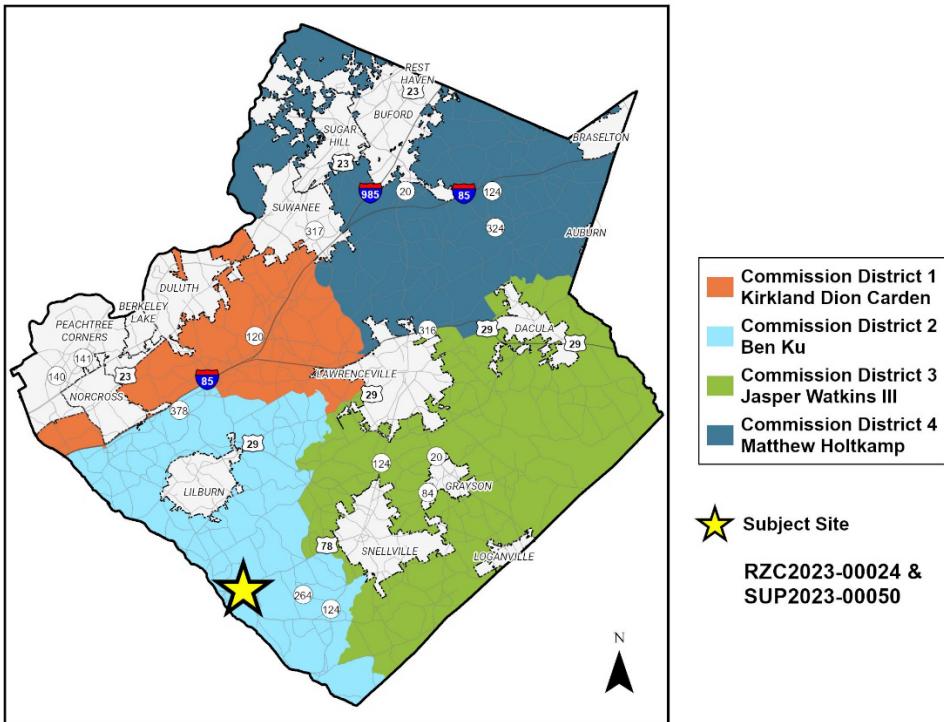




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number:	RZC2023-00024
Current Zoning:	R-100 (Single-Family Residence) and C-2 (General Business District)
Request:	Rezoning to C-2 (General Business District)
Additional Requests	Variances and Waivers
Address:	5094 Stone Mountain Highway
Map Number	R6057 029
Site Area:	2.66 acres
Square Feet:	5,315
Proposed Development:	Car Wash
Commission District:	District 2 – Commissioner Ku
Character Area:	Vibrant Communities
Staff Recommendation:	DENIAL
Planning Commission Recommendation:	DENIAL
Case Number:	SUP2023-00050
Current Zoning:	R-100 (Single-Family Residence) and C-2 (General Business District)
Request:	Special Use Permit
Additional Requests	Variances and Waivers
Address:	5094 Stone Mountain Highway
Map Number	R6057 029
Site Area:	2.66 acres
Square Feet:	5,315
Proposed Development:	Car Wash
Commission District:	District 2 – Commissioner Ku
Character Area:	Vibrant Communities
Staff Recommendation:	DENIAL
Planning Commission Recommendation:	DENIAL



Applicant: TX Stone Mountain Hwy, LLC
c/o Battle Law, P.C.
38 Commerce Avenue SW, Suite 200
Grand Rapids, MI 49503

Owner: Dan Stark
5094 Stone Mountain Highway
Stone Mountain, GA 30087

Contact: Michele Battle

Contact Phone: 404.601.7616 ext. 1

Zoning History

The subject property is split-zoned as R-100 (Single-Family Residence District) and C-2 (General Business District). In 1973, the northern portion of the property was rezoned from R-100 to C-2 as part of an areawide rezoning. In 1981, the southern portion of the property was rezoned to C-2 for an office/warehouse/showroom use, pursuant to RZ-95-81.

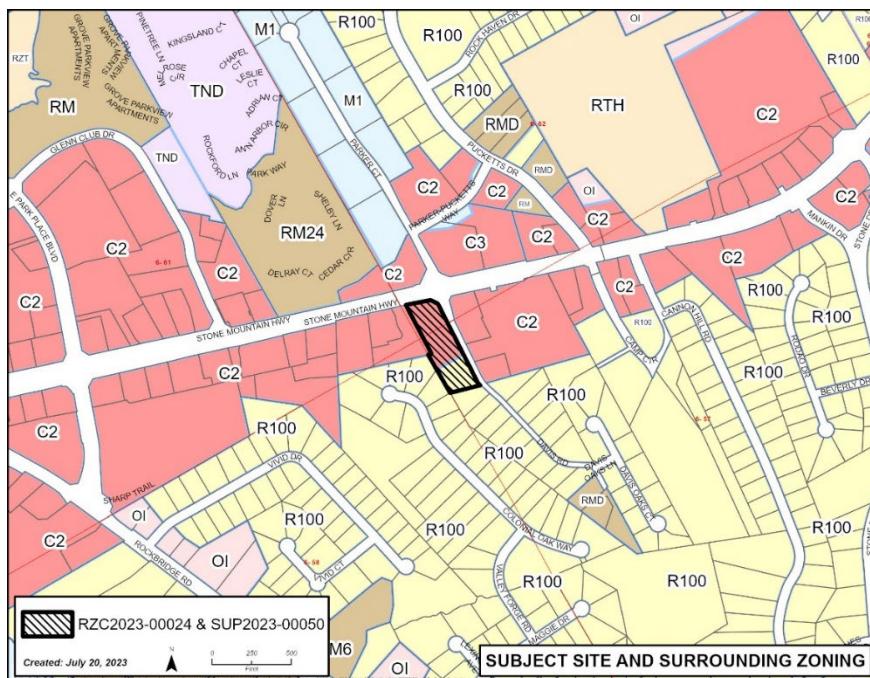
Existing Site Condition

The subject property is a 2.66-acre parcel located at the southwest quadrant of the Stone Mountain Highway and Davis Road intersection. The C-2 portion of the property contains a 23,000 square-foot one-story retail and warehouse building, constructed in 1981. The site is accessed via a full-access driveway along Davis Road and a limited access driveway along Stone Mountain Highway due to the existing concrete median within the highway. A surface parking lot is located to the north and east of the existing building. The site is generally flat with a slight downward slope from the northwest to southeast. Overhead utilities span the length of the property frontage on David Road, and 5-foot-wide sidewalks exist along Stone Mountain Highway. A ground-mounted monument sign is located at the northeast corner of the site adjacent to the intersection of Stone Mountain and Davis Road. The R-100

portion of the site is a grass field that is divided from the office and warehouse building to the north by vegetative screening and an 8-foot-tall chain link fence. There is a 25-foot-wide sanitary sewer easement that bisects the site east to west. The nearest Gwinnett County Transit stop is approximately 6.7 miles from the subject property.

Surrounding Use and Zoning

The subject property is surrounded by a mix of commercial and low-density residential uses. A drive-through restaurant and convenience store with fuel pumps is located north of the site across Stone Mountain Highway. A commercial appliance store is adjacent to and located west of the property. Colonial Oak, a single-family detached subdivision adjoins the site to the west. A dine-in, full service restaurant is located east of the property across Davis Road, which is currently vacant due to a recent fire. An automobile sales dealership is also located east of the property across Davis Road. Lastly, a low-density, single-family residence is located south of the subject property. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Car Wash	C-2	N/A
North	Commercial	C-2	N/A
East	Commercial	C-2	N/A
	Commercial	C-2	N/A
South	Single-Family Residence	R-100	1.85 units per acre
West	Commercial	C-2	N/A
	Single-Family Residence	R-100	1.24 units per acre

Project Summary

The applicant requests a rezoning of a 2.66-acre property from C-2 and R-100 to C-2 and a special use permit for a car wash, including:

- A 5,315 square-foot car wash building with a maximum height of 28-feet.
- A total of 29 parking spaces including 22 vacuum spaces, six standard spaces, and one ADA space located within the proposed surface parking lot east of the car wash building. Vacuum spaces will be 14-feet-wide by 18-feet deep.
- Two driveways to access the development, including a right-in/right out driveway from Stone Mountain Highway and a full access driveway from Davis Road.
- Three stacking lanes and payment kiosks located west of the building with a bypass lane leading to the surface parking lot.
- Hours of operation from 7:00 a.m. to 9:00 p.m. daily, with three on-site employees.
- A 5-foot-wide sidewalk with a 2-foot-wide grass strip along the David Road frontage, connecting to the existing five-foot-wide sidewalk along Stone Mountain Highway.
- A dumpster enclosure located south of the car wash building.
- An existing concrete wall along the southern boundary.
- A 10-foot-wide landscape strip along Stone Mountain Highway and Davis Road.
- A 75-foot-wide undisturbed buffer adjacent to residentially zoned properties to the south and a portion of the property to the west, with an additional 5-foot-wide structure setback.
- A reduced 35-foot-wide undisturbed buffer adjacent to a portion of the residentially zoned property to the west.
- A sanitary sewer easement dividing a portion of the property in half from east to west.
- A stormwater management facility located south of the access driveway on Davis Road and outside of the sanitary sewer easement.
- A concrete wall of unknown height running adjacent to a portion of the western property line.
- Building elevations were not provided by the applicant.

Zoning and Development Standards

The applicant is requesting a rezoning to C-2, General Business District, and a special use permit for a car wash. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	$\leq 45'$	YES
Front Yard Setback	Minimum 15'	$\geq 15'$	YES .
Side Yard Setback	Minimum 10'	$\geq 10'$	YES
Rear Yard Setback	Minimum 30'	$\geq 30'$	YES
Parking	Minimum 11 spaces Maximum 21 spaces	29 spaces	NO*
Landscape Strip	Minimum 10'	10'	YES
Zoning Buffer	Minimum 75'	$< 75'$	NO**
Structure Setback	Minimum 5'	5'	YES
Sidewalk	Minimum 5'	5'	YES

* The applicant has requested a variance to exceed the maximum number of permitted parking spaces.

** The applicant has requested a buffer reduction waiver.

Variance Requests

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

1. Section 240-20.2 Maximum Parking Requirements.

Full service car washes shall have a maximum of 1 parking space per 250 square-feet of building square footage and a maximum of 10 stacking spaces per line.

The applicant proposes a surface parking lot with 29 parking spaces, including 22 vacuum spaces, six regular spaces, and one ADA space.

2. Section 240-20.3.A Required Area for Each Parking Space

Each automobile space shall be 9 feet wide and 18 feet deep as measured from face-of curb.

The applicant proposes to increase the width of the standard parking spaces to 9.5 feet and the vacuum spaces to 14 feet to allow customers to have more room when opening their car doors and when using the vacuum stalls.

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.A Minimum Buffer Requirements

The minimum required buffer for a new C-2 development adjacent to an R-100 zoned property shall have a 75-foot-wide buffer adjacent to all residential zoned property lines.

The applicant proposes to reduce the required 75-foot-wide undisturbed buffer to a 35-foot-wide buffer for the portion of the buffer southwest of the car wash building and north of the sanitary sewer easement.

2. Section 900-40.2.B Driveway Design Standards

The minimum driveway width for commercial uses under 80,000 square-feet shall have a 28-foot-wide driveway.

The applicant proposes a 33.5-foot-wide access driveway located at the Stone Mountain Highway entrance of the car wash development.

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 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, 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 rezoning 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 surrounded by a mixture of commercial uses along Stone Mountain Highway, with low-density residential to the south. The property is located at the intersection of Stone Mountain Highway and Davis Road, a local street. Adding a commercial use with higher trip generation on a residential street is not suitable due to its proximity to the residential subdivision. Additionally, a car wash would not be the best use at this intersection as there are already two car wash businesses within one mile of the site, to the east on Stone Mountain Highway.

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

The traffic generated from the car wash would result in additional traffic on Davis Road. Nearby subdivisions would benefit more from retail, restaurant, or entertainment uses that would provide additional destinations for the community within walking distance. The proposed car wash would be one of several existing car related businesses along Stone Mountain Highway.

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

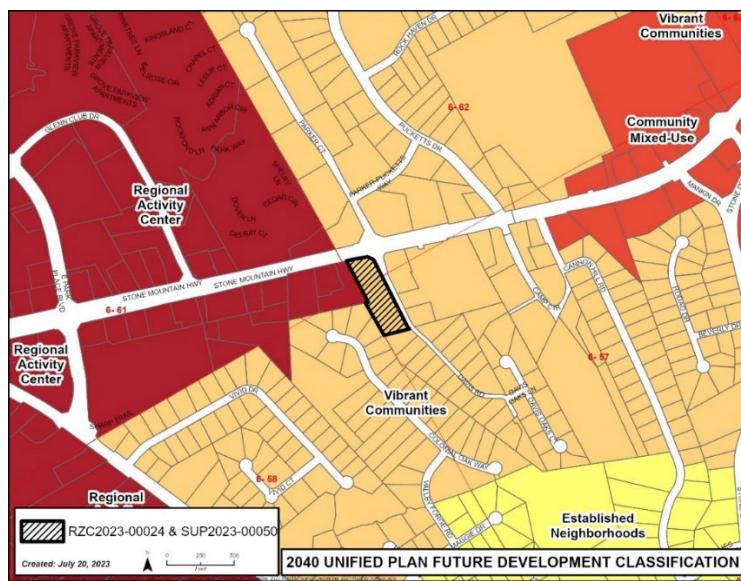
The property has a reasonable economic use as currently zoned.

D. Whether the proposed rezoning 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.

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 rezoning and special use permit request are attached (Exhibit E).

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

The subject property is located within the Vibrant Communities Character Area, which is intended to serve as a transition between nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where the various types of activity centers and nodes are located. Dependent on the setting, zoning pattern, and intensity of development characterizing these various locations throughout the County, new development and redevelopment in Vibrant Communities may contain a mix of housing types, including small lot single-family housing, multifamily housing, townhomes, and senior housing. The proposed car wash is an auto-centric commercial development that does not align with the intent of the Vibrant Communities Character Area.



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 and special use permit.

Although this parcel is within an established and mature commercial corridor, it has not yet experienced residential redevelopment activity anticipated within the Vibrant Communities Character Area. The opportunity exists for this parcel to be redeveloped as part of a small, medium-density development in close proximity to restaurant, retail, and office uses igniting the community. Or the site could be redeveloped with an appropriate commercial use within the C-2 zoned portion of the property which would not require a special use permit, while the portion zoned R-100 would serve as a natural buffer to the adjacent single-family residences. The variance and waiver requests do not meet the requirements of the UDO which further supports the recommendation of denial for the rezoning and special use permit request. In addition, there are four existing car wash business along a 4-mile stretch of Stone Mountain Highway. The proposed development would not provide a new service to the area and is not appropriate at this location.

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 proposed car wash development requests a variance to allow wider parking spaces for both standard and vacuum spaces. The request is reasonable, in part, due to the limited space each customer may have when using the vacuum stall while another customer is adjacent to them. However, 14 feet is excessive for the width of a vacuum space and will unnecessarily increase the impervious surface area of the site. The variance request to exceed the maximum number of allowed parking spaces from 21 to 29 would generate additional vehicular traffic to the site. The site could be designed to meet the UDO regulations while still providing enough parking for customers and employees without requiring variances. Approval of these variances would impair the intent of the UDO.

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 waiver request to reduce the required zoning buffer to the adjacent R-100 zoned properties from 75 feet to 35 feet would result in a buffer that is not sufficient to mitigate the potential impacts such as noise, traffic, and light generated by the car wash on the adjacent residences. The waiver request to increase the driveway width from 28 feet to 33.5 feet nullifies the intent of the development standards and creates a potential hazard for pedestrian-safety along the Stone Mountain Highway corridor. The proposed development is a car wash that will not serve large vehicles that require a wider turning radius, warranting denial of the waiver request.

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 **DENIAL** of the rezoning and special use permit requests.

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

1. To exceed the maximum allowed number of off-street parking spaces and stacking spaces to provide 29 parking spaces.
2. To increase the parking space width to a maximum 14 feet.

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

1. To reduce the portion of the residential buffer located southwest of the car wash building from a 75-foot-wide buffer to a 35-foot-wide buffer.
2. To construct a 33.5-foot-wide driveway entrance that exceeds the required driveway entrance requirement.

Staff Recommended Conditions

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

RZC2023-00024

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

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received August 11, 2023, by the Department of Planning and Development, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. The building shall adhere to Category 3 of the architectural design standards for non-residential buildings.
3. All grassed areas shall be sodded.
4. All mechanical equipment including compressor units on or around the building must be screened from view from all sides. Screening materials shall be subject to review and approval by the Director of Planning and Development.
5. Outdoor loudspeakers shall be prohibited.
6. No temporary tents, temporary canopies, temporary banners, temporary streamers or temporary roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or stung on site, except within 60 days of the grand opening and during special events which shall occur no more than twice per calendar year and last no longer than seven days each.
7. Hours of operation shall be limited from 8:00 a.m. to 8:00 p.m.

SUP2023-00050

Approval of a special use permit for a car wash subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received July 11, 2023, by the Department of Planning and Development, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. The building shall adhere to Category 3 of the architectural design standards for non-residential buildings.
3. All grassed areas shall be sodded.
4. All mechanical equipment including compressor units on or around the building must be screened from view from all sides. Screening materials shall be subject to review and approval by the Director of Planning and Development.

5. Outdoor loudspeakers shall be prohibited.
6. No temporary tents, temporary canopies, temporary banners, temporary streamers or temporary roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or stung on site, except within 60 days of the grand opening and during special events which shall occur no more than twice per calendar year and last no longer than seven days each.
7. Hours of operation shall be limited from 8:00 a.m. to 8:00 p.m.

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 **DENIAL** of the rezoning and special use permit requests.

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

1. To exceed the maximum allowed number of off-street parking spaces and stacking spaces to provide 29 parking spaces.
2. To increase the parking space width to a maximum 14 feet.

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

1. To reduce the portion of the residential buffer located southwest of the car wash building from a 75-foot-wide buffer to a 35-foot-wide buffer.
2. To construct a 33.5-foot-wide driveway entrance that exceeds the required driveway entrance requirement.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Applicant's Response to Standards
- D. Application and Disclosure of Campaign Contributions
- E. Internal and External Agency Review Comments
- F. Maps
- G. Site Plan and Building Elevations Presented at the October 3, 2023, Planning Commission Public Hearing

Exhibit A: Site Visit Photos



View of Entrance of Existing Building



View of Southeast Corner of the Existing Building



Rear View of the Existing Building



View of the Southern Half of the Site

Exhibit B: Site Plan

[attached]

GWINNETT COUNTY PLANNING AND DEVELOPMENT

RECEIVED

8/11/2023 JB
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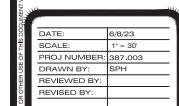
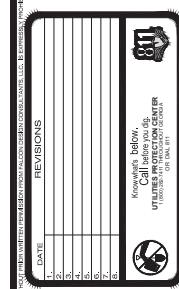
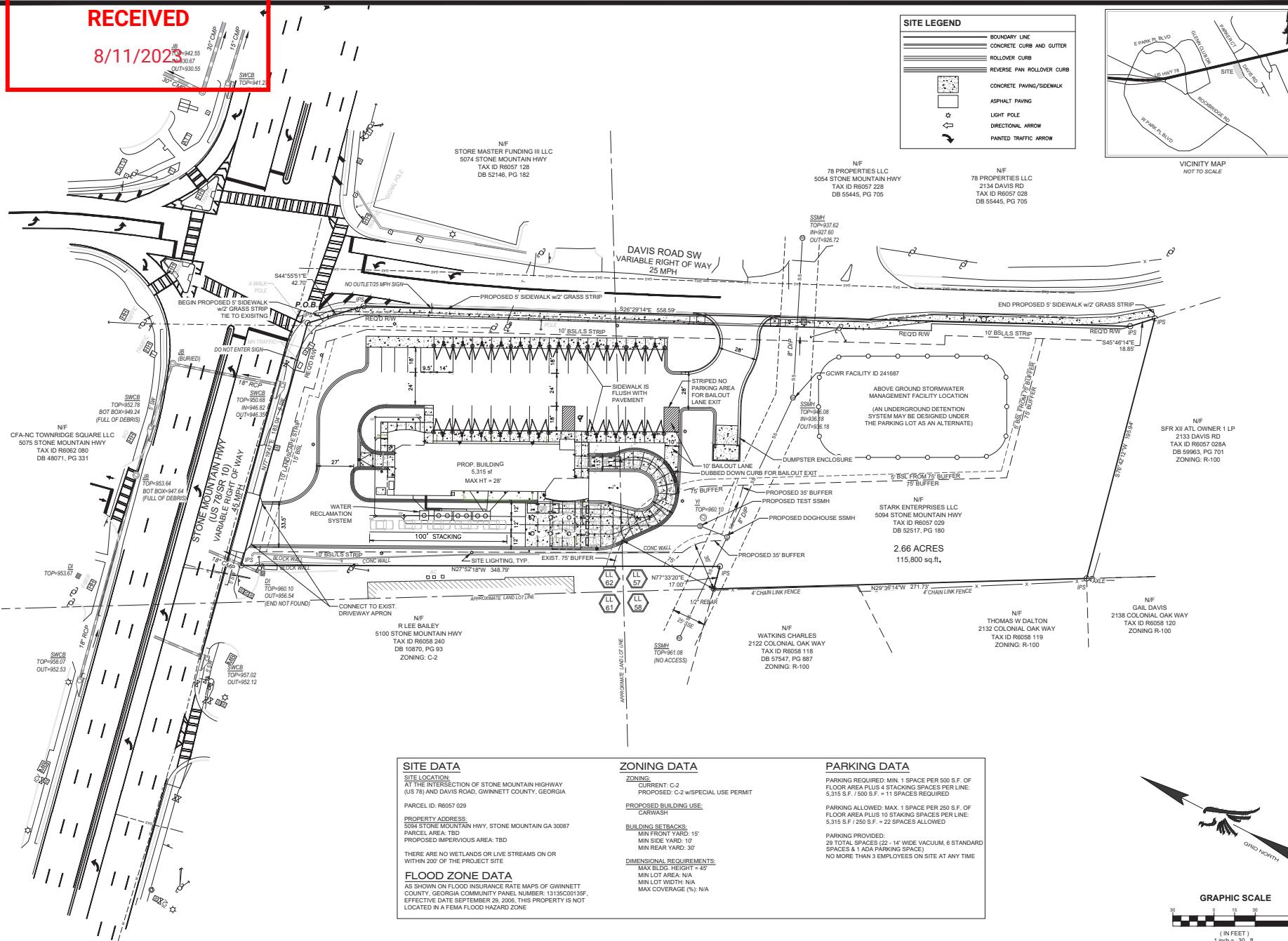


Exhibit C: Letter of Intent and Applicant's Response to Standards

[attached]

GWINNETT COUNTY
PLANNING AND DEVELOPMENT
RECEIVED
8/11/2023



July 10, 2023

Gwinnett County Planning & Development
Planning Division
446 West Crogan Street – Suite 300
Lawrenceville, GA 30046

RE: Letter of Intent – Tommy's Express Carwash at 5094 Stone Mountain Hwy

To Whom It May Concern,

TX Stone Mountain, LLC is proposing to construct and operate a Tommy's Express Carwash on a 2.66 acre parcel, ID # R6057 029, located at 5094 Stone Mountain Hwy/U.S. 78 at the intersection of Stone Mountain Hwy and Davis Road in unincorporated Gwinnett County. The site is directly across from a Chick-fil-a to the north, an appliance store to the west and bordered by Davis Road to the east. Access will be provided by an existing shared access for the QuikTrip off of Sugarloaf Pkwy. The parcel is currently under a dual zoning, zoned C-2 and R-100, and the proposed use of a carwash requires a Special Use Permit under C-2 zoning per Table 230.4 of the Gwinnett County Unified Development Ordinance (UDO), therefore we are requesting to rezone the entire parcel to C-2 zoning and requesting a Special Use Permit for the carwash. The proposed improvements to the site include the construction of a new automated carwash, self-serve vacuums and parking.

We are requesting waivers or variances for the following:

- Section 900-40.2.B.- Driveway Standard 2 – Requesting to increase driveway entry width from 28' to 33.5' to match up to existing driveway apron at Stone Mountain Hwy entrance and driveway width from 28' to 36' for three 12' pay lanes for wash.
- Section 240-20.3.A – Required Area for Parking Space: Request to increase in width for parking spaces from 9' width to 9.5' width to extra room for car doors to open when cars are parked in adjacent spaces.
- Section 240-20.3.B – Required Area for Parking Space: Request to increase in width for vacuum spaces from 9' width to 14' width to allow cars using vacuums to have room for car doors to be open for vacuuming when cars are parked in adjacent spaces.
- Table 240.1 – Request to increase maximum parking allowed from 22 spaces (1 per 250 s.f.) to 29 total spaces (22 vacuum spaces, 6 regular parking spaces, 1 ADA parking space). This allows for more customers to utilize vacuums, and provides parking for employees, service vehicles and visitors.
- Section 610-20.5 – Request to reduce the required 75' buffer between R-100 and C-2 Zoning to 35' for the portion of the buffer to the north of the sanitary sewer easement.

Below is a summary of the operational data:

Proposed hours of operation: 7am-9pm Monday through Sunday

Average number of employees on site: 3

Average number of cars annually: 75,000

Sincerely,

Damian Maher VP - Development

RECEIVED

7.11.2023

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 10/2021

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

PURSUANT TO REQUIREMENT 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 SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:
The purposed use of a carwash is suitable as adjacent properties along the Stone Mountain Highway corridor are also commercial or retail properties.
- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:
There should be no adverse affections to adjacent or nearby properties, which are also commercial or retail properties. There are no other carwashes nearby.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:
The current use of the parcel is a retail furniture store allowed under the C-2 portion of the mixed zoning, and the proposed use of a carwash also has reasonable economic use, as there are no other carwashes nearby.
- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:
The carwash use granted by a proposed Special Use Permit would not cause excessive or burdensome use of existing streets, transportation facilities or utilities as it utilizes existing infrastructure and does not add additional traffic, and would have no affect at all on schools.
- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:
The proposed Special Use Permit under C-2 zoning is in conformity with the policy and intent of the current 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 SPECIAL USE PERMIT:
The size and location of the proposed development in conjunction with neighboring uses that will support this development and provide a service to nearby residents.

RECEIVED

7.11.2023

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:

The parcel currently has a mixed zoning of C-2 and R-100, and this application is to correct the mixed zoning and remove the R-100 component. Adjacent properties are also zoned C-2.

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

There should be no adverse affections to adjacent or nearby properties by a C-2 zoning, as the property is currently a mixed zoning of C-2 and R-100. This application is to correct the mixed zoning and remove the R-100 component. Adjacent properties are also zoned C-2.

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

The parcel is currently a mixed zoning of C-2 and R-100. This application is to correct the mixed zoning and remove the R-100 component. The current use of the parcel is a retail furniture store allowed under the C-2 portion of the mixed zoning, and the proposed use of a carwash is allowed under C-2 zoning with a Special Use Permit.

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

There should be no excessive or burdensome use of existing streets, transportation facilities, utilities or schools by the removal of the mixed zoning (R-100 component) and zoning as C-2. Rezoning as only C-2 will not impact traffic, schools, or utilities.

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

The proposed rezoning is in conformity with the policy and intent of the current Land Use Plan.

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

The size and location of the proposed development in conjunction with neighboring uses that will support this development and provide a service to nearby residents.

Exhibit D: Application and Disclosure of Campaign Contributions

[attached]

RECEIVED

9/11/2023

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>TX Stone Mountain Hwy, LLC c/o Battle Law, P.C.</u>	NAME: <u>Dan Stark</u>
ADDRESS: <u>3562 Habersham at Northlake Bldg. J Ste. 100</u>	ADDRESS: <u>5094 Stone Mountain Hwy</u>
CITY: <u>Tucker</u>	CITY: <u>Stone Mountain</u>
STATE: <u>GA</u> ZIP: <u>30084</u>	STATE: <u>GA</u> ZIP: <u>30087</u>
PHONE: <u>404-601-7616 ext. 1</u>	PHONE: <u>404-605-5031</u>
EMAIL: <u>mlb@battlelawpc.com</u>	EMAIL: <u>danstark42@gmail.com</u>
CONTACT PERSON: <u>Michele Battle</u>	PHONE: <u>404-601-7616 ext. 1</u>
CONTACT'S E-MAIL: <u>mlb@battlelawpc.com</u>	
APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
C-2	
PRESENT ZONING DISTRICT(S): <u>R-100</u>	REQUESTED ZONING DISTRICT: <u>C-2</u>
PARCEL NUMBER(S): <u>R6057 029</u>	ACREAGE: <u>2.66</u>
ADDRESS OF PROPERTY: <u>5094 Stone Mountain Hwy, Stone Mountain GA. 30087</u>	
PROPOSED DEVELOPMENT: <u>Express Carwash</u>	

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>5315</u>
Gross Density:	Density:
Net Density:	

RECEIVED

7.11.2023

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.



Signature of Applicant

6/28/2023

Date

Damian Maher VP - Development
Type or Print Name and Title



Signature of Notary Public

Jessica Peterson

6/28/28

Date

JESSICA PETERSON
Notary Public, State of Michigan
County of Kent
My Commission Expires Nov. 7 2024
Acting in the County of Kent

Notary Seal

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

7.11.2023

Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

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.

REZONING
Application
Number
Date
Signature
Name
Title
DocuSigned by:
35F37FBE410B4B3

6/27/2023

Signature of Property Owner

Date

Dan Stark

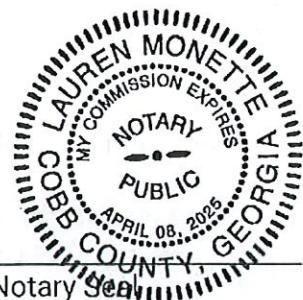
Type or Print Name and Title

Signature of Notary Public

Date

6/28/2023

Notary Seal



RECEIVED

7.11.2023

CONFFLICT 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.


SIGNATURE OF APPLICANT

6/28/2023
DATE

Damian Maher VP - Development
TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE


SIGNATURE OF NOTARY PUBLIC

6/28/2023
DATE

JESSICA PETERSON
Notary Public, State of Michigan
County of Kent
My Commission Expires Nov. 7, 2024
Acting in the County of Kent
NOTARY SEAL

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 _____
Damian Maher
YOUR NAME

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

NAME AND OFFICIAL 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

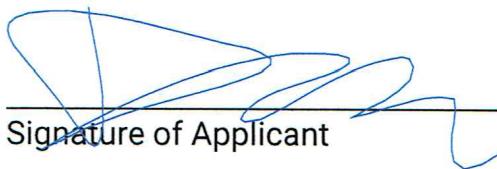
7.11.2023

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:
(Map Reference Number) 6 - 057 - 029
District Land Lot Parcel


Signature of Applicant

06/23/2023

Date

Damian Maher VP-Development
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)

Vikki Schobey
NAME

TSA II

TITLE

6/28/2023
DATE

RECEIVED

9/11/2023

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: TX Stone Mountain Hwy, LLC c/o Battle Law, P.C.	NAME: Dan Stark
ADDRESS: 3562 Habersham at Northlake Bldg. J Ste. 100	ADDRESS: 5094 Stone Mountain Hwy
CITY: Tucker	CITY: Stone Mountain
STATE: GA ZIP: 30084	STATE: GA ZIP: 30087
PHONE: 404-601-7616 ext. 1	PHONE: 404-605-5031
EMAIL: mlb@battlelawpc.com	EMAIL: danstark42@gmail.com
CONTACT PERSON: Michele Battle	PHONE: 404-601-7616 ext. 1
CONTACT'S E-MAIL: mlb@battlelawpc.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 type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
C-2		
EXISTING/PROPOSED ZONING: R-100 BUILDING/LEASED SQUARE FEET: 5315		
PARCEL NUMBER(S): R6057 029 ACREAGE: 2.66		
ADDRESS OF PROPERTY: 5094 Stone Mountain Hwy, Stone Mountain GA. 30087		
SPECIAL USE REQUESTED: Express Carwash		

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

7.11.2023

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.


Signature of Applicant

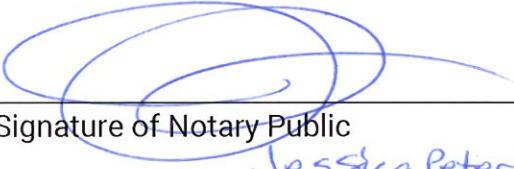
6/28/2023

Date

Damian Maher VP - Development

Type or Print Name and Title

JESSICA PETERSON
Notary Public, State of Michigan
County of Kent
My Commission Expires Nov. 7 2024
Acting in the County of Kent


Signature of Notary Public

6/28/23

Date

Notary Seal

Jessica Peterson

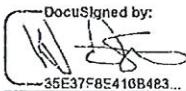
RECEIVED

7.11.2023

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 10/2021

SPECIAL USE PERMIT 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
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REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST
ACTION BY THE BOARD OF COMMISSIONERS.

DocuSigned by:

35E37F85410B483...

6/27/2023

Signature of Property Owner

Date

Dan Stark

Type or Print Name and Title

Signature of Notary Public

Date



RECEIVED

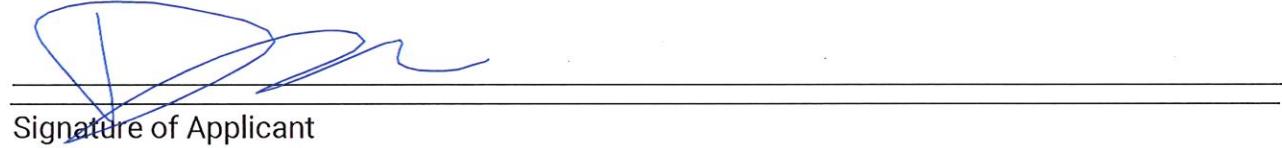
7.11.2023

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 10/2021

SPECIAL USE PERMIT IN A RESIDENTIAL DISTRICT

(Only submit with Special Use Permit Application for a use within a residence)

I, the undersigned applicant, understand and agree that the Special Use Permit, if approved, shall automatically terminate in the event that this property is sold, transferred or otherwise conveyed to any other party, or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued.



Signature of Applicant

Damian Maher
Type or Print Name

6/28/2023

Date

Signature of Notary Public

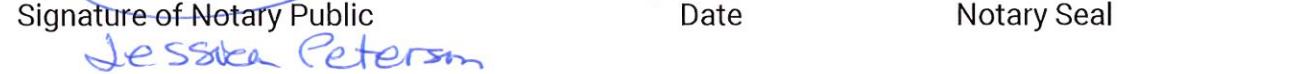


6/28/28

Date

JESSICA PETERSON
Notary Public, State of Michigan
County of Kent
My Commission Expires Nov. 7 2024
Acting in the County of Kent

Notary Seal



RECEIVED

7.11.2023

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 10/2021

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.


SIGNATURE OF APPLICANT

6/28/2023

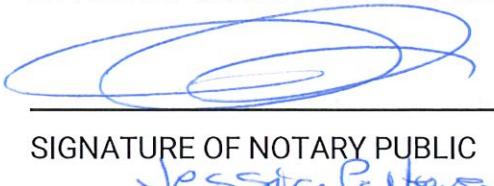
DATE

Damian Maher VP - Development
TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE


SIGNATURE OF NOTARY PUBLIC
Jessica Peterson

6/28/28

DATE

JESSICA PETERSON
Notary Public, State of Michigan
County of Kent
My Commission Expires Nov. 7 2024
Acting in the County of Kent
NOTARY SEAL

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 _____
Damian Maher
YOUR NAME

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

NAME AND OFFICIAL 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

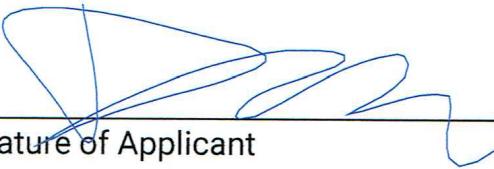
7.11.2023

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

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***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.**

PARCEL I.D. NUMBER:
(Map Reference Number) 6 - 057 - 029
District Land Lot Parcel


Signature of Applicant

06/23/2023

Date

Damian Maher VP-Development
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 Schuby
NAME

TSA II

TITLE

6/28/2023
DATE

Exhibit E: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date: 08.09.2023	
Department/Agency Name: Transportation	
Reviewer Name: Brent Hodges	
Reviewer Title: Construction Manager 1	
Reviewer Email Address: Brent.Hodges@gwinnettcounty.com	
Case Number: RZC2023-00024 / SUP2023-00050	
Case Address: 5094 Stone Mountain Highway	
Comments: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
1	Stone Mountain Highway (SR 10) is a principal arterial. ADT = 55,700.
2	6.7 miles to the nearest transit facility (#2335429) Lawrenceville Highway and Rockbridge Road.
3	There is a long-range plan that includes a parallel road to Stone Mountain Highway. Early concepts have included an area south of this site as a potential location for design.
4	Stone Mountain Highway (SR 10) is maintained by the Georgia Department of Transportation (GDOT). The developer shall coordinate with GDOT on any access or driveway issue along this frontage.
5	
6	
7	
Recommended Zoning Conditions: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
1	
2	
3	
4	
5	
6	
7	

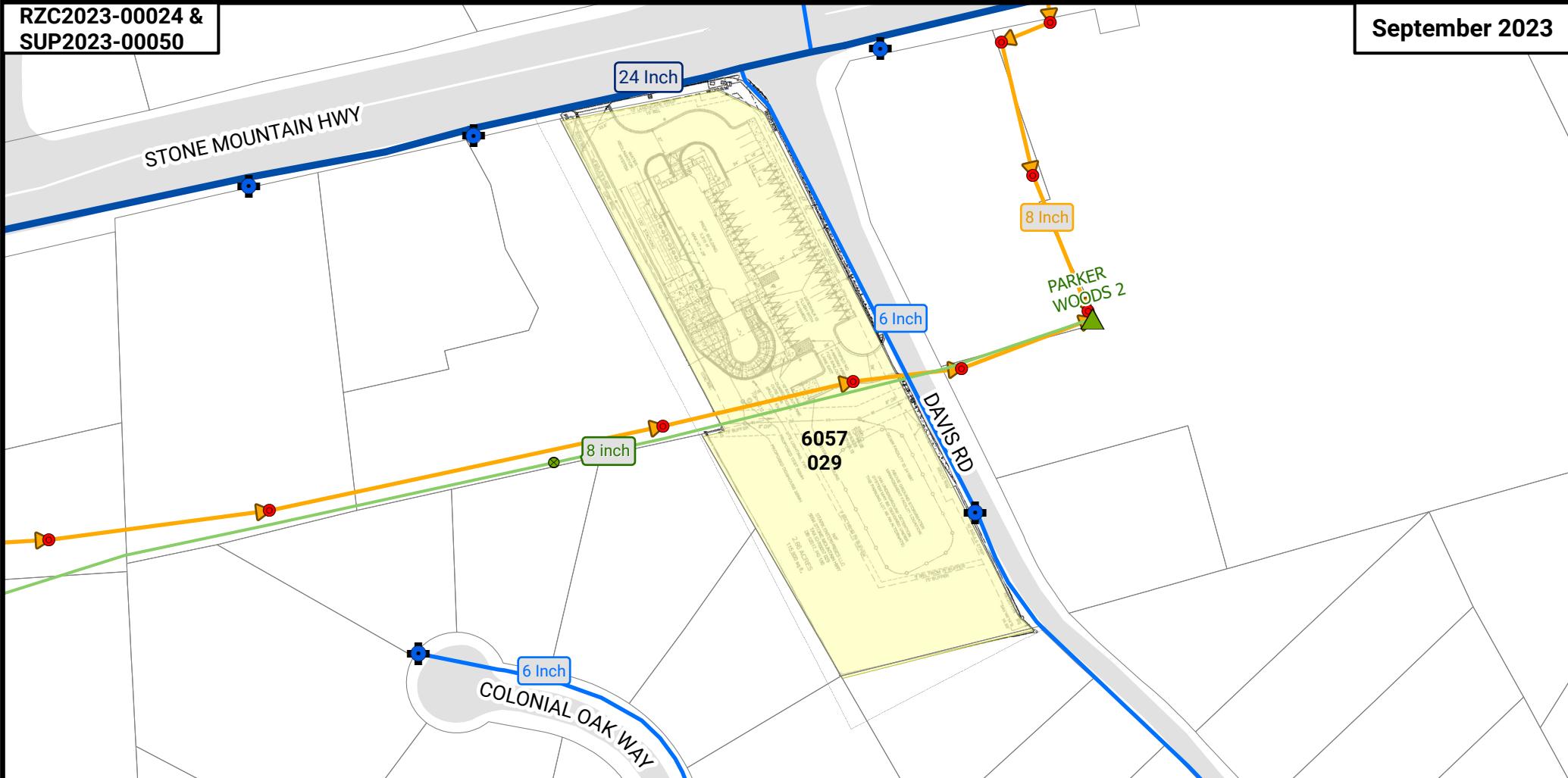
Note: Attach additional pages, if needed

Revised 7/26/2021

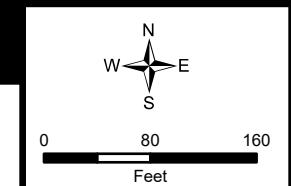
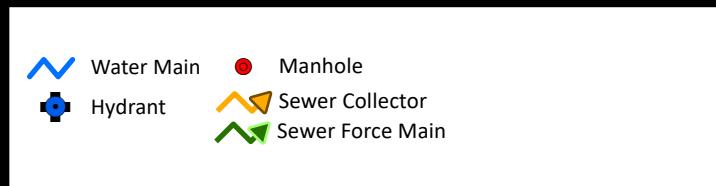


Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

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: RZC2023-00024 & SUP2023-00050			
Case Address: 5094 Stone Mountain Hwy			
Comments:		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
1	Water: Contact GCDWR to discuss potential connection options to the 24-inch transmission main. The existing 6-inch water main on Davis Road shall not be tapped.		
2	Sewer: A Sewer Capacity Certification (C2023-139-07) has been approved for this proposed development. The proposed development plans to connect to an existing 8-inch gravity sewer located on the subject parcel.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			



5094 Stone Mountain Hwy
C-2, R-100 to C-2
Water & Sewer
Utility Map



A map of Massachusetts with the 2nd congressional district highlighted in red. The district is located in the western part of the state, including parts of Worcester, Franklin, and Hampden counties, as well as a small portion of Berkshire County. The number '2' is printed in white inside the red area.

Water Comments: Contact GCDWR to discuss potential connection options to the 24-inch transmission main. The existing 6-inch water main on Davis Road shall not be tapped.

Sewer Comments: A Sewer Capacity Certification (C2023-139-07) has been approved for this proposed development. The proposed development plans to connect to an existing 8-inch gravity sewer located on the subject parcel.

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.

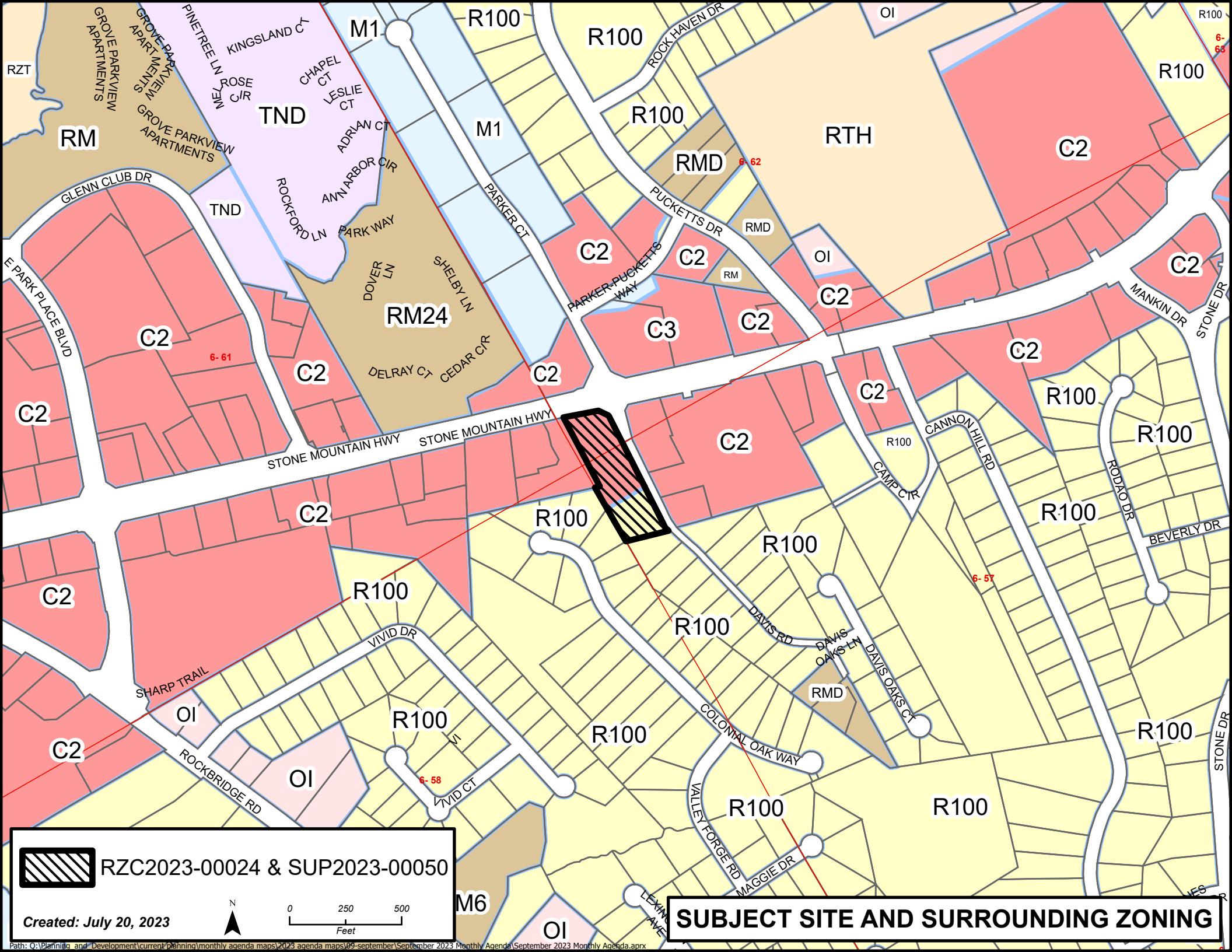
Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, 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.

Exhibit F: Maps

[attached]





 RZC2023-00024 & SUP2023-00050

Created: July 20, 2023

0 250 500
Feet

SUBJECT SITE AND SURROUNDING ZONING

Vibrant Communities

6- 63

Community Mixed-Use

Regional Activity Center

Vibrant Communities

Established Neighborhoods

Regional

RZC2023-00024 & SUP2023-00050

Created: July 20, 2023



A horizontal number line starting at 0 and ending at 500. There is a tick mark at 250.

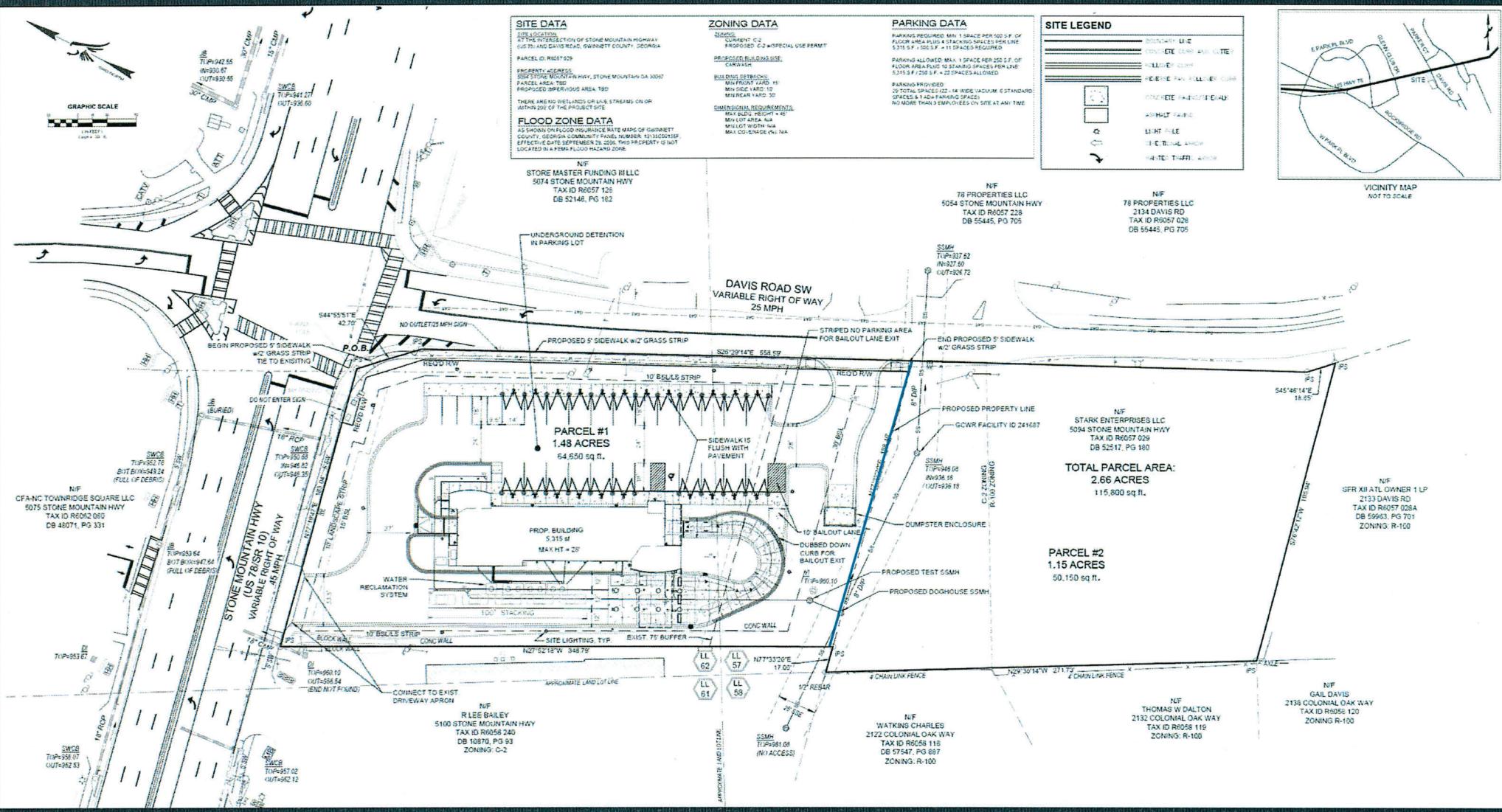
2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

**Exhibit G: Site Plan and Building Elevations Presented at the October 3, 2023, Planning
Commission Public Hearing**

[attached]

RECEIVED

10/3/2023

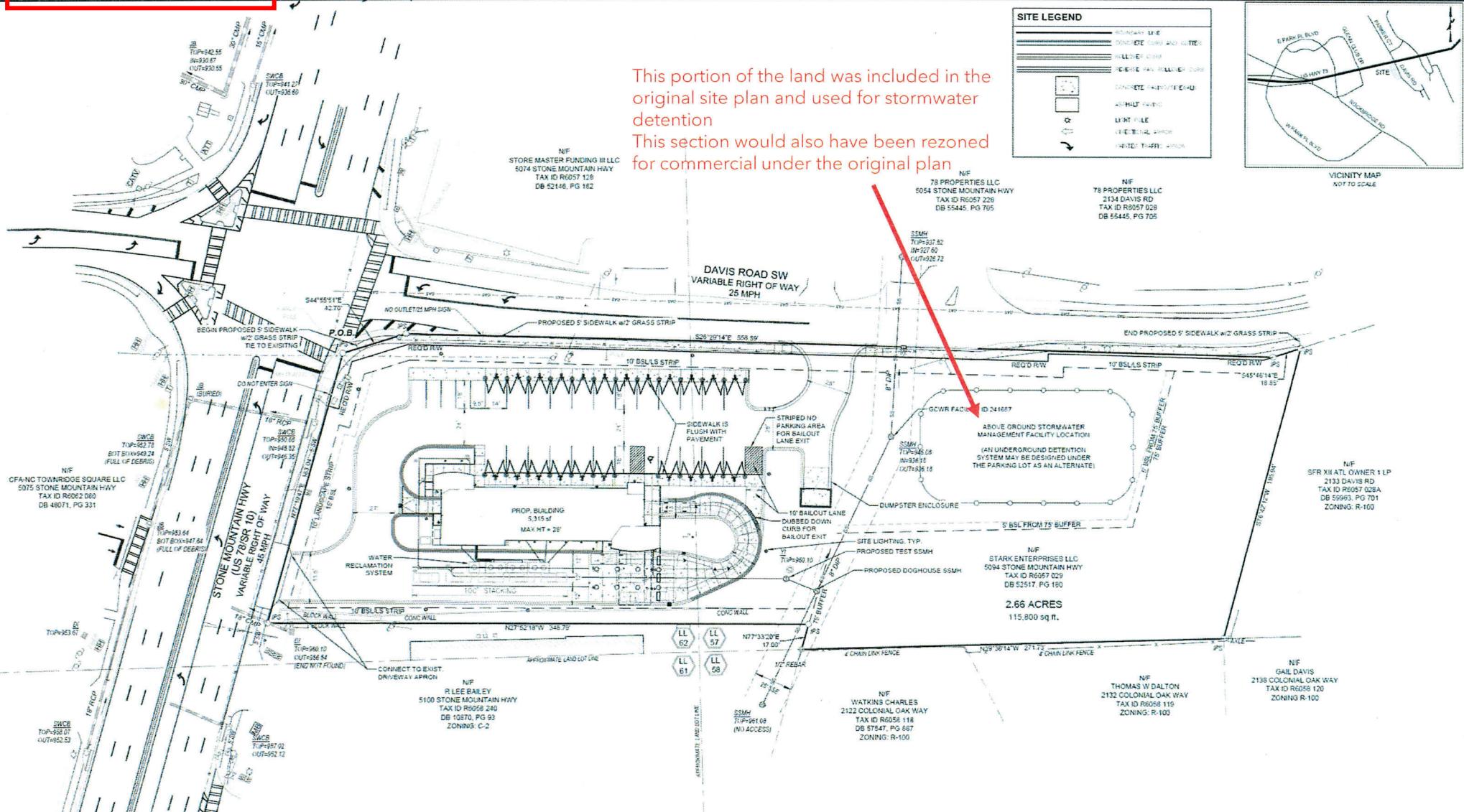
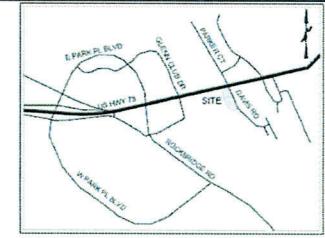
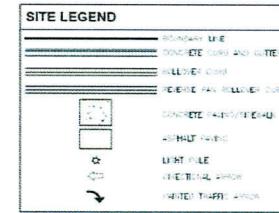


RECEIVED

10/3/2023

This portion of the land was included in the original site plan and used for stormwater detention

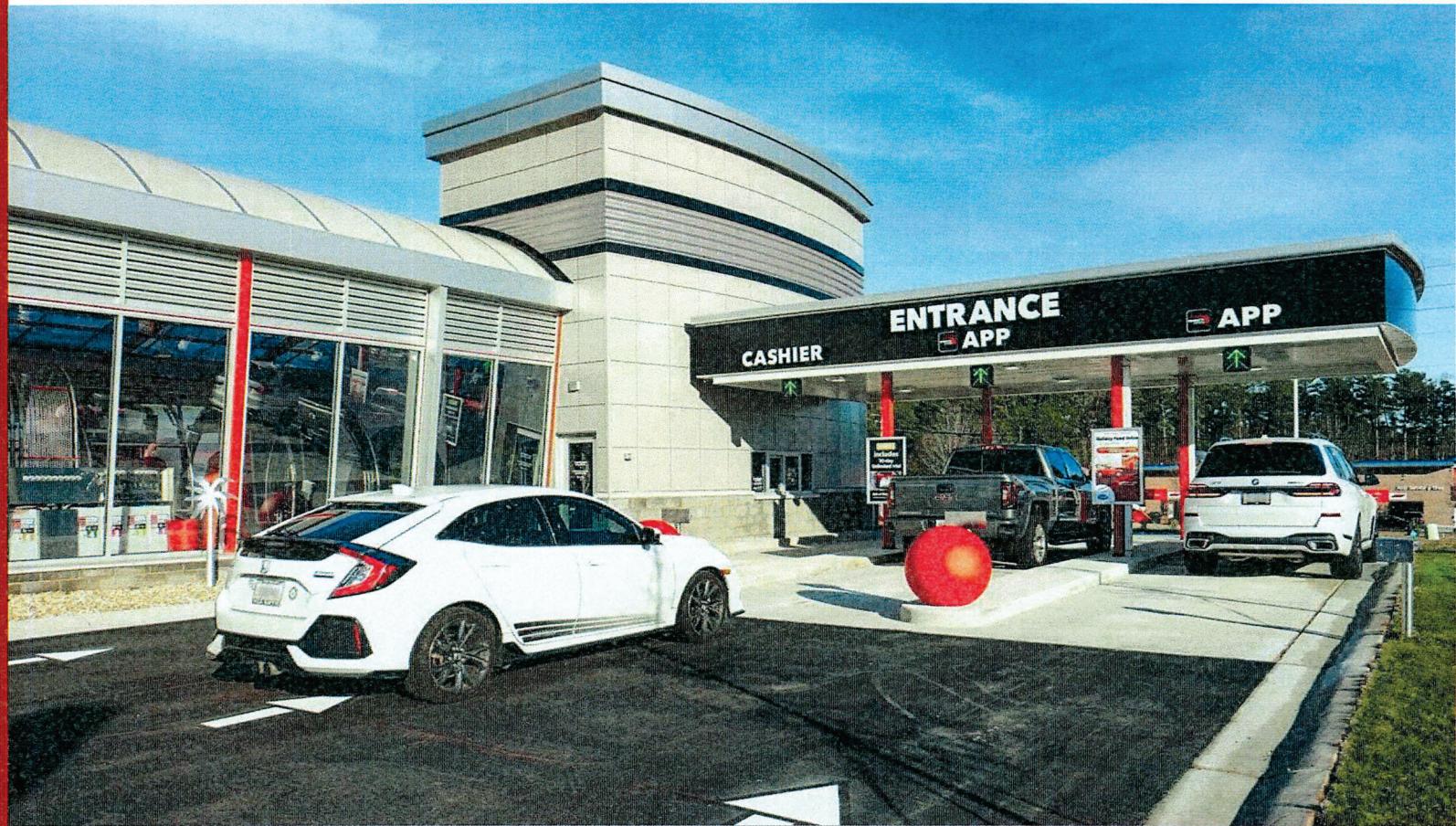
This section would also have been rezoned for commercial under the original plan



RECEIVED

10/3/2023

T



M2 GRAY METAL PANEL



RECEIVED

10/3/2023

T



TOMMY'S
EXPRESS

M2 GRAY METAL PANEL

RECEIVED

10/3/2023

T



M2 GRAY METAL PANEL

RECEIVED

10/3/2023

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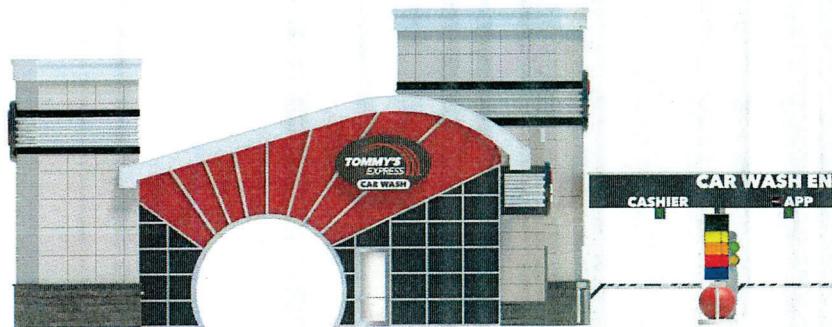


M2 GRAY METAL PANEL



RECEIVED

10/3/2023



M2 – GRAY METAL PANEL

Towers: 30" x 30" Prefinished Metal Panel – Fawn Brindle

End Walls: Prefinished Aluminum Composite Panels – RAL 3001 Signal Red & Ebony

Backroom: Fiber Cement Panel - Gray



T

RECEIVED

10/3/2023

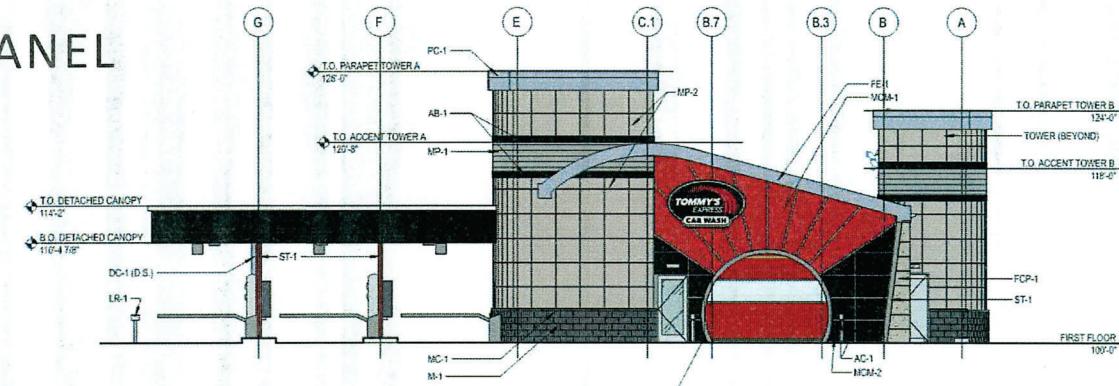
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M2 – GRAY METAL PANEL

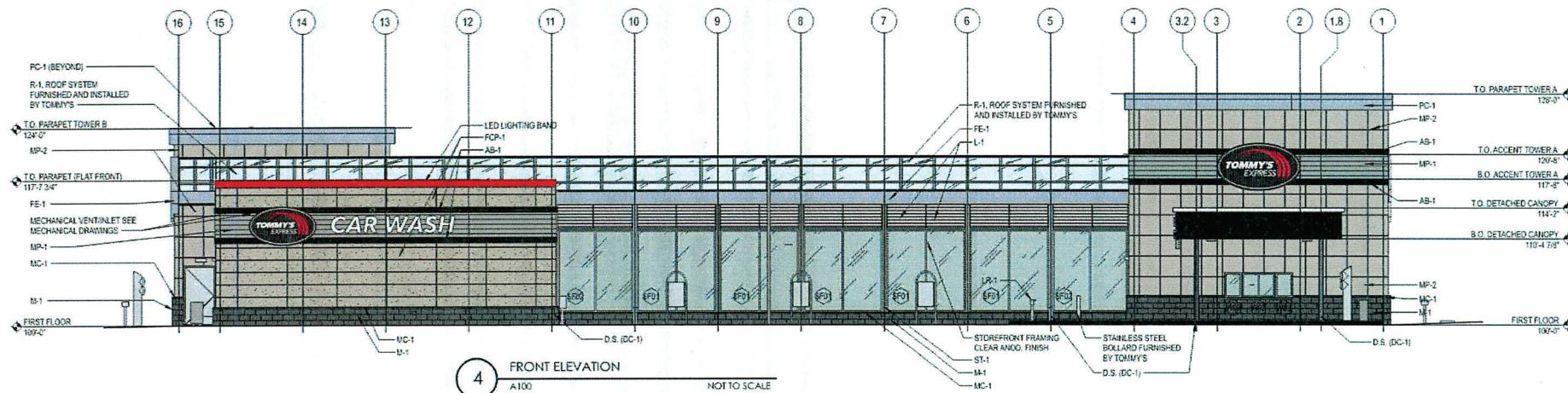
[M2 Colors & Materials](#)

[M2 Exterior Elevations in Color](#)



3 ENTRY END ELEVATION

A100 NOT TO SCALE



4 FRONT ELEVATION

RECEIVED

10/3/2023

T



M1 RED METAL PANEL



RECEIVED

10/3/2023

T



M1 RED METAL PANEL



RECEIVED

10/3/2023

T



M1 RED METAL PANEL

RECEIVED

10/3/2023



M1 – RED METAL PANEL

Towers: 30" x 30" Prefinished Metal Panel – Cardinal Red

End Walls: Prefinished Aluminum Composite Panels – RAL 3001 Signal Red & Ebony

Backroom: Fiber Cement Panel - Gray



T

RECEIVED

10/3/2023



M1 – RED METAL PANEL

[M1 Colors & Materials](#)

[M1 Exterior Elevations in Color](#)

