



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

**MUNICIPAL-GWINNETT COUNTY  
PLANNING COMMISSION**

**PUBLIC HEARING AGENDA  
GWINNETT JUSTICE AND ADMINISTRATION CENTER**

**TUESDAY, FEBRUARY 1, 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 CALL THE FACILITIES MANAGEMENT DIVISION AT 770.822.8015.

- A. CALL TO ORDER, INVOCATION, PLEDGE TO FLAG
- B. OLD BUSINESS - TABLED CASES FROM PREVIOUS MEETINGS

I. CASE NUMBER	: <b>RZC2011-00003</b>
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	: <b>APPROVAL WITH CONDITIONS</b>

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2. 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**
3. CASE NUMBER :**SUP2011-00001 (PUBLIC HEARING HELD 1/18/2011)**  
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**

C. NEW BUSINESS

I. CASE NUMBER	: <b>CIC2011-00005</b>
APPLICANT	:ROMAN INTERNATIONAL, LLC
CONTACT	:ALEXANDER ROMAN
PHONE NUMBER	:404.578.3448
ZONING	:C-2
LOCATION	:3500 BLOCK OF STONE MOUNTAIN HIGHWAY
MAP NUMBERS	:R6052 006C
ACREAGE	:1.71 ACRES
PROPOSED DEVELOPMENT	:CHANGE IN CONDITIONS TO DELETE REQUIRED BUILDING IMPROVEMENTS, DELETE BILLBOARD RESTRICTIONS, AND DELETE INTERPARCEL ACCESS REQUIREMENTS
SQUARE FEET	:3,400 SQUARE FEET
COMMISSION DISTRICT	:(3) BEAUDREAU
DEPARTMENT RECOMMENDATION	: <b>DENIAL</b>

D. AUDIENCE COMMENTS

E. COMMITTEE REPORTS

F. COMMENTS BY STAFF AND PLANNING COMMISSION

G. ADJOURNMENT

**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-foot 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 from 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:

- I. 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

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

See Attached Responses

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

See Attached Responses

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- (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

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

See Attached Responses

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- (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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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](http://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.

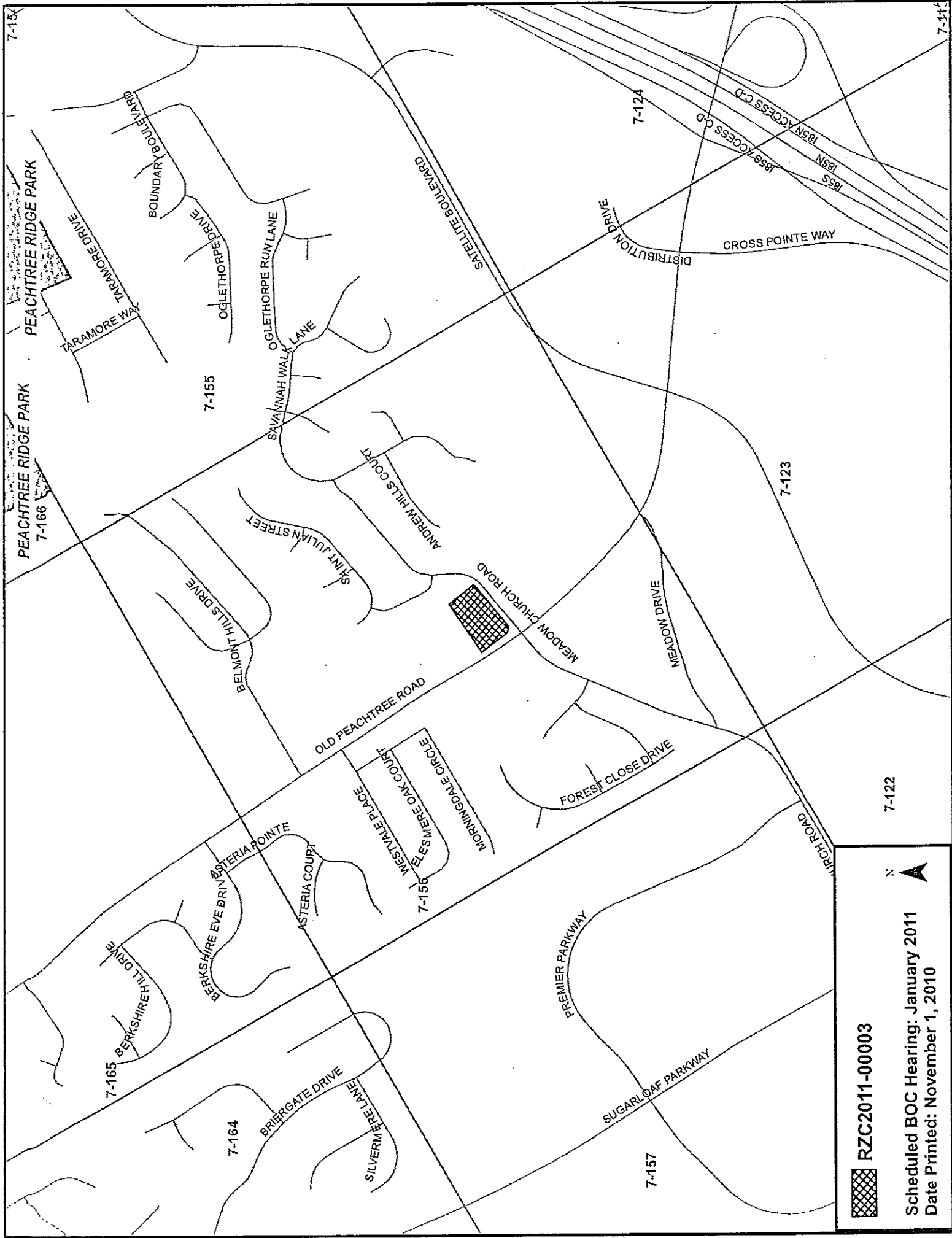
We respectfully request your approval of this request for C-2 zoning and are open to further meet with the appropriate parties to discuss the proposed rezoning.


Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to be "E. J." followed by a stylized, circular flourish.

**Inland Group, LLC**  
Agent for the Applicants



 RZC2011-00003

Scheduled BOC Hearing: January 2011  
 Date Printed: November 1, 2010



7-122

7-157

7-123

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7-155

7-166

7-165

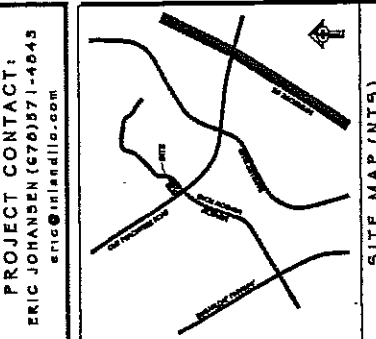
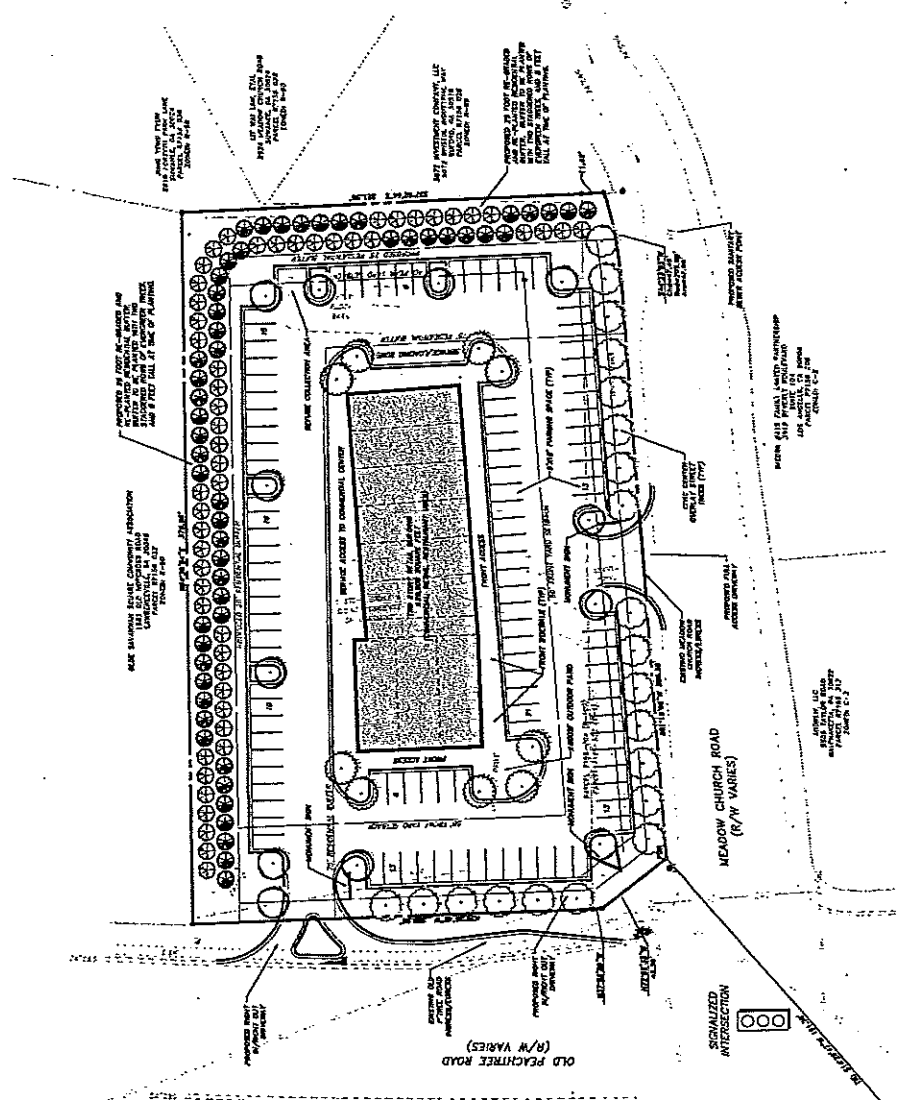
7-164

7-154

7-153



Know what's below.  
Call before you dig.



**PROJECT CONTACT:**  
ERIC JOHANSEN (678) 571-4943  
eric@inlandills.com

**GENERAL NOTES:**  
1. THE SHOWN IMPROVEMENTS SHALL BE CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, THE CONSTRUCTION OF THE PROPOSED BUILDING, PAVING, AND ALL OTHER NECESSARY UTILITIES AND SERVICES.  
2. THE SHOWN IMPROVEMENTS SHALL BE CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, THE CONSTRUCTION OF THE PROPOSED BUILDING, PAVING, AND ALL OTHER NECESSARY UTILITIES AND SERVICES.  
3. THE SHOWN IMPROVEMENTS SHALL BE CONSTRUCTION, INCLUDING BUT NOT LIMITED TO, THE CONSTRUCTION OF THE PROPOSED BUILDING, PAVING, AND ALL OTHER NECESSARY UTILITIES AND SERVICES.

**LEGAL DESCRIPTION:**  
A certain parcel of land situated in the County of DeKalb, State of Georgia, bounded and described as follows: ...

**SITE DATA CHART:**

EXISTING ZONING OF PROPERTIES	R-100 and C-2
PROPOSED ZONING OF PROPERTIES	
ADDRESS OF PROPERTIES	1305 OLD PEACHTREE ROAD SUMNER, GA 30084
PARCEL IDENTIFICATIONS	R7195 004 and R7195 004
AREA OF PROPERTIES	43,028 ACRES
PROPOSED BUILDING SQUARE FOOTAGE	COMMERCIAL, RETAIL, RESTAURANT
- TWO STORY COMMERCIAL BUILDING	480,000 SF
PARKING SPACES NEEDED	40 SPACES (MIN) / 100 SPACES (MAX)
PARKING SPACES SHOWN	100 SPACES (INCLUDING HQ)
BUILDING SETBACK LINES	50 FEET FROM HWY
- FRONT YARD	50 FEET, AND 25 FEET FROM
- SIDE YARD	40 FEET, AND 10 FEET FROM HWY
- REAR YARD	10 FEET FROM HWY
- RESIDENTIAL BUFFER ZONE	75 FEET

**PROPOSED VARIANCE REQUEST:**  
1. INCREASE THE 75 FOOT RESIDENTIAL BUFFER TO A 65 FOOT RESIDENTIAL BUFFER.  
2. INCREASE THE 40 FOOT BUFFER TO A 50 FOOT BUFFER.  
3. INCREASE THE 10 FOOT BUFFER TO A 15 FOOT BUFFER.

**OLD PEACHTREE ROAD**  
A COMMERCIAL DEVELOPMENT  
FOR  
JAN LAURDAN AND STANLEY GREEN  
1305 OLD PEACHTREE ROAD  
SUMNER, GEORGIA 30084  
(770) 476-3705 phone

**REVISIONS:**

NO.	DATE	REVISION
1	10/10/18	ISSUED FOR PERMIT

**REVISIONS:**

SCALE: 1" = 30'  
DATE: OCTOBER 10, 2018  
PROJECT: OLD PEACHTREE ROAD

**1**



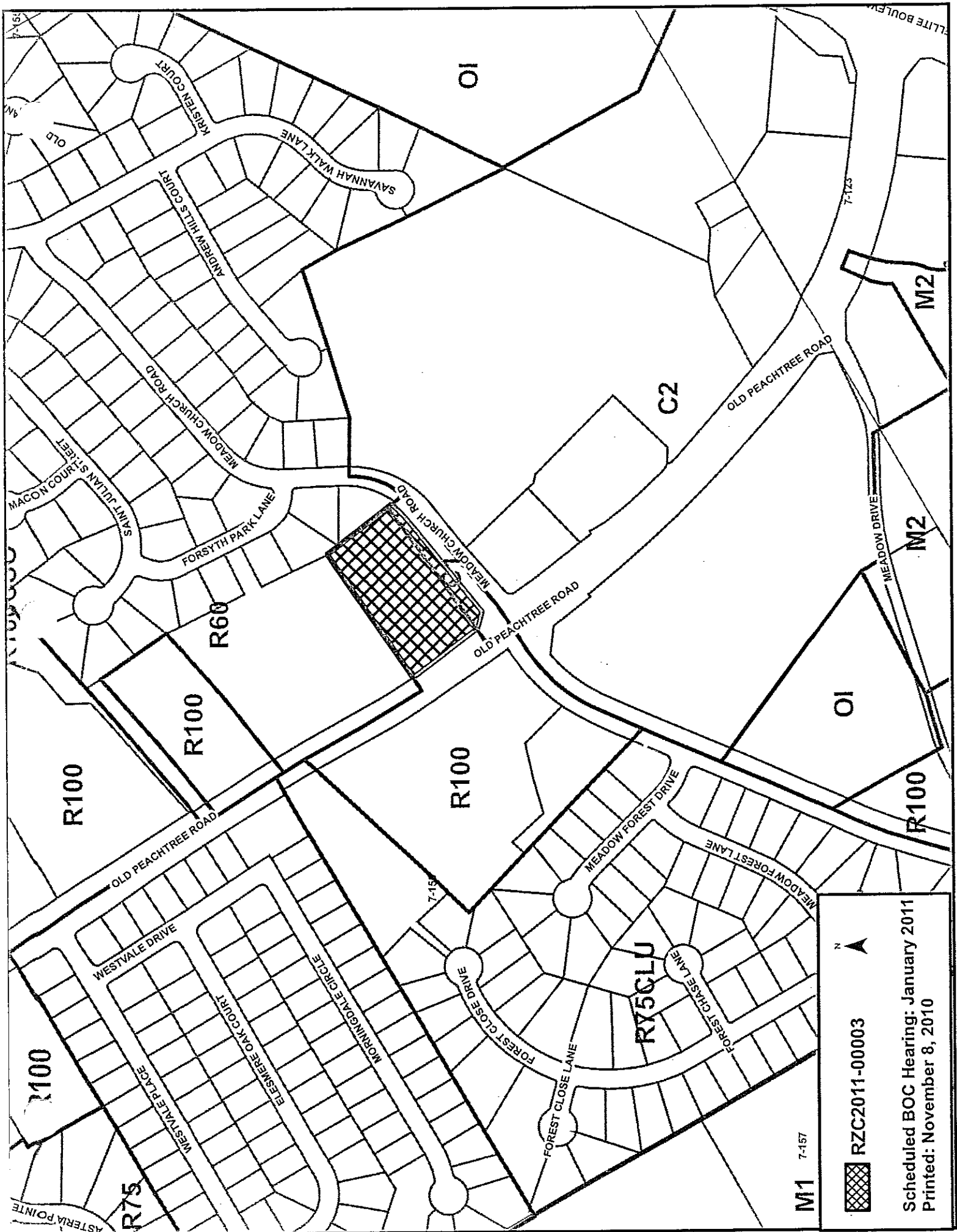
RECEIVED 11-05-10  
RZC2011-00003


**OUTDOOR LIGHTING:**

ALL OUTDOOR LIGHTING WILL COMPLY WITH THE CITY CENTER OVERLAY STANDARDS AND GANNETT COUNTY LIGHTING ORDINANCE

**TRAFFIC COUNTS:**

OLD PEACHTREE ROAD - 2,210 IS ADT  
- Counts measured between South States Road and Satellite Boulevard  
MEADOW CHURCH ROAD - 843 IS ADT  
- Counts measured between Sugarloaf Parkway and Co. Peachtree Road  
\* Traffic data obtained from Gannett County DOT - 2009 data



 RZC2011-00003

Scheduled BOC Hearing: January 2011  
 Printed: November 8, 2010

M1 7-157

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

I.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.

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

I. D. All units shall have a double car garage.

Based on the submitted building elevations, the applicant proposes to change condition I. B. to allow exterior treatments that are primarily of siding, with only accents of brick. The applicant proposes to change condition I.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 I.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**

Deletions 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 least 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 EXERCISE 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



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 the 1st 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.



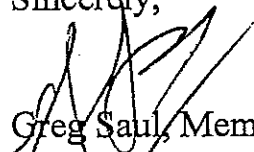
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This proposed change in conditions has become necessary as the conditions of the economy have continued to deteriorate and the ability for homeowners "to qualify" for home purchases has become more and more stringent. Purchasers simply cannot afford 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.

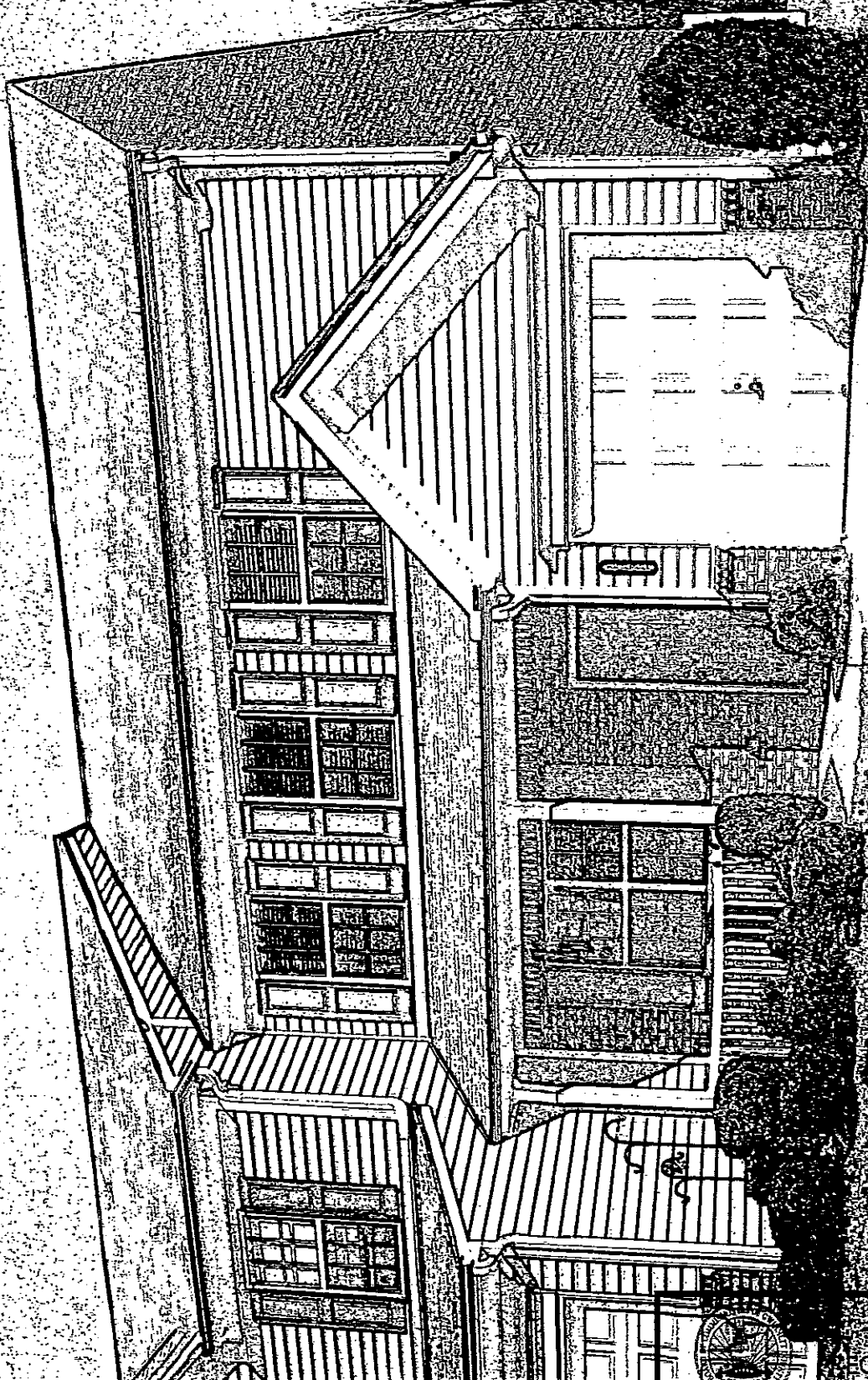
Sincerely,



Greg Saul, Member  
R&R Land Group, LLC

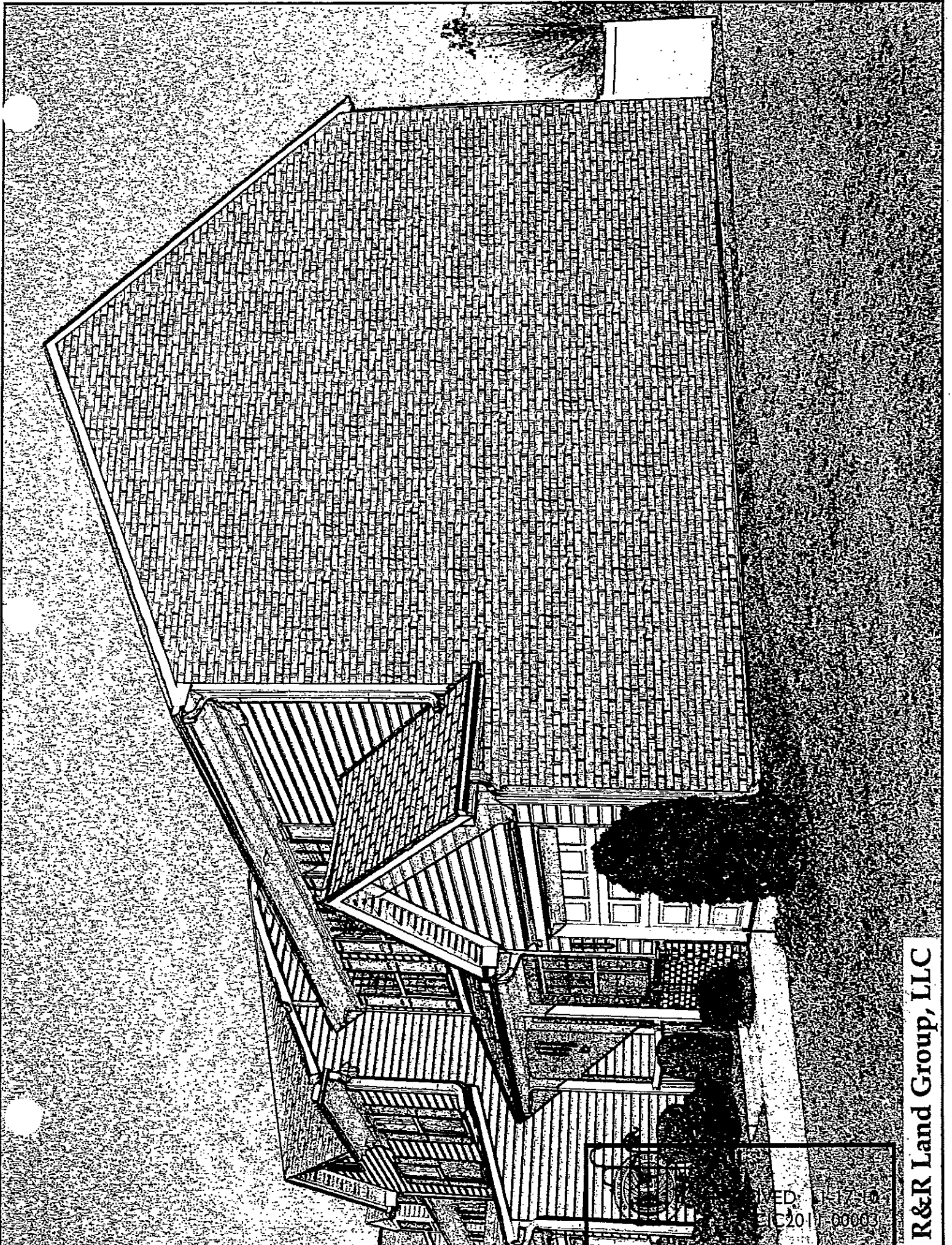


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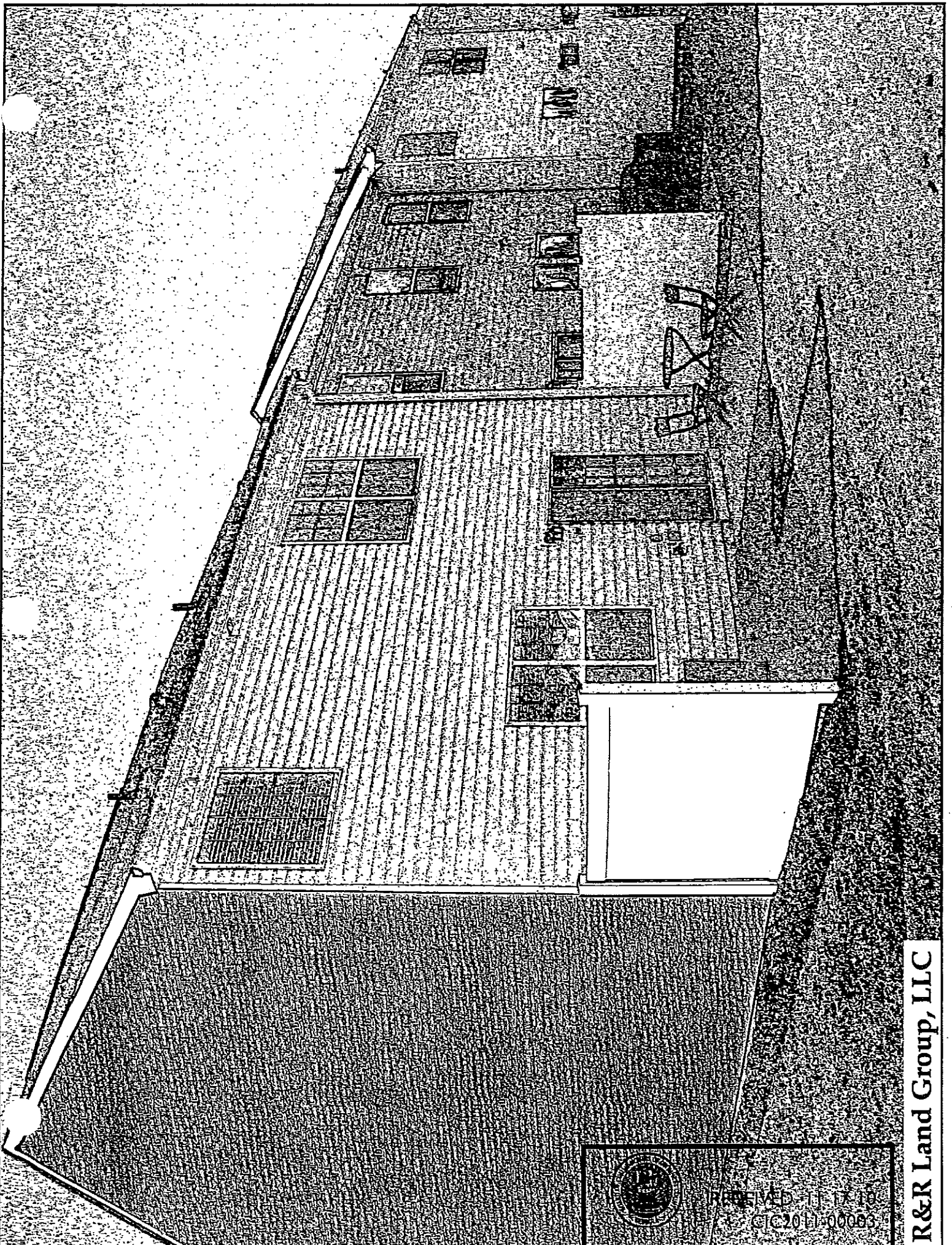
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R&R Land Group, LLC



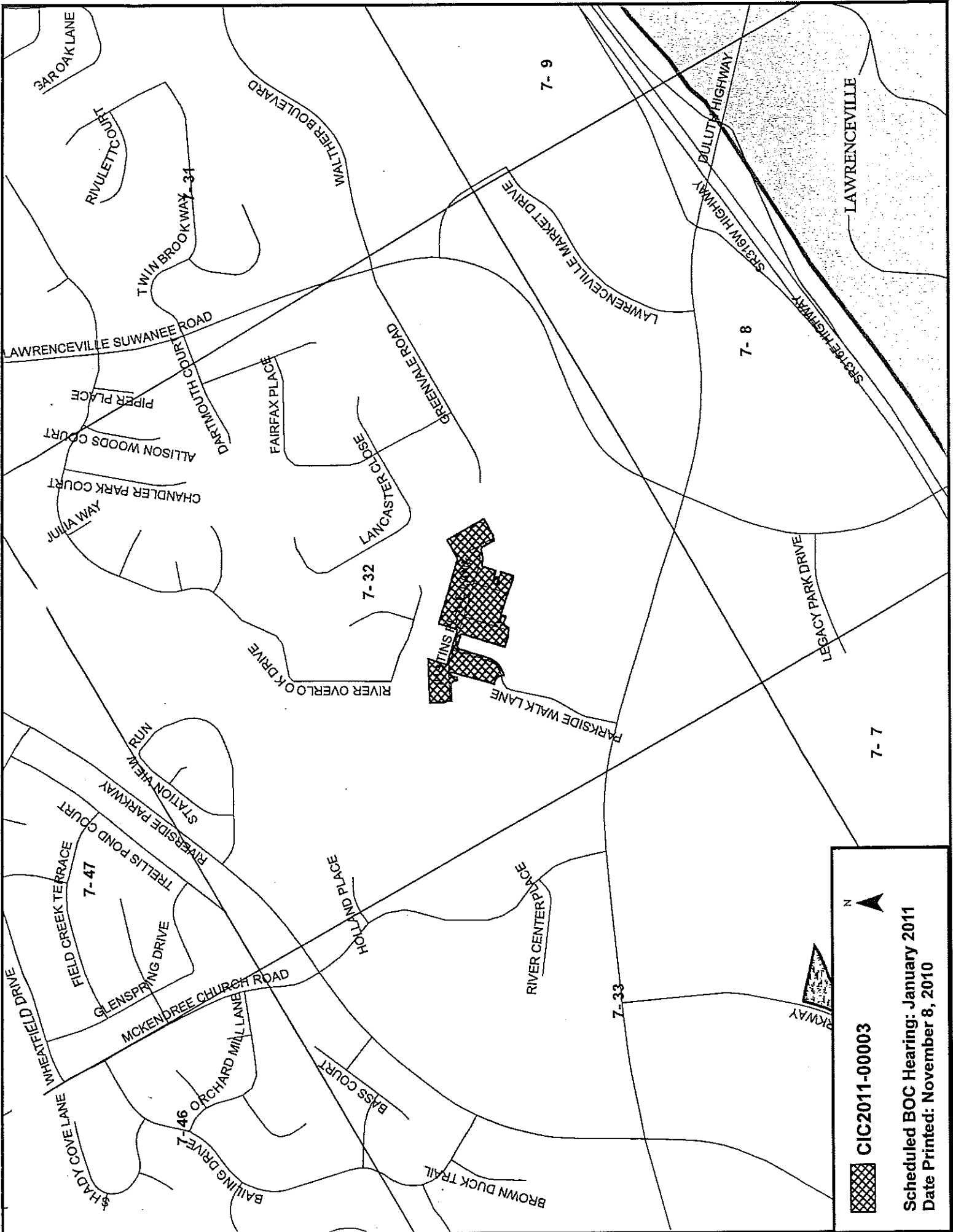
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R&R Land Group, LLC



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R&R Land Group, LLC




  
**CIC2011-00003**
  
 Scheduled BOC Hearing: January 2011
   
 Date Printed: November 8, 2010

**PROJECT NAME**  
PARKSIDE WALK TRACT  
LOCATED IN LAND LOT 502 OF DISTRICT 7TH, BLOCK 818  
GWINNETT COUNTY, GEORGIA

**CLIENT NAME**

**LAND DEVELOPMENT, INC.**  
1500 NORTH WALK STREET, SUITE 100  
DUNWOODY, GEORGIA 30328



**DATE**  
11/2/09

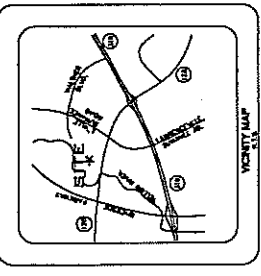
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[Signature]

**FOR**  
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**REVISIONS**

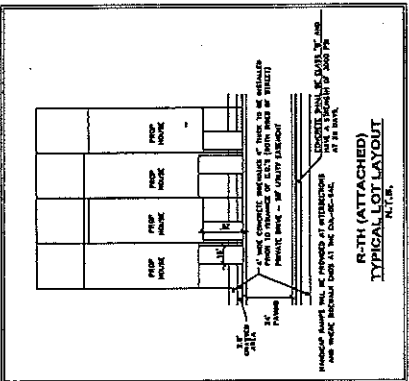
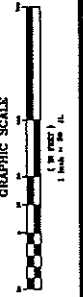
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**SHEET NUMBER**  
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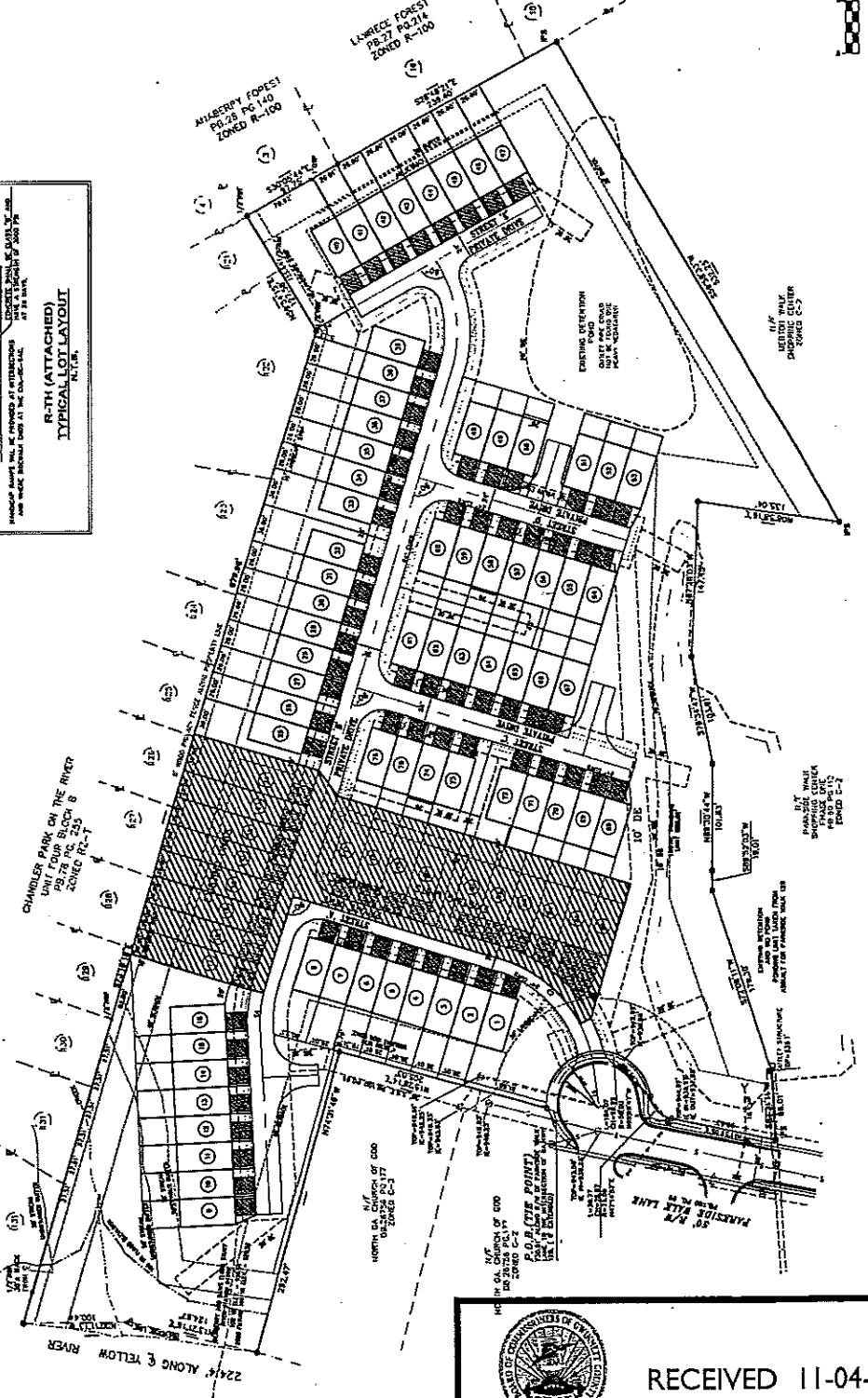
**LEGEND**

1	Proposed Residential Units
2	Proposed Driveways
3	Proposed Sidewalks
4	Proposed Streets
5	Proposed Utility Lines
6	Proposed Stormwater Management
7	Proposed Landscaping
8	Proposed Parking
9	Proposed Amenities
10	Proposed Fences
11	Proposed Signage
12	Proposed Other Features



**BLOCK & LOT CHART**

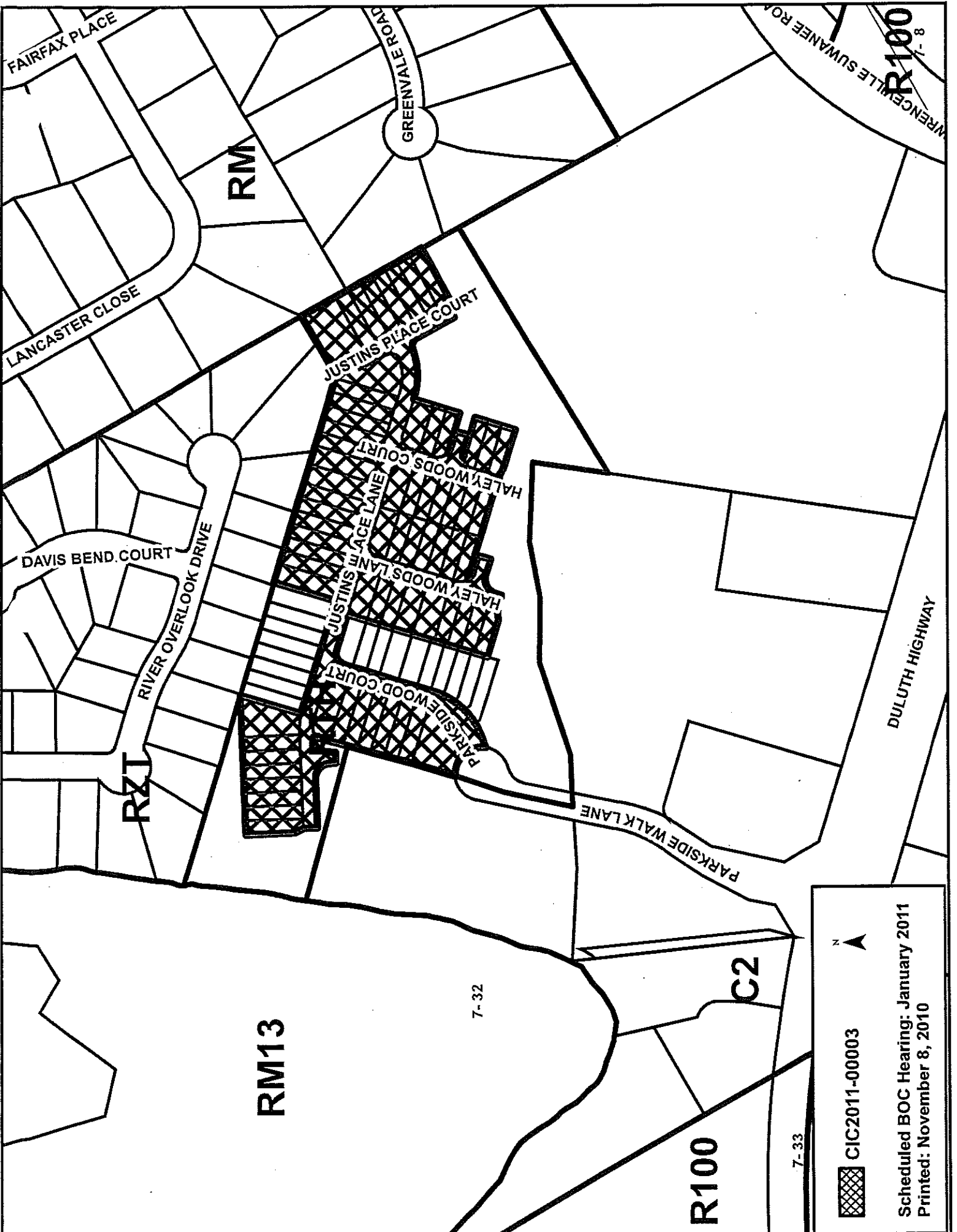
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**GENERAL NOTES**

1. ALL UTILITIES SHALL BE DEPTH TO CENTER UNLESS OTHERWISE NOTED.
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RECEIVED 11-04-10  
CIC2011 00003



 CIC2011-00003

Scheduled BOC Hearing: January 2011  
 Printed: November 8, 2010

7-33

7-32

RM13

R100

C2

FAIRFAX PLACE

LANCASTER CLOSE

RM

GREENDALE ROAD

WRENCHVILLE SUWANEE ROAD  
 R100

JUSTIN'S PLACE COURT

HALEY WOODS COURT

JUSTIN'S PLACE LANE

HALEY WOODS LANE

PARKSIDE WOOD COURT

DAVIS BEND COURT

RIVER OVERLOOK DRIVE

RZT

PARKSIDE WALK LANE

DULUTH HIGHWAY

**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 SNAPPINGER 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:

- I. 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 ~~costs~~ 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





# 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.

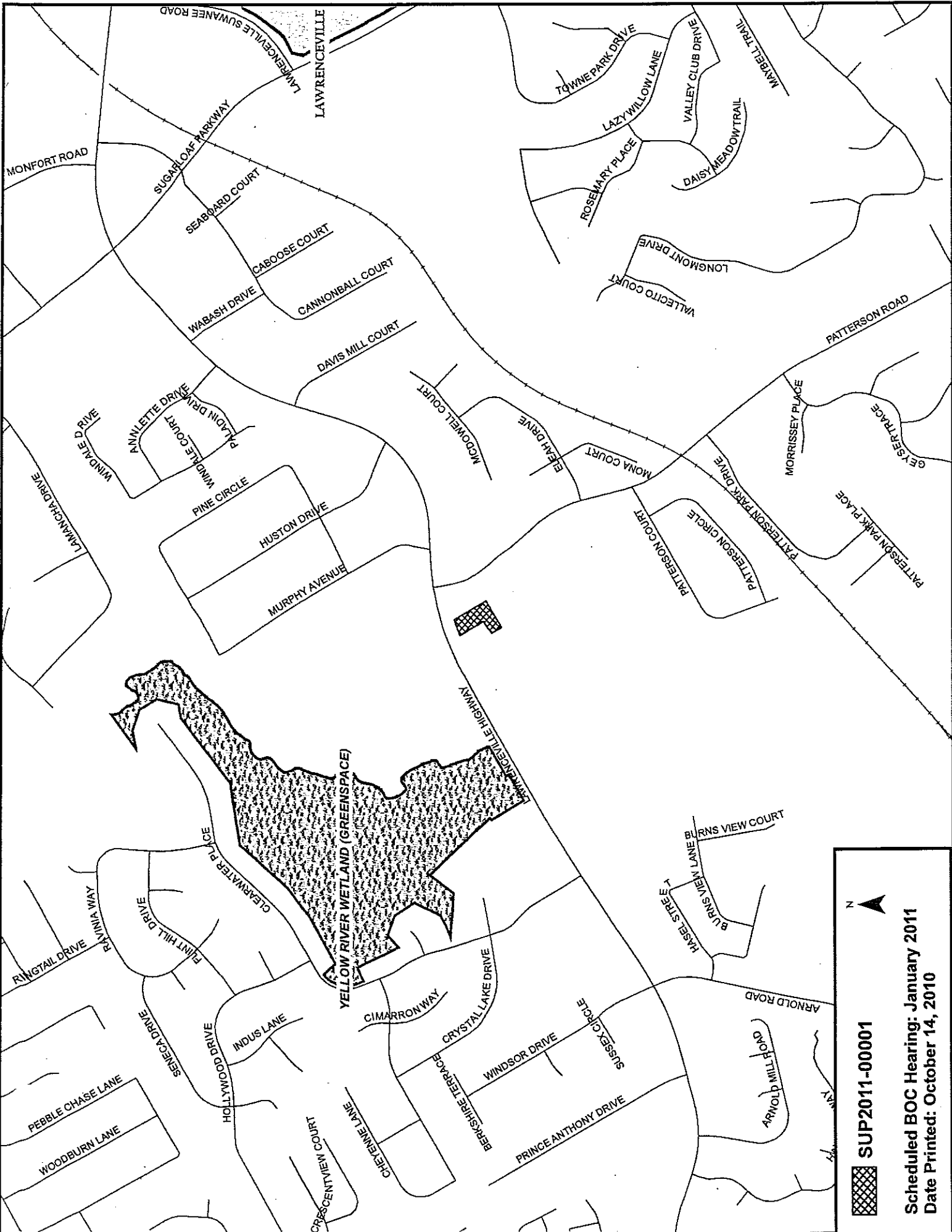
Thank you for your time and consideration. If we knew we were in violation of the zoning we would have addressed this issue earlier or before we leased the property. Please let me know if there is anything else we can provide.


Sincerely,

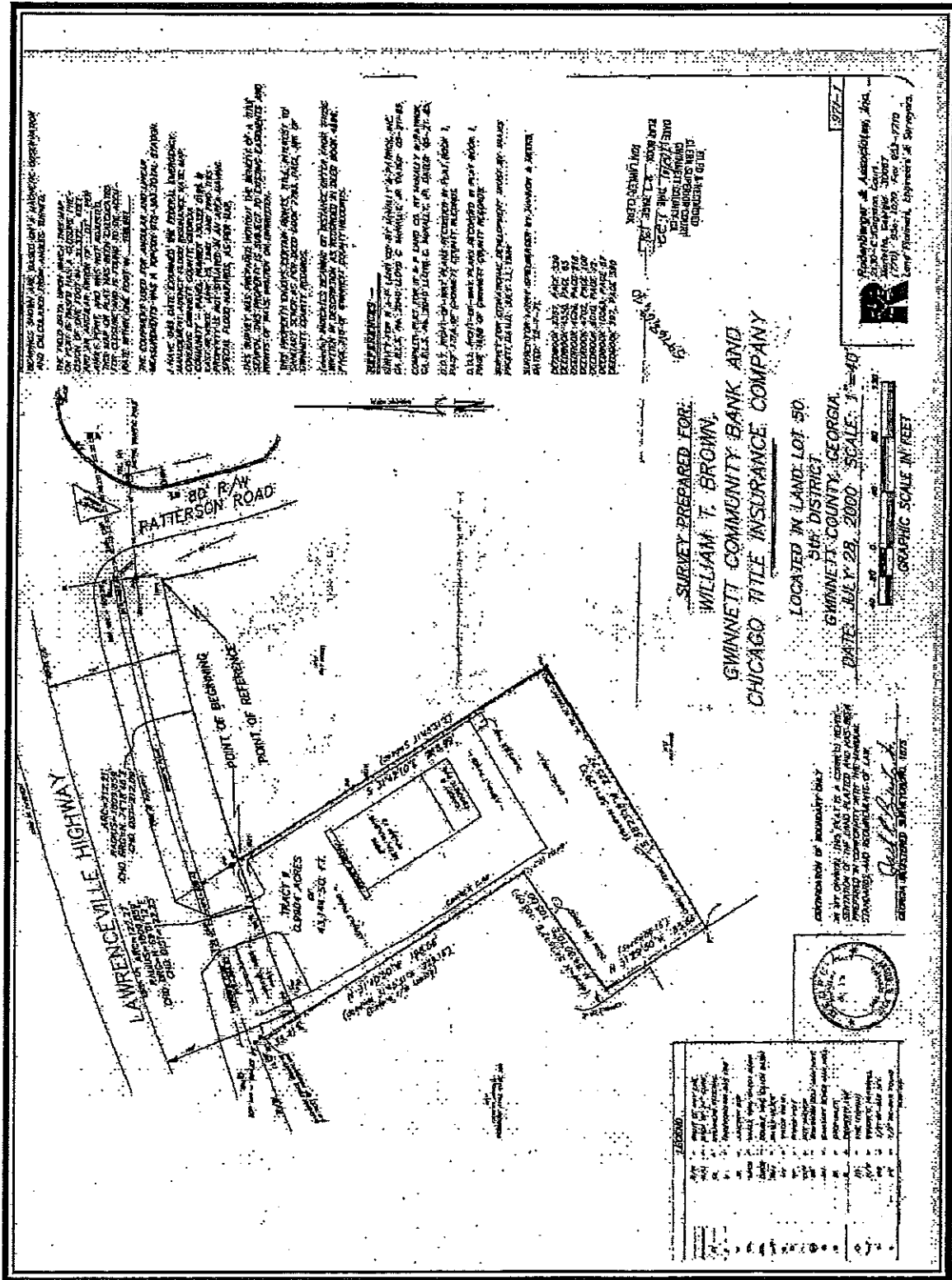
Kris Stone



RECEIVED 10-13-10  
SUP2011-00001




  
**SUP2011-00001**
  
 Scheduled BOC Hearing: January 2011
   
 Date Printed: October 14, 2010

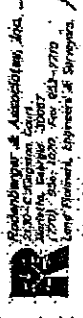


LOCATED IN LAND LOT 50,  
5th DISTRICT  
GWINNETT COUNTY, GEORGIA.  
DATE: JULY 28, 2000. SCALE: 1"=40'  
GRAPHIC SCALE IN FEET

SURVEY PREPARED FOR:  
WILLIAM T. BROWN,  
GWINNETT COMMUNITY BANK AND  
CHICAGO TITLE INSURANCE COMPANY

ACCURACY OF BOUNDARY ONLY  
ON THE GROUND, THIS PLAN IS A COMPLETE AND  
DEFINITIVE STATEMENT OF THE LAND PLATED AND HAS BEEN  
PREPARED IN ACCORDANCE WITH THE NATIONAL  
STANDARD FOR ACCURACY OF LAND SURVEYS

*William T. Brown*  
Surveyor



THIS SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACTS OF 1909 AND 1932, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, STATE OF GEORGIA.

THE SURVEY WAS MADE BY WILLIAM T. BROWN, SURVEYOR, AND HIS ASSISTANTS, AND WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACTS OF 1909 AND 1932, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, STATE OF GEORGIA.

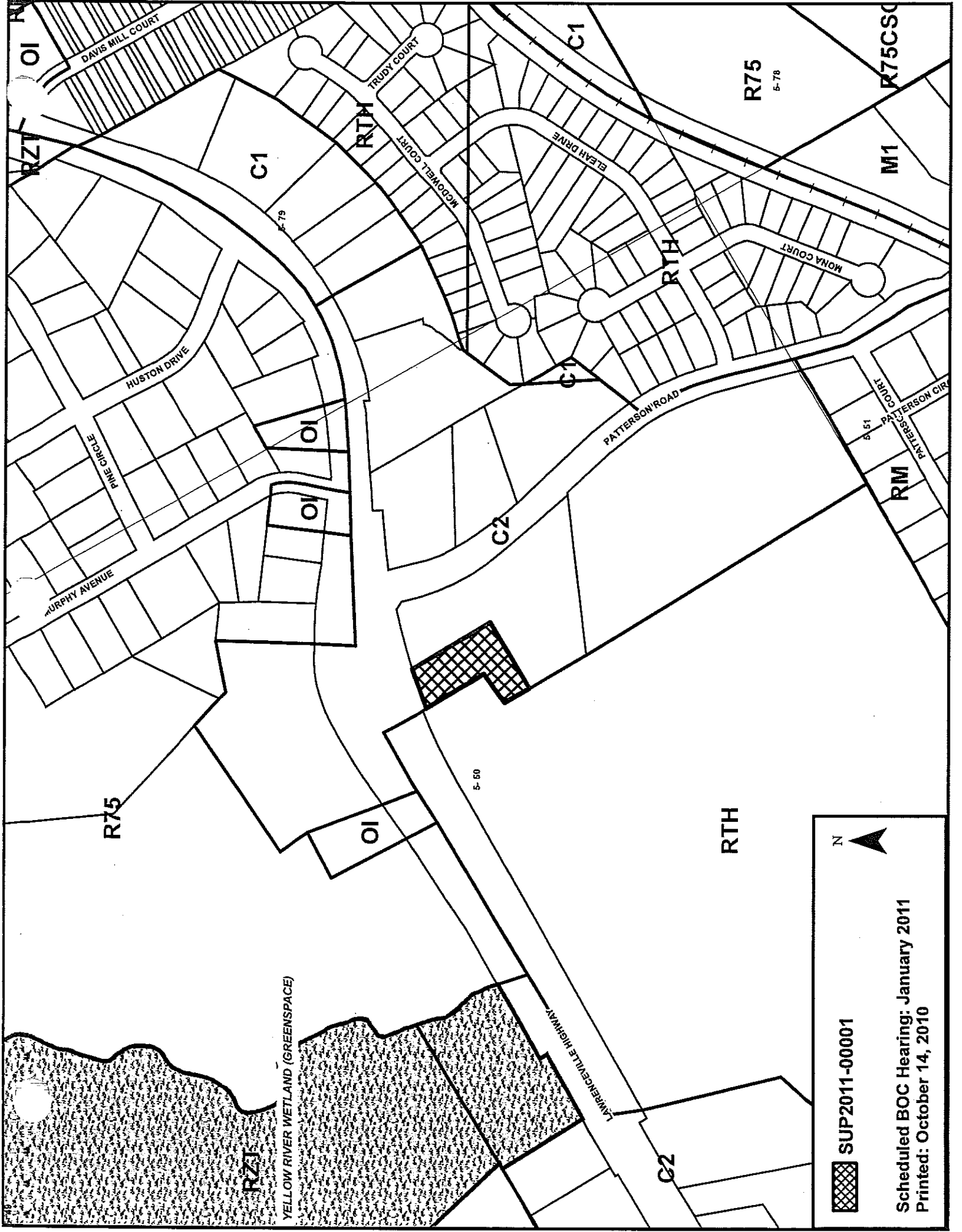
THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACTS OF 1909 AND 1932, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, STATE OF GEORGIA.


THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACTS OF 1909 AND 1932, AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, STATE OF GEORGIA.


Survey



RECEIVED 10-13-10  
SUP2011-00001



N 

 SUP2011-00001

Scheduled BOC Hearing: January 2011  
 Printed: October 14, 2010

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
CHANGE IN CONDITIONS ANALYSIS**

CASE NUMBER :CIC2011-00005  
ZONING :C-2  
LOCATION :3500 BLOCK OF STONE MOUNTAIN HIGHWAY  
MAP NUMBER :R6052 006C  
ACREAGE :1.71 ACRES  
PROPOSED DEVELOPMENT :AUTOMOBILE SALES (CHANGE IN CONDITIONS TO  
DELETE REQUIRED BUILDING IMPROVEMENTS,  
DELETE BILLBOARD RESTRICTIONS AND DELETE  
INTERPARCEL ACCESS)  
REQUIREMENTS  
SQUARE FEET :3,400 SQUARE FEET  
COMMISSION DISTRICT :(3) BEAUDREAU

FUTURE DEVELOPMENT MAP: **CORRIDOR MIXED-USE**

APPLICANT: ROMAN INTERNATIONAL, LLC  
2451 CUMBERLAND PARKWAY, #3448  
ATLANTA, GA 30339

CONTACT: ALEXANDER ROMAN PHONE: 404.578.3448

OWNER: ALEXANDER ROMAN  
8825 MERION DRIVE  
DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **DENIAL**

**CHANGE IN CONDITIONS SUMMARY:**

The applicant has requested to change several conditions of a previous Special Use Permit, SUP-07-085, for a used car sales lot. The site is a 1.71-acre parcel, zoned C-2 (General Business District), located on the north side of Stone Mountain Highway, east of Parkwood Road. The property is developed with a single-story block building, an asphalt parking lot and a billboard. Access is provided via one driveway onto Stone Mountain Highway. It is noted that the property is located in the U.S. Highway 78 Corridor Overlay District, and would be subject to the site, landscape and architectural requirements of the Overlay.

The submitted site plan shows the existing building, an un-striped asphalt parking lot and the existing billboard. A gravel parking area and canopy are shown to the rear of the building. The North Georgia Auto Brokers is a used car dealership presently operating on the property. During a recent site visit, several vehicles were for sale in front of the building; the property was congested and vehicular movement on the site was constricted. There are no records of

permits being issued to utilize the site or occupy the building. It also appears that a wall sign was recently installed without the issuance of a permit.

Staff notes that this application is the result of a citation (CEU2010-08261) issued by the Gwinnett County Police Code Enforcement Unit for not meeting conditions of zoning and operating without a Business License.

The current zoning restrictions on the site were established in 2008, pursuant to SUP-07-085. The applicant proposes to eliminate conditions 1.E., 2.C. and 2.J., which read as follows:

1.E. The existing building shall be removed and a new building constructed with exterior treatments of brick, stacked stone, or glass, with minor treatments of metal or stucco. Building elevations shall be subject to review by the Director of Planning and Development.

2.C. Remove the existing billboard on the property prior to the issuance of the building permit.

2.J. Provide inter-parcel access to the property to the west.

The applicant is requesting that these three conditions be deleted. The submitted letter of intent indicates that in lieu of constructing the new building the applicant would be amenable to enhancing the existing structure with exterior improvements. The applicant's goal is to eventually demolish the existing building and construct a shopping center, but he has indicated that more time is needed due to current economic conditions. The letter of intent also indicates that a 10-year lease was signed for use of the billboard in 2005 and removal of the billboard would result in penalties for breach of the lease contract.

The 2030 Unified Plan Future Development Map indicates the property lies within a Corridor Mixed-Use Character Area. Encouraged uses include freestanding commercial retail, but preferably when mixed vertically or horizontally with other uses. The Special Use Permit was granted for car sales and included conditions to address commercial corridor improvement policies of the Unified Plan. The requested change in conditions to delete the required building improvements and billboard restrictions may not be appropriate as these conditions were included to ensure an improved appearance for the site as well as the commercial corridor.

The U.S. Highway 78 corridor is characterized by intense commercial/retail uses including new car dealerships across the highway, and numerous smaller automotive sales and service businesses to the east and west of the subject property. While there are new and used automobile sales lots and service facilities on adjacent and nearby properties, the subject dealership is operating without a business license and the site is not in compliance with the conditions of SUP-07-085. It is also noted that through the efforts of the Evermore CID and application of the U.S. Highway 78 Overlay District requirements, the appearance and viability of the corridor are anticipated to be maintained and improve over time. Therefore, the requested condition changes may not be consistent with the previous Board action, or with the anticipated improved nature of development along the Stone Mountain Highway corridor.

Deleting conditions that require building improvements, billboard restrictions and inter-parcel access may jeopardize the integrity and future of the commercial corridor and would be counter to the previous Board action established through the public hearing process. Therefore, the Department recommends **DENIAL** of the applicant's request.

**ZONING HISTORY:**

The subject property has been zoned C-2 since 1970. In 1995, a Special Use Permit for outdoor storage for a supply company was denied, pursuant to SUP-95-059. In May, 2007, a Special Use Permit request for automobile sales was denied, pursuant to SUP-07-053. A Special Use Permit was approved for automobile sales in April, 2008, pursuant to SUP-07-085.

**GROUNDWATER RECHARGE AREA:**

The subject property is located within an identified Significant Groundwater Recharge Area. Sanitary sewer would serve the Development, 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 ratio of:

- Car dealership (minimum): 1 space per 400 square feet (no minimum for inventory)
- Car dealership (maximum): 1 space per 150 square feet (no maximum for inventory)

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.

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.

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.

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:**

Coordinate with Georgia D.O.T. regarding access to Stone Mountain Highway.

**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 southern right-of-way of Stone Mountain Highway, and a 30-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 approximately 100 feet west of the property.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed renovation of the existing building for review and approval by Building Plan Review.
2. 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.
3. 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.
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:**

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**

Deletions in ~~strikethrough~~

Approval as a Special Use Permit for automobile sales subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail, service commercial, office and accessory uses, which may include automobile sales as a Special Use.
  - B. Abide by all requirements of the Highway 78 Corridor Overlay District. This shall not preclude a variance application.
  - C. Automobile service shall be prohibited.
  - D. Outdoor storage/display of parts, tires or junked vehicles shall be prohibited.
  - E. The existing building shall be **enhanced** ~~removed and a new building constructed~~ with exterior treatments of brick, stacked stone, or glass, with minor treatments of metal or stucco. Building elevations shall be subject to review **and approval** by the Director of Planning and Development.
  
2. To satisfy the following site development considerations:
  - A. Provide a ten-foot wide landscaped strip outside the right-of-way of Stone Mountain Highway.
  - B. Dedicate at no cost to Georgia DOT the necessary rights-of-way and easements for the construction of the transportation improvement project (widening of Stone Mountain Highway) based on plans on file with the Georgia DOT.
  - C. ~~Remove the existing billboard on the property prior to the issuance of a building permit, per submitted site plan.~~
  - D. No vehicles shall be displayed or parked on any grassed or unpaved surface, along or on the entrance driveway or in the right-of-way. No vehicles shall be displayed on elevated risers.
  - E. Coordinate with Georgia D.O.T. regarding access to Stone Mountain Highway.

- F. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
- G. Peddlers or parking lot sales 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. Yard and/or bandit signs shall be prohibited.
- I. ~~Oversized signs shall be prohibited.~~ **New or replacement billboards shall be prohibited.**
- J. ~~Provide interparcel access to the property to the west.~~

PLANNING AND DEVELOPMENT DEPARTMENTS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions to delete required building improvements, billboard restrictions and inter-parcel access may not be suitable in view of the higher standards for new developments along the highway corridor.

ADVERSE IMPACTS

The proposed change in conditions could have adverse impacts on nearby land uses, 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 SUP-07-085 on the subject property. The request may also be counter to the Board's goal of improving the corridor through the establishment of the U.S. Highway 78 Overlay District.

CONDITIONS AFFECTING ZONING

It may not be appropriate to amend the conditions on the property that were incorporated to ensure a higher standard and improve the Stone Mountain Highway corridor.



**FROM: Roman International LLC; Alexander Roman**  
**TO: Gwinnett County Department of Development**  
**SUBJECT: Request of change in conditions.**

Dear Commissioner Shirley Lasseter  
Bert Nasuti  
Mike Beaudreau

This letter is explaining to you the situation regarding my old car dealership located at 3515 Highway 78 in Snellville, parcel R6052 006, of the Sixth District.

This lot has been vacant for the past few years due to the tough economic hardship that our county has been in and is still going through. I could not get a tenant who was willing to take a chance and open up a new business during these hard times that we have all been going through. Regardless, I have been able to maintain paying my mortgages and taxes on time. I have borrowed money, I took a second loan on my home, I have deprived my kids from vacations and getting other nice things that most kids would like to get, etc.

Commissioners, as you and I both know that paying \$6,500.00 a month and almost \$1,000.00 in taxes a month without getting anything in return is not an easy thing to keep doing while also being able to maintain staying in business; especially if you have done so for three years, with total costs of almost \$270,000.00.

Unless you all would like to see me go out of business, which I don't think you would want to see happen to me or any other dealership on 78, since we have already had many foreclosures on this highway.

Commissioners, a few months ago a brave man contacted me regarding the above property, he was willing to take a chance and open up a small dealership, knowing that the building needed some renovations which would require money to make the location suitable for business. So we both came to an agreement to draw a lease in which I gave him a great deal and free rent for a few months in order to allow him to take the chance and start his business. Before we signed the lease, I asked him to go to the department of planning to find out if he could obtain a zoning certification letter to allow him to open a car dealership at the above address. I assumed that things may have changed since I have not done business from that location for almost three years now.

The young man went to the zoning department and asked if he could open up a car dealership at the above location. Obviously, they told him that the property is zoned for a car lot without looking any further into the notes regarding the conditions. So the young man called me with the good news, telling me everything went fine. Of course I assumed that the zoning department has been working with people due to the tough economic situation, so we were both happy about that.

After only a few weeks of finalizing renovations and opening for business, the police stopped by and gave him three citations for operating in the building.



RECEIVED 11-29-10  
CIC2011-00005

- First Citation: Regarding Condition No.1: paragraph E, The existing building shall be removed and a new building constructed with exterior treatments of brick, stacked stone, or glass with minor treatments of metal or stucco.
- Second Citation: Regarding Condition No. 2: paragraph C, remove the existing billboard on the property prior to the issuance of the building permit.
- Third Citation: Regarding Condition No. 3: paragraph J, provide inter-parcel access to the property to the west.

These are conditions that I would like for you to work on with me, for the time being.

Commissioners, I understand that you want to clean up Hwy 78, but my property is not a junk yard. It is a 3400 sq ft building sitting on a fully paved area without any cracks in the building or pavement. It is constructed with exterior treatments of brick and glass and that is exactly what you asked me to do in the resolutions to grant a special use permit. I can understand if you want me to enhance it by doing a face lift, I just ask that you please give me a little time and I will be glad to do so.

On the other hand, my building is not the ugliest building on 78. As you all know, several dealerships on 78 are operating from trailers and on gravel lots, and they have been there ever since we had our last hearing in 2008. As a matter of fact, some of them are still in violation and still have not complied with your codes. I will give you some examples.

First example is Parkwood Motors, located next to me. I brought his case to attention at our last hearing and you agreed that his dealership was not meeting with your codes, yet they are still operating and nothing has changed. They have never obtained a SUP and their property size is less than an acre.

The second example is Zam's Auto Sales. Their previous location, across the street from the Toyota Store, was supposed to be removed, yet the location is still there and is currently being operated by a new dealership, Southern Auto, in the same building. Zam's Auto has moved to another location next to Auto Zone, and is operating out of a trailer.

Commissioners, I am not trying to get involved with your business, I just want to be treated fairly like the others on Hwy 78 by enforcing the rules and regulations on all of us. I am willing to compromise if you can give me the time.

I also have a plan to tear the building down and build a nice shopping center in the near future. That's also one of the reasons why I don't want to spend a lot of money on the lot now just to demolish it in a few years.

Regarding my billboard, I paid an extra amount of money when I purchased the property just because of the billboard being on it. It is now helping me pay my mortgage and it has not caused harm to anybody; it is solid as a rock. The main, difficult issue about taking the billboard down is that I signed a ten year lease in 2005 and I still have five more years on the lease. If I break this lease, I will be penalized with a large amount of money. Again I am not refusing the idea of taking the billboard down, it is just that the timing is not in my favor and I hope that you can give me enough time to do this.



RECEIVED 11-29-10  
CIC2011-00005

Regarding the issue of opening an access road to the west, I agree with this idea. When I opened a new dealership at Parkwood and 78 I donated property for an easement at the rear of the property. I would also do this at this location and feel it would be best suited in the rear and could also connect to the parallel road that Evermore CID is doing in the rear of my property.

Again, commissioner and board members, I am kindly asking you to work with me on all of these conditions by compromising with me on the time and nature of each project that needs to be done in order to please you and enhance the area, while also taking into consideration the economic situation.

Thank you all and God bless.

Sincerely,

Alexander Roman



RECEIVED 11-29-10  
CIC2011-00005

CASE NUMBER SUP-07-085  
GCID 2008-0329

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.

---

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

---

On motion of COMM. BEAUDREAU, which carried 4-0, the following resolution was adopted:

A RESOLUTION TO GRANT A SPECIAL USE PERMIT

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 for a Special Use Permit by AMAZING CARS, INC. for the proposed use of AUTOMOBILE SALES AND SERVICE 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 Special Use Permit Application 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 APRIL 22, 2008 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 22ND day of APRIL, 2008 that the aforesaid application for a Special Use Permit is hereby **APPROVED** subject to the following enumerated conditions:

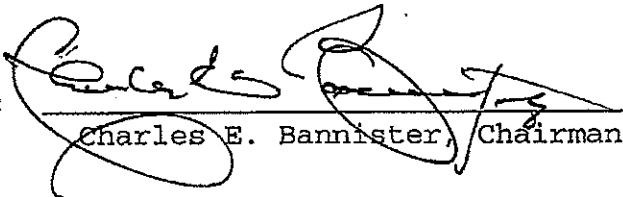
1. To restrict the use of the property as follows:
  - A. Retail, service commercial, office and accessory uses, which may include automobile sales as a Special Use.
  - B. Abide by all requirements of the Highway 78 Corridor Overlay District. This shall not preclude a variance application.
  - C. Automobile service shall be prohibited.
  - D. Outdoor storage/display of parts, tires or junked vehicles shall be prohibited.
  - E. The existing building shall be removed and a new building constructed with exterior treatments of brick, stacked stone, or glass, with minor treatments of metal or stucco. Building elevations shall be subject to review by the Director of Planning and Development.

2. To satisfy the following site development considerations:
  - A. Provide a ten-foot wide landscaped strip outside the right-of-way of Stone Mountain Highway.
  - B. Dedicate at no cost to Georgia DOT the necessary rights-of-way and easements for the construction of the transportation improvement project (widening of Stone Mountain Highway) based on plans on file with the Georgia DOT.
  - C. Remove the existing billboard on the property prior to the issuance of a building permit, per submitted site plan.
  - D. No vehicles shall be displayed or parked on any grassed or unpaved surface, along or on the entrance driveway or in the right-of-way. No vehicles shall be displayed on elevated risers.
  - E. Coordinate with Georgia D.O.T. regarding access to Stone Mountain Highway.
  - F. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
  - G. Peddlers or parking lot sales 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. Yard and/or bandit signs shall be prohibited.

CASE NUMBER SUP-07-085  
GCID 2008-0329

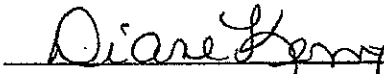
- I. Oversized signs shall be prohibited.
- J. Provide interparcel access to the property to the west.


GWINNETT COUNTY BOARD OF COMMISSIONERS

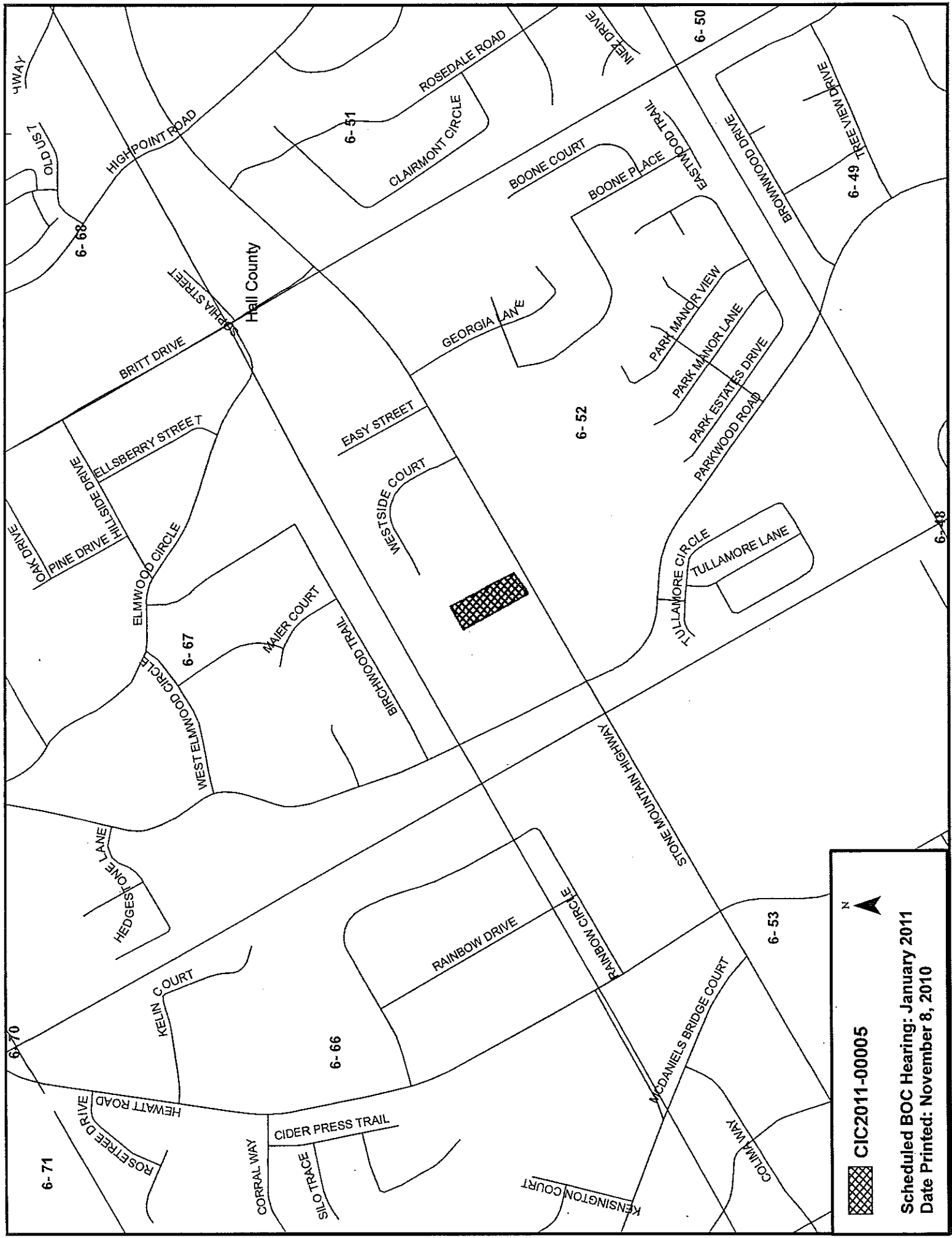
By:   
Charles E. Bannister, Chairman


Date Signed: 5/9/08


ATTEST:

  
County Clerk/Deputy County Clerk





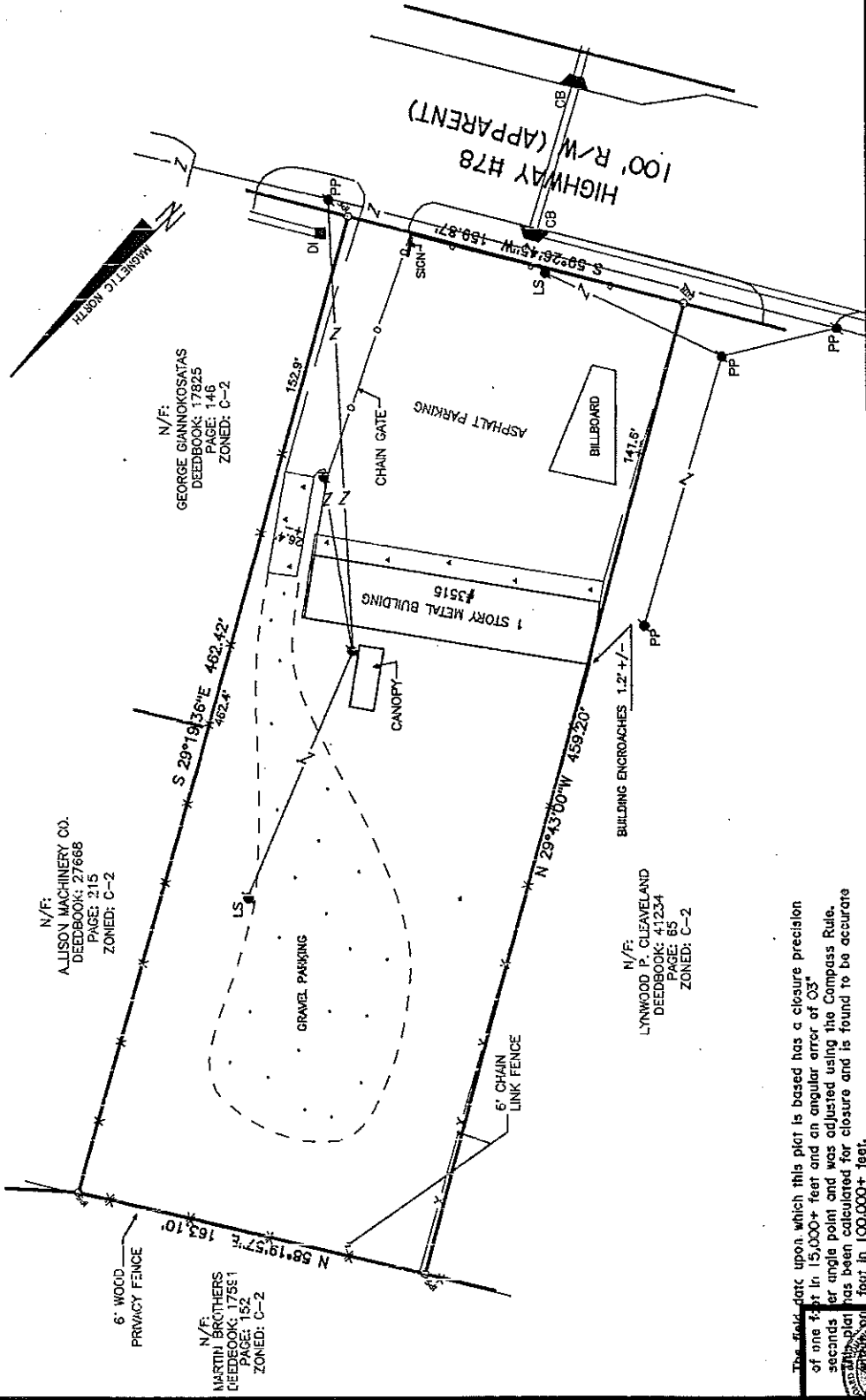
 N

 CIC2011-00005

Scheduled BOC Hearing: January 2011  
Date Printed: November 8, 2010

**LEGEND**

- IPF = 1/2" REBAR FO.
- IPS = 1/2" REBAR PIN SET
- LL = LAND LOT
- LLL = LAND LOT LINE
- PL = PROPERTY LINE
- CL = CENTERLINE
- BL = BUILDING LINE
- R/W = RIGHT-OF-WAY
- S.S.E. = SANITARY SEWER EASEMENT
- D.E. = DRAINAGE EASEMENT
- MH = MANHOLE
- C.B. = CATCH BASIN
- J.B. = JUNCTION BOX
- H.W. = HEADWALL
- D.I. = DRAIN INLET
- F.P. = FONEY/UTILITY POLE
- F.H. = FIRE HYDRANT
- I.E. = INVERT ELEVATION
- F.F.E. = FINISHED FLOOR ELEVATION
- F.F.B. = FINISHED FLOOR BASEMENT
- F.F.G. = FINISHED FLOOR GARAGE
- B.O.C. = BACK OF CURB
- EP = EDGE OF PAVEMENT
- N/F = NOW OR FORMERLY
- P.O.B. = POINT OF BEGINNING
- S.S. = SANITARY SEWER LINE/PIPE
- X-X-X- = FENCE LINE
- O- = FLOOD HAZARD ZONE LINE
- W- = STORM SEWER LINE/PIPE
- C- = WATER LINE
- G- = GAS LINE
- CM = CONCRETE MONUMENT
- C.E. = CONSTRUCTION EASEMENT
- C&G = CURB AND GUTTER
- LS = LOT SURVAYING
- LO = OPEN TOP PIPE FOUND
- CIP = CRIMP TOP PIPE FOUND



**AMAZING AUTOS**

SURVEY FOR:

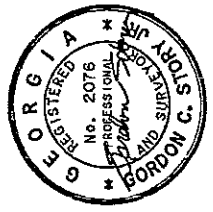
3515 HIGHWAY #78

LAND LOT: 52	LOT: N/A	BLOCK: N/A
DISTRICT: 6TH	SUB: N/A	
GEORGIA COUNTY		
FIELD DATE: 07/11/08	AREA = 1.708 ACRES	JOB No. 06-07-260
PLAT DATE: 07/12/08		

GORDON STORY & ASSOCIATES  
 3205 INDUSTRIAL WAY, SUITE 500  
 SNELLVILLE, GA. 30039  
 ENGINEERING & LAND SURVEYING  
 OFF: 770.978.7663 FAX: 770.736.8268

REVISION: \_\_\_\_\_

REF. PLAT: PB. \_\_\_\_\_ P. \_\_\_\_\_



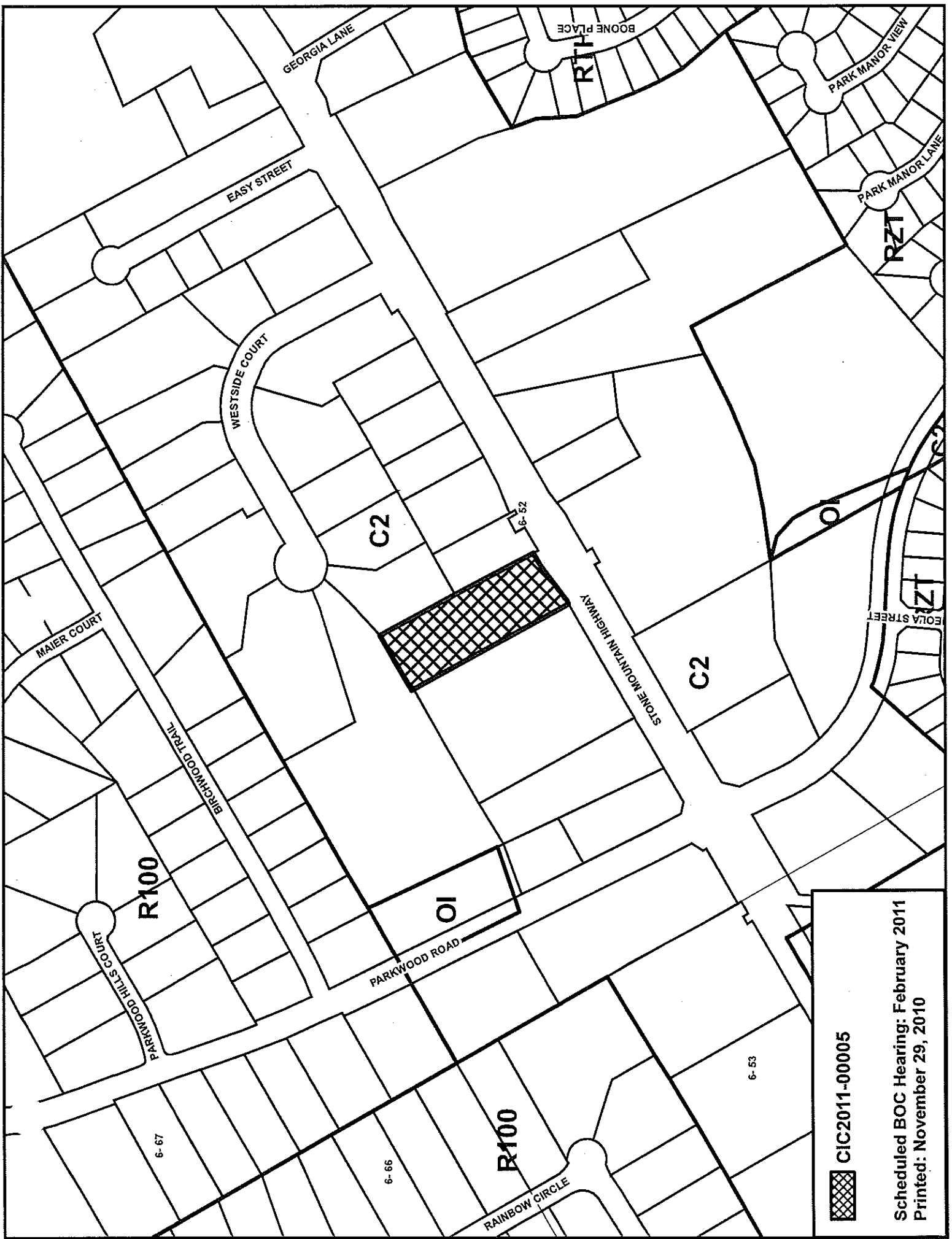
IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

The field data upon which this plat is based has a closure precision of one foot in 15,000+ feet and an angular error of 03" seconds per angle point and was adjusted using the Compass Rule. The plot has been calculated for closure and is found to be accurate to 100,000+ feet.

used: Topcon GTS-213 Total Station.



RECEIVED 11-24-10  
 CIC2011-00005



CIC2011-00005



Scheduled BOC Hearing: February 2011  
Printed: November 29, 2010



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

gwinnettcountry

**MUNICIPAL-GWINNETT COUNTY  
PLANNING COMMISSION**

**PUBLIC HEARING AGENDA  
GWINNETT JUSTICE AND ADMINISTRATION CENTER**

**TUESDAY, FEBRUARY 15, 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 CALL THE FACILITIES MANAGEMENT DIVISION AT 770.822.8015.

- A. CALL TO ORDER, INVOCATION, PLEDGE TO FLAG
- B. APPROVAL OF MINUTES (JANUARY 4, 2011 AND JANUARY 18, 2011 MEETINGS)
- C. OLD BUSINESS - TABLED CASES FROM PREVIOUS MEETINGS

I. CASE NUMBER	:RZC2010-00021
APPLICANT	:POINTEBRAND, LLC & POINTEBRAND II, LLC
CONTACT	:JEFF MAHAFFEY
PHONE NUMBER	:770.232.0000
ZONING CHANGE	:R-ZT & C-2 TO M-1
LOCATION	:500 - 600 BLOCK OF HORIZON DRIVE
MAP NUMBER	:R7172 001 & R7172 009
ACREAGE	:80.27 ACRES
PROPOSED DEVELOPMENT	:OFFICE / WAREHOUSE / DISTRIBUTION (REDUCTION IN BUFFERS)
SQUARE FEET	:497,200 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD
DEPARTMENT RECOMMENDATION	: <b>APPROVAL WITH CONDITIONS</b>

2. CASE NUMBER :**CIC2010-00017 (PUBLIC HEARING HELD 12-7-2010)**  
APPLICANT :3664 PROPERTIES, LLC  
CONTACT :TRACEY MASON BLASI  
PHONE NUMBER :770.963.6909  
ZONING :R-ZT  
LOCATION :2700 - 2800 BLOCK OF TUSCANY PARK DRIVE  
:400 - 500 BLOCK OF TUSCANY WALK LANE  
:500 - 600 BLOCK OF ROCK SPRINGS ROAD  
MAP NUMBER :R7148 351; 423; 424; 426; 429; 430; 431; 432; 433;  
434; 435; 436; 437; 438; & R7149 323; 324; 325;  
326; 327; 328; 329; 330; 335; 336; 337; 338; 339;  
340; 341; 342; 343; 344; 345; 346; 347; 348; 349;  
350; AND 354  
ACREAGE :9.74 ACRES  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO REDUCE DWELLING  
SIZE AND REVISE REQUIRED BUILDING MATERIALS  
UNITS :39 UNITS  
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 :**RZC2011-00002**  
APPLICANT :METRO GREEN, LLC  
CONTACT :E. MICHELLE ROTHMEIER  
PHONE NUMBER :770.232.0000  
ZONING :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  
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

5. 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**

6. CASE NUMBER :**SUP2011-00006 (PUBLIC HEARING HELD 1-18-2011)**  
APPLICANT :JUSTIN PARK  
CONTACT :JUSTIN PARK  
PHONE NUMBER :404.944.9614  
ZONING :O-1  
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**

D. NEW BUSINESS

I. CASE NUMBER :**SUP2011-00009**  
APPLICANT :CYNTHIA HOLDRICH  
CONTACT :ANNE HOLDRICH  
PHONE NUMBER :770.912.0330  
ZONING :RA-200  
LOCATION :900 BLOCK OF AUBURN ROAD  
MAP NUMBERS :R2001 018A  
ACREAGE :2.0 ACRES  
PROPOSED DEVELOPMENT :HOME OCCUPATION (HAIR SALON)  
COMMISSION DISTRICT :(3) BEAUDREAU  
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

2. CASE NUMBER :**SUP2011-00010**  
APPLICANT :COLISEUM PROPERTIES, LLC  
CONTACT :ERIC JOHANSEN  
PHONE NUMBER :678.643.8259  
ZONING :C-2  
LOCATION :6600 BLOCK OF BUFORD HIGHWAY  
MAP NUMBERS :R6246A013 & R6246A014  
ACREAGE :0.60 ACRE  
PROPOSED DEVELOPMENT :AUTOMOBILE SALES AND SERVICE (RENEWAL)  
SQUARE FEET :2,480 SQUARE FEET  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

3. CASE NUMBER :**SUP2011-00011**  
APPLICANT :JIMMY E. SMITH  
CONTACT :JIMMY E. SMITH  
PHONE NUMBER :770.237.5985  
ZONING :M-1  
LOCATION :600 BLOCK OF AIRPORT ROAD  
MAP NUMBERS :R5208 019  
ACREAGE :1.04 ACRES  
PROPOSED DEVELOPMENT :AUTOMOBILE BODY REPAIR SHOP  
SQUARE FEET :11,200 SQUARE FEET  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

E. AUDIENCE COMMENTS

F. COMMITTEE REPORTS

G. COMMENTS BY STAFF AND PLANNING COMMISSION

H. ADJOURNMENT

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

CASE NUMBER :RZC2010-00021  
ZONING CHANGE :R-ZT & C-2 TO M-1  
LOCATION :500 - 600 BLOCK OF HORIZON DRIVE  
MAP NUMBER :R7172 001 & R7172 009  
ACREAGE :80.27 ACRES  
PROPOSED DEVELOPMENT :OFFICE / WAREHOUSE / DISTRIBUTION  
(REDUCTION IN BUFFERS)  
SQUARE FEET :497,200 SQUARE FEET  
COMMISSION DISTRICT :(4) HEARD

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: POINTEBRAND, LLC & POINTEBRAND II, LLC  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACT: JEFF MAHAFFEY PHONE: 770.232.0000

OWNER: POINTEBRAND, LLC & POINTEBRAND II, LLC  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests the rezoning of an 80.27-acre tract from R-ZT (Single Family Residence District) and C-2 (General Business District) to M-1 (Light Industry District) for the development of a business park. The subject property is located on the south side of Interstate 85 at its interchange with Interstate 985, and would be accessed by a proposed extension of Horizon Drive.

The submitted site plan indicates the development would consist of five office/warehouse buildings, totaling 497,200 square feet, along with associated parking, driveways and truck docks. The applicant's letter of intent states that the property would be developed for light industrial and/or office/warehouse uses. Access to the individual buildings would be provided via direct entrances onto the proposed Horizon Drive extension.

A 100-foot wide Georgia Power Company easement is located along the southern property line, separating the site from Rock Springs Park. Streams also traverse the site, and floodplain and wetlands are present on a large portion of the property's southwest end. The required stream buffer and setbacks have been identified along these watercourses. A 75-foot zoning

buffer is also shown adjacent to undeveloped R-ZT property along the entire northeastern property line.

**ZONING HISTORY:**

In 1970, the subject property was zoned R-100 (Single Family Residence District). In 2000, the subject property was rezoned to M-1, pursuant to REZ-00-085. The subject property was rezoned to R-ZT and C-2 in 2007, pursuant to RZR-06-051, RZM-06-007 and RZC-07-005.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

The subject property contains potential wetlands as depicted on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory Map or on the Federal Emergency Management Agency – Flood Insurance Rate Map. The applicant/developer shall obtain all required approvals from Gwinnett County Department of Planning and Development and the U.S. Army Corps of Engineers.

**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 for Warehouse (including office greater than 250,001 square feet) at a ratio of:

One space per 2,500 square feet (Minimum)

One space per 1,000 square feet (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).

A 50-foot building setback is required from the right-of-way of Horizon Drive.

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:**

Horizon Drive is a local, non-residential street and 60 feet of right-of-way is 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:**

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 Horizon Drive.

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 450 feet south of the property in the right-of-way of Spriggs 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 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 an 80.27-acre tract located on the south side of Interstate 85 at its interchange with Interstate 985. The site is vacant and mostly wooded, with tributaries of Ivy Creek traversing along the western and southern boundary of the subject property.

The 2030 Unified Plan Future Development Map indicates that the property lies within the Preferred Office Character Area. Although the proposed warehouse/distribution activities may not be strictly consistent with recommendations of the Unified Plan, the proposed office activities within the development could be consistent with these recommendations for Preferred Office. The requested light industrial rezoning could be suitable in view of the predominately light industrial development along Horizon Drive, and could be a logical extension of that existing business park.

The subject property is surrounded by various uses including office/warehouse buildings along Horizon Drive, located within the city of Suwanee. Rock Springs Park (a Gwinnett County Park) is located to the south and residential subdivisions are situated farther to the north and east. The area immediately to the east of the subject property was zoned to R-ZT along with the subject tract in 2007, and has remained undeveloped since that time. The subject property

is separated from developed residential areas both by the County Park and the undeveloped R-ZT property. With appropriate conditions including architectural, landscaping and signage controls, the proposed light industrial use could be compatible with the surrounding area and consistent with similar industrial land uses along the I-85 corridor adjacent to the south.

It is noted that the original M-I conditions of zoning established in 2000 (RZ-00-085; see attached) included increased tree density requirements, increased buffers and setbacks adjacent to residentially-zoned properties, limitations on project access and a requirement for an Alternate Mode Transportation Plan. As these conditions were designed to ensure compatibility with the area, and were crafted with input from the community, several of these conditions have been carried into the staff's recommended conditions for this request.

In conclusion, the requested M-I zoning with proper conditions could be consistent with office/warehouse development adjacent to the south, and is partially consistent with recommendations of the Unified Plan for office developments. The site is separated from established residential areas, further suggesting that the rezoning could be suitable. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as M-1 subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Office, office/warehouse/distribution, light manufacturing and accessory uses. The following uses shall be prohibited:
    - Aircraft landing pads
    - Recovered materials processing facilities
    - Truck terminals
    - Wood chipping and shredding
    - Yard trimmings composting facilities
  - B. The development shall be in general accordance with the submitted site plan. Variations from the plan shall be subject to review and approval by the Director of Planning and Development.
  - C. Buildings shall be finished with architectural treatments of glass and/or brick, textured architectural precast concrete or stone. Architectural renderings shall be submitted for review and approval of the Director of Planning and Development prior to issuance of building permits.
  - D. Outdoor storage of equipment or materials shall be prohibited.
2. To satisfy the following site development considerations:
  - A. Provide a 100-foot wide natural, undisturbed buffer adjacent to all residentially-zoned property. Along the southern property line the buffer shall be 50 feet in width and located outside of the Georgia Power Company easement. Where sparsely vegetated, buffers shall be enhanced with a double staggered row of evergreens eight feet on center. Trees shall be a minimum of six feet in height at the time of planting.
  - B. Provide a minimum 150-foot building setback adjacent to all residentially zoned property.
  - C. Provide ten-foot wide landscaped strips adjacent to all internal property lines and public rights-of-way.
  - D. Provide minimum 4-foot wide internal sidewalk connections from public streets to buildings. Location of internal sidewalks shall be subject to review of the Director of Planning and Development.
  - E. Natural vegetation shall remain on the property until the issuance of a commercial development permit.

- F. Provide, at a minimum, 20 Tree Density Units per acre. Plantings shall be in compliance with Gwinnett County's Buffer, Landscape and Tree Ordinance. Landscape plans shall be submitted for review and approval by the Director of Planning and Development.
  - G. Dumpsters shall be screened by a 100% opaque masonry wall with an opaque metal gate enclosure. Dumpster pickup shall be between the hours of 7:00 a.m. and 7:00 p.m.
  - H. 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.
  - I. Outdoor loudspeakers shall be prohibited.
  - J. Provide interparcel access throughout the site.
  - K. Ground signs shall be limited to monument type signs with a minimum two-foot high brick or stacked stone base matching the building(s), not to exceed 8 feet in height. Ground signs shall be prohibited along the Interstate 85 frontage.
  - L. Billboards or oversized signs shall be prohibited.
3. To abide by the following requirements, dedications, and improvements:
- A. Design required stormwater detention facilities such that they are not located within any required landscaped strips or buffers.
  - B. Sole project access, including truck traffic, shall be via the extension of Horizon Drive from its existing intersection with Old Peachtree Road. Public street or private driveway access to Rock Springs Road or Spriggs Road shall be prohibited.
  - C. Prior to the issuance of a development permit for this property, the applicant agrees to provide an Alternate Mode Transportation Plan subject to approval by the Gwinnett County Department of Transportation and the Gwinnett County Department of Planning and Development. At a minimum, this plan should include discussion of how the following transportation management strategies will be incorporated in the development. Inclusion of these strategies in the final AMTP shall be at the discretion of the Department of Transportation:
    - (a) Pedestrian facilities,
    - (b) Bicycle facilities,
    - (c) Provision of shuttle service, including connection to Gwinnett County's transit system
    - (d) Provision of shuttle and bus drop-off/pick-up areas near main building entrances,
    - (e) Participation in a Transportation Management Association

- (f) Other potential transportation demand management strategies not specifically identified here, but which may be feasible or desirable at the time the Alternate Mode Transportation Plan is written and reviewed.
- (g) Provision of designated carpool parking spaces (minimum 3% of overall parking).

D. The number, locations and design of all driveways shall be subject to Gwinnett County Department of Transportation review and approval.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The property is adjacent to an office/warehouse development within the city limits of Suwanee, and would function as an expansion of that existing industrial zoning. With the recommended conditions designed to afford protection to the surrounding area, the proposed rezoning and use could be suitable at this location.

ADVERSE IMPACTS

With the recommended conditions, potential impacts could be minimized on adjacent or nearby properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

An increase in traffic, utility demand, and storm water run-off would be anticipated from development of the property as proposed.

CONFORMITY WITH POLICIES

The proposed development could serve as a logical extension of the business park located adjacent to the southwest and could be compatible with light industrial land uses in the area. The proposed development could be consistent with adopted policies within the 2030 Unified Plan Future Development Map, which recommends attracting high-quality businesses in areas with adequate infrastructure.

CONDITIONS AFFECTING ZONING

The subject property was zoned M-I from 2000 to 2007. As such, rezoning the property back to M-I could be suitable; however, certain conditions attached to the original 2000 rezoning should be included in this case to provide for compatibility of the development with the area.

**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.

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

\_\_\_\_\_  
Please see attached.

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

\_\_\_\_\_  
Please see attached.

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

\_\_\_\_\_  
Please see attached.

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

\_\_\_\_\_  
Please see attached.

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

\_\_\_\_\_  
Please see attached.



## 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 Interstate 85 and nearby commercial uses, office warehouse and light industrial uses 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-1 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 the interstate system give 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 10-01-10  
RZC2010-00021



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

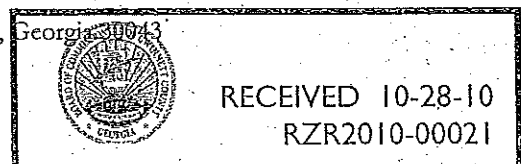
**AMENDED**  
**LETTER OF INTENT FOR**  
**REZONING APPLICATION OF POINTEBRAND, LLC**  
**AND POINTEBRAND II, LLC**

The Applicant, Pointebrand, LLC and Pointebrand II, LLC, collectively, submits this Rezoning Application for the purpose of rezoning to the M-1 zoning classification an approximately 80.27 acre tract (hereinafter, the "Property") located on Horizon Drive and adjacent to Interstate 85. The Property consists of three separate tracts, being a 26.05 acre tract (hereinafter, "Tract One"), a 15.05 acre tract (hereinafter, "Tract Two") and a 39.17 acre tract (hereinafter, "Tract Three"). Tract One and Tract Three are currently zoned R-ZT and Tract Two is currently zoned C-2.

The use and development of the Property as either R-ZT or C-2 is not economically feasible and is not the highest and best use of the Property. The development of the Property as an M-1 development under the guidelines of Gwinnett County is appropriate for the subject tract and is consistent with the surrounding property. As stated in the Rezoning Application, the Applicant intends to develop the Property for light industrial and/or office warehouse uses.

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

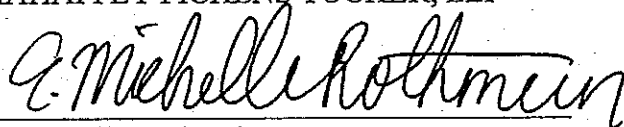
1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043  
TELEPHONE 770 232 0000  
FACSIMILE 678 518 6880  
www.mptlawfirm.com



any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

This 28<sup>th</sup> day of October, 2010.

MAHAFFEY PICKENS TUCKER, LLP



E. Michelle Rothmeier  
*Attorneys for Applicant*



RECEIVED 10-28-10  
RZR2010-00021

ORIGINAL  
M-1 ZONING

CASE NUMBER RZ-00-085

BOARD OF COMMISSIONERS

WINNETT 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.

<u>Present</u>	<u>VOTE</u>
Wayne Hill, Chairman	<u>AYE</u>
Tommy Hughes, District 1	<u>AYE</u>
Patti Muise, District 2	<u>AYE</u>
Judy Waters, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

On motion of COMM. HUGHES, 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

R-100 to M-1

by TAYLOR & MATHIS, INC. for the proposed use of

INDUSTRIAL PARK (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 JULY 25, 2000, and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 25<sup>TH</sup> day of JULY, 2000, that the aforesaid application to amend the Official Zoning Map from R-100 to M-1 (APPROVED AS M-1 AND O-I) is hereby APPROVED AS M-1 AND O-I subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Areas on the submitted site plan (received July 14, 2000) containing buildings A, B, C, D, E, F, G and L shall be zoned M-1. Areas containing buildings H, I, and K and including the Rock Springs Road and Old Peachtree Road frontage shall be zoned O-I. Submit a revised boundary survey and legal descriptions within 60 days of approval delineating the M-1 and O-I districts.
  - B. Office, office/distribution, light manufacturing and accessory uses, excluding truck terminals, for the M-1 zoned area.
  - C. Office, office/professional and accessory uses for the O-I zoned area.

2. To satisfy the following site development considerations:
- A. Provide a 100-foot wide natural, undisturbed buffer adjacent to Spriggs Road, Rock Springs Road, and Old Peachtree Road, except for approved access and utility crossings.
  - B. Provide a 100-foot wide natural, undisturbed buffer adjacent to all residentially zoned property, except for approved access and utility crossings. Where sparsely vegetated, the buffer shall be enhanced with a double staggered row of evergreens eight feet on center. Trees shall be a minimum of six feet in height at the time of planting.
  - C. Provide a minimum 150-foot building setback adjacent to all residentially zoned property.
  - D. Provide ten-foot wide landscaped strips adjacent to all internal property lines.
  - E. Natural vegetation shall remain on the property until the issuance of a commercial development permit.
  - F. Buildings shall be finished with architectural treatments of glass and/or brick, architectural precast concrete or stone. Architectural renderings shall be submitted for review and approval of the Director of Planning and Development prior to issuance of building permits.
  - G. Dumpsters shall be screened by a 100% opaque masonry wall. Dumpster pickup shall be between the hours of 7:00 a.m. and 7:00 p.m.
  - H. 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.
  - I. Provide minimum 5-foot wide sidewalks adjacent to Old Peachtree Road, Rock Springs and Spriggs Road and proposed internal public streets. Provide minimum 4-foot wide internal sidewalk connections from public streets to buildings. Location of internal sidewalks shall be subject to review of the Director of Planning and Development.

- J. Ground signs shall be limited to monument type signs with masonry bases matching the building(s), not to exceed five feet in height. Ground signs shall be prohibited along the Interstate 85 frontage.
  - K. Provide interparcel access throughout the site.
  - L. Provide, at a minimum, 20 Tree Density Units per acre. Plantings shall be in compliance with Gwinnett County's Buffer, Landscape and Tree Ordinance. Landscape plans shall be submitted for review and approval by the Director of Planning and Development.
  - M. Except for approved access, maintain a minimum 50-foot buffer adjacent to any streams/tributaries located on the property.
3. To abide by the following requirements, dedications, and improvements:
- A. Design required stormwater detention facilities such that they are not located within any required landscaped strips or buffers.
  - B. Abide by the following dedications:
    - 1) Dedicate at no cost to Gwinnett County 50 feet of right-of-way from the centerline along Old Peachtree Road frontage, and 60 feet of right-of-way from the centerline along the frontage within 500 feet of its intersection with another classified road.
    - 2) Dedicate at no cost to Gwinnett County 40 feet of right-of-way from the centerline along Rock Springs Road frontage.
  - C. Sole project access, including truck traffic, shall be via the extension of Horizon Drive from its existing intersection with Old Peachtree Road. Public street or private driveway access to Rock Springs Road or Spriggs Road shall be prohibited. Should access to the Horizon Drive/Old Peachtree Road intersection not be acquired by January 1, 2002, alternate access to

the property may be considered, provided a feasibility/traffic study is received and subsequently approved by the Gwinnett County Department of Transportation. The petitioner shall pay all costs for the study and shall pay for the design, acquisition of all necessary right(s)-of-way and easements required by said design, and all costs of construction of roadway modifications. Said design and construction shall be subject to review and approval of the Gwinnett County Department of Transportation. Prior to the issuance of a development permit for this property:

- 1). Subject to the approval of the Gwinnett County Department of Transportation, the applicant agrees to, at the option of the Gwinnett County Department of Transportation, either design and construct a traffic signal at the intersection of the Proposed Roadway and Horizon Drive/Old Peachtree Road, or pay 100% of design and construction costs, in an amount not to exceed \$60,000. The design and installation will be subject to Gwinnett County Department of Transportation review and approval.
- 2) Subject to the approval of the Gwinnett County Department of Transportation, the applicant agrees to design and construct necessary intersection modifications to provide for turn lanes and through lanes at the intersection of the Proposed Roadway and Horizon Drive/Old Peachtree Road as indicated in the applicants traffic study. These modifications would include the addition of a through lane from Horizon Drive to the Proposed Roadway and at minimum a left turn lane, through lane, and right turn lane on the approach of the Proposed Roadway. The design and construction will be subject to Gwinnett County Department of Transportation review and approval.

D. Prior to the issuance of a development permit for this property:

1) The applicant agrees to provide an Alternate Mode Transportation Plan subject to approval by the Gwinnett County Department of Transportation and the Gwinnett County Department of Planning and Development. At a minimum, this plan should include discussion of how the following transportation management strategies will be incorporated in the development:

- (a) Pedestrian facilities,
- (b) Bicycle facilities,
- (c) Provision of shuttle service, including connection to Gwinnett County's transit system
- (d) Provision of shuttle and bus drop-off/pick-up areas near main building entrances,
- (e) Participation in a Transportation Management Association
- (f) Incorporation of alternate fuel vehicles for on-site maintenance and services,
- (g) Provision of electric vehicle recharging stations for use by employees and visitors
- (h) Other potential transportation demand management strategies not specifically identified here, but which may be feasible or desirable at the time the Alternate Mode Transportation Plan is written and reviewed.
- (i) Provision of designated carpool parking spaces (minimum 3% of overall parking).

E. The number, locations and design of all driveways shall be subject to Gwinnett County Department of Transportation review and approval.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

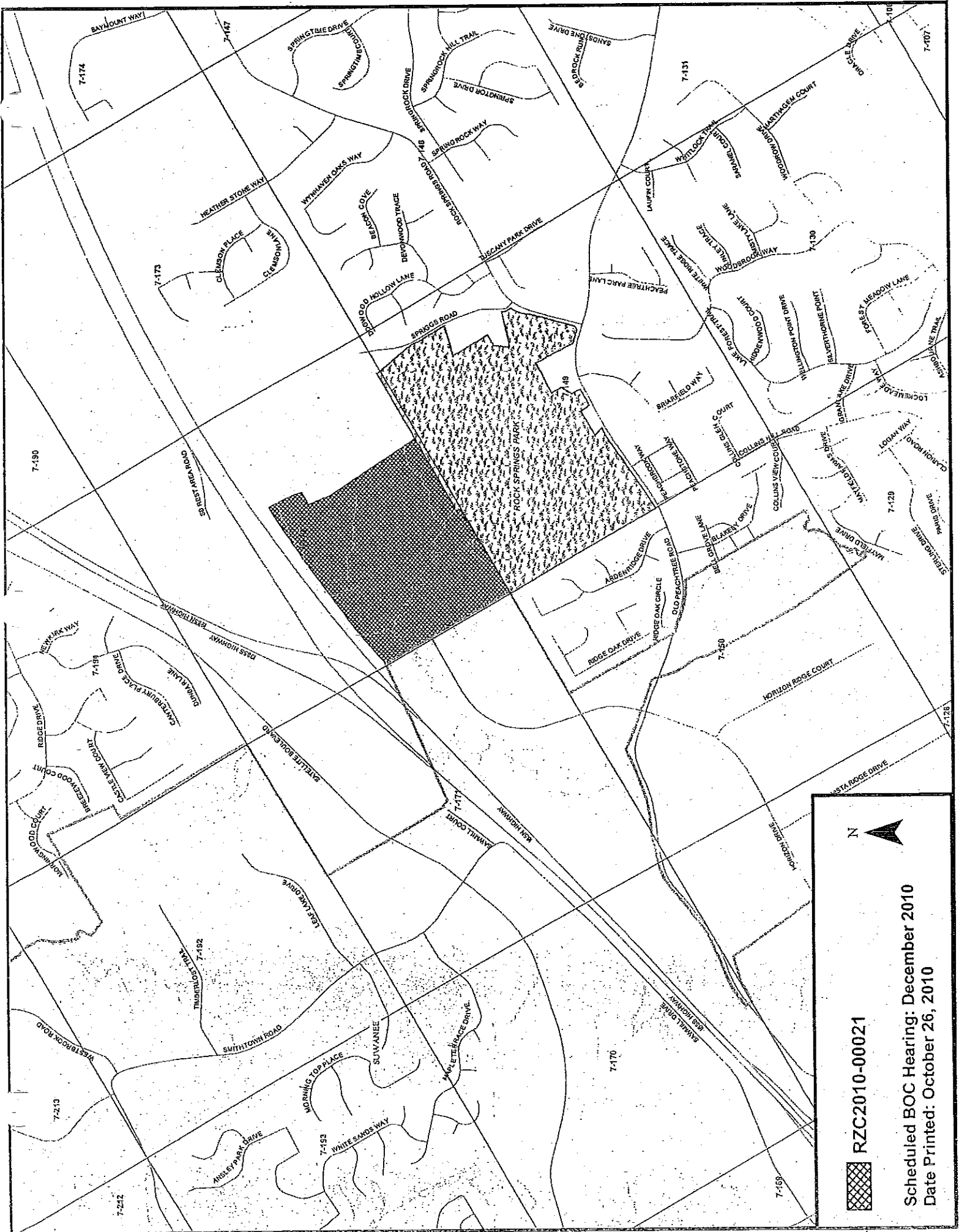
(F. Wayne Hill, Chairman)

Date Signed: \_\_\_\_\_

August 2, 2000

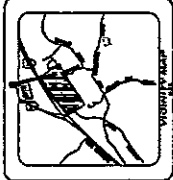
ATTEST:

Brenda Maddox  
County Clerk



 RZC2010-00021

Scheduled BOC Hearing: December 2010  
Date Printed: October 26, 2010



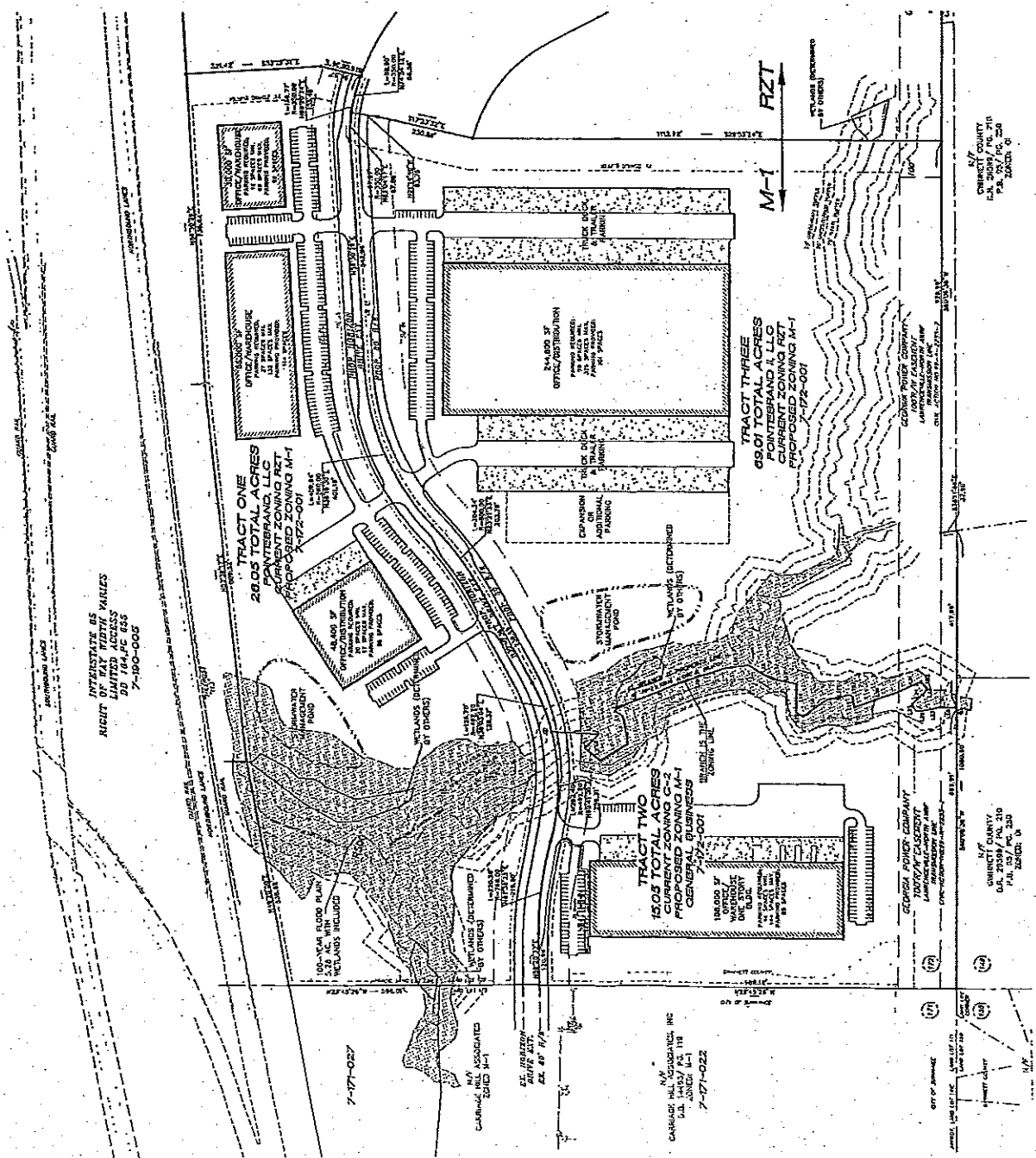
**SUMMARY**

TRACT	AREA	BUILDING	PARKING
ONE	28.09 AC.	144,400 SF	288 SPACES
TWO	10.05 AC.	100,000 SF	88 SPACES
THREE	26.77 AC.	247,400 SF	174 SPACES
<b>TOTALS</b>	<b>65.11 AC.</b>	<b>491,800 SF</b>	<b>450 SPACES</b>

**CONCRETE FLOOR AREA**

TRACT	AREA	CONCRETE FLOOR AREA
ONE	28.09 AC.	144,400 SF
TWO	10.05 AC.	100,000 SF
THREE	26.77 AC.	247,400 SF
<b>TOTALS</b>	<b>65.11 AC.</b>	<b>491,800 SF</b>

OWNER/DEVELOPER  
**POINTSBAND II, LLC**  
 SUITE 100  
 ATLANTA, GA 30308-5799  
 PHONE: (770) 945-9222  
 CONTACT: BRAND JORGAN  
 ENGINEER  
**PRECISION PLANNING, INC.**  
 600 N. LAKE STREET, SUITE 200  
 CHICAGO, ILL. 60611  
 PHONE: (773) 521-1900  
 CONTACT: BOB BERENWITZ, P.E.

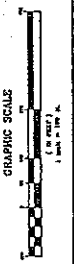


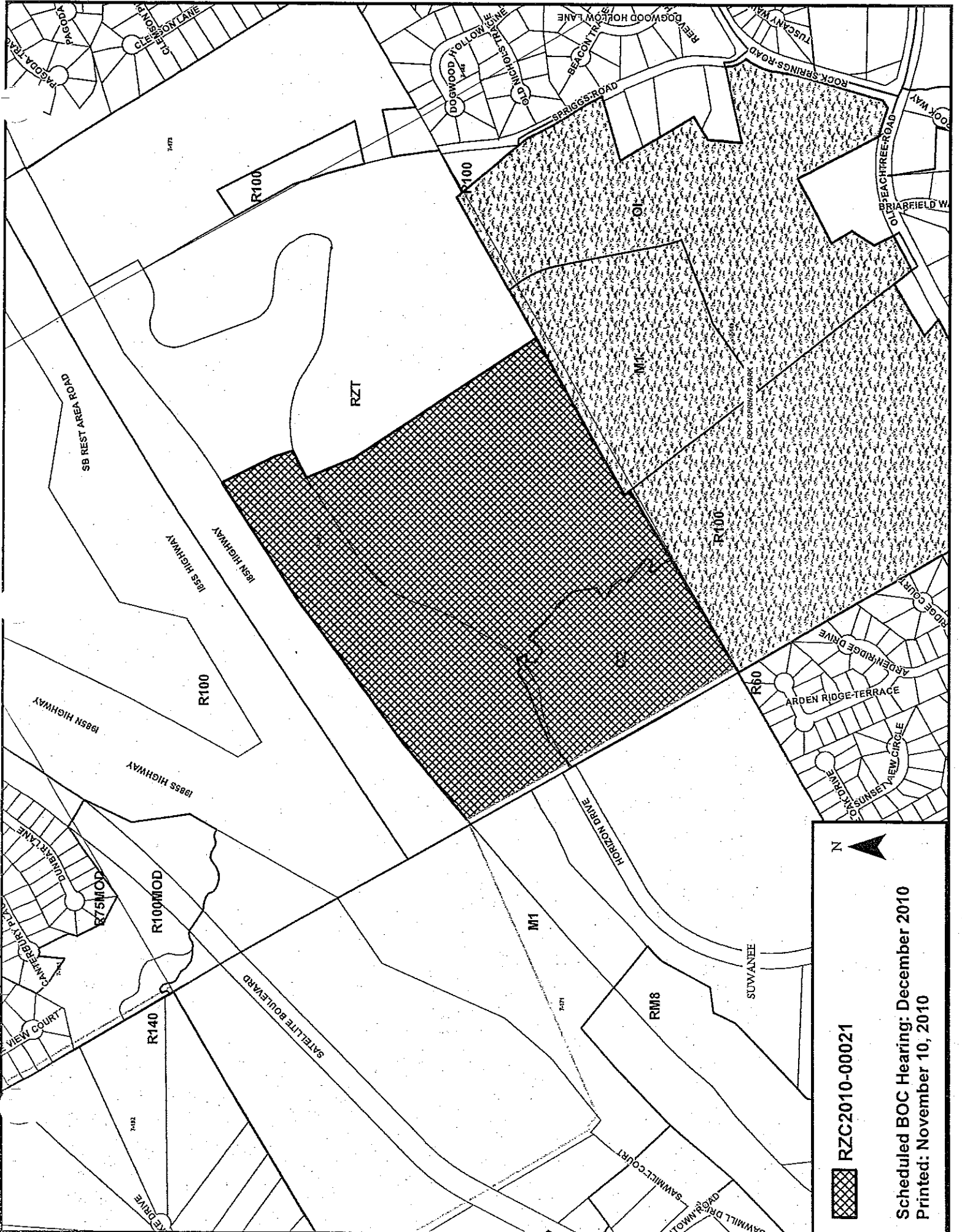
INTERSTATE 65  
 RIGHT OF WAY WIDTH VARIES  
 FROM 100' TO 150'  
 TO 184' FC 835  
 7-100-005

7-171-027

CHICAGO HILL ASSOCIATES, INC.  
 1111 N. LAKE STREET, SUITE 1111  
 CHICAGO, ILL. 60611  
 7-171-022

CHICAGO COUNTY  
 ILL. 60611, P.C. 210  
 ZONING: M-1





**RZC2010-00021**

Scheduled BOC Hearing: December 2010  
 Printed: November 10, 2010

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
CHANGE IN CONDITIONS ANALYSIS**

CASE NUMBER :**CIC2010-00017**  
ZONING :R-ZT  
LOCATION :2700 - 2800 BLOCK OF TUSCANY PARK DRIVE  
:400 - 500 BLOCK OF TUSCANY WALK LANE  
:500 - 600 BLOCK OF ROCK SPRINGS ROAD  
MAP NUMBER :R7148 351; 423; 424; 426; 429; 430; 431; 432; 433; 434;  
435; 436; 437; 438; & R7149 323; 324; 325; 326; 327; 328;  
329; 330; 335; 336; 337; 338; 339; 340; 341; 342; 343;  
344; 345; 346; 347; 348; 349; 350; 354  
ACREAGE :9.74 ACRES  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO REDUCE DWELLING  
SIZE AND REVISE REQUIRED BUILDING MATERIALS  
UNITS :39 UNITS  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: 3664 PROPERTIES, LLC  
1424 N. BROWN ROAD, SUITE 100  
LAWRENCEVILLE, GA 30043-8107

CONTACT: TRACEY MASON BLASI PHONE: 770.963.6909

OWNER: 3664 PROPERTIES, LLC  
1699 LAND COMPANY, LLC  
1424 N. BROWN ROAD, SUITE 100  
LAWRENCEVILLE, GA 30043-8107

DEPARTMENT RECOMMENDATION: **DENIAL**

**CHANGE IN CONDITIONS SUMMARY:**

The applicant requests to change the conditions from a previous zoning case, CIC-08-024, in order to reduce the minimum dwelling size and eliminate the requirement that residences be constructed of four-sides brick. The subject property has been developed as the Tuscany Park subdivision, zoned R-ZT (Single Family Residence District), and located on the south side of Rock Springs Road, just north of its intersection with Old Peachtree Road.

In 2005, the property was rezoned to R-ZT (Single Family Residence District), pursuant to RZR-05-052, for an age restricted, senior-oriented residential development. In December of 2008, a change in conditions to eliminate the age restriction requirement was approved, pursuant to CIC-08-024. Condition I. B. of CIC-08-024 governs the minimum dwelling size,

and condition 2. E. governs the exterior treatments of the homes. The conditions currently read as follows:

1.B. The minimum heated floor area per dwelling unit shall be 1,800 square feet for single-story homes and 2,400 square feet for two story homes.

2.E. Residences shall be constructed with four-sides brick or stone or shall be brick or stone on rear and sides with Craftsman-style fronts as presented at the Planning Commission meeting. Hardiplank may be used on gables. Architectural elevations shall be submitted to Planning and Development for review and approval.

The applicant proposes to amend condition 1.B. to reduce the minimum heated floor area to 1,800 square feet for one-story homes and 2,000 square feet for two-story homes; and eliminate condition 2.E. The submitted house elevations indicate that the applicant is now proposing homes with brick fronts and siding on the sides and rear (see attached).

The construction of Tuscany Park is in progress and several of the residences appear to have been sold and occupied. Staff notes that the developed lots have been excluded from this change in conditions proposal.

The 2030 Unified Plan Future Development Map indicates that the property lies within an Existing/Emerging Suburban Character Area. Single-family subdivisions are considered suitable within this Character Area designation. However, the requested change in conditions to reduce the dwelling unit size for homes and to eliminate the architectural standards 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 predominately developed with large acreage lots and single-family residential subdivisions zoned R-100 and R-75. When Tuscany Park was first granted R-ZT zoning, several conditions were placed on the property to address the square footage of homes, limitations on the number of stories, and house design standards. In the 2005 zoning approval, the required dwelling unit size was smaller (1,800 square feet), as the development was targeted to older age residents without children, and the architectural standards required brick on all four sides of the homes to reduce required maintenance. When the change in conditions was granted in 2008 (CIC-08-024), which eliminated the age restriction requirement, the house size requirement was changed to 1,800 for one-story and 2,400 square feet for two-story homes, similar to other subdivisions in the area to ensure land use compatibility. This included increasing the minimum dwelling unit size and maintaining the previously approved architectural requirements. The current request to both reduce the house size and eliminate the architectural standards would be counter to these prior Board actions.

Reducing the minimum square footage of the residences and eliminating the architectural standards 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:

In 1970, the property was zoned R-100 (Single Family Residence District). In 2005, the property was rezoned to R-ZT (Single Family Residence District), per RZR-05-052. A change in conditions to remove the age restriction was approved in December, 2008, pursuant to CIC-08-024.

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 Tuscany Park Drive, and an 8-inch water main located on the northern right-of-way of Tuscany Walk 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 Tuscany Park Drive and Tuscany Walk Lane.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

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 as R-ZT subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Single family detached dwellings and accessory uses and standards.
  - B. The minimum dwelling size shall be 1,800 for one story homes and ~~2,400~~ **2,000** square feet for two story homes.
  - C. All dwellings shall have double car garages, and where garages are front entry, driveways shall be a minimum of 16 feet in width.
  - D. ~~Residences shall be constructed with four-sides brick or stone or shall be brick or stone on rear and sides with Craftsman style fronts as presented at the Planning Commission meeting. Hardiplank may be used on gables. Architectural elevations shall be submitted to Planning and Development for review and approval.~~ **Residences may be constructed with four-sides brick or stacked stone; or shall have front facades of brick, stacked stone, stucco or craftsman-style with the remaining sides being brick, stacked stone, stucco or fiber-cement siding. Elevations finished with fiber-cement siding shall include a minimum three-foot high brick or stacked stone water table. All house elevations shall be subject to the review and approval of the Director of Planning and Development.**
  - E. The development shall be a gated community.
  - F. Homes may incorporate applicable accessibility standards known as "Easy Living" standards which shall include the following:
    - 1) Easy access step free feature at one entrance to the home.
    - 2) Easy passage feature which shall include a minimum 32-inch wide doorways except for secondary bedrooms, baths and closets which shall include a minimum of 28-inch wide doorways.
    - 3) Easy use feature which includes a bedroom on the main floor.
  - G. A mandatory homeowners association shall be established.

- H. Lot sizes may be increased as long as no other substantial change including any change to the road layout is made to the site plan submitted to the Gwinnett County Planning Department.
  - I. Provide a 6-foot high privacy fence adjacent to residentially-zoned properties (including the Black family).
2. To satisfy the following site development considerations:
    - A. No direct lot access allowed to Rock Springs Road.
    - B. Provide stub streets as may be required by the Department of Planning and Development.
    - C. All grassed areas shall be sodded.
    - D. Provide underground utilities throughout the development.
    - E. Provide a 30-foot construction buffer adjacent to all exterior property lines.
    - F. Provide a 30-foot landscaped setback along Rock Springs Road with a wrought iron style fence with brick or stacked stone columns spaced 30-feet on center.
  3. As agreed by the applicant/seller, prior to the issuance of a certificate of occupancy for each individual home, a contribution shall be made to the Collins Hill Education Foundation in the amount of \$500.00 per home.

Address:  
Collins Hill Education Foundation  
2090-A Highway 317 #273  
Suwanee, GA 30024

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions to eliminate the architectural treatments of brick and reduce the minimum square footage of the dwellings may not be suitable in view of the development standards of nearby subdivisions.

ADVERSE IMPACTS

Elimination of architectural standards and reduction in home size could have adverse impacts the area through the introduction of an inconsistent development standard.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

No appreciable change in impacts would be anticipated.

CONFORMITY WITH POLICIES

As presented, the request may not be consistent with Board precedent for the area or the approval of CIC-08-024 on the subject property.

CONDITIONS AFFECTING ZONING

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

(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:

The requested change in conditions will not affect the use and development of the adjacent or nearby property. The zoning classification will remain as RZT.

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

A change in conditions will not adversely affect the existing use or usability of adjacent or nearby property.

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

With current market conditions the 4 sides brick requirement and the requirement for 2,400 Sq. Ft. minimum for two story homes is not economically feasible.

(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:

The proposed change of exterior finish and the slight reduction of the minimum square footage for two story homes will not cause any change in use of existing streets, transportation facilities, utilities or schools.

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

The proposed change in conditions will not modify the existing zoning of RZT.

(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:

When the all masonry condition was placed on the property it was "age restricted" (55 and older). Today the homes are available to all ages and the total masonry façade is not necessarily desired. The change from the 2,400 Sq. Ft. to a 2,000 Sq. Ft. minimum requirement for two story homes is minimal with regard to the quality of life for the homeowner but will enable more pleasing positioning of the homes on the lots which benefits the entire community.



**LETTER OF INTENT FOR CHANGE IN CONDITIONS APPLICATION  
FOR 3664 PROPERTIES, LLC AND 1699 LAND COMPANY, LLC**

The property which is the subject of this Application is currently zoned RZT for single family detached residences as a part of RZR-2005-00052 and CIC-08-024.

Some of the lots in the community are bank owned which makes our ability to compete in the current marketplace even more difficult. Therefore, we respectfully request that condition 1D that requires the homes be four sides of brick be removed so that the homes may be constructed using a variety of materials along the lines of a "Craftsman" style home. Any siding to be used to be Hardiplank style concrete siding.

The applicant also requests condition 1B that limits the minimum dwelling size for two story homes to be 2,400 square feet for two story homes be changed to permit a minimum of 2,000 square feet for two story homes.

Applicant respectfully requests your approval of the requested change of conditions.



RECEIVED 10-01-10  
CIC2010-00017

CASE NUMBER RZR-05-052  
GCID 2005-1402

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.

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

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

R-100 to R-ZT  
by ROCK SPRINGS VENTRUES, LLC. for the proposed use  
of SINGLE-FAMILY SUBDIVISION 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 JANUARY 24, 2006 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 24TH day of JANUARY, 2006, that the aforesaid application to amend the Official Zoning Map from R-100 to R-ZT is hereby APPROVED subject to the following enumerated conditions:

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

- A. Single family detached dwellings and accessory uses and standards. At least 80% of the occupied dwellings shall include one person 55 or older and must be developed, built and marketed as a 55 plus active adult community.
- B. The minimum dwelling size shall be 1,800 square feet.
- C. All dwellings shall have double car garages, and where garages are front entry, driveways shall be a minimum of 16 feet in width.
- D. Residences shall be constructed with four sides brick or stone or shall be brick or stone on rear and sides with Craftsman-style fronts as presented at the Planning Commission meeting. Hardiplank may be used on gables. Architectural elevations shall be submitted to Planning and Development for review and approval.

E. The development shall be a gated community.

F. Homes shall be primarily single-story with the number of homes with more than one-story being limited to 25% of all homes.

G. Homes shall incorporate applicable accessibility standards known as "Easy Living" standards which shall include the following:

1. Easy access step free feature at one entrance to the home.
2. Easy passage feature which shall include a minimum 32-inch wide doorways except for secondary bedrooms, baths and closets which shall include a minimum of 28-inch wide doorways.
3. Easy use feature which includes a bedroom on the main floor.

H. A mandatory homeowners association shall be incorporated which provides for grounds maintenance and repair, insurance and working capital. Said association shall not be responsible for any repair to the structures of the homes. Said association must also include declarations and bylaws including rules and regulations which shall at a minimum regulate and control the following.

1. Restriction of at least 80% of the homes occupied by at least one resident who is age 55 or older as defined by the Fair Housing Act Section 3607.b.2.c.
2. Exterior items such as fence, lawn ornaments and restrictions on removal of landscaped areas and buffers.
3. To prohibit playground equipment, swing-sets, trampolines and basketball goals.
4. Exterior fence maintenance shall include a requirement that any graffiti shall be repaired or repainted within 72 hours.
5. Restrictions and definitions on single-family residential use only and on leasing of units.
6. All residential lawns shall be maintained by the HOA.

- I. Lot sizes may be increased as long as no other substantial change including any change to the road layout is made to the site plan submitted to the Gwinnett County Planning Department.
  - J. Provide a 6-foot high privacy fence adjacent to residentially-zoned properties (including the Black family).
  - K. Playgrounds shall be prohibited in the common area.
2. To satisfy the following site development considerations:
- A. No direct lot access allowed to Rock Springs Road.
  - B. Provide stub streets as may be required by the Department of Planning and Development.
  - C. All grassed areas shall be sodded.
  - D. Provide underground utilities throughout the development.
  - E. Provide a 30-foot construction buffer adjacent to all exterior property lines.
  - F. Provide a 30-foot landscaped setback along Rock Springs Road with a wrought iron style fence with brick or stacked stone columns spaced 30-feet on center.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

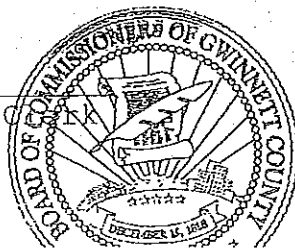
Charles E. Bannister, Chairman

Date Signed: \_\_\_\_\_

2/13/06

ATTEST:

Diare Kemp  
County Clerk/Deputy County Clerk



CASE NUMBER CIC-08-024  
GCID 2008-2774

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.

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

On motion of COMM. KENERLY, which carried 4-0, 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-ZT to R-ZT (TO REMOVE AGE RESTRICTED HOUSING REQUIREMENT) by TUSCANY PARK HOMES, LLC for a CHANGE IN CONDITIONS OF ZONING 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 DECEMBER 16, 2008 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 16TH day of DECEMBER 2008, that the aforesaid application to amend the Official Zoning Map from R-ZT to R-ZT (REMOVE AGE RESTRICTED HOUSING REQUIREMENT) is hereby **APPROVED** subject to the following enumerated conditions:

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

- A. Single family detached dwellings and accessory uses and standards.
- B. The minimum dwelling size shall be 1,800 for one story homes and 2,400 square feet for two story homes.
- C. All dwellings shall have double car garages, and where garages are front entry, driveways shall be a minimum of 16 feet in width.
- D. Residences shall be constructed with four-sides brick or stone or shall be brick or stone on rear and sides with Craftsman-style fronts as presented at the Planning Commission meeting. Hardiplank may be used on gables. Architectural elevations shall be submitted to Planning and Development for review and approval.
- E. The development shall be a gated community.

F. Homes may incorporate applicable accessibility standards known as "Easy Living" standards which shall include the following:

- 1) Easy access step free feature at one entrance to the home.
- 2) Easy passage feature which shall include a minimum 32-inch wide doorways except for secondary bedrooms, baths and closets which shall include a minimum of 28-inch wide doorways.
- 3) Easy use feature which includes a bedroom on the main floor.

G. A mandatory homeowners association shall be established.

H. Lot sizes may be increased as long as no other substantial change including any change to the road layout is made to the site plan submitted to the Gwinnett County Planning Department.

I. Provide a 6-foot high privacy fence adjacent to residentially-zoned properties (including the Black family).

2. To satisfy the following site development considerations:

A. No direct lot access allowed to Rock Springs Road.

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

C. All grassed areas shall be sodded.

D. Provide underground utilities throughout the development.

E. Provide a 30-foot construction buffer adjacent to all exterior property lines.

F. Provide a 30-foot landscaped setback along Rock Springs Road with a wrought iron style fence with brick or stacked stone columns spaced 30-feet on center.

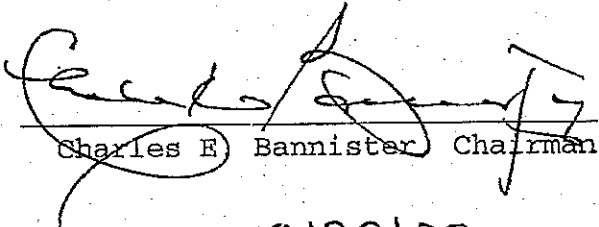
CASE NUMBER CIC-08-024  
GCID 2008-2774

3. As agreed by the applicant/seller, prior to the issuance of a certificate of occupancy for each individual home, a contribution shall be made to the Collins Hill Education Foundation in the amount of \$500.00 per home.

Address:  
Collins Hill Education Foundation  
2090-A Highway 317 #273  
Suwanee, GA 30024

WINNETT COUNTY BOARD OF COMMISSIONERS

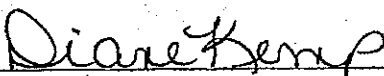
By:

  
Charles E. Bannister Chairman

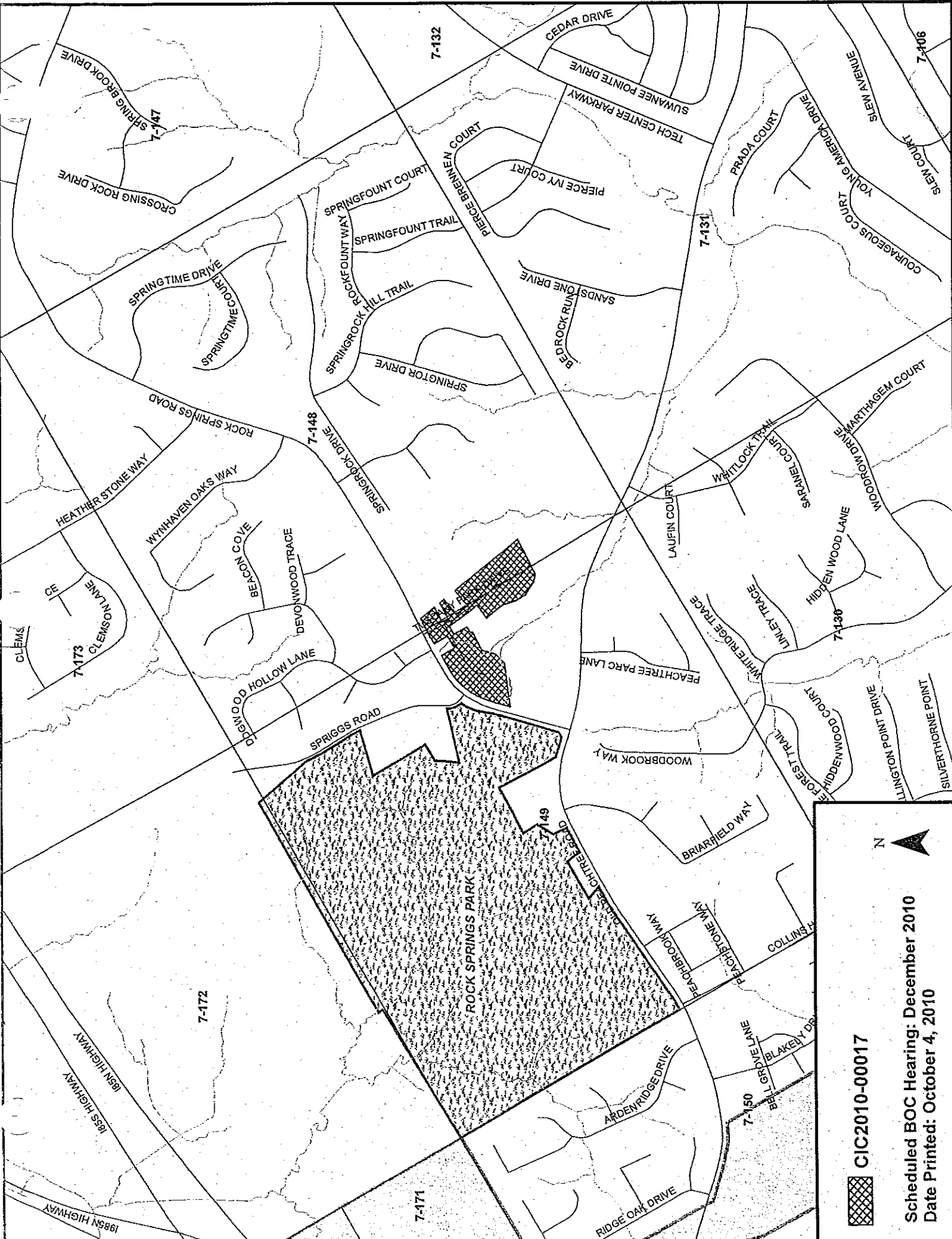
Date Signed:

12/29/08

ATTEST:

  
County Clerk/Deputy County Clerk





N

**CIC2010-00017**

Scheduled BOC Hearing: December 2010  
Date Printed: October 4, 2010



7-132

7-107

7-131

7-172

7-173

7-172

7-171

7-149

7-150

ROCK SPRINGS PARK

CROSSING ROCK DRIVE  
SPRING BROOK DRIVE  
147

SPRINGTIME DRIVE  
SPRINGTIME COURT

SPRINGFOUNT WALK  
SPRINGFOUNT TRAIL  
SPRINGROCK HILL TRAIL  
SPRINGROCK DRIVE

SPRINGTOR DRIVE

SANDS ONE DRIVE  
BEDROCK RUN

CEEDAR DRIVE  
SUWANEE PONTE DRIVE  
TECH CENTER PARKWAY

PIERCE IVY COURT

PRADA COURT

YOUNG AMERICA DRIVE  
COURAGEOUS COURT  
SLEM AVENUE  
SLEM COURT

HEATHER STONE WAY  
WYNHAVEN OAKS WAY  
ROCK SPRINGS ROAD

SPRINGROCK DRIVE

SPRINGROCK HILL TRAIL

CLEMS  
CLEMS ON LANE  
7-173

BEACON COVE  
DEVONWOOD TRACE

DEVONWOOD TRACE  
DEAN D HOLLOW LANE

SPRIGGS ROAD

LAUFIN COURT

WITLOCK TRAIL  
SARANEL COURT

MARTHAEM COURT  
WOLFORD DRIVE

WHITE RIDGE TRACE  
LIMEY TRACE

HIDDEN WOOD LANE  
WOLFORD DRIVE

PEACHTREE PARC LANE

WOODBROOK WAY

HIDDEN WOOD COURT  
FOREST TRAIL  
LINGTON POINT DRIVE  
SILVERHORSE POINT

BRIARFIELD WAY

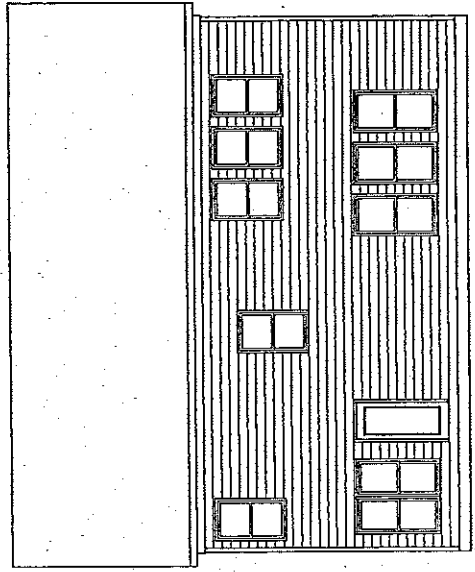
1985N HIGHWAY  
1985N HIGHWAY

BEACONSTONE WAY  
COLLINS

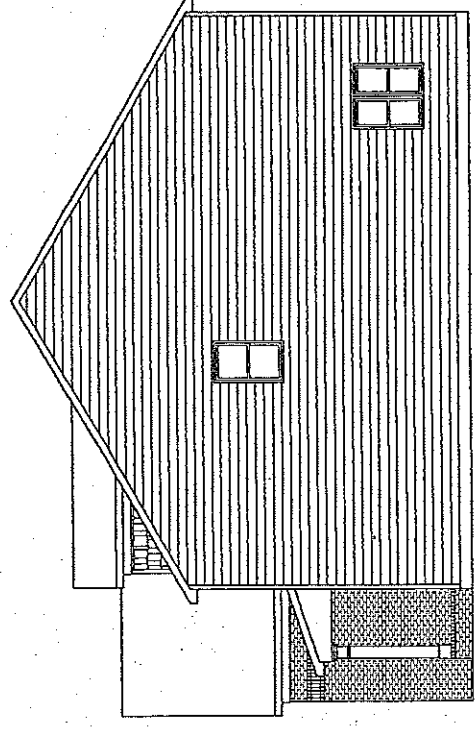
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RIDGE OAK DRIVE

BLAKELY DR  
SHELBY LANE

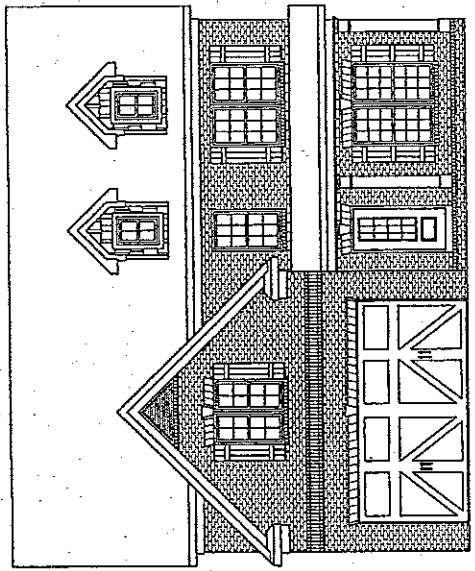
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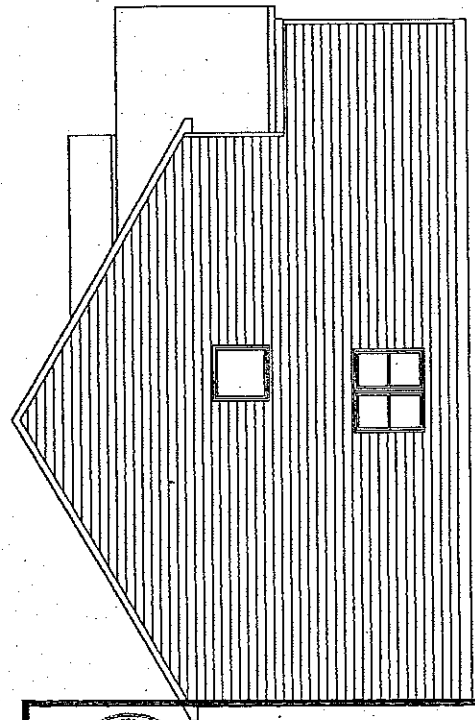
REAR ELEVATION



RIGHT ELEVATION



FRONT ELEVATION



LEFT ELEVATION



RECEIVED 10-01-10  
CIC2010-00017



6674 BRISTOL INDUSTRIAL WAY  
SUITE A  
RUFORD, GEORGIA 30086  
(770) 877-8888

**UNPREPARED FOR:**  
**ROCK SPRINGS CAPITAL GROUP, LLC**  
 1424 NORTH BROWN ROAD  
 SUITE 100  
 LAWRENCEVILLE, GA 30043  
 MR. BILL STARK  
 (770) 814-1730

PROJECT NAME:  
**TUSCANY PARK**

TABUL  
 FINAL PLAT



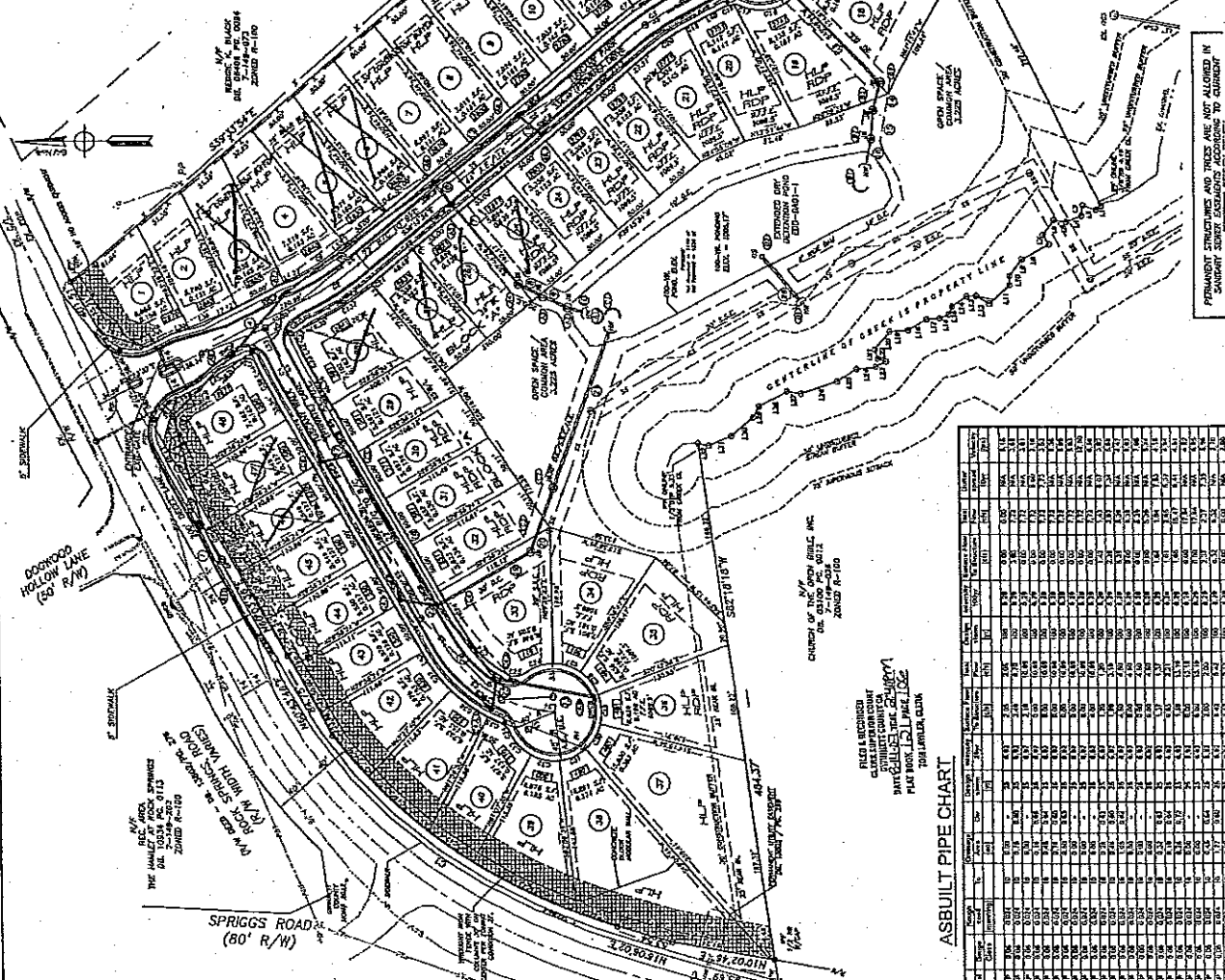
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 PROJECT ADDRESS:  
 PROJECT LOCATION:  
 PROJECT NUMBER:  
 PROJECT DATE:  
 PROJECT STATUS:  
 PROJECT TYPE:  
 PROJECT AREA:  
 PROJECT PERMIT:  
 PROJECT NUMBER:  
 PROJECT DATE:

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	01/10/10	JMS
2	AS BUILT	01/10/10	JMS
3	AS BUILT	01/10/10	JMS
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LOT	AREA	PERCENTAGE	REMARKS
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2	0.15	0.15	
3	0.15	0.15	
4	0.15	0.15	
5	0.15	0.15	
6	0.15	0.15	
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LOT	AREA	PERCENTAGE	REMARKS
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33	0.15	0.15	
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60	0.15	0.15	

LOT	AREA	PERCENTAGE	REMARKS
61	0.15	0.15	
62	0.15	0.15	
63	0.15	0.15	
64	0.15	0.15	
65	0.15	0.15	
66	0.15	0.15	
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89	0.15	0.15	
90	0.15	0.15	



LOT	AREA	PERCENTAGE	REMARKS
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92	0.15	0.15	
93	0.15	0.15	
94	0.15	0.15	
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120	0.15	0.15	

LOT	AREA	PERCENTAGE	REMARKS
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123	0.15	0.15	
124	0.15	0.15	
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137	0.15	0.15	
138	0.15	0.15	
139	0.15	0.15	
140	0.15	0.15	

FIELD & REVISIONS

DATE: 01/10/10

PROJECT: TUSCANY PARK

SCALE: 1" = 40'

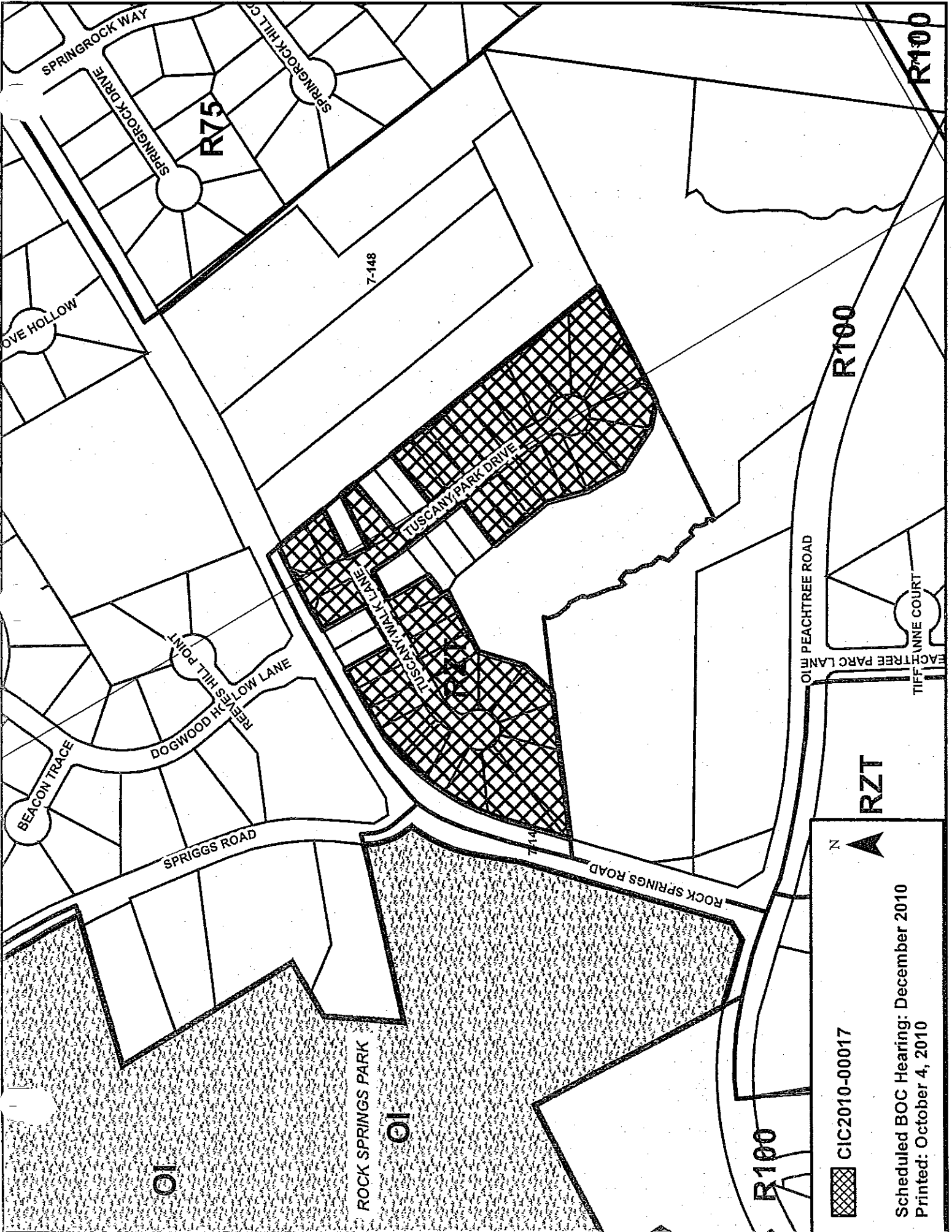
ASBUILT PIPE CHART

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	01/10/10	JMS
2	AS BUILT	01/10/10	JMS
3	AS BUILT	01/10/10	JMS
4	AS BUILT	01/10/10	JMS
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RECEIVED 01-10-10

CROSS 000017

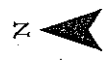
The X'd lots are not included in this request.



 CIC2010-00017

Scheduled BOC Hearing: December 2010  
 Printed: October 4, 2010

**RZT**



**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 McMillian 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**

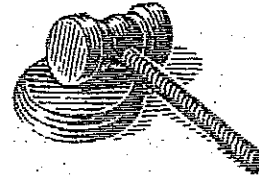
PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE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



**MANNING WALLACE, LLC**  
*Attorney & Counselor at Law*



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Suite 100  
Roswell, Georgia 30076

Tel: (770) 619-3144  
Fax: (770) 449-0860  
Email: [nwallace@mwlawyer.net](mailto: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-foot 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

SUP FOR 1570 ACE MCMILLAN ROAD



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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.

SUP FOR 1570 ACE MCMILLAN ROAD



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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



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 14<sup>th</sup> 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

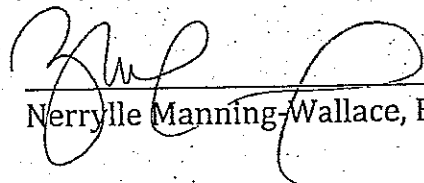


collector and even though this property was identified as a future greenway corridor on the Gwinnett County Open Space and Greenways Master Plan, it was approved.

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.

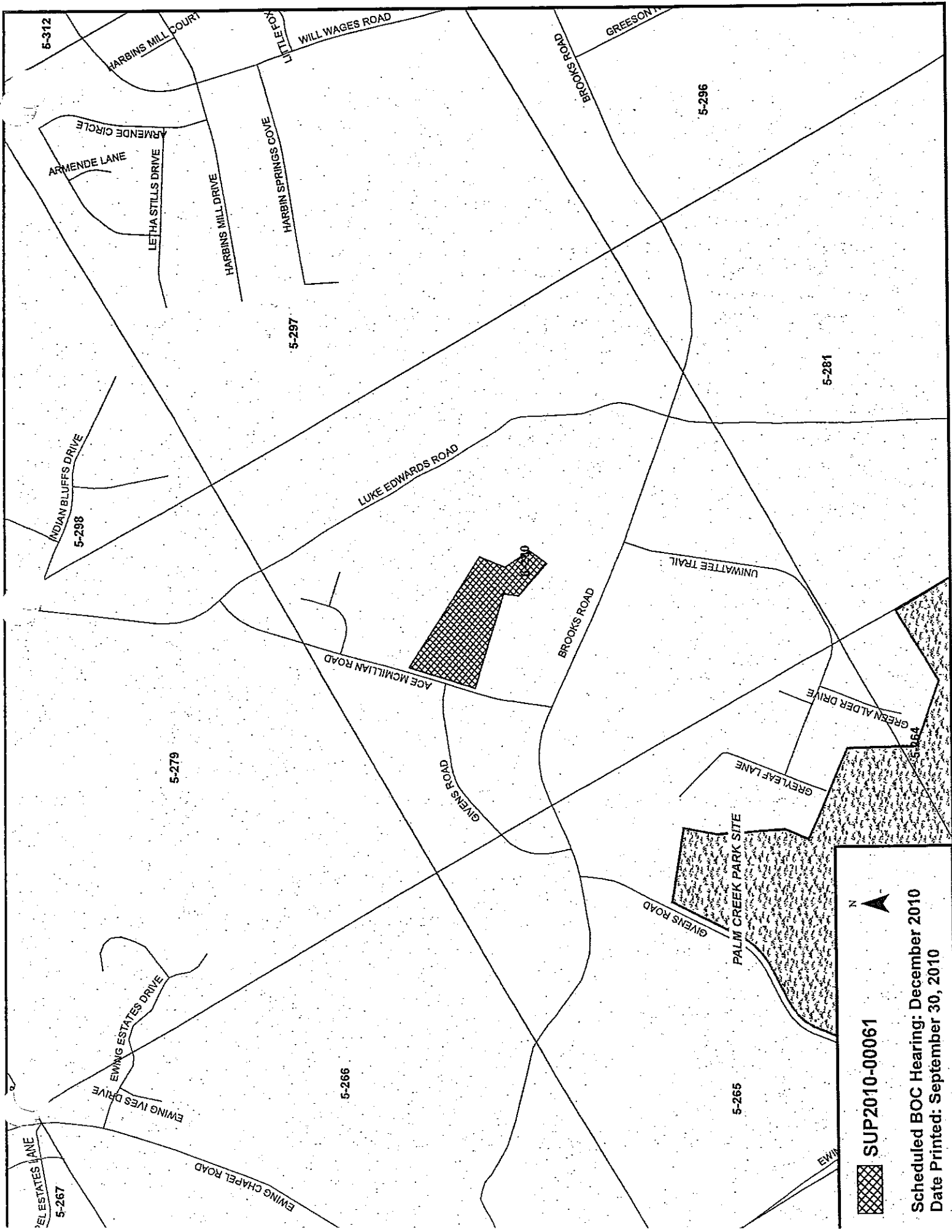
MANNING WALLACE, LLC

  
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.





**SUP2010-00061**

Scheduled BOC Hearing: December 2010  
 Date Printed: September 30, 2010

19000-00061  
 SUP2010-00061

**CONCEPT PLAN**  
 FOR THE  
**DACULA CONGREGATION KINGDOM**  
 HALL OF JERUSALEM WITNESS  
 LAND LOT 280 DISTRICT 1  
 GWINNETT COUNTY, GEORGIA

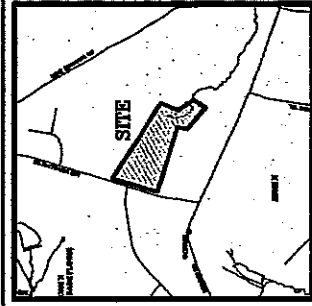


NO.	DESCRIPTION	DATE

**JVG**  
 Civil Engineering  
 209 W. GA. 3400  
 ATLANTA, GA 30303  
 770-452-3171

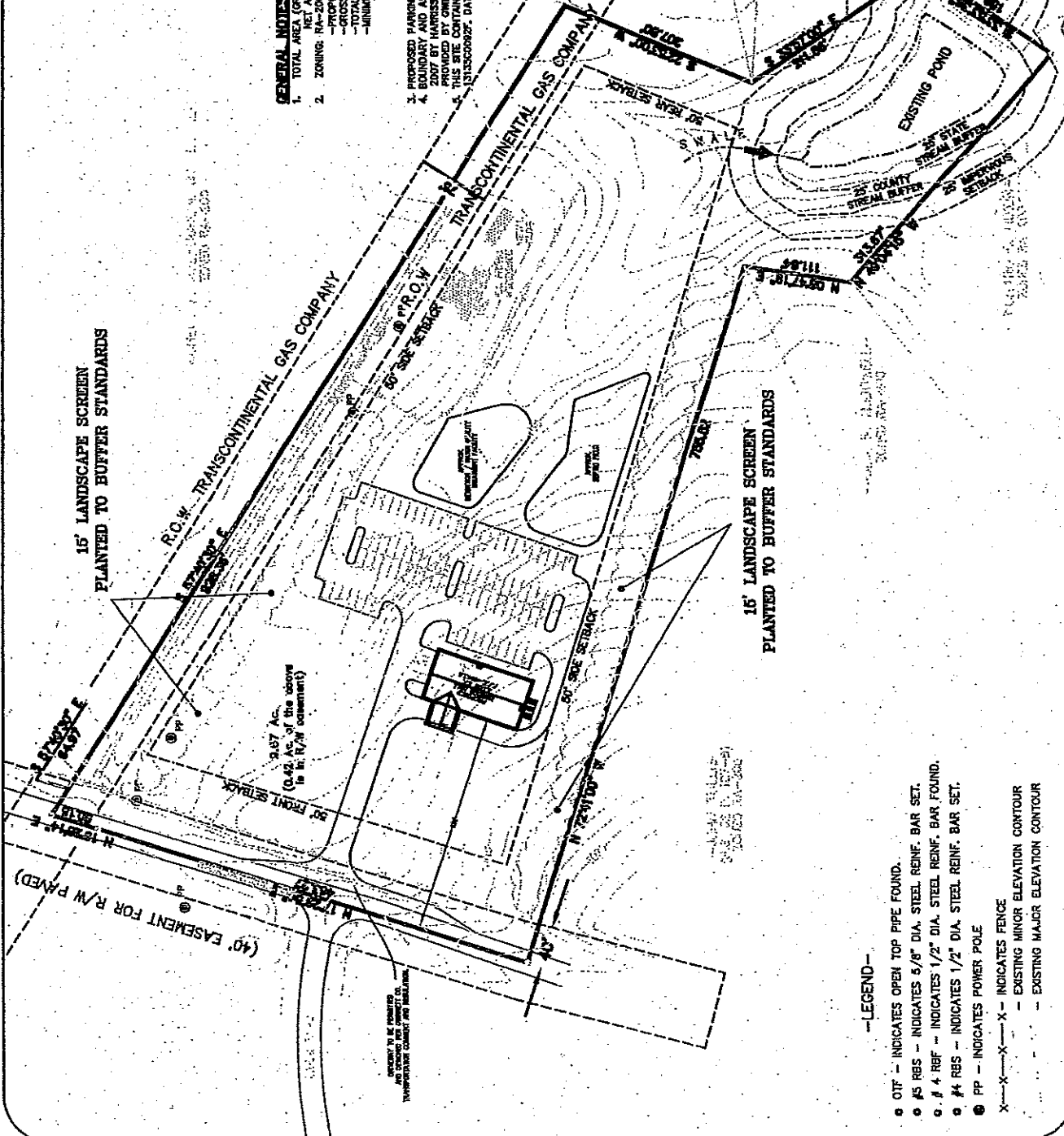
**OWNER/DEVELOPER:**  
 THE EMILIA CONGREGATION OF  
 JERUSALEM WITNESS  
 1000 W. GA. 3400  
 ATLANTA, GA 30303  
 770-452-3171

PROJECT NO.	19000-00061
DATE	4-27-10
SCALE	1"=50'
SHEET NO.	C1



**GENERAL NOTES:**

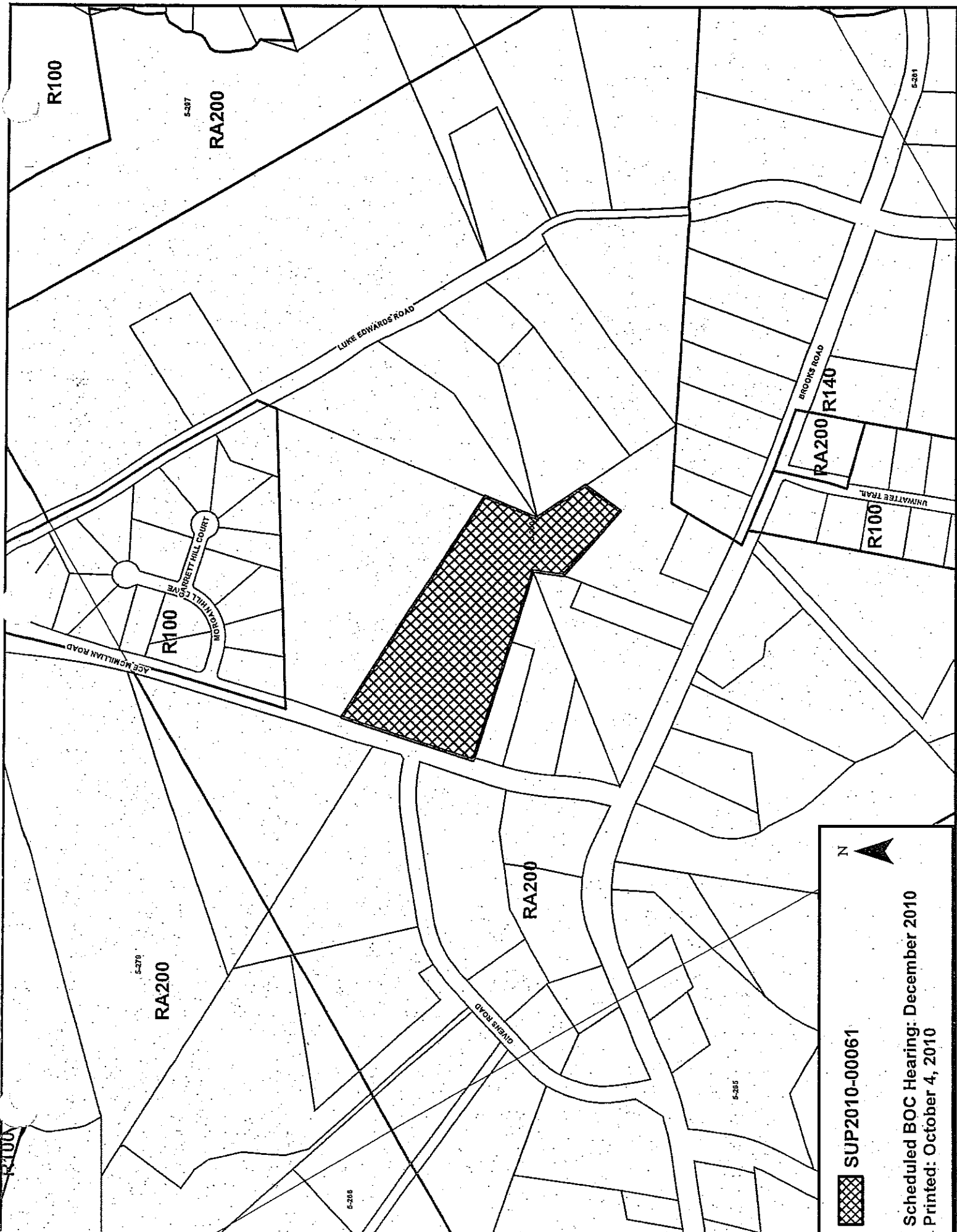
- TOTAL AREA (GROSS) = 9.67 ACRES  
 NET AREA = 8.56 ACRES
- ZONING: RM-200  
 -PROPOSED USE: "PLACE OF WORSHIP"  
 -PROPOSED BUILDING AREA: 60,000 SQ. FT.  
 -TOTAL SEATING CAPACITY = 225  
 -MINIMUM SETBACKS:  
 FRONT - 50 FT.  
 SIDE - 50 FT.  
 REAR - 50 FT.
- PROPOSED PARKING = 90 SPACES
- ALL SETBACKS SHALL BE PROVIDED BY PLAT DATED JULY 16, 2010 BY HANCOCK AND ASSOCIATES, TOPOGRAPHIC INFORMATION PROVIDED BY GWINNETT COUNTY GIS INFORMATION. THIS SITE CONTAINS NO FLOOD PLAN PER FEMA FLOOD PANEL 13153C0002Z, DATED SEPTEMBER 28TH, 2008.



- 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-X - INDICATES FENCE
  - - - - - INDICATES MINOR ELEVATION CONTOUR
  - - - - - INDICATES MAJOR ELEVATION CONTOUR



GRAPHIC SCALE  
 1" = 50'



R100

5-387

RA200

5-281

LUKE EDWARDS ROAD

BROCK'S ROAD

RA200 RA140

UNWATEER TRAIL

R100

SHARRETT HILL COURT

R100

AGE MCKILLIAN ROAD

RA200

5-370

RA200

5-285

GLENS ROAD

5-286



SUP2010-00061



Scheduled BOC Hearing: December 2010  
Printed: October 4, 2010

**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: **REGIONAL MIXED-USE**

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



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

1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043  
TELEPHONE 770 232 0000  
FACSIMILE 678 518 6880  
www.mptlawfirm.com



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RZC2011-00002

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.

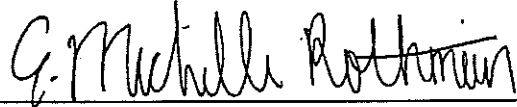


RECEIVED 11-05-10  
RZC2011-00002

This 5<sup>th</sup> day of November, 2010.

Respectfully submitted,

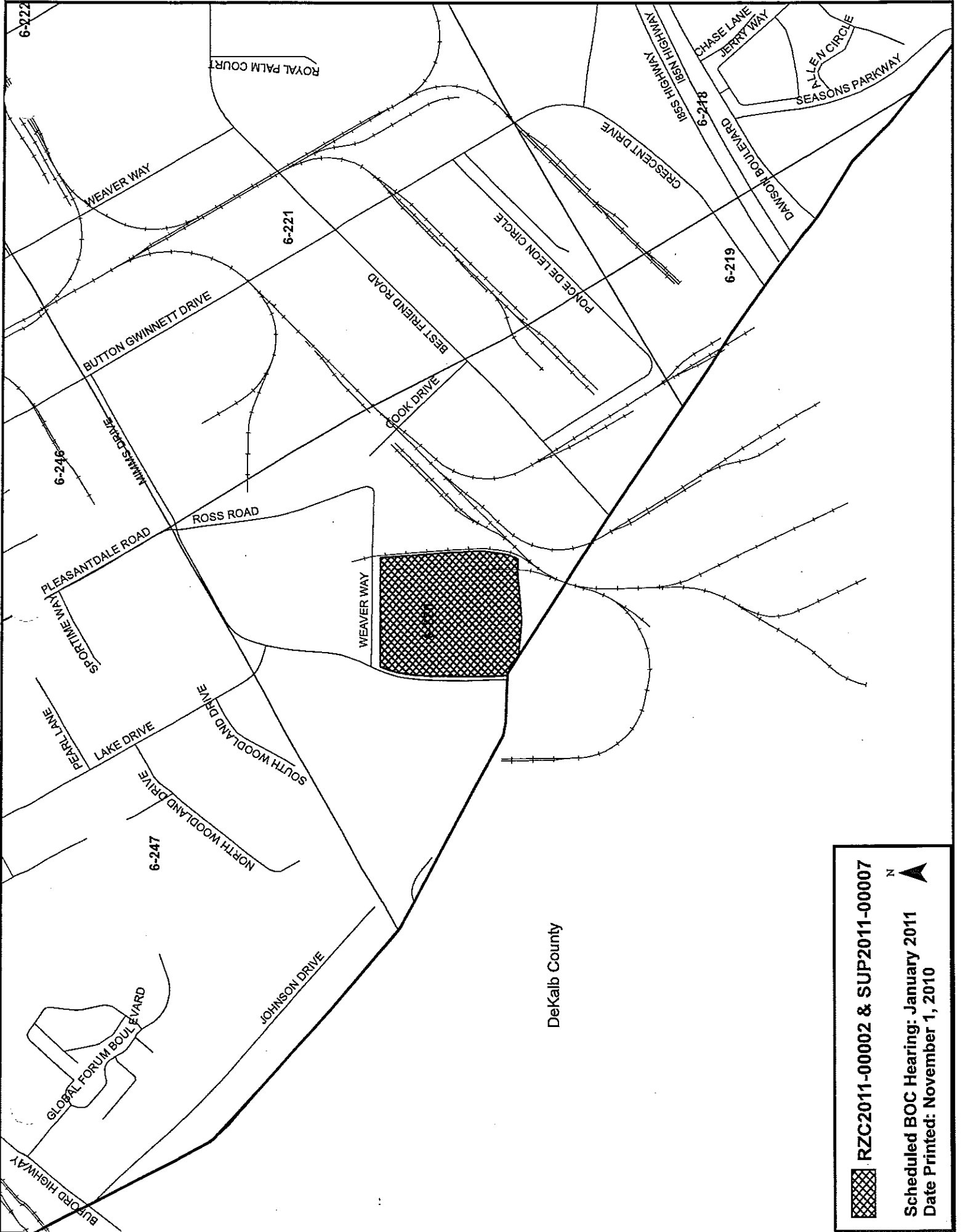
MAHAFFEY PICKENS TUCKER, LLP



E. Michelle Rothmeier  
E. Michelle Rothmeier, Attorneys for Applicant



RECEIVED 11-05-10  
RZC2011-00002



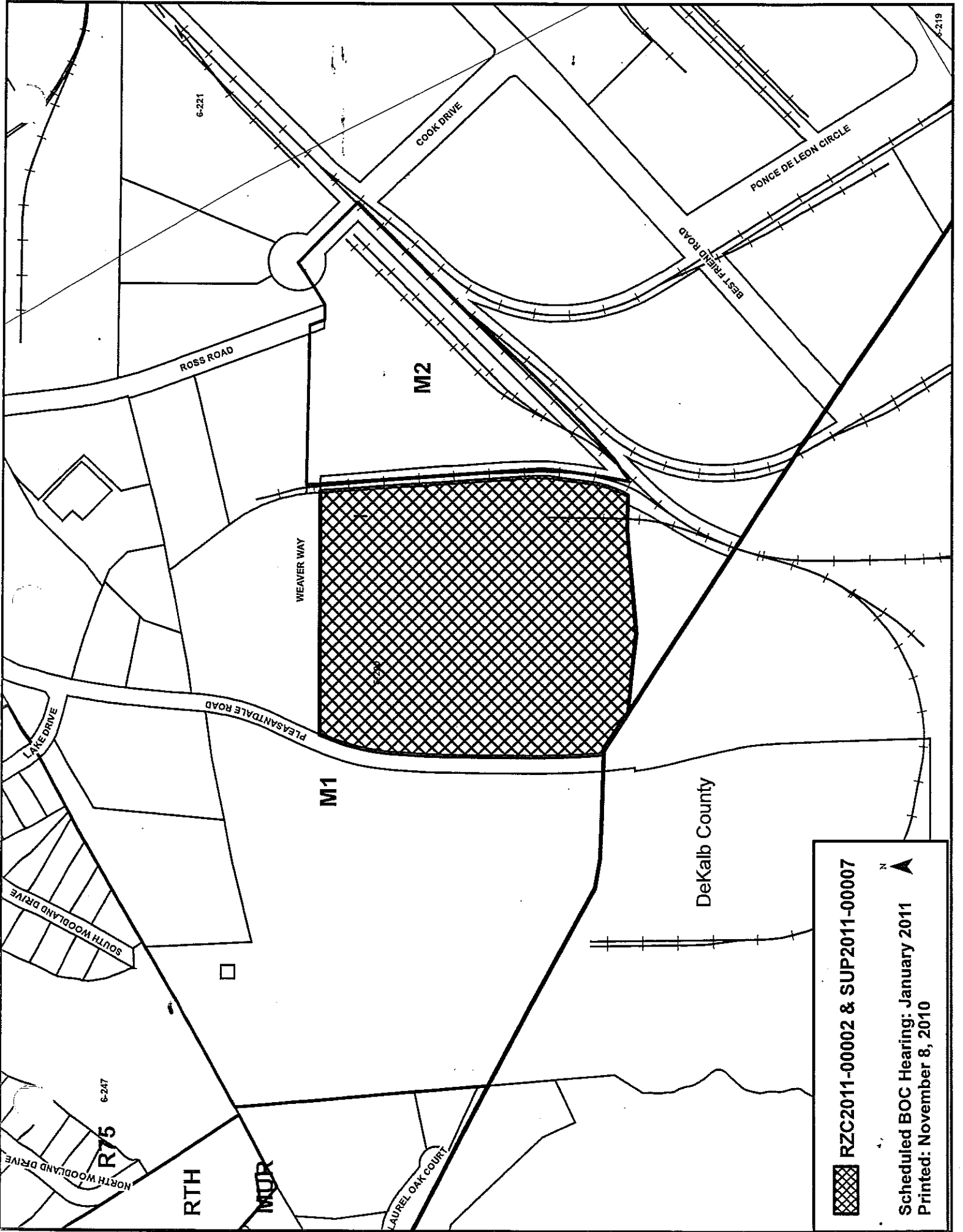
 RZC2011-00002 & SUP2011-00007



Scheduled BOC Hearing: January 2011  
 Date Printed: November 1, 2010

DeKalb County





 RZC2011-00002 & SUP2011-00007

Scheduled BOC Hearing: January 2011  
Printed: November 8, 2010



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

CASE NUMBER :SUP2011-00006  
ZONING :O-1  
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-1 (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-1 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-1 (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-1 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-1, 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-1 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:

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

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

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(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:

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

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(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:

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## 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 providing 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



446 Skiles Ct, Suwanee, GA 30024  
t.404.944.8614 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.

<u>Present</u>	<u>VOTE</u>
Wayne Hill, Chairman	<u>ABSENT</u>
Tommy Hughes, District 1	<u>AYE</u>
Patti Muise, District 2	<u>ABSENT</u>
Judy Waters, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

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 24<sup>TH</sup> 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*

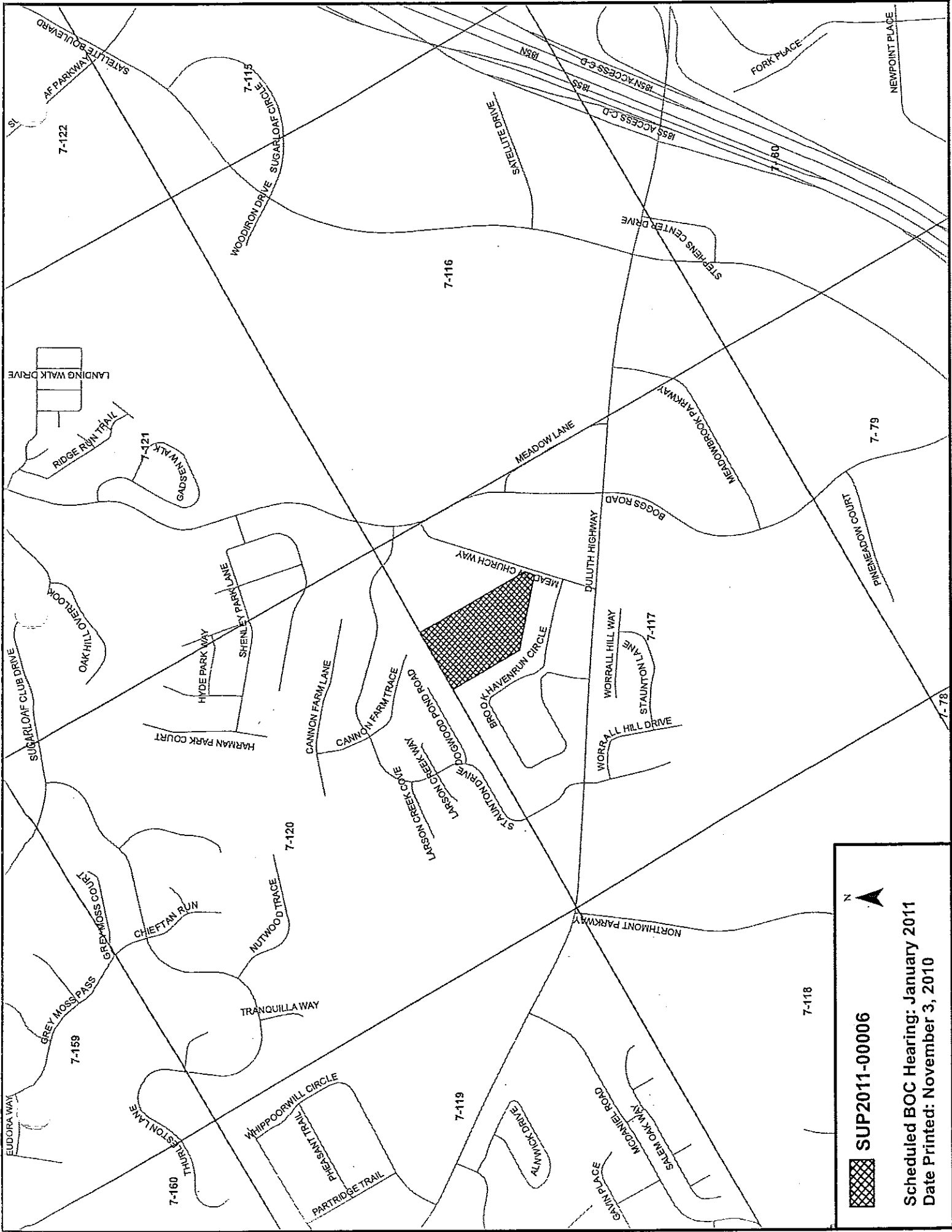
F. Wayne Hill, Chairman

Date Signed:

*Oct. 30, 2000*

ATTEST:

*Brenda Maddox*  
County Clerk

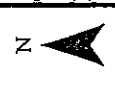
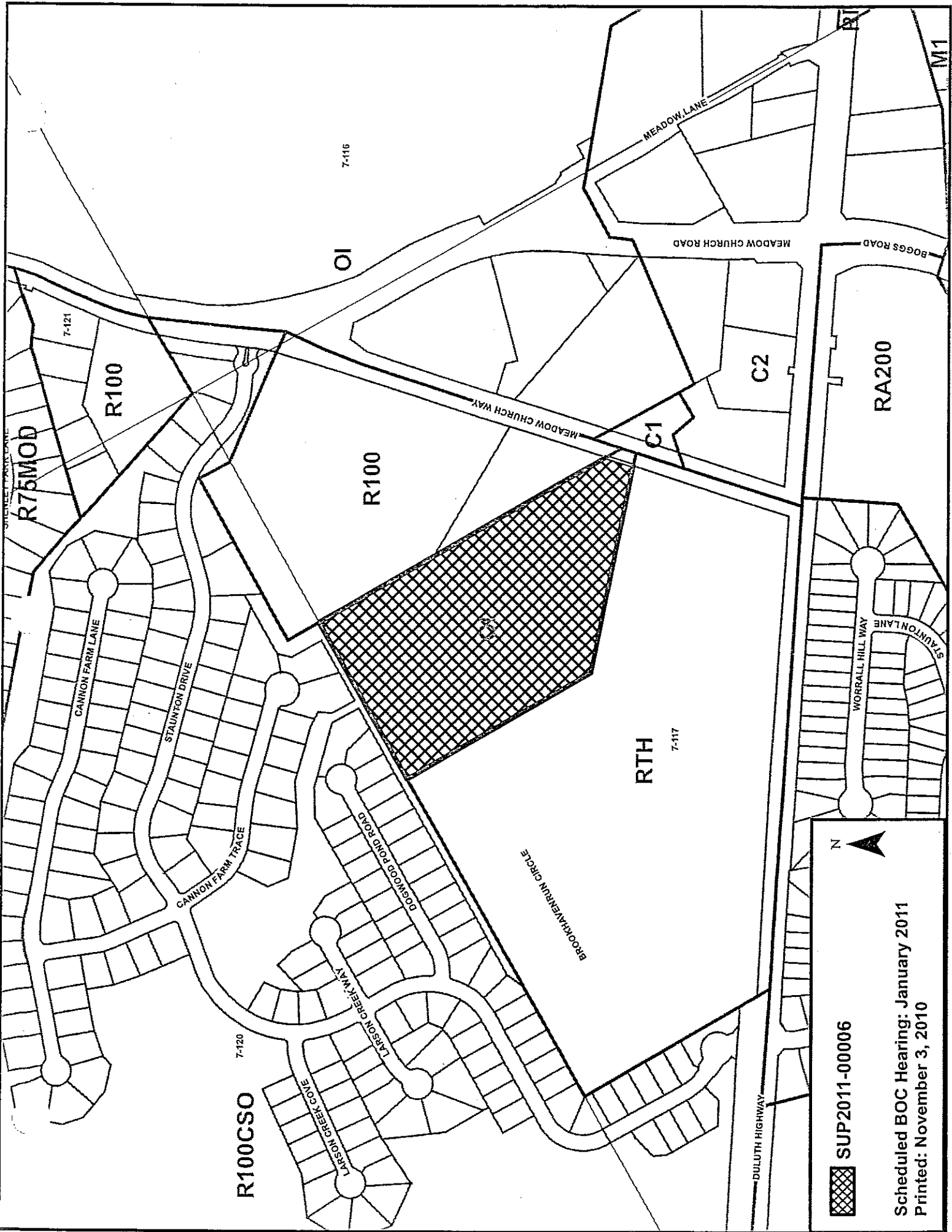


**SUP2011-00006**

Scheduled BOC Hearing: January 2011  
 Date Printed: November 3, 2010







**SUP2011-00006**

Scheduled BOC Hearing: January 2011  
 Printed: November 3, 2010

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

CASE NUMBER :SUP2011-00009  
ZONING :RA-200  
LOCATION :900 BLOCK OF AUBURN ROAD  
MAP NUMBER :R2001 018A  
ACREAGE :2.0 ACRES  
PROPOSED DEVELOPMENT :HOME OCCUPATION (HAIR SALON)  
COMMISSION DISTRICT :(3) BEAUDREAU

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

APPLICANT: CYNTHIA HOLDRICH  
931 AUBURN ROAD  
DACULA, GA 30019

CONTACT: ANNE HOLDRICH                      PHONE: 770.912.0330

OWNER: F. K. AND ROSEMARIE WELLS  
5278 GREEN CASTLE WAY  
STONE MOUNTAIN, GA 30087

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Special Use Permit on a 2.0-acre property to allow a hair salon as a home occupation. The property is zoned RA-200 (Agriculture-Residence District) and located at 931 Auburn Road, between Bailey Woods Road and Fence Road.

The subject property is wooded and contains a one-story brick residence. The home is situated approximately 160 feet from Auburn Road. Access is from a single gravel driveway that extends to Auburn Road, and there appears to be sufficient space for parking and turning vehicles around for safe exit.

The salon would have a separate entrance from the main dwelling. The applicant states in her letter of intent that the proposed single-chair hair salon would operate seven days a week and would receive 4 to 6 clients per day on an appointment basis; however the hours of operation are not specified.

**ZONING HISTORY:**

The 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:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

The project cannot be developed if the existing septic system and repair area can not be maintained with the additional septic requirements for the proposed business.

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 Auburn Road.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 180 feet south of the property on Elisha Mill Court.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following condition:

1. The applicant shall obtain a building permit for any proposed interior, electrical, mechanical, and/or plumbing modifications 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:

No comment.

## DEPARTMENT ANALYSIS:

The subject property is a 2.0-acre parcel located on Auburn Road, between Bailey Woods Road and Fence Road. The property is wooded and contains a one-story brick residence.

The 2030 Unified Plan Future Development Map indicates that the property is located within an Existing/Emerging Suburban Character Area. The proposed Special Use Permit for an in-home hair salon is expected to be of a low impact, and could be consistent with the policies of the 2030 Unified Plan regarding residential areas.

The surrounding area is characterized by single-family residential uses. Residences on large lots and single-family subdivisions are located along Auburn Road. Immediately adjacent to the south and east is Bradford Manor subdivision. Adjacent to the west and across Auburn Road to the north are large RA-200 zoned lots that are developed with single residences. Given the relatively large size of the subject property and its adequate separation from nearby residences, the proposed in-home hair salon could be compatible with the surrounding uses. If the residential character of the property is maintained, and the number of clients and hours of operation are limited, the use would not be expected to adversely impact its neighbors.

In conclusion, the requested Special Use Permit for a hair salon as a home occupation could be compatible with the surrounding residential uses and consistent with the policies of the 2030 Unified Plan. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for an in-home hair salon subject to the following enumerated conditions:

1. Approval of a one-chair hair salon as a home occupation, operating within the existing single-family dwelling.
2. Limit the hours of operation from 9:00 a.m. to 6:00 p.m. Monday through Saturday.
3. No additional employees, other than the applicant, shall be permitted.
4. There shall be no evidence of the home occupation from the exterior of the dwelling. Exterior signage shall be prohibited.
5. No more than one customer shall be permitted at a time.
6. Client parking shall be limited to the existing driveway. A parking lot, striped parking spaces or on-street parking related to the hair salon shall be prohibited.
7. 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.
8. The Special Use Permit shall be valid for no more than a two-year period, at which time the operation shall cease, or the Special Use Permit renewed.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

Given the two acre size of the property and its separation from other residences in the area, an in-home hair salon could be suitable at this location.

ADVERSE IMPACTS

With the recommended conditions, no significant impacts are anticipated from the proposed home occupation of a hair salon.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

A small impact on public facilities could be anticipated in the form of increased utility demand and traffic.

CONFORMITY WITH POLICIES

The proposed hair salon as a home occupation could be considered consistent with the 2030 Unified Plan Future Development Map which identifies this as an Existing/Emerging Suburban Character Area.

CONDITIONS AFFECTING ZONING

Compatibility with nearby residential properties could be ensured through limitations on the hours of operation, outside employees and the number of customers.

**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:

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.



**Thursday, November 18, 2010**

**Cynthia Ann Holdrich**

**931 Auburn Road**

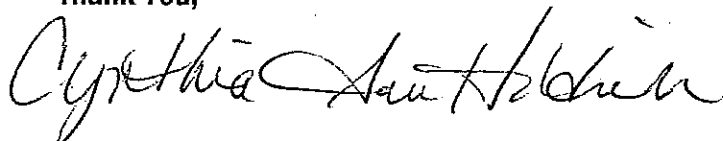
**Dacula, Georgia 30019**

**770-912-0330**

**Letter of Intent;**

**I am writing to request that I am able to put a single chair hair salon in my residence. It will have a separate entrance from the residence as required by the Georgia State Board of Cosmetology, as well as meet all criteria necessary to operate. The property is just over 2 acres and is surrounded by woods. I will not bother anyone near or around me. Hours of operation will be seven days per week by appointment, and I will schedule only 4-6 clients per day. I find it necessary in this economy to downsize my overhead related to the chair rental cost I incur when working in a mainstream salon. I owned and operated three salons in Lawrenceville, Dacula, and Athens, Georgia for well over 18 years. I am very professional and run a clean salon. Please expedite this request as soon as possible.**

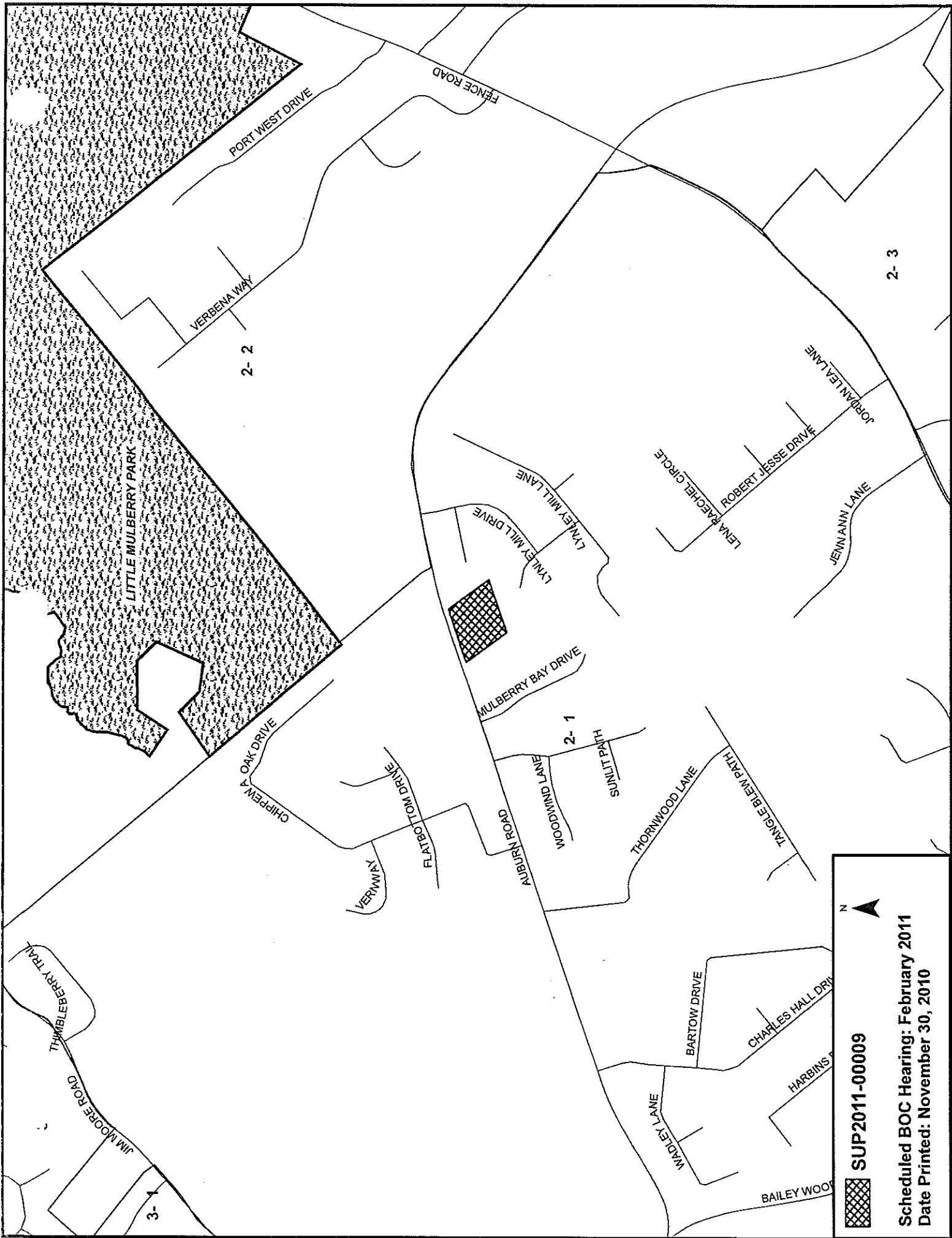
**Thank You,**



**Cynthia Ann Holdrich**



**RECEIVED 11-30-10  
SUP2011-00009**

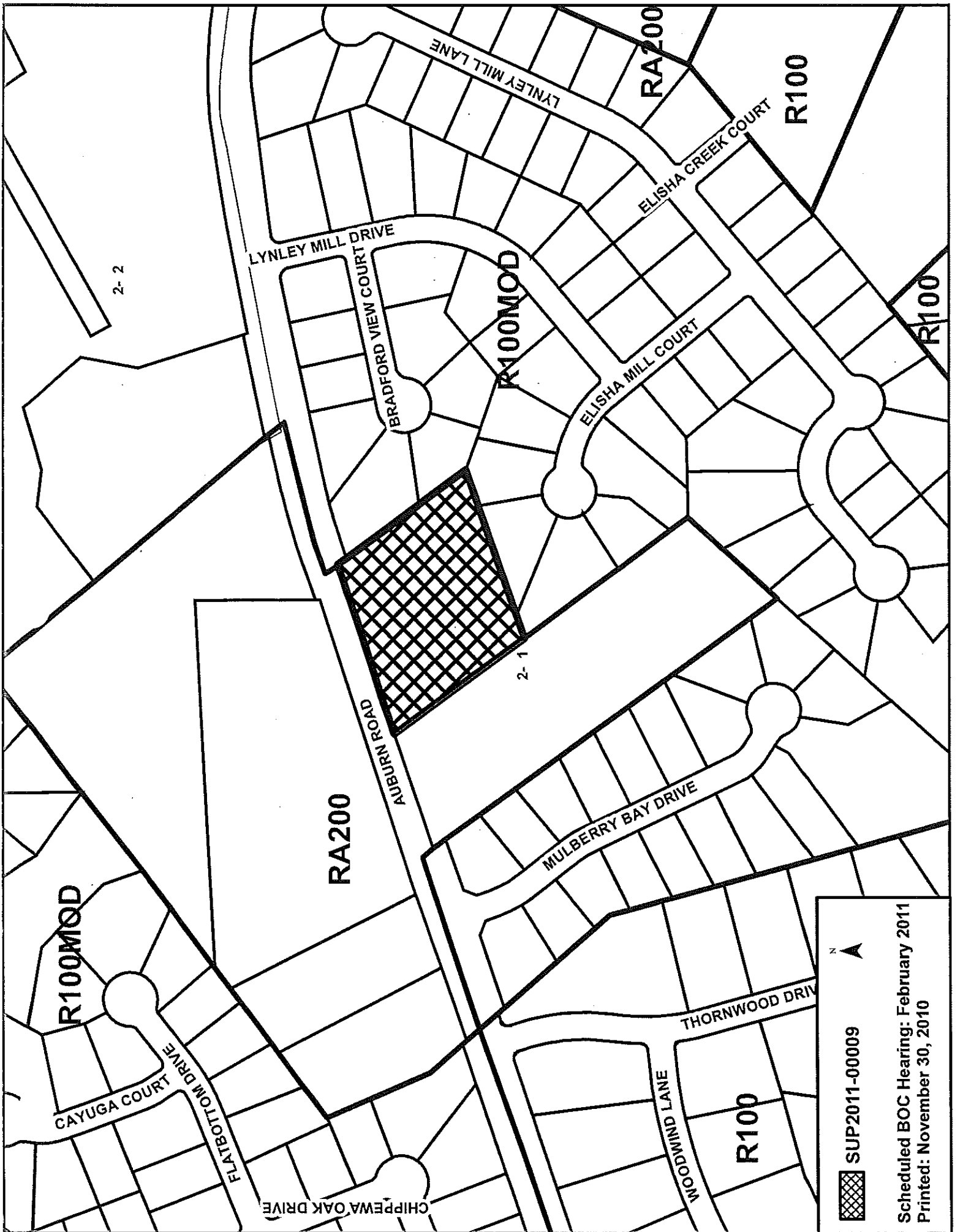


**SUP2011-00009**



Scheduled BOC Hearing: February 2011  
 Date Printed: November 30, 2010





2-2

2-1

R100MOD

RA200

R100MOD

RA200

R100

R100

R100



SUP2011-00009

Scheduled BOC Hearing: February 2011  
Printed: November 30, 2010

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

CASE NUMBER :**SUP2011-00010**  
ZONING :C-2  
LOCATION :6600 BLOCK OF BUFORD HIGHWAY  
MAP NUMBER :R6246A013 & R6246A014  
ACREAGE :0.60 ACRE  
PROPOSED DEVELOPMENT :AUTOMOBILE SALES AND SERVICE (RENEWAL)  
SQUARE FEET :2,480 SQUARE FEET  
COMMISSION DISTRICT :(2) HOWARD

FUTURE DEVELOPMENT MAP: **REGIONAL MIXED-USE**

APPLICANT: COLISEUM PROPERTIES, LLC  
6600 BUFORD HIGHWAY  
DORAVILLE, GA 30340

CONTACT: ERIC JOHANSEN                      PHONE: 678.643.8259

OWNER: COLISEUM PROPERTIES, LLC  
6600 BUFORD HIGHWAY  
DORAVILLE, GA 30340

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests renewal of a Special Use Permit on a 0.60-acre parcel, zoned C-2 (General Business District), to continue the use of automobile sales and service. The subject property is located on the southeast side of Buford Highway, north of Susan Lane. The site is developed with a 2,480-square foot stacked stone and stucco building and parking lot. Access to the property is via a single driveway from Buford Highway. The site is developed with 17 parking spaces.

On a recent site visit, staff noted that the site is well maintained. However, it was noted that there were illegal banners and flags on the site, and cars parked in the grass landscape strip along Buford Highway, in violation of the current zoning conditions. The violations have been reported to the Gwinnett County Police Code Enforcement Unit for investigation, pursuant to CEU2010-08736. A previous code enforcement case was created in 2009 for similar prohibited signs (QOL2009-08389); the property owner complied and the case was subsequently closed.

ZONING HISTORY:

The subject property has been zoned C-2 since 1970. In 2001, a Special Use Permit for automobile sales was approved for the site, pursuant to SUP-01-009. In 2009, a change in conditions and a Special Use Permit for automobile service were approved, pursuant to CIC-09-007 and SUP-09-018.

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 a 12-inch water main located on the southern right-of-way of Buford 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 Buford Highway.

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

The subject property is a 0.60-acre parcel located along the southeast side of Buford Highway, just north of Susan Lane. The site is developed as a small used car dealership and service center.

The 2030 Unified Plan Future Development Map indicates that the property lies within a Regional Mixed Use Character Area. The property is located along an established commercial corridor and renewal of the automobile sales and service facility's Special Use Permit is considered compatible with the Character Area.

The 2009 Board action granting a Special Use Permit for automobile sales and service was limited to a two-year period, ending in February 2011. Conditions of the Special Use Permit prohibit temporary signage; and on a recent site visit staff noticed that there were flags and banners on the site in violation of these conditions, along with cars illegally parked within the landscape strip along Buford Highway. The Department supports renewal of the Special Use Permit; however, in light of these violations, staff recommends an additional one-year time limit for further review of compliance with zoning conditions and zoning codes.

In conclusion, the requested renewal of a Special Use Permit for an automobile sales and service facility could be compatible with the adjacent and nearby commercial uses and previous Board approval, pursuant to SUP-09-018. However, due to compliance issues regarding the conditions of zoning established by the Board and requirements of the zoning resolution, the Department recommends **APPROVAL WITH CONDITIONS** of the request for one year, at which time the request will again be reviewed for compliance.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Additions in **bold**

Deletions in ~~strikethrough~~

Approval of a Special Use Permit for auto sales and service subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail and service commercial and accessory uses which may include automobile sales and service.
  - B. Other outdoor sales/storage of merchandise (such as trailers, utility buildings, rental trucks, automotive parts, junked vehicles, etc.) shall be prohibited.
  - C. **The Special Use Permit shall be limited to a one-year period, at which time the use shall cease or the applicant may apply to renew the Special Use Permit.**
2. To satisfy the following site development considerations:
  - A. Provide a 15-foot wide buffer, undisturbed except for approved access and utility crossings, adjacent to residentially zoned property with an eight (8) foot high opaque fence. The fence shall be located in the interior of the buffer with the finished side facing the residential properties.
  - B. Provide a ten-foot wide landscape strip outside the dedicated right-of-way of Buford Highway. **Vehicles shall not be parked within the landscaped strip.**
  - C. No more than one exit/entrance on Buford Highway shall be allowed.
  - D. Buildings shall be finished with architectural treatments of glass and/or brick, stacked stone or stucco on the front facade. No office trailers shall be permitted.
  - E. Billboards shall be prohibited.
  - F. Dumpsters shall be screened on three sides by a brick or masonry wall matching the building, with an opaque enclosure gate.
  - G. Provide interparcel access as required by the Development Division.

- H. 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 residential properties.
- I. 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. No flags shall be flown on the site except for the flags of the United States of America or the State of Georgia.
- J. Two black metal risers not to exceed 3-feet in height as measured from the ground level below the metal risers shall be permitted.
- K. Provide a 5-foot wide sidewalk along the entire road frontage of Buford Highway.
- L. Ground signage shall be limited to a single monument-type sign of masonry construction matching the materials of the buildings and meeting the minimum requirements of the 1985 Zoning Resolution. Sign height shall not exceed 10 feet.
- M. Outdoor speakers shall be prohibited.
- N. All automotive service related activity shall only occur within the three garage bays at the rear of the subject building.
- O. All automotive service garage doors shall face inward to the subject property and shall not be located on the building elevation that is directly facing Buford Highway.
- P. The automotive service garage area shall be equipped with floor drains and connected to a minimum 500 gallon oil/water separator to treat any garage surface runoff prior to entry into the sanitary sewer system.
- Q. The automotive service garage walls and ceiling shall be insulated to aid in the abatement of sound being emitted from the garage area.
- R. The automotive service garage shall be equipped with an additional employee bathroom that is separate from the customer bathroom located in the automotive sales portion of the building.
- S. The final site plan and elevations shall be submitted to the Director of Planning and Development for approval.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

Renewal of the Special Use Permit could be suitable in light of the commercial nature of the Buford Highway corridor. However, the conditions adopted through the Special Use Permit process were included to ensure that an automobile sales and repair facility could be suitable at this location. The applicant should comply with these conditions so as not to further compromise the character of the area.

ADVERSE IMPACTS

With adherence to the conditions of zoning, negative impacts created by illegal parking and signage could be eliminated.

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

Renewal of the automobile sales and repair facility could be considered compatible within the 2030 Unified Plan. With the exception of illegal parking and signage, the request is consistent with the past Board action in 2009. By addressing parking and signage issues, the request could be brought into full compliance with Board policies.

CONDITIONS AFFECTING ZONING

It is recommended that approval be limited to one additional year, in order to re-evaluate the businesses' adherence to the conditions of the Special Use Permit.

**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:  
SUP previously granted, Applicant are seeking permanent approval with no time limits.
- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  
No, SUP previously approved for Subject Property, no impacts to adjacent properties have been found. The existing business has been as asset to the immediate and surrounding area.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
Yes, currently zoned C-2 with SUP's for Automotive Sales and Service functions. Proposed SUP request is to permit a permanent SUP for Automotive Service with no time limits.
- (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, the SUP will not result is a use that is burdensome to the existing streets, transportation facilities, utilities or schools. Business has been operating for two years without any issues.
- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
Yes, the proposed SUP is in conformity with the Land Use Plan and commercial trends in the surrounding corridor.
- (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:  
SUP-09-018 previously granted and the Applicants has successfully completed all of the requirements/conditions of that approval without any complaints from the community.



December 1, 2010

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

**Re: Master Cars Auto Sales  
Permanent Approval of Special Use Permit  
6656 Buford Highway, Doraville, GA**

Dear Commissioners,

Coliseum Properties, LLC (the "Applicant") is requesting a **permanent** approval of a Special Use Permit request for property located at 6656 Buford Highway, Doraville, GA, and commonly referred to as Parcels R6246A 013 and R6246A 014 (the "Subject Property"). Previously, SUP-09-018 was approved for the Subject Property permitting the Service functions of automobiles subject to a two year time limit and with conditions. Since the approval of SUP-09-018, the Applicant has successfully implemented all of the approved conditions of the SUP and operated the core business without any complaints from Gwinnett County, the Gwinnett Village Community Improvement District, and the surrounding neighbors. The Subject Property has served as a role model for all other future automotive businesses in the corridor seeking to do the same types of uses.

We respectfully request your approval of the permanent Special Use Permit request for the Subject Property and welcome any discussions with Staff or your District representatives to discuss the merits of the proposed request.

Thank you for your consideration of this Special Use Permit.

Sincerely,



Eric Johansen  
**Representative for the Applicant**  
Coliseum Properties, LLC

cc: Coliseum Properties, LLC  
File



RECEIVED 12-01-10  
SUP2011-00010

CASE NUMBER SUP-09-018  
GCID 2009-0167

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.

---

<u>Present</u>	<u>VOTE</u>
Charles Bannister, Chairman	<u>AYE</u>
Shirley Lasseter, District 1	<u>AYE</u>
Albert Nasuti, District 2	<u>AYE</u>
Michael Beaudreau, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

---

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

A RESOLUTION TO GRANT A SPECIAL USE PERMIT

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 for a Special Use Permit by INLAND GROUP, LLC for the proposed use of an AUTOMOBILE SERVICE 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 Special Use Permit Application 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 FEBRUARY 24, 2009 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 24TH day of FEBRUARY, 2009 that the aforesaid application for a Special Use Permit is hereby **APPROVED** subject to the following enumerated conditions:

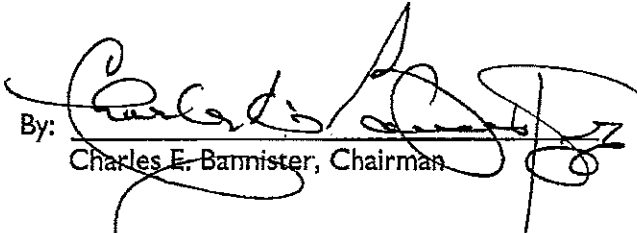
- I. To restrict the use of the property as follows:
  - A. Retail and service commercial and accessory uses which may include automobile sales and service.
  - B. Other outdoor sales/storage of merchandise (such as trailers, utility buildings, rental trucks, automotive parts, junked vehicles, etc.) shall be prohibited.
2. To satisfy the following site development considerations:
  - A. Provide a 15-foot wide buffer, undisturbed except for approved access and utility crossings, adjacent to residentially zoned property with an eight (8) foot high opaque fence. The fence shall be located in the interior of the buffer with the finished side facing the residential properties.
  - B. Provide a ten-foot wide landscape strip outside the dedicated right-of-way of Buford Highway.
  - C. No more than one exit/entrance on Buford Highway shall be allowed.
  - D. Buildings shall be finished with architectural treatments of glass and/or brick, stacked stone or stucco on the front facade. No office trailers shall be permitted.
  - E. Billboards shall be prohibited.
  - F. Dumpsters shall be screened on three sides by a brick or masonry wall matching the building, with an opaque enclosure gate.

- G. Provide interparcel access as required by the Development Division.
- H. 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 residential properties.
- I. 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. No flags shall be flown on the site except for the flags of the United States of America or the State of Georgia.
- J. Two black metal risers not to exceed 3-feet in height as measured from the ground level below the metal risers shall be permitted.
- K. Provide a 5-foot wide sidewalk along the entire road frontage of Buford Highway.
- L. Ground signage shall be limited to a single monument-type sign of masonry construction matching the materials of the buildings and meeting the minimum requirements of the 1985 Zoning Resolution. Sign height shall not exceed 10 feet.
- M. Outdoor speakers shall be prohibited
- N. All automotive service related activity shall only occur within the three garage bays at the rear of the subject building.
- O. All automotive service garage doors shall face inward to the subject property and shall not be located on the building elevation that is directly facing Buford Highway.
- P. The automotive service garage area shall be equipped with floor drains and connected to a minimum 500 gallon oil/water separator to treat any garage surface runoff prior to entry into the sanitary sewer system.
- Q. The automotive service garage walls and ceiling shall be insulated to aid in the abatement of sound being emitted from the garage area.

CASE NUMBER SUP-09-018  
GCID 2009-0167

- R. The automotive service garage shall be equipped with an additional employee bathroom that is separate from the customer bathroom located in the automotive sales portion of the building.
- S. The final site plan and elevations shall be submitted to the Director of Planning and Development for approval.
- T. The Special Use Permit shall be limited to a two-year period, at which time the use shall cease or the applicant may apply to renew the Special Use Permit.

GWINNETT COUNTY BOARD OF COMMISSIONERS

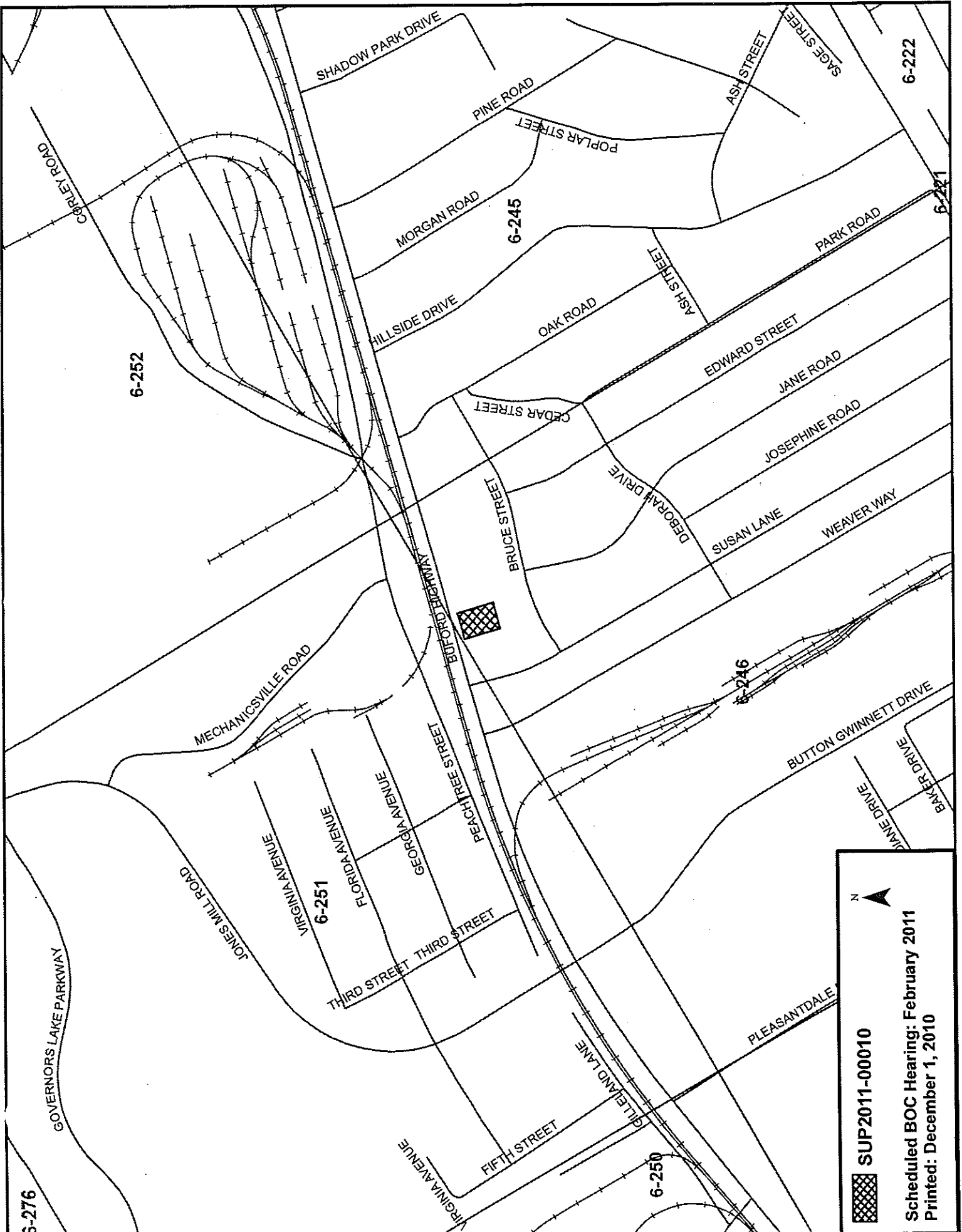
By:   
Charles E. Bannister, Chairman


Date Signed: 3/13/09

ATTEST:

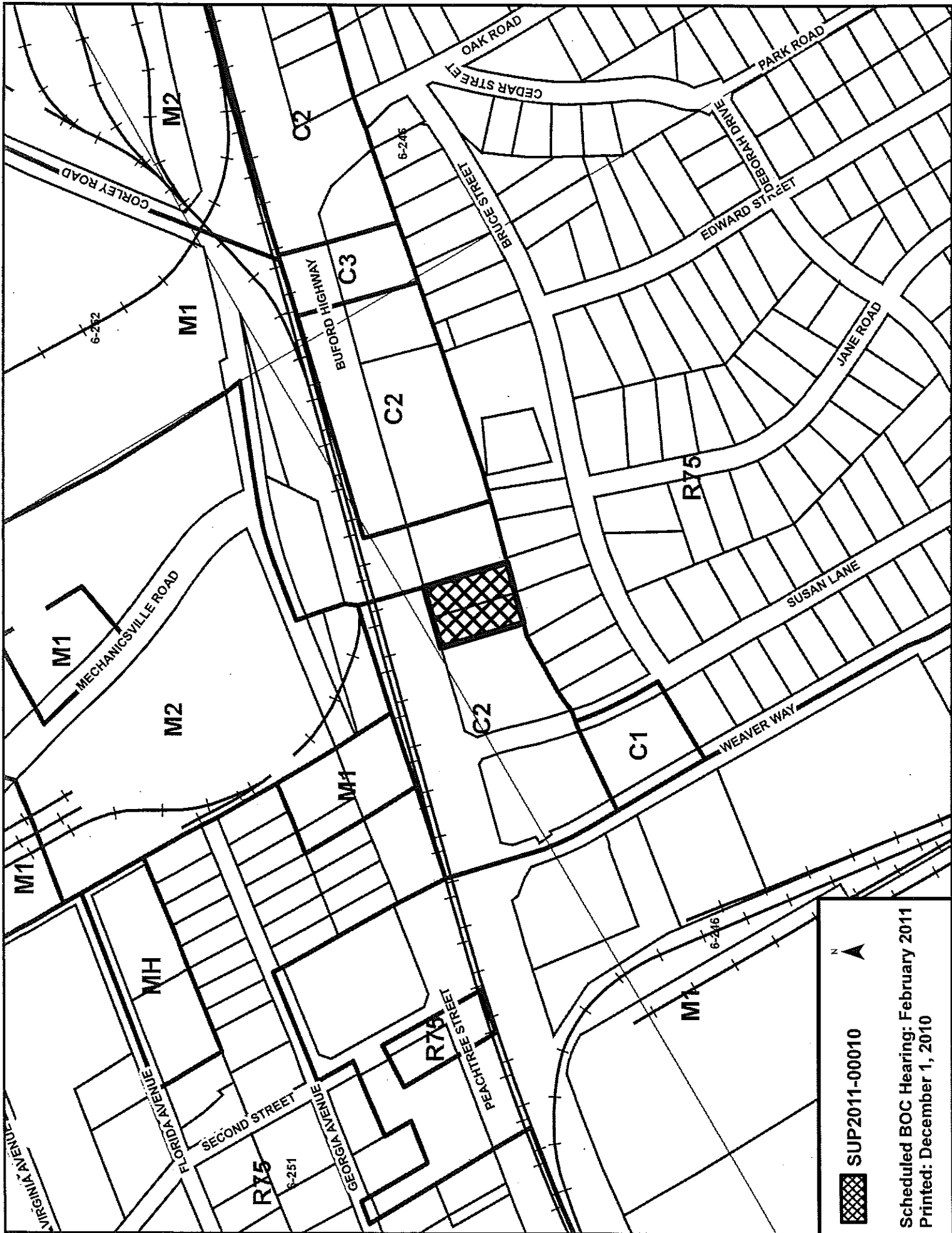
  
County Clerk/Deputy County Clerk





 SUP2011-00010  
 Scheduled BOC Hearing: February 2011  
 Printed: December 1, 2010





SUP2011-00010



Scheduled BOC Hearing: February 2011  
 Printed: December 1, 2010

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

CASE NUMBER :**SUP2011-00011**  
ZONING :M-1  
LOCATION :600 BLOCK OF AIRPORT ROAD  
MAP NUMBER :R5208 019  
ACREAGE :1.04 ACRES  
PROPOSED DEVELOPMENT :AUTOMOBILE BODY REPAIR SHOP  
SQUARE FEET :11,200 SQUARE FEET  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: JIMMY E. SMITH  
699 AIRPORT ROAD  
LAWRENCEVILLE, GA 30046

CONTACT: JIMMY E. SMITH                      PHONE: 770.237.5985

OWNER: JIMMY E. SMITH  
699 AIRPORT ROAD  
LAWRENCEVILLE, GA 30046

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Special Use Permit on a 1.04-acre parcel, zoned M-1 (Light Industry District), to allow an automobile body repair shop. The subject property is located on the north side of Airport Road, east of its intersection with Hurricane Shoals Road. The property also has frontage along the south side of Georgia Highway 316.

The site is developed with a one-story, 11,200 square foot building. Access is provided through a single entrance/exit onto Airport Road. A total of 6 parking spaces are shown on the submitted site plan. There are no changes proposed to the site or building as part of this application.

Since 2000, the applicant has operated a full-service auto body repair facility from the subject property. According to the letter of intent, vehicles brought in for repair are returned to the customer within one week. Damaged vehicles or vehicles considered beyond repair are evaluated, and typically removed from the subject property within thirty days.

The applicant's request is the result of a Police Department Code Enforcement Unit investigation for a non-permitted use, signs without a permit, and junk vehicles, pursuant to

CEU2010-08908. The requested Special Use Permit would bring the use of the property into compliance with the 1985 Zoning Resolution.

**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:**

Parking spaces shall be provided at a ratio of one to three spaces per service bay.

**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 350 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 submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed renovation of the existing building for review and approval by Building Plan Review.
2. Upon completion of plan review approvals, the applicant shall obtain a building permit for the renovation 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, 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 1.04-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 body repair shop 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 west is an automobile

repair shop and retail center in C-2 zoning. Further to the west of the subject property is a multi-tenant retail/office center, zoned C-2. Immediately to the east is an M-1 zoned property; which is currently unoccupied. Given the variety of zonings and the intensity of use in the area, the request could be considered suitable.

In conclusion, the requested Special Use Permit for an automobile body repair shop could be considered compatible with the intensity of adjacent and nearby land uses. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS.**

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for an automobile body repair shop subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Light industrial uses, which may include an automobile body repair shop as a special use.
  - 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. Ground signs shall not exceed 8 feet in height.
  - B. Install minimum 6-foot high opaque fencing to provide an effective visual screen of the rear parking area. The fence shall not contain any signage and shall be maintained in good repair. The fence height and design shall be subject to review and approval of the Director of Planning and Development.
  - C. Billboards shall be prohibited.
  - D. 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 screened outdoor storage area to the rear. The outdoor storage area shall be within the 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 requested Special Use Permit for an automobile body repair shop could be suitable in light of the mix and intensity of uses in this area.

ADVERSE IMPACTS

With the recommended conditions, including installing opaque 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 body repair shop 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.

**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*



*Jimmy Smith Inc.*  
**Collision Repair**

699 Airport Road  
Lawrenceville, GA 30046  
(770) 237-5985 phone  
(770) 237-5986 fax  
jimmysmithinc@aol.com

**LETTER OF INTENT**

November 22, 2010

The purpose of this letter is to request a special use permit for my business at 699 Airport Road.

Jimmy Smith Inc. is a full service Auto Body repair facility that repairs collision damaged vehicles mainly through insurance companies. Vehicles brought to us are rarely here 30 days. Most are repaired and back on the road within one week. Vehicles that are not repaired for what ever reason, normally considered a total loss, are usually removed within one to two weeks because of daily storage charges. All "movable" vehicles are stored inside at night. The only vehicles on the lot that do not have tags on them are total losses waiting to be picked up or cars that the owner has removed the tag while it is being repaired. Our operating hours are Monday to Friday 8:00am to 5:00pm.

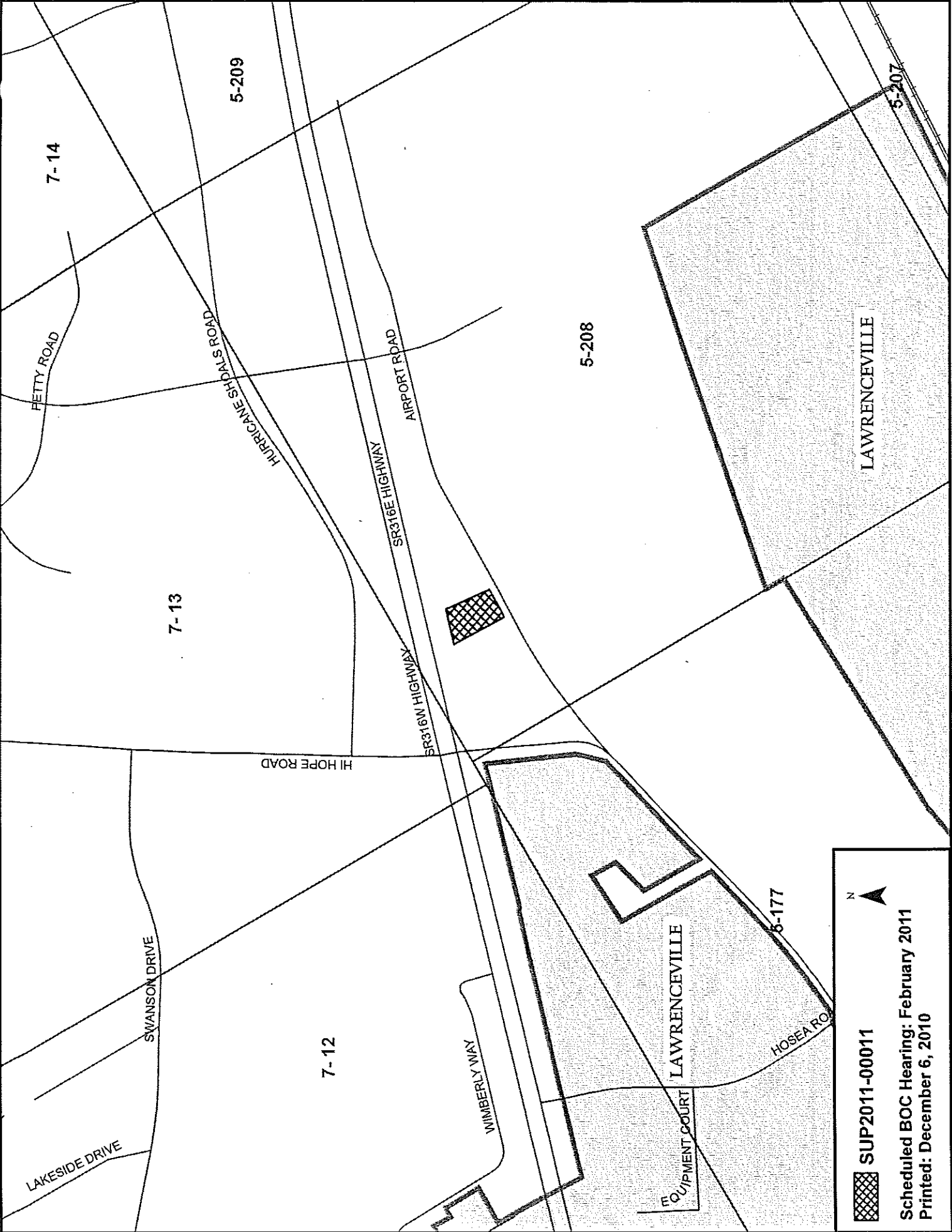
We believe this business to be compatible with the land use plan in effect in the area where it is located. It also provides a living for eight families and supports numerous other businesses in the area through its needs.

Sincerely,

Jimmy E. Smith



RECEIVED 12-02-10  
SUP2011-00011

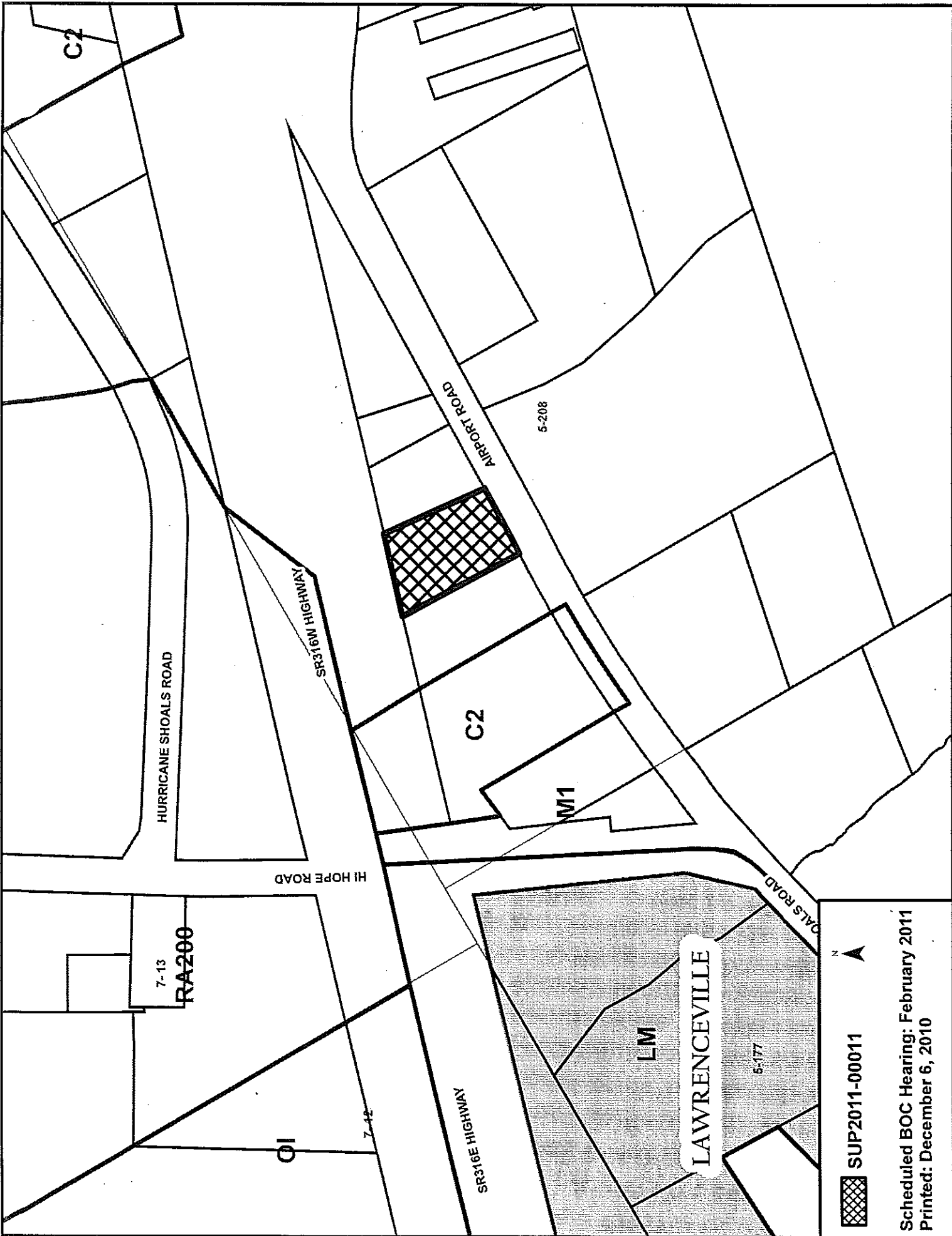



**SUP2011-00011**

Scheduled BOC Hearing: February 2011  
 Printed: December 6, 2010







 SUP2011-00011

Scheduled BOC Hearing: February 2011  
Printed: December 6, 2010