused all of those contracts to fall through. Inland has provided a potential layout for a commercial development so that consideration can be given to how the Subject Property lays out.

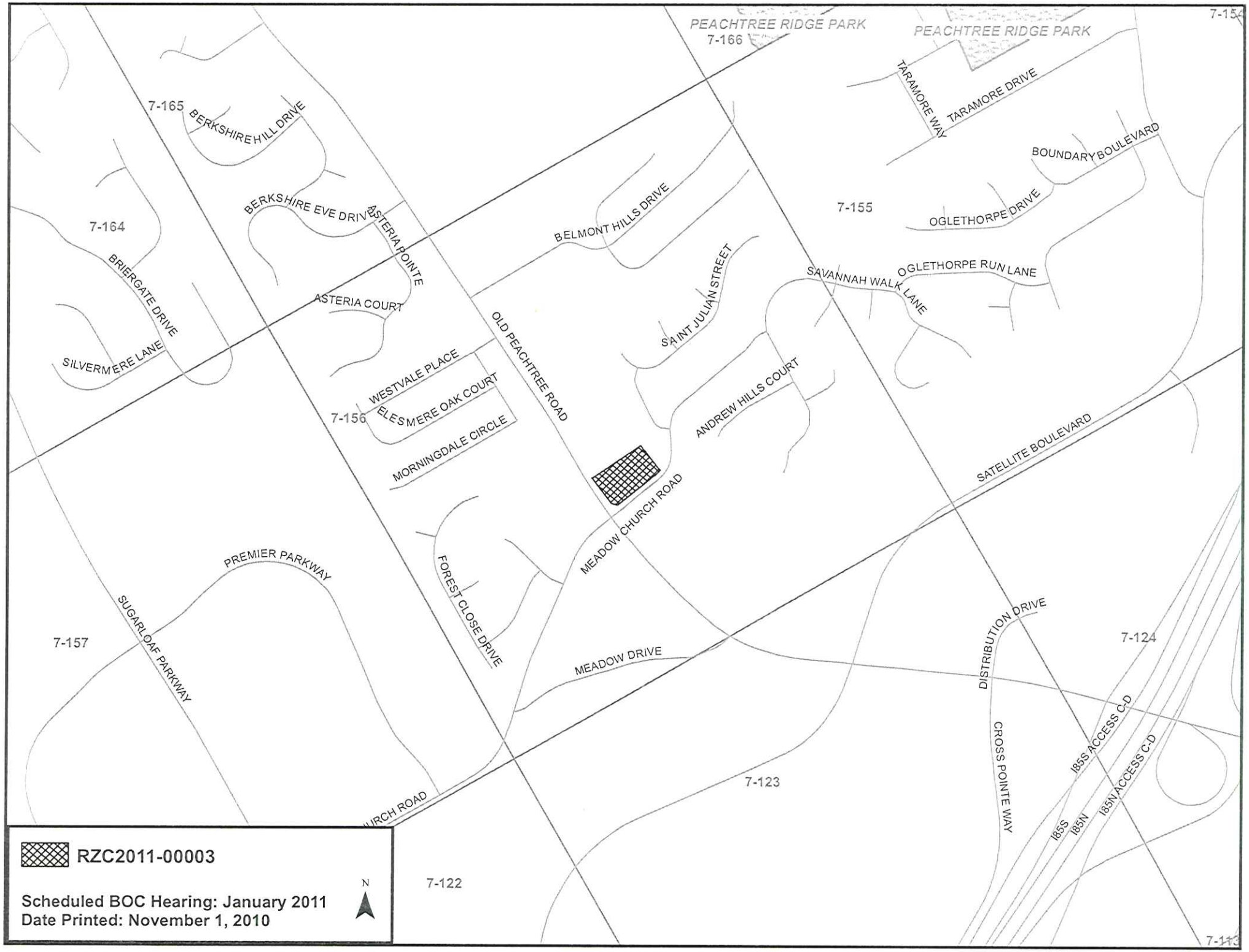
We respectfully request your approval of this request for C-2 zoning and are open to further meet with the appropriate parties to discuss the proposed rezoning.

Thank you for your consideration of this request.

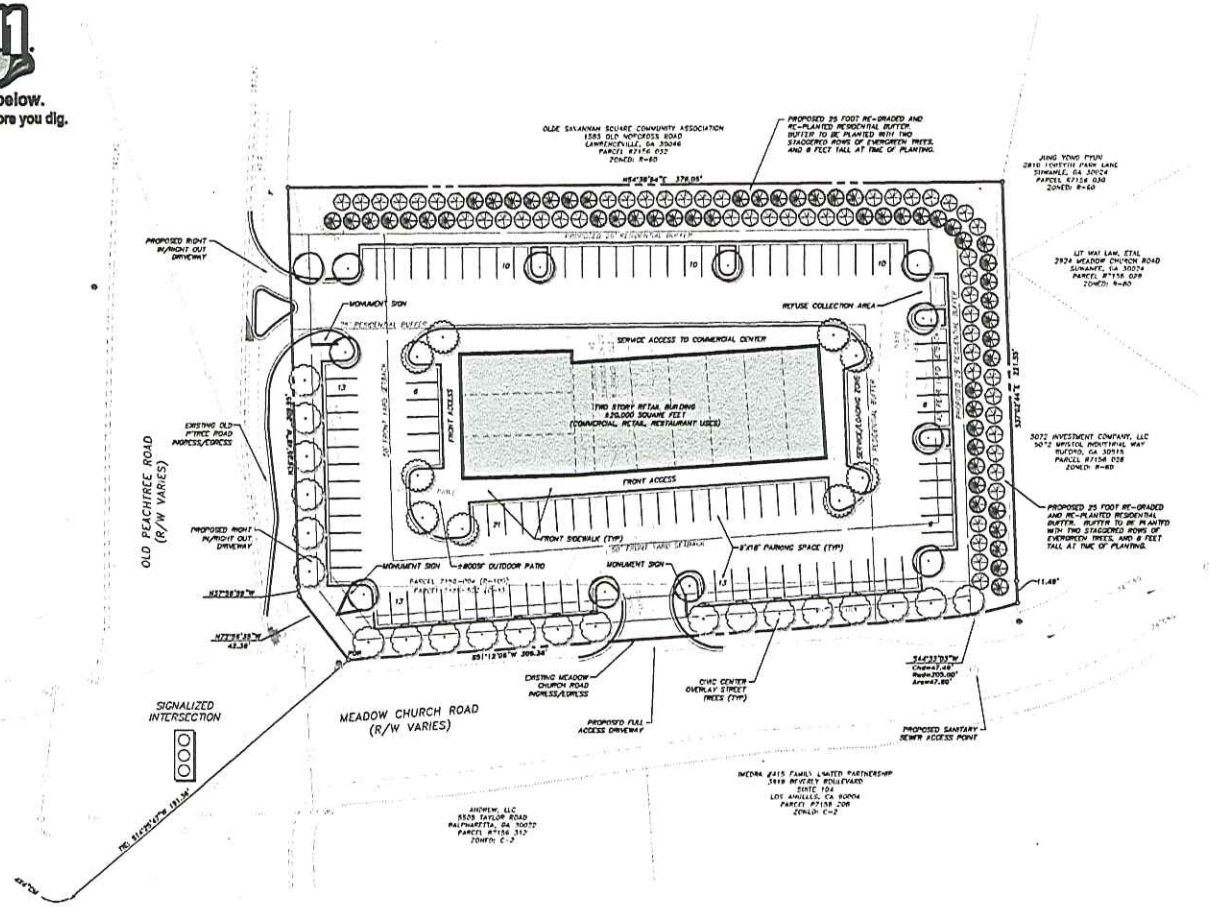
Sincerely,



Inland Group, LLC
Agent for the Applicants


PEACHTREE RIDGE PARK
7-166
PEACHTREE RIDGE PARK
7-154
7-165
BERKSHIRE HILL DRIVE
TARAMORE WAY
TARAMORE DRIVE
BOUNDARY BOULEVARD
BERKSHIRE EVE DRIVE
ASTERIA POINTE
BELMONT HILLS DRIVE
7-155
OGLETHORPE DRIVE
7-164
BRIERGATE DRIVE
ASTERIA COURT
SAINT JULIAN STREET
SAVANNAH WALK LANE
OGLETHORPE RUN LANE
SILVERMERE LANE
OLD PEACHTREE ROAD
WESTVALE PLACE
ELESMERE OAK COURT
7-156
MORNINGDALE CIRCLE
ANDREW HILLS COURT
SATELLITE BOULEVARD
MEADOW CHURCH ROAD
PREMIER PARKWAY
FOREST CLOSE DRIVE
SUGARLOAF PARKWAY
7-157
MEADOW DRIVE
DISTRIBUTION DRIVE
7-124
CROSS POINTE WAY
I85S ACCESS C-D
I85S
I85N
I85N ACCESS C-D
7-123
URCH ROAD
7-122
7-113
RZC2011-00003
Scheduled BOC Hearing: January 2011
Date Printed: November 1, 2010
N

811
Know what's below.
Call before you dig.



OUTDOOR LIGHTING:

** ALL OUTDOOR LIGHTING WILL COMPLY WITH THE CIVIC CENTER OVERLAY STANDARDS AND GWINNETT COUNTY LIGHTING ORDINANCE

TRAFFIC COUNTS:

OLD PEACHTREE ROAD ±21,013 ADT
- Counts measured between South Scales Road and Satellite Boulevard

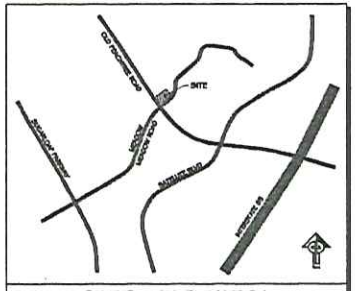
MEADOW CHURCH ROAD ±6,319 ADT
- Counts measured between Sugarloaf Parkway and Old Peachtree Road

** Traffic data obtained from Gwinnett County DOT - 2009 data

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RZC2011-00003

PROJECT CONTACT:

ERIC JOHANSEN (678)571-4843
eric@inlandllc.com



SITE MAP (NTS)

GENERAL NOTES:

1. THE EXISTING INFORMATION USED FOR THIS CONCEPTUAL REZONING SITE PLAN WAS GATHERED FROM A BOUNDARY SURVEY FOR STANLEY GREEN AND LAUDERDALE, DATED NOVEMBER 5, 2010, BY INLAND SURVEYING. ADDITIONAL INFORMATION WAS OBTAINED FROM THE GWINNETT COUNTY GIS AND RECENT AVAILABLE AERIAL PHOTOGRAPHY FOR THE IMMEDIATE AREA.

2. ALL ITEMS SHOWN ON THIS PLAN ARE CONCEPTUAL IN NATURE AND MUST MEET THE CURRENT GWINNETT COUNTY DEVELOPMENT REGULATIONS AND ZONING STANDARDS AT THE TIME OF DEVELOPMENT PERMITTING.

3. ALL TREES SHOWN ON THIS PLAN ARE CONCEPTUAL IN NATURE AND MUST MEET THE CURRENT GWINNETT COUNTY BUFFER, LANDSCAPE AND TREE ORDINANCE REGULATIONS AT THE TIME OF DEVELOPMENT PERMITTING.

4. THE SUBJECT PARCELS INCLUDED BOTH R7156 022 (ZONED C-1) & R7156 004 (ZONED R-100)

LEGAL DESCRIPTION:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 156, DISTRICT 7, GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN SET (1/2" THREADED ROD) AT THE EASTERN END OF THE CHAMFERED INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF MEADOW CHURCH ROAD (R/W VARIES) WITH THE EASTERLY RIGHT-OF-WAY LINE OF OLD PEACHTREE ROAD (R/W VARIES), THENCE RUNNING ALONG SAID CHAMFERED INTERSECTION NORTH 74°56'39" WEST, A DISTANCE OF 48.36 FEET TO AN IRON PIN SET (1/2" THREADED ROD); THENCE LEAVING SAID MEADOW CHURCH ROAD AND RUNNING ALONG SAID OLD PEACHTREE ROAD RIGHT-OF-WAY NORTH 37°56'39" WEST, A DISTANCE OF 41.71 FEET TO A 1/2" REBAR FOUND; THENCE NORTH 36°39'49" WEST, A DISTANCE OF 208.99 FEET TO AN IRON PIN SET (1/2" THREADED ROD); THENCE LEAVING SAID OLD PEACHTREE ROAD AND RUNNING ALONG THE LAND OF OLD SAVANNAH SQUARE COMMUNITY ASSOCIATION, INC. NORTH 84°38'54" EAST, A DISTANCE OF 376.05 FEET TO A 1/4" REBAR FOUND; THENCE RUNNING ALONG THE BOUNDARY OF SANDRON PLACE UNIT 1 AT OLDE SAVANNAH SQUARE SUBDIVISION SOUTH 87°06'44" EAST, A DISTANCE OF 181.28 FEET TO AN IRON PIN SET (1/2" THREADED ROD) ON THE NORTHERLY RIGHT-OF-WAY OF SAID MEADOW CHURCH ROAD; THENCE RUNNING ALONG SAID MEADOW CHURCH ROAD RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 47.60 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 44°52'05" WEST AND A CHORD DISTANCE OF 47.48 FEET AND A RADIUS OF 203.00 FEET TO AN IRON PIN SET (1/2" THREADED ROD); THENCE SOUTH 51°12'08" WEST, A DISTANCE OF 209.38 FEET TO THE POINT OF BEGINNING.

SITE DATA CHART:

EXISTING ZONING OF PROPERTIES	R-100 and C-1
PROPOSED ZONING OF PROPERTIES	C-2
ADDRESS OF PROPERTIES	1305 OLD PEACHTREE ROAD SUWANEE, GA 30024
PARCEL IDENTIFICATIONS	R7156 004 and R7156 522
AREA OF PROPERTIES	±2.052 ACRES
PROPOSED USES:	COMMERCIAL, RETAIL, RESTAURANT
PROPOSED BUILDING SQUARE FOOTAGE	±20,000 SF
- TWO STORY COMMERCIAL BUILDING	
PARKING SPACES REQ'D	40 SPACES (MIN) / 100 SPACES (MAX)
PARKING SPACES SHOWN	106 SPACES (INCLUDING H/C)
BUILDING SETBACK LINES	
- FRONT YARD	50 FEET FROM R/W
- SIDE YARD	20 FEET, ABUTS RESIDENTIAL
- REAR YARD	40 FEET, ABUTS RESIDENTIAL
- LANDSCAPE STRIP	10 FEET FROM R/W
- RESIDENTIAL BUFFER ZONE	75 FEET
PROPOSED VARIANCE REQUEST:	
1. REDUCE THE 75 FOOT RESIDENTIAL BUFFER TO A 25 FOOT RE-GRADED AND RE-PLANTED BUFFER, DOUBLE STAGGERED ROWS OF 6 FOOT EVERGREEN PLANT MATERIALS.	
GWINNETT COUNTY OVERLAY DISTRICT	CIVIC CENTER OVERLAY
SANITARY SEWER ACCESS	MEADOW CHURCH ROAD
DETENTION AND WATER QUALITY	UNDERGROUND DETENTION

INLAND GROUP
land solutions - construction management
2180 Satellite Boulevard
Suite 400 - 16
Duluth, Georgia 30097
404-355-4700 phone
404-355-6780 fax
www.inlandgrp.com

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THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE

GEORGIA REGISTERED No. 801515 PROFESSIONAL ENGINEER ERIC JOHANSEN

LEED® LEVEL II CERTIFICATION #10000086876

OLD PEACHTREE ROAD
A COMMERCIAL DEVELOPMENT
for
JEAN LAUDERDALE AND STANLEY GREEN
1305 OLD PEACHTREE ROAD
SUWANEE, GEORGIA 30024
(770) 476-3785 phone

7th DISTRICT
LAND LOT 156
PARCEL I.D. 522
GWINNETT COUNTY, GEORGIA

REVISIONS:

NUM	DATE	REVISION
-1	11/05/10	SUBMIT TO GC FOR REVIEW

SHEET TITLE:
REZONING SITE PLAN

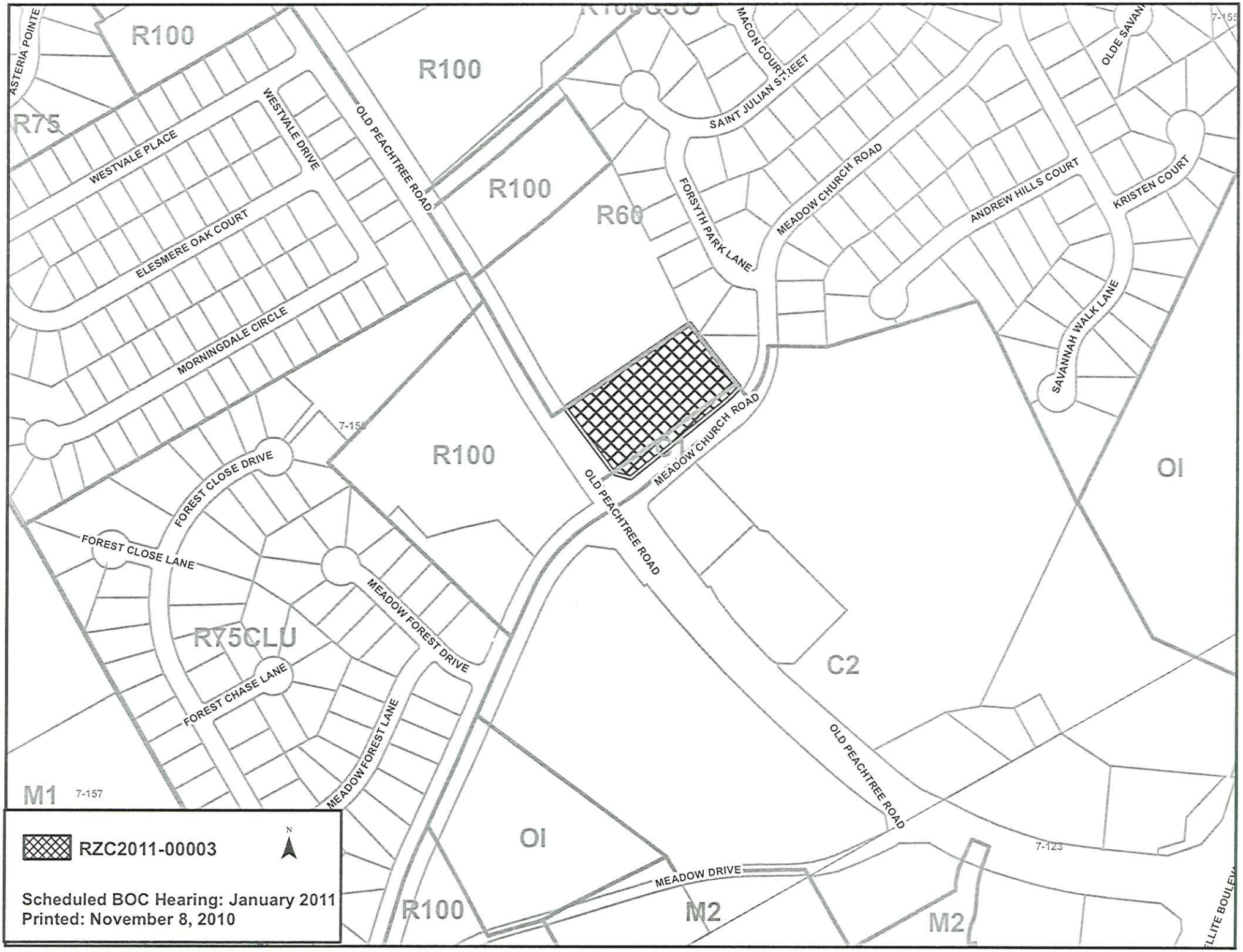
0 15 30 60 90

SCALE: 1" = 30'
DATE: OCTOBER 27, 2010
PROJECT: 10-015

MAGNETIC

SHEET NUMBER
1

NOT RELEASED FOR CONSTRUCTION


R100
R75
R60
OI
C2
M1
M2
R75CLU
ASTERIA POINTE
WESTVALE PLACE
WESTVALE DRIVE
ELESMERE OAK COURT
MORNINGDALE CIRCLE
OLD PEACHTREE ROAD
SAINT JULIAN STREET
MACON COURT
FORSYTH PARK LANE
MEADOW CHURCH ROAD
ANDREW HILLS COURT
KRISTEN COURT
SAVANNAH WALK LANE
FOREST CLOSE DRIVE
FOREST CLOSE LANE
FOREST CHASE LANE
MEADOW FOREST DRIVE
MEADOW FOREST LANE
MEADOW DRIVE
7-157
7-123
RZC2011-00003
N
Scheduled BOC Hearing: January 2011
Printed: November 8, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER	:**RZC2011-00004**
ZONING CHANGE	:M-1 TO C-3
LOCATION	:600 BLOCK OF AIRPORT ROAD
MAP NUMBER	:R5208 028
ACREAGE	:1.1 ACRES
PROPOSED DEVELOPMENT	:AUTOMOBILE REPAIR AND COMMERCIAL RETAIL USES
SQUARE FEET	:11,880 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD

FUTURE DEVELOPMENT MAP: **RESEARCH AND DEVELOPMENT CORRIDOR**

APPLICANT: JONATHAN P. DUGAN
659 AIRPORT ROAD
LAWRENCEVILLE, GA 30046

CONTACT: JONATHAN P. DUGAN PHONE: 770.962.5678

OWNER: JONATHAN P. DUGAN
659 AIRPORT ROAD
LAWRENCEVILLE, GA 30046

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS AS C-2/SUP**

PROJECT DATA:

The applicant requests the rezoning of a 1.10-acre parcel from M-1 (Light Industry District) to C-3 (Highway Business District) to allow automobile repair and retail uses. The subject property is located on the north side of Airport Road, east of its intersection with Hurricane Shoals Road. The subject property also has frontage along the south side of Georgia Highway 316.

The site is developed with a one-story, 11,880 square foot building. Access is provided through a single entrance/exit onto Airport Road. There are currently 26 parking spaces on the subject property. There are no changes proposed to the site or building as part of this application.

In the past, the applicant used the property to manufacture and distribute specialty automotive equipment. In recent years, the business began offering auto parts installation and general auto repair. In addition to the auto repair activities, the applicant also plans to open an antique store within the building. As this range of activities is not allowed in M-1 zoning, the applicant is seeking C-3 zoning to bring the site into compliance with the Zoning Resolution.

Staff notes that this request is the result of a Code Enforcement Unit investigation for a non-permitted use, prohibited signs, and building without a permit, pursuant to CEU2010-07902.

ZONING HISTORY:

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). The subject property was rezoned to M-1 as part of a larger area-wide rezoning in 1975.

GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The Georgia Department of Community Affairs and Department of Natural Resources have mandated that Significant Groundwater Recharge Areas be identified and that minimum lot sizes for septic tanks be increased in these resource areas. Please contact the Gwinnett County Board of Health for septic system information and/or Gwinnett Department of Public Utilities regarding availability of sanitary sewer for this site.

WETLANDS INVENTORY:

The subject property does not contain areas, streams and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 606.3 of the 1985 Zoning Resolution requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

Parking spaces shall be provided at a ratio of:
One space per 200 - 500 square feet for retail.
One to three spaces per service bay.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the southern right-of-way of Airport Road.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 500 feet east of the property in the right-of-way of Airport Road.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall obtain a building code compliance inspection (CIR) of each existing building by the Building Construction Section of Department of Planning and Development and shall comply with the inspection results.

2. The applicant shall submit civil site drawings to Building Plan Review for review and approval.

3. The applicant shall submit plans which clearly indicate any new construction as proposed by the applicant and as required by the compliance inspection report for review and approval by Building Plan Review.

4. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia State amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

5. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 am to 5:00 pm.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.

2. Applicant submits architectural drawings to Fire Plan Review for review and approval.

3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject property is a 1.10-acre parcel, located on north side of Airport Road, east of its intersection with Hurricane Shoals Road. The property also adjoins the south side Georgia Highway 316. The site is developed with an existing building, and associated parking.

The 2030 Unified Plan Future Development Map indicates the site is located within the Research and Development Corridor. Although not strictly consistent with the recommended land use, the proposed automobile repair shop and antique store use could be suitable in light of the intensity of the surrounding developments, which are characterized by auto repair, light industrial, aviation and commercial uses.

The surrounding area includes numerous intensely developed commercial/retail and light industrial uses fronting along Hurricane Shoals Road, Airport Road and the Georgia Highway 316 corridor. Located to the south, across Airport Road, is the Gwinnett County Airport. To the north of the subject site, across Georgia Highway 316, are office/warehouse and light industrial uses within the Gwinnett Progress Center. Immediately to the east is an automotive collision repair center. Immediately to the west of the subject property is a multi-tenant retail/office center, zoned C-2. Given the variety of zonings and the intensity of use in the area, the request could be considered suitable. The Department notes that the proposed uses for the property are allowed in the C-2 zoning district. As such, it may be more appropriate to rezone the property to C-2, rather than the requested C-3.

In conclusion, the requested rezoning with a Special Use Permit for an automobile repair shop and retail antique store could be considered compatible with the intensity of adjacent and nearby land uses. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS AS C-2 WITH A SPECIAL USE PERMIT** for auto repair.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval as C-2 with a Special Use Permit for an automobile repair shop subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. Retail, service commercial and accessory uses; which may include an automobile repair shop as a special use. The following uses shall be prohibited:

      - adult bookstores or entertainment
      - alcohol sales
      - automobile sales
      - extended stay hotels or motels
      - pawn shops, title loan and check cashing facilities
      - recovered materials processing facilities
      - smoke shops/novelty stores

   B. Any new buildings or additions shall be finished with architectural treatments of glass, stacked stone, or brick. Stucco may be used as an accent material. Final architectural elevations shall be subject to review and approval by the Director of Planning and Development.

2. To abide by the following site development considerations:

   A. Ground signage shall be limited to monument type signs with a minimum two-foot high brick or stacked stone base. Ground signs shall not exceed 8 feet in height. Signs shall be prohibited along the Georgia Highway 316 frontage.

   B. Maintain the existing opaque fencing along Georgia Highway 316 to provide and effective screen of the automobile repair shop and parking area. The fence shall be maintained in a structurally sound condition and in good repair. The fence shall not contain any signage.

   C. Billboards or oversized signs shall be prohibited.

   D. Outdoor sales shall be prohibited. Outdoor storage of merchandise, equipment, junk vehicles, auto parts, tires and other materials shall be prohibited.

   E. Vehicles awaiting repair shall be stored indoors or within the existing screened outdoor storage area. The outdoor storage area shall be within the existing opaque fencing and screening along Georgia Highway 316.

   F. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure.

G. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.

H. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

I. Peddlers and/or parking lot sales shall be prohibited.

J. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The request to rezone the property for automobile repair and retail use could be suitable in light of the mix and intensity of uses in this area.

ADVERSE IMPACTS

With the recommended conditions, including maintaining the existing screening along Georgia Highway 316, impacts on neighboring properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The subject property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

It is anticipated that there would be few additional impacts on public facilities from the request.

CONFORMITY WITH POLICIES

Although not strictly consistent with the recommended land use, the proposed automobile repair shop and retail store could be suitable in light of the intensity of surrounding developments.

CONDITIONS AFFECTING ZONING

The neighboring commercial zoning and similar uses in the area suggest that the use could be suitable at this location.

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Please see attached sheet

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

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

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

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

(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:

RECEIVED 11-05-10
RZC2011-00004

Rezoning Application Responses for 659 Airport Road

Tax Parcel 5208 028

A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.
Yes. There are two automotive body and repair shops to the east of my property and in the C-2 buildings to the west of my property there have been or currently are similar businesses such as an insurance agency, a church, an aviation school, and a pest control company.

B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE AND USABILITY OF ADJACENT OR NEARBY PROPERTY.
No, I do specialty automotive work that the other repair shops do not appear to do. The antique store would be a place for the employees or customers of the buildings next to me to shop and may bring customers to those businesses also.

C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE EXONOMIC USE AS CURRENTLY ZONED.
No, I do not think that my building's small size gives it much opportunity in today's reduced manufacturing environment and increased service environment. In just the past 11 years I have seen the businesses change on this street from being a cabinet shop and metal building erection company to an automotive repair place and a sod/lawn care company. If someone wants to do any kind of manufacturing then they are going to need a large place in order to have the greatest production volume to fixed costs ratio to compete with the lower Chinese manufactured prices.

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.
No, Airport Road is used by people as an alternate road around 316 to get to and from Lawrenceville, so I doubt changing my business will have any impact.

BOARD OF COMMISSIONERS OF GWINNETT COUNTY GEORGIA
RECEIVED 11-05-10
RZC2011-00004

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

I think that it would be based on the fact that it looks like office use is designated. Anywhere you have offices you are going to have a need for places to serve those offices nearby so those workers are more efficient. Otherwise they would have to go to Lawrenceville to shop and get parts installed or repaired.

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 PORPOSED REZONING.

I think the changes I have seen over the past 11 years with the shift from manufacturing to service businesses will continue and this supports the rezoning request.

RECEIVED 11-05-10
RZC2011-00004

Re: Letter of Intent to rezone 659 Airport Road

Tax Parcel 5208 028

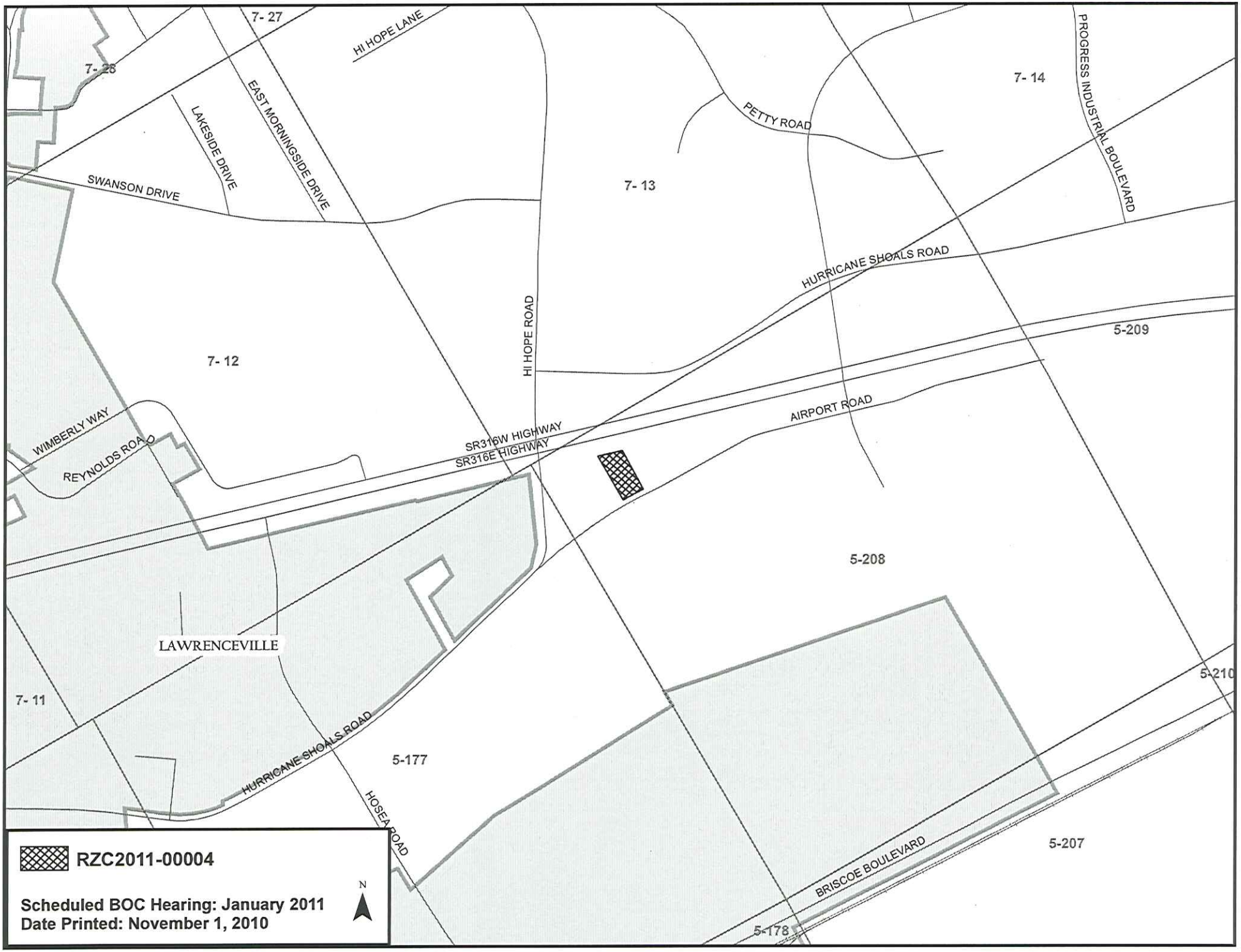
To whom it may concern:

I seek to rezone my 1.1 acre property from M-1, industrial use, to C-3, commercial use. I plan to operate an automotive accessory installation and repair shop and an antique store. The existing 11,880 sq. ft. building is not being externally altered for these uses as I manufactured and sold specialty automotive equipment for 11 years from this location until the market for my goods shrank and I could no longer be competitive with Chinese manufacturers. I have been advised that I don't need to change any buffers because my property is surrounded by highway 316, Airport Rd, and an M-1 and C-2 zoned buildings. There are 26 parking spaces around the building and the building is 14 feet high.

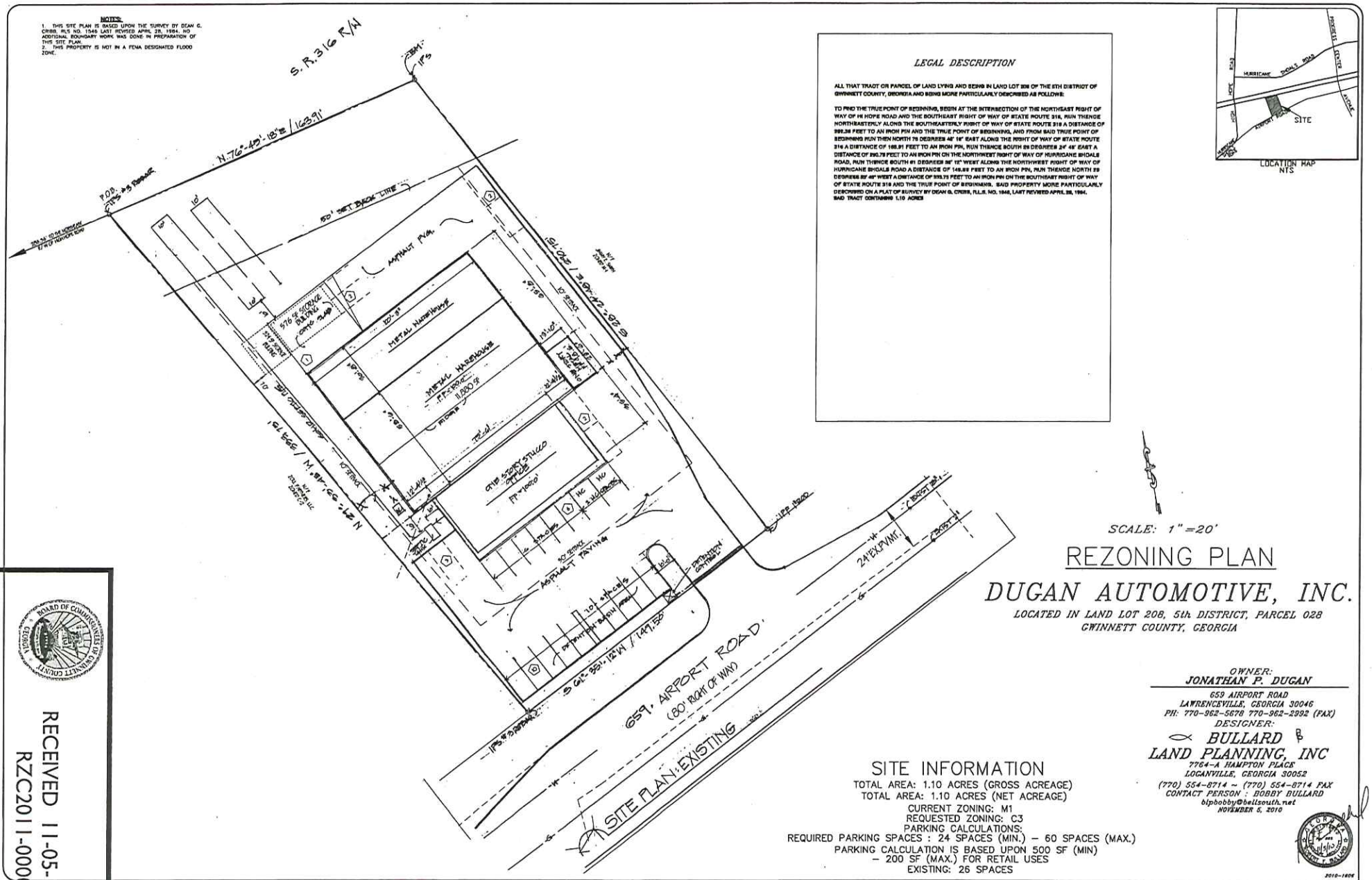
Sincerely,

Jonathan P. Dugan, Owner

RECEIVED 11-05-10
RZC2011-00004


7- 27
HI HOPE LANE
7- 28
LAKESIDE DRIVE
EAST MORNINGSIDE DRIVE
PETTY ROAD
7- 14
PROGRESS INDUSTRIAL BOULEVARD
SWANSON DRIVE
7- 13
HURRICANE SHOALS ROAD
HI HOPE ROAD
5-209
7- 12
WIMBERLY WAY
REYNOLDS ROAD
SR316W HIGHWAY
SR316E HIGHWAY
AIRPORT ROAD
5-208
LAWRENCEVILLE
7- 11
HURRICANE SHOALS ROAD
5-177
HOSEA ROAD
5-210
BRISCOE BOULEVARD
5-207
5-178
RZC2011-00004
Scheduled BOC Hearing: January 2011
Date Printed: November 1, 2010
N

NOTES:
1. THIS SITE PLAN IS BASED UPON THE SURVEY BY DEAN G. CRIBB, RLS NO. 1946 LAST REVISED APRIL 28, 1994. NO ADDITIONAL BOUNDARY WORK WAS DONE IN PREPARATION OF THIS SITE PLAN.
2. THIS PROPERTY IS NOT IN A FEMA DESIGNATED FLOOD ZONE.



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 208 OF THE 5TH DISTRICT OF GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT THE INTERSECTION OF THE NORTHEAST RIGHT OF WAY OF HI HOPE ROAD AND THE SOUTHEAST RIGHT OF WAY OF STATE ROUTE 316, RUN THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY RIGHT OF WAY OF STATE ROUTE 316 A DISTANCE OF 999.38 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING, AND FROM SAID TRUE POINT OF BEGINNING RUN THEN NORTH 76 DEGREES 49' 18" EAST ALONG THE RIGHT OF WAY OF STATE ROUTE 316 A DISTANCE OF 168.91 FEET TO AN IRON PIN, RUN THENCE SOUTH 28 DEGREES 24' 48" EAST A DISTANCE OF 290.79 FEET TO AN IRON PIN ON THE NORTHWEST RIGHT OF WAY OF HURRICANE SHOALS ROAD, RUN THENCE SOUTH 61 DEGREES 36' 12" WEST ALONG THE NORTHWEST RIGHT OF WAY OF HURRICANE SHOALS ROAD A DISTANCE OF 149.58 FEET TO AN IRON PIN, RUN THENCE NORTH 29 DEGREES 23' 48" WEST A DISTANCE OF 313.75 FEET TO AN IRON PIN ON THE SOUTHEAST RIGHT OF WAY OF STATE ROUTE 316 AND THE TRUE POINT OF BEGINNING. SAID PROPERTY MORE PARTICULARLY DESCRIBED ON A PLAT OF SURVEY BY DEAN G. CRIBB, R.L.S. NO. 1946, LAST REVISED APRIL 28, 1994. SAID TRACT CONTAINING 1.10 ACRES

SCALE: 1" = 20'

REZONING PLAN

DUGAN AUTOMOTIVE, INC.

LOCATED IN LAND LOT 208, 5th DISTRICT, PARCEL 028
GWINNETT COUNTY, GEORGIA

SITE INFORMATION

TOTAL AREA: 1.10 ACRES (GROSS ACREAGE)
TOTAL AREA: 1.10 ACRES (NET ACREAGE)
CURRENT ZONING: M1
REQUESTED ZONING: C3
PARKING CALCULATIONS:
REQUIRED PARKING SPACES : 24 SPACES (MIN.) – 60 SPACES (MAX.)
PARKING CALCULATION IS BASED UPON 500 SF (MIN) – 200 SF (MAX.) FOR RETAIL USES
EXISTING: 26 SPACES

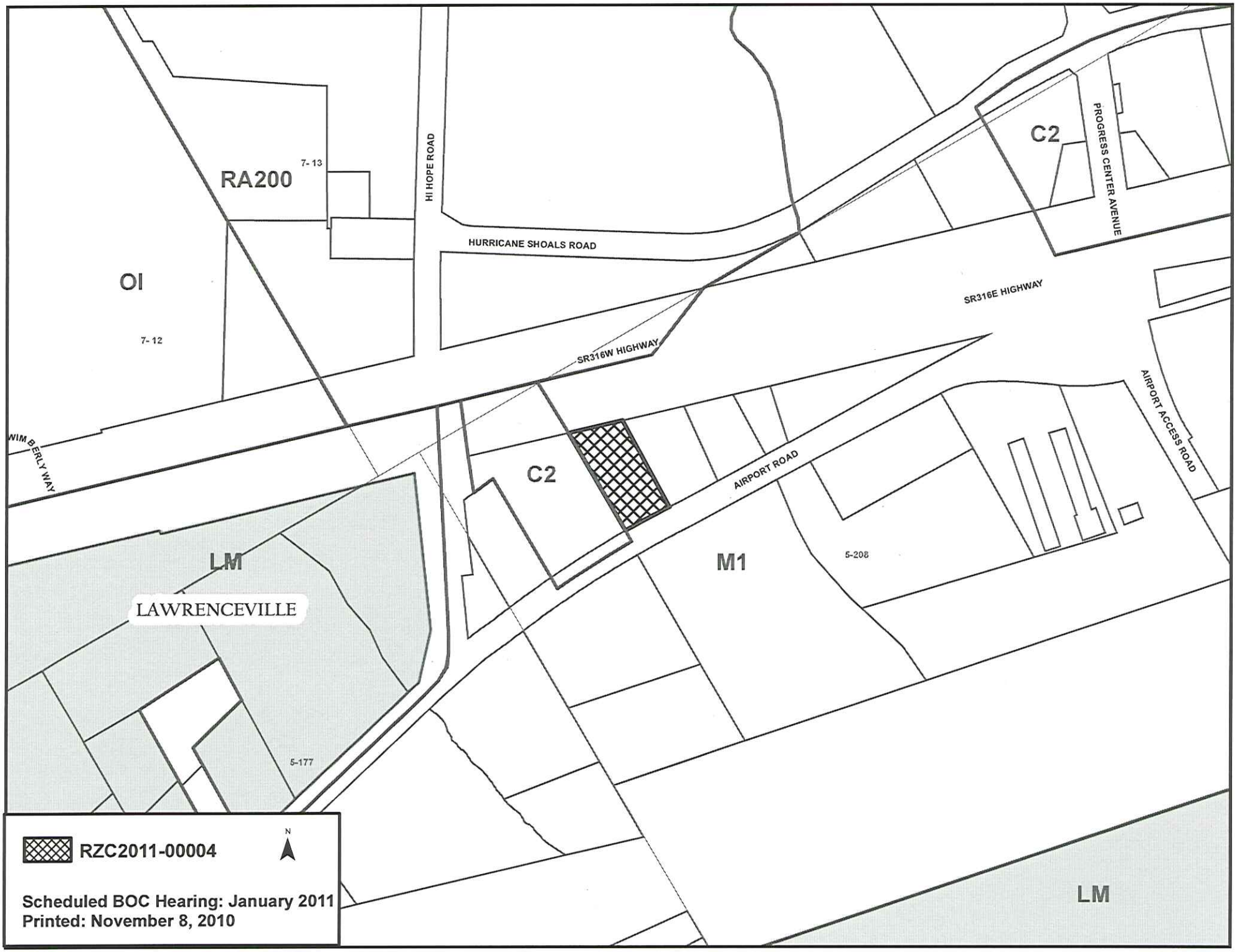
OWNER:
JONATHAN P. DUGAN
659 AIRPORT ROAD
LAWRENCEVILLE, GEORGIA 30046
PH: 770-962-5678 770-962-2992 (FAX)

DESIGNER:
BULLARD LAND PLANNING, INC
7764-A HAMPTON PLACE
LOGANVILLE, GEORGIA 30052
(770) 554-8714 – (770) 554-8714 FAX
CONTACT PERSON : BOBBY BULLARD
blphobby@bellsouth.net

NOVEMBER 5, 2010

2010-1406

BOARD OF COMMISSIONERS OF GWINNETT COUNTY GEORGIA
RECEIVED 11-05-10
RZC2011-00004


RA200
7-13
OI
7-12
HI HOPE ROAD
HURRICANE SHOALS ROAD
C2
PROGRESS CENTER AVENUE
SR316E HIGHWAY
SR316W HIGHWAY
WIM BERLY WAY
C2
AIRPORT ROAD
AIRPORT ACCESS ROAD
LM
LAWRENCEVILLE
M1
5-208
5-177
LM
RZC2011-00004
N
Scheduled BOC Hearing: January 2011
Printed: November 8, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
CHANGE IN CONDITIONS ANALYSIS

CASE NUMBER	:**CIC2011-00001**
ZONING	:R-ZT
LOCATION	:3600 - 3700 BLOCK OF FALLEN OAK DRIVE
MAP NUMBERS	:R7185 467 thru R7185 477
ACREAGE	:2.04 ACRES
PROPOSED DEVELOPMENT	:CHANGE IN CONDITIONS (REMOVE FENCE REQUIREMENT)
COMMISSION DISTRICT	:(4) HEARD

FUTURE DEVELOPMENT MAP: **EXISTING / EMERGING SUBURBAN**

APPLICANT: GWINNETT COMMUNITY BANK
2775 BUFORD HIGHWAY
DULUTH, GA 30096

CONTACT: HAROLD TRIP PHONE: 404.285.3075

OWNER: GWINNETT COMMUNITY BANK
2775 BUFORD HIGHWAY
DULUTH, GA 30096

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a change in conditions of zoning to remove Condition 1.G. of RZR-05-050. The condition requires the installation of an opaque wooden privacy fence along the northwest property lines of Lots 51 through 61, within the Trey Vista on the Lake single-family subdivision. The subdivision is located on the west side of Cross Road at its intersection with Kilgore Road.

In January of 2005, the Trey Vista on the Lake subdivision was rezoned to R-ZT (Single Family Residence District), pursuant to RZR-05-050. Condition 1.G. governs the installation of the privacy fence, and reads as follows:

1.G. Install a wooden opaque privacy fence along the northwest property line.

The applicant proposes to eliminate Condition 1.G. The applicant's letter of intent indicates that the trees along the property line are dying and falling across the property line; and that, had the fence been installed, it would have been destroyed by the falling trees. The applicant asserts that the fence is not imperative or feasible in the current economic climate.

The surrounding area is predominately developed with low and medium density single-family subdivisions. To the south of the subject property is The Post at Copper Trail subdivision,

zoned R-60. As a condition of zoning, the Post at Copper Trail developer was required to install a 6-foot high wooden opaque fence with brick columns every 30 feet along all exterior property lines. To the northeast of the subject property is the Mill Creek Landing subdivision, zoned R-100 CSO. As a condition of zoning, the Mill Creek Landing developer was required to install a 6-foot high vinyl-coated chain-link fence along the common property line with the neighboring property owner. In light of these similar fence conditions, it appears that such a requirement is not uncommon for the area. The current fence requirement was established at the request of the neighboring property owner in 2005. Its elimination would remove the privacy protection granted to the current and future residents of the adjacent lot, and may not be appropriate.

In conclusion, the requested change in conditions may not be appropriate in light of the precedent the Board established and would reduce the privacy afforded to current and future residents of the adjacent property. Therefore, the Department of Planning and Development recommends **DENIAL** of the request.

ZONING HISTORY:

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). In 1977, the subject property was rezoned R-100, pursuant to REZ-014-77. The subject property has been zoned R-ZT (Single Family Residence District) since 2005, pursuant to RZR-05-050.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the southern right-of-way of Fallen Oak Drive.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located in the right-of-way of Fallen Oak Drive.

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Additions in **bold**
Delitions in ~~strikethrough~~

1. To restrict the use of the property as follows:

   A. Single-family detached dwellings and accessory uses and structures at a maximum density of no more than 4 units per acre.

   B. The minimum heated floor area for dwellings shall be 2,100 square feet.

   C. Dwellings shall have architectural treatments of brick or stone on the front facades with the balance of the dwelling being brick, stone, or fiber-cement type siding.

   D. All dwellings shall have double-car garages.

   E. Install a 6-foot high wooden opaque fence with brick columns every 30-feet along the entire road frontage of Cross Road or match with the fence design of The Post at Copper Trail.

   F. Install an entrance feature with landscaping that matches the fence design. All landscaping shall be maintained by the homeowners association.

   G. ~~Install a wooden opaque privacy fence along the northwest property line.~~

   H. Install a black vinyl coated chain line fence along the Whitley property (the west side).

2. To satisfy the following site development considerations:

   A. Provide underground utilities throughout the subdivision.

   B. Provide stub streets as may be required by the Department of Planning and Development.

   C. Natural vegetation shall remain on the property until the issuance of a development permit.

   D. All grassed areas shall be sodded.

E. Direct lot access to Cross Road shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions eliminating the required installation of a wooden opaque privacy fence may not be suitable in light of the precedent the Board has established in previous rezoning approvals within the immediate vicinity.

ADVERSE IMPACTS

The elimination of the required fencing would reduce the privacy afforded to current and future residents of the adjacent property.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

No additional impacts on public facilities are anticipated from this request.

CONFORMITY WITH POLICIES

The subject request would not be consistent with Board policy as established in the previous rezoning request (RZR-05-050), which was established through the public hearing process.

CONDITIONS AFFECTING ZONING

The fencing and screening conditions of RZR-05-050 were designed to protect the neighboring properties.

CHANGE IN CONDITIONS APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

yes

(B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

no

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

yes

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

no

(E) WHETHER THE PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS:

yes, See attached answer

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CIC2011-00001

Change in Conditions Applicant's Response

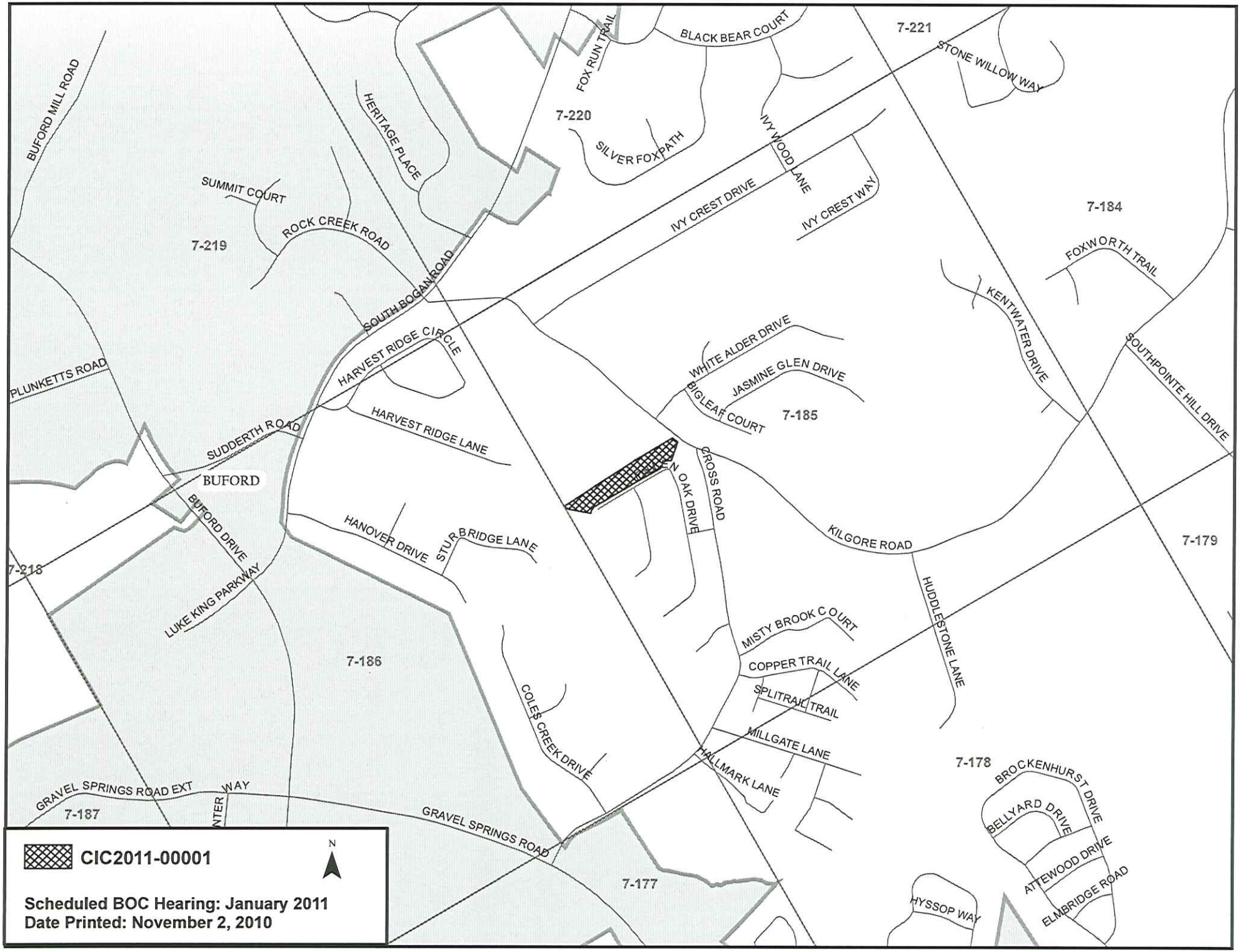
F. The owner of the property where the fence was to be installed to provide privacy at the time of zoning is no longer the owner of the property.

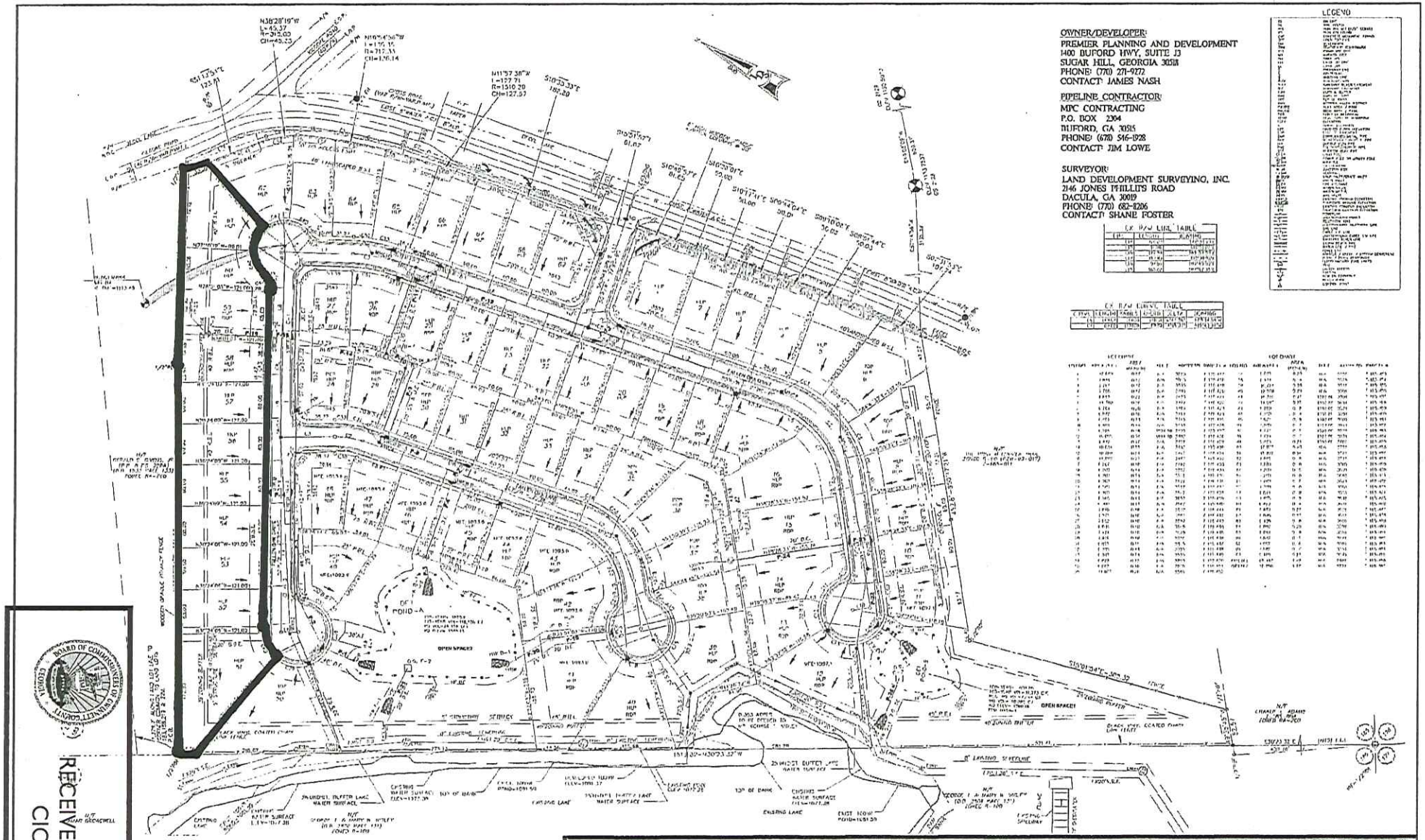
The area where this fence is to be located is undeveloped and does not have any houses that back up to these lots except at lot 61. The adjoining property is vacant and has been for the last 5 years. We have already provided a large zoning buffer of 35' and a 40' building line set back from the adjoining property. Our property was originally zoned R-60 with RZT Conditions and approved for 4 units per acre maximum 82 units. The development was actually sub-divided to R-60 conditions with a gross density of 3.3 units per acre or a total of 69 lots.

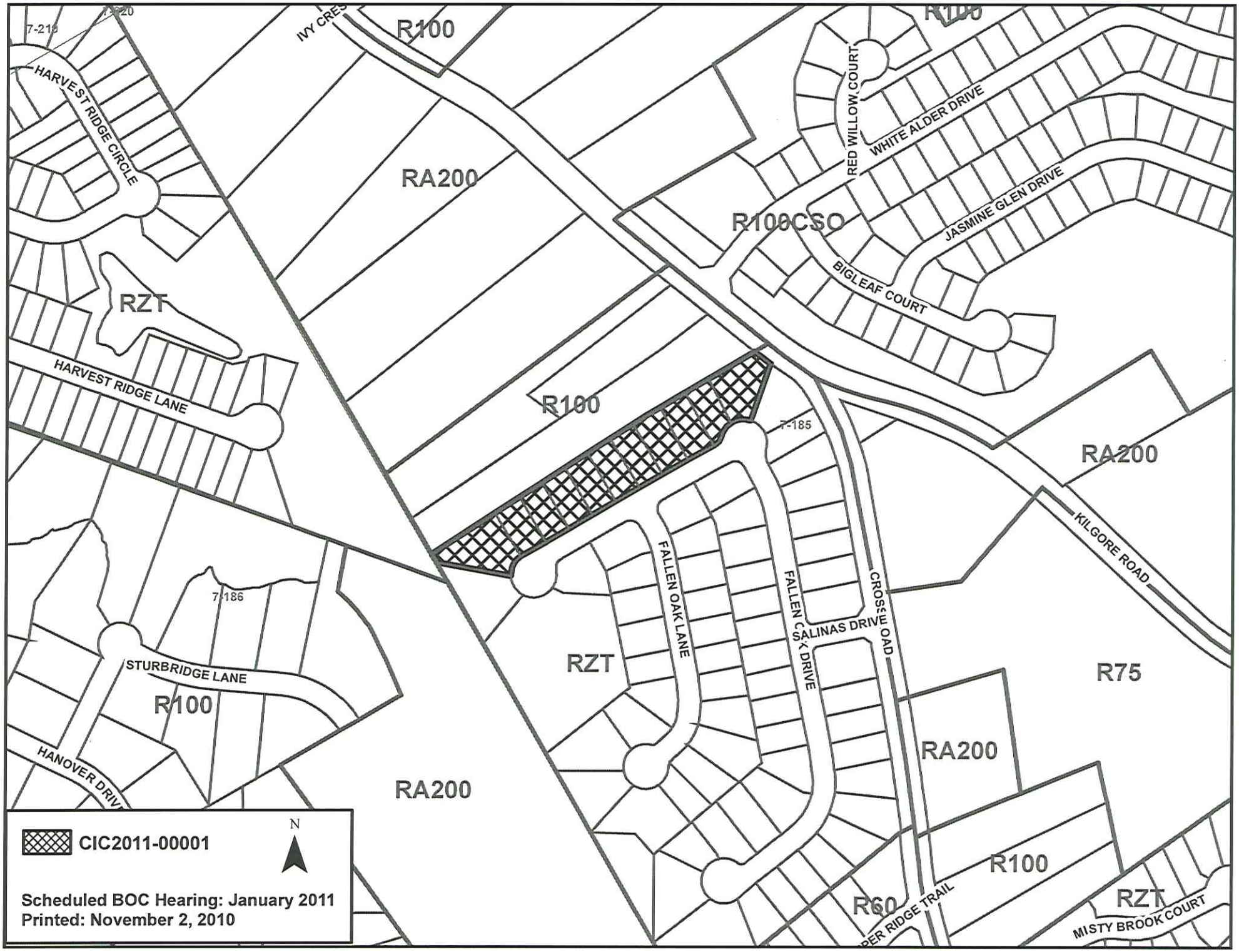
The property abutting these lots where the fence is required has dead and dying pine trees that are falling across the property line. Had this fence already been built it would have already been destroyed by falling trees.

The adjoining property will be very hard to ever develop, it can not be developed by it self. If it is ever developed as an assemblage it would have to be of a like zoning as this property again with similar conditions which will equal sufficient buffering between residences. The fence is not needed and in today's economic climate unaffordable.

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BUFORD MILL ROAD
HERITAGE PLACE
FOX RUN TRAIL
BLACK BEAR COURT
7-221
STONE WILLOW WAY
7-220
SILVER FOX PATH
IVY WOOD LANE
IVY CREST DRIVE
IVY CREST WAY
7-184
FOXWORTH TRAIL
SUMMIT COURT
ROCK CREEK ROAD
7-219
SOUTH BOGAN ROAD
KENTWATER DRIVE
SOUTHPOINTE HILL DRIVE
HARVEST RIDGE CIRCLE
WHITE ALDER DRIVE
JASMINE GLEN DRIVE
BIGLEAF COURT
7-185
PLUNKETTS ROAD
SUDDERTH ROAD
HARVEST RIDGE LANE
BUFORD
BUFORD DRIVE
CROSS ROAD
KILGORE ROAD
7-179
HANOVER DRIVE
STURBRIDGE LANE
7-218
LUKE KING PARKWAY
HUDDLESTONE LANE
MISTY BROOK COURT
7-186
COPPER TRAIL LANE
SPLITRAIL TRAIL
COLES CREEK DRIVE
MILLGATE LANE
HALLMARK LANE
7-178
BROCKENHURST DRIVE
GRAVEL SPRINGS ROAD EXT
7-187
BELLYARD DRIVE
ATTEWOOD DRIVE
GRAVEL SPRINGS ROAD
ELMBRIDGE ROAD
7-177
HYSSOP WAY
CIC2011-00001
N
Scheduled BOC Hearing: January 2011
Date Printed: November 2, 2010


OWNER/DEVELOPER:
PREMIER PLANNING AND DEVELOPMENT
1400 BUFORD HWY, SUITE J3
SUGAR HILL, GEORGIA 30518
PHONE: (770) 271-9772
CONTACT: JAMES NASH
PIPELINE CONTRACTOR:
MPC CONTRACTING
P.O. BOX 2304
BUFORD, GA 30515
PHONE: (678) 546-1928
CONTACT: JIM LOWE
SURVEYOR:
LAND DEVELOPMENT SURVEYING, INC.
2146 JONES PHILLIPS ROAD
DACULA, GA 30019
PHONE: (770) 682-8206
CONTACT: SHANE FOSTER
LEGEND
POND-A
OPEN SPACE
N/F
JAMES A. BRADDELL
TAX ID: R5120 003
DEED BOOK 2294
PAGE 231
ZONED: R-100
N/F
CHARLES A. ADAMS
TAX ID: R5120 003A
ZONED: R-100
N/F
GEORGE T. & MARY N. WILEY
(OLD TAX MAP 131)
DEED R-109
N/F
GEORGE T. & MARY N. WILEY
(OLD TAX MAP 131)
DEED R-109
BOARD OF COMMISSIONERS OF GWINNETT COUNTY, GEORGIA
RECEIVED
CIC2008-00001
2 OF 2
12/5/07
DATE
07102
JOB NUMBER
DATE
NO
DESCRIPTION
FINAL PLAT FOR:
SHEET TITLE
FIELD
DRAWN
SF
CHECKED
LJJ
TREY VISTA ON THE LAKE
LOCATED IN LAND LOTS 185 OF THE 7TH DISTRICT GWINNETT COUNTY, GEORGIA
SCALE: 1"=100'
Land Development Surveyors, Inc.
2146 JONES PHILLIPS ROAD
DACULA, GA 30019
(770) 682-8206
(770) 682-1440 Fax
LDSURVEYORS@ELSOUTH.NET
GEORGIA REGISTERED
No. 2946
EXP. 12-31-10
LAND SURVEYOR


R100
IVY CRES
HARVEST RIDGE CIRCLE
RA200
R100CSO
RED WILLOW COURT
WHITE ALDER DRIVE
JASMINE GLEN DRIVE
BIGLEAF COURT
RZT
HARVEST RIDGE LANE
R100
7-185
RA200
KILGORE ROAD
FALLEN OAK LANE
FALLEN OAK DRIVE
CROSSVIEW ROAD
7-186
RZT
R75
STURBRIDGE LANE
R100
RA200
RA200
R100
R60
RZT
MISTY BROOK COURT
CIC2011-00001
N
Scheduled BOC Hearing: January 2011
Printed: November 2, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
CHANGE IN CONDITIONS ANALYSIS

CASE NUMBER	:**CIC2011-00002**
ZONING	:R-100
LOCATION	:1700 BLOCK OF WEBB GIN HOUSE ROAD
MAP NUMBER	:R5074 062
ACREAGE	:3.0 ACRES
PROPOSED DEVELOPMENT	:CHANGE IN CONDITIONS TO REMOVE BUILDING AND OUTDOOR RECREATION RESTRICTIONS
SQUARE FEET	:13,680 SQUARE FEET
COMMISSION DISTRICT	:(3) BEAUDREAU

FUTURE DEVELOPMENT MAP: **EXISTING / EMERGING SUBURBAN**

APPLICANT: AMADO PORTAL
MT. ZION CHRISTIAN CHURCH
1754 WEBB GIN HOUSE ROAD
SNELLVILLE, GA 30078

CONTACT: AMADO PORTAL PHONE: 404.808.7227

OWNER: AMADO PORTAL
871 BLUE SKY RIDGE
SNELLVILLE, GA 30078

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a change in conditions of a Special Use Permit, SUP-04-082, to expand the church use on the property. The site is 3.0 acres, zoned R-100 (Single Family Residence District), and located on the south side of Webb Gin House Road, east of its intersection with Rocky Road. The subject property contains a single-family residence, which has been converted to church use, and a gravel parking area.

The current zoning restrictions were established in 2004, pursuant to SUP-04-082. The applicant proposes to modify conditions 1.A. and 2.D., which restrict the use of the property, and currently read as follows:

Condition 1. A. A church and accessory uses in the existing structure, with no exterior modifications or building additions. Routine exterior maintenance is permitted.

Condition 2. D. Outdoor recreation areas shall be prohibited.

The applicant proposes to amend these conditions for the construction of an additional building and modifications to the existing building. The applicant is also requesting removal of the condition prohibiting outdoor recreation areas. The letter of intent indicates that, if approved, the church intends to build a 7,200 square foot building and add a small playground area for the children in the church. A new paved parking lot for 45 vehicles is also planned to be constructed.

The 2030 Unified Plan Future Development Map indicates that the property lies within an Existing/Emerging Character Area. The requested change in conditions and Special Use Permit may not be consistent with previous Board policy for this property that specifically prohibited any building additions or modifications, limited the church to using the existing structure and prohibited any outdoor recreation areas. It appears that these conditions were designed to ensure that the church on such a small, oddly configured lot would not expand to a size which would adversely affect neighboring residences.

The surrounding area is characterized by single family residential uses. The church is bordered on all sides by single-family subdivisions and single-family residences, zoned R-100. The property extends behind homes fronting on Webb Gin House Road, and the new church building, parking lot, and detention pond would be nestled behind these homes. The property's narrow configuration and its very close proximity to numerous adjacent residential properties could make the addition of a 7,200-square foot building and large parking lot incompatible with the surrounding area. The requested change in conditions permitting additional buildings on the site and an outdoor playground may not be suitable in view of adjacent and nearby uses or the previous Special Use Permit approval.

In conclusion, the requested change in conditions and Special Use Permit may not be suitable in light of the previous Board approval that included conditions prohibiting any building additions and any outdoor recreation areas. Therefore, the Department of Planning and Development recommends **DENIAL**.

ZONING HISTORY:

In 1970, the subject property was zoned R-75. The property was rezoned to R-100 per an areawide rezoning in 1973. In 2004, a Special Use Permit for church use was approved in 2004, pursuant to SUP-04-082.

GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The Georgia Department of Community Affairs and Department of Natural Resources have mandated that Significant Groundwater Recharge Areas be identified and that minimum lot sizes for septic tanks be increased in these resource areas. Please contact the Gwinnett County Board of Health for septic system information and/or Gwinnett Department of Public Utilities regarding availability of sanitary sewer for this site.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 606.3 of the 1985 Zoning Resolution requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

Parking spaces shall be provided for a Church at a ratio of:
One space per 5 seats in the main sanctuary, minimum.
One space per 2 seats in the main sanctuary, maximum.

Section 6.3.3 and/or 6.3.4 of the Development Regulations requires a 200-foot deceleration lane with a 50-foot taper at each project entrance that proposes access to a Minor Collector Street, or Major Thoroughfare. Right-of-way dedication to accommodate the deceleration lane and an 11-foot shoulder is also required. Reduction in length of a deceleration lane requires approval of a Modification by the Development Division; elimination of a deceleration lane requires approval of a Waiver by the Board of Commissioners.

Section 606.6 of the 1985 Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Section 1.5.1.c of the Floodplain Management Ordinance requires that the lowest floor, including the basement, of all non-residential buildings be constructed at an elevation of at least one foot above the 100-year floodplain.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Must connect to sanitary sewer if available to property (within 200 feet of property line). If sewer is not available, contact GCEHD concerning septic involvement. Must submit level 3 soil report and detailed site plan with 2 foot topo and soils transposed onto plat.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the northern right-of-way of Webb Gin House Road.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 1,000 feet northwest of the property.

The subject development is located within the Yellow River service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.
4. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

PLANNING AND DEVELOPMENT
RECOMMENDED CONDITIONS

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

Additions in **BOLD**
Deletions in ~~STRIKETHROUGH~~

Approval of a Special Use Permit for a church subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. A church and accessory uses ~~in the existing structure, with no exterior modifications or building additions. Routine exterior maintenance is permitted.~~

   B. Daycare facility or private school shall be prohibited.

   C. The Special Use Permit shall be permitted for the duration of time the applicant occupies the property.

   D. New building(s) shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (stucco may only be used as an accent material). The existing building shall be renovated with a matching exterior treatment. Final building elevations shall be submitted for review by the Director of Planning and Development.

2. To satisfy the following site development considerations:

   A. Dumpsters shall be screened by a 100% opaque brick wall. Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.

   B. Ground signs shall be limited to a single monument-type sign with a brick base. Maximum sign height shall not exceed 4 feet in height.

   C. Provide a 30-foot undisturbed buffer adjacent to residentially zoned property. Buffer shall be replanted where necessary as required by the Director of Planning and Development.

   D. **A "tot lot" playground area shall be permitted. All other outdoor recreation and facilities (i.e., basketball courts, etc.) shall be prohibited.** ~~Outdoor recreation areas shall be prohibited~~.

   E. Detention pond, if required, shall be located outside any required buffer.

F. Lighting shall be contained in cut-off type luminaries and directed so as not to shine onto adjacent and nearby properties.

G. Outdoor amplified loudspeaker systems shall be prohibited.

H. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

I. Peddlers and/or parking lot sales shall be prohibited.

J. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions that would allow additional buildings and modifications to the existing structure may not be suitable in light of the previous Special Use Permit approval for the property and the potential negative effects upon adjacent and nearby homes.

ADVERSE IMPACTS

Greatly expanding the size of the church and parking lot, and installing an outdoor playground, may adversely impact the adjacent residential neighbors through the introduction of additional traffic and noise.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in traffic, storm water runoff, and utility demand would be expected from this request.

CONFORMITY WITH POLICIES

The subject request would not be consistent with Board policy as established in the previous Special Use Permit (SUP-04-082), which was designed to ensure that the church would not expand to a size which could adversely affect neighboring residences. The proposed new building, parking lot, and outdoor recreation areas may be counter to this policy.

CONDITIONS AFFECTING ZONING

Due to the irregular shape of this property, any additional buildings and parking would be expected to adversely affect the residential character of the surrounding area. The additional light, traffic and noise intrusion on such a small, oddly situated lot gives supporting grounds for denial.

CHANGE IN CONDITIONS APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes - Adjacent Property owners are in agreement with change.

(B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No - The Proposed Building addition is appropriate for area.

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

Yes - Current SUP already permits property use as proposed.

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

No - Completed road widening/ decel lane makes location idea.

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

Yes - Land Use is appropriate (3 other churches on same roadway)

(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 CHANGE IN CONDITIONS:

The Newly expanded roadway properly addresses traffic concerns.

SEE ATTACHED →

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CIC2011-00002

CHANGE IN CONDITIONS APPLICANT'S RESPONSE

Additional Information

(A) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes – Adjacent Property owners are in agreement with change-In-Condition to add a new building structure to the property.
(To provide Notarized documentation demonstrating agreement of adjacent property owners.)

(B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No – The proposed Building addition is appropriate for area and will be designed to match style and look of other building in the area including brick finish etc. No steeple or landmark structures are proposed. Land buffer to remain wooded as currently exists today with additional planting as currently approved by Gwinnett Planning and Development Landscape group.
(As indicated in landscape plan – approved by Gwinnett Planning)

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

Yes – The Current SUP already permits property use as proposed. The property is well suited for a small church containing 46 parking spaces for new proposed building to contain church class rooms and a mid-side sanctuary.

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

No – Recently Completed road widening with turn land and decal lane at the entrance of church property makes location ideas for handling minor traffic increase.

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

Yes – Use of Land for a small Christian Church is appropriate for area and in conformity neighboring properties.
(3 other churches exist in the same roadway at present)

R.W. Cannon United Methodist	**(2424 Webb Gin House Rd)**
Sola Fide Lutheran Church	**(3701 Webb Gin House Rd)**
New Life Praise Center	**(587 Webb Gin House Rd)**

(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 CHANGE IN CONDITIONS:

Yes – The newly expanded road way of Webb Gin House road providing a turn lane and deceleration lane addresses previously held traffic concerns.
The Direct support of the adjacent property owners provides sufficient support of surrounding community and eliminates concerns of disturbance to adjacent properties.

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CIC2011-00002

LETTER OF INTENT FOR CHANGE IN CONDITTION APPLICATION FOR MT ZION CHRISTIAN ASSEMBY

November 5, 2010

Gwinnett County Department of Planning and Development,
One Justice Square
466 West Crogan Street
Lawrenceville, GA 30045

The Applicant, Amado Portal of Mt Zion Christian Assembly, submits this application for the purpose of requesting a Change-In-Condition to the Special Use Permit (SUP-04-082). The Purpose of the Request is to (1) change property development restriction preventing modifications to the "Existing Building" and development of "Building Additions" to said church property (Condition 1A), and (2) remove restriction so applicant may provide a small playground area for church children (Condition 2D) .

Existing Improvements:
The 3.00 Acre site is located at 1754 Webb Gin House Road. Existing site improvements include recent road widening , addition of center turn lane and a deceleration lane providing improved access to the applicants property. These improvements should address any traffic concerns.

Planned Improvements:
The existing Site Plan, enclosed in this CIC application, has recently been approved by Gwinnett County Planning and Development departments (Site Plan, Landscape, grading , Lighting, Fire, Water Mgmt, Health Services, etc.) This approved plan provides for additional replanting of trees and 30'buffers to avoid disturbance to adjacent properties.
This approved plan provides adequate space for a new mid size church building adjacent the existing building (see enclosed site plan). This new building would have no steeple and would be designed to maintain the same aesthetics of the surrounding buildings/homes. (Please See enclosed design of proposed structure.)

Change in Condition Request:
Applicant requesting that one of the conditions of the existing Special Use Permit be modified to provide for manner in which applicant seeks to further develop its property. Applicant Seeks to develop a midsize building on property as shown on site plan. More specifically, Applicant desires the following:

Condition 1A of the Resolution currently reads as follows:
"A church and accessory uses in the existing structure, with no exterior modifications or building additions. Routine exterior maintenance is permitted."

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CIC2011-00002

Applicant respectfully requests that Condition 1A be modified to read as follows:
"A church and accessory uses in the existing structure, *with approved exterior modifications or building additions as approved by Gwinnett Planning and Development.*"

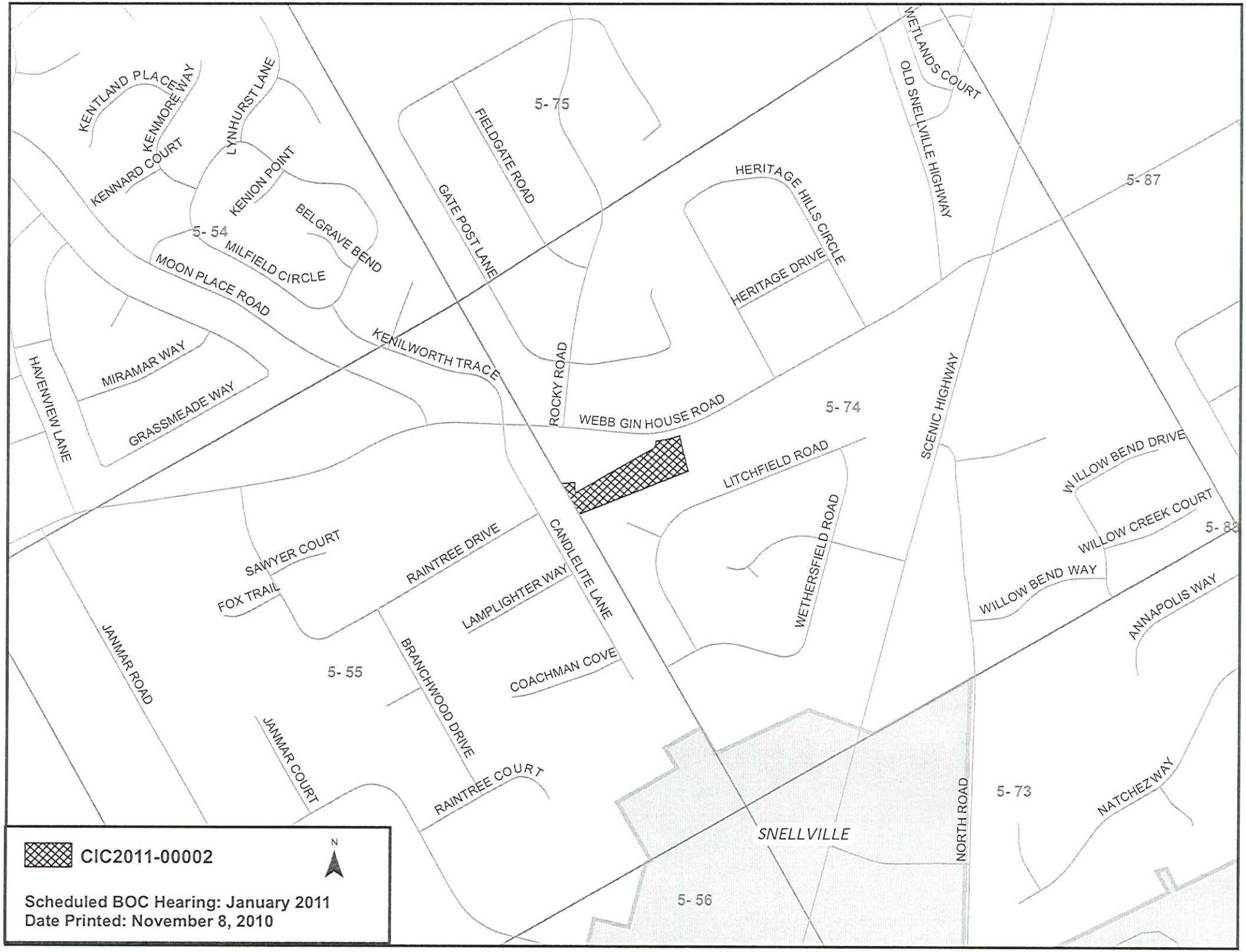
Condition 2D of the Resolution currently reads as follows:
"Outdoor recreation area shall be prohibited"
Applicant respectfully request that Condition 2D be removed from Resolution so applicant may provide a small playground area for children in the church.

Therefore , applicant respectfully request the approval of the requested change in condition and hereby offers to meet with staff of the Gwinnett County Department of Planning and Development to address any concerns they may have.

Respectfully submitted this 5th day of November 2010.

Pastor Amado Portal
Applicant

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CIC2011-00002


KENTLAND PLACE
KENMORE WAY
KENNARD COURT
LYNHURST LANE
KENION POINT
BELGRAVE BEND
MILFIELD CIRCLE
MOON PLACE ROAD
5- 54
5- 75
FIELDGATE ROAD
GATE POST LANE
WETLANDS COURT
OLD SNELLVILLE HIGHWAY
HERITAGE HILLS CIRCLE
HERITAGE DRIVE
5- 87
HAVENVIEW LANE
MIRAMAR WAY
GRASSMEADE WAY
KENILWORTH TRACE
ROCKY ROAD
WEBB GIN HOUSE ROAD
5- 74
SCENIC HIGHWAY
LITCHFIELD ROAD
WILLOW BEND DRIVE
WILLOW CREEK COURT
WETHERSFIELD ROAD
WILLOW BEND WAY
ANNAPOLIS WAY
SAWYER COURT
FOX TRAIL
RAINTREE DRIVE
LAMPLIGHTER WAY
CANDLELITE LANE
JANMAR ROAD
BRANCHWOOD DRIVE
COACHMAN COVE
5- 55
JANMAR COURT
RAINTREE COURT
SNELLVILLE
NORTH ROAD
5- 73
NATCHEZ WAY
5- 56
CIC2011-00002
N
Scheduled BOC Hearing: January 2011
Date Printed: November 8, 2010

SUP NOTES

1A. A CHURCH AND ACCESSORY USES IN THE EXISTING STRUCTURE, WITH NO EXTERIOR MODIFICATION OR BUILDING ADDITIONS, ROUTINE EXTERIOR MAINTENANCE IS PERMITTED

2A. DUMPSTERS SHALL BE SCREENED BY AN 100% OPAQUE BRICK WALL. HOURS OF DUMPSTER PICK-UP SHALL BE LIMITED TO BETWEEN 7:00 AM AND 7:00 PM

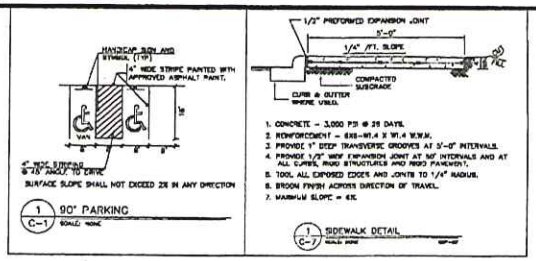
2B. GROUND SIGNS SHALL BE LIMITED TO A SINGLE MONUMENT-TYPE SIGN WITH BRICK BASE. MAX. SIGN HEIGHT SHALL NOT EXCEED 4 FEET IN HEIGHT

2C. PROVIDE A 50-FT UNDISTURBED BUFFER ADJACENT TO RESIDENTIALLY ZONED PROPERTY. BUFFER SHALL BE REPLANTED WHERE NECESSARY AS REQUIRED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT

GWINNETT COUNTY NOTES -1

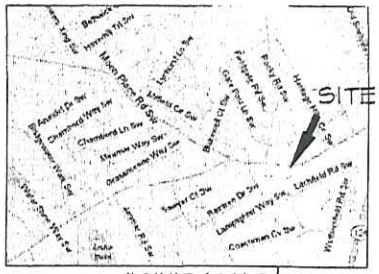
1. A SEPARATE BUILDING PERMIT SHALL BE OBTAINED FOR ALL RETAINING WALLS GREATER THAN 4 FEET IN HEIGHT AND ALL RETAINING WALLS USED AS A DAM PRIOR CONSTRUCTION OF THE WALL.
2. BUILDING PLAN REVIEW APPROVAL REQUIRED IN REGARD TO THE BUILDING LOCATION BASED ON THE SOUTHERN BUILDING CODE REQUIREMENTS. SEE BUILDING PLAN REVIEW TO SIGN APPLICATION FORM (GREEN ROUTE SHEET) INDICATING APPROVAL PRIOR TO PERMIT
3. FOR ALL NON-RESIDENTIAL AND MULTI-FAMILY DEVELOPMENT, BUILDING PLAN REVIEW APPROVAL REQUIRED FOR PARKING LOTS LIGHTING STANDARDS, ZONING RESOLUTION, SECTION 1000, AMENDED 4-21-2009. SEE ELECTRICAL ENGINEER, AL SIFFORD FOR LIGHTING APPROVAL.
4. CONTACT BRENT HODGES IN THE DEPARTMENT OF TRANSPORTATION TO FILE THE PETITION FOR STREET LIGHTING. PROVIDE EVIDENCE OF PAYMENT OF APPLICABLE FEES, TO THE APPROPRIATE POWER COMPANY, FOR STREET LIGHTING INSTALLATION, CALL (770) 822-7400 FOR FURTHER INFORMATION.
5. SIDEWALKS SHALL BE LOCATED AT LEAST 2 FEET FROM THE BACK OF CURB, BRIDGES EXCEPTED. THE AREA BETWEEN THE CURB AND THE SIDEWALK SHALL CONSIST OF GRASS OR LANDSCAPING. WHERE NO CURB EXIST OR, IF THE ROAD IMPROVEMENT ARE PROPOSED BY THE COUNTY, SIDEWALKS, INCLUDING DRAINAGE FACILITIES, SHALL BE CONSTRUCTED IN A LOCATION ACCEPTABLE TO THE DEPARTMENT OF TRANSPORTATION.
6. SIDEWALKS SHALL BE INSTALLED ON ABUTTING STREETS (ABUTTING SIDE) PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY
7. PARKING LOT SHALL BE MAINTAINED IN GOOD CONDITION, FREE OF POTHOLES, WEEDS, DUST, TRASH AND DEBRIS
8. APPROVAL OF THESE PLANS DOES NOT CONSTITUTE APPROVAL BY GWINNETT COUNTY OF ANY LAND DISTURBING ACTIVITIES WITHIN WETLAND AREAS. IT IS RESPONSIBILITY OF THE PROPERTY OWNER TO CONTACT THE APPROPRIATE REGULATORY AGENCY FOR APPROVAL OF ANY WETLAND DISTURBANCE.
9. PER ARTICLE 8, SECTION 8.2.6.B OF THE DEVELOPMENT REGULATIONS, IT IS RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN ANY DETENTION FACILITY CONSTRUCTED ON THIS IS PROPERTY AND ENSURE THE FACILITY IF FREE OF OBSTRUCTIONS, SILT, OR DEBRIS.
10. SIDEWALKS ARE NOT ALLOWED WITHIN THIRTEEN FEET FROM THE EDGE OF WEBB GIN HOUSE WITHOUT CURB AND GUTTER AND ANY NECESSARY DRAINAGE STRUCTURE.

OWNER/DEVELOPER'S INFORMATION
MT. ZION CHRISTIAN ASSEMBLY,
1754 WEBB GIN HOUSE RD,
GWINNETT COUNTY, GEORGIA
24-HR CONTACT
MR. ADAM PORTAL
404 808-7227

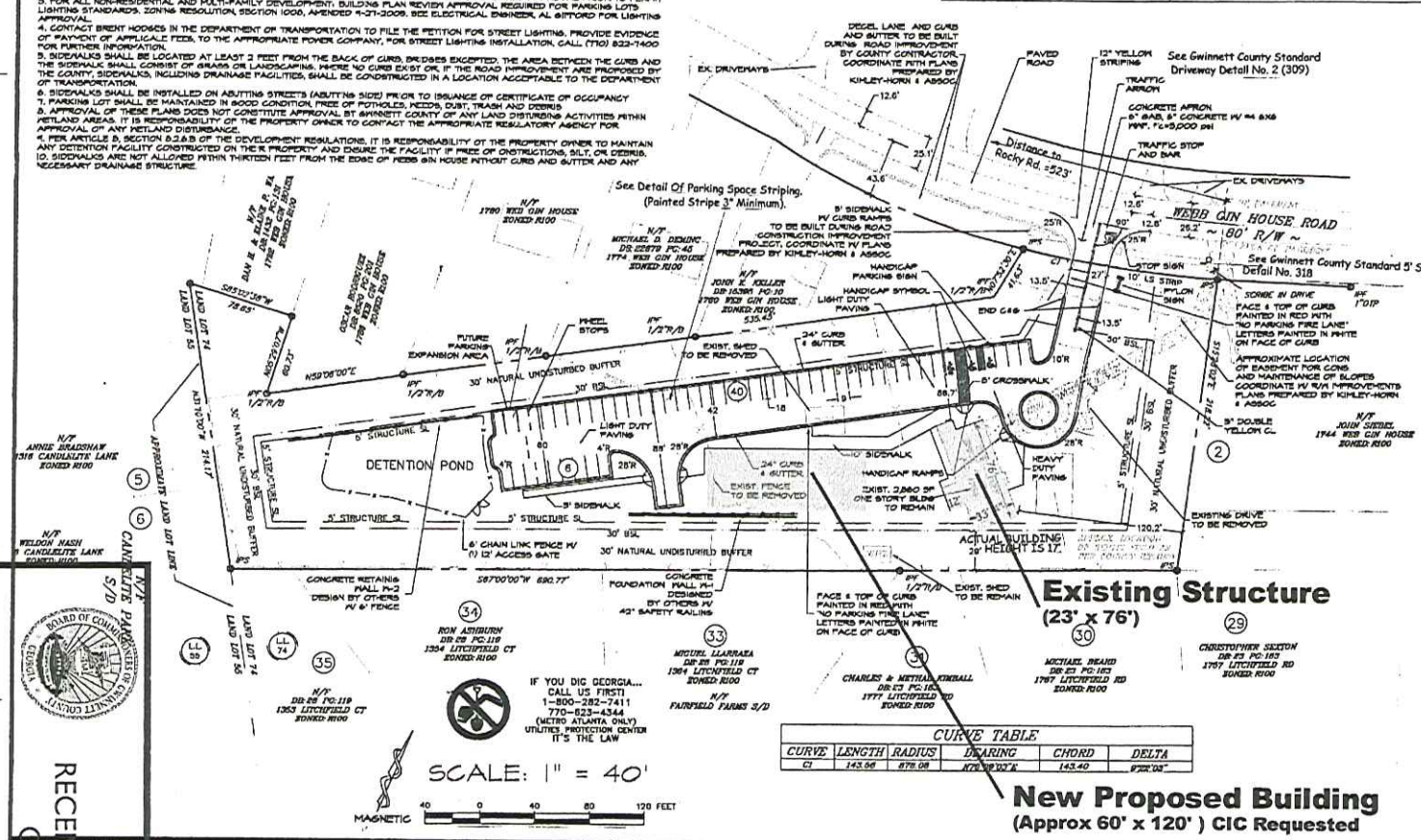


1 / C-1 90° PARKING

1 / C-1 SIDEWALK DETAIL



VICINITY MAP
NTS



CURVE TABLE					
CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C1	143.66	879.08	N76°39'03"E	143.40	9°22'03"

LEGEND

- NEW PAVING WITHIN D.O.T. RIGHT-OF-WAY
- HEAVY DUTY PAVING
- CONCRETE PAVING
- NORMAL DUTY PAVING

SITE ANALYSIS

EXISTING GROSS BUILDING AREA	7,680 S.F.
SEATS IN MAIN SANCTUARY	140
REQUIRED PARKING (1 SPACE/3 SEAT MAX)	48
REQUIRED PARKING (1 SPACE/3 SEAT MIN)	26
PARKING PROVIDED	48
TOTAL SITE AREA	3.00 ACRES
PROPERTY ZONING	R100
SUP-04-082 APPROVED 11-23-04	

GENERAL NOTES

1. ALL WORK AND MATERIALS SHALL COMPLY WITH GWINNETT COUNTY REGULATIONS AND CODES, AS WELL AS ALL O.S.H.A. STANDARDS.
2. SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM A SURVEY BY GRANT SHEPHERD & ASSOC. INC, DATED 04-02-04.
3. EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED, OR RELOCATED AS INDICATED ON THE PLANS AND IN THE SPECIFICATIONS.
4. CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.
5. BUILDING DIMENSIONS SHOWN ON THIS PLAN ARE "LEASE" DIMENSIONS. FOR ACTUAL DIMENSIONS
6. SEE ARCHITECTURAL PLANS. DIMENSIONS TO CONC. CURB & GUTTER ARE TO "FACE OF CURB".
7. TOTAL LAND AREA IS 3.00 ACRES.
8. SITE CONTRACTOR SHALL FURNISH "AS-BUILT" DRAWINGS INDICATING ALL CHANGES AND DEVIATIONS.
9. SITE CONTRACTOR SHALL BE RESPONSIBLE FOR WORK TO WITHIN 5'-0" OF THE BUILDING.
10. CONSTRUCTION TRAILER USED ON-SITE SHALL BE PERMITTED THROUGH GWINNETT COUNTY PLANNING AND ZONING DEPARTMENT.
11. THIS PARCEL OF LAND IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE, AS PER THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 13089C 0195G, DATED 09-04-98.
12. PROJECT LOCATION: 1754 WEBB GIN HOUSE RD, LOT 1, BLOCK A HERITAGE SOUTH U-1, LAND LOT 74, 5TH DISTRICT, GWINNETT COUNTY, GEORGIA, PARCEL R-5074-062
13. OWNER'S ADDRESS: MT. ZION CHRISTIAN ASSEMBLY, 1754 WEBB GIN HOUSE RD, GWINNETT COUNTY, GEORGIA
14. NOTIFY GWINNETT COUNTY INSPECTIONS 24 HOURS BEFORE BEGINNING OF EVERY PHASE OF (678- 518 6070)
15. NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.
16. NO DRIVE-UP WINDOWS ARE TO BE INSTALLED.
17. HIGH INTENSITY LIGHTING FACILITIES SHALL BE SO ARRANGED THAT THE SOURCE OF ANY LIGHT CONCEALED FROM PUBLIC VIEW AND FROM ADJACENT RESIDENTIAL PROPERTY AND DOES NOT INTERFERE WITH TRAFFIC.
18. ALL BUFFERS AND TREE SAVE AREAS SHALL BE CLEARLY IDENTIFIED BY PROTECTIVE TREE FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.
19. NO OUTSIDE STORAGE PROPOSED. THIS INCLUDES SUPPLIES, EQUIPMENT, VEHICLES, PRODUCTS, ETC.
20. SIGNS, LOCATIONS, NUMBER, AND SIZE ARE NOT APPROVED UNDER THIS BUILDING PERMIT. A SEPARATE PERMIT IS REQUIRED FOR EACH SIGN
21. ALL CONSTRUCTIONS TO COMPLY WITH GWINNETT COUNTY STANDARDS.
22. NO BILLBOARDS ARE PERMITTED.

RECEIVED 11-04-10
CIC2011-00002

DATE: 03-23-05

JOB NUMBER 05-004

1	11-14-05	OWNER COMMENTS
2	12-08-05	GEN. REVISION
3	10-30-06	CO. REVISION
4	1/27/07	CO. REVISION
5	05-09-07	CO. REVISION

SITE PLAN

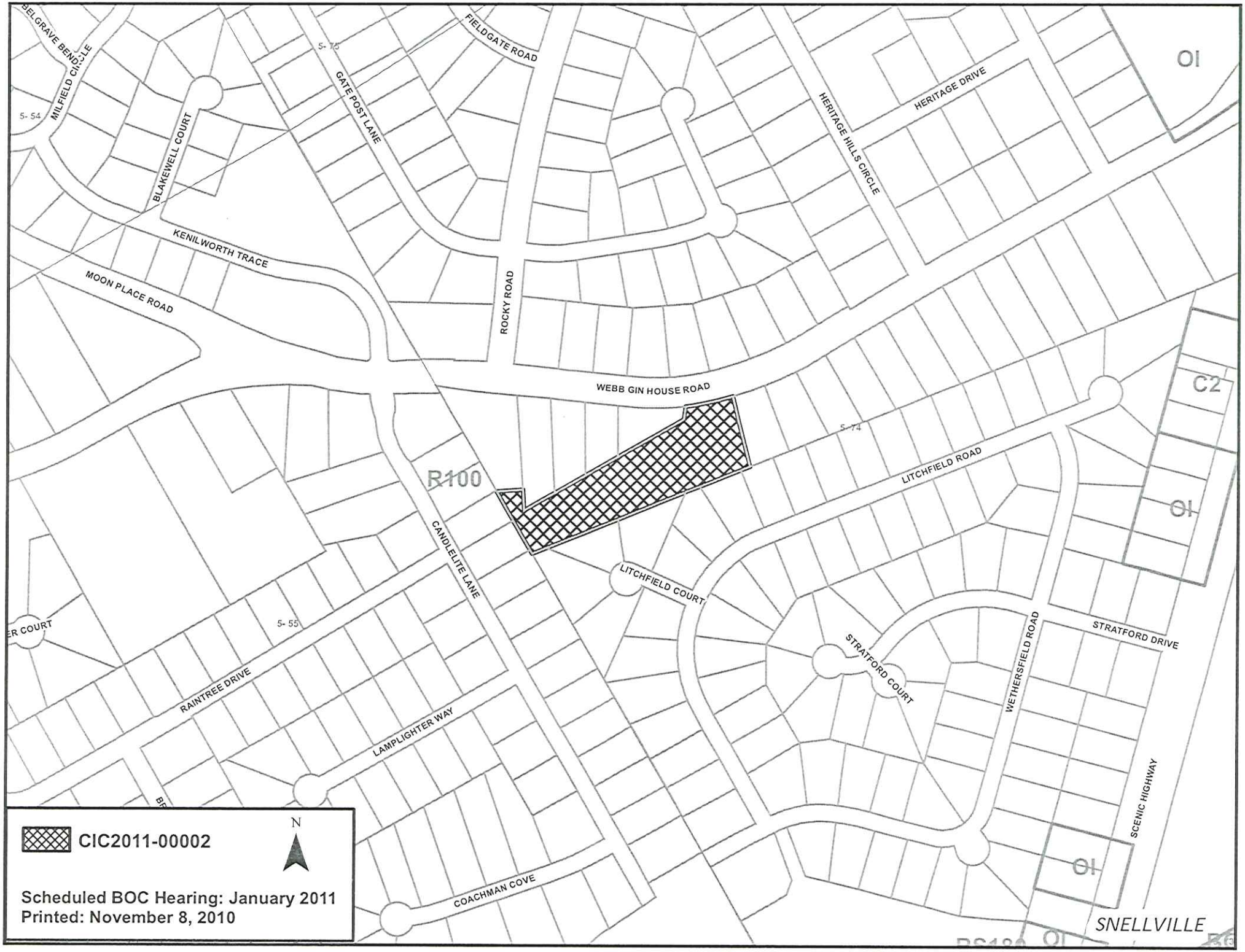
DESIGN | DRAWN | CHECKED

MT. ZION CHRISTIAN ASSEMBLY

1754 WEBB GIN HOUSE RD,
SNELLVILLE, GA 30078
LOT 1 BLOCK A
HERITAGE SOUTH U-1
LAND LOT 74, 5TH
5 TH DISTRICT
GEORGIA
PARCEL # R 5074-062

GWINNETT COUNTY GEORGIA DAVID WEBB

SHEET C-1


BELGRAVE BEND
MILFIELD CIRCLE
BLAKEWELL COURT
GATE POST LANE
FIELDGATE ROAD
HERITAGE HILLS CIRCLE
HERITAGE DRIVE
KENILWORTH TRACE
MOON PLACE ROAD
ROCKY ROAD
WEBB GIN HOUSE ROAD
LITCHFIELD ROAD
LITCHFIELD COURT
CANDLELITE LANE
RAINTREE DRIVE
LAMPLIGHTER WAY
COACHMAN COVE
STRATFORD COURT
STRATFORD DRIVE
WETHERSFIELD ROAD
SCENIC HIGHWAY
SNELLVILLE
R100
C2
OI
5-54
5-55
5-74
CIC2011-00002
N
Scheduled BOC Hearing: January 2011
Printed: November 8, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
CHANGE IN CONDITIONS ANALYSIS

CASE NUMBER	:**CIC2011-00003**
ZONING	:R-TH
LOCATION	:900 BLOCK OF PARKSIDE WALK LANE :900-1000 BLOCK OF PARKSIDE WOOD COURT :500-800 BLOCK OF JUSTIN PLACE LANE :1000 BLOCK OF JUSTIN PLACE COURT :1000 BLOCK OF HALEY WOODS COURT :900-1000 BLOCK OF HALEY WOODS LANE
MAP NUMBERS	:R7032 416 - R7032 430; R7032 439 - R7032 490; & R7032 503
ACREAGE	:9.67 ACRES
PROPOSED DEVELOPMENT	:CHANGE IN CONDITIONS TO REDUCE DWELLING SIZE, REVISE REQUIRED BUILDING MATERIALS, AND REDUCE GARAGE REQUIREMENTS
UNITS	:68 UNITS
COMMISSION DISTRICT	:(1) LASSETER

FUTURE DEVELOPMENT MAP: **EXISTING EMERGING SUBURBAN**

APPLICANT: KRR PARTNERS, LLC
3200 COBB GALLERIA PARKWAY
ATLANTA, GA 30339

CONTACT: GREG SAUL PHONE: 678.384.4480

OWNERS: KRR PARTNERS, LLC & KRR PARTNERS 2, LLC
3200 COBB GALLERIA PARKWAY
ATLANTA, GA 30339

COMMUNITY BANK OF THE SOUTH
3016 ATLANTA ROAD
SMYRNA, GA 30080

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests to change conditions of a previous zoning case, CIC-06-010, in order to reduce the minimum dwelling size and to eliminate the requirement that residences be constructed primarily of brick. The applicant also requests to revise the requirement that all units be constructed with a double-car garage. The property is the Vineyards at Parkside townhome development, located at the cul-de-sac of Parkside Walk Lane, which intersects with Duluth Highway. Several buildings have already been constructed under the current conditions of zoning, and this change in conditions request is for the remaining 68 undeveloped lots.

In 2005, the property was rezoned to R-TH (Single Family Residence Townhouse District), pursuant to RZR-05-030, for an attached townhouse development. In April of 2006, a change in conditions request to reduce a 30-foot wide buffer and to revise the architectural standards was approved for re-grading of the buffer only, pursuant to CIC-06-010; the architectural requirements remained the same. Staff notes that several units have been sold and are occupied.

Condition 1. B. of CIC-06-010 governs the exterior treatments of the townhomes. Condition 1. C. governs the minimum dwelling sizes, and condition 1.D. governs the size of the garages. These conditions currently read as follows:

> 1.B. Buildings shall be constructed primarily of brick with minor treatments (i.e. gables, bay windows, and chimneys) of wood or fiber-cement type siding. Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.
>
> 1.C. Minimum heated floor area for each dwelling shall be 1,600 square feet.
>
> 1. D. All units shall have a double car garage.

Based on the submitted building elevations, the applicant proposes to change condition 1. B. to allow exterior treatments that are primarily of siding, with only accents of brick. The applicant proposes to change condition 1.C. to reduce the minimum heated floor area for each dwelling from 1,600 square feet to 1,200 square feet. The applicant is also requesting to modify condition 1.D., eliminating the requirement of a double-car garage, to allow the construction of tandem garages (whereby cars would be parked front to back within the garage, rather than side by side).

The 2030 Unified Plan Future Development Map indicates that the property lies within an Existing/Emerging Suburban Character Area. Single-family attached townhome developments are considered suitable within this Character Area designation. However, the requested change in conditions to reduce the dwelling unit size for homes, to eliminate the architectural standards and the double-car garages may not be appropriate in view of the previous rezoning approval, which occurred through the public hearing process with input from neighboring property owners, and was intended to ensure a quality development and compatibility with the surrounding area.

The surrounding area is developed with a mix of residential uses with varying densities, and commercial retail uses. The subject property is being developed as a townhome community; the Vineyards at Parkside and several units have been sold and are occupied. These units meet the current zoning conditions. The request to reduce the dwelling size, downgrade the architectural treatments and eliminate the double car garage requirement may not be appropriate when considering the existing homeowners in the development.

Reducing the minimum square footage of the residences, reducing the garage requirement and amending the architectural standards may jeopardize the integrity of the community and would be counter to the previous Board action established through the public hearing process. Therefore, the Department recommends **DENIAL**.

ZONING HISTORY:

The property was zoned R-100 (Single Family Residence District) in 1970. A portion of the property was rezoned to RA-200 (Agriculture-Residence District) with a Special Use Permit for a mobile home in 1993, pursuant to RZ-93-023 and SUP-93-001. The subject property was rezoned to R-ZT (Single Family Residence District) in 1993 to allow for residential development (RZ-93-148). The property was rezoned to C-2 (General Business District) in 1995, pursuant to RZ-95-066. The property was rezoned to C-2 again in 1997 to allow changes in conditions of the previous commercial approval. The property was approved as R-TH in August, 2005, pursuant to RZM-05-030. A change in conditions was approved in April, 2006, pursuant to CIC-06-010 to allow re-grading of the buffer.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the western right-of-way of Parkside Wood Court, and the northern right-of-way of Justins Place Land. A 6-inch water main located on the western right-of-way of Haley Woods Lane and Haley Woods Court, and the eastern right-of-way of Justins Place Court and portions of the northern right-of-way of Justins Place Lane.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located in the right-of-way of Parkside Wood Court, Haley Woods Lane, Haley Woods Court, Justins Place Court and Justins Place Lane.

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Additions in **bold**
Delitions in ~~strikethrough~~

Approval as R-TH subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. Attached townhouse dwellings and accessory uses.

   B. Buildings shall be constructed primarily of brick, ~~with minor treatments (i.e. gables, bay windows, and chimneys) of~~ wood or fiber-cement type siding. Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.

   C. Minimum heated floor area for each dwelling shall be ~~1,600~~ **1,200** square feet.

   D. All units shall have a ~~double car garage~~ **at least a single-car garage or a tandem double-car garage**.

   E. A mandatory homeowners association shall be incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association must also include declarations and bylaws including rules and regulations which shall at minimum regulate and control the following:

      1. Exterior home maintenance to include roofing and painting.

      2. All grounds maintenance.

      3. Exterior fence maintenance to include the requirement that any graffiti shall be repaired or repainted within 72 hours.

      4. Restrictions on single-family residential use only in leasing of units. No more than 10% of the total units may be leased by individual owners at any time.

2. To satisfy the following site development considerations:

   A. Provide a 30-foot re-graded and replanted buffer adjacent to the residentially zoned properties. The 30-foot re-graded and replanted buffer shall be re-graded in a manner acceptable to Gwinnett County Development Regulations and is

subject to review and approval of Gwinnett County Stormwater Management. The buffer shall be replanted with an equal distribution of evergreen trees in three staggered rows, 8 to 10-feet tall at the time of planting and spaced every 12-feet on center in horizontal rows. The evergreen plant materials shall consist of Cryptomeria, Southern Magnolia, Tree Form Hollies and Cherry Laurels. All planting designs are subject to the review and approval of the Director of Planning and Development.

B. All grassed areas shall be sodded.

C. All utilities shall be placed underground.

D. Provide a 50-foot wide landscaped setback along Parkside Walk Lane. The landscaped setback shall include a decorative fence/wall and entrance monument. The fence may be constructed as a solid brick or stacked stone columns (Maximum 30-feet-on-center). Landscaping, fence/wall and entrance monument design shall be subject to review and approval of the Director of Planning and Development.

E. A 4-foot high meandering landscape berm with a wrought iron style fence on top of the berm shall be constructed adjacent to all commercially zoned property.

F. Entrance shall include a brick monument which shall (at minimum) be 6-feet high adjacent to the entire Parkside Walk Lane frontage.

G. Street trees (maximum of 30-foot spacing) shall be incorporated into the landscape plan.

H. Within all re-graded and replanted buffers the developer shall incorporate deciduous trees that are acceptable per the Buffer, Landscape and Tree Ordinance of Gwinnett County. The deciduous trees shall be planted in groupings of three within the buffer and shall count as acceptable buffer trees for the purpose of this project. The deciduous trees shall be minimum three-inch caliper at the time of planting and spaced at least 20-feet apart. Along the Chandler Park on the River property line there shall be at least six groupings of the three tree masses and along the Anaberry Forest property line there shall be at lest two groupings of the deciduous trees. All planting designs are subject to the review and approval of the Director of Planning and Development.

I. All areas within the re-graded and replanted buffers shall be properly mulched and maintained at the time of planting. All other areas within the buffer that do not have trees shall be treated with a seasonal hydro seed mixture of grasses or wildflowers.

J. All on-site detention facilities shall be designed such that they are not located within any required buffers.

PLANNING AND DEVELOPMENT DEPARTMENTS
STANDARDS GOVERNING THE EXCERSISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions to eliminate the architectural treatments of brick, the double car garage standard and reduce the minimum square footage of the dwellings may not be suitable in view of the development standards of the existing units or nearby subdivisions.

ADVERSE IMPACTS

The proposed change in conditions could have adverse impacts on the existing townhome units of the Vineyards at Parkside and on the adjoining Chandler Park on the River subdivision, through the reduction in development standards.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

The proposed change in conditions would have a minimal effect on public facilities.

CONFORMITY WITH POLICIES

As presented, the request may not be consistent with Board precedent for the area or the prior approval of CIC-06-010 on the subject property.

CONDITIONS AFFECTING ZONING

It may not be appropriate to amend the conditions of the Vineyards at Parkside in light of the existing dwellings, which meet a higher standard than that being proposed for the new residences.

CHANGE IN CONDITIONS APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes

(B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No

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

No

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

No

(E) WHETHER THE PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS:

The Economy as well as Mortgage underwriting standards

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R&R Land Group, LLC
3200 Cobb Galleria Pkwy, Suite 150
Atlanta, GA 30339

Gwinnett County Planning and Development
446 West Crogan Street
Suite 275
Lawrenceville, Georgia 30046

November 4, 2010

RE: Letter of Intent Change in Conditions:
The Vineyards at Parkside Subdivision

Dear Planning Staff,

This letter shall outline the intent of the proposed change in condition for The Vineyards at Parkside subdivision located in Land Lot(s) 032 of the1st and 7th District, Gwinnett County, Georgia containing 9.835 acres

The applicant is requesting a change in condition in the minimum heated floor area for structures from 1600 heated square feet to 1200 heated square feet. Also the applicant would like to change the condition regarding the exterior construction materials to three sides brick with the front elevation being primarily brick or stone with accents of wood or fiber type siding. The rear elevation would be wood or fiber type siding. Finally the applicant would like to change the condition regarding double car garages to state that the garages may be tandem garages.

The use of the property will remain the same, zoning category R-TH. The overall gross density will remain the same at 7.64 units per acre while the zoning amendment gross density will be 6.91 units per acre. The overall net density will remain unchanged at 7.75 units per acre and the zoning amendment net density will be 7.03 units per acre. There are no requested changes in the buffers.

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This proposed change in conditions has become necessary as the conditions of the economy have continued to deteriorate and the ability for homeowners "to qualify" for home purchases has become more and more stringent. Purchasers simply cannot afford what they used to and therefore the home sizes have to be reduced in order to bring the sales price in line with today's mortgage industry's underwriting standards.

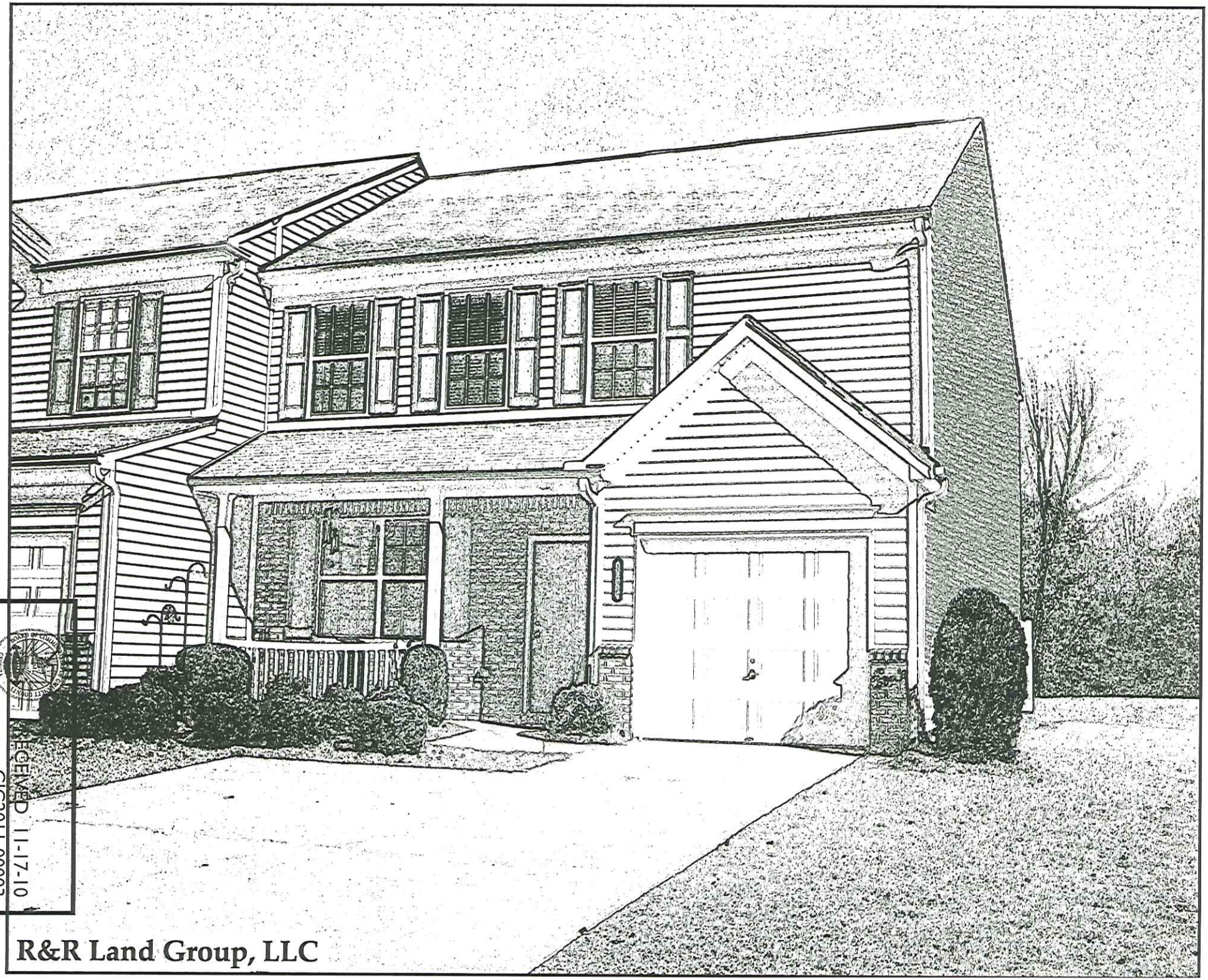
If you have any questions regarding this request please do not hesitate to contact us at 678-384-4480

Thanks in advance for your consideration.

Sincerely,

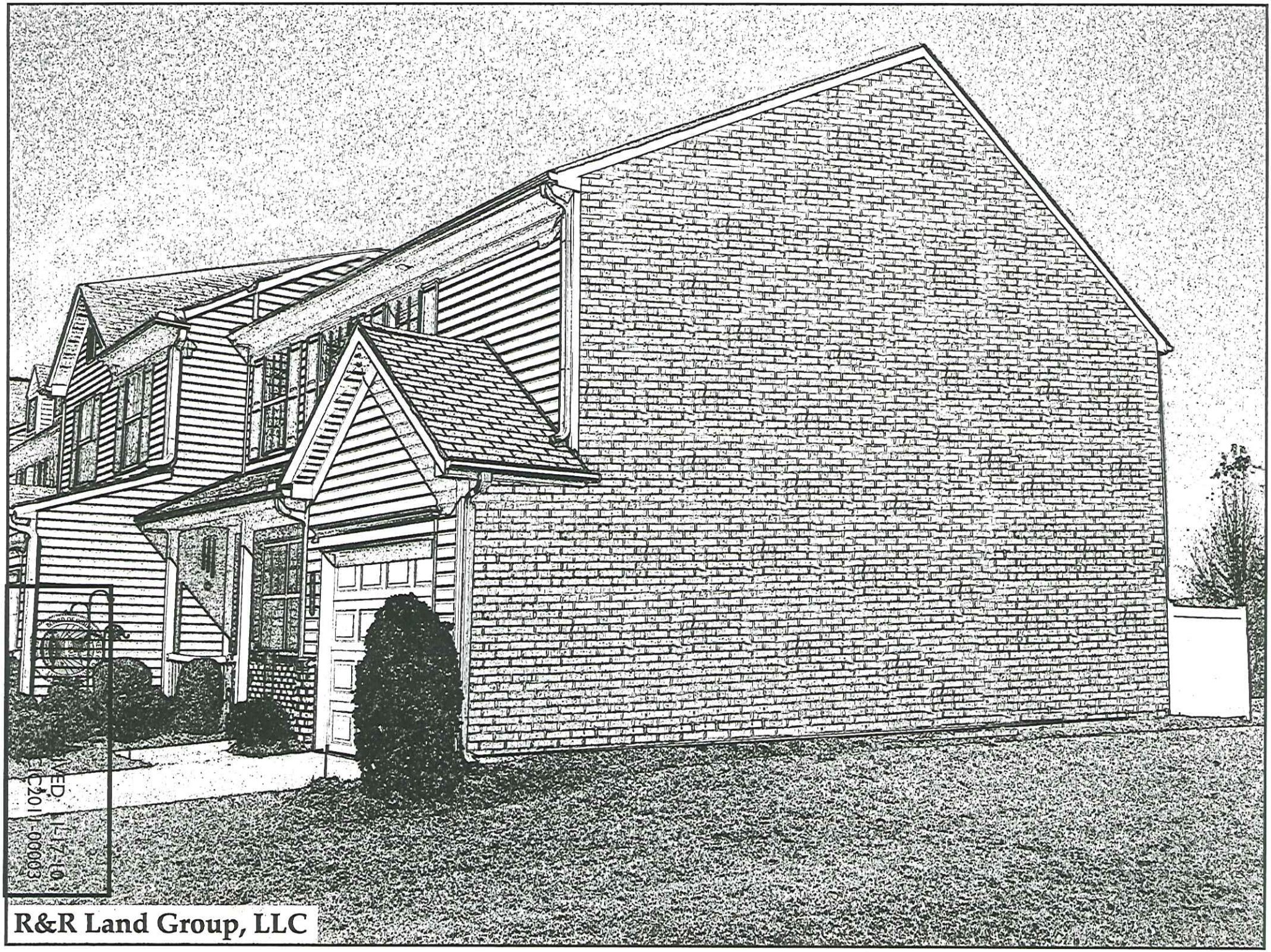
Greg Saul, Member
R&R Land Group, LLC

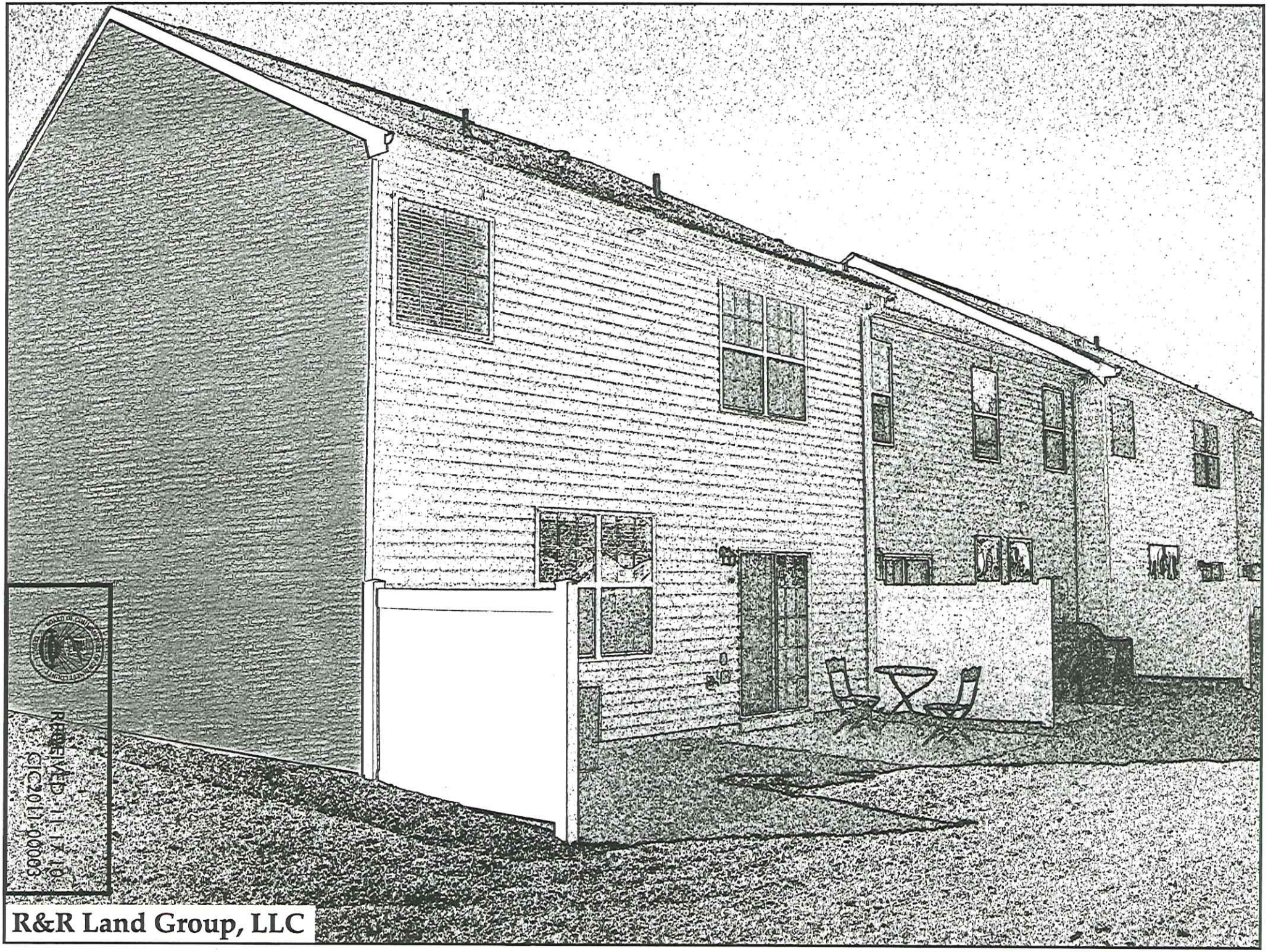
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CIC2011-00003

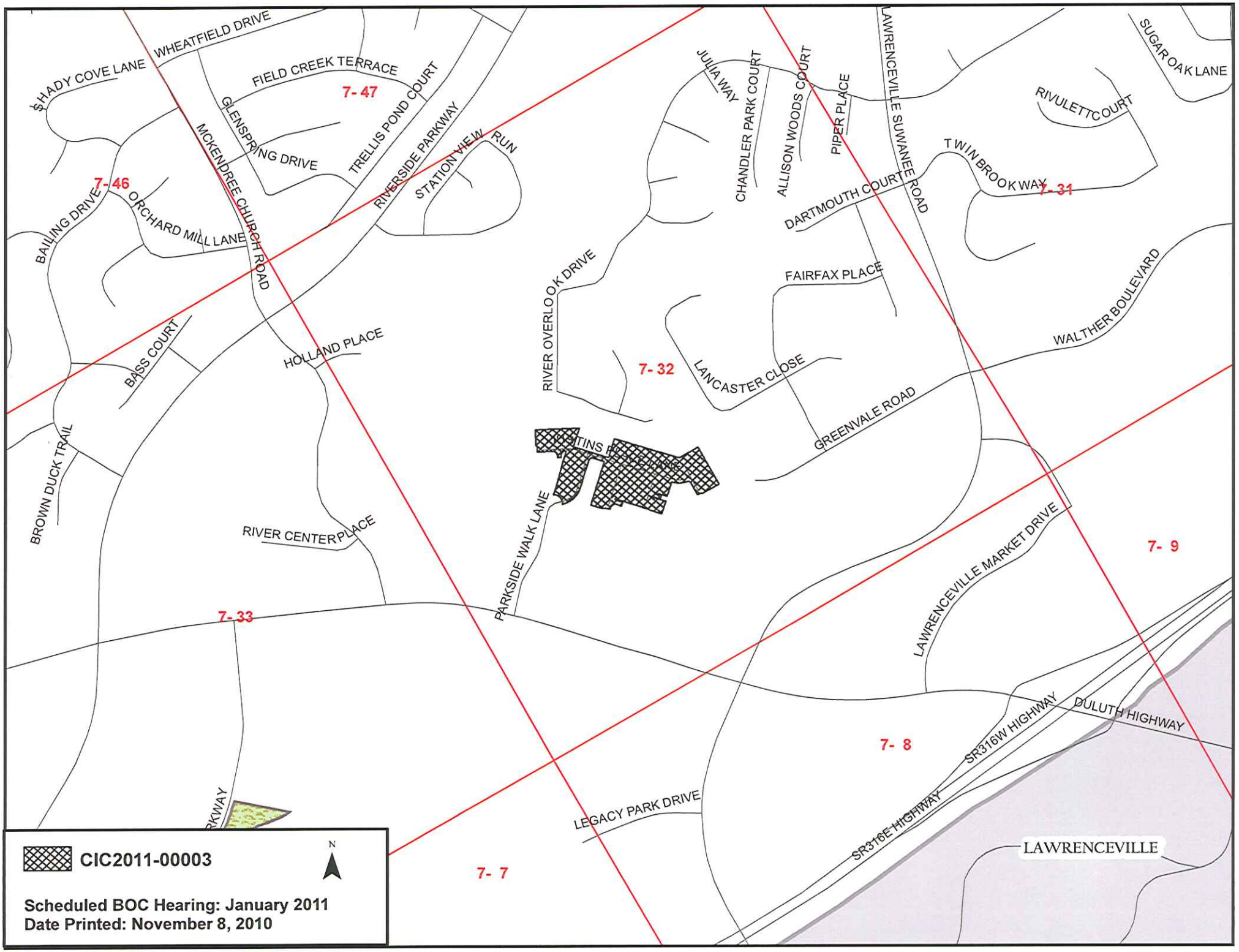


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11-17-10
CIC2011-00003

R&R Land Group, LLC


R&R Land Group, LLC


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CIC2011-00003
R&R Land Group, LLC


SHADY COVE LANE
WHEATFIELD DRIVE
FIELD CREEK TERRACE
GLENSPRING DRIVE
TRELLIS POND COURT
RIVERSIDE PARKWAY
STATION VIEW RUN
MCKENDREE CHURCH ROAD
BAILING DRIVE
ORCHARD MILL LANE
BASS COURT
HOLLAND PLACE
BROWN DUCK TRAIL
RIVER CENTER PLACE
PARKSIDE WALK LANE
RIVER OVERLOOK DRIVE
FAIRFAX PLACE
LANCASTER CLOSE
GREENVALE ROAD
WALTHER BOULEVARD
JULIA WAY
CHANDLER PARK COURT
ALLISON WOODS COURT
PIPER PLACE
LAWRENCEVILLE SUWANEE ROAD
DARTMOUTH COURT
TWIN BROOK WAY
RIVULETT COURT
SUGAR OAK LANE
LAWRENCEVILLE MARKET DRIVE
LEGACY PARK DRIVE
SR316W HIGHWAY
DULUTH HIGHWAY
SR316E HIGHWAY
LAWRENCEVILLE
7- 47
7- 46
7- 32
7- 31
7- 33
7- 9
7- 8
7- 7
CIC2011-00003
N
Scheduled BOC Hearing: January 2011
Date Printed: November 8, 2010

GENERAL NOTES:

1. TOTAL ACREAGE: 11.254 ACRES
   TOTAL ACREAGE INCLUDED IN ZONING AMENDMENT: 9.835 ACRES
2. TOTAL NUMBER OF UNITS INCLUDED IN ZONING AMENDMENT: 68
   TOTAL NUMBER OF UNITS: 86
3. ZONING = R-TH
4. ZONING AMENDMENT:
   NET ACREAGE IN ZONING AMENDMENT: GROSS ACREAGE 9.835-0.32X0.5 = 9.675 ACRES
   GROSS DENSITY = 68 UNITS/ 9.835 ACRES = 6.91 UNITS/ACRE
   NET DENSITY = 68 UNITS/ 9.675 ACRES = 7.03 UNITS/ACRE

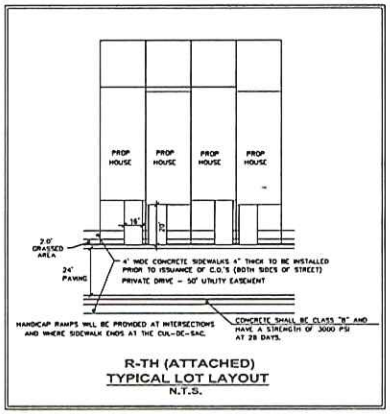
   OVERAL DENSITY:
   GROSS DENSITY = 86 UNITS/ 11.254 ACRES = 7.64 UNITS/ACRE
   NET ACREAGE: GROSS ACREAGE 11.254-0.32X0.5 = 11.09 ACRES
   NET DENSITY = 86 UNITS/ 11.09 ACRES = 7.75 UNITS/ACRE
5. YARD REQUIREMENTS: R-TH
   EXTERNAL FRONT = 50 FEET
   EXTERNAL REAR = 40 FEET
   EXTERNAL SIDE = 40 FEET
   INTERNAL = 30 FEET
6. A PORTION OF THIS PHASE OF DEVELOPMENT IS LOCATED IN A DESIGNATED FLOODPLAIN ACCORDING TO F.I.R.M. FLOOD PANEL 13032J 185 C, DATED MAY 4, 1992.
7. WATER PROVIDED BY GWINNETT COUNTY.
8. ALL UNITS TO BE SERVICED BY GWINNETT COUNTY GRAVITY FLOW SANITARY SEWER.
9. BOUNDARY INFORMATION FROM BOUNDARY SURVEY RCD OAK DEVELOPMENT, INC BY LAND DEVELOPMENT SURVEYORS INC., DATED 9/12/05. TOPO FROM FIELD VERIFIED GWINNETT COUNTY G.I.S.
10. FLOOD ELEVATIONS TAKEN FROM UPPER YELLOW RIVER FLOOD STUDY PREPARED BY DEWBERRY AND DAVIS FOR GWINNETT COUNTY.
11. LOTS 17-24 AND 77-86 EXCLUDED FROM THIS ZONING EXHIBIT, EXISTING UNITS

CL LINE TABLE		
LINE	LENGTH	BEARING
L4	34.69	N82°29'42"E
L5	207.19	N17°03'53"E
L6	176.24	S87°36'16"E
L7	608.43	S72°36'16"E
L8	9.18	N61°18'27"E
L9	198.68	S28°47'33"E
L9	271.00	S17°03'53"W
L11	207.00	S17°03'53"W

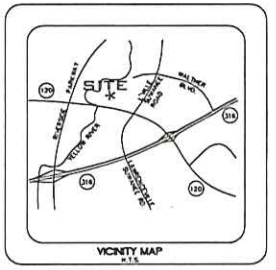
CL CURVE TABLE				
	LENGTH	RADIUS	CHORD	DIRECTION
C3	142.75	225.00	139.12	N49°46'48"E
C4	48.46	225.00	48.35	S82°39'55"E
C5	100.05	225.00	97.40	N84°08'08"E

BLOCK & LOT CHART

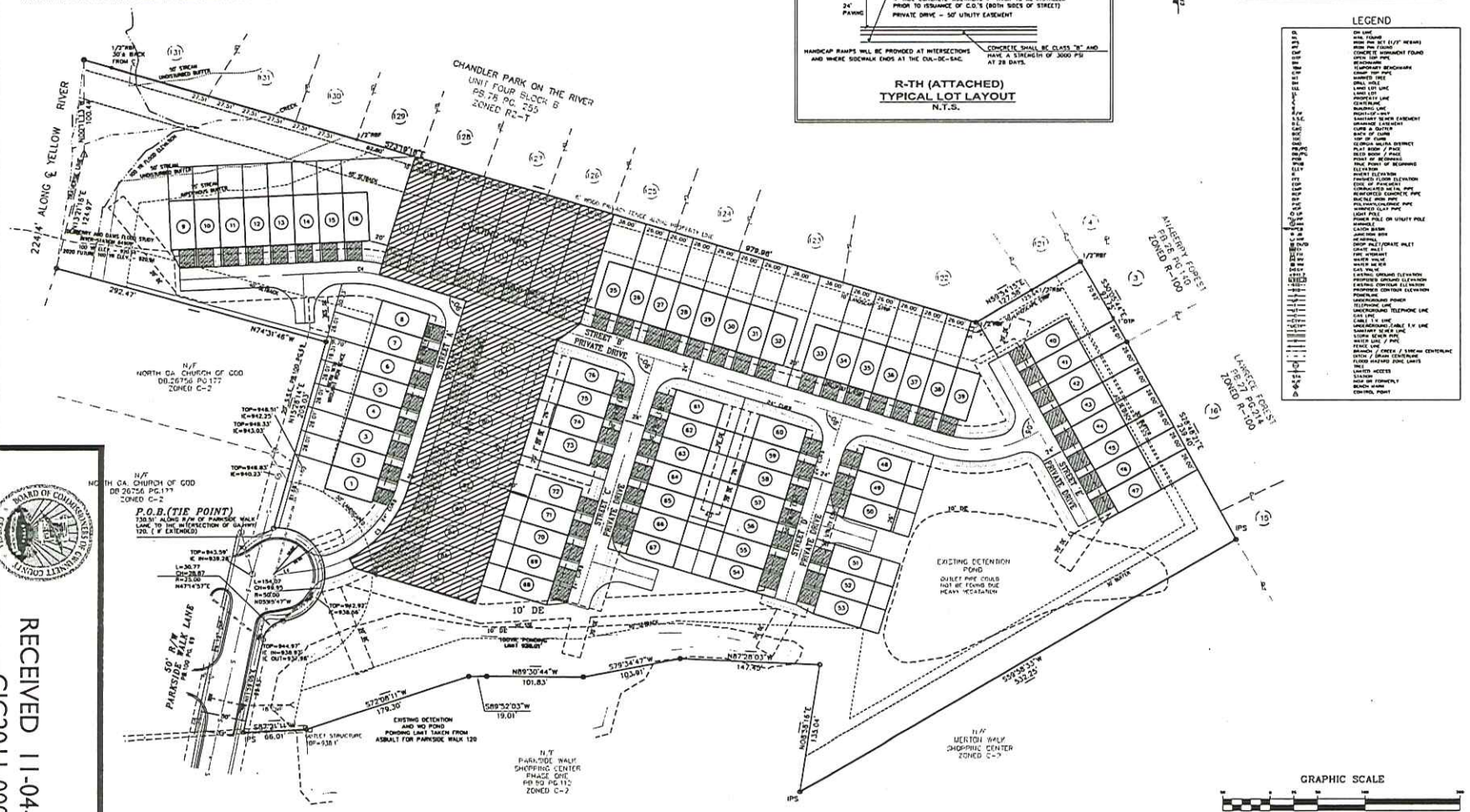
BLOCK	NO. OF LOTS
EXISTING UNITS	18
AMENDMENT	68
TOTAL =	86



R-TH (ATTACHED)
TYPICAL LOT LAYOUT
N.T.S.



LEGEND



GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

PROJECT NAME: PARKSIDE WALK TRACT
LOCATED IN LAND LOT 82 OF 6TH DISTRICT, PARCEL 010
GWINNETT COUNTY, GEORGIA

CLIENT NAME:

LAND DEVELOPMENT ENGINEERING, INC.
3330 AMBERLY MILLS TRAIL, DACULA, GA 30019
(678) 442-8058 FAX(678) 442-8059

GEORGIA REGISTERED NO. 28409 PROFESSIONAL ENGINEER KEVIN HILTON RUSSELL

STAMP

KHH
DRAWN BY

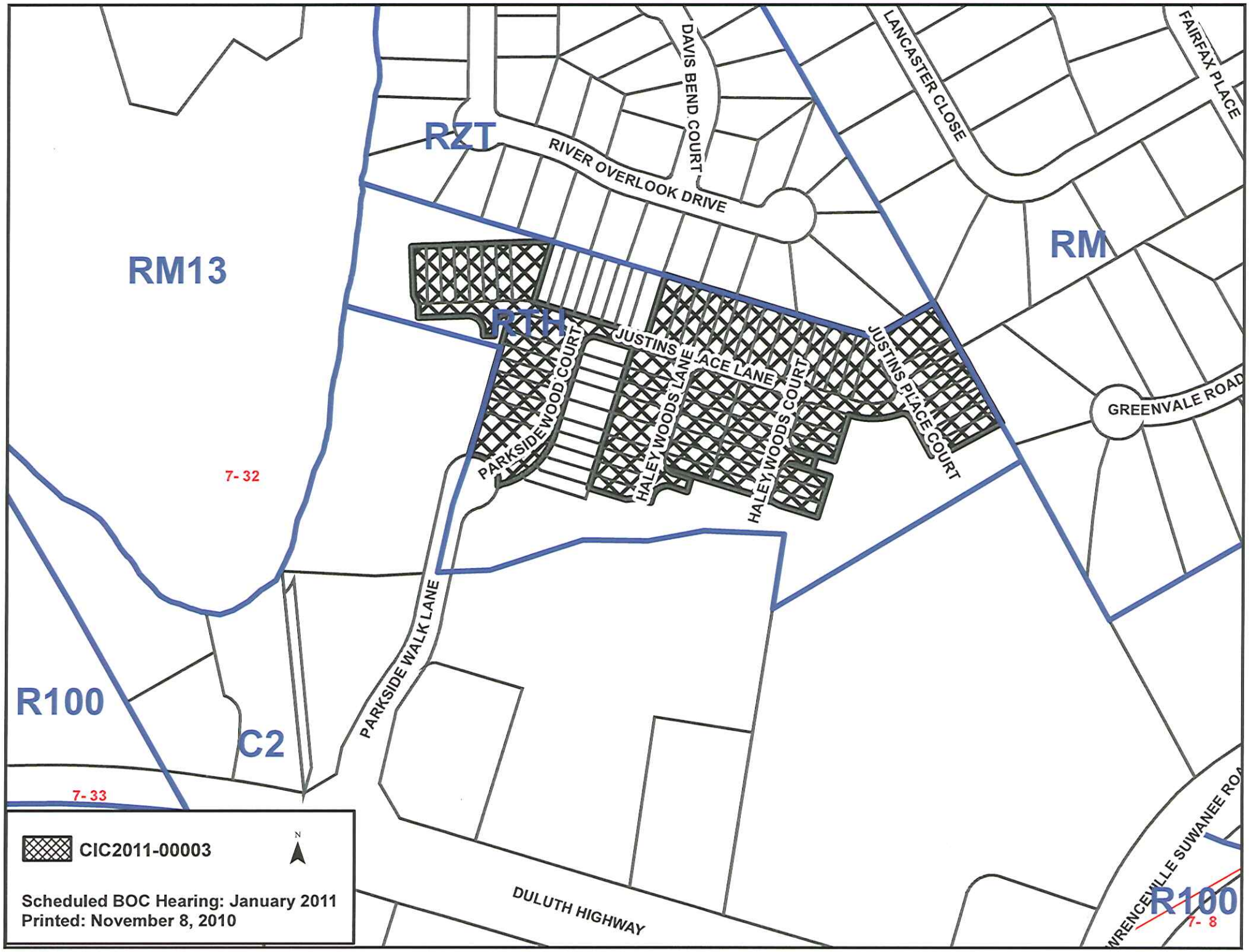
11/3/10
DATE

05-030
JOB NUMBER

REZONING EXHIBIT
SHEET TITLE

1
SHEET NUMBER

RECEIVED 11-04-10
GIC2011-00003


RZT
RM13
RTH
RM
R100
C2
R100
DAVIS BEND COURT
RIVER OVERLOOK DRIVE
LANCASTER CLOSE
FAIRFAX PLACE
PARKSIDE WOOD COURT
JUSTINS PLACE LANE
HALEY WOODS LANE
HALEY WOODS COURT
JUSTINS PLACE COURT
GREENVALE ROAD
PARKSIDE WALK LANE
DULUTH HIGHWAY
7- 32
7- 33
7- 8
CIC2011-00003
N
Scheduled BOC Hearing: January 2011
Printed: November 8, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
CHANGE IN CONDITIONS ANALYSIS

CASE NUMBER	:**CIC2011-00004**
ZONING	:R-75 CSO
LOCATION	:3300 BLOCK OF NORTH BOGAN ROAD :4500-4600 BLOCK OF BOGAN MEADOWS DRIVE :4500 BLOCK OF BOGAN MEADOWS COURT
MAP NUMBERS	:R1004 752; R1004 757 - R1004 781; R1004 783 - R1004 793; & R1004 496;
ACREAGE	:30.59 ACRES
PROPOSED DEVELOPMENT	:CHANGE IN CONDITIONS TO REDUCE DWELLING SIZE
UNITS	:100 UNITS
COMMISSION DISTRICT	:(4) HEARD

FUTURE DEVELOPMENT MAP: **EXISTING / EMERGING SUBURBAN**

APPLICANT: KRR BM, LLC
3200 COBB GALLERIA PARKWAY
SUITE 150
ATLANTA, GA 30339

CONTACT: GREG SAUL PHONE: 678.384.4480

OWNERS: KRR BM, LLC
3200 COBB GALLERIA PARKWAY
SUITE 150
ATLANTA, GA 30339

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests to a change condition of a previous Special Use Permit, SUP-06-080, in order to reduce the minimum dwelling size for two-story residences. The property is Bogan Meadows subdivision, located on the north side of North Bogan Road, west of its intersection with Sandy Hill Road.

In 2006, a Special Use Permit request for a single-family conservation overlay subdivision was approved, pursuant to SUP-06-080, for a detached residential development. Staff notes that construction of the Bogan Meadows subdivision was initiated with the installation of streets and utilities. A few residential units have also been constructed.

Condition 1. B. of SUP-06-080 governs the minimum dwelling size. The condition currently reads as follows:

1.B. The minimum heated floor area per dwelling unit shall be 2,000 square feet for one-story homes and 2,400 square feet for two-story homes.

The submitted letter of intent indicates that the applicant proposes to change condition 1.B. of SUP-06-080 to reduce the minimum heated floor area for two-story homes from 2,400 square feet to 2,000 square feet. Sample elevations for the new homes were not submitted. All other conditions of SUP-08-060 would remain the same.

The 2030 Unified Plan Future Development Map indicates that the property lies within an Existing/Emerging Suburban Character Area. Single-family developments are considered suitable within this Character Area designation. However, the requested change in conditions to reduce the dwelling unit size for homes, may not be appropriate in view of the previous rezoning approval, which occurred through the public hearing process with input from neighboring property owners, and was intended to ensure compatibility with the surrounding area.

The surrounding area is characterized by property within the city limits of Buford, single-family subdivisions (zoned R-75, R-100 and R-100 Modified) and homes on large lots (RA-200). To the south on Sandy Hill Road is Ellsworth Glen, a single-family modified subdivision that was approved in 2000 (SUP-00-051). It is noted that residences within Ellsworth Glen contain in excess of 3,000 square feet. The current zoning and conditions on the subject site should remain, to allow for conformity of new subdivision developments in the area.

Reducing the minimum square footage of the residences may jeopardize the integrity of the community and be counter to the previous Board actions established through the public hearing process. Therefore, the Department recommends **DENIAL**.

ZONING HISTORY:

The property was zoned R-100 in 1970. In 1975, it was rezoned to R-75 pursuant to an Area Wide Rezoning. A Special Use Permit for a single-family conservation overlay subdivision was approved in June, 2006, pursuant to SUP-06-080.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the western right-of-way of Bogan Meadows Drive and the northern right-of-way of Bogan Meadows Court.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located in the right-of-way of Bogan Meadows Drive and Bogan Meadows Court.

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Additions in **bold**
Delitions in ~~strikethrough~~

Approval of a Change in Conditions (R-75 CSO), subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. Single-family dwellings and accessory uses.

   B. The minimum heated floor area per dwelling unit shall be 2,000 square feet ~~for one-story homes and 2,400 square feet for two-story homes.~~

   C. Homes shall be constructed of brick, stacked stone, cedar shake or stucco (except minor treatments, i.e. chimneys, roof gables, bay windows) on the front facades. The balance of the home may be the same, or of wood or fiber-cement siding. Additionally, homes on lots abutting (in whole or part) the open space strip along North Bogan Road shall be brick, stacked stone or cedar shake (except minor treatments, i.e. chimneys, roof gables, bay windows) on three-sides, the balance may be the same or of wood or fiber-cement siding.

   D. All homes shall have two car garages. All driveways shall be of sufficient depth to accommodate the parking of two cars (side by side) between the dwelling and sidewalk.

2. To satisfy the following site development considerations:

   A. All grassed areas on dwelling lots shall be sodded.

   B. Provide underground utilities throughout the development.

   C. Natural vegetation shall remain on the property prior to the issuance of a Development Permit.

   D. Provide a 50-foot open space strip adjacent to all exterior property lines.

   E. Open space areas shall remain undisturbed, in their natural state, except for land disturbance associated with the installation of stormwater BMP's, sanitary sewer or utility crossings (easements). Open space areas shall be clearly marked with orange

tree save fencing prior to any land disturbance. Provide, at a minimum, one pedestrian access point to all open space/recreation areas.

F. There shall be a landscaped setback along North Bogan Road which shall include an entrance monument and decorative fence. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style or split rail style fence with brick or stacked stone columns (max 30-feet on center). Landscaping, entrance monument and fence design shall be subject to review and approval of the Director of Planning and Development.

G. There shall be a mandatory homeowners association with restrictive covenants.

H. The applicant, in order to provide to school authorities detailed information on the impact the development may have on the school system, shall notify the School Board and the School Board Planning Staff in writing regarding the number of units in the development and the type of housing, the number of bedrooms per house, and the phasing of the development, prior to the issuance of a development permit.

I. The applicant shall fund traffic enhancements which may include a left turn lane on Bogan Road or traffic warning signs or lights subject to approval of the Gwinnett DOT.

PLANNING AND DEVELOPMENT DEPARTMENTS
STANDARDS GOVERNING THE EXCERSISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions to reduce the minimum square footage of the dwellings may not be suitable in view of the development standards of the existing units or nearby subdivisions.

ADVERSE IMPACTS

The proposed change in conditions could have adverse impacts on the existing dwelling units within the Bogan Meadows subdivision, and could establish a precedent for diminished development standards for future rezoning requests in the area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

The proposed change in conditions would have a negligible effect on public facilities.

CONFORMITY WITH POLICIES

As presented, the request may not be consistent with Board precedent for the area or the approval of SUP-06-080 on the subject property.

CONDITIONS AFFECTING ZONING

It may not be appropriate to amend the conditions of the Bogan Meadows subdivision in light of the existing dwellings, which meet a higher standard than that being proposed for the new residences.

CHANGE IN CONDITIONS APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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 CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes

(B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No

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

No,This request is based on a market study provided by National

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

No

(E) WHETHER THE PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS:

Economy & Mortgage Lending Restrictions

RECEIVED 11-05-10
CIC2011-00004

KRR BM, LLC
3200 Cobb Galleria Pkwy. Suite 150
Atlanta, GA 30339

Gwinnett County Planning and Development
446 West Crogan Street, Suite 275
Lawrenceville, Georgia 30046

November 4, 2010

RE: Letter of Intent Change in Condition Bogan Meadows Subdivision

Dear Planning Staff,

This letter shall outline the intent of the proposed change in condition for Bogan Meadows subdivision located in Land Lot(s) 4 and 265 of the1st and 7th District, Puckets GMD, Gwinnett County, Georgia containing 30.589 acres.

The applicant is requesting a change in condition in the minimum heated floor area for two story structures from 2400 heated square feet to the same heated square feet as one story structures, 2000 heated square feet.

The use of the property will remain single family residential, zoning category R-75 CSO. The density will remain the same as well at 100 lots or 3.27 lots/acre. There is no requested change in buffers.

This proposed change in condition has become necessary as the conditions of the economy have continued to deteriorate and the ability for homeowners "to qualify" for home purchases has become more and more stringent. Purchasers simply cannot afford what they used to and therefore the home sizes have to be reduced in order to bring the sales price in line with today's mortgage industry's underwriting standards.

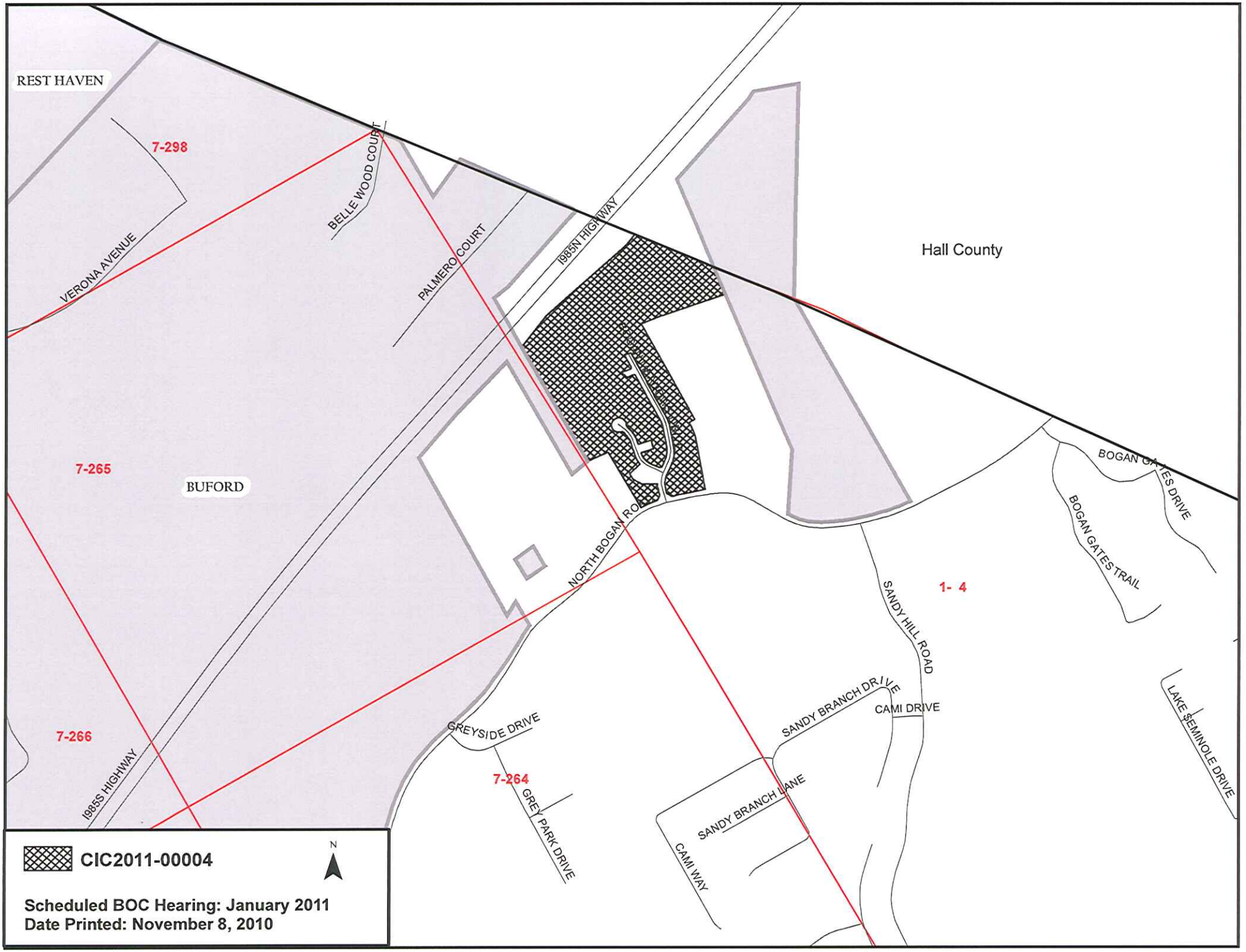
If you have any questions regarding this request please do not hesitate to contact us at 678-384-4480.

Thanks in advance for your consideration.

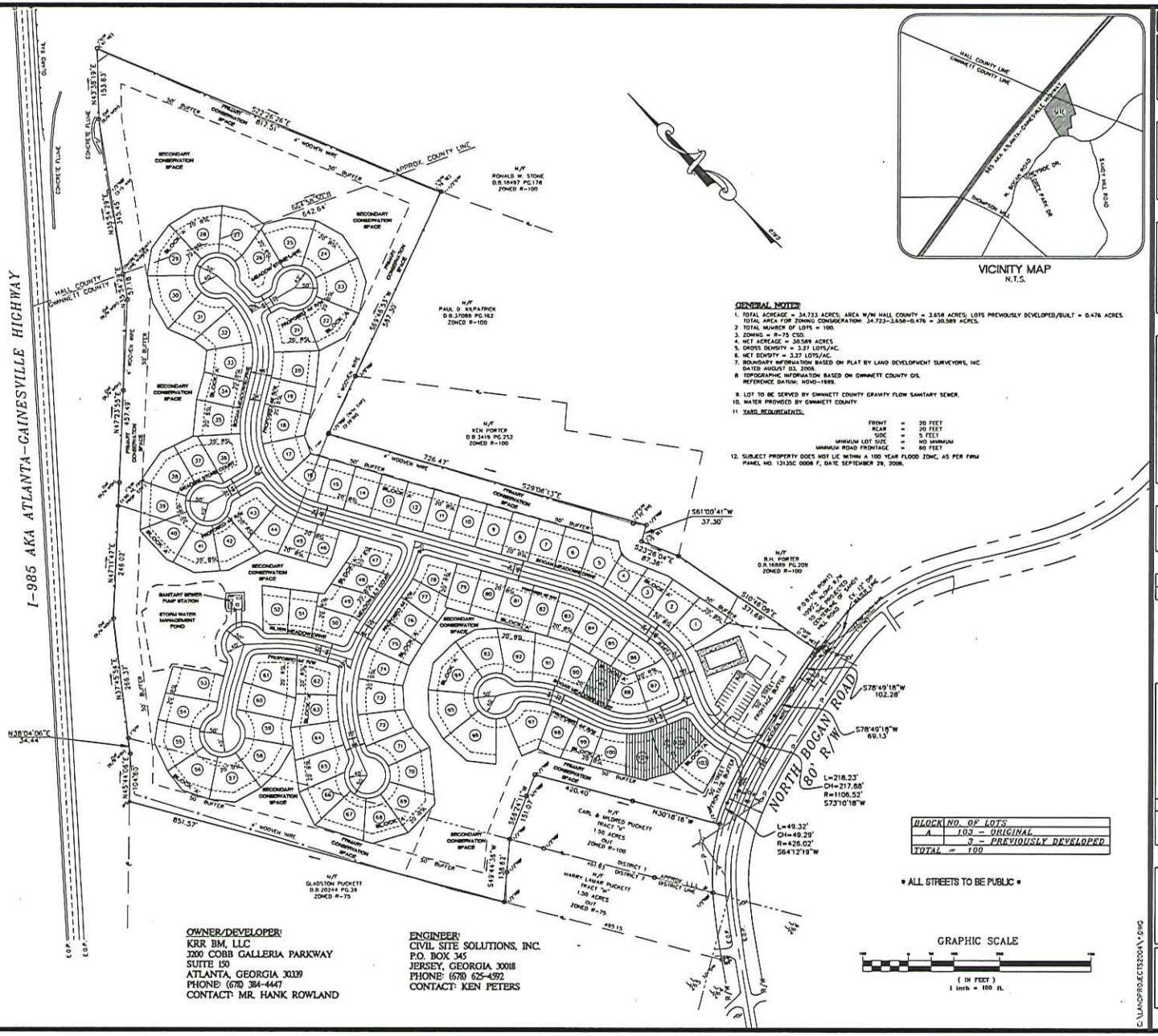
Sincerely,

KRR BM, LLC
Greg Saul, Member

RECEIVED 11-05-10
CIC2011-00004


REST HAVEN
7-298
VERONA AVENUE
BELLE WOOD COURT
PALMERO COURT
I985N HIGHWAY
Hall County
7-265
BUFORD
NORTH BOGAN ROAD
BOGAN GATES DRIVE
BOGAN GATES TRAIL
SANDY HILL ROAD
1- 4
SANDY BRANCH DRIVE
CAMI DRIVE
LAKE SEMINOLE DRIVE
GREYSIDE DRIVE
7-266
7-264
GREY PARK DRIVE
SANDY BRANCH LANE
CAMI WAY
I985S HIGHWAY
CIC2011-00004
N
Scheduled BOC Hearing: January 2011
Date Printed: November 8, 2010

GENERAL			
Zoning	R-75 CSO	Approved June 27, 2008	Case No SUP-06-080
PROJECT DATA			
Number of Lots	100		
Total Area (Acres)	34.723 ACRES-3.858 AC (HALL CO.)=0.476 AC (PREV. BUILT) = 30.589 ACRES		
Total Disturbed (Acres)	N/A		
Net Area (Acres)	30.589 ACRES		
Flood Plain Area (Acres)	0	Floodplain (% of flood plain acres vs. total acres)	N/A
Power/Gas (easement or Right of Way (Acres)			
Sanitary Service ==>	Sewer XXX	Septic	
DENSITY (UNITS/ACRE)			
Gross	100/30.589 LOTS/AC = 3.27 LOTS/AC		
Net	100/30.589 LOTS/AC = 3.27 LOTS/AC		
LOT & DWELLING DATA			
Minimum Lot Size	NO MINIMUM		
Minimum Dwelling Size	1-STORY 1,500 S.F.	2-STORY 1,800 S.F.	
RECREATION/CONSERVATION SPACE			
Required	Yes	No XXX	N/A
Reduced 50%	Yes	No	N/A XXX
Area Required	N/A		
Area Provided	N/A		
CONSERVATION SPACE (ACRES)			
Required	Yes XXX	No	N/A
Total Area (%)	40.0%		
Area Required	13.89 AC. (40% OF TOTAL ACREAGE)		
Area Provided	CONSERVATION SPACE PROVIDED = 14.80 ACRES TOTAL CREDITABLE CONSERVATION SPACE = 13.89 AC.		
S.S. EASEMENTS 0.36 AC.	GAS/PIPELINE EASEMENTS 0 AC.	PROP. ROAD/LANE 0 AC.	
ELECTRIC TRANSMISSION LINE 0 AC.		IMPERVIOUS SURFACE W/REC. AREA .05 AC.	
TREES			
Ordinance Compliance Option	16 100's per Acre	2 Trees Per Lot	Exempt
	Street Trees XXX		
Buffer Trees Planted			
Trees (Buffer)			
Type			
Width			



VICINITY MAP
N.T.S.

GENERAL NOTES:

1. TOTAL ACREAGE = 34.723 ACRES; AREA W/IN HALL COUNTY = 3.858 ACRES; LOTS PREVIOUSLY DEVELOPED/BUILT = 0.476 ACRES. TOTAL AREA FOR ZONING CONSIDERATION: 34.723-3.858-0.476 = 30.589 ACRES.
2. TOTAL NUMBER OF LOTS = 100.
3. ZONING = R-75 CSO.
4. NET ACREAGE = 30.589 ACRES
5. GROSS DENSITY = 3.27 LOTS/AC.
6. NET DENSITY = 3.27 LOTS/AC.
7. BOUNDARY INFORMATION BASED ON PLAT BY LAND DEVELOPMENT SURVEYORS, INC DATED AUGUST 03, 2006.
8. TOPOGRAPHIC INFORMATION BASED ON GWINNETT COUNTY GIS. REFERENCE DATUM: NGVD-1988.
9. LOT TO BE SERVED BY GWINNETT COUNTY GRAVITY FLOW SANITARY SEWER.
10. WATER PROVIDED BY GWINNETT COUNTY
11. YARD REQUIREMENTS:

FRONT	=	20 FEET
REAR	=	20 FEET
SIDE	=	5 FEET
MINIMUM LOT SIZE	=	NO MINIMUM
MINIMUM ROAD FRONTAGE	=	80 FEET

12. SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD ZONE, AS PER FIRM PANEL NO. 13135C 0008 F, DATE SEPTEMBER 29, 2006.

BLOCK	NO. OF LOTS
A	100 - ORIGINAL
	3 - PREVIOUSLY DEVELOPED
TOTAL =	100

• ALL STREETS TO BE PUBLIC •

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

LOT #	LOT WIDTH	LOT #	LOT WIDTH	LOT #	LOT WIDTH
1	80.00	36	84.98	71	90.80
2	80.00	37	87.50	72	96.70
3	80.00	38	81.20	73	74.40
4	80.00	39	81.80	74	66.50
5	80.00	40	58.50	75	68.80
6	80.00	41	62.30	76	80.00
7	80.00	42	61.10	77	80.20
8	80.00	43	64.40	78	84.20
9	80.00	44	64.80	79	85.00
10	80.00	45	64.70	80	80.00
11	80.00	46	50.00	81	80.00
12	80.00	47	64.86	82	80.00
13	80.00	48	58.10	83	84.00
14	80.00	49	58.00	84	80.30
15	80.00	50	72.20	85	85.00
16	80.00	51	66.00	86	78.10
17	80.00	52	58.62	87	75.00
18	80.00	53	80.08	88	80.00
19	80.00	54	79.04		
20	80.00	55	72.00	90	80.00
21	80.33	56	68.40	91	89.28
22	80.00	57	72.00	92	65.78
23	80.00	58	68.40	93	68.88
24	80.00	59	61.65	94	73.54
25	80.00	60	59.25	95	68.40
26	81.08	61	71.09	96	78.84
27	80.80	62	67.87	97	92.98
28	80.00	63	80.00	98	80.00
29	80.00	64	67.80	99	80.00
30	80.00	65	63.10	100	80.00
31	80.83	66	58.80		
32	80.00	67	66.90		
33	80.00	68	80.10	103	80.00
34	80.00	69	58.00		
36	80.00	70	82.40		

TOTAL LOT FRONTAGE = 6534.65
TOTAL NO. OF LOTS = 100
TOTAL FRONTAGE/TOTAL # OF LOTS = 65.35
AVERAGE LOT WIDTH = 65.35

OWNER/DEVELOPER:
KRR BM, LLC
3200 COBB GALLERIA PARKWAY
SUITE 150
ATLANTA, GEORGIA 30339
PHONE: (678) 384-4447
CONTACT: MR. HANK ROWLAND

ENGINEER:
CIVIL SITE SOLUTIONS, INC.
P.O. BOX 345
JERSEY, GEORGIA 30018
PHONE: (678) 625-4592
CONTACT: KEN PETERS

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STAMP

CIVIL SITE SOLUTIONS, INC.
SITE PLANNING, HYDROLOGY
P.O. BOX 345
JERSEY, GEORGIA 30018
PHONE (678) 625-4592
FAX (678) 625-4601

PROJECT

BOGAN MEADOWS

LOCATED IN LAND LOTS 4 & 265 OF THE 1ST & 7TH DISTRICT, PUCKETTS G.M.D. 1397 GWINNETT COUNTY, GEORGIA
LOCATED IN LAND LOT 171 OF THE 8TH DISTRICT, HALL COUNTY, GEORGIA
PARCELS:
7-265-012,
1-004-023, 1-004-160

ZONING PLAT

SHEET TITLE

DESIGN	DRAWN	CHECKED
KLP	KLP	KLP

DATE	NO	DESCRIPTION

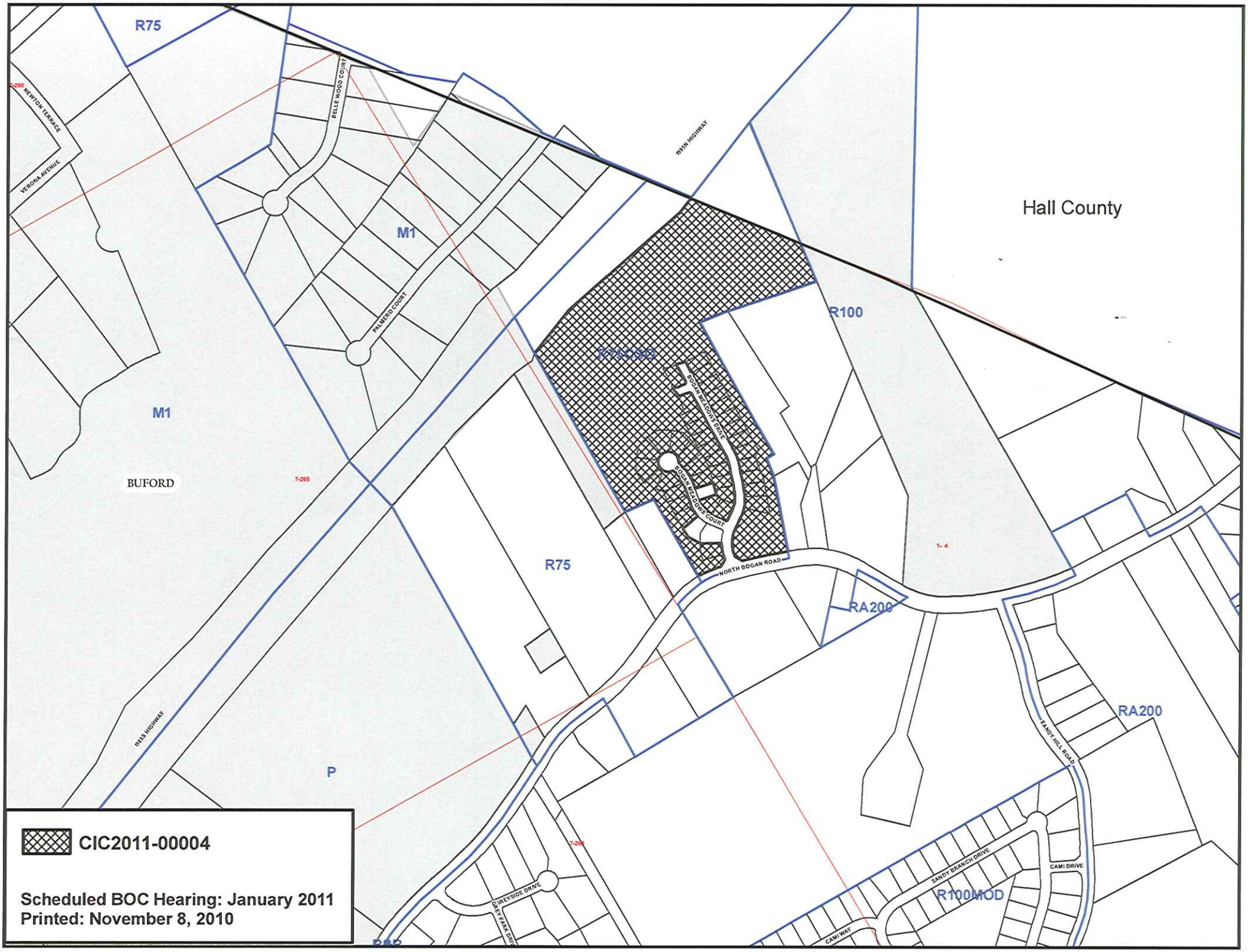
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1 OF 1
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RECEIVED 11-05-10
CIC2011-00004


R75
NEWTON TERRACE
VERONA AVENUE
BELLE WOOD COURT
PALMERO COURT
M1
M1
BUFORD
7-265
I985N HIGHWAY
Hall County
R100
R100MOD
BOGAN MEADOWS DRIVE
BOGAN MEADOWS COURT
R75
NORTH BOGAN ROAD
1- 4
RA200
RA200
SANDY HILL ROAD
I985S HIGHWAY
P
SHREYSIDE DRIVE
SANDY BRANCH DRIVE
CAMI DRIVE
CAMI WAY
R100MOD
CIC2011-00004
Scheduled BOC Hearing: January 2011
Printed: November 8, 2010

Department of Planning and Development

446 West Crogan Street • Lawrenceville, GA 30046-2440
(tel) 678.518.6000
www.gwinnettcounty.com

gwinnettcounty

MUNICIPAL-GWINNETT COUNTY PLANNING COMMISSION PUBLIC HEARING AGENDA GWINNETT JUSTICE AND ADMINISTRATION CENTER

TUESDAY, JANUARY 18, 2011 AT 7:00 P.M.

AS SET FORTH IN THE AMERICANS WITH DISABILITIES ACT OF 1992, THE GWINNETT COUNTY GOVERNMENT DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY AND WILL ASSIST CITIZENS WITH SPECIAL NEEDS GIVEN PROPER NOTICE (SEVEN WORKING DAYS). FOR INFORMATION, PLEASE CALLTHE FACILITIES MANAGEMENT DIVISION AT 770.822.8015.

A. CALL TO ORDER, INVOCATION, PLEDGE TO FLAG

B. APPROVAL OF MINUTES

C. OLD BUSINESS - TABLED CASES FROM PREVIOUS MEETINGS

1. CASE NUMBER :**RZC2010-00019**
   APPLICANT :GEORGE P. FLANNIGAN
   CONTACT :MICHAEL L. SULLIVAN
   PHONE NUMBER :770.822.0900
   ZONING CHANGE :RA-200 TO C-2
   LOCATION :4200 BLOCK OF BRASELTON HIGHWAY
   :2000 BLOCK OF HOLMAN ROAD
   MAP NUMBER :R63003 040 & R3003 377
   ACREAGE :3.89 ACRES
   PROPOSED DEVELOPMENT :COMMERCIAL/RETAIL USES (REDUCTION IN BUFFERS)
   SQUARE FEET :17,385 SQUARE FEET
   COMMISSION DISTRICT :(4) HEARD
   DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

2. CASE NUMBER :**RZC2010-00020**
   APPLICANT :GEORGE P. FLANNIGAN
   CONTACT :MICHAEL L. SULLIVAN
   PHONE NUMBER :770.822.0900
   ZONING CHANGE :RA-200 TO C-1
   LOCATION :2900 BLOCK OF BRASELTON HIGHWAY
   :2300 BLOCK OF SOUTH PUCKETTS MILL ROAD
   MAP NUMBER :R7099 001
   ACREAGE :4.64 ACRES
   PROPOSED DEVELOPMENT :DAYCARE CENTER
   SQUARE FEET :18,000 SQUARE FEET
   COMMISSION DISTRICT :(4) HEARD
   DEPARTMENT RECOMMENDATION : **DENIAL**

3. CASE NUMBER :**SUP2010-00061**
   APPLICANT :THE DACULA CONGREGATION OF JEHOVAH'S WITNESSES
   CONTACT :STANLEY J. PIPKIN
   PHONE NUMBER :678.429.0054
   ZONING :RA-200
   LOCATION :1500 BLOCK OF ACE McMILLIAN ROAD
   MAP NUMBER :R5280 002
   ACREAGE :9.67 ACRES
   PROPOSED DEVELOPMENT :CHURCH (REDUCTION IN BUFFERS)
   SQUARE FEET :5,000 SQUARE FEET
   COMMISSION DISTRICT :(3) BEAUDREAU
   DEPARTMENT RECOMMENDATION : **DENIAL**

4. CASE NUMBER :**SUP2010-00063**
   APPLICANT :RANDY WEST
   CONTACT :MICHAEL L. SULLIVAN
   PHONE NUMBER :770.822.0900
   ZONING :RA-200
   LOCATION :3100 BLOCK OF HAMILTON MILL ROAD
   MAP NUMBER :R1001 007A
   ACREAGE :3.67 ACRES
   PROPOSED DEVELOPMENT :SPECIAL EVENTS FACILITY
   SQUARE FEET :2,534 SQUARE FEET
   COMMISSION DISTRICT :(4) HEARD
   DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

5. CASE NUMBER :**SUP2010-00064**
   APPLICANT :JOSEPH BARILLARI
   CONTACT :MITCH PEEVY
   PHONE NUMBER :770.614.6511
   ZONING :M-2
   LOCATION :2700 BLOCK OF SIMPSON CIRCLE
   MAP NUMBER :R6258 252
   ACREAGE :2.3 ACRES
   PROPOSED DEVELOPMENT :METAL SALVAGE OPERATION
   SQUARE FEET :5,000 SQUARE FEET
   COMMISSION DISTRICT :(2) HOWARD
   DEPARTMENT RECOMMENDATION : **DENIAL**

D. NEW BUSINESS

1. CASE NUMBER :**SUP2011-00001**
   APPLICANT :KRIS STONE
   CONTACT :KRIS STONE
   PHONE NUMBER :678.225.0094
   ZONING :C-2
   LOCATION :1800 BLOCK OF LAWRENCEVILLE HIGHWAY
   MAP NUMBER :R5050 132
   ACREAGE :0.99 ACRE
   PROPOSED DEVELOPMENT :OUTDOOR STORAGE
   COMMISSION DISTRICT :(4) HEARD
   DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

2. CASE NUMBER :**SUP2011-00002**
   APPLICANT :WAYNE D. EDWARDS
   CONTACT :WAYNE D. EDWARDS
   PHONE NUMBER :678.442.8123
   ZONING :R-100
   LOCATION :1900 BLOCK OF TRACK COURT
   MAP NUMBER :R5296A009
   ACREAGE :0.71 ACRE
   PROPOSED DEVELOPMENT :METAL BUILDING GREATER THAN 550 SQ. FT.
   SQUARE FEET :1,200 SQUARE FEET
   COMMISSION DISTRICT :(3) BEAUDREAU
   DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

3. CASE NUMBER :**SUP2011-00003**
   APPLICANT :AUTO CASH
   CONTACT :MITCH PEEVY
   PHONE NUMBER :770.614.6511
   ZONING :C-2
   LOCATION :4100 BLOCK OF STONE MOUNTAIN HIGHWAY
   MAP NUMBER :R6054 017
   ACREAGE :0.44 ACRE
   PROPOSED DEVELOPMENT :TITLE LOAN FACILITY
   SQUARE FEET :1,760 SQUARE FEET
   COMMISSION DISTRICT :(3) BEAUDREAU
   DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

4. CASE NUMBER :**SUP2011-00004**
   APPLICANT :INOR F. GRIFFIN-HAWKINS
   CONTACT :INOR F. GRIFFIN-HAWKINS
   PHONE NUMBER :678.580.2536
   ZONING :R-100
   LOCATION :5000 BLOCK OF WYCLIFFE DRIVE
   :3000 BLOCK OF DESHONG DRIVE
   MAP NUMBER :R6026 021
   ACREAGE :0.45 ACRE
   PROPOSED DEVELOPMENT :HOME OCCUPATION (GROUP DAYCARE)
   COMMISSION DISTRICT :(3) BEAUDREAU
   DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

5. CASE NUMBER :**SUP2011-00006**
   APPLICANT :JUSTIN PARK
   CONTACT :JUSTIN PARK
   PHONE NUMBER :404.944.9614
   ZONING :O-I
   LOCATION :2300 BLOCK OF MEADOW CHURCH WAY
   MAP NUMBER :R7117 025
   ACREAGE :10.28 ACRES
   PROPOSED DEVELOPMENT :PERSONAL CARE HOME (CONGREGATE)
   SQUARE FEET :41,000 SQUARE FEET
   COMMISSION DISTRICT :(1) LASSETER
   DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

6. CASE NUMBER :**SUP2011-00008**
   APPLICANT :CENTER POINT ENGINEERING
   CONTACT :RICHARD SMITH
   PHONE NUMBER :404.694.0424
   ZONING :M-I
   LOCATION :4500 - 4600 BLOCK OF BUFORD HIGHWAY
   MAP NUMBER :R6258 032A & R6258 036
   ACREAGE :6.63 ACRES
   PROPOSED DEVELOPMENT :TRUCK RENTAL/LEASING
   COMMISSION DISTRICT :(2) HOWARD
   DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

E. AMENDMENT TO THE 1985 ZONING RESOLUTION

1. **ZRA2011-00001** - AN ORDINANCE TO AMEND THE 1985 ZONING RESOLUTION OF GWINNETT COUNTY, ARTICLE III DEFINITIONS AND ARTICLE XIII USE PROVISIONS, SECTION 1308. C-2 GENERAL BUSINESS DISTRICT AND SECTION 1308A. C-3 HIGHWAY BUSINESS DISTRICT, TO PROVIDE APPROPRIATE ZONING REGULATIONS FOR PRECIOUS METALS DEALERS IN UNINCORPORATED GWINNETT COUNTY.

F. AUDIENCE COMMENTS

G. COMMITTEE REPORTS

H. COMMENTS BY STAFF AND PLANNING COMMISSION

I. ADJOURNMENT

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER	:**RZC2010-00019**
ZONING CHANGE	:RA-200 TO C-2
LOCATION	:4200 BLOCK OF BRASELTON HIGHWAY :2000 BLOCK OF HOLMAN ROAD
MAP NUMBER	:R3003 040 & R3003 377
ACREAGE	:3.89 ACRES
PROPOSED DEVELOPMENT	:COMMERCIAL / RETAIL USES (REDUCTION IN BUFFERS)
SQUARE FEET	:17,385 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD

FUTURE DEVELOPMENT MAP: **EXISTING / EMERGING SUBURBAN**

APPLICANT: GEORGE P. FLANNIGAN
C/O ANDERSEN, TATE & CARR, P.C.
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GA 30097

CONTACT: MICHAEL L. SULLIVAN PHONE: 770.822.0900

OWNER: GEORGE P. FLANNIGAN
C/O ANDERSEN, TATE & CARR, P.C.
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests the rezoning of a 3.89-acre parcel assemblage from RA-200 (Agriculture-Residence District) to C-2 (General Business District) for the proposed construction of a commercial/retail building and an additional retail outparcel. The subject property is located at the intersection of Braselton Highway and Holman Road. It is noted that the subject property is located within the Georgia Highway 124/324/Hamilton Mill Overlay District, and must abide by those requirements.

The site plan proposes a 17,385 square foot commercial building, and associated parking. The applicant's letter of intent states that the property would be developed as a retail development serving the surrounding area, but the specific use was not indicated. Access would be provided via one entrance onto Braselton Highway and one extending from Holman Road. A total of 85 parking spaces are shown on the site plan, meeting parking requirements. A separate, 1.02-acre commercial outparcel is also shown fronting Braselton Highway; however, no development or proposed use is indicated for that property.

The site plan proposes a reduction of the required 75-foot wide buffer adjacent to RA-200 zoned properties to a 50-foot wide buffer.

ZONING HISTORY:

The subject property has been zoned RA-200 since 1970.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 606.3 of the 1985 Zoning Resolution requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

Parking spaces shall be provided at a minimum/maximum of:
One space per 200-500 sq. ft. for retail.

Section 6.3.3 and/or 6.3.4 of the Development Regulations requires a 200-foot deceleration lane with a 50-foot taper at each project entrance that proposes access to a Minor Collector Street or Major Thoroughfare. Right-of-way dedication to accommodate the deceleration lane and an 11-foot shoulder is also required. Reduction in length of a deceleration lane requires approval of a Modification by the Development Division; elimination of a deceleration lane requires approval of a Waiver by the Board of Commissioners.

Section 6.13 of the Development Regulations requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

Project access and required improvements along State routes or U.S. Highways (i.e., number and design of driveways, deceleration lanes, median breaks, etc.) will be subject to review and approval of the Georgia Department of Transportation.

A 50-foot building setback is required from all rights-of-way.

Section 606.6 of the 1985 Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape & tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

This project lies within an Activity Center/Corridor Overlay District, and is subject to all requirements set forth in section 1315 of the Gwinnett County 1985 Zoning Resolution.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Braselton Highway (SR 124) is a State Route, and Georgia D.O.T. right-of-way requirements govern.

Holman Road is a Minor Collector and 30 feet of right-of-way is required from the centerline.

Standard deceleration lanes with appropriate taper and adequate right-of-way will be required.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided.

The number and locations of driveways are subject to Gwinnett County D.O.T. approval.

Coordinate with the Georgia D.O.T. regarding access to Braselton Highway (GA Hwy 124).

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

The project must connect to sanitary sewer if it is available to the property (within 200 feet of the property line). If sewer is not available, contact the Gwinnett County Environmental Health Department concerning septic system involvement. Must submit level 3 soil report and detailed site plan meeting site plan requirements. Available usable soil square footage on the lot will determine kind and size of structure that can be approved for this location.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 10-inch water main located on the southern right-of-way of Braselton Highway, and an 8-inch water main located on the eastern right-of-way of Holman Road.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 950 feet northeast of the property on Millcrest Drive.

The subject development is located within the Mulberry service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.

2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review.

3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

4. Architectural design of the proposed building (s) shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.

5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.

2. Applicant submits architectural drawings to Fire Plan Review for review and approval.

3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject property is a 3.89-acre parcel assemblage located at the intersection of Braselton Highway and Holman Road. The site is mostly wooded, but contains a single-family dwelling at the northern end of the property.

The 2030 Unified Plan Future Development Map indicates that the property lies within the Existing/Emerging Suburban Character Area extending along Braselton Highway. The requested rezoning could be consistent with the recommendations for such Character Areas, which encourage commercial/retail uses at appropriate intersections. Recent C-2 rezoning approvals at the intersections of Braselton Highway with Mineral Springs Road and Holman Road suggest that this intersection is appropriate for commercial development serving the nearby community.

The surrounding area is characterized predominantly by single-family residences on large lots, zoned RA-200; however, a commercial node has been established at the intersection of Braselton Highway and Mineral Springs Road, extending to Holman Road. Additionally, a large tract of land was rezoned to C-2 immediately to the north of the subject property adjacent to Interstate 85 in 2006 (RZC-06-017). The parcel located at the northeast corner of the intersection of Braselton Highway and Mineral Springs Road was approved as C-2 (RZC-08-060) and has been developed with a convenience store. It is noted that this most recent C-2 approval included conditions for a landscaped buffer, a building height limitation to one story and a prohibition on access to Holman Road. Given the commercial zoning surrounding the subject property, the requested rezoning could be considered suitable; however, similar conditions to the convenience store across Holman Road should be included to provide consistency of development and afford protection to neighboring residences.

In conclusion, the requested C-2 zoning with conditions similar to the recently approved commercial rezonings could be consistent with recent Board action establishing this area as a commercial node. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval as C-2 subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. Retail and service commercial and accessory uses. The following uses shall be prohibited:

      - adult bookstores or entertainment
      - auto body repair shops
      - auto repair shops or tire stores
      - automotive car washes
      - automotive service stations
      - building material sales with outdoor storage
      - contractors offices or the outside storage of equipment or materials
      - drive-thru fast food service except coffee shops, bakery and ice cream stores
      - emission inspection stations
      - equipment rental
      - heavy equipment and farm equipment sales and service and truck rental
      - hotels and motels
      - liquor stores
      - mini-warehouse storage facilities
      - mobile buildings
      - mobile home or mobile building leasing or sales lots
      - outdoor storage of any type.
      - plant nursery sales facility
      - recovered materials processing facilities
      - smoke shops/novelty stores
      - tattoo and piercing parlors
      - taxi cab or limousine services
      - taxidermist
      - yard trimmings composting facility

   B. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application. Stucco may only be used as an accent building material.

   C. Buildings shall be limited to one-story. Buildings shall be constructed of brick or stacked stone, with accents of stucco allowed.

2. To satisfy the following site development considerations:

   A. Provide a 50-foot wide landscaped buffer adjacent to residentially zoned property along the eastern and southern property lines. Provide a 6 foot high opaque fence if necessary to provide security as well as a visual screen, reviewed and approved by the Director of Planning and Development. Landscape plan shall be approved by the Director of Planning and Development and shall include at a minimum double row evergreen plants, 6-8 feet tall at the time of planting.

   B. Access to Holman Road shall be prohibited.

   C. No banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed hung or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

   D. Peddlers or parking lot sales shall be prohibited.

   E. Any graffiti on the property shall be repainted or repaired within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed rezoning could be considered suitable, as it is consistent with similar commercial zoning approvals in the immediate area.

ADVERSE IMPACTS

With the recommended conditions, including buffers and use restrictions, potential impacts on nearby residential properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The subject property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Impacts from storm water runoff, traffic and utility demand could be anticipated from this request.

CONFORMITY WITH POLICIES

The request is considered consistent with the 2030 Unified Plan Future Development Map, and compatible with past Board actions established this area as a commercial node.

CONDITIONS AFFECTING ZONING

The most recent C-2 zoning approval in the area included: limiting buildings to one-story, enhanced buffers, and prohibiting access to Holman Road. Similar conditions should be included with the subject property.

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(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:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(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:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

RECEIVED 9-03-10
RZC2010-00019

EXHIBIT "B"
REZONING APPLICANT'S RESPONSE
GA HIGHWAY 124 & HOLMAN ROAD

A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

The Property fronts on one of Gwinnett's most significant arterial highways (Georgia Highway 124) and is surrounded by C-2 zoned properties directly across SR 124 and Holman Road. The proposed use is entirely consistent and suitable with the use and development of adjacent and nearby property.

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

The Property is located on one of Gwinnett's most significant arterial highways (Georgia Highway 124) and the proposed use is designed to be convenience-type uses to be utilized primarily by folks who are already driving by the subject property every day, resulting in very little additional traffic in the area. The proposed development should not have a negative impact on the use or useability of adjacent or nearby property.

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

The small size, configuration and location along one of Gwinnett County's major commercial corridors make development of the property for any use other than the proposed retail/commercial use economically difficult. Certainly, it is difficult if not impossible to contemplate the property being used for RA-200 agricultural/residential uses in light of these factors and surrounding development.

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:

This rezoning will have absolutely no impact on schools and a minimal impact on existing streets, transportation or utilities, since it is located on a major arterial highway and the proposed use is designed to be used primarily by folks who are already driving by the subject property every day, resulting in very little additional traffic in the area.

RECEIVED 9-03-10
RZC2010-00019

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

Yes. The proposed use is in conformity with the policy and intent of the 2030 Unified Plan as well as the C-2 commercial zoning of surrounding properties on the opposite side of SR 124 and Holman Road.

F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING.

Yes. (1) The existing recent and ongoing development surrounding the subject property, (2) the small size, shape and topography of the property, and (3) the Property's location fronting on one of Gwinnett County's most significant arterial roads.

RECEIVED 9-03-10
RZC2010-00019

LETTER OF INTENT FOR REZONING APPLICATION
GA HIGHWAY 124 & HOLMAN ROAD

The Owner and Applicant, George Flanigan (hereinafter, "Applicant"), submits this Rezoning Application to request a rezoning from RA-200 to C-2 on a 2.87 acre tract of land located at 4245 Georgia Highway 124, Hoschton, Georgia (hereinafter, the "Property"). The rezoning is necessary to facilitate Applicant's intent to develop the property for retail/commercial uses.

The Applicant intends to develop the property as a retail development which would be intended to serve the residents of the surrounding and adjacent neighborhoods. Use and development of the Property under its current RA-200 agricultural/residential zoning would be all but impossible due to the property's relatively small size and configuration and with very little depth back from any of the roads surrounding the property, particularly in light of the Property's location fronting on SR 124, one of Gwinnett County's most significant arterial roads. In light of those factors and others, the subject Property really has absolutely no reasonable economic use as currently zoned RA-200.

However, those factors (such as being located fronting on a major arterial road with a high traffic count) make the subject property an excellent location for retail commercial uses. The fact that retail uses are appropriate at the location of the subject property is amply demonstrated by the commercial development of other properties fronting on SR 124 on the other side of both Holman Road and SR 124 directly across from the subject Property, as well as the Gwinnett County Board of Commissioners' prior approval of C-2 zoning for all those other properties fronting on SR 124 on the other side of both Holman Road and SR 124.

The development of the property as for retail/commercial uses is appropriate to the subject tract and is entirely consistent with the C-2 zoning, character and uses of the adjacent and surrounding property.

CONCLUSION

This proposed rezoning would result in a high quality retail development that will serve the residents of the surrounding area. Applicant and his representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

This 3rd day of September, 2010.

Respectfully submitted,
ANDERSEN, TATE & CARR, P.C.

Michael L. Sullivan
Attorney for Applicant

RECEIVED 9-03-10
RZC2010-00019

Neighboring Rezoning Case

CASE NUMBER RZC-08-060
GCID 2008-0612

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Present	VOTE
Charles Bannister, Chairman	AYE
Lorraine Green, District 1	AYE
Albert Nasuti, District 2	AYE
Michael Beaudreau, District 3	AYE
Kevin Kenerly, District 4	AYE

On motion of COMM. KENERLY, which carried 5-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from RA-200 to C-2 by MUKESH R. TEJANI for the proposed use of COMMERCIAL RETAIL USES (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

CASE NUMBER RZC-08-060
GCID 2008-0612

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JUNE 24, 2008 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 5TH day of AUGUST 2008, that the aforesaid application to amend the Official Zoning Map from RA-100 to C-2 is hereby **APPROVED** subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. Retail and service commercial and accessory uses. The following uses shall be prohibited: tattoo and piercing parlors, adult bookstores or entertainment, automotive car wash, emission inspection stations, equipment rental, hotels and motels, on-site laundry or dry cleaning establishments, liquor stores, mobile buildings, parking lots and garages, plant nursery sales facility, recreation facilities, recovered materials processing facility, taxidermist, yard trimmings composting facility, clubs, lodges, fraternal institutions and meeting halls, caretaker or watchman quarters, auto body repair shops, auto repair shops or tire stores, automotive service stations with or without fuel pumps, building material sales with outdoor storage, contractors offices or the outside storage of equipment or materials, heavy equipment and farm

equipment sales and service and truck rental, mini-warehouse storage facilities, mobile home or mobile building leasing or sales lots, taxi cab or limousine services and no outdoor storage of any type.

B. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application.

C. Buildings shall be limited to one story, and a maximum of 35 feet in height. The Building shall be brick or stacked stone, with accents of stucco.

2. To satisfy the following site development considerations:

A. Provide a 15-foot wide landscaped buffer adjacent to residentially-zoned property along the southern property line. Provide a fence if necessary to provide security as well as a visual screen, as determined by the Director of Planning and Development. Landscape plan shall be approved by the Director of Planning and Development and shall include at a minimum double row evergreen plants, 6-8 feet tall at the time of planting. The Department of Transportation property at the corner of Mineral Springs Road and Highway 124 may be cleared and landscaped.

B. Vehicular access to Holman Road shall be prohibited.

C. No banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed hung or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

D. Peddlers or parking lot sales shall be prohibited.

E. Any graffiti on the property shall be repainted or repaired within 72 hours.

F. Provide a sanitary sewer stub to the adjoining Abernathy property.

G. Access to Holman Road shall be prohibited.

GWINNETT COUNTY BOARD OF COMMISSIONERS

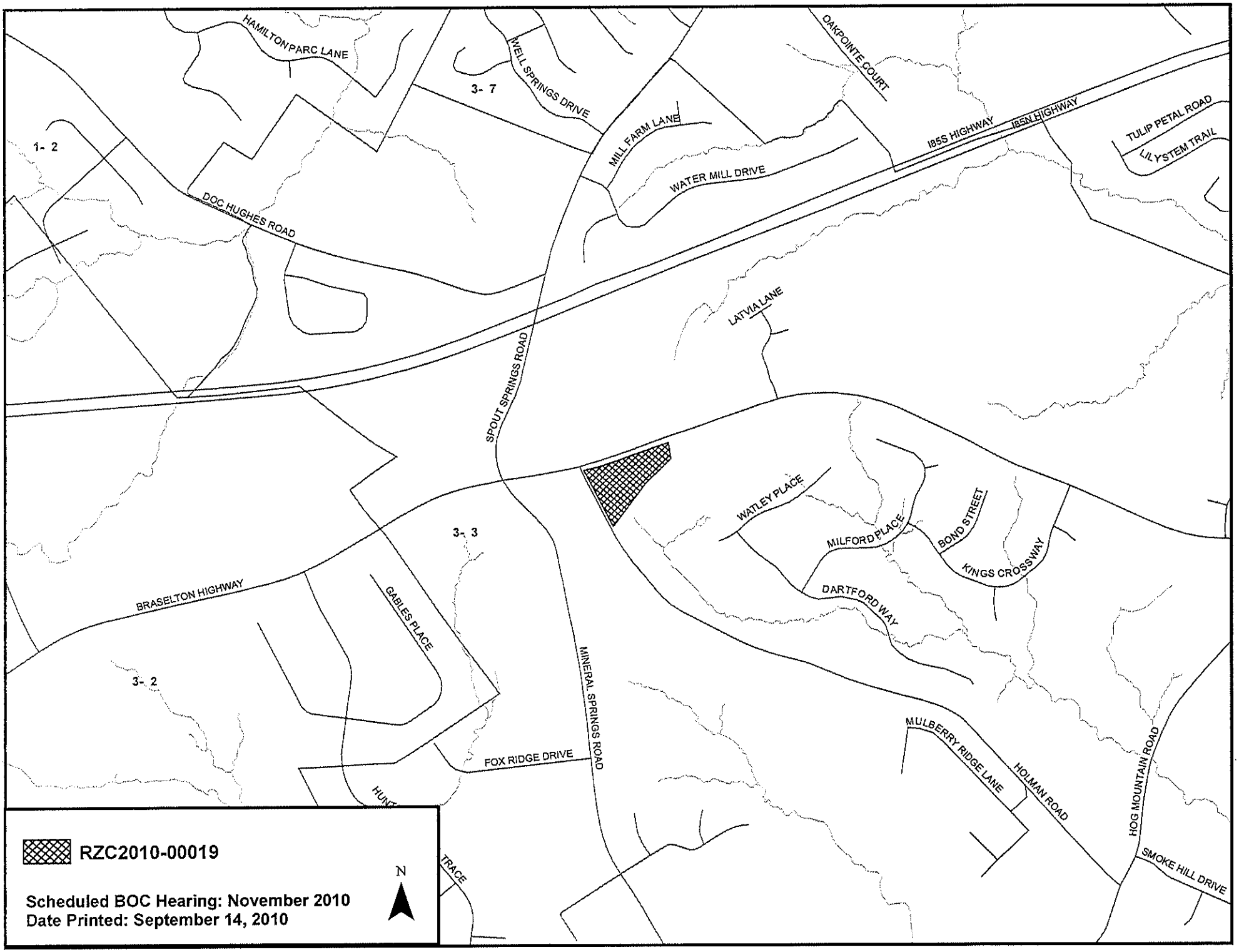
By: _____
Charles E. Bannister, Chairman

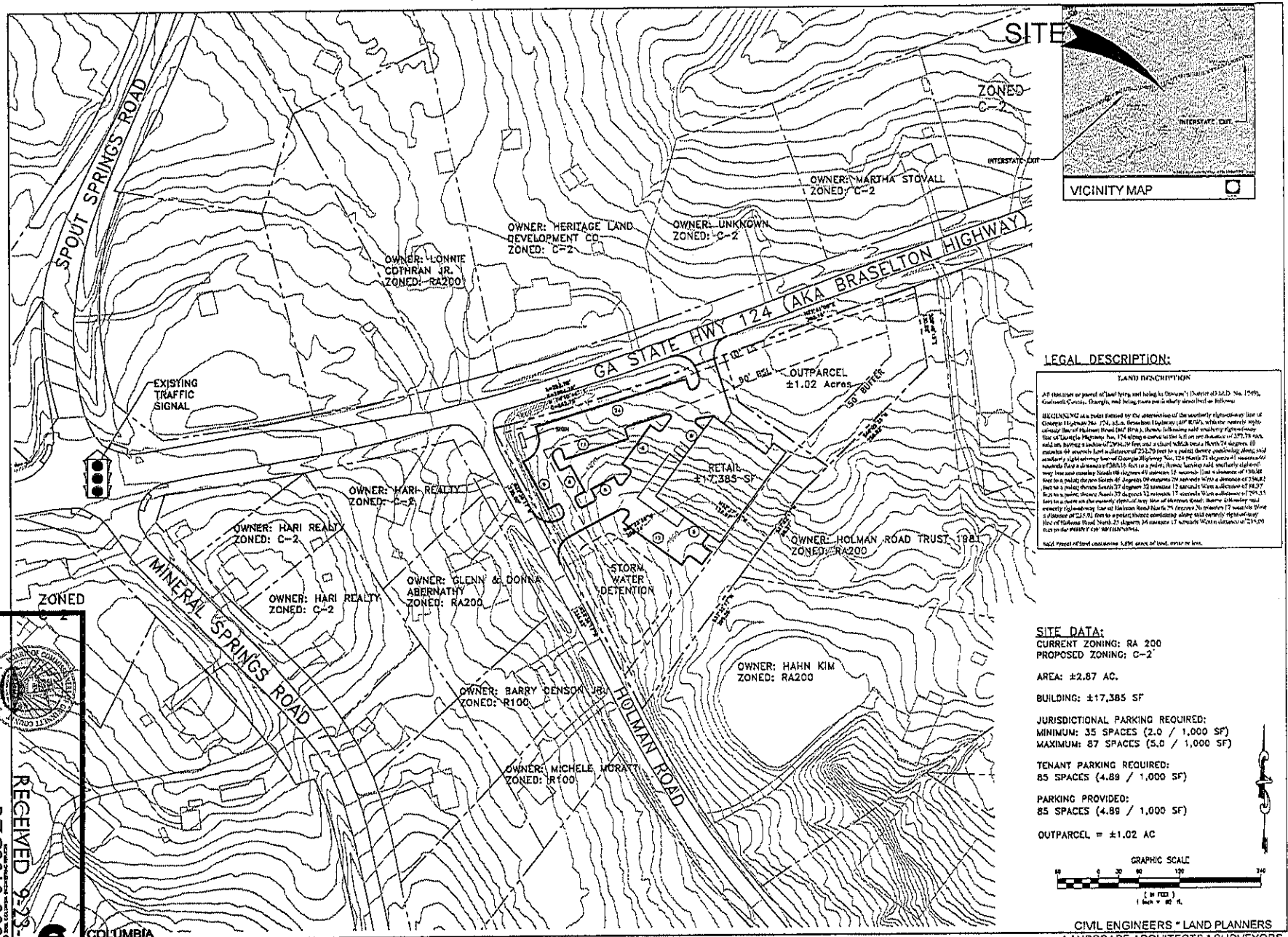
Date Signed: 08/18/08

ATTEST:

_____
County Clerk/Deputy County Clerk

BOARD OF COMMISSIONERS GWINNETT COUNTY GEORGIA


HAMILTON PARC LANE
WELL SPRINGS DRIVE
OAKPOINTE COURT
3- 7
1- 2
MILL FARM LANE
I85S HIGHWAY
I85N HIGHWAY
TULIP PETAL ROAD
LILYSTEM TRAIL
WATER MILL DRIVE
DOC HUGHES ROAD
LATVIA LANE
SPOUT SPRINGS ROAD
WATLEY PLACE
MILFORD PLACE
BOND STREET
KINGS CROSSWAY
DARTFORD WAY
3- 3
BRASELTON HIGHWAY
GABLES PLACE
3- 2
MINERAL SPRINGS ROAD
FOX RIDGE DRIVE
MULBERRY RIDGE LANE
HOLMAN ROAD
HOG MOUNTAIN ROAD
SMOKE HILL DRIVE
TRACE
RZC2010-00019
N
Scheduled BOC Hearing: November 2010
Date Printed: September 14, 2010



LEGAL DESCRIPTION:

LAND DESCRIPTION

All that tract or parcel of land lying and being in Gwinnett's District (3) 6th No. 1549, Gwinnett County, Georgia, and being more particularly described as follows:

BEGINNING at a point formed by the intersection of the southerly right-of-way line of Georgia Highway No. 124, a.k.a. Braselton Highway (100' R/W), with the easterly right-of-way line of Holman Road (80' R/W.); thence following said southerly right-of-way line of Georgia Highway No. 124 along a curve to the left an arc distance of 337.78 feet, said arc having a radius of 2,914.79 feet and a chord which bears North 74 degrees 10 minutes 44 seconds East a distance of 337.59 feet to a point; thence continuing along said southerly right-of-way line of Georgia Highway No. 124 North 71 degrees 01 minutes 02 seconds East a distance of 288.16 feet to a point; thence leaving said southerly right-of-way line and crossing South 08 degrees 49 minutes 18 seconds East a distance of 198.68 feet to a point; thence South 46 degrees 04 minutes 39 seconds West a distance of 236.82 feet to a point; thence South 37 degrees 32 minutes 12 seconds West a distance of 88.37 feet to a point; thence South 39 degrees 32 minutes 12 seconds West a distance of 299.35 feet to a point on the easterly right-of-way line of Holman Road; thence following said easterly right-of-way line of Holman Road North 25 degrees 36 minutes 17 seconds West a distance of 225.91 feet to a point; thence continuing along said easterly right-of-way line of Holman Road North 25 degrees 36 minutes 17 seconds West a distance of 219.00 feet to the POINT OF BEGINNING.

Said parcel of land containing 3.691 acres of land, more or less.

SITE DATA:

CURRENT ZONING: RA 200
PROPOSED ZONING: C-2

AREA: ±2.87 AC.

BUILDING: ±17,385 SF

JURISDICTIONAL PARKING REQUIRED:
MINIMUM: 35 SPACES (2.0 / 1,000 SF)
MAXIMUM: 87 SPACES (5.0 / 1,000 SF)

TENANT PARKING REQUIRED:
85 SPACES (4.89 / 1,000 SF)

PARKING PROVIDED:
85 SPACES (4.89 / 1,000 SF)

OUTPARCEL = ±1.02 AC

GRAPHIC SCALE

RECEIVED 9-23-10
RZC2010-00019

COLUMBIA ENGINEERING

CIVIL ENGINEERS * LAND PLANNERS
LANDSCAPE ARCHITECTS * SURVEYORS

COLUMBIA ENGINEERING
2763 MEADOW CHURCH RD
SUITE 100
DULUTH, GEORGIA 30097
(770) 925-0357

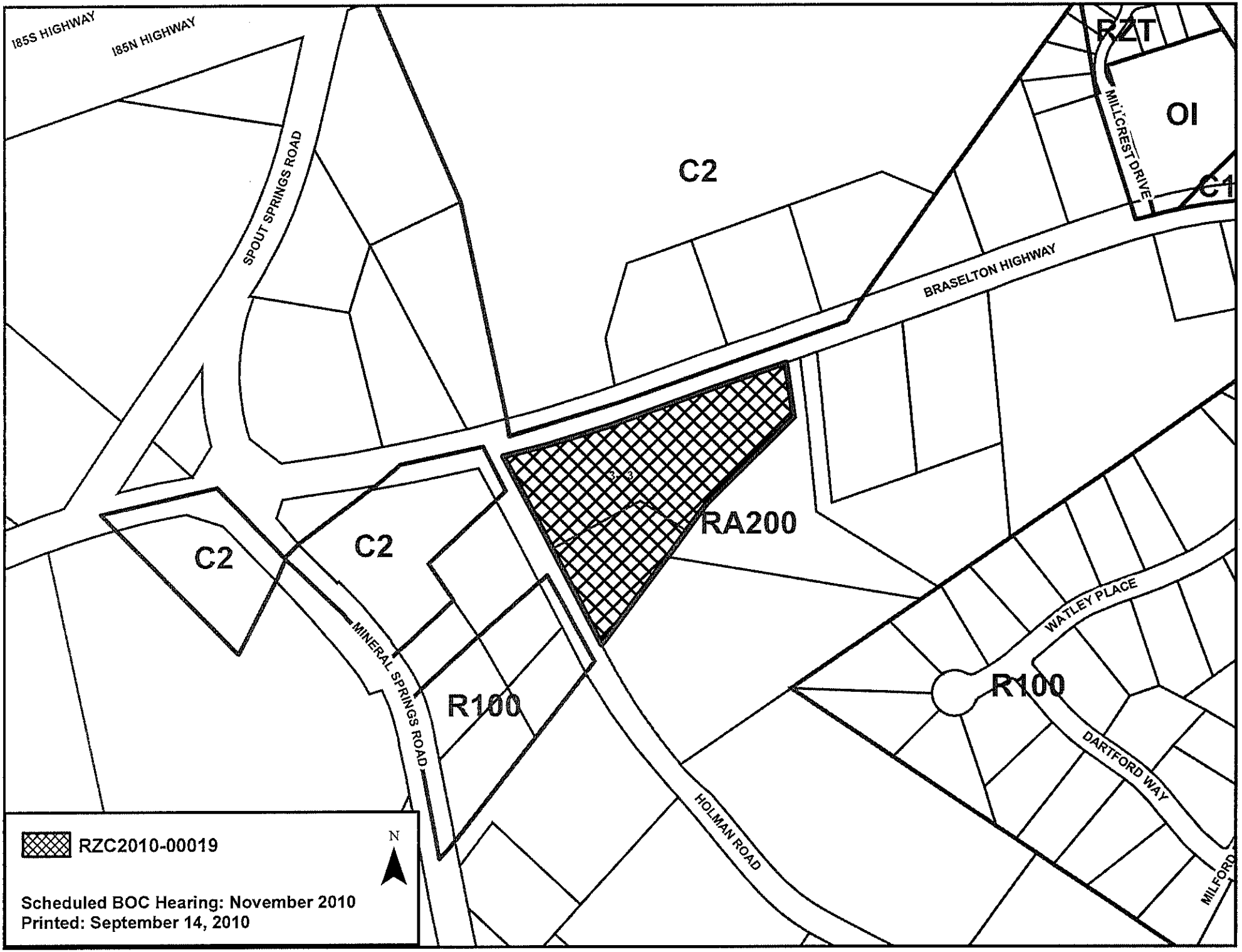
PROJECT: MILL CREEK COMMERCIAL DEVELOPMENT
CLIENT: MFT, LLC

APPROVED FOR CONSTRUCTION
NOT APPROVED FOR CONSTRUCTION

REVISIONS	DATE
ADD'L PROPERTY DATA	08/17/10
REVISED	09/23/10
CAD SKETCH	09/08/10

DRAWING TITLE: SITE SKETCH

DESIGNED	RG	SHEET NO.
DATE	7/22/10	SK-1
PROJECT NO.	3767.10	


I85S HIGHWAY
I85N HIGHWAY
SPOUT SPRINGS ROAD
C2
RZT
OI
MILLCREST DRIVE
C1
BRASELTON HIGHWAY
RA200
C2
C2
MINERAL SPRINGS ROAD
R100
WATLEY PLACE
R100
DARTFORD WAY
HOLMAN ROAD
MILFORD
RZC2010-00019
N
Scheduled BOC Hearing: November 2010
Printed: September 14, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER	:**RZC2010-00020**
ZONING CHANGE	:RA-200 TO C-1
LOCATION	:2900 BLOCK OF BRASELTON HIGHWAY
	:2300 BLOCK OF SOUTH PUCKETTS MILL ROAD
MAP NUMBER	:R7099 001
ACREAGE	:4.64 ACRES
PROPOSED DEVELOPMENT	:DAYCARE CENTER
SQUARE FEET	:18,000 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD

FUTURE DEVELOPMENT MAP: **EXISTING/EMERGING SUBURBAN**

APPLICANT: GEORGE P. FLANNIGAN
C/O ANDERSEN, TATE & CARR, P.C.
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GA 30097

CONTACT: MICHAEL L. SULLIVAN PHONE: 770.822.0900

OWNER: GEORGE P. FLANNIGAN
C/O ANDERSEN, TATE & CARR, P.C.
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests rezoning of a 4.64-acre parcel from RA-200 (Agriculture-Residence District) to C-1 (Neighborhood Business District) for development of a child daycare center. The property is located on the west side of Braselton Highway, at its intersection with South Pucketts Mill Road.

The applicant's site plan proposes an 18,000-square foot building for use as a daycare center. A fenced playground would be situated between the building and the Braselton Highway frontage. A total of 55 parking spaces are shown on the proposed site plan, meeting parking requirements for the development. Two entrances are proposed, providing access from both South Pucketts Mill Road and Braselton Highway. Stormwater detention is shown on the rear portion of the site, behind the proposed building.

The required 50-foot wide buffers are shown on the submitted site plan adjacent to residentially-zoned property along the side and rear property lines.

ZONING HISTORY:

The subject property has been zoned RA-200 since 1970.

GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The development would be served by sanitary sewer, resulting in minimal impact.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 606.3 of the 1985 Zoning Resolution requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

Parking spaces shall be provided at a minimum/maximum of:
One space per 300-400 sq. ft. for daycare.

Section 9.7.5 of the Development Regulations requires proposed driveways to be located at least 100 feet from the centerline of the driveway to the nearest right-of-way line (extended).

Section 6.3.3 and/or 6.3.4 of the Development Regulations requires a 200-foot deceleration lane with a 50-foot taper at each project entrance that proposes access to a Minor Collector Street or Major Thoroughfare. Right-of-way dedication to accommodate the deceleration lane and an 11-foot shoulder is also required. Reduction in length of a deceleration lane requires approval of a Modification by the Development Division; elimination of a deceleration lane requires approval of a Waiver by the Board of Commissioners.

Section 606.6 of the 1985 Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape & tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

This project lies within an Activity Center/Corridor Overlay District, and is subject to all requirements set forth in section 1315 of the Gwinnett County 1985 Zoning Resolution.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Braselton Highway (SR 124) is a State Route, and Georgia D.O.T. right-of-way requirements govern.

Coordinate with the Georgia D.O.T. regarding improvements adjacent to Braselton Highway (GA Hwy 124).

South Pucketts Road is a Minor Collector and 30 feet of right-of-way is required from the centerline.

Standard deceleration lanes with appropriate taper and adequate right-of-way will be required.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided.

The number and locations of driveways are subject to Gwinnett County D.O.T. approval.

No access to Braselton Highway (SR 124) will be allowed.

Dedicate at no cost to Gwinnett County DOT the necessary right-of-way and easements for the construction of transportation improvement project F-0618-01 based on plans on file with the Gwinnett County DOT.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

The project must connect to sanitary sewer if it is available to the property (within 200 feet of the property line). If sewer is not available, contact the Gwinnett County Environmental Health

Department concerning septic system involvement. Must submit level 3 soil report and detailed site plan meeting site plan requirements. Available usable soil square footage on the lot will determine kind and size of structure that can be approved for this location.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the eastern right-of-way of Braselton Highway, and a 2-inch water main located on the southern right-of-way of South Pucketts Mill Road.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 250 feet north of the property on Allsborough Way.

The subject development is located within the North Chattahoochee service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and authorization.

2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and authorization of a building permit by Building Plan Review.

3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

4. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.

2. Applicant submits architectural drawings to Fire Plan Review for review and approval.

3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject property is a 4.64-acre parcel located at the intersection of Braselton Highway and South Pucketts Mill Road. The property is currently wooded and undeveloped.

The 2030 Unified Plan Future Development Map indicates that the property lies within an Existing/Emerging Suburban Character Area. Although the policies of this Character Area support commercial/retail uses at appropriate intersections, the subject property is situated at a residential intersection adjoining residences of Ashton Woods subdivision. Additionally, the opposite corner of the intersection is developed with residences in the Pucketts Manor subdivision. The requested C-1 zoning may not be compatible with the adjoining and nearby residential developments or recommendations of the Unified Plan regarding appropriate commercial intersections.

The surrounding area is characterized by predominately single-family residential uses with limited office-institutional and neighborhood commercial uses and zoning. Ashton Woods subdivision, Pucketts Manor subdivision and a large acreage single-family lot are adjacent to the subject property. To the northwest are single-family subdivisions and Pucketts Mill Elementary. To the northeast is a small commercial node at the intersection of Braselton Highway and Cain Circle. To the southeast, across Braselton Highway, is undeveloped property zoned O-I for office uses and properties zoned RA-200 for residential use. Although, O-I zoning is located across Braselton Highway, it remains undeveloped and the immediately adjacent properties on three sides of the subject site are zoned for residential use. The proposed rezoning to C-1 may not be considered consistent with the adjacent and surrounding uses and could impose adverse impacts on the existing residential area through the introduction of a commercial development.

In conclusion, the proposed commercial zoning and use may be incompatible with the surrounding residential uses, inconsistent with policies of the 2030 Unified Plan, and could set a precedent for future C-1 zoning that may not be appropriate to the area. Therefore, the Department of Planning and Development recommends **DENIAL**.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Approval as O-I with a Special Use Permit for a daycare center, subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. Office, office-professional and accessory uses which may include a daycare center as a special use.

   B. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (stucco may only be used as an accent material). Final building elevations shall be submitted for review and approval by the Director of Planning and Development.

   C. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application. Stucco may only be used as an accent building material.

2. To satisfy the following site development considerations:

   A. Provide a 50-foot wide natural undisturbed buffer adjacent to all residentially zoned property. The buffer shall be enhanced where sparsely vegetated.

   B. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way.

   C. Natural vegetation shall remain on the property until the issuance of a development permit.

   D. Ground signs shall be limited to an externally illuminated monument-type sign with a brick base at least 2-feet in height. Maximum sign height shall not exceed 6-feet.

   E. Billboards or oversized signs shall be prohibited.

   F. Hours of operation for the daycare shall be limited to 6:00 a.m. to 7:00 p.m., Monday through Friday.

   G. Outdoor loudspeakers shall be prohibited.

   H. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties.

I. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.

J. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

K. Peddlers or parking lot sales shall be prohibited.

L. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

3. Abide by the following requirements, dedications and improvements:

A. Access to Braselton Highway (SR 124) shall be prohibited.

B. Dedicate at no cost to Gwinnett County DOT the necessary right-of-way and easements for the construction of transportation improvement project F-0618-01 based on plans on file with the Gwinnett County DOT.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested C-1 zoning and proposed daycare center use may not be suitable at this location in light of the adjacent and surrounding low density residential uses.

ADVERSE IMPACTS

Adverse impacts in the form of increased noise, traffic and light intrusion, along with the precedent for non-residential zoning of the intersection could be anticipated from this request.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Impacts on public facilities could be anticipated in the form of increased utility demand, traffic, and stormwater runoff.

CONFORMITY WITH POLICIES

The requested C-1 zoning may not be consistent with the recommendations of the 2030 Unified Plan Future Development Map for Existing/Emerging Suburban Character Areas. The subject location is surrounded by residential uses on all sides and is not located at an appropriate commercial intersection.

CONDITIONS AFFECTING ZONING

If approved, considering that the property is surrounded by single-family residential uses, approval as O-I, limiting the daycare hours of operation and providing adequate buffers adjoining residential uses are recommended to reduce potential adverse impacts.

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(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:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(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:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

RECEIVED 9-03-10
RZC2010-00020

EXHIBIT "B"
REZONING APPLICANT'S RESPONSE
GA HIGHWAY 124 & SOUTH PUCKET ROAD

A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

The Property fronts on one of Gwinnett's most significant arterial highways (Georgia Highway 124) and is almost adjacent to Puckett's Mill Elementary School, which is also located on South Puckett's Mill Road. The proposed use is entirely consistent and suitable with the use and development of adjacent and nearby property, including the elementary school and the neighborhoods directly adjacent to and surrounding both the subject property and elementary school.

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

The Property is located on one of Gwinnett's most significant arterial highways (Georgia Highway 124) and the proposed use is one that only operates during daytime hours during the week. The proposed use is also designed to be used primarily by folks who are already driving by the subject property every day, resulting in very little additional traffic in the area. The proposed development should have absolutely no negative impact on the use or useability of adjacent or nearby property and would have significantly less impact than the nearby elementary school.

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

The small size, configuration and location along one of Gwinnett County's major commercial corridors make development of the property for any use other than the proposed day care use economically difficult. Certainly, it is difficult if not impossible to contemplate the property being used for RA-200 agricultural/residential uses in light of these factors and surrounding development.

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:

This rezoning will have absolutely no impact on schools and a minimal impact on existing streets, transportation or utilities, since it is located on a major arterial highway and the proposed use is designed to be used primarily by folks who are already driving by the subject property every day, resulting in very little additional traffic in the area.

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

Yes. The proposed use is in conformity with the policy and intent of the 2030 Unified Plan.

F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING.

Yes. (1) The existing recent and ongoing development surrounding the subject property, (2) the small size, shape and topography of the property, (3) the Property's location fronting on one of Gwinnett County's most significant arterial roads, and (4) the construction of the Puckett's Mill Elementary School on Puckett's Mill Road, changing the character of that road and the surrounding area, including the subject Property.

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LETTER OF INTENT FOR REZONING APPLICATION
GA HIGHWAY 124 & SOUTH PUCKET ROAD

The Owner and Applicant, George Flanigan (hereinafter, "Applicant"), submits this Rezoning Application to request a rezoning from RA-200 to C-1 on a 4.64 acre tract of land located at 2998 Braselton Highway, Dacula, Georgia (hereinafter, the "Property"). The rezoning is necessary to facilitate Applicant's intent to develop the property as a Day Care Center.

The Applicant intends to develop the property as a Day Care Center, which would be marketed toward and intended to serve the residents of the surrounding and adjacent neighborhoods. In Gwinnett County, daycare uses are frequently located along major arterial roads (such as S.R. 124) in predominantly residential areas and this request is consistent with prior Board of Commissioners precedent in approving numerous other daycare rezoning requests on similarly situated properties throughout Gwinnett County.

Use and development of the Property under its current RA-200 agricultural/residential zoning would be all but impossible due to the property's relatively small size and configuration and with very little depth back from any of the roads surrounding the property, particularly in light of the Property's location fronting on S.R. 124, one of Gwinnett County's most significant arterial roads. In light of those factors and others, the subject Property really has absolutely no reasonable economic use as currently zoned RA-200.

However, those factors (such as being located fronting on a major arterial road with a high traffic count) make the subject property the perfect location for a day care facility. The customers of the day care would be folks who are already driving by the subject Property every day going to and from work. Day cares are not "destination" uses which draw customers from outside of the area in which they are located. Day cares are a neighborhood use, perfectly suited for and consistent with the purpose of the C-1 Neighborhood Business District, which is "*intended to provide for commercial uses of a convenience nature for nearby residential neighborhoods...intended to be facilities serving the everyday needs of these nearby neighborhoods rather than the larger community.*" The fact that day care uses fit within that purpose, is amply demonstrated by inclusion of day care centers as a by-right use within the C-1 zoning classification.

The development of the property as a day care is appropriate to the subject tract and is entirely consistent with the residential character and uses of the adjacent and surrounding property. In fact, it is hard to imagine anything other than a day care that would be more appropriate to the subject tract in light of all of the foregoing factors.

CONCLUSION

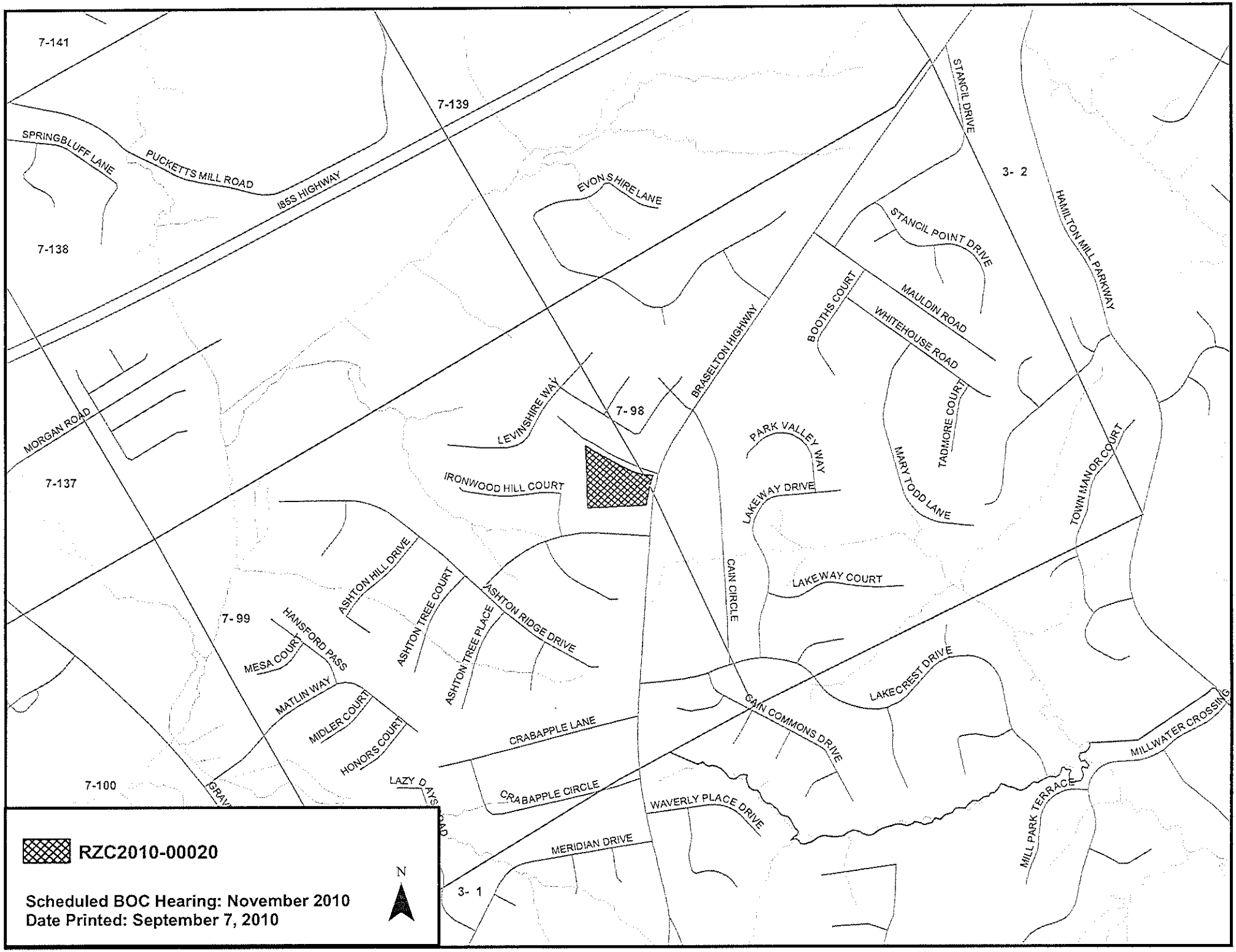
This proposed rezoning would result in a high quality day care development that will serve the residents of the surrounding area. Applicant and his representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

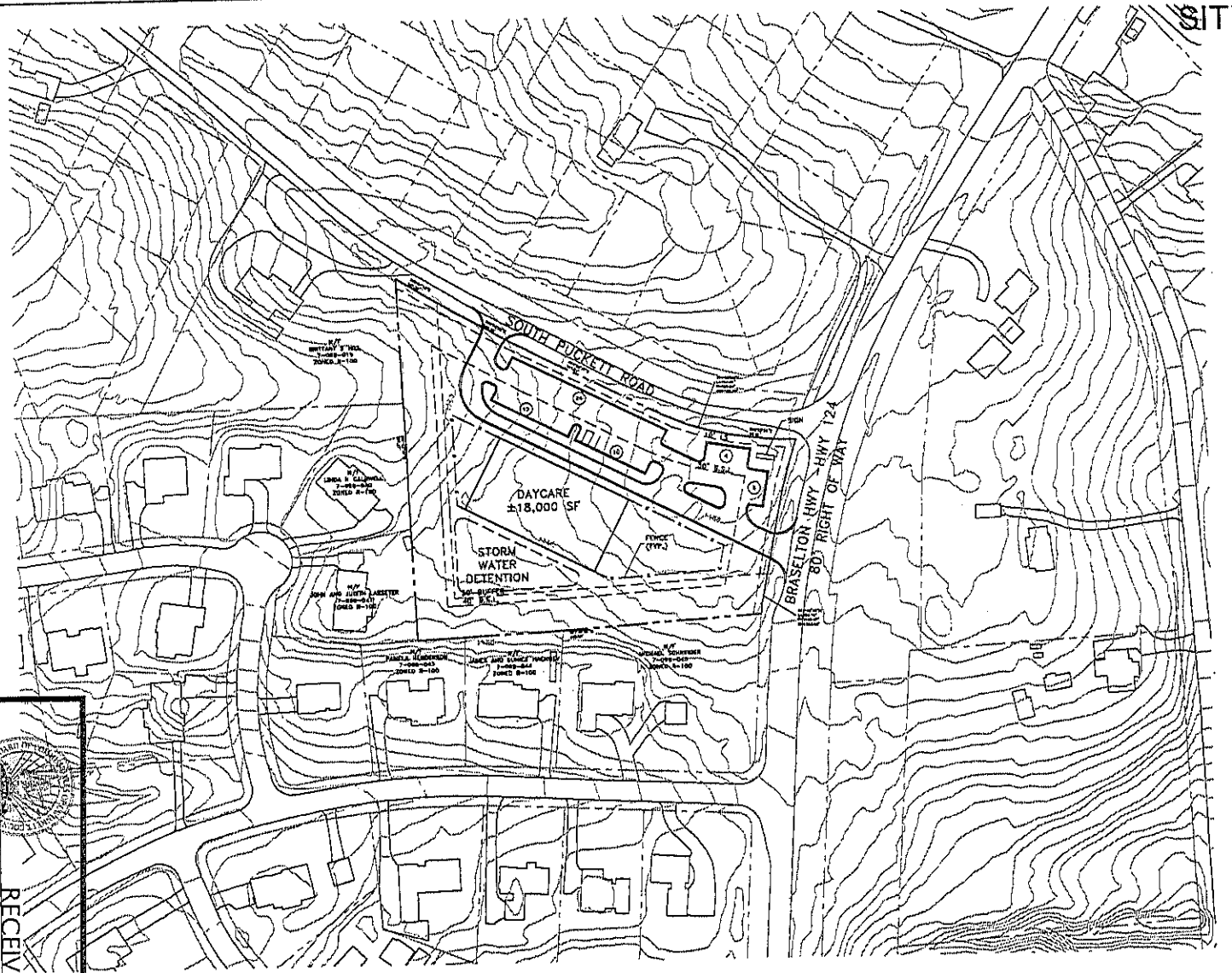
This 3rd day of September, 2010.

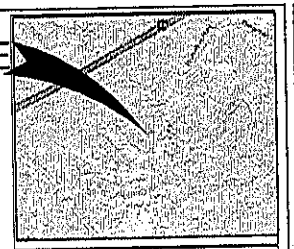
Respectfully submitted,
ANDERSEN, TATE & CARR, P.C.

Michael L. Sullivan
Attorney for Applicant

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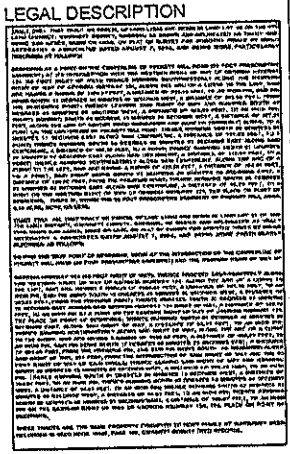

7-141
7-139
7-138
7-137
7-98
7-99
7-100
3- 2
3- 1
SPRINGBLUFF LANE
PUCKETTS MILL ROAD
I85S HIGHWAY
EVONSHIRE LANE
STANCIL DRIVE
STANCIL POINT DRIVE
HAMILTON MILL PARKWAY
BOOTHIS COURT
MAULDIN ROAD
WHITEHOUSE ROAD
TADMORE COURT
MARY TODD LANE
TOWN MANOR COURT
BRASELTON HIGHWAY
MORGAN ROAD
LEVINSHIRE WAY
IRONWOOD HILL COURT
PARK VALLEY WAY
LAKEWAY DRIVE
LAKEWAY COURT
CAIN CIRCLE
CAIN COMMONS DRIVE
LAKECREST DRIVE
MILLWATER CROSSING
MILL PARK TERRACE
ASHTON HILL DRIVE
ASHTON TREE COURT
ASHTON TREE PLACE
ASHTON RIDGE DRIVE
HANSFORD PASS
MESA COURT
MATLIN WAY
MIDLER COURT
HONORS COURT
CRABAPPLE LANE
CRABAPPLE CIRCLE
WAVERLY PLACE DRIVE
MERIDIAN DRIVE
LAZY D
RZC2010-00020
Scheduled BOC Hearing: November 2010
Date Printed: September 7, 2010
N





VICINITY MAP

LEGAL DESCRIPTION



SITE DATA:
CURRENT ZONING: RA 200
PROPOSED ZONING: C-2

AREA: 4.64 AC.

BUILDING: ±18,000 SF

JURISDICTIONAL PARKING REQUIRED:
MINIMUM: 45 SPACES (1.0 / 400 SF)
MAXIMUM: 60 SPACES (1.0 / 300 SF)

PARKING PROVIDED:
59 SPACES (3.28 / 1,000 SF)

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.

CIVIL ENGINEERS * LAND PLANNERS
LANDSCAPE ARCHITECTS * SURVEYORS

COLUMBIA ENGINEERING
2765 MEADOW CHURCH RD
SUITE 100
DULUTH, GEORGIA 30097
(770) 925-0357

PROJECT
PUCKETT'S MILL DEVELOPMENT

CLIENT
MFT, LLC

APPROVED FOR CONSTRUCTION
NOT APPROVED FOR CONSTRUCTION

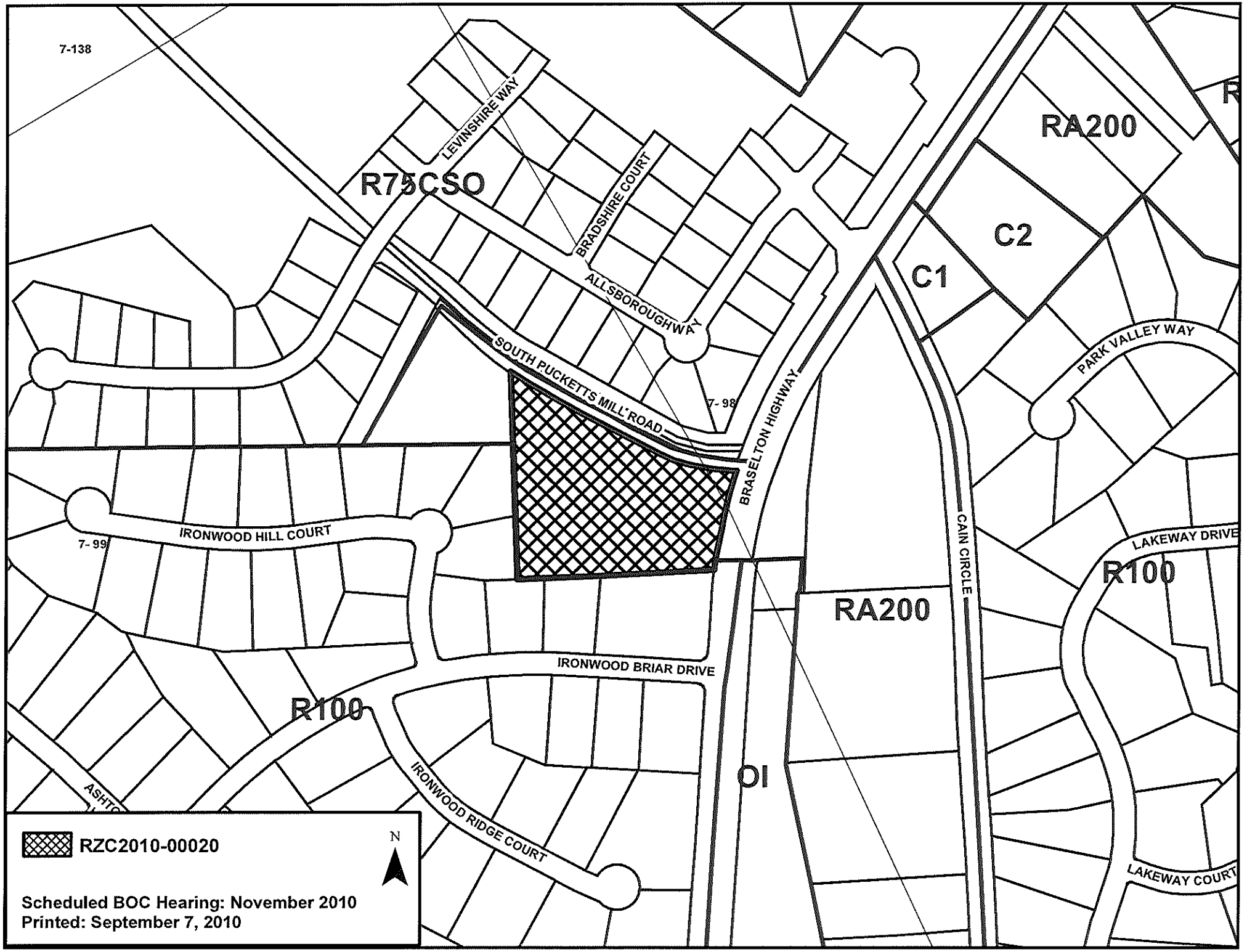
REVISIONS	DATE
ADDED VICINITY MAP	08/19/10
ADDED LEGAL DESC.	08/27/10
CAD BATCH	09/09/10

DRAWING TITLE
SITE SKETCH

DESIGNED	RG	DRAWING NO.
DATE	07/29/10	SK-1
PROJECT NO.	3767.00	

RECEIVED 9-23-10
RZC2010-00020

COLUMBIA ENGINEERING


7-138
LEVINSHIRE WAY
R75CSO
BRADSHIRE COURT
ALLSBOROUGH WAY
SOUTH PUCKETTS MILL ROAD
7-98
BRASELTON HIGHWAY
RA200
C2
C1
PARK VALLEY WAY
CAIN CIRCLE
LAKEWAY DRIVE
R100
IRONWOOD HILL COURT
7-99
RA200
IRONWOOD BRIAR DRIVE
R100
OI
IRONWOOD RIDGE COURT
LAKEWAY COURT
RZC2010-00020
N
Scheduled BOC Hearing: November 2010
Printed: September 7, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2010-00061**
ZONING	:RA-200
LOCATION	:1500 BLOCK OF ACE McMILLIAN ROAD
MAP NUMBER	:R5280 002
ACREAGE	:9.67 ACRES
PROPOSED DEVELOPMENT	:CHURCH (REDUCTION IN BUFFERS)
SQUARE FEET	:5,000 SQUARE FEET
COMMISSION DISTRICT	:(3) BEAUDREAU

FUTURE DEVELOPMENT MAP: **RURAL/ESTATE AREA**

APPLICANT: THE DACULA CONGREGATION OF JEHOVAH'S WITNESSES
171 ABBEY HILL ROAD
SUWANEE, GA 30024

CONTACT: STANLEY J. PIPKIN PHONE: 678.429.0054

OWNER: THE DACULA CONGREGATION OF JEHOVAH'S WITNESSES
662 SIMON PARK CIRCLE
LAWRENCEVILLE, GA 30045

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Special Use Permit on a 9.67-acre parcel, zoned RA-200 (Agriculture Residence District), for use as a church. The property is located on the east side of Ace McMillian Road, across from Givens Road. Ace McMillian Road is classified as a minor collector and thus requires a Special Use Permit for the church use.

The submitted site plan proposes a single-story, 5,000 square foot brick sanctuary building and 90 parking spaces. The applicant's letter of intent indicates the sanctuary would seat 225 people. Based on this seating, the proposed amount of parking spaces satisfies the standard parking requirements. A storm water detention facility is proposed to the rear of the building and parking lot. Access is planned through a single entrance/exit onto Ace McMillian Road that would align with Givens Road.

A 50-foot building setback line is shown around the perimeter of the property on the applicant's site plan. A 20-foot buffer is required adjacent to the exterior property lines; however, the site plan depicts a 15-foot landscaped buffer along the side property lines, representing a reduction in buffers.

ZONING HISTORY:

The subject property has been zoned RA-200 since 1970. In 2007, an application for a Special Use Permit for a church was denied, pursuant to SUP-07-094.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street right-of-ways for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 606.3 of the 1985 Zoning Resolution required screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

Parking spaces shall be provided for a Church at a ratio of:
One space per 5 seats in the main sanctuary (minimum)
One space per 2 seats in the main sanctuary (maximum)

Section 6.3.3 and/or 6.3.4 of the Development Regulations requires a 200-foot deceleration lane with a 50-foot taper at each project entrance that proposes access to a Minor Collector Street or Major Thoroughfare. Right-of-way dedication to accommodate the deceleration lane and an 11-foot shoulder is also required. Reduction in length of a deceleration lane requires approval of a Modification by the Development Division; elimination of a deceleration lane requires approval of a Waiver by the Board of Commissioners.

Section 6.13 of the Development Regulations requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

Section 606.6 of the 1985 Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape and tree preservation replacement plan, for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Ace McMillian Road is a Minor Collector and 30 feet of right-of-way is required from the centerline.

Standard deceleration lane with appropriate taper and adequate right-of-way will be required.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided.

The number and locations of driveways are subject to Gwinnett County D.O.T. approval.

Project shall meet Gwinnett County Department of Transportation Criteria and Guidelines.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Must connect to sanitary sewer if available to property (within 200 feet of property line). If sewer is not available, contact GCEHD concerning septic involvement. Must submit level 3 soil report and detailed site plan meeting site plan requirements. Available usable soil square footage on the lot will determine kind and size of structure that can be approved for this location.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the western right-of-way of Ace McMillan Road.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 2,700 feet northwest of the property on Ewing Estates Drive.

The subject development is located within the Alcovy Septic service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and authorization.

2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and authorization of a building permit by Building Plan Review.

3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

4. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning request under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.

2. Applicant submits architectural drawings to Fire Plan Review for review and approval.

3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire Field Inspection for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact our office at 678.518.6129, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject property is located on the east side of Ace McMillan Road, across from its intersection with Givens Road. The property is currently developed with a single-family residence and is mostly open grassland with a pond on the rear portion of the site.

The 2030 Unified Plan Future Development Map indicates that the property lies within a Rural/Estate Character Area. Policies for this character area could allow for church uses in appropriate locations. However, subsequent to a public hearing, the Board denied a nearly identical request for church use on this site in 2007, pursuant to SUP-07-094. This prior Board precedent suggests that the subject request for a church may not be appropriate at this location.

The surrounding area is rural/residential in character. Surrounding the property are agricultural uses and single-family homes on acreage zoned RA-200, and low-density residential subdivisions zoned R-100. The surrounding area contains several horse farms and pastureland, with equestrian trails and road crossings. The Emory Hills subdivision is located north of the property and the Rancho Allegre farm is located northeast of the property. In light of the sparsely developed residential and agricultural nature of the area, the addition of church traffic onto this small roadway may be inappropriate.

In conclusion, the requested Special Use Permit to allow a church may not be consistent with prior board precedent on the property or the nature of the surrounding area. Therefore, the Department of Planning and Development recommends **DENIAL** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT
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 to allow church, subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

    A. A church and accessory uses, not including a daycare facility or private school unless approved by additional Special Use Permit(s).

    B. The existing residence and outbuilding may not be utilized for church services, but may be used for ancillary functions such as youth activities or as a parsonage.

    C. New buildings shall be constructed of brick or stone, with minor treatments of wood, fiber-cement siding or stucco. Building elevations and materials shall be subject to review and approval by the Director of Planning and Development.

    D. Lighted outdoor recreation facilities shall be prohibited.

2. To satisfy the following site development considerations:

    A. Provide a ten-foot wide landscape strip adjacent to Ace McMillian Road.

    B. Provide a 20-foot buffer adjacent to all external property lines, enhanced with evergreen plantings where sparsely vegetated. Buffer design and plantings shall be subject to review and approval by the Director of Planning and Development.

    C. Ground signage shall be limited to a single, externally-illuminated, monument-type sign with a minimum two-foot high brick base. Overall sign height shall not exceed 6 feet.

    D. Dumpsters shall be screened by a 100% opaque brick wall. Hours of pickup shall be limited to between 7 a.m. and 7 p.m.

    E. Outdoor loudspeakers shall be prohibited.

    F. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.

G. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

H. Peddlers and/or parking lot sales shall be prohibited.

I. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

In view of the adjacent and nearby residential acreage tracts and lack of adequate buffers, the requested Special Use Permit for religious facility may not be suitable at this location.

ADVERSE IMPACTS

Potentially adverse impacts such as traffic, noise and light spillage could be anticipated from this request.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in traffic, storm water runoff and utilities usage could be anticipated from this request.

CONFORMITY WITH POLICIES

The requested Special Use Permit for a church may not be consistent with prior Board precedent for the property, whereby a similar request was denied in 2007.

CONDITIONS AFFECTING ZONING

The proposed church and accompanying peak traffic may not be suitable to this rural, agricultural location.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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:
Yes. Proposed use is compatible with adjacent and nearby properties.

(B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
No. The proposed use as a church will enhance the area by providing religious services to area residences, and which historically meet on off-peak hours.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
No. The congregation's sole purpose is non-profit religious and Bible education. The congregation does not operate a day care , elementary school or host sports events.

(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:
No. A Traffic Impact Analysis, done April 2010, indicates the proposed use will not cause an excessive or burdensome use of existing streets.

(E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
Yes. The proposed use is consistent with the Land Use Plan and is provided for in the zoning resolutions.

(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. Neighboring properties have been sold for the development of residential subdivisions.
The emerging area reflects continuous growth of mixed use developments offices & retail.

RECEIVED 9-30-10
SUP2010-00061

MANNING WALLACE, LLC

Attorney & Counselor at Law

300 Colonial Center Parkway
Suite 100
Roswell, Georgia 30076

Tel: (770) 619-3144
Fax: (770) 449-0860
Email: *nwallace@mwlawyer.net*

September 30, 2010

Chairman, Board of Commissioners
Gwinnett County Georgia
75 Langley Drive
Lawrenceville, Georgia 30046

RE: Application for Special Use Permit

LETTER OF INTENT

Dear Commissioners:

The Dacula Congregation of Jehovah's Witnesses requests a Special Use Permit to construct a church building on their 9.6 acres of land located at 1570 Ace McMillan Road in Dacula, Gwinnett County.

Proposed Plan: The parcel is zoned RA-200 (Agricultural-Residential District), and has 513 feet of road frontage. As shown on the proposed site plan, there is a proposed building front set back line from the center line of Ace McMillan Road to the building of 193 feet, (this exceeds the 50-feet required); a rear setback line of 50 feet and a side setback line of 50 feet, with a 15-foot landscape buffer along adjoining neighboring properties.

Seating Capacity & Parking: The attached site plan proposes (one) single story, 5000 square foot, brick building (approximately 20 feet high), with a 225-seat auditorium, and 90 parking spaces. This meets the minimum parking requirement.

Ingress & Egress: Also shown on the site plan, access to the property is proposed through a single entrance/exit onto Ace McMillan Road where Ace McMillan intersects and aligns with existing Givens Road. A deceleration lane is also proposed

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SUP2010-00061

and shown on the plan.

Storm Water Detention: In addition, a storm water detention and treatment facility is proposed at the east back corner of the parking lot. Proposed use of the property as a church will not impose excessive or burdensome use of utilities/facilities. Prior to construction, plans will be submitted to County officials for all required permits and approvals. The Congregation will of course abide by all development regulations/requirements.

Traffic Study: The traffic Study shows the proposed use will not result in an excessive or burdensome use of existing streets. The study reflects on average 47 vehicles on Sundays and 71 vehicles on weekdays traversing the portion of Ace McMillan that is the subject of this request during the times Applicant will be attending meetings for worship. On average 150 persons (approximately 50 vehicles) attend two Sunday Services and 115 persons (38 vehicles) attend two weeknight services. The traffic study shows there are sufficient gaps per 530 vehicles per hour to turn left into the proposed church building; this well exceeds the expected hourly turning volumes for this movement.

Zoning: The Gwinnett County Zoning Resolution § 1300, provides for the construction of churches, temples and synagogues located in RA-200 zoned districts that are (a) located on a principal arterial, major arterial, minor arterial, major collector street or state highway on a site of not less than five (5) acres with 250 feet of road frontage; and (b) has buildings that are located not less than 50 feet from any street and not less than 30 feet from any side or rear property line. There is no requirement for a special use permit where these criteria are met.

The Congregation has met and exceeded the requirements outlined in Gwinnett County Zoning Resolution § 1300, but for their property being located on the small portion of Ace McMillan Road that is classified as a minor collector therefore requiring a Special Use Permit for use of the property as a church.

Challenge to Constitutionality of Road Classification: The existing road classification rendering the portion of Ace McMillan Road on which Applicant's property lies, a minor collector, is inconsistent (1) with the purpose of such a roadway as defined in the Gwinnett County 1985 Zoning Resolution Article II(Definitions); and (2) with the classification of the remainder of Ace McMillan as a major collector, where the entire length of the roadway is used in the same manner by all persons.

This inconsistent classification, without the grant of a Special Use Permit, renders Applicant's property useless and constitutes a taking of private property without just compensation and without due process in violation of the Fifth and Fourteenth Amendments of the United States Constitution, and Article I, Section I, Paragraph I and Section III, Paragraph I of the Georgia Constitution.

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SUP2010-00061

Further, the inconsistent road classification, without the grant of the Special Use Permit, violates Applicant's rights under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution and Article 1, Section 1, Paragraph II of the Georgia Constitution. Commissioners cannot lawfully impose a more restrictive standard upon the development of the church property than presently exists for property in RA 200 zoned neighborhood with a minor collector road; as to do so would constitute a taking of the property as set forth above.

Applicant's Demonstrated Need for the Permit: Within the RA 200 zoned district, § 1300 provides for a Special Use Permit for churches, temples and synagogues not meeting all of the requirements within the district. Further § 1705(F) provides for a Special Use Permit where the Special Use would be consistent with the needs of the neighborhood or the community as a whole, and compatible with the neighborhood and would not be in conflict with the overall objective of the Comprehensive Land Use Plan.

The Applicant shows that the minimum requirements for a Special Use Permit under § 1705 has been met. The proposed use conforms to the requirements of the Zoning Resolution and the Development Regulations for church use as found in the RA-200 zoned districts and meets the overall objectives of the Comprehensive Land Use Plan and is consistent with the needs of the community as a whole.

Moreover, the church building will provide a much needed place of worship for approximately 300 Jehovah's Witnesses residing in the surrounding residential areas. Currently these Dacula residents travel to Buford, Sugar Hill and Loganville to worship. These distances impose an undue and unnecessary burden on the older, infirmed or otherwise disadvantaged members of the Congregation. As you can see, the general health and welfare of these members of the community presents a compelling governmental interest for granting the Special Use Permit to accommodate their need to practice their religion and for a place of worship in their own local community.

Use of the Property: Further, without the grant of the Special Use Permit, the property as zoned has no other reasonable economic use to the Congregation. The Congregation's sole purpose is religious worship and Bible education. The Congregation does not engage in any agricultural endeavors. The use of the property as a church will not be disruptive to the surrounding neighborhood as the Congregation does not and will not operate a day-care, school or host any out-door sporting events.

§1705 of the Zoning Resolution requires that during the review process, particular emphasis be given to the evaluation of the characteristics of the proposed use in relationship to its immediate neighborhood and the compatibility of the proposed use with its neighborhood. The Applicant shows that the proposed church use is a use that is suitable in view of the use and development of nearby properties and

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the need for a place of worship so that Jehovah's Witnesses residing in Dacula area may practice their religion in Dacula in a church building located in Dacula. The proposed property use will not adversely impact the existing use of nearby property; particularly as neighboring residential properties have been and are being sold for development of a subdivision and other land uses.

Compatible Land Use: Further, the proposed use as a church is consistent with the Gwinnett County 2020 Land Use Plan and the Area Plan Policy Map which indicates that this is an Emerging Residential Area, where a church building is compatible. Additionally, the community is experiencing continuous growth showing extensive construction of mixed use developments, residential subdivisions containing forty or more homes, and commercial construction of office units and retail establishments.

The proposed use will result in a high-quality construction consistent with surrounding properties, as well as preserve the overall appearance and character of the neighborhood. As required, construction shall commence within 12 months of the date of approval by the Board.

Unconstitutionality/Religious Discrimination/Equal Protection: Again, without the grant of a Special Use Permit, Applicant's property is rendered useless and constitutes a taking of private property without just compensation and without due process in violation of the Fifth and Fourteenth Amendments of the United States Constitution, and Article I, Section I, Paragraph I and Section III, Paragraph I of the Georgia Constitution.

In accord with the Equal Protection Clause of the 14th Amendment of the United States Constitution and Article 1, Section 1, Paragraph II of the Georgia Constitution; and Chapter 21 of Title 42 Section 2000cc of the United States Code, the Religious Land Use Act of 2000 (RLUIPA), the Applicant brings to the Commissioners attention and requests similar and equal treatment that has been afforded other churches (owning property located on a minor collector road in RA-200 zoned districts) that were granted Special Use Permits. Three of such approved church requests are noted here to refresh the Commissioners' memories:

1. SUP-06-111, Application by Romi Cristea for Emanuel Church of God. Property zoned RA-200 located at 2300 Sunny Hill Road, a minor collector, across the street from Lena Carter Road. SUP approved for construction of 2600 square foot, 283 seat-church on 4.75 acres on a minor collector. Although this property did not meet minimum requirements under the Zoning Resolution, their application was approved.

2. SUP-05-013, Application by Eun Mi Lee for a church on property zoned RA-200, although lacking the required buffer and located on Sunny Hill Road, a minor

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collector and even though this property was identified as a future greenway corridor on the Gwinnett County Open Space and Greenways Master Plan, it was approved.

3. SUP-07-062, Application by Prospect United Methodist Church. Property located on Prospect Church Road, an unclassified road. This Application requested approval to expand to three buildings totaling 24, 600 square on 4.39 acres in a RA-200 zoned district, and although not meeting minimum requirements and specifically stating "the exterior design has yet to be finalized, but will likely consist of brick and stucco/EFIS and will be designed to [compliment] the existing facilities," it too was approved.

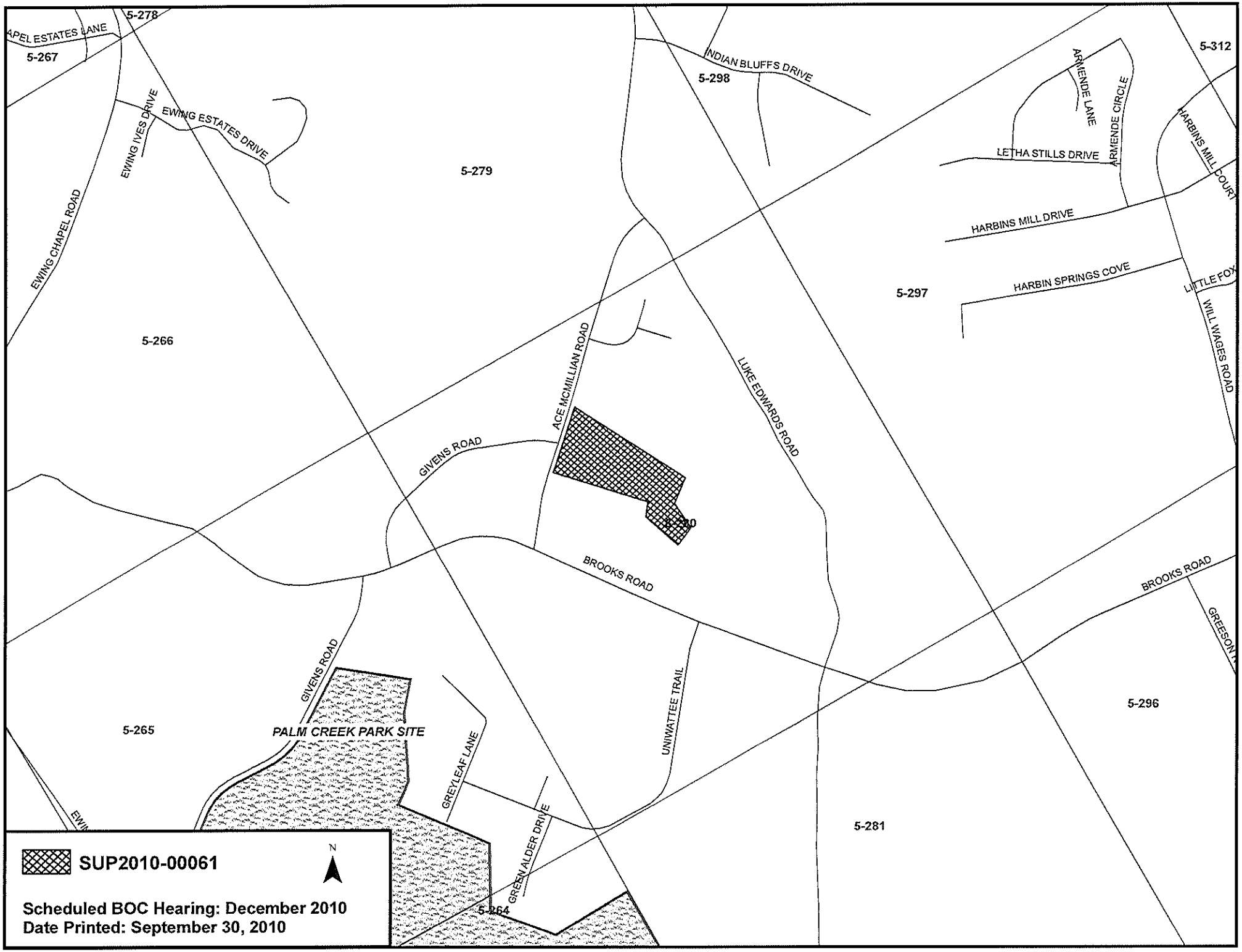
In this instance, this applicant having met and exceeded the requirements for a Special Use Permit as outlined in the Gwinnett County Zoning Resolution for property in RA-200 zoned districts, and there being no adverse impact on the surrounding neighborhood and the proposed construction being compatible with surrounding emerging residential and mixed-used developments, respectfully request the approval of their application for a Special Use Permit.

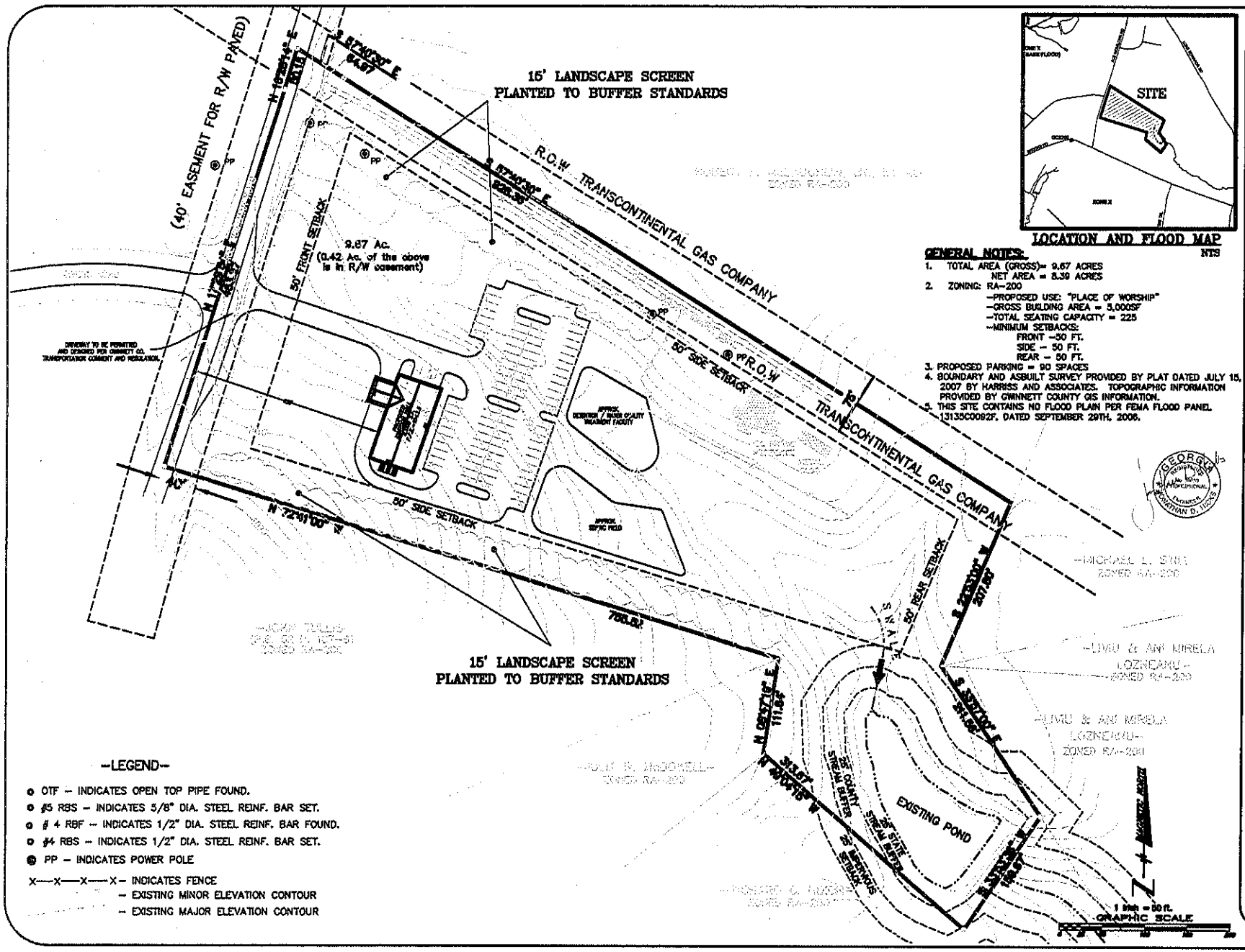
MANNING WALLACE, LLC

Nerrylle Manning-Wallace, Esq.

cc:
United States Branch Headquarters of Jehovah's Witnesses, NY
John Miller, Esq., Legal Department of Jehovah's Witnesses, Patterson, NY
Jehovah's Witnesses Regional Building Committee—GA #3
Trustees, Dacula Congregation of Jehovah's Witnesses
Billy Moore, Esq.
Mr. Stanley J. Pipkin

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APEL ESTATES LANE
5-278
5-267
EWING IVES DRIVE
EWING ESTATES DRIVE
EWING CHAPEL ROAD
5-279
INDIAN BLUFFS DRIVE
5-298
5-312
ARMENDE LANE
ARMENDE CIRCLE
LETHA STILLS DRIVE
HARBINS MILL COURT
HARBINS MILL DRIVE
HARBIN SPRINGS COVE
5-297
LITTLE FOX
WILL WAGES ROAD
5-266
ACE MCMILLIAN ROAD
LUKE EDWARDS ROAD
GIVENS ROAD
BROOKS ROAD
BROOKS ROAD
GREESON
GIVENS ROAD
5-265
PALM CREEK PARK SITE
GREYLEAF LANE
UNIWATTEE TRAIL
5-296
GREEN ALDER DRIVE
5-281
5-264
SUP2010-00061
N
Scheduled BOC Hearing: December 2010
Date Printed: September 30, 2010



GENERAL NOTES:

1. TOTAL AREA (GROSS)= 9.67 ACRES
   NET AREA = 8.39 ACRES
2. ZONING: RA-200
   -PROPOSED USE: "PLACE OF WORSHIP"
   -GROSS BUILDING AREA = 5,000SF
   -TOTAL SEATING CAPACITY = 225
   -MINIMUM SETBACKS:
   FRONT -50 FT.
   SIDE - 50 FT.
   REAR - 50 FT.
3. PROPOSED PARKING = 90 SPACES
4. BOUNDARY AND ASBUILT SURVEY PROVIDED BY PLAT DATED JULY 15, 2007 BY HARRISS AND ASSOCIATES. TOPOGRAPHIC INFORMATION PROVIDED BY GWINNETT COUNTY GIS INFORMATION.
5. THIS SITE CONTAINS NO FLOOD PLAIN PER FEMA FLOOD PANEL 13135C0092F. DATED SEPTEMBER 29TH, 2006.

--LEGEND--

- OTF – INDICATES OPEN TOP PIPE FOUND.
- #5 RBS – INDICATES 5/8" DIA. STEEL REINF. BAR SET.
- # 4 RBF – INDICATES 1/2" DIA. STEEL REINF. BAR FOUND.
- #4 RBS – INDICATES 1/2" DIA. STEEL REINF. BAR SET.
- PP – INDICATES POWER POLE
- X—X—X—X– INDICATES FENCE
- – EXISTING MINOR ELEVATION CONTOUR
- – EXISTING MAJOR ELEVATION CONTOUR

CONCEPT PLAN

FOR THE

DACULA CONGREGATION KINGDOM HALL OF JEHOVAH'S WITNESS

LAND LOT 280 6TH DISTRICT
GWINNETT COUNTY, GEORGIA

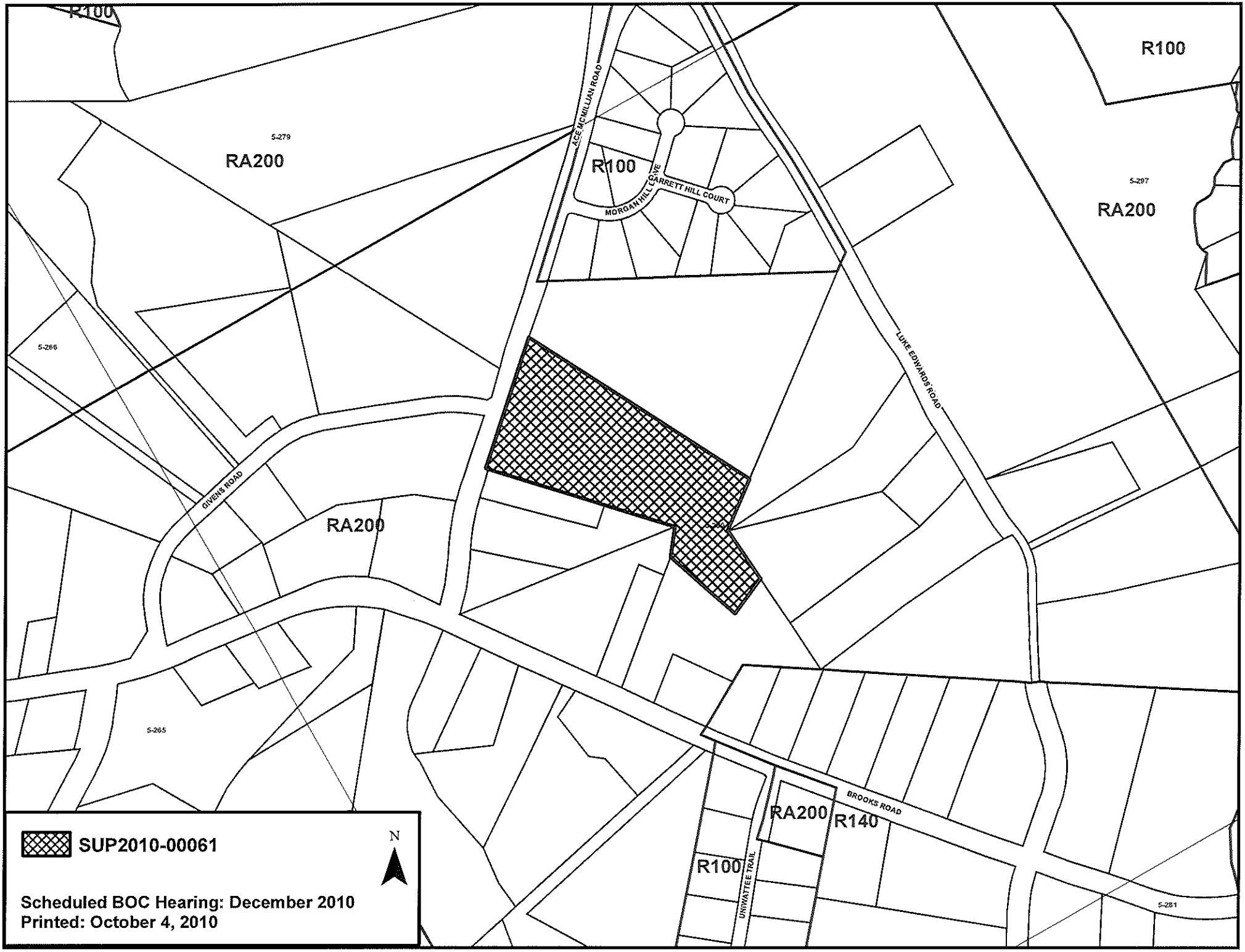
RECEIVED 9-30-10
SUP2010-00061

No.	Revision/Issue	Date

JVG Civil Engineering
250 14th St. N.E., Suite 104
Atlanta, GA 30309
770-402-3471

OWNER/DEVELOPER:
THE DACULA CONGREGATION OF JEHOVAH'S WITNESSES
340 HILLBOX DRIVE
GRAYSON, GA
CONTACT:
PARIS SANDERS
770-963-6167

Project: 100427	Sheet: C1
Date: 4-27-10	
Scale: 1"=50'	


R100
R100
ACE MCMILLIAN ROAD
5-279
RA200
R100
MORGAN HILL COVE
GARRETT HILL COURT
5-267
RA200
5-266
LUKE EDWARDS ROAD
GIVENS ROAD
RA200
5-265
BROOKS ROAD
RA200
R140
R100
UNIVATTEE TRAIL
5-281
SUP2010-00061
N
Scheduled BOC Hearing: December 2010
Printed: October 4, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2010-00063**
ZONING	:RA-200
LOCATION	:3100 BLOCK OF HAMILTON MILL ROAD
MAP NUMBER	:R1001 007A
ACREAGE	:3.67 ACRES
PROPOSED DEVELOPMENT	:SPECIAL EVENTS FACILITY
SQUARE FEET	:2,534 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD

FUTURE DEVELOPMENT MAP: **EXISTING/EMERGING SUBURBAN**

APPLICANT: RANDY WEST
C/O ANDERSEN, TATE & CARR, PC
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GA 30097

CONTACT: MICHAEL L. SULLIVAN PHONE: 770.822.0900

OWNER: RANDY WEST
C/O ANDERSEN, TATE & CARR, PC
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 3.67 acre property to bring an existing special events facility into zoning compliance. The property is located on the south side of Hamilton Mill Road west of its intersection with Tuggle Road. The property is located within the Highway 124/324/Hamilton Mill Overlay District.

The subject property is developed with a two-story, single-family dwelling that contains 2,534 square feet of heated living area, a detached garage, a fire pit, several decks and a shed with a wire fence enclosing the rear of the property. The applicant operates a special events facility within the existing dwelling and accessory structures, and it may also function as their residence. Information posted on the website for "Four Oaks Manor" indicates the property is being utilized for weddings, receptions and showers, with a maximum capacity of 150-200 guests. The website also indicates that four rooms are available for overnight guest accommodations.

Two driveways extend from Hamilton Mill Road, one providing access to the residence and the other to an existing gravel drive that provides access to a garage. No parking has been

indicated on the site plan provided; however, in conversation with the applicant, it was indicated that guests park to the rear of the site in the grass along the existing gravel driveway. It appears that the property would be used as it currently exists, and no additional buildings, structures or parking areas are proposed on the site plan.

It appears the business has been in operation for several years. A complaint case was created in 2005 (COM2005-00613) for a special events facility and building renovations/additions without a permit. Although a building permit was subsequently obtained, the property owner indicated that he was going to use the property solely as his residence. In 2010, a citation was issued on the property by the Code Enforcement Unit of the Gwinnett County Police Department (CEU2010-039551) for operating without a business license, improper yard parking and a non-permitted use within RA-200 (Agriculture-Residence District) zoning.

A building code compliance inspection has been completed, outlining necessary building code related repairs and upgrades for the proposed use. A copy of the report is attached for reference (CIR2010-00213).

ZONING HISTORY:

The subject property has been zoned RA-200 since 1970.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to tall street right-of-ways for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 606.3 of the 1985 Zoning Resolution required screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

Parking spaces shall be provided at a ratio of:
Minimum - One space per 40 square feet used for public assembly (without fixed seating)
Maximum - One space per 20 square feet used for public assembly (without fixed seating)

The site plan does not indicate the required widening of the existing residential driveway to non-residential standards.

Section 6.3.3 and/or 6.3.4 of the Development Regulations requires a 200-foot deceleration lane with a 50-foot taper at each project entrance that proposes access to a Minor Collector Street or Major Thoroughfare. Right0of-way dedication to accommodate the deceleration lane and an 11-foot shoulder is also required. Reduction in length of a deceleration lane requires approval of a Modification by the Development Division; elimination of a deceleration lane requires approval of a Waiver by the Board of Commissioners.

Section 6.13 of the Development Regulations requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

A 50-foot building setback is required from the right-of-way of Hamilton Mill Road.

The developer must submit detailed site development plans, including a landscape and tree preservation replacement plan, for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

This project lies within an Activity Center/Corridor Overlay District, and is subject to all requirements set forth in Section 1315 of the Gwinnett County 1985 Zoning Resolution.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Standard deceleration lane with appropriate taper and adequate right-of-way will be required.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided.

The number and locations of driveways are subject to Gwinnett County D.O.T. approval.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Must connect to sanitary sewer if available to property (within 200 feet of property line). If sewer is not available, contact GCEHD concerning septic involvement. Must submit level 3 soil

report and detailed site plan meeting site plan requirements. Available usable soil square footage on the lot will determine kind and size of structure that can be approved for this location.

Contact GCEHD concerning food service establishments planned for the project.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the northern right-of-way of Hamilton Mill Road.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 600 feet west of the property.

The subject development is located within the North Chattahoochee service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall obtain a building code compliance inspection of each existing building by Building Construction Section of Department of Planning and Development and shall comply with the inspection results.

2. The applicant shall submit civil site drawings to Building Plan Review for review and approval.

3. The applicant shall submit plans which clearly indicate any new construction as proposed by the applicant and as required by the compliance inspection report for review and approval by Building Plan Review.

4. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia State amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

5. Architectural design renovation of the existing building (s) shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.

6. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 am to 5:00 pm

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning request under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.

2. Applicant submits architectural drawings to Fire Plan Review for review and approval.

3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire Field Inspection for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact our office at 678.518.6129, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject site is a 3.67-acre property located on Hamilton Mill Road, west of its intersection with Tuggle Road. The property contains an existing single-family residence, and much of the property is wooded.

The 2030 Unified Plan Future Development Map indicates the property lies within an Existing/Emerging Suburban Character Area. This property is developed with an estate lot residential dwelling which is a preferred use for this Character Area. Although not located at a commercial node, the requested Special Use Permit for conversion of the residence into a special events facility could be compatible with the recommendations of the Unified Plan, if appropriate conditions are included to afford protection for surrounding properties and residents of the community.

The subject property is located in an area characterized by single-family homes on large lots and residential subdivisions. Adjoining the subject tract to the east, west and south are single family homes located on acreage lots. To the north, across Hamilton Mill Road, is the North Gwinnett Estates single-family subdivision. Utilizing the existing residence and grounds, with minimal exterior changes, for the proposed special event facility could be compatible with residential developments in the area. The property contains 3.67 acres and is wooded along most of the periphery, suggesting that the propose use could be adequately separated from neighboring properties. Conditions restricting the hours of operation, outdoor lighting and loudspeakers could also help to ensure land use compatibility.

In conclusion, the requested Special Use Permit may be suitable in light of the proposed minimal changes to the existing structures. As the residential zoning would be maintained, the proposal may also be consistent with recommendations of the Unified Plan regarding Existing/Emerging Suburban Character Areas. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

PLANNING AND DEVELOPMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for a Special Event facility, subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. Single family residential and accessory uses, which may include a special events facility as a Special Use. Use of the special events facility shall be limited to community or private parties or gatherings; weddings, graduations, showers, business functions, and charity events. Other such events may be authorized at the discretion of the Director of Planning and Development.

   B. Obtain all necessary development and building permits, and bring the site and building up to all applicable development and building codes within 180 days of zoning approval.

   C. Any new construction or exterior renovations shall be traditional in appearance with a pitched roof. No building(s) shall exceed two stories in height. Building plans shall be subject to the review and approval of the Director of Planning and Development. This condition does not apply to general exterior maintenance or interior renovation of the existing buildings.

   D. Guests shall be limited to no more than 150 (subject to any additional fire code limitations) on the property at any one time.

   E. Special event hours of operation shall be limited to between 9 a.m. and 10 p.m.

   F. No outdoor loudspeakers shall be allowed.

   G. Portable buildings or portable toilets shall be prohibited.

2. To satisfy the following site development considerations:

   A. Provide a minimum 25-foot buffer, undisturbed except for existing encroachments, along the side and rear property lines.

   B. Provide parking facilities for a minimum of 50 cars on the site. Parking shall be restricted to designated parking areas only. If located to the rear of the building, parking may be allowed on unpaved, hard-surfaced areas (gravel) confined with landscaping timbers, railroad ties or a masonry wall. No parking shall be allowed outside of designated parking areas or along the Hamilton Mill Road right-of-way. All vehicular parking shall be subject to review and approval of the Director of Planning and Development.

C. New gravel parking lot(s) shall be screened from adjacent residential neighbors by planting a double staggered row of evergreen screen trees, to consist of a minimum combination of Magnolia, Cryptomeria and Red Cedar along the exterior of the parking area to provide and effective visual screen.

D. No temporary tents, canopies or portable buildings shall be allowed on the site except that a single tent or canopy may be erected in the side or rear yard of the existing house on Friday, Saturday or Sunday for a duration not to exceed 48 hours.

E. Dumpsters shall be screened by a 100% opaque fence or wall. Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.

F. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into nearby residentially-zoned properties or rights-of-way.

G. Ground signs shall be limited to a single, externally-illuminated monument sign. Overall sign height shall not exceed 6-feet. Wall signs shall be prohibited.

H. No temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site except that temporary holiday displays associated with federally recognized holidays and Halloween shall be allowed for no more than a duration of 30 days and except for those needed for the day of an event.

I. Peddlers or parking lot sales shall be prohibited.

J. Owner shall repaint or repair any graffiti or vandalism that occurs that occurs on the property within 72 hours.

3. To abide by the following requirements, dedications and improvements:

A. Project entrances shall be brought up to a commercial standard. Entrance design shall be subject review and approval by the Gwinnett DOT and the Director of Planning and Development.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

A special events facility, utilizing the existing residence with minimal changes to the structure or property, could be suitable. Existing mature vegetation provides adequate screening and separation from neighboring properties. Therefore, the use could be compatible with the surrounding area.

ADVERSE IMPACTS

By maintaining the residential zoning of the property, and with conditions that limit the number of guests, outdoor lighting and loudspeakers, adverse impacts on adjacent and nearby residences could be reduced.

REASONABLE ECONOMIC USE AS CURRENTLY ZONED

The subject property has a reasonable economic use as zoned.

IMPACT ON PUBLIC FACILITIES

The special events facility could be expected to increase traffic flow and driveways should be brought up to commercial standard to accommodate vehicle traffic. Although, no new buildings or parking areas are being proposed, additional storm water runoff could be anticipated from the additional parking required for a development of this type.

CONFORMITY WITH POLICIES

The Unified Plan Future Development Map indicates that the property lies within an Existing/Emerging Suburban Character Area. With appropriate conditions to protect the surrounding residential area, the use could be considered compatible with this Character Area designation.

CONDITIONS AFFECTING ZONING

The property contains adequate acreage and contains several features including a fire pit, a large residential structure, decks and wooded areas that give some supporting grounds for the use of the site as a special events facility.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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:
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(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:
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(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:
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

RECEIVED 10-01-10
SUP2010-00063

EXHIBIT "B"
REZONING APPLICANT'S RESPONSE
RANDY WEST

A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. A country club/private events facility is an ideally suited use for the property's location in that (1) country club/private events facility is a use clearly contemplated within low density residential areas as a permitted use by right in the RA-200 zoning classification, and (2) the proposed use would have its most likely peak arrival and departure periods on weekends at times that would not conflict with weekday peak traffic periods for commuting residents. The subject property is heavily wooded and the structures and areas where events would take place are in the center of the property, thereby further limiting the impact on adjacent property. As the proposed development is consistent with the adjacent low-density residential property uses, this rezoning proposes a use that is ideally suited to and consistent with adjacent and nearby property.

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

No, this rezoning request proposes a country club/private events facility use that is entirely compatible with the adjoining and nearby low-density residential property (since it is a use by right under the RA-200 zoning classification) and will not adversely affect these properties. This request will enhance the area by providing a much needed meeting and gathering space for the "Hamilton Mill West" community, which has many subdivisions that lack a clubhouse facility.

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

The market of potential purchasers willing to purchase homes fronting on Hamilton Mill Road is extremely limited. The requested SUP is one way to preserve the residential zoning, character and use of the property in this changing area.

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:

No, this property is located in an area with public water and sewer availability, and convenient access to major thoroughfares. This rezoning will not cause excessive use of existing streets, transportation facilities or utilities, since its prime operating

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hours would be at non-peak times for area residents and will have absolutely no impact on the schools.

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

Yes. While the Gwinnett 2030 Unified Plan specifies this area for low-density residential development, the proposed Special Use would both preserve the current residential use of the property and be consistent with low density residential uses, since the requested Country Club use (private events facility) is a permitted use by right in RA-200, therefore this SUP request is in conformance with both the letter and intent of the 2030 Unified Plan.

F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING.

Yes. The property's location on Hamilton Mill Road.

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LETTER OF INTENT
FOR SPECIAL USE PERMIT APPLICATION
RANDY WEST - COUNTRY CLUB (PRIVATE EVENTS FACILITY)

The Owner and Applicant, Randy West (hereinafter, "Applicant"), submits this Special Use Permit Application for the purpose of permitting the existing by right use of Country Club (or private events facility) on an approximately 3.674 acre tract of land (hereinafter, the "Property") located on Hamilton Mill Road and which is the Owner/Applicant's residence. The property covered by this Application is currently zoned RA-200.

A country club/private events facility is an ideally suited use for the property's location in that (1) country clubs are clearly contemplated for low density residential areas as a permitted "use by right" in the RA-200 zoning classification, and (2) the proposed country club/special events facility would have its most likely use periods at times that would not conflict with peak traffic periods for commuting residents in this area. The subject property heavily wooded and the structures and areas where events would occur are in the center of the Property, thereby further limiting the impact on adjacent properties. As the proposed development is consistent with the adjacent low-density residential property uses as contemplated by the Zoning Ordinance, this rezoning proposes a use that is ideally suited to and consistent with adjacent and nearby property.

The use and development of the property as both a residence and a country club/private events facility under the guidelines of Gwinnett County is appropriate to the subject tract, consistent with the low density residential uses of the adjacent and surrounding property and consistent with the Gwinnett County 2030 Unified Plan.

As stated in the Application, the Applicant intends to develop the Property as a country club/private events facility within the existing residential structure and grounds, while continuing the Property's primary use as a residence. The sole access point is planned on Hamilton Mill Road and the existing drives and yards provide efficient circulation and sufficient pervious parking.

This site is consistent with the surrounding residential developments and will serve as a meeting place for the community, since many of the subdivisions do not have clubhouse facilities. The property has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares or state or interstate highways.

CONCLUSION

This proposed Special Use Permit would result in a high-quality, low-impact country club/private events facility for the residents of the "Hamilton Mill West" community and of Gwinnett County. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

This 30th day of September, 2010.

Respectfully submitted,
ANDERSEN, TATE & CARR, P.C.

Michael L. Sullivan
Attorneys for Applicant

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CAP ID: CIR2010-00213

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Inspection Detail | Guide Sheet | Conditions (0) | Documents (0)

Structural Code Compliance

Sort By: default **Filter By:** All **Total Score:** 0

Guide Sheet Items

- Wood grades, spans, floor joist, ceiling and rafters. Status: NA
- Cut, sawed, drilled, damaged wood (interior and exterior) Status: Pass
- Insulation, flamespread. Status: Pass
- Insualtion in attic. Status: NA
- Insualtion in crawlspace. Status: NA
- Insulation in walls. Status: NA
- Attic Ventilation. Status: NA
- Crawlspace ventilation. Status: NA
- Ground clearance. Status: Pass
- Attic Access. Status: NA
- Fireplaces. Status: NA
- Steel studs - guage, spacing, height. Status: NA
- Fire resistance rated construction requirements Status: Fail

Standard Comment

IBC 701 using 1st floor only, storage room under exterior stairs fire marshall to determine if needed

- Mixed occupancy separation. Status: Fail

Standard Comment

IBC 508.3 2nd floor residential & exterior storage room under exterior stairs, fire marshall to determine if needed

- Vents. Status: NA
- Decks, guardrails. Status: NA
- Tempered glass for doors and windows. Status: Pass
- Draftstops. Status: NA
- Minimum ceiling heights. Status: Pass

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Save Cancel Help

Inspection Detail | Guide Sheet | Conditions (0) | Documents (0)

Fire Compliance

Sort By: default **Filter By:** All **Total Score:** 0

Guide Sheet Items

- Exterior: Hydrant — Status: NA
- Exterior: Fire Dept. Connections — Status: NA
- Exterior: Water Vault Supervised — Status: NA
- Exterior: Fire Lanes — Status: NA
- Exterior: Accessible Parking — Status: Fail

Standard Comment

does not have ADA parking

- Exterior: Ramp/Landings — Status: Fail

Standard Comment

ADA ramp needs railing

- Exterior: Address/Suite Marking — Status: Pass
- Exterior: Level Landing At Door — Status: Pass
- Exterior: Stairs (Risers/Treads) — Status: Pass
- Exterior: Guadrails/Handrails — Status: Pass
- Exterior: Exit Discharge — Status: Pass
- Interior: Exit Way/Width — Status: Pass
- Interior: Doors and Hardware — Status: Fail

Standard Comment

possibly needs panic hardware for ballroom depending on size and occupant load.

- Interior: Force To Open — Status: Fail
- Interior: Door Swings w/Travel Direction — Status: Fail
- Interior: Door Closer — Status: NA
- Interior: Stairs (Riser/Treads) — Status: Pass
- Interior: Guardrails/Handrails — Status: Pass
- Interior: Floors Numbered

Status: NA

- Interior: Interior Finish — Status: Fail
- Interior: Ceiling Tiles — Status: NA
- Fire Protection Equipment: Exit Signs — Status: Fail
- Fire Protection Equipment: Emergency Lights — Status: Fail
- Fire Protection Equipment: Emergency Visiblity — Status: Fail
- Fire Protection Equipment: Fire Extinguisher — Status: Fail
- Fire Protection Equipment: Generator — Status: NA
- Fire Protection Equipment: Emergency Windows — Status: NA
- Fire Protection Equipment: Smoke Detector — Status: Fail
- Fire Protection Equipment: Duct Detectors — Status: NA
- Fire Protection Equipment: Smoke/Heat Venting — Status: NA
- Fire Protection Equipment: Gas or Elec. Emergency Shut-Off — Status: Fail
- Fire Protection Equipment: Dust Removal System — Status: NA
- Fire Protection Equipment: Elevator Fireman's Recall — Status: NA
- Miscellaneous: Certificate of Occupancy — Status: Fail
- Miscellaneous: Certificate of Completion — Status: NA
- Miscellaneous: Occupant Load Sign — Status: Fail
- Miscellaneous: Fire Alarm Test/Cert — Status: NA
- Miscellaneous: Sprinkler Sys. - UG/AG Test/Cert. — Status: NA
- Miscellaneous: Fire Pump Test/Cert — Status: NA
- Miscellaneous: Vent Hood Test/Cert. — Status: Fail

Standard Comment

no hood system found for 6 eye range.

- Miscellaneous: Other Suppression Systems — Status: Fail

Standard Comment

No supression sytem found for 6 eye gas range.

- Miscellaneous: Rack/Rack Sprinklers — Status: NA
- Miscellaneous: Spray Booths — Status: NA
- Miscellaneous: Conveyor — Status: NA
- Miscellaneous: Welding — Status: NA
- Miscellaneous: Flamm. Liquid Handling — Status: NA

- Miscellaneous: Chemical Hazards Labeled Status: NA
- Miscellaneous: Elect. Panels/Rooms Status: Pass
- Miscellaneous: Wiring & Extension Cords Status: NA
- Miscellaneous: Mechanical Rooms Status: NA

▼ Accessibility: Water Closet Status: Fail

Standard Comment

No ada approved restrooms found.

- Accessibility: Turnaround Clearance Status: NA
- Accessibility: Urinals Status: NA
- Accessibility: Lavatories Status: NA
- Accessibility: Grab Bars Status: NA
- Accessibility: Dispensers Status: NA
- Accessibility: Mirrors Status: NA
- Accessibility: Signage Status: NA
- Accessibility: Work Surfaces Status: NA
- Accessibility: Water Fountains Status: NA
- Accessibility: Bath Tubs Status: NA
- Accessibility: Showers Status: NA
- Accessibility: Elevator Controls Status: NA

▼ Miscellaneous Status: Fail

Standard Comment

House and ballroom apt are both utilized for business. no sprnk system and no FA system installed. ballroom is aprx 750 sqft. no fire rated asemblies found for tenant seperation for tenant above ballroom.

CAP ID: CIR2010-00213

Save Cancel Help

Inspection Detail | Guide Sheet | Conditions (0) | Documents (0)

Mechanical Code Compliance

Sort By: default **Filter By:** All **Total Score:** 0

Guide Sheet Items

The mechanical system for the proposed occupancy is suit able for intended use. Status: Fail

Standard Comment

no seperation for heating system feeds both residential area as well as the commerical banquit hall area

Ducts and duct sytems - Allowable materials.	Status: Fail
Ducts and duct sytems - Joints, seams, and connections.	Status: Fail
Duct support.	Status: Fail
Duct insulation.	Status: Fail
Duct weatherproofing.	Status: NA
Ducts and duct sytems - complies with Georgia State Ener gy Code.	Status: Fail
Combustion and ventilation air - Allowable material.	Status: NA
Combustion and ventilation air - Capacity for space.	Status: NA
Combustion and ventilation air - Termination.	Status: NA
Equipment - Location.	Status: Fail
Equipment - Accessibility.	Status: Fail
Equipment - Clearance.	Status: Fail
Equipment - Support.	Status: Fail
Installation of fan shutdown control.	Status: NA
Space heater in building.	Status: NA
Complies with Georgia State Energy Code	Status: Fail
Fresh air system - allowable material.	Status: Fail
Fresh air system - Location on intakes.	Status: Fail
Fresh air system - ASHRAE air systems.	Status: Fail
Separation ventilation system for incompatible material - Fl ammable vapors.	Status: NA
Separation ventilation system for incompatible material - C orrosive vapors.	Status: NA
Separation ventilation system for incompatible material - N oxious gases.	Status: NA
Separation ventilation system for incompatible material - O ther.	Status: NA

➤ Exhaust systems - Bath fan vents and termination.	Status: NA
➤ Exhaust systems - Commercial or residential clothes dryer s.	Status: NA
➤ Exhaust systems - L.P. gas fueling stations.	Status: NA
➤ Exhaust systems - generators, type of fuel used, inside or outside.	Status: NA
➤ Chimneys and vents systems - Allowable materials.	Status: NA
➤ Chimneys and vents systems - Capacity.	Status: NA
➤ Chimneys and vents systems - Location.	Status: NA
➤ Chimneys and vents systems - Clearance.	Status: NA
➤ Chimneys and vents systems - Fire stops.	Status: NA
➤ Chimneys and vents systems - Termination.	Status: NA
➤ Grease Hoods - Allowable material.	Status: NA
➤ Grease Hoods - Outside make-up air.	Status: NA
➤ Grease Hoods - Duct system for hood and make-up air for hood.	Status: NA
➤ Grease Hoods - Cleanouts and hood labeling.	Status: NA
➤ Grease Hoods - Hood duct support.	Status: NA
➤ Grease Hoods - Automatic gas shutdown control.	Status: NA
➤ Grease Hoods - Duct termination and separation.	Status: NA
➤ Fuel gas piping - Allowable material.	Status: NA
➤ Fuel gas piping - Location.	Status: NA
➤ Fuel gas piping - Joints.	Status: NA
➤ Fuel gas piping - Support.	Status: NA
➤ Fuel gas piping - Shut-off valves and approved locations.	Status: NA
➤ Fuel gas piping - Concealed gas line.	Status: NA
➤ Fuel gas piping - Underground - in slab install.	Status: NA
➤ Fuel gas piping - Air test.	Status: NA
➤ Fuel gas piping - Auxiliary drain pans.	Status: NA
➤ Condensate drains piping and termination.	Status: NA
➤ Refrigeration system - Material.	Status: NA
➤ Refrigeration system - Location	Status: NA
➤ Refrigeration system - Joints and refrigerant containing par t in plenum.	Status: NA
➤ Refrigeration system - Piping insulation.	Status: NA

CAP ID: CIR2010-00213

Save Cancel Help

Inspection Detail | Guide Sheet | Conditions (0) | Documents (0)

Plumbing Code Compliance

Sort By: default **Filter By:** All **Total Score:** 0

Guide Sheet Items

The plumbing system for the proposed occupancy is suitable for intended use.	Status: Pass
Water heaters - Provide combustion air from outside.	Status: NA
Water heaters - Provide 3/4 T&P relief line using approved pipe.	Status: NA
Water heaters - Install vacuum relief valve (bottom feed heaters only).	Status: NA
Water heaters - Repair or replace vent with approved vent pipe.	Status: NA
Repair or replace water heater.	Status: NA
Water heaters - install thermal expansion device.	Status: NA
Incorporate safe waste system for kitchen and/or bar area.	Status: NA
Kitchen area - Install grease trap, size according to sewer department review.	Status: NA
This occupancy requires drinking fountains to be installed.	Status: NA
Provide separate toilet rooms for male and female.	Status: NA
Change all water closets to elongated with open front seats.	Status: NA
Install privacy partitions for water closets and urinals.	Status: NA
Replace/repair water distribution pipe to comply with 2006 IPC.	Status: NA
Replace/repair drain waste vent system to comply with 2006 IPC.	Status: NA
Install double check valve assembly and certify device.	Status: NA
Install pressure reducing valve in main water service.	Status: NA
Install vacuum brakers on all hose bibbs.	Status: NA

CAP ID: CIR2010-00213

Save Cancel Help

Inspection Detail | Guide Sheet | Conditions (0) | Documents (0)

Electrical Code Compliance

Sort By: default **Filter By:** All **Total Score:** 0

Guide Sheet Items

The electrical system for the proposed occupancy is suitable for intended use. Status: Fail

Standard Comment

2008 NEC electric feeding both banquit hall and living space above commercial requires 12/2 wire space is wire with 14/2. also has inside 4/2 box installed outside not waterproof or approve covering

Ground fault circuit interrupter (GFCI) in bathroom, kitchen, and outside receptacles. Status: Fail

Standard Comment

NEC 210.8 install recep for hot plate warmers outback at banquit hall right using long power cords not code plus not GFIC protected

Grounding type receptacles. Status: Pass

Required location for receptacles. Status: Fail

Standard Comment

NEC 210

Required location for lights and switches. Status: Pass

Grounding to metal water pipe, building steel, ground rods. Status: Pass

Working clearance in front of equipment. Status: Pass

Location of service disconnect. Status: Pass

Service equipment - Illumination of service and/or panels. Status: Pass

Service equipment - Fault current rating. Status: Pass

Service equipment - Load calculation. Status: Pass

Occupant to have access to service equipment. Status: Pass

Approved covers on junction boxes and accessible. Status: Pass

Junction boxes - Correct size for box volume. Status: Pass

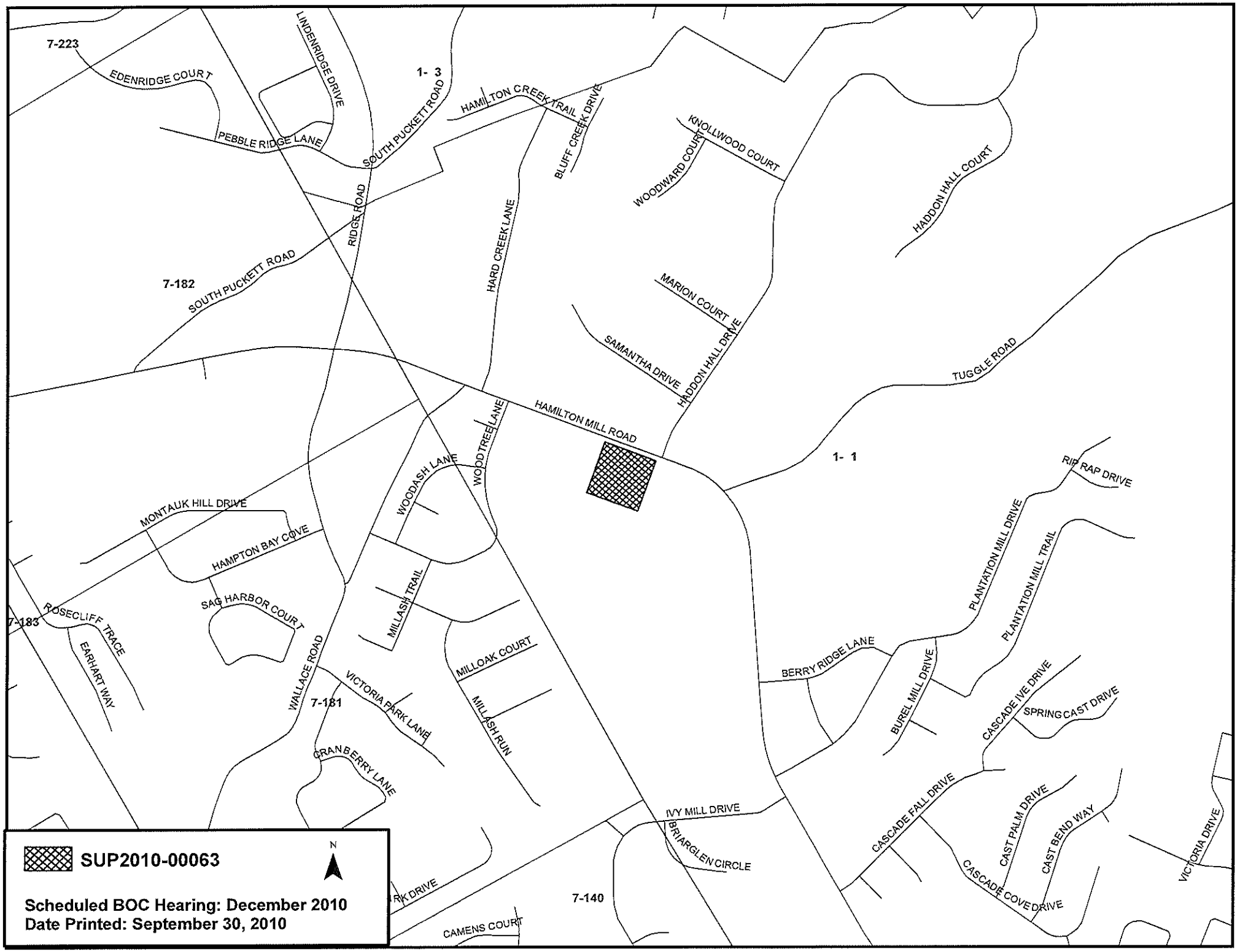
Conductors - Correct size for overcurrent device. Status: Pass

Physical condition of conductors. Status: Pass

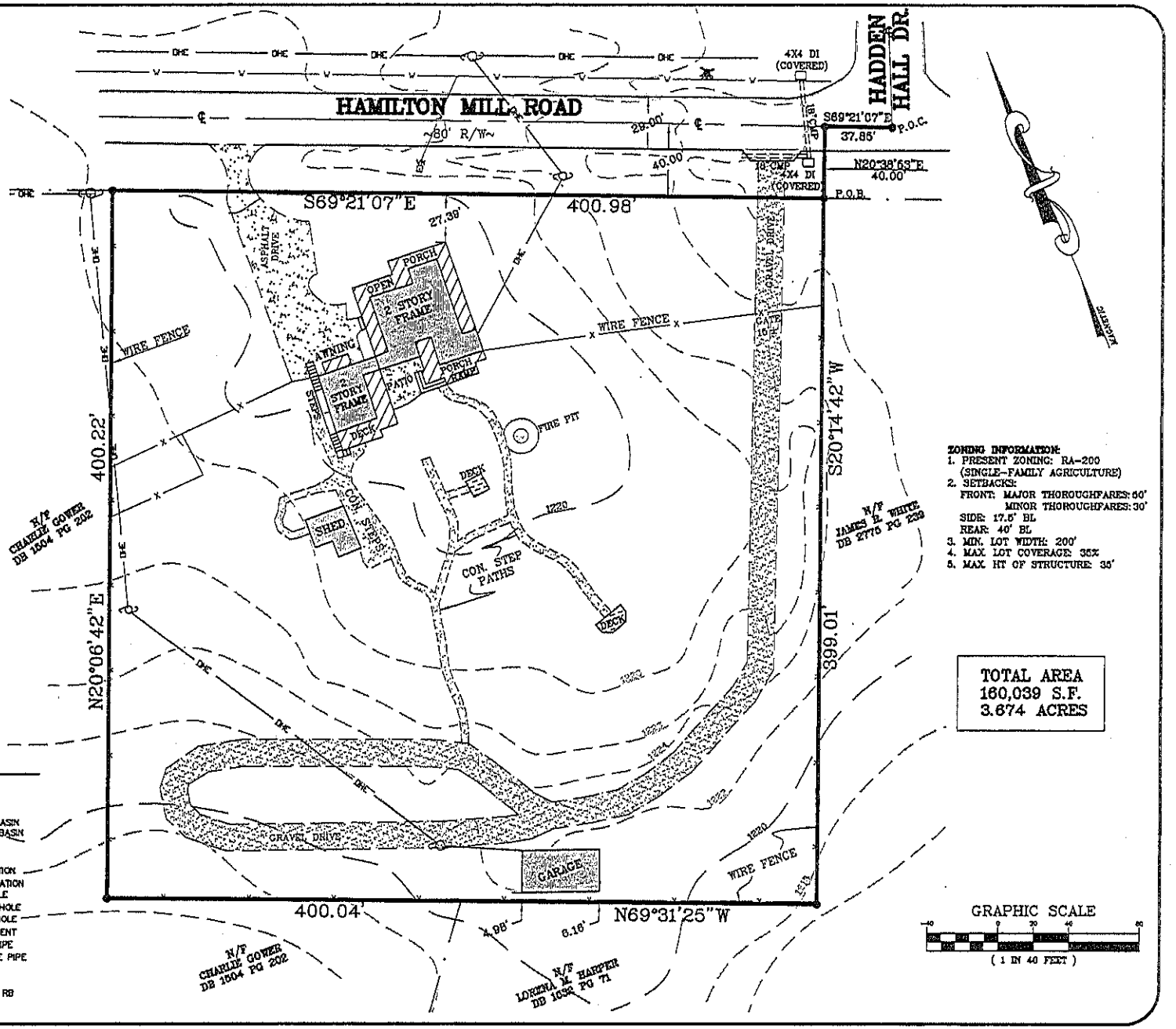
Proper equipment grounding conductor size. Status: Pass

Disconnects for appliances and HVAC equipment -Required locations and accessible. Status: Pass

➢ Sub-Panels - Location of panels	Status: Pass
➢ Sub-Panels - working clearance in front of panels.	Status: Pass
➢ Sub-Panels - Illumination of panels.	Status: Pass
➢ Overcurrent devices - Correct type per panel manufacture r.	Status: Pass
➢ Number of overcurrent devices for panel.	Status: Pass


7-223
EDENRIDGE COURT
LINDENRIDGE DRIVE
1- 3
PEBBLE RIDGE LANE
SOUTH PUCKETT ROAD
HAMILTON CREEK TRAIL
BLUFF CREEK DRIVE
KNOLLWOOD COURT
WOODWARD COURT
HADDON HALL COURT
RIDGE ROAD
HARD CREEK LANE
7-182
SOUTH PUCKETT ROAD
MARION COURT
SAMANTHA DRIVE
HADDON HALL DRIVE
TUGGLE ROAD
HAMILTON MILL ROAD
WOODTREE LANE
WOODASH LANE
1- 1
RIP RAP DRIVE
MONTAUK HILL DRIVE
HAMPTON BAY COVE
PLANTATION MILL DRIVE
PLANTATION MILL TRAIL
MILLASH TRAIL
SAG HARBOR COURT
7-183
ROSECLIFF TRACE
EARHART WAY
WALLACE ROAD
MILLOAK COURT
BERRY RIDGE LANE
BUREL MILL DRIVE
CASCADE IVE DRIVE
SPRING CAST DRIVE
7-181
VICTORIA PARK LANE
MILLASH RUN
GRANBERRY LANE
CASCADE FALL DRIVE
CAST PALM DRIVE
CAST BEND WAY
IVY MILL DRIVE
BRIARGLEN CIRCLE
CASCADE COVE DRIVE
VICTORIA DRIVE
7-140
CAMENS COURT
SUP2010-00063
N
Scheduled BOC Hearing: December 2010
Date Printed: September 30, 2010

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NOTES:

1. THIS DRAWING OR MAP HAS BEEN CALCULATED FOR CLOSURE AND HAVE A CLOSURE PRECISION RATIO OF 1' IN ±50,000'
2. THE PROPERTY DEPICTED HEREIN DOES NOT LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP PANEL 13doz220085 B DATED: JUNE 22, 1998
3. UNDERGROUND UTILITIES AS SHOWN BY THIS SURVEY ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.
4. THIS DRAWING IS FOR THE BENEFIT OF THE PARTIES IN THE SURVEYORS CERTIFICATION. ANY USE BY THIRD PARTIES IS AT OWN RISK. GRANT SHEPHERD & ASSOCIATES, INC. WILL NOT ACCEPT ANY RESPONSIBILITY OF LIABILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE PERSON, PERSONS, OR ENTITY NAMED WITHIN THE CERTIFICATION AND OR TITLE BLOCK.
5. THE MAP SHOWN HEREIN WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE; THEREFORE, THE UNDERSIGNED AND GRANT SHEPHERD & ASSOCIATES, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREIN PERTAINING TO EASEMENTS, RIGHTS-OF-WAYS, CURRENT ZONING, ZONING STANDARDS AND OR REGULATIONS, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.
6. TOPOGRAPHIC INFORMATION WAS OBTAINED BY GWINNETT COUNTY GIS DEPARTMENT.
7. CONTOUR INTERVAL IS 2'0"
8. THE PURPOSE OF THIS PLAN IS TO SHOW THE IMPROVEMENTS FOR A SPECIAL USE PERMIT.
9. REFERENCE PLAT BOOK 48 PAGE 146

ZONING INFORMATION:
1. PRESENT ZONING: RA-200 (SINGLE-FAMILY AGRICULTURE)
2. SETBACKS:
   FRONT: MAJOR THOROUGHFARES: 50'
   MINOR THOROUGHFARES: 30'
   SIDE: 17.5' EL
   REAR: 40' EL
3. MIN. LOT WIDTH: 200'
4. MAX. LOT COVERAGE: 35%
5. MAX. HT OF STRUCTURE: 35'

TOTAL AREA
160,039 S.F.
3.674 ACRES

GRAPHIC SCALE
(1 IN 40 FEET)

LEGEND

	FENCE		CURB INLET
	RAILROAD		HEADWALL
	GAS LINE		SINGLE WING CATCH BASIN
	WATER LINE		DOUBLE WING CATCH BASIN
	UNDER GROUND POWER LINE		IRON PIN FOUND/SET
	AERIAL POWER LINE		COMPUTED POINT
	UNDER GROUND SOUTHERN BELL	x921.3	EXISTING SPOT ELEVATION
	AERIAL SOUTHERN BELL	x921.39	PROPOSED SPOT ELEVATION
	POWER POLE		STORM SEWER MANHOLE
	LIGHT POLE		SANITARY SEWER MANHOLE
	GUY WIRE		GEORGIA POWER MANHOLE
	WATER VALVE		RIGHT OF WAY MONUMENT
	WATER METER	CMP	CORRUGATED METAL PIPE
	GAS VALVE	RCP	REINFORCED CONCRETE PIPE
	GAS METER	DIP	DUCTILE IRON PIPE
	FIRE HYDRANT	PVC	POLYVINYL CHLORIDE
	CRIMP TOP PIPE	IPS	IRON PIN SET - 1/2" RB
	OPEN TOP PIPE	IPF	IRON PIN FOUND
	REINFORCING BAR		

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COUNTY NOTES:

GEORGIA REGISTERED No. 2126 Stanton G. Shepherd, Jr. LAND SURVEYOR

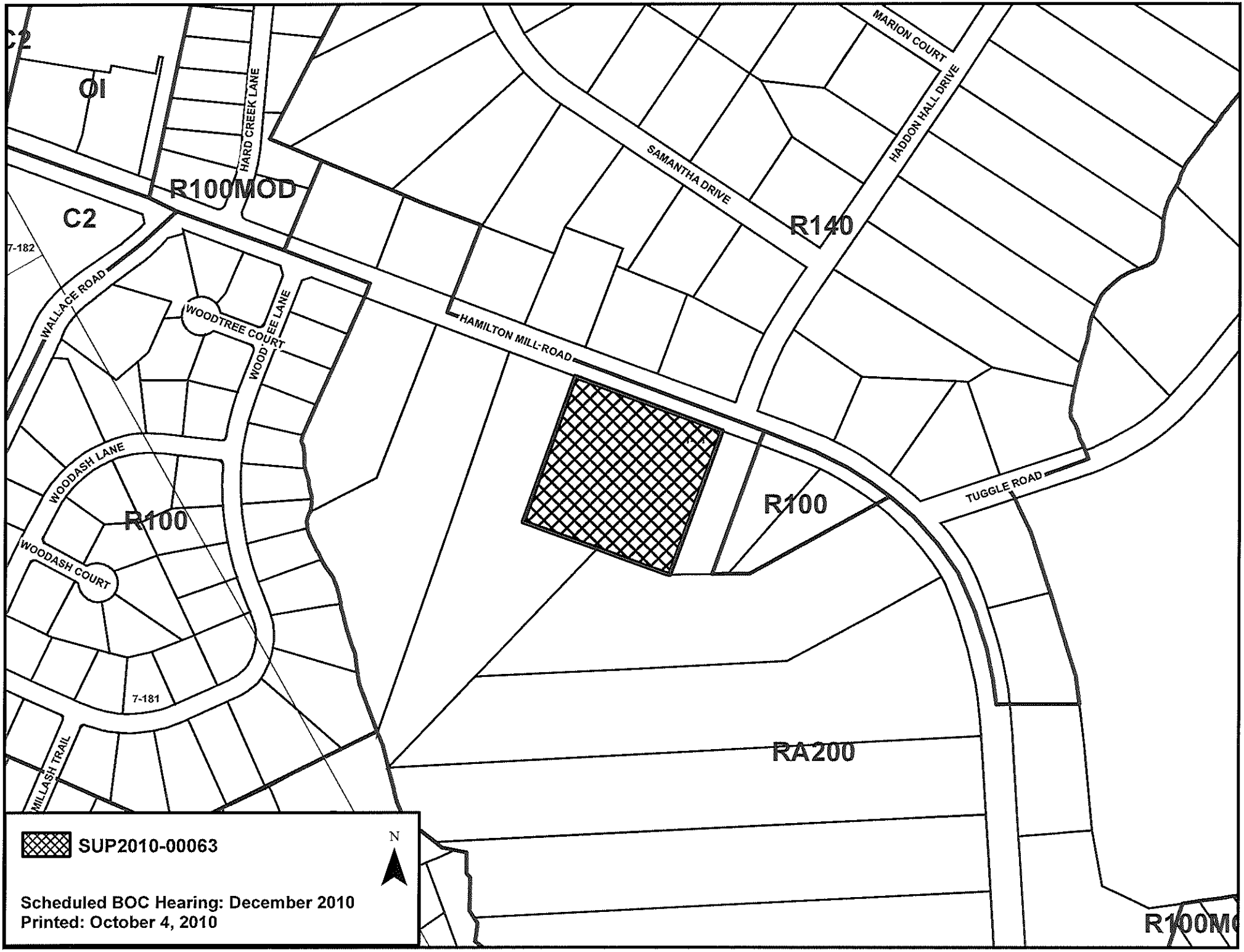
LOCATED IN
3198 HAMILTON MILL RD.
1397 GMD (PUCKETT)
GWINNETT COUNTY, GEORGIA
FIELD WORK: 08/22/10
DATE: 08/24/10
SCALE: 1"= 40
DRAWN BY: MAC RIGDON

REV.	DESCRIPTION

SITE PLAN
FOR:
DAVID R. WEST

\\Gsasbs\Dwg2010\Gwinnett\FARMHOUSE\dwg\FARMHOUSE.dwg 8/24/2010 9:06:

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MARION COURT
HADDON HALL DRIVE
SAMANTHA DRIVE
R100MOD
R140
C2
7-182
WALLACE ROAD
WOODTREE COURT
WOOD·EE LANE
HAMILTON MILL·ROAD
WOODASH LANE
R100
TUGGLE ROAD
R100
WOODASH COURT
7-181
RA200
MILLASH TRAIL
SUP2010-00063
N
Scheduled BOC Hearing: December 2010
Printed: October 4, 2010
R100MO

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2010-00064**
ZONING	:M-2
LOCATION	:2700 BLOCK OF SIMPSON CIRCLE
MAP NUMBER	:R6258 252
ACREAGE	:2.30 ACRES
PROPOSED DEVELOPMENT	:METAL SALVAGE OPERATION
SQUARE FEET	:5,000 SQUARE FEET
COMMISSION DISTRICT	:(2) HOWARD

FUTURE DEVELOPMENT MAP: **EXISTING / EMERGING SUBURBAN**

APPLICANT: JOSEPH BARILLARI
C/O MILL CREEK CONSULTING
4480 COMMERCE DRIVE, SUITE A
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNER: SIMPSON CIRCLE, LLC
2731 SIMPSON CIRCLE
NORCROSS, GA 30071

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Special Use Permit on a 2.30-acre property, zoned M-2 (Heavy Industry District), to allow a metal salvage operation. The subject site is located on the west side of Simpson Circle, north of Old Norcross Road and across from Broadwater Trail.

The submitted letter of intent indicates that the business would include salvaging metal from scrap as well as demolition debris. The metals would be sorted by magnet and other equipment, and processing would include cutting the metal into smaller sizes for shipment. The business would include the use of fork lifts, excavators, and trucks for transporting materials. The site plan does not indicate whether the loading/unloading and sorting of scrap metal would take place indoors or outdoors.

The site is developed with an existing one-story metal building totaling 5,000 square feet and is currently occupied by Tri-Star Demolition. An outdoor storage area containing construction and demolition debris is located on the property, and the property is screened with a wood fence. There are currently 10 parking spaces on the property, and one access point off of Simpson Circle.

Staff notes that a buffer reduction from 100 feet to 50 feet was approved on the property in 1993, pursuant to BRD-93-001. There is a 50-foot wide buffer shown on the site plan and it is comprised of a 20-foot wide natural undisturbed buffer and an additional 30-foot wide landscape buffer, per the conditional approval of BRD-93-001.

ZONING HISTORY:

The subject site was zoned M-1 (Light Industry District) in 1970. The property was rezoned to M-2 on March 23, 1971, pursuant to RZ-57-70. A buffer reduction from 100 feet to 50 feet was approved on the property in 1993, pursuant to BRD-93-001

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

Section 606.3 of the 1985 Zoning Resolution required screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

The developer must submit detailed site development plans, including a landscape and tree preservation replacement plan, for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the western right-of-way of Simpson Circle.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately on the property.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and authorization.

2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and authorization of a building permit by Building Plan Review.

3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

4. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning request under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.

2. Applicant submits architectural drawings to Fire Plan Review for review and approval.

3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire Field Inspection for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact our office at 678.518.6129, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject site is a 2.30-acre property located on the west side of Simpson Circle, north of Old Norcross Road and across from Broadwater Trail. The property is developed with a single-story, 5,000 square foot building and associated parking area. The property is enclosed with an opaque fence with a secured gate at the street entrance.

The 2030 Unified Plan Future Development Map indicates that the property lies within an Existing/Emerging Suburban Character Area, which discourages heavy industrial uses. Although the property has been zoned for industrial activity for many years, approval of a Special Use Permit to intensify the existing heavy industrial zoning adjacent to residential properties may not be consistent with policies of the Unified Plan.

The surrounding area is developed with industrial uses located north of the site and residential developments located to the south and west. Adjacent to the north side of the subject site is Advanced Drainage and to the east, across Simpson Circle, is Bush Mill Works. Located to the north at Simpson Circle and Keystone Court is Progressive Recycling, a metal salvage and recycling-center. Staff notes that this use is surrounded on all sides by industrial zoning and uses. Adjacent to the south and west are the Cambridge Mews and Cambridge Park single family subdivisions. Although adjacent and nearby properties contain industrial uses, the proposed metal salvage operation that would include sorting, shredding or crushing of materials may not be suitable in view of the adjacent subdivisions. Metal salvage recycling centers are often dusty and noisy operations that could have an adverse impact and may not be appropriate adjacent to residential uses. Additionally, the buffer adjoining these residences was reduced in 1993, further suggesting that intensifying the use of the site may not be appropriate.

In conclusion, the requested Special Use Permit for a metal salvage operation may not be consistent with guidelines of the Unified Plan or compatible with nearby residential developments. Therefore, the Department of Planning and Development recommends **DENIAL** of the request.

PLANNING AND DEVELOPMENT
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 metal salvage operation subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. Heavy industrial and accessory uses which may include a metal salvage operation as a special use. Cutting or grinding activities shall be conducted indoors. Outdoor activities shall be limited to the delivery, weighing, unloading, sorting and repackaging of metals for transportation. Automotive salvage operations shall not be allowed on the property.

   B. The hours of operation, including delivery of scrap metal, shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, with office only operations on Saturday and Sunday.

   C. Any newly constructed building/structure shall have a brick facade.

   D. Metal shredders are prohibited.

   E. No "Hazardous Substances" as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 with current amendments, and associated regulations promulgated thereunder, shall be stored or handled on the Site.

2 To satisfy the following site development considerations:

   A. The existing 50-foot buffer adjacent to residential properties shall be supplemented with a minimum 10-foot high sound barrier wall, located interior to the buffer. The sound barrier wall and location of its installation shall be subject to review and approval of the Director of Planning and Development.

   B. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard signs and bandit signs shall be prohibited.

   C. Oversized signs shall be prohibited.

   D. Dumpster pickup shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday thru Friday.

E. Peddlers and/or parking lot sales shall be prohibited.

F. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed Special Use Permit for a metal salvage operation may not be suitable at this location given the adjacent and nearby single-family subdivisions.

ADVERSE IMPACTS

Adverse impacts on neighboring properties in the form of loud noise, dust and other airborne debris from metal cutters, and heavy truck traffic could be anticipated.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

It is anticipated that there would be additional impacts on public facilities in the form of heavy truck traffic.

CONFORMITY WITH POLICIES

The requested Special Use Permit may not be consistent with recommendations of the Unified Plan, which discourage industrial development in the Existing/Emerging Suburban Character Area, and which encourage compatibility of adjacent land uses.

CONDITIONS AFFECTING ZONING

The existing 50-foot wide buffer that adjoins the single-family subdivisions may not be sufficient to adequately screen and protect the residential dwellings and could give additional supporting grounds for denial of the request.

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY, OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:
THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES HAVE A REASONABLE ECONOMIC USE.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:
THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
THE SUBJECT PROPERTY IS DESIGNATED AS HEAVY INDUSTRIAL.

(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 LETTER OF INTENT.

PLANNING DIVISION USE ONLY

CASE NUMBER _____ RECEIVED BY: _____

RECEIVED 10-01-10
SUP2010-00064

Dear Neighbor:

TriStar demolition is expanding its business. We are seeking approval from the county to begin recycling demolition debris and metal. Because you are a close neighbor to our facility we want to inform you of this new operation, answer some questions you may have about this new process, and invite you to speak with us if you have questions or concerns.

Who is Operating this new business?
TriStar is locally owned and operated. Joe Barillari is the President of TriStar. The new recycling business will be operated as a joint venture between Mr. Barillari and Mr. Cyclone Covey, a local attorney and business owner. Mr. Covey and Mr. Barillari have not yet selected the name of the business.

Where will the Business be Operated?
The recycling business will operate on TriStar's current property at 2731 Simpson Circle. The recycling company will share the land that TriStar owns. The company may also expand to neighboring property.

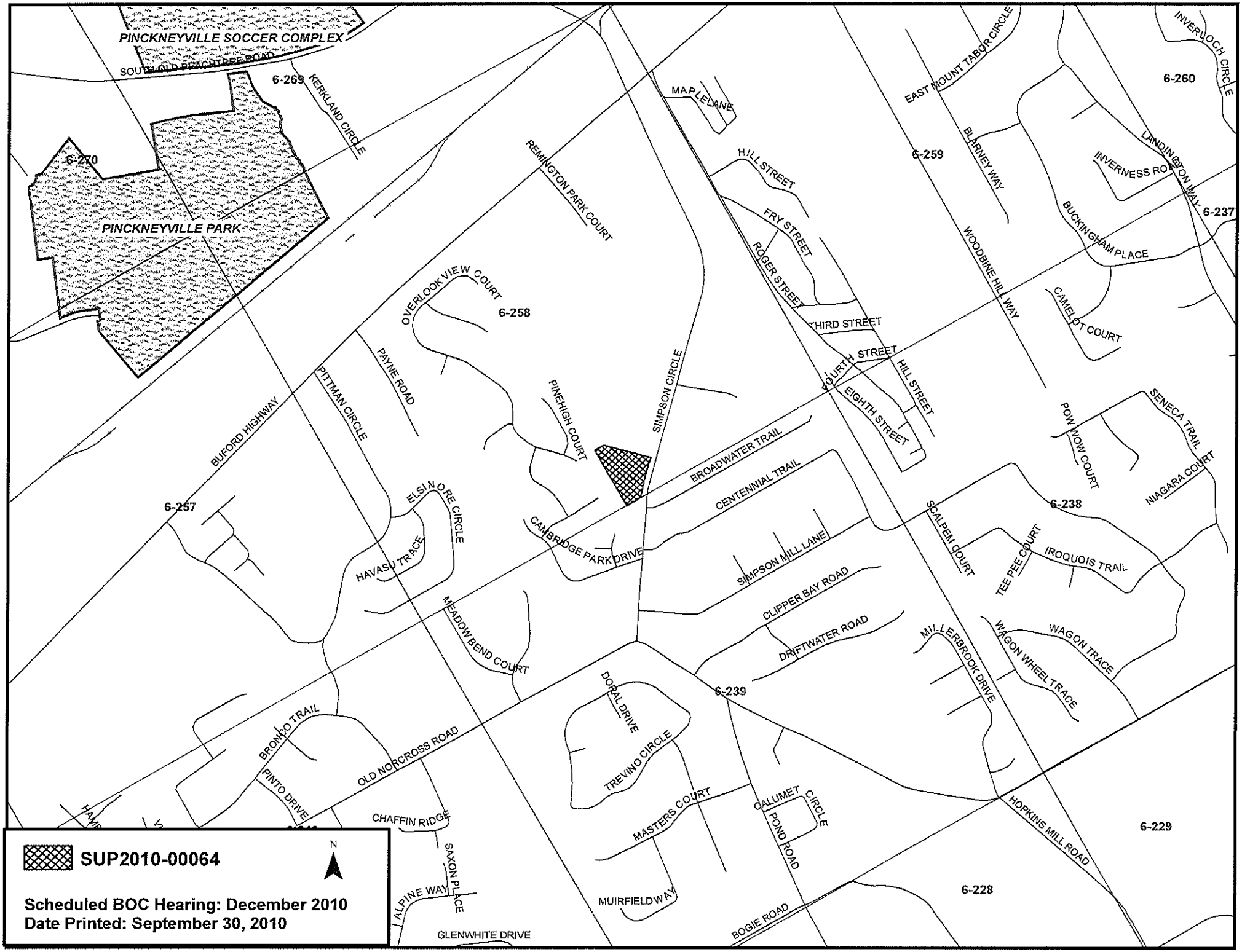
What Exactly is this Business Going to Do?
This business will receive, sort, and process demolition scrap and other scrap metals. Sorting involves using magnets and other equipment to separate debris from the metal. Processing involves cutting the metal into small manageable pieces. Once the metal is processed it will be shipped away from TriStar's property to be used in new manufactured goods.

When will this Business Start Operations?
It will take a couple of months to form the business and begin operations. We hope to the running by the end of this year, but it is possible that operations will not begin until early 2011.

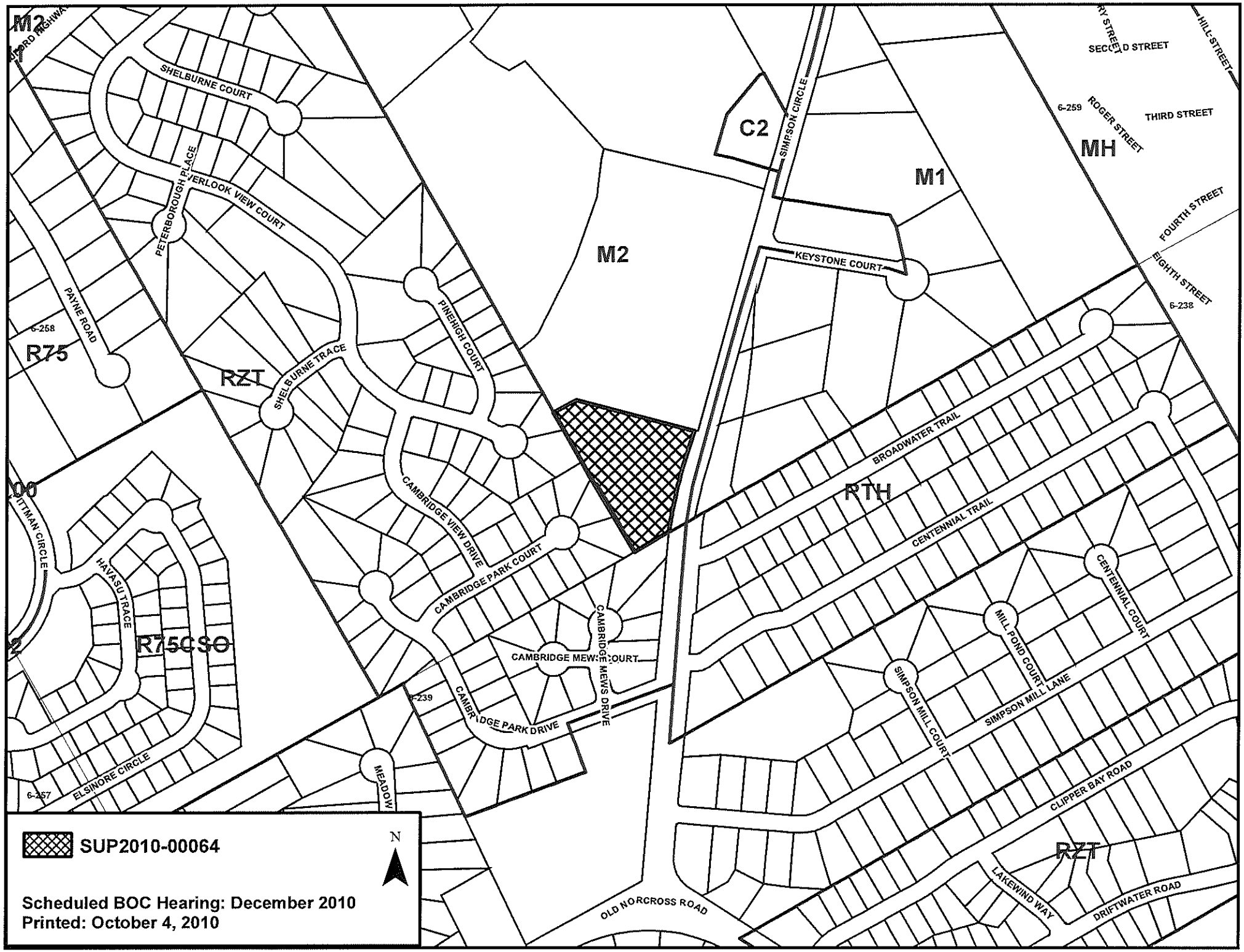
How Loud will the Processing Be?
The equipment used to process the metal will be similar to a diesel truck. We anticipate running track hoes, excavators, and forklifts to perform the work on site. We will not be using piercing buzz saws or other extremely loud equipment. There will also be trucks transporting the materials on and off the property.

How will this Business Affect the Neighbors?
We will take commercially reasonable steps to minimize impacts to our neighbors. The business will not operate at night; we will maintain a barrier to discourage children from accidentally straying on site; and we will comply will all State and Federal environmental laws. The new business will create local jobs and increase tax revenue to the county and to the State of Georgia. If you are interested in applying for a job please come to the TriStar office.

RECEIVED 10-01-10
SUP2010-00064


PINCKNEYVILLE SOCCER COMPLEX
SOUTH OLD PEACHTREE ROAD
6-269
KERKLAND CIRCLE
6-270
PINCKNEYVILLE PARK
REMINGTON PARK COURT
MAPLE LANE
HILL STREET
FRY STREET
ROGER STREET
THIRD STREET
FOURTH STREET
HILL STREET
EIGHTH STREET
EAST MOUNT TABOR CIRCLE
6-259
BLARNEY WAY
INVERNESS ROAD
LANDINGTON WAY
6-237
INVERLOCH CIRCLE
6-260
WOODBINE HILL WAY
BUCKINGHAM PLACE
CAMELOT COURT
OVERLOOK VIEW COURT
6-258
PAYNE ROAD
PINEHIGH COURT
SIMPSON CIRCLE
PITTMAN CIRCLE
BUFORD HIGHWAY
6-257
BROADWATER TRAIL
CENTENNIAL TRAIL
ELSINORE CIRCLE
HAVASU TRACE
CAMBRIDGE PARK DRIVE
POW WOW COURT
SENECA TRAIL
NIAGARA COURT
6-238
SCALPEM COURT
TEE PEE COURT
IROQUOIS TRAIL
SIMPSON MILL LANE
CLIPPER BAY ROAD
DRIFTWATER ROAD
MEADOW BEND COURT
MILLERBROOK DRIVE
WAGON TRACE
WAGON WHEEL TRACE
6-239
DORAL DRIVE
TREVINO CIRCLE
BRONCO TRAIL
PINTO DRIVE
OLD NORCROSS ROAD
CHAFFIN RIDGE
SAXON PLACE
ALPINE WAY
MASTERS COURT
CALUMET CIRCLE
POND ROAD
HOPKINS MILL ROAD
6-229
MUIRFIELD WAY
BOGIE ROAD
6-228
GLENWHITE DRIVE
SUP2010-00064
N
Scheduled BOC Hearing: December 2010
Date Printed: September 30, 2010

Block Design Group, INC
PROPOSED OFFICE / WAREHOUSE FACILITY
BEELER Trees
SITE PLAN
PLAN
C-1
DEED01
LOCATION MAP
GENERAL NOTES
SURVEY NOTES
PARKING SCALE
SCALE 1" = 30'
PRESCRIPTIVE EASEMENT
SIMPSON CIRCLE
TRACT 2
0.234 ACRES
ONE-STORY BUILDING
30' x 100' = 3,000 S.F.
TOTAL = 3,000 S.F.
IF YOU DIG GEORGIA...
CALL US FIRST!
1-800-282-7411
(OUTSIDE ATLANTA ONLY)
UNDER GEORGIA LAW
IT'S THE LAW
RECEIVED 10-01-10
SUP2010-00064


SHELBURNE COURT
PETERBOROUGH PLACE
OVERLOOK VIEW COURT
PAYNE ROAD
6-258
R75
RZT
SHELBURNE TRACE
PINEHIGH COURT
M2
C2
SIMPSON CIRCLE
M1
MH
SECOND STREET
ROGER STREET
6-259
THIRD STREET
FOURTH STREET
EIGHTH STREET
6-238
KEYSTONE COURT
BROADWATER TRAIL
PTH
CENTENNIAL TRAIL
CENTENNIAL COURT
MILL POND COURT
SIMPSON MILL LANE
SIMPSON MILL COURT
CLIPPER BAY ROAD
RZT
LAKEWIND WAY
DRIFTWATER ROAD
CAMBRIDGE VIEW DRIVE
CAMBRIDGE PARK COURT
CAMBRIDGE MEWS COURT
CAMBRIDGE MEWS DRIVE
CAMBRIDGE PARK DRIVE
6-239
MEADOW
OLD NORCROSS ROAD
HAVASU TRACE
R75CSO
ELSINORE CIRCLE
6-257
SUP2010-00064
N
Scheduled BOC Hearing: December 2010
Printed: October 4, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00001**
ZONING	:C-2
LOCATION	:1800 BLOCK OF LAWRENCEVILLE HIGHWAY
MAP NUMBER	:R5050 132
ACREAGE	:0.99 ACRE
PROPOSED DEVELOPMENT	:OUTDOOR STORAGE
COMMISSION DISTRICT	:(4) HEARD

FUTURE DEVELOPMENT MAP: **CORRIDOR MIXED-USE**

APPLICANT: KRIS STONE
1886 LAWRENCEVILLE HIGHWAY
LAWRENCEVILLE, GA 30044

CONTACT: KRIS STONE PHONE: 678.225.0094

OWNER: JEFF WEARING
4400 SNAPFINGER WOODS DRIVE
DECATUR, GA 30035

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 0.99-acre property, zoned C-2 (General Business District), to allow the continued use of an appliance sales and repair business with outdoor storage. The property is located on the south side Lawrenceville Highway, west of Patterson Road. The site is developed with a commercial building and related parking, with one driveway extending from Lawrenceville Highway.

The applicant's submitted letter of intent indicates that Select Appliance purchases truckloads of major appliances and refurbishes them for resale. The existing building is used as a showroom and repair facility, but it is not large enough to store the appliances indoors. The business is presently storing appliances outdoors, and staff notes that this Special Use Permit request is the result of a Code Enforcement Unit investigation (CEU2010-07342).

On a recent site visit it was noted that the outdoor storage areas are located on an unpaved portion of the site towards the rear of the building. A chain-link fence encloses the property; however, the outdoor storage area is clearly visible from Lawrenceville Highway.

ZONING HISTORY:

The property was zoned R-75 (Single Family Residence District) in 1970. In 1973, the site was rezoned to C-2, pursuant to RZ-79-73.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 606.3 of the 1985 Zoning Resolution requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

Parking spaces shall be provided at a ratio of:
One space per 2,500 square feet minimum for office/warehouse (0 - 100,000 square feet).
One space per 500 square feet maximum for office/warehouse (0 - 100,000 square feet).

Project access and required improvements along State routes or U.S. Highway (i.e., number and design of driveways, deceleration lanes, median breaks, etc.) will be subject to review and approval of the Georgia Department of Transportation.

Section 6.13 of the Development Regulations requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

Section 606.6 of the 1985 Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Section 1.5.1.c of the Floodplain Management Ordinance requires that the lowest floor, including the basement, of all non-residential buildings be constructed at an elevation of at least one foot above the 100-year floodplain.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the northern right-of-way of Lawrenceville Highway.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located on the southern right-of-way of Lawrenceville Highway.

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

The subject site is a 0.99-acre parcel, located on the south side of Lawrenceville Highway, southwest of its intersection with Patterson Road. The property is developed with a metal building and a large parking area. The property was formerly used as an equipment rental business.

The 2030 Unified Plan Future Development Map indicates the property lies within a Corridor Mixed-Use Character Area. Policies for this character area support freestanding retail, commercial and office services. If properly conditioned, the requested special use could be considered consistent with this character area.

The surrounding area is characterized by commercial/retail uses, residences and offices fronting along the Lawrenceville Highway corridor. Located to the north, at the corner of Patterson Road is a convenience store and a daycare center. Further east are an automotive repair center and offices. Located to the west of the subject site is a vacant residential townhome development. Across Lawrenceville Highway are single family residences. Given the past use of the property as an equipment rental business, the subject request could be suitable. However, conditions should be included that address the location of the outdoor storage area and provide visual screening from Lawrenceville Highway and adjoining properties to minimize potential adverse impacts.

With proper screening, the requested Special Use Permit for outdoor storage could be compatible with the mix of uses along this commercial corridor. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for outdoor storage, subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. Commercial/retail uses, which may include a screened outdoor storage area.

   B. All repair and maintenance activities shall be conducted indoors, within a fully enclosed building.

   C. The outdoor storage area shall be restricted to the rear of the building. Outdoor storage in front and sides of the building shall be prohibited.

   D. Required site improvements and alterations shall be completed within 120 days of Special Use Permit approval.

2. To satisfy the following site development considerations:

   A. The existing chain link fencing in the front yard shall be replaced with landscaping, and may include decorative fencing.

   B. The outdoor storage area shall be screened by a solid wood fence or slatted chain-link fence at least eight feet high.

   C. Landscape plans, fence design and location, shall be subject to review and approval of the Director of Planning and Development.

   D. Oversized signs shall be prohibited.

   E. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

   F. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

   G. Peddlers and/or parking lot sales shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for outdoor storage could be suitable, given the mix of uses located along this segment of Lawrenceville Highway.

ADVERSE IMPACTS

If the outdoor storage area is properly screened and the appearance of the site is improved, potential adverse impacts on neighboring properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

No change in impacts on public facilities is anticipated from the subject request.

CONFORMITY WITH POLICIES

The property lies within a Corridor Mixed-Use Character Area. The use could be compatible with this designation, if conditions are included to mitigate negative impacts associated with outdoor storage and support the aesthetic quality of the corridor.

CONDITIONS AFFECTING ZONING

The property was formerly used as a similarly intense equipment rental business, suggesting that, with appropriate conditions, the inclusion of an outdoor storage area could be acceptable.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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:

Yes The storage of appliance outside is consistent with commercial nature of the surrounding businesses

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

No The adjacent land is mostly vacant

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

Yes ~~coosta~~ customers of the store would benefit by a better selection and lower prices if machines can be stored for inventory

(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:

no There will be no additional traffic for storage

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

Yes The storage of equipment is consistent with the commercial zoning of the property

(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:

None That we are aware of

RECEIVED 10-13-10
SUP2011-00001

Select Appliance

1886 Lawrenceville Hwy
Lawrenceville, GA 30043
(678) 225-0094

October 11, 2010

Gwinnett County Planning Division
One Justice Square
446 West Crogan Street
Lawrenceville, GA 30046

RE: Special Use Permit Application for 1886 Lawrenceville Hwy, Lawrenceville

To Whom It May Concern:

We are applying for a special use permit so that we can store appliances outside the warehouse. We are in a business area and there are no neighbors other than wooded lots.

Our business involves buying appliances by the truckload at low prices and storing them as we repair and refurbish them. Our outside storage needs vary based on when appliances are available for purchase. Sometimes we may have many appliances outside and other times we may have very few.

We pass this value onto our store customers who benefit from appliances sold at low prices. We also contribute to the city and county with our sales taxes collected and the jobs provided for five people. Our warehouse is only large enough for us to refurbish the machines and have a showroom. If we cannot store machines outside we will have to move when our lease is completed.

Thank you for your time and consideration. If we knew we were in violation of the zoning we would have addressed this issue earlier or before we leased the property. Please let me know if there is anything else we can provide.

Sincerely,

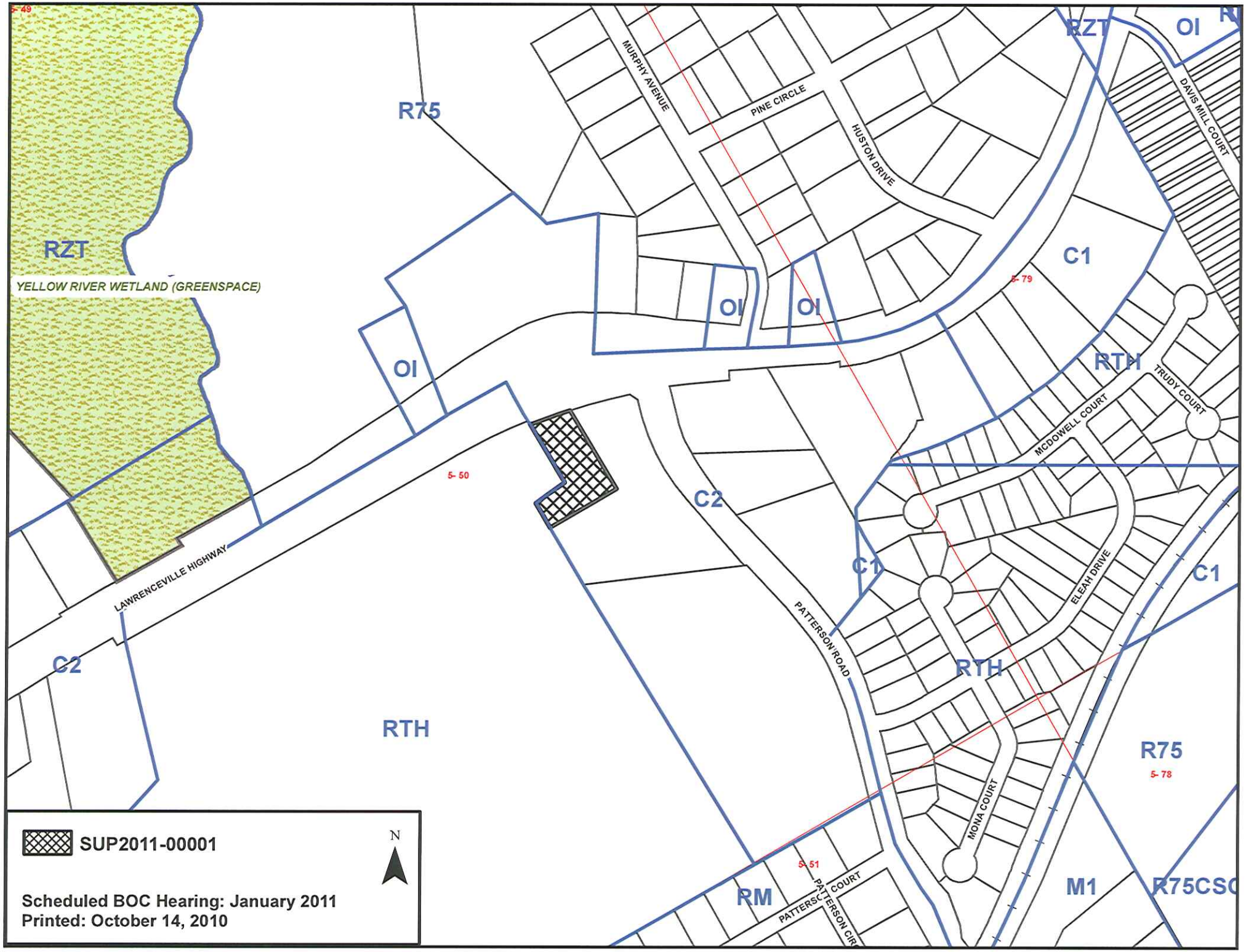
Kris Stone

RECEIVED 10-13-10
SUP2011-00001


WOODBURN LANE
PEBBLE CHASE LANE
RINGTAIL DRIVE
LAMANCHA DRIVE
MONFORT ROAD
RAVINIA WAY
WINDALE DRIVE
ANNLETTE DRIVE
SENECA DRIVE
FLINT HILL DRIVE
WINDALE COURT
PALADIN DRIVE
SUGARLOAF PARKWAY
WABASH DRIVE
SEABOARD COURT
LAWRENCEVILLE SUWANEE ROAD
HOLLYWOOD DRIVE
INDUS LANE
CLEARWATER PLACE
PINE CIRCLE
MURPHY AVENUE
HUSTON DRIVE
CABOOSE COURT
CRESCENTVIEW COURT
YELLOW RIVER WETLAND (GREENSPACE)
DAVIS MILL COURT
CANNONBALL COURT
LAWRENCEVILLE
CHEYENNE LANE
CIMARRON WAY
BERKSHIRE TERRACE
CRYSTAL LAKE DRIVE
LAWRENCEVILLE HIGHWAY
MCDOWELL COURT
WINDSOR DRIVE
PRINCE ANTHONY DRIVE
SUSSEX CIRCLE
ELEAH DRIVE
MONA COURT
ROSEMARY PLACE
LAZY WILLOW LANE
TOWNE PARK DRIVE
VALLECITO COURT
LONGMONT DRIVE
PATTERSON COURT
PATTERSON CIRCLE
HASEL STREET
BURNS VIEW LANE
BURNS VIEW COURT
VALLEY CLUB DRIVE
DAISY MEADOW TRAIL
MAYBELL TRAIL
ARNOLD MILL ROAD
ARNOLD ROAD
PATTERSON PARK DRIVE
MORRISSEY PLACE
PATTERSON PARK PLACE
GEYSER TRACE
PATTERSON ROAD
SUP2011-00001
N
Scheduled BOC Hearing: January 2011
Date Printed: October 14, 2010

Survey

RECEIVED 10-13-10
SUP2011-00001


5- 49
RZT
YELLOW RIVER WETLAND (GREENSPACE)
R75
MURPHY AVENUE
PINE CIRCLE
HUSTON DRIVE
RZT
OI
DAVIS MILL COURT
C1
5- 79
OI
OI
OI
RTH
TRUDY COURT
MCDOWELL COURT
5- 50
C2
C1
ELEAH DRIVE
C1
LAWRENCEVILLE HIGHWAY
PATTERSON ROAD
C2
RTH
RTH
R75
5- 78
MONA COURT
5- 51
RM
PATTERSON COURT
PATTERSON CIR
M1
R75CSC
SUP2011-00001
N
Scheduled BOC Hearing: January 2011
Printed: October 14, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00002**
ZONING	:R-100
LOCATION	:1900 BLOCK OF TRACK COURT
MAP NUMBER	:R5296A009
ACREAGE	:0.71 ACRE
PROPOSED DEVELOPMENT	:METAL BUILDING GREATER THAN 550 SQ. FT.
SQUARE FEET	:1,200 SQUARE FEET
COMMISSION DISTRICT	:(3) BEAUDREAU

FUTURE DEVELOPMENT MAP: **RURAL/ESTATE AREA**

APPLICANT: WAYNE D. EDWARDS
1950 TRACK COURT
DACULA, GA 30019

CONTACT: WAYNE D. EDWARDS PHONE: 678.442.8123

OWNER: WAYNE D. EDWARDS
1950 TRACK COURT
DACULA, GA 30019

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 0.71-acre parcel, zoned R-100 (Single Family Residence District), to allow a metal accessory building. The property is a residential lot located within Harbins Station subdivision, at 1950 Track Court. The letter of intent states that the building would be used for the storage of an antique car and other recreational vehicles.

The submitted site plan indicates the building would be located in the rear yard, near the western property line. The building would contain a total of 1,200 square feet, measuring 40 feet by 30 feet. The building would meet the minimum setback requirements for an accessory structure located within the rear yard.

ZONING HISTORY:

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). As part of a larger tract, the property was zoned to R-100 in 1995, pursuant to RZ-95-097.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Contact GCEHD concerning septic involvement. Must submit level 3 soil report and detailed site plan with 2 foot topo and soils transposed onto plat.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the northern right-of-way of Track Court.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 6,800 feet north of the property.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall obtain a residential building permit for each accessory building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above request. For assistance, you may contact our office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject property is a 0.71-acre lot located on the north side of Track Court, within Harbins Station subdivision. The property is developed with a single-family home and a swimming pool.

The 2030 Unified Plan Future Development Map indicates the property lies within a Rural/Estate Character Area. An accessory building could be consistent with policies for this character area, and could be considered suitable.

The surrounding area is characterized by established residential subdivisions and homes on acreage. The proposed accessory building would be located to the rear of the primary residence, near the western property line. The subject property contains a Leyland Cypress screen along the rear property line, which would screen the metal building from adjacent neighbors to the rear. The adjacent home to the west would have a relatively unobstructed view of the accessory building; therefore, planting of vegetation along the side of the metal building may be appropriate. It is also noted that several nearby homes have similar accessory buildings. With appropriate conditions designed to blend the building with its surroundings, the proposed metal accessory building could be suitable.

In conclusion, with the addition of vegetative screening and a limitation on the size of the building, the requested Special Use Permit may be suitable at this location. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for a metal building over 550 square feet, subject to the following enumerated conditions:

1. Limited to a single metal building, not to exceed 1,200 square feet in size.

2. The metal building shall be located to the rear of the residence, as depicted on the submitted site plan.

3. Provide landscaping along the western property line (Leyland Cypress, minimum spacing at 10-feet apart, minimum 6-feet in height at the time of planting) to provide screening for the metal building. Tree plantings shall start at the front plane of the proposed metal building and extend along the western property line, tying into the existing Leyland Cypress plantings along the rear property line.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed metal building is typical of accessory structures within low-density residential areas and could be suitable at this location.

ADVERSE IMPACTS

Potential impacts could be minimized with appropriate screening of the metal building.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT OF PUBLIC FACILITIES

Minimal impacts are anticipated from this request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates this property lies within the Rural/Estate Character Area. The proposed metal building could be consistent with the policies of the Rural/Estate Character Area.

CONDITIONS AFFECTING ZONING

With conditions requiring additional screening for the adjacent property to the west, a metal accessory building could be appropriate at this location.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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:
Yes

(B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
NO

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

(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:
NO

(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:
NO

RECEIVED 10-26-10
SUP2011-00002

LETTER OF INTENT

Wayne D. Edwards
1950 Track Court
Dacula, GA 30019
678 910 4857

TO: Gwinnett County Department of Planning & Development

REF: LETTER OF INTENT TO BUILD DETACHED GARAGE

I would like to build a 30' x 40' metal detached garage on my property located at 1950 Track Court; Dacula, GA 30019 in Gwinnett County. The building will have white exterior with black trim to match existing home.

The use of the detached garage is for storage of my antique car and other recreational vehicles.

I appreciate your consideration and approval of this special use permit.

Kind Regards,

Wayne D Edwards

Wayne D Edwards

RECEIVED 10-26-10
SUP2011-00002

10945 Hwy. 278 East
Covington, GA 30014
Office: 678-342-2204
Fax: 678-342-2078

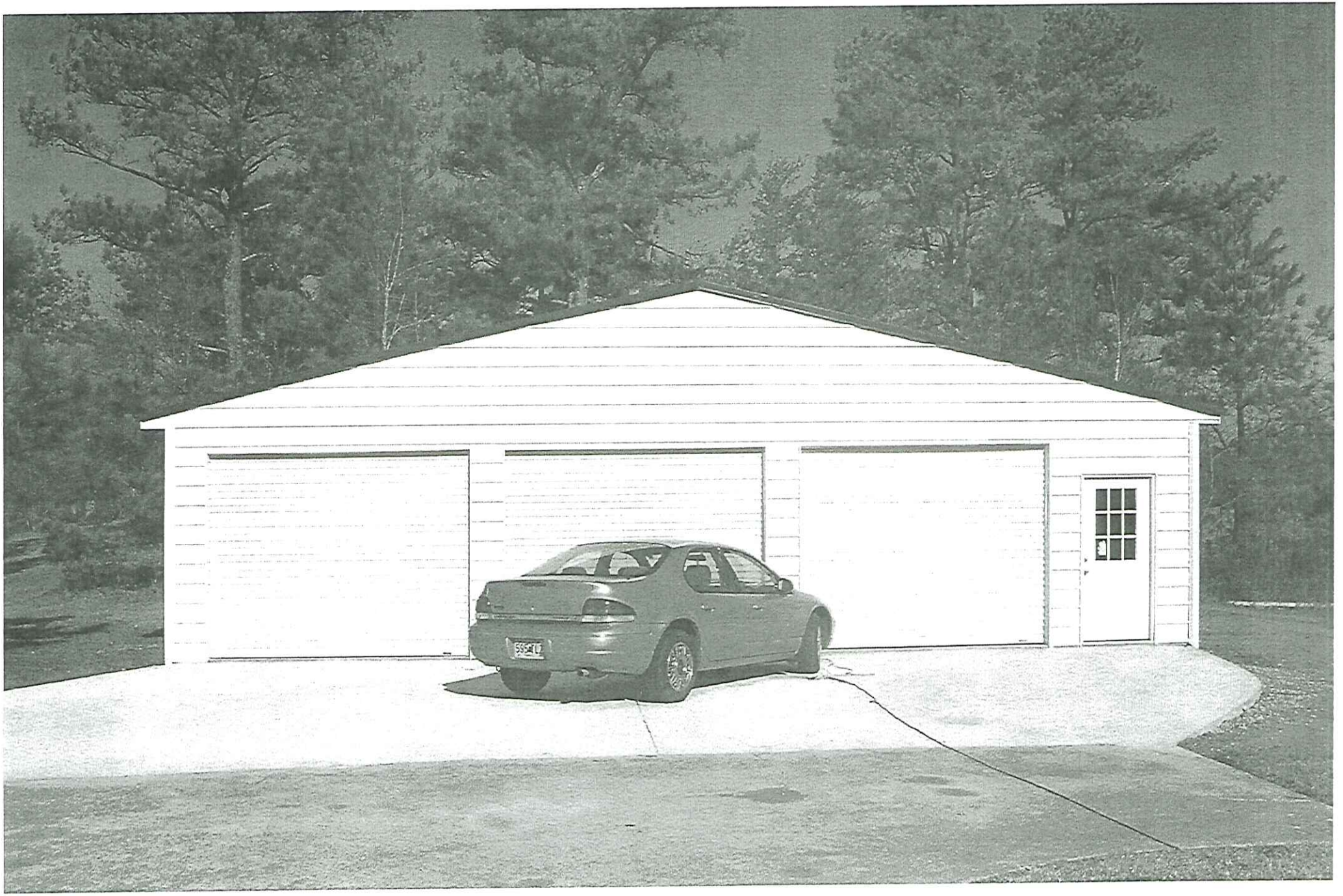
3/12 Classic, 7/12 A-Frame, Gambrel/Hightop Barn

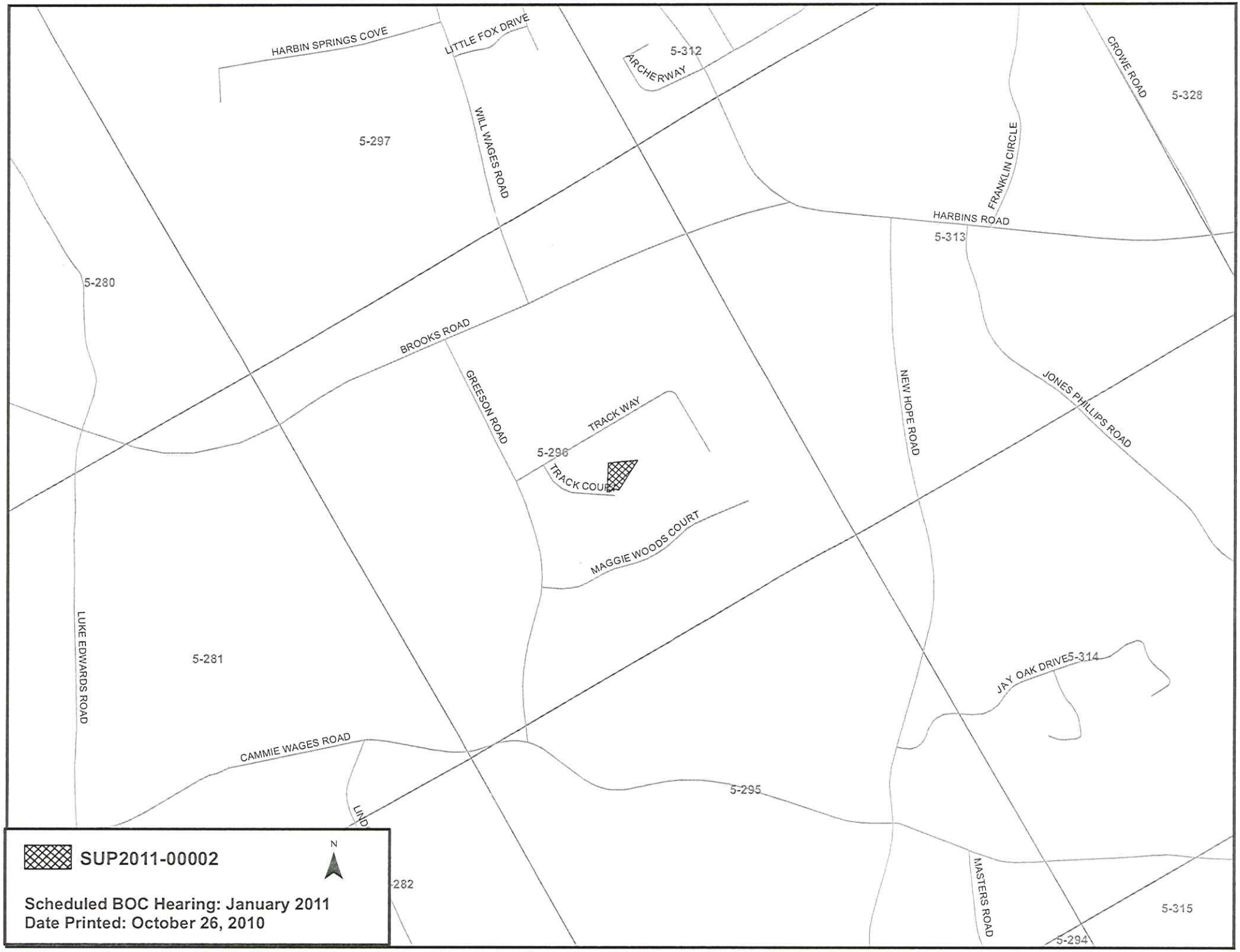
- 2"x3" Galvanized Steel Framing w/ Triple Layer of Flow-Coat Protection
    - 1st Layer: Flo-Coat© Uniform Zinc Galvanizing
    - 2nd Layer: Corrosion Coating
    - 3rd Layer: Clear Organic Coating
  - 5'/ Custom 4' Centers
  - Pre-Engineered to Exceed Georgia State Requirements
    - 110mph Wind Load & 30lb per sq ft Roof Load

    (State Requires: 90mph Wind Load & 20lb per sq ft Roof Load)

- 29ga. Sheet Metal: Roof, Sides, & Trim
  - 19 Different Colors to Choose
    - Multiple Color Combinations (Roof, Trim, & Sides Can Be Different)
  - Baked-On-Finish
  - 40yr. Warranty
    - Not To Rust, Crack, or Peel

- 1yr. Written Service Warranty with ALL Our Work




HARBIN SPRINGS COVE
LITTLE FOX DRIVE
5-312
ARCHERWAY
CROWE ROAD
5-328
5-297
WILL WAGES ROAD
FRANKLIN CIRCLE
HARBINS ROAD
5-313
5-280
BROOKS ROAD
GREESON ROAD
TRACK WAY
5-296
TRACK COURT
NEW HOPE ROAD
JONES PHILLIPS ROAD
MAGGIE WOODS COURT
LUKE EDWARDS ROAD
5-281
JAY OAK DRIVE5-314
CAMMIE WAGES ROAD
5-295
MASTERS ROAD
5-315
5-294
SUP2011-00002
N
Scheduled BOC Hearing: January 2011
Date Printed: October 26, 2010

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 33,223 FEET AND AN ANGULAR ERROR OF 0.01" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.

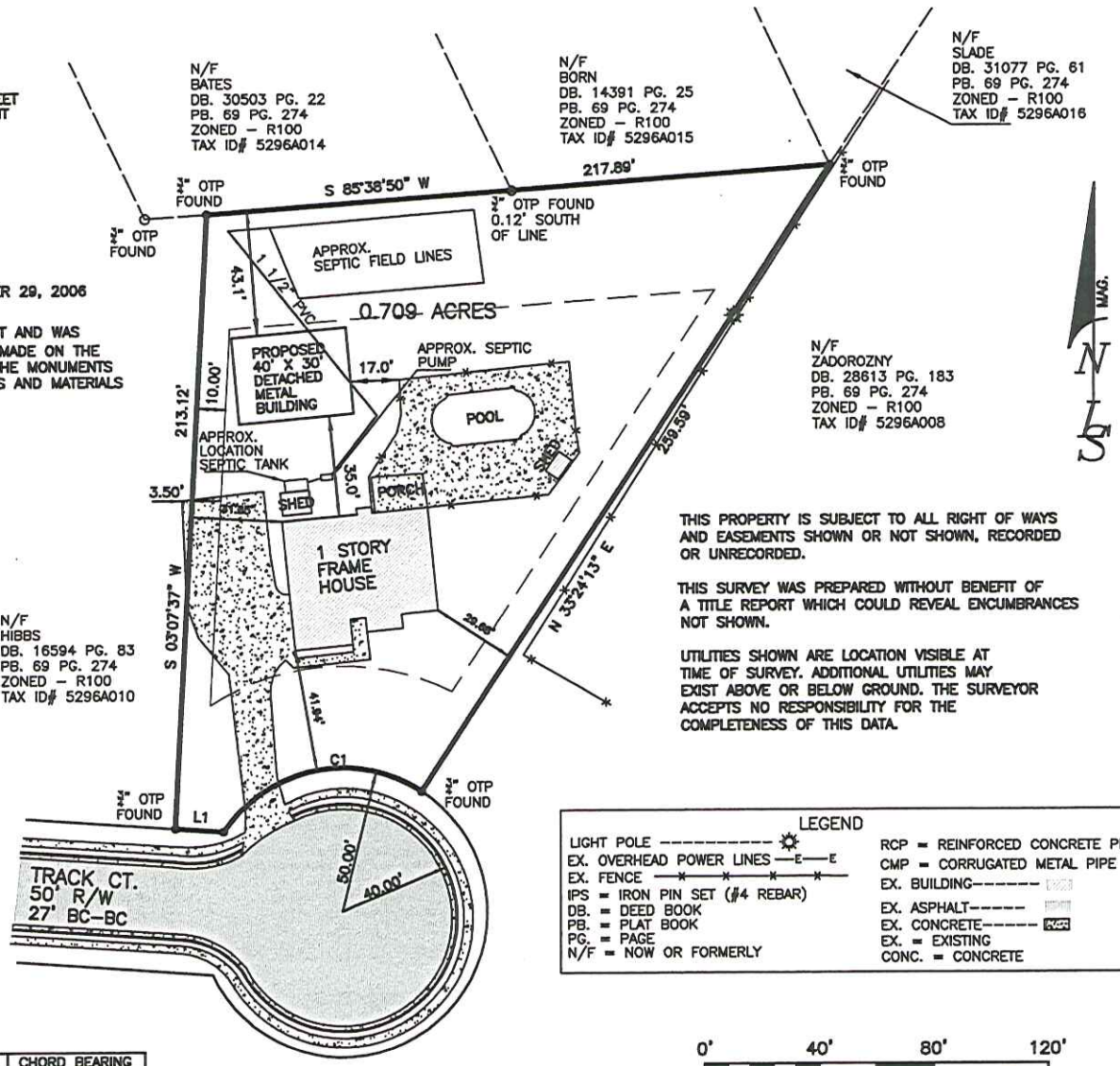
EQUIPMENT USED:TOPCON GTS-313.

AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA
AS PER COMMUNITY - PANEL NUMBER 13151C0092F
DATED: SEPTEMBER 29, 2006

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVSION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

GENERAL NOTES:
SITE ADDRESS:
1950 TRACT CT
DACULA GA. 30019
CURRENT ZONING = R100
MINIMUM LOT ARE = 23,000 SQ. FT
MINIMUM LOT WIDTH = 100' AT B.L
FRONT SETBACK = 35'
SIDE SETBACK = 10'
REAR SETBACK = 40'

NOTE
REVISED 11/01/2010 TO ROTATE PROPOSED BUILDING



THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

LINE CALL CHART

LINE	BEARING	DISTANCE
L1	S 86°00'00" E	16.85'

CURVE DATA CHART

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	50.00'	78.29'	70.53'	N 76°42'47" E

LEGEND

LIGHT POLE
EX. OVERHEAD POWER LINES —E—E
EX. FENCE
IPS = IRON PIN SET (#4 REBAR)
DB. = DEED BOOK
PB. = PLAT BOOK
PG. = PAGE
N/F = NOW OR FORMERLY
RCP = REINFORCED CONCRETE PIPE
CMP = CORRUGATED METAL PIPE
EX. BUILDING
EX. ASPHALT
EX. CONCRETE
EX. = EXISTING
CONC. = CONCRETE

0' 40' 80' 120'
GRAPHIC SCALE = FEET

LARRY SIBLEY SURVEYING, INC.
310 PATRICK DRIVE
LAWRENCEVILLE, GA. 30045
PHONE (770) 963-7535
FAX (770) 963-7535
www.sibleysurveying.com

SITE PLAN
OF 0.709 ACRES
FOR
WAYNE EDWARDS
LAND LOT 296, 6th. DISTRICT
GWINETT COUNTY, GEORGIA

GEORGIA REGISTERED PROFESSIONAL NO. 3150 LAND SURVEYOR TIM L. MILLER

PROJECT NO.: B10039
DRAWN BY: TLM
SCALE:1" = 40'
DATE: 09-29-2010

SUP'11002


5-297
WILL WAGES ROAD
NEW HOPE ROAD
R100
BROOKS ROAD
5-313
GREESON ROAD
RA200
TRACK WAY
R100
5-290
TRACK COURT
MAGGIE WOODS COURT
5-314
RA200
5-293
SUP2011-00002
N
Scheduled BOC Hearing: January 2011
Printed: October 26, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00003**
ZONING	:C-2
LOCATION	:4100 BLOCK OF STONE MOUNTAIN HIGHWAY
MAP NUMBER	:R6054 017
ACREAGE	:0.44 ACRE
PROPOSED DEVELOPMENT	:TITLE LOAN FACILITY
SQUARE FEET	:1,760 SQUARE FEET
COMMISSION DISTRICT	:(3) BEAUDREAU

FUTURE DEVELOPMENT MAP: **CORRIDOR MIXED-USE**

APPLICANT: AUTO CASH
C/O MILL CREEK CONSULTING
4480 COMMERCE DRIVE, SUITE A
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNER: WAFFLE HOUSE, INC.
C/O MILL CREEK CONSULTING
4480 COMMERCE DRIVE, SUITE A
BUFORD, GA 30518

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 0.44-acre parcel, zoned C-2 (General Business District), to allow a title loan facility. The subject property is located on the south side of U.S. Highway 78, southwest of its intersection with Killian Hill Road/Bethany Church Road. The subject property is located within the U.S. Highway 78 Overlay District.

The site is currently developed with a vacant one-story, 1,760 square foot building. The building would be converted for use as a title loan facility. According to the letter of intent, any vehicles which are repossessed would not be stored, parked or offered for sale on the property at any time. There are no changes proposed to the site as part of this application.

Access is provided through a shared entrance onto U.S. Highway 78, as well as an inter-parcel connection with the adjacent commercial developments to the east and west. A total of 33 parking spaces are shown on the submitted site plan.

ZONING HISTORY:

In 1970, the subject property was zoned C-1 (Neighborhood Business District). The subject property was rezoned to C-2 in 1972, pursuant to RZ-25-72.

GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The development would be served by sanitary sewer, resulting in minimal impact.

WETLANDS INVENTORY:

The subject property does not contain areas, streams and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 24-inch water main located on the southern right-of-way of Stone Mountain Highway.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located on the property.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.

2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for the existing building renovation for review and approval by Building Plan Review.

3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

4. Architectural design of the proposed building renovation shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.

5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject property is a 0.44-acre parcel, located on south side of U.S. Highway 78, southwest of its intersection with Killian Hill Road/Bethany Church Road. The site is developed with an existing building, which appears to be vacant, and associated parking.

The 2030 Unified Plan Future Development Map indicates the property lies within a Corridor Mixed-Use Character Area. Policies for this character area support freestanding retail, commercial and office services. With appropriate conditions prohibiting the outdoor storage, sale or display of repossessed vehicles, and limiting the hours of operation, the requested use could be considered consistent with this character area.

The surrounding area is characterized by intensely developed commercial/retail uses fronting along the U.S. Highway 78 corridor. Surrounding businesses include a hotel, fast-food restaurants, and numerous retail uses. Located immediately to the east of the subject property is the Fisherman's Catch restaurant. Immediately to the south and west, is the Suburban Lodge hotel/motel. Given the variety of commercial uses in the vicinity, the request could be considered consistent with the surrounding area.

If properly conditioned, the requested Special Use Permit for a title loan facility could be consistent with recommendations of the Unified Plan and compatible with the surrounding area. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for a title loan facility, subject to the following enumerated conditions:

1. Retail, service commercial, office and accessory uses which may include a title loan facility as a special use. No merchandise may be pawned other than automobile titles.

2. Abide by all applicable conditions of RZ-25-72.

3. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance. Stucco may only be used as an accent building material.

4. At a minimum, the existing building shall be repainted in a neutral color. Any new construction or exterior renovations shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (stucco may only be used as an accent material). Final exterior colors and building elevations shall be submitted for review and approval by the Director of Planning and Development.

5. Obtain all necessary development and building permits, and bring the site and structure(s) up to all applicable zoning, development and building codes within 180 days of zoning approval.

6. Hours of operation for the title loan facility business shall be limited to 8:00 a.m. until 6:00 p.m. Monday through Friday, and 8:00 a.m. through 4:00 p.m. on Saturday.

7. Storage, sale or display of repossessed vehicles shall be prohibited on the site.

8. Billboards or oversized signs shall be prohibited.

9. The existing pole sign shall be removed from the site, and replaced with a monument-type ground sign with a minimum two-foot high brick or stacked stone base. The base and sign structure shall be constructed of materials consistent with the architectural and exterior treatment of the building. Ground sign(s) shall not exceed 8 feet in height.

10. Wall signage for the title loan facility shall not exceed 30 square feet.

11. Window signage (signs displayed on the interior or exterior of the title loan/pawn business' storefront windows), other than "open/closed" signs, hours of operation, or those signs required by local, state or federal law shall be prohibited. Allowable window signage shall not exceed 4 square feet.

12. Neon, LED or blinking window signs or wall signs shall be prohibited.

13. Peddlers and/or parking lot sales are prohibited.

14. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

15. No banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed Special Use Permit for a title loan facility could be suitable at this location in light of other similarly intense commercial uses along the U.S. Highway 78 corridor.

ADVERSE IMPACTS

With the appropriate conditions, including limiting the hours of operation and prohibiting the outdoor storage, sale, or display of repossessed vehicles, the potential impacts from this request could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

As the site is already developed, few additional impacts on public facilities are anticipated from this request.

CONFORMITY WITH POLICIES

The requested Special Use Permit for a title loan facility could be considered consistent with the 2030 Unified Plan within this commercial corridor.

CONDITIONS AFFECTING ZONING

The location of the property along an intensely developed commercial corridor gives some supporting grounds for approval. Limiting signage, hours of operation, and outdoor sales could reduce the potential impacts of the proposed use.

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY, OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:
THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES HAVE A REASONABLE ECONOMIC USE.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:
THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
THE SUBJECT PROPERTY IS DESIGNATED AS COMMERCIAL-RETAIL.

(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 LETTER OF INTENT.

.....

PLANNING DIVISION USE ONLY

CASE NUMBER _____ RECEIVED BY: _____

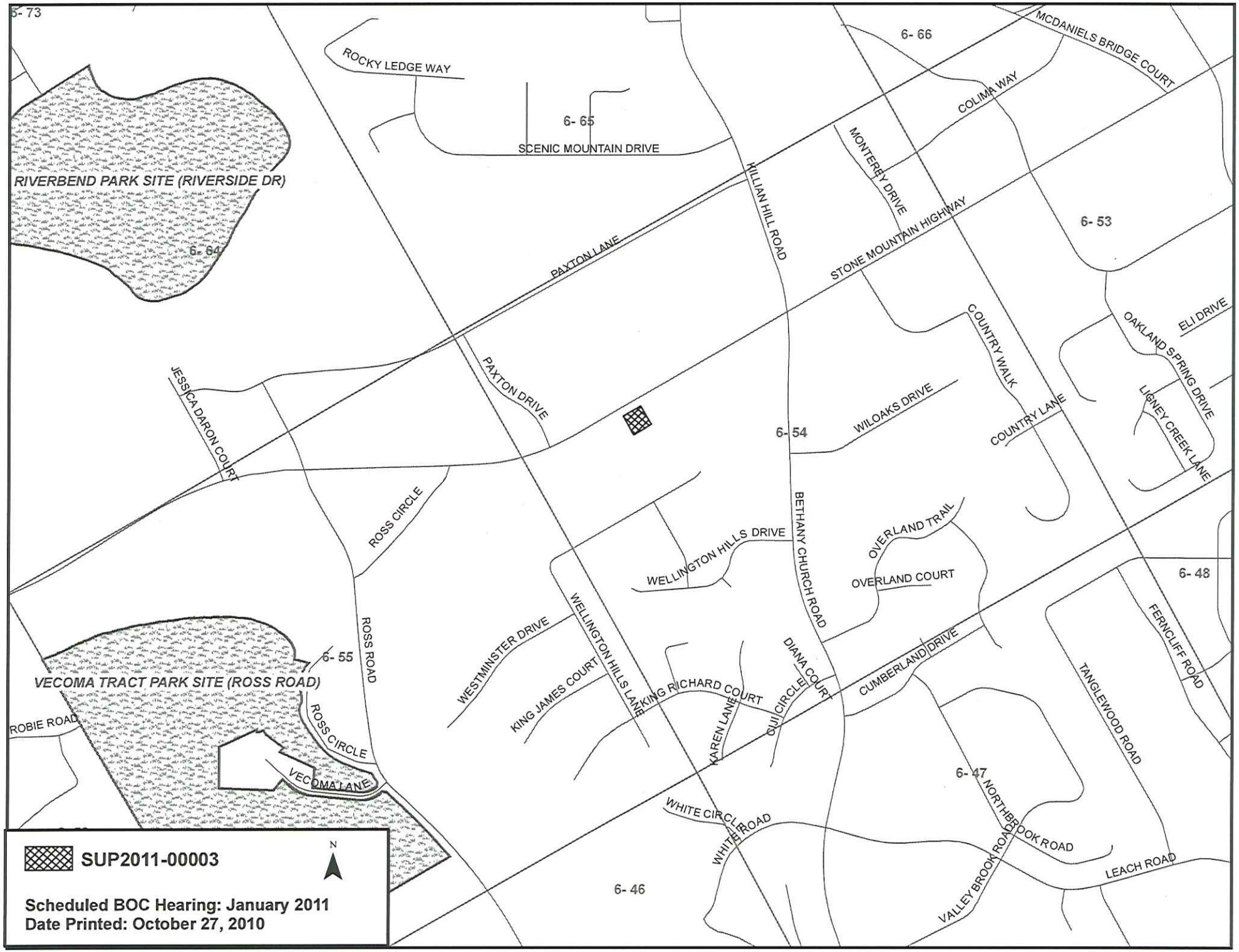
RECEIVED 10-27-10
SUP2011-00003

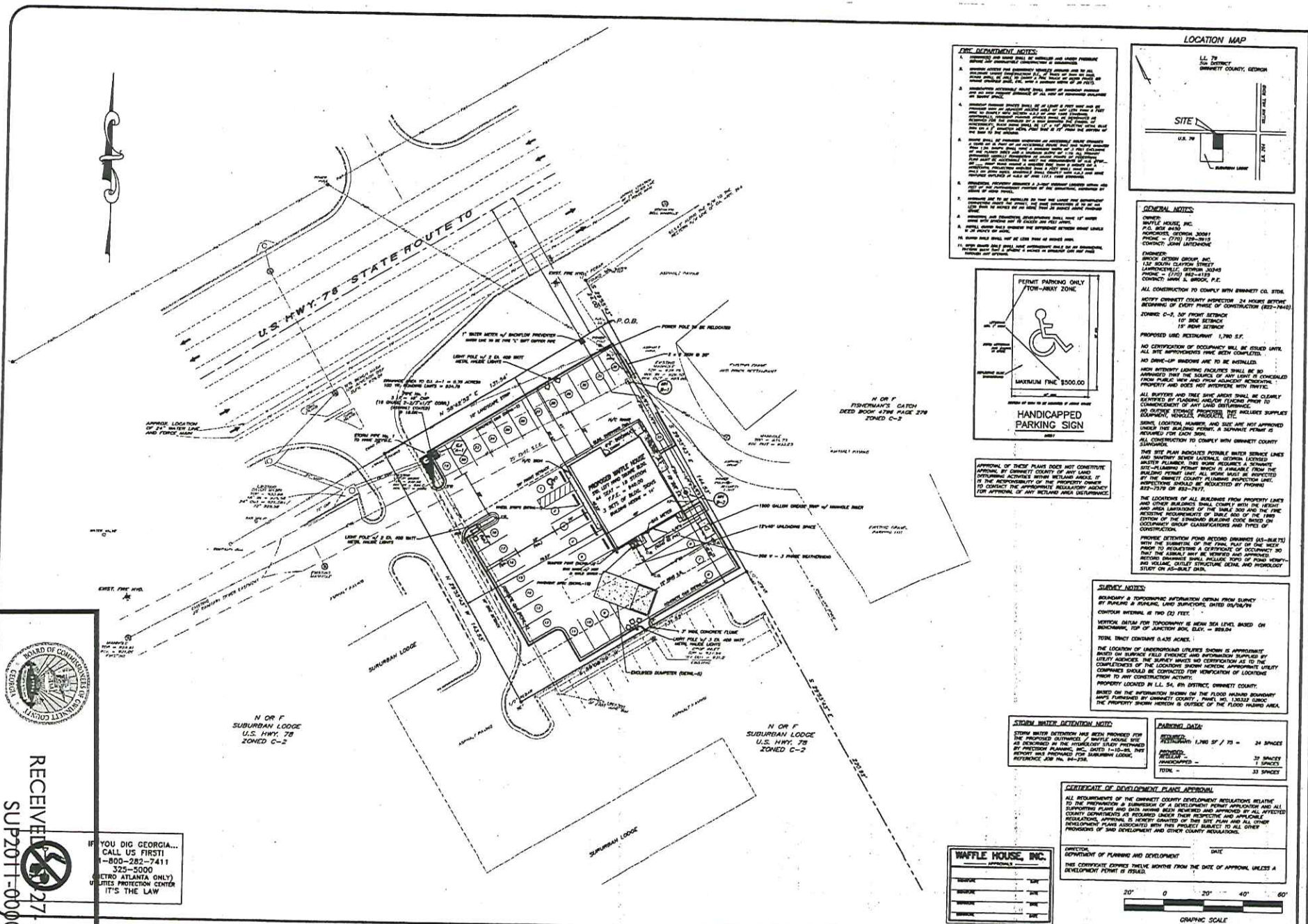
REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Auto Cash, requests a special use permit on the Waffle House property for the purpose of opening a title loan facility in the 1,760 square foot building. The subject property is located on Highway 78 and is found in the 6th District, Land Lot 54 in Gwinnett County.

This site is in a heavily commercial area and is in fact surrounded by commercial properties and is directly across from the entrance to the Home Depot. The building is currently vacant and due to its size it has been difficult to find an alternate user since the restaurant closed. Auto Cash is a Title Loan Lender and on a busy day there might be a total of 10 to 12 customers spread out over the entire day. No repossessed vehicles will be stored, parked or offered for sale on the property at any time. No exterior changes are planned for the building except for new signage. Generally, no cash is kept on site unless someone stops by and makes a payment in cash and that is immediately taken to the bank and deposited. This will not be a check cashing facility but a Title Loan Lender only.

RECEIVED 10-27-10
SUP2011-00003


6- 73
ROCKY LEDGE WAY
6- 65
SCENIC MOUNTAIN DRIVE
6- 66
MCDANIELS BRIDGE COURT
COLIMA WAY
MONTEREY DRIVE
HILLIAN HILL ROAD
RIVERBEND PARK SITE (RIVERSIDE DR)
6- 64
PAXTON LANE
STONE MOUNTAIN HIGHWAY
6- 53
ELI DRIVE
OAKLAND SPRING DRIVE
COUNTRY WALK
LIGNEY CREEK LANE
JESSICA DARON COURT
PAXTON DRIVE
6- 54
WILOAKS DRIVE
COUNTRY LANE
ROSS CIRCLE
BETHANY CHURCH ROAD
OVERLAND TRAIL
WELLINGTON HILLS DRIVE
OVERLAND COURT
6- 48
6- 55
VECOMA TRACT PARK SITE (ROSS ROAD)
ROSS ROAD
WESTMINSTER DRIVE
WELLINGTON HILLS LANE
DIANA COURT
FERNCLIFF ROAD
ROBIE ROAD
ROSS CIRCLE
KING JAMES COURT
KING RICHARD COURT
KAREN LANE
GUI CIRCLE
CUMBERLAND DRIVE
TANGLEWOOD ROAD
VECOMA LANE
6- 47
NORTHBROOK ROAD
WHITE CIRCLE
WHITE ROAD
LEACH ROAD
VALLEY BROOK ROAD
6- 46
SUP2011-00003
N
Scheduled BOC Hearing: January 2011
Date Printed: October 27, 2010



LOCATION MAP

FIRE DEPARTMENT NOTES:

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. [illegible]

GENERAL NOTES:

OWNER:
WAFFLE HOUSE, INC.
P.O. BOX 6450
NORCROSS, GEORGIA 30091
PHONE – (770) 729-5915
CONTACT: JOHN LATENHOVE

ENGINEER:
BROCK DESIGN GROUP, INC.
130 SOUTH CLAYTON STREET
LAWRENCEVILLE, GEORGIA 30245
PHONE – (770) 962-4123
CONTACT: MARK S. BROCK, P.E.

ALL CONSTRUCTION TO COMPLY WITH GWINNETT CO. STDS.

NOTIFY GWINNETT COUNTY INSPECTOR 24 HOURS BEFORE BEGINNING OF EVERY PHASE OF CONSTRUCTION (822-7640).

ZONING: C-2, 50' FRONT SETBACK
15' SIDE SETBACK
15' REAR SETBACK

PROPOSED USE: RESTAURANT 1,790 S.F.

NO CERTIFICATION OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.

NO DRIVE-UP WINDOWS ARE TO BE INSTALLED.

HIGH INTENSITY LIGHTING FACILITIES SHALL BE SO ARRANGED THAT THE SOURCE OF ANY LIGHT IS CONCEALED FROM PUBLIC VIEW AND FROM ADJACENT RESIDENTIAL PROPERTY AND DOES NOT INTERFERE WITH TRAFFIC.

ALL BUFFERS AND TREE SAVE AREAS SHALL BE CLEARLY IDENTIFIED BY FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.

ALL SOLID WASTE PROCESSING, DISPOSAL AND RECYCLING FACILITIES, INCLUDES SUPPLIES AND VEHICLES, PRODUCTS, ETC.

SIGNS, LOCATION, NUMBER, AND SIZE ARE NOT APPROVED UNDER THIS BUILDING PERMIT. A SEPARATE PERMIT IS REQUIRED FOR EACH SIGN.

ALL CONSTRUCTION TO COMPLY WITH GWINNETT COUNTY SANITATION.

THIS SITE PLAN INDICATES POTABLE WATER SERVICE LINES AND SANITARY SEWER LAYOUTS, GEORGIA LICENSED MASTER PLUMBER, THIS WORK REQUIRES A SEPARATE SITE-PLUMBING PERMIT WHICH IS AVAILABLE FROM THE BUILDING PERMIT UNIT. ALL WORK MUST BE INSPECTED BY THE GWINNETT COUNTY PLUMBING INSPECTION UNIT. INSPECTIONS SHOULD BE REQUESTED BY PHONE: 822-7378 OR 652-7617.

THE LOCATIONS OF ALL BUILDINGS FROM PROPERTY LINES AND OTHER BUILDINGS SHALL COMPLY WITH THE HEIGHT AND AREA LIMITATIONS OF THE TABLE 500 AND THE FIRE RESISTIVE REQUIREMENTS OF TABLE 600 OF THE 1993 EDITION OF THE STANDARD BUILDING CODE BASED ON OCCUPANCY GROUP CLASSIFICATIONS AND TYPES OF CONSTRUCTION.

PROVIDE DETENTION POND RECORD DRAWINGS (AS-BUILTS) WITH THE SUBMITTAL OF THE FINAL PLAT OR D&E WE'S PRIOR TO REQUESTING A CERTIFICATE OF OCCUPANCY. SO THAT THE ASBUILT MAY BE VERIFIED AND APPROVED BEFORE. DRAWINGS SHALL INCLUDE TOPO OF POND VERIFY-ING VOLUME, OUTLET STRUCTURE DETAIL AND HYDROLOGY STUDY ON AS-BUILT DATA.

PERMIT PARKING ONLY TOW-AWAY ZONE

HANDICAPPED PARKING SIGN

APPROVAL OF THESE PLANS DOES NOT CONSTITUTE APPROVAL BY GWINNETT COUNTY OF ANY LAND DISTURBING ACTIVITIES WITHIN WETLAND AREAS. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO CONTACT THE APPROPRIATE REGULATORY AGENCY FOR APPROVAL OF ANY WETLAND AREA DISTURBANCE.

SURVEY NOTES:

BOUNDARY & TOPOGRAPHIC INFORMATION OBTAIN FROM SURVEY BY RUPLING & RUPLING, LAND SURVEYORS, DATED 05/08/94

CONTOUR INTERVAL IS TWO (2) FEET.

VERTICAL DATUM FOR TOPOGRAPHY IS MEAN SEA LEVEL BASED ON BENCHMARK, TOP OF JUNCTION BOX, ELEV. = 929.04

TOTAL TRACT CONTAINS 0.435 ACRES.

THE LOCATION OF UNDERGROUND UTILITIES SHOWN IS APPROXIMATE BASED ON SURFACE FIELD EVIDENCE AND INFORMATION SUPPLIED BY UTILITY AGENCIES. THE SURVEY MAKES NO CERTIFICATION AS TO THE COMPLETENESS OF THE LOCATIONS SHOWN HEREON. APPROPRIATE UTILITY COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF LOCATIONS PRIOR TO ANY CONSTRUCTION ACTIVITY.

PROPERTY LOCATED IN LL. 54, 6th DISTRICT, GWINNETT COUNTY.

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY GWINNETT COUNTY, PANEL NO. 130332 C,0800 THE PROPERTY SHOWN HEREON IS OUTSIDE OF THE FLOOD HAZARD AREA.

STORM WATER DETENTION NOTE:

STORM WATER DETENTION HAS BEEN PROVIDED FOR THE PROPOSED OUTPARCEL / WAFFLE HOUSE SITE AS DESCRIBED IN THE HYDROLOGY STUDY PREPARED BY PRECISION PLANNING, INC., DATED 1-10-95. THIS REPORT WAS PREPARED FOR SUBURBAN LODGE; REFERENCE JOB No. 94-238.

PARKING DATA:

REQUIRED:
RESTAURANT: 1,790 SF / 75 = 24 SPACES

PROVIDED:
REGULAR = 32 SPACES
HANDICAPPED = 1 SPACES
TOTAL = 33 SPACES

CERTIFICATE OF DEVELOPMENT PLANS APPROVAL

ALL REQUIREMENTS OF THE GWINNETT COUNTY DEVELOPMENT REGULATIONS RELATIVE TO THE PREPARATION & SUBMISSION OF A DEVELOPMENT PERMIT APPLICATION AND ALL SUPPORTING PLANS AND DATA HAVING BEEN REVIEWED AND APPROVED BY ALL AFFECTED COUNTY DEPARTMENTS AS REQUIRED UNDER THEIR RESPECTIVE AND APPLICABLE REGULATIONS, APPROVAL IS HEREBY GRANTED OF THIS SITE PLAN AND ALL OTHER DEVELOPMENT PLANS ASSOCIATED WITH THIS PROJECT SUBJECT TO ALL OTHER PROVISIONS OF SAID DEVELOPMENT AND OTHER COUNTY REGULATIONS.

DIRECTOR, DEPARTMENT OF PLANNING AND DEVELOPMENT — DATE

THIS CERTIFICATE EXPIRES TWELVE MONTHS FROM THE DATE OF APPROVAL UNLESS A DEVELOPMENT PERMIT IS ISSUED.

WAFFLE HOUSE, INC. APPROVALS	
SURVEYOR	DATE
ENGINEER	DATE
ARCHITECT	DATE
MECHANICAL	DATE

20' 0 20' 40' 60'
GRAPHIC SCALE
1" = 20'

130 SOUTH CLAYTON STREET
LAWRENCEVILLE, GEORGIA 30245
(770) 962-4123 ~ FAX (770) 962-4128

GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 14088 MARK S. BROCK

SITE PLAN for WAFFLE HOUSE, INC.

UNIT # LL 54, 6th DISTRICT ~ U.S. HIGHWAY 78 (SUBURBAN LODGE) GWINNETT COUNTY, GEORGIA

NO.	DATE	REVISION DESCRIPTION
1	05/08/94	ADDED COUNTY COMMENTS
2		
3		
4		

PROJECT NAME:
WAFFLE HOUSE
U.S. HIGHWAY 78
(SUBURBAN LODGE)
LL. 54, 6th DISTRICT
Tax Parcel No.
R6054017
GWINNETT COUNTY
GEORGIA

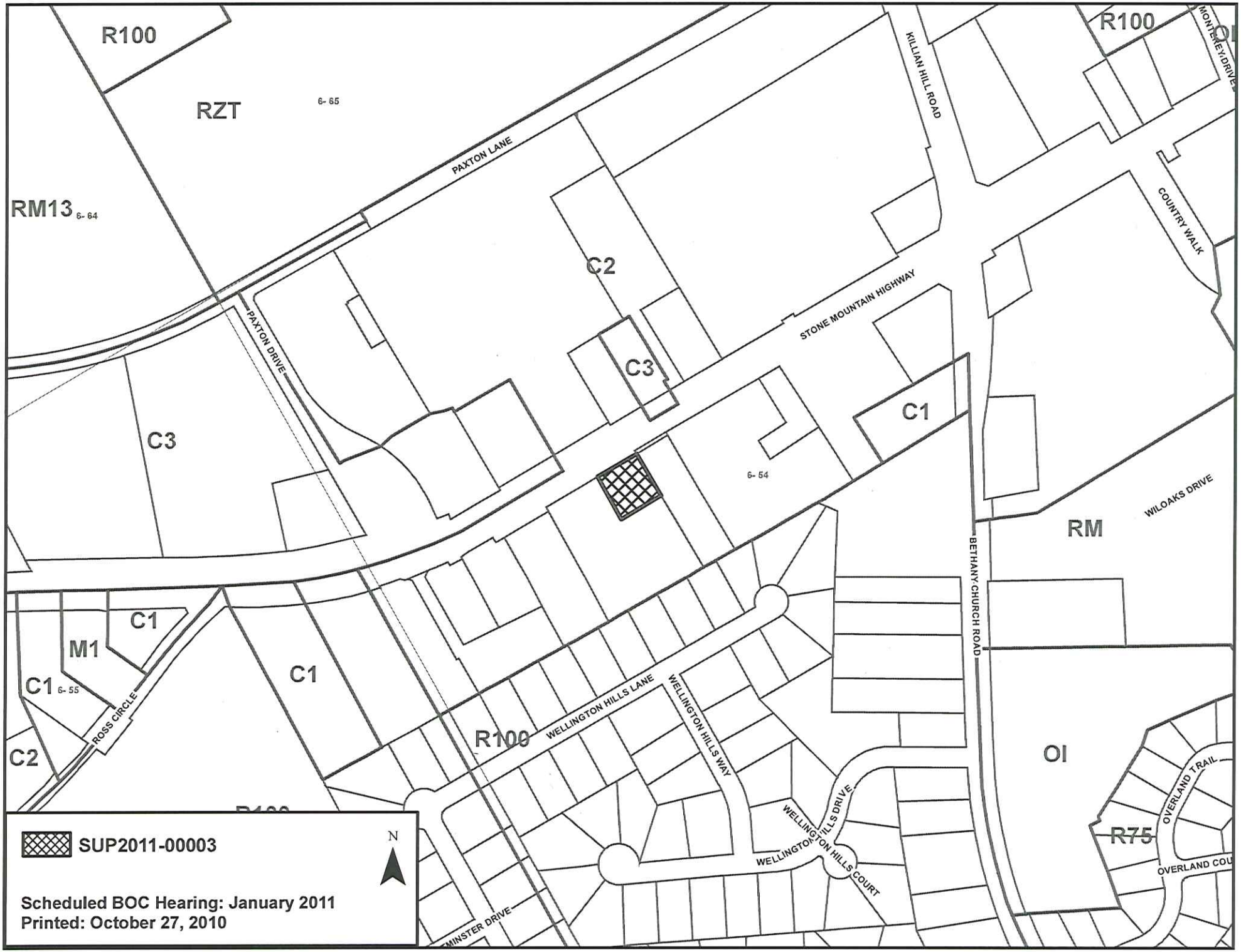
SHEET TITLE:
SITE PLAN

PROJECT No. WAF033
SHEET No. C-1
DATE: 03/28/94
ISSUE NO. 2
SHEET 3 OF 3

IF YOU DIG GEORGIA... CALL US FIRST! 1-800-282-7411 325-5000 (METRO ATLANTA ONLY) UTILITIES PROTECTION CENTER IT'S THE LAW

BOARD OF COMMISSIONERS OF GWINNETT COUNTY GEORGIA

RECEIVED 5-27-10
SUP2011-00003


R100
RZT
6-65
PAXTON LANE
KILLIAN HILL ROAD
R100
MONTEREY DRIVE
RM13
6-64
C2
STONE MOUNTAIN HIGHWAY
COUNTRY WALK
PAXTON DRIVE
C3
C3
C1
6-54
WILOAKS DRIVE
RM
BETHANY CHURCH ROAD
C1
M1
C1
C1
6-55
ROSS CIRCLE
C2
R100
WELLINGTON HILLS LANE
WELLINGTON HILLS WAY
OI
WELLINGTON HILLS DRIVE
WELLINGTON HILLS COURT
OVERLAND TRAIL
R75
OVERLAND COU
MINSTER DRIVE
SUP2011-00003
N
Scheduled BOC Hearing: January 2011
Printed: October 27, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00004**
ZONING	:R-100
LOCATION	:5000 BLOCK OF WYCLIFFE DRIVE :3000 BLOCK OF DESHONG DRIVE
MAP NUMBER	:R6026 021
ACREAGE	:0.45 ACRE
PROPOSED DEVELOPMENT	:IN-HOME OCCUPATION (GROUP DAYCARE)
COMMISSION DISTRICT	:(3) BEAUDREAU

FUTURE DEVELOPMENT MAP: **EXISTING / EMERGING SUBURBAN**

APPLICANT: INOR F. GRIFFIN-HAWKINS
5060 WYCLIFFE DRIVE
STONE MOUNTAIN, GA 30087

CONTACT: INOR F. GRIFFIN-HAWKINS PHONE: 678.580.2536

OWNER: INOR F. GRIFFIN-HAWKINS
5060 WYCLIFFE DRIVE
STONE MOUNTAIN, GA 30087

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 0.45-acre parcel, zoned R-100 (Single Family Residence District), to allow a group daycare as an in-home occupation. The subject property is a residential lot located at the southeast corner of Deshong Drive and Wycliffe Drive, within the Manor Estates subdivision.

The property is developed with a one-story, 1,632 square foot single-family dwelling, and access is via a single driveway extending from Wycliffe Drive. According to the letter of intent, the applicant currently operates a family daycare from the subject property, providing care for up to six children. The applicant now plans to expand the business to allow daycare for up to 16 children.

According to the letter of intent, additional employees would be hired, and the after-school care, overnight stays and weekend daycare could be offered. Although after-school care and weekend hours could be granted, staff notes that overnight care is not allowed under the County's definition of daycare, and could not be allowed as part of this application.

ZONING HISTORY:

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). The property was rezoned to R-100 as part of a larger area-wide rezoning in 1973.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

Section 600 of the 1985 Zoning Resolution requires that accessory structures (fenced play areas and playground equipment) be located in the rear yard, 5 feet from the property line. A Variance will be required if located in the front or side yard.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Contact GCEHD concerning septic involvement. Must submit level 3 soil report and detailed site plan with 2 foot topo and soils transposed onto plat. Available usable soil square footage on the lot will determine kind and size of structure/business addition that can be approved for this location.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the eastern right-of-way of Deshong Drive and an 8-inch water main located on the southern right-of-way of Wycliffe Drive.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 1,000 feet northwest of the property in Castlewood MHP, or approximately 2,100 feet southwest of the property in the right-of-way of Mineral Ridge Court.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall obtain a building code compliance inspection (CIR) of each existing building by the Building Construction Section of Department of Planning and Development and shall comply with the inspection results.

2. The applicant shall submit civil site drawings to Building Plan Review for review and approval.

3. The applicant shall submit plans which clearly indicate any new construction as proposed by the applicant and as required by the compliance inspection report for review and approval by Building Plan Review.

4. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia State amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

5. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 am to 5:00 pm.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.

2. Applicant submits architectural drawings to Fire Plan Review for review and approval.

3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject property is a 0.45-acre parcel located at the southeast intersection of Deshong Drive and Wycliffe Drive, southeast of Annistown Road. The site contains a single-family dwelling and is located within the Manor Estates subdivision.

The 2030 Unified Plan Future Development Map indicates that the property lies within an Existing/Emerging Suburban Character Area. Policies of the Unified Plan suggest that an in-home daycare occupation could be an acceptable use. With the appropriate conditions, including limitations on the number of children, hours of operation, exterior modifications and exterior signage, the requested use could be compatible within this character area.

The surrounding area is characterized by single-family residential uses. With appropriate conditions and limitations, a group daycare could be compatible with the neighboring residences in Manor Estates subdivision. The use would not be expected to adversely impact the neighbors if the residential character of the property is maintained and the number of children and hours of operation are limited.

It is noted that the applicant proposes to expand the operation to 16 children, add employees, and offer overnight and weekend care. In the Department's opinion, this scale of operation may not be suitable for this residential location. Although the Department could support the applicant's request to expand, it could only do so with appropriate limitations and restrictions to preserve the residential nature of the property.

In conclusion, the requested Special Use Permit could be suitable to the area with appropriate restrictions and limitations. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for Group Daycare subject to the following enumerated conditions:

1. Single-family residential and accessory uses which may include group daycare for no more than 10 children in the existing structure. The business shall be conducted only by individual(s) residing in the home, plus one outside employee.

2. There shall be no modifications to the exterior of the structure other than normal maintenance. Outdoor play areas shall be limited to the rear of the residence and shall be screened from neighboring properties with a six-foot high opaque wood fence.

3. Hours of operation for the daycare shall be limited to between 6:00 a.m. and 7:00 p.m., Monday through Friday. Weekend hours and overnight stays shall be specifically prohibited.

4. There shall be no evidence of the home occupation from the exterior of the dwelling. Exterior signage on the ground, walls or windows shall be prohibited.

5. Parent parking shall be limited to the existing driveway. A parking lot, striped parking spaces or on-street parking related to the daycare shall be prohibited.

6. The Special Use Permit shall terminate automatically in the event that the property is sold, transferred, or otherwise conveyed to any other party or in the event that the applicant no longer occupies the dwelling for which the Special Use Permit is issued. The owner shall agree to notify the Director of Planning and Development in writing upon the occurrence of any of these events.

7. The Special Use Permit shall be valid for a two-year period, at which time the applicant shall cease operation, or apply for renewal of the Special Use Permit.

PLANNING AND DEVELOPMENT DEPARTMENT
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

With conditions designed to preserve the residential appearance and nature of the property, the requested Special Use Permit to allow a group daycare as a home occupation may be suitable.

ADVERSE IMPACTS

The proposed increase from 6 to 16 children may introduce undue adverse impacts upon adjacent and nearby residences in the form of noise and additional traffic. Therefore, a limitation to a lesser number of children may be appropriate.

REASONABLE ECONOMIC USE AS ZONED

The subject property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

An increase in utility demand and septic system usage would be anticipated from a group daycare as proposed.

CONFORMITY WITH POLICIES

An in-home daycare could be considered compatible within the Existing/Emerging Suburban Character Area as designated by the Unified Plan.

CONDITIONS AFFECTING ZONING

A daycare for six children is currently operating at this location, and there are no reported violations, giving some supporting grounds for approval of the request to increase the number of children. However, given the very residential nature of the area, the number of children and hours of operation requested by the applicant may not be appropriate.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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:

NO

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

NO

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

NO

(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:

NO

(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:

NO

RECEIVED 10-29-10
SUP2011-00004

August 17, 2010

Loving Care Child Care Services, LLC.
5060 Wycliffe Drive
Stone Mountain, GA 30087
Re: Rezoning, Change In Conditions and Special Use Permit Application/**Letter Of Intent**

To Whom It May Concern:

I Inor F. Griffin-Hawkins, Professional Care Taker/Owner, of Loving Care Child Care Services, LLC., submits this 'Letter Of Intent' for the purpose of securing a single-family *'Rezoning, Change-in-Conditions and Special Use Permit*. Loving Care Child Care Services, LLC, currently operates as an 'In Home Daycare' facility. Under current state guidelines for in home daycare facilities, the maximum amount of children my company can care for is six daily.

Loving Care has operated as an 'In Home Daycare' for over seven years and has served the community with integrity and love. Our clients are hard-working, everyday struggling Americans who are trying to make ends meet. The current economic recession has caused many of them to look for or obtain secondary employment. This has led to an increase in childcare services that would extend past the traditional time periods currently provided. As a result, more and more parents are inquiring about afterschool, overnight, and in some cases, weekend services. The demand is overwhelming. Unfortunately, I have had to turn many of them down.

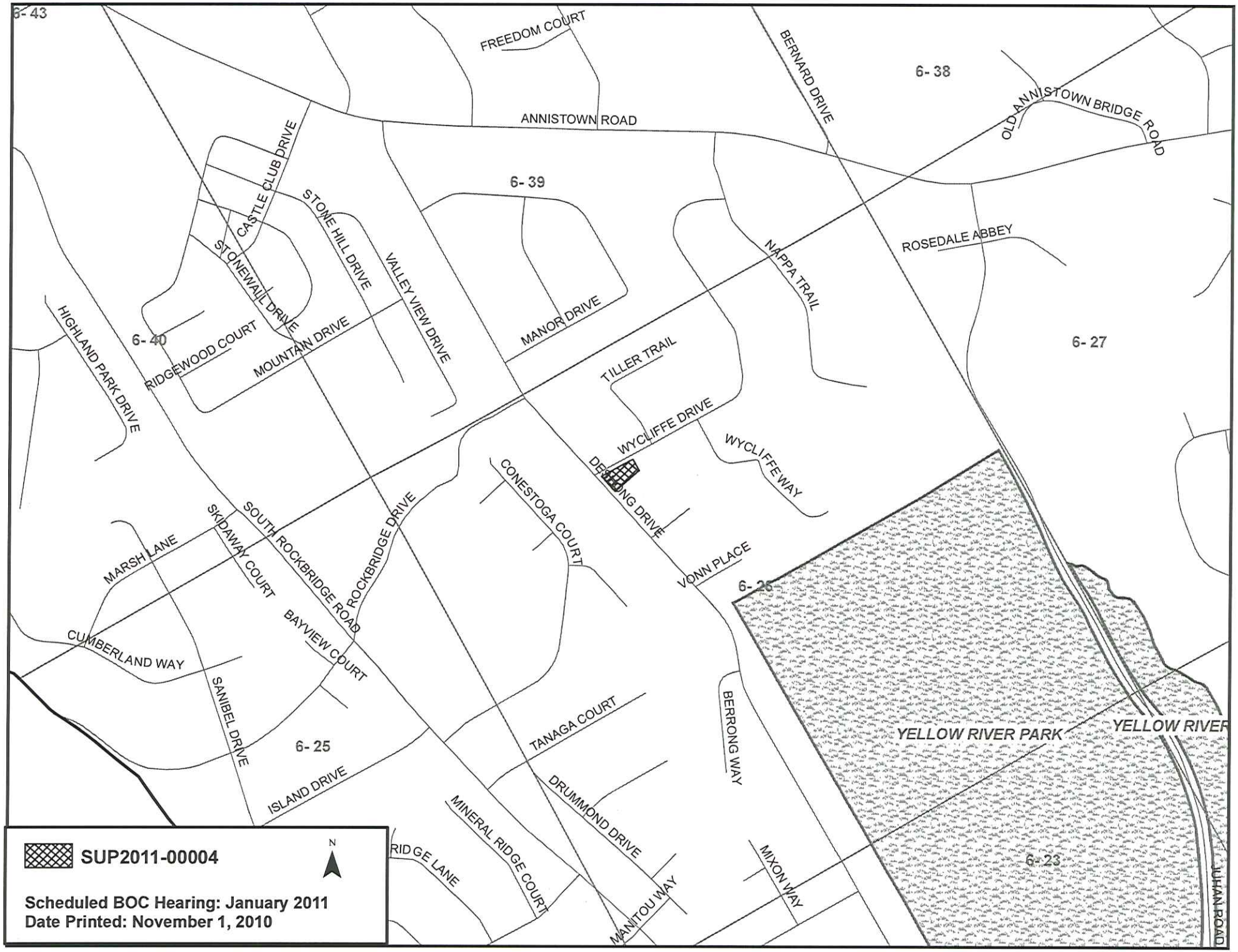
After much consideration, I have decided to explore the possibility of expanding Love Care Child Care Services, services to meet the community's growing need. In order to do so, I would need to secure the above permit to increase my capabilities up to 16 children or the maximum allowed by the state for these permits. Also, the increase in childcare services would allow Loving Care to employ additional caretakers, which would assist in reducing the State's growing unemployment problem. I receive inquires almost daily concerning employment opportunities. This also, would be another way of serving the community.

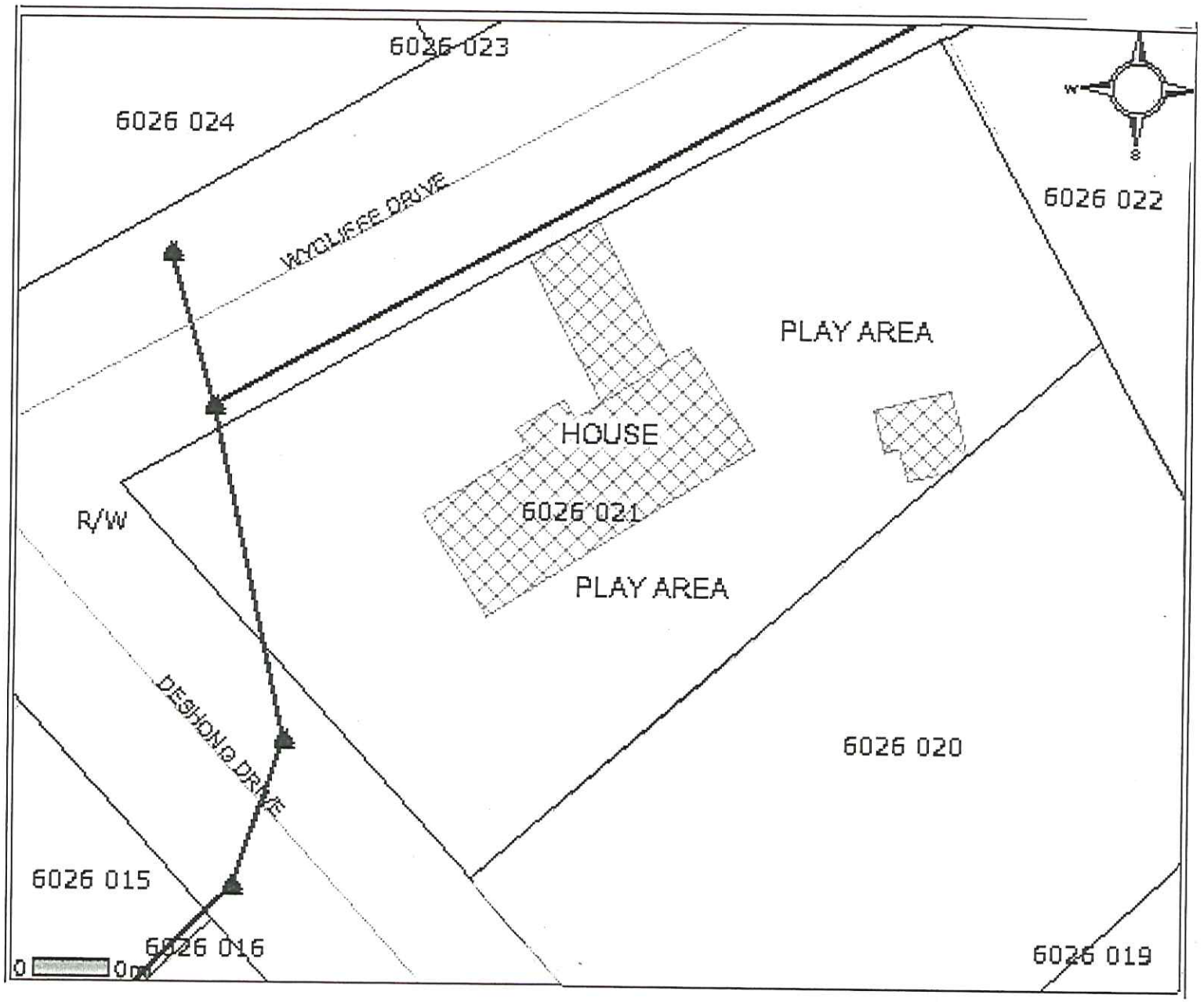
In closing, I have attached the necessary documents for conversion for your review. Preliminary analysis has identified no need for structural enhancements to the building or surrounding property. I have conformed to all state regulations and guidelines, and have made all the necessary changes and improvements based on their recommendations. I look forward to moving this process forward, and hopefully, with the board's acknowledgement, continue to be a contributing factor in my community.

With Deepest Regards,

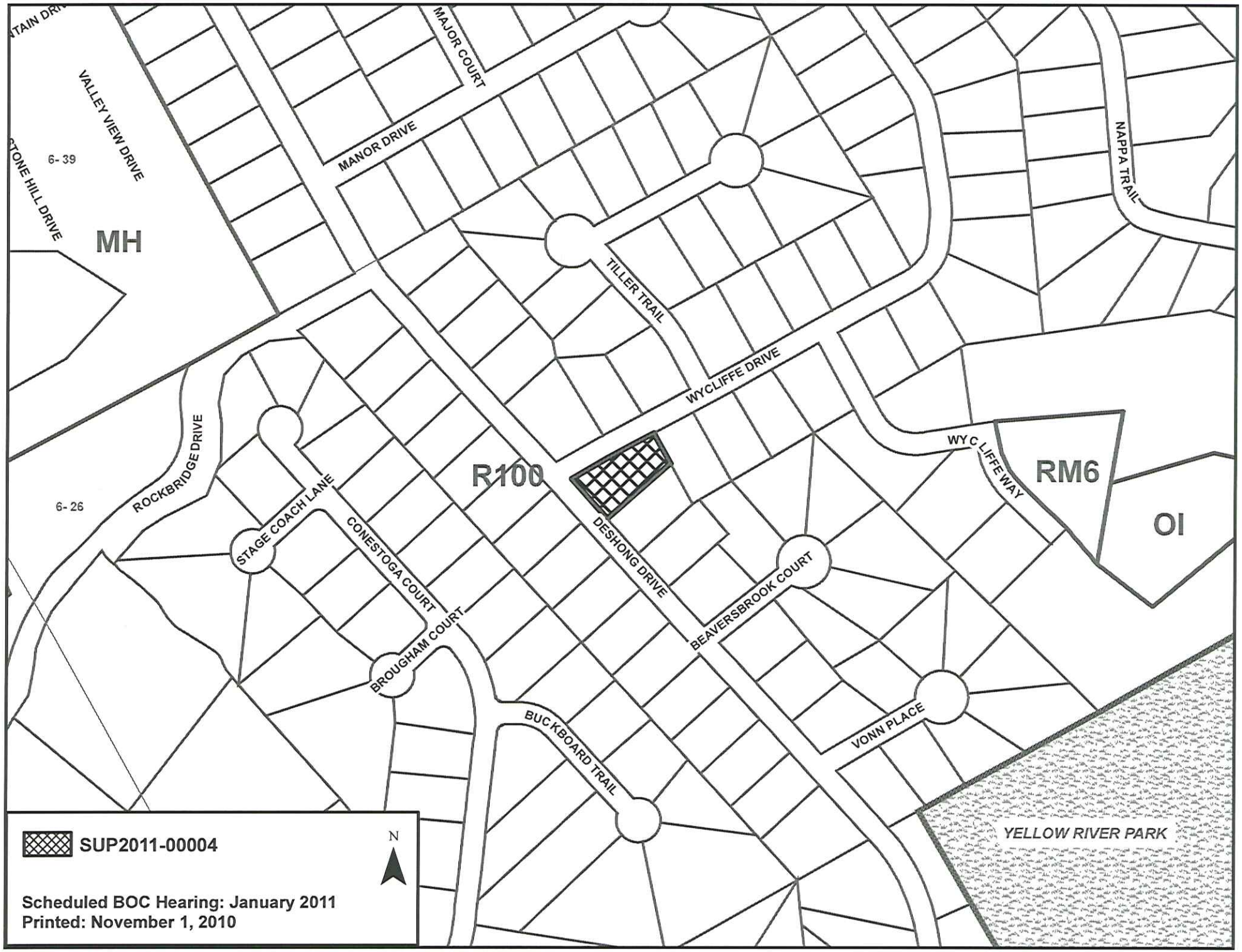
Inor F. Griffin-Hawkins/Loving Care Child Care Services, LLC.

RECEIVED 10-29-10
SUP2011-00004


6-43
FREEDOM COURT
BERNARD DRIVE
6-38
OLD ANNISTOWN BRIDGE ROAD
ANNISTOWN ROAD
CASTLE CLUB DRIVE
STONE HILL DRIVE
6-39
STONEWALL DRIVE
VALLEY VIEW DRIVE
NAPPA TRAIL
ROSEDALE ABBEY
MANOR DRIVE
HIGHLAND PARK DRIVE
6-40
RIDGEWOOD COURT
MOUNTAIN DRIVE
TILLER TRAIL
6-27
WYCLIFFE DRIVE
WYCLIFFE WAY
CONESTOGA COURT
SOUTH ROCKBRIDGE ROAD
ROCKBRIDGE DRIVE
MARSH LANE
SKIDAWAY COURT
VONN PLACE
6-26
BAYVIEW COURT
CUMBERLAND WAY
SANIBEL DRIVE
TANAGA COURT
BERRONG WAY
YELLOW RIVER PARK
YELLOW RIVER
6-25
ISLAND DRIVE
DRUMMOND DRIVE
MINERAL RIDGE COURT
MIXON WAY
6-23
MANITOU WAY
JUHAN ROAD
SUP2011-00004
N
Scheduled BOC Hearing: January 2011
Date Printed: November 1, 2010


6026 023
6026 024
6026 022
WYCLIFFE DRIVE
PLAY AREA
HOUSE
6026 021
R/W
PLAY AREA
DESHONG DRIVE
6026 020
6026 015
6026 016
6026 019
0
0m

SUP '11 0 0 4


MAJOR COURT
MANOR DRIVE
VALLEY VIEW DRIVE
STONE HILL DRIVE
6-39
MH
NAPPA TRAIL
TILLER TRAIL
WYCLIFFE DRIVE
WYCLIFFE WAY
ROCKBRIDGE DRIVE
6-26
R100
RM6
OI
STAGE COACH LANE
CONESTOGA COURT
DESHONG DRIVE
BEAVERSBROOK COURT
BROUGHAM COURT
BUCKBOARD TRAIL
VONN PLACE
YELLOW RIVER PARK
SUP2011-00004
N
Scheduled BOC Hearing: January 2011
Printed: November 1, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00006**
ZONING	:O-I
LOCATION	:2300 BLOCK OF MEADOW CHURCH WAY
MAP NUMBER	:R7117 025
ACREAGE	:10.28 ACRES
PROPOSED DEVELOPMENT	:PERSONAL CARE HOME (CONGREGATE)
SQUARE FEET	:41,000 SQUARE FEET
COMMISSION DISTRICT	:(1) LASSETER

FUTURE DEVELOPMENT MAP: **EXISTING / EMERGING SUBURBAN**

APPLICANT: JUSTIN PARK
446 SKILES COURT
SUWANEE, GA 30024

CONTACT: JUSTIN PARK PHONE: 404.944.9614

OWNER: JAMES PARK
31407 MARNE DRIVE
RANCHO PALOS VERDES, CA 90275

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 10.28-acre property, zoned O-I (Office-Institutional), for a congregate personal care home. The property is located on the west side of Meadow Church Way, north of its intersection with Duluth Highway. The site is located within the Civic Center Overlay District and will be subject to those requirements.

The subject property is a former United States Postal Service distribution facility, developed with a 20,000-square foot building, truck court and parking lot. The applicant's letter of intent indicates that the existing building would be converted and utilized as the main sanctuary for a planned church with a capacity of 400 to 500 seats. The site plan indicates that two additional structures would be constructed: a 41,000-square foot, 3-story assisted living facility (containing 60 rooms, both single and double occupancy), and a 9,600-square foot education/gymnasium building. It is noted that the church and its accessory uses are a permitted use in the O-I district, and the requested Special Use Permit is specifically for the addition of a personal care home on the property.

Access is provided from the existing driveway that extends from Meadow Church Way. A total of 189 parking spaces are shown on the site plan, meeting standard parking requirements.

A storm water detention pond is shown in the northwest corner of the property. The required 50-foot wide buffer is shown adjacent to residentially-zoned property.

ZONING HISTORY:

In 1970, the subject property was zoned R-100. The property was rezoned to RA-200 (Agriculture-Residence District) in 1976, pursuant to RZ-76-062. In 1992, a request to rezone the property to R-60 (Single Family Residence District) was denied. The subject property was rezoned to O-I (Office-Institutional District) in 2000, pursuant to RZ-00-132.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 606.3 of the 1985 Zoning Resolution requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

Parking spaces shall be provided at a ratio of:

Personal Care Home:
One space for 3 beds (minimum).
One space for 2 beds (maximum).

Church:
One space per 5 seats (minimum).
One space per 2 seats (maximum).

Section 606.6 of the 1985 Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Section 1.5.1.c of the Floodplain Management Ordinance requires that the lowest floor, including the basement, of all non-residential buildings be constructed at an elevation of at least one foot above the 100-year floodplain.

This project lies within an Activity Center/Corridor Overlay District, and is subject to all requirements set forth in Section 1315 of the Gwinnett County 1985 Zoning Resolution.

STORMWATER REVIEW SECTION COMMENTS:

Stormwater Management does not object to this request. However, all applicable stream buffers located on the back portion of the property must be maintained.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Must connect to sanitary sewer if available to property (within 200 feet of property line). If sewer is not available, contact GCEHD concerning septic involvement. Must submit level 3 soil report and detailed site plan with 2 foot topo and soils transposed onto plat. Available usable soil square footage on the lot will determine kind and size of structure/business addition that can be approved for this location.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the eastern right-of-way of Meadow Church Road with an 8-inch water main crossing Meadow Church Way to a DCC on the property.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 200 feet north of the property in the right-of-way of Dogwood Pond Road.

The subject development is located within the Beaver Ruin service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.

2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review. The existing building shall comply with the requirements of the 2006 International Mechanical /code with Georgia state amendments based on occupancy group.

3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

4. Architectural design of the proposed buildings and any exterior remodel of the existing building shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.

5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.

2. Applicant submits architectural drawings to Fire Plan Review for review and approval.

3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject property is located on the west side of Meadow Church Way, north of its intersection with Duluth Highway. The site is a former United States Postal Service facility, developed with a 20,000-square foot building and associated parking.

The 2030 Unified Plan Future Development Map indicates the property lies within the Existing/Emerging Suburban Character Area. If adequately buffered from surrounding residential developments, the proposed personal care home could be compatible within this Character Area. The 1985 Zoning Resolution allows congregate personal care homes within the O-I zoning district provided that a Special Use Permit is granted through the public hearing process.

The surrounding area is characterized by a mixture of office, retail and single-family attached and detached residential uses. Located to the west is Brookhaven at Sugarloaf, a ranch condominium subdivision zoned, R-TH. To the north is Bentwood at Sugarloaf subdivision, a single-family detached development, zoned R-100 CSO. East of the subject property, are two single-family dwelling units on lots, zoned R-100. Across Meadow Church Way are properties zoned C-1, C-2 and O-I, including a Crème de La Crème daycare facility and a retail shopping

center. The addition of a personal care home as an accessory use to a church could be considered appropriate. With conditions that require adequate buffers to protect adjacent residences, the proposed use could be compatible with nearby residential developments and commercial uses in the area.

In conclusion, the proposed Special Use Permit for a congregate personal care home could be consistent with recommendations of the Unified Plan and the development pattern in the area. Therefore the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for a congregate personal care home subject to the following enumerated conditions:

1. Office, professional, church and accessory uses, which may include a congregate personal care home as a Special Use.

2. Abide by all conditions of RZ-00-132. As part of the personal care home development, the privacy fence as required in condition 2.A. of RZ-00-132 shall be replaced or repaired to a good condition.

3. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application.

4. Lighted outdoor recreation areas shall be prohibited.

5. Outdoor amplified loudspeaker systems shall be prohibited.

6. Lighting shall be contained in cut-off type luminaries and directed so as not to shine onto adjacent and nearby properties.

7. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

8. Peddlers and/or parking lot sales shall be prohibited.

9. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed church with an accessory personal care home could be suitable in light of the commercial/retail uses and attached housing developments within the immediately surrounding area.

ADVERSE IMPACTS

In light of the large size and configuration of the subject property, the congregate personal care home would not be expected to have significant adverse impacts on neighboring properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in traffic, storm water runoff, and utility demand would be expected from this request.

CONFORMITY WITH POLICIES

The proposed use could be consistent with the 2030 Unified Plan and the development pattern in the area. The Board has approved similarly intense commercial, institutional and attached residential uses on nearby parcels.

CONDITIONS AFFECTING ZONING

The primary use of the site as a church is a permitted use in the existing O-I zoning. The addition of an accessory personal care home could be acceptable, given the large size of the property and provision of full buffers.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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: PLEASE SEE ATTACHMENT

(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:

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

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS 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:

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

(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:

RECEIVED 11-03-10
SUP2011-00006

Standards Governing the Exercise of the Zoning Power

(A) The proposed special use permit will permit a use that is suitable in view of the use and development of adjacent or nearby property, which are mostly residential. An assisted living community as its core function provides domicile for the elderly who need assistance in their daily living. Therefore, an assisted living community will blend into the neighborhood by serving that segment of the population in the area in a "residential" setting.

(B) The proposed special use permit will not adversely affect the existing use or usability of adjacent or nearby property.

(C) The property as currently zoned has reasonable economic use, but the proposed special use permit will even increase the economic benefit by proving a much-needed assisted living facility in the area and creating a synergy with other types of use that is permitted in an O-I zoning district.

(D) The proposed special use permit will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The assisted living community is planned for around 120 or so residents, who will depend on the community transportation and will not drive on their own. All other potential impacts on civic facilities will be minimal.

(E) Assisted living is a permitted special use in an O-I zoning district in accordance with the Gwinnett County Zoning Resolution. Beyond that, there does not seem to be any issues that may cause the proposed special use permit to be not in conformity with the policy and intent of the land use plan.

(F) There are no other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposed special use permit.

RECEIVED 11-03-10
SUP2011-00006

office for designed space

446 Skiles Ct, Suwanee, GA 30024
t.404.944.9614 f.888.279.5479

To: Gwinnett County Department of Planning & Development

From: Justin Park, Office for Designed Space, LLC

Date: November 2, 2010

Subject: 2320 Meadow Church Way, Duluth, GA – Special Use Permit for Assisted Living

The subject property is in an O-I Office-Institutional district, within which group homes and group or congregate care homes are allowed through the special use permit process under the 1985 Zoning Resolution of Gwinnett.

What is proposed on the subject property is to turn the existing 20,000 SF building into a place of worship for 400 to 500 seats in the main sanctuary and to construct a new 3-story building of approximately 41,000 SF that will house an assisted living community with around 60 rooms of single or double occupancy. An additional educational and recreational center of 9,600 SF is also planned as an auxiliary facility for the religious center.

The hours of operation will be 24/7 as the nature of an assisted living community dictates. There is no definite timeline on the opening date of the facility but it is hoped that it will be operational within two years of acquiring the special use permit.

We believe that an assisted living facility is a community and as such must provide the service needed in the neighborhood where it co-exists. Furthermore, the proximity with a religious and/or cultural center will bring about synergistic effect that is positive to the surrounding community as well as the assisted living residents.

Therefore, it is the intent of the applicant to obtain such a special use permit for an assisted living community on the subject property.

Justin Park, Owner's Agent

RECEIVED 11-03-10
SUP2011-00006

CASE NUMBER RZ-00-132

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Present	VOTE
Wayne Hill, Chairman	ABSENT
Tommy Hughes, District 1	AYE
Patti Muise, District 2	ABSENT
Judy Waters, District 3	AYE
Kevin Kenerly, District 4	AYE

On motion of COMM. HUGHES, which carried 3-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 to O-I by POOHBAH HOLDINGS for the proposed use of OFFICE USES (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which

is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on OCTOBER 24, 2000 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 24TH day of OCTOBER, 2000, that the aforesaid application to amend the Official Zoning Map from R-100 to O-I is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. Office, professional, and accessory uses including a postal facility.

   B. Buildings shall be constructed with architectural treatments of brick/and or glass on all four sides.

2. To satisfy the following site development considerations:

   A. Provide a 50-foot wide natural, undisturbed buffer adjacent to residentially zoned property. A six (6) foot high 100 percent opaque fence or wall shall be provided on the interior of the buffer. This fence shall increase to eight (8) feet in height along the common property line of Edward J. Pinson (Tax Parcel 7-117-036). Orange/red tree save fencing shall be installed around the buffer prior to any land disturbance. The proposed entrance driveway may encroach upon the buffer area to the least possible extent.

B. Provide a 10-foot wide landscape strip adjacent to the Meadow Church Way right-of-way.

C. Provide 5-foot landscape strips adjacent to any internal property lines.

D. Dumpsters or trash compactors shall be screened on all four sides by a 100 percent opaque brick wall at least six (6) feet in height and an opaque gate enclosure. Dumpster pickup shall be limited to the hours of 7:00 a.m. and 7:00 p.m.

E. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties.

F. No temporary signs shall be permitted. This includes balloons (helium, hot or cold air filled), banners, pennants, and flags. No streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No flags shall be flown on the site except the flags of the United States of America and the State of Georgia which shall be limited to no more than one of each type.

G. Natural vegetation shall remain on the property until the issuance of a Commercial Development Permit.

H. Provide 5-foot sidewalks along Meadow Church Way.

I. Billboards shall be prohibited.

J. Location and design of driveway shall be subject to the review and approval of the Gwinnett County Department of Transportation and the Development Review Division.

K. Ground signs shall be limited to a single monument-type sign which shall meet the requirements of the 1985 Zoning Resolution and shall have a brick base to match the building.

3. To abide by the following requirements, dedications, and improvements:

   A. Design stormwater detention facilities such that they do not encroach into required buffers.

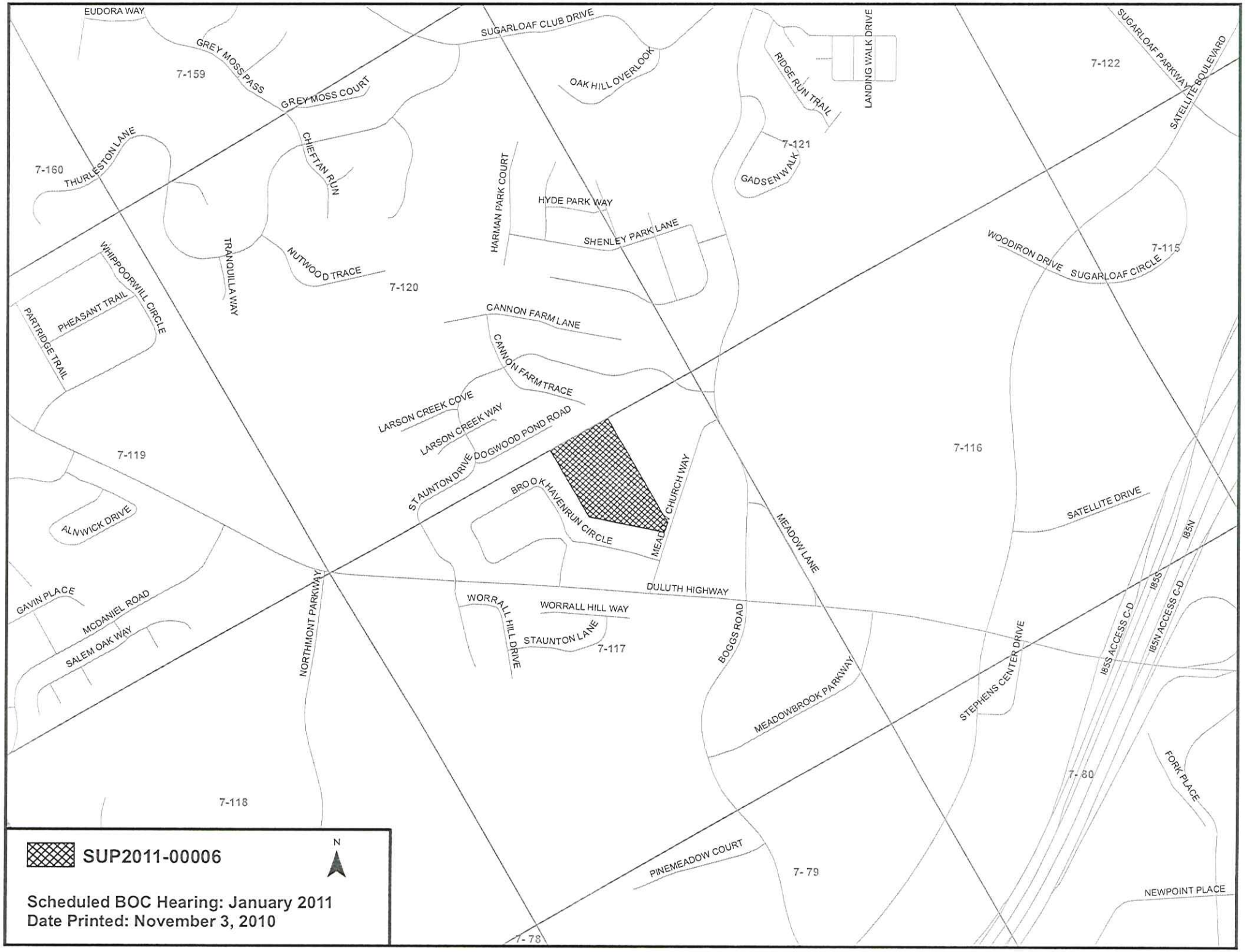
GWINNETT COUNTY BOARD OF COMMISSIONERS

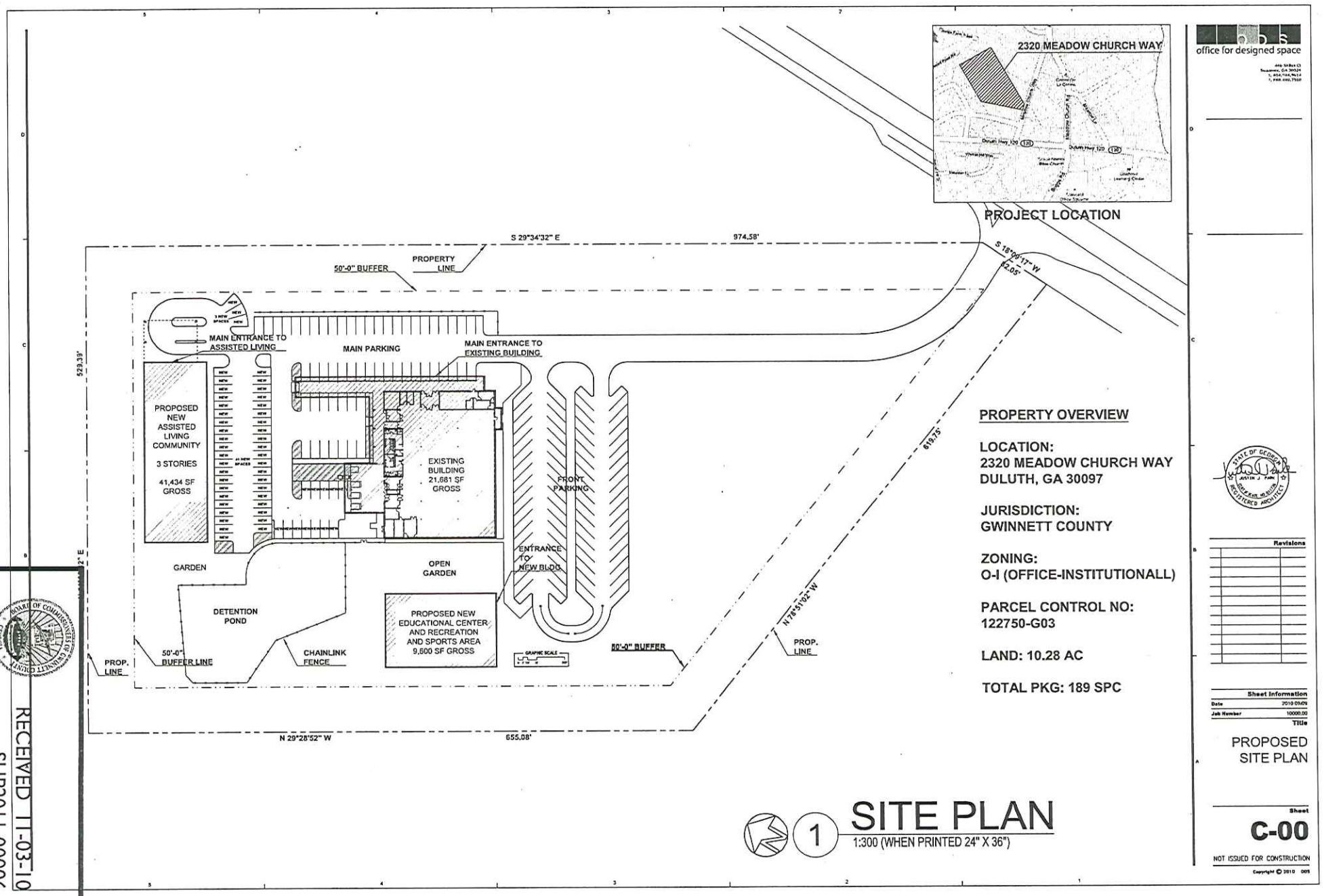
By: F. Wayne Hill
F. Wayne Hill, Chairman

Date Signed: Oct. 30, 2000

ATTEST:

Brenda Maddox
County Clerk


EUDORA WAY
GREY MOSS PASS
GREY MOSS COURT
SUGARLOAF CLUB DRIVE
OAK HILL OVERLOOK
RIDGE RUN TRAIL
LANDING WALK DRIVE
SUGARLOAF PARKWAY
SATELLITE BOULEVARD
7-159
7-122
7-160
THURLESTON LANE
CHIEFTAN RUN
7-121
GADSEN WALK
HARMAN PARK COURT
HYDE PARK WAY
SHENLEY PARK LANE
WOODIRON DRIVE
SUGARLOAF CIRCLE
7-115
WHIPPOORWILL CIRCLE
PHEASANT TRAIL
PARTRIDGE TRAIL
TRANQUILLA WAY
NUTWOOD TRACE
7-120
CANNON FARM LANE
CANNON FARM TRACE
LARSON CREEK COVE
LARSON CREEK WAY
STAUNTON DRIVE
DOGWOOD POND ROAD
7-119
7-116
BROOKHAVEN RUN CIRCLE
MEADOW CHURCH WAY
MEADOW LANE
SATELLITE DRIVE
ALNWICK DRIVE
GAVIN PLACE
MCDANIEL ROAD
SALEM OAK WAY
NORTHMONT PARKWAY
DULUTH HIGHWAY
WORRALL HILL DRIVE
WORRALL HILL WAY
STAUNTON LANE
7-117
BOGGS ROAD
MEADOWBROOK PARKWAY
STEPHENS CENTER DRIVE
I85S ACCESS C-D
I85S
I85N ACCESS C-D
I85N
7-80
FORK PLACE
7-118
PINEMEADOW COURT
7-79
NEWPOINT PLACE
7-78
SUP2011-00006
N
Scheduled BOC Hearing: January 2011
Date Printed: November 3, 2010



PROPERTY OVERVIEW

LOCATION:
2320 MEADOW CHURCH WAY
DULUTH, GA 30097

JURISDICTION:
GWINNETT COUNTY

ZONING:
O-I (OFFICE-INSTITUTIONALL)

PARCEL CONTROL NO:
122750-G03

LAND: 10.28 AC

TOTAL PKG: 189 SPC

1 SITE PLAN

1:300 (WHEN PRINTED 24" X 36")

ods
office for designed space

Revisions

Sheet Information	
Date	2010.09.09
Job Number	10000.00

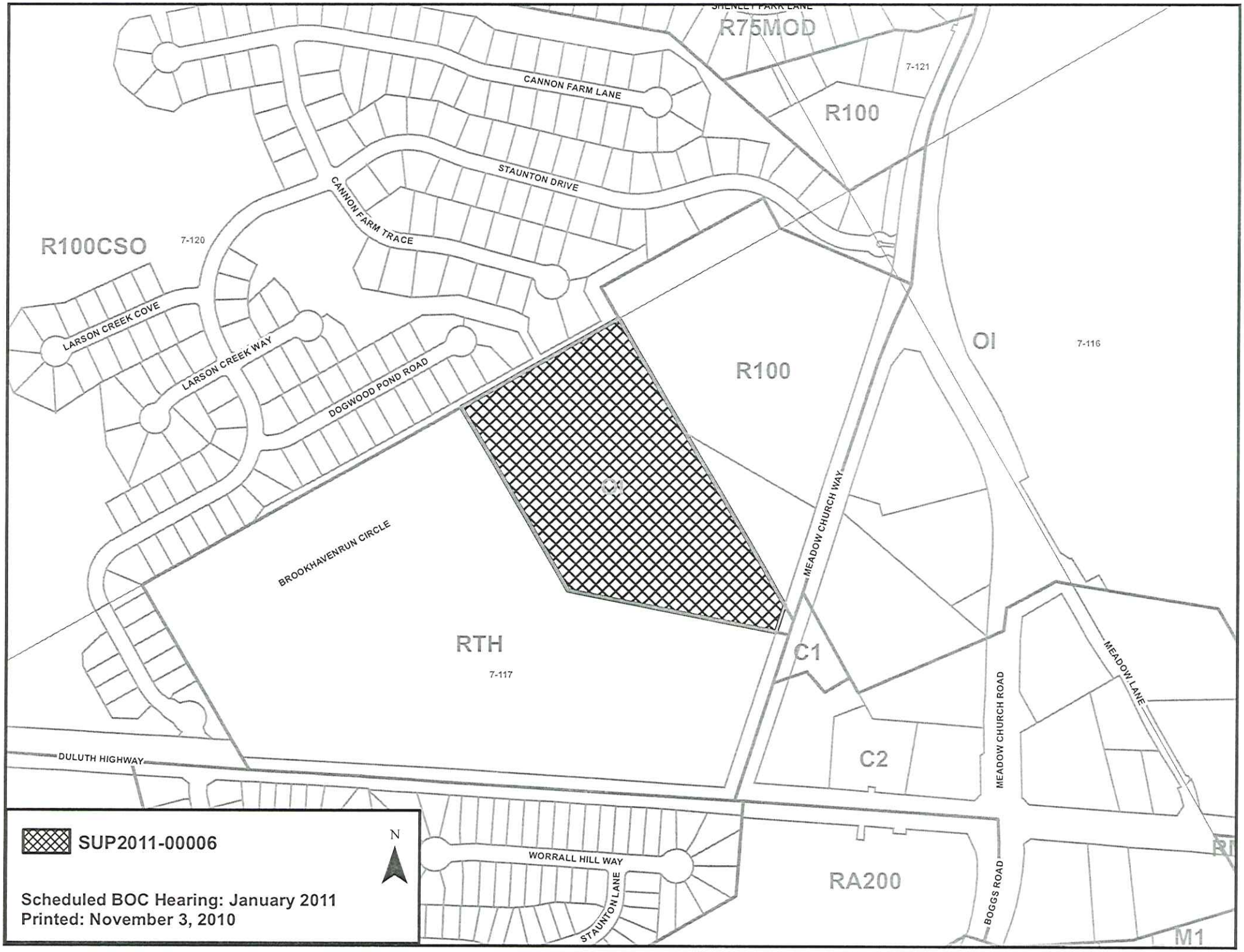
Title
PROPOSED SITE PLAN

Sheet
C-00

NOT ISSUED FOR CONSTRUCTION

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RECEIVED 11-03-10
SUP2011-00006


SHENLEY PARK LANE
R75MOD
7-121
CANNON FARM LANE
R100
STAUNTON DRIVE
CANNON FARM TRACE
R100CSO
7-120
LARSON CREEK COVE
LARSON CREEK WAY
DOGWOOD POND ROAD
R100
OI
7-116
SUP
BROOKHAVENRUN CIRCLE
MEADOW CHURCH WAY
RTH
7-117
C1
MEADOW LANE
C2
MEADOW CHURCH ROAD
DULUTH HIGHWAY
WORRALL HILL WAY
RA200
STAUNTON LANE
BOGGS ROAD
M1
SUP2011-00006
N
Scheduled BOC Hearing: January 2011
Printed: November 3, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00008**
ZONING	:M-1
LOCATION	:4500-4600 BLOCK OF BUFORD HIGHWAY
MAP NUMBER	:R6258 032A & R6258 036
ACREAGE	:6.63 ACRES
PROPOSED DEVELOPMENT	:TRUCK RENTAL/LEASING
COMMISSION DISTRICT	:(2) HOWARD

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: CENTER POINT ENGINEERING
3333 RIVERWOOD PARKWAY, SUITE 200
MARIETTA, GA 30339

CONTACT: RICHARD SMITH PHONE: 404.694.0424

OWNER: 4655 AND AHALF LLC
4655 BUFORD HIGHWAY
NORCROSS, GA 30071

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 6.63-acre parcel assemblage, zoned M-1 (Light Industry District) to allow a truck trailer rental/leasing business. The property is located on the north side of Buford Highway, southwest of its intersection with Simpson Circle. The site is developed with two small metal buildings and a billboard. The Norfolk Southern Railway forms the northwest property line.

The applicant's submitted letter of intent indicates that the property would be occupied by Xtra Lease, a trucking equipment leasing company. The site would be used for leasing tractor trailers, including repair, maintenance, storage and parking. The site is developed with two, one-story metal industrial buildings however, much of the property is paved parking surface. A single driveway extends onto Buford Drive and a six foot high chain-link fence encloses the property. The applicant indicates that there are no proposed changes to the site or buildings.

Staff notes that the parking lot appears to be in need of resurfacing and that portions of the fence are in disrepair. It is also noted that the existing fence would not provide a visual screen for outdoor storage of tractor trailers.

ZONING HISTORY:

The property has been zoned M-1 since 1970. A Special Use Permit for a billboard was granted in July, 1989, pursuant to SUP-36-89.

GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Section 1310.35 of the 1985 Zoning Resolution requires that outdoor storage be screened.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the southeastern right-of-way of Buford Highway and a long side hydrant on the northern right-of-way of Buford Highway with a 12-inch main.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located on the property.

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject site is a 6.63-acre parcel assemblage, located on the north side of Buford Highway, southwest of its intersection with Simpson Circle. The Norfolk Southern Railway right-of-way forms the northwest property line. The property is developed with two metal buildings and a large parking area.

The 2030 Unified Plan Future Development Map indicates that the property is located in a Preferred Office Character Area. Encouraged uses within this character area include office professional uses and mixed-use developments. Although policies of the Unified Plan discourage industrial uses within the Preferred Office Character Area, the proposed tractor trailer leasing business could be compatible with industrial developments along this segment of Buford Highway, with conditions that would ensure visual screening and general site improvements.

The surrounding area is a mix of industrial, office/warehouse and commercial uses developed along a heavily traveled corridor. Many neighboring uses in this area are intense in nature and include trucking operations and facilities. Uses adjacent to the site include Phoenix Metals to the south, and Idealease, a truck rental leasing company, located to the north. Across Buford Highway from the subject property are automobile repair shops, an animal hospital and a junk yard. Given the nature of the area, the proposed leasing and storage of tractor trailers could be suitable. However, conditions should be included to screen the storage yard and limit outdoor activities on the site.

In conclusion, although not strictly consistent with the Unified Plan, the requested Special Use Permit for a tractor trailer leasing business could be compatible with adjacent and nearby industrial uses. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT

RECOMMENDED CONDITIONS

Approval as a Special Use Permit for a truck rental/leasing facility subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

   A. Light industrial uses, which may include a truck rental/leasing facility.

   B. All vehicle and trailer maintenance shall be conducted indoors, within a fully enclosed building.

   C. Outdoor storage shall be limited to operational trucks and/or tractor trailers.

2. To satisfy the following site development considerations:

   A. Provide landscaping and decorative fencing along the Buford Highway frontage, to provide an effective visual screen of the outdoor storage area. Landscape plans and fence design, height and location shall be subject to review and approval of the Director of Planning and Development. Side and rear property lines shall be screened by a solid wood fence or slatted chain-link fence at least ten feet in height.

   B. The driveway and all parking areas shall be resurfaced and striped.

   C. Additional billboards or oversized signs shall be prohibited.

   D. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

   E. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

   F. Peddlers and/or parking lot sales shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for a truck rental/leasing facility could be suitable given the industrial uses located on adjoining and nearby properties.

ADVERSE IMPACTS

If the proposed use and outdoor storage areas are properly screened, potential adverse impacts could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

It is anticipated that there would be some additional impacts on public facilities in the form of heavy truck traffic.

CONFORMITY WITH POLICIES

Although requested Special Use Permit is not strictly consistent with recommendations of the Unified Plan, if properly conditioned, the use could be compatible with the nature of the surrounding area.

CONDITIONS AFFECTING ZONING

Resurfacing the parking lot, installation of fencing and landscaping, and requiring indoor maintenance of trucks and trailers could promote an improved appearance for the site and could give additional grounds for approval.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, 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 proposed use will be suitable since the adjacent parcel currently has the same use.

(B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
The proposed will not have an adverse affect on any nearby property since the adjacent parcels are currently used for trailer storage, and other manufacturing and industrial uses.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
The property does have reasonable economic use as currently zoned, however the prospective lessee would not chose this site without the ability to store trailers.

(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:
No excessive or burdensome use of existing streets, transportation facilities, utilities, or schools will be adversely affected by this special use.

(E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
The proposed special use permit is in conformity with the policy and intent of the land use plan.

(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 is bordered by Norfolk Southern Railway, an existing trailer leasing/storage facility, and a metals manufacturing facility, so approval of the SUP would be consistent.

RECEIVED 11-05-10
SUP2011-00008

CenterPoint Engineering, Inc.
3333 Riverwood Parkway, Suite 200
Atlanta, Georgia 30339
(404) 694-0424
Fax: (404) 266-3861

November 5, 2010

Mr. Jeff West, Planning Manager
Gwinnett County Department of Planning and Development
Current Planning Section
One Justice Square
446 West Crogan Street, Suite 250
Lawrenceville, Georgia 30046

Re: Letter of Intent - Special Use Permit
4655 Buford Highway
Norcross, Georgia

Dear Mr. West:

The above referenced property is seeking a Special Use Permit to allow the storage of trailers. Upon approval of the SUP, **XTRA Lease** is proposing the following use of the property:

"Use of the property for the purpose of maintaining and conducting a trailer leasing and transportation servicing business, with operating, repair and maintenance facilities, storage and parking facilities, and office facilities for sales and clerical staff together with accessory uses related thereto."

"XTRA Lease is an "over the road" transportation equipment leasing company. We are not a trucking company, we do not operate a truck terminal, we do not operate tractors, and we do not store "loaded" trailers on our property."

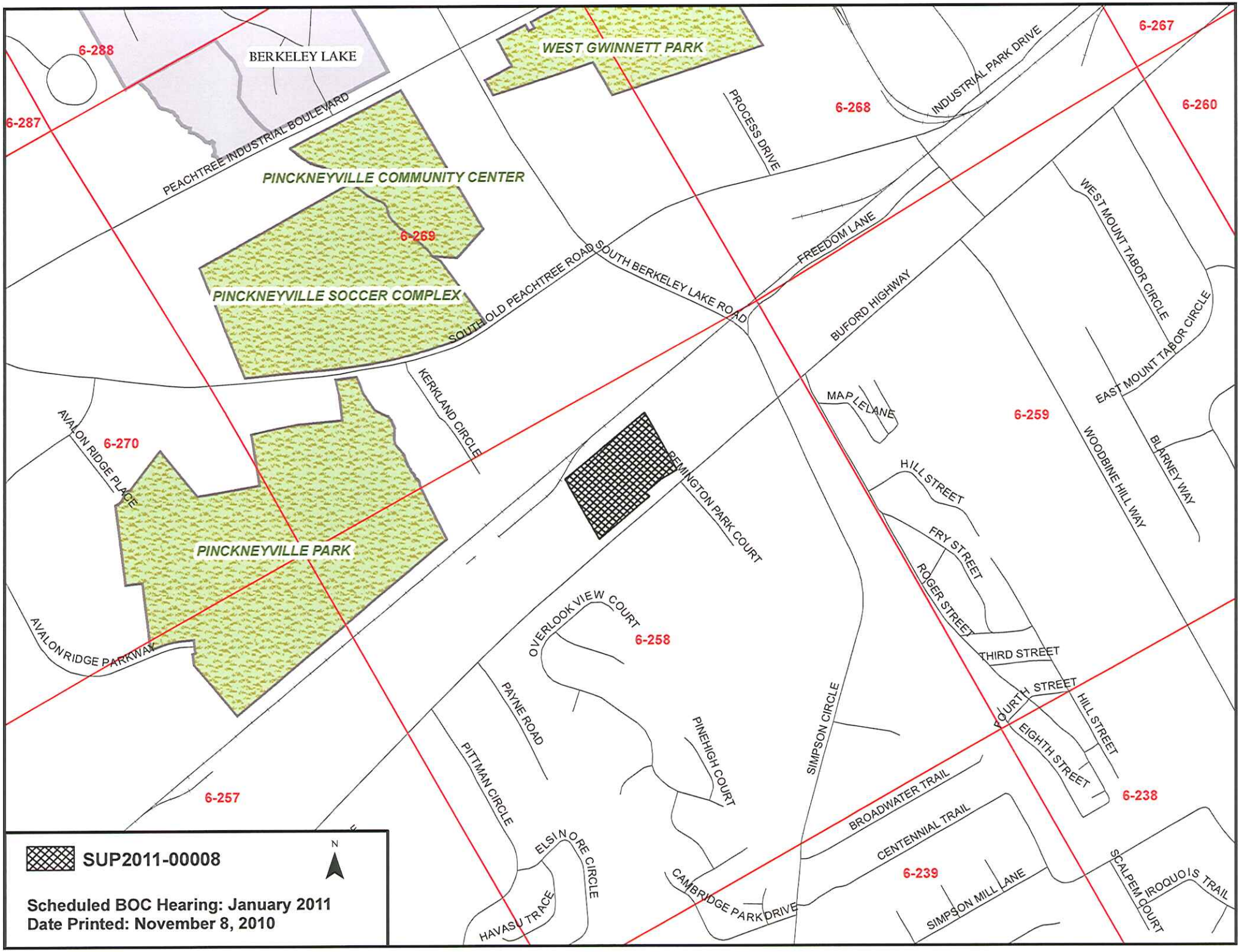
Currently, two buildings exist on the property. The parcel is paved with a large parking area. No changes to the existing site plan are proposed with this new tenant. That is, the property will remain "as-is".

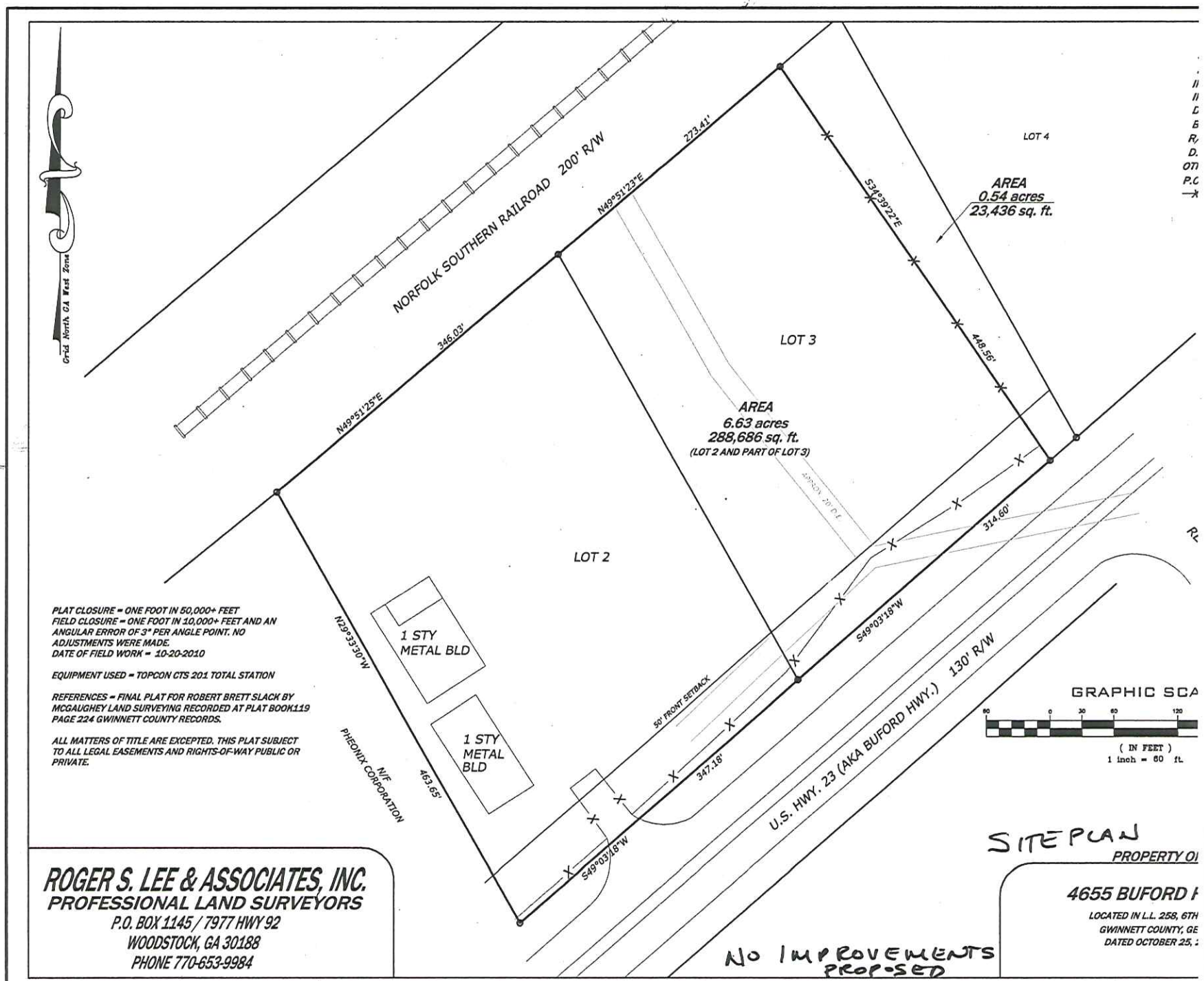
Thank you for this opportunity to present this request to you. If you have any questions feel free to contact me.

Sincerely,

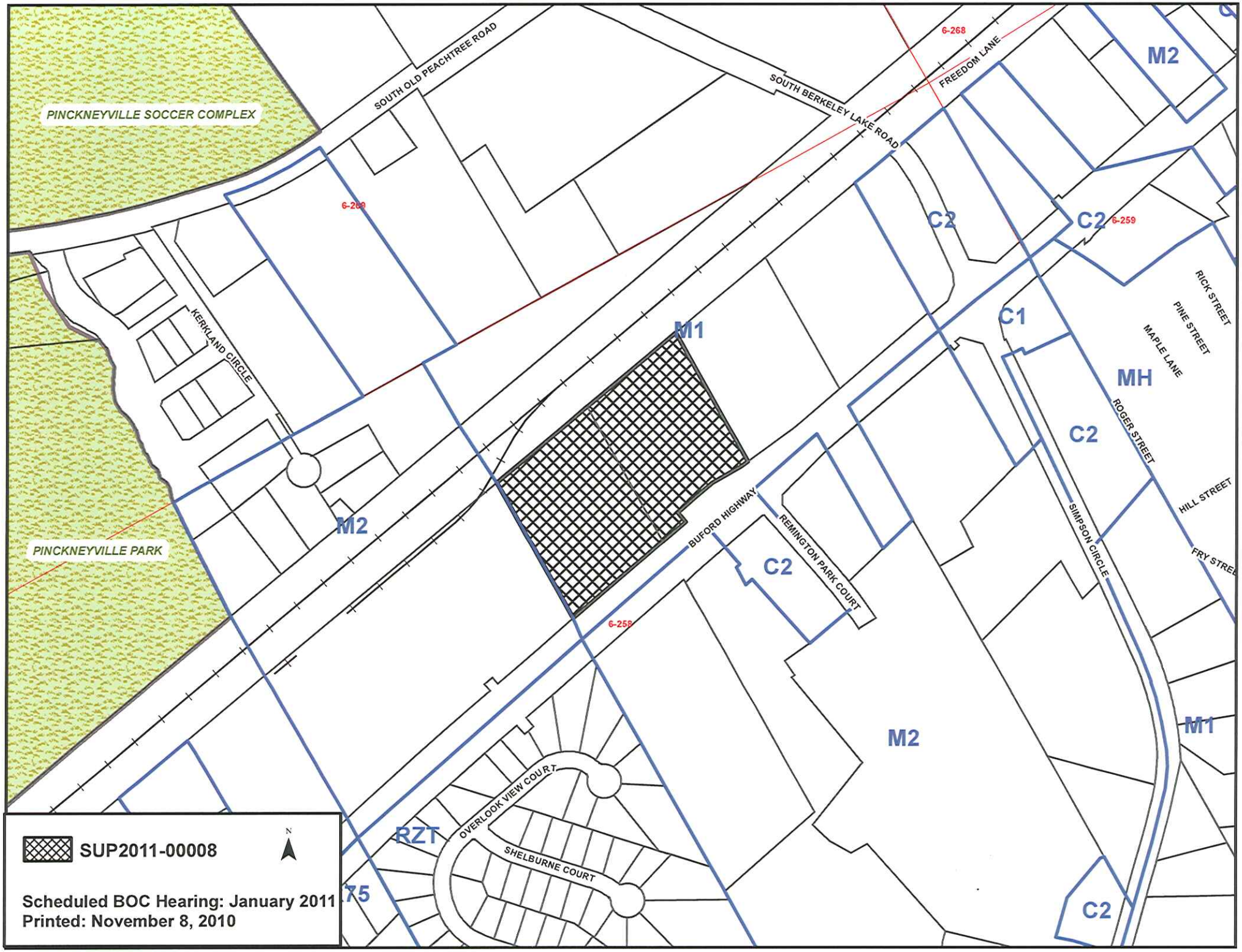
Richard C. Smith, Jr., P.E.
President

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SUP2011-00008


6-288
BERKELEY LAKE
WEST GWINNETT PARK
6-267
6-287
PEACHTREE INDUSTRIAL BOULEVARD
6-268
PROCESS DRIVE
INDUSTRIAL PARK DRIVE
6-260
PINCKNEYVILLE COMMUNITY CENTER
6-269
PINCKNEYVILLE SOCCER COMPLEX
SOUTH OLD PEACHTREE ROAD
SOUTH BERKELEY LAKE ROAD
FREEDOM LANE
WEST MOUNT TABOR CIRCLE
BUFORD HIGHWAY
EAST MOUNT TABOR CIRCLE
KERKLAND CIRCLE
MAP LELANE
6-259
AVALON RIDGE PLACE
6-270
REMINGTON PARK COURT
HILL STREET
WOODBINE HILL WAY
BLARNEY WAY
FRY STREET
PINCKNEYVILLE PARK
ROGER STREET
OVERLOOK VIEW COURT
6-258
THIRD STREET
AVALON RIDGE PARKWAY
FOURTH STREET
HILL STREET
PAYNE ROAD
PINEHIGH COURT
SIMPSON CIRCLE
EIGHTH STREET
6-238
PITTMAN CIRCLE
BROADWATER TRAIL
CENTENNIAL TRAIL
6-257
ELSINORE CIRCLE
6-239
SCALPEM COURT
IROQUOIS TRAIL
CAMBRIDGE PARK DRIVE
SIMPSON MILL LANE
HAVASU TRACE
SUP2011-00008
N
Scheduled BOC Hearing: January 2011
Date Printed: November 8, 2010



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SUP2011-00008


PINCKNEYVILLE SOCCER COMPLEX
PINCKNEYVILLE PARK
SOUTH OLD PEACHTREE ROAD
SOUTH BERKELEY LAKE ROAD
FREEDOM LANE
KERKLAND CIRCLE
BUFORD HIGHWAY
REMINGTON PARK COURT
OVERLOOK VIEW COURT
SHELBURNE COURT
SIMPSON CIRCLE
ROGER STREET
RICK STREET
PINE STREET
MAPLE LANE
HILL STREET
6-268
6-269
6-259
6-258
M1
M2
C1
C2
MH
RZT
SUP2011-00008
Scheduled BOC Hearing: January 2011
Printed: November 8, 2010

ORDINANCE NUMBER: ZRA2011-00001
GCID NUMBER: GCID2011-0051

GWINNETT COUNTY

BOARD OF COMMISSIONERS

LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: An Ordinance to Amend the 1985 Zoning Resolution of Gwinnett County, Article III Definitions and Article XIII Use Provisions, Section 1308. C-2 General Business District and Section 1308A. C-3 Highway Business District, to provide appropriate zoning regulations for Precious Metals Dealers in unincorporated Gwinnett County.

READING AND ADOPTION: January 25, 2011

At the regular meeting of the Gwinnett County Board of Commissioners held in the Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Name	**Present**	**Vote**
Shirley Lasseter, District 1		
Lynette Howard, District 2		
Mike Beaudreau, District 3		
John Heard, District 4		

On motion of (**Commissioner Name**), which carried (**Vote**), the Code of Ordinances of Gwinnett County, Appendix D (1985 Zoning Resolution), is hereby amended:

WHEREAS, the existing provisions of the 1985 Zoning Resolution of Gwinnett County do not provide adequate, specific zoning regulations for precious metals dealer businesses; and

WHEREAS, due to the nature of precious metal dealer businesses, the Gwinnett County Board of Commissioners finds it desirable to restrict the location of said businesses to the C-2 (General Business District) and C-3 (Highway Business District) zoning classifications upon approval of a Special Use Permit; and

WHEREAS, the Gwinnett County Board of Commissioners finds it desirable to provide appropriate and logical regulation of precious metal dealer businesses, while ensuring the protection of neighboring residents, businesses and property owners; and

WHEREAS, the 1985 Zoning Resolution of Gwinnett County was adopted by the Gwinnett County Board of Commissioners on December 30, 1985; and

WHEREAS, the 1985 Zoning Resolution of Gwinnett County provides that the text and maps thereof may be amended from time to time by the Board of Commissioners following submission to the Municipal-Gwinnett County Planning Commission for review and recommendation; and

WHEREAS, the Board of Commissioners finds that the following amendment to the 1985 Zoning Resolution promotes the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Gwinnett County;

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this, the ___ day of _____ 2011, and effective upon adoption of this resolution, that the 1985 Zoning Resolution of Gwinnett County be amended as follows:

That Article III Definitions be amended by inserting the following defined term alphabetically:

Precious Metals Dealer. Any person, partnership, sole proprietorship, corporation, association, or other entity engaged in the business of purchasing, selling, bartering, or acquiring in trade any precious metals (including, but not limited to, in whole or in part, silver, gold, and platinum) from persons or sources other than manufacturers or licensed dealers for resale in its original form or as changed by melting, reforming, remolding, or for resale as scrap, or in bulk.

ORDINANCE NUMBER: ZRA2011-00001
GCID NUMBER: GCID2011-0051

That the following item be inserted alphabetically under Section 1308.E., and the remaining items be renumbered, as necessary:

Section 1308. C-2 General Business District.

E. Special Uses

Precious Metals Dealers.

That the following item be inserted alphabetically under Section 1308A.E., and the remaining items be renumbered, as necessary:

Section 1308A. C-3 Highway Business District.

E. Special Uses

Precious Metals Dealers.

BE IT FURTHER RESOLVED that all regulations or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: _____
Shirley Lasseter, Vice Chairman

Date Signed: _____

ATTEST:

By: _____ (Seal)
Diane Kemp, County Clerk

APPROVED AS TO FORM:

By: _____
County Attorney