Board of Commissioners

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770.822.7000 • www.gwinnettcounty.com

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

gwinnettcounty

Public Hearing Agenda
Tuesday, April 23, 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:

Executive Session: April 16, 2013
Work Session: April 16, 2013
BoC Briefing 10:30am: April 16, 2013
Business Session: April 16, 2013

V. Announcements

- **Resolution of Recognition:** Global Youth Service Days, April 21-28, 2013
- **Resolution of Recognition:** Commending the Norcross Varsity Girls Basketball Team 2013 Class AAAAAA State Champions
- **Resolution of Recognition:** Commending the Norcross Boys Basketball Team 2013 Class AAAAAA State Champions
- **Resolution of Recognition:** Commending the 2012 Miss Dacula Representatives
- **Resolution of Recognition:** Commending the 2013 Mill Creek Winter Guard Team World Championships Finalist

VI. Public Hearing – Old Business

1. 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 02/26/2013)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny without Prejudice]

VI. Public Hearing – Old Business

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 03/26/2013)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

VII. Public Hearing – New Business

1. Change in Conditions

2013-0294 CIC2013-00007, Applicant: Georgia Pavement Products, Inc., Owner: Im Heon Soon & Jin Sook, Change In Conditions to Revise Use and Outdoor Storage Restrictions on Property Zoned C-2, District 6 Land Lot 247 Parcel 024, 6900 Block of Buford Highway, 2.80 Acres. District 2/Howard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2. Special Use Permit

2013-0288 SUP2013-00014, Applicant: Amy Wilson, Owner: Nathan Wilson, for a Special Use Permit in an R-100 CSO Zoning District for a Home Occupation (Nail Salon) (Renewal), District 7 Land Lot 323 Parcel 091, 5600 Block of Winter Bluff Way, 1200 Block of Autumn Wood Trail, 0.16 Acre. District 1/Brooks[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2013-0289 SUP2013-00015, Applicant: Eduardo Moreno, Owner: Bronco Enterprises, LLC, for a Special Use Permit in an M-1 Zoning District for a Building Height Increase to 99.3 Feet, District 6 Land Lot 217 Parcel 023, 6400 Block of Crescent Drive, 3.46 Acres. District 2/Howard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

VII. Public Hearing – New Business

2. Special Use Permit

2013-0290 SUP2013-00016, Applicant: Jared Groff, Owner: Martin Brothers Building, LLC, for a Special Use Permit in a C-2 Zoning District for Automobile Service, District 6 Land Lot 053 Parcel 342, 2300 Block of Hewatt Road, 0.92 Acre. District 3/Hunter[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

2013-0291 SUP2013-00017, Applicant: Roland Lanctot, Owner: Roland Lanctot, for a Special Use Permit in an M-1 Zoning District for Automobile Service and Tire Store, District 7 Land Lot 013 Parcel 003D, 800 Block of Petty Road, 1.10 Acres. District 4/Heard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 5/7/2013]

2013-0292 SUP2013-00018, Applicant: Elite Paint and Body, LLC, Owner: Overlook Lots, LLC, for a Special Use Permit in a C-2 Zoning District for an Automobile Body Repair Shop, District 7 Land Lot 012 Parcel 052, 800 Block of Cripple Creek Drive, 0.64 Acre. District 4/Heard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions]

3. Rezonings

2013-0293 RZR2013-00002, Applicant: Berean Christian Church, Inc., Owner: Berean Christian Church, Inc., C-2 to R-100, Church, District 6 Land Lot 086 Parcels 006A, 013 & 133, 1300-1400 Block of Oak Road, 1300 Block of Hewatt Road, 5.70 Acres. District 3/Hunter[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 5/7/2013]

VIII. New Business

1. Financial Services/Maria Woods

2013-0321 Approval of the March 31, 2013 Financial Status Report and ratification of all budget amendments. Approval\authorization to amend the Emergency 911 Fund budget by appropriating an additional $900,000 for Intergovernmental Payments in fiscal year 2013.

2. Law Department/Van Stephens

2013-0389 Approval/authorization to take any and all actions necessary to comply with the recently issued Georgia Court of Appeals decision in Old Peachtree Partners, LLC v. Gwinnett County, Georgia, 315 Ga. App. 342 (2012), holding that a 2009 Settlement Agreement between Gwinnett County and Old Peachtree Partners, LLC in the 2008 Superior Court case of Gwinnett County, Georgia v. Old Peachtree Partners, LLC, Civil Action File No. 08-A-03939-4 is enforceable, including, but not limited to, the purchase of 16.203 acres of property from Old Peachtree Partners, LLC for a purchase price of $5,265,975.00, and the payment of an additional $150,000.00 in the 2009 condemnation case of Gwinnett County, Georgia v. Old Peachtree Partners, LLC, Superior Court of Gwinnett County, Civil Action File No. 09A-03795-4, subject to review and approval by the Law Department.

3. Planning & Development/Bryan Lackey

2013-0324 Ratification of plat approvals for March 1, 2013 thru March 31, 2013 (Staff Recommendation: Approval)

4. Police Services/Charlie Walters

2013-0385 Approval/authorization for the Chairman to execute an Agreement with the Gwinnett Sexual Assault Center (GSAC) for the provision of forensic-medical examinations, base amount of $48,000.00 and Case and Records Management Services, not to exceed $117,250.00. Approval for the Chairman to execute any and all related documents subject to approval by the Law Department. This agreement is funded by the Police Special Operations Fund and the General Fund. (Staff Recommendation: Approval)

VIII. New Business

5. Probate Court Judges

2013-0348 Approval/authorization to amend the fiscal year 2013 budget to appropriate funds in the Probate Court to hire four part-time, temporary employees to address unprecedented volume in weapons carry license applications and the backlog of work associated therewith. (Staff Recommendation: Approval)

6. Support Services

2013-0319 Approval/authorization for the Chairman to execute a Lease Agreement with New Cingular Wireless PCS, LLC to collocate on a County owned tower and locate site equipment on a portion of County owned property located at 1850 North Brown Road, Lawrenceville, known as "North Brown Road Communications Tower". Contracts to follow approval. Subject to approval by the Law Department. District 1/Brooks (Staff Recommendation: Approval)

IX. Comments from Audience

X. Adjournment

M E M O R A N D U M

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 April 23, 2013, under the item of business announcements as a resolution of recognition, award, etc., as indicated:

1) **Resolution of Recognition:** Global Youth Service Days, April 21 – 28, 2013
Requested by: Chairman Charlotte Nash
Attendee(s): Global Youth Service Days committee members and partners
Presented by: Chairman Charlotte Nash

2) **Resolution of Recognition:** Commending the Norcross Varsity Girls Basketball Team 2013 Class AAAAAA State Champions
Requested by: Commissioner Lynette Howard
Attendee(s): Coaches and players from the Norcross Varsity Girls Basketball Team
Presented by: Commissioner Lynette Howard

3) **Resolution of Recognition:** Commending the Norcross Varsity Boys Basketball Team 2013 Class AAAAAA State Champions
Requested by: Commissioner Lynette Howard
Attendee(s): Coaches and players from the Norcross Varsity Boys Basketball Team
Presented by: Commissioner Lynette Howard

4) **Resolution of Recognition:** Commending the 2012 Miss Dacula representatives
Requested by: Commissioner Tommy Hunter
Attendee(s): Michelle Thornton, Miss Dacula Pageant representative, and the 2012 Miss Dacula representatives
Presented by: Commissioner Tommy Hunter

5) **Resolution of Recognition:** Commending the 2013 Mill Creek Winter Guard Team World Championships Finalist
Requested by: Commissioner Tommy Hunter
Attendee(s): Coaches and members of the Mill Creek Winter Guard Team
Presented by: Commissioner Tommy Hunter

c:
Glenn Stephens
Joe Sorenson
Heather Sawyer
Diane Kemp
Tina King
Cindy Amason
Aaron Bovos
Debbie Savage
Debbie Hale
Michelle Patterson
Heather Smith

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20120551	

☒ Rezoning ☒ Public Hearing

Department:	Planning & Development			Date Submitted:	06/13/2012
Working Session:		Business Session:		Public Hearing:	04/23/2013
Submitted By:	vlharrod			Multiple Depts?	No
Budget Type:	Neither			Special Routing:	
Agenda Type	Rezoning	Rezoning Type	RZC		

Item of Business: Locked by Purchasing: 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

County Clerk Use Only

Working Session	
Action	Tabled
Tabled	02/26/2013
Motion	Heard
2nd by	Hunter
Vote	5-0 Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes

Planning and Development

Recommendation:
- ☐ Approve
- ☐ Approve with Conditions
- ☐ Appr w/ Cond As
- ☐ Deny w/out Prejudice
- ☒ Deny PH was Held? ☐
- ☐ No Recommendation

Planning Commission

Recommendation:
- ☐ Tabled - Date
- ☐ Approve
- ☐ Approve with Conditions
- ☐ Appr w/ Cond As
- ☐ Deny ☒ Deny w/out Prejudice
- ☐ No Recommendation

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 land 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:

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

   A. Retail, service-commercial, office and accessory uses. The following uses shall be prohibited:
      - adult bookstores or entertainment
      - automotive parts stores
      - contractors offices
      - 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.

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BY:

RZC '12 0 1 0

MPT Mahaffey Pickens Tucker, LLP
ATTORNEYS AT LAW

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

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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BY:

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FACSIMILE 678 518 6880
www.mptlawfirm.com

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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 3rd day of May, 2012.

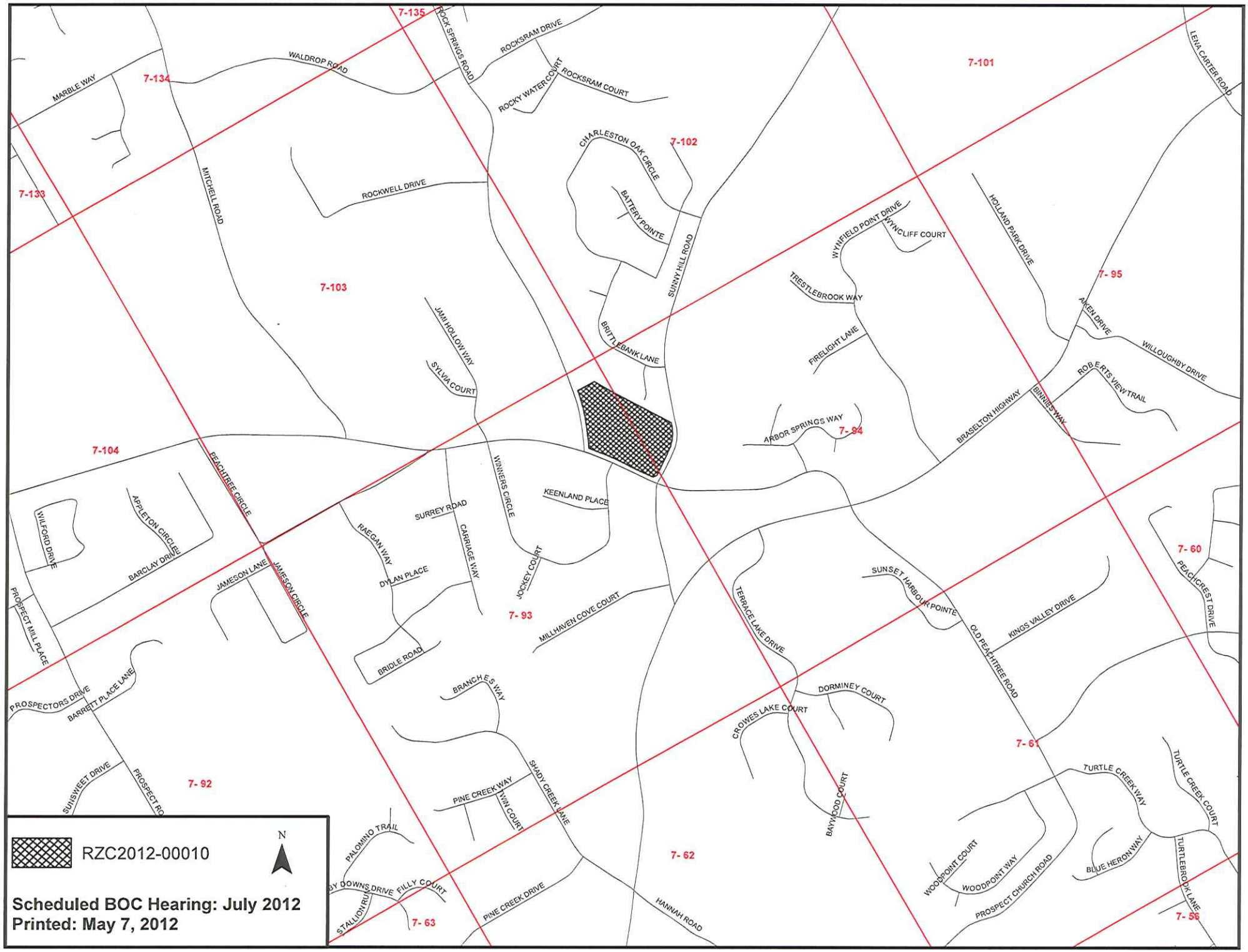
Respectfully submitted,

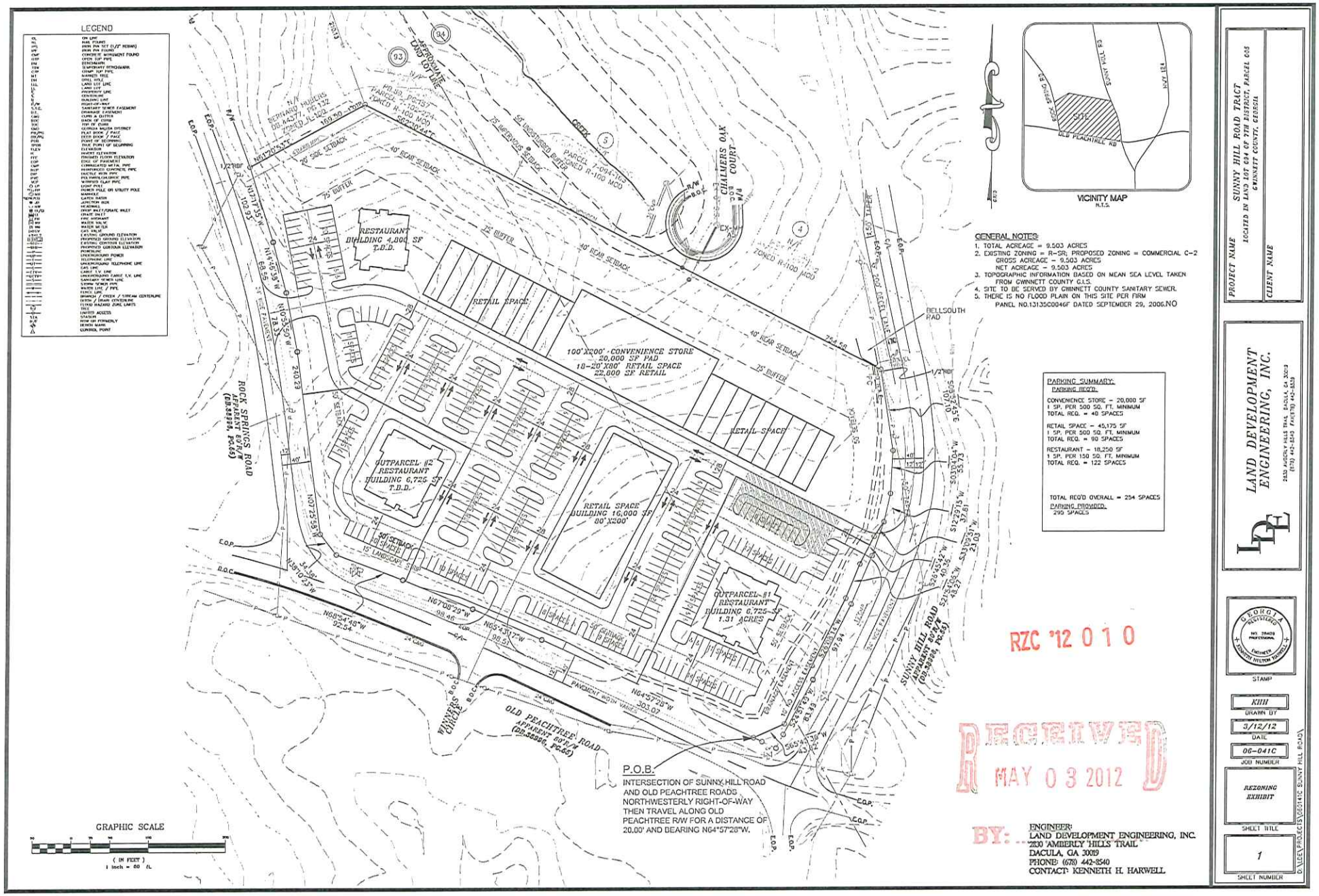
MAHAFFEY PICKENS TUCKER, LLP

E. Michelle Rothmeier
Attorneys for Applicant

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BY:

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ROCK SPRINGS ROAD
ROCKSRAM DRIVE
ROCKSRAM COURT
ROCKY WATER COURT
WALDROP ROAD
MARBLE WAY
MITCHELL ROAD
ROCKWELL DRIVE
CHARLESTON OAK CIRCLE
BATTERY POINTE
SUNNY HILL ROAD
BRITTLEBANK LANE
JAMI HOLLOW WAY
SYLVIA COURT
WYNFIELD POINT DRIVE
WYNCLIFF COURT
TRESTLEBROOK WAY
FIRELIGHT LANE
HOLLAND PARK DRIVE
LENA CARTER ROAD
AIKEN DRIVE
WILLOUGHBY DRIVE
ROBERTS VIEW TRAIL
BINNEY WAY
BRASELTON HIGHWAY
ARBOR SPRINGS WAY
KEENLAND PLACE
WINNERS CIRCLE
SURREY ROAD
CARRIAGE WAY
JOCKEY COURT
RAEGAN WAY
DYLAN PLACE
BRIDLE ROAD
MILLHAVEN COVE COURT
BEACHTREE CIRCLE
JAMESON LANE
JAMESON CIRCLE
WILFORD DRIVE
APPLETON CIRCLE
BARCLAY DRIVE
PROSPECT MILL PLACE
PROSPECTORS DRIVE
BARRETT PLACE LANE
SUNSWEET DRIVE
PROSPECT RO
BRANCH ES WAY
PINE CREEK WAY
TWIN COURT
SHADY CREEK LANE
PINE CREEK DRIVE
HANNAH ROAD
PALOMINO TRAIL
FILLY COURT
STALLION RUN
TERRACE LAKE DRIVE
SUNSET HARBOUR POINTE
OLD PEACHTREE ROAD
KINGS VALLEY DRIVE
DORMINEY COURT
CROWES LAKE COURT
BAYWOOD COURT
PEACHCREST DRIVE
TURTLE CREEK WAY
TURTLE CREEK COURT
WOODPOINT COURT
WOODPOINT WAY
PROSPECT CHURCH ROAD
BLUE HERON WAY
TURTLEBROOK LANE
RZC2012-00010
N
Scheduled BOC Hearing: July 2012
Printed: May 7, 2012



GENERAL NOTES:

1. TOTAL ACREAGE = 9.503 ACRES
2. EXISTING ZONING = R-SR; PROPOSED ZONING = COMMERCIAL C-2
   GROSS ACREAGE = 9.503 ACRES
   NET ACREAGE = 9.503 ACRES
3. TOPOGRAPHIC INFORMATION BASED ON MEAN SEA LEVEL TAKEN FROM GWINNETT COUNTY G.I.S.
4. SITE TO BE SERVED BY GWINNETT COUNTY SANITARY SEWER.
5. THERE IS NO FLOOD PLAIN ON THIS SITE PER FIRM PANEL NO.13135C0046F DATED SEPTEMBER 29, 2006.NO

PARKING SUMMARY:

PARKING REQ'D.

CONVENIENCE STORE = 20,000 SF
1 SP. PER 500 SQ. FT. MINIMUM
TOTAL REQ. = 40 SPACES

RETAIL SPACE = 45,175 SF
1 SP. PER 500 SQ. FT. MINIMUM
TOTAL REQ. = 90 SPACES

RESTAURANT = 18,250 SF
1 SP. PER 150 SQ. FT. MINIMUM
TOTAL REQ. = 122 SPACES

TOTAL REQ'D OVERALL = 254 SPACES

PARKING PROVIDED:
299 SPACES

RZC '12 0 1 0

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MAY 0 3 2012

P.O.B.
INTERSECTION OF SUNNY HILL ROAD AND OLD PEACHTREE ROADS NORTHWESTERLY RIGHT-OF-WAY THEN TRAVEL ALONG OLD PEACHTREE R/W FOR A DISTANCE OF 20.00' AND BEARING N64°57'28"W.

BY:

ENGINEER:
LAND DEVELOPMENT ENGINEERING, INC.
2200 'AMBERLY 'HILLS TRAIL'
DACULA, GA 30019
PHONE: (678) 442-8540
CONTACT: KENNETH H. HARWELL

PROJECT NAME: SUNNY HILL ROAD TRACT
LOCATED IN LAND LOT 634 OF THE 5TH DISTRICT, PARCEL 035
GWINNETT COUNTY, GEORGIA

CLIENT NAME:

LAND DEVELOPMENT ENGINEERING, INC.
2200 AMBERLY HILLS TRAIL, DACULA, GA 30019
(678) 442-8540 FAX (678) 442-8539

GEORGIA REGISTERED NO. 39408 PROFESSIONAL ENGINEER KENNETH HILTON HARWELL

STAMP

KHH
DRAWN BY

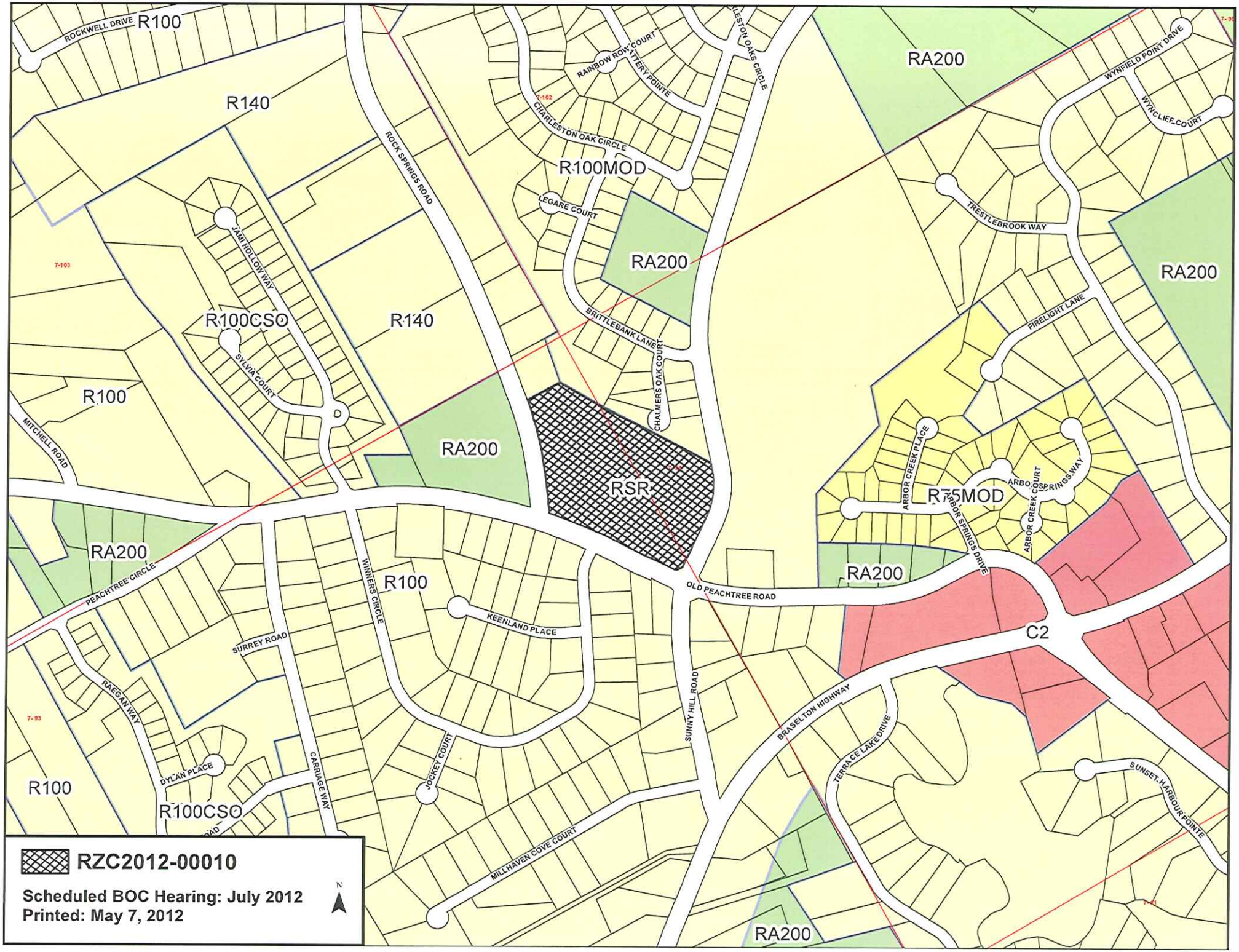
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06-041C
JOB NUMBER

REZONING EXHIBIT
SHEET TITLE

1
SHEET NUMBER

D:\LDE\PROJECTS\2006\41C SUNNY HILL ROAD\


ROCKWELL DRIVE
R100
R140
ROCK SPRINGS ROAD
RAINBOW ROW COURT
TTERY POINTE
CHARLESTON OAK CIRCLE
LESTON OAKS CIRCLE
R100MOD
LEGARE COURT
RA200
WYNFIELD POINT DRIVE
WYNCLIFF COURT
TRESTLEBROOK WAY
JAMI HOLLOW WAY
R100CSO
SYLVIA COURT
R140
BRITTLEBANK LANE
CHALMERS OAK COURT
FIRELIGHT LANE
R100
MITCHELL ROAD
RA200
RSR
ARBOR CREEK PLACE
ARBOR SPRINGS WAY
ARBOR CREEK COURT
R75MOD
RA200
PEACHTREE CIRCLE
WINNERS CIRCLE
R100
KEENLAND PLACE
OLD PEACHTREE ROAD
ARBOR SPRINGS DRIVE
RA200
C2
SURREY ROAD
SUNNY HILL ROAD
RAEGAN WAY
BRASELTON HIGHWAY
DYLAN PLACE
CARRIAGE WAY
JOCKEY COURT
TERRACE LAKE DRIVE
SUNSET HARBOUR POINTE
R100
R100CSO
MILLHAVEN COVE COURT
RA200
RZC2012-00010
Scheduled BOC Hearing: July 2012
Printed: May 7, 2012
N

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20121051	

☒ Rezoning ☒ Public Hearing

Department:	Planning & Development			Date Submitted:	11/15/2012
Working Session:		Business Session:		Public Hearing:	04/23/2013
Submitted By:	vlharrod			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: Planning Commission Results and Department Analysis

Authorization: Chairman's Signature? Yes

Department Head: bjlackey (4/4/2013)

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:

County Clerk Use Only

Working Session	
Action	Tabled
Tabled	03/26/2013
Motion	Brooks
2nd by	Howard
Vote	5-0 Hunter Yes; Nash-Yes ; Brooks-Yes; Howard-Yes; Beaudreau-; Heard-Yes

Planning and Development

Recommendation:
- ☐ Approve
- ☒ Approve with Conditions
- ☐ Appr w/ Cond As
- ☐ Deny w/out Prejudice
- ☐ Deny PH was Held? ☐
- ☐ No Recommendation

Planning Commission

Recommendation:
- ☐ Tabled - Date
- ☐ Approve
- ☒ Approve with Conditions
- ☐ Appr w/ Cond As
- ☐ Deny ☐ Deny w/out Prejudice
- ☐ No Recommendation

PLANNING COMMISSION
RECOMMENDED CONDITIONS

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

1. 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. **The access gate system is required to be properly maintained and functional at all times, with any required repairs to be made within one week.**

   C. Garages shall be provided for a minimum of ~~20~~ **14**% of the units.

   D. Efficiency units shall be prohibited, and the complex shall be limited to a maximum of ~~30~~ **21** 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.

   G. **Prior to issuance of a Development Permit, the applicant shall submit architectural elevations in the form of a Plan Book for review and approval by the Director of Planning and Development. At a minimum, the Plan Book shall include building elevations, colors, materials and other pertinent information as may be required by the Director. Building colors and elevations shall be substantially in accordance with the elevations presented by the applicant at the March 5, 2013 Planning Commission hearing.**

   H. **All units are to have solid surface counter tops and tile or hardwood entry, kitchen and bathroom floors.**

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 and entrance monument design **along Satellite**

Boulevard and Cross Pointe Way 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.

H. **Provide a minimum 10-foot wide landscaped strip along the common property line with Cross Pointe Church, where it adjoins the existing church parking lot and driveways. The final location and design of the landscaped strip shall be subject to review and approval by the Director of Planning and Development.**

I. **Provide a minimum 5-foot wide sidewalk connection from the apartment complex's internal entrance (from the location of the proposed clubhouse) connecting to the sidewalk along Satellite Boulevard and to Cross Pointe Way continuing along the entire property frontage(s). The final location, length and design of the sidewalk shall be subject to review and approval by the Director of Planning and Development. Sidewalks shall be constructed with an additional 2-foot by 8-foot concrete pad approximately every 300 linear feet to accommodate future pedestrian amenities as detailed in the Civic Center Overlay District regulations.**

J. **Provide secure pedestrian access gate(s) from the apartment complex to the Cross Pointe Church property and to the required 5-foot sidewalks (referenced above). The final location and design of the gate(s) shall be subject to review and approval by the Director of Planning and Development.**

K. **A walking/bike path shall be installed by the developer located generally in accordance with the site plan submitted at the March 5, 2013 Planning Commission hearing. Final location and design of the path shall be subject to review and approval by the Director of Planning and Development.**

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.**; provided, however, that any traffic signal shall be constructed in accordance with Condition 3.C.** All design and construction will be subject to D.O.T. review and approval. **All design, permitting, right-of-way acquisition and installation of traffic improvements shall be at the developer's cost.**

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 **within 6 months of** the issuance of the first certificate of occupancy.

PLANNING COMMISSION 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.

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:

1. 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: .....

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OCT 05 2012
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 32.67 +/- 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'12005

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.areng.com

October 30, 2012

A & R Project # 12-040

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BY: APM

RZM '12 0 0 5

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.

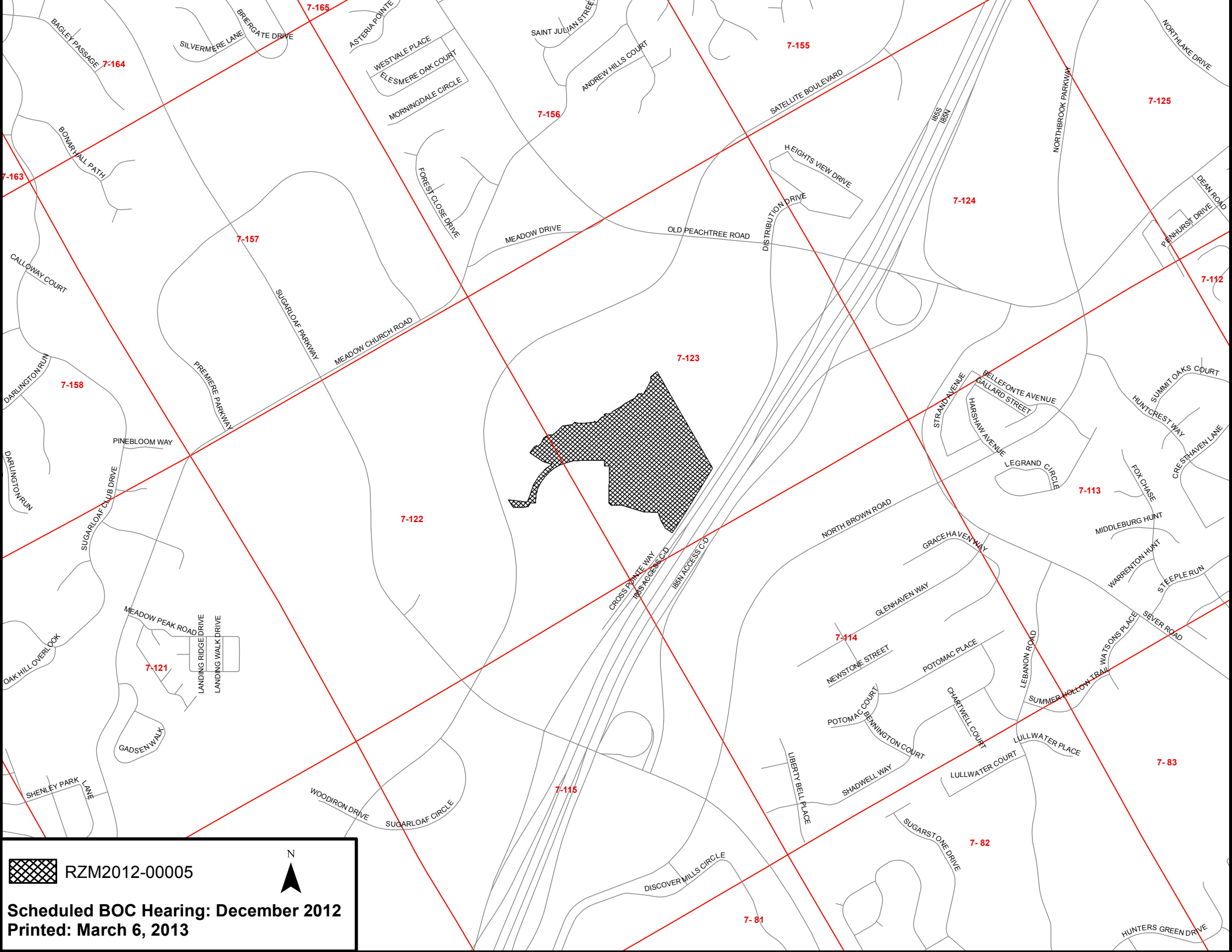
The future intersection analysis indicates that the westbound approach to the intersection of Satellite Blvd / Cross Pointe Driveway will operate at LOS C (above the industry standard of LOS D) in the AM and PM peak hours. With a police officer continuing to control the flow of traffic during heavy periods 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
		2012-13			2013-14			2014-2015			Approximate additional Student Projections from Proposed Developments
		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
N
Scheduled BOC Hearing: December 2012
Printed: March 6, 2013
7-164
7-165
7-155
7-156
7-125
7-163
7-157
7-124
7-112
7-158
7-123
7-122
7-113
7-121
7-114
7-115
7- 83
7- 82
7- 81
BAGLEY PASSAGE
SILVERMERE LANE
BRIERGATE DRIVE
ASTERIA POINTE
WESTVALE PLACE
ELESMERE OAK COURT
MORNINGDALE CIRCLE
SAINT JULIAN STREET
ANDREW HILLS COURT
SATELLITE BOULEVARD
NORTHLAKE DRIVE
NORTHBROOK PARKWAY
I85S
I85N
BONARHALL PATH
FOREST CLOSE DRIVE
HEIGHTS VIEW DRIVE
DISTRIBUTION DRIVE
DEAN ROAD
PENHURST DRIVE
MEADOW DRIVE
OLD PEACHTREE ROAD
CALLOWAY COURT
SUGARLOAF PARKWAY
MEADOW CHURCH ROAD
PREMIERE PARKWAY
DARLINGTON RUN
PINEBLOOM WAY
SUGARLOAF CLUB DRIVE
STRAND AVENUE
BELLEFONTE AVENUE
GALLARD STREET
HARSHAW AVENUE
LEGRAND CIRCLE
SUMMIT OAKS COURT
HUNTCREST WAY
CRESTHAVEN LANE
FOX CHASE
MIDDLEBURG HUNT
WARRENTON HUNT
STEEPLE RUN
SEVER ROAD
NORTH BROWN ROAD
GRACEHAVEN WAY
GLENHAVEN WAY
CROSS POINTE WAY
I85S ACCESS C-D
I85N ACCESS C-D
MEADOW PEAK ROAD
LANDING RIDGE DRIVE
LANDING WALK DRIVE
OAK HILL OVERLOOK
GADSEN WALK
NEWSTONE STREET
POTOMAC PLACE
POTOMAC COURT
SENNINGTON COURT
CHARTWELL COURT
LEBANON ROAD
WATSONS PLACE
SUMMER HOLLOW TRAIL
LULLWATER PLACE
LULLWATER COURT
LIBERTY BELL PLACE
SHADWELL WAY
SHENLEY PARK LANE
WOODIRON DRIVE
SUGARLOAF CIRCLE
DISCOVER MILLS CIRCLE
SUGARSTONE DRIVE
HUNTERS GREEN DRIVE

SITE DATA: Multi-Family	
OVERALL TOTAL SITE AREA	32.67 ACRES
ZONING	
EXISTING ZONING	M2 - HEAVY INDUSTRY
PROPOSED ZONING	RM-13 MULTI-FAMILY DISTRICT
ZONING JURISDICTION	GWINNETT COUNTY
UNIT SUMMARY:	
TOTAL SITE:	32.67 ACRES
TOTAL UNITS	390 UNITS
TOTAL DENSITY	11.94 UN / AC.
PARKING REQUIRED	585 SPACES
PARKING PROVIDED:	658 SPACES (1.69 PER UNIT)

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BY:

RZM '12 005

SITE LOCATION MAP (NTS)

Sattelite Boulevard at Distribution Drive

A Master Planned Multi-Family Community

FOR

BRAND PROPERTIES LLC

3328 PEACHTREE ROAD, N.E.
SUITE 400
ATLANTA, GEORGIA 30326
PHONE: 770-563-5223

GWINNETT COUNTY GEORGIA

LAND LOT 124
7th DISTRICT

PLANNERS AND ENGINEERS COLLABORATIVE
"WE PROVIDE SOLUTIONS"
SITE PLANNING ◎ LANDSCAPE ARCHITECTURE ◎ CIVIL ENGINEERING ◎ LAND SURVEYING
350 RESEARCH COURT ■ NORCROSS, GEORGIA 30092 ■ (770)451-3191 ■ FAX (770)451-3195 ■ WWW.PECATL.COM

REVISIONS:

NO	DATE	BY	DESCRIPTION
-1	1-20-12	MA	CONCEPT SITE PLAN #2
-2	1-26-12	MA	PHASE DEVELOPMENT

This drawing is the property of Planners and Engineers Collaborative and is not to be copied in whole or in part. It is not to be used on any other project and is to be returned upon request. ©Planners and Engineers Collaborative

SHEET TITLE

CONCEPT SITE PLAN #4

0 40 80 160 240

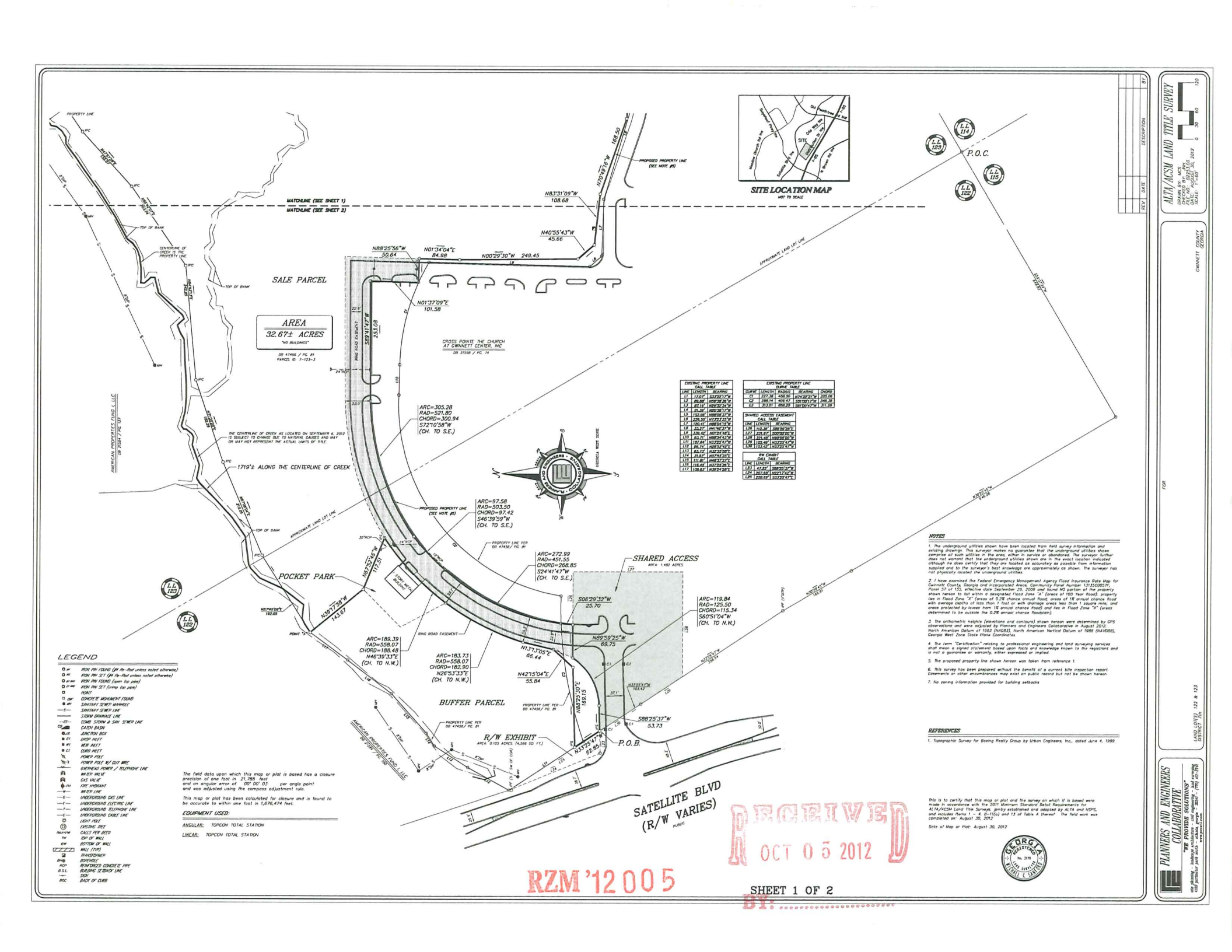
SCALE: 1" = 80'
DATE: January 3, 2011
PROJECT: 02253.00D

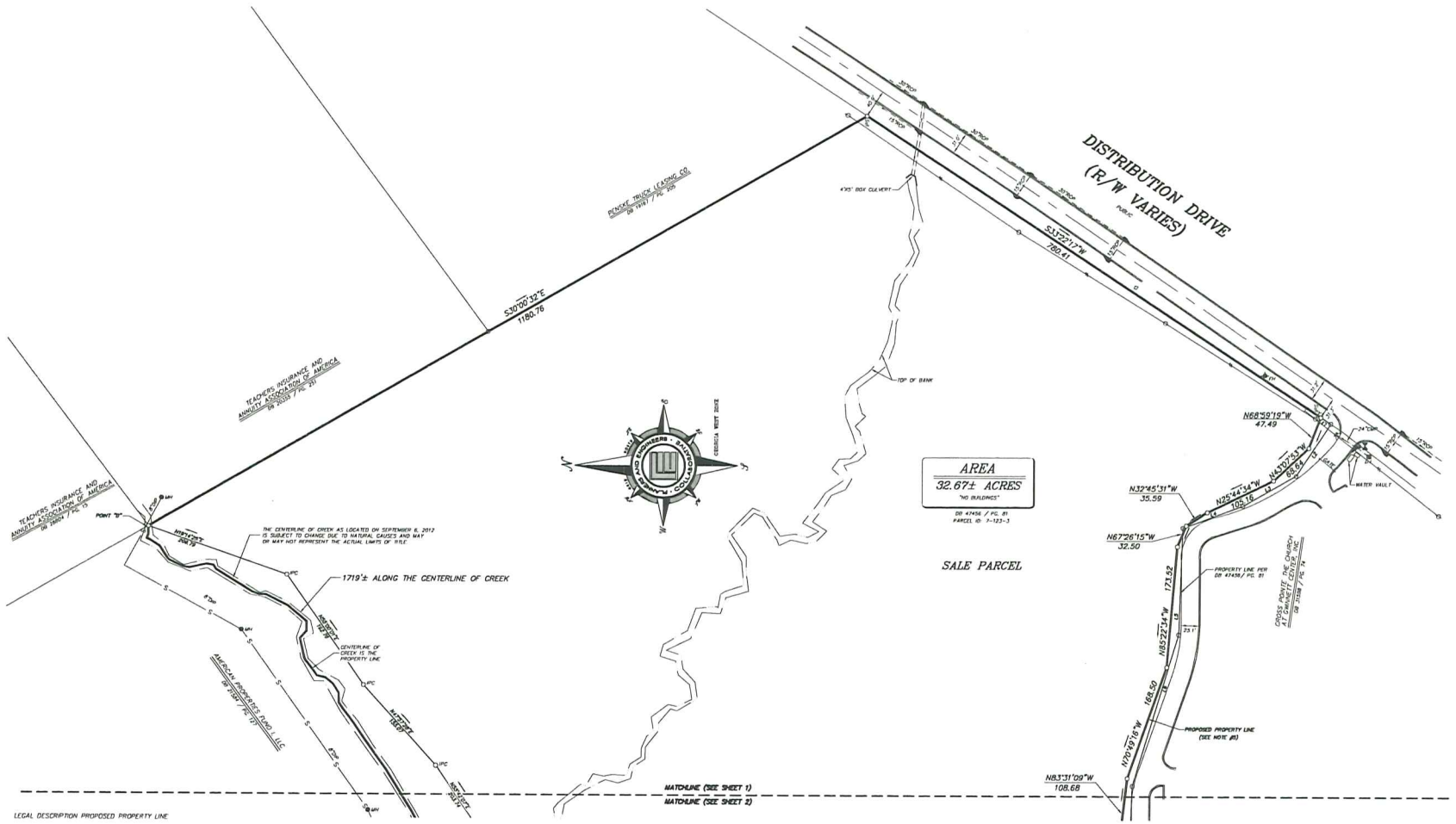
THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GEORGIA REGISTERED No. 34383 PROFESSIONAL ENGINEER KENNETH J. WOOD

1

SHEET


SALE PARCEL
AREA
32.67± ACRES
"NO BUILDINGS"
DB 47456 / PG. 81
PARCEL ID: 7-123-3
CROSS POINTE THE CHURCH AT GWINNETT CENTER, INC
DB 31598 / PG. 74
AMERICAN PROPERTIES FUND I, LLC
DB 31334 / PG. 137
POCKET PARK
BUFFER PARCEL
SHARED ACCESS
AREA 1.402 ACRES
R/W EXHIBIT
AREA 0.103 ACRES (4,486 SQ. FT.)
SATELLITE BLVD
(R/W VARIES)
PUBLIC
P.O.C.
P.O.B.
1719'± ALONG THE CENTERLINE OF CREEK
THE CENTERLINE OF CREEK AS LOCATED ON SEPTEMBER 6, 2012 IS SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND MAY OR MAY NOT REPRESENT THE ACTUAL LIMITS OF TITLE.
MATCHLINE (SEE SHEET 1)
MATCHLINE (SEE SHEET 2)
PROPOSED PROPERTY LINE (SEE NOTE #5)
PROPERTY LINE PER DB 47456/ PG. 81
APPROXIMATE LAND LOT LINE
RING ROAD EASEMENT
TOP OF BANK
CENTERLINE OF CREEK IS THE PROPERTY LINE
ARC=305.28
RAD=521.80
CHORD=300.94
S72°10'58"W
(CH. TO S.E.)
ARC=97.58
RAD=503.50
CHORD=97.42
S46°39'59"W
(CH. TO S.E.)
ARC=272.99
RAD=451.55
CHORD=268.85
S24°41'47"W
(CH. TO S.E.)
ARC=119.84
RAD=125.50
CHORD=115.34
S60°51'04"W
(CH. TO N.W.)
ARC=189.39
RAD=558.07
CHORD=188.48
N46°39'33"E
(CH. TO N.W.)
ARC=183.73
RAD=558.07
CHORD=182.90
N26°53'33"E
(CH. TO N.W.)
N83°31'09"W 108.68
N70°49'18"W 168.50
N40°35'43"W 45.66
N88°25'56"W 50.64
N01°34'04"E 84.98
N00°29'30"W 249.45
N01°37'09"E 101.58
S69°41'47"W 243.08
N83°53'46"W 117.51
N39°17'58"W 143.67
N87°45'09"E 193.05
N13°13'05"E 66.44
N42°15'04"E 55.84
N08°25'30"E 169.15
N33°25'47"W 62.85
S06°29'32"W 25.70
N89°59'25"W 69.73
S88°25'37"W 53.73
N30°20'47"W 146.28
N32°57'47"W 108.91
N30°20'47"W 248.28
SITE LOCATION MAP
NOT TO SCALE
Old Peachtree Rd NW
Old Norcross Rd
Satellite Blvd
Medlock Bridge Rd NW
Peachtree Pkwy
Gwinnett Pl Dr NW
Gwinnett Place Dr NW
Sugarloaf Pkwy
Satellite Blvd
Pleasant Hill Rd
L.L. 114
L.L. 123
L.L. 115
L.L. 122
L.L. 103
L.L. 102
EXISTING PROPERTY LINE CALL TABLE
EXISTING PROPERTY LINE CURVE TABLE
SHARED ACCESS EASEMENT CALL TABLE
R/W CONVEY CALL TABLE
LEGEND
IRON PIN FOUND (¾" Ro-Rod unless noted otherwise)
IRON PIN SET (¾" Ro-Rod unless noted otherwise)
IRON PIN FOUND (open top pipe)
IRON PIN SET (crimp top pipe)
POINT
CONCRETE MONUMENT FOUND
SANITARY SEWER MANHOLE
SANITARY SEWER LINE
STORM DRAINAGE LINE
COMB. STORM & SAN. SEWER LINE
CATCH BASIN
JUNCTION BOX
DROP INLET
MCB INLET
CURB INLET
POWER POLE
POWER POLE W/ GUY WIRE
OVERHEAD POWER / TELEPHONE LINE
WATER VALVE
GAS VALVE
FIRE HYDRANT
WATER LINE
UNDERGROUND GAS LINE
UNDERGROUND ELECTRIC LINE
UNDERGROUND TELEPHONE LINE
UNDERGROUND CABLE LINE
LIGHT POLE
EXISTING TREE
CABLE TV PEDESTAL
TOP OF WALL
BOTTOM OF WALL
WALL (TYP.)
TRANSFORMER
BOLLARD
REINFORCED CONCRETE PIPE
BUILDING SETBACK LINE
CURB
BACK OF CURB
The field data upon which this map or plat is based has a closure precision of one foot in 21,786 feet and an angular error of 00° 00' 03" per angle point and was adjusted using the compass adjustment rule.
This map or plat has been calculated for closure and is found to be accurate to within one foot in 1,676,474 feet.
EQUIPMENT USED:
ANGULAR: TOPCON TOTAL STATION
LINEAR: TOPCON TOTAL STATION
NOTES
1. The underground utilities shown have been located from field survey information and existing drawings. This surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information supplied and to the surveyor's best knowledge are approximately as shown. The surveyor has not physically located the underground utilities.
2. I have examined the Federal Emergency Management Agency Flood Insurance Rate Map for Gwinnett County, Georgia and Incorporated Areas, Community Panel Number 13135C0057F, Panel 57 of 155, effective date September 29, 2006 and found NO portion of the property shown hereon to fall within a designated Flood Zone "A" (areas of 100 Year flood), property lies in Flood Zone "X" (areas of 0.2% chance annual flood, areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood) and lies in Flood Zone "X" (areas determined to be outside the 0.2% annual chance floodplain).
3. The orthometric heights (elevations and contours) shown hereon were determined by GPS observations and were adjusted by Planners and Engineers Collaborative in August 2012. North American Datum of 1983 (NAD83), North American Vertical Datum of 1988 (NAVD88), Georgia West Zone State Plane Coordinates.
4. The term "Certification" relating to professional engineering and land surveying services shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.
5. The proposed property line shown hereon was taken from reference 1.
6. This survey has been prepared without the benefit of a current title inspection report. Easements or other encumbrances may exist on public record but not be shown hereon.
7. No zoning information provided for building setbacks
REFERENCES
1. Topographic Survey for Boeing Realty Group by Urban Engineers, Inc., dated June 4, 1999.
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1 – 4, 8-11(b) and 13 of Table A thereof. The field work was completed on: August 30, 2012
Date of Map or Plat: August 30, 2012
GEORGIA REGISTERED No. 3179 ROBERT C. SANDERS
RECEIVED
OCT 05 2012
RZM '12 005
BY:
SHEET 1 OF 2
PLANNERS AND ENGINEERS COLLABORATIVE
"WE PROVIDE SOLUTIONS"
ALTA/ACSM LAND TITLE SURVEY
GWINNETT COUNTY GEORGIA
LAND LOT(S) 122 & 123
DISTRICT 7th
DRAWN BY: MCS
CHECKED BY: RCS
FILE NO.: 12245.00
FIELD SURVEY: AUG. 30, 2012
SCALE: 1"=60'
DESCRIPTION
DATE
BY
REV



LEGAL DESCRIPTION PROPOSED PROPERTY LINE

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot(s) 122 & 123 of the 7TH District, Gwinnett County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING commence at a point at the Land Lot corner common to Land Lots 114, 115, 122 and 123; thence along the Land Lot line common to Land Lots 115 & 122 South 59 degrees 37 minutes 29 seconds West a distance of 648.82 feet to a point; thence North 30 degrees 20 minutes 45 seconds West a distance of 646.28 feet to a point; thence continue northwesterly along said line, a distance of 166.81 feet to an iron pin found ("I/p"); thence North 33 degrees 25 minutes 47 seconds West a distance of 358.54 feet to a point on the northeasterly right-of-way line of Satellite Boulevard (R/W Varies); thence continue northwesterly along said right-of-way line, a distance of 103.42 feet to a point and the TRUE POINT OF BEGINNING; thence continue northwesterly along said right-of-way line, a distance of 62.85 feet to a point; thence leaving said right-of-way line North 88 degrees 25 minutes 37 seconds East a distance of 169.15 feet to a point; thence North 42 degrees 15 minutes 04 seconds East a distance of 35.84 feet to a point; thence North 13 degrees 13 minutes 05 seconds East a distance of 66.44 feet to a point; thence 183.73 feet along an arc of a curve to the right, said curve having a radius of 358.07 feet and a chord bearing and distance of North 26 degrees 53 minutes 33 seconds East 182.90 feet to a point; thence 189.39 feet along an arc of a curve to the right, said curve having a radius of 358.07 feet and a chord bearing and distance of North 46 degrees 39 minutes 33 seconds East 188.48 feet to a point; thence North 67 degrees 52 minutes 46 seconds West a distance of 117.51 feet to a point; thence North 39 degrees 17 minutes 58 seconds West a distance of 143.67 feet to a point at the centerline of a creek said point being referred to as Point "A" (the commencement point on a traverse line); thence following the centerline of said creek and the meanderings thereof, 1719 feet more or less to a point, said point being referred to as point "B" (the terminus of said traverse line) (said traverse line from point "A" to Point "B", having the following courses and distances: thence North 57 degrees 45 minutes 09 seconds East a distance of 192.05 feet to an iron pin and cap; thence North 67 degrees 08 minutes 04 seconds East a distance of 215.05 feet to a point; thence North 71 degrees 35 minutes 26 seconds East a distance of 182.25 feet to an iron pin and cap; thence North 84 degrees 42 minutes 13 seconds East a distance of 242.25 feet to an iron pin and cap, thence North 55 degrees 42 minutes 07 seconds East a distance of 203.74 feet to an iron pin and cap; thence North 47 degrees 57 minutes 28 seconds East a distance of 153.07 feet to an iron pin and cap; thence North 35 degrees 00 minutes 01 seconds East a distance of 192.76 feet to an iron pin and cap; thence North 19 degrees 14 minutes 25 seconds East a distance of 209.79 feet to a point; thence leaving said centerline of creek South 30 degrees 00 minutes 32 seconds East a distance of 1,180.76 feet to a point on the northwesterly right-of-way line of Distribution Drive (R/W Varies); thence along said right-of-way line South 33 degrees 22 minutes 17 seconds West a distance of 780.41 feet, thence leaving said right-of-way line North 68 degrees 59 minutes 19 seconds West a distance of 47.49 feet to a point; thence North 43 degrees 07 minutes 53 seconds West a distance of 68.64 feet to a point; thence North 25 degrees 44 minutes 34 seconds West a distance of 105.16 feet to a point; thence North 32 degrees 45 minutes 31 seconds West a distance of 35.59 feet to a point; thence North 67 degrees 26 minutes 15 seconds West a distance of 32.50 feet to a point; thence North 85 degrees 22 minutes 34 seconds West a distance of 173.92 feet to a point; thence North 70 degrees 49 minutes 18 seconds West a distance of 188.50 feet to a point; thence North 83 degrees 31 minutes 09 seconds West a distance of 108.68 feet to a point; thence North 40 degrees 53 minutes 43 seconds West a distance of 45.66 feet to a point; thence North 00 degrees 29 minutes 30 seconds West a distance of 249.45 feet to a point; thence North 01 degrees 34 minutes 04 seconds East a distance of 84.98 feet to a point; thence North 88 degrees 25 minutes 56 seconds West a distance of 50.64 feet to a point; thence North 01 degrees 37 minutes 09 seconds East a distance of 101.58 feet to a point; thence South 89 degrees 41 minutes 47 seconds West a distance of 253.08 feet to a point; thence 305.28 feet along an arc of a curve to the left, said curve having a radius of 521.80 feet and a chord bearing and distance of South 72 degrees 10 minutes 58 seconds West 300.94 feet to a point; thence 97.57 feet along an arc of a curve to the left, said curve having a radius of 503.50 feet and a chord bearing and distance of South 48 degrees 39 minutes 59 seconds West 97.42 feet to a point; thence 272.89 feet along an arc of a curve to the left, said curve having a radius of 451.55 feet and a chord bearing and distance of South 24 degrees 41 minutes 47 seconds West 268.85 feet to a point; thence South 06 degrees 29 minutes 32 seconds West a distance of 25.70 feet to a point; thence North 89 degrees 59 minutes 25 seconds West a distance of 69.75 feet to a point; thence 119.84 feet along an arc of a curve to the right, said curve having a radius of 125.50 feet and a chord bearing and distance of South 40 degrees 31 minutes 04 seconds West 115.34 feet; thence South 88 degrees 25 minutes 37 seconds West a distance of 53.73 feet to a point on the northeasterly right-of-way line of Satellite Boulevard and the TRUE POINT OF BEGINNING.

Said tract containing 32.67 more or less acres.

LEGAL DESCRIPTION SHARED ACCESS EASEMENT

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot(s) 122 of the 7TH District, Gwinnett County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING commence at a point at the Land Lot corner common to Land Lots 114, 115, 122 and 123; thence along the Land Lot line common to Land Lots 115 & 122 South 59 degrees 37 minutes 29 seconds West a distance of 648.82 feet to a point; thence North 30 degrees 20 minutes 45 seconds West a distance of 646.28 feet to a point; thence continue northwesterly along said line, a distance of 166.81 feet to an iron pin found ("I/p"); thence North 33 degrees 25 minutes 47 seconds West a distance of 358.54 feet to a point on the northeasterly right-of-way line of Satellite Boulevard (R/W Varies); thence continue northwesterly along said right-of-way line, a distance of 103.42 feet to a point and the TRUE POINT OF BEGINNING; thence leaving said right-of-way line North 88 degrees 25 minutes 37 seconds East a distance of 53.73 feet to a point; thence 119.84 feet along an arc of a curve to the left, said curve having a radius of 125.50 feet and a chord bearing and distance of North 60 degrees 51 minutes 04 seconds East 115.34 feet to a point; thence South 89 degrees 59 minutes 25 seconds East a distance of 69.75 feet to a point; thence continue easterly along said line, a distance of 112.39 feet to a point; thence South 00 degrees 00 minutes 00 seconds West a distance of 231.97 feet to a point; thence North 90 degrees 00 minutes 00 seconds West a distance of 221.48 feet to a point; thence North 33 degrees 25 minutes 47 seconds West a distance of 105.49 feet to a point on said right-of-way line; thence continue northwesterly along said right-of-way line, a distance of 103.42 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 1.402 acres

LEGAL DESCRIPTION R/W EXHIBIT

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot(s) 122 of the 7TH District, Gwinnett County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING commence at a point at the Land Lot corner common to Land Lots 114, 115, 122 and 123; thence along the Land Lot line common to Land Lots 115 & 122 South 59 degrees 37 minutes 29 seconds West a distance of 648.82 feet to a point; thence North 30 degrees 20 minutes 45 seconds West a distance of 646.28 feet to a point; thence continue northwesterly along said line, a distance of 166.81 feet to an iron pin found ("I/p"); thence North 33 degrees 25 minutes 47 seconds West a distance of 358.54 feet to a point on the northeasterly right-of-way line of Satellite Boulevard (R/W Varies); thence continue northwesterly along said right-of-way line, a distance of 103.42 feet to a point and the TRUE POINT OF BEGINNING; thence leaving said right-of-way line North 88 degrees 25 minutes 37 seconds East a distance of 47.22 feet to a point; thence North 22 degrees 17 minutes 42 seconds West a distance of 207.68 feet to a point on said right-of-way line; thence along said right-of-way line South 33 degrees 25 minutes 47 seconds East a distance of 228.69 feet to a point and the TRUE POINT OF BEGINNING.

Said tract containing 0.105 acres (4,586 square feet).

TITLE EXCEPTIONS

First American Title Insurance Company's commitment number xxxxxxx with an effective date of xxxxxx was used in the preparation of this survey and the listed exceptions are as follows:

EXISTING PROPERTY LINE CALL TABLE		
LINE	LENGTH	BEARING
L1	11.01'	S33°22'17"W
L2	89.88'	N04°28'41"W
L3	87.18'	N25°42'34"W
L4	81.38'	N32°36'31"W
L5	152.88'	N89°08'31"W
L6	238.33'	N72°33'28"W
L7	120.41'	N88°04'15"W
L8	33.27'	N41°16'28"E
L9	339.48'	N01°34'48"E
L10	83.71'	N89°24'34"W
L11	187.82'	N33°25'47"W
L12	99.24'	N09°56'24"E
L13	83.72'	N26°39'38"E
L14	31.82'	N01°56'26"E
L15	111.81'	N67°17'21"E
L16	116.42'	N37°25'39"E
L17	108.63'	N39°34'39"E

EXISTING PROPERTY LINE CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	227.39'	458.00'	N74°32'21"W	225.08'
C2	268.13'	404.47'	S01°50'17"W	263.18'
C3	313.01'	268.25'	S89°59'47"W	311.39'

SHARED ACCESS EASEMENT CALL TABLE		
LINE	LENGTH	BEARING
L20	112.39'	S89°25'25"E
L21	231.97'	S00°00'00"E
L22	221.48'	N90°00'00"W
L23	105.49'	N33°25'47"W
L24	103.42'	N33°25'47"W

RW EXHIBIT CALL TABLE		
LINE	LENGTH	BEARING
L31	47.22'	S88°34'13"E
L32	207.68'	N22°17'42"W
L33	228.69'	S33°25'47"E

RECEIVED
OCT 05 2012
BY: .....
RZM '12005

SHEET 2 OF 2

ALTA/ACSM LAND TITLE SURVEY
DRAWN BY: MCS
FILE NO: 12-123-ATS
DATE: AUGUST 30, 2012
SCALE: 1"=60'

LAND LOT(S) 122 & 123
DISTRICT 7th

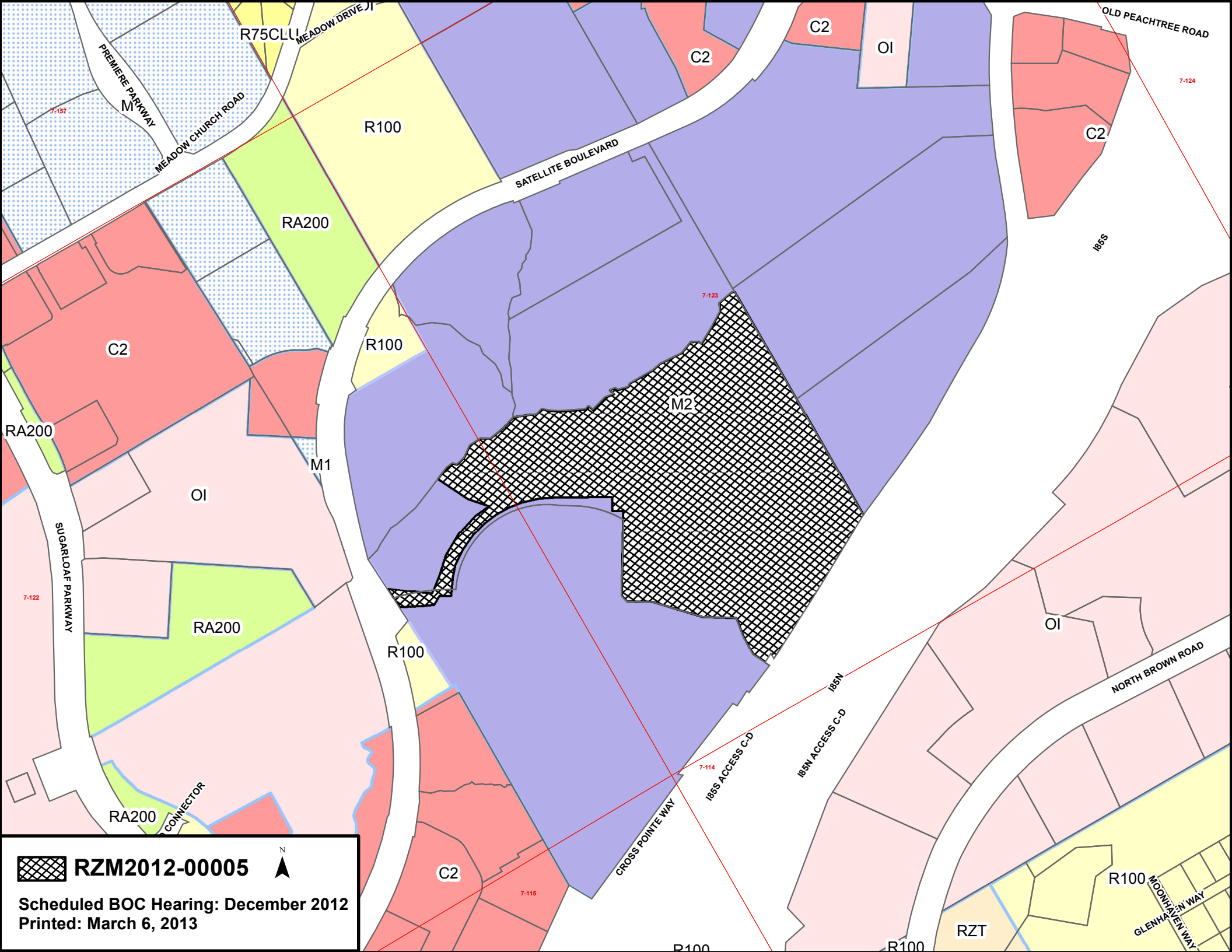
GWINNETT COUNTY GEORGIA

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RZM2012-00005

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


R75CLU
MEADOW DRIVE
PREMIERE PARKWAY
MEADOW CHURCH ROAD
SATELLITE BOULEVARD
OLD PEACHTREE ROAD
I85S
I85N
I85S ACCESS C-D
I85N ACCESS C-D
CROSS POINTE WAY
SUGARLOAF PARKWAY
NORTH BROWN ROAD
MOONHAVEN WAY
GLENHAVEN WAY
CONNECTOR
C2
OI
R100
RA200
M
M1
M2
RZT
7-157
7-124
7-123
7-122
7-114
7-115
RZM2012-00005
N
Scheduled BOC Hearing: December 2012
Printed: March 6, 2013

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130294	

☒ Rezoning ☒ Public Hearing

Department:	Planning & Development	Date Submitted:	03/13/2013
Working Session:		Business Session:	Public Hearing: 04/23/2013
Submitted By:	vlharrod	Multiple Depts?	No
Budget Type:	Neither	Special Routing:	
Agenda Type	Rezoning	Rezoning Type	CIC

Item of Business: Locked by Purchasing: No

2013-00007, Applicant: Georgia Pavement Products, Inc., Owner: Im Heon Soon & Jin Sook, Change In Conditions to Revise Use and Outdoor Storage Restrictions on Property Zoned C-2, District 6 Land Lot 247 Parcel 024, 6900 Block of Buford Highway, 2.80 Acres. District 2/Howard

Land Lot:	247	Parcel:	024
District:	6		

Attachments	Planning Commission Results and Department Analysis
Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (4/4/2013)
Attorney	

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

Comments

County Clerk Use Only

Working Session
Action: Public Hearing
Tabled
Motion
2nd by
Vote

Planning and Development

Recommendation:
☐ Approve
☒ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny w/out Prejudice
☐ Deny PH was Held? ☐
☐ No Recommendation

Planning Commission

Recommendation:
☐ Tabled - Date
☐ Approve
☒ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny ☐ Deny w/out Prejudice
☐ No Recommendation

PLANNING COMMISSION
RECOMMENDED CONDITIONS

Approval as C-2 (Change-in-Conditions of SUP-06-118, a Special Use Permit for outdoor storage), subject to the following enumerated conditions:

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

    A. Retail or other commercial uses permitted in the C-2 zoning district, which may include a paving supply company with outdoor storage of equipment and materials as a special use.

    B. Limit the height of the building(s) to no more than one story.

    C. The Special Use Permit for auto sales at the property frontage (SUP-02-037/ 0.632 acres) shall remain in effect.

2. To satisfy the following site development considerations:

    A. Provide a 25-foot enhanced buffer adjacent to residentially-zoned property which must be approved by the Department of Planning and Development to insure adequate screening.

    B. Provide a ten-foot wide landscape strip outside the new dedicated right-of-way of Buford Highway.

    C. The development shall be required to share a curb cut with the adjacent tract to the west. Access easement agreements shall be required between these two tracts.

    D. No billboards are permitted.

    E. Provide and maintain a six-foot high, 100-percent opaque wood fence adjacent to the westerly property line adjoining residential zoning. The solid (finished) side of the fence shall face residential properties.

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

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

    H. No outside storage of junked or wrecked vehicles or discarded car parts or materials shall be allowed.

    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 and sign-twirlers shall be prohibited.

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

K. Ground signage shall be limited to monument-type signs. Signs shall have masonry base that matches the building and shall comply with all requirements of the Gwinnett County sign ordinance.

L. All equipment and materials associated with the paving supply company shall be stored within the fenced area located to the ~~side and~~ rear of the ~~property~~ **building**.

M. Low shrubs shall be planted on the property's front landscaped strip adjacent to Buford Highway, as reviewed and approved by the Director of Planning and Development.

PLANNING COMMISSION RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested Change-in-Conditions to allow a paving supply company could be suitable in light of the zoning pattern established along this segment of Buford Highway, which includes other uses with similar or greater intensity.

ADVERSE IMPACTS

No significant impacts on adjacent and nearby properties are anticipated from the use.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

No significant change in impacts on public facilities would be anticipated from the request.

CONFORMITY WITH POLICIES

Although not strictly consistent with the policies of the Unified Plan, the proposed use could be considered compatible with the established commercial/industrial corridor along Buford Highway. The proposed paving supply facility could be suitable in light of the nature of surrounding developments.

CONDITIONS AFFECTING ZONING

The proposed paving supply company's compatibility with surrounding businesses, and with the intensity of use and zoning in the immediate area, could support the approval of the Change-in-Conditions request.

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
CHANGE IN CONDITIONS ANALYSIS

CASE NUMBER	:**CIC2013-00007**
ZONING	:C-2
LOCATION	:6900 BLOCK OF BUFORD HIGHWAY
MAP NUMBER	:R6247 024
ACREAGE	:2.80 ACRES
PROPOSAL	:CHANGE IN CONDITIONS TO REVISE USE AND OUTDOOR STORAGE RESTRICTIONS
COMMISSION DISTRICT	:(2) HOWARD

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

APPLICANT: GEORGIA PAVEMENT PRODUCTS, INC.
C/O ANDERSEN, TATE & CARR
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GA 30097

CONTACT: MARIAN C. ADEIMY PHONE: 770.822.0900

OWNER: IM HEON SOON & JIN SOOK
5657 BOB WHITE CIRCLE, N.W.
LILBURN, GA 30047

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a change in conditions of a prior Special Use Permit (SUP-06-118) to amend Condition 1.A., which limits the use of the property and the location for outdoor storage on the site. The property is zoned C-2 (General Business District) and is located on the south side of Buford Highway, between East Lake Drive and Amwiler Road.

The property is developed with a 10,400 square foot commercial building, associated driveways, and parking/outdoor storage areas. The site was previously occupied by a landscape contracting business which was granted the Special Use Permit for outdoor storage. The new occupant would be SealMaster, a paving supply company, which would also utilize the outdoor storage areas. The site has been vacant for several years, and the applicant intends to use the existing building and the fenced area to the side and rear of the building for the sales and storage of paving equipment and supplies related to the proposed business. Access to the property is via a single driveway onto Buford Highway.

Condition 1.A. of SUP-06-118 limits the use to a landscape contractor, and reads as follows:

1.A. Retail, or other commercial, uses permitted in the C-2 zoning district, which may include a landscape contractor's office as a special use.

Condition 2.L. of SUP-06-118 references the landscape contracting business and limits the location of outdoor storage to the rear, and reads as follows:

2.L. All equipment associated with the contractor's office shall be stored within the fenced area located to the rear of the property.

The applicant requests that these two conditions be modified to allow for a paving supply company with outdoor storage, rather than the prior landscape contractor.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Regional Mixed-Use Character Area. The property is located along an established commercial/industrial corridor, developed with a variety of businesses including auto repair and sales, truck fleet maintenance and recovered materials processing facilities within the general vicinity. Although not strictly consistent with the Unified Plan, a business offering paving supplies and equipment, could be compatible with nearby uses and zoning, and considered consistent with Board approval of businesses with similar intensity along the Buford Highway corridor.

The area surrounding the site consists predominately of businesses with similar intensity of use and zoning, with one residential area located to the southwest. Properties to the north, south and east are zoned for intense commercial and industrial activities. Located immediately to the southwest is the Lake Windsor Heights subdivision along Lake Drive. Given the past use of the property, along with the zoning and development pattern of the Buford Highway corridor, a paving supply company could be considered consistent with the area and may be suitable at this location.

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

ZONING HISTORY:

In 1970, the portion of the property along Buford Highway was zoned C-1 (Neighborhood Business District), with remainder of the property being zoned R-75 (Single Family Residence District). In 1986, the rear portion of the property was rezoned M-1 (Light Industry District), pursuant to RZ-18-86. In 1990, the entire property was rezoned to C-2, with a 25 foot buffer along residentially-zoned properties, with a Special Use Permit allowing auto service and repair, pursuant to RZ-02-90. In 2002, a Special Use Permit was approved allowing auto sales, which was restricted to a leased area along Buford Highway, pursuant to SUP-02-037. In 2006, a Special Use Permit was approved allowing a landscape contractors office with outdoor storage, pursuant to SUP-06-118.

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.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Approval as C-2 (Change-in-Conditions of SUP-06-118, a Special Use Permit for outdoor storage), subject to the following enumerated conditions:

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

   A. Retail or other commercial uses permitted in the C-2 zoning district, which may include a ~~landscape contractor's office~~ **paving supply company with outdoor storage of equipment and materials** as a special use.

   B. Limit the height of the building(s) to no more than one story.

   C. ~~Withdraw the existing Special Use Permit pursuant to RZ-02-90 for automobile repair.~~ **The Special Use Permit for auto sales at the property frontage (SUP-02-037/ 0.632 acres) shall remain in effect.**

2. To satisfy the following site development considerations:

   A. Provide a 25-foot enhanced buffer adjacent to residentially-zoned property which must be approved by the Department of Planning and Development to insure adequate screening.

   B. Provide a ten-foot wide landscape strip outside the new dedicated right-of-way of Buford Highway.

   C. The development shall be required to share a curb cut with the adjacent tract to the west. Access easement agreements shall be required between these two tracts.

   D. No billboards are permitted.

   E. ~~Prior to development of the site, install~~ **Provide and maintain** a six-foot high, 100-percent opaque wood fence adjacent to the westerly property line adjoining residential zoning. The solid (finished) side of the fence shall face residential properties.

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

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

   H. No outside storage of junked or wrecked vehicles or discarded car parts or materials shall be allowed.

I. ~~No banners, streamers, or roping decorated with flags, tinsel or other similar materials shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard signs or bandit signs shall be prohibited.~~ **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.**

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

K. Ground signage shall be limited to monument-type signs. Signs shall have masonry base that matches the building and shall comply with all requirements of the Gwinnett County sign ordinance.

L. All equipment **and materials** associated with the ~~contractor's office~~ **paving supply company** shall be stored within the fenced area located to the **side and** rear of the property.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested Change-in-Conditions to allow a paving supply company could be suitable in light of the zoning pattern established along this segment of Buford Highway, which includes other uses with similar or greater intensity.

ADVERSE IMPACTS

No significant impacts on adjacent and nearby properties are anticipated from the use.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

No significant change in impacts on public facilities would be anticipated from the request.

CONFORMITY WITH POLICIES

Although not strictly consistent with the policies of the Unified Plan, the proposed use could be considered compatible with the established commercial/industrial corridor along Buford Highway. The proposed paving supply facility could be suitable in light of the nature of surrounding developments.

CONDITIONS AFFECTING ZONING

The proposed paving supply company's compatibility with surrounding businesses, and with the intensity of use and zoning in the immediate area, could support the approval of the Change-in-Conditions request.

Exhibit "B"

APPLICANT'S RESPONSE
SPECIAL USE PERMIT AND CHANGE IN CONDITIONS APPLICATIONS
Georgia Pavement Products, Inc. d/b/a SealMaster
6972 Best Friend Road (Zoned C-2)

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

Yes. The property is currently zoned for outside storage at the rear of the property, and the proposed uses and change in conditions will have little to no impact on adjacent and nearby residential property uses.

B) WHETHER THE PROPOSED REZONING / SPECIAL USE PERMIT / CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No, the proposed uses and chang in conditions will not adversely affect the existing use or useability of adjacent or nearby property. The proposed outside storage would include a small, limited area (as reflected by its location on a tract of almost 3 acres) located at the rear of the building, to be screened by a concrete wall, and further screened by the existing buffers. It would be surrounded by the existing enhanced buffers on the property, making the property and proposed use essentially invisible from off-site. The requested uses are consistent with the more intense automobile and commercial business on nearby property.

Moreover, the subject property is located within one of the most significant concentrations of industrial and heavy commercial zoned property anywhere in Gwinnett County, and other businesses with the more intense outside storage of vehicles and equipment, located within the general vicinity of the subject property, indicate both the appropriateness of this location for the proposed use and its suitability consistent with the existing uses on nearby property.

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

No.

D) WHETHER THE PROPOSED REZONING / SPECIAL USE PERMIT / 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. The property was previously zoned and used as a contractor's office with outside storage, and the proposed uses would be for a similar, limited storage area, and a similar business, being the sale of pavement products to local contractors, and would not cause any excessive or burdensome use of existing streets, transportation facilities or utilities. There would be no impact on the schools.

E) WHETHER THE PROPOSED REZONING / SPECIAL USE PERMIT / CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes. The proposed use is consistent with the Gwinnett 2030 Unified Plan guidelines for this area.

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BY: .....

CIC '13 007

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

Yes. The area surrounding the subject property is zoned industrial and heavy commercial, with limited residential, and the proposed use is entirely appropriate in light of existing development patterns and land uses in the surrounding area, as well as Board of Commissioners' precedent in approving the prior Special Use Permit for a contractor's office and outdoor storage on the subject property, and based on approved uses on similarly situated property in the immediate vicinity.

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BY: .....
CIC '13 007

ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.
ONE SUGARLOAF CENTRE
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MARIAN C. ADEIMY
Direct: (678) 518-6855
E-mail: madeimy@atclawfirm.com

LETTER OF INTENT
APPLICATIONS FOR SPECIAL USE PERMIT AND CHANGE IN CONDITIONS FOR BUILDING MATERIALS SALES AND OUTSIDE STORAGE OF MATERIALS 6972 BUFORD HIGHWAY, DORAVILLE, GEORGIA

The property owner and applicant, Georgia Pavement Products, Inc. d/b/a SealMaster (the "Applicant") submits this request for a Special Use Permit and Change in Conditions for the sale of pavement products and materials and the outside storage of equipment or materials on the property located at 6972 Buford Highway, Doraville, Georgia, in unincorporated Gwinnett County.

The subject property includes approximately 2.8 acres, a 10,400 square foot building, and 6 loading docks. The subject property is currently zoned C-2, General Business District, which permits building contractors, hardware stores, equipment rental, office/showroom facilities, and home building supply showrooms and sales centers. The subject property is located in a high-density commercial and industrial strip on Buford Highway, near the intersections of I-285 and New Peachtree Road. The property was last rezoned in 2006, SUP-06-118 (GCID 2006-1680), and the applicant obtained a special use permit for a contractors office and outside storage.

The Applicant is a respected supplier of pavement and concrete maintenance equipment and products, serving contractors throughout Georgia. The Applicant currently owns and runs successful SealMaster stores in Duluth and Kennesaw. The Applicant seeks to withdraw the existing special use permit and replace it with a Special Use Permit to allow for the sale and limited outside storage of certain pavement products, permitted with a special use permit under the current C-2 zoning. Specifically, the Applicant seeks a Special Use Permit to sell and store its non-toxic, water-based pavement sealant in a limited area at the rear of the existing building, to be surrounded by a concrete wall. The sale of sealant and pavement products is a large part of the Applicant's business and necessary to maintain a business at this location. Pavement and sealant products are sold to local contractors and used to seal driveways, tennis courts, and the like.

The existing buffers would remain. The current zoning requires a 25-foot enhanced buffer and a 5-foot opaque wooden fence on the northwest side. Those buffers would remain, in addition to the existing natural buffers and screening, and the stored materials would be housed at the rear of the building, surrounded by a concrete wall. The attached Site Plan reflects the requested location and design for limited outside storage, similar to the Special Use Permit already in place.

The building located on the subject property is not visible from the road, and is accessed by a narrow driveway. The property is surrounded by no less than four automobile repair and sales shops, a wholesale beauty supply shop, and across from a wholesale clothing store. Due the existing buffers and the adjacent, more intense commercial uses, Applicant's requests for Special Use Permit and Change in Conditions should be granted.

In addition to a Special Use Permit for the sale of pavement materials and limited outside storage, the Applicant also seeks to withdraw and modify the current conditions. The Applicant seeks a change in condition, to withdraw the current condition, SUP-06-118, Paragraph 2, L, which presently limits outside storage to contractor's equipment within the fenced area located at the rear of the property. Because the subject property

FEB 0 1 2013 BY

CIC '13 007

is surrounded by a significant concentration of industrial and commercial property, and the proposed special use would be entirely consistent with the current zoning and development patterns, the 2030 Unified Plan, and Board of Commissioners' precedent for this and surrounding property.

CONCLUSION

The subject property is an appropriate location for the proposed sale of pavement products and limited outdoor storage, and where a contractor's office and outdoor storage are already permitted on the property, the requested uses would have little to no impact on any surrounding properties. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development, Planning Commissioners, and the Board of Commissioners to answer any questions or to address any concerns. Applicant respectfully requests your approval of its Application for Special Use Permit and Application for Change in Conditions.

This 1st day of February, 2013.

Respectfully submitted,

ANDERSEN, TATE & CARR, P.C.

Marian C. Adeimy
Attorney for the Applicant

RECEIVED
FEB 01 2013
BY: .....

CIC '13 007

CASE NUMBER SUP-06-118
GCID 2006-1680

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

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

A RESOLUTION TO GRANT A SPECIAL USE PERMIT

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application for a Special Use Permit by GARY TOMLINSON for the proposed use of CONTRACTORS OFFICE on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

CASE NUMBER SUP-06-118
GCID 2006-1680

WHEREAS, notice to the public regarding said Special Use Permit Application has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on NOVEMBER 28 , 2006 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 28TH day of NOVEMBER , 2006 that the aforesaid application for a Special Use Permit is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
   A. Retail, or other commercial, uses permitted in the C-2 zoning district, which may include a landscape contractor's office as a special use.
   B. Limit the height of the building(s) to no more than one story.
   C. Withdraw the existing Special Use Permit pursuant to RZ-02-90 for automobile repair
2. To satisfy the following site development considerations:
   A. Provide a 25-foot enhanced buffer adjacent to residentially-zoned property which must be approved by the Department of Planning and Development to insure adequate screening.
   B. Provide a ten-foot wide landscape strip outside the new dedicated right-of-way of Buford Highway.
   C. The development shall be required to share a curb cut with the adjacent tract to the west. Access easement agreements shall be required between these two tracts.

D. No billboards are permitted.

E. Prior to development of the site, install a six-foot high, 100 percent opaque wood fence adjacent to the westerly property line adjoining residential zoning. The solid (finished) side of the fence shall face residential properties.

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

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

H. No outside storage of junked or wrecked vehicles or discarded car parts or materials shall be allowed.

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

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

K. Ground signage shall be limited to monument-type signs. Signs shall have masonry base that matches the building and shall comply with all requirements of the Gwinnett County sign ordinance.

L. All equipment associated with the contractor's office shall be stored within the fenced area located to the rear of the property.

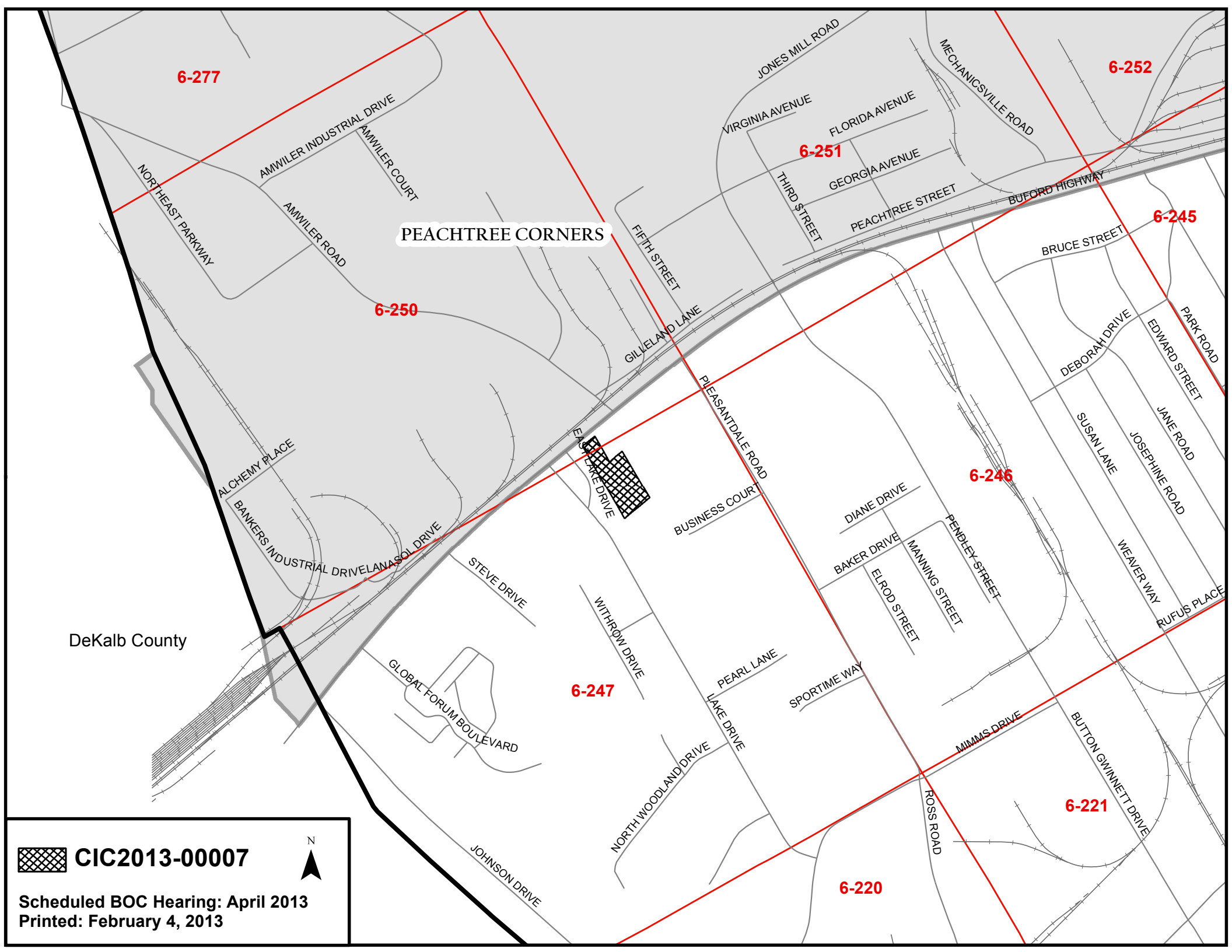
GWINNETT COUNTY BOARD OF COMMISSIONERS

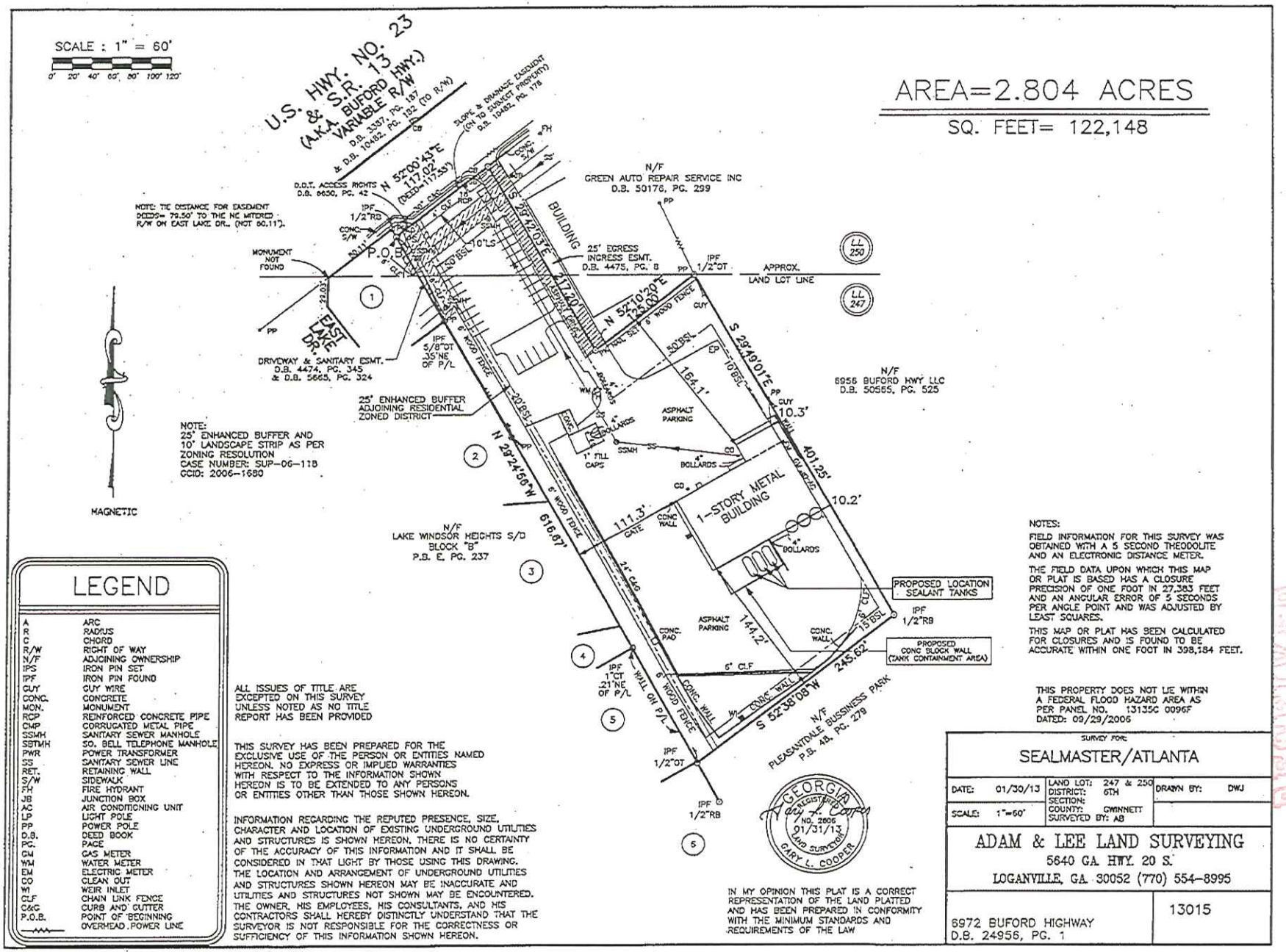
By: _____
Charles E. Bannister, Chairman

Executed: 12/27/06

ATTEST: _____
County Clerk/Deputy County Clerk

BOARD OF COMMISSIONERS OF GWINNETT COUNTY GEORGIA


6-277
6-252
6-251
6-250
6-245
6-246
6-247
6-221
6-220
PEACHTREE CORNERS
DeKalb County
JONES MILL ROAD
MECHANICSVILLE ROAD
VIRGINIA AVENUE
FLORIDA AVENUE
GEORGIA AVENUE
PEACHTREE STREET
BUFORD HIGHWAY
THIRD STREET
FIFTH STREET
AMWILER INDUSTRIAL DRIVE
AMWILER COURT
AMWILER ROAD
NORTHEAST PARKWAY
GILLELAND LANE
BRUCE STREET
DEBORAH DRIVE
EDWARD STREET
PARK ROAD
JANE ROAD
JOSEPHINE ROAD
SUSAN LANE
WEAVER WAY
RUFUS PLACE
PLEASANTDALE ROAD
EAST LAKE DRIVE
BUSINESS COURT
ALCHEMY PLACE
BANKERS INDUSTRIAL DRIVE
LANASOL DRIVE
STEVE DRIVE
WITHROW DRIVE
DIANE DRIVE
BAKER DRIVE
ELROD STREET
MANNING STREET
PENDLEY STREET
GLOBAL FORUM BOULEVARD
PEARL LANE
LAKE DRIVE
SPORTIME WAY
NORTH WOODLAND DRIVE
MIMMS DRIVE
ROSS ROAD
BUTTON GWINNETT DRIVE
JOHNSON DRIVE
CIC2013-00007
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013



LEGEND

A	ARC
R	RADIUS
C	CHORD
R/W	RIGHT OF WAY
N/F	ADJOINING OWNERSHIP
IPS	IRON PIN SET
IPF	IRON PIN FOUND
GUY	GUY WIRE
CONC.	CONCRETE
MON.	MONUMENT
RCP	REINFORCED CONCRETE PIPE
CMP	CORRUGATED METAL PIPE
SSMH	SANITARY SEWER MANHOLE
SBTMH	SO. BELL TELEPHONE MANHOLE
PWR	POWER TRANSFORMER
SS	SANITARY SEWER LINE
RET.	RETAINING WALL
S/W	SIDEWALK
FH	FIRE HYDRANT
JB	JUNCTION BOX
AC	AIR CONDITIONING UNIT
LP	LIGHT POLE
PP	POWER POLE
D.B.	DEED BOOK
PG.	PAGE
GM	GAS METER
WM	WATER METER
EM	ELECTRIC METER
CO	CLEAN OUT
WI	WEIR INLET
CLF	CHAIN LINK FENCE
C&G	CURB AND GUTTER
P.O.B.	POINT OF BEGINNING
~~	OVERHEAD POWER LINE

ALL ISSUES OF TITLE ARE EXCEPTED ON THIS SURVEY UNLESS NOTED AS NO TITLE REPORT HAS BEEN PROVIDED

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON.

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

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 27,383 FEET AND AN ANGULAR ERROR OF 5 SECONDS 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 398,184 FEET.

THIS PROPERTY DOES NOT LIE WITHIN A FEDERAL FLOOD HAZARD AREA AS PER PANEL NO. 13135C 0096F DATED: 09/29/2006

SURVEY FOR: SEALMASTER/ATLANTA

DATE: 01/30/13	LAND LOT: 247 & 250 DISTRICT: 6TH SECTION:	DRAWN BY:	DWJ
SCALE: 1"=60'	COUNTY: GWINNETT SURVEYED BY: AB		

ADAM & LEE LAND SURVEYING
5640 GA. HWY. 20 S.
LOGANVILLE, GA. 30052 (770) 554-8995

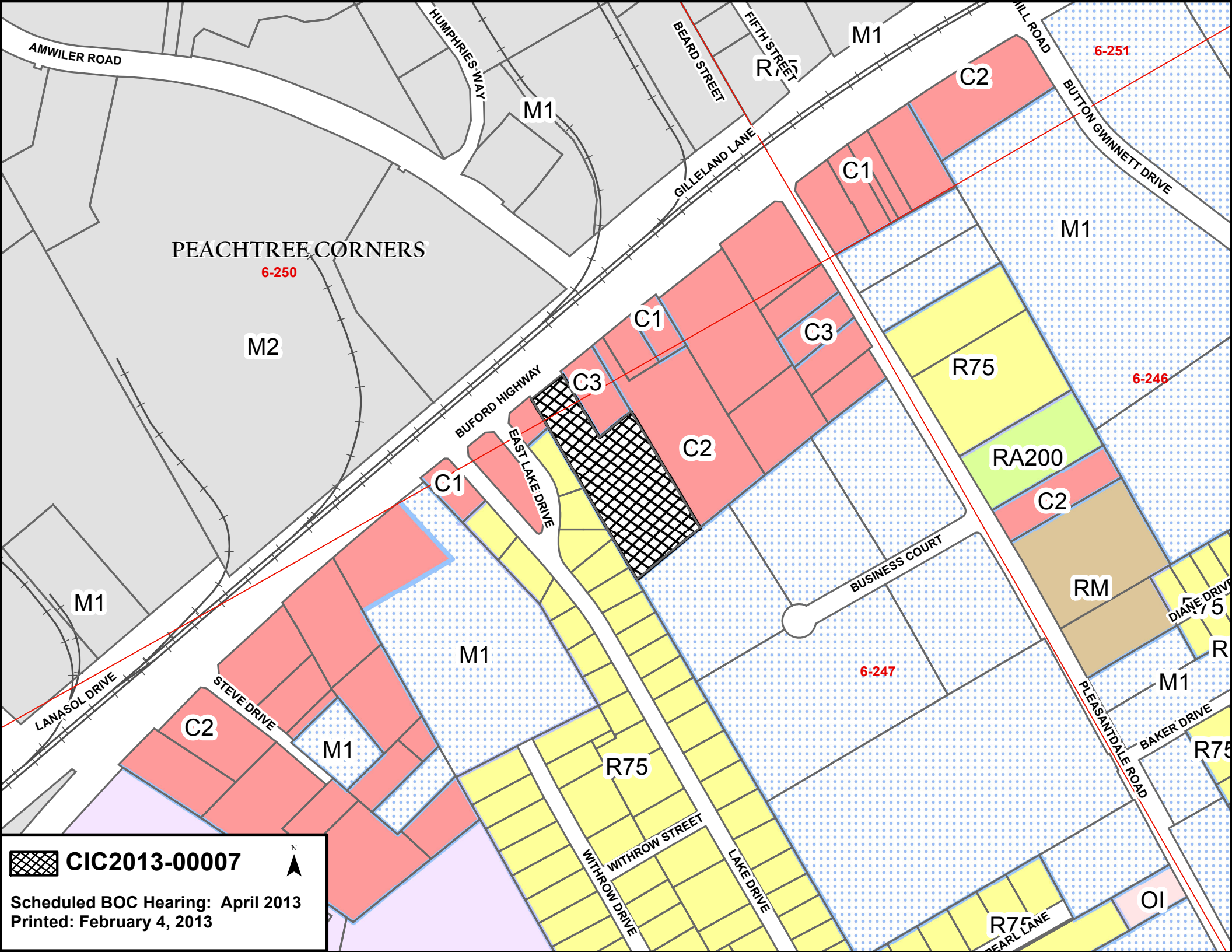
6972 BUFORD HIGHWAY
D.B. 24956, PG. 1

13015

CIC'13 007

RECEIVED FEB 01 2013 BY:


PEACHTREE CORNERS
BUFORD HIGHWAY
EAST LAKE DRIVE
LAKE DRIVE
CIC2013-00007
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013



CIC2013-00007

Scheduled BOC Hearing: April 2013
Printed: February 4, 2013

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130288	

☒ Rezoning ☒ Public Hearing

Department:	Planning & Development			Date Submitted:	03/13/2013
Working Session:		Business Session:		Public Hearing:	04/23/2013
Submitted By:	vlharrod			Multiple Depts?	No
Budget Type:	Neither			Special Routing:	
Agenda Type	Rezoning	Rezoning Type	SUP		

Item of Business: Locked by Purchasing: No

2013-00014, Applicant: Amy Wilson, Owner: Nathan Wilson, for a Special Use Permit in an R-100 CSO Zoning District for a Home Occupation (Nail Salon) (Renewal), District 7 Land Lot 323 Parcel 091, 5600 Block of Winter Bluff Way, 1200 Block of Autumn Wood Trail, 0.16 Acre. District 1/Brooks

Land Lot:	323	Parcel:	091
District:	7		

Attachments	Planning Commission Results and Department Analysis
Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (4/4/2013)
Attorney	

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

Comments

County Clerk Use Only

Working Session:
Action: Public Hearing
Tabled:
Motion:
2nd by:
Vote:

Planning and Development

Recommendation:
☐ Approve
☒ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny w/out Prejudice
☐ Deny PH was Held? ☐
☐ No Recommendation

Planning Commission

Recommendation:
☐ Tabled - Date
☐ Approve
☒ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny ☐ Deny w/out Prejudice
☐ No Recommendation

PLANNING DEPARTMENT / PLANNING COMMISSION
RECOMMENDED CONDITIONS

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

1. Approval of a nail salon as a home occupation, operating within the existing single-family dwelling.

2. Limit the hours of operation from 9:00 a.m. to 7:00 p.m., Monday through Saturday.

3. No outside employees, other than the applicant, shall be permitted.

4. There shall be no evidence of the home occupation from the exterior of the dwelling. Exterior signage shall be prohibited.

5. No more than a single table (work station) shall be permitted at any one time.

6. Client parking shall be limited to the existing driveway. On-street parking related to the nail salon shall be prohibited.

7. The Special Use Permit shall terminate automatically in the event that the property is sold, transferred or otherwise conveyed to any other party, or in the event that the applicant no longer occupies the dwelling for which the Special Use Permit is issued. The owner shall agree to notify the Director of Planning and Development in writing upon the occurrence of any of these events.

PLANNING COMMISSION RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

In light of the applicant's compliance with the conditions of the in-home nail salon since 2011, 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 utility demand and a small increase in traffic.

CONFORMITY WITH POLICIES

The nail 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 area, which lends to the support of the renewal of the request.

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2013-00014**
ZONING	:R-100 CSO
LOCATION	:5600 BLOCK OF WINTER BLUFF WAY :1200 BLOCK OF AUTUMN WOOD TRAIL
MAP NUMBER	:R7323 091
ACREAGE	:0.16 ACRE
PROPOSED DEVELOPMENT	:HOME OCCUPATION (NAIL SALON) (RENEWAL)
COMMISSION DISTRICT	:(1) BROOKS

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

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

CONTACT: AMY WILSON PHONE: 678.617.3932

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

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 0.16-acre parcel for the continued operation of a nail salon as a home occupation. The property is zoned R-100 CSO (Single Family Residence District) and is located at the intersection of Winter Bluff Way and Autumn Wood Trail. The property contains a two-story residence located within the Sycamore Glen subdivision.

The in-home nail salon was approved in 2011, pursuant to SUP2011-00016, with an initial time limitation of two years. This application is to renew the Special use Permit. All business activity associated with the nail salon is conducted within the residence. The salon serves one client at a time, and customer parking is provided in the driveway.

Since the initial approval, the County received one complaint (CEU2012-03536) asserting that the applicant was operating the business after the approved hours of operation. The complaint was investigated and the applicant was found to be in compliance with the conditions of the Special Use Permit; therefore the case was closed.

ZONING HISTORY:

The subject property has been zoned R-100 since 1970. A Special Use Permit for the home occupation was granted in 2011(SUP2011-00016).

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 6-inch water main located on the western right-of-way of Winter Bluff Way, and an 8-inch water main located on the northern right-of-way of Autumn Wood Trail.

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

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

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

The 2030 Unified Plan Future Development Map indicates that the property is located within an Existing/Emerging Suburban Character Area. The continued operation of an in-home nail 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 subject property is surrounded by residences in Sycamore Glen, and borders an internal open space area along its side property line. If the applicant continues to comply with the conditions of zoning by maintaining the residential character of the property and limiting the number of clients and 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 County received one complaint indicating the applicant was operating the business after the approved hours of operation. The complaint was investigated and the applicant was found to be in compliance with the current conditions of zoning. Given its good record over the past two years of operation, the continued use of an in-home nail salon could be considered compatible with the surrounding area.

In conclusion, the requested Special Use Permit for a nail salon as a home occupation could be compatible with the surrounding residential area and consistent with the Board's approval of similar requests. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of this renewal application.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

1. Approval of a nail salon as a home occupation, operating within the existing single-family dwelling.

2. Limit the hours of operation from 9:00 a.m. to 7:00 p.m., Monday through Saturday.

3. No outside employees, other than the applicant, shall be permitted.

4. There shall be no evidence of the home occupation from the exterior of the dwelling. Exterior signage shall be prohibited.

5. No more than a single table (work station) shall be permitted at any one time.

6. Client parking shall be limited to the existing driveway. On-street parking related to the nail salon shall be prohibited.

7. The Special Use Permit shall terminate automatically in the event that the property is sold, transferred or otherwise conveyed to any other party, or in the event that the applicant no longer occupies the dwelling for which the Special Use Permit is issued. The owner shall agree to notify the Director of Planning and Development in writing upon the occurrence of any of these events.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

In light of the applicant's compliance with the conditions of the in-home nail salon since 2011, 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 utility demand and a small increase in traffic.

CONFORMITY WITH POLICIES

The nail 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 area, 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:

Will Not

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

yes

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

No

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

yes

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

No other conditions

RECEIVED
JAN 15 2013
BY: .....

SUP '13 0 1 4

January 14th 2013

Amy Wilson
5689 Winter Bluff Way
Sugar Hill, GA 30518

678-617-3932

Letter Of Intent:

I am resubmitting my request for the ability to operate a single table nail salon in my home residents. I am licensed by the state of Georgia and practice all regulations within state guidelines. I have only one person at a time in my salon and have irregular scheduling of customers 6 days a week by appointment only within the hours of operation I have been granted. I would like to continue the ability to provide for my family as well be at home for my children when they get home from school. I have been practicing as a professional for 16 years now and run a very quite and clean salon for friends and family. I do not advertise in anyway to attract business and there are no changes to the exterior of my home that would make anyone think I work here. I greatly appreciate the approval when I first submitted and would greatly honor the same out come to continue to do so.

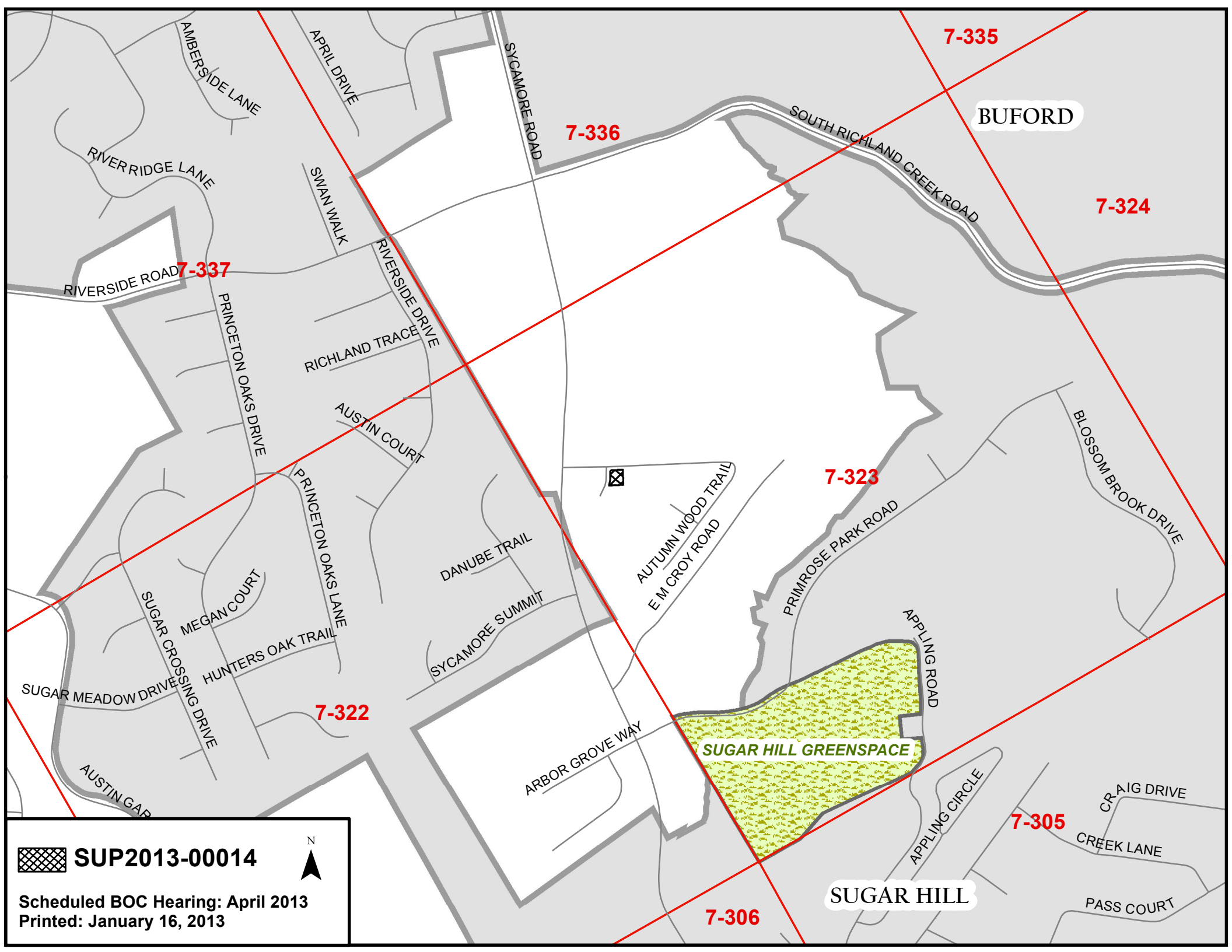
Thank you

Amy Wilson

SUP '13 0 1 4

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JAN 15 2013

BY: .....

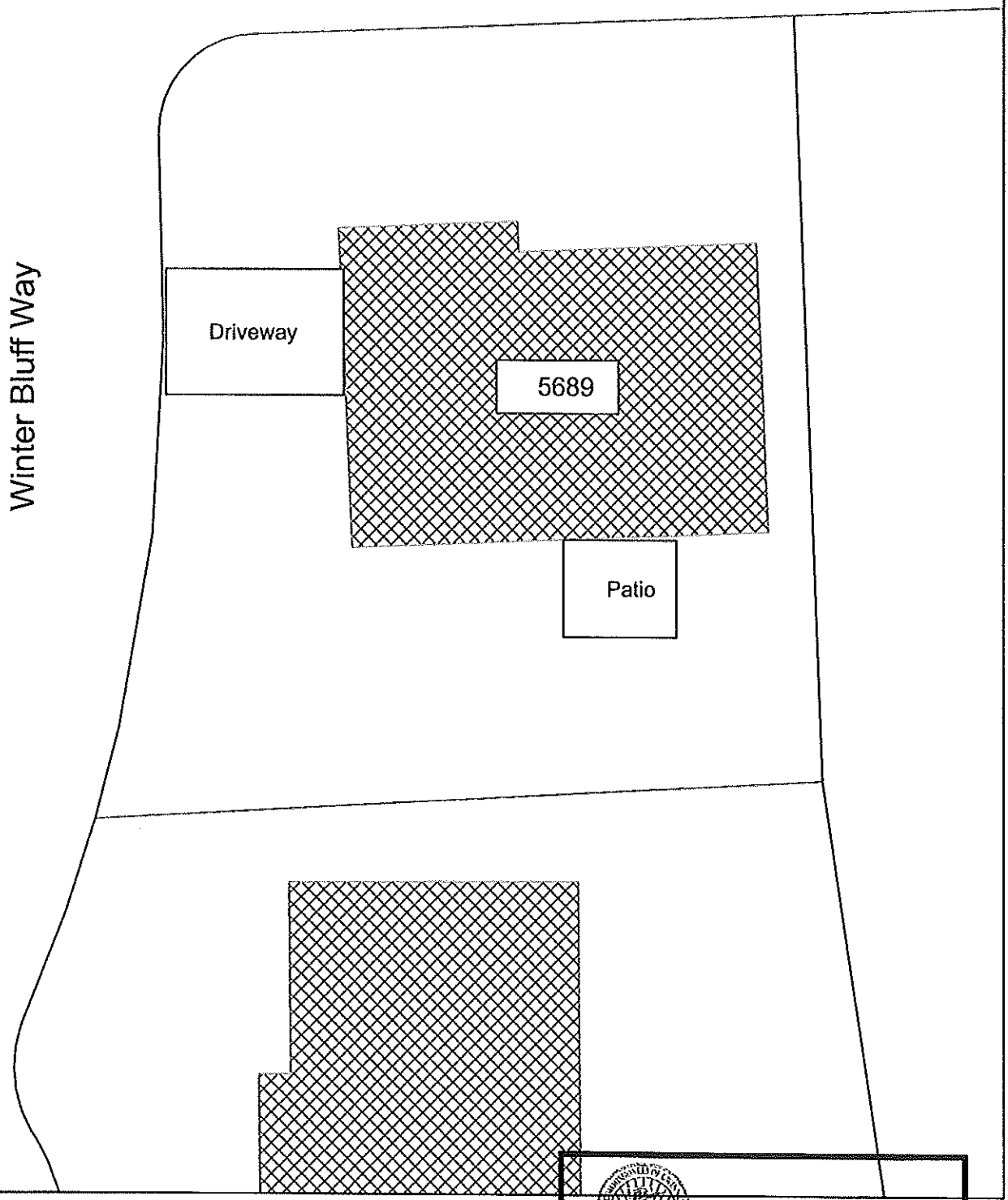

7-335
BUFORD
7-336
SOUTH RICHLAND CREEK ROAD
7-324
AMBERSIDE LANE
APRIL DRIVE
SYCAMORE ROAD
RIVER RIDGE LANE
SWAN WALK
RIVERSIDE DRIVE
7-337
RIVERSIDE ROAD
PRINCETON OAKS DRIVE
RICHLAND TRACE
AUSTIN COURT
PRINCETON OAKS LANE
7-323
AUTUMN WOOD TRAIL
E M CROY ROAD
PRIMROSE PARK ROAD
BLOSSOM BROOK DRIVE
DANUBE TRAIL
SUGAR CROSSING DRIVE
MEGAN COURT
HUNTERS OAK TRAIL
SYCAMORE SUMMIT
APPLING ROAD
SUGAR MEADOW DRIVE
7-322
ARBOR GROVE WAY
SUGAR HILL GREENSPACE
AUSTIN GAP
APPLING CIRCLE
CRAIG DRIVE
7-305
CREEK LANE
SUGAR HILL
PASS COURT
7-306
SUP2013-00014
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Scheduled BOC Hearing: April 2013
Printed: January 16, 2013

SUP '13 0'1 4

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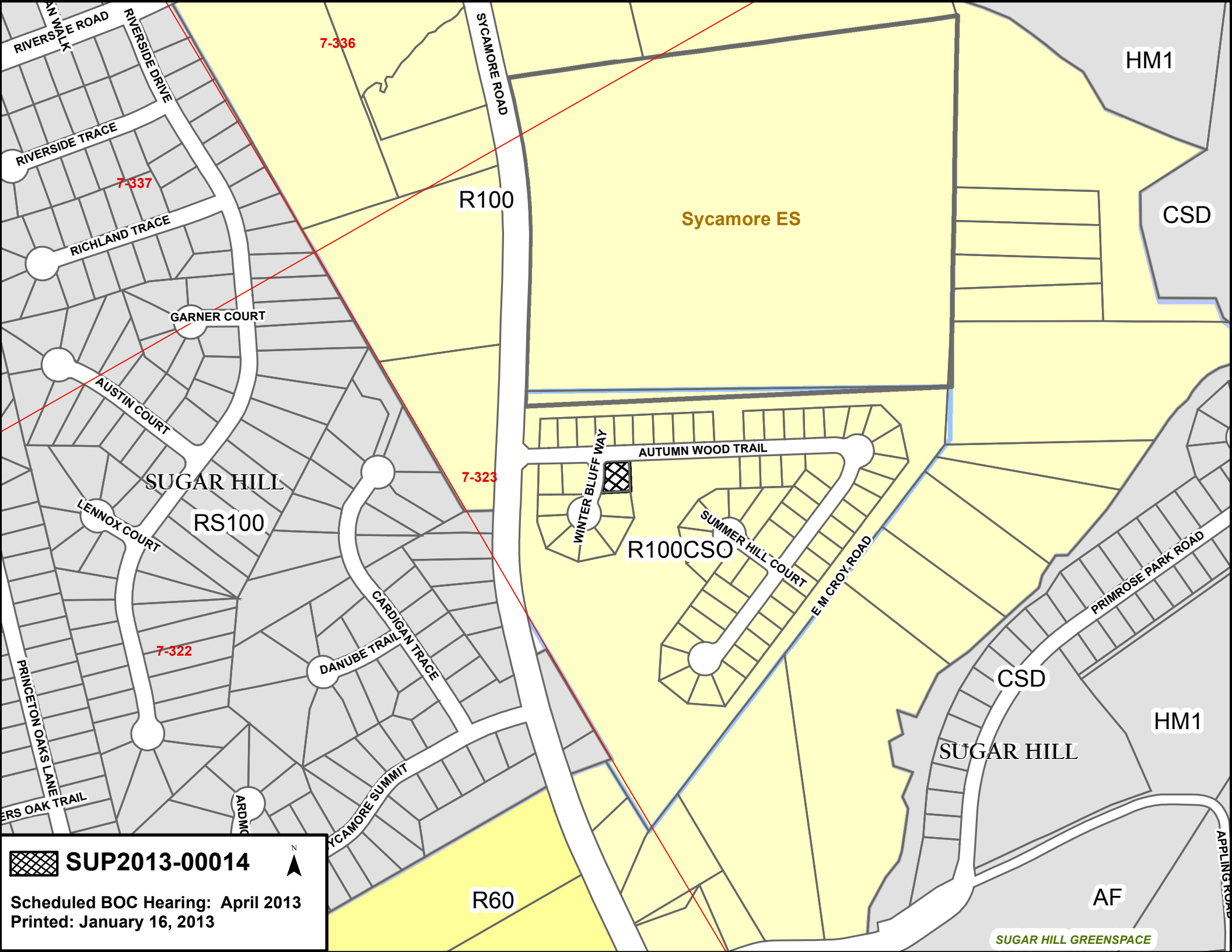
BY: .....

Autumnwood Trail



[redacted]


AUTUMN WOOD TRAIL
WINTER BLUFF WAY
SUP2013-00014
N
Scheduled BOC Hearing: April 2013
Printed: January 16, 2013


SUP2013-00014
Scheduled BOC Hearing: April 2013
Printed: January 16, 2013
N
RIVERSIDE ROAD
RIVERSIDE DRIVE
RIVERSIDE TRACE
RICHLAND TRACE
GARNER COURT
AUSTIN COURT
LENNOX COURT
PRINCETON OAKS LANE
ERS OAK TRAIL
DANUBE TRAIL
CARDIGAN TRACE
YCAMORE SUMMIT
SYCAMORE ROAD
AUTUMN WOOD TRAIL
WINTER BLUFF WAY
SUMMER HILL COURT
E M CROY ROAD
PRIMROSE PARK ROAD
APPLING ROAD
7-336
7-337
7-323
7-322
R100
R100CSO
RS100
R60
HM1
CSD
AF
Sycamore ES
SUGAR HILL
SUGAR HILL
SUGAR HILL GREENSPACE

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130289	

☒ Rezoning ☒ Public Hearing

Department:	Planning & Development			Date Submitted:	03/13/2013
Working Session:		Business Session:		Public Hearing:	04/23/2013
Submitted By:	vlharrod			Multiple Depts?	No
Budget Type:	Neither			Special Routing:	
Agenda Type	Rezoning	Rezoning Type	SUP		

Item of Business: Locked by Purchasing: No

2013-00015, Applicant: Eduardo Moreno, Owner: Bronco Enterprises, LLC, for a Special Use Permit in an M-1 Zoning District for a Building Height Increase to 99.3 Feet, District 6 Land Lot 217 Parcel 023, 6400 Block of Crescent Drive, 3.46 Acres. District 2/Howard

Land Lot:	217	Parcel:	023
District:	6		

Attachments	Planning Commission Results and Department Analysis
Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (4/4/2013)
Attorney	

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

Comments

County Clerk Use Only

Working Session:
Action: Public Hearing
Tabled:
Motion:
2nd by:
Vote:

Planning and Development

Recommendation:
☐ Approve
☒ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny w/out Prejudice
☐ Deny PH was Held? ☐
☐ No Recommendation

Planning Commission

Recommendation:
☐ Tabled - Date
☐ Approve
☒ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny ☐ Deny w/out Prejudice
☐ No Recommendation

PLANNING DEPARTMENT / PLANNING COMISSION
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for a building height increase, subject to the following enumerated conditions:

1. Approval of a building increase to 100 feet. Additional building or equipment height extending up to 110 feet may be permitted, subject to the review and approval by the Director of Planning and Development.

2. Final building elevations, building materials and colors shall be subject to the review and approval by the Director of Planning and Development.

3. Illuminated signage on the new building shall be prohibited.

PLANNING COMMISSION RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed height increase could be consistent with the existing and anticipated developments in the surrounding area, which include buildings of similar height.

ADVERSE IMPACTS

Given the intensity of use in the immediate area, the proposed height increase would be expected to have minimal adverse impacts upon surrounding properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

Some additional impacts would be anticipated on public facilities from the planned addition.

CONFORMITY WITH POLICIES

The proposed height increase may be considered compatible with the Unified Plan, which projects this area along the Interstate 85 corridor for high intensity development and increased building heights; and with previous Board approvals of height increases on the adjacent OFS property.

CONDITIONS AFFECTING ZONING

The site's location within an existing industrial complex that is separated from residential areas gives supporting grounds for approval of this request. Previous approvals for height increases on the adjoining property in 1993 and 1997 give some additional support for this request.

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2013-00015**
ZONING	:M-1
LOCATION	:6400 BLOCK OF CRESCENT DRIVE
MAP NUMBER	:R6217 023
ACREAGE	:3.46 ACRES
PROPOSED DEVELOPMENT	:BUILDING HEIGHT INCREASE TO 99.25 FEET
SQUARE FEET	:6,435 SQUARE FEET
COMMISSION DISTRICT	:(2) HOWARD

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

APPLICANT: EDUARDO MORENO
6585 CRESCENT DRIVE
NORCROSS, GA 30071

CONTACT: EDUARDO MORENO PHONE: 770.582.9200

OWNER: BRONCO ENTERPRISES, LLC
6485 CRESCENT DRIVE
NORCROSS, GA 30071

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on 3.46 acres, zoned M-1 (Light Industry District), to allow a building height increase from 40 feet to 99.25 feet. The request would accommodate a proposed corn flour mill for a food manufacturing company, Ole Mexican Foods. Staff notes that the applicant also currently operates at 6585 Crescent Drive, where it intersects with Nancy Hanks Drive.

The subject 3.46 acres comprise the rear portion of a larger multi-tenant parcel located at 6485 Crescent Drive, south of Jimmy Carter Boulevard. The property is developed with an industrial/warehouse building, associated parking lots and loading docks. Access is via one driveway which extends to Crescent Drive.

A 6,435-foot building addition to the rear of the existing structure would be the location of the building height increase. The letter of intent indicates that the mill would produce corn flour using green technology that produces minimal waste. This machinery would require the structure to have a roof height of 99.25 feet.

ZONING HISTORY:

The property has been zoned M-1 since 1970.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the northern right-of-way of Crescent Drive.

The available utility records show that the subject development is currently in the vicinity of a 15-inch sanitary sewer main located on the northern right-of-way of Crescent Drive.

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 or building addition for review and approval by Building Plan Review.

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

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject property is a 3.46-acre portion of a larger parcel located at 6485 Crescent Drive, which is south of Jimmy Carter Boulevard. The property is developed with an industrial building and associated parking lot, driveways and loading docks. A railroad spur forms the rear property line.

The 2030 Unified Plan Future Development Map indicates that the property is located in a Regional Mixed-Use Character Area. The property has been zoned M-1 since 1970 and the existing industrial/warehouse use has existed for many years. A 99-foot tall building expansion at the rear of the property could be consistent with adjacent and nearby industrial developments including the OFS property located adjacent to the north. The OFS site has been approved for similar building height increases via the Special Use Permit process on three occasions over the past 20 years, including SUP-93-033, SUP-97-028 and SUP-97-103. Therefore, the requested building height increase could be consistent with similar Board approvals, and the use could be compatible with developments in the area.

The area surrounding the subject property is characterized by extensive commercial, office and industrial development extending along the Interstate 85 corridor. North and west of the site are industrial uses in the Norcross-Southern Industrial District, including the OFS property on the adjoining tract to the north. Over the past 20 years the OFS site has been approved for building height increases on three different occasions with one height increase approved for 200 feet. Along both sides of Interstate 85 are intensive industrial uses fronting on the Crescent Drive and Dawson Boulevard access roads. The proposed height increase to 99.25 feet for the proposed corn flour mill, within an existing industrial complex, could be consistent with the intense industrial/commercial character of the area.

The requested Special Use Permit could be consistent with past Board approvals for similar building height increases in the area and the use could be compatible with adjacent and nearby developments within the industrial complex. 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 building height increase, subject to the following enumerated conditions:

1. Approval of a building increase to 100 feet. Additional building or equipment height extending up to 110 feet may be permitted, subject to the review and approval by the Director of Planning and Development.

2. Final building elevations, building materials and colors shall be subject to the review and approval by the Director of Planning and Development.

3. Illuminated signage on the new building shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed height increase could be consistent with the existing and anticipated developments in the surrounding area, which include buildings of similar height.

ADVERSE IMPACTS

Given the intensity of use in the immediate area, the proposed height increase would be expected to have minimal adverse impacts upon surrounding properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

Some additional impacts would be anticipated on public facilities from the planned addition.

CONFORMITY WITH POLICIES

The proposed height increase may be considered compatible with the Unified Plan, which projects this area along the Interstate 85 corridor for high intensity development and increased building heights; and with previous Board approvals of height increases on the adjacent OFS property.

CONDITIONS AFFECTING ZONING

The site's location within an existing industrial complex that is separated from residential areas gives supporting grounds for approval of this request. Previous approvals for height increases on the adjoining property in 1993 and 1997 give some additional support for this request.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

yes

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

No

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

Yes

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

No

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

Yes

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

No

SUP '13 0 1 5

RECEIVED
JAN 22 2013

BY: .....

BRONCOS ENTERPRISES LLC
6585 Crescent Drive
Norcross, Gwinnett County, Georgia 30071
Tel (770) 582-9200, Fax (770) 582-9400

To,
Gwinnett County
Department Of Planning & Development
Planning Division
446 West Crogan Street, Suite 250
Lawrenceville, Georgia 30046
Date: January 14, 2013

Ref: Letter Of Intent

Dear sir or madam,
Please be advise that our company "Bronco Enterprises LLC" is planning to build a new corn mill to produce corn flour with an estimate capital investment of $ 20M as part of our company growth for the year 2013, the project will trigger a considerable positive economic benefits for The Gwinnett County and the surrounding areas not only in creating new jobs opportunities but also will help to reactive the economy due to project's demand on food grade corn with an estimate annual consumption of 1.7 Million bushels beside the demand on utilities, industrial spare parts, other raw and packaging materials.

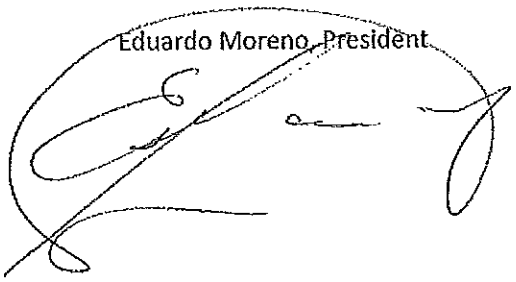
The Total Project area is approx. 3.46acres.

Our company has invested a considerable amount of funds to research and develop a new and green technology to produce a corn flour and we are proud to mention that this new corn mill will have zero industrial waste water compared to the classical corn cooking process.

Due to the nature of this new process the production building requires a certain height of 99 feet and 3" which is more than allowed height of 40 feet as per zoning codes of the county. We are submitting our request for a special use and tall structure permits for your kind consideration and approval, looking forward to working with you in this project.

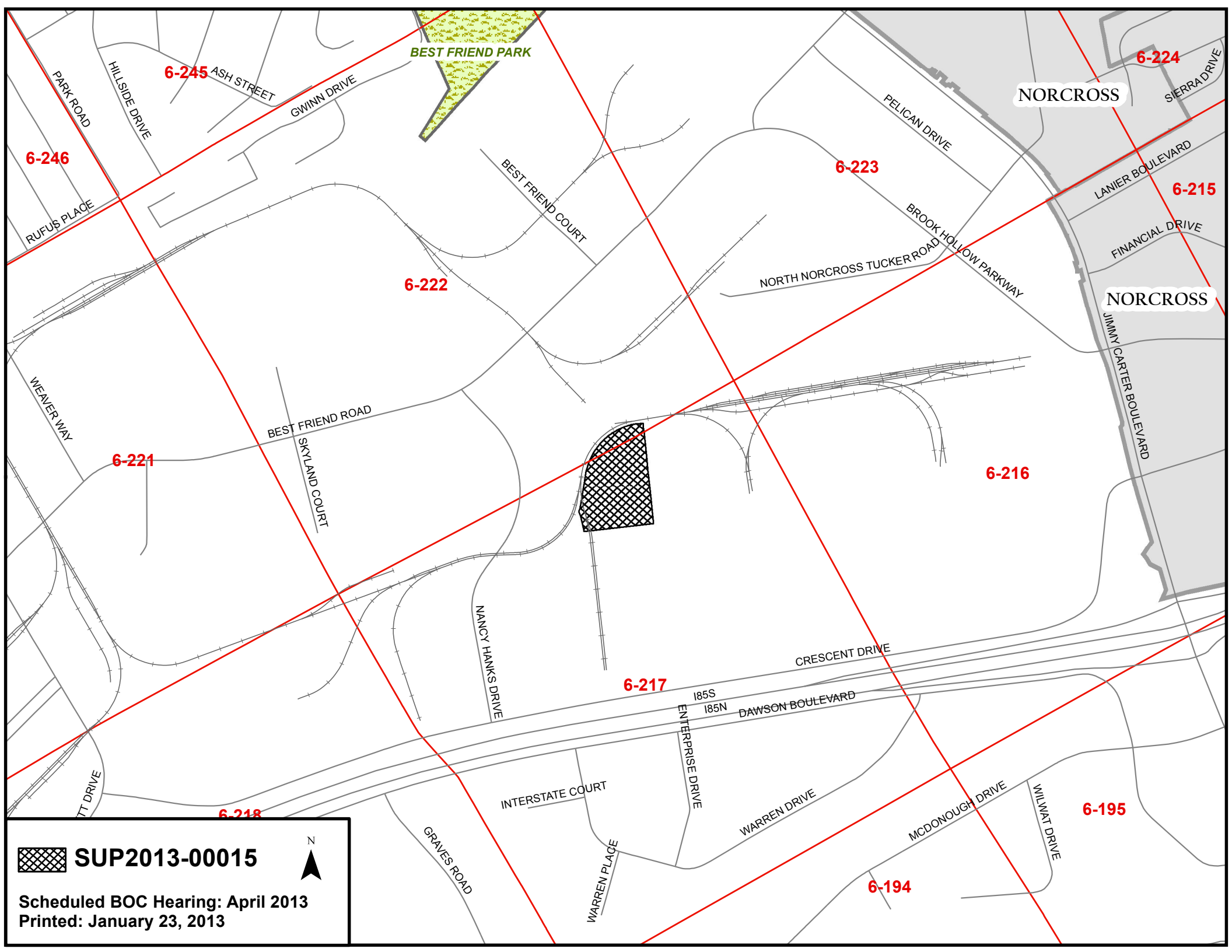
Sincerely,

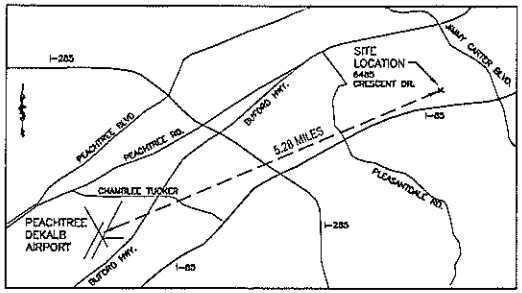
Eduardo Moreno, President



RECEIVED
JAN 22 2013

BY: ..... SUP 13 0 1 5


BEST FRIEND PARK
6-245
ASH STREET
PARK ROAD
HILLSIDE DRIVE
GWINN DRIVE
6-246
RUFUS PLACE
BEST FRIEND COURT
6-222
6-223
PELICAN DRIVE
NORCROSS
6-224
SIERRA DRIVE
LANIER BOULEVARD
6-215
FINANCIAL DRIVE
NORTH NORCROSS TUCKER ROAD
BROOK HOLLOW PARKWAY
NORCROSS
JIMMY CARTER BOULEVARD
WEAVER WAY
BEST FRIEND ROAD
6-221
SKYLAND COURT
6-216
NANCY HANKS DRIVE
CRESCENT DRIVE
6-217
I85S
I85N
DAWSON BOULEVARD
ENTERPRISE DRIVE
INTERSTATE COURT
WARREN DRIVE
MCDONOUGH DRIVE
WILWAT DRIVE
6-195
6-218
GRAVES ROAD
WARREN PLACE
6-194
SUP2013-00015
N
Scheduled BOC Hearing: April 2013
Printed: January 23, 2013



AIRPORT / LOCATION MAP

SCALE: 1" = 5,000'

TOWER AND SITE DATA

STREET ADDRESS: 6485 CRESCENT DR. NORCROSS, GA 30071

LATITUDE & LONGITUDE: LONG: 84.221773 LAT: 33.915227

TOWER HEIGHT: 99'-3"

TYPE MATERIAL: STEEL GRAIN STORAGE ELEVATOR & SILOS

TOWER AREA BOUNDARY DATA		
BOUNDARY SEGMENT	BEARING	DISTANCE
A	S 14d44'39" E	193.01
B	S 6d24'22" E	303.63
C	S 86d15'24" W	428.34
D	N 15d42'31" W	279.57
E	N 13d44'9" E	81.96
F	N 29d52'6" E	140.04
G	N 57d40'36" E	22.23
H	N 83d43'49" E	314.02

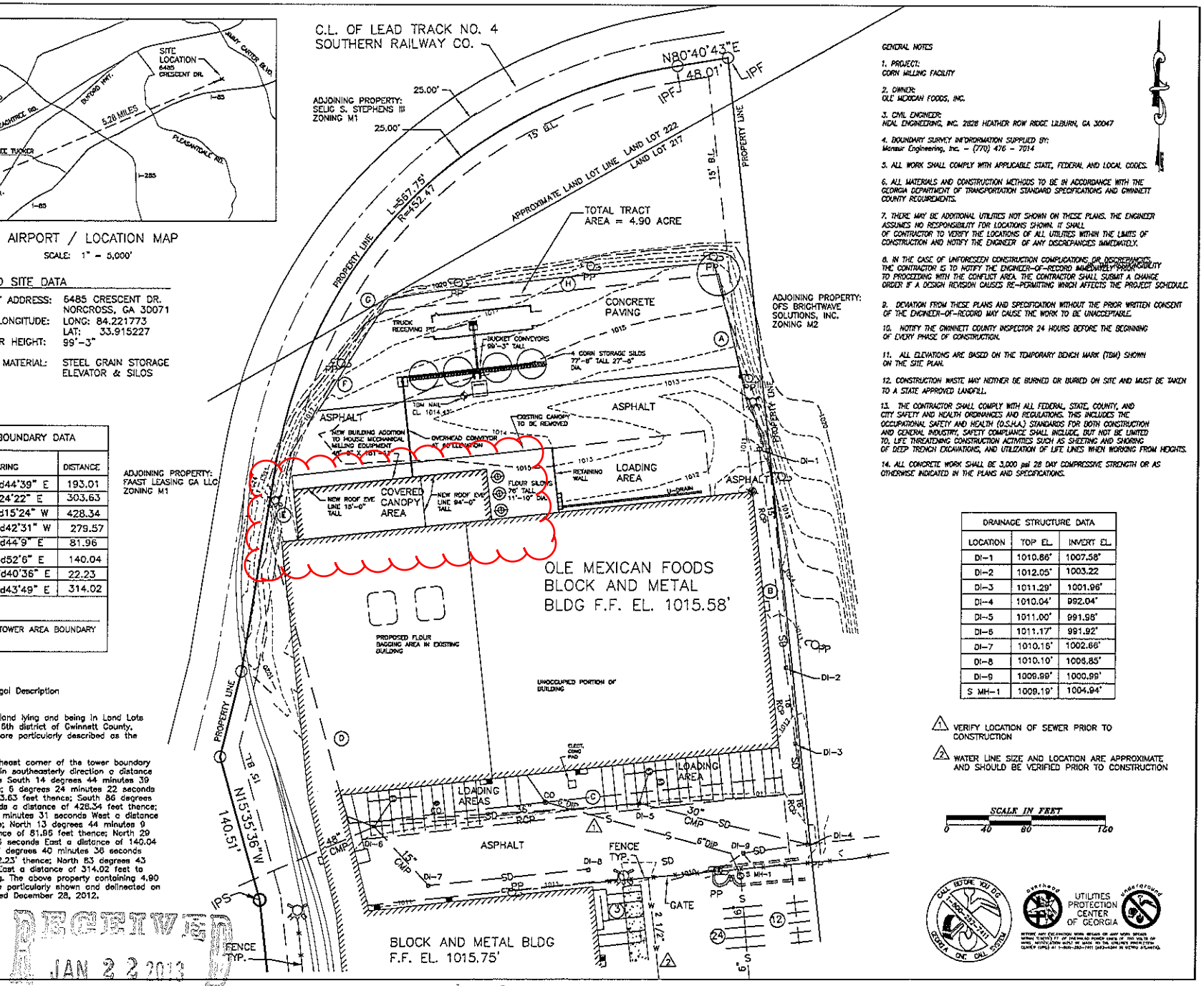
LEGEND

H — TOWER AREA BOUNDARY

Legal Description

A tract or parcel of land lying and being in Land Lots 217 and 222 of the 6th district of Gwinnett County, Georgia, and being more particularly described as the follows:

Beginning at the northeast corner of the tower boundary area and proceeding in southeasterly direction a distance of 193.01 feet thence South 14 degrees 44 minutes 39 seconds East thence; 6 degrees 24 minutes 22 seconds East a distance if 303.63 feet thence; South 86 degrees 15 minutes 24 seconds a distance of 428.34 feet thence; North 15 degrees 42 minutes 31 seconds West a distance of 279.57 feet thence; North 13 degrees 44 minutes 9 seconds East a distance of 81.96 feet thence; North 29 degrees 52 minutes 6 seconds East a distance of 140.04 feet thence; North 57 degrees 40 minutes 36 seconds East a distance of 22.23' thence; North 83 degrees 43 minutes 49 seconds East a distance of 314.02 feet to the point of beginning. The above property containing 4.90 acres and being more particularly shown and delineated on the attached plat dated December 28, 2012.



GENERAL NOTES

1. PROJECT:
CORN MILLING FACILITY

2. OWNER:
OLE MEXICAN FOODS, INC.

3. CIVIL ENGINEER:
NEAL ENGINEERING, INC. 2828 HEATHER ROW RIDGE LILBURN, GA 30047

4. BOUNDARY SURVEY INFORMATION SUPPLIED BY:
Monsour Engineering, Inc. – (770) 476 – 7014

5. ALL WORK SHALL COMPLY WITH APPLICABLE STATE, FEDERAL AND LOCAL CODES.

6. ALL MATERIALS AND CONSTRUCTION METHODS TO BE IN ACCORDANCE WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS AND GWINNETT COUNTY REQUIREMENTS.

7. THERE MAY BE ADDITIONAL UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR LOCATIONS SHOWN. IT SHALL BE THE RESPONSIBILITY OF CONTRACTOR TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF CONSTRUCTION AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES IMMEDIATELY.

8. IN THE CASE OF UNFORESEEN CONSTRUCTION COMPLICATIONS OR DISCREPANCIES, THE CONTRACTOR IS TO NOTIFY THE ENGINEER-OF-RECORD IMMEDIATELY PRIOR TO PROCEEDING WITH THE CONFLICT AREA. THE CONTRACTOR SHALL SUBMIT A CHANGE ORDER IF A DESIGN REVISION CAUSES RE-PERMITTING WHICH AFFECTS THE PROJECT SCHEDULE.

9. DEVIATION FROM THESE PLANS AND SPECIFICATION WITHOUT THE PRIOR WRITTEN CONSENT OF THE ENGINEER-OF-RECORD MAY CAUSE THE WORK TO BE UNACCEPTABLE.

10. NOTIFY THE GWINNETT COUNTY INSPECTOR 24 HOURS BEFORE THE BEGINNING OF EVERY PHASE OF CONSTRUCTION.

11. ALL ELEVATIONS ARE BASED ON THE TEMPORARY BENCH MARK (TBM) SHOWN ON THE SITE PLAN.

12. CONSTRUCTION WASTE MAY NEITHER BE BURNED OR BURIED ON SITE AND MUST BE TAKEN TO A STATE APPROVED LANDFILL.

13. THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE, COUNTY, AND CITY SAFETY AND HEALTH ORDINANCES AND REGULATIONS. THIS INCLUDES THE OCCUPATIONAL SAFETY AND HEALTH (O.S.H.A.) STANDARDS FOR BOTH CONSTRUCTION AND GENERAL INDUSTRY. SAFETY COMPLIANCE SHALL INCLUDE, BUT NOT BE LIMITED TO, LIFE THREATENING CONSTRUCTION ACTIVITIES SUCH AS SHEETING AND SHORING OF DEEP TRENCH EXCAVATIONS, AND UTILIZATION OF LIFE LINES WHEN WORKING FROM HEIGHTS.

14. ALL CONCRETE WORK SHALL BE 3,000 psi 28 DAY COMPRESSIVE STRENGTH OR AS OTHERWISE INDICATED IN THE PLANS AND SPECIFICATIONS.

DRAINAGE STRUCTURE DATA		
LOCATION	TOP EL.	INVERT EL.
DI-1	1010.86'	1007.58'
DI-2	1012.05'	1003.22
DI-3	1011.29'	1001.96'
DI-4	1010.04'	992.04'
DI-5	1011.00'	991.98'
DI-6	1011.17'	991.92'
DI-7	1010.16'	1002.66'
DI-8	1010.10'	1006.85'
DI-9	1009.99'	1000.99'
S MH-1	1009.19'	1004.94'

1 VERIFY LOCATION OF SEWER PRIOR TO CONSTRUCTION

2 WATER LINE SIZE AND LOCATION ARE APPROXIMATE AND SHOULD BE VERIFIED PRIOR TO CONSTRUCTION

UTILITIES PROTECTION CENTER OF GEORGIA

RECEIVED
JAN 22 2013
BY:

SUP '13 015

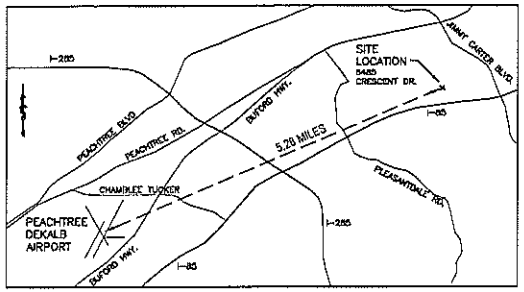
OWNER
BRONCO ENTERPRISES, LLC.
(OLE MEXICAN FOODS, INC.)
6485 CRESENT DRIVE
NORCROSS, GA 30071
L.L. NO: 217 & 222
GWINNETT COUNTY

ENGINEER:
Neal ENGINEERING, INC.
2828 Heather Row Ridge Lane, Lilburn, GA 30047
(770) 736-3156 (Phone) - (770) 735-6424 (Fax)
neal@nealengineers.com

DRAWING ISSUE		
NO.	DATE	ISSUED FOR

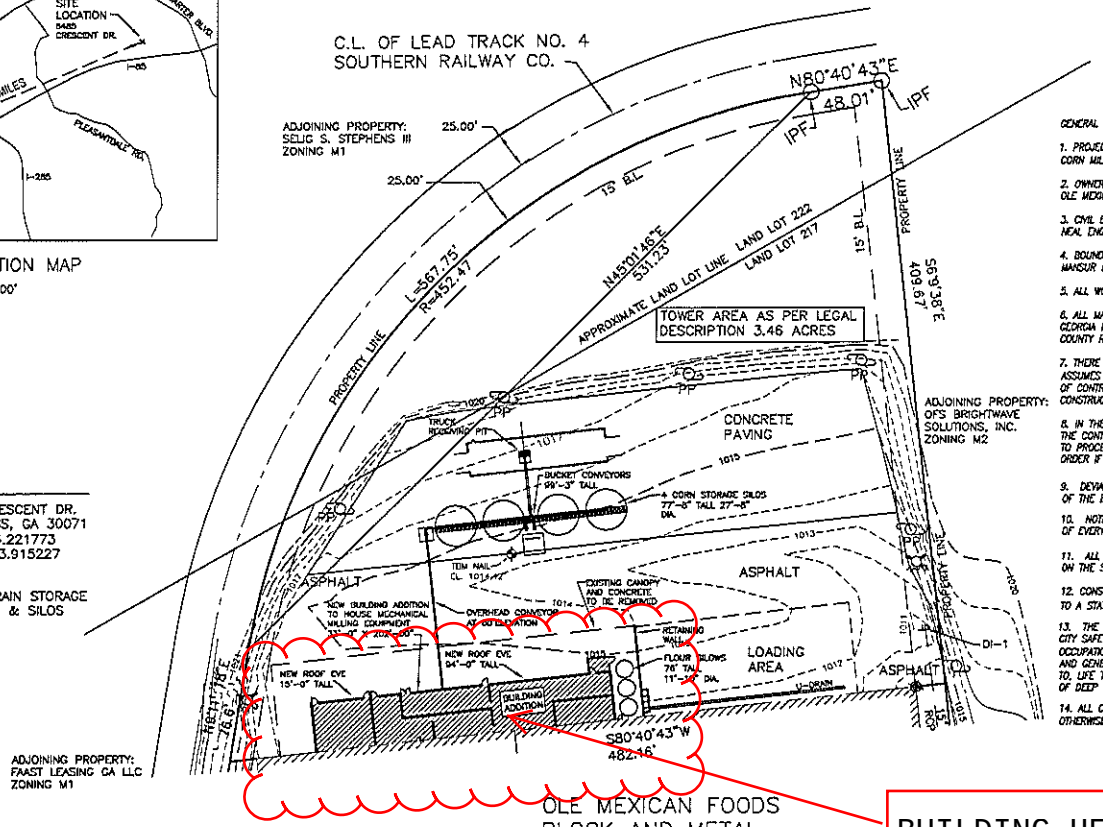
ENGINEER STAMP

DESIGN TEAM	
DESIGNED BY	KIM
DRAWN BY	KIM
CHECKED BY	SG
DATE	12/28/2012
ISSUED FOR	HEIGHT VARIANCE APPLICATION
SHEET NAME	Site Plan
SHEET No	C-01



AIRPORT / LOCATION MAP

SCALE: 1" = 5,000'



OLE MEXICAN FOODS
BLOCK AND METAL
BLDG F.F. EL. 1015.58'

BUILDING HEIGHT
INCREASE - 99.3 FT.

TOWER AND SITE DATA

STREET ADDRESS:	6485 CRESCENT DR. NORCROSS, GA 30071
LATITUDE & LONGITUDE:	LONG: 84.221773
	LAT: 33.915227
TOWER HEIGHT:	99'-3"
TYPE MATERIAL:	STEEL GRAIN STORAGE ELEVATOR & SILOS

SUP '13 0 1 5

RECEIVED
JAN 22 2013
BY:

GENERAL NOTES

1. PROJECT:
CORN MILLING FACILITY

2. OWNER:
OLE MEXICAN FOODS, INC.

3. CIVIL ENGINEER:
NEAL ENGINEERING, INC. 2828 HEATHER ROW RIDGE LILBURN, GA 30047

4. BOUNDARY SURVEY INFORORMATION SUPPLIED BY:
MANSUR ENGINEERING INC. (770) 476-7014

5. ALL WORK SHALL COMPLY WITH APPLICABLE STATE, FEDERAL AND LOCAL CODES.

6. ALL MATERIALS AND CONSTRUCTION METHODS TO BE IN ACCORDANCE WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS AND GWINNETT COUNTY REQUIREMENTS.

7. THERE MAY BE ADDITIONAL UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR LOCATIONS SHOWN. IT SHALL BE THE RESPONSIBILITY OF CONTRACTOR TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF CONSTRUCTION AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES IMMEDIATELY.

8. IN THE CASE OF UNFORESEEN CONSTRUCTION COMPLICATIONS OR DISCREPANCIES, THE CONTRACTOR IS TO NOTIFY THE ENGINEER-OF-RECORD IMMEDIATELY PRIOR TO PROCEEDING WITH THE CONFLICT AREA. THE CONTRACTOR SHALL SUBMIT A CHANGE ORDER IF A DESIGN REVISION CAUSES RE-PERMITTING WHICH AFFECTS THE PROJECT SCHEDULE.

9. DEVIATION FROM THESE PLANS AND SPECIFICATION WITHOUT THE PRIOR WRITTEN CONSENT OF THE ENGINEER-OF-RECORD MAY CAUSE THE WORK TO BE UNACCEPTABLE.

10. NOTIFY THE GWINNETT COUNTY INSPECTOR 24 HOURS BEFORE THE BEGINNING OF EVERY PHASE OF CONSTRUCTION.

11. ALL ELEVATIONS ARE BASED ON THE TEMPORARY BENCH MARK (TBM) SHOWN ON THE SITE PLAN.

12. CONSTRUCTION WASTE MAY NEITHER BE BURNED OR BURIED ON SITE AND MUST BE TAKEN TO A STATE APPROVED LANDFILL.

13. THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE, COUNTY, AND CITY SAFETY AND HEALTH ORDINANCES AND REGULATIONS. THIS INCLUDES THE OCCUPATIONAL SAFETY AND HEALTH (O.S.H.A.) STANDARDS FOR BOTH CONSTRUCTION AND GENERAL INDUSTRY. SAFETY COMPLIANCE SHALL INCLUDE, BUT NOT BE LIMITED TO, LIFE THREATENING CONSTRUCTION ACTIVITIES SUCH AS SHEETING AND SHORING OF DEEP TRENCH EXCAVATIONS, AND UTILIZATION OF LIFE LINES WHEN WORKING FROM HEIGHTS.

14. ALL CONCRETE WORK SHALL BE 3,000 psi 28 DAY COMPRESSIVE STRENGTH OR AS OTHERWISE INDICATED IN THE PLANS AND SPECIFICATIONS.

Legal Description

All that tract or parcel of land lying and being in Land Lots 217 and 222 of the 6th district of Gwinnett County, Georgia, and being more particularly described as the follows:

Beginning at an iron pin found at the intersection of the southern property of the Southern Railway Company right-of-way and the western property line of the OFS Brightwave Solutions (formally Western Electric Company) thence South 6 degrees 9 minutes 38 seconds East a distance of 409.47 feet; thence South 80 degrees 40 minutes 43 seconds West a distance of 482.15 feet along the north face of the building owned by Bronco Enterprises, LLC to a point on the east right-of-way property line of the Southern Railway Company; thence North 9 degrees 11 minutes 18 seconds East for a distance of 76.50 feet to a arc tangent point of the Southern Railway Company east Right-of-way line; thence northeasterly along the southeast right-of-way of the Southern Railway company?s lead track no. 4 on a arc of 567.75 feet (said arc having a chord of 531.23 feet on a bearing of North 45 degrees 01 minutes 43 seconds East) to an iron pin found; thence North 80 degrees 40 minutes 43 seconds East along the southern right-of-way of said track no. 4 a distance of 48.01 feet to an iron pin found on the westerly property line of above referenced Brightwave Solutions (formerly Western Electric Company) to the point of beginning. The above property containing 3.46 acres and being more particularly shown and delineated on the attached plat dated December 28, 2012.

SCALE IN FEET
0 40 80 150
1" = 40'

CALL BEFORE YOU DIG 1-800-282-7411 GEORGIA ONE CALL SYSTEM

UTILITIES PROTECTION CENTER OF GEORGIA

NOTICE: ANY EXCAVATION WITHIN 24 INCHES OF ANY MARK BEYOND THE EDGE OF THAT MARK TO THE UTILITIES PROTECTION CENTER (UPC) AT 1-800-282-7411 (IN METRO ATLANTA)

OWNER
BRONCO ENTERPRISES, LLC.
(OLE MEXICAN FOODS, INC.)
6485 CRESENT DRIVE
NORCROSS, GA 30071
L.L. NO: 217 & 222
GWINNETT COUNTY

ENGINEER:
Neal ENGINEERING, INC.
2828 Heather Row Ridge ave, Lilburn, GA 30047
(770) 735-3195 (Fax) - (770) 736-8424 (Fax)
neal@comcast.net

DRAWING ISSUE

NO	DATE	ISSUED FOR

ENGINEER STAMP

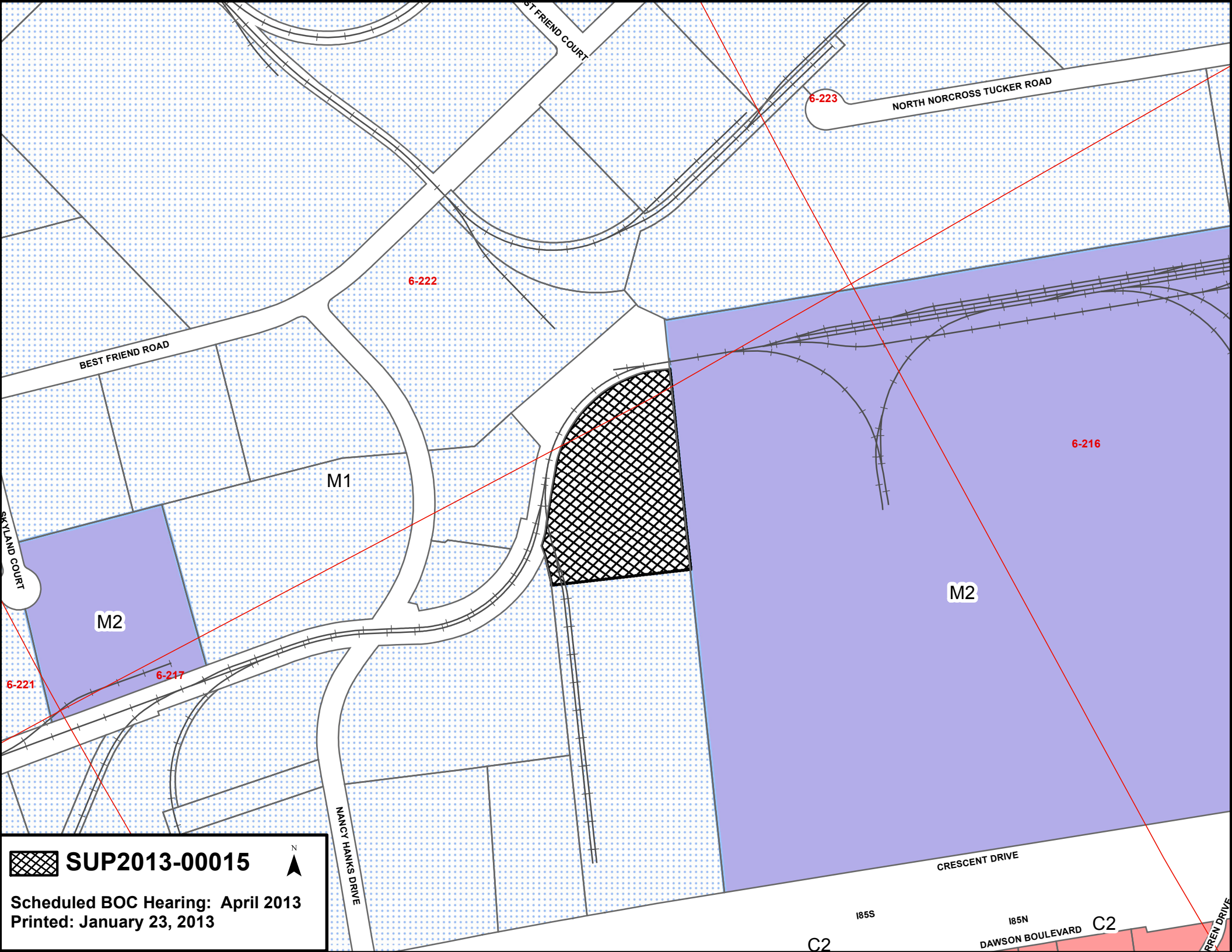
DESIGN TEAM

DESIGNED BY	KMK
DRAWN BY	KMK
CHECKED BY	SG
DATE	12/28/2012
ISSUED FOR	

SHEET NAME
Site Plan

SHEET No


SUP2013-00015
N
Scheduled BOC Hearing: April 2013
Printed: January 23, 2013


BEST FRIEND COURT
NORTH NORCROSS TUCKER ROAD
6-223
6-222
BEST FRIEND ROAD
M1
6-216
M2
SKYLAND COURT
M2
6-221
6-217
NANCY HANKS DRIVE
CRESCENT DRIVE
I85S
I85N
DAWSON BOULEVARD
C2
C2
SUP2013-00015
N
Scheduled BOC Hearing: April 2013
Printed: January 23, 2013

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130290	

☒ Rezoning ☒ Public Hearing

Department:	Planning & Development			Date Submitted:	03/13/2013
Working Session:		Business Session:		Public Hearing:	04/23/2013
Submitted By:	vlharrod			Multiple Depts?	No
Budget Type:	Neither			Special Routing:	
Agenda Type	Rezoning	Rezoning Type	SUP		

Item of Business: Locked by Purchasing: No

2013-00016, Applicant: Jared Groff, Owner: Martin Brothers Building, LLC, for a Special Use Permit in a C-2 Zoning District for Automobile Service, District 6 Land Lot 053 Parcel 342, 2300 Block of Hewatt Road, 0.92 Acre. District 3/Hunter

Land Lot:	053	Parcel:	342
District:	6		

Attachments	Planning Commission Results and Department Analysis
Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (4/4/2013)
Attorney	

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

Comments

County Clerk Use Only

Working Session:
Action: Public Hearing
Tabled:
Motion:
2nd by:
Vote:

Planning and Development

Recommendation:
☐ Approve
☒ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny w/out Prejudice
☐ Deny PH was Held? ☐
☐ No Recommendation

Planning Commission

Recommendation:
☐ Tabled - Date
☐ Approve
☒ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny ☐ Deny w/out Prejudice
☐ No Recommendation

PLANNING DEPARTMENT / PLANNING COMMISSION
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 and repair as a special use.

2. The hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 4:00 p.m. on Saturdays. Dynamometer testing shall be prohibited.

3. Outdoor sales, storage or display of tires or parts shall be prohibited. The site shall be kept free of junk cars or other debris at all times. Any vehicle(s) parked overnight shall be kept inside the building or stored to the rear of the building within the fence enclosure.

4. Abide by all applicable 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 COMMISSION RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for automobile service may be considered suitable with the mix of uses in the area, since service and repair and storage would take place within or behind the building.

ADVERSE IMPACTS

With the recommended conditions, the request would not be expected to impose significant 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

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

CONFORMITY WITH POLICIES

The requested Special Use Permit could be compatible with the Unified Plan and policies of the Mixed-Use Corridor Character Area, which support free-standing commercial activity such as automobile service facilities.

CONDITIONS AFFECTING ZONING

The requested Special Use Permit would allow for the use of a vacant building; and, since the activity is proposed to be conducted entirely indoors, the use could be compatible with nearby developments.

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2013-00016**
ZONING	:C-2
LOCATION	:2300 BLOCK OF HEWATT ROAD
MAP NUMBER	:R6053 342
ACREAGE	:0.92 ACRE
PROPOSED DEVELOPMENT	:AUTOMOBILE SERVICE
SQUARE FEET	:7,060 SQUARE FEET
COMMISSION DISTRICT	:(3) HUNTER

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

APPLICANT: JARED GROFF
3080 CHIMNEY RIDGE EAST
SNELLVILLE, GA 30078

CONTACT: JARED GROFF PHONE: 770.979.2918

OWNER: MARTIN BROTHERS BUILDING, LLC
2025 WESTSIDE COURT
SNELLVILLE, GA 30078

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 0.92-acre property, zoned C-2 (General Business District), to allow an automobile service facility within an existing office-warehouse building. The property is located on the east side of Hewatt Road, south of Stone Mountain Highway. The site is developed with a 7,060 square-foot office-warehouse building and associated parking lot. An area to the rear of the building is enclosed with a screened security fence. Access to the site is provided by a shared driveway onto Hewatt Road.

The applicant proposes to use the existing building for general automobile repair and service; including, tune-up, oil change, brake repair and transmission service. Occasionally high performance tuning work would also be conducted on vehicles. The hours of operation would be from 8:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 4:00 p.m. on Saturdays. The letter of intent indicates that there are no modifications proposed to the building or property, and due to the size of the building there is ample space for all vehicles to be parked indoors after business hours.

ZONING HISTORY:

The property was zoned R-100 (Single Family Residence District) in 1970. The site was rezoned to O-I (Office-Institution District) in 1973 as part of an area wide map amendment. The property was rezoned to C-2 in 1977, pursuant to RZ-63-77.

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:

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 one to three spaces per service bay.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the eastern right-of-way of Hewatt Road.

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior 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 0.92-acre property, located at 2340 Hewatt Road, which is south of Stone Mountain Highway. The site is developed with a 7,060 square-foot office-warehouse building and associated parking lot.

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 automobile service and repair. As such, the requested Special Use Permit could be considered consistent with the character area.

The surrounding area is characterized by office-warehouse buildings along this segment of Hewatt Road. Commercial/retail and automobile sales and service uses fronting along the Stone Mountain Highway corridor, with residential subdivisions located beyond the commercial areas. Located south of the subject site is the Hewatt Road Office Park. Along the east side of Hewatt Road are a row of similar office-warehouses and a daycare center. On Stone Mountain Highway, extending south to Oakland Park Boulevard is the Stone Mountain Ford dealership, sales and service center. Single-family subdivisions in the area include Timber Trace and McCart Estates, which are located across Hewatt Road from the subject site. 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. However, restricting the hours of operation and limiting outdoor storage or display could reduce potential negative impacts on nearby residences.

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, and the policies of the 2030 Unified Plan. 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 and repair as a special use.

2. The hours of operation shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 4:00 p.m. on Saturdays. Dynamometer testing shall be prohibited.

3. Outdoor sales, storage or display of tires or parts shall be prohibited. The site shall be kept free of junk cars or other debris at all times. Any vehicle(s) parked overnight shall be kept inside the building or stored to the rear of the building within the fence enclosure.

4. Abide by all applicable 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 with the mix of uses in the area, since service and repair and storage would take place within or behind the building.

ADVERSE IMPACTS

With the recommended conditions, the request would not be expected to impose significant 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

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

CONFORMITY WITH POLICIES

The requested Special Use Permit could be compatible with the Unified Plan and policies of the Mixed-Use Corridor Character Area, which support free-standing commercial activity such as automobile service facilities.

CONDITIONS AFFECTING ZONING

The requested Special Use Permit would allow for the use of a vacant building; and, since the activity is proposed to be conducted entirely indoors, the use could be compatible with nearby developments.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

Yes

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

No

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

Yes

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

No

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

Yes

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

None

RECEIVED
JAN 29 2013
BY: .....

January 28, 2013

Groff Motorsports Inc
2340 Hewatt Road
Snellville, Georgia 30039

Gwinnett County Board of Commissioners,

This letter is provided as a letter of intent for the application of Special Use for Groff Motorsports Inc. to occupy and conduct business at 2340 Hewatt Road, Snellville, Georgia, 30039. This property is currently zoned as C-2 and has an existing structure with 7,060 square feet. Currently zoned C-2, we are requesting permission to operate as an automotive repair and maintenance facility. Hours of operation will be 8 am to 6 pm Monday through Friday and 8 am to 4 pm on Saturday.

Groff Motorsports Inc serves people of the local community with automotive repair and maintenance holding high standards for customer satisfaction and relations. Previously, Groff Motorsports Inc was located in Barrow County, Georgia for seven years. In order to continue to grow our business and provide professional service, we want to move to this location in Gwinnett County, Georgia.

Because this is a privately run business, the location at Hewatt Road allows us to utilize the current configuration of 2340 Hewitt Road without modification to the building and grounds. There is ample parking at this location for all vehicles to be parked within the building after hours.

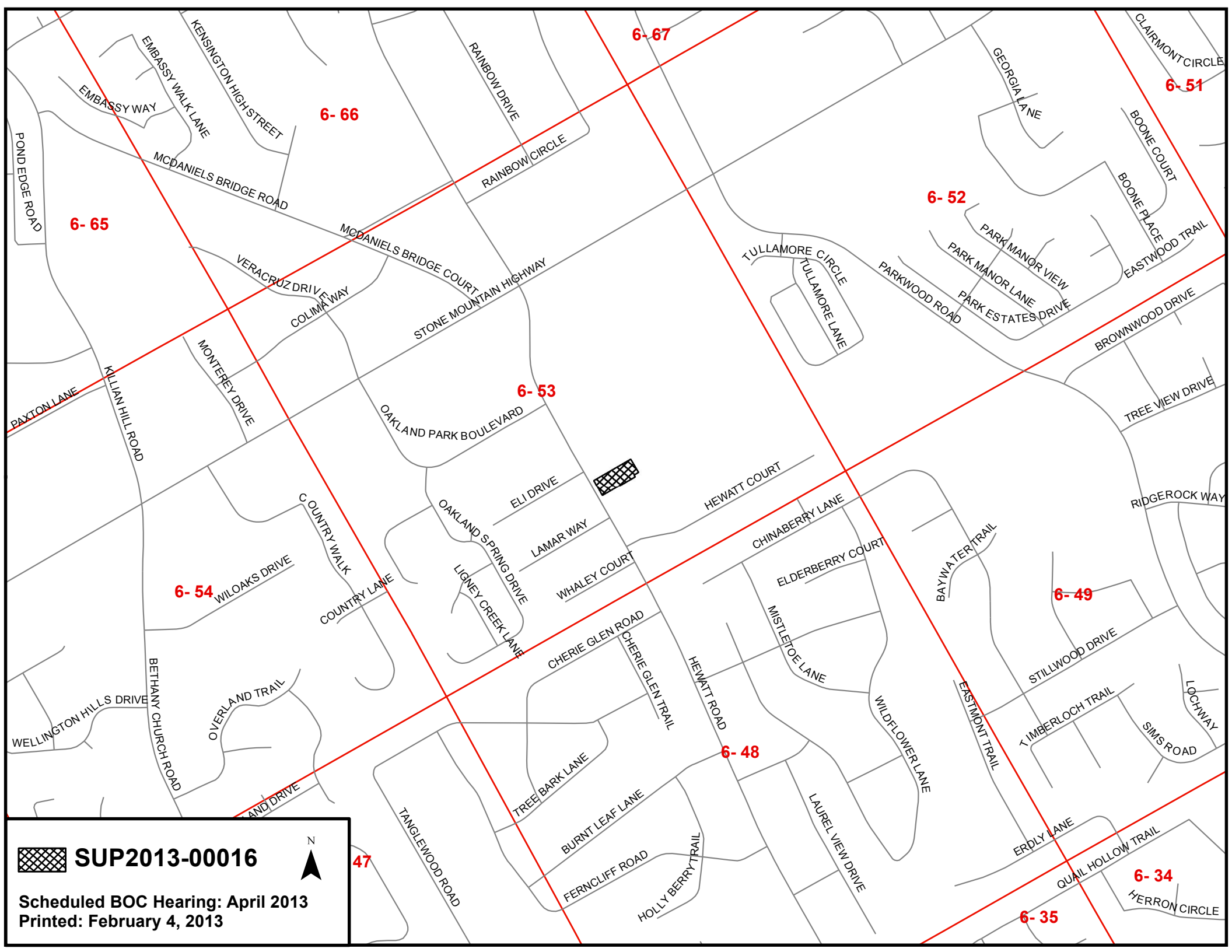
We appreciate your consideration of this application and look forward to being a productive and proactive, as well as a continuous part of Gwinnett County business community.

Sincerely,

Jared A Groff
President
Groff Motorsports Inc

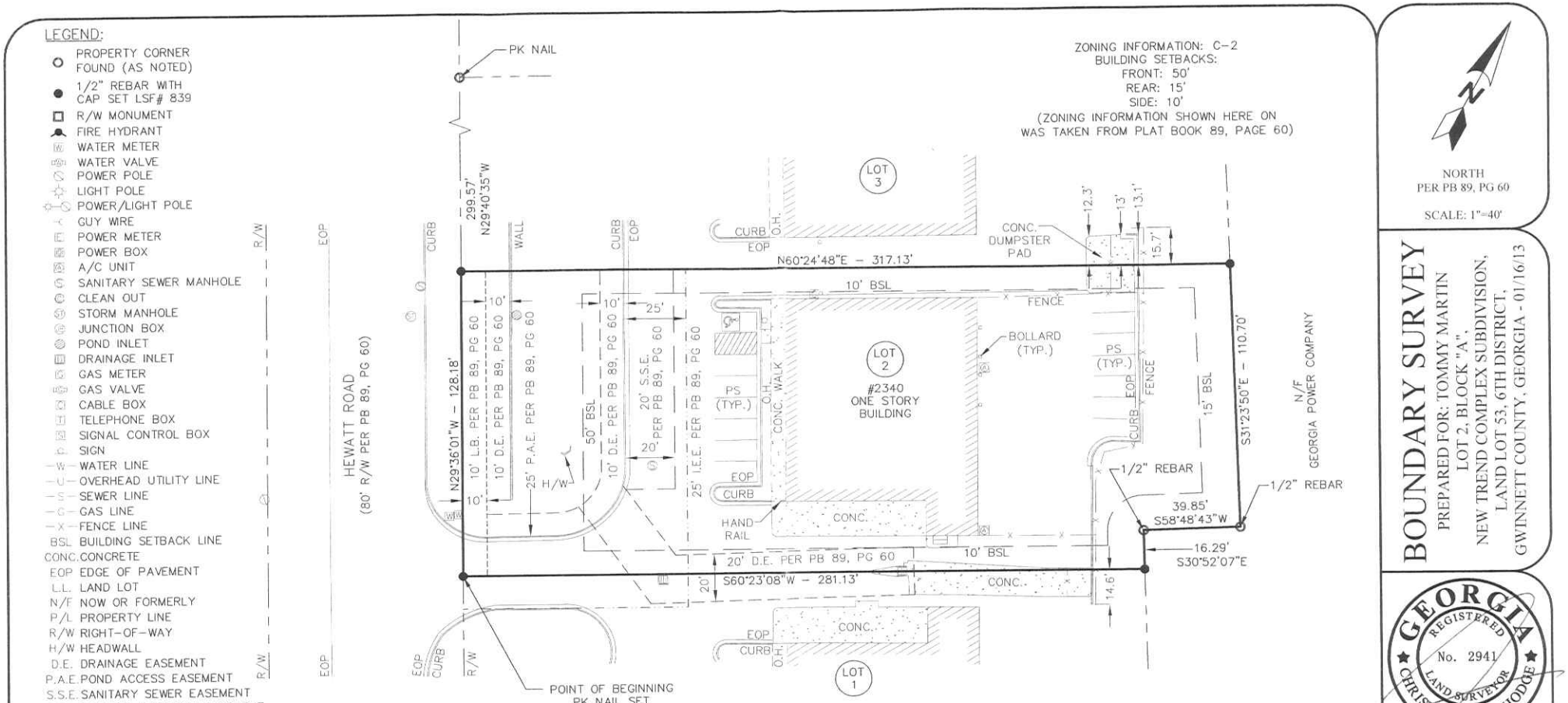
RECEIVED
JAN 29 2013
BY: .....

SUP '13 0 1 6


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6- 34
6- 35
EMBASSY WAY
EMBASSY WALK LANE
KENSINGTON HIGH STREET
RAINBOW DRIVE
RAINBOW CIRCLE
POND EDGE ROAD
MCDANIELS BRIDGE ROAD
MCDANIELS BRIDGE COURT
VERACRUZ DRIVE
COLIMA WAY
STONE MOUNTAIN HIGHWAY
GEORGIA LANE
CLAIRMONT CIRCLE
BOONE COURT
BOONE PLACE
EASTWOOD TRAIL
PARK MANOR VIEW
PARK MANOR LANE
PARK ESTATES DRIVE
PARKWOOD ROAD
TULLAMORE CIRCLE
TULLAMORE LANE
BROWNWOOD DRIVE
TREE VIEW DRIVE
RIDGEROCK WAY
PAXTON LANE
KILLIAN HILL ROAD
MONTEREY DRIVE
OAKLAND PARK BOULEVARD
ELI DRIVE
OAKLAND SPRING DRIVE
LAMAR WAY
WHALEY COURT
HEWATT COURT
LIGNEY CREEK LANE
COUNTRY WALK
COUNTRY LANE
WILOAKS DRIVE
CHINABERRY LANE
ELDERBERRY COURT
BAYWATER TRAIL
MISTLETOE LANE
CHERIE GLEN ROAD
CHERIE GLEN TRAIL
HEWATT ROAD
WILDFLOWER LANE
EASTMONT TRAIL
STILLWOOD DRIVE
TIMBERLOCH TRAIL
SIMS ROAD
LOCHWAY
WELLINGTON HILLS DRIVE
BETHANY CHURCH ROAD
OVERLAND TRAIL
TREE BARK LANE
BURNT LEAF LANE
FERNCLIFF ROAD
HOLLY BERRY TRAIL
TANGLEWOOD ROAD
LAUREL VIEW DRIVE
ERDLY LANE
QUAIL HOLLOW TRAIL
HERRON CIRCLE
SUP2013-00016
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013

RECEIVED
JAN 29 2013
BY:

SUP '13 016



NORTH
PER PB 89, PG 60

SCALE: 1"=40'

BOUNDARY SURVEY

PREPARED FOR: TOMMY MARTIN
LOT 2, BLOCK "A",
NEW TREND COMPLEX SUBDIVISION,
LAND LOT 53, 6TH DISTRICT,
GWINNETT COUNTY, GEORGIA - 01/16/13

GEORGIA REGISTERED No. 2941 LAND SURVEYOR CHRISTOPHER W. HODGE

1/16/13

FOR THE FIRM
BOUNDARY ZONE, INC.
NOT VALID WITHOUT ORIGINAL SIGNATURE

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON AND DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

© COPYRIGHT 2013 - BOUNDARY ZONE, INC.
THIS DRAWING AND IT'S REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

TOTAL AREA: 0.923 ACRES / 40,210 SQUARE FEET.

BOUNDARY REFERENCE: DEED BOOK 51667, PAGE 710 & PLAT BOOK 89, PAGE 60. FIELDWORK PERFORMED ON 01/14/13.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN +10,000 FEET.

THIS PLAT HAS BEEN PREPARED USING A TRIMBLE 5603 ROBOTIC TOTAL STATION.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET, AND ANGULAR ERROR OF 10 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

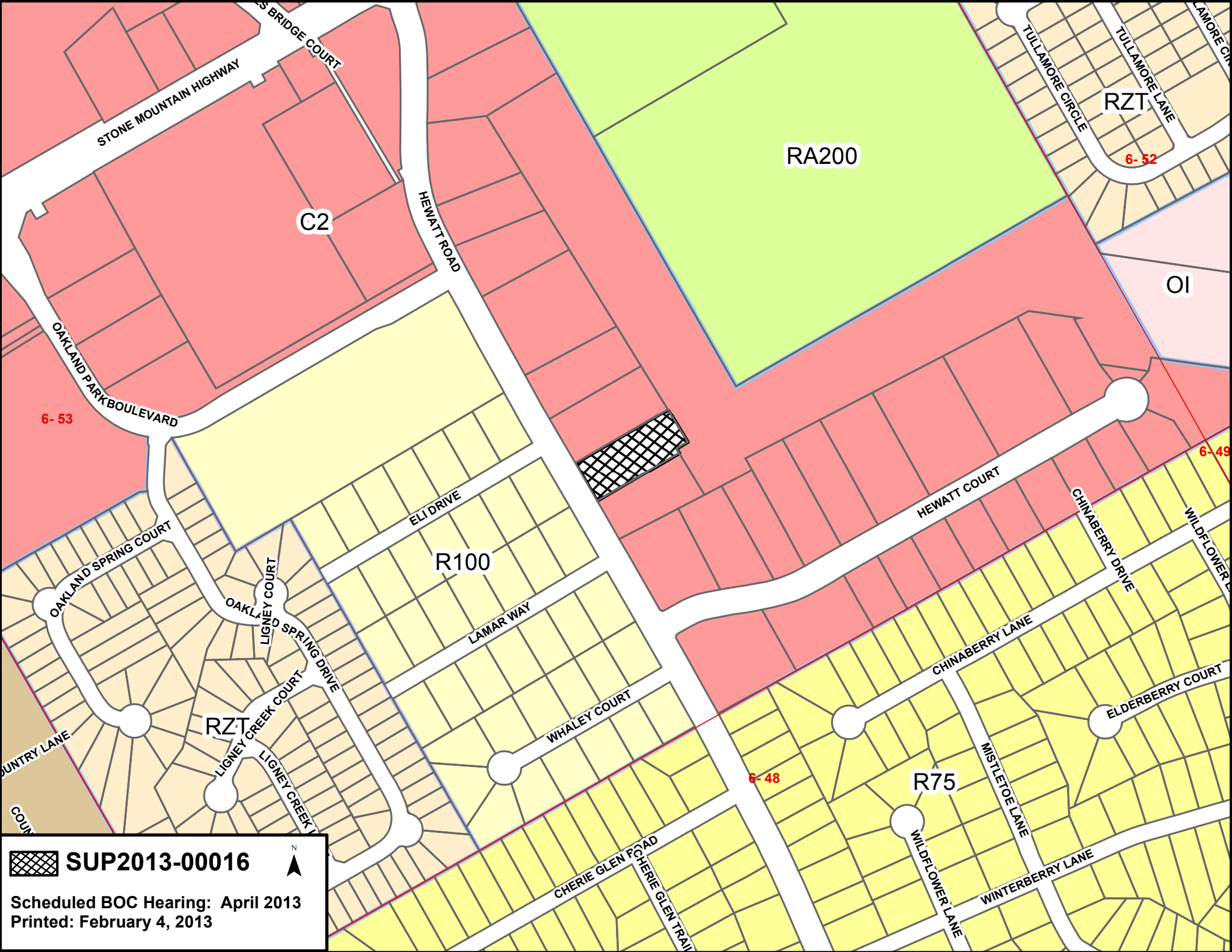
BOUNDARY ZONE, INC. LAND SURVEYING SERVICES
WWW.BOUNDARYZONE.COM
(770) 271-5772 / (919) 363-9226
4195 SOUTH LEE STREET SUITE 1, BUFORD, GA 30518
235 PEACHTREE STREET NE SUITE 400, ATLANTA, GA 30303
2205-C CANDUN DRIVE APEX, NC 27523

GRAPHIC SCALE - IN FEET
20 0 40 80

PROJECT
1327301

SHEET
1 OF 1


ELI DRIVE
HEWATT ROAD
SUP2013-00016
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013


STONE MOUNTAIN HIGHWAY
S BRIDGE COURT
HEWATT ROAD
C2
RA200
RZT
TULLAMORE CIRCLE
TULLAMORE LANE
6- 52
OI
OAKLAND PARK BOULEVARD
6- 53
6- 49
ELI DRIVE
R100
HEWATT COURT
CHINABERRY DRIVE
OAKLAND SPRING COURT
OAKLAND SPRING DRIVE
LIGNEY COURT
LAMAR WAY
CHINABERRY LANE
ELDERBERRY COURT
RZT
LIGNEY CREEK COURT
WHALEY COURT
6- 48
R75
MISTLETOE LANE
CHERIE GLEN ROAD
WILDFLOWER LANE
WINTERBERRY LANE
SUP2013-00016
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130291	

☒ Rezoning ☒ Public Hearing

Department:	Planning & Development	Date Submitted:	03/13/2013
Working Session:		Business Session:	Public Hearing: 04/23/2013
Submitted By:	vlharrod	Multiple Depts?	No
Budget Type:	Neither	Special Routing:	
Agenda Type	Rezoning	Rezoning Type	SUP

Item of Business: Locked by Purchasing: No

2013-00017, Applicant: Roland Lanctot, Owner: Roland Lanctot, for a Special Use Permit in an M-1 Zoning District for Automobile Service and Tire Store, District 7 Land Lot 013 Parcel 003D, 800 Block of Petty Road, 1.10 Acres. District 4/Heard

Land Lot:	013	Parcel:	003D
District:	7		

Attachments	Department Analysis
Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (4/4/2013)
Attorney	

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

Comments

County Clerk Use Only

Working Session:
Action: Public Hearing
Tabled:
Motion:
2nd by:
Vote:

Planning and Development

Recommendation:
☐ Approve
☒ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny w/out Prejudice
☐ Deny PH was Held? ☐
☐ No Recommendation

Planning Commission

Recommendation:
☒ Tabled - Date 05/07/2013
☐ Approve
☐ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny ☐ Deny w/out Prejudice
☐ No Recommendation

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2013-00017**
ZONING	:M-1
LOCATION	:800 BLOCK OF PETTY ROAD
MAP NUMBER	:R7013 003D
ACREAGE	:1.10 ACRES
PROPOSED DEVELOPMENT	:AUTOMOBILE SERVICE AND TIRE STORE
SQUARE FEET	:10,000 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD

FUTURE DEVELOPMENT MAP: **RESEARCH & DEVELOPMENT CORRIDOR**

APPLICANT: ROLAND LANCTOT
1767 SUNSET RIDGE DRIVE
THE VILLAGES, FL 32162

CONTACT: DONNA SHAVE PHONE: 352.391.1063

OWNER: ROLAND LANCTOT
1767 SUNSET RIDGE DRIVE
THE VILLAGES, FL 32162

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 1.10-acre parcel, zoned M-1 (Light Industry District), to allow automobile service and repair shops and tire stores as tenants of the building. The subject property is located on the southwest side of Petty Road, just east of its intersection with Hi-Hope Road.

The site is developed with a 10,000 square foot, multi-tenant commercial building, associated parking and driveways. Access is provided through existing driveways onto Petty Road. A total of 16 parking spaces are shown on the submitted site plan. The area to the rear of the building is used for outdoor storage of tractor trailers, tires, vehicle parts and other items. The Department notes that this area is presently unscreened, as required by the 1985 Zoning Resolution.

The property has been the subject of citizen complaints, and several citations have been issued by the Code Enforcement Unit for non-permitted uses, outdoor storage requirements, and other various violations. The requested Special Use Permit would help to bring the use of the property into compliance with the Zoning Resolution.

ZONING HISTORY:

In 1970, the property was zoned R-100 (Single Family Residence District). The property was rezoned to O-I (Office-Institutional District) as part of a larger area-wide rezoning in 1975. The property was rezoned to M-1 (Light Industry District) in 1982, pursuant to RZ-165-82.

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:

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 one to three spaces per service bay.

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 Petty Road.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 800 feet south of the property, in the western right-of-way of Petty Road.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject property is a 1.10-acre parcel, located on southwest side of Petty Road, just southeast of its intersection with Hi-Hope Road. The site is developed with an existing building and associated parking and driveways.

The 2030 Unified Plan Future Development Map indicates the site is located within the Research and Development Corridor. Neighboring developments include numerous light industrial and office/warehouse uses extending west of Petty Road; and manufacturing, office and distribution facilities in the nearby Gwinnett Progress Center. Although not strictly consistent with the recommended land use, the automobile service/repair and tire stores could be suitable at this location if measures are taken to improve the appearance of the site, including cleanup and screening of the outdoor storage area.

The area immediately surrounding the property is developed with light industrial, office/warehouse, institutional and single-family residential uses. Immediately to the south is a

general contractor's office in M-1 zoning. To the north and west are various office, warehouse and light industrial uses within the C-2, O-I and M-1 zoning classifications. Further to the west, across Hi-Hope Road, are multiple County government and institutional facilities including the youth detention facility and police headquarters. Located to the south is the Gwinnett Progress Center, which consist predominately of light industrial and office related uses. Homes on large lots lie to the northeast, directly across Petty Road. Given the nature of uses and zoning in the area, the request could be considered suitable. However, in light of the unsightly conditions existing on the site, and its proximity to residences immediately across Petty Road, conditions should be included to achieve an improved appearance for the property.

In conclusion, the requested Special Use Permit for an automobile service/repair and tire shops could be considered compatible with the nature and intensity of adjacent and nearby land uses. Given its proximity to residences and unscreened outdoor storage suggest that measures should be included to lend an improved appearance. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for an automobile body repair shop, subject to the following enumerated conditions:

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

    A. Light industrial uses, which may include automobile service/repair and tire sales as a special use.

    B. Any new buildings or additions shall be finished with architectural treatments of glass, brick or stacked stone. Stucco may be used as an accent material. Final architectural elevations shall be subject to review and approval by the Director of Planning and Development.

2. To abide by the following site development considerations:

    A. New ground signage shall be limited to a monument type sign with a minimum two foot high brick or stacked stone base.

    B. Install minimum 8-foot high opaque fencing to provide an effective visual screen of the rear storage/parking area. The fence shall not contain any signage and shall be maintained in good repair. All fencing and screening shall be subject to review and approval by the Director of Planning and Development.

    C. Outdoor storage of equipment, inoperable vehicles, parts, tires and other materials shall be solely within the rear screened storage area. Utilization of tractor trailers for storage shall be prohibited.

    D. Display of merchandise, equipment or materials in front of the building shall be prohibited.

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

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

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for automobile service/repair and tire shops could be suitable in light of the mix and intensity of uses in this area. The proximity to residences across Petty Road suggests conditions should be included to limit and control outdoor storage, sales and display at the front of the site.

ADVERSE IMPACTS

With the recommended conditions, including installing opaque screening for storage areas, impacts on neighboring properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

Although not strictly consistent with the recommended land use, the proposed automobile service/repair and tire shops could be suitable in light of the largely industrial nature of surrounding developments.

CONDITIONS AFFECTING ZONING

The site has been the subject of citizen complaints and several code enforcement cases and, if approved, measures should be included to address the current appearance of the property.

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

YES

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

NO

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

YES

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

NO

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

YES

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

NO

RECEIVED
JAN 29 2013
BY: .....

SUP '13 0 1 7

Roland Lanctot
1767 Sunset Ridge Drive
The Villages, FL 32162

January 29, 2013

Gwinnett County Board of Commissioners
75 Langley Drive
Lawrenceville, GA 30046

To Whom It May Concern:

The purpose of this letter is to apply for a Special Use Permit for 850 Petty Road, Lawrenceville, GA 30043. We have tenants, one doing business as a tire shop and one doing business as an auto repair shop that need this Special Use Permit. The tenants have business licenses and are fully insured. The tenants have been in the space for several years and were not aware they needed a Special Use Permit.

We purchased this building in August 2010 and were not aware that the tenants needed Special Use Permit. The tire shop has three mobile trailers for tire storage.

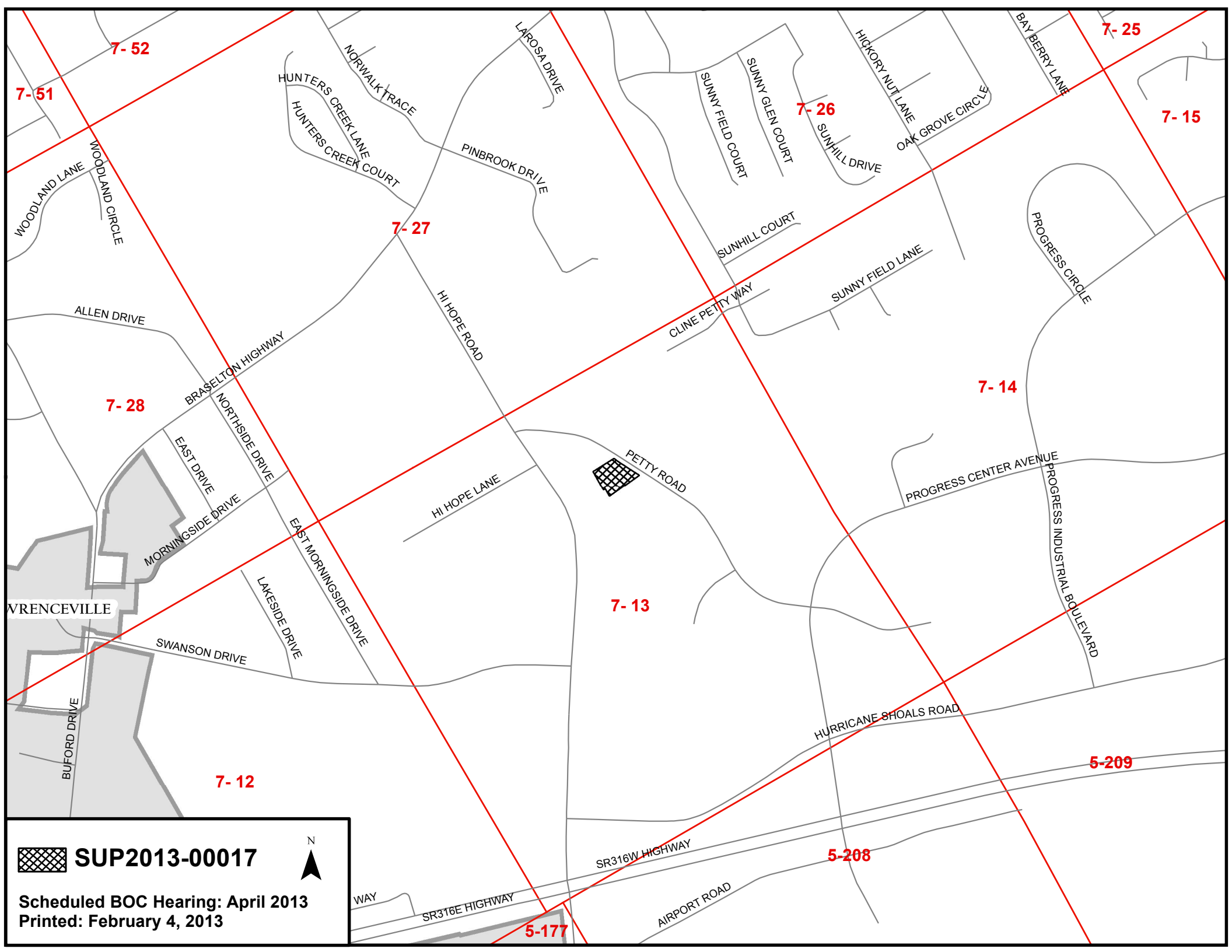
I trust this is all the information required and should you need any further information please feel free to contact me at (352) 391-1063 or on my cell phone (770) 826-2510.

Sincerely,

Roland Lanctot
Owner

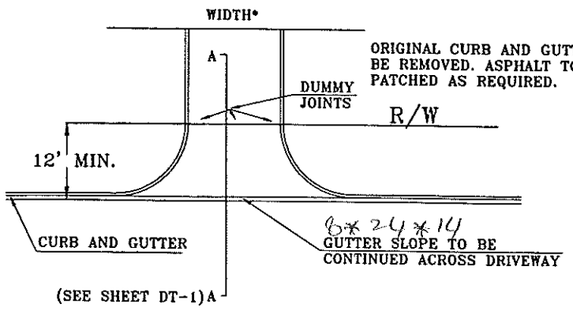
RECEIVED
JAN 29 2013
BY: .....

SUP '13 0 1 7


7- 52
7- 51
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7- 28
7- 14
7- 13
7- 12
5-209
5-208
5-177
HUNTERS CREEK LANE
HUNTERS CREEK COURT
NORWALK TRACE
LAROSA DRIVE
PINBROOK DRIVE
SUNNY FIELD COURT
SUNNY GLEN COURT
SUNHILL DRIVE
HICKORY NUT LANE
OAK GROVE CIRCLE
BAY BERRY LANE
WOODLAND LANE
WOODLAND CIRCLE
SUNHILL COURT
SUNNY FIELD LANE
PROGRESS CIRCLE
CLINE PETTY WAY
ALLEN DRIVE
BRASELTON HIGHWAY
HI HOPE ROAD
NORTHSIDE DRIVE
EAST DRIVE
MORNINGSIDE DRIVE
EAST MORNINGSIDE DRIVE
LAKESIDE DRIVE
HI HOPE LANE
PETTY ROAD
PROGRESS CENTER AVENUE
PROGRESS INDUSTRIAL BOULEVARD
VRENCEVILLE
SWANSON DRIVE
BUFORD DRIVE
HURRICANE SHOALS ROAD
SR316W HIGHWAY
SR316E HIGHWAY
AIRPORT ROAD
WAY
SUP2013-00017
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013

PROJECT NUMBER	SHT. NO.	TOTAL
97,800,001	3	7

MOD. 97-00169 (DRIVEWAY WIDTH)] APPROVED
MOD. 97-00170 (CURBING)] 11-14-97

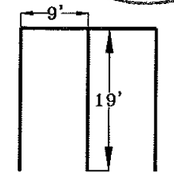


APRON DETAIL
NTS

PARKING REQUIREMENTS

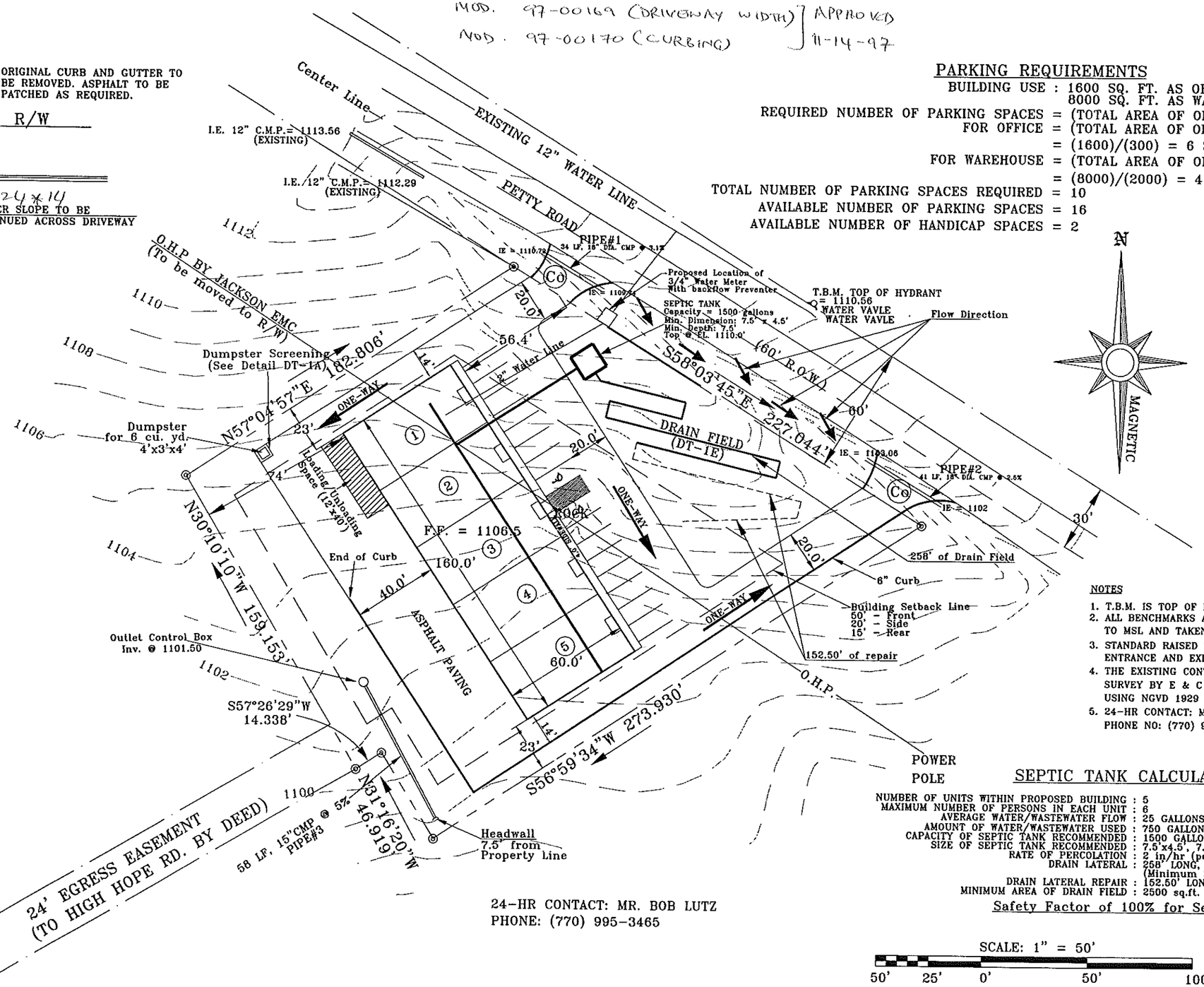
BUILDING USE : 1600 SQ. FT. AS OFFICE
8000 SQ. FT. AS WAREHOUSE
REQUIRED NUMBER OF PARKING SPACES = (TOTAL AREA OF OFFICE)/(300)
FOR OFFICE = (TOTAL AREA OF OFFICE)/(300)
= (1600)/(300) = 6 SPACES
FOR WAREHOUSE = (TOTAL AREA OF OFFICE)/(2000)
= (8000)/(2000) = 4 SPACES
TOTAL NUMBER OF PARKING SPACES REQUIRED = 10
AVAILABLE NUMBER OF PARKING SPACES = 16
AVAILABLE NUMBER OF HANDICAP SPACES = 2

GEORGIA REGISTERED NO. 16145 PROFESSIONAL ENGINEER JUAN G. RUIZ



TYPICAL PARKING DETAIL
SCALE: 1":20'

SYMBOL	DESCRIPTION
—X—	CHAIN LINK FENCE
— — —	PROPERTY LINE
R/W— · —	RIGHT OF WAY
WATER LINE	WATER LINE
o	PROPERTY CORNER
Ⓦ	EXISTING WELL
— — — —	BUILDING SET BACK LINE
	EXISTING FIRE HYDRANT
	UTILITY POLE
I.P.F.	IRON PIN FOUND
I.P.S.	IRON PIN SET
═══	2.5' CURB & GUTTER
Ⓢ	SANITARY SEWER MANHOLE
— · —	EASEMENT LINE
O.H.P.	OVERHEAD POWER LINE
Co	CONSTRUCTION EXIT (DT-1C)
Rp	RIP-RAP (DT-1F)



24-HR CONTACT: MR. BOB LUTZ
PHONE: (770) 995-3465

SCALE: 1" = 50'
50' 25' 0' 50' 100'

NOTES

1. T.B.M. IS TOP OF FIRE HYDRANT AS INDICATED.
2. ALL BENCHMARKS AND TOPOGRAPHY ARE RELATIVE TO MSL AND TAKEN FROM N.G.V.D. 1929.
3. STANDARD RAISED TYPE CURB AND GUTTER AT ENTRANCE AND EXIT.
4. THE EXISTING CONTOURS ARE TAKEN FROM A FIELD RUN SURVEY BY E & C CONSULTING ENGINEERS, INC. USING NGVD 1929
5. 24-HR CONTACT: MR. BOB LUTZ PHONE NO: (770) 995-3465

SEPTIC TANK CALCULATIONS

NUMBER OF UNITS WITHIN PROPOSED BUILDING : 5
MAXIMUM NUMBER OF PERSONS IN EACH UNIT : 6
AVERAGE WATER/WASTEWATER FLOW : 25 GALLONS/PERSON/DAY
AMOUNT OF WATER/WASTEWATER USED : 750 GALLONS/DAY (for all 5 units)
CAPACITY OF SEPTIC TANK RECOMMENDED : 1500 GALLONS/DAY (factor of safety = 2)
SIZE OF SEPTIC TANK RECOMMENDED : 7.5'x4.5', 7.5' DEEP
RATE OF PERCOLATION : 2 in/hr (per Soil Survey by Peter Avers)
DRAIN LATERAL : 258' LONG, 4" CORRUGATED PERFORATED PIPE (Minimum 200' required)
DRAIN LATERAL REPAIR : 152.50' LONG (Minimum 134' required)
MINIMUM AREA OF DRAIN FIELD : 2500 sq.ft.

Safety Factor of 100% for Septic Tank

SITEPLAN.DWG 11/13/97

REV.	DATE	DESCRIPTION	APPRV.	BY
DESIGNED				
DRAWN				
APPROVED				

ENGINEER
E & C CONSULTING ENGINEERS, INC.
1600 ATKINSON ROAD, BLDG. A
LAWRENCEVILLE, GEORGIA 30043
Phone: (770) 995-9606
Fax: (770) 995-6603

OWNER & DEVELOPER
GARY FITZPATRICK
196 LOCKRING DRIVE
LILBURN, GEORGIA 30047
PH: (707) 717-1927

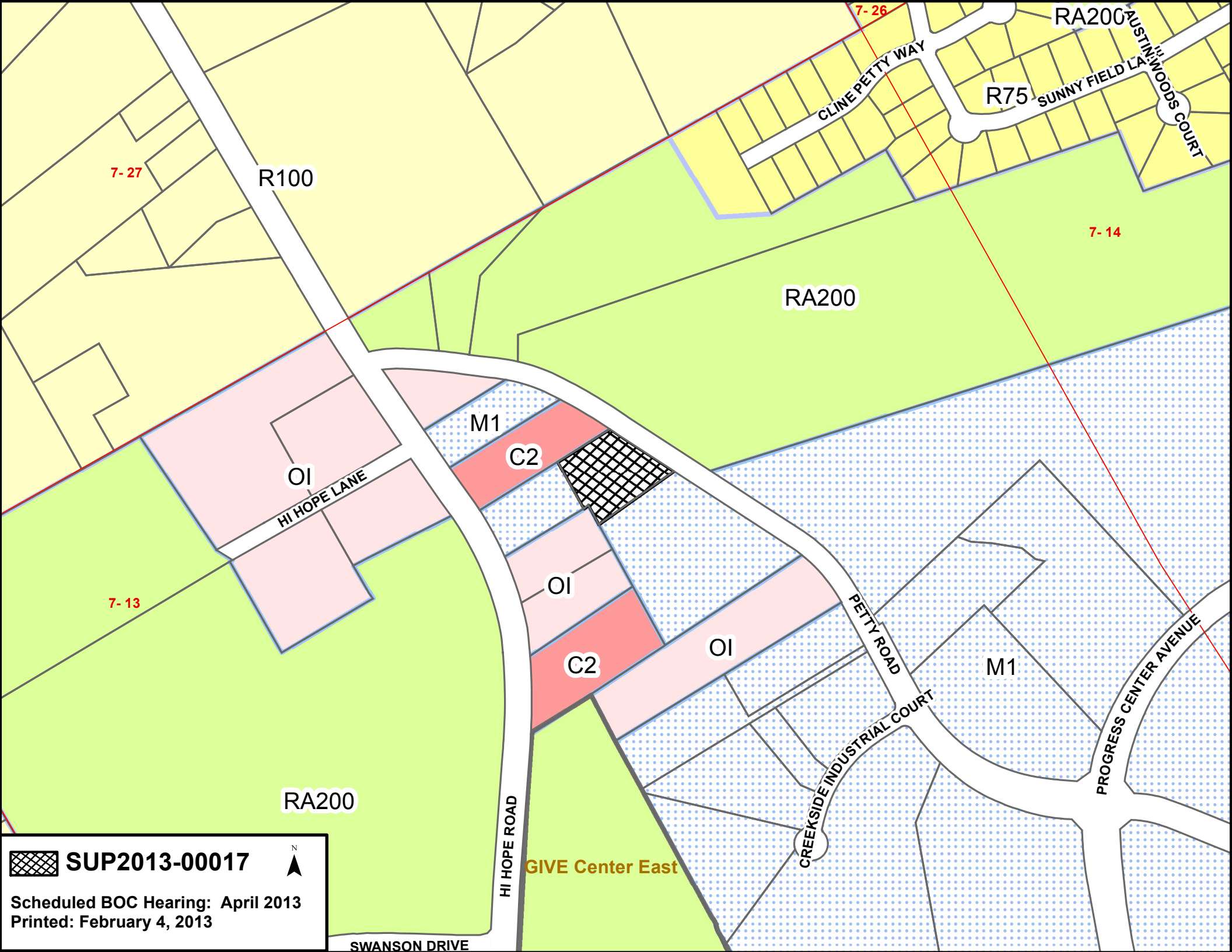
SITE PLAN
FOR
F & L HOLDINGS
AT 850 PETTY ROAD

E&C CONSULTING ENGINEERS, INC.

SHT. SP-1


POWERED BY
Pictometry
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PETTY ROAD
SUP2013-00017
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013


7- 26
RA200
CLINE PETTY WAY
R75
SUNNY FIELD LA
AUSTIN WOODS COURT
7- 27
R100
7- 14
RA200
M1
C2
OI
HI HOPE LANE
OI
7- 13
C2
OI
PETTY ROAD
M1
PROGRESS CENTER AVENUE
CREEKSIDE INDUSTRIAL COURT
RA200
HI HOPE ROAD
GIVE Center East
SWANSON DRIVE
SUP2013-00017
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130292	

☒ Rezoning ☒ Public Hearing

Department:	Planning & Development			Date Submitted:	03/13/2013
Working Session:		Business Session:		Public Hearing:	04/23/2013
Submitted By:	vlharrod			Multiple Depts?	No
Budget Type:	Neither			Special Routing:	
Agenda Type	Rezoning	Rezoning Type	SUP		

Item of Business: Locked by Purchasing: No

2013-00018, Applicant: Elite Paint and Body, LLC, Owner: Overlook Lots, LLC, for a Special Use Permit in a C-2 Zoning District for an Automobile Body Repair Shop, District 7 Land Lot 012 Parcel 052, 800 Block of Cripple Creek Drive, 0.64 Acre. District 4/Heard

Land Lot:	012	Parcel:	052
District:	7		

Attachments	Planning Commission Results and Department Analysis
Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (4/4/2013)
Attorney	

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

Comments

County Clerk Use Only

Working Session:
Action: Public Hearing
Tabled:
Motion:
2nd by:
Vote:

Planning and Development

Recommendation:
☐ Approve
☒ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny w/out Prejudice
☐ Deny PH was Held? ☐
☐ No Recommendation

Planning Commission

Recommendation:
☐ Tabled - Date
☐ Approve
☒ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny ☐ Deny w/out Prejudice
☐ No Recommendation

PLANNING COMMISSION
RECOMMENDED CONDITIONS

Approval of a Special Use Permit to allow an automobile body repair shop, subject to the following enumerated conditions:

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

   A. Retail and service commercial uses, which may include an automobile body repair shop as a Special Use. Automobile sales shall be prohibited.

   B. Abide by all applicable 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. Outdoor automotive repair or outdoor storage of parts, tires, junked vehicles, or other materials is prohibited.

   B. Automobiles waiting for repair (or parked) for more than five (5) business days, shall be parked indoors or enclosed in a holding area screened by an opaque fence.

   C. No outdoor loudspeakers shall be permitted.

   D. Hours of operation shall be limited to between ~~7:00~~ **6:00** a.m. and ~~7:00~~ **11:00** p.m. **Monday through Friday, and between 7:00 a.m. and 7:00 p.m. on Saturday and Sunday.**

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

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

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

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

   I. 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 Special Use Permit for an automobile body repair shop may be suitable at this location in light of other similar commercial and light industrial uses in the immediate vicinity, and being adequately separated from residentially-zoned properties.

ADVERSE IMPACTS

With the appropriate conditions, including prohibiting outdoor automotive repair or outdoor storage of parts or tires, potential adverse impacts from this request 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 requested Special Use Permit for an automobile body repair shop could be consistent with the recommendations of the Unified Plan for this established commercial area where there is a diverse mix of intense commercial activity.

CONDITIONS AFFECTING ZONING

If approved, staff recommends outdoor screening and prohibiting outdoor repairs to reduce its potential impacts.

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS

CASE NUMBER	:**SUP2013-00018**
ZONING	:C-2
LOCATION	:800 BLOCK OF CRIPPLE CREEK DRIVE
MAP NUMBER	:R7012 052
ACREAGE	:0.64 ACRE
PROPOSED DEVELOPMENT	:AUTOMOBILE BODY REPAIR SHOP
SQUARE FEET	:9,000 SQUARE FEET
COMMISSION DISTRICT	:(4) HEARD

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

APPLICANT: ELITE PAINT AND BODY, LLC
100 COMMERCE BOULEVARD
BOGART, GA 30622

CONTACT: SHANE STEELE PHONE: 678.634.3666

OWNER: OVERLOOK LOTS, LLC
3200 COBB GALLERIA PARKWAY
ATLANTA, GA 30339

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 0.64-acre property, zoned C-2 (General Business District), to allow an automobile body repair shop. The property is located on the north side of Cripple Creek Drive, just west of its intersection with Buford Drive.

The site is developed with an approximately 9,000 square foot, multi-tenant structure, and the applicant intends to purchase the property and occupy the entire building space. The applicant intends to reconfigure the interior of the existing building, enhance the exterior of the building with neutral earth-tone colors, install fencing, and undertake a general cleanup of the grounds. Access to the property is via a single driveway onto Cripple Creek Drive. A total of 21 parking spaces are shown on the submitted site plan.

The property, which is surrounded by the City of Lawrenceville, is located within the Mall of Georgia Overlay District and will be subject to those requirements.

ZONING HISTORY:

The property was zoned R-100 (Single Family Residence District) in 1970. The property was rezoned to C-2 as part of an area wide map revision in 1975.

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:

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 one to three spaces per service bay.

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 Cripple Creek.

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior 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 property is a 0.64-acre parcel located on the north side of Cripple Creek Drive, just west of its intersection with Buford Drive. The site is currently developed with a one-story, approximately 9,000 square foot multi-tenant structure.

The 2030 Unified Plan Future Development Map indicates that the property lies within an Existing/Emerging Suburban Character Area. Policies for these character areas support neighborhood-serving retail and commercial services at appropriate intersections or along certain corridors. With conditions, such as prohibiting outdoor automotive repair, or outdoor storage of parts, tires, and junked vehicles, the requested Special Use Permit for an automobile body repair shop could be consistent with the recommendations of the Unified Plan for this established commercial area.

The surrounding area includes numerous commercial/retail and light industrial uses along this segment of Buford Drive. Surrounding developments include fast food restaurants, automobile service facilities, retail centers and light industrial uses, primarily within the city limits of Lawrenceville. Several oil change and general automobile service centers are located along the

nearby Buford Drive corridor. Located immediately adjacent to the south and west is the Lawrenceville 316 Warehousing Industrial Center consisting predominately of light industrial uses. Located to the north of the property is the Summit Business Park, consisting of office/warehouse and light industrial uses. Immediately to the east of the property is a C-2 zoned multi-tenant shopping center. Given the established development pattern of the area, and being adequately separated from residentially zoned properties, the proposed use may be suitable at this location.

With appropriate conditions, the requested Special Use Permit for an automobile body repair shop could be consistent with the Unified Plan for this established commercial segment of Buford Drive and could be compatible with nearby land uses. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit to allow an automobile body repair shop, subject to the following enumerated conditions:

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

    A. Retail and service commercial uses, which may include an automobile body repair shop as a Special Use. Automobile sales shall be prohibited.

    B. Abide by all applicable 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. Outdoor automotive repair or outdoor storage of parts, tires, junked vehicles, or other materials is prohibited.

    B. Automobiles waiting for repair (or parked) for more than five (5) business days, shall be parked indoors or enclosed in a holding area screened by an opaque fence.

    C. No outdoor loudspeakers shall be permitted.

    D. Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m.

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

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

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed Special Use Permit for an automobile body repair shop may be suitable at this location in light of other similar commercial and light industrial uses in the immediate vicinity, and being adequately separated from residentially-zoned properties.

ADVERSE IMPACTS

With the appropriate conditions, including prohibiting outdoor automotive repair or outdoor storage of parts or tires, potential adverse impacts from this request 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 requested Special Use Permit for an automobile body repair shop could be consistent with the recommendations of the Unified Plan for this established commercial area where there is a diverse mix of intense commercial activity.

CONDITIONS AFFECTING ZONING

If approved, staff recommends outdoor screening and prohibiting outdoor repairs to reduce its potential impacts.

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, there is ample access to existing streets which parallels a Business Park that would support all traffic our business would create

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

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:
To develop the property to a long term Auto Body Shop business that would compare with our other locations in Barrow and Clarke Co. At present the property is 50% vacant.

RECEIVED
FEB 0 1 2013
BY: .....

SUP '13 0 1 8



Welcome to Elite Auto Collision:

Elite Auto Collision is well known is the Automotive Repair Industry. Having been in business in the Athens Area for over 14 years and recently opened our Auburn Location to serve our customers.

Our reputation is well known all over the Southeast as being one of the Premier Body Shops. We employ only the top technicians in our body shop as well as our paint department.

Our Owner, Shane Steele, has over 20 years experience in this industry and demands quality and excellence in all of his employees and our company lives up to that challenge each day.

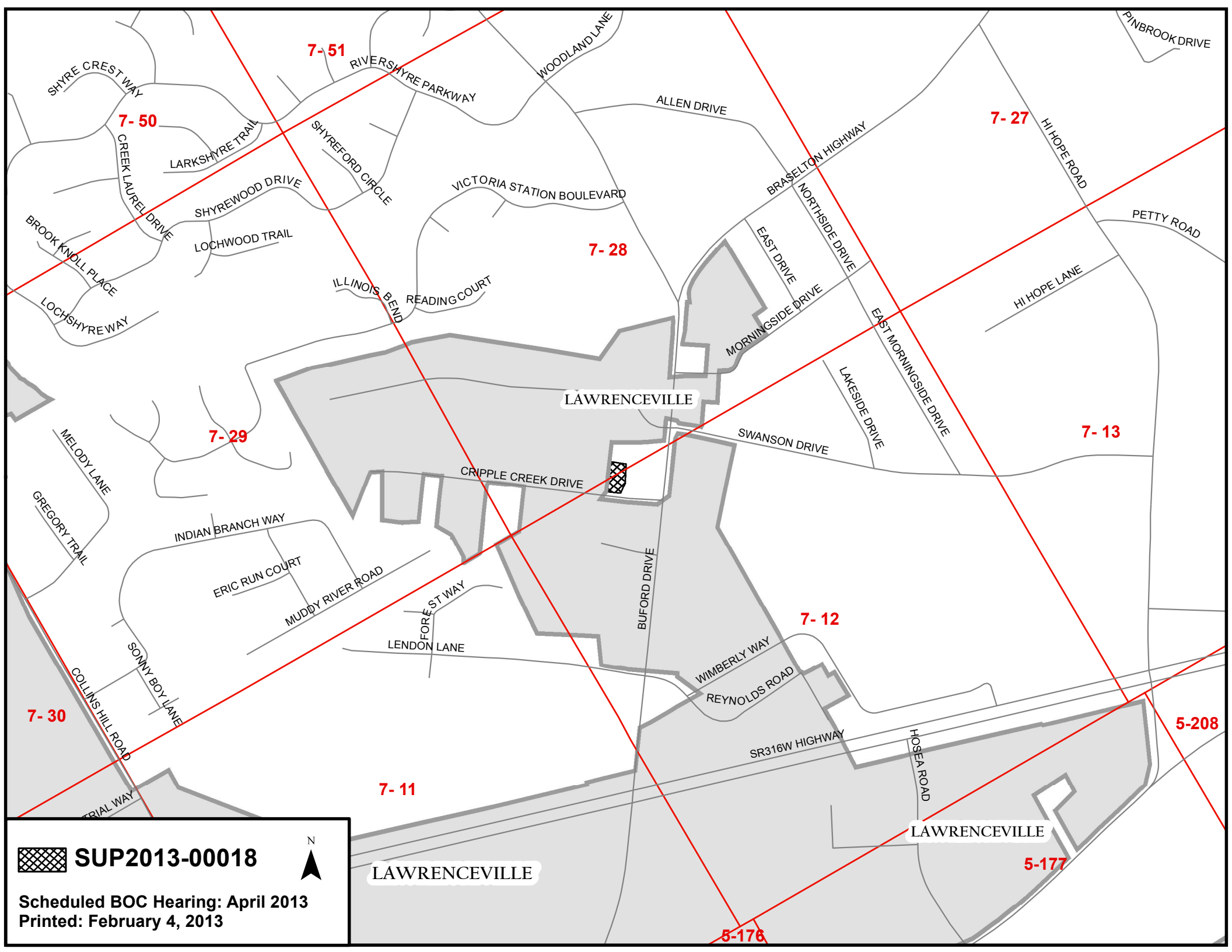
Our intensions are to open a third location with the purchase of this building at 881 Cripple Creek Drive, Lawrenceville, GA to keep up the growth and success of our company.

Shane Steele

RECEIVED
FEB 0 1 2013
BY: .....

SUP '13 0 1 8


881
ELITE
AUTO COLLISION
ELITE
AUTO COLLISION


SUP2013-00018
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013
7- 51
7- 50
7- 27
7- 28
7- 29
7- 13
7- 12
7- 30
7- 11
5-208
5-177
5-176
LAWRENCEVILLE
LAWRENCEVILLE
LAWRENCEVILLE
SHYRE CREST WAY
RIVERSHYRE PARKWAY
WOODLAND LANE
PINBROOK DRIVE
ALLEN DRIVE
CREEK LAUREL DRIVE
LARKSHYRE TRAIL
SHYREFORD CIRCLE
SHYREWOOD DRIVE
VICTORIA STATION BOULEVARD
BRASELTON HIGHWAY
HI HOPE ROAD
PETTY ROAD
BROOK KNOLL PLACE
LOCHWOOD TRAIL
LOCHSHYRE WAY
ILLINOIS BEND
READING COURT
EAST DRIVE
NORTHSIDE DRIVE
MORNINGSIDE DRIVE
EAST MORNINGSIDE DRIVE
HI HOPE LANE
LAKESIDE DRIVE
SWANSON DRIVE
CRIPPLE CREEK DRIVE
MELODY LANE
GREGORY TRAIL
INDIAN BRANCH WAY
ERIC RUN COURT
MUDDY RIVER ROAD
FOREST WAY
BUFORD DRIVE
LENDON LANE
WIMBERLY WAY
REYNOLDS ROAD
SONNY BOY LANE
COLLINS HILL ROAD
SR316W HIGHWAY
HOSEA ROAD

RECEIVED
FEB 01 2013

SUP 13 0 1 8

LEGEND

O/L	ON LINE
N/F	NAIL FOUND
IPS	IRON PIN SET (1/2" REBAR)
IPF	IRON PIN FOUND
CMF	CONCRETE MONUMENT FOUND
OTP	OPEN TOP PIPE
BM	BENCHMARK
TBM	TEMPORARY BENCHMARK
CTP	CRIMP TOP PIPE
MT	MARKED TREE
DH	DRILL HOLE
L.L.L.	LAND LOT LINE
L.L.	LAND LOT
P	PROPERTY LINE
C	CENTERLINE
B.L.	BUILDING LINE
R/W	RIGHT-OF-WAY
S.S.E.	SANITARY SEWER EASEMENT
D.E.	DRAINAGE EASEMENT
C&G	CURB & GUTTER
ROC	RACK OF CURB
TOC	TOP OF CURB
GMD	GEORGIA MILITIA DISTRICT
PB/PG	PLAT BOOK / PAGE
DB/PG	DEED BOOK / PAGE
POB	POINT OF BEGINNING
TPOB	TRUE POINT OF BEGINNING
ELEV	ELEVATION
IE	INVERT ELEVATION
FFE	FINISHED FLOOR ELEVATION
EOP	EDGE OF PAVEMENT
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
PVC	POLYVINYLCHLORIDE PIPE
VCP	VITRIFIED CLAY PIPE
LP	LIGHT POLE
PP	POWER POLE OR UTILITY POLE
MH	MANHOLE
CB	CATCH BASIN
JB	JUNCTION BOX
HW	HEADWALL
DI/CI	DROP INLET/GRATE INLET
GI	GRATE INLET
FH	FIRE HYDRANT
WV	WATER VALVE
WM	WATER METER
GV	GAS VALVE
941.2	EXISTING GROUND ELEVATION
941.2	PROPOSED GROUND ELEVATION
910	EXISTING CONTOUR ELEVATION
910	PROPOSED CONTOUR ELEVATION
OHP	POWERLINE
UP	UNDERGROUND POWER
T	TELEPHONE LINE
UT	UNDERGROUND TELEPHONE LINE
G	GAS LINE
CTV	CABLE T.V. LINE
UCTV	UNDERGROUND CABLE T.V. LINE
SS	SANITARY SEWER LINE
SD	STORM SEWER PIPE
W	WATER LINE / PIPE
x x x	FENCE LINE
	BRANCH / CREEK / STREAM CENTERLINE
	DITCH / DRAIN CENTERLINE
	FLOOD HAZARD ZONE LIMITS
	TREE
	LIMITED ACCESS
STA	STATION
N/F	NOW OR FORMERLY
BM	BENCH MARK
CP	CONTROL POINT

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS (ITEMS THAT ARE INCLUDED SHOWN BELOW) ITEMS: 1,2,3,4,5,6,7(A),7(B)1-3,8,9,10,11(A),13,14,15
OF TABLE A THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT PROPER FIELD PROCEDURES, INSTRUMENTATION AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OUTLINED IN THE "MINIMUM ANGLE, DISTANCE AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS."

LEE JAY JOHNSON
REG. NO. 2846

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 12 and 28 of the 7th district, Gwinnett County, Georgia and being more particularly described as follows:

To find the True Point of Beginning, begin at the intersection of the Southwesterly right-of-way of Buford Drive a.k.a. Ga. Hwy 20 & 124 (apparent right-of-way varies) and the Northerly right-of-way of Cripple Creek Drive (apparent 60'right-of-way); THENCE along the right-of-way of Cripple Creek Drive for a distance of 271.07 feet to a ½ inch rebar found, said point being The True Point of Beginning; Thence continuing along said right-of-way North 85 degrees 01 minutes 57 seconds West for a distance of 113.33 feet to a ½ inch rebar found; THENCE leaving said right-of-way North 04 degrees 18 minutes 16 seconds East for a distance of 120.12 feet to a ½ inch rebar found; THENCE North 04 degrees 06 minutes 06 seconds East for a distance of 103.66 feet to a ½ inch rebar found; THENCE South 85 degrees 53 minutes 39 seconds East for a distance of 125.33 feet to a p.k. nail found; THENCE South 04 degrees 10 minutes 01 seconds West for a distance of 144.36 feet to a ½ inch rebar found; THENCE South 12 degrees 38 minutes 04 seconds West for a distance of 82.03 feet to a ½ inch rebar found on the northerly right-of-way of Cripple Creek Drive, said point being the True Point of Beginning.

Said property contains 0.635 acres.



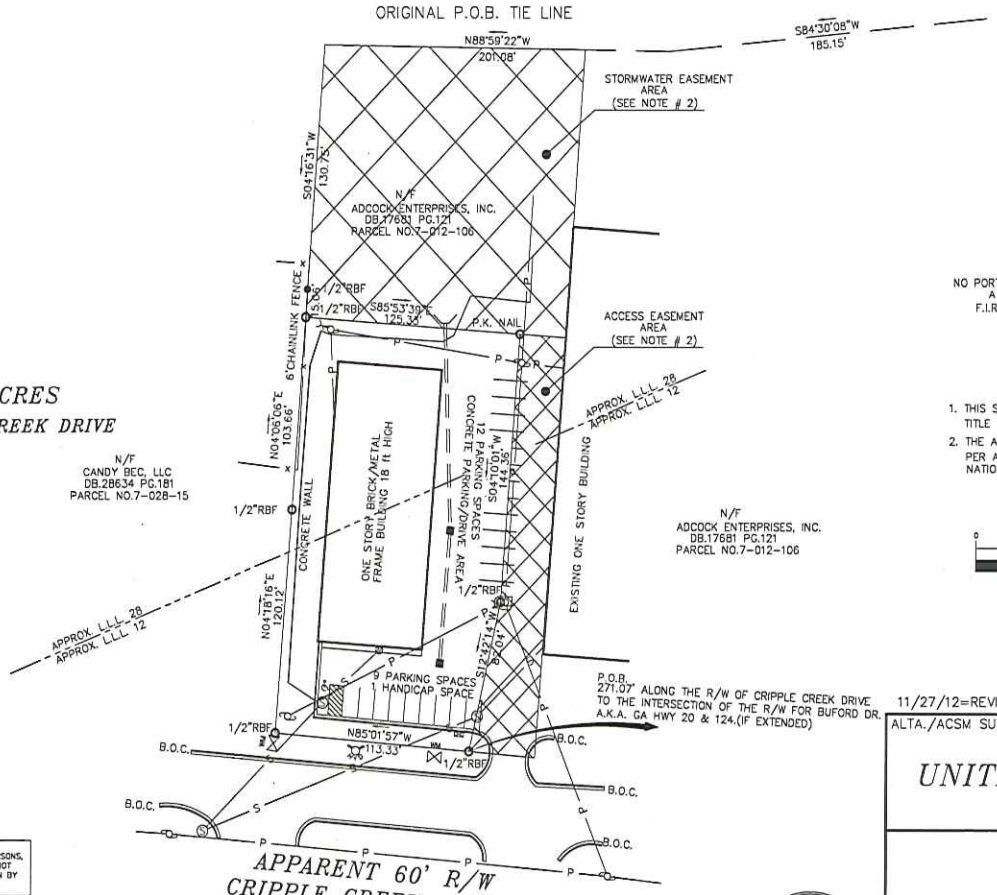
VICINITY MAP
N.T.S.

REFERENCES

1) DEED BOOK 50122 PAGE 821
2) PLAT BOOK 78 PAGE 16

SITE CONTAINS 0.635 ACRES

SITE ADDRESS 881 CRIPPLE CREEK DRIVE



N

MAGNETIC

FLOOD STATEMENT

NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A DESIGNATED FLOOD HAZARD AREA PER F.I.R.M. PANEL NO. 13135C0060F/13135C0074F DATED 9/29/2006

NOTES

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION.
2. THE ACCESS EASEMENT & STORMWATER EASEMENT AREA SHOWN PER AGREEMENT BETWEEN UNITED COMMUNITY BANK & U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE, TO BE RECORDED.

GRAPHIC SCALE

0 25 50 100 150

(IN FEET)
1 inch = 50 ft.

A TOPCON GTS-323 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 70,115 FEET AND AN ANGULAR ERROR OF 04" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 110,753 FEET AND CONTAINS 0.635 ACRES.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS REDERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION.

GEORGIA REGISTERED NO. 2846 EXP. 12-31-12 LAND SURVEYOR LEE JAY JOHNSON

11/27/12=REVISE TO ADD ACCESS & D.E. EASEMENTS

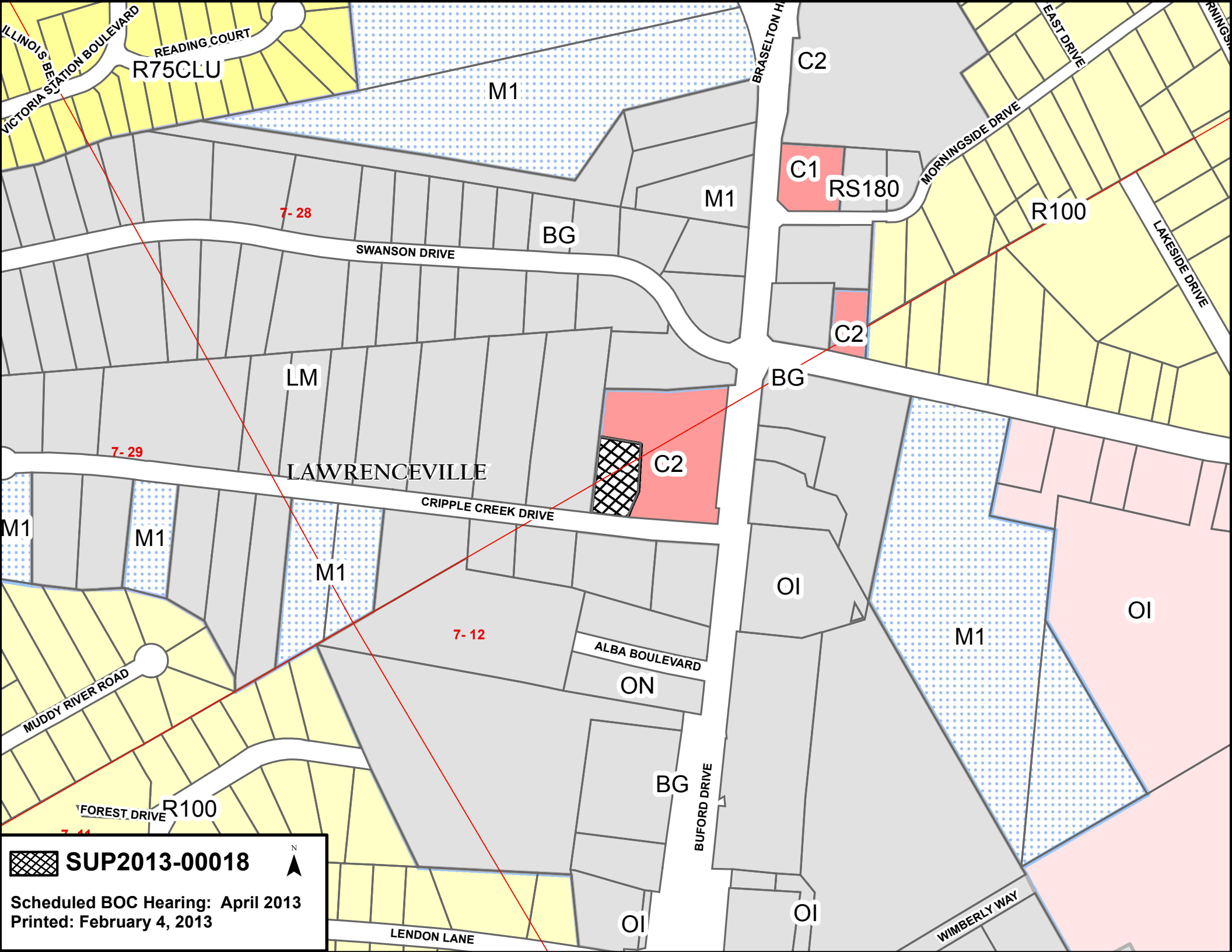
ALTA./ACSM SURVEY FOR:

UNITED COMMUNITY BANK

LAND DEVELOPMENT SURVEYORS, INC.
2146 JONES PHILLIPS ROAD
DACULA, GA. 30019
(770) 682-8206 (FAX) (770) 682-1440
LDSURVEY@BELLSOUTH.NET

Date: 1/16/11	Land Lot:12 & 28	District:7th
County: GWINNETT	Scale:1"=50'	Sheet No.
Field By:SF,RD,LJ	Drawn By:LJ	Checked By:LJJ
Job Number:11105	File Number:11105.DWG	1 OF 1


LAWRENCEVILLE
CRIPPLE CREEK DRIVE
SUP2013-00018
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013


VICTORIA STATION BOULEVARD
READING COURT
R75CLU
M1
BRASELTON H
C2
EAST DRIVE
MORNINGSIDE DRIVE
C1
RS180
R100
LAKESIDE DRIVE
7- 28
SWANSON DRIVE
BG
M1
C2
LM
BG
7- 29
LAWRENCEVILLE
CRIPPLE CREEK DRIVE
C2
M1
M1
M1
OI
OI
M1
7- 12
ALBA BOULEVARD
ON
MUDDY RIVER ROAD
BG
BUFORD DRIVE
FOREST DRIVE
R100
OI
OI
LENDON LANE
WIMBERLY WAY
SUP2013-00018
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013
N

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130293	

☒ Rezoning ☒ Public Hearing

Department:	Planning & Development	Date Submitted:	03/13/2013
Working Session:		Business Session:	Public Hearing: 04/23/2013
Submitted By:	vlharrod	Multiple Depts?	No
Budget Type:	Neither	Special Routing:	
Agenda Type	Rezoning	Rezoning Type	RZR

Item of Business: Locked by Purchasing: No

2013-00002, Applicant: Berean Christian Church, Inc., Owner: Berean Christian Church, Inc., C-2 to R-100, Church, District 6 Land Lot 086 Parcels 006A, 013 & 133, 1300-1400 Block of Oak Road, 1300 Block of Hewatt Road, 5.70 Acres. District 3/Hunter

Land Lot:	086	Parcel:	006A, 013 & 133
District:	6		

Attachments	Department Analysis
Authorization: Chairman's Signature?	Yes
Department Head	bjlackey (4/4/2013)
Attorney	

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

Comments

County Clerk Use Only

Working Session
Action: Public Hearing
Tabled
Motion
2nd by
Vote

Planning and Development

Recommendation:
☐ Approve
☒ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny w/out Prejudice
☐ Deny PH was Held? ☐
☐ No Recommendation

Planning Commission

Recommendation:
☒ Tabled - Date: 05/07/2013
☐ Approve
☐ Approve with Conditions
☐ Appr w/ Cond As
☐ Deny ☐ Deny w/out Prejudice
☐ No Recommendation

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSIS

CASE NUMBER	:**RZR2013-00002**
ZONING CHANGE	:C-2 TO R-100
LOCATION	:1300-1400 BLOCK OF OAK ROAD
	:1300 BLOCK OF HEWATT ROAD
MAP NUMBER	:R6086 006A, R6086 013 & R6086 133
ACREAGE	:5.70 ACRES
PROPOSED DEVELOPMENT	:CHURCH
SQUARE FEET	:55,550 SQUARE FEET
COMMISSION DISTRICT	:(3) HUNTER

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

APPLICANT: BEREAN CHRISTIAN CHURCH, INC.
1465 HIGHPOINT ROAD
SNELLVILLE, GA 30078

CONTACT: CHARLES DAVIS PHONE: 678.240.2213

OWNER: BEREAN CHRISTIAN CHURCH, INC.
1465 HIGHPOINT ROAD
SNELLVILLE, GA 30078

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The Berean Christian Church requests to rezone a 5.70-acre parcel assemblage from C-2 (General Business District) to R-100 (Single-Family Residence District) to allow for a church expansion. The property is located at the southwest corner of Oak Road and Hewatt Road. Two of the three parcels are developed with residential structures, which would be removed. The existing church site of 11.0 acres is located on the adjoining property to the south, at 1465 Highpoint Road, and includes the current sanctuary building.

The letter of intent states that the initial phase would be to expand the parking lot and create new points of access onto Oak and Hewatt Roads. New building(s) would be phased in over the next several years. The site plan indicates that development of the subject property would include two new parking lots and portions of a new sanctuary and an education building, together totaling 55,550 square feet. A proposed driveway onto Hewatt Road would align with Bullock Place, and a new right-in/right-out driveway is proposed onto Oak Road.

A varying 20 to 50-foot wide landscaped buffer is proposed along the southern property lines, where the site adjoins residential parcels.

ZONING HISTORY:

The property was zoned R-100 in 1970. The site was rezoned to C-2 for a retail center in December of 2000, pursuant to RZ-00-162.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

Parking spaces shall be provided at a ratio of:
One space per 5 seats in the main sanctuary (minimum)
One space per 2 seats in the main sanctuary (maximum)

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

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

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

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

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

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

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

Hewatt Road is a Major Collector and 40 feet of right-of-way is required from the centerlihne.

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.

Minimum driveway separation from a street intersection: 100 feet from centerline of driveway to nearest right-of-way 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-fight lane, acceleration or deceleration lane, etc.

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 6-inch water main located on the western right-of-way of Oak Road and a 10-inch water main located on the northern right-of-way of Hewatt 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 300 feet north of the property, in the right-of-way of Oak Road.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

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

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

for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

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

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

DEPARTMENT ANALYSIS:

The subject site is 5.70-acre parcel assemblage located at the southwest corner of Oak Road and Hewatt Road. The property is mostly wooded, and two of the three parcels contain single-family residences.

The 2030 Unified Plan Future Development Map identifies the property as lying within an Existing/Emerging Suburban Character Area. Rezoning the property to R-100 would be in keeping with the existing church site, and an addition to the Berean Christian Church facility could be considered compatible with this Character Area designation. The property has remained undeveloped since being rezoned to C-2 in 2000, and returning it to its original R-100 designation and eliminating the zoning conditions designed for a retail project could be considered suitable.

The area surrounding the subject property is characterized by low-density residential and institutional uses developed primarily in R-100 zoning. To the northwest, across Hewatt Road is Brookwood Commons subdivision, and just south of Brookwood Commons is the Berean Independent Baptist Church. To the south along Hewatt Road is Falconhurst Forest, a single-family residential subdivision and to the east, across Oak Road is Brookwood Farms. The proposed church expansion could be suitable provided that conditions regarding architectural materials and buffers are included to ensure compatibility with the surrounding residential uses.

In conclusion, the proposed rezoning for a church expansion could be consistent with policies of the Unified Plan, and with conditions the church facility could be compatible with residential

developments in the area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval as R-100, subject to the following enumerated conditions:

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

    A. A church and customary accessory uses, not including a daycare facility or private school unless approved by Special Use Permit(s).

    B. The existing residences and outbuildings may not be utilized for church services and shall be removed from the site.

    C. New buildings shall be constructed of brick, stone or stucco, with minor treatments of fiber-cement siding. Building elevations and materials shall be subject to review and approval by the Director of Planning and Development.

    D. Lighted outdoor recreation facilities shall be prohibited.

2. To satisfy the following site development considerations:

    A. Provide a ten-foot wide landscape strip adjacent to Oak Road and Hewatt Road.

    B. Provide a minimum 20-foot buffer adjacent to all external property lines, enhanced with evergreen plantings where sparsely vegetated. Buffer design and plantings shall be subject to review and approval by the Director of Planning and Development.

    C. Ground signage shall be limited to externally-illuminated, monument-type signs with a minimum two-foot high brick or stone base. Overall sign height shall not exceed 8 feet.

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

    E. Outdoor loudspeakers shall be prohibited.

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

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The surrounding area is primarily developed with residences, and the existing church has been a part of the community for several years. Elimination of the C-2 zoning and an addition to the church complex could be suitable in light of the existing church and low intensity uses in the area.

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

An increase in impacts on public facilities in the form of storm water run-off, traffic and utilities usage could be anticipated from this request.

CONFORMITY WITH POLICIES

The requested rezoning to expand the church property for additional parking and a future sanctuary are consistent with suggested uses for the Existing/Emerging Suburban Character Area.

CONDITIONS AFFECTING ZONING

Although the existing C-2 zoning of the property would allow for a church and accessory uses, the proposed R-100 zoning would create one contiguous church property with a uniform zoning classification.

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

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

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

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

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

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

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FEB 01 2013
BY: .....

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ATTACHMENT C - Page 1 of 2

Rezoning Application

Applicant: BEREAN CHRISTIAN CHURCH, INC.

REZONING APPLICANT'S RESPONSE

A. **Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property:**
Churches are a permitted use in both the existing C-2 zoning as well as the proposed R-100 zoning for the three (3) subject parcels. The existing church property and all adjoining properties are currently zoned R-100. There are several other existing church properties in the immediate vicinity on the adjoining streets. Approval to "down-zone" from C-2 to R-100 will make the zoning classification of these parcels more compatible with adjacent and nearby properties.

B. **Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property:**
As stated above, church use is permitted under the proposed R-100 zoning classification. The applicant's plans for the property will comply with all applicable setbacks, buffer and other County requirements. The proposed zoning will have far more predictable and positive impact on the use or usability of adjacent or nearby properties than would the current C-2 zoning, which includes "the retailing of major goods and services" and "is intended to serve a greater population."

C. **Whether the property to be affected by a proposed rezoning has reasonable economic use as currently zoned:**
The current C-2 zoning of the 3 subject parcels, which total approx. 5.70 acres, would likely have reasonable economic use if developed as a combination of some of the numerous permitted uses, such as a convenience store with fuel pumps, drive-in restaurant(s), department store(s), as well as drug and grocery stores.

D. **Whether the proposed rezoning will result in a use which will or could cause an excess or burdensome use of existing streets, transportation facilities, utilities or schools:**
The proposed use of the subject property following rezoning is for a thoughtful, master planned expansion of the existing church facilities that use the adjoining property. The current facilities are in great demand by the congregation and the existing onsite parking is inadequate for Sunday services. Despite the use of off-duty police officers, traffic in and around the existing property before and after services is very heavy and congested. The phased development plans for the combined property will provide more and better points of entry as well as the addition of adequate onsite parking. In addition, the existing property will be converted from a septic sewer system more modern County sewer service. Expansion of the church's facilities will likely have a positive influence on the school performance of its parishioners' children.

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E. <u>Whether the proposed rezoning is in conformity with the policy and intent of the land use plan</u>:

The Applicant's proposed use of the rezoned property is entirely consistent with Gwinnett County's current Existing Land Use Plan as well as the 2030 Unified Plan for Future Development Map.

F. <u>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</u>.

The number of parishioners seeking to attend Sunday services exceeds the number of existing parking spaces, resulting in traffic congestion and parking along the shoulders of nearby roads. The Applicant's planned construction of new and improved entrances as well as adequate onsite parking will greatly alleviate these problems. Adjoining property owners and other local residents reportedly expressed grave reservations about the rezoning of the subject parcels from residential to commercial use in 2000 and should generally welcome a return to a less intensive use classification.

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ATTACHMENT B

Rezoning Application

Applicant: BEREAN CHRISTIAN CHURCH, INC.

LETTER OF INTENT

A. Proposed Use of the Property

The proposed use of the subject property following rezoning is to be incorporated into a thoughtful, master planned expansion of the existing church facilities that use the adjoining property. The current facilities on the original church property, already zoned R-100, are in great demand by the congregation and the existing onsite parking is inadequate for Sunday services. The first phase of the overall plans for the combined property will provide more and better points of entry as well as a much needed expansion of onsite parking. Later phases in future years call for the construction of a new sanctuary building with additional parking, followed by an education center and, later, possibly a recreational center.

B. Acreage or Size of the Tract

The original church property consisted of 2 parcels zoned R-100 totaling approximately 11.03 acres. The newly acquired adjoining property consists of 3 parcels zoned C-2 totaling approx. 5.70 acres. Following rezoning of the subject parcels to R-100, the combined property will total approx. 16.73 acres.

C. Zoning Classification Requested

The Applicant requests that the 3 subject parcels be rezoned to R-100 with the removal of all restrictions and conditions imposed when the same parcels were rezoned from R-100 to C-2 in 2000 (Case No. RZ-00-162, signed Dec. 18, 2000).

D. Number of Lots/Dwelling Units or Size Proposed

The single existing church building, housing the sanctuary, classrooms and administrative offices, is approx. 18,766 sq. ft. Per the master plan, a new worship center totaling approx. 37, 585 sq. ft. will be constructed as funding becomes available, probably within 5 years. As additional funds become available at a later date, an approx. 30,000 sf education center is planned, followed perhaps by an approx. 14,386 sq. ft. recreational building.

E. Density Proposed

The density of the existing building over the 2 parcels currently zoned R-100 is approx. 1,701 sf/ac (18,766 sf/11.026 ac). The density of the existing building over all 5 parcels (two zoned R-100 totaling 11.026 ac. plus three zoned C-2 totaling 5.70 ac.) is approx. 1,122 sf/ac. (18,766 sf/16.73 ac). The future density of the 4 buildings currently planned over the total acreage is approx. 6,021 sf/ac. (100,739 sf/16.73 ac).

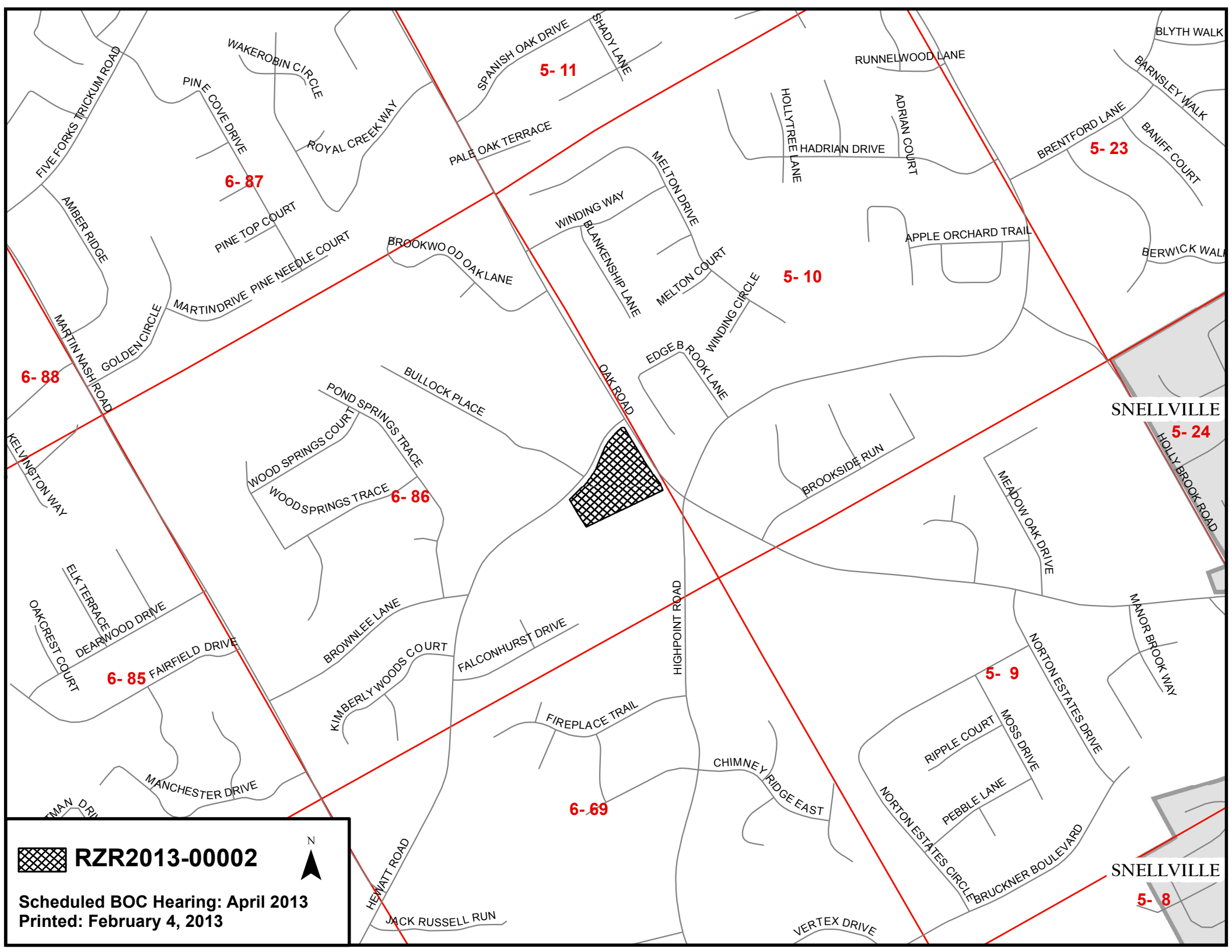
F. Number of Parking Spaces

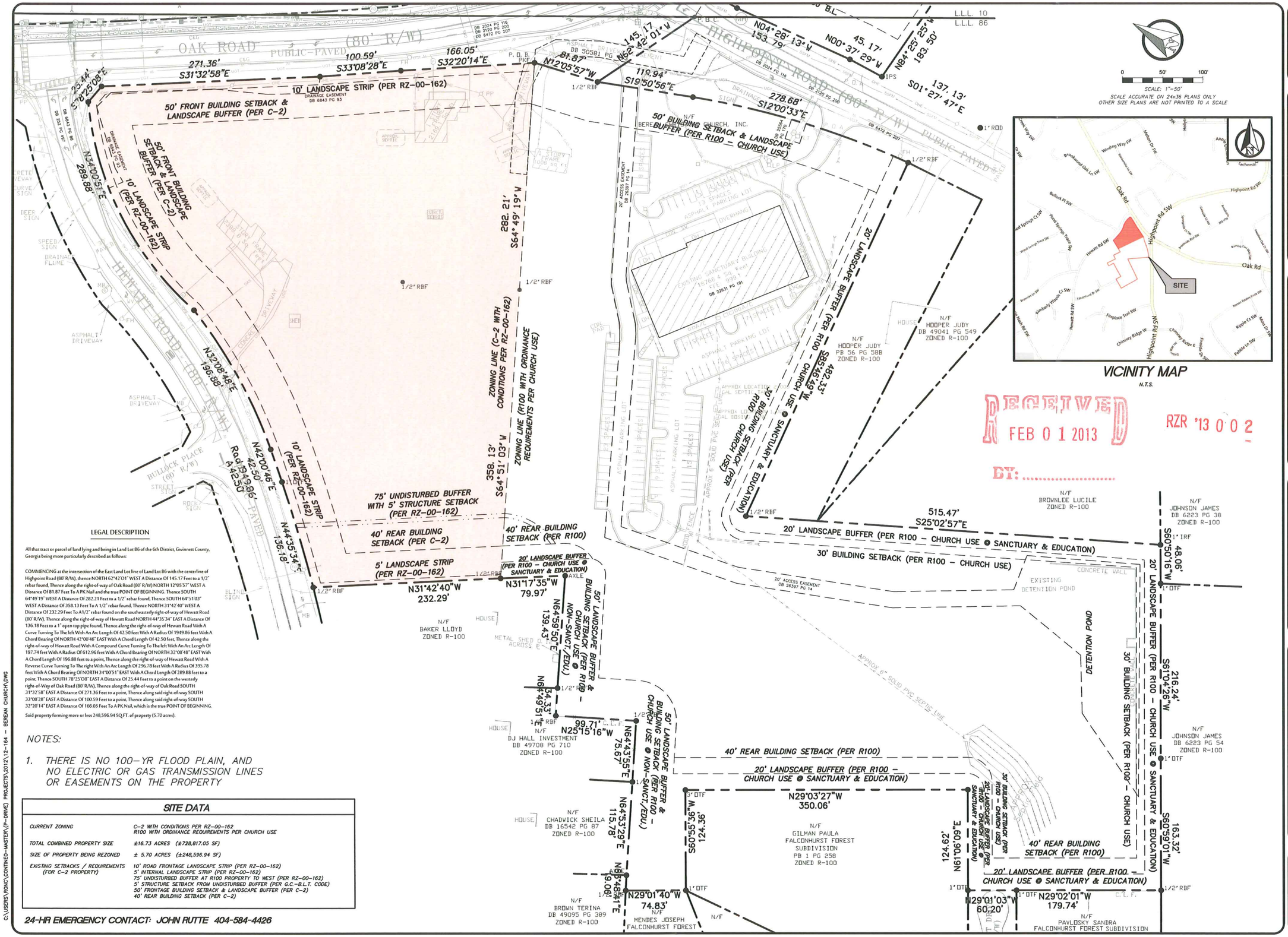
The original church property has 127 parking spaces and a parking ratio of 6.77 spaces/1000 sf (127 spaces/18,766 sf). At full build-out of the current master plan the property will have approx. 616 spaces and a parking ratio of 6.11 (616 spaces/100,739 sf).

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RZR2013-00002
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013
5- 11
5- 23
5- 10
5- 24
5- 9
5- 8
6- 87
6- 88
6- 86
6- 85
6- 69
SNELLVILLE
SNELLVILLE
FIVE FORKS TRICKUM ROAD
WAKEROBIN CIRCLE
PINE COVE DRIVE
ROYAL CREEK WAY
SPANISH OAK DRIVE
SHADY LANE
PALE OAK TERRACE
RUNNELWOOD LANE
BLYTH WALK
BARNSLEY WALK
HOLLYTREE LANE
HADRIAN DRIVE
ADRIAN COURT
BRENTFORD LANE
BANIFF COURT
AMBER RIDGE
PINE TOP COURT
PINE NEEDLE COURT
MARTIN DRIVE
BROOKWOOD OAK LANE
WINDING WAY
MELTON DRIVE
BLANKENSHIP LANE
MELTON COURT
APPLE ORCHARD TRAIL
BERWICK WALK
MARTIN NASH ROAD
GOLDEN CIRCLE
WINDING CIRCLE
EDGEBROOK LANE
OAK ROAD
BULLOCK PLACE
POND SPRINGS TRACE
WOOD SPRINGS COURT
WOOD SPRINGS TRACE
KELVINGTON WAY
BROOKSIDE RUN
MEADOW OAK DRIVE
HOLLY BROOK ROAD
ELK TERRACE
DEARWOOD DRIVE
OAKCREST COURT
FAIRFIELD DRIVE
BROWNLEE LANE
KIMBERLY WOODS COURT
FALCONHURST DRIVE
HIGHPOINT ROAD
MANOR BROOK WAY
NORTON ESTATES DRIVE
RIPPLE COURT
MOSS DRIVE
PEBBLE LANE
NORTON ESTATES CIRCLE
BRUCKNER BOULEVARD
FIREPLACE TRAIL
CHIMNEY RIDGE EAST
MANCHESTER DRIVE
HEWATT ROAD
JACK RUSSELL RUN
VERTEX DRIVE



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BY: .....

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 86 of the 6th District, Gwinnett County, Georgia being more particularly described as follows:

COMMENCING at the intersection of the East Land Lot line of Land Lot 86 with the centerline of Highpoint Road (80' R/W), thence NORTH 62°42'01" WEST A Distance Of 145.17 Feet to a 1/2" rebar found, Thence along the right-of-way of Oak Road (80' R/W) NORTH 12°05'57" WEST A Distance Of 81.87 Feet To A PK Nail and the true POINT OF BEGINNING. Thence SOUTH 64°49'19" WEST A Distance Of 282.21 Feet to a 1/2" rebar found, Thence SOUTH 64°51'03" WEST A Distance Of 358.13 Feet To A 1/2" rebar found, Thence NORTH 31°42'40" WEST A Distance Of 232.29 Feet To A1/2" rebar found on the southeasterly right-of-way of Hewatt Road (80' R/W), Thence along the right-of-way of Hewatt Road NORTH 44°35'34" EAST A Distance Of 136.18 Feet to a 1" open top pipe found, Thence along the right-of-way of Hewatt Road With A Curve Turning To The left With An Arc Length Of 42.50 feet With A Radius Of 1949.86 feet With A Chord Bearing Of NORTH 42°00'46" EAST With A Chord Length Of 42.50 feet, Thence along the right-of-way of Hewatt Road With A Compound Curve Turning To The left With An Arc Length Of 197.74 feet With A Radius Of 612.96 feet With A Chord Bearing Of NORTH 32°08'48" EAST With A Chord Length Of 196.88 feet to a point, Thence along the right-of-way of Hewatt Road With A Reverse Curve Turning To The right With An Arc Length Of 296.78 feet With A Radius Of 395.78 feet With A Chord Bearing Of NORTH 34°00'51" EAST With A Chord Length Of 289.88 feet to a point, Thence SOUTH 78°25'08" EAST A Distance Of 25.44 Feet to a point on the westerly right-of-Way of Oak Road (80' R/W), Thence along the right-of-way of Oak Road SOUTH 31°32'58" EAST A Distance Of 271.36 Feet to a point, Thence along said right-of-way SOUTH 33°08'28" EAST A Distance Of 100.59 Feet to a point, Thence along said right-of-way SOUTH 32°20'14" EAST A Distance Of 166.05 Feet To A PK Nail, which is the true POINT OF BEGINNING.

Said property forming more or less 248,596.94 SQ.FT. of property (5.70 acres).

NOTES:

1. THERE IS NO 100-YR FLOOD PLAIN, AND NO ELECTRIC OR GAS TRANSMISSION LINES OR EASEMENTS ON THE PROPERTY

SITE DATA

CURRENT ZONING	C-2 WITH CONDITIONS PER RZ-00-162 R100 WITH ORDINANCE REQUIREMENTS PER CHURCH USE
TOTAL COMBINED PROPERTY SIZE	±16.73 ACRES (±728,817.05 SF)
SIZE OF PROPERTY BEING REZONED	± 5.70 ACRES (±248,596.94 SF)
EXISTING SETBACKS / REQUIREMENTS (FOR C-2 PROPERTY)	10' ROAD FRONTAGE LANDSCAPE STRIP (PER RZ-00-162) 5' INTERNAL LANDSCAPE STRIP (PER RZ-00-162) 75' UNDISTURBED BUFFER AT R100 PROPERTY TO WEST (PER RZ-00-162) 5' STRUCTURE SETBACK FROM UNDISTURBED BUFFER (PER G.C.-B.L.T. CODE) 50' FRONTAGE BUILDING SETBACK & LANDSCAPE BUFFER (PER C-2) 40' REAR BUILDING SETBACK (PER C-2)

24-HR EMERGENCY CONTACT: JOHN RUTTE 404-584-4426

C:\USERS\RONC\CONTINEO-MASTER\(P-DRIVE) PROJECTS\2012\12-164 - BEREAN CHURCH\DWG

GEORGIA REGISTERED No. 030809 PROFESSIONAL ENGINEER RON T. CRUMP
01/30/13

THE CONTINEO GROUP
572 OAKDALE ROAD | ATLANTA, GA 30307
PHONE: 770.335.9403 | WWW.THECONTINEOGROUP.COM

#	DATE	REVISIONS	BY

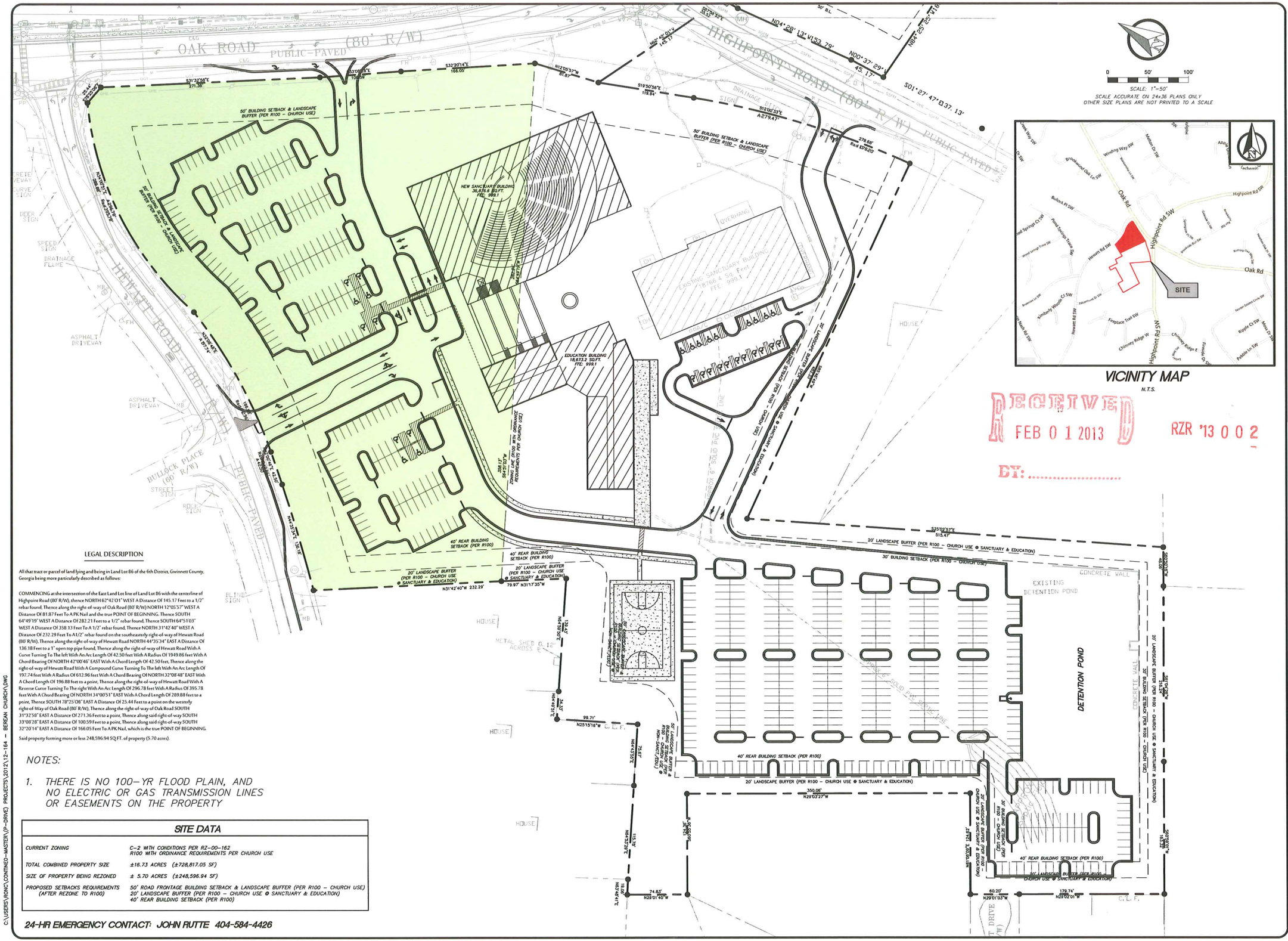
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BEREAN CHRISTIAN CHURCH
1465 HIGHPOINT ROAD
SNELLVILLE, GA 30078
PHONE: 770.593.4421

BEREAN CHURCH		
	JURISDICTION: GWINNETT COUNTY	LOCATION: 1465 HIGHPOINT ROAD SNELLVILLE, GA 30078
	PARCEL ID:	
CHECKED BY: RTC		
DRAWN BY: JFS		

EXISTING CONDITIONS

JOB NO:	SHEET
12-164	C01
DATE: 01/30/13	OF 2 SHEETS



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BY:.....

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SIZE OF PROPERTY BEING REZONED	± 5.70 ACRES (±248,596.94 SF)
PROPOSED SETBACKS REQUIREMENTS (AFTER REZONE TO R100)	50' ROAD FRONTAGE BUILDING SETBACK & LANDSCAPE BUFFER (PER R100 - CHURCH USE) 20' LANDSCAPE BUFFER (PER R100 - CHURCH USE @ SANCTUARY & EDUCATION) 40' REAR BUILDING SETBACK (PER R100)

24-HR EMERGENCY CONTACT: JOHN RUTTE 404-584-4426

C:\USERS\RONC\CONTINEO~1\MASTER\P-DRIVE_PROJECTS\2012\12-164 - BEREAN CHURCH.DWG

GEORGIA REGISTERED No. 030800 PROFESSIONAL ENGINEER RON T. CRUMP
01/30/13

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#	DATE	REVISIONS	BY

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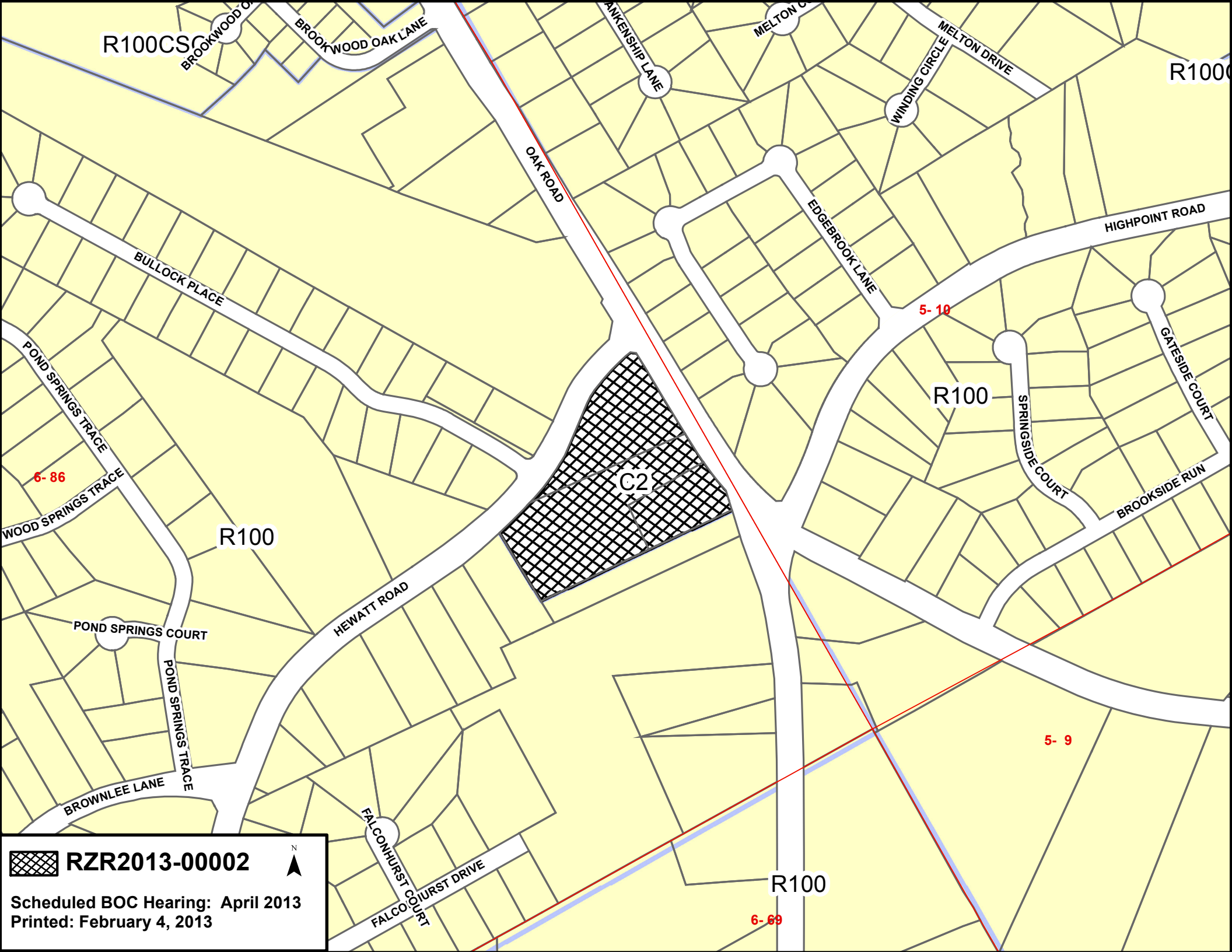
BEREAN CHURCH
JURISDICTION: GWINNETT COUNTY
PARCEL ID:
LOCATION: 1465 HIGHPOINT ROAD SNELLVILLE, GA 30078

CHECKED BY: RTC
DRAWN BY: JFS

FUTURE PLAN

JOB NO:	SHEET
12-164	C02
DATE: 01/30/13	OF 2 SHEETS


EDGEBROOK LANE
OAK ROAD
HEWATT ROAD
BULLOCK PLACE
HIGHPOINT ROAD
RZR2013-00002
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013


R100CSC
BROOKWOOD OAK LANE
OAK ROAD
MELTON DRIVE
WINDING CIRCLE
EDGEBROOK LANE
HIGHPOINT ROAD
BULLOCK PLACE
POND SPRINGS TRACE
WOOD SPRINGS TRACE
C2
R100
5- 10
GATESIDE COURT
SPRINGSIDE COURT
BROOKSIDE RUN
6- 86
HEWATT ROAD
POND SPRINGS COURT
POND SPRINGS TRACE
BROWNLEE LANE
FALCONHURST COURT
FALCONHURST DRIVE
5- 9
6- 69
RZR2013-00002
N
Scheduled BOC Hearing: April 2013
Printed: February 4, 2013

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130321	

☐ Grants ☐ Contracts ☐ Rezoning ☐ Public Hearing

Department:	Financial Services			Date Submitted:	04/03/2013
Working Session:		Business Session:		Public Hearing:	04/23/2013
Submitted By:	rlflickinger			Multiple Depts?	No
Budget Type:				Special Routing:	
Agenda Type	Approval	Rezoning Type			

Item of Business: Locked by Purchasing: No

of the March 31, 2013 Financial Status Report and ratification of all budget amendments. Approval\authorization to amend the Emergency 911 Fund budget by appropriating an additional $900,000 for Intergovernmental Payments in fiscal year 2013.

Attachments	Financial Status Report for period ending March 31, 2013.
Authorization: Chairman's Signature?	No
Staff Recommendation	
Department Head	mbwoods (4/3/2013)
Attorney	sjfuller (4/9/2013)
Attorney's Comments	

Agenda Purpose Only ☒ As To Form ☐ Hold for Pickup? ☐

Financial Services Use Only

Financial Action Requested	Adjust E911 Use of Net Proceeds and Appropriations once approved.

Budgeted	Fund Name	Current Balance	Requested Allocation	Director's Initials
Yes	Various	*		ajbovos (4/15/2013)
No	E911	**	$900,000	

Finance Comments	*This financial status report recognizes all county budget amendments through March 2013. **Upon approval E911 appropriations will be adjusted.

County Clerk Use Only

PH was Held? ☐

Working Session:
Action: New Item
Tabled:
Motion:
2nd by:
Vote:

gwinnettcounty

Gwinnett County, Georgia

Financial Status Report

for the period ended

March 31, 2013 (unaudited)

Department of **Financial Services**

www.**gwinnettcounty**.com

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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: April 15, 2013

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

This report, which includes unaudited information for the fiscal year through March 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:

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Financial Summaries by Fund	Page 11
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Executive Summary

The 2012 external audit process is currently underway and will continue through mid-May. Representatives from Mauldin & Jenkins CPA have been on-site conducting the audit since early February. The County plans to complete the Comprehensive Annual Financial Report in May, and a briefing with the Board of Commissioners is scheduled for June 4, 2013.

The 2013 Budget Document was completed in early April. The document serves as a policy document, financial plan, operations guide, and communications device. Gwinnett County's 2013 Budget Document is available online at www.gwinnettbudget.com.

The Tax Commissioner's Office continues to monitor 2012 tax collection rates and reports a 98.34 percent collection rate through the end of March. The Tax Commissioner's Office continues delinquent collection activities for accounts with remaining balances.

Notices of Current Assessment for the 2013 tax year for most residential and commercial properties were issued on April 5, 2013. Not included in this batch were the Notices for properties within the City of Buford and notices for properties where the appeal is either still open or was not finalized until after January 1, 2013. These Notices will be issued Wednesday, April 17, 2013. Notices of Assessment for Personal Property consisting of boats, airplanes and business equipment will be issued in mid-May. Property owners have 45 days from the date of the assessment notice to appeal. For information about the appeals process, see the Tax Assessor's Office Web page.

Assessment notices are required by law to present an estimated tax amount based upon assessed value. The estimated tax amount is calculated using the prior year's property tax millage rates for each taxing authority. For 2013 this is further complicated in that the new service districts will change how property taxes are billed this year, thereby creating an even greater discrepancy between the tax bill and assessment notice. A millage rate will be associated with each of the new service districts, and rates will depend upon a property's location. As a result, residents' actual tax bills may be more or less than the estimates provided on assessment notices. Commissioners will set the millage rate for property taxes this summer.

As a result of the sequestration order, the Federal Aviation Administration (FAA) announced on March 22, 2013 that it will cease federal funding for 149 air traffic control towers across the country including the Briscoe Field Air Traffic Control Tower in Gwinnett County, despite the County's efforts to appeal this decision. FAA funding to all 149 towers is scheduled to stop on June 15, 2013.

The sequestration order may also potentially impact the County's Department of Housing and Urban Development (HUD) grants. Because the County budgeted HUD awards conservatively, the impact of the reductions is expected to be minimal. HUD awaits release of its fiscal year 2013 allotment from the Office of Management and Budget (OMB). Upon release of the allotment, HUD will determine award levels for its grantees.

As a result of a negotiated service delivery strategy (SDS) agreement reached between Gwinnett County and 15 cities in early 2012, four new service district funds were created on January 1, 2013 and added to this report:

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

For more information on the new service districts, visit the Gwinnett County Service Districts Explained page on Gwinnett County's Web site.

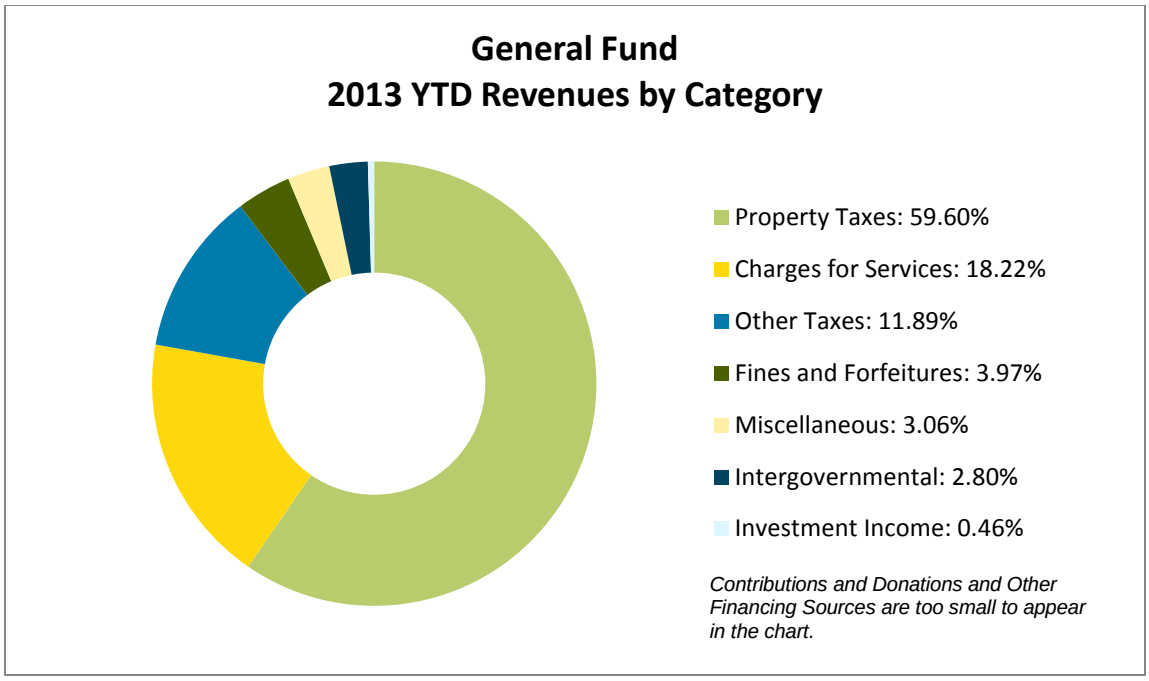
The 2012 reconciliation of payments to the cities and 2013 estimated payments to cities providing E-911 dispatch services are included on page 60 of this report. While the 2012 activity was accounted for in the prior fiscal year, we are providing this final summary to close out this activity after the cities' 2012 expenses were audited.

The agenda item for the approval of this report includes a request to amend the 2013 E-911 Fund budget by appropriating an additional $900,000 for Intergovernmental payments to cities. The adopted budget was $2.5 million, and this amendment is requested based on the cities' 2013 budget requests approved by the 911 Advisory Committee. Upon approval, this amendment will be reflected in April's report.

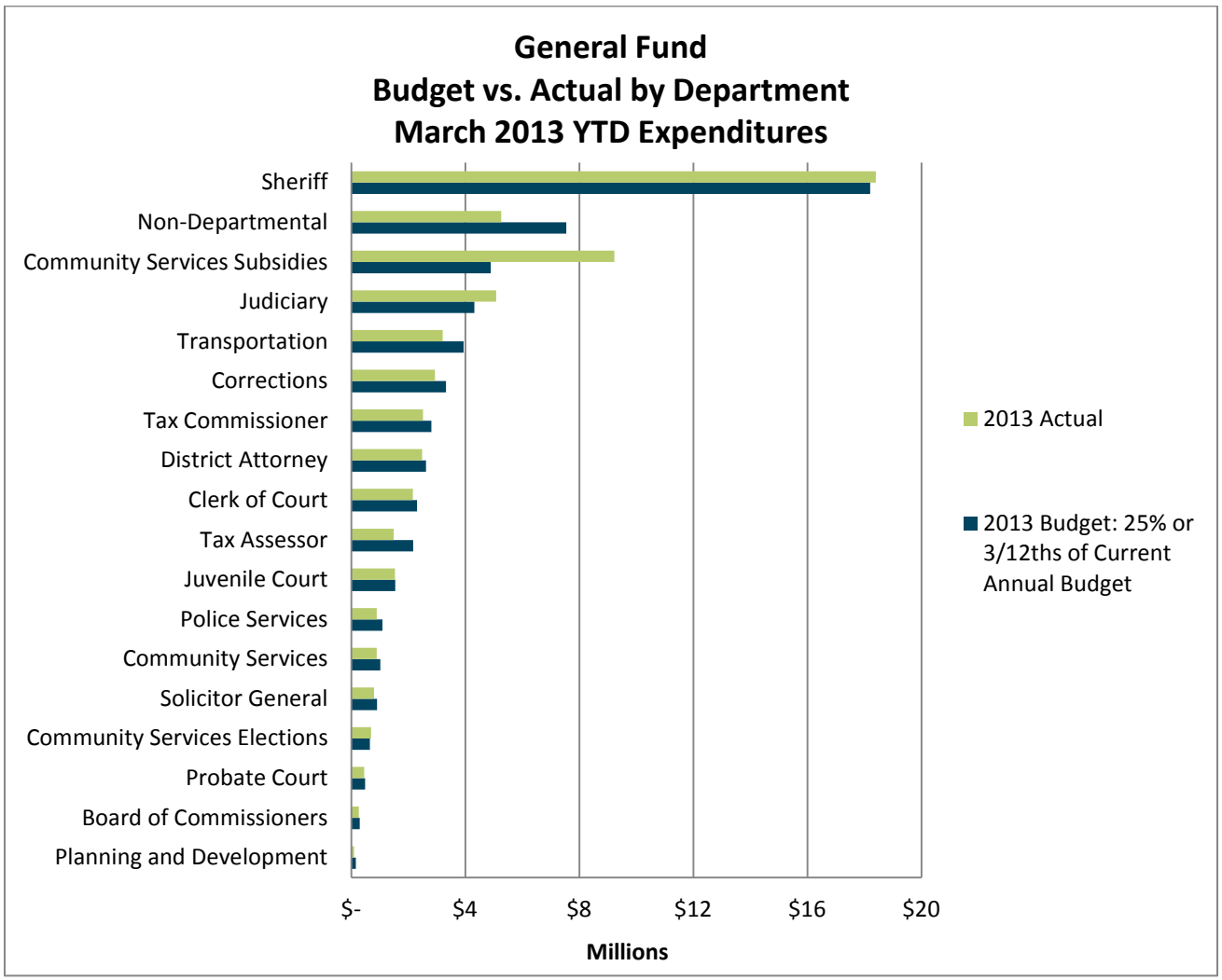
In fiscal year 2013, the County changed the layout of the fund statements to include prior year actual results for most funds. Funds that are new or that have changed significantly in 2013 do not include prior year data. For more information regarding prior year data, please refer to the County's Your Money Web page.

General Fund (page 11)

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, transportation, and elections.



Current year motor vehicle taxes and prior year property taxes make up nearly 60 percent of year-to-date revenues in the General Fund. Property taxes for 2013 will be billed and collected later in the year.



Non-departmental actual and budgeted 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 the SDS agreement. This expenditure is shown on page 12 of this report.

Non-departmental expenditures will generally lag when compared to budget because reserves and contingencies will always reflect zero dollars expended; amounts are budgeted as non-departmental and then reallocated to the appropriate department as necessary. Additionally, Motor Vehicle Ad Valorem taxes are based on the previous year's millage rate and the current year's digest. The new service districts' initial millage rates will be established in 2013. In accordance with the SDS agreement, the amount currently budgeted as a Motor Vehicle Contribution is an estimate of the new service districts' proportionate share of the General Fund motor vehicle taxes. The budget will be reconciled and expended after the County's millage rates are adopted this summer.

While Sheriff expenditures are slightly over budget based on the percentage of the fiscal year that has lapsed, they remain in line with historical spending trends for this time of year. The main reason for the overage is the prepayment of annual professional services related to inmate medical expenditures.

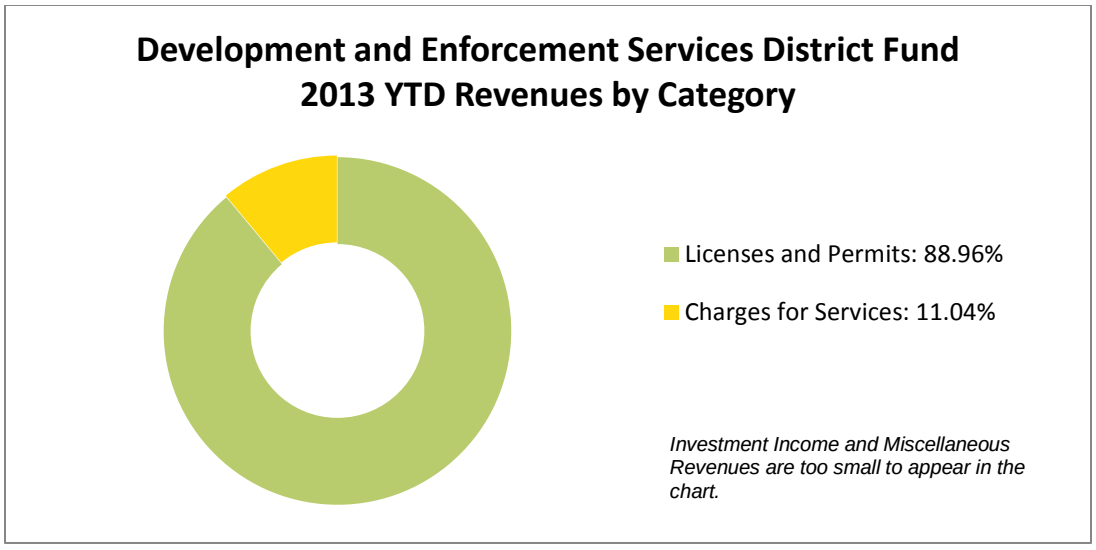
Community Services Subsidies are significantly over budget based on the percentage of the fiscal year that has lapsed, which is primarily due to the timing of when subsidy payments and payments to other governments are made. Subsidy payments are generally paid quarterly. In anticipation of the second quarter, the County has made two quarterly payments to most Community Services Subsidy recipients as of the date of this report.

Judiciary expenditures are over budget through the end of March. Funds are transferred from non-departmental reserves on a quarterly basis at the beginning of the quarter to cover the costs for indigent defense, court interpreter, and court reporters. The result is a higher percentage of actual to budget usage.

Community Services Elections are slightly 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.

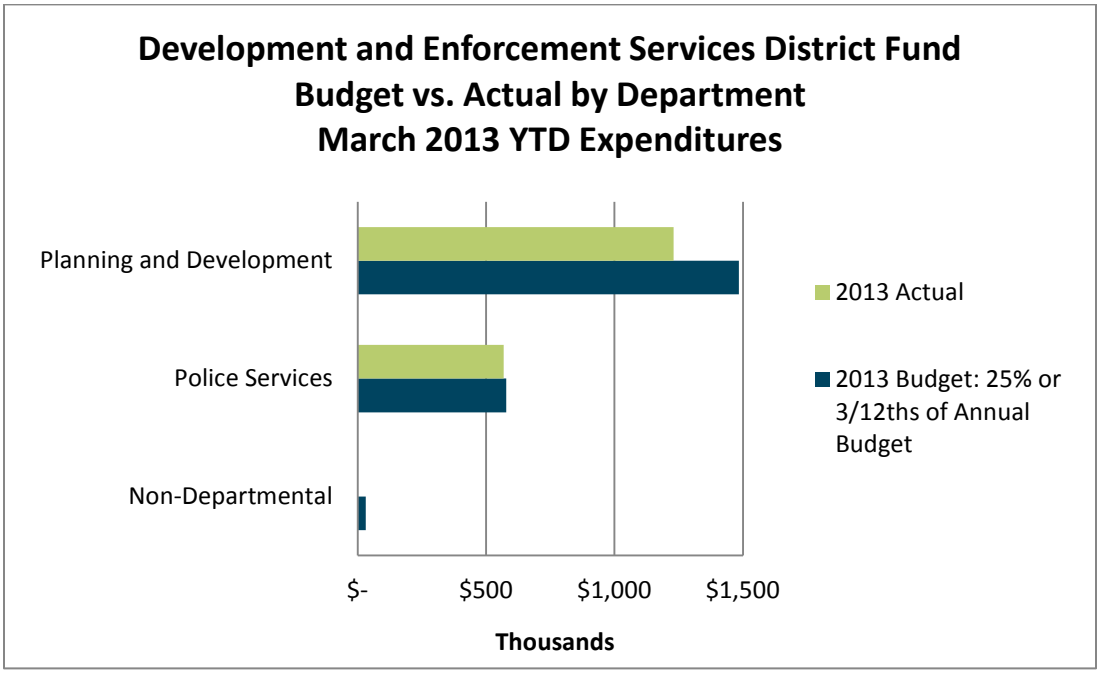
Development and Enforcement Services District Fund (page 14)

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.



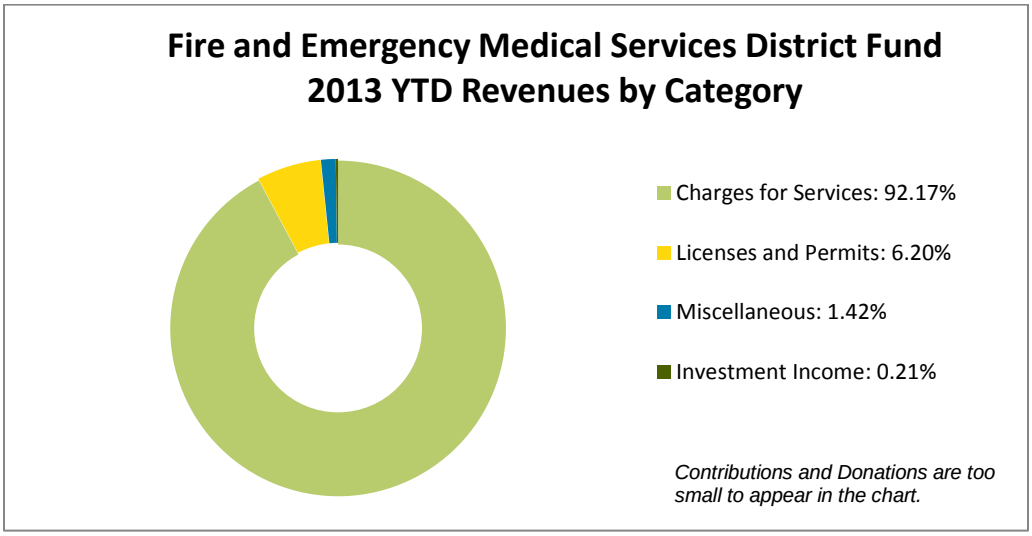
To more accurately reflect the activity within this fund, the chart excludes a one-time transfer-in to establish a 3-month reserve in the amount of $2,859,512.

Although current year-to-date revenues collected are primarily from licenses and permits, as shown in the chart above, the main revenue source will shift to property taxes later in the year when property taxes are collected.



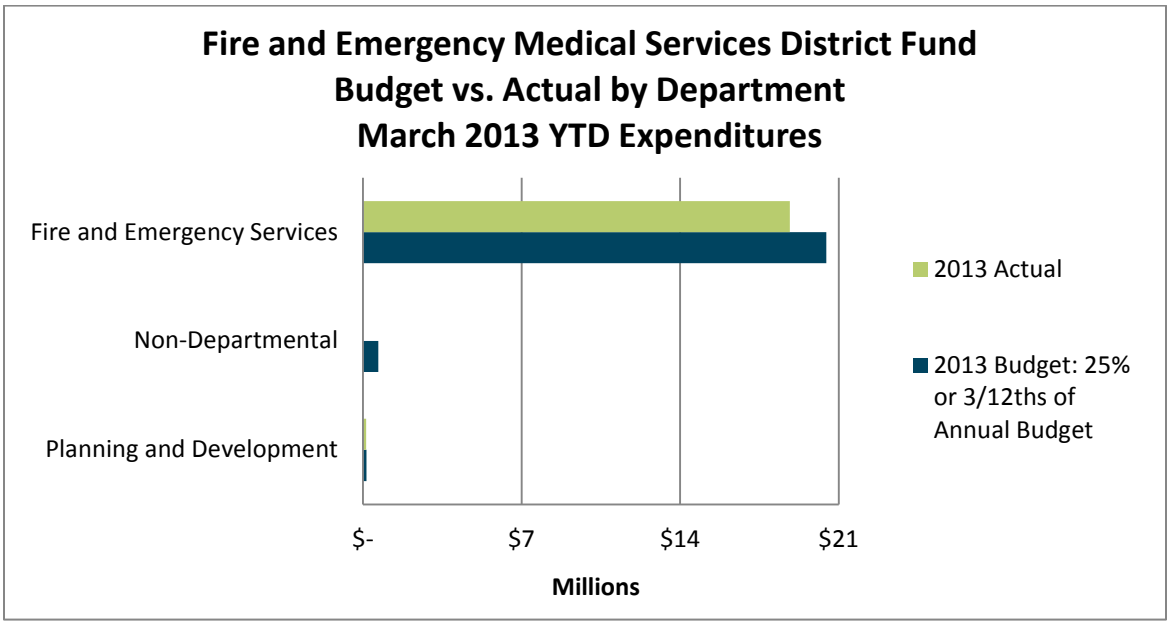
Fire and Emergency Medical Services District Fund (page 15)

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.



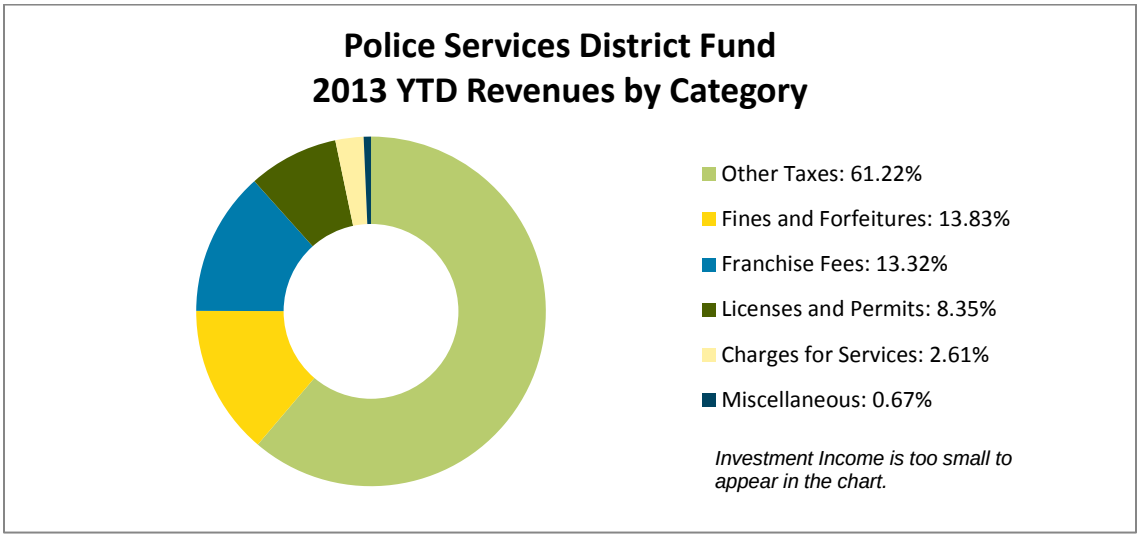
To more accurately reflect the activity within this fund, the chart above excludes a one-time transfer-in to establish a 3-month reserve in the amount of $20,769,989.

Although current year-to-date revenues collected are primarily from charges for services, as shown in the chart on the previous page, the main revenue source will shift to property taxes later in the year when property taxes are collected.



Police Services District Fund (page 17)

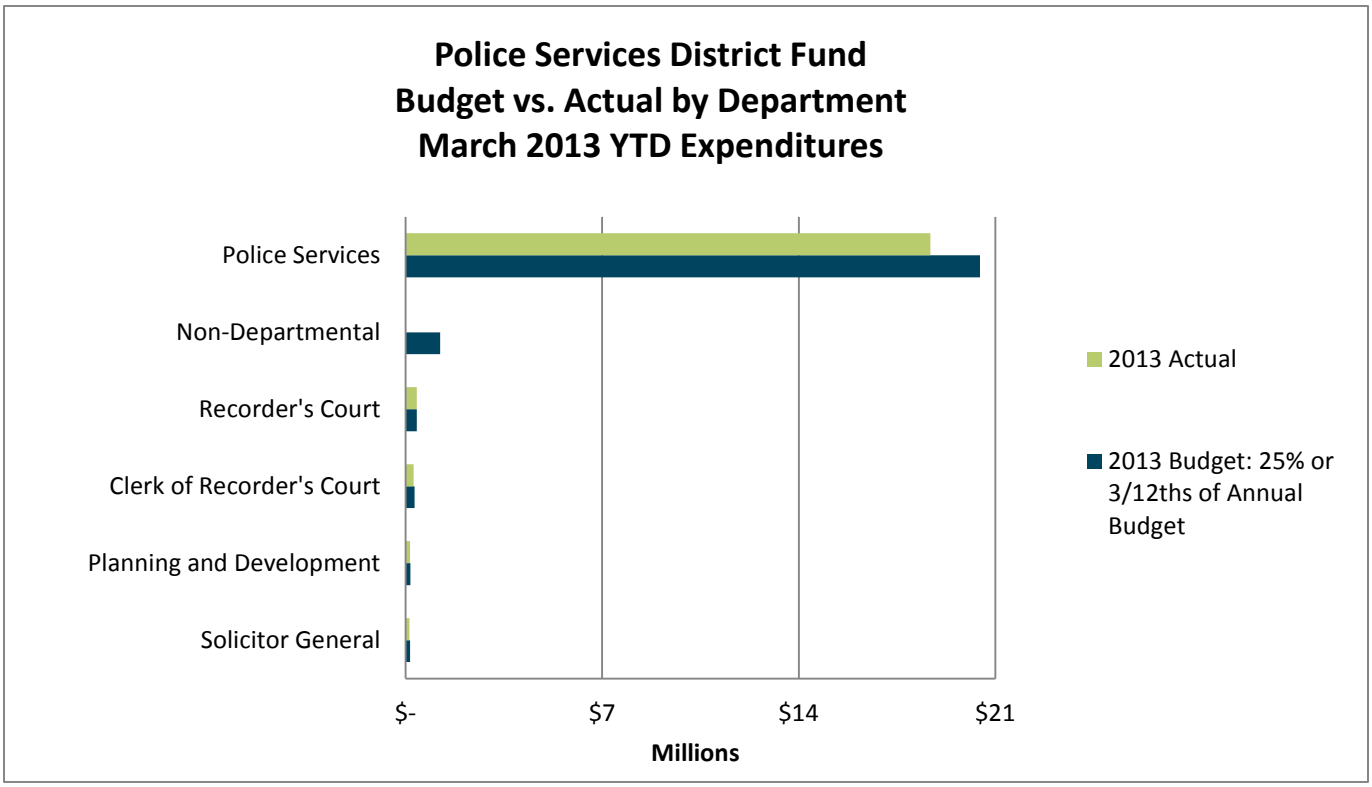
The Police Services District Fund accounts for the revenues and expenditures attributable to the Police Services District. This district includes all properties within unincorporated Gwinnett County and cities that do not operate their own police departments (Berkeley Lake, Buford, Grayson, Dacula, Peachtree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



To more accurately reflect the activity within this fund, the chart above excludes a one-time transfer-in to establish a 3-month reserve in the amount of $27,500,000.

Although current year-to-date revenues collected are primarily from franchise fees and other taxes, as shown in the chart on the previous page, the main revenue source will shift to property taxes later in the year when property taxes are collected.

The other taxes category includes occupation taxes and excise taxes on beer, wine, distilled spirits, and mixed drinks.



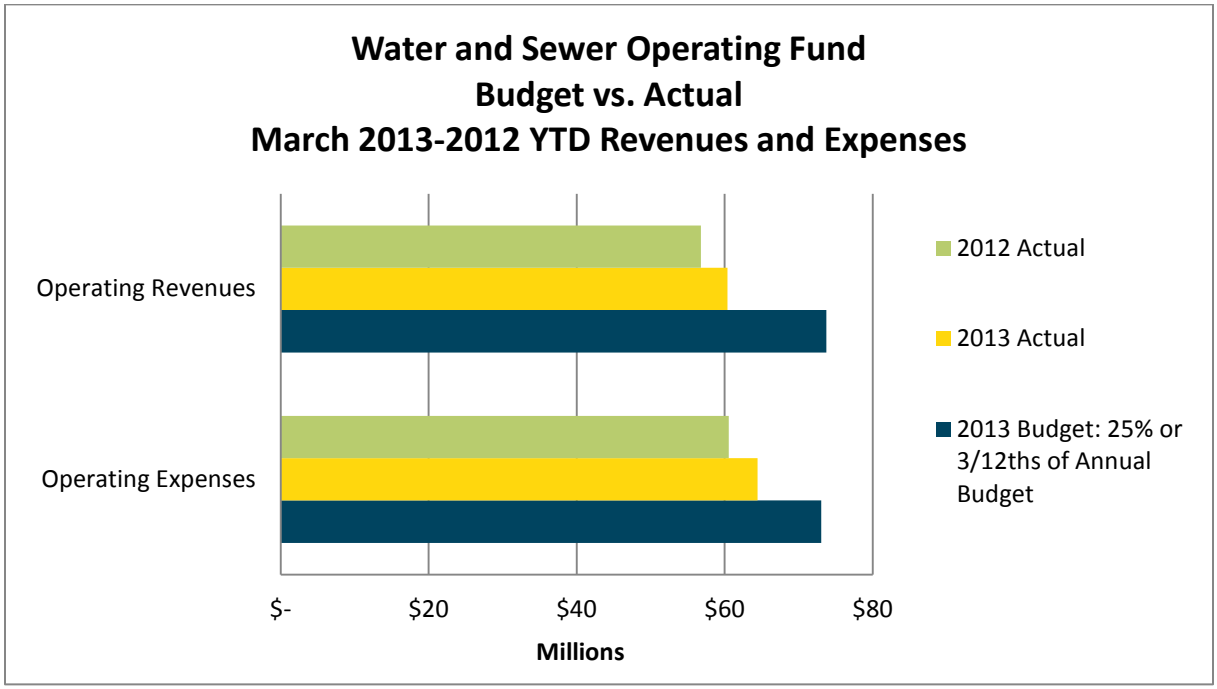
Other Funds

As planned, 95 percent of the budget for the 2003 General Obligation Bond Debt Service Fund (page 13) has been expended due to the optional redemption of the callable maturities on January 2, 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 (page 46) currently shows expenditures at approximately 25 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 (page 41)

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 $3.6 million. The year-over-year increase in revenues is primarily attributable to increases in Retail Sewer, System Development Charge, and Retail Water revenues. The increases were partially offset by decreases in Refund/Rebate, Water Reconnect fee, Water Wholesale, and Sewer Assessment revenues.

System Development Charge revenues in the Water and Sewer Operating Fund continue to be reported at higher levels than 2012. Year-to-date revenues are nearly $1.8 million greater than this time last year. These revenues represent fees paid by developers to receive access to the water and sewerage system.

Year-to-date Water and Sewerage operating expenses are up approximately $3.9 million when compared to March 2012. The year-over-year increase in expenses is mainly due to increases in the Transfer to Renewal and Extension and Debt Service expenses. The increases were partially offset by decreases in Personnel Services and Industrial Repair & Maintenance. Based on the percentage of the fiscal year that has lapsed, Water and Sewer Fund revenues are approximately $13.4 million less than budget. Due to the proper accounting of revenues in the period earned, revenues lag by one month and will appear to be understated when compared to budget until year end. Expenses are approximately $8.6 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.

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget
Estimated Fund Balance January 1	$ 172,602,753	$ 172,602,753	$ 172,602,753	
Revenues:				
Taxes	$ 204,749,308	$ 204,749,308	$ 14,312,701	6.99%
Intergovernmental	3,097,585	3,097,585	559,386	18.06%
Charges for Services	26,651,171	26,651,171	3,647,394	13.69%
Fines and Forfeitures	5,247,479	5,247,479	795,439	15.16%
Investment Income	319,511	319,511	91,630	28.68%
Contributions and Donations	30,000	30,000	8,587	28.62%
Miscellaneous	1,490,450	1,490,450	613,345	41.15%
Other Financing Sources	199,539	199,539	41,250	20.67%
Total Revenues without Use of Fund Balance	241,785,043	241,785,043	20,069,732	8.30%
Use of Fund Balance	42,636,693	42,440,942	-	0.00%
TOTAL REVENUES	$ 284,421,736	$ 284,225,985	$ 20,069,732	7.06%
Appropriations:				
Board of Commissioners	$ 1,193,826	$ 1,193,826	$ 268,713	22.51%
Tax Assessor	8,605,360	8,662,613	1,492,694	17.23%
Tax Commissioner	11,070,281	11,236,947	2,516,425	22.39%
Transportation	15,783,712	15,745,281	3,205,857	20.36%
Planning and Development	639,345	639,345	91,967	14.38%
Police Services	4,413,101	4,376,883	890,291	20.34%
Corrections	13,329,003	13,290,214	2,937,820	22.11%
Community Services	4,089,393	4,066,827	890,380	21.89%
Community Services Subsidies:				
Atlanta Regional Commission	816,100	816,100	412,550	50.55%
Board of Health	1,489,896	1,489,896	744,948	50.00%
Coalition for Health and Human Services	55,074	55,074	27,537	50.00%
Department of Family and Children's Services	371,768	371,768	185,884	50.00%
Forestry	9,549	9,549	9,549	100.00%
Indigent Medical	225,000	225,000	112,500	50.00%
Library In-House Services	735,199	735,199	167,810	22.83%
Library Subsidy	15,118,068	15,118,068	7,184,034	47.52%
Mental Health	768,297	768,297	384,148	50.00%
Total Community Services Subsidies	19,588,951	19,588,951	9,228,960	47.11%
Community Services - Elections	2,626,137	2,626,137	696,997	26.54%
Juvenile Court	5,933,166	6,171,166	1,532,956	24.84%
Sheriff	71,209,915	71,484,915	18,168,967	25.42%
Immigration Customs Enforcement	1,310,531	1,310,531	235,068	17.94%
Clerk of Court	9,205,726	9,205,726	2,159,381	23.46%
Judiciary	15,614,527	17,274,527	5,076,794	29.39%
Probate Court	1,930,924	1,948,424	453,394	23.27%
District Attorney	10,480,189	10,480,189	2,485,565	23.72%
Solicitor General	3,608,983	3,613,983	802,581	22.21%

GENERAL FUND (001) continued

	FY 2013			
	2013 Adopted Budget	Current Annual Budget as of 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget
Non-Departmental:				
Compensation Reserve	579,265	579,265	-	0.00%
Contingency	1,510,027	1,276,361	-	0.00%
Contribution to Capital	2,246,329	2,246,329	561,582	25.00%
Contribution to Transit	2,765,574	2,765,574	691,393	25.00%
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	491,716	41.28%
Other Miscellaneous	391,774	391,774	46,808	11.95%
Pauper Burial	90,000	90,000	53,650	59.61%
Partnership Gwinnett	500,000	500,000	-	0.00%
Fuel/Parts Reserve	100,000	100,000	-	0.00%
Indigent Defense Reserve	6,000,000	4,698,500	-	0.00%
Court Reporters Reserve	2,000,000	1,525,000	-	0.00%
Court Interpreters Reserve	565,000	421,000	-	0.00%
Other Governmental Agencies	250,000	250,000	1,478	0.59%
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	2,409,997	98.29%
Total Non-Departmental	83,788,666	81,309,500	56,386,025	69.35%
TOTAL APPROPRIATIONS	$ 284,421,736	$ 284,225,985	$ 109,520,835	38.53%
Projected Fund Balance December 31	$ 129,966,060	$ 130,161,811		
Estimated Fund Balance as of Report Date			$ 83,151,650	

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 28,899,351	$ 28,899,351	$ 28,899,351			
Revenues:						
Taxes	$ 5,683,063	$ 5,683,063	$ 241,470	4.25%	$ 275,901	5.07%
Intergovernmental	18,817	18,817	3,204	17.03%	1,952	10.37%
Investment Income	21,244	21,244	5	0.02%	6,980	31.37%
Other Financing Sources	35,286	35,286	-	0.00%	-	0.00%
Total Revenues without Use of Fund Balance	5,758,410	5,758,410	244,679	4.25%	284,833	5.20%
Use of Fund Balance	19,814,419	19,814,419	-	0.00%	-	-
TOTAL REVENUES	$ 25,572,829	$ 25,572,829	$ 244,679	0.96%	$ 284,833	5.20%
Appropriations:						
Debt Service	$ 25,572,829	$ 25,572,829	$ 24,479,705	95.73%	$ 4,327,909	82.80%
TOTAL APPROPRIATIONS	$ 25,572,829	$ 25,572,829	$ 24,479,705	95.73%	$ 4,327,909	78.94%
Projected Fund Balance December 31	$ 9,084,932	$ 9,084,932				
Estimated Fund Balance as of Report Date			$ 4,664,325			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget
Estimated Fund Balance January 1	$ -	$ -	$ -	
Revenues:				
Taxes	$ 5,487,822	$ 5,487,822	$ -	0.00%
Licenses and Permits	2,381,824	2,381,824	827,030	34.72%
Charges for Services	336,730	336,730	102,638	30.48%
Investment Income	3,000	3,000	901	30.03%
Miscellaneous	-	-	1,556	-
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%
TOTAL REVENUES	$ 11,746,884	$ 11,746,884	$ 3,791,637	32.28%
Appropriations:				
Planning and Development	$ 5,964,351	$ 5,935,541	$ 1,229,607	20.72%
Police Services	2,342,920	2,311,381	568,104	24.58%
Non-Departmental	125,000	125,000	-	0.00%
Total Appropriations without Contribution to Fund Balance	8,432,271	8,371,922	1,797,711	21.47%
Contribution to Fund Balance	3,314,613	3,374,962	-	0.00%
TOTAL APPROPRIATIONS	$ 11,746,884	$ 11,746,884	$ 1,797,711	15.30%
Projected Fund Balance December 31	$ 3,314,613	$ 3,374,962		
Estimated Fund Balance as of Report Date			$ 1,993,926	

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget
Estimated Fund Balance January 1	$ -	$ -	$ -	
Revenues:				
Taxes	$ 65,285,292	$ 65,285,292	$ -	0.00%
Licenses and Permits	778,373	778,373	167,050	21.46%
Charges for Services	13,850,660	13,850,660	2,484,377	17.94%
Investment Income	33,750	33,750	5,703	16.90%
Contributions and Donations	-	-	175	-
Miscellaneous	35,400	53,164	38,157	71.77%
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%
TOTAL REVENUES	$ 106,159,946	$ 106,177,710	$ 23,465,351	22.10%
Appropriations:				
Planning and Development	$ 597,429	$ 597,429	$ 142,849	23.91%
Fire and Emergency Services	81,767,134	81,784,898	18,834,194	23.03%
Non-Departmental	2,715,000	2,715,000	-	0.00%
Total Appropriations without Contribution to Fund Balance	85,079,563	85,097,327	18,977,043	22.30%
Contribution to Fund Balance	21,080,383	21,080,383	-	0.00%
TOTAL APPROPRIATIONS	$ 106,159,946	$ 106,177,710	$ 18,977,043	17.87%
Projected Fund Balance December 31	$ 21,080,383	$ 21,080,383		
Estimated Fund Balance as of Report Date			$ 4,488,308	

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			
	2013 Adopted Budget	Current Annual Budget as of 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget
Estimated Fund Balance January 1	$ 820,000	$ 820,000	$ 820,000	
Revenue:				
Investment Income	$ 1,200	$ 1,200	$ -	0.00%
Total Revenues without Use of Fund Balance	1,200	1,200	-	0.00%
Use of Fund Balance	15,600	15,600	-	0.00%
TOTAL REVENUES	$ 16,800	$ 16,800	$ -	0.00%
Appropriations:				
Loganville Emergency Medical Services	$ 16,800	$ 16,800	$ -	0.00%
TOTAL APPROPRIATIONS	$ 16,800	$ 16,800	$ -	0.00%
Projected Fund Balance December 31	$ 804,400	$ 804,400		
Estimated Fund Balance as of Report Date			$ 820,000	

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget
Estimated Fund Balance January 1	$ -	$ -	$ -	
Revenues:				
Taxes	$ 46,847,668	$ 46,847,668	$ 8,561,870	18.28%
Insurance Premium Taxes	27,984,859	27,984,859	-	0.00%
Licenses and Permits	4,306,401	4,306,401	959,205	22.27%
Charges for Services	921,463	921,463	299,353	32.49%
Fines and Forfeitures	9,134,646	9,134,646	1,588,916	17.39%
Investment Income	33,750	33,750	8,564	25.37%
Miscellaneous	248,045	248,045	77,431	31.22%
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%
TOTAL REVENUES	$ 119,028,204	$ 119,028,204	$ 38,995,339	32.76%
Appropriations:				
Planning and Development	$ 697,900	$ 697,900	$ 161,908	23.20%
Police Services	81,749,463	81,786,463	18,687,767	22.85%
Recorder's Court	1,591,586	1,622,686	407,474	25.11%
Solicitor General	672,812	672,812	139,493	20.73%
Clerk of Recorder's Court	1,298,873	1,298,873	288,436	22.21%
Non-Departmental	5,010,636	4,942,536	-	0.00%
Total Appropriations without Contribution to Fund Balance	91,021,270	91,021,270	19,685,078	21.63%
Contribution to Fund Balance	28,006,934	28,006,934	-	0.00%
TOTAL APPROPRIATIONS	$ 119,028,204	$ 119,028,204	$ 19,685,078	16.54%
Projected Fund Balance December 31	$ 28,006,934	$ 28,006,934		
Estimated Fund Balance as of Report Date			$ 19,310,261	

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 14,405,914	$ 14,405,914	$ 14,405,914			
Revenues:						
Taxes	$ 23,356,746	$ 23,356,746	$ 973,963	4.17%	$ 1,001,016	4.37%
Intergovernmental	52,810	52,810	13,342	25.26%	8,132	15.40%
Charges for Services	3,935,559	3,935,559	652,983	16.59%	732,298	18.02%
Investment Income	11,250	11,250	2,162	19.22%	3,598	56.84%
Contributions and Donations	4,550	4,550	-	0.00%	-	0.00%
Miscellaneous	1,849,471	1,849,471	524,019	28.33%	427,150	25.29%
Other Financing Sources	346,782	346,782	-	0.00%	-	-
TOTAL REVENUES	$ 29,557,168	$ 29,557,168	$ 2,166,469	7.33%	$ 2,172,194	7.57%
Appropriations:						
Community Services	$ 27,944,567	$ 27,849,462	$ 5,629,123	20.21%	$ 5,426,562	19.10%
Support Services	136,312	136,312	12,398	9.10%	27,242	21.12%
Total Appropriations without Contribution to Fund Balance	28,080,879	27,985,774	5,641,521	20.16%	5,453,804	19.11%
Contribution to Fund Balance	1,476,289	1,571,394	-	0.00%	-	0.00%
TOTAL APPROPRIATIONS	$ 29,557,168	$ 29,557,168	$ 5,641,521	19.09%	$ 5,453,804	19.00%
Projected Fund Balance December 31	$ 15,882,203	$ 15,977,308				
Estimated Fund Balance as of Report Date			$ 10,930,862			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 1,146,070	$ 1,146,070	$ 1,146,070			
Revenues:						
Charges for Services	$ 115,904	$ 115,904	$ 1,306	1.13%	$ 1,378	1.20%
Investment Income	1,500	1,500	-	-	-	0.00%
TOTAL REVENUES	$ 117,404	$ 117,404	$ 1,306	1.11%	$ 1,378	1.19%
Appropriations:						
Transportation	$ 62,272	$ 62,272	$ 6,258	10.05%	$ 3,214	5.51%
Total Appropriations without Contribution to Fund Balance	62,272	62,272	6,258	10.05%	3,214	5.51%
Contribution to Fund Balance	55,132	55,132	-	0.00%	-	0.00%
TOTAL APPROPRIATIONS	$ 117,404	$ 117,404	$ 6,258	5.33%	$ 3,214	2.77%
Projected Fund Balance December 31	$ 1,201,202	$ 1,201,202				
Estimated Fund Balance as of Report Date			$ 1,141,118			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 2,992,564	$ 2,992,564	$ 2,992,564			
Revenues:						
Charges for Services	$ 6,961,294	$ 6,961,294	$ 67,368	0.97%	$ 90,388	1.47%
Investment Income	4,500	4,500	-	0.00%	894	24.61%
Total Revenues without Use of Fund Balance	6,965,794	6,965,794	67,368	0.97%	91,282	1.48%
Use of Fund Balance	456,046	456,046	-	0.00%	-	0.00%
TOTAL REVENUES	$ 7,421,840	$ 7,421,840	$ 67,368	0.91%	$ 91,282	1.32%
Appropriations:						
Transportation	$ 7,421,840	$ 7,421,840	$ 1,145,884	15.44%	$ 1,031,008	14.90%
TOTAL APPROPRIATIONS	$ 7,421,840	$ 7,421,840	$ 1,145,884	15.44%	$ 1,031,008	14.90%
Projected Fund Balance December 31	$ 2,536,518	$ 2,536,518				
Estimated Fund Balance as of Report Date			$ 1,914,048			

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 3/31/2013	Actuals YTD as of 3/31/2013	% 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	323	95.56%
Total Revenues without Use of Fund Balance	832,613	832,613	323	0.04%
Use of Fund Balance	1,132,199	1,132,199	-	0.00%
TOTAL REVENUES	$ 1,964,812	$ 1,964,812	$ 323	0.02%
Appropriations:				
Clerk of Court	$ 1,964,812	$ 1,964,812	$ -	0.00%
TOTAL APPROPRIATIONS	$ 1,964,812	$ 1,964,812	$ -	0.00%
Projected Fund Balance December 31	$ 177,211	$ 177,211		
Estimated Fund Balance as of Report Date			$ 1,309,733	

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 47,095	$ 47,095	$ 47,095			
Revenues:						
Charges for Services	$ 43,500	$ 43,500	$ 16,388	37.67%	$ 11,484	21.57%
Miscellaneous	6,122	6,122	1,386	22.64%	1,023	18.68%
Total Revenues without Use of Fund Balance	49,622	49,622	17,774	35.82%	12,507	21.28%
Use of Fund Balance	19,772	19,772	-	0.00%	-	0.00%
TOTAL REVENUES	$ 69,394	$ 69,394	$ 17,774	25.61%	$ 12,507	12.60%
Appropriations:						
Corrections	$ 69,394	$ 69,394	$ 15,076	21.73%	$ 14,797	14.91%
TOTAL APPROPRIATIONS	$ 69,394	$ 69,394	$ 15,076	21.73%	$ 14,797	14.91%
Projected Fund Balance December 31	$ 27,323	$ 27,323				
Estimated Fund Balance as of Report Date			$ 49,793			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 1,355,719	$ 1,355,719	$ 1,355,719			
Revenues:						
Fines and Forfeitures	$ 875,073	$ 875,073	$ 150,580	17.21%	$ 130,489	15.69%
Investment Income	1,481	1,481	383	25.86%	307	15.47%
Miscellaneous	-	-	522	0.00%	375	-
Other Financing Sources	-	-	-	0.00%	27,549	25.00%
Total Revenues without Use of Fund Balance	876,554	876,554	151,485	17.28%	158,720	16.81%
Use of Fund Balance	298,929	298,929	-	0.00%	-	0.00%
TOTAL REVENUES	$ 1,175,483	$ 1,175,483	$ 151,485	12.89%	$ 158,720	13.74%
Appropriations:						
District Attorney	$ 433,311	$ 433,311	$ 103,983	24.00%	$ 69,958	14.87%
Solicitor General	742,172	742,172	120,156	16.19%	104,036	15.19%
TOTAL APPROPRIATIONS	$ 1,175,483	$ 1,175,483	$ 224,139	19.07%	$ 173,994	15.06%
Projected Fund Balance December 31	$ 1,056,790	$ 1,056,790				
Estimated Fund Balance as of Report Date			$ 1,283,065			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 449,407	$ 449,407	$ 449,407			
Revenues:						
Fines and Forfeitures	$ -	$ 27,488	$ 27,489	100.00%	$ 8,965	5.78%
Investment Income	511	511	76	14.87%	133	24.18%
Total Revenues without Use of Fund Balance	511	27,999	27,565	98.45%	9,098	5.85%
Use of Fund Balance	204,489	204,489	-	0.00%	-	0.00%
TOTAL REVENUES	$ 205,000	$ 232,488	$ 27,565	11.86%	$ 9,098	4.44%
Appropriations:						
District Attorney	$ 205,000	$ 232,488	$ 3,332	1.43%	$ 40,689	19.85%
TOTAL APPROPRIATIONS	$ 205,000	$ 232,488	$ 3,332	1.43%	$ 40,689	19.85%
Projected Fund Balance December 31	$ 244,918	$ 244,918				
Estimated Fund Balance as of Report Date			$ 473,640			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 30,843,615	$ 30,843,615	$ 30,843,615			
Revenues:						
Charges for Services	$ 14,082,774	$ 14,082,774	$ 2,651,548	18.83%	$ 2,121,242	16.90%
Investment Income	58,657	58,657	17,310	29.51%	51,049	37.08%
Miscellaneous	-	-	1,764	-	2,135	-
Total Revenues without Use of Fund Balance	14,141,431	14,141,431	2,670,622	18.89%	2,174,426	17.14%
Use of Fund Balance	2,084,029	1,961,396	-	0.00%	-	0.00%
TOTAL REVENUES	$ 16,225,460	$ 16,102,827	$ 2,670,622	16.58%	$ 2,174,426	11.16%
Appropriations:						
Police Services	$ 13,725,460	$ 13,602,827	$ 2,458,446	18.07%	$ 3,258,978	16.73%
Non-Departmental	2,500,000	2,500,000	127,707	5.11%	-	-
TOTAL APPROPRIATIONS	$ 16,225,460	$ 16,102,827	$ 2,586,153	16.06%	$ 3,258,978	16.73%
Projected Fund Balance December 31	$ 28,759,586	$ 28,882,219				
Estimated Fund Balance as of Report Date			$ 30,928,084			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 107,861	$ 107,861	$ 107,861			
Revenues:						
Charges for Services	$ 67,834	$ 67,834	$ 16,564	24.42%	$ 19,001	24.55%
Investment Income	15	15	-	0.00%	9	6.57%
TOTAL REVENUES	$ 67,849	$ 67,849	$ 16,564	24.41%	$ 19,010	24.52%
Appropriations:						
Juvenile Court	$ 67,849	$ 67,849	$ 14,279	21.05%	$ 24,113	31.10%
TOTAL APPROPRIATIONS	$ 67,849	$ 67,849	$ 14,279	21.05%	$ 24,113	31.10%
Projected Fund Balance December 31	$ 107,861	$ 107,861				
Estimated Fund Balance as of Report Date			$ 110,146			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 3,446,869	$ 3,446,869	$ 3,446,869			
Revenue:						
Fines and Forfeitures	$ -	$ 19,096	$ 110,000	576.04%	$ 26,365	8.79%
Total Revenues without Use of Fund Balance	-	19,096	110,000	576.04%	26,365	8.79%
Use of Fund Balance	1,224,550	1,428,409	-	0.00%	-	0.00%
TOTAL REVENUES	$ 1,224,550	$ 1,447,505	$ 110,000	7.60%	$ 26,365	1.77%
Appropriations:						
Police Special Investigation Operations	$ 1,224,550	$ 1,447,505	$ 44,695	3.09%	$ 293,894	19.69%
TOTAL APPROPRIATIONS	$ 1,224,550	$ 1,447,505	$ 44,695	3.09%	$ 293,894	19.69%
Projected Fund Balance December 31	$ 2,222,319	$ 2,018,460				
Estimated Fund Balance as of Report Date			$ 3,512,174			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 71,677	$ 71,677	$ 71,677			
Revenue:						
Miscellaneous	$ -	$ -	$ 3	-	$ -	0.00%
Total Revenues without Use of Fund Balance	-	-	3	-	-	0.00%
Use of Fund Balance	695	695	-	0.00%	-	0.00%
TOTAL REVENUES	$ 695	$ 695	$ 3	0.43%	$ -	0.00%
Appropriations:						
Police Services	$ 695	$ 695	$ -	0.00%	$ 8,194	1.16%
TOTAL APPROPRIATIONS	$ 695	$ 695	$ -	0.00%	$ 8,194	1.16%
Projected Fund Balance December 31	$ 70,982	$ 70,982				
Estimated Fund Balance as of Report Date			$ 71,680			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 3,088,981	$ 3,088,981	$ 3,088,981			
Revenue:						
Fines and Forfeitures	$ -	$ 101,033	$ 101,034	100.00%	$ 62,757	12.55%
Miscellaneous	-	-	628	-	342	40.24%
Total Revenues without Use of Fund Balance	-	101,033	101,662	100.62%	63,099	12.59%
Use of Fund Balance	1,159,009	1,057,976	-	0.00%	-	0.00%
TOTAL REVENUES	$ 1,159,009	$ 1,159,009	$ 101,662	8.77%	$ 63,099	7.14%
Appropriations:						
Police Services	$ 1,159,009	$ 1,159,009	$ 146,116	12.61%	$ 43,914	4.97%
TOTAL APPROPRIATIONS	$ 1,159,009	$ 1,159,009	$ 146,116	12.61%	$ 43,914	4.97%
Projected Fund Balance December 31	$ 1,929,972	$ 2,031,005				
Estimated Fund Balance as of Report Date			$ 3,044,527			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 1,819,899	$ 1,819,899	$ 1,819,899			
Revenues:						
Charges for Services	$ 415,648	$ 415,648	$ 116,777	28.10%	$ 94,292	25.20%
Total Revenues without Use of Fund Balance	415,648	415,648	116,777	28.10%	94,292	25.16%
Use of Fund Balance	120,000	120,000	-	0.00%	-	-
TOTAL REVENUES	$ 535,648	$ 535,648	$ 116,777	21.80%	$ 94,292	25.16%
Appropriations:						
Sheriff Inmate Store Operations	$ 535,648	$ 535,648	$ 59,136	11.04%	$ 70,173	18.76%
TOTAL APPROPRIATIONS	$ 535,648	$ 535,648	$ 59,136	11.04%	$ 70,173	18.76%
Projected Fund Balance December 31	$ 1,699,899	$ 1,699,899				
Estimated Fund Balance as of Report Date			$ 1,877,540			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 218,443	$ 218,443	$ 218,443			
Revenues:						
Fines and Forfeitures	$ -	$ 23,279	$ 23,280	100.00%	$ -	0.00%
Investment Income	290	290	$ 41	14.14%	39	13.98%
Total Revenues without Use of Fund Balance	290	23,569	23,321	98.95%	39	0.10%
Use of Fund Balance	149,710	149,710	-	0.00%	-	0.00%
TOTAL REVENUES	$ 150,000	$ 173,279	$ 23,321	13.46%	$ 39	0.04%
Appropriations:						
Sheriff Special Operations	$ 150,000	$ 173,279	$ 100,305	57.89%	$ -	0.00%
TOTAL APPROPRIATIONS	$ 150,000	$ 173,279	$ 100,305	57.89%	$ -	0.00%
Projected Fund Balance December 31	$ 68,733	$ 68,733				
Estimated Fund Balance as of Report Date			$ 141,459			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 846,648	$ 846,648	$ 846,648			
Revenues:						
Fines and Forfeitures	$ -	$ 105,649	$ 105,649	100.00%	$ 184,212	-
Investment Income	662	662	148	22.36%	876	265.45%
Total Revenues without Use of Fund Balance	662	106,311	105,797	99.52%	185,088	56087.27%
Use of Fund Balance	249,338	249,338	-	0.00%	-	0.00%
TOTAL REVENUES	$ 250,000	$ 355,649	$ 105,797	29.75%	$ 185,088	37.02%
Appropriations:						
Sheriff Special Operations	$ 250,000	$ 355,649	$ 18,383	5.17%	$ 120,904	24.18%
TOTAL APPROPRIATIONS	$ 250,000	$ 355,649	$ 18,383	5.17%	$ 120,904	24.18%
Projected Fund Balance December 31	$ 597,310	$ 597,310				
Estimated Fund Balance as of Report Date			$ 934,062			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 164,109	$ 164,109	$ 164,109			
Revenues:						
Investment Income	$ 141	$ 141	$ 27	19.15%	$ 27	54.00%
Total Revenues without Use of Fund Balance	141	141	27	19.15%	27	54.00%
Use of Fund Balance	149,859	149,859	-	0.00%	-	0.00%
TOTAL REVENUES	$ 150,000	$ 150,000	$ 27	0.02%	$ 27	0.03%
Appropriations:						
Sheriff Special Operations	$ 150,000	$ 150,000	$ -	0.00%	$ -	0.00%
TOTAL APPROPRIATIONS	$ 150,000	$ 150,000	$ -	0.00%	$ -	0.00%
Projected Fund Balance December 31	$ 14,250	$ 14,250				
Estimated Fund Balance as of Report Date			$ 164,136			

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 receipted 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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 1,032,502	$ 1,032,502	$ 1,032,502			
Revenues:						
Taxes	$ 800,000	$ 800,000	$ 129,243	16.16%	$ 128,607	17.15%
Intergovernmental	400,000	400,000	400,000	100.00%	400,000	100.00%
Charges for Services	981,052	981,052	-	0.00%	-	0.00%
TOTAL REVENUES	$ 2,181,052	$ 2,181,052	$ 529,243	24.27%	$ 528,607	25.28%
Appropriations:						
Stadium Debt	$ 2,181,052	$ 2,181,052	$ 1,067,788	48.96%	$ 1,065,352	49.26%
TOTAL APPROPRIATIONS	$ 2,181,052	$ 2,181,052	$ 1,067,788	48.96%	$ 1,065,352	49.26%
Projected Fund Balance December 31	$ 1,032,502	$ 1,032,502				
Estimated Fund Balance as of Report Date			$ 493,957			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 62,307	$ 62,307	$ 62,307			
Revenues:						
Licenses and Permits	$ 12,120	$ 12,120	$ 11,096	91.55%	$ -	0.00%
Total Revenues without Use of Fund Balance	12,120	12,120	11,096	91.55%	-	0.00%
Use of Fund Balance	17,880	17,880	-	0.00%	-	0.00%
TOTAL REVENUES	$ 30,000	$ 30,000	$ 11,096	36.99%	$ -	0.00%
Appropriations:						
Planning and Development	$ 30,000	$ 30,000	$ -	0.00%	$ -	0.00%
TOTAL APPROPRIATIONS	$ 30,000	$ 30,000	$ -	0.00%	$ -	0.00%
Projected Fund Balance December 31	$ 44,427	$ 44,427				
Estimated Fund Balance as of Report Date			$ 73,403			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Fund Balance January 1	$ 6,377,695	$ 6,377,695	$ 6,377,695			
Revenues:						
Taxes	$ 6,606,080	$ 6,606,080	$ 1,062,894	16.09%	$ 981,551	15.31%
Charges for Services	100	100	-	0.00%	-	0.00%
Investment Income	8,616	8,616	3,375	39.17%	4,853	606.63%
Total Revenues without Use of Fund Balance	6,614,796	6,614,796	1,066,269	16.12%	986,404	15.39%
Use of Fund Balance	460,066	460,066	-	0.00%	-	0.00%
TOTAL REVENUES	$ 7,074,862	$ 7,074,862	$ 1,066,269	15.07%	$ 986,404	14.12%
Appropriations:						
Tourism	$ 2,134,407	$ 2,134,407	$ 517,213	24.23%	$ 491,029	24.09%
Gwinnett Center Debt	4,940,455	4,940,455	1,362,728	27.58%	1,399,628	28.28%
TOTAL APPROPRIATIONS	$ 7,074,862	$ 7,074,862	$ 1,879,941	26.57%	$ 1,890,657	27.06%
Projected Fund Balance December 31	$ 5,917,629	$ 5,917,629				
Estimated Fund Balance as of Report Date			$ 5,564,023			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Net Position January 1	$ 553,987	$ 553,987	$ 553,987			
Revenues:						
Charges for Services	$ 139,000	$ 139,000	$ 36,031	25.92%	$ 35,382	33.70%
Miscellaneous - Rents	741,250	696,189	175,309	25.18%	179,110	24.83%
Total Revenues without Use of Fund Balance	880,250	835,189	211,340	25.30%	214,492	25.96%
Use of Net Position	-	9,376	-	0.00%	-	0.00%
TOTAL REVENUES	$ 880,250	$ 844,565	$ 211,340	25.02%	$ 214,492	25.96%
Appropriations:						
Transportation	$ 844,565	$ 844,565	$ 162,409	19.23%	$ 146,453	17.46%
Total Appropriations without Working Capital Reserve	844,565	844,565	162,409	19.23%	146,453	17.46%
Working Capital Reserve	35,685	-	-	0.00%	-	-
TOTAL APPROPRIATIONS	$ 880,250	$ 844,565	$ 162,409	19.23%	$ 146,453	17.46%
Projected Net Position December 31	$ 589,672	$ 553,987				
Estimated Net Position as of Report Date			$ 602,918			

*** Includes amounts transferred to the renewal and extension fund for capital improvement purposes. See Interfund Transfers Schedule.**

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Net Position January 1	$ 1,781,048	$ 1,781,048	$ 1,781,048			
Revenues:						
Charges for Services	$ 4,221,568	$ 4,221,568	$ 1,007,207	23.86%	$ 1,211,297	28.35%
Investment Income	3,159	3,159	509	16.11%	1,179	19.15%
Miscellaneous	26,375	26,375	6,876	26.07%	4,657	1.70%
Other Financing Sources	2,765,574	2,765,574	691,393	25.00%	800,000	25.00%
Total Revenues without Use of Net Position	7,016,676	7,016,676	1,705,985	24.31%	2,017,133	26.02%
Use of Net Position	750,000	750,000	-	0.00%	-	-
TOTAL REVENUES	$ 7,766,676	$ 7,766,676	$ 1,705,985	21.97%	$ 2,017,133	26.02%
Appropriations:						
Financial Services	$ 73,550	$ 73,550	$ 18,302	24.88%	$ 16,794	24.94%
Transportation	7,693,126	7,693,126	744,747	9.68%	1,494,407	19.45%
TOTAL APPROPRIATIONS	$ 7,766,676	$ 7,766,676	$ 763,049	9.82%	$ 1,511,201	19.45%
Projected Net Position December 31	$ 1,031,048	$ 1,031,048				
Estimated Net Position as of Report Date			$ 2,723,984			

*** Includes amounts transferred to the renewal and extension fund for capital improvement purposes. See Interfund Transfers Schedule.**

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 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	$ 32,443	4.25%	$ 31,450	25.12%
Charges for Services	42,003,740	42,003,740	11,019,017	26.23%	10,799,856	26.04%
Investment Income	215,000	215,000	32,404	15.07%	88,282	87.01%
Miscellaneous	1,050	1,050	273	26.00%	162	4.00%
TOTAL REVENUES	$ 42,983,790	$ 42,983,790	$ 11,084,137	25.79%	$ 10,919,750	26.18%
Appropriations:						
Financial Services	$ -	$ -	$ -	0.00%	$ 6,738,316	16.53%
Support Services*	1,823,484	1,823,484	367,104	20.13%	-	-
Payments to Haulers	39,929,868	39,929,868	6,620,126	16.58%	-	-
Total Appropriations without Working Capital Reserve	41,753,352	41,753,352	6,987,230	16.73%	6,738,316	16.53%
Working Capital Reserve	1,230,438	1,230,438	-	0.00%	-	0.00%
TOTAL APPROPRIATIONS	$ 42,983,790	$ 42,983,790	$ 6,987,230	16.26%	$ 6,738,316	16.53%
Projected Net Position December 31	$ 9,325,732	$ 9,325,732				
Estimated Net Position as of Report Date			$ 12,192,201			

*** Solid Waste operations moved to the Support Services Department beginning fiscal year 2013 and hauler payments have been moved to a separate reporting line.**

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 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	$ 369,982	1.22%	$ 469,340	1.55%
Investment Income	16,500	16,500	2,165	13.12%	4,984	46.54%
Miscellaneous	17,000	17,000	5,578	32.81%	5,519	2207.60%
TOTAL REVENUES	$ 30,347,777	$ 30,347,777	$ 377,725	1.24%	$ 479,843	1.58%
Appropriations:						
Planning and Development	$ 419,749	$ 419,749	$ 101,194	24.11%	$ 99,400	23.86%
Water Resources*	29,779,881	29,675,996	6,671,057	22.48%	6,536,031	21.92%
Non-Departmental	75,000	75,000	-	0.00%	-	-
Total Appropriations without Working Capital Reserve	30,274,630	30,170,745	6,772,251	22.45%	6,635,431	21.95%
Working Capital Reserve	73,147	177,032	-	0.00%	-	0.00%
TOTAL APPROPRIATIONS	$ 30,347,777	$ 30,347,777	$ 6,772,251	22.32%	$ 6,635,431	21.86%
Projected Net Position December 31	$ 8,859,465	$ 8,963,350				
Estimated Net Position as of Report Date			$ 2,391,792			

*** Includes amounts transferred to the renewal and extension fund for capital improvement purposes. See Interfund Transfers Schedule.**

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Net Position January 1	$ 22,360,154	$ 22,360,154	$ 22,360,154			
Revenues:						
Charges for Services	$ 287,467,000	$ 287,467,000	$ 56,421,594	19.63%	$ 53,612,726	19.59%
Investment Income	50,000	50,000	8,602	17.20%	14,800	31.09%
Contributions and Donations	7,022,000	7,022,000	3,899,744	55.54%	2,130,761	38.12%
Miscellaneous	475,000	475,000	62,220	13.10%	1,029,237	147.03%
TOTAL REVENUES	$ 295,014,000	$ 295,014,000	$ 60,392,160	20.47%	$ 56,787,524	20.28%
Appropriations:						
Planning and Development	$ 1,198,982	$ 1,198,982	$ 281,795	23.50%	$ 260,483	22.61%
Water Resources*	291,487,665	290,872,245	64,177,480	22.06%	60,277,765	21.85%
Non-Departmental	100,000	100,000	-	0.00%	-	-
Total Appropriations without Working Capital Reserve	292,786,647	292,171,227	64,459,275	22.06%	60,538,248	21.86%
Working Capital Reserve	2,227,353	2,842,773	-	0.00%	-	0.00%
TOTAL APPROPRIATIONS	$ 295,014,000	$ 295,014,000	$ 64,459,275	21.85%	$ 60,538,248	21.62%
Projected Net Position December 31	$ 24,587,507	$ 25,202,927				
Estimated Net Position as of Report Date			$ 18,293,039			

*** Includes amounts transferred to the renewal and extension fund for capital improvement purposes. See Interfund Transfers Schedule.**

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 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	$ 12,423,835	24.98%	$ 12,847,471	25.02%
Miscellaneous	1,555,049	1,555,049	433,510	27.88%	416,311	24.25%
TOTAL REVENUES	$ 51,282,786	$ 51,282,786	$ 12,857,345	25.07%	$ 13,263,782	25.00%
Appropriations:						
County Administration	$ 4,187,203	$ 4,170,303	$ 762,715	18.29%	$ 918,874	21.32%
Financial Services	7,342,764	7,293,225	1,635,593	22.43%	1,609,945	22.17%
Human Resources	2,885,770	2,857,403	580,702	20.32%	633,583	20.43%
Information Technology	23,817,744	23,689,276	8,089,551	34.15%	10,179,223	38.45%
Law	1,892,702	1,877,504	357,075	19.02%	370,198	19.42%
Support Services	8,783,012	8,739,581	1,755,814	20.09%	1,598,597	18.59%
Non-Departmental:						
Other Miscellaneous	515,000	515,000	38,187	7.41%	26,183	5.29%
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	38,187	4.17%	26,183	3.06%
Total Appropriations without Working Capital Reserve	49,824,195	49,542,292	13,219,637	26.68%	15,336,603	29.21%
Working Capital Reserve	1,458,591	1,740,494	-	-	-	0.00%
TOTAL APPROPRIATIONS	$ 51,282,786	$ 51,282,786	$ 13,219,637	25.78%	$ 15,336,603	28.90%
Projected Net Position December 31	$ 5,915,541	$ 6,197,444				
Estimated Net Position as of Report Date			$ 4,094,658			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Net Position January 1	$ 1,833,044	$ 1,833,044	$ 1,833,044			
Revenues:						
Charges for Services	$ 1,000,022	$ 1,000,022	$ 250,006	25.00%	$ 200,000	25.00%
Investment Income	2,250	2,250	376	16.71%	252	10.23%
Total Revenues without Use of Net Position	1,002,272	1,002,272	250,382	24.98%	200,252	24.95%
Use of Net Position	48,454	48,454	-	0.00%	-	0.00%
TOTAL REVENUES	$ 1,050,726	$ 1,050,726	$ 250,382	23.83%	$ 200,252	23.57%
Appropriations:						
Financial Services	$ 1,050,726	$ 1,050,726	$ 60,890	5.80%	$ 77,525	9.12%
TOTAL APPROPRIATIONS	$ 1,050,726	$ 1,050,726	$ 60,890	5.80%	$ 77,525	9.12%
Projected Net Position December 31	$ 1,784,590	$ 1,784,590				
Estimated Net Position as of Report Date			$ 2,022,536			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Net Position January 1	$ 1,136,635	$ 1,136,635	$ 1,136,635			
Revenues:						
Charges for Services	$ 5,807,286	$ 5,807,286	$ 1,413,640	24.34%	$ 1,406,799	25.01%
Miscellaneous	298,000	298,000	345,283	115.87%	934	0.39%
TOTAL REVENUES	$ 6,105,286	$ 6,105,286	$ 1,758,923	28.81%	$ 1,407,733	24.01%
Appropriations:						
Support Services	$ 5,817,747	$ 5,795,695	$ 1,333,168	23.00%	$ 1,240,531	20.93%
Total Appropriations without Working Capital Reserve	5,817,747	5,795,695	1,333,168	23.00%	1,240,531	20.93%
Working Capital Reserve	287,539	309,591	-	0.00%	-	-
TOTAL APPROPRIATIONS	$ 6,105,286	$ 6,105,286	$ 1,333,168	21.84%	$ 1,240,531	20.93%
Projected Net Position December 31	$ 1,424,174	$ 1,446,226				
Estimated Net Position as of Report Date			$ 1,562,390			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 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	$ 7,841,654	21.68%	$ 8,845,813	22.76%
Investment Income	109,065	109,065	9,479	8.69%	54,495	36.19%
Miscellaneous	-	-	84	-	15,440	-
Total Revenues without Use of Net Position	36,279,600	36,279,600	7,851,217	21.64%	8,915,748	22.86%
Use of Net Position	5,300,282	5,300,282	-	0.00%	-	0.00%
TOTAL REVENUES	$ 41,579,882	$ 41,579,882	$ 7,851,217	18.88%	$ 8,915,748	20.43%
Appropriations:						
Human Resources	$ 41,579,882	$ 41,579,882	$ 10,271,811	24.70%	$ 10,984,011	25.18%
TOTAL APPROPRIATIONS	$ 41,579,882	$ 41,579,882	$ 10,271,811	24.70%	$ 10,984,011	25.18%
Projected Net Position December 31	$ 21,497,383	$ 21,497,383				
Estimated Net Position as of Report Date			$ 24,377,071			

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				FY 2012	
	2013 Adopted Budget	Current Annual Budget as of 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 Budget
Estimated Net Position January 1	$ 25,466,841	$ 25,466,841	$ 25,466,841			
Revenues:						
Charges for Services	$ 4,328,194	$ 4,328,194	$ 1,082,048	25.00%	$ 841,250	25.00%
Investment Income	45,500	45,500	17,099	37.58%	10,988	20.06%
Miscellaneous	-	-	17,116	-	2,158	53.95%
Total Revenues without Use of Net Position	4,373,694	4,373,694	1,116,263	25.52%	854,396	24.95%
Use of Net Position	2,258,825	2,258,825	-	0.00%	-	0.00%
TOTAL REVENUES	$ 6,632,519	$ 6,632,519	$ 1,116,263	16.83%	$ 854,396	12.36%
Appropriations:						
Financial Services	$ 6,632,519	$ 6,632,519	$ 3,282,325	49.49%	$ 3,341,455	48.33%
TOTAL APPROPRIATIONS	$ 6,632,519	$ 6,632,519	$ 3,282,325	49.49%	$ 3,341,455	48.33%
Projected Net Position December 31	$ 23,208,016	$ 23,208,016				
Estimated Net Position as of Report Date			$ 23,300,779			

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 3/31/2013	Actuals YTD as of 3/31/2013	% Actual to Current Budget	Actuals YTD as of 3/31/2012	% Actual to 3/31/2012 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	$ 839,433	25.00%	$ 462,500	25.00%
Investment Income	35,500	35,500	16,518	46.53%	7,198	16.00%
Total Revenues without Use of Net Position	3,393,231	3,393,231	855,951	25.23%	469,698	24.79%
Use of Net Position	1,836,265	1,836,265	-	0.00%	-	0.00%
TOTAL REVENUES	$ 5,229,496	$ 5,229,496	$ 855,951	16.37%	$ 469,698	11.09%
Appropriations:						
Human Resources	$ 5,229,496	$ 5,229,496	$ 885,705	16.94%	$ 691,606	16.33%
TOTAL APPROPRIATIONS	$ 5,229,496	$ 5,229,496	$ 885,705	16.94%	$ 691,606	16.33%
Projected Net Position December 31	$ 7,495,004	$ 7,495,004				
Estimated Net Position as of Report Date			$ 9,301,515			

NON-DEPARTMENTAL BUDGET TRANSFERS

As of 3/31/2013

General Fund Departmental/Non-Departmental Transfers	Amount	Description
From:		
Prisoner Medical Reserve	$ (50,000)	Transferred to Corrections
	(275,000)	Transferred to Sheriff
Subtotal	(325,000)	
Indigent Defense Reserve	(16,500)	Transferred to Probate Court
	(1,115,000)	Transferred to Judiciary
	(170,000)	Transferred to Juvenile Court
Subtotal	(1,301,500)	
Court Reporters Reserve	(45,000)	Transferred to Juvenile Court
	(425,000)	Transferred to Judiciary
	(5,000)	Transferred to Solicitor General
Subtotal	(475,000)	
Court Interpreters Reserve	(23,000)	Transferred to Juvenile Court
	(120,000)	Transferred to Judiciary
	(1,000)	Transferred to Probate Court
Subtotal	(144,000)	
Total General Fund Non-Departmental Transfers	**$ (2,245,500)**	
To:		
Corrections	$ 50,000	Transferred from Prisoner Medical Reserve
Subtotal	50,000	
Juvenile Court	23,000	Transferred from Court Interpreters Reserve
	45,000	Transferred from Court Reporters Reserve
	170,000	Transferred from Indigent Defense
Subtotal	238,000	
Sheriff	275,000	Transferred from Prisoner Medical Reserve
Subtotal	275,000	
Judiciary	120,000	Transferred from Court Interpreters Reserve
	425,000	Transferred from Court Reporters Reserve
	1,115,000	Transferred from Indigent Defense
Subtotal	1,660,000	
Probate Court	16,500	Transferred from Indigent Defense
	1,000	Transferred from Court Interpreters Reserve
Subtotal	17,500	
Solicitor General	5,000	Transferred from Court Reporters Reserve
	5,000	
Total General Fund Transfers From Non-Departmental Reserves	**$ 2,245,500**	

NON-DEPARTMENTAL BUDGET TRANSFERS

As of 3/31/2013

Police Services District Fund Departmental/Non-Departmental Transfers	Amount	Description
From:		
Prisoner Medical Reserve	$ (37,000)	Transferred to Police Services
Subtotal	(37,000)	
Indigent Defense Reserve	(13,600)	Transferred to Recorders Court
Subtotal	(13,600)	
Court Interpreters Reserve	(17,500)	Transferred to Recorders Court
Subtotal	(17,500)	
Total Police Services District Fund Non-Departmental Transfers	**$ (68,100)**	
To:		
Police Services	$ 37,000	Transferred from Prisoner Medical Reserve
Subtotal	37,000	
Recorder's Court	13,600	Transferred from Indigent Defense Reserve
Recorder's Court	17,500	Transferred from Court Interpreters Reserve
Subtotal	31,100	
Total Police Services District Fund Transfers From Non-Departmental Reserves	**$ 68,100**	

INTER-FUND TRANSFERS - ALL FUNDS

As of 3/31/2013

TRANSFER FROM - BUDGET

TRANSFER TO	General (001)	Development and Enforcement Services Distict Fund (104)	Fire and Emergency Medical Services District Fund (102)	Police Services District Fund (106)	Recreation (105)	Sheriff Special Treasury (066)	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	86,928	21,500							3,420,699
Capital Vehicle/Fleet Equipment (305)	1,710,712	24,295	337,861	4,150,169	279,104	20,540								39,861	80,870	6,643,412
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
Total	66,496,822	24,295	723,261	4,284,169	698,284	20,540	127,362	86,928	21,500	35,000	19,208,176	81,407,819	75,000	39,861	80,870	173,329,887

TRANSFER FROM - ACTUALS

TRANSFER TO	General (001)	Development and Enforcement Services Distict Fund (104)	Fire and Emergency Medical Services District Fund (102)	Police Services District Fund (106)	Recreation (105)	Sheriff Special Treasury (066)	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)												41,250				41,250
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)	691,394															691,394
Capital Projects (300-318)	561,582		96,350	33,500	104,795			50,160								846,387
Capital Vehicle/Fleet Equipment (305)	427,678	6,074	84,465	1,037,542	69,776									9,965	20,218	1,655,718
Miscellaneous Grants (200-250G)	10,277															10,277
Renewal & Extension - Airport (523)										8,750						8,750
Renewal & Extension - Stormwater (591)											4,802,044					4,802,044
Renewal & Extension - Water & Sewer (504)												20,310,705				20,310,705
Renewal & Extension - Solid Waste (596)													18,750			18,750
Total	52,820,332	6,074	180,815	1,071,042	174,571	-	-	50,160	-	8,750	4,802,044	20,351,955	18,750	9,965	20,218	79,514,676

BUDGET ADJUSTMENTS BY FUND - REVENUES

As of 3/31/2013

Department/Fund	2013 Adopted Budget - Jan	Annual Budget - March	(Adjustments YTD)	Description
General Fund (001)				
Use of Fund Balance	$ 42,636,693	$ 42,440,942	$ (195,751)	GCID 20110242 approval to execute 90 day job vacancy ($195,751).
Subtotal			(195,751)	
Fire and Emergency Medical Services District Fund (102)				
Miscellaneous	35,400	53,164	17,764	GCID 20130154 approval to accept an equipment grant from Georgia Association of EMS in the amount of $16,764. GCID 20130113 Approval to accept grant funds by the Wal-Mart Foundation for smoke detectors to distribute to those in need $1,000.
Subtotal			17,764	
District Attorney Federal Asset Sharing (080)				
Fines and Forfeitures	-	27,488	27,488	Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Revenue Funds $27,488.
Subtotal			27,488	
E911 Fund (095)				
Use of Fund Balance	2,084,029	1,961,396	(122,633)	GCID 20110242 approval to execute 90 day job vacancy ($122,633).
Subtotal			(122,633)	
Police Special Justice Fund (070)				
Fines and Forfeitures	-	19,096	19,096	Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Revenue Funds $19,096.
Use of Fund Balance	1,224,550	1,428,409	203,859	Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Revenue Funds ($19,096). GCID 20130260 approval to execute lease agreement with RW Management LTD at 1645 Pleasant Hill Rd $222,955.
Subtotal			222,955	
Police Special State Fund (072)				
Fines and Forfeitures	-	101,033	101,033	Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Revenue Funds $101,033.
Use of Fund Balance	1,159,009	1,057,976	(101,033)	Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Revenue Funds ($101,033).
Subtotal			-	

Department/Fund	2013 Adopted Budget - Jan	Annual Budget - March	(Adjustments YTD)	Description
Sheriff Special Justice Fund (065)				
Fines and Forfeitures	-	23,279	23,279	Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Revenue Funds $23,279.
Subtotal			23,279	
Sheriff Special Treasury Fund (066)				
Fines and Forfeitures	-	105,649	105,649	Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Revenue Funds $105,649.
Subtotal			105,649	
Airport Operating Fund (520)				
Miscellaneous-Rents	741,250	696,189	(45,061)	GCID 20130195 approval to execute assignment, assumption and consent from Piedmont Hawthorne Aviation and Fifth Amendment to lease agreement for Gwinnett Aero to execute any and all documents ($45,061).
Use of Net Position	-	9,376	9,376	GCID 20130195 approval to execute assignment, assumption and consent from Piedmont Hawthorne Aviation and Fifth Amendment to Lease Agreement for Gwinnett Aero to execute any and all documents $9,376.
Subtotal			(35,685)	
Total Revenue Budget Adjustments			**$ 43,066**	

BUDGET ADJUSTMENTS BY FUND - APPROPRIATIONS

As of 3/31/2013

Department/Fund	2013 Adopted Budget - Jan	2013 Current Annual Budget - March	Difference (Adjustments YTD)	Description
General Fund (001)				
Tax Assessor	$ 8,605,360	$ 8,662,613	$ 57,253	GCID 20110242 approval to execute 90 day job vacancy ($9,747).GCID 20130185 administration of motor vehicle assessment and appeal program on annual contract $67,000.
Tax Commissioner	11,070,281	11,236,947	166,666	$166,666 transferred from Contingency per 2013 Decision Package.
Transportation	15,783,712	15,745,281	(38,431)	GCID 20110242 approval to execute 90 day job vacancy ($38,431).
Police Services	4,413,101	4,376,883	(36,218)	GCID 20110242 approval to execute 90 day job vacancy ($36,218).
Corrections	13,329,003	13,290,214	(38,789)	$50,000 transferred from Non-departmental, see Non-departmental transfer schedule. GCID 20110242 approval to execute 90 day job vacancy ($88,789).
Community Services	4,089,393	4,066,827	(22,566)	GCID 20110242 approval to execute 90 day job vacancy ($22,566).
Juvenile Court	5,933,166	6,171,166	238,000	$238,000 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	17,274,527	1,660,000	$1,660,000 transferred from Non-departmental, see Non-departmental transfer schedule.
Probate Court	1,930,924	1,948,424	17,500	$17,500 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.
Contingency	1,510,027	1,276,361	(233,666)	($166,666) transferred to Tax Commissioner per 2013 Decision Package. GCID 20130185 administration of motor vehicle assessment and appeal program on annual contract ($67,000).
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	4,698,500	(1,301,500)	See Non-departmental Budget Transfers Schedule for detail ($1,301,500).
Court Reporters Reserve	2,000,000	1,525,000	(475,000)	See Non-departmental Budget Transfers Schedule for detail ($475,000).
Court Interpreters Reserve	565,000	421,000	(144,000)	See Non-departmental Budget Transfers Schedule for detail ($144,000).
Subtotal			(195,751)	

Department/Fund	2013 Adopted Budget - Jan	2013 Current Annual Budget - March	Difference (Adjustments YTD)	Description
Development and Enforcement Services District Fund (104)				
Planning and Development	5,964,351	5,935,541	(28,810)	GCID 20110242 approval to execute 90 day job vacancy ($28,810).
Police Services	2,342,920	2,311,381	(31,539)	GCID 20110242 approval to execute 90 day job vacancy ($31,539).
Contributions to Fund Balance	3,314,613	3,374,962	60,349	GCID 20110242 approval to execute 90 day job vacancy $60,439.
Subtotal			-	
Fire and Emergency Medical Services District Fund (102)				
Fire and Emergency Services	81,767,134	81,784,898	17,764	GCID 20130154 Approval to accept an equipment grant from Georgia Association of EMS in the amount of $16,764. GCID 20130113 Approval to accept grant funds by the Wal-Mart Foundation for smoke detectors to distribute to those in need $1,000.
Subtotal			17,764	
Police Services District Fund (106)				
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).
Subtotal			-	
Recreation Fund (105)				
Community Services	27,944,567	27,849,462	(95,105)	GCID 20110242 approval to execute 90 day job vacancy ($95,105).
Contributions to Fund Balance	1,476,289	1,571,394	95,105	GCID 20110242 approval to execute 90 day job vacancy $95,105.
Subtotal			-	
District Attorney Federal Asset Sharing (080)				
District Attorney	205,000	232,488	27,488	Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Revenue Funds $27,488.
Subtotal			27,488	
E-911 Fund (095)				
Police Services	13,725,460	13,602,827	(122,633)	GCID 20110242 approval to execute 90 day job vacancy ($122,633).
Subtotal			(122,633)	
Police Special Justice Fund (070)				
Police Special Investigation Operations	1,224,550	1,447,505	222,955	GCID 20130260 approval to execute lease agreement with RW Management LTD at 1645 Pleasant Hill Rd. $222,955.
Subtotal			222,955	

Department/Fund	2013 Adopted Budget - Jan	2013 Current Annual Budget - March	Difference (Adjustments YTD)	Description
Sheriff Special Justice Fund (065)				
Sheriff Special Operations	150,000	173,279	23,279	Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Revenue Funds $23,279.
Subtotal			23,279	
Sheriff Special Treasury Fund (066)				
Sheriff Special Operations	250,000	355,649	105,649	Adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets for Special Revenue Funds $105,649.
Subtotal			105,649	
Airport Operating Fund (520)				
Working Capital Reserve	35,685	-	(35,685)	GCID 201GCID 20130195 approval to execute assignment, assumption and consent from Piedmont Hawthorne Aviation and Fifth Amendment to Lease Agreement for Gwinnett Aero to execute any and all documents ($35,685).
Subtotal			(35,685)	
Stormwater Fund (590)				
Water Resources	29,779,881	29,675,996	(103,885)	GCID 20110242 approval to execute 90 day job vacancy ($103,885).
Working Capital Reserve	73,147	177,032	103,885	GCID 20110242 approval to execute 90 day job vacancy $103,885.
Subtotal			-	
Water and Sewer (501)				
Water Resources	291,487,665	290,872,245	(615,420)	GCID 20110242 approval to execute 90 day job vacancy ($615,420).
Working Capital Reserve	2,227,353	2,842,773	615,420	GCID 20110242 approval to execute 90 day job vacancy $615,420.
Subtotal			-	
Administrative Support Fund (665)				
County Administration	4,187,203	4,170,303	(16,900)	GCID 20110242 approval to execute 90 day job vacancy ($16,900).
Financial Services	7,342,764	7,293,225	(49,539)	GCID 20110242 approval to execute 90 day job vacancy ($49,539).
Human Resources	2,885,770	2,857,403	(28,367)	GCID 20110242 approval to execute 90 day job vacancy ($28,637).
Information Technology	23,817,744	23,689,276	(128,468)	GCID 20110242 approval to execute 90 day job vacancy ($128,468).
Law	1,892,702	1,877,504	(15,198)	GCID 20110242 approval to execute 90 day job vacancy ($15,198).
Support Services	8,783,012	8,739,581	(43,431)	GCID 20110242 approval to execute 90 day job vacancy ($43,431).
Working Capital Reserve	1,458,591	1,740,494	281,903	GCID 20110242 approval to execute 90 day job vacancy $281,903.
Subtotal			-	

Department/Fund	2013 Adopted Budget - Jan	2013 Current Annual Budget - March	Difference (Adjustments YTD)	Description
Fleet Management (610)				
Support Services	5,817,747	5,795,695	(22,052)	GCID 20110242 approval to execute 90 day job vacancy ($22,052).
Working Capital Reserve	287,539	309,591	22,052	GCID 20110242 approval to execute 90 day job vacancy $22,052.
Subtotal			-	
Total Appropriation Budget Adjustments			**$ 43,066**	

3/11/13 through 4/9/13
Upcoming Purchasing Solicitations

BL/RP	DESCRIPTION	DEPT	ANTICIPATED FUND	ESTIMATED BUDGET	BID/RFP CLOSING DATES	COMMENTS (ANTICIPATED AWARD DATE RANGE OR STATUS)
BL005-13	Boone Place Gravity Sewer Replacement Project	DWR	504 Water & Sewer Renewal & Extension Fund	$338,757	1/23/2013	Anticipated to BOC Agenda 4/16/2013
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 May 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 May 2013
BL016-13	Purchase of Medical Supplies on an Annual Contract	Fire	102 Fire & EMS District Fund	$450,000	2/11/2013	Anticipated to BOC June 2013
BL020-13	Purchase of Public Safety Uniforms on an Annual Contract	Police Sheriff Corrections Fire	001 General Fund 102 Fire & EMS District Fund 106 Police Services District Fund	$354,413	3/1/2013	Anticipated to BOC May 2013
BL022-13	Gwinnett County Fire Training Center – Phase I Driving Course	DOSS	318 2009 SPLOST Fund	$1,500,000	3/14/2013	Anticipated to BOC May 2013
BL023-13	Construction of Little Mulberry Park Phase II Project	DOCS	318 2009 SPLOST Fund	$1,740,000	3/14/2013	Anticipated to BOC Agenda 4/16/2013
BL024-13	SR 20 (Peachtree Industrial Boulevard to Chattahoochee River) Major Roadway Improvements Project	DOT	318 2009 SPLOST Fund	$29,000,000	3/18/2013	Anticipated to BOC Agenda 5/7/2013
BL026-13	Provide Bridge Rehabilitation Services	DOT	318 2009 SPLOST Fund	$300,000	3/28/2013	Anticipated to BOC Agenda 5/7/2013
BL028-13	Suwanee Dam Road (Peachtree Industrial Boulevard - Buford Highway) Pedestrian Safety, Suwanee Dam Road School Safety Project	DOT	318 2009 SPLOST Fund	$798,000	3/28/2013	Anticipated to BOC Agenda 5/7/2013
BL029-13	Cruse Road Sidewalk (Sugarloaf Parkway - Old Norcross Road), Beaver Ruin Road Sidewalk (Rockborough Trail - Bailey Drive), and S.R. 141 Sidewalk (Holcomb Bridge Road - Woodhill Drive) Pedestrian Safety Improvements Projects	DOT	318 2009 SPLOST Fund	$580,000	4/4/2013	Anticipated to BOC Agenda 5/21/2013
BL030-13	Construction of Ivy Creek Greenway Phase I, Section 3 Project	DOCS	318 2009 SPLOST Fund 318G 2009 SPLOST Fund-Grant	$1,600,000	4/10/2013	Anticipated to BOC Agenda 5/7/2013
BL032-13	Hickory Trail Water Main Replacement	DWR	504 Water & Sewer Renewal & Extension Fund	$752,975	5/3/2013	Anticipated to BOC June 2013

3/11/13 through 4/9/13
Upcoming Purchasing Solicitations

BL/RP	DESCRIPTION	DEPT	ANTICIPATED FUND	ESTIMATED BUDGET	BID/RFP CLOSING DATES	COMMENTS (ANTICIPATED AWARD DATE RANGE OR STATUS)
BL033-13	Taxiway "W" Pavement Rehabilitation Project	DOT	523 Airport Renewal & Extension Fund 523G Airport Renewal & Extension Fund-Grants	$1,700,000	4/19/2013	Anticipated to BOC Agenda 5/21/2013
BL034-13	Purchase of Water Meter Repair Parts, Fittings, and Meter Boxes on an Annual Contract	DWR	501 Water & Sewer Operating Fund 504 Water & Sewer Renewal & Extension Fund	$240,000	4/15/2013	Anticipated to BOC Agenda 5/7/2013
BL035-13	Culvert Upgrades on Mink Livsey Road, Harmony Grove Road, Fern Creek Drive, and North Norcross Tucker Road	DWR	591 Stormwater Renewal & Extension Fund	$1,600,000	5/7/2013	Anticipated to BOC June 2013
BL036-13	GCPD Firearms Range Lead Abatement Project	Police	106 Police Services District Fund	$100,000	4/19/2013	Anticipated to BOC Agenda 5/21/2013
BL037-13	Boggs Road (Old Norcross Road - Breckinridge Boulevard) Pedestrian Safety Improvements Project	DOT	200G Miscellaneous Grant Fund-External	$591,055	4/18/2013	Anticipated to BOC Agenda 5/21/2013
BL038-13	Filter Media Replacement in Filter Building #2 and Handrail Modifications	DWR	504 Water & Sewer Renewal & Extension Fund	$990,000	5/15/2013	Anticipated to BOC July 2013
BL039-13	Ensorbrook Farm Pump Station Decommissioning Project	DWR	504 Water & Sewer Renewal & Extension Fund	$593,490	5/16/2013	Anticipated to BOC July 2013
BL040-13	Purchase of Safety Shoes on an Annual Contract	Various	001 General Fund 104 Development and Enforcement Services District Fund 105 Recreation Fund 501 Water & Sewer Operating Fund	$84,100	5/7/2013	Anticipated to BOC July 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 May 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	Evaluation delayed for a critical team member absence due to illness. Anticipated to BOC Agenda 5/7/2013
RP002-13	On-Call Water And Wastewater Facility Equipment Repair And Maintenance	DWR	504 Water & Sewer Renewal & Extension Fund	$5,800,000	4/24/2013	Anticipated to BOC July 2013
RP003-13	Optimization of Water Production Chemical Coagulant Pilot- Scale Study Project	DWR	501 Water & Sewer Operating Fund	$150,000	4/29/2013	Anticipated to BOC July 2013

3/11/13 through 4/9/13
Upcoming Purchasing Solicitations

BL/RP	DESCRIPTION	DEPT	ANTICIPATED FUND	ESTIMATED BUDGET	BID/RFP CLOSING DATES	COMMENTS (ANTICIPATED AWARD DATE RANGE OR STATUS)
RP004-13	Comprehensive Wellness Program on an Annual Contract with Four Options to Renew	HR	605 Group Self-Insurance Fund	$65,000	4/26/2013	Anticipated to BOC Agenda 6/18/2013
RP005-13	Provision of an Enterprise Content Management System	DOITS	300-304 Capital Project Fund	$956,100	5/7/2013	Anticipated to BOC August 2013
RP006-13	Provide Property and Casualty Insurance Coverage/Services on an Annual Contract	DOFS	602 Risk Management Fund & 604 Workers' Compensation Fund	$2,600,000	4/30/2013	Anticipated to BOC July 2013
RP007-13	Provide Construction Document Development for the New Lanier Park Site	DOCS	318 2009 SPLOST Fund	$500,000	4/26/2013	Anticipated to BOC July 2013

2012 E-911 Reimbursement Reconciliation Report & 2013 Estimated Payments

Gwinnett County receives revenue from subscriber fees of wired and wireless telecommunication providers which is used to provide Emergency 911 dispatch services across the County.

The cities of Duluth, Lawrenceville, Norcross, Snellville and Suwanee maintain their own E-911 dispatch service for their respective cities. As part of the Service Delivery Strategy (SDS) agreement, a 911 Advisory Committee was established and Gwinnett County reimburses the Cities for all approved expenses to provide these services.

2012 Payments to Cities for E-911 Expenses Incurred & Estimated Payments for 2013 Expenses

	Duluth	Lawrenceville	Norcross	Snellville	Suwanee	Total
Payments to Cities in 2012	$ 679,670	$ 738,180	$ 625,507	$ 438,404	$ 433,680	$ 2,915,441
Cities' Audited Actual Expenses Incurred in 2012	734,068	714,573	521,407	516,227	469,053	2,955,328
Additional Payments to (from) Cities in 2013	54,398	(23,607)	(104,100)	77,823	35,373	39,887
Total Payments to Cities for 2012 Expenses	**$ 734,068**	**$ 714,573**	**$ 521,407**	**$ 516,227**	**$ 469,053**	**$ 2,955,328**
2013 Budget requests submitted by Cities	$ 691,860	$ 931,335	$ 630,647	$ 445,009	$ 434,890	$ 3,133,741
Estimated Year-end True up to Actual Expenses						265,000
Total Estimated Payments to Cities for 2013 Expenses						**$ 3,398,741**

Per the SDS agreement, the County disbursed $2.9 million to the Cities during 2012 based on a budget approved by the 911 Advisory Committee. After 2012 year-end, each participating city's external audit firm provided a letter certifying total dispatch services expenses incurred for 2012. The County then disbursed additional payments to the Cities that had incurred expenses above the previous payments.

The Cities have submitted 2013 budgets totaling $3.1 million which have been approved by the 911 Advisory Committee. The agenda item request to increase the E-911 Fund's appropriations from $2.5 million to $3.4 million includes an amount of $265,000 to be used, if needed, to true-up the payments to the Cities at year-end based on actual expenses incurred for 2013.

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130389	

☐ Grants ☐ Contracts ☐ Rezoning ☐ Public Hearing

Department:	Law Department			Date Submitted:	04/19/2013
Working Session:		Business Session:		Public Hearing:	04/23/2013
Submitted By:	Van Stephens			Multiple Depts?	
Budget Type:				Special Routing:	
Agenda Type	Approval/authorization		Rezoning Type		

Item of Business: Locked by Purchasing: No

to take any and all actions necessary to comply with the recently issued Georgia Court of Appeals decision in Old Peachtree Partners, LLC v. Gwinnett County, Georgia, 315 Ga.App. 342 (2012), holding that a 2009 Settlement Agreement between Gwinnett County and Old Peachtree Partners, LLC in the 2008 Superior Court case of Gwinnett County, Georgia v. Old Peachtree Partners, LLC, Civil Action File No. 08-A-03939-4 is enforceable, including, but not limited to, the purchase of 16.203 acres of property from Old Peachtree Partners, LLC for a purchase price of $5,265,975.00, and the payment of an additional $150,000.00 in the 2009 condemnation case of Gwinnett County, Georgia v. Old Peachtree Partners, LLC, Superior Court of Gwinnett County, Civil Action File No. 09A-03795-4, subject to review and approval by the Law Department.

Attachments	Georgia Court of Appeals Decision dated March 8, 2012; Gwinnett Superior Court Order dated April 10, 2013

Authorization: Chairman's Signature? Yes

Staff Recommendation	
Department Head	mvstephens (4/19/2013)
Attorney	mvstephens (4/19/2013)
Attorney's Comments	

Agenda Purpose Only ☒ As To Form ☐ Hold for Pickup? ☐

Financial Services Use Only

Financial Action Requested				
Budgeted	Fund Name	Current Balance	Requested Allocation	Director's Initials
Yes	2005 SPLOST	* $4,927,809	$4,914,809	ajbovos (4/19/2013)
Yes	2009 SPLOST	* $716,565	$ 501,166	
Finance Comments	* Amount available in McGinnis Ferry Ext (Satellite - Law Suw) project.			

County Clerk Use Only

PH was Held? ☐

Working Session:

Action: New Item

Tabled:

Motion:

2nd by:

Vote:

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA
2013 APR 10 AM 11:58
RICHARD ALEXANDER, CLERK

GWINNETT COUNTY, GEORGIA, Plaintiff, v. OLD PEACHTREE PARTNERS, LLC, et al., Defendants.	)	Civil Action File No. 08-A-03939-4

ORDER ENFORCING SETTLEMENT AGREEMENT

This case having come before the Court for a status conference on March 11, 2013, the Court finds as follows:

In the Summer of 2009, in order to resolve this lawsuit and a pending condemnation matter, Gwinnett County, Georgia (the "County") and Old Peachtree Partners, LLC ("Old Peachtree") reached a Settlement Agreement. See Old Peachtree Partners, LLC v. Gwinnett County, Georgia, 315 Ga. App. 342, 726 S.E.2d 437 (2012). The Georgia Court of Appeals has held that the 2009 Settlement Agreement between the Parties is enforceable. See id. at 348. The Supreme Court of Georgia denied Gwinnett County's Application for a Writ of Certiorari on January 7, 2013, and the remittitur has been returned to this Court. The Settlement Agreement having been held to be enforceable, Old Peachtree is entitled to elect its remedy. Clayton v. Deverell, 257 Ga. 653, 654, 362 S.E.2d 364 (1987). Old Peachtree filed a Motion to Enforce the Settlement, electing specific performance of the 2009 Settlement Agreement, in addition to seeking damages for the County's partial breach caused by the County's delay in complying with the 2009 Settlement Agreement, including prejudgment interest, consequential damages, and attorneys' fees. Id. The Court rules as follows:

The County is hereby ORDERED to complete the purchase of the 16.203 acres of property as described in the 2009 Settlement Agreement for the agreed upon price of $5,265,975.00, within fifteen (15) days of the entry of this Order.

Further, the County is ORDERED to resolve the condemnation case involving the 1.867 acres of condemned property and various easements as described in the 2009 Settlement Agreement for the total amount of $1,100,000.00. At the initiation of the condemnation case, Gwinnett County, Georgia v. Old Peachtree Partners, et al., CAFN 09A-03795-4, Superior Court of Gwinnett County, the County deposited into the Registry of the Court the amount of $950,000.00. To effectuate this Order, and within fifteen (15) days of its entry, the County shall tender into the Registry of the Court the additional amount of $150,000.00, for a total of $1,100,000.00. Upon the deposit of the additional funds the Clerk of Court is directed to issue a check to Old Peachtree, in care of its attorneys of record, in the amount of $1,100,000.00, plus all interest accrued in the Registry of the Court.

All issues with regard to prejudgment interest, consequential damages, and attorneys' fees are expressly reserved to be determined by the Court at a subsequent time.

SO ORDERED this 9th day of April, 2013.

Honorable Michael C. Clark
Judge, Superior Court of Gwinnett County

Respectfully submitted, this 4th day of April, 2013.

M. Van Stephens, II
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Michael P. Ludwiczak
Georgia Bar No. 460765
Gwinnett County Department of Law
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Telephone: (770) 926-0100
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ATTORNEYS FOR OLD PEACHTREE PARTNERS, LLC

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the foregoing **Order Enforcing the Settlement Agreement** has been served upon the following via e-mail and U.S. Mail, properly addressed and pre-paid, on this 8th day of April, 2013.

M. Van Stephens, II
Michael P. Ludwiczak
Gwinnett County Department of Law
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Lawrenceville, Georgia 30045-6900
Mike.Ludwiczak@gwinnettcounty.com
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Michael J. Bowers
Georgia Bar No. 071650

FIRST DIVISION
MIKELL, P. J.,
MILLER and BOGGS, JJ.

NOTICE: Motions for reconsideration must be *physically received* in our clerk's office within ten days of the date of decision to be deemed timely filed.
(Court of Appeals Rule 4 (b) and Rule 37 (b), February 21, 2008)
http://www.gaappeals.us/rules/

March 8, 2012

In the Court of Appeals of Georgia

A11A2097. OLD PEACHTREE PARTNERS, LLC et al. v. GWINNETT COUNTY, GEORGIA.

A11A2150. GWINNETT COUNTY, GEORGIA v. OLD PEACHTREE PARTNERS, LLC et al.

BOGGS, Judge.

In these consolidated appeals, we granted interlocutory review of a trial court order denying cross-motions for summary judgment filed by Gwinnett County, Georgia ("the County"), and Old Peachtree Partners, LLC and Gwinnett Community Bank (collectively "Old Peachtree"). In Case No. A11A2097, we reverse in part the trial court's denial of Old Peachtree's motion for summary judgment, and Case No. A11A2150 is dismissed as moot.

"On appeal from the denial of summary judgment the appellate court is to conduct a de novo review of the evidence to determine whether there exists a genuine

issue of material fact, and whether the undisputed facts, viewed in the light most favorable to the nonmoving party, warrant judgment as a matter of law." (Citation and punctuation omitted.) *Hood v. Todd*, 287 Ga. 164 (695 SE2d 31) (2010).

The record reveals that beginning in 2005, the County funded engineering and land acquisition activities for the McGinnis Ferry Road extension. As part of this project, the County sought to acquire a fee simple right of way and easements from property owned by Old Peachtree. In August 2007, Old Peachtree executed an option agreement giving the County an irrevocable option to purchase from Old Peachtree, within 120 days of the date of the option, 1.867 acres of property for right-of-way and permanent easements for $1,100,000. But when Old Peachtree discovered that the County intended to install a forced main sewer across its property after the purchase of the right-of-way, it informed the County in an October 9, 2007 letter, that such action would result in the inverse condemnation Old Peachtree's remaining 14 acres of property destroying its ability to develop that portion of the property. Old Peachtree stated further that it would not proceed with the closing, unless the County compensated it for the inverse condemnation of the property that would be affected by the forced main sewer.

Although Old Peachtree essentially withdrew the option in the October 9th letter, the County commission ("the Board") nevertheless voted to approve the County's exercise of the option. On December 19, 2007, the County notified Old Peachtree that it was exercising the option to purchase the right of way and easements, and that it was ready to close the transaction. When Old Peachtree failed to proceed with the closing, the County sued for breach of contract and specific performance.[1] Old Peachtree answered alleging that the County failed to satisfy a condition precedent to executing the option agreement, and also counterclaimed for inverse condemnation and fraud.

In the summer of 2009, the parties began to discuss a settlement to resolve the pending litigation. On May 1, 2009, Old Peachtree presented the County with a written offer of settlement. Four days later, however, the Board rejected the offer during an executive session, but authorized the county attorney to present Old Peachtree with a counter-offer of settlement that included the sale of the original 1.857 acres plus an additional 15-acre tract. The County, in a letter dated May 8, 2009, presented Old Peachtree with the counter-offer of settlement. This agreement (hereinafter "the settlement agreement") provided in part:

[1]The County also filed a separate condemnation action against Old Peachtree.

> in an effort to bring to above-referenced matter [the pending litigation], as well as the condemnation matter involving the parties, to a resolution, the Board has authorized the following counter-offer of settlement: . . . The condemnation action involving the . . . 1.867 acres . . . will be resolved for the total amount of $1,100,000 . . . and Old Peachtree Partners, LLC will sell the approximately 15.0 acres of property . . . as referenced in your offer of settlement to Gwinnett County, for $4,875,000 . . . This counter-offer of settlement will remain open for acceptance until May 15, 2009.

Old Peachtree accepted the counter-offer in a teleconference with the assistant county attorney on May 12, 2009. The parties then began preparing the documents that were the subject of the settlement agreement, including a purchase agreement and a mutual release.

On June 2, 2009, the Board held a public meeting. The agenda for that meeting included as an item: "Approval/authorization for Chairman to execute Purchase and Sale Agreement between Gwinnett County, Georgia and Old Peachtree Partners."Old Peachtree signed the purchase agreement and notarized it on June 13, 2009, with the intention of proceeding with the sale of the property. But on August 4, 2009, in an

open session,«**R1.186 ¶45**» the Board voted against the purchase of the property from Old Peachtree.[2]

Following the parties' failure to settle, the County filed a motion for partial summary judgment on their claim that the 2007 option agreement was a valid and binding contract, and that Old Peachtree breached that agreement by failing and refusing to convey the property. Old Peachtree filed a cross-motion for summary judgment on the County's claim for specific performance, arguing that option agreement was unenforceable because the offer was revoked prior to the County's acceptance and because there was a lack of consideration. Old Peachtree later amended its cross-motion for summary judgment to allege that the County breached the 2009 settlement agreement.

The trial court, in denying the cross-motions for summary judgment, ruled that a genuine issue of material fact exists concerning whether the County induced Old

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[2]One of the commissioners deposed that he believed the Board voted against the settlement offer because of an email from the Gwinnett County District Attorney, and a second commissioner deposed that he "felt [the email] to be a consideration." This email, sent to each Board member on June 1, 2009 stated: "Frankly, it is with a great deal of shock that I read this agenda item [(the purchase of Old Peachtree's property)] particularly with what I know about the ownership of the property and in this time of budgetary distress. If this item goes forward tomorrow, you can expect to be explaining this and other recent land purchases to the Grand Jury."

Peachtree to enter into the option agreement by "misrepresenting its intended purpose for acquiring the property and/or whether there was a material change in circumstances such that would entitle [Old Peachtree] to withdraw or rescind the [o]ption [a]greement." The court ruled further that the counter-offer of settlement was conditioned upon the approval by the Board of Commissioners at a public meeting, and that since the Board never approved the settlement agreement, the parties are not bound by the proposed settlement. The court then certified its order for immediate review.

Case No. A11A2097

1. Old Peachtree enumerates as error the trial court's ruling that the settlement agreement was unenforceable.

> Under Georgia law, an agreement alleged to be in settlement and compromise of a pending lawsuit must meet the same requisites of formation and enforceability as any other contract. In this regard, it is well settled that an agreement between two parties will occur only when the minds of the parties meet at the same time, upon the same subject matter, and in the same sense. An answer to an offer will not amount to an acceptance, so as to result in a contract, unless it is unconditional and identical with the terms of the offer. To constitute a contract, the offer must be accepted unequivocally and without variance of any sort.

(Citation and punctuation omitted.) *Powerhouse Custom Homes v. 84 Lumber Co.*, 307 Ga. App. 605, 607 (705 SE2d 704) (2011). "In considering the enforceability of an alleged settlement agreement . . . a trial court is obviously limited to those terms upon which the parties themselves have mutually agreed." (Citation and punctuation omitted.) *Arrow Exterminators v. Gates Condo. Homeowners Assoc.*, 294 Ga. App. 620, 621-622 (1) (669 SE2d 421) (2008). "Whether a settlement is an enforceable agreement is a question of law for the trial court to decide." (Citation omitted.) *USA Manufacturing Corp. v. Perfection-Schwank*, 271 Ga. App. 636, 638 (1) (610 SE2d 600) (2005).

The issue presented here is whether the settlement agreement is enforceable. The County argues that there was no agreement to settle because the requirement that the settlement agreement be approved with a Board vote in a public meeting was a condition precedent that was not satisfied. But as explained below, the requirement that the Board approve the purchase at a public meeting, while provided for in the purchase agreement, was not a condition of the settlement agreement. And it was the Board that in fact, authorized the county attorney to make a counter-offer of settlement with knowledge that the County's duty pursuant to that settlement would

later require the Board's own approval of the purchase agreement by a Board vote in a public meeting.

It is undisputed that the county attorney was authorized to present Old Peachtree with the counter-offer of settlement; the counteroffer letter expressly provided "the Board had authorized the following counter-offer of settlement." Old Peachtree presented uncontradicted evidence that it orally accepted the County's offer by telephone on May 12, 2009. See, e. g., *Smith v. Davis*, 245 Ga. App. 34, 35 n.4 (536 SE2d 261) (2000) (oral acceptance of written offer satisfies statute of frauds). The parties therefore exchanged mutually interdependent promises: the County offered to settle all pending disputes between the parties in exchange for the purchase of Old Peachtree's property, and Old Peachtree accepted the offer, thereby establishing a contract. See also, e. g., *Board of Regents &c v. Doe*, 278 Ga. App. 878, 881 (1) (a) (630 SE2D 85) (2006) ("A contract may be formed . . . when the parties exchange mutually interdependent promises.[Cit.]"); see also *DeRossett Enterprises v. Gen. Elec. Capital Corp.*, 275 Ga. App. 728, 729 (1) (621 SE2d 755) (2005) (acceptance of counter-offer sufficient to create settlement agreement).

Nonetheless, the trial court found, and the County argues, that both parties operated under the assumption that the settlement agreement was conditioned upon

approval in a public meeting based upon emails between the parties and language in the purchase agreement signed by Old Peachtree. On May 14, 2009, the assistant county attorney sent a draft of the purchase agreement by email to counsel for Old Peachtree. The parties discussed proposed changes to the purchase agreement over the next few days, and in an email dated May 26, 2009, counsel for Old Peachtree informed the assistant county attorney, "I would like to have my folks sign [the purchase agreement] before the [c]ommission meeting on June 2nd." In a May 29 email, counsel for Old Peachtree stated that the documents presented by the County (including the purchase agreement, a mutual release, and final consent order) were acceptable and that "My client will sign the [p]urchase and [s]ale [a]greement and drop off to you today." The last line of the purchase agreement provided: "This Agreement is hereby accepted this ___ day of___, 2009, subject to approval by the Gwinnett County Board of Commissioners in a public meeting." And between the spaces provided for the seller's signature and the purchaser's signature was a line that read: "This Agreement approved by the Gwinnett County Board of Commissioners in a public meeting this ___ day of June, 2009." But the emails sent by Old

Peachtree's counsel and Old Peachtree's signature on the purchase agreement tend rather to show that Old Peachtree considered the public vote to be a mere formality.[3]

The Georgia Supreme Court's decision in *Jackson Elec. Membership Corp. v. Georgia Power Co.*, 257 Ga. 772 (364 SE2d 556) (1988), is instructive here. In *Jackson*, an electric membership corporation ("EMC") filed suit contending that it had a contract with a business to supply electricity, and that the business breached the contract. Id. at 772-773. The trial court ruled that because the business had not applied for membership to the EMC as required by the contract, and because the EMC could refuse to accept the business as a member, the "attempt to contract failed due to lack of mutuality of obligation." Id. at 773. On appeal, however, the Georgia Supreme Court ruled that a valid contract existed because the parties had exchanged mutually interdependent promises. Id. at 773-774 (1). The court held that "membership in the corporation is a condition precedent not to the contract but to the

[3]The County also points to the Board's written policy that "while land acquisition may be discussed in a closed meeting, any vote will be taken in a public meeting," and argues that this policy constituted an express limitation on the settlement authority of the county attorney. But this does not affect our analysis here because, while this Board's policy may have been an express limitation on its ability to approve the acquisition of land, it did not constitute an express limitation on the county attorney's authority to make a counter-offer of settlement which was unconditional in this case.

existence and enforcement of an immediate right, that the parties have an implied duty to exercise good faith in accomplishing the condition precedent and that the condition is a mere formality." Id. at 774 (1).

Similarly, in *Doe*, supra, 278 Ga. App. at 878, the Board of Regents authorized Georgia Tech to conduct a search for a new dean. Id. at 879. Georgia Tech conducted the search, offered the position to Doe in a letter that provided that the offer was "tentative pending approval of the Board of Regents," and Doe accepted the offer. Id. Georgia Tech announced that Doe would be the incoming dean, allowed him to meet with faculty concerning administrative matters, and encouraged him to conduct fund-raising activities. Id. When Georgia Tech officials were informed of allegations of inappropriate behavior by Doe, Georgia Tech withdrew the recommendation and the Board did not vote on Doe's approval. Id. at 880. Our court held that "Georgia Tech and Doe formed a contract when they exchanged 'mutually interdependent promises' that contained all of the essential terms of a contract. The provision regarding the Board's approval created an implied duty for both parties to exercise good faith in securing such approval." Id. at 882 (1) (b). Here, as in *Jackson* and *Doe*, a contract was formed between the County and Old Peachtree, and a condition of contract

performance was the approval of the purchase agreement by a Board vote in a public meeting.

Although the trial court's order notes that Old Peachtree took no steps to determine the extent of the county attorney's authority to settle the matter, such steps were not necessary where, as here, the settlement offer plainly states that the Board authorized the counteroffer of settlement, and the county attorney had the authority act on behalf of the county pursuant to a county ordinance. See Gwinnett County Code of Ordinances, Part II, Ch. 2, Art. III, Div. 5, Sec. 2-106 (5) and (10); *DeKalb County v. DRS Investments,* 260 Ga. App. 225, 226-227 (1) (581 SE2d 573) (2003) (county attorney had unconditional authority to bind county pursuant to county ordinance); see also OCGA § 36-60-13 (a) (county authorized to enter into purchase of real property); OCGA § 45-6-5 (powers of public officers are defined by law). Nothing in OCGA § 45-6-5 or *DRS Investments,* supra, mandates a different result, because they do not alter the county attorney's authority to make the settlement offer on behalf of the Board. As we have explained, while a vote in a public meeting was a required formality to effectuate the purchase of the property, the Board's failure complete that formality in good faith when voting in the public meeting cannot destroy an already existing settlement agreement.

The settlement agreement was therefore enforceable, and the trial court erred in denying Old Peachtree's motion for summary judgment on this ground.

2. Old Peachtree also contends that the trial court erred in denying its motion for summary judgment on its assertion that the option agreement is unenforceable. But this claim is rendered moot by our holding in Division 1 that there was a valid settlement agreement to settle the pending claims between the parties, including those arising from the option agreement.

Case No. A11A2150

3. Because we have held in Division 1 that the settlement agreement was enforceable, the County's appeal from the trial court's denial of its motion for summary judgment on its claim that Old Peachtree breached the option agreement is dismissed as moot.

Judgment reversed in part in Case No. A11A2097. Appeal dismissed in Case No. A11A2150. Mikell, P. J. and Miller, J., concur.

Decided March 8, 2012.

Settlement. Gwinnett Superior Court. Before Judge Clark.

Webb, Tanner & Powell, Anthony O. Powell, Balch & Bingham, Malissa Kaufold-Wiggins, Michael J. Bowers, for appellants.

Michael P. Ludwiczak, Karen G. Thomas, Michael V. Stephens, for appellee.

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130324	

☐ Grants ☐ Contracts ☐ Rezoning ☐ Public Hearing

Department:	Planning & Development			Date Submitted:	04/04/2013
Working Session:		Business Session:		Public Hearing:	04/23/2013
Submitted By:	vlharrod			Multiple Depts?	
Budget Type:	Neither			Special Routing:	
Agenda Type	Ratification	Rezoning Type			

Item of Business: Locked by Purchasing: No

of plat approvals for March 1, 2013 thru March 31, 2013

Attachments	Exemption Plats Approved and Final Plat Revisions Approved

Authorization: Chairman's Signature? No

Staff Recommendation	Approval
Department Head	bjlackey (4/5/2013)
Attorney	tacox (4/15/2013)
Attorney's Comments	

Agenda Purpose Only ☒ As To Form ☐ Hold for Pickup? ☐

Financial Services Use Only

Financial Action Requested	

Budgeted	Fund Name	Current Balance	Requested Allocation	Director's Initials
	N/A	*	N/A	ajbovos (4/15/2013)

Finance Comments	* No budget impact.

County Clerk Use Only

PH was Held? ☐

Working Session:

Action: New Item

Tabled:

Motion:

2nd by:

Vote:

Gwinnett County
Department of Planning & Development

Development Cases Issued/Approved

From 3/1/2013 to 3/31/2013

Exemption Plat

CASE NUMBER :	XPL2013-00003	ADDRESS :	5464 WEST UNION GROVE RD, AUBURN, GA 30011	PROJECT :	DON BICKERS
COMMISSION DIST:	3	TOTAL ACRES :	257.57	DEVELOPER	DESIGNER
PARCEL # :	2002 206	DENSITY :	N/A	DONALD S BICKERS DONALD S. BICKERS 1301 TARKLIN VALLEY ROAD KNOXVILLE, TN 37920	CHRIS MOORE CHRISTOPHER E. MOORE & ASSOCIATES, INC. 320 NORTH CLAYTON STREET LAWRENCEVILLE, GA 30045
STATUS :	APPROVED	NO. OF LOTS :	5		
RECEIVED ON :	3/11/2013	OPEN SPACE PROVIDED :	N/A		
ISSUED ON :	3/29/2013	OPEN SPACE % OF TOAL :	N/A		
UNIT :	N/A	PHASE :	N/A		
POD :	N/A	CITY LIMITS :	No		

PROJECT DESCRIPTION : BICKERS, DON (XPL), RA-200, 5 LOTS, 257.57 ACRES, SEPTIC, WALK-THRU

TOTAL FOR : Exemption Plat	**NO. OF CASES : 1**	**NO. OF LOTS : 5**	**TOTAL ACRES : 257.57**

GRAND TOTALS	**NO. OF CASES : 1**	**NO. OF LOTS : 5**	**TOTAL ACRES : 257.57**

Gwinnett County
Department of Planning & Development

From 3/1/2013 to 3/31/2013
Case Status:Final Plat Revisions Approved

Final Plat Revisions Approved

Single Family S/D

PROJECT NAME: ALCOVY FALLS
CASE NUMBER: FPL2006-00103 | COMM DIST 4 | DEVELOPER ROCKHOUSE ROAD LLC
MRN: R5238 004 | NO OF LOTS 178 | P.O. BOX 1326
RECEIVED DATE: 8/29/2006 | ACREAGE 22.30 | LAWRENCEVILLE, GA 30046
REV APPROVED DATE: 3/4/2013 | PHASE
DESIGNER PRECISION PLANNING INC.
P.O. BOX 2210
LAWRENCEVILLE, GA 30046-2210

DESCRIPTION: SINGLE FAMILY SUBDIVISION, UNIT 2, R-ZT PER REZ1999-00130 & CIC2004-00028, 178 LOTS, 22.30 ACRES, SEWER

PROJECT NAME: AUTUMNBROOKE
CASE NUMBER: FPL2005-00162 | COMM DIST 4 | DEVELOPER DOUBLETIME DEVELOPMENT LLC
MRN: R7186 001 | NO OF LOTS 105 | P.O. BOX 1326
RECEIVED DATE: 12/6/2005 | ACREAGE 24.60 | LAWRENCEVILLE, GA 30045
REV APPROVED DATE: 3/13/2013 | PHASE
DESIGNER PRECISION PLANNING INC
P.O. BOX 2210
LAWRENCEVILLE, GA 30046-2210

DESCRIPTION: SINGLE FAMILY SUBDIVISION, R-ZT PER RZM2004-00023, 105 LOTS, 24.60 ACRES, SEWER

PROJECT NAME: BROOKWOOD VILLAGE
CASE NUMBER: FPL2007-00043 | COMM DIST 3 | DEVELOPER BROOKWOOD VENTURES, LLC
MRN: R6068 001 | NO OF LOTS 59 | 4562 LAWRENCEVILLE HWY, STE 201
RECEIVED DATE: 4/3/2007 | ACREAGE 11.01 | LILBURN, GA 30047
REV APPROVED DATE: 3/21/2013 | PHASE
DESIGNER DEVELOPMENT CONSULTANTS GROUP
2400 MEADOWBROOK PKWY
DULUTH, GA 30096

DESCRIPTION: SINGLE FAMILY SUBDIVISION, MUR PER MUR2004-00001, MUR2005-00001 & CIC2006-00018, 59 LOTS, 11.01 ACRES, 4.97 ACRES OPEN SPACE, SEWER

Total for Single Family Subdivision 3 NO. OF LOTS: 342

CASES APPROVED DURING THIS PERIOD 3 NO. OF LOTS: 342

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130385	

☐ Grants ☒ Contracts ☐ Rezoning ☐ Public Hearing

Department:	Police Services			Date Submitted:	04/18/2013
Working Session:		Business Session:		Public Hearing:	04/23/2013
Submitted By:	mbsmith			Multiple Depts?	
Budget Type:	Operating			Special Routing:	
Agenda Type	Approval/authorization	Rezoning Type			

Item of Business: Locked by Purchasing: No

for the Chairman to execute an Agreement with the Gwinnett Sexual Assault Center (GSAC) for the provision of forensic-medical examinations, base amount of $48,000.00 and Case and Records Management Services, not to exceed $117,250.00. Approval for the Chairman to execute any and all related documents subject to approval by the Law Department. This agreement is funded by the Police Special Operations Fund and the General Fund.

Attachments	Agreement
Authorization: Chairman's Signature?	Yes
Staff Recommendation	Approval
Department Head	jamartin (4/18/2013)
Attorney	sjfuller (4/18/2013)
Attorney's Comments	

Agenda Purpose Only ☒ As To Form ☐ Hold for Pickup? ☐

Financial Services Use Only

Financial Action Requested	Upon approval, revenues and appropriations will be adjusted.

Budgeted	Fund Name	Current Balance	Requested Allocation	Director's Initials
	General	* $0	$117,250	ajbovos (4/18/2013)

Finance Comments	* Budget will be established upon execution of the agreement.

County Clerk Use Only

PH was Held? ☐

Working Session	
Action	New Item
Tabled	
Motion	
2nd by	
Vote	

AGREEMENT

This **Agreement** is made this _____ day of _____, 2013 by and between Gwinnett County, Georgia, a political subdivision of the State of Georgia (hereinafter referred to as "County") and the Gwinnett Sexual Assault Center (hereinafter referred to a "GSAC").

WHEREAS, the County desires to have an organization able to provide forensic medical exams and related services on a twenty-four (24) hour, seven (7) days per week basis, and GSAC desires to provide such services;

NOW THEREFORE, in consideration of the mutual benefits flowing to each party, the receipt of which is hereby expressly acknowledged, the parties do hereby agree as follows:

1. **TERM**. The term of this **Agreement** shall be for one (1) year, commencing upon January 1, 2013 and expiring on December 31, 2013, unless extended in accordance with the terms set forth herein.

2. **SERVICES**. GSAC shall provide forensic medical examinations and related services to victims of sexual assault occurring within Gwinnett County and to law enforcement agencies within Gwinnett County. Such services may include, but not be limited to; a 24/7 crisis line, forensic medical examinations, forensic interviews, other forensic services, advocacy, legal advocacy and legal assistance and licensed counseling referrals. GSAC shall provide such services during the

term of this **Agreement** continuously seven (7) days per week, twenty four (24) hours per day.

3. **COMPENSATION**. Contingent upon funding approved by the Gwinnett County Board of Commissioners the parties agree as follows:

a) For each forensic-medical examination arising from an assault/abuse occurring prior to July 1, 2011, GSAC shall invoice and the County shall pay per invoice in full in accordance with Georgia statutory definitions. For each forensic-medical examination (of a victim) arising from a sexual assault/ abuse occurring on or after July 1, 2011, GSAC shall invoice the statutorily mandated payer of services, the State of Georgia, Criminal Justice Coordinating Council, Crime Victims Compensation Emergency Fund, for direct-exam expenses not to exceed one-thousand dollars ($1,000.00) per exam and in accordance with line-item fee definitions and services. This payment is deemed payment in full by the State of Georgia, Criminal Justice Coordinating Council, Crime Victims Compensation Emergency Fund, for defined direct costs of a forensic-medical examination and related services.

b) Forensic-medical examination services of a "non-victim" (e.g., "suspect" perpetrator) are not eligible for payment by the State of Georgia, Criminal Justice Coordinating Council, Crime Victims Compensation Emergency Fund, and

thereby may be invoiced by GSAC in an amount not to exceed $300.00 per exam services, to the law enforcement agency requesting the forensic services.

c) The County shall provide a case and records management fee of $175.00 per victim, for an estimated 670 victims, in an amount not to exceed, One Hundred Seventeen Thousand Two Hundred Fifty & 00/100 ($117,250.00) Dollars to GSAC in 8 equal monthly payments commencing upon May 2013. The parties agree that such disbursements shall not continue beyond the expiration of this **Agreement** unless a new agreement has been entered into by the parties or this **Agreement** is otherwise extended in accordance with the terms hereof.

d) The portion of the compensation paid by the County under paragraph 3. c) represents the County's maximum "flat fee" for GSAC services for the year covered by the term of this **Agreement.** However, GSAC shall provide to the County the actual number of victims case and records management services which were provided under this **Agreement**. The County shall reconcile the actual services with the amount estimated for the calendar year. Any amount paid to GSAC in excess of the actual number of victims case and records management services which were provided shall be reimbursed to the County within 30 days of such reconciliation.

4. **RELATIONSHIP.** GSAC and the County agree that GSAC shall provide services under this **Agreement** exclusively as an independent contractor and that

employees and volunteers of GSAC are neither employees nor agents of Gwinnett County or of any official, office, department or other agency thereof. Neither GSAC nor its employees or volunteers shall have actual or apparent authority to act on behalf or otherwise bind Gwinnett County, its officials, offices, departments or other agencies thereof without the approval of the County's governing authority.

5. **INDEMNIFICATION**. GSAC shall indemnify, defend and hold harmless the County, its agents, employees, departments, officials, elected officials, boards and authorities thereof from any and all claims, damages, judgments, losses, liabilities, costs, expenses, and attorneys' fees arising out of the intentional or negligent acts of GSAC, its agents, contractors, employees or volunteers related directly or indirectly to any activity which is the subject of this **Agreement**.

6. **TERMINATION FOR CAUSE**. The County may immediately terminate this Agreement for cause. Upon receipt of a notice that this **Agreement** has been terminated for cause by the County, GSAC shall not make any further distribution of County funds. Termination for cause will become effective upon either personal delivery of a written intent to terminate to the person designated herein to receive such notice, or upon deposit of the same in the United States Mail. Cause will be determined solely within the discretion of the County, but by way of example, may include (a) use of funds for purposes other than those outlined herein, (b) failure to provide services outlined herein, (c) failure to comply with applicable Federal,

State or local laws or ordinances, or (d) malfeasance by employees or volunteers of GSAC. GSAC shall repay all funds to Gwinnett County which were not utilized for purposes outlined in this **Agreement** and undisbursed funds within sixty (60) days from its receipt of a notice of termination for cause.

7. **TERMINATION WITHOUT CAUSE**. Either party may terminate this **Agreement** upon sixty (60) day written notice to the other. Termination shall be effective on the sixty-first (61st) day following personal delivery or the deposit in the United States Mail of a written notice of intent to terminate. Upon receipt of a notification of termination under this section, GSAC shall not make any further disbursement of the funds provided under this **Agreement** and shall return all undisbursed County funds to the County prior to the conclusion of the sixty (60) day notice period.

8. **TERMINATION FOR CONVENIENCE**. The County may terminate this **Agreement** at any time and without prior notice in the event further appropriations have not been approved by its governing authority or for any other reason as determined by the County within its sole discretion. Upon receipt of a written notice of termination for convenience, the GSAC shall not distribute any further county funds, and shall, within sixty (60) days, return undistributed County funds directly to Gwinnett County.

9. **AUDITS OF COUNTY FUNDS**. The County may, at any time and for any reason, request an audit of expenditures by GSAC to determine how and when funds disbursed by the County under this **Agreement** were utilized. The audit may be performed by the County or its designee and GSAC agrees to make all records and personnel readily available to ensure that any audit requested by the County is undertaken promptly and thoroughly.

10. **LEGAL COMPLIANCE.** GSAC agrees to comply at all times with all applicable Federal, State and local laws and regulations which, by way of example may include the Georgia Open Records Act, HIPAA and similar laws related to medical records and patient privacy and all other laws related to the investigation of sexually related crimes and the rights of victims of such offenses.

11. **AMENDMENTS AND MODIFICATIONS**. No amendment or modification of this **Agreement** shall be effective unless acknowledged in a written amendment signed by the duly authorized representative of both parties expressly stating the intention of each to modify or amend this **Agreement**.

12. **NON-ASSIGNABILITY**. The duties and responsibilities set forth in this **Agreement** may not be assigned without the written consent of the both parties.

13. **NOTIFICATION**. All notices and communications as contemplated by this **Agreement** shall be either by personal delivery or by registered or certified mail, postage prepaid, and addressed as follows:

1. TO GSAC: Ann Burdges
CEO/Executive Director
P.O. Box 1329
3327 Main Street
Duluth, GA 30096-0024

2. TO COUNTY: Glenn Stephens
County Administrator
75 Langley Drive
Lawrenceville, GA 30046

IN WITNESS WHEREOF, this **Agreement** has been approved by the governing bodies of the parties and duly executed by the proper officials of each.

GWINNETT COUNTY, GEORGIA	AGENCY
BY:_____ Charlotte J. Nash, Chairman Board of Commissioners	BY:_____ TITLE:_____
ATTEST:	ATTEST:
_____ County Clerk	_____ TITLE:_____
(SEAL)	(SEAL)

Approved as to form by:

_____
County/Staff Attorney

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130348	

☐ Grants ☐ Contracts ☐ Rezoning ☐ Public Hearing

Department:	Probate Court Judges			Date Submitted:	04/11/2013
Working Session:		Business Session:		Public Hearing:	04/23/2013
Submitted By:	badavidson			Multiple Depts?	
Budget Type:				Special Routing:	
Agenda Type	Approval/authorization		Rezoning Type		

Item of Business: Locked by Purchasing: No

to amend the fiscal year 2013 budget to appropriate funds in the Probate Court to hire four part-time, temporary employees to address unprecedented volume in weapons carry license applications and the backlog of work associated therewith.

Attachments	Justification Memo
Authorization: Chairman's Signature?	Yes
Staff Recommendation	Approval
Department Head	caballar (4/11/2013)
Attorney	jbsavage (4/15/2013)
Attorney's Comments	

Agenda Purpose Only ☒ As To Form ☐ Hold for Pickup? ☐

Financial Services Use Only

Financial Action Requested	Increase Probate Court Judge appropriations by $41,984.00 and increase use of fund balance by $41,984.00.

Budgeted	Fund Name	Current Balance	Requested Allocation	Director's Initials
No	General	*	41,984.00	ajbovos (4/15/2013)

Finance Comments	Upon approval - increase Probate Court Judge appropriations by $41,984 and increase use of Fund Balane by $41,984.

County Clerk Use Only

PH was Held? ☐

Working Session:
Action: New Item
Tabled:
Motion:
2nd by:
Vote:

Probate Court of Gwinnett County

Christopher A. Ballar
Judge

Brook A. Davidson
Chief Clerk

Hillary B. Cranford
Staff Attorney

Jenny Mitchell
Judicial Assistant

TO: Charlotte J. Nash, Chairman, Gwinnett County Board of Commissioners

Jace Brooks, District 1 Commissioner, Gwinnett County Board of Commissioners

Lynette Howard, District 2 Commissioner, Gwinnett County Board of Commissioners

Tommy Hunter, District 3 Commissioner, Gwinnett County Board of Commissioners

John Heard, District 4 Commissioner, Gwinnett County Board of Commissioners

FROM: Christopher A. Ballar, Judge, Probate Court of Gwinnett County

DATE: April 11, 2013

RE: Request for Additional Funding for 4 Part-Time Clerks to Address Weapons Carry License Demand

The purpose of this memo is to request additional funding in order to hire 4 part-time, temporary clerks to work in the Probate Court to address the new demand, as well as the backlog, created by the unprecedented volume of applications for weapons carry licenses. By way of background information, the Probate Court has ministerial duties and judicial duties. The ministerial duties (including, but not limited to, issuing birth and death certificates, marriage licenses, and weapons carry licenses) are concentrated mostly in the Vital Records division of the Court. The judicial duties of the Court, dealing with estate administrations and guardianships and conservatorships, among other things, are concentrated primarily in the Estates division of the Court.

75 Langley Drive
Lawrenceville, GA 30046
(770) 822-8350 phone
(770) 822-8267 fax
www.gwinnettcourts.com

While volume from initial filings is increasing in most divisions of the Probate Court, the largest increase has been in the number of weapons carry license applicants. So far in 2013, the Court has had over 4,500 people apply for weapons carry licenses (through 4/10/2013). Prior to 2013, 2012 saw the largest volume of weapons carry applicants the County has ever seen with 8,306 applicants. Just 3 ½ months into 2013, the Court has processed more than 50% of the total applications from 2012. If these numbers continue the Gwinnett County Probate Court will process over 16,000 weapons carry license applications by the end of 2013. Because of the increase in volume, the Probate Court submitted its largest revenue check to the Gwinnett County treasury in January 2013.

Because of the amount of time and manpower it takes to process weapons carry license applications, all members of the Probate Court staff have had to take on additional responsibilities. The Court does not have the capacity to respond to the demand without hiring additional staff. The staffing situation has undoubtedly affected our turnaround time in processing mail, in microfilming files (required by statute), in processing estates and guardianship files, in processing weapons carry license applications and in nearly all other areas of the Court. It is virtually impossible to remain compliant with the strict statutory time limits for processing weapons carry license applications with the workforce that we have in place now.

The purpose of this memo is to request that the Probate Court budget be amended to allow the hire of 4 part-time employees for a period of six months at a rate of $12.50/hour. This is an additional cost of $39,000 to pay said employees (not including FICA, etc. . .). The court sought an additional $5,000 to set up 2-3 additional computer workstations in cubicles in the Probate Court to accommodate the additional employees. However, with the assistance of Hazel

McMullins and the Human Resources department and the IT department, IT has agreed to loan the Court the equipment necessary to see us through the end of 2013 at no additional cost.

By way of further information, 2 of the new part-time, temporary clerks would work in the Estates division performing the following tasks: estate searches (searching Sustain for opened estate, tilling the search fee), processing request for copies (certified/exemplified copies of letters or files), filing back cases, scanning, issuing Letters of Administration/Testamentary/Temporary Guardianship, processing orders following hearings (making copies, preparing envelopes, stuffing envelopes mailing), receptionist duties (the current receptionist is part time and receives a lunch break and her off day), data entry, assembling marriage and firearms packets, assisting courts compliance officer with mailing out notices, entering microfilm numbers on small cases, pulling cases for the public, picking up and delivering mail to the mailroom, as well as any other tasks that might arise within the scope of the part-time clerks' abilities.

In addition, 2 of the new part-time, temporary clerks would work in the Vital Records division performing the following tasks: preparing envelopes to transmit weapons carry licenses to citizens, taking pictures for weapons carry licenses, data entry, birth, death and marriage mail requests, filling in for intake clerks for lunch and breaks, as well as any other tasks which might arise within the scope of the part-time clerks' abilities. Currently, our weapons carry license processing clerks fill in for our vital records intake clerks when there is a vacancy on the vital records front counter. The part-time employees will be able to fill that role and allow our weapons carry processing clerks to focus on relieving the current backlog and processing new applications.

This temporary assistance would help the Court address the immediate impact of the drastic increase in demand. Further, even if the demand returned to "normal" immediately, the extra employees would be imperative to address the backlog of work in other departments resulting from the current volume of weapons carry licenses. In the meantime, the Court will observe the trends and revisit the need for a permanent solution for 2014. Thank you for your consideration.

Gwinnett County Board of Commissioners Agenda Request

GCID #	Group With GCID #:
20130319	

☐ Grants ☐ Contracts ☐ Rezoning ☐ Public Hearing

Department:	Support Services			Date Submitted:	04/01/2013
Working Session:		Business Session:		Public Hearing:	04/23/2013
Submitted By:	Aaron Bovos			Multiple Depts?	
Budget Type:	Operating			Special Routing:	
Agenda Type	Approval/authorization	Rezoning Type			

Item of Business: Locked by Purchasing: No

for the Chairman to execute a Lease Agreement with New Cingular Wireless PCS, LLC to collocate on a County owned tower and locate site equipment on a portion of County owned property located at 1850 North Brown Road, Lawrenceville, known as "North Brown Road Communications Tower". Contracts to follow approval. Subject to approval by the Law Department. District 1/Brooks

Attachments	Justifcation Letter
Authorization: Chairman's Signature?	Yes
Staff Recommendation	Approval
Department Head	ajbovos (4/1/2013)
Attorney	fsfields (4/3/2013)
Attorney's Comments	

Agenda Purpose Only ☒ As To Form ☐ Hold for Pickup? ☐

Financial Services Use Only

Financial Action Requested	Increase the revenue and increase the contribution to fund balance.

Budgeted	Fund Name	Current Balance	Requested Allocation	Director's Initials
No	Police Fund	*	$27,000	ajbovos (4/3/2013)

Finance Comments	* Upon approval, incorporate FY 2013 revenue in the amount of $18,000 into Police Fund budget. FY 2014 Revenue, in the amount of $9,000, will be incorporated during the budget prep process.

County Clerk Use Only

PH was Held? ☐

Working Session:
Action: New Item
Tabled:
Motion:
2nd by:
Vote:

Department of Support Services
Capital Projects Division

75 Langley Drive • Lawrenceville, GA 30045-6900
(tel) 770.822.7131 • (fax) 770.822.8929

gwinnettcounty

MEMORANDUM

TO: Gwinnett County Board of Commissioners

FROM: Aaron J. Bovos, Deputy County Administrator
County Administrator's Office

SUBJECT: Agenda Item 2013-0319
April 23, 2013 Board of Commissioners Consideration

DATE: April 1, 2013

ITEM OF BUSINESS:
Approval and authorization for the Chairman to execute a Lease Agreement with New Cingular Wireless PCS, LLC to collocate on a County owned tower and locate site equipment on a portion of County owned property located at 1850 North Brown Road, Lawrenceville, known as the "North Brown Road Communications Tower". Contracts to follow approval. Subject to approval by Law Department. District 1/Brooks

BACKGROUND AND DISCUSSION:
In March 2009, the Board of Commissioners adopted an updated Towers and Antennas ordinance and directed the County Administrator to prepare a corresponding policy to allow cellular towers on County property. In April, 2009, CA-ADM-210 "Policy Concerning Placement of Cell Towers on County Property" was approved to allow placement and construction of cell towers on County property if approved by the Board of Commissioners.

The Department of Support Services has received a request from New Cingular Wireless PCS, LLC to collocate cellular equipment on an existing County communications tower located at 1850 North Brown Road, Lawrenceville, known as the "North Brown Road Communications Tower".

IN SUMMARY AND CONCLUSION:
If approved, the lease has a term of five years with three additional five-year terms, and shall commence upon approval by the Board of Commissioners. The ground lease rental amount is $2,250 per month, for a total amount of $27,000 per year with an annual increase of four percent (4%) effective on the first day of January of each year.