

## Board of Commissioners

75 Langley Drive • Lawrenceville, GA 30046-6935  
770.822.7000 • www.gwinnettcountry.com

Charlotte J. Nash, Chairman  
Jace W. Brooks, District 1  
Lynette Howard, District 2  
Tommy Hunter, District 3  
John Heard, District 4



gwinnettcountry

## Public Hearing Agenda Tuesday, February 26, 2013 - 7:00 PM

### I. Call To Order, Invocation, Pledge to Flag

### II. Opening Remarks by Chairman

### III. Approval of Agenda

### IV. Approval of Minutes:

- Work Session:** February 19, 2013
- BoC Briefing 10:30am:** February 19, 2013
- BoC Briefing 11:00am:** February 19, 2013
- Business Session:** February 19, 2013

### V. Announcements

- **Resolution of Recognition:** 2012 Eagle Scouts
- **Resolution of Recognition:** Commending Miss Gwinnett County and Miss Gwinnett County's Outstanding Teen

### VI. Public Hearing – Old Business

#### I. Planning & Development/Bryan Lackey

**2012-0551 RZC2012-00010**, Applicant: Mahalo Investments IV, LLC, Owner: Mahalo Investments IV, LLC, R-SR to C-2, Commercial/Retail Uses, District 7 Land Lot 094 Parcels 005, 1700 Block of Old Peachtree Road, 2100 Block of Rock Springs Road, 2000 Block of Sunny Hill Road, 9.50 Acres. District 4/Heard (Tabled on 12/11/2012)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny without Prejudice]

**2012-1051 RZM2012-00005**, Applicant: Brand Properties, LLC, Owner: Cross Pointe Church, M-2 to RM-13, Apartments, District 7 Land Lot 123 Parcel 003, 1700 Block of Satellite Boulevard, 1600 Block of Cross Pointe Way, 32.67 Acres. District 1/Brooks (Tabled on 01/22/2013)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 3/5/2013]

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**VII. Public Hearing – New Business**

**I. Change in Conditions**

**2013-0128 CIC2013-00001**, Applicant: Christine Gipson, Owner: Keum Hwan An, Change in Conditions to Remove Use Restrictions on Property Zoned C-2, District 6 Land Lot 190 Parcel 172, 5000 Block of Jimmy Carter Boulevard, 6100 Block of Rockbridge School Road, 0.70 Acre. District 2/Howard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

**2013-0129 SUP2013-00004**, Applicant: Christine Gipson, Owner: Keum Hwan An, for a Special Use Permit in a C-2 Zoning District for Automobile Service and Tire Store, District 6 Land Lot 190 Parcel 172, 5000 Block of Jimmy Carter Boulevard, 6100 Block of Rockbridge School Road, 0.70 Acre. District 2/Howard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

**2013-0130 SUP2013-00005**, Applicant: Christine Gipson, Owner: Keum Hwan An, for a Special Use Permit in a C-2 Zoning District for Outdoor Storage, District 6 Land Lot 190 Parcel 172, 5000 Block of Jimmy Carter Boulevard, 6100 Block of Rockbridge School Road, 0.70 Acre. District 2/Howard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

**2013-0131 CIC2013-00002**, Applicant: Crown Communities, Owner: Crown Communities, Change in Conditions to Remove Three Sides Brick Requirement on Property Zoned R-ZT, District 5 Land Lot 271 Parcels 028 & 124, District 5 Land Lot 272 Parcel 001, 200 Block of Rabbit Hill Road, 17.91 Acres. District 4/Heard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

**2013-0134 CIC2013-00003**, Applicant: Richardson Housing Group, Owner: RHG Homes, LLC, Change in Conditions to Remove 4 Sides Requirement on Property Zoned R-100 Modified, District 2 Land Lot 001B Parcels 072 & 089, 900 Block of Auburn Road, 900 Block of Mulberry Bay Drive, 0.78 Acre. District 3/Hunter[Planning Department Recommendation: Deny][Planning Commission Recommendation: Approve with Conditions]

**Public Hearing Agenda**  
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**VII. Public Hearing – New Business**

**I. Change in Conditions**

**2013-0135 CIC2013-00004**, Applicant: Tri-State Advertising, LLC, Owner: F.A. Sims Properties, Inc., Change In Conditions to Remove Billboard Restriction on Property Zoned C-3, District 6 Land Lot 207 Parcel 008, 1900 Block of Pleasant Hill Road, 1.10 Acres. District 1/Brooks[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

**2. Special Use Permit**

**2013-0132 SUP2013-00006**, Applicant: Sage School, Inc., Owner: 800 Satellite, LLC, for a Special Use Permit in an M-1 Zoning District for A Private School, District 7 Land Lot 168 Parcel 034, 800 Block of Satellite Boulevard, 4.41 Acres. District 1/Brooks[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

**2013-0133 SUP2013-00008**, Applicant: Anna Oberc, Owner: Rafal Oberc, for a Special Use Permit in an R-100 Zoning District for a Home Occupation (Hair Salon) (Renewal), District 6 Land Lot 012 Parcel 200, 3700 Block of Kilt Lane, 4400 Block of Gaelic Way, 0.60 Acre. District 3/Hunter[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

**2013-0136 SUP2013-00009**, Applicant: 78 Carwash, LLC, Owner: 78 Carwash, LLC, for a Special Use Permit in a C-2 Zoning District for Automobile Service, District 6 Land Lot 063B Parcel 008F, 4700 Block of Stone Mountain Highway, 1.28 Acres. District 2/Howard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 3/5/2013]

**2013-0137 SUP2013-00010**, Applicant: Golden Age Assisted Living, Inc., Owner: Florian Pop, for a Special Use Permit in RA-200 & R-100 Zoning Districts for a Family Personal Care Home, District 7 Land Lot 056 Parcel 392, 1300 Block of Harris Road, 1.17 Acres. District 4/Heard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 3/5/2013]

**Public Hearing Agenda**  
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**VIII. New Business**

**I. Commissioners**

**2013-0235 Approval/authorization** of a Resolution of the Gwinnett County Board of Commissioners requesting the General Assembly to enact a Technology User Fee during the 2013 Session, subject to review and approval by the Law Department.

**2. Financial Services/Maria Woods**

**2013-0177 Approval** of the January 31, 2013 Financial Status Report and ratification of all budget amendments.

**3. Planning & Development/Bryan Lackey**

**2013-0176 Ratification** of plat approvals for January 1, 2013 thru January 31, 2013 (Staff Recommendation: Approval)

**4. Water Resources/Ron Seibenhener**

**2013-0036 Approval/authorization** for the Chairman to execute any and all documents necessary for the purchase of the Norcross Water and Wastewater Systems based upon the terms and conditions set forth in the attached Intergovernmental Agreement, subject to the approval of the City of Norcross, and subject to review and approval by the Law Department. This purchase is funded by the Water and Sewer R&E Fund. District 2/Howard (Staff Recommendation: Approval)

**IX. Comments from Audience**

**X. Adjournment**

## MEMORANDUM

To: Chairman Charlotte J. Nash  
District 1 Commissioner Brooks  
District 2 Commissioner Howard  
District 3 Commissioner Hunter  
District 4 Commissioner Heard

From: Emily Fehn, Communications Office

The following item(s) will be on the agenda for the BOC public hearing on February 26, 2013, under the item of business announcements as a resolution of recognition, award, etc., as indicated:

- 1) **Resolution of Recognition:** 2012 Eagle Scouts  
**Requested by:** Commissioner Howard  
**Attendee(s):** Eagle Scouts from the Apalachee, Button Gwinnett, Sweetwater, and Exploring/Venturing Districts  
**Presented by:** Commissioners Brooks, Howard, Hunter, and Heard
  
- 2) **Resolution of Recognition:** Commending Miss Gwinnett County and Miss Gwinnett County's Outstanding Teen  
**Requested by:** Commissioner Heard  
**Attendee(s):** Shelby Rice, Miss Gwinnett County, and Ashleigh Proctor, Miss Gwinnett County's Outstanding Teen  
**Presented by:** Commissioner Heard

c: Glenn Stephens  
Joe Sorenson  
Heather Sawyer  
Diane Kemp  
Tina King

Aaron Bovos  
Debbie Savage  
Debbie Hale  
Michelle Patterson

# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:		<input checked="" type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Public Hearing
20120551			
Department:	Planning & Development	Date Submitted:	06/13/2012
Working Session:		Business Session:	
Public Hearing:		Public Hearing:	02/26/2013
Submitted By:	vlharrod	Multiple Depts?	No
Budget Type:	Neither	Special Routing:	
Agenda Type	Rezoning	Rezoning Type	RZC
Item of Business:	Locked by Purchasing <input type="text"/> No		

2012-00010, Applicant: Mahalo Investments IV, LLC, Owner: Mahalo Investments IV, LLC, R-SR to C-2, Commercial/Retail Uses, District 7 Land Lot 094 Parcels 005, 1700 Block of Old Peachtree Road, 2100 Block of Rock Springs Road, 2000 Block of Sunny Hill Road, 9.50 Acres. District 4/Heard

Land Lot: 094	Parcel: 005
District: 7	

Attachments: Planning Commission Results and Department Analysis

Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (2/6/2013)
Attorney	

District	For	Against	Abstained	Absent
District 1 (Lynn Thorndyke)	X			
District 1 (John Winters)	X (Mitchell)			
District 2 (Matt Houser)	X			
District 2 (Omar Zaman)	X			
District 3 (Chuck Warbington)	X			
District 3 (Teresa Cantrell)	X (Tullis)			
District 4 (Clint Dixon)	X			
District 4 (Tommy Hunter)	X (Crowe)			
At Large (Don Shillington)	X			

Comments:

<p style="text-align: center;"><b>County Clerk Use Only</b></p> <p>Working Session: <input style="width: 100%;" type="text"/></p> <p>Action: Tabled</p> <p>Tabled: 12/11/2012</p> <p>Motion: Heard</p> <p>2nd by: Beaudreau</p> <p style="margin-top: 20px;">Vote: (5-0); Nash-Yes; Brooks-Yes; Howard-Yes; Beaudreau-Yes; Heard-Yes</p>	<p style="text-align: center;"><b>Planning and Development</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Approve</p> <p><input type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny w/out Prejudice</p> <p><input checked="" type="checkbox"/> Deny    PH was Held? <input type="checkbox"/></p> <p><input type="checkbox"/> No Recommendation</p>	<p style="text-align: center;"><b>Planning Commission</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Tabled - Date <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Approve</p> <p><input type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny    <input checked="" type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> No Recommendation</p>
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PLANNING COMMISSION RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The request to rezone the property may not be considered suitable in light of surrounding residential uses and zoning, and it's disconnect from the established commercial node at Braselton Highway.

ADVERSE IMPACTS

Adverse impacts on adjacent and nearby residential properties may be anticipated in the form of traffic, noise and light intrusion.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

A significant increase in traffic, run-off and utility demand could be anticipated from use of the property as proposed.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the site is located within an Existing/Emerging Suburban Character Area. This request is inconsistent with policies for this character area which discourage the intrusion of commercial uses into established residential areas.

CONDITIONS AFFECTING ZONING

Commercial activity in the area is limited to the intersection of Old Peachtree Road and Braselton Highway. The addition of a second commercial node, encroaching into the established residential area may not be appropriate and could impose numerous adverse impacts upon the residential community.

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

CASE NUMBER	:RZC2012-00010
ZONING CHANGE	:R-SR TO C-2
LOCATION	:1700 BLOCK OF OLD PEACHTREE ROAD :2100 BLOCK OF ROCK SPRINGS ROAD :2000 BLOCK OF SUNNY HILL ROAD
MAP NUMBER	:R7094 005
ACREAGE	:9.50 ACRES
PROPOSED DEVELOPMENT	:COMMERCIAL RETAIL USES
SQUARE FEET	:83,050 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD

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

APPLICANT: MAHALO INVESTMENTS IV, LLC  
C/O MAHAFFEY PICKENS TUCKER, LLP  
1550 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACT: MICHELLE ROTHMEIER PHONE: 770.232.0000

OWNER: MAHALO INVESTMENTS IV, LLC  
C/O MAHAFFEY PICKENS TUCKER, LLP  
1550 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests rezoning of 9.50 acres from R-SR (Senior Oriented Residence District) to C-2 (General Business District) for development of a commercial retail center. The subject property is located at the convergence of Old Peachtree Road, Rock Springs Road and Sunny Hill Road. The site currently contains a single-family dwelling; however, most of the property is lightly wooded and otherwise vacant.

The site plan indicates that the property would be developed with 83,050 square feet of retail and restaurant space. The project would be comprised of several buildings including a 20,000 square foot convenience store with an additional 22,800 square feet of attached retail shops, and a second 16,000 square foot retail structure. The proposed development would also include three, free-standing restaurant buildings.

The project would be served by driveways onto each of the three roadways, and there would be a total of 295 parking spaces. The minimum required 75-foot wide buffer is proposed adjacent to residentially-zoned property to the north.

**ZONING HISTORY:**

The property was zoned RA-200 and R-100 in 1970. In 1975, the entire property was rezoned to RA-200 (Agriculture-Residence District) via an area wide zoning map revision. The property was rezoned to R-SR, pursuant to RZM-07-008, on February 27, 2007.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**DEVELOPMENT REVIEW SECTION COMMENTS:**

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

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

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

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

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

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

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

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

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

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

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

#### STORMWATER REVIEW SECTION COMMENTS:

No comment.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Rock Springs Road is a Major Collector and 40 feet of right-of-way is required from the centerline.

Sunny Hill Road is a Minor Collection and 30 feet of right-of-way is required from the centerline.

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

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

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

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

The project must comply with Gwinnett County D.O.T. Criteria and Guidelines for Left Turn Lanes.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Contact GCEHD concerning the food service establishment permitting process.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the eastern right-of-way of Rock Springs Road, and the northern right-of-way of Old Peachtree Road. A 40-inch water main is located on the southern right-of-way of Old Peachtree Road, and the eastern right-of-way of Sunny Hill Road. An 8-inch water main is located on the western right-of-way of Sunny Hill 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 70 feet north of the property, in the right-of-way of Chalmers Oak Court.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

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

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

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

Fire Plan Review has no objections, 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 contains 9.50 acres and is located on Old Peachtree Road, between Rock Springs Road and Sunny Hill Road. The site is developed with one single-family residence; however, most of the property is lightly wooded.

The 2030 Unified Plan Future Development Map indicates the site is located within an Existing/Emerging Suburban Character Area. This Character Area discourages the intrusion of commercial uses into established residential communities, and the immediate area surrounding

these intersections is zoned and developed with single-family dwellings, either within subdivisions or on larger acreage lots. The established commercial node serving this area is the intersection of Old Peachtree Road and Braselton Highway, located approximately 1,500 feet to the southeast. The subject site is disconnected from the commercial node and could represent a commercial encroachment into the residential area. Therefore, the request is considered inconsistent with the Unified Plan.

The surrounding area is characterized by single-family subdivisions zoned R-140, R-100, R-100 Modified, with single-family dwellings located on larger lots zoned RA-200. Abutting the subject site to the north is the Oaks at Charleston Commons, zoned R-100 Modified and across Old Peachtree Road to the south is Peachtree Downs subdivision, zoned R-100. There are also several residences scattered along on Old Peachtree Road, Rock Springs Road and Sunny Hill Road. As noted above, commercial activity in the area is limited to the intersection of Old Peachtree Road and Braselton Highway. Staff notes that several acres of the established commercial node remain undeveloped and much of the building square footage remains unoccupied. The Department does not support the creation of an additional, separate commercial node, further encroaching into the established residential community.

In conclusion, the proposed rezoning may not be considered compatible with the current zoning and land use pattern of the area, nor considered compatible with the policies 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 should the Board of Commissioners choose to approve the request.

Approval as C-2 (General Business District), subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail, service-commercial, office and accessory uses. The following uses shall be prohibited:
    - adult bookstores or entertainment
    - automotive parts stores
    - contractors offices
    - drive-thru fast-food restaurants
    - emission inspection stations
    - equipment rental
    - extended stay hotels or motels
    - gasoline stations and fuel pumps
    - recovered materials processing facilities
    - smoke shops/novelty stores
    - taxidermists
    - yard trimmings composting facilities
  - B. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (stucco may only be used as an accent material). Final building elevations shall be submitted for review by the Director of Planning and Development.
  - C. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application. Stucco may only be used as an accent building material.
2. To satisfy the following site development considerations:
  - A. Provide a 75-foot wide natural undisturbed buffer adjacent to all residentially-zoned properties. The buffer shall be enhanced where sparsely vegetated.
  - B. Provide a ten-foot wide landscaped strip adjacent to all adjoining rights-of-way.
  - C. 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.
  - D. Outdoor sales, storage or display of merchandise shall be prohibited.

- E. Outdoor loudspeakers shall be prohibited.
- F. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
- 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. Blinking, neon, portable and temporary signage shall be prohibited. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- H. Peddlers and/or parking lot sales are prohibited.
- I. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The request to rezone the property may not be considered suitable in light of surrounding residential uses and zoning, and it's disconnect from the established commercial node at Braselton Highway.

ADVERSE IMPACTS

Adverse impacts on adjacent and nearby residential properties may be anticipated in the form of traffic, noise and light intrusion.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

A significant increase in traffic, run-off and utility demand could be anticipated from use of the property as proposed.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the site is located within an Existing/Emerging Suburban Character Area. This request is inconsistent with policies for this character area which discourage the intrusion of commercial uses into established residential areas.

CONDITIONS AFFECTING ZONING

Commercial activity in the area is limited to the intersection of Old Peachtree Road and Braselton Highway. The addition of a second commercial node, encroaching into the established residential area may not be appropriate and could impose numerous adverse impacts upon the residential community.

**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

- (A) Yes, the proposed Rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. Nearby to the subject property lies many commercial tracts, most of which are zoned C-2. The proposed rezoning is compatible with the zonings and uses currently in effect or contemplated for adjacent and nearby properties.
- (B) No, the proposed Rezoning will not adversely affect the existing use or usability of adjacent or nearby property but, to the contrary, will be compatible and consistent with such uses as currently exist or as are contemplated in the future.
- (C) No, the property which is the subject of this proposed Rezoning has no reasonable economic use as zoned for R-SR uses in light of the current economic market and current uses surrounding the subject property. The Applicant submits that the subject property's highest and best use is C-2.
- (D) No, the proposed Rezoning will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The proposed Rezoning and use will have no effect upon schools other than to generate revenue in the form of ad valorem taxes.
- (E) Yes. The proposed rezoning to C-2 is in conformity with the intent of the 2030 Unified Plan. Also, the subject tract is adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property.
- (F) Yes, the existing zonings of nearby property gives additional supporting grounds for the approval of the requested rezoning. Additionally, the property has no reasonable economic use under its current zoning thereby giving additional support for the approval of this Application.

RECEIVED  
MAY 03 2012

RZC '12 0 1 0

BY: .....



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  
Justin A. Abernathy  
Austen T. Mabe  
Jill H. Harris,  
of Counsel

**LETTER OF INTENT FOR  
REZONING APPLICATION OF MAHALO INVESTMENTS IV, LLC**

The Applicant, Mahalo Investments IV, LLC, submits this Rezoning Application for the purpose of rezoning to the C-2 (General Business District) zoning classification a 9.503 acre tract located at the intersection of Rock Springs Road, Old Peachtree Road and Sunny Hill Road in Gwinnett County, Georgia (hereafter, the "Property").

The Property, which is currently undeveloped, is zoned R-SR (Senior Oriented Residence District). The Applicant has requested to rezone the Property to the C-2 zoning classification. As seen on the attached site plan, the Applicant has proposed general commercial development on the Property, including retail space, restaurant outparcels and a convenience store.

The Applicant respectfully submits that the proposed use would be the best possible development of the Property and would further provide the community with a much needed benefit. Many properties near the Property along Old Peachtree Road, including Old Peachtree Market Place and Old Peachtree Village, are zoned and used for commercial and retail or similar uses. Therefore, the requested rezoning to the C-2 zoning classification would be consistent and compatible with adjoining and nearby properties and uses.

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

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

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BY: .....

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

This 3<sup>rd</sup> day of May, 2012.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

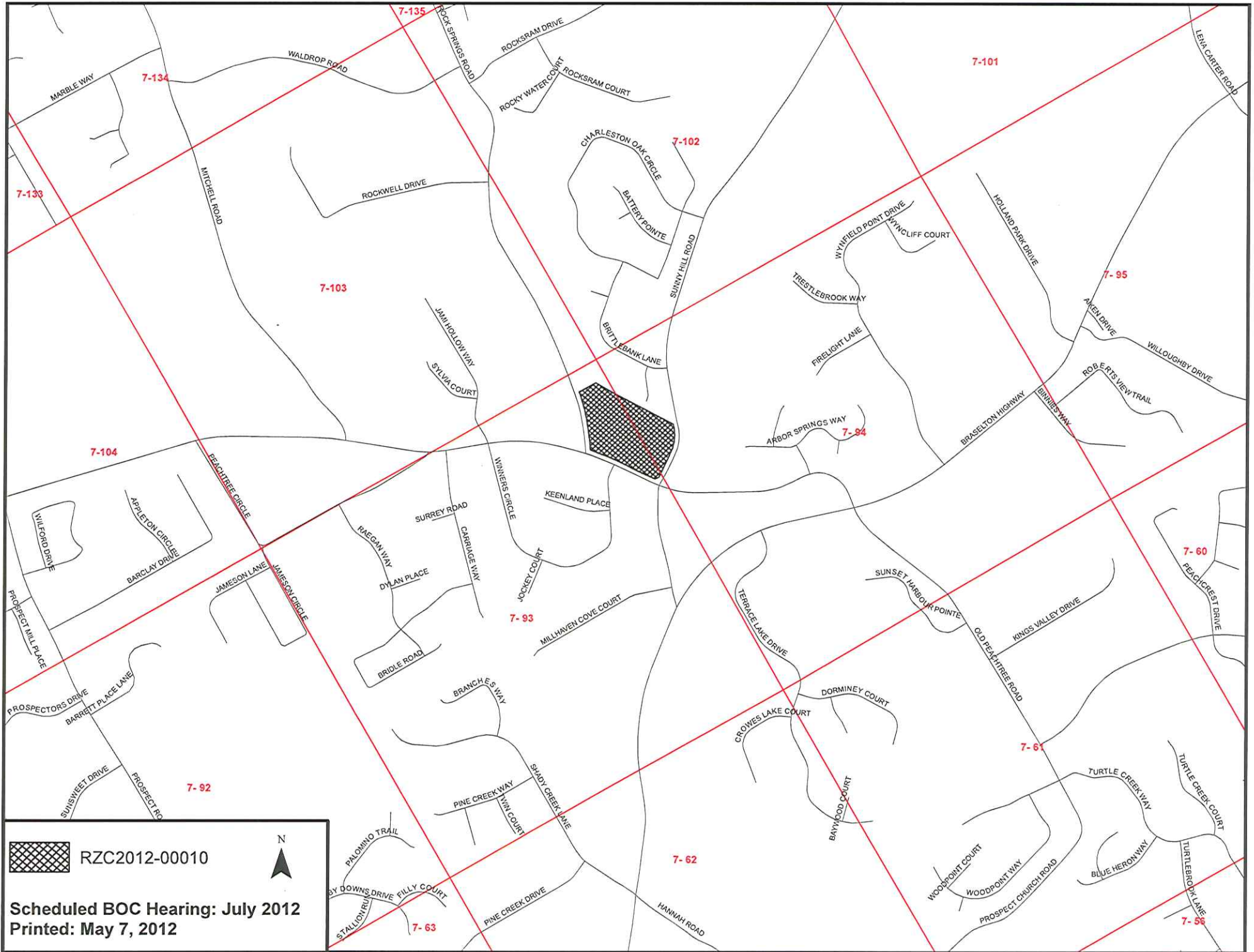


E. Michelle Rothmeier  
*Attorneys for Applicant*

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MAY 03 2012

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BY: .....



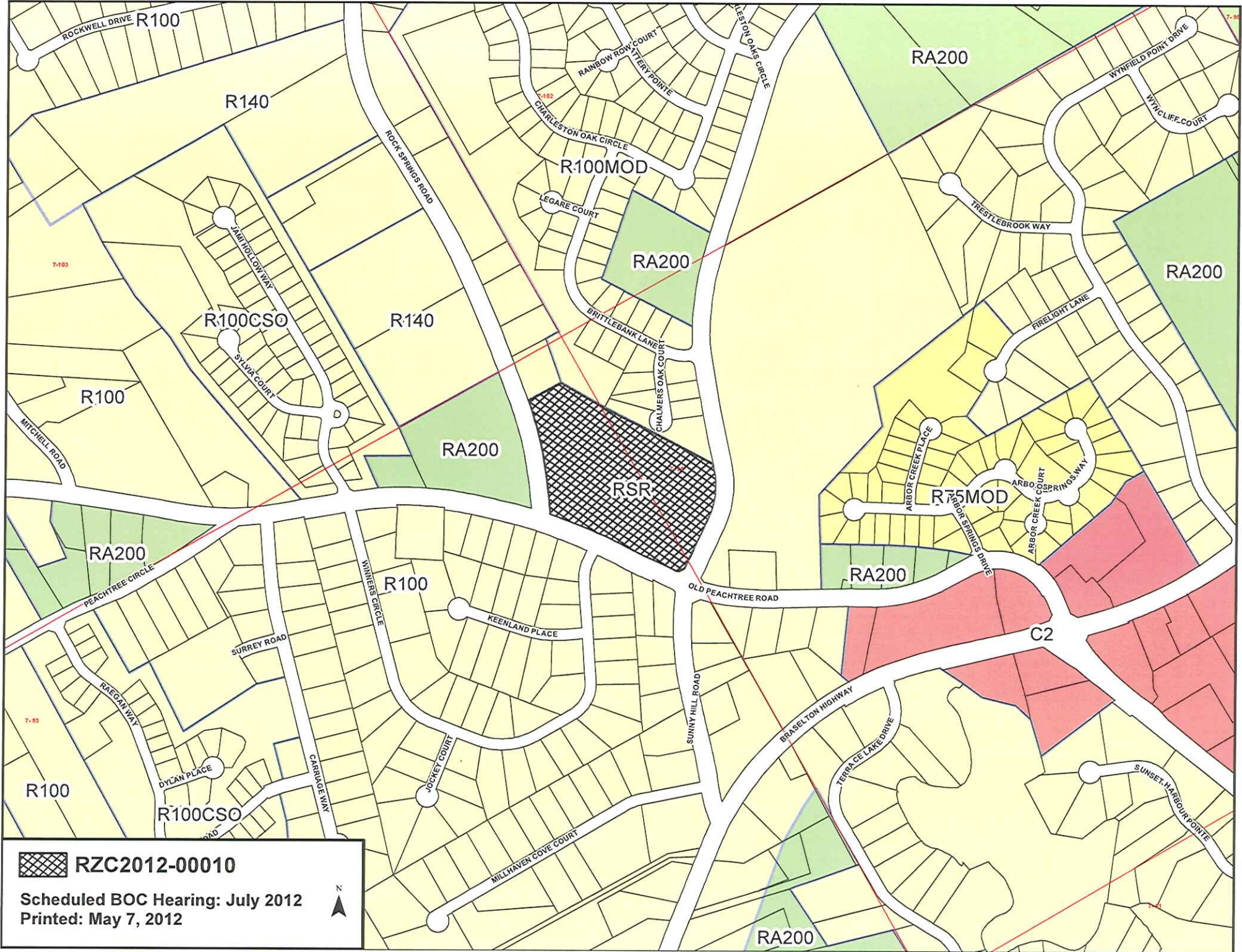
RZC2012-00010



N

Scheduled BOC Hearing: July 2012  
 Printed: May 7, 2012





**RZC2012-00010**

Scheduled BOC Hearing: July 2012  
Printed: May 7, 2012



# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:			
<b>20121051</b>			<input checked="" type="checkbox"/> Rezoning	<input checked="" type="checkbox"/> Public Hearing
Department:	Planning & Development	Date Submitted:	11/15/2012	
Working Session:		Business Session:		Public Hearing: 02/26/2013
Submitted By:	viharrod		Multiple Depts?	No
Budget Type:	Neither		Special Routing:	
Agenda Type	Rezoning	Rezoning Type	RZM	
Item of Business:	Locked by Purchasing			No

2012-00005, Applicant: Brand Properties, LLC, Owner: Cross Pointe Church, M-2 to RM-13, Apartments, District 7 Land Lot 123 Parcel 003, 1700 Block of Satellite Boulevard, 1600 Block of Cross Pointe Way, 32.67 Acres. District 1/Brooks

Land Lot:	123	Parcel:	003
District:	7		

Attachments	Department Analysis
Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (2/6/2013)
Attorney	

District	For	Against	Abstained	Absent
District 1 (Lynn Thorndyke)	X			
District 1 (John Winters)	X (Mitchell)			
District 2 (Matt Houser)	X			
District 2 (Omar Zaman)	X			
District 3 (Chuck Warbington)	X			
District 3 (Teresa Cantrell)	X (Tullis)			
District 4 (Clint Dixon)	X			
District 4 (Brad Crowe)	X			
At Large (Don Shillington)	X			

Comments

<p style="text-align: center;"><b>County Clerk Use Only</b></p> <p>Working Session: _____</p> <p>Action: Tabled</p> <p>Tabled: 01/22/2013</p> <p>Motion: Brooks</p> <p>2nd by: Howard</p> <p style="margin-top: 10px;">Vote: 5-0 Hunter Yes; Nash-Yes ; Brooks-Yes; Howard-Yes; Beaudreau-; Heard-Yes</p>	<p style="text-align: center;"><b>Planning and Development</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As _____</p> <p><input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> Deny PH was Held? <input type="checkbox"/></p> <p><input type="checkbox"/> No Recommendation</p>	<p style="text-align: center;"><b>Planning Commission</b></p> <p>Recommendation:</p> <p><input checked="" type="checkbox"/> Tabled - Date 03/05/2013</p> <p><input type="checkbox"/> Approve</p> <p><input type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As _____</p> <p><input type="checkbox"/> Deny <input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> No Recommendation</p>
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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

CASE NUMBER :**RZM2012-00005**  
ZONING CHANGE :M-2 TO RM-13  
LOCATIONS :1700 BLOCK OF SATELLITE BOULEVARD  
:1600 BLOCK OF CROSS POINTE WAY  
MAP NUMBERS :R7123 003  
ACREAGE :32.67 ACRES  
PROPOSED DEVELOPMENT :APARTMENTS  
UNITS :390 UNITS  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: BRAND PROPERTIES, LLC  
3328 PEACHTREE ROAD, SUITE 100  
ATLANTA, GA 30326

CONTACT: LEE TUCKER           PHONE: 770.232.0000

OWNER:       CROSS POINTE CHURCH  
              1800 SATELLITE BOULEVARD  
              DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant has requested rezoning of a 32.67-acre property from M-2 (Heavy Industry District) to RM-13 (Multi-Family Residence District) for the construction of a 390 unit apartment complex. The property is a portion of the Cross Pointe Church property, located on the east side of Satellite Boulevard extending to Cross Pointe Way, adjacent to Interstate 85. The property is currently wooded and used for the church's nature trail, and two streams cross the site.

The submitted site plan proposes development of fourteen apartment buildings comprising 390 units, which would yield a gross and net density of 11.94 units per acre. The mix of units would include 170 one-bedroom units, 190 two-bedroom units and 30 three-bedroom units, ranging in size from 750 square feet to 1,400 square feet. The complex would also include a club house and pool with walking trails provided throughout the development. Architectural information was not submitted for the proposed apartment buildings; however, the property is located within the Civic Center Overlay District and would be subject to those requirements.

Access to the apartment complex would be from the existing church entrance from Satellite Boulevard and a proposed entrance from Cross Pointe Way. Parking calculations indicate there would be 1.69 parking spaces per residential unit, for a total 658 spaces. A traffic study was required for an apartment complex of this size, and the summary is attached; the submitted study was also forwarded to the Gwinnett D.O.T. for their review.

#### ZONING HISTORY:

The property was zoned R-100 (Single Family Residence District) in 1970. The site was later rezoned to M-2, pursuant to an area-wide zoning map amendment.

#### 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 landscaped strip along adjacent rights-of-way.

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

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

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

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

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

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.b of the Floodplain Management Ordinance requires that the lowest floor, including the basement, of all residential buildings be constructed at an elevation of at least three feet above the 100-year floodplain.

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

#### STORMWATER REVIEW SECTION COMMENTS:

No comment.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

Cross Pointe Way (I-85) is a State Route and Georgia D.O.T. right-of-way requirements govern.

Coordinate with the Georgia D.O.T. regarding access to Cross Pointe Way.

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

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

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

Minimum separation from a street intersection: 100 feet from centerline of driveway to nearest right-of-way line of the intersecting street, extended. For any driveway on a major thoroughfare having a centerline between 100 feet and 200 feet from the intersection street right-of-way line, access restriction may be imposed to avoid traffic hazards. Greater separation may be required for safe operation of a free-right lane, acceleration or deceleration lane, etc.

Project must comply with Gwinnett County D.O.T. Criteria and Guidelines for Left Turn Lanes.

Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study and a signal warrant study.

Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the D.O.T. All design and construction will be subject to D.O.T. review and approval.

If it is determined by the signal warrant study that a signal is warranted on Satellite Boulevard, and the signal is approved by the D.O.T., the applicant shall contract and pay for the signal design. The applicant shall also contract for the installation of the signal by a D.O.T. approved contractor. All design and construction will be subject to D.O.T. review and approval. The signal will be installed and operational prior to the issuance of the first certificate of occupancy.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the eastern right-of-way of Satellite Boulevard, and a 12-inch water main located on the northern right-of-way of Cross Pointe Way.

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

The available utility records show that the subject development is currently in the vicinity of a 12-inch sanitary sewer main located on the property, near Satellite Boulevard.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2006 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.
4. Architectural design of the proposed building renovation shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.
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:**

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.

#### DEPARTMENT ANALYSIS:

The subject property is a 32.67-acre portion of the Cross Pointe Church site located on the east side of Satellite Boulevard and Cross Pointe Way, adjacent to Interstate 85. The property is currently wooded, and streams traverse the property and form the north property line. The property is located within the Civic Center Overlay District.

The 2030 Unified Plan Future Development Map indicates the site is located within a Preferred Office Character Area. Encouraged uses within this character area primarily include office uses and mixed use developments. Although the proposed rezoning to RM-13 for an apartment complex may not be strictly consistent with the policies of the Unified Plan, there have been several rezoning actions allowing apartments along the Satellite Boulevard corridor; therefore, this request could be consistent with past Board policy for the proposed land use. If properly conditioned, the apartments could also be compatible with the existing church and adjacent office/warehouse developments along the Interstate 85 corridor.

This segment of Satellite Boulevard is characterized by a mix of office, office/warehouse, institutional and commercial/retail developments. Adjoining the subject site to the south is Cross Pointe Church. Surrounding the church and subject property are office/warehouse developments and Penske truck leasing. Developed at the Satellite Boulevard and Duluth Highway intersection are retail uses, a hotel, and office buildings. Similar uses are located to the north at the Satellite Boulevard and Old Peachtree Road intersection. Just north of this intersection is an approximately 18-acre property recently approved for multi-family uses in 2011. To the south along Satellite Boulevard are several apartment complexes, zoned RM-13. The presence of apartment buildings and a recent approval for apartments nearby in the Satellite Boulevard/Interstate 85 corridor could provide supporting grounds for approval of this rezoning request.

In conclusion, the proposed apartment complex could be consistent with the numerous apartment developments that have been constructed along Satellite Boulevard. Also, in light of the mix of uses that have developed in recent years along the Interstate 85 corridor and within the Civic Center Overlay District, the integration of additional housing that promotes walkability to the nearby mix of commercial and civic/public uses contributes to the goals of the 2030 Unified Plan, and therefore provides additional supporting grounds for approval. Given these factors, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS.**

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as RM-13 for a multi-family apartment development, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Multifamily residential dwellings and accessory uses and structures at a maximum of 390 units.
  - B. The development shall be a gated community, with automated card access gates at all entrances/exits.
  - C. Garages shall be provided for a minimum of 20% of the units.
  - D. Efficiency units shall be prohibited, and the complex shall be limited to a maximum of 30 units of three-bedrooms or more.
  - E. Buildings shall be constructed primarily of brick or stacked stone on four sides. Stucco may only be used as an accent building material. Building elevations shall be subject to review and approval by the Director of Planning and Development.
  - F. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application.
2. To satisfy the following site development considerations:
  - A. Provide a 50-foot wide landscaped setback along Satellite Boulevard and Cross Pointe Way. The landscaped setback shall include a decorative fence or wall and entrance monument(s). Landscaping, fence/wall and entrance monument design shall be subject to review and approval of the Director of Planning and Development prior to the issuance of a development permit.
  - B. Natural vegetation shall remain on the property prior to issuance of a Development Permit.
  - C. Ground signage shall be limited to monument type sign(s) with a minimum two-foot high brick or stacked stone base. Ground sign(s) shall not exceed 8 feet in height.
  - D. Dumpsters/trash compactors shall be screened by a 100% opaque brick wall.
  - E. In the event of residential tenant eviction, any belongings of the tenant will be placed on a portion of the subject property that is not visible from the street right-of-way of Satellite Boulevard or Cross Pointe Way unless otherwise required by law.

- F. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
  - G. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
3. To abide by the following additional requirements, dedications and improvements:
- A. Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study and a signal warrant study.
  - B. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the D.O.T. All design and construction will be subject to D.O.T. review and approval.
  - C. If it is determined by the signal warrant study that a signal is warranted on Satellite Boulevard, and the signal is approved by the D.O.T., the applicant shall contract and pay for the signal design. The applicant shall also contract for the installation of the signal by a D.O.T. approved contractor. All design and construction will be subject to D.O.T. review and approval. The signal will be installed and operational prior to the issuance of the first certificate of occupancy.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

With the recommended conditions, the proposed apartment development could be suitable in light of the mix of uses that have developed in recent years along the Interstate 85 corridor and within the Civic Center Overlay District. The integration of additional housing that promotes walkability to the nearby mix of commercial and civic/public uses contributes to the goals of the 2030 Unified Plan, and therefore provides additional supporting grounds for approval.

ADVERSE IMPACTS

With the recommended conditions and the aesthetic and design requirements of the Overlay District, potential adverse impacts should be minimized.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Impacts on public facilities from this request could include increased utility demand and storm water runoff, and an increase in traffic and school-age children.

CONFORMITY WITH POLICIES

Although the proposed rezoning to RM-13 for an apartment complex may not be strictly consistent with the policies of the Unified Plan, there have been several similar rezoning actions allowing apartments along the Satellite Boulevard corridor; therefore, this request could be consistent with past Board policy for the proposed land use.

CONDITIONS AFFECTING ZONING

Over the past several years multi-family developments have been zoned and constructed along the Satellite Boulevard corridor, from Duluth to Buford, suggesting that the proposed apartment complex could be a suitable fit for the property.

**Rezoning Application**

**Standards Governing The Exercise Of The Zoning Power**

(A) Yes, the proposed rezoning will permit the development of a multi-family complex that will be suitable in view of the use and development of the adjacent and nearby properties.

(B) No, the proposed development will not adversely affect the existing use or usability of adjacent or nearby properties and will only serve to compliment them and provide nearby retailers with additional customers.

(C) The highest and best use for the property is RM-13 and the property would not have a reasonable economic use as currently zoned.

(D) The proposed rezoning will not result or cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

(E) The proposed rezoning, in our view is in conformity with the policy and intent of the land use plan.

(F) There are no existing conditions affecting the use and development of the property which give supporting grounds for disapproval.

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OCT 05 2012

BY: .....

BY: .....

**LETTER OF INTENT FOR**  
**REZONING APPLICATION OF BRAND PROPERTIES, LLC**

The Applicant, Brand Properties, LLC, submits this Rezoning Application for the purpose of rezoning to the RM-13 Multi Family Residence District (RM-13) zoning classification an approximate 34.91+/- acre tract (the "Property") located at 1796 Satellite Blvd. The Property is currently zoned Heavy Industrial (M-2) in the Civic Center Overlay District.

The use and development of the Property as M-2 is not economically feasible and is not the highest and best use of the Property. As stated in the Rezoning Application, the Applicant intends for the Property to be developed as a multi-family residential use. The operation of the Property as an RM-13 development under the guidelines of Gwinnett County is appropriate for the subject tract. The proposed development and requested zoning classification would not cause any substantial detriment to the public. Rather, such development is consistent with the surrounding property and will afford the owner opportunity to provide quality residential development for the surrounding area.

The Applicant and its representative 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,

BRAND PROPERTIES, LLC



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OCT 05 2012

BY: .....

RZM '12 005

TRAFFIC IMPACT STUDY  
FOR  
CROSS POINTE DEVELOPMENT  
GWINNETT COUNTY, GEORGIA



*Prepared for:*

Brand Properties  
3228 Peachtree Road  
Atlanta, GA 30326

*Prepared by:*



**A&R Engineering Inc.**

2160 Kingston Court, Suite O  
Marietta, GA 30067  
Tel: (770) 690-9255 Fax: (770) 690-9210  
www.oreng.com

October 30, 2012

A & R Project # 12-040

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BY: .....APM.....

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## CONCLUSIONS AND RECOMMENDATIONS

The purpose of this traffic impact study is to evaluate the impacts of the additional traffic added by the proposed residential apartment development. The development is proposed to be constructed in two phases. This study will analyze the construction of phase one for the construction of 388 apartment units. The development is proposed to be located in between Satellite Blvd and Distribution Drive in Gwinnett County, GA

The results of the existing conditions analysis indicate that the westbound approach to the intersection of Satellite Blvd / Cross Pointe Drive is currently operating at LOS B during the AM and PM peak hours. During the Sunday peak hour, police officers direct traffic at the Satellite Blvd intersection and the adjacent four-leg intersection inside the church property. To evaluate operations on Sunday, these intersections were analyzed as though a traffic signal were in operation. The Satellite Blvd intersection is reported to operate at an acceptable level-of-service during the Sunday peak hour with the police officer controlling the flow of traffic.

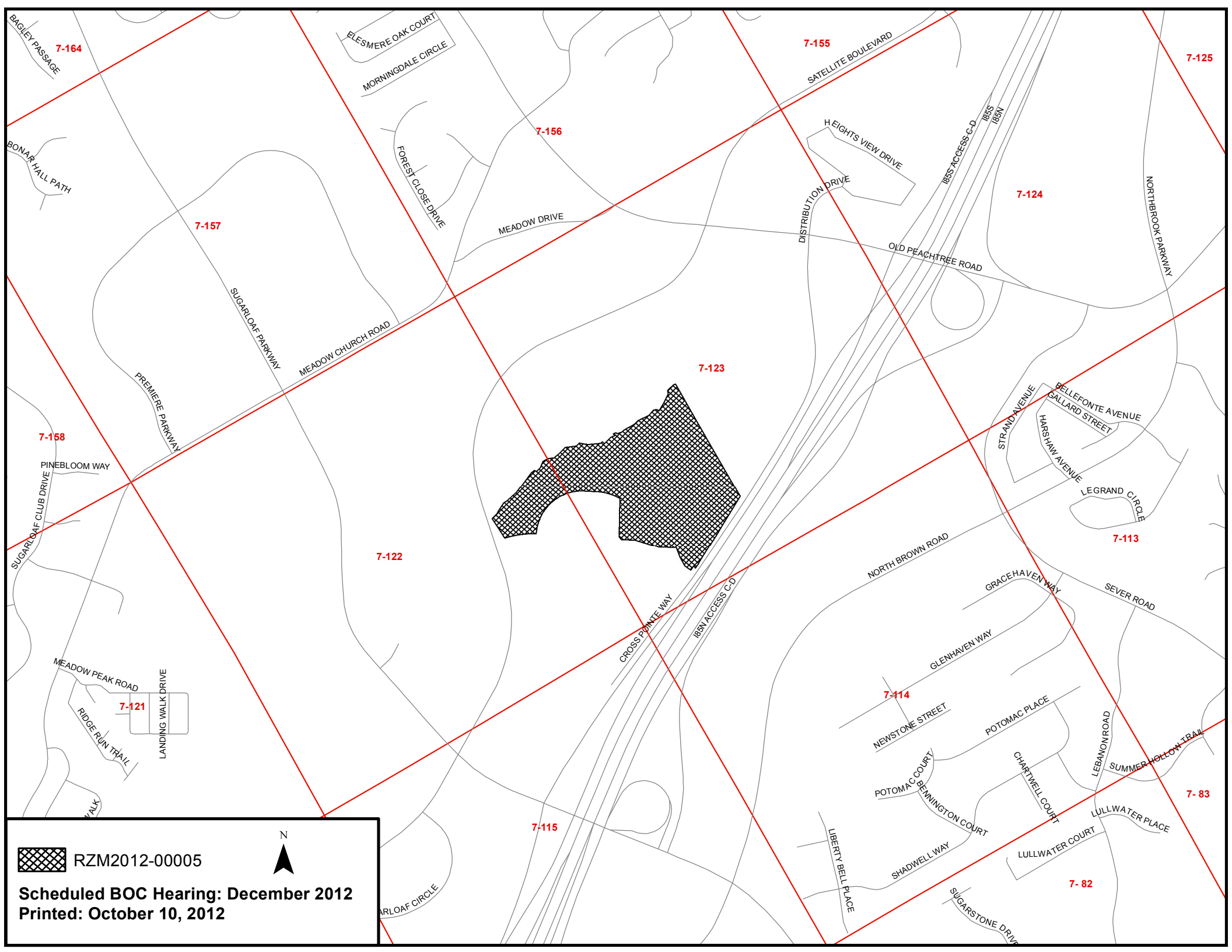
The future intersection analysis indicates that the westbound approach to the intersection of Satellite Blvd / Cross Pointe Driveway will operate at LOS C (above the industry standard of LOS D) in the AM and PM peak hours. With a police officer continuing to control the flow of traffic during heavy periods on Sunday, the study intersections are anticipated to continue operating at an acceptable level-of-service. As part of this proposed site plan, the first internal intersection inside the church property will be modified to allow non-stop path for vehicles traveling between the Satellite Blvd entrance and the apartments. This modification splits the current four-leg configuration into two separate three-leg intersections, one for the Drive Aisle North and another for Drive Aisle South (shown in Figure 5). These two newly formed intersections are anticipated to operate at a LOS B or better for the stop controlled approaches during peak hours.


According to Gwinnett County DOT criteria and guidelines for left turn lanes, installation of a left turn lane is based on combination of factors, including the number of proposed multi-family units and speed limits and average daily traffic on the adjacent roadway. The ADT volumes collected on Tuesday, October 23, 2012 show 66 vehicles / day on Distribution Drive. The Gwinnett County guideline for a 30 mph roadway with fewer than 6,000 daily vehicles is to require a left turn lane for developments greater than 175 units. However, because the amount of traffic on Distribution Drive is very small, a left turn lane will not be needed at the site driveway to provide adequate service levels for the intersection. The future conditions analyses in this report show that the site driveway on Distribution Drive is anticipated to operate at level-of-service "A" without the addition of any auxiliary turn lanes.

**Residential Rezoning Impact on Local Schools  
Prepared for Gwinnett County, December 2012**

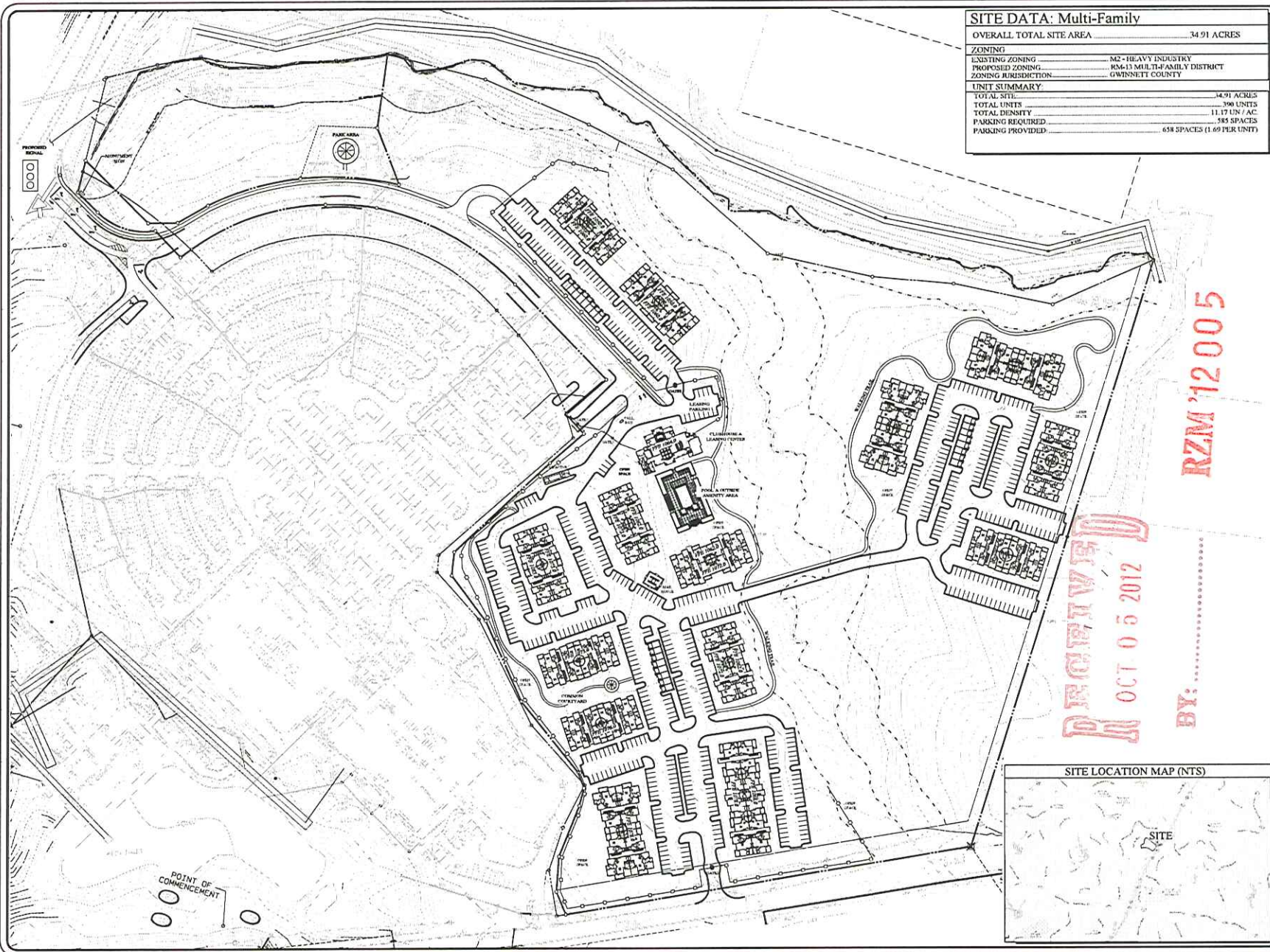
Case #	Schools	Current Projections									Proposed Zoning  Approximate additional Student Projections from Proposed Developments
		2012-13			2013-14			2014-2015			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2012-00005	Peachtree Ridge HS	3,175	2,800	375	3,154	2,800	354	3,171	2,800	371	29
	Hull MS	2,293	1,750	543	2,261	1,750	511	2,285	1,750	535	22
	Parson ES	774	750	24	758	750	8	766	750	16	46

Current projections do not include new developments



 RZM2012-00005

**Scheduled BOC Hearing: December 2012**  
**Printed: October 10, 2012**



<b>SITE DATA: Multi-Family</b>	
OVERALL TOTAL SITE AREA	34.91 ACRES
ZONING	
EXISTING ZONING	M2 - HEAVY INDUSTRY
PROPOSED ZONING	RM-13 MULTI-FAMILY DISTRICT
ZONING JURISDICTION	GWINNETT COUNTY
<b>UNIT SUMMARY</b>	
TOTAL SITE	34.91 ACRES
TOTAL UNITS	390 UNITS
TOTAL DENSITY	11.17 UN / AC
PARKING REQUIRED	585 SPACES
PARKING PROVIDED	658 SPACES (1.69 PER UNIT)

**Satellite Boulevard at Distribution Drive**  
 A Master Planned Multi-Family Community  
**BRAND PROPERTIES LLC**  
 SUITE 800  
 338 TEACHREE ROAD, N.E.  
 ATLANTA, GEORGIA 30316  
 PHONE: 770-969-9223  
 WWW.BRANDPROPERTIES.COM

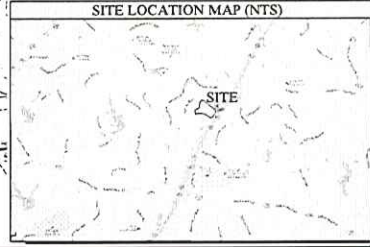
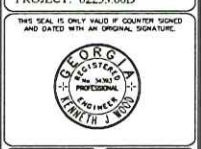
**"WE PROVIDE SOLUTIONS"**  
**PLANNERS AND ENGINEERS COLLABORATIVE**  
 SITE PLANNING/LANDSCAPE ARCHITECTURE/CIVIL ENGINEERING/3-D LAND SURVEYING  
 355 RESEARCH COURT • NORCROSS, GEORGIA 30093 • (770) 451-7411 • FAX (770) 451-3185 • WWW.PEACI.COM

REVISIONS:				
NO.	DATE	BY	DESCRIPTION	
-1	1-10-12	MA	CONCEPT SITE PLAN	
-2	1-26-12	MA	PHASE DEVELOPMENT	

This drawing is the property of Planners and Engineers, Inc. and shall not be used for any other project, and it is to be returned upon request. © Planners and Engineers, Inc.


SHEET TITLE:  
**CONCEPT SITE PLAN #4**

SCALE: 1" = 80'  
 DATE: January 3, 2011  
 PROJECT: 02253.00D

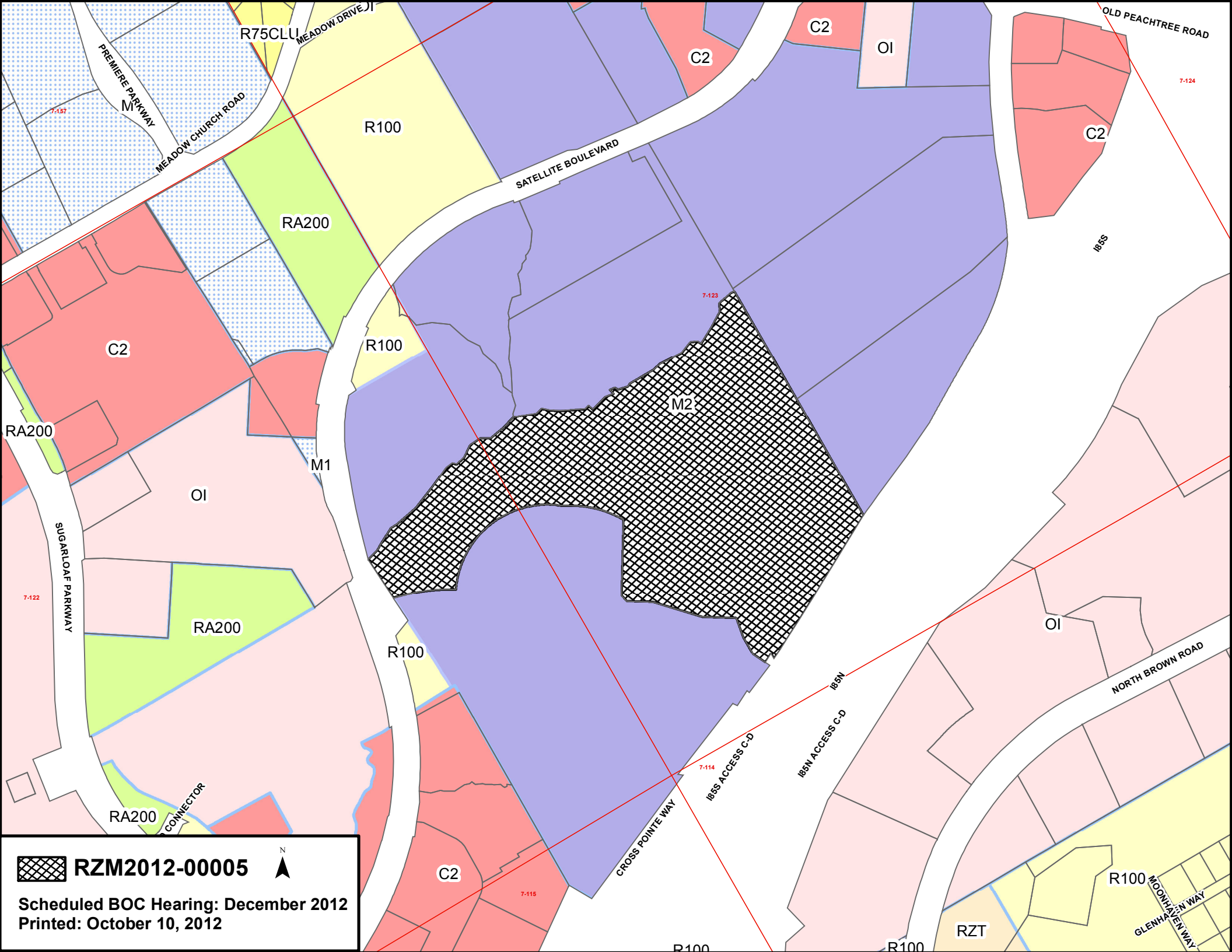



**1**  
SHEET



 **RZM2012-00005** 

**Scheduled BOC Hearing: December 2012**  
**Printed: October 10, 2012**



 **RZM2012-00005**



**Scheduled BOC Hearing: December 2012**  
**Printed: October 10, 2012**

# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:			
20130128			<input checked="" type="checkbox"/> Rezoning	<input checked="" type="checkbox"/> Public Hearing
Department:	Planning & Development		Date Submitted:	01/14/2013
Working Session:		Business Session:	Public Hearing:	02/26/2013
Submitted By:	vharrod		Multiple Depts?	No
Budget Type:	Neither		Special Routing:	
Agenda Type	Rezoning	Rezoning Type	CIC	
Item of Business:		Locked by Purchasing <input type="text"/> No		

2013-00001, Applicant: Christine Gipson, Owner: Keum Hwan An, Change in Conditions to Remove Use Restrictions on Property Zoned C-2, District 6 Land Lot 190 Parcel 172, 5000 Block of Jimmy Carter Boulevard, 6100 Block of Rockbridge School Road, 0.70 Acre. District 2/Howard

Land Lot:	190	Parcel:	172
District:	6		

Attachments: Planning Commission Results and Department Analysis

Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (2/6/2013)
Attorney	

District	For	Against	Abstained	Absent
District 1 (Lynn Thorndyke)	X			
District 1 (John Winters)	X (Mitchell)			
District 2 (Matt Houser)	X			
District 2 (Omar Zaman)	X			
District 3 (Chuck Warbington)		X		
District 3 (Teresa Cantrell)	X (Tullis)			
District 4 (Clint Dixon)	X			
District 4 (Brad Crowe)	X			
At Large (Don Shillington)	X			

Comments:

<p style="text-align: center;"><b>County Clerk Use Only</b></p> <p>Working Session: <input style="width: 100%;" type="text"/></p> <p>Action: <input checked="" type="checkbox"/> Public Hearing</p> <p>Tabled: <input type="checkbox"/></p> <p>Motion: <input type="checkbox"/></p> <p>2nd by: <input style="width: 100%;" type="text"/></p> <p style="margin-top: 20px;">Vote: <input style="width: 100%; height: 40px;" type="text"/></p>	<p style="text-align: center;"><b>Planning and Development</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> Deny PH was Held? <input type="checkbox"/></p> <p><input type="checkbox"/> No Recommendation</p>	<p style="text-align: center;"><b>Planning Commission</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Tabled - Date <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny <input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> No Recommendation</p>
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# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:		<input checked="" type="checkbox"/> Rezoning	<input checked="" type="checkbox"/> Public Hearing
<b>20130129</b>				
Department:	Planning & Development	Date Submitted:	01/14/2013	
Working Session:		Business Session:		
Submitted By:	viharrod	Public Hearing:	02/26/2013	
Budget Type:	Neither	Multiple Depts?	No	
Agenda Type	Rezoning	Rezoning Type	SUP	
Item of Business:				Locked by Purchasing <input type="text"/> No

2013-00004, Applicant: Christine Gipson, Owner: Keum Hwan An, for a Special Use Permit in a C-2 Zoning District for Automobile Service and Tire Store, District 6 Land Lot 190 Parcel 172, 5000 Block of Jimmy Carter Boulevard, 6100 Block of Rockbridge School Road, 0.70 Acre. District 2/Howard

Land Lot:	190	Parcel:	172
District:	6		

Attachments: Planning Commission Results and Department Analysis

Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (2/6/2013)
Attorney	

District	For	Against	Abstained	Absent
District 1 (Lynn Thorndyke)	X			
District 1 (John Winters)	X (Mitchell)			
District 2 (Matt Houser)	X			
District 2 (Omar Zaman)	X			
District 3 (Chuck Warbington)		X		
District 3 (Teresa Cantrell)	X (Tullis)			
District 4 (Clint Dixon)	X			
District 4 (Brad Crowe)	X			
At Large (Don Shillington)	X			

Comments:

<p style="text-align: center;"><b>County Clerk Use Only</b></p> <p>Working Session: <input style="width: 100%;" type="text"/></p> <p>Action: <input checked="" type="checkbox"/> Public Hearing</p> <p>Tabled: <input type="checkbox"/></p> <p>Motion: <input type="checkbox"/></p> <p>2nd by: <input style="width: 100%;" type="text"/></p> <p style="margin-top: 20px;">Vote: <input style="width: 100%; height: 40px;" type="text"/></p>	<p style="text-align: center;"><b>Planning and Development</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> Deny PH was Held? <input type="checkbox"/></p> <p><input type="checkbox"/> No Recommendation</p>	<p style="text-align: center;"><b>Planning Commission</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Tabled - Date <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny <input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> No Recommendation</p>
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# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:		<input checked="" type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Public Hearing
<b>20130130</b>			
Department:	Planning & Development	Date Submitted:	01/14/2013
Working Session:		Business Session:	
		Public Hearing:	02/26/2013
Submitted By:	vharrod	Multiple Depts?	No
Budget Type:	Neither	Special Routing:	
Agenda Type	Rezoning	Rezoning Type	SUP
Item of Business:	Locked by Purchasing <input type="text"/> No		

2013-00005, Applicant: Christine Gipson, Owner: Keum Hwan An, for a Special Use Permit in a C-2 Zoning District for Outdoor Storage, District 6 Land Lot 190 Parcel 172, 5000 Block of Jimmy Carter Boulevard, 6100 Block of Rockbridge School Road, 0.70 Acre. District 2/Howard

Land Lot:	190	Parcel:	172
District:	6		

Attachments: Planning Commission Results and Department Analysis

Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (2/6/2013)
Attorney	

District	For	Against	Abstained	Absent
District 1 (Lynn Thorndyke)	X			
District 1 (John Winters)	X (Mitchell)			
District 2 (Matt Houser)	X			
District 2 (Omar Zaman)	X			
District 3 (Chuck Warbington)		X		
District 3 (Teresa Cantrell)	X (Tullis)			
District 4 (Clint Dixon)	X			
District 4 (Brad Crowe)	X			
At Large (Don Shillington)	X			

Comments:

<p style="text-align: center;"><b>County Clerk Use Only</b></p> <p>Working Session: <input style="width: 100%;" type="text"/></p> <p>Action: <input checked="" type="checkbox"/> Public Hearing</p> <p>Tabled: <input type="checkbox"/></p> <p>Motion: <input type="checkbox"/></p> <p>2nd by: <input style="width: 100%;" type="text"/></p> <p style="margin-top: 20px;">Vote: <input style="width: 100%; height: 40px;" type="text"/></p>	<p style="text-align: center;"><b>Planning and Development</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> Deny    PH was Held?    <input type="checkbox"/></p> <p><input type="checkbox"/> No Recommendation</p>	<p style="text-align: center;"><b>Planning Commission</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Tabled - Date <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny    <input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> No Recommendation</p>
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PLANNING COMMISSION  
RECOMMENDED CONDITIONS

Approval as C-2 (Change in Conditions) with Special Use Permits for automobile service and outdoor storage, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail and service commercial and accessory uses which may include auto repair/tire store with outdoor storage as special uses.
  - B. Obtain all necessary development and building permits, and bring the site and structure up to all applicable zoning, development and building codes prior to business occupancy.
  - C. Hours of operation shall be limited to ~~6:00~~ 7:00 a.m. until ~~10:00~~ 9:00 p.m.
  - D. Any new construction or exterior renovations 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). At a minimum, the existing building shall be repainted in a neutral/earth tone color. Final exterior colors and/or building elevations shall be submitted for review and approval by the Director of Planning and Development.
  - E. The existing pole sign shall be removed from the site, and replaced with a monument-type ground sign with a minimum two-foot high brick or stacked stone base. The base and sign structure shall be constructed of materials consistent with the architectural and exterior treatment of the building. Ground sign(s) shall not exceed 8 feet in height.
  - F. Automobiles awaiting repair or kept overnight shall be stored indoors.
  - G. Sales of vehicles shall be prohibited on the site.
2. To satisfy the following site development considerations:
  - A. Provide a 20-foot, landscaped buffer adjacent to the northerly (rear) property line. This buffer shall include additional landscaping material to provide an effective visual screen of adjacent residential property.
  - B. Provide ten-foot wide landscaped strip outside the right-of-way of Rockbridge School Road.
  - ~~C. No more than one exit/entrance on Jimmy Carter Boulevard.~~
  - ~~D. No more than one exit/entrance on Rockbridge School Road.~~
  - E. No billboards are permitted.

- F. Maintain a six-foot high, 100 percent opaque fence adjacent to the northeasterly (rear) property line.
- G. Dumpster shall be screened by a fence or wall.
- H. Lighting shall be directed in toward the property so as not to reflect into adjacent residential properties.
- I. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign walkers or sign twirlers shall be prohibited.
- J. The outdoor storage area for tires shall be located to the rear of the building **and shall be covered**. The location and design of the storage area shall be subject to the review and approval of the Director of Planning and Development.
- K. Peddlers and/or parking lot sales shall be prohibited.
- L. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
- M. The applicant shall use the existing driveways.**

PLANNING COMMISSION RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

In light of the similarity of the existing commercial uses in the nearby and surrounding area, the requested tire store could be suitable at this location.

ADVERSE IMPACTS

With the recommended conditions, including limiting the hours of operations, restricting the storage of tires to the rear of the building, and repainting the existing building to a neutral/earth tone color, potential impacts on adjacent and nearby properties could be reduced.

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 requests are considered compatible with the Unified Plan policies for the long-standing commercial corridor extending along Jimmy Carter Boulevard, which includes numerous similar auto-related businesses.

CONDITIONS AFFECTING ZONING

The neighboring commercial zonings and similar auto related uses in the area suggest that the proposed tire store could be suitable at this location.

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

CASE NUMBER :**CIC2013-00001**  
ZONING :C-2  
LOCATION :5000 BLOCK OF JIMMY CARTER BOULEVARD  
:6100 BLOCK OF ROCKBRIDGE SCHOOL ROAD  
MAP NUMBER :R6190 172  
ACREAGE :0.70 ACRE  
SQUARE FEET :2,100 SQUARE FEET  
REQUEST :CHANGE IN CONDITIONS TO REMOVE USE RESTRICTION  
COMMISSION DISTRICT :(2) HOWARD

CASE NUMBER :**SUP2013-00004**  
ZONING :C-2  
LOCATION :5000 BLOCK OF JIMMY CARTER BOULEVARD  
:6100 BLOCK OF ROCKBRIDGE SCHOOL ROAD  
MAP NUMBER :R6190 172  
ACREAGE :0.70 ACRE  
REQUEST :AUTOMOBILE SERVICE AND TIRE STORE  
COMMISSION DISTRICT :(2) HOWARD

CASE NUMBER :**SUP2013-00005**  
ZONING :C-2  
LOCATION :5000 BLOCK OF JIMMY CARTER BOULEVARD  
:6100 BLOCK OF ROCKBRIDGE SCHOOL ROAD  
MAP NUMBER :R6190 172  
ACREAGE :0.70 ACRE  
REQUEST :OUTDOOR STORAGE  
COMMISSION DISTRICT :(2) HOWARD

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

APPLICANT: CHRISTINE GIPSON  
330 ARROWHEAD BOULEVARD, #63B  
JONESBORO, GA 30236

CONTACT: CHRISTINE GIPSON                      PHONE: 832.564.9881

OWNER: KEUM HWAN AN  
1132 MIDSUMMER COURT  
MARIETTA, GA 30068

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a change in conditions of a prior rezoning (RZ-44-90 & SUP-23-90) to amend Condition I.A., which limits the use of the subject property to an auto glass replacement business. The applicant is also requesting two Special Use Permits to allow automobile service and a tire store with outdoor storage. The subject property is located at 5055 Jimmy Carter Boulevard, at the intersection of Jimmy Carter Boulevard and Rockbridge School Road.

The subject property is developed with an approximately 2,100 square foot commercial building, which is currently unoccupied. The applicant intends to use the subject property as a tire store, selling new and used tires, and offering installation and repairs. The applicant is also requesting an additional Special Use Permit to allow outdoor storage of tires.

Condition I.A. of RZ-44-90 and SUP-23-90 limits the use of the property to an auto glass replacement business, and reads as follows:

I.A. Retail and service commercial and accessory uses for an auto glass replacement business only.

The 2030 Unified Plan Future Development Map indicates the property lies within an Existing / Emerging Suburban Character Area. Policies for this character area could support this use as the Jimmy Carter Boulevard corridor is a long-established commercial district serving the larger residential area. As such, the requests could be considered consistent within this character area, and would allow for the use of a vacant building.

The area surrounding the subject property is characterized by commercial/retail uses, with residential developments located beyond the Jimmy Carter Boulevard corridor. Uses along the corridor include numerous multi-tenant commercial/retail centers, restaurants and offices. Numerous similar auto service and repair uses are also located in the immediate area (Firestone, O'Reilly Auto Parts and Precision Tune among others). The requested Change-In-Conditions and Special Use Permits could be considered consistent and compatible with the development pattern and the precedent the Board has established for this segment of the Jimmy Carter Boulevard corridor.

In conclusion, the requested change in conditions may be appropriate in light of the similar uses along Jimmy Carter Boulevard and the commercial nature of the area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

ZONING HISTORY:

In 1970, the subject property was zoned R-75 (Single Family Residence District). In 1970, the subject property was rezoned to C-1 (Neighborhood Business District) to allow a service station, pursuant to RZ-4-70. A request to rezone the subject property from C-1 to C-2 (General Business District) for an automobile sales and service facility (RZ-1-89 & SUP-1-89)

were denied. The property was rezoned to C-2 in 1990, pursuant to RZ-44-90 and SUP-23-90, limited to an auto glass replacement business.

**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:**

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

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.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the northern right-of-way of Jimmy Carter Boulevard, and a 12-inch water main located on the western right-of-way on Rockbridge School 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 northern right-of-way of Jimmy Carter Boulevard.

**BUILDING CONSTRUCTION COMMENT SECTION:**

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 or exterior modifications and renovation 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.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Additions in **bold**

Deletions in ~~strikethrough~~

Approval as C-2 (Change-in-Conditions) with Special Use Permits for automobile service and outdoor storage, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail and service commercial and accessory uses ~~for an auto glass replacement business only~~ **which may include auto repair/tire store with outdoor storage as special uses.**
  - B. **Obtain all necessary development and building permits, and bring the site and structure up to all applicable zoning, development and building codes prior to business occupancy.**
  - C. **Hours of operation shall be limited to 6:00 a.m. until 10:00 p.m.**
  - D. **Any new construction or exterior renovations 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). At a minimum, the existing building shall be repainted in a neutral/earth tone color. Final exterior colors and/or building elevations shall be submitted for review and approval by the Director of Planning and Development.**
  - E. **The existing pole sign shall be removed from the site, and replaced with a monument-type ground sign with a minimum two-foot high brick or stacked stone base. The base and sign structure shall be constructed of materials consistent with the architectural and exterior treatment of the building. Ground sign(s) shall not exceed 8 feet in height.**
  - F. **Automobiles awaiting repair or kept overnight shall be stored indoors.**
  - G. **Sales of vehicles shall be prohibited on the site.**
2. To satisfy the following site development considerations:
  - A. Provide a 20-foot, landscaped buffer adjacent to the northerly (rear) property line. This buffer shall include additional landscaping material to provide an effective visual screen of adjacent residential property.
  - B. Provide ten-foot wide landscaped strip outside the ~~new-dedicated~~ right-of-way of ~~Jimmy Carter Boulevard~~ and Rockbridge School Road.

- C. No more than one exit/entrance on Jimmy Carter Boulevard.
  - D. No more than one exit/entrance on Rockbridge School Road.
  - E. ~~The entrance/exit point on Jimmy Carter Boulevard, nearest Rockbridge School Road, shall be removed.~~
  - F. No billboards are permitted.
  - G. Maintain a six-foot high, 100 percent opaque fence adjacent to the northeasterly (rear) property line.
  - H. Dumpster shall be screened by a fence or wall.
  - I. Lighting shall be directed in toward the property so as not to reflect into adjacent residential properties.
  - J. ~~No streamers, inflatable objects, flags, or banners shall be allowed as advertising devices for the development of the auto glass repair facility.~~ **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 or sign twirlers shall be prohibited.**
  - J. ~~Submit landscaping plans to the Planning Commission for approval prior to the issuance of any permits.~~
  - K. **The outdoor storage area for tires shall be located to the rear of the building. The location and design of the storage area shall be subject to the review and approval of the Director of Planning and Development.**
  - L. **Peddlers and/or parking lot sales shall be prohibited.**
  - M. **The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.**
- ~~3. To abide by the following requirements, dedications and improvements:~~
- A. ~~Dedicate, at no cost to Gwinnett County, 30 feet of right of way from the centerline of Rockbridge School Road.~~
  - B. ~~Dedicate, at no cost to Gwinnett County, right of way for Jimmy Carter Boulevard as per Georgia Department of Transportation.~~

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

In light of the similarity of the existing commercial uses in the nearby and surrounding area, the requested tire store could be suitable at this location.

ADVERSE IMPACTS

With the recommended conditions, including limiting the hours of operations, restricting the storage of tires to the rear of the building, and repainting the existing building to a neutral/earth tone color, potential impacts on adjacent and nearby properties could be reduced.

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 requests are considered compatible with the Unified Plan policies for the long-standing commercial corridor extending along Jimmy Carter Boulevard, which includes numerous similar auto-related businesses.

CONDITIONS AFFECTING ZONING

The neighboring commercial zonings and similar auto related uses in the area suggest that the proposed tire store could be suitable at this location.

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

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

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

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

\_\_\_\_\_ *Yes* \_\_\_\_\_

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

\_\_\_\_\_ *NO* \_\_\_\_\_

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

\_\_\_\_\_ *YES* \_\_\_\_\_

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

\_\_\_\_\_ *NO* \_\_\_\_\_

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

\_\_\_\_\_ *YES* \_\_\_\_\_

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

\_\_\_\_\_ *NO* \_\_\_\_\_

**CIC 13001**  
**RECEIVED**  
**NOV 07 2012**

BY: .....

330 Arrowhead blvd #63b  
Jonesboro Ga 30236  
November 5, 2012

The board of commissioners  
Gwinnett county planning division

Dear Sir/Madam,

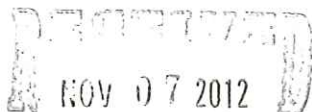
LETTER OF INTENT

Benbella New and Used Tires LLC is hereby requesting for a special use permit to operate a business. Benbella new and used tires is a start up tire shop, the shop will be selling new and used tires. Doing wheel alignment and wheel balancing. The shop will be located at 5055 jimmy carter blvd, Norcross Ga, 30093.

Benbella new and used tires LLC is also requesting for a permit to operate the business twenty-four hours and seven days a week.

The twenty-four hours shop will benefit the community in time of emergency and also help the city economy.

Thank you for your consideration,  
Christine Gipson, owner.



CIC-13-001

BY: .....

CASE NUMBER RZ-44-90

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

Present

VOTE

Lillian Webb, Chairman  
W. J. Dodd, District 1  
Scott Ferguson, District 2  
J. Curtis McGill, District 3  
Don Loggins, District 4

AYE  
AYE  
AYE  
AYE  
AYE

On motion of COMM. FERGUSON, 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 C-1 to C-2

by SAFELITE GLASS CORPORATION for the proposed use of AUTO GLASS REPAIR AND REPLACEMENT BUSINESS (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 NEWS, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on MAY 22, 1990 and objections were NOT filed;

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 22ND day of MAY, 1990 that the aforesaid application to amend the Official Zoning Map from C-1 to C-2 is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Retail and service commercial and accessory uses for an auto glass replacement business only.
2. To satisfy the following site development considerations:
  - A. Provide a 20-foot, landscaped buffer adjacent to the northerly (rear) property line. This buffer shall include additional landscaping material to provide an effective visual screen of adjacent residential property.
  - B. Provide a ten-foot wide landscaped strip outside the new dedicated rights-of-way of Jimmy Carter Boulevard and Rockbridge School Road.

CASE NUMBER RZ-44-90

- C. No more than one exit/entrance on Jimmy Carter Boulevard.
  - D. No more than one exit/entrance on Rockbridge School Road.
  - E. The entrance/exit point to Jimmy Carter Boulevard, nearest Rockbridge School Road, shall be removed.
  - F. No billboards are permitted.
  - G. Maintain a six-foot high, 100 percent opaque fence adjacent to the northeasterly (rear) property line.
  - H. Dumpsters shall be screened by a fence or wall.
  - I. Lighting shall be directed in toward the property so as not to reflect into adjacent residential properties.
  - J. No streamers, inflatable objects, flags, or banners shall be allowed as advertising devices for the development of the auto glass repair facility.
  - K. Submit landscaping plans to the Planning Commission for approval prior to the issuance of any permits.
3. To abide by the following requirements, dedications and improvements:
- A. Dedicate, at no cost to Gwinnett County, 30 feet of right-of-way from the centerline of Rockbridge School Road.
  - B. Dedicate, at no cost to Gwinnett County, right-of-way for Jimmy Carter Boulevard as per Georgia Department of Transportation.

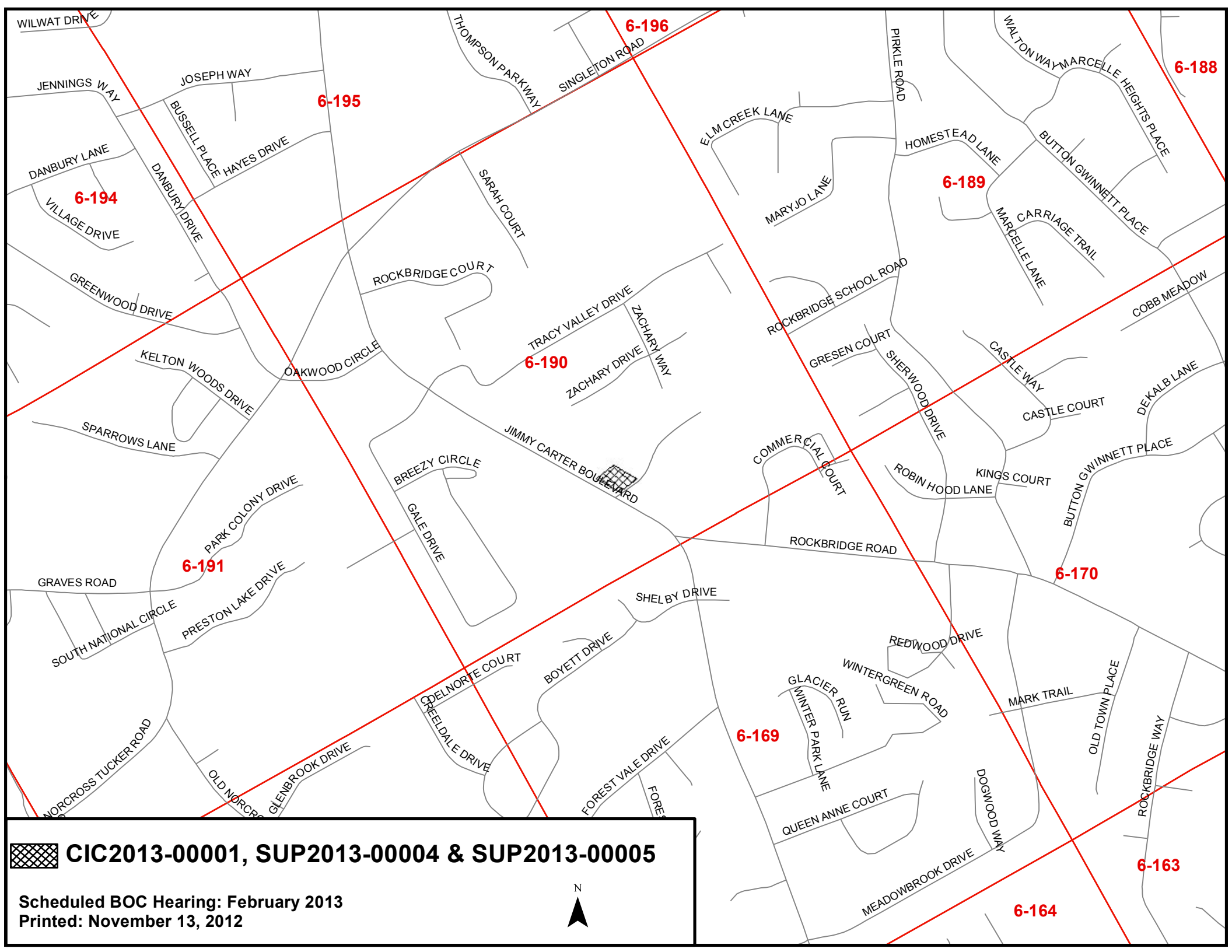
GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Lillian Webb  
Lillian Webb, Chairman

Date Signed: 6-5-90

ATTEST:

Barbara A. Brown  
Clerk



 **CIC2013-00001, SUP2013-00004 & SUP2013-00005**

**Scheduled BOC Hearing: February 2013**  
**Printed: November 13, 2012**





VICINITY MAP  
(NOT TO SCALE)

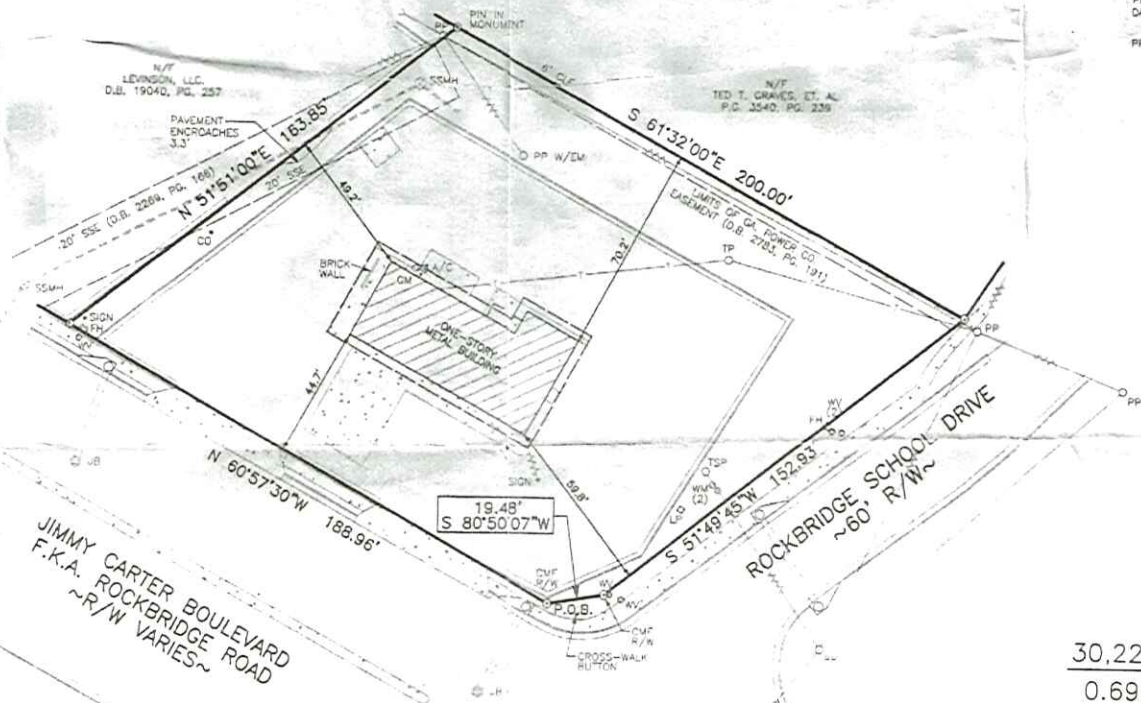
NOTES:

FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A 5 SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 84,040 FEET AND AN ANGULAR ERROR OF 07 SECOND PER ANGLE POINT AND WAS ADJUSTED BY LEAST SQUARES. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 91,439 FEET.

ALL ISSUES OF TITLE ARE EXCEPTED ON THIS SURVEY UNLESS NOTED.

THIS PROPERTY DOES NOT LIE WITHIN A FEDERAL FLOOD HAZARD AREA AS PER PANEL NO. 1303220165 D, DATED JUNE 18, 1981.

PROPERTY IS ZONED C-2. MINIMUM SET-BACK REQUIREMENTS:  
FRONT - 50' FROM RIGHT-OF-WAY  
SIDE - 10' BUT 20' IF ABUTS RESIDENTIAL DISTRICT  
REAR - 15' BUT 40' IF ABUTS RESIDENTIAL DISTRICT



30,222 SQ. FT.  
0.693 ACRES

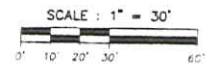
LEGEND:

- A ARC
- R RADIUS
- C CHORD
- R/W RIGHT OF WAY
- N/T ADJOINING OWNERSHIP
- IKS IRON PIN SET
- IPP IRON PIN FOUND
- CMT CONCRETE MONUMENT FOUND
- CO CLEAN-OUT
- WV WATER VALVE
- WM WATER METER
- DM GAS METER
- EM ELECTRIC METER
- DI DROP INLET
- HV HEADWALL
- SSMH SANITARY SEWER MANHOLE
- SSSE SANITARY SEWER EASEMENT
- PH FIRE HYDRANT
- CLF CHAIN LINK FENCE
- TP TELEPHONE POLE
- TSP TRAFFIC SIGNAL POLE
- LP LIGHT POLE
- PP POWER POLE
- DB DEED BOOK PAGE
- P.O.B. POINT OF BEGINNING
- RB REBAR
- OT OPEN TOP PIPE
- FENCE FENCE
- OVERHEAD POWER LINE OVERHEAD POWER LINE
- WATER LINE WATER LINE
- GAS LINE GAS LINE
- OVERHEAD TELEPHONE OVERHEAD TELEPHONE

RECEIVED  
NOV 07 2012

SUP '13 0 0 5

BY: .....



SURVEY FOR KEUM HWAN AN, FIRST INTERCONTINENTAL BANK & CHICAGO TITLE INSURANCE COMPANY	
5055 JIMMY CARTER BOULEVARD NORCROSS, GEORGIA D.B. 14342, PG. 75	COUNTY: GWINNETT LAND LOT: 190 DISTRICT: 6TH SECTION: SCALE: 1"=30' FIELD: 5-9-06 BY: SS OFFICE: 5-23-06 BY: GSG REVISED
ADAM & LEE LAND SURVEYING 3040 GA. HWY. 20 S. LOGANVILLE, GA. 30052 (770) 554-8995	06131

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



JIMMY CARTER BOULEVARD

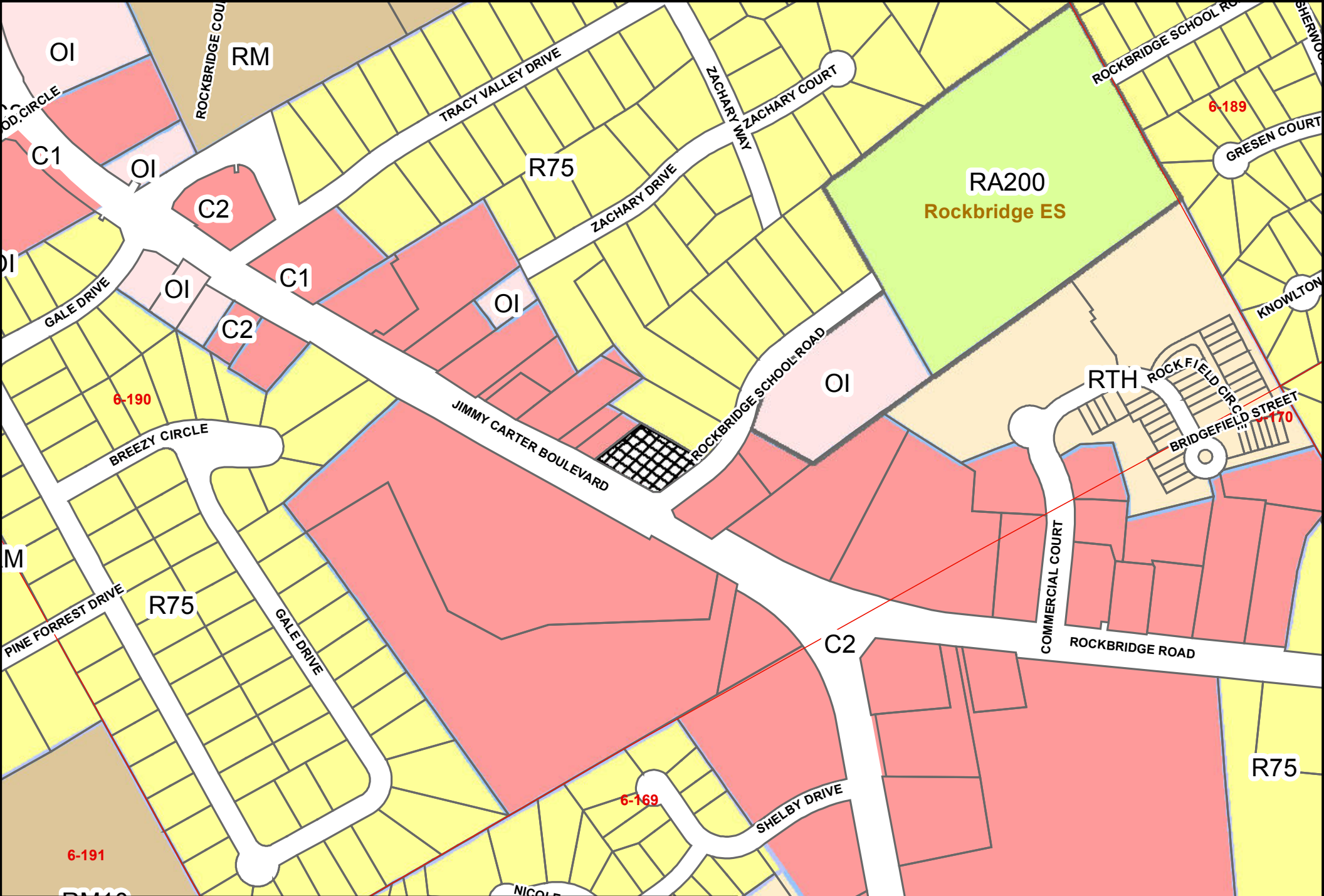
ROCKBRIDGE SCHOOL ROAD

6-190

 CIC2013-00001, SUP2013-00004 & SUP2013-00005

Scheduled BOC Hearing: February 2013  
Printed: November 13, 2012





 **CIC2013-00001, SUP2013-00004 & SUP2013-00005**

Scheduled BOC Hearing: February 2013  
 Printed: November 13, 2012



RTN

RM8

RZT

RM8

GLACIER RUN

# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:		<input checked="" type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Public Hearing
20130131			
Department:	Planning & Development	Date Submitted:	01/14/2013
Working Session:		Business Session:	
Public Hearing:		Public Hearing:	02/26/2013
Submitted By:	viharrod	Multiple Depts?	No
Budget Type:	Neither	Special Routing:	
Agenda Type	Rezoning	Rezoning Type	CIC
Item of Business:	Locked by Purchasing <input type="text"/> No		

2013-00002, Applicant: Crown Communities, Owner: Crown Communities, Change in Conditions to Remove Three Sides Brick Requirement on Property Zoned R-ZT, District 5 Land Lot 271 Parcels 028 & 124, District 5 Land Lot 272 Parcel 001, 200 Block of Rabbit Hill Road, 17.91 Acres. District 4/Heard

Land Lot:	271, 272	Parcel:	028 & 124, 001
District:	5		

Attachments: Planning Commission Results and Department Analysis

Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (2/6/2013)
Attorney	

District	For	Against	Abstained	Absent
District 1 (Lynn Thorndyke)	X			
District 1 (John Winters)	X (Mitchell)			
District 2 (Matt Houser)	X			
District 2 (Omar Zaman)	X			
District 3 (Chuck Warbington)		X		
District 3 (Teresa Cantrell)	X (Tullis)			
District 4 (Clint Dixon)	X			
District 4 (Brad Crowe)	X			
At Large (Don Shillington)	X			

Comments:

<p style="text-align: center;"><b>County Clerk Use Only</b></p> <p>Working Session: <input style="width: 100%;" type="text"/></p> <p>Action: <input checked="" type="checkbox"/> Public Hearing</p> <p>Tabled: <input type="checkbox"/></p> <p>Motion: <input type="checkbox"/></p> <p>2nd by: <input style="width: 100%;" type="text"/></p> <p style="margin-top: 20px;">Vote: <input style="width: 100%; height: 40px;" type="text"/></p>	<p style="text-align: center;"><b>Planning and Development</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> Deny    PH was Held?    <input type="checkbox"/></p> <p><input type="checkbox"/> No Recommendation</p>	<p style="text-align: center;"><b>Planning Commission</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Tabled - Date <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny    <input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> No Recommendation</p>
---	--	---

PLANNING COMMISSION  
RECOMMENDED CONDITIONS

Approval as R-ZT (Change in Conditions), subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Single-family detached dwellings and accessory uses and structures, at a maximum of 66 homes.
  - B. The minimum heated floor area shall be 2,000 square feet.
  - C. All homes shall contain at least a double-car garage.
  - D. All dwellings shall be constructed of a combination of brick, stacked stone or fiber-cement siding. A minimum of 50% of the front façade shall be brick or stacked stone, and side elevations shall include at least a minimum ~~4-foot~~ **18-inch** high brick or stacked stone water-table extending its full horizontal length. Vinyl siding products shall be prohibited except for soffits, gables, eaves, fascia board and shutters.
2. To satisfy the following site development considerations:
  - A. Provide a 30-foot wide landscaped setback along Rabbit Hill Road, enhanced with either a solid brick wall or a decorative wrought iron-style fence with brick or stacked stone columns every 30-feet or a decorative opaque fence combined with columns, landscaping, and entrance features. Entrance plans shall be subject to the review and approval of the Director of Planning and Development.
  - B. All utilities shall be placed underground.
  - C. All grassed areas shall be sodded.
  - D. Direct lot access to Rabbit Hill Road shall be prohibited.
  - E. A statement shall be placed on the final plat in order to notify future homeowners that the proposed subdivision they are moving into is near an airport and industrial park and noises typical of airport and industrial use may be encountered.

PLANNING COMMISSION RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

If properly restricted, the proposed change in conditions could be suitable in view of the development standards established through the previous rezoning cases in the area.

ADVERSE IMPACTS

With the recommended conditions, no significant adverse impacts on the surrounding area would be anticipated.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be a general reduction in impacts on public facilities as a result of the reduction in residential units.

CONFORMITY WITH POLICIES

The request may be considered generally consistent with actions taken by the Board in the vicinity, and could be compatible with policies of the Unified Plan recommending residential uses for the area.

CONDITIONS AFFECTING ZONING

If conditioned to still require some brick or stone treatments on the new homes, the intent of the original condition could be maintained.

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

CASE NUMBER :**CIC2013-00002**  
ZONING :R-ZT  
LOCATION :200 BLOCK OF RABBIT HILL ROAD  
MAP NUMBER :R5271 028, R5271 124 & R5272 001  
ACREAGE :17.91 ACRES  
UNITS :66 UNITS  
REQUEST :CHANGE IN CONDITIONS TO REMOVE THREE SIDES BRICK  
REQUIREMENT  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: CROWN COMMUNITIES  
1371 DOGWOOD DRIVE, S.W.  
CONYERS, GA 30012

CONTACT: R. NEIL KOELBL PHONE: 404.925.9103

OWNER: CROWN COMMUNITIES  
1371 DOGWOOD DRIVE, S.W.  
CONYERS, GA 30012

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a change in conditions of a previous R-ZT (Single-Family Residence District) zoning case from 2005, RZR-05-035. The property is located along the west side of Rabbit Hill Road, south of its intersection with Hurricane Shoals Road. Development of the site as Rabbit Hill Commons commenced in 2007. The property was graded and developed with streets, a detention pond and utility infrastructure; however, no dwelling units have been constructed.

The applicant proposes to remove the three sided brick/stacked stone requirement on the homes. It is noted that the overall number of lots within the subdivision is planned to be reduced from 105 units as proposed in 2007, to 66 units. This would result in a reduction in project density from 5.86 to 3.69 units per acre.

The applicant is requesting to amend the following condition of RZR-05-035. The condition currently reads as follows:

I.D. All dwellings shall be constructed of three sides brick or stacked stone, with the balance being the same or wood or fiber-cement type siding.

The applicant proposes to amend condition I.D., to allow for the exterior of the homes to consist of a combination of brick, stone, wood or fiber-cement type siding (allowing vinyl for soffits, gables, eaves, fascia board and shutters).

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. Elimination of the requirement for brick or stone materials may be counter to this emphasis of the Unified Plan. However, if approved with an appropriate mix of masonry and siding materials, alteration of the prior zoning condition could be suitable in keeping with the recommendations of the Unified Plan.

The area surrounding the subject property is characterized by a mixture of residences on large lots, public, institutional, and office/industrial land uses. This portion of Rabbit Hill Road consists of single family homes on large lots, a church and County Park properties. West of the subject property is the Publix Supermarkets distribution center, zoned M-I. Rabbit Hill Park, a church and single family homes are located across Rabbit Hill Road. South of the property is a single family residence zoned R-100. Other rezoning approvals in the area included conditions ranging from one-side brick treatments to full four-sided brick construction. If properly conditioned, this this request could be compatible with prior Board actions in the immediate area. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of the request.

#### ZONING HISTORY:

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). A portion of the property was rezoned to R-100 as part of an areawide rezoning in 1975. In 2005, the property was rezoned to R-ZT (Single Family Residence District), pursuant to RZR-05-035.

#### GROUNDWATER RECHARGE AREA:

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

#### WETLANDS INVENTORY:

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

#### DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

#### STORMWATER REVIEW SECTION COMMENTS:

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the eastern right-of-way of Rabbit Hill 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-ZT (change in conditions), subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Single-family detached dwellings and accessory uses and structures, **at a maximum of 66 homes.**
  - B. The minimum heated floor area shall be 2,000 square feet.
  - C. All homes shall contain at least a double-car garage.
  - D. All dwellings shall be constructed of **a combination of brick, stacked stone or fiber-cement siding. A minimum of 50% of the front façade shall be brick or stacked stone, and side elevations shall include at least a minimum 4-foot high brick or stacked stone water-table extending its full horizontal length. Vinyl siding products shall be prohibited except for soffits, gables, eaves, fascia board and shutters.** ~~three sides brick or stacked stone, with the balance being the same or wood or fiber-cement type siding.~~
2. To satisfy the following site development considerations:
  - A. ~~Natural vegetation shall remain on the property until the issuance of a development permit.~~
  - B. Provide a 30-foot wide landscaped setback along Rabbit Hill Road, enhanced with either a solid brick wall or a decorative wrought iron-style fence with brick or stacked stone columns every 30-feet or a decorative opaque fence combined with columns, landscaping, and entrance features. Entrance plans shall be subject to the review and approval of the Director of Planning and Development.
  - C. All utilities shall be placed underground.
  - D. All grassed areas shall be sodded.
  - E. Direct lot access to Rabbit Hill Road shall be prohibited.
  - F. A statement shall be placed on the final plat in order to notify future homeowners that the proposed subdivision they are moving into is near an

airport and industrial park and noises typical of airport and industrial use may be encountered.

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

~~A. Number and locations of driveways subject to Gwinnett County Department of Transportation approval.~~

PLANNING AND DEVELOPMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

If properly restricted, the proposed change in conditions could be suitable in view of the development standards established through the previous rezoning cases in the area.

ADVERSE IMPACTS

With the recommended conditions, no significant adverse impacts on the surrounding area would be anticipated.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be a general reduction in impacts on public facilities as a result of the reduction in residential units.

CONFORMITY WITH POLICIES

The request may be considered generally consistent with actions taken by the Board in the vicinity, and could be compatible with policies of the Unified Plan recommending residential uses for the area.

CONDITIONS AFFECTING ZONING

If conditioned to still require some brick or stone treatments on the new homes, the intent of the original condition could be maintained.

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

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

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

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

Yes

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

No

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

No

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

No, it will lessen all impacts.

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

Yes

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

Market conditions.

CIC 43002

# CROWN COMMUNITIES

November 16, 2012

Gwinnett County Planning and Zoning  
446 West Crogan Street  
Lawrenceville, GA 30046

Re: Zoning Modification re: case # RZR-05-035, 17.905 acres on Rabbit Hill Road, Dacula, GA known as "Rabbit Hill Commons", to be renamed "Mulberry Estates"

Greetings:

Crown Communities would like to amend the above zoning resolution as follows:

Delete Section 1 (d) which states "All homes shall constructed of three sides brick or stacked stone, with the balance being the same or wood of fiber cement siding."

Replace removed section with the following: "The exterior of the houses shall consist of a combination of brick, stone, wood, or hardi/cement siding. Vinyl shall be prohibited except for soffits, gables, eaves, fascia board, and shutters."

In exchange for the adjustment of this condition, we are proposing a reduction in unit count from the currently approved 105 units, to no more than 66 units.

I am available to discuss or answer questions at your convenience..

Regards,



Adam Corder  
Land Acquisitions  
[adam@crownga.com](mailto:adam@crownga.com)  
770-866-1934 mobile

Downeast Builders & Realty, Inc. • Roosevelt Builders, Inc. • Franklin Builders, Inc.  
Jefferson Homes, Inc. • Pillon Communities, Inc. • S.C. Pillon Homes, Inc. • A.L. Pillon Homes, Inc.  
1371 Dogwood Drive, S.W. • Conyers • GA • 30012 • 678-509-0555 Phone • 678-509-0556 Fax  
[www.CrownUS.com](http://www.CrownUS.com)

CIC 13 002



FRONT ELEVATION B4-1

These images are artist's rendering for reference only, actual construction including materials and floor plans may vary per community. Subject to change without notice. See sales agent for complete details. [www.CrownCo.com](http://www.CrownCo.com)

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REVISION	Date

**CROWN**  
COMMUNITIES  
1371 Dogwood Road Conyers, GA 30012

© COPYRIGHT © 2011  
CROWN COMMUNITIES, INC.

FRONT ELEVATION B4-1  
THE ROOSEVELT 36

APPROVAL	DATE
DESIGNER	DATE
DATE	#8-29-11
PROJECT NO.	

A3

SCALE: 3/16" = 1'-0"

www.CROWNCO.com

CIC '13 002



FRONT ELEVATION B4-1

These images are artist's rendering for reference only, actual construction including materials and floor plans may vary per community. Subject to change without notice. See sales agent for complete details. [www.CrownUS.com](http://www.CrownUS.com)

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REVISION	Date

**CROWN**  
COMMUNITIES  
1371 Duggerwood Road Cumming, GA 30012

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CROWN COMMUNITIES, INC.

FRONT ELEVATION B4-1

THE PACKARD

APPROVAL	DATE
DESIGNER	DATE
CLIENT	DATE
PROJECT NO.	

A3

SCALE: 3/16" = 1'-0"

CIC 13002



FRONT ELEVATION C2-1

These images are artist's rendering for reference only, actual construction including materials and floor plans may vary per community. Subject to change without notice. See sales agent for complete details. [www.crown.com](http://www.crown.com)

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www.crown.com

**CROWN**  
COMMUNITIES  
1371 Dogwood Road Conyers, GA 30012

CONTRACT # 2011  
CROWN COMMUNITIES, INC.

FRONT ELEVATION C2-1

THE WILLIAM

APPROVAL DATE

DESIGNER DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

DATE

A3

SCALE: 1/8"=1'-0"

C1073002



FRONT ELEVATION C2-1

These ledgges are artist's rendering for reference only, actual construction including materials and floor plans may vary per community. Subject to change without notice. See sales agent for complete details. [www.CrownUS.com](http://www.CrownUS.com)

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REVISION	—	Date

**CROWN**  
COMMUNITIES  
1317 Degerwood Road Cary, NC 27513

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CROWN COMMUNITIES, INC.

FRONT ELEVATION C2-1

THE KINGSTON

APPROVAL:	DATE:
DESIGNER:	DATE:
CLIENT:	
PROJECT NO.	

A3

SCALE: 3/16" = 1'-0"

www.CROWNUSA.com

CIC 13002



FRONT ELEVATION B4-1

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REVISION	Date

**CROWN**  
COMMUNITIES  
1371 Dogwood Road Cary, GA 30012

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FRONT ELEVATION B4-1  
THE JEFFERSON 25

APPROVAL	DATE
DRAWING	DATE
011	08-25-12
DISTRICT NO.	
A3	
SCALE	3/16"=1'-0"

www.CROWNCO.com

CIC 78002



FRONT ELEVATION B2-3

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REVISION	DATE
 <b>CROWN COMMUNITIES</b> 1371 Dogwood Road, Conyers, GA 30012	
<small>COPYRIGHT © 2011 CROWN COMMUNITIES, INC.</small>	
FRONT ELEVATION B2-3	THE GENTRY
APPROVAL	DATE
DESIGNER	DATE
CLIENT	DATE
SHEET NO.	
A3	
SCALE:	3/16" = 1'-0"

www.CROWNUSA.com

CIC 73002



FRONT ELEVATION B2-1

These images are artist's rendering for reference only, actual construction including materials and floor plans may vary per Community. Subject to change without notice. See sales agent for complete details. [www.Crowne.com](http://www.Crowne.com)

1. WITH THE EXCEPT AS NOTED OTHERWISE, ALL DIMENSIONS SHOWN HEREON GOVERN OVER ANY AND ALL DIMENSIONS TO THESE HOUSES AND HOUSES OF AN IDENTICAL TYPE OR SIMILAR TYPE. THE DIMENSIONS SHOWN HEREON ARE APPROXIMATE AND THE DIMENSIONS OF ANY HOUSES OF AN IDENTICAL TYPE OR SIMILAR TYPE MAY VARY FROM THE DIMENSIONS SHOWN HEREON. THE DIMENSIONS SHOWN HEREON ARE APPROXIMATE AND THE DIMENSIONS OF ANY HOUSES OF AN IDENTICAL TYPE OR SIMILAR TYPE MAY VARY FROM THE DIMENSIONS SHOWN HEREON.

Date

REVISION

**CROWN**  
COMMUNITIES  
1371 Dogwood Road, Cary, NC 27513

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FRONT ELEVATION B2-1

CATHERINE

APPROVAL DATE

DESIGNER DATE

DRAWN BY DATE

REVISION NO.

A3

SCALE: 3/16"=1'-0"

www.CROWNINGA.com

CIC 713002



FRONT ELEVATION B2-1

These images are artist's rendering for reference only. Actual construction including materials and floor plans may vary per community. Subject to change without notice. Base sales agent for complete details. [www.CrownKB.com](http://www.CrownKB.com)

1. Crown KB Homes reserves a right of first refusal and reservation upon contract close and will not attempt to build homes not approved by the planning board or zoning board. Please note that Crown KB Homes reserves the right to change the design of any community and will not be responsible for any change made to the design of any community.

REVISION	Date

**CROWN**  
COMMUNITIES  
1371 Dyerwood Road, Cumming, GA 30012

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CROWN COMMUNITIES, INC.

FRONT ELEVATION B2-1  
THE CAMBRIDGE

APPROVAL	DATE
DESIGNER	DATE
CHECK NO.	

A3

SCALE: 3/8" = 1'-0"

www.CROWNKB.com

CIC 13002



# ABIGAIL FRONT ELEVATION B2-3

These images are artist's rendering for reference only, actual construction including materials and floor plans may vary per community. Subject to change without notice. See sales agent for complete details. [www.CrownUGA.com](http://www.CrownUGA.com)

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REVISION	Date

**CROWN**  
COMMUNITIES  
1371 Dogwood Road, Cary, GA 30012

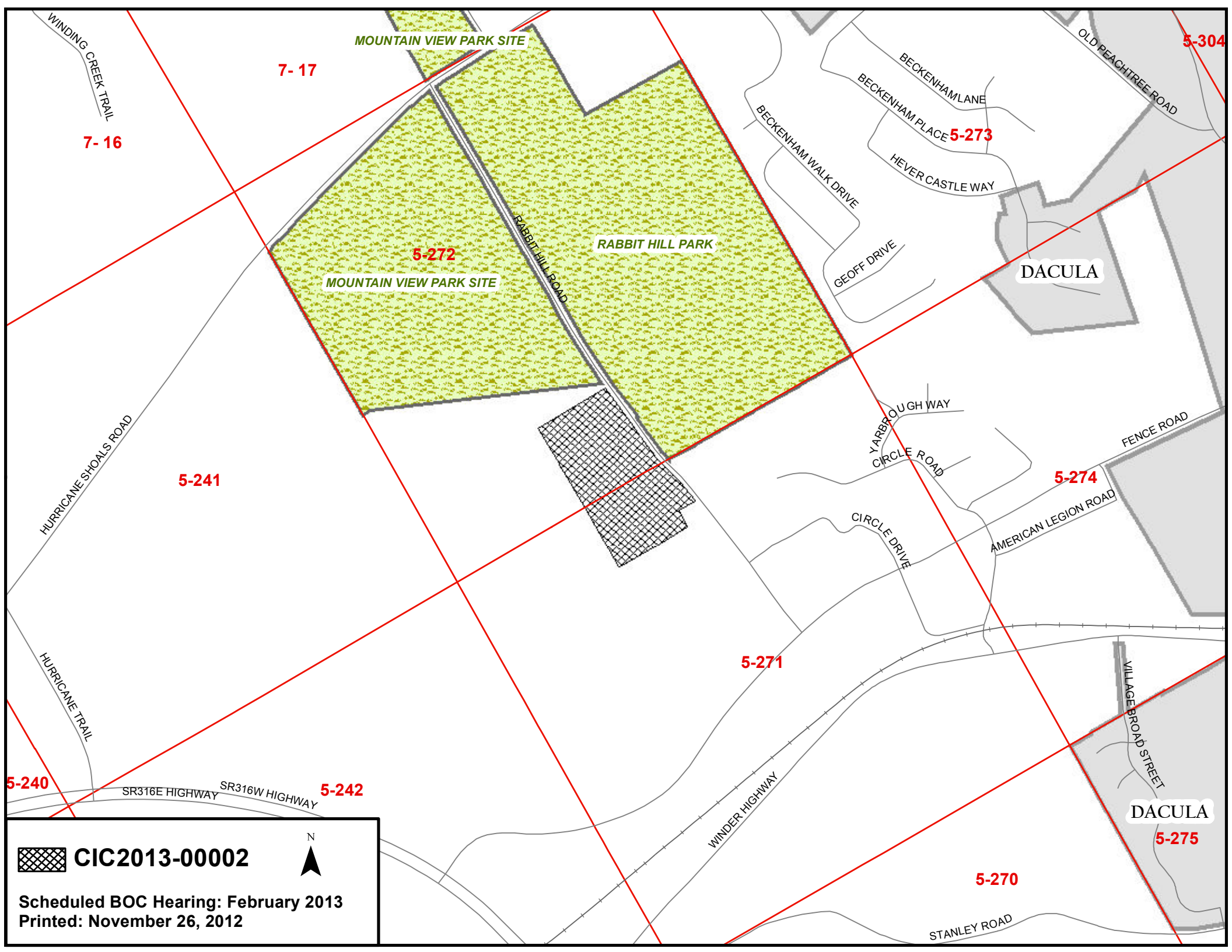
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FRONT ELEVATION B2-3

THE ABIGAIL

APPROVAL	DATE
DESIGNER	DATE
CLIENT	08-29-10
PROJECT NO.	A3
SCALE	3/16" = 1'-0"

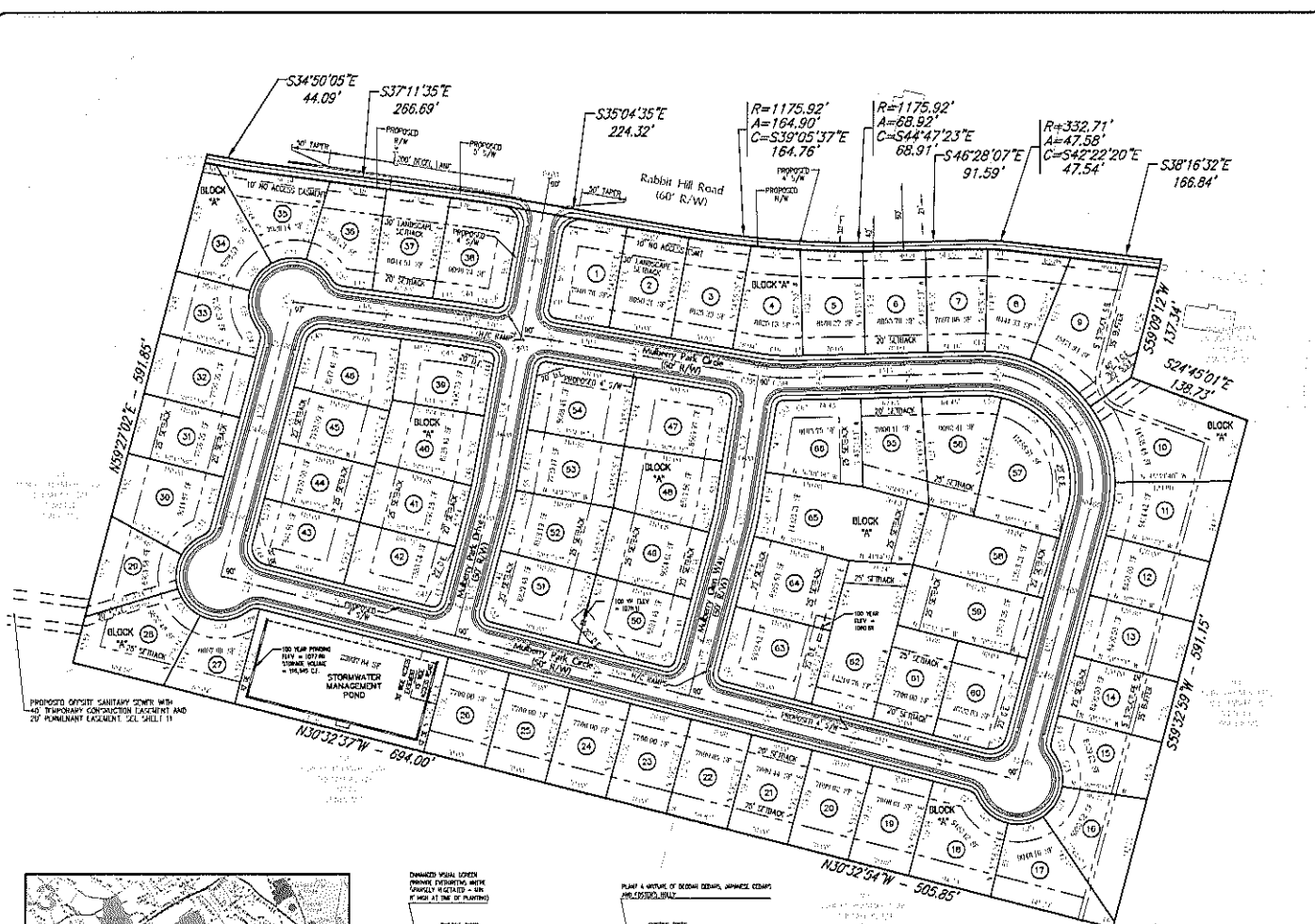
CIC 73002



 **CIC2013-00002**

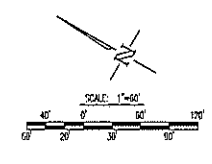


**Scheduled BOC Hearing: February 2013**  
**Printed: November 26, 2012**



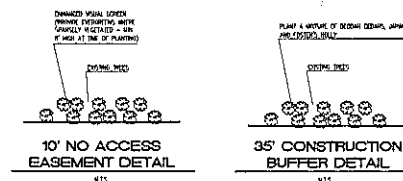
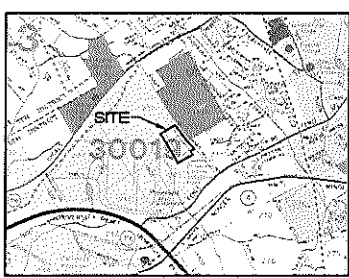
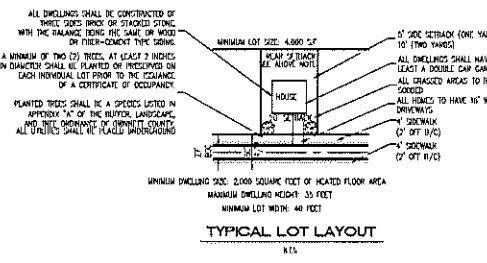
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13	10.96	S 29°02'22" E	
14	25.94	N 80°05'01" W	
15	30.11	S 20°02'02" W	
16	13.86	N 30°02'02" E	
17	14.4	S 20°02'02" W	
18	10.11	S 30°02'02" E	
19	20.00	N 30°02'02" E	
20	12.00	N 30°02'02" E	
21	32.00	N 30°02'02" E	
22	34.00	S 37°11'35" E	
23	32.00	S 30°02'02" E	
24	20.00	S 30°02'02" E	
25	20.00	N 32°15'55" W	
26	20.00	N 32°15'55" W	
27	20.00	N 32°15'55" W	
28	20.00	N 32°15'55" W	
29	20.00	N 32°15'55" W	
30	20.00	N 32°15'55" W	
31	20.00	N 32°15'55" W	
32	20.00	N 32°15'55" W	
33	20.00	N 32°15'55" W	
34	20.00	N 32°15'55" W	
35	20.00	N 32°15'55" W	
36	20.00	N 32°15'55" W	
37	20.00	N 32°15'55" W	
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39	20.00	N 32°15'55" W	
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96	20.00	N 32°15'55" W	
97	20.00	N 32°15'55" W	
98	20.00	N 32°15'55" W	
99	20.00	N 32°15'55" W	
100	20.00	N 32°15'55" W	

DATE	REVISION	BY	DESCRIPTION	REVISION
01	322.71	272.07	S 45°09'47" E	N 80°11'45" W
02	20.72	18.87	S 29°02'22" E	N 44°14'36" W
03	10.96	20.00	S 20°02'02" E	S 24°34'36" E
04	25.94	10.11	N 80°05'01" W	N 30°02'02" E
05	30.11	55.26	S 20°02'02" W	S 40°26'02" E
06	13.86	70.00	N 30°02'02" E	S 27°16'32" E
07	14.4	19.01	S 20°02'02" W	N 30°02'02" E
08	10.11	31.47	S 30°02'02" E	N 30°02'02" E
09	20.00	14.14	N 30°02'02" E	S 25°29'29" E
10	12.00	51.07	N 30°02'02" E	N 30°02'02" E
11	32.00	26.30	N 30°02'02" E	N 77°06'30" E
12	20.00	15.46	N 30°02'02" E	N 20°02'02" E
13	20.00	37.07	N 30°02'02" E	N 45°24'45" W
14	20.00	51.07	N 30°02'02" E	N 30°02'02" W
15	20.00	80.50	N 30°02'02" E	N 77°06'30" E
16	20.00	15.46	N 30°02'02" E	N 20°02'02" E
17	20.00	37.07	N 30°02'02" E	N 45°24'45" W
18	20.00	51.07	N 30°02'02" E	N 30°02'02" W
19	20.00	80.50	N 30°02'02" E	N 77°06'30" E
20	20.00	15.46	N 30°02'02" E	N 20°02'02" E
21	20.00	37.07	N 30°02'02" E	N 45°24'45" W
22	20.00	51.07	N 30°02'02" E	N 30°02'02" W
23	20.00	80.50	N 30°02'02" E	N 77°06'30" E
24	20.00	15.46	N 30°02'02" E	N 20°02'02" E
25	20.00	37.07	N 30°02'02" E	N 45°24'45" W
26	20.00	51.07	N 30°02'02" E	N 30°02'02" W
27	20.00	80.50	N 30°02'02" E	N 77°06'30" E
28	20.00	15.46	N 30°02'02" E	N 20°02'02" E
29	20.00	37.07	N 30°02'02" E	N 45°24'45" W
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31	20.00	80.50	N 30°02'02" E	N 77°06'30" E
32	20.00	15.46	N 30°02'02" E	N 20°02'02" E
33	20.00	37.07	N 30°02'02" E	N 45°24'45" W
34	20.00	51.07	N 30°02'02" E	N 30°02'02" W
35	20.00	80.50	N 30°02'02" E	N 77°06'30" E
36	20.00	15.46	N 30°02'02" E	N 20°02'02" E
37	20.00	37.07	N 30°02'02" E	N 45°24'45" W
38	20.00	51.07	N 30°02'02" E	N 30°02'02" W
39	20.00	80.50	N 30°02'02" E	N 77°06'30" E
40	20.00	15.46	N 30°02'02" E	N 20°02'02" E
41	20.00	37.07	N 30°02'02" E	N 45°24'45" W
42	20.00	51.07	N 30°02'02" E	N 30°02'02" W
43	20.00	80.50	N 30°02'02" E	N 77°06'30" E
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80	20.00	15.46	N 30°02'02" E	N 20°02'02" E
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94	20.00	51.07	N 30°02'02" E	N 30°02'02" W
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98	20.00	51.07	N 30°02'02" E	N 30°02'02" W
99	20.00	80.50	N 30°02'02" E	N 77°06'30" E
100	20.00	15.46	N 30°02'02" E	N 20°02'02" E



**24 HOUR CONTACT**

DEVELOPER:  
 DROWN CONSULTANTS  
 1070 DOODHEAD DRIVE S.W.  
 ATLANTA, GA 30337  
 CONTACT MAN: ANNA DROWN  
 PHONE: (770) 666-1834  
 adrown@drownco.com



NO.	DATE	DESCRIPTION

**Rezoning Plan**

**Mulberry Estates**  
Rabbit Hill Road

Lot 1: 271 A & 272, 5th District, Parcel# 5-272-001, 5-273-026, 5-271-124, 5-272-001, District# 5, Georgia

**InSite Engineering, Inc.**  
Civil Engineering Consultants

P.O. Box 940  
Logansville, Georgia 30052  
(770) 406-8490

Drawn By: JHB  
 Checked By: JHB  
 Date: 10-24-12  
 Project Number: 139-001-12

**RZ-1**

CIC 13002

MOUNTAIN VIEW PARK SITE

RABBIT HILL ROAD

RABBIT HILL PARK



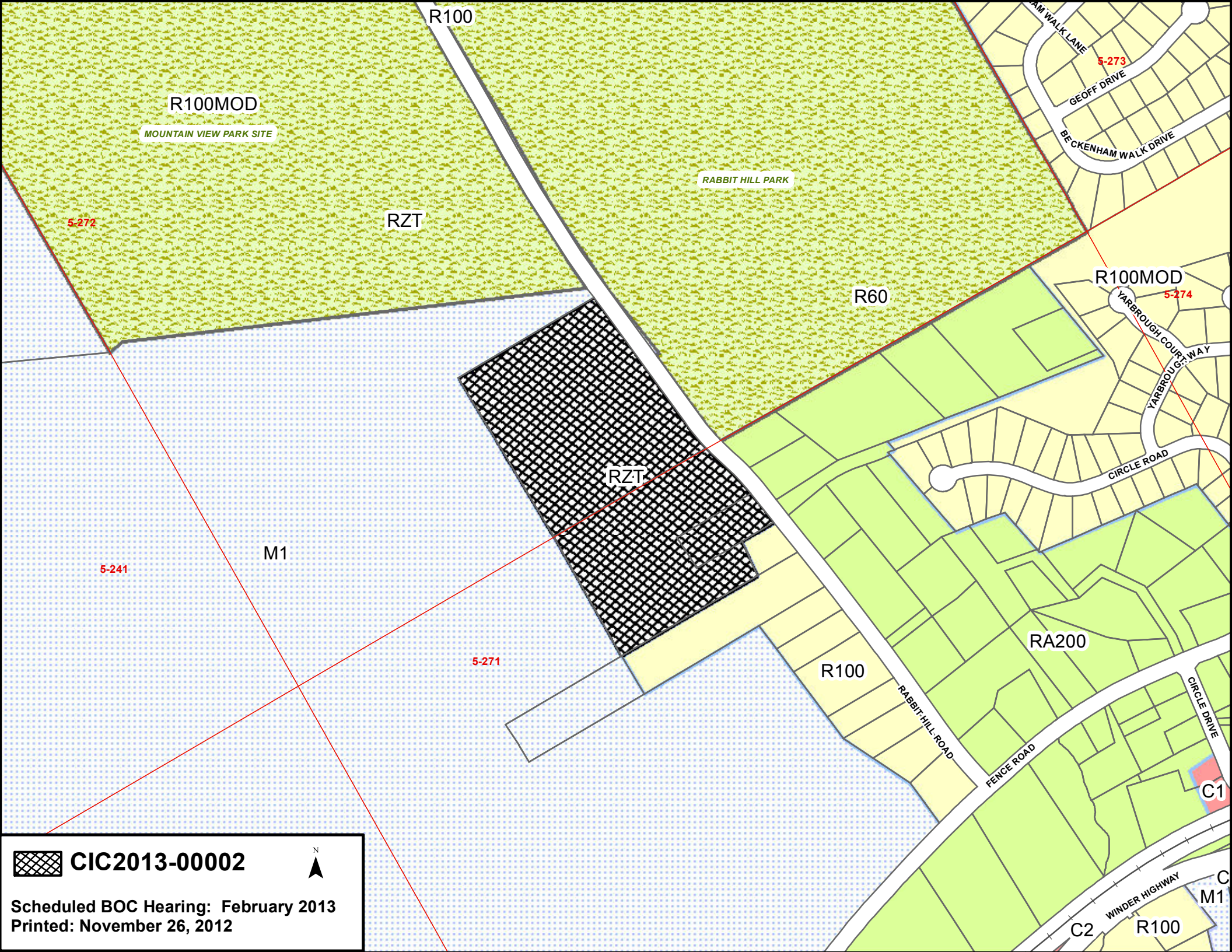
CIC2013-00002



N

Scheduled BOC Hearing: February 2013  
Printed: November 26, 2012

CIRCLE



R100MOD

MOUNTAIN VIEW PARK SITE

RABBIT HILL PARK

RZT

R60

R100MOD

RZT

M1

RA200

R100

C1

C2

R100

C1

M1

 **CIC2013-00002**



Scheduled BOC Hearing: February 2013  
Printed: November 26, 2012

# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:		<input checked="" type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Public Hearing
<b>20130134</b>			
Department:	Planning & Development	Date Submitted:	01/14/2013
Working Session:		Business Session:	
		Public Hearing:	02/26/2013
Submitted By:	vharrod	Multiple Depts?	No
Budget Type:	Neither	Special Routing:	
Agenda Type	Rezoning	Rezoning Type	CIC
Item of Business:	Locked by Purchasing <input type="text"/> No		

2013-00003, Applicant: Richardson Housing Group, Owner: RHG Homes, LLC, Change in Conditions to Remove 4 Sides Requirement on Property Zoned R-100 Modified, District 2 Land Lot 001B Parcels 072 & 089, 900 Block of Auburn Road, 900 Block of Mulberry Bay Drive, 0.78 Acre. District 3/Hunter

Land Lot:	001B	Parcel:	072 & 089
District:	2		

Attachments: Planning Commission Results and Department Analysis

Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (2/6/2013)
Attorney	

District	For	Against	Abstained	Absent
District 1 (Lynn Thorndyke)	X			
District 1 (John Winters)	X (Mitchell)			
District 2 (Matt Houser)	X			
District 2 (Omar Zaman)	X			
District 3 (Chuck Warbington)			X	
District 3 (Teresa Cantrell)	X (Tullis)			
District 4 (Clint Dixon)	X			
District 4 (Brad Crowe)	X			
At Large (Don Shillington)	X			

Comments:

<p style="text-align: center;"><b>County Clerk Use Only</b></p> <p>Working Session: <input style="width: 100%;" type="text"/></p> <p>Action: <input checked="" type="checkbox"/> Public Hearing</p> <p>Tabled: <input type="checkbox"/></p> <p>Motion: <input type="checkbox"/></p> <p>2nd by: <input style="width: 100%;" type="text"/></p> <p style="margin-top: 20px;">Vote: <input style="width: 100%; height: 40px;" type="text"/></p>	<p style="text-align: center;"><b>Planning and Development</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Approve</p> <p><input type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny w/out Prejudice</p> <p><input checked="" type="checkbox"/> Deny    PH was Held?    <input type="checkbox"/></p> <p><input type="checkbox"/> No Recommendation</p>	<p style="text-align: center;"><b>Planning Commission</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Tabled - Date <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny    <input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> No Recommendation</p>
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PLANNING COMMISSION  
RECOMMENDED CONDITIONS

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

- I. To restrict the use of the property as follows:
  - A. Single-family detached dwellings and accessory uses.
  - B. Minimum heated floor area per dwelling unit shall be 2,200 square feet.
  - C. Homes shall be constructed primarily with brick, stone or stucco on front facades. The balance of the home may be the same, or of wood or fiber-cement siding. ~~The two homes nearest Auburn Road shall be 4 sides brick, stone or stucco.~~
  - D. All dwellings shall have double-car garages.
2. To satisfy the following site development considerations:
  - A. Provide a 25-foot wide construction buffer adjacent to all exterior property lines.
  - B. No direct lot access shall be allowed to Auburn Road. Homes shall maintain a minimum 50-foot setback adjacent to Auburn Road.
  - C. All grassed areas on dwelling lots shall be sodded.
  - D. All utilities shall be placed underground.
  - E. Provide stub streets as may be required by the Development Division.
  - F. Natural vegetation shall remain on the property until the issuance of a subdivision development permit.
  - G. The location of entrances/exits shall be subject to the review and approval of the Gwinnett Department of Transportation.
  - H. Provide a brick or stacked stone subdivision entrance feature with landscaping.
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 animals and for crops, which may cause noises and odors typical of a rural area.

PLANNING COMMISSION RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions may be suitable in view of the development standards of similar, nearby residential developments.

ADVERSE IMPACTS

The proposed change in conditions would not be expected to have adverse impacts on the existing homes and housing developments located along Auburn Road.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be no change in impacts on public facilities from this request.

CONFORMITY WITH POLICIES

The request could be considered consistent with the policies of the Unified Plan for the surrounding residential area.

CONDITIONS AFFECTING ZONING

There are no other existing or changing conditions in the area which affect the use or development of the property.

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

CASE NUMBER : **CIC2013-00003**  
ZONING : R-100 MODIFIED  
LOCATION : 900 BLOCK OF AUBURN ROAD  
: 900 BLOCK OF MULBERRY BAY DRIVE  
MAP NUMBER : R2001B 072 & R2001B 089  
ACREAGE : 0.78 ACRE  
REQUEST : CHANGE IN CONDITIONS TO REMOVE 4 SIDE BRICK  
REQUIREMENT  
COMMISSION DISTRICT : (3) HUNTER

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

APPLICANT: RICHARDSON HOUSING GROUP  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE  
BUFORD, GA 30518

CONTACT: MITCH PEEVY      PHONE: 770.614.6511

OWNER: RHG HOMES, LLC  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE  
BUFORD, GA 30518

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests to change a condition of a prior rezoning case (RZR-05-042 & SUP-05-056). The condition requires that the two homes at the subdivision entrance on Auburn Road be four-sides' brick, stone or stucco. The lots in question are otherwise known as Lot 1 and 18, within the Mulberry Springs single-family subdivision. The subdivision is located on the south side of Auburn Road, just east of its intersection with Thornwood Drive.

In September of 2005, the Mulberry Springs subdivision was rezoned to R-100 Modified, pursuant to RZR-05-042 and SUP-05-056. The subdivision was developed with 18 buildable lots, streets, utilities and associated infrastructure; however, no homes have been constructed within the development at this point in time. With the exception of Lots 1 and 18, the remaining lots are required to be constructed with brick, stone or stucco only on the front facade.

Condition I.C. requires that the homes to be constructed nearest Auburn Road be four-side brick, stone or stucco, and reads as follows:

“I.C Homes shall be constructed primarily with brick, stone or stucco on front facades. The balance of the home may be the same, or of wood or fiber-cement siding. The two homes nearest Auburn Road shall be 4-sides brick, stone or stucco.”

Based on the submitted building elevations, the applicant proposes to amend condition I.C., to allow the homes on Lots 1 and 18 to be built with brick only on the front façade, with the balance of the home being constructed with fiber-cement siding. All other conditions of the original rezoning would remain the same.

The surrounding area is predominately developed with low-density residential uses, including single-family subdivisions zoned R-100 and R-100 Modified and single-family homes on acreage tracts zoned RA-200. Adjacent to the west is the Thornwood subdivision zoned R-100 (RZ-92-161). Bordering the property to the north and east are single-family homes and agricultural uses zoned RA-200. To the east is the Bradford Manor subdivision zoned R-100 (MOD) (RZ-98-180 & SUP-98-137), which extends to the southern end of the subject property. Across Auburn Road, to the northwest, is the R-100 (MOD) zoned Dacula Bluff subdivision (RZ-98-044 & SUP-98-035). Also across Auburn Road, to the northeast, are the two most recently approved R-100 (MOD) rezoning requests in the immediate area (RZR-04-026 & SUP-04-014/RZR-07-010 & SUP-07-013). Conditions of the two previously mentioned rezoning requests require that homes on lots adjacent to Auburn Road be constructed with three sides’ brick; although, as of this date neither of the two subdivisions have been developed. However, the existing zoning conditions were established through the public hearings process, and the Board has established a precedent requiring particular architectural standards for homes to be constructed in the immediate area and adjacent to this development. It may not be appropriate to lower these standards in light of previous Board actions.

In conclusion, the requested change in conditions may not be appropriate in light of the precedent the Board established for other rezoning cases approved in the immediate area with similar conditions. Therefore, the Department of Planning and Development recommends **DENIAL** of the request.

#### ZONING HISTORY:

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). The subject property was rezoned to R-100 Modified in 2005, pursuant to RZR-05-042 and SUP-05-056.

#### GROUNDWATER RECHARGE AREA:

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

#### WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the southern right-of-way of Auburn Road, and an 8-inch waer main located on the western right-of-way of Mulberry Bay Drive.

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 Mulberry Bay Drive.

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~~

Note: the following conditions are provided as a guide, should the Board choose to approve the request.

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

- I. To restrict the use of the property as follows:
  - A. Single-family detached dwellings and accessory uses.
  - B. Minimum heated floor area per dwelling unit shall be 2,200 square feet.
  - C. Homes shall be constructed primarily with brick, stone or stucco on front facades. The balance of the home may be the same, or of fiber-cement siding. The two homes nearest Auburn Road shall be ~~4-sides~~ **3-sides** brick, stone or stucco.
  - D. All dwellings shall have double-car garages.
2. To satisfy the following site development considerations:
  - A. Provide a 25-foot wide construction buffer adjacent to all exterior property lines.
  - B. No direct lot access shall be allowed to Auburn Road. Homes shall maintain a minimum 50-foot setback adjacent to Auburn Road.
  - C. All grassed areas on dwelling lots shall be sodded.
  - D. All utilities shall be placed underground.
  - E. Provide stub streets as may be required by the Development Division.
  - F. Natural vegetation shall remain on the property until the issuance of a subdivision development permit.
  - G. The location of entrances/exits shall be subject to the review and approval of the Gwinnett Department of Transportation.
  - H. Provide a brick or stacked stone subdivision entrance feature with landscaping.

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 animals and for crops, which may cause noises and odors typical of a rural area.

PLANNING AND DEVELOPMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions to alter the architectural standards may not be suitable in view of the development standards established by the Board.

ADVERSE IMPACTS

The proposed change in conditions could have adverse impacts on the existing homes located along Auburn Road, through a reduction in the architectural standards of development for the homes to be constructed at the project entrance.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be no change in impacts on public facilities from this request.

CONFORMITY WITH POLICIES

The request would not be consistent with the action taken by the Board in the prior zoning request, and is therefore not considered consistent with Board policy or the Unified Plan. If approved, it is suggested that at least 3-sides' masonry construction be maintained to remain compatible with other Board actions on the area.

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.

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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

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

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

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

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

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

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

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE WITHOUT THE CHANGE IN CONDITONS.

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

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

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

THE SUBJECT PROPERTY IS DESIGNATED AS EXISTING/EMERGING SUBURBAN

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

SEE LETTER OF INTENT.

CIC '13 003

RECEIVED  
DEC 03 2012

P7:

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article P, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

.....  
PLANNING DIVISION USE ONLY

CASE NUMBER \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

CIC 13003

RECEIVED  
DEC 03 2012

BY: \_\_\_\_\_

# REZONING APPLICANT'S LETTER OF INTENT

The Applicant and Owner, Richardson Housing Group, requests a change of conditions for RZR-05-042 to remove the requirement in condition 1. C. that the first 2 homes nearest Auburn Road shall be 4-sides brick, stone or stucco. If built that way those 2 homes will look out of place and not look similar to the other homes in the development. The density will stay the same as was agreed to and no other changes are proposed.

CIC '13 003

RECEIVED  
DEC 03 2012

BY: .....

CASE NUMBER RZR-05-042 ✓

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

---

<u>Present</u>	VOTE
Charles Bannister, Chairman	<u>ABSENT</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. BEAUDREAU, 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

RA-200 to R-100 MODIFIED

by RON RILEY for the proposed use of SINGLE FAMILY MODIFIED 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 SEPTEMBER 27, 2005 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 27TH day of SEPTEMBER, 2005, that the aforesaid application to amend the Official Zoning Map from RA-200 to R-100 MODIFIED 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.
  - B. Minimum heated floor area per dwelling unit shall be 2,200 square feet.
  - C. Homes shall be constructed primarily with brick, stone or stucco on front facades. The balance of the home may be the same, or of wood or fiber-cement siding. The two homes nearest Auburn Road shall be 4-sides brick, stone or stucco.
  - D. All dwellings shall have double-car garages.
2. To satisfy the following site development considerations:
  - A. Provide a 25-foot wide construction buffer adjacent to all exterior property lines.

- B. No direct lot access shall be allowed to Auburn Road. Homes shall maintain a minimum 50-foot setback adjacent to Auburn Road.
  - C. All grassed areas on dwelling lots shall be sodded.
  - D. All utilities shall be placed underground.
  - E. Provide stub streets as may be required by the Development Division.
  - F. Natural vegetation shall remain on the property until the issuance of a subdivision development permit.
  - G. The location of entrances/exits shall be subject to the review and approval of the Gwinnett Department of Transportation.
  - H. Provide a brick or stacked stone subdivision entrance feature with landscaping.
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 animals and for crops, which may cause noises and odors typical of a rural area.

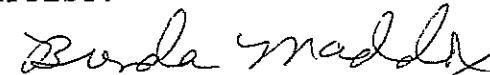
GWINNETT COUNTY BOARD OF COMMISSIONERS

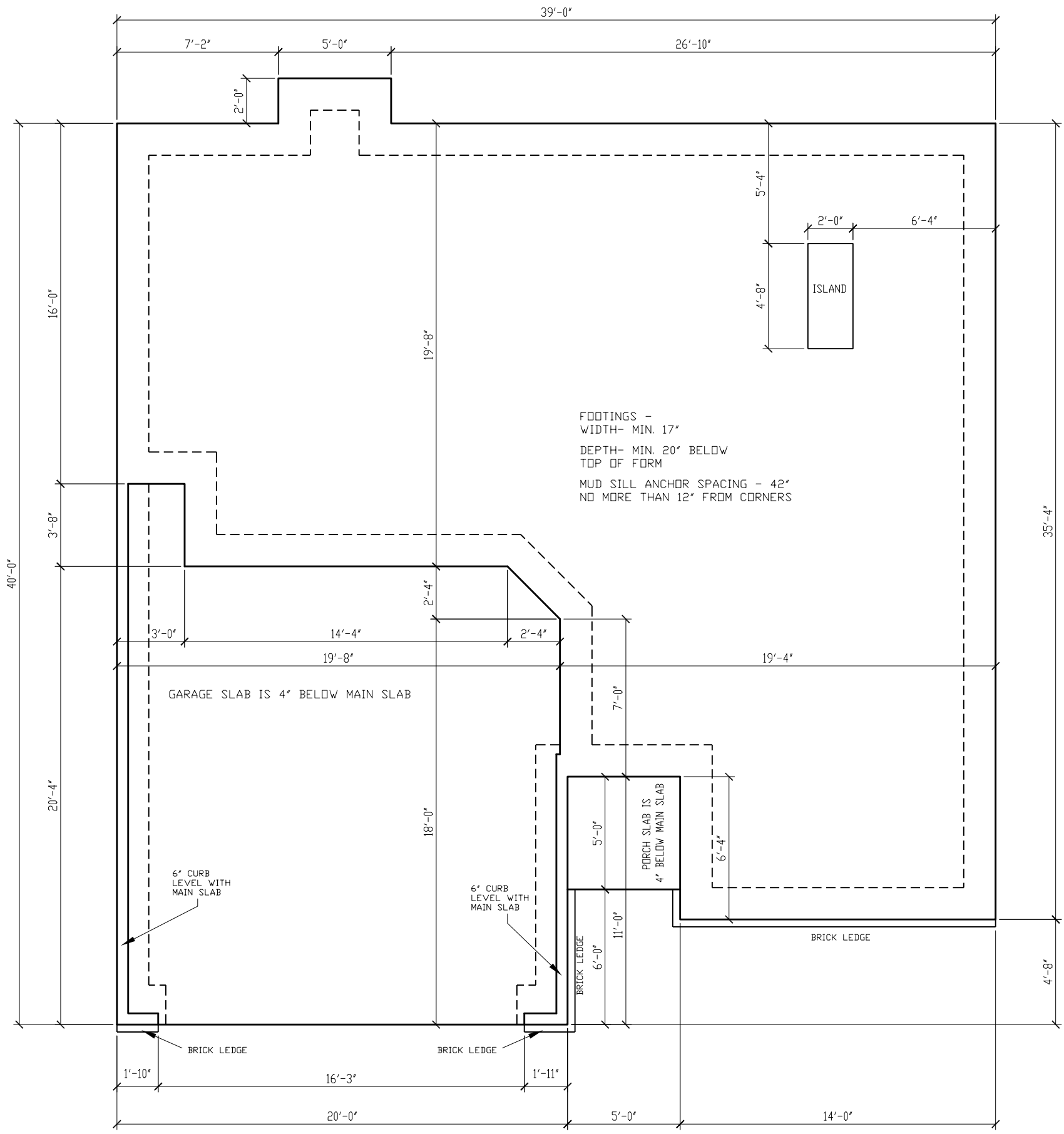
By: 

Charles E. Bannister, Chairman

Date Signed: Oct. 25, 2005

ATTEST:

  
County Clerk



SLAB PLAN  
 3/16" = 1'-0"

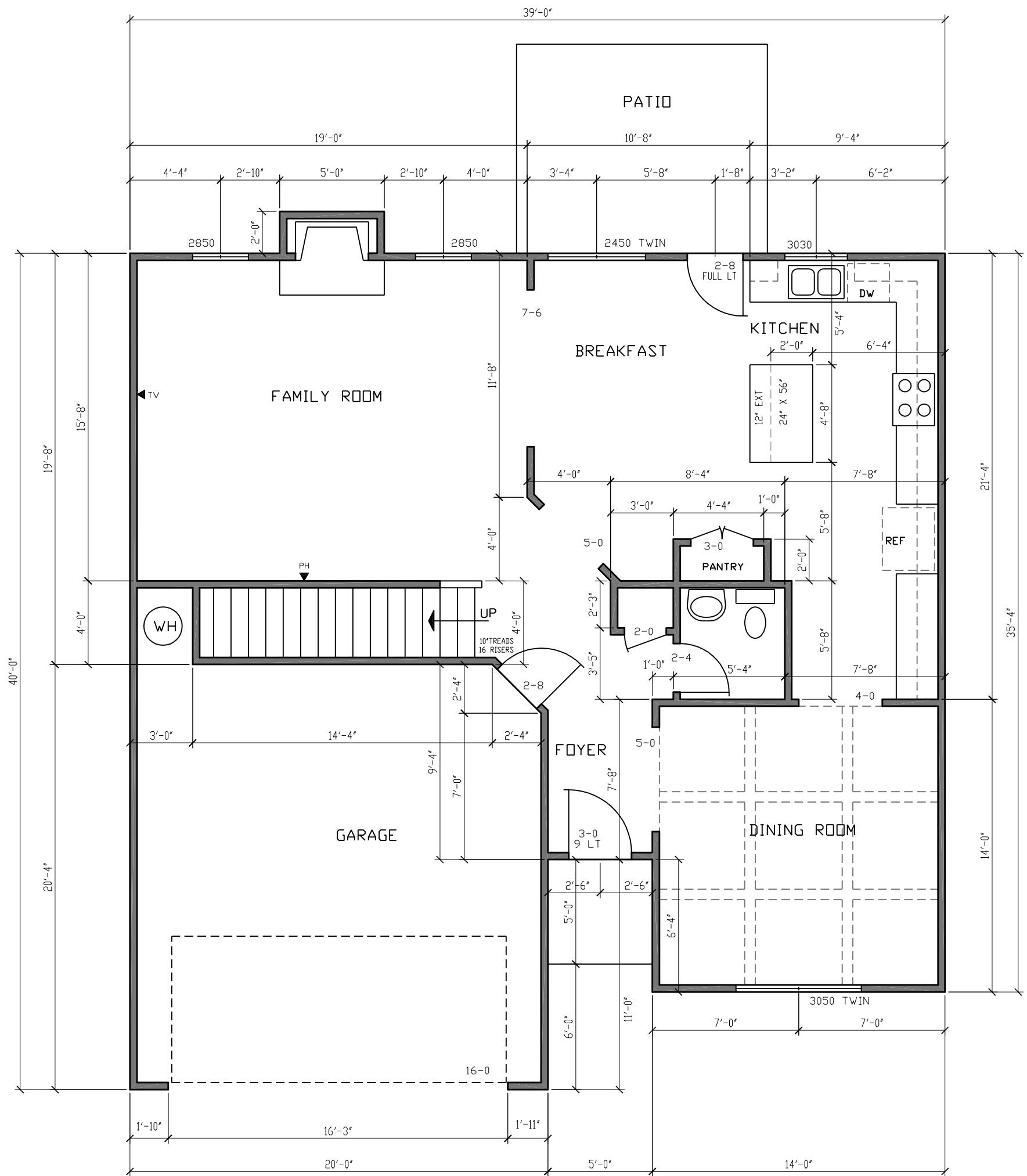
A 1

RICHARDSON HOUSING GROUP  
 4562 LAWRENCEVILLE HWY. SUITE 201  
 LILBURN, GA 30047  
 TEL 770-931-4131 FAX 770-931-4132

LOT

MONTEREY "A"/L/S  
 WF

10/12/12 RH



1ST FLOOR PLAN  
 3/16" = 1'-0" 9' CEILINGS

1ST FL	1038SF
2ND FL	1365SF
TOTAL HTD	2403SF
GARAGE	412SF

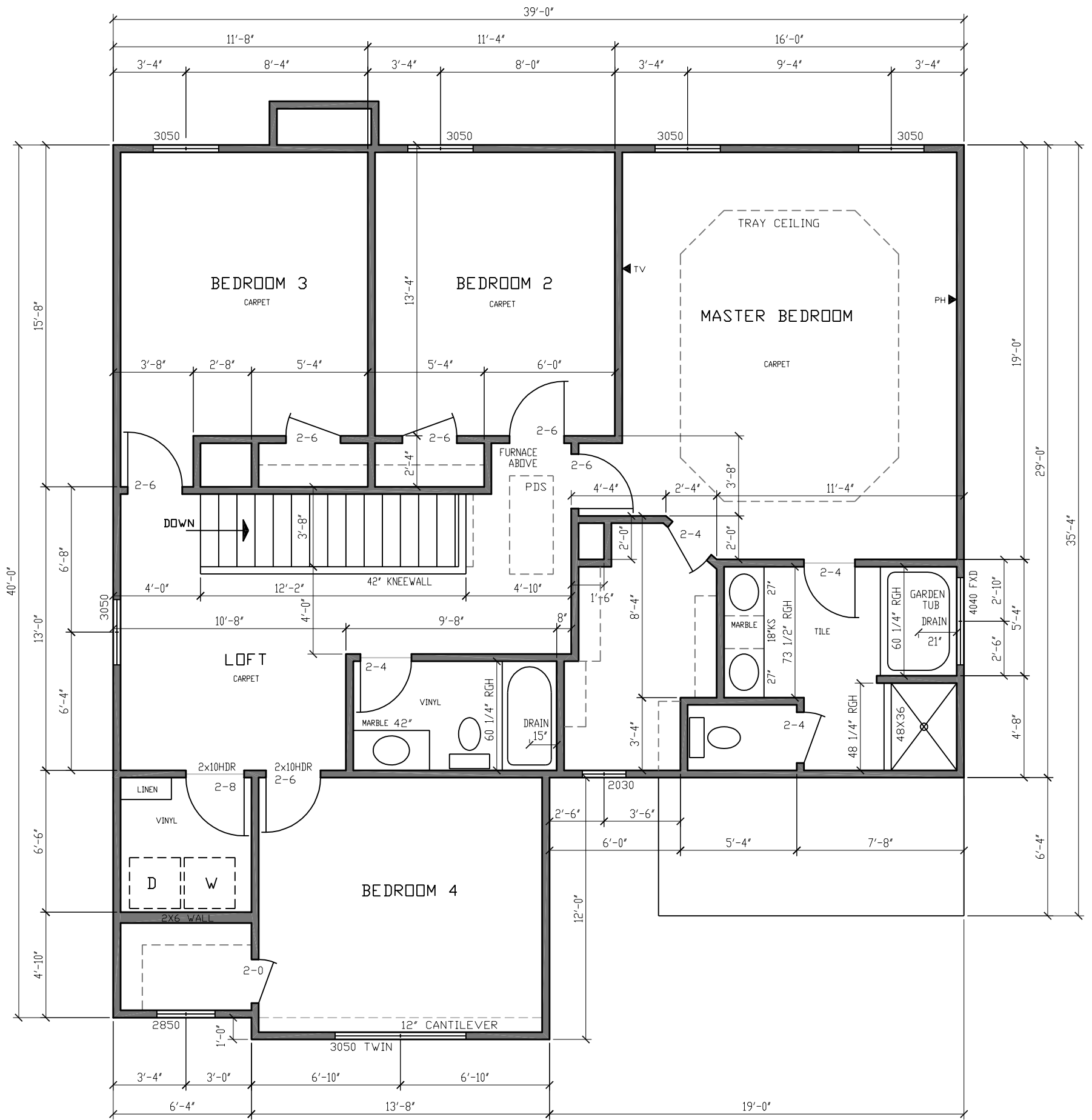
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LOT

MONTEREY "A"/L/S  
 WF

10/12/12 RH



2ND FLOOR PLAN  
 3/16" = 1'-0" 8' CEILINGS

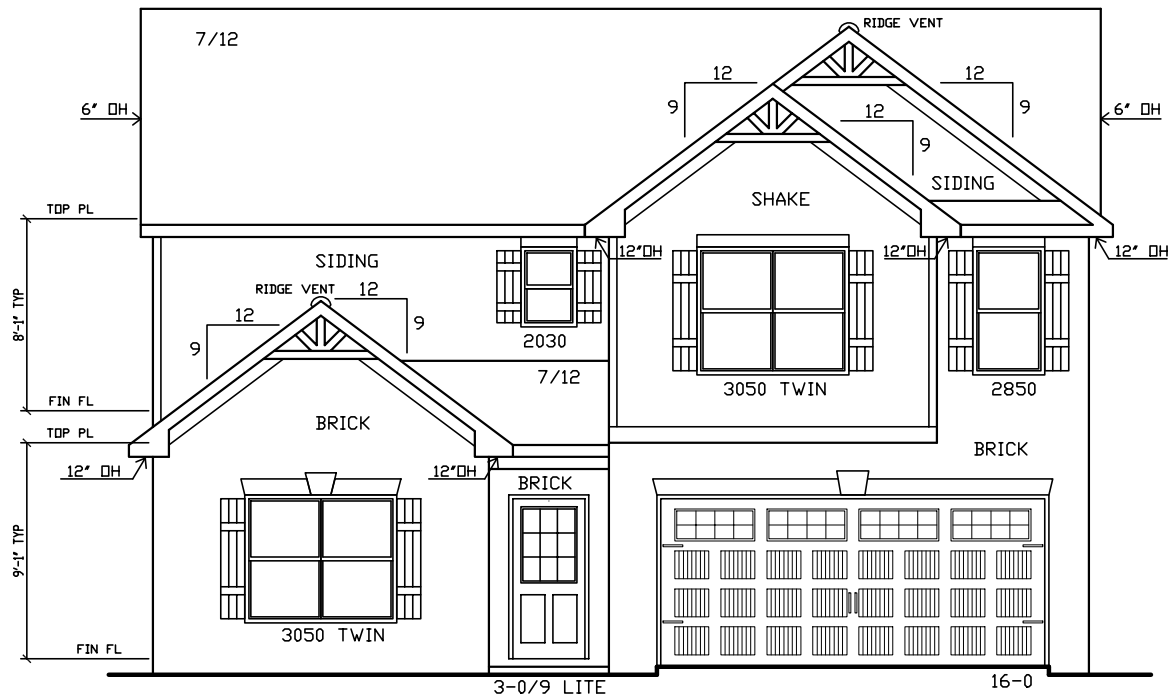
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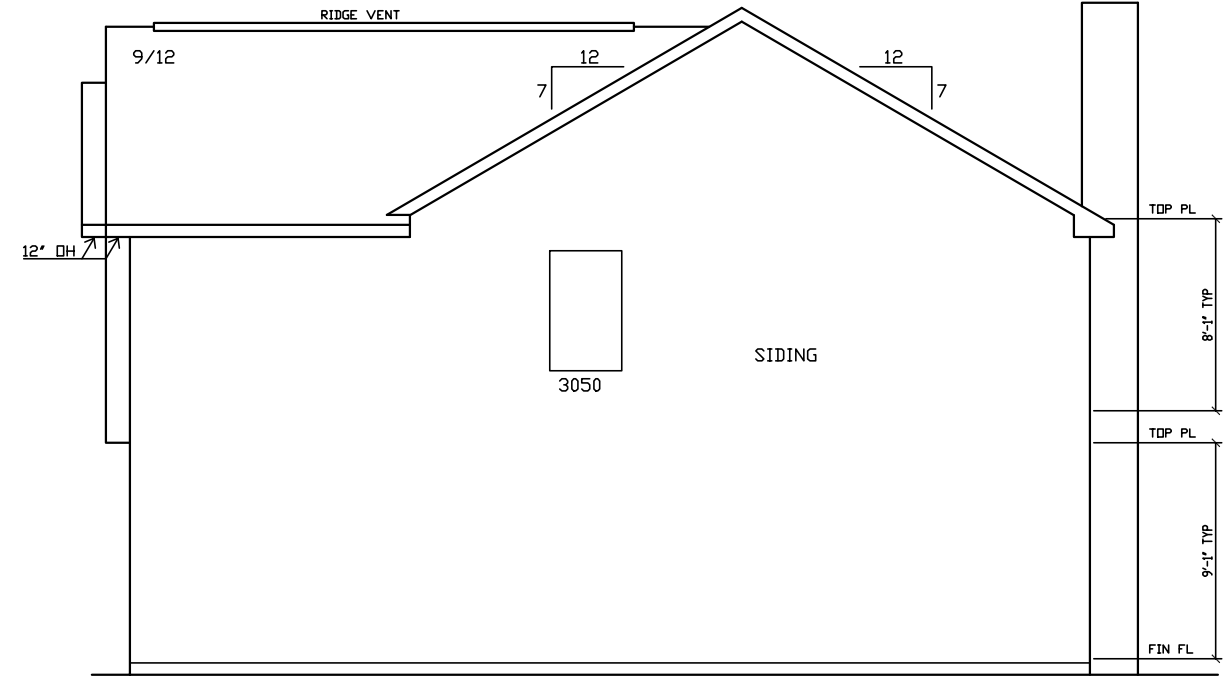
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MONTEREY "A"/L/S  
 WF

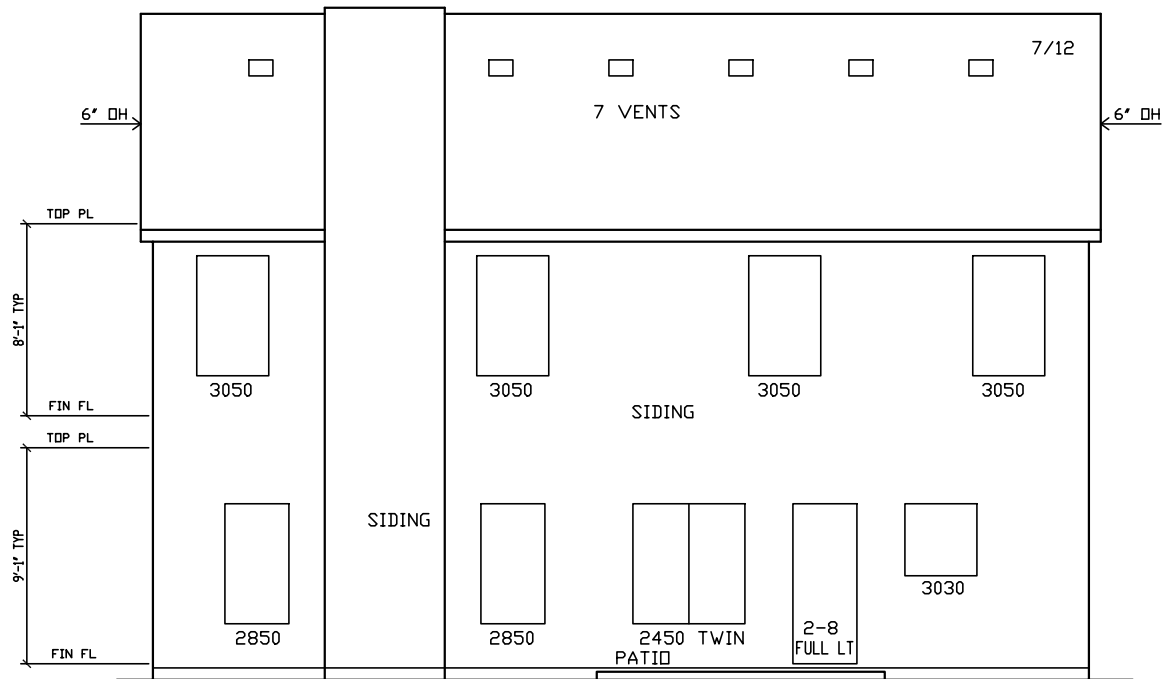
10/12/12 RH



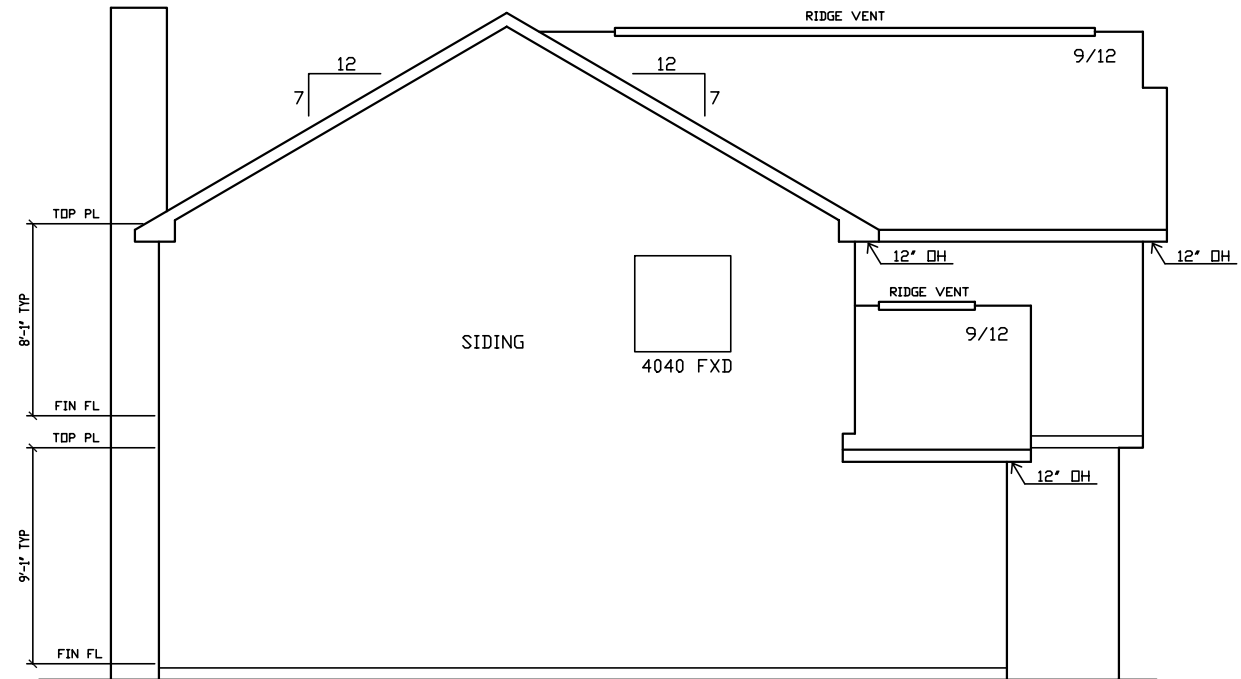
FRONT ELEVATION "A"/R/S  
1/8"=1'-0"



RIGHT SIDE ELEVATION  
1/8"=1'-0"



REAR ELEVATION  
1/8"=1'-0"



LEFT SIDE ELEVATION  
1/8"=1'-0"

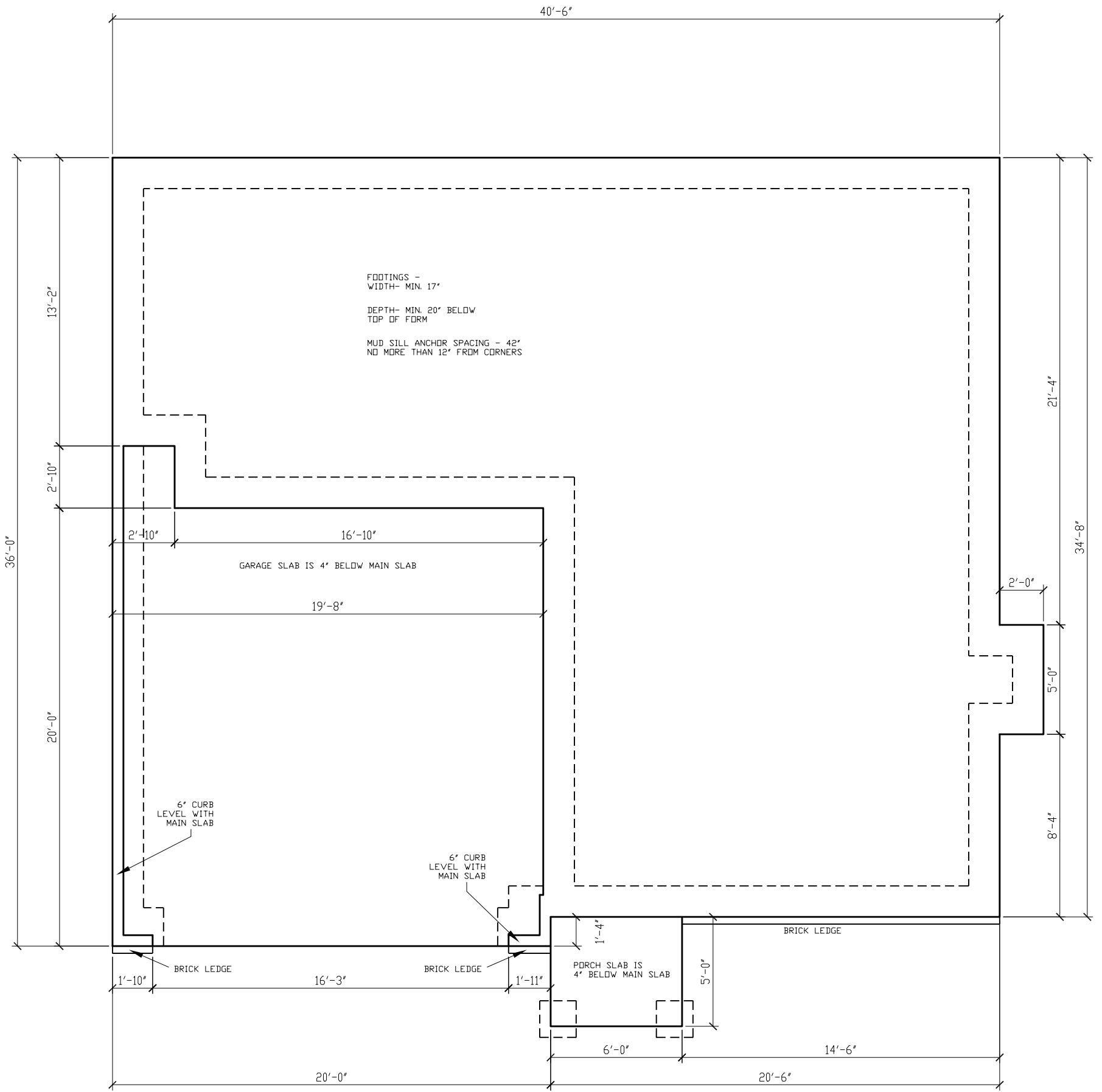
10/12/12 RH

MONTEREY "A"/R/S  
WF

LOT

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FAX 770-931-4132

A4



SLAB PLAN  
3/16" = 1'-0"

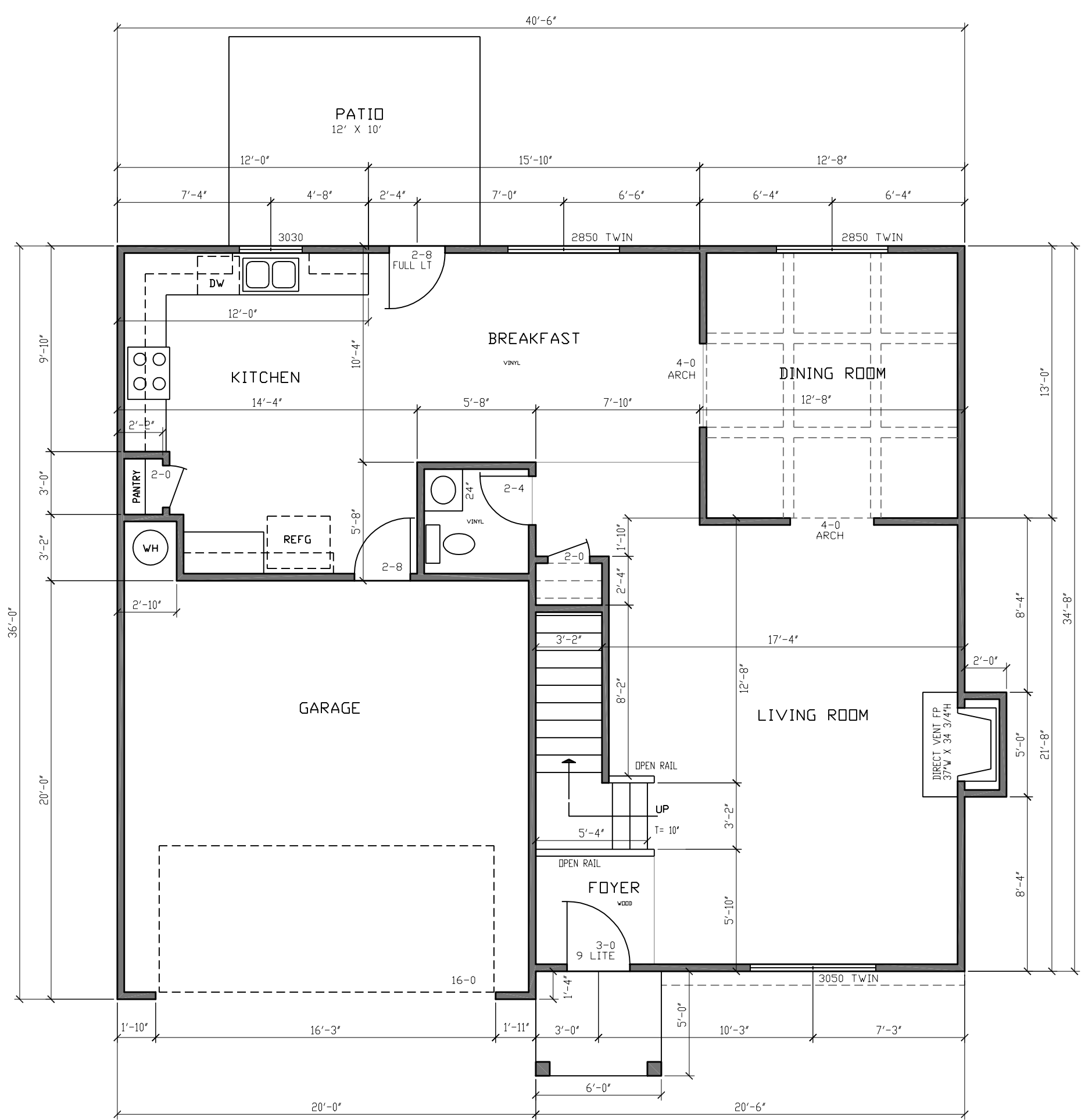
A 1

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 LILBURN, GA 30047  
 TEL 770-931-4131 FAX 770-931-4132

LOT

WESTON "A"/L/S  
 WP

6/7/12 RH



1ST FLOOR PLAN  
 3/16" = 1'-0"

1ST FL	1039SF
2ND FL	1365SF
TOTAL HTD	2404SF
GARAGE	395SF

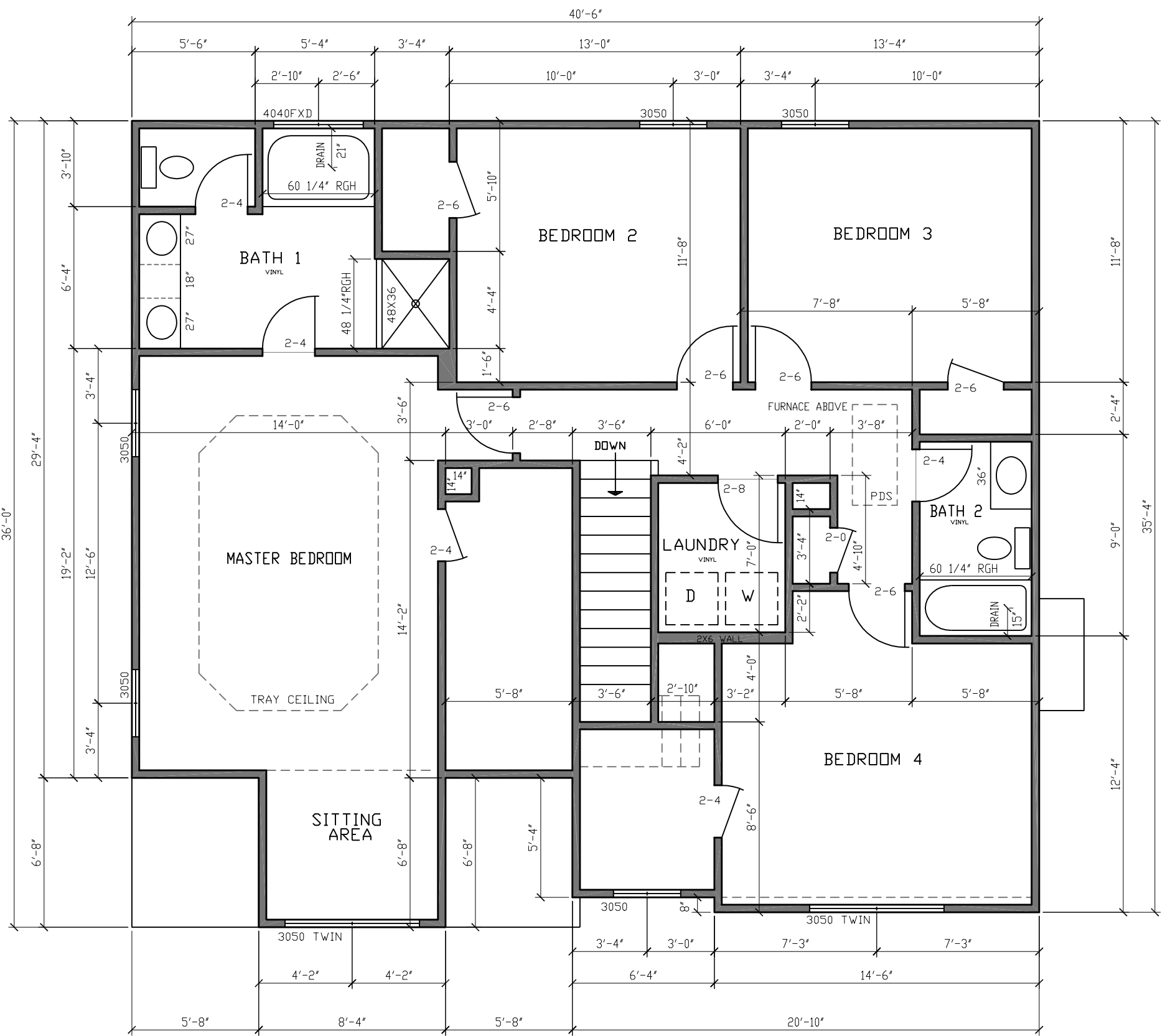
A2

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LOT

WESTON "A"/L/S  
 WP

6/7/12 RH



2ND FLOOR PLAN  
 3/16" = 1'-0"

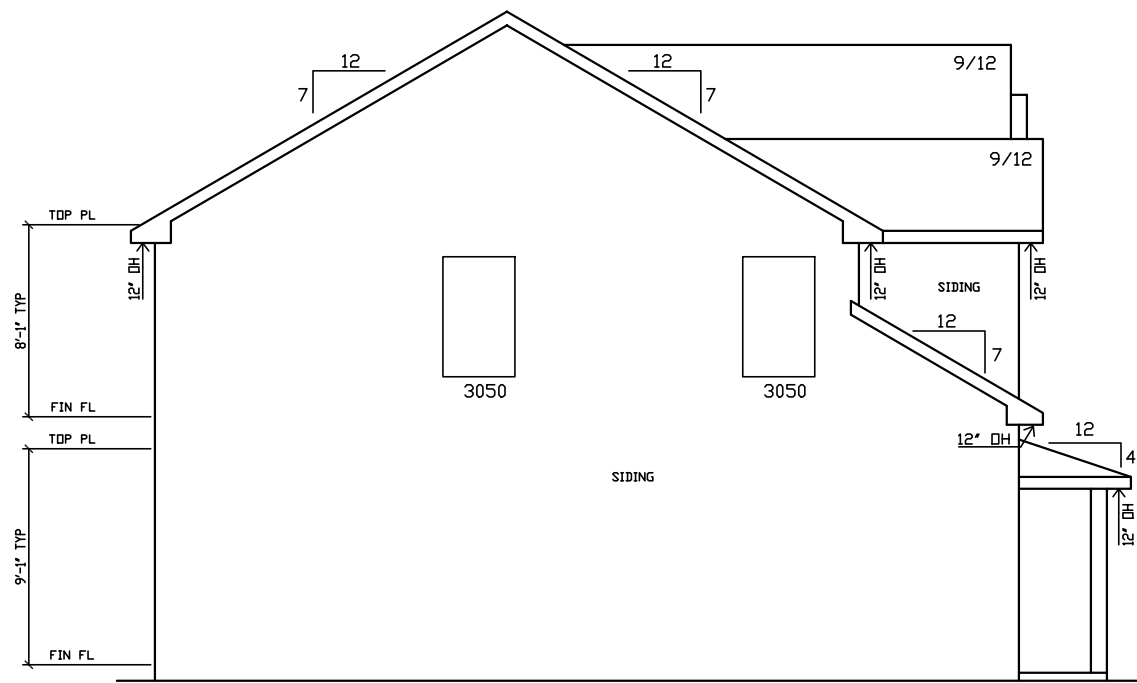
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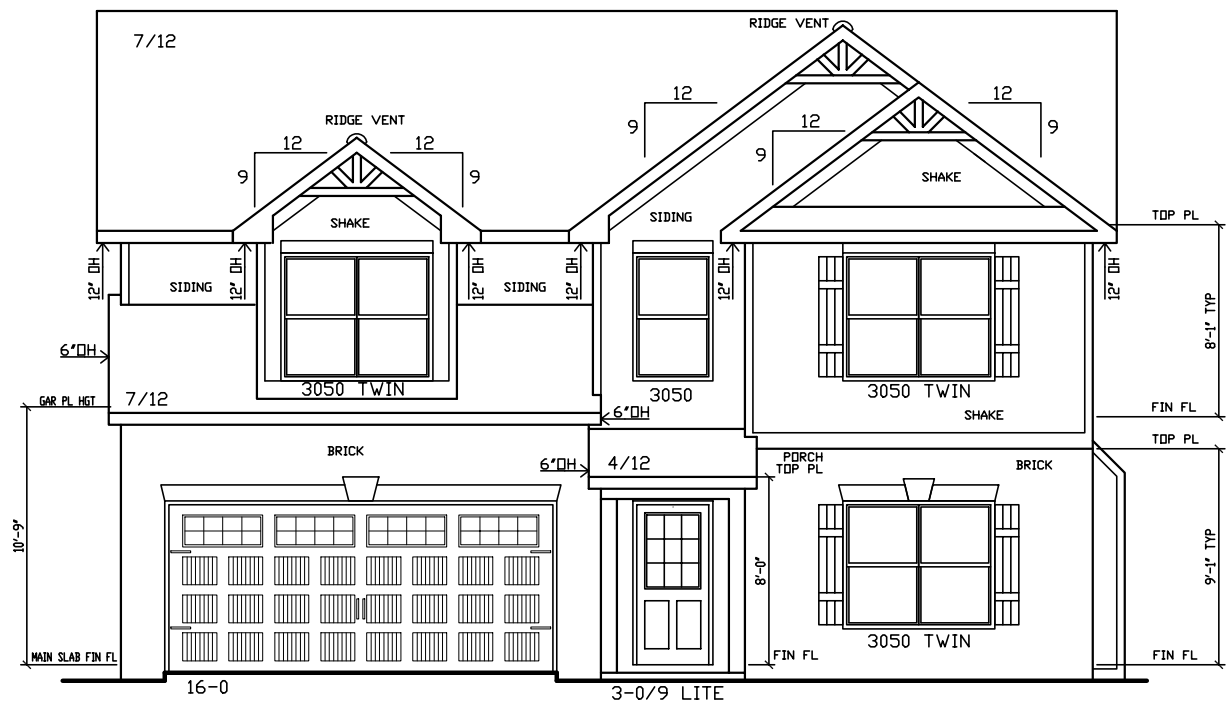
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WESTON "A"/L/S  
 WP

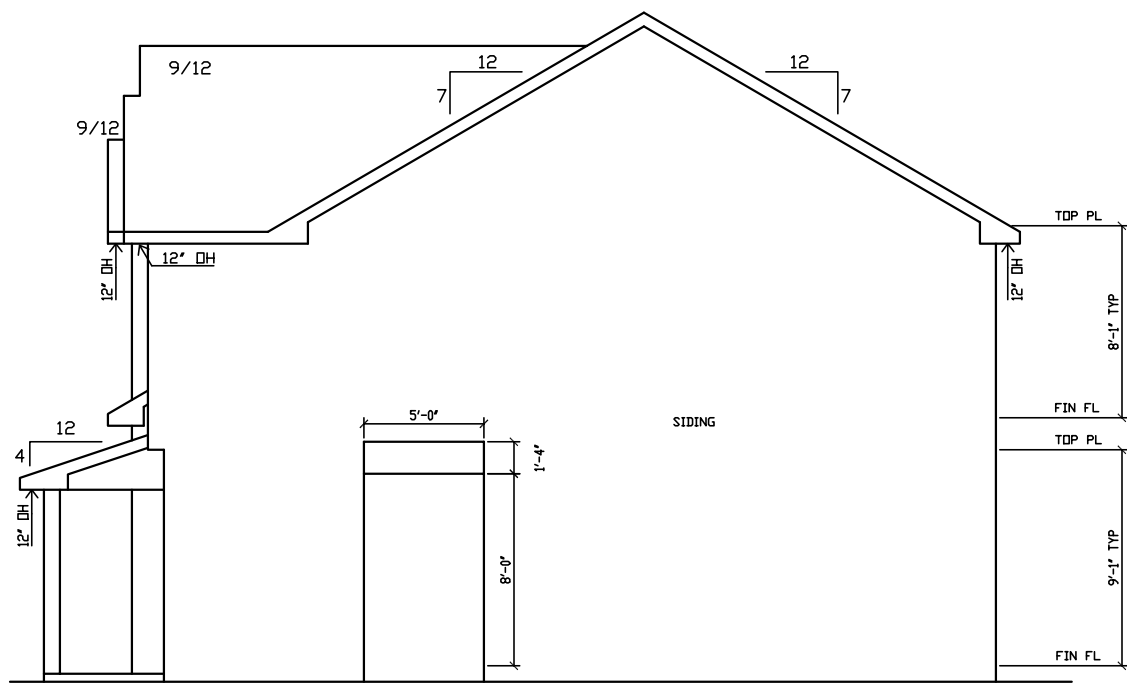
6/7/12 RH



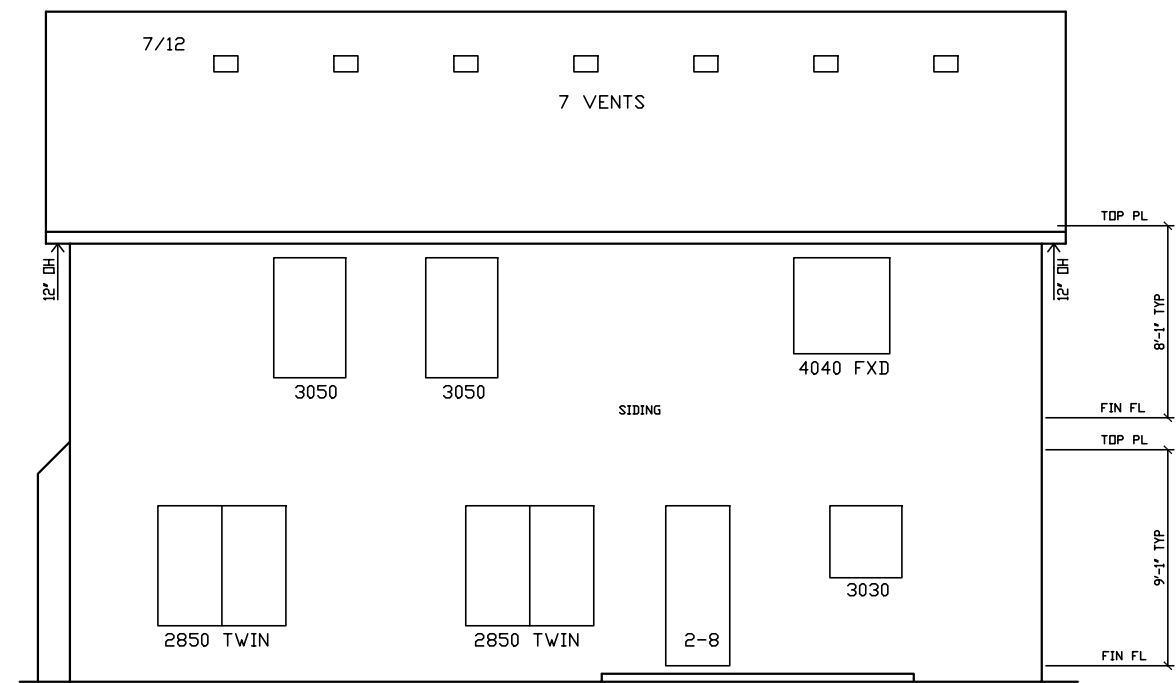
LEFT SIDE ELEVATION  
1/8"=1'-0"



FRONT ELEVATION "A"/L/S  
1/8"=1'-0"



RIGHT SIDE ELEVATION  
1/8"=1'-0"



REAR ELEVATION  
1/8"=1'-0"

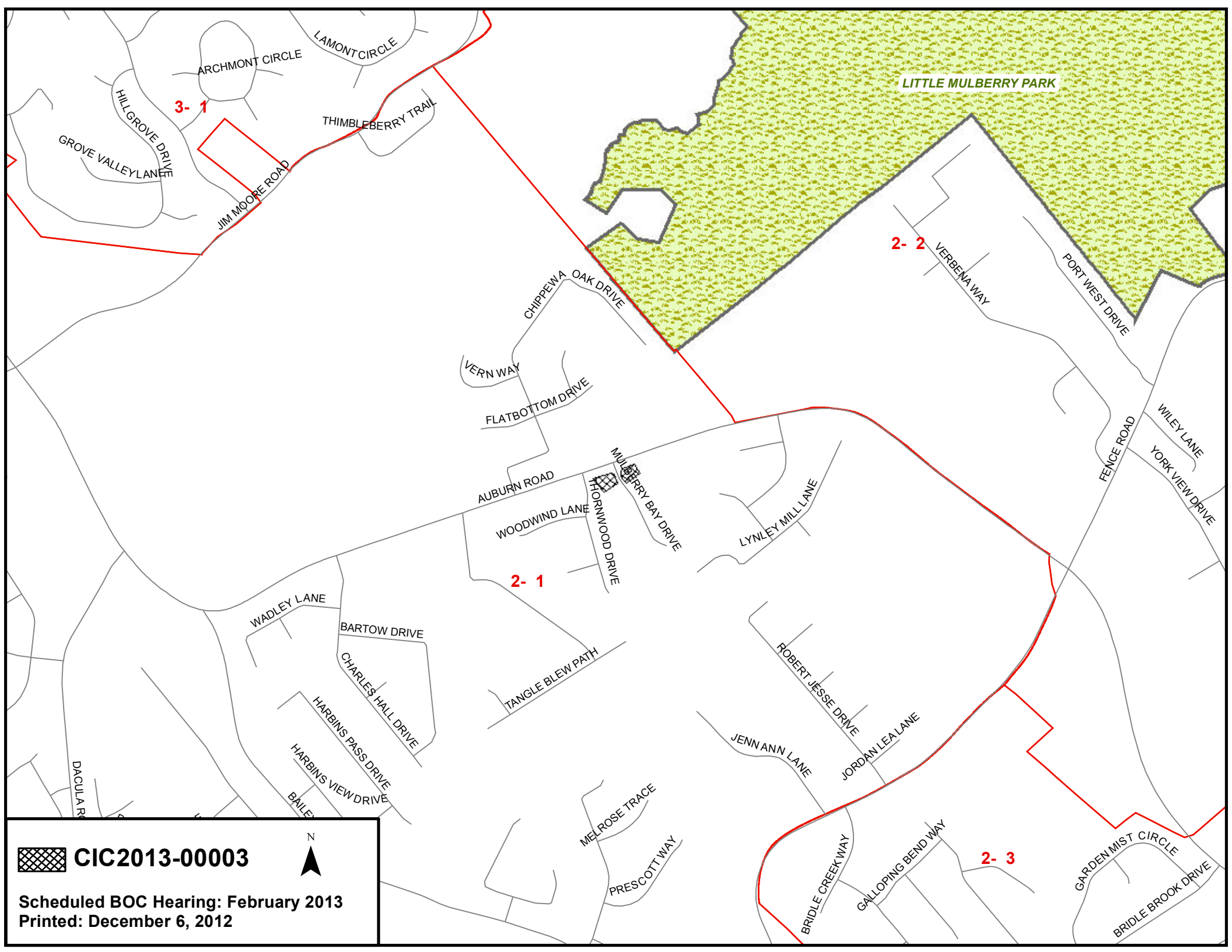
6/7/12

WESTON "A"/L/S  
WP

LOT

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A4



 **CIC2013-00003**



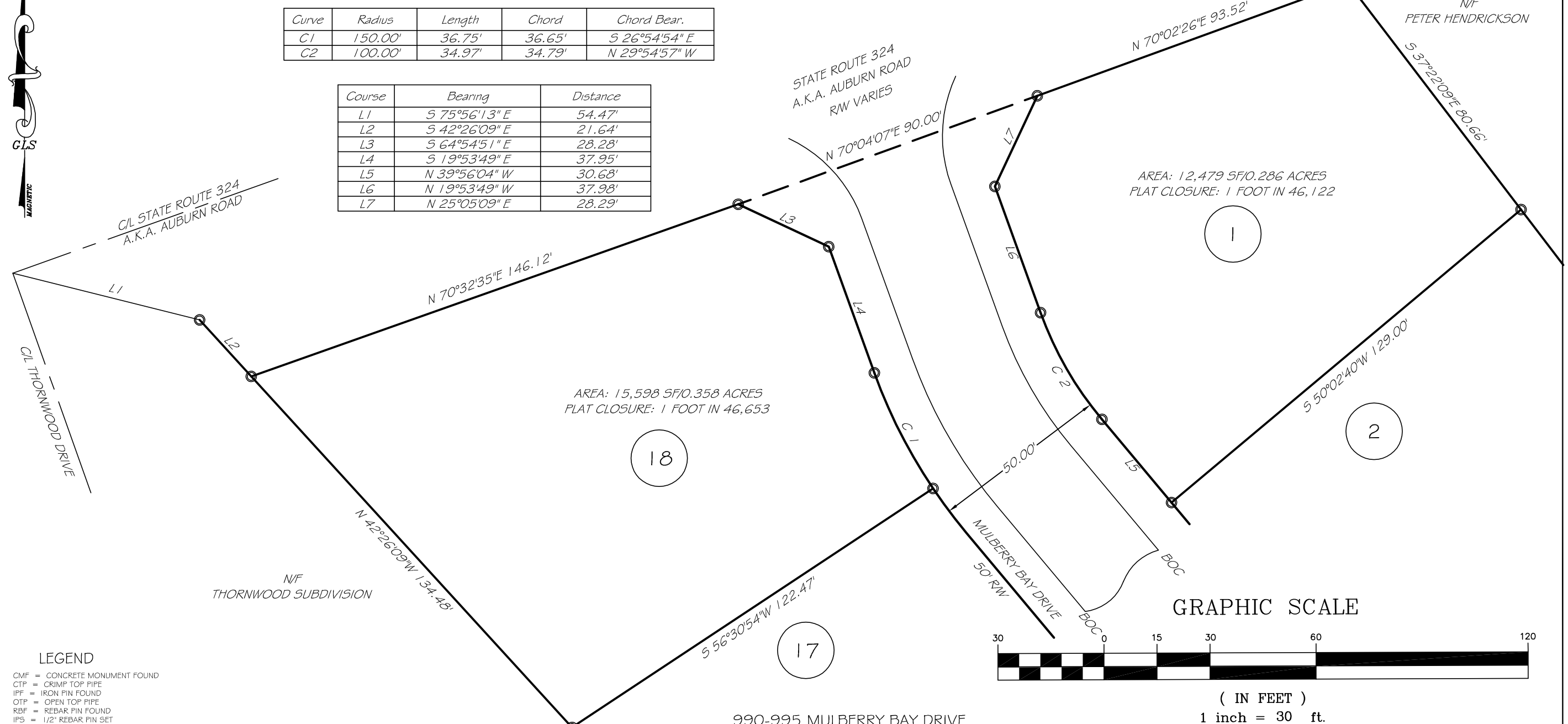
**Scheduled BOC Hearing: February 2013**  
**Printed: December 6, 2012**



NO PORTION OF THIS PROPERTY LIES WITHIN A F.I.R.M. FLOOD HAZARD AREA.  
 AS PER FIRM PANEL NO. 13135C0048F DATED 9/29/06  
 FIELD CLOSURE = ONE FOOT IN 14,980 FEET ANGLE ERROR = 0.12" PER ANGLE POINT  
 EQUIPMENT = TOPCON GTS-312 ADJUSTED BY LEAST SQUARES PLAT CLOSURE = ONE FOOT IN SEE CHART FEET

Curve	Radius	Length	Chord	Chord Bear.
C1	150.00'	36.75'	36.65'	S 26°54'54" E
C2	100.00'	34.97'	34.79'	N 29°54'57" W

Course	Bearing	Distance
L1	S 75°56'13" E	54.47'
L2	S 42°26'09" E	21.64'
L3	S 64°54'51" E	28.28'
L4	S 19°53'49" E	37.95'
L5	N 39°56'04" W	30.68'
L6	N 19°53'49" W	37.98'
L7	N 25°05'09" E	28.29'



- LEGEND**
- CMF = CONCRETE MONUMENT FOUND
  - CTP = CRIMP TOP PIPE
  - IPF = IRON PIN FOUND
  - OTP = OPEN TOP PIPE
  - RBF = REBAR PIN FOUND
  - IP2 = 1/2" REBAR PIN SET
  - CC = PAINT SPOT ON SIDEWALK
  - RAW = RIGHT OF WAY
  - LL = LAND LOT
  - LLL = LAND LOT LINE
  - SSSE = SANITARY SEWER EASEMENT
  - DE = DRAINAGE EASEMENT
  - UE = UTILITY EASEMENT
  - P = PROPERTY LINE
  - B = BUILDING LINE
  - C = CENTERLINE
  - EP = EDGE OF PAVEMENT
  - BOC = BACK OF CURB
  - MH = MAN HOLE
  - CB = CATCH BASIN
  - JB = JUNCTION BOX
  - DI = DROP INLET
  - HW = HEAD WALL
  - PP = POWER POLE
  - FH = FIRE HYDRANT
  - IE = INVERT ELEVATION
  - FFE = FINISHED FLOOR ELEVATION
  - S- = SANITARY SEWER LINE/PIPE
  - = STORM SEWER LINE/PIPE
  - X- = FENCE LINE
  - = FLOOD HAZARD ZONE LINE
  - N/F = NOW OR FORMERLY
  - 0-000-00 = DISTRICT-LAND LOT-PARCEL #
  - (CALL) = DEED OR PLAT CALL
  - (AFTP) = AS PER FINAL PLAT



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.

*Jeff H. Griffin*  
 MEMBER SURVEYING AND MAPPING SOCIETY OF GEORGIA

990-995 MULBERRY BAY DRIVE  
 MULBERRY SPRINGS  
 UNIT ONE  
 BLOCK A  
 LOT 1 & 18

SUBDIVISION FINAL PLAT RECORDED  
 07/24/07, GWINNETT COUNTY, GA.  
 PLAT BOOK 121, PAGE 23

No.	By	Date	Revision

ZONING EXHIBIT FOR:  
**MULBERRY SPRINGS LOTS 1 & 18**

**GRIFFIN LAND SURVEYING, INC.**  
 2274 AZALEA DRIVE, SUITE A  
 LAWRENCEVILLE, GEORGIA 30043  
 (770) 995-9723  
 WWW.GRIFFINLANDSURVEYING.COM

DATE: 12/6/12      LAND LOT: 1      DISTRICT: 2ND

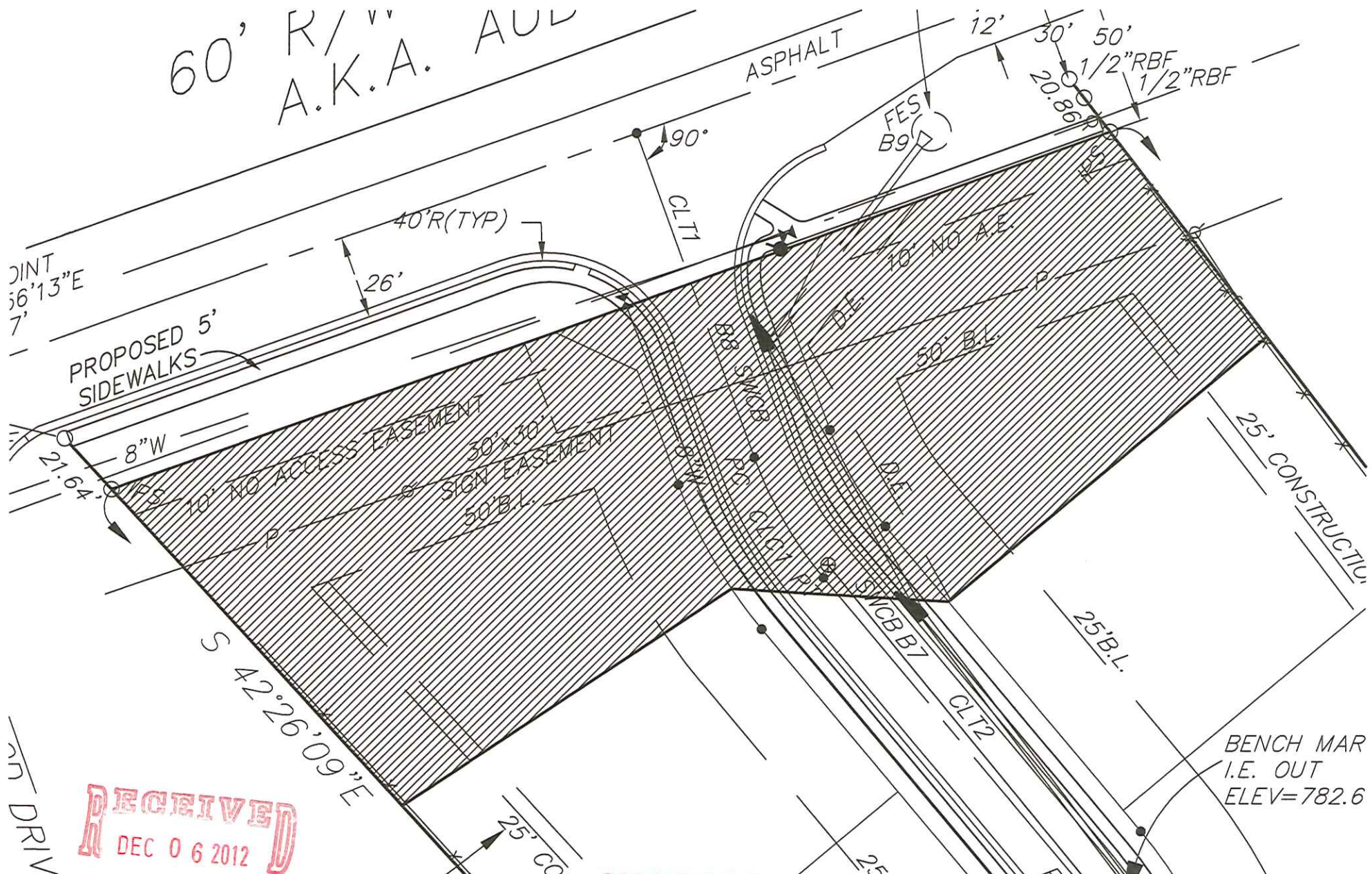
COUNTY: GWINNETT, GA      SCALE: 1"=30'

DRAWN BY: JRG      CHECKED BY: JHG

JOB NO. MBERRY-S      FILE NUMBER:

GLS

60' R/V  
A.K.A. AUL



AN DRIV

RECEIVED  
DEC 06 2012

BY: .....


CIC '13 00 3



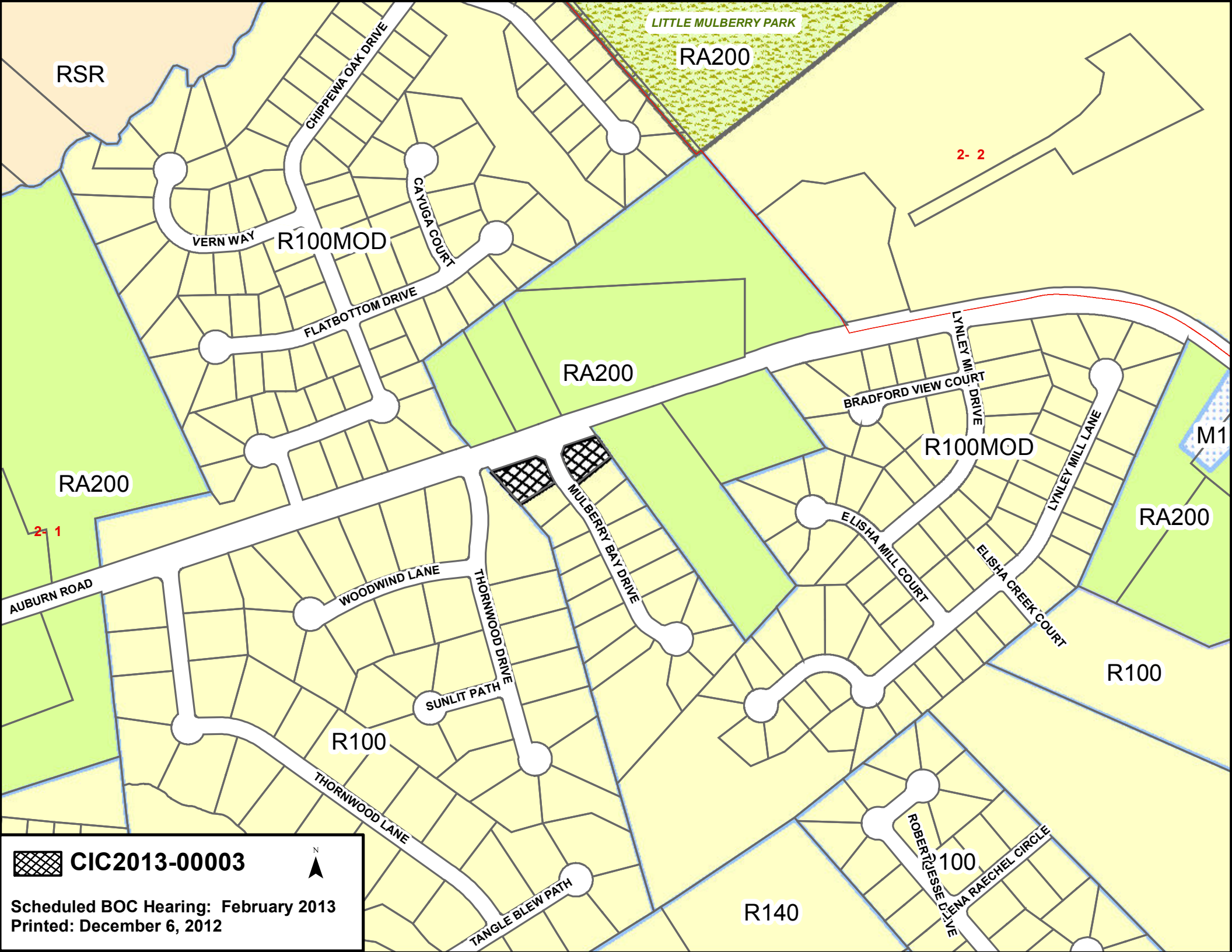
**AUBURN ROAD**

**THORNWOOD DRIVE**

**MULBERRY BAY DRIVE**

 **CIC2013-00003** 

Scheduled BOC Hearing: February 2013  
 Printed: December 6, 2012



RSR

LITTLE MULBERRY PARK

RA200

2-2

VERN WAY

R100MOD

CALVEA COURT

FLATBOTTOM DRIVE

RA200

BRADFORD VIEW COURT

R100MOD

RA200

RA200

M1

2-1

AUBURN ROAD

WOODWIND LANE

MULBERRY BAY DRIVE

ELISHA MILL COURT

ELISHA CREEK COURT

R100

R100

SUNLIT PATH

THORNWOOD DRIVE

R140

ROBERT REESE DRIVE

RAEHEL CIRCLE

 **CIC2013-00003**



Scheduled BOC Hearing: February 2013  
Printed: December 6, 2012

# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:			
<b>20130135</b>			<input checked="" type="checkbox"/> Rezoning	<input checked="" type="checkbox"/> Public Hearing
Department:	Planning & Development	Date Submitted:	01/14/2013	
Working Session:		Business Session:		
Submitted By:	viharrod	Public Hearing:	02/26/2013	
Budget Type:	Neither	Multiple Depts?	No	
Agenda Type	Rezoning	Rezoning Type	CIC	
Item of Business:	Locked by Purchasing			No

2013-00004, Applicant: Tri-State Advertising, LLC, Owner: F.A. Sims Properties, Inc., Change In Conditions to Remove Billboard Restriction on Property Zoned C-3, District 6 Land Lot 207 Parcel 008, 1900 Block of Pleasant Hill Road, 1.10 Acres. District 1/Brooks

Land Lot:	207	Parcel:	008
District:	6		

Attachments: Planning Commission Results and Department Analysis

Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (2/6/2013)
Attorney	

District	For	Against	Abstained	Absent
District 1 (Lynn Thorndyke)	X			
District 1 (John Winters)	X (Mitchell)			
District 2 (Matt Houser)		X		
District 2 (Omar Zaman)	X			
District 3 (Chuck Warbington)	X			
District 3 (Teresa Cantrell)	X (Tullis)			
District 4 (Clint Dixon)	X			
District 4 (Brad Crowe)	X			
At Large (Don Shillington)		X		

Comments:

<p style="text-align: center;"><b>County Clerk Use Only</b></p> <p>Working Session: <input type="text"/></p> <p>Action: <input type="text" value="Public Hearing"/></p> <p>Tabled: <input type="text"/></p> <p>Motion: <input type="text"/></p> <p>2nd by: <input type="text"/></p> <p style="margin-top: 20px;">Vote: <input style="width: 100%;" type="text"/></p>	<p style="text-align: center;"><b>Planning and Development</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input type="text"/></p> <p><input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> Deny PH was Held? <input type="checkbox"/></p> <p><input type="checkbox"/> No Recommendation</p>	<p style="text-align: center;"><b>Planning Commission</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Tabled - Date <input type="text"/></p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input type="text"/></p> <p><input type="checkbox"/> Deny <input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> No Recommendation</p>
--	---	--

PLANNING COMMISSION  
RECOMMENDED CONDITIONS

Approval as C-3 (Change in Conditions), subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  1. The two existing oversized signs on the site shall be removed, **and** one replacement billboard shall be allowed, subject to approval of any necessary variances and/or permits for its placement.
  2. Outdoor recreational uses shall be subject to approval of a Special Use Permit by the Board of Commissioners after a public hearing and after a recommendation by the Planning Commission.
  3. Auto sales and associated service facilities shall be limited to the area described in the survey noted as rezoning exhibit for Partridge Green, Inc., by Development Consultants Group, dated June 1, 1988.
  4. No auto sales, service or repair facility shall front (adjacent to) Pleasant Hill Road, except for the existing Firestone Tire Store/auto service facility.
  5. No mobile home or mobile home building, leasing or sales lot, new or used shall be permitted.
  6. 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.
  7. Peddlers and/or parking lot sales shall be prohibited.
  8. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING COMMISSION RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions to remove the sign restrictions could be suitable since two existing oversized signs are proposed to be removed. The placement of one oversized sign on the property may be suitable with nearby developments at an intensely developed intersection formed by Pleasant Hill Road and Interstate I-85.

ADVERSE IMPACTS

The proposed change in conditions may not adversely impact the aesthetic appearance of this section of the Interstate I-85 corridor.

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 negligible effect on public facilities.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within a Regional Mixed-Use Character Area. The Unified Plan stresses protecting the aesthetic character of retail corridors in rezoning actions. Removing two unsightly signs as proposed, and the construction of one new sign could somewhat reduce visual clutter and be supported by this emphasis of the Unified Plan.

CONDITIONS AFFECTING ZONING

It may be appropriate to amend the conditions of the previous rezoning since the proposal includes the removal of two existing oversized signs that would be replaced with one new sign in a heavily developed commercial area.

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

CASE NUMBER : **CIC2013-00004**  
ZONING : C-3  
LOCATION : 1900 BLOCK OF PLEASANT HILL ROAD  
MAP NUMBER : R6207 008  
ACREAGE : 1.10 ACRES  
REQUEST : CHANGE IN CONDITIONS TO REMOVE  
BILLBOARD RESTRICTION  
COMMISSION DISTRICT : (1) BROOKS

FUTURE DEVELOPMENT MAP: **REGIONAL MIXED USE**

APPLICANT: TRI-STATE ADVERTISING, LLC  
C/O MAHAFFEY PICKENS TUCKER, LLP  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACT: JUSTIN ABERNATHY      PHONE: 770.232.0000

OWNER: F. A. SIMS PROPERTIES, INC.  
C/O MAHAFFEY PICKENS TUCKER, LLP  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a change in conditions of a previous rezoning, RZ-91-056, to remove the billboard/oversized sign restriction in order to replace two existing oversized signs with one new billboard. The subject property is located at the Pleasant Hill Road and Interstate Highway I-85 interchange. The site is developed with a Valero convenience store with gasoline pump islands, and the two previously mentioned oversized signs.

The request is to delete the billboard/oversized sign restriction in order to remove the two existing oversized signs, and replace them with a 53-foot tall, 672 square foot billboard for visibility along Interstate 85. The applicant is reminded that, if approved, the new billboard sign may also require approval of a Variance(s) from the County Sign Ordinance for inadequate separation from other oversized signs, as well as a Tall Structure Permit for the proposed height. Staff also notes that the submitted drawings for the new billboard indicate it would be an LED illuminated billboard sign, which is not permitted by the Sign Ordinance.

In the time since RZ-91-056 was approved in 1991, the County's Sign Ordinance has been amended to govern billboards and other oversized signs (exceeding 300 square feet of area, or

30 feet in height) without separate distinction. Therefore, the applicant is requesting to remove condition I, which restricts billboards and, therefore, oversized signs.

The 2030 Unified Plan Future Development Map indicates the property is located within a Regional Mixed-Use Character Area. The Unified Plan stresses protecting the aesthetic character of major corridors in zoning actions. The removal of two existing oversized signs for replacement with one oversized sign could reduce visual clutter in support of this emphasis of the Unified Plan. The subject proposal could also be consistent with a similar oversized sign request, CIC2012-00001, that was approved in 2012 on the nearby Home Depot property located on the southeast side of Interstate 85.

The immediate surrounding area contains an intense concentration of commercial/retail and office uses, surrounding the Gwinnett Place Mall. Numerous retail businesses are located in the immediate vicinity of the subject property including restaurants, convenience stores, big-box retail stores and several hotels. Removing two existing, oversized signs and replacing them with a single oversized sign could reduce visual clutter and improve the aesthetics of the area. An oversized sign could also be compatible within this intensely developed regional-scale commercial area. In the Department's opinion, the potential aesthetic improvement of the removal of two signs and a new oversized sign may be appropriate and consistent with development in the area.

Removing the billboard/oversized sign restriction for this one parcel may not adversely impact the aesthetic appearance of this section of the Interstate I-85 corridor, as it may result in reduced visual clutter and an improved appearance along Interstate I-85. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of this request.

#### ZONING HISTORY:

The property was zoned C-1 (Neighborhood Business District) in 1970. The property was rezoned to C-2 (General Business District) as part of an area wide map amendment in 1975. The site was rezoned to C-3 as part of the Gwinnett Place Mall commercial zoning, pursuant to CZ-1-1-88 in 1988. A change in conditions of the C-3 district was approved in 1991, pursuant to RZ-91-056.

#### GROUNDWATER RECHARGE AREA:

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

#### WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

Oversized sign shall be governed by Gwinnett County Sign Ordinance Section 86-115.

LED signs are prohibited per Gwinnett County Sign Ordinance Section 86-108.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

No comment.

BUILDING CONSTRUCTION COMMENT SECTION:

Building Plan Review has no objections under the following conditions:

1. The applicant shall obtain a sign construction permit and achieve satisfactory field inspections for issuance of a Certificate of Completion.
2. The applicant shall submit structural and electrical drawings for review by Building Plan Review.

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 CONDITIONSAdditions in **bold**Deletions in ~~strikethrough~~

Approval as C-3 (Change in Conditions), subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  1. ~~No billboards shall be permitted.~~ **The two existing oversized signs on the site shall be removed. One replacement billboard shall be allowed, subject to approval of any necessary variances and/or tall structure permits for its placement.**
  2. Outdoor recreational uses shall be subject to approval of a Special Use Permit by the Board of Commissioners after a public hearing and after a recommendation by the Planning Commission.
  3. Auto sales and associated service facilities shall be limited to the area described in the survey noted as rezoning exhibit for Partridge Green, Inc., by Development Consultants Group, dated June 1, 1988.
  4. No auto sales, service or repair facility shall front (adjacent to) Pleasant Hill Road, except for the existing Firestone Tire Store/auto service facility.
  5. No mobile home or mobile home building, leasing or sales lot, new or used shall be permitted.
  6. **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.**
  7. **Peddlers and/or parking lot sales shall be prohibited.**
  8. **The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.**

PLANNING AND DEVELOPMENT DEPARTMENTS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions to remove the sign restrictions could be suitable since two existing oversized signs are proposed to be removed. The placement of one oversized sign on the property may be suitable with nearby developments at an intensely developed intersection formed by Pleasant Hill Road and Interstate I-85.

ADVERSE IMPACTS

The proposed change in conditions may not adversely impact the aesthetic appearance of this section of the Interstate I-85 corridor.

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 negligible effect on public facilities.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within a Regional Mixed-Use Character Area. The Unified Plan stresses protecting the aesthetic character of retail corridors in rezoning actions. Removing two unsightly signs as proposed, and the construction of one new sign could somewhat reduce visual clutter and be supported by this emphasis of the Unified Plan.

CONDITIONS AFFECTING ZONING

It may be appropriate to amend the conditions of the previous rezoning since the proposal includes the removal of two existing oversized signs that would be replaced with one new sign in a heavily developed commercial 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 one (1) condition of zoning. 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 condition 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 condition will not result in any use which would or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. If it impacts said infrastructure systems at all, it will be in a positive way.
- (E) Yes, the proposed application is in conformity with the policy and intent of the Gwinnett County 2030 Unified Plan which shows the subject property as Regional Mixed-Use. 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.

CIC '13 004



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

Andrew D. Stancil  
E. Michelle Rothmeier  
Shawn F. Bratton  
Alissa L. Cummo  
Justin A. Abernathy  
Austen T. Mabe  
J. David Gussio  
Jill H. Harris,  
of Counsel

**LETTER OF INTENT FOR CHANGE IN CONDITIONS APPLICATION OF  
TRI-STATE ADVERTISING LLC**

Tri-State Advertising LLC, (the "Applicant") submits this Change in Condition ("CIC") application for the purpose of requesting changes to certain conditions on that parcel of land located at 1932 Pleasant Hill Road, Duluth, Georgia 30096 (the "Property"). The Property is currently zoned C-3, or Highway Business District, as part of Case Number CZ-1-1-88, approved by Resolution of the Board of Commissioners of Gwinnett County, Georgia, on August 23, 1988. The Property was subsequently rezoned on July 23, 1991, pursuant to Case Number RZ-91-056 (the "Resolution") from C-3 to C-3 with a CIC, removing condition six (6), the condition regulating Freestanding Signs. Pursuant to Condition One (1) of the Resolution, billboards are not permitted on the Property.

In its current state, the Property is improved with a convenience store and two oversized signs, as depicted in the picture attached hereto as Exhibit "A" and incorporated by reference herein (the "Existing Signs"). The Applicant is proposing to remove the Existing Signs and replace such with a new oversized sign in accordance with Section 86-115 of the Sign Ordinance, as described more particularly in those sign plans attached hereto as "Exhibit B" and incorporated by reference herein (the "Proposed Sign"). The requested CIC is necessary in order for the Applicant to redevelop the Property and replace the Existing Signs with the Proposed Sign, thereby reducing visual clutter in the area along Interstate 85 and adding updated, aesthetically enhanced signage to the site.

Specifically, the Applicant requests a change in condition to the Resolution to allow for billboards on the Property. Under the C-3 zoning classification of the Gwinnett County Zoning Ordinance, billboards or oversized signs are permitted, as provided for in the Gwinnett County Sign Ordinance.

Applicant requests that Condition One (1) of the Resolution be modified to read as follows:


1. Billboards shall be permitted in accordance with the Gwinnett County Sign Ordinance.

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

This 6th day of December, 2012.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

  
\_\_\_\_\_  
Justin A. Abernathy

CIC '13 00 4

CASE NUMBER RZ-91-056

BOARD OF COMMISSIONERS  
 GWINNETT COUNTY  
 LAWRENCEVILLE, GEORGIA  
 RESOLUTION

READING AND ADOPTION:

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

<u>Present</u>	VOTE
Lillian Webb, Chairman	<u>AYE</u>
W. J. Dodd, District 1	<u>AYE</u>
Doug Williamson, District 2	<u>AYE</u>
J. Curtis McGill, District 3	<u>AYE</u>
Renee Unterman, District 4	<u>AYE</u>

On motion of COMM. DODD, 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

C-3 to C-3 (CHANGE IN CONDITIONS)  
 by GWINNETT COUNTY PLANNING COMMISSION for the proposed use of  
CHANGE IN CONDITIONS on a  
 tract of land described by the attached legal description, which

CASE NUMBER RZ-91-056

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 HOME WEEKLY, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JULY 23, 1991, and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 23RD day of JULY, 1991, that the aforesaid application to amend the Official Zoning Map from C-3 to C-3 is hereby APPROVED subject to the following enumerated conditions:

1. No billboards shall be permitted.
2. Outdoor recreational uses shall be subject to the approval of a Special Use Permit by the Board of Commissioners after a public hearing and after a recommendation by the Planning Commission.
3. Auto sales and associated service facilities shall be limited to the area described in the survey noted as Rezoning Exhibit for Partridge Green, Inc., by Development Consultants Group, dated June 1, 1988.
4. No auto sales, service or repair facility shall front (adjacent to) Pleasant Hill Road, except for the existing Firestone Tire Store/auto service facility.

CASE NUMBER RZ-91-056

5. No mobile home or mobile home building, leasing or sales lot, new or used shall be permitted.

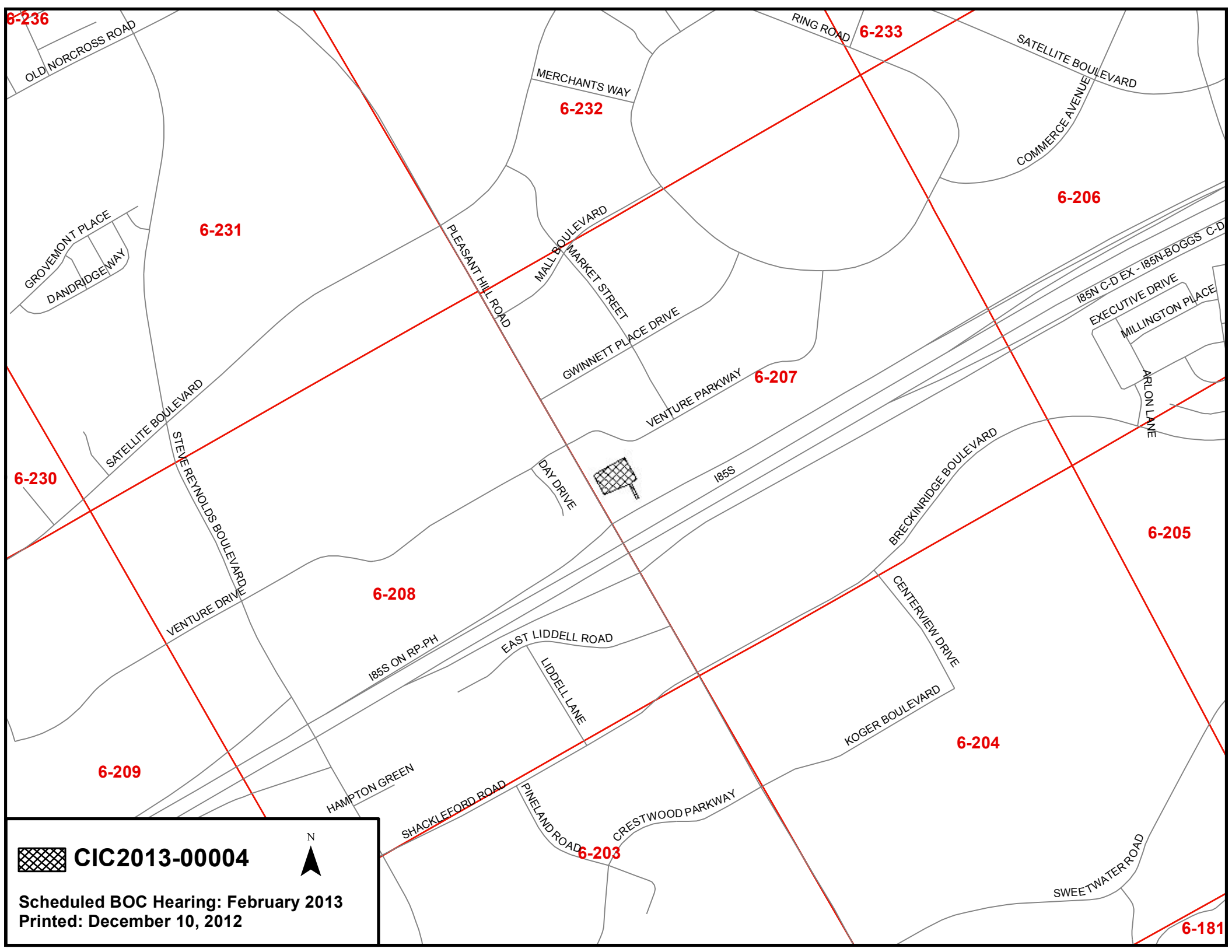
GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Lillian Webb  
Lillian Webb, Chairman

Date Signed: 8-13-91

ATTEST:

Barbara G. Brown  
Clerk



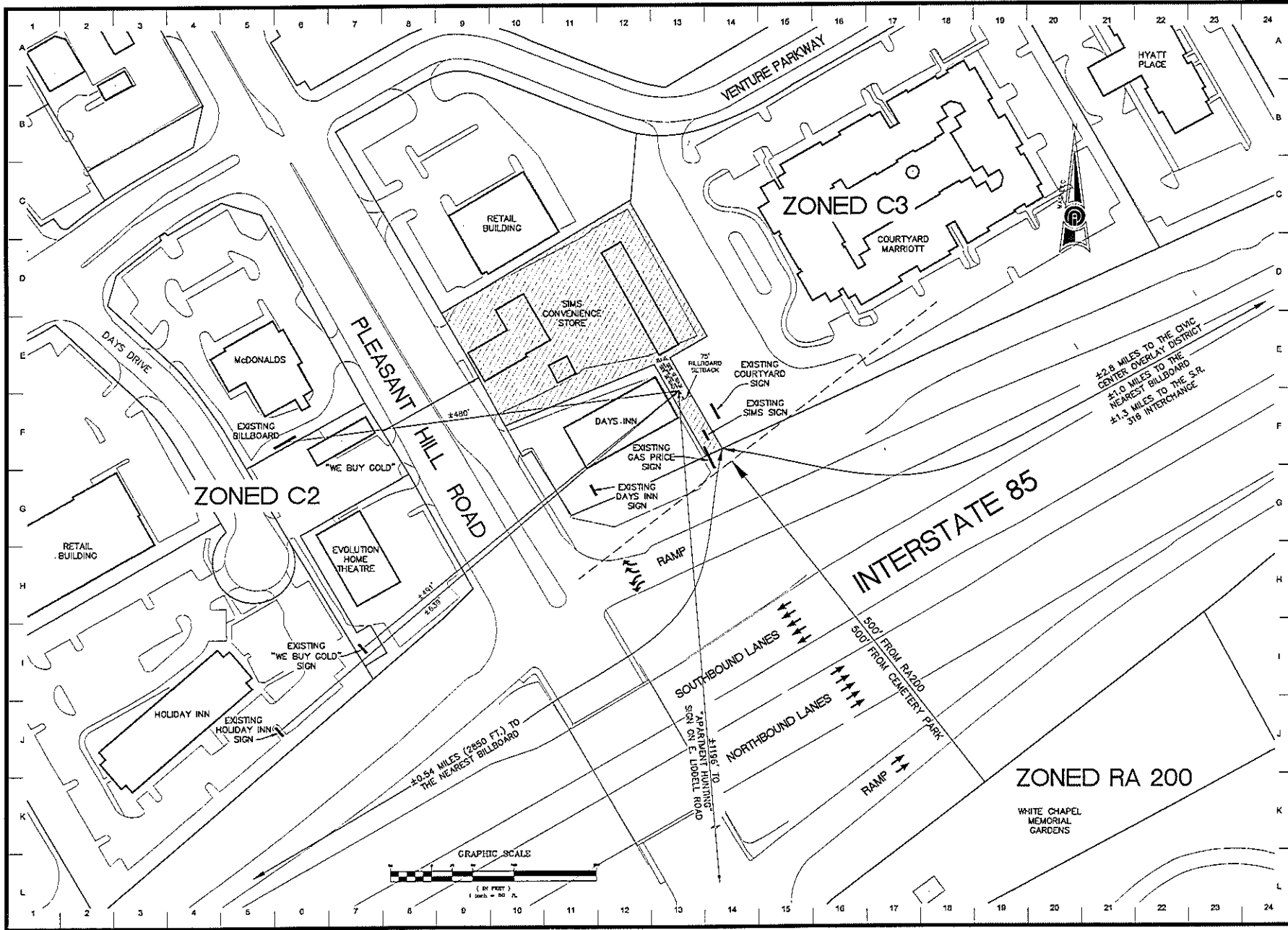
**CIC2013-00004**



Scheduled BOC Hearing: February 2013  
Printed: December 10, 2012

6-181

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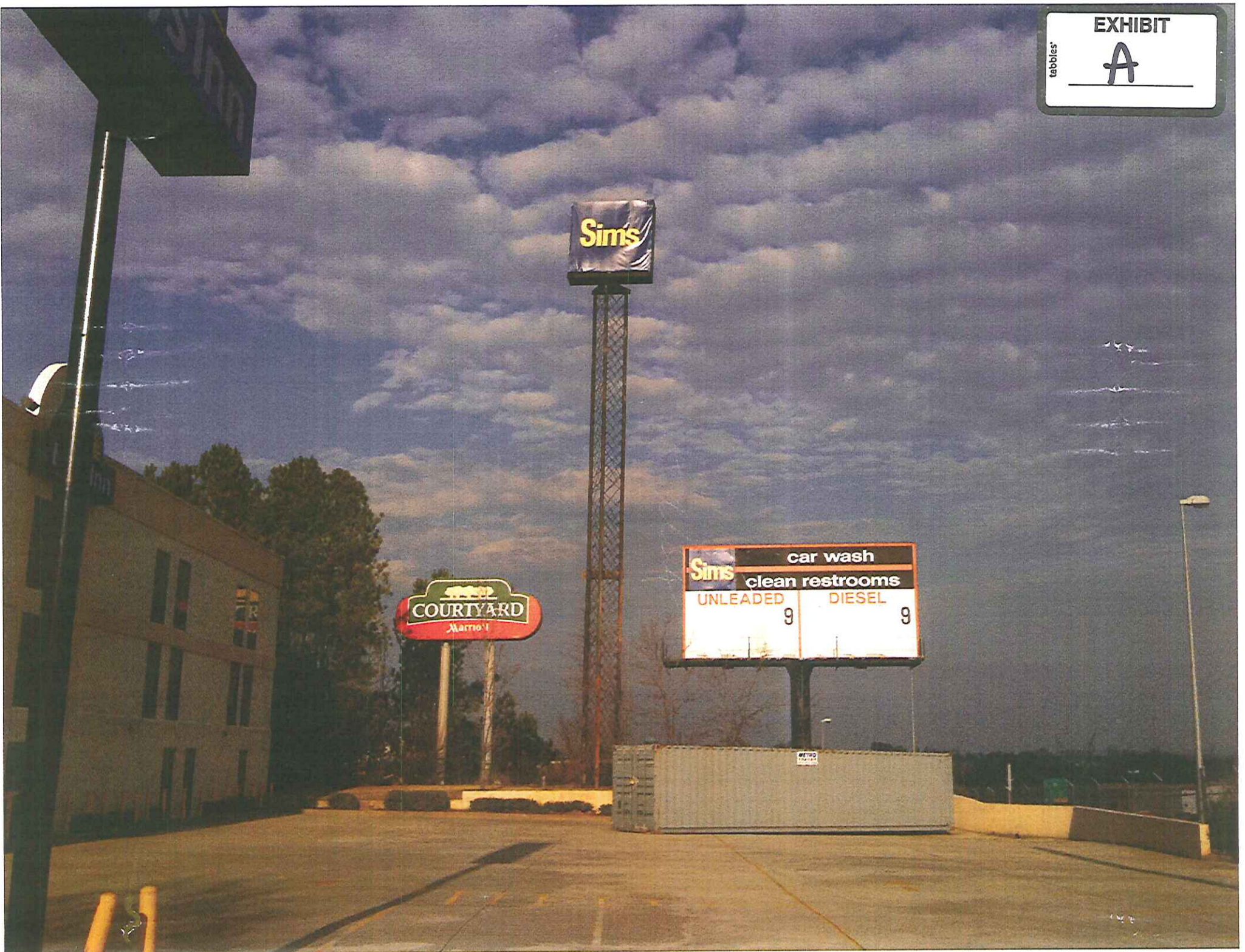


<p>DATE NO DESCRIPTION          03/11/11 1 1 141321.dwg          03/11/11 1 1 141321.dwg</p>	<p>PROPERTY EXHIBIT          DESIGN: [ ]          DRAWN: [ ]          CHECKED: [ ]          DESIGNED: [ ]          DATE: [ ]</p>	<p>RELEASE SHEET          RDB          RDB          RDB</p>	<p>PROJECT          SENTINEL PROPERTIES          PLEASANT HILL ROAD          Local at 10144th Ave Project          Concord, CA 94521, Georgia</p>	<p>STAMP          Apr 13, 2011</p>
<p>PRECISION PLANNING, INC.          PLANNERS, ENGINEERS, ARCHITECTS &amp; SURVEYORS          450 Park Boulevard          Concord, CA 94521          (707) 358-8300          (707) 351-5999 Fax</p>				
<p>1 of 1</p>				

EXHIBIT

tabbles

A



Sims

COURTYARD  
Marriott


Sims		car wash	
		clean restrooms	
UNLEADED	9	DIESEL	9

METRO





PLEASANT HILL ROAD

 CIC2013-00004



Scheduled BOC Hearing: February 2013  
Printed: December 10, 2012

6-231

MALL BOULE

GWINNETT PLACE DRIVE

MARKET STREET

C3

VENTURE PARKWAY

6-207

M1

VENTURE DRIVE

DAY DRIVE

PLEASANT HILL ROAD

185N

6-208

C2

185S

RA200

M1

PLEASANT HILL ROAD

EAST LIDDELL ROAD

BRECKINRIDGE BOULEVARD

6-204

LIDDELL LANE

WACKLEFORD ROAD

6-203



CIC2013-00004



Scheduled BOC Hearing: February 2013  
Printed: December 10, 2012

# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:		<input checked="" type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Public Hearing
<b>20130132</b>			
Department:	Planning & Development	Date Submitted:	01/14/2013
Working Session:		Business Session:	
		Public Hearing:	02/26/2013
Submitted By:	viharrod	Multiple Depts?	No
Budget Type:	Neither	Special Routing:	
Agenda Type	Rezoning	Rezoning Type	SUP
Item of Business:	Locked by Purchasing <input type="text"/> No		

2013-00006, Applicant: Sage School, Inc., Owner: 800 Satellite, LLC, for a Special Use Permit in an M-1 Zoning District for A Private School, District 7 Land Lot 168 Parcel 034, 800 Block of Satellite Boulevard, 4.41 Acres. District 1/Brooks

Land Lot:	168	Parcel:	034
District:	7		

Attachments: Planning Commission Results and Department Analysis

Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (2/6/2013)
Attorney	

District	For	Against	Abstained	Absent
District 1 (Lynn Thorndyke)	X			
District 1 (John Winters)	X (Mitchell)			
District 2 (Matt Houser)	X			
District 2 (Omar Zaman)	X			
District 3 (Chuck Warbington)	X			
District 3 (Teresa Cantrell)	X (Tullis)			
District 4 (Clint Dixon)	X			
District 4 (Brad Crowe)	X			
At Large (Don Shillington)	X			

Comments:

<p style="text-align: center;"><b>County Clerk Use Only</b></p> <p>Working Session: <input style="width: 100%;" type="text"/></p> <p>Action: <input checked="" type="checkbox"/> Public Hearing</p> <p>Tabled: <input type="checkbox"/></p> <p>Motion: <input type="checkbox"/></p> <p>2nd by: <input style="width: 100%;" type="text"/></p> <p style="margin-top: 20px;">Vote: <input style="width: 100%; height: 40px;" type="text"/></p>	<p style="text-align: center;"><b>Planning and Development</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> Deny      PH was Held?      <input type="checkbox"/></p> <p><input type="checkbox"/> No Recommendation</p>	<p style="text-align: center;"><b>Planning Commission</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Tabled - Date <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 100%;" type="text"/></p> <p><input type="checkbox"/> Deny      <input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> No Recommendation</p>
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PLANNING COMMISSION  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for a private school, subject to the following enumerated conditions:

1. Office and accessory uses which may include a private school as a special use.
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. Maintain a minimum 10-foot wide buffer strip along the side and rear property lines.
4. Outdoor 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.
- 8. Site shall be completely enclosed with a minimum six-foot high fence.**

PLANNING COMMISSION RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The use is considered suitable given the adequate size of the property and its location on a separate parcel within a business park. The requested Special Use Permit allowing a private school could be suitable at this location and would be expected to blend with uses in the area.

ADVERSE IMPACTS

With the recommended conditions, potential impacts on fellow occupants of the office park could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the property lies within the Preferred Office character area. Private school activities within an office building could be compatible with this land use designation, which encourages office, institutional and professional uses.

CONDITIONS AFFECTING ZONING

The site's location within a business park, and its location on a separate parcel from other businesses, lends supporting grounds for approval. To reduce potential impacts on neighboring properties, conditions ensuring that the aesthetics of the site are maintained may be appropriate.

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

CASE NUMBER :**SUP2013-00006**  
ZONING :M-I  
LOCATION :800 BLOCK OF SATELLITE BOULEVARD  
MAP NUMBER :R7168 034  
ACREAGE :4.41 ACRES  
PROPOSED DEVELOPMENT :PRIVATE SCHOOL  
SQUARE FEET :20,192 SQUARE FEET  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: SAGE SCHOOL, INC.  
3585 LAWRENCEVILLE SUWANEE ROAD  
SUWANEE, GA 30024

CONTACT: JOE PATTON PHONE: 678.523.0341

OWNER: 800 SATELLITE, LLC  
865 S. FRANKWOOD AVENUE  
REEDLEY, CA 93654

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant, Sage School, requests a Special Use Permit on a 4.41-acre parcel, zoned M-I (Light Industry District), to allow a private school. The property is developed with a vacant single-story, brick office building that contains a total floor area of 20,192 square feet. The site is located on the east side of Satellite Boulevard between its intersections with Shawnee Industrial Way.

Sage School is a non-profit, private, Christian school serving children with dyslexia and other language learning difficulties. If the Special Use Permit is granted, the school would move from its current location on Lawrenceville Suwanee Road to allow more space for the school's expansion in the future. The applicant's letter of intent indicates the school's current enrollment is 25 students in grades K-8, and that the school would operate during the same hours as Gwinnett County schools with after-hours tutoring services on an individual basis. The school plans to utilize to entire 20,192 square foot building.

Access to the building is provided from a single driveway onto Satellite Boulevard. The applicant has indicated they would utilize the existing building, parking lot and grounds without any exterior modifications.

**ZONING HISTORY:**

In 1970 the subject property was zoned R-100 (Single Family Residence District). The property was rezoned to M-1 in 1987, pursuant to RZ-4-87.

**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:**

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

Parking spaces shall be provided at a ratio of:

1.5 spaces per classroom (minimum)

2.0 spaces per classroom, plus 1 space per 50 square feet of largest assembly area (maximum)

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

Contact GCEHD concerning 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 a 16-inch water main located on the western right-of-way of Satellite Boulevard, and a 16-inch water main that crosses Satellite Boulevard to a DDC on the property.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 5 feet north 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 or exterior modifications and renovation 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 property is a 4.41-acre parcel located within the Shawnee Ridge business park, on the east side of Satellite Boulevard between its intersections with Shawnee Industrial Way. The property is developed with an existing office building, associated parking and driveways, and contains mature vegetation throughout the property.

The 2030 Unified Plan Future Development Map indicates that the property lies within the Preferred Office character area. The proposed private school within an existing office building could be consistent with this land use designation, and is considered compatible with the recommendations of the Unified Plan.

The area is developed as a large office/business park extending along Satellite Boulevard. Surrounding the subject property are office buildings zoned M-I within the Shawnee Ridge Business Park. Given the upscale business park environment, the proposed use could be suitable at this location. The building is situated on its own parcel with direct access to Satellite Boulevard, and as such should not affect the usability of neighboring office and warehouse buildings. If properly conditioned, the proposed school could be compatible with these nearby uses and could be an appropriate use of this existing building.

The proposed private school within the existing building could be compatible with uses in the area, and consistent with the recommendations 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 of a Special Use Permit for a private school, subject to the following enumerated conditions:

1. Office and accessory uses which may include a private school as a special use.
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. Maintain a minimum 10-foot wide buffer strip along the side and rear property lines.
4. Outdoor 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 EXCERSISE OF ZONING

SUITABILITY OF USE

The use is considered suitable given the adequate size of the property and its location on a separate parcel within a business park. The requested Special Use Permit allowing a private school could be suitable at this location and would be expected to blend with uses in the area.

ADVERSE IMPACTS

With the recommended conditions, potential impacts on fellow occupants of the office park could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the property lies within the Preferred Office character area. Private school activities within an office building could be compatible with this land use designation, which encourages office, institutional and professional uses.

CONDITIONS AFFECTING ZONING

The site's location within a business park, and its location on a separate parcel from other businesses, lends supporting grounds for approval. To reduce potential impacts on neighboring properties, conditions ensuring that the aesthetics of the site are maintained may 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:

Yes...see attached approval from Shawnee Ridge Owner's Association

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

No

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

Yes...we are requesting no modifications to the structure or land

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

No

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

Yes

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

None

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RECEIVED  
NOV 16 2012



November 14, 2012

Gwinnett County Planning Division,

This letter is provided as a letter of intent for the application of Special Use for Sage School to occupy and conduct business at 800 Satellite Blvd, Suwanee, GA 30024. The property is currently zoned as M-I and has an existing structure with 20,192 square feet. This property is also known as: Land District 7, Land Lot 168 and has 4.4073 acres. Under M-I we are requesting permission to operate as a special use/ private school.

Sage School is a Non-Profit, Private, Christian School serving children with dyslexia and other language learning differences. The school is currently in business at 3585 Lawrenceville Suwanee Road, Suwanee, GA 30024. Our school is growing beyond the current facility's capacity for the future and the subject property is well developed for our intended use for years to come.

Sage School operates on a student to teacher ratio of no more than 6:1. This allows us to utilize the current configuration of 800 Satellite without modification of the building or grounds. The current building is depicted on the enclosed site plan including legal description and boundary survey as requested for the application of permit. There is ample parking with 64 parking spots already in existence.

In addition we have enclosed notice from the Shawnee Ridge Owner's Association stating the school is approved by the members of the association. There are no companies within 2,000 feet of this property which are not part of the Shawnee Ridge Owner's Association.

Sage School's current enrollment is 25 students in K-8 grades. The school operates during the same hours as the Gwinnett County Public School system. Sage School also provides after hours tutoring services on an individual case basis.

Please find enclosed: Application Form, Site Plan (including Legal Description and Boundary Survey), Applicant Certification with Notarized Signature, Property Owner Certifications with Notarized Signature, Conflict of Interest Certification/Campaign Contributions, Verification of Paid Property Taxes and Application fee of ...

We appreciate your consideration of this application and look forward to being a productive member Gwinnett County!

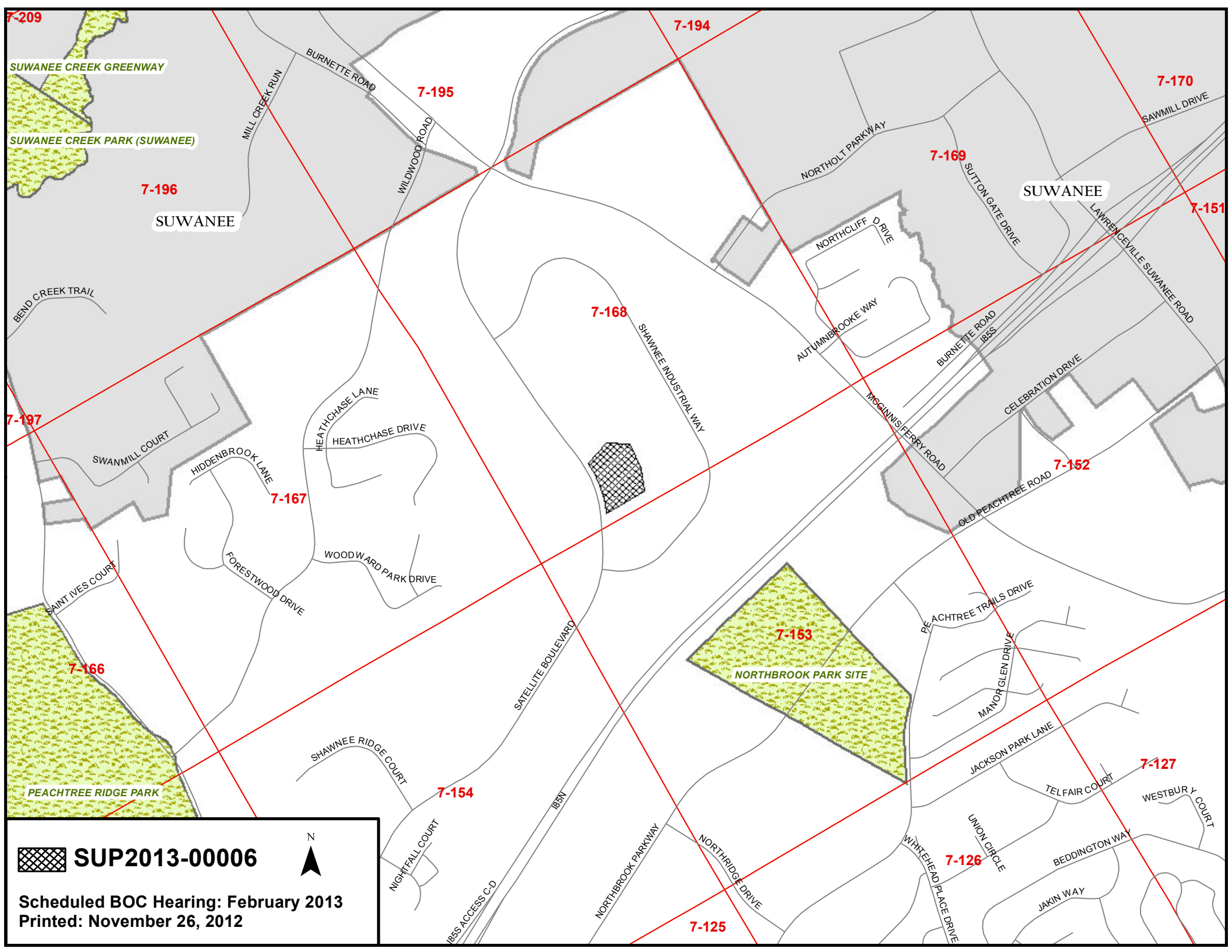
Sincerely,

Joseph A. Patton  
Chairman of the Board  
Sage School, Inc.

RECEIVED  
NOV 16 2012

BY: .....

SUP '13 0 0 6



7-209

7-194

7-170

7-195

7-169

7-151

7-196

SUWANEE

7-168

7-197

7-152

7-167

7-153

7-166

7-127

7-154

7-126

7-125

SUWANEE CREEK GREENWAY

SUWANEE CREEK PARK (SUWANEE)

SUWANEE

NORTHBROOK PARK SITE

PEACHTREE RIDGE PARK

 SUP2013-00006



Scheduled BOC Hearing: February 2013  
Printed: November 26, 2012

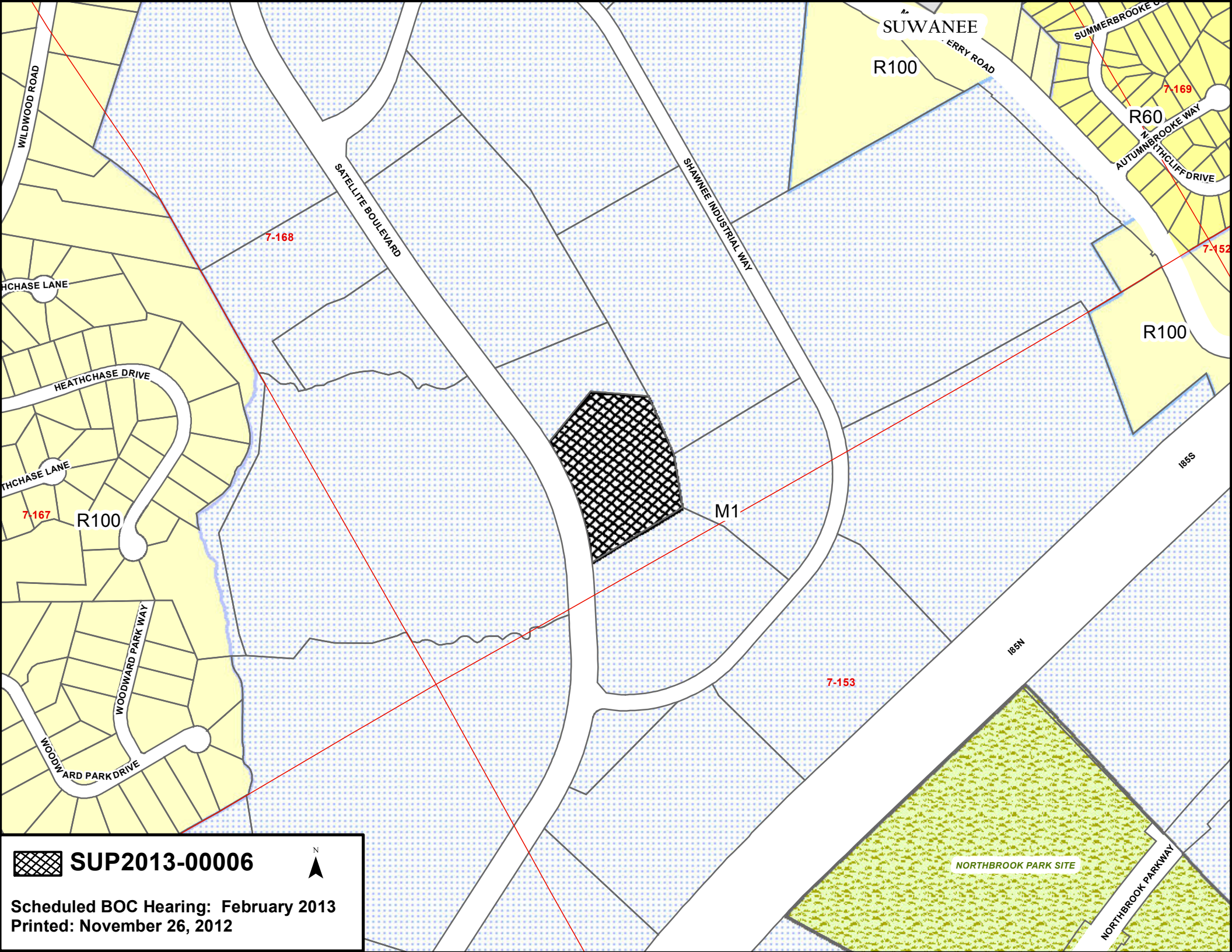


SATELLITE BOULEVARD

 SUP2013-00006



Scheduled BOC Hearing: February 2013  
Printed: November 26, 2012



SUWANEE

R100

R60

R100

M1

7-153

7-168

7-167

7-169

7-152

R100

185N

185S

NORTHBROOK PARK SITE



**SUP2013-00006**



Scheduled BOC Hearing: February 2013  
Printed: November 26, 2012

# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:		<input checked="" type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Public Hearing
20130133			
Department:	Planning & Development	Date Submitted:	01/14/2013
Working Session:		Business Session:	
		Public Hearing:	02/26/2013
Submitted By:	viharrod	Multiple Depts?	No
Budget Type:	Neither	Special Routing:	
Agenda Type	Rezoning	Rezoning Type	SUP
Item of Business:		Locked by Purchasing	No

2013-00008, Applicant: Anna Oberc, Owner: Rafal Oberc, for a Special Use Permit an an R-100 Zoning District for a Home Occupation (Hair Salon) (Renewal), District 6 Land Lot 012 Parcel 200, 3700 Block of Kilt Lane, 4400 Block of Gaelic Way, 0.60 Acre. District 3/Hunter

Land Lot:	012	Parcel:	200
District:	6		

Attachments    Planning Commission Results and Department Analysis

Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (2/6/2013)
Attorney	

District	For	Against	Abstained	Absent
District 1 (Lynn Thorndyke)	X			
District 1 (John Winters)	X (Mitchell)			
District 2 (Matt Houser)	X			
District 2 (Omar Zaman)	X			
District 3 (Chuck Warbington)	X			
District 3 (Teresa Cantrell)	X (Tullis)			
District 4 (Clint Dixon)	X			
District 4 (Brad Crowe)	X			
At Large (Don Shillington)	X			

Comments

<p style="text-align: center;"><b>County Clerk Use Only</b></p> <p>Working Session: <input type="text"/></p> <p>Action: <input type="text" value="Public Hearing"/></p> <p>Tabled: <input type="text"/></p> <p>Motion: <input type="text"/></p> <p>2nd by: <input type="text"/></p> <p style="margin-top: 20px;">Vote: <input style="width: 100%;" type="text"/></p>	<p style="text-align: center;"><b>Planning and Development</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input type="text"/></p> <p><input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> Deny    PH was Held?    <input type="checkbox"/></p> <p><input type="checkbox"/> No Recommendation</p>	<p style="text-align: center;"><b>Planning Commission</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Tabled - Date <input type="text"/></p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input type="text"/></p> <p><input type="checkbox"/> Deny    <input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> No Recommendation</p>
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PLANNING DEPARTMENT / PLANNING COMMISSION  
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 7:00 p.m. Monday through Saturday.
3. No outside employees, other than the applicant, shall be permitted.
4. There shall be no evidence of the home occupation from the exterior of the dwelling. Exterior signage shall be prohibited.
5. No more than one customer shall be permitted at a time.
6. Client parking shall be limited to the existing driveway. 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 COMMISSION RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

In light of the operation of the in-home hair salon since 2010 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 hair salon renewal could be considered compatible within the Existing/Emerging Suburban Character Area as designated by the Unified Plan.

CONDITIONS AFFECTING ZONING

The applicant's continued compliance with the conditions of zoning has preserved the integrity of the surrounding residential properties, which lends to the support of the renewal of the request.

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

CASE NUMBER :**SUP2013-00008**  
ZONING :R-100  
LOCATION :3700 BLOCK OF KILT LANE  
:4400 BLOCK OF GAELIC WAY  
MAP NUMBER :R6012 200  
ACREAGE :0.60 ACRE  
PROPOSED DEVELOPMENT :HOME OCCUPATION (HAIR SALON) (RENEWAL)  
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: ANNA OBERC  
3702 KILT LANE  
SNELLVILLE, GA 30039

CONTACT: ANNA OBERC PHONE: 404.388.9431

OWNER: RAFAL OBERC  
3702 KILT LANE  
SNELLVILLE, GA 30039

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests the renewal of a Special Use Permit on a 0.60-acre parcel for the continued operation of an in-home hair salon. The property is zoned R-100 (Single Family Residence District), and is located at the northeast corner of the intersection of Gaelic Way and Kilt Lane, within the Campbell Glen subdivision.

The property contains a one-story residence with a basement. All business activity associated with the hair salon is conducted within the basement of the residence. The salon serves one client at a time, and customer parking is provided in the driveway.

The in-home hair salon was approved in 2010, pursuant to SUP2010-00057, with a time limitation of two years. Since the initial approval, the County has not received any complaints regarding the business, and the applicant has complied with the conditions of the Special Use Permit.

ZONING HISTORY:

In 1970, the property was zoned RA-200. In 1973, the property was rezoned to R-100 as part of a larger area-wide rezoning. In 2010, a Special Use Permit was approved for an in-home occupation for a hair salon, pursuant to SUP2010-00057.

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:

Contact GCEHD concerning on-site sewage management system (OSSMS) involvement. The project cannot be developed if existing OSSMS and replacement OSSMS area cannot be maintained with additional septic demands/requirements for the proposed business addition.

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 Kilt Lane, and an 8-inch water main located on the northern right-of-way of Gaelic Way.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 3,600 feet east of the property on the right-of-way of Crest Water Lane.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The subject property is a 0.60-acre parcel located at the northeast corner of the intersection of Gaelic Way and Kilt Lane, in the Campbell Glen subdivision. The property contains a one-story single-family residence with a basement, and appears well maintained.

The 2030 Unified Plan Future Development Map indicates that the property is located within an Existing/Emerging Suburban Character Area. The continued operation of an in-home hair salon as a home occupation could be considered compatible within this Character Area and consistent with the Board's approval of similar requests throughout the County.

The surrounding area is characterized by single-family residential uses and subdivision developments. If the applicant continues to comply with the conditions of zoning by maintaining the residential character of the property, limiting the number of clients and the hours of operation, the continued use would not be expected to adversely impact the neighbors or the surrounding community. The previous Special Use Permit was approved with a time limitation of two years. During the initial two year period, the applicant has complied with the conditions of zoning and has not received any complaints regarding the operation of an in-home hair salon from the subject property. Given its good record over the past two years of operation, the continued use of an in-home hair salon could be considered compatible with the surrounding area.

In conclusion, the requested Special Use Permit for a hair salon as a home occupation could be compatible with the surrounding residential area 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 7:00 p.m. Monday through Saturday.
3. No outside employees, other than the applicant, shall be permitted.
4. There shall be no evidence of the home occupation from the exterior of the dwelling. Exterior signage shall be prohibited.
5. No more than one customer shall be permitted at a time.
6. Client parking shall be limited to the existing driveway. 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 2010 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 hair salon renewal could be considered compatible within the Existing/Emerging Suburban Character Area as designated by the Unified Plan.

CONDITIONS AFFECTING ZONING

The applicant's continued compliance with the conditions of zoning has preserved the integrity of the surrounding residential properties, which lends to the support of the renewal of the request.

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

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

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

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

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:

NO

- (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

Anna Oberc  
3702 Kilt Ln.  
Snellville, Ga 30039

Snellville, 11-20-2012

## Letter of Intent

My name is Anna Oberc, I reside at PARCEL 6-012-200, ZONING R – 100  
3702 Kilt Ln. Snellville, Ga 30039.

Currently I have Special Use Permit SUP 2010 – 00057 that expired on Nov.16 2012.  
I am asking for renewal of the Special Use Permit and also for the 2 year ( sunset )  
period to be removed / extended.

For the past 2 years my hair salon given me opportunity to be able to work for at least  
couple of hours a day and I am so greatfull for. Due to my disability I had faced a  
difficulty to find employment.

For past two years I did not violated any of the conditions of Special Use Permit.  
I did not contributed to excessive traffic or burdensome use of existing streets.

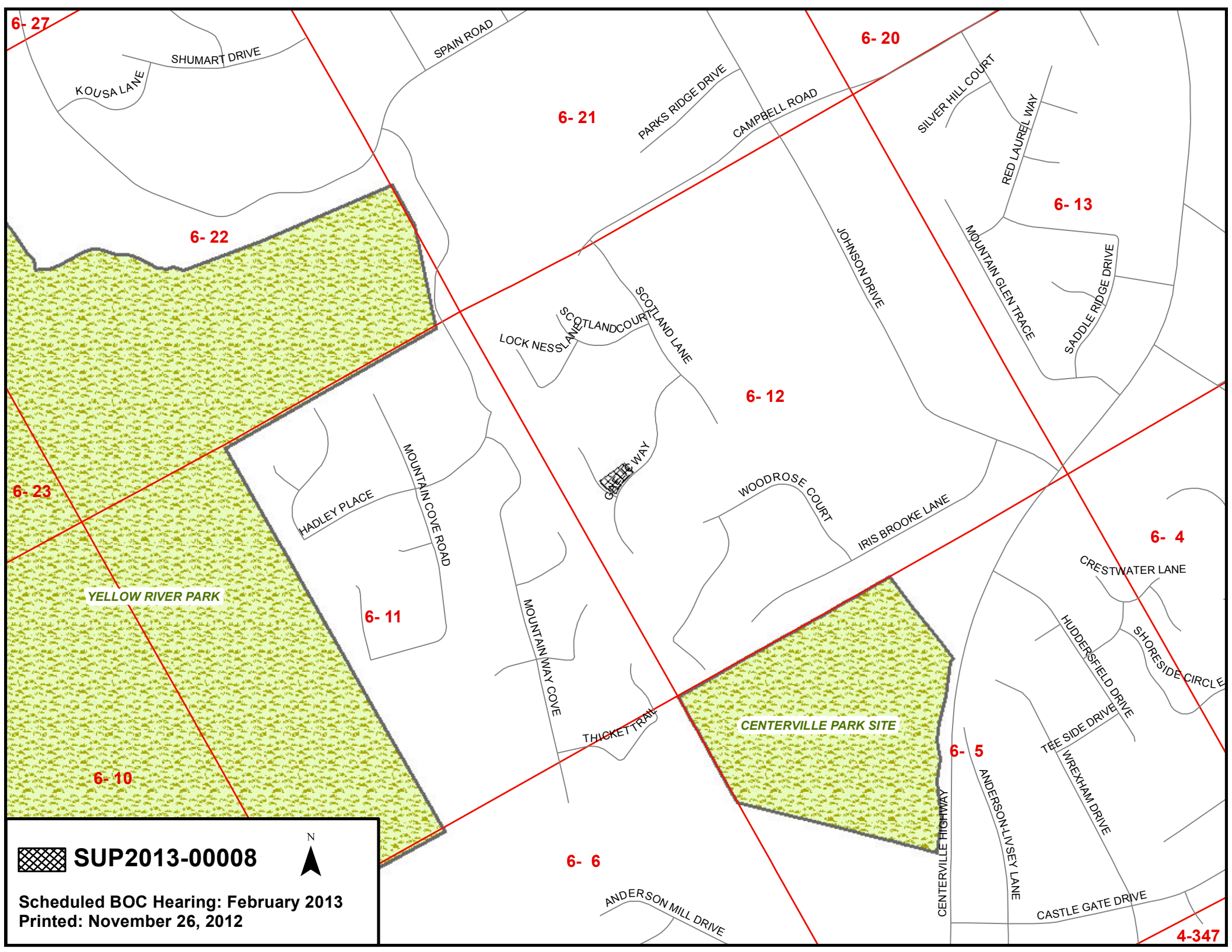
For past two years I did keep my property free of any signs and free of evidance  
of home occupation.

There for I am asking for the Renewal of Special Use Permit on my property  
3702 Kilt Ln. Snellville, Ga 30039 to be granted.

Best Regards,



SUP '13 0 0 8

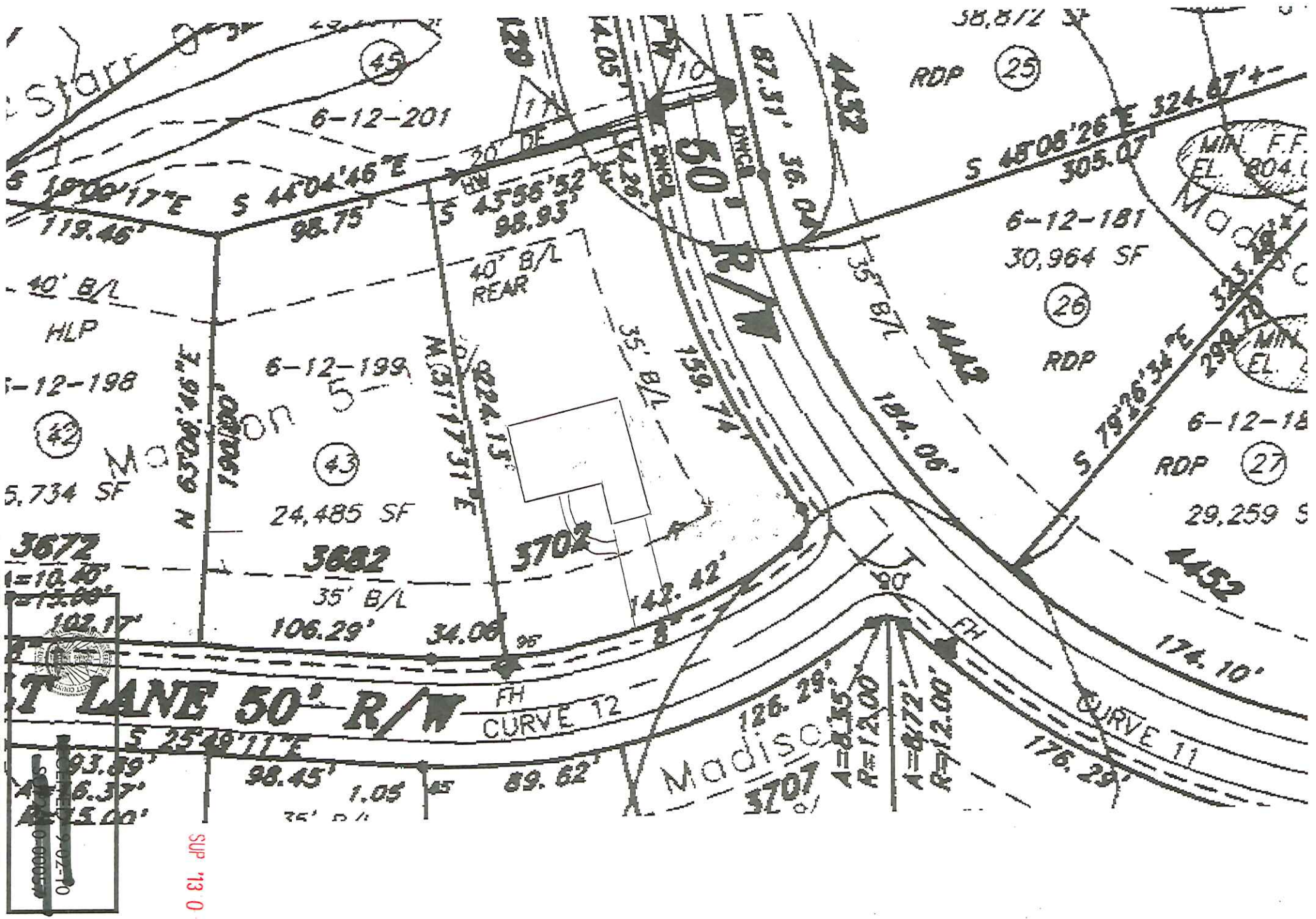


 **SUP2013-00008**

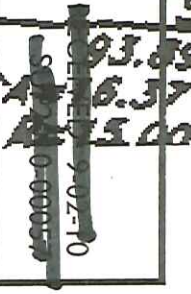


**Scheduled BOC Hearing: February 2013**  
**Printed: November 26, 2012**

**4-347**



8 0 0 0 8 SUP '13 0 0 8



**T LANE 50' R/W**  
 S 25°49'11"E

FH  
 CURVE 12

Madisc  
 3707

A=8.35  
 R=12.00  
 A=8.72  
 R=12.00



CURVE 11

6-12-201  
 S 19°00'17"E 119.46'  
 S 45°04'46"E 98.75'  
 S 45°56'52" 98.93'  
 40' B/L REAR  
 40' B/L  
 HLP  
 6-12-198  
 5,734 SF  
 6-12-199  
 24,485 SF  
 3672  
 3682  
 3702  
 3707  
 6-12-181  
 30,964 SF  
 6-12-182  
 29,259 SF  
 6-12-183  
 29,259 SF  
 58.81/2 ST  
 RDP (25)  
 RDP (26)  
 RDP (27)  
 MIN. F.F. EL. 204.4  
 MIN. F.F. EL. 204.4  
 MIN. F.F. EL. 204.4  
 129  
 14.05  
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 87.31' 36.04'  
 4432  
 35' B/L  
 159.74'  
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 124.06'  
 174.10'  
 176.29'  
 102.17'  
 106.29'  
 34.06'  
 142.42'  
 126.29'  
 89.62'  
 93.89'  
 16.37'  
 15.00'  
 98.45'  
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 45  
 35' B/L

**KILT LANE**

**GAELIC WAY**



 **SUP2013-00008** 

Scheduled BOC Hearing: February 2013  
Printed: November 26, 2012

R100  
6-22

RA200  
Partee ES

6-12

6-11

R100

RA200

6-5

CENTERVILLE PARK SITE

HADLEY PLACE

SCOTLAND COURT

LOCK NESS LANE

SCOTLAND LANE

KILT LANE

GAELIC WAY

WOODROSE COURT

TIMS PLACE

MOUNTAIN WAY COVE

TRUMBLE TERRACE

IRIS BROOKE LANE

FOREST DAWN COURT

WELDON DRIVE

THICKET TRAIL

 **SUP2013-00008**

Scheduled BOC Hearing: February 2013  
Printed: November 26, 2012



# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:		<input checked="" type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Public Hearing
20130136			
Department:	Planning & Development	Date Submitted:	01/14/2013
Working Session:		Business Session:	
		Public Hearing:	02/26/2013
Submitted By:	viharrod	Multiple Depts?	No
Budget Type:	Neither	Special Routing:	
Agenda Type	Rezoning	Rezoning Type	SUP

Item of Business: Locked by Purchasing  No

2013-00009, Applicant: 78 Carwash, LLC, Owner: 78 Carwash, LLC, for a Special Use Permit in a C-2 Zoning District for Automobile Service, District 6 Land Lot 063B Parcel 008F, 4700 Block of Stone Mountain Highway, 1.28 Acres. District 2/Howard

Land Lot:	063B	Parcel:	008F
District:	6		

Attachments	Department Analysis
Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (2/6/2013)
Attorney	

District	For	Against	Abstained	Absent
District 1 (Lynn Thorndyke)	X			
District 1 (John Winters)	X (Mitchell)			
District 2 (Matt Houser)	X			
District 2 (Omar Zaman)	X			
District 3 (Chuck Warbington)	X			
District 3 (Teresa Cantrell)	X (Tullis)			
District 4 (Clint Dixon)	X			
District 4 (Brad Crowe)	X			
At Large (Don Shillington)	X			

Comments

<p style="text-align: center;"><b>County Clerk Use Only</b></p> <p>Working Session <input type="text"/></p> <p>Action <input type="text" value="Public Hearing"/></p> <p>Tabled <input type="text"/></p> <p>Motion <input type="text"/></p> <p>2nd by <input type="text"/></p> <p style="margin-top: 20px;">Vote <input type="text"/></p>	<p style="text-align: center;"><b>Planning and Development</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input type="text"/></p> <p><input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> Deny    PH was Held?    <input type="checkbox"/></p> <p><input type="checkbox"/> No Recommendation</p>	<p style="text-align: center;"><b>Planning Commission</b></p> <p>Recommendation:</p> <p><input checked="" type="checkbox"/> Tabled - Date <input type="text" value="03/05/2013"/></p> <p><input type="checkbox"/> Approve</p> <p><input type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input type="text"/></p> <p><input type="checkbox"/> Deny    <input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> No Recommendation</p>
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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER :**SUP2013-00009**  
ZONING :C-2  
LOCATION :4700 BLOCK OF STONE MOUNTAIN HIGHWAY  
MAP NUMBER :R6063B 008F  
ACREAGE 1.28 ACRES  
PROPOSED DEVELOPMENT :AUTOMOBILE SERVICE  
SQUARE FEET :1,200 SQUARE FEET  
COMMISSION DISTRICT :(2) HOWARD

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

APPLICANT: 78 CARWASH, LLC  
C/O MAHAFFEY PICKENS TUCKER, LLP  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACT: JUSTIN ABERNATHY PHONE: 770.232.0000

OWNER: 78 CARWASH, LLC  
C/O MAHAFFEY PICKENS TUCKER, LLP  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Special Use Permit on a 1.28-acre property zoned C-2 (General Business District) to continue automobile service in conjunction with an existing automated and self-service car wash facility. The property is located on the north side of Stone Mountain Highway, between Lake Lucerne Drive and Lake Lucerne Road and across from Gresham Circle. This Special Use Permit request is the result of a code enforcement investigation for operating the automobile service activity without proper permits. Approval of the requested Special Use Permit would bring the automobile repair business into conformance with the 1985 Zoning Resolution.

The property is developed with a car wash facility that offers both automated service and bays that allow for self-service. The car wash building contains a total of 4,200 square feet. According to the letter of intent, Tropical All-In One Car Care, which provides automobile service and emissions inspections, has been operating from the site since 2009. This business currently occupies two bays, which contain 1,200 square feet of space. Services offered for automobile repair include tune-ups, oil changes, brake inspection, engine cleaning and tire rotation. The site is accessed by two shared driveways onto Stone Mountain Highway.

A 37.5-foot wide buffer and a six-foot high wood privacy fence are established along the north property line where the site adjoins Lucerne Estates subdivision. The buffer was administratively approved pursuant to AVR1998-00033 in 1998. No changes are being proposed to the site or buffers as part of this application.

**ZONING HISTORY:**

The property has been zoned C-2 since 1970.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**DEVELOPMENT REVIEW SECTION COMMENTS:**

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 on the northern right-of-way of Stone Mountain Highway.

**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 or exterior modification. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.
2. Architectural design of any proposed exterior modification shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.
3. Upon completion of plan review approvals, the applicant shall obtain a building permit and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

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

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

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

**DEPARTMENT ANALYSIS:**

The subject site is a 1.28-acre property located on the north side of Stone Mountain Highway, between Lake Lucerne Drive and Lake Lucerne Road, across from Gresham Circle. The property is developed with an existing automated and self-service car wash facility, associated parking spaces and driveways.

The 2030 Unified Plan Future Development Map indicates the property lies within a Corridor Mixed-Use Character Area. Policies for this character area support freestanding commercial uses which are not easily incorporated into mixed-use developments, such as car washes and automobile repair. As such, the requested Special Use Permit could be considered consistent

within this character area, and would bring the existing use into conformance with the 1985 Zoning Resolution.

The surrounding area is primarily characterized by intensely developed commercial/retail uses fronting along the Stone Mountain Highway corridor. Surrounding businesses include offices, fast-food restaurants, and strip retail buildings with numerous tenants. Also located nearby to the west are a retail center and an Advanced Auto Parts. Immediately to the south is an automobile repair center that was recently approved pursuant to RZC2011-00019 and SUP2011-00050. Given the mix of commercial uses in the area, including automobile related uses in close proximity, the request could be considered consistent with the surrounding area.

If properly conditioned, the requested Special Use Permit for an automotive service facility could be compatible with the zoning and development pattern of the surrounding area. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for automobile service/repair, subject to the following enumerated conditions:

1. Retail, service commercial and accessory uses, which may include automotive service as a special use.
2. Obtain all necessary development and building permits, and bring the site and structure up to all applicable zoning, development and building codes for automobile service within 90 days of Board approval.
3. No outdoor sales, storage or display of tires, parts, or junk/debris shall be allowed. Any vehicle(s) parked overnight shall be stored to the rear of the building.
4. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application.
5. 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.
6. Peddlers and/or parking lot sales shall be prohibited.
7. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for automobile service may be considered suitable in light of adjacent and nearby land uses, which includes automotive repair and service.

ADVERSE IMPACTS

With the recommended conditions, the request would not be expected to impose additional impacts on adjacent or nearby properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

No significant change in impacts on public facilities would be anticipated from the proposed Special Use Permit.

CONFORMITY WITH POLICIES

The requested Special Use Permit could be compatible with the Unified Plan, and with the zoning pattern of Stone Mountain Highway, including numerous nearby automobile repair and sales facilities along the corridor.

CONDITIONS AFFECTING ZONING

The requested Special Use Permit would bring the site into compliance with current zoning regulations.

**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:

Please see attached.

---

- (B) WHETHER A PROPOSED SPECIAL USE PERMIT 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 SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

Please see attached.

---

- (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:

Please see attached.

---

- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT 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 SPECIAL USE PERMIT:

Please see attached.

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## STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, the proposed Special Use Permit Application will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (B) No, the requested Special Use Permit Application will not adversely affect the existing use or usability of adjacent or nearby property but, to the contrary, will be compatible and consistent with such uses as currently exist or as are contemplated in the future.
- (C) The property which is the subject of the requested Special Use Permit Application does have reasonable economic use as currently zoned; however, such economic use is enhanced with the approval of the requested Special Use Permit. Applicant therefore submits the highest and best use of the subject tract is for C-2 with the Special Use requested.
- (D) No, the requested SUP will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools.
- (E) Yes. The requested SUP is in conformity with the intent of the 2030 Unified Plan and the subject tract is adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property.
- (F) Yes, the existing zonings of adjacent and nearby properties give additional supporting grounds for the approval of the requested SUP.



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

Andrew D. Stancil  
E. Michelle Rothmeier  
Shawn F. Bratton  
Alissa L. Cummo  
Justin A. Abernathy  
Austen T. Mabe  
J. David Gussio  
Jill H. Harris,  
of Counsel

**LETTER OF INTENT FOR SPECIAL USE PERMIT**  
**APPLICATION OF 78 CARWASH LLC**

The Applicant, 78 Carwash LLC, submits this Special Use Permit Application for the purpose of obtaining a Special Use Permit ("SUP") for an auto repair shop on a +/- 1.2778 acre tract located at 4747 Highway 78, Lilburn, Georgia 30047 (the "Property"). The Property is currently zoned C-2, General Business District.

The Property was originally developed in 2004 as a carwash and oil change and emissions center. The oil change and emissions center leased approximately 1,200 square feet of the development for the purpose of changing oil and emissions testing for the surrounding community from 2005 through 2009. In 2009, the car wash and oil change and emissions center was leased by Tropical All in One Car Care and Wash. Since 2009, Tropical All in One Car Care and Wash has been offering car washing and polishing services, as well as, auto repair services. During this time, Tropical All in One Car Care and Wash has established a wonderful reputation with surrounding businesses and neighbors. They are family owned and operated business with special attention to quality and reliable work. They provide auto repair services including tune-ups, oil changes, engine cleaning, tire rotation and break inspection jobs. In 2010, 78 Carwash LLC purchased the Property which was already leased by Tropical All in One Car Care and Wash.

The property consists of a 4,200 square foot building, of which 1,200 square feet is used for auto repair services. With respect to the auto repair center, Tropical All in One Car Care and Wash contains two (2) bays where cars are serviced. When a car's oil is changed, Tropical All in One Car Care and Wash holds the

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043  
NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022  
TELEPHONE 770 232 0000  
FACSIMILE 678 518 6880  
www.mptlawfirm.com

RECEIVED  
DEC 06 2012

SUP '13 0 0 9

BY: .....

used oil in large metal drum to be pumped and disposed of by a third party contractor. The service bays also contain drains that are hooked to tanks which connect to the car wash. These tanks collect any spilled oil, debris and residue from the service bay and carwash which is later safely removed and disposed of by a third party.

The Applicant respectfully submits that the proposed SUP will conform to the Gwinnett County 2030 Unified Plan and will be compatible and consistent with adjacent properties. The Applicant submits that the proposed SUP would not impose any additional burdens on the transportation network. The Applicant further submits, that the operation of the Property as a C-2 development with a Special Use Permit under the guidelines of Gwinnett County is appropriate for the subject tract, is consistent with the surrounding property and will afford the owner the opportunity to increase the number of allowed uses on site so as to provide a needed amenity for the surrounding area.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application filed herewith. Due to the current economic situation, the loss of the auto repair portion of Tropical All in One Car Care and Wash would be a tremendous detriment to the overall viability of the Property. Therefore, the Applicant respectfully requests your approval of this Application.

This 6<sup>th</sup> day of December, 2012.

Respectfully submitted,

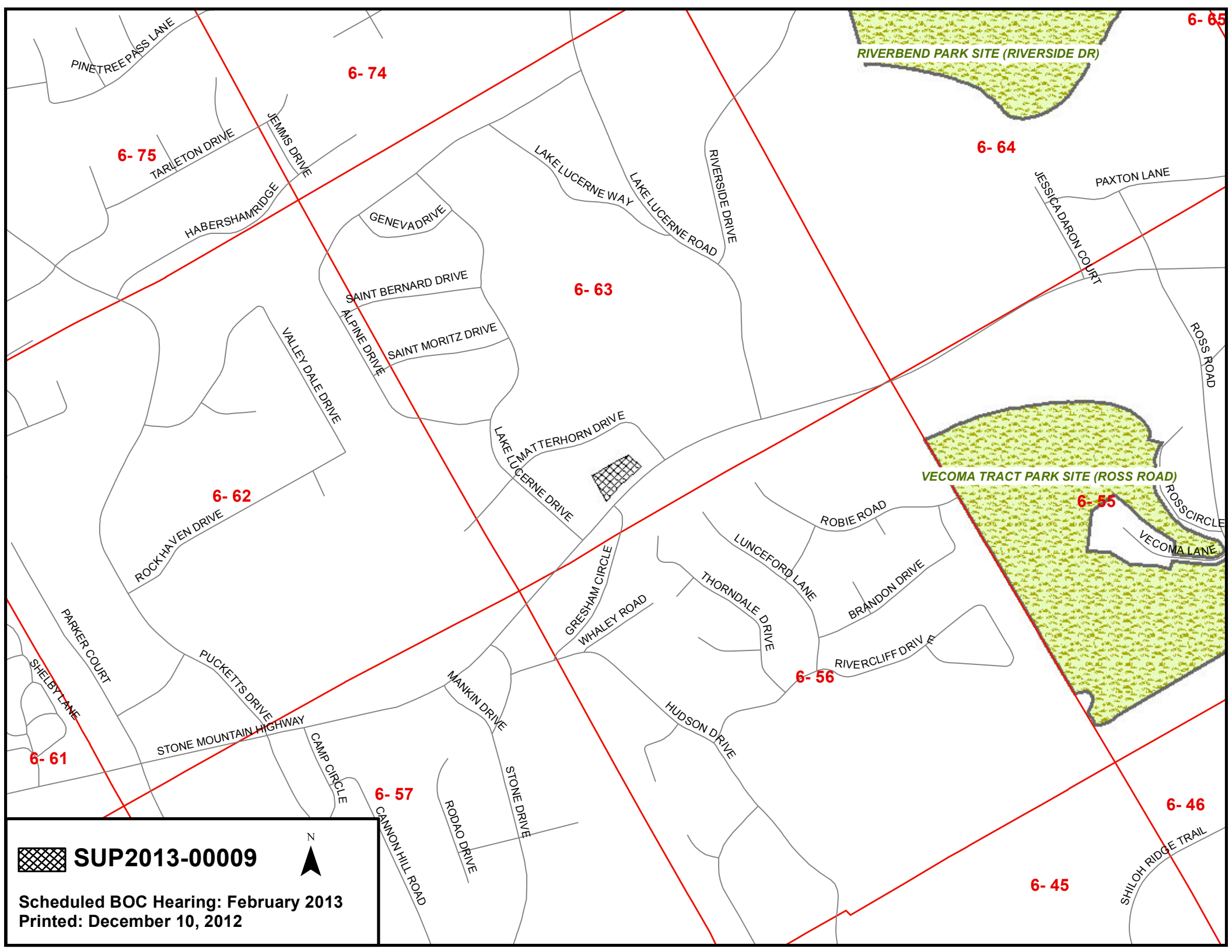
MAHAFFEY PICKENS TUCKER, LLP

  
Justin A. Abernathy  
Attorneys for Applicant

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DEC 06 2012

SUP '13 009

BY: .....



 **SUP2013-00009**



**Scheduled BOC Hearing: February 2013**  
**Printed: December 10, 2012**

6-65

6-74

6-75

6-64

RIVERBEND PARK SITE (RIVERSIDE DR)

6-63

JESSICA DARRON COURT

PAXTON LANE

SAINT BERNARD DRIVE

ALPINE DRIVE

SAINT MORITZ DRIVE

VALLEY DALE DRIVE

LAKE MATTERHORN DRIVE

VECOMA TRACT PARK SITE (ROSS ROAD)

6-55

6-62

ROCK HAVEN DRIVE

GRESHAM CIRCLE

THORNDALE DRIVE

ROBIE ROAD

BRANDON DRIVE

ROSS ROAD

ROSS CIRCLE

VECOMA LANE

6-56

RIVERCLIFF DRIVE

6-61

STONE MOUNTAIN HIGHWAY

6-57

RODAO DRIVE

STONE DRIVE

HUDSON DRIVE

6-46


6-45

SHILOH RIDGE TRAIL

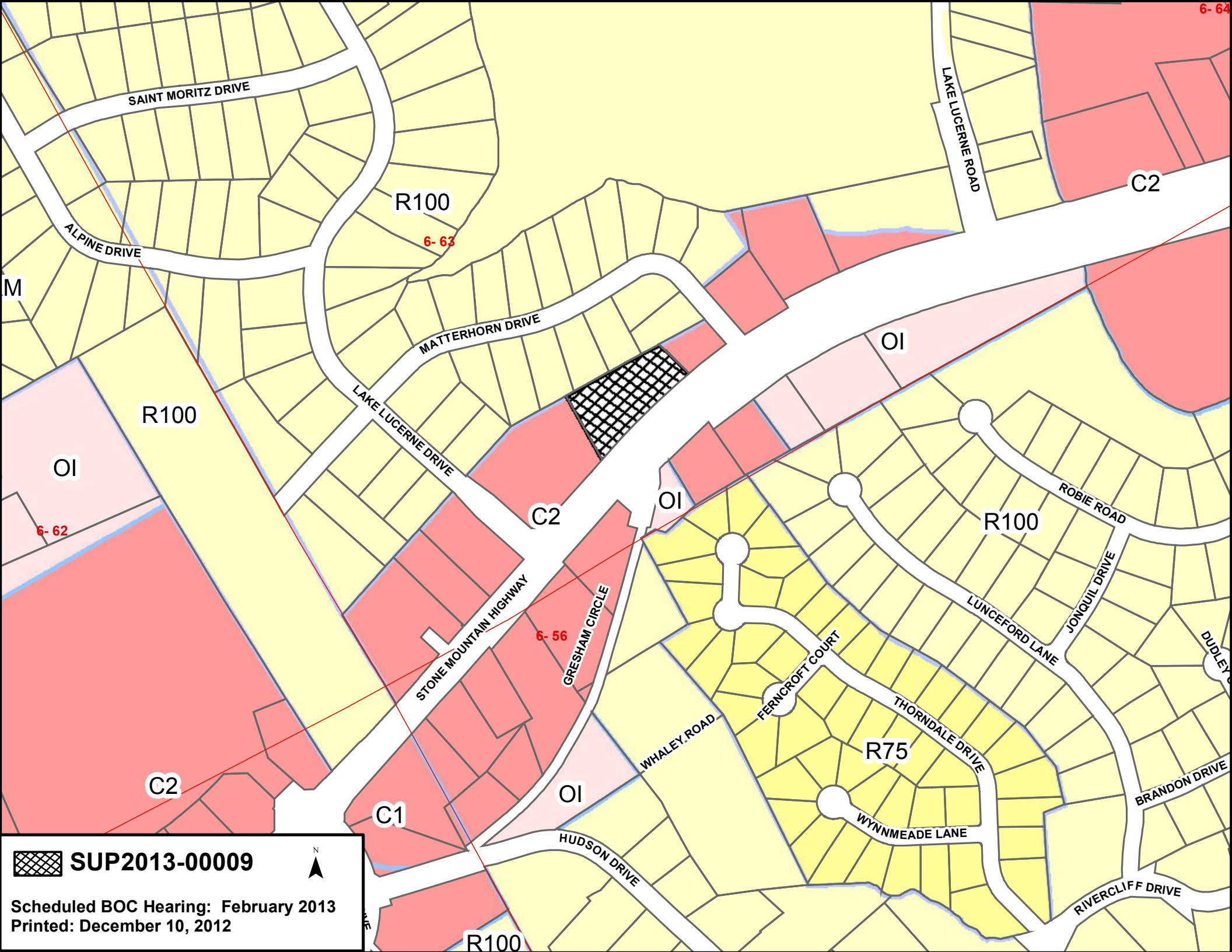






 SUP2013-00009 

Scheduled BOC Hearing: February 2013  
Printed: December 10, 2012



 **SUP2013-00009**  
Scheduled BOC Hearing: February 2013  
Printed: December 10, 2012

# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:		<input checked="" type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Public Hearing
20130137			
Department:	Planning & Development	Date Submitted:	01/14/2013
Working Session:		Business Session:	
Public Hearing:		Public Hearing:	02/26/2013
Submitted By:	viharrod	Multiple Depts?	No
Budget Type:	Neither	Special Routing:	
Agenda Type	Rezoning	Rezoning Type	SUP
Item of Business:	Locked by Purchasing <input type="text"/> No		

2013-00010, Applicant: Golden Age Assisted Living, Inc., Owner: Florian Pop, for a Special Use Permit in RA-200 & R-100 Zoning Districts for a Family Personal Care Home, District 7 Land Lot 056 Parcel 392, 1300 Block of Harris Road, 1.17 Acres. District 4/Heard

Land Lot:	056	Parcel:	392
District:	7		

Attachments	Department Analysis
Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (2/6/2013)
Attorney	

District	For	Against	Abstained	Absent
District 1 (Lynn Thorndyke)	X			
District 1 (John Winters)	X (Mitchell)			
District 2 (Matt Houser)	X			
District 2 (Omar Zaman)	X			
District 3 (Chuck Warbington)			X	
District 3 (Teresa Cantrell)	X (Tullis)			
District 4 (Clint Dixon)	X			
District 4 (Brad Crowe)	X			
At Large (Don Shillington)	X			

Comments

<p style="text-align: center;"><b>County Clerk Use Only</b></p> <p>Working Session <input style="width: 80%;" type="text"/></p> <p>Action <input checked="" type="checkbox"/> Public Hearing</p> <p>Tabled <input type="checkbox"/></p> <p>Motion <input type="checkbox"/></p> <p>2nd by <input style="width: 80%;" type="text"/></p> <p style="margin-top: 20px;">Vote <input style="width: 80%; height: 40px;" type="text"/></p>	<p style="text-align: center;"><b>Planning and Development</b></p> <p>Recommendation:</p> <p><input type="checkbox"/> Approve</p> <p><input checked="" type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 80%;" type="text"/></p> <p><input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> Deny    PH was Held?    <input type="checkbox"/></p> <p><input type="checkbox"/> No Recommendation</p>	<p style="text-align: center;"><b>Planning Commission</b></p> <p>Recommendation:</p> <p><input checked="" type="checkbox"/> Tabled - Date <input style="width: 80%;" type="text"/> 03/05/2013</p> <p><input type="checkbox"/> Approve</p> <p><input type="checkbox"/> Approve with Conditions</p> <p><input type="checkbox"/> Appr w/ Cond As <input style="width: 80%;" type="text"/></p> <p><input type="checkbox"/> Deny    <input type="checkbox"/> Deny w/out Prejudice</p> <p><input type="checkbox"/> No Recommendation</p>
--	---	--

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

CASE NUMBER :**SUP2013-00010**  
ZONING :R-100 & RA-200  
LOCATION :1300 BLOCK OF HARRIS ROAD  
MAP NUMBER :R7056 392  
ACREAGE :1.17 ACRES  
PROPOSED DEVELOPMENT :FAMILY PERSONAL CARE HOME  
SQUARE FEET :5,500 SQUARE FEET  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: GOLDEN AGE ASSISTED LIVING, INC.  
1409 HARRIS ROAD  
LAWRENCEVILLE, GA 30043

CONTACT: TABITA POP PHONE: 678.407.0591

OWNER: FLORIAN POP  
1399 HARRIS ROAD  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Special Use Permit on a 1.17-acre parcel, zoned R-100 (Single Family Residence District) and RA-200 (Agriculture- Residence District), to allow a family personal care home. The site is located on the east side of Harris Road, between Prospect Church Road and Old Fountain Road. The property is developed with a 5,500 square foot, two-story single-family dwelling on a partially wooded lot, and is accessed by a circular driveway which extends from Harris Road.

The existing single-family dwelling would be used as a family personal care home, which would be occupied by up to 8 elderly residents needing assistance with daily activities. The residence is connected to sanitary sewer.

**ZONING HISTORY:**

The property was zoned RA-200 in 1970. The majority of the site was rezoned to R-100 in 2004, pursuant to RZR-04-054.

**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 Harris Road.

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no comments for an adult personal care home with an occupancy of 8 adults who are capable of self-preservation.

Building Plan Review has the following comments for an adult personal care home with an occupancy of 8 adults who are not capable of self-preservation:

- I. The applicant shall obtain a building code compliance inspection of the existing building by the Building Construction Section of Department of Planning and Development and shall comply with 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 compliance inspection report for review and approval by Building Plan Review.
4. 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 property is a 1.17-acre parcel developed with a 5,500 square foot, two-story single-family dwelling on a partially wooded lot, and is accessed by a circular driveway which extends from Harris Road. A significant portion of the front yard is paved and Leyland Cypress trees have been planted along the side property lines, which provide some screening to adjacent properties.

The 2030 Unified Plan Future Development Map indicates the property lies within an Existing/ Emerging Suburban Character Area. The 1.17-acre property is developed with a residential dwelling and this Character Area primarily supports residential uses and encourages a variety of housing options, including housing for the elderly. The subject property's use as a Family Personal Care Home for elderly housing and care could be compatible with the recommendations of the Unified Plan.

The surrounding area is primarily developed with single-family subdivisions, and homes on large lots, within the R-100 and RA-200 zoning districts. The property immediately to the northwest

is developed with a large single-family dwelling that is owned by the applicant. Located to the north and east of the subject site is the Turtle Creek subdivision, which is buffered by an existing natural wooded area along the common property line. Along Harris Road are residences on large lots and the Austin's Pointe subdivision. The subject property is not situated within a subdivision and appears to be adequately separated from neighboring residences for the proposed use. Given these circumstances, a family personal care home could be compatible with adjacent and nearby residential uses.

In conclusion, the requested Special Use Permit could be compatible with policies of the Unified Plan and the residential zoning and development patterns of the area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for a Family Personal Care Home, subject to the following enumerated conditions:

1. Limited to a Family Personal Care Home providing residence and care for up to a maximum of eight elderly individuals (clients) residing in the home.
2. Exterior signage advertising the Family Personal Care Home shall be prohibited.
3. Maintain the existing vegetation along all exterior property lines, except for existing encroachments.
4. The Special Use Permit, if approved, shall automatically terminate in the event that the property is sold, transferred, or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued. The owner shall also agree to notify the Director in writing upon the occurrence of any of these events.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for a family personal care home could be suitable in light of the property's size and separation from neighboring residences and subdivisions.

ADVERSE IMPACTS

With the recommended conditions, any potential impacts could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The request could be considered compatible with policies of the 2030 Unified Plan, which support residential uses for the area, including appropriate, quality housing for the elderly.

CONDITIONS AFFECTING ZONING

The property is located in an area that is developed primarily with single-family subdivisions and residences on large lots. Prohibiting exterior commercial signage for the family personal care home could help maintain the residential character of the area.

**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:

See attached Exhibit "A."

---

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

See attached Exhibit "A."

---

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

See attached Exhibit "A."

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

See attached Exhibit "A."

---

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

See attached Exhibit "A."

---

- (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:

See attached Exhibit "A."

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**EXHIBIT "A"**

With respect to the criteria contained in Section 1702 of the Zoning Resolution of Gwinnett County, Georgia, the Applicant responds to the following criteria:

**(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 SUP for a Family Personal Care Home will provide high-quality housing and care for up to eight (8) elderly residents. The Property blends in nicely with the other residential homes in the neighborhood. There will be no exterior signage to indicate the presence of a Family Personal Care Home; it will appear to be an attractive residence, not a business. As such, it is consistent with the neighboring and nearby properties, which are zoned for residential uses.

**(B) Whether a proposed special use permit will adversely affect the existing use or usability of adjacent or nearby property:**

The proposed development will not adversely affect the existing use or usability of adjacent or nearby properties. The Applicant is seeking to create a quality Family Personal Care Home that will benefit the community. The proposed residential facility is compatible with the use and development of neighboring and nearby residential properties and would not create any objectionable conditions. In general, it is a very quiet and peaceful business.

**(C) Whether the property to be affected by a proposed special use permit has reasonable economic use as currently zoned:**

Although it may have some economic use as currently zoned, the Property is ideally suited for use as a Family Personal Care Home. The Owners meticulously designed and constructed the existing residence on the Property as a state of the art Family Personal Care Home that would not only provide first-rate care for one of their elderly family members, but would also be fully equipped to provide the same high level of care to seven (7) other elderly

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BY: .....

residents. The residence was constructed with careful attention to detail to ensure that it meets all codes and standards with regard to accessibility.

(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 development will not tax the existing water supply or sewage, drainage or transportation facilities. Typically Family Personal Care Homes like that proposed by the Applicant have negligible impact on traffic as the residents do not drive. Rather, they depend on a single caretaker for transportation. Additionally, the proposed Family Personal Care Home will have no impact on the school system as the residents are elderly and do not have school-aged children. Moreover, the proposed development will not cause an excessive or burdensome use of the area fire or police protection or solid waste collections and disposal services provided by the County. There are adequate public facilities and services in the area to serve the proposed facility.

(E) Whether the proposed special use permit is in conformity with the policy and intent of the land use plan:

The Applicant's proposal is in conformity with the recommendations of the Gwinnett County 2030 Unified Plan. The Unified Plan designates the Property as Existing/Emerging Suburban on the Composite Policy Map and the Future Development Map. As noted above, the Applicant's proposal will maintain a low density residential use, and it will blend in well with the surrounding suburban homes. The proposed SUP is also in keeping with Theme 4 of the Unified Plan which reflects Gwinnett County's goal of providing more housing choices for County residents. Specifically, the Unified Plan notes that housing needs and preferences are directly influenced by changing demographics, which includes the housing needs of disabled or otherwise dependent special needs populations. See Gwinnett County 2030 Unified Plan, p. 120. The proposed SUP assists in achieving the County's goal of providing more housing choices for County residents.

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(F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed special use permit:

Housing needs and preferences change naturally as people age and demographics shift. As noted above, the Gwinnett County Unified Plan recognizes these changing conditions and the need of the County to provide more housing choices for these populations, including disabled or otherwise dependent populations. The proposed SUP will provide a high quality alternative to a nursing home for elderly residents who desire a family-like and less institutional setting.

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**LETTER OF INTENT**

**APPLICATION FOR SPECIAL USE PERMIT**

The Applicant, Golden Age Assisted Living (the "Applicant"), requests a Special Use Permit ("SUP") for 1.168 acres of land located at 1399 Harris Road, Lawrenceville, Georgia in Land Lot 7 of the 7<sup>th</sup> District of Gwinnett County, Georgia (the "Subject Property"). The Subject Property is zoned R-100 and developed with an attractive 5,500 square foot residence. The Applicant is requesting this SUP from the Board of Commissioners pursuant to Sections 1301, 1701 and 1705 of the Code of Gwinnett County in order to operate a Family Personal Care Home.

Mr. Florian Pop, one of the owners of the Property, and his wife, Tabita Pop, will be the operators of the Family Personal Care Home. Ms. Pop is a Registered Certified Nursing Assistant in the State of Georgia. She and her husband are also certified in Dementia Care and Mental Health Care. Mr. and Mrs. Pop have years of experience operating Family Personal Care Homes, having owned and operated a similar facility in the State of Washington from 2005 to 2009.

Mr. Pop purchased the Property in 2008 with the intent of opening a Family Personal Care Home for up to eight (8) elderly residents. At the time Mr. Pop purchased the Property, Family Personal Care Homes were permitted as of right in the R-100 zoning district. As a result, the Pops meticulously designed and constructed the existing residence on the Property as a state of the art Family Personal Care Home. They intended the Family Personal Care Home to not only provide first-rate care for one of their elderly family members, also be fully equipped to provide the same high level of care to seven (7) other elderly residents. The Property blends in nicely with the other residential homes in the neighborhood. There will be no exterior signage to



indicate the presence of a Family Personal Care Home; it will appear to be an attractive residence, not a business. As such, it is consistent with the neighboring and nearby properties, which are zoned for residential uses.

The residence was constructed with careful attention to detail to ensure that it meets all codes and standards with regard to accessibility, oftentimes going above and beyond code requirements. For example, the Family Personal Care Home is equipped with a fire sprinkler system that is in compliance with NFPA 13R, not just NFPA 10, as well as all state and local codes. Additionally, the Pops installed a commercial grade back-up generator to ensure that residents would never be without electricity.

The Property has access to a public water supply, public sanitary sewer and convenient access to collector streets. The proposed development will not tax the existing water supply or sewage, drainage or transportation facilities. Typically Family Personal Care Homes like that proposed by the Applicant have negligible impact on traffic as the residents do not drive. Additionally, the proposed Family Personal Care Home will have no impact on the school system as the residents are elderly and do not have school-aged children. Moreover, the proposed development will not cause an excessive or burdensome use of the area fire or police protection or solid waste collections and disposal services provided by the County. There are adequate public facilities and services in the area to serve the proposed facility.

The proposed SUP is also in keeping with Theme 4 of the Unified Plan which reflects Gwinnett County's goal of providing more housing choices for County residents. Specifically, the Unified Plan notes that housing needs and preferences are directly influenced by changing demographics, which includes the housing needs of disabled or otherwise dependent special needs populations. See Gwinnett County 2030 Unified Plan, p. 120. The proposed SUP assists



in achieving the County's goal of providing more housing choices for County residents by providing a high quality alternative to a nursing home for elderly residents who desire a family-like and less institutional setting.

As noted above, the Applicant's proposal will maintain a low density residential use and blend in well with the surrounding suburban homes. The Owners have over four (4) years of experience operating a Family Personal Care Home in the state of Washington. They are passionate about providing high quality care to the elderly and believe that elderly residents do much better when they can socialize in smaller family-like environments. The Owners recognize that each resident is a unique individual, and their policies and regulations respect the dignity, independence and spiritual well-being of each resident.

Georgia Law and the procedures of Gwinnett County require us to raise Federal and State Constitutional objections during the application process. Accordingly, a denial of the requested SUP would be unconstitutional in that it 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.

Furthermore, any application of the Code of Gwinnett County, or the Zoning Ordinance of Gwinnett County to the Property that prohibits the Applicant from developing the Property as proposed 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, of the Constitution of the State of Georgia of 1983 and a violation of

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BY: .....

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. Moreover, any approval of the SUP 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 Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

In addition, this Letter of Intent constitutes formal written notice to Gwinnett County, Georgia pursuant to O.C.G.A. § 36-11-1 that the Applicant plans to seek to recover all damages that they sustain or suffer as a result of the denial of this application and/or the unconstitutional zoning of the Property from Gwinnett County, Georgia. Such damages may include, but are not necessarily limited to, damages related to the diminution in the value of the Property, attorneys' fees and expenses of litigation.

Accordingly, the Applicant respectfully requests that the Gwinnett County Board of Commissioners grants the Applicant the SUP requested above.

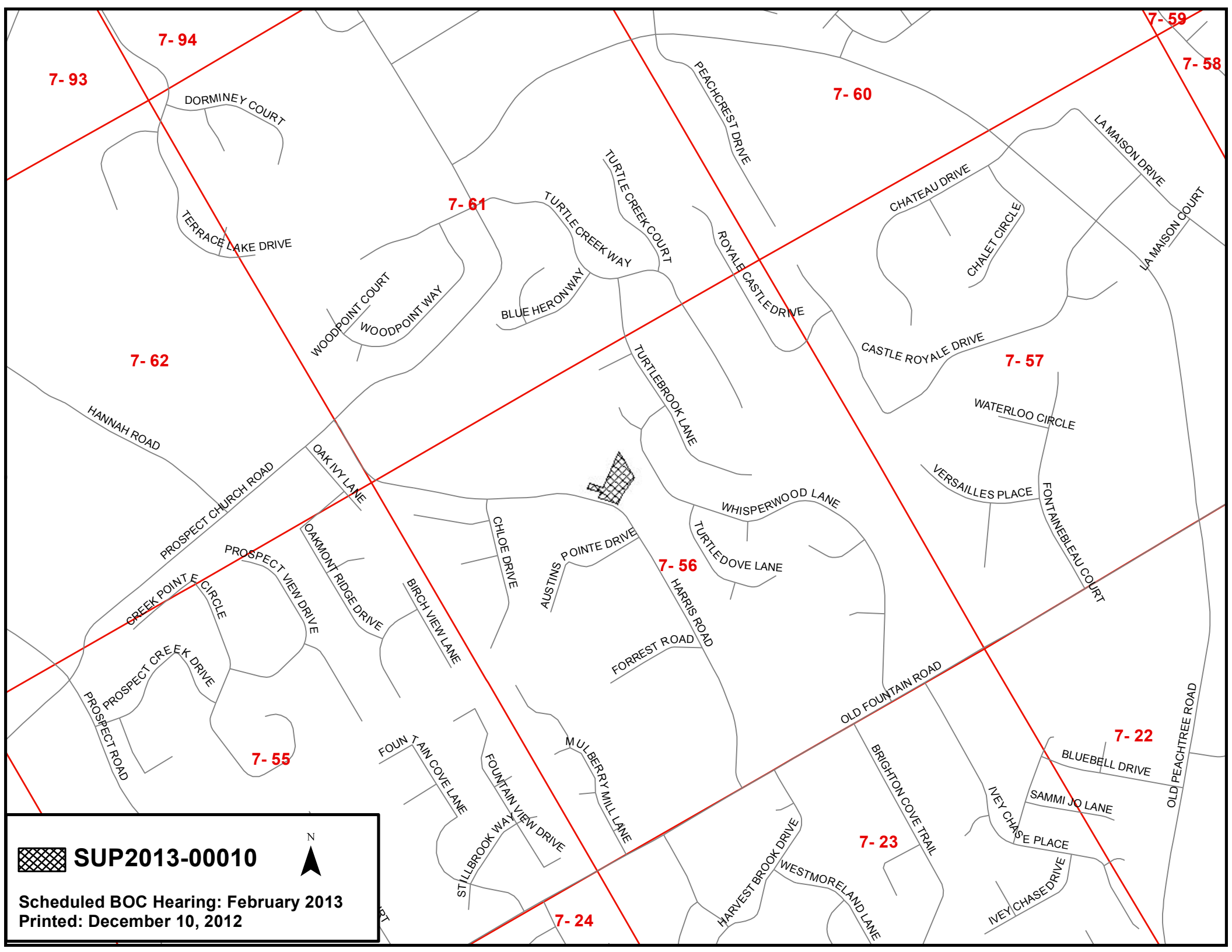
THE GALLOWAY LAW GROUP, LLC

By: Lauren M. Hansford  
Lauren M. Hansford  
Attorney for Applicant

3500 Lenox Road, NE  
Suite 760  
Atlanta, Georgia 30326  
(404) 965-3680  
(404) 965-3670 Facsimile

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 **SUP2013-00010**




**Scheduled BOC Hearing: February 2013**  
**Printed: December 10, 2012**





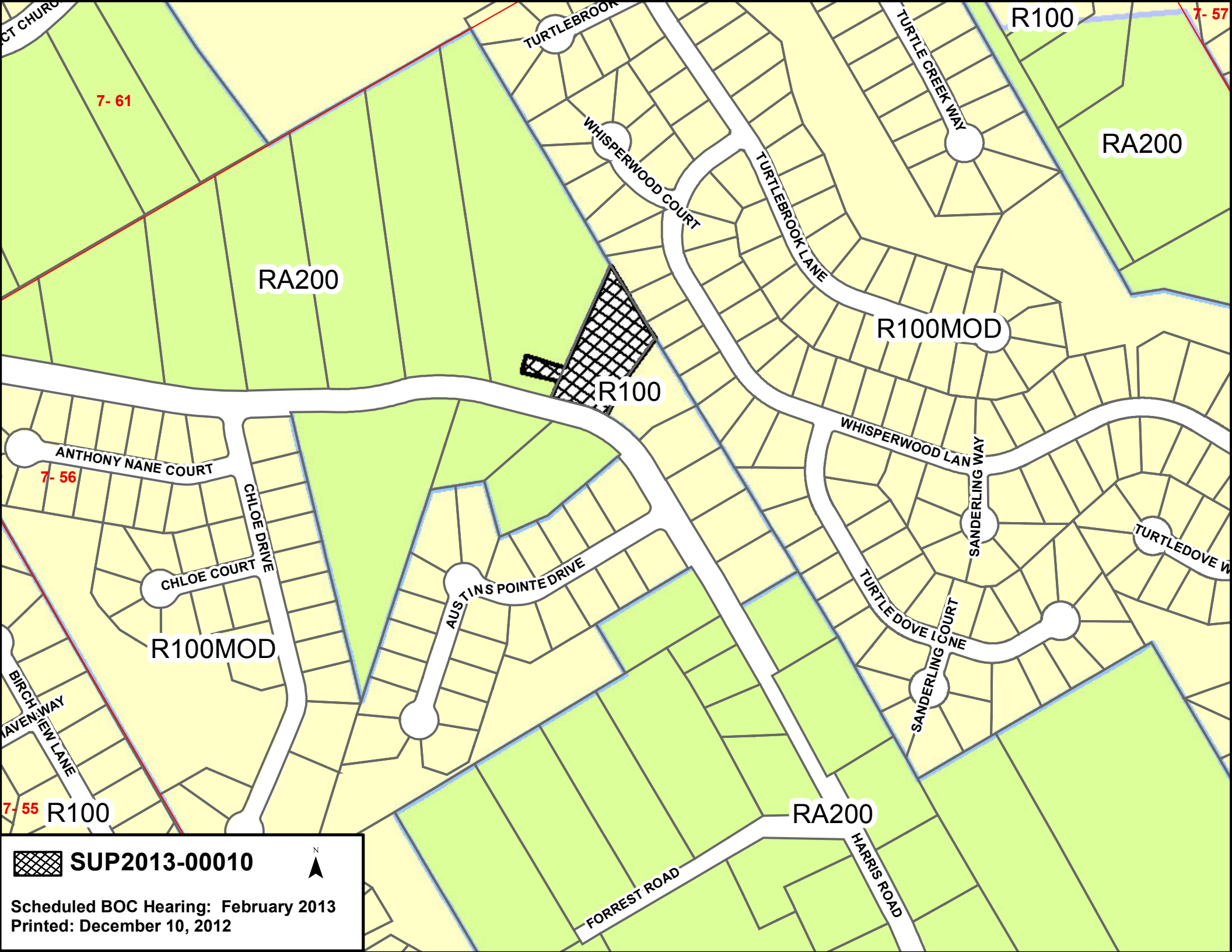
WHISPERWOOD LANE

HARRIS ROAD

 SUP2013-00010



Scheduled BOC Hearing: February 2013  
Printed: December 10, 2012



7-61

RA200

RA200

R100MOD

R100

ANTHONY NANE COURT

7-56

CHLOE DRIVE

CHLOE COURT

R100MOD

AUSTIN'S POINTE DRIVE

WHISPERWOOD LANE

SANDERLING WAY

TURTLEDOVE COURT

SANDERLING COURT

TURTLEDOVE WAY

BIRCH WAY  
HAVEN LANE

R100

RA200

FORREST ROAD

HARRIS ROAD

 SUP2013-00010



Scheduled BOC Hearing: February 2013  
Printed: December 10, 2012

# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:	<input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing			
20130235					
Department:	Commissioners	Date Submitted:	02/22/2013		
Working Session:		Business Session:		Public Hearing:	02/26/2013
Submitted By:	Commissioners	Multiple Depts?:			
Budget Type:	Operating	Special Routing:			
Agenda Type	Approval/authorization	Rezoning Type			
Item of Business:		Locked by Purchasing		No	
of a Resolution of the Gwinnett County Board of Commissioners requesting the General Assembly to enact a Technology User Fee during the 2013 Session, subject to review and approval by the Law Department.					
Attachments	Resolution				
Authorization: Chairman's Signature?	Yes				
Staff Recommendation					
Department Head	gpstephens (2/22/2013)				
Attorney	mpludwiczak (2/22/2013)				
Attorney's Comments					
Agenda Purpose Only	<input checked="" type="checkbox"/>	As To Form	<input type="checkbox"/>	Hold for Pickup?	<input type="checkbox"/>

## Financial Services Use Only

Financial Action Requested					
	Budgeted	Fund Name	Current Balance	Requested Allocation	Director's Initials
	No	Multiple	*		ajbovos (2/22/2013)
Finance Comments	* Revenue and appropriation to be adjusted as necessary.				

## County Clerk Use Only

				PH was Held?	<input type="checkbox"/>
Working Session				Vote	
Action	New Item				
Tabled					
Motion					
2nd by					

**GWINNETT COUNTY**  
**BOARD OF COMMISSIONERS**  
**LAWRENCEVILLE, GEORGIA**

**RESOLUTION ENTITLED: A RESOLUTION OF THE GWINNETT COUNTY BOARD OF COMMISSIONERS REQUESTING THAT THE GENERAL ASSEMBLY ENACT A TECHNOLOGY USER FEE DURING THE 2013 SESSION; AND FOR OTHER PURPOSES.**

**READING AND ADOPTION:**

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

---

<b>Name</b>	<b>Present</b>	<b>Vote</b>
Charlotte J. Nash, Chairman		
Jace Brooks, District 1		
Lynette Howard, District 2		
Tommy Hunter, District 3		
John Heard, District 4		

---

On motion of (**Commissioner Name**), which carried (**Vote**), the Resolution of the Gwinnett County Commissioners set forth below is hereby adopted:

**WHEREAS**, Gwinnett County has been dedicated to improving business operations to create efficient and effective government services; and

**WHEREAS**, staff has been tasked with reviewing all operations, services and functions to identify opportunities for savings and revenue opportunities; and

**WHEREAS**, the improvement of business practices allows residents and stakeholders to receive services from the County in a judicious manner; and

**WHEREAS**, due to the labor intensive process of adjudicating cases within the Recorder's Court, the County is moving to a paperless processing system; and

**WHEREAS**, the paperless processing system, known as the eCitation system, will provide specific efficiencies through the electronic transferring of information and expedited processing of citations issued by Gwinnett County law enforcement officers; and

**WHEREAS**, the County desires to implement a \$10.00 technology user fee as a surcharge to certain fines imposed to enhance mobile technologies and provide access to data; and

**WHEREAS**, the intent of the technology user fee is to align the cost to provide the eCitation services with those who are utilizing the system; and

**WHEREAS**, user fees, such as the eCitation technology user fee, defray the cost and burden on general taxes; and

**WHEREAS**, the technology user fee shall be used exclusively to provide for the technological needs of the Recorder's Court, the Gwinnett County Police Department, the Gwinnett County Department of Fire and Emergency Services, and the Gwinnett County Sheriff's Office; and

**WHEREAS**, the technology user fee covers: computer hardware purchase, lease, maintenance, installation, and training; software purchase, lease, maintenance, development, installation, and training; cellular equipment; and, imaging, scanning, facsimile, communications, projection, and printing supplies and equipment; and

**WHEREAS**, *Engage Gwinnett* listed the implementation of a technology user fee as a recommendation in its final report;

**NOW, THEREFORE, BE IT RESOLVED** by the Gwinnett County Board of Commissioners that legislation is requested during the 2013 General Assembly to enact a \$10.00 technology user fee, to be set by the court, that the Clerk of the Recorder's Court shall be entitled to charge and collect as a surcharge to certain fines imposed on citations issued within the Gwinnett County Police Services District.

GWINNETT COUNTY BOARD OF COMMISSIONERS

BY: \_\_\_\_\_  
CHARLOTTE J. NASH, CHAIRMAN

ATTEST:

BY: \_\_\_\_\_ (SEAL)  
DIANE KEMP, COUNTY CLERK

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
ASSISTANT COUNTY ATTORNEY

# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:	<input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing			
20130177					
Department:	Financial Services	Date Submitted:	02/07/2013		
Working Session:		Business Session:		Public Hearing:	02/26/2013
Submitted By:	rflickinger		Multiple Depts?		
Budget Type:			Special Routing:		
Agenda Type	Approval	Rezoning Type			
Item of Business:		Locked by Purchasing		No	
of the January 31, 2013 Financial Status Report and ratification of all budget amendments.					
Attachments	Financial Status Report for period ending January 31, 2013				
Authorization: Chairman's Signature?	No				
Staff Recommendation					
Department Head	mbwoods (2/7/2013)				
Attorney	trwilliams (2/11/2013)				
Attorney's Comments					
Agenda Purpose Only <input checked="" type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>					

## Financial Services Use Only

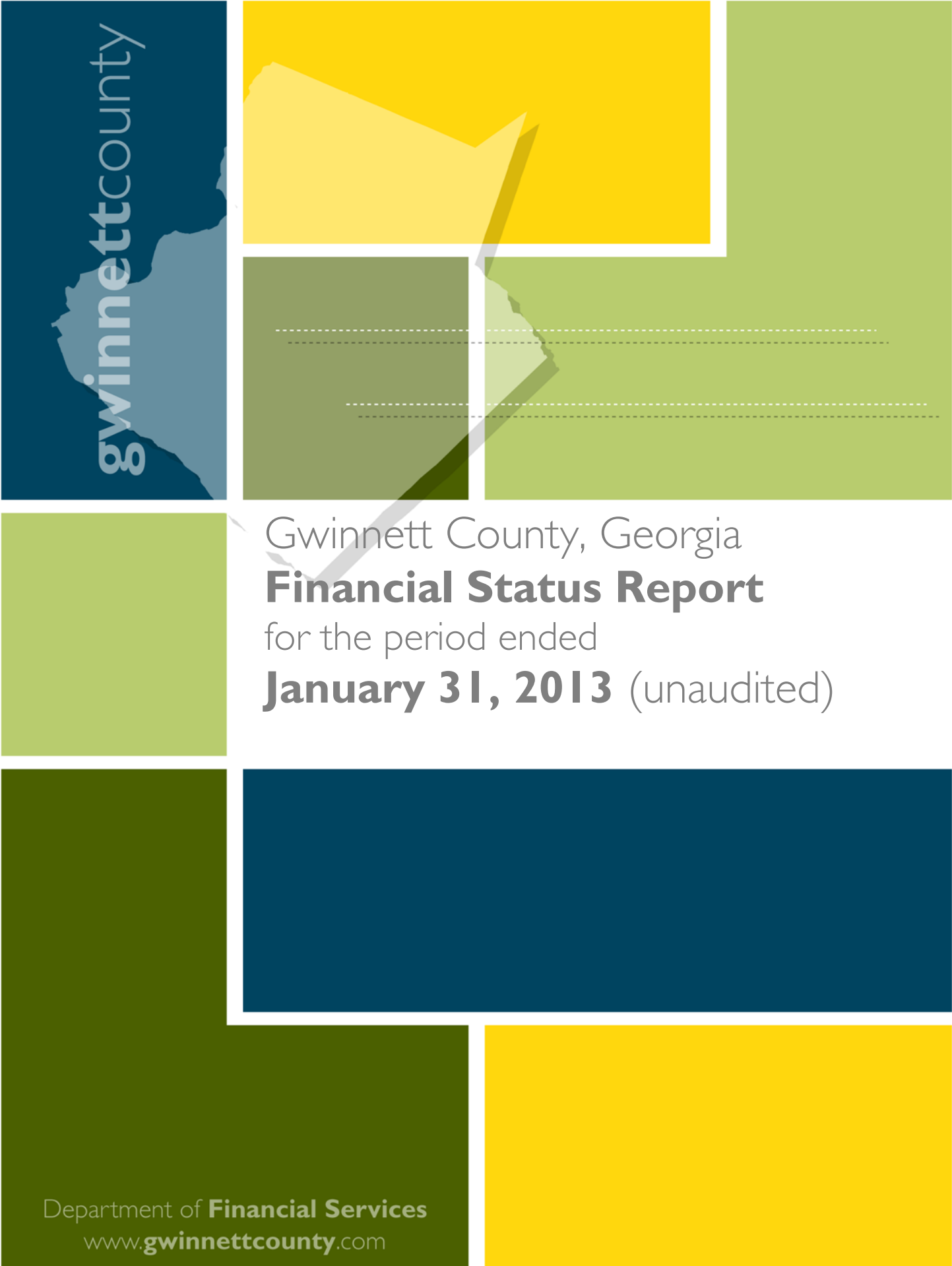
Financial Action Requested					
Budgeted	Fund Name	Current Balance	Requested Allocation	Director's Initials	
Yes	Various	*		ajbovos (2/8/2013)	
Finance Comments	* This financial status report recognizes all county budget amendments through January 2013.				

## County Clerk Use Only

			PH was Held? <input type="checkbox"/>
Working Session	[ ]		Vote
Action	New Item [ ]		
Tabled	[ ]		
Motion	[ ]		
2nd by	[ ]		



gwinnettcounty



Gwinnett County, Georgia  
**Financial Status Report**  
for the period ended  
**January 31, 2013** (unaudited)



75 Langley Drive • Lawrenceville, GA 30046-6935  
(tel) 770.822.7820 • (fax) 770.822.7818

gwinnettcounty

**M E M O R A N D U M**

**TO:** Chairman Charlotte J. Nash  
District Commissioners  
Glenn P. Stephens, County Administrator

**FROM:** Aaron J. Bovos  
Deputy County Administrator

Maria B. Woods  
Director of Financial Services

**DATE:** February 15, 2013

**SUBJECT:** Monthly Financial Report for the Period Ended January 31, 2013

This report, which includes unaudited information for the fiscal year through January 2013, is prepared by the Department of Financial Services as a summary of revenues and expenditures for all County operating funds. The primary purpose of this monthly report is to provide timely information regarding the status of budgeted and actual revenues and expenditures/expenses.

This report includes:

Executive Summary	Page 2
Financial Summaries by Fund	Page 10
Non-departmental Budget Transfers Schedule	Page 47
Inter-fund Transfers – All Funds Schedule	Page 49
Budget Adjustments by Fund Schedule	Page 50
Upcoming Purchasing Solicitations Report	Page 53
Annual Grants Activity Report	Page 55

# Executive Summary

As Departments, Agencies, and Constitutional Officers start their initiatives for the year, much of the financial activity revolves around closing fiscal year 2012 and preparing for the annual audit. Preparing for the audit includes ensuring that revenues are reported in the year earned and expenditures are reported in the year goods and/or services are received. Therefore, January 2013 receipts and disbursements related to 2012 are recorded in the prior year.

The County kicked off the new year with the unanimous adoption of the budget on January 3<sup>rd</sup>. The 2013 Adopted Budget Resolution includes an Operating Funds budget of \$1.058 billion and a Capital Funds budget of \$404.7 million. Excluding one-time appropriations related to the creation of new service districts, general election costs, and the redemption of outstanding debt, the total operating budget is approximately \$923 million. For more information on the fiscal year 2013 budget, visit the County's [Your Money](#) Web page.

One of the greatest challenges for the 2013 budget was the creation of new service districts. The new service districts were created as a result of a negotiated service delivery strategy (SDS) agreement reached between Gwinnett County and 15 cities in early 2012. State law requires that cities and counties operate under a SDS agreement that defines the services to be provided by each jurisdiction and sets out how those services are funded.

The SDS agreement required the creation of three new service districts that became effective on January 1, 2013:

- Development and Enforcement Services District
- Fire and Emergency Medical Services District
- Police Services District

Additionally, the Loganville Emergency Medical Services District became effective in fiscal year 2012. The new service districts provide services and collect revenues only within certain geographical areas of the County rather than countywide. A property tax to support each new service district will be levied beginning in 2013, with the exception of Loganville Emergency Medical Services District which currently has no millage rate associated with it. The levy will be assessed on each property within the district and will be itemized on the property tax bill. For more information related to the new service districts, visit the [Gwinnett County Service Districts Explained](#) page on Gwinnett County's Web site.

To account for financial activity within the new service districts, the County created four new funds. The creation of the funds required a \$51 million transfer from the General Fund in 2013 to establish a 3-month operating reserve in accordance with County policy. The County was able to make this transfer while maintaining the General Fund's 3-month reserve. Information on each of the new funds is provided directly following the General Fund section below.

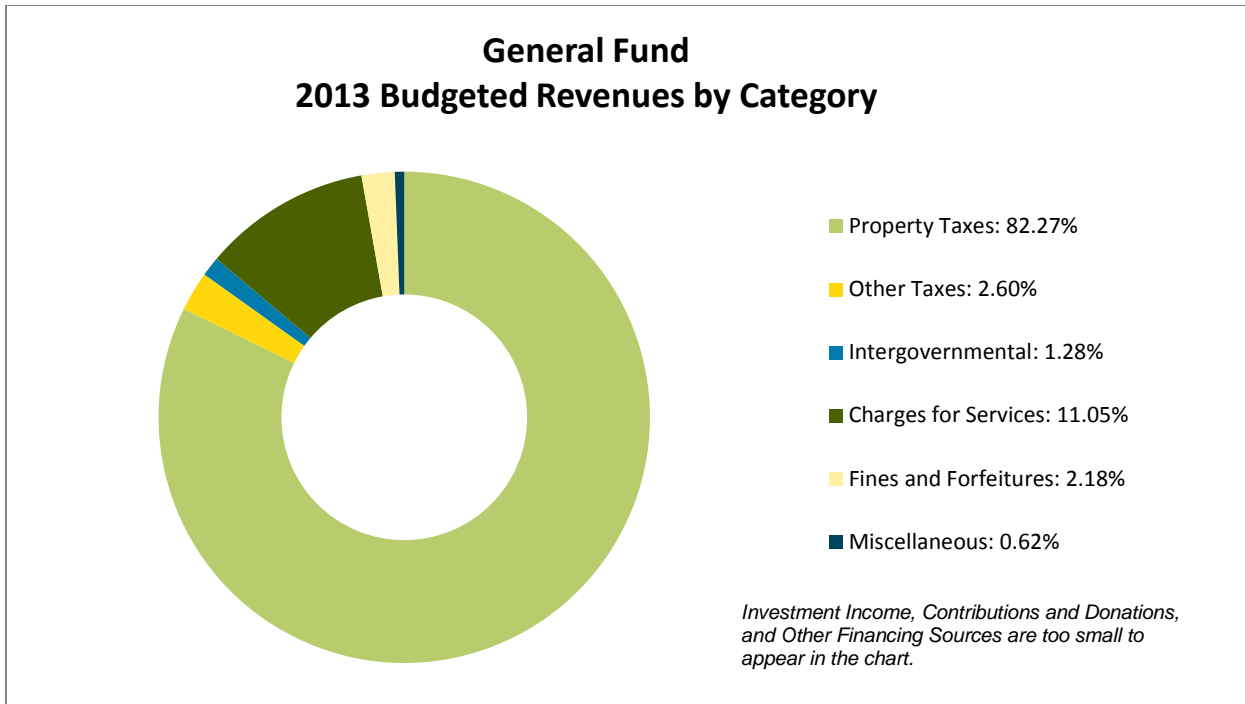
Included in this report is the Annual Grants Activity Report for the fiscal year ended December 31, 2012. The report outlines major accomplishments, grant expenditures, and total award amounts for 2012.

In fiscal year 2013, the County changed the layout of the fund statements to include prior year

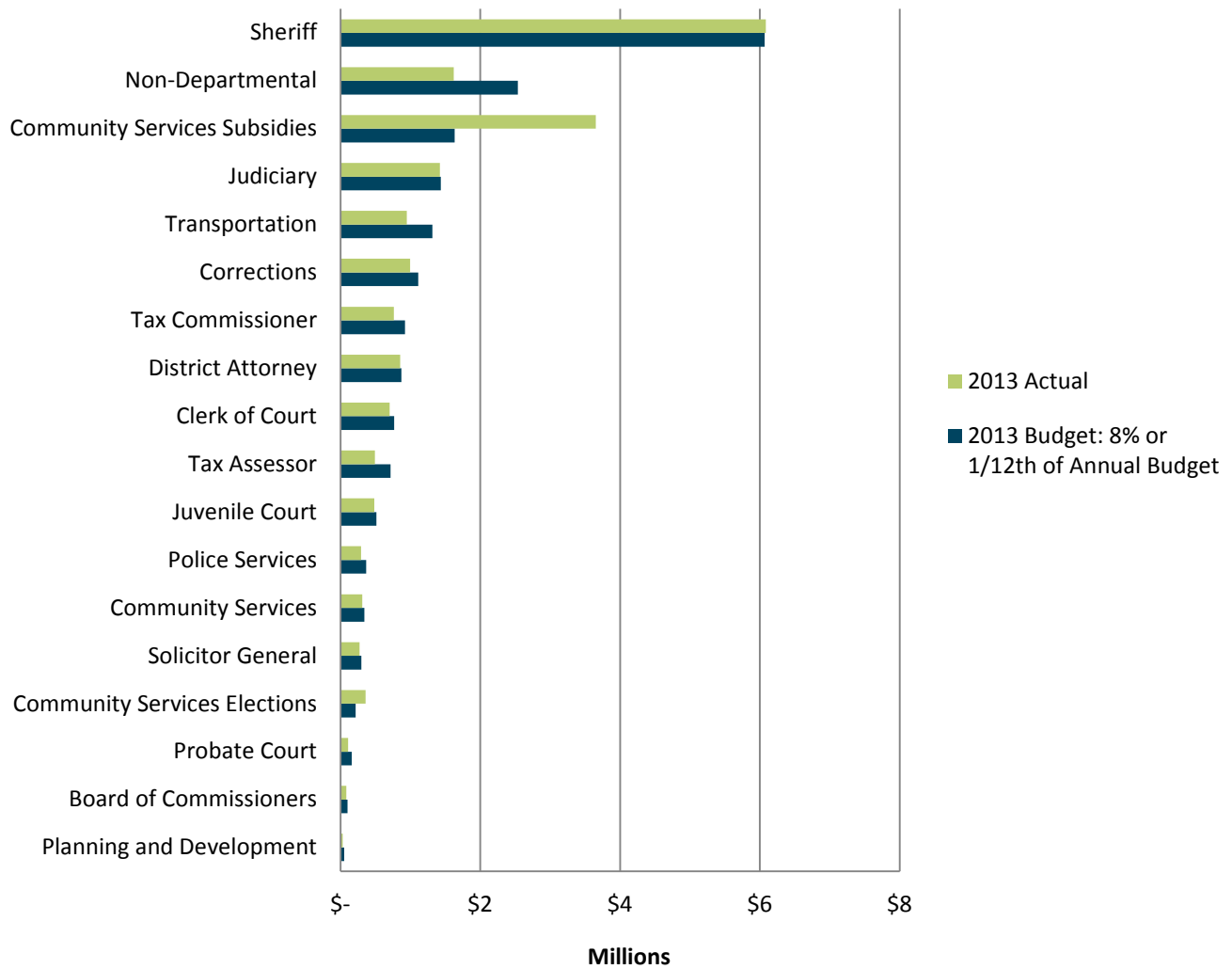
actual results for most funds. Funds that are new or that have changed significantly in 2013 do not include prior year data. For more information regarding prior year data, please refer to the County's [Your Money](#) Web page.

## General Fund

The General Fund accounts for all County revenues and expenditures that are not restricted to, or accounted for, in other funds. The County's General Fund supports services that benefit everyone countywide, such as sheriff, jail, courts, correctional facility, tax commissioner, health and human services, and elections.



**General Fund  
Budget vs. Actual by Department  
January 2013 YTD Expenditures**



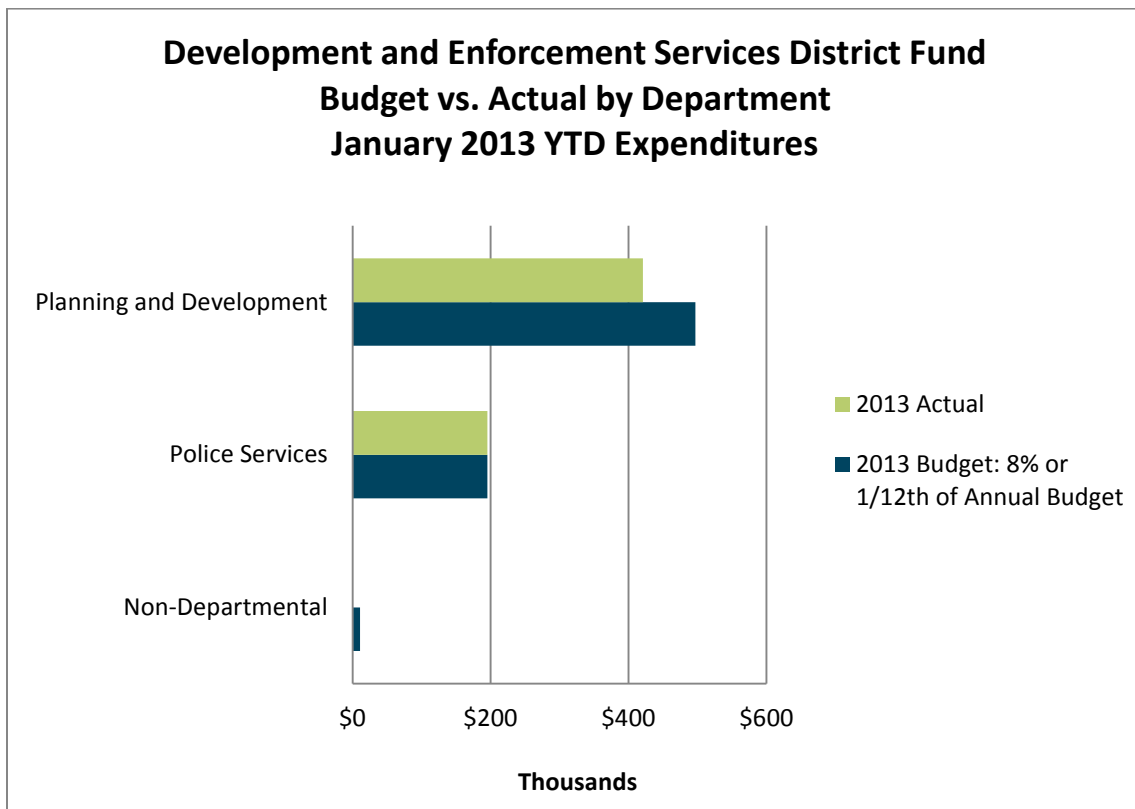
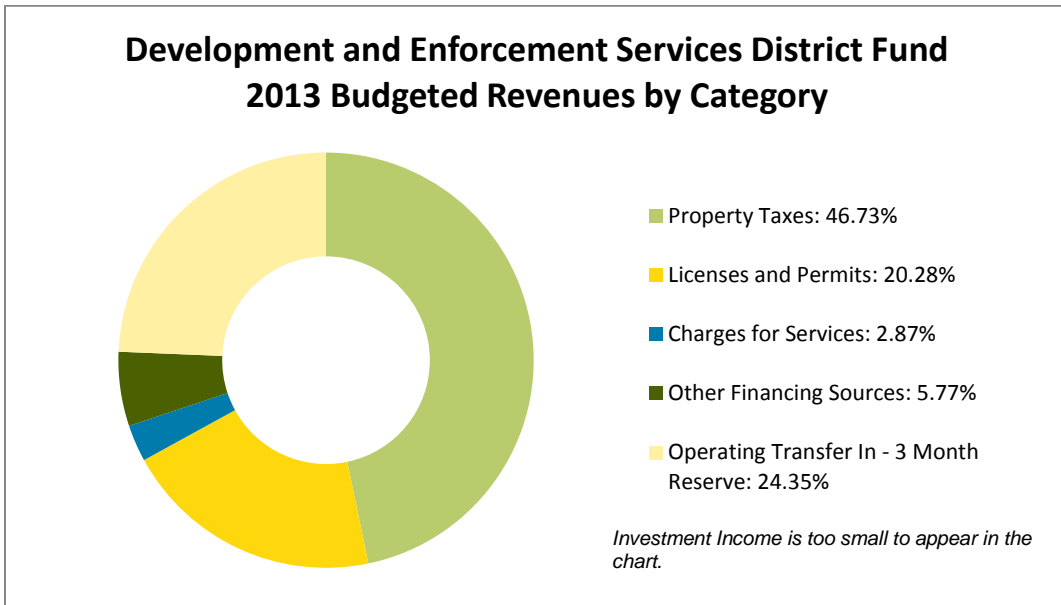
Non-departmental expenditures in the graph above exclude a one-time transfer in the amount of \$51 million to the newly created service district funds to establish a 3-month operating reserve in accordance with County policy. This expenditure/appropriation is shown on page 11 of this report.

Community Services Subsidies are significantly over budget based on the percentage of the fiscal year that has lapsed, which is primarily due to the timing of when subsidy payments and payments to other governments are made. Community Services Subsidy payments are generally paid quarterly. As of the date of this report, the Atlanta Regional Commission and the Gwinnett County Public Library have received their first quarterly subsidy for 2013.

Community Services Elections are also over budget based on the percentage of the fiscal year that has lapsed, which is primarily due to an annual maintenance contract for election equipment that was paid in January.

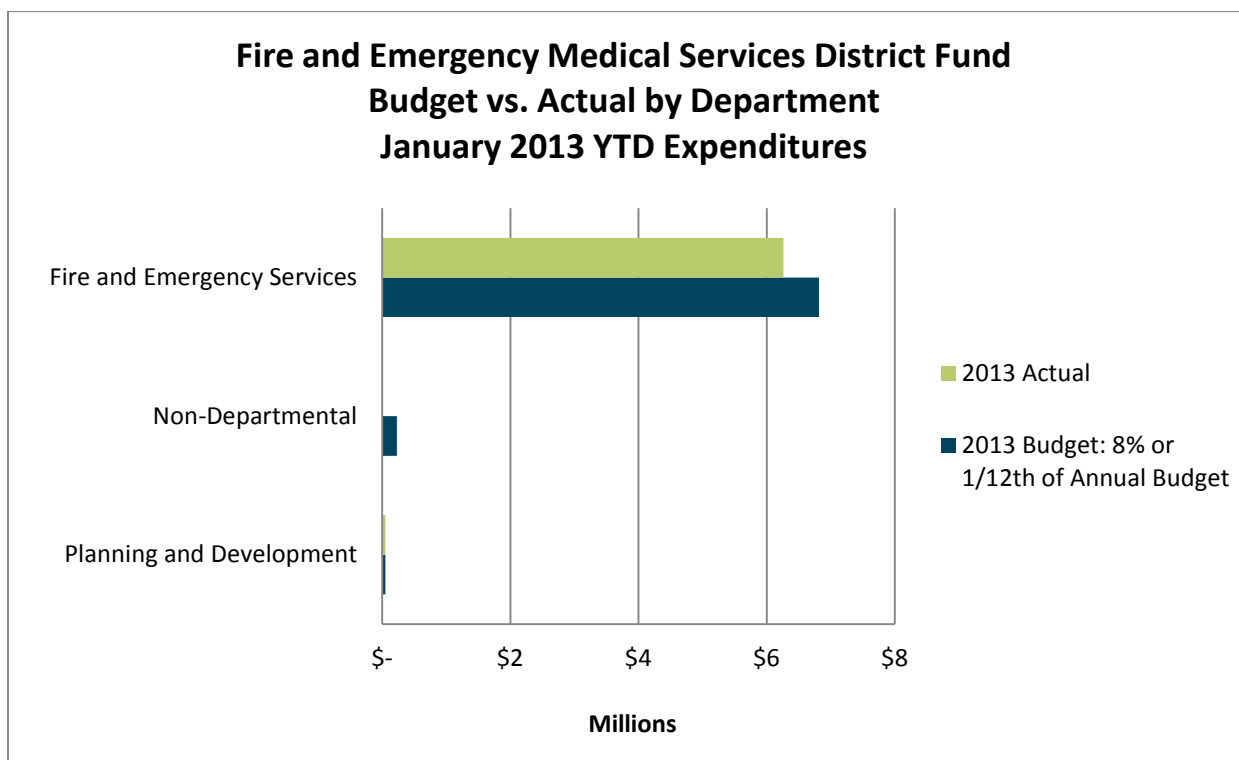
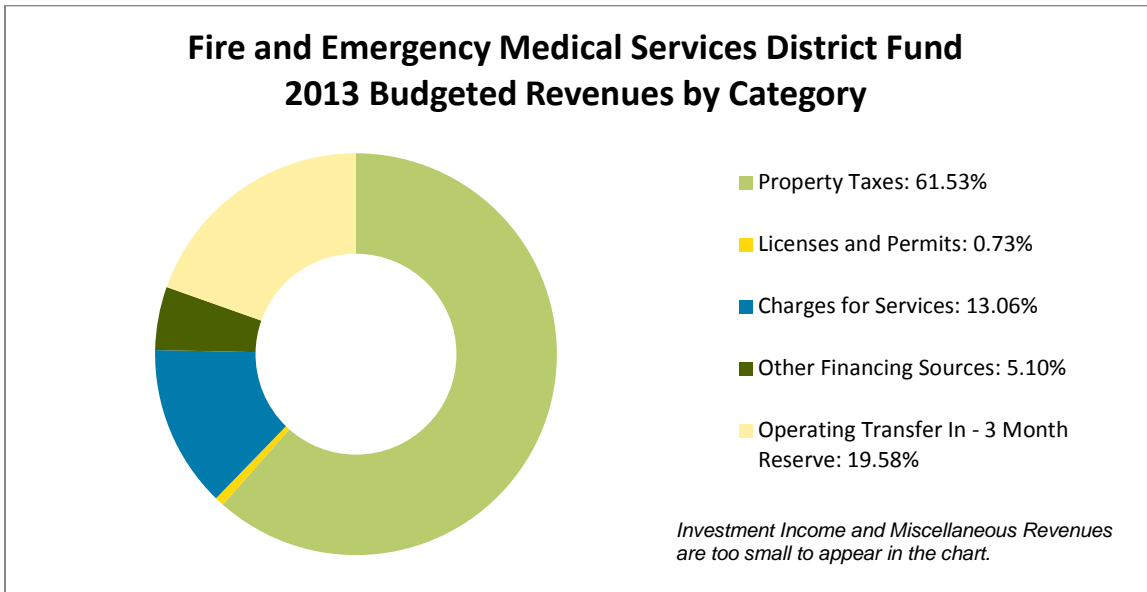
# Development and Enforcement Services District Fund

The Development and Enforcement Services District Fund is used to account for the revenues and expenditures attributable to the Development and Enforcement Services District. This district includes all properties within unincorporated Gwinnett County. The County is responsible for providing short-term planning and code enforcement services within this district.



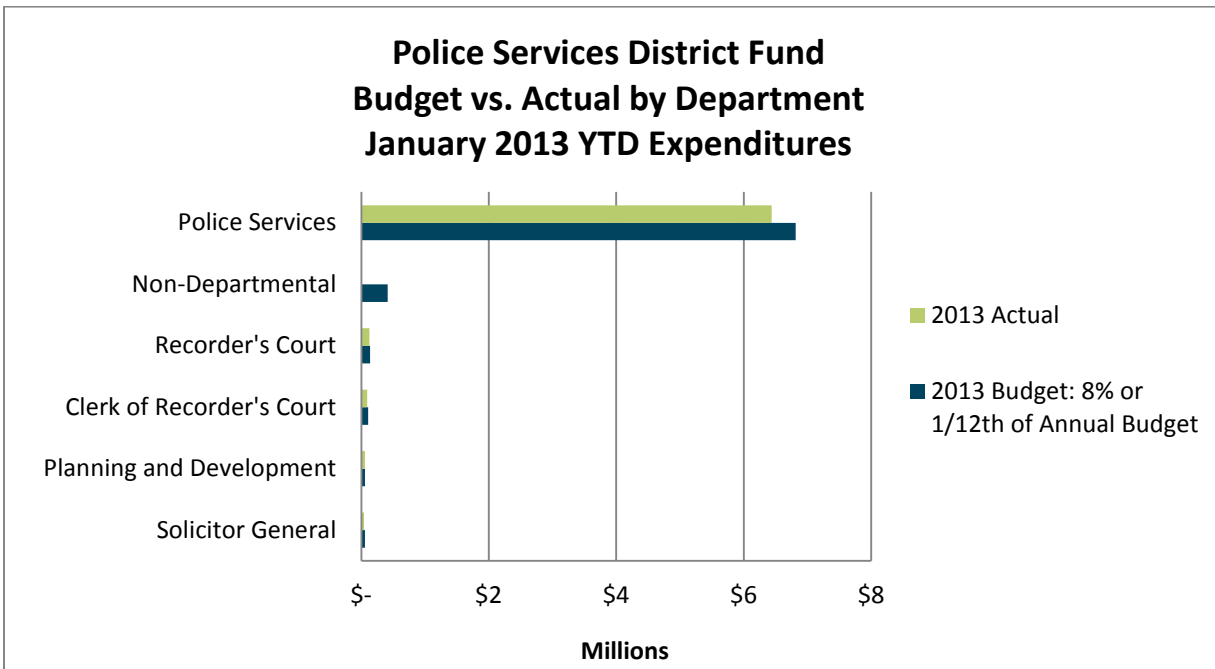
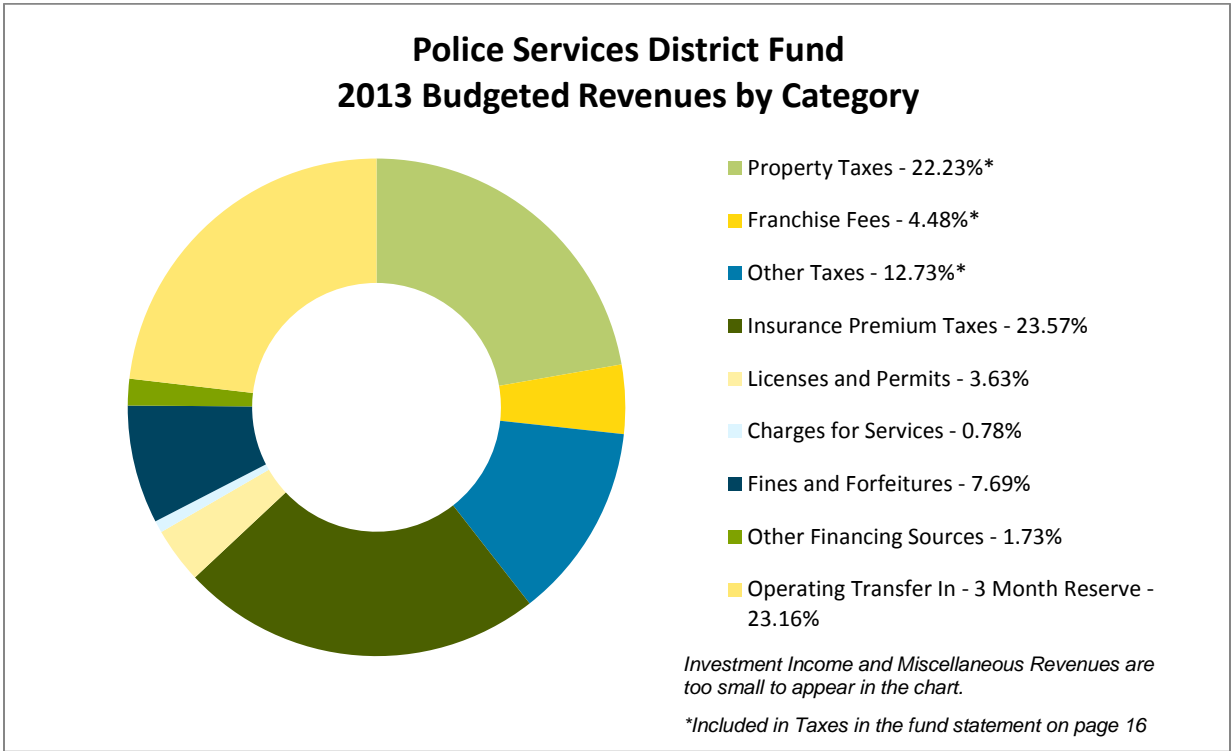
# Fire and Emergency Medical Services District Fund

The Fire and Emergency Medical Services District Fund is used to account for the revenues and expenditures attributable to the Fire and Emergency Services District. This district includes all properties within unincorporated Gwinnett County and all cities except Loganville. Gwinnett County is responsible for providing fire and emergency medical protection within this district. The city of Loganville operates its own fire department, but residents and businesses will continue to receive County-provided emergency medical services.



# Police Services District Fund

The Police Services District Fund accounts for the revenues and expenditures attributable to the Police Services District. This district includes all properties within unincorporated Gwinnett County and cities that do not operate their own police departments (Berkeley Lake, Buford, Grayson, Dacula, Peachtree Corners, Rest Haven, and Sugar Hill). Gwinnett County is responsible for providing police protection within this district.



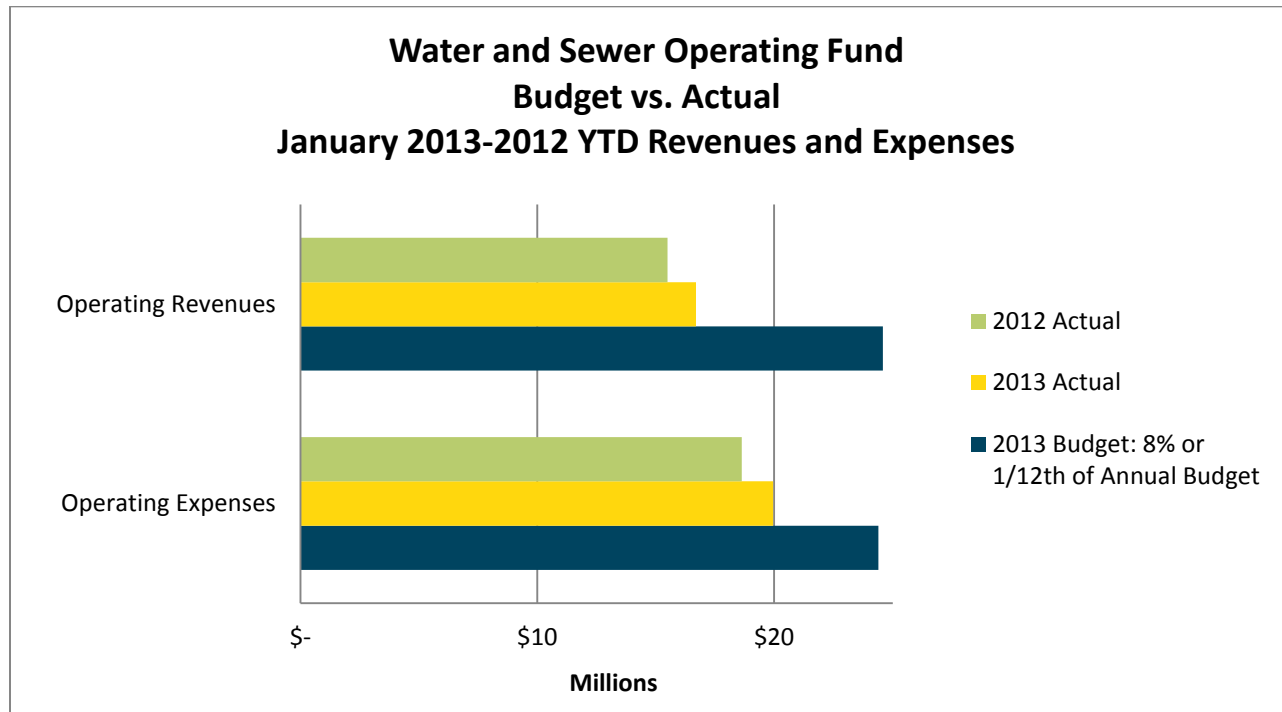
## Other Funds

As planned, 95 percent of the budget for the 2003 General Obligation Bond Debt Service Fund (page 12) has been expended due to the optional redemption of the callable maturities on January 1, 2013. These bonds, in their entirety, were redeemed using both the 2012 refunding escrow and available cash within the General Obligation Bond Debt Service Fund. The refunding process and redemption reduced the par outstanding from \$44,705,000 to \$22,500,000 and shortened the final maturities of the original 2003 General Obligation bonds by four years.

The Risk Management Fund currently shows expenditures at 35 percent over budget based on the percentage of the fiscal year that has lapsed. This is primarily due to annual insurance premiums that are paid in January.

## Water and Sewer Operating Fund

The Water and Sewer Operating Fund supports the operation, maintenance, and capital improvement of the water and sewer system.



Total year-to-date Water and Sewer Fund revenues are up when compared to 2012 by approximately \$1.2 million. The year-over-year increase in revenues is primarily attributable to increases in Retail Sewer, Retail Water, and System Development Charge revenue. The increases were partially offset by decreases in Sewer Assessment revenue and Water Reconnect fees.

Water and Sewerage operating expenses in January 2013 are up approximately \$1.3 million in comparison to January 2012. The year-over-year increase in expenses is mainly due to increases in the Transfer to Renewal and Extension, Debt Service, Other Services-Wastewater Sanitation, and Bad Debt Expense. The increases were partially offset by decreases in Professional Services, Chemicals, Personnel Services, and Equipment Rentals.

Based on the percentage of the fiscal year that has lapsed, revenues are approximately \$7.9 million less than budget due to the reversal of the December revenue accrual of \$8.5 million in January. January 2013 receipts and disbursements related to 2012 are recorded or accrued in 2012. Due to the proper accounting of revenues in the period earned, revenues lag by the amount of the December revenue accrual reversal that occurred in January and will appear understated when compared to budget until year end. Expenses are approximately \$4.5 million less than budget. This variance is due primarily to fluctuations in variable costs that are based on water usage, such as electricity and chemicals. Consumption of water is seasonal in nature, and operating expenses this time of year are lower when compared to the summer months when demand increases.

# YTD financial report 2013 gwinnettcountry

## GENERAL FUND (001)

The General Fund is the primary tax and operating fund for all County revenues and expenditures that are not accounted for in other funds.

	FY 2013			
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget
Estimated Fund Balance January 1	\$ 172,602,753	\$ 172,602,753	\$ 172,602,753	
<b>Revenues:</b>				
Taxes	\$ 204,749,308	\$ 204,749,308	\$ 1,484,140	0.72%
Intergovernmental	3,097,585	3,097,585	85,083	2.75%
Charges for Services	26,651,171	26,651,171	386,089	1.45%
Fines and Forfeitures	5,247,479	5,247,479	40,907	0.78%
Investment Income	319,511	319,511	153,436	48.02%
Contributions and Donations	30,000	30,000	2,662	8.87%
Miscellaneous	1,490,450	1,490,450	136,043	9.13%
Other Financing Sources	199,539	199,539	13,750	6.89%
<b>Total Revenues without Use of Fund Balance</b>	<b>241,785,043</b>	<b>241,785,043</b>	<b>2,302,110</b>	<b>0.95%</b>
Use of Fund Balance	42,636,693	42,636,693	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 284,421,736</b>	<b>\$ 284,421,736</b>	<b>\$ 2,302,110</b>	<b>0.81%</b>
<b>Appropriations:</b>				
Board of Commissioners	\$ 1,193,826	\$ 1,193,826	\$ 84,154	7.05%
Tax Assessor	8,605,360	8,605,360	491,627	5.71%
Tax Commissioner	11,070,281	11,070,281	766,241	6.92%
Transportation	15,783,712	15,783,712	950,450	6.02%
Planning and Development	639,345	639,345	31,663	4.95%
Police Services	4,413,101	4,413,101	294,097	6.66%
Corrections	13,329,003	13,379,003	996,462	7.45%
Community Services	4,089,393	4,089,393	313,063	7.66%
<b>Community Services Subsidies:</b>				
Atlanta Regional Commission	816,100	816,100	206,275	25.28%
Board of Health	1,489,896	1,489,896	-	0.00%
Coalition for Health and Human Services	55,074	55,074	-	0.00%
Department of Family and Children's Services	371,768	371,768	-	0.00%
Forestry	9,549	9,549	-	0.00%
Indigent Medical	225,000	225,000	-	0.00%
Library In-House Services	735,199	735,199	43,385	5.90%
Library Subsidy	15,118,068	15,118,068	3,404,517	22.52%
Mental Health	768,297	768,297	-	0.00%
<b>Total Community Services Subsidies</b>	<b>19,588,951</b>	<b>19,588,951</b>	<b>3,654,177</b>	<b>18.65%</b>
Community Services - Elections	2,626,137	2,626,137	357,948	13.63%
Juvenile Court	5,933,166	6,165,166	485,278	7.87%
Sheriff	71,209,915	71,484,915	6,031,531	8.44%
Immigration Customs Enforcement	1,310,531	1,310,531	55,427	4.23%
Clerk of Court	9,205,726	9,205,726	704,902	7.66%
Judiciary	15,614,527	17,249,527	1,421,163	8.24%
Probate Court	1,930,924	1,941,924	108,120	5.57%
District Attorney	10,480,189	10,480,189	852,907	8.14%
Solicitor General	3,608,983	3,613,983	274,076	7.58%

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GENERAL FUND (001) continued

	FY 2013			
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget
<b>Non-Departmental:</b>				
Compensation Reserve	579,265	579,265	-	0.00%
Contingency	1,510,027	1,510,027	-	0.00%
Contribution to Capital	2,246,329	2,246,329	187,194	8.33%
Contribution to Transit	2,765,574	2,765,574	230,465	8.33%
Grant Match	200,000	200,000	-	0.00%
Gwinnett Hospital Authority	1,000,000	1,000,000	1,000,000	100.00%
Inmate Housing Reserve	100,000	100,000	-	0.00%
Prisoner Medical Reserve	2,000,000	1,675,000	-	0.00%
Judicial Reserve	200,000	200,000	-	0.00%
Medical Examiner	1,191,293	1,191,293	195,920	16.45%
Other Miscellaneous	391,774	391,774	8,148	2.08%
Pauper Burial	90,000	90,000	-	0.00%
Partnership Gwinnett	500,000	500,000	-	0.00%
Fuel/Parts Reserve	100,000	100,000	-	0.00%
Indigent Defense Reserve	6,000,000	4,705,000	-	0.00%
Court Reporters Reserve	2,000,000	1,550,000	-	0.00%
Court Interpreters Reserve	565,000	427,000	-	0.00%
Other Governmental Agencies	250,000	250,000	-	0.00%
Motor Vehicle Contributions	8,518,018	8,518,018	-	0.00%
Contribution to Service District Funds	51,129,401	51,129,401	51,129,401	100.00%
800 MHZ Maintenance	2,451,985	2,451,985	-	0.00%
<b>Total Non-Departmental</b>	<b>83,788,666</b>	<b>81,580,666</b>	<b>52,751,128</b>	<b>64.66%</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 284,421,736</b>	<b>\$ 284,421,736</b>	<b>\$ 70,624,414</b>	<b>24.83%</b>
Projected Fund Balance December 31	\$ 129,966,060	\$ 129,966,060		
Estimated Fund Balance as of Report Date			\$ 104,280,449	

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## 2003 GENERAL OBLIGATION BOND DEBT SERVICE FUND (951)

The 2003 General Obligation Bond Debt Service Fund accounts for the accumulation of resources for, and the payment of, general long-term debt principal and interest related to the 2003 detention center construction bonds. Principal and interest are paid in January and interest only is paid again in July.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Fund Balance January 1</b>	\$ 28,899,351	\$ 28,899,351	\$ 28,899,351			
<b>Revenues:</b>						
Taxes	\$ 5,683,063	\$ 5,683,063	\$ 27,147	0.48%	\$ 15,087	0.28%
Intergovernmental	18,817	18,817	2	0.01%	-	0.00%
Investment Income	21,244	21,244	2	0.01%	2,131	9.58%
Other Financing Sources	35,286	35,286	-	0.00%	-	0.00%
<b>Total Revenues without Use of Fund Balance</b>	<b>5,758,410</b>	<b>5,758,410</b>	<b>27,151</b>	<b>0.47%</b>	<b>17,218</b>	<b>0.31%</b>
Use of Fund Balance	19,814,419	19,814,419	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 25,572,829</b>	<b>\$ 25,572,829</b>	<b>\$ 27,151</b>	<b>0.11%</b>	<b>\$ 17,218</b>	<b>0.31%</b>
<b>Appropriations:</b>						
Debt Service	\$ 25,572,829	\$ 25,572,829	\$ 24,479,705	95.73%	\$ 4,327,909	82.80%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 25,572,829</b>	<b>\$ 25,572,829</b>	<b>\$ 24,479,705</b>	<b>95.73%</b>	<b>\$ 4,327,909</b>	<b>78.94%</b>
<b>Projected Fund Balance December 31</b>	<b>\$ 9,084,932</b>	<b>\$ 9,084,932</b>				
<b>Estimated Fund Balance as of Report Date</b>			<b>\$ 4,446,797</b>			

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## DEVELOPMENT AND ENFORCEMENT SERVICES DISTRICT FUND (104)

The Development and Enforcement Services District Fund is used to account for the revenues and expenditures attributable to the Development and Enforcement Services District. Gwinnett County is responsible for providing short-term planning and code enforcement services within this district. This District includes all properties within unincorporated Gwinnett County.

	FY 2013			
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget
Estimated Fund Balance January 1	\$ -	\$ -	\$ -	
<b>Revenues:</b>				
Taxes	\$ 5,487,822	\$ 5,487,822	\$ -	0.00%
Licenses and Permits	2,381,824	2,381,824	263,698	11.07%
Charges for Services	336,730	336,730	31,228	9.27%
Investment Income	3,000	3,000	-	0.00%
Miscellaneous	-	-	324	-
Other Financing Sources	677,996	677,996	-	0.00%
Operating Transfer In - 3 Month Reserve	2,859,512	2,859,512	2,859,512	100.00%
<b>TOTAL REVENUES</b>	<b>\$ 11,746,884</b>	<b>\$ 11,746,884</b>	<b>\$ 3,154,762</b>	<b>26.86%</b>
<b>Appropriations:</b>				
Planning and Development	\$ 5,964,351	\$ 5,964,351	\$ 420,653	7.05%
Police Services	2,342,920	2,342,920	195,411	8.34%
Non-Departmental	125,000	125,000	-	0.00%
Total Appropriations without Contribution to Fund Balance	8,432,271	8,432,271	616,064	7.31%
Contribution to Fund Balance	3,314,613	3,314,613	-	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 11,746,884</b>	<b>\$ 11,746,884</b>	<b>\$ 616,064</b>	<b>5.24%</b>
Projected Fund Balance December 31	\$ 3,314,613	\$ 3,314,613		
Estimated Fund Balance as of Report Date			\$ 2,538,698	

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## FIRE AND EMERGENCY MEDICAL SERVICES DISTRICT FUND (102)

The Fire and Emergency Medical Services District Fund is used to account for the revenues and expenditures attributable to the Fire and Emergency Medical Service District. This district includes all properties within unincorporated Gwinnett County and all cities except Loganville. Gwinnett County is responsible for providing fire and emergency medical protection within this district. The City of Loganville operates its own fire department, but residents and businesses will continue to receive county-provided emergency medical services.

	FY 2013			
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget
Estimated Fund Balance January 1	\$ -	\$ -	\$ -	
<b>Revenues:</b>				
Taxes	\$ 65,285,292	\$ 65,285,292	\$ -	0.00%
Licenses and Permits	778,373	778,373	56,684	7.28%
Charges for Services	13,850,660	13,850,660	622,536	4.49%
Investment Income	33,750	33,750	-	0.00%
Miscellaneous	35,400	52,164	13,295	25.49%
Other Financing Sources	5,406,582	5,406,582	-	0.00%
Operating Transfer In - 3 Month Reserve	20,769,889	20,769,889	20,769,889	100.00%
<b>TOTAL REVENUES</b>	<b>\$ 106,159,946</b>	<b>\$ 106,176,710</b>	<b>\$ 21,462,404</b>	<b>20.21%</b>
<b>Appropriations:</b>				
Planning and Development	\$ 597,429	\$ 597,429	\$ 49,583	8.30%
Fire and Emergency Services	81,767,134	81,783,898	6,262,545	7.66%
Non-Departmental	2,715,000	2,715,000	-	0.00%
Total Appropriations without Contribution to Fund Balance	85,079,563	85,096,327	6,312,128	7.42%
Contribution to Fund Balance	21,080,383	21,080,383	-	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 106,159,946</b>	<b>\$ 106,176,710</b>	<b>\$ 6,312,128</b>	<b>5.94%</b>
Projected Fund Balance December 31	\$ 21,080,383	\$ 21,080,383		
Estimated Fund Balance as of Report Date			\$ 15,150,276	

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## LOGANVILLE EMERGENCY MEDICAL SERVICES DISTRICT FUND (103)

The Loganville Emergency Medical Services District Fund is used to account for the revenues and expenditures attributable to the Loganville Emergency Medical Service District. This district includes all properties within the portion of incorporated Loganville that lie within Gwinnett County. The County is responsible for providing emergency medical services within this district. Expenditures are recorded in the fall based upon the certified property tax digest as outlined in the intergovernmental agreement with the City of Loganville.

	FY 2013			% Actual to Current Budget
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	
<b>Estimated Fund Balance January 1</b>	\$ 820,000	\$ 820,000	\$ 820,000	
<b>Revenue:</b>				
Investment Income	\$ 1,200	\$ 1,200	\$ -	0.00%
<b>Total Revenues without Use of Fund Balance</b>	<b>1,200</b>	<b>1,200</b>	<b>-</b>	<b>0.00%</b>
Use of Fund Balance	15,600	15,600	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 16,800</b>	<b>\$ 16,800</b>	<b>\$ -</b>	<b>0.00%</b>
<b>Appropriations:</b>				
Loganville Emergency Medical Services	\$ 16,800	\$ 16,800	\$ -	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 16,800</b>	<b>\$ 16,800</b>	<b>\$ -</b>	<b>0.00%</b>
<b>Projected Fund Balance December 31</b>	<b>\$ 804,400</b>	<b>\$ 804,400</b>		
<b>Estimated Fund Balance as of Report Date</b>			<b>\$ 820,000</b>	

# YTD financial report 2013 gwinnettcountry

## POLICE SERVICES DISTRICT FUND (106)

The Police Services District Fund is used to account for the revenues and expenditures attributable to the Police Services District. This district includes all properties within unincorporated Gwinnett County and cities that do not operate their own police departments (Berkeley Lake, Buford, Grayson, Dacula, Peachtree Corners, Rest Haven, and Sugar Hill). Gwinnett County is responsible for providing police protection within this district.

	FY 2013			
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget
Estimated Fund Balance January 1	\$ -	\$ -	\$ -	
<b>Revenues:</b>				
Taxes	\$ 46,847,668	\$ 46,847,668	\$ 1,679,355	3.58%
Insurance Premium Taxes	27,984,859	27,984,859	-	0.00%
Licenses and Permits	4,306,401	4,306,401	143,937	3.34%
Charges for Services	921,463	921,463	128,169	13.91%
Fines and Forfeitures	9,134,646	9,134,646	-	0.00%
Investment Income	33,750	33,750	-	0.00%
Miscellaneous	248,045	248,045	19,893	8.02%
Other Financing Sources	2,051,372	2,051,372	-	0.00%
Operating Transfer In - 3 Month Reserve	27,500,000	27,500,000	27,500,000	100.00%
<b>TOTAL REVENUES</b>	<b>\$ 119,028,204</b>	<b>\$ 119,028,204</b>	<b>\$ 29,471,354</b>	<b>24.76%</b>
<b>Appropriations:</b>				
Planning and Development	\$ 697,900	\$ 697,900	\$ 54,377	7.79%
Police Services	81,749,463	81,786,463	6,440,660	7.87%
Recorder's Court	1,591,586	1,622,686	126,479	7.79%
Solicitor General	672,812	672,812	43,159	6.41%
Clerk of Recorder's Court	1,298,873	1,298,873	89,896	6.92%
Non-Departmental	5,010,636	4,942,536	-	0.00%
Total Appropriations without Contribution to Fund Balance	91,021,270	91,021,270	6,754,571	7.42%
Contribution to Fund Balance	28,006,934	28,006,934	-	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 119,028,204</b>	<b>\$ 119,028,204</b>	<b>\$ 6,754,571</b>	<b>5.67%</b>
Projected Fund Balance December 31	\$ 28,006,934	\$ 28,006,934		
Estimated Fund Balance as of Report Date			\$ 22,716,783	

# YTD financial report 2013 gwinnettcountry

## RECREATION FUND (105)

The Recreation Fund is used to account for the operations and maintenance of County parks and recreational facilities. Financing is provided by a specific property tax levy and miscellaneous revenues including admissions, concessions, and sport activity fees.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Fund Balance January 1</b>	\$ 14,405,914	\$ 14,405,914	\$ 14,405,914			
<b>Revenues:</b>						
Taxes	\$ 23,356,746	\$ 23,356,746	\$ 112,715	0.48%	\$ 30,900	0.14%
Intergovernmental	52,810	52,810	-	0.00%	-	0.00%
Charges for Services	3,935,559	3,935,559	190,372	4.84%	196,609	4.84%
Investment Income	11,250	11,250	707	6.28%	1,087	17.17%
Contributions and Donations	4,550	4,550	-	0.00%	-	0.00%
Miscellaneous	1,849,471	1,849,471	159,869	8.64%	129,335	7.66%
Other Financing Sources	346,782	346,782	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 29,557,168</b>	<b>\$ 29,557,168</b>	<b>\$ 463,663</b>	<b>1.57%</b>	<b>\$ 357,931</b>	<b>1.25%</b>
<b>Appropriations:</b>						
Community Services	\$ 27,944,567	\$ 27,944,567	\$ 1,760,775	6.30%	\$ 1,577,323	5.53%
Support Services	136,312	136,312	866	0.64%	293	0.23%
<b>Total Appropriations without Contribution to Fund Balance</b>	<b>28,080,879</b>	<b>28,080,879</b>	<b>1,761,641</b>	<b>6.27%</b>	<b>1,577,616</b>	<b>5.51%</b>
Contribution to Fund Balance	1,476,289	1,476,289	-	0.00%	-	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 29,557,168</b>	<b>\$ 29,557,168</b>	<b>\$ 1,761,641</b>	<b>5.96%</b>	<b>\$ 1,577,616</b>	<b>5.50%</b>
<b>Projected Fund Balance December 31</b>	<b>\$ 15,882,203</b>	<b>\$ 15,882,203</b>				
<b>Estimated Fund Balance as of Report Date</b>			<b>\$ 13,107,936</b>			

# YTD financial report 2013 gwinnettcountry

## SPEED HUMP FUND (003)

The Speed Hump Fund supports the County's speed hump program. Revenues are generated from properties benefiting from existing speed humps for the purpose of maintenance. Charges for Services are collected as special assessment fees in the fourth quarter with property tax collections.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Fund Balance January 1	\$ 1,146,070	\$ 1,146,070	\$ 1,146,070			
<b>Revenues:</b>						
Charges for Services	\$ 115,904	\$ 115,904	\$ -	0.00%	\$ (46)	-0.04%
Investment Income	1,500	1,500	-	-	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 117,404</b>	<b>\$ 117,404</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ (46)</b>	<b>-0.04%</b>
<b>Appropriations:</b>						
Transportation	\$ 62,272	\$ 62,272	\$ 981	1.58%	\$ 1,071	1.84%
Total Appropriations without Contribution to Fund Balance	62,272	62,272	981	1.58%	1,071	1.84%
Contribution to Fund Balance	55,132	55,132	-	0.00%	-	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 117,404</b>	<b>\$ 117,404</b>	<b>\$ 981</b>	<b>0.84%</b>	<b>\$ 1,071</b>	<b>0.92%</b>
Projected Fund Balance December 31	\$ 1,201,202	\$ 1,201,202				
Estimated Fund Balance as of Report Date			\$ 1,145,089			

# YTD financial report 2013 gwinnettcountry

## STREET LIGHTING FUND (002)

The Street Lighting Fund supports the County's street light program. Revenues are generated from properties benefiting from existing street lights for the purpose of utility payments. Charges for Services are collected as special assessment fees in the fourth quarter with property tax collections.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Fund Balance January 1</b>	\$ 2,992,564	\$ 2,992,564	\$ 2,992,564			
<b>Revenues:</b>						
Charges for Services	\$ 6,961,294	\$ 6,961,294	\$ -	0.00%	\$ (35,326)	-0.57%
Investment Income	4,500	4,500	-	0.00%	272	7.49%
<b>Total Revenues without Use of Fund Balance</b>	<b>6,965,794</b>	<b>6,965,794</b>	<b>-</b>	<b>0.00%</b>	<b>(35,054)</b>	<b>-0.57%</b>
Use of Fund Balance	456,046	456,046	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 7,421,840</b>	<b>\$ 7,421,840</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ (35,054)</b>	<b>-0.51%</b>
<b>Appropriations:</b>						
Transportation	\$ 7,421,840	\$ 7,421,840	\$ 10,744	0.14%	\$ 4,760	0.07%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 7,421,840</b>	<b>\$ 7,421,840</b>	<b>\$ 10,744</b>	<b>0.14%</b>	<b>\$ 4,760</b>	<b>0.07%</b>
<b>Projected Fund Balance December 31</b>	<b>\$ 2,536,518</b>	<b>\$ 2,536,518</b>				
<b>Estimated Fund Balance as of Report Date</b>			<b>\$ 2,981,820</b>			

# YTD financial report 2013 gwinnettcountry

## AUTHORITY IMAGING FUND (020)

The Authority Imaging Fund accounts for revenues received from fees collected by the Clerk of Superior Court Authority for document printing. These monies must be used for the development, implementation, and maintenance of a state-wide automated information system.

	FY 2013			
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget
Estimated Fund Balance January 1	\$ 1,309,410	\$ 1,309,410	\$ 1,309,410	
Revenues:				
Charges for Services	\$ 832,275	\$ 832,275	\$ -	0.00%
Investment Income	338	338	111	32.84%
Total Revenues without Use of Fund Balance	832,613	832,613	111	0.01%
Use of Fund Balance	1,132,199	1,132,199	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 1,964,812</b>	<b>\$ 1,964,812</b>	<b>\$ 111</b>	<b>0.01%</b>
Appropriations:				
Clerk of Court	\$ 1,964,812	\$ 1,964,812	\$ -	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,964,812</b>	<b>\$ 1,964,812</b>	<b>\$ -</b>	<b>0.00%</b>
Projected Fund Balance December 31	\$ 177,211	\$ 177,211		
Estimated Fund Balance as of Report Date			\$ 1,309,521	

# YTD financial report 2013 gwinnettcounty

## CORRECTIONS INMATE FUND (085)

The Corrections Inmate Fund accounts for proceeds received from commissary sales to provide recreational materials for the benefit of the inmates at the Corrections Facility.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Fund Balance January 1	\$ 47,095	\$ 47,095	\$ 47,095			
Revenues:						
Charges for Services	\$ 43,500	\$ 43,500	\$ 6,303	14.49%	\$ -	0.00%
Miscellaneous	6,122	6,122	429	7.01%	422	7.71%
Total Revenues without Use of Fund Balance	49,622	49,622	6,732	13.57%	422	0.72%
Use of Fund Balance	19,772	19,772	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 69,394</b>	<b>\$ 69,394</b>	<b>\$ 6,732</b>	<b>9.70%</b>	<b>\$ 422</b>	<b>0.43%</b>
Appropriations:						
Corrections	\$ 69,394	\$ 69,394	\$ 5,207	7.50%	\$ 5,311	5.35%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 69,394</b>	<b>\$ 69,394</b>	<b>\$ 5,207</b>	<b>7.50%</b>	<b>\$ 5,311</b>	<b>5.35%</b>
Projected Fund Balance December 31	\$ 27,323	\$ 27,323				
Estimated Fund Balance as of Report Date			\$ 48,620			

# YTD financial report 2013 gwinnettcountry

## CRIME VICTIMS ASSISTANCE FUND (075)

The Crime Victims Assistance Fund accounts for revenues received from a five percent (5%) charge collected on fines within the Recorders, Juvenile, State, Superior, and Magistrate Courts of Gwinnett County. Revenues are also received from five percent (5%) of fines from municipalities within Gwinnett County. These funds must be used to provide assistance to crime victims. Revenue is split between the Solicitor's and District Attorney's offices.

The Revenue collected is distributed as follows:

- Superior Court Fines - 100% District Attorney
- State Court Fines - 100% Solicitor
- Municipal Recorder's Court - Total less subsidies, if any, with the remainder 55% Solicitor and 45% District Attorney
- Magistrate Court, Recorder's Court, and Juvenile Court - 55% Solicitor and 45% District Attorney
- Interest Earned Dividends - 55% Solicitor and 45% District Attorney

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Fund Balance January 1	\$ 1,355,719	\$ 1,355,719	\$ 1,355,719			
<b>Revenues:</b>						
Fines and Forfeitures	\$ 875,073	\$ 875,073	\$ 8,639	0.99%	\$ 4,505	0.54%
Investment Income	1,481	1,481	125	8.44%	92	4.64%
Miscellaneous	-	-	214	0.00%	125	-
Other Financing Sources	-	-	-	0.00%	9,183	8.33%
Total Revenues without Use of Fund Balance	876,554	876,554	8,978	1.02%	13,905	1.47%
Use of Fund Balance	298,929	298,929	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 1,175,483</b>	<b>\$ 1,175,483</b>	<b>\$ 8,978</b>	<b>0.76%</b>	<b>\$ 13,905</b>	<b>1.20%</b>
<b>Appropriations:</b>						
District Attorney	\$ 433,311	\$ 433,311	\$ 35,028	8.08%	\$ 23,734	5.04%
Solicitor General	742,172	742,172	41,817	5.63%	34,694	5.06%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,175,483</b>	<b>\$ 1,175,483</b>	<b>\$ 76,845</b>	<b>6.54%</b>	<b>\$ 58,428</b>	<b>5.06%</b>
Projected Fund Balance December 31	\$ 1,056,790	\$ 1,056,790				
Estimated Fund Balance as of Report Date			\$ 1,287,852			

# YTD financial report 2013 gwinnettcouuty

## DISTRICT ATTORNEY FEDERAL ASSET SHARING FUND (080)

The District Attorney Federal Asset Sharing Fund accounts for revenues received from an equitable sharing agreement between the Department of Justice and the Gwinnett County District Attorney for proceeds from confiscations. The law states that any money or property confiscated in this manner shall be used for restricted purposes, and all expenditures are validated against federal and state guidelines.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Fund Balance January 1</b>	\$ 449,407	\$ 449,407	\$ 449,407			
<b>Revenues:</b>						
Fines and Forfeitures	-	-	-	0.00%	8,964	5.78%
Investment Income	511	511	-	0.00%	46	8.36%
<b>Total Revenues without Use of Fund Balance</b>	<b>511</b>	<b>511</b>	<b>-</b>	<b>0.00%</b>	<b>9,010</b>	<b>5.79%</b>
Use of Fund Balance	204,489	204,489	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 205,000</b>	<b>\$ 205,000</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ 9,010</b>	<b>4.40%</b>
<b>Appropriations:</b>						
District Attorney	\$ 205,000	\$ 205,000	\$ -	0.00%	\$ 6,108	2.98%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 205,000</b>	<b>\$ 205,000</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ 6,108</b>	<b>2.98%</b>
<b>Projected Fund Balance December 31</b>	<b>\$ 244,918</b>	<b>\$ 244,918</b>				
<b>Estimated Fund Balance as of Report Date</b>			<b>\$ 449,407</b>			

# YTD financial report 2013 gwinnettcountry

## E-911 FUND (095)

The E-911 Fund accounts for operations of the E-911 Communications Center. Revenues are primarily received from monthly subscriber fees remitted by wired and wireless telecommunication providers. Expenditures must comply with O.C.G.A., Title 46, Chapter 5, Article 2, Part 4.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Fund Balance January 1</b>	\$ 30,843,615	\$ 30,843,615	\$ 30,843,615			
<b>Revenues:</b>						
Charges for Services	\$ 14,082,774	\$ 14,082,774	\$ 917,413	6.51%	\$ 961,146	7.66%
Investment Income	58,657	58,657	14,496	24.71%	13,506	9.81%
Miscellaneous	-	-	593	-	774	-
<b>Total Revenues without Use of Fund Balance</b>	<b>14,141,431</b>	<b>14,141,431</b>	<b>932,502</b>	<b>6.59%</b>	<b>975,426</b>	<b>7.69%</b>
Use of Fund Balance	2,084,029	2,084,029	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 16,225,460</b>	<b>\$ 16,225,460</b>	<b>\$ 932,502</b>	<b>5.75%</b>	<b>\$ 975,426</b>	<b>5.74%</b>
<b>Appropriations:</b>						
Police Services	\$ 13,725,460	\$ 13,725,460	\$ 797,179	5.81%	\$ 1,024,600	6.03%
Non-Departmental	2,500,000	2,500,000	-	0.00%	-	-
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 16,225,460</b>	<b>\$ 16,225,460</b>	<b>\$ 797,179</b>	<b>4.91%</b>	<b>\$ 1,024,600</b>	<b>6.03%</b>
<b>Projected Fund Balance December 31</b>	<b>\$ 28,759,586</b>	<b>\$ 28,759,586</b>				
<b>Estimated Fund Balance as of Report Date</b>			<b>\$ 30,978,938</b>			

# YTD financial report 2013 gwinnettcountry

## JUVENILE COURT SUPERVISION FUND (030)

The Juvenile Court Supervision Fund accounts for revenues collected as supervision fees from those who are placed under the courts' formal or informal supervision in order for the court to use those collections toward expenses for specific ancillary services.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Fund Balance January 1	\$ 107,861	\$ 107,861	\$ 107,861			
<b>Revenues:</b>						
Charges for Services	\$ 67,834	\$ 67,834	\$ 3,853	5.68%	\$ 5,890	7.61%
Investment Income	15	15	-	0.00%	9	6.57%
<b>TOTAL REVENUES</b>	<b>\$ 67,849</b>	<b>\$ 67,849</b>	<b>\$ 3,853</b>	<b>5.68%</b>	<b>\$ 5,899</b>	<b>7.61%</b>
<b>Appropriations:</b>						
Juvenile Court	\$ 67,849	\$ 67,849	\$ 4,499	6.63%	\$ 10,957	14.13%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 67,849</b>	<b>\$ 67,849</b>	<b>\$ 4,499</b>	<b>6.63%</b>	<b>\$ 10,957</b>	<b>14.13%</b>
Projected Fund Balance December 31	\$ 107,861	\$ 107,861				
Estimated Fund Balance as of Report Date			\$ 107,215			

# YTD financial report 2013 gwinnettcouuty

## POLICE SPECIAL JUSTICE FUND (070)

The Police Special Justice Fund accounts for revenues resulting from the U.S. Department of Justice confiscation of money or the sale of property from illegal drug and narcotics activities. The law states that any money or property confiscated in this manner shall be used for restricted purposes, and all expenditures are validated against federal and state guidelines.

	FY 2013			FY 2012		
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Fund Balance January 1	\$ 3,446,869	\$ 3,446,869	\$ 3,446,869			
Revenue:						
Use of Fund Balance	\$ 1,224,550	\$ 1,224,550	\$ -	0.00%	\$ -	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 1,224,550</b>	<b>\$ 1,224,550</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>
Appropriations:						
Police Special Investigation Operations	\$ 1,224,550	\$ 1,224,550	\$ 982	0.08%	\$ 3,520	0.24%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,224,550</b>	<b>\$ 1,224,550</b>	<b>\$ 982</b>	<b>0.08%</b>	<b>\$ 3,520</b>	<b>0.24%</b>
Projected Fund Balance December 31	\$ 2,222,319	\$ 2,222,319				
Estimated Fund Balance as of Report Date			\$ 3,445,887			

# YTD financial report 2013 gwinnettcounty

**POLICE SPECIAL TREASURY FUND (071)**

The Police Special Treasury Fund accounts for revenues resulting from the U.S. Department of Treasury confiscation of money or the sale of property from illegal drug and narcotics activities. The law states that any money or property confiscated in this manner shall be used for restricted purposes, and all expenditures are validated against federal and state guidelines.

	FY 2013			FY 2012		
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Fund Balance January 1	\$ 71,677	\$ 71,677	\$ 71,677			
Revenue:						
Use of Fund Balance	\$ 695	\$ 695	\$ -	0.00%	\$ -	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 695</b>	<b>\$ 695</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>
Appropriations:						
Police Services	\$ 695	\$ 695	\$ -	0.00%	\$ -	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 695</b>	<b>\$ 695</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>
Projected Fund Balance December 31	\$ 70,982	\$ 70,982				
Estimated Fund Balance as of Report Date			\$ 71,677			

# YTD financial report 2013 gwinnettcounty

## POLICE SPECIAL STATE FUND (072)

The Police Special State Fund accounts for revenues resulting from the State of Georgia's confiscation of money or the sale of property from illegal drug and narcotics activities. The law states that any money or property confiscated in this manner shall be used for restricted purposes, and all expenditures are validated against federal and state guidelines.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Fund Balance January 1</b>	\$ 3,088,981	\$ 3,088,981	\$ 3,088,981			
<b>Revenue:</b>						
Fines and Forfeitures	\$ -	\$ 95	\$ 95	100.00%	\$ 13,454	2.69%
Miscellaneous	-	-	275	-	115	23.00%
<b>Total Revenues without Use of Fund Balance</b>	-	95	370	389.47%	13,569	2.71%
Use of Fund Balance	1,159,009	1,158,914	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<u>\$ 1,159,009</u>	<u>\$ 1,159,009</u>	<u>\$ 370</u>	0.03%	<u>\$ 13,569</u>	1.53%
<b>Appropriations:</b>						
Police Services	\$ 1,159,009	\$ 1,159,009	\$ 6,112	0.53%	\$ 4,327	0.49%
<b>TOTAL APPROPRIATIONS</b>	<u>\$ 1,159,009</u>	<u>\$ 1,159,009</u>	<u>\$ 6,112</u>	0.53%	<u>\$ 4,327</u>	0.49%
<b>Projected Fund Balance December 31</b>	<u>\$ 1,929,972</u>	<u>\$ 1,930,067</u>				
<b>Estimated Fund Balance as of Report Date</b>			<u>\$ 3,083,239</u>			

# YTD financial report 2013 gwinnettcouuty

**SHERIFF INMATE FUND (090)**

The Sheriff Inmate Fund accounts for proceeds received from commissary sales to provide recreational materials for the benefit of the inmates at the Detention Center.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Fund Balance January 1	\$ 1,819,899	\$ 1,819,899	\$ 1,819,899			
Revenues:						
Charges for Services	\$ 415,648	\$ 415,648	\$ -	0.00%	\$ 35,362	9.45%
Total Revenues without Use of Fund Balance	415,648	415,648	-	0.00%	35,362	9.44%
Use of Fund Balance	120,000	120,000	-	0.00%	-	-
<b>TOTAL REVENUES</b>	<b>\$ 535,648</b>	<b>\$ 535,648</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ 35,362</b>	<b>9.44%</b>
Appropriations:						
Sheriff Inmate Store Operations	\$ 535,648	\$ 535,648	\$ 14,525	2.71%	\$ 11,760	3.14%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 535,648</b>	<b>\$ 535,648</b>	<b>\$ 14,525</b>	<b>2.71%</b>	<b>\$ 11,760</b>	<b>3.14%</b>
Projected Fund Balance December 31	\$ 1,699,899	\$ 1,699,899				
Estimated Fund Balance as of Report Date			\$ 1,805,374			

# YTD financial report 2013 gwinnettcounty

## SHERIFF SPECIAL JUSTICE FUND (065)

The Sheriff Special Justice Fund accounts for revenues resulting from the U.S. Department of Justice confiscation of money or the sale of property from illegal drug and narcotics activities. The law states that any money or property confiscated in this manner shall be used for restricted purposes, and all expenditures are validated against federal and state guidelines.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Fund Balance January 1	\$ 218,443	\$ 218,443	\$ 218,443			
Revenues:						
Investment Income	\$ 290	\$ 290	\$ -	0.00%	\$ -	0.00%
Total Revenues without Use of Fund Balance	290	290	-	0.00%	-	0.00%
Use of Fund Balance	149,710	149,710	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<u>\$ 150,000</u>	<u>\$ 150,000</u>	<u>\$ -</u>	0.00%	<u>\$ -</u>	0.00%
Appropriations:						
Sheriff Special Operations	\$ 150,000	\$ 150,000	\$ 4,505	3.00%	\$ -	0.00%
<b>TOTAL APPROPRIATIONS</b>	<u>\$ 150,000</u>	<u>\$ 150,000</u>	<u>\$ 4,505</u>	3.00%	<u>\$ -</u>	0.00%
Projected Fund Balance December 31	\$ 68,733	\$ 68,733				
Estimated Fund Balance as of Report Date			\$ 213,938			

# YTD financial report 2013 gwinnettcouuty

## SHERIFF SPECIAL TREASURY FUND (066)

The Sheriff Special Treasury Fund accounts for revenues resulting from the U.S. Department of Treasury confiscation of money or the sale of property from illegal drug and narcotics activities. The law states that any money or property confiscated in this manner shall be used for restricted purposes, and all expenditures are validated against federal and state guidelines.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Fund Balance January 1	\$ 846,648	\$ 846,648	\$ 846,648			
Revenues:						
Fines and Forfeitures	\$ -	\$ 84,846	\$ 84,846	100.00%	\$ -	0.00%
Investment Income	662	662	-	0.00%	-	0.00%
Total Revenues without Use of Fund Balance	662	85,508	84,846	99.23%	-	0.00%
Use of Fund Balance	249,338	249,338	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 250,000</b>	<b>\$ 334,846</b>	<b>\$ 84,846</b>	<b>25.34%</b>	<b>\$ -</b>	<b>0.00%</b>
Appropriations:						
Sheriff Special Operations	\$ 250,000	\$ 334,846	\$ -	0.00%	\$ 2,288	0.46%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 250,000</b>	<b>\$ 334,846</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ 2,288</b>	<b>0.46%</b>
Projected Fund Balance December 31	\$ 597,310	\$ 597,310				
Estimated Fund Balance as of Report Date			\$ 931,494			

# YTD financial report 2013 gwinnettcountry

## SHERIFF SPECIAL STATE FUND (067)

The Sheriff Special State Fund accounts for revenues resulting from the State of Georgia's confiscation of money or the sale of property from illegal drug and narcotics activities. The law states that any money or property confiscated in this manner shall be used for restricted purposes, and all expenditures are validated against federal and state guidelines.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Fund Balance January 1	\$ 164,109	\$ 164,109	\$ 164,109			
Revenues:						
Investment Income	\$ 141	\$ 141	\$ -	0.00%	\$ -	0.00%
Total Revenues without Use of Fund Balance	141	141	-	0.00%	-	0.00%
Use of Fund Balance	149,859	149,859	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>
Appropriations:						
Sheriff Special Operations	\$ 150,000	\$ 150,000	\$ -	0.00%	\$ -	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 150,000</b>	<b>\$ 150,000</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>
Projected Fund Balance December 31	\$ 14,250	\$ 14,250				
Estimated Fund Balance as of Report Date			\$ 164,109			

# YTD financial report 2013 gwinnettcouy

## STADIUM FUND (055)

The Stadium Fund accumulates stadium-related revenues in order to pay debt service on the Stadium construction bonds and insurance expenditures. Motor vehicle rental excise taxes are received one month in arrears. Intergovernmental revenue is realized in the form of a one-time annual payment from the Gwinnett Convention and Visitors Bureau in January. Charges for Services revenues from the Braves ticket sales, parking, rental fees, and naming rights are received in April, June, and October. Debt service payments occur bi-annually in January and July.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Fund Balance January 1</b>	\$ 1,032,502	\$ 1,032,502	\$ 1,032,502			
<b>Revenues:</b>						
Taxes	\$ 800,000	\$ 800,000	\$ -	0.00%	\$ -	0.00%
Intergovernmental	400,000	400,000	400,000	100.00%	400,000	100.00%
Charges for Services	981,052	981,052	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<u>\$ 2,181,052</u>	<u>\$ 2,181,052</u>	<u>\$ 400,000</u>	18.34%	<u>\$ 400,000</u>	19.13%
<b>Appropriations:</b>						
Stadium Debt	\$ 2,181,052	\$ 2,181,052	\$ 1,061,293	48.66%	\$ 1,060,481	49.03%
<b>TOTAL APPROPRIATIONS</b>	<u>\$ 2,181,052</u>	<u>\$ 2,181,052</u>	<u>\$ 1,061,293</u>	48.66%	<u>\$ 1,060,481</u>	49.03%
<b>Projected Fund Balance December 31</b>	\$ 1,032,502	\$ 1,032,502				
<b>Estimated Fund Balance as of Report Date</b>			\$ 371,209			

# YTD financial report 2013 gwinnettcountry

**TREE BANK FUND (040)**

This fund accounts for activities related to the Gwinnett County Buffer, Landscape and Tree Ordinance. During the permitting process, the developer has the option to pay money when the required tree density units cannot be met on site. The monies collected must be used by the Department of Planning and Development, Community Services and/or Support Services for the planting of trees at parks, greenways, fire stations, and libraries within the same commission district in which the development is located or within five miles of such district. Alternate planning locations may be approved by the Director of the Department of Planning and Development. Expenditures for this fund occur as projects are identified and approved.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Fund Balance January 1</b>	\$ 62,307	\$ 62,307	\$ 62,307			
<b>Revenues:</b>						
Licenses and Permits	\$ 12,120	\$ 12,120	\$ -	0.00%	\$ -	0.00%
<b>Total Revenues without Use of Fund Balance</b>	<b>12,120</b>	<b>12,120</b>	<b>-</b>	<b>0.00%</b>	<b>-</b>	<b>0.00%</b>
Use of Fund Balance	17,880	17,880	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 30,000</b>	<b>\$ 30,000</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>
<b>Appropriations:</b>						
Planning and Development	\$ 30,000	\$ 30,000	\$ -	0.00%	\$ -	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 30,000</b>	<b>\$ 30,000</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ -</b>	<b>0.00%</b>
<b>Projected Fund Balance December 31</b>	<b>\$ 44,427</b>	<b>\$ 44,427</b>				
<b>Estimated Fund Balance as of Report Date</b>			<b>\$ 62,307</b>			

# YTD financial report 2013 gwinnettcountry

## TOURISM FUND (050)

The Tourism Fund accounts for the collection and disbursement of hotel/motel tax revenue in accordance with State Law which includes debt service payments for the Gwinnett Center and parking facility. Hotel-Motel taxes are receipted one month in arrears. Other expenses associated with this fund are quarterly payments to the Gwinnett Convention and Visitors Bureau per a management agreement. Debt service payments occur biannually in March and September.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Fund Balance January 1</b>	\$ 6,377,695	\$ 6,377,695	\$ 6,377,695			
<b>Revenues:</b>						
Taxes	\$ 6,606,080	\$ 6,606,080	\$ 1,607	0.02%	\$ 13,098	0.20%
Charges for Services	100	100	-	0.00%	-	0.00%
Investment Income	8,616	8,616	247	2.87%	1,629	203.63%
<b>Total Revenues without Use of Fund Balance</b>	<b>6,614,796</b>	<b>6,614,796</b>	<b>1,854</b>	<b>0.03%</b>	<b>14,727</b>	<b>0.23%</b>
Use of Fund Balance	460,066	460,066	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 7,074,862</b>	<b>\$ 7,074,862</b>	<b>\$ 1,854</b>	<b>0.03%</b>	<b>\$ 14,727</b>	<b>0.21%</b>
<b>Appropriations:</b>						
Tourism	\$ 2,134,407	\$ 2,134,407	\$ 490,100	22.96%	\$ 472,535	23.18%
Gwinnett Center Debt	4,940,455	4,940,455	-	0.00%	-	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 7,074,862</b>	<b>\$ 7,074,862</b>	<b>\$ 490,100</b>	<b>6.93%</b>	<b>\$ 472,535</b>	<b>6.76%</b>
<b>Projected Fund Balance December 31</b>	<b>\$ 5,917,629</b>	<b>\$ 5,917,629</b>				
<b>Estimated Fund Balance as of Report Date</b>			<b>\$ 5,889,449</b>			

# YTD financial report 2013 gwinnettcounty

## AIRPORT OPERATING FUND (520)

The Airport Operating Fund accounts for the operation and maintenance of the County airport, Briscoe Field.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Net Position January 1	\$ 553,987	\$ 553,987	\$ 553,987			
Revenues:						
Charges for Services	\$ 139,000	\$ 139,000	\$ 10,672	7.68%	\$ 11,642	11.09%
Miscellaneous	741,250	741,250	66,631	8.99%	61,222	8.49%
<b>TOTAL REVENUES</b>	<b>\$ 880,250</b>	<b>\$ 880,250</b>	<b>\$ 77,303</b>	<b>8.78%</b>	<b>\$ 72,864</b>	<b>8.82%</b>
Appropriations:						
Transportation	\$ 844,565	\$ 844,565	\$ 46,761	5.54%	\$ 43,620	5.20%
Total Appropriations without Working Capital Reserve	844,565	844,565	46,761	5.54%	43,620	5.20%
Working Capital Reserve	35,685	35,685	-	0.00%	-	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 880,250</b>	<b>\$ 880,250</b>	<b>\$ 46,761</b>	<b>5.31%</b>	<b>\$ 43,620</b>	<b>5.20%</b>
Projected Net Position December 31	\$ 589,672	\$ 589,672				
Estimated Net Position as of Report Date			\$ 584,529			

# YTD financial report 2013 gwinnettcouuty

## LOCAL TRANSIT OPERATING FUND (515)

The Local Transit Operating Fund accounts for the operation and maintenance of the Transit System. Revenues are received from fares and a contribution from the General Fund.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Net Position January 1</b>	<b>\$ 1,781,048</b>	<b>\$ 1,781,048</b>	<b>\$ 1,781,048</b>			
<b>Revenues:</b>						
Charges for Services	\$ 4,221,568	\$ 4,221,568	\$ 354,743	8.40%	\$ 381,756	8.94%
Investment Income	3,159	3,159	166	5.25%	363	5.90%
Miscellaneous	26,375	26,375	6,753	25.60%	4,546	1.66%
Other Financing Sources	2,765,574	2,765,574	230,465	8.33%	266,667	8.33%
Total Revenues without Use of Net Position	7,016,676	7,016,676	592,127	8.44%	653,332	8.43%
Use of Net Position	750,000	750,000	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 7,766,676</b>	<b>\$ 7,766,676</b>	<b>\$ 592,127</b>	<b>7.62%</b>	<b>\$ 653,332</b>	<b>8.43%</b>
<b>Appropriations:</b>						
Financial Services	\$ 73,550	\$ 73,550	\$ 6,316	8.59%	\$ 5,720	8.50%
Transportation	7,693,126	7,693,126	40,054	0.52%	64,710	0.84%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 7,766,676</b>	<b>\$ 7,766,676</b>	<b>\$ 46,370</b>	<b>0.60%</b>	<b>\$ 70,430</b>	<b>0.91%</b>
<b>Projected Net Position December 31</b>	<b>\$ 1,031,048</b>	<b>\$ 1,031,048</b>				
<b>Estimated Net Position as of Report Date</b>			<b>\$ 2,326,805</b>			

# YTD financial report 2013 gwinnettcountry

## SOLID WASTE OPERATING FUND (595)

The Solid Waste Operating Fund accounts for the operations as provided in the Solid Waste Collection and Disposal Services Ordinance. Tax revenues are received quarterly from non-exclusive franchise fees paid by commercial waste haulers. Residential service fees are paid by homeowners in unincorporated Gwinnett County and reported as Charges for Services. Payments to haulers lag one month.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Net Position January 1	\$ 8,095,294	\$ 8,095,294	\$ 8,095,294			
Revenues:						
Taxes (Non-exclusive Franchise Fees)	\$ 764,000	\$ 764,000	\$ 19,618	2.57%	\$ 19,013	15.19%
Charges for Services	42,003,740	42,003,740	3,643,395	8.67%	3,449,373	8.32%
Investment Income	215,000	215,000	16,292	7.58%	26,855	26.47%
Miscellaneous	1,050	1,050	95	9.05%	54	1.33%
<b>TOTAL REVENUES</b>	<b>\$ 42,983,790</b>	<b>\$ 42,983,790</b>	<b>\$ 3,679,400</b>	<b>8.56%</b>	<b>\$ 3,495,295</b>	<b>8.38%</b>
Appropriations:						
Financial Services	\$ -	\$ -	\$ -	0.00%	\$ 107,094	0.26%
Support Services*	1,823,484	1,823,484	132,088	7.24%	-	-
Payments to Haulers	39,929,868	39,929,868	-	0.00%	-	-
Total Appropriations without Working Capital Reserve	41,753,352	41,753,352	132,088	0.32%	107,094	0.26%
Working Capital Reserve	1,230,438	1,230,438	-	0.00%	-	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 42,983,790</b>	<b>\$ 42,983,790</b>	<b>\$ 132,088</b>	<b>0.31%</b>	<b>\$ 107,094</b>	<b>0.26%</b>
Projected Net Position December 31	\$ 9,325,732	\$ 9,325,732				
Estimated Net Position as of Report Date			\$ 11,642,606			

\*Solid Waste operations moved to the Support Services Department beginning fiscal year 2013.

# YTD financial report 2013 gwinnettcountry

## STORMWATER OPERATING FUND (590)

This fund supports the operation, maintenance, and capital improvement of the County's stormwater system. Charges for services are calculated based on the impervious surface of a parcel of land and are collected in the fourth quarter with property tax collections.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Net Position January 1	\$ 8,786,318	\$ 8,786,318	\$ 8,786,318			
Revenues:						
Charges for Services	\$ 30,314,277	\$ 30,314,277	\$ 8,824	0.03%	\$ (111,799)	-0.37%
Investment Income	16,500	16,500	728	4.41%	1,711	15.98%
Miscellaneous	17,000	17,000	1,852	10.89%	1,829	731.60%
<b>TOTAL REVENUES</b>	<b>\$ 30,347,777</b>	<b>\$ 30,347,777</b>	<b>\$ 11,404</b>	<b>0.04%</b>	<b>\$ (108,259)</b>	<b>-0.36%</b>
Appropriations:						
Planning and Development	\$ 419,749	\$ 419,749	\$ 34,806	8.29%	\$ 33,444	8.03%
Water Resources*	29,779,881	29,779,881	2,144,973	7.20%	2,117,194	7.07%
Non-Departmental	75,000	75,000	-	0.00%	-	-
Total Appropriations without Working Capital Reserve	30,274,630	30,274,630	2,179,779	7.20%	2,150,638	7.09%
Working Capital Reserve	73,147	73,147	-	0.00%	-	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 30,347,777</b>	<b>\$ 30,347,777</b>	<b>\$ 2,179,779</b>	<b>7.18%</b>	<b>\$ 2,150,638</b>	<b>7.08%</b>
Projected Net Position December 31	\$ 8,859,465	\$ 8,859,465				
Estimated Net Position as of Report Date			\$ 6,617,943			

\* Includes amounts transferred to the renewal and extension fund for capital improvement purposes. See Interfund Transfers Schedule.

# YTD financial report 2013 gwinnettcounty

## WATER AND SEWER OPERATING FUND (501)

This fund supports the operation, maintenance, and capital improvement of the water and sewer system. Revenues are received from monthly usage bills, connections fees, and development charges.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Net Position January 1</b>	\$ 22,360,154	\$ 22,360,154	\$ 22,360,154			
<b>Revenues:</b>						
Charges for Services	\$ 287,467,000	\$ 287,467,000	\$ 15,649,346	5.44%	\$ 14,580,205	5.33%
Investment Income	50,000	50,000	2,377	4.75%	4,598	9.66%
Contributions and Donations	7,022,000	7,022,000	1,029,727	14.66%	849,744	15.20%
Miscellaneous	475,000	475,000	11,747	2.47%	54,614	7.80%
<b>TOTAL REVENUES</b>	<u>\$ 295,014,000</u>	<u>\$ 295,014,000</u>	<u>\$ 16,693,197</u>	<u>5.66%</u>	<u>\$ 15,489,161</u>	<u>5.53%</u>
<b>Appropriations:</b>						
Planning and Development	\$ 1,198,982	\$ 1,198,982	\$ 90,622	7.56%	\$ 88,434	7.58%
Water Resources*	291,487,665	291,487,665	19,856,249	6.81%	18,536,109	6.72%
Non-Departmental	100,000	100,000	-	0.00%	-	-
Total Appropriations without Working Capital Reserve	292,786,647	292,786,647	19,946,871	6.81%	18,624,543	6.72%
Working Capital Reserve	2,227,353	2,227,353	-	0.00%	-	0.00%
<b>TOTAL APPROPRIATIONS</b>	<u>\$ 295,014,000</u>	<u>\$ 295,014,000</u>	<u>\$ 19,946,871</u>	<u>6.76%</u>	<u>\$ 18,624,543</u>	<u>6.65%</u>
<b>Projected Net Position December 31</b>	\$ 24,587,507	\$ 24,587,507				
<b>Estimated Net Position as of Report Date</b>			\$ 19,106,480			

\* Includes amounts transferred to the renewal and extension fund for capital improvement purposes. See Interfund Transfers Schedule.

# YTD financial report 2013 gwinnettcouy

## ADMINISTRATIVE SUPPORT FUND (665)

The Administrative Support Fund is used to account for the activities of all central support departments: Information Technology Services, Support Services, Human Resources, Law, Financial Services, with the exception of the Tax Assessor, and County Administration, with the exception of the County Clerk and Board of Commissioners. These activities are funded by indirect cost charges to all other funds receiving benefits.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Net Position January 1	\$ 4,456,950	\$ 4,456,950	\$ 4,456,950			
Revenues:						
Charges for Services	\$ 49,727,737	\$ 49,727,737	\$ 4,141,693	8.33%	\$ 4,276,966	8.33%
Miscellaneous	1,555,049	1,555,049	113,659	7.31%	117,350	6.87%
<b>TOTAL REVENUES</b>	<b>\$ 51,282,786</b>	<b>\$ 51,282,786</b>	<b>\$ 4,255,352</b>	<b>8.30%</b>	<b>\$ 4,394,316</b>	<b>8.28%</b>
Appropriations:						
County Administration	\$ 4,187,203	\$ 4,187,203	\$ 242,826	5.80%	\$ 315,154	7.31%
Financial Services	7,342,764	7,342,764	501,606	6.83%	575,873	7.79%
Human Resources	2,885,770	2,885,770	182,896	6.34%	213,602	6.89%
Information Technology	23,817,744	23,817,744	1,114,019	4.68%	913,361	3.44%
Law	1,892,702	1,892,702	121,148	6.40%	130,357	6.84%
Support Services	8,783,012	8,783,012	412,722	4.70%	396,871	4.57%
Non-Departmental:						
Other Miscellaneous	500,000	500,000	4,792	0.96%	13,765	2.75%
Court Reporters	15,000	15,000	-	0.00%	-	0.00%
Compensation Reserve	300,000	300,000	-	0.00%	-	0.00%
Contingency	100,000	100,000	-	0.00%	-	0.00%
Total Non-Departmental	915,000	915,000	4,792	0.52%	13,765	1.62%
Total Appropriations without Working Capital Reserve	49,824,195	49,824,195	2,580,009	5.18%	2,558,983	4.85%
Working Capital Reserve	1,458,591	1,458,591	-	-	-	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 51,282,786</b>	<b>\$ 51,282,786</b>	<b>\$ 2,580,009</b>	<b>5.03%</b>	<b>\$ 2,558,983</b>	<b>4.82%</b>
Projected Net Position December 31	\$ 5,915,541	\$ 5,915,541				
Estimated Net Position as of Report Date			\$ 6,132,293			

# YTD financial report 2013 gwinnettcountry

## AUTO LIABILITY FUND (606)

The Auto Liability Fund accounts for all financial transactions related to the County's property, liability and casualty insurance coverage on vehicles. Revenues are contributions from other Gwinnett County funds and are based on the number of employees and actual third party automobile claims for County vehicles only.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Net Position January 1</b>	\$ 1,833,044	\$ 1,833,044	\$ 1,833,044			
<b>Revenues:</b>						
Charges for Services	\$ 1,000,022	\$ 1,000,022	\$ 83,335	8.33%	\$ 66,667	8.33%
Investment Income	2,250	2,250	123	5.47%	41	1.66%
Total Revenues without Use of Net Position	1,002,272	1,002,272	83,458	8.33%	66,708	8.13%
Use of Net Position	48,454	48,454	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 1,050,726</b>	<b>\$ 1,050,726</b>	<b>\$ 83,458</b>	<b>7.94%</b>	<b>\$ 66,708</b>	<b>7.85%</b>
<b>Appropriations:</b>						
Financial Services	\$ 1,050,726	\$ 1,050,726	\$ 6,481	0.62%	\$ 35,121	4.13%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 1,050,726</b>	<b>\$ 1,050,726</b>	<b>\$ 6,481</b>	<b>0.62%</b>	<b>\$ 35,121</b>	<b>4.13%</b>
<b>Projected Net Position December 31</b>	<b>\$ 1,784,590</b>	<b>\$ 1,784,590</b>				
<b>Estimated Net Position as of Report Date</b>			<b>\$ 1,910,021</b>			

# YTD financial report 2013 gwinnettcountry

## FLEET MANAGEMENT FUND (610)

The Fleet Management Fund accounts for all financial transactions related to the maintenance of the County fleet.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Net Position January 1	\$ 1,136,635	\$ 1,136,635	\$ 1,136,635			
<b>Revenues:</b>						
Charges for Services	\$ 5,807,286	\$ 5,807,286	\$ 540,959	9.32%	\$ 453,892	8.07%
Miscellaneous	298,000	298,000	269	0.09%	318	0.13%
<b>TOTAL REVENUES</b>	<b>\$ 6,105,286</b>	<b>\$ 6,105,286</b>	<b>\$ 541,228</b>	<b>8.86%</b>	<b>\$ 454,210</b>	<b>7.75%</b>
<b>Appropriations:</b>						
Support Services	\$ 5,817,747	\$ 5,817,747	\$ 400,184	6.88%	\$ 380,955	6.43%
Total Appropriations without Working Capital Reserve	5,817,747	5,817,747	400,184	6.88%	380,955	6.43%
Working Capital Reserve	287,539	287,539	-	0.00%	-	0.00%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 6,105,286</b>	<b>\$ 6,105,286</b>	<b>\$ 400,184</b>	<b>6.55%</b>	<b>\$ 380,955</b>	<b>6.43%</b>
Projected Net Position December 31	\$ 1,424,174	\$ 1,424,174				
Estimated Net Position as of Report Date			\$ 1,277,679			

# YTD financial report 2013 gwinnettcountry

## GROUP SELF-INSURANCE FUND (605)

The Group Self Insurance Fund accounts for all financial transactions related to the payment of premiums and benefits for active employees' health, disability, and life insurance. Revenues are received from employee and employer contributions.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Net Position January 1	\$ 26,797,665	\$ 26,797,665	\$ 26,797,665			
Revenues:						
Charges for Services	\$ 36,170,535	\$ 36,170,535	\$ 2,618,842	7.24%	\$ 3,005,556	7.73%
Investment Income	109,065	109,065	7,375	6.76%	21,198	14.08%
Miscellaneous	-	-	-	-	13,747	-
Total Revenues without Use of Net Position	36,279,600	36,279,600	2,626,217	7.24%	3,040,501	7.79%
Use of Net Position	5,300,282	5,300,282	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 41,579,882</b>	<b>\$ 41,579,882</b>	<b>\$ 2,626,217</b>	<b>6.32%</b>	<b>\$ 3,040,501</b>	<b>7.79%</b>
Appropriations:						
Human Resources	\$ 41,579,882	\$ 41,579,882	\$ 3,560,889	8.56%	\$ 1,298,034	2.98%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 41,579,882</b>	<b>\$ 41,579,882</b>	<b>\$ 3,560,889</b>	<b>8.56%</b>	<b>\$ 1,298,034</b>	<b>2.98%</b>
Projected Net Position December 31	\$ 21,497,383	\$ 21,497,383				
Estimated Net Position as of Report Date			\$ 25,862,993			

# YTD financial report 2013 gwinnettcountry

## RISK MANAGEMENT FUND (602)

The Risk Management Fund accounts for all financial transactions related to the County's property liability and casualty insurance. Revenues are received from charges to the user departments based on the number of employees, prior claims, and property liability coverage needs.

	FY 2013			% Actual to Current Budget	FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013		Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
<b>Estimated Net Position January 1</b>	\$ 25,466,841	\$ 25,466,841	\$ 25,466,841			
<b>Revenues:</b>						
Charges for Services	\$ 4,328,194	\$ 4,328,194	\$ 360,683	8.33%	\$ 280,417	8.33%
Investment Income	45,500	45,500	3,839	8.44%	3,863	7.05%
Miscellaneous	-	-	212	-	162	4.05%
<b>Total Revenues without Use of Net Position</b>	<b>4,373,694</b>	<b>4,373,694</b>	<b>364,734</b>	<b>8.34%</b>	<b>284,442</b>	<b>8.31%</b>
Use of Net Position	2,258,825	2,258,825	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 6,632,519</b>	<b>\$ 6,632,519</b>	<b>\$ 364,734</b>	<b>5.50%</b>	<b>\$ 284,442</b>	<b>4.11%</b>
<b>Appropriations:</b>						
Financial Services	\$ 6,632,519	\$ 6,632,519	\$ 2,871,678	43.30%	\$ 2,971,406	42.97%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 6,632,519</b>	<b>\$ 6,632,519</b>	<b>\$ 2,871,678</b>	<b>43.30%</b>	<b>\$ 2,971,406</b>	<b>42.97%</b>
<b>Projected Net Position December 31</b>	<b>\$ 23,208,016</b>	<b>\$ 23,208,016</b>				
<b>Estimated Net Position as of Report Date</b>			<b>\$ 22,959,897</b>			

# YTD financial report 2013 gwinnettcounty

## WORKERS' COMPENSATION FUND (604)

The Workers' Compensation Fund accounts for financial transactions related to the payment of worker's compensation claims. Revenue is received from the user departments based upon the number of employees and prior claims.

	FY 2013				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 1/31/2013	Actuals YTD as of 1/31/2013	% Actual to Current Budget	Actuals YTD as of 1/31/2012	% Actual to 1/31/2012 Budget
Estimated Net Position January 1	\$ 9,331,269	\$ 9,331,269	\$ 9,331,269			
Revenues:						
Charges for Services	\$ 3,357,731	\$ 3,357,731	\$ 279,811	8.33%	\$ 154,167	8.33%
Investment Income	35,500	35,500	5,324	15.00%	2,227	4.95%
Total Revenues without Use of Net Position	3,393,231	3,393,231	285,135	8.40%	156,394	8.25%
Use of Net Position	1,836,265	1,836,265	-	0.00%	-	0.00%
<b>TOTAL REVENUES</b>	<b>\$ 5,229,496</b>	<b>\$ 5,229,496</b>	<b>\$ 285,135</b>	<b>5.45%</b>	<b>\$ 156,394</b>	<b>3.69%</b>
Appropriations:						
Human Resources	\$ 5,229,496	\$ 5,229,496	\$ 534,184	10.21%	\$ 205,140	4.84%
<b>TOTAL APPROPRIATIONS</b>	<b>\$ 5,229,496</b>	<b>\$ 5,229,496</b>	<b>\$ 534,184</b>	<b>10.21%</b>	<b>\$ 205,140</b>	<b>4.84%</b>
Projected Net Position December 31	\$ 7,495,004	\$ 7,495,004				
Estimated Net Position as of Report Date			\$ 9,082,220			

**NON-DEPARTMENTAL BUDGET TRANSFERS**

**As of 1/31/2013**

<b>General Fund Departmental/Non-Departmental Transfers</b>	<b>Amount</b>	<b>Description</b>
<i>From:</i>		
Prisoner Medical Reserve	\$ (50,000)	Transferred to Corrections
	(275,000)	Transferred to Sheriff
<i>Subtotal</i>	(325,000)	
Indigent Defense Reserve	(10,000)	Transferred to Probate Court
	(1,115,000)	Transferred to Judiciary
	(170,000)	Transferred to Juvenile Court
<i>Subtotal</i>	(1,295,000)	
Court Reporters Reserve	(45,000)	Transferred to Juvenile Court
	(400,000)	Transferred to Judiciary
	(5,000)	Transferred to Solicitor General
<i>Subtotal</i>	(450,000)	
Court Interpreters Reserve	(17,000)	Transferred to Juvenile Court
	(120,000)	Transferred to Judiciary
	(1,000)	Transferred to Probate Court
<i>Subtotal</i>	(138,000)	
<b>Total General Fund Non-Departmental Transfers</b>	<b>\$ (2,208,000)</b>	
<i>To:</i>		
Corrections	\$ 50,000	Transferred from Prisoner Medical Reserve
<i>Subtotal</i>	50,000	
Juvenile Court	17,000	Transferred from Court Interpreters Reserve
	45,000	Transferred from Court Reporters Reserve
	170,000	Transferred from Indigent Defense
<i>Subtotal</i>	232,000	
Sheriff	275,000	Transferred from Prisoner Medical Reserve
<i>Subtotal</i>	275,000	
Judiciary	120,000	Transferred from Court Interpreters Reserve
	400,000	Transferred from Court Reporters Reserve
	1,115,000	Transferred from Indigent Defense
<i>Subtotal</i>	1,635,000	
Probate Court	10,000	Transferred from Indigent Defense
	1,000	Transferred from Court Interpreters Reserve
<i>Subtotal</i>	11,000	
Solicitor General	5,000	Transferred from Court Reporters Reserve
	5,000	
<b>Total General Fund Transfers From Non-Departmental Reserves</b>	<b>\$ 2,208,000</b>	

**NON-DEPARTMENTAL BUDGET TRANSFERS**

**As of 1/31/2013**

<b>Police Services District Fund Departmental/Non-Departmental Transfers</b>	<b>Amount</b>	<b>Description</b>
<i>From:</i>		
Prisoner Medical Reserve	\$ (37,000)	Transferred to Police Services
<i>Subtotal</i>	(37,000)	
Indigent Defense Reserve	(13,600)	Transferred to Recorders Court
<i>Subtotal</i>	(13,600)	
Court Interpreters Reserve	(17,500)	Transferred to Recorders Court
<i>Subtotal</i>	(17,500)	
<b>Total Police Services District Fund Non-Departmental Transfers</b>	<b>\$ (68,100)</b>	
<i>To:</i>		
Police Services	\$ 37,000	Transferred from Prisoner Medical Reserve
<i>Subtotal</i>	37,000	
Recorder's Court	13,600	Transferred from Indigent Defense Reserve
Recorder's Court	17,500	Transferred from Court Interpreters Reserve
<i>Subtotal</i>	31,100	
<b>Total Police Services District Fund Transfers From Non-Departmental Reserves</b>	<b>\$ 68,100</b>	

**INTER-FUND TRANSFERS - ALL FUNDS**

As of 1/31/2013

**TRANSFER FROM - BUDGET**

<b>TRANSFER TO</b>	General (001)	Development and Enforcement Services District Fund (104)	Fire and Emergency Medical Services District Fund (102)	Police Services District Fund (106)	Recreation (105)	Police Special Justice (070)	Police Special State (072)	E-911 (095)	Airport Operating (520)	Stormwater Operating (590)	Water & Sewer Operating(501)	Solid Waste Operating (595)	Fleet Management (610)	Administrative Support (665)	Total
General Fund (001)											165,000				165,000
G.O. Bond Fund (951)	35,286														35,286
Development and Enforcement Services District Fund (104)	3,537,508														3,537,508
Fire and Emergency Services District Fund (102)	26,176,471														26,176,471
Police Services District Fund (106)	29,551,372														29,551,372
Recreation Fund (105)	346,782														346,782
Local Transit Operating (515)	2,765,574														2,765,574
Capital Projects (300-318)	2,246,329		385,400	134,000	419,180	127,362	36,768	21,500							3,370,539
Capital Vehicle/Fleet Equipment (305)	1,710,712	24,295	337,861	4,150,169	279,104								39,861	80,870	6,622,872
Miscellaneous Grants (200-250G)	126,788														126,788
Renewal & Extension - Airport (523)									35,000						35,000
Renewal & Extension - Stormwater (591)										19,208,176					19,208,176
Renewal & Extension - Water & Sewer (504)											81,242,819				81,242,819
Renewal & Extension - Solid Waste (596)												75,000			75,000
<b>Total</b>	<b>66,496,822</b>	<b>24,295</b>	<b>723,261</b>	<b>4,284,169</b>	<b>698,284</b>	<b>127,362</b>	<b>36,768</b>	<b>21,500</b>	<b>35,000</b>	<b>19,208,176</b>	<b>81,407,819</b>	<b>75,000</b>	<b>39,861</b>	<b>80,870</b>	<b>173,259,187</b>

**TRANSFER FROM - ACTUALS**

<b>TRANSFER TO</b>	General (001)	Development and Enforcement Services District Fund (104)	Fire and Emergency Medical Services District Fund (102)	Police Services District Fund (106)	Recreation (105)	Police Special Justice (070)	Police Special State (072)	E-911 (095)	Airport Operating (520)	Stormwater Operating (590)	Water & Sewer Operating(501)	Solid Waste Operating (595)	Fleet Management (610)	Administrative Support (665)	Total
General Fund (001)											13,750				13,750
G.O. Bond Fund (951)															-
Development and Enforcement Services District Fund (104)	2,859,512														2,859,512
Fire and Emergency Services District Fund (102)	20,769,889														20,769,889
Police Services District Fund (106)	27,500,000														27,500,000
Recreation Fund (105)															-
Local Transit Operating (515)	230,465														230,465
Capital Projects (300-318)	187,194		32,117	11,167	34,931										265,409
Capital Vehicle/Fleet Equipment (305)	142,559	2,025	28,155	345,847	23,259								3,322	6,739	551,906
Miscellaneous Grants (200-250G)															-
Renewal & Extension - Airport (523)									2,917						2,917
Renewal & Extension - Stormwater (591)										1,600,681					1,600,681
Renewal & Extension - Water & Sewer (504)											6,770,235				6,770,235
Renewal & Extension - Solid Waste (596)												6,250			6,250
<b>Total</b>	<b>51,689,619</b>	<b>2,025</b>	<b>60,272</b>	<b>357,014</b>	<b>58,190</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,917</b>	<b>1,600,681</b>	<b>6,783,985</b>	<b>6,250</b>	<b>3,322</b>	<b>6,739</b>	<b>60,571,014</b>

**BUDGET ADJUSTMENTS BY FUND - REVENUES**

**As of 1/31/2013**

Department/Fund	2013 Adopted Budget - Jan	2013 Current Annual Budget - January	Difference (Adjustments YTD)	Description
<b>Fire and Emergency Medical Services District Fund (102)</b>				
Miscellaneous	35,400	52,164	16,764	GCID 20130154 Approval to accept an equipment grant from Georgia Association of EMS in the amount of \$16,764.
<i>Subtotal</i>			16,764	
<b>Police Special State (072)</b>				
Fines and Forfeitures	-	95	95	GCID20120528 Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Use Funds \$95.
Use of Fund Balance	1,159,009	1,158,914	(95)	GCID20120528 Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Use Funds (\$95).
<i>Subtotal</i>			-	
<b>Sheriff Special Treasury (066)</b>				
Fines and Forfeitures	-	84,846	84,846	GCID20120528 Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Use Funds \$84,846.
<i>Subtotal</i>			84,846	
<b>Total Revenue Budget Adjustments</b>			<b><u>\$ 101,610</u></b>	

## **BUDGET ADJUSTMENTS BY FUND - APPROPRIATIONS**

**As of 1/31/2013**

Department/Fund	2013 Adopted Budget - Jan	2013 Current Annual Budget - January	Difference (Adjustments YTD)	Description
<b>General Fund (001)</b>				
Corrections	13,329,003	13,379,003	50,000	\$50,000 transferred from Non-departmental, see Non-departmental transfer schedule.
Juvenile Court	5,933,166	6,165,166	232,000	\$232,000 transferred from Non-departmental, see Non-departmental transfer schedule.
Sheriff	71,209,915	71,484,915	275,000	\$275,000 transferred from Non-departmental, see Non-departmental transfer schedule.
Judiciary	15,614,527	17,249,527	1,635,000	\$1,635,000 transferred from Non-departmental, see Non-departmental transfer schedule.
Probate Court	1,930,924	1,941,924	11,000	\$11,000 transferred from Non-departmental, see Non-departmental transfer schedule.
Solicitor General	3,608,983	3,613,983	5,000	\$5,000 transferred from Non-departmental, see Non-departmental transfer schedule.
Prisoner Medical Reserve	2,000,000	1,675,000	(325,000)	See Non-departmental Budget Transfers Schedule for detail (\$325,000).
Indigent Defense Reserve	6,000,000	4,705,000	(1,295,000)	See Non-departmental Budget Transfers Schedule for detail (\$1,295,000).
Court Reporters Reserve	2,000,000	1,550,000	(450,000)	See Non-departmental Budget Transfers Schedule for detail (\$450,000).
Court Interpreters Reserve	565,000	427,000	(138,000)	See Non-departmental Budget Transfers Schedule for detail (\$138,000).
<i>Subtotal</i>			-	
<b>Fire and Emergency Medical Services Fund (102)</b>				
Fire and Emergency Services	81,767,134	81,783,898	16,764	GCID 20130154 Approval to accept an equipment grant from Georgia Association of EMS in the amount of \$16,764
<i>Subtotal</i>			16,764	

Department/Fund	2013 Adopted Budget - Jan	2013 Current Annual Budget - January	Difference (Adjustments YTD)	Description
<b>Police Services District Fund (106)</b>				
Police Services	81,749,463	81,786,463	37,000	See Non-departmental Budget Transfers Schedule for detail \$37,000.
Recorder's Court	1,591,586	1,622,686	31,100	See Non-departmental Budget Transfers Schedule for detail \$31,100.
Non-Departmental	5,010,636	4,942,536	(68,100)	See Non-departmental Budget Transfers Schedule for detail (\$68,100).
<i>Subtotal</i>			-	
<b>Sheriff Special Treasury Fund (066)</b>				
Sheriff Special Operations	250,000	334,846	84,846	GCID20120528 Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Use Funds \$84,846.
<i>Subtotal</i>			84,846	
<b>Total Appropriation Budget Adjustments</b>			<b>\$ 101,610</b>	

1-12-13 through 2-11-13  
Upcoming  
Purchasing Solicitations

BL/RP	DESCRIPTION	DEPT	ANTICIPATED FUND	ESTIMATED BUDGET	BID/RFP CLOSING DATES	COMMENTS (ANTICIPATED AWARD DATE RANGE OR STATUS)
BL096-12	Killian Hill Road at Arcado Road Intersection Improvement and Killian Hill Road Queuing Lane (Trickum Middle School) School Safety Project	DOT	317 2005 SPLOST Fund 318 2009 SPLOST Fund	\$1,159,512	Postponed until further Notice	Engineering firm is revising specifications
BL116-12	48" PCCP Replacement- Athens Hwy to Temple Johnson Road	DWR	504 Water & Sewer Renewal & Extension Fund	\$5,254,650	11/7/2012	Anticipated to BOC Agenda 3/19/2013
BL121-12	Purchase of Transit Passenger Shelters and Related Accessories	DOT	200G Miscellaneous Grant Fund- External	\$300,000	10/17/2012	Anticipated to BOC Agenda 2/19/2013
BL133-12	On-Demand Installation Services for Voice & Data Wiring on an Annual Contract	ITS	665 Admin Support Fund 001 General Fund 317 2005 SPLOST Fund 318 2009 SPLOST Fund 303 Capital Project Fund 501 Water and Sewer Operating Fund	\$195,000	11/19/2012	Anticipated to BOC Agenda 2/19/2013
BL139-12	Purchase of Fire Hydrants and Fire Hydrant Repair Parts on an Annual Contract	DWR	504 Water & Sewer Renewal & Extension Fund	\$203,000	12/14/2012	Anticipated to BOC Agenda 3/5/2013
BL001-13	Gwinnett County Fire Maintenance Facility Project	DOSS	318 2009 SPLOST Fund	\$800,000	1/3/2013	Anticipated to BOC March 2013
BL002-13	HVAC Services on an Annual Contract	DOSS DWR DOCS	665 Administrative Support Fund 105 Recreation Fund 501 Water & Sewer Operating Fund	\$300,000	1/2/2013	Anticipated to BOC Agenda 2/19/2013
BL003-13	Shoal Creek Filter Plant Ozone Flow Control System Improvements	DWR	504 Water & Sewer Renewal & Extension Fund	\$720,000	1/17/2013	Anticipated to BOC March 2013
BL004-13	Mowing and Trimming of Landscaped Roadsides and Along Public Sidewalks on an Annual Contract	DOT	001 General Fund	\$250,000	1/4/2013	Anticipated to BOC Agenda 2/19/2013
BL005-13	Boone Place Gravity Sewer Replacement Project	DWR	504 Water & Sewer Renewal & Extension Fund	\$338,757	1/23/2013	Anticipated to BOC March 2013
BL007-13	Freeman's Walk Pump Station Decommissioning	DWR	504 Water & Sewer Renewal & Extension Fund	\$462,200	1/30/2013	Anticipated to BOC March 2013
BL008-13	Ashwood Grove Sewer Pump Station Decommissioning & Gravity Sewer Project	DWR	504 Water & Sewer Renewal & Extension Fund	\$196,000	2/12/2013	Anticipated to BOC March 2013
BL010-13	Electrical Safety Modifications for Sixty (60) Wastewater Collection Pump Stations- CP3	DWR	504 Water & Sewer Renewal & Extension Fund	\$700,000	2/13/2013	Anticipated to BOC March 2013
BL011-13	Hurricane Shoals Road (SR 120 - SR 20), Cruse Road Queuing Lane, and Dickens Road Queuing Lane	DOT	318 2009 SPLOST Fund	\$1,733,406	1/31/2013	Anticipated to BOC Agenda 3/5/2013

1-12-13 through 2-11-13  
Upcoming  
Purchasing Solicitations

BL/RP	DESCRIPTION	DEPT	ANTICIPATED FUND	ESTIMATED BUDGET	BID/RFP CLOSING DATES	COMMENTS (ANTICIPATED AWARD DATE RANGE OR STATUS)
BL012-13	Purchase of Water Meters on an Annual Contract	DWR	300-304 Capital Project Fund 001 General Fund	\$1,250,000	1/29/2013	Anticipated to BOC March 2013
BL014-13	Old Peachtree Road (at Cedar Drive) Road Safety & Improvement Project	DOT	318 2009 SPLOST Fund	\$682,262	2/7/2013	Anticipated to BOC April 2013
BL015-13	Kenvilla Sewer Pump Station Decommissioning and Gravity Sewer Project	DWR	504 Water & Sewer Renewal & Extension Fund	\$238,740	3/2/2013	Anticipated to BOC April 2013
BL016-13	Purchase of Medical Supplies on an Annual Contract	Fire	102 Fire & EMS Service District Fund	\$450,000	2/11/2013	Anticipated to BOC April 2013
BL017-13	Replacement of Water Meters 2" and Smaller on an Annual Contract	DWR	501 Water & Sewer Operating Fund	\$600,000	2/14/2013	Anticipated to BOC April 2013
BL018-13	Engine Overhaul for Police Helicopter	Police	106 Police Fund	\$215,000	2/8/2013	Anticipated to BOC Agenda 3/5/2013
RP022-12	Purchase and Implementation of Jail Management System	ITS	300-304 Capital Project Fund	\$750,000	10/9/2012	Anticipated to BOC April 2013
RP023-12	Provision of Voice & Data Network Services on an Annual Contract	ITS	665 Administrative Support Fund 001 General Fund 501 Water & Sewer Operating Fund 095 E-911 Fund 105 Recreation Fund Various Other Funds	\$2,100,000	10/18/2012	Anticipated to BOC April 2013
RP025-12	Provision of Inmate Coinless and Pay Telephone Equipment at the Gwinnett County Detention Center	Sheriff	001 General Fund	\$860,000 (Revenue)	10/31/2012	Anticipated to BOC April 2013
RP001-13	Motor Vehicle Appeal Program & the Corresponding Assessment Administration on an Annual Contract	DOFS	001 General Fund	\$175,000	1/29/2013	Anticipated to BOC Agenda 3/5/2013



# Annual Grants Activity Report

## 2012 Major Accomplishments

Fiscal year 2012 marked the start and/or completion of many projects. Here's a showcase of 2012 initiatives that highlight the County's ability to be innovative and look for alternative funding resources for needed programs in the community:



## Community Services

To assist with the needs of an ever increasing senior population in Gwinnett County, the County's Senior Services office received another round of funds from the Federal Transit Administration's New Freedom grant in the amount of \$158,766. This award will allow for an expansion of the Human Services Transportation *Get in Gear* program. The additional funding has enabled ridership to increase from 33 to 57 riders per month. The goal of the program is to provide medical transportation vouchers to those seniors who are deemed "transportation challenged" along with reducing the waiting list, which averages 80 – 100 individuals monthly. Friends of Gwinnett County Senior Services, a local nonprofit partner, donated \$98,754 to the program as well.

## Fire and Emergency Services and Community Services

### Fire and Emergency Services

Gwinnett County Fire and Emergency Services continue to keep seniors safe through their launch of the *SeniorBSafe* program. The county accepted a \$3,000 grant award from Georgia's Firefighter Burn Foundation. The program's goal is to increase senior awareness in fire and injury hazards and to generate positive behavioral change in their everyday lives. This funding is being used to provide home visits, safety instruction, and outreach programs to seniors. One success of the program is the education of 250 seniors on fire prevention and hazards.

In 2012, Fire and Emergency Services and Community Services – Senior Services engaged in a collaborative effort to provide expanded service for the County's older residents. Both organizations started the *File of Life* program with funding of \$4,000 from the Friends of Gwinnett County Senior Services nonprofit organization. One goal of the program is to distribute a magnet and sticker to 200 seniors. The magnet contains critical medical and emergency information for seniors. This information is invaluable to Fire personnel when responding to an emergency at the senior's home. The sticker is placed on an individual's entrance door and alerts the responders to the informational magnet that can be found on the person's refrigerator. So far the program has reached 100 seniors. An additional goal of the partnership is for Senior Services to provide volunteers to assist Fire and Emergency Services with outreach programs.



### Sheriff

As the world continues to change, there is a greater need for law enforcement personnel to provide a quicker response and to report and process information in real time. Through a Department of Justice grant of \$112,940, the Sheriff's Sex Offender Registry Unit upgraded its mobile technological capability. The purchase of the new devices allowed the unit's deputies to update the status of an offender on the spot rather than waiting until they returned to their office. This ability enables the unit to spend less time in the office and more time in the field. The mobile device also allows the deputies to update the sex offender registry immediately with the offender's latest photo due to a change in their appearance. This technology is also used to find newly created addresses when their GPS unit is unable to recognize the location.

## Support Services – Energy Efficiency

Support Services was awarded a \$3.1 million grant for energy efficiency retrofits from the U.S. Department of Energy, including lighting system upgrades, heating ventilation air conditioning (HVAC) upgrades, energy management system upgrades, and overall building environment upgrades. As a result of the Energy Efficiency Retrofit project, the County was able to modify approximately 40 County buildings such as the general administration offices, fire stations, libraries, detention facilities and parks, which resulted in improvements in temperature and humidity control and increased lighting levels. The energy retrofits' technological improvements also resulted in reductions in energy consumption for these locations. The retrofits are projected to save the county an estimated \$300,000 to \$400,000 per year in energy costs.

## District Attorney

Census data revealed that 21 percent of the County's population has been identified as Hispanic or Latino. Now that a significant portion of the Gwinnett County population is primarily Spanish speaking, it has created a communication barrier between staff and individuals who may have fallen victim to crimes. The District Attorney's Office received funding from the American Recovery and Reinvestment Act (ARRA) through the Criminal Justice Coordinating Council of approximately \$100,000. A portion of those funds have allowed the District Attorney's Office to have a Spanish-speaking interpreter on staff. The interpreter has played a critical role in helping Spanish-speaking crime victims understand the U.S. judicial process, which can be very different than what exists in their homeland. The interpreter provides the bridge to the language barrier that can exist within the County's judicial process.

## Water Resources – Fats, Oil, and Grease Receiving Station

Implementation of new technology has allowed the County to extend its green energy initiatives. The Department of Water Resources completed the construction of its Fats, Oil, and Grease (FOG) High-Strength Waste Receiving Station at the F. Wayne Hill Water Resources Center with the assistance of a \$3.5 million grant from the U.S. Department of Energy. The center's main function is to create renewable energy. This process is accomplished by converting grease trap waste such as fats, oil, and other high strength waste that is collected from commercial businesses into biogas. In turn, this biogas is used to assist in the operation of a 2.1 megawatt generator at the center. This project is expected to eliminate approximately 50,000 gallons of FOG and other high strength waste produced a day that would normally be disposed into landfills or sewer systems, and reduce energy costs as much as 40 percent. Over the long term, staff hopes to increase biogas production for conversion to electricity.



## State Route 20 Intelligent Transportation Systems

A grant of more than \$346,000 was awarded through the Georgia Department of Transportation by the Federal Highway Administration to help shorten travel time and improve safety for Gwinnett County commuters. This project expands the County's Intelligent Transportation Systems (ITS) with the installation of six closed circuit television (CCTV) cameras and a fiber optic communications cable along State Route 20 between Satellite Boulevard to Peachtree Industrial Boulevard. The installed technology now allows traffic engineers at the Gwinnett County Traffic Control Center to monitor the flow of approximately 63,000 vehicles that travel portions of this 2.6 mile corridor each day. When traffic volume builds the County's transportation staff now has the ability to adjust the amount of time it takes for the traffic signals to change at eight of the intersections along the highly traveled road. Additionally, the installation of cameras allow County staff to view potential traffic problems such as accidents or stalled cars, this information is then relayed to the appropriate police traffic response unit so that they can provide assistance.



## Transit Program

Gwinnett County Transit offers a safe, clean, and cost-effective transportation alternative for more than 2 million passengers going to work, school, medical, social, and other activities. Funding from the Federal Transit Administration, Georgia Department of Transportation, and Georgia Regional Transportation Authority in the amount of \$12 million has allowed Gwinnett County Transit to keep fares reasonable for riders during the 2012 fiscal year. These funds help cover about one-third of the costs associated with operating the Gwinnett County transit system; the remaining costs are shared between the riders as fees and local funds. Current operations include five local bus routes, seven express commuter routes that originate from various County locations to downtown Atlanta, and complementary Americans with Disabilities Para-transit service to assist those with special needs.

## Neighborhood Stabilization Program

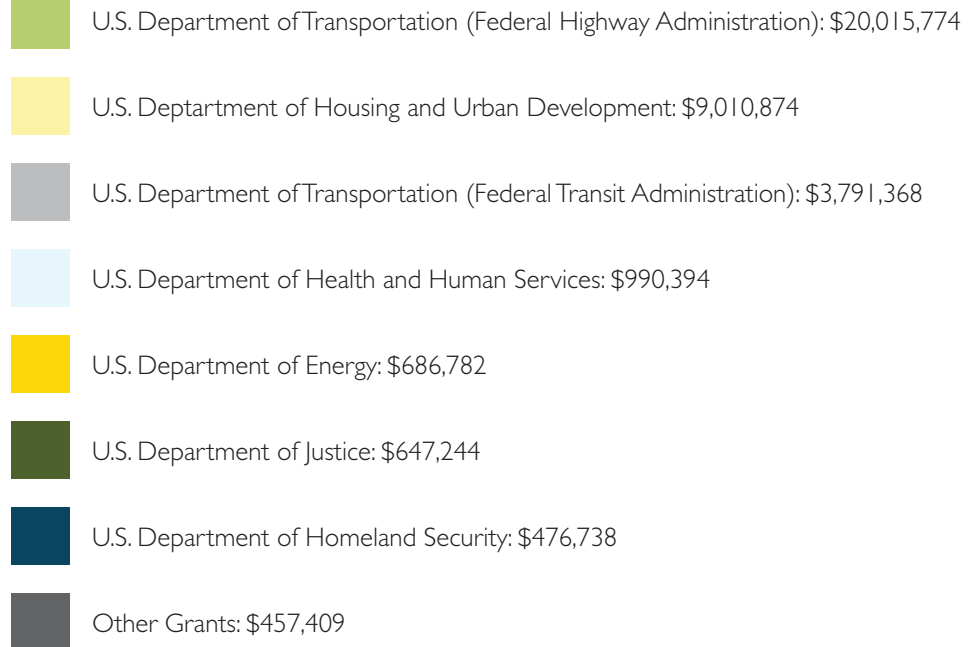
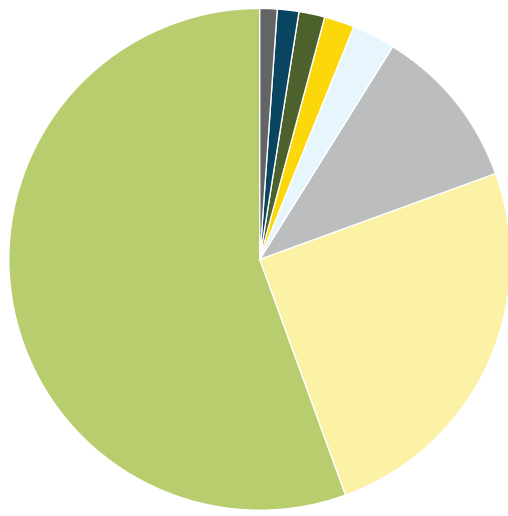
The foreclosure problem continues to plague communities across the nation. The Neighborhood Stabilization Program staff resumed their efforts to concentrate on areas where housing costs and conditions were deteriorating due to the presence of foreclosed and abandoned homes. The County expended over \$2 million dollars in grant and program income in 2012, the funds were used to purchase 32 foreclosed residential properties in the Buford, Lawrenceville, and Snellville areas. Procured vendors were tasked with renovating the damaged properties to ensure a successful resale to qualified home buyers. In addition to acquiring properties, the County successfully sold 40 homes within the existing inventory; this effort encouraged the stabilization of property values in targeted areas.



## Homelessness Prevention and Rapid Re-Housing Program (HPRP)

In 2009 four local nonprofit organizations, Partnership Against Domestic Violence, the Salvation Army, Norcross Co-Op Ministries, and Mary Hall Freedom House, stepped up to a challenge to deliver homelessness solutions on behalf of the County through funding obtained from the Department of Housing and Urban Development. At a time when economic hardship existed for varying demographics, the Homelessness Prevention and Rapid Re-Housing Program (HPRP) allowed eligible organizations to provide citizens with temporary and permanent housing relief. The designated agencies were tasked with identifying housing barriers for participants, followed by coordinated comprehensive case management to ensure families secured stabilized lodging. During the initial implementation phase of the program, Gwinnett had projected to serve 81 households. However, upon completion of the program in 2012, the County's nonprofits served an estimated 618 individuals and 204 households around the community with short-term and long-term housing solutions.

## 2012 Grant Expenditures by Funding Agency



## Total Award Amount by Funding Agency for 2012

Funding Agency	Recipient Department	Amount
Atlanta Regional Commission	Community Services	\$ 3,054
Georgia Department of Human Services	Financial Services	45,000
U.S. Department of Justice	Sheriff/Corrections	101,242
	District Attorney	45,703
	Police Services	166,954
U.S. Department of Health and Human Services	Courts	744,417
	Community Services	1,084,380
U.S. Department of Homeland Security	Water Resources	2,125,457
	Fire and Emergency Services	20,000
	Police Services	406,766
U.S. Department of Housing and Urban Development	Financial Services	5,923,604
U.S. Department of Transportation (Federal Highway Administration)	Courts	29,800
	Transportation	1,098,031
U.S. Department of Transportation (Federal Transit Administration)	Community Services	158,766
	Transportation	9,600,000
Georgia Criminal Justice Coordinating Council	Courts	293,736
<b>Total Grants Received</b>		<b>\$ 21,846,910</b>

# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:	<input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing			
20130176					
Department:	Planning & Development	Date Submitted:	02/07/2013		
Working Session:		Business Session:		Public Hearing:	02/26/2013
Submitted By:	Amanda Street		Multiple Depts?		
Budget Type:	Neither		Special Routing:		
Agenda Type	Ratification	Rezoning Type			
Item of Business:		Locked by Purchasing		No	
of plat approvals for January 1, 2013 thru January 31, 2013					
Attachments	Exemption Plats Approved and Final Plat Revisions Approved				
Authorization: Chairman's Signature?	No				
Staff Recommendation	Approval				
Department Head	bjlackey (2/8/2013)				
Attorney	tacox (2/20/2013)				
Attorney's Comments					
Agenda Purpose Only <input checked="" type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>					

## Financial Services Use Only

Financial Action Requested					
Budgeted	Fund Name	Current Balance	Requested Allocation	Director's Initials	
	N/A	*	N/A	ajbovos (2/11/2013)	
Finance Comments	* No budget impact.				

## County Clerk Use Only

				PH was Held? <input type="checkbox"/>
Working Session	<input type="text"/>			Vote
Action	<input type="text" value="New Item"/>			
Tabled	<input type="text"/>			
Motion	<input type="text"/>			
2nd by	<input type="text"/>			



**Gwinnett County  
Department of Planning & Development**

**Development Cases Issued/Approved**

From 1/1/2013 to 1/31/2013

**Exemption Plat**

CASE NUMBER : XPL2012-00008		ADDRESS : 5464 SHADBURN FERRY RD, BUFORD, GA 30518		PROJECT : ARENA HOLDINGS LLC (XPL)	
COMMISSION DIST: 4	TOTAL ACRES : 3.98	DEVELOPER		DESIGNER	
PARCEL # : 7326 008	DENSITY : N/A	RICHARD BRYSON ARENA HOLDINGS LLC 4045 SMITHTOWN RD STE K SUWANEE, GA 30024		LEE JAY JOHNSON LAND DEVELOPMENT SURVEYORS P O BOX 2050 DACULA, GA 30019	
STATUS : APPROVED	NO. OF LOTS : 2				
RECEIVED ON : 12/27/2012	OPEN SPACE PROVIDED : N/A				
ISSUED ON : 1/11/2013	OPEN SPACE % OF TOAL : N/A				
UNIT : N/A	PHASE : N/A				
POD : N/A	CITY LIMITS : No				
PROJECT DESCRIPTION : ARENA HOLDINGS LLC (XPL), R-100, 2 LOTS, 3.976 ACRES, SEPTIC					

CASE NUMBER : XPL2013-00001		ADDRESS : 2671 IVY CREEK RD, BUFORD, GA 30519		PROJECT : PAWSON, JAMES & KATHLEEN (XPL)	
COMMISSION DIST: 4	TOTAL ACRES : 3.00	DEVELOPER		DESIGNER	
PARCEL # : 7142 170	DENSITY : N/A	JAMES & KATHLEEN PAWSON 3923 THOMPSON LAKE DRIVE BUFORD, GA 30519		BRIAN SUTHERLAND GEORGIA PREMIER LAND SURVEYING, INC. 3010 HAMILTON MILL ROAD BUFORD, GA 30519	
STATUS : APPROVED	NO. OF LOTS : 1				
RECEIVED ON : 1/15/2013	OPEN SPACE PROVIDED : N/A				
ISSUED ON : 1/17/2013	OPEN SPACE % OF TOAL : N/A				
UNIT : N/A	PHASE : N/A				
POD : N/A	CITY LIMITS : No				
PROJECT DESCRIPTION : PAWSON, JAMES & KATHLEEN (XPL), RA-200, 1 LOT, 3.00 ACRES, SEPTIC, WALK-THRU					

<b>TOTAL FOR : Exemption Plat</b>	<b>NO. OF CASES : 2</b>	<b>NO. OF LOTS : 3</b>	<b>TOTAL ACRES : 6.98</b>
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<b>GRAND TOTALS</b>	<b>NO. OF CASES : 2</b>	<b>NO. OF LOTS : 3</b>	<b>TOTAL ACRES : 6.98</b>
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**Gwinnett County  
Department of Planning & Development**

From 1/1/2013 to 1/31/2013  
Case Status:Final Plat Revisions Approved

**Final Plat Revisions Approved**

**Single Family S/D**

PROJECT NAME:	TOWNES OF AVONDALE			DEVELOPER	PORTRAIT HOMES- TOWNES OF AVONDALE, LLC
CASE NUMBER:	FPL2007-00048	COMM DIST	4		3101 TOWER CREEK PKWY
MRN:	R7178 003	NO OF LOTS	62		ATLANTA, GA 30339
RECEIVED DATE:	4/17/2007	ACREAGE	13.01	DESIGNER	TRAVIS PRUITT & ASSOCIATES, INC
REV APPROVED DATE:	1/4/2013	PHASE			4317 PARK DR
					NORCROSS, GA 30093

DESCRIPTION: SINGLE FAMILY ATTACHED TOWNHOMES, RTH PER RZM2005-00034, 13.01 ACRES, 62 LOTS, SEWER

**Total for Single Family 1 NO. OF LOTS: 62**

**CASES APPROVED DURING THIS PERIOD 1 NO. OF LOTS: 62**

# Gwinnett County Board of Commissioners Agenda Request

<b>GCID #</b>	Group With GCID #:	<input type="checkbox"/> Grants <input type="checkbox"/> Contracts <input type="checkbox"/> Rezoning <input type="checkbox"/> Public Hearing		
20130036				
Department:	Water Resources	Date Submitted:	12/20/2012	
Working Session:		Business Session:		Public Hearing: 02/26/2013
Submitted By:	Lynn Smarr	Multiple Depts?		
Budget Type:	Operating	Special Routing:		
Agenda Type	Approval/authorization	Rezoning Type		
Item of Business:		Locked by Purchasing	No	
<p>for the Chairman to execute any and all documents necessary for the purchase of the Norcross Water and Wastewater Systems based upon the terms and conditions set forth in the attached Intergovernmental Agreement, subject to the approval of the City of Norcross, and subject to review and approval by the Law Department. This purchase is funded by the Water and Sewer R&amp;E Fund. District 2/Howard</p>				
Attachments	Memo, Intergovernmental Agreement			
Authorization: Chairman's Signature?	Yes			
Staff Recommendation	Approval			
Department Head	arseibenhener (12/20/2012)			
Attorney	fsfields (1/3/2013)			
Attorney's Comments				
Agenda Purpose Only <input checked="" type="checkbox"/> As To Form <input type="checkbox"/> Hold for Pickup? <input type="checkbox"/>				

## Financial Services Use Only

Financial Action Requested				
Budgeted	Fund Name	Current Balance	Requested Allocation	Director's Initials
Yes	Water & Sewer R&E	* \$3,176,435	\$2,000,000	ajbovos (12/28/2012)
Finance Comments: * Funds available in R&E Contingency.				

## County Clerk Use Only

	PH was Held? <input type="checkbox"/>
Working Session	
Action	New Item
Tabled	
Motion	
2nd by	
Vote	



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MEMORANDUM

TO: Ron Seibenhener,  
Director *Albert R. Seibenhener*

THROUGH: Tyler Richards,  
Deputy Director *TR*

FROM: Lynn A. Smarr *LAS*

DATE: February 19, 2013

SUBJECT: Approval of the Intergovernmental Agreement to Purchase Water and Wastewater Systems with the City of Norcross

REQUESTED ACTION

Request the Gwinnett County Board of Commissioners and the Water and Sewerage Authority approve the Intergovernmental Agreement to Purchase Water and Wastewater Systems with the City of Norcross in the amount of \$2,000,000.00.

BACKGROUND

Water

On September 13, 1977, Gwinnett County and the City of Norcross entered into a water service agreement for the City to purchase water from the County for a period of fifty (50) years. At that time, the City operated and maintained its own water distribution system and continues to do so today. There are three wholesale water meters that delineate the two water systems.

Shortly afterwards, on April 28, 1978, the City and the County agreed to participate in the design and construction of a 500,000 gallon water storage tank and pump station. This agreement provided for a fifteen percent (15%) discount of the retail water rate and also included a term of fifty (50) years.

On September 27, 2004, the City and the County finalized an agreement for cost-sharing improvements to the water storage tank and pump station on a fifty-fifty basis for operation and maintenance.

## Wastewater

Companion to the water service agreement, on September 13, 1977, Gwinnett County and the City of Norcross also entered into two agreements where the City purchased wastewater treatment services for both the Yellow River and the Chattahoochee River (Crooked Creek) drainage basins. Each agreement included a monthly flow average for the respective basin and provided for a term of fifty (50) years. Charges were based on operating expenses for the cost of wheelage and treatment of sewage in addition to an upfront sum for the reserve capacity.

Since 1977, resolutions have been passed to adopt methods for calculating monthly wastewater charges based on the latest developments in the City and County. There are six sewage flow meters to demarcate the wastewater systems.

## AGREEMENT

The subject Intergovernmental Agreement outlines the transfer of approximately 32 miles of water distribution system, predominately 6" and 8" in diameter, and consisting mostly of ductile iron and pvc pipe. The City reports 298 publicly maintained fire hydrants.

The wastewater system includes about 33 miles of gravity sewer, mostly 8" in diameter and vitrified clay pipe. There are 1,209 sanitary sewer manholes and the City operates no sanitary sewer pump stations or force mains.

The City water and wastewater systems serve 2,076 customers of which 1,505 are residential and 571 are commercial customers.

The City of Norcross declares no indebtedness owed on or secured by the water and wastewater systems.

The City will deed the property containing the water storage tank and pump station located at the intersection of Langford Drive and West Peachtree Street in fee simple to the County with this agreement. The property includes the physical assets associated with the water storage tank and pump station and totals 1.425 acres.

## FINANCIAL

The current rate structure of the City of Norcross water and wastewater system virtually mirrors that of the County with only slight differences in the gallons bounding the tiered conservation structure.

In 2013, the average Gwinnett County customer uses 6,000 gallons of water and sewer service and received a bill in the amount of \$83.30; a City of Norcross customer would have received a bill in the amount of \$75.83.

Beginning on May 13, 2013, Norcross customers will be billed in accordance with the County's current rate structure.

STATE OF GEORGIA        )  
                                  )  
GWINNETT COUNTY        )

**INTERGOVERNMENTAL AGREEMENT TO PURCHASE  
WATER AND WASTEWATER SYSTEMS**

THIS AGREEMENT (the "Agreement") made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between GWINNETT COUNTY, GEORGIA, a political subdivision of the State of Georgia and a body corporate and politic, (hereinafter, "GWINNETT"), the GWINNETT COUNTY WATER AND SEWERAGE AUTHORITY, a public corporation, a body corporate and politic and a political subdivision of the State of Georgia (hereinafter referred to as "GCWSA"), and the CITY OF NORCROSS, GEORGIA, a municipal corporation duly chartered by the State of Georgia (hereinafter referred to as "NORCROSS").

**W I T N E S S E T H:**

WHEREAS, NORCROSS is desirous of selling its municipal water and wastewater systems (hereinafter collectively referred to as the "NORCROSS WATER AND WASTEWATER SYSTEMS") to GWINNETT and to the GCWSA; and

WHEREAS, NORCROSS, pursuant to O.C.G.A. § 36-37-7, is empowered and authorized to sell or otherwise dispose of any and all water or other municipally owned public utility plants and properties, including, but not limited to NORCROSS WATER AND WASTEWATER SYSTEMS on such terms and conditions as NORCROSS deems proper and to transfer title to such public utilities properties by warranty deed, bill of sale or contract; and

WHEREAS, GWINNETT and the GCWSA are willing to purchase the NORCROSS WATER AND WASTEWATER SYSTEMS under certain reasonable terms and conditions; and

WHEREAS, NORCROSS, GWINNETT and the GCWSA are authorized to enter into such an intergovernmental agreement not exceeding fifty (50) years pursuant to Article IX, Section III, Paragraph I (a) of the Constitution of the State of Georgia; and

WHEREAS, GWINNETT, the GCWSA and NORCROSS will benefit from this transaction; and

WHEREAS, no bonded indebtedness or other indebtedness currently encumbers the NORCROSS WATER AND WASTEWATER SYSTEMS; and

WHEREAS, NORCROSS has title to all property to be sold to GWINNETT and to the GCWSA necessary to inspect, construct, remove, replace, repair, operate or maintain the NORCROSS WATER AND WASTEWATER SYSTEMS; and

WHEREAS, NORCROSS is desirous of transferring all of its right, title and interest in the NORCROSS WATER AND WASTEWATER SYSTEMS, including, but not limited to all of NORCROSS' physical assets (real property in fee simple and easements), together with NORCROSS' business processes and billing systems associated with the NORCROSS WATER AND WASTEWATER SYSTEMS, to GWINNETT and to the GCWSA in return for the payment to NORCROSS of \$2,000,000.00, payable within thirty (30) days of the date this Agreement is approved by GWINNETT, the GCWSA and NORCROSS; and

WHEREAS, NORCROSS will terminate its service to the customers served by the NORCROSS WATER AND WASTEWATER SYSTEMS effective as of 12:00 a.m. May 13, 2013; and

WHEREAS, GWINNETT will begin its service to the customers served by the NORCROSS WATER AND WASTEWATER SYSTEMS effective as of 12:00 a.m. May 13, 2013; and

WHEREAS, NORCROSS, GWINNETT and the GCWSA will take all necessary steps to ensure that the NORCROSS WATER AND WASTEWATER SYSTEMS customers will have a seamless and uninterrupted transition of water and wastewater service;

NOW THEREFORE, in consideration of \$10.00, and the mutual promises contained in this Agreement and other valuable consideration, the receipt and sufficiency of which hereby is acknowledged, NORCROSS, GWINNETT and the GCWSA agree as follows:

1. NORCROSS hereby covenants and agrees as follows:

(a) Transfer of Water Tank Property and Water System to the GCWSA. At 12:00 a.m. on May 13, 2013 (hereinafter, the "Closing Date"), NORCROSS shall transfer to the GCWSA all rights, legal and equitable to the water tank property in fee simple (hereinafter the "Water Tank Property"), and all water lines, water meters, fire hydrants, water attachments and water appurtenances thereto owned by NORCROSS located within and without the City limits of NORCROSS that comprise the municipal water system of the City of Norcross, and all related easements necessary to inspect, construct, remove, replace, repair, operate or maintain said municipal water system. The Water Tank Property is described in the documents attached hereto as Exhibit "A-1 Tract One". The Water System is the balance of the water lines, water meters, fire hydrants, water attachments and water appurtenances thereto owned by NORCROSS located within and without the City limits of NORCROSS that comprise the municipal water system of the City of Norcross, specifically including all physical assets of the system defined and listed in Exhibit "A-2" attached hereto. The Water Tank Property and the Water System are hereinafter referred to as the "NORCROSS WATER SYSTEM". Transfer of physical properties shall be accomplished through appropriately worded limited warranty deeds, easements and licenses for the purpose of GWINNETT's operation, inspection, construction, removal, replacement, maintenance and repair of the NORCROSS WATER SYSTEM.

(b) Transfer of Wastewater System to GCWSA. At midnight on the Closing Date, NORCROSS shall transfer to GCWSA all rights, legal and equitable to all wastewater lines,

manholes, laterals, all related easements and all wastewater attachments and wastewater appurtenances thereto owned by NORCROSS located within and without the City limits of NORCROSS that comprise the municipal wastewater system of the City of Norcross, and all related easements necessary to operate, inspect, construct, remove, replace, maintain or repair said municipal wastewater system, specifically including all physical assets of the system defined and listed in Exhibit "B" attached hereto (hereinafter the "NORCROSS WASTEWATER SYSTEM"). Transfer of physical properties shall be accomplished through appropriately worded limited warranty deeds, easements and licenses for the purpose of GWINNETT and the GCWSA's operation, inspection, construction, removal, replacement, maintenance and repair of the NORCROSS WASTEWATER SYSTEM.

(c) Covenant of Title. NORCROSS covenants that it has title to all property sold to GWINNETT and to the GCWSA. NORCROSS represents to GWINNETT and to the GCWSA that it has the authority to sell, transfer or otherwise dispose of the NORCROSS WATER SYSTEM and the NORCROSS WASTEWATER SYSTEM (hereinafter collectively referred to as the "NORCROSS WATER AND WASTEWATER SYSTEMS"), including any agreements which may be a part thereof. NORCROSS further covenants that if any authority is presently lacking, it will work diligently to obtain the requisite authority to finalize the sale, transfer, or other disposition of the NORCROSS WATER AND WASTEWATER SYSTEMS and will have such authority prior to the Closing Date.

(d) Conveyance of Customer List to GWINNETT. NORCROSS shall, on or before March 18, 2013, convey to GWINNETT a complete listing of all existing WATER AND WASTEWATER SYSTEMS' customers and shall confirm any changes to said list on the Closing Date. Said listing shall be in an acceptable electronic format (ASCII or other) suitable for input into GWINNETT's existing electronic customer database. Such data shall include, if available, a minimum of three years history on each customer and other relevant account information, provided such information exists, as requested by GWINNETT. NORCROSS will cooperate with GWINNETT in providing any additional information requested by GWINNETT to service and/or process customer accounts.

(e) Conveyance of Perpetual Easement to GWINNETT and to the GCWSA. For any part of the WATER AND WASTEWATER SYSTEM that is located on any right-of-way, easement or other real property owned by NORCROSS, other than the Water Tank Property, NORCROSS hereby conveys to GWINNETT and to the GCWSA and GWINNETT and the GCWSA hereby accepts from NORCROSS a perpetual easement to operate, inspect, construct, remove, replace, repair or maintain its WATER AND WASTEWATER SYSTEMS, as they exist on the Closing Date (the "Perpetual Easement"), within any and all rights-of-way, easements or other real property owned by NORCROSS as of the Closing Date. The Perpetual Easement is subject to the following conditions and limitations which shall survive the Closing Date:

- i. Nothing within this Agreement shall be construed to transfer, cancel or extinguish any additional rights that NORCROSS or any holder of a franchise conveyed by NORCROSS may have to use said Perpetual Easement in connection with other public utilities, road improvements or other public purposes, including, without limitation, natural gas pipelines, electrical

transmission lines, phone lines, television and computer cables or lines, or fiber optic cables;

ii. NORCROSS specifically reserves and shall continue to hold all right, title and interest in the Perpetual Easement conveyed to GWINNETT and to the GCWSA pursuant to this Agreement so that NORCROSS shall continue to operate, inspect, construct, remove, replace, repair or maintain all public utilities and road improvements located therein, other than the rights specifically transferred to GCWSA to operate, inspect, construct, remove, replace, maintain or repair the WATER AND WASTEWATER SYSTEMS; provided however, that NORCROSS shall give written notice to GCWSA of its intent to operate, inspect, construct, remove, replace, maintain or repair any such public utilities and road improvements located within the Perpetual Easement;

iii. GWINNETT and the GCWSA agree and understand that NORCROSS shall continue to have the sole exclusive right to sell or lease franchises for other utilities for other public purposes after the Closing Date, including, without limitation, natural gas pipelines, electrical transmission lines, phone lines, television and computer cables or lines, or fiber optic cables located within its rights of way to the extent that (i) there are no conflicts with the water and wastewater ordinances; and (ii) granting such a franchise will not put an unreasonable burden on GWINNETT's continued construction, operation, maintenance, inspection, removal, replacement or repair of the WATER AND WASTEWATER SYSTEMS. NORCROSS recognizes that the right of GWINNETT and the GCWSA to construct, operate, maintain, inspect, remove, replace or repair facilities of the WATER AND WASTEWATER SYSTEMS shall be superior to NORCROSS's right to sell or lease franchises for other public purposes within the Perpetual Easement as provided herein, and that in the event of conflict, any franchisee shall be required to relocate its facilities, at its own expense, in accordance with the terms of notice given by GWINNETT and the GCWSA. In order to avoid such conflicts and/or unreasonable burdens, NORCROSS shall give written notice to GWINNETT not less than ninety (90) days prior to granting any such franchise or selling or leasing any right which may be located within the Perpetual Easement located on NORCROSS' rights of way to any third party; provided further, that NORCROSS shall not, without the prior written consent of GWINNETT and the GCWSA, which shall not be unreasonably withheld, sell or lease franchises for other utilities as set forth above. Consent to any franchise shall not impair this provision and all subsequent franchises shall be made likewise only on the prior written consent of GWINNETT and the GCWSA. Such franchisees of NORCROSS, at the option of GWINNETT and the GCWSA, shall become liable to GWINNETT and the GCWSA for all obligations of NORCROSS hereunder, but no franchise agreement granted by NORCROSS shall relieve NORCROSS of any liability hereunder;

iv. GWINNETT's and the GCWSA's use of the Perpetual Easement is subject to the continuing obligations set forth in ¶ 2(d) below.

(f) Continuing Obligation to acquire property rights for GWINNETT's and the GCWSA's use of the Perpetual Easement. NORCROSS agrees to obtain all necessary property rights from the owners of the lands crossed by the WATER AND WASTEWATER SYSTEM as it exists on the Closing Date to the extent that NORCROSS does not own the said land and rights in fee or by permanent easement necessary to inspect, construct, remove, replace, repair, operate or maintain said WATER AND WASTEWATER SYSTEM as it exists as of the Closing Date. NORCROSS agrees to obtain such property rights in a timely manner upon receipt of written notice from GWINNETT identifying the real property and describing the property right that needs to be acquired for GWINNETT and GCWSA to operate, inspect, construct, remove, replace, repair or maintain said WATER AND WASTEWATER SYSTEM as it exists as of the Closing Date. Upon receipt of such written notice, NORCROSS, at its own sole expense, shall take reasonable and prudent steps necessary to acquire such property rights by acquisition or condemnation and, once such property rights are acquired, NORCROSS shall assign such rights to GCWSA at NORCROSS' own sole expense.

(g) Water and Sewer Connections. NORCROSS shall not issue any new water meter or sanitary sewer connections after the Closing Date, but shall instruct all new water meter or sanitary sewer applicants on or after that date to apply for service with the Gwinnett County Department of Planning and Development, located at One Justice Square, 446 West Crogan Street, Lawrenceville, Georgia 30046. NORCROSS shall complete the processing and installation of all pending applications for service within thirty (30) days after the Closing Date at its own sole expense.

(h) Customer Deposits. NORCROSS shall refund all customer deposits which are subject to refunding, including any applicable interest payments prior to the Closing Date of this Agreement. Following the final bill from NORCROSS to each customer, NORCROSS will pursue all outstanding balances due.

(i) Accounts Receivable. NORCROSS agrees that GWINNETT and the GCWSA are not purchasing NORCROSS' accounts receivable for water and wastewater services provided by NORCROSS which have accrued at the Closing Date. All outstanding bills for water service actually consumed prior to the Closing Date will be the property of NORCROSS. All water and wastewater bills issued by NORCROSS after the Closing Date for prior service shall note that the bill is a final NORCROSS water and/or wastewater bill and that future water and/or wastewater bills will be rendered by GWINNETT.

(j) No Current Indebtedness. NORCROSS declares that it has neither actual nor constructive knowledge of any commitments made by NORCROSS or any indebtedness owed on or secured by the WATER AND WASTEWATER SYSTEMS.

(k) Hazardous Materials. NORCROSS declares that it has neither actual nor constructive knowledge of products or materials within the WATER AND WASTEWATER SYSTEMS containing hazardous wastes, lead, asbestos, or other substances which may pose a

potential human health risk.

(l) EPD Violations. NORCROSS declares that it has neither actual nor constructive knowledge of any Georgia Environmental Protection Division ("EPD") consent orders violations, fines or other claims as it affects the WATER AND WASTEWATER SYSTEMS as of the date the Agreement is executed.

(m) EPD Compliance. NORCROSS will complete and submit all required obligations to the EPD for the calendar year 2012 and for any part of calendar year 2013 prior to the Closing Date. Norcross will provide a copy of documents submitted to EPD to GWINNETT. Such documents shall include, but not are limited to, Georgia EPD Water Loss Audit due March 1, 2013 to EPD offices; Georgia EPD Consumer Confidence Report due July 1, 2013 to EPD offices; Georgia EPD Consumer Confidence Report due July 1, 2013 to consumers; Georgia EPD Consumer Confidence Report Certification Form due October 1, 2013 to EPD offices.

(n) Indemnification by NORCROSS. NORCROSS assumes any and all liability as a result of any pending litigation or known or unknown claims against NORCROSS, GWINNETT or the GCWSA with regard to the provision of water or wastewater service by the system transferred by this Agreement including, without limitation, claims for damages to personal property, real property, individuals or businesses and any claims for environmental damage or violation of any rules, regulations, ordinances or statutes arising out of facts or occurrences, including disposal of treatment residues, prior to closing. Neither GWINNETT nor the GCWSA assumes any obligation or liability with regard to such claims or litigation. NORCROSS shall indemnify and hold GWINNETT and/or the GCWSA harmless from and against any loss, damage or cost of any kind, including court costs or attorney fees, as a result of any such pending litigation or known or unknown present or future claims arising out of facts or occurrences prior to closing, all of which NORCROSS shall defend, so long as NORCROSS has received proper ante litem notice of such claims from the claimant.

(o) Adoption of GWINNETT's Current Water and Sewer Ordinances. NORCROSS agrees to adopt all Gwinnett County Ordinances which the Gwinnett County Board of Commissioners has now or may in the future impose on its water and wastewater customers within ninety (90) days after this Agreement is approved by GWINNETT, the GCWSA and NORCROSS. Such Ordinances shall include, but are not limited to, the Code of Ordinances, Gwinnett County, Georgia, Part I, Article II, Division 8 – Water and Sewerage Authority; Part I, Article VIII. - Sewer and Water System; and, Part II, Chapter 114 – Utilities. Part II, Chapter 114 – Utilities includes: Article I. – In General; Article II. – Water Service; Article III. – Sewer Service; and, Article IV. – System Development Charges. Part II, Chapter 114, Article II. – Water Service includes: Division 1. – Water Use; Division 2. – Water Conservation and Drought Restriction; and, Article 3. – Cross Connection Control and Backflow Prevention. Part II, Chapter 114, Article III. – Sewer Service includes: Division 1. – Sewer Use; Division 2. – Pretreatment; Division 3. – Fats, Oils and Grease; and, Division 4. – Reclaimed Water. Part II, Chapter 114, Article IV. System Development Charges includes: Division 1. – Water and Sewer System Development Charges. NORCROSS and the customers of the WATER AND WASTEWATER SYSTEMS shall be subject immediately to Gwinnett County's Cross-Connection Control and Backflow Prevention Ordinance and as such, GWINNETT shall not

allow, install or maintain any water service connection to the County's potable water system to any premises/parcel unless the County's potable water system is protected from potential backflow and cross-connection as required by the laws of the State of Georgia, the Rules of the Georgia Environmental Protection Division, the State of Georgia Plumbing Code and the Gwinnett County Code of Ordinances. Norcross and the customers of the WATER SYSTEM will be required to retrofit to compliance without delay.

(p) Adoption of Revisions to GWINNETT's Water and Sewer Ordinances. Within ninety (90) days of the Closing Date, NORCROSS shall adopt, without revision, all existing ordinances, rules and regulations imposed on the water and wastewater customers of GWINNETT. Attached hereto as Exhibit "C" are the portions of the Gwinnett County Code for NORCROSS to adopt which shall become effective on the Closing Date adoption of which GWINNETT agrees brings NORCROSS into compliance with the requirements of sections 1(o) and 1(p) as of the Closing Date. GWINNETT shall submit a copy of any future revisions to the Gwinnett County Code that affect the water and sewer systems not less than thirty (30) days after such revisions are adopted by GWINNETT. NORCROSS shall adopt said revisions to its code of ordinances within ninety (90) days after such revisions are submitted to NORCROSS.

(q) Payables and Utility Bills. NORCROSS shall pay all payables, including but not limited to gas, electrical and water and wastewater utility bills of the WATER AND WASTEWATER SYSTEMS' facilities to be transferred to GWINNETT prior to the Closing Date. NORCROSS shall arrange and coordinate final meter readings for all utilities prior to the Closing Date.

(r) As-Is, Where-Is. NORCROSS makes no warranty whatsoever with respect to the transferred property, except as specifically set forth herein. NORCROSS makes no warranty whatsoever as to the WATER AND WASTEWATER SYSTEMS, including, without limitation, any warranty as to fitness for a particular purpose or warranty of merchantability or any other warranty, express or implied, except as specifically set forth in this Agreement, and the WATER AND WASTEWATER SYSTEMS are transferred to GWINNETT and to the GCWSA "as is" and "where is."

(s) Limited Warranty of Title. Subject to the within and forgoing limitations, conditions and obligations set forth in this Agreement, NORCROSS will warrant and forever defend the right and title to the above described property unto GWINNETT and to the GCSWA against the lawful claims of all persons claiming by, through or under NORCROSS.

2. GWINNETT and the GCWSA hereby covenant and agree as follows:

(a) Payment to NORCROSS. GWINNETT shall pay to NORCROSS one (1) payment of \$2,000,000.00 within thirty (30) days of the date this Agreement is approved by GWINNETT, the GCWSA and NORCROSS. This payment shall be made without set off or deduction for any amounts alleged due for operating expenses or capital improvements to GWINNETT and to the GCWSA for the water treatment and wastewater treatment systems that GWINNETT and the GCWSA deemed attributable to NORCROSS' WATER AND WASTEWATER SYSTEMS prior to the Closing Date, including but not limited including, but

not limited to, the invoices entitled "City of Norcross Sewer Billing," a copy of which is attached hereto as Exhibit "D" and any and all subsequent similar invoices. All such costs and amounts alleged due were negotiated and are taken into consideration in computing the terms and total payments due pursuant to this Agreement.

(b) Closing Date. GWINNETT shall take over NORCROSS' WATER AND WASTEWATER SYSTEMS at 12:00 a.m. on the Closing Date, and operate said water and wastewater systems as well as any future expansion of the same as a part of the its water and sewer utility.

(c) Future Expansion or Increase in Capacity. GWINNETT and the GCWSA shall assume all expenses associated with acquiring any property rights necessary for any future expansion or increase in capacity of the WATER AND WASTEWATER SYSTEMS beyond that which exists as of the Closing Date.

(d) Continuing Obligation to Restore Areas within the Perpetual Easement and Limitations on Use of Perpetual Easement. GWINNETT's and the GCWSA's use of the Perpetual Easement is subject to the following continuing obligations and limitations:

i. Following any construction, installation or maintenance activities by GWINNETT related to its WATER AND WASTEWATER SYSTEMS, as contemplated herein, GWINNETT shall, at its sole cost and expense, restore all areas of the Perpetual Easement which have been disturbed by such activities to a condition substantially similar to that existing immediately prior to such activities. All restoration of these lands shall be to a condition substantially the same as existed immediately prior to any such disturbances, including, without limitation, any and all necessary repairs and replacement of landscaping and pavement which may be removed and excavated by GWINNETT, and all necessary repairs to restore the original contours and re-establish the ground cover to control erosion, provided, however, that all landscaping shall be replaced with nursery stock.

ii. GWINNETT agrees that following any construction, installation or maintenance activities related to its WATER AND WASTEWATER SYSTEMS, as contemplated herein, GWINNETT shall, at its sole cost and expense, restore all areas of the roads and the Rights-of-Way which have been disturbed by such activities to a condition substantially similar to that existing immediately prior to such activities. All restoration of these lands shall be to a condition substantially the same as existed immediately prior to any such disturbances, including, without limitation, any and all necessary repairs and replacement of landscaping and pavement which may be removed and excavated by GWINNETT, and all necessary repairs to restore the original contours and re-establish the ground cover to control erosion, provided, however, that all landscaping shall be replaced with nursery stock. GWINNETT shall also notify NORCROSS when the work is completed and shall provide a representative to accompany NORCROSS' representative on an inspection of the Rights-of-Way.

iii. GWINNETT's and the GCWSA's use of the Perpetual Easement shall not

interfere with or prohibit the use of said right-of-way by NORCROSS for the original purposes of the right-of-way other than those purposes expressly transferred to GWINNETT by this Agreement, and unless the use of said right-of-way is otherwise restricted by conditions of conveyance or by operation of law.

iv. GWINNETT's and the GCWSA's use of the Perpetual Easement is subject to the limitations set forth in ¶ 1(e) above.

(e) Customer Deposits. GWINNETT shall pursue customer deposits in accordance with its current policies and procedures.

(f) Rates and Fees. Water and wastewater rates and fees charged to NORCROSS' citizens/customers will be equal to those rates being charged to other GWINNETT customers.

(g) Indemnification by GWINNETT and the GCWSA. GWINNETT and the GCWSA assume any and all liability as a result of any litigation or claims against NORCROSS, GWINNETT or the GCWSA with regard to the provision of water or wastewater service by the system transferred by this Agreement including, without limitation, claims for damages to personal property, real property, individuals or businesses and any claims for environmental damage or violation of any rules, regulations, ordinances or statutes arising out of facts or occurrences after the Closing Date. NORCROSS assumes no obligation or liability with regard to such claims or litigation. GWINNETT and the GCWSA shall indemnify and hold NORCROSS harmless from and against any loss, damage or cost of any kind, including court costs or attorney fees, as a result of any litigation or future claims arising out of facts or occurrences after the Closing Date, all of which GWINNETT and the GCWSA shall defend.

(h) Payables and Utility Bills. GWINNETT shall pay, from the Closing Date forward, all payables, including but not limited to gas, electrical and water and wastewater utility bills of the WATER AND WASTEWATER SYSTEMS' facilities transferred to GWINNETT and the GCWSA, including, but not limited to, all gas, electrical and water utility bills consumed in the operation.

(i) As-Is, Where-Is. GWINNETT and the GCWSA acknowledge and agree that they have purchased the WATER AND WASTEWATER SYSTEMS from NORCROSS "as is" and "where is" and that NORCROSS has made no warranty with respect to the transferred property, as more specifically set forth in Section 1(r) above, other than the limited warranty of title set forth in Section 1(s) above.

### 3. Mutual Cooperation.

(a) Transition of Ownership. NORCROSS, GWINNETT and the GCWSA agree to take all necessary steps to ensure that NORCROSS' water and sewer customers will have a seamless and uninterrupted transition of ownership from NORCROSS to GWINNETT and the GCWSA.

(b) Mutual Cooperation. As set forth in sections 1(a) and 1(b) above, transfer of

physical properties shall be accomplished through appropriately worded limited warranty deeds, easements and licenses for the purpose of GWINNETT's operation, inspection, construction, removal, replacement, repair or maintenance of the WATER AND WASTEWATER SYSTEM. GWINNETT, the GCWSA and NORCROSS shall cooperate and coordinate the drafting of limited warranty deeds, easements and licenses and to record the same within ninety (90) days of the Closing Date. To the extent that the drafting and recording of all such limited warranty deeds, easements and licenses is not completed within the ninety (90) days period, GWINNETT, the GCWSA and NORCROSS shall have a continuing duty to each other to continue to cooperate and coordinate the drafting and recording of such deeds, easements and licenses.

(c) Notices.

- i. Any notice, request, direction, consent, approval, waiver or other communication required or permitted under this Agreement to be sent to must be in writing and will become effective only if provided to NORCROSS at its address set forth below:

**Mayor and City Manager  
City of Norcross**  
65 Lawrenceville Street  
Norcross, Georgia 30071

With a copy to:

**J. Patrick O'Brien, Esq.  
Thompson, O'Brien, Kemp & Nasuti, P.C.**  
40 Technology Parkway South, Suite 300  
Norcross, Georgia 30092

- ii. Any notice, request, direction, consent, approval, waiver or other communication required or permitted under this Agreement to be sent to must be in writing and will become effective only if provided to GWINNETT and the GCWSA at its address set forth below:

**Chairman, Gwinnett County Water and Sewerage Authority**  
684 Winder Highway  
Lawrenceville, Georgia 30045

**Chairman, Gwinnett County Board of Commissioners**  
75 Langley Drive  
Lawrenceville, Georgia 30046

With a copy to:

Gwinnett County Administrator  
75 Langley Drive  
Lawrenceville, Georgia 30046

(d) Effective Time of Notice. Notice delivered in accordance with the foregoing shall be effective (i) when delivered, if delivered personally, (ii) two days after being delivered in the United States (properly addressed and all fees paid) for overnight delivery service to a courier (such as Federal Express) which regularly provides such service and regularly obtains executed receipts evidencing delivery or (iii) five days after being deposited (properly addressed and stamped for first-class delivery) in a daily serviced United States mail box.

4. Survival of Closing. The terms of this Agreement shall survive the closing.
5. Termination of GWINNETT's Responsibility for WATER AND WASTEWATER SYSTEM. NORCROSS, GWINNETT and the GCWSA agree that, from the Closing Date forward, GWINNETT's responsibilities with regard to water meters will terminate at the customer side of the meter, provided, however, that GWINNETT has no responsibilities with regard to either a customer's backflow prevention device or the container associated with the backflow prevention device regardless of the location of the backflow prevention device relative to the water meter. GWINNETT has no responsibilities with regard to a customer's fire line, or fire hydrants or any other appurtenances associated with a customer's fire line. GWINNETT's sewer responsibilities with regard to wastewater lines will terminate at the point of connection from the customer's sewer lateral into GWINNETT's public sewer. GWINNETT has no responsibilities for sewer laterals. GWINNETT's responsibilities with regard to test manholes will terminate at the GWINNETT side of the test manhole. Responsibilities of the test manhole and the wastewater line on the customer side of the test manhole are responsibilities of the customer. GWINNETT has no responsibilities with regard to grease traps or grease interceptors.
6. No Third Party Rights Created. This Agreement creates no rights in third parties except as expressly provided by the terms of the Agreement.
7. Severance Clause. It is understood and agreed by and between GWINNETT, the GCWSA and NORCROSS that if any condition or provision contained in the Agreement is held to be invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any other such condition or provision herein contained, provided, however, that invalidity of any such condition or provisions does not materially prejudice either GWINNETT, the GCWSA or NORCROSS in its respective rights and obligations contained in the remaining valid conditions or provisions of the Agreement.
8. Force Majeure. If any circumstance or event beyond the reasonable control of a party (including without limitation, an act of God, hurricane, tornado, rain, tidal wave, meteor shower, wind, hail, lightning, earthquake, snow, ice, extreme high or low temperature, change in the language or interpretation of any law or regulation, transportation delay, failure of telecommunications, facilities, fire or explosion, riot, military action, usurped power, terrorist act or a governmental authority's act or omission) renders such party wholly or partly unable to perform any of its obligations under this Agreement, then such party will not be liable for any damages, costs, expenses or other consequences incurred by the other party,

or by any other person, caused by, and such party's obligations hereunder will be suspended during the continuation of, such circumstance or event.

9. Modification. No modification, amendment or alteration of any provision of this Agreement shall be effective unless contained in a written agreement signed by the parties hereto, and then such modification, amendment or alteration shall be effective only in the specific instances and for the specific purposes for which given.
10. Effect of Delay. No delay or failure on the part of GWINNETT or the GCWSA in the exercise of any right, power or privilege under this Agreement shall impair any such right, power or privilege or be construed as a waiver of any default or any acquiescence therein. No single or partial exercise of any such right, power or privilege by GWINNETT or the GCWSA shall preclude the further exercise of any such right, power or privilege or the exercise of any other right, power or privilege. No waiver shall be valid against GWINNETT or the GCWSA unless made in writing and signed by GWINNETT or the GCWSA, and then only to the extent expressly specified therein.
11. Entire Agreement. This Agreement constitutes the entire and final agreement among the parties with respect to the subject matter hereof, and there are no agreements, understandings, warranties or representations among the parties except as set forth herein. Any prior agreements between the parties, whether written or oral, concerning the NORCROSS WATER AND WASTEWATER SYSTEMS, including, but not limited to, GWINNETT's contention that NORCROSS should bear a portion of GWINNETT and the GCWSA's costs of capital improvements and operational expenses to its water and wastewater treatment systems as shown on Exhibit "D" and any and all subsequent similar invoices, are expressly superseded by the term of this Agreement.
12. Successors and Assigns. This Agreement will inure to the benefit of and bind the respective representatives, successors and permitted assigns of the parties hereto.
13. Headings. All headings contained in this Agreement are for reference purposes only and are not intended to affect in any way the meaning or interpretation of this Agreement.
14. Changes, Waiver, Discharge or Termination. Neither this Agreement nor any of the provisions hereof can be changed, waived, discharged or terminated, except by an instrument in writing signed by the parties against whom enforcement of the change, waiver, discharge or termination is sought.
15. Time is of the Essence. Time is of the essence in interpreting and performing this Agreement.
16. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the duly authorized officials of GWINNETT, the GCWSA and the CITY OF NORCROSS have respectively caused their names and the seals of said political subdivisions and the signatures of their duly authorized executive officers to be affixed hereto on the date and year first above written.

<p>Attest:</p>  <p>_____</p> <p>Diane Kemp, County Clerk</p>	<p>GWINNETT COUNTY</p>  <p>By: _____ (SEAL) CHARLOTTE J. NASH, Chairman Gwinnett County Board of Commissioners</p>
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<p>Attest:</p>  <p>_____</p> <p>Clerk, City of Norcross</p>	<p>CITY OF NORCROSS</p>  <p>By: _____ (SEAL) BUCKY JOHNSON, Mayor City of Norcross</p>
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<p>Attest:</p>  <p>_____</p> <p>STEPHEN K. HILL, Secretary Gwinnett County Water and Sewerage Authority</p>	<p>By: _____ (SEAL) MICHAEL SULLIVAN, Chairman Gwinnett County Water and Sewerage Authority</p>
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