Department of Planning and Development

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

gwinnettcounty

MUNICIPAL-GWINNETT COUNTY PLANNING COMMISSION

PUBLIC HEARING AGENDA
GWINNETT JUSTICE AND ADMINISTRATION CENTER

TUESDAY, MARCH 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 CALLTHE FACILITIES MANAGEMENT DIVISION AT 770.822.8015.

A. CALL TO ORDER, INVOCATION, PLEDGE TO FLAG

B. OLD BUSINESS - NONE

C. NEW BUSINESS

1. CASE NUMBER :**RZC2011-00005**
   APPLICANT :IMAD YOUMARAN
   CONTACT :IMAD YOUMARAN
   PHONE NUMBER :404.271.1001
   ZONING :R-75 TO C-2
   LOCATION :2300 BLOCK OF BEAVER RUIN ROAD
   MAP NUMBERS :R6226 006
   ACREAGE :0.79 ACRE
   PROPOSED DEVELOPMENT :AUTOMOBILE SERVICE (REDUCTION IN BUFFERS)
   SQUARE FEET :1,600 SQUARE FEET
   COMMISSION DISTRICT :(2) HOWARD
   DEPARTMENT RECOMMENDATION :**DENIAL**

2. CASE NUMBER :**SUP2011-00014**
   APPLICANT :IMAD YOUMARAN
   CONTACT :IMAD YOUMARAN
   PHONE NUMBER :404.271.1001
   ZONING :C-2 (PROPOSED)
   LOCATION :2300 BLOCK OF BEAVER RUIN ROAD
   MAP NUMBERS :R6226 006
   ACREAGE :0.79 ACRE
   PROPOSED DEVELOPMENT :AUTOMOBILE SERVICE
   SQUARE FEET :1,600 SQUARE FEET
   COMMISSION DISTRICT :(2) HOWARD
   DEPARTMENT RECOMMENDATION :**DENIAL**

3. CASE NUMBER :**RZC2011-00006**
   APPLICANT :WILLIAM C. SCHROEDER
   CONTACT :WILLIAM C. SCHROEDER
   PHONE NUMBER :678.205.1330
   ZONING :O-I TO C-2
   LOCATION :1400 BLOCK OF SATELLITE BOULEVARD
   MAP NUMBERS :R7155 518
   ACREAGE :17.01 ACRES
   PROPOSED DEVELOPMENT :COMMERCIAL RETAIL USES
   SQUARE FEET :59,500 SQUARE FEET
   COMMISSION DISTRICT :(1) LASSETER
   DEPARTMENT RECOMMENDATION :**DENIAL**

4. CASE NUMBER :**RZC2011-00007 (WITHDRAWN)**

5. CASE NUMBER :**RZC2011-00008**
   APPLICANT :NADEEM RAZA
   CONTACT :MIRZA BAIG
   PHONE NUMBER :678.851.1623
   ZONING :R-100 TO M-1
   LOCATION :0-100 BLOCK OF OLD PEACHTREE ROAD
   MAP NUMBERS :R7151 003
   ACREAGE :1.68 ACRES
   PROPOSED DEVELOPMENT :OFFICE WAREHOUSE (REDUCTION IN BUFFERS)
   SQUARE FEET :7,000 SQUARE FEET
   COMMISSION DISTRICT :(1) LASSETER
   DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

6. CASE NUMBER :**RZC2011-00009**
   APPLICANT :BRIGHT-MEYERS 2001 LLC
   CONTACT :MATT SASSER
   PHONE NUMBER :404.446.0225
   ZONING :RM TO C-2
   LOCATION :3300 BLOCK OF HOLCOMB BRIDGE ROAD
   :7100 BLOCK OF JIMMY CARTER BOULEVARD
   MAP NUMBERS :R6274 004
   ACREAGE :21.31 ACRES
   PROPOSED DEVELOPMENT :COMMERCIAL RETAIL USES
   SQUARE FEET :182,887 SQUARE FEET
   COMMISSION DISTRICT :(2) HOWARD
   DEPARTMENT RECOMMENDATION :**DENIAL**

D. AUDIENCE COMMENTS

E. COMMITTEE REPORTS

F. COMMENTS BY STAFF AND PLANNING COMMISSION

G. ADJOURNMENT

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

CASE NUMBER	:**RZC2011-00005**
ZONING CHANGE	:R-75 TO C-2
LOCATION	:2300 BLOCK OF BEAVER RUIN ROAD
MAP NUMBER	:R6226 006
ACREAGE	:0.79 ACRE
PROPOSED DEVELOPMENT	:AUTOMOBILE SERVICE (REDUCTION IN BUFFERS)
SQUARE FEET	:1,600 SQUARE FEET
COMMISSION DISTRICT	:(2) HOWARD

CASE NUMBER	:**SUP2011-00014**
ZONING CHANGE	:C-2 (PROPOSED)
LOCATION	:2300 BLOCK OF BEAVER RUIN ROAD
MAP NUMBER	:R6226 006
ACREAGE	:0.79 ACRE
PROPOSED DEVELOPMENT	:AUTOMOBILE SERVICE
SQUARE FEET	:1,600 SQUARE FEET
COMMISSION DISTRICT	:(2) HOWARD

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

APPLICANT: IMAD YOUMARAN
6421 BOYETT DRIVE
NORCROSS, GA 30093

CONTACT: IMAD YOUMARAN PHONE: 404.271.1001

OWNER: IMAD YOUMARAN
6421 BOYETT DRIVE
NORCROSS, GA 30093

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests rezoning of 0.79 acre property from R-75 (Single Family Residence District) to C-2 (General Business District) and a Special Use Permit for the construction of an automobile service facility. The property is located on the northeast side of Beaver Ruin Road between Bailey Drive and East Hill Way. The site is wooded and undeveloped, and a Georgia Power Company transmission line easement adjoins the property.

The Department notes that the subject property shares a driveway with an adjoining residential recreation area located to the northeast. This recreation area includes tennis courts and a swimming pool, but appears to have been abandoned.

The site plan indicates a proposes a 1,600 square foot building that would be located to the rear of the property, approximately 50 feet from an adjoining residence in the East Hill subdivision. There are no buffers, landscape strips or parking areas depicted on the site plan. The applicant's letter of intent indicates that the building would be temporary and that parking areas would be gravel, located 50 feet from Beaver Ruin Road. A buffer reduction would be necessary to develop the site as proposed along with a variance for gravel parking.

ZONING HISTORY:

The property has been zoned R-75 since 1970.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

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

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 Collection 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 Beaver Ruin Road.

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

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

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.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Beaver Ruin Road is a State Route and Georgia D.O.T. right-of-way requirements govern.

Coordinate with the Georgia D.O.T. regarding access to Beaver Ruin Road.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Must connect to sanitary sewer if available to the 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 topography and soils transposed onto plat.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 30-inch water main located on the northern right-of-way of Beaver Ruin Road, and a 6-inch water main located on the northern right-of-way of Beaver Ruin Road at the western tip of 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 150 feet west of the property.

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.

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

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject site is a 0.79 acre property located on the northeast side of Beaver Ruin Road between Bailey Drive and East Hill Way. The site is wooded and undeveloped, and a Georgia Power Company transmission line easement adjoins the southeast property line. The property is a long narrow wooded parcel that extends approximately 460 feet from the roadway.

The 2030 Unified Plan Future Development Map indicates this property lies within an Existing/ Emerging Suburban Character Area. The requested commercial zoning may not be consistent with policies for this character area, which discourage spot commercial zoning. The 2030 Plan notes that commercial uses within Existing/Emerging Suburban Character Areas should be situated at appropriate intersections, buffered from residential uses. Although there are commercial uses located on Beaver Ruin Road, the subject location is surrounded by residential uses and is not located at an appropriate commercial intersection.

The surrounding area is developed with a mix of land uses along Beaver Ruin Road including office and commercial uses and a mix of single-family dwellings and multi-family apartments. The subject site is surrounded by single-family dwellings and a neighborhood recreation area associated with the Edgemore and East Hill single family subdivisions. Although there are non-residential uses fronting Beaver Ruin Road, the subject site is surrounded by residential zoning and uses, and rezoning the property to C-2 for automobile repair may not be compatible with adjoining single-family dwellings.

In conclusion, the requested rezoning and proposed automobile service facility may not be consistent with the Unified Plan or compatible with adjacent residential uses. Therefore, the Department of Planning and Development recommends **DENIAL.**

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Approval as O-I for professional office use, subject to the following enumerated conditions:

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

   A. Limited to professional office and accessory uses.

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

   C. The building shall be constructed at the front building line and oriented to Beaver Ruin Road.

2. To satisfy the following site development considerations:

   A. Provide a 50-foot wide natural undisturbed buffer adjacent to the rear property line. The buffer shall be enhanced where sparsely vegetated.

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

   C. Provide a 10-foot wide landscaped buffer adjacent to the side property lines. Final landscape buffer plans shall be subject to review and approval by the Director of Planning and Development.

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

   E. Neon, LED or blinking window or wall signs shall be prohibited.

   F. Billboards or oversized signs shall be prohibited.

   G. 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 p.m.

   H. Ground signage shall be limited to a monument type sign with a minimum two-foot high brick or stacked stone base. The ground sign shall not exceed six feet in height.

   I. 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.

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

K. Peddlers and/or parking lot sales are prohibited.

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

M. PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

Although there are commercial zoning and uses along Beaver Ruin Road, the proposed rezoning for an automobile repair facility may not be suitable at this location in light of the adjacent residential uses.

ADVERSE IMPACTS

The proposed auto repair center may have adverse impacts on nearby properties from a potential increase in noise and lighting associated with such uses.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Additional impacts on public facilities in the form of storm water run-off and traffic could be anticipated from this request.

CONFORMITY WITH POLICIES

The request is not consistent with policies of the Unified Plan, which discourages commercial developments that are not located at appropriate intersections and properly buffered from adjacent residential uses.

CONDITIONS AFFECTING ZONING

The property is a long narrow parcel that is approximately 80 feet wide and 460 feet deep. As such, the parcel extends into the residential community and may not be appropriate for commercial use.

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:
Yes, the Permit will allow more businesses & serve the surrounding without impacting the area.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
No, the Rezoning will help the economy & increase the job opportunity & will not affect the Nearby property.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
NO, the best economic use is commertial. the property is the perfect location for a business unlike a house located on the main street in the middle of the traffic.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:
NO, the property will contain a small bussiness that will lead a very small traffic to it without affecting, using the existing road that passes throu the property already.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
Yes, the property is the perfect location for Commertial & it's not good for residential it must be Commertial & it's the best economic use for it.

(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:
No, there will be a minor work to place a building & the approval will benefit the economy & all parties. It will not affect the property.

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RZC2011-00005

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 area in all direction is borded by radway that support this quind of business, it will not impact the surrounding area.

(B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
No, the special use Permit will not impact the adjacent properties, it will be suitable & will serve the surrounding.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
No, the best economic use is commertial because this property is not good for homes, it's the benfitial personnel & Government to be commertial

(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, it's a small property that will get a small traffic & will not impact any of the traffic System or schools

(E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
Yes it's the best fit for "Commertial" & no good for Residential. The perfect use is Commertial & Commertial is the best economic use.

(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, no changing in conditions will happen. Rezoning will lead to cut few trees & minor grading to place a building (typical building)

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SUP2011-00014

Letter Of Intent.

The buffer Zone should be reduced & land shall be cleared & paved (Only aggregate placed or leveled with compacted GAB).

The temporary building shall be placed about 40 feet away from the property located on the east side.

The building is to be placed in the middle of the property (40 feet away from the eastern property).

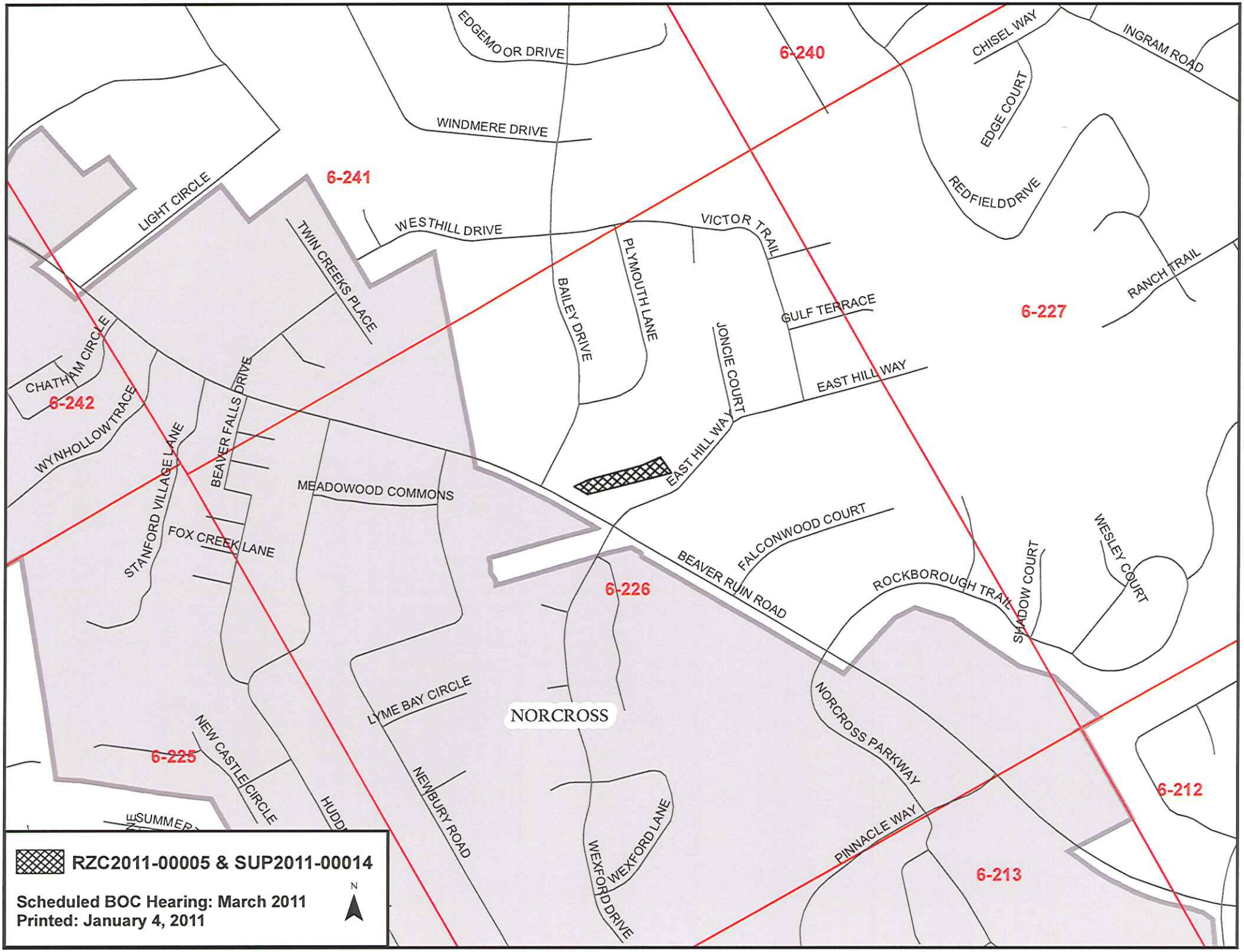
The property will be fenced from the back (east) to devide the land from the eastern property (Not to bother the residents).

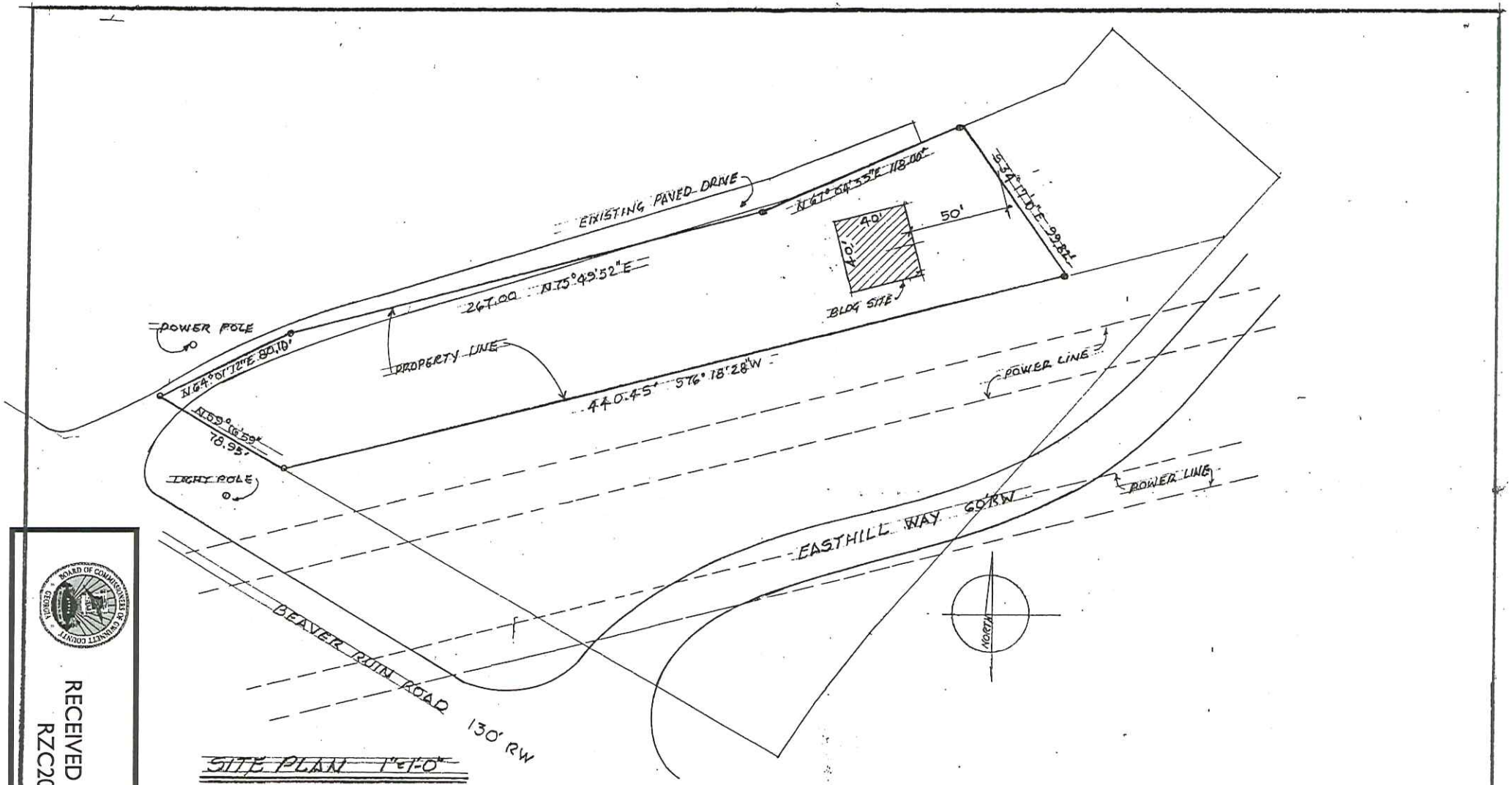
The parking lot should be placed about 50 feet away from the main road (Beaver Ruin Rd) west of the property to accomodate about 40 cars (40 parking spaces or more).

The "Entrance" to the property already exists, there is no need for construction or traffic delay to construct an entrance to the site; the paved road is partially placed on the property (the paved road that leads to "ATLANTA Recreation LLC" located on "NE" side of the property).

The building is to be ~~per~~ permanent about [illegible]

BOARD OF COMMISSIONERS OF GWINNETT COUNTY GEORGIA
RECEIVED 12-28-10
RZC2011-00005


EDGEMOOR DRIVE
WINDMERE DRIVE
6-240
CHISEL WAY
INGRAM ROAD
EDGE COURT
REDFIELDDRIVE
6-241
LIGHT CIRCLE
WESTHILL DRIVE
VICTOR TRAIL
TWIN CREEKS PLACE
BAILEY DRIVE
PLYMOUTH LANE
GULF TERRACE
RANCH TRAIL
6-227
JONCIE COURT
EAST HILL WAY
EAST HILL WAY
CHATHAM CIRCLE
6-242
WYNHOLLOWTRACE
BEAVER FALLS DRIVE
STANFORD VILLAGE LANE
MEADOWOOD COMMONS
FOX CREEK LANE
FALCONWOOD COURT
BEAVER RUIN ROAD
ROCKBOROUGH TRAIL
SHADOW COURT
WESLEY COURT
6-226
LYME BAY CIRCLE
NORCROSS
NORCROSS PARKWAY
NEW CASTLE CIRCLE
6-225
NEWBURY ROAD
WEXFORD LANE
WEXFORD DRIVE
PINNACLE WAY
6-212
6-213
RZC2011-00005 & SUP2011-00014
Scheduled BOC Hearing: March 2011
Printed: January 4, 2011
N

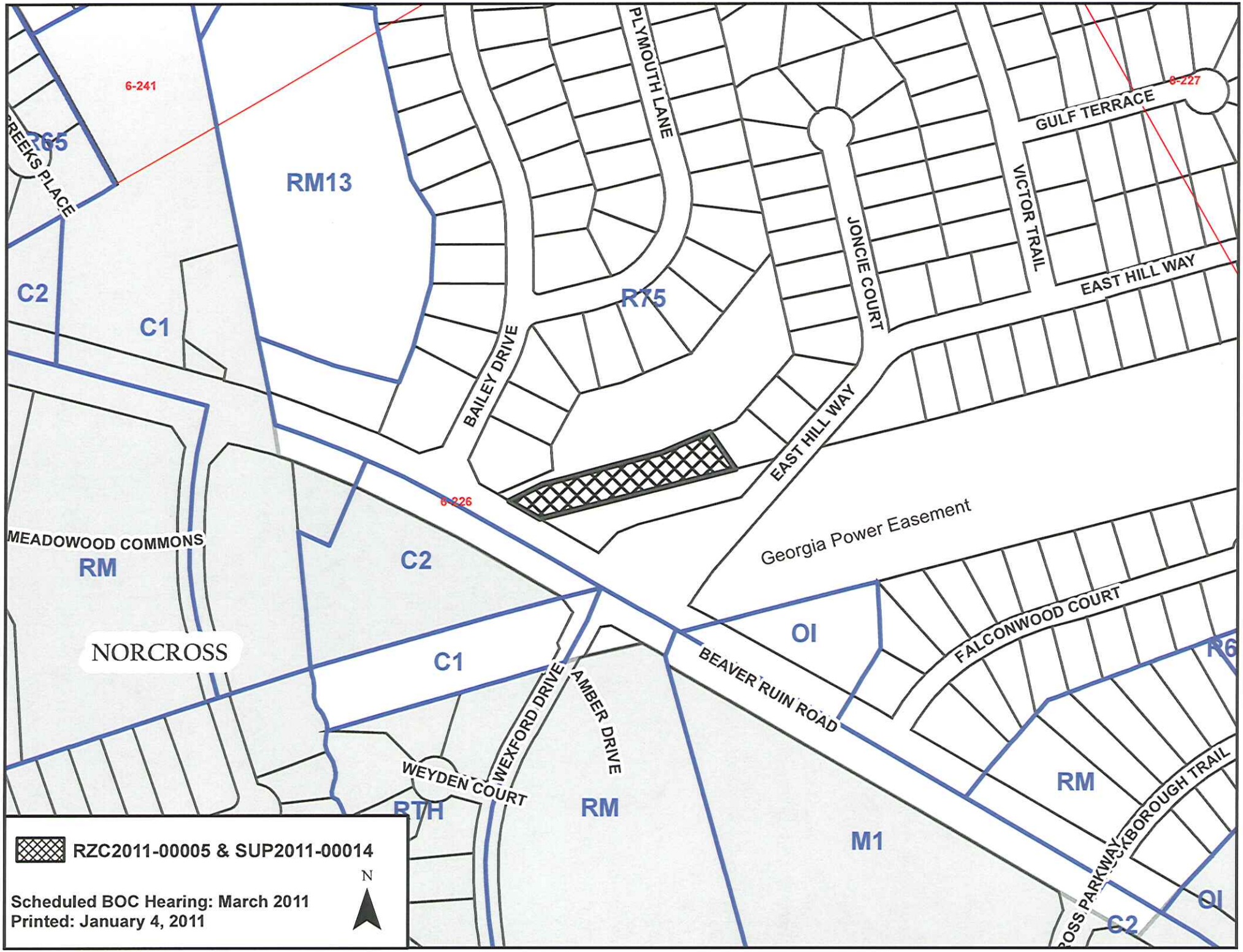


SITE PLAN 1"=1'-0"

LAND LOT 226 6TH DISTRICT
GWINNETT COUNTY, GEORGIA

PROPOSED BY
IMAD TOUMARAN

RECEIVED 12-28-10
RZC2011-00005


6-241
6-227
6-226
GULF TERRACE
PLYMOUTH LANE
VICTOR TRAIL
JONCIE COURT
EAST HILL WAY
BAILEY DRIVE
EAST HILL WAY
RM13
R75
C2
C1
C65
MEADOWOOD COMMONS
RM
C2
Georgia Power Easement
NORCROSS
C1
OI
FALCONWOOD COURT
BEAVER RUIN ROAD
WEXFORD DRIVE
AMBER DRIVE
WEYDEN COURT
RTH
RM
M1
RM
OI
C2
RZC2011-00005 & SUP2011-00014
N
Scheduled BOC Hearing: March 2011
Printed: January 4, 2011

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER	:**RZC2011-00006**
ZONING CHANGE	:O-I TO C-2
LOCATION	:1400 BLOCK OF SATELLITE BOULEVARD
MAP NUMBER	:R7155 518
ACREAGE	:17.01 ACRES
PROPOSED DEVELOPMENT	:COMMERCIAL RETAIL USES
SQUARE FEET	:59,500 SQUARE FEET
COMMISSION DISTRICT	:(1) LASSETER

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: WILLIAM C. SCHROEDER
3180 NORTH POINT PARKWAY, SUITE 105
ALPHARETTA, GA 30005

CONTACT: WILLIAM C. SCHROEDER PHONE: 678.205.1330

OWNER: THE GATES AT SUGARLOAF, LLC
1325 SATELLITE BOULEVARD, SUITE 1504
SUWANEE, GA 30024

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests the rezoning of a 17.01-acre parcel from O-I (Office-Institutional District) to C-2 (General Business District) for the construction of commercial/retail buildings and additional retail outparcels. The subject property is located on the northwest side of Satellite Boulevard, north of its intersection with Old Peachtree Road. The property is located within the Civic Center Overlay District, and the development is subject to the requirements of the Activity Center/Corridor Overlay District.

The site plan proposes two buildings totaling 59,500 square feet of commercial space, four retail outparcels, associated driveways and parking. The applicant's letter of intent indicates that the property would be developed with retail space and restaurants. Access would be provided via two entrances onto Satellite Boulevard. The site plan does not indicate the proposed number of parking spaces; however, a total of 119 parking spaces would be required to meet minimum parking standards.

There are no buffers labeled on the site plan, however, the proposed improvements appear to be set back approximately 100 feet from residentially-zoned properties to the north and west.

ZONING HISTORY:

In 1970, the subject property was zoned R-100 (Single Family Residence District). In 1984, the property was rezoned to M-1 (Light Industry District), pursuant to RZ-71-84. The property was rezoned to O-I in 1998, with a Special Use Permit for a building height increase, pursuant to RZ-98-005 and SUP-98-004. In 2005, a Change-in-Conditions application was approved to allow detention ponds to encroach into the required buffer, pursuant to CIC-05-018.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

The subject property contains potential wetlands or floodplain 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, the U.S. Army Corps of Engineers (regarding wetlands), or FEMA (regarding floodplains) for construction or land disturbance activities, which may impact these areas.

DEPARTMENT OF COMMUNITY SERVICES COMMENTS:

This site is included in the Pedestrian and Bicycle Access Plan for Huntcrest West, dated May 17, 2005. The plan requires a ten-foot wide multi-use trail along the length of the project frontage on the west side of Satellite Boulevard. Portions of the trail have already been built and the continuation of the trail is recommended.

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 to 500 square feet for retail.

One space per 75 to 150 square feet for freestanding restaurants.

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 Collection 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.

Section 1.5.1.c of the Floodplain Management Ordinance requires that the lowers floor including the basement, of all non-residential building 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.

A final plat to subdivide the property will be required.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Satellite Boulevard is a Major Arterial and 50 feet of right-of-way is required from the centerline, with 60 feet required within 500 feet of a major intersection.

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

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

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Contact GCEHD concerning food service establishments planned for the project.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the southern right-of-way of Satellite Boulevard.

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 on the property.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

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

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

2. 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 17.01-acre parcel, located on northwest side of Satellite Boulevard, north of its intersection with Old Peachtree Road. The property is currently wooded and undeveloped.

The 2030 Unified Plan Future Development Map indicates the site is located within a Preferred Office Character Area. Encouraged uses within this character area include office uses and

mixed use developments, while discourage uses include large freestanding commercial/retail development. Rezoning the property from O-I to C-2 may not be consistent with the policies of the Unified Plan; which discourage commercial/retail uses within the Preferred Office Character Area.

The surrounding area is characterized by the established commercial intersection of Satellite Boulevard and Old Peachtree Road, with office uses and zoning extending northward along Satellite Boulevard. Residential uses, including Savannah Square subdivision, lie to the northwest, adjacent to these non-residential uses. Located to the south, across Satellite Boulevard is the Home Depot retail center and the Goddard School child daycare, both properties being zoned C-2. Immediately to the northeast of the subject site is an undeveloped O-I zoned parcel within the Gates at Sugarloaf development. Immediately to the southwest is an undeveloped C-2 zoned parcel. The subject property abuts the residentially-zoned Park Grove at Olde Savannah Square subdivision along the northern property lines. The current zoning on the subject property requires a 100 foot buffer adjacent to this development (a 50-foot wide natural buffer, supplemented by an additional 50-foot wide enhanced buffer). The existing O-I zoning of the property was designed to provide a transition between the commercial node and outlying residential developments. Therefore, the requested rezoning from O-I to C-2 may not be appropriate at this location.

In conclusion, the proposed rezoning to C-2 may not be consistent with the recommendations of the Unified Plan, adjacent zoning districts or existing land uses in the area. Rezoning the site to C-2 may also set a precedent for similar requests northward along Satellite Boulevard in the future. Therefore, the Department of Planning and Development recommends **DENIAL** of this 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 as C-2 (General Business District) for a depth of 300 feet from the Satellite Boulevard right-of-way, subject to the following enumerated conditions:

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

   A. Retail, service-commercial, office and accessory uses for a depth of 300 feet from the Satellite Boulevard right-of-way. The following uses shall be prohibited:
      - adult bookstores or entertainment
      - automotive parts stores
      - contractors offices
      - convenience stores with or without fuel pumps
      - drive-thru fast-food restaurants
      - emission inspection stations
      - equipment rental
      - extended stay hotels or motels
      - recovered materials processing facilities
      - smoke shops/novelty stores
      - taxidermists
      - yard trimmings composting facilities

      The balance of the property shall remain O-I, subject to the conditions of CIC-05-018.

   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 satisfy the following site development considerations:

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

   B. Provide a five-foot wide landscaped strip adjacent to all internal property lines.

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

D. Ground signage shall be limited to monument type sign(s) with a minimum two-foot high brick or stacked stone base.

E. 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.

F. Billboards or oversized signs shall be prohibited.

G. Outdoor storage shall be prohibited.

H. Outdoor loudspeakers shall be prohibited, other than a low-volume system associated with outdoor dining/patios.

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

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

K. Peddlers and/or parking lot sales are prohibited.

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

3. To abide by the following requirements, dedications and improvements:

A. Provide a ten-foot wide multi-use trail across the property frontage as shown in the Pedestrian and Bicycle Access Plan for Huntcrest West dated May 17, 2005. Construct the trail to connect to existing sidewalk/trail on Satellite Boulevard south of the property line. Trail location and design shall be subject to review and approval of the Department of Community Services.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested increased intensity of the commercial zoning may not be suitable at this location given the established transitional office zoning and adjacent residential uses in the surrounding area.

ADVERSE IMPACTS

Adverse impacts on adjacent residences by introducing potentially higher intensity land uses could be anticipated.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

The proposed development on the site could be anticipated to increase traffic, utilities demand and storm-water runoff.

CONFORMITY WITH POLICIES

The requested C-2 zoning may not be consistent with recommendations of the Unified Plan, and approval of this request could also establish a precedent for higher intensity zoning of other nearby properties.

CONDITIONS AFFECTING ZONING

The existing O-I zoning was established to provide a transition between commercial and residential uses. There have been no changes in the zoning or development pattern of the area which would support changing the zoning to C-2 at this time.

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.

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

See attached.

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

See Attached.

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

See attached.

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

See attached.

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

See attached.

RECEIVED 1-03-11
RZC2011-00006

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

Two of the four sides have C-2 zoning with a Home Depot across the street. One side of the property is O & I and the other is residential but with a 100' buffer. Property is 300' from the intersection.

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

Will not adversely affect the area but instead help the area. Currently zoned for 5 story office buildings and if built would hurt the value of the homes in the rear. Retail or office on the other three sides of the property so no effect on use.

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

No one is purchasing or building office buildings. Market overflowing with space in this area but lacks sit down restaurants and retail space.

(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:

320,000 square feet of office space would have a lot of drivers and traffic in the morning and evening rush hours. With all the exiting traffic and offices in the area this would only add to rush hour congestion. With retail and restaurants traffic would be afternoon and evenings, helping the existing traffic congestion. No extra burden on schools and utilities. There is a planned traffic light to access the site.

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

With the need for sit down restaurants in the area to service all the office space and the retail around the site this would be the highest and best use for 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 REZONING:

Scarce restaurants and retail in the area. This rezoning would benefit the office personnel, attendees of Gwinnett Civic Center, and homeowners for easier shopping. This would help the Gwinnett tax base. Also, create job growth in the area and all would be a positive for the area and residents.

RECEIVED 1-03-11
RZC2011-00006

LETTER OF INTENT:

My intent is to put retail and sit down restaurants as the economy improves. Rezoning to C-2 opens up more possibilities. Having an office in the area, the lack of good eating establishments and retail has made me aware of the need.

RECEIVED 1-03-11
RZC2011-00006

CASE NUMBER CIC-05-018

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

On motion of COMM. GREEN, 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 O-I to O-I (CHANGE IN CONDITIONS) by WILLIAM SCHROEDER for the proposed use of BUFFER REDUCTION FOR DETENTION POND 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 NOVEMBER 22, 2005 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 22ND day of NOVEMBER, 2005, that the aforesaid application to amend the Official Zoning Map from O-I to O-I (CHANGE IN CONDITIONS) is hereby APPROVED subject to the following enumerated conditions:

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

   A. Office and accessory uses not to exceed 710,000 square feet gross floor area or a density of 16,250 square feet per acre zoned.

   B. As shown on the Master Plan of the Old Peachtree Road Tract West Side prepared by Hughes, Good, O'Leary & Ryan and dated October 2, 1997 (last revised January 9, 1998), building "N" and "O" shall be limited to no more than 3 stories in height. Buildings "L" and "M" shall not exceed 5 stories in height.

2. To satisfy the following site development considerations:

   A. Provide a 50-foot wide natural buffer, undisturbed except for approved perpendicular access and utility crossings and replantings where sparsely vegetated, adjacent to residentially zoned property. Natural buffer shall be supplemented by an additional 50-foot wide enhanced buffer.

B. Buildings shall be finished with architectural treatments of glass, brick, stone, or stucco; or architectural pre-case concrete, subject to the review and approval of the Director of Planning and Development.

C. All development under consideration (RZ-98-002 through RZ-98-012 and SUP-98-001 through SUP-98-008) shall conform to a unified development design plan to be incorporated into recorded covenants governing the overall development. This plan shall govern architectural design and exterior finish materials, signage and landscaping, and shall be submitted for review and approval of the Director of Planning and Development prior to the issuance of a development permit on any part of the project.

D. All ground signage shall be limited to monument-type design.

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

F. Provide ten-foot wide landscaped strips outside the dedicated rights-of-way of all road frontages.

G. Provide five-foot wide landscaped strips adjacent to all internal property lines.

H. No billboard shall be permitted.

I. No outdoor storage shall be allowed.

J. Provide interparcel access throughout the development, and as required by the Development Division.

K. Dumpsters shall be screened by a fence or wall.

L. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property.

M. Maintain and upgrade the existing lakes on the property as shown on the Master Plan of the Old Peachtree Road Tract West Side prepared by Hughes, Good, O'Leary & Ryan and dated October 2, 1997 (last revised January 9, 1998).

N. A detention pond may be constructed in the enhanced portion of the buffer on the far northeast quadrant of the property in general accordance with the submitted site plan received August 8,2005, showing the eastern section of the property, with the following change: The detention pond shall be allowed to encroach into the 50-foot enhanced buffer no more than 40-feet in depth. The remaining 10-feet shall be re-graded and replanted with two staggered rows of evergreen trees every 15-feet on center and 8-10-feet in height at the time of installation. The rows shall be spaced at least 8-feet apart and planted the entire length of the detention pond encroachment.

O. A detention pond may be constructed in the enhanced portion of the buffer on the southwest portion of the eastern section of the property in general accordance with the submitted site plan received August 8, 2005 with the following change: The detention pond shall be allowed to encroach into the 50-foot enhanced buffer no more than 25-feet in depth. The remaining 25-feet shall be re-graded and replanted with 3 staggered rows of evergreen trees every 15-feet on center and 8-10-feet in height at the time of installation. The rows shall be spaced at least 8-feet apart and planted the entire length of the detention pond encroachment.

P. Tree save areas in the remaining 50-foot enhanced buffer as noted on the site plan received August 8, 2005, shall be clearly marked for preservation prior to grading. The balance of the entire 50-foot enhanced buffer shall be re-graded and replanted with four staggered rows of evergreen trees every 15-feet on center and 8-10-feet in height at the time of installation.

Q. The evergreen trees in items 2.N., 2.O. and 2.P. shall consist of an equal distribution of Cryptomeria, Southern Magnolias, Wax Myrtles and Tree Form Hollies. The entire re-graded buffer shall be treated with a seasonal hydroseed mixture that is designed for low maintenance and will survive in the shady conditions of the newly planted buffer to ensure stability of the soil.

3. To abide by the following requirements, dedications and improvements:

A. Dedicate, at no cost to Gwinnett County or the State of Georgia, the following:

1. 50-feet of right-of-way from the centerline of Old Peachtree Road and Satellite Boulevard, and 60-feet from centerline within 500 feet of an intersection.

B. Reserve right-of-way and easements for the proposed I-85 collector-distributor system, including the interchange reconfiguration at Old Peachtree Road and I-85 as per the proposed plans on file with the Georgia Department of Transportation.

C. The number, location and design of all entrances/exits shall be subject to the review and approval of the Gwinnett County Department of Transportation.

D. Contribute 100% of the cost of signalization at the following intersections: project entrance on Old Peachtree Road opposite Old Satellite Boulevard, Wildwood Road/Satellite Boulevard, and for project entrances along Satellite Boulevard, as required by the Gwinnett Department of Transportation. Each intersection shall be limited to an amount not to exceed $60,000.

E. Provide, at a minimum, five-foot wide sidewalks per specifications of the Gwinnett County Development Regulations along both sides of Satellite Boulevard and all internal roads.

F. Provide a pedestrian and bicycle access plan, covering the entire project, for the review and approval of the Department of Planning and Development prior to the issuance of a development permit on the site.

G. Design of the project shall incorporate designated bus/van drop-off and pick-up locations and electric recharging facilities for alternative-fueled vehicles. Final design and location of these facilities shall be subject to review and approval of the Planning and Development Department.

H. If a property owners association is established for the purpose of landscape planting and maintenance of the median along Satellite Boulevard adjacent to the Huntcrest development, applicant shall participate to a reasonable financial extent commensurate with their percentage of the total acreage within the Huntcrest development from Old Peachtree Road to the Shawnee Ridge Development.

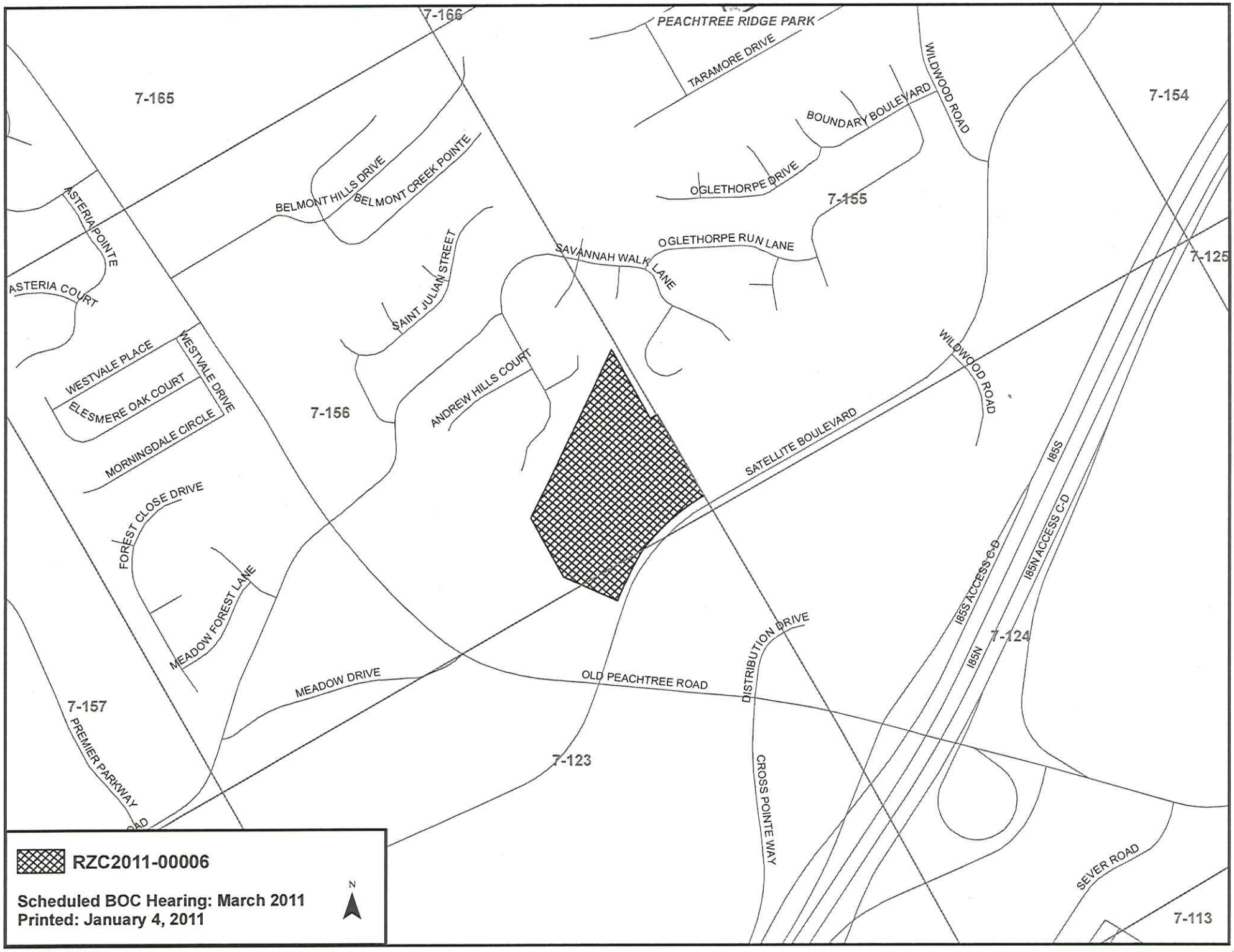
GWINNETT COUNTY BOARD OF COMMISSIONERS

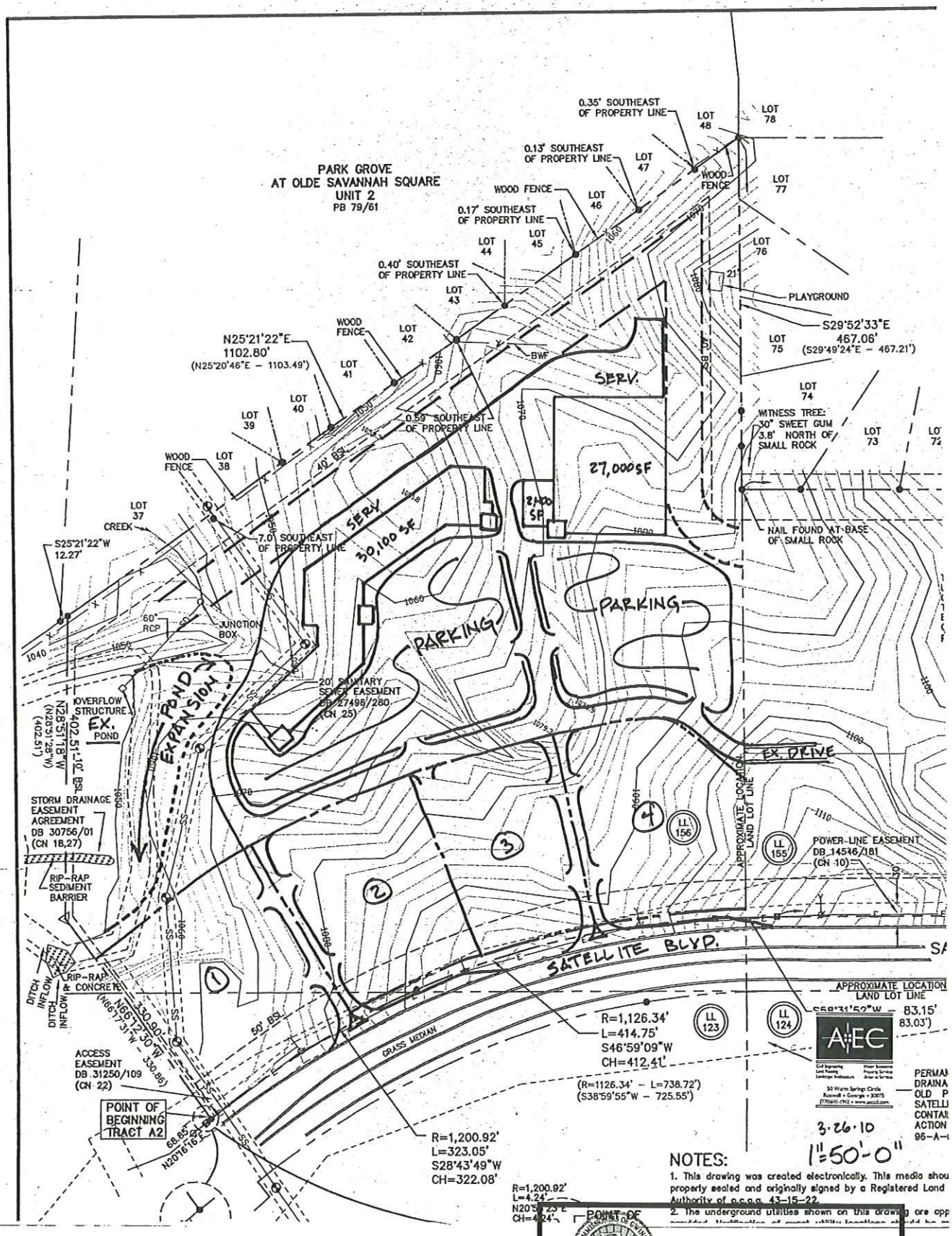
By: _____
Charles E. Bannister, Chairman

Date Signed: Dec. 16, 2005

ATTEST:

_____
County Clerk/Deputy County Clerk


7-166
PEACHTREE RIDGE PARK
TARAMORE DRIVE
WILDWOOD ROAD
7-165
7-154
BOUNDARY BOULEVARD
OGLETHORPE DRIVE
7-155
BELMONT HILLS DRIVE
BELMONT CREEK POINTE
ASTERIA POINTE
ASTERIA COURT
SAINT JULIAN STREET
SAVANNAH WALK LANE
OGLETHORPE RUN LANE
7-125
WESTVALE PLACE
WESTVALE DRIVE
ELESMERE OAK COURT
MORNINGDALE CIRCLE
7-156
ANDREW HILLS COURT
WILDWOOD ROAD
SATELLITE BOULEVARD
FOREST CLOSE DRIVE
I85S
I85S ACCESS C-D
I85N ACCESS C-D
I85N
7-124
MEADOW FOREST LANE
DISTRIBUTION DRIVE
MEADOW DRIVE
OLD PEACHTREE ROAD
7-157
PREMIER PARKWAY
7-123
CROSS POINTE WAY
SEVER ROAD
7-113
RZC2011-00006
Scheduled BOC Hearing: March 2011
Printed: January 4, 2011
N


PARK GROVE
AT OLDE SAVANNAH SQUARE
UNIT 2
PB 79/61
0.35' SOUTHEAST OF PROPERTY LINE
0.13' SOUTHEAST OF PROPERTY LINE
0.17' SOUTHEAST OF PROPERTY LINE
0.40' SOUTHEAST OF PROPERTY LINE
0.59' SOUTHEAST OF PROPERTY LINE
7.0' SOUTHEAST OF PROPERTY LINE
WOOD FENCE
BWF
LOT 78
LOT 48
LOT 47
LOT 46
LOT 45
LOT 44
LOT 43
LOT 42
LOT 41
LOT 40
LOT 39
LOT 38
LOT 37
LOT 77
LOT 76
LOT 75
LOT 74
LOT 73
PLAYGROUND
N25°21'22"E
1102.80'
(N25°20'46"E – 1103.49')
S29°52'33"E
467.06'
(S29°49'24"E – 467.21')
WITNESS TREE:
30" SWEET GUM
3.8' NORTH OF
SMALL ROCK
NAIL FOUND AT BASE OF SMALL ROCK
SERV.
27,000SF
30,100 SF
PARKING
PARKING
EX. DRIVE
POND EXPANSION
EX. POND
OVERFLOW STRUCTURE
JUNCTION BOX
60" RCP
CREEK
S25°21'22"W
12.27'
20' SANITARY SEWER EASEMENT
DB 27496/280
(CN 25)
STORM DRAINAGE EASEMENT AGREEMENT
DB 30756/01
(CN 18,27)
RIP-RAP SEDIMENT BARRIER
RIP-RAP & CONCRETE
DITCH INFLOW
ACCESS EASEMENT
DB 31250/109
(CN 22)
POINT OF BEGINNING TRACT A2
N66°12'30"W
330.90'
(N66°13'31"W 330.86')
N20°16'16"E
68.65'
SATELLITE BLVD.
GRASS MEDIAN
50' BSL
40' BSL
R=1,126.34'
L=414.75'
S46°59'09"W
CH=412.41'
(R=1126.34' – L=738.72')
(S38°59'55"W – 725.55')
R=1,200.92'
L=323.05'
S28°43'49"W
CH=322.08'
R=1,200.92'
L=4.24'
N20°57'25"E
CH=4.24'
POINT OF
APPROXIMATE LOCATION LAND LOT LINE
APPROXIMATE LOCATION LAND LOT LINE
POWER-LINE EASEMENT
DB 14536/181
(CN 10)
LL 156
LL 155
LL 124
LL 123
S58°31'50"W – 83.15'
83.03')
A:EC
3·26·10
1"=50'-0"
NOTES:
1. This drawing was created electronically. This media shou
property sealed and originally signed by a Registered Land
Authority of o.c.g.a. 43-15-22.
2. The underground utilities shown on this drawing are opp
BOARD OF COMMISSIONERS OF GWINNETT COUNTY GEORGIA
RECEIVED 1-03-11
RZC2011-00006


BELMONT CREEK POINTE
R100CSO
STATE COURT
OLDE SAVANNAH COVE
OGLETHORPE RUN SQUARE
OGLETHORPE RUN LANE
SAVANNAH WALK BOULEVARD
R100
BLUFF COURT
SAVANNAH WALK COVE
R100
MACON COURT
SAINT JULIAN STREET
R60
7-155
100
FORSYTH PARK LANE
MEADOW CHURCH ROAD
SAVANNAH WALK LANE
KRISTEN COURT
PULASKI COURT
ANDREW HILLS COURT
OI
SATELLITE BOULEVARD
7-15
R100
C1
7-124
C2
OLD PEACHTREE ROAD
7-123
DISTRIBUTION DRIVE
POINTE WAY
I2
OI
M2
RZC2011-00006
N
Scheduled BOC Hearing: March 2011
Printed: January 4, 2011

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER	:**RZC2011-00008**
ZONING CHANGE	:R-100 TO M-1
LOCATION	:0-100 BLOCK OF OLD PEACHTREE ROAD
MAP NUMBER	:R7151 003
ACREAGE	:1.68 ACRES
PROPOSED DEVELOPMENT	:OFFICE WAREHOUSE (REDUCTION IN BUFFERS)
SQUARE FEET	:7,000 SQUARE FEET
COMMISSION DISTRICT	:(1) LASSETER

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: NADEEM RAZA
1808 BIRCH BRIAR BEND
LAWRENCEVILLE, GA 30043

CONTACT: MIRZA BAIG PHONE: 678.851.1623

OWNER: NADEEM RAZA
1808 BIRCH BRIAR BEND
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests the rezoning of a 1.68-acre parcel from R-100 (Single Family Residence District) to M-1 (Light Industry District) for the development of an office/warehouse facility. The subject property is located on Old Peachtree Road, between its intersections with Horizon Drive.

The submitted site plan proposes a 7,000 square foot office/warehouse building, along with associated parking and driveways. The applicant's letter of intent states that the property would be used for light industrial and/or office/warehouse uses. It is noted that the building is proposed to be a pre-engineered metal building.

Access to the building would be provided via two entrances along Old Peachtree Road. No detention has been proposed on the submitted site plan. As part of this request, the applicant proposes to eliminate the required 50-foot buffer adjacent to residential property to the east.

ZONING HISTORY:

The subject property has been zoned R-100 since 1970.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

Parking spaces shall be provided at a ratio of one space per 500-2,500 square feet for warehouse.

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 Collection 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 Old Peachtree Road.

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.

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 60 feet required within 500 feet of a major intersection.

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

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

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

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

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the southern 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 approximately 1,200 feet south of the property in the right-of-way of Horizon Drive.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

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

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

2. 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 1.68-acre tract located on the south side of Old Peachtree Road, between its intersections with Horizon Drive. The site is presently partially wooded and undeveloped.

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, however the proposed office activities could be consistent with the Preferred Office character area.

The subject property is surrounded by office/warehouse/distribution buildings along Old Peachtree Road and Horizon Drive, within both unincorporated Gwinnett County and the City of Suwanee. To the north, south and west are properties in the Horizon Business Park, and to the east is a vacant residence zoned R-100. The requested light industrial rezoning could be suitable in view of the predominately light industrial development in the area, and could be a logical extension of the surrounding M-1 zoning. With appropriate conditions including architectural, landscaping and signage controls, the proposed light industrial use could be compatible with the surrounding area.

In conclusion, the requested M-1 zoning could be consistent with office/warehouse development in the surrounding area, and could be considered compatible with recommendations of the Unified Plan. 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:

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

   A. Office, office/warehouse, light manufacturing and accessory uses.

   B. Buildings shall be finished with architectural treatments of glass and/or brick or stone. Architectural renderings shall be submitted for review and approval of the Director of Planning and Development prior to issuance of building permits.

   C. Outdoor storage of equipment or materials shall be screened from view on all sides by an opaque wood privacy fence.

2. To satisfy the following site development considerations:

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

   B. Provide ten-foot wide landscaped strips adjacent to all public rights-of-way.

   C. Ground signs shall be limited to monument type signs with a minimum two-foot high brick or stacked stone base matching the building(s). Ground sign(s) shall not exceed 10 feet in height.

   D. Dumpsters shall be screened by a 100% opaque masonry wall with an opaque metal gate enclosure.

   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 or rights-of-way.

   F. Billboards or oversized signs shall be prohibited.

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

   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 property is surrounded by office/warehouse buildings, and could function as a logical expansion of the existing industrial district.

ADVERSE IMPACTS

With the recommended conditions, no significant impacts would be anticipated 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 be considered compatible with policies within the 2030 Unified Plan Future Development Map, and the proposed development could serve as a logical extension of the business park which surrounds the property.

CONDITIONS AFFECTING ZONING

The subject property is one on only a few remaining residentially-zoned properties in the area. The vast majority of properties in the vicinity have been zoned and developed with office/warehouse buildings, suggesting the same could be suitable for the subject parcel.

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:

YES

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

NO

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

YES

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

NO

(E) WHETHER THE PROPOSED REZONING 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 REZONING:

NO

RECEIVED 1-07-11
RZC2011-00008

To,
The Board of Commissioners Of
Gwinnett County, Georgia.

Dec 28, 2010

Ref: 1.68 acres, Property Located in
Parcel ID: 7151 003 (Old Peachtree Road)
L.L. 151 7th Districts, Suwannee, Gwinnett County, Georgia.

Dear Board of Commissioners:

Our property 1.68 acres, with no buffer located in Parcel ID: 7151, L.L. 151 - 7th District, Old Peachtree Road, Suwannee, Gwinnett County, Georgia.

This property currently in residential zone and we like to apply for re-zoning to convert R-75 Zoning to M-1 Zoning.

So we can build office space with warehouse, with this application we attached copy of preliminary survey and Architecture design for future development.

A- Survey Zoning, Site Plan with the Recommended Site zoning regulations
Site plan with the Proposed Site zoning regulations
1- Boundary 2- Parking 3- Building 4- Entrance
5-Complete the unfinished boundary survey, 6-Provide complete topo

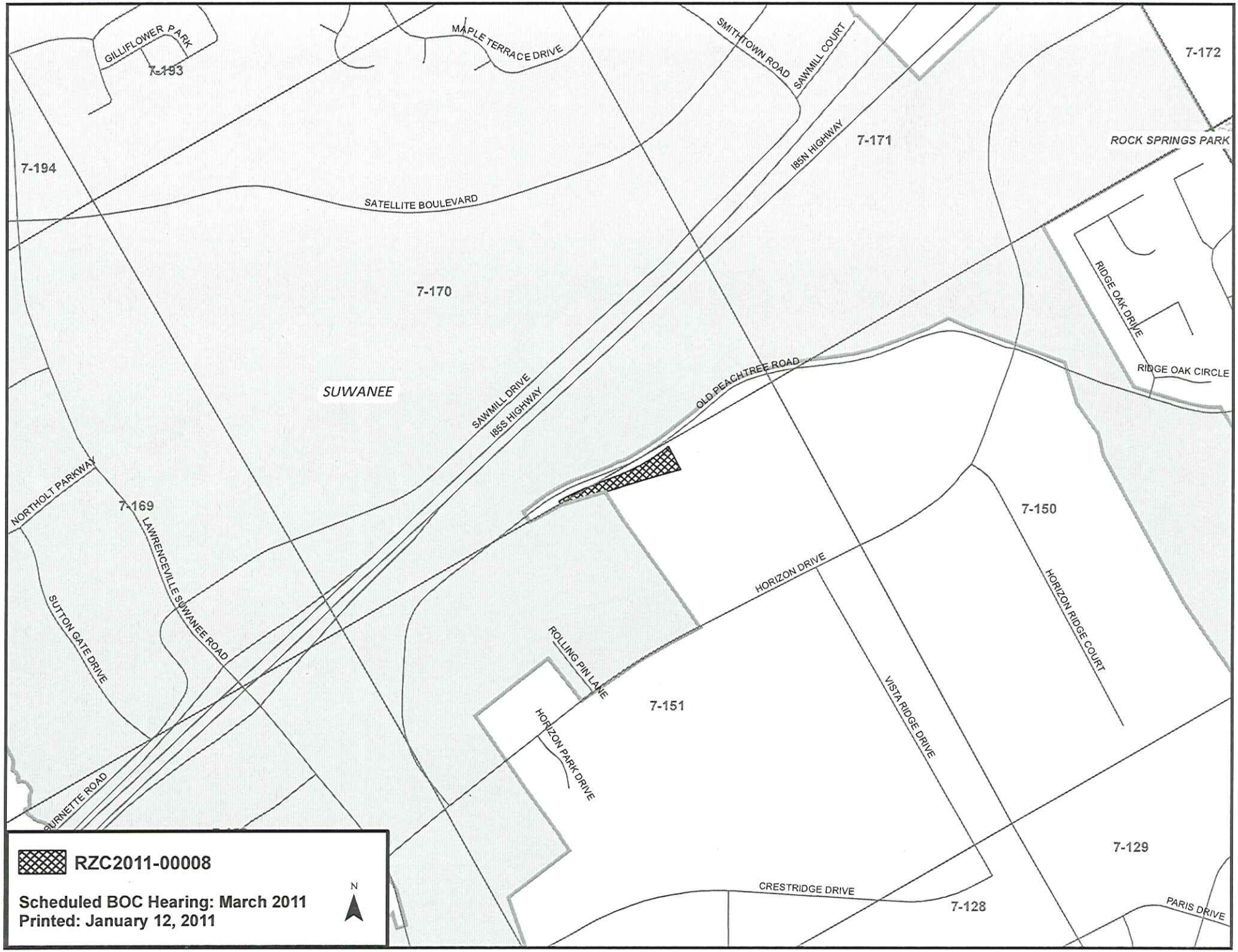
B- Attend Zoning Meetings if requested by the zoning layer in Gwinnett County

We are highly appreciates for your concern.
Thanks

Sincerely.

(OWNER):
M. Nadeem Raza / Asiya A. Agad
1808 Birch Briar Bend
Lawrenceville, GA. 30043

RECEIVED 1-07-11
RZC2011-00008


GILLIFLOWER PARK
7-193
MAPLE TERRACE DRIVE
SMITHTOWN ROAD
SAWMILL COURT
7-172
7-194
7-171
ROCK SPRINGS PARK
I85N HIGHWAY
SATELLITE BOULEVARD
7-170
RIDGE OAK DRIVE
RIDGE OAK CIRCLE
SUWANEE
SAWMILL DRIVE
I85S HIGHWAY
OLD PEACHTREE ROAD
NORTHOLT PARKWAY
7-169
LAWRENCEVILLE SUWANEE ROAD
7-150
SUTTON GATE DRIVE
HORIZON DRIVE
HORIZON RIDGE COURT
ROLLING PIN LANE
7-151
VISTA RIDGE DRIVE
HORIZON PARK DRIVE
BURNETTE ROAD
7-129
CRESTRIDGE DRIVE
7-128
PARIS DRIVE
RZC2011-00008
Scheduled BOC Hearing: March 2011
Printed: January 12, 2011
N

LEGEND

- PROPERTY LINE
- FENCE
- UNDERGROUND WATER
- UNDERGROUND TELEPHONE
- SANITARY SEWER
- OVERHEAD ELECTRIC
- UNDERGROUND GAS
- STORM LINE
- IRON PIN FOUND
- IRON PIN SET
- CATCH BASIN
- CATCH BASIN
- DROP INLET
- STORM MANHOLE
- FLUME
- MEASWALL
- JUNCTION BOX
- SANITARY MANHOLE
- CLEANOUT
- FIRE HYDRANT
- WATER VALVE
- WATER MANHOLE
- WATER METER
- GAS METER
- GAS VALVE
- GAS MANHOLE
- POWER POLE
- GUY WIRE
- R/P ROW OR FORMERLY
- R/W RIGHT-OF-WAY
- CLF CHAIN LINK FENCE
- SUPPORT POLE
- ELECTRIC BOX
- LIGHT POLE
- LIGHT YARD POLE
- ELECTRIC MANHOLE
- AIR CONDITION UNIT
- ELECTRIC METER
- TRAFFIC POLE
- TRAFFIC LIGHT
- TELEPHONE BOOTH
- TELEPHONE BOX
- TELEPHONE MANHOLE
- TELEPHONE POLE
- CABLE BOX
- CABLE MANHOLE
- FUEL MANHOLE
- SATELLITE DISH
- SIGN
- TREE
- PINE TREE
- HARD WOOD TREE
- BC BACK OF CURB
- EP EDGE OF PAVEMENT
- SBL SETBACK LINE

N

MAGNETIC

MAIN FLOOR FOR OFFICES TOTAL SQUAREFOOTAGE 4000
BASEMENT FLOOR LEVEL TOTAL SQUAREFOOTAGE 3000
TOTAL PARKING FOR 7,000 SQ.FT REQURED FOR OFFICE PARKING SPACE 20 SPACE AND FOR WAREHOUSE 6 PARKING SPACES TOTAL REQUIRED 26 SPACES
WE PROVIDE 29 PARKING SPACES AND 11 FUTURE PARKING

ZONING: R-100
FRONT YARD SETBACK = 35'
REAR YARD SETBACK = 40'
SIDE YARD SETBACK = 10'
CORNER FRONT SETBACK = 20'

SITE DATA

TOTAL SQ. FEET 73,113 S.F
TOTAL ACRES 1.68 ACRES

ZONING: R-100
FRONT YARD SETBACK = 35'
REAR YARD SETBACK = 40'
SIDE YARD SETBACK = 10'
CORNER FRONT SETBACK = 20'

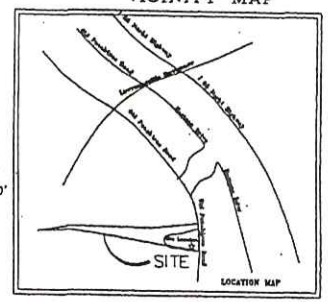
REFERENCES

A. PB. W PG. 59

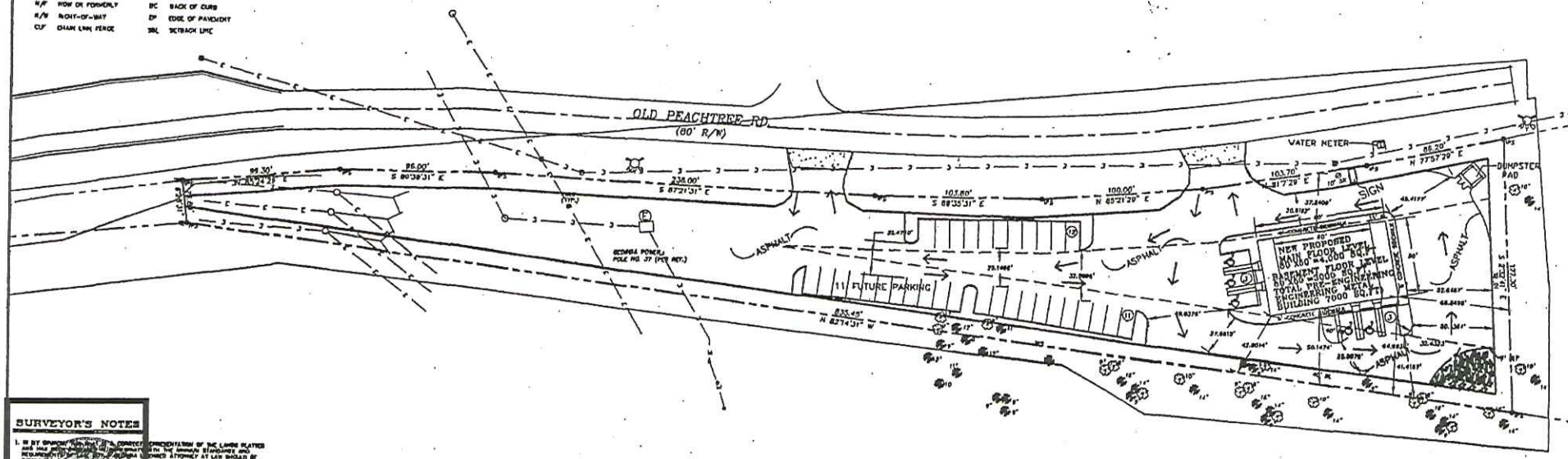
GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

VICINITY MAP



NOT TO SCALE



SURVEYOR'S NOTES

1. 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 LAW. AND SAID PLAT IS SUBJECT TO ANY AND ALL EASEMENTS AND/OR AGREEMENTS NOW OF RECORD, EVIDENCED BY DEED, PLAT OR OTHERWISE AFFECTING THE PROPERTY SHOWN HEREON. THE LOCATION OF EASEMENTS AND/OR AGREEMENTS NOT OF RECORD WAS NOT GIVEN TO THE SURVEYOR AT THE TIME OF THIS SURVEY, UNLESS OTHERWISE NOTED HEREON.
2. ALL [illegible] SHOWN HEREON.
3. THE [illegible] INTERSECTIONS EXIST AND ARE SHOWN HEREON.
4. NOT ALL [illegible] ARE SHOWN HEREON.
5. THE LOCATIONS AND DESCRIPTIONS OF UTILITIES SHOWN HEREON ARE BASED ON [illegible] AND/OR OTHER INFORMATION AS OBTAINED BY THE UTILITY COMPANIES CONTACTED. THAT USED, AND ARE APPROXIMATE ONLY. THE PROPERTY MAY CONTAIN UTILITIES NOT SHOWN HEREON MAY BE SHOWN BY UNDERGROUND UTILITIES SHOW. ARE NOT SHOWN HEREON. ALL UTILITY COMPANIES SHOULD BE CONTACTED BEFORE BEGINNING ANY DESIGN OR CONSTRUCTION.
6. THE DATE OF FIELD WORK FOR THIS SURVEY IS 3-10-2010.
7. THE SUBJECT PROPERTY SHOWN HEREON [illegible] IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 13135C0041F, EFFECTIVE DATE: 9/29/2006
8. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN [illegible] FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
9. THIS TRACT CONTAINS [illegible] ACRES (CALCULATED BY COORDINATE AND WAS FOUND TO HAVE A CLOSURE PRECISION ONE FOOT IN 100,000 FEET.
10. THE EQUIPMENT USED FOR THIS SURVEY: EPOCH 07S-303 TOTAL STATION.
11. THIS SURVEY WAS PERFORMED FOR THE EXCLUSIVE USE OF THE PERSONS, PERSONS, OR ENTITY NAMED HEREON, AND THAT PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, CORPORATION OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR MAKING SAME/PERSON, PERSONS OR ENTITY.
12. ANY [illegible] REFERENCE DOES NOT [illegible] ANY TACIT EXISTENCE OR NONEXISTENCE OF EASEMENTS OR ENCUMBRANCES AFFECTING THE SUBJECT TRACT OR PARCEL IN THE SURVEYED SITE.
13. THE ORIENTATION SHOWN HEREON ARE [illegible] INTENDED TO MEET THE GEORGIA PLAT ACT AND TECHNICAL STANDARDS OF THE OFFICIAL CODE OF GEORGIA CHAPTERS 180-1 THROUGH 180-10 AND ARE NOT A GUARANTEE AS TO THE ORIENTATION OF PROPERTY SHOWN. CURRENT ZONING PROVISIONS ARE ACCORDING TO CURRENT COUNTY RECORDS.

[GENERAL NOTES AND SPECIFICATIONS]

15. All silt barriers must be placed before any clearing. No grading shall be done until silt barrier installation is completed.
16. Silt retention to be placed as shown and/or as directed by inspector and/or county engineer.
17. Construction exit to be maintained in a condition which will prevent flow or tracking of mud onto public roads.
18. No disturbed areas to be steeper than 2:1 slope, unless otherwise noted.
19. Disturbed flat areas to be grassed with Bermuda grass or tall fescue. Slopes to be grassed with weeping love grass, unless noted otherwise.
20. Dust control, if required, will be accomplished by use of a water wagon.
21. The contractor shall be responsible for disposal of trees, stumps, curbs, asphalt paving, fod and other debris created by stripping and grubbing.
22. Grading and Compaction Requirements:
    (a) Remove all organic matter, stumps and other deleterious matter from area to be filled. Proof roll the areas to be filled with a loaded tri-axel dump truck or similarly weighted rubber-tired vehicle. Overlapping passes of the original direction. Any yielding, pumping or soft areas shall be cut out and replaced with fill Compaction as described below.
    (b) The proposed fill shall be free of any organic, stumps, debris, or other deleterious material.
    (c) Fill material shall be spread in loose 8in (layers) of not more than 8" thick. Each fill shall be compacted to the specifications below using a sheepsfoot type roller or similar equipment.
    (d) The moisture content of the fill material shall be maintained within 2% of the optimum moisture as determined in accordance with ASTM D698. In the event that the soil is too wet, harrowing, aerating, or aeration shall be used to dry the soils within the acceptance moisture range. If the soil is too dry, a water wagon with a sprinkler bar or spray hose shall be used to bring the soil within the proper moisture range. The water shall be thoroughly and evenly mixed with the soil prior to Compaction.
    (e) The top one foot of fill in areas for building pads or to be paved shall be compacted to a minimum density of 98% of standard proctor.
    (f) All other fill not specifically mentioned above shall be compacted to minimum density of 93% of standard proctor.
    (g) Subgrade for all building slabs and asphalt pavement areas shall be proof rolled with a tri-axel dump truck fully loaded with gravel or crushed stone, immediately before placing pavement. Areas determined as not suitable by the inspector shall be corrected and re-proof rolled as stated above.
    (h) Compaction of backfill of all trenches and all pipe related excavations shall be compacted to the density of 93% of the theoretical maximum density (standard proctor). Backfill material shall be free from roots, stumps and other foreign debris, and shall be placed at or near optimum moisture. Correction of any trench settlement within a year from the date of approval will be responsibility of the contractor.
23. Paving Requirements:
    (a) All crusher run base material shall be compacted to a minimum density of 98% of modified proctor.
    (b) All asphalt shall be installed per Georgia D. O. T. specifications and shall be compacted to a minimum density of 98% of the 50 below Marshall test.
    (c) All concrete used on this project shall have a minimum density compressive strength of 3000 psi at 28 days (unless otherwise noted).
    (d) All existing asphalt pavement in areas not designated "to remain" or "to be overlayed" shall be removed and disposed of by contractor.
24. All disturbed areas to be grassed as soon as construction phases permit.
25. The entire landscape area within the limits of construction shall be grassed. Landscape area shall be grassed with Bermuda grass of tall fescue.
27. The contractor must produce a complete stand of permanent grass.
28. If the planting season is not correct, the contractor shall provide temporary grassing until the next suitable season.
29. Minimum rates for seeding, fertilizer, mulch and lime shall be shown on the plans.
30. After all disturbed areas have been stabilized, the contractor shall remove all temporary erosion control devices unless directed otherwise by the county inspector or the owner's engineer.

80000 11-40-

534 MEDLOCK ROAD
SUITE 103
DECATUR, GA 30030
PH: (404) 549-7556
JMETTSCIVIL@COMCAST.NET
Ambit Technical Services

LOCATION
LAND LOT 161
7th DISTRICT,
SUWANEE
GWINNETT COUNTY
GEORGIA

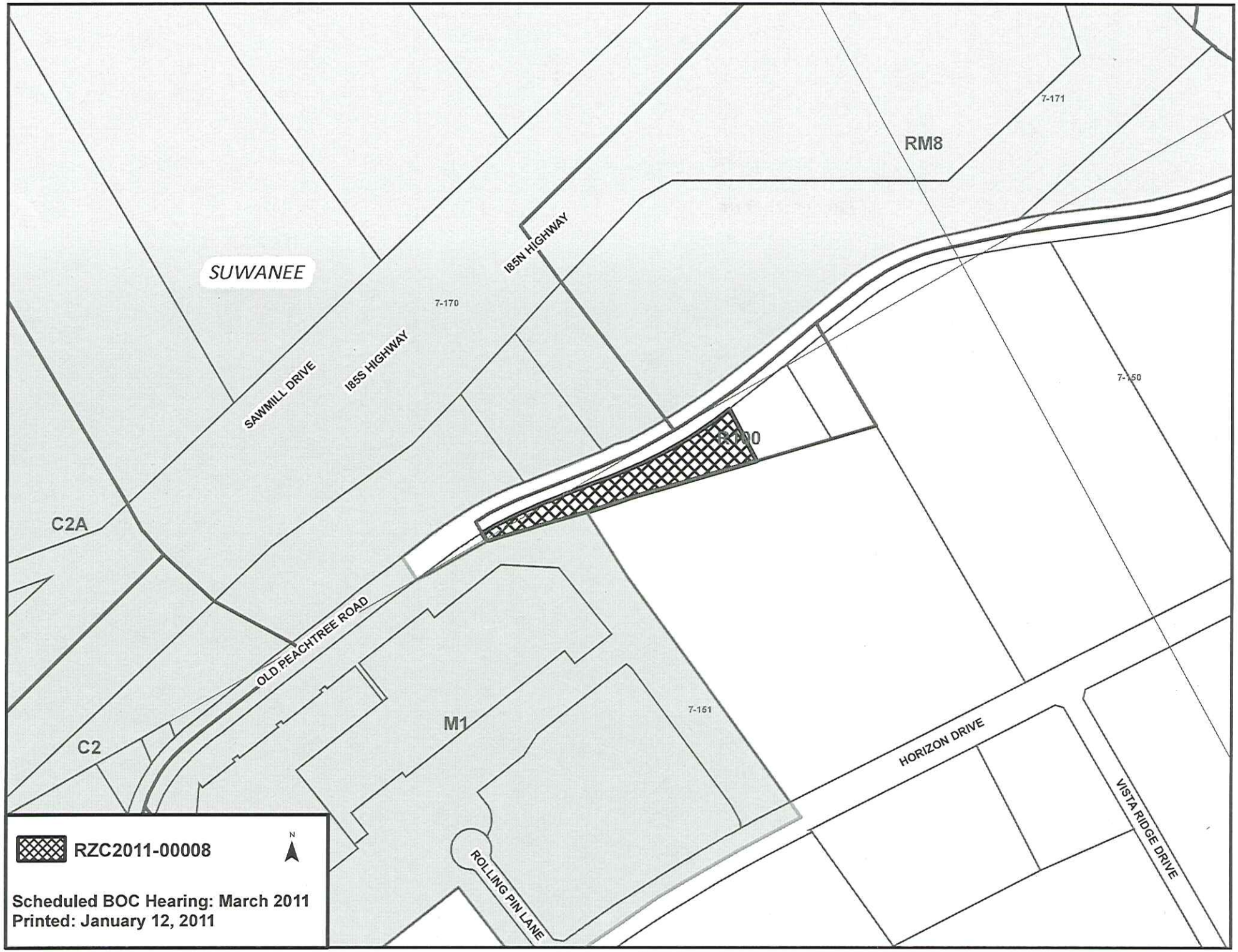
BOUNDARY SURVEY

FOR

PARCEL ID: 7151 003 (GID PEACHTREE Bldg)
PLAT BOOK W, PAGE 59

REVISOR	DATE

SCALE: 1"=30'
DESIGNED BY: WCO
DRAWN BY: WE
FILE NO.: 10-033
DATE: 10/25/2010
SHEET: TWO OF THREE
JOB NO.: 10-033


SUWANEE
I85N HIGHWAY
I85S HIGHWAY
SAWMILL DRIVE
OLD PEACHTREE ROAD
ROLLING PIN LANE
HORIZON DRIVE
VISTA RIDGE DRIVE
RM8
C2A
C2
M1
7-170
7-171
7-150
7-151
RZC2011-00008
N
Scheduled BOC Hearing: March 2011
Printed: January 12, 2011

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER	:**RZC2011-00009**
ZONING CHANGE	:RM TO C-2
LOCATION	:3300 BLOCK OF HOLCOMB BRIDGE ROAD :7100 BLOCK OF JIMMY CARTER BOULEVARD
MAP NUMBER	:R6274 004
ACREAGE	:21.31 ACRES
PROPOSED DEVELOPMENT	:COMMERCIAL RETAIL USES
SQUARE FEET	:182,887 SQUARE FEET
COMMISSION DISTRICT	:(2) HOWARD

FUTURE DEVELOPMENT MAP: **MIXED-HOUSING TYPES**

APPLICANT: BRIGHT-MEYERS 2001 LLC
5881 GLENRIDGE DRIVE, SUITE 220
ATLANTA, GA 30328

CONTACT: MATT SASSER PHONE: 404.446.0225

OWNER: 1500 HOLCOMB BRIDGE ASSC. LLC
3190 NORTHEAST EXPRESSWAY
ATLANTA, GA 30341

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests rezoning of 21.31 acres from RM (Multi-Family Residence District) to C-2 (General Business District) to allow redevelopment of an older apartment complex into a new retail center. The property is the Sturbridge Square apartment complex, located on the west side of Holcomb Bridge Road just south of its intersection with Jimmy Carter Boulevard. The Department notes that the property is located within the Peachtree Corners Overlay District, and would be subject to those site development and architectural standards.

The applicant's site plan proposes a retail center consisting of two buildings totaling 182,887 square-feet. The anchor retail building would contain 151,687 square feet and would include an outdoor garden supply center; the smaller retail building would contain 31,200 square feet. Although no architectural elevations have been provided by the applicant, the letter of intent indicates that the project would comply with all provisions of the Peachtree Corners Overlay District. Two existing driveways extend from Holcomb Bridge Road that serve the apartments and would continue to be utilized as access points for the proposed retail development. One driveway aligns with The Corners Parkway and the other with Ryan Road. There is currently no access onto Jimmy Carter Boulevard and none is planned. An underground stormwater

management system, a stormwater pond and a total of 798 parking spaces, which includes 90 compact parking spaces, are being proposed for the retail development.

The property contains wetlands and 5.5 acres of floodplain associated with Crooked Creek, which forms the south property line. The applicant plans to cut and fill to alter the floodplain limits to accommodate the buildings and service areas. The required 50-foot undisturbed stream buffer and 75-foot impervious setback are not shown on the site plan, and it appears that a portion of the proposed improvements may impose a minor encroachment into the setback.

ZONING HISTORY:

The property was zoned M-1 (Light Industry District) in 1970. The property was rezoned to RM in 1970, pursuant to RZ-50-70.

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.

STORMWATER PLAN REVIEW SECTION COMMENTS:

Stormwater Plan Review does not object to the applicant's request as noted on the application to allow the redevelopment of an older apartment complex into a new retail center, however the following conditions must be met:

1. Encroachment into the existing FEMA regulated flood plain will not be permitted. This includes the placement of fill in the floodplain which may impede or restrict rising and receding stormwater causing a negative impact on the established base flood elevation.
2. Watershed analysis is required for the entire project site including but not limited to an environmental site assessment, on-site stormwater management, and stream buffer protection.
3. Wetland disturbance of greater than 0.1 acre will not be permitted without authorization from the United States Army Corps of Engineers.

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 to 500 square feet for retail.

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

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 lowers floor including the basement, of all non-residential building 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.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Holcomb Bridge Road is a Minor Arterial and 40 feet of right-of-way is required from the centerline, with 50 feet required within 500 feet of a major intersection.

Jimmy Carter Boulevard is a State Route, and Georgia D.O.T. right-of-way requirements govern.

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

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

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

Coordinate with the Georgia D.O.T. regarding access to Jimmy Carter Boulevard.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Contact GCEHD concerning food service establishments planned for the project.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the southern right-of-way of Holcomb Bridge 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 on the property.

The subject development is located within the Crooked Creek 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 768.518.6040 Monday through Friday from the hours of 8:00 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.

2. 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 contains 21.31 acres and is located on the west side of Holcomb Bridge Road, just south of its intersection with Jimmy Carter Boulevard. The property is currently developed as the Sturbridge Square apartment complex, and contains 41 apartment buildings, a community building, a swimming pool and tennis courts.

The 2030 Unified Plan Future Development Map indicates that the site is located within a Mixed Housing Types Character Area. Redevelopment of the site for apartments, townhouses or cluster housing could be encouraged by policies for this Character Area; however, commercial uses that are intended to serve more than the immediate neighborhood are discouraged by these same policies. Therefore, the nature and scale of the proposed retail center may be inconsistent with policies set forth by the Unified Plan.

The surrounding area is developed with a mix of commercial, office and medium to high density residential uses. Included in the area are a self-storage facility, restaurants, retail stores, a bank, a grocery store and office buildings. Located at the intersection of Jimmy Carter Boulevard and Holcomb Bridge Road, is Conifer Crossing multi-family apartments. Although the subject site is located in an intensely developed commercial area, the Unified Plan does not support the type of redevelopment proposed by the applicant. The Unified Plan discourages a large free-standing retail center at this location, and recommends redevelopment with a broad range of residential options, interspersed with no more than small-scale neighborhood serving retail space.

In conclusion, the requested rezoning may not be consistent with the recommendations of the Unified Plan, which discourages the type and scale of commercial development as proposed by the applicant. Therefore, the Department of Planning and Development recommends **DENIAL** of this 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 as C-2 for commercial retail uses subject to the following enumerated conditions:

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

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

      - adult bookstores or entertainment
      - automotive parts stores
      - contractors offices
      - emission inspection stations
      - equipment rental
      - extended stay hotels or motels
      - recovered materials processing facilities
      - smoke shops/novelty stores
      - taxidermists
      - yard trimmings composting facilities

   B. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application. Stucco may only be used as an accent building material. Building elevations shall be subject to review and approval of the Director of Planning and Development.

2. To satisfy the following site development considerations:

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

   B. Provide a 5-foot wide landscaped strip adjacent to all internal property lines.

   C. Billboards or oversized signs shall be prohibited.

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

   E. Ground signage shall be limited to a monument type sign with a minimum two-foot high brick or stacked stone base.

   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 are prohibited.

I. Owner shall repair or repaint 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

Although commercial zoning and uses exist in the area, the proposed rezoning and redevelopment of the apartment complex may not be suitable at this location in light of the recommendations of the Unified Plan.

ADVERSE IMPACTS

Redevelopment of the site may have some impacts on nearby properties from a potential increase in traffic, noise and light generated by a retail center of this size.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Additional impacts on public facilities in the form of storm water run-off and traffic could be anticipated from this request. A potential reduction in school-age children could be anticipated with redevelopment of the site with commercial uses.

CONFORMITY WITH POLICIES

The Unified Plan discourages the proposed commercial redevelopment, and recommends that the property remain in residential use as part of the Mixed-Housing Types Character Area.

CONDITIONS AFFECTING ZONING

There have been no recent changes in the immediate area which lend support to the applicant's request. Eliminating the residential zoning of the property may be counter to the Unified Plan which encourages medium density housing for this character 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:
NEARBY PROPERTY IS ZONED C-2 & OCCUPIED BY COMMERCIAL BUSINESSES.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
PROPERTY IS IN THE CENTER OF A COMMERCIAL DISTRICT AND REZONING WILL BE A COMPLEMENT TO ADJACENT EXISTING COMMERCIAL USES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
NO, PROPERTY AS CURRENTLY ZONED, RM, IS LESS THAN 33% OCCUPIED.

(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:
THE DEVELOPMENT WON'T PLACE AN EXCESSIVE BURDEN ON INFRASTRUCTURE & WILL GENERATE SUFFICIENT TAX REVENUE TO OFFSET ANY COSTS REALIZED.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
PROPOSED REZONING IS IN CONFORMITY WITH INTENT OF THE LAND USE PLAN & COMPLEMENTARY TO ZONING OF SURROUNDING PROPERTIES.

(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 PROPERTY IS VACANT & NEGLECTED & THEREBY A DETRIMENT TO THE COMMUNITY'S SAFETY AND PARTICULARLY TO THE SURROUNDING PROPERTIES.

RECEIVED 1-07-11
RZC2011-00009

MPT Mahaffey Pickens Tucker, LLP
ATTORNEYS AT LAW

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

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

LETTER OF INTENT FOR REZONING APPLICATION OF BRIGHT-MEYERS 2001 LLC

The Applicant, Bright-Meyers 2001 LLC, submits this Rezoning Application for the purpose of rezoning to the C-2 zoning classification a 21.307 acre tract (hereafter, the "Property") located on Holcomb Bridge Road near its intersection with Peachtree Parkway. The Property is currently zoned RM and is occupied by an apartment complex known as Sturbridge Square Apartments. The Applicant submits that the existing apartment complex is in disrepair and has an occupancy of less than 33-1/3%. All properties adjoining the Property are zoned and used for commercial and retail or similar uses. The rezoning to the C-2 zoning classification will be consistent and compatible with all adjoining and nearby properties and uses.

The site plan submitted herewith shows two proposed buildings, one being 151,687 square feet and the other for proposed shops, containing 31,200 square feet, for a total square footage of 182,887 square feet. This results in a density of 8,583.4 square feet per acre for the proposed development. Additionally, the site plan provides for 790 parking spaces which includes 90 spaces for compact vehicles. This results in a ratio of 4.36 parking spaces per 1,000 square feet, well below the maximum amount allowed. The height of the buildings will not exceed 35 feet in accordance with the terms and provisions of Section 1401 of the 1985 Zoning Resolution, Gwinnett County, Georgia.

The Applicant is aware that the proposed development is located within the Peachtree Corners Overlay District and pledges to conform with the applicable provisions of Section 1315 of the Zoning Resolution.

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

RECEIVED 1-07-11
RZC2011-00009

The Applicant and its representatives welcome the opportunity to meet with representatives of the Peachtree Corners community to discuss and address any issues or concerns they may have. Moreover, the Applicant and its representatives look forward to meeting with and working with the staff of the Gwinnett County Department of Planning & Development to work together to insure a quality project. The Applicant respectfully requests your approval of this Application.

This 6th day of January, 2011.

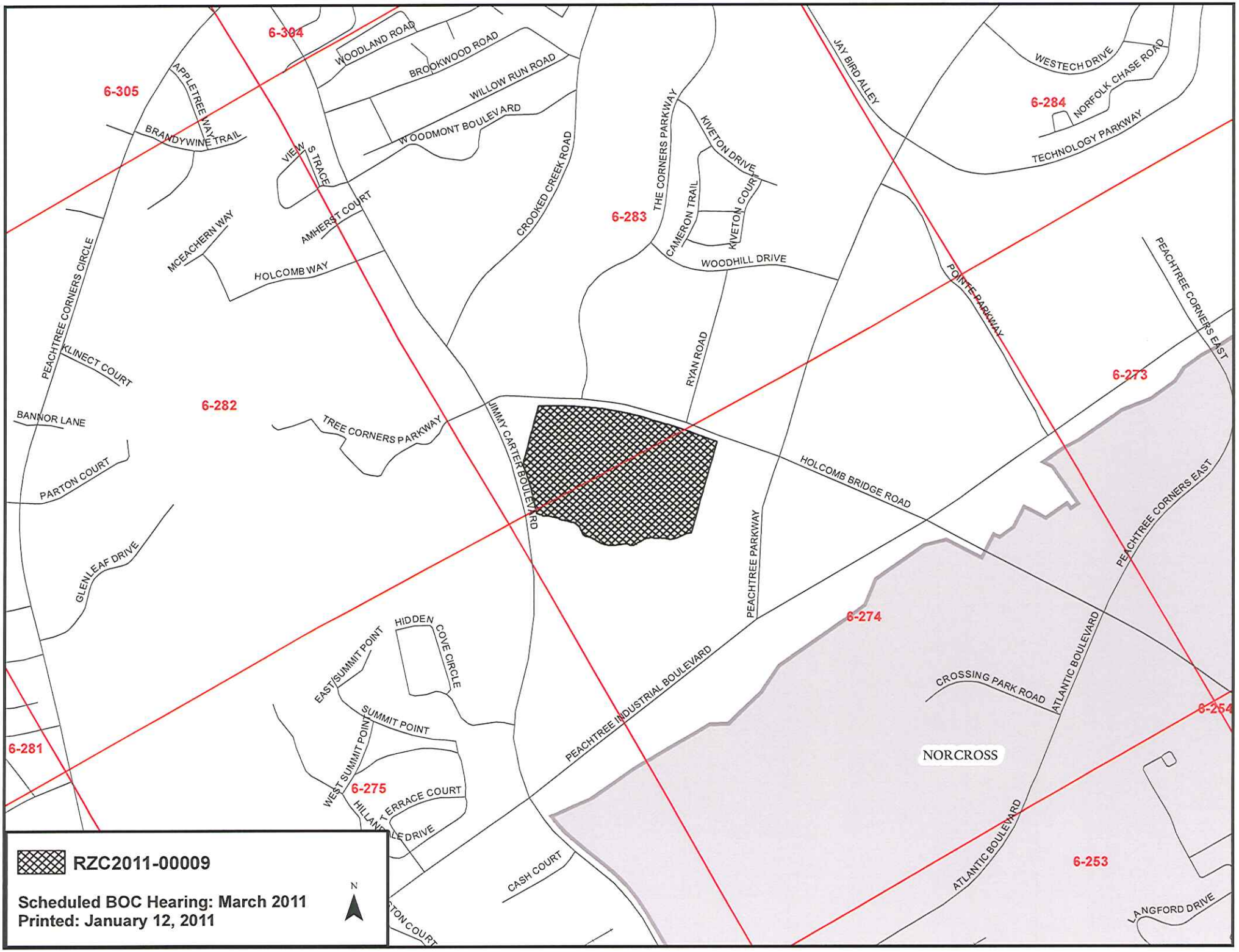
Respectfully submitted,

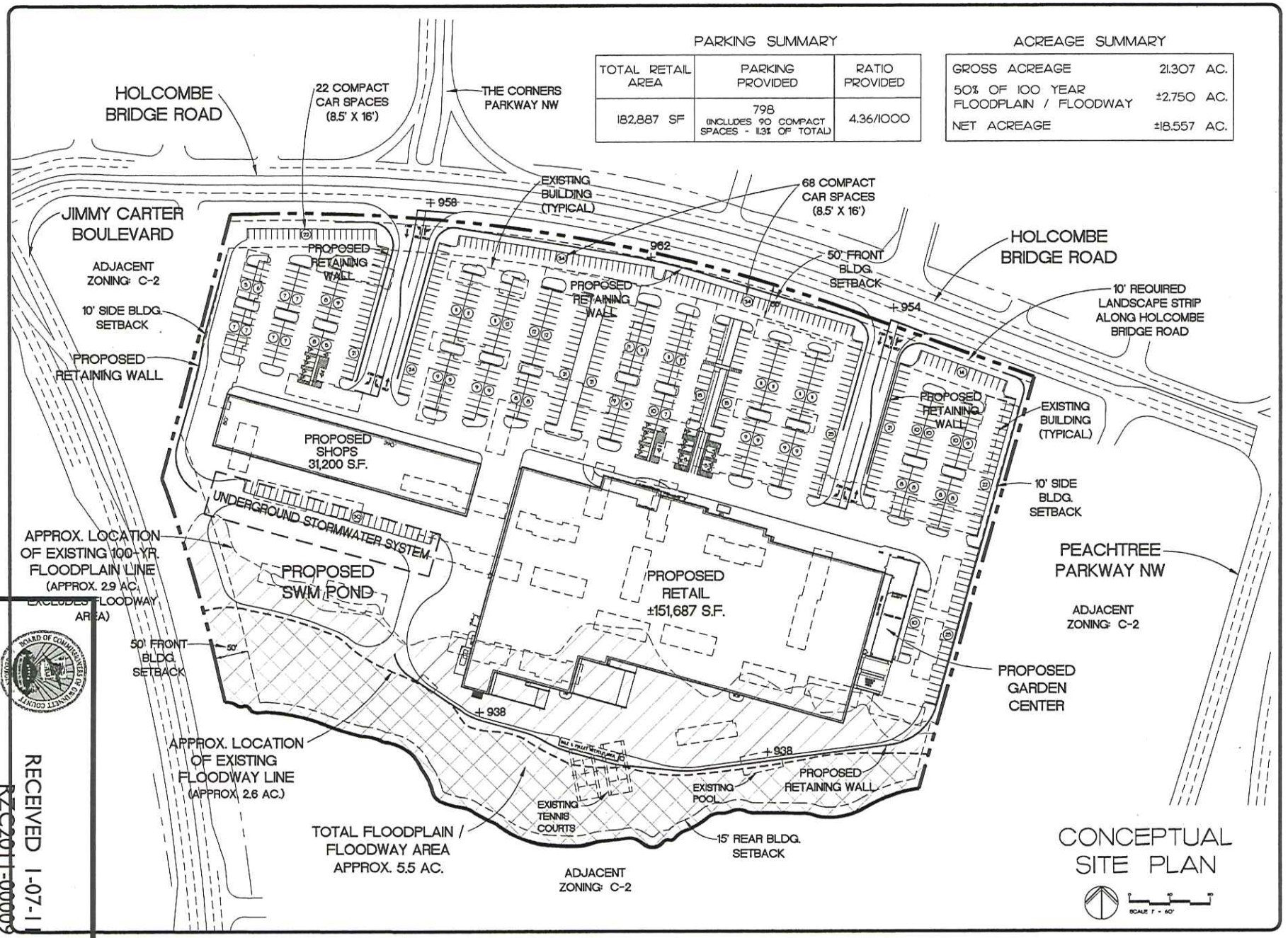
MAHAFFEY PICKENS TUCKER, LLP

Gerald Davidson, Jr.

R. Lee Tucker, Jr.
Attorneys for Applicant

RECEIVED 1-07-11
RZC2011-00009


6-304
6-305
6-284
6-283
6-282
6-273
6-274
6-275
6-281
6-254
6-253
WOODLAND ROAD
BROOKWOOD ROAD
WILLOW RUN ROAD
WOODMONT BOULEVARD
APPLETREE WAY
BRANDYWINE TRAIL
VIEW S TRACE
AMHERST COURT
CROOKED CREEK ROAD
MCEACHERN WAY
HOLCOMB WAY
PEACHTREE CORNERS CIRCLE
KLINECT COURT
BANNOR LANE
PARTON COURT
GLENLEAF DRIVE
TREE CORNERS PARKWAY
JIMMY CARTER BOULEVARD
THE CORNERS PARKWAY
KIVETON DRIVE
CAMERON TRAIL
KIVETON COURT
WOODHILL DRIVE
RYAN ROAD
JAY BIRD ALLEY
WESTECH DRIVE
NORFOLK CHASE ROAD
TECHNOLOGY PARKWAY
POINTE PARKWAY
PEACHTREE CORNERS EAST
HOLCOMB BRIDGE ROAD
PEACHTREE PARKWAY
PEACHTREE INDUSTRIAL BOULEVARD
EAST SUMMIT POINT
HIDDEN COVE CIRCLE
SUMMIT POINT
WEST SUMMIT POINT
TERRACE COURT
DRIVE
CASH COURT
CROSSING PARK ROAD
ATLANTIC BOULEVARD
NORCROSS
LANGFORD DRIVE
RZC2011-00009
Scheduled BOC Hearing: March 2011
Printed: January 12, 2011
N



PARKING SUMMARY

TOTAL RETAIL AREA	PARKING PROVIDED	RATIO PROVIDED
182,887 SF	798 (INCLUDES 90 COMPACT SPACES - 11.3% OF TOTAL)	4.36/1000

ACREAGE SUMMARY

GROSS ACREAGE	21.307 AC.
50% OF 100 YEAR FLOODPLAIN / FLOODWAY	±2.750 AC.
NET ACREAGE	±18.557 AC.

CONCEPTUAL SITE PLAN

SCALE: 1" = 60'

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RZC2011-00009

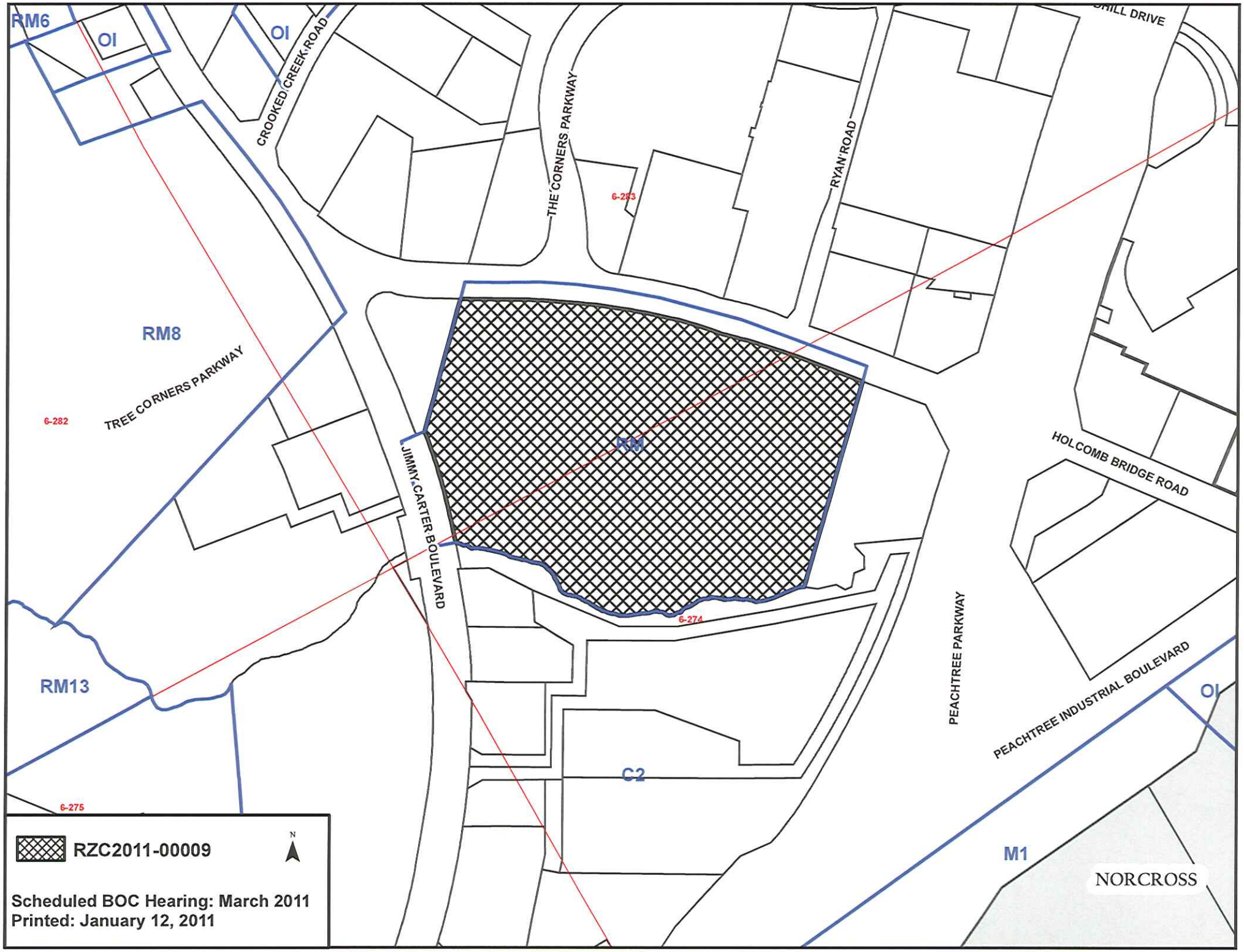
REVISIONS	BY

FREELAND and KAUFFMAN, INC.
Engineers • Landscape Architects
203 Wall Street, Suite 203
Greenville, South Carolina 29609
864-233-5497
fax 864-233-6976

PROPOSED SHOPPING CENTER
NORCROSS (W.) (PEACHTREE), GA

BRIGHT MEYERS DEVELOPMENT CORP.
5081 GLENRIDGE DRIVE NE SUITE 220
Atlanta, Georgia 30328
Attn: Matt Sasser

DRAWN	WD
CHECKED	LK
DATE	1/05/10
SCALE	1"=60'
JOB No.	XXXX
DRAWING	4


RM6
OI
OI
CROOKED CREEK ROAD
THE CORNERS PARKWAY
RYAN ROAD
DRILL DRIVE
RM8
TREE CORNERS PARKWAY
6-282
6-283
RM
JIMMY CARTER BOULEVARD
HOLCOMB BRIDGE ROAD
6-274
PEACHTREE PARKWAY
PEACHTREE INDUSTRIAL BOULEVARD
OI
RM13
C2
6-275
M1
NORCROSS
RZC2011-00009
N
Scheduled BOC Hearing: March 2011
Printed: January 12, 2011

Department of Planning and Development

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

gwinnettcounty

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

WEDNESDAY, MARCH 16, 2011 AT 7:00 P.M.

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

A. CALL TO ORDER, INVOCATION, PLEDGE TO FLAG

B. APPROVAL OF MINUTES (FEBRUARY 1, 2011 AND FEBRUARY 15, 2011 MEETINGS)

C. RESCHEDULE OF OLD BUSINESS - RZC2010-00021

REZONING CASE RZC2010-00021 IS AN ITEM OF OLD BUSINESS WHICH WAS TABLED FROM FEBRUARY 15, 2011 TO MAY 17, 2011 FOR PUBLIC HEARING. THE PLANNING COMMISSION SUBSEQUENTLY REVISED THEIR PUBLIC HEARING SCHEDULE, CANCELING THE MAY 17, 2011 MEETING. ACTION IS REQUIRED TO RESCHEDULE THE ABOVE REFERENCED CASE TO A NEW MEETING DATE FOR PUBLIC HEARING.

D. OLD BUSINESS - TABLED CASES FROM PREVIOUS MEETINGS

1. 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**

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

3. 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**

4. CASE NUMBER :**SUP2011-00006 (PUBLIC HEARING HELD 1-18-2011)**
   APPLICANT :JUSTIN PARK
   CONTACT :JUSTIN PARK
   PHONE NUMBER :404.944.9614
   ZONING :O-I
   LOCATION :2300 BLOCK OF MEADOW CHURCH WAY
   MAP NUMBER :R7117 025
   ACREAGE :10.28 ACRES
   PROPOSED DEVELOPMENT :PERSONAL CARE HOME (CONGREGATE)
   SQUARE FEET :41,000 SQUARE FEET
   COMMISSION DISTRICT :(1) LASSETER
   DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

E. NEW BUSINESS

1. CASE NUMBER :**CIC2011-00006**
APPLICANT :PULTE GROUP
CONTACT :TED TURNER
PHONE NUMBER :678.283.8483
ZONING :R-100 CSO
LOCATION :3500-3600 BLOCK OF FIVE FORKS TRICKUM ROAD
MAP NUMBERS :R6089 001 & 6088 101
ACREAGE :77.88 ACRES
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO REDUCE MINIMUM DWELLING SIZE, REMOVE THREE-CAR GARAGE REQUIREMENT, AND REVISE ARCHITECTURAL REQUIREMENTS
UNITS :128 UNITS
COMMISSION DISTRICT :(3) BEAUDREAU
DEPARTMENT RECOMMENDATION :**DENIAL**

2. CASE NUMBER :**SUP2011-00012 (WITHDRAWN)**

3. CASE NUMBER :**SUP2011-00013**
APPLICANT :J. STEVE BEAR
CONTACT :J. STEVE BEAR
PHONE NUMBER :404.298.0277
ZONING :M-1
LOCATION :2100 BLOCK OF BOGGS ROAD
MAP NUMBERS :R7117 054
ACREAGE :5.48 ACRES
PROPOSED DEVELOPMENT :RECREATION / TRAINING FACILITY
SQUARE FEET :34,419 SQUARE FEET
COMMISSION DISTRICT :(1) LASSETER
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

4. CASE NUMBER :**SUP2011-00015**
APPLICANT :KIMBERLY WEDDINGTON
CONTACT :KIMBERLY WEDDINGTON
PHONE NUMBER :770.521.5550
ZONING :C-2
LOCATION :7000 BLOCK OF JIMMY CARTER BOULEVARD
MAP NUMBERS :R6274 047
ACREAGE :5.75 ACRES
PROPOSED DEVELOPMENT :KENNEL
SQUARE FEET :6,000 SQUARE FEET
COMMISSION DISTRICT :(2) HOWARD
DEPARTMENT RECOMMENDATION :**DENIAL**

F. VOLUNTARY TERMINATION OF SPECIAL USE PERMIT (NO ACTION REQUIRED)

SUP-11-90 - THE OWNER OF THE PROPERTY LOCATED AT SOUTHEAST CORNER OF CENTERVILLE HIGHWAY AND CENTERVILLE-ROSEBUD ROAD (TAX PARCEL R6020 292) HAS VOLUNTARILY TERMINATED THE SPECIAL USE PERMIT ON THEIR PROPERTY. THE SPECIAL USE PERMIT WAS FOR A SERVICE STATION AND CAR WASH, WHICH WERE NEVER CONSTRUCTED.
COMMISSION DISTRICT (3) BEAUDREAU

G. AUDIENCE COMMENTS

H. COMMITTEE REPORTS

I. COMMENTS BY STAFF AND PLANNING COMMISSION

J. ADJOURNMENT

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
CHANGE IN CONDITIONS ANALYSIS

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

FUTURE DEVELOPMENT MAP: **EXISTING EMERGING SUBURBAN**

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

CONTACT: GREG SAUL PHONE: 678.384.4480

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

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

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

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

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

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

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

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

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

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

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

ZONING HISTORY:

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

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

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

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

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

   A. Attached townhouse dwellings and accessory uses.

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

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

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

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

      1. Exterior home maintenance to include roofing and painting.

      2. All grounds maintenance.

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

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

2. To satisfy the following site development considerations:

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

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

B. All grassed areas shall be sodded.

C. All utilities shall be placed underground.

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

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

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

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

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENTS
STANDARDS GOVERNING THE EXCERSISE OF ZONING

SUITABILITY OF USE

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

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

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

CONDITIONS AFFECTING ZONING

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

CHANGE IN CONDITIONS APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

Yes

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

No

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

No

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

No

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

Yes

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

The Economy as well as Mortgage underwriting standards

RECEIVED 11-04-10
CIC2011-00003

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

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

November 4, 2010

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

Dear Planning Staff,

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

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

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

RECEIVED 11-04-10
CIC2011-00003

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,

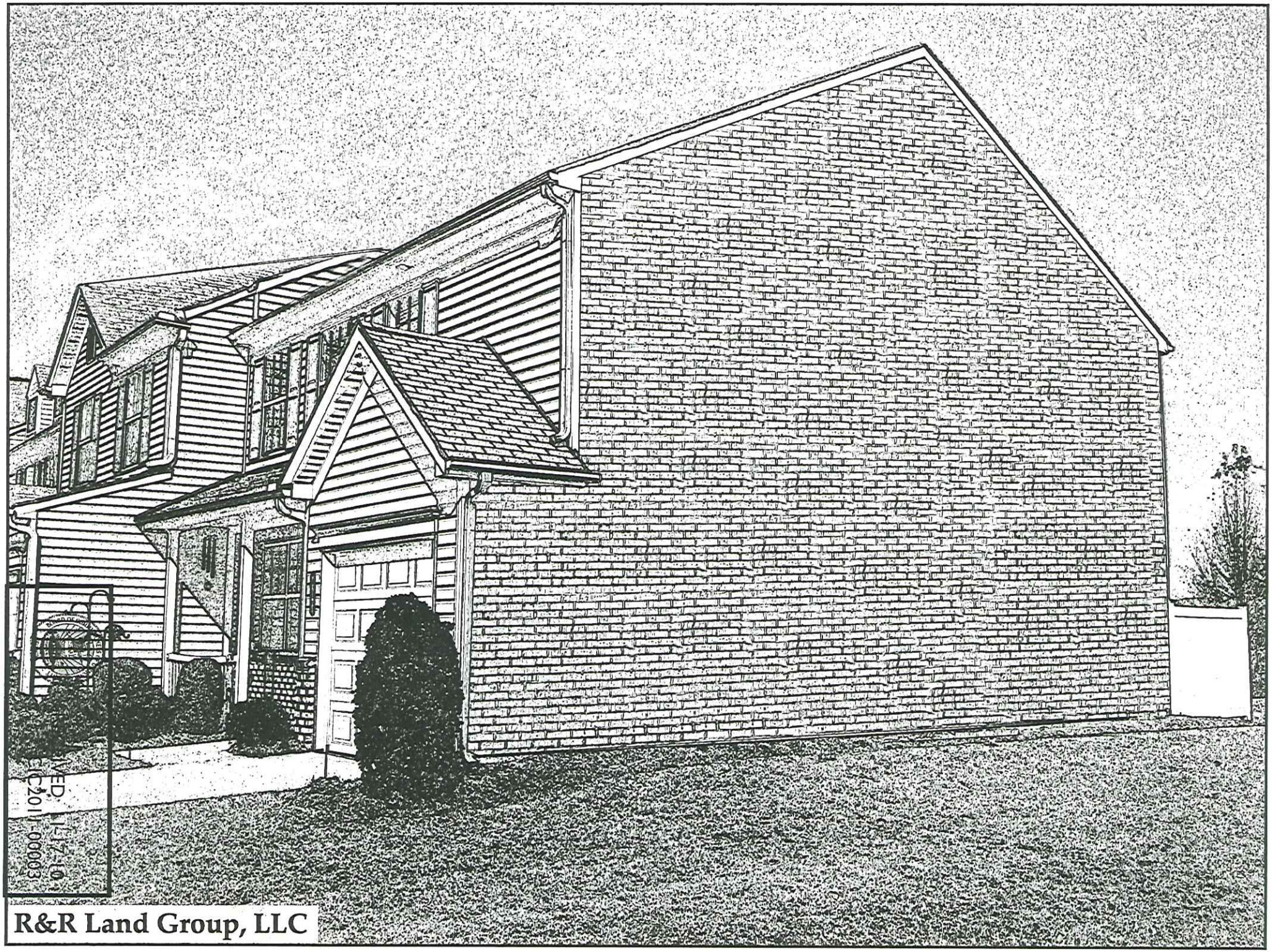
Greg Saul, Member
R&R Land Group, LLC

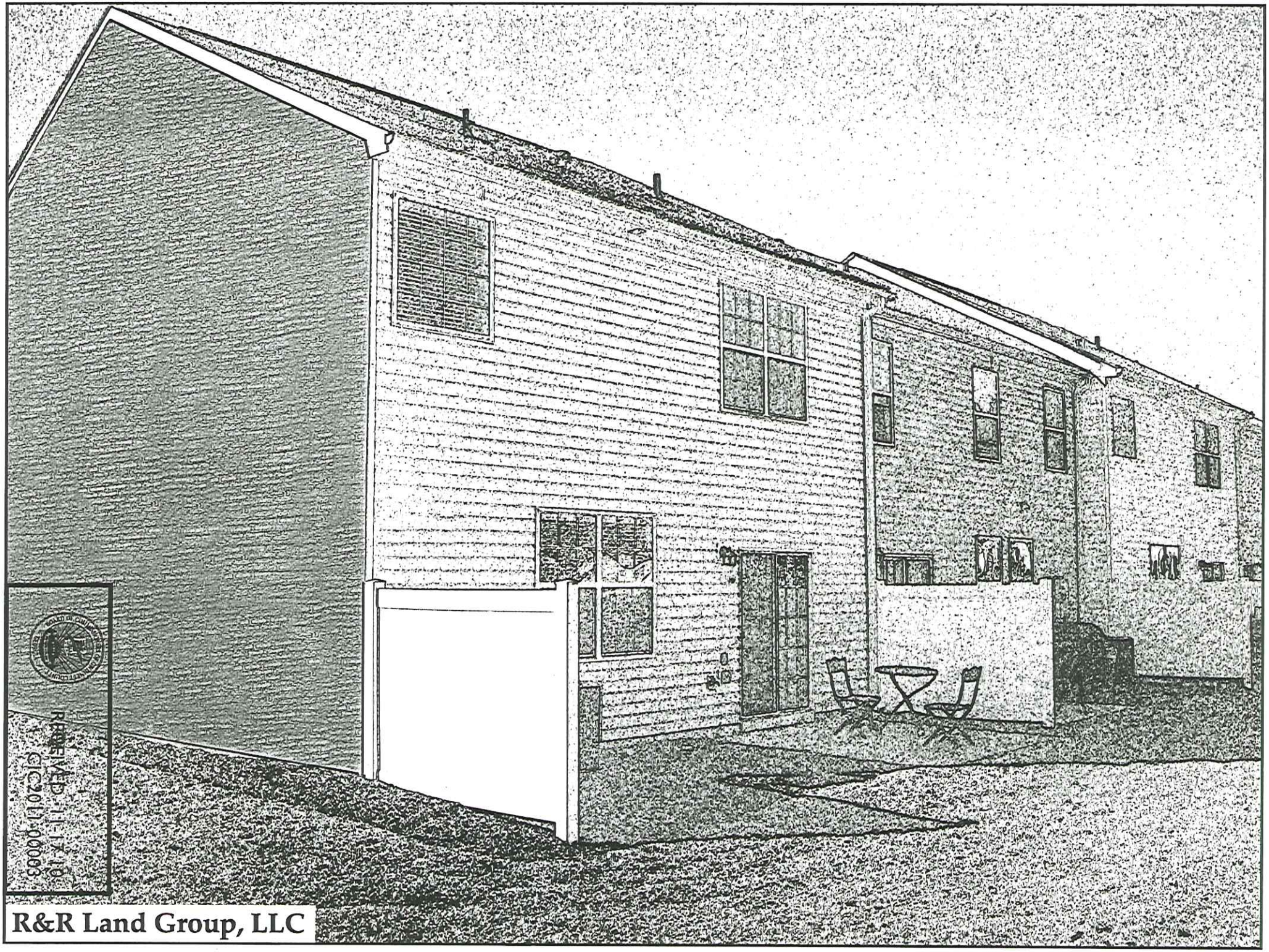
RECEIVED 11-04-10
CIC2011-00003

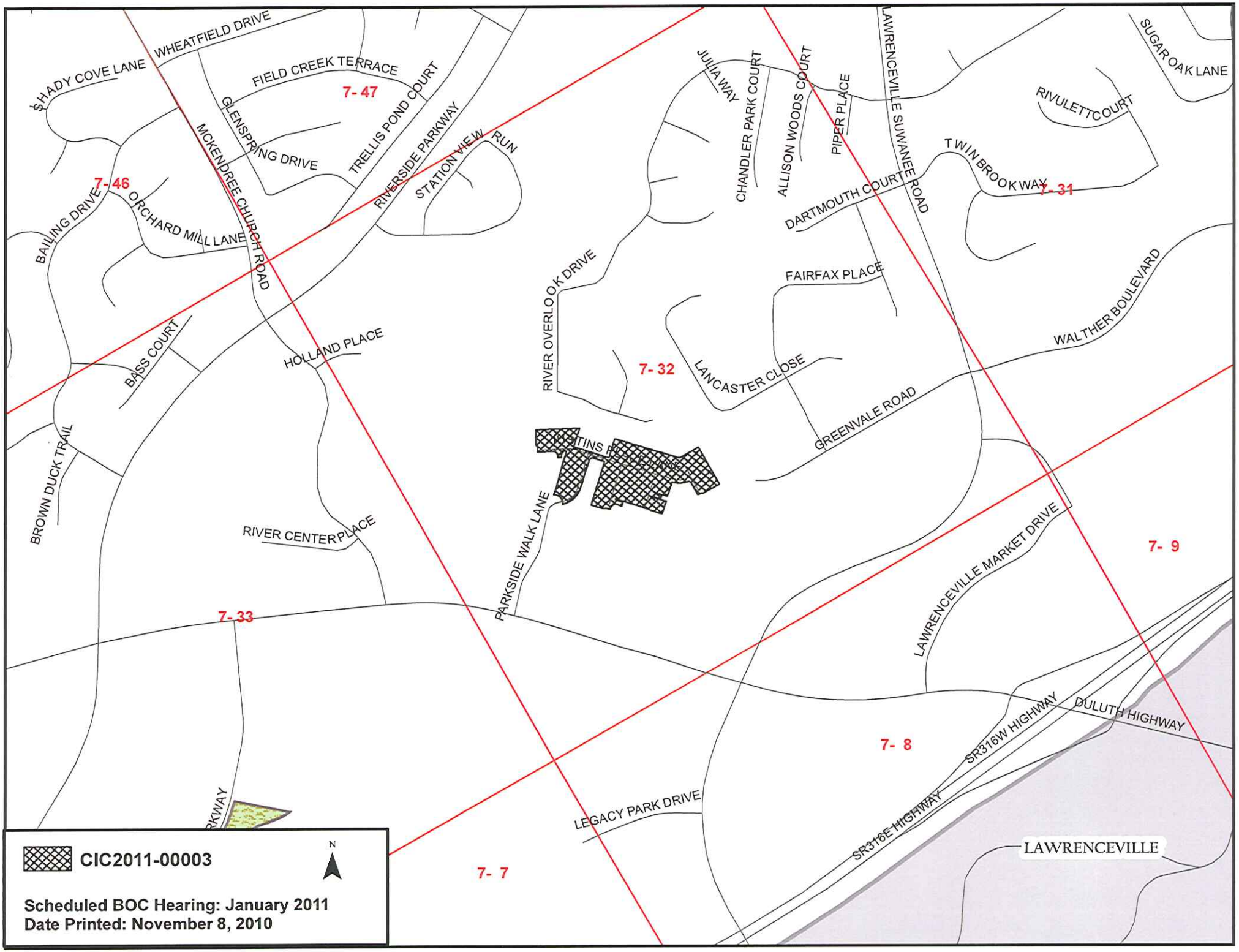


R&R Land Group, LLC

RECEIVED 11-17-10
CIC2011-00003


R&R Land Group, LLC


R&R Land Group, LLC


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

GENERAL NOTES:

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

   OVERAL DENSITY:
   GROSS DENSITY = 86 UNITS/ 11.254 ACRES = 7.64 UNITS/ACRE
   NET ACREAGE: GROSS ACREAGE 11.254-0.32X0.5 = 11.09 ACRES
   NET DENSITY = 86 UNITS/ 11.09 ACRES = 7.75 UNITS/ACRE

5. YARD REQUIREMENTS: R-TH
   EXTERNAL FRONT = 50 FEET
   EXTERNAL REAR = 40 FEET
   EXTERNAL SIDE = 40 FEET
   INTERNAL = 30 FEET

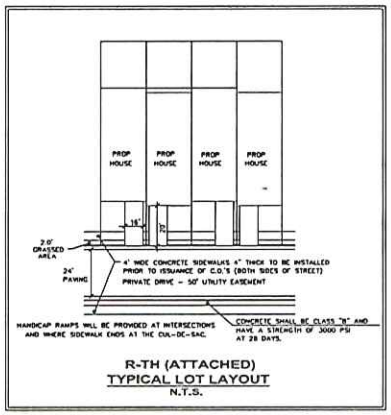
6. A PORTION OF THIS PHASE OF DEVELOPMENT IS LOCATED IN A DESIGNATED FLOODPLAIN ACCORDING TO F.I.R.M. FLOOD PANEL 13032J 185 C, DATED MAY 4, 1992.
7. WATER PROVIDED BY GWINNETT COUNTY.
8. ALL UNITS TO BE SERVICED BY GWINNETT COUNTY GRAVITY FLOW SANITARY SEWER.
9. BOUNDARY INFORMATION FROM BOUNDARY SURVEY RED OAK DEVELOPMENT, INC BY LAND DEVELOPMENT SURVEYORS INC., DATED 9/12/05. TOPO FROM FIELD VERIFIED GWINNETT COUNTY G.I.S.
10. FLOOD ELEVATIONS TAKEN FROM UPPER YELLOW RIVER FLOOD STUDY PREPARED BY DEWBERRY AND DAVIS FOR GWINNETT COUNTY.
11. LOTS 17-24 AND 77-86 EXCLUDED FROM THIS ZONING EXHIBIT, EXISTING UNITS

CL LINE TABLE		
LINE	LENGTH	BEARING
L4	34.69	N82°29'42"E
L5	207.19	N17°03'53"E
L6	176.24	S87°36'16"E
L7	608.43	S72°36'16"E
L8	9.18	N61°12'27"E
L9	198.68	S29°47'33"E
L9	97.00	S17°03'53"W
L11	207.00	S17°03'53"W

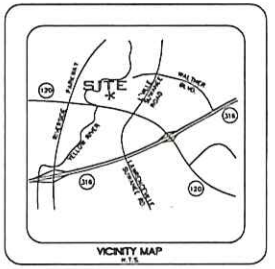
CL CURVE TABLE				
	LENGTH	RADIUS	CHORD	DIRECTION
C3	142.75	125.00	135.12	N49°46'48"E
C4	48.46	125.00	48.25	S82°39'55"E
C5	100.05	125.00	97.40	N84°38'08"E

BLOCK & LOT CHART

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

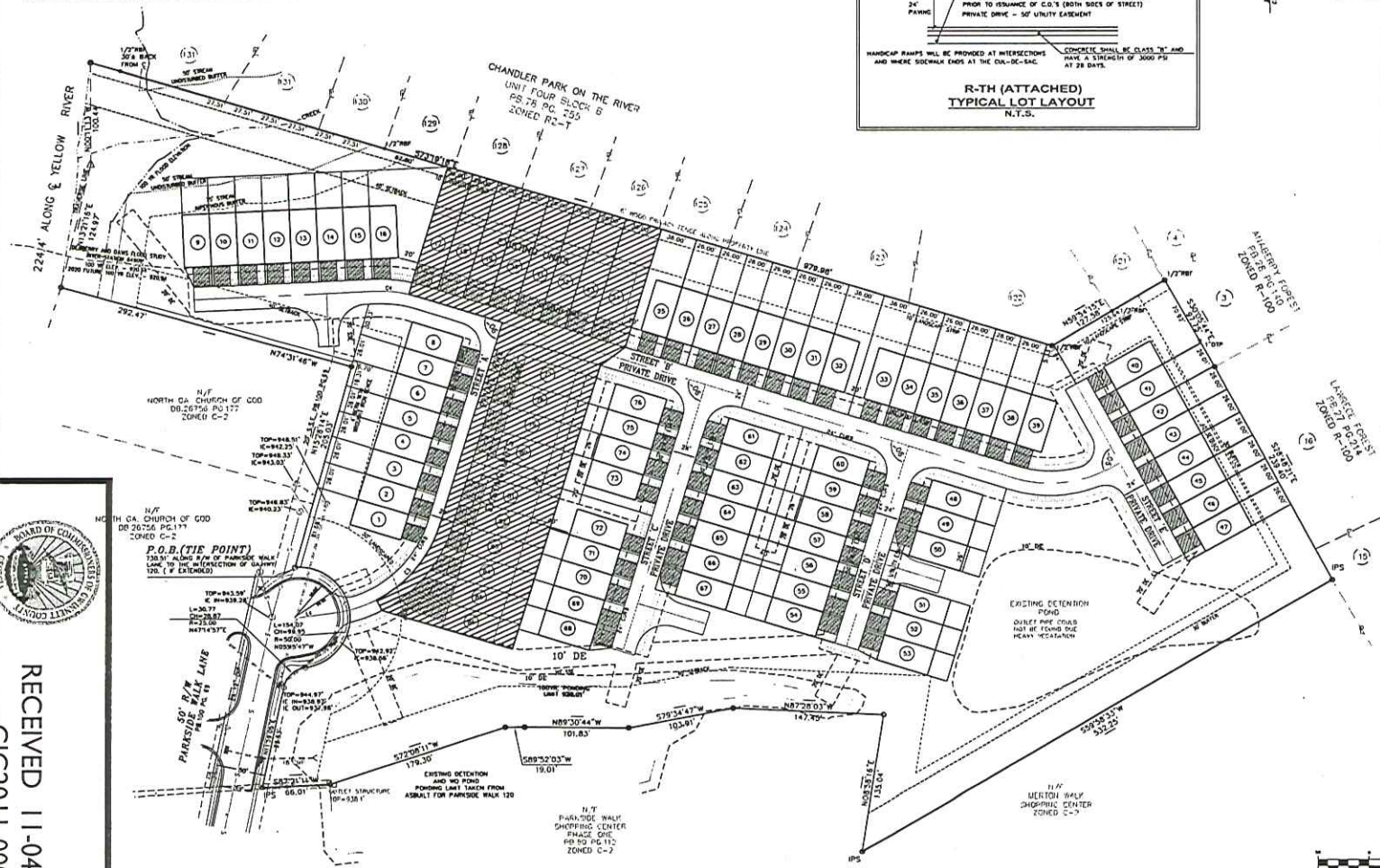


R-TH (ATTACHED)
TYPICAL LOT LAYOUT
N.T.S.



LEGEND





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

PROJECT NAME: PARKSIDE WALK TRACT
LOCATED IN LAND LOT 032 OF DISTRICT 7TH, PARCEL 010
GWINNETT COUNTY, GEORGIA

CLIENT NAME

LAND DEVELOPMENT ENGINEERING, INC.
2330 AUBREY MILLS TRAIL, BUFORD, GA 30519
(678) 442-8249 FAX(678) 442-8249

GEORGIA REGISTERED NO. 28408 PROFESSIONAL ENGINEER KENNETH HILTON HARRELL

STAMP

KHH
DRAWN BY

11/3/10
DATE

05-030
JOB NUMBER

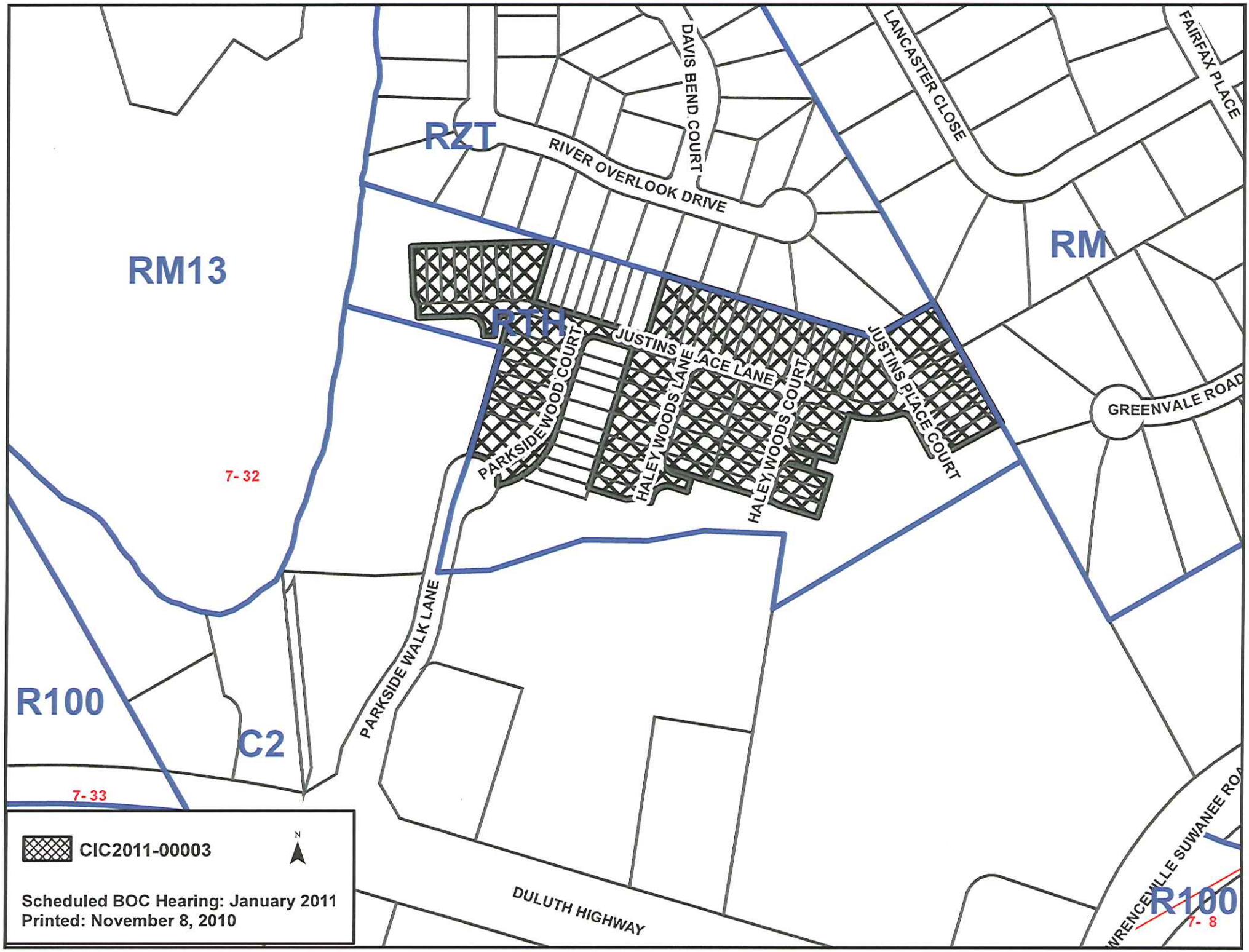
REZONING EXHIBIT
SHEET TITLE

1
SHEET NUMBER

D:\LDE*.DWG

BOARD OF COMMISSIONERS OF GWINNETT COUNTY

RECEIVED 11-04-10
GIC2011-00003


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

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
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 Regional Mixed-Use Character Area. Encouraged uses within this character area include mixed-use developments, professional office uses and high density residential uses. Policies for developments located within the Regional Mixed-Use Character Area suggest that uses include a mix of office, commercial and residential components. Selected uses of a mixed-use development should be compatible with the area's future high intensity development. This would discourage both light and heavy industrial activity, including 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, which 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 mixed-use 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

Mixed-use developments characterized by commercial, residential and office uses, projected for this area by the Unified Plan, suggests 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.

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RZC2011-00002

MPT Mahaffey Pickens Tucker, LLP
ATTORNEYS AT LAW

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

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

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

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

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

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TELEPHONE 770 232 0000
FACSIMILE 678 518 6880
www.mptlawfirm.com

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

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

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

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

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RZC2011-00002

This 5th day of November, 2010.

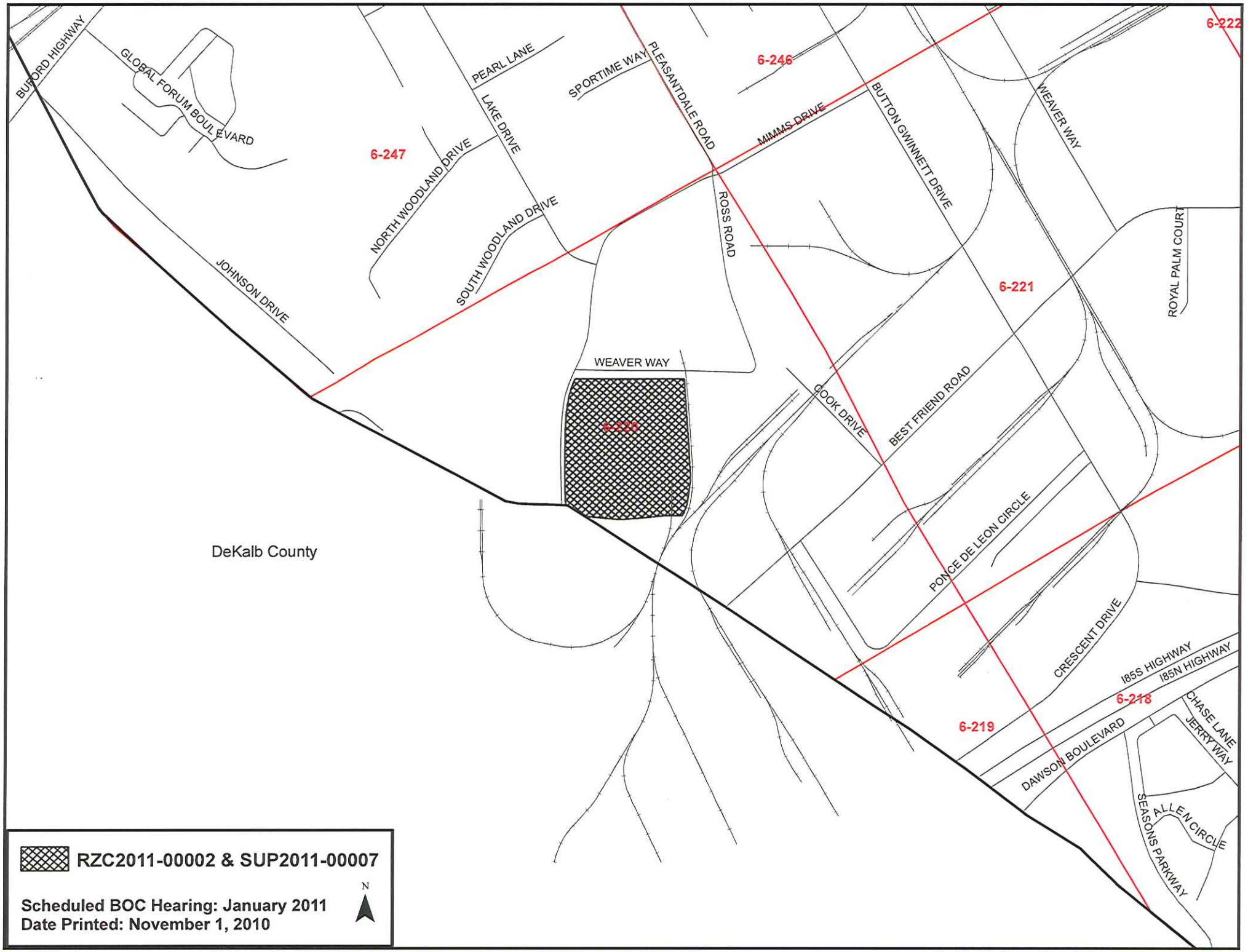
Respectfully submitted,

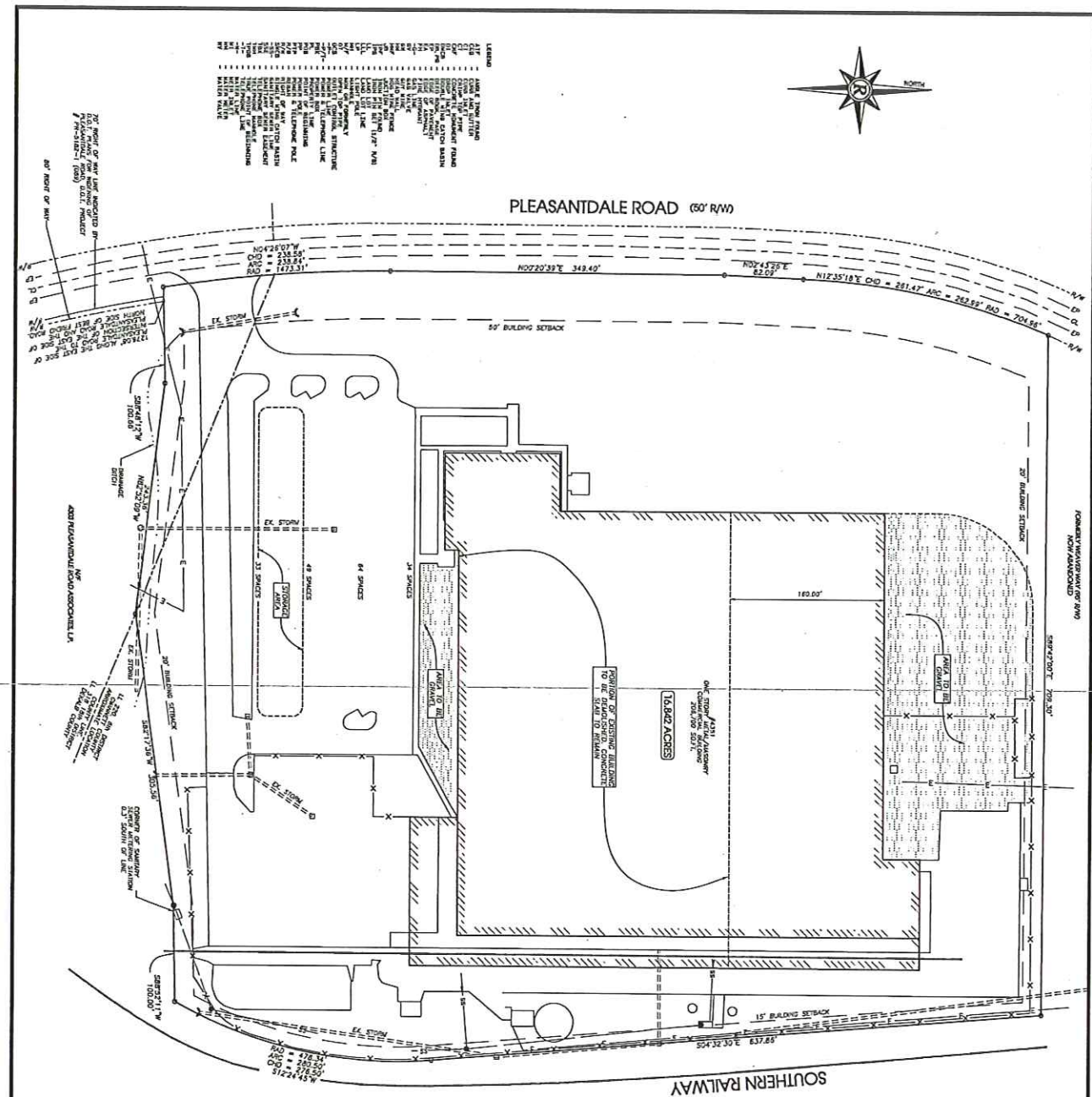
MAHAFFEY PICKENS TUCKER, LLP

G. Michelle Rothmeier

E. Michelle Rothmeier, Attorneys for Applicant

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



SHEET 1 OF 1

DATE : 11.2.10
SCALE : 1" = 50'
JOB NO : JOB NUMBER
FILE NO. ZONE.PRO
DRAWN BY: MPP

ANY CHANGES OR ALTERATIONS MADE TO THESE CONSTRUCTION DRAWINGS WITHOUT THE WRITTEN APPROVAL OF ROCHESTER & ASSOCIATES, LLC VOIDS THE SEAL AFFIXED HEREON AND ANY LIABILITY ASSOCIATED WITH THIS PROJECT. THESE ORIGINAL DRAWINGS ARE KEPT ON FILE FOR VERIFICATION OF ANY CHANGES.

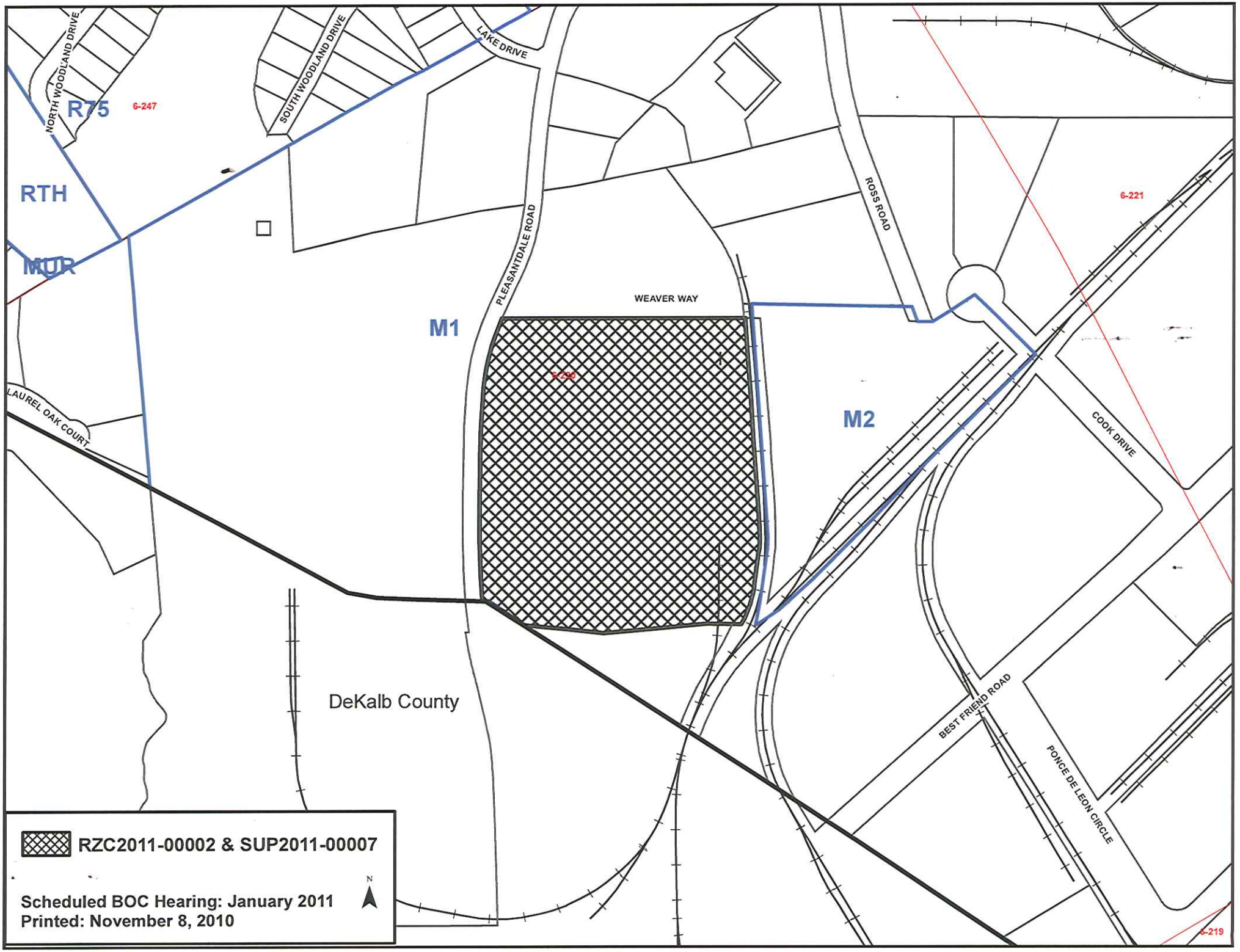
GRAPHIC SCALE
25' 0' 50' 100

NO.	DATE	DESCRIPTION
		REVISIONS

REZONING PLA
FOR
METRO GREEN, LLC
LOCATED IN
LAND LOTS 220 – GWINNETT / 318 – DeKALB
6th DIST.–GWINNETT / 18th DIST.–DeKALB
GWINNETT | DeKALB COUNTY, GEORGIA

Rochester & Associates, Inc.
425 Oak Street, N.W. • Gainesville, Georgia 30501
(770)718.0600 (770)718.9080 Fax • www.rochester-assoc.com

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NORTH WOODLAND DRIVE
SOUTH WOODLAND DRIVE
LAKE DRIVE
R75
6-247
RTH
MUR
PLEASANTDALE ROAD
ROSS ROAD
6-221
WEAVER WAY
M1
6-220
M2
LAUREL OAK COURT
COOK DRIVE
DeKalb County
BEST FRIEND ROAD
PONCE DE LEON CIRCLE
6-219
RZC2011-00002 & SUP2011-00007
N
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-I
LOCATION	:2300 BLOCK OF MEADOW CHURCH WAY
MAP NUMBER	:R7117 025
ACREAGE	:10.28 ACRES
PROPOSED DEVELOPMENT	:PERSONAL CARE HOME (CONGREGATE)
SQUARE FEET	:41,000 SQUARE FEET
COMMISSION DISTRICT	:(1) LASSETER

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

APPLICANT: JUSTIN PARK
446 SKILES COURT
SUWANEE, GA 30024

CONTACT: JUSTIN PARK PHONE: 404.944.9614

OWNER: JAMES PARK
31407 MARNE DRIVE
RANCHO PALOS VERDES, CA 90275

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 10.28-acre property, zoned O-I (Office-Institutional), for a congregate personal care home. The property is located on the west side of Meadow Church Way, north of its intersection with Duluth Highway. The site is located within the Civic Center Overlay District and will be subject to those requirements.

The subject property is a former United States Postal Service distribution facility, developed with a 20,000-square foot building, truck court and parking lot. The applicant's letter of intent indicates that the existing building would be converted and utilized as the main sanctuary for a planned church with a capacity of 400 to 500 seats. The site plan indicates that two additional structures would be constructed: a 41,000-square foot, 3-story assisted living facility (containing 60 rooms, both single and double occupancy), and a 9,600-square foot education/gymnasium building. It is noted that the church and its accessory uses are a permitted use in the O-I district, and the requested Special Use Permit is specifically for the addition of a personal care home on the property.

Access is provided from the existing driveway that extends from Meadow Church Way. A total of 189 parking spaces are shown on the site plan, meeting standard parking requirements.

A storm water detention pond is shown in the northwest corner of the property. The required 50-foot wide buffer is shown adjacent to residentially-zoned property.

ZONING HISTORY:

In 1970, the subject property was zoned R-100. The property was rezoned to RA-200 (Agriculture-Residence District) in 1976, pursuant to RZ-76-062. In 1992, a request to rezone the property to R-60 (Single Family Residence District) was denied. The subject property was rezoned to O-I (Office-Institutional District) in 2000, pursuant to RZ-00-132.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

Parking spaces shall be provided at a ratio of:

Personal Care Home:
One space for 3 beds (minimum).
One space for 2 beds (maximum).

Church:
One space per 5 seats (minimum).
One space per 2 seats (maximum).

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

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

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

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

Stormwater Management does not object to this request. However, all applicable stream buffers located on the back portion of the property must be maintained.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Must connect to sanitary sewer if available to property (within 200 feet of property line). If sewer is not available, contact GCEHD concerning septic involvement. Must submit level 3 soil report and detailed site plan with 2 foot topo and soils transposed onto plat. Available usable soil square footage on the lot will determine kind and size of structure/business addition that can be approved for this location.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the eastern right-of-way of Meadow Church Road with an 8-inch water main crossing Meadow Church Way to a DCC on the property.

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 200 feet north of the property in the right-of-way of Dogwood Pond Road.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review. The existing building shall comply with the requirements of the 2006 International Mechanical /code with Georgia state amendments based on occupancy group.

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

4. Architectural design of the proposed buildings and any exterior remodel of the existing building shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject property is located on the west side of Meadow Church Way, north of its intersection with Duluth Highway. The site is a former United States Postal Service facility, developed with a 20,000-square foot building and associated parking.

The 2030 Unified Plan Future Development Map indicates the property lies within the Existing/Emerging Suburban Character Area. If adequately buffered from surrounding residential developments, the proposed personal care home could be compatible within this Character Area. The 1985 Zoning Resolution allows congregate personal care homes within the O-I zoning district provided that a Special Use Permit is granted through the public hearing process.

The surrounding area is characterized by a mixture of office, retail and single-family attached and detached residential uses. Located to the west is Brookhaven at Sugarloaf, a ranch condominium subdivision zoned, R-TH. To the north is Bentwood at Sugarloaf subdivision, a single-family detached development, zoned R-100 CSO. East of the subject property, are two single-family dwelling units on lots, zoned R-100. Across Meadow Church Way are properties zoned C-1, C-2 and O-I, including a Crème de La Crème daycare facility and a retail shopping

center. The addition of a personal care home as an accessory use to a church could be considered appropriate. With conditions that require adequate buffers to protect adjacent residences, the proposed use could be compatible with nearby residential developments and commercial uses in the area.

In conclusion, the proposed Special Use Permit for a congregate personal care home could be consistent with recommendations of the Unified Plan and the development pattern in the area. Therefore the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for a congregate personal care home subject to the following enumerated conditions:

1. Office, professional, church and accessory uses, which may include a congregate personal care home as a Special Use.

2. Abide by all conditions of RZ-00-132. As part of the personal care home development, the privacy fence as required in condition 2.A. of RZ-00-132 shall be replaced or repaired to a good condition.

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

4. Lighted outdoor recreation areas shall be prohibited.

5. Outdoor amplified loudspeaker systems shall be prohibited.

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

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed church with an accessory personal care home could be suitable in light of the commercial/retail uses and attached housing developments within the immediately surrounding area.

ADVERSE IMPACTS

In light of the large size and configuration of the subject property, the congregate personal care home would not be expected to have significant adverse impacts on neighboring properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The proposed use could be consistent with the 2030 Unified Plan and the development pattern in the area. The Board has approved similarly intense commercial, institutional and attached residential uses on nearby parcels.

CONDITIONS AFFECTING ZONING

The primary use of the site as a church is a permitted use in the existing O-I zoning. The addition of an accessory personal care home could be acceptable, given the large size of the property and provision of full buffers.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

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

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

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

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

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

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SUP2011-00006

Standards Governing the Exercise of the Zoning Power

(A) The proposed special use permit will permit a use that is suitable in view of the use and development of adjacent or nearby property, which are mostly residential. An assisted living community as its core function provides domicile for the elderly who need assistance in their daily living. Therefore, an assisted living community will blend into the neighborhood by serving that segment of the population in the area in a "residential" setting.

(B) The proposed special use permit will not adversely affect the existing use or usability of adjacent or nearby property.

(C) The property as currently zoned has reasonable economic use, but the proposed special use permit will even increase the economic benefit by proving a much-needed assisted living facility in the area and creating a synergy with other types of use that is permitted in an O-I zoning district.

(D) The proposed special use permit will not result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The assisted living community is planned for around 120 or so residents, who will depend on the community transportation and will not drive on their own. All other potential impacts on civic facilities will be minimal.

(E) Assisted living is a permitted special use in an O-I zoning district in accordance with the Gwinnett County Zoning Resolution. Beyond that, there does not seem to be any issues that may cause the proposed special use permit to be not in conformity with the policy and intent of the land use plan.

(F) There are no other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the proposed special use permit.

RECEIVED 11-03-10
SUP2011-00006

office for designed space

446 Skiles Ct, Suwanee, GA 30024
t.404.944.9614 f.888.279.5479

To: Gwinnett County Department of Planning & Development

From: Justin Park, Office for Designed Space, LLC

Date: November 2, 2010

Subject: 2320 Meadow Church Way, Duluth, GA – Special Use Permit for Assisted Living

The subject property is in an O-I Office-Institutional district, within which group homes and group or congregate care homes are allowed through the special use permit process under the 1985 Zoning Resolution of Gwinnett.

What is proposed on the subject property is to turn the existing 20,000 SF building into a place of worship for 400 to 500 seats in the main sanctuary and to construct a new 3-story building of approximately 41,000 SF that will house an assisted living community with around 60 rooms of single or double occupancy. An additional educational and recreational center of 9,600 SF is also planned as an auxiliary facility for the religious center.

The hours of operation will be 24/7 as the nature of an assisted living community dictates. There is no definite timeline on the opening date of the facility but it is hoped that it will be operational within two years of acquiring the special use permit.

We believe that an assisted living facility is a community and as such must provide the service needed in the neighborhood where it co-exists. Furthermore, the proximity with a religious and/or cultural center will bring about synergistic effect that is positive to the surrounding community as well as the assisted living residents.

Therefore, it is the intent of the applicant to obtain such a special use permit for an assisted living community on the subject property.

Justin Park, Owner's Agent

RECEIVED 11-03-10
SUP2011-00006

CASE NUMBER RZ-00-132

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

On motion of COMM. HUGHES, which carried 3-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 to O-I by POOHBAH HOLDINGS for the proposed use of OFFICE USES (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which

is incorporated herein and made a part hereof by reference; and

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on OCTOBER 24, 2000 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 24TH day of OCTOBER, 2000, that the aforesaid application to amend the Official Zoning Map from R-100 to O-I is hereby APPROVED subject to the following enumerated conditions:

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

   A. Office, professional, and accessory uses including a postal facility.

   B. Buildings shall be constructed with architectural treatments of brick/and or glass on all four sides.

2. To satisfy the following site development considerations:

   A. Provide a 50-foot wide natural, undisturbed buffer adjacent to residentially zoned property. A six (6) foot high 100 percent opaque fence or wall shall be provided on the interior of the buffer. This fence shall increase to eight (8) feet in height along the common property line of Edward J. Pinson (Tax Parcel 7-117-036). Orange/red tree save fencing shall be installed around the buffer prior to any land disturbance. The proposed entrance driveway may encroach upon the buffer area to the least possible extent.

B. Provide a 10-foot wide landscape strip adjacent to the Meadow Church Way right-of-way.

C. Provide 5-foot landscape strips adjacent to any internal property lines.

D. Dumpsters or trash compactors shall be screened on all four sides by a 100 percent opaque brick wall at least six (6) feet in height and an opaque gate enclosure. Dumpster pickup shall be limited to the hours of 7:00 a.m. and 7:00 p.m.

E. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties.

F. No temporary signs shall be permitted. This includes balloons (helium, hot or cold air filled), banners, pennants, and flags. No streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No flags shall be flown on the site except the flags of the United States of America and the State of Georgia which shall be limited to no more than one of each type.

G. Natural vegetation shall remain on the property until the issuance of a Commercial Development Permit.

H. Provide 5-foot sidewalks along Meadow Church Way.

I. Billboards shall be prohibited.

J. Location and design of driveway shall be subject to the review and approval of the Gwinnett County Department of Transportation and the Development Review Division.

K. Ground signs shall be limited to a single monument-type sign which shall meet the requirements of the 1985 Zoning Resolution and shall have a brick base to match the building.

3. To abide by the following requirements, dedications, and improvements:

   A. Design stormwater detention facilities such that they do not encroach into required buffers.

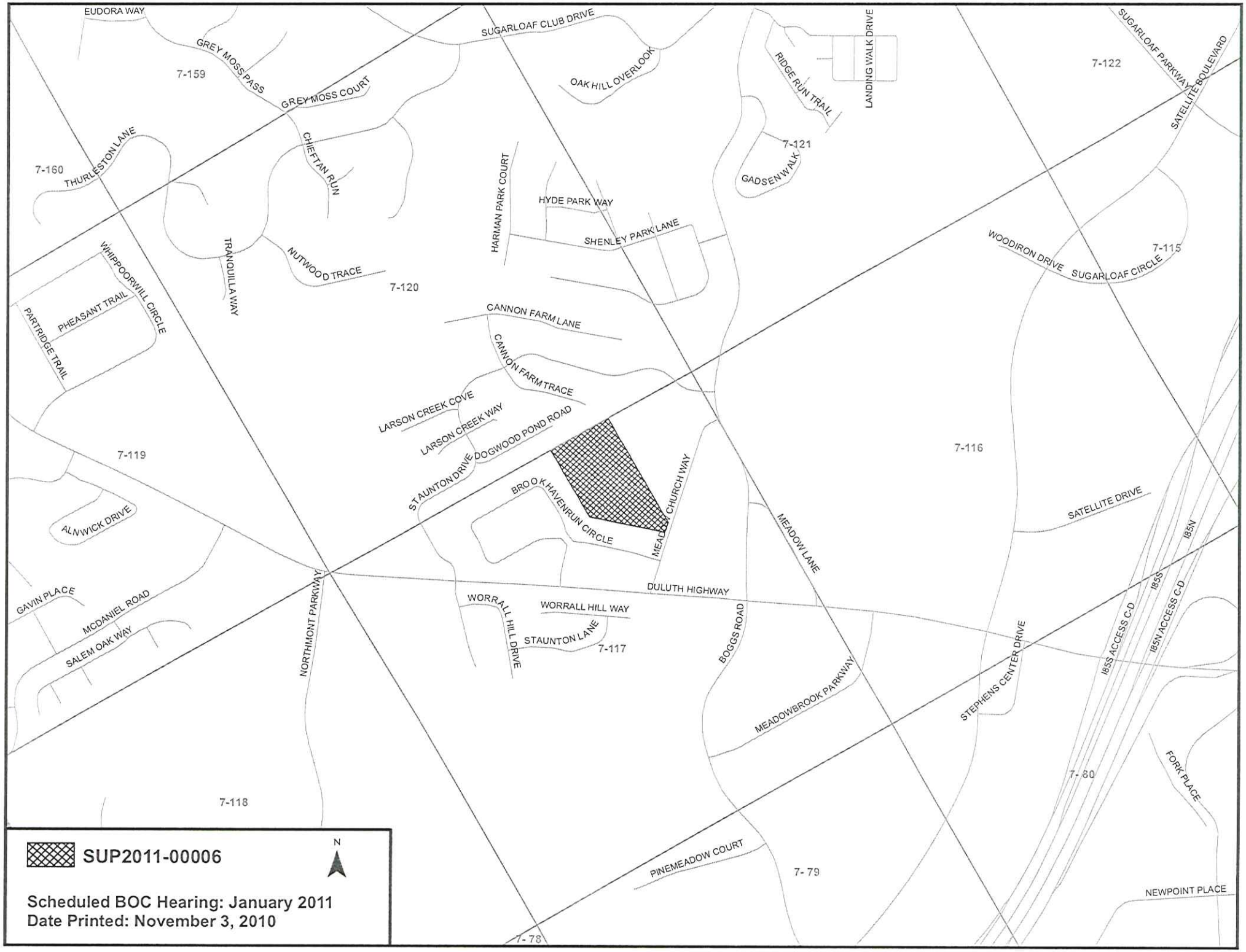
GWINNETT COUNTY BOARD OF COMMISSIONERS

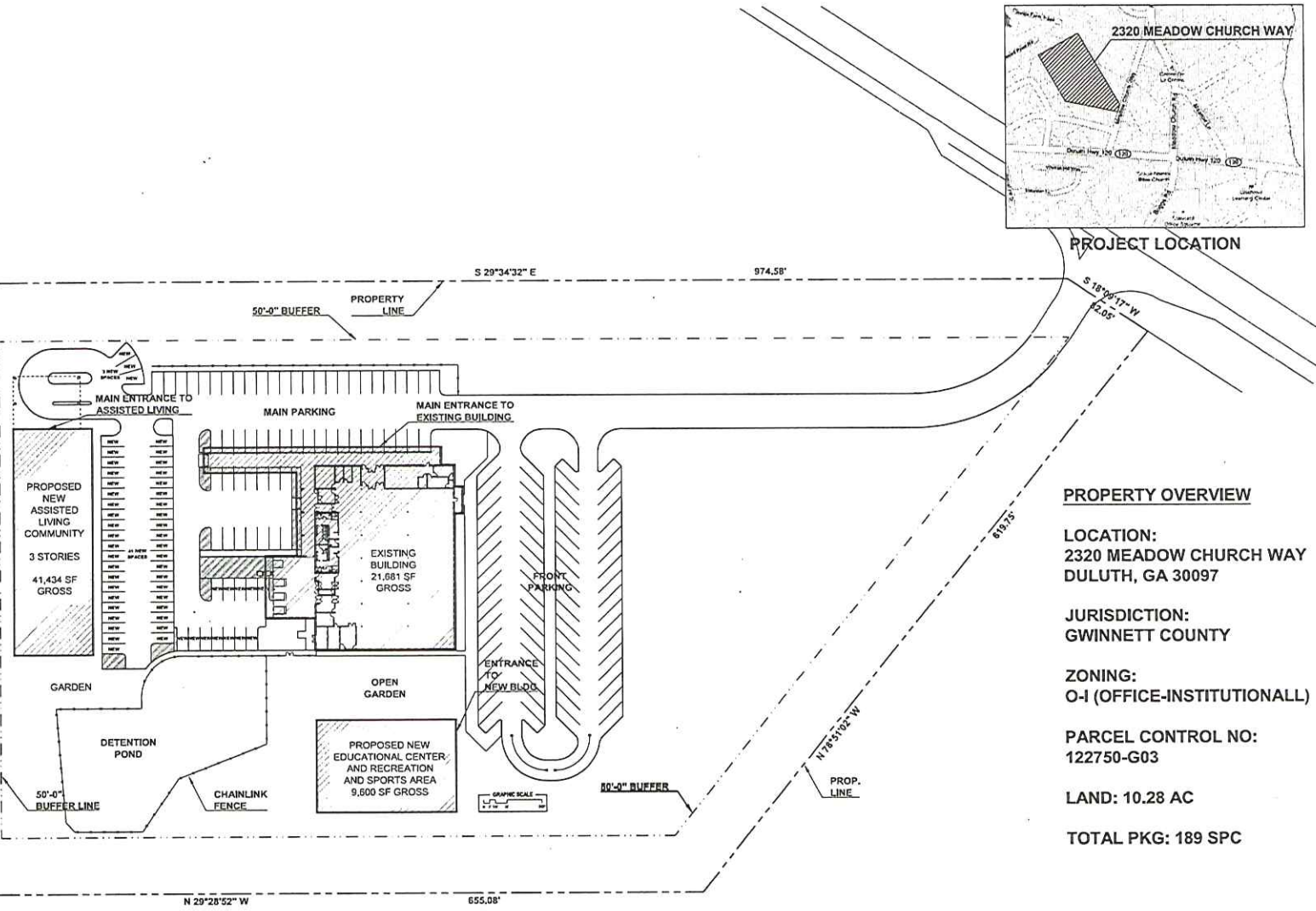
By: F. Wayne Hill
F. Wayne Hill, Chairman

Date Signed: Oct. 30, 2000

ATTEST:

Brenda Maddox
County Clerk


EUDORA WAY
GREY MOSS PASS
GREY MOSS COURT
SUGARLOAF CLUB DRIVE
OAK HILL OVERLOOK
RIDGE RUN TRAIL
LANDING WALK DRIVE
SUGARLOAF PARKWAY
SATELLITE BOULEVARD
7-159
7-122
7-160
THURLESTON LANE
CHIEFTAN RUN
HARMAN PARK COURT
HYDE PARK WAY
7-121
GADSEN WALK
SHENLEY PARK LANE
WOODIRON DRIVE
SUGARLOAF CIRCLE
7-115
WHIPPOORWILL CIRCLE
PHEASANT TRAIL
PARTRIDGE TRAIL
TRANQUILLA WAY
NUTWOOD TRACE
7-120
CANNON FARM LANE
CANNON FARM TRACE
LARSON CREEK COVE
LARSON CREEK WAY
STAUNTON DRIVE
DOGWOOD POND ROAD
7-119
7-116
BROOKHAVEN RUN CIRCLE
MEADOW CHURCH WAY
SATELLITE DRIVE
ALNWICK DRIVE
MEADOW LANE
GAVIN PLACE
MCDANIEL ROAD
SALEM OAK WAY
NORTHMONT PARKWAY
DULUTH HIGHWAY
WORRALL HILL WAY
WORRALL HILL DRIVE
STAUNTON LANE
7-117
BOGGS ROAD
I85S ACCESS C-D
I85S
I85N ACCESS C-D
I85N
MEADOWBROOK PARKWAY
STEPHENS CENTER DRIVE
FORK PLACE
7-118
7-80
PINEMEADOW COURT
7-79
NEWPOINT PLACE
7-78
SUP2011-00006
N
Scheduled BOC Hearing: January 2011
Date Printed: November 3, 2010



PROPERTY OVERVIEW

LOCATION:
2320 MEADOW CHURCH WAY
DULUTH, GA 30097

JURISDICTION:
GWINNETT COUNTY

ZONING:
O-I (OFFICE-INSTITUTIONALL)

PARCEL CONTROL NO:
122750-G03

LAND: 10.28 AC

TOTAL PKG: 189 SPC

1 SITE PLAN

1:300 (WHEN PRINTED 24" X 36")

RECEIVED 11-03-10
SUP2011-00006

office for designed space

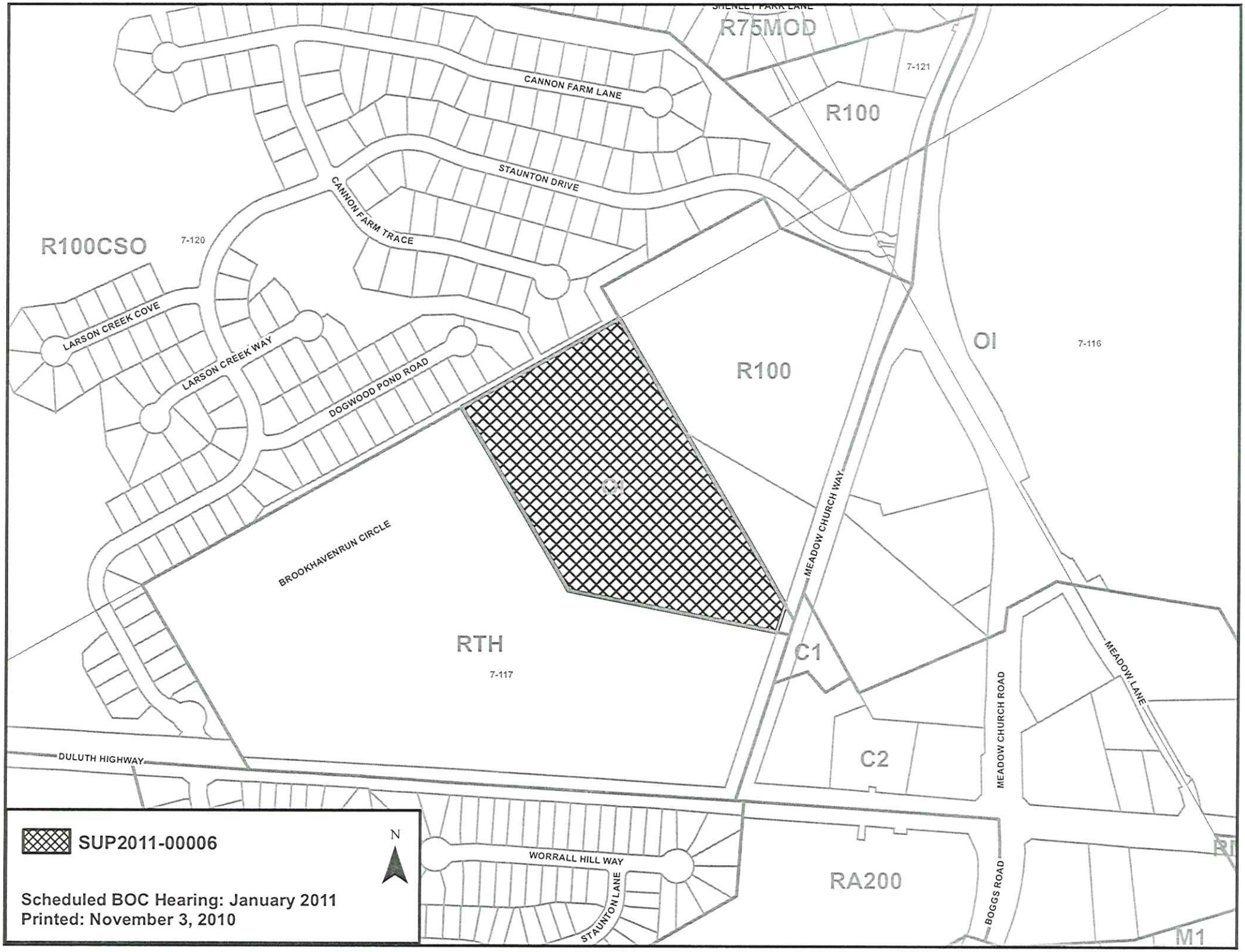
Revisions

Sheet Information
Date 2010.09.09
Job Number 10000.00
Title
PROPOSED SITE PLAN

Sheet
C-00

NOT ISSUED FOR CONSTRUCTION

Copyright © 2010 ODS


SHENLEY PARK LANE
R75MOD
7-121
CANNON FARM LANE
R100
STAUNTON DRIVE
CANNON FARM TRACE
R100CSO
7-120
LARSON CREEK COVE
LARSON CREEK WAY
DOGWOOD POND ROAD
R100
OI
7-116
SUP
BROOKHAVENRUN CIRCLE
MEADOW CHURCH WAY
RTH
7-117
C1
MEADOW LANE
C2
MEADOW CHURCH ROAD
DULUTH HIGHWAY
WORRALL HILL WAY
RA200
STAUNTON LANE
BOGGS ROAD
M1
SUP2011-00006
N
Scheduled BOC Hearing: January 2011
Printed: November 3, 2010

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
CHANGE IN CONDITIONS ANALYSIS

CASE NUMBER	:**CIC2011-00006**
ZONING	:R-100 CSO
LOCATION	:3500-3600 BLOCK OF FIVE FORKS TRICKUM ROAD
MAP NUMBER	:R6089 001 & 6088 101
ACREAGE	:77.88 ACRES
PROPOSED DEVELOPMENT	:CHANGE IN CONDITIONS TO REDUCE MINIMUM DWELLING SIZE, REMOVE THREE-CAR GARAGE REQUIREMENT, AND REVISE ARCHITECTURAL REQUIREMENTS
UNITS	:128 UNITS
COMMISSION DISTRICT	:(3) BEAUDREAU

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

APPLICANT: PULTE GROUP
2475 NORTHWINDS PARKWAY, SUITE 600
ALPHARETTA, GA 30009

CONTACT: TED TURNER PHONE: 678.283.8483

OWNER: PULTE GROUP
2475 NORTHWINDS PARKWAY, SUITE 600
ALPHARETTA, GA 30009

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a change in conditions of zoning for the Terrasol subdivision, to reduce the minimum heated floor area of the dwellings, reduce the garage size and revise the required architectural style of the building and roofing materials. Terrasol is located on the south side of Five Forks-Trickum Road, east of Tom Smith Road. The subdivision's infrastructure has been installed, including a swim and tennis facility; however, no homes have been constructed within the development. The property is proposed to be developed with 128 building lots.

In December of 2005, a Special Use Permit was approved on the property for an R-100 CSO single-family subdivision, pursuant to SUP-05-065. The conditions of this approval required homes to be 3-sides brick or stone, 2,000-2,400 square feet in size, with 2-car garages. In June of 2008, the builder at that time requested a change in conditions (CIC-08-016) to allow larger homes with flexibility in the exterior treatment of the residences, allowing additional materials other than brick or stone. This approval resulted in conditions requiring 4-sided architecture, 2,400-3,000 square, and 3-car garages (for 50% of homes).

The subject change in conditions request is to amend several conditions from 2008, including: condition 1. B., which governs the architectural design standards, condition 1.C. governs the minimum dwelling size; condition 1.G. governs the garage size and condition 1. H. governs the architectural-style roofing materials of the homes. The current conditions read as follows:

> 1.B. All homes shall be designed and constructed implementing "four-sided architecture." As used herein this term describes the design of the structure where the side and rear elevations are not perceived or detailed as secondary to the front elevation. Architectural elements, such as, but not limited to; window muttons, shutters, masonry exterior veneers, cornice detailing and window casings must be consistent around all four sides of the structure. The purpose of this architectural method is to eliminate brick front or three sided brick architecture and address the design and detailing of the building as opposed to the exterior finish material. Finish materials to be used shall consist of brick, stone, minor stucco accents, wood, fiber-cement siding and or batten. No vinyl siding or soffits may be used. Elevations shall be in general accordance with those presented at the May 6, 2008 Planning Commission meeting, and the May 20, 2008 Board of Commissioners meeting. Any additional plans may be submitted to the Director of Planning and Development for review and approval. All homes shall feature a water table on the exterior of the home to be constructed of brick and/or stone, as follows:
>
> A. For a home with a basement: the area comprising the entire visible exterior of the basement to the floor of the first floor.
> B. For a home without a basement: the area comprising the entire visible exterior of the home from grade to 24 inches above grade.
>
> The foregoing requirements shall not apply to steps, stoops, porches, gables, decks, chimneys, windows, doors, protrusions, or other similar
>
> 1.C. The minimum heated floor area shall be at least 2,400 square feet for one-story homes and at least 3,000 square feet for two-story homes.
>
> 1.G. Three car garages shall be required for at least 50 percent of the homes.
>
> 1.H. Roofing materials shall be architectural-style shingles.

The applicant now proposes to eliminate condition 1.B. requiring for four-sided architecture; amend condition 1.C. to allow a minimum heated floor area of 2,000 square feet for single-story homes and 2,400 square feet for two-story homes; and eliminate conditions 1.G. and 1.H., however, no specifics have been proposed for the new garage standards or roofing materials.

The applicant is now requesting that homes be constructed in general accordance with elevations submitted on January 28, 2011 to the Department of Planning and Development. Three house plans were submitted as part of this application, including the Madeline, the Somerset and the Preston. Several elevations were included for each style home and attached are a sampling of those house elevations.

The 2030 Unified Plan Future Development Map indicates that the property is located within an Existing/Emerging Suburban Character Area. The requested change in conditions to reduce the dwelling and garage sizes and to amend the architectural standards may not be appropriate in view of the previous Board approval, which occurred through the public hearing process with input from neighboring property owners, and was intended to provide for high-quality, dwellings within the development.

The surrounding area is characterized by single-family residential development, including: subdivisions, homes on large lots, and undeveloped land. A conservation subdivision is appropriate at this location given the mix of low-density subdivisions in the area. However, the existing zoning conditions for Terrasol were established through the public hearings process, and a reduction in the required minimum house size and the required exterior design and materials may not be appropriate.

In conclusion, the requested change in conditions may not be appropriate in light of the previous public hearings and Board approval for the property. Therefore, the Department of Planning and Development recommends **DENIAL** of the request.

ZONING HISTORY:

The property has been zoned R-100 since 1970. A Special Use Permit to allow a Conservation Subdivision Overlay subdivision was approved, pursuant to SUP-05-065, in December, 2005. A change in conditions with a minor property addition was approved for Terrasol in June, 2008, pursuant to CIC-08-016 and SUP-08-050.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

The subject property contains 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. The applicant/developer shall obtain all required approvals from the Gwinnett Department of Public Utilities and the U.S. Army Corps of Engineers for construction or land disturbance activities, which may impact floodplain or wetland areas.

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:

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 the petition.

Approval as R-100 (CSO) for single family residences and accessory uses 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 structures. The development shall not exceed 128 lots.

   B. **Dwellings shall be constructed of brick, stacked stone, and fiber-cement siding/shake, in general accordance with the elevations submitted on January 28, 2011 to Gwinnett County Current Planning Section.** ~~All homes shall be designed and constructed implementing "four-sided architecture." As used herein this term describes the design of the structure where the side and rear elevations are not perceived or detailed as secondary to the front elevation. Architectural elements, such as, but not limited to; window muttons, shutters, masonry exterior veneers, cornice detailing and window casings must be consistent around all four sides of the structure. The purpose of this architectural method is to eliminate brick front or three sided brick architecture and address the design and detailing of the building as opposed to the exterior finish material. Finish materials to be used shall consist of brick, stone, minor stucco accents, wood, fiber-cement siding and or batten. No vinyl siding or soffits may be used. Elevations shall be in general accordance with those presented at the May 6, 2008 Planning Commission meeting, and the May 20, 2008 Board of Commissioners meeting. Any additional plans may be submitted to the Director of Planning and Development for review and approval. All homes shall feature a water table on the exterior of the home to be constructed of brick and/or stone, as follows:~~

      ~~A. For a home with a basement: the area comprising the entire visible exterior of the basement to the floor of the first floor.~~
      ~~B. For a home without a basement: the area comprising the entire visible exterior of the home from grade to 24 inches above grade.~~

      ~~The foregoing requirements shall not apply to steps, stoops, porches, gables, decks, chimneys, windows, doors, protrusions, or other similar features.~~

   C. The minimum heated floor area shall be at least ~~2,400~~ **2,000 feet** for one-story homes and at least ~~3,000~~ **2,400** square feet for two-story homes.

   D. All dwellings shall have at least a double car garage.

E. All lots will have a minimum of two hardwood trees planted. The streets will have a minimum of one hardwood every 50 feet planted along the road frontage.

F. The lot size (width) will be a minimum of 80-feet.

G. ~~Three-car garages shall be required for at least fifty percent of the homes.~~

H. Roofing materials shall be architectural-style shingles.

2. To satisfy the following site development considerations:

A. All grassed areas shall be sodded.

B. All utilities shall be placed underground.

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

D. The open space shall be accessible to the public right-of-way.

E. The active recreation shall have connectivity to the passive recreation area through the open space. The pool will be a minimum of 25-meters (junior Olympic size).

3. To abide by the following requirements, dedications and improvements:

A. Prior to issuance of the first Building Permit donate and/or acquire all necessary right-of-way and easements, and design and construct a center left turn lane on Five Forks Trickum as directed by the Gwinnett County Department of Transportation. All design and construction shall be subject to review and approval of the Department of Transportation.

B. Dedicate at no cost to Gwinnett County, all necessary right-of-way and easements for the future construction of the Yellow River Greenway in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval by the Gwinnett Department of Community Services. All dedications will be located outside of the designated stream bank setbacks.

C. This development is encouraged to contribute to the Brookwood School Cluster Foundation.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions may not be suitable in light of the past public hearing and Board action on the property.

ADVERSE IMPACTS

Reducing the architectural and building standards may adversely impact the surrounding area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

A minimal change in impacts on public facilities would be expected, as the proposed change-in-conditions would not increase the overall number of homes in the subdivision.

CONFORMITY WITH POLICIES

The subject request would not be consistent with Board policy as established in the previous zoning action (CIC-08-016), which was established through the public hearing process.

CONDITIONS AFFECTING ZONING

There have been no changes in the immediate area since 2008 which lend support to the applicant's request.

CHANGE IN CONDITIONS APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

Yes.

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

No.

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

Yes.

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

No.

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

Yes.

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

The change in market conditions supports requested changes.

RECEIVED 1-21-11
CIC2011-00006

PulteGroup

January 28, 2011

Mr. Jeff West, Manager
Current Planning Section
Department of Planning and Development
Gwinnett County
446 West Crogan Street, Suite 275
Lawrenceville, GA 30046

Re: Revised Letter of Intent - Terrasol CIC 08-016

Mr. West:

The Pulte Group respectively requests the following Change in Conditions to the zoning of the subject property.

1. Change condition "1.C" to read : " The minimum heated floor area shall be at least 2,000 s.f. for one story homes and at least 2,400 s.f. for two story homes. (As previously zoned under SUP 05-065.)
2. Delete condition "1.G". Our intent is to eliminate the requirement for 3 car garages for at least 50 percent of the homes.
3. Delete condition "1.H". Our intent is to eliminate the requirement for architectural style shingles.
4. Replace the seventh sentence in condition "1.B" from "Elevations shall be in general accordance with those presented at the May 6, 2008 Planning Commission Meeting, and the May 20, 2008 Board of Commissioners meeting" to "Elevations shall be in general accordance with those submitted on January 28, 2011 to the Gwinnett County Current Planning Section".

These changes in conditions are necessary and are predicated on the significant changes that have occurred in housing market conditions from the date CIC 08-016 was approved to present.

Thank you for your consideration herein.

Sincerely,

Ted Turner
Vice President, Land Development

PulteGroup, Inc. 2475 Northwinds Parkway, Suite 525 Alpharetta, Georgia 30009
770.381.3466 770.381.3466 (Fax) pultegroupinc.com

CASE NUMBER CIC-08-016
GCID 2008-0558

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

On motion of COMM. BEAUDREAU, 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 CSO to R-100 CSO by VESMONT NASH PRESERVE, 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 MAY 20, 2008 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 3RD day of JUNE 2008, that the aforesaid application to amend the Official Zoning Map from R-100 CSO to R-100 CSO (CHANGE IN CONDITIONS) 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 structures. The development shall not exceed 128 lots.

   B. All homes shall be designed and constructed implementing "four-sided architecture." As used herein this term describes the design of the structure where the side and rear elevations are not perceived or detailed as secondary to the front elevation. Architectural elements, such as, but not limited to; window muttons, shutters, masonry exterior veneers, cornice detailing and window casings must be consistent around all four sides of the structure. The purpose of this architectural method is to eliminate brick front or three sided brick architecture and address the design and detailing of the building as opposed to the exterior finish material. Finish materials to be used shall consist of brick, stone, minor stucco accents, wood, fiber-cement siding and or batten. No vinyl siding or soffits may be used. Elevations shall be

in general accordance with those presented at the May 6, 2008 Planning Commission meeting, and the May 20, 2008 Board of Commissioners meeting. Any additional plans may be submitted to the Director of Planning and Development for review and approval. All homes shall feature a water table on the exterior of the home to be constructed of brick and/or stone, as follows:

A. For a home with a basement: the area comprising the entire visible exterior of the basement to the floor of the first floor.
B. For a home without a basement: the area comprising the entire visible exterior of the home from grade to 24 inches above grade.

The foregoing requirements shall not apply to steps, stoops, porches, gables, decks, chimneys, windows, doors, protrusions, or other similar features.

C. The minimum heated floor area shall be at least 2,400 one for story homes and at least 3,000 square feet for two story homes.

D. All dwellings shall have at least a double car garage.

E. All lots will have a minimum of two hardwood trees planted. The streets will have a minimum of one hardwood every 50-feet planted along the road frontage.

F. The lot size (width) will be a minimum of 80-feet.

G. Three-car garages shall be required for at least fifty percent of the homes.

H. Roofing materials shall be architectural-style shingles.

2. To satisfy the following site development considerations:

   A. All grassed areas shall be sodded.

   B. All utilities shall be placed underground.

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

   D. The open space shall be accessible to the public right-of-way.

   E. The active recreation shall have connectivity to the passive recreation area through the open space. The pool will be a minimum of 25-meters (junior Olympic size).

3. To abide by the following requirements, dedications and improvements:

   A. Prior to issuance of the first Building Permit donate and/or acquire all necessary right-of-way and easements, and design and construct a center left turn lane on Five Forks Trickum as directed by the Gwinnett County Department of Transportation. All design and construction shall be subject to review and approval of the Department of Transportation.

   B. Dedicate at no cost to Gwinnett County, all necessary right-of-way and easements for the future construction of the Yellow River Greenway in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval by the Gwinnett Department of Community Services. All dedications will be located outside of the designated stream bank setbacks.

CASE NUMBER CIC-08-016
GCID 2008-0558

C. This development is encouraged to contribute to the Brookwood School Cluster Foundation.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: _____
Charles E. Bannister, Chairman

Date Signed: June 14, 2008

ATTEST:

_____
County Clerk/Deputy County Clerk



CASE NUMBER SUP-05-065

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

On motion of COMM. BEAUDREAU, 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 CENTEX HOMES, INC. for the proposed use of SINGLE-FAMILY CONSERVATION SUBDIVISION on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

CASE NUMBER SUP-05-065

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 NOVEMBER 22, 2005 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 13th day of DECEMBER, 2005 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. Single-family detached dwellings and accessory uses and structures. The development shall not exceed 125 lots.

   B. Homes shall be constructed of three-sides of brick or stone (except minor treatments, i.e. chimneys, roof gables, bay windows). The balance of the home may be the same, or of wood or fiber-cement siding. Homes visible from Five Forks Trickum (including the first two homes) shall be four-sided brick.

   C. The minimum heated floor area shall be at least 2,000 one for story homes and at least 2,400 square feet for two story homes.

   D. All dwellings shall have at least a double car garage.

   E. The site plan shall be in general accordance with the plan presented at the Board of Commissioners meeting November 22, 2005.

F. All lots will have a minimum of two hardwood trees planted. The streets will have a minimum of one hardwood every 50-feet planted along the road frontage.

G. The lot size (width) will be a minimum of 80-feet.

2. To satisfy the following site development considerations:

A. All grassed areas shall be sodded.

B. All utilities shall be placed underground.

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

D. The open space shall be accessible to the public right-of-way.

E. The active recreation shall have connectivity to the passive recreation area through the open space. The pool will be a minimum of 25-meters (junior Olympic size).

3. To abide by the following requirements, dedications and improvements:

A. Prior to issuance of the first Building Permit donate and/or acquire all necessary right-of-way and easements, and design and construct a center left turn lane on Five Forks Trickum as directed by the Gwinnett County Department of Transportation. All design and construction shall be subject to review and approval of the Department of Transportation.

B. Dedicate at no cost to Gwinnett County, all necessary right-of-way and easements for the future construction of the Yellow River Greenway in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval by the Gwinnett Department of Community Services. All dedications will be located outside of the designated stream bank setbacks.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: _____
Charles E. Bannister, Chairman

Date Signed: 1/13/06

ATTEST:

_____
County Clerk/Deputy County Clerk

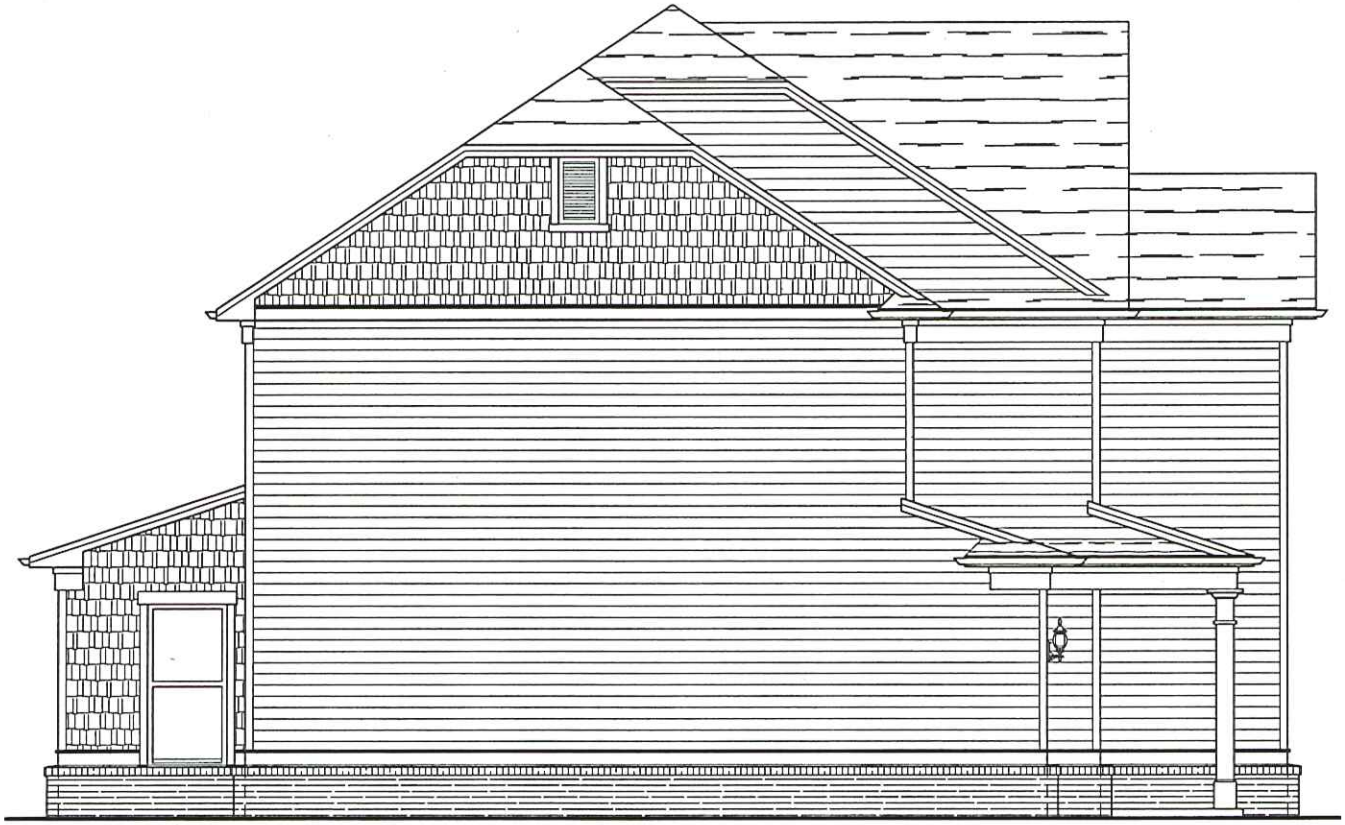


MADELINE – FRONT ELEVATION 21

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

(c) Copyright 2010 Pulte Group

EQUAL HOUSING OPPORTUNITY

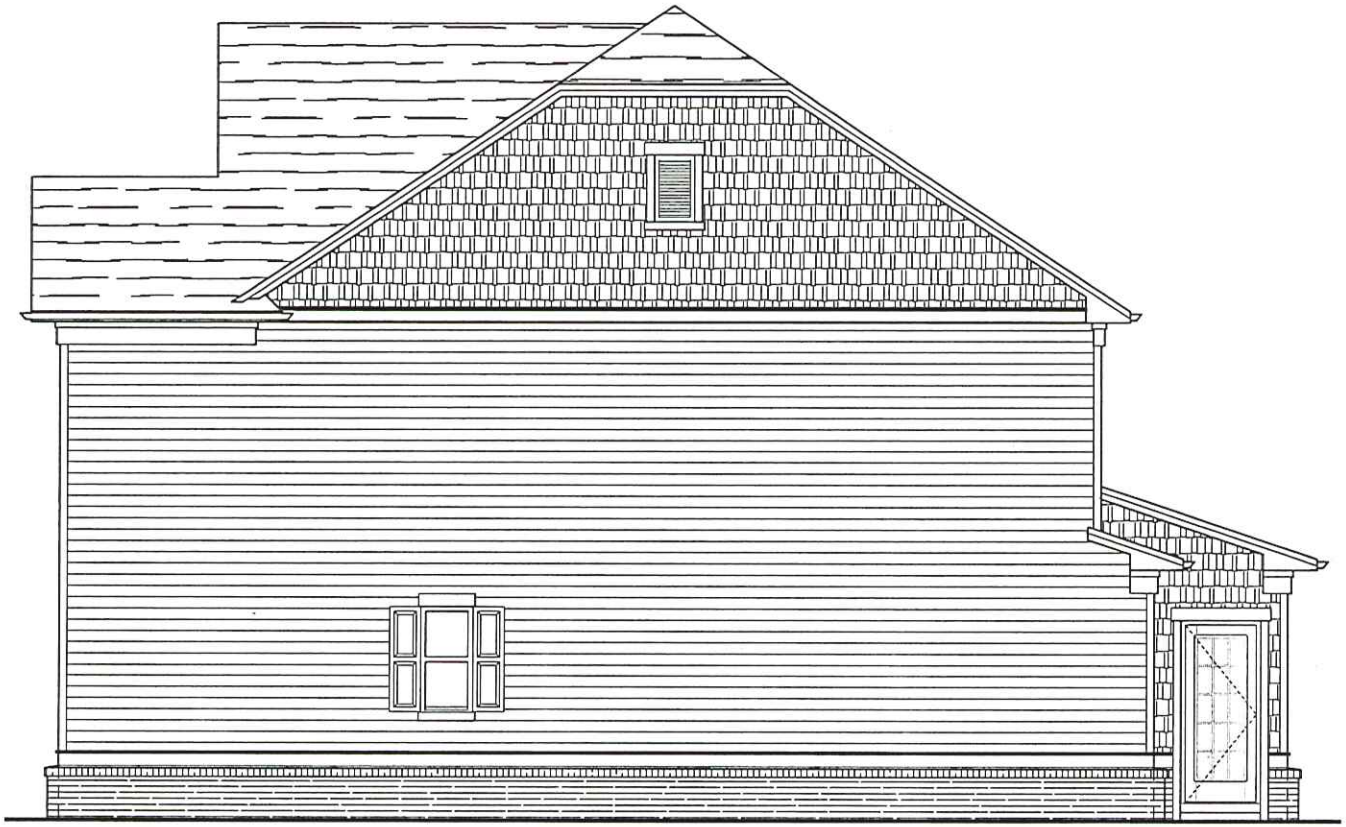


MADELINE – LEFT SIDE ELEVATION 21

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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EQUAL HOUSING OPPORTUNITY



MADELINE – RIGHT SIDE ELEVATION 21

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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EQUAL HOUSING OPPORTUNITY



MADELINE – REAR ELEVATION 21

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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MADELINE – FRONT ELEVATION 22 (W/ 3RD CAR GARAGE)

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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EQUAL HOUSING OPPORTUNITY

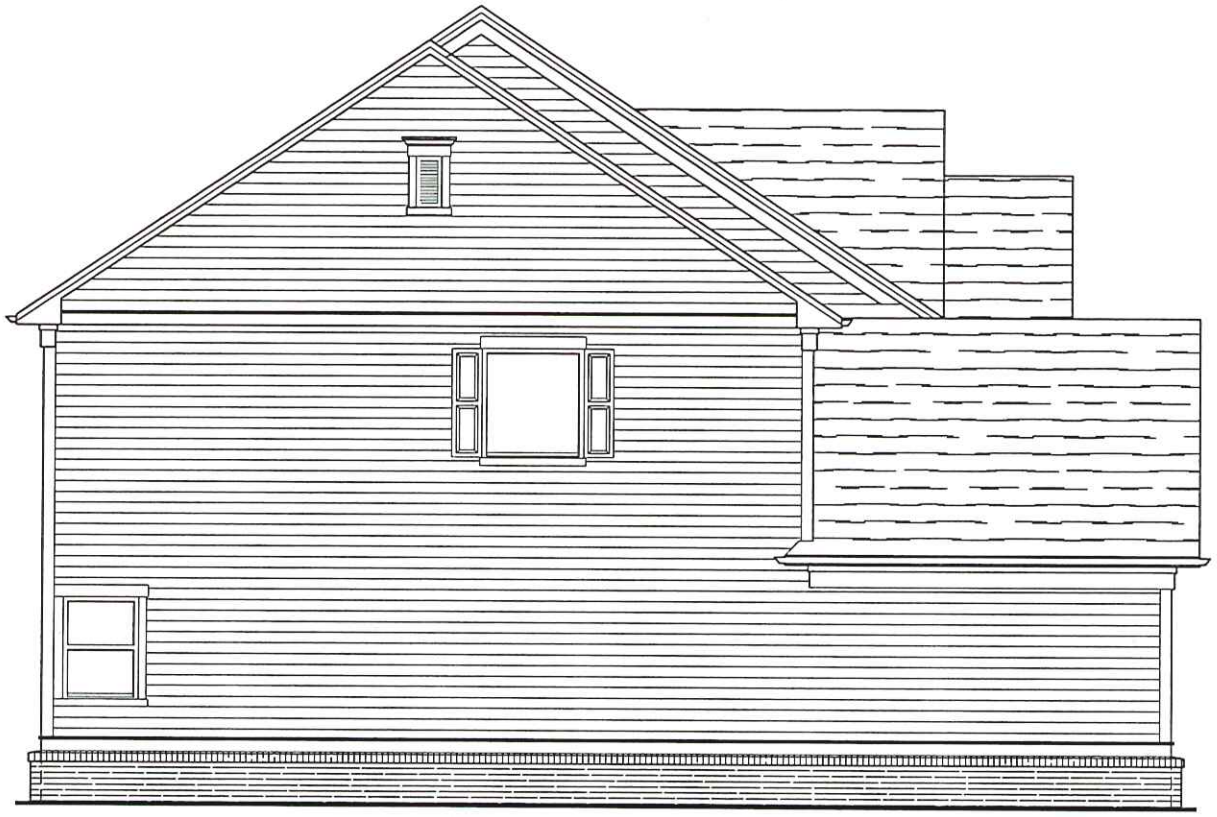


PRESTON – FRONT ELEVATION 21

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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EQUAL HOUSING OPPORTUNITY



PRESTON – LEFT SIDE ELEVATION 21

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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PRESTON – RIGHT SIDE ELEVATION 21

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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PRESTON – REAR ELEVATION 21

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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PRESTON – FRONT ELEVATION 21 (W/ 3RD CAR GARAGE)

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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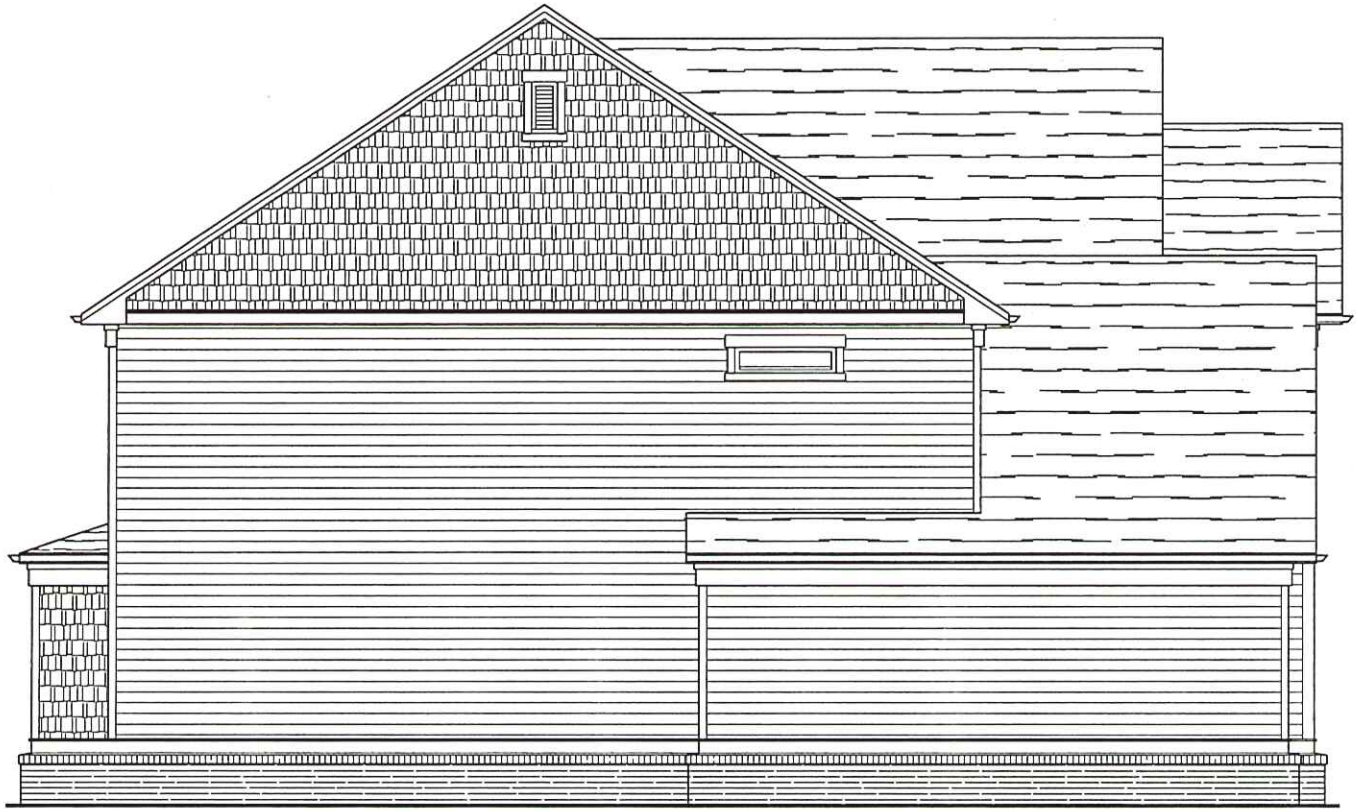


SOMERSET II – FRONT ELEVATION 21

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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EQUAL HOUSING OPPORTUNITY

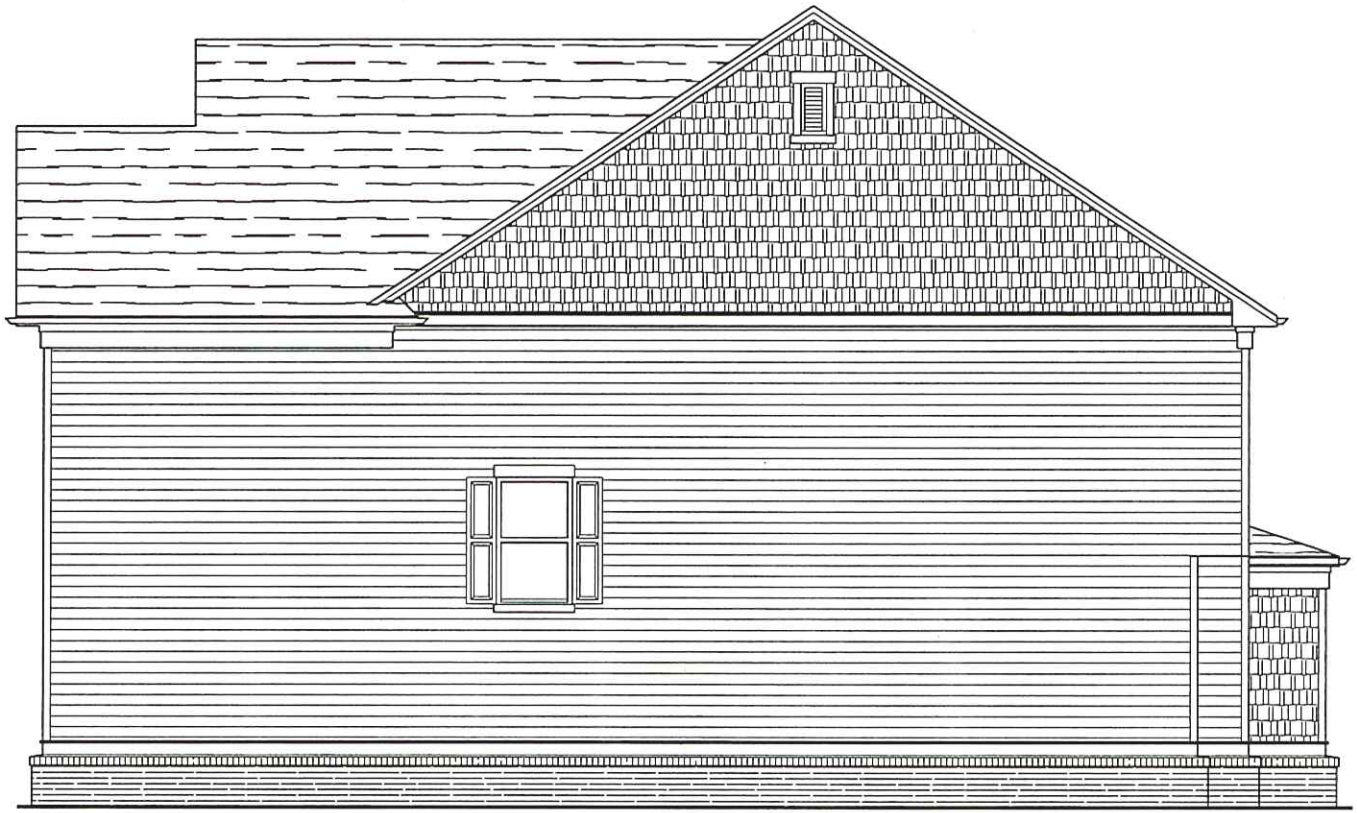


SOMERSET II – LEFT SIDE ELEVATION 21

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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SOMERSET II – RIGHT SIDE ELEVATION 21

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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SOMERSET II – REAR ELEVATION 21

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

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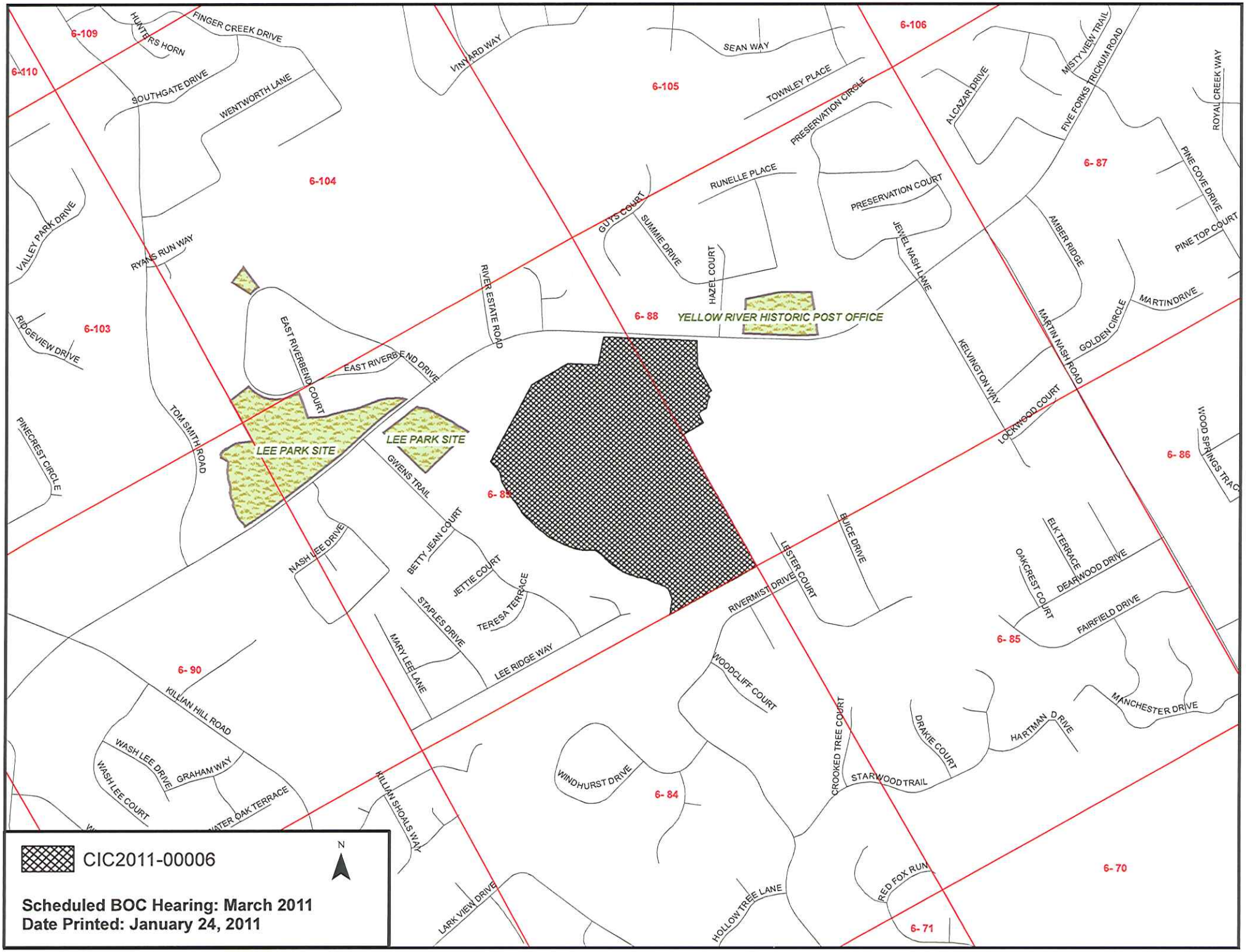


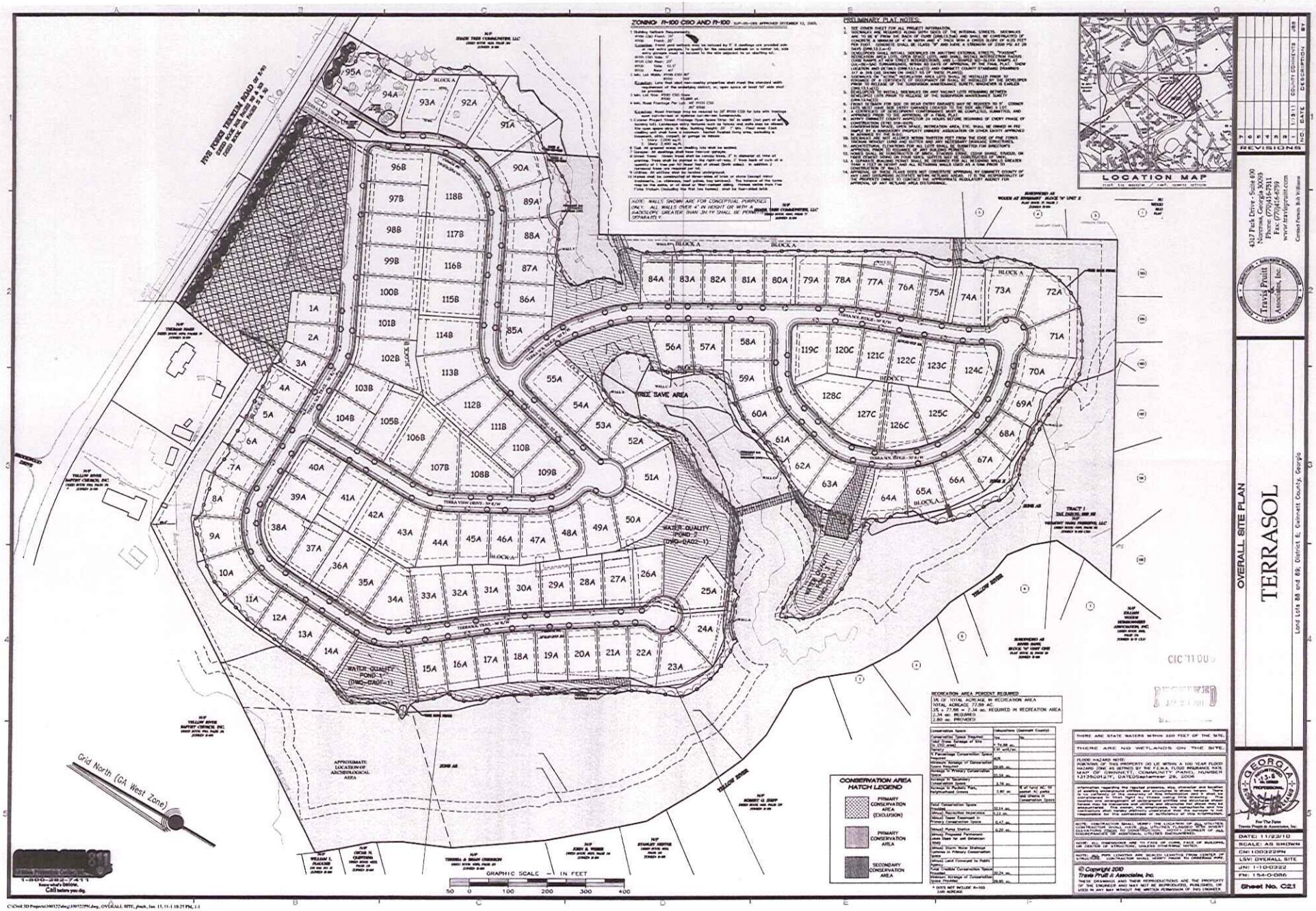
SOMERSET II – FRONT ELEVATION 21 (W/ 3RD CAR GARAGE)

Note: Floor plans, Elevations and Options will vary from Community to Community and may not reflect current changes. Dimensions shown are approximate.

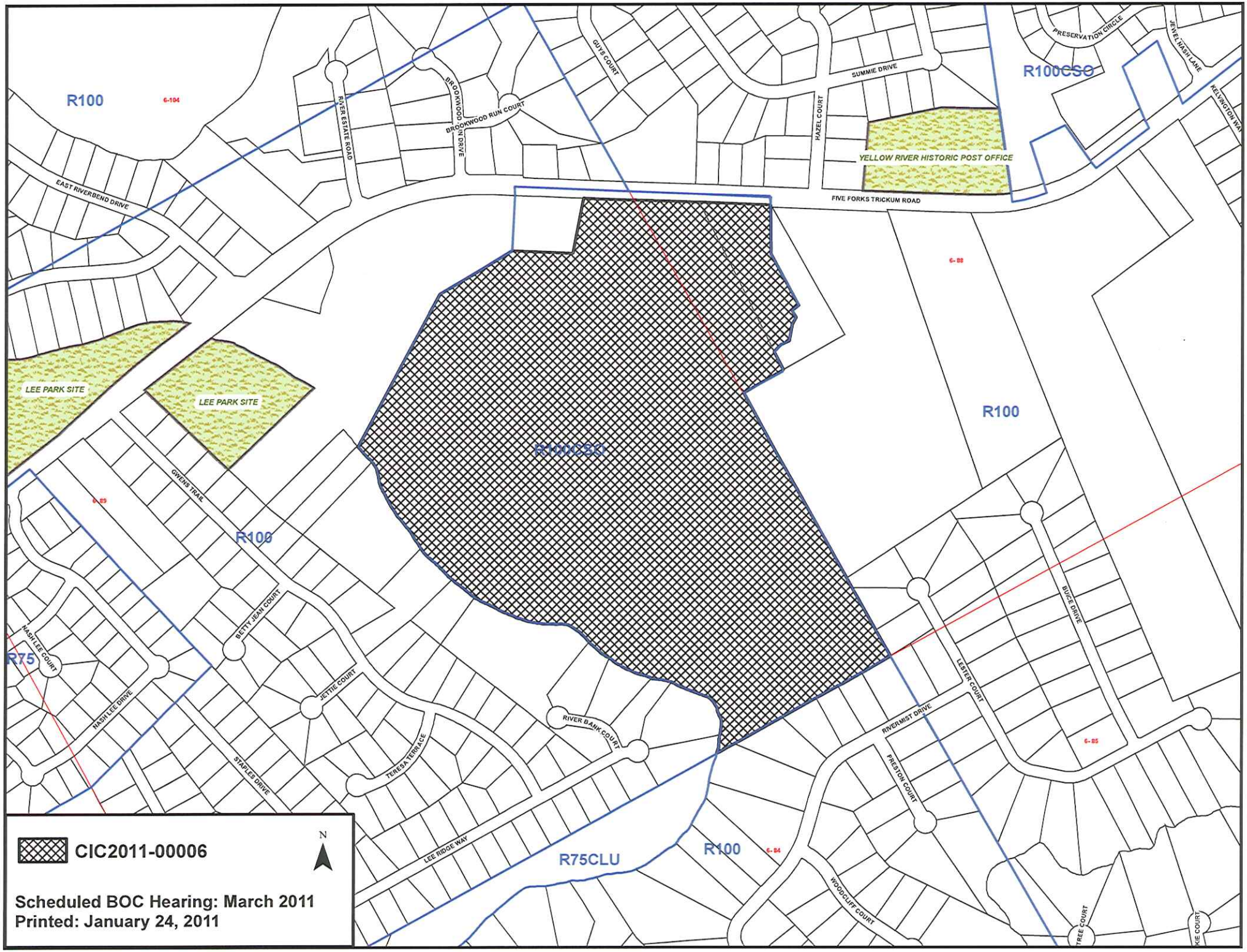
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EQUAL HOUSING OPPORTUNITY


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HUNTERS HORN
FINGER CREEK DRIVE
SOUTHGATE DRIVE
WENTWORTH LANE
VINYARD WAY
SEAN WAY
TOWNLEY PLACE
PRESERVATION CIRCLE
ALCAZAR DRIVE
MISTY VIEW TRAIL
FIVE FORKS TRICKUM ROAD
ROYAL CREEK WAY
PINE COVE DRIVE
PINE TOP COURT
VALLEY PARK DRIVE
RYANS RUN WAY
RUNELLE PLACE
GUYS COURT
SUMMIE DRIVE
HAZEL COURT
PRESERVATION COURT
JEWEL NASH LANE
AMBER RIDGE
MARTIN DRIVE
GOLDEN CIRCLE
MARTIN NASH ROAD
KELVINGTON WAY
LOCKWOOD COURT
RIDGEVIEW DRIVE
EAST RIVERBEND COURT
EAST RIVERBEND DRIVE
RIVER ESTATE ROAD
YELLOW RIVER HISTORIC POST OFFICE
LEE PARK SITE
LEE PARK SITE
TOM SMITH ROAD
PINECREST CIRCLE
GWENS TRAIL
NASH LEE DRIVE
BETTY JEAN COURT
JETTIE COURT
TERESA TERRACE
STAPLES DRIVE
MARY LEE LANE
LEE RIDGE WAY
WOOD SPRINGS TRAC
BUICE DRIVE
LESTER COURT
RIVERMIST DRIVE
ELK TERRACE
OAKCREST COURT
DEARWOOD DRIVE
FAIRFIELD DRIVE
KILLIAN HILL ROAD
WASH LEE DRIVE
GRAHAM WAY
WASH LEE COURT
WATER OAK TERRACE
KILLIAN SHOALS WAY
WOODCLIFF COURT
WINDHURST DRIVE
CROOKED TREE COURT
DRAKIE COURT
STARWOOD TRAIL
HARTMAN DRIVE
MANCHESTER DRIVE
LARK VIEW DRIVE
HOLLOW TREE LANE
RED FOX RUN
CIC2011-00006
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Scheduled BOC Hearing: March 2011
Date Printed: January 24, 2011



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WOODCLIFF COURT
CIC2011-00006
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Scheduled BOC Hearing: March 2011
Printed: January 24, 2011

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00013**
ZONING	:M-1
LOCATION	:2100 BLOCK OF BOGGS ROAD
MAP NUMBER	:R7117 054
ACREAGE	:5.48 ACRES
PROPOSED DEVELOPMENT	:RECREATION FACILITY/TRAINING CENTER
SQUARE FEET	:34,419 SQUARE FEET
COMMISSION DISTRICT	:(1) LASSETER

FUTURE DEVELOPMENT MAP: **REGIONAL MIXED USE**

APPLICANT: J. STEVE BEAR
3 PIEDMONT CENTER, SUITE 205
ATLANTA, GA 30305

CONTACT: J. STEVE BEAR PHONE: 404.298.0277

OWNER: BERT LOCKE
1170 PEACHTREE STREET, SUITE 565
ATLANTA, GA 30309

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 5.48-acre parcel, zoned M-1 (Light Industry District), to allow an indoor baseball training facility. The subject property is located within the Gwinnett Forrest business park, on the west side of Boggs Road at its intersection with Gwinnett Forrest Circle.

The site is developed with an office/warehouse building totaling 72,720 square feet. The baseball training facility currently occupies 34,419 square feet of the available building space. Access to the property is via driveways onto Boggs Road and Gwinnett Forrest Circle, with inter-parcel access throughout the development. There are no changes proposed to the site or building as part of this application.

Since 2002, according to the letter of intent, the building space has been used as an indoor training facility for potential collegiate and professional baseball players. The original operator of the training center closed their business several years ago. In May 2010, the current operator took over the space from the original tenant and attempted to obtain the necessary occupancy permits, unaware of the Special Use Permit requirement for this type of use within the M-1 zoning district. The requested Special Use Permit would bring the business into compliance with zoning requirements.

ZONING HISTORY:

The subject 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:

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 western right-of-way of Boggs Road.

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 for a Tenant Change Permit and/or architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior tenant space modifications.

2. The applicant shall achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject property is a 5.48-acre parcel, located on west side of Boggs Road, at its intersection with Gwinnett Forrest Circle. The subject property is located within the Gwinnett Forrest business park, and is developed with an existing building and associated parking.

The 2030 Unified Plan Future Development Map indicates the site is located within the Regional Mixed Use character area. The proposed indoor sports training facility could be considered compatible with the Unified Plan. Additionally, the Board has approved similar requests within office/warehouse developments throughout Gwinnett County.

The surrounding area includes numerous office/warehouse and commercial/retail uses along the Boggs Road corridor. Immediately to the north and west of the subject site, within the Gwinnett Forrest development, are other office/warehouse buildings. Located to the south is the Pinebrook Commerce Center, zoned M-2 (Heavy Industrial District). Located to the east, across Boggs Road, is the Meadowbrook Business Center, zoned M-1. Given the past Board approvals of similar indoor recreation and training centers, the request could be considered suitable at this location.

In conclusion, the requested Special Use Permit for an indoor recreation and training center could be consistent with Board policies within M-1 zoned properties, and 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 indoor recreation and training facility subject to the following enumerated conditions:

1. Light industrial uses, which may include an indoor sports training facility as a special use.

2. All sports training activities shall be conducted indoors.

3. No tents, canopies, 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.

4. Peddlers and/or parking lot sales are prohibited.

5. 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 EXCERSISE OF ZONING

SUITABILITY OF USE

Given the intensity and nature of surrounding uses, the requested Special Use Permit for an indoor sports training center could be suitable at this location.

ADVERSE IMPACTS

With the recommended conditions, including a restriction on outdoor activities, any potential impacts on adjacent and nearby properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as zoned.

IMPACT ON PUBLIC FACILITIES

Some minor impacts on public facilities in the form of utility demand and traffic could be anticipated.

CONFORMITY WITH POLICIES

The requested Special Use Permit could be consistent with the Board's approval of similar requests to locate indoor recreation and sports training facilities within office business parks throughout the County.

CONDITIONS AFFECTING ZONING

The site's location within a large light industrial/office district and the precedent the Board has set regarding indoor recreation and training centers, gives supporting grounds for approval of the request.

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:

This tenant has existed within the subject property under a different name since Dec. 2002 Amicably co-existing with adjacent tenants would appear to deem it a 'suitable' use

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

As noted, the facility has existed within the building under a different name since Dec. 2002 without adversely affecting adjacent properties, nearby properties or tenants within the complex

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

The application does not request the rezoning of the current property, only the contined use by an existing tenant. Denial of the request would likely have an a negative economic impact on the tenat as well as the building owner due to economic conditions & product demand.

(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:

As noted the facility has existed since Dec. 2002 without burdensome impact on existing infrastructure. Classes are pre-scheduled with class size predetermined.

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

Indoor recreation/training, such as those services provided by CES are allowed in M-1 Zoning as a 'special use' per Section 1310

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

The predominant existing condition supporting approval of the application is based on the tenant unknowingly being placed in a position of non-compliance even after approximately 8 years of occupancy.

RECEIVED 12-22-10
SUP2011-00013

Letter of Intent for
Special Use Permit for Competitive Edge Sports
2150 Boggs Rd, Suite 250

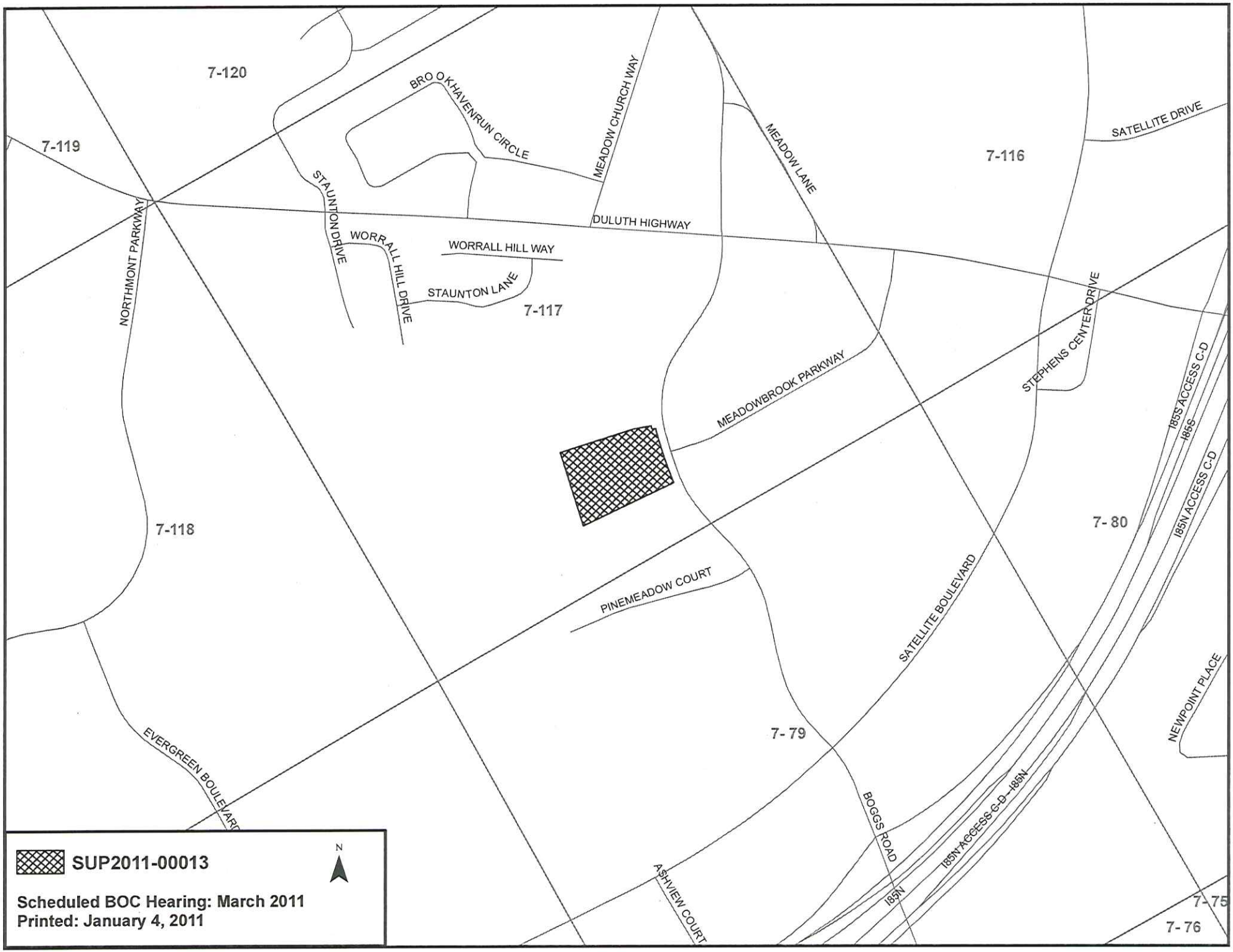
The applicant submits this Special Use Permit Application for the purpose of approval of continued occupancy within the subject building currently zoned M-1 for Competitive Edge Sports, the existing tenant.

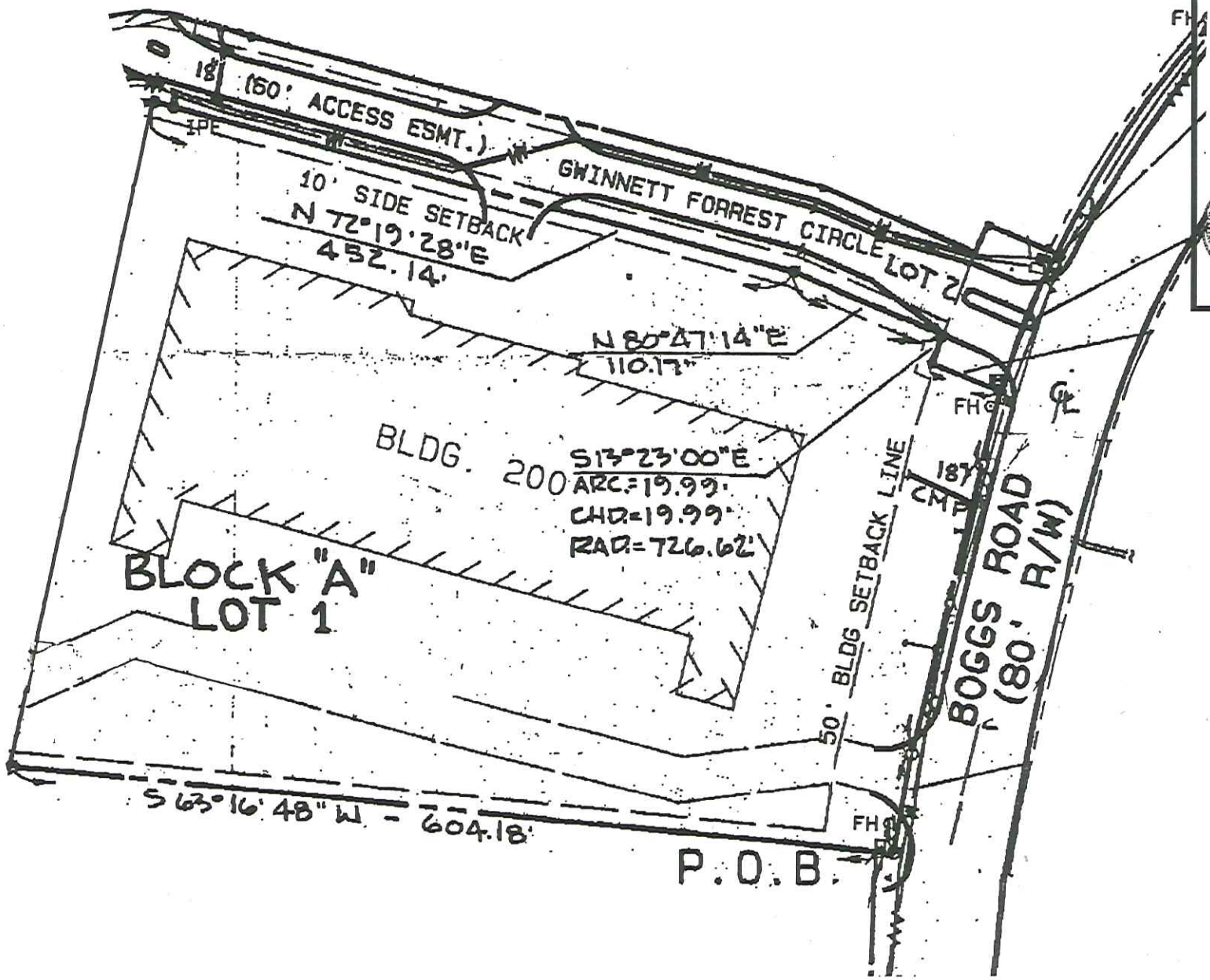
The Competitive Edge Sports has occupied the existing suite as a sub-lease for approximately seven (7) years and has built a thriving business training high school athletes for their college sports 'tryouts' as well as college athletes for their professional sports combines.

The original tenant was a company named 'Hardball Warehouse' who was in the business of providing the same type service with a primary focus on college & professional baseball training. Originally, the merging of the services of the two companies into a single location seemed to be advantageous and, in fact, worked well for several years. Due to financial complications, the original tenant concluded occupancy within the space in May of this year. Competitive Edge Sports agreed to lease the existing suite and executed a new lease in June of this year to continue their operation. Upon making application to the Gwinnett Building Department for a change of tenant permit, we learned that the original tenant had obtained an interior finish permit as an 'office / warehouse' occupancy even though they were operating as the previously mentioned sports training facility. We were advised the 'tenant change' permit could not be approved due to a change of use which, in actuality, was not the case. The miscommunication, on the part of the original tenant, has placed us in an untenable predicament and is the driving force behind the SUP application.

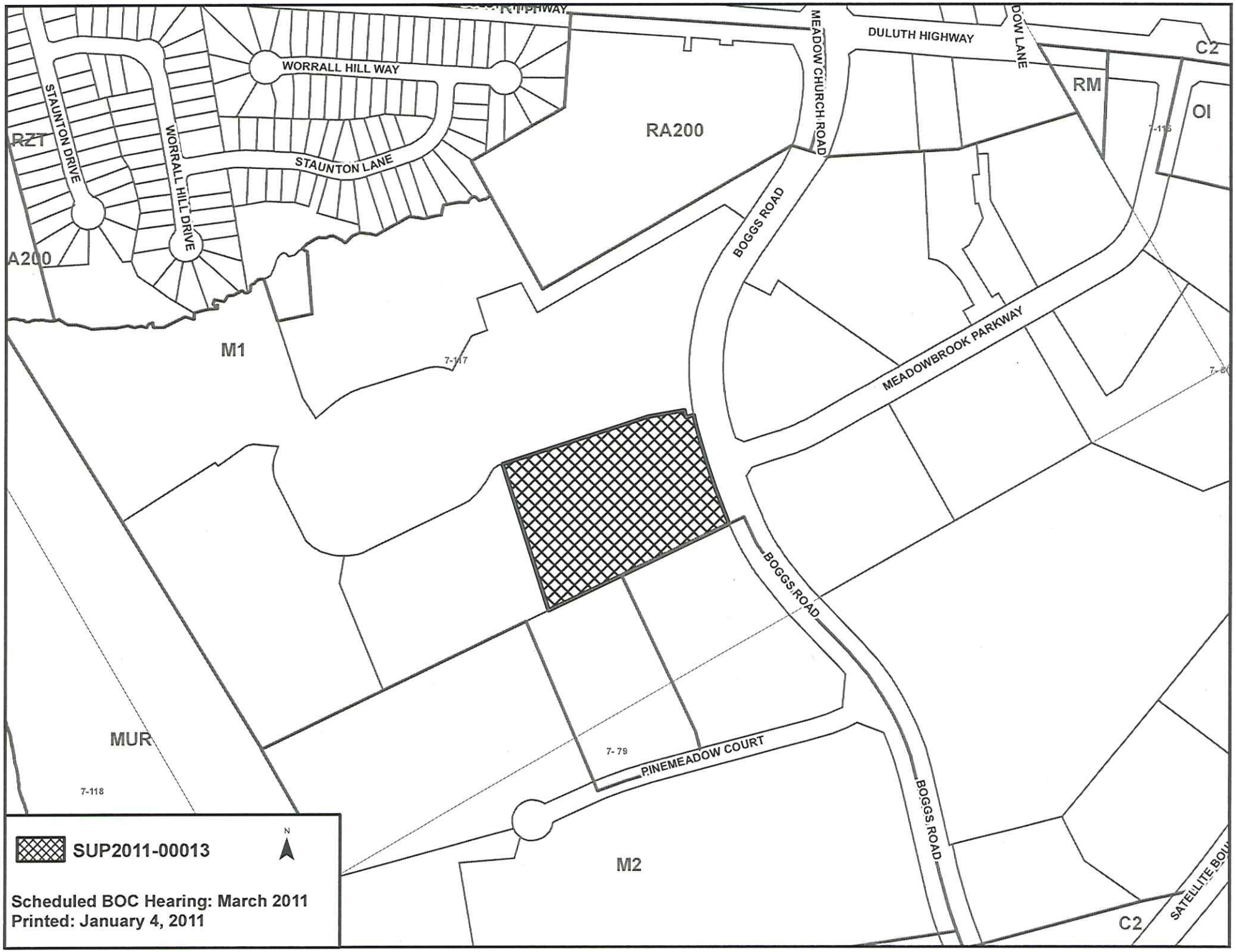
We respectfully request approval of our Special Use Permit based on the existing use being acceptable under the use guidelines outlined in Section 1310 of the Zoning Resolution for an M-1 zoning classification.

RECEIVED 12-22-10
SUP2011-00013


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BRO O KHAVENRUN CIRCLE
MEADOW CHURCH WAY
MEADOW LANE
SATELLITE DRIVE
STAUNTON DRIVE
WORRALL HILL DRIVE
WORRALL HILL WAY
STAUNTON LANE
DULUTH HIGHWAY
NORTHMONT PARKWAY
STEPHENS CENTER DRIVE
MEADOWBROOK PARKWAY
185S ACCESS C-D
185S
185N ACCESS C-D
PINEMEADOW COURT
SATELLITE BOULEVARD
NEWPOINT PLACE
EVERGREEN BOULEVARD
BOGGS ROAD
185N ACCESS C-D
185N
ASHVIEW COURT
SUP2011-00013
N
Scheduled BOC Hearing: March 2011
Printed: January 4, 2011



RECEIVED 12-22-10
SUP2011-00013


WORRALL HILL WAY
STAUNTON DRIVE
WORRALL HILL DRIVE
STAUNTON LANE
MEADOW CHURCH ROAD
DULUTH HIGHWAY
C2
RM
OI
RZT
RA200
A200
BOGGS ROAD
M1
7-117
MEADOWBROOK PARKWAY
BOGGS ROAD
MUR
7-79
PINEMEADOW COURT
7-118
BOGGS ROAD
M2
C2
SATELLITE BOU
SUP2011-00013
N
Scheduled BOC Hearing: March 2011
Printed: January 4, 2011

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00015**
ZONING	:C-2
LOCATION	:7000 BLOCK OF JIMMY CARTER BOULEVARD
MAP NUMBER	:R6274 047
ACREAGE	:5.75 ACRES
PROPOSED DEVELOPMENT	:KENNEL
SQUARE FEET	:6,000 SQUARE FEET
COMMISSION DISTRICT	:(2) HOWARD

FUTURE DEVELOPMENT MAP: **CORRIDOR MIXED USE**

APPLICANT: KIMBERLY WEDDINGTON
585 OAK ALLEY WAY
JOHNS CREEK, GA 30022

CONTACT: KIM WEDDINGTON PHONE: 770.521.5550

OWNER: DAVID REDMON & G. CURTIS SWILEY
7067 JIMMY CARTER BOULVEARD
NORCROSS, GA 30092

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Special Use Permit on a 5.75-acre parcel, zoned C-2 (General Business District), to allow accessory outdoor dog play areas and dog runs for a planned kennel/pet daycare facility to be known as the Fairytail Inn. The property is located on Jimmy Carter Boulevard between its intersections with Holcomb Bridge Road and Peachtree Industrial Boulevard. The applicant is reminded that the subject property is located in the Peachtree Corners Overlay District and must meet those requirements.

The applicant proposes a 6,000 square-foot, one-story kennel building with four fenced outdoor play areas on the northeastern portion of the property. The applicant's letter of intent indicates the facility will accommodate up to 150 pets for overnight boarding. Approximately 2-3 acres of outdoor play area, including a pool and shade shelter are proposed to be located within the floodplain and wetland portion of the site. According to the applicant's letter of intent, dogs would only be outside during business hours from 7:00 a.m. to 7:00 p.m. and brought indoors at 7:00 p.m. to remain overnight.

Two access points are proposed, one direct driveway onto Peachtree Parkway and an interparcel access connection onto Jimmy Carter Boulevard shared with the neighboring properties. A total of 12 parking spaces are indicated on the site plan. An existing detention

pond is indicated on the western portion of the site and another detention pond is indicated adjacent to the proposed parking lot on the eastern portion of the site.

A stream traverses the property from east to west. A 75-foot stream buffer and setback is indicated on the site plan along the south side of the stream, but is not shown along the north side of the stream. Staff notes that a portion of the parking lot, the detention pond, the walkway/bridge, fencing and dog play area are shown encroaching upon the stream buffer and setback. As indicated on the site plan, the proposed outdoor dog play area is located within a floodplain and wetland area.

ZONING HISTORY:

In 1970, the subject property was zoned M-1 (Light Industry District). The subject property was rezoned to C-2 in 1983, pursuant to RZ-249-83.

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.

STORMWATER PLAN REVIEW SECTION COMMENTS:

Stormwater Plan Review does not object to the applicant's request as noted on the application to allow accessory outdoor dog play areas and dog runs for a planned kennel facility; however the following conditions must be met:

1. Structural encroachment into the existing FEMA regulated flood plain will not be permitted. This includes fencing, shelters or other protective structures proposed in the floodplain which may impede or restrict rising and receding stormwater causing a negative impact on the established base flood elevation.
2. Watershed analysis is required for the entire project site including but not limited to an environmental site assessment, onsite stormwater management, and stream buffer protection.
3. NWI Map indicates a significant amount of wetland in the northeast corner of the referenced property. Disturbance and/or utilization of an area delineated as protected wetlands greater than 0.1 acre requires authorization from the United States Army Corps of Engineers.

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

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.

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 lowers floor including the basement, of all non-residential building 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.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Peachtree Parkway and Jimmy Carter Boulevard are State Routes, and Georgia D.O.T. right-of-way requirements govern.

Coordinate with the Georgia D.O.T. regarding access. Peachtree Parkway is limited access in this area.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Sanitary sewer is available to the property. This availability will require this project to connect to sanitary sewer.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the western right-of-way of Jimmy Carter Boulevard.

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 a 15-inch sanitary sewer main, and an 8-inch sanitary sewer main located on the property.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

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

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject property is a 5.75-acre parcel located on Jimmy Carter Boulevard just north of Peachtree Industrial Boulevard. The property is currently wooded and undeveloped.

The 2030 Unified Plan Future Development Map indicates that the property is located within a Corridor Mixed Use Character Area. Policies for Corridor Mixed Use Character Areas encourage a limited range of retail, commercial services, office uses and medium density

residential. Although a Special Use Permit for a kennel with outdoor facilities could be consistent with this designation, the request may be situated too close to adjacent residential, restaurant and hotel properties for the scale of outdoor activities proposed.

The surrounding area consists primarily of commercial, multi-family, and office park uses. Nearby and adjacent properties include the Sturbridge Square apartment complex, the Studio Plus and Homestead hotels, and restaurants along Jimmy Carter Boulevard. A kennel for 150 animals with outdoor play area(s) may not be appropriate near these apartments, restaurants and hotel developments. Additionally, the staff has some environmental and water quality concerns regarding the placement of these facilities within a floodplain/wetland area along a stream.

The proposal to construct in excess of 87,120 square feet of outdoor dog pens adjacent to an apartment complex and two hotels may not be suitable. The potential negative impacts of odor, noise and runoff into the on-site stream could create negative impacts for these residential and commercial neighbors as well as the environment. Therefore, the Department recommends **DENIAL** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Approval of a Special Use Permit for a kennel with outdoor facilities subject to the following enumerated conditions:

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

   A. Retail, office and service commercial uses, which may include a dog kennel with accessory outdoor uses and structures as a special use.

   B. Animal sleeping quarters shall be located indoors. Animals shall not be allowed in the outdoor facilities between the hours of 7:00 p.m. and 7:00 a.m.

   C. Abide by all requirements of the Peachtree Corners Overlay. Buildings shall be constructed with architectural treatments of glass and/or brick or stone on all sides. Stucco may only be used as an accent material. Building elevations shall be submitted for review and approval of the Director of Planning and Development.

2. To satisfy the following site development considerations:

   A. Provide a 75-foot wide undisturbed buffer adjacent to the northern property line. Provide a 50-foot buffer and additional 25-foot impervious surface setback adjacent to on-site streams.

   B. Any clearing within the wetland and floodplain areas shall be limited to 0.5 acre and shall be subject to review and approval by the Gwinnett County Department of Planning and Development and the U.S. Army Corps of Engineers. The applicant/developer shall obtain all required approvals from Gwinnett County Department of Planning and Development and the U.S. Army Corps of Engineers prior to any land disturbance within any state waters, stream buffers, floodplain or wetlands on the property.

   C. Ground signage shall be limited to a single monument-type sign with a minimum 2-foot high brick base. Signage shall not be allowed along the Peachtree Parkway frontage.

   D. 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 rioghts-of-way.

   E. Peddlers or parking lot sales shall be prohibited.

F. 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.

G. Owner shall repair or repaint 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

A kennel with large outdoor facilities for 150 dogs may not be suitable at this location in light of the proximity to adjacent multi-family, hotel, restaurant and commercial uses.

ADVERSE IMPACTS

Adverse impacts from noise and odor associated with a kennel could be imposed on the adjacent residential properties and waterways.

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 stormwater runoff could be expected from this request.

CONFORMITY WITH POLICIES

The property is located within a Corridor Mixed Use Character Area. Policies for Corridor Mixed Use Character Areas encourage limited-range of retail, commercial services, office uses and medium density residential. Although a Special Use Permit request for a kennel with outdoor facilities could be compatible with these designations, the request may not be compatible with nearby residential and commercial properties.

CONDITIONS AFFECTING ZONING

The potential environmental impacts from the proposed use on the floodplain, wetlands and stream give some supporting grounds for denial of the request.

Applicant's Response

(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 proposed use is in conformance with the current Gwinnett County General Plan and the Zoning Ordinance in that commercial kennels are an allowable use in the C-2 designation and are subject to a use permit and architectural and site approval in the C-2 zoning district.

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

No. The proposed project will be located indoors in a new 6,0000 square foot structure. Hours of operation will be from 7am to 8pm with overnight boarding. There will be 60,000 square feet of fenced-in outdoor space. The location of the facility is situated SE side of the property and will be surrounded by an 8 foot solid fence which will serve as a sound wall. Landscaping will be required along a portion of the fencing to screen the use from adjacent properties.

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

Functional obsolesce exist due to the flood plain, stream buffers and topography, however, the proposed use provides for minimal site impact.

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

The project will not significantly increase the existing traffic flow. Traffic is estimated to increase by approximately 50 trips distributed evenly throughout the day and is not substantial in relation to the exiting traffic load and capacity of Jimmy Carter and 141 or nearby intersections.

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

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

Proposed use is conducive to this site and limitations where as in typical C-2 uses would not be.

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Application for a Special Use Permit

Request for Approval for a commercial kennel facility for 150 pets on a 5.75 acre parcel on Jimmy Carter Blvd.

Owner / Applicant: Bradford Properties / Furry FairyTails,LLC dbaThe FairyTail Inn
Location: North quadrant of Jimmy Carter Blvd / Peachtree Industrial Blvd – behind Grand Buffet and adjacent to Studio Plus Hotel

Address: 7067 Jimmy Carter Blvd., Norcross, GA 30092
Parcel ID: 6274-047
Zoning District: C-2
Property Size: 5.75 Acres
Present Land use: Undeveloped
June 15, 2010

PROJECT DESCRIPTION

It is the intention of The FairyTail Inn to operate a commercial pet kennel facility located at 7067 Jimmy Carter Blvd. The parcel is addressed on and has access from Jimmy Carter Blvd., however the property does not have frontage on Jimmy Carter Blvd. The site is situated east of Jimmy Carter Blvd. and northwest of the access road adjacent to Peachtree Industrial Blvd. (SR 141) where Peachtree Industrial Blvd. and Peachtree Parkway merge. As required per the Gwinnett County Zoning Ordinance for the contemplated use , we are requesting that you approve this application for a Special Use Permit.

The facility will accommodate up to 150 pets for overnight boarding. The applicant proposes to construct a building of approximately 6,000 square feet on two levels with an additional basement (initially unfinished) consisting of an additional 3,000 square feet. The County Zoning Ordinance requires 1 parking spaces per 500 square feet. Based on these ratios, the applicant will provide a total of 12 parking spaces. including 1

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handicapped accessible parking space on site. The outdoor dog play area will be approximately 2-3 acres of sectioned fence with four large containment areas, a pool for exercise and a shade shelter. A footbridge will provide access to the outdoor areas on the other side of the creek from the building.

Office hours will be from 7a.m. to 7 p.m., seven days a week. However, dogs will not be outside the main building after 7:00 p.m. The facility will employ a full time staff of two to four persons and additional part time staff of 4-6 persons.

The proposed use, by its nature, scale, intensity or design, will not impair the integrity and character of the zoning] district or neighborhood, and will not be detrimental to any important and distinctive features of the site's natural setting. With respect to the underlying C-2 zoning, the proposed use has significantly less impact than other uses allowed in this zoning category.

The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements.

The site's topography will create certain development issues, but will ultimately serve to minimize any potential visual and/or audible impact generated from the facility or its activities. Again, suggesting that this is a very satisfactory use within this zoning district.

The project will not significantly increase the existing traffic flow. Traffic is estimated to increase by approximately 50 trips and is not substantial in relation to the exiting traffic load and capacity of SR141 or Jimmy Carter Boulevard. It is the applicant's intention to seek a right in/right out curb cut on the SR 141 access road. This would be additional cost to the applicant but would allow better overall access and fewer cross movement in the traffic pattern. This section of SR 141 has been under Georgia DOT jurisdiction but will soon be under Gwinnett County DOT, so the approval will be sought through Gwinnett County DOT.

Storm water management for adjoining commercial uses is handled through a detention facility located adjacent to the subject site. Applicant's civil engineer will be required to calculate capacities to determine if the existing facility is adequate for storm water management of the subject site or if an additional capacity will need to be incorporated into the site plan.

The services of this kennel will include:

Day Care – The day care will provide customers the ability to leave their dog for the day to socialize and interact in a monitored, controlled environment. The day care will utilize the indoor facility as well as a fully fenced outdoor area. This will provide the animals with the opportunity for exercise and to enjoy the outdoors while visiting the FairyTail Inn.

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Boarding – The FairyTail Inn will offer overnight boarding for dogs and cats. Boarding pets will be kept in individual cages except in cases where the pet owner has requested a suite which allows the owner's pets to stay together in a larger environment. Owners will have the option to include their pet in the day care during their stay. The facility will be monitored via webcams which will enable the owners to view their pets both inside and outside.

Grooming – Grooming will consist of bathing, clipping and other cosmetic services for pets. The grooming services will be performed in an allocated room in the facility.

We appreciate your consideration and the opportunity to assist in continuing with the positive growth of Gwinnett County.

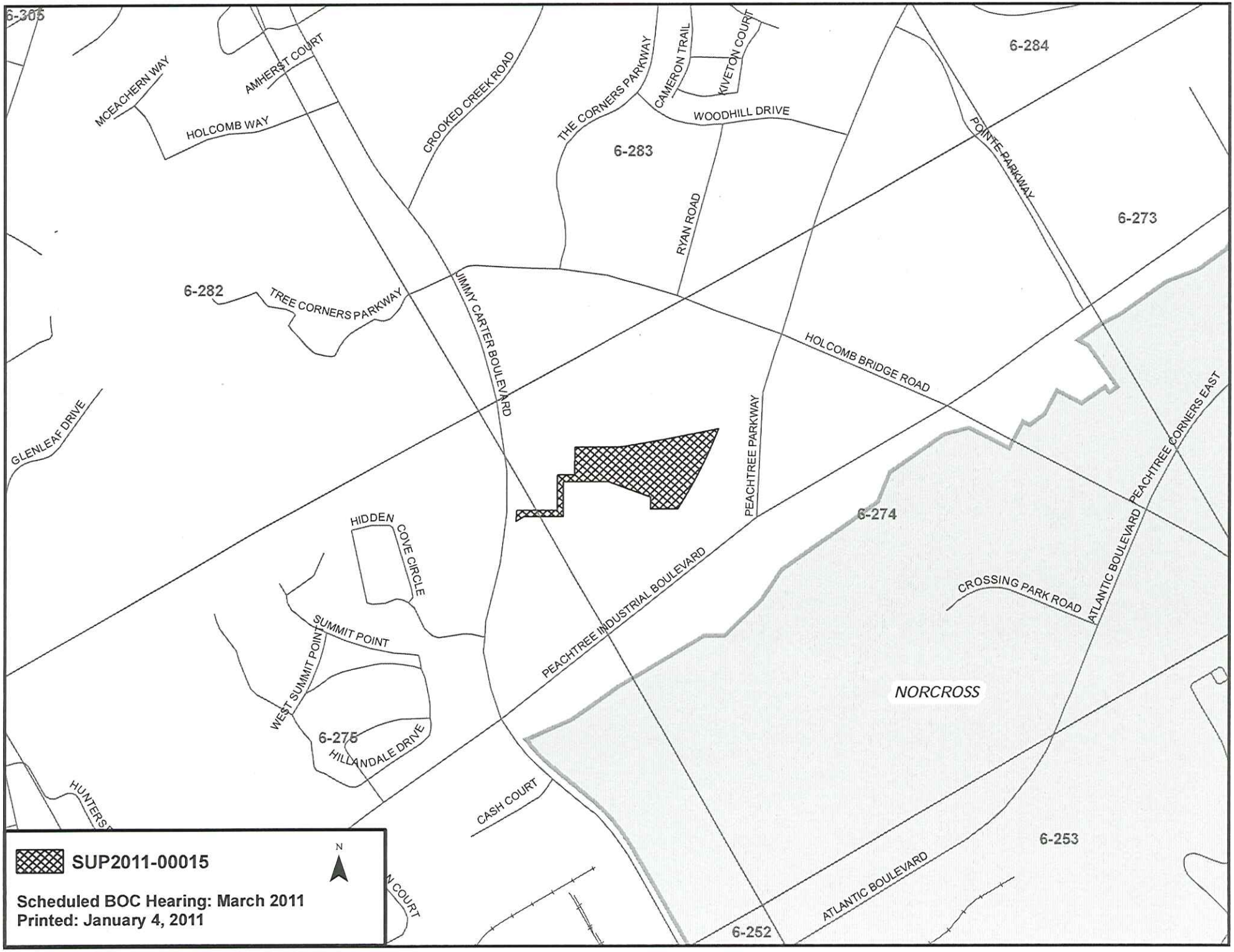
Sincerely,

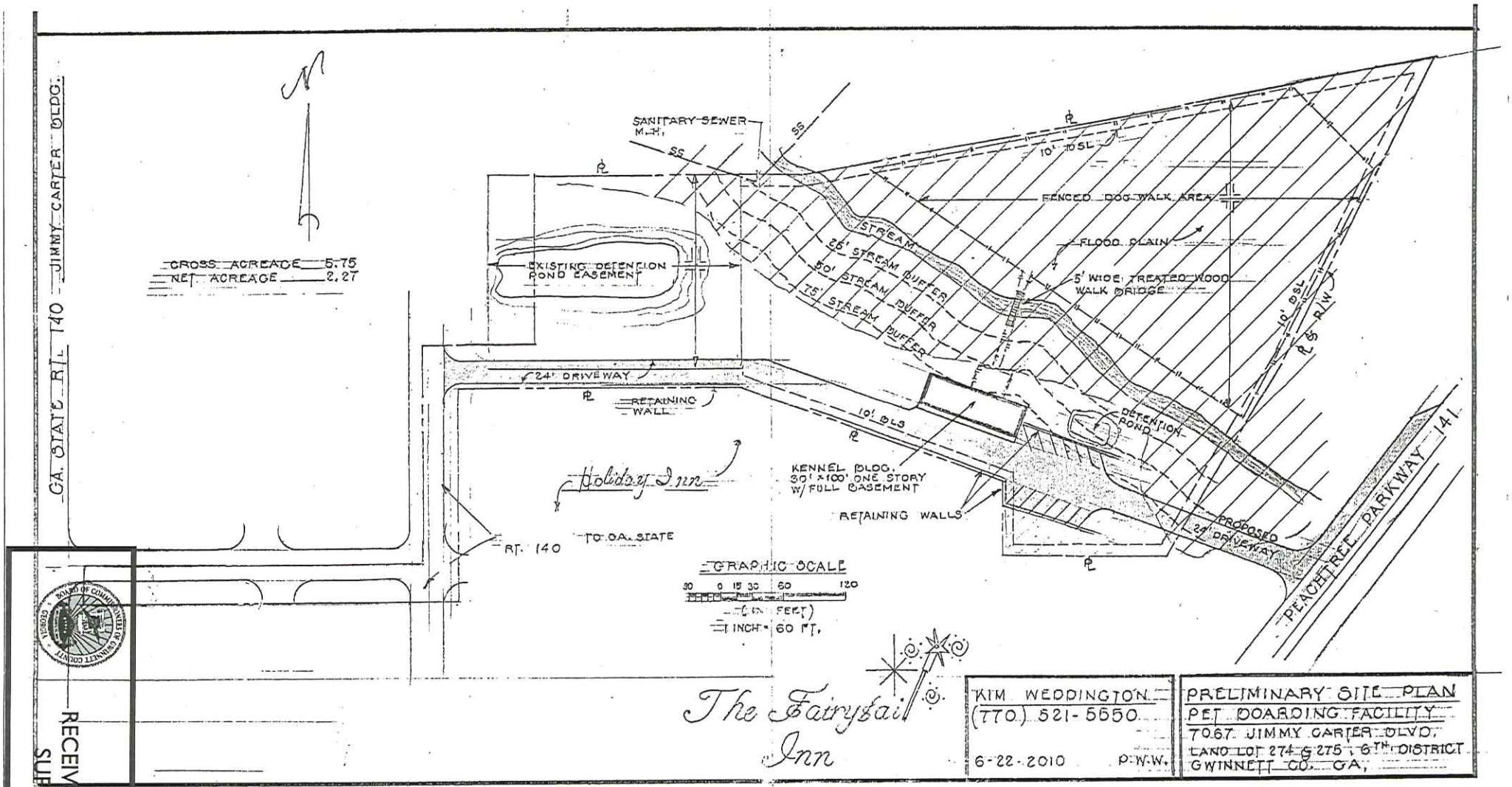
Kimberly Weddington

Attachments

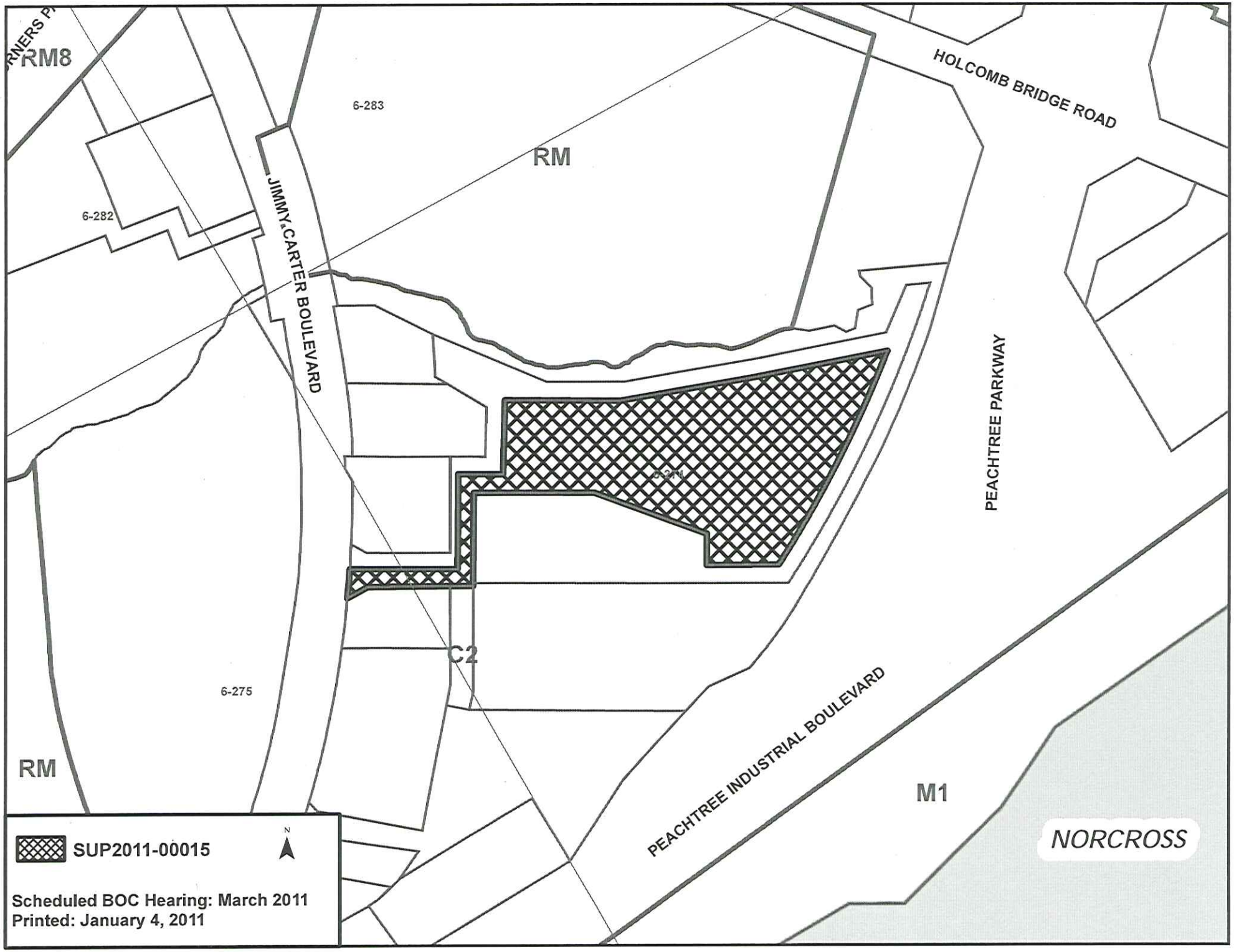
Exhibit A	Application Form
Exhibit B	Legal Description
Exhibit C	Boundary Survey
Exhibit D	Site Plan (Four copies and one 8-1/2" X 11" reduction)
Exhibit E	Standards Governing Exercise of the Zoning Power
Exhibit F	Letter of Intent
Exhibit G	Applicant Certification with Notarized Signature
Exhibit H	Property Owner Certification with Notarized Signature
Exhibit I	Conflict of Interest Certification/Campaign Contributions
Exhibit J	Verification of Paid Property Taxes (most recent year)
Exhibit K	Application Fee made payable to Gwinnett County

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6-305
MCEACHERN WAY
AMHERST COURT
HOLCOMB WAY
CROOKED CREEK ROAD
THE CORNERS PARKWAY
CAMERON TRAIL
KIVETON COURT
WOODHILL DRIVE
6-284
6-283
RYAN ROAD
POINTE PARKWAY
6-273
6-282
TREE CORNERS PARKWAY
JIMMY CARTER BOULEVARD
HOLCOMB BRIDGE ROAD
GLENLEAF DRIVE
PEACHTREE PARKWAY
6-274
HIDDEN COVE CIRCLE
SUMMIT POINT
WEST SUMMIT POINT
PEACHTREE INDUSTRIAL BOULEVARD
CROSSING PARK ROAD
ATLANTIC BOULEVARD
PEACHTREE CORNERS EAST
NORCROSS
6-275
HILLANDALE DRIVE
HUNTERS
CASH COURT
6-253
ATLANTIC BOULEVARD
6-252
SUP2011-00015
N
Scheduled BOC Hearing: March 2011
Printed: January 4, 2011



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SUB2011-00015


RM8
6-283
RM
HOLCOMB BRIDGE ROAD
6-282
JIMMY CARTER BOULEVARD
PEACHTREE PARKWAY
C2
6-275
RM
PEACHTREE INDUSTRIAL BOULEVARD
M1
NORCROSS
SUP2011-00015
N
Scheduled BOC Hearing: March 2011
Printed: January 4, 2011