



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

TUESDAY, NOVEMBER 1, 2011 AT 7:00 P.M.

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

A. CALL TO ORDER, INVOCATION, PLEDGE TO FLAG

B. APPROVAL OF MINUTES (OCTOBER 4, 2011 MEETING)

C. OLD BUSINESS - TABLED CASES FROM PREVIOUS MEETINGS

- | | |
|---------------------------|--|
| 1. CASE NUMBER | :SUP2011-00051 |
| APPLICANT | :PROGRESSIVE RECYCLING, LLC |
| CONTACT | :LAUREL DAVID, ESQ. |
| PHONE NUMBER | :404.965.3669 |
| ZONING | :M-2 |
| LOCATION | :2700 BLOCK OF SIMPSON CIRCLE
:2700 BLOCK OF KEYSTONE COURT |
| MAP NUMBER | :R6258 051 |
| ACREAGE | :1.01 ACRES |
| PROPOSED DEVELOPMENT | :METAL AND SALVAGE RECYCLING FACILITY (RENEWAL) |
| SQUARE FEET | :6,000 SQUARE FEET |
| COMMISSION DISTRICT | :(2) HOWARD |
| DEPARTMENT RECOMMENDATION | :APPROVAL WITH CONDITIONS |
| | |
| 2. CASE NUMBER | :RZC2011-00021 |
| APPLICANT | :JOHN MCGEE |
| CONTACT | :MICHELLE ROTHMEIER |
| PHONE NUMBER | :770.232.0000 |
| ZONING | :R-75 TO O-1 |
| LOCATION | :2900 BLOCK OF LAWRENCEVILLE HIGHWAY |
| MAP NUMBER | :R5016 005 |
| ACREAGE | :2.41 ACRES |
| PROPOSED DEVELOPMENT | :CHURCH (REDUCTION IN BUFFERS) |
| SQUARE FEET | :3,000 SQUARE FEET |
| COMMISSION DISTRICT | :(4) HEARD |
| DEPARTMENT RECOMMENDATION | :APPROVAL WITH CONDITIONS |

3. CASE NUMBER :CIC2011-00018
APPLICANT :BEAZER HOMES, CORP.
CONTACT :JIM BOWERSOX
PHONE NUMBER :404.759.7038
ZONING :R-60
LOCATION :3600 BLOCK OF SUWANEE CREEK ROAD
:1400 BLOCK OF BUFORD HIGHWAY
:3800 BLOCK OF IDLEWILD PLACE

MAP NUMBER :R7197 181 & R7197 002
ACREAGE :14.62 ACRES
PROPOSED DEVELOPMENT :AMEND BUILDING MATERIAL REQUIREMENTS
AND REDUCE 30-FOOT CONSTRUCTION BUFFER

UNITS :51 UNITS
COMMISSION DISTRICT :(1) LASSETER
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

4. CASE NUMBER :SUP2011-00061
APPLICANT :HONDUMEX FAST CASH TITLE LOANS, LLC
CONTACT :LIZETH GARCIA
PHONE NUMBER :678.261.7972
ZONING :C-2
LOCATION :4700 BLOCK OF BRITT ROAD
:4500-4600 BLOCKS OF JIMMY CARTER BLVD

MAP NUMBER :R6164 261
ACREAGE :9.20 ACRES
PROPOSED DEVELOPMENT :TITLE LOAN FACILITY AND
PRECIOUS METALS DEALER

SQUARE FEET :1,194 SQUARE FEET
COMMISSION DISTRICT :(2) HOWARD
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

D. NEW BUSINESS

I. CASE NUMBER :RZC2011-00023
APPLICANT :VIVIAN D. SINGLETON
CONTACT :TONY SINGLETON
PHONE NUMBER :404.502.6818
ZONING :M-1 TO M-2
LOCATION :4400 BLOCK OF BUFORD HIGHWAY
:4400 BLOCK OF FREEDOM LANE

MAP NUMBER :R6259 049 & R6259 050
ACREAGE :2.73 ACRES
PROPOSED DEVELOPMENT :SALVAGE OPERATION &
RECOVERED MATERIALS PROCESSING

COMMISSION DISTRICT :(2) HOWARD
DEPARTMENT RECOMMENDATION :**DENIAL**

2. CASE NUMBER :**SUP2011-00064**
APPLICANT :VIVIAN D. SINGLETON
CONTACT :TONY SINGLETON
PHONE NUMBER :404.502.6818
ZONING :M-2 (PROPOSED)
LOCATION :4400 BLOCK OF BUFORD HIGHWAY
:4400 BLOCK OF FREEDOM LANE
MAP NUMBER :R6259 049 & R6259 050
ACREAGE :2.73 ACRES
PROPOSED DEVELOPMENT :SALVAGE OPERATION &
RECOVERED MATERIALS PROCESSING
COMMISSION DISTRICT :(2) HOWARD
DEPARTMENT RECOMMENDATION :**DENIAL**
3. CASE NUMBER :**RZC2011-00024**
APPLICANT :TRI-MARK PROPERTIES, LLC
CONTACT :JIM KING
PHONE NUMBER :706.265.9812
ZONING :M-1 TO C-2
LOCATION :700 BLOCK OF BUFORD HIGHWAY
MAP NUMBER :R7256 011
ACREAGE :10.10 ACRES
PROPOSED DEVELOPMENT :COMMERCIAL / RETAIL USES (REDUCTION IN BUFFERS)
SQUARE FEET :66,000 SQUARE FEET
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
4. CASE NUMBER :**CIC2011-00021**
APPLICANT :O'DWYER HOMES
CONTACT :DAVE PLANTE
PHONE NUMBER :770.877.2177 EXT. 205
ZONING :R-75 CSO
LOCATION :3000 BLOCK OF SOCIETY TRACE
:4000-5100 BLOCK OF FELLOWSHIP DRIVE
MAP NUMBER :R1003 472 THROUGH R1003 504
ACREAGE :6.73 ACRES
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO REDUCE DWELLING
SIZE AND REVISE REQUIRED BUILDING MATERIALS
UNITS :33 UNITS
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**DENIAL**

5. CASE NUMBER : **CIC2011-00022**
APPLICANT : TIM JONES COMMUNITIES, INC.
CONTACT : JEFF MAHAFFEY
PHONE NUMBER : 770.232.0000
ZONING : R-ZT
LOCATION : 0-100 BLOCK OF JOHNSON ROAD
: 0-200 BLOCK OF CASSADY TRACE
: 100-200 BLOCK OF AUGUST WEST WAY
: 1100-1300 BLOCK OF STELLA COURT
MAP NUMBER : R5082 200 THROUGH 214, R5083 436 THROUGH
443, R5083 445 THROUGH 446, R5083 448
THROUGH 495
ACREAGE : 15.83 ACRES
PROPOSED DEVELOPMENT : CHANGE IN CONDITIONS TO REDUCE DWELLING
SIZE, REVISE BUILDING MATERIALS, AND
REDUCE GARAGE REQUIREMENT
UNITS : 73 UNITS
COMMISSION DISTRICT : (4) HEARD
DEPARTMENT RECOMMENDATION : **DENIAL**
6. CASE NUMBER : **SUP2011-00062**
APPLICANT : ANA MORARIU
CONTACT : ANA MORARIU
PHONE NUMBER : 678.858.7365
ZONING : R-100
LOCATION : 1100 BLOCK OF HIRAM DAVIS ROAD
MAP NUMBER : R5203 030
ACREAGE : 2.27 ACRES
PROPOSED DEVELOPMENT : IN-HOME HAIR SALON (RENEWAL)
COMMISSION DISTRICT : (3) BEAUDREAU
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**
7. CASE NUMBER : **SUP2011-00063**
APPLICANT : GLORIOUS GLOBAL APOSTOLIC CHURCH
CONTACT : PASTOR SEABORNE ADZUDZOR
PHONE NUMBER : 404.446.7070
ZONING : M-1
LOCATION : 1500 BLOCK OF OAKBROOK DRIVE
MAP NUMBER : R6196 122
ACREAGE : 4.75 ACRES
PROPOSED DEVELOPMENT : CHURCH
SQUARE FEET : 14,200 SQUARE FEET
COMMISSION DISTRICT : (1) LASSETER
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

8. CASE NUMBER :**SUP2011-00065**
APPLICANT :CHRISTOPHER M. QUIGLEY
CONTACT :CHRISTOPHER M. QUIGLEY
PHONE NUMBER :404.457.9616
ZONING :C-2
LOCATION :5200 BLOCK OF STONE MOUNTAIN HIGHWAY
MAP NUMBER :R6061 029
ACREAGE :0.73 ACRE
PROPOSED DEVELOPMENT :TITLE LOAN FACILITY
SQUARE FEET :1,400 SQUARE FEET
COMMISSION DISTRICT :(3) BEAUDREAU
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
9. CASE NUMBER :**BRD2011-00003**
APPLICANT :WAL-MART STORES, INC.
CONTACT :AMY L. HILLMAN, ESQ.
PHONE NUMBER :404.948.4064
ZONING :C-2
LOCATION :5000 BLOCK OF WINTERS CHAPEL ROAD
MAP NUMBER :R6280 018
ACREAGE :7.52 ACRES
REQUEST :REDUCE REQUIRED BUFFER FROM 75 FT TO 0 FT
COMMISSION DISTRICT :(2) HOWARD
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
- E. AUDIENCE COMMENTS
- F. COMMITTEE REPORTS
- G. COMMENTS BY STAFF AND PLANNING COMMISSION
- H. ADJOURNMENT

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

CASE NUMBER :RZC2011-00020
ZONING CHANGE :M-1 TO M-2
LOCATION :2700 BLOCK OF KEYSTONE COURT
MAP NUMBER :R6258 047 & 6258 072
ACREAGE :2.17 ACRES
PROPOSED DEVELOPMENT :METAL AND SALVAGE RECYCLING FACILITY
(REDUCTION IN BUFFERS)
SQUARE FEET :5,000 SQUARE FEET
COMMISSION DISTRICT :(2) HOWARD

CASE NUMBER :SUP2011-00052
ZONING :M-2 (PROPOSED)
LOCATION :2700 BLOCK OF KEYSTONE COURT
MAP NUMBER :R6258 047 & 6258 072
ACREAGE :2.17 ACRES
PROPOSED DEVELOPMENT :METAL AND SALVAGE RECYCLING FACILITY
SQUARE FEET :5,000 SQUARE FEET
COMMISSION DISTRICT :(2) HOWARD

CASE NUMBER :SUP2011-00051
ZONING :M-2
LOCATION :2700 BLOCK OF SIMPSON CIRCLE
:2700 BLOCK OF KEYSTONE COURT
MAP NUMBER :R6258 051
ACREAGE :1.01 ACRES
PROPOSED DEVELOPMENT :METAL AND SALVAGE RECYCLING FACILITY (RENEWAL)
SQUARE FEET :6,000 SQUARE FEET
COMMISSION DISTRICT :(2) HOWARD

FUTURE DEVELOPMENT MAP: PREFERRED OFFICE

APPLICANT: PROGRESSIVE RECYCLING, LLC
C/O LAUREL DAVID, ESQ.
DILLARD & GALLOWAY, LLC
3500 LENOX ROAD, SUITE 760
ATLANTA, GA 30326

CONTACT: LAUREL DAVID, ESQ. PHONE: 404.965.3669

OWNER: PENDLEY PARK ASSOCIATES, LLC (RZC2011-00020 & SUP2011-00052)
7561 INDUSTRIAL COURT, SUITE A
ALPHARETTA, GA 30004

OWNER: PROGRESSIVE RECYCLING, LLC (SUP2011-00051)
C/O LAUREL DAVID, ESQ.
DILLARD & GALLOWAY, LLC
3500 LENOX ROAD, NE, SUITE 760
ATLANTA, GA 30326

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

Progressive Recycling requests a Special Use Permit on a 1.01-acre parcel for the renewal of their existing metal salvage facility. They also propose rezoning of an adjacent 2.17-acre parcel assemblage from M-1 (Light Industry District) to M-2 (Heavy Industry District) and a Special Use Permit to allow for business expansion. The properties are located along Keystone Court beginning at its intersection with Simpson Circle.

The existing business site is developed with a one-story metal building totaling 6,000 square feet. There are currently nine parking spaces on the property, and two access points off of Keystone Court, one leading to the front parking lot and the other leading to an unpaved area to the rear of the building used for loading/unloading and sorting of scrap metal. A 6-foot high chain link fence covered with screening fabric encloses the rear of the property, extending along Keystone Court and the side and rear property lines.

The submitted site plan for the additional property and expansion indicates two parcels, each with a driveway extending from Keystone Court. The parcel nearest to the existing business is developed with a 5,000 square foot building and five parking spaces. The site indicates a large concrete loading/unloading pad and a gravel outdoor storage area. The second parcel is currently undeveloped and no buildings are proposed for this portion of the recycling business. An outdoor storage area is proposed for this parcel, to be enclosed with a solid fence. The required 100-foot buffer is requested to be reduced to a 50-foot wide buffer along the south property line where the site adjoins Simpson Commons single family subdivision. A wooded area of approximately 50 feet in width exists adjacent to these residences. A 6-foot slatted chain link fence is proposed along the interior of the tree line and a single row of additional plantings are proposed.

On a recent site visit it was noted that metal and other materials were located on the ground on the existing site. The applicant should be reminded that a condition of the previous zoning case requires that metals and other recyclable materials be placed in containers and not be stored on the ground.

ZONING HISTORY:

The subject property was zoned M-1 in 1970. The property was rezoned to M-2 pursuant to RZC-08-067 with a Special Use Permit SUP-08-025 to allow the existing metal salvage operation on September 16, 2008. A change in conditions to adjust hours of operation and a

related Special Use Permit renewal were approved for the property pursuant to CIC-09-018 and SUP-09-047 on September 22, 2009.

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 6.13 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).

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

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

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

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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 Keystone Court.

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

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 properties are a 3.18-acre parcel assemblage located at the intersection of Keystone Court and Simpson Circle. Two buildings occupy the property and a large portion of the site remains undeveloped with a wooded area located along south property line where the site adjoins Simpson Commons single family subdivision.

The 2030 Unified Plan Future Development Map indicates that the property is located within a Preferred Office Character Area. Although not strictly consistent with the Future Development Map, the requested Special Use Permit renewal and business expansion could be consistent with Board policy established through the previous zoning actions (CIC-09-018 & SUP-09-047 and RZC-08-067 & SUP-08-025) for Progressive Recycling.

With the exception of the adjoining Simpson Commons subdivision, the surrounding properties contain light and heavy industrial uses. Neighboring properties include other salvage operations, a towing company, contractors' offices and heavy vehicle repair. The proposed renewal and expansion could be suitable to the area if developed with a full 100-foot wide buffer and proper screening to protect adjacent residences.

In conclusion, the requested Special Use Permit renewal and proposed business expansion could be consistent with Board policy established on the property in 2008 and reinforced in 2009. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the requests.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval as M-2 with a Special Use Permit for a metal salvage operation subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Limited to the uses of the M-1 district. The sole M-2 use of a metal salvage operation as a Special Use Permit is permitted, with most activities conducted indoors. Outdoor activities shall be limited to the delivery, weighing, unloading, sorting and repackaging of metals for transportation. Metals or other recyclables shall not be stored on the ground but shall be placed within containers. No automotive salvage operations shall be allowed on the property.
 - B. The hours of operation, including delivery of scrap metal, shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, and office only operations on Saturday and Sunday from 9:00 a.m. to 5:00 p.m.
 - C. Any newly constructed building/structure shall have a brick facade.
 - D. Metal shredders are prohibited.
 - E. No "Hazardous Substances" as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 with current amendments, and associated regulations promulgated thereunder, shall be stored or handled on the site.
 - F. All truck traffic to and from the site shall access Simpson Circle from Buford Highway (and not Old Norcross Road).
2. To satisfy the following site development considerations:
 - A. Provide a 100-foot wide natural undisturbed buffer adjacent to residentially-zoned property. The buffer shall be enhanced where sparsely vegetated, and include privacy fencing. Buffer and fence design/location shall be subject to review and approval of the Director of Planning and Development.
 - B. Any new ground signage shall be limited to a single monument-type ground sign with a minimum 2-foot high masonry base. Sign height shall not exceed 5 feet in height.
 - C. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard signs and bandit signs, sign-walkers and sign-twirlers shall be prohibited.

- D. Oversized signs shall be prohibited.
- E. Dumpster pickup shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday thru Friday.
- F. Peddlers and/or parking lot sales shall be prohibited.
- G. 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

With conditions that protect adjacent residences, the requested renewal, rezoning and Special Use Permit requests to allow expansion of the metal salvage business could be appropriate at this location in view of the heavy and light industrial uses which are adjacent to and nearby the subject property.

ADVERSE IMPACTS

Potential adverse impacts from the use such as noise, dust and debris could be mitigated with conditions requiring proper buffers and screening.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

A minor change in impacts on public utilities could be anticipated from the expansion of the business in the form of traffic, utility demand and storm water run-off.

CONFORMITY WITH POLICIES

Continued operation and expansion of the metal salvage business could be consistent with the past Board approval in 2008 and the renewal in 2009.

CONDITIONS AFFECTING ZONING

The surrounding area is a long-established industrial zone, which includes recent Board approvals of other recycling and materials recovery businesses, suggesting that the proposal is suitable to this location.

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

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

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

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

Yes. The Property is located in the Keystone Industrial Park adjacent to many industrial uses. The surrounding area is developed with industrial and commercial uses, with residential uses buffered to the south. To the west, on the opposite side of Simpson Circle are industrial and warehousing offices/facilities zoned M-2. The Applicant wishes to expand its existing metal salvage business which has operated on the property next door since 2008. Since that time the existing business has operated in a manner that is compatible with the zoning and uses on adjacent properties. A rezoning to M-2 and SUP is necessary to operate the same business on this Property.

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

No, the Property has operated as a industrial property since the Keystone Industrial Park was established. The former business used the large parking area to store large container vehicles. The former business has not adversely affected the existing use or usability of adjacent or nearby property during that time. The Applicant wishes to use the same area to store salvaged metal in large containers.

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

While the Property may have some reasonable economic use, it has been vacant for some time. In order to utilize the Property for its expanding business, the Property must be zoned M-2 with a SUP. As such, the Property does not have reasonable economic use as currently zoned.

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

The proposed rezoning will not cause a burdensome use of the existing streets. It will not tax the existing water supply or sewage capacity or cause an excessive use of the area fire or police protection or solid waste collections and disposal services. There are adequate public



RECEIVED 6-30-11
RZC2011-00020

facilities and services in the area to serve the proposed development. The proposed SUP will not have any effect on the County school system other than to generate revenue in the form of ad valorem taxes.

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

The 2030 Unified Plan designates the Property as Preferred Office. The Rezoning and SUP requests address the Plan's expressed concern that the migration of many light industrial and manufacturing jobs now and in the future is having a detrimental effect on the County's economy. The Plan designates property office in order to encourage economic development in areas where industrial uses are migrating out of the County. In contrast, the Applicant is requesting a rezoning to expand a thriving industrial business that is located in an industrial business park adjacent to other M-1 and M-2 business.

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

The Property is located in the Keystone Industrial Park built specifically for industrial uses. The surrounding area is developed with industrial and commercial uses, zoned predominantly to the M-1 or M-2 classifications. There are residential dwellings to the south but they are adequately buffered from the Property. The Applicant is requesting the rezoning to expand an existing business that has operated in a manner that is compatible with the zoning and uses on adjacent properties.



RECEIVED 6-30-11
RZC2011-00020

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

Yes. The Property is located in the Keystone Industrial Park adjacent to many industrial uses. The surrounding area is developed with industrial and commercial uses, with residential uses buffered to the south. To the west, on the opposite side of Simpson Circle are industrial and warehousing offices/facilities zoned M-2. The Applicant wishes to expand its existing metal salvage business which has operated on the property next door since 2008. Since that time the existing business has operated in a manner that is compatible with the zoning and uses on adjacent properties. A SUP is necessary to operate the same business on this Property.

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

No, the Property has operated as a industrial property since the Keystone Industrial Park was established. The former business used the large parking area to store large container vehicles. The former business has not adversely affected the existing use or usability of adjacent or nearby property during that time. The Applicant wishes to use the same area to store salvaged metal in large containers.

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

While the Property may have some reasonable economic use, it has been vacant for some time. In order to utilize the Property for its expanding business, the Property must be zoned M-2 with a SUP. As such, the Property does not have reasonable economic use as currently zoned.

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

The proposed SUP will not cause a burdensome use of the existing streets. It will not tax the existing water supply or sewage capacity or cause an excessive use of the area fire or police protection or solid waste collections and disposal services. There are adequate public facilities



RECEIVED 6-30-11
SUP2011-00052

and services in the area to serve the proposed development. The proposed SUP will not have any effect on the County school system other than to generate revenue in the form of ad valorem taxes.

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

The 2030 Unified Plan designates the Property as Preferred Office. The SUP request addresses the Plan's expressed concern that the migration of many light industrial and manufacturing jobs now and in the future is having a detrimental effect on the County's economy. The Plan designates property office in order to encourage economic development in areas where Industrial uses are migrating out of the County. In contrast, the Applicant is requesting a SUP to expand a thriving industrial business that is located in an industrial business park adjacent to other M-1 and M-2 business.

(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 located in the Keystone Industrial Park built specifically for industrial uses. The surrounding area is developed with industrial and commercial uses, zoned predominantly to the M-1 or M-2 classifications. There are residential dwellings to the south but they are adequately buffered from the Property. The Applicant is requesting the SUP to expand an existing business that has operated in a manner that is compatible with the zoning and uses on adjacent properties.



RECEIVED 6-30-11
SUP2011-00052

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

Yes. The Property is located in the Keystone Industrial Park adjacent to many industrial uses and is located in close proximity to major industrial corridor of Buford Highway. The surrounding area is developed with industrial and commercial uses, with residential uses buffered to the south. To the west, on the opposite side of Simpson Circle are industrial and warehousing offices/facilities zoned M-2. Further, the proposed Special Use Permit (SUP) is a renewal of a SUP that was first granted in 2008. Since that time the existing business has operated in a manner that is compatible with the zoning and uses on adjacent properties.

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

No, the proposed SUP is a renewal of a SUP first granted in 2008. The existing business has not adversely affected the existing use or usability of adjacent or nearby property during that time.

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

Yes, the Property is currently zoned M-2 with a SUP for the existing business. The Property has reasonable economic use for its current zoning and use.

(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:

A proposed land use change will not cause a burdensome use of the existing streets. It will not tax the existing water supply or sewage capacity or cause an excessive use of the area fire or police protection or solid waste collections and disposal services. There are adequate public facilities and services in the area to serve the proposed development. The proposed SUP will not have any effect on the County school system other than to generate revenue in the form of ad valorem taxes.



RECEIVED 6-30-11
SUP2011-00051

DILLARD & GALLOWAY, LLC

ATTORNEYS AT LAW

3500 LENOX ROAD, N.E.
SUITE 760
ATLANTA, GEORGIA
30326

LAUREL A. DAVID
DIRECT DIAL NUMBER
(404) 965-3669

LAUREL@DANDGLAW.COM

TELEPHONE
(404) 965-3680
FACSIMILE
(404) 965-3670

JUNE 23, 2011

Letter of Intent for Rezoning Progressive Recycling, LLC

The Applicant, Progressive Recycling, LLC (the "Applicant"), submits this application on behalf of the Owner, Pendley Park Associates, LLC (the "Owner") for approval of a Rezoning and a SUP for approximately 2.173 acres of land located at 2725 Simpson Circle, Norcross, Gwinnett County, Georgia (the "Subject Property"). The Applicant is requesting the Rezoning in order to expand an existing business on the adjacent property that recycles copper, aluminum, stainless steel, brass and light steel such as rebar. The Property is located in an area zoned predominantly M-1 or M-2 with residential uses to south, buffered by an undisturbed buffer. Progressive Recycling is a thriving business and has operated in a manner that is compatible with the industrial uses in the area.

Georgia Law requires us to raise Federal and State Constitutional objections during the application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Gwinnett County Zoning Resolution that classify, or that may classify the Property, into any land use category other than M-2 modified with a SUP as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Gwinnett County Zoning Resolution to the Property that restricts its use to any land use category other than M-2 modified with a SUP as requested by the Applicant is unconstitutional, illegal, null and void because such an application constitutes a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I,



RECEIVED 6-30-11
RZC2011-00020

of the Constitution of the State of Georgia of 1983 and of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States, because such an application denies the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to amend the Official Zoning Map, as it relates to the Property, to the M-2 modified with a SUP as proposed by the Applicant, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any change in the designation of the Property by the Gwinnett County Zoning Resolution or 2030 Unified Plan that subjects the Property to conditions that are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

You are hereby notified pursuant to O.C.G.A. §36-11-1 of Applicant's intention to seek damages, including diminution of the value of the property and attorney's fees and costs and expenses of litigation from Gwinnett County incurred as a result of the unconstitutional zoning on the property.

Accordingly, the Applicant respectfully requests that the Application for the Rezoning be granted.

Sincerely

DILLARD & GALLOWAY, LLC


Laurel A. David

158356



RECEIVED 6-30-11
RZC2011-00020

DILLARD & GALLOWAY, LLC

ATTORNEYS AT LAW

3500 LENOX ROAD, N.E.
SUITE 760
ATLANTA, GEORGIA
30325

LAUREL A. DAVID

DIRECT DIAL NUMBER
(404) 965-3669

LAUREL@DANDGLAW.COM

TELEPHONE
(404) 965-3680
FACSIMILE
(404) 965-3670

JUNE 23, 2011

Letter of Intent for Special Use Permit Progressive Recycling, LLC

The Applicant, Progressive Recycling, LLC (the "Applicant"), submits this application on behalf of the Owner, Pendley Park Associates, LLC (the "Owner") for approval of a Special Use Permit (SUP) for approximately 2.173 acres of land located at 2725 Simpson Circle, Norcross, Gwinnett County, Georgia (the "Subject Property"). The Applicant is requesting the SUP in order to expand an existing business on the adjacent property that recycles copper, aluminum, stainless steel, brass and light steel such as rebar. The Property is located in an area zoned predominantly M-1 or M-2 with residential uses to south, buffered by an undisturbed buffer. Progressive Recycling is a thriving business and has operated in a manner that is compatible with the industrial uses in the area.

Georgia Law requires us to raise Federal and State Constitutional objections during the application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Gwinnett County Zoning Resolution that classify, or that may classify the Property, into any land use category other than M-2 modified with a SUP as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Gwinnett County Zoning Resolution to the Property that restricts its use to any land use category other than M-2 modified with a SUP as requested by the Applicant is unconstitutional, illegal, null and void because such an application constitutes a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I and Article I, Section III, Paragraph I,



RECEIVED 6-30-11
SUP2011-00052

of the Constitution of the State of Georgia of 1983 and of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States, because such an application denies the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to amend the Official Zoning Map, as it relates to the Property, to the M-2 modified with a SUP as proposed by the Applicant, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any change in the designation of the Property by the Gwinnett County Zoning Resolution or 2030 Unified Plan that subjects the Property to conditions that are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

You are hereby notified pursuant to O.C.G.A. §36-11-1 of Applicant's intention to seek damages, including diminution of the value of the property and attorney's fees and costs and expenses of litigation from Gwinnett County incurred as a result of the unconstitutional zoning on the property.

Accordingly, the Applicant respectfully requests that the Application for the SUP be granted.

Sincerely

BILLARD & GALLOWAY, LLC


Laurel A. David

158345



RECEIVED 6-30-11
SUP2011-00052

DILLARD & GALLOWAY, LLC

ATTORNEYS AT LAW

3500 LENOX ROAD, N.E.
SUITE 760
ATLANTA, GEORGIA
30326

LAUREL A. DAVID

DIRECT DIAL NUMBER
(404) 965-3669

LAUREL@DANDGLAW.COM

TELEPHONE
(404) 965-3680
FACSIMILE
(404) 965-3670

JUNE 23, 2011

Letter of Intent for Special Use Permit Progressive Recycling, LLC

The Applicant and Owner, Progressive Recycling, LLC (the "Applicant"), submits this application for final approval of a permanent Special Use Permit (SUP) for approximately 1.01 acres of land located at 2752 Simpson Circle, Norcross, Gwinnett County, Georgia (the "Subject Property"). On September 22, 2009, the Board of Commissioners approved a SUP on the Property for a term of two (2) years. The Applicant is requesting the renewal of an existing SUP in order to continue to operate a recycling business focusing on copper, aluminum, stainless steel, brass and light steel such as rebar. The Property is located in an area zoned predominantly M-1 or M-2 with residential uses to south, buffered by an undisturbed buffer. Progressive Recycling is a thriving business and has operated in a manner that is compatible with the industrial uses in the area. The Applicant requests that the SUP be renewed and be made permanent.

Georgia Law requires us to raise Federal and State Constitutional objections during the application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Gwinnett County Zoning Resolution that classify, or that may classify the Property, into any land use category other than M-2 modified with a SUP as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Any application of the Gwinnett County Zoning Resolution to the Property that restricts its use to any land use category other than M-2 modified with a SUP as requested by the Applicant is unconstitutional, illegal, null and void because such an application constitutes a taking of the



RECEIVED 6-30-11
SUP2011-00051

Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I, of the Constitution of the State of Georgia of 1983 and of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States, because such an application denies the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to amend the Official Zoning Map, as it relates to the Property, to the M-2 modified with a SUP as proposed by the Applicant, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any change in the designation of the Property by the Gwinnett County Zoning Resolution or 2030 Unified Plan that subjects the Property to conditions that are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth herein above.

You are hereby notified pursuant to O.C.G.A. §36-11-1 of Applicant's intention to seek damages, including diminution of the value of the property and attorney's fees and costs and expenses of litigation from Gwinnett County incurred as a result of the unconstitutional zoning on the property.

Accordingly, the Applicant respectfully requests that the Application for the SUP be granted.

Sincerely

DILLARD & GALLOWAY, LLC



Laurel A. David

158207



RECEIVED 6-30-11
SUP2011-00051

CASE NUMBER CIC-09-018
GCID 2009-1016

BOARD OF COMMISSIONERS

WINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

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

A RESOLUTION TO 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 M-2 to M-2 by PROGRESSIVE RECYCLING, LLC for a CHANGE IN CONDITIONS OF ZONING TO ALLOW EXPANDED HOURS OF OPERATION 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 SEPTEMBER 22, 2009 and objections were not filed

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 22ND day of SEPTEMBER 2009, that the aforesaid application to amend the Official Zoning Map from M-2 to M-2 (CHANGE IN CONDITIONS) is hereby **APPROVED** subject to the following enumerated conditions:

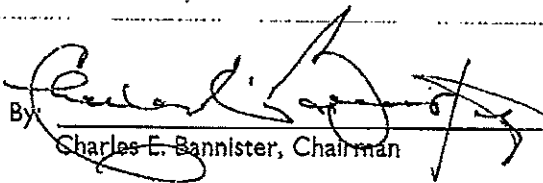
I: To restrict the use of the property as follows:

- A. Limited to the uses of the M-1 district. The sole M-2 use of a metal salvage operation as a Special Use Permit is permitted, with most activities conducted indoors. Outdoor activities shall be limited to the delivery, weighing, unloading, sorting and repackaging of metals for transportation. Metals or other recyclables shall not be stored on the ground but shall be placed within containers. No automotive salvage operations shall be allowed on the property.
- B. The hours of operation, including delivery of scrap metal, shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, and office only operations on Saturday and Sunday from 9:00 a.m. to 5:00 p.m.
- C. Any newly constructed building/structure shall have a brick facade.
- D. Metal shredders are prohibited.
- E. No "Hazardous Substances" as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 with current amendments, and associated regulations promulgated thereunder, shall be stored or handled on the Site.
- F. All truck traffic to and from the site shall access Simpson Circle from Buford Highway (and not Old Norcross Road).

CASE NUMBER CIC-09-018
GCID 2009-1016

- G. The Special Use Permit shall expire two years from the date of Board approval, at which time the applicant shall cease the operation or apply for renewal.
2. To satisfy the following site development considerations:
- A Any new ground signage shall be limited to a single monument-type ground sign with a minimum 2-foot high masonry base. Sign height shall not exceed 5 feet in height.
 - B No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard signs and bandit signs shall be prohibited.
 - C Oversized signs shall be prohibited.
 - D Dumpster pickup shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday thru Friday.
 - E Peddlers and/or parking lot sales shall be prohibited.
 - F Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By 
Charles E. Bannister, Chairman

Date Signed: 10/1/09

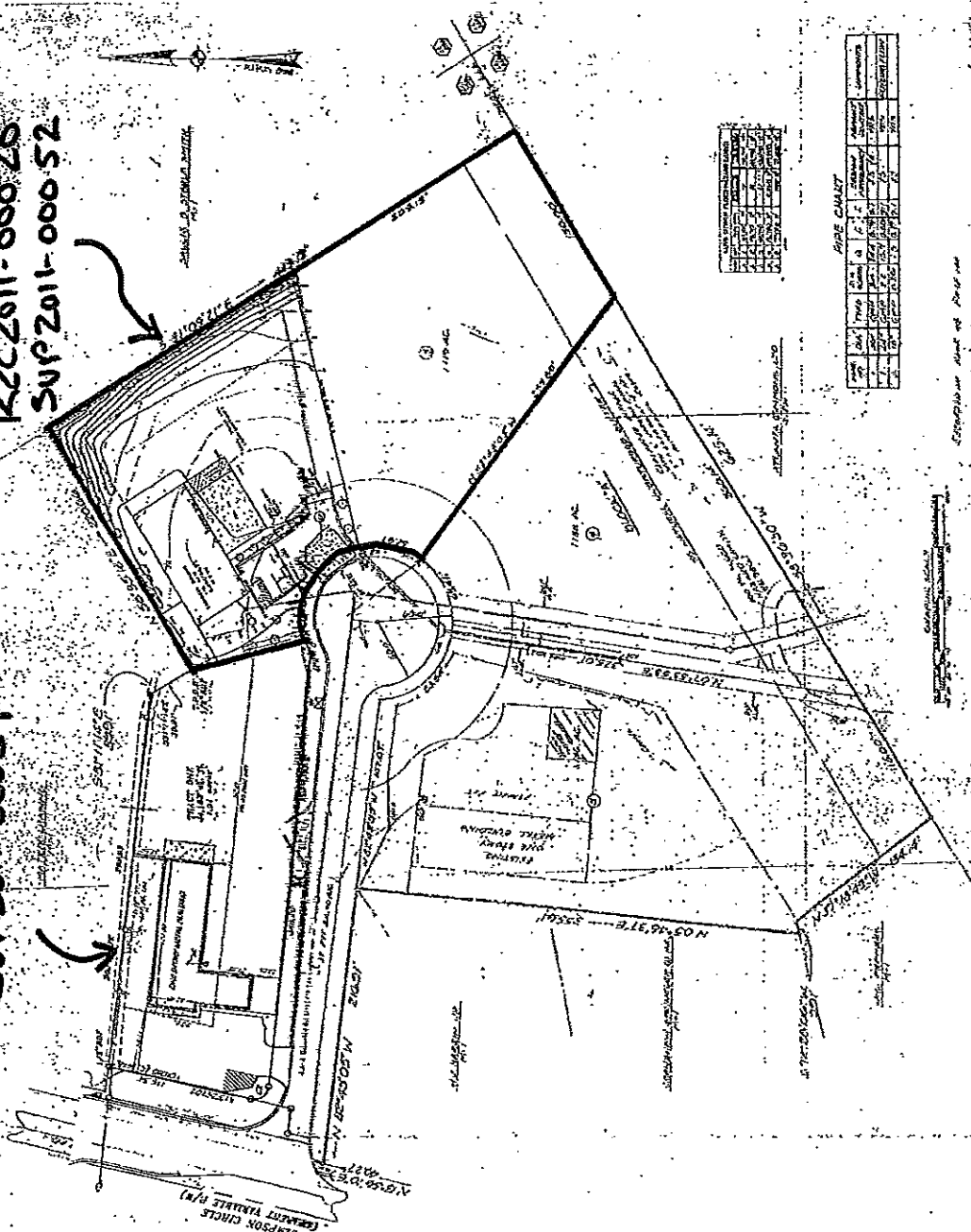
ATTEST:


County Clerk/Deputy County Clerk



R2C2011-00020
SUP2011-00052

Sup 2011-00051

[illegible][illegible]

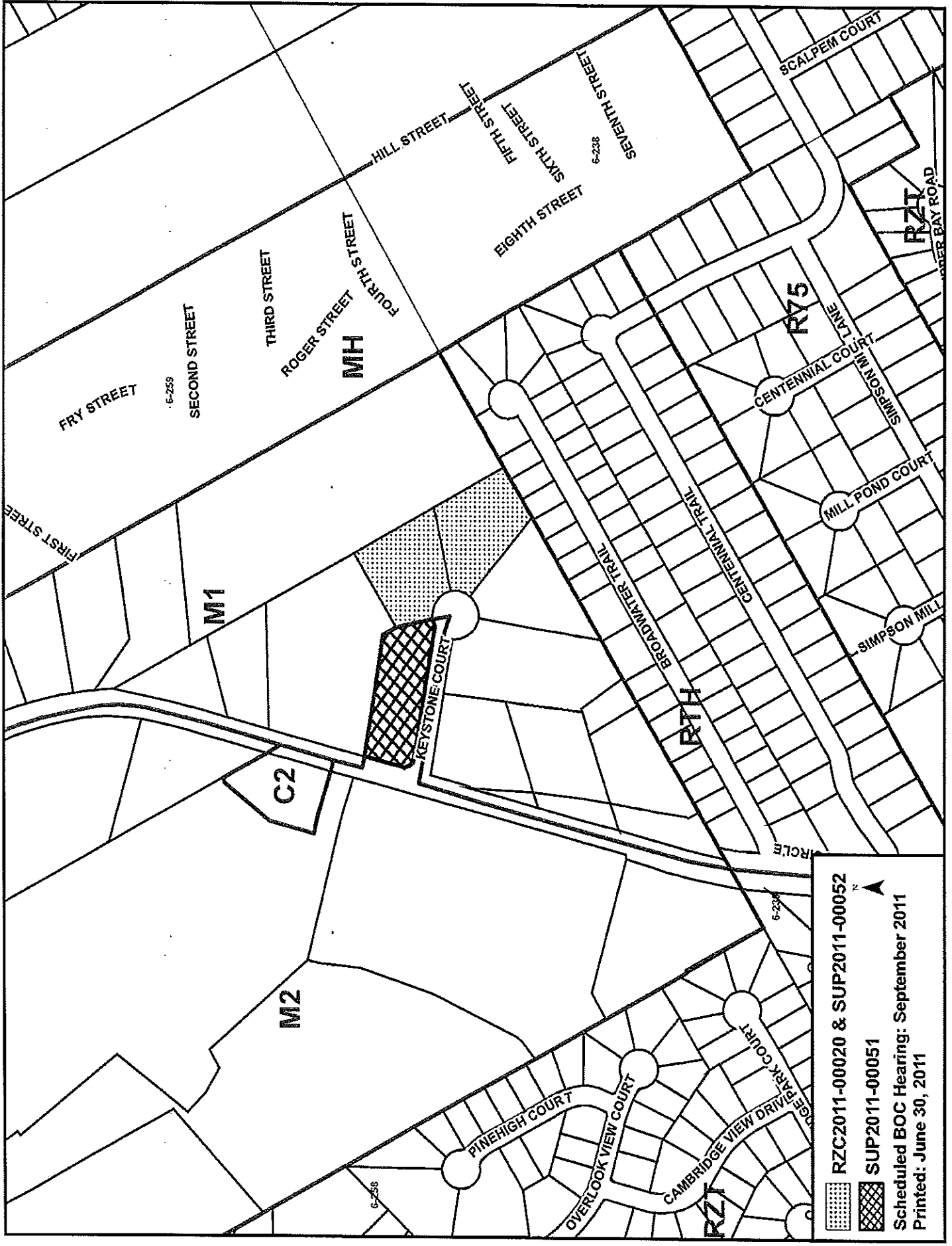
تاریخ: ۱۳۹۸/۰۵/۰۵

FINAL PLAT
FOR
KEYSTONE INDUSTRIAL PARK

COUNTY: SWINNEE
DISTRICT: 6TH
LAND LOT: 258
DATE: 6/9/87
SECTION: 140
FILE NO.: JN-

CONSULTANTS
PLANNERS
SUPPORTERS

QZL INC



RZC2011-00020 & SUP2011-00052

SUP2011-00051

Scheduled BOC Hearing: September 2011
Printed: June 30, 2011



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

CASE NUMBER	:RZC2011-00021
ZONING CHANGE	:R-75 TO O-I
LOCATION	:2900 BLOCK OF LAWRENCEVILLE HIGHWAY
MAP NUMBER	:R5016 005
ACREAGE	:2.41 ACRES
PROPOSED DEVELOPMENT	:CHURCH (REDUCTION IN BUFFERS)
SQUARE FEET	:3,000 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD

FUTURE DEVELOPMENT MAP: **CORRIDOR MIXED USE**

APPLICANT: JOHN MCGEE
C/O MAHAFFEY PICKENS TUCKER, LLP
1550 NORTH BROWN ROAD, SUITE 125
LAWRENCEVILLE, GA 30043

CONTACT: MICHELLE ROTHMEIER PHONE: 770.232.0000

OWNER: JOHN AND CHRISTINE MCGEE
C/O MAHAFFEY PICKENS TUCKER, LLP
1550 NORTH BROWN ROAD, SUITE 125
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests to rezone a 2.41-acre parcel from R-75 (Single Family Residence District) to O-I (Office-Institution District) to allow a church. The property is located on the south side of Lawrenceville Highway, just east of its intersection with Bethesda Church Road. The site is developed with an existing single-family residence and the remainder of the property is wooded.

The applicant proposes to utilize the existing single-family dwelling as a church. According to the Applicant's representative, the church will accommodate 60 people in the sanctuary. There are two proposed points of access onto Lawrenceville Highway indicated on the site plan. A total of 12 parking spaces are also proposed, which meets the minimum parking requirement for a church of this size. Upon a recent visit to the site, staff noted a large Oak tree located on the front of the property that could be of Specimen quality. Staff would recommend steps be taken to save this tree if it is found to be a Specimen tree according to the Buffer Landscape and Tree Ordinance.

The required 50-foot zoning buffer is shown to the rear of the building; however, the applicant proposes to reduce the buffer to 40 feet along the east (side) property line to accommodate the existing building, and to 10 feet to accommodate the new parking lot and a second driveway.

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 (CIR2010-00182).

ZONING HISTORY:

In 1970, the subject property was zoned C-1 and R-75. The property C-1 portion of the property was rezoned to R-75 in 1991, pursuant to RZ-91-102.

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.

The site plan does not indicate the required widening of the existing residential driveway to non-residential standards.

Parking spaces shall be provided at a ratio of:
One space per 2 to 5 seats in the sanctuary.

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 6.3.3 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 Lawrenceville 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.

STORMWATER REVIEW SECTION COMMENTS:

Stormwater Management does not object to the applicant's request as noted on the respective application. Stormwater best management practices must be addressed upon development permit issuance, if applicable.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Lawrenceville 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 Lawrenceville Highway.

Entrance(s) shall be brought up to Georgia D.O.T. standards for commercial driveways.

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 northern right-of-way of Lawrenceville 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 10 feet west of the property.

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 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 2.41-acre property is located on the south side of Lawrenceville Highway, just east of its intersection with Bethesda Church Road. 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 a Corridor Mixed Use Character Area. Within this Character Area institutional uses such as churches are supported. A church use located near the commercial intersection of Lawrenceville Highway and Bethesda Church/School Road could be consistent with policies of the Unified Plan.

The surrounding area is characterized by commercial retail uses and zoning extending along Lawrenceville Highway, and single-family residential developments located south and east of the subject site. Across Lawrenceville Highway to the north are properties zoned C-1 and C-2, including a vacant drug store and shopping center. West of the property is a convenience store with fuel pumps, with a daycare center located directly adjacent to the property. Abutting the property to the south and east are single-family homes in the Glen Forest subdivision, with a single-family home on a large lot directly adjacent to the subject property. The proposed O-1 zoning for church use on this property could be consistent with commercial zonings and developments in the immediate surrounding area.

In conclusion, the proposed rezoning may be consistent with the Unified Plan, and could be compatible with the existing and anticipated commercial uses within the surrounding area. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval as O-I for a church use subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Professional office, church and accessory uses and structures.
 - 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 prior to church occupancy.
2. To satisfy the following site development considerations:
 - A. Provide buffers adjacent to residentially-zoned properties as shown on the site plan submitted June 30, 2011. The buffers shall be enhanced where sparsely vegetated.
 - B. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way.
 - C. Natural vegetation shall remain on the property until the issuance of a development permit.
 - D. Evaluate the existing large Oak tree in the front yard per the Specimen Tree preservation requirements of Section 5.6 of the Buffer, Landscape and Tree Ordinance. If determined to be a specimen tree to be preserved, parking shall be prohibited in the front yard, and shall be restricted to the rear of the building.
 - E. Ground signage shall be limited to a single monument type sign with a minimum two-foot high brick or stacked stone base. Ground sign(s) shall not exceed 8 feet in height.
 - F. Billboards or oversized signs shall be prohibited.
 - G. Outdoor storage shall be prohibited.
 - H. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.

- I. Outdoor loudspeakers shall be prohibited.
- J. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- K. Any outdoor activity or recreation facilities shall not be lighted, and all outdoor activities shall be prohibited after dusk.
- L. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- M. 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

Office-Institutional zoning could be appropriate at this location in light of the commercial uses within the surrounding area.

ADVERSE IMPACTS

Some impacts could be expected in the form of increased traffic, light intrusion and noise. These impacts could be minimized with appropriate conditions and restrictions.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

An increased impact on public facilities could be expected in the form of traffic, storm water runoff, and utility demand.

CONFORMITY WITH POLICIES

The proposed rezoning could be consistent with the policies of the Unified Plan which supports institutional uses such as churches within the Corridor Mixed Use Character Area. A church use located near the commercial intersection could be consistent with policies of the Unified Plan.

CONDITIONS AFFECTING ZONING

Commercial development along Lawrenceville Highway has generally been located at the intersection of Bethesda Church Road. An O-I (Office Institutional District) zoning for a church could provide a transition between the existing commercial uses to the west and residential uses to the east and south.

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 REZONING:

Please see attached.



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

- (A) Yes. The subject property is located on Highway 29, aka Lawrenceville Highway, at its intersection with Bethesda Church Road. An R-75 use (the subject property's current zoning classification) would not be suitable for the area in view of the uses of neighboring property in the immediate vicinity and the existing development patterns along Lawrenceville Highway. The proposed development will enhance the area by bringing high quality development to this part of Gwinnett County, and as such, this rezoning application proposes a use that is ideally suited to and consistent with uses in the surrounding area.
- (B) No. The requested rezoning will enhance the area and will not adversely affect adjacent and nearby properties.
- (C) The property which is the subject of these applications does have reasonable economic use as currently zoned, but the Applicant submits that the requested use will allow for a more suitable and appropriate development of the property.
- (D) No. This property is located in an area with public water and sewer availability and convenient access to major roadways. The rezoning will not cause excessive use of existing streets, transportation facilities, utilities, or schools. The development of the property as proposed will not unduly tax the water and sewer facilities in place in the area. The existing streets and continuing improvements to the transportation network in the area offer appropriate access to and from the subject property.
- (E) Yes. The proposed rezoning to O-I is in conformance 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 property's location provides supporting grounds for development of the property in accordance with the application. This property is not conducive to development in accordance with its R-75 designation in light of the location of this site near many commercial and institutional developments.



RECEIVED 6-30-11
RZC2011-00021



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

Andrew D. Stancil
E. Michelle Rothmeier
Kenneth W. Stroud
Shawn F. Bratton
Alissa L. Cummo
Jill H. Harris,
of Counsel

LETTER OF INTENT FOR REZONING
OF JOHN MCGEE

The Applicant, John McGee, submits this Rezoning Application for the purpose of rezoning an approximate 2.409 acre tract (hereinafter, the "Property") located on Highway 29, aka Lawrenceville Highway, near its intersection with Bethesda Church Road. The Property is currently zoned R-75. We are respectfully requesting a rezoning from R-75 to the O-I zoning classification to allow our client to develop a church on the subject Property. A 3,000 square foot building currently exists and will remain on the Property. The Applicant has already conducted the required Compliance Inspection (CIR2010-00182) in regards to such. The Applicant also requests to reduce the required buffer between O-I and the adjacent R-75 property from 50 feet to 40 feet on the southwest side Property line.

The Applicant submits that the use and development of the Property as R-75 is not economically feasible and is not the highest and best use of the Property. The operation of the Property as an O-I development under the guidelines of Gwinnett County is appropriate for the subject tract and is consistent with the surrounding institutional and commercially zoned property and will afford the owner the opportunity to enhance the use on site.

The Applicant welcomes 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



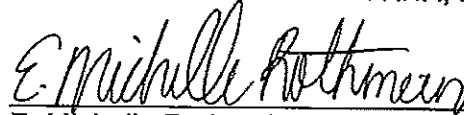
RECEIVED 6-30-11
RZC2011-00021

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

This 30th day of June, 2011.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

A handwritten signature in cursive script, reading "E. Michelle Rothmeier", written over a horizontal line.

E. Michelle Rothmeier
Attorney for Applicant



RECEIVED 6-30-11
RZC2011-00021



446 West Crogan Street, Ste. 160, Lawrenceville, Ga 30046-2440
PHONE: 678-518-6000 www.gwinnettcountry.com

COMPLIANCE INSPECTION REPORT

CASE NUMBER:	CIR2010-00182
RECEIVED DATE:	9/14/2010
APPLICATION NAME:	CRISTO PARA TODAS LAS NACIONES PRESBYTERIAN CHURCH, USA
APPLICATION ADDRESS:	2996 LAWRENCEVILLE HWY, LAWRENCEVILLE, GA 30044
APPLICANT:	Mcgee John
	885 Lawrencevill Highway Lawrenceville, GA 30046
REQUEST TYPE:	Existing Building Compliance Report
NFPA OCCUPANCY:	Assembly
CURRENT OCCUPANCY USE:	
PROPOSED OCCUPANCY USE:	A-3 (IBC) Assembly
DEVELOPMENT TYPE:	Church
CONSTRUCTION TYPE:	(IBC) TYPE VB UNSPRINKLERED

COMMENTS:

The report indicates that the existing building is a single story with basement. The use/occupancy of basement may require fire rated separation from the assembly use on the main floor.

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				
9/15/2010	The electrical system for the proposed occupancy is suitable for intended use.	2008 NEC rewire building to meet all requirements	Johnny Lyons	Fail
9/15/2010	Ground fault circuit interrupter (GFCI) in bathroom, kitchen, and outside receptacles.	NEC 210.8	Johnny Lyons	Fail
9/15/2010	Grounding type receptacles.	NEC 406	Johnny Lyons	Fail
9/15/2010	Required location for receptacles.	NEC 210 recp required at all equipment for service	Johnny Lyons	Fail
9/15/2010	Required location for lights and switches.	NEC 210	Johnny Lyons	Fail
9/15/2010	Grounding to metal water pipe, building steel, ground rods.	NEC 250-3	Johnny Lyons	Fail
9/15/2010	Working clearance in front of equipment.	NEC 110.26	Johnny Lyons	Fail
9/15/2010	Location of service disconnect.	NEC 230.70	Johnny Lyons	Fail
9/15/2010	Service equipment - Illumination of service and/or panels.	NEC 110.26(d)	Johnny Lyons	Fail
9/15/2010	Service equipment - Fault current rating.	NEC 110.9	Johnny Lyons	Fail
9/15/2010	Service equipment - Load calculation.	NEC 220	Johnny Lyons	Fail
9/15/2010	Occupant to have access to service equipment.	NEC 230.72(c)	Johnny Lyons	Fail

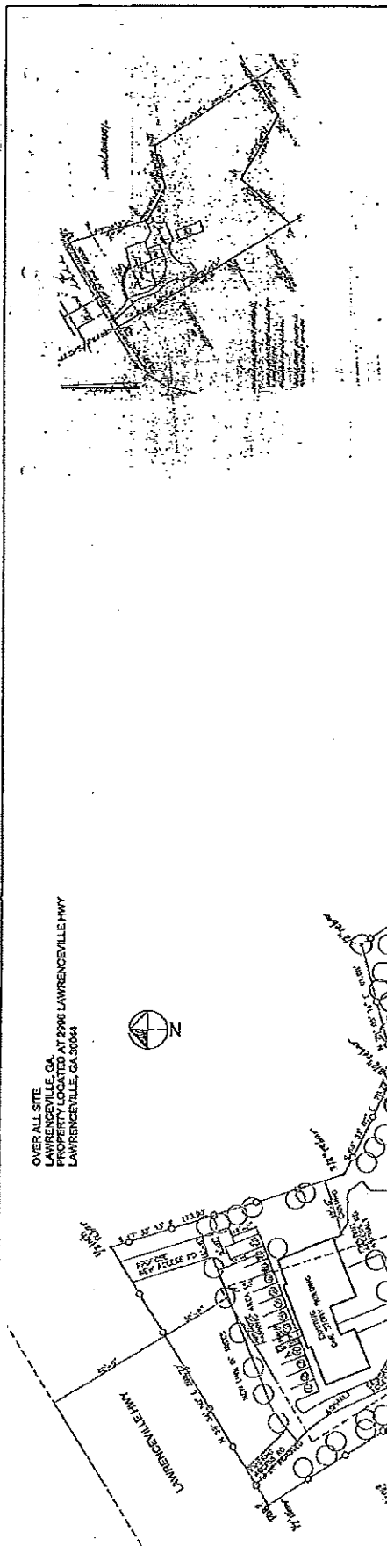
DATE	ITEM	COMMENT	INSPECTOR	STATUS
Electrical Code Compliance				
9/15/2010	Approved covers on junction boxes and accessible.	NEC 314	Johnny Lyons	Fail
9/15/2010	Junction boxes - Correct size for box volume.	NEC 314.16	Johnny Lyons	Fail
9/15/2010	Conductors - Correct size for overcurrent device.	NEC 310	Johnny Lyons	Fail
9/15/2010	Physical condition of conductors.	NEC 310	Johnny Lyons	Fail
9/15/2010	Proper equipment grounding conductor size.	NEC 250.122	Johnny Lyons	Fail
9/15/2010	Disconnects for appliances and HVAC equipment - Required locations and accessible.	NEC 422.30 NEC 440.11	Johnny Lyons	Fail
9/15/2010	Sub-Panels - Location of panels	NEC 110.26	Johnny Lyons	Fail
9/15/2010	Sub-Panels - working clearance in front of panels.	NEC 110.26	Johnny Lyons	Fail
9/15/2010	Sub-Panels - Illumination of panels.	NEC 110.26(d)	Johnny Lyons	Fail
9/15/2010	Overcurrent devices - Correct type per panel manufacturer.	NEC 110.3	Johnny Lyons	Fail
9/15/2010	Number of overcurrent devices for panel.	NEC 110.3	Johnny Lyons	Fail
Fire Compliance				
9/21/2010	Exterior: Accessible Parking		Tim Washburn	Fail
9/21/2010	Exterior: Ramp/Landings		Tim Washburn	Fail
9/21/2010	Exterior: Level Landing At Door		Tim Washburn	Fail
9/21/2010	Exterior: Stairs (Risers/Treads)		Tim Washburn	Fail
9/21/2010	Exterior: Guards/Rails/Handrails		Tim Washburn	Fail
9/21/2010	Interior: Doors and Hardware		Tim Washburn	Fail
9/21/2010	Interior: Force To Open		Tim Washburn	Fail
9/21/2010	Interior: Door Swings w/Travel Direction		Tim Washburn	Fail
9/21/2010	Interior: Door Closer		Tim Washburn	Fail
9/21/2010	Fire Protection Equipment: Exit Signs		Tim Washburn	Fail
9/21/2010	Fire Protection Equipment: Emergency Lights		Tim Washburn	Fail
9/21/2010	Fire Protection Equipment: Fire Extinguisher		Tim Washburn	Fail
9/21/2010	Exterior: Address/Suite Marking		Tim Washburn	Pass
Mechanical Code Compliance				
9/15/2010	The mechanical system for the proposed occupancy is suitable for intended use.	3 system 2 meeting energy code requirements 1 does not.	Johnny Lyons	Fail
9/15/2010	Ducts and duct systems - Joints, seams, and connections.	all duct work exposed need to be mastic sealed.	Johnny Lyons	Fail
9/15/2010	Duct insulation.	all ductwork attic requires R-6	Johnny Lyons	Fail
9/16/2010	Ducts and duct systems - complies with Georgia State Energy Code.		Johnny Lyons	Fail
9/15/2010	Combustion and ventilation air - Allowable material.	gas furnace in inclosed room requires combustion air unit # 3 gas also will need to be replaced to meet energy code	Johnny Lyons	Fail

DATE	ITEM	COMMENT	INSPECTOR	STATUS
Mechanical Code Compliance				
9/15/2010	Combustion and ventilation air - Capacity for space.		Johnny Lyons	Fail
9/15/2010	Combustion and ventilation air - Termination.		Johnny Lyons	Fail
9/15/2010	Equipment - Location.		Johnny Lyons	Fail
9/15/2010	Equipment - Accessibility.	all equipment requires 30" clearance for service also clear walkway no obstruction	Johnny Lyons	Fail
9/15/2010	Equipment - Clearance.		Johnny Lyons	Fail
9/15/2010	Equipment - Support.		Johnny Lyons	Fail
9/15/2010	Complies with Georgia State Energy Code		Johnny Lyons	Fail
9/15/2010	Fresh air system - allowable material.		Johnny Lyons	Fail
9/15/2010	Fresh air system - Location on intakes.		Johnny Lyons	Fail
9/15/2010	Fresh air system - ASHRAE air systems.	all systems require outdoor air per mech. code table 403.1	Johnny Lyons	Fail
9/15/2010	Separation ventilation system for incompatible material - Flammable vapors.	mech room can not be used for storage	Johnny Lyons	Fail
9/15/2010	Exhaust systems - Bath fan vents and termination.	all bathroom toilets 75 cfm exhaust all showers 60 Cfm	Johnny Lyons	Fail
9/15/2010	Exhaust systems - Commercial or residential clothes dryers.	all clothes dryer vent proper material and length	Johnny Lyons	Fail
9/15/2010	Grease Hoods - Duct system for hood and make-up air for hood.	all kitchen hood to meet fire marshal requirements as far as ventilation and fire suppression system.	Johnny Lyons	Fail
9/15/2010	Fuel gas piping - Auxiliary drain pans.	condensate drain pans need float switch or drain to outside	Johnny Lyons	Fail
9/15/2010	Ducts and duct systems - Allowable materials.		Johnny Lyons	Pass
9/15/2010	Duct support.		Johnny Lyons	Pass
9/15/2010	Duct weatherproofing.		Johnny Lyons	Pass
9/15/2010	Chimneys and vents systems - Allowable materials.		Johnny Lyons	Pass
9/15/2010	Chimneys and vents systems - Capacity.		Johnny Lyons	Pass
9/15/2010	Chimneys and vents systems - Location.		Johnny Lyons	Pass
9/15/2010	Chimneys and vents systems - Clearance.		Johnny Lyons	Pass
9/15/2010	Chimneys and vents systems - Fire stops.		Johnny Lyons	Pass
9/15/2010	Chimneys and vents systems - Termination.		Johnny Lyons	Pass
9/15/2010	Fuel gas piping - Allowable material.		Johnny Lyons	Pass
9/15/2010	Fuel gas piping - Location.		Johnny Lyons	Pass
9/15/2010	Fuel gas piping - Joints.		Johnny Lyons	Pass
9/15/2010	Fuel gas piping - Support.		Johnny Lyons	Pass
9/15/2010	Fuel gas piping - Shut-off valves and approved locations.		Johnny Lyons	Pass
9/15/2010	Fuel gas piping - Concealed gas line.		Johnny Lyons	Pass

DATE	ITEM	COMMENT	INSPECTOR	STATUS
Mechanical Code Compliance				
9/15/2010	Condensate drains piping and termination.		Johnny Lyons	Pass
9/15/2010	Refrigeration system - Material.		Johnny Lyons	Pass
9/15/2010	Refrigeration system - Location		Johnny Lyons	Pass
9/15/2010	Refrigeration system - Joints and refrigerant containing part in plenum.		Johnny Lyons	Pass
9/15/2010	Refrigeration system - Piping insulation.		Johnny Lyons	Pass
Plumbing Code Compliance				
9/15/2010	The plumbing system for the proposed occupancy is suitable for intended use.		Johnny Lyons	Fail
9/15/2010	Water heaters - install thermal expansion device.	IPC 607.3 install as required	Johnny Lyons	Fail
9/15/2010	This occupancy requires drinking fountains to be installed.	IPC 403.1 add drinking fountain as required	Johnny Lyons	Fail
9/15/2010	Provide separate toilet rooms for male and female.	IPC 403.2	Johnny Lyons	Fail
9/15/2010	Change all water closets to elongated with open front seats.	IPC 420.2	Johnny Lyons	Fail
9/15/2010	Install privacy partitions for water closets and urinals.	IPC 310.4	Johnny Lyons	Fail
9/15/2010	Replace/repair drain waste vent system to comply with 2006 IPC.	IPC 701.1	Johnny Lyons	Fail
9/15/2010	Install double check valve assembly and certify device.	IPC 608.1	Johnny Lyons	Fail
9/15/2010	Install pressure reducing valve in main water service.	IPC 604.8	Johnny Lyons	Fail
9/15/2010	Install vacuum breakers on all hose bibbs.	IPC 608.11	Johnny Lyons	Fail
9/15/2010	Water heaters - Provide combustion air from outside.	IPC 504.5-504.6	Johnny Lyons	Pass
9/15/2010	Water heaters - Provide 3/4 T&P relief line using approved pipe.	IPC 502.4	Johnny Lyons	Pass
9/15/2010	Water heaters - Install vacuum relief valve (bottom feed heaters only).	IPC 504.2	Johnny Lyons	Pass
9/15/2010	Water heaters - Repair or replace vent with approved vent pipe.		Johnny Lyons	Pass
9/15/2010	Repair or replace water heater.	IPC 501.1	Johnny Lyons	Pass
9/15/2010	Replace/repair water distribution pipe to comply with 2006 IPC.	IPC 601.1	Johnny Lyons	Pass
Structural Code Compliance				
9/21/2010	Wood grades, spans, floor joist, ceiling and rafters.	IBC 2308 need engineer report for floor loads	Todd Herget	Fail
9/21/2010	Cut, sawed, drilled, damaged wood (interior and exterior)	IBC 2303 bearing wall removed in living room. need to reconfigure beam support	Todd Herget	Fail
9/21/2010	Insulation, flamespread.	IBC 719 currently none in floor system, attic will need additional	Todd Herget	Fail
9/21/2010	Insulation in attic.	IECC 502	Todd Herget	Fail
9/21/2010	Insulation in crawlspace.	IECC 502	Todd Herget	Fail
9/21/2010	Ground clearance.	IBC 2304.11 need 6" clearance at basement door	Todd Herget	Fail

DATE	ITEM	COMMENT	INSPECTOR	STATUS
Structural Code Compliance				
9/21/2010	Attic Access.	IBC 1209.9 need correct size opening in old part	Todd Herget	Fail
9/21/2010	Fireplaces.	IBC 2111	Todd Herget	Fail
9/21/2010	Tempered glass for doors and windows.	IBC 2406 numerous locations	Todd Herget	Fail
9/21/2010	Attic Ventilation.	IBC 1203	Todd Herget	Pass
9/21/2010	Crawlspace ventilation.	IBC 1203	Todd Herget	Pass
9/21/2010	Vents.	IBC 1203	Todd Herget	Pass
9/21/2010	Minimum ceiling heights.	IBC 1208.2	Todd Herget	Pass

OVER ALL SITE
LAWRENCEVILLE, GA
PROPERTY LOCATED AT 2096 LAWRENCEVILLE HWY
LAWRENCEVILLE, GA 30044



SIDE PLAN SURVEY

PROJECT DESCRIPTION
 Proposed Classroom Bldg. (200) Assembly
 Development Type: School
 Development Type: (RZC) TYPE: UNDEVELOPED
 Number of Stories: 1
 Building Height: 10'
 Building Area: 10,000 sq. ft.
 Site Area: 10,000 sq. ft.
 Lot Area: 10,000 sq. ft.
 Lot Dimensions: 100' x 100'
 Street Frontage: 100'
 Street Width: 100'
 Street Right-of-Way: 100'
 Proposed Zoning: D-1

NOTES

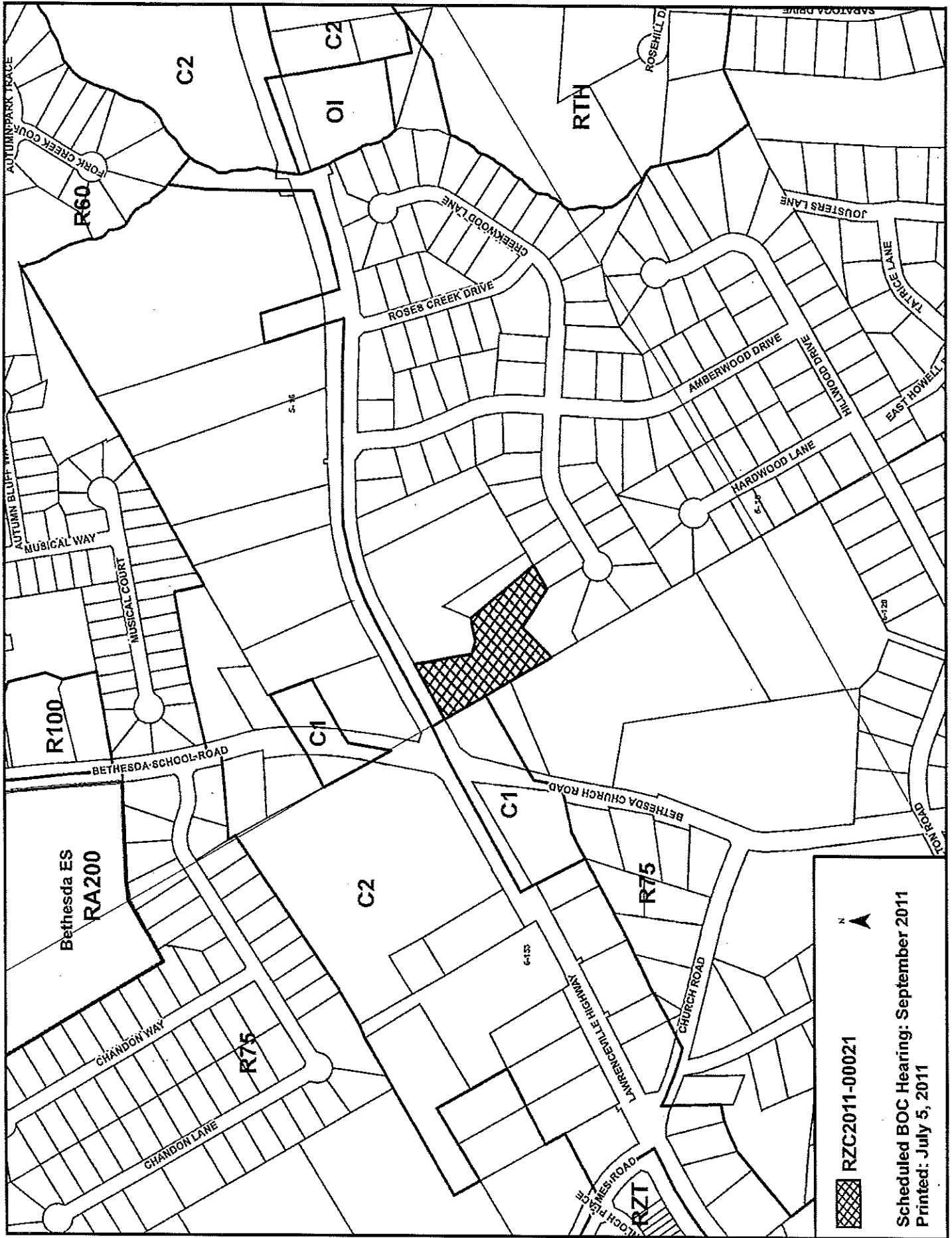
1. This project represents the property lines for the property located at 2096 Lawrenceville Hwy, Lawrenceville, GA 30044. The property is owned by the City of Lawrenceville, Georgia.
2. All lot dimensions are provided based on the adjacent lots.
3. The proposed development is shown on the attached site plan.
4. A lot (10) has been set aside for a future development.
5. A lot (10) has been set aside for a future development.
6. A lot (10) has been set aside for a future development.
7. A lot (10) has been set aside for a future development.
8. A lot (10) has been set aside for a future development.
9. A lot (10) has been set aside for a future development.
10. A lot (10) has been set aside for a future development.

SIDE PLAN

DATE	APPROVAL	DESCRIPTION	OWNER	ARCHITECT	CONTRACTOR	PROJECT	DESCRIPTION	DATE
6-30-11	APPROVED	U.S.	CELESTIA MORA TODAYAS LAS NACIONES CELESTIA PRESTECAN (US) INC TEL: 404-866-1129	P.C.	(24 HR. CONTACT)	RELIGIOUS CONGREGATION 2096 LAWRENCEVILLE HWY LAWRENCEVILLE, GA 30044	SIDE PLAN	FILE



RECEIVED 6-30-11
RZC2011-00021



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

CASE NUMBER	:CIC2011-00018
ZONING	:R-60
LOCATION	:3600 BLOCK OF SUWANEE CREEK ROAD :1400 BLOCK OF BUFORD HIGHWAY :3800 BLOCK OF IDLEWILD PLACE
MAP NUMBER	:R7197 181 & R7197 002
ACREAGE	:14.62 ACRES
PROPOSED DEVELOPMENT	:AMEND BUILDING MATERIAL REQUIREMENTS AND REDUCE THE 30-FOOT CONSTRUCTION BUFFER
UNITS	:51 UNITS
COMMISSION DISTRICT	:(1) LASSETER

FUTURE DEVELOPMENT MAP: **CORRIDOR MIXED USE &
EXISTING / EMERGING SUBURBAN**

APPLICANT: BEAZER HOMES, CORP.
6755 SHILOH ROAD EAST, SUITE 101
ALPHARETTA, GA 30005

CONTACT: JIM BOWERSOX PHONE: 440.759.7038

OWNER: BEAZER HOMES, CORP.
6755 SHILOH ROAD EAST, SUITE 101
ALPHARETTA, GA 30005

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a change in conditions of zoning for Chelsea Falls, a proposed 51-unit, single-family subdivision on 14.62 acres, to allow an adjustment to the required building materials and to reduce the width of the required construction buffer. The property is located at the southern corner of the Buford Highway and Suwanee Creek Road intersection.

It is noted that a change in conditions for the R-60 zoned property was processed in 2006 (CIC-06-024) to allow street access to Suwanee Creek Road. The interior streets and utilities have been installed; however, no dwellings have been constructed to date.

The current change in conditions request is to amend two conditions of CIC-06-024:

Condition I. B., which governs the building materials, and reads as follows:

1.B. Homes shall be constructed of three side's brick, stacked stone or stucco with the balance being the same or fiber-cement type-siding.

Architectural renderings indicate that the proposed dwellings would contain four sides of brick with minor treatments of siding as an accent material. Amending this condition would allow for the accent materials as proposed in the renderings (see attached).

Condition 2.A., which governs the construction buffer, and reads as follows:

2.A. Provide a 30-foot construction buffer adjacent to residentially-zoned property.

This condition affects the adjacent Idlewild and Highland Lake subdivisions. In lieu of a 30-foot wide construction buffer, the applicant proposes a 15-foot wide replanted landscaped buffer that would include a double-staggered row with a minimum of two species of evergreen trees, six feet in height at the time of planting, and planted 15 feet on-center.

In the Department's opinion, the proposed four-sided brick dwellings could be considered a higher standard than required by the current condition, and could be suitable. The current 30-foot construction buffer contains some bare areas, and includes underbrush and a mix of evergreens and deciduous trees which may not result in an adequate year-round visual buffer. Creating a more effective, full evergreen buffer and supplementing the sparse buffer areas could provide justification for a reduction in the width of the buffer strip.

In conclusion, establishing a higher building standard for the subdivision could be considered appropriate. If conditioned to provide a better visual screen, the reduction in the buffer width could also be acceptable. The proposed changes could be considered minor and, if properly conditioned, would not be expected to significantly impact the neighboring communities. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS.**

ZONING HISTORY:

The subject properties were zoned R-75 (Single Family Residence District) and R-100 (Single Family Residence District) in 1970. Though applied to be rezoned as C-2 in 2004, it was approved as R-60 pursuant to RZC-04-011. A change in conditions for the R-60 planned subdivision was processed in 2006, pursuant to CIC-06-024 to allow access to Suwanee Creek Road.

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 10-inch water main located on the southern right-of-way of Buford Highway, and an 8-inch water main located on the northern right-of-way of Suwanee Creek 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 COMMENT SECTION:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Additions in **BOLD**

Deletions in STRIKETHROUGH

Approval as R-60 for single family residences and accessory uses subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Single-Family detached dwellings and accessory uses.
 - B. **Dwellings shall be constructed of brick, stacked stone and shake, with minor accents of siding, in general accordance with the elevations submitted on August 5, 2011. Accent siding materials shall be fiber-cement type siding (vinyl siding shall be prohibited). Additional/ supplemental elevations shall be of a similar standard, and shall be subject to review and approval by the Director of Planning and Development.**
 - C. The minimum heated floor area per dwelling unit shall be 2,000 square feet for single-story dwellings and 2,200 square feet for two-story dwellings.
2. To satisfy the following site development considerations:
 - A. ~~Provide a 30-foot construction buffer adjacent to residentially-zoned property.~~ **Provide a 15-foot wide construction buffer adjacent to residentially-zoned property. The buffer shall be planted with a double-staggered row of evergreen trees (8 to 10 feet tall at the time of planting, and spaced 10 feet on center). The evergreen trees shall consist of Cryptomeria, southern magnolia, and tree-form hollies in equal distribution. The final buffer design shall be subject to review and approval by the Director of Planning and Development.**
 - B. All utilities shall be placed underground.
 - C. Provide a 30-foot landscaped setback and entrance feature to include a wrought-iron style fence with brick columns (10-feet on center). Landscape and fence plan shall be subject to review and approval of the Director of Planning and Development.
 - D. Subdivision entrance shall be subject to review and approval of Gwinnett DOT.
 - E. All yards shall be sodded.
 - F. The Developer shall dedicate all right-of-way and provide \$10,000.00 for the construction of intersection improvements at Buford Highway and Suwanee Creek Road.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions could be suitable since it would be expected to upgrade the standard of the homes and the effectiveness of the buffer screen.

ADVERSE IMPACTS

Adjusting the architectural standards as proposed and planting the construction buffer to a higher standard would not be expected to adversely impact the surrounding area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

No change in impacts on public facilities would be expected.

CONFORMITY WITH POLICIES

The subject request could be consider a minor adjustment to the existing zoning conditions and would not significantly differ from Board policy as established in the previous zoning action (CIC-06-024).

CONDITIONS AFFECTING ZONING

Allowing minor changes in the conditions may be appropriate due to a proposed higher architectural standard of four-side brick construction and full evergreen buffer plantings, which may also help compensate for a reduction in buffer width, lending 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: All properties immediately adjacent to the property are zoned residential. The adjoining properties are zoned as R-100 and R-75 Modified. Both districts and Chelsea Falls are single-family detached districts.
- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY: There will be no affect upon adjoining properties if the requested conditions are removed. The 30' TCE is only enforced through the building process.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED: No zoning change is requested. The condition change if approved improves the marketing and sales potential for the property.
- (D) WHETHER THE PROPOSED CHANGE IN CONDITIONS WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS: The CIC request will not alter the currently planned number of lots and therefore will not impact the already planned impacts on any public system.
- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN: The CIC request is not contradictory to the policy and intent of the County 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 CHANGE IN CONDITIONS: If the request to remove the TCE remains is denied, significant retaining wall systems will be needed to grade house pads that have adequate depth for home construction. The 3-sides masonry requirement places a competitive disadvantage in the current distressed nature of this particular sub-market in Gwinnett County and the distressed nature of the overall housing market in general.





Gwinnett County Department of Planning and Development
Planning Division
446 West Crogan Street, Suite 250
Lawrenceville, GA 30046
Re: Change in Conditions Application – Chelsea Falls Subdivision, 242 Chelsea Falls Lane

Dear Planning Division:

Beazer Homes respectfully requests a *Change In Conditions* for the single family subdivision known as Chelsea Falls Subdivision (F.K.A Allen Estates), parcel #7-197-002. The property was previously rezoned to the single-family detached residential district of R-60 with zoning case number RZC -04-011. Previous Change-In-Condition applications (CIC-06-024) were processed with the County by the original developer. The project also was permitted for land disturbance under SDP# 2005-00065 and was substantially completed although no Final Plat has been approved for the property by Gwinnett County.

Chelsea Falls is located in the southwest corner of the intersection of Suwanee Creek Road & Buford Highway. The property is comprised of 14.615-acre, containing 51, R-60 lots. There is no designated or required open space area for the project. The resulting gross and net densities for the project are 3.49 units per acre. These homes to be built upon the lots within the development will consist of a minimum heated floor area of 2,000 square feet (SF) for one-story units and 2,200 SF for two-story units.

Beazer Homes would like to request two changes in the current zoning conditions as stated in the Rezoning Notes, Case RZC-04-011 approved December 14, 2004 & Case CIC-06-024 approved August 22, 2006. The requested changes are to remove the following conditions:

1. Item 1 - A. Which states *homes shall be constructed of three sides brick, stacked stone or stucco with the balance being the same or fiber-cement type siding.*
2. Item 2 - A. Which states *provide a 30-Foot Construction Buffer adjacent to residentially-zoned property.*

Should you have any questions, comments or a need for additional information, please don't hesitate to contact me at the phone listed below.

Sincerely,

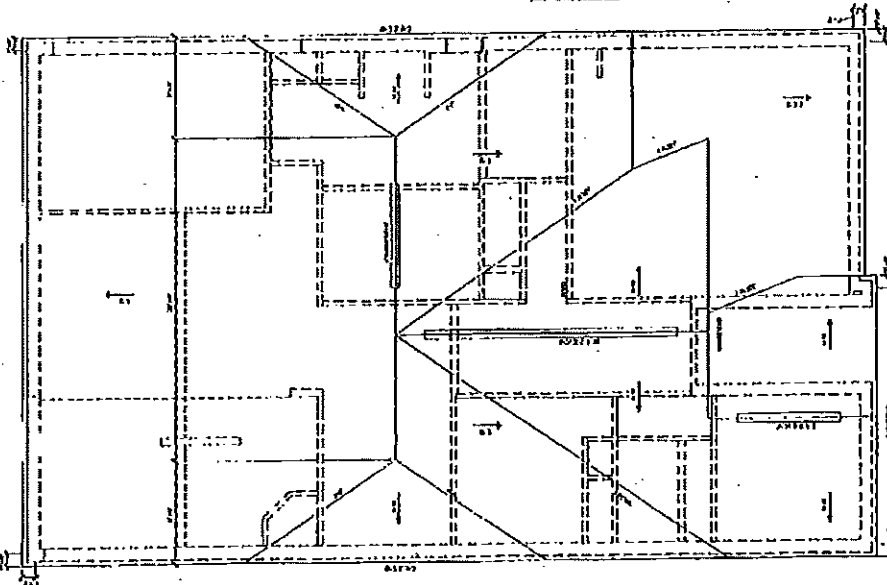
James F. Bowersox, II
Director, Land Acquisition & Development
Beazer Homes, Corp.
O: 770.781.0617
F: 770.781.0611
C: 404-759.7038
Email: jim.bowersox@beazer.com
www.beazer.com

Atlanta Office
6755 Shiloh Road East, Suite 101
Alpharetta, GA 30005

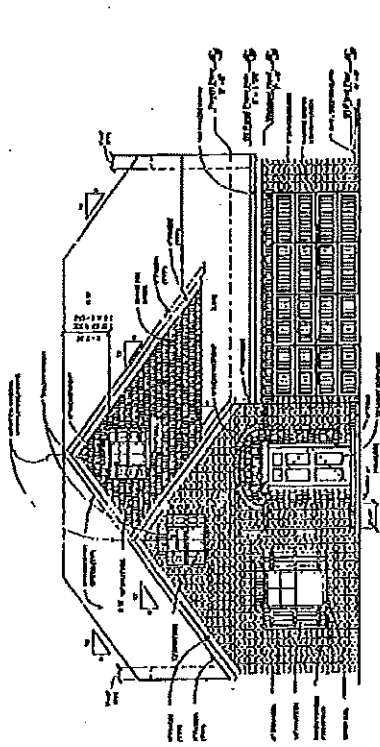


O: 770.781.0610
F: 770.781.0611
RECEIVED 8-2-11
CIC2011-00018
www.beazer.com

3920E027		1.2	31 FCM
FRONT & REAR ELEVATIONS - FCM W BRICK			
4.2 FCM WBR			
DATE: 10/1/01			
DRAWN BY: J. L. WILSON			
CHECKED BY: J. L. WILSON			
APPROVED BY: J. L. WILSON			
PROJECT: 3920E027			
SHEET: 1.2			
SCALE: 1/8" = 1'-0"			
TYPICAL WALL SECTION			
TYPICAL ROOF SECTION			
TYPICAL FLOOR SECTION			
TYPICAL CEILING SECTION			
TYPICAL DOOR SECTION			
TYPICAL WINDOW SECTION			
TYPICAL PORCH SECTION			
TYPICAL STAIR SECTION			
TYPICAL BATH SECTION			
TYPICAL KITCHEN SECTION			
TYPICAL LIVING SECTION			
TYPICAL BEDROOM SECTION			
TYPICAL HALL SECTION			
TYPICAL CLOSET SECTION			
TYPICAL GARAGE SECTION			
TYPICAL ATTIC SECTION			
TYPICAL BASEMENT SECTION			
TYPICAL PORCH SECTION			
TYPICAL STAIR SECTION			
TYPICAL BATH SECTION			
TYPICAL KITCHEN SECTION			
TYPICAL LIVING SECTION			
TYPICAL BEDROOM SECTION			
TYPICAL HALL SECTION			
TYPICAL CLOSET SECTION			
TYPICAL GARAGE SECTION			
TYPICAL ATTIC SECTION			
TYPICAL BASEMENT SECTION			



3 Roof Plan - FCM W BRICK
1/8" = 1'-0" FINE LINE WITH FACED BRICK POSITIONING



1 Front Elevation - FCM W BRICK
1/8" = 1'-0" FINE LINE WITH FACED BRICK POSITIONING

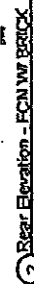
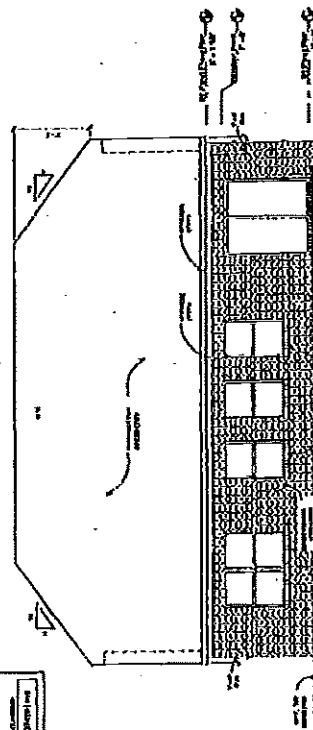
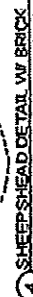
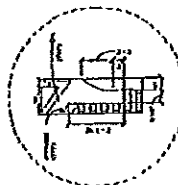
ALLEGATION	
1. The building is a two-story structure with a gabled roof.	2. The building is constructed of brick.
3. The building has a front porch.	4. The building has a rear porch.
5. The building has a central entrance.	6. The building has a side entrance.
7. The building has a rear entrance.	8. The building has a front entrance.
9. The building has a side entrance.	10. The building has a rear entrance.
11. The building has a front entrance.	12. The building has a side entrance.
13. The building has a rear entrance.	14. The building has a front entrance.
15. The building has a side entrance.	16. The building has a rear entrance.
17. The building has a front entrance.	18. The building has a side entrance.
19. The building has a rear entrance.	20. The building has a front entrance.
21. The building has a side entrance.	22. The building has a rear entrance.
23. The building has a front entrance.	24. The building has a side entrance.
25. The building has a rear entrance.	26. The building has a front entrance.
27. The building has a side entrance.	28. The building has a rear entrance.
29. The building has a front entrance.	30. The building has a side entrance.
31. The building has a rear entrance.	32. The building has a front entrance.
33. The building has a side entrance.	34. The building has a rear entrance.
35. The building has a front entrance.	36. The building has a side entrance.
37. The building has a rear entrance.	38. The building has a front entrance.
39. The building has a side entrance.	40. The building has a rear entrance.
41. The building has a front entrance.	42. The building has a side entrance.
43. The building has a rear entrance.	44. The building has a front entrance.
45. The building has a side entrance.	46. The building has a rear entrance.
47. The building has a front entrance.	48. The building has a side entrance.
49. The building has a rear entrance.	50. The building has a front entrance.
51. The building has a side entrance.	52. The building has a rear entrance.
53. The building has a front entrance.	54. The building has a side entrance.
55. The building has a rear entrance.	56. The building has a front entrance.
57. The building has a side entrance.	58. The building has a rear entrance.
59. The building has a front entrance.	60. The building has a side entrance.
61. The building has a rear entrance.	62. The building has a front entrance.
63. The building has a side entrance.	64. The building has a rear entrance.
65. The building has a front entrance.	66. The building has a side entrance.
67. The building has a rear entrance.	68. The building has a front entrance.
69. The building has a side entrance.	70. The building has a rear entrance.
71. The building has a front entrance.	72. The building has a side entrance.
73. The building has a rear entrance.	74. The building has a front entrance.
75. The building has a side entrance.	76. The building has a rear entrance.
77. The building has a front entrance.	78. The building has a side entrance.
79. The building has a rear entrance.	80. The building has a front entrance.
81. The building has a side entrance.	82. The building has a rear entrance.
83. The building has a front entrance.	84. The building has a side entrance.
85. The building has a rear entrance.	86. The building has a front entrance.
87. The building has a side entrance.	88. The building has a rear entrance.
89. The building has a front entrance.	90. The building has a side entrance.
91. The building has a rear entrance.	92. The building has a front entrance.
93. The building has a side entrance.	94. The building has a rear entrance.
95. The building has a front entrance.	96. The building has a side entrance.
97. The building has a rear entrance.	98. The building has a front entrance.
99. The building has a side entrance.	100. The building has a rear entrance.

2 Rear Elevation - FCM W BRICK
1/8" = 1'-0" FINE LINE WITH FACED BRICK POSITIONING

Architectural Elevations Approved by Director

Eastern County Department of Planning & Development

Sharon Cook 8/5/11 Chebea Falls



Architectural Evolution

Assoc. Dir.

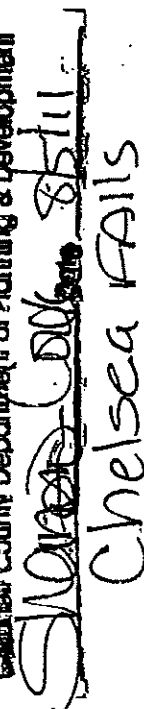
San Diego County Department of Planning & Development

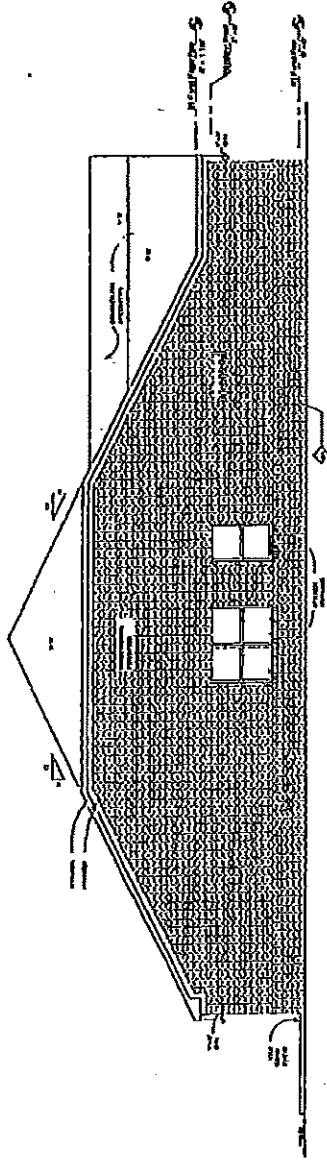
2015
 2014
 2013
 2012
 2011
 2010
 2009
 2008
 2007
 2006
 2005
 2004
 2003
 2002
 2001
 2000
 1999
 1998
 1997
 1996
 1995
 1994
 1993
 1992
 1991
 1990
 1989
 1988
 1987
 1986
 1985
 1984
 1983
 1982
 1981
 1980
 1979
 1978
 1977
 1976
 1975
 1974
 1973
 1972
 1971
 1970
 1969
 1968
 1967
 1966
 1965
 1964
 1963
 1962
 1961
 1960
 1959
 1958
 1957
 1956
 1955
 1954
 1953
 1952
 1951
 1950
 1949
 1948
 1947
 1946
 1945
 1944
 1943
 1942
 1941
 1940
 1939
 1938
 1937
 1936
 1935
 1934
 1933
 1932
 1931
 1930
 1929
 1928
 1927
 1926
 1925
 1924
 1923
 1922
 1921
 1920
 1919
 1918
 1917
 1916
 1915
 1914
 1913
 1912
 1911
 1910
 1909
 1908
 1907
 1906
 1905
 1904
 1903
 1902
 1901
 1900
 1899
 1898
 1897
 1896
 1895
 1894
 1893
 1892
 1891
 1890
 1889
 1888
 1887
 1886
 1885
 1884
 1883
 1882
 1881
 1880
 1879
 1878
 1877
 1876
 1875
 1874
 1873
 1872
 1871
 1870
 1869
 1868
 1867
 1866
 1865
 1864
 1863
 1862
 1861
 1860
 1859
 1858
 1857
 1856
 1855
 1854
 1853
 1852
 1851
 1850
 1849
 1848
 1847
 1846
 1845
 1844
 1843
 1842
 1841
 1840
 1839
 1838
 1837
 1836
 1835
 1834
 1833
 1832
 1831
 1830
 1829
 1828
 1827
 1826
 1825
 1824
 1823
 1822
 1821
 1820
 1819
 1818
 1817
 1816
 1815
 1814
 1813
 1812
 1811
 1810
 1809
 1808
 1807
 1806
 1805
 1804
 1803
 1802
 1801
 1800
 1799
 1798
 1797
 1796
 1795
 1794
 1793
 1792
 1791
 1790
 1789
 1788
 1787
 1786
 1785
 1784
 1783
 1782
 1781
 1780
 1779
 1778
 1777
 1776
 1775
 1774
 1773
 1772
 1771
 1770
 1769
 1768
 1767
 1766
 1765
 1764
 1763
 1762
 1761
 1760
 1759
 1758
 1757
 1756
 1755
 1754
 1753
 1752
 1751
 1750
 1749
 1748
 1747
 1746
 1745
 1744
 1743
 1742
 1741
 1740
 1739
 1738
 1737
 1736
 1735
 1734
 1733
 1732
 1731
 1730
 1729
 1728
 1727
 1726
 1725
 1724
 1723
 1722
 1721
 1720
 1719
 1718
 1717
 1716
 1715
 1714
 1713
 1712
 1711
 1710
 1709
 1708
 1707
 1706
 1705
 1704
 1703
 1702
 1701
 1700
 1699
 1698
 1697
 1696
 1695
 1694
 1693
 1692
 1691
 1690
 1689
 1688
 1687
 1686
 1685
 1684
 1683
 1682
 1681
 1680
 1679
 1678
 1677
 1676
 1675
 1674
 1673
 1672
 1671
 1670
 1669
 1668
 1667
 1666
 1665
 1664
 1663
 1662
 1661
 1660
 1659
 1658
 1657
 1656
 1655
 1654
 1653
 1652
 1651
 1650
 1649
 1648
 1647
 1646
 1645
 1644
 1643
 1642
 1641
 1640
 1639
 1638
 1637
 1636
 1635
 1634
 1633
 1632
 1631
 1630
 1629
 1628
 1627
 1626
 1625
 1624
 1623
 1622
 1621
 1620
 1619
 1618
 1617
 1616
 1615
 1614
 1613
 1612
 1611
 1610
 1609
 1608
 1607
 1606
 1605
 1604
 1603
 1602
 1601
 1600
 1599
 1598
 1597
 1596
 1595
 1594
 1593
 1592
 1591
 1590
 1589
 1588
 1587
 1586
 1585
 1584
 1583
 1582
 1581
 1580
 1579
 1578
 1577
 1576
 1575
 1574
 1573
 1572
 1571
 1570
 1569
 1568
 1567
 1566
 1565
 1564
 1563
 1562
 1561

Chelsea Falls

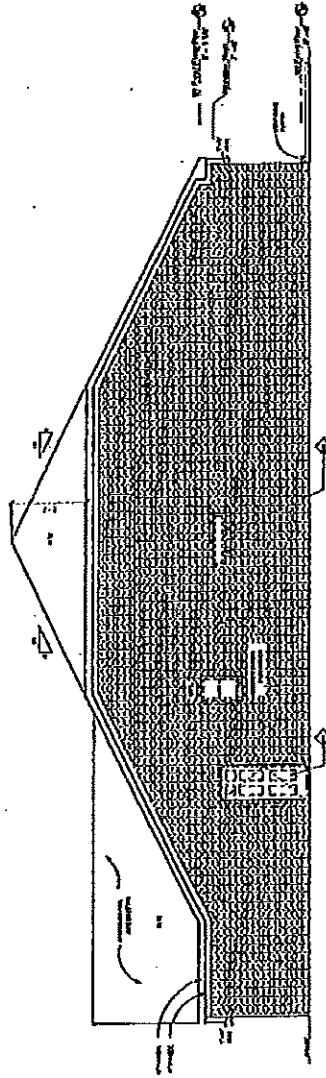
[illegible]







① Left Elevation - TRI W/ BRICK



② Right Elevation - TRI W/ BRICK

Additional Elevations
Approved by Director

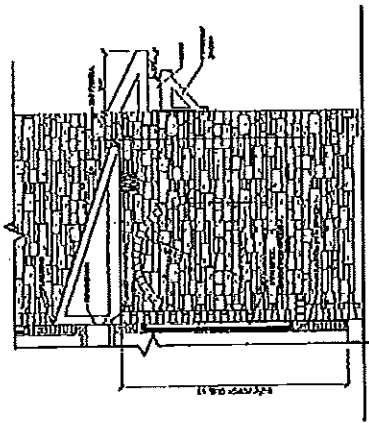
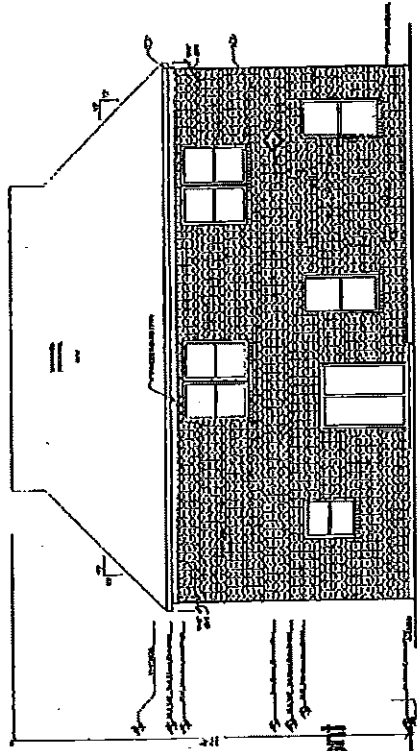
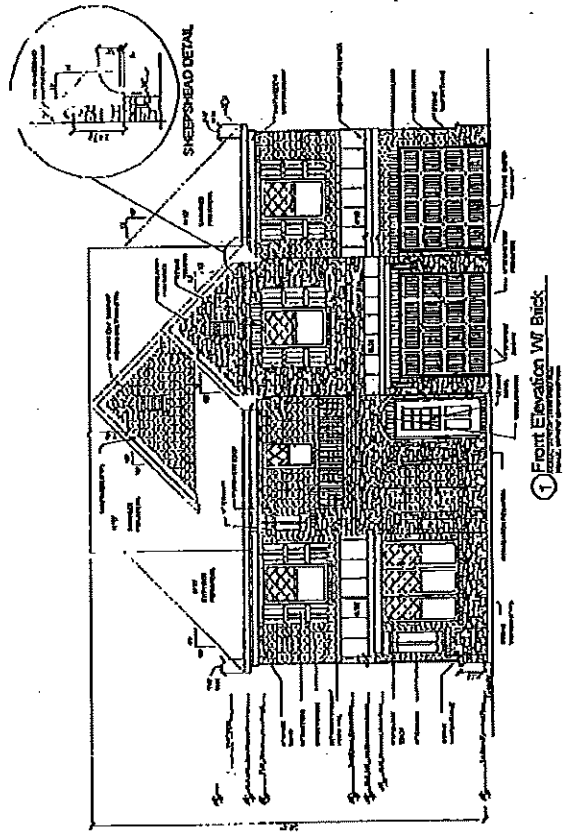
Easton County Department of Planning & Development

Sharon Cook
Chelsea Falls

3920E027		1.2	03 TRI
SIDE ELEVATIONS TRI W/ BRICK			
This project is a preliminary design and is not to be used for construction. It is the responsibility of the client to ensure that all necessary permits are obtained and that all construction complies with applicable codes and regulations.			
A-23TRI WB			

1. Project Name	2. Project Address
3. Project City	4. Project State
5. Project Zip	6. Project Phone
7. Project Email	8. Project Website
9. Project Description	10. Project Notes
11. Project Status	12. Project Date
13. Project Owner	14. Project Designer
15. Project Architect	16. Project Engineer
17. Project Contractor	18. Project Subcontractor
19. Project Supplier	20. Project Manufacturer
21. Project Installer	22. Project Maintainer
23. Project Operator	24. Project User
25. Project Manager	26. Project Coordinator
27. Project Assistant	28. Project Secretary
29. Project Receptionist	30. Project Cleaner
31. Project Janitor	32. Project Security
33. Project Maintenance	34. Project Repairs
35. Project Replacement	36. Project Upgrade
37. Project Expansion	38. Project Renovation
39. Project Restoration	40. Project Refurbishment
41. Project Refinishing	42. Project Repainting
43. Project Reupholstering	44. Project Reinstalling
45. Project Reconnecting	46. Project Reconfiguring
47. Project Reformatting	48. Project Reinstalling
49. Project Reconnecting	50. Project Reconfiguring
51. Project Reformatting	52. Project Reinstalling
53. Project Reconnecting	54. Project Reconfiguring
55. Project Reformatting	56. Project Reinstalling
57. Project Reconnecting	58. Project Reconfiguring
59. Project Reformatting	60. Project Reinstalling
61. Project Reconnecting	62. Project Reconfiguring
63. Project Reformatting	64. Project Reinstalling
65. Project Reconnecting	66. Project Reconfiguring
67. Project Reformatting	68. Project Reinstalling
69. Project Reconnecting	70. Project Reconfiguring
71. Project Reformatting	72. Project Reinstalling
73. Project Reconnecting	74. Project Reconfiguring
75. Project Reformatting	76. Project Reinstalling
77. Project Reconnecting	78. Project Reconfiguring
79. Project Reformatting	80. Project Reinstalling
81. Project Reconnecting	82. Project Reconfiguring
83. Project Reformatting	84. Project Reinstalling
85. Project Reconnecting	86. Project Reconfiguring
87. Project Reformatting	88. Project Reinstalling
89. Project Reconnecting	90. Project Reconfiguring
91. Project Reformatting	92. Project Reinstalling
93. Project Reconnecting	94. Project Reconfiguring
95. Project Reformatting	96. Project Reinstalling
97. Project Reconnecting	98. Project Reconfiguring
99. Project Reformatting	100. Project Reinstalling

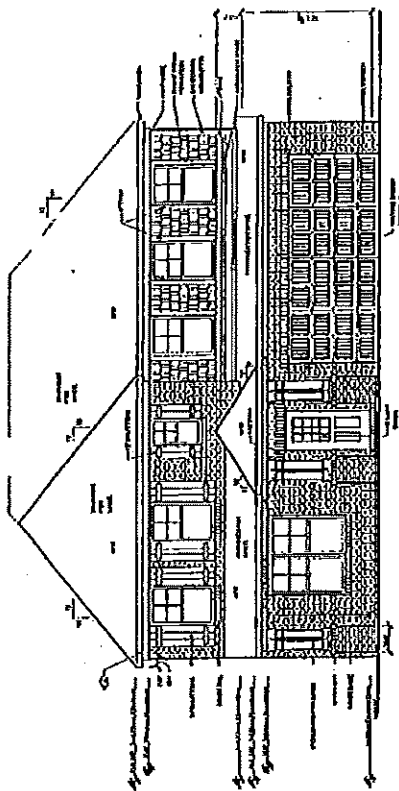
4027E3431.1	Elevation ERU W/Brick	Front Elevation ERU Brick
A-22ERU	11.12.00	11.12.00
REV	DATE	DESCRIPTION
1	11.12.00	Initial Design
2	11.12.00	Revised Design
3	11.12.00	Final Design
4	11.12.00	Construction Documents
5	11.12.00	As-Built Documents



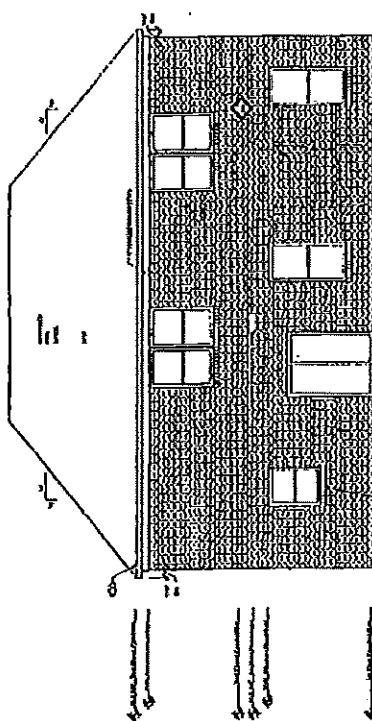
APPROVED BY DIRECTOR
 Chelsea Falls
 Shovel Road
 Chelsea Falls

Chelsea Falls

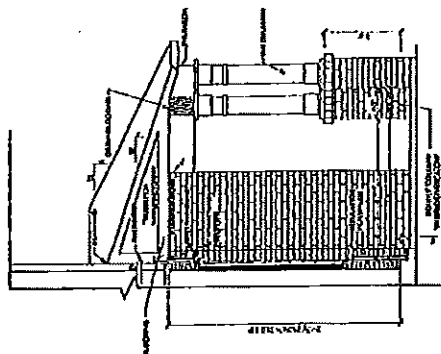
4027E343 1.1		Elevation FCL W/ Brick		Front Elevation FCL Brick	
A-22FCL		11.13.00		11.13.00	
DATE		BY		JAC	
REVZ		REVZ		REVZ	
1		1		1	
2		2		2	
3		3		3	
4		4		4	
5		5		5	
6		6		6	
7		7		7	
8		8		8	
9		9		9	
10		10		10	
11		11		11	
12		12		12	
13		13		13	
14		14		14	
15		15		15	
16		16		16	
17		17		17	
18		18		18	
19		19		19	
20		20		20	
21		21		21	
22		22		22	
23		23		23	
24		24		24	
25		25		25	
26		26		26	
27		27		27	
28		28		28	
29		29		29	
30		30		30	
31		31		31	
32		32		32	
33		33		33	
34		34		34	
35		35		35	
36		36		36	
37		37		37	
38		38		38	
39		39		39	
40		40		40	
41		41		41	
42		42		42	
43		43		43	
44		44		44	
45		45		45	
46		46		46	
47		47		47	
48		48		48	
49		49		49	
50		50		50	
51		51		51	
52		52		52	
53		53		53	
54		54		54	
55		55		55	
56		56		56	
57		57		57	
58		58		58	
59		59		59	
60		60		60	
61		61		61	
62		62		62	
63		63		63	
64		64		64	
65		65		65	
66		66		66	
67		67		67	
68		68		68	
69		69		69	
70		70		70	
71		71		71	
72		72		72	
73		73		73	
74		74		74	
75		75		75	
76		76		76	
77		77		77	
78		78		78	
79		79		79	
80		80		80	
81		81		81	
82		82		82	
83		83		83	
84		84		84	
85		85		85	
86		86		86	
87		87		87	
88		88		88	
89		89		89	
90		90		90	
91		91		91	
92		92		92	
93		93		93	
94		94		94	
95		95		95	
96		96		96	
97		97		97	
98		98		98	
99		99		99	
100		100		100	



① Front Elevation W/ Brick



② Rear Elevation W/ Brick

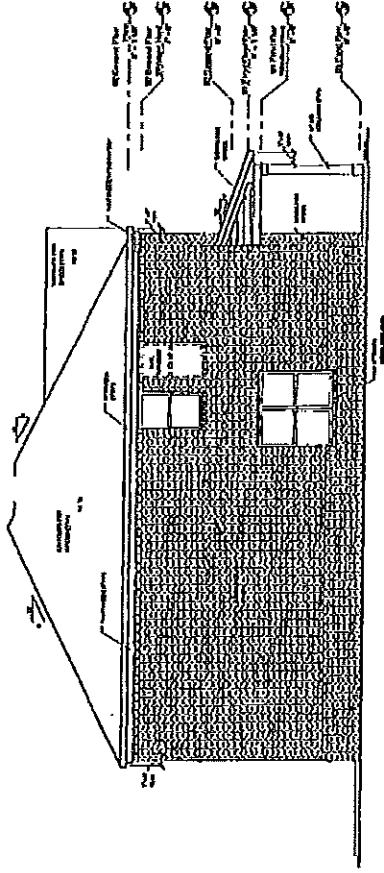


③ Porch Section W/ Brick

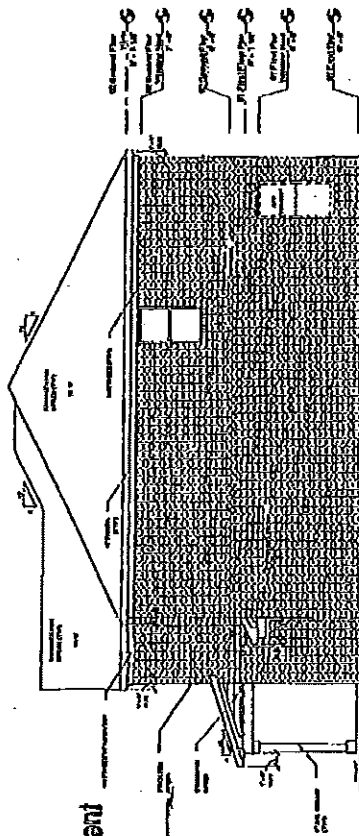
Chelsea Falls
 Architectural Elevations
 Approved by Director
 Essex County Department of Planning & Development
 [Signature]
 2018

Assistant Director
 Essex County Department of Planning & Development
 Street Cook Date 8/11
 Chelsea Falls

3923E433		SIDE ELEVATIONS		043610 TR	
1.2		THIS DRAWING IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.			
PROJECT: ADDRESS: CITY: STATE: ZIP:		ARCHITECT: FIRM: ADDRESS: CITY: STATE: ZIP:			



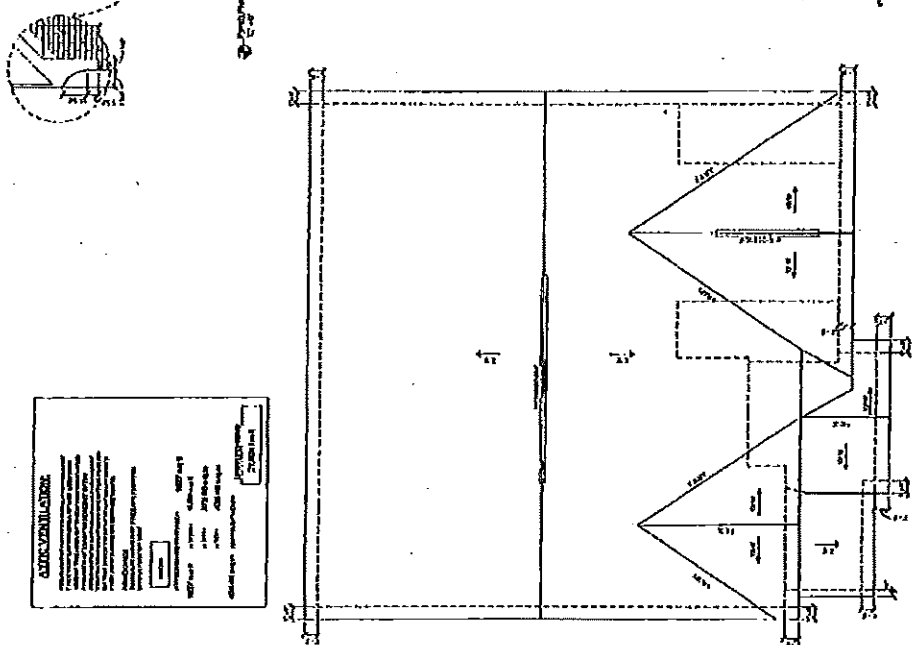
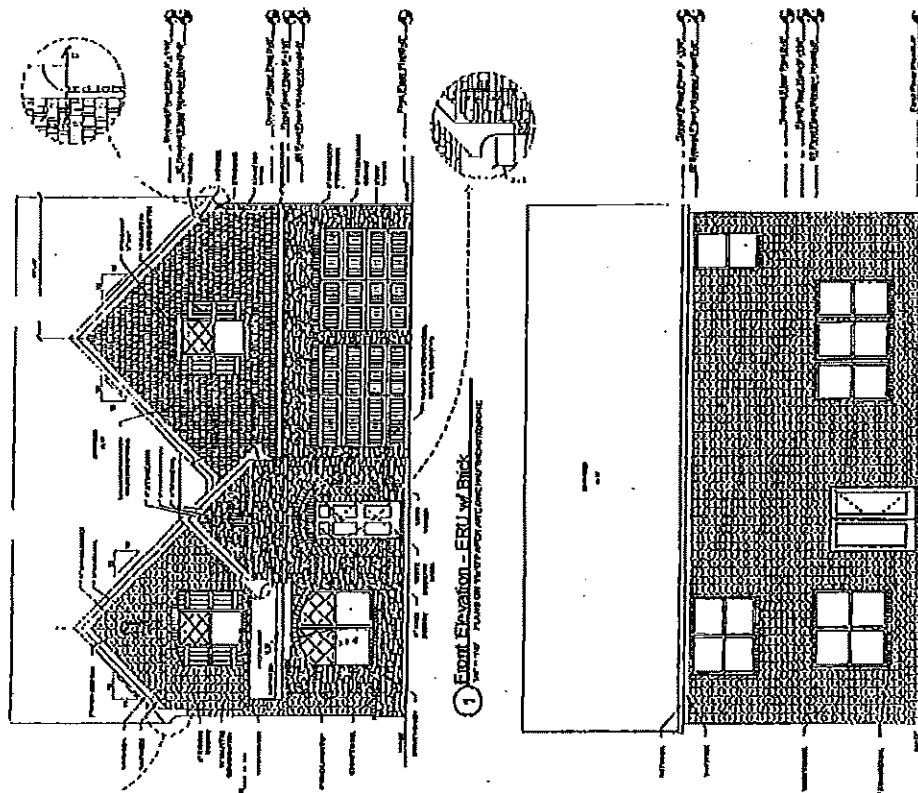
① LEFT ELEVATION - TR L W BRICK



② RIGHT ELEVATION - TR L W BRICK

Architectural Elevations
 Approved by Director
 Chester County Department of Planning & Development
 Sharon Cook Date 8/5/11
 Chelsea Falls

3923V005		1.2	FRONT & REAR ELEVATIONS w/ BRICK	01 SITE ERU
PROJECT: 3923V005 DRAWN BY: [Signature] CHECKED BY: [Signature] DATE: 10/10/10 SCALE: 1/8" = 1'-0" SHEET: 1.2 TOTAL SHEETS: 1.2				



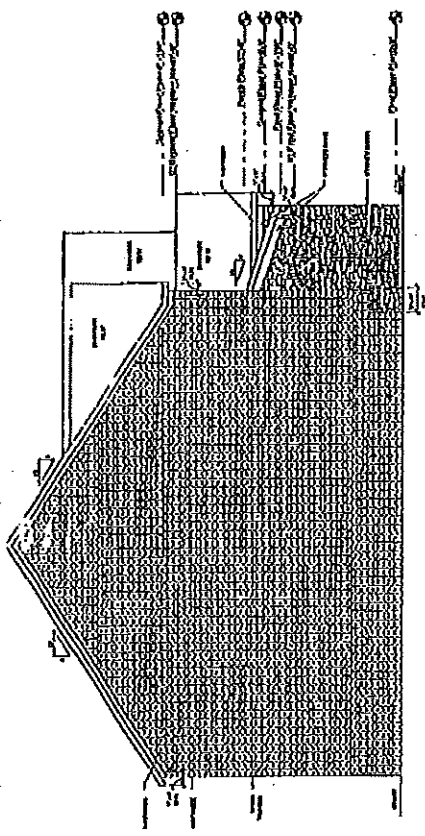
3 Roof Plan - ERU w/ Brick
 2 Rear Elevation - ERU w/ Brick
 1 Front Elevation - ERU w/ Brick

STRUCTURAL ELEVATIONS
 APPROVED BY DIRECTOR

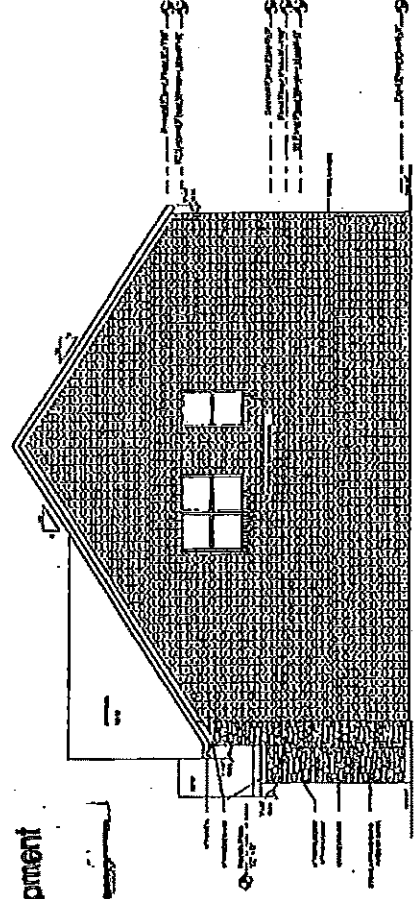
GRANT COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

Shirley
Chelsen Falls

3923V005		1.2	01 01/08/ERU
SIDE ELEVATIONS W/ BRCK			
4-1.6ERUW16B 1.2 01 01/08/ERU SIDE ELEVATIONS W/ BRCK 3923V005 1.2 01 01/08/ERU			



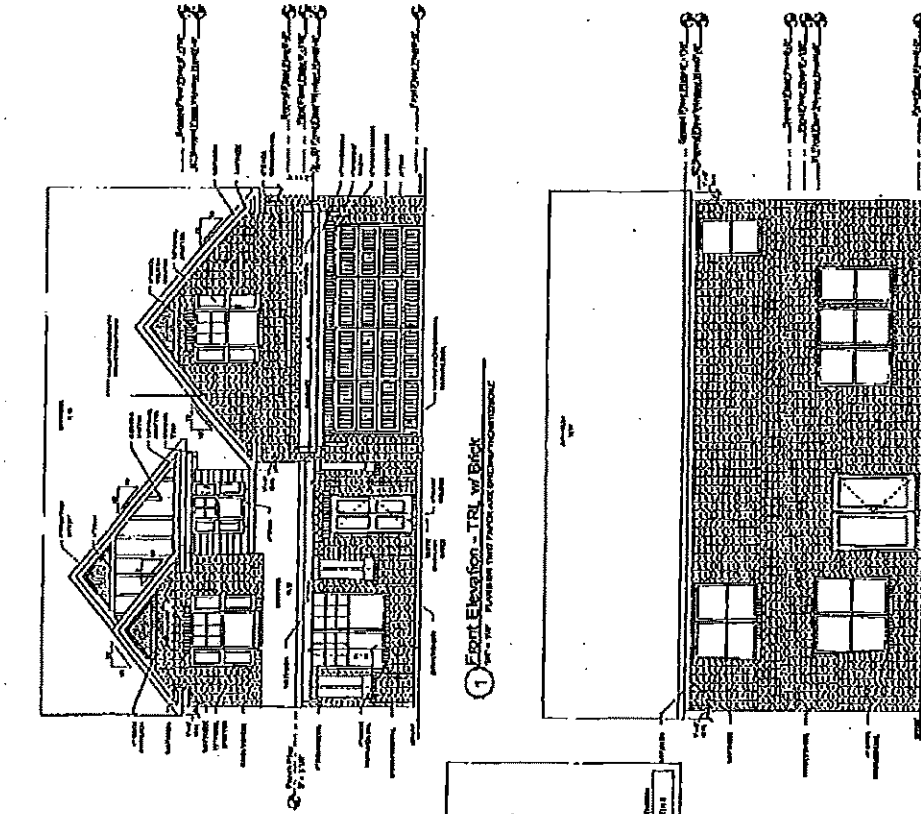
① Left Elevation - ERU w/ Brck
1/2" = 1'-0" BASED ON PHOTOGRAPHIC INFORMATION



② Right Elevation - ERU w/ Brck
1/2" = 1'-0" BASED ON PHOTOGRAPHIC INFORMATION

APPROVED: *[Signature]* Director
 Eastern County Department of Planning & Development
 Sharon Cook Date 8/6/11
 Chelsea Falls

3923V006		1/2	
FRONT & REAR ELEVATIONS W/ BACK			
04 Bldg TR			
PROJECT: 3923V006 DRAWN BY: [Signature] CHECKED BY: [Signature] DATE: 8/5/11			



① Front Elevation - TR, w/ Back

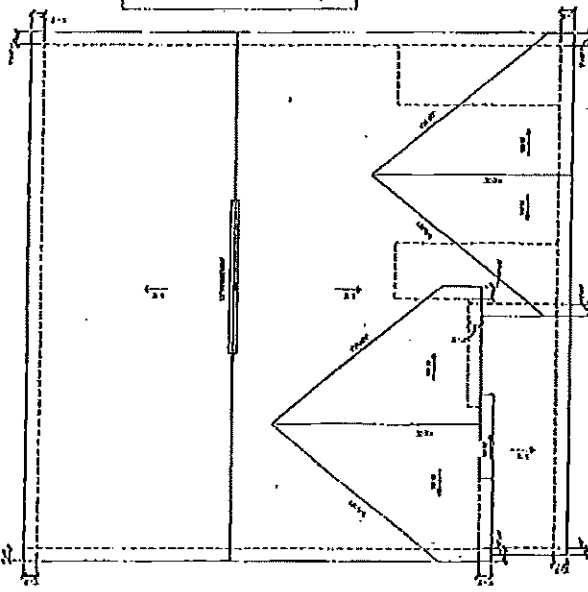
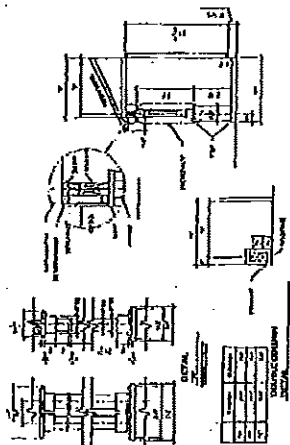
② Rear Elevation - TR, w/ Back

Architectural Elevations

Approved by Director

Cherokee County Department of Planning & Development

Signature Date 8/5/11
Chelsea Falls



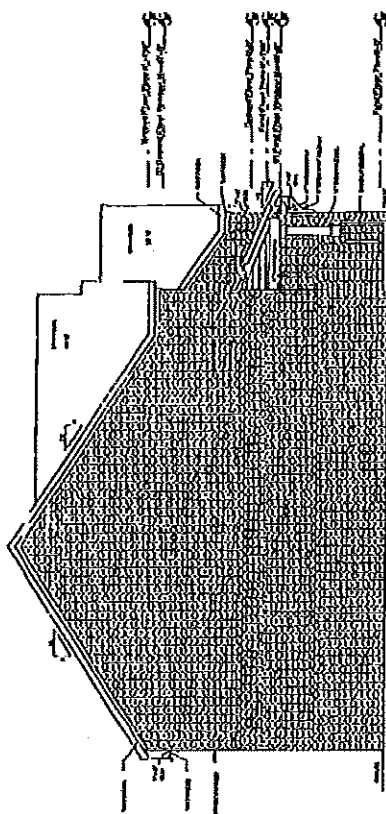
③ Roof Plan - TR, w/ Back

Architectural Elevations

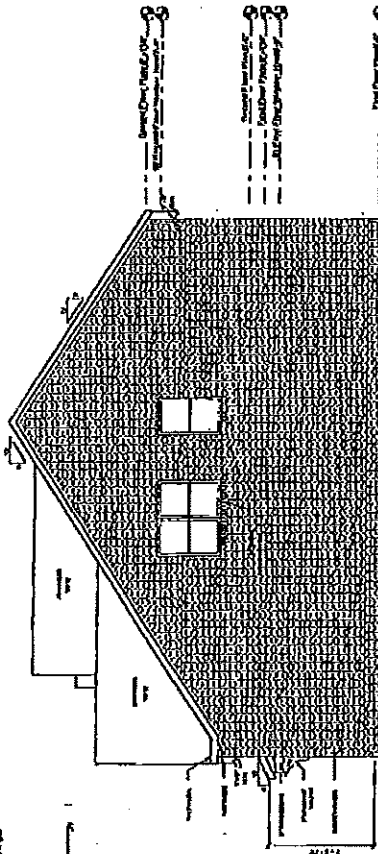
Approved by Director

Cherokee County Department of Planning & Development

Signature Date 8/5/11
Chelsea Falls



1 Left Elevation - TRL w/ Brick
w/ 1/2" PLANK ON TOP AND ONE INCH THICK

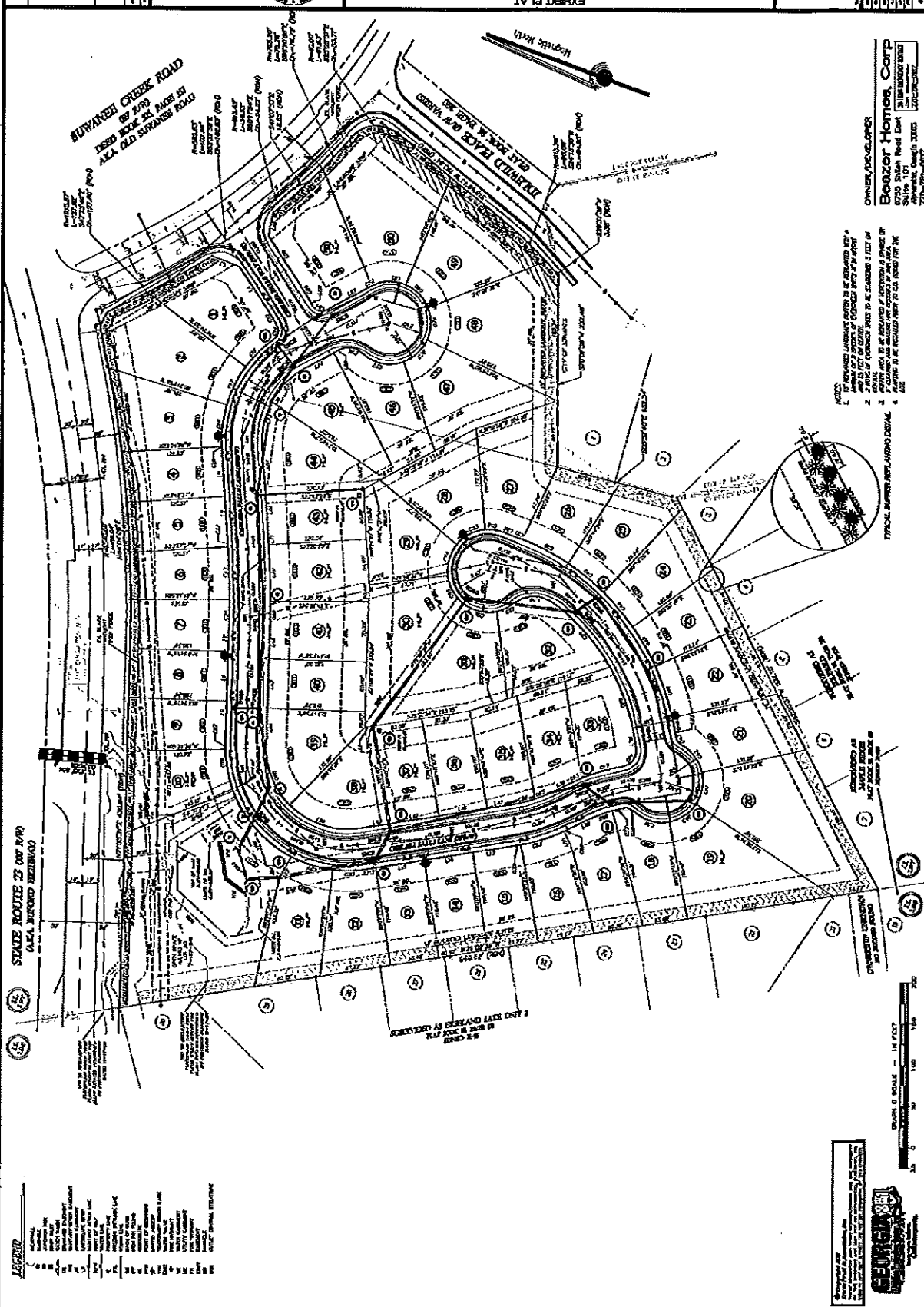


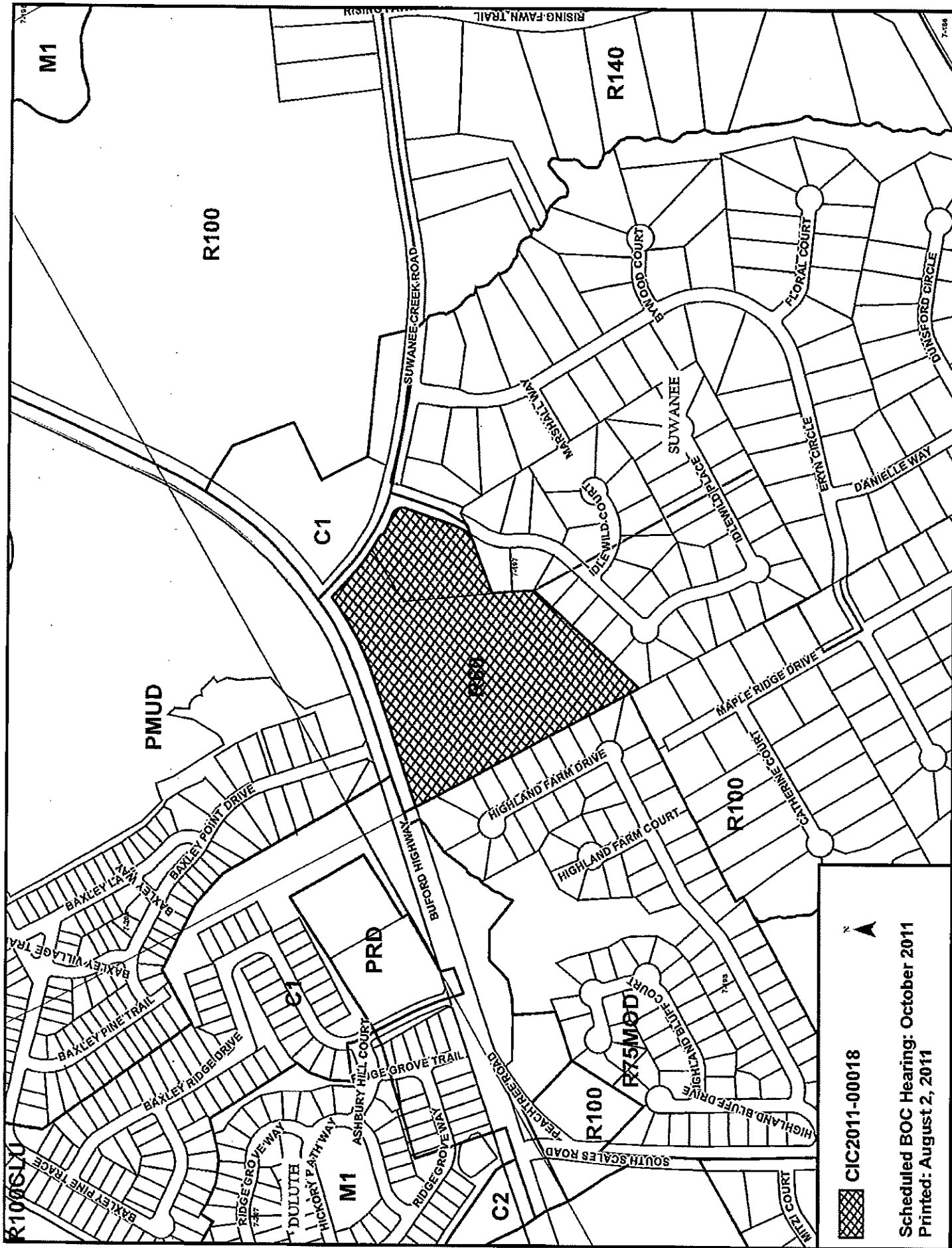
2 Right Elevation - T-XL w/ Brick

AgriBusiness Elevations
Approved by Director
Sebastian County Department of Planning & Development
Sandra Cook Date 8/6/11
Chelsea Falls.

1. Name of the person: _____
 2. Address: _____
 3. City: _____
 4. State: _____
 5. Zip: _____
 6. Date: _____
 7. Signature: _____
 8. Printed Name: _____
 9. Title: _____
 10. Organization: _____
 11. Phone Number: _____
 12. Fax Number: _____
 13. E-mail Address: _____
 14. Other: _____
 15. _____
 16. _____
 17. _____
 18. _____
 19. _____
 20. _____
 21. _____
 22. _____
 23. _____
 24. _____
 25. _____
 26. _____
 27. _____
 28. _____
 29. _____
 30. _____
 31. _____
 32. _____
 33. _____
 34. _____
 35. _____
 36. _____
 37. _____
 38. _____
 39. _____
 40. _____
 41. _____
 42. _____
 43. _____
 44. _____
 45. _____
 46. _____
 47. _____
 48. _____
 49. _____
 50. _____
 51. _____
 52. _____
 53. _____
 54. _____
 55. _____
 56. _____
 57. _____
 58. _____
 59. _____
 60. _____
 61. _____
 62. _____
 63. _____
 64. _____
 65. _____
 66. _____
 67. _____
 68. _____
 69. _____
 70. _____
 71. _____
 72. _____
 73. _____
 74. _____
 75. _____
 76. _____
 77. _____
 78. _____
 79. _____
 80. _____
 81. _____
 82. _____
 83. _____
 84. _____
 85. _____
 86. _____
 87. _____
 88. _____
 89. _____
 90. _____
 91. _____
 92. _____
 93. _____
 94. _____
 95. _____
 96. _____
 97. _____
 98. _____
 99. _____
 100. _____

EXIST PLAT





CIC2011-00018

Scheduled BOC Hearing: October 2011
Printed: August 2, 2011

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

CASE NUMBER	:SUP2011-00061
ZONING	:C-2
LOCATION	:4700 BLOCK OF BRITT ROAD :4500-4600 BLOCKS OF JIMMY CARTER BOULEVARD
MAP NUMBER	:R6164 261
ACREAGE	:9.20 ACRES
PROPOSED DEVELOPMENT	:TITLE LOAN FACILITY AND PRECIOUS METALS DEALER
SQUARE FEET	:1,194 SQUARE FEET
COMMISSION DISTRICT	:(2) HOWARD

FUTURE DEVELOPMENT MAP: MIXED HOUSING TYPES

APPLICANT: HONDUMEX FAST CASH TITLE LOANS, LLC
4771 BRITT ROAD, SUITE 107
NORCROSS, GA 30093

CONTACT: LIZETH GARCIA PHONE: 678.261.7972

OWNER: CAMPBELL REAL ESTATE GROUP, LLC
10325 TWINGATE DRIVE
ALPHARETTA, GA 30022

DEPARTMENT RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

The applicant requests a Special Use Permit on a 9.20-acre parcel, zoned C-2 (General Business District), to allow a title loan business and precious metals dealer (gold buying business). The property is developed with the Smoketree shopping center, a large single-story, multi-tenant retail center, located on the southwest corner of the Britt Road and Jimmy Carter Boulevard intersection.

The proposed business activities would operate within the existing Daniel Ahart Tax Service which occupies 1,194 square feet of space in a small stucco building located at the western end of the shopping center. There are no changes proposed to the building or site, and the shopping center has three full access driveways onto Britt Road, and one driveway onto Jimmy Carter Boulevard.

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 1978.

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 northern right-of-way of Britt Road, and a 16-inch water main located on the western right-of-way of Jimmy Carter Boulevard.

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.
3. The applicant shall submit structural details for fences exceeding 8 feet in height and achieve satisfactory field inspections for 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 the 9.20-acre Smoketree shopping center, located on the southwest corner of the Jimmy Carter Boulevard and Britt Road intersection. The property is developed with single-story, multi-tenant retail buildings and associated driveways and parking lot.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Mixed Housing Types Character Area. The site is already developed as a commercial retail center with multiple tenants, and the addition of a title loan business and precious metals dealer at this location may be considered compatible with the Unified Plan.

The Jimmy Carter Boulevard corridor is intensely developed with commercial, office and multifamily uses, with single-family residential uses lying beyond the corridor. Nearby properties include shopping centers, restaurants, convenience stores and office uses. Across Britt Road to the north is Merchant's Square shopping center, which includes a pawn shop (Value Pawn) that offers services similar to those in the subject request. Given the intensity of retail development in the area, including a pawn shop

directly across Britt Road, a title loan and gold buying business may be compatible with the surrounding area.

In conclusion, the requested special use may be considered consistent with policies of the Unified Plan, and could be compatible with the existing retail center and commercial uses within the area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS.**

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit to allow a precious metals dealer and title loan business, subject to the following enumerated conditions:

1. Retail, service commercial, office and accessory uses which may include a precious metals dealer and title loan business as special uses.
2. Storage, sale or display of repossessed vehicles shall be prohibited.
3. Wall signage for the precious metals dealer and or title loan business shall not exceed the requirements of the Gwinnett County Sign Ordinance.
4. Window signage (signs displayed on the interior or exterior of the title loan business and precious metal dealer's 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.
5. Neon, LED or blinking window signs or wall signs shall be prohibited.
6. 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.
7. Peddlers and/or parking lot sales are prohibited.
8. 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 title pawn business and gold buyer/precious metals dealer may be suitable at this location in light of the existing high intensity retail uses located along Jimmy Carter Boulevard and near the Britt Road intersection.

ADVERSE IMPACTS

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

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 2030 Unified Plan Future Development Map indicates that the site is located in a Mixed Housing Types Character Area. The proposed use, within an existing retail center, would not be inconsistent with the Unified Plan.

CONDITIONS AFFECTING ZONING

In light of the proposed businesses' location within this established commercial area, which contains numerous other retail businesses of similar or greater intensity, the addition of a precious metal dealer may not adversely impact the existing tenants or neighboring properties.

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

Yes

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

No

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

No

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

No

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

Yes

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

No



JSL Multiservice INC
4771 Brltt Rd
Suite 107
Norcross GA 30093

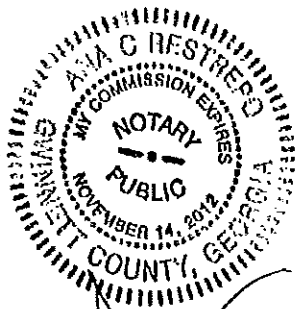
July 28, 2011

Letter Of Intent

The location mentioned above is intended to be used as Precious Metal Regulations and Title Loans. The dwelling/premises square footage is 1171 is only One Lot/Suite. This location is located a business name Daniel Ahart Tax Service the use of space in the location will be at least 500 square feet. It's a commercial building.

Owners Agent
Lizeth Garcia

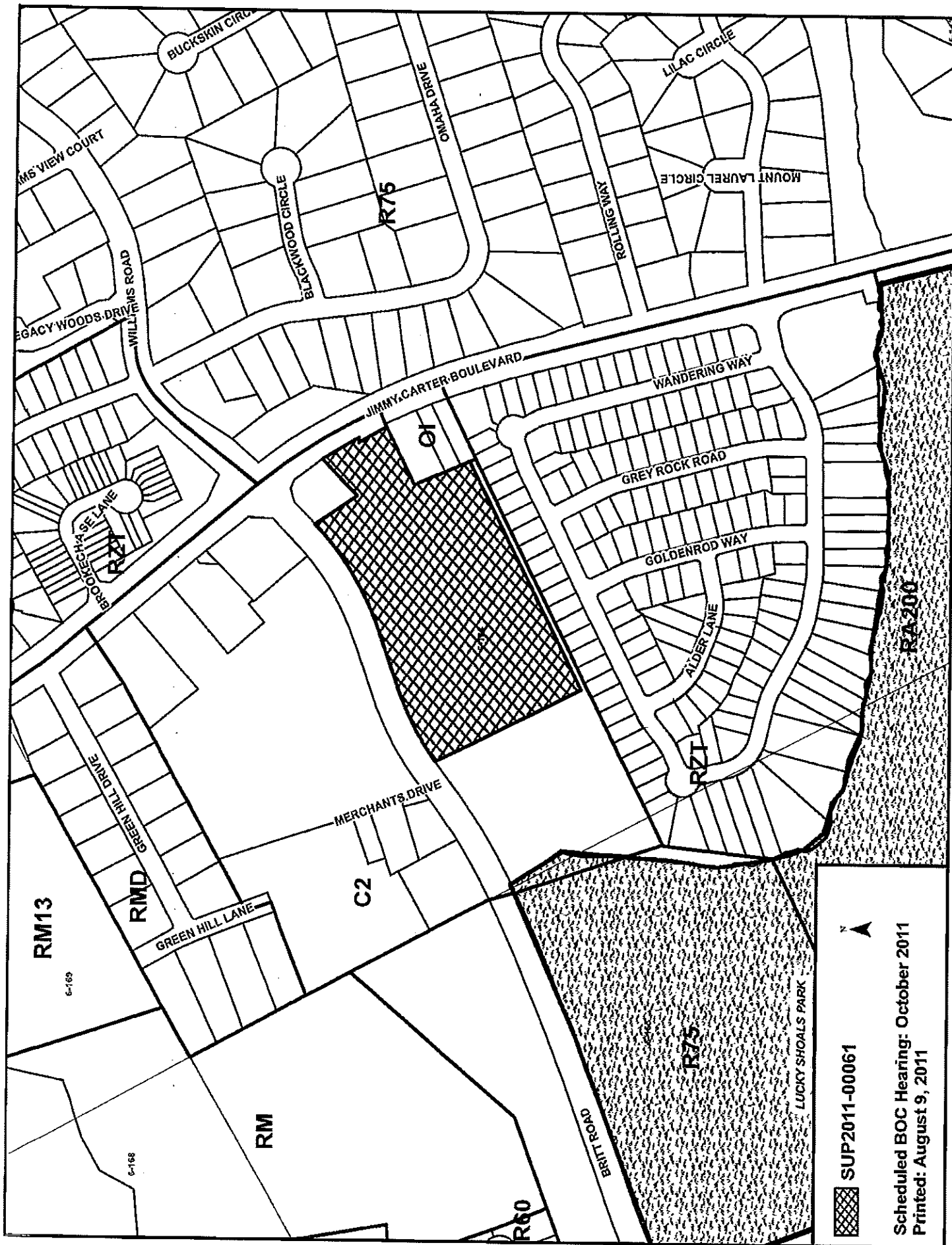
X _____



[Signature]
7/29/2011



RECEIVED 8-5-11
SUP2011-00061



 SUP2011-00061

Scheduled BOC Hearing: October 2011
Printed: August 9, 2011

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

CASE NUMBER :**RZC2011-00023**
ZONING CHANGE :M-1 TO M-2
LOCATION :4400 BLOCK OF BUFORD HIGHWAY
:4400 BLOCK OF FREEDOM LANE
MAP NUMBER :R6259 049 & 6259 050
ACREAGE :2.73 ACRES
PROPOSED DEVELOPMENT :SALVAGE OPERATION &
RECOVERED MATERIALS PROCESSING
COMMISSION DISTRICT :(2) HOWARD

CASE NUMBER :**SUP2011-00064**
ZONING :M-2 (PROPOSED)
LOCATION :4400 BLOCK OF BUFORD HIGHWAY
:4400 BLOCK OF FREEDOM LANE
MAP NUMBER :R6259 049 & R6259 050
ACREAGE :2.73 ACRES
PROPOSED DEVELOPMENT :SALVAGE OPERATION &
RECOVERED MATERIALS PROCESSING
COMMISSION DISTRICT :(2) HOWARD

FUTURE DEVELOPMENT MAP: PREFERRED OFFICE

APPLICANT: VIVIAN D. SINGLETON
7334 WILLIAMS ROAD
FLOWERY BRANCH, GA 30542

CONTACT: TONY SINGLETON PHONE: 404.502.6818

OWNER: VIVIAN D. SINGLETON
7334 WILLIAMS ROAD
FLOWERY BRANCH, GA 30542

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests rezoning of a 2.73-acre parcel assemblage from M-1 (Light Industry District) to M-2 (Heavy Industry District) with a Special Use Permit to allow a salvage operation and recovered materials processing business. The property is located on the northwest side of Buford Highway, just north of South Berkeley Lake Road. The property also adjoins Freedom Lane, a gravel roadway that runs parallel to the Norfolk Southern Railway right-of-way.

The business is already operating without proper County approvals, and staff notes that this application is a result of a citation issued by the Gwinnett Police Code Enforcement Unit to the current tenant; Joe's Trucking (CEU2011-07839).

The overall property is comprised of two parcels. The smaller of the two parcels is developed with a single-family dwelling and the larger parcel contains the salvage yard and processing operation. The applicant indicates that the existing dwelling is being rented for residential purposes and Joe's Trucking utilizes Lot C as depicted on the attached site plan to crush concrete and store fill dirt.

A recent visit by staff revealed that large piles of concrete debris, fill dirt materials, dump trucks and heavy equipment for crushing concrete were present on the property. Two travel trailers are also located on the site with electrical cords extending to the adjoining residence. The letter of intent indicates that the travel trailers are used as a restroom and office space. Although there is no plan to pave the property or construct new buildings, the applicant states that the existing fences would be supplemented with slats or fabric to provide a better visual barrier.

ZONING HISTORY:

The property has been zoned M-1 since 1970.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

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).

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 building be constructed at an elevation of at least one foot above the 100-year floodplain.

STORMWATER REVIEW SECTION COMMENTS:

Stormwater best management practices must be addressed upon development permit issuance, if applicable.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

Freedom Lane is a Local Street and 30-feet of right-of-way is required from the centerline.

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Contact GCEHD concerning septic involvement. Must submit preliminary plan with a minimum of level 3 soil report, site plan showing proposed location of streets and lot configurations, soils transposed, and topo map on 2 foot increment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the southeastern right-of-way of Buford Highway, and an 8-inch water main crossing Buford Highway and connecting to a hydrant adjacent to the property.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system.

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 600 feet northeast of the property, in the right-of-way of Buford Highway.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical, and plumbing drawings for each building, structure, and/or tall fence 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 objection 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 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 2.73- acre parcel assemblage located on the northwest side of Buford Highway, just north of South Berkeley Lake Road and adjoining Freedom Lane. The property is developed with a single-family dwelling; however, most of the site is currently being used to store demolished concrete, fill dirt and equipment related to the existing business. Access to the site is via two driveways extending from Buford Highway and one from Freedom Lane.

The 2030 Unified Plan Future Development Map indicates that the property lies within a Preferred Office Character Area. The property has been zoned M-1 since 1970, and under the current zoning office uses would be permitted. The Unified Plan discourages heavy industrial uses for the site, and thus may not support rezoning the property to a higher intensity M-2 zoning classification. The manner in which the business is being conducted could further limit support for the operation and may not be suitable within a Preferred Office category.

The surrounding area is characterized by a mix of commercial, office, industrial and residential uses fronting along the Buford Highway corridor. At the intersection of Buford Highway and South Berkeley Lake Road is a motorcycle repair shop. Adjacent to the south is a vacant lot

zoned C-2, and adjacent to the north is a wrecker service and impound lot, zoned M-2. A convenience store, zoned C-2, and a mobile home park, zoned MH, are located across Buford Highway to the southeast of the subject property. Also located across Buford Highway is a vehicle salvage operation, which has been in operation for many years. Although the Buford Highway corridor has many older industrial uses including salvage and junk yards, the Unified Plan recommends a change in this pattern for the future.

Over the past few years, there have been zoning approvals by the Board for salvage and recycling of materials, including two facilities nearby on Simpson Circle and for Metro Green on Pleasantdale Road. Differing from the subject request, these other properties are developed with permanent industrial buildings, proper commercial driveways and paved surfaces. The subject request, with minimal site improvements and utilizing portable structures, is not consistent with the way similar activities have been recently approved and operating in the County and nearby to this site.

In conclusion, the requested rezoning and Special Use Permit may not be suitable in light of the manner the existing business is being operated on the site, nor consistent with the recommendations of the Unified Plan. 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 this petition.

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

1. The sole M-2 use of the property shall be as a recovered materials processing facility and salvage operation for concrete and soil. Auto salvage, metal salvage, tire dumps, municipal solid waste, biological and/or hazardous waste shall be prohibited. All other use of the site shall conform to the M-1 zoning classification.
2. The existing camper trailers shall be removed, and a permanent building shall be constructed to house the business office, restrooms and ancillary activities. If the existing residence on the site is used for residential purposes, it shall be separated from the site by exemption plat. If the existing residence on the site is used for business purposes, it shall be brought up to code for business occupancy.
3. The site shall be brought up to all applicable zoning, development and building codes within 180 days of zoning approval.
4. Access and improvements to Freedom Lane shall be subject to Gwinnett Department of Transportation approval.
5. Hours of operation for deliveries and crushing operations shall be limited to between the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. Saturday hours of operation for deliveries shall be limited to between the hours of 7:00 a.m. to 2:30 p.m. Crushing activities shall be prohibited on Saturday, and all operations shall be prohibited on Sunday.
6. Provide landscaping and a 10-foot high opaque noise barrier fence with architectural treatments (in order to provide an effective visual and noise screen) along the Buford Highway frontage. The 10-foot fence shall also be located along Freedom Lane and along both (side) property lines. Landscape plans and fence design shall be subject to review and approval of the Director of Planning and Development.
7. Materials shall not be placed or stacked at a height exceeding the required screening fence. Stockpile areas, maximum heights and screening fences shall be depicted on the site plans submitted to the County for construction permits.
8. Owner shall obtain and abide by any required air quality permits issued by State and/or Federal authorities.
9. Incineration activities shall be prohibited.

10. A water-based sprinkler dust suppression system shall be utilized during any operation that creates airborne particulate matter. The sprinkler system shall be subject to the review and approval of the Director of Planning and Development. A water truck and/or stand alone water delivery system (i.e., water tank, etc.) shall also be located on site to manage dust.
11. Any outdoor lighting shall be placed in such a fashion as to be directed away from adjoining properties.
12. Oversized signs or billboards shall be prohibited.
13. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.
14. 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, sign-walkers and sign-twirlers shall be prohibited.
15. Peddlers and/or parking lot sales shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed rezoning and Special Use Permit may not be suitable at this location given the limited improvements proposed on the property for conducting the business activity.

ADVERSE IMPACTS

Without proper improvements to the property, adverse impacts in the form of noise, dust and debris could be expected from the proposed use.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

It is anticipated that there would be some additional impacts on public facilities in the form of heavy truck traffic and potential siltation from storm water runoff.

CONFORMITY WITH POLICIES

The requested rezoning and Special Use Permit for a concrete salvage operation and recovered materials processing business, and the current condition of the site with minimal improvements proposed, may not be suitable within a Preferred Office land use category.

CONDITIONS AFFECTING ZONING

The use of the site without proper County approvals resulted in the issuance of citations from the Code Enforcement Unit of the police Department. The applicant's submitted plan does not propose bringing the site up to a standard which could be supported for approval.

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

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

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

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

yes

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

NO

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

yes

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

NO

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

yes

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

NO



August 29, 2011

Board of Commissioners, Gwinnett County Georgia
Department of Planning and Development
Gwinnett Justice and Administration Center
75 Langley Avenue
Lawrenceville, GA 30045

Letter of Intent:

Reference: Application for M2/W Special Use Permit/RECOVERED MATERIALS PROCESS

To Whom it May Concern:

Respectfully request favorable consideration for M2/ W Special Use Permit/Recovered materials process (of the property referenced below):

4465 & 4449 Buford Highway
Norcross, GA 30071

Boundary survey and land description attached property total 2.73 acres.

Subject property is to be used for storage for heavy equipment, light equipment, along with trucks and other related

materials and equipment, top soil storage and concrete recycling. Small construction trailers for use for men to have a

restroom and store paper work and get out of the weather. Our desire is to come into compliance with the county's M2 zoning.

We understand this is to allow us, a broader range of tenants. At present we understand we need a SUP Permit to allow current

tenant to crush concrete and store fill dirt above fence limit. There are similar activities in the area. The rear property entrance

is located on a dirt road next to the railroad track. It is now screened with plants and trees and barely visible from Buford Hwy.

If deemed necessary we would like to screen the existing fence with black screening and be able to park heavy equipment

on gravel. We thank you for your consideration on this matter, since it is our livelihood and to pay our property taxes.

We are not a large company just citizens trying to make a living.

Sincerely,



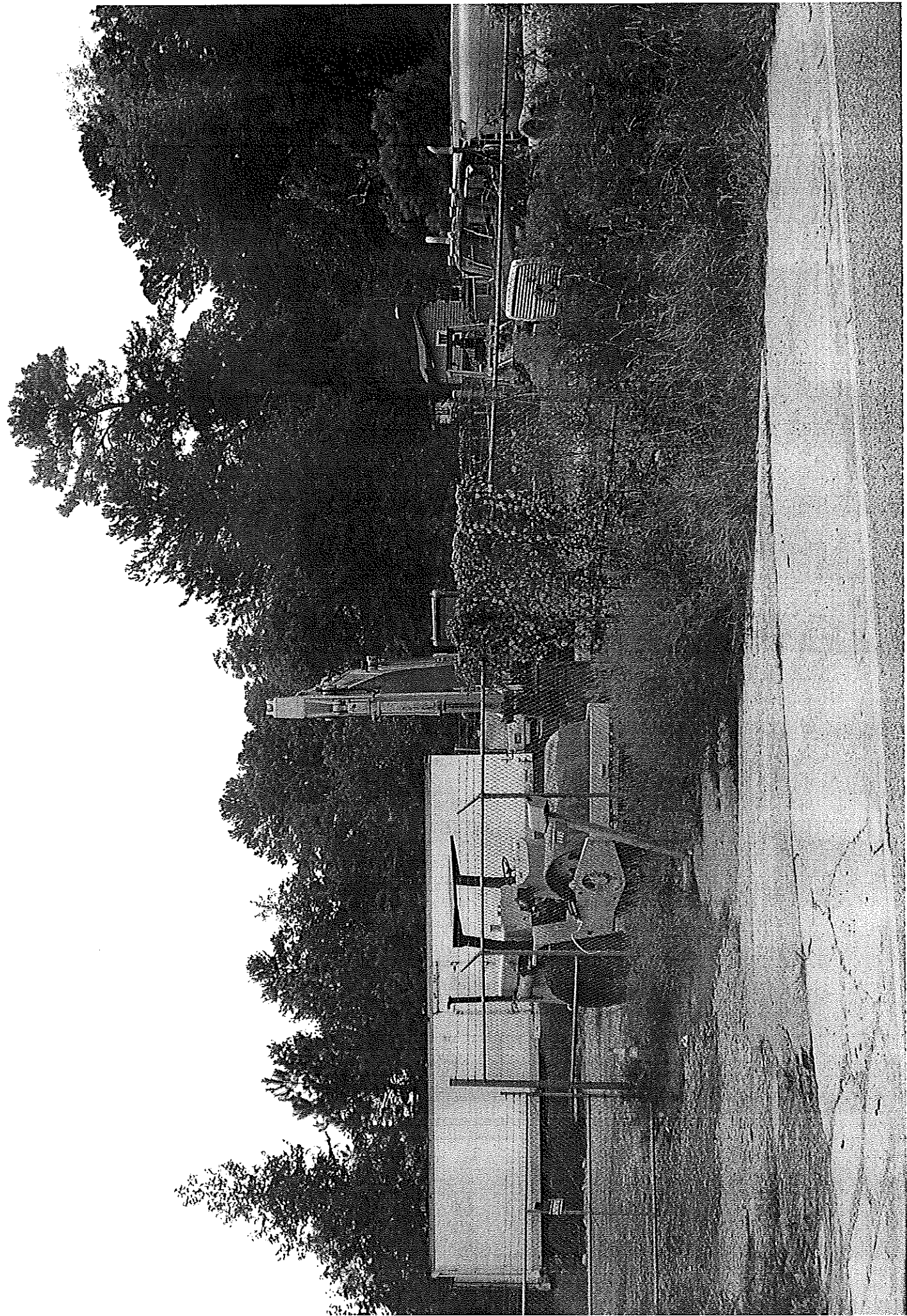
Letter_of_intent1

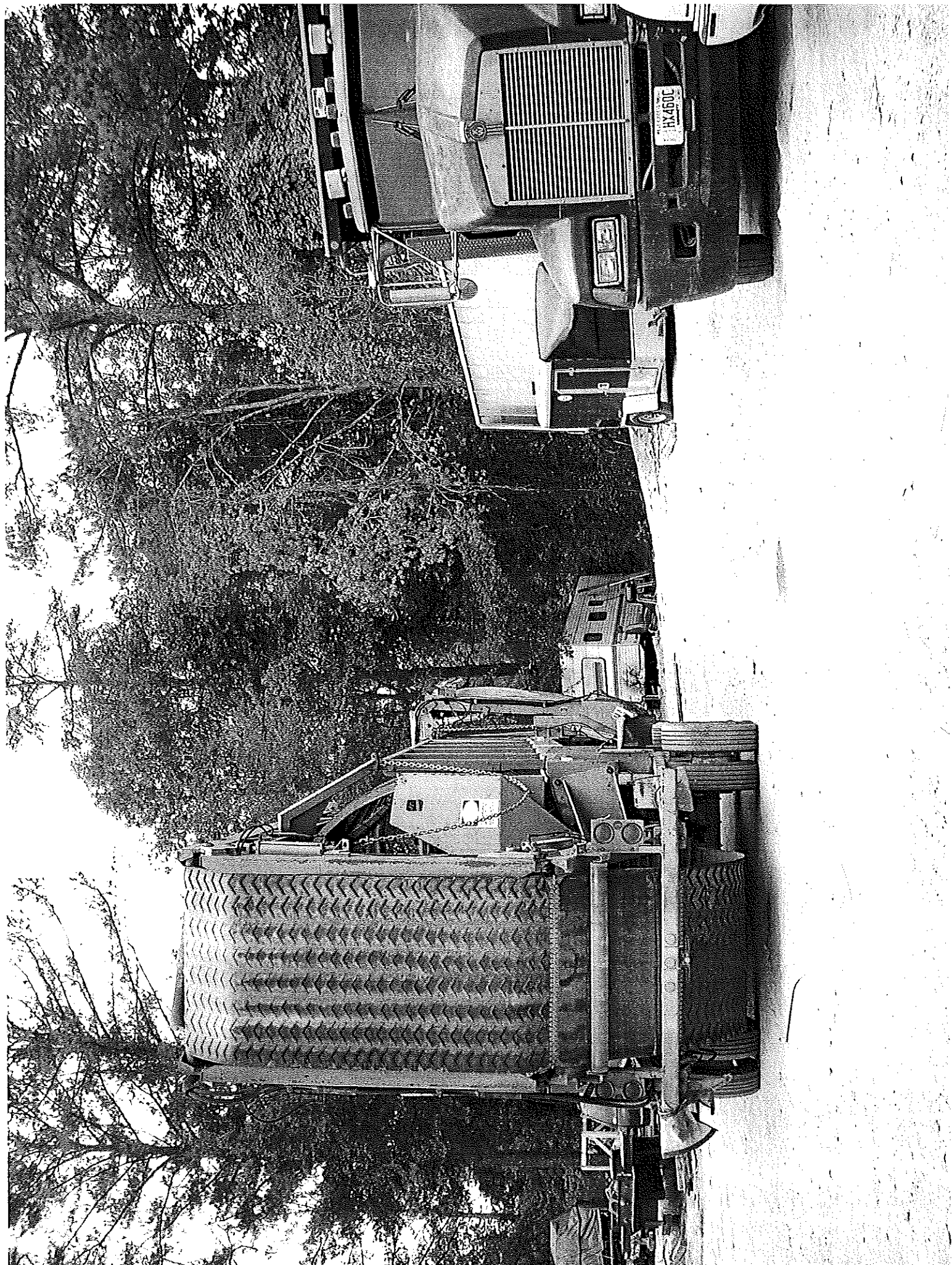
Tony & Vivian Singleton

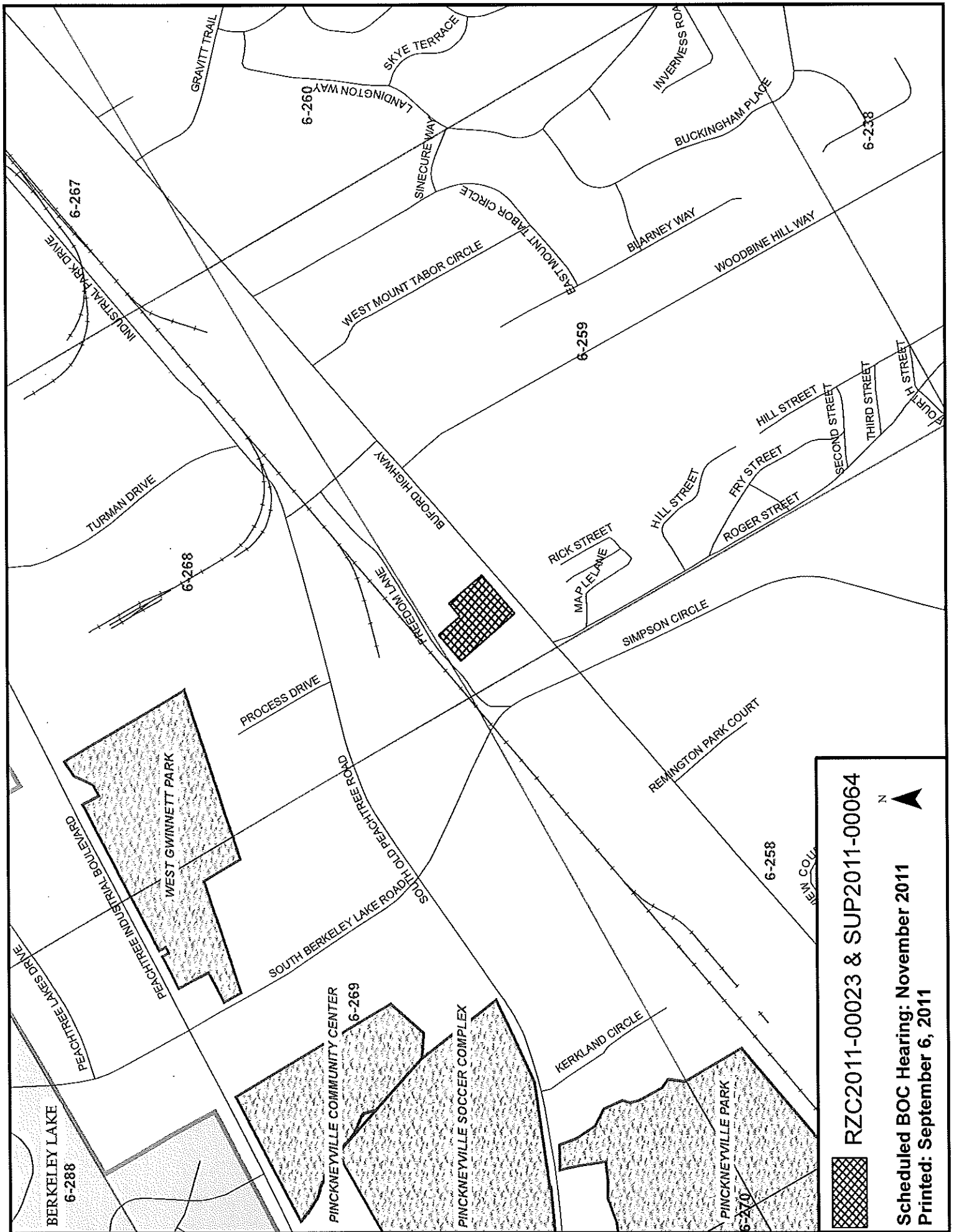


RECEIVED 9-1-11
RZC2011-00023





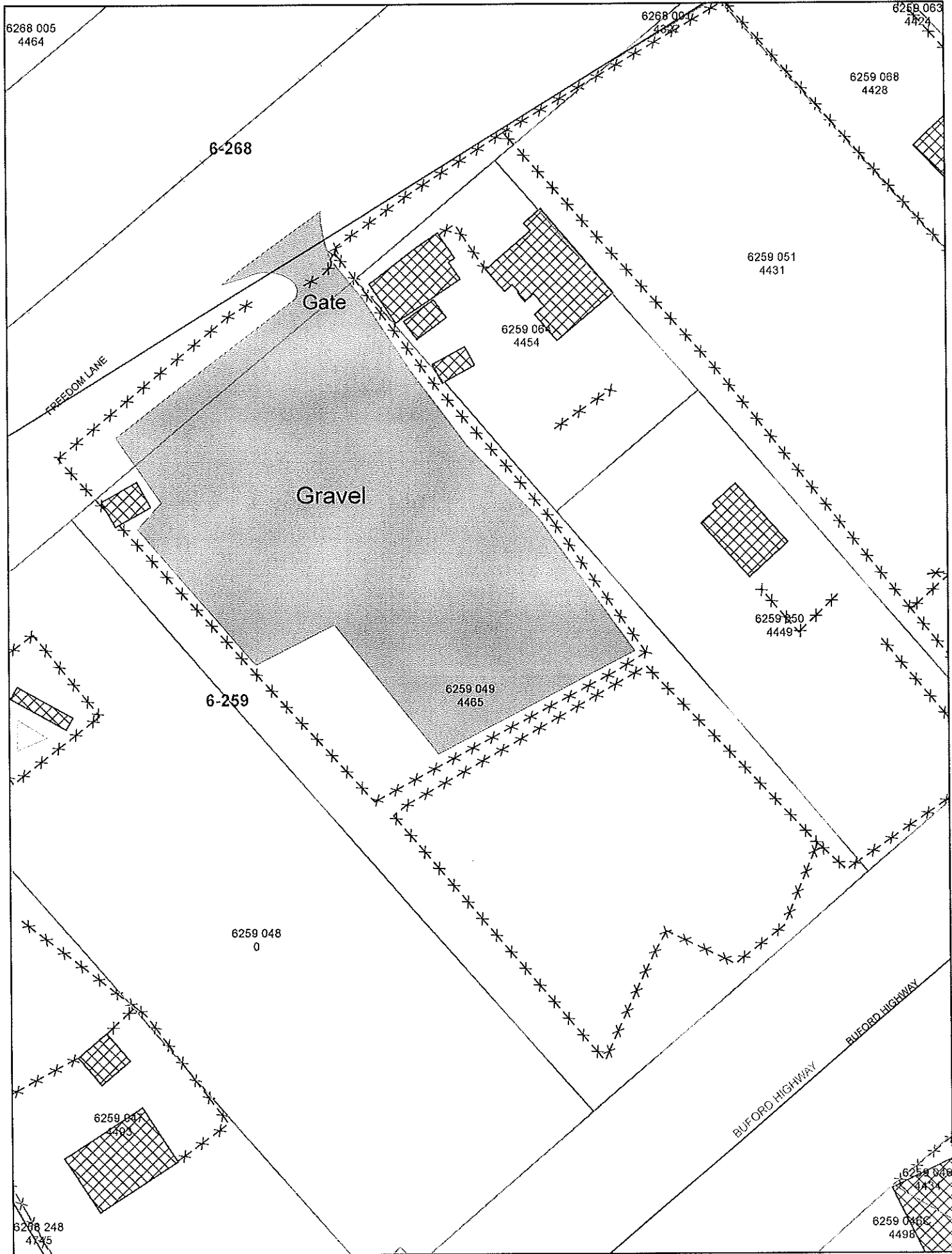


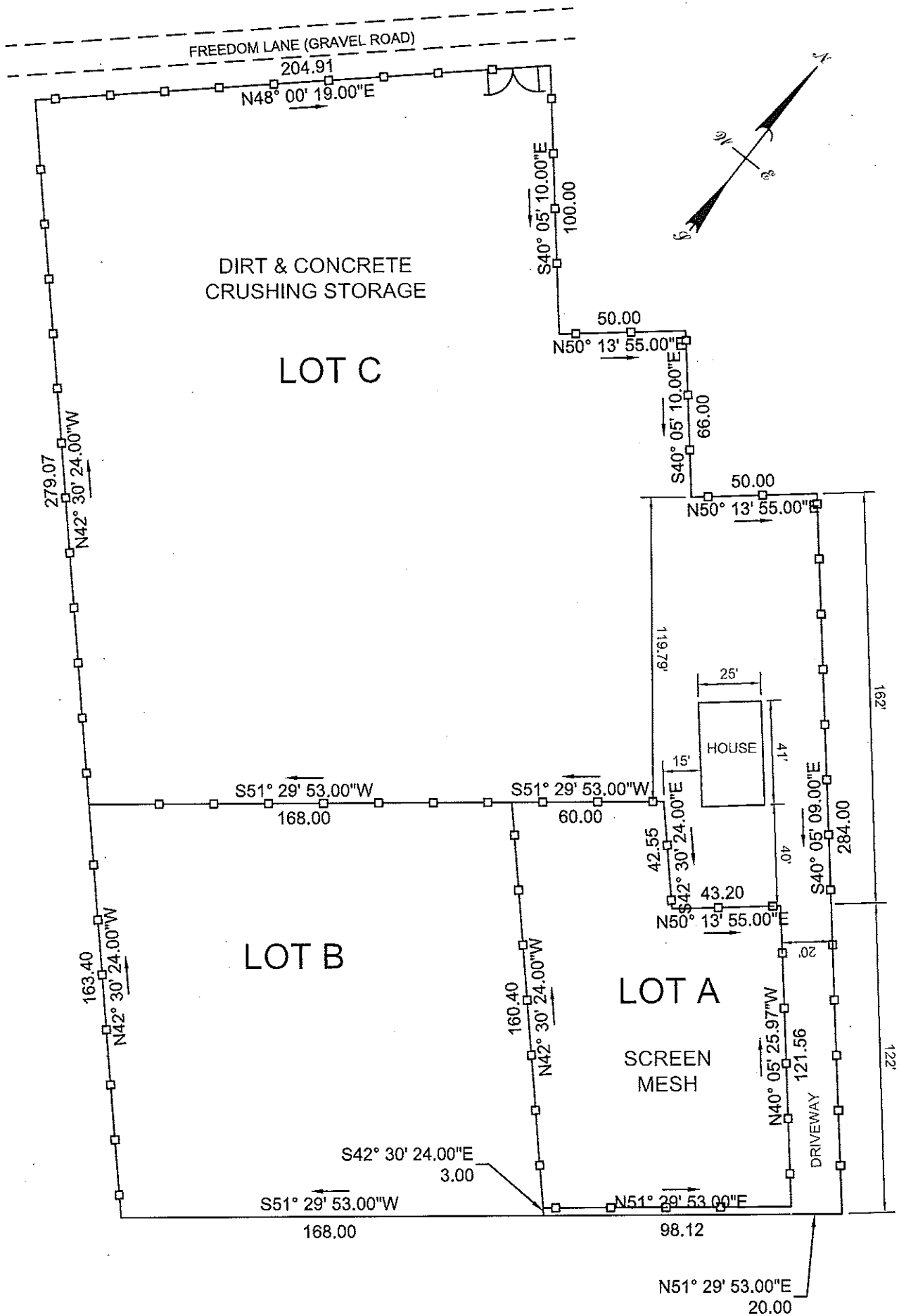


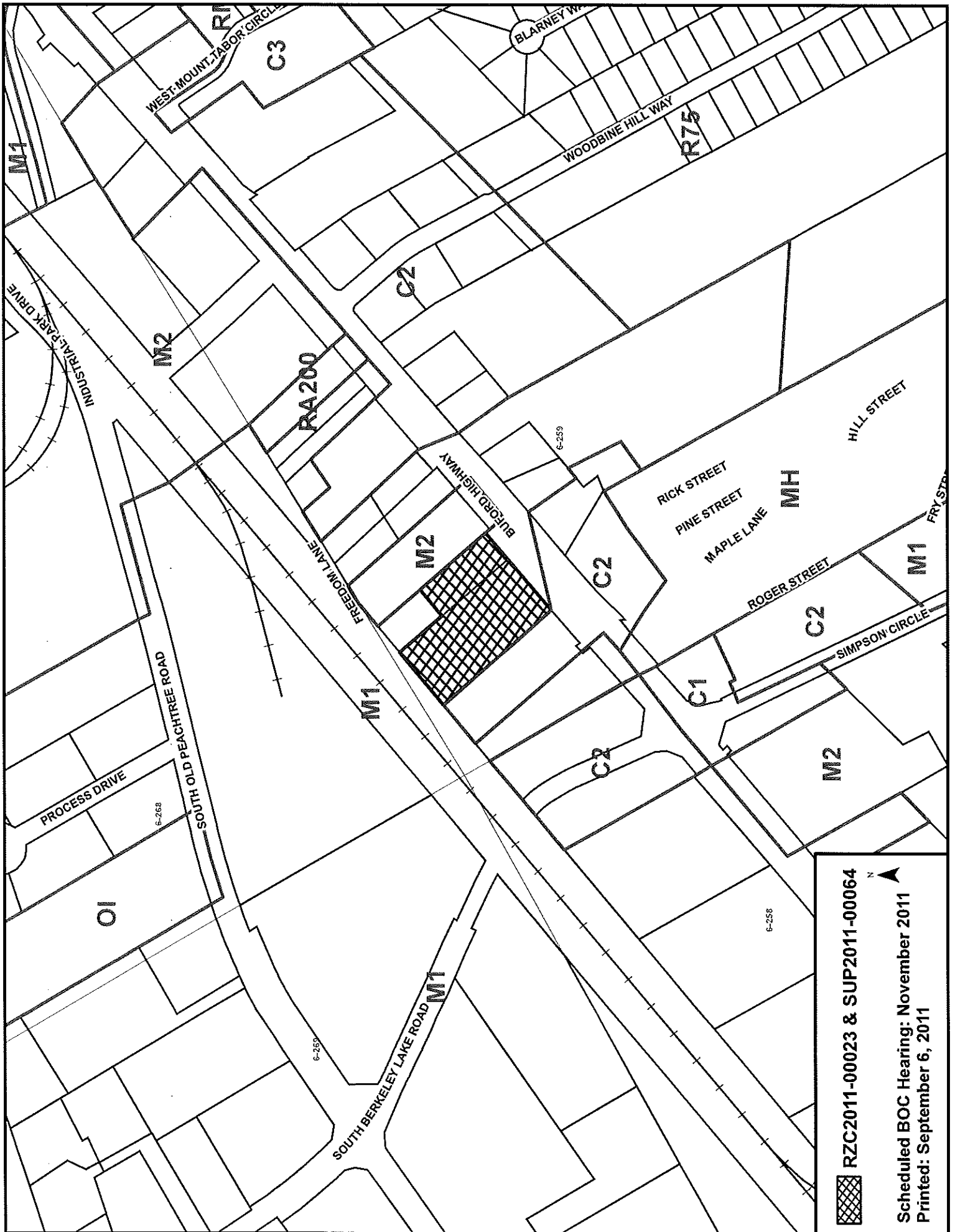
RZC2011-00023 & SUP2011-00064



Scheduled BOC Hearing: November 2011
Printed: September 6, 2011







 RZC2011-00023 & SUP2011-00064

Scheduled BOC Hearing: November 2011
Printed: September 6, 2011

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

CASE NUMBER	:RZC2011-00024
ZONING CHANGE	:M-1 TO C-2
LOCATION	:700 BLOCK OF BUFORD HIGHWAY
MAP NUMBER	:R7256 011
ACREAGE	:10.10 ACRES
PROPOSED DEVELOPMENT	:COMMERCIAL / RETAIL USES (REDUCTION IN BUFFERS)
SQUARE FEET	:66,000 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD

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

APPLICANT: TRI-MARK PROPERTIES, LLC
131 PROMINENCE COURT, SUITE 230
DAWSONVILLE, GA 30534

CONTACT: JIM KING PHONE: 706.265.9812

OWNER: TRI-MARK PROPERTIES, LLC
131 PROMINENCE COURT, SUITE 230
DAWSONVILLE, GA 30534

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant has requested rezoning of a 10.10 acre tract from M-1 (Light Industry District) to C-2 (General Business District) for a multi-tenant commercial/retail development. The subject property is located on the northwest side of Buford Highway, just north of its intersection with Woodward Mill Road. It is noted that the frontage of the parent parcel is already zoned C-2, and is not included in this rezoning application.

The submitted site plan depicts a 66,000 square foot commercial building, associated parking and driveways. Access would be provided through a driveway onto Buford Highway, to be shared with the existing commercially-zoned strip fronting along Buford Highway. A total of 337 parking spaces are shown on the site plan. It is noted that this amount of parking exceeds the maximum allowance of 1 space per 200 square feet of floor area, and would require a parking variance.

The applicant proposes a reduction in the required 75-foot wide buffer adjacent to residentially-zoned properties. The previous M-1 rezoning established a 10-foot wide landscaped buffer adjacent to all residentially zoned properties, the applicant requests that the same buffer requirement be applied under this C-2 rezoning application, which is reflected on

the submitted site plan. It is noted that a stream traverses the northern corner of the site, and the required stream buffers and impervious surface setbacks are depicted on the site plan.

ZONING HISTORY:

The subject property has been zoned M-1 since 1970. In March, 2007, a request to rezone the property to R-TH (Single-Family Residence Townhouse District) was denied, pursuant to RZM-06-027.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

Parking spaces shall be provided at a ratio of one space per 200 to 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).

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 building be constructed at an elevation of at least one foot above the 100-year floodplain.

STORMWATER REVIEW SECTION COMMENTS:

All environmental buffered areas must remain undisturbed unless a separate variance is obtained for encroachment. Stormwater best management practices must be addressed upon development permit issuance.

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:

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

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the northern right-of-way of Buford Highway at the intersection with Woodward Mill Road.

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 1,550 feet east of the property.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall 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 objection 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 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 Buford Highway, at its intersection with Woodward Mill Road. The property is currently wooded and undeveloped.

The 2030 Unified Plan Future Development Map indicates the site is located within an Existing/Emerging Suburban Character Area. The intersection of Buford Highway and Woodward Mill Road is an established commercial node, with commercially zoned properties at three of the corners of the intersection. As such, the requested C-2 zoning could be considered consistent with the Unified Plan, which encourages neighborhood-serving retail and commercial services at appropriate intersections.

The area surrounding the subject property is characterized by a mixture of commercial/retail, light industrial and residential uses along this segment of the Buford Highway corridor. The uses immediately around the subject property include an automotive sales lot, a boat sales facility, and a tire store which includes U-Haul rental. Lanier High School and its athletic facilities are located immediately adjacent to the north and east of the subject property. The property to the west, located within the city of Sugar Hill, is vacant and zoned LM (Light Manufacturing) and BG (Business General). The request to rezone the subject property to C-2 could be considered compatible with the established commercial zoning and developments in the immediate area.

In conclusion, the proposed rezoning could be considered compatible with the current zoning and land use pattern of the area, and is considered compatible with the policies of the Unified Plan. 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) for a commercial/retail development, subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Retail, service-commercial, and office uses. The following uses shall be prohibited:
 - adult bookstores or entertainment
 - automotive parts stores
 - contractors offices
 - emission inspection stations
 - equipment rental
 - extended stay hotels or motels
 - recovered materials processing facilities
 - smoke shops/novelty stores
 - taxidermists
 - yard trimmings composting facilities
 - B. 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 abide by the following site development considerations:
 - A. Provide a 10-foot wide landscaped buffer adjacent to all residentially-zoned properties. The buffer shall be enhanced with evergreens where sparsely vegetated.
 - B. Natural vegetation shall remain on the property until the issuance of a development permit.
 - C. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall, at least six feet in height, with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
 - D. Ground signage shall be limited to monument type sign(s) with a minimum two-foot high brick or stacked stone base. Ground sign(s) shall not exceed 10 feet in height.
 - E. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
 - F. Peddlers and/or parking lot sales shall be prohibited.

- 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, sign-walkers and sign-twirlers shall be prohibited.
- H. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The request to rezone the property to C-2 could be considered suitable in light of adjacent and nearby commercial uses and zoning within the immediate 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

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

CONFORMITY WITH POLICIES

The proposal is considered compatible with policies of the Unified Plan, which encourage neighborhood-serving retail and commercial services at appropriate intersections.

CONDITIONS AFFECTING ZONING

The front portion of the parent parcel was rezoned to C-2 in 2007, suggesting that a similar rezoning for the balance of the tract could be acceptable.

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:

NO

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

NO

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

NO

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

NO

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

YES

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

Property is the rear portion of a 14.23 acre tract of which the front 4.2 acres is already C-2. This will unify the entire tract under one zoning classification.



**LETTER OF INTENT
FOR
REZONING APPLICATION OF TRI-MARK PROPERTIES, LLC**

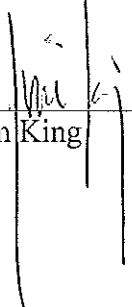
The Applicant, Tri-Mark Properties LLC, requests rezoning of a 10.1-acre tract from M-1 (Light Industry District) to C-2 (General Business District). The Property is located near the Northwest Corner of the intersection of Buford Highway/US 23 and Woodward Mill Road. The Property is comprised of the rear portion of a larger 14.23-acre tract that has significant frontage along US 23. The larger tract is identified as Gwinnett County Parcel 7-256-011. The remaining front-portion of the larger tract is currently already zoned C-2.

The application would serve to unify the entire tract under one zoning classification. Currently, approximately 30% of the overall 14.23-acre Parcel is zoned C-2. The use of the Property as M-1 is not economically feasible and is not the highest and best use of the Property. The Property is located on US 23 near the busy intersection of Woodward Mill Road allowing high exposure within this emerging Commercial Business Corridor. The development of the Property as a C-2 development under the guidelines of Gwinnett County is appropriate for the subject tract and is consistent with the surrounding area.

The development of the Property in accordance with a C-2 designation provides the appropriate type of zoning within the US 23 commercial corridor. The proposed use is consistent with the intent of the zoning ordinance for C-2 use. The requested rezoning will have no adverse impact on the current or contemplated uses of nearby or surrounding properties.

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

Respectfully submitted,
Tri-Mark Properties, LLC



Jim King



RECEIVED 9-2-11
RZC2011-00024

CASE NUMBER RZM-06-027
GCID 2006-1667

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from M-1 & R-75 to R-TH & C-2 by MILL CREEK ASSOCIATES for the proposed use of TOWNHOMES & COMMERCIAL/RETAIL (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 MARCH 27, 2007 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 27TH day of MARCH 2007, that the aforesaid application to amend the Official Zoning Map from M-1 to R-TH (10.20 acres) is hereby **DENIED**; and R-75 to C-2 (1.64 acres) is hereby **APPROVED** subject to the following enumerated conditions:

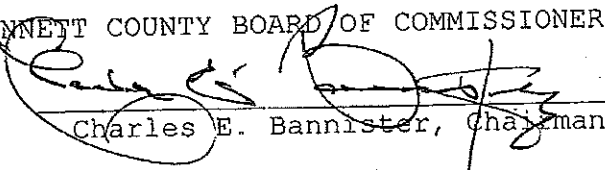
1. To restrict the use of the property as follows:
 - A. Retail, service-commercial, and office uses.
 - B. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone.
2. To satisfy the following site development considerations:
 - A. Provide a 10-foot landscaped buffer adjacent to residentially zoned property (applicable to the entire 11.84 acre tract).
 - B. Provide ten-foot wide landscaped strips along adjacent rights-of-way.

CASE NUMBER RZM-06-027
GCID 2006-1667

- C. Dumpsters shall be screened by a brick wall, at least six feet in height, with an opaque gate enclosure. Dumpster pickup shall be limited to between the hours of 7:00 a.m. and 7:00 p.m.
 - D. Ground signage shall be limited to a monument-type sign with a brick base of at least 2 feet in height. Overall sign height shall not exceed 10 feet.
 - E. Outdoor 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 residential properties.
 - F. Peddlers shall be prohibited.
 - 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. Yard signs or bandit signs shall be prohibited.
 - H. 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 Buford Highway and Woodward Mill intersection reconstruction (PN# M-0531) based on plans on file with the Gwinnett County DOT.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By:

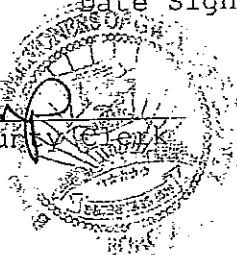

Charles E. Bannister, Chairman

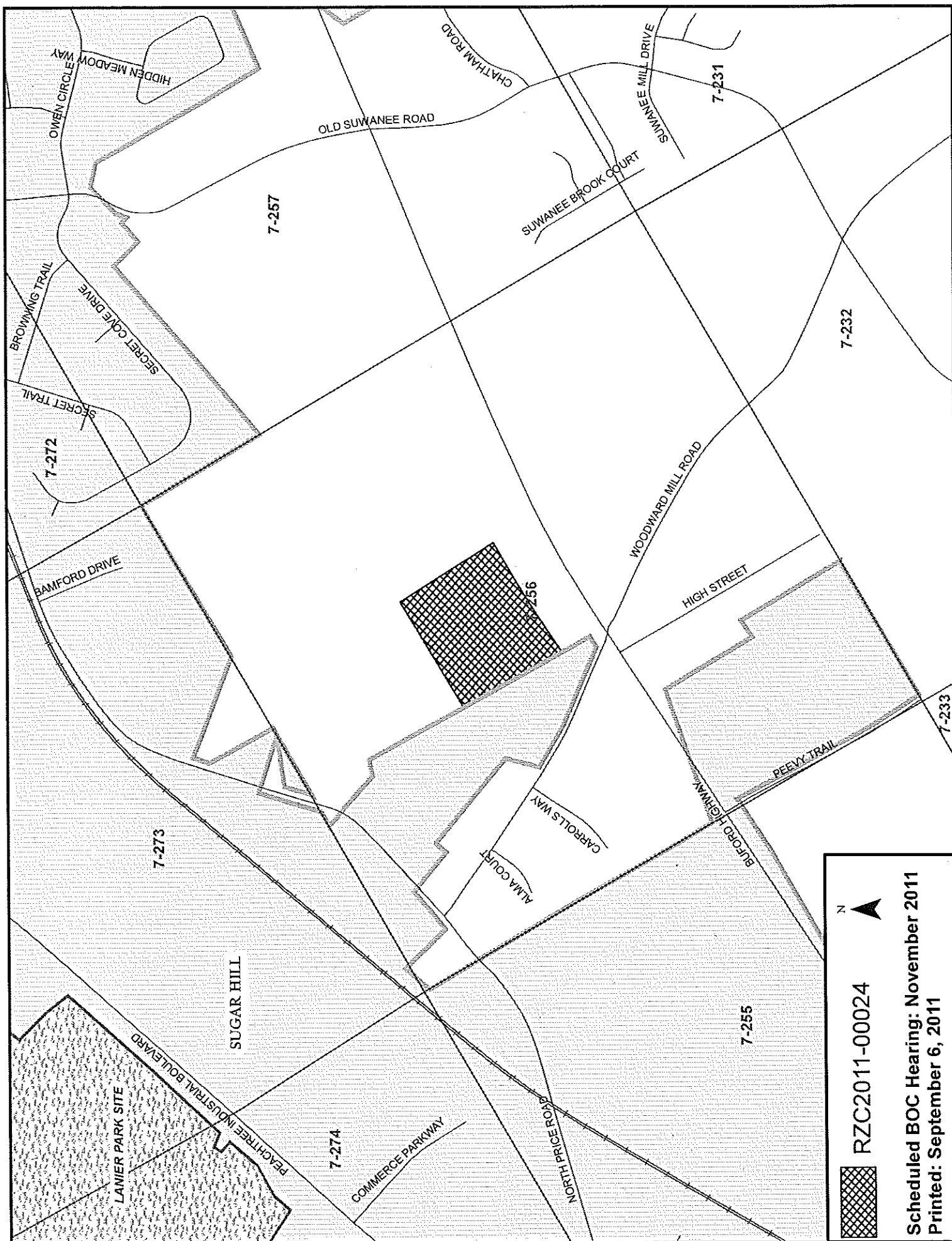
Date Signed:

4/12/07

ATTEST:


County Clerk/Deputy County Clerk

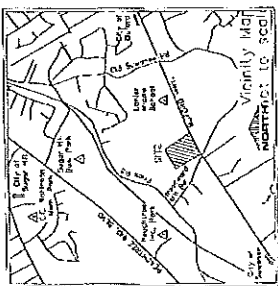
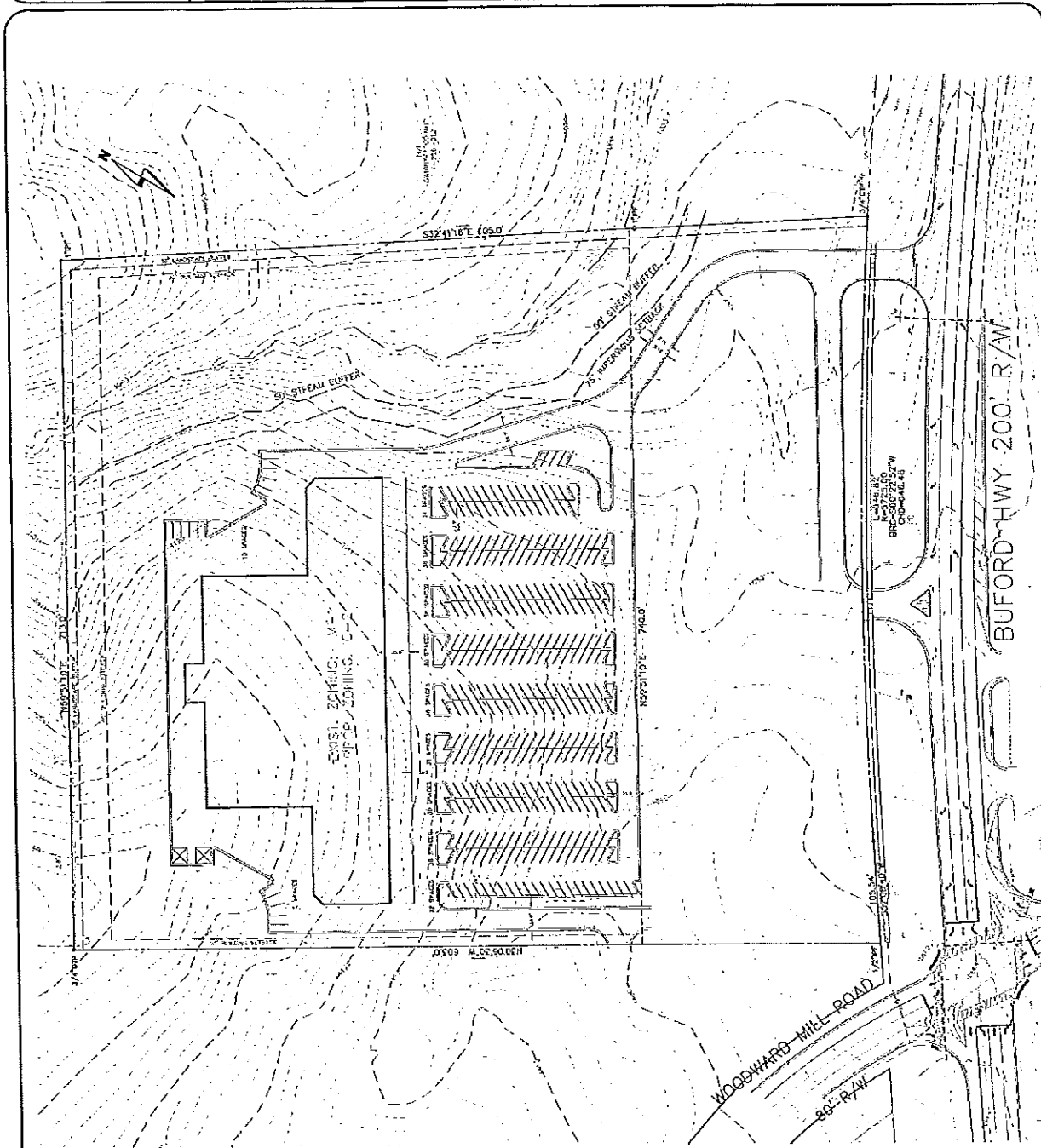




RZC2011-00024



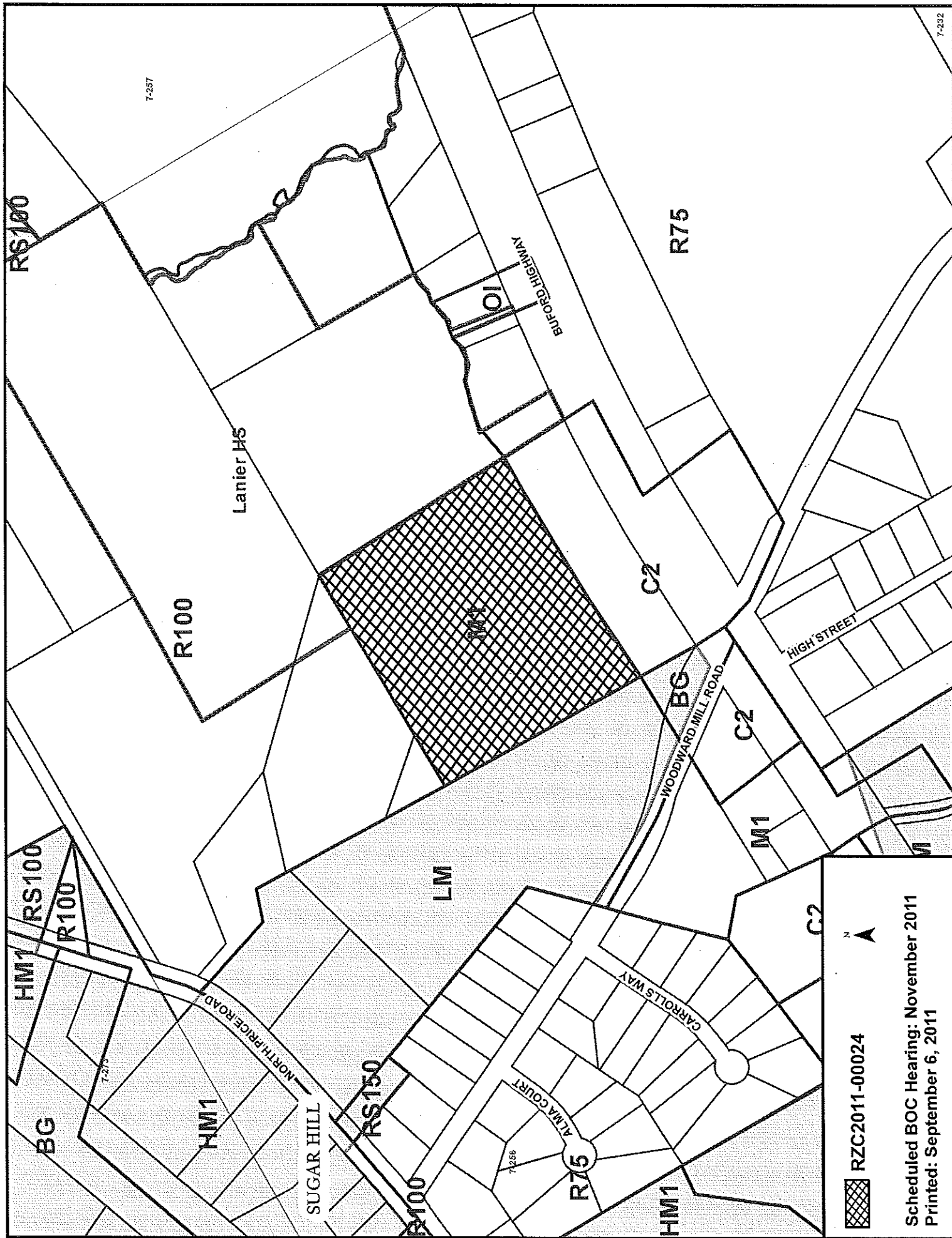
Scheduled BOC Hearing: November 2011
Printed: September 6, 2011



SITE DATA
 EXISTING ZONING: M-1
 PROPOSED ZONING: C-2
 GROSS AREA: 10.1 ACRES
 NET AREA: 10.1 ACRES
 BUILDING AREA: 46,000 SF
 PARKING PROVISION: 207



RECEIVED 9-2-11
 RZC2011-00024



 RZC2011-00024

Scheduled BOC Hearing: November 2011
Printed: September 6, 2011

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

CASE NUMBER	:CIC2011-00021
ZONING	:R-75 CSO
LOCATION	:3000 BLOCK OF SOCIETY TRACE :4000-5100 BLOCK OF FELLOWSHIP DRIVE
MAP NUMBER	:R1003 472 THRU R1003 504
ACREAGE	:6.73 ACRES
PROPOSED DEVELOPMENT	:CHANGE IN CONDITIONS TO REDUCE DWELLING SIZE AND REVISE BUILDING MATERIALS REQUIREMENT
UNITS	:33 UNITS
COMMISSION DISTRICT	:(4) HEARD

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

APPLICANT: O'DWYER HOMES
850 OLD ALPHARETTA ROAD
ALPHARETTA, GA 30005

CONTACT: DAVE PLANTE PHONE: 770.887.2177 EXT. 205

OWNER: KILLARNEY INVESTMENTS, LLC
850 OLD ALPHARETTA ROAD
ALPHARETTA, GA 30005

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a change in conditions of a previous rezoning, RZR-05-007, to reduce the minimum dwelling unit size and revise building materials on 33 lots located to the rear of Old Friendship Place, a 75-lot subdivision, zoned R-75 CSO (Single Family Residence - Conservation Subdivision Overlay District). The subject assemblage of lots combines to form a 6.73-acre property. The subdivision is located where Old Friendship Road dead ends, on the east side of Ridge Road, at the Hall County line.

Currently, Old Friendship Place is developed with 15 homes, a small recreation area, streets and utilities and associated infrastructure. Staff notes that there are 27 undeveloped lots near the front portion of the subdivision, which are not included in this request.

The applicant proposes to reduce the minimum size for homes from 2,200 square feet to 1,600 square feet and reduce the building standard from primarily brick, stacked stone or stucco on the front of the homes to partial brick, stacked stone or stucco. The specific requests are to revise conditions of zoning, which read as follows:

Condition I.B. governs the minimum dwelling size. The condition currently reads as follows:

I.B. The minimum heated floor area per dwelling unit shall be 2,000 square feet for single-story homes and 2,200 square feet for two-story homes.

The applicant requests that the minimum floor area be reduced to 1,600 square feet for all homes in this phase. (Note: the letter of intent does not make mention of a standard for one-story vs. two-story homes)

Condition I.D. governs the building architecture. The condition currently reads as follows:

I.D. Homes shall be constructed primarily of brick, stacked stone, or stucco on front facades. The balance of the home may be the same, or of wood or fiber-cement siding.

The applicant proposes to reduce the building standard from primarily brick, stacked stone or stucco to partial brick, stacked stone or stucco. Elevations for the proposed homes were not submitted with the CIC application.

The 2030 Unified Plan Future Development Map indicates the property is located within an Existing/Emerging Suburban Character Area. The Unified Plan stresses protecting the character of existing neighborhoods in rezoning actions. As proposed, the applicant's request may be counter to this emphasis of the Unified Plan. Single-family subdivisions are the primary form of development within this Character Area designation. The requested change in conditions to reduce the dwelling size for homes and to reduce the architectural standards may not be appropriate in view of the previous rezoning approval, which occurred through the public hearing process with input from neighboring property owners. Additionally, the conditions of this previous approval were intended to ensure the quality of the development and its compatibility with the surrounding area.

The immediate surrounding area contains large undeveloped wooded tracts, with scattered single-family residences and several single-family subdivisions along Ridge Road. The closest subdivisions off of Ridge Road are Elinburg and Jones Creek which contain homes built on average between 2,600 square feet to 3,300 square feet. It is noted that the front portion of the Old Friendship Place has been developed with homes which on average exceed the minimum 2,200 square foot requirement. The request to reduce the dwelling size may not be appropriate when considering the existing homeowners in the development and similar developments along Ridge Road, which are constructed to a higher standard. Downgrading the architectural treatments, may not be appropriate in light of the establishment of the conditions through the public hearing process.

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

ZONING HISTORY:

In 1970 the subject property was zoned RA-200 (Agriculture-Residence District). The property was rezoned to R-75 CSO in 2005, pursuant to RZR-05-007.

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 northern right-of-way of Fellowship Drive, and an 8-inch water main located on the southern right-of-way of Society Trace.

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 Fellowship Drive and Society Trace.

BUILDING CONSTRUCTION COMMENT SECTION:

Building Plan Review has no objections under the following conditions:

1. The applicant shall obtain a residential building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at (678) 518-6040 Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Additions in **bold**

Deletions in strikethrough

Approval as R-75 CSO subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Single-family detached dwellings and accessory uses as R-75 CSO not to exceed 75 lots.
 - B. The minimum heated floor area per dwelling unit shall be 2,000 square feet for **all homes** ~~single-story homes and 2,200 square feet for two-story homes.~~
 - C. All dwellings shall have at least a double car garage.
 - D. Homes shall be constructed ~~primarily~~ **partially (at least 50%)** of brick, stacked stone, or stucco on front facades. The balance of the home may be the same, or of wood or fiber-cement siding.
2. To satisfy the following site development considerations:
 - A. No direct lot access allowed to Old Friendship Road.
 - B. Provide stub streets as may be required by the Department of Planning and Development.
 - C. All grassed areas shall be sodded.
 - D. Natural vegetation shall remain on the property until the issuance of a development permit.
 - E. Provide a brick or stacked stone subdivision entrance feature with landscaping.
 - F. All utilities shall be placed underground.
3. To abide by the following requirements, dedications, and improvements:
 - A. A statement shall be placed on the final plat in order to notify future homeowners of the proposed subdivision that they are moving into a rural area customarily

used for the raising of hogs, cows, chickens, horses, and other farm related animals, and for crops, which may cause noises and odors typical of a rural area.

- B. If required, dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction of a greenway path/trail through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be located outside of stream buffers and subject to review and approval by the Gwinnett Department of Community Services.

PLANNING AND DEVELOPMENT DEPARTMENTS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions to reduce the architectural treatments of brick, stone and stucco and reduce the minimum square footage of the dwellings may not be suitable in view of the standards of existing homes in the development or of nearby subdivisions.

ADVERSE IMPACTS

The proposed change in conditions could have adverse impacts on the existing single-family homes of Old Friendship Place and on the nearby Jones Creek, Seneca Farms, Morgan's Ridge and Elinburg subdivisions, through a 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 few effects on public facilities.

CONFORMITY WITH POLICIES

As presented, the request would not be consistent with the prior 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.

CONDITIONS AFFECTING ZONING

It may not be appropriate to amend the conditions of Old Friendship Place in light of the existing dwellings, which meet a higher standard than that being proposed for the new residences. Subdivisions in the area are generally developed to a higher standard as well.

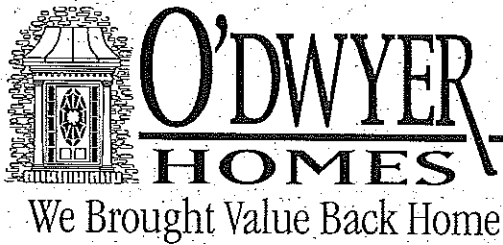
CHANGE IN CONDITIONS APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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; CHANGE ONLY REQUESTS REDUCTION IN MINS HEATED SPACE AND ARCHITECTURAL USE OF BRICK/STONE
- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
NO; AREA OF REQUEST CONFINED TO THE UNBUILT REAR PORTION OF SUBDIVISION (LOTS 14-46)
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
NOT IN THIS ECONOMIC CLIMATE
- (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 CHANGE BEFORE OR AFTER - NOT A DENSITY ISSUE
- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
YES; STILL SINGLE FAMILY LOW DENSITY.
- (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:
NONE IN PARTICULAR. THE TANGIBLE EFFECT OF REDUCING NET COST TO BUILD IS MORE SALES EQUAL MORE TAX REVENUE.





08/30/11

Old Friendship Place

To: Current Residents Old Friendship Place

As you are aware the economic recession we are experiencing has put a financial burden on O'Dwyer Homes also. We have continued to maintain the community during the last five years at a considerable loss.

Despite all attempts to draw traffic/sales to the community in the form of creating new product, reduced pricing, sales concessions and sales agent bonuses we cannot seem to generate sales. Customer traffic continues to be slow at 0-2 customers per week. The current price range requested on most visits is high 100K to low 200K. This will rise as the market recovers. With the lot prices and the sizes of homes we are presently offering we cannot meet customer's request. We need to temporarily reduce prices to keep the community vibrant.

This letter will serve as notification that O'Dwyer Homes will submit an application to Gwinnett County to request permission to rezone a portion of Old Friendship Place from the present minimum of 2200 square feet to a minimum of 1600 square feet. Additionally we will request that the conditions of Zoning (ID) be changed from "Homes shall be constructed primarily of brick, stacked stone or stucco on front facades" to "Homes shall be constructed partially of brick, stacked stone or stucco on the front facades". The request for rezoning will pertain to lots 14-46 for a total of 33 lots. The 27 lots in the front of the community would remain as originally zoned and with 15 homes already built there would be a total of 42 homes under the original zoning. A small brick entry monument will be placed in a recorded 4' x 4' easement on lot 14 to designate the area in the rezoning request. As you are aware, many surrounding communities have failed. We have stayed committed to this community at great cost to us. Our goal is to have a successful neighborhood.

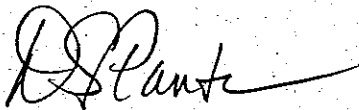


Once the rezoning request is submitted to Gwinnett County, a notice via sign will be placed in the entrance to the community. A date and time will be posted on the notice for the board of commissioners meeting which is open to the public and generally is held within 60 days of the notice. The boards of commissioners have the authority to grant approval to the request at that scheduled meeting.

We will have greater success in the approval by the board of commissioners if we have the support of our homeowners. We are asking you for your approval to this rezoning request as I believe it is critical to the successful completion of the community which is what we all desire.

I am available to meet if necessary to discuss or answer questions. Feel free to contact me at 770-887-2177 ext. 205 or e-mail at davep@odwyerhomes.com. Thank you in advance for your support!

Sincerely,



David S. Plante
V.P. Construction
O'Dwyer Homes, Inc.
770-887-2177 ext 205
770-887-2178 Fax
davep@odwyerhomes.com

cc: Dan O'Dwyer
Eileen Walton



RECEIVED 9-1-11
CIC2011-00021

CASE NUMBER RZR-05-007

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

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

RA-200 to R-75 CSO
by METROPOLITAN LAND DEVELOPMENT for the
proposed use of SINGLE-FAMILY CONSERVATION SUBDIVISION on a
tract of land described by the attached legal description, which

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

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 MARCH 22, 2005 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 22ND day of MARCH, 2005, that the aforesaid application to amend the Official Zoning Map from RA-200 to R-75 CSO is hereby APPROVED subject to the following enumerated conditions:

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

- A. Single-family detached dwellings and accessory uses as R-75 CSO not to exceed 75 lots.
- B. The minimum heated floor area per dwelling unit shall be 2,000 square feet for single-story homes and 2,200 square feet for two-story homes.
- C. All dwellings shall have at least a double car garage.
- D. Homes shall be constructed primarily of brick, stacked stone, or stucco on front facades. The balance of the home may be the same, or of wood or fiber-cement siding.

2. To satisfy the following site development considerations:

- A. No direct lot access allowed to Old Friendship Road.

- B. Provide stub streets as may be required by the Department of Planning and Development.
 - C. All grassed areas shall be sodded.
 - D. Natural vegetation shall remain on the property until the issuance of a development permit.
 - E. Provide a brick or stacked stone subdivision entrance feature with landscaping.
 - F. All utilities shall be placed underground.
3. To abide by the following requirements, dedications, and improvements:
- A. A statement shall be placed on the final plat in order to notify future homeowners of the proposed subdivision that they are moving into a rural area customarily used for the raising of hogs, cows, chickens, horses, and other farm related animals, and for crops, which may cause noises and odors typical of a rural area.
 - B. If required, dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction of a greenway path/trail through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be located outside of stream buffers and subject to review and approval by the Gwinnett Department of Community Services.

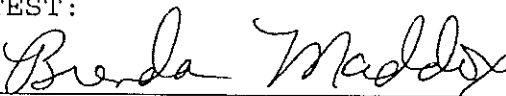
GWINNETT COUNTY BOARD OF COMMISSIONERS

By: 

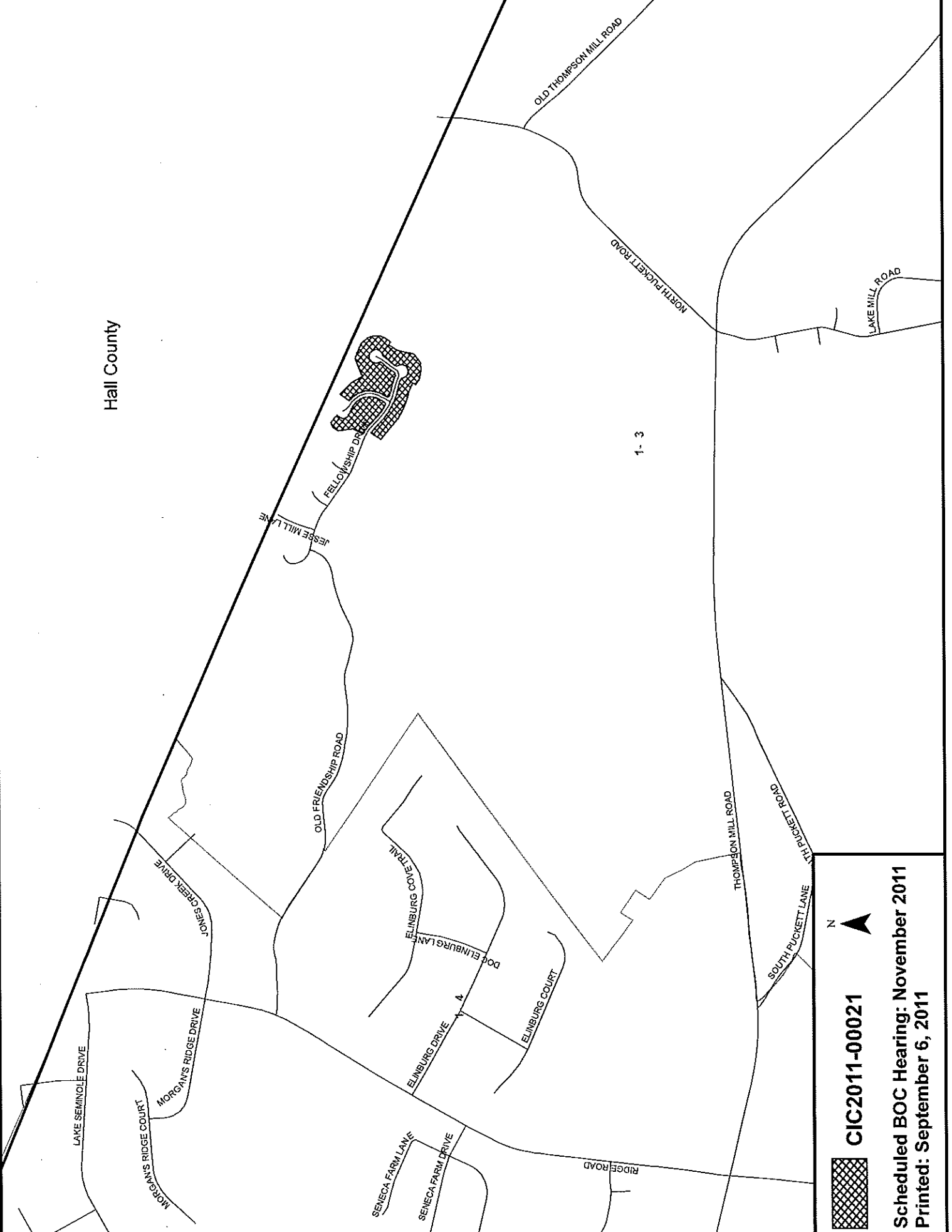
Charles E. Bannister, Chairman

Date Signed: April 15, 2005

ATTEST:


County Clerk

Hall County



1-3



CIC2011-00021

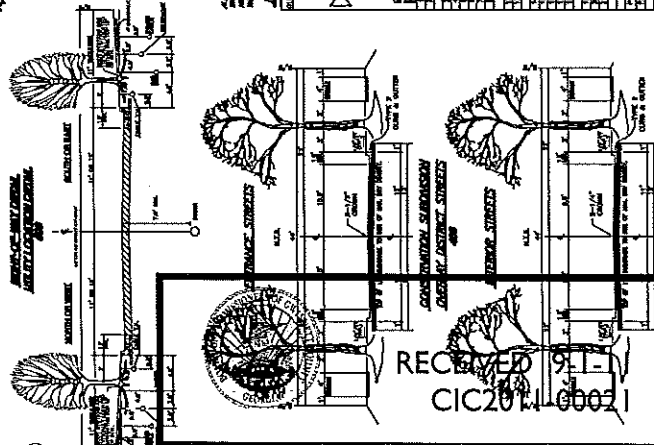


Scheduled BOC Hearing: November 2011
Printed: September 6, 2011



Case No.	Plaintiff	Defendant	Settled	Settlement Amount	Settlement Date
1	John Doe	Jane Smith	Yes	\$10,000	12/15/2010
2	John Doe	Jane Smith	No		
3	John Doe	Jane Smith	Yes	\$15,000	12/15/2010
4	John Doe	Jane Smith	No		
5	John Doe	Jane Smith	Yes	\$20,000	12/15/2010
6	John Doe	Jane Smith	No		
7	John Doe	Jane Smith	Yes	\$25,000	12/15/2010
8	John Doe	Jane Smith	No		
9	John Doe	Jane Smith	Yes	\$30,000	12/15/2010
10	John Doe	Jane Smith	No		
11	John Doe	Jane Smith	Yes	\$35,000	12/15/2010
12	John Doe	Jane Smith	No		
13	John Doe	Jane Smith	Yes	\$40,000	12/15/2010
14	John Doe	Jane Smith	No		
15	John Doe	Jane Smith	Yes	\$45,000	12/15/2010
16	John Doe	Jane Smith	No		
17	John Doe	Jane Smith	Yes	\$50,000	12/15/2010
18	John Doe	Jane Smith	No		
19	John Doe	Jane Smith	Yes	\$55,000	12/15/2010
20	John Doe	Jane Smith	No		
21	John Doe	Jane Smith	Yes	\$60,000	12/15/2010
22	John Doe	Jane Smith	No		
23	John Doe	Jane Smith	Yes	\$65,000	12/15/2010
24	John Doe	Jane Smith	No		
25	John Doe	Jane Smith	Yes	\$70,000	12/15/2010
26	John Doe	Jane Smith	No		
27	John Doe	Jane Smith	Yes	\$75,000	12/15/2010
28	John Doe	Jane Smith	No		
29	John Doe	Jane Smith	Yes	\$80,000	12/15/2010
30	John Doe	Jane Smith	No		
31	John Doe	Jane Smith	Yes	\$85,000	12/15/2010
32	John Doe	Jane Smith	No		
33	John Doe	Jane Smith	Yes	\$90,000	12/15/2010
34	John Doe	Jane Smith	No		
35	John Doe	Jane Smith	Yes	\$95,000	12/15/2010
36	John Doe	Jane Smith	No		
37	John Doe	Jane Smith	Yes	\$100,000	12/15/2010
38	John Doe	Jane Smith	No		
39	John Doe	Jane Smith	Yes	\$105,000	12/15/2010
40	John Doe	Jane Smith	No		
41	John Doe	Jane Smith	Yes	\$110,000	12/15/2010
42	John Doe	Jane Smith	No		
43	John Doe	Jane Smith	Yes	\$115,000	12/15/2010
44	John Doe	Jane Smith	No		
45	John Doe	Jane Smith	Yes	\$120,000	12/15/2010
46	John Doe	Jane Smith	No		
47	John Doe	Jane Smith	Yes	\$125,000	12/15/2010
48	John Doe	Jane Smith	No		
49	John Doe	Jane Smith	Yes	\$130,000	12/15/2010
50	John Doe	Jane Smith	No		
51	John Doe	Jane Smith	Yes	\$135,000	12/15/2010
52	John Doe	Jane Smith	No		
53	John Doe	Jane Smith	Yes	\$140,000	12/15/2010
54	John Doe	Jane Smith	No		
55	John Doe	Jane Smith	Yes	\$145,000	12/15/2010
56	John Doe	Jane Smith	No		
57	John Doe	Jane Smith	Yes	\$150,000	12/15/2010
58	John Doe	Jane Smith	No		
59	John Doe	Jane Smith	Yes	\$155,000	12/15/2010
60	John Doe	Jane Smith	No		
61	John Doe	Jane Smith	Yes	\$160,000	12/15/2010
62	John Doe	Jane Smith	No		
63	John Doe	Jane Smith	Yes	\$165,000	12/15/2010
64	John Doe	Jane Smith	No		
65	John Doe	Jane Smith	Yes	\$170,000	12/15/2010
66	John Doe	Jane Smith	No		
67	John Doe	Jane Smith	Yes	\$175,000	12/15/2010
68	John Doe	Jane Smith	No		
69	John Doe	Jane Smith	Yes	\$180,000	12/15/2010
70	John Doe	Jane Smith	No		
71	John Doe	Jane Smith	Yes	\$185,000	12/15/201

ELLIS FAMILY HOLDINGS, LLP
C/O ZITTS / AC
HALL COUNTY, MD
ZIONSVILLE, IN 46088



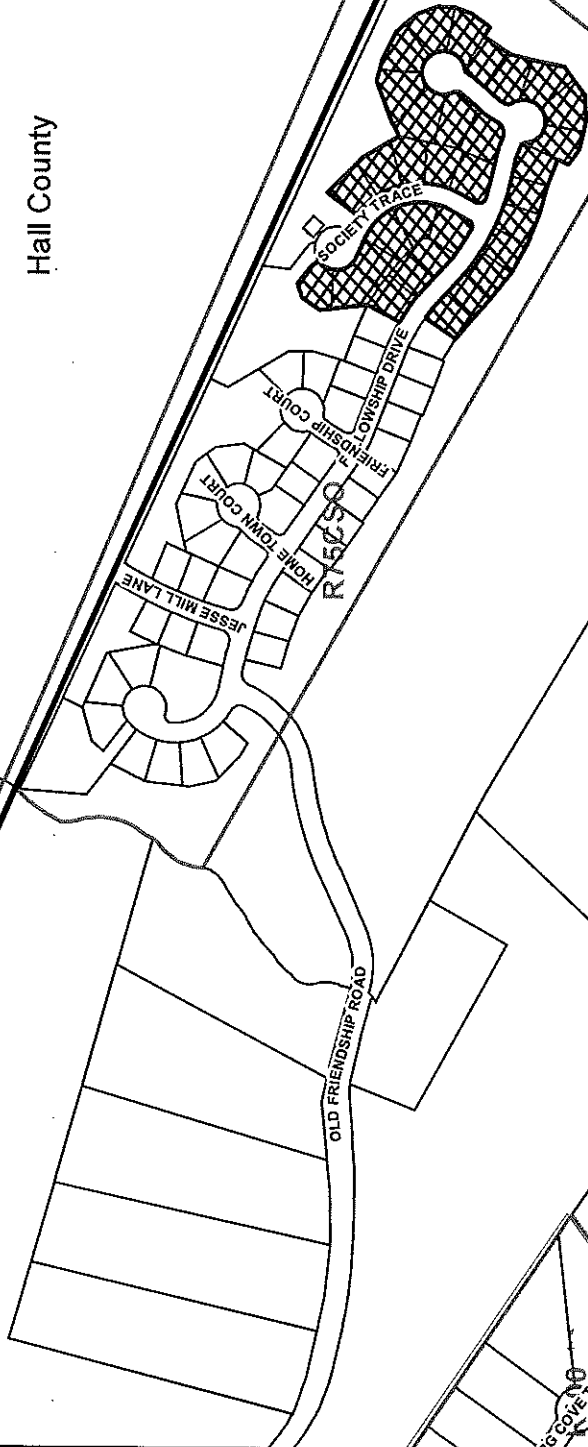
Grid North

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574																																																																																																																																																																																																																																																																																																																																																																																																																																										

[illegible]

S:\DR\WINGS\05012\dwg\final\05012.dwg 08-22-11.dwg, 2011-08-24 12:52

Hall County



4-3

RA200



CIC2011-00021

Scheduled BOC Hearing: November 2011
Printed: September 6, 2011

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

CASE NUMBER	:CIC2011-00022
ZONING	:R-ZT
LOCATION	:0-100 BLOCK OF JOHNSON ROAD :0-200 BLOCK OF CASSADY LANE :100-200 BLOCK OF AUGUST WEST WAY :1100-1300 BLOCK OF STELLA COURT
MAP NUMBER	:R5082 200-214, R5083 436-443, R5083 445-446, R5083 448-495
ACREAGE	:15.83 ACRES
PROPOSED DEVELOPMENT	:CHANGE IN CONDITIONS TO REDUCE DWELLING SIZE, REVISE BUILDING MATERIALS, AND REDUCE GARAGE REQUIREMENT
UNITS	:73 UNITS
COMMISSION DISTRICT	:(4) HEARD

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

APPLICANT: TIM JONES COMMUNITIES, INC.
C/O MAHAFFEY PICKENS TUCKER, LLP
1550 NORTH BROWN ROAD, SUITE 125
LAWRENCEVILLE, GA 30043

CONTACT: JEFF MAHAFFEY PHONE: 770.232.0000

OWNER: TIM JONES COMMUNITIES, INC.
C/O MAHAFFEY PICKENS TUCKER, LLP
1550 NORTH BROWN ROAD, SUITE 125
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a change in conditions of zoning for the Johnson Place subdivision, to reduce the minimum heated floor area of the dwellings, revise the list of required building materials and modify the condition requiring all dwellings to have at least a double-car garage. The property is located adjacent to the south side of Lawrenceville Highway and west side of Johnson Road.

In 2003, the subject property was proposed for rezoning to RM-13 for an apartment complex. Through the public hearing process, it was instead rezoned to R-ZT (Single Family Residence District) with conditions of zoning to promote compatibility with the surrounding area. In 2004,

a change in conditions of the R-ZT zoning was approved to delete a requirement for turn lanes on Johnson Road and Lawrenceville Highway, pursuant to CIC-04-019.

The overall subdivision contains a total of 75 lots. Two of the lots contain homes which have been sold to private homeowners and are not included in this CIC application. Of the remaining 73 lots, 10 homes have been constructed, and 63 lots remain vacant.

The applicant is requesting to amend the following conditions of CIC-04-019: Condition I. B. governs the minimum dwelling size, condition I. C. governs the exterior treatments of the homes and condition I.D. governs the requirement for double-car garages. The conditions read as follows:

I.B. The minimum heated floor area per dwelling unit shall be 1,800 square feet for single-story homes and 2,000 square feet for two story homes.

The applicant proposes to amend condition I.B., to reduce the minimum heated floor area for one-story dwellings from 1,800 square feet to 1,600 square feet, and for two-story dwellings from 2,000 square feet to 1,750 square feet.

I.C Front facades of all homes shall be finished with architectural treatments of brick, stacked stone or stucco. The remainder of each home may be finished with same or fiber-cement type siding. Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.

The applicant proposes to amend condition I.C., to allow fiber-cement type siding as an approved building material for the front façade of the homes for the remaining lots.

I.D All dwellings shall have at least double-car garages. Where garages are front entry, driveways shall be a minimum of 16 feet in width.

The applicant proposes to amend condition I.D., to allow the remaining dwellings to be constructed with single-car garages. The submitted architectural renderings reflect the proposed changes to the current conditions of zoning.

The 2030 Unified Plan Future Development Map indicates that the property is located within an Existing/Emerging Suburban Character Area. The Unified Plan stresses protecting the character of existing neighborhoods in rezoning actions. As proposed, the applicant's request may be counter to this emphasis of the Unified Plan. The requested change in conditions to reduce the dwelling unit size for homes, diminishing the architectural standards and eliminating the double-car garage requirements may not be appropriate in view of the two previous rezoning requests, which were considered through the public hearing process with input from the surrounding community. The conditions of zoning were designed to preserve the integrity of the surrounding community and ensure that homes would be constructed to desired standards.

The area surrounding the subject property is characterized by a mixture of residential, commercial/retail, and institutional land uses along Lawrenceville Highway, and low-density

residential uses along Johnson Road, from which the subject property is accessed. Johnson Place subdivision was rezoned with conditions requiring the current building size and architectural standards and several units have been constructed meeting these standards. It may not be appropriate to lower these standards in light of these existing dwellings and the previous Board actions.

In conclusion, diminishing the current development standards, which were put in place to preserve the integrity of the subdivision and the surrounding area, may not be appropriate for the subject property. Therefore, the Department of Planning and Development recommends **DENIAL** of the request.

ZONING HISTORY:

In 1970, the subject property was zoned R-75 (Single Family Residence District). In 2003, the subject property was rezoned to R-ZT, pursuant to RZM-03-053. In 2004, a Change in Conditions was approved to remove conditions requiring turn lanes onto both Johnson Road and Lawrenceville Highway, pursuant to CIC-04-019.

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:

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 northern right-of-way of August West Way, Cassady Lane, and Stella Court.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located in the right-of-way of August West Way, Cassady Lane, and Stella Court.

BUILDING CONSTRUCTION COMMENT SECTION:

Building Plan Review has no objections under the following conditions:

- I. The applicant shall obtain a residential 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 not objection to the request. For assistance, you may contact our office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Additions in **bold**

Deletions in ~~strikethrough~~

Approval as R-ZT (Change in Conditions) for a single-family subdivision, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Single-family detached dwellings and accessory uses at a maximum density of 5.0 units per acre.
 - B. The minimum heated floor area per dwelling unit shall be ~~1,800~~ **1,600** square feet for one-story homes and ~~2,000~~ **1,800** square feet for two-story homes.
 - C. Front facades of all homes shall be finished with architectural treatments of **at least 50% brick or stacked stone or stucco with the remainder being the same or fiber-cement siding.** The remainder ~~side and rear elevations~~ of each home may be finished with ~~same or fiber-cement type siding~~ **any combination of the same materials.** Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.
 - D. All dwellings shall have at least double-car garages. Where garages are front entry, driveways shall be a minimum of 16 feet in width.
2. To satisfy the following site development considerations:
 - A. Provide a 30-foot wide undisturbed buffer adjacent to residentially zoned properties, with orange tree-save fencing installed at the buffer line. Where abutting developed subdivisions the buffer shall be supplemented with a 6-foot high opaque wood privacy fence with brick columns, and plantings of Leyland Cypress. Buffer/fence design shall be subject to review and approval of the Director of Planning and Development.
 - B. Provide a 30-foot wide enhanced landscaped buffer adjacent to Lawrenceville Highway and Johnson Road. The landscaped buffer shall include a decorative fence or wall and landscaping (which may incorporate existing vegetation). Fence/wall shall be constructed as a solid brick wall or wrought iron-style fence with brick or stacked stone columns (30-feet on center). Landscape buffer and fence/wall design shall be subject to review and approval of the Director of Planning and Development.

- C. The development shall have a decorative brick or stacked stone entrance feature with landscaping. Design shall be subject to review and approval of the Director of Planning and Development.
 - D. Direct lot access to Lawrenceville Highway and Johnson Road shall be prohibited.
 - E. The location and design of entrances/exits shall be subject to review and approval of the Gwinnett and Georgia Departments of Transportation.
 - F. Natural vegetations shall remain on the property until the issuance of a development permit.
 - G. All utilities shall be placed underground.
 - H. All grassed areas in front and side yards shall be sodded.
 - I. Provide a stub street to the adjacent property to the west.
3. To abide by the following requirements, dedications, and improvements:
- A. The subdivision shall include a mandatory property owner's association responsible for perpetual maintenance of the required fences, buffers and landscaping.
 - B. Install a 6-foot high opaque wooden privacy fence along the common southeastern property line with the Cassidy's.

PLANNING AND DEVELOPMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions to reduce the dwelling size, diminish the architectural standards and eliminate the double-car garage requirement may not be suitable in view of the development standards of the existing dwellings within the subdivision.

ADVERSE IMPACTS

The proposed change in conditions could have adverse impacts on the existing homes located within Johnson Place subdivision, through a reduction in the standard of development for new homes.

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 from this request.

CONFORMITY WITH POLICIES

The request would not be consistent with the actions taken by the Board in the prior zoning requests, and is therefore not considered consistent with Board policy or the Unified Plan.

CONDITIONS AFFECTING ZONING

The requested change in conditions may not be an appropriate approval for the subject property, which could diminish the development standards put in place to preserve the integrity of the subdivision and the surrounding area.

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 attached.

- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

Please see attached.

- (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 attached.

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

Please see attached.



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

- (A) As stated on the Application, the purpose of this Change in Conditions Application is limited in its nature, that is to say, Applicant does not seek to rezone the property to a different zoning classification but merely requests the modification of three conditions of zoning for the subject property. Accordingly, the change of conditions requested will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (B) No, the change of conditions requested will not adversely affect the existing use or usability of adjacent or nearby properties.
- (C) The property which is the subject of this application does have reasonable economic use as currently zoned and this application does not seek to change that use but merely to allow for a more suitable and appropriate development of the property.
- (D) No, the change in conditions will not result in any use which would or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (E) Yes, the proposed application is in conformity with the policy and intent of the Gwinnett County 2030 Unified Land Use Plan, as the Land Use Plan shows the subject property for predominately residential uses. Applicant's application does not seek to change those uses.
- (F) Yes, the property's location provides supporting grounds for development of the property in accordance with the application.



RECEIVED 9-2-11
CIC2011-00022



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

Andrew D. Stancil
E. Michelle Rothmeier
Kenneth W. Stroud
Shawn F. Bratton
Alissa L. Cummo
Jill H. Harris,
of Counsel

LETTER OF INTENT FOR
CHANGE IN CONDITIONS APPLICATION OF
TIM JONES COMMUNITIES, INC.

The property which is the subject of this Application is currently zoned R- ZT (Change in Conditions) as a part of CIC-04-019, approved by Resolution of the Board of Commissioners of Gwinnett County, Georgia on September 24, 2004 (the "Resolution"). The R-ZT zoning classification permits single-family residences in certain locations within Gwinnett County.

The Resolution contains conditions governing the development of the subject property. The subject property is located at the intersection of Johnson Road and Highway 29 (a/k/a Lawrenceville Highway). The property contains seventy-five lots, as seen on the attached site plan, in a subdivision that has been developed with only twelve homes. Only two of these homes have been purchased by homeowners.

The Applicant files this Change in Conditions Application requesting that three of the conditions of zoning found in the Resolution be changed so as to be compatible with the manner in which the Applicant seeks to further develop its property. The Applicant's proposals would aid the Applicant in its ability to develop and improve the subject property to meet and accommodate the current market conditions. More specifically, Applicant desires the following:

Condition 1B of the Resolution currently reads as follows:

"The minimum heated floor area per dwelling unit shall be 1,800 square feet for one-story homes and 2,000 square feet for two-story homes."

1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

www.mptlawfirm.com



RECEIVED 9-2-11
CIC2011-00022

The Applicant respectfully requests that Condition 1B be modified to read as follows:

“The minimum heated floor area per dwelling unit shall be 1,800 1,600 square feet for one-story homes and 2,000 1,750 square feet for two-story homes.”

Condition 1C of the Resolution currently reads as follows:

“Front facades of all homes shall be finished with architectural treatments of brick, stacked stone or stucco. The remainder of each home may be finished with same or fiber-cement type siding. Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.”

The Applicant respectfully requests that Condition 1C be modified to read as follows:

“Front facades of all homes shall be finished with architectural treatments of brick, stacked stone, fiber-cement type siding or stucco. The remainder of each home may be finished with same or ~~fiber-cement type siding~~. Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.”

Condition 1D of the Resolution currently reads as follows:

“All dwellings shall have at least double-car garages. Where garages are front entry, driveways shall be a minimum of 16 feet in width.”

The Applicant respectfully requests that Condition 1D be modified to read as follows:

“All dwellings shall have at least ~~double-car garages~~ a single car garage. Where garages are front entry, driveways shall be a minimum of 16 feet in width.”



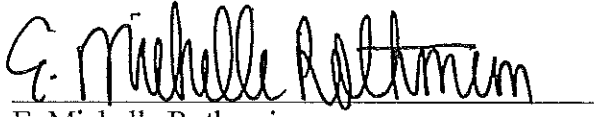
RECEIVED 9-2-11
CIC2011-00022

The Applicant respectfully requests your approval of the requested change of conditions and hereby offers to meet with staff of the Gwinnett County Department of Planning & Development to address any concerns they may have.

This 2nd day of September, 2011.

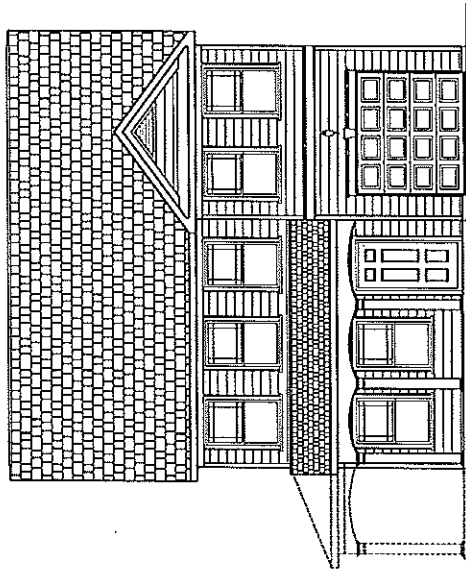
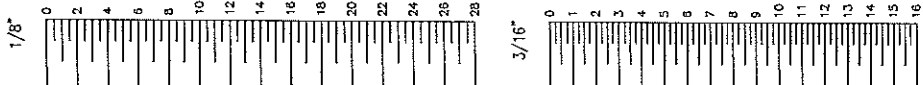
Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

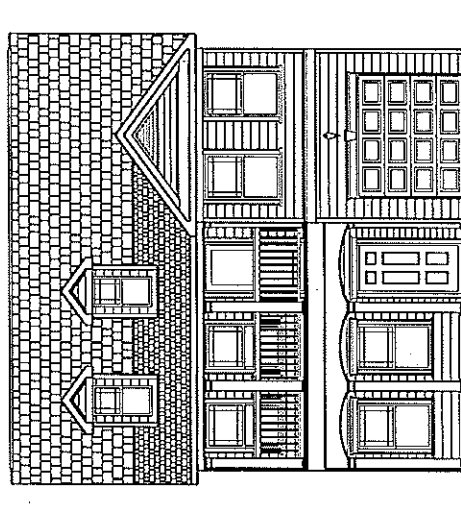

E. Michelle Rothmeier



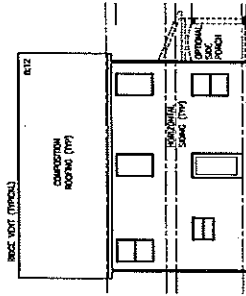
RECEIVED 9-2-11
CIC2011-00022



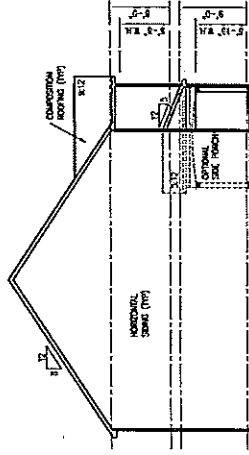
HATTERAS
FRONT ELEVATION
AS1



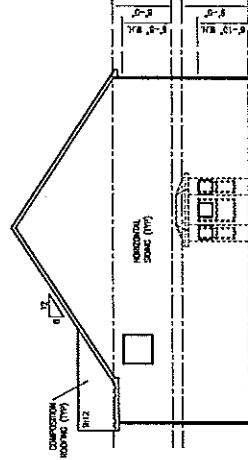
HATTERAS
FRONT ELEVATION
CS1



REAR ELEVATION



LEFT ELEVATION

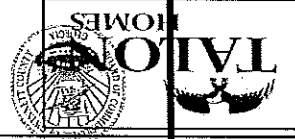


RIGHT ELEVATION

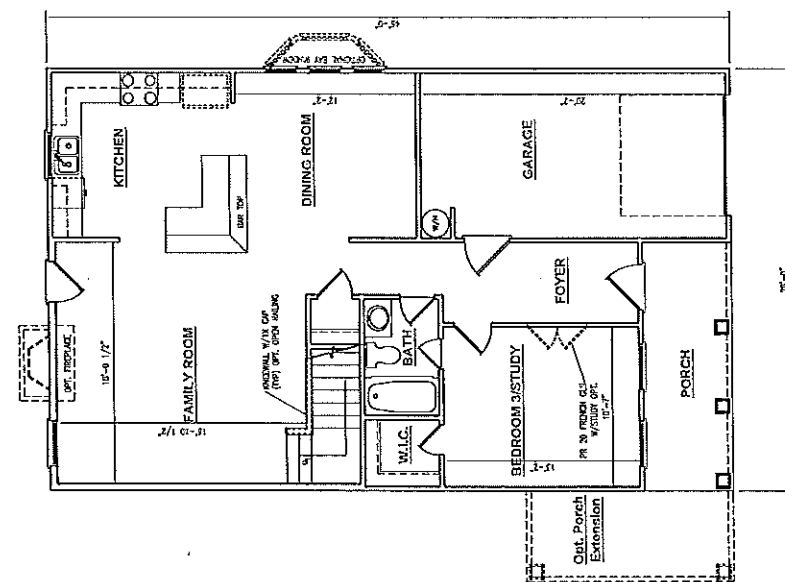
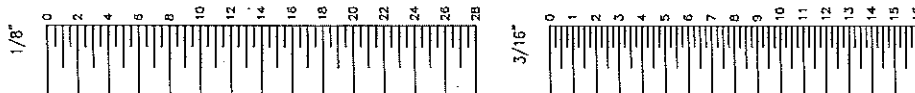
MODEL	HATTERAS
GRAPHIC TITLE	CONCEPT PLAN - Elev.
OPTION NO.	1801
SET NUMBER	9.8.11
RELEASE DATE	1/8"=1'-0"

SHEET NO.	A1
ELEVATIONS	A1
SEQUENCE NO.	A1

Talon Homes expressly reserves all its property rights in these plans and drawings. No part of these plans and drawings may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without written consent.

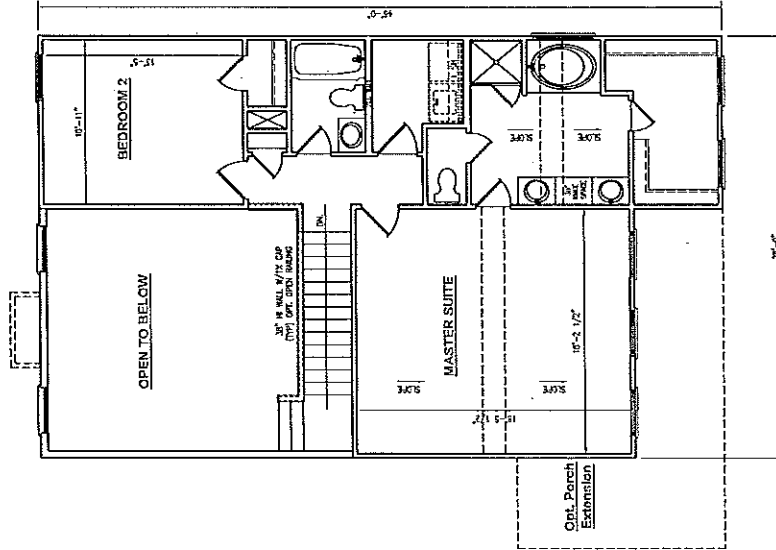


REVISION NUMBER
PERSON DATE
RECEIVED 9-12-11
CIC2011-00022



HATTERAS
FIRST FLOOR PLAN

AREA TABULATION	
GARAGE	238 SF
FLOOR 1 LIVING	933 SF
FLOOR 2 LIVING	848 SF
TOTAL LIVING	1801 SF



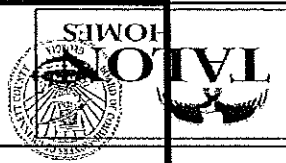
HATTERAS
SECOND FLOOR PLAN

SHEET NO.	A2
ELEVATIONS	
SEQUENCE NO.	A2

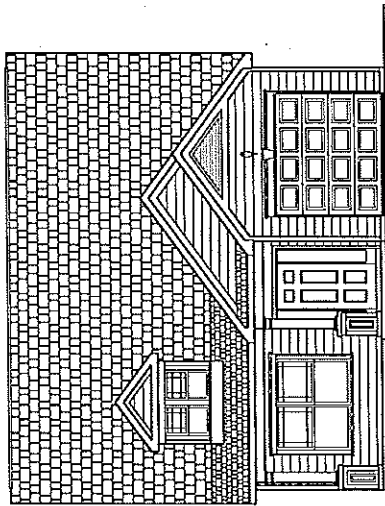
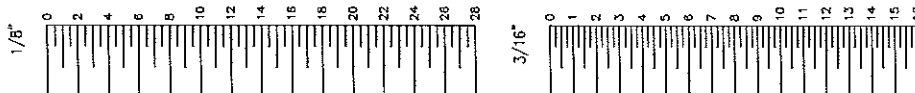
MODEL	HATTERAS	DRAWING TITLE	CONCEPT FLOOR PLAN	OPTION DESCRIPTION
-------	----------	---------------	--------------------	--------------------

1/8" = 1'-0"	9.8.11	SET NUMBER	1801	SECTION NO.
--------------	--------	------------	------	-------------

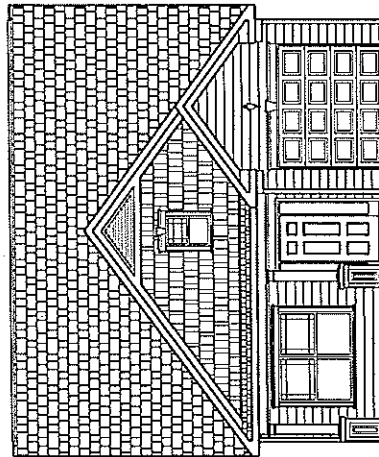
Talon Homes expressly reserves its property rights in these plans and drawings. These plans and related drawings are not to be reproduced without written consent



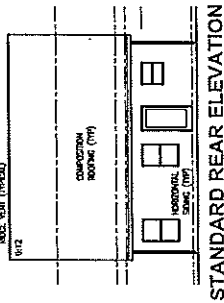
RECEIVED 9-12-11	REVISION NUMBER	REVISION DATE 9/31
CIC2011-00022		



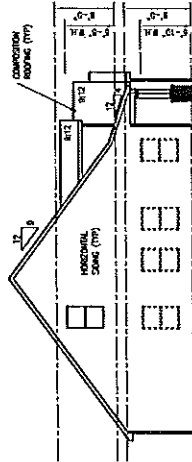
SINCLAIR
FRONT ELEVATION
AS1



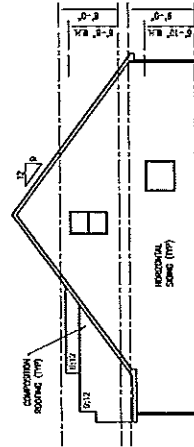
SINCLAIR
FRONT ELEVATION
CS1



STANDARD REAR ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

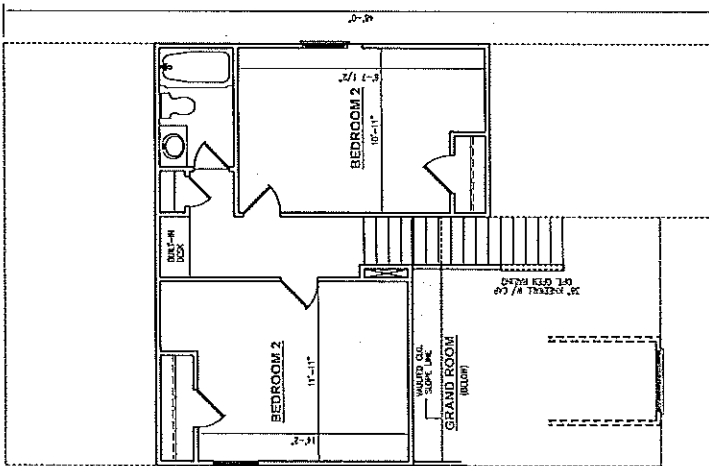
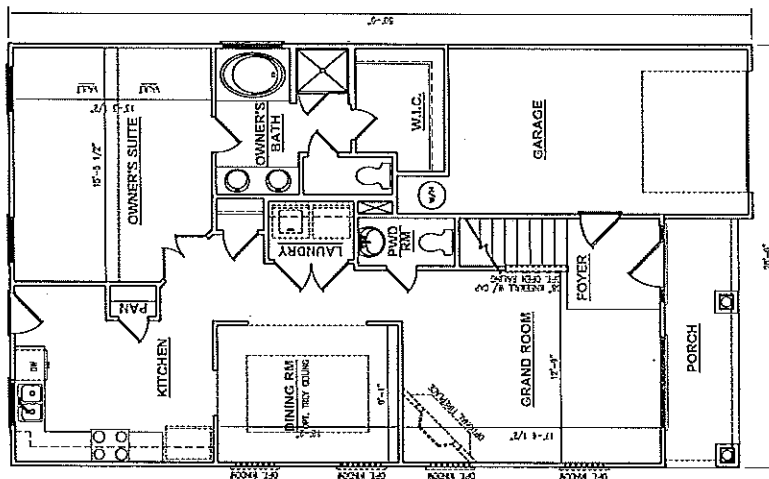
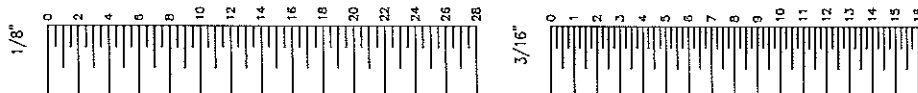
"Taken Home" expressly
represents and warrants that
rights in these plans and
drawings. These plans and
drawings are to be used
only for the project and are
not to be reproduced
without written consent.

1/8"=1'-0"

RELEASE DATE	9.8.11
SET NUMBER	1604
OPTION NO.	1604
MODEL	SINCLAIR
DRAWING TITLE	CONCEPT PLAN - ELEV.
SHEET NO.	A1
SEQUENCE NO.	A1



RECEIVED 9-12-11
PERSON NUMBER
PROJECT DATE: 9/11/11
CIC2011-00022



AREA TABULATION

GARAGE	237 SF
FLOOR LIVING	1061 SF
FLOOR LIVING	543 SF
TOTAL LIVING	1604 SF

SINCLAIR MODEL: SINCLAIR DRAWING TITLE: CONCEPT FLOOR PLAN OPTION NO.: 1604 SET NUMBER: 9.8.11 RELEASE DATE: 1/8" = 1'-0"		SHEET NO.: A2 ELEVATIONS: A2 SEQUENCE NO.: A2
Tolan Homes expressly warrants that the information contained in these plans and drawings was prepared by its duly licensed architects and engineers and that the same are not to be reproduced or modified without written consent.		
RECEIVED 9-12-11 REGIONAL OFFICE TOLAN HOMES 10000 E. 10th Ave. Denver, CO 80231		

CITY OF LAWRENCEVILLE

P.O. Box 2200
Lawrenceville, Georgia 30046
770/963-2414

October 3, 2011

Ms. Alicia McElheney
Current Planning Section
446 West Crogan Street
Lawrenceville, Georgia 30046-2440

RE: Change in Conditions Application
CIC2011-00022

Ms. McElheney:

The City of Lawrenceville Planning and Zoning Department has reviewed the referenced Application for Change in Conditions. The Department does not support approval of the requested Change in Conditions.

Best Regards,



Dennis Billew, Director
Planning and Zoning

RECEIVED
OCT 03 2011

BY:

CIC '11 022

Lawrenceville...In the Dynamic Metropolitan Atlanta Area

CASE NUMBER CIC-04-019

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

<u>Present</u>	<u>VOTE</u>
Wayne Hill, Chairman	<u>ABSENT</u>
Marcia Neaton, District 1	<u>AYE</u>
Albert Nasuti, District 2	<u>AYE</u>
John Dunn, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-ZT to R-ZT (CHANGE IN CONDITIONS) by TIM JONES PROPERTIES, INC. for the proposed use of CHANGE IN CONDITIONS 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 AUGUST 24, 2004 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 24TH day of AUGUST, 2004, that the aforesaid application to amend the Official Zoning Map from R-ZT to R-ZT (CHANGE IN CONDITIONS) is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Single-family detached dwellings and accessory uses at a maximum density of 5.0 units per acre.
 - B. The minimum heated floor area per dwelling unit shall be 1,800 square feet for one-story homes and 2,000 square feet for two-story homes.
 - C. Front facades of all homes shall be finished with architectural treatments of brick, stacked stone or stucco. The remainder of each home may be finished with same or fiber-cement type siding. Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.
 - D. All dwellings shall have at least double-car garages. Where garages are front entry, driveways shall be a minimum of 16 feet in width.

2. To satisfy the following site development considerations:

- A. Provide a 30-foot wide undisturbed buffer adjacent to residentially zoned properties, with orange tree-save fencing installed at the buffer line. Where abutting developed subdivisions the buffer shall be supplemented with a 6-foot high opaque wood privacy fence with brick columns, and plantings of Leyland Cypress. Buffer/fence design shall be subject to review and approval of the Director of Planning and Development.
- B. Provide a 30-foot wide enhanced landscaped buffer adjacent to Lawrenceville Highway and Johnson Road. The landscaped buffer shall include a decorative fence or wall and landscaping (which may incorporate existing vegetation). Fence/wall shall be constructed as a solid brick wall or wrought iron-style fence with brick or stacked stone columns (30-feet on center). Landscape buffer and fence/wall design shall be subject to review and approval of the Director of Planning and Development.
- C. The development shall have a decorative brick or stacked stone entrance feature with landscaping. Design shall be subject to review and approval of the Director of Planning and Development.
- D. Direct lot access to Lawrenceville Highway and Johnson Road shall be prohibited.
- E. The location and design of entrances/exits shall be subject to review and approval of the Gwinnett and Georgia Departments of Transportation.
- F. Natural vegetations shall remain on the property until the issuance of a development permit.
- G. All utilities shall be placed underground.
- H. All grassed areas in front and side yards shall be sodded.

- I. Provide a stub street to the adjacent property to the west.
3. To abide by the following requirements, dedications, and improvements:
- A. The subdivision shall include a mandatory property owner's association responsible for perpetual maintenance of the required fences, buffers and landscaping.
 - B. Install a 6-foot high opaque wooden privacy fence along the common southeastern property line with the Cassidy's.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By:

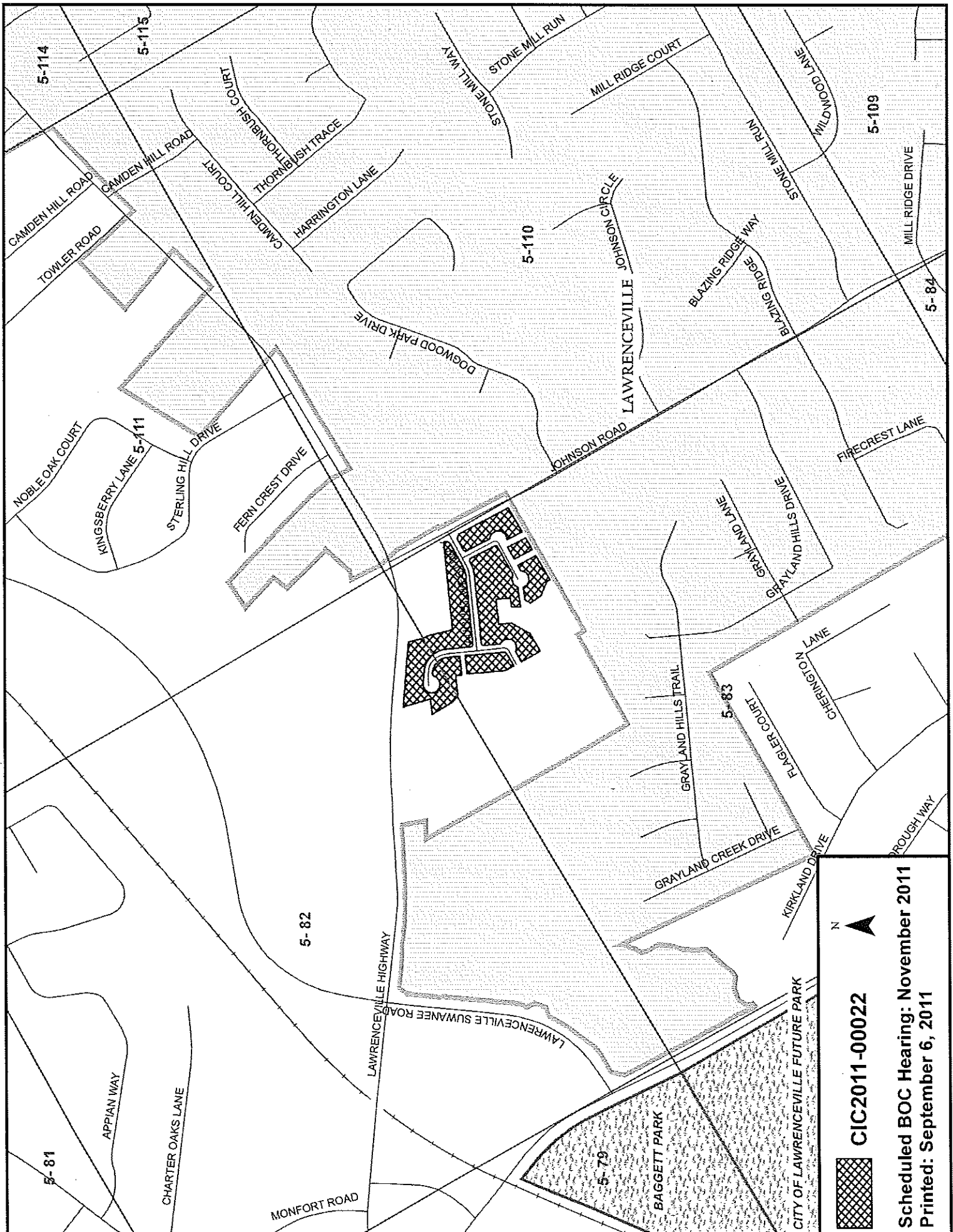
F. Wayne Hill
F. Wayne Hill, Chairman

Date Signed:

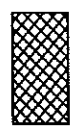
Sept 24, 2004

ATTEST:

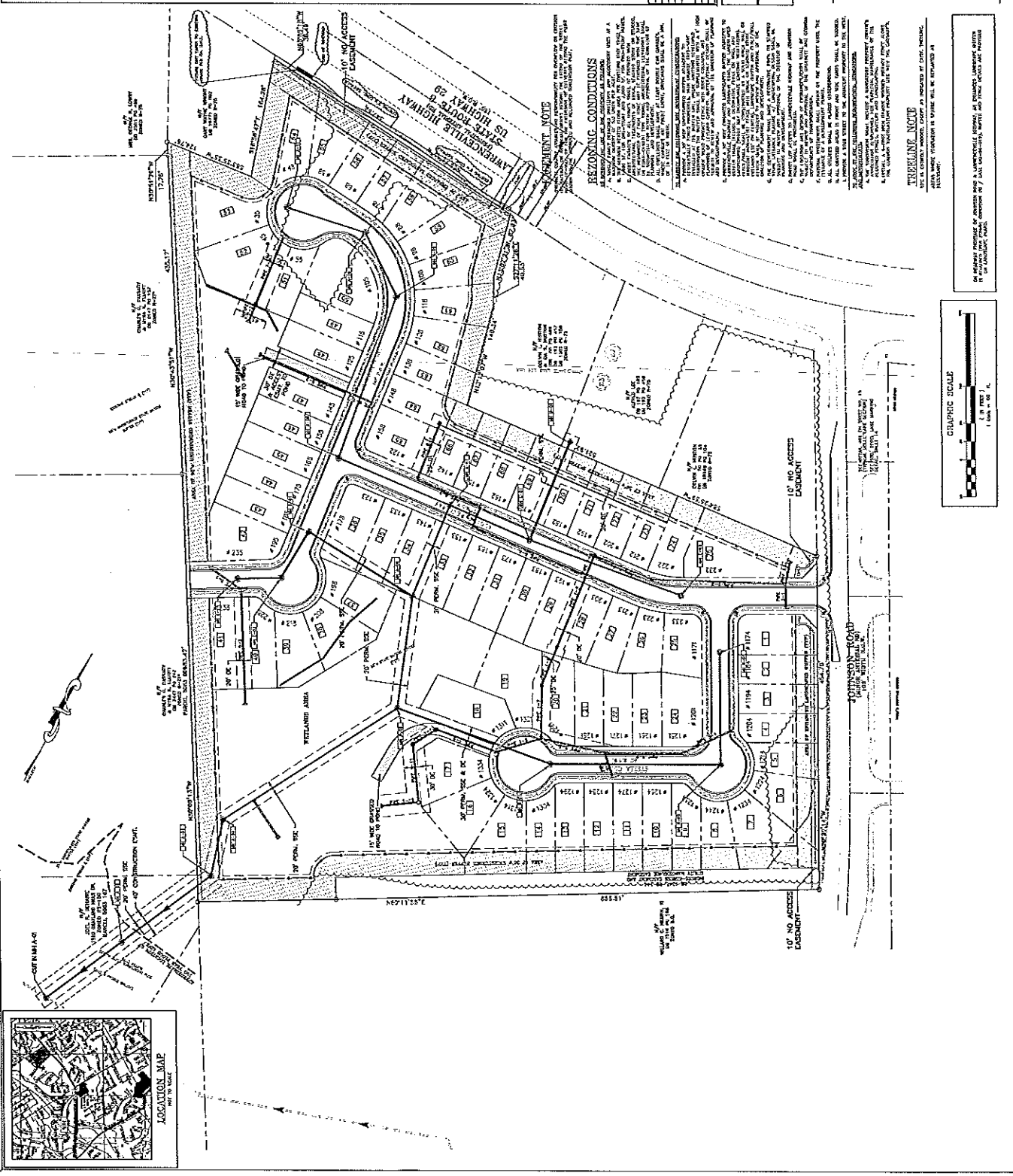
Brenda Maddox
County Clerk



CIC2011-00022



Scheduled BOC Hearing: November 2011
Printed: September 6, 2011

[illegible][illegible]



 CIC2011-00022

Scheduled BOC Hearing: November 2011
Printed: September 6, 2011

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

CASE NUMBER	:SUP2011-00062
ZONING	:R-100
LOCATION	:1100 BLOCK OF HIRAM DAVIS ROAD
MAP NUMBER	:R5203 030
ACREAGE	:2.27 ACRES
PROPOSED DEVELOPMENT	:IN-HOME HAIR SALON (RENEWAL)
COMMISSION DISTRICT	:(3) BEAUDREAU

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

APPLICANT: ANA MORARIU
1168 HIRAM DAVIS ROAD
LAWRENCEVILLE, GA 30045

CONTACT: ANA MORARIU PHONE: 678.858.7365

OWNER: ANA MORARIU
1168 HIRAM DAVIS ROAD
LAWRENCEVILLE, GA 30045

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests to renew their Special Use Permit to allow the continued operation of a hair salon as a home occupation within an R-100 (Single Family Residence District) zoning district. The property is a 2.27-acre parcel, located on the east side of Hiram Davis Road, south of its intersection with Saddleback Way.

The property contains a two-story, wood siding and frame single-family residence with a basement. The applicant states in her letter of intent that the hair salon is located within the basement of the residence and would continue to receive clients on an appointment basis. Customer parking is provided in the home's driveway.

During the initial two year approval period, no code enforcement complaints have been filed on the property.

ZONING HISTORY:

The property has been zoned R-100 since 1970. A Special Use Permit for an in-home hair salon was approved in 2009, pursuant to SUP2009-00057.

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.

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Contact GCEHD concerning septic involvement.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the western right-of-way of Hiram Davis Road.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 275 feet west of the property, in the right-of-way of Highland Ridge Pointe.

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

The subject property is a 2.27-acre parcel located on Hiram Davis Road, south of its intersection with Saddleback Way. The property contains a two-story single-family residence and is wooded.

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

The surrounding areas are characterized by single-family residential uses. Residences on large lots are immediately adjacent to the north, east and south sides of the property. The Saddleback Estates subdivision is located northeast of the site, and The Falls at North Cliff subdivision is located across Hiram Davis Road from the subject property. Given the relatively large size of the wooded subject property, lack of complaints on the property over the last year of operation and adequate separation from nearby residences, the continued use of an in-home hair salon could be compatible with the surrounding area. If the residential character of the property is maintained and the number of clients is limited, the continued use would not be expected to adversely impact its neighbors.

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

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

In light of the operation of the in-home hair salon since 2009 without any complaints, renewal of the Special Use Permit could be suitable at this location provided the previously approved conditions are maintained.

ADVERSE IMPACTS

No significant impacts are anticipated from the continued home occupation of a hair salon.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

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

CONDITIONS AFFECTING ZONING

The home is located on a large, private wooded lot, helping to ensure that neighboring property owners are not impacted and lending support for approval of the renewal request.

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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



Ana Morariu
1168 Hiram David Rd.
Lawrenceville, GA 30045
Tel: 678-858-7365
Email: ana_morariu2002@yahoo.com

Gwinnett County Department of Planning & Development
One Justice Square, Suite 275
446 West Crogan Street
Lawrenceville, Ga. 30045

August 9, 2011

To whom it may concern at Gwinnett County,
Department of Planning & Development:

Enclosed, please find the application, requested documentation and the money order for the Special Use Permit that I am applying for at my personal residence located in Gwinnett County: 1168 Hiram David Rd.; Lawrenceville, GA 30045.

I would like to continue to use my basement as a home-based beauty salon. I am a licensed cosmetologist in the state of Georgia, and I intend to continue conducting this type of business in the basement of my house. I do not want to have an advertising sign in the yard, my business will be continue to be appointment-based only, and it will be non-intrusive, will not interfere in any way with any of the area activities.

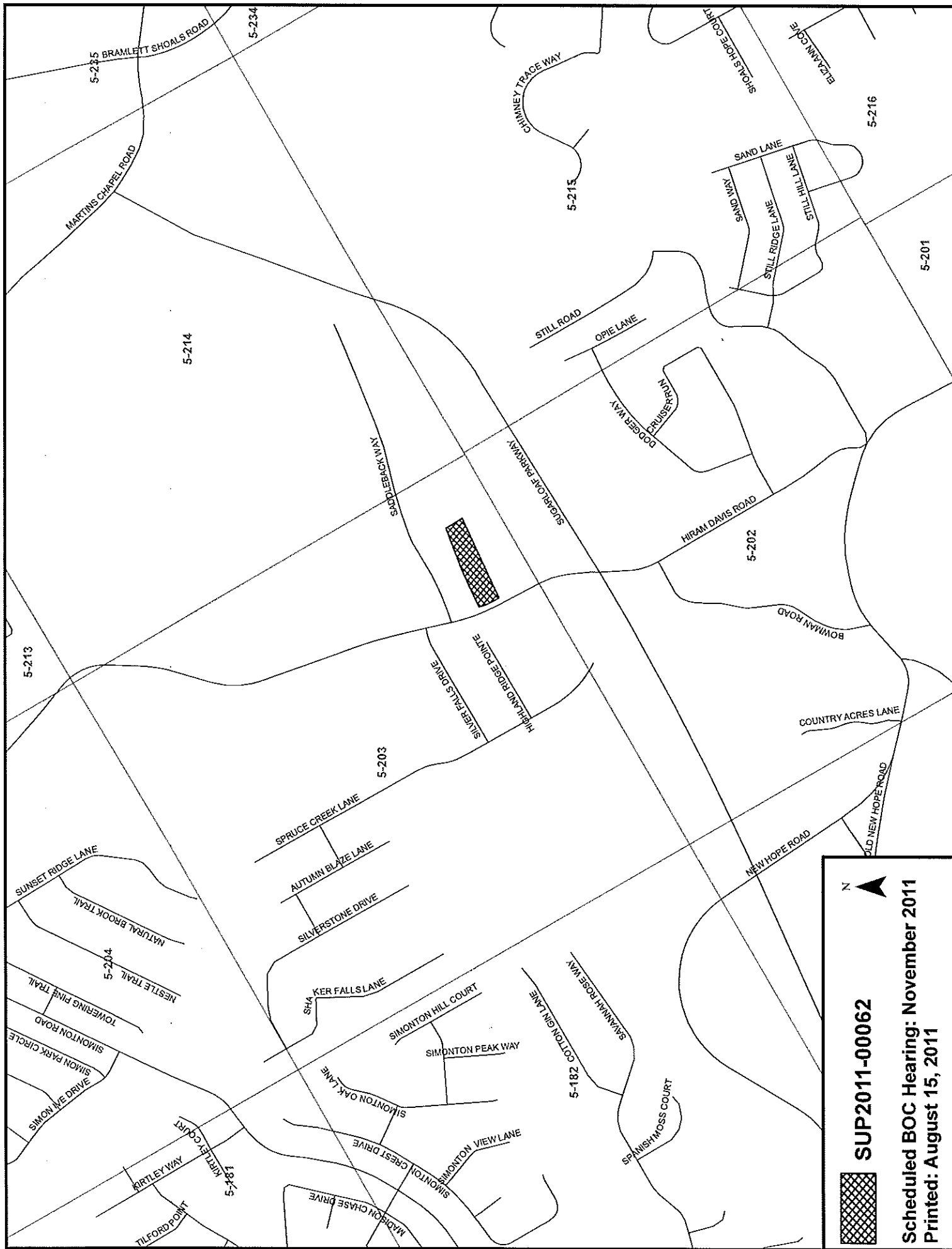
Should you have any questions, please do not hesitate to contact me for more information. Your guidance and help in this matter is highly appreciated.

Kindest regards,

Ana Morariu



RECEIVED 8-15-11
SUP2011-00062



Scheduled BOC Hearing: November 2011
Printed: August 15, 2011



MAGNETIC

TYPICAL
PARKING
SPACE
DETAIL

N/F
KYSER RICHARD IVAN ETAL
DB, 11767, PG. 32
ZONED: R100

160.15' ALONG R/W TO R/W OF
SADDLEBACK ROAD.
P.O.B.

HIRAM DAVIS ROAD
R/W ~ 80' ~

A=160.00'
R=105.92'
N 25°50'22"W
159.86'



RECEIVED
SUP2011-00062

NOTES:
1. ALL INFORMATION FOR THIS SURVEY WAS
OBTAINED WITH A 5 SECOND THEODOLITE
AND AN ELECTRONIC DISTANCE METER.
2. THIS FIELD DATA, UPON WHICH THIS MAP
OR PLAT IS BASED, HAS A CLOSURE
ERROR OF 1 IN 50,000 FEET
3. AN ANGLE ERROR OF 0.00 SECOND
PER ANGLE POINT AND WAS ADJUSTED BY
LEAST SQUARES.
4. THIS MAP OR PLAT HAS BEEN CALCULATED
AND IS FOUND TO BE
ACCURATE WITHIN ONE FOOT IN 519,643 FEET.

AREA
98,885 SQ. FT.
2.270 ACRES

SUP 09 057

FLOOD STATEMENT:
THIS PROPERTY DOES NOT LIE WITHIN
A FEDERAL FLOOD HAZARDOUS AREA AS
PER PANEL NO. 13135C0080F
DATED: SEPT. 29, 2006

SCALE: 1" = 40'
0' 20' 40' 80'



NICOLAE AND ANA MORARIU

ZONED: R100
DB, 20976, PG. 258
1168 HIRAM DAVIS ROAD

ADAM & LEE LAND SURVEYING
6640 GA. RT. 20 S.
LOGANSVILLE, GA 30052 (770) 654-0906

SPECIAL USE SITE PLAN FOR

COUNTY: GWINNETT
LAND LOT: 223
DISTRICT: 5TH
SECTION: 17-40'
FIELD: 07/01/09 BY: AMB
OFFICE: 07/10/09 BY: AMB
REVISED:

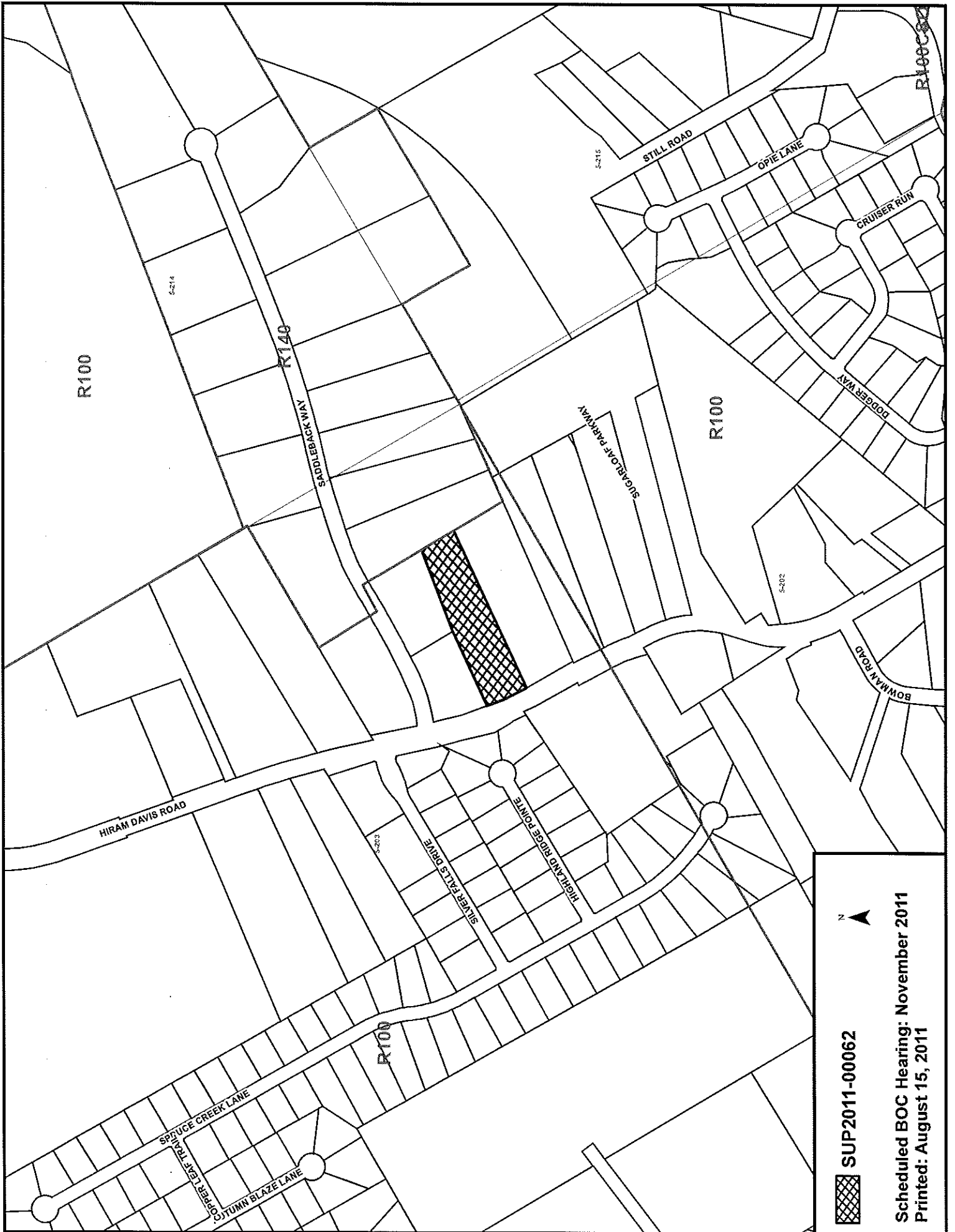
09080

LEGEND

- ARC
- RADIUS
- CHORD
- RIGHT OF WAY
- ADJOINING OWNERSHIP
- SIDEWALK
- IRON PIN SET
- IRON PIPE
- EDGE OF PAVEMENT
- CURB AND GUTTER
- MONUMENT
- RE-BAR
- OT
- OPEN TOP PIPE
- CONCRETE
- CRIMP TOP PIPE
- ELECTRICITY METER
- WATER METER
- WALL
- BLURD FIBER OPTICS
- CHAIN LINK FENCE
- TYPICAL
- REINFORCED CONCRETE PIPE
- CORRUGATED PLASTIC PIPE
- CORRUGATED METAL PIPE
- DUCTILE IRON PIPE
- SANITARY SEWER MANHOLE
- WATER VALVE
- TELEPHONE
- CURB INLET
- GRATE INLET
- POCKET TRANSFORMER
- DETENTION POND
- RETAINING WALL
- SINGLE WING CATCH BASIN
- DOUBLE WING CATCH BASIN
- FW
- HYDRANT
- JUNCTION BOX
- HEADWALL
- LIGHT POLE
- POWER POLE
- DEED BOOK
- P.B.
- PLAT BOOK
- P.C.
- P.O.B.
- POINT OF BEGINNING
- SEWER EASEMENT
- SANITARY SEWER EASEMENT
- ACCESS EASEMENT
- AE
- OVERHEAD POWER LINE

RECEIVED
AUG 28 2009
GWINNETT PLANNING DIVISION

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



 SUP2011-00062

Scheduled BOC Hearing: November 2011
Printed: August 15, 2011

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

CASE NUMBER	:SUP2011-00063
ZONING	:M-1
LOCATION	:1500 BLOCK OF OAKBROOK DRIVE
MAP NUMBER	:R6196 122
ACREAGE	:4.75 ACRES
PROPOSED DEVELOPMENT	:CHURCH
SQUARE FEET	:14,200 SQUARE FEET
COMMISSION DISTRICT	:(1) LASSETER

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

APPLICANT: GLORIOUS GLOBAL APOSTOLIC CHURCH
3540 GARDEN MIST CIRCLE
AUBURN, GA 30011

CONTACT: PASTOR SEABORNE ADZUDZOR PHONE: 404.446.7070

OWNER: OAKSTON, LLC
754 ROCKY POINT ROAD
COVINGTON, GA 30014

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 4.75-acre parcel, zoned M-1 (Light Industry District), to allow a church within an existing office/warehouse building. The property is located within the Oakbrook Center business park, on the south side of Oakbrook Drive, across from its intersection with Center Way.

The property contains two buildings, and the church would entirely occupy one of the buildings (#1590) which is located on the south side of the property, utilizing 14,200 square feet of floor area. Access is provided by two driveways on to Oakbrook Drive, and there are 74 existing parking spaces shared among the various suites as indicated on the site plan. The applicant's letter of intent states that the church has a current membership of 52 people.

The applicant is reminded that if a private school or a commercial daycare is planned in the future, approval of additional Special Use Permits would be required.

ZONING HISTORY:

The subject property has been zoned M-1 since 1970.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

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 northern right-of-way of Oakbrook Drive, with an 8-inch water main and DDC extended to the property.

The available utility records show that the subject development is currently in the vicinity of an 8-inch and 12-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.
3. The applicant shall submit structural details for fences exceeding 8 feet in height, and achieve satisfactory field inspections for 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 objection 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 this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

DEPARTMENT ANALYSIS:

The subject property is a 4.75-acre parcel located on the south side of Oakbrook Drive, across from its intersection with Center Way. The property is developed with two existing office/warehouse buildings within the Oakbrook Center business park.

The 2030 Unified Plan Future Development Map indicates that the property lies within the Regional Mixed-Use character area. Church activities within an office/warehouse building could be compatible with this land use designation. Over the past several years, the Board has approved numerous similar requests to locate churches within office and industrial parks throughout the County, including a church use on an adjacent property

within the Oakbrook Center business park earlier in 2011, which suggests that this request could also be suitable.

The surrounding area is developed with a mix of office, office/warehouse and multifamily residential uses. Surrounding the site are numerous office/warehouse and light industrial buildings, including the Masada Bakery, Vision Flooring Solutions and Nanston Dental Group. Adjacent to the rear of the property are the Oakbrook Point apartments. If properly conditioned, the proposed church could be compatible with these nearby uses since church services typically operate during different hours of the day and days of the week than neighboring businesses.

With conditions, the proposed church within the existing building could be consistent with past Board actions approving churches within industrial zones and could be compatible with existing 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 of a Special Use Permit for a church, subject to the following enumerated conditions:

1. A church and accessory uses, not including a commercial daycare or private school unless approved by an additional Special Use Permit(s).
2. Any new buildings or exterior architectural modifications to the existing building shall be subject to review and approval by the Director of Planning and Development.
3. All church functions and activities shall be conducted indoors.
4. Outdoor/exterior loud speakers shall be prohibited.
5. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
6. Peddlers or parking lot sales shall be prohibited.
7. 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

Given the size of the property and adequate parking facilities, the requested Special Use Permit allowing a church could be suitable at this location.

ADVERSE IMPACTS

With the recommended conditions, including a restriction on outdoor activities, potential impacts on fellow tenants of the office park or nearby residential properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The requested Special Use Permit could be consistent with the Board's approval of similar requests to locate churches within office/business parks in the County.

CONDITIONS AFFECTING ZONING

The site's proximity to other businesses and multifamily residences suggests that it is appropriate to prohibit outdoor church activities.

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 (Zoned M-1, similar use @ 5990 Oakbrook Pkwy)
- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
No - Proposed use and occupation will be on Sundays for the purposes of worship.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
Yes, however due to the current economic conditions the subject property has been under utilized.
- (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 - Primary use on Sundays.
- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
Yes - No rezoning is required
- (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:
Tenant Vacancy Rate due to economic conditions.





3540 GARDEN MIST CIRCLE
AUBURN, GA 30011
404-446-7070

LETTER OF INTENT FOR
A SPECIAL USE PERMIT APPLICATION

The Glorious Global Apostolic Church Inc. (hereafter called the church/Applicant) submits this Letter of Intent for the purpose of seeking a Special Use Permit for the property located on 1590 OAKBROOK DRIVE, NORCROSS 30093 (Block B, lot 6). The property currently zoned M-1, is 14,200 sq feet and sits on 4.75 acres and was previously used as an Office Complex.

The Applicant has come to terms with Mr. Kyle E. Anderson, member/manager of Oakston LLC and intends to use the premises for the purposes of worship with the usual and customary activities associated with a Christian Church. The premises will also serve as the offices of the Pastor and other church leaders conducting the business of the church. The Church currently has a membership of 52

The Applicant has met with the representatives of Gwinnett County in anticipation of the application filing for a Certificate of Occupancy and was advised that a Special Use Permit will be required for the proposed use of these premises.

While the M-1 classification for this property is appropriate, under the current economic conditions, the limited classified use of this property is not the highest and best use of the Property for generating revenue for owner. The requested Special Use Permit will enhance the leasing potential and use of the Property.

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

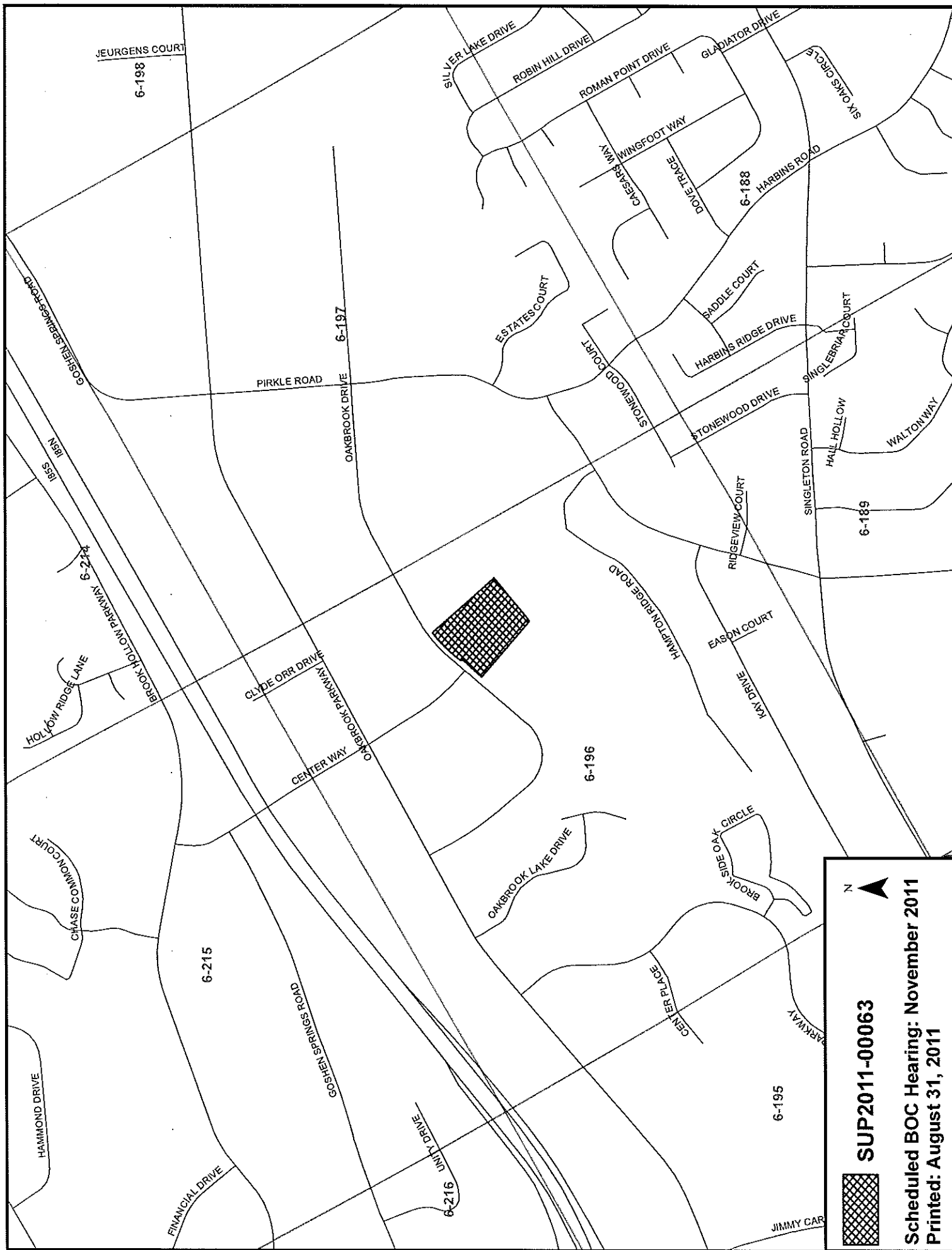
This 30th Day of August, 2011

Respectfully Submitted,

Pastor Seaborne Q. Adzudzor,
Glorious Global Apostolic Church



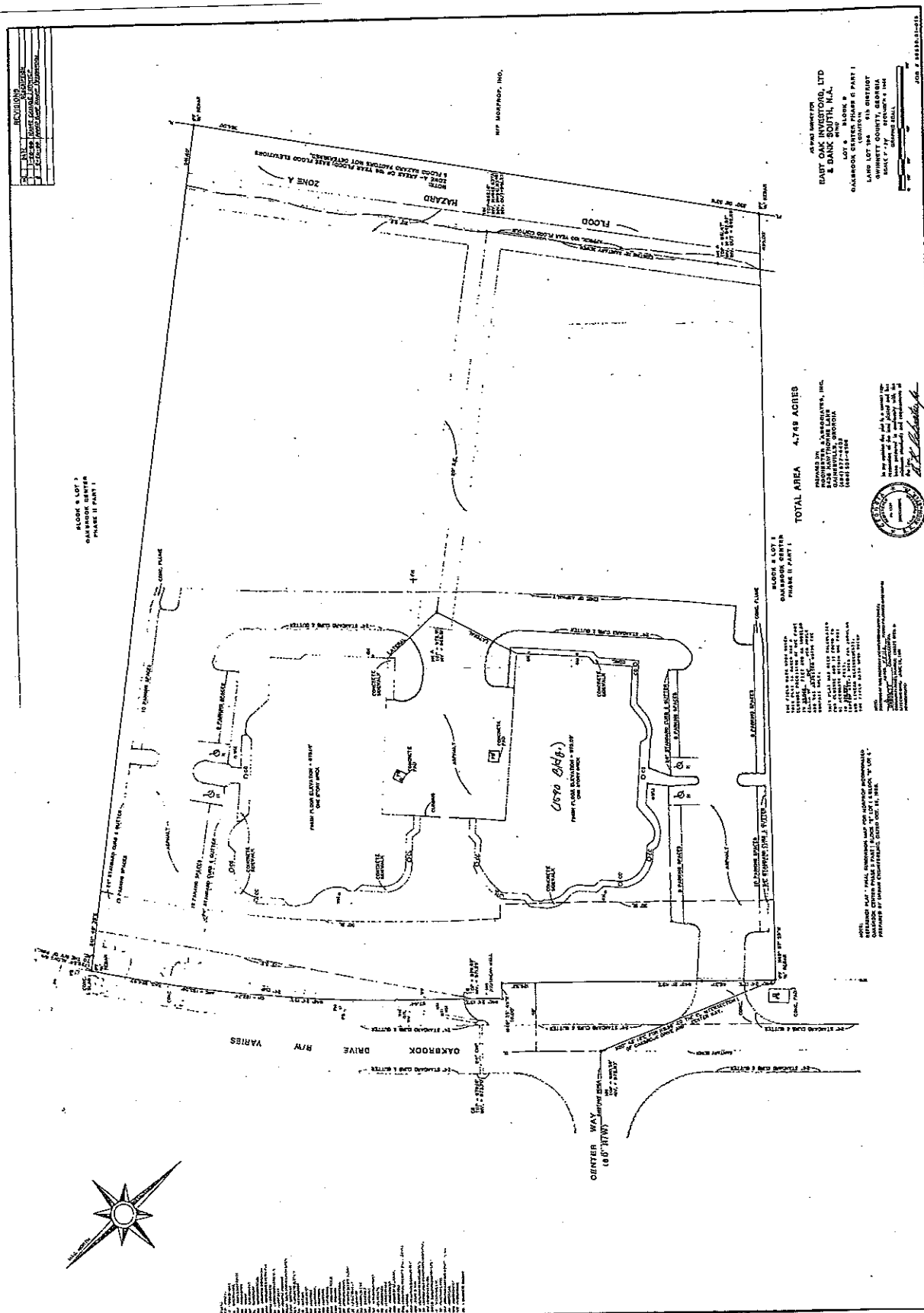
RECEIVED 8-31-11
SUP2011-00063

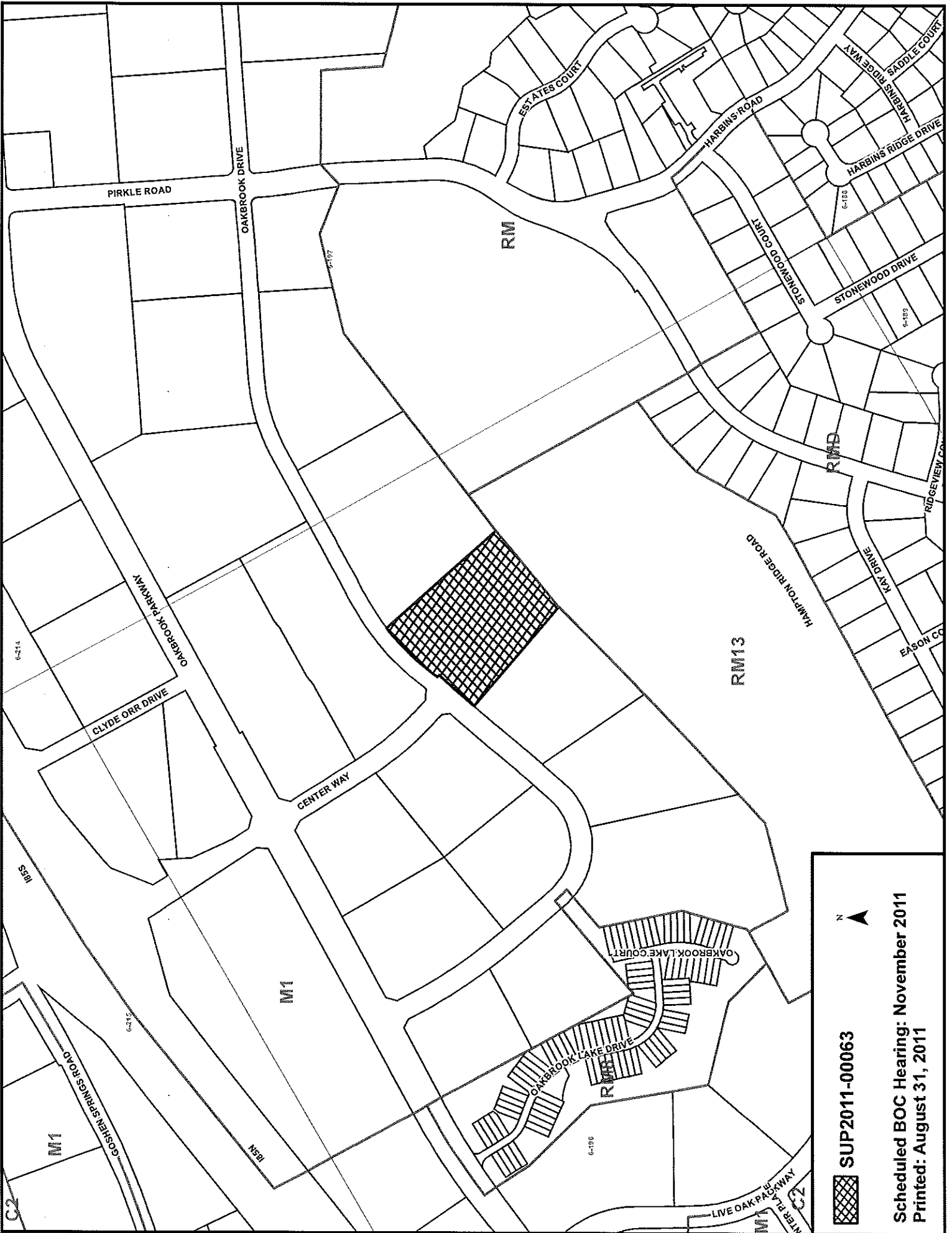


SUP2011-00063



Scheduled BOC Hearing: November 2011
Printed: August 31, 2011





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

CASE NUMBER	: SUP2011-00065
ZONING	:C-2
LOCATION	:5200 BLOCK OF STONE MOUNTAIN HIGHWAY
MAP NUMBER	:R6061 029
ACREAGE	:0.73 ACRE
PROPOSED DEVELOPMENT	:TITLE LOAN FACILITY
SQUARE FEET	:1,400 SQUARE FEET
COMMISSION DISTRICT	:(3) BEAUDREAU

FUTURE DEVELOPMENT MAP: COMMUNITY MIXED-USE

APPLICANT: CHRISTOPHER M. QUIGLEY
3256 BROWNLEE LANE, S.W.
LILBURN, GA 30046

CONTACT: CHRISTOPHER M. QUIGLEY PHONE: 404.457.9616

OWNER: ANTHONY JAMES ANGERAMI TRUST
921 SUNNYBROOK DRIVE
NORCROSS, GA 30093

DEPARTMENT RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

The applicant requests a Special Use Permit on a 0.73-acre parcel, zoned C-2 (General Business District), to allow a title loan business. The property is developed with a single-story, multi-tenant retail center that contains a total floor area of 7,950 square feet. The site is located on the south side of Stone Mountain Highway, between East Park Place Boulevard and Glenn Club Drive.

The title loan facility would utilize Suite C (1,400 square feet), formerly occupied by a Jackson Hewitt tax service, which has relocated to another suite of the building. Access to the retail center is from two driveways onto Stone Mountain Highway.

ZONING HISTORY:

The subject property has been zoned C-2 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:

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

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 24-inch water main located on the southern right-of-way of Stone Mountain Highway.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 20 feet east 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 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.

3. The applicant shall submit structural details for fences exceeding 8 feet in height, and achieve satisfactory field inspections for 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 objection 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 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 the 0.73-acre retail center, located on the south side of Stone Mountain Highway, between East Park Place Boulevard and Glenn Club Drive. The property is developed with a single-story, multi-tenant retail building, associated driveways and parking lot.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Community Mixed-Use Character Area. The site is already developed as a retail center with multiple tenants, including TRC Staffing, Boost Mobile, Southeast Gold Buyers and Jackson Hewitt tax service. The addition of a title loan business at this location may be considered compatible with the policies and intent Unified Plan.

The Stone Mountain Highway corridor is intensely developed with commercial and office uses, with single-family residential uses lying beyond the corridor. Nearby properties include numerous shopping centers, automotive sales and service businesses, restaurants, convenience stores and office uses. Located to the rear of the subject site is a former Cub Foods grocery store that is currently being used as a Georgia Regional Transportation Authority park and ride lot. Across Stone Mountain Highway are automotive service centers, a car wash facility and hotel. Given the intensity of non-residential development in the vicinity, a title loan business may be compatible with the surrounding area.

In conclusion, the requested special use may be considered consistent with policies of the Unified Plan, and could be compatible with other existing uses in the retail center and commercial uses in the general area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS.**

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit to allow a title loan business, subject to the following enumerated conditions:

1. Retail, service commercial, office and accessory uses which may include a title loan business as a special use.
2. Storage, sale or display of repossessed vehicles shall be prohibited on the property.
3. Wall signage for the title loan business shall not exceed the requirements of the Gwinnett County Sign Ordinance.
4. Window signage (signs displayed on the interior or exterior of the title loan business), 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.
5. Neon, LED or blinking window signs or wall signs shall be prohibited.
6. 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.
7. Peddlers and/or parking lot sales are prohibited.
8. 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 title loan business may be suitable at this location in light of the existing high intensity retail uses located along this portion of Stone Mountain Highway.

ADVERSE IMPACTS

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

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 2030 Unified Plan Future Development Map indicates that the site is located in a Community Mixed-Use Character Area. The proposed use, within an existing retail center, would not be inconsistent with the Unified Plan.

CONDITIONS AFFECTING ZONING

The long established commercial nature of the area, which contains numerous businesses of similar or greater intensity, suggests that the addition of a title loan business could be appropriate.

SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

The proposed permit use will be professional in appearance and add to the aesthetics of the area.

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

Our business is situated within the center and will not adversely affect adjacent business.

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

The property does have reasonable economic viability as currently zoned. This special use will add strength.

- (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:

Our expectation is to draw from the current traffic flow to grow our business.

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

It is within conformity regarding policy and intent.

- (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:

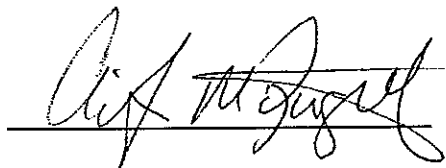
The proposed business is professional in appearance. The addition will help to create a competitive market in this industry for this geographic region.



Rezoning Applicants Letter of Intent

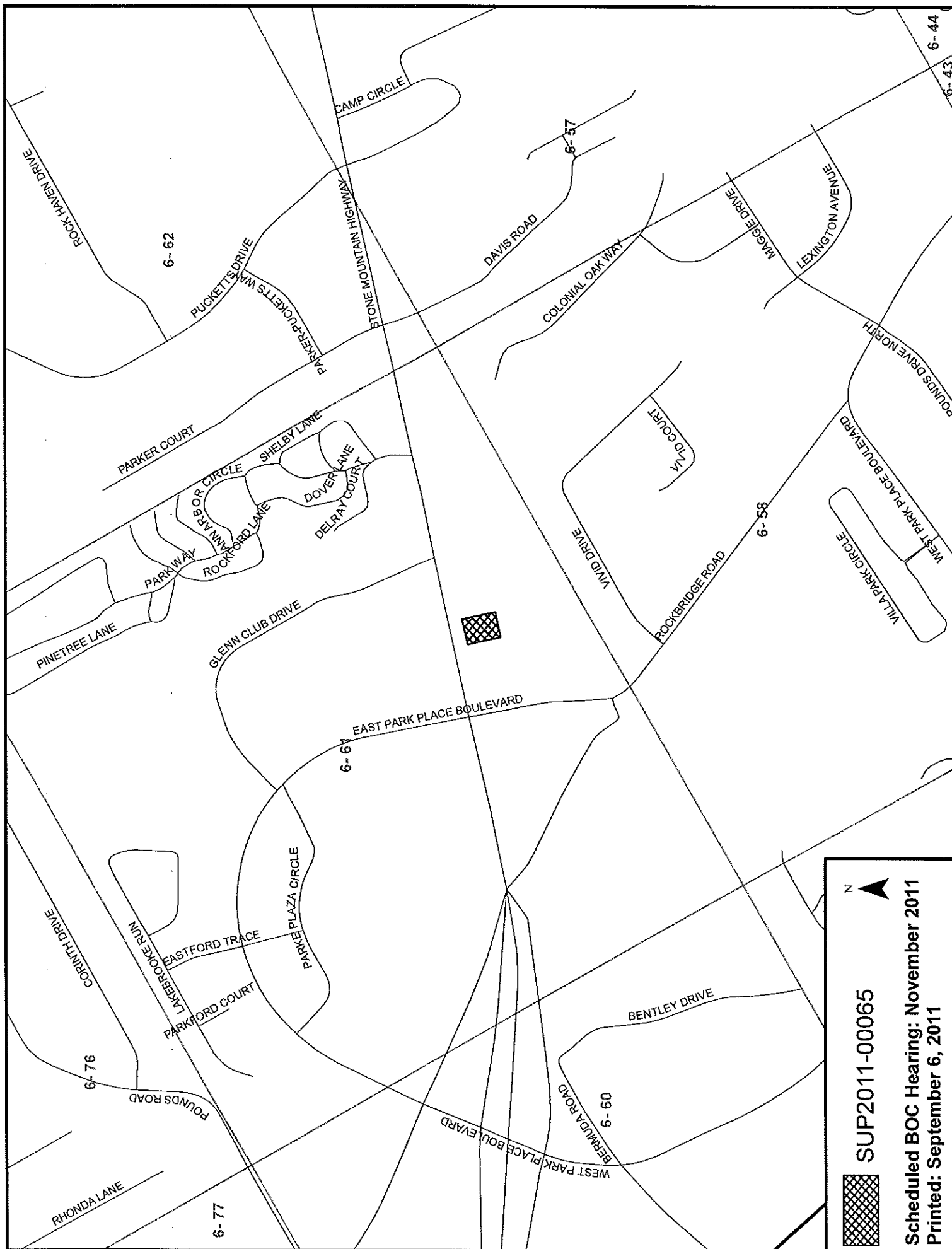
The Applicant, on behalf of the owner, Anthony James Angerami Trust, requests a Special Use Permit on 0.700 acres in an existing 7950 square foot building, for the purpose of opening a title pawn facility. The subject property is located at 5226 Hwy 78, Stone Mountain Ga and is found in the 6th District, Land Lot 61 in Gwinnett County.

The owner has identified a potential tenant for the location. This tenant has 15 title pawn facilities located within the state of Georgia including one in Gwinnett County. Tenant has been operating since 2007 and has contributed to local community in each of its locations. The proposed change will allow said tenant to obtain a business license and occupy a 1400 square foot space within the listed center. This change will not adversely affect traffic or the look of the area. The owner respectfully requests approval of this change at this location.


Applicant



RECEIVED 9-1-11
SUP2011-00065



SUP2011-00065



Scheduled BOC Hearing: November 2011
Printed: September 6, 2011

See also entry 2. To access more of our

SURVEY FOR:

FIRST AMERICAN TITLE LENDING

LAND LOT 61 6TH DISTRICT

WINNETT COUNTY GEORGIA

1"= 20' JN2480-11 8-19-11

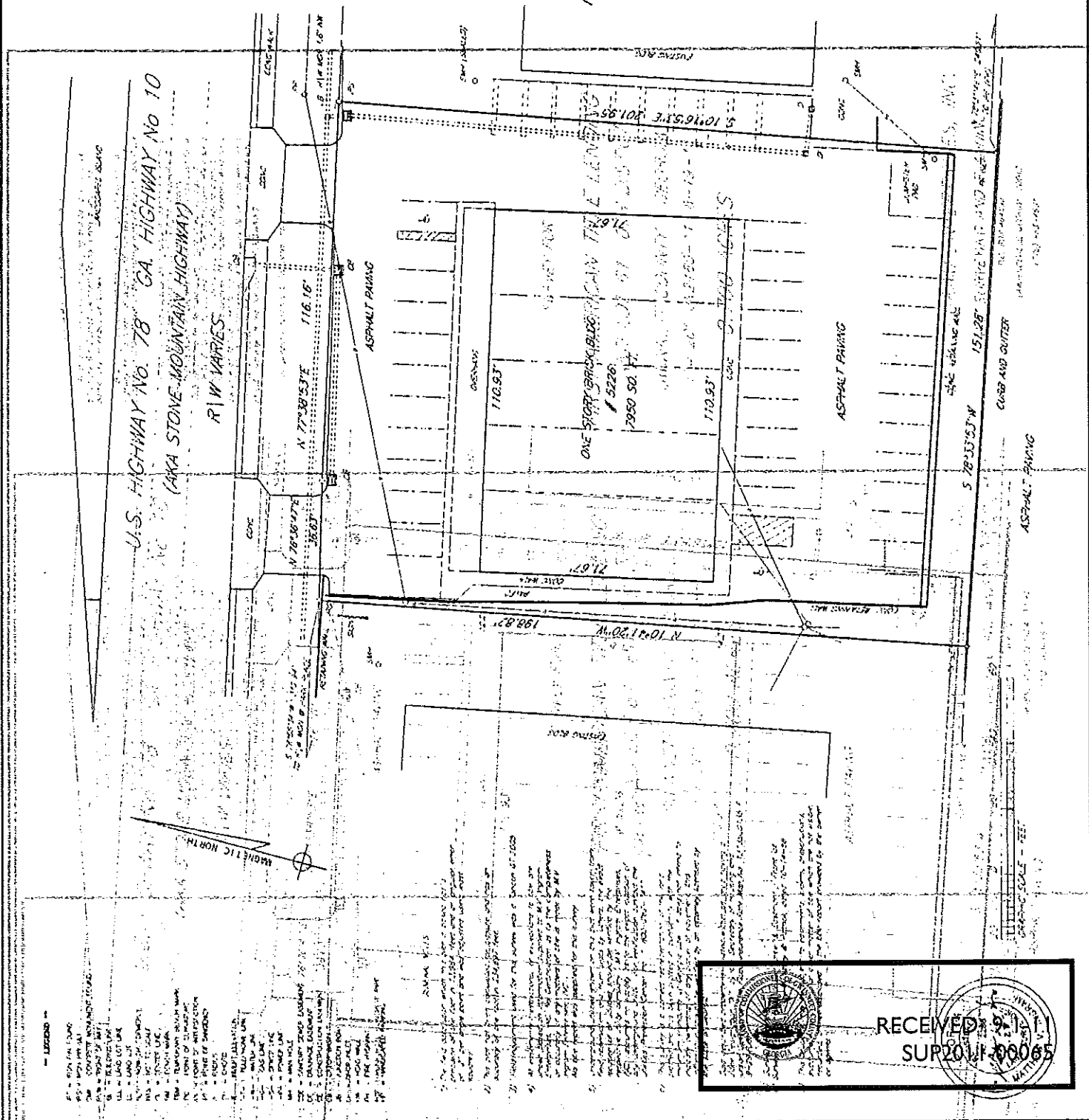
0.700 ACRES

M. V. INGRAM ENTERPRISES, INC.

LAND SURVEYING AND PLANNING

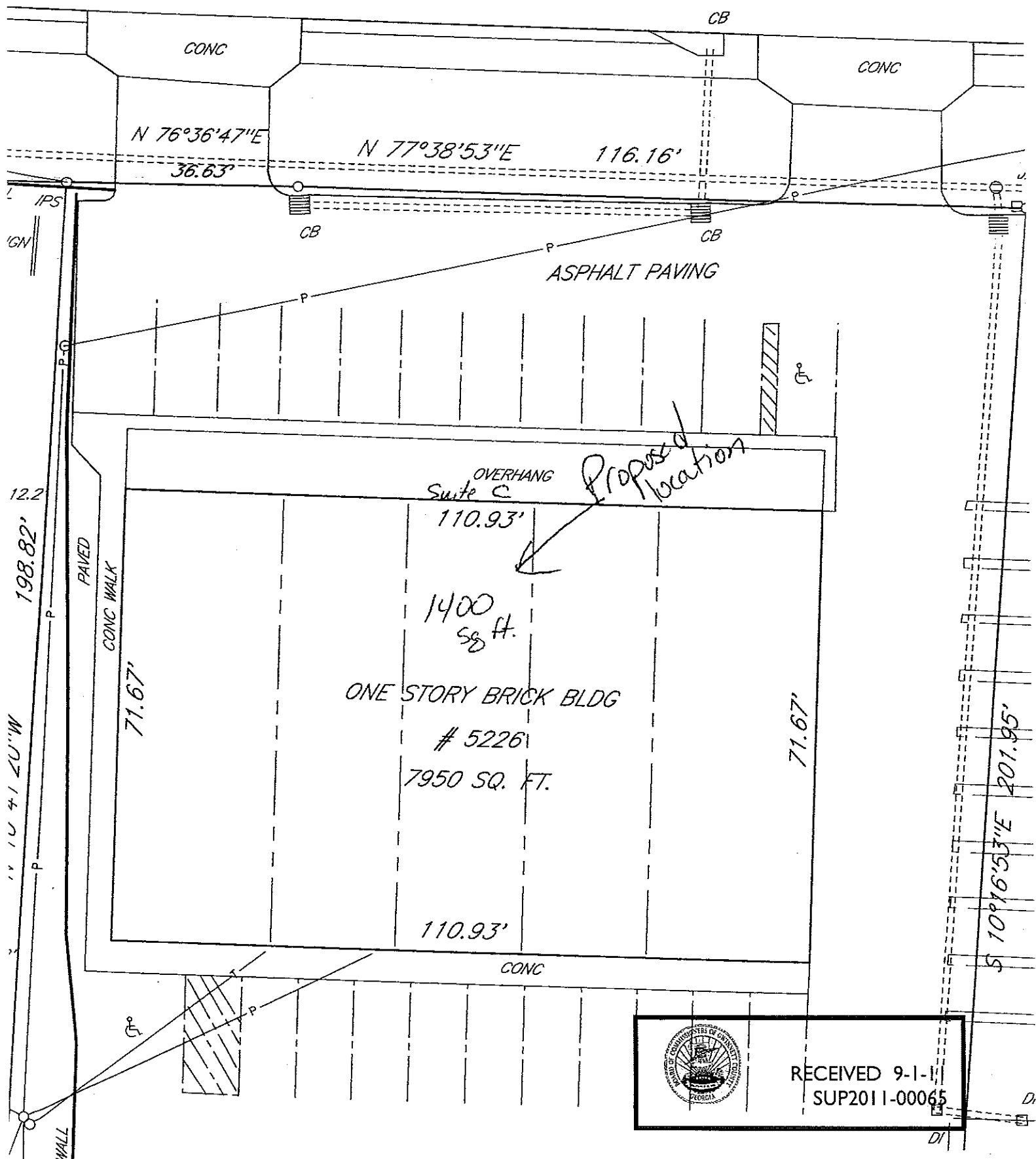
600120

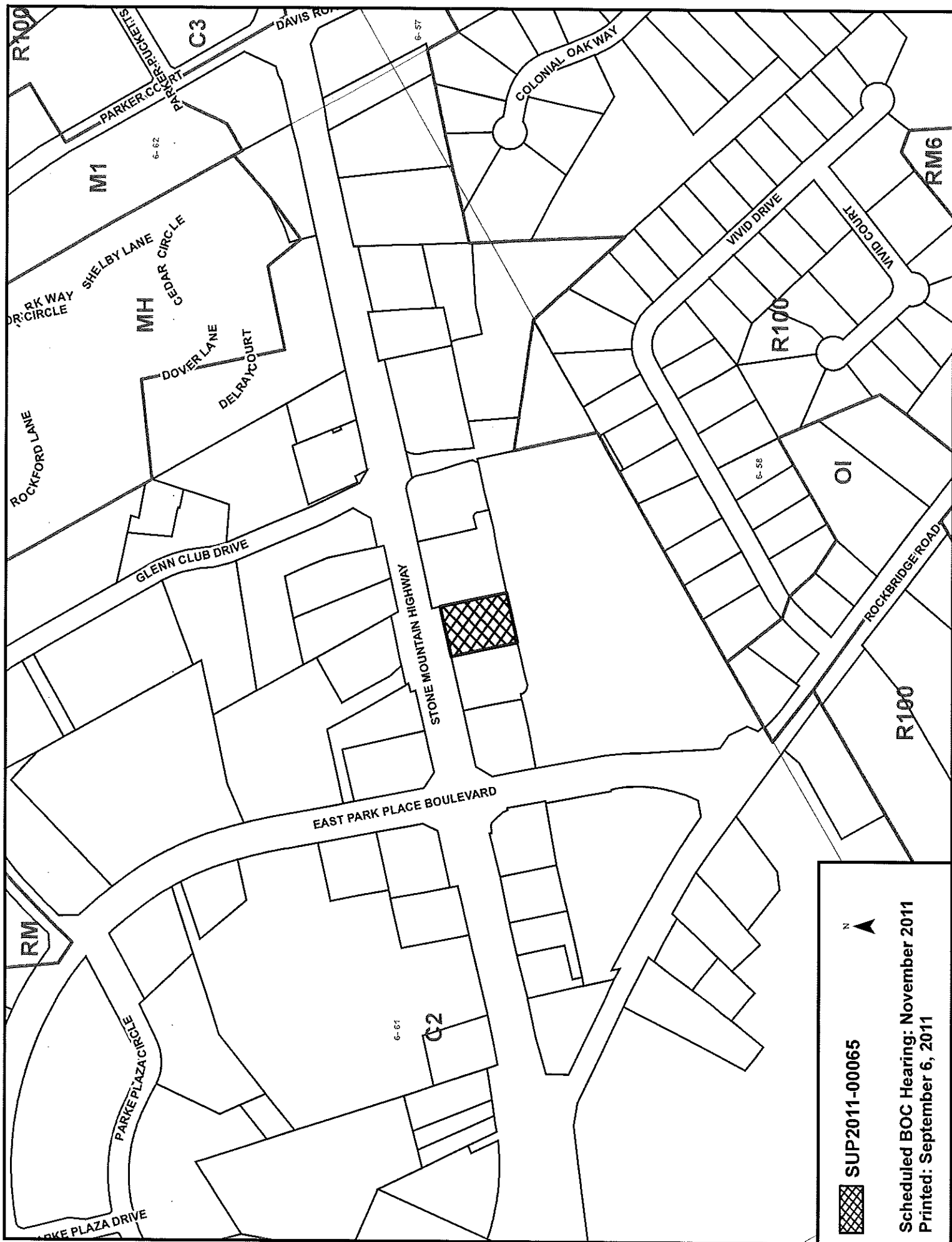
1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

[illegible]

U.S. HIGHWAY No. 78 GA. HIGHWAY No
(AKA STONE MOUNTAIN HIGHWAY)

R/W VARIES





SUP2011-00065



Scheduled BOC Hearing: November 2011
Printed: September 6, 2011

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
BUFFER REDUCTION ANALYSIS**

CASE NUMBER	:BRD2011-00003
ZONING	:C-2
LOCATION	:5000 BLOCK OF WINTERS CHAPEL ROAD
MAP NUMBER	:R6280 018
ACREAGE	:7.52 ACRES
REQUEST	:REDUCE REQUIRED BUFFER FROM 75 FEET TO 0 FEET
COMMISSION DISTRICT	:(2) HOWARD

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

APPLICANT: WAL-MART STORES, INC.
2001 S. E. 10TH STREET
BENTONVILLE, AR 72716-0550

CONTACT: AMY L. HILLMAN, ESQ. PHONE: 404.948.1064

OWNER: ELIOT PROPERTIES, A GEORGIA GENERAL PARTNERSHIP
C/O M&P SHOPPING CENTERS
5025 WINTERS CHAPEL ROAD
DUNWOODY, GA 30360

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

BUFFER REDUCTION SUMMARY:

The applicant requests to reduce the required buffer on a 7.52-acre redevelopment site, zoned C-2 (General Business District), where the property adjoins multi-family residential zoning (Spalding Hills Apartments). The property is located on the east side of Winters Chapel Road across from its intersection with Peeler Road and the Dunwoody city limits. It is noted that most of the parking lot and the entire road frontage of the development are located within the city limits of Dunwoody, and are not included in this request.

The property is the former Wayfield Foods shopping center, developed with an older, partially vacant, 50,000 square foot retail center and 8,000 square feet of detached shops. The submitted site plan indicates that a portion of the existing retail center would be demolished, and the property would be redeveloped with a new, 35,455 square foot, Walmart Market. Redevelopment of the site will trigger requirements for full 75-foot buffers adjacent to residential zoning, and the applicant is requesting that the buffer requirement be reduced to roughly match the existing vegetation on-site with minor changes to accommodate a retaining wall and paving for a recycling area proposed to the rear of the building. The applicant states the reduction is necessary to provide sufficient space for the proposed project on this redevelopment site.

The existing building is situated approximately 65 feet from the eastern (rear) property line and 50 feet from the southern (side) property line with existing paving varying between zero feet to 25 feet from the property lines. The subject property currently has vegetation along the rear property line, with portions of the service area behind the building paved to the property line.

The submitted landscape plan proposes a re-planted landscaped buffer that is approximately 15-feet wide along the east property line where the new construction would occur. This landscaped area would widen from 15 feet to approximately 25 feet at the southeast corner of the property, where a small stand of trees exists. There would be no buffer adjacent to a screened recycling area immediately behind the Walmart. The landscape buffer would include supplemental plantings of Japanese Cryptomeria, Savannah Holly, Eastern Red Cedar and Southern Magnolia trees. The Department notes that the Peachtree Corners Overlay will require 20 tree density units (TDU) per acre; however, the submitted landscape plan depicts a tree density factor of 16 TDU per acre.

This shopping center has co-existed with its adjacent residential neighbors for many years with 0-20 foot buffers. However, the proposed supplemental plantings adjacent to Spalding Hills Apartments could provide an improved transition between the properties. Additionally, the removal of the old, partially vacant structure, along with the new construction, could provide a significant improvement to the visual appearance of the site and this segment of Winters Chapel Road. Given that the shopping center and adjoining residential neighbor have coexisted for many years with similar or less buffering than that proposed by the redevelopment plan, the requested buffer reduction could be suitable. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of this request.

ZONING HISTORY:

The property was zoned C-1 (Neighborhood Business District) in 1970. The site was rezoned to C-2 pursuant to RZ-49-77 in September, 1977.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

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

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

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

Stormwater Management does not object to the applicant's request as noted in the application. Stormwater best management practices must be addressed upon development permit issuance.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Contact GCEHD regarding the food service review and permitting process.

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 Winters Chapel Road.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 275 feet east of the property.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

For assistance, you may contact this office at (678) 518-6040 Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has not objection to the request. For assistance, you may contact our office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

PLANNING AND DEVELOPMENT RECOMMENDED CONDITIONS

Approval of a buffer reduction from 75 feet to 0-25 feet where disturbed, subject to the following conditions:

1. Provide a landscaped buffer along the south and east property lines per the landscape plan dated September 2, 2011 (and last revised September 22, 2011). The landscaped portion of the buffer shall be enhanced with additional plantings and shall be at least 15 feet in width between the proposed service drive and the rear property line (except for the screened recycling area). The landscaped buffer shall consist of Japanese Cryptomeria, Savannah Holly, Eastern Red Cedar and Southern Magnolia trees planted in two staggered rows, a minimum of 8 feet in height at the time of planting and spaced 10-15 feet on-center. The buffer plantings shall be installed within 90 days of the initial demolition of the building on the site.
2. Provide a 6-foot high opaque fence either along the south and east property lines or near the property lines in a location determined by the Director to maximize the effective screening of said fence. Portions of the fence may be located within the buffer to the extent such location maximizes the screening effect of said fence. The fencing shall be installed within 90 days of the initial demolition of the building on the site.
3. Final landscape plans, opaque fencing and recycling area screening shall be subject to review and approval by the Director of Planning and Development.
4. Truck deliveries shall be prohibited between midnight and 6:00 am.
5. Peddlers and/or parking lot sales shall be prohibited.
6. No 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, sign-walkers and sign-twirlers shall be prohibited.
7. Metal sided or portable buildings shall be prohibited.



Amy L. Hillman, Esq.
ahillman@thplawfirm.com
tel: 404.948.1064
fax: 404.948.1033

September 2, 2011

Gwinnett County Board of Commissioners
c/o Mr. Jeff West, Manager
Gwinnett County Current Planning Division
One Justice Square
446 West Crogan Street, Suite 250
Lawrenceville, Georgia 30030

Re: **JUSTIFICATION AND LETTER OF INTENT**
Application for Buffer Reduction

Wal-Mart Stores, Inc., (the "Applicant")
Renovation of existing retail store for a Wal-Mart Neighborhood Market to be
located within an existing shopping center located at 5025 Winters Chapel Road,
Dunwoody, Georgia 30360, (the "Property").

Dear Mr. West:

Attached please find a Gwinnett County Buffer Reduction Application and required supporting materials requesting a reduction in the required buffer from 75 feet to zero (0) feet on the southeast side of the Property pursuant to Sections 606.2.2 and 606.7 of the Gwinnett County Zoning Ordinance (the "Ordinance"). This reduction is requested to support the redevelopment of a portion of the existing shopping center on the Property for use as a Wal-Mart Neighborhood Market. The buffer reduction is necessary to account for existing conditions on this redevelopment site. The Property was developed prior to enactment of the buffer requirement. As the Property currently exists, there is no buffer.

Adjacent to the Property are residential apartments which were constructed several years after the existing shopping center. There is no room on the Property to provide a buffer as is now required by the Ordinance. The proposed Neighborhood Market will not increase structural encroachment into the buffer and will have a substantially similar footprint to what currently exists today. The Applicant also proposes certain enhancements to the buffer where appropriate. Moreover, topographical conditions work to further screen the Property from the adjacent apartment development and ensure that an ample vegetative buffer will remain

Tatum Hillman Hickerson & Powell, LLP
311 Alberta Terrace
Atlanta, Georgia 30305



RECEIVED 9.2.11

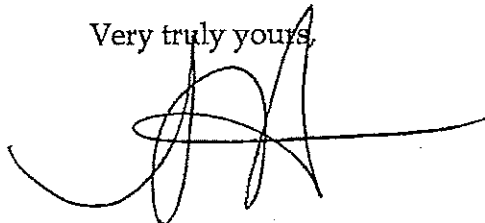
BRD2011-00003

between the Property and any adjacent structure. As the proposed project is a redevelopment initiative and involves only part of an existing shopping center, it is not possible for the Applicant to provide a 75 foot buffer, where one does not currently exist. Pictures of the existing buffered area between the Property and the apartments, which will remain virtually undisturbed, are attached as Exhibit A.

The renovation of the Property as proposed is a desirable outcome. The proposed use of the Property will provide a stable economic anchor for the shopping center and enable certain development improvements which will impact in a positive way the current landscape of the shopping center. It will provide a convenient source of fresh food where none exists. The requested buffer reduction is necessary to allow the project to move forward and allow the safe and orderly redevelopment of a vacant store in an existing shopping center. The Applicant's request represents the minimum necessary to afford relief. Accordingly, the Applicant respectfully requests the Board's approval.

Enclosed are all submittal materials required for a Gwinnett Count Buffer Reduction Application. Please contact me directly should you have questions or require further information.

Very truly yours,

A handwritten signature in black ink, appearing to be 'Amy L. Hillman', with a long horizontal flourish extending to the right.

Amy L. Hillman, Esq.

Enclosures.



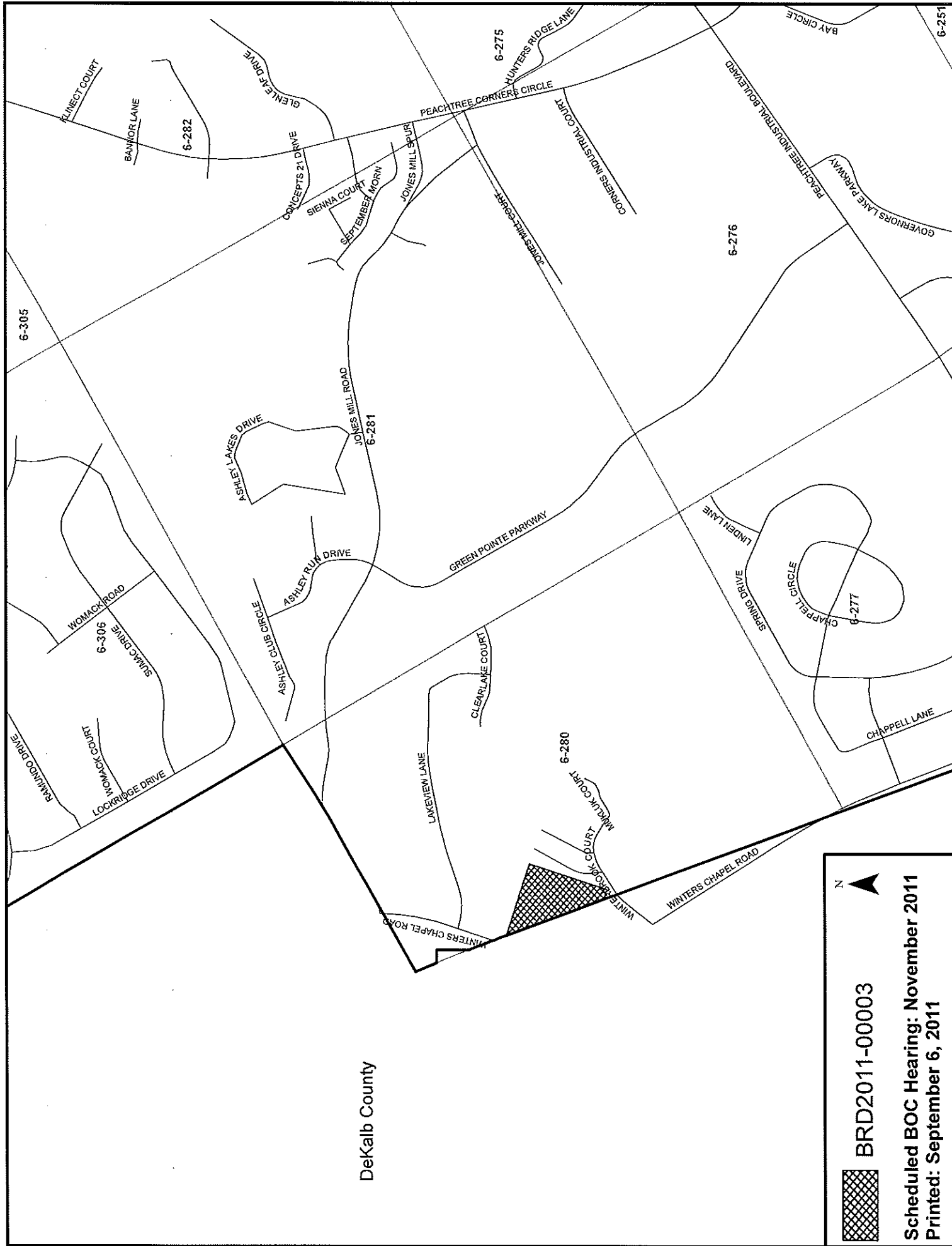
RECEIVED 9-2-11
BRD2011-00003

DeKalb County

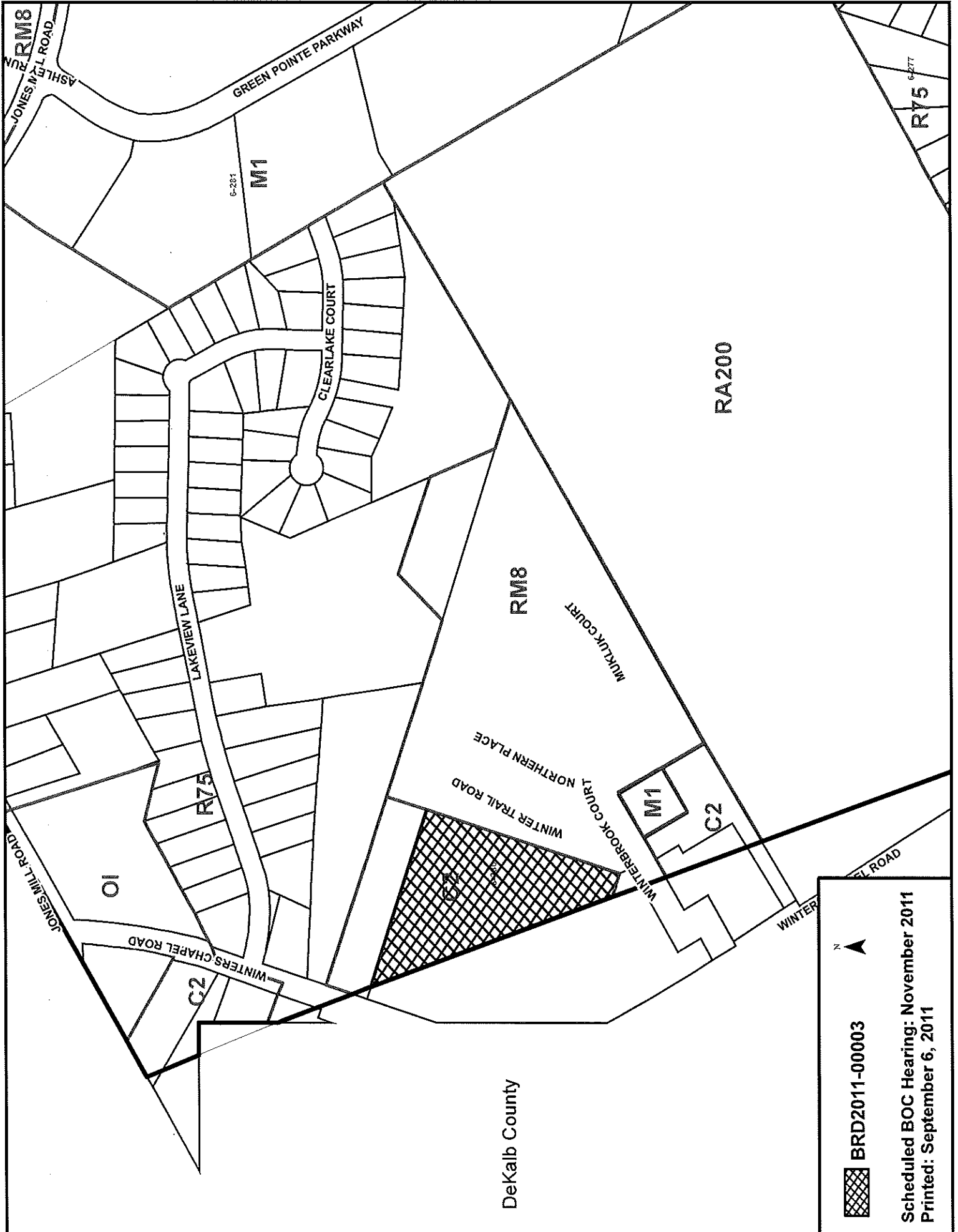


BRD2011-00003

Scheduled BOC Hearing: November 2011
Printed: September 6, 2011







DeKalb County



BRD2011-00003

Scheduled BOC Hearing: November 2011
Printed: September 6, 2011