Department of Planning and Development

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

gwinnettcounty

MUNICIPAL-GWINNETT COUNTY PLANNING COMMISSION

PUBLIC HEARING AGENDA

GWINNETT JUSTICE AND ADMINISTRATION CENTER TUESDAY, MAY 3, 2011 AT 7:00 P.M.

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

A. CALL TO ORDER, INVOCATION, PLEDGE TO FLAG

B. APPROVAL OF MINUTES (APRIL 19, 2011 MEETING)

C. OLD BUSINESS - TABLED CASES FROM PREVIOUS MEETINGS

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

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

3. 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**

4. CASE NUMBER :**CIC2011-00007 (PUBLIC HEARING HELD 4-19-11)**
   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**

5. CASE NUMBER :**SUP2011-00017 (PUBLIC HEARING HELD 4-19-11)**
   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**

D. NEW BUSINESS

1. CASE NUMBER :**RZC2011-00011**
   APPLICANT :HUNG NGUYEN & HOA TRAN
   CONTACT :ERIC JOHANSEN
   PHONE NUMBER :678.571.4843
   ZONING CHANGE :O-I TO C-1
   LOCATION :2700 BLOCK OF CRUSE ROAD
   MAP NUMBER :R7001 062
   ACREAGE :0.47 ACRE
   PROPOSED DEVELOPMENT :ART STUDIO AND GALLERY (REDUCTION IN BUFFERS)
   SQUARE FEET :3,100 SQUARE FEET
   COMMISSION DISTRICT :(4) HEARD
   DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

2. CASE NUMBER :**RZC2011-00012**
   APPLICANT :6956 BUFORD HIGHWAY, LLC
   CONTACT :ERIC JOHANSEN
   PHONE NUMBER :678.571.4843
   ZONING CHANGE :C-1 & C-2 TO C-2
   LOCATION :6900 BLOCK OF BUFORD HIGHWAY
   MAP NUMBER :R6247 392 & R6247 023A
   ACREAGE :3.09 ACRES
   PROPOSED DEVELOPMENT :AUTOMOBILE SALES
   SQUARE FEET :2,800 SQUARE FEET
   COMMISSION DISTRICT :(2) HOWARD
   DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

3. CASE NUMBER :**SUP2011-00024**
   APPLICANT :6956 BUFORD HIGHWAY LLC
   CONTACT :ERIC JOAHANSEN
   PHONE NUMBER :678.571.4843
   ZONING :C-2 (PROPOSED)
   LOCATION :6900 BLOCK OF BUFORD HIGHWAY
   MAP NUMBER :R6247 392 & R6247 023A
   ACREAGE :3.09 ACRES
   PROPOSED DEVELOPMENT :AUTOMOBILE SALES
   COMMISSION DISTRICT :(2) HOWARD
   DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

4. CASE NUMBER :**CIC2011-00008**
   APPLICANT :GOLDEN SANDS GENERAL CONTRACTOR
   CONTACT :MITCH PEEVY
   PHONE NUMBER :770.614.6511
   ZONING :C-2
   LOCATION :4900 BLOCK OF BRASELTON HIGHWAY
   MAP NUMBER :R3004 066
   ACREAGE :6.78 ACRES
   PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO REMOVE USE RESTRICTIONS AND REDUCE BUFFERS
   COMMISSION DISTRICT :(4) HEARD
   DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

5. CASE NUMBER :**SUP2011-00025**
   APPLICANT :GOLDEN SANDS GENERAL CONTRACTOR
   CONTACT :MITCH PEEVY
   PHONE NUMBER :770.614.6511
   ZONING :C-2
   LOCATION :4900 BLOCK OF BRASELTON HIGHWAY
   MAP NUMBER :R3004 066
   ACREAGE :6.78 ACRES
   PROPOSED DEVELOPMENT :CONTRACTORS OFFICE WITH OUTDOOR STORAGE
   COMMISSION DISTRICT :(4) HEARD
   DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

6. CASE NUMBER :**CIC2011-00009**
   APPLICANT :ATLANTA LUXURY MOTORS
   CONTACT :MICHAEL L. SULLIVAN
   PHONE NUMBER :770.822.0900
   ZONING :C-3
   LOCATION :2500 BLOCK OF PLEASANT HILL ROAD
   MAP NUMBER :R6236 016
   ACREAGE :8.8 ACRES
   PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO ALLOW USED CAR SALES & SERVICE
   COMMISSION DISTRICT :(1) LASSETER
   DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

7. CASE NUMBER :**CIC2011-00010**
   APPLICANT :MAGNOLIA HALL ON SEVER, LLC
   CONTACT :MICHAEL L. SULLIVAN
   PHONE NUMBER :770.822.0900
   ZONING :RA-200 & R-100
   LOCATION :2000 BLOCK OF SEVER ROAD
   MAP NUMBER :R7083 270
   ACREAGE :7.52 ACRES
   PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO INCREASE BUILDING SQUARE FOOTAGE
   COMMISSION DISTRICT :(1) LASSETER
   DEPARTMENT RECOMMENDATION :**APPROVAL W ITH CONDITIONS**

8. CASE NUMBER :**SUP2011-00018**
   APPLICANTS :PAWN MART
   CONTACT :MITCH PEEVY
   PHONE NUMBER :770.614.6511
   ZONING :C-2
   LOCATION :4900 BLOCK OF JIMMY CARTER BOULEVARD
   :1100-1200 BLOCK OF ROCKBRIDGE ROAD
   MAP NUMBERS :R6169 139
   ACREAGE :0.94 ACRE
   PROPOSED DEVELOPMENT :PAWN SHOP
   SQUARE FEET :5,528 SQUARE FEET
   COMMISSION DISTRICT :(2) HOWARD
   DEPARTMENT RECOMMENDATION :**DENIAL**

9. CASE NUMBER :**SUP2011-00019**
   APPLICANTS :LANDWORKS ASSOCIATES, INC.
   CONTACT :MATTHEW ZIEG
   PHONE NUMBER :678.438.9665
   ZONING :C-2
   LOCATION :2100 BLOCK OF PARKWOOD ROAD
   MAP NUMBERS :R6052 003
   ACREAGE :0.54 ACRE
   PROPOSED DEVELOPMENT :AUTOMOBILE SERVICE (RENEWAL)
   SQUARE FEET :4,500 SQUARE FEET
   COMMISSION DISTRICT :(3) BEAUDREAU
   DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

10. CASE NUMBER :**SUP2011-00020**
    APPLICANTS :AMRUT INVESTMENT LLC
    CONTACT :ARJUN PATEL
    PHONE NUMBER :678.382.2755
    ZONING :R-100
    LOCATION :2700 BLOCK OF CENTERVILLE HIGHWAY
    MAP NUMBERS :R6033 018
    ACREAGE :1.0 ACRE
    PROPOSED DEVELOPMENT :ADULT DAYCARE CENTER (GROUP)
    SQUARE FEET :1,389 SQUARE FEET
    COMMISSION DISTRICT :(3) BEAUDREAU
    DEPARTMENT RECOMMENDATION :**DENIAL**

11. CASE NUMBER	:**SUP2011-00021 (WITHDRAWN)**
12. CASE NUMBER	:**SUP2011-00022**
APPLICANTS	:TRAC LIMITED PARTNERSHIP
CONTACT	:JOHN E. UNDERWOOD, ESQ.
PHONE NUMBER	:770.925.0111
ZONING	:C-2
LOCATION	:1500 BLOCK OF INDIAN TRAIL - LILBURN ROAD
MAP NUMBERS	:R6199 110
ACREAGE	:1.53 ACRES
PROPOSED DEVELOPMENT	:TRUCK RENTAL
SQUARE FEET	:3,402 SQUARE FEET
COMMISSION DISTRICT	:(1) LASSETER
DEPARTMENT RECOMMENDATION	:**DENIAL**
13. CASE NUMBER	:**SUP2011-00023**
APPLICANTS	:DANIELA LUCA
CONTACT	:DANIELA LUCA
PHONE NUMBER	:404.516.1268
ZONING	:R-100
LOCATION	:200 BLOCK OF RUSSELL ROAD
MAP NUMBERS	:R7068 082
ACREAGE	:1.55 ACRES
PROPOSED DEVELOPMENT	:FAMILY PERSONAL CARE HOME
SQUARE FEET	:3,975 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD
DEPARTMENT RECOMMENDATION	:**DENIAL**
14. CASE NUMBER	:**SUP2011-00026**
APPLICANTS	:FIVE FORKS PRECIOUS METALS, LLC
CONTACT	:MITCH PEEVY
PHONE NUMBER	:770.614.6511
ZONING	:C-2
LOCATION	:800 BLOCK OF OAK ROAD :3000 BLOCK OF FIVE FORKS - TRICKUM ROAD :3000 BLOCK OF RIVER DRIVE
MAP NUMBERS	:R6106 362
ACREAGE	:1.80 ACRES
PROPOSED DEVELOPMENT	:PRECIOUS METALS DEALER
SQUARE FEET	:2,000 SQUARE FEET
COMMISSION DISTRICT	:(3) BEAUDREAU
DEPARTMENT RECOMMENDATION	:**DENIAL**

15. CASE NUMBER :**SUP2011-00027 (WITHDRAWN)**

E. AUDIENCE COMMENTS

F. COMMITTEE REPORTS

G. COMMENTS BY STAFF AND PLANNING COMMISSION

H. ADJOURNMENT

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

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

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

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

CONTACT: JEFF MAHAFFEY PHONE: 770.232.0000

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

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

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

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

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

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

ZONING HISTORY:

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

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

Parking spaces shall be provided for Warehouse (including office greater than 250,001 square feet) at a ratio of:
One space per 2,500 square feet (Minimum)
One space per 1,000 square feet (Maximum)

Section 6.3.3 and/or 6.3.4 of the Development Regulations requires a 200-foot deceleration lane with a 50-foot taper at each project entrance that proposes access to a Minor Collector Street or Major Thoroughfare. Right0of-way dedication to accommodate the deceleration lane and an 11-foot shoulder is also required. Reduction in length of a deceleration lane requires

approval of a Modification by the Development Division; elimination of a deceleration lane requires approval of a Waiver by the Board of Commissioners.

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

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

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

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

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

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

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 450 feet south of the property in the right-of-way of Spriggs Road.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

3. Each building shall comply with the height and area limitations of Table 503 and the fire

resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

For assistance, you may contact our office at 678.518.6129, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

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

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

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

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

It is noted that the original M-1 conditions of zoning established in 2000 (RZ-00-085; see attached) included increased tree density requirements, increased buffers and setbacks adjacent to residentially-zoned properties, limitations on project access and a requirement for an Alternate Mode Transportation Plan. As these conditions were designed to ensure compatibility with the area, and were crafted with input from the community, several of these conditions have been carried into the staff's recommended conditions for this request.

In conclusion, the requested M-1 zoning with proper conditions could be consistent with office/warehouse development adjacent to the south, and is partially consistent with recommendations of the Unified Plan for office developments. The site is separated from established residential areas, further suggesting that the rezoning could be suitable. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

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

   A. Office, office/warehouse/distribution, light manufacturing and accessory uses. The following uses shall be prohibited:
      - Aircraft landing pads
      - Recovered materials processing facilities
      - Truck terminals
      - Wood chipping and shredding
      - Yard trimmings composting facilities

   B. The development shall be in general accordance with the submitted site plan. Variations from the plan shall be subject to review and approval by the Director of Planning and Development.

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

   D. Outdoor storage of equipment or materials shall be prohibited.

2. To satisfy the following site development considerations:

   A. Provide a 100-foot wide natural, undisturbed buffer adjacent to all residentially-zoned property. Along the southern property line the buffer shall be 50 feet in width and located outside of the Georgia Power Company easement. Where sparsely vegetated, buffers shall be enhanced with a double staggered row of evergreens eight feet on center. Trees shall be a minimum of six feet in height at the time of planting.

   B. Provide a minimum 150-foot building setback adjacent to all residentially zoned property.

   C. Provide ten-foot wide landscaped strips adjacent to all internal property lines and public rights-of-way.

   D. Provide minimum 4-foot wide internal sidewalk connections from public streets to buildings. Location of internal sidewalks shall be subject to review of the Director of Planning and Development.

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

F. Provide, at a minimum, 20 Tree Density Units per acre. Plantings shall be in compliance with Gwinnett County's Buffer, Landscape and Tree Ordinance. Landscape plans shall be submitted for review and approval by the Director of Planning and Development.

G. Dumpsters shall be screened by a 100% opaque masonry wall with an opaque metal gate enclosure. Dumpster pickup shall be between the hours of 7:00 a.m. and 7:00 p.m.

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

I. Outdoor loudspeakers shall be prohibited.

J. Provide interparcel access throughout the site.

K. Ground signs shall be limited to monument type signs with a minimum two-foot high brick or stacked stone base matching the building(s), not to exceed 8 feet in height. Ground signs shall be prohibited along the Interstate 85 frontage.

L. Billboards or oversized signs shall be prohibited.

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

A. Design required stormwater detention facilities such that they are not located within any required landscaped strips or buffers.

B. Sole project access, including truck traffic, shall be via the extension of Horizon Drive from its existing intersection with Old Peachtree Road. Public street or private driveway access to Rock Springs Road or Spriggs Road shall be prohibited.

C. Prior to the issuance of a development permit for this property, the applicant agrees to provide an Alternate Mode Transportation Plan subject to approval by the Gwinnett County Department of Transportation and the Gwinnett County Department of Planning and Development. At a minimum, this plan should include discussion of how the following transportation management strategies will be incorporated in the development. Inclusion of these strategies in the final AMTP shall be at the discretion of the Department of Transportation:

(a) Pedestrian facilities,
(b) Bicycle facilities,
(c) Provision of shuttle service, including connection to Gwinnett County's transit system
(d) Provision of shuttle and bus drop-off/pick-up areas near main building entrances,
(e) Participation in a Transportation Management Association

(f) Other potential transportation demand management strategies not specifically identified here, but which may be feasible or desirable at the time the Alternate Mode Transportation Plan is written and reviewed.

(g) Provision of designated carpool parking spaces (minimum 3% of overall parking).

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

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

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

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

CONDITIONS AFFECTING ZONING

The subject property was zoned M-1 from 2000 to 2007. As such, rezoning the property back to M-1 could be suitable; however, certain conditions attached to the original 2000 rezoning should be included in this case to provide for compatibility of the development with the area.

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

(C) The property which is the subject of this proposed Rezoning does not have reasonable economic use as currently zoned; however, given its proximity to Interstate 85 and nearby commercial uses, office warehouse and light industrial uses could be beneficial for several of the surrounding businesses.

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

(E) Yes. The proposed rezoning to M-1 is in conformity with the intent of the Land Use Plan. Also, the subject tract is adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property.

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

RECEIVED 10-01-10
RZC2010-00021

MPT Mahaffey Pickens Tucker, LLP
ATTORNEYS AT LAW

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

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

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

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

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

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address

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

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

This 28th day of October, 2010.

MAHAFFEY PICKENS TUCKER, LLP

E. Michelle Rothmeier

E. Michelle Rothmeier
Attorneys for Applicant

RECEIVED 10-28-10
RZR2010-00021

ORIGINAL M-1 ZONING

CASE NUMBER RZ-00-085

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 to M-1 by TAYLOR & MATHIS, INC. for the proposed use of INDUSTRIAL PARK (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which

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

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JULY 25, 2000, and objections were filed.

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

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

   A. Areas on the submitted site plan (received July 14, 2000) containing buildings A, B, C, D, E, F, G and L shall be zoned M-1. Areas containing buildings H, I, and K and including the Rock Springs Road and Old Peachtree Road frontage shall be zoned O-I. Submit a revised boundary survey and legal descriptions within 60 days of approval delineating the M-1 and O-I districts.

   B. Office, office/distribution, light manufacturing and accessory uses, excluding truck terminals, for the M-1 zoned area.

   C. Office, office/professional and accessory uses for the O-I zoned area.

2. To satisfy the following site development considerations:

   A. Provide a 100-foot wide natural, undisturbed buffer adjacent to Spriggs Road, Rock Springs Road, and Old Peachtree Road, except for approved access and utility crossings.

   B. Provide a 100-foot wide natural, undisturbed buffer adjacent to all residentially zoned property, except for approved access and utility crossings. Where sparsely vegetated, the buffer shall be enhanced with a double staggered row of evergreens eight feet on center. Trees shall be a minimum of six feet in height at the time of planting.

   C. Provide a minimum 150-foot building setback adjacent to all residentially zoned property.

   D. Provide ten-foot wide landscaped strips adjacent to all internal property lines.

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

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

   G. Dumpsters shall be screened by a 100% opaque masonry wall. Dumpster pickup shall be between the hours of 7:00 a.m. and 7:00 p.m.

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

   I. Provide minimum 5-foot wide sidewalks adjacent to Old Peachtree Road, Rock Springs and Spriggs Road and proposed internal public streets. Provide minimum 4-foot wide internal sidewalk connections from public streets to buildings. Location of internal sidewalks shall be subject to review of the Director of Planning and Development.

J. Ground signs shall be limited to monument type signs with masonry bases matching the building(s), not to exceed five feet in height. Ground signs shall be prohibited along the Interstate 85 frontage.

K. Provide interparcel access throughout the site.

L. Provide, at a minimum, 20 Tree Density Units per acre. Plantings shall be in compliance with Gwinnett County's Buffer, Landscape and Tree Ordinance. Landscape plans shall be submitted for review and approval by the Director of Planning and Development.

M. Except for approved access, maintain a minimum 50-foot buffer adjacent to any streams/tributaries located on the property.

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

A. Design required stormwater detention facilities such that they are not located within any required landscaped strips or buffers.

B. Abide by the following dedications:

1) Dedicate at no cost to Gwinnett County 50 feet of right-of-way from the centerline along Old Peachtree Road frontage, and 60 feet of right-of-way from the centerline along the frontage within 500 feet of its intersection with another classified road.

2) Dedicate at no cost to Gwinnett County 40 feet of right-of-way from the centerline along Rock Springs Road frontage.

C. Sole project access, including truck traffic, shall be via the extension of Horizon Drive from its existing intersection with Old Peachtree Road. Public street or private driveway access to Rock Springs Road or Spriggs Road shall be prohibited. Should access to the Horizon Drive/Old Peachtree Road intersection not be acquired by January 1, 2002, alternate access to

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

1) Subject to the approval of the Gwinnett County Department of Transportation, the applicant agrees to, at the option of the Gwinnett County Department of Transportation, either design and construct a traffic signal at the intersection of the Proposed Roadway and Horizon Drive/Old Peachtree Road, or pay 100% of design and construction costs, in an amount not to exceed $60,000. The design and installation will be subject to Gwinnett County Department of Transportation review and approval.

2) Subject to the approval of the Gwinnett County Department of Transportation, the applicant agrees to design and construct necessary intersection modifications to provide for turn lanes and through lanes at the intersection of the Proposed Roadway and Horizon Drive/Old Peachtree Road as indicated in the applicants traffic study. These modifications would include the addition of a through lane from Horizon Drive to the Proposed Roadway and at minimum a left turn lane, through lane, and right turn lane on the approach of the Proposed Roadway. The design and construction will be subject to Gwinnett County Department of Transportation review and approval.

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

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

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

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

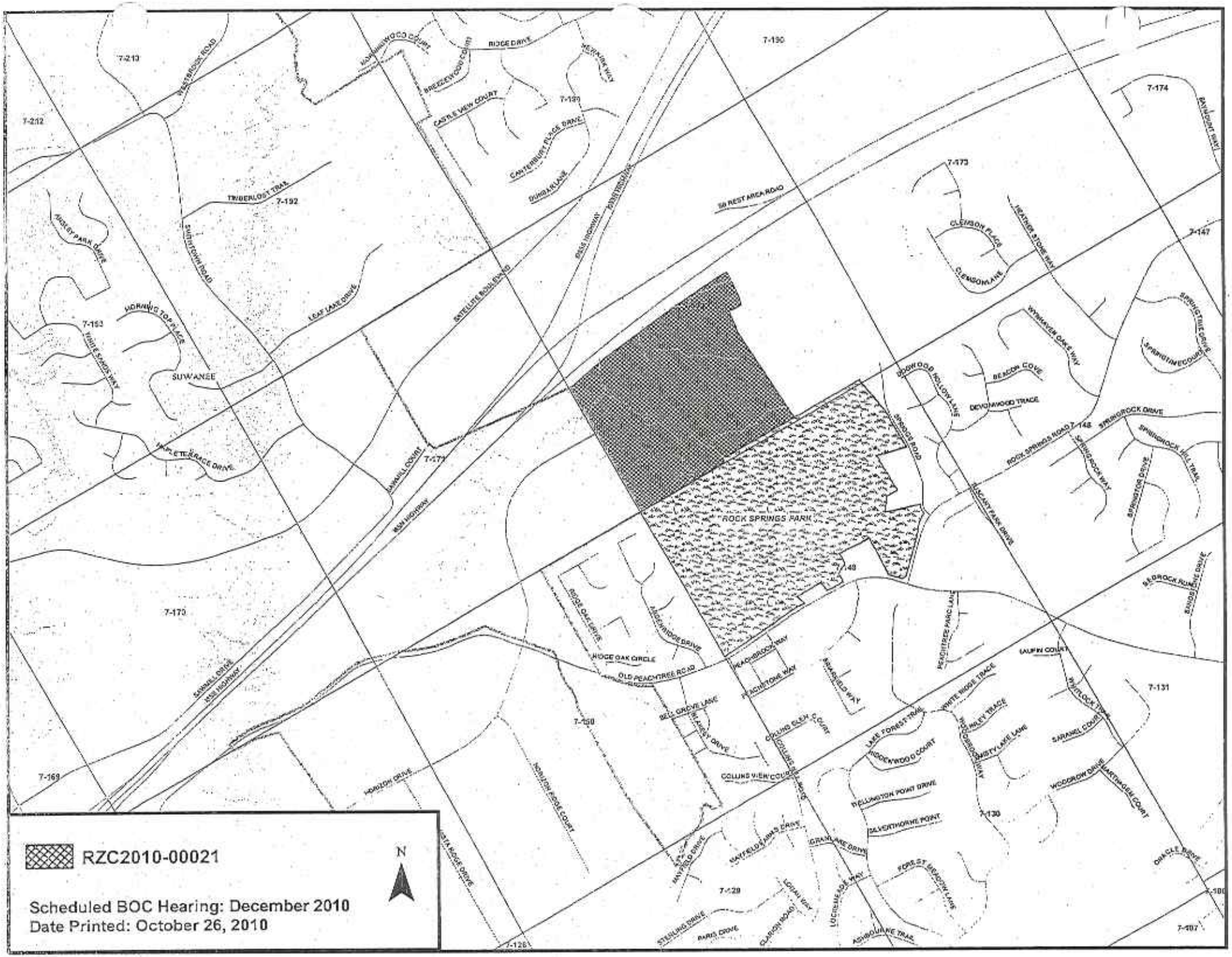
GWINNETT COUNTY BOARD OF COMMISSIONERS

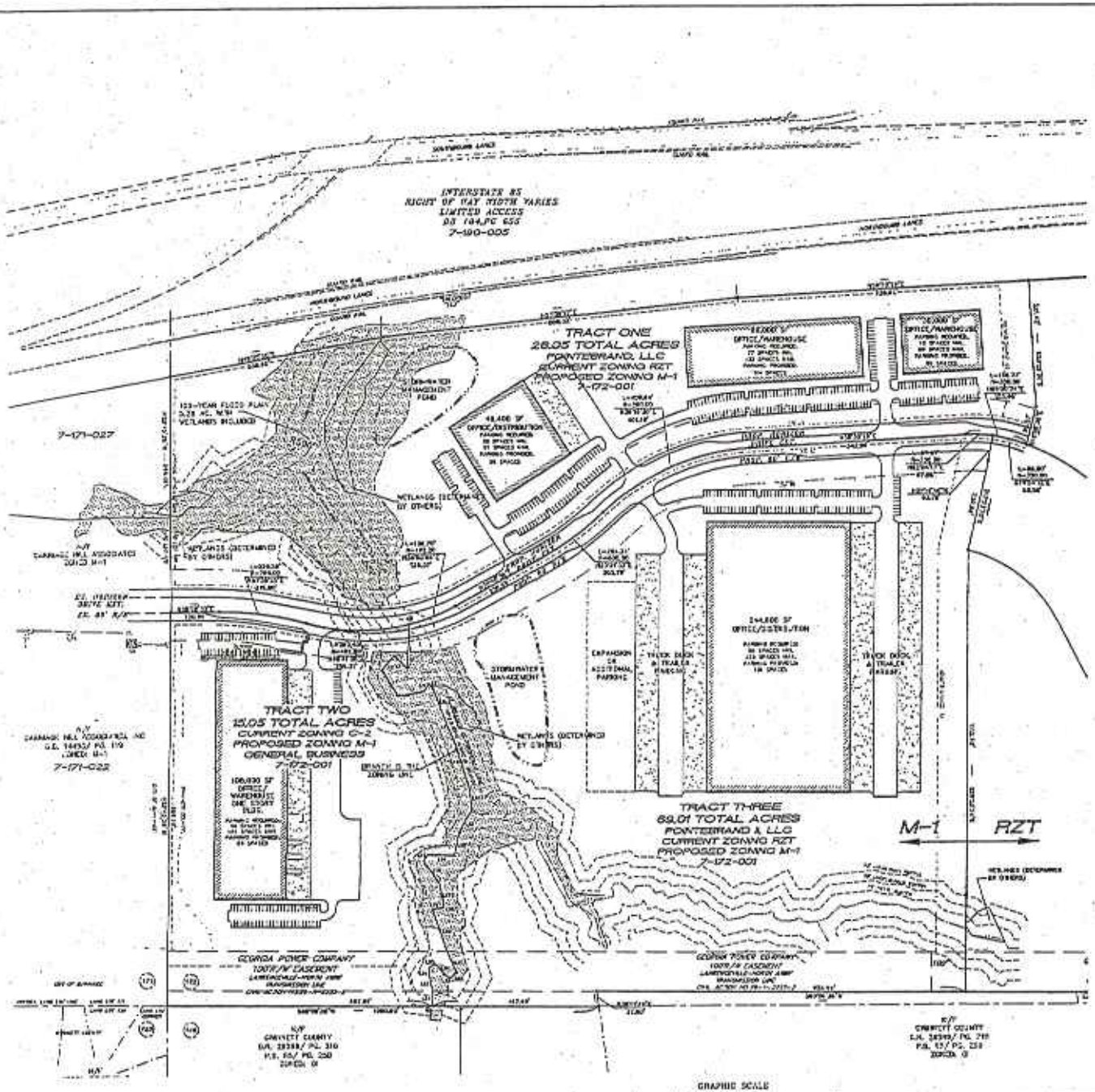
By: F. Wayne Hill
F. Wayne Hill, Chairman

Date Signed: August 2, 2000

ATTEST:

Brenda Madaloz
County Clerk


RZC2010-00021
N
Scheduled BOC Hearing: December 2010
Date Printed: October 26, 2010
ROCK SPRINGS PARK
SUWANEE
7-213
7-212
7-192
7-193
7-190
7-174
7-173
7-147
7-148
7-149
7-171
7-150
7-169
7-129
7-130
7-131
7-126
7-127
7-180
TRIBERLOST TRAIL
LEAF LAKE DRIVE
SATELLITE BOULEVARD
I-85 REST AREA ROAD
I-85 HIGHWAY
SUWANEE ROAD
ROCK SPRINGS ROAD
SPRINGROCK DRIVE
SPRINGROCK WAY
SPRINGROCK HILL TRAIL
SPRINGTIME DRIVE
SPRINGTIME COURT
BEACON COVE
DEVONWOOD TRACE
WYNHAVEN OAK WAY
CLEMSON PLACE
CLEMSON LANE
HEATHER STONE WAY
DOGWOOD HOLLOW LANE
MACARY PARK DRIVE
PEACHTREE PARC LANE
SEDROCK RUN DRIVE
SANDSTONE DRIVE
PEACHBROOK WAY
PEACHTOWNE WAY
BRADFIELD WAY
RIDGE OAK DRIVE
RIDGE OAK CIRCLE
OLD PEACHTREE ROAD
ARDMORE DRIVE
BELL GROVE LANE
MARKEY DRIVE
COLLINS GLEN COURT
COLLINS VIEW COURT
COLLINS GLEN RIDGE
LAKE FOREST TRAIL
RIDGEWOOD COURT
WHITE RIDGE TRACE
WOODROW WAY
WOODROW DRIVE
EARTHGEM COURT
SARAMEL COURT
PELLINGTON POINT DRIVE
SILVERTHORNE POINT
GRAND LAKE DRIVE
FOREST MEADOW LANE
LUCERNE ASH WAY
ASHBOURNE TRAIL
ORACLE DRIVE
HAYFIELD DRIVE
HAYFIELD FARMS DRIVE
LOGAN WAY
CLARION ROAD
PARIS DRIVE
STERLING DRIVE
HORIZON DRIVE
HORIZON RIDGE COURT
SUTTA RIDGE DRIVE
SARAMEL DRIVE
HORNING TOP PLACE
MAPLE TERRACE DRIVE
RIDGEWOOD COURT
RIDGE DRIVE
HERA OAK WAY
CASTLE VIEW COURT
CANTERBURY PLACE DRIVE
DUNGARVAN
RIDGEBROOK ROAD
RIDGLEY PARK DRIVE
SUTTONTOWN ROAD
WHITE SANDS WAY
SARAMEL COURT
BANBURY WAY



SUMMARY

TRACT	AREA	BUILDING SIZE	PARKING PROVIDED
ONE	26.05 AC.	144,400 SF	269 SPACES
TWO	15.05 AC.	106,000 SF.	89 SPACES
THREE	39.17 AC.	240,800 SF	101 SPACES
TOTALS	80.27 AC.	491,200 SF	459 SPACES

COURSE ALONG CL BRANCH

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE

OWNER/DEVELOPER:
POINTEBRAND LLC
3475 PIEDMONT RD NE
SUITE 550
ATLANTA, GA 30305-2990
PHONE: (770) 963-9323
CONTACT: BRAND MORGAN

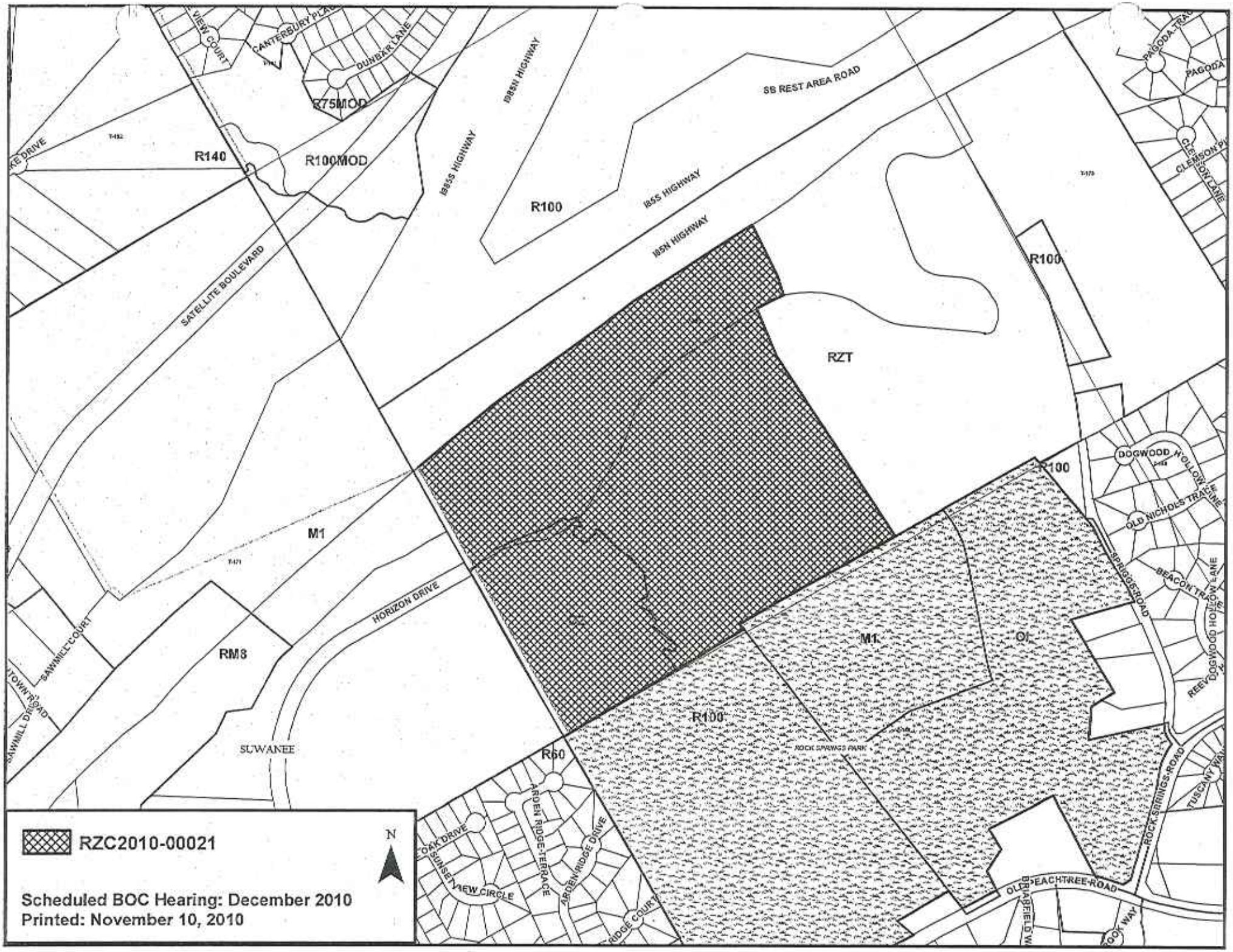
ENGINEER:
PRECISION PLANNING, INC.
490 PIKE BOULEVARD
LAWRENCEVILLE, GA 30046
PHONE: (770) 338-8900
CONTACT: BOB BENNEWITZ, P.E.

Precision Planning, Inc.

BRAND PROPERTIES, LLC, CHICAGO TITLE INSURANCE COMPANY, GWINNETT COMMUNITY BANK, CRESCENT BANK, POINTEBRAND, LLC, & POINTEBRAND II, LLC

REZONING PLAT

1 OF 1


RZC2010-00021
Scheduled BOC Hearing: December 2010
Printed: November 10, 2010
N
R140
R100MOD
R75MOD
R100
RZT
M1
RM8
R60
OI
SATELLITE BOULEVARD
HORIZON DRIVE
I85S HIGHWAY
I85N HIGHWAY
SR REST AREA ROAD
SUWANEE
ROCK SPRINGS PARK
DUNBAR LANE
CANTERBURY PLACE
VIEW COURT
SAWMILL COURT
SAWMILL DRIVE
TOWN ROAD
OAK DRIVE
SUNSET VIEW CIRCLE
ARDEN RIDGE TERRACE
ARDEN RIDGE DRIVE
RIDGE COURT
PAGODA TRAIL
PAGODA
CLEMSON LANE
DOGWOOD HOLLOW LANE
OLD NICHOLS TRACE LANE
SPRINGS ROAD
BEACON TRAIL
REEF DOGWOOD HOLLOW
ROCK SPRINGS ROAD
TUSCANY WAY
OLD PEACHTREE ROAD
BRIARFIELD
BROOK WAY

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

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

FUTURE DEVELOPMENT MAP: **CORRIDOR MIXED USE**

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

CONTACT: KIM WEDDINGTON PHONE: 770.521.5550

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

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

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

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

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

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

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

ZONING HISTORY:

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

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

STORMWATER PLAN REVIEW SECTION COMMENTS:

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

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

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

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

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

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

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

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

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

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

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

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

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

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

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

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

The available utility records show that the subject development is currently in the vicinity of a 15-inch sanitary sewer main, and an 8-inch sanitary sewer main located on the property.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

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

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

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

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

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

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

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

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

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

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

2. To satisfy the following site development considerations:

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

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

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

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

   E. Peddlers or parking lot sales shall be prohibited.

F. No temporary banners, streamers, or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site. Yard and/or bandit signs shall be prohibited.

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

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

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

An increase in traffic, utility demand and stormwater runoff could be expected from this request.

CONFORMITY WITH POLICIES

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

CONDITIONS AFFECTING ZONING

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

Applicant's Response

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

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

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

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

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

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

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

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

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

Yes

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

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

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Application for a Special Use Permit

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

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

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

PROJECT DESCRIPTION

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

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

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SUP2011-00015

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

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

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

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

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

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

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

The services of this kennel will include:

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

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

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

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

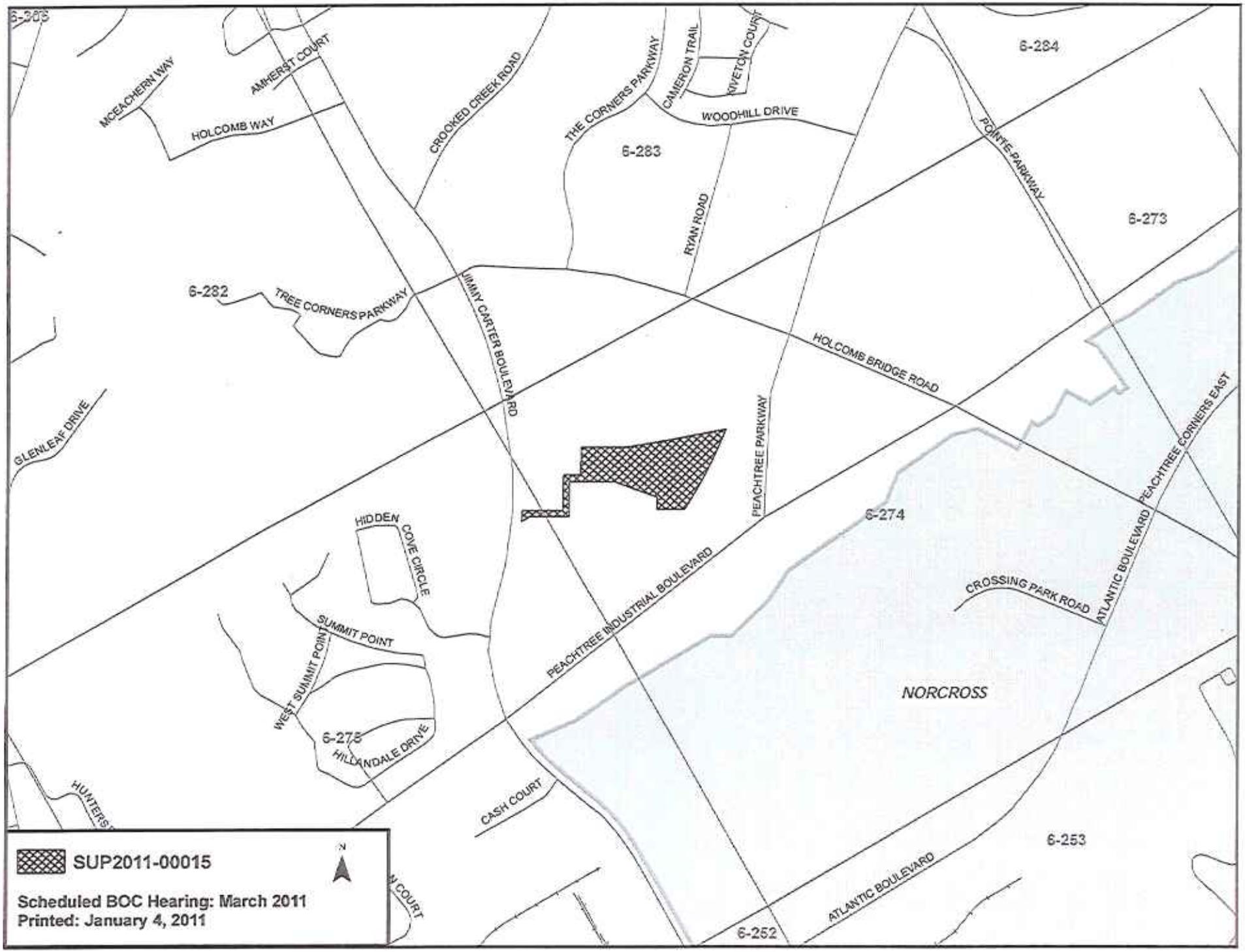
Sincerely,

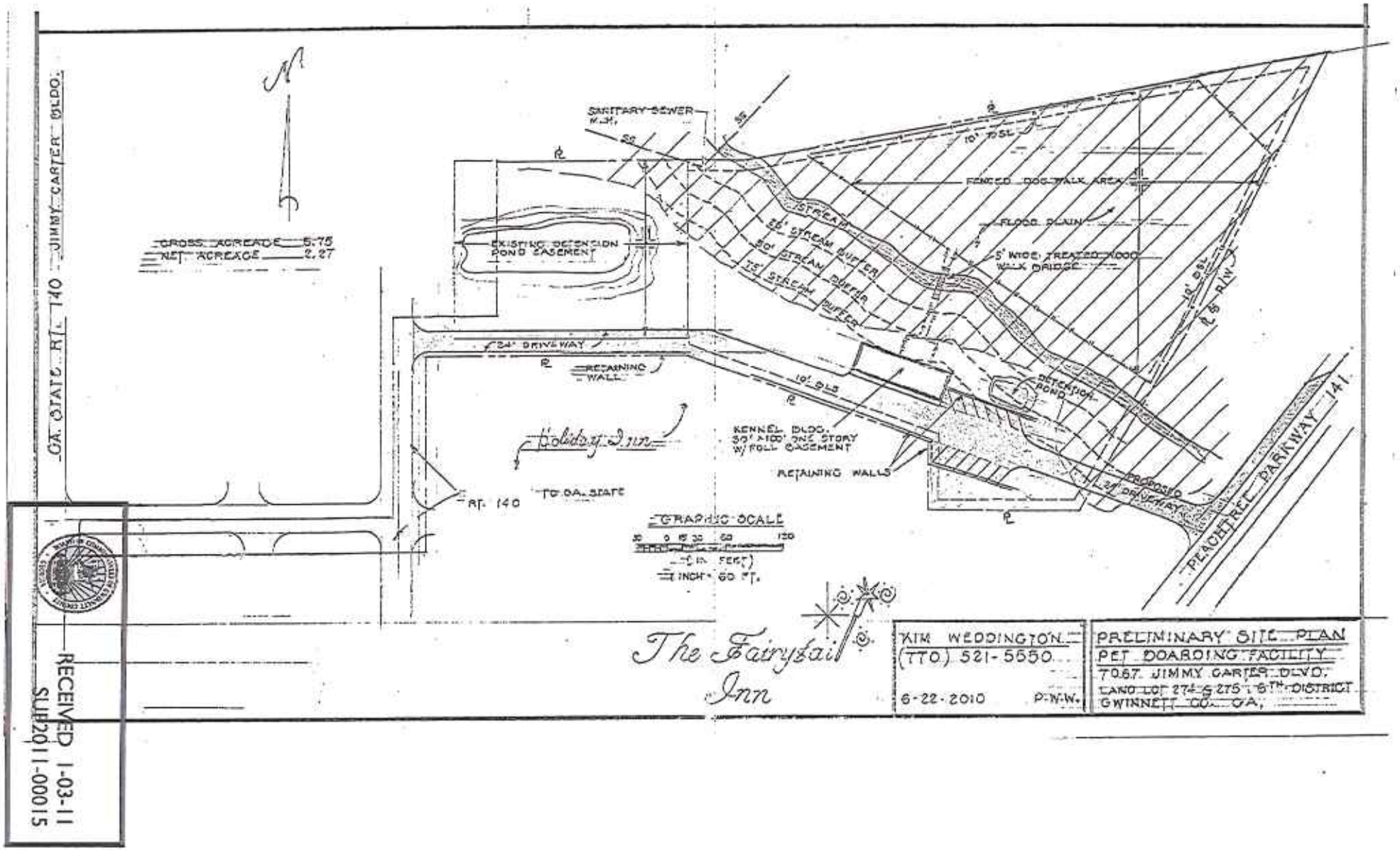
Kimberly Weddington

Attachments

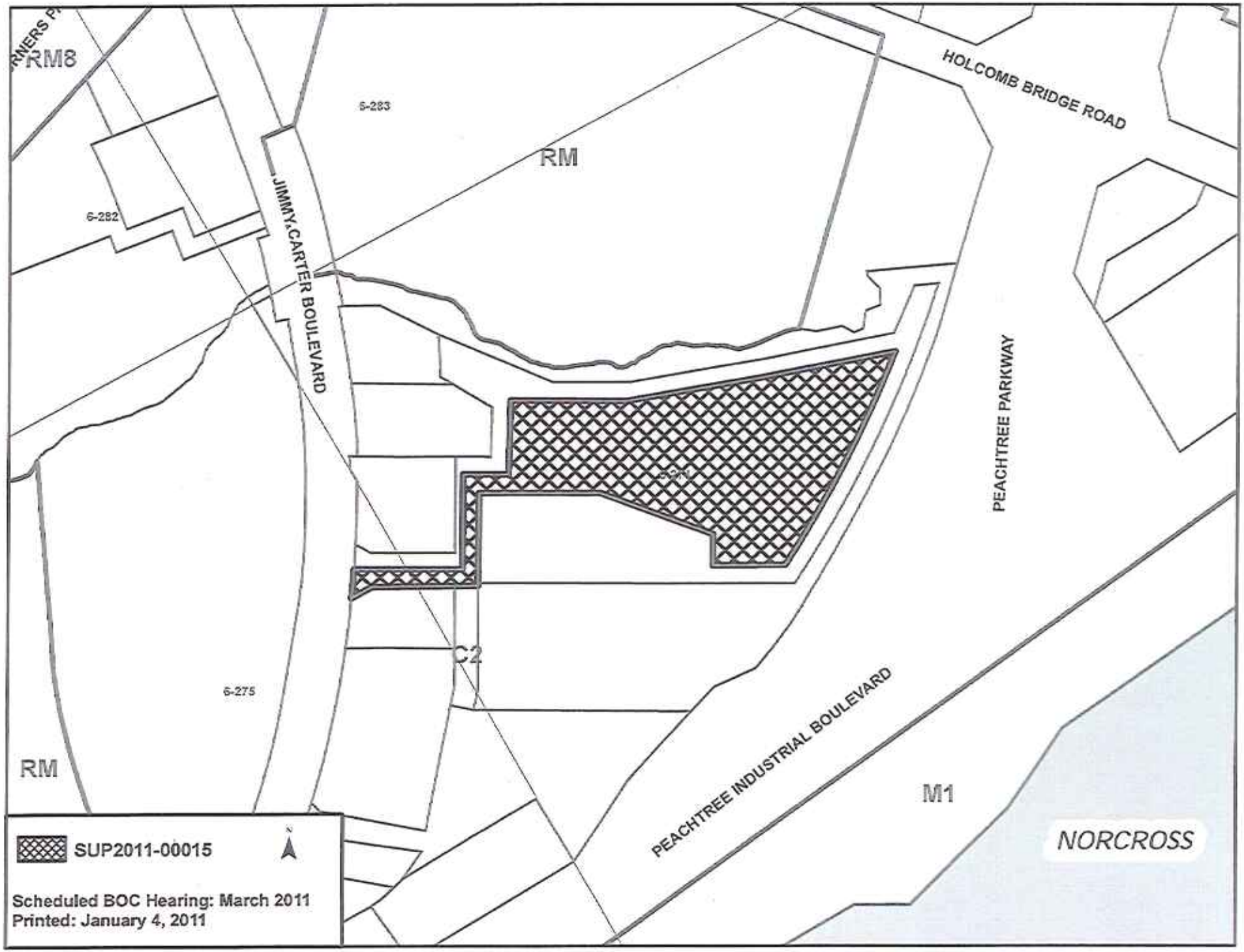
Exhibit A	Application Form
Exhibit B	Legal Description
Exhibit C	Boundary Survey
Exhibit D	Site Plan (Four copies and one 8-1/2" X 11" reduction)
Exhibit E	Standards Governing Exercise of the Zoning Power
Exhibit F	Letter of Intent
Exhibit G	Applicant Certification with Notarized Signature
Exhibit H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

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



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

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
CHANGE IN CONDITIONS ANALYSIS

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

FUTURE DEVELOPMENT MAP: **EXISTING EMERGING SUBURBAN**

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

CONTACT: GREG SAUL PHONE: 678.384.4480

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

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

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

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

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

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

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

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

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

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

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

ZONING HISTORY:

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

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

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

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

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

   A. Attached townhouse dwellings and accessory uses.

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

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

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

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

      1. Exterior home maintenance to include roofing and painting.

      2. All grounds maintenance.

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

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

2. To satisfy the following site development considerations:

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

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

B. All grassed areas shall be sodded.

C. All utilities shall be placed underground.

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

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

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

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

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENTS
STANDARDS GOVERNING THE EXCERSISE OF ZONING

SUITABILITY OF USE

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

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

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

CONDITIONS AFFECTING ZONING

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

CHANGE IN CONDITIONS APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

Yes

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

No

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

No

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

No

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

Yes

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

The Economy as well as Mortgage underwriting standards

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CIC2011-00003

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

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

November 4, 2010

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

Dear Planning Staff,

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

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

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

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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

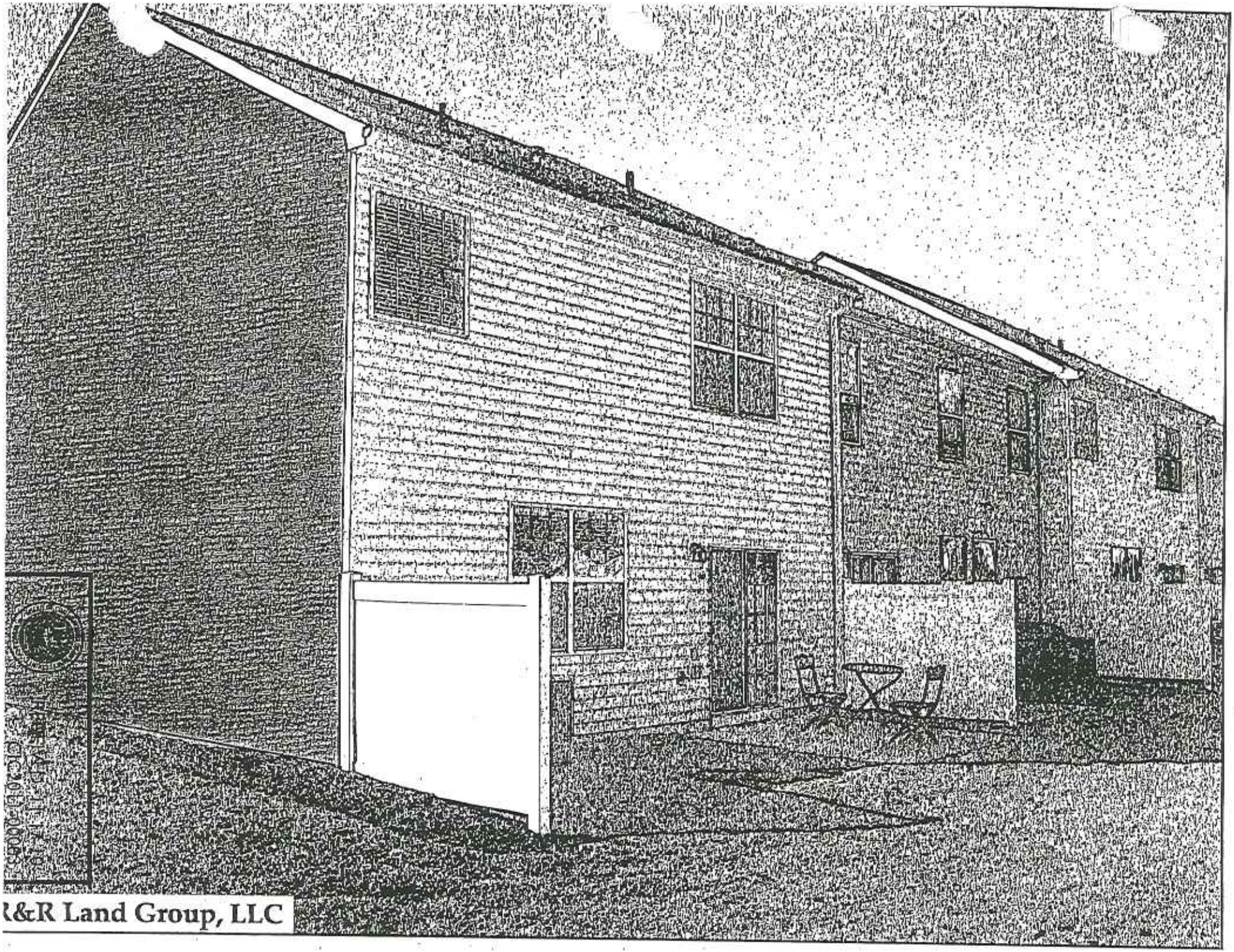
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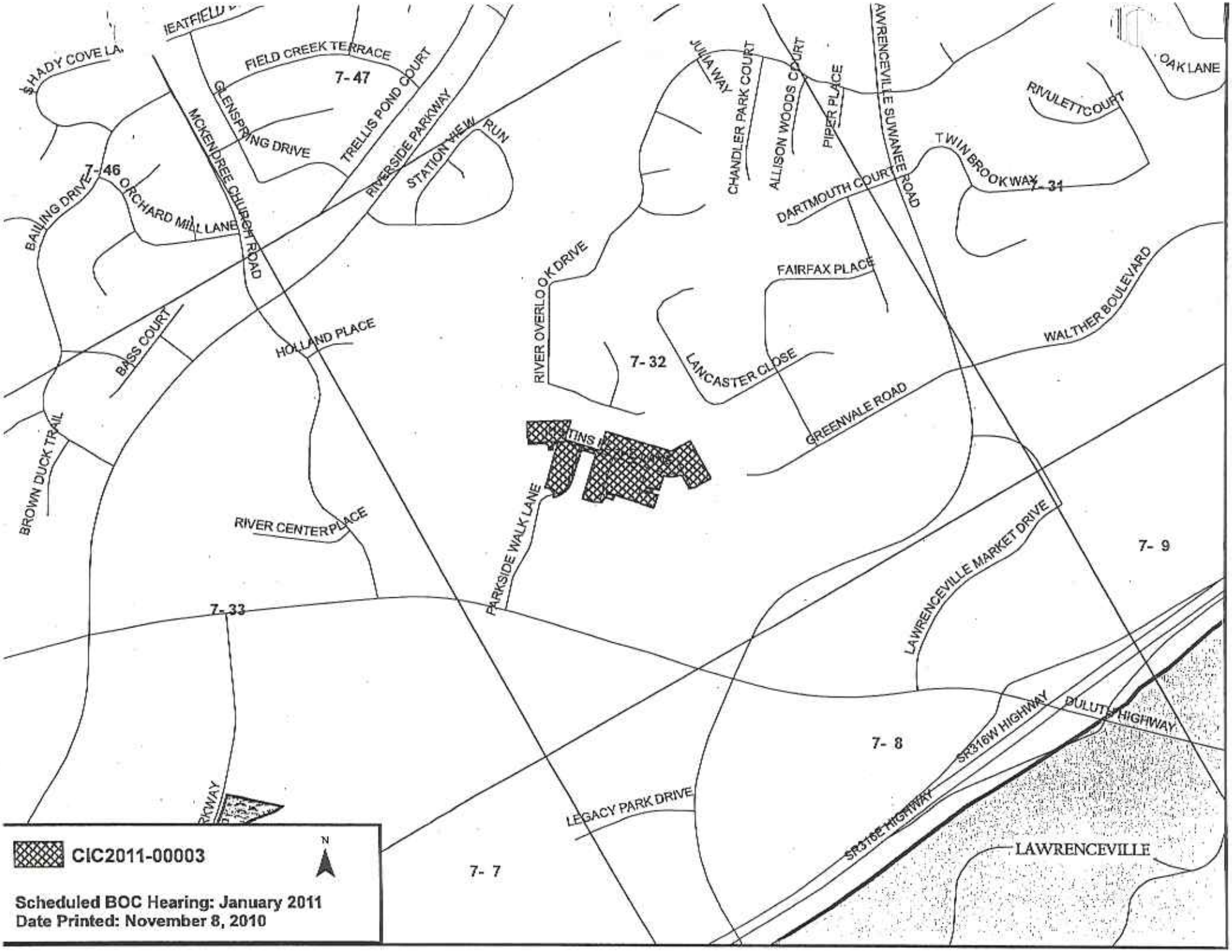


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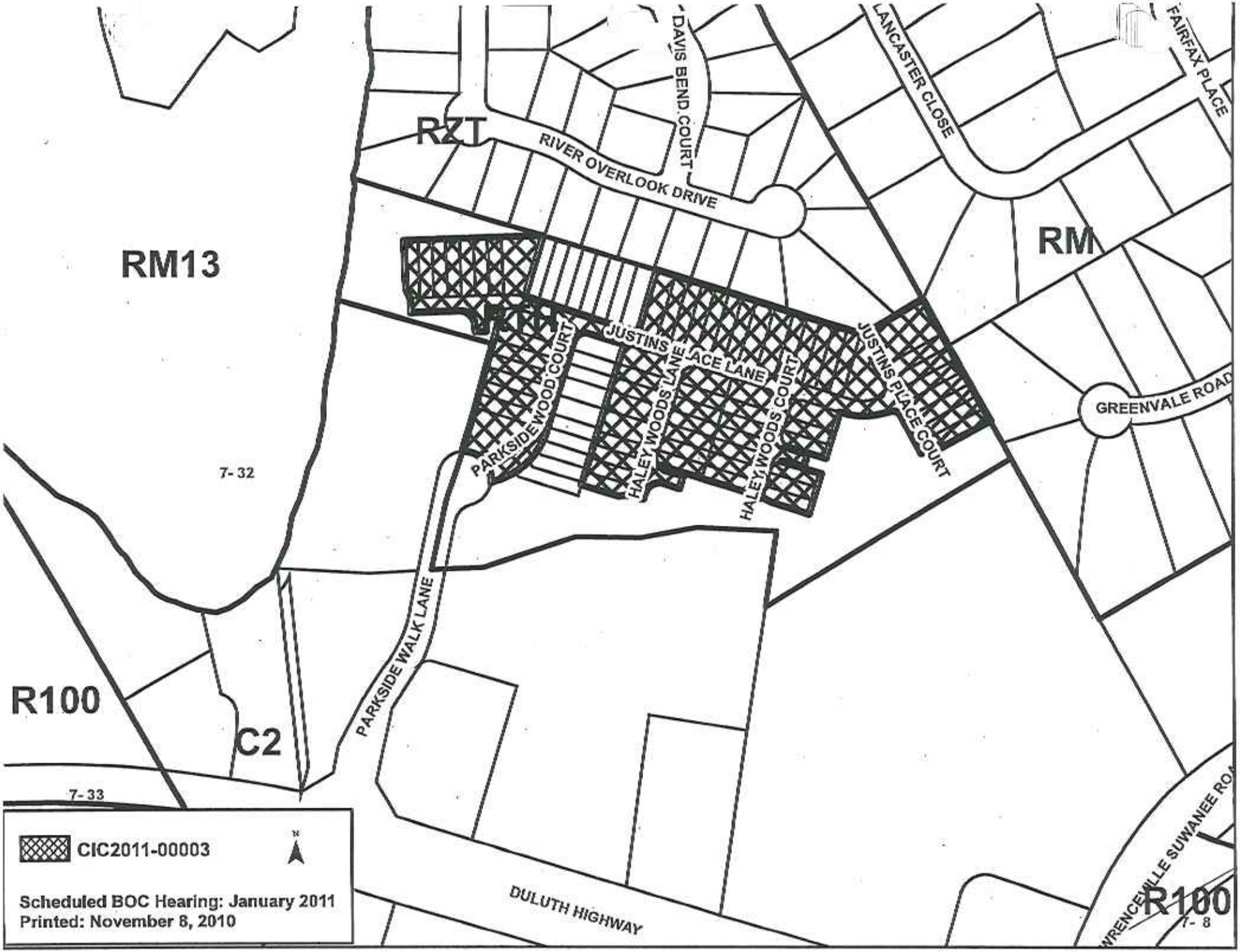
R&R Land Group, LLC


R&R Land Group, LLC


R&R Land Group, LLC


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

PARKSIDE WALK TRACT
LAND DEVELOPMENT
ENGINEERING, INC.
LEGEND
VICINITY MAP
GRAPHIC SCALE
R-TH (ATTACHED)
TYPICAL LOT LAYOUT
LAUREL FOREST
PB 79 PG 214
ZONED R-100
MULBERRY FOREST
PB 79 PG 140
ZONED R-100
CHANDLER PARK ON THE RIVER
UNIT FOUR BLOCK B
PB 76 PG 353
ZONED RC-7
ZONED C-3
ZONED C-2
ZONED O-I
ZONED R-TH
ZONED R-100
ZONED R-7
ZONED R-6
ZONED R-5
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ZONED RC-1
ZONED O-I
ZONED C-3
ZONED C-2
ZONED C-1


RZT
RM13
RM
RIVER OVERLOOK DRIVE
DAVIS BEND COURT
LANCASTER CLOSE
FAIRFAX PLACE
JUSTINS LANE
ACE LANE
PARKSIDE WOOD COURT
HALEY WOODS COURT
JUSTINS PLACE COURT
GREENVALE ROAD
PARKSIDE WALK LANE
7-32
7-33
R100
C2
DULUTH HIGHWAY
SUWANEE ROA
R100
7-8
CIC2011-00003
N
Scheduled BOC Hearing: January 2011
Printed: November 8, 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-STROAGE, 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 1. B. of RZC-09-003 and SUP-07-002 prohibits outdoor storage and truck rental. The condition reads as follows:

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

The applicant proposes to amend condition 1.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 ✓ BUSES AND TRAILERS. FACES MAJOR ARTERIAL & NOT RESIDENTIAL PROPERTIES

(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 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 CHANGE IN CONDITIONS:

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

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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 IS SPACE 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.

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SUP2011-00017

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 7th 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

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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.

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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.

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

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

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

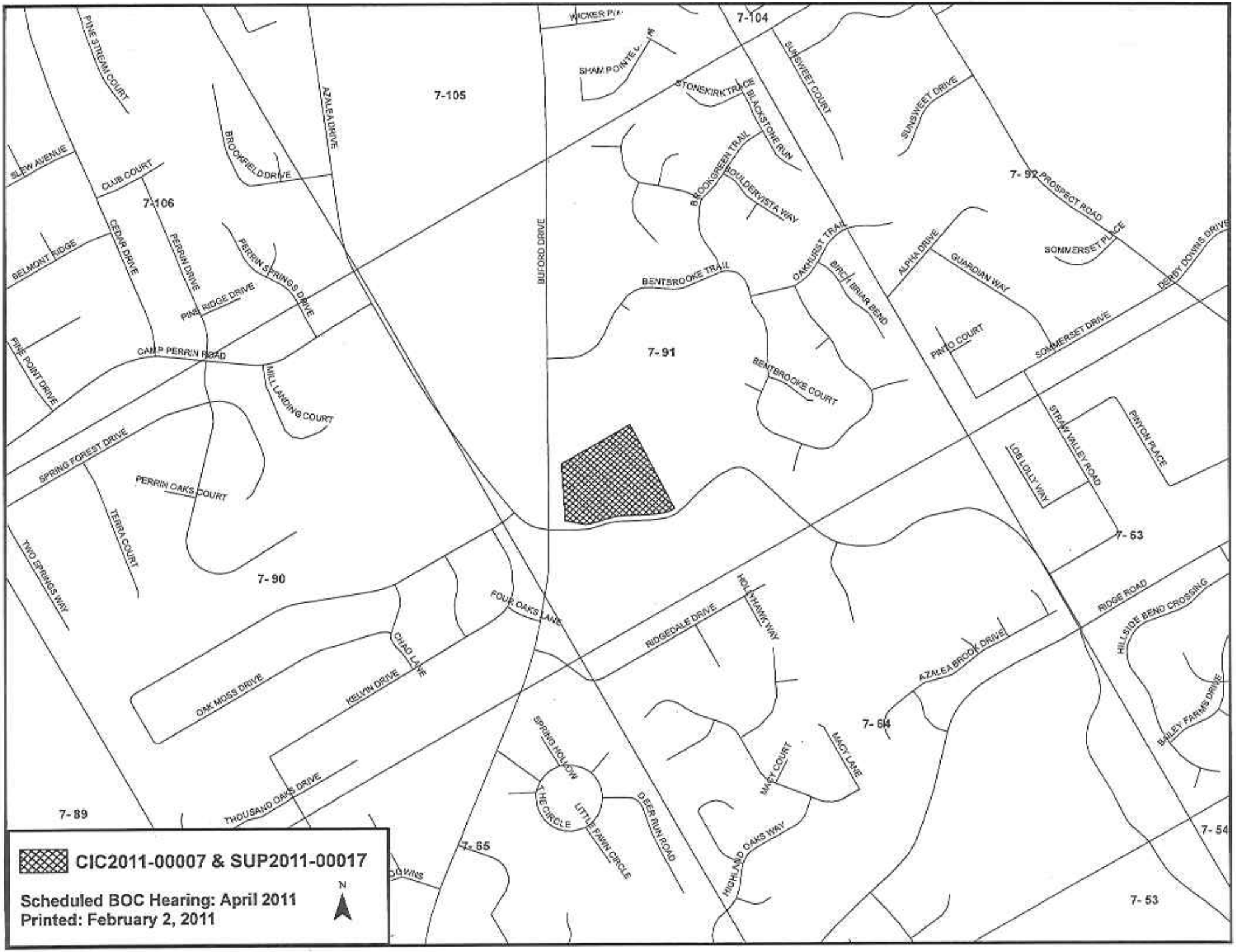
GWINNETT COUNTY BOARD OF COMMISSIONERS

By: _____
Charles E. Bannister, Chairman

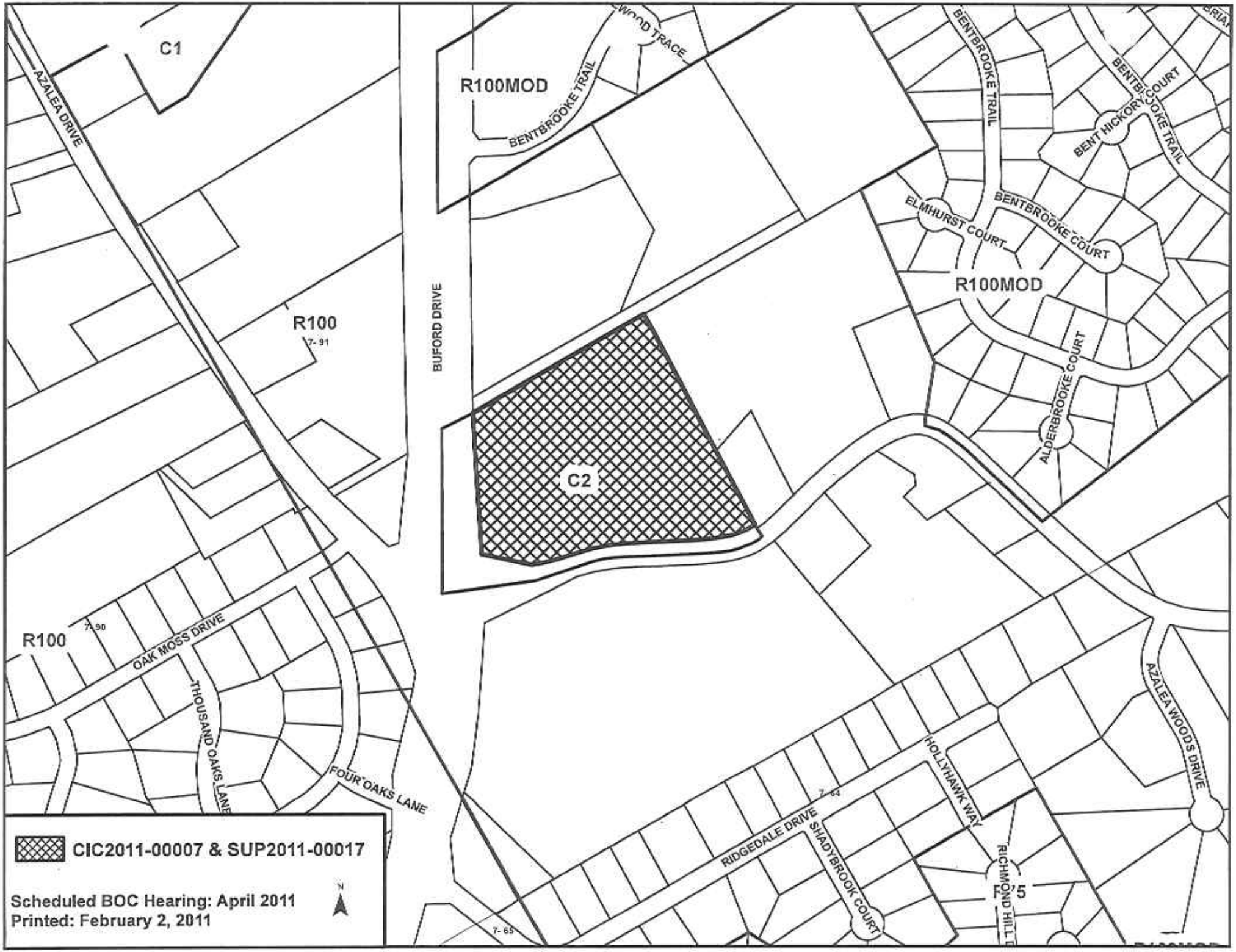
Date Signed: 4/12/07

ATTEST:

_____
County Clerk/Deputy County Clerk


7-104
7-105
7-106
7-91
7-90
7-89
7-65
7-64
7-63
7-54
7-53
PINE STREAM COURT
SLEW AVENUE
CLUB COURT
BROOKFIELD DRIVE
AZALEA DRIVE
BUFORD DRIVE
SHAM POINTE
STONEKIRK TRACE
BLACKSTONE RUN
SUNSWEET COURT
SUNSWEET DRIVE
BROOKGREEN TRAIL
BOULDERVISTA WAY
7-92 PROSPECT ROAD
BELMONT RIDGE
CEDAR DRIVE
PERRIN DRIVE
PERRIN SPRINGS DRIVE
PINE RIDGE DRIVE
BENTBROOKE TRAIL
OAKHURST TRAIL
BIRCH BRIAR BEND
ALPHA DRIVE
GUARDIAN WAY
SOMMERSET PLACE
DERBY DOWNS DRIVE
PINE POINT DRIVE
CAMP PERRIN ROAD
MILL LANDING COURT
PINTO COURT
SOMMERSET DRIVE
BENTBROOKE COURT
STRAW VALLEY ROAD
PIRYON PLACE
LOB LOLLY WAY
SPRING FOREST DRIVE
PERRIN OAKS COURT
TERRA COURT
TWO SPRINGS WAY
FOUR OAKS LANE
RIDGEDALE DRIVE
HOLLYHAWK WAY
RIDGE ROAD
HILLSIDE BEND CROSSING
CHAD LANE
OAK MOSS DRIVE
KELVIN DRIVE
AZALEA BROOK DRIVE
BAILEY FARMS DRIVE
SPRING HOLLOW
THE CIRCLE
LITTLE FAWN CIRCLE
DEER RUN ROAD
MACY COURT
MACY LANE
HIGHLAND OAKS WAY
THOUSAND OAKS DRIVE
CIC2011-00007 & SUP2011-00017
Scheduled BOC Hearing: April 2011
Printed: February 2, 2011
N

RECEIVED 2-2-11
CIC2011-00007


C1
R100MOD
BENTBROOKE TRAIL
WOOD TRACE
AZALEA DRIVE
BENTBROOKE TRAIL
BENT HICKORY COURT
BENTBROOKE TRAIL
ELMHURST COURT
BENTBROOKE COURT
R100MOD
R100
7-91
BUFORD DRIVE
ALDERBROOKE COURT
C2
R100
7-90
OAK MOSS DRIVE
THOUSAND OAKS LANE
FOUR OAKS LANE
HOLLYHAWK WAY
AZALEA WOODS DRIVE
RIDGEDALE DRIVE
SHADYBROOK COURT
RICHMOND HILL
7-65
CIC2011-00007 & SUP2011-00017
Scheduled BOC Hearing: April 2011
Printed: February 2, 2011
N

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER	:**RZC2011-00011**
ZONING CHANGE	:O-I TO C-1
LOCATION	:2700 BLOCK OF CRUSE ROAD
MAP NUMBER	:R7001 062
ACREAGE	:0.47 ACRE
PROPOSED DEVELOPMENT	:ART STUDIO AND GALLERY (REDUCTION IN BUFFERS)
SQUARE FEET	:3,100 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD

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

APPLICANT: HUNG NGUYEN & HOA TRAN
128 JENNIFER LANE
LILBURN, GA 30047

CONTACT: ERIC JOHANSEN PHONE: 678.571.4843

OWNER: HOA TRAN
2768 CRUSE ROAD
LAWRENCEVILLE, GA 30044

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests the rezoning of a 0.47-acre parcel on Cruse Road from O-I (Office-Institutional District) to C-1 (Neighborhood Business District) to allow an art studio and gallery with retail sales.

According to the submitted letter of intent, the applicant wishes to have a studio for producing art glass sculpture and display the art for sale in the existing 3,100 square foot residential structure. The site is accessed via one entrance/exit on Cruse Road. The site plan proposes five concrete or asphalt parking spaces and a 10-foot wide landscape strip adjacent to Cruse Road. Due to the narrow configuration of the lot, a reduction in the required 50-foot buffers would be necessary along the side property lines.

A building code compliance inspection has been conducted on the home, and a report indicating the improvements necessary to bring the structure up to code for the proposed use is attached (CIR2011-00048).

ZONING HISTORY:

The property was zoned R-100 (Single Family Residence District) in 1970. It was rezoned to R-75 (Single Family Residence District) by areawide zoning action in 1975. The property was rezoned to O-I with a Special Use Permit for a daycare center in 2008, pursuant to RZC-08-003 and SUP-08-001.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

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.

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

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

A 50-foot building setback is required from the right-of-way of Cruse Road.

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

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

A site development permit will be required for any on-site land disturbing activity.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Cruse 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.

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

Dedicate, at no cost to Gwinnett County D.O.T, the necessary right-of-way and easements for the construction of transportation improvement project F-0581-01 Cruse Road based on plans on file with the Gwinnett D.O.T.

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

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

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

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 northern right-of-way of Cruse 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 320 feet southwest of the property.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

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

4. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia State amendments based on occupancy group

classification, type of construction, and location of each building from property lines and other buildings.

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject property is a 0.47-acre parcel located at 2768 Cruse Road, southwest of the intersection with Bethesda School Road. The site is currently developed with a single-family residence and a small wooded area exists to the rear of the property.

The 2030 Unified Plan Future Development Map indicates that the subject property lies within an Existing / Emerging Suburban Character Area. The proposed rezoning to C-1 for an art studio/gallery could be compatible within this Character Area and with previous Board approvals for commercial and office uses along this segment of Cruse Road.

The surrounding area is characterized by a mix of commercial, office and residential uses along Cruse Road, with established residential neighborhoods extending beyond the corridor. Numerous properties along Cruse Road between Club Drive and Bethesda School Road have been zoned for commercial/retail and office-institutional uses. An art studio/gallery in C-1 zoning at the subject location could be compatible with these surrounding land uses provided that conditions are included to reduce potential adverse impacts on nearby residences. A reduction in buffers may be appropriate for the subject site as it has already been developed and no other development or structures are planned.

With appropriate conditions to limit adverse impacts on the nearby residential properties, the proposed rezoning for an art studio/gallery could be suitable at this location. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT
RECOMMENDED CONDITIONS

Approval as C-1 for an art studio/gallery subject to the following enumerated conditions:

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

   A. Limited to professional offices and accessory uses or an art studio/gallery.

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

2. To satisfy the following site development considerations:

   A. Provide a 10-foot landscape strip outside the right-of-way of Cruse Road.

   B. Provide a 5-foot wide landscape strip along the side and rear property line.

   C. Provide a 30-foot wide natural undisturbed buffer adjacent to residentially-zoned property along the rear property line.

   D. Ground signs shall be limited to a single monument type sign with a brick base of at least 2-feet in height. Maximum sign height shall be 6-feet.

   E. Dumpsters shall be screened by a 100% opaque brick wall. Hours of pickup shall be limited to 7:00 a.m. to 7:00 p.m.

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

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

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

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

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

   A. Dedicate at no cost to Gwinnett County the necessary rights-of-way and easements for the construction of the transportation improvement project at Cruse Road (PN# F-0581) based on plans on file with the Gwinnett County DOT.

PLANNING AND DEVELOPMENT DEPARMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

In light of the other office and commercial uses nearby, the requested rezoning for an art studio/gallery could be suitable at this location.

ADVERSE IMPACTS

With the recommended conditions, minimal adverse impacts would be anticipated from this request.

REASONABLE ECONMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

Minor impacts on public roadways and utilities could be anticipated from the proposed development.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the subject property lies within an Existing / Emerging Suburban Character Area. With conditions, the proposed rezoning and use could be consistent with the Unified Plan and compatible with the already existing commercial and office uses in the area.

CONDITIONS AFFECTING ZONING

Other similar properties in the area along this section of Cruse Road give supporting grounds for approval of non-residential uses and may also justify a reduction in buffers for the proposed art gallery.

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:

The adjacent and nearby properties are all Commercial, Office, of high density residential props

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

No, the proposed rezoning will not adversely affect the existing use or the adjacent and nearby properties. All are either commercially zoned, office zoned or high density residential.

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

Yes, the current property is zoned O-I and has a reasonable economic use for the right user of the Subject Property. As currently zoned, not a compatible zoning for use desired.

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

No, the proposed rezoning should not burden the above mentioned items.

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

Yes, the proposed rezoning is on conformance with the policy and intent of the 2030 Unified Plan and associated documents. Cruse Road is a transitional area with a myriad of zonings.

(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:

Currently an SUP for a Day care Facility exists on the Subject Property. The area is surrounded with commercial and high density residential zoning districts. Use would be compatible.



RECEIVED 3-4-11
RZC2011-00011

RZC-2011-00011

March 3, 2011
Revised on March 9, 2011

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

Re: 2768 Cruse Road – Letter of Intent
Inland Project #11-006 / Hung Nguyen and Hoa Tran
Parcel R7001 062
Gwinnett County, GA

Dear Commissioners,

Inland Group, LLC ("Inland") has been retained by Hung Nguyen and Hoa Tran (the "Applicants") to pursue a change in zoning from the O-I to C-1 for property located at 2768 Cruse Road, Lawrenceville, GA and more particularly described Parcel R7001 062 (the "Subject Property"). **The Applicants are the Property Owners and will be the end users of the Subject Property.** The intended use of the property will be for displaying and producing high end Glass Sculptures within the existing structure. The Applicants equipment is small in nature and resembles the Bunsen Burners we have all used in high school science classes. There is not any large or industrial sized equipment used for this highly specialized trade of producing Glass Sculptures (see attached photos depicting necessary equipment for Glass Sculptures).

Upon due diligence with the Gwinnett County Current Planning Department, we were advised that the Subject Property would need a change in zoning from O-I to C-2 for the requested use. **We want to make it very clear, that the Applicants do not care how or what the resulting zoning change or what the potential Special Use is ultimately placed upon the Subject Property, so long as they can do the work they are requesting to do for Glass Sculptures and a Glass Art Studio.**

There also could be an assumed landscaped buffer for the Subject Property due to a dissimilar zoning district abutting another zoning district of a different classification. In any such case, the Applicant request a zero foot buffer on any applicable property line side where this could be the case. This was the case when the property was rezoned to O-I with an SUP for a Day Care Facility in 2007.

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

Hung Nguyen is a Master Glass Artist who was trained under the world renowned Hans Godo Frabel of Frabel Glass. Mr. Frabel is considered to have been the best in his craft of Glass Sculptures and took Hung Nguyen under his wing and classically trained him beginning in 1985. Mr. Nguyen became a gifted Glass Sculpture Artist and has created one-of-a-kind original pieces for Queen Elizabeth, President Bush, President Reagan, President Carter, Margaret Thatcher, Mikhail Gorbachev, Larry King, Wayne Newton, Sean "P Diddy" Combs, and other important Heads of State and notable people over his career. Recently, Mr. Nguyen has started his own studio creating unique designs and creations using the experience he has gained over the years working with the best in his industry. His studio will continue to focus on the unique Glass Sculptures and also offer pieces for collectors, significant milestone gifts, corporate awards, and other special industry recognitions.

There is a common misconception that Glass Blowing and Glass Sculptures is one-in-the same thing. Let me tell you they are not the same and in fact are very much different. For the record, there is NO Glass Blowing proposed to be utilized on the Subject Property as a result of this zoning change. The Applicants are high end Glass Sculpture Artist and are considered Masters in their technical trade.

The Subject Property was recently purchased by the Applicants having been vacant for several years. The previous owner of the land had the property defaulted causing their financial lender to take back the property. The Applicants believe their unique and high end business will not be a detriment or nuisance to the surrounding area. Cruse Road between Bethesda School Road and Club Drive averages over 21,000 vehicles per day, according to the available Gwinnett County DOT traffic data. The Subject Property was granted an SUP in 2007 for the use of a daycare facility for up to 15 children. The use of the Subject Property as a Glass Art Studio will be a much less intensive use of the land and will be a compliment to the existing mixture of C-2, C-1, O-I, and other high density residential uses within the immediate and surrounding vicinity.

The Applicants plan to make minimal site changes adding in the required landscape strip along Cruse Road, providing a commercial driveway entrance, drive aisle, and parking lot. With respect to the existing structure, the Applicants intend to paint the exterior with a more up to date color palate and make some minor interior changes once zoned and the necessary interior finish permits are granted. Proposed changes will be submitted to the County at the appropriate time after the zoning of the property has been considered.

We respectfully request your approval of this request for C-1 zoning **(or other appropriate zoning or Special Use that will permit the intended use of the Subject Property by the Applicants)** and are open to further meeting with the appropriate parties to discuss the proposed rezoning. The Applicants would like to set up a demonstration on site to show the Gwinnett County Staff, Planning Commission members, BOC members and other interested parties the highly skilled nature of the Glass Sculpture craft and also demonstrate the actual practices of the proposed business. We will notify the County for the on-site demonstration in April 2011.

Thank you for your consideration of this request.

Sincerely,

Inland Group, LLC
Agent for the Applicants

cc: Hung Nguyen, Applicant
Hoa Tran, Applicant
File

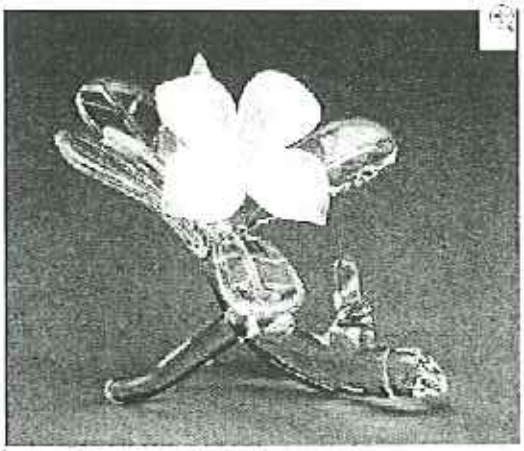
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Shipping Free Gift Wrap

CRYSTAL-FOX GALLERY

Art Glass Crystal World Fountains Frabel Laser Images Mats Jonasson Satava Swarovski

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SU FLOWER GLASS SCULPTURE - SPECIAL ORDER



Product #: 0472
Artist: Frabel Studios
Designer: Hung Nguyen
Size: approx. 7"
Related Categories: • Flowers • Garden

Su Flower Glass Sculpture - Special order
Last published price: $284. Please email for current pricing. This sculptural rendering of a Su Flower was personally handcrafted in hot boron glass by Hung Nyugen Associate of Atlanta's Fräbel Studio SUGGESTION.

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We have been assisting people shop safely "online" for many years. Our experience and **reputation for excellence**, has made us a **leading online crystal retailer**. Mats Jonasson, Crystal World, Swarovski authorized dealer, also featuring Satava Glass Jellyfish Sculptures 3D Laser Images, Art Glass, Bronze Sculpture, Indoor Water Walls/Windows, Glass Waterfalls and Fountains galore!

Crystal World List | Mats Jonasson List | Swarovski Crystal List

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381 Cannery Row, Monterey, CA
Local phone 831-655-3905
email: gallery@crystal-fox.com

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2/2/2011

http://www.cryosites.com/shared/img/h/hung_xxbfn.jpeg

446 West Crogan Street, Ste. 150, Lawrenceville, Ga 30046-2440
PHONE: 678-518-6000 www.gwinnettcounty.com

COMPLIANCE INSPECTION REPORT

CASE NUMBER:	CIR2011-00048
RECEIVED DATE:	3/7/2011
APPLICATION NAME:	
APPLICATION ADDRESS:	2768 CRUSE RD, LAWRENCEVILLE, GA 30044
APPLICANT:	Hoa Tran
	GA
REQUEST TYPE:	Existing Building Compliance Report
NFPA OCCUPANCY:	
CURRENT OCCUPANCY USE:	R-3 (IBC) Residential
PROPOSED OCCUPANCY USE:	M (IBC) Mercantile
DEVELOPMENT TYPE:	Commercial Zoning C1,C2,C3
CONSTRUCTION TYPE:	(IBC) TYPE VB UNSPRINKLERED

COMMENTS:

The following is the code compliance inspection report for the proposed occupancy and use. If you have any questions, please contact Building Plan Review at 678.518.6000.

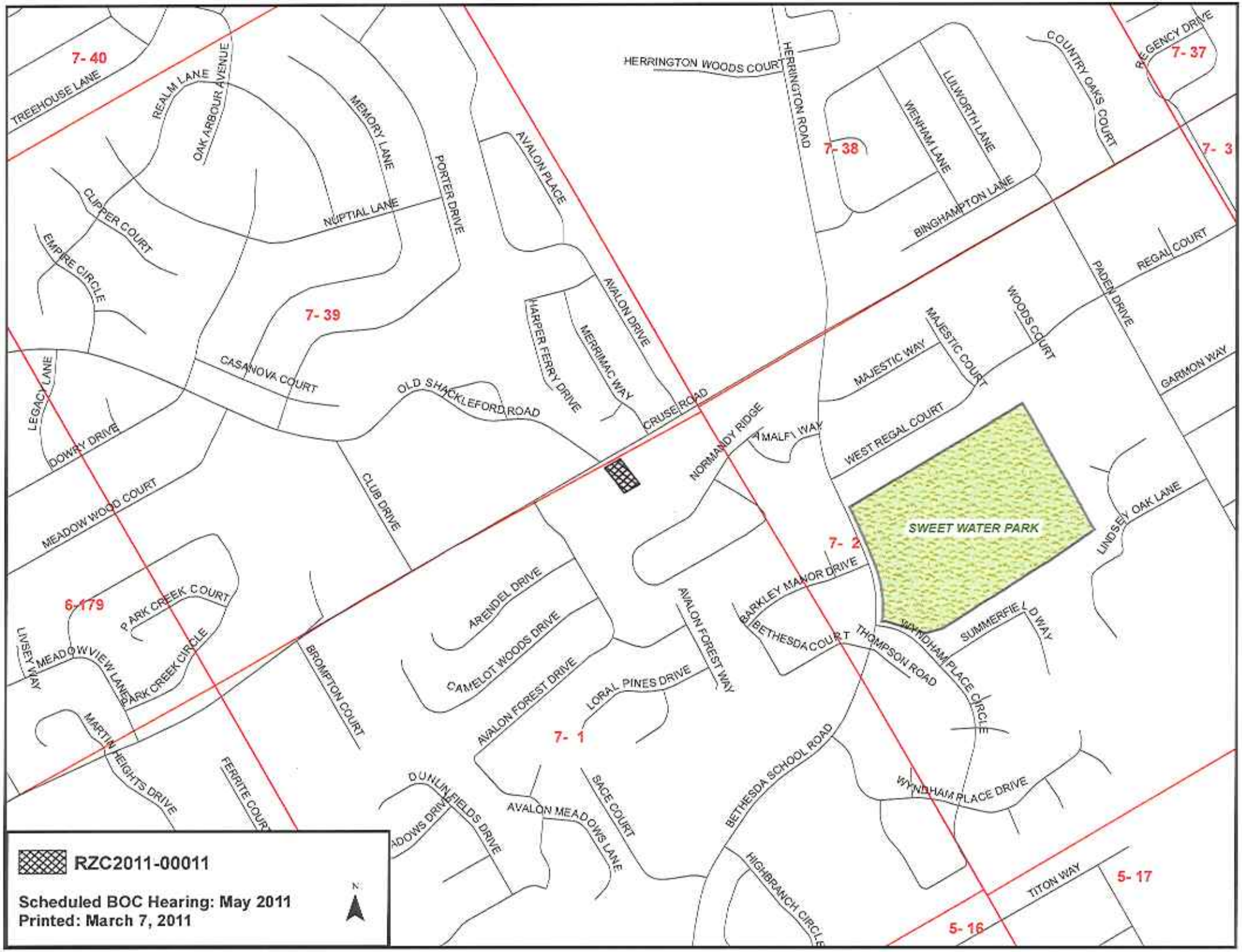
DATE	ITEM	COMMENT	INSPECTOR	STATUS
Electrical Code Compliance				
3/8/2011	The electrical system for the proposed occupancy is suitable for intended use.	2008 NEC all of house will need to be rewired with new panel and meter and main disconnect on side of house at new meter location	Johnny Lyons	Fail
3/8/2011	Ground fault circuit interrupter (GFCI) in bathroom, kitchen, and outside receptacles.	NEC 210.8	Johnny Lyons	Fail
3/8/2011	Grounding type receptacles.	NEC 406	Johnny Lyons	Fail
3/8/2011	Required location for receptacles.	NEC 210	Johnny Lyons	Fail
3/8/2011	Grounding to metal water pipe, building steel, ground rods.	NEC 250-3	Johnny Lyons	Fail
3/8/2011	Location of service disconnect.	NEC 230.70	Johnny Lyons	Fail
3/8/2011	Service equipment - Fault current rating.	NEC 110.9	Johnny Lyons	Fail
3/8/2011	Service equipment - Load calculation.	NEC 220	Johnny Lyons	Fail
3/8/2011	Approved covers on junction boxes and accessible.	NEC 314 several wire splice in basement no junction boxes as required	Johnny Lyons	Fail
3/8/2011	Junction boxes - Correct size for box volume.	NEC 314.16	Johnny Lyons	Fail
3/8/2011	Conductors - Correct size for overcurrent device.	NEC 310	Johnny Lyons	Fail
3/8/2011	Physical condition of conductors.	NEC 310	Johnny Lyons	Fail
3/8/2011	Number of overcurrent devices for panel.	NEC 110.3 panel has space not being used need to install blank covers in opening	Johnny Lyons	Fail

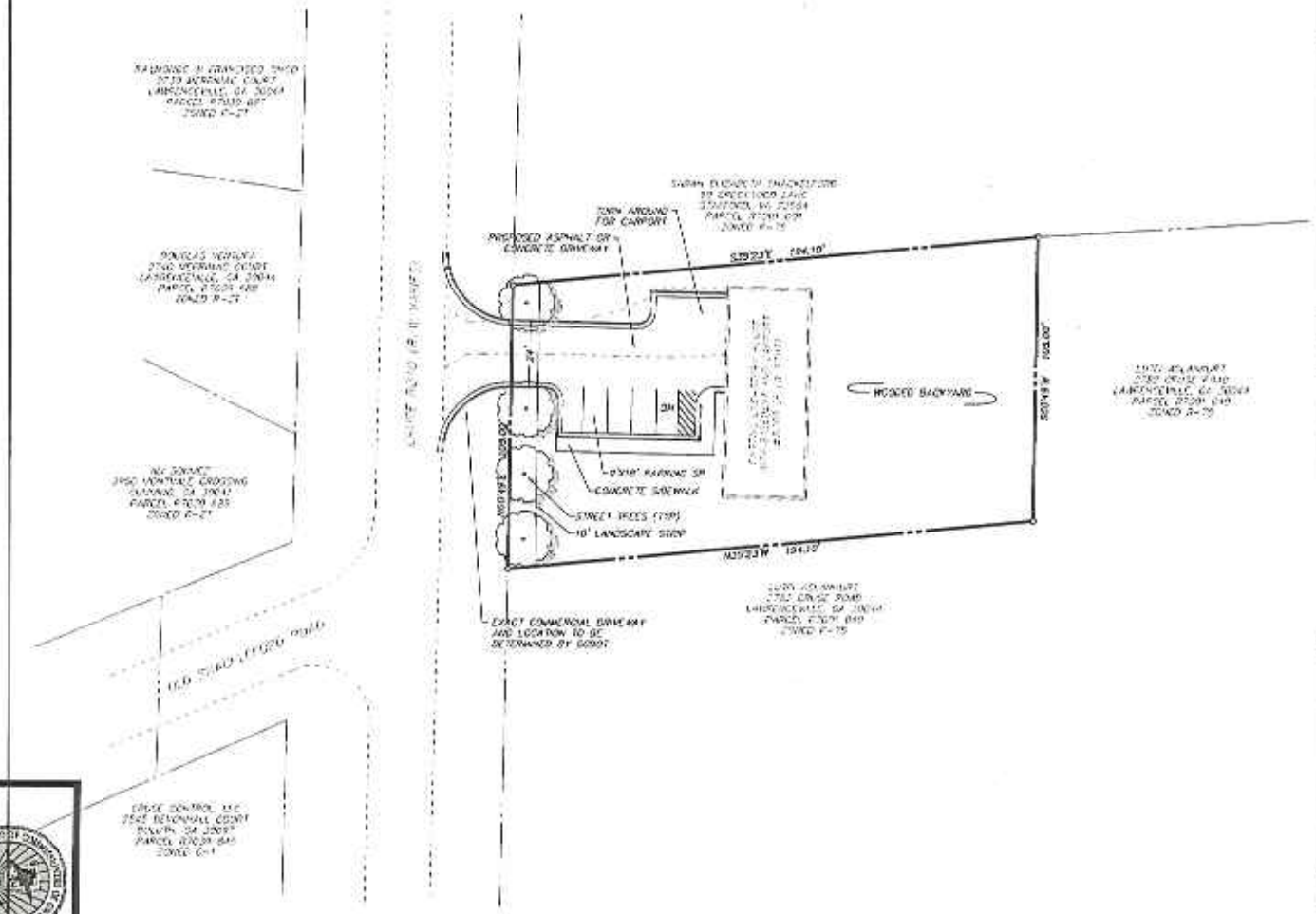
DATE	ITEM	COMMENT	INSPECTOR	STATUS
Electrical Code Compliance				
3/8/2011	Required location for lights and switches.	NEC 210	Johnny Lyons	Pass
3/8/2011	Working clearance in front of equipment.	NEC 110.26	Johnny Lyons	Pass
3/8/2011	Service equipment - Illumination of service and/or panels.	NEC 110.26(d)	Johnny Lyons	Pass
3/8/2011	Occupant to have access to service equipment.	NEC 230.72(c)	Johnny Lyons	Pass
3/8/2011	Proper equipment grounding conductor size.	NEC 250.122	Johnny Lyons	Pass
3/8/2011	Disconnects for appliances and HVAC equipment -Required locations and accessible.	NEC 422.30 NEC 440.11	Johnny Lyons	Pass
Fire Compliance				
3/8/2011	Exterior: Accessible Parking	Provide handicap parking, signage, and access into the structure.	Randy Warren	Fail
3/8/2011	Exterior: Ramp/Landings	Provide handicap accessiblity into the structure.	Randy Warren	Fail
3/8/2011	Exterior: Address/Suite Marking	Provide street address #'s visible to the street, a minimum of 6" in height.	Randy Warren	Fail
3/8/2011	Exterior: Level Landing At Door	Provide level landing at doors.	Randy Warren	Fail
3/8/2011	Exterior: Stairs (Risers/Treads)	Rear stairs may need a landing at midpoint.	Randy Warren	Fail
3/8/2011	Exterior: Guadrails/Handrails	provide handrails on both sides of stairs.	Randy Warren	Fail
3/8/2011	Interior: Doors and Hardware	Remove door knobs and replace with ADA compliant lever hardware.	Randy Warren	Fail
3/8/2011	Fire Protection Equipment: Exit Signs	Provide emergency/exit lights above exit doors.	Randy Warren	Fail
3/8/2011	Fire Protection Equipment: Emergency Lights	Provide emergency/exit lights over exit doors.	Randy Warren	Fail
3/8/2011	Fire Protection Equipment: Emergency Visiblity	See above	Randy Warren	Fail
3/8/2011	Fire Protection Equipment: Fire Extinguisher	Provide a fire extinguisher tagged by a certified fire extinguisher company.	Randy Warren	Fail
3/8/2011	Miscellaneous: Other Suppression Systems	Remove stove in kitchen or provide a suppression system.	Randy Warren	Fail
3/8/2011	Accessibility: Water Closet	Provide a handicap restroom facility meeting all requiremennts of the American Disabilty Act.	Randy Warren	Fail
3/8/2011	Accessibility: Turnaround Clearance	See above	Randy Warren	Fail
3/8/2011	Accessibility: Grab Bars		Randy Warren	Fail
3/8/2011	Accessibility: Dispensers		Randy Warren	Fail
3/8/2011	Accessibility: Mirrors		Randy Warren	Fail
3/8/2011	Accessibility: Signage		Randy Warren	Fail
3/8/2011	Exterior: Exit Discharge		Randy Warren	Pass
3/8/2011	Interior: Exit Way/Width		Randy Warren	Pass
3/8/2011	Interior: Force To Open		Randy Warren	Pass
3/8/2011	Interior: Stairs (Riser/Treads)	Mr Tran indicated that basement was not to be used.	Randy Warren	Pass
3/8/2011	Interior: Interior Finish		Randy Warren	Pass

DATE	ITEM	COMMENT	INSPECTOR	STATUS
Mechanical Code Compliance				
3/8/2011	The mechanical system for the proposed occupancy is suitable for intended use.	system 25 plus year old does not meet any of the new energy code requirements. will need to install new system complete	Johnny Lyons	Fail
3/8/2011	Ducts and duct sytems - Joints, seams, and connections.	all joints and seams to be mastic	Johnny Lyons	Fail
3/8/2011	Duct insulation.		Johnny Lyons	Fail
3/8/2011	Ducts and duct sytems - complies with Georgia State Energy Code.		Johnny Lyons	Fail
3/8/2011	Complies with Georgia State Energy Code		Johnny Lyons	Fail
3/8/2011	Fresh air system - allowable material.		Johnny Lyons	Fail
3/8/2011	Fresh air system - Location on intakes.		Johnny Lyons	Fail
3/8/2011	Fresh air system - ASHRAE air systems.	install as required per mech. code table 403	Johnny Lyons	Fail
3/8/2011	Exhaust systems - Bath fan vents and termination.	install bath exhuast as required per mech. code	Johnny Lyons	Fail
3/8/2011	Chimneys and vents systems - Allowable materials.	can not vent new furnace into fireplace chimmey will net to vent to outside by code approved means	Johnny Lyons	Fail
3/8/2011	Chimneys and vents systems - Capacity.		Johnny Lyons	Fail
3/8/2011	Chimneys and vents systems - Location.		Johnny Lyons	Fail
3/8/2011	Chimneys and vents systems - Clearance.		Johnny Lyons	Fail
3/8/2011	Chimneys and vents systems - Fire stops.		Johnny Lyons	Fail
3/8/2011	Chimneys and vents systems - Termination.		Johnny Lyons	Fail
3/8/2011	Fuel gas piping - Allowable material.	required dripe tee at furnace location	Johnny Lyons	Fail
3/8/2011	Ducts and duct sytems - Allowable materials.		Johnny Lyons	Pass
3/8/2011	Duct support.		Johnny Lyons	Pass
3/8/2011	Combustion and ventilation air - Allowable material.		Johnny Lyons	Pass
3/8/2011	Combustion and ventilation air - Capacity for space.		Johnny Lyons	Pass
3/8/2011	Combustion and ventilation air - Termination.		Johnny Lyons	Pass
3/8/2011	Equipment - Location.		Johnny Lyons	Pass
3/8/2011	Equipment - Accessibility.		Johnny Lyons	Pass
3/8/2011	Equipment - Clearance.		Johnny Lyons	Pass
3/8/2011	Equipment - Support.		Johnny Lyons	Pass
3/8/2011	Fuel gas piping - Location.		Johnny Lyons	Pass
3/8/2011	Fuel gas piping - Joints.		Johnny Lyons	Pass
3/8/2011	Fuel gas piping - Support.		Johnny Lyons	Pass
3/8/2011	Fuel gas piping - Shut-off valves and approved locations.		Johnny Lyons	Pass
3/8/2011	Fuel gas piping - Concealed gas line.		Johnny Lyons	Pass
3/8/2011	Fuel gas piping - Air test.		Johnny Lyons	Pass

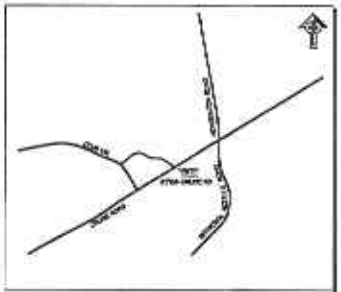
DATE	ITEM	COMMENT	INSPECTOR	STATUS
Mechanical Code Compliance				
3/8/2011	Condensate drains piping and termination.		Johnny Lyons	Pass
3/8/2011	Refrigeration system - Material.		Johnny Lyons	Pass
3/8/2011	Refrigeration system - Location		Johnny Lyons	Pass
3/8/2011	Refrigeration system - Joints and refrigerant containing part in plenum.		Johnny Lyons	Pass
3/8/2011	Refrigeration system - Piping insulation.		Johnny Lyons	Pass
Plumbing Code Compliance				
3/8/2011	The plumbing system for the proposed occupancy is suitable for intended use.		Johnny Lyons	Fail
3/8/2011	Water heaters - Provide 3/4 T&P relief line using approved pipe.	IPC 502.4 pop off drain running up hill required approved drain at lowest point	Johnny Lyons	Fail
3/8/2011	Water heaters - Repair or replace vent with approved vent pipe.	vent in to fire place with old furnace will need to redo into fireplace by itself	Johnny Lyons	Fail
3/8/2011	Water heaters - install thermal expansion device.	IPC 607.3	Johnny Lyons	Fail
3/8/2011	This occupancy requires drinking fountains to be installed.	IPC 403.1	Johnny Lyons	Fail
3/8/2011	Provide separate toilet rooms for male and female.	IPC 403.2	Johnny Lyons	Fail
3/8/2011	Change all water closets to elongated with open front seats.	IPC 420.2	Johnny Lyons	Fail
3/8/2011	Install double check valve assembly and certify device.	IPC 608.1	Johnny Lyons	Fail
3/8/2011	Install vacuum brakers on all hose bibbs.	IPC 608.11	Johnny Lyons	Fail
3/8/2011	Water heaters - Provide combustion air from outside.	IPC 504.5-504.6	Johnny Lyons	Pass
3/8/2011	Install privacy partitions for water closets and urinals.	IPC 310.4	Johnny Lyons	Pass
3/8/2011	Replace/repair water distribution pipe to comply with 2006 IPC.	IPC 601.1	Johnny Lyons	Pass
3/8/2011	Replace/repair drain waste vent system to comply with 2006 IPC.	IPC 701.1	Johnny Lyons	Pass
Structural Code Compliance				
3/8/2011	Wood grades, spans, floor joist, ceiling and rafters.	IBC 2308 Engineer evaluation of floor system required to verify compliance with commercial floor loads.	Todd Herget	Fail
3/8/2011	Cut, sawed, drilled, damaged wood (interior and exterior)	IBC 2303 The elevated deck/screen room needs to be repaired and brought into compliance with commercial codes. Ie; no handrail, rotten saging members, add bolts to structure, fllor loads, guardrail, roof joist spans & attachment.	Todd Herget	Fail
3/8/2011	Insulation, flamespread.	IBC 719 exposed paperback insulation in floor system.	Todd Herget	Fail
3/8/2011	Insualtion in attic.	IECC 502 needs additional insulation	Todd Herget	Fail
3/8/2011	Fire resistance rated construction requirements	IBC 701 owner is not planning on using the basement	Todd Herget	Fail

DATE	ITEM	COMMENT	INSPECTOR	STATUS
Structural Code Compliance				
3/8/2011	Decks, guardrails.	IBC 1013.3 see notes under damaged wood IBC 1607.7	Todd Herget	Fail
3/8/2011	Attic Ventilation.	IBC 1203	Todd Herget	Pass
3/8/2011	Ground clearance.	IBC 2304.11	Todd Herget	Pass
3/8/2011	Attic Access.	IBC 1209.9	Todd Herget	Pass
3/8/2011	Fireplaces.	IBC 2111	Todd Herget	Pass
3/8/2011	Vents.	IBC 1203	Todd Herget	Pass
3/8/2011	Tempered glass for doors and windows.	IBC 2406	Todd Herget	Pass
3/8/2011	Minimum ceiling heights.	IBC 1208.2	Todd Herget	Pass


7- 40
TREEHOUSE LANE
REALM LANE
OAK ARBOUR AVENUE
MEMORY LANE
PORTER DRIVE
NUPTIAL LANE
CLIPPER COURT
EMPIRE CIRCLE
7- 39
CASANOVA COURT
LEGACY LANE
DOWRY DRIVE
MEADOW WOOD COURT
6-179
PARK CREEK COURT
PARK CREEK CIRCLE
MEADOWVIEW LANE
LIVSEY WAY
MARTIN HEIGHTS DRIVE
FERRITE COURT
BROMPTON COURT
CLUB DRIVE
OLD SHACKLEFORD ROAD
AVALON PLACE
HARPER FERRY DRIVE
MERRIMAC WAY
AVALON DRIVE
CRUSE ROAD
HERRINGTON WOODS COURT
HERRINGTON ROAD
7- 38
WENHAM LANE
LULWORTH LANE
BINGHAMPTON LANE
COUNTRY OAKS COURT
REGENCY DRIVE
7- 37
7- 3
PADEN DRIVE
REGAL COURT
WOODS COURT
MAJESTIC WAY
MAJESTIC COURT
GARMON WAY
WEST REGAL COURT
NORMANDY RIDGE
MALFI WAY
SWEET WATER PARK
LINDSEY OAK LANE
7- 2
BARKLEY MANOR DRIVE
BETHESDA COURT
THOMPSON ROAD
WYNDHAM PLACE CIRCLE
SUMMERFIELD WAY
ARENDEL DRIVE
CAMELOT WOODS DRIVE
AVALON FOREST DRIVE
AVALON FOREST WAY
LORAL PINES DRIVE
7- 1
BETHESDA SCHOOL ROAD
WYNDHAM PLACE DRIVE
DUNLIN FIELDS DRIVE
AVALON MEADOWS LANE
SAGE COURT
HIGHBRANCH CIRCLE
TITON WAY
5- 17
5- 16
RZC2011-00011
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011
N



PROJECT CONTACT:
ERIC JOHANSEN (678)571-4843



SITE MAP (NTS)

SITE DATA CHART:

EXISTING ZONING OF PROPERTY	O-I (R2C-08-008 & R#08-001)
PROPOSED ZONING OF THE PROPERTY	O-I (PER STAFF RECOMMENDATION)
*ANY REASONABLE ZONING DISTRICT THAT PERMITS INTENDED USE	
PARCEL IDENTIFICATION	R7001 053
ADDRESS OF THE PROPERTY	2768 CRUSE ROAD, LAWRENCEVILLE, GA
PROPOSED USE	GLASS ART STUDIO/CLASSES AND STUDIO
EXISTING STRUCTURE	ONE-STORY SINGLE FAMILY HOUSE AT 2768'
EXISTING SQUARE FOOTAGE	25,100 SQUARE FEET AT 2768'
PARKING REQUIRED	
- MAXIMUM PARKING SPACES	15 PARKING SPACES
- MINIMUM PARKING SPACES	0 PARKING SPACES
PARKING SPACES SHOWN	
- SURFACE SPACES (INC. TC PKG)	2 PARKING SPACES
- GAS PORT SPACES	5 PARKING SPACES
- TOTAL PARKING SPACES SHOWN	7 PARKING SPACES

VARIANCES REQUESTED:
1. THE APPLICANT REQUEST THAT ALL RESIDENTIAL BUFFERS FOR COMMERCIAL PROPOSED ADJACENT TO RESIDENTIAL PROPERTIES BE REDUCED TO 0'. THE CURRENT O-I ZONING OF THE SUBJECT PROPERTY AND THE SPECIAL USE PERMIT FOR A DAY CARE FACILITY GRANTED IN R2007-010 NOT REQUIRE ANY BUFFERING BETWEEN RESIDENTIAL ZONING DISTRICTS, AND THE APPLICANTS REQUEST THIS SAME FOR THIS PROPOSED ZONING REQUEST.

GENERAL SITE NOTES:

1. THIS CONCEPTUAL SITE PLAN IS TO BE USED ZONING PURPOSES ONLY AND IS THE PROPERTY OF 4 LAND GROUP, LLC.

2. THE EXISTING INFORMATION USED FOR THE PREPARATION OF THIS CONCEPTUAL SITE PLAN AND OBTAINED FROM THE GWINNETT COUNTY GIS, LEGAL DESCRIPTION SUPPLIED BY THE APPLICANTS FROM CLOSING DOCUMENTS, PUBLICLY AVAILABLE GIS/RS, INFORMATION, AND FROM VERBAL OBSERVATION OF INLAND GROUP, LLC DURING RECENT SITE VISIT ON 05/09/2011.

3. IF THE ZONING IS APPROVED BY GWINNETT COUNTY, THE APPLICANTS MUST FILE THE APPROPRIATE DEVELOPMENT PLANS WITH GWINNETT COUNTY AND MUST OBTAIN THE NECESSARY LAND DEVELOPMENT PERMITS FOR THE IMPROVEMENTS TO THE PROPERTY, AND MUST OBTAIN THE NECESSARY BUILDING PERMITS FOR THE INTERIOR IMPROVEMENTS.

4. THE PROPOSED STREET TREES WILL COMPLY WITH THE GWINNETT BUFFER, LANDSCAPE, AND TREE ORDINANCE AT THE TIME OF DEVELOPMENT PERMITTING. ALL TREES SHOWN, LOCATION OF TREES AND IMPLIED SIZES OF LAND TREES ARE FOR CONCEPTUAL PURPOSES ONLY ON THIS REZONING SITE PLAN.

LEGAL DESCRIPTION:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1 OF THE 7TH DISTRICT, GWINNETT COUNTY, GEORGIA, CONTAINING 0.460 ACRES AS TO SURVEY BY HANSON, WEEKS AND RASWELL, DATED MARCH 30, 1977 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE PLACE OR POINT OF BEGINNING, BEGIN AT THE POINT OF INTERSECTION OF THE CENTER LINE OF CRUSE ROAD AND THE CENTERLINE OF SHADELOOKO ROAD (AKA CLUB DRIVE), AS EXTENDED AND RUN THENCE ALONG THE CENTER LINE OF CRUSE ROAD IN A NORTHEASTERLY DIRECTION, 2,70 FEET; THENCE SOUTH 00 DEGREES, 23 MINUTES EAST A DISTANCE OF 40.20 FEET TO AN IRON PIN ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF CRUSE ROAD, BEING THE PLACE AND POINT OF BEGINNING; FROM SAID BEGINNING POINT, RUN THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF CRUSE ROAD NORTH 60 DEGREES, 48 MINUTES EAST A DISTANCE OF 105.00 FEET TO AN IRON PIN; THENCE RUN SOUTH 29 DEGREES, 23 MINUTES EAST A DISTANCE OF 194.10 FEET TO AN IRON PIN; THENCE RUN SOUTH 60 DEGREES, 48 MINUTES WEST A DISTANCE OF 105.00 FEET TO AN IRON PIN; THENCE RUN NORTH 29 DEGREES, 23 MINUTES WEST A DISTANCE OF 194.10 FEET TO AN IRON PIN ON THE SOUTHEASTERLY RIGHT OF WAY OF CRUSE ROAD AND THE PLACE OR POINT OF BEGINNING, BEING IMPROVED PROPERTY KNOWN AS 2768 CRUSE ROAD, ACCORDING TO THE PRESENT SYSTEM OF NUMBERING IN GWINNETT COUNTY, GEORGIA.

INLAND GROUP
land solutions - construction management
3180 Satellite Boulevard
Suite 400 - 16
Duluth, Georgia 30097
404-369-9733 phone
404-369-9783 fax
www.inlandgp.com

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THIS PLAN IS ONLY VALID IF COUNTERSIGNED AND DATED IN INK BY AN ORIGINAL SIGNATURE

GEORGIA REGISTERED PROFESSIONAL ENGINEER ERIC JOHANSEN

GWRC 2005.1 CERTIFICATION #0000246479

2768 CRUSE ROAD

for

AN ART STUDIO

HUNG NGUYEN AND HOA TRAN
126 JENNIFER LANE
LILBURN, GA 30047
(678) 665-3390 phone

PARCEL NUMBER: R7001 053
GWINNETT COUNTY, GEORGIA

REVISIONS:

NUM	DATE	REVISION

SHEET TITLE:
REZONING SITE PLAN

0 10 20 40 60

SCALE: 1" = 20'
DATE: MARCH 8, 2011
PROJECT: 11-006

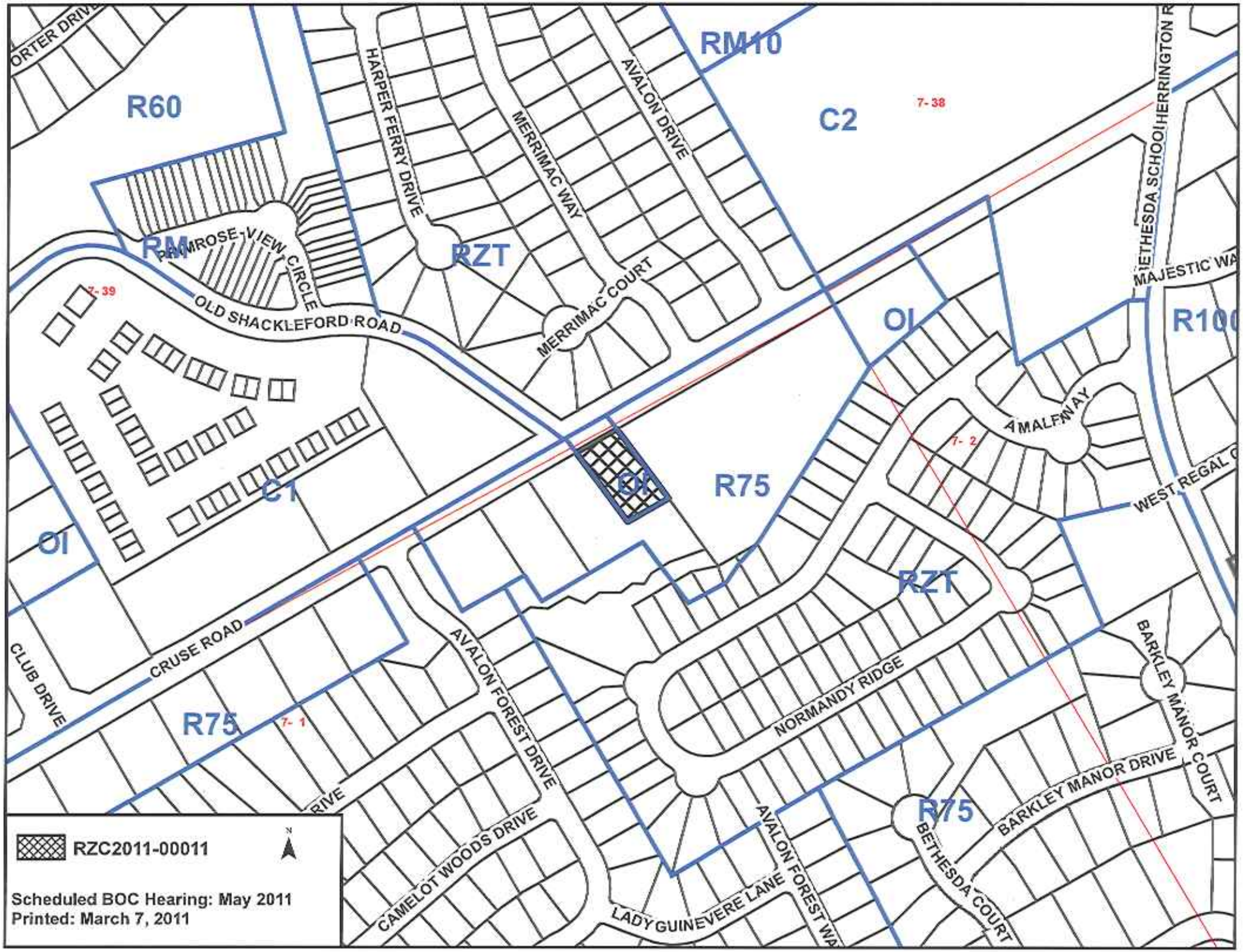
MAGNETIC

SHEET NUMBER
1

NOT RELEASED FOR CONSTRUCTION

RECEIVED 3-4-11
RZC2011-00011

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


RM10
R60
C2
7-38
HARPER FERRY DRIVE
MERRIMAC WAY
AVALON DRIVE
PRIMROSE VIEW CIRCLE
RM
RZT
7-39
OLD SHACKLEFORD ROAD
MERRIMAC COURT
OI
BETHESDA SCHOOL
HERRINGTON R
MAJESTIC WA
R100
AMALFI WAY
7-2
C1
OI
R75
WEST REGAL
OI
RZT
CRUSE ROAD
CLUB DRIVE
AVALON FOREST DRIVE
NORMANDY RIDGE
BARKLEY MANOR COURT
R75
7-1
BARKLEY MANOR DRIVE
R75
BETHESDA COURT
CAMELOT WOODS DRIVE
LADY GUINEVERE LANE
AVALON FOREST WA
RZC2011-00011
N
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011

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

CASE NUMBER	:**RZC2011-00012**
ZONING CHANGE	:C-1 & C-2 TO C-2
LOCATION	:6900 BLOCK OF BUFORD HIGHWAY
MAP NUMBER	:R6247 392 & R6247 023A
ACREAGE	:3.09 ACRES
PROPOSED DEVELOPMENT	:AUTOMOBILE SALES
SQUARE FEET	:2,800 SQUARE FEET
COMMISSION DISTRICT	:(2) HOWARD

CASE NUMBER	:**SUP2011-00024**
ZONING CHANGE	:C-2 (PROPOSED)
LOCATION	:6900 BLOCK OF BUFORD HIGHWAY
MAP NUMBER	:R6247 392 & R6247 023A
ACREAGE	:3.09 ACRES
PROPOSED DEVELOPMENT	:AUTOMOBILE SALES
SQUARE FEET	:2,800 SQUARE FEET
COMMISSION DISTRICT	:(2) HOWARD

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

APPLICANT: 6956 BUFORD HIGHWAY, LLC
2322 CRIMSON KING DRIVE
BRASELTON, GA 30517

CONTACT: ERIC JOHANSEN PHONE: 678.571.4843

OWNER: 6956 BUFORD HIGHWAY, LLC
2322 CRIMSON KING DRIVE
BRASELTON, GA 30517

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests rezoning of a 3.09-acre parcel assemblage from C-1 (Neighborhood Business District) and C-2 (General Business District) to C-2, with a Special Use Permit for an automobile sales facility. The subject property is located on the south side of Buford Highway, between Lake Drive and Pleasantdale Road.

The subject property is developed with a 2,800 square foot commercial building, associated driveways and parking lot. The building was formerly a restaurant, and the applicant intends to convert the building for an automobile sales office. The building is presently vacant, and the submitted letter of intent states that the property has been subjected to vandalism, which has

contributed to the blight of the existing site and surrounding area. The applicant intends to upgrade the property by installing landscaping, fencing, lighting and remodeling the façade of the building. The rear of the property is wooded, and is indicated on the site plan for possible future expansion. Access would be provided through the two existing driveways onto Buford Highway. A total of 35 parking spaces are shown on the submitted site plan.

ZONING HISTORY:

In 1970, the subject property was zoned C-1 and R-75 (Single Family Residence District). In 1987, a portion of the property was rezoned to C-2, pursuant to RZ-87-161. In 1998, a Special Use Permit was approved for mini-warehouses on the C-2 portion of the subject property, pursuant to SUP-98-115.

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:
Minimum one space per 400 square feet (No maximum for inventory)
Maximum one space per 150 square feet (No maximum for inventory)

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

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

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

A 50-foot building setback is required from the right-of-way of Buford Highway.

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

A site development permit will be required for any on-site land disturbing activity.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Buford Highway is a State Route and Georgia D.O.T. right-of-way requirements govern.

Coordinate with the Georgia D.O.T. regarding access to Buford Highway.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of

existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

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

The subject development is located within the North Fork Peachtree 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 architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior tenant space modifications or exterior modifications for review and approval by Building Plan Review.

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

For assistance, you may contact this office at 678.518.6040 Monday through Friday from the hours of 8:00 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 3.09 acres located on south side of Buford Highway, between Lake Drive and Pleasantdale Road. The property is currently developed with a vacant restaurant building and associated driveways and parking.

The 2030 Unified Plan Future Development Map indicates the site is located within a Regional Mixed-Use Character Area. The property is located along an established commercial corridor, developed with numerous automobile sales and service businesses, and the requested rezoning and Special Use Permit could be considered compatible with the Character Area.

The area surrounding the site consists predominately of businesses with similar intensity of use and zoning. Nearby uses include automobile repair and machine shops, used car lots, contractor's offices, and business parks, within commercial and light industrial zoning districts. Given the zoning and development pattern of the Buford Highway corridor, an automobile sales facility could be considered consistent with the area and may be suitable at this location.

In conclusion, the proposed rezoning to C-2 and automobile sales facility could be considered compatible with the recommendations of the Unified Plan, and consistent with zoning and land uses in the area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval as C-2 (General Business District) with a Special Use Permit for an automobile sales facility:

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

   A. Retail, service-commercial, office and accessory uses, with a Special Use Permit for an automobile sales facility. The following uses shall be prohibited:
      - adult bookstores or entertainment
      - recovered materials processing facilities
      - smoke shops/novelty stores
      - yard trimmings composting facilities

   B. New buildings or renovations to the existing building shall be finished with architectural treatments of glass, brick and/or stacked stone (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. Portable office trailers shall be prohibited.

   C. Outdoor sales/storage of merchandise other than automobiles (such as trailers, utility buildings, rental trucks, automotive parts, junked vehicles, etc.) shall be prohibited.

2. To satisfy the following site development considerations:

   A. Provide a ten-foot wide landscaped strip adjacent to Buford Highway. Vehicles shall not be parked within the landscape strip or right-of-way.

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

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

   D. Ground signage shall be limited to a monument type sign with a minimum two-foot high brick or stacked stone base. Ground sign shall not exceed 10 feet in height.

   E. Chain link fencing shall not be installed within the front yard. Any fencing within the required front yard setback shall be decorative, and shall be subject to review and approval by the Director of Planning and Development.

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. Billboards or oversized signs shall be prohibited.

H. Outdoor loudspeakers shall be prohibited.

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

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

K. Peddlers shall be prohibited.

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested rezoning and Special Use Permit for an automobile sales facility could be suitable in light of the mix and intensity of uses in this area.

ADVERSE IMPACTS

With the recommended conditions, potential impacts on adjacent and nearby properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The proposal is considered compatible with policies of the Unified Plan for established commercial corridors. The proposed automobile sales facility could be suitable in light of the intensity of surrounding developments.

CONDITIONS AFFECTING ZONING

The proposal could allow for the reuse of a vacant building. If properly conditioned, the request could result in an improved appearance for the site.

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:

The proposed use will permit a use that is suitable considering the nearby and adjacent prop.

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

A proposed rezoning will NOT adversely affect the existing usability of the adjacent and nearby properties given all are commercially or industrially zoned.

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

Yes, the existing property is commercially zoned. We are simply asking for a like C-2 zoning to the larger adjacent tract that is part of the overall +/- 3.085 acre parcel of commercial land.

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

No, the proposed rezoning should not burden the above mentioned items.

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

Yes, the proposed SUP is in conformity with the Land Use Plan and commercial trends in the immediate and surrounding commercial corridor.

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

The C-1 tract is a small piece of the overall +/- 3.085 acre larger tract. There is a split zoning within the parcels, this zoning cleans up the dual zonings and contiguous tract for future.



RECEIVED 3-4-11
RZC2011-00012

March 3, 2011

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

Re: 6956 & 6960 Buford Highway – Letter of Intent
Inland Project #10-020 / 6656 Buford Hwy, LLC
Parcel(s) R6247 023A & R6247 392
Gwinnett County, GA

Dear Commissioners,

Inland Group, LLC ("Inland") has been retained by 6956 Buford Hwy, LLC (the "Applicant") to pursue a change in zoning from the C-1 and C-2 to C-2 for properties located at 6956 & 6960 Buford Highway, Doraville, GA and more particularly described Parcel(s) R6247 023A & R6247 392 (the "Subject Property"). **The Applicant is the Property Owner of the Subject Property.** The Subject Property is approximately 3.085 acres and is assembled with two existing commercial parcels. The front parcel along Buford Highway is currently zoned unconditional C-1 and was home to the former Dairy Queen and other unsuccessful restaurants over the years. The back parcel is the wooded tract and is zoned C-2 with a Special Use Permit to allow for a two-story 128 room Hotel and Mini Warehouse Facility.

It is the intention of the Applicant to seek a C-2 zoning for the entire Subject Property and an associated Special Use Permit for the allowed use of Pre-Owned Vehicle Sales. Initially, the Automotive Sales facility would operate within the existing structure, parking facility, and have some growth within the existing wooded property. As the business continued to grow, expansion onto the wooded tract would become inevitable and the entire parcel would be utilized for the use of Automotive Sales.

We see the Subject Property with a highest and best use in the present to next 10 plus years as an Automotive Sales property. As the Buford Highway continues to change and the Mixed Use Redevelopment efforts of Gwinnett County and the Gwinnett Village Community Improvement District begin to take shape, this property would be an asset to an assemblage of other properties in the immediate and surrounding vicinity. This redevelopment effort is many years away but we recognize the long range potential for the Subject Property.

The Subject Property was recently a foreclosed asset held by the lender. The Applicant purchased the Subject Property from the California based financial institution and is presenting it to Gwinnett County for consideration for a

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

RECEIVED 3-4-11
RZC2011-00012

higher and better use than it currently sits. While in possession of the lender, the property was trashed, vandalized, used as a pathway for the local pedestrian foot traffic, the building was stripped of all copper, the HVAC units were removed, and has become and eyesore for the local community. The Applicant has intentions of cleaning up the Subject Property if this Application is approved, installing a new landscape strip, installing a protective fence around the perimeter of the vehicle sales area, providing an upgrade to the building façade and more up to date paint scheme, repair the site lighting, and help put this property back on the positive tax rolls of Gwinnett County.

The adjacent and surrounding properties are all commercially zoned or industrially zoned. The frontage parcels along Buford Highway adjacent to the Subject Property are both currently zoned C-2. There both automotive service facilities and automotive sales facilities in the immediate and surrounding area. The proposed use of the Subject Property as a C-2 zoned property with the Special Use Permit rights for Automotive Sales would be compatible with the adjacent uses and abundant traffic patterns of Buford Highway. According to the Gwinnett County Department of Transportation data for 2009, there are over 35,000 vehicles per day between the DeKalb County line and Amweiler road, and over 38,000 vehicles per day between Amweiler Road and Button Gwinnett Drive.

We respectfully request your approval of this request for a complete C-2 Rezoning and Special Use Permit for Automotive Sales on the Subject Property. This property is perfectly situated for the proposed use of Automotive Sales, is located at a signalized intersection with two points of ingress/egress onto Buford Highway, has tremendous traffic counts, is completely surrounded by compatible and similar land uses, is located in the middle of other automotive type use facilities, and is in conformance with the 2030 Unified Plan for commercial uses in this part of the County. As previously mentioned, we see a short term use of the property for the next 10 plus years as a Pre Owned Automotive Facility and a long term use, over 10 years, as an assemblage to blend into the Mixed Use Redevelopment efforts of Gwinnett County and the Gwinnett Village Community Improvement District. We welcome the opportunity to walk the property with any interested parties and are available to meet at a time mutually agreeable to further discuss the merits of this proposed development.

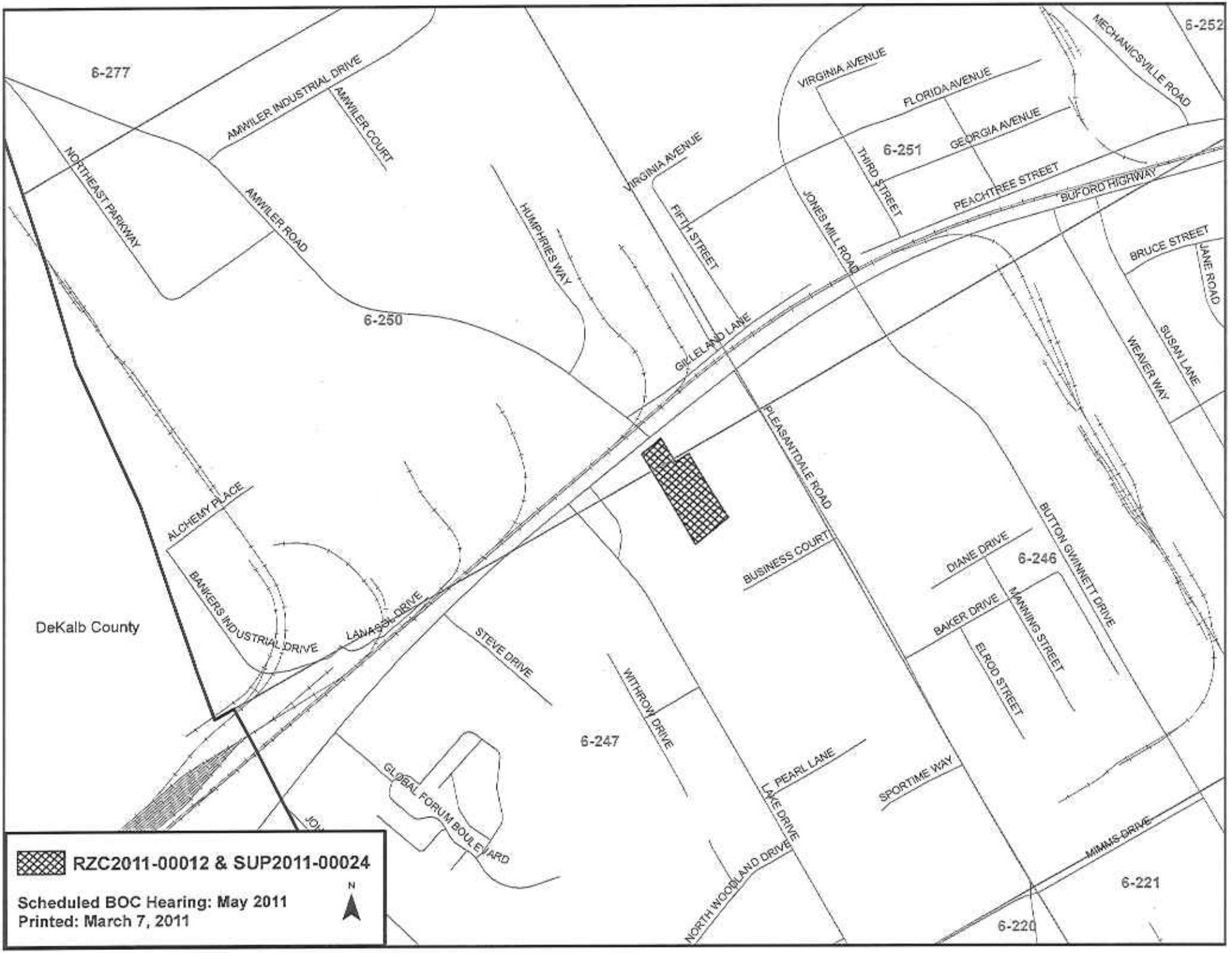
Thank you for your consideration of this request.

Sincerely,

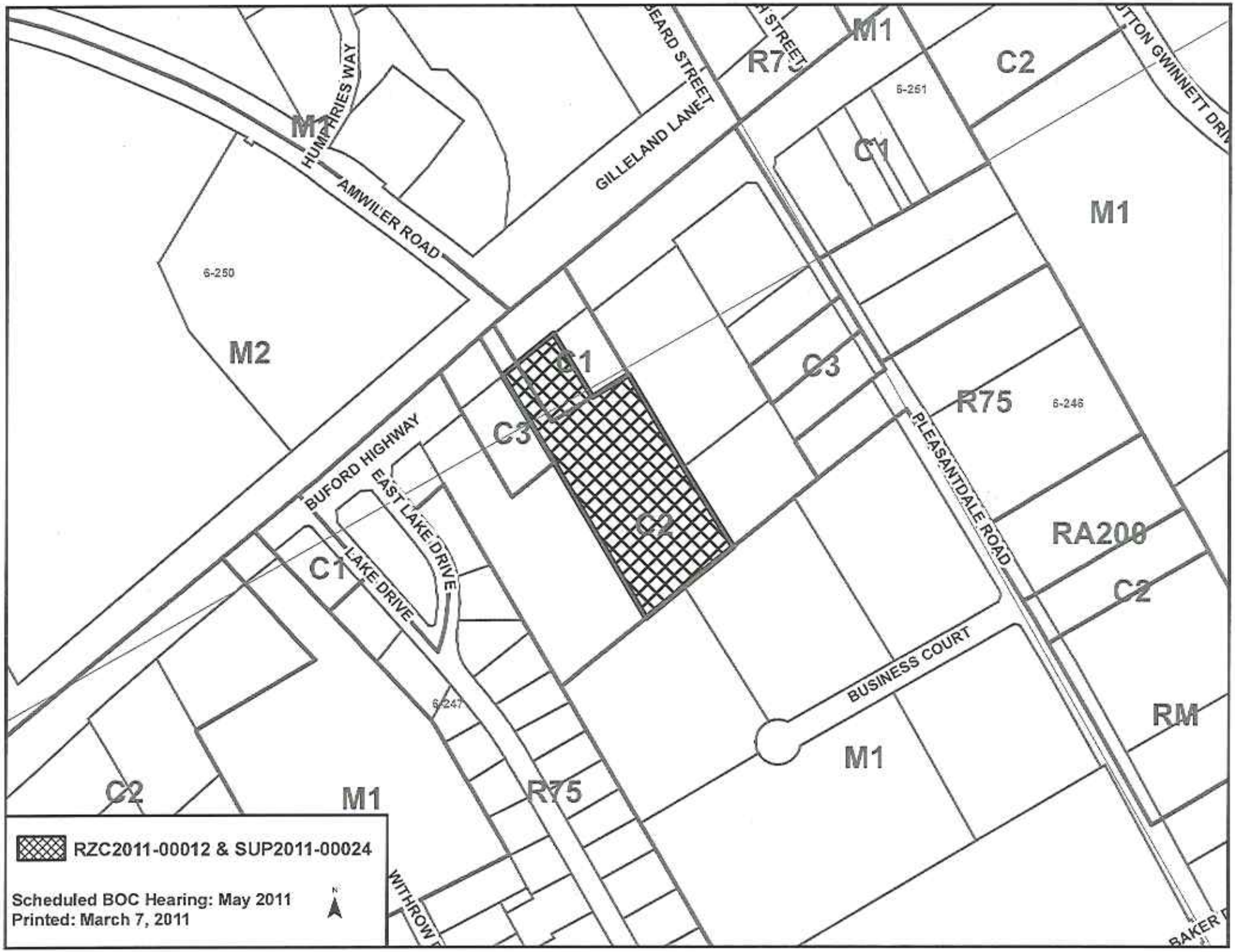
Inland Group, LLC
Agent for the Applicants

cc: 6956 Buford Hwy, LLC, Applicant
File

RECEIVED 3-4-11
RZC2011-00012


6-277
AMWILER INDUSTRIAL DRIVE
AMWILER COURT
NORTHEAST PARKWAY
AMWILER ROAD
6-250
HUMPHRIES WAY
VIRGINIA AVENUE
FIFTH STREET
GILLELAND LANE
6-252
MECHANICSVILLE ROAD
VIRGINIA AVENUE
FLORIDA AVENUE
GEORGIA AVENUE
6-251
THIRD STREET
JONES MILL ROAD
PEACHTREE STREET
BUFORD HIGHWAY
BRUCE STREET
JANE ROAD
SUSAN LANE
WEAVER WAY
PLEASANTDALE ROAD
ALCHEMY PLACE
BANKERS INDUSTRIAL DRIVE
LANASOL DRIVE
DeKalb County
BUSINESS COURT
DIANE DRIVE
6-246
BUTTON GWINNETT DRIVE
BAKER DRIVE
MANNING STREET
ELROD STREET
STEVE DRIVE
WITHROW DRIVE
6-247
GLOBAL FORUM BOULEVARD
PEARL LANE
LAKE DRIVE
SPORTIME WAY
NORTH WOODLAND DRIVE
MIMMS DRIVE
6-221
6-220
RZC2011-00012 & SUP2011-00024
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011
N

ALTA/ACSM LAND TITLE SURVEY
CHARLES E. WATERS
6956 & 6960 BUFORD HIGHWAY
TOTAL AREA
3.083 ACRES
ANDREW ROAD
BUFORD HIGHWAY (U.S. 23 / S.R. 13)
SURVEY DESCRIPTION
LEGEND
VICINITY MAP
RECEIVED 3-4-11
RZC2011-00012


HUMPHRIES WAY
AMWILER ROAD
GILLELAND LANE
BEARD STREET
M1
M2
C1
C2
C3
R75
6-250
6-251
6-246
6-247
BUFORD HIGHWAY
EAST LAKE DRIVE
LAKE DRIVE
PLEASANTDALE ROAD
BUSINESS COURT
RA200
RM
RZC2011-00012 & SUP2011-00024
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011

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

CASE NUMBER	:**CIC2011-00008**
ZONING	:C-2
LOCATION	:4900 BLOCK OF BRASELTON HIGHWAY
MAP NUMBER	:R3004 066
ACREAGE	:6.78 ACRES
PROPOSED DEVELOPMENT	:CHANGE IN CONDITIONS TO REMOVE USE RESTRICTIONS AND REDUCE BUFFERS
COMMISSION DISTRICT	:(4) HEARD

CASE NUMBER	:**SUP2011-00025**
ZONING	:C-2
LOCATION	:4900 BLOCK OF BRASELTON HIGHWAY
MAP NUMBER	:R3004 066
ACREAGE	:6.78 ACRES
PROPOSED DEVELOPMENT	:CONTRACTORS OFFICE WITH OUTDOOR STORAGE
COMMISSION DISTRICT	:(4) HEARD

FUTURE DEVELOPMENT MAP: **RURAL/ESTATE**

APPLICANT: GOLDEN SANDS GENERAL CONTRACTOR
C/O MILL CREEK CONSULTING
4480 COMMERCE DRIVE, SUITE A
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNER: GOLDEN SANDS GENERAL CONTRACTOR
2500 NW 39TH STREET
MIAMI, FL 33142

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests to change conditions of a previous rezoning, RZC2009-00040, and also requests an additional Special Use Permit for a contractor's office with outdoor storage. The property is a 6.78-acre parcel located on the south side of Braselton Highway, east of its intersection with Mount Moriah Road. It is noted that the property lies within the Hamilton Mill Overlay District.

Prior to 2009, the site was zoned RA-200 and used as a landscape supply/plant nursery business. It was rezoned to C-2 (General Business District) in 2009 for a heating and air conditioning contractor's office; however, the heating and air conditioning business

never occupied the site. The applicant now proposes a general contracting and landscape supply business, which would include landscape supplies and equipment on site with an office for the general contracting business. The applicant wishes to use the existing building and parking area, and the open area to the rear of the site for outdoor storage.

Condition 1.A. of RZC2009-00040 limits the use of the property to a heating and air conditioning contractor's office, with no outdoor storage. The condition reads as follows:

> 1.A. Limited to a heating and air conditioning contractor's office, with no outdoor storage, other than parking of company vehicles.

Condition 2.A. of RZC2009-00040 requires a 75-foot wide enhanced buffer adjacent to certain residentially-zoned properties. The condition reads as follows:

> 2.A. Provide a 75-foot wide enhanced buffer adjacent to residentially-zoned property along the west and south property lines. The buffers shall be enhanced where sparsely vegetated to provide an effective visual screen. The landscape plan(s) and buffer design shall be subject to review and approval by the Director of Planning and Development.

The applicant proposes to eliminate condition 1.A. and 2.A., thereby removing the use restriction on the property and eliminating the 75-foot enhanced buffer along the west and south property lines. In the Department's opinion, although a contractor's office could be consistent with the prior C-2 approval for the property, the requested elimination of buffers along the south and west property lines may not provide adequate screening for adjacent single-family residences. It is noted that much of the buffer area is open and grassed, and that a 30-foot wide enhanced (replanted) buffer may be the most appropriate standard given the limited vegetation on the site.

The 2030 Unified Plan Future Development Map indicates that the property is located within a Rural/Estate Character Area. Policies for this character area encourage limited crossroads commercial/retail at appropriate intersections or nodes. Mount Moriah Road and Braselton Highway has an established commercial zoning and the Board's previous approval of a contractor's office on the subject property could provide supporting grounds for approval of this request.

The surrounding area is characterized by predominately single-family residential development and homes on acreage with a small, still undeveloped commercial node located at the intersection of Braselton Highway and Mount Moriah Road. A general contractor's office and landscape supply business may be compatible with the surrounding area, provided appropriate conditions and buffers are maintained to minimize potential adverse effects on the adjacent residential neighbors.

With appropriate conditions, the proposed use could be consistent with policies of the unified plan, and could be compatible with the surrounding area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

ZONING HISTORY:

In 1970, the property was zoned RA-200 (Agriculture-Residence District). In 2009, the property was rezoned to C-2 (General Business District), limited to a heating and air conditioning contractor's office.

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:
Plant Nursery - at a minimum, one space per 500 square feet
Plant Nursery - at a maximum, one space per 200 square feet

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.

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

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

A 50-foot building setback is required from the right-of-way of Braselton Highway.

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

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

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

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

A site development permit will be required for any on-site land disturbing activity.

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 access to Buford Highway.

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 plan.

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.

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 in the right-of-way of Country Wood 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 architectural, structural, mechanical, electrical and plumbing.

2. drawings for any proposed interior or exterior modification. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

3. Architectural design of any proposed exterior modification shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Additions in **bold**
Deletions in ~~strikethrough~~

Approval as C-2 for a contractor's office with outdoor storage, and landscape supply business/plant nursery, subject to the following enumerated conditions:

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

   A. Limited to ~~a heating and air conditioning contractor's office, with no outdoor storage, other than parking of company~~ vehicles general contractor's office with outdoor storage, and landscape supply business/plant nursery.

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

   C. Obtain all necessary development and building permits, and bring the site and structure(s) up to all applicable zoning, development and building codes within 180 days of zoning approval.

   D. 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 ~~75~~-**30**-foot wide enhanced buffer adjacent to residentially-zoned property along the west and south property lines. The buffers shall be enhanced ~~where sparsely vegetated~~ **with evergreen plantings including Leyland Cypress, Cryptomeria and Magnolia or similar type species** to provide an effective visual screen. The landscape plan(s) and buffer design shall be subject to review and approval by the Director of Planning and Development.

   B. Provide a 20-foot wide planted buffer strip adjacent to Braselton Highway to screen the business from view. The landscape plan shall be subject to review and approval by the Director of Planning and Development.

   C. Ground signage shall be limited to a single, non-illuminated monument type sign with a minimum two-foot high brick or stacked stone base. Ground sign shall not exceed 5 feet in height.

D. Billboards or oversized signs shall be prohibited.

E. Outdoor storage of equipment or materials shall be prohibited **in the front of the building, and shall be limited to the rear of the site.**

F. 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.

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 or rights-of-way.

I. 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.

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

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

A contractor's office and landscape supply/plant nursery may be compatible with the surrounding land uses in the area, in light of the previous operation of a plant nursery business on the property.

ADVERSE IMPACTS

Adverse impacts could be minimized by prohibiting outdoor storage in the front yard and by maintaining buffers adjacent to single-family residential uses.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

No significant increase in impacts is anticipated from this request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the property is located within a Rural/Estate Character Area. Policies of the Rural/Estate Character area allows for limited crossroads commercial/retail uses at appropriate intersections or nodes. A general contractor's office and landscape supply/wholesale business may be consistent with this policy.

CONDITIONS AFFECTING ZONING

A nursery business previously operated on the property and the property has already been cleared of vegetation due to the operation of that business. The introduction of a contractor's office, which would be similar in operation to the nursery maybe suitable at this location.

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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

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

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

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:
THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
THE SUBJECT PROPERTY IS DESIGNATED AS LOW DENSITY RESIDENTIAL.

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

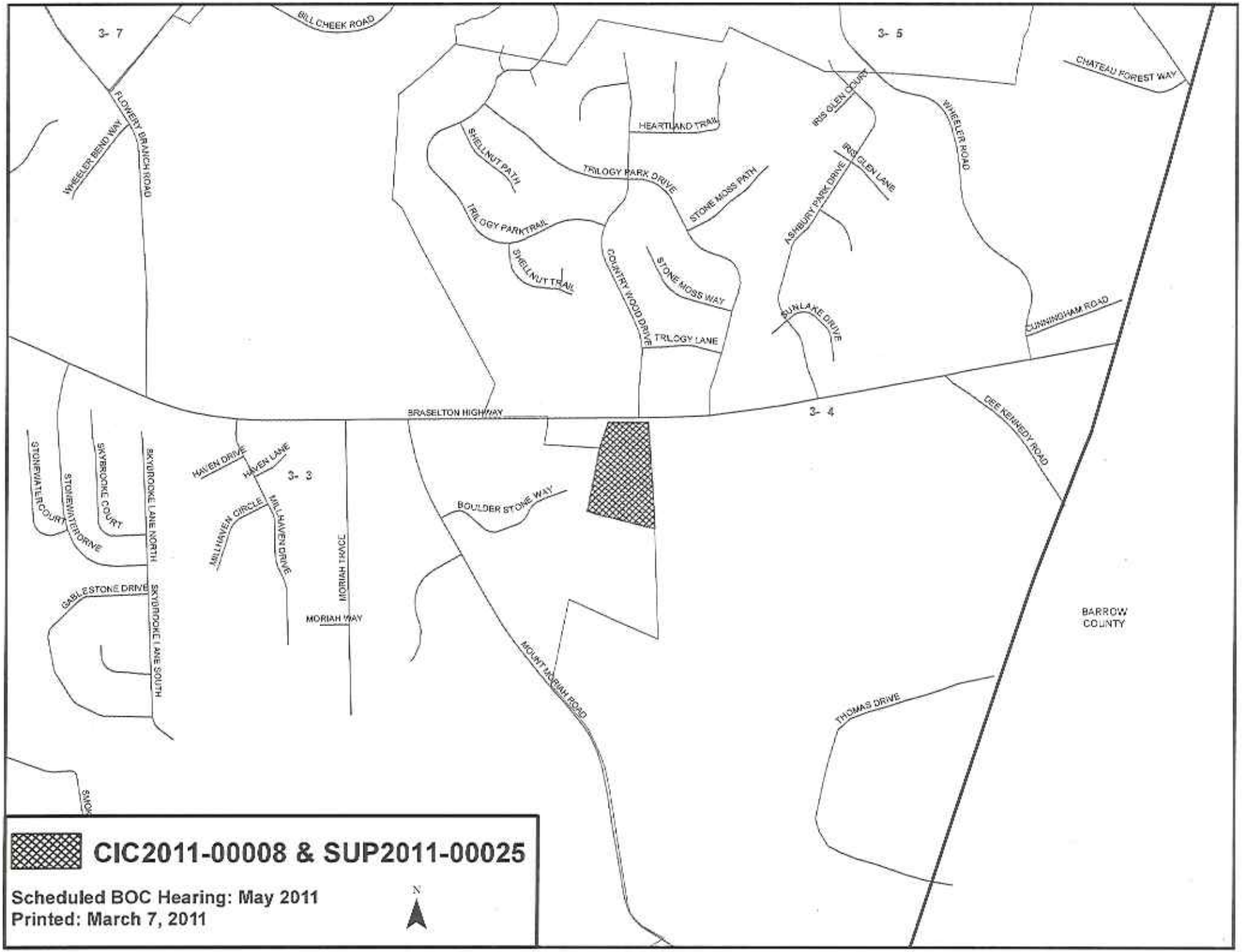
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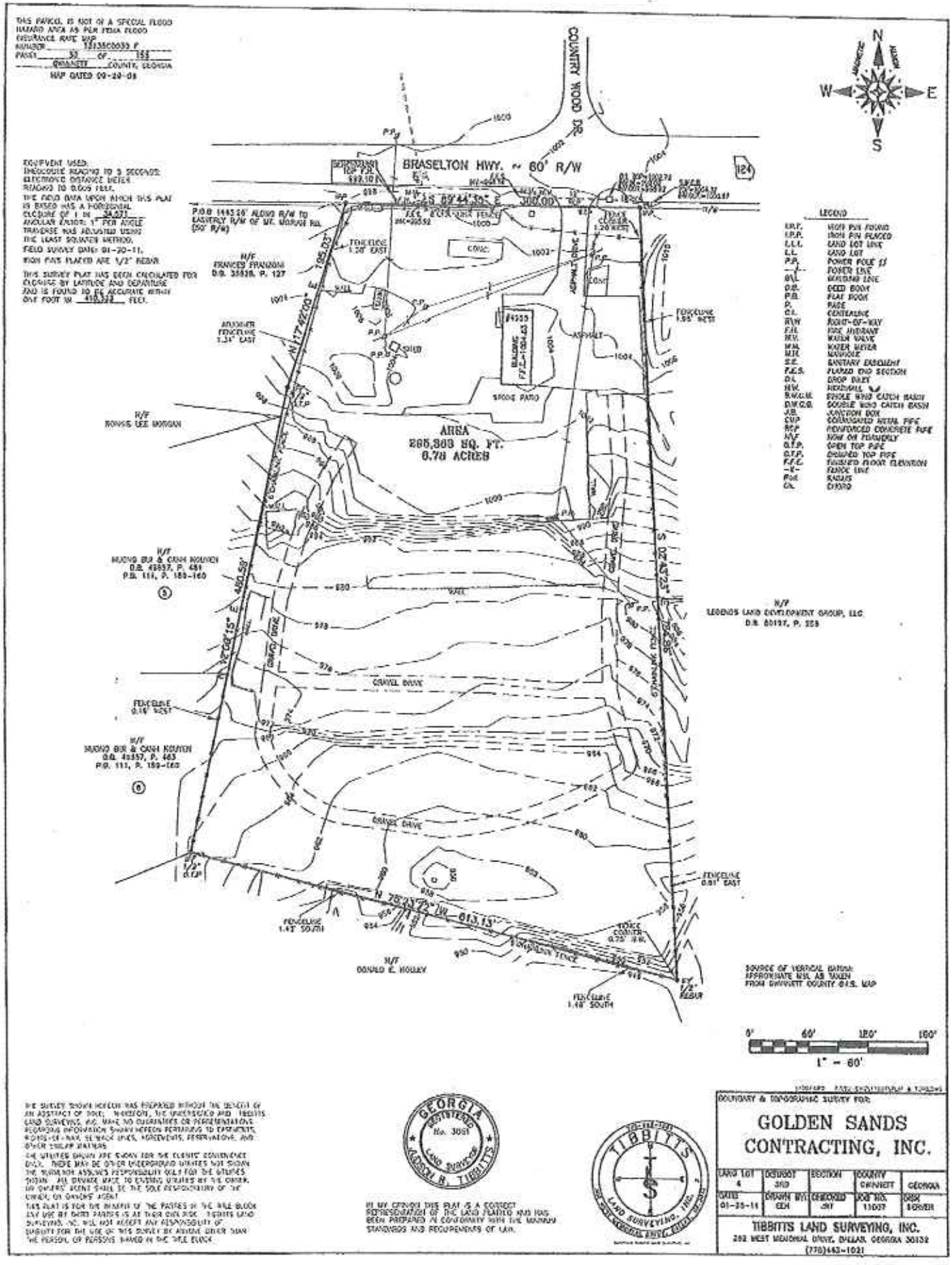
REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Golden Sands Contracting, requests a Change in Conditions on RZC2009-00040 to allow a landscape contractor with retail and wholesale plant sales as well as a general contractor in the office building. The property is a total of 6.78 acres and is located on Braselton Highway and is found in the 3rd district land lot 004 in Gwinnett County.

The enclosed site plan indicates the existing building is a total of 2,265 square feet and no additions are planned for the structure. The site has been cleared and was used for a number of years as a wholesale lawn and garden center. The business failed and the property was foreclosed on and taken over by the lender. The Bank had the property under contract in 2009 to a Heating and Air Conditioning Contractor and rezoned the property for that use. That contract for the purchase of the property was not completed and the property was recently purchased by Golden Sands Contracting. The proposed use is to reopen the landscape supply business that was at the site for wholesale and retail sales. The main equipment that will be used on the site is a bobcat loader and it will be parked inside the building at night. The site plan shows that the applicant proposes to utilize the existing access onto Braselton Highway as well as the existing monument sign. Golden Sands will utilize the office space for a general contractor's office with no construction equipment to be stored or parked on site. Also, because the site has been cleared and a parking lot paved adjacent to the eastern property line the applicant requests to keep the buffer reduction as approved 0 feet along that side of the property so as to utilize that parking lot. Then because the majority of the property is going to be used as it was for years the applicant is requesting a buffer reduction along the West and South to 0 feet as there are existing walls that can't be moved.

RECEIVED 3-2-11
CIC2011-00008


3- 7
BILL CHEEK ROAD
3- 5
CHATEAU FOREST WAY
WHEELER BEND WAY
FLOWERY BRANCH ROAD
HEARTLAND TRAIL
IRIS GLEN COURT
WHEELER ROAD
SHELLNUT PATH
TRILOGY PARK DRIVE
STONE MOSS PATH
IRIS GLEN LANE
ASHBURY PARK DRIVE
TRILOGY PARKTRAIL
SHELLNUT TRAIL
COUNTRY WOOD DRIVE
STONE MOSS WAY
SUNLAKE DRIVE
CUNNINGHAM ROAD
TRILOGY LANE
BRASELTON HIGHWAY
3- 4
DEE KENNEDY ROAD
STONEWATER COURT
STONEWATER DRIVE
SKYBROOKE COURT
SKYBROOKE LANE NORTH
HAVEN DRIVE
HAVEN LANE
3- 3
MILL HAVEN CIRCLE
MILL HAVEN DRIVE
MORIAH TRACE
BOULDER STONE WAY
GABLESTONE DRIVE
SKYBROOKE LANE SOUTH
MORIAH WAY
MOUNT MORIAH ROAD
BARROW COUNTY
THOMAS DRIVE
CIC2011-00008 & SUP2011-00025
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011
N



THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. HOWEVER, THE UNDERSIGNED AND TIBBITTS LAND SURVEYING, P.C. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.

THE UTILITIES SHOWN ARE SHOWN FOR THE CLIENTS' CONVENIENCE ONLY. THERE MAY BE OTHER UNDERGROUND UTILITIES NOT SHOWN. THE SURVEYOR ASSUMES RESPONSIBILITY ONLY FOR THE UTILITIES SHOWN. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE OWNER, OR OWNERS' AGENT SHALL BE THE SOLE RESPONSIBILITY OF THE OWNER, OR OWNERS' AGENT.

THIS PLAT IS FOR THE BENEFIT OF THE PARTIES IN THE TITLE BLOCK ONLY. ANY USE BY OTHER PARTIES IS AT THEIR OWN RISK. TIBBITTS LAND SURVEYING, P.C. WILL NOT ACCEPT ANY RESPONSIBILITY OR LIABILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE PERSON OR PERSONS NAMED IN THE TITLE BLOCK.

GEORGIA REGISTERED No. 3051 LAND SURVEYOR ARNOLD B. TIBBITTS

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

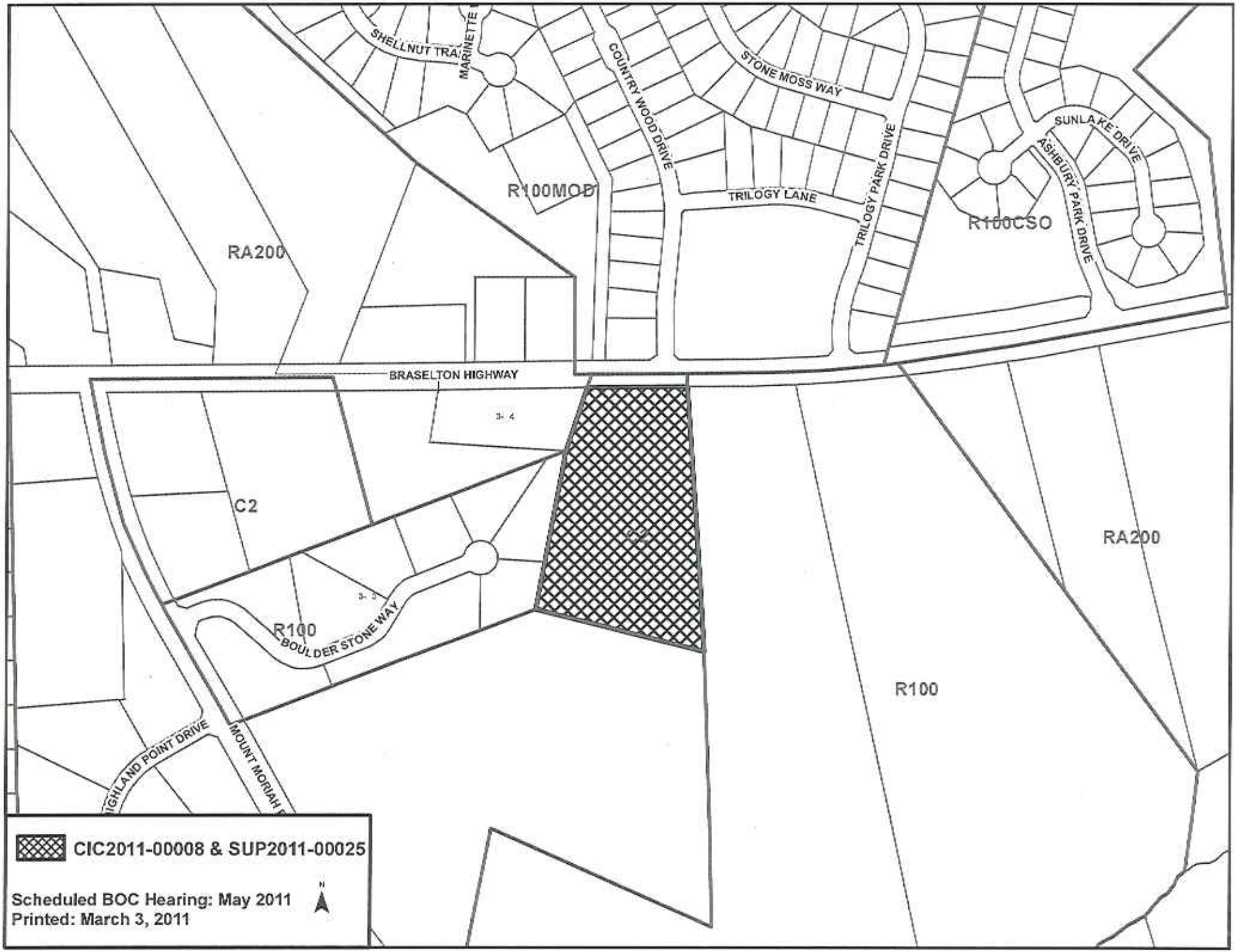
TIBBITTS LAND SURVEYING, INC. 262 WEST MEDICINAL DRIVE, DALLAS, GEORGIA

BOUNDARY & TOPOGRAPHIC SURVEY FOR:

GOLDEN SANDS CONTRACTING, INC.

LAND LOT	DISTRICT	SECTION	COUNTY	STATE
4	3RD		GWINNETT	GEORGIA
DATE	DRAWN BY	CHECKED	JOB NO.	SCALE
01-25-11	GEH	JNT	11007	1"=60'

TIBBITTS LAND SURVEYING, INC.
262 WEST MEDICINAL DRIVE, DALLAS, GEORGIA 30132
(770)443-1021


SHELLNUT TRA
MARINETTE
COUNTRY WOOD DRIVE
STONE MOSS WAY
TRILOGY PARK DRIVE
SUNLAKE DRIVE
ASHBURY PARK DRIVE
TRILOGY LANE
R100MOD
R100CSO
RA200
BRASELTON HIGHWAY
C2
R100
BOULDER STONE WAY
RA200
R100
HIGHLAND POINT DRIVE
MOUNT MORIAH
CIC2011-00008 & SUP2011-00025
Scheduled BOC Hearing: May 2011
Printed: March 3, 2011
N

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
CHANGE IN CONDITIONS ANALYSIS

CASE NUMBER	:**CIC2011-00009**
ZONING	:C-3
LOCATION	:2500 BLOCK OF PLEASANT HILL ROAD
MAP NUMBER	:R6236 016
ACREAGE	:8.8 ACRES
PROPOSED DEVELOPMENT	:CHANGE IN CONDITIONS TO ALLOW USED CAR SALES & SERVICE
SQUARE FEET	:27,996 SQUARE FEET
COMMISSION DISTRICT	:(1) LASSETER

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

APPLICANT: ATLANTA LUXURY MOTORS
C/O ANDERSEN, TATE & CARR
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GA 30097

CONTACT: MICHAEL L. SULLIVAN PHONE: 770.822.0900

OWNER: CAR SAT GWINNETT, LLC
C/O ANDERSEN, TATE & CARR
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests to change conditions of a previous rezoning, RZ-92-113, to remove the use restriction limiting the property to a new car dealership, and allow use of the site for sales and service of used cars. Previously, the property was a Saturn car dealership, but is currently vacant. The property is 8.8 acres, located on the east side of Pleasant Hill Road north of its intersection with Steve Reynolds Boulevard.

Condition 1.A. of RZ-92-113 limits the use of the property to a Saturn new car dealership. The condition reads as follows:

> 1.A. A Saturn/automobile sales and service dealership for new automobiles and accessory used auto sales at a maximum density of 30,150 square feet of total floor area.

The applicant proposes to revise condition 1.A. to reopen the business as Atlanta Luxury Motors, a used car sales and service business. Previously in 1992, when the property was

rezoned, the surrounding area was predominately single-family residential and industrially zoned with minimal commercial zoning. In the years since, this section of Pleasant Hill Road has developed into a high intensity retail corridor, with several car dealerships located in the immediate vicinity of the subject property. Therefore, this change in the use pattern of the surrounding area could provide supporting grounds for the request.

The 2030 Unified Plan Future Development Map indicates that the property is located within an Existing/Emerging Suburban Character Area. Policies for this character area encourage commercial/retail, services and office uses at key nodes. Pleasant Hill Road is an intensely developed retail corridor and the use of the vacant dealership for used car sales could be consistent with policies of the Unified Plan.

The surrounding area consists of high intensity retail/commercial and multifamily residential uses along the Pleasant Hill Road corridor. Numerous retail centers, as well as GMC, Kia and Nissan car dealerships are located along Pleasant Hill Road in the immediate vicinity. Adjacent to the rear of the site are multi-family apartments zoned RM-13. Given the development pattern of the area, a used car dealership and service center could be compatible with the surrounding intensely developed commercial area, provided adequate buffers are maintained adjacent to the apartments to the rear of the property. Staff notes that trees and shrubs within the landscape strip along Pleasant Hill Road have been removed, and should be replaced.

In conclusion, the proposed change in conditions may be consistent with policies of the Unified Plan and could be compatible with similar uses in the surrounding area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

ZONING HISTORY:

In 1970, the subject property was zoned R-75 (Single Family Residence District). The subject property was rezoned to M-1(Light Industry District) in 1979, pursuant to RZ-142-79. In 1989, a rezoning to C-3 (Highway Business District) for an automobile sales and service center was denied, pursuant to RZ-83-89. The subject property was rezoned to C-3 in 1992, pursuant to RZ-92-113.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the western right-of-way of Pleasant Hill Road with an 8-inch water main extended across Pleasant Hill Road the property.

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior tenant space modifications or exterior modifications for review and approval by Building Plan Review.

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Additions in **bold**
Deletions in ~~strikethrough~~

Approval as C-3 for commercial retail uses subject to the following enumerated conditions:

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

   A. ~~A Saturn~~ **An** automobile sales and service dealership ~~for new automobiles and accessory used auto~~ sales at a maximum density of 30,150 square feet of total floor area.

2. To satisfy the following site development considerations:

   A. Provide an 85-foot natural buffer, undisturbed except for approved access and utility crossings and replantings where sparsely vegetated, adjacent to the east property line with an additional 15-foot enhanced landscape strip interior to the property to include a 6-foot high fence.

   B. Provide a 35-foot natural buffer, undisturbed except for approved access and utility crossings and replanting where sparsely vegetated, adjacent to the north property line with an additional 15-foot enhanced landscape strip interior to the north property line to include a 6-foot high fence. Along the north property line adjacent to Pleasant Hill Road, as shown on the site plan updated August 25, 1992, provide a 50-foot wide enhanced landscape strip 200-feet deep.

   C. The enhanced landscape strips will include a mix of the following plant materials or other comparable plant materials as approved by the Development Division:

      Plants shall be planted in double-staggered rows, with spacings appropriate to the variety as submitted on a Landscape Plan prepared by registered Landscape Architect, subject to approval by the Development Division.

      1. Evergreen trees: Ilex opaca/American Holly, Pinus virginiana/Virginia Pine, Cupressocyparis leylandii/Leyland Cypress

      2. Large canopy trees: Acer rubrum/Red Maple, Gleditsia triacanthos/Honey Locust, Quercus falcata/Southern Red Oak, Zelkova serrata/Japanese Zelkova

      3. Ornamental trees: Acer palmatum/Japanese Maple, Betula nigra/River Birch, Cercis Canadensis/Redbud, Cornus florida/Flowering Dogwood, Lagerstroemia indica/Crape Myrtle

4. Shrubs: Juniperus pfitzeriana/Pfitzer Juniper, Ilex compacta/Compact Holly, Ilex helleri/Helleri Holly, Cleyera japonica/Cleyera.

5. Groundcover: Juniperus horizontalis/Creeping Juniper, Liriope muscari/Big Blue Liriope, Hdera helix/English Ivy, Vinca minor/Periwinkle

D. Provide a ten-foot wide landscaped strip outside the new dedicated right-of-way of Pleasant Hill Road. **All landscape strips shall be re-vegetated, where sparsely vegetated or where vegetation has been removed with plantings subject to review and approval of the Director of Planning and Development.**

E. Provide a ten-foot wide landscaped strip adjacent to all non-residentially zoned property.

F. No billboards are permitted.

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

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

I. Buildings shall be finished with architectural treatments of glass and/or brick, stone, stucco or other masonry finish; or submit alternate architectural plans for approval of the Planning Commission prior to issuance of a building permit.

J. Provide landscape islands throughout the parking areas, including a minimum ten-foot wide landscape island at the end of each parking bay and a minimum six-foot wide landscape island for each 225 feet of continuous bay length, or alternate plan as may be approved by the Director of Planning and Development.

K. No outdoor loudspeaker system is permitted.

L. No employee **or customer** may test drive vehicles on residentially zoned streets.

M. No service bays or dumpsters shall be located closer than 100-feet to the north property line and 200-feet to the east property line.

N. No search lights will be allowed on the property.

O. No carnivals or other temporary uses permitted in the zoning district will be allowed.

P. Limit the hours of operation from 7:30 am to 9:00 pm.

Q. 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.

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions to allow a used car dealership and service center may be suitable in light of the previous use of the property as a new car dealership and the numerous car dealerships in the area.

ADVERSE IMPACTS

With the recommended conditions, no significant impacts would be anticipated on adjacent or nearby properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The proposed development could be considered compatible with policies within the 2030 Unified Plan Future Development Map, and the proposed development is located within a commercial corridor which surrounds the property.

CONDITIONS AFFECTING ZONING

Since 1992, the immediate area has developed into an intense commercial corridor containing numerous high intensity commercial businesses including several car dealerships and service centers. This change in the surrounding area would 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:
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(B) WHETHER A PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(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:
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

(E) WHETHER THE PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS:
PLEASE SEE EXHIBIT "B" ATTACHED HERETO

RECEIVED 3-4-11
CIC2011-00009

ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.
ONE SUGARLOAF CENTRE
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GEORGIA 30097
(770) 822-0900
FACSIMILE: (770) 236-9754
www.atclawfirm.com

MICHAEL L. SULLIVAN
Attorney at Law
E-mail: msullivan@atclawfirm.com

LETTER OF INTENT
FOR CHANGE IN CONDITIONS APPLICATION OF
ATLANTA LUXURY MOTORS
C-3 (Used Automobile Sales & Service)

The Applicant, Atlanta Luxury Motors (hereinafter, "Applicant"), submits this Change in Conditions Application for the purpose of modifying Condition 1(A) which reads: "*A Saturn/automobile sales and service dealership for new automobiles and accessory used auto sales at a maximum density of 30,150 square feet of total floor area.*" Applicant is proposing to purchase this currently vacant automobile sales and service facility for use as the Duluth location of Atlanta Luxury Motors, a luxury used automobile sales and service dealership (with existing locations in Roswell and Woodstock). and would like for the Condition 1(A) to be modified to allow used automobile sales and service. No changes are proposed to the current configuration of the existing building and/or parking area.

The subject property is an approximately 8.8 acre tract (hereinafter, the "Property") located on Pleasant Hill Road adjacent to the Super H Mart anchored shopping center and directly across the street from the Lou Sobh automobile dealership in an area with numerous other automobile sales and service facilities. The significant presence of automobile sales and service facilities (as well as exclusively service facilities, such as Classic Collision, which is just around the corner from the subject Property) have identified this area as the primary automobile sales and service destination area in Gwinnett County, underscoring the appropriateness of the requested change in conditions.

Moreover, the predominance of automobile sales and service facilities in the area northwest of Gwinnett Place was well established almost 20 years ago when the subject property was zoned C-3 (Gwinnett's most intensive commercial zoning classification) to allow the property to be developed as a Saturn sales and service dealership.

One thing that has changed in the past 20 years is that major automobile manufacturers have consolidated, eliminated brands and closed dealerships (such as the Saturn dealership formerly on the subject property until that brand was eliminated by General Motors and all Saturn dealerships were closed). The list of formerly vibrant brands that have been eliminated in the almost 20 years since the subject property was zoned C-3 for the Saturn dealership in 1992 is long, and includes: Oldsmobile, Pontiac, Hummer, Saturn, Plymouth, Mercury, Eagle and Geo. As a result, the universe of new car dealerships has been greatly reduced and the list of potential purchasers who would be in the market to

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CIC2011-00009

utilize the subject property as a new car dealership is almost non-existent. Particularly in light of the fact that almost every remaining viable new car brand (foreign and domestic) already has an existing dealership within a two mile radius of the subject property. To restrict this property which was zoned, developed and built for automobile sales and service to only new car sales and service is tantamount to leaving this property with no present prospects for any reasonable or likely economic use.

There will be little difference between the use and operation of the subject Property by Atlanta Luxury Motors and the use of the property during the period it was a Saturn dealership. In fact, the price point of the type of used cars sold by Atlanta Luxury Motors would actually be higher in many cases than the price point of the new cars formerly sold by Saturn.

This location will employ approximately 30 to 40 people for positions such as sales associates, finance manager, accounting, office manager, sales manager, service manager, service associates, mechanics, technicians and detailers. The proposed facility will also provide ancillary business to local automotive vendors in the area and projected to generate approximately $100,000 per month in sales tax revenue. Atlanta Luxury Motors has been in business for more than 11 years, earning and impeccable track record. The proposed location will be limited to luxury pre owned cars and accessory sales and service and will be very similar to the Roswell location (see www.almroswell.com)

The development of the property as proposed under the guidelines of Gwinnett County is appropriate to the subject tract, consistent use and development of adjacent and surrounding properties as well as the significant presence of automotive sales and service uses in the surrounding area and consistent with the Gwinnett County 2030 Unified Plan. It is also worth noting the significant portion of the subject property that serves as an undeveloped buffer area between the developed portion of the subject Property and the adjacent multi-family housing development. This is in addition to the required 100-foot buffer area.

As stated in the Application, the Applicant intends to use the property in its current configuration as a luxury used car sales and service facility with no change in the existing zoning conditions on the property since 1992, other than a modification to Condition 1(A) to allow used car sales and service (rather than the existing restriction to new car sales and service with only accessory used car sales).

CONCLUSION

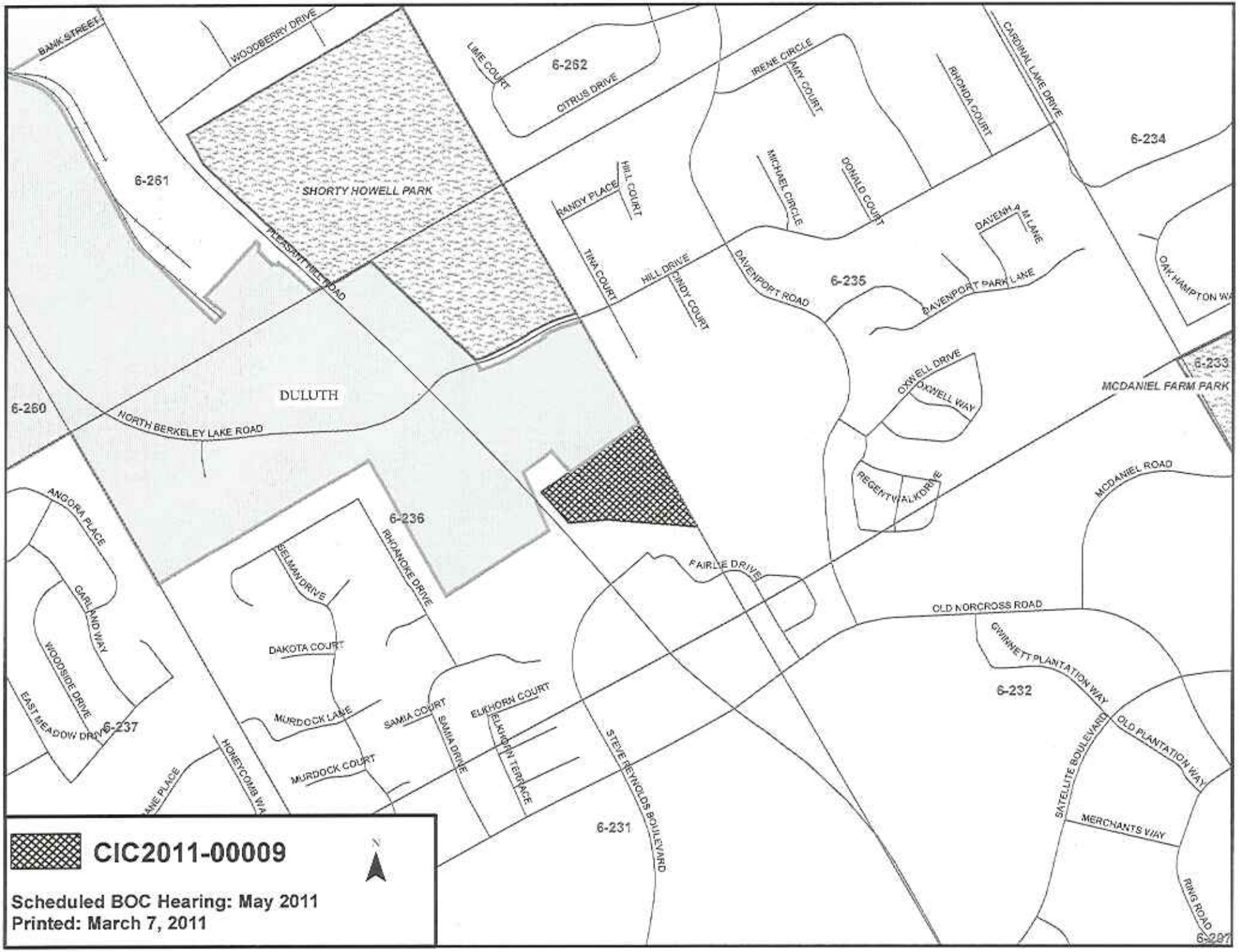
This proposed change in conditions would result in a high-quality luxury used car sales and service facility for the residents of Gwinnett County, providing jobs and improving Gwinnett's tax base. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

This 3rd day of March, 2011.

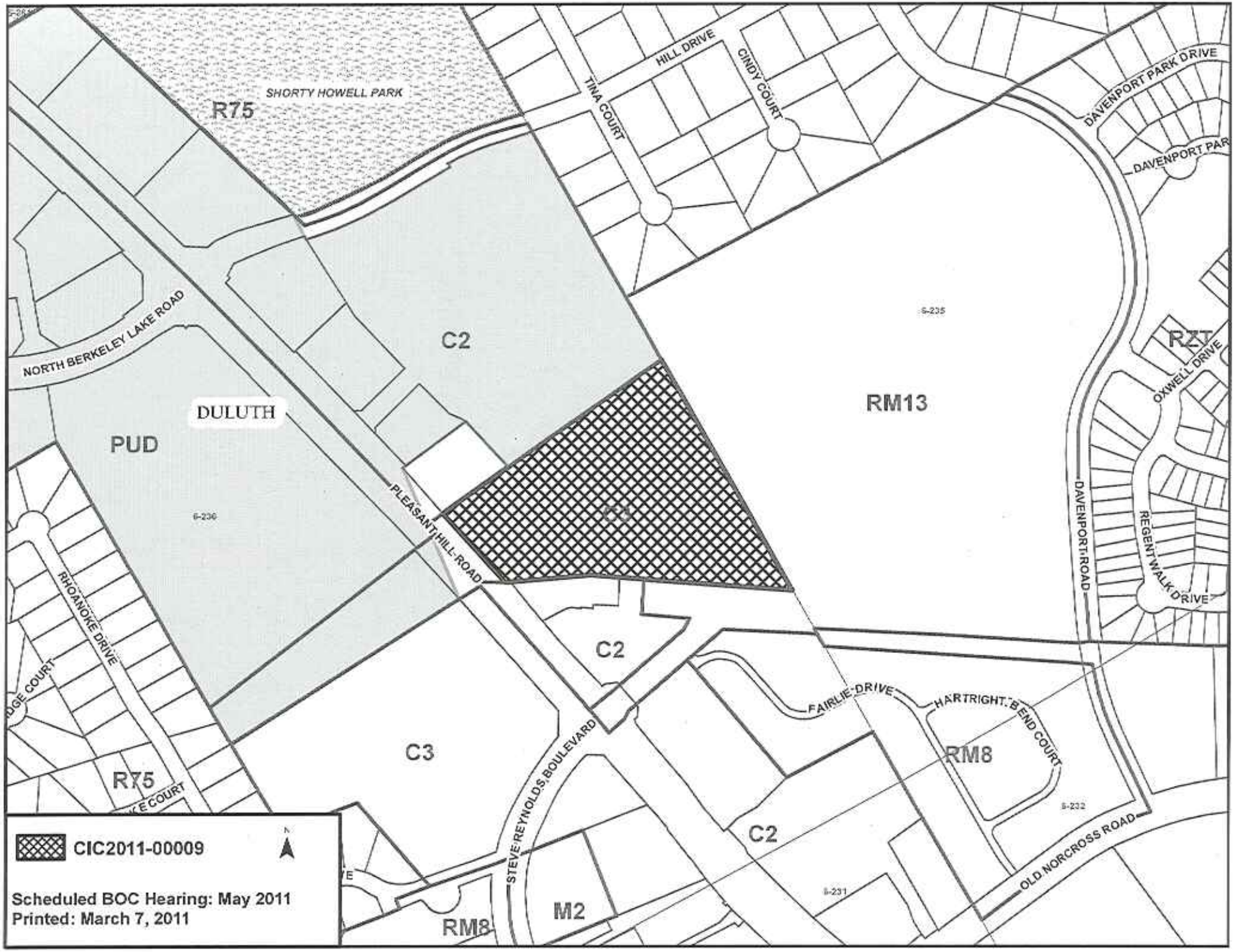
Respectfully submitted,
ANDERSEN, TATE & CARR, P.C.

Michael L. Sullivan
Attorney for Owner/Applicant

RECEIVED 3-4-11
CIC2011-00009


BANK STREET
WOODBERRY DRIVE
LIME COURT
6-262
CITRUS DRIVE
IRENE CIRCLE
AMY COURT
RHONDA COURT
CARDINAL LAKE DRIVE
6-234
6-261
SHORTY HOWELL PARK
RANDY PLACE
HILL COURT
TINA COURT
HILL DRIVE
CINDY COURT
MICHAEL CIRCLE
DONALD COURT
DAVENPORT ROAD
6-235
DAVENPORT LANE
DAVENPORT PARK LANE
OAK HAMPTON WA
6-233
MCDANIEL FARM PARK
OXWELL DRIVE
OXWELL WAY
DULUTH
6-260
NORTH BERKELEY LAKE ROAD
REGENT WALK DRIVE
MCDANIEL ROAD
6-236
ANGORA PLACE
BELMAN DRIVE
ROANOKE DRIVE
FAIRLIE DRIVE
GARLAND WAY
WOODSIDE DRIVE
DAKOTA COURT
OLD NORCROSS ROAD
GWINNETT PLANTATION WAY
6-232
EAST MEADOW DRIVE
6-237
MURDOCK LANE
SAMIA COURT
SAMIA DRIVE
ELKHORN COURT
ELKHORN TERRACE
MURDOCK COURT
HONEYCOMB WA
STEVE REYNOLDS BOULEVARD
SATELLITE BOULEVARD
OLD PLANTATION WAY
MERCHANTS WAY
RING ROAD
6-231
6-297
CIC2011-00009
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011

RZ-1
CHANGE IN CONDITIONS PLAN
EAGLE & HAWK, LLC
Precision Planning, Inc.
8.837 ACRES
ZONED: C-2
PARCEL NO. 6224-016
PLEASANT HILL ROAD
(120' R/W)
VICINITY MAP
SITE
GWINNETT COUNTY PARKING REQUIREMENTS
(AUTOMOBILE SALES, USED CAR OR NEW CAR BUILDING)
1 PER 400 SQ. FT. (1ST 10,000 SQ. FT.)
PLUS
1 PER 1,000 SQ. FT.
(NO MAX. FOR ATTORNEY)
PARKING PROVIDED: 223 SPACES
GRAPHIC SCALE
CONTACT:
MICHAEL L. GILLHAM
ANDERSEN, TATE & CARR, P.C.
ONE SUGARLOAF CENTRE
SUITE 4000
3340 PEACHTREE BOULEVARD
ATLANTA, GEORGIA 30326
PHONE: 770-822-0900
RECEIVED 3.4.11
CIC2011-00009


SHORTY HOWELL PARK
R75
HILL DRIVE
TINA COURT
CINDY COURT
DAVENPORT PARK DRIVE
DAVENPORT PAR
C2
NORTH BERKELEY LAKE ROAD
DULUTH
PUD
6-236
RM13
6-235
R-TT
OXWELL DRIVE
PLEASANT HILL ROAD
DAVENPORT ROAD
REGENT WALK DRIVE
RHOANOKE DRIVE
C2
C3
FAIRLIE DRIVE
HARTRIGHT BEND COURT
RM8
R75
STEVE REYNOLDS BOULEVARD
6-232
C2
OLD NORCROSS ROAD
6-231
RM8
M2
CIC2011-00009
N
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
CHANGE IN CONDITIONS ANALYSIS

CASE NUMBER	:**CIC2011-00010**
ZONING	:RA-200 & R-100
LOCATION	:2000 BLOCK OF SEVER ROAD
MAP NUMBER	:R7083 270
ACREAGE	:7.52 ACRES
PROPOSED DEVELOPMENT	:CHANGE IN CONDITIONS TO ALLOW INCREASE IN BUILDING SQUARE FOOTAGE
SQUARE FEET	:19,280 SQUARE FEET
COMMISSION DISTRICT	:(1) LASSETER

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

APPLICANT: MAGNOLIA HALL ON SEVER, LLC
C/O ANDERSEN, TATE & CARR
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GA 30097

CONTACT: MICHAEL L. SULLIVAN PHONE: 770.822.0900

OWNER: MAGNOLIA HALL ON SEVER, LLC
C/O ANDERSEN, TATE & CARR
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests to change the conditions of a previous rezoning, RZR-06-035, to allow the construction of a new 10,040 square foot ballroom at the Magnolia Hall private events facility. The property is a 7.52-acre parcel located on the west side of Sever Road just south of its intersection with Old Peachtree Road, and is zoned RA-200 (Agriculture-Residence District) and R-100 (Single Family Residence District). Magnolia Hall is currently developed with a two-story, 6,650 square foot main house, a carriage house, swimming pool, event lawns, tennis court, and horse stable.

In September of 2006, the Magnolia Hall private events facility was approved pursuant to RZR-06-035, and included a condition that new building construction be limited to 7,000 square feet.

Condition 1. D. of RZR-06-035 restricts the maximum allowable ballroom size. The condition reads as follows:

1. D. New building construction shall be limited to a ballroom not to exceed 7,000 square-feet. This construction shall not commence until the existing stable building is removed. No building on the site shall exceed two stories in height. Elevations for any new construction shall be subject to review and approval of the Planning Commission. This condition does not apply to general modification or renovation of the main house that is less than 1,000 square-feet.

The applicant proposes to amend condition 1.D., to allow the construction of a 10,040 square foot ballroom facility.

The 2030 Unified Plan Future Development Map indicates that the subject property lies within an Existing / Emerging Suburban Character Area. The requested increase in building size would not be expected to significantly impact adjacent and nearby properties. Amending the conditions may be suitable given the past Board precedent approving the overall use for the property.

The surrounding area is low density residential in character. Along Sever Road are low-density subdivisions and acreage lots zoned R-75 and R-100. Adjacent to the subject property to the south is Jackson Elementary School. The proposed ballroom would be adequately separated from exterior property lines and could be compatible with surrounding land uses.

The proposed increase in allowable building square footage could be generally consistent with the previous Board zoning action and compatible with adjacent and nearby residential developments. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS.**

ZONING HISTORY:

The subject property has been zoned R-100 since 1970. In 2000 there was a request to rezone the property from R-100 to R-ZT that was denied, RZ-00-031. In September of 2006, a rezoning to RA-200 for a country club was approved, pursuant to RZR-06-035

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.

1. D. New building construction shall be limited to a ballroom not to exceed 7,000 square-feet. This construction shall not commence until the existing stable building is removed. No building on the site shall exceed two stories in height. Elevations for any new construction shall be subject to review and approval of the Planning Commission. This condition does not apply to general modification or renovation of the main house that is less than 1,000 square-feet.

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The proposed increase in allowable building square footage could be generally consistent with the previous Board zoning action and compatible with adjacent and nearby residential developments. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS.**

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WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to 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:
minimum, one space per 500 square feet
maximum, one space per 300 square feet

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

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

A 50-foot building setback is required from the right-of-way of Sever Road.

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

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

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

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

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.

STORMWATER REVIEW SECTION COMMENTS:

A site development permit will be required for any on-site land disturbing activity.

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 plan.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 24-inch water main located on the northern right-of-way of Sever Road.

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 in the right-of-way of Bechers Brook.

BUILDING CONSTRUCTION COMMENT SECTION:

Building Plan Review has no objections under the following conditions:

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

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

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

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Additions in **BOLD**
Deletions in ~~strikethrough~~

Approval as RA-200 and R-100 (Change in Conditions), subject to the following enumerated conditions:

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

   A. A country club/private events facility including accessory recreational uses of tennis courts, swimming pool and horse stables. Use of facilities shall be limited to community or private parties or gatherings; weddings, graduations, showers, business functions, charity events and other functions of a similar nature.

   B. Obtain all necessary development and building permits for any work done on the property and bring the site up to all applicable codes.

   C. Any new construction shall be 4 sides brick, traditional appearance with a pitched roof. Building plans shall be subject to the review and approval of the Director of Planning and Development.

   D. New building construction shall be limited to a ballroom not to exceed ~~7,000~~ **11,000** square-feet. This construction shall not commence until the existing stable building is removed. No building on the site shall exceed two stories in height. Elevations for any new construction shall be subject to review and approval of the Planning Commission. This condition does not apply to general modification or renovation of the main house that is less than 1,000 square-feet.

   E. Guests shall be limited to no more than 400 (subject to fire code limitations) at any one time.

   F. Event hours of operation shall be limited to 9 am to 12 pm.

   G. Parking shall be restricted to designated parking areas only. No parking shall be allowed along Sever Road.

   H. No events, event guests or activities shall be allowed on the property zoned R-100 to the north. Charitable or non-profit events shall be exempt from this condition.

2. To satisfy the following site development considerations:

   A. No temporary tents, canopies or portable buildings shall be allowed on the site except that a single tent or canopy may be erected in the side or rear yard of

the existing house and within the proposed driveway on Friday, Saturday or Sunday for a duration not to exceed 48 hours. Charitable or non-profit events for which proceeds benefit charitable organizations are not regulated by this condition.

B. No portable buildings or portable toilets shall be allowed.

C. Peddlers shall be prohibited.

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

E. No temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site except that temporary holiday displays associated with federally recognized holidays and Halloween shall be allowed for no more than a duration of 30 days and except for those needed for the day of an event.

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

G. No outdoor loudspeakers shall be allowed.

H. Ground signs shall be limited to a single monument sign with a brick base of at least two feet in height. Overall sign height shall not exceed 5-feet, and overall sign width shall not exceed 5-feet. Wall signs shall be limited to no more than one sign per entrance not to exceed three square-feet. Additionally one directional sign affixed to the decorative wall, and not to exceed two square-feet in overall size, shall be allowed at each entrance.

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

J. Should the front or side wall along Sever Road be removed for any reason it shall be replaced in a timely manner with a brick wall of similar height and design or alternate plans shall be submitted for approval by the Planning Commission. Fencing along all adjacent property owned by the applicant shall be maintained in good order.

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

A. Dedicate at no cost to Gwinnett County the necessary rights-of-way and easements for the construction of the transportation improvement project for sidewalk construction at Sever Road (PN# 4408) based on plans on file with the Gwinnett County DOT.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions could be suitable, as the requested increase in building size is relatively small, and the ballroom facility would be adequately separated from exterior property lines and neighboring residences.

ADVERSE IMPACTS

As proposed, the change in conditions should not adversely impact the surrounding area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in impacts on public facilities, traffic and storm water runoff would be expected, as the proposed change-in-conditions would allow a larger structure.

CONFORMITY WITH POLICIES

The subject request could be consistent with Board policy as established in the previous zoning action (RZR-06-035), which granted the private events facility use for the property.

CONDITIONS AFFECTING ZONING

The relatively large size of the property and separation from neighboring residences gives supporting grounds for approval of the request.

EXHIBIT "B"
REZONING APPLICANT'S RESPONSE
MAGNOLIA HALL ON SEVER, LLC

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

Yes. Under the subject Property's current zoning conditions, the Owner/Applicant is already permitted to build a 7,000 ballroom facility on the subject property. We are only requesting that Condition 1(D) which would limit new construction to 7,000 feet be modified to allow new construction of a 10,040 ballroom facility.

The subject property is located adjacent to the Jackson Elementary School, a large public/institutional use in an area that is uniformly low density residential. A country club/events facility is an ideally suited use for the property's location in that it is (1) clearly contemplated for low density residential areas as a permitted use by right in the RA-200 zoning classification, and (2) will have its most likely use periods on weekends and evening, at times that would not conflict with peak traffic periods for either commuting residents or the arrival and departure times of the Jackson Elementary School. The subject property is not directly adjacent to any developed residential property and is surrounded on all sides by (1) Jackson Elementary School, (2) Sever Road, and (3) the remaining undeveloped, wooded property owned by the Applicant/Owner, thereby further limiting the impact on adjacent property. As the proposed development is consistent with the adjacent low-density residential property uses and the elementary school, this rezoning proposes a use that is ideally suited to and consistent with adjacent and nearby property.

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

No, this Change in Conditions request is only intended to allow a relatively small increase in the allowed square footage of a new ballroom facility from the currently allowed 7,000 square feet to 10,040 square feet. Moreover, the country club use is entirely compatible with the adjoining and nearby low-density residential property (since it is a use by right under the RA-200 zoning classification) and will not adversely affect these properties. This request will enhance the area by providing a much needed meeting and gathering space for the Sever Road community, which has many subdivisions that lack a clubhouse facility.

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

No. The proposed 10,040 square foot ballroom is absolutely necessary to make the country club/private events facility viable. Absent the ability to utilize the

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property as a country club/private events facility, the market of potential purchasers who would purchase and use a home of this type for strictly residential use is extremely limited. It would be very difficult if not impossible to market or develop the property in its current configuration (i.e. a single residence on 14 acres, surrounded by an adjacent elementary school and subdivision developments) and if the country club/private events facility were not permitted to thrive, would probably dictate marketing the property as a potential residential subdivision.

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

No, this property is located in an area with public water and sewer availability, and convenient access to major thoroughfares. This change in conditions will not cause excessive use of existing streets, transportation facilities or utilities, since its prime operating hours would be at non-peak times for either commuters or traffic to and from the elementary school and will have absolutely no impact on the school system.

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

Yes. The proposed country club/private events facility would be a neighborhood-type use consistent with the intent of the Gwinnett 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. While the proposed country club/private events facility is already permitted under the subject Property's current zoning (and we are only requesting an increase in the allowed square footage for a new ballroom facility from 7,000 to 10,040 square feet), the property's location between a large public/institutional use, such as Jackson Elementary School and the surrounding low density residential uses provide additional supporting grounds for approval of this request.

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ANDERSEN | TATE | CARR

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MICHAEL L. SULLIVAN
Attorney at Law

E-mail: msullivan@atclawfirm.com

LETTER OF INTENT
FOR CHANGE IN CONDITIONS APPLICATION OF MAGNOLIA HALL ON SEVER, LLC RA-200 (Country Club/Private Events Facility)

The Owner and Applicant, Magnolia Hall on Sever, LLC (hereinafter, "Applicant"), submits this Change in Conditions Application for the purpose of modifying the portion of Condition 1(D) which reads: "*New building construction shall be limited to a ballroom not to exceed 7,000 square feet.*" Applicant is proposing construction of an approximately 10,040 square foot ballroom facility and would like for the Condition 1(D) to be modified to allow that.

The subject property is an approximately 7.52 acre portion (hereinafter, the "Property") of an approximately 14 acre surrounding tract of land located on Sever Road next to Jackson Elementary School. The portion of the Property covered by this Application is currently zoned RA-200.

The subject Property is located adjacent to the Jackson Elementary School, a large public/institutional use in an area that is uniformly low density residential subdivision development. A country club/private events facility is an ideally suited use for the property's location in that (1) country clubs are clearly contemplated for low density residential areas as a permitted use by right in the RA-200 zoning classification, and (2) the proposed facility would have its most likely use periods at times that would not conflict with peak traffic periods for either commuting residents or the arrival and departure times of the Jackson Elementary School.

Moreover, the difference between a 7,000 square foot ballroom and a 10,040 square foot ballroom would be negligible to anyone other than the Owner/Applicant. There would be no tangible increase in any relevant impact on surrounding properties. However, not allowing would significantly impact Applicant's ability to utilize the subject property for its currently approved private events facility use.

The subject property is not adjacent to any developed residential property and is surrounded on all sides by (1) Jackson Elementary School, (2) Sever Road, and (3) undeveloped, wooded property also owned by the Applicant/Owner, thereby further limiting the impact on adjacent property. As the proposed development is consistent with the adjacent low-density residential property uses and the institutional-type use of the elementary school,

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this change in conditions proposes a use that is ideally suited to and consistent with adjacent and nearby property.

The development of the property as proposed under the guidelines of Gwinnett County is appropriate to the subject tract, consistent with the low density residential uses of the adjacent and surrounding property and consistent with the Gwinnett County 2030 Unified Plan.

As stated in the Application, the Applicant intends to develop the Property as a country club/private events facility within the existing residential structure (after it is refurbished, remodeled and brought up to code) and grounds, with the addition of a 10,040 square foot ballroom and service area facility. The sole access point is planned on Sever Road and the Site Plan provides efficient circulation.

This site is consistent with the surrounding residential developments and will serve as a meeting place for the community, since many of the subdivisions do not have clubhouse facilities. The property has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares or state or interstate highways.

CONCLUSION

This proposed change in conditions would result in a high-quality country club/private events facility for the residents of the Sever Road community and of Gwinnett County. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

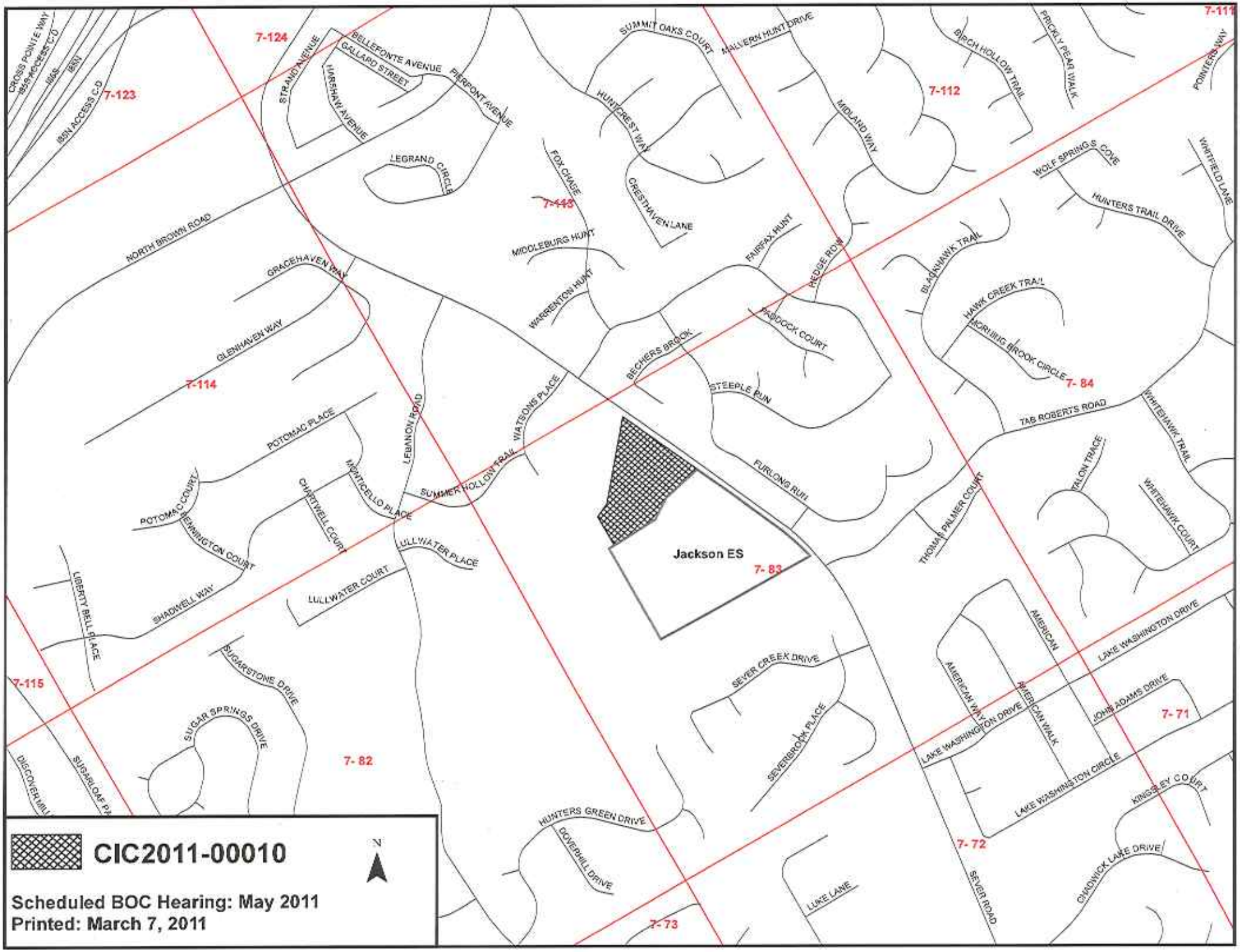
This 3rd day of March, 2011.

Respectfully submitted,

ANDERSEN, TATE & CARR, P.C.

Michael L. Sullivan
Attorney for Owner/Applicant

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CIC2011-00010
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011
Jackson ES
7-83
7-124
7-123
7-112
7-114
7-115
7-82
7-73
7-72
7-71
7- 84
7-443
CROSS POINTE WAY
I85S ACCESS C-D
I85S
I85N
I85N ACCESS C-D
STRAND AVENUE
BELLEFONTE AVENUE
GALLAPD STREET
HARSHAW AVENUE
PIERPONT AVENUE
LEGRAND CIRCLE
SUMMIT OAKS COURT
HALLERN HUNT DRIVE
HUNTCREST WAY
CRESTHAVEN LANE
FOX CHASE
MIDLAND WAY
BIRCH HOLLOW TRAIL
PRICKLY PEAR WALK
PIONEERS WAY
WOLF SPRINGS COVE
WHITFIELD LANE
HUNTERS TRAIL DRIVE
NORTH BROWN ROAD
GRACEHAVEN WAY
GLENHAVEN WAY
MIDDLEBURG HUNT
WARRENTON HUNT
FAIRFAX HUNT
HEDGE ROW
BLACKHAWK TRAIL
HAWK CREEK TRAIL
MORNING BROOK CIRCLE
BECHERS BROOK
PADDOCK COURT
STEEPLE RUN
TAB ROBERTS ROAD
WHITEHAWK TRAIL
WHITEHAWK COURT
YALON TRACE
FURLONG RUN
THOMAS PALMER COURT
POTOMAC PLACE
POTOMAC COURT
BENNINGTON COURT
CHARTWELL COURT
MONTICELLO PLACE
LEBANON ROAD
SUMMER HOLLOW TRAIL
VIATSONS PLACE
LULLWATER PLACE
LULLWATER COURT
LIBERTY BELL PLACE
SHADWELL WAY
SUGARSTONE DRIVE
SUGAR SPRINGS DRIVE
DISCOVERY MILL
SUGARLOAF PK
SEVER CREEK DRIVE
SEVERBROOK PLACE
LAKE WASHINGTON DRIVE
AMERICAN WAY
AMERICAN WALK
AMERICAN
JOHN ADAMS DRIVE
LAKE WASHINGTON CIRCLE
KINGSLEY COURT
CHADWICK LAKE DRIVE
SEVER ROAD
HUNTERS GREEN DRIVE
DOVERHILL DRIVE
LAKE LANE
N

TOTAL AREA - 7.92 acres

- EXISTING ZONING - R-1/R-6/R-7A 398
- PROPOSED ZONING - RA - 398
- PROPOSED USE - Country Club
- EXTERIOR SETBACKS
  - a. Sever Road - 25'
  - b. Southeast - 25'
  - c. Northwest - 25'
  - d. Southwest - 40'
- EXTERIOR LANDSCAPE STRIPS
  - a. Sever Road - 25'
  - b. Southwest property line - 25' (consists of evergreen trees)
- UNDERGROUND UTILITIES
- DETENTION - May be required in existing lake off the property or in new detention ponds on the property.
- PARKING
  Required - 118 (largest room 5,900 s.f. / 1 per 49 s.f.)
  Shown - 153
- EXISTING BUILDINGS

Main house	8,658 s.f.
Carriage house	5,298 s.f.
Sub-total	13,956 s.f.
TOTAL	19,240 s.f.

Conceptual Plan

Sever Road

Lee Lin III | Steven N. | Schaub | Craig Gabriel Site Group

CARRIER ARCHITECTURE

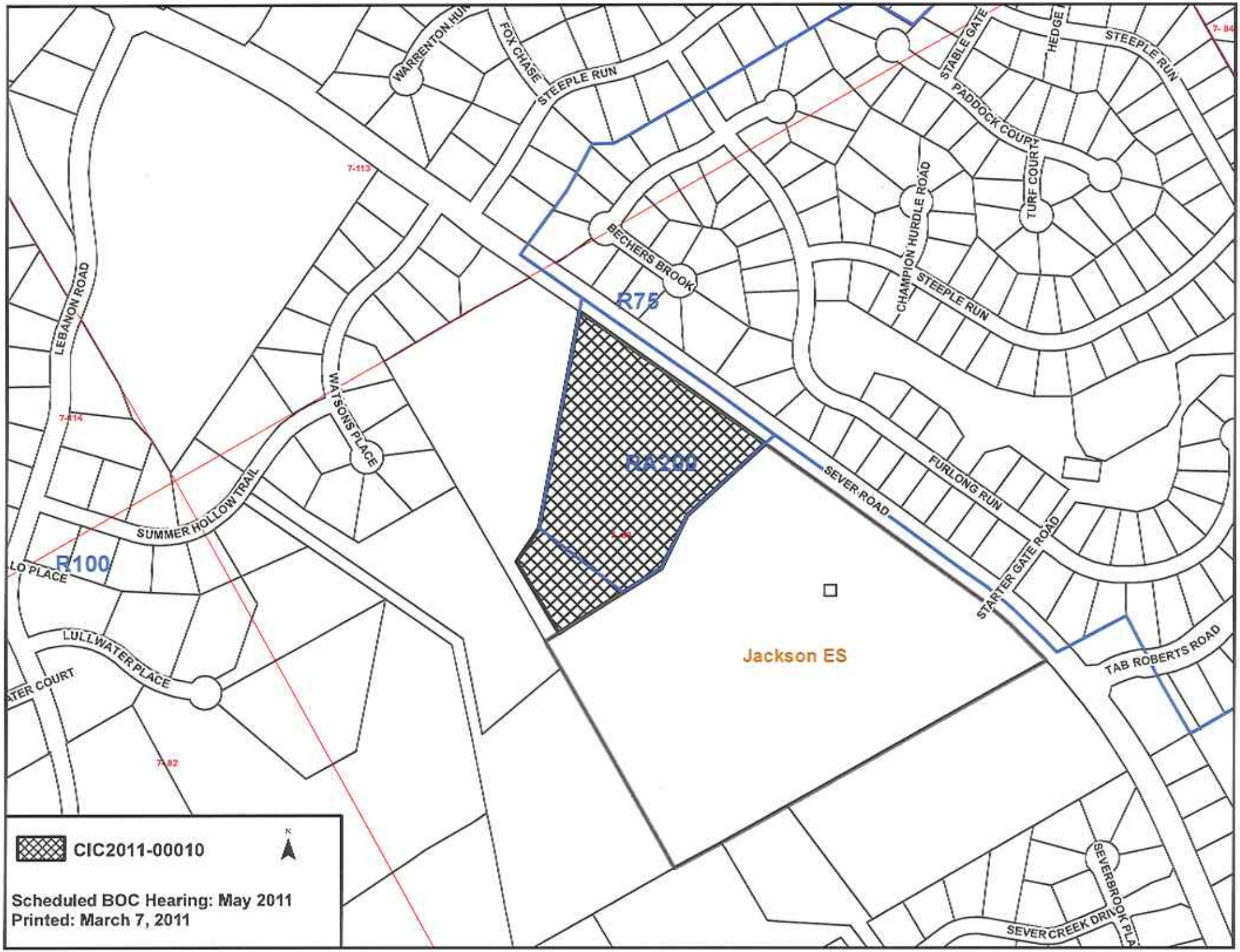
PROPOSED BUILDING

EXISTING BUILDING

SEVER ROAD

NORTH

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WARRENTON HUNT
FOX CHASE
STEEPLE RUN
STABLE GATE
HEDGE
STEEPLE RUN
PADDOCK COURT
TURF COURT
CHAMPION HURDLE ROAD
BECHERS BROOK
STEEPLE RUN
LEBANON ROAD
WATSONS PLACE
R75
RA200
SEVER ROAD
FURLONG RUN
STARTER GATE ROAD
SUMMER HOLLOW TRAIL
R100
LULLWATER PLACE
Jackson ES
TAB ROBERTS ROAD
SEVERBROOK PLACE
SEVER CREEK DRIVE
7-113
7-414
7-82
CIC2011-00010
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00018**
ZONING	:C-2
LOCATION	:4900 BLOCK OF JIMMY CARTER BOULEVARD
	:1100-1200 BLOCK OF ROCKBRIDGE ROAD
MAP NUMBER	:R6169 139
ACREAGE	:0.94 ACRE
PROPOSED DEVELOPMENT	:PAWN SHOP
SQUARE FEET	:5,528 SQUARE FEET
COMMISSION DISTRICT	:(2) HOWARD

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

APPLICANT: PAWN MART
C/O MILL CREEK CONSULTING
4480 COMMERCE DRIVE, SUITE A
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNER: LUIS MACIAS
C/O MILL CREEK CONSULTING
4480 COMMERCE DRIVE, SUITE A
BUFORD, GA 30518

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Special Use Permit on a 0.94-acre property, zoned C-2 (General Business District), to allow a pawn shop. The property is developed with a single-story building that was previously used as a restaurant, and is located on southerly corner of the Jimmy Carter Boulevard and Rockbridge Road intersection.

The site is developed with a 5,528 square foot stucco building, and the applicant's submitted letter of intent indicates that the pawn shop would occupy the entire space. There are no major changes proposed to exterior of the structure and the property has one full access driveway extending onto each roadway. A total of 41 parking spaces are indicated on the submitted site plan.

ZONING HISTORY:

The property was zoned R-75 (Single Family Residence District) in 1970. The site was rezoned to C-2 as part of an area-wide map revision in 1976.

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:

Jimmy Carter Boulevard is a Principal Arterial and 60 feet of right-of-way is required from the centerline, with 75 feet required within 500 feet of a major intersection.

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

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 50 feet southeast of the property.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

2. Upon completion of plan review approvals, the applicant shall obtain a building permit

for the renovation and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

DEPARTMENT ANALYSIS:

The subject site is a 0.94 acre property located on the southerly corner of Jimmy Carter Boulevard and Rockbridge Road. The site is developed with a 5,528 square foot restaurant building and associated parking lot.

The 2030 Unified Plan Future Development Map indicates that the site is located in an Existing/ Emerging Suburban Character Area. The site is located at a highly visible intersection and a commercial use is appropriate for the site. Additionally, the subject property is located within the Gwinnett Village Community Improvement District (CID). In recent years, the CID and Gwinnett County have undertaken extensive efforts to improve the appearance and support the long-term viability of the area. Although located within a commercial area, the requested pawn shop business may not be consistent with these efforts.

The intersection of Jimmy Carter Boulevard and Rockbridge Road is developed primarily with commercial/retail and office uses with residential developments located beyond the commercial corridor. Commercial activity in the area includes restaurants, retail centers, and office buildings. The area is part of the Gwinnett Village CID and the aforementioned efforts to improve the appearance and viability of commercial corridors such as Jimmy Carter Boulevard, a pawn shop may not be appropriate at this location.

In conclusion, the requested special use may not be suitable given the growing public and private efforts to improve the condition and appearance of commercial corridors within Gwinnett County. 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 of a Special Use Permit to allow a pawn shop subject to the following enumerated conditions:

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

   A. Retail, service commercial, office and accessory uses which may include a pawn shop as a special use.

   B. Outdoor storage or display of merchandise shall be prohibited.

2. To satisfy the following site development considerations:

   A. Wall signage for the pawnshop shall not exceed the requirements of the Gwinnett County Sign Ordinance.

   B. Window signage (signs displayed on the interior or exterior of the pawn business' storefront windows), other than "open/closed" signs, hours of operation, or those signs required by local, state or federal law shall be prohibited. Allowable window signage shall not exceed 4 square feet.

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

   D. Billboards shall be prohibited.

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for a pawn shop may not be suitable at this location in light of ongoing revitalization efforts in the area.

ADVERSE IMPACTS

The establishment of a pawn shop at this highly visible location may result in a degraded visual appeal for the property, and the area in general.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be few additional impacts on public facilities anticipated from this request.

CONFORMITY WITH POLICIES

The addition of a pawn shop at this location may not be consistent with ongoing private and public efforts to improve the appearance and viability of commercial corridors throughout the County.

CONDITIONS AFFECTING ZONING

Public and private efforts have recently been undertaken to improve the aesthetics and viability of commercial districts in this area. The request may be counter to these efforts.

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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

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

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

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:
THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
THE SUBJECT PROPERTY IS DESIGNATED AS COMMERCIAL

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

.....

PLANNING DIVISION USE ONLY

CASE NUMBER _____ RECEIVED BY: _____

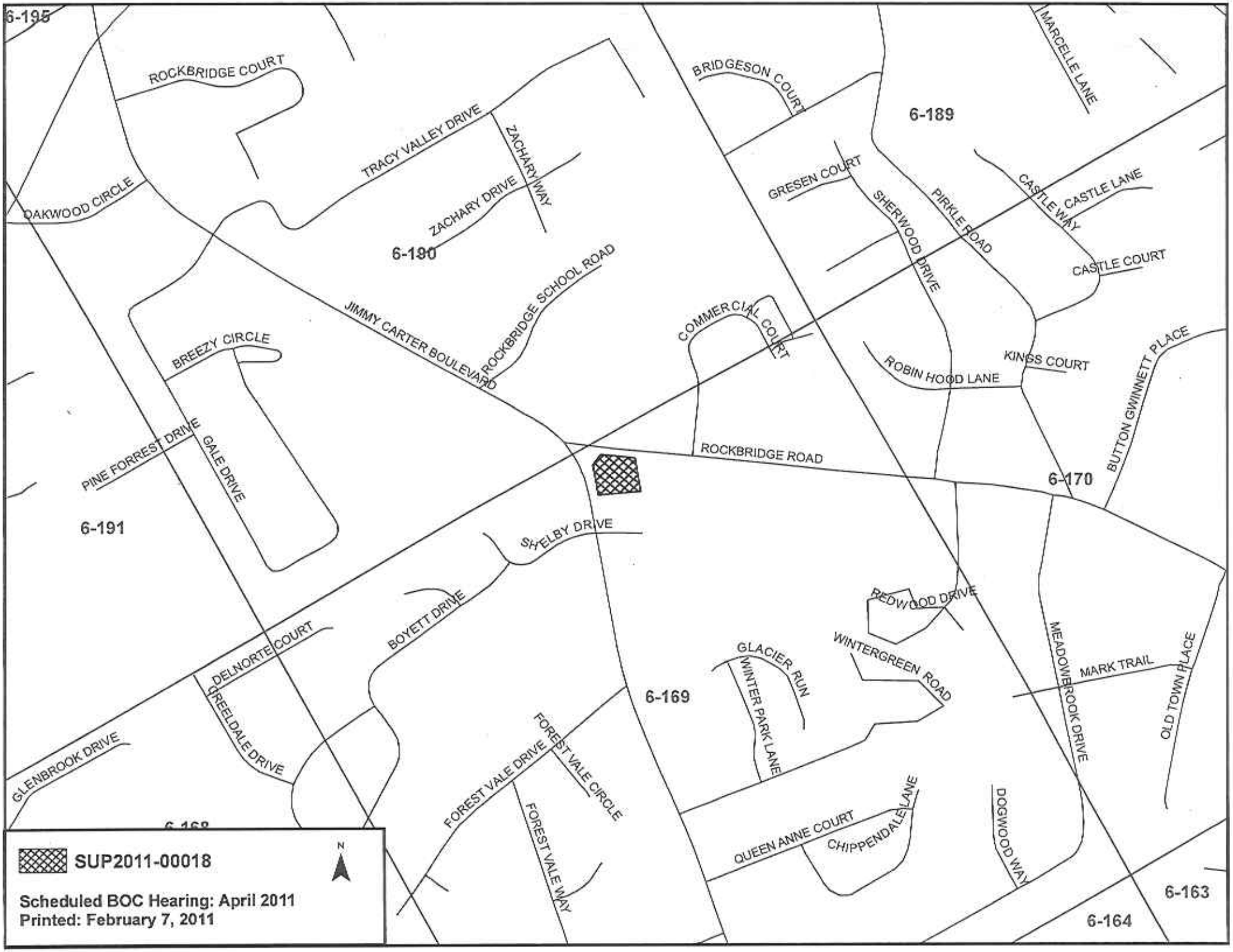
RECEIVED 2-4-11
SUP2011-00018

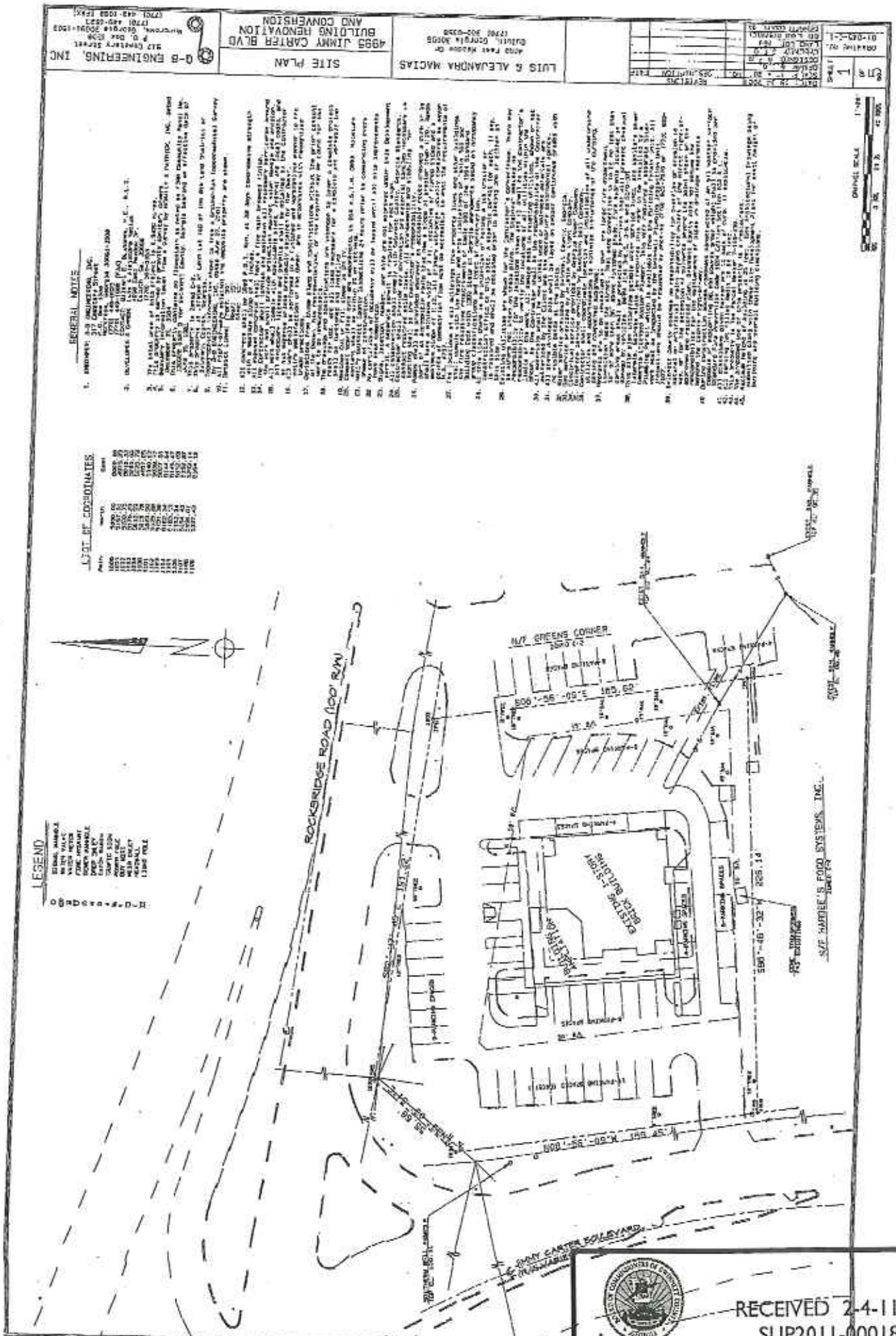
REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Pawn Mart, requests a special use permit on 0.94 acres in an existing 5,528 square foot building, for the purpose of opening a new pawn shop. The subject property is located at 4995 Jimmy Carter Blvd and is found in the 6th District, Land Lot 169 in Gwinnett County.

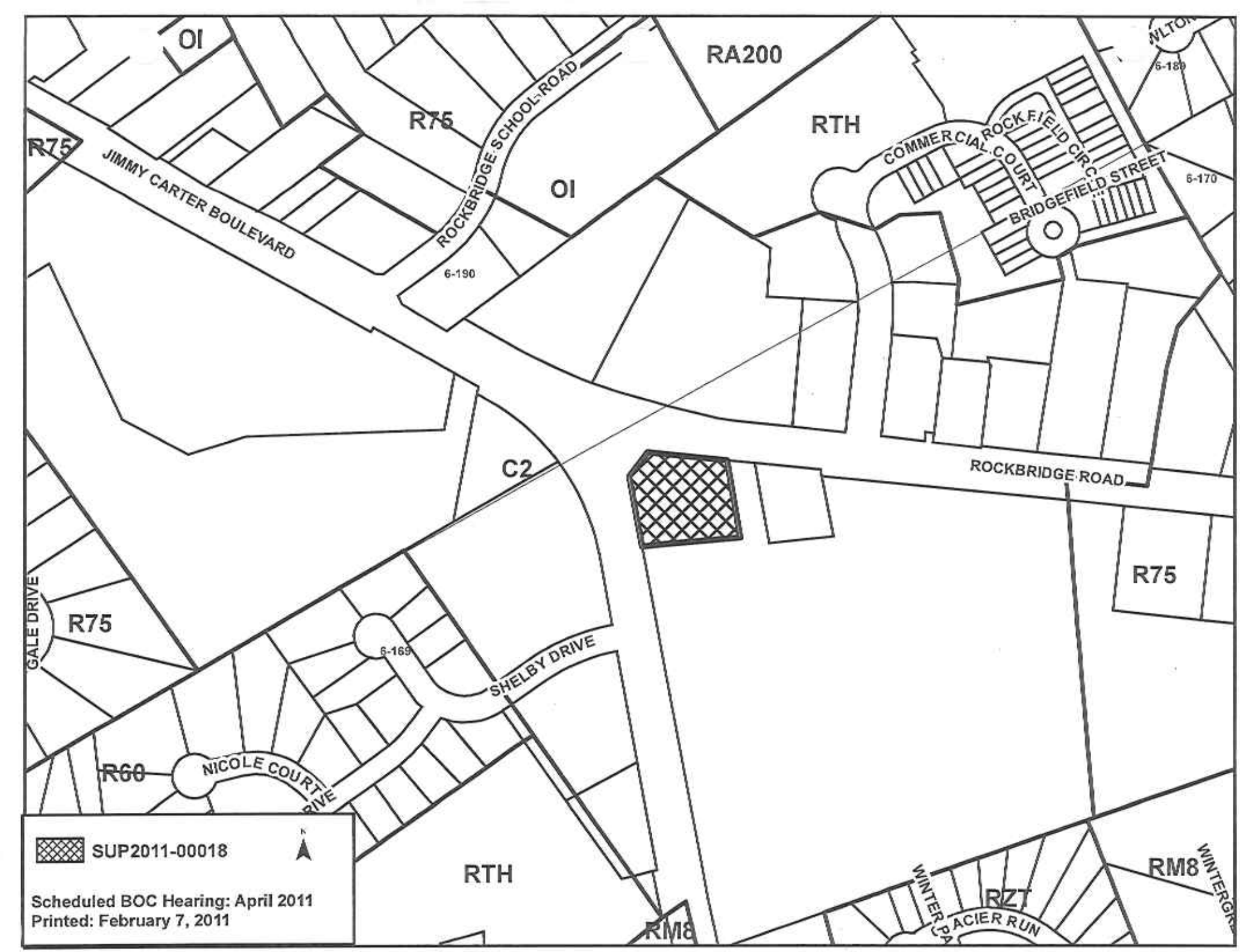
Pawn Mart is a 25 store chain located in Georgia and North Carolina with its corporate headquarters in Norcross. The proposed new store will occupy the entire building that is currently being used as a restaurant. The restaurant is going to close and Pawn Mart has an agreement with the owner to occupy the site. Pawn Mart does not sell from its store any type of guns as their specialty is jewelry, stereo equipment, game systems, tools and other similar types of consumer goods. Approximately 80 to 90% of their customer base is within 2 to 4 miles of the facility and the new store will only improve the customer experience. The applicant respectfully requests approval of this new location.

RECEIVED 2-4-11
SUP2011-00018


6-195
ROCKBRIDGE COURT
TRACY VALLEY DRIVE
ZACHARY WAY
ZACHARY DRIVE
OAKWOOD CIRCLE
6-190
JIMMY CARTER BOULEVARD
ROCKBRIDGE SCHOOL ROAD
BREEZY CIRCLE
PINE FORREST DRIVE
GALE DRIVE
6-191
BRIDGESON COURT
6-189
MARCELLE LANE
GRESEN COURT
SHERWOOD DRIVE
PIRKLE ROAD
CASTLE CASTLE LANE
CASTLE WAY
CASTLE COURT
COMMERCIAL COURT
ROBIN HOOD LANE
KINGS COURT
BUTTON GWINNETT PLACE
ROCKBRIDGE ROAD
6-170
SHELBY DRIVE
BOYETT DRIVE
DELNORTE COURT
GREELDALE DRIVE
GLENBROOK DRIVE
6-168
FOREST VALE DRIVE
FOREST VALE CIRCLE
FOREST VALE WAY
6-169
REDWOOD DRIVE
WINTERGREEN ROAD
GLACIER RUN
WINTER PARK LANE
MEADOWBROOK DRIVE
MARK TRAIL
OLD TOWN PLACE
QUEEN ANNE COURT
CHIPPENDALE LANE
DOGWOOD WAY
6-163
6-164
SUP2011-00018
N
Scheduled BOC Hearing: April 2011
Printed: February 7, 2011



RECEIVED 2-4-11
SUP2011-00018


OI
RA200
R75
JIMMY CARTER BOULEVARD
ROCKBRIDGE SCHOOL ROAD
R75
OI
RTH
COMMERCIAL COURT
ROCKFIELD CIR
BRIDGEFIELD STREET
6-189
6-170
6-190
C2
ROCKBRIDGE ROAD
R75
GALE DRIVE
R75
6-169
SHELBY DRIVE
R60
NICOLE COURT
RTH
RM8
RZT
RM8
WINTER GLACIER RUN
SUP2011-00018
Scheduled BOC Hearing: April 2011
Printed: February 7, 2011

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00019**
ZONING	:C-2
LOCATION	:2100 BLOCK OF PARKWOOD ROAD
MAP NUMBER	:R6052 003
ACREAGE	:0.54 ACRE
PROPOSED DEVELOPMENT	:AUTOMOBILE SERVICE (RENEWAL)
SQUARE FEET	:4,500 SQUARE FEET
COMMISSION DISTRICT	:(3) BEAUDREAU

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

APPLICANT: LANDWORKS ASSOCIATES, INC.
3030 McEVER ROAD, SUITE 310
GAINESVILLE, GA 30504

CONTACT: MATTHEW ZIEG PHONE: 678.438.9665

OWNER: KAY GREENWAY
2682 PINELAND AVENUE
DORAVILLE, GA 30340

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests renewal of a Special Use Permit on a 0.54-acre property, zoned C-2 (General Business District), to allow the continued operation of an automotive service center. The subject property is Legacy Automotive located at 2144 Parkwood Road, northwest of its intersection with U.S. Highway 78. In 2008, the property was granted a Special Use Permit (SUP2008-00009) with a condition limiting the use to a two year time period.

The site is currently developed with a one-story; 4,500 square foot building. Access is provided via a shared entrance onto Parkwood Road as well as an inter-parcel connection with the adjacent commercial center to the rear. A total of 22 parking spaces are shown on the site plan.

ZONING HISTORY:

The subject property was zoned R-100 in 1970. In 1973, the property was rezoned to O-I as part of an areawide rezoning. In 2005, the subject property was rezoned to C-2 with a Special Use Permit for an automotive service center, pursuant to RZC-05-002 and SUP-05-018. In 2008, the subject property was granted a renewal of the Special Use Permit, pursuant to SUP-08-009.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 50 feet east of the property.

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject property is a 0.54-acre parcel, located at 2144 Parkwood Road, northwest of its intersection with U.S. Highway 78. The property is currently developed with an existing building and associated driveways and parking. The property appears to be well maintained and the building is in good condition.

The 2030 Unified Plan Future Development Map indicates the site is located within a Corridor Mixed-Use Character Area, which supports a range of retail and commercial service uses, such as automobile repair. The subject property is located within an established commercial corridor and an automobile service center is considered compatible with the Character Area.

The surrounding area is characterized by intense commercial uses along Stone Mountain Highway, with residential areas lying beyond the corridor. Properties immediately adjacent to the site, and across Parkwood Road, consist of automotive sales and auto service uses. The precedents for automotive related uses within this commercial corridor support the applicant's request to renew the Special Use Permit. On a recent site visit by staff, the subject property appeared well kept, and renewal of the Special Use Permit is considered appropriate.

In conclusion, the requested renewal for an automotive service center could be compatible with the recommendations of the Unified Plan, and consistent with the Board precedent and adjacent zoning districts. 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 (renewal) for automotive service subject to the following enumerated conditions:

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

   A. Retail and service commercial uses, which may include an automotive service and repair center as a Special Use. Automobile sales, auto painting or auto-body repair shall be prohibited.

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

2. To satisfy the following site development considerations.

   A. Provide a five-foot wide landscape strip adjacent to the side and rear property lines.

   B. Maintain interparcel access with the property to the east. Truck traffic shall be prohibited from using the Parkwood Road entrance, and a sign stating "No trucks shall enter" shall be posted at the entrance.

   C. Outdoor automotive repair, or outdoor storage of parts, tires, junked vehicles, or other materials is prohibited.

   D. Automobiles awaiting repair (or parked) for more than five (5) business days, shall be enclosed in a holding area screened by an opaque fence.

   E. No outdoor loudspeakers shall be permitted.

   F. Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m.

   G. Ground signs shall be limited to monument-type signs, with a minimum two-foot high brick or stacked stone base.

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

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The area surrounding the site consists predominately of businesses with similar use and zoning, therefore, the requested renewal of the Special Use Permit for automotive service and repair would be suitable at this location.

ADVERSE IMPACTS

No significant impacts are anticipated from the renewal of the Special Use Permit for the continued operation of an automotive service center.

REASONABLE ECONOMIC USE

The property has a reasonable economic use as zoned.

IMPACT ON PUBLIC FACILITIES

No change in impacts would be anticipated from this renewal request.

CONFORMITY WITH POLICIES

The requested Special Use Permit renewal for automotive service and repair would be consistent with recommended policies, use and zoning pattern established within the immediate vicinity.

CONDITIONS AFFECTING ZONING

The site is adjacent to multiple automotive service and repair facilities, indicating automotive uses are suitable at this location. The appearance of nearby sites suggests conditions be included to prevent a similar unsightly situation on the subject property.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

(A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:
The use is consistent with surrounding developments

(B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
The building is currently used as automobile service and the adjacent properties are not adversely affected

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

(D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:
The building is curretly used for automobile service and the streets and/or transportation facilities are not overburdened

(E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
The existing use does conform with the land use plan.

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:
The property is currently developed as a automobile service center and the owner only wishes to continue as he is currently operating.

RECEIVED 2-7-11
SUP2011-00019

KAY GREENWAY
2682 PINELAND AVE.
DORAVILLE,GA. 30340
770-231-3647

DATE: February 3, 2011

Letter of Intent

The property located at 2144 Parkwood Road is currently developed and operating as a 4,500 s.f. automobile service center. The property is zoned C-2 (RZC 05-002) with a special use case (SUP 05-018 & SUP 08-009.) These special use cases allow automobile service but had two year expiration dates. This letter is to reapply for a Special Use of automobile service within a C-2 zoning and to request that no further expiration dates be put on the conditions, all other existing re-zoning and SUP conditions are acceptable to carry onward.

Thank You

Kay Greenway

Kay Greenway

RECEIVED 2-7-11
SUP2011-00019

CASE NUMBER SUP-08-009
GCID 2008-0121

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

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

A RESOLUTION TO GRANT A SPECIAL USE PERMIT

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application for a Special Use Permit by SUN COMMERCIAL CONTRACTING, INC for the proposed use of AUTOMOBILE SERVICE (RENEWAL) on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

CASE NUMBER SUP-08-009
GCID 2008-0121

WHEREAS, notice to the public regarding said Special Use Permit Application has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JANUARY 22, 2008 and objections were not filed.

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

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

   A. Retail and service commercial uses, which may include an automotive service and repair center as a Special Use. Automobile sales, auto painting or auto body repair shall be prohibited.

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

   C. This Special Use Permit shall expire in two years, at which time the applicant may apply for renewal.

2. To satisfy the following site development considerations.

   A. Provide a five-foot wide landscape strip adjacent to the side and rear property lines.

   B. Maintain interparcel access with the property to the east. Truck traffic shall be prohibited from using the Parkwood Road entrance, and a sign stating "No trucks shall enter" shall be posted at the entrance.

C. Outdoor automotive repair or outdoor storage of parts, tires, junked vehicles, or other materials is prohibited.

D. Automobiles awaiting repair (or parked) for more than five (5) business days, shall be enclosed in a holding area screened by an opaque fence.

E. No outdoor loudspeakers shall be permitted.

F. Hours of operation shall be limited to between 7 a.m. and 7 p.m.

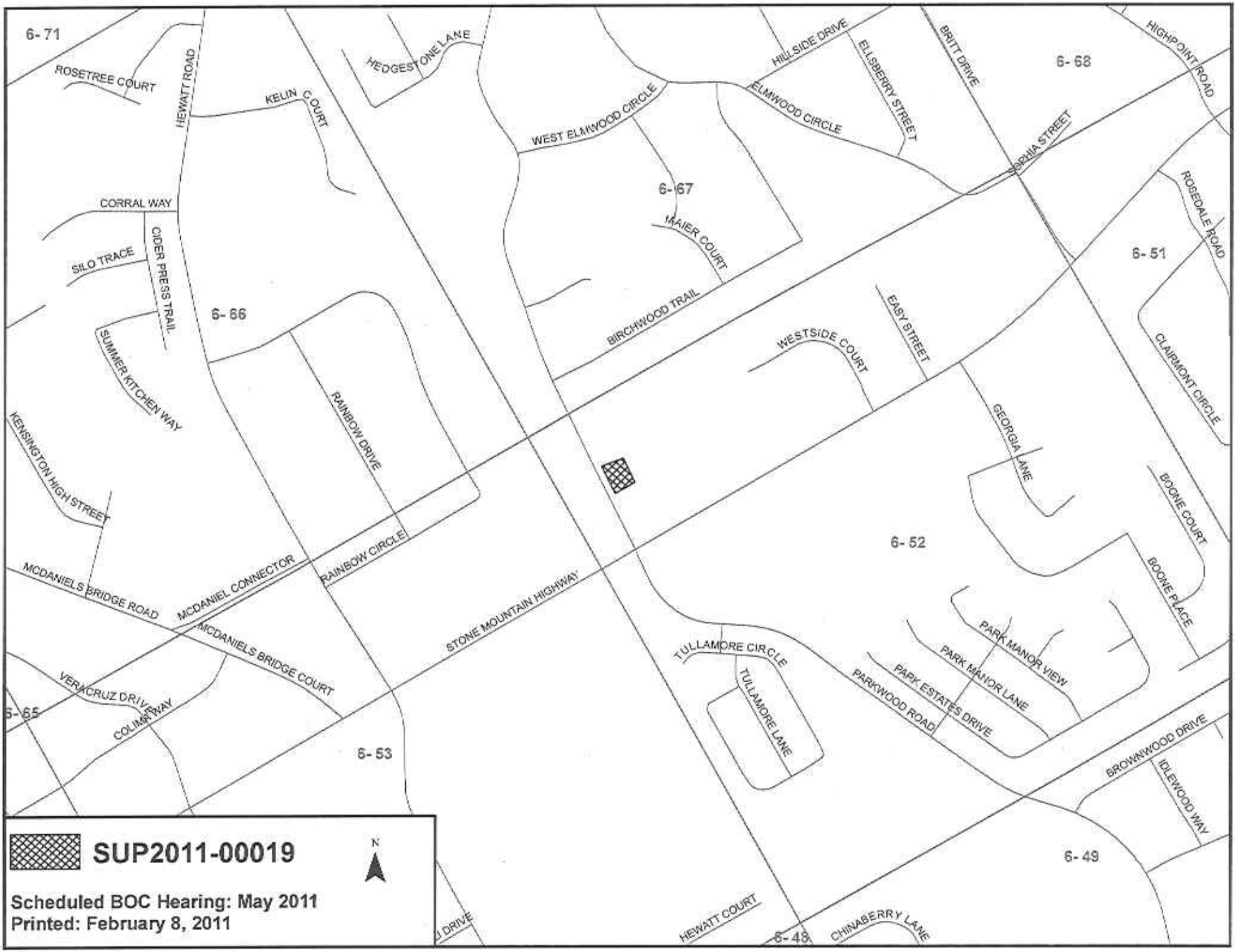
GWINNETT COUNTY BOARD OF COMMISSIONERS

By: _____
Charles E. Bannister, Chairman

Date Signed: 1/30/08

ATTEST:

_____
County Clerk/Deputy County Clerk


6-71
ROSETREE COURT
HEWATT ROAD
KELIN COURT
HEDGESTONE LANE
HILLSIDE DRIVE
ELLSBERRY STREET
BRITT DRIVE
6-68
HIGHPOINT ROAD
WEST ELMWOOD CIRCLE
ELMWOOD CIRCLE
SOPHIA STREET
6-67
CORRAL WAY
CIDER PRESS TRAIL
SILO TRACE
IKAIER COURT
ROSEDALE ROAD
6-51
6-66
BIRCHWOOD TRAIL
WESTSIDE COURT
EASY STREET
CLAIRMONT CIRCLE
SUMMER KITCHEN WAY
RAINBOW DRIVE
KENSINGTON HIGH STREET
GEORGIA LANE
BOONE COURT
6-52
RAINBOW CIRCLE
MCDANIELS BRIDGE ROAD
MCDANIEL CONNECTOR
STONE MOUNTAIN HIGHWAY
BOONE PLACE
PARK MANOR VIEW
PARK MANOR LANE
PARK ESTATES DRIVE
PARKWOOD ROAD
TULLAMORE CIRCLE
TULLAMORE LANE
MCDANIELS BRIDGE COURT
VERACRUZ DRIVE
COLIMA WAY
6-65
6-53
BROWNWOOD DRIVE
IDLEWOOD WAY
6-49
HEWATT COURT
6-48
CHINABERRY LANE
SUP2011-00019
N
Scheduled BOC Hearing: May 2011
Printed: February 8, 2011

GREENWAY BUILDING
PARKWOOD ROAD

LAND LOT 52, 6TH DISTRICT, PARCEL 0062 003
GWINNETT COUNTY, GEORGIA

Landworks Associates, Inc.
3000 ALDERS ROAD, SUITE 310
CLEARWATER, FLORIDA 33004
PHONE/FAX (770) 110-7100

SITE PLAN

C-1

LOCATION MAP

SITE

HIGHPOINT ROAD

PARKWOOD ROAD

HWY 78

SITE SHEET NOTES:

PARKWOOD ROAD 60' R/W

RECEIVED 2-7-11
SUP2011-00019


PARKWOOD HILLS COURT
BIRCHWOOD TRAIL
WESTSIDE COURT
EASY STREET
R100
6-67
6-66
R100
PARKWOOD ROAD
OI
RAINBOW DRIVE
RAINBOW CIRCLE
C2
6-52
STONE MOUNTAIN HIGHWAY
6-53
OI
RZT
MINEOLA STREET
TULLAMORE CIRCLE
RZT
C2
PARK ESTATES
M1
RA200
SUP2011-00019
Scheduled BOC Hearing: May 2011
Printed: February 8, 2011

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00020**
ZONING	:R-100
LOCATION	:2700 BLOCK OF CENTERVILLE HIGHWAY
MAP NUMBER	:R6033 018
ACREAGE	:1.0 ACRE
PROPOSED DEVELOPMENT	:ADULT DAYCARE CENTER (GROUP)
SQUARE FEET	:1,389 SQUARE FEET
COMMISSION DISTRICT	:(3) BEAUDREAU

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

APPLICANT: AMRUT INVESTMENT LLC
2704 CENTERVILLE HIGHWAY
SNELLVILLE, GA 30039

CONTACT: ARJUN PATEL PHONE: 678.382.2755

OWNER: AMRUT INVESTMENT LLC
2704 CENTERVILLE HIGHWAY
SNELLVILLE, GA 30039

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Special Use Permit on a 1.0-acre parcel, zoned R-100 (Single Family Residence District), for use as an adult group daycare center. The property is located on the east side of Centerville Highway, south of its intersection with Gwinnstone Circle. The site is currently lightly wooded and developed with a single-family residence and a detached accessory building.

The applicant proposes to utilize the existing single-family dwelling as a group day care home to provide care and supervision for a maximum of 18 elderly individuals that are not residents of the home. There is one point of access from Centerville Highway and there is sufficient space for vehicle turn-around.

A building code compliance inspection has been conducted on the home and a report indicating the improvements necessary to bring the structure up to code for the proposed use is attached CIR2011-00043.

ZONING HISTORY:

The subject property has been zoned R-100 since 1970. A request to rezone the property to O-I (Office-Institutional District), pursuant to RZC-08-077, was denied in September of 2008.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Centerville Highway is a State Route and Georgia D.O.T. right-of-way requirements govern.

Coordinate with the Georgia D.O.T. regarding access to Centerville Highway.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Contact GCEHD concerning septic involvement.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 24-inch water main located on the western right-of-way of Centerville Highway.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 50 feet northeast of the property.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

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

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

5. Architectural design of any proposed exterior modification shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject 1.0-acre property is located on the east side of Centerville Highway, south of its intersection with Gwinnstone Circle. The site is currently lightly wooded and developed with a single-family residence and accessory building.

The 2030 Unified Plan Future Development Map indicates that the subject property lies within an Existing / Emerging Suburban Character Area. Staff notes that a previous public hearing for an O-I zoning was denied in August of 2008, pursuant to RZC-08-077. At that time the applicant proposed to convert the dwelling for office use, and it was clear that the home was an investment property not used as a residence. The 1985 Zoning Resolution requires that a group day care home be operated from an occupied dwelling where the owner/occupant is licensed by the state of Georgia. The applicant/owner however, does not live in the residence. Therefore, the proposed group day care home may not be consistent with rules governing this type of use.

The surrounding area is characterized by residential developments with scattered non-residential uses along Centerville Highway. Abutting the property to the north are single-family homes in the Gwinnstone subdivision. Across Centerville Highway to the west are the Trotters Walk subdivision and a small pet grooming facility in a converted residential home, zoned C-2. Abutting the property to the south is land zoned R-100 developed with a church. As proposed, the group day care home may not function in accordance with the 1985 Zoning Resolution; and in light of the past Board denial of non-residential use for the property, the Department cannot support the request.

In conclusion, the proposed group day care home may not be consistent with the requirements of the 1985 Zoning Resolution, and could set a precedent for future similar requests in residential zoning districts. Additionally, non-residential use for the site was denied in 2008. Therefore, the Department recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Note: The following conditions are provided should the Board choose to approve this request.

Approval of a Special Use Permit for a Group Day Care Home subject to the following enumerated conditions:

1. Limited to use as a Group Day Care Home for in an occupied residence, providing State Licensed daycare for individuals (clients) not residing in the home and for less than 24 hours per day. The daycare shall be limited to no more than 12 clients.

2. Complete all necessary improvements and upgrades outlined in the Building Code Compliance Inspection Report. Prior to business occupancy, obtain all necessary permits to bring the dwelling and property up to code for Group Day Care Home occupancy.

3. Exterior signage advertising the Group Day Care Home shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for a group day care home may not be suitable with the 1985 Zoning Resolution in light of the structure not being an occupied dwelling.

ADVERSE IMPACTS

If approved, prohibiting signage and requiring the residence to meet all applicable State and County codes, potential adverse impacts could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

With the potential number of clients, it is anticipated that there would be some additional impacts on public facilities in the form of traffic and utility demand. Potential future parking or driveway expansions could be expected to increase storm water runoff.

CONFORMITY WITH POLICIES

Since the residence is not currently an occupied dwelling, the requested group day care home as a special use may not be consistent with the 1985 Zoning Resolution.

CONDITIONS AFFECTING ZONING

There did not appear to be anyone living in the home, which is a requirement for operating a group day care home.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

YES

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

NO

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

YES

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

NO

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

YES

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

NO

RECEIVED 3-2-11
SUP2011-00020

LETTER OF INTENT FOR SPECIAL USE PERMIT

The property which is the subject of this Application is currently zoned R-100 one acre parcel and is located on Georgia State Highway-124 in Snellville area. As per current ordinance of Gwinnett County Zoning Resolution, section 1301, the R-100 Zoning Classification allows for the use of a Group Day Care Home **which is more then six (6), but less then nineteen (19) provided** that the applicant for such development is granted a Special Use Permit by the Board of Commissioners. The property owner assists the senior citizen of county including Community Care Service Program from State of Georgia and owner having Prof. License in Health care from state of Georgia with 8 yr's experience with the senior community. This is a Owner-Occupied home is licensed by the state of Georgia to provide care for senior citizen.

The property has good reasonable economic use as senior community Group day care Home due to its location on 4 lane state Highway. Also the property is surrounding the C1, O&I zone as well as neighbor is R-100 zone has 3 commercial type church building. Also increasing the life span of seniors, it is necessary to keep them healthy and active. This type of community service is necessary in a local community.

The applicant respectfully requests your approval of the requested Special Use Permit and hereby offers to meet with staff of the Gwinnett County Dept. of Planning & Dev. To address any concern they may have.

This 29th day of Dec, 2010,

Respectfully submitted,

RECEIVED 3-2-11
SUP2011-00020

446 West Crogan Street, Ste. 150, Lawrenceville, Ga 30046-2
PHONE: 678-518-6000 www.gwinnettcounty.com

COMPLIANCE INSPECTION REPORT

CASE NUMBER:	CIR2011-00043
RECEIVED DATE:	3/2/2011
APPLICATION NAME:	AMRUT INVESTMENT
APPLICATION ADDRESS:	2704 CENTERVILLE HWY, SNELLVILLE, GA 30078
APPLICANT:	Amrut Investment Llc
	3030 Rusticwood Dr Snellville, GA 30078-2848
REQUEST TYPE:	Existing Building Compliance Report
NFPA OCCUPANCY:	
CURRENT OCCUPANCY USE:	B (IBC) Business
PROPOSED OCCUPANCY USE:	B (IBC) Business
DEVELOPMENT TYPE:	Other
CONSTRUCTION TYPE:	(IBC) TYPE VB UNSPRINKLERED

COMMENTS:

The following is the code compliance inspection report for the proposed occupancy and use. If you have any questions, please contact Building Plan Review at 678.518.6000.

DATE	ITEM	COMMENT	INSPECTOR	S
Electrical Code Compliance				
4/6/2011	The electrical system for the proposed occupancy is suitable for intended use.	2008 NEC	Tony Smith	
4/6/2011	Ground fault circuit interrupter (GFCI) in bathroom, kitchen, and outside receptacles.	NEC 210.8	Tony Smith	
4/6/2011	Grounding type receptacles.	NEC 406	Tony Smith	
4/6/2011	Required location for receptacles.	NEC 210	Tony Smith	
4/6/2011	Required location for lights and switches.	NEC 210	Tony Smith	
4/6/2011	Grounding to metal water pipe, building steel, ground rods.	NEC 250-3	Tony Smith	
4/6/2011	Working clearance in front of equipment.	NEC 110.26	Tony Smith	
4/6/2011	Location of service disconnect.	NEC 230.70	Tony Smith	

446 West Crogan Street, Ste. 150, Lawrenceville, Ga 30046-2440
PHONE: 678-518-6000 www.gwinnettcounty.com

COMPLIANCE INSPECTION REPORT

CASE NUMBER:	CIR2011-00043
RECEIVED DATE:	3/2/2011
APPLICATION NAME:	AMRUT INVESTMENT
APPLICATION ADDRESS:	2704 CENTERVILLE HWY, SNELLVILLE, GA 30078
APPLICANT:	Amrut Investment Llc
	3030 Rusticwood Dr Snellville, GA 30078-2848
REQUEST TYPE:	Existing Building Compliance Report
NFPA OCCUPANCY:	
CURRENT OCCUPANCY USE:	B (IBC) Business
PROPOSED OCCUPANCY USE:	B (IBC) Business
DEVELOPMENT TYPE:	Other
CONSTRUCTION TYPE:	(IBC) TYPE VB UNSPRINKLERED

COMMENTS:

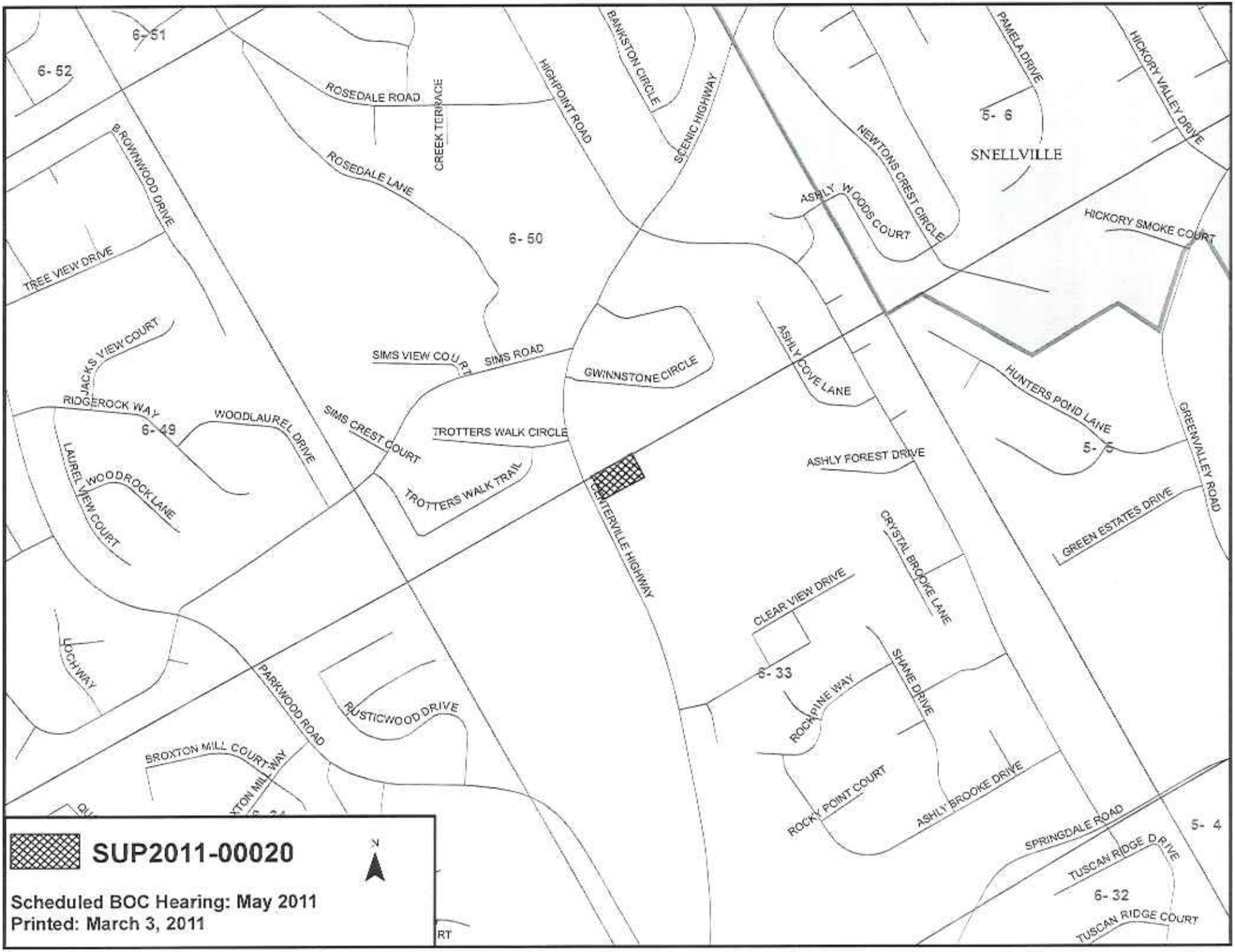
The following is the code compliance inspection report for the proposed occupancy and use. If you have any questions, please contact Building Plan Review at 678.518.6000.

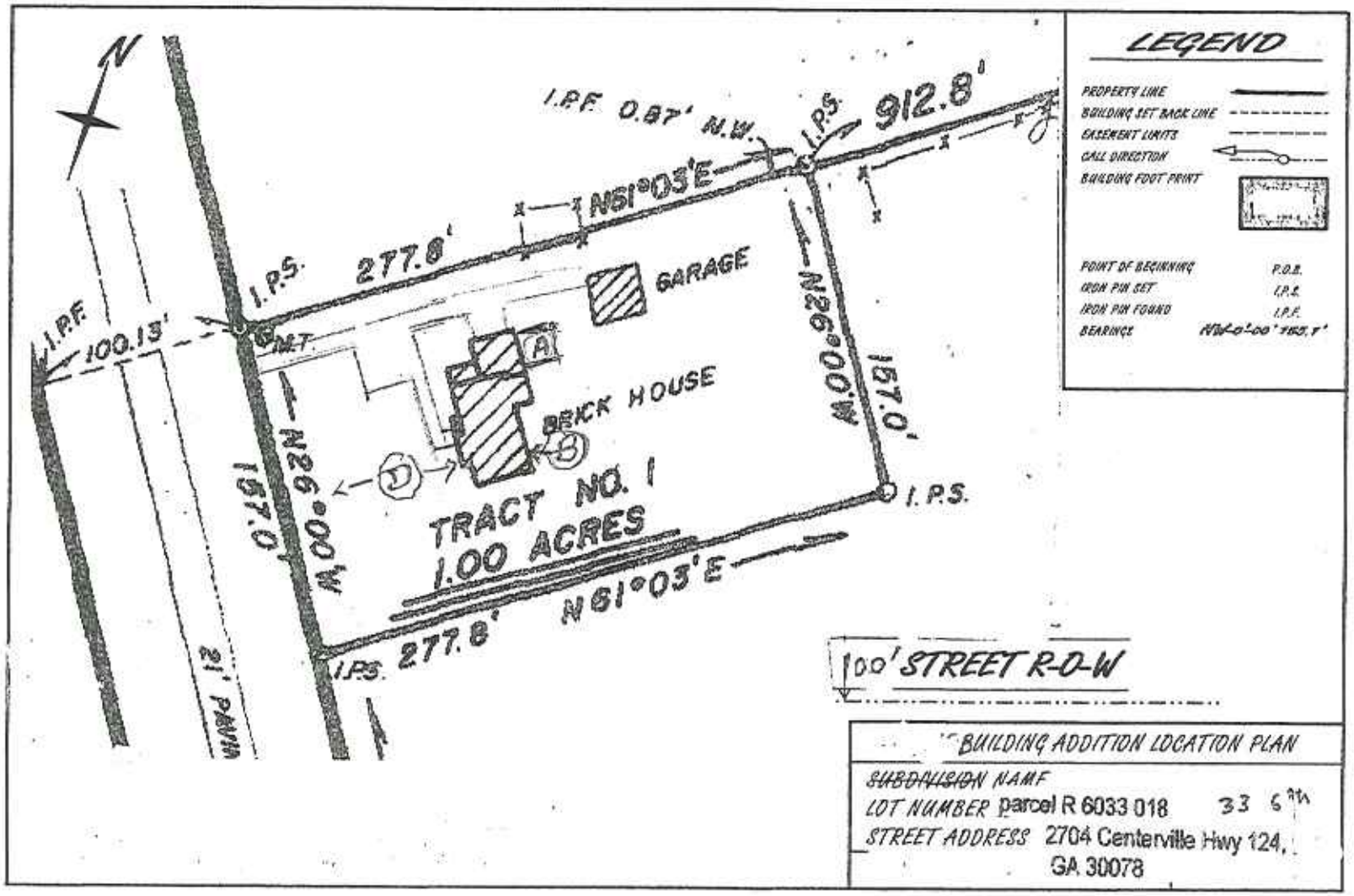
DATE	ITEM	COMMENT	INSPECTOR	STATUS
Electrical Code Compliance				
4/6/2011	The electrical system for the proposed occupancy is suitable for intended use.	2008 NEC	Tony Smith	Fail
4/6/2011	Ground fault circuit interrupter (GFCI) in bathroom, kitchen, and outside receptacles.	NEC 210.8	Tony Smith	Fail
4/6/2011	Grounding type receptacles.	NEC 406	Tony Smith	Fail
4/6/2011	Required location for receptacles.	NEC 210	Tony Smith	Fail
4/6/2011	Required location for lights and switches.	NEC 210	Tony Smith	Fail
4/6/2011	Grounding to metal water pipe, building steel, ground rods.	NEC 250-3	Tony Smith	Fail
4/6/2011	Working clearance in front of equipment.	NEC 110.26	Tony Smith	Fail
4/6/2011	Location of service disconnect.	NEC 230.70	Tony Smith	Fail
4/6/2011	Service equipment - Illumination of service and/or panels.	NEC 110.26(d)	Tony Smith	Fail
4/6/2011	Occupant to have access to service equipment.	NEC 230.72(c)	Tony Smith	Fail
4/6/2011	Approved covers on junction boxes and accessible.	NEC 314	Tony Smith	Fail
4/6/2011	Junction boxes - Correct size for box volume.	NEC 314.16	Tony Smith	Fail
4/6/2011	Conductors - Correct size for overcurrent device.	NEC 310	Tony Smith	Fail
4/6/2011	Physical condition of conductors.	NEC 310	Tony Smith	Fail

DATE	ITEM	COMMENT	INSPECTOR	STATUS
Electrical Code Compliance				
4/6/2011	Proper equipment grounding conductor size.	NEC 250.122	Tony Smith	Fail
4/6/2011	Disconnects for appliances and HVAC equipment -Required locations and accessible.	NEC 422.30 NEC 440.11	Tony Smith	Fail
4/6/2011	Overcurrent devices - Correct type per panel manufacturer.	NEC 110.3	Tony Smith	Fail
4/6/2011	Number of overcurrent devices for panel.	NEC 110.3	Tony Smith	Fail
Fire Daycare Inspection				
4/6/2011	Interior: Door Hardware Works Properly	provide lever hardware throughout	Tommy McCullers	Fail
4/6/2011	Interior: Fire Drill Records Maintained		Tommy McCullers	Fail
4/6/2011	Interior: Accessible Restroom Provided		Tommy McCullers	Fail
4/6/2011	Fire Protection Systems: Exit Signs		Tommy McCullers	Fail
4/6/2011	Fire Protection Systems: Emergency Lights	exit/emergency lights shall work on dc power	Tommy McCullers	Fail
4/6/2011	Fire Protection Systems: Alarm System Operates Properly	provide fire alarm system connected with smoke detectors throughout in accordance with nfpa 72	Tommy McCullers	Fail
4/6/2011	Fire Protection Systems: Kitchen Hood System Service	provide hood suppression system in vent hood over oven	Tommy McCullers	Fail
4/6/2011	Miscellanous:	nfpa 101 recognizes that 19 persons occupant load is considered a day care center not a group day care home as stated in the bright from the start by the state. as a day care center all classrooms shall exit directly to the outside not to have a nfpa 13 fire sprinkler system. as the home does not have rooms that exit directly outside a nfpa 13R fire sprinkler system will be required. see fire plan review for more information on more requirements. for nfpa 101 to be a group day care home a minimum of 7 persons and not more than 12.	Tommy McCullers	Fail
4/6/2011	Exterior: Address is Visible		Tommy McCullers	Pass
4/6/2011	Interior: Escape Routes Posted		Tommy McCullers	Pass
4/6/2011	Fire Protection Systems: Extinguisher Serviced & Tagged		Tommy McCullers	Pass
Mechanical Code Compliance				
4/6/2011	The mechanical system for the proposed occupancy is suitable for intended use.		Tony Smith	Fail
4/6/2011	Ducts and duct sytems - Allowable materials.		Tony Smith	Fail
4/6/2011	Ducts and duct sytems - Joints, seams, and connections.		Tony Smith	Fail
4/6/2011	Duct support.		Tony Smith	Fail
4/6/2011	Duct insulation.		Tony Smith	Fail
4/6/2011	Ducts and duct sytems - complies with Georgia State Energy Code.		Tony Smith	Fail

DATE	ITEM	COMMENT	INSPECTOR	STATUS
Mechanical Code Compliance				
4/6/2011	Combustion and ventilation air - Allowable material.		Tony Smith	Fail
4/6/2011	Combustion and ventilation air - Capacity for space.		Tony Smith	Fail
4/6/2011	Combustion and ventilation air - Termination.		Tony Smith	Fail
4/6/2011	Equipment - Location.		Tony Smith	Fail
4/6/2011	Equipment - Support.		Tony Smith	Fail
4/6/2011	Complies with Georgia State Energy Code		Tony Smith	Fail
4/6/2011	Separation ventilation system for incompatible material - Flammable vapors.		Tony Smith	Fail
4/6/2011	Exhaust systems - Bath fan vents and termination.		Tony Smith	Fail
4/6/2011	Chimneys and vents systems - Allowable materials.		Tony Smith	Fail
4/6/2011	Fuel gas piping - Air test.		Tony Smith	Fail
4/6/2011	Equipment - Accessibility.		Tony Smith	Pass
4/6/2011	Equipment - Clearance.		Tony Smith	Pass
Plumbing Code Compliance				
4/6/2011	The plumbing system for the proposed occupancy is suitable for intended use.		Tony Smith	Fail
4/6/2011	Water heaters - Provide combustion air from outside.	IPC 504.5-504.6	Tony Smith	Fail
4/6/2011	Water heaters - Provide 3/4 T&P relief line using approved pipe.	IPC 502.4	Tony Smith	Fail
4/6/2011	Water heaters - Install vacuum relief valve (bottom feed heaters only).	IPC 504.2	Tony Smith	Fail
4/6/2011	Water heaters - Repair or replace vent with approved vent pipe.		Tony Smith	Fail
4/6/2011	Repair or replace water heater.	IPC 501.1	Tony Smith	Fail
4/6/2011	This occupancy requires drinking fountains to be installed.	IPC 403.1	Tony Smith	Fail
4/6/2011	Provide separate toilet rooms for male and female.	IPC 403.2	Tony Smith	Fail
4/6/2011	Change all water closets to elongated with open front seats.	IPC 420.2	Tony Smith	Fail
4/6/2011	Install privacy partitions for water closets and urinals.	IPC 310.4	Tony Smith	Fail
4/6/2011	Replace/repair water distribution pipe to comply with 2006 IPC.	IPC 601.1	Tony Smith	Fail
4/6/2011	Replace/repair drain waste vent system to comply with 2006 IPC.	IPC 701.1	Tony Smith	Fail
4/6/2011	Install double check valve assembly and certify device.	IPC 608.1	Tony Smith	Fail
4/6/2011	Install pressure reducing valve in main water service.	IPC 604.8	Tony Smith	Fail
4/6/2011	Install vacuum brakers on all hose bibbs.	IPC 608.11	Tony Smith	Fail
4/6/2011	Water heaters - install thermal expansion device.	IPC 607.3	Tony Smith	Pass

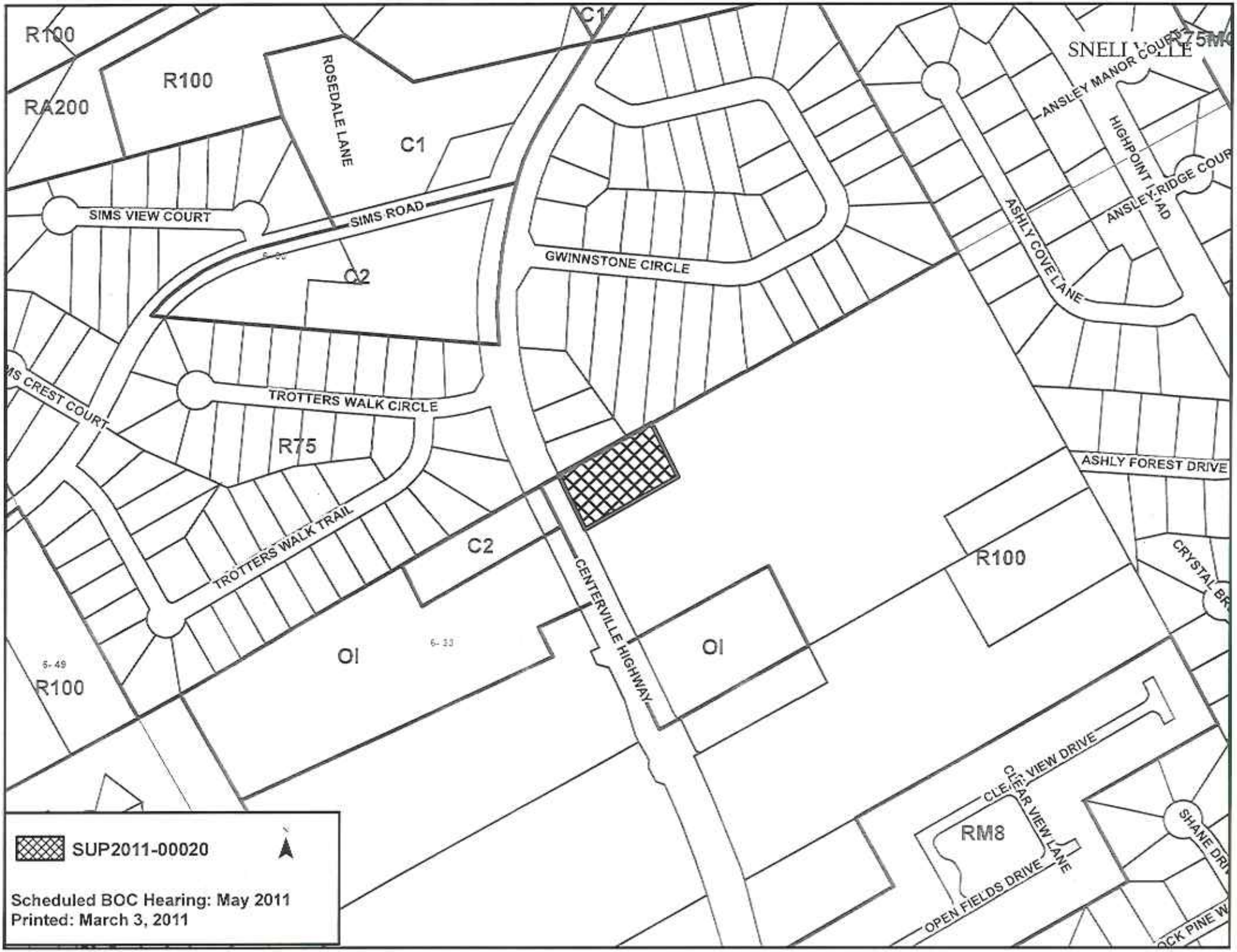
DATE	ITEM	COMMENT	INSPECTOR	STATUS
Structural Code Compliance				
4/6/2011	Wood grades, spans, floor joist, ceiling and rafters.	IBC 2308 Needs 3rd party approval on floor system and large opening between rooms (supported?)	Joe Martin	Fail
4/6/2011	Insulation, flamespread.	IBC 719	Joe Martin	Fail
4/6/2011	Insualtion in attic.	IECC 502	Joe Martin	Fail
4/6/2011	Insualtion in crawlspace.	IECC 502 no insulation	Joe Martin	Fail
4/6/2011	Insulation in walls.	IECC 502 needs veritied. Walls closed	Joe Martin	Fail
4/6/2011	Attic Access.	IBC 1209.9 not large enough	Joe Martin	Fail
4/6/2011	Fire resistance rated construction requirements	IBC 701 not fire rated	Joe Martin	Fail
4/6/2011	Decks, guardrails.	IBC 1013.3 needs bringing up to code. IBC 1607.7	Joe Martin	Fail
4/6/2011	Tempered glass for doors and windows.	IBC 2406 Large plate glass window, frontroom not tempered	Joe Martin	Fail
4/6/2011	Attic Ventilation.	IBC 1203	Joe Martin	Pass
4/6/2011	Crawlspace ventilation.	IBC 1203	Joe Martin	Pass
4/6/2011	Ground clearance.	IBC 2304.11	Joe Martin	Pass


6- 51
6- 52
ROSEDALE ROAD
CREEK TERRACE
HIGHPOINT ROAD
BANKSTON CIRCLE
SCENIC HIGHWAY
PAMELA DRIVE
HICKORY VALLEY DRIVE
5- 6
SNELLVILLE
NEWTONS CREST CIRCLE
ASHLY WOODS COURT
HICKORY SMOKE COURT
BROWNWOOD DRIVE
TREE VIEW DRIVE
ROSEDALE LANE
6- 50
JACKS VIEW COURT
SIMS VIEW COURT
SIMS ROAD
GWINNSTONE CIRCLE
ASHLY COVE LANE
HUNTERS POND LANE
5- 5
GREENVALLEY ROAD
RIDGEROCK WAY
6- 49
WOODLAUREL DRIVE
SIMS CREST COURT
TROTTERS WALK CIRCLE
TROTTERS WALK TRAIL
ASHLY FOREST DRIVE
LAUREL VIEW COURT
WOODROCK LANE
CENTERVILLE HIGHWAY
CRYSTAL BROOKE LANE
GREEN ESTATES DRIVE
CLEAR VIEW DRIVE
LOCH WAY
PARKWOOD ROAD
RUSTICWOOD DRIVE
6- 33
ROCKPINE WAY
SHANE DRIVE
BROXTON MILL COURT
BROXTON MILL WAY
ROCKY POINT COURT
ASHLY BROOKE DRIVE
SPRINGDALE ROAD
5- 4
TUSCAN RIDGE DRIVE
6- 32
TUSCAN RIDGE COURT
SUP2011-00020
N
Scheduled BOC Hearing: May 2011
Printed: March 3, 2011



A- Proposed Covered Sunroom deck (16'x16')
B- Existing Home
C- Driveway Existing
D- Front setback 40' ft'

RECEIVED 3-2-11
SUP2011-00020


R100
R100
RA200
ROSEDALE LANE
C1
C1
SNELLVILLE
ANSLEY MANOR COURT
HIGHPOINT TRAIL
ANSLEY RIDGE COUR
SIMS VIEW COURT
SIMS ROAD
GWINNSTONE CIRCLE
ASHLY COVE LANE
C2
TROTTERS WALK CIRCLE
R75
ASHLY FOREST DRIVE
TROTTERS WALK TRAIL
C2
CENTERVILLE HIGHWAY
R100
CRYSTAL BR
OI
OI
R100
CLEAR VIEW DRIVE
CLEAR VIEW LANE
RM8
SHANE DRI
OPEN FIELDS DRIVE
SUP2011-00020
Scheduled BOC Hearing: May 2011
Printed: March 3, 2011

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00022**
ZONING	:C-2
LOCATION	:1500 BLOCK OF INDIAN TRAIL-LILBURN ROAD
MAP NUMBER	:R6199 110
ACREAGE	:1.53 ACRES
PROPOSED DEVELOPMENT	:TRUCK RENTAL
SQUARE FEET	:3,402 SQUARE FEET
COMMISSION DISTRICT	:(1) LASSETER

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

APPLICANT: TRAC LIMITED PARTNERSHIP
4817 HARGROVE ROAD
RALEIGH, NC 27616

CONTACT: JOHN E. UNDERWOOD, ESQ. PHONE: 770.925.0111

OWNER: J. W. A. PROPERTIES, LLC
C/O PALMETTO BANK
301 HILLCREST DRIVE
LAURENS, SC 29360

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Special Use Permit on a 1.53-acre property, zoned C-2 (General Business District), to allow truck rental. The property is developed with a single-story building that was previously a fast food restaurant. The site is located on the east side of Indian Trail-Lilburn Road south of Oakbrook Parkway. It is noted that automobile rental is a permitted use in C-2, and the requested Special Use Permit is for the rental of box trucks.

The site is developed with a 3,402 square foot brick building, and the applicant indicates that the vehicle rental business would occupy the existing space. The proposed business activity would include the rental of several types of vehicles such as cars, vans, sport utility vehicles, passenger vans, light pick-up trucks, and box trucks. The box trucks would be parked to the rear of the building and there would not be more than three on the site at any time.

There is a plan to modify the building by converting the kitchen area of the former restaurant into a car wash bay. This would require a curb cut adjacent to the building and the installation of a roll-up door. Access to the property is from a shared driveway that serves several properties and a total of 47 parking spaces are indicated on the submitted site plan.

ZONING HISTORY:

The property was zoned R-75 (Single Family Residence District) in 1970. In 1972, the property was rezoned to RA-200 (Agriculture-Residence District) as part of an area wide rezoning. The site was rezoned to C-2, pursuant to RZ-96-88, in 1988.

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:

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:

Automobile or truck rental - at a minimum, one space per 300 square feet (no minimum/maximum for inventory)

Automobile or truck rental - at a maximum, one space per 150 square feet (no minimum/maximum for inventory)

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior tenant space modifications or exterior modifications for review and approval by Building Plan Review.

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject site is a 1.53 acre property located on the east side of Indian Trail-Lilburn Road, south of Oakbrook Parkway. The site is developed with a 3,402 square foot restaurant building and associated parking lot.

The 2030 Unified Plan Future Development Map indicates that the site is located in an Existing/ Emerging Suburban Character Area. The site is located along a well travelled roadway and commercial use is appropriate for the property. The property is located within the Gwinnett Village Community Improvement District (CID). In recent years, the CID and Gwinnett County have undertaken extensive efforts to improve the appearance and support the long-term viability of the area. Although located within a commercial area, the requested truck rental may not be consistent with these efforts, as box trucks parked on the site may detract from its visual appeal.

The Indian Trail-Lilburn Road corridor is developed with a mix of commercial/retail and office-institutional uses, with residential developments located beyond the commercial corridor. Commercial activity in the area includes restaurants, retail centers, and office buildings. Located across Indian Trail-Lilburn Road is Greater Atlanta Christian School which is an anchor use in the Indian Trail-Lilburn Road corridor. The school, in conjunction with the Gwinnett Village CID and other property owners in the area, has made substantial investments to improve the appearance and viability of Indian Trail-Lilburn Road. In light of these efforts, rental of box trucks may not be appropriate at this location.

In conclusion, the requested special use may not be suitable given the growing public and private efforts to improve the condition and appearance of certain commercial corridors within Gwinnett County. 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 of a Special Use Permit to allow truck rental subject to the following enumerated conditions:

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

   A. Retail, service commercial, office and accessory uses which may include truck rental as a special use. No more than 3 box trucks may be offered for rent, and these trucks shall not exceed 17 foot cargo boxes. Box trucks shall be parked to the rear of the building.

   B. Abide by all applicable conditions of RZ-96-88.

   C. Outdoor storage or display of merchandise other than vehicles for rent shall be prohibited. Rental of tow-behind trailers, campers and recreational vehicles shall be prohibited.

2. To satisfy the following site development considerations:

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

   B. Billboards shall be prohibited.

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

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

   E. 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

The requested Special Use Permit for truck rental may not be suitable at this location in light of ongoing revitalization efforts in the area.

ADVERSE IMPACTS

The establishment of truck rental at this location may result in a degraded visual appeal for the property, and the area in general.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be few additional impacts on public facilities anticipated from this request.

CONFORMITY WITH POLICIES

The addition of a truck rental at this location may not be consistent with ongoing private and public efforts to improve the appearance and viability of commercial corridors throughout the County.

CONDITIONS AFFECTING ZONING

Automobile rental is allowed by the current zoning of the site, and in the Department's opinion could be a viable use for the property without the inclusion of large box trucks.

TRAC SUP APPLICATION
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 zoning power.

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

Yes. The subject property is located within the Indian Brook Park Office Development. All of the property located within Indian Brook Park is zoned C-2, as is the property across Indian Trail Road. The usages are primarily retail, office and office/warehouse. The preferred use in this area is office according to the Gwinnett County 2030 Unified Plan Future Development Map (printed February 2009).

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

No. See response to subsections (A) and (E).

(C) Whether the property to be affected by a proposed special use permit has reasonable economic use as currently zoned:

No. The last use of the property was as a fast food restaurant. The restaurant failed at this location. The existing building has no reasonable economic use as a warehouse, retail or most office uses. However, it can be converted for use as a rental automobile office. The existing kitchen area can be reused as a car wash area for the tenant's stock only.

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

No. The automobile and truck rental business should have a minimal effect on traffic. Moreover, the Subject Property is primarily accessible from an adjacent local access road intersecting Indian Trail Road. There is an existing traffic light at that intersection. The secondary access is on the Indian Brook Park access road to Hillcrest Road to the northwest of the subject property. There is no direct ingress/egress to the Subject property from Indian Trail Road.

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(E) Whether a proposed special use permit is in conformity with the policy and intent of the land use plan:

Yes. There are several other automobile and/or truck rental businesses within three (3) miles of the Subject Property located either within areas expected to be primarily office or existing/emerging suburban according to the Gwinnett County 2030 Unified Plan Future Development Map (printed February 2009).

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

No. The planned use is consistent with the other uses in the area. See response to Section (E) above.

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THOMPSON | O'BRIEN

Thompson O'Brien Kemp & Nasuti, P.C. | *Attorneys at Law*

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OF COUNSEL
John E. Underwood

E-mail: junderwood@tokn.com

March 3, 2011

VIA HAND DELIVERY
Gwinnett County Department of Planning and Development
One Justice Square
446 West Crogan Street
Lawrenceville, Georgia 30045-2440

Re: SUP for Truck Rental
Application of TRAC Limited Partnership
Letter of Intent
Our File No. 6127.00001

Dear Sir or Madam:

This firm represents TRAC Limited Partnership ("TRAC"), the applicant for the above referenced Special Use Permit.[1] TRAC is a North Carolina Limited Partnership created for the purpose of owning and leasing real estate to several commercial entities, including but not limited to, Triangle Rent A Car, LLC, a North Carolina Limited Liability Company authorized to do business in Georgia ("Triangle"). The Subject Property is Tax Parcel ID No. R6-199-110. Its street address is 1568 Indian Trail Road, Norcross, Georgia 30093-2613. A copy of the Limited Warranty Deed to the current owner and containing the current metes and bounds legal description is attached hereto as Exhibit "B."

The Subject Property is located within the Indian Brook Park office development. It is currently vacant, and it consists of a vacant building (approximately 3402 s.f.) with a large parking area containing approximately 47 parking spaces. The lot is approximately 1.528 acres and is currently zoned C-2.[2] The building is a single story structure approximately 15 feet high. A reduced copy of the Site Plan is attached hereto as Exhibit "C." Four (4) original full sized copies of the Site Plan are also attached.

[1] The original Special Use Permit Application, Special Use Applicant's Certification, Special Use Permit Property Owner's Certification, Notarized Conflict of Interest Certification for Special Use Permit (one each for the Applicant and the Owner) and the verification of Current Property Taxes Paid for Special Use Permit are attached hereto as Exhibit "A."

[2] This is approximately 2,226 s.f./acre.

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The current owner of the Subject Property is J.W.A. Properties, LLC, currently operated by the Carolyn Coker Moore QTIP Trust (the "QTIP Trust"). The Palmetto Bank is the trustee of the QTIP Trust.[3] The Subject Property is currently under contract for sale to TRAC. When the sale is consummated, TRAC intends to enter into a long term lease with Triangle to utilize the property as a retail automobile and truck rental agency.

The last use of the building was for a fast food restaurant. The contract for sale is contingent on an SUP for truck rental being approved by Gwinnett County for the Subject Property.

Triangle is a multi-state retail automobile and truck rental company. It rents automobiles and trucks in North and South Carolina, Virginia and Georgia. It currently has two locations in Gwinnett County, one in Snellville and the other on Jimmy Carter Boulevard. Triangle wishes to close its Jimmy Carter Boulevard location and open a new location on the Subject Property.

Based on discussions with the Gwinnett County of Planning and Development, we understand that Gwinnett County interprets the Zoning Ordinance so that automobile rental is a permitted use within C-2 zoning, but that an SUP must be obtained for any kind of truck rental.[4] Similarly, an automotive car wash is also a permitted use for property zoned C-2.[5]

Triangle is primarily a retail automobile rental company, but it also offers pickup trucks, SUVs, passenger vans (up to 15 passengers maximum) and small box trucks (up to 15' maximum) in its rental inventory. Triangle anticipates repainting and using the existing building.

If the SUP is granted, Triangle shall place only rental car, pickup truck, minivans, passenger vans and SUV inventory on the lot between the building and Indian Trail Road. Any and all box van inventory will be stored in the parking area behind (i.e., the parking area north of) the building.

An excerpt from Triangle's website (www.trianglerentacar.com) showing the size and types of vehicles it currently offers for rent is attached hereto as Exhibit "F". Triangle does not anticipate having more than three (3) of the fifteen foot (15') box trucks present on the lot at any given time.

---

[3] A true and correct copy of the Memorandum of Trust appointing Palmetto Bank as Trustee for the Carolyn Coker Moore QTIP Trust is attached hereto as Exhibit "D." A true and correct copy of the Resolution Authorizing W. Glenn Keadle to execute documents on behalf of the Palmetto Bank is attached hereto as Exhibit "E."

[4] The phrase "automobile rental" does not appear in the permitted uses for C-2. Planning and Zoning staff interpret the category of "equipment rental" (Section 1308(A)(33)) to include automobile rental. Planning and Zoning similarly construes the special use of "Heavy equipment and farm equipment sales and service, *and truck rental*" (Section 1308(E)(7) (emphasis added) to mandate an SUP if an automobile rental company wishes to rent any kind of truck, including pick-up trucks and SUVs, at a C-2 location.

[5] Section 1308(A)(6).

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In addition, Triangle intends to operate a hand wash only area in the present kitchen area of the building. Triangle will remove all of the existing kitchen equipment and utilize the existing tile floor and drain for the purpose of washing automobiles inside the existing building. Triangle will have to install one or more roll up doors and a curb cut adjacent to the building to facilitate the car wash area. A diagram showing the proposed location of the car wash area and the box van and commuter van inventory storage area is attached hereto as Exhibit "G". Triangle will not have any outdoor car or truck washing activities on the Subject Property.

Triangle will agree that it will not utilize tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material to 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 will not be utilized. Triangle will comply with the existing sign ordinance.[6] Triangle will apply for a sign permit to re-use the extant sign pole that was previously approved for the prior fast food operator.

I have attached certain constitutional objections to this letter of intent which are incorporated herein by reference. See Exhibit "H" attached hereto.

Also attached hereto is this firm's check in the amount of $750.00 made payable to Gwinnett County in payment of the application fee. A copy of the Special Use Permit Application Checklist is also attached as Exhibit "I."

If you have any questions, or if you wish to discuss any additional conditions, please do not hesitate to contact me.

Very truly yours,

Thompson, O'Brien, Kemp & Nasuti, P.C.

John E. Underwood
Of Counsel

JEU:bms
Enclosures

cc: Frank Colonna, TRAC Limited Partnership (w/encl.)
John Wallace, Esq., counsel for TRAC Limited Partnership (w/encl.)
Glen Keadle, Palmetto Bank (w/encl.)

[6] Gwinnett County Code, Part II, Sec. 86-100 – 86-125.

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CASE NUMBER RZ-96-88

1223

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

Present	VOTE
Lillian Webb, Chairman	AYE
Ken Suffridge, District 1	AYE
Scott Ferguson, District 2	AYE
Mike Berg, District 3	AYE
Don Loggins, District 4	AYE

On motion of COMM. LOGGINS, 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 AND O-I

CASE NUMBER RZ-96-88

by J. CHARLES HENDON, JR., C/O HENDON PROPERTIES, INC. for the proposed use of MIXED-USE COMMERCIAL/OFFICE DEVELOPMENT INCLUDING RETAIL CENTERS 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 NEWS, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on AUGUST 23, 1988 and objections were NOT filed;

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 23RD day of AUGUST, 1988 that the aforesaid application to amend the Official Zoning Map from RA-200 to C-2 AND O-I is hereby APPROVED as C-2 for Tract I and O-I with a Special Use Permit for Tract II as shown on the Rezoning Plan for Indian Brook Park/Hendon Properties by Harris Engineering Corporation, dated and received by the Planning Division August 1, 1988, subject to the following enumerated conditions:

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

A. For the property zoned O-I: Office, institutional, public and semi-public uses, which may include a retirement community or other special uses if approved for a Special Use Permit, and accessory uses at a maximum density of 15,000 square feet of gross floor area per acre zoned.

CASE NUMBER RZ-96-88

B. A Special Use Permit is approved for the O-I zoned property to permit a building height increase not to exceed six stories.

C. For the property zoned C-2: Office, retail and service commercial and accessory uses at a maximum density of 10,000 square feet of total floor area per acre zoned.

2. To satisfy the following site development considerations:

A. Provide a ten-foot wide landscape strip outside the new dedicated rights-of-way of Indian Trail Road, Hillcrest Road and the Oakbrook Parkway extension (except for approved access points).

B. No more than three full access curb cuts on Indian Trail Road, including the Oakbrook Parkway extension. One shall be at the southerly end of the property, and one shall be aligned with the traffic signal for Greater Atlanta Christian School, subject to approval of the Development Division and the Gwinnett County Department of Transportation. Two additional right-in/right-out only curb cuts may be permitted, with the location subject to Development Division approval, that will provide internal access to the proposed development.

C. No more than one exit/entrance on Hillcrest Road.

D. Exits/entrances on the Oakbrook Parkway extension shall be in accordance with the Gwinnett County Development Regulations, subject to the approval of the Development Division.

E. Provide interparcel access to out parcels, location subject to the approval of the Director of Planning and Development.

F. No billboards are permitted.

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

H. Buildings shall be finished with architectural treatments of glass and/or brick, stone, stucco or other masonry finish; or submit alternate architectural plans for approval of the Planning Commission prior to issuance of a building permit.

I. The 75-foot buffer on the C-2 zoned out parcels adjacent to Tract III (zoned RA-200) may be reduced to a ten-foot wide landscape strip.

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

   A. Dedicate, at no cost to Gwinnett County, 60 feet of right-of-way from the centerline of Indian Trail Road.

   B. Dedicate, at no cost to Gwinnett County, 40 feet of right-of-way from the centerline of Hillcrest Road.

   C. Dedicate, at no cost to Gwinnett County, 120 feet of right-of-way for the extension of Oakbrook Parkway within 500 feet of its intersection with Indian Trail Road and 100 feet of right-of-way through the remainder of the property.

   D. Improve Hillcrest Road along the entire property frontage a distance of 26 feet from centerline to back of curb prior to the issuance of a certificate of occupancy for Tract II.

   E. Construct the Oakbrook Parkway extension, for a distance of approximately 815 feet, from Indian Trail Road with five lanes (two through lanes in each direction with a two-way left turn lane), plus left and right turn lanes at its intersection with Indian Trail Road. Construction of the road through the property to the northeasterly property line must be completed at the developer's expense prior to the issuance of any certificate of occupancy on Tract II.

   F. Widen, curb and gutter Indian Trail Road the width of one additional lane across the entire property frontage.

   G. Participate in the design and construction of the following improvements, at a cost not to exceed $175,860. Funds shall be cash escrowed with the Gwinnett Department of Transportation prior to issuance of a development permit.

      1. Escrow $64,800 to participate in the cost of adding an eastbound lane on Indian Trail Road beginning 200 feet east of the easternmost project entrance and ending at the I-85 entrance ramp.

      2. Escrow $92,260 to participate in the cost of adding a westbound lane on Indian Trail Road from the I-85 northbound exit ramp to Singleton Road.

CASE NUMBER RZ-96-88

3. Escrow $9,800 to participate in the cost of adding an additional right turn lane to the I-85 northbound exit ramp.

4. Escrow $10,000 to participate in the cost of upgrading signalization on Indian Trail Road at the Oakbrook Parkway extension.

5. Funds escrowed may be used, at the option of the Gwinnett County Department of Transportation, to complete the construction of the Oakbrook Parkway extension from the northeasterly property line of Tract I to Hillcrest Road.

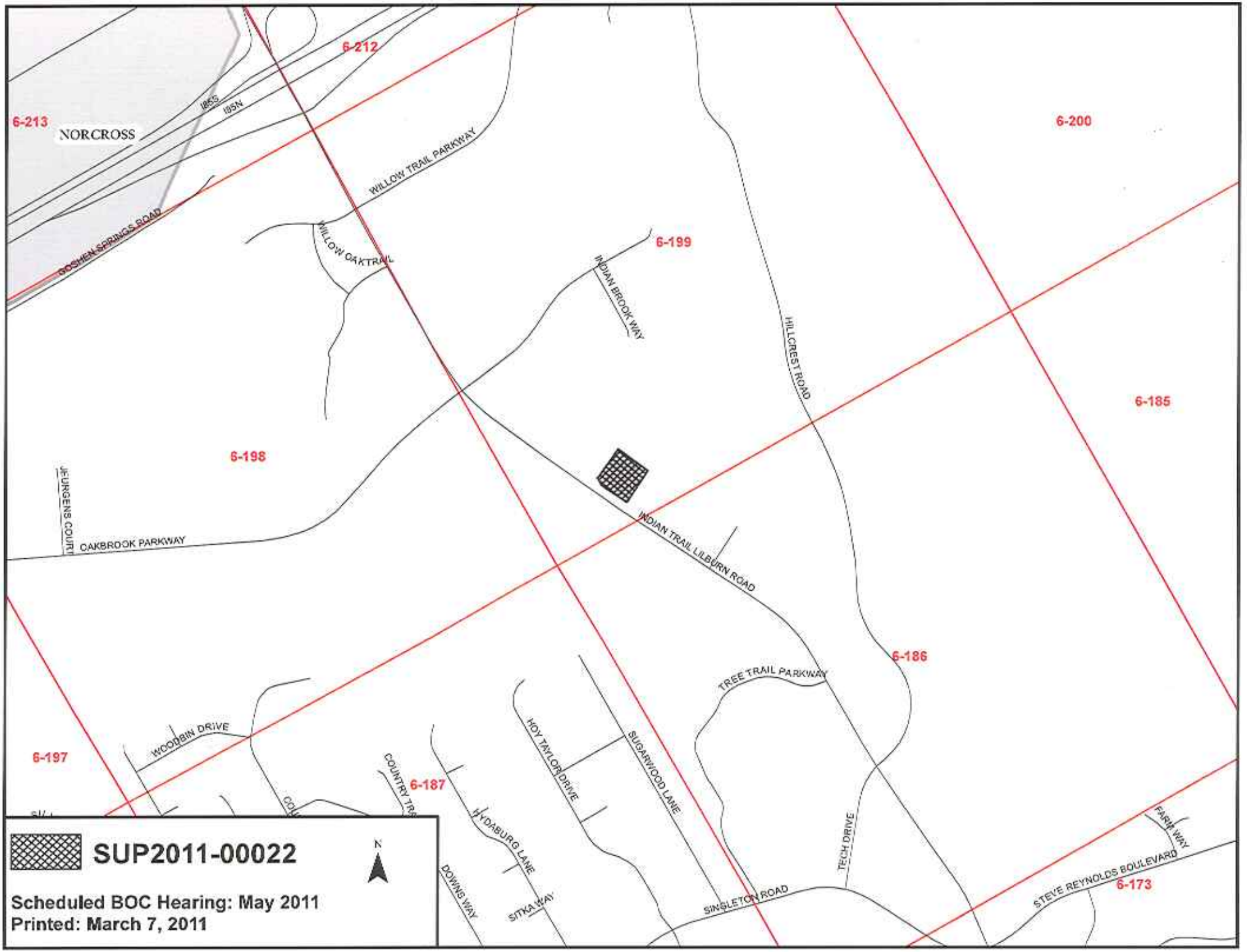
GWINNETT COUNTY BOARD OF COMMISSIONERS

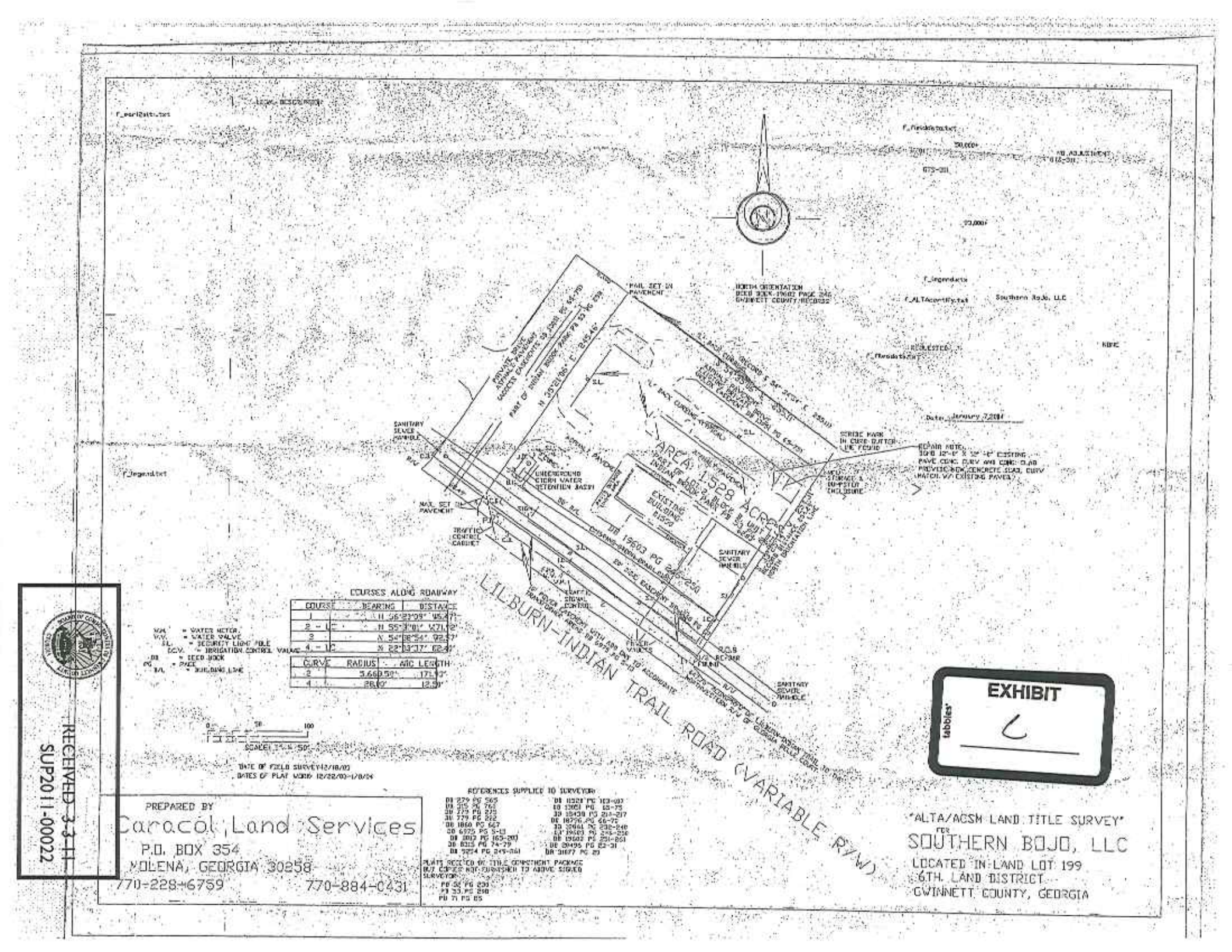
By: Lillian Webb
Lillian Webb, Chairman

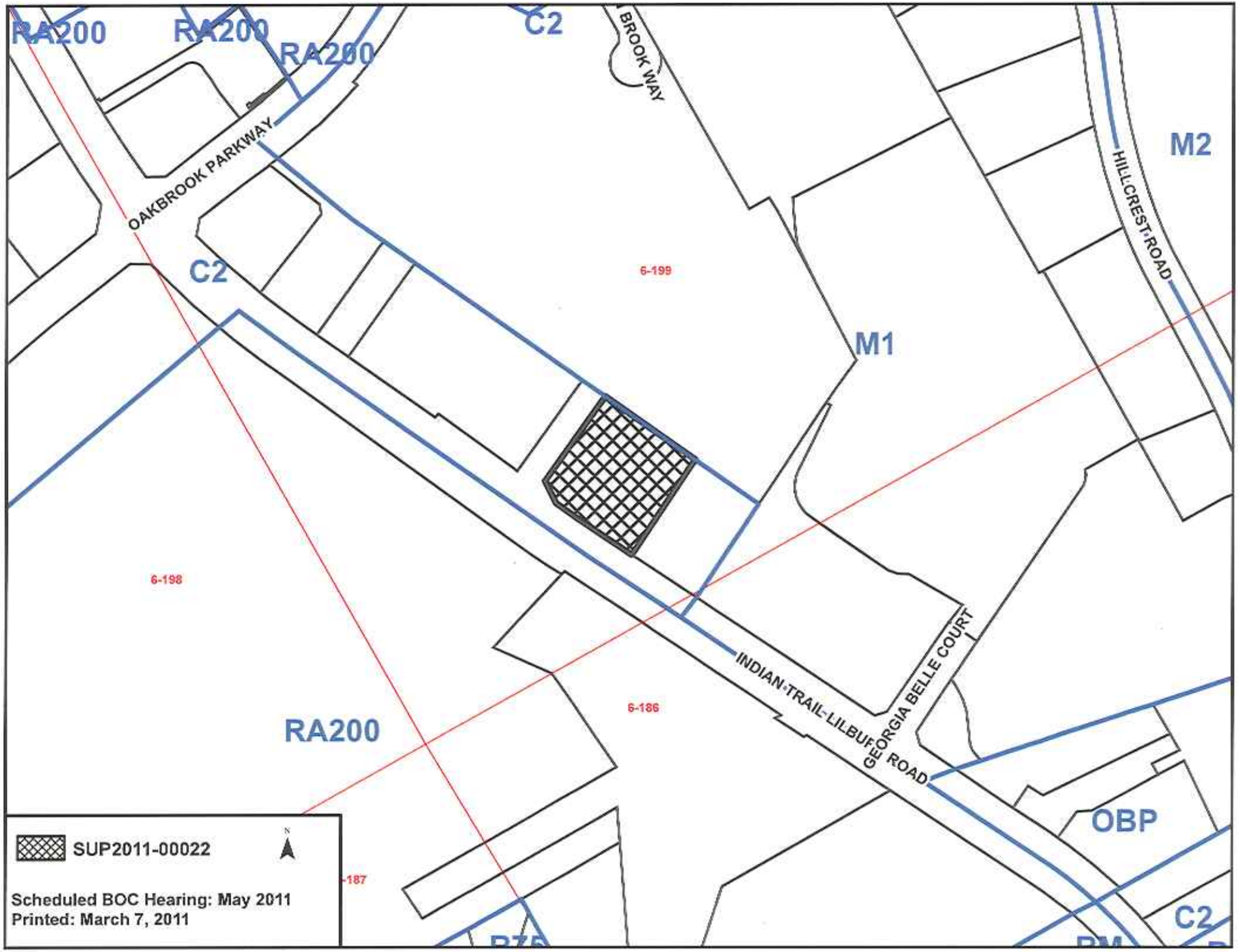
ATTEST:
Charlotte J. Nash
Clerk

RECORDED: 9-21-88

APPROVED AS TO FORM:
COUNTY/STAFF ATTORNEY


6-212
6-213
NORCROSS
I85S
I85N
6-200
WILLOW TRAIL PARKWAY
GOSHEN SPRINGS ROAD
WILLOW OAK TRAIL
6-199
INDIAN BROOK WAY
HILLCREST ROAD
6-185
6-198
JEURGENS COURT
OAKBROOK PARKWAY
INDIAN TRAIL LILBURN ROAD
6-186
TREE TRAIL PARKWAY
6-197
WOODBIN DRIVE
6-187
COUNTRY TRAIL
HOY TAYLOR DRIVE
SUGARWOOD LANE
HYDABURG LANE
TECH DRIVE
FARM WAY
DOWNING WAY
SITKA WAY
SINGLETON ROAD
STEVE REYNOLDS BOULEVARD
6-173
SUP2011-00022
N
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011


NORTH ORIENTATION
DEED BOOK 19603 PAGE 246
GWINNETT COUNTY RECORDS
NAIL SET IN PAVEMENT
PRIVATE DRIVE
ASPHALT PAVEMENT
ACCESS EASEMENTS
PART OF INDIAN BROOK PARK
SANITARY SEWER MANHOLE
UNDERGROUND CISTERN WATER DETENTION BASIN
AREA: 1.528 ACRES
PARCEL 1
INDIAN BROOK PARK
LOT 2, BLOCK B
PB 91, PG 83
EXISTING BUILDING 8323
DB 19603 PG 246-250
SANITARY SEWER MANHOLES
EX. 20' EASEMENT
TRAFFIC CONTROL CABINET
TRAFFIC CONTROL
CATCH BASIN
RCP
CMP
SANITARY SEWER MANHOLE
LILBURN-INDIAN TRAIL ROAD (VARIABLE R/W)
SCRIBE MARK IN CURB GUTTER LIP POINT
REPAIR NOTE:
REMOVE & REPLACE EXISTING PAVE CONC. CURB AND CONC. SLAB
PROVIDE NEW CONCRETE SLAB, CURB (MATCH W/ EXISTING PAVED)
Date: January 7,2004
Southern Bojo, LLC
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F_legend.txt
F_field1.txt
F_field2.txt
F_field3.txt
F_field4.txt
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RA200
RA200
RA200
C2
BROOK WAY
OAKBROOK PARKWAY
C2
6-199
M1
M2
HILLCREST ROAD
6-198
INDIAN TRAIL-LILBURN ROAD
GEORGIA BELLE COURT
6-186
RA200
OBP
C2
SUP2011-00022
N
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00023**
ZONING	:R-100
LOCATION	:200 BLOCK OF RUSSELL ROAD
MAP NUMBER	:R7068 082
ACREAGE	:1.55 ACRES
PROPOSED DEVELOPMENT	:FAMILY PERSONAL CARE HOME
SQUARE FEET	:3,975 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD

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

APPLICANT: DANIELA LUCA
2744 STERLING DRIVE
LAWRENCEVILLE, GA 30043

CONTACT: DANIELA LUCA PHONE: 404.516.1268

OWNER: DON P. GRAHAM
8629 ALEXENDRA ARBOR LANE
TAMPA, FL 33637

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Special Use Permit on a 1.55 acre property, zoned R-100 (Single Family Residence District), to allow a family personal care home. The subject property is located on the northwest side of Russell Road, between Lawrenceville-Suwanee Road and Collins Hill Road. The site is developed with a one-story, single-family dwelling on a wooded lot, and is accessed by a single driveway, which extends from Russell Road.

The letter of intent states that the family personal care home would serve 8 adults, primarily senior citizens that need assistance with daily activities. There is no indication of the proposed staffing level necessary to care for the 8 residents. A total of 9 parking spaces are shown on the submitted site plan.

ZONING HISTORY:

The subject property has been zoned R-100 (Single Family Residence District) 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.

STORMWATER REVIEW SECTION COMMENTS:

A site development permit will be required for any on-site land disturbing activity.

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 plan.

Contact GCEHD concerning food service establishments planned for the project.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the eastern right-of-way of Russell 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 east of the property in the right-of-way of Chase Ridge Court.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

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

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

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject property is located on the northwest side of Russell Road, between Lawrenceville-Suwanee Road and Collins Hill Road. The site is developed with a one-story, single family dwelling and the lot is wooded.

The 2030 Unified Plan Future Development Map indicates the site is located within an Existing/Emerging Suburban Character Area. Although the property is located along a collector street (Russell Road), it may be situated too close to established single-family neighborhoods, and may intrude upon these nearby residences. Therefore, the request may not be consistent with the policies of the Unified Plan.

The surrounding area is uniformly residential, and is developed with single-family homes and subdivisions within the R-100 and R-75 zoning districts. The proposed request for a family personal care home may not be consistent with adjacent and nearby single-family residences, as the subject tract is visible from the rear yards of nearby homes including the Hambridge Court subdivision. Approval of the request could create an encroachment upon these neighbors and set a precedent for future requests within this segment of Russell Road.

In conclusion, the requested Special Use Permit may not be in conformity with certain policies of the Unified Plan or compatible with closely situated residences in the immediate area. Therefore, the Department of Planning and Development recommends **DENIAL** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Approval of a Special Use Permit for a Family Personal Care Home subject to the following enumerated conditions:

1. Limited to a personal care home providing residence and care for up to a maximum of eight individuals (clients) residing in the home.

2. Prior to commencing the business, obtain all necessary permits to bring the dwelling and property up to code for Family Personal Care Home occupancy.

3. Exterior signage advertising the personal care home shall be prohibited.

4. Additional evergreen plantings shall be installed along the east (side) property line to screen the parking area from view of neighboring residences. Plating design shall be subject to review and approval of the Director of Planning and Development.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed rezoning may not be suitable in light of the property's proximity to neighboring residences.

ADVERSE IMPACTS

The proposed use may have some impacts on adjacent and nearby residential properties from a potential increase in activity on the site not consistent with a typical single-family residence.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

It is anticipated that there would be additional impacts on public facilities in the form of traffic and utility demand.

CONFORMITY WITH POLICIES

The requested Special Use Permit may not be consistent with policies of the 2030 Unified Plan that suggest that use be compatible with the character of the residential area.

CONDITIONS AFFECTING ZONING

The subject tract is visible from the rear yards of nearby homes including the Hambridge Court subdivision. Approval of the request could create an encroachment upon these neighbors and set a precedent for future requests within this segment of Russell Road.

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, it will.

(B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
No, it will not.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
The property will be used as it is 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:
No, it will not. The property is located in a very busy street.

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

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:
The service that we will provide is dedicated to elderly people, part of the community, that are to be treated with respect and care in the middle of the comunity, with wright to enjoy the surroundings of a residential area with neighbors, kids playing and dogs barking.

RECEIVED 3-3-11
SUP2011-00023

Letter of Intent

My name is Daniela Luca and I am a citizen of the State of Georgia, reciding with my spouse Ionut Cosmin Luca and our two wonderful girls Miruna and Cosmina, in The City of Lawrenceville, 2744 Sterling Dr.

We are purchasing the property located at 225 Russel Rd, Lawrenceville, GA, 30043 with the intention of opening a Personal Care Home for up to 8 elderly people. The property is located on a tract of 1.550 ACRE, surrounded by beautiful trees, 169.8 ' from the street, one single dwelling unit with one house of 3,975 Sq Ft conform Tax Record. The property is currently zoned R 100 and we have no intention of rezoning. The house has 3 car garage with additional 6 car parking provided on the drive way.

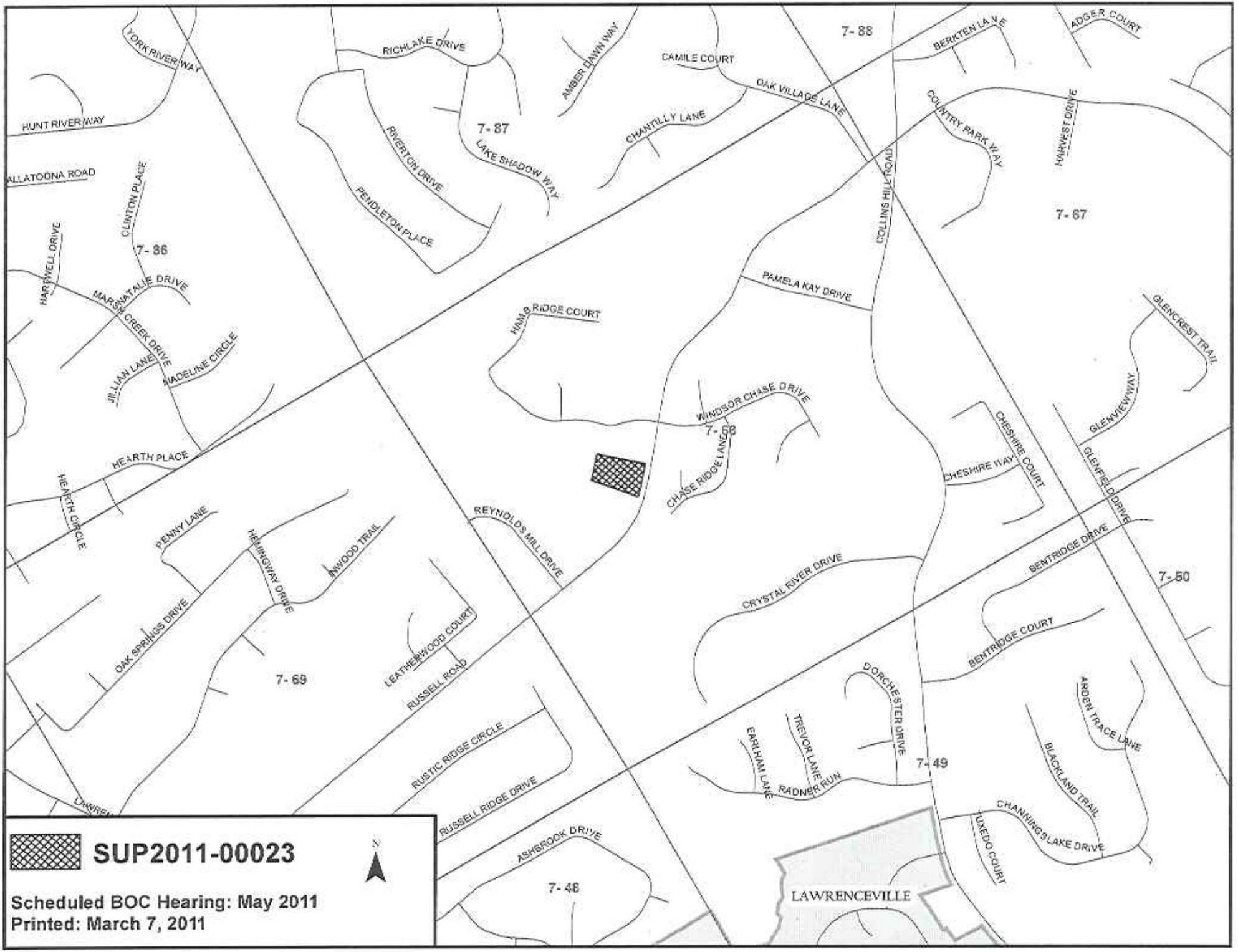
This business would give us the opportunity to serve elderly people , treating them with dignity and respect and also, will allow us to provide jobs for those willing to dedicate themselves to serve others.

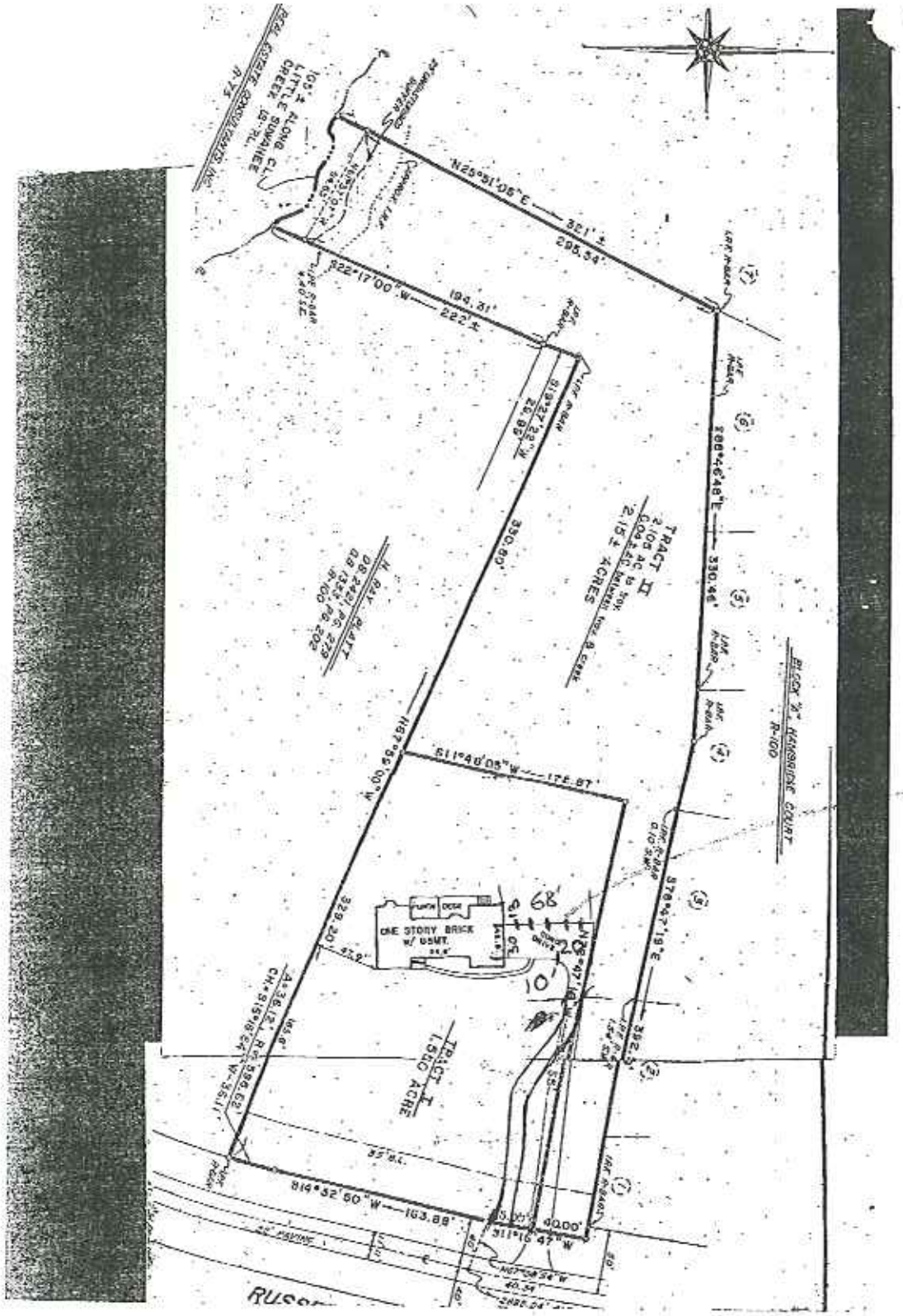
We hope to be trusted with the approval of the Special Use Permit and we will not disappoint.

Thank you!

Daniela Luca

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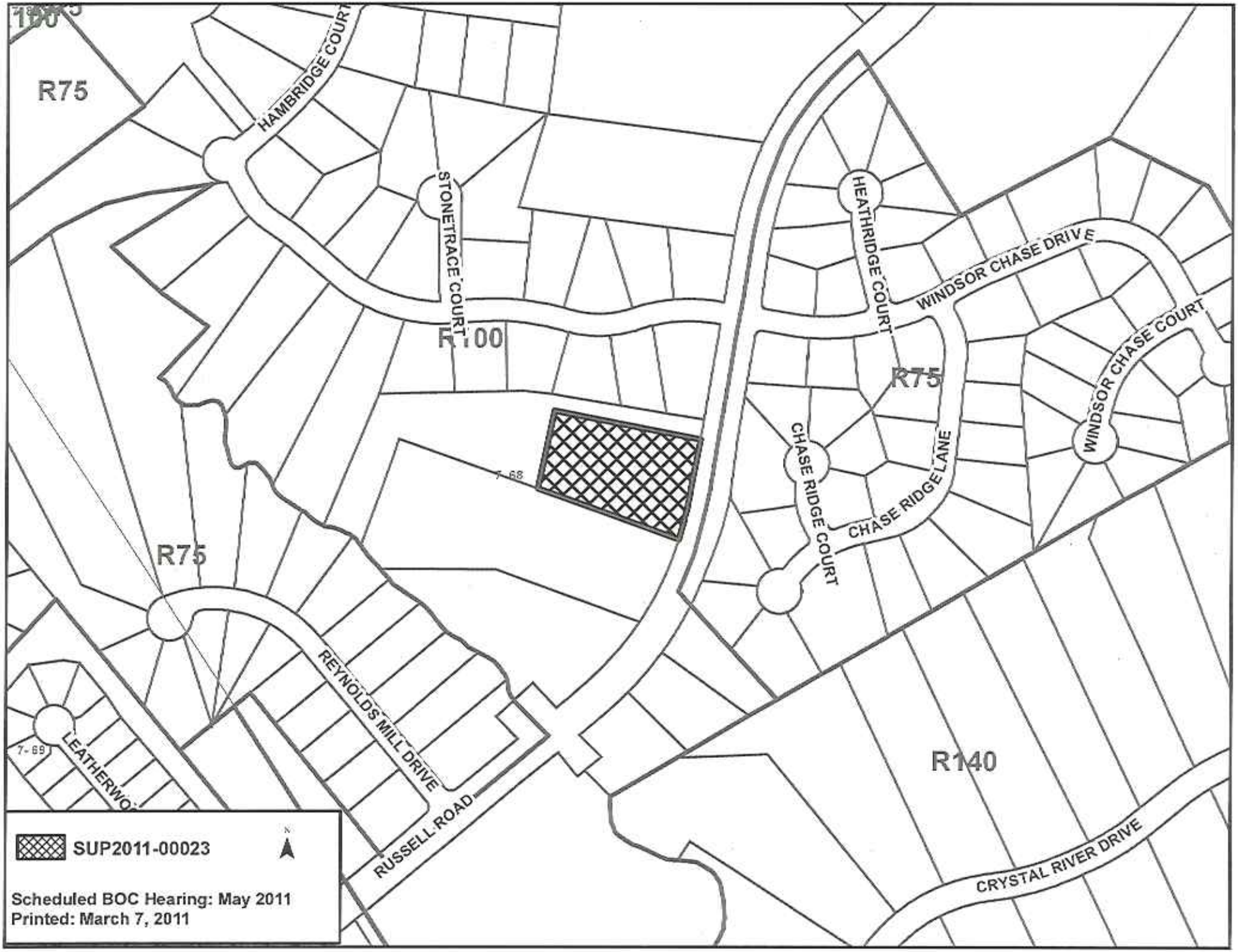

SUP2011-00023
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011
N
LAWRENCEVILLE
7-86
7-87
7-88
7-67
7-68
7-69
7-49
7-50
7-48
YORK RIVER WAY
HUNT RIVER WAY
ALLATOONA ROAD
CLINTON PLACE
HARTWELL DRIVE
MARSH CREEK DRIVE
NATALIE DRIVE
JILLIAN LANE
MADELINE CIRCLE
HEARTH PLACE
HEARTH CIRCLE
PENNY LANE
HEMINGWAY DRIVE
INWOOD TRAIL
OAK SPRINGS DRIVE
LEATHERWOOD COURT
RUSSELL ROAD
RUSTIC RIDGE CIRCLE
RUSSELL RIDGE DRIVE
ASHBROOK DRIVE
REYNOLDS MILL DRIVE
RICHLAKE DRIVE
AMBER DAWN WAY
RIVERTON DRIVE
PENDLETON PLACE
LAKE SHADOW WAY
CAMILE COURT
CHANTILLY LANE
OAK VILLAGE LANE
COLLINS HILL ROAD
BERKTEN LANE
ADGER COURT
COUNTRY PARK WAY
HARVEST DRIVE
PAMELA KAY DRIVE
HAMBRIDGE COURT
WINDSOR CHASE DRIVE
CHASE RIDGE LANE
CHESHIRE WAY
CHESHIRE COURT
GLENVIEW WAY
GLENCREST TRAIL
GLENFIELD DRIVE
BENTRIDGE DRIVE
BENTRIDGE COURT
CRYSTAL RIVER DRIVE
DORCHESTER DRIVE
EARLHAM LANE
TREVOR LANE
RADNER RUN
ARDEN TRACE LANE
BLACKLAND TRAIL
CHANNINGS LAKE DRIVE
TUXEDO COURT



6 parking spaces + 3 spaces in garage

2 NE mailboxes with Floodplain (678-518-6169)

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SUP2011-00023


R75
HAMBRIDGE COURT
STONETRACE COURT
R100
HEATHRIDGE COURT
WINDSOR CHASE DRIVE
WINDSOR CHASE COURT
R75
CHASE RIDGE COURT
CHASE RIDGE LANE
7-68
R75
REYNOLDS MILL DRIVE
7-69
RUSSELL ROAD
R140
CRYSTAL RIVER DRIVE
SUP2011-00023
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2011-00026**
ZONING	:C-2
LOCATION	:800 BLOCK OF OAK ROAD
	:3000 BLOCK OF FIVE FORKS-TRICKUM ROAD
	:3000 BLOCK OF RIVER DRIVE
MAP NUMBER	:R6106 362
ACREAGE	:1.80 ACRES
PROPOSED DEVELOPMENT	:PRECIOUS METALS DEALER
SQUARE FEET	:2,000 SQUARE FEET
COMMISSION DISTRICT	:(3) BEAUDREAU

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

APPLICANT: FIVE FORKS PRECIOUS METALS, LLC
C/O MILL CREEK CONSULTING
4480 COMMERCE DRIVE, SUITE A
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNER: OAK ROAD INVESTORS
P. O. BOX 98309
ATLANTA, GA 30359-2009

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Special Use Permit on a 1.80-acre property, zoned C-2 (General Business District), to allow gold buying (precious metals dealer) associated with a planned jewelry store. The property is developed with a multi-tenant retail building, and is located on the northwestern corner of the Five Forks-Trickum Road and Oak Road intersection.

The site is developed with an existing 17,814 square foot stucco building, and the applicant's letter of intent indicates that the jewelry store and precious metals dealer would occupy 2,000 square feet of the building. There are no changes proposed to the exterior of the structure. The shopping center has one full access driveway extending onto each roadway, and a total of 84 parking spaces are indicated on the submitted site plan.

ZONING HISTORY:

In 1970 the subject property was zoned C-1 & R-100. The subject property was rezoned to C-2 by an area wide rezoning in 1973.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 10-inch water main located on the western right-of-way of Oak Road and a 16-inch water main located on the southern right-of-way of Five-Forks Trickum Road.

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior tenant space modifications or exterior modifications for review and approval by Building Plan Review.

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject site is a 1.80 acre shopping center located on the northwestern corner of Five Forks-Trickum Road and Oak Road. The site is developed with a 17,814 square foot building and associated parking lot.

The 2030 Unified Plan Future Development Map indicates that the site is located in an Existing/ Emerging Suburban Character Area. Encouraged uses in this character area include neighborhood-serving retail and commercial services at key nodes. Non-residential uses approved within residential character areas should be neighborhood scale developments, providing goods and services that meet the immediate needs of the nearby residential area. In the Department's opinion, gold buying may not be consistent with neighborhood-serving retail supported by the Unified Plan, and may be better suited to larger general business corridors and large scale commercial areas.

The intersection of Five Forks-Trickum Road and Oak Road is a small, neighborhood commercial node developed with commercial/retail and office uses with residential developments located beyond the commercial node. Neighborhood retail activity in the area includes a grocery store, hardware store, video rental shop, convenience stores, drug stores, dry cleaners, restaurants, and child daycare centers. Given the nature of gold buying businesses, this request may be incompatible with the County's recent efforts to stabilize the condition and appearance of established commercial nodes and corridors. Given the low intensity, neighborhood convenience nature of this commercial node, a gold buyer/precious

metals dealer may not be appropriate at this location and may not be consistent with the overall residential nature of the surrounding area.

In conclusion, the requested special use may not be consistent with policies of the Unified Plan, may not be compatible with the existing neighborhood scale retail, and may be incompatible with the County's efforts to stabilize the condition and appearance of established commercial nodes and corridors. 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 of a Special Use Permit to allow a precious metals dealer, subject to the following enumerated conditions:

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

   A. Retail, service commercial, office and accessory uses which may include a precious metals dealer as a special use.

2. To satisfy the following site development considerations:

   A. Wall signage for the precious metal dealer shall not exceed the requirements of the Gwinnett County Sign Ordinance.

   B. Window signage (signs displayed on the interior or exterior of the precious metal dealer's business storefront windows), other than "open/closed" signs, hours of operation, or those signs required by local, state or federal law shall be prohibited. Allowable window signage shall not exceed 4 square feet.

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

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

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

   F. 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

The requested Special Use Permit for a gold buyer/precious metals dealer may not be suitable at this location in light of the neighborhood retail and residential character of the surrounding area.

ADVERSE IMPACTS

The establishment of a precious metals dealer at this highly visible location may result in a degraded visual appeal for the property, and the area in general.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be no additional impacts on public facilities anticipated from this request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the site is located in an Existing/ Emerging Suburban Character Area. The subject property is located within a well established, small scale commercial node serving nearby neighborhoods, and the proposed use may be better suited to larger general business corridors and large scale commercial areas.

CONDITIONS AFFECTING ZONING

In order to maintain the appearance and long-term viability of the area, a precious metal dealer may not be appropriate at this location.

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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

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

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

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES HAVE A REASONABLE ECONOMIC USE.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:
THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
THE SUBJECT PROPERTY IS DESIGNATED AS RETAIL-COMMERCIAL

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

PLANNING DIVISION USE ONLY

CASE NUMBER _____ RECEIVED BY: _____

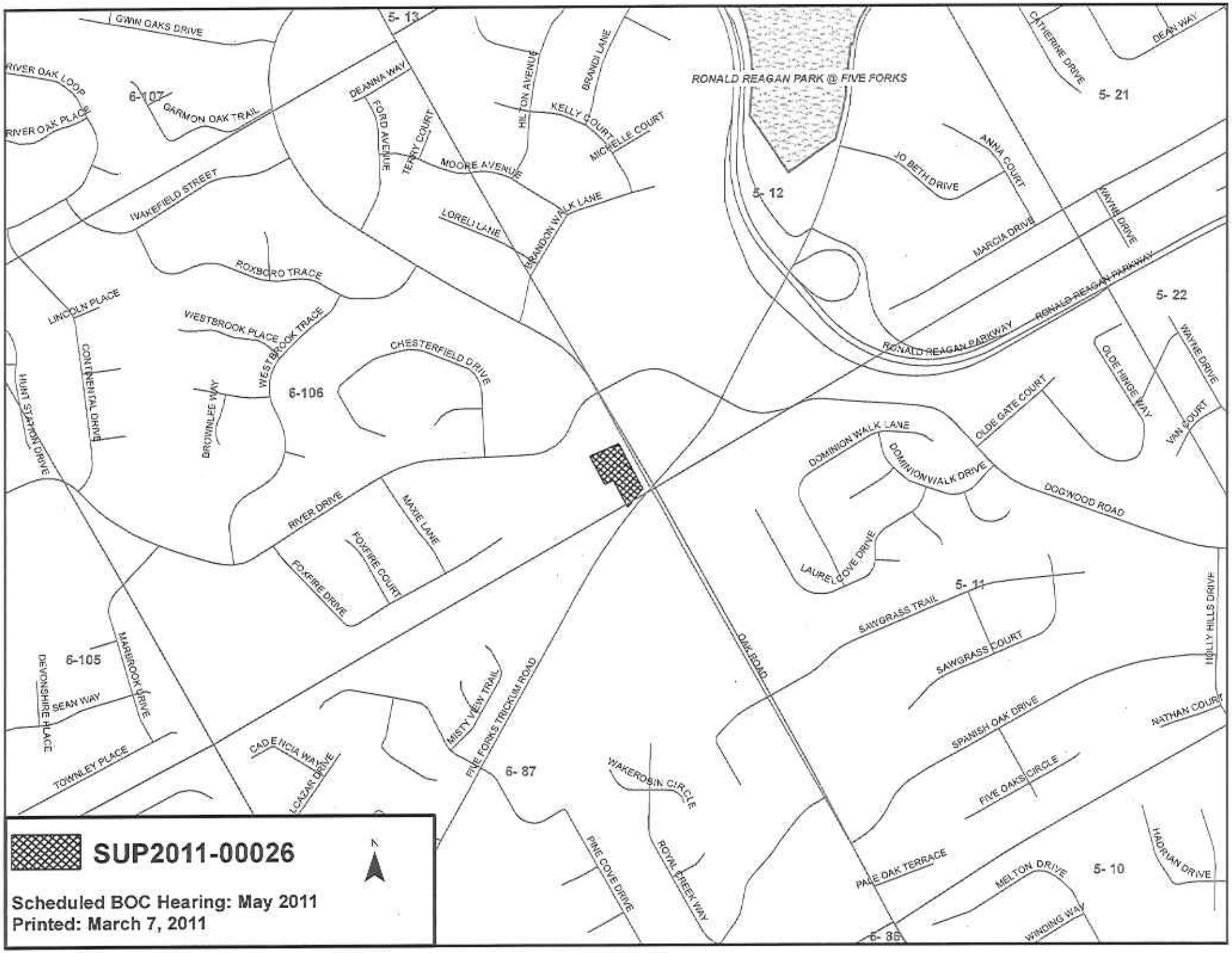
RECEIVED 3-4-11
SUP2011-00026

REZONING APPLICANT'S LETTER OF INTENT

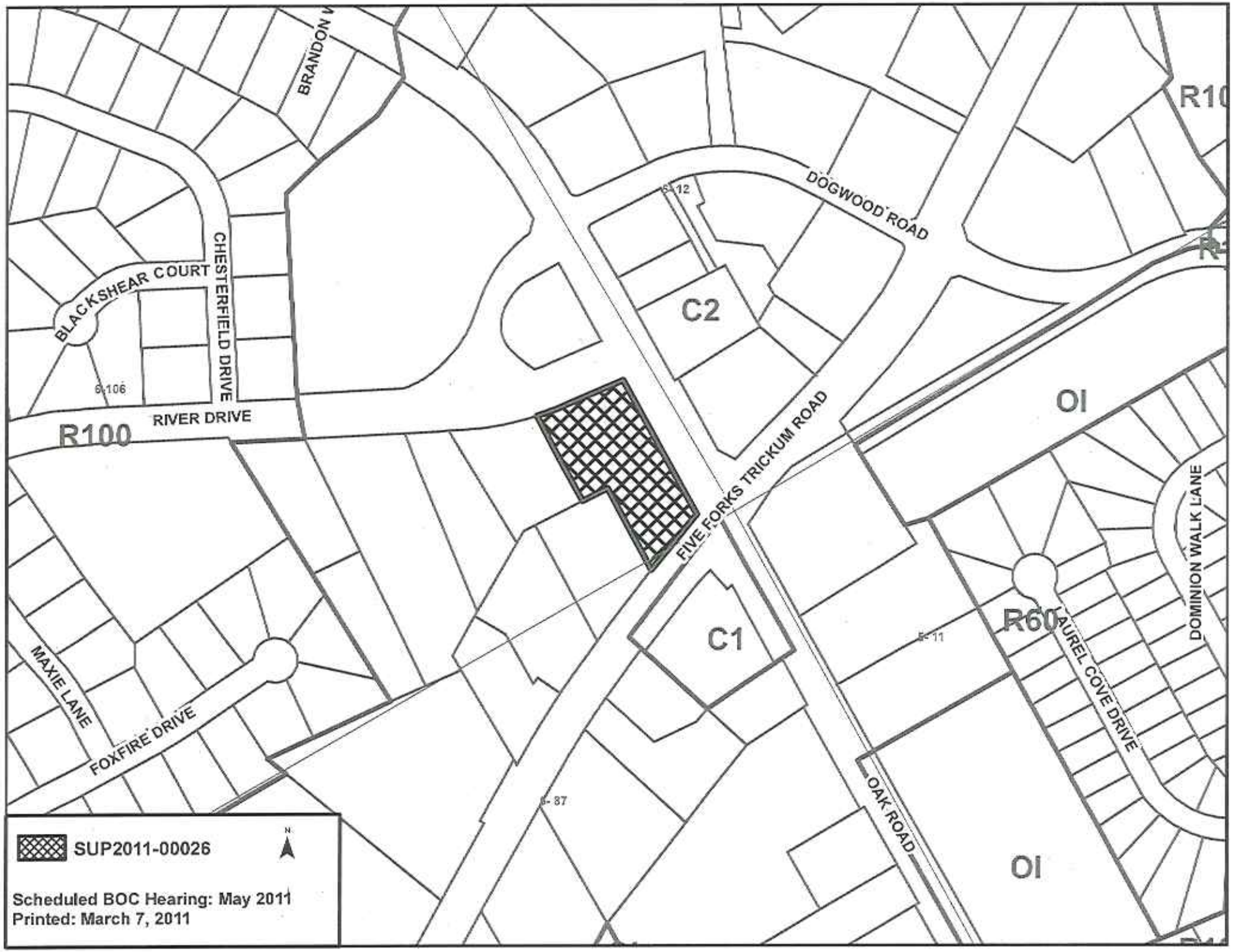
The Applicant, Five Forks Precious Metals,LLC, requests a special use permit on 1.8 acres for the purpose of allowing gold buying associated with a jewelry store. The subject property is located at 875 Oak Road in the Five Oaks Center at its intersection with Five Forks Trickum Road and is found in the 6th District, Land Lot 106 in Gwinnett County.

The applicant intends to open a Jewelry store in approximately 2,000 square feet of empty space in the shopping center and simply requests permission to be able to purchase precious metals on site.

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SUP2011-00026


GWIN OAKS DRIVE
RIVER OAK LOOP
RIVER OAK PLACE
6-107
GARMON OAK TRAIL
DEANNA WAY
FORD AVENUE
TERRY COURT
HILTON AVENUE
BRANDI LANE
KELLY COURT
MICHELLE COURT
MOORE AVENUE
LORELI LANE
BRANDON WALK LANE
IVAKEFIELD STREET
ROXBORO TRACE
LINCOLN PLACE
CONTINENTAL DRIVE
HUNT STATION DRIVE
WESTBROOK PLACE
WESTBROOK TRACE
BROWNLEE WAY
6-106
CHESTERFIELD DRIVE
RIVER DRIVE
MAXIE LANE
FOXFIRE COURT
FOXFIRE DRIVE
6-105
MARBROOK DRIVE
DEVONSHIRE PLACE
SEAN WAY
TOWNLEY PLACE
CADENCIA WAYNE
LAZAR DRIVE
MISTY VIEW TRAIL
FIVE FORKS TRICKUM ROAD
6- 87
WAKEROBIN CIRCLE
ROYAL CREEK WAY
PINE COVE DRIVE
OAK ROAD
RONALD REAGAN PARK @ FIVE FORKS
5- 13
5- 12
5- 21
5- 22
5- 11
5- 10
6- 86
CATHERINE DRIVE
DEAN WAY
JO BETH DRIVE
ANNA COURT
MARCIA DRIVE
WAYNE DRIVE
RONALD REAGAN PARKWAY
OLDE GATE COURT
OLDE HINGE WAY
VAN COURT
DOMINION WALK LANE
DOMINION WALK DRIVE
DOGWOOD ROAD
LAUREL COVE DRIVE
SAWGRASS TRAIL
SAWGRASS COURT
HOLLY HILLS DRIVE
SPANISH OAK DRIVE
NATHAN COURT
FIVE OAKS CIRCLE
PALE OAK TERRACE
MELTON DRIVE
WINDING WAY
HADRIAN DRIVE
SUP2011-00026
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011

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BRANDON W
CHESTERFIELD DRIVE
BLACKSHEAR COURT
6-106
RIVER DRIVE
R100
DOGWOOD ROAD
6-12
C2
FIVE FORKS TRICKUM ROAD
C1
OI
R60
LAUREL COVE DRIVE
DOMINION WALK LANE
5-11
MAXIE LANE
FOXFIRE DRIVE
5-87
OAK ROAD
OI
SUP2011-00026
N
Scheduled BOC Hearing: May 2011
Printed: March 7, 2011