

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Numbers: CIC2023-00025 and CIC2023-00026
Current Zoning: M-1 (Light Industry District)
Request: Change in Conditions
Additional Requests: Variance and Waiver
Address: 3044 Winder Highway
Map Number: R5334 001
Site Area: 5.71 acres
Square Feet: 15,282
Proposed Development: Towing/Wrecker Service and Impound Lot
Commission District: District 3 – Commissioner Watkins
Character Area: Innovation District

Staff Recommendation: APPROVAL WITH CONDITIONS

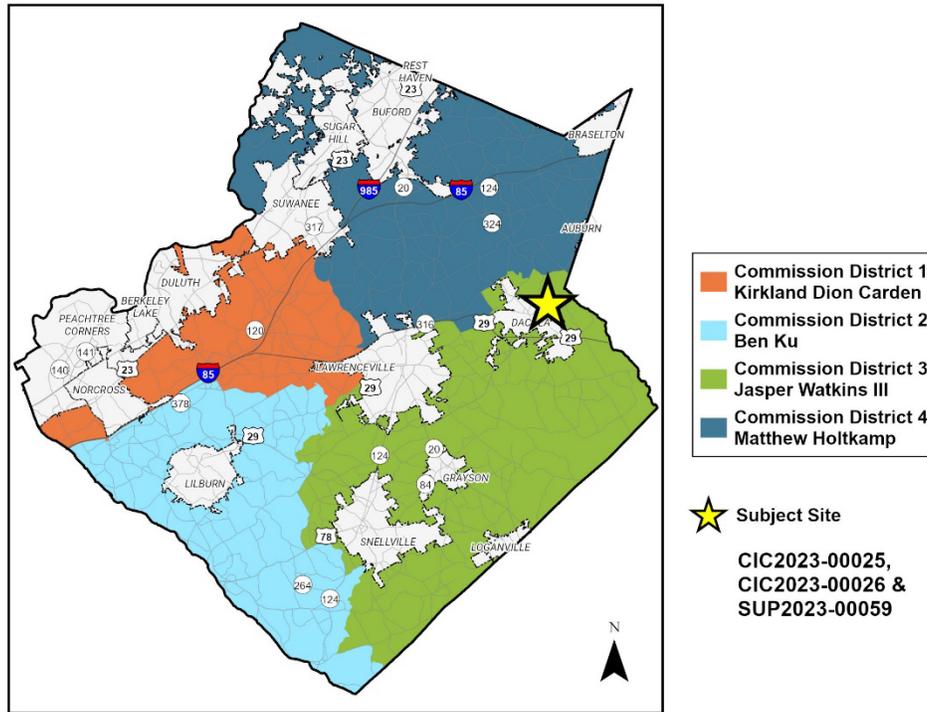
Planning Commission Recommendation: APPROVAL WITH CONDITIONS

Case Number: SUP2023-00059
Current Zoning: M-1 (Light Industry District)
Request: Special Use Permit
Additional Requests: Variances
Address: 3044 Winder Highway
Map Number: R5334 001
Site Area: 5.71 acres
Square Feet: 15,282
Proposed Development: Towing/Wrecker Service and Impound Lot
Commission District: District 3 – Commissioner Watkins
Character Area: Innovation District

Staff Recommendation: APPROVAL WITH CONDITIONS

Planning Commission Recommendation: APPROVAL WITH CONDITIONS

**Planning Commission Advertised Public Hearing Date: 12/5/2023 (Public Hearing Held/
Recommendation Tabled to 1/2/2024)**
**Board of Commissioners Advertised Public Hearing Date: 12/12/2023 (Public Hearing Held/
Recommendation Tabled to 2/27/2024)**



Applicant: Neal Properties, LLC
 3044 Winder Highway
 Dacula, GA 30019

Owners: Southeast Trucking & Trailer Repair, LLC
 3044 Winder Highway
 Dacula, GA 30019

Contact: Nick Neal

Contact Phone: 404.975.7408

Zoning History

The subject property is zoned M-1 (Light Industry District). The Board of Commissioners approved a special use permit for a veterinary clinic in 2005, pursuant to SUP2005-00015. The property was rezoned from RA-200 (Agriculture-Residence District) to M-1 and received a special use permit for a truck maintenance shop in 2019, pursuant to RZC2019-00023 and SUP2019-00082. The requested change in conditions is related to the conditions of RZC2019-00023 and SUP2019-00082.

Existing Site Condition

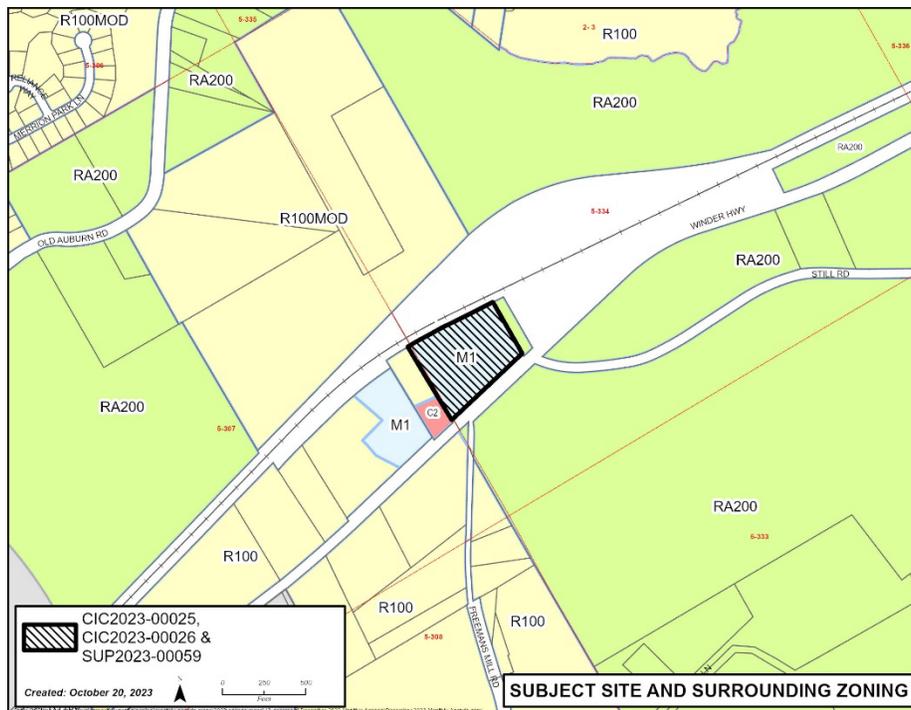
The subject property is a 5.71-acre parcel located along Winder Highway, across from its intersection with Freemans Mill Road. The property is developed with a 15,282 square foot brick building (13,532 square foot office and 1,750 square foot garage) that was constructed in 2010 and expanded in 2022 with two truck repair bays. There is an entrance driveway running parallel to Winder Highway providing access to the building and parking areas. There are 29 existing parking spaces surrounding the building. The property has been cleared and is being used for the outdoor storage of wrecked or impounded trucks and vehicles. The outdoor storage area is partially enclosed and screened by a 6-foot-tall wooden fence. An unenclosed dumpster pad sits in front of the fence behind the parking area. Jasper Road, a gravel road within a 30-foot-wide easement shares the access point to Winder Highway

and traverses beside the western and northern property lines. A detention area is located in the front half of the property behind the fence.

The terrain of the property is gently sloping, with the land rising approximately 20 feet from west to east. The western half of the property drops approximately 10 feet from Winder Highway to the rear property line. The only mature trees are along the northeastern corner of the property. Evergreen trees have been planted along much of the Winder Highway frontage, which does not have sidewalks. The nearest Gwinnett County Transit stop is approximately 7.2 miles from the subject property.

Surrounding Use and Zoning

The subject property is surrounded by non-residential uses in an area that is largely undeveloped. The undeveloped land to the north, south, and east is within the Innovation Overlay District for Rowen, a planned innovation and research development. Property to the west contains an animal hospital and residential buildings. Further to the west, is a similar truck repair use. A single-family residence is located to the east of the property. Railroad right-of-way borders the property to the north, with undeveloped property located beyond the right-of-way. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Towing/Wrecker Service and Impound Lot	M-1	N/A
North	Railroad right-of-way	N/A	N/A
East	Single-Family Residential	RA-200	1.96 units per acre
South	Undeveloped (Rowen)	RA-200	N/A
West	Office	C-2 / R-100	N/A

Project Summary

The applicant requests a change in conditions and special use permit for a 5.71-acre property for a towing/wrecking service and impound lot, including:

- A change in conditions of cases RZC2019-00023 and SUP2019-00082, which have identical conditions. The applicant is requesting the following changes to the approved conditions of both resolutions:
 - Condition 1A., *"Light industrial, office, office/warehouse and accessory uses and structures, which may include a truck maintenance shop as a special use" The applicant is requesting the condition be amended to add "and a towing/wrecker service and impound lot as special uses"*.
 - Condition 1B., *"The property shall not be used as a towing/wrecker service or junk salvage yard."* The applicant is requesting this condition be struck in its entirety.
 - Condition 2A., *"Provide a 50-foot wide buffer adjacent to all residentially zoned property. The buffer shall be increased to 75 feet where adjoining outdoor storage areas. All buffers shall remain undisturbed except for existing driveway and parking encroachments. Where parking and driveway improvements currently exist, additional buffer plantings shall be installed along the property line. Buffer plantings shall be subject to the review and approval by the Director of Planning and Development."* The applicant is requesting this condition be struck in its entirety.
 - Condition 2F., *"Any new dumpster areas shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm."* The applicant is requesting to amend the first sentence to state *"Any new dumpster areas shall be screened by a 100% opaque wooden fence with an opaque metal gate enclosure."*
- Continued operation of the truck maintenance facility located within the existing 1-story brick building with two repair bays.
- Addition of a towing/wrecker service to the truck maintenance shop and office uses within the existing building. The new use would include four tow trucks and four to eight employees.
- A large gravel outdoor storage area to the north and west of the existing building for impounded and wrecked vehicles.
- An existing 6-foot-tall wooden fence around the outdoor vehicle storage area.
- A dumpster enclosure with a 6-foot-tall wooden fence and opaque metal gate.
- Retaining the existing stormwater detention pond in the front half of the property.
- Elimination of the required zoning buffers along the eastern and western property lines against residentially-zoned properties.
- There is an active code enforcement case on the property (CEU2023-07400). A Notice of Violation dated July 2023 identified numerous violations to both the zoning conditions of approval and the Unified Development Ordinance including operating a towing/wrecker service and automobile repair without required special use permits, clearing required buffers, and parking wrecked or impounded vehicles in the dirt. The outcome of the case is pending the approval of these change in conditions and special use permit requests. The complete code enforcement report is shown in Exhibit F.

Zoning and Development Standards

The applicant is requesting a change in conditions and a special use permit for a towing/wrecking service and impound lot on a property zoned M-1 (Light Industry District). The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Existing	Meets Standard?
Building Height	Maximum 45'	<45'	YES
Front Yard Setback	Minimum 50'	>50'	YES
Side Yard Setback	Minimum 25'	>25'	YES
Rear Yard Setback	Minimum 50'	>50'	YES
Parking (13,532 square feet office and 2 truck repair bays)	Minimum 30 spaces Maximum 67 spaces	29 spaces	NO*
Landscape Strip	Minimum 10'	10'	YES
Zoning Buffer (against residential districts)	Minimum 50'	0'	NO**
Zoning Buffer (outdoor storage areas)	Minimum 75'	0'	NO**
Structure Setback	Minimum 5' from buffer	0'	NO**

* The applicant is not compliant with the approved site plan and must comply with these requirements or request a variance from the Zoning Board of Appeals to reduce required parking spaces.

**The applicant has requested a change in conditions and a waiver to the zoning buffer standards.

In addition, the following supplemental use standards apply to outdoor storage:

Standard	Meets Standard?
Outdoor storage shall be set back at least 15 feet from any side or rear property lines.	NO*
Shall not be located within a required front yard.	NO*
Outdoor storage shall not be located in the area between the front of the principal structure and the public street	NO*
Outdoor storage shall be fully screened by a solid wood fence, masonry wall or slatted chain-link fence at least 8 feet in height.	NO*
Materials stored outdoors shall not be placed or stacked at a height exceeding that of the screening fence.	NO*
The setback distance shall be landscaped to provide a year-round vegetative screen.	NO*

*The applicant has requested variances to these provisions.

Variance Requests

In addition to the change in conditions request, the applicant is seeking variances from the following provisions of Title II of the UDO:

1. Section 230-12.13.C Screening.

Dumpsters that are not inside a building shall be surrounded by an opaque enclosure not less than 6 feet in height with access via an opaque metal gate. Dumpster enclosures shall have a finish consistent with the finish materials of the building façade and shall conform substantially with the UDO Design Guidelines Section 220-

30.3.E.; Section 8.0.0 of the Architectural Design Standards for Accessory Structures and Site Accessories; and the UDO Design Guidelines, General Design.

The applicant requests a variance to screen a dumpster enclosure with a wood fence and an opaque metal gate.

2. Section 230-130.4 H. **Outdoor Storage Supplemental Regulations.**

The applicant requests a variance to all supplemental regulations applying to outdoor storage on industrial-zoned property.

Waiver Request

In addition to the change in conditions and special use permit requests, the applicant is seeking a waiver from the following provision of Title III of the UDO:

1. Section 610-20.5. Minimum Buffer Requirements.

A 50-foot-wide undisturbed zoning buffer for M-1 adjacent to RA-200 and R-100 zoned property. Buffer shall increase to 75 feet in width when adjacent to truck docks or outdoor storage areas.

The applicant is requesting to eliminate the required 50 and 75-foot-wide undisturbed zoning buffers adjacent to R-100 zoned properties along the eastern and western property lines. The required 5-foot-wide structure setback against the zoning buffer would also be eliminated because of this request.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit G). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Change in Conditions and Special Use Permit Requests Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, or change in conditions, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. For special use permits, the Department shall also evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

A. Whether a proposed change in conditions and special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The subject property is in an area that is largely undeveloped and adjacent to railroad right-of-way. The request is an expansion of an existing truck maintenance business that has been operating since 2019. A similar truck maintenance business is located just west of the property along Winder Highway. The proposed change in conditions and special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property.

B. Whether a proposed change in conditions and special use permit will adversely affect the existing use or usability of adjacent or nearby property.

Although the proposed towing/wrecking service and impound lot would be suitable for the surrounding area, some of the requested changes to the approved conditions would eliminate zoning provisions, such as required buffers, outdoor storage screening, and dumpster screening that mitigate the visual impacts of the property on the surrounding area. Staff recommends modified conditions to mitigate potential adverse impacts while considering the existing condition of the property.

C. Whether the property to be affected by a proposed change in conditions and special use permit has a reasonable economic use as currently zoned.

The property has a reasonable economic use as currently zoned.

D. Whether the proposed change in conditions and 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.

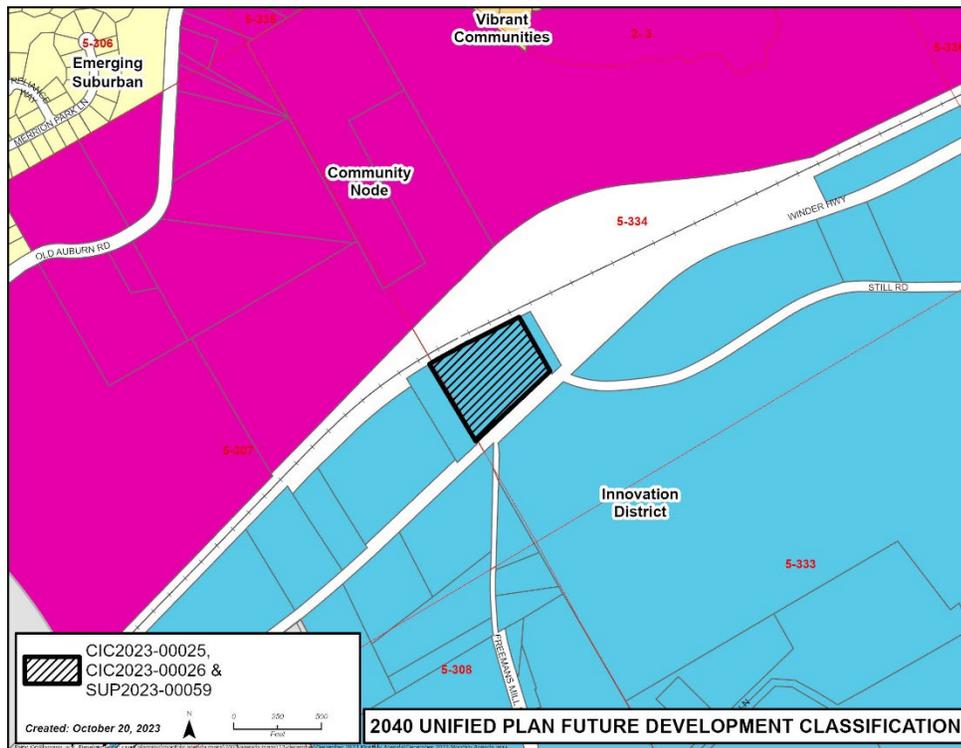
An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this change in conditions and special use permit request are attached (Exhibit G).

E. Whether the proposed change in conditions and special use permit is in conformity with the policy and intent of the Unified Plan and Future Development Map; and

The Innovation District Character Area is intended to accommodate research and development, technological uses, industrial parks, and areas where there are colleges and universities. Therefore, it lies predominately along University Parkway (State Route 316) which has been designated as a Research and Development Corridor by the County. This corridor includes Georgia Gwinnett College, Gwinnett Technical College, Gwinnett Medical Center, and Gwinnett County Airport with Briscoe Field, which serves mainly private aviation and corporate jets. These elements should be supported where appropriate by opportunities for transit-oriented development and high-density mixed-use to support nearby research and development uses.

The Innovation District character area envisions uses that are associated with the Rowen project, which is in its initial stages of development. The proposed towing/wrecking service is an expansion of an existing business that is suitable for the current rural land development pattern where uses that require outdoor storage are often located. It is reasonable to allow

these types of businesses to continue until the market supports redevelopment of the property that is more consistent with the intent of the Unified Plan and Future Development Map.



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

The applicant has cleared the required buffers and expanded business operations to include uses that are explicitly prohibited in the associated conditions of approval. This request provides an opportunity to update the conditions of approval to better address the adverse impacts of the current site conditions while allowing a local business to expand.

Variance Request Analysis: The standards for granting variances are outlined in Section 270-100.7 of the UDO. Staff makes the following findings related to the variance request:

The applicant requests a variance to screen a dumpster enclosure with a wood fence and an opaque metal gate. The Unified Development Ordinance requires the dumpster enclosure to have materials that are consistent with the brick exterior of the existing building. The required brick enclosure would enhance the aesthetics of the property and provide the necessary strength to support a metal gate. The proposed wood fence enclosure would not provide the strength and durability of the required concrete block and brick enclosure.

The applicant requests a variance to all supplemental regulations applying to the outdoor storage of vehicles on industrial-zoned property. The subject property is highly visible from Winder Highway and located across the street from land included as part of the future Rowen development. The outdoor storage supplemental use standards provide the necessary screening to reduce the visual impact on Winder Highway and surrounding properties of the

impounded and wrecked vehicles within the outdoor storage areas. The existing outdoor storage areas are not in compliance with any of these standards, which were in effect at the time when these areas were created without proper approval. Application of these standards would push the outdoor storage areas further away from Winder Highway and surrounding properties and better screen these areas with a taller fence and evergreen vegetation.

Waiver Request Analysis: When considering waivers from Title III of the UDO, staff is required to review whether an undue hardship may result from strict compliance with the regulations and that approval would not adversely affect the general public welfare or nullify the intent of the Development Regulations. In addition, there must be a determination that there are unusual topographical or other exceptional conditions. Staff makes the following findings related to the waiver request:

The applicant is requesting a waiver to eliminate the required 50 and 75-foot-wide undisturbed zoning buffers adjacent to R-100 zoned properties along the eastern and western property lines. The required 5-foot-wide structure setback against the zoning buffer would also be eliminated as a result of this request. The applicant is proposing to strike Condition 2A which reiterates these buffer requirements with the exception of the existing driveway and parking areas that encroach into the required buffer along the eastern property line. The applicant was involved in the 2019 requests for a truck maintenance shop and cleared the buffers within the year following the approval of the rezoning and special use permits that required those buffers. There is sufficient space between the existing wood fence and the eastern property line to provide a replanted buffer in the absence of existing vegetation. In addition, there is sufficient space to provide a replanted buffer to the east of the Jasper Road easement to meet the intent of the buffer requirements. Approval of the requested waiver with conditions of zoning would not adversely affect the general public welfare and nullify the intent of the Development Regulations.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the change in conditions and special use permit requests.

In addition, staff recommends **DENIAL** of the following variances:

1. To enclose a dumpster enclosure with a finish that is not consistent with the finish materials of the building façade.
2. To eliminate the supplemental use standards applying to outdoor storage in industrial zoning districts.

In addition, staff recommends **APPROVAL** of the following waiver:

1. To eliminate the required 50 and 75-foot-wide undisturbed zoning buffers adjacent to R-100 zoned properties along the eastern and western property lines, per conditions of zoning.

Planning Commission Recommendation

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of the change in conditions and special use permit requests.

In addition, the Planning Commission recommends **DENIAL** of the following variance requests:

1. To enclose a dumpster enclosure with a finish that is not consistent with the finish materials of the building façade.
2. To eliminate the supplemental use standards applying to outdoor storage in industrial zoning districts.

In addition, the Planning Commission recommends **APPROVAL** of the following waiver request:

1. To eliminate the required 50 and 75-foot-wide undisturbed zoning buffers adjacent to R-100 zoned properties along the eastern and western property lines, per conditions of zoning.

Planning Commission Recommended Conditions (includes Staff Recommended Conditions, as Amended)

CIC2023-00025

NOTE: The conditions below are those from RZC2019-00023 with suggested changes in bold or strikethrough.

Approval of a change in conditions subject to the following conditions:

1. To restrict the use of the property as follows:
 - A. Light industrial, office, office/warehouse and accessory uses and structures, which may include a truck maintenance shop **and towing/wrecking service and impound lot** as a special uses.
 - B. The property shall not be used as a ~~towing/wrecker service~~ or junk salvage yard.
 - C. The truck maintenance shop shall be for semi-trucks only. Storage/parking of trailers shall be prohibited on site.
 - D. ~~All semi-trucks shall be parked in the rear yard on a paved surface within striped parking spaces, in an enclosed eight-foot tall screening fence. Parking along the Winder Highway frontage and side property line shall be limited to employee and customer vehicles only. Parking within the right of way shall be prohibited.~~
 - E. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on front and sides. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.

- F. Access doors to **the** maintenance shop and **the impound lot** shall be to the rear of the property.
 - G. Outdoor repairs shall be prohibited.
 - H. Truck and trailer sales and/or rental shall be prohibited.**
 - I. There shall be no mobile buildings or storage containers on the site.**
2. To abide by the following site development considerations:
- A. ~~Provide a 25-50-foot wide replanted buffer adjacent to all residentially zoned property. The buffer shall be increased to 75 feet where adjoining outdoor storage areas. All buffers shall remain undisturbed except for existing driveway and parking encroachments. Where parking and driveway improvements currently exist, additional buffer supplemental plantings shall be installed along the property line. Buffer Supplemental plantings shall be subject to the review and approval by the Director of Planning and Development.~~
 - B. **Outdoor storage of vehicles shall comply with all supplemental regulations for outdoor storage in industrial zoning districts of the Unified Development Ordinance.** ~~activities shall be restricted to areas screened on all sides by a 100% opaque fence and gate. The fence height shall be greater than materials and equipment stored in the outdoor storage area. Materials and design of the fence shall be subject to the review and approval by the Director of Planning and Development.~~
 - C. New ground signage shall be limited to monument-type sign(s), and shall be subject to review and approval by the Director of Planning and Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials. Ground signage shall not exceed ten feet in height.
 - D. 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.
 - E. Any new or replacement outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or rights of way.
 - F. ~~Any new dumpster areas shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.~~
 - G. Outdoor loudspeakers shall be prohibited.
 - H. 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.
- J. Outdoor storage of vehicles shall be on a hard surfaced area or all-weather surface as defined by the Unified Development Ordinance to include milling and gravel area.**

CIC2023-00026

NOTE: The conditions below are those from SUP2019-00082 with suggested changes in bold or strikethrough.

Approval of a change in conditions subject to the following conditions:

- 1. To restrict the use of the property as follows:
 - A. Light industrial, office, office/warehouse and accessory uses and structures, which may include a truck maintenance shop as a special use.
 - B. The property shall not be used as a ~~towing/wrecker service~~ or junk salvage yard.
 - C. The truck maintenance shop shall be for semi-trucks only. Storage/parking of trailers shall be prohibited on site.
 - D. All semi-trucks shall be parked in the rear yard on a paved surface within striped parking spaces, in an enclosed eight-foot tall screening fence. Parking along the Winder Highway frontage and side property line shall be limited to employee and customer vehicles only. Parking within the right of way shall be prohibited.
 - E. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on front and sides. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
 - F. Access doors to **the** maintenance shop shall be to the rear of the property.
 - G. Outdoor repairs shall be prohibited.
 - H. Truck and trailer sales and/or rental shall be prohibited.**
 - I. There shall be no mobile buildings or storage containers on the site.**
- 2. To abide by the following site development considerations:
 - ~~A. Provide a 50-foot wide buffer adjacent to all residentially zoned property. The buffer shall be increased to 75 feet where adjoining outdoor storage areas. All buffers shall remain undisturbed except for existing driveway and parking encroachments. Where parking and driveway improvements currently exist, additional buffer plantings shall be installed along the property line. Buffer plantings shall be subject to the review and approval by the Director of Planning and Development.~~
 - B. Outdoor storage of vehicles shall comply with all supplemental regulations for outdoor**

storage in industrial zoning districts of the Unified Development Ordinance. ~~activities shall be restricted to areas screened on all sides by a 100% opaque fence and gate. The fence height shall be greater than materials and equipment stored in the outdoor storage area. Materials and design of the fence shall be subject to the review and approval by the Director of Planning and Development.~~

- ~~C. New ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning and Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials. Ground signage shall not exceed ten feet in height.~~
- D. 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.
- ~~E. Any new or replacement outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or rights of way.~~
- ~~F. Any new dumpster areas shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.~~
- G. Outdoor loudspeakers shall be prohibited.
- ~~H. 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.~~
- J. Outdoor storage of vehicles shall be on a hard surfaced area or all-weather surface as defined by the Unified Development Ordinance to include milling and gravel area.**

SUP2023-00059

Approval of a special use permit for a towing/wrecker service and impound lot subject to the following conditions:

1. To restrict the use of the property as follows:
 - A. Light industrial, office, office/warehouse and accessory uses and structures, which may include a towing/wrecking service and impound lot as a special use.
 - B. The property shall not be used as a junk salvage yard.
 - C. Truck and trailer sales and/or rental shall be prohibited.

- D. Outdoor repairs shall be prohibited.
2. To abide by the following site development considerations:
- A. A land disturbance permit for the towing/wrecking service and impound lot shall be submitted within 90 days of approval of this request.
 - B. ~~Provide a 25-foot-wide replanted buffer adjacent to all residentially zoned property except for existing driveway and parking encroachments.~~ Where parking and driveway improvements currently exist, additional ~~buffer~~ **supplemental** plantings shall be installed along the property line. ~~Buffer~~ **Supplemental** plantings shall be subject to the review and approval by the Director of Planning and Development.
 - C. Outdoor storage of vehicles shall be on a hard surfaced area or all-weather surface as defined by the Unified Development Ordinance **to include milling and gravel area.**
 - D. Outdoor storage of vehicles shall comply with all supplemental regulations for outdoor storage in industrial zoning districts of the Unified Development Ordinance.
 - E. There shall be no mobile buildings or storage containers on the site.
 - 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. Outdoor loudspeakers shall be prohibited.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Pictures
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. Code Enforcement Report (CEU2023-07400)
- G. Internal and External Agency Review Comments
- H. Maps

Exhibit A: Site Visit Photos



View of front of the existing building



View of existing 6' fence along Winder Highway frontage



View of truck repair bays to the rear of the building



View of garages to the eastern side of the building



View of outdoor storage and cleared buffers towards the western property line



View of outdoor storage and cleared buffers towards the eastern property line



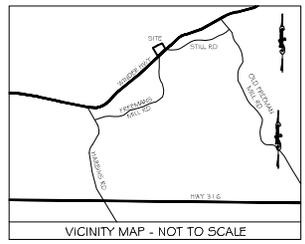
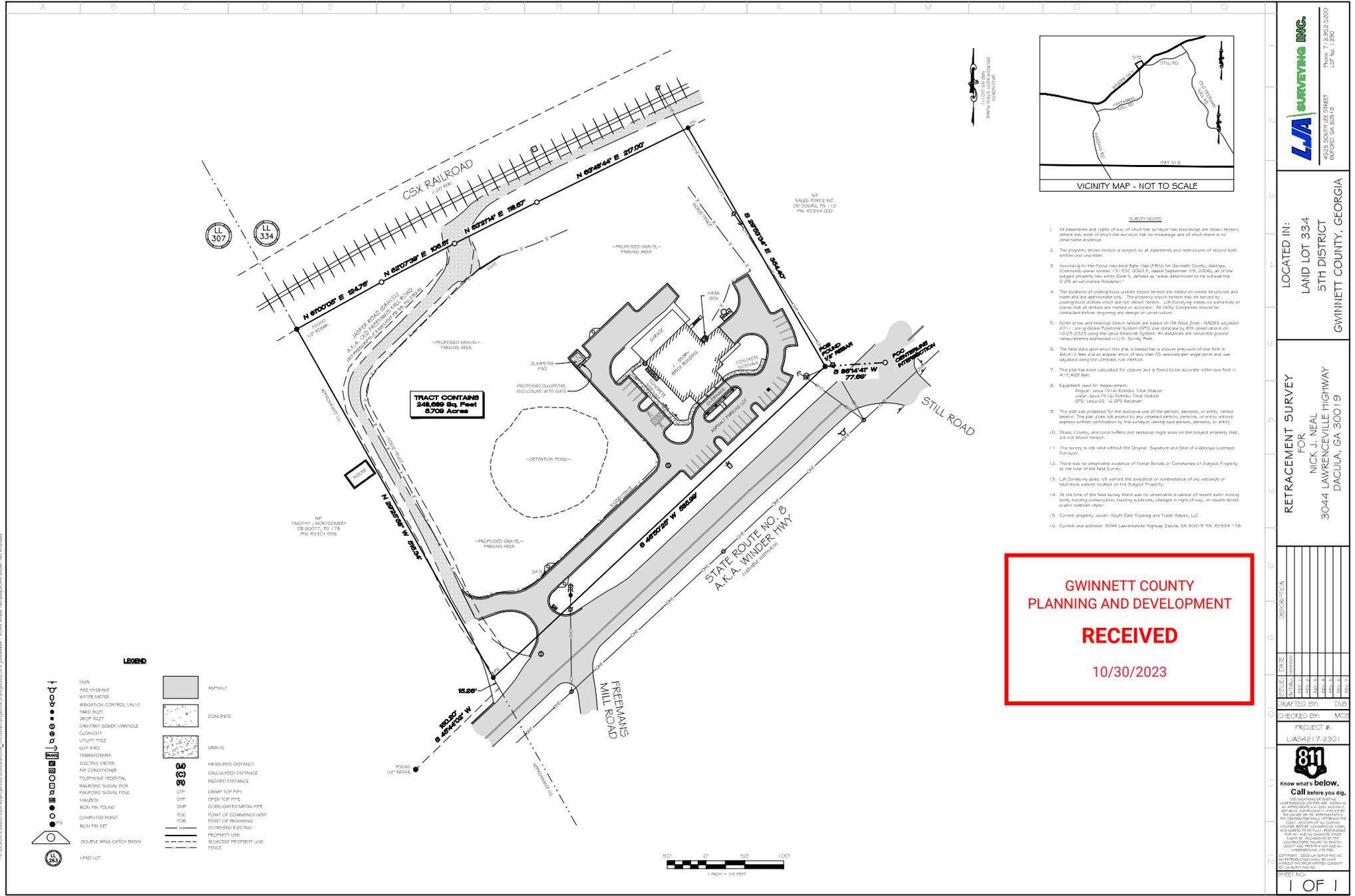
View of existing dumpster pad



View of Winder Highway, subject property on left

Exhibit B: Site Plan

[attached]



- SURVEY NOTES**
- All easements and rights of way, of which the surveyor has knowledge are shown hereon, others may exist of which the surveyor has no knowledge and of which there is no close visual evidence.
 - The property shown hereon is subject to all easements and restrictions of record both written and unwritten.
 - According to the Flood Insurance Rate Map (FIRM) for Gwinnett County, Georgia, (Community-panel number: 19135C-0045-F, dated September 29, 2006), all of the subject property lies within Zone X, which is areas determined to be outside the 0.2% annual chance floodplain.
 - The locations of underground utilities shown hereon are based on visible structures and maps and are approximate only. The property shown hereon may be served by underground utilities which are not shown hereon. LJA Surveying makes no warranties or claims that all utilities are marked or accurate. All Utility Companies should be contacted before beginning any design or construction.
 - North arrow and bearings shown hereon are based on G.A. West Zone - NAD83 Adjusted 2011, Using Global Positioning System (GPS) and closed on by GN, observations on 10-23-2023 using the Leica Distance System. All distances are horizontal ground measurements expressed in U.S. Survey Feet.
 - The field data upon which this plan is based has a closure precision of one foot in 644,412 feet and an angular error of less than 0.5 seconds per angle point and was adjusted using the compass rule method.
 - The plot has been calculated for closure and is found to be accurate within one foot in 417,402 feet.
 - Equipment used for measurement:
 Leica TS 16 GNSS Total Station
 Leica TS 16 GNSS Total Station
 GPS: Leica GS 1-C GPS Receiver
 - The plot was prepared for the exclusive use of the person, persons, or entity named hereon. This plot shall not be used for any other person, persons, or entity without express written certification by the surveyor or naming said person, persons, or entity.
 - State, County, and Local buffers and setback rights exist on the subject property that are not shown hereon.
 - The survey is not valid without the Original Signature and Seal of a Georgia Licensed Surveyor.
 - There was no observable evidence of Human Burials or Remains on Subject Property at the time of the field survey.
 - LJA Surveying does not warrant the existence or nonexistence of any wetlands or hazardous wastes located on the Subject Property.
 - At the time of the field survey there was no observable evidence of recent earth moving work, including construction, habitation activities, changes in right-of-way, or recent distress or other substantial repair.
 - Current property owner: South East Trucking and Trailer Repair, LLC
 - Current parcel address: 3044 Lawrenceville Highway, Duluth, GA 30019 PIN: K0334-176

**GWINNETT COUNTY
PLANNING AND DEVELOPMENT**

RECEIVED

10/30/2023

LEGEND

	SIGN		ASPHALT
	FIRE HYDRANT		CONCRETE
	WATER METER		GRAVEL
	IRRIGATION CONTROL VALVE		MEASURED DISTANCE
	YARD INLET		CALCULATED DISTANCE
	DROP INLET		RECORDED DISTANCE
	SMARTWAY SEWER MANHOLE		CIP
	CLEANOUT		OPEN TOP PIPE
	UTILITY POLE		CORRUGATED METAL PIPE
	GUY WIRE		POINT OF COMMENCEMENT
	TRANSFORMER		POINT OF BEGINNING
	ELECTRIC METER		CORNERED ELECTRIC
	AIR CONDITIONER		PROPERTY LINE
	TELEPHONE pedestal		ADJACENT PROPERTY USE
	RAILROAD SIGNAL POLE		FENCE
	RAILROAD SIGNAL POLE		
	MANHOLE		
	RCN PIN POINT		
	CORNERED POINT		
	RCN PIN SET		
	DOUBLE WING GATCH BASIN		
	LAND LOT		



LJA SURVEYING, INC.
 1000 W. MARKET STREET
 SUITE 200
 LAWRENCEVILLE, GA 30045-6
 PHONE: 770-962-1300
 FAX: 770-962-1300

LOCATED IN:
 LAHD LOT 334
 5TH DISTRICT
 GWINNETT COUNTY, GEORGIA

**RETRACEMENT SURVEY
 FOR
 NICK J. NEAL
 3044 LAWRENCEVILLE HIGHWAY
 Dacula, GA 30019**

DATE	BY	REVISION

PROJECT #:
LIA54217-2301

811
 Know what's below.
 Call before you dig.
 For the purpose of identifying and marking all utilities in an area prior to any excavation project, call 811. This service is provided at no charge to the excavator. It is the responsibility of the excavator to provide the location of all utilities in the area to be excavated. All excavations must be marked and approved by the appropriate utility companies. All excavations must be marked and approved by the appropriate utility companies. All excavations must be marked and approved by the appropriate utility companies.

SHEET NO:
1 OF 1

Exhibit C: Building Pictures

[attached]

RECEIVED

10.16.2023

Front



RECEIVED

10.16.2023

Side



RECEIVED

10.16.2023

Side



RECEIVED

10.16.2023

Fence



RECEIVED

10.16.2023

Side



RECEIVED

10.16.2023

Rear



RECEIVED

10.16.2023

Side



Exhibit D: Letter of Intent and Applicant's Response to Standards

[attached]

RECEIVED

10.30.2023

**COMBINED LETTER OF INTENT FOR CHANGE IN CONDITIONS
AND SPECIAL USE PERMIT APPLICATIONS OF NEAL PROPERTIES, LLC**

Neal Properties, LLC (the “Applicant”), submits this combined Letter of Intent and the attached Change in Conditions and Special Use Permit applications (the “Application”) relative to an approximately 5.71-acre tract of land (the “Property”) located off Winder Highway. The Applicant intends to expand his business by adding towing/wrecker and impound lot services. The Property is currently zoned M-1, and the requested use is compatible with surrounding uses. The Applicant respectfully requests Condition 1(B), 2(F) and 2(A) of RZC2019-00023 and SUP2019-00082 Board of Commissioners Resolution be removed as conditions; and the Applicant requests to expand Condition 1(A) to allow the operation of an impound lot.

The Property was rezoned to its current M-1 zoning classification by the Gwinnett County Board of Commissioners in 2019 pursuant to case numbers RZC2019-00023 and SUP2019-00082 (collectively the “Current Zoning”). The Property is currently permitted for a truck maintenance facility operation. The Property has one building on the Property with four bays in the rear for the truck repairs. There is a paved and striped lot for truck, employee and customer parking. The conditions of the Current Zoning would restrict the Applicant from using the Property as a towing/wrecker and impound lot service. The Applicant intends to use around four tow trucks in his business operations, and employ four to eight employees. Applicant intends to tow vehicles and store them for the police and private property companies. Additionally, the Applicant’s business will provide emergency roadside towing for insurance companies and private individuals. Accordingly, the Applicant respectfully requests to remove Condition 1(B) from both Resolutions of the Current Zoning and to expand Condition 1(A) to allow a towing/wrecker service and impound lot as a special use. The requested change in conditions would allow the Applicant to grow his business.

The Applicant respectfully requests to remove Condition 2(A) from both Resolutions of the Current Zoning; and to revise Condition 2(F) of both Resolutions of the Current Zoning to allow the Applicant to enclose the dumpster with opaque wooden fencing and a metal gate enclosure. It is impossible for the Applicant to provide undisturbed buffers on the Property because the previous owner of the Property cleared all the trees before the Applicant purchased it. The Applicant added the fence after he purchased it. The Applicant could provide landscaped buffers, however, there is an easement for the railway company on or near one of the property lines, and the neighbors to the east and west of the Property dispute the exact location of the remaining

property lines. Requiring the Applicant to include landscaped buffers would result in burdensome conflict. The requested change in conditions would allow the Property to remain in its current state. The dumpster on the Property is set back approximately +/- 278 feet from the centerline of Winder Highway. There are tree plantings on the frontage of the Property along Winder Highway that will provide screening as they mature, and employee and customer parking in front of the dumpster. The Applicant intends to enclose the dumpster with an opaque wooden fencing to match the fencing that surrounds the Property. The dumpster will be enclosed by a metal gate.

In order to use the Property as set forth on the submitted site plan and the Application, the Applicant also requests the following relief from the Unified Development Ordinance (the “UDO”):

- A buffer reduction waiver from UDO Table 610.1 to reduce the required buffer to zero feet.
- A variance from UDO §240-10.3(A) to allow the use of a gravel lot for impound lot parking.
- A variance from UDO Appendix §1.0(8.0.0) to allow the dumpster on the Property to be screened on three sides by an opaque wooden fence with a metal gate enclosure.
- A variance from UDO §230-130.4(H)(a) and (f) to reduce the required set back to zero feet.
- A variance from UDO §230-130.4(H)(d) to reduce the required fence height to six feet.

The proposed uses are consistent with the spirit and intent of the Gwinnett County 2040 Unified Plan (the “2040 Plan”), the M-1 zoning classification, and the conditions of the original zoning and special use permit. The Property is nearby other light industry uses, demonstrating that the proposed uses are appropriate on the Property. The proposed uses are compatible with the adjacent animal hospital, vacant land, and truck repair shop just one parcel over from the Property. The proposed change in conditions are consistent with the provisions of the Unified Development Ordinance (the “UDO”) because such uses are allowed in M-1 with a special use permit. The proposed uses will be conducted in accordance with all other conditions required by the Resolution.

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

Respectfully submitted this 24th day of August, 2023.

NEAL PROPERTIES, LLC

Nick Neal

Nick Neal

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

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

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

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

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

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

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

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

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

- (A) The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The subject Property is currently zoned M-1 and the proposed use is compatible with the current light industrial character of the area.
- (B) The proposed rezoning will not adversely affect the existing use or usability of any of the nearby properties. Rather, the proposed use will complement existing land uses.
- (C) Due to the size, layout, location, and topography of the subject property, the Applicant submits that the subject property does not have reasonable economic use as currently zoned without the requested special use permit and change in conditions.
- (D) The proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems.
- (E) Applicant submits that the proposed use is compatible with the spirit and intent of the Land Use Plan.
- (F) Applicant submits that the light industrial nature of the area provides additional support of this Application.

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

RECEIVED

10.16.2023

CHANGE IN CONDITIONS APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Neal Properties, LLC</u>	NAME: <u>Southeast Trucking & Trailer Repair, LLC</u>
ADDRESS: <u>3044 Winder Highway</u>	ADDRESS: <u>Same as Applicant</u>
CITY: <u>Dacula</u>	CITY: _____
STATE: <u>Georgia</u> ZIP: <u>30019</u>	STATE: _____ ZIP: _____
PHONE: <u>404-975-7408</u>	PHONE: _____
CONTACT PERSON: <u>Nick Neal</u> PHONE: <u>404-975-7408</u>	
CONTACT'S E-MAIL: <u>nealni2003@gmail.com</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
ZONING DISTRICTS(S): <u>M-1</u>	PRIOR ZONING CASE: <u>RZC2019-00023</u>
PARCEL NUMBER(S): <u>R5334 001</u>	ACREAGE: <u>+/- 5.71</u>
ADDRESS OF PROPERTY: <u>3044 Winder Highway</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Strike Condition 1(B), 2(A) and 2(F); expand 1(A) to allow towing/wrecker service and impound lot as a special use</u>	

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>N/A</u>	NO. OF BUILDINGS/LOTS: <u>1</u>
DWELLING UNIT SIZE (Sq. Ft.): <u>N/A</u>	TOTAL GROSS SQUARE FEET: <u>15,282</u>
GROSS DENSITY: <u>N/A</u>	DENSITY: <u>3.01 gross sf per acre</u>
NET DENSITY: <u>N/A</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

10.16.2023

CHANGE IN CONDITIONS APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Neal Properties, LLC</u>	NAME: <u>Southeast Trucking & Trailer Repair, LLC</u>
ADDRESS: <u>3044 Winder Highway</u>	ADDRESS: <u>Same as Applicant</u>
CITY: <u>Dacula</u>	CITY: _____
STATE: <u>Georgia</u> ZIP: <u>30019</u>	STATE: _____ ZIP: _____
PHONE: <u>404-975-7408</u>	PHONE: _____
CONTACT PERSON: <u>Nick Neal</u> PHONE: <u>404-975-7408</u>	
CONTACT'S E-MAIL: <u>nealni2003@gmail.com</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
ZONING DISTRICTS(S): <u>M-1</u>	PRIOR ZONING CASE: <u>SUP2019-00082</u>
PARCEL NUMBER(S): <u>R5334 001</u>	ACREAGE: <u>+/- 5.71</u>
ADDRESS OF PROPERTY: <u>3044 Winder Highway</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Strike Condition 1(B), 2(A) and 2(F); expand 1(A) to allow towing/wrecker service and impound lot as a special use</u>	

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>N/A</u>	NO. OF BUILDINGS/LOTS: <u>1</u>
DWELLING UNIT SIZE (Sq. Ft.): <u>N/A</u>	TOTAL GROSS SQUARE FEET: <u>15,282</u>
GROSS DENSITY: <u>N/A</u>	DENSITY: <u>3.01 gross sf per acre</u>
NET DENSITY: <u>N/A</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

10.16.2023

SPECIAL USE PERMIT APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Neal Properties, LLC	NAME: Southeast Trucking & Trailer Repair, LLC
ADDRESS: 3044 Winder Highway	ADDRESS: Same as Applicant
CITY: Dacula	CITY: _____
STATE: Georgia ZIP: 30019	STATE: _____ ZIP: _____
PHONE: 404-975-7408	PHONE: _____
EMAIL: nealni2003@gmail.com	EMAIL: _____
CONTACT PERSON: Nick Neal PHONE: 404-975-7408	
CONTACT'S E-MAIL: nealni2003@gmail.com	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
EXISTING/PROPOSED ZONING: M-1 BUILDING/LEASED SQUARE FEET: 1,756	
PARCEL NUMBER(S): R5334 001 ACREAGE: +/- 5.71	
ADDRESS OF PROPERTY: 3044 Winder Highway	
SPECIAL USE REQUESTED: Towing/wrecker service and impound lot	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

8.22.2023

CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

Nicholas NEAL

Signature of Applicant

8/17/23

Date

Nicholas NEAL owner

Type or Print Name and Title

Aida Neal

Signature of Notary Public

8/17/23

Date



RECEIVED

8.22.2023

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2020

CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

Nicheles NEAC

Signature of Property Owner

8-17-23

Date

Nicheles NEAC owner

Type or Print Name and Title

Samia Gonsalves

Signature of Notary Public

8-17-23

Date



RECEIVED

8.22.2023

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2020

**VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS**

THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

*** NOTE: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 5 - 334 - 001
(Map Reference Number) District Land Lot Parcel

Nicholas NEAL 4/20/23
Signature of Applicant Date

Nicholas NEAL owner
Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

J. McLuffe TSA
NAME TITLE
4/20/23
DATE

RECEIVED

8.22.2023

SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

Nicholas NEAL

8/17/23

Signature of Applicant

Date

Nicholas NEAL owner

Type or Print Name and Title

Aida Neal

8/17/23

Signature of Notary Public

Date



RECEIVED

8.22.2023

SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

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Nicholas NEAL

8-17-23

Signature of Property Owner

Date

Nicholas NEAL owner

Type or Print Name and Title

Samia Gonsalves

8-17-23

Signature of Notary Public

Date



Notary Seal

RECEIVED

8.22.2023

CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Nicholas NEAL 16 Aug 23 Nicholas NEAL owner
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

Samia Gonsalves 8-17-23
SIGNATURE OF NOTARY PUBLIC DATE



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES NO Nicholas NEAL
YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
<u>Kristine Carden</u>	<u>\$1000.00</u>	<u>2 Aug 23</u>
<u>Niche Henderson</u>	<u>\$1000.00</u>	<u>1 July 23</u>

Attach additional sheets if necessary to disclose or describe all contributions.

RECEIVED

8.22.2023

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2020

**VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS**

THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

*** NOTE: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 5 - 334 - 001
(Map Reference Number) District Land Lot Parcel

Nicholas NEAL 4/20/23
Signature of Applicant Date

Nicholas NEAL owner
Type or Print Name and Title

*****PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.*****

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

J. McLuffe TSA
NAME TITLE
4/20/23
DATE

Exhibit F: Code Enforcement Report (CEU2023-07400)

[attached]

GWINNETT COUNTY

CASE NUMBER : CEU2023-07400

PRIMARY ADDRESS:	3044 WINDER HWY, DACULA, GA 30019
RECEIVED DATE:	7/25/2023
APPLICATION STATUS:	RINSP
DESCRIPTION:	in violation of conditions of zoning and SUP. Cleared property including buffer area.
PARCEL NUMBER:	5334 001
APPLICATION / PROJECT NAME:	

OWNER INFORMATION

OWNER NAME	ADDRESS	PHONE#	CITY/STATE/ZIP
SOUTH EAST TRUCKING & TRAILER REPAIR LLC	PO BOX 2089		DACULA, GA, 30019-0036

CONTACTS INFORMATION

CONTACTS ROLE	NAME	ADDRESS	PHONE#	CITY/STATE/ZIP

CASE INFORMATION

GIS INFO	
ACREAGE:	5.71
CENSUS TRACT:	050608
CODE ENFORCEMENT ZONES:	4B
COMMISSION DISTRICT:	3
GET UPDATED GIS INFO:	NO
LAND USE:	OP
POLICE G ZONES:	4B
POLICE PRECINCT:	4
SUBDIVISION:	UNDEFINED
ZONING DISTRICT:	C2
LOCATION OF VIOLATION	
LOCATION OF VIOLATION:	EXTERIOR
MISCELLANEOUS	
OVERRIDE CITY/COUNTY EXCLUSION?:	NO
ZONING RESOLUTION	
OVERLAY DISTRICT:	UNDEFINED

INSPECTIONS

Inspection	Requested	Scheduled	Completed	Status	Inspector	Comment
Re-Inspection	10/20/2023	11/27/2023	10/20/2023	Scheduled	Marcus Zackery	
Re-Inspection	10/20/2023	11/24/2023	10/20/2023	Scheduled	Marcus Zackery	

GWINNETT COUNTY

CASE NUMBER : CEU2023-07400

Re-Inspection	10/9/2023	10/16/2023	10/20/2023	Extension Granted	Marcus Zackery	Sent a text message to Mr. Neal to inquire about what going on with the meeting with the commissioners. He called me back and informed me that his request is on the November calendar for the County.
Re-Inspection	9/20/2023	9/21/2023	9/22/2023	Further Investigation	Marcus Zackery	JUNK VEHICLES; OUTDOOR STORAGE; CONDITIONS OF ZONING- VIOLATION OF A NUMBER OF CONDITIONS IN SUP - 1B, 1C, 1D, 2A, 2B, 2F. USING PROPERTY AS A SALVAGE / JUNK YARD ; UNDISTURBED BUFFERS ON RIGHT AND LEFT SIDE HAVE BEEN REMOVED ; DOING AUTO REPAIR ON SITE; PROPERTY IS NOT PAVED OR STRIPED. OWNER HAS APPLIED FOR CONDITIONS OF ZONING. MR. NEAL IS WAITING FOR REPLY FROM THE COMMISSIONERS REGARD HIS APPLICATION FOR CHANGE OF CONDITIONS OF HIS ZONE.
Re-Inspection	8/28/2023	9/13/2023	8/28/2023	Extension Granted	Marcus Zackery	Mr. Neal was not available to come by his business for me to take pictures and asked if I could come by tomorrow (09/22/2023).
Re-Inspection	8/23/2023	8/30/2023	8/23/2023	Scheduled	Marcus Zackery	
Re-Inspection	7/26/2023	8/23/2023	8/23/2023	Extension Granted	Marcus Zackery	JUNK VEHICLES; OUTDOOR STORAGE; CONDITIONS OF ZONING- VIOLATION OF A NUMBER OF CONDITIONS IN SUP - 1B, 1C, 1D, 2A, 2B, 2F. USING PROPERTY AS A SALVAGE / JUNK YARD ; UNDISTURBED BUFFERS ON RIGHT AND LEFT SIDE HAVE BEEN REMOVED ; DOING AUTO REPAIR ON SITE; PROPERTY IS NOT PAVED OR STRIPED. OWNER HAS APPLIED FOR CONDITIONS OF ZONING. OWNER HAD THE FIRST INTERVIEW FOR A SUP FOR REZONING HIS PROPERTY.
Re-Inspection	7/26/2023	8/9/2023	7/26/2023	Scheduled	Marcus Zackery	
Initial Inspection	7/26/2023	7/26/2023	7/26/2023	Mailed Official Notice	Thomas Mulheron	NICK NEAL 404-975-7408 JUNK VEHICLES; OUTDOOR STORAGE; CONDITIONS OF ZONING- VIOLATION OF A NUMBER OF CONDITIONS IN SUP - 1B, 1C, 1D, 2A, 2B, 2F. USING PROPERTY AS A SALVAGE / JUNK YARD ; UNDISTURBED BUFFERS ON RIGHT AND LEFT SIDE HAVE BEEN REMOVED ; DOING AUTO REPIAR ON SITE; PROPERTY IS NOT PAVED OR STRIPED. OWNER HAS PRE APPLICATION SCHEDULE FOR 7-28-23 FOR REQUEST TO CHANGE TO CURRENT ZONING / SUP

WORKFLOW HISTORY						
Workflow Task	Assigned	Due	Completed	Status	Inspector	Comment
Enforcement Intake	7/25/2023	7/25/2023	7/25/2023	Complaint Accepted	Thor Neff	

GWINNETT COUNTY

CASE NUMBER : CEU2023-07400

Activity Type	Activity Name	Date	Staff	Activity Description
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Violation Table

Violation Ordinance	Violation Code Section	Violation Code Section	Date of Violation	Compliance Date	Status of Violation
Property Maintenance	14-287JUNK VEHICLES	14-287JUNK VEHICLES	07/26/2023	08/23/2023	Not Met
Property Maintenance	14-289 OPEN OR OUTDOOR STORAGE	14-289 OPEN OR OUTDOOR STORAGE	07/26/2023	08/23/2023	Not Met
Unified Development Ordinance	270-40.4 VIOLATION /CONDITIONS	270-40.4 VIOLATION /CONDITIONS	07/26/2023	08/23/2023	Not Met

Citation Table

Ordinance	Code Section	Date of Citation	Citation Number	Court Date
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DOCUMENTS

Doc Name	File Name	Description	Uploaded By	Uploaded On
photo_20230726_134227_000.jpg	photo_20230726_134227_000.jpg	JUNK VEHICLES, YARD PARKING, BUFFER REMOVED LEFT SIDE	THMULHERON	7/26/2023
photo_20230726_134004_000.jpg	photo_20230726_134004_000.jpg	JUNK VEHICLES, YARD PARKING, BUFFER REMOVED LEFT SIDE	THMULHERON	7/26/2023
photo_20230726_133940_000.jpg	photo_20230726_133940_000.jpg	JUNK VEHICLES, YARD PARKING	THMULHERON	7/26/2023
photo_20230726_133938_000.jpg	photo_20230726_133938_000.jpg	JUNK VEHICLES, YARD PARKING	THMULHERON	7/26/2023
photo_20230726_133936_000.jpg	photo_20230726_133936_000.jpg	JUNK VEHICLES, YARD PARKING	THMULHERON	7/26/2023
photo_20230726_133934_000.jpg	photo_20230726_133934_000.jpg	JUNK VEHICLES, YARD PARKING, BUFFER REMOVED RIGHT SIDE	THMULHERON	7/26/2023
photo_20230726_134147_000.jpg	photo_20230726_134147_000.jpg	JUNK VEHICLES, YARD PARKING, BUFFER REMOVED LEFT SIDE	THMULHERON	7/26/2023
photo_20230726_134138_000.jpg	photo_20230726_134138_000.jpg	JUNK VEHICLES, YARD PARKING	THMULHERON	7/26/2023
photo_20230726_132101_000.jpg	photo_20230726_132101_000.jpg		THMULHERON	7/26/2023
photo_20230726_133855_000.jpg	photo_20230726_133855_000.jpg	RV IN REAR	THMULHERON	7/26/2023
photo_20230823_152417_000.jpg	photo_20230823_152417_000.jpg	NOV	MDZACHERY	8/23/2023
3044 Winder Hwy Pics	3044 Winder Hwy Pictures.pdf		MDZACHERY	8/28/2023
photo_20230922_143054_000.jpg	photo_20230922_143054_000.jpg	front of business	MDZACHERY	9/22/2023
photo_20230922_142938_000.jpg	photo_20230922_142938_000.jpg	automotive shop (passenger)	MDZACHERY	9/22/2023
photo_20230922_142951_000.jpg	photo_20230922_142951_000.jpg	junk vehicles and yard parking	MDZACHERY	9/22/2023
photo_20230922_142933_000.jpg	photo_20230922_142933_000.jpg	junk vehicles and yard parking	MDZACHERY	9/22/2023
photo_20230922_143001_000.jpg	photo_20230922_143001_000.jpg	yard parking and junk vehicles	MDZACHERY	9/22/2023

Comments

View id	Comment	Date
MDZACHERY	Spoke to Brian Ford and he said that its very slim that he will be accepted to change conditions of zoning due to violations under his current zone conditions. He would have to clean up his property first for a chance of the board changing his conditions.	8/28/2023
TDNEFF	Brian Ford in the Planning department, 678-518-6239. Property has a pre-application meeting to Change Conditions of Zoning on Friday 7/28 at 9am. They will need a SUP for some things occurring at property and planning department wants a better idea of what is occurring at the property.	7/25/2023

Exhibit G: Internal and External Agency Review Comments

[attached]



**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:		11.08.23	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcounty.com	
Case Number:		CIC2023-00025 /CIC2023-00026 /SUP2023-0059	
Case Address:		3044 Winder Highway, Dacula, 30019	
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO
1	Winder Highway is a major arterial. ADT = 11,700.		
2	7.2 miles to the nearest transit facility (#2454819) Collins Hill Road and Collins Industrial Way.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		YES	NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021

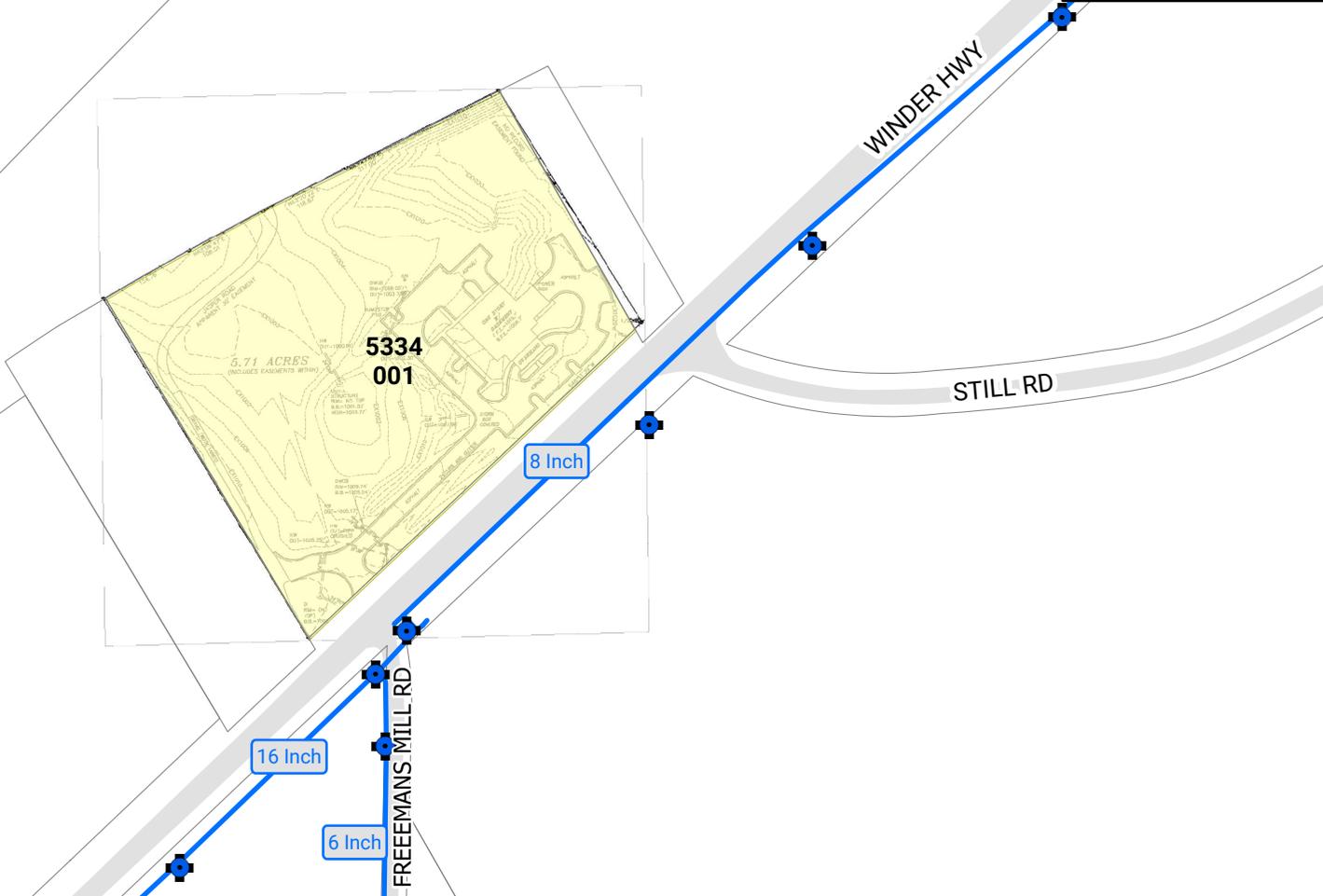


**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:				
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcounty.com		
Case Number:		CIC2023-00025, CIC2023-00026, SUP2023-00059		
Case Address:		3044 Winder Highway		
Comments:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO
1	Water: GCDWR does not have comments for this Change In Conditions and Special Use Permit. The existing building is connected to public water.			
2	Sewer: GCDWR does not have comments for this Change In Conditions and Special Use Permit. The existing building is on septic and will remain on septic.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO
1				
2				
3				
4				
5				
6				
7				

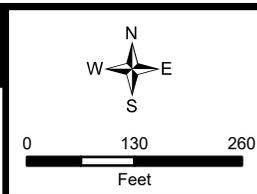
Note: Attach additional pages, if needed

Revised 7/26/2021



3044 Winder Hwy
M-1

Water & Sewer Utility Map



LOCATION



LEGEND

-  Water Main
-  Hydrant

Water Comments: GCDWR does not have comments for this Change In Conditions and Special Use Permit. The existing building is connected to public water.

Sewer Comments: GCDWR does not have comments for this Change In Conditions and Special Use Permit. The existing building is on septic and will remain on septic.

Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County BOC, December, 2023

											Proposed Zoning
	School	2023-24			2024-25			2025-26			Approximate Student Projections from Proposed Developments
		Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	
RZR2023-00003	Grayson HS	3,420	3,000	420	3,506	3,000	506	3,576	3,000	576	35
	Bay Creek MS	1,361	1,150	211	1,380	1,150	230	1,433	1,150	283	26
	Grayson ES	1,049	950	99	1,070	950	120	1,091	950	141	45
RZR2023-00024	Archer HS	3,202	2,575	627	3,250	2,575	675	3,283	2,575	708	6
	McConnell MS	2,111	1,775	336	2,153	1,775	378	2,196	1,775	421	4
	Harbins ES	1,443	1,225	218	1,486	1,225	261	1,531	1,225	306	9
RZR2023-00025	Mill Creek HS	2,685	2,800	-115	2,644	2,800	-156	2,697	2,800	-103	26
	Osborne MS	1,737	1,575	162	1,770	1,575	195	1,833	1,575	258	21
	Duncan Creek ES	1,468	1,300	168	1,500	1,300	200	1,556	1,300	256	36
RZM2023-00021	South Gwinnett HS	2,651	2,750	-99	2,704	2,750	-46	2,758	2,750	8	16
RZM2023-00022	Snellville MS	881	1,625	-744	864	1,625	-761	857	1,625	-768	11
(combined)	Norton ES	944	1,300	-356	953	1,300	-347	968	1,300	-332	21
RZM2023-00023	Lanier HS	1,903	1,900	3	1,920	1,900	20	1,938	1,900	38	17
	Lanier MS	1,334	1,700	-366	1,361	1,700	-339	1,388	1,700	-312	14
	Sugar Hill ES	1,126	1,075	51	1,149	1,075	74	1,171	1,075	96	26



FAX: (770) 513-2187

City of Dacula

442 Harbins Road
P.O. Box 400
Dacula, GA 30019

Phone: (770) 963-7451

November 17, 2023

Gwinnett County Planning and Development
446 West Crogan Street, Suite 300
Lawrenceville, Georgia 30046-2440

RE: Change in Conditions and Special Use Permit applications in close proximity to the City of Dacula –
CIC2023-00025, CIC2023-00026, and SUP2023-00059

The City of Dacula Mayor and City Council have reviewed the CIC2023-00025, CIC2023-00026, and SUP2023-00059 Applications filed with Gwinnett County. The City has several concerns about the Applicant's request to permit a towing/wrecker and impound lot service. The requested use would dramatically increase the intensity of the property use and would have on neighboring parcels and the community. The proposed use would also increase traffic to the subject property, which would adversely impact the Winder Highway at the Freemans Mill Road intersection and Still Road intersection, which currently experiences traffic safety concerns. This intense use is not consistent with the purposes and intent of the County's comprehensive plan or the City's plans for the area.

Additionally, the request to eliminate the landscape buffer, zoning buffer, and set back, would negate the intentions of the UDO to mitigate adverse impacts onto neighboring properties and uses such as the existing residences and animal hospital.

The County has invested significant sums to plan and implement the groundbreaking Rowen project nearby. Rowen will intentionally reshape this area of the County as a cutting edge environmentally conscious employment center. The use proposed in the Applications is entirely incompatible with the aesthetics, infrastructure, and pattern of development the County has worked so carefully to cultivate for Rowen and the surrounding area.

We respectfully request that the Applications be denied.

Sincerely,

Trey King, Mayor
City of Dacula

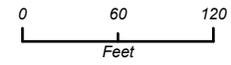
Exhibit H: Maps

[attached]



CIC2023-00025,
CIC2023-00026 &
SUP2023-00059

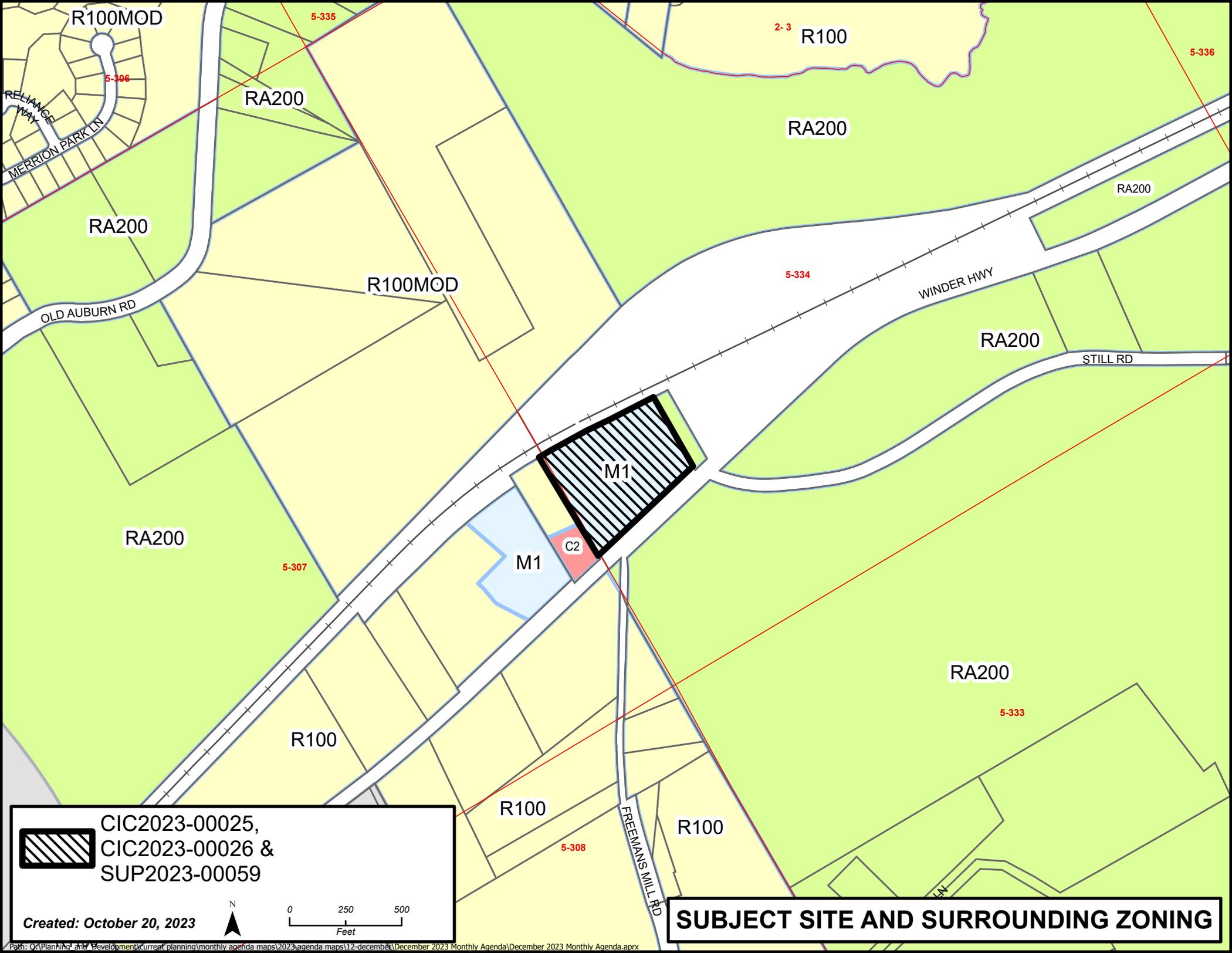
Created: October 20, 2023



FREEMANS
MILL RD

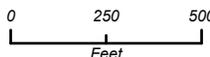
WINDER HWY

STILL RD

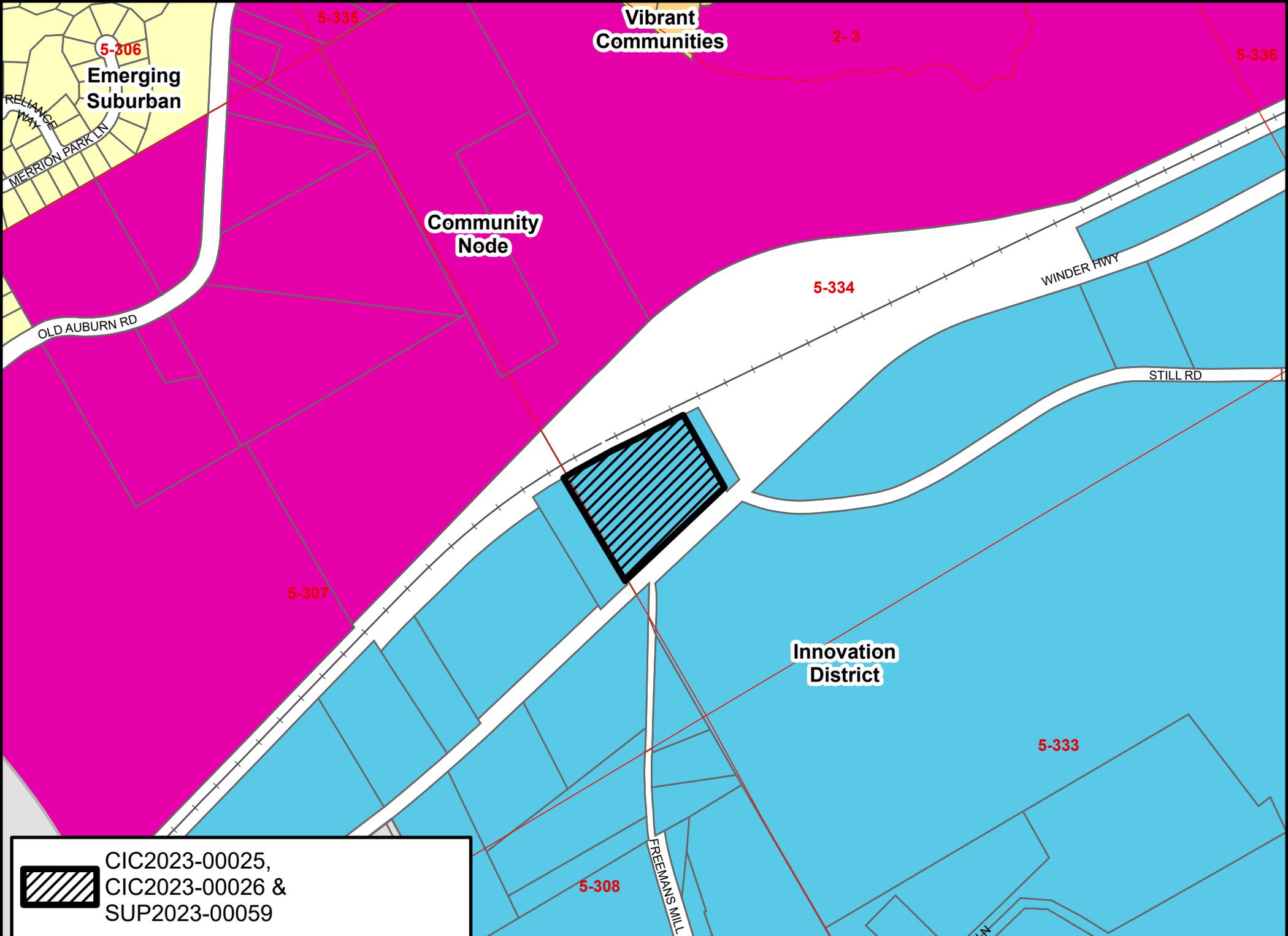


 CIC2023-00025,
CIC2023-00026 &
SUP2023-00059

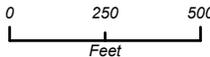
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SUBJECT SITE AND SURROUNDING ZONING




 CIC2023-00025,
 CIC2023-00026 &
 SUP2023-00059

Created: October 20, 2023
 


2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION