

## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** RZC2023-00006  
**Current Zoning:** R-75 (Single-Family Residential District)  
**Request:** Rezoning to M-2 (Heavy Industry District)  
**Additional Requests:** Variances and Waiver  
**Address:** 2900 Block of Gravitt Trail  
**Map Number:** R6260 002  
**Site Area:** 9.77 acres  
**Square Feet:** 672  
**Proposed Development:** Wood Chipping, Shredding, and Log Splitting Facility  
**Commission District:** District 1 – Commissioner Carden  
**Character Area:** Workplace Center

**Staff Recommendation:** APPROVAL WITH CONDITIONS

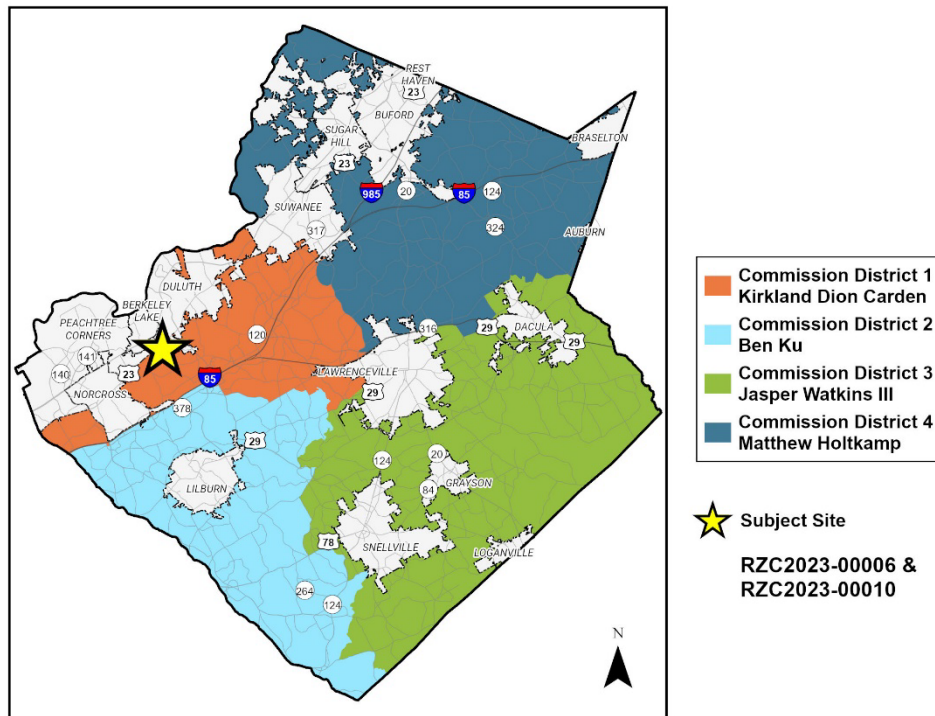
**Planning Commission  
Recommendation:** APPROVAL WITH CONDITIONS

**Case Number:** RZC2023-00010  
**Current Zoning:** C-2 (General Business District) and R-75 (Single-Family Residence District)  
**Request:** Rezoning to C-3 (Highway Business District)  
**Additional Requests:** Variances and Waiver  
**Address:** 4196 Buford Highway  
**Map Number:** R6260 003A  
**Site Area:** 1.67 acres  
**Square Feet:** 456  
**Proposed Development:** Outdoor Display and Sales (Landscape Materials)  
**Commission District:** District 1 – Commissioner Carden  
**Character Area:** Workplace Center

**Staff Recommendation:** APPROVAL WITH CONDITIONS

**Planning Commission  
Recommendation:** APPROVAL WITH CONDITIONS

**Planning Commission Advertised Public Hearing Date:** 4/11/2023 (Public Hearing Held 8/1/2023/  
Recommendation Tabled to 9/5/2023)  
**Board of Commissioners Advertised Public Hearing Date:** 4/25/2023 (Public Hearing Tabled to  
10/24/2023)



**Applicant:** Dean Gates  
7742 Spalding Drive #406  
Norcross, GA 30092

**Owners:** Dean Gates  
7742 Spalding Drive #406  
Norcross, GA 30092

**Contact:** Dean Gates

**Contact Phone:** 770.375.9296

## Zoning History

The subject properties are zoned C-2 (General Business District) along the Buford Highway frontage, and R-75 (Single-Family Residence District) behind the commercial frontage. No prior zoning requests are on record for this property.

## Existing Site Condition

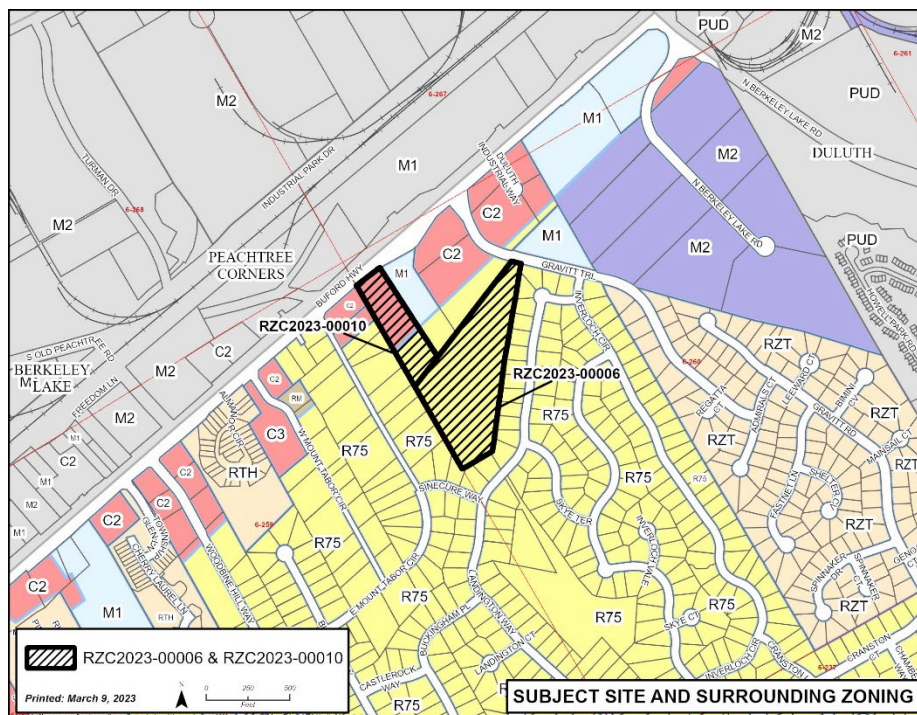
The subject properties consist of two parcels totaling 11.44 acres located along Buford Highway, south of its intersection with Gravitt Trail. The applicant intends to move the shared property line between the parcels from the southern boundary of the Georgia Power right-of-way to its northern boundary. The front parcel will contain 1.67 acres and has frontage along Buford Highway, where there is a sidewalk. The rear parcel will contain 9.77 acres and has frontage along Gravitt Trail, where there is no existing sidewalk. There is a gravel driveway that provides access to Buford Highway from both parcels. Gravitt Trail access is from a gravel driveway that includes a parking area that does not connect through the site to the primary driveway. Overhead power lines bisect the property. The larger parcel is also bisected by a stream that has been partially filled and is wooded along its eastern property line. The front parcel rises approximately 6 to 8 feet from the street level and then slowly slopes downward towards the rear of the property by 10 feet. The rear parcel has more rolling topography with steep

drops into the creek along the eastern portion of the site. The nearest Gwinnett County Transit stop is approximately 560 feet from the site.

The subject properties are the location of an existing wood chipping, shredding, and log splitting facility. The site also includes a large storage area for cars awaiting off-site mechanical or bodywork on the rear parcel, with outdoor pine straw sales located on the front parcel. The rear parcel contains logs awaiting processing and piles of wood chips, mulch, and topsoil awaiting shipment. A small area interior to the property is designated for splitting logs into firewood. There is a mobile office, a storage building, multiple shipping containers, motor homes, tractor trailers, and numerous trucks on the property as part of these operations. There is a paved driveway into the site from Buford Highway, but there are no paved parking areas.

### Surrounding Use and Zoning

The subject properties are adjacent to commercial and light industrial businesses that front Buford Highway, as well as single-family residential subdivisions located along residential streets that are accessed through Gravitt Trail. A single-family residence, place of worship, and a light industrial warehouse are all located across Buford Highway within the City of Peachtree Corners. There are two undeveloped parcels at the corner of Buford Highway and Gravitt Trail that in February 2023, the Board of Commissioners denied a request to rezone from C-2 and R-75 to M-1 (Light Industry District) to allow for a Recovered Materials Processing Facility (RZC2022-00039 and SUP2023-00009). The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Sawmill and Logging Facility, Outdoor Sales and Display	M-2 C-3	N/A
North	Undeveloped Light Industrial Utility Easement	C-2 M-1 R-75	N/A N/A N/A
East	Single-Family Residential	R-75	2.95 units per acre
South	Single-Family Residential	R-75	2.19 units per acre
West	Commercial Single-Family Residential	C-2 R-75	N/A 1.26 units per acre

## Project Summary

The applicant requests rezoning of a 9.77-acre parcel from R-75 to M-2 to allow for the continued operation of an existing wood chipping, shredding, and log splitting facility, including:

- A 672 square foot mobile office.
- A mobile storage building.
- A gravel driveway and parking area accessed from Gravitt Trail.
- Three shipping containers, used for storage of equipment and materials.
- A mulch staging area, a lumber staging area, and a topsoil screening area, and bamboo berms.
- Unpaved truck parking areas located throughout the site.
- A large automobile storage area for vehicles awaiting off-site mechanical or bodywork.
- A 100-foot-wide vegetated buffer along the southern and eastern property lines.
- A 6-foot-tall wooden privacy fence along the eastern property line.
- A Notice of Violation was sent in February 2022 and a citation was issued in March 2022 after non-compliance (CEU2022-00861). A trial began in February 2023 and has been continued pending a Board of Commissioners decision on this subject case. Outstanding violations are related to non-permitted uses, outdoor storage, parking on unpaved surfaces, and junk vehicles. Additional concerns include a lack of running water on the property, encroachment into stream buffers, and sediment impacts on a nearby pond.

In addition, the applicant requests rezoning of a 1.67-acre parcel from C-2 and R-75 to C-3 (Highway Business District) to allow for the continuation of outdoor display and sales of landscape materials including:

- A gravel driveway and parking area accessed from Buford Highway.
- A mobile office.
- A 456 square foot storage building.
- A shipping container, used for storage of landscape materials.
- A 5-foot-high chain link fence along the eastern and western property lines.
- Three truck trailers for storage and sales of landscape supplies.
- A Notice of Violation was issued in February 2022 and a citation was issued in March 2022 after non-compliance (CEU2022-01162). A trial began in February 2023 and has been continued pending a Board of Commissioners decision on this case. Outstanding violations are related to non-permitted uses, setbacks, outdoor storage, parking on unpaved surfaces, and junk vehicles. The storage building on site was deemed uninhabitable by Code Enforcement.



## Zoning and Development Standards

The applicant is requesting a rezoning to M-2 (Heavy Industry District) and to C-3 (Highway Business District). The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

### M-2: Heavy Industrial District

Standard	Required	Proposed	Meets Standard?
Minimum Lot Size	1 acre	9.77 acres	YES
Minimum Lot Width	150'	<150'	NO*
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 (Commercial)	Minimum 1 per 2,000 square feet Maximum 1 per 1,000 square feet	Parking area is unpaved and no parking spaces are delineated	NO**
Landscape Strip	Minimum 10'	0'	NO***
Zoning Buffer	Minimum 100'	100' along eastern line 100' along southern line 0' along western line	YES YES NO****
Structure Setback	Minimum 5' from buffer	>5'	YES
Log Splitting Activity Setback	Minimum 200' from property line	150 feet	NO*****

\* The applicant is requesting a variance from the dimensional lot requirements.

\*\*The applicant is requesting a variance from the off-street parking requirements.

\*\*\* The applicant will be required to demonstrate compliance with landscape strip requirements at the time of permitting.

\*\*\*\* The applicant is requesting a waiver to reduce the zoning buffer.

\*\*\*\*\*The applicant is requesting a variance from the Wood Chipping and Shredding, Log Splitting Facility supplemental use standard.

### C-3: Highway Business District

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	<45'	YES
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	>10'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Parking (Commercial)	Minimum 1 per 500 square feet Maximum 1 per 250 square feet	Parking area is unpaved and no parking spaces are delineated	NO*
Landscape Strip	Minimum 10'	0'	NO**
Zoning Buffer	Minimum 85'	0'	NO***

\* The applicant is requesting a variance from the off-street parking requirements.

\*\* The applicant will be required to demonstrate compliance with landscape strip requirements at the time of permitting.

\*\*\* The applicant requests a waiver to eliminate the zoning buffer.

### **Variance Requests**

In addition to the rezoning requests, the applicant is seeking variances from the following provisions of Title II of the UDO:

1. Chapter 240 - Off-Street Parking Standards, including parking surfaces, parking space requirements, and construction and dimensional requirements of parking areas.
2. Section 230-10, Table 230.3 Dimensional Standards for Non-Residential, HRR, and Mixed-Use Districts

**The required minimum lot width for M-2 zoned property is 150 feet.**

3. Section 230-130 TT. Wood Chipping and Shredding, Log Splitting Facility.

**Such facilities shall not be located closer than 200 feet from residentially-zoned property.**

The applicant requests a variance to all off-street parking standards to continue to allow the parking of vehicles on unpaved surfaces on both the front and rear parcels.

In addition, the applicant is requesting a variance to allow an existing parcel with a lot width of approximately 85 feet to be able to be rezoned to M-2.

Finally, the applicant requests a variance to reduce the required separation of a wood chipping and shredding, log splitting facility to residentially-zoned property from 200 feet to 150 feet.

## Waiver Requests

In addition to the rezoning request, 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. Required buffers shall be provided in conformity with Table 610.0 "Table of Minimum Buffer Requirements".

**A 100-foot-wide undisturbed zoning buffer for M-2 adjacent to R-75 property.**

**A 85-foot-wide undisturbed zoning buffer for C-3 adjacent to R-75 property.**

The applicant requests a waiver to eliminate the required buffer of 100-feet-wide and 85-feet wide where M-2 and C-3 property is adjacent to R-75 along its western property line.

## 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 E). 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

**Rezoning Request Analysis:** According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, 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. After this evaluation, staff makes the following findings based on the standards from the UDO:

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

The proposed rezoning is an attempt to reclassify the zoning to match the property's long-time use as a wood chipping, shredding, and log splitting facility. The use and operation of the property predate zoning and the development of the surrounding single-family subdivisions. With appropriate conditions of approval, the site can be improved to make it more compatible with the surrounding properties while allowing continued operation of the facility.

The front parcel has frontage along Buford Highway, which serves an array of commercial and light-industrial businesses, including those on C-3 zoned land. Conditions of approval would improve the visual impact of the outdoor landscape supply sales business to the surrounding properties.

**B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.**

The property has been in operation as a sawmill and wood processing facility for decades.

Outdoor pine straw sales are operating on the property without an occupational tax certificate. The proposed rezoning provides an opportunity to mitigate some of the more severe adverse impacts from these operations on surrounding residential properties, through conditions of approval.

**C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned.**

The property has a 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.**

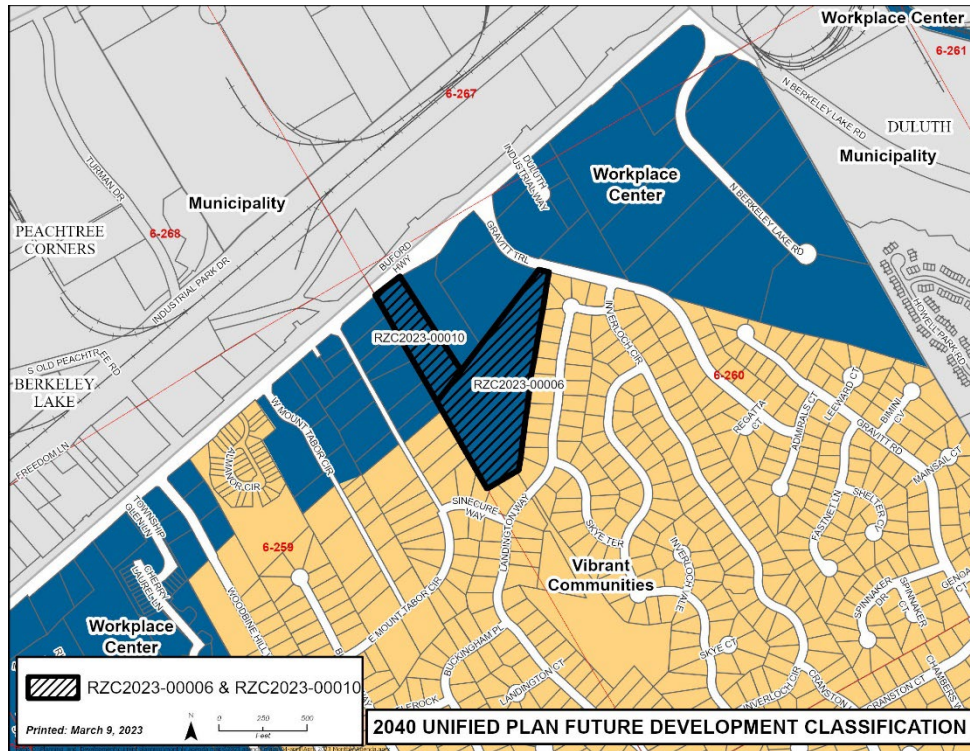
A minimal increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff as the use is existing; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. No impact is anticipated on school enrollment. Conditions of approval would help decrease current burdens on existing facilities. Agency review comments related to any potential improvements concerning this rezoning request are attached (Exhibit E).

**E. Whether the proposed rezoning is in conformity with the policy and intent of the Unified Plan and Future Development Map; and**

The subject properties are located within the Workplace Center Character Area, which is intended to accommodate a mixture of intense non-residential, mixed-use, and high-density residential uses around and near several Regional Activity Centers. Emphasis should be placed on encouraging employment-oriented uses including mid- to high-rise office buildings, industrial parks, and locations for freight oriented and logistic uses, where appropriate.

The large-scale Workplace Center building typology and employment-oriented uses could not be developed without an assemblage of properties along the Buford Highway corridor. At the present time, the existing mix of small-scale commercial and industrial businesses are most suitable along this portion of Buford Highway. It is reasonable to allow these types of businesses to continue until the market supports development that is more consistent with the intent of the Unified Plan and Future Development Map. Furthermore, the Workplace Center Character Area is the most appropriate character area available to locate heavy industrial uses such as a wood chipping, shredding, and log splitting facility.





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

The subject properties have been in operation for several decades and predates both the adoption of County zoning in 1970 and the development of the surrounding single-family residential subdivisions. While the use may have been in operation for decades, current activities and maintenance by the current owner of the site have expanded over the years and do not conform with Gwinnett County standards. The current owner has expanded business operations which allowed additional prohibited uses to occur on the site such as the storage of wrecked vehicles, and short-term parking of tractor trailers. This rezoning provides an opportunity to mitigate some of the more severe adverse impacts to surrounding properties and bring the subject properties into compliance while respecting the longevity of a local business.

**Variance Requests 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 all off-street parking standards to continue to allow the parking of vehicles on unpaved surfaces on both the front and rear parcels. The constant motion of trucks within a wood chipping, shredding, and log splitting facility is more suitable for unpaved parking surfaces. There is no public benefit to compliant parking on the rear industrial parcel and paved areas could reduce stormwater runoff. The front parcel, where commercial activity occurs, is a more recent and a growing business venture. The public is invited to purchase and pick-up outdoor landscaping supplies on the front parcel, and thus should be required to comply with all applicable parking standards.

The applicant requests a variance to the minimum lot width of 150 feet for M-2 zoned property. When measured at the 50-foot setback, the lot width is approximately 85 feet; however, the lot width exceeds 550 feet at its widest point. The wood chipping, shredding, and log splitting facility operations are occurring on the portion of the site that exceeds 150 in width, since a stream separates the more narrow portion of this property from the larger parcel. Maintaining the current lot width would be appropriate.

The applicant requests a variance to reduce the required distance separation of a wood chipping and shredding, log splitting facility from 200 feet to 150 feet. This is an accessory use to the primary use as a wood chipping, shredding, and log splitting facility, and occurs interior to the site. There is a 6-foot-high wooden privacy fence where the property adjoins residential property. The primary business operations located closer to the property line serve as a buffer to the log splitting activities.

**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 requests to eliminate the undisturbed zoning buffer along the western property line adjacent to R-75 zoned parcels. The intent of the buffer regulations is to reduce potential impacts such as noise, light, or dust from more intense development on residential properties. Considering that the sawmill predates the surrounding homes, staff recommends a reduced buffer of 50-feet-wide in place of the required buffers between R-75 property and the sawmill in these areas.

### **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 rezoning requests.

Staff recommends **APPROVAL** of the following variance requests:

1. To reduce the required minimum lot width for M-2 zoned property from 150 feet to approximately 85 feet.
2. To waive the off-street parking standards for the rear parcel where the sawmill and wood processing facility is located.
3. To reduce the required separation distance of a log-splitting facility to residentially-zoned property from 200 feet to 150 feet.

Staff recommends **DENIAL** of the following variance request:

1. To waive the off-street parking standards for the front parcel where the outdoor sales and display is located.

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

1. To reduce the required undisturbed zoning buffers along the western property line of both parcels adjacent to R-75 zoned property to 50-feet-wide.

### **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 rezoning requests.

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

1. To reduce the required minimum lot width for M-2 zoned property from 150 feet to approximately 85 feet.
2. To waive the off-street parking standards for the rear parcel where the sawmill and wood processing facility is located. **No parking of any type shall be allowed on R-75 zoned property.**
3. To reduce the required separation distance of a log-splitting facility to residentially-zoned property from 200 feet to 150 feet.

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

1. To waive the off-street parking standards for the front parcel where the outdoor sales and display is located.

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

1. To reduce the required undisturbed zoning buffers along the western property line of both parcels adjacent to R-75 zoned property to 50-feet-wide.
2. **To eliminate the required undisturbed zoning buffer adjacent to the proposed R-75 and M-2 zoning boundary required by Condition 3 of RZC2023-00006, near the southern and eastern property lines.**

RZC2023-00006:

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

Approval as M-2 (Heavy Industrial District) subject to the following conditions:

1. The sole use of the property shall be for a wood chipping, shredding, and log splitting facility. All other land uses not associated with the operation of the facility, including, but not limited to any vehicle storage areas and commercial truck parking shall not occur on the site. **Disabled, junk, or salvaged vehicles shall not be stored on the property under any circumstances.**

2. All existing structures, including mobile buildings and storage containers, shall be brought up to current codes or removed from the site.
3. **M-2 zoning shall not apply to any portion along the eastern and southern property lines within 100 feet of adjacent R-75 zoned property. This area shall remain zoned R-75 and shall be planted to zoning buffer standards, except for those areas occupied by the existing driveway to Gravitt Trail Road. The final landscape plan shall be subject to the review and approval of the Department of Planning and Development. A complete and accurate legal description of the new zoning district boundaries shall be provided to the Department of Planning and Development by the applicant within 90 days of rezoning approval and prior to any permit approval. The required 100-foot-wide buffer along the eastern and southern property lines shall be re-vegetated to meet the buffer standards of the UDO.**
4. A 50-foot-wide landscaped buffer shall be provided along the western property line.
5. The required stream buffer and impervious area setback shall be restored where streams exist on the property, as approved by the Department of Planning and Development.
6. **All Applicant's access, driveways, and gravel parking areas connected to Gravitt Trail shall may be maintained but will be limited to use for vehicles in Condition 1 above. removed. A minimum 6-foot-tall wooden privacy fence shall be provided along the property frontage of Gravitt Trail not occupied by this driveway, subject to the review and approval of the Department of Planning and Development.**
7. A cross-access easement shall be recorded between the front and rear parcels.
8. Outdoor storage shall meet all standards of the UDO.
9. Hours of operation shall be limited to 7:00 am to 5:00 pm every day.
10. An exemption plat matching the proposed property lines shown in the survey dated received March 13, 2023, must be submitted for review within 90 days of rezoning approval.

RZC2023-00010:

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

Approval as C-3 (Highway Business District), subject to the following conditions:

1. The sole use of the property shall be for outdoor sales of mulch and pinestraw. All other uses, including but not limited to the existing vehicle storage area and commercial truck parking shall not occur on the site. **Disabled, junk, or salvaged vehicles shall not be stored on the property under any circumstances.**
2. All existing structures, including mobile buildings and storage containers, shall be brought up to current codes or removed from the site.
3. A 50-foot-wide landscaped buffer shall be provided along the western property line.



4. A cross-access easement shall be recorded between the front and rear parcels.
5. Off-street parking and drive aisles shall be provided in compliance with the UDO.

**Exhibits:**

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Applicant's Response to Standards
- D. Application and Campaign Contribution Disclosure
- E. Internal and External Agency Review Comments
- F. Maps
- G. Photos Presented by Applicant at August 1, 2023, Planning Commission Public Hearing

## Exhibit A: Site Visit Photos



Front view from Buford Highway



Front parcel (proposed C-3) pine straw sales area





Automobile storage area within power easement



Mobile office on rear parcel (proposed M-2)





Sawmill operations on rear parcel



Mulch area on rear parcel





Truck trailers parked on gravel at Gravitt Trail on rear parcel



Storage containers, RV, and equipment behind mobile office

**Exhibit B: Site Plan**

**[attached]**





# SITE PLAN

4196 Buford Hwy

Duluth, Ga 30096

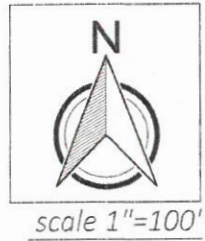
Parcel 1 ID: 6-260 -003A

Lot 1 area: 3.24 Acres

Parcel 2 ID: 6260 002

Lot 2 area: 8.54 Acres

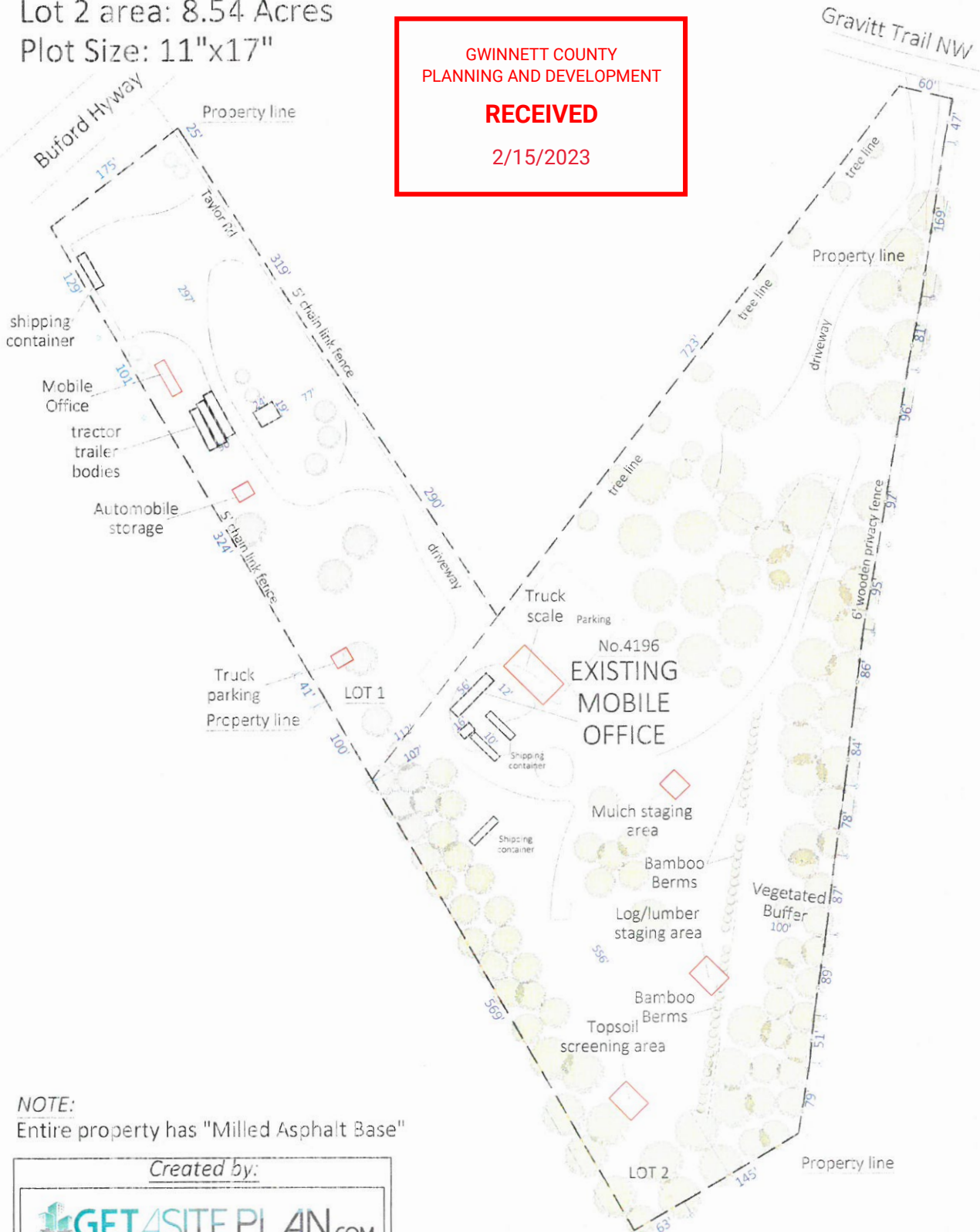
Plot Size: 11"x17"



WINNETT COUNTY  
PLANNING AND DEVELOPMENT

RECEIVED

2/15/2023



## NOTE:

Entire property has "Milled Asphalt Base"

Created by:



RZC2023-00006 and RZC2023-00010

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

**[attached]**

RECEIVED

03/07/2023

### Letter of Intent

Our property has been a woodyard and sawmill since 1959 and when I purchased it in 2015. I continued it's use as the same business and as you may be aware, I was already involved in the industry. The acreage total is 11.4408 and is split in two parcels. The front parcel, R6260-003, bordering Buford Highway is 1.66688 acres and zoned partially C2 and partially R75. We wish to change zoning on the C2 portion of this parcel to C3 as it best fits our current and future use business model. We wish to change zoning of the R75 portion of this parcel to M2 along with the second parcel and have had the surveyor notate this accordingly with his changes. The back parcel with road frontage on Gravitt Trail, referred to as 2900 Block Of Gravitt Trail, is 9.7739 acres is currently zoned R75. We wish to change this parcel's zoning to M2 as it most fits the description of what the operation has done for all of it's years. We actually have tax records showing we were "Zoned commercial" for years, "usage" showing wood yard and lumber storage, as well as a previous appraisal showing it was M2 specifically. Since we are here today I'd like to make this permanent and official. C3 and M2 fits our operation best. Additionally I'd like to request the following: Parcel 6260 003A: Request a waiver to Section 610.20.2 B. to reduce the required buffer against R-75 zoned property to the west from 85 feet to 0 feet. • Parcel 6260 002: Request a waiver to Section 610.20.2 B. to reduce the required buffer against R-75 zoned property to the west from 100 feet to 50 feet.

Our hours of operation are 7am-5pm. The only structures on the property are a 12 x 56 ft mobile office as well as a small storage building approximately 19x24 which has always been used as storage. There are no paved or concrete roads on the property so there are no lines marked off for parking. We are not open to the general public currently, but business to business specifically. I currently park all of my trucks, equipment, containers full of my tools we use. I have a couple of friends/associates that also park their trucks at my yard. We bring our mulch back in, make a big pile and ship a few tractor trailer loads or so per week. These wood chips are driven up 85N to a papermill to make electricity. We also store and sell topsoil. We split firewood and sell it. We have one gentleman who temporarily stores cars waiting on a body shop or a mechanic. None of these cars sit for long and certainly not permanently. So for these reasons we believe M2 should be the suited and requested zoning for parcel R6260-002.

RECEIVED

2/15/2023

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

Yes! our products come from nature & we have natural buffers/trees & vegetation  
Trees and plants between us & neighbors

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

No Neg effects whatsoever

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

It's currently R75 when Everything around it on the Mahrd is C2, M1 or M2 and no Residential. Only the subdiv behind us.  
Never should have been zone R75 in first place.

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

No excessive or burdensome use at all.

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

Will be in conformity. M2 use Specifically

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

Property has been a woodyard & sawmill since 1959. We have continued this same use and are successful; thank the Lord. We have employees that work for us here for 15-18 years. Each one has depended on us this long. We are respectful of all of our neighbors needs or concerns. Our hours of operation are a consistent 7am - 5pm We're the Good Neighbor

**Exhibit D: Application and Campaign Contribution Disclosure**

**[attached]**



RECEIVED

03/16/2023

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 10/2021

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Dean Gates</u>	NAME: <u>* Same Info as</u>
ADDRESS: <u>7742 Spalding Dr #406</u>	ADDRESS: <u>Applicant</u>
CITY: <u>Norcross</u>	CITY: _____
STATE: <u>Ga</u> ZIP: <u>30092</u>	STATE: _____ ZIP: _____
PHONE: <u>770-3759296</u>	PHONE: _____
EMAIL: <u>timberlineexperttree@yahoo.com</u>	EMAIL: _____
CONTACT PERSON: <u>Dean Gates</u>	PHONE: _____
CONTACT'S E-MAIL: <u>timberlineexperttree@yahoo.com</u>	
<p>APPLICANT IS THE:</p> <p><input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER</p>	
PRESENT ZONING DISTRICT(S): <u>R75</u> REQUESTED ZONING DISTRICT: <u>M2</u>	
PARCEL NUMBER(S): <u>R6260 002</u> ACREAGE: <u>8.54</u> <u>11.44</u>	
ADDRESS OF PROPERTY: <u><del>#196 Taylor Rd</del> 2900 Block of Gravit Trail</u>	
PROPOSED DEVELOPMENT: <u>Wood, mulch &amp; soil storage &amp; processing, parking, storage of equipment, trucks, tools &amp; cars</u>	
<p>RESIDENTIAL DEVELOPMENT</p> <p>No. of Lots/Dwelling Units _____</p> <p>Dwelling Unit Size (Sq. Ft.): _____</p> <p>Gross Density: _____</p> <p>Net Density: _____</p>	<p>NON-RESIDENTIAL DEVELOPMENT</p> <p>No. of Buildings/Lots: <u>1</u></p> <p>Total Building Sq. Ft. <u>672<sup>sq</sup>ft</u></p> <p>Density: _____</p>

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

03/16/2023

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 10/2021

**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Dean Gates</u>	NAME: <u>Dean Gates</u>
ADDRESS: <u>7742 Spalding Dr #406</u>	ADDRESS: <u>7742 Spalding Dr #406</u>
CITY: <u>Norcross</u>	CITY: <u>Norcross</u>
STATE: <u>Ga</u> ZIP: <u>30092</u>	STATE: <u>Ga</u> ZIP: <u>30092</u>
PHONE: <u>770-375-9296</u>	PHONE: <u>770-375-9296</u>
EMAIL: <u>timberlineexperttree@yahoo.com</u>	EMAIL: <u>timberlineexperttree@yahoo.com</u>
CONTACT PERSON: <u>Dean Gates</u>	PHONE: <u>770-375-9296</u>
CONTACT'S E-MAIL: <u>timberlineexperttree@yahoo.com</u>	

APPLICANT IS THE:

☐ OWNER'S AGENT ☒ PROPERTY OWNER ☐ CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): C2 #R75 REQUESTED ZONING DISTRICT: C3

PARCEL NUMBER(S): R6260 003A ACREAGE: 2.99 1.67

ADDRESS OF PROPERTY: 4196 Buford Hwy

PROPOSED DEVELOPMENT: Sales: Firewood, Pile straw, Mulch, Topsoil, Wood works  
splitting firewood

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>456<sup>sqft</sup></u>
Gross Density: _____	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED



RECEIVED

2/15/2023

REZONING 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.

Dean Gates

Signature of Applicant

2/8/23

Date

Dean Gates owner

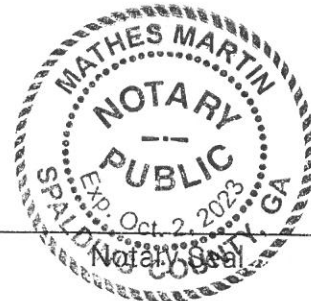
Type or Print Name and Title

maths martin

Signature of Notary Public

2-14-23

Date



**RECEIVED**

2/15/2023

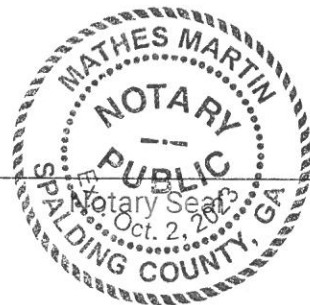
**REZONING PROPERTY OWNER'S CERTIFICATION**

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.

Dean Gates 2/14/23  
Signature of Property Owner Date

Dean Gates  
Type or Print Name and Title

mathes martin 2-14-23  
Signature of Notary Public Date



**RECEIVED**

2/15/2023

**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

The undersigned below, making application for a Rezoning, 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.

Dean Gates 2/1/23 Dean Gates 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

maths martin 2-14-23  
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 Dean Gates  
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)

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



RECEIVED

03/07/2023

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 10/2021

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. 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:  
(Map Reference Number)

1 - R6260-002  
District Land Lot Parcel

Dean Gates  
Signature of Applicant

2/24/23  
Date

Dean Gates 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)

Vickie Schoby  
NAME

TSA II  
TITLE

2/24/2023  
DATE

RECEIVED

03/07/2023

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. 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: 1 - R6260-003A  
(Map Reference Number) District Land Lot Parcel

Dean Gates 2/24/23  
Signature of Applicant Date

Dean Gates 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)

Rickie Schokry TSA II  
NAME TITLE  
2/24/2023  
DATE

**Exhibit E: Internal and External Agency Review Comments**

**[attached]**



Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE

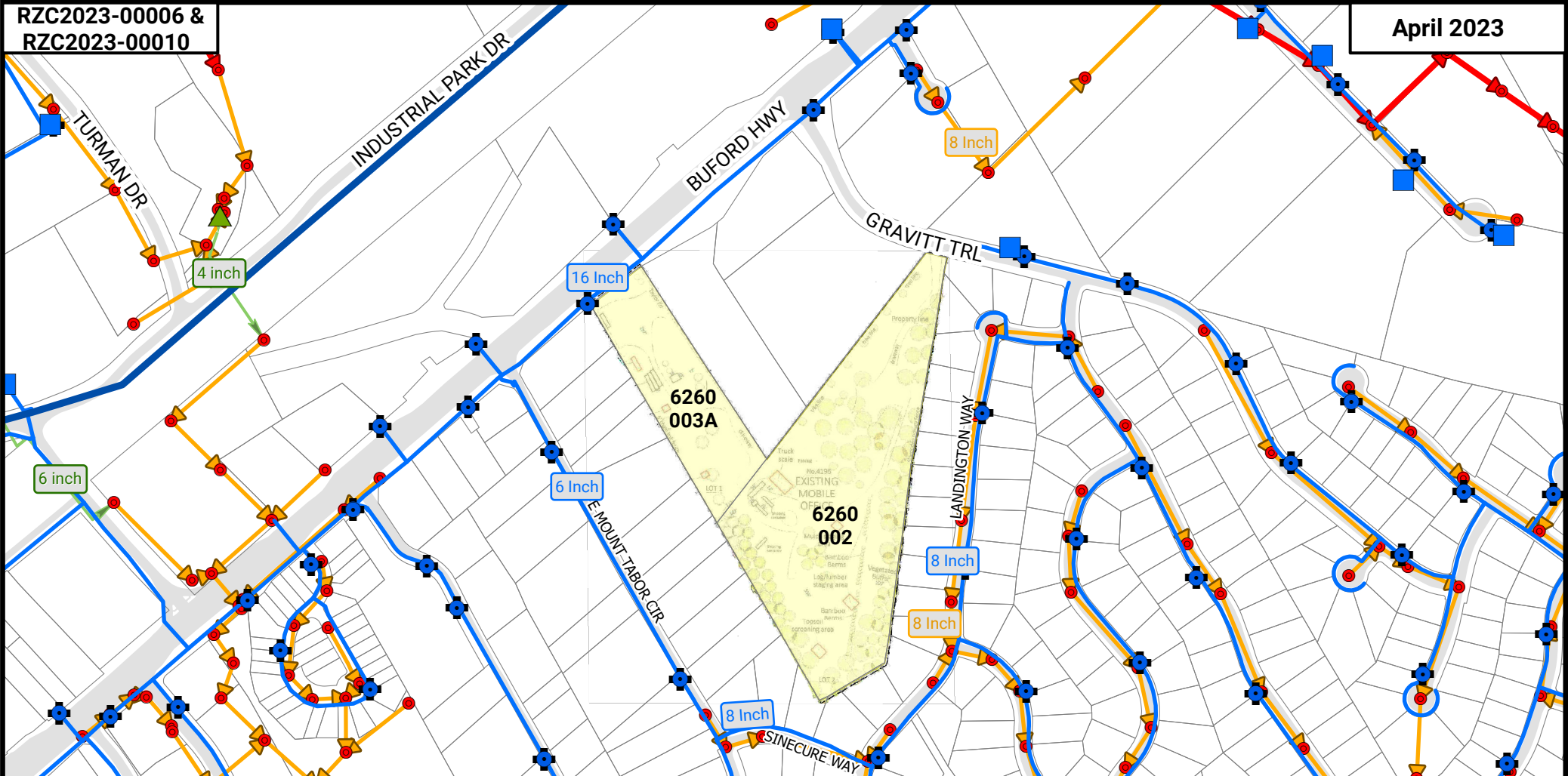
<b>TRC Meeting Date:</b>		03.08.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		<a href="mailto:Brent.Hodges@gwinnettcounty.com">Brent.Hodges@gwinnettcounty.com</a>	
Case Number:		RZC2023-00006 / RZC2023-00010	
Case Address:		4196 Buford Highway , Duluth, 30096	
<b>Comments:</b>		<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>YES</b>
		<input type="checkbox"/>	<input type="checkbox"/> <b>NO</b>
1	Buford Highway/SR 13 is a major arterial. ADT = 26,400.		
2	560-feet to the nearest transit facility (#2334865) Buford Highway and Gravitt Trail.		
3			
4			
5			
6			
7			
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<input type="checkbox"/> <b>YES</b>
		<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>NO</b>
1			
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Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		<a href="mailto:Michael.pappas@gwinnettcountry.com">Michael.pappas@gwinnettcountry.com</a>		
Case Number:		RZC2023-00006 & RZC2023-00010		
Case Address:		4196 Taylor Rd & 4196 Buford Hwy		
°8db b Zci h°		°N: H°	M	CD
&	Water: DWR does not have comments for this development. The existing development is connected to public water.			
'	Sewer: DWR does not have comments for this development. The existing buildings are not connected to sewer.			
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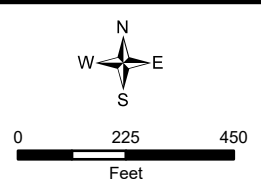


LEGEND

Flow Management	Hydrant	Sewer Force Main
Pump Station	City	Effluent Outfall
Regional	Water Main	Sewer Collector
Manhole	Reuse Main	Sewer Interceptor

4196 Taylor Rd & 4196 Buford Hwy  
R-75 to M-2 / C-2 & R-75 to C-3

Water & Sewer  
Utility Map



**Water Comments:** DWR does not have comments for this development. The existing development is connected to public water.

**Sewer Comments:** DWR does not have comments for this development. The existing buildings are not connected to sewer.

**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.

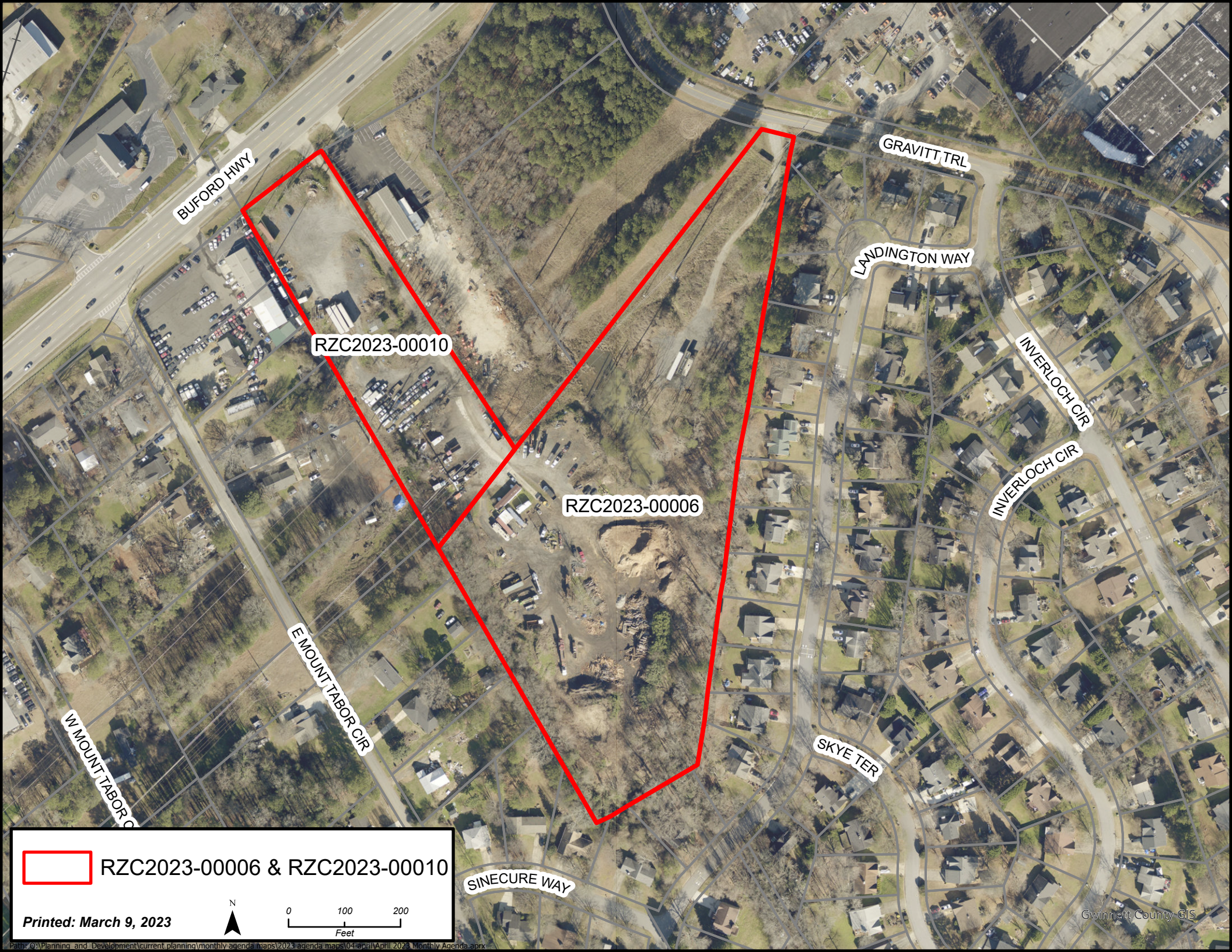
**Water and Sewer Design and Construction Requirements:** Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, 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.

: n] W° /B Veh°

Ri iVX] ZYR





BUFORD HWY

GRAVITT TRL

LANDINGTON WAY

INVERLOCH CIR

INVERLOCH CIR

SKYE TER

SINECURE WAY

E MOUNT TABOR CIR

W MOUNT TABOR CIR

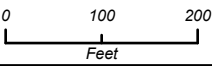
RZC2023-00010

RZC2023-00006

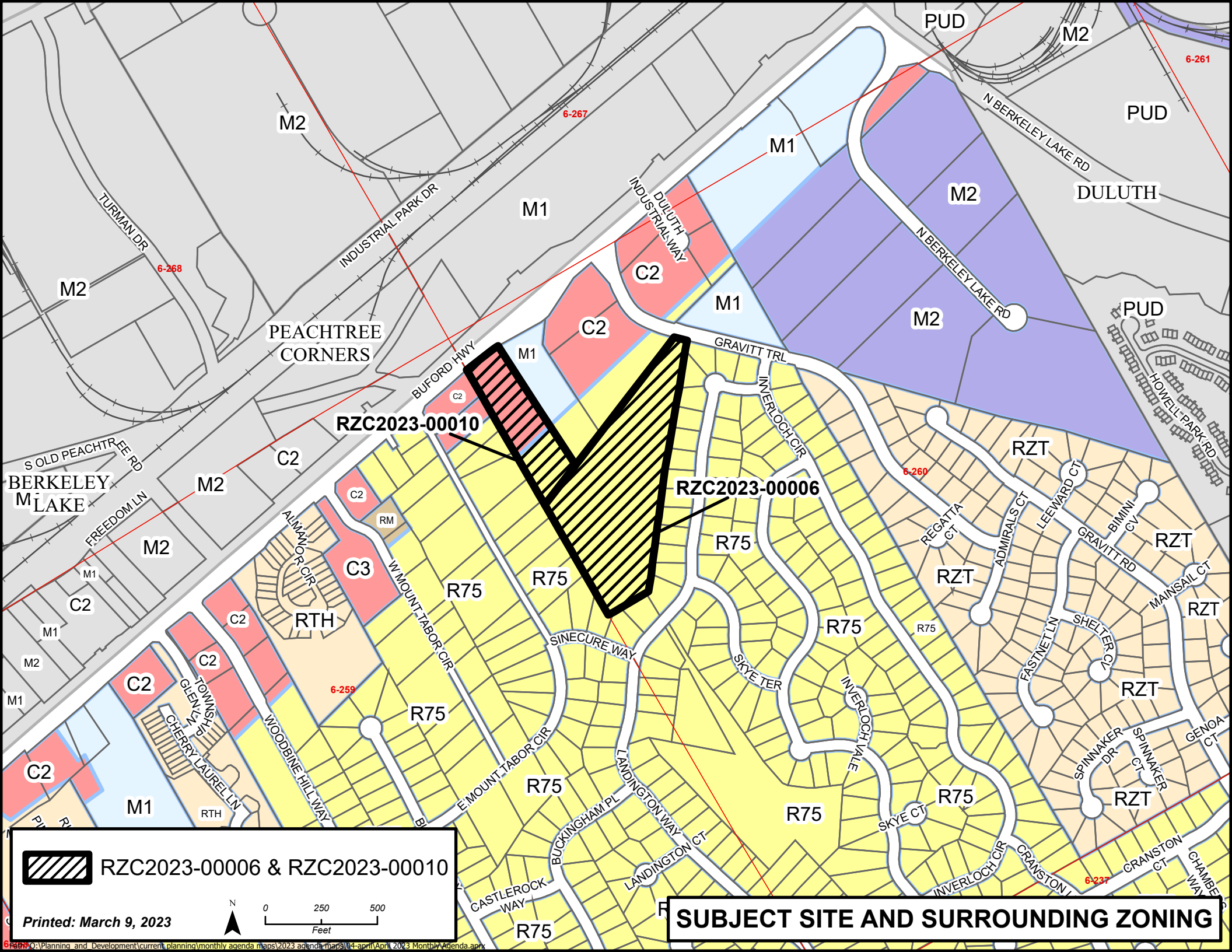



RZC2023-00006 & RZC2023-00010

Printed: March 9, 2023

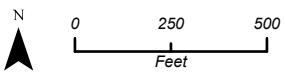






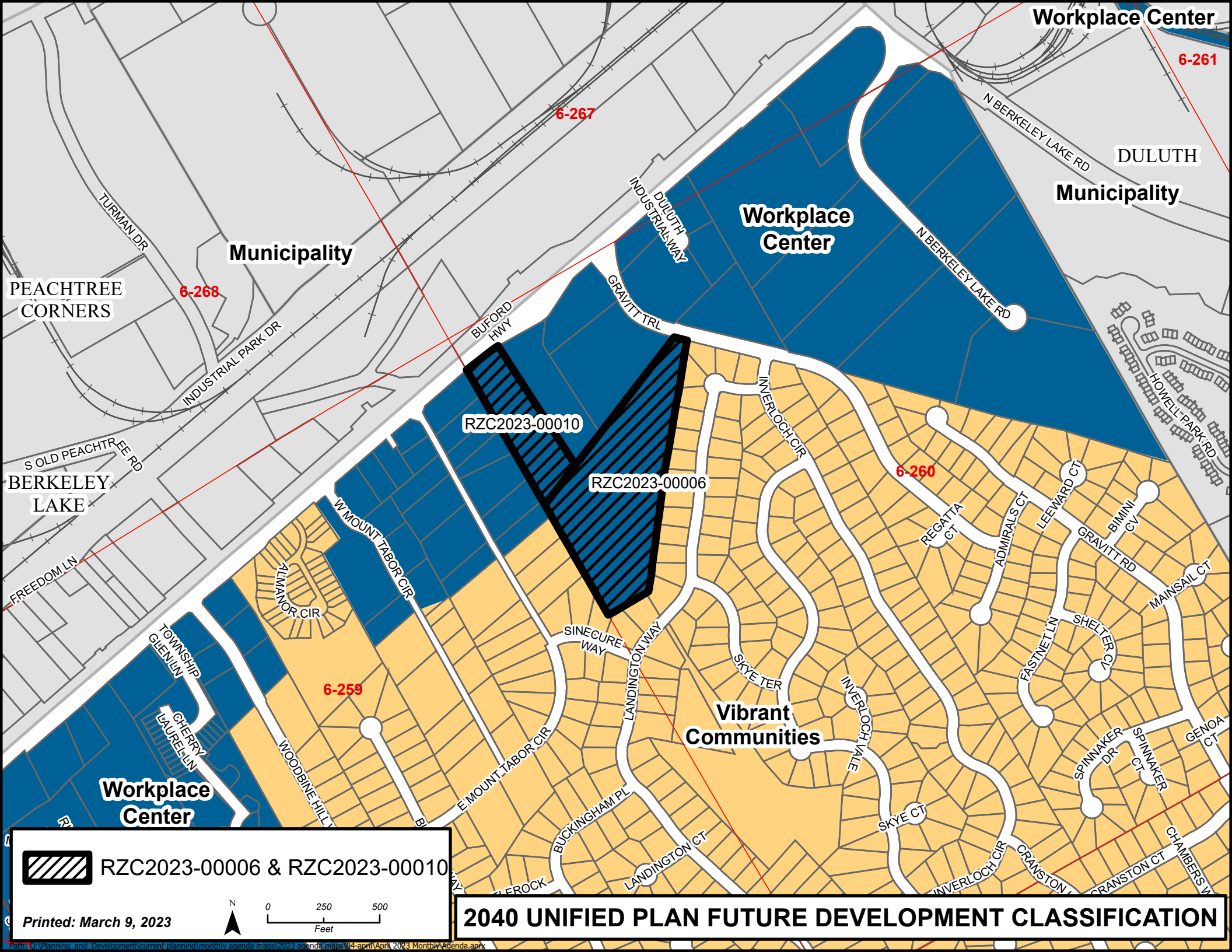
 RZC2023-00006 & RZC2023-00010

Printed: March 9, 2023



**SUBJECT SITE AND SURROUNDING ZONING**





Workplace Center

6-261

6-267

Municipality

DULUTH

Municipality

Workplace Center

PEACHTREE CORNERS

6-268

RZC2023-00010


RZC2023-00006

6-260

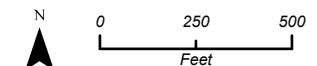
6-259

Vibrant Communities

Workplace Center

 RZC2023-00006 & RZC2023-00010

Printed: March 9, 2023



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

**Exhibit G:**  
**Photos Presented by Applicant at the August 1, 2023, Planning Commission Public Hearing**  
**[attached]**





















