

Department of Planning and Development

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



gwinnettcountry

**MUNICIPAL-GWINNETT COUNTY  
PLANNING COMMISSION**

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

**TUESDAY, APRIL 19, 2011 AT 7:00 P.M.**

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

- A. CALL TO ORDER, INVOCATION, PLEDGE TO FLAG
- B. APPROVAL OF MINUTES (MARCH 1, 2011 AND MARCH 16, 2011 MEETINGS)
- C. OLD BUSINESS - TABLED CASES FROM PREVIOUS MEETINGS

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

2. CASE NUMBER :**RZC2010-00020**  
APPLICANT :GEORGE P. FLANNIGAN  
CONTACT :MICHAEL L. SULLIVAN  
PHONE NUMBER :770.822.0900  
ZONING CHANGE :RA-200 TO C-1  
LOCATION :2900 BLOCK OF BRASELTON HIGHWAY  
:2300 BLOCK OF SOUTH PUCKETTS MILL ROAD  
  
MAP NUMBER :R7099 001  
ACREAGE :4.64 ACRES  
PROPOSED DEVELOPMENT :DAYCARE CENTER  
SQUARE FEET :18,000 SQUARE FEET  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION : **DENIAL**
3. CASE NUMBER :**CIC2010-00017 (PUBLIC HEARING HELD 12-7-2010)**  
APPLICANT :3664 PROPERTIES, LLC  
CONTACT :TRACEY MASON BLASI  
PHONE NUMBER :770.963.6909  
ZONING :R-ZT  
LOCATION :2700 - 2800 BLOCK OF TUSCANY PARK DRIVE  
:400 - 500 BLOCK OF TUSCANY WALK LANE  
:500 - 600 BLOCK OF ROCK SPRINGS ROAD  
  
MAP NUMBER :R7148 351; 423; 424; 426; 429 thru 438; & R7149 323  
thru 330; 335 thru 350; 354  
  
ACREAGE :9.74 ACRES  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO REDUCE DWELLING  
SIZE AND REVISE REQUIRED BUILDING MATERIALS  
  
UNITS :39 UNITS  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION : **DENIAL**
4. 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**

5. 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**
6. 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**

D. NEW BUSINESS

1. CASE NUMBER :**CIC2011-00007**  
APPLICANT :BUFORD DRIVE SELF-STORAGE, LLC  
CONTACT :SHERWOOD NANCE  
PHONE NUMBER :912.384.0700 EXT. 551  
ZONING :C-2  
LOCATION :1800 BLOCK OF AZALEA DRIVE  
:1800 BLOCK OF BUFORD DRIVE  
MAP NUMBER :R7091 324  
ACREAGE :9.25 ACRES  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO ALLOW OUTDOOR  
STORAGE AND TRUCK RENTAL  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
  
2. CASE NUMBER :**SUP2011-00017**  
APPLICANT :BUFORD DRIVE SELF-STORAGE, LLC  
CONTACT :SHERWOOD NANCE  
PHONE NUMBER :912.384.0700 EXT. 551  
ZONING :C-2  
LOCATION :1800 BLOCK OF AZALEA DRIVE  
:1800 BLOCK OF BUFORD DRIVE  
MAP NUMBER :R7091 324  
ACREAGE :9.25 ACRES  
PROPOSED DEVELOPMENT :OUTDOOR STORAGE AND TRUCK RENTAL  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
  
3. CASE NUMBER :**SUP2011-00016**  
APPLICANTS :AMY WILSON  
CONTACT :AMY WILSON  
PHONE NUMBER :678.617.3932  
ZONING :R-100 CSO  
LOCATION :5600 BLOCK OF WINTER BLUFF WAY  
:1200 BLOCK OF AUTUMN WOOD TRAIL  
MAP NUMBERS :R7323 091  
ACREAGE :0.16 ACRE  
PROPOSED DEVELOPMENT :HOME OCCUPATION (NAIL SALON)  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**

4. CASE NUMBER :**SUP2011-00018 (ADMINISTRATIVELY HELD TO 5-3-11)**

E. REVIEW OF ALTERNATE ARCHITECTURE (PEACHTREE CORNERS OVERLAY)

RETAIL PLANNING CORPORATION REQUESTS APPROVAL OF ALTERNATE ARCHITECTURAL STANDARDS FOR THE PEACHTREE SQUARE NORTH SHOPPING CENTER, LOCATED AT 6050 PEACHTREE INDUSTRIAL BOULEVARD. THE APPLICANT SEEKS TO VARY FROM SECTION 1315 (PEACHTREE CORNERS OVERLAY) REGARDING THE COLOR OF METAL ROOFS FOR THE SHOPPING CENTER, AND THE REQUIREMENT OF A PITCHED ROOF FOR A NEW OUT-BUILDING OF LESS THAN 5,000 SQUARE FEET. COMMISSION DISTRICT 2 (HOWARD)

F. AUDIENCE COMMENTS

G. COMMITTEE REPORTS

H. COMMENTS BY STAFF AND PLANNING COMMISSION

I. ADJOURNMENT

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

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

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

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

CONTACT: MICHAEL L. SULLIVAN PHONE: 770.822.0900

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

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

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

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

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

**ZONING HISTORY:**

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

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**DEVELOPMENT REVIEW SECTION COMMENTS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

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

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

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

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

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

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

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

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

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

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

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

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

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.
4. Architectural design of the proposed building (s) shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.
5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

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

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

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

  
DEPARTMENT ANALYSIS:

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

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

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

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



**PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS**

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

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

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

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

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

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

2. To satisfy the following site development considerations:

- A. Provide a 50-foot wide landscaped buffer adjacent to residentially zoned property along the eastern and southern property lines. Provide a 6 foot high opaque fence if necessary to provide security as well as a visual screen, reviewed and approved by the Director of Planning and Development. Landscape plan shall be approved by the Director of Planning and Development and shall include at a minimum double row evergreen plants, 6-8 feet tall at the time of planting.
- B. Access to Holman Road shall be prohibited.
- C. No banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed hung or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.
- D. Peddlers or parking lot sales shall be prohibited.
- E. Any graffiti on the property shall be repainted or repaired within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

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

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

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

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

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

CONDITIONS AFFECTING ZONING

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

**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

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

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

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

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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

PLEASE SEE EXHIBIT "B" ATTACHED HERETO



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

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

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

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

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

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

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

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

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



RECEIVED 9-03-10  
RZC2010-00019

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

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

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

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



RECEIVED 9-03-10  
RZC2010-00019

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

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

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

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

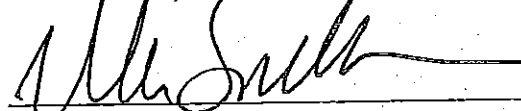
The development of the property as for retail/commercial uses is appropriate to the subject tract and is entirely consistent with the C-2 zoning, character and uses of the adjacent and surrounding property.

**CONCLUSION**

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

This 3<sup>rd</sup> day of September, 2010.

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



Michael L. Sullivan  
Attorney for Applicant



RECEIVED 9-03-10  
RZC2010-00019

CASE NUMBER RZC-08-060  
GCID 2008-0612

Neighboring  
Zoning  
Case

BOARD OF COMMISSIONERS  
GWINNETT COUNTY  
LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

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

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

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

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

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

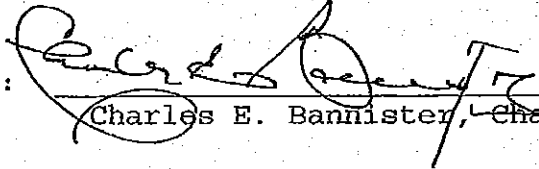
equipment sales and service and truck rental, mini-warehouse storage facilities, mobile home or mobile building leasing or sales lots, taxi cab or limousine services and no outdoor storage of any type.

- B. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application.
  - C. Buildings shall be limited to one story, and a maximum of 35 feet in height. The Building shall be brick or stacked stone, with accents of stucco.
2. To satisfy the following site development considerations:
- A. Provide a 15-foot wide landscaped buffer adjacent to residentially-zoned property along the southern property line. Provide a fence if necessary to provide security as well as a visual screen, as determined by the Director of Planning and Development. Landscape plan shall be approved by the Director of Planning and Development and shall include at a minimum double row evergreen plants, 6-8 feet tall at the time of planting. The Department of Transportation property at the corner of Mineral Springs Road and Highway 124 may be cleared and landscaped.
  - B. Vehicular access to Holman Road shall be prohibited.
  - C. No banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed hung or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.
  - D. Peddlers or parking lot sales shall be prohibited.

CASE NUMBER RZC-08-060  
GCID 2008-0612

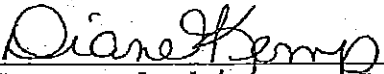
- E. Any graffiti on the property shall be repainted or repaired within 72 hours.
- F. Provide a sanitary sewer stub to the adjoining Abernathy property.
- G. Access to Holman Road shall be prohibited.

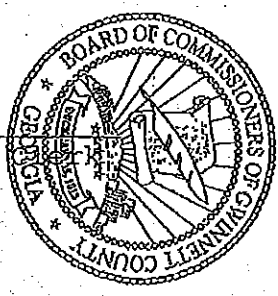
WINNETT COUNTY BOARD OF COMMISSIONERS

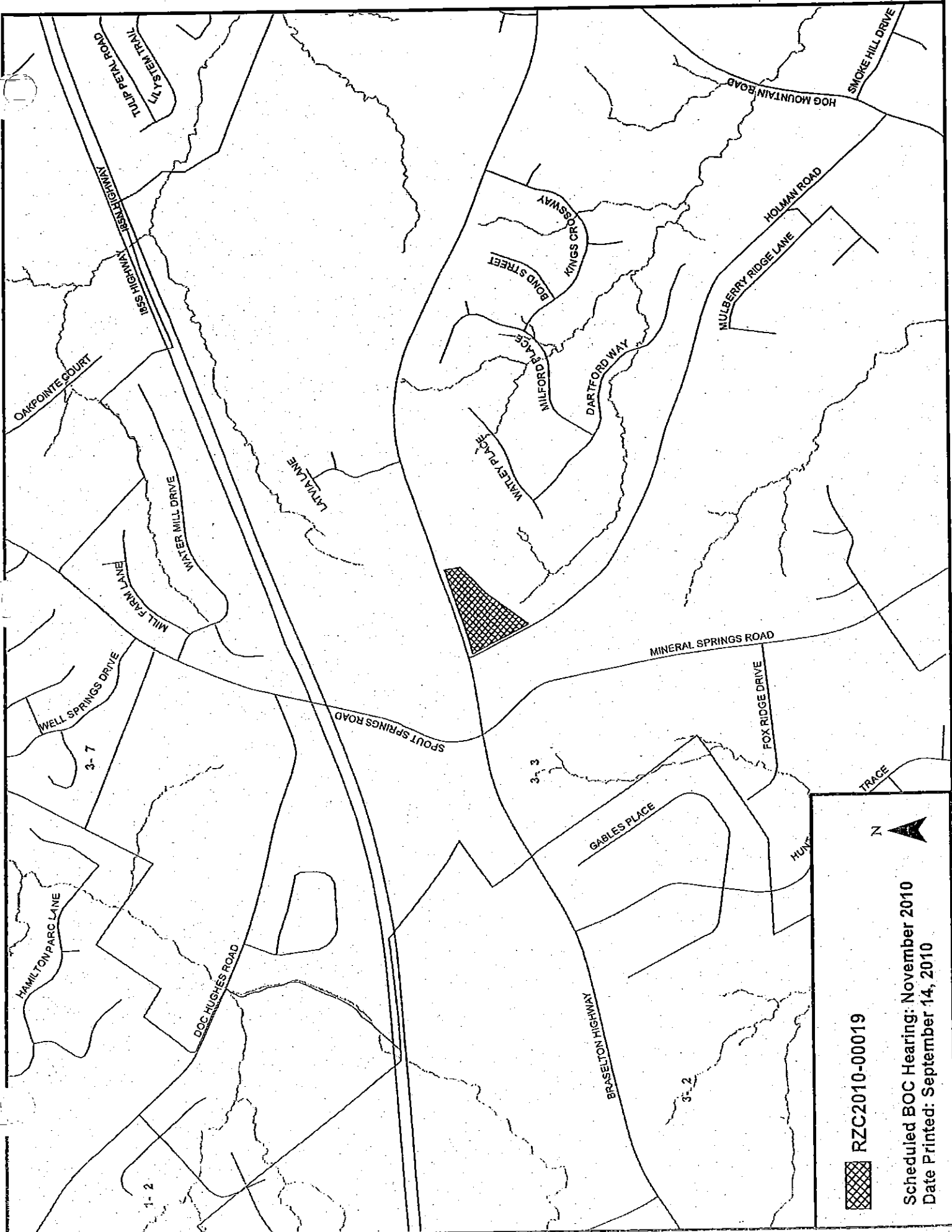
By:   
Charles E. Bannister, Chairman

Date Signed: 03/18/08

ATTEST:

  
County Clerk/Deputy County





RZC2010-00019



Scheduled BOC Hearing: November 2010  
 Date Printed: September 14, 2010



1-2

3-7

3-3

3-2

ON-POINTE COURT

TULIP PEARL ROAD  
 SYSTEM TRAIL

BRASELTON HIGHWAY

MILL FARM LANE

WATER MILL DRIVE

LYNIA LANE

SPOUT SPRINGS ROAD

HAMILTON PARK LANE

DOC HUGHES ROAD

BOND STREET

KING DOG SWAMP

WILFORD PLACE

DARTFORD WAY

WITLEY PLACE

MINERAL SPRINGS ROAD

GABLES PLACE

BRASELTON HIGHWAY

MULBERRY RIDGE LANE

FOX RIDGE DRIVE

HUNTS

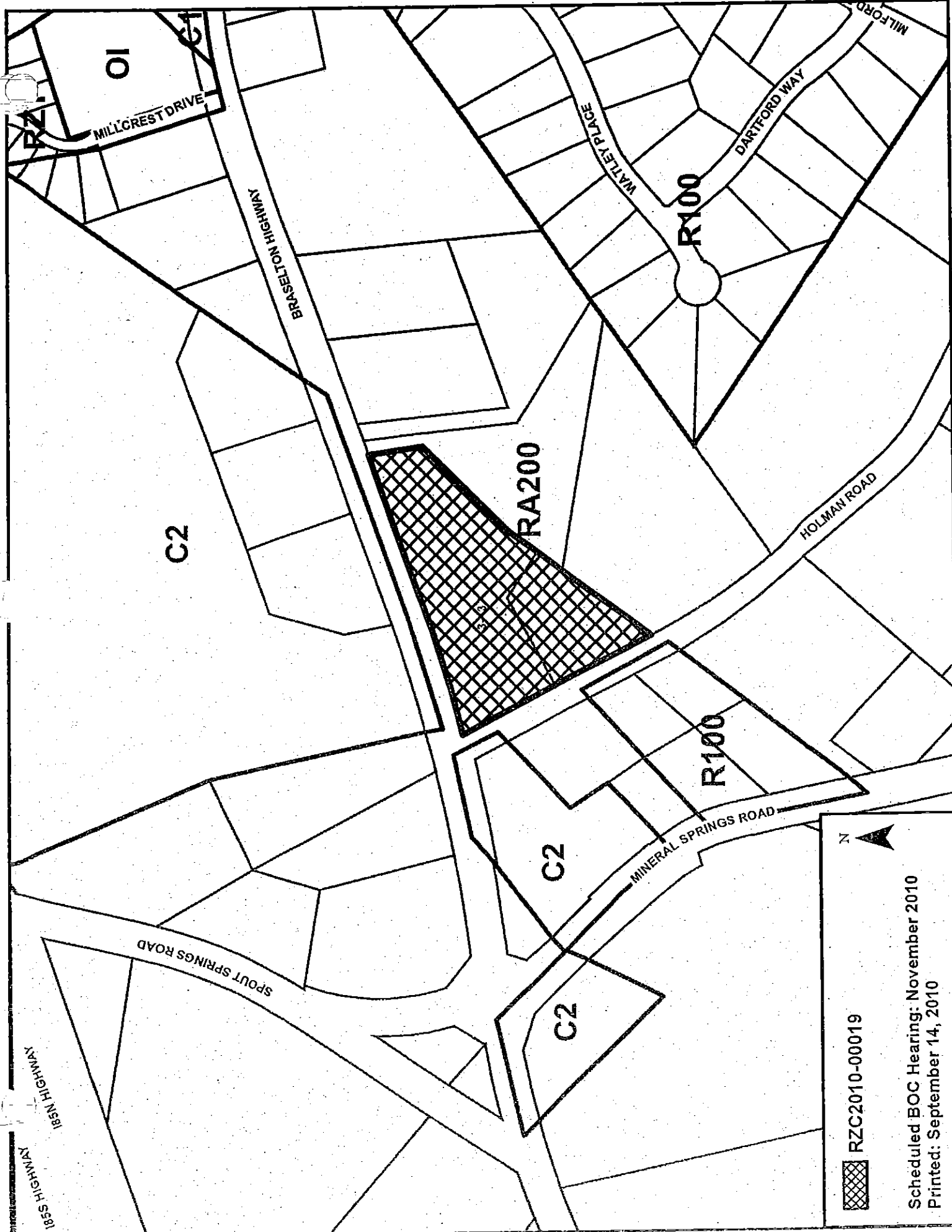
HOLMAN ROAD

HOG MOUNTAIN ROAD

SMOKE HILL DRIVE

TRACE





RZC2010-00019

Scheduled BOC Hearing: November 2010  
Printed: September 14, 2010

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

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

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

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

CONTACT: MICHAEL L. SULLIVAN PHONE: 770.822.0900

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

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

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

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

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



### ZONING HISTORY:

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

### GROUNDWATER RECHARGE AREA:

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

### WETLANDS INVENTORY:

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

### DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

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

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

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

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

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

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

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

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

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

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

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

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

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

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

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

#### GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

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

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

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

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

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

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

#### BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

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

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

#### DEPARTMENT ANALYSIS:

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

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

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

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



PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

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

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

- A. Office, office-professional and accessory uses which may include a daycare center as a special use.
- B. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (stucco may only be used as an accent material). Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
- C. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application. Stucco may only be used as an accent building material.

2. To satisfy the following site development considerations:

- A. Provide a 50-foot wide natural undisturbed buffer adjacent to all residentially zoned property. The buffer shall be enhanced where sparsely vegetated.
- B. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way.
- C. Natural vegetation shall remain on the property until the issuance of a development permit.
- D. Ground signs shall be limited to an externally illuminated monument-type sign with a brick base at least 2-feet in height. Maximum sign height shall not exceed 6-feet.
- E. Billboards or oversized signs shall be prohibited.
- F. Hours of operation for the daycare shall be limited to 6:00 a.m. to 7:00 p.m., Monday through Friday.
- G. Outdoor loudspeakers shall be prohibited.
- H. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties.

- I. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
  - J. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.
  - K. Peddlers or parking lot sales shall be prohibited.
  - L. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
3. Abide by the following requirements, dedications and improvements:
- A. Access to Braselton Highway (SR 124) shall be prohibited.
  - B. Dedicate at no cost to Gwinnett County DOT the necessary right-of-way and easements for the construction of transportation improvement project F-0618-01 based on plans on file with the Gwinnett County DOT.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

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

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

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

CONDITIONS AFFECTING ZONING

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

**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

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

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

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:  
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

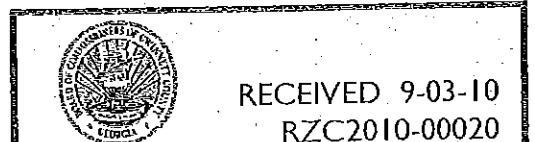
(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

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



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

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

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

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

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

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

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

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

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



RECEIVED 9-03-10  
RZC2010-00020

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

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

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

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



RECEIVED 9-03-10  
RZC2010-00020

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

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

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

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

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

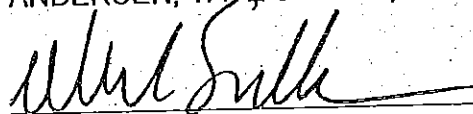
The development of the property as a day care is appropriate to the subject tract and is entirely consistent with the residential character and uses of the adjacent and surrounding property. In fact, it is hard to imagine anything other than a day care that would be more appropriate to the subject tract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

**CONCLUSION**

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

This 3<sup>rd</sup> day of September, 2010.

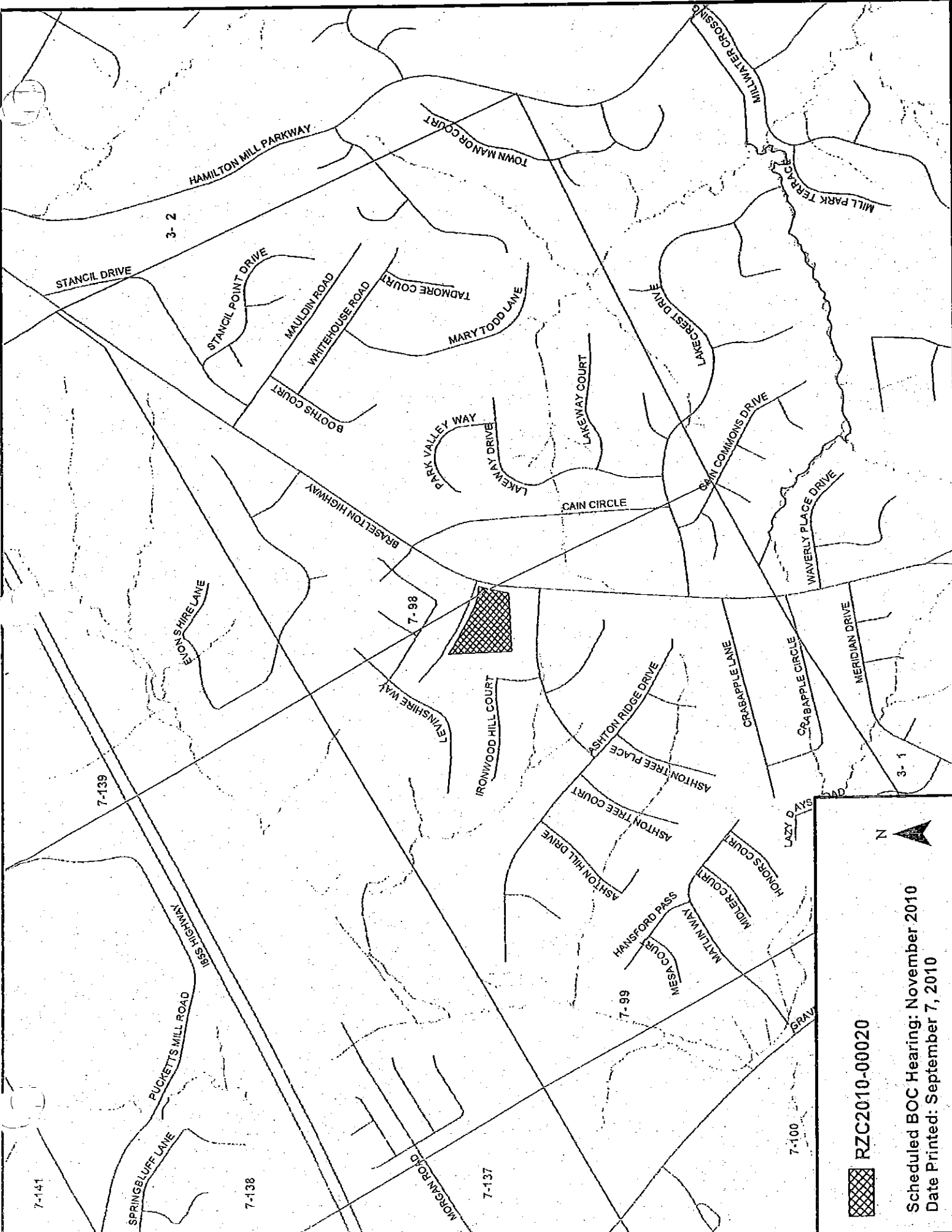
Respectfully submitted,  
ANDERSEN, TATE & CARR, P.C.




Michael L. Sullivan  
Attorney for Applicant



RECEIVED 9-03-10  
R7C2010-00020



 RZC2010-00020

Scheduled BOC Hearing: November 2010  
 Date Printed: September 7, 2010

7-141

7-139

3-2

7-138

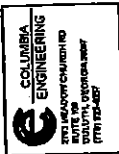
7-98

7-137

7-99

7-100

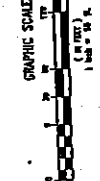
3-1



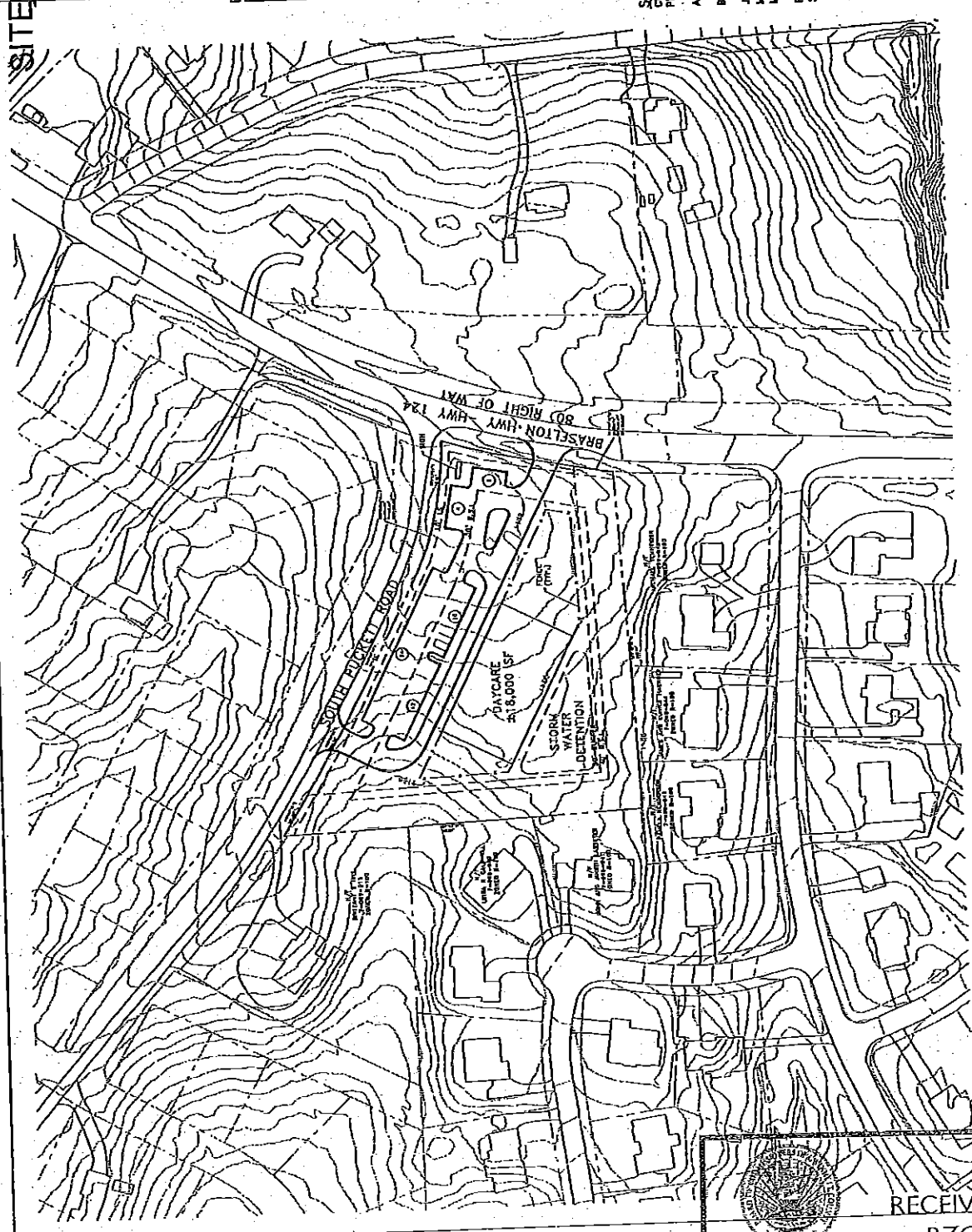
VICINITY MAP

LEGAL DESCRIPTION
PUCKETT'S MILL DEVELOPMENT
MFT, LLC

SITE DATA:
CURRENT ZONING: RA 200
PROPOSED ZONING: C-2
AREA: 4.64 AC.
BUILDING: ±18,000 SF
PARKING PROVIDED: 38 SPACES (3.28 / 1,000 SF)

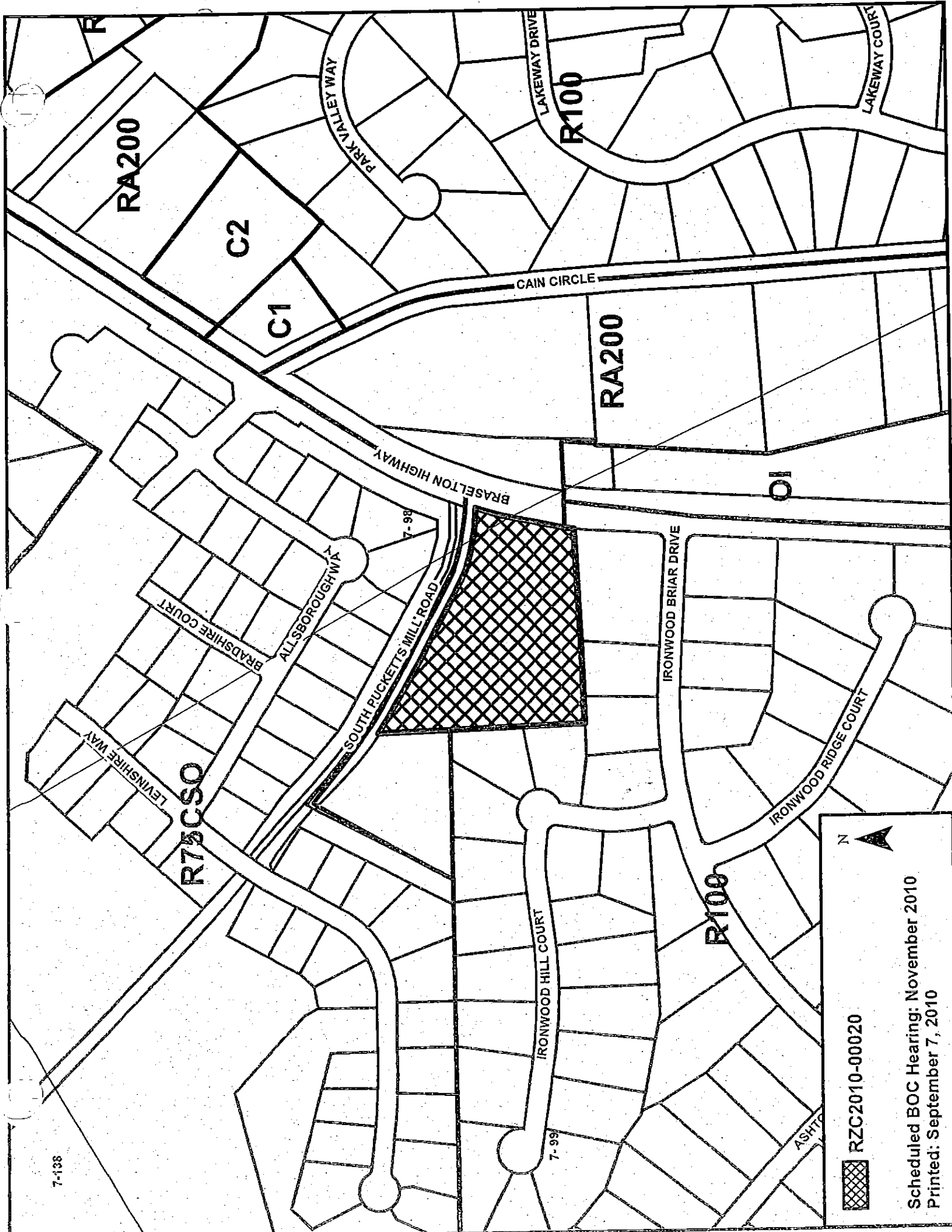


CIVIL ENGINEERS • LAND PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS




RECEIVED 9-23-10
RZC2010-00020





7-138



 RZC2010-00020

Scheduled BOC Hearing: November 2010  
Printed: September 7, 2010

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

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

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

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

CONTACT: TRACEY MASON BLASI PHONE: 770.963.6909

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

DEPARTMENT RECOMMENDATION: **DENIAL**

**CHANGE IN CONDITIONS SUMMARY:**

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

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

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

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

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

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

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

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

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

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

**ZONING HISTORY:**

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

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**DEVELOPMENT REVIEW SECTION COMMENTS:**

No comment.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the western right-of-way of Tuscany Park Drive, and an 8-inch water main located on the northern right-of-way of Tuscany Walk Lane.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located in the right-of-way of Tuscany Park Drive and Tuscany Walk Lane.

 BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

PLANNING AND DEVELOPMENT  
RECOMMENDED CONDITIONS

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

Additions in **BOLD**

Deletions in ~~STRIKETHROUGH~~

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

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

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

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

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

No appreciable change in impacts would be anticipated.

CONFORMITY WITH POLICIES

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

CONDITIONS AFFECTING ZONING

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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



RECEIVED 10-01-10  
CIC2010-00017

CASE NUMBER RZR-05-052  
GCID 2005-1402

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from

R-100 to R-ZT  
by ROCK SPRINGS VENTRUES, LLC. for the proposed use  
of SINGLE-FAMILY SUBDIVISION on a tract of land described by  
the attached legal description, which

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

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JANUARY 24, 2006 and objections were not filed.

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

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

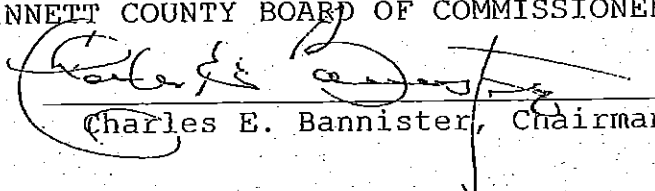
- A. Single family detached dwellings and accessory uses and standards. At least 80% of the occupied dwellings shall include one person 55 or older and must be developed, built and marketed as a 55 plus active adult community.
- B. The minimum dwelling size shall be 1,800 square feet.
- C. All dwellings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

- E. The development shall be a gated community.
- F. Homes shall be primarily single-story with the number of homes with more than one-story being limited to 25% of all homes.
- G. Homes shall incorporate applicable accessibility standards known as "Easy Living" standards which shall include the following:
1. Easy access step free feature at one entrance to the home.
  2. Easy passage feature which shall include a minimum 32-inch wide doorways except for secondary bedrooms, baths and closets which shall include a minimum of 28-inch wide doorways.
  3. Easy use feature which includes a bedroom on the main floor.
- H. A mandatory homeowners association shall be incorporated which provides for grounds maintenance and repair, insurance and working capital. Said association shall not be responsible for any repair to the structures of the homes. Said association must also include declarations and bylaws including rules and regulations which shall at a minimum regulate and control the following.
1. Restriction of at least 80% of the homes occupied by at least one resident who is age 55 or older as defined by the Fair Housing Act Section 3607.b.2.c.
  2. Exterior items such as fence, lawn ornaments and restrictions on removal of landscaped areas and buffers.
  3. To prohibit playground equipment, swing-sets, trampolines and basketball goals.
  4. Exterior fence maintenance shall include a requirement that any graffiti shall be repaired or repainted within 72 hours.
  5. Restrictions and definitions on single-family residential use only and on leasing of units.
  6. All residential lawns shall be maintained by the HOA.

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

GWINNETT COUNTY BOARD OF COMMISSIONERS

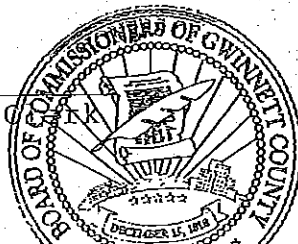
By:

  
Charles E. Bannister, Chairman

Date Signed: 2/13/06

ATTEST:

  
County Clerk/Deputy County Clerk



CASE NUMBER CIC-08-024  
GCID 2008-2774

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-ZT to R-ZT (TO REMOVE AGE RESTRICTED HOUSING REQUIREMENT) by TUSCANY PARK HOMES, LLC for a CHANGE IN CONDITIONS OF ZONING on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on DECEMBER 16, 2008 and objections were not filed.

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

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

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

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

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

G. A mandatory homeowners association shall be established.

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

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

2. To satisfy the following site development considerations:

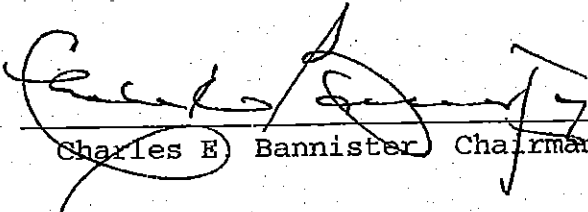
- A. No direct lot access allowed to Rock Springs Road.
- B. Provide stub streets as may be required by the Department of Planning and Development.
- C. All grassed areas shall be sodded.
- D. Provide underground utilities throughout the development.
- E. Provide a 30-foot construction buffer adjacent to all exterior property lines.
- F. Provide a 30-foot landscaped setback along Rock Springs Road with a wrought iron style fence with brick or stacked stone columns spaced 30-feet on center.

CASE NUMBER CIC-08-024  
GCID 2008-2774

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

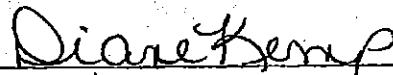
Address:  
Collins Hill Education Foundation  
2090-A Highway 317 #273  
Suwanee, GA 30024

GWINNETT COUNTY BOARD OF COMMISSIONERS

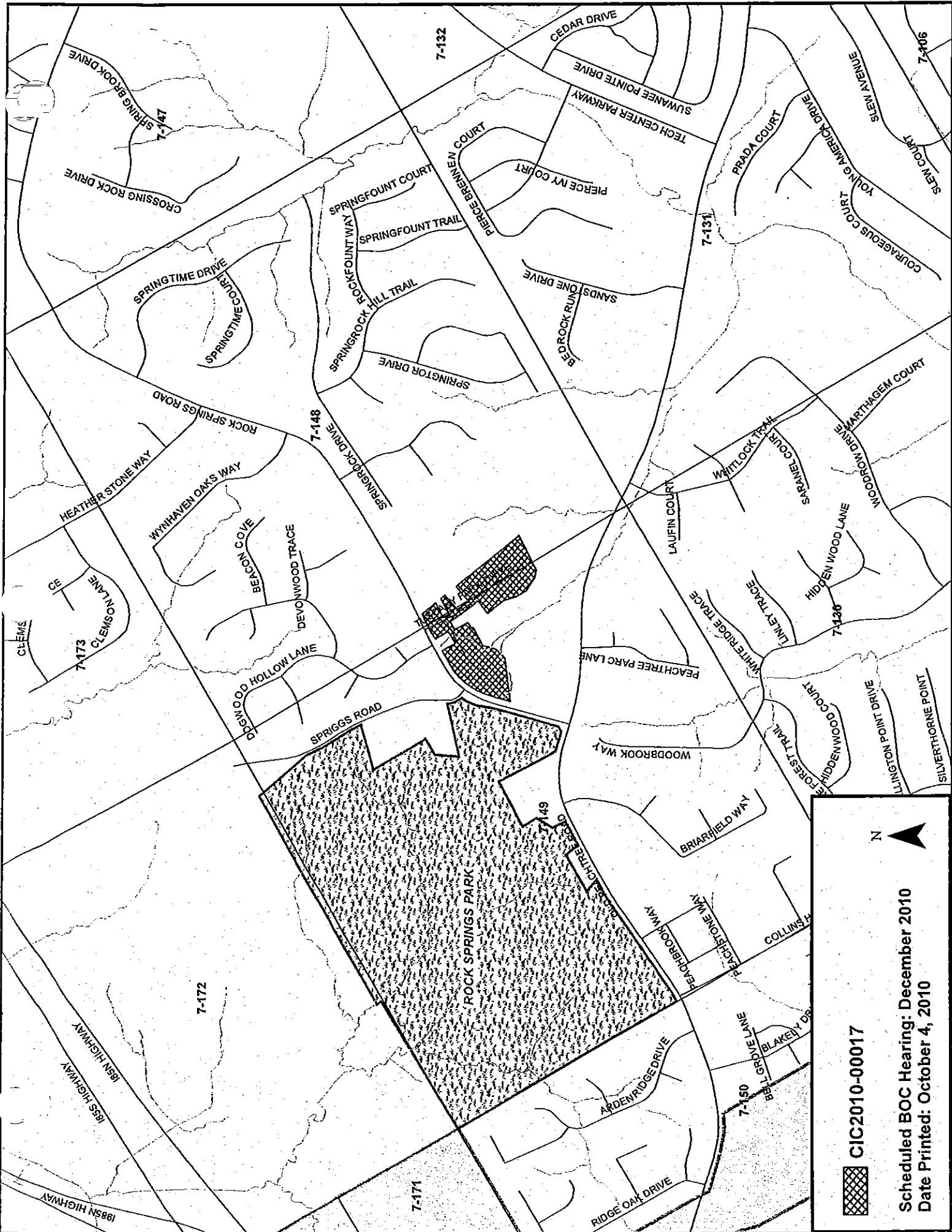
By:   
Charles E. Bannister Chairman

Date Signed: 12/29/08


ATTEST:


  
County Clerk/Deputy County Clerk





N




**CIC2010-00017**

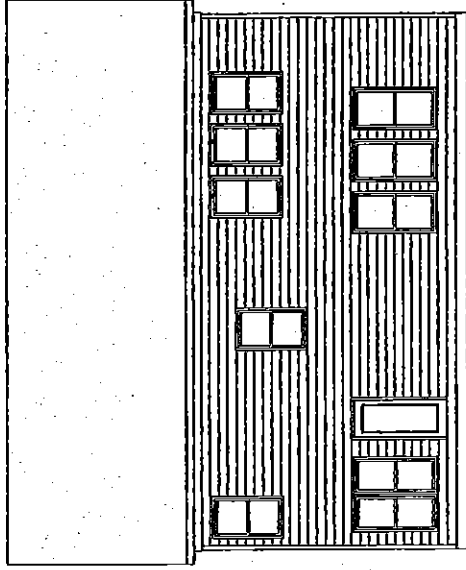
Scheduled BOC Hearing: December 2010  
 Date Printed: October 4, 2010

# TUSCANY PARK

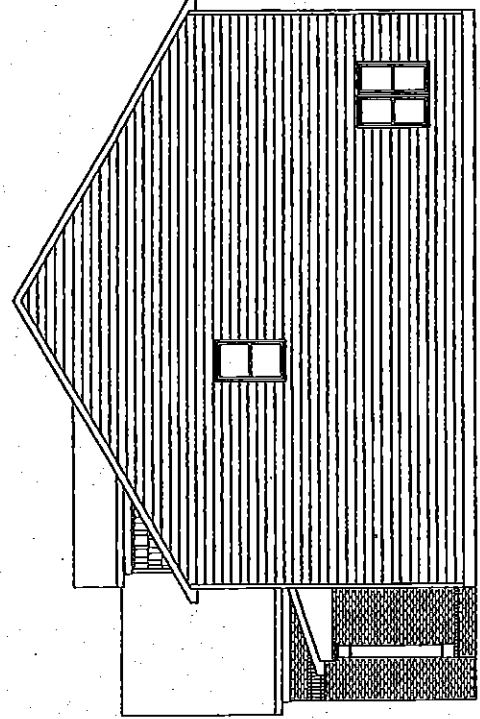
ELEVATIONS  
SAGFIELD  
2 CAR GARAGE

DATE	REV.	NO.	DATE

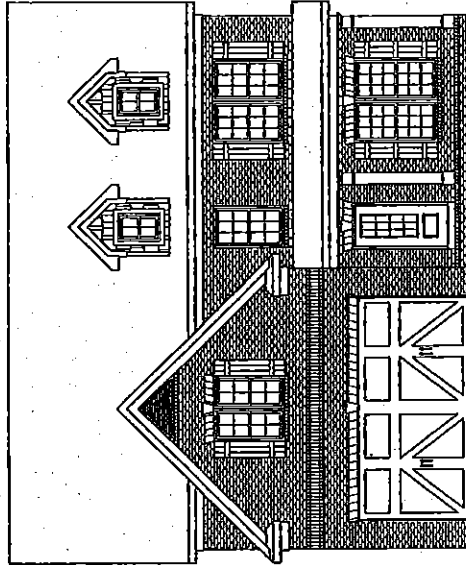
SHEET NO.  
A-1



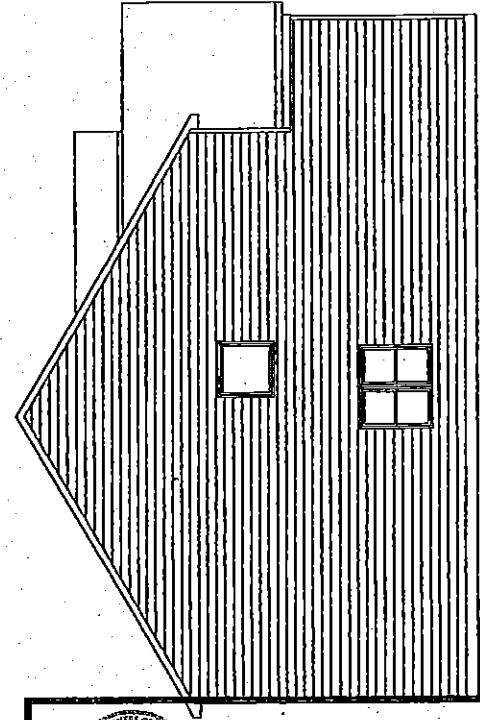
REAR ELEVATION



RIGHT ELEVATION



FRONT ELEVATION

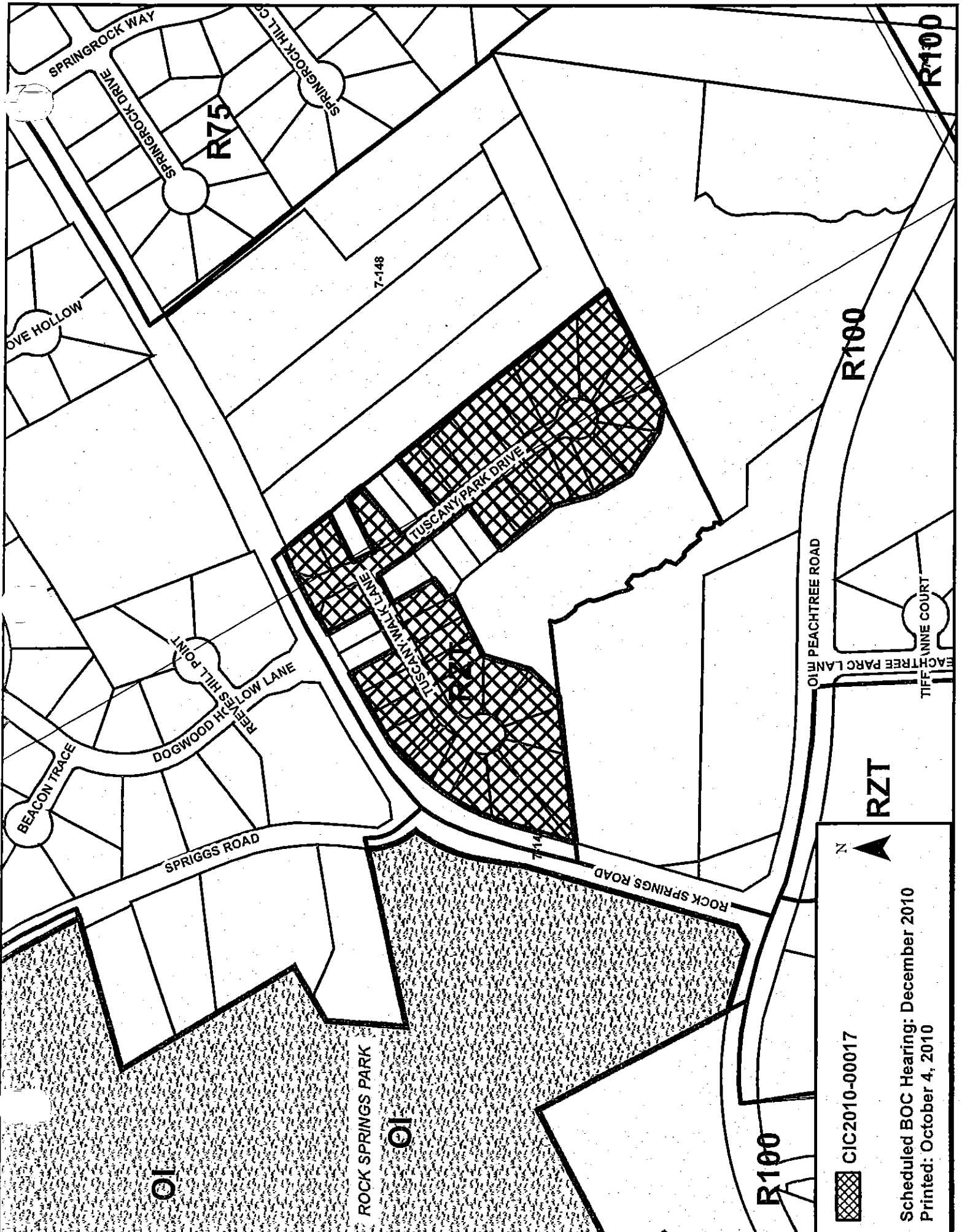


LEFT ELEVATION



RECEIVED 10-01-10  
CIC2010-00017





CIC2010-00017

RZT



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

**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.





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

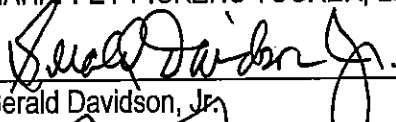


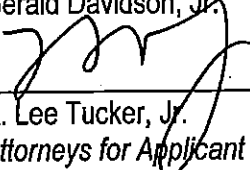
The Applicant and its representatives welcome the opportunity to meet with representatives of the Peachtree Corners community to discuss and address any issues or concerns they may have. Moreover, the Applicant and its representatives look forward to meeting with and working with the staff of the Gwinnett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

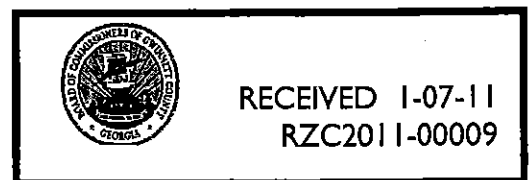
This 6<sup>th</sup> day of January, 2011.

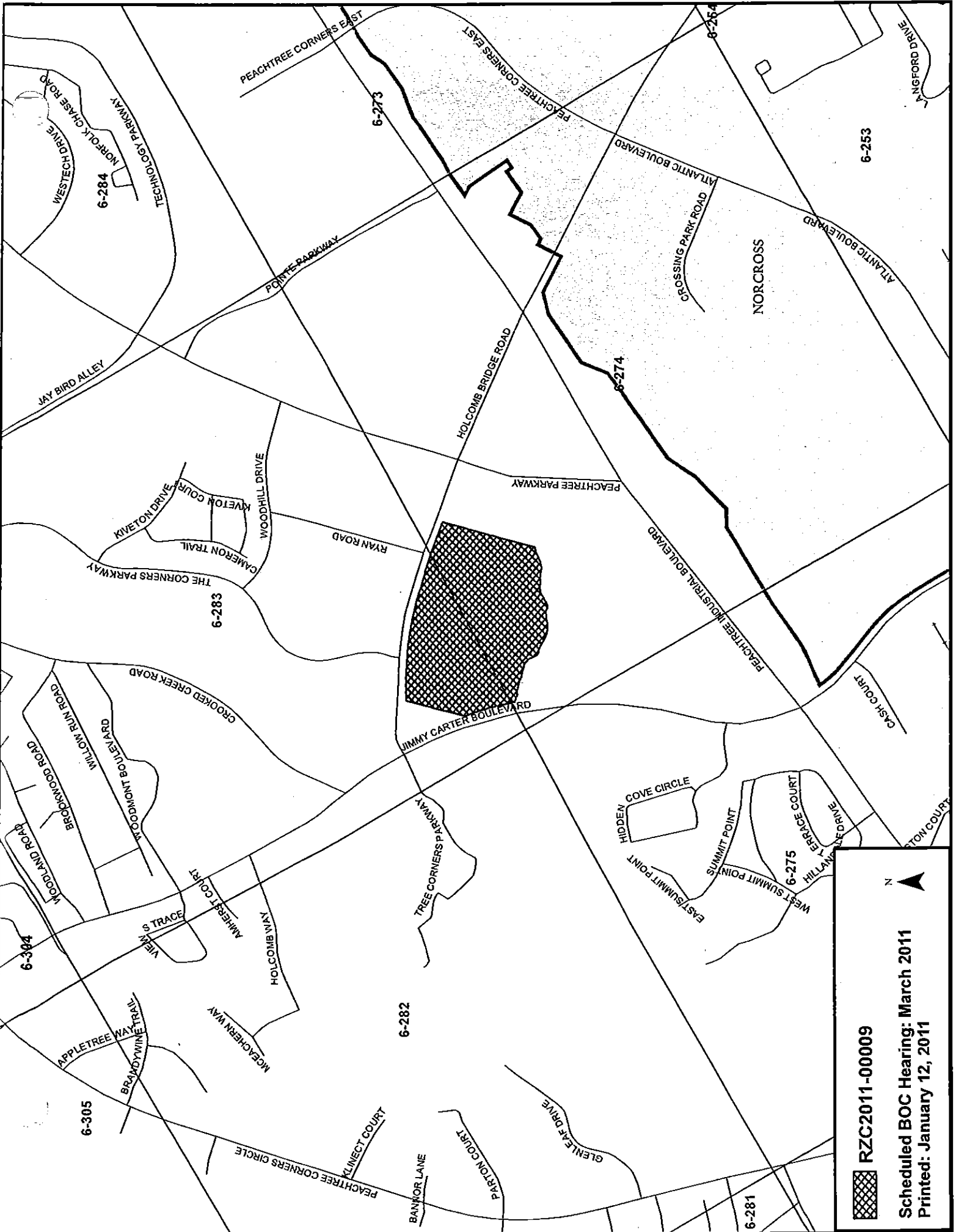
Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

  
\_\_\_\_\_  
Gerald Davidson, Jr.

  
\_\_\_\_\_  
R. Lee Tucker, Jr.  
*Attorneys for Applicant*





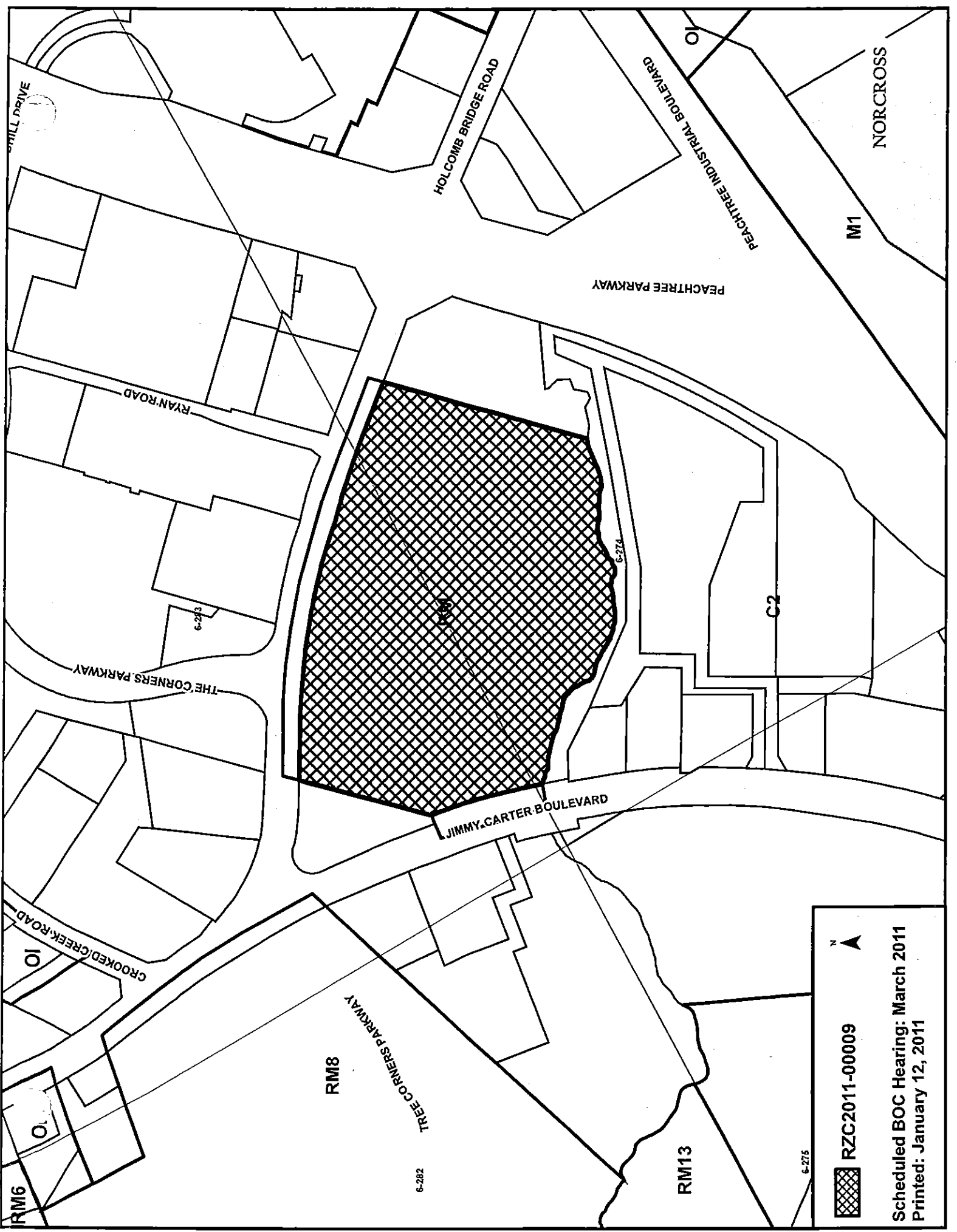
**RZC2011-00009**



**Scheduled BOC Hearing: March 2011**  
**Printed: January 12, 2011**







NORCROSS

M1

C2

RM13

RM8

RM6



RZC2011-00009

Scheduled BOC Hearing: March 2011  
Printed: January 12, 2011



6-282

6-275

6-274

6-273

HILL DRIVE

HOLCOMB BRIDGE ROAD

PEACHTREE INDUSTRIAL BOULEVARD

PEACHTREE PARKWAY

RYAN ROAD

THE CORNERS PARKWAY

JIMMY CARTER BOULEVARD

TREE CORNERS PARKWAY

CROOKED CREEK ROAD



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

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

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

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

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

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

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

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

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

ZONING HISTORY:

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

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Additions in **bold**

Deletions in ~~strikethrough~~

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

- I. 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 ~~±,600~~ **1,200** square feet.
  - D. All units shall have a ~~double-car garage~~ **at least a single-car garage or a tandem double-car garage.**
  - E. A mandatory homeowners association shall be incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association must also include declarations and bylaws including rules and regulations which shall at minimum regulate and control the following:
    1. Exterior home maintenance to include roofing and painting.
    2. All grounds maintenance.
    3. Exterior fence maintenance to include the requirement that any graffiti shall be repaired or repainted within 72 hours.
    4. Restrictions on single-family residential use only in leasing of units. No more than 10% of the total units may be leased by individual owners at any time.
2. To satisfy the following site development considerations:
  - A. Provide a 30-foot re-graded and replanted buffer adjacent to the residentially zoned properties. The 30-foot re-graded and replanted buffer shall be re-graded in a manner acceptable to Gwinnett County Development Regulations and is

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

- B. All grassed areas shall be sodded.
- C. All utilities shall be placed underground.
- D. Provide a 50-foot wide landscaped setback along Parkside Walk Lane. The landscaped setback shall include a decorative fence/wall and entrance monument. The fence may be constructed as a solid brick or stacked stone columns (Maximum 30-feet-on-center). Landscaping, fence/wall and entrance monument design shall be subject to review and approval of the Director of Planning and Development.
- E. A 4-foot high meandering landscape berm with a wrought iron style fence on top of the berm shall be constructed adjacent to all commercially zoned property.
- F. Entrance shall include a brick monument which shall (at minimum) be 6-feet high adjacent to the entire Parkside Walk Lane frontage.
- G. Street trees (maximum of 30-foot spacing) shall be incorporated into the landscape plan.
- H. Within all re-graded and replanted buffers the developer shall incorporate deciduous trees that are acceptable per the Buffer, Landscape and Tree Ordinance of Gwinnett County. The deciduous trees shall be planted in groupings of three within the buffer and shall count as acceptable buffer trees for the purpose of this project. The deciduous trees shall be minimum three-inch caliper at the time of planting and spaced at least 20-feet apart. Along the Chandler Park on the River property line there shall be at least six groupings of the three tree masses and along the Anaberry Forest property line there shall be at least two groupings of the deciduous trees. All planting designs are subject to the review and approval of the Director of Planning and Development.
- I. All areas within the re-graded and replanted buffers shall be properly mulched and maintained at the time of planting. All other areas within the buffer that do not have trees shall be treated with a seasonal hydro seed mixture of grasses or wildflowers.
- J. All on-site detention facilities shall be designed such that they are not located within any required buffers.

PLANNING AND DEVELOPMENT DEPARTMENTS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

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

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

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

CONDITIONS AFFECTING ZONING

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

**CHANGE IN CONDITIONS APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

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

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

- (A) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:  
Yes
  
- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  
No
  
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
No
  
- (D) WHETHER THE PROPOSED CHANGE IN CONDITIONS WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:  
No
  
- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
Yes
  
- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED CHANGE IN CONDITIONS:  
The Economy as well as Mortgage underwriting standards



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

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

November 4, 2010

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

Dear Planning Staff,

This letter shall outline the intent of the proposed change in condition for The Vineyards at Parkside subdivision located in Land Lot(s) 032 of the 1st and 7th District, Gwinnett County, Georgia containing 9.835 acres

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

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



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.

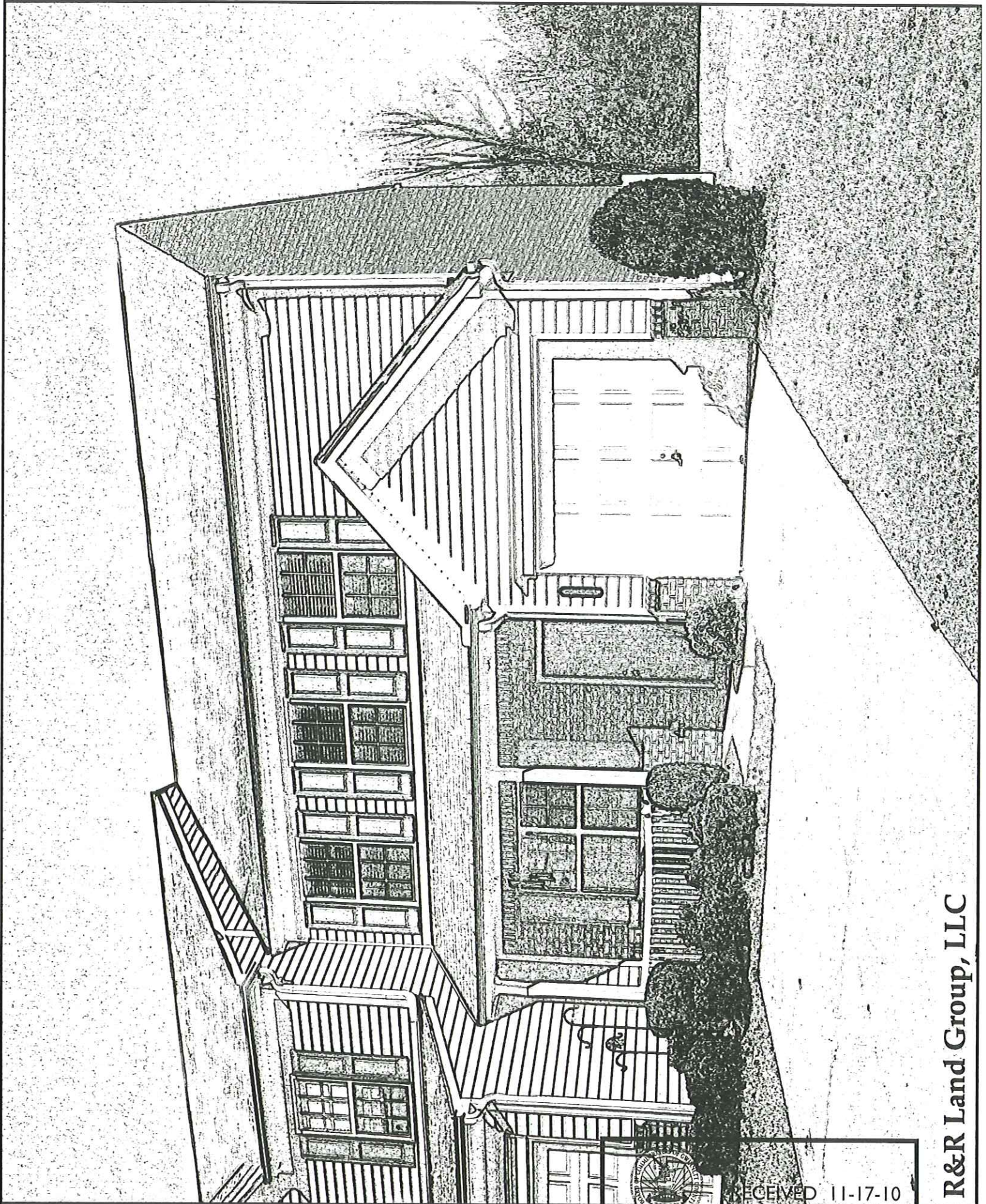
Sincerely,



Greg Saul, Member  
R&R Land Group, LLC



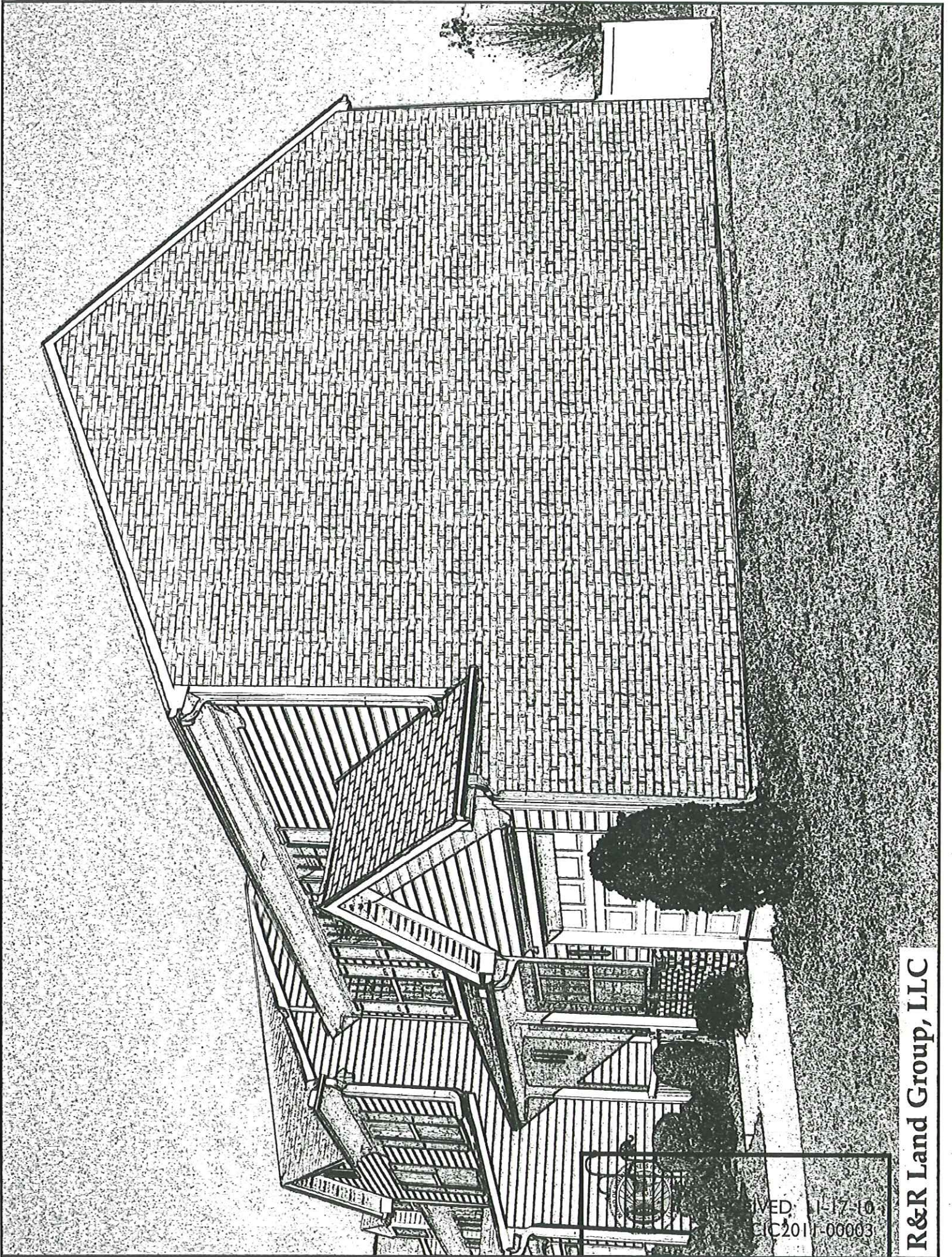
RECEIVED 11-04-10  
CIC2011-00003



R&R Land Group, LLC

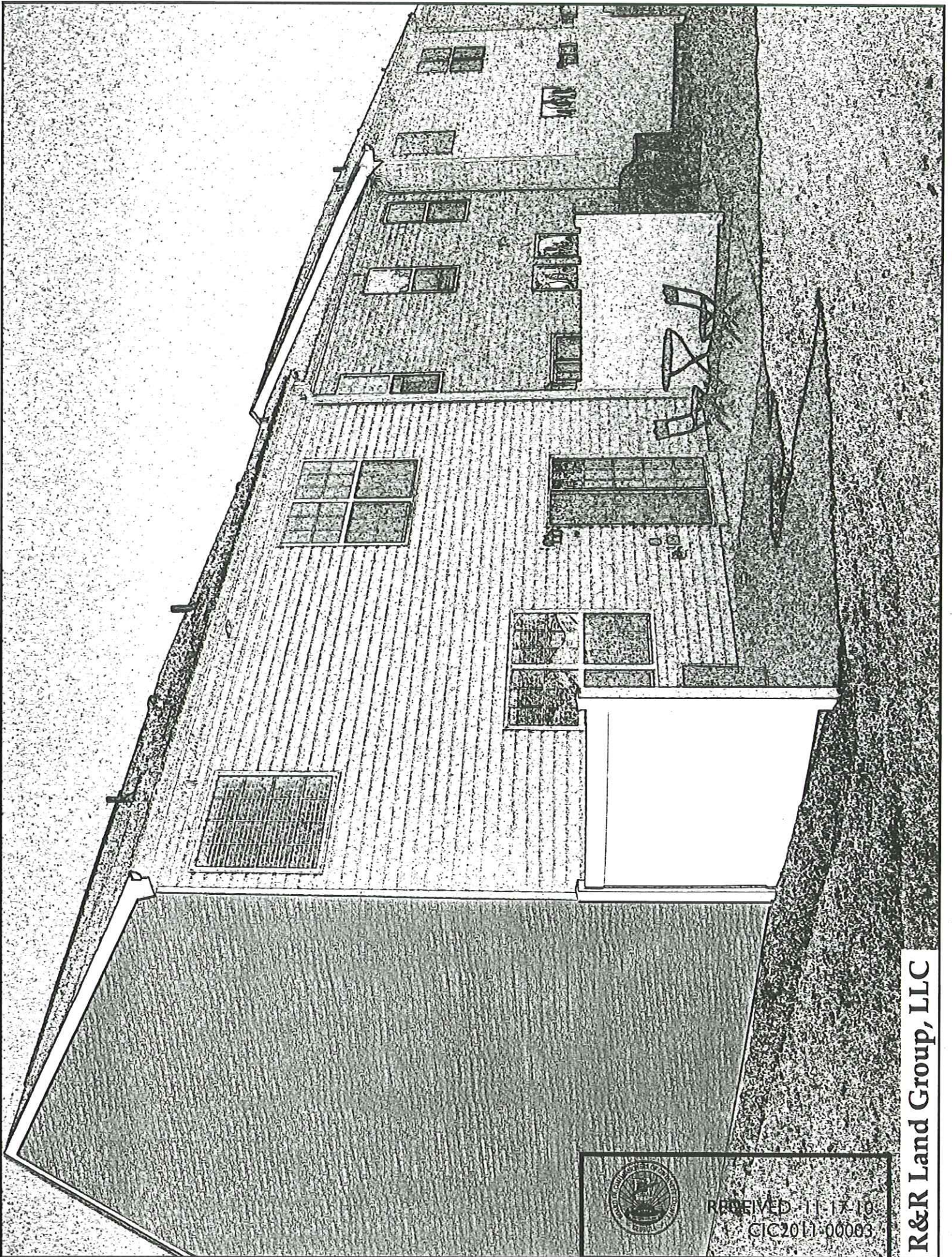


RECEIVED 11-17-10  
CIC2011-00003



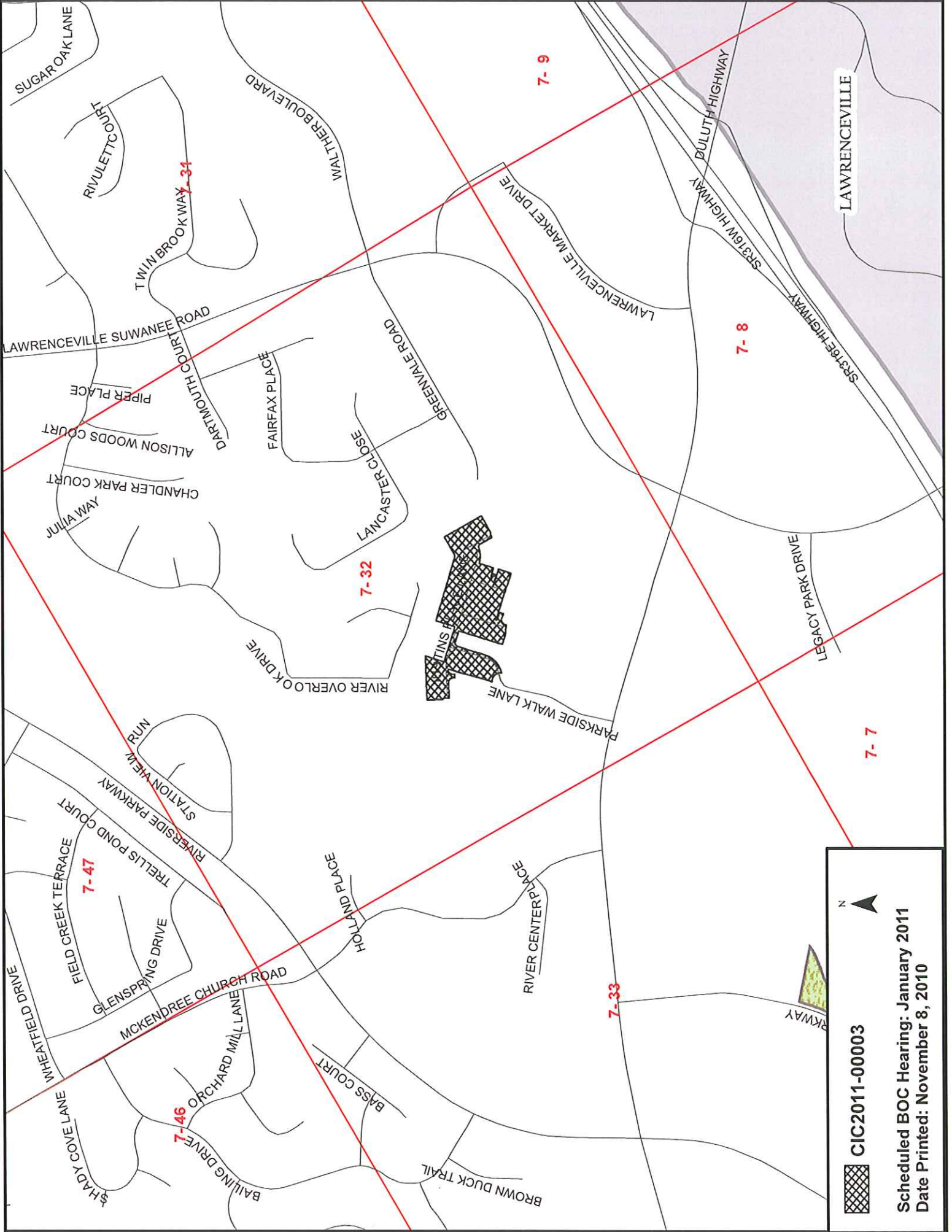
REVISED: 11-17-10  
C(C2011)-00003



R&R Land Group, LLC



RECEIVED 11-17-10  
CIC2011-00083

R&R Land Group, LLC




  

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

SUGAR OAK LANE

RIVULETT COURT

TWIN BROOKWAY 7-34

LAWRENCEVILLE SUWANEE ROAD

PIPER PLACE  
ALLISON WOODS COURT  
CHANDLER PARK COURT

FAIRFAX PLACE

GREENWALE ROAD  
LAWCASTER CLOSE

7-9

7-8

LAWRENCEVILLE

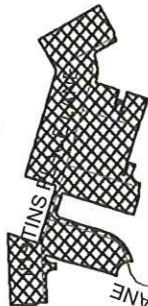
DULUTH HIGHWAY  
SR316 HIGHWAY

SR378 HIGHWAY

CHANDLER PARK COURT

RIVER OVERLOOK DRIVE

7-32



PARKSIDE WALK LANE

LEGACY PARK DRIVE

7-7

STATION VIEW RUN  
RIVERSIDE PARKWAY

TRELLIS POND COURT

7-47

WHEATFIELD DRIVE  
FIELD CREEK TERRACE

GLENSPRING DRIVE

MCKENDREE CHURCH ROAD

HOLLAND PLACE

RIVER CENTER PLACE

7-33



SHADY COVE LANE

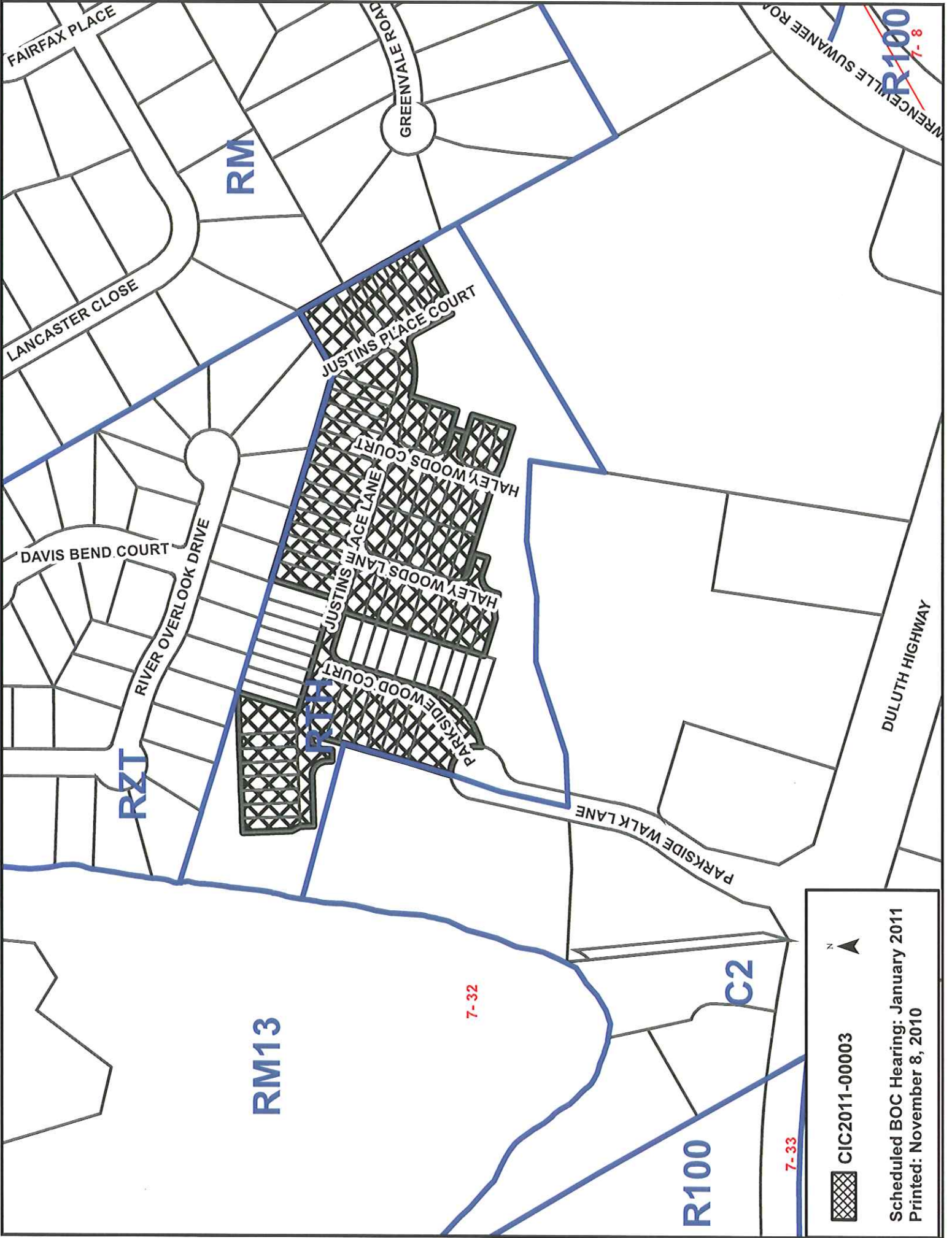
BAILING DRIVE 7-46

ORCHARD MILL LANE

BASS COURT

BROWN DUCK TRAIL





 CIC2011-00003

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

7-33

7-32

**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-1 (Office-Institutional District) in 2000, pursuant to RZ-00-132.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**DEVELOPMENT REVIEW SECTION COMMENTS:**

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

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

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

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

Parking spaces shall be provided at a ratio of:

Personal Care Home:

One space for 3 beds (minimum).

One space for 2 beds (maximum).

Church:

One space per 5 seats (minimum).

One space per 2 seats (maximum).

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

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

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

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

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

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

**STORMWATER REVIEW SECTION COMMENTS:**

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

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

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

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

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

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

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

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

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

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

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

#### BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review. The existing building shall comply with the requirements of the 2006 International Mechanical /code with Georgia state amendments based on occupancy group.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

4. Architectural design of the proposed buildings and any exterior remodel of the existing building shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.
5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

#### DEPARTMENT ANALYSIS:

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

The 2030 Unified Plan Future Development Map indicates the property lies within the Existing/Emerging Suburban Character Area. If adequately buffered from surrounding residential developments, the proposed personal care home could be compatible within this Character Area. The 1985 Zoning Resolution allows congregate personal care homes within the O-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:

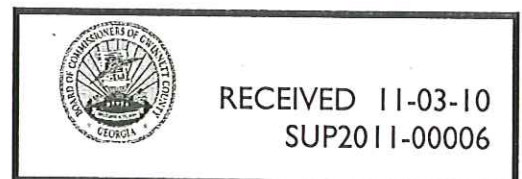
\_\_\_\_\_  
\_\_\_\_\_

(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:

\_\_\_\_\_  
\_\_\_\_\_



## 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



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.

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

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

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

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

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

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

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

1. To restrict the use of the property as follows:
  - A. Office, professional, and accessory uses including a postal facility.
  - B. Buildings shall be constructed with architectural treatments of brick/and or glass on all four sides.
2. To satisfy the following site development considerations:
  - A. Provide a 50-foot wide natural, undisturbed buffer adjacent to residentially zoned property.  
A six (6) foot high 100 percent opaque fence or wall shall be provided on the interior of the buffer. This fence shall increase to eight (8) feet in height along the common property line of Edward J. Pinson (Tax Parcel 7-117-036). Orange/red tree save fencing shall be installed around the buffer prior to any land disturbance. The proposed entrance driveway may encroach upon the buffer area to the least possible extent.

- B. Provide a 10-foot wide landscape strip adjacent to the Meadow Church Way right-of-way.
- C. Provide 5-foot landscape strips adjacent to any internal property lines.
- D. Dumpsters or trash compactors shall be screened on all four sides by a 100 percent opaque brick wall at least six (6) feet in height and an opaque gate enclosure. Dumpster pickup shall be limited to the hours of 7:00 a.m. and 7:00 p.m.
- E. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties.
- F. No temporary signs shall be permitted. This includes balloons (helium, hot or cold air filled), banners, pennants, and flags. No streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No flags shall be flown on the site except the flags of the United States of America and the State of Georgia which shall be limited to no more than one of each type.
- G. Natural vegetation shall remain on the property until the issuance of a Commercial Development Permit.
- H. Provide 5-foot sidewalks along Meadow Church Way.
- I. Billboards shall be prohibited.
- J. Location and design of driveway shall be subject to the review and approval of the Gwinnett County Department of Transportation and the Development Review Division.
- K. Ground signs shall be limited to a single monument-type sign which shall meet the requirements of the 1985 Zoning Resolution and shall have a brick base to match the building.

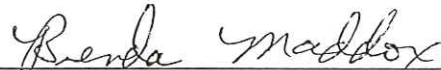
3. To abide by the following requirements, dedications, and improvements:
- A. Design stormwater detention facilities such that they do not encroach into required buffers.

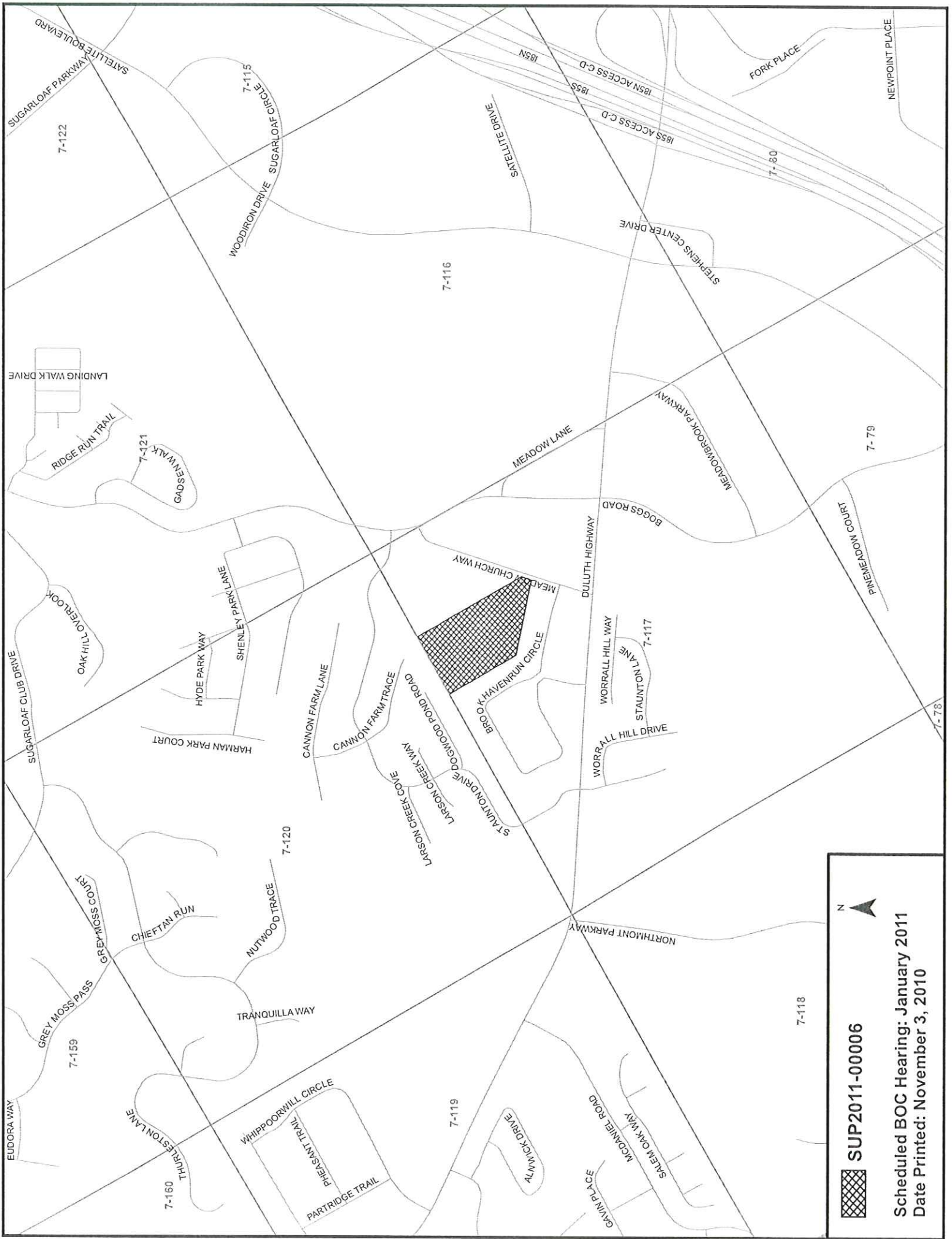
GWINNETT COUNTY BOARD OF COMMISSIONERS

By:   
F. Wayne Hill, Chairman

Date Signed: Oct. 30, 2000

ATTEST:

  
County Clerk

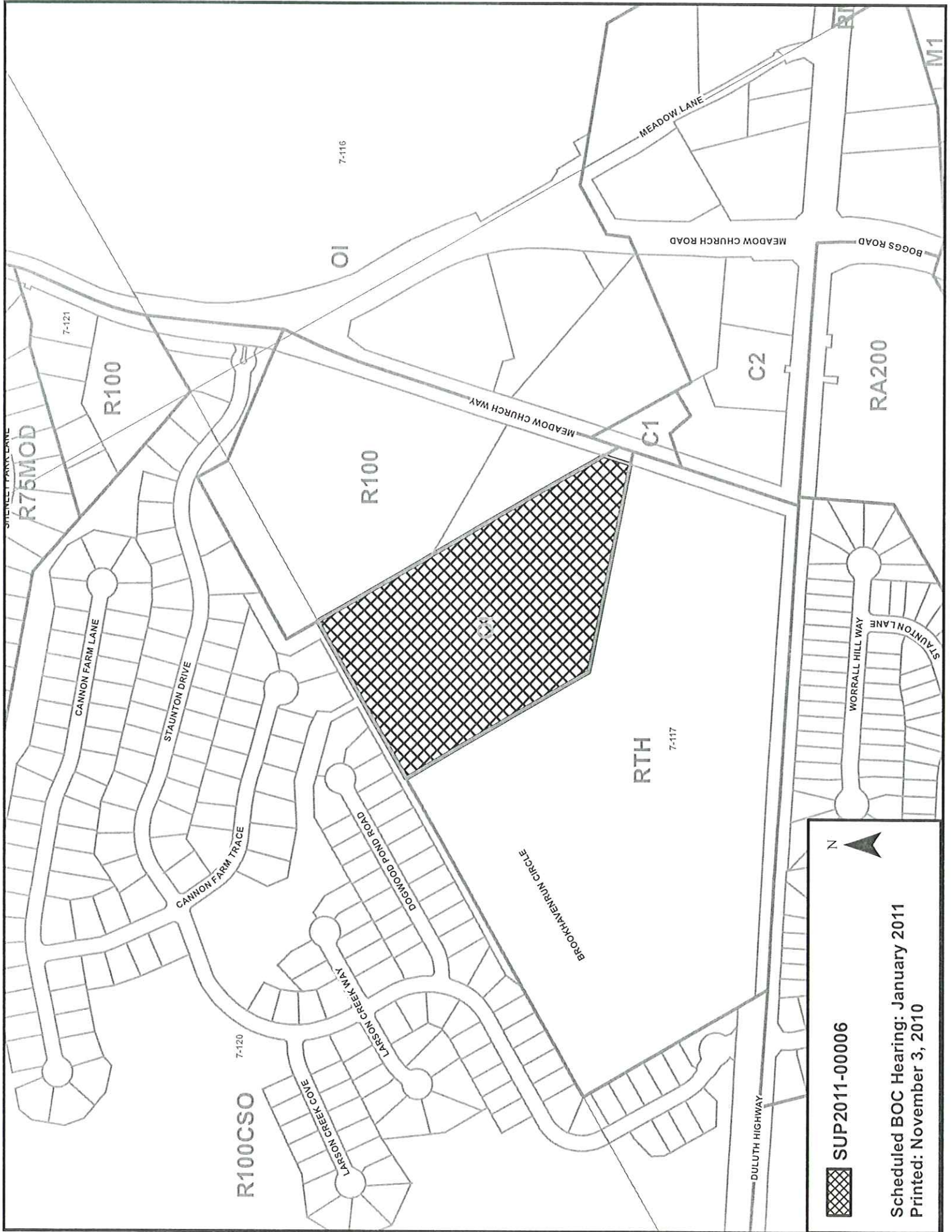


**SUP2011-00006**



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





**SUP2011-00006**

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

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

CASE NUMBER :**CIC2011-00007**  
ZONING :C-2  
LOCATION :1800 BLOCK OF AZALEA DRIVE  
:1800 BLOCK OF BUFORD DRIVE  
MAP NUMBER :R7091 324  
ACREAGE :9.25 ACRES  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO ALLOW  
OUTDOOR STORAGE AND TRUCK RENTAL  
COMMISSION DISTRICT :(4) HEARD

CASE NUMBER :**SUP2011-00017**  
ZONING :C-2  
LOCATION :1800 BLOCK OF AZALEA DRIVE  
:1800 BLOCK OF BUFORD DRIVE  
MAP NUMBER :R7091 324  
ACREAGE :9.25 ACRES  
PROPOSED DEVELOPMENT :OUTDOOR STORAGE AND TRUCK RENTAL  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: BUFORD DRIVE SELF-STORAGE, LLC  
1201 N. PETERSON AVENUE  
DOUGLAS, GA 31533

CONTACT: SHERWOOD NANCE      PHONE: 912.384.0700 EXT. 551

OWNER: BUFORD DRIVE SELF-STORAGE, LLC  
1201 N. PETERSON AVENUE  
DOUGLAS, GA 31533

DEPARTMENT RECOMMENDATION: **DENIAL**

**CHANGE IN CONDITIONS SUMMARY:**

The applicant requests to change the conditions of a previous rezoning, RZC-07-003 and SUP-07-002, and also requests an additional Special Use Permit to allow outdoor storage in conjunction with the current tenant Georgia Self Storage. The site is developed with a mini-warehouse facility within the C-2 (General Business District) zoning district. The property is a 9.25-acre parcel located adjacent to the northeast quadrant of the Buford Drive and Azalea Drive intersection. The site is located within the Mall of Georgia Overlay District.

In March of 2007, a rezoning to C-2 with a Special Use Permit for a mini-warehouse facility was approved, pursuant to RZC-07-003 and SUP-07-002, which included a condition prohibiting outdoor storage.

During a recent site visit, staff noted that there was outdoor storage of recreational vehicles, boats, and trailers adjacent to Buford Drive. It is also noted that a rental truck was parked on the site near the main office. This application is the result of a citizen's complaint and subsequent code enforcement investigation (CEU2011-00211) by the Gwinnett County Police, Code Enforcement Unit.

Condition I. B. of RZC-09-003 and SUP-07-002 prohibits outdoor storage and truck rental. The condition reads as follows:

I. B. Outdoor storage and truck rental shall be prohibited.

The applicant proposes to amend condition I.B., to allow outdoor storage of wheeled vehicles, which may include cars, vans, trucks, recreation vehicles, campers, and trailers, no greater in length than 25 feet. The outdoor storage area would be located in the existing parking lot adjacent to Buford Drive, which contains 15 parking spaces. There is no mention in the application materials regarding rental trucks.

The 2030 Unified Plan Future Development Map indicates that the subject property lies within an Existing / Emerging Suburban Character Area. The property is zoned C-2 with a Special Use Permit that allows the mini-warehouse facility. The conditions of zoning were established by the Board through the public hearing process and included input from the community. Amending the conditions to allow outdoor storage and truck rental may not be appropriate given the past Board precedent for the property.

The area surrounding the site consists predominately of low-density residential homes on acreage and established subdivision developments. Gwinnett Hall Baptist Church is located across Azalea Road to the south. Given the location of the proposed outdoor storage lot in a highly visible setting along Buford Drive, the request may not be compatible with the area or with the previous Board approval, which sought to ensure a pleasing visual appearance for the business. Additionally, the proposal may be inconsistent with the goals the Mall of Georgia Overlay District, which is designed to preserve the aesthetics of commercial properties in the Highway 20 corridor.

The proposed outdoor storage area may not be consistent with the previous Board action or compatible with efforts to preserve the visual appeal of the area. Therefore, the Department of Planning and Development recommends **DENIAL**.

#### ZONING HISTORY:

The property was zoned R-100 (Single Family Residence District) in 1970. The property was rezoned to C-2 with a Special Use Permit in March of 2007, pursuant to RZC-07-003 and SUP-07-002.

**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 northern right-of-way of Azalea Drive.

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

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.

Additions in **BOLD**

Deletions in ~~STRIKETHROUGH~~

Approval as C-2 (Change in Conditions) subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Retail and service commercial and accessory uses, which may include a mini-warehouse storage facility. The following uses shall be prohibited: adult entertainment establishments, adult bookstores, automotive parts stores, convenience food stores with or without gas pumps, gas stations, emissions inspections stations, equipment rental, liquor stores, mobile buildings, recreation facilities, recovered materials processing facilities, pawn shops and quick check cashing businesses.
  - B. ~~Outdoor storage and truck rental shall be prohibited.~~ **Outdoor storage shall be limited to wheeled vehicles, which may include cars, vans, light-duty trucks, recreation vehicles, campers, and trailers. Outdoor storage of other vehicles or items shall be subject to the review and approval of the Director of Planning and Development.**
  - C. **One rental truck shall be allowed.**
  - D. Abide by all requirements of the Activity Center/Corridor Overlay (Mall of Georgia Overlay). This shall not preclude application for variance.
2. To satisfy the following site development considerations:
  - A. Provide buffers adjacent to residentially-zoned property as shown on the site plan submitted to the Department of Planning and Development on February 5, 2007.
  - B. All utilities shall be placed underground.
  - C. Ground signs shall be limited to monument-type signs with brick or stone (and accents of stucco) base matching the style of the buildings. Oversized signs or billboards shall be prohibited.
  - D. Natural vegetation shall remain on the property until the issuance of a development permit.

- E. Lighting shall be contained in cut-off type luminaries and shall be directed inward so as not to shine directly into adjacent and nearby residential properties.
- F. Dumpsters shall be screened by an opaque brick wall with gate enclosure. Dumpster enclosure gate shall be 100% opaque, with solid metal or wooden gates. A chain link gate shall be prohibited. Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
- G. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
- H. Developer shall commission, at Developer's sole expense, a Signal Warrant Study for the intersection of Azalea Drive and Georgia Highway 20 within 120 days following written notification of zoning approval. If a traffic signal is approved, Developer will design and install said traffic signal at no cost to Gwinnett County, said traffic signal shall be installed prior to the issuance of a certificate of occupancy for any buildings located on the outparcels fronting Azalea Drive. If the traffic signal request is denied by Georgia D.O.T., this condition shall be of no continuing force or effect subsequent to that denial.
- I. Blinking neon or portable signs shall be prohibited. Inflatable and temporary outdoor signage shall be prohibited. Neon lights shall also be prohibited with the exception of an open/closed sign not to exceed 4 square feet.
- J. In the event that the mini-warehouse storage facility portion of the property is developed prior to development of the outparcels, mass grading of the outparcel portion of the property shall be restricted to those activities related to the installation of the stormwater management system for the entire property and such grading as is required to achieve the required site elevations for construction of the mini-warehouse facility. Developer shall make all reasonable efforts to retain vegetation on the outparcel portion of the property until such time as that portion of the property is to be developed. If grading of outparcels is required to achieve the required site elevations for construction of the mini-warehouse facility, Developer shall seed, fertilize, and irrigate all graded portions of the outparcels to insure complete vegetative cover when grading is complete. This condition shall not apply in the event that the entire property is to be developed and constructed at the same time.
- K. Developer shall install a decorative fence along the Buford Drive frontage. Fence shall be wrought iron type or wood, with brick or stone columns matching the building architecture. Chain link fence is prohibited only along the Buford Drive frontage. **The area enclosed by this decorative fence, being utilized for outdoor storage, shall be further screened by additional evergreen plantings installed along the fence to screen the area (plantings subject to review and approval of the Director of Planning and Development).**

- L. Surveillance cameras must be installed within the mini-warehouse storage facility.
- M. No future access to Buford Drive from the mini-warehouse storage facility.
- N. **Peddlers and/or parking lot sales shall be prohibited.**

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE 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

Allowing outdoor storage may adversely impact the surrounding area by introducing potentially negative visual intrusion.

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 outdoor storage area would occupy the existing paved area of the site and would not increase the overall size of the development.

CONFORMITY WITH POLICIES

The subject request may not be consistent with Board policy as established in the previous zoning actions (RZC-07-003 and SUP-07-002), which were established through the public hearing process.

CONDITIONS AFFECTING ZONING

There have been no changes in the immediate area since 2007 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, STORAGE AREA TO CONSIST OF ONLY VEHICLES AND TRAILERS. FACES MAJOR ARTERIAL & NOT RESIDENTIAL PROPERTIES <sup>BOISTS</sup>

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

NO. STORAGE (PARKING) AREA BUFFERED BY BUILDINGS AND VEGETATION

- (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, ONLY IF SPACES PROVIDED. STORAGE (PARKING) PROVIDES A SERVICE TO THE COMMUNITY.

- (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:

APPROVAL. A TRUCKING FACILITY OCCASIONALLY ACCESS THE STREET WITH TRAILER STORAGE. VISIBLE FROM BUFORD DRIVE



RECEIVED 2-2-11  
CIC2011-00007

**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. STORAGE AREA TO CONSIST OF ONLY VEHICLES, BOATS AND TRAILERS.

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

NO. STORAGE (PARKING) AREA BUFFERED BY BUILDINGS AND VEGETATION

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

YES.

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

No.

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

YES. ONLY 15 SPACES PROPOSED. STORAGE (PARKING) PROVIDES A SERVICE TO THE COMMUNITY

- (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:

APPROVAL. A TRUCKING FACILITY DIAGONALLY ACROSS THE STREET WITH TRAILER STORAGE VISIBLE FROM BUFORD DRIVE.



**Letter of Intent  
Georgia Self-Storage, Buford Drive**

The applicant/owner Buford Drive Self-Storage, LLC (a subsidiary of Crown Properties Group, LLC) requests a Change of Condition for a prior Special Use Permit, case #SUP-07-002, condition 1.B. "Outdoor storage and truck rental shall be prohibited". Emphasis on the "outdoor storage" portion of the referenced condition only. If the Change of Condition is approved, the applicant/owner further requests a Special Use Permit for the use of outdoor storage limited to "wheeled apparatuses" as further defined below.

At the time of the Special Use Permit application process the applicant did not understand the broad term of "outside storage", assuming that it meant permanent storage outside the fenced compound of materials that might be use for construction, industry, etc as understood in other communities in which Georgia Self-Storage operates. Applicant's desire is to provide a service to and meet the need of the community by accommodating the parked "storage" of wheeled apparatuses such as automobiles, trucks, vans, recreational vehicles, and trailers when they are not in use by their owners.

Off-site "parking", is a need in the community where residential developments that have Home Owner Association covenants that forbid the parking of recreational vehicles, boats, and trailers on properties within the subdivision, as well as extended parking of vehicles on residential streets. Without parking "storage" in facilities like Georgia Self-Storage options for these owners is extremely limited.

As illustrated on the Site Plan provided in the application, Georgia Self-Storage only has 15 existing parking spaces that can be designated for "outside storage". This request is for the use of these 15 spaces for parking only.

As previously stated, applicant did not understand parking was disallowed. A January 7<sup>th</sup> with a "Notice of Violation" bringing attention to the fact since a van, RV, trailers, and boats on trailers were parked in the designated parking area along the Buford Drive frontage of the facility. These parking spaces are the appropriate size, per Gwinnett County Development Regulations, of 9 feet x 19 feet, thus oversized RV's, trailers and tractor trailers cannot be parked in these spaces.

This parking has limited visual impact on the aesthetics of the Buford Drive corridor. Attached pictures (Exhibit A, B, and C) are taken from the pavement edge of Buford Drive 70 or more feet from the designated parking spaces which are behind an ornamental fence with brick columns and landscape planting including shrubs and trees. The trees are presently dormant (pictures taken January 2011) and provide greater visual screening 7-8 months out of the year.

Buford Drive has a 50 mph speed limit, and the parking area is 150 feet in length. At 50 mph, a passerby has a very limited window of time to actually noticing the storage facility itself, much less the parking in front of it. Additionally, a far more noticeable (and unattractive) "storage" area (Exhibit D) exists diagonally across Buford Drive from



RECEIVED 2-2-11  
CIC2011-00007

Georgia Self-Storage for parking of tractor trailers demonstrating that a precedent has been previously established in the area for outdoor storage.

Because the subject parking area is along the Buford Drive frontage the parking area does not have an impact on adjacent residential properties. The only residential property is to the north (n/f Danny Sutton) and is screened by a buffer of existing trees. Additionally, Mr. Sutton's residence is located hundreds of feet off Buford Drive.

We are proud of the Georgia Self-Storage facility and took great care in building it. We always maintain our properties to the up most quality in appearance. It is not our intent to allow any vehicle storage that will distract or compromise the appearance of our property.

Therefore, we respectfully request approval of the Change of Condition, and subsequent Special Use Permit be approved to allow 15 parking spaces to be designated as parking "outside storage" of wheeled apparatuses (cars, vans, trucks, RV's, campers, and trailers) no greater than 25 feet in length and to be in good condition/operational by their owners throughout the storage period.

Thank you.



RECEIVED 2-2-11  
CIC2011-00007

CASE NUMBER RZC-07-003  
GCID 2007-0146

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

---

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

---

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 to C-2 by CROWN PROPERTIES GROUP, LLC for the proposed use of COMMERCIAL/RETAIL USES (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which

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

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 FEBRUARY 27, 2007 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 20TH day of MARCH 2007, that the aforesaid application to amend the Official Zoning Map from R-100 to C-2 is hereby **APPROVED** subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Retail and service commercial and accessory uses, which may include a mini-warehouse storage facility. The following uses shall be prohibited: adult entertainment establishments, adult bookstores, automotive parts stores, convenience food stores with or without gas pumps, gas stations, emissions inspections stations, equipment rental, liquor stores, mobile buildings, recreation facilities, recovered materials processing facilities, pawn shops and quick check cashing businesses.
  - B. Outdoor storage and truck rental shall be prohibited.
  - C. Abide by all requirements of the Activity Center/Corridor Overlay (Mall of Georgia Overlay). This shall not preclude application for variance.

2. To satisfy the following site development considerations:
  - A. Provide buffers adjacent to residentially zoned property as shown on the site plan submitted to the Department of Planning and Development on February 5, 2007.
  - B. All utilities shall be placed underground.
  - C. Ground signs shall be limited to monument-type signs with brick or stone (and accents of stucco) base matching the style of the buildings. Oversized signs or billboards shall be prohibited.
  - D. Natural vegetation shall remain on the property until the issuance of a development permit.
  - E. Lighting shall be contained in cut-off type luminaries and shall be directed inward so as not to shine directly into adjacent and nearby residential properties.
  - F. Dumpsters shall be screened by an opaque brick wall with gate enclosure. Dumpster enclosure gate shall be 100% opaque, with solid metal or wooden gates. A chain link gate shall be prohibited. Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
  - G. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
  - H. Developer shall commission, at Developer's sole expense, a Signal Warrant Study for the intersection of Azalea Drive and Georgia Highway 20 within 120 days following written notification of zoning approval. If a traffic signal is approved, Developer will design and install said traffic signal at no cost to Gwinnett County, said traffic signal shall be installed prior to the issuance of a certificate of occupancy for any buildings located on the outparcels fronting Azalea Drive. If the traffic signal request is denied by Georgia D.O.T., this condition shall be of no continuing force or effect subsequent to that denial.

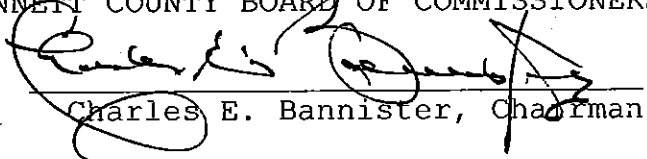
- I. Blinking neon or portable signs shall be prohibited. Inflatable and temporary outdoor signage shall be prohibited. Neon lights shall also be prohibited with the exception of an open/closed sign not to exceed 4 square feet.
- J. In the event that the mini-warehouse storage facility portion of the property is developed prior to development of the outparcels, mass grading of the outparcel portion of the property shall be restricted to those activities related to the installation of the stormwater management system for the entire property and such grading as is required to achieve the required site elevations for construction of the mini-warehouse facility. Developer shall make all reasonable efforts to retain vegetation on the outparcel portion of the property until such time as that portion of the property is to be developed. If grading of outparcels is required to achieve the required site elevations for construction of the mini-warehouse facility, Developer shall seed, fertilize, and irrigate all graded portions of the outparcels to insure complete vegetative cover when grading is complete. This condition shall not apply in the event that the entire property is to be developed and constructed at the same time.
- K. Developer shall install a decorative fence along the Buford Drive frontage. Fence shall be wrought iron type or wood, with brick or stone columns matching the building architecture. Chain link fence is prohibited only along the Buford Drive frontage.
- L. Surveillance cameras must be installed within the mini-warehouse storage facility.

CASE NUMBER RZC-07-003  
GCID 2007-0146

M. No future access to Buford Drive from the mini-warehouse storage facility.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By:

  
\_\_\_\_\_

Charles E. Bannister, Chairman

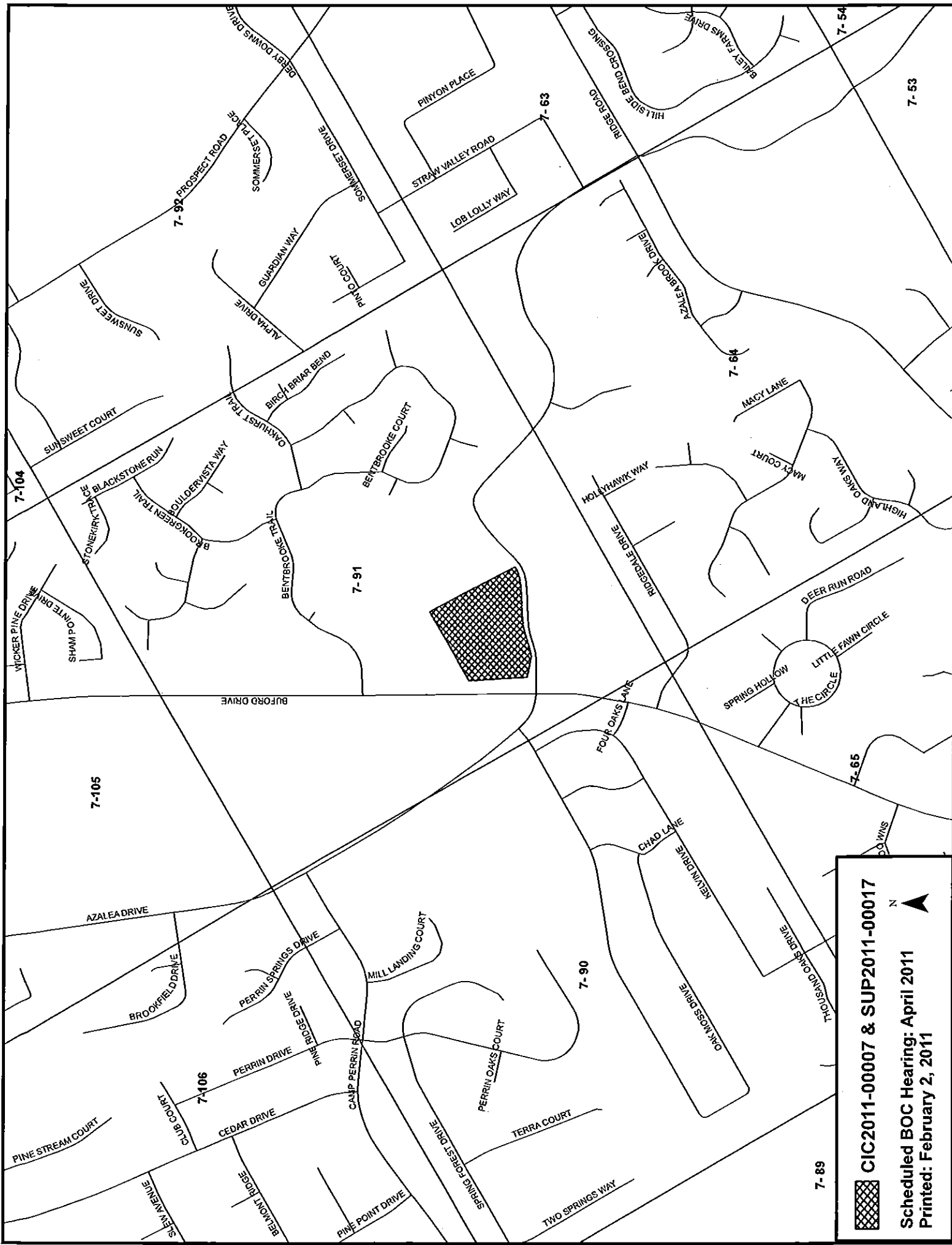
Date Signed: \_\_\_\_\_


4/12/07

ATTEST:

  
\_\_\_\_\_  
County Clerk/Deputy County Clerk

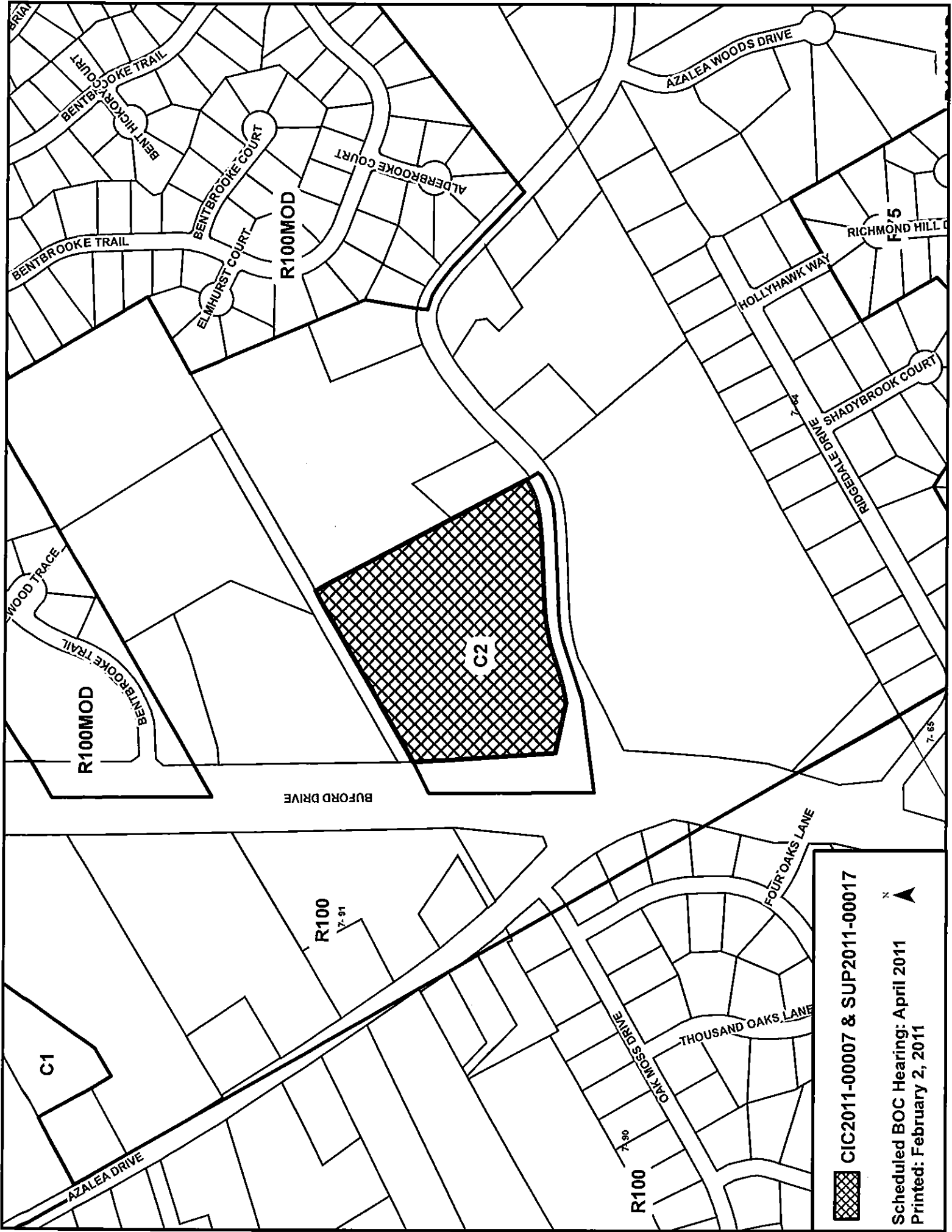





**CIC2011-00007 & SUP2011-00017**  
 Scheduled BOC Hearing: April 2011  
 Printed: February 2, 2011







CIC2011-00007 & SUP2011-00017



Scheduled BOC Hearing: April 2011  
 Printed: February 2, 2011



C2

R100  
7-91

R100  
7-08

7-65

C1

BUFORD DRIVE

R100MOD

R100MOD

RICHMOND HILL  
F'S 5

SHADYBROOK COURT

HOLLYHAWK WAY

ROBELE DRIVE

AZALEA WOODS DRIVE

ALDERBROOKE COURT

BENTBROOKE COURT

ELMHURST COURT

BENTBROOKE TRAIL

BENTBROOKE TRAIL

BENTBROOKE TRAIL

WOOD TRACE

FOUR OAKS LANE

THOUSAND OAKS LANE

OAK MOSS DRIVE

AZALEA DRIVE

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

CASE NUMBER :**SUP2011-00016**  
ZONING :R-100 CSO  
LOCATION :5600 BLOCK OF WINTER BLUFF WAY  
:1200 BLOCK OF AUTUMN WOOD TRAIL  
MAP NUMBER :R7323 091  
ACREAGE :0.16 ACRE  
PROPOSED DEVELOPMENT :HOME OCCUPATION (NAIL SALON)  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: AMY WILSON  
5689 WINTER BLUFF WAY  
SUGAR HILL, GA 30518

CONTACT: AMY WILSON      PHONE: 678.617.3932

OWNER: AMY WILSON  
5689 WINTER BLUFF WAY  
SUGAR HILL, GA 30518

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests a Special Use Permit on a 0.16-acre property to allow a nail salon as a home occupation. The property is zoned R-100CSO (Single Family Residence District) and is located on the corner of the intersection of Winter Bluff Way and Autumn Wood Trail.

The property contains a two-story residence located within the Sycamore Glen subdivision. The applicant has indicated that the nail salon would serve one client at a time by appointment only, six days a week throughout the day. The applicant has not indicated the location of customer parking.

There have been two code compliance cases reported on this property within the last 2 years, for on street parking and running a business from this home (CEU2010-00787, CEU2011-00444). This special use permit application is the result of the above referenced complaint cases investigated by the Gwinnett County Police Code Enforcement Unit for violating the zoning ordinance regarding home occupations.

**ZONING HISTORY:**

The subject property has been zoned R-100 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 6-inch water main located on the western right-of-way of Winter Bluff Way, and an 8-inch water main located on the northern right-of-way of Autumn Wood Trail.

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The subject property is a 0.16-acre parcel located at the southeast corner of the intersection of Autumn Wood Trail and Winter Bluff Way, in the Sycamore Glen subdivision. The property contains a two-story single-family residence, and appears well maintained.

The 2030 Unified Plan Future Development Map indicates that the property is located within an Existing/Emerging Suburban Character Area. Although, home occupations may be consistent with this Character Area, the small size of this particular lot and its close proximity to adjacent neighbors suggests that the use may not be suitable at this location.

The surrounding area is characterized by single-family residential uses. Sycamore Glen consists of homes on small lots, built close together. The nail salon could cause an increase in traffic to the residence, and due to the limited area for off-street parking, it could be anticipated that clients may park along the street in the neighborhood. The increase in traffic to the residence, the lot's small size and close proximity to adjacent homes could adversely impact the character of the residential neighborhood.

In conclusion, the requested Special Use Permit for a nail salon as a home occupation may not be appropriate for a lot of this size and could adversely affect the surrounding neighborhood. Therefore, the Department recommends **DENIAL** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

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

1. Approval of a nail salon as a home occupation, operating within the existing single-family dwelling.
2. Limit the hours of operation from 9:00 a.m. to 7:00 p.m. Monday through Saturday.
3. No outside employees, other than the applicant, shall be permitted.
4. There shall be no evidence of the home occupation from the exterior of the dwelling. Exterior signage shall be prohibited.
5. No more than one customer shall be permitted at a time.
6. Client parking shall be limited to the existing driveway. On-street parking related to the nail salon shall be prohibited.
7. The Special Use Permit shall terminate automatically in the event that the property is sold, transferred or otherwise conveyed to any other party, or in the event that the applicant no longer occupies the dwelling for which the Special Use Permit is issued. The owner shall agree to notify the Director of Planning and Development in writing upon the occurrence of any of these events.
8. The Special Use Permit shall be valid for no more than a two-year period, at which time the Special Use Permit must be reapplied for and approved by the Board of Commissioners to continue the use.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

In light of the property's close proximity to adjacent neighbors and the small size of the lot and driveway, an in-home nail salon may not be suitable at this location.

ADVERSE IMPACTS

Adverse impacts in the form of increased traffic to the residence could be anticipated from the proposed home occupation of a nail salon.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Minimal impacts on public facilities could be anticipated in the form of increased utility demand and an increase in traffic.

CONFORMITY WITH POLICIES

Although, home occupations may be consistent with this Character Area, the small size of this particular lot and its close proximity to adjacent neighbors suggests that the use may not be suitable at this location.

CONDITIONS AFFECTING ZONING

There are no existing or changing conditions in the area which support the applicant's 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:

\_\_\_\_\_ yes \_\_\_\_\_

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

\_\_\_\_\_ No \_\_\_\_\_

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

\_\_\_\_\_ yes \_\_\_\_\_

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

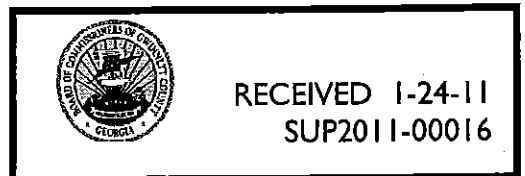
\_\_\_\_\_ No \_\_\_\_\_

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

\_\_\_\_\_ yes \_\_\_\_\_

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

\_\_\_\_\_ yes, but ~~no~~ no exterior changes  
\_\_\_\_\_ will be made. \_\_\_\_\_



Monday January 24th 2011

Amy Wilson  
5689 Winter Bluff Way  
sugar Hill, GA 30518

678-617-3932

Letter Of Intent:

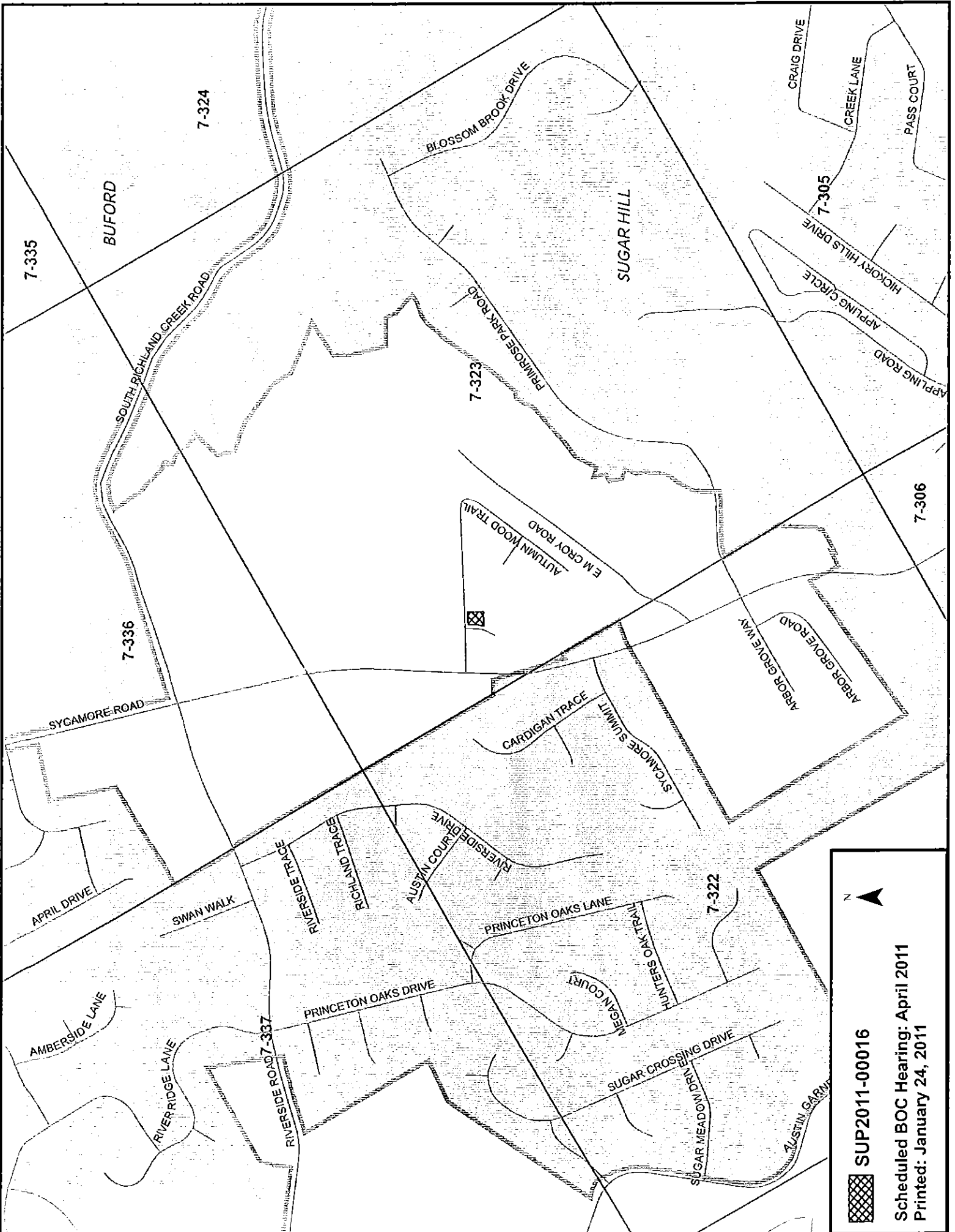
I am writing to request the ability to operate a single table nail salon in my residence. I am licensed by the state of Georgia and practice all regulations within state guidelines. I will only have one person at a time in my salon and have irregular scheduling of customers 6 days a week by appointment only. I would like the ability to help contribute to my family income in this economy and be home for my children when they get home from school. I have been practicing as a professional for 14 years and run a very quite and clean salon for friends and family. There will be no physical changes to property and I do not advertise to the public. Please if you can expedited this request so I may begin work as soon as possible.

Thank You

Amy Wilson



RECEIVED 1-24-11  
SUP2011-00016



**SUP2011-00016**

Scheduled BOC Hearing: April 2011  
 Printed: January 24, 2011



Autumnwood Trail

Winter Bluff Way

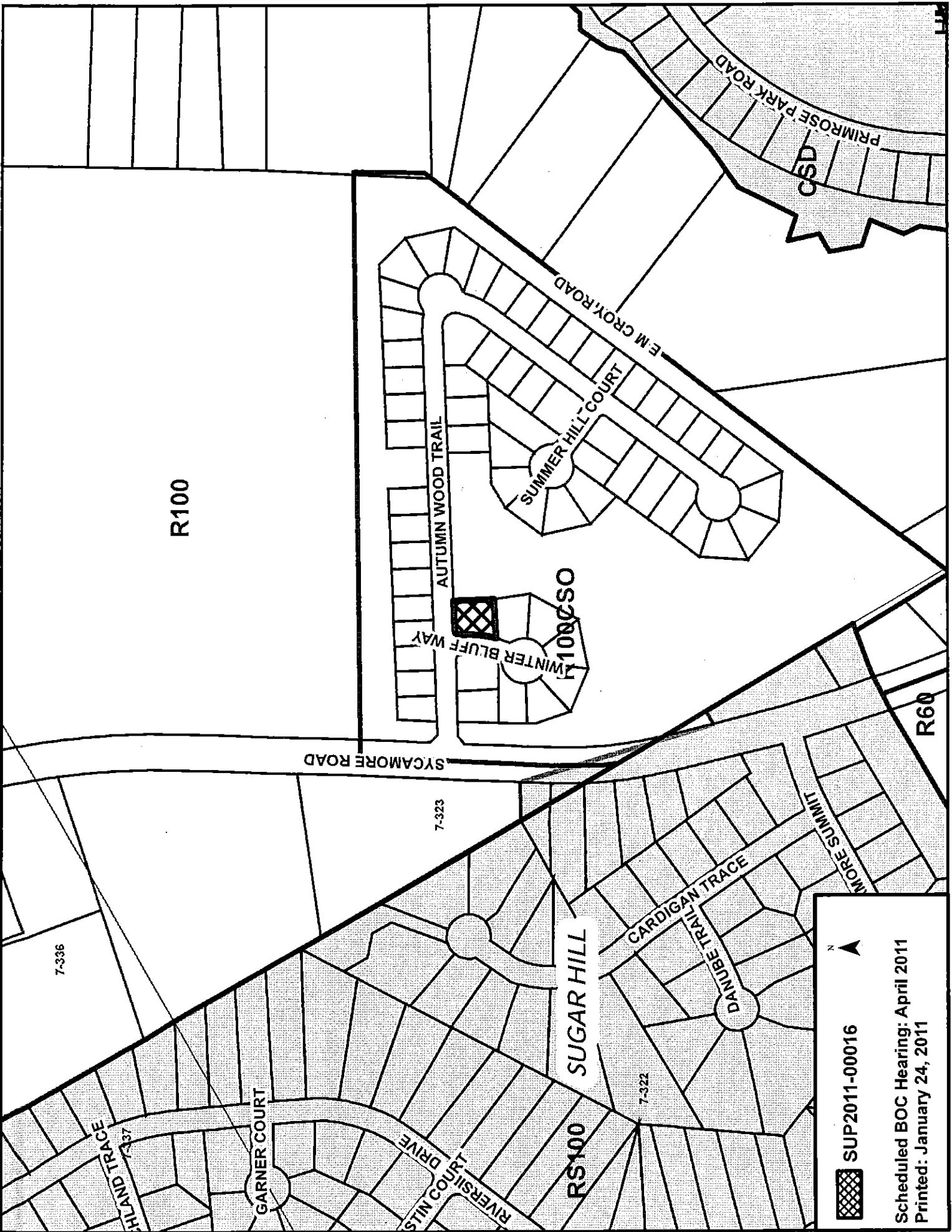
Driveway

5689

Patio



RECEIVED 1-24-11  
SUP2011-00016



R100

CSD

R60

SUGAR HILL

RS100

WINTER BLUFF WAY  
1100CSO



SUP2011-00016



Scheduled BOC Hearing: April 2011  
Printed: January 24, 2011

# SITE PLAN REVIEW

## REVIEW OF ALTERNATE ARCHITECTURE (PEACHTREE CORNERS OVERLAY)

RETAIL PLANNING CORPORATION REQUESTS APPROVAL OF ALTERNATE ARCHITECTURAL STANDARDS FOR THE PEACHTREE SQUARE NORTH SHOPPING CENTER, LOCATED AT 6050 PEACHTREE INDUSTRIAL BOULEVARD. THE APPLICANT SEEKS TO VARY FROM SECTION 1315 (PEACHTREE CORNERS OVERLAY) REGARDING THE COLOR OF METAL ROOFS FOR THE SHOPPING CENTER, AND THE REQUIREMENT OF A PITCHED ROOF FOR A NEW OUT-BUILDING OF LESS THAN 5,000 SQUARE FEET. COMMISSION DISTRICT 2 (HOWARD)

# ALSTON & BIRD LLP

One Atlantic Center  
1201 West Peachtree Street  
Atlanta, GA 30309-3424

404-881-7000  
Fax: 404-881-7777  
www.alston.com

Harold Buckley, Jr.

Direct Dial: 404-881-7860

E-mail: harold.buckley@alston.com

April 8, 2011

VIA E-MAIL ([jeff.west@gwinnettcountry.com](mailto:jeff.west@gwinnettcountry.com))

Mr. Jeff West  
Gwinnett County Planning & Development  
446 West Crogan Street, Suite 250  
Lawrenceville, GA 30046

Re: Request for Alternate Design Plan Approval for Property Located within the Peachtree Corners Overlay District at 6050 Peachtree Parkway (the "Subject Property") to Facilitate the Development of an Accessory Retail Building (an "Accessory Building").

Dear Jeff:

We represent Retail Planning Corporation, a firm with considerable expertise in leasing, managing, and developing top quality retail properties in the Atlanta region. Retail Planning currently manages 5 million square feet of retail assets, of which 96% is occupied. Retail Planning's affiliate recently purchased the Centre Stage Shopping Center, which only has two existing tenants, and it has commenced with the redevelopment of the center. Our planned improvements include the addition of Dick's Sporting Goods and Petsmart as retail tenants and the reconfiguration of the front of the shopping center to increase the usability of tenant spaces. Our improvement plans also include the addition of a restaurant with significant outdoor seating. Retail Planning plans to construct a new 4,011-square-foot Accessory Building on the Subject Property as part of its redevelopment plans.

The Subject Property fronts on the east side of Peachtree Parkway and the south side of Pointe Parkway, which is a private street. The two properties across Pointe Parkway from the Subject Property are developed with an apartment development and a Hampton Inn. Two properties directly abut the Subject Property. One of these properties is developed as the Peachtree Square Shopping Center, which houses a Target and a Publix. The other abutting property is developed as an office park. Properties across Peachtree Parkway are developed with shopping centers and accessory retail/commercial buildings. Our redevelopment plans for the Subject Property are consistent with the prevailing character of the surrounding area.

The Subject Property is subject to the regulations for the Peachtree Corners Overlay District (the "Overlay"). Section 1315.2(5)(A)(5) of the Overlay regulations

require buildings with less than 5,000 square feet of floor area to have pitched roofs (the "Roof Restriction"). Section 1315.2(S)(A)(6) of the Overlay regulations limits the color of metal standing seam pitched roofs to red, green, or silver (the "Color Restriction"). Any deviation from these performance standards from these Overlay performance standards requires alternate design approval by the Director of Planning Development.

Retail Planning respectfully requests alternate design approval of the following design elements:

1. A flat roof with a decorative parapet on a retail accessory building containing less than 5,000 square feet of floor area (the "Accessory Building"); and
2. The use of a standing seam metal pitched roof with a matte black finish on facades on the Peachtree Square North Shopping Center and the Accessory Building.

The manner in which these alternate design elements will be incorporated into Retail Planning's redevelopment of the Subject Property is described below and depicted in enclosed drawings.

As proposed, all four sides of the Accessory Building would be topped with a 7-foot decorative EIFS parapet bracketed with full height articulated brick pilasters at the four corners of the building. The parapet and brick pilasters would all be topped with vertically and horizontally articulated cornice work. A standing seam metal pitched roof element is immediately beneath the parapet on the front façade would shelter the building's lower entry area, which would consist primarily of fenestration framed by significant areas of brick. This pitched roof element, which would have a matte black color, would be supported by four columns and provide shelter over the lower entry area. The columns would be wrapped with a 2.5-foot tall brick water table, with the remainder of the column wrapped with EIFS cladding. A similar pitched roof element would also be installed on the existing Peachtree Square Shopping Center main structure, which already has a flat roof and parapet.

In addition to the two full height brick pilasters, the building's rear façade would include two articulated pilasters that extend vertically from grade level to the bottom of the EIFS parapet. The area beneath the parapet would consist entirely of brick cladding. A brick soldier course would visually separate the parapet from the lower brick area, with another two soldier courses enhancing the rear façade's aesthetic variety. As with the front façade, the entire rear façade would be topped with vertically and horizontally articulated cornice work.

The character of the Accessory Building's side façades is consistent with the rear façade with a couple of exceptions. The side façades would only have one additional short articulated brick pilaster, and the lower facade area between this pilaster and the

front corner would include substantial fenestration. The building's south side façade would also have an abutting outdoor seating area that would be enclosed with 4-foot tall decorative fencing on the front-facing side and a 4-foot tall brick wall on its other two sides.

Neither the Overlay regulations nor any other sections of the Gwinnett County Zoning Ordinance set forth any standards for alternate design approval. Nevertheless, we offer the following in support of our request for alternate design approval:

1. The strict enforcement of the Roof Restriction and Color Restriction would impose an unnecessary hardship on Retail Planning.

Retail Planning has been aggressively marketing the Subject Property, including the Accessory Building, to potential retail and commercial occupants. The presence of an adult entertainment establishment across Peachtree Parkway from the Subject Property has significantly increased the level of difficulty involved in attracting the high quality tenants we are targeting. In particular, the proximity of this establishment leads potential retail and commercial occupants to the erroneous conclusion that this part of Peachtree Corners is in decline.

Retail Planning has a high quality restaurant operator interested in occupying the Accessory Building but the Roof and Color Restrictions conflict with the restaurant's corporate design language. Therefore, it is very likely the strict application of the Roof and Color Restrictions would frustrate our efforts to sign this restaurant operator. Furthermore, finding a replacement tenant for this space would be exceedingly difficult. For this reason, the strict application of the Roof and Color Restrictions would impose an unnecessary hardship on Retail Planning.

2. Relief, if granted, would benefit the public good and further the purposes and intent of the Zoning Ordinance.

Among other purposes set forth in Article I, the Zoning Ordinance is intended to protect property against blight and depreciation. In addition, the Overlay is specifically intended to enhance and protect the value of properties located within its boundaries.

Retail Planning has experienced a significant amount of push back in its efforts to market the Subject Property to potential tenants due to negative connotations associated with a nearby adult entertainment establishment. These negative connotations are compounded by the fact that our 101,000 square-foot shopping includes almost 95,000 square feet of vacant space.

Adding a high quality restaurant to the Subject Property would help counteract the increasing perception of this area as being blighted and increase the value of the Subject Property and properties in the surrounding area. As explained above, Retail Planning has a high quality restaurant operator that is interested in occupying the Accessory Building.

Retail Planning's Alternative Design Request  
April 8, 2011.  
Page 4

However, the strict application of the Roof Restriction and Color Restriction would very likely cause this potential tenant to abandon its interest in the Subject Property. Therefore, the approval of our requested variance would benefit the public good and further the purposes and intent of the Zoning Ordinance.

For all of the foregoing reasons, Retail Planning respectfully requests the approval of its requested alternate designs from the Roof Restriction and the Color Restriction. However, in the event our request is denied, we respectfully request placement of our alternate design request on the Planning Commission's next agenda, which is scheduled for April 19, 2011.

Please let me know if I may provide you with any additional information or clarification.

Sincerely,



Harold Buckley, Jr.  
Attorneys for Retail Planning Corp.

Enclosures

cc: Mr. Owen Brown, Retail Planning Corporation  
T. Michael Tennant, Esq.

LEGAL02/32562503v1



**HILLIERASSOCIATES**  
 ARCHITECTURE  
 ENGINEERING  
 PLANNING  
 INTERIORS  
 6050 Peachtree Pkwy, (S.R. 141) and Holcomb Bridge Rd.  
 Atlanta, GA 30068  
 Phone: 404.252.1000  
 Fax: 404.252.1001  
 www.hillierassociates.com

DATE: 07/20/07  
 DRAWN: [Name]  
 CHECKED: [Name]  
 APPROVED: [Name]

PROJECT: Peachtree Square North  
 SHEET: CP-62  
 OF: 62

FOR: Retail Planning Corporation  
 35 Johnson Ferry Road  
 Atlanta, GA 30068  
 770.856.4333

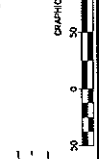
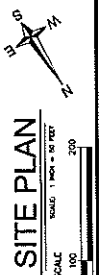
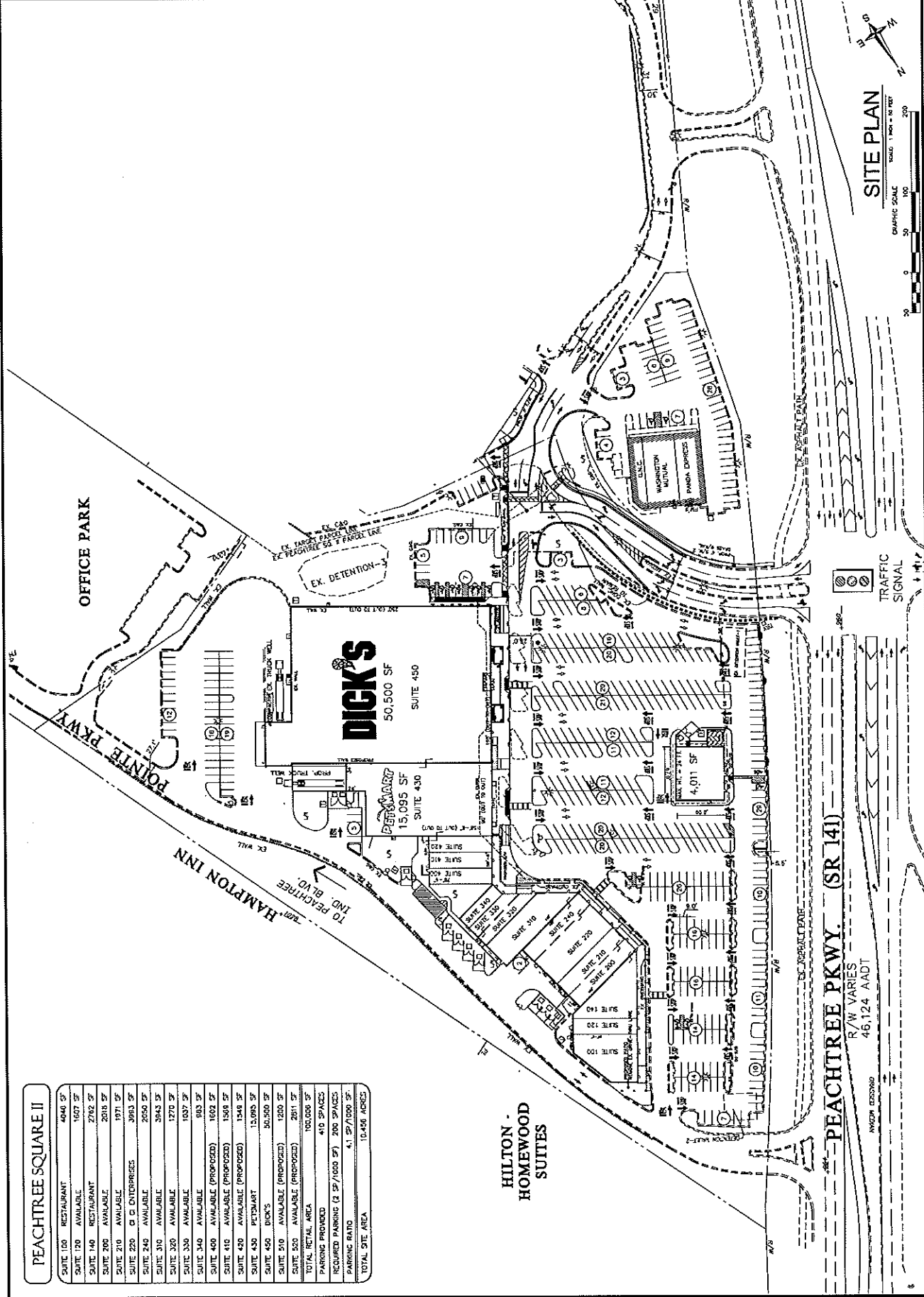
6050 Peachtree Pkwy, (S.R. 141) and Holcomb Bridge Rd.  
 Atlanta, GA 30068  
 For: Retail Planning Corporation  
 35 Johnson Ferry Road  
 Atlanta, GA 30068  
 770.856.4333

DATE	07/20/07
DRAWN	[Name]
CHECKED	[Name]
APPROVED	[Name]

site plan

CP-62

HFR 07.207



**SITE PLAN**  
 GRAPHIC SCALE 1" = 50 FEET  
 SCALE 1" = 100 FEET

PEACHTREE SQUARE II	
SUITE 100	RESTAURANT 4040 SF
SUITE 120	AVAILABLE 1017 SF
SUITE 140	RESTAURANT 2762 SF
SUITE 200	AVAILABLE 2018 SF
SUITE 210	AVAILABLE 1971 SF
SUITE 220	CI ENTERPRISES 3083 SF
SUITE 240	AVAILABLE 2050 SF
SUITE 310	AVAILABLE 3943 SF
SUITE 320	AVAILABLE 1270 SF
SUITE 330	AVAILABLE 1037 SF
SUITE 340	AVAILABLE 593 SF
SUITE 400	AVAILABLE (PROPOSED) 1602 SF
SUITE 410	AVAILABLE (PROPOSED) 1508 SF
SUITE 430	AVAILABLE (PROPOSED) 1348 SF
SUITE 450	PICTAMART 15,095 SF
SUITE 500	DICK'S 50,500 SF
SUITE 510	AVAILABLE (PROPOSED) 1200 SF
SUITE 520	AVAILABLE (PROPOSED) 2611 SF
TOTAL RETAIL AREA 100,036 SF	
PARKING PROVIDED 410 SPACES	
REQUIRED PARKING (2 SF / 1000 SF) 200 SPACES	
PARKING RATIO 4.1 SF / 1000 SF	
TOTAL SITE AREA 10.456 ACRES	

**HILTON  
 HOMWOOD  
 SUITES**

PEACHTREE PKWY. (SR 141)  
 R/W VARIES  
 46,124 AADT

TRAFFIC SIGNAL

OFFICE PARK

POINTE PKWY

HAMPION INN  
 TO PEACHTREE  
 INN BLDG.

**DICK'S**  
 50,500 SF  
 SUITE 450

**PICTAMART**  
 15,095 SF  
 SUITE 430

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

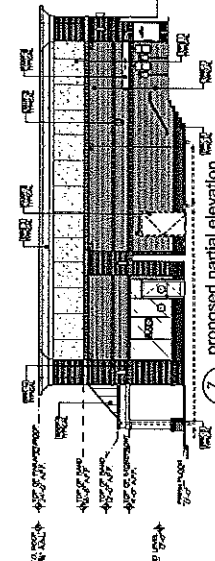
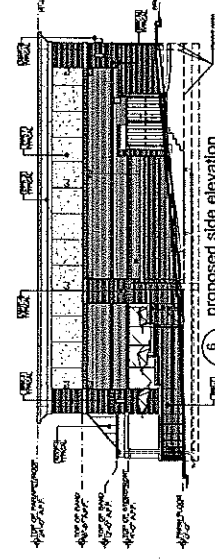
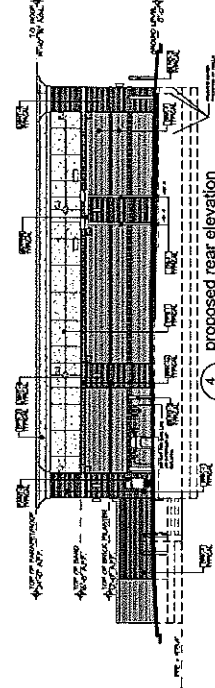
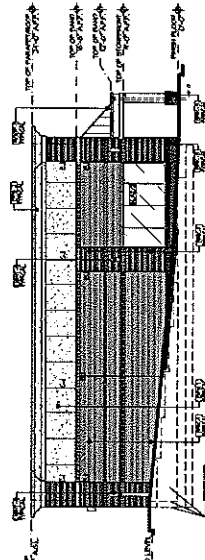
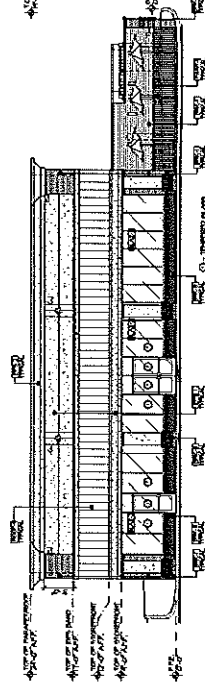
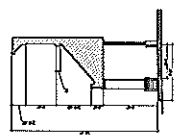
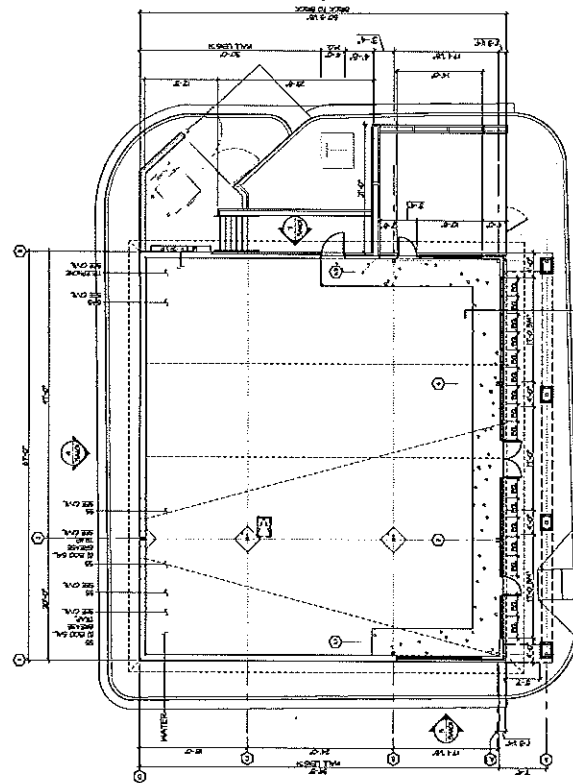
**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**HILTON  
 HOMWOOD  
 SUITES**  
 4,011 SF

**EXTERIOR FINISH SCHEDULE**

SYMBOL	DESCRIPTION
0001	CONCRETE FORMWORK
0002	CONCRETE FORMWORK
0003	CONCRETE FORMWORK
0004	CONCRETE FORMWORK
0005	CONCRETE FORMWORK
0006	CONCRETE FORMWORK
0007	CONCRETE FORMWORK
0008	CONCRETE FORMWORK
0009	CONCRETE FORMWORK
0010	CONCRETE FORMWORK
0011	CONCRETE FORMWORK
0012	CONCRETE FORMWORK
0013	CONCRETE FORMWORK
0014	CONCRETE FORMWORK
0015	CONCRETE FORMWORK
0016	CONCRETE FORMWORK
0017	CONCRETE FORMWORK
0018	CONCRETE FORMWORK
0019	CONCRETE FORMWORK
0020	CONCRETE FORMWORK
0021	CONCRETE FORMWORK
0022	CONCRETE FORMWORK
0023	CONCRETE FORMWORK
0024	CONCRETE FORMWORK
0025	CONCRETE FORMWORK
0026	CONCRETE FORMWORK
0027	CONCRETE FORMWORK
0028	CONCRETE FORMWORK
0029	CONCRETE FORMWORK
0030	CONCRETE FORMWORK
0031	CONCRETE FORMWORK
0032	CONCRETE FORMWORK
0033	CONCRETE FORMWORK
0034	CONCRETE FORMWORK
0035	CONCRETE FORMWORK
0036	CONCRETE FORMWORK
0037	CONCRETE FORMWORK
0038	CONCRETE FORMWORK
0039	CONCRETE FORMWORK
0040	CONCRETE FORMWORK
0041	CONCRETE FORMWORK
0042	CONCRETE FORMWORK
0043	CONCRETE FORMWORK
0044	CONCRETE FORMWORK
0045	CONCRETE FORMWORK
0046	CONCRETE FORMWORK
0047	CONCRETE FORMWORK
0048	CONCRETE FORMWORK
0049	CONCRETE FORMWORK
0050	CONCRETE FORMWORK



shops  
outbuilding

# ALSTON & BIRD LLP

One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424

404-881-7000  
Fax: 404-881-7777  
www.alston.com

Harold Buckley, Jr.

Direct Dial: 404-881-7860

E-mail: harold.buckley@alston.com

April 8, 2011

*VIA HAND DELIVERY*

Mr. Jeff West  
Planning Manager  
Gwinnett County Dept. of Planning and Dev.  
446 West Crogan Street, Suite 225  
Lawrenceville, GA 30045

Re: Photographic Supplement to the Alternate Design Request by Retail Planning Corporation to Allow a Metal Standing Seam Roof With a Matte Black Color on Property Located at 6050 Peachtree Parkway.

Dear Jeff,

Retail Planning Corporation has submitted an alternate design request to use a matte black metal color on a standing seam pitched roof, where the Peachtree Corners Overlay regulations require the use of red, green, or silver. This letter is intended to supplement that application.

Please find attached two photographs of the Woodlawn Square Shopping Center, which incorporates the same black metal standing seam pitched roof material Retail Planning proposes for the Peachtree Square North Shopping Center. Please add this letter to the file for that application.

Sincerely,  
ALSTON & BIRD LLP

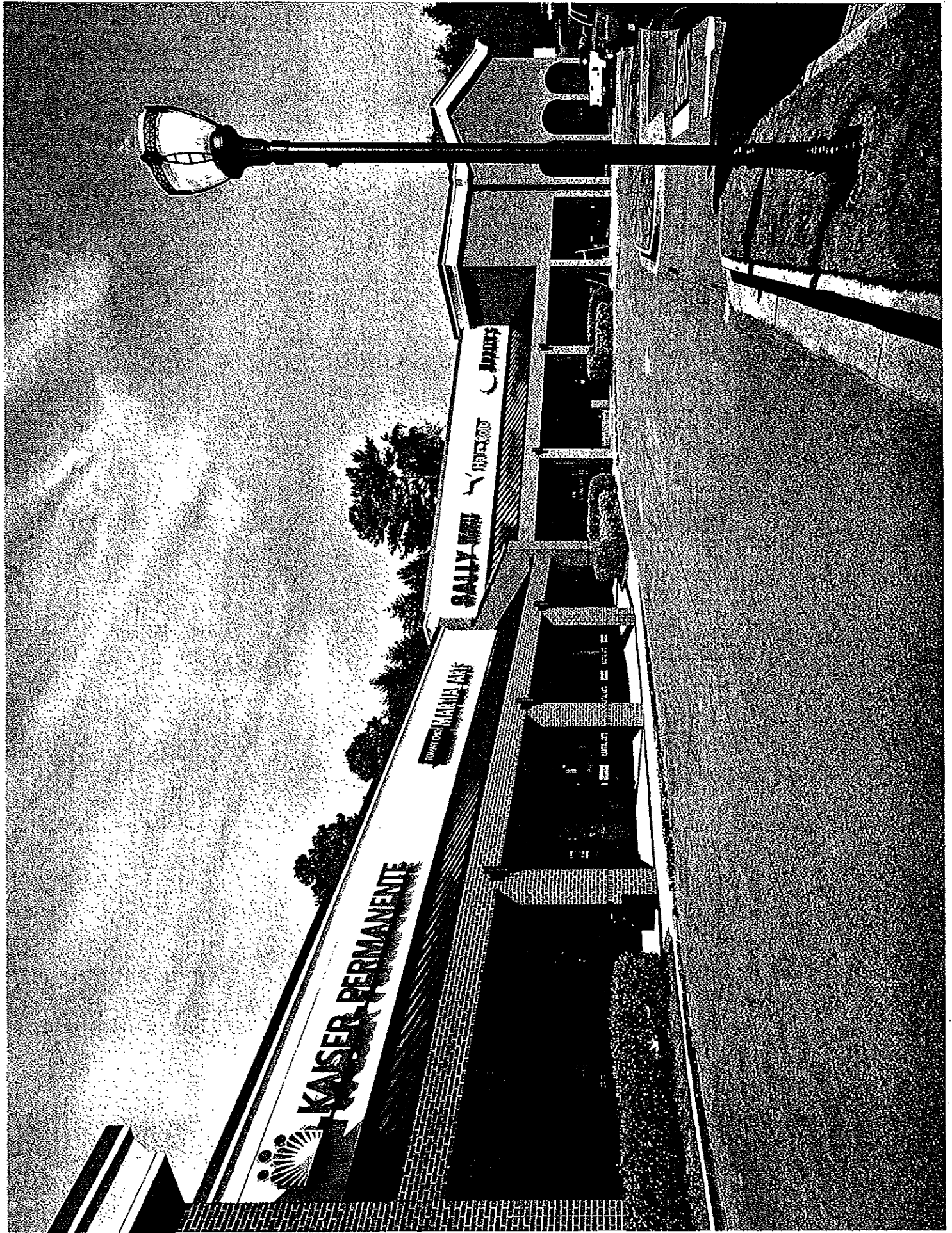


By: Harold Buckley, Jr., AICP  
Attorneys for Retail Planning Corp.

Attachments.

cc: Mr. Owen Brown, Retail Planning Corporation  
T. Michael Tennant, Esq.

LEGAL02/32556229v1



**Boutique**  
FRESHLY BAKED

**BREAKFAST**

*A. Christopher's*

**BRUNCH**

