

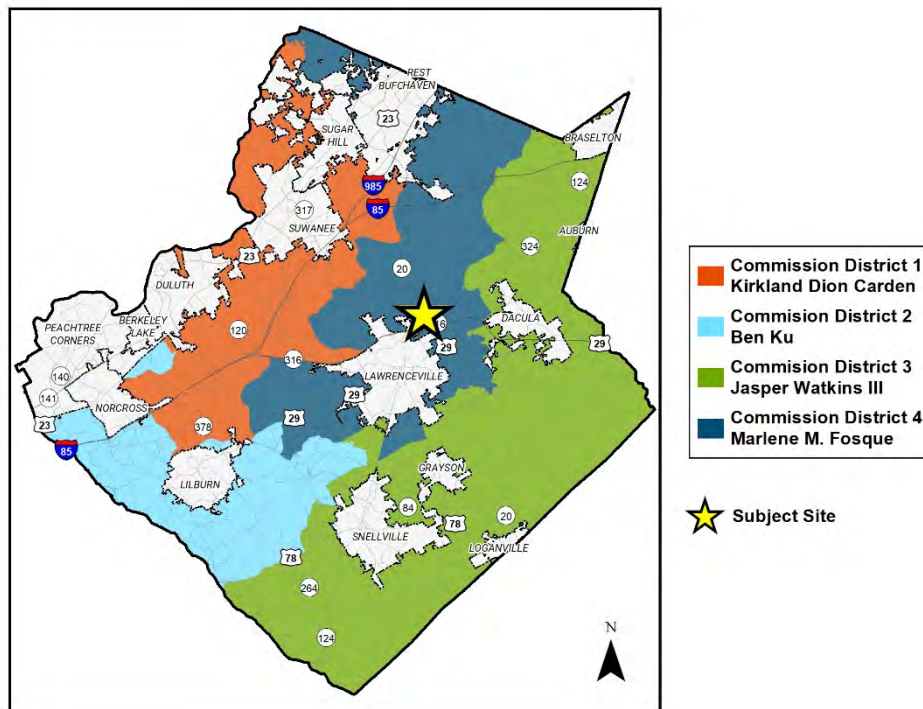


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2022-00032
Current Zoning: O-I (Office-Institutional District)
Request: Rezoning to **M-1** (Light Industry District)
Additional Request: Buffer Reduction Waiver
Address: 788 Petty Road
Map Number: R7013 002
Site Area: 2.93 acres
Square Feet: 20,250
Proposed Development: Warehouse and Office
2022 Commission District: District 4 – Commissioner Fosque
Character Area: Innovation District

Staff Recommendation: **APPROVAL WITH CONDITIONS**

**Planning Commission
Recommendation:** **APPROVAL WITH CONDITIONS**



Planning Commission Advertised Public Hearing Date: 9/7/2022
Board of Commissioners Advertised Public Hearing Date: 9/27/2022

Applicant: L & H Endeavors, LLC
2205 Hawthorne Trace
Monroe, GA 30655

Owner: Clyde Williamson Holloway, Jr.
81 Peyton Lane
Auburn, GA 30011

Contact: W. Charles Ross, Esq.

Contact Phone: 770.962.0100

Zoning History

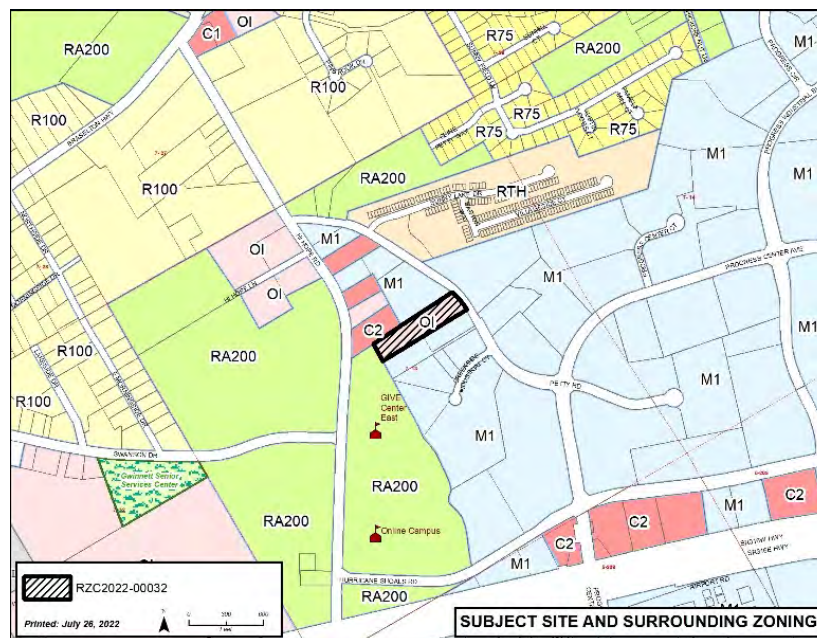
The subject property is zoned O-I (Office-Institutional District). A 1971 rezoning case, RZ-18-71, rezoned the property from R-100 (Single-Family Residence District) to RA-200 (Agriculture-Residence District). A 1975 areawide rezoning was approved on the property from RA-200 to O-I.

Existing Site Condition

The subject site is a 2.93-acre parcel located along Petty Road, south of its intersection with Hi Hope Road. Evidence of a previously demolished single-family residence is present on site. A cell tower and associated easement is located at the rear of the property. The site is largely flat with dense vegetation, with a downward slope from north to south at the rear of the property of approximately 16 feet. No sidewalks exist, but overhead utilities are present along the road frontage. The nearest Gwinnett County Transit stop is approximately 2.4 miles from the subject site.

Surrounding Use and Zoning

The subject site is surrounded by commercial, civic, industrial, institutional, and residential uses. To the north are industrial properties. Further north along Petty Road are residences on large lots, townhouses, and single-family subdivisions. To the west are the Gwinnett County Fleet Maintenance and Gwinnett County Police Detention Center, as well as the Gwinnett County Public Schools GIVE East Center. To the south and east are industrial uses. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Office/Industrial	M-1	N/A
North	Office/Industrial	M-1	N/A
East	Office/Industrial	M-1	N/A
South	Office/Industrial	M-1	N/A
West	GCPS GIVE East Commercial	RA-200 C-2	N/A N/A

Project Summary

The applicant requests rezoning of a 2.93-acre parcel from O-I to M-1 for an office and warehouse development, including:

- A 20,250 square foot office and warehouse building with two loading bays, to be constructed in two phases.
- A truck turnaround and dock area.
- 19 parking spaces located in front of the proposed warehouse.
- A full access driveway from Petty Road.
- A five-foot-wide sidewalk along Petty Road.
- A dumpster enclosure located to the rear of the truck turnaround area.
- A gravel lay-down (outside storage) yard towards the rear of the property.
- A 25-foot-wide landscape buffer, in lieu of the required undisturbed buffer, adjacent to RA-200 zoned property along the rear property line.
- A stormwater management facility located at the rear of the property, behind the lay-down yard.
- A required 10-foot-wide landscape strip along Petty Road.
- An existing telecommunications tower and building located on site. No access is shown to the facility.

Zoning and Development Standards

The applicant is requesting a rezoning to M-1, Light Industry District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	<45'	YES
Front Yard Setback	Minimum 50'	>50'	YES
Side Yard Setback	Minimum 25'	>25'	YES
Rear Yard Setback	Minimum 50'	>50'	YES
Off-Street Parking	Minimum: 8 spaces Maximum: 41 spaces	19 spaces	YES
Landscape Strip	10'	10'	YES
Minimum Lot Size	1 acre	2.93 acres	YES
Zoning Buffer	75' from RA-200	0'	NO*
Outside Storage Setback	Minimum 15'	<15'	NO**

* The applicant is requesting a buffer reduction waiver

** A variance has not been requested. The applicant will be required to comply with this setback during permitting.

Waiver Request

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 610.1 "Table of Minimum Buffer Requirements".

I. A 75-foot undisturbed zoning buffer between the proposed M-1 property and RA-200 zoned property.

The applicant is requesting to eliminate the undisturbed zoning buffer adjacent to RA-200 zoned property and replace it with a 25-foot wide landscape buffer.

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 D). Standard site and infrastructure improvements will also be required related to transportation, stormwater, 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 zoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The site is surrounded by a variety of uses, which primarily include existing industrial and institutional properties. Industrial properties immediately adjacent are similar in scale to the proposed development. The addition of an office warehouse development with an outside storage yard would be suitable given the use of surrounding properties.

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

Industrial and institutional uses of moderate intensity are adjacent to the subject property. Residential uses further north along Petty Road include older existing residences, and a townhouse development under construction. Zoning for the office and warehouse facility will not adversely affect adjacent or nearby properties.

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

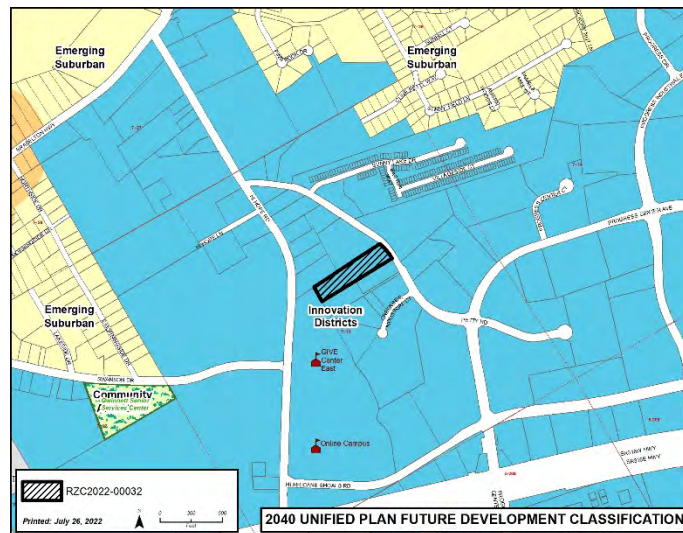
The property has a reasonable economic use as currently zoned.

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.

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

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

The 2040 Unified Plan Future Development Map indicates that the subject property lies within the Innovation District Character Area. The Character Area is intended for the development of technological uses, industrial parks, and areas where there are colleges and universities. The surrounding area is located along University Parkway and Progress Center Avenue, which contains numerous intensive industrial developments and manufacturing centers. The subject property would be consistent with the adjacent industrial density along Hi Hope Road and in Gwinnett Progress Center. As a result, the proposed development would be in conformity with the Unified Plan and Future Development Map.



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

The nearby area is developed with industrial properties of varying intensity, as well as multiple County-owned civic and institutional properties to the north and west. Residential development is present to the north but would not be negatively impacted by the addition of the proposed industrial property, given the nature of the surrounding area.

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 western property line is adjacent to an RA-200 zoned property. However, the use of this property is not residential. Furthermore, the requested buffer reduction is adjacent to a bus parking lot. With the proposed structure close to the Petty Road frontage, a majority of truck and noise generating activity on the property will be several hundred feet away from students attending GIVE East. Reducing the buffer to zero and replanting a 25-foot-wide landscape buffer would not adversely affect the general public welfare or nullify the intent of the Development Regulations.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing exercise of zoning power, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the rezoning request.

Staff recommends **APPROVAL** of the following Waiver request:

1. To reduce the required buffer between the proposed M-1 property line and the RA-200 property line to the west from 75 feet to zero feet with a 25-foot-wide landscape buffer.

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 request.

The Planning Commission recommends **APPROVAL** of the following Waiver request:

1. To reduce the required buffer between the proposed M-1 property line and the RA-200 property line to the west from 75 feet to zero feet with a 25-foot-wide landscape buffer.

Planning Commission Recommended Conditions (includes Staff Recommended Conditions)

Approval as M-1 (Light Industry District) for an office warehouse facility subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: dated received July 18, 2022, with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.

2. Buildings shall comply with the requirements of Architectural Design Category 1. Final building elevations shall be submitted for review and approval by the Department of Planning and Development.
3. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of grand opening and during special events which shall occur no more than twice per calendar year, and last no longer than seven days each.
4. Outdoor loudspeakers shall be prohibited.
5. Natural vegetation shall remain on the property until the issuance of a development permit.
6. Billboards shall be prohibited.
7. Outdoor storage areas (identified as laydown yard on site plan) shall comply with supplemental use standards for outdoor storage.
8. Access to telecommunications and stormwater detention area shall be located outside of the 15-foot-wide landscaped setback for outdoor storage.
9. Fencing around the outdoor storage area shall be opaque and a minimum of 8 feet in height.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Letter of Intent and Applicant's Response to Standards
- D. Internal and External Agency Review Comments
- E. Maps

Exhibit A: Site Visit Photos



View of subject site



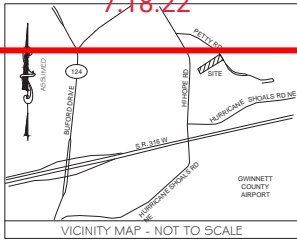
View of adjacent business and access driveway

Exhibit B: Site Plan

[attached]

RECEIVED

7-18-22



PROPERTY OWNERS:
PID: 7013 002; HOLLOWAY, CLYDE WILLIAMSON JR.

PROJECT OWNER / APPLICANT:
L & H ENDEAVORS, LLC
7705 B HAMILTON PLACE
LOGANVILLE, GA. 30052

SEWER NOTE:
SEWER WILL BE A GRAVITY LINE AND TIE INTO EXISTING
SEWER MANHOLE WITHIN THE PETTY ROAD RIGHT OF
WAY. SEWER PROVIDED BY GWINNETT COUNTY.

WATER NOTE:
WATER PROVIDED BY GWINNETT COUNTY;
AVAILABLE WITHIN PROJECT R/W PROXIMITY.

FLOOD NOTE:
ACCORDING TO THE FLOOD INSURANCE RATE MAP
(FIRM) FOR GWINNETT COUNTY, GEORGIA
(COMMUNITY-PANEL NUMBER 13135C006F, DATED
SEPTEMBER 29, 2006), NONE OF THE SUBJECT
PROPERTY LIES WITHIN ZONE X, DEFINED AS
"AREAS DETERMINED TO BE OUTSIDE THE 0.2%
ANNUAL CHANCE FLOODPLAIN."

STORMWATER NOTE:
EXISTING POND TO THE NORTH WILL REMAIN
AND A PROPOSED UNDERGROUND
DETENTION AREA FOR THE SOUTHERN AREA.
CALCULATIONS FOR DETENTION POND
SIZING TO BE COMPLETED DURING LAND
DISTURBANCE PERMIT DESIGN.

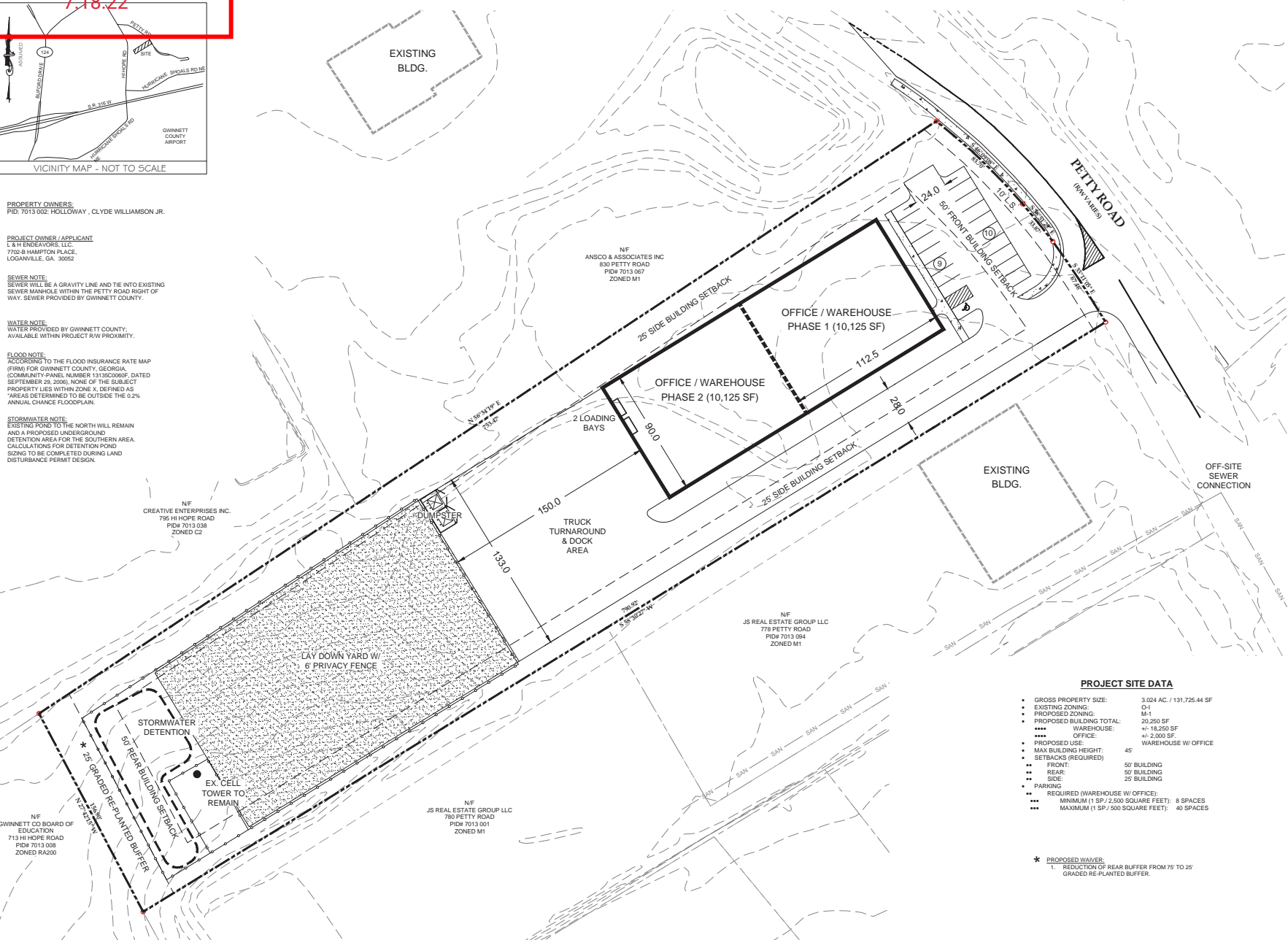
NF
CREATIVE ENTERPRISES INC.
795 HI HOPE ROAD
PID# 7013 038
ZONED C2

NF
ANSCO & ASSOCIATES INC
830 PETTY ROAD
PID# 7013 067
ZONED M1

NF
JIS REAL ESTATE GROUP LLC
778 PETTY ROAD
PID# 7013 084
ZONED M1

NF
JIS REAL ESTATE GROUP LLC
780 PETTY ROAD
PID# 7013 081
ZONED M1

NF
GWINNETT CO BOARD OF
EDUCATION
713 HI HOPE ROAD
PID# 7013 008
ZONED RA200



PROJECT SITE DATA

- GROSS PROPERTY SIZE: 3.024 AC. / 131,725.44 SF
- EXISTING ZONING: O4
- PROPOSED ZONING: M-1
- PROPOSED BUILDING TOTAL: 20,250 SF
- WAREHOUSE: +/- 18,250 SF
- OFFICE: +/- 2,000 SF
- PROPOSED USE: WAREHOUSE W/ OFFICE
- MAX BUILDING HEIGHT: 45'
- SETBACKS (REQUIRED)
 - FRONT: 50' BUILDING
 - REAR: 50' BUILDING
 - SIDE: 25' BUILDING
- PARKING
 - REQUIRED (WAREHOUSE W/ OFFICE):
 - MINIMUM (1 SP / 2,500 SQUARE FEET): 8 SPACES
 - MAXIMUM (1 SP / 500 SQUARE FEET): 40 SPACES

- * PROPOSED WAIVER:
1. REDUCTION OF REAR BUFFER FROM 75' TO 25'
GRADED RE-PLANTED BUFFER.



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Alliance Engineering & Planning, Inc.
299 South Morris St., Suite A | Alpharetta, GA 30009
770.225.4730 | www.allianceep.com

NOT
RELEASED
FOR
CONSTRUCTION

DEVELOPER
L & H Endeavors, LLC.

Zoning Plan for
788 PETTY ROAD
COMMERCIAL TRACT

Orig. Issue 5.27.22
Designed by bw
Checked by bw
Project # 22104



ZONING
PLAN

7.18.22

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

[attached]

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7/7/2022

Gwinnett County Planning Division
Rezoning Application
Last Updated
10/2021

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 current zoning is actually inconsistent with the surrounding zoning and uses. The properties adjacent to the sides and front of the Subject Property are already zoned M-1 or C2. The rear adjacent property is the school bus parking for the GIVE Center. Allowing this property to be rezoned to M-1 is the most suitable use in view of the uses of the adjacent and nearby property.

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

As noted above, the surrounding properties are already similarly zoned. The property is part of an industrial park and as such would not adversely affect the use or usability of the adjacent or nearby property.

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

No, the property is undeveloped as it is currently zoned O-I and sandwiched between two M-1 businesses. This site is not appropriate for a purely O-I use as the activity from the neighboring properties would not be conducive for most offices other than those related to industrial uses.

- (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:

As noted above, the property is located within an industrial park. In the park there exist several tractor trailer terminals and distribution facilities. The addition of this modest-sized warehouse will have negligible impact on the use of the existing streets, transportation facilities or utilities. It will have no impact upon schools.

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7/7/2022

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

The 2040 Unified Plan classifies this area as being within the Innovation District. The district encourages uses which include Industrial Parks. Being located close to State Highway 316, this project is completely in conformity with the policy and intent of the Land Use Plan.

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

This parcel is surrounded by industrial uses and is located in an industrial park. Additionally, the parcel is extremely narrow. A cell tower is also located upon the property. All of these factors significantly limit the usability of property.



July 7, 2022

Susan Canon, Director
Gwinnett County Planning & Development
75 Langley Drive
Lawrenceville, Georgia 30046

**RE: REZONING APPLICATION AND LETTER OF INTENT FOR L & H
ENDEAVORS, LLC., 788 PETTY ROAD, LAWRENCEVILLE.**

Dear Ms. Canon:

Powell & Edwards, P.C. submits this Letter of Intent on behalf of L & H Endeavors, LLC (the "Applicant") to request a Rezoning from O-I to M-1 to allow for a proposed office and warehouse facility with a loading dock. The property is located in the Progress Center at 788 Petty Road, Lawrenceville and having Gwinnett County Tax ID Number of R7013 002 (the "Property").

The vacant 3.02 acre lot is surrounded on three sides by M-1 properties and the rear of the property is adjacent to the school bus parking lot of the Gwinnett County Public Schools GIVE Center. The proposed development would consist of a 2,000 square foot office and an attached 18,250 square foot warehouse with a loading dock. The building will not exceed 45' in height and will have 19 parking spaces which is well below the maximum allowed of 41.

The proposed facility is appropriately located within the Innovation District Character Area which specifically encourages uses such as Industrial Parks. Further, its use is consistent with the similar M-1 zoning of the immediately adjacent properties. Of particular note, is the existence of a cell tower at the rear of the property, which is not owned by the Applicant. Because of the location of the cell tower, stormwater detention on the narrow property requires a much wider footprint, which significantly diminishes the use of some of the Property. As such, the Applicant is requesting relief from the required 75-foot rear buffer by way of a waiver to allow for a 25-foot graded and re-planted buffer. This buffer abuts the previously mentioned school bus parking lot.

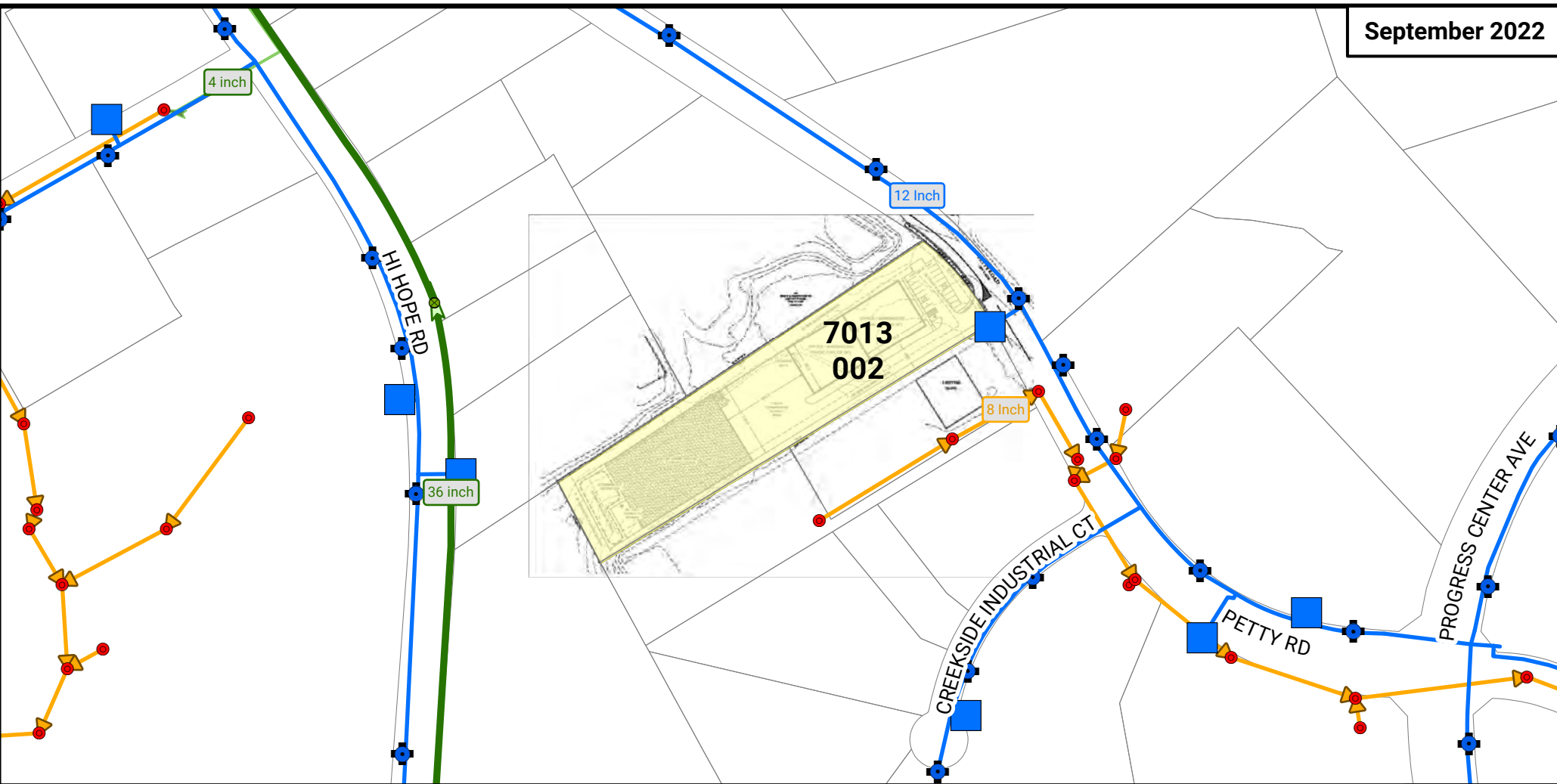
The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concern relating to the matters set forth in this Letter of Intent or in its Application for Rezoning filed herewith. The Applicant respectfully requests your approval of this Application.

Exhibit D: Internal and External Agency Review Comments

[attached]

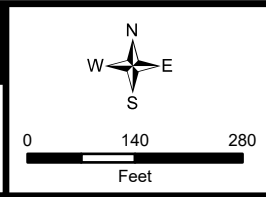
TRC Meeting Date:		8.17.22	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		RZC2022-00032	
Case Address:		788 Petty Road	
Comments:		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
1	Petty Road is a local street. No ADT on file.		
2	2.4 miles to nearest transit facility (#2454819) Collins Hill Road and Collins Industrial Way.		
3	Prior to the issuance of a Development Permit, a sight distance certification shall be provided.		
4	A 5' sidewalk will be required along the property frontage.		
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			

TRC Meeting Date:		8/17/2022	
Department/Agency Name:		DWR	
Reviewer Name:		Mike Pappas	
Reviewer Title:		GIS Planning Manager	
Reviewer Email Address:		Michael.pappas@gwinnettcountry.com	
Case Number:		RZC2022-00032	
Case Address:		788 Petty Road	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
1	Water: The development may connect to an existing 12-inch water main on the east right-of-way of Petty Road.	<input type="checkbox"/>	<input type="checkbox"/> NO
2	Sewer: A Sewer Capacity Certification is required to confirm capacity.		
3	Sewer: Pending available capacity, proposed development may connect to an existing 8-inch sanitary sewer main located approximately 160 feet south on the west right-of-way of Petty Road.		
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input checked="" type="checkbox"/> X
1			
2			
3			
4			
5			
6			
7			



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

RZC2022-00032
O-1 to M-1
Water & Sewer
Utility Map



Water Comments: The development may connect to an existing 12-inch water main on the east right-of-way of Petty Road.

Sewer Comments: A Sewer Capacity Certification is required to confirm capacity. Pending available capacity, proposed development may connect to an existing 8-inch sanitary sewer main located approximately 160 feet south on the west right-of-way of Petty Road.

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.

Exhibit E: Maps

[attached]



EASTON WAY

HI HOPE LN

HI HOPE RD

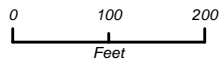
CREEKSIDE INDUSTRIAL CT

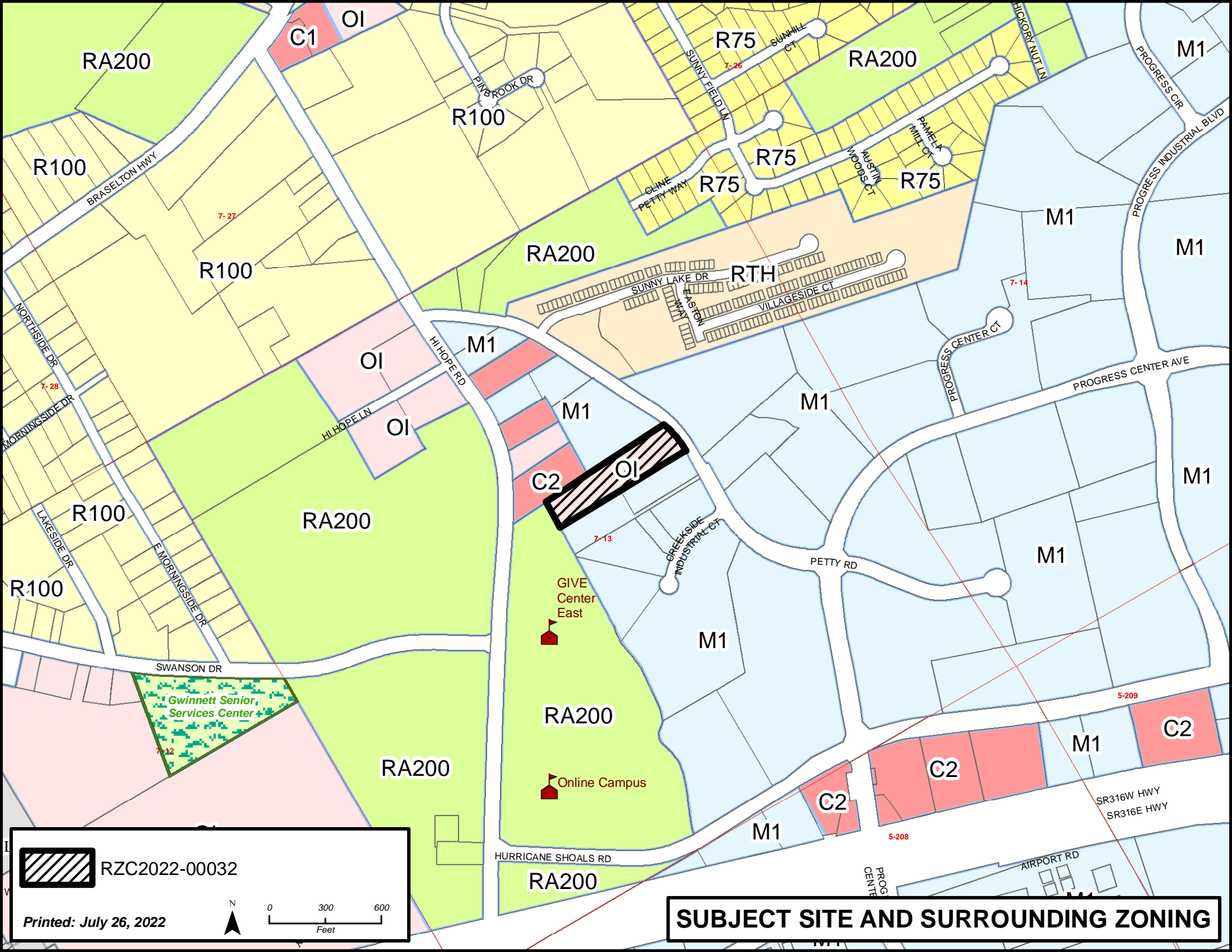
PETTY RD



RZC2022-00032

Printed: July 26, 2022



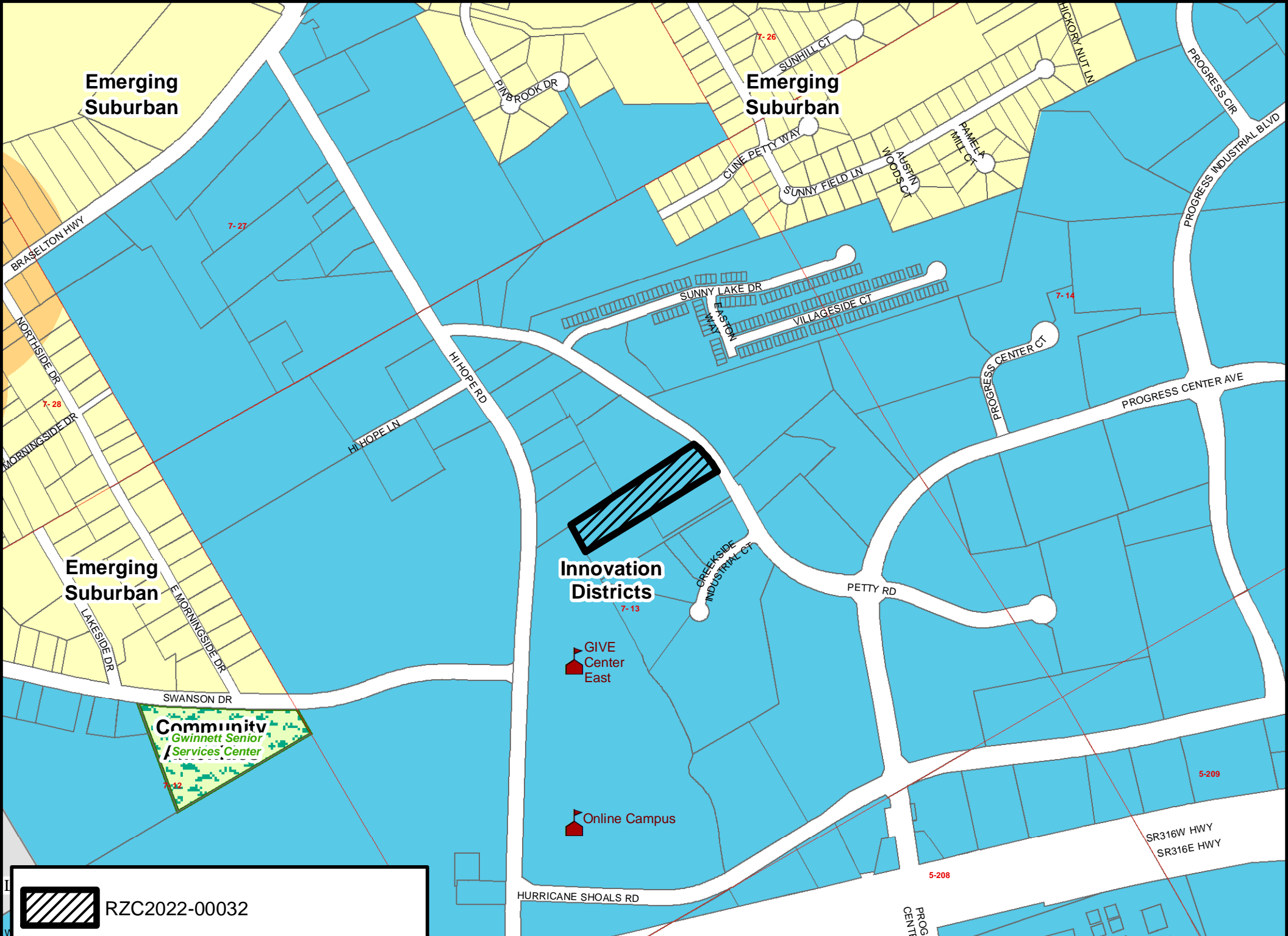


RZC2022-00032

Printed: July 26, 2022

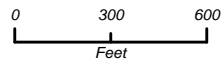


SUBJECT SITE AND SURROUNDING ZONING



RZC2022-00032

Printed: July 26, 2022



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

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7/7/2022

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>L & H Endeavors, LLC</u>	NAME: <u>Clyde Williamson Holloway, Jr.</u>
ADDRESS: <u>2205 Hawthorne Trace</u>	ADDRESS: <u>81 Peyton Lane</u>
CITY: <u>Monroe</u>	CITY: <u>Auburn</u>
STATE: <u>Georgia</u> ZIP: <u>30655</u>	STATE: <u>Georgia</u> ZIP: <u>30011</u>
PHONE: <u>770-601-5451</u>	PHONE: <u>678-425-8548</u>
EMAIL: <u>mccart71@gmail.com</u>	EMAIL: <u>cw.holloway@hotmail.com</u>
CONTACT PERSON: <u>W. Charles "Chuck" Ross, Esq.</u> PHONE: <u>770-962-0100</u>	
CONTACT'S E-MAIL: <u>cross@powelledwards.com</u>	
<p align="center">APPLICANT IS THE:</p> <p> <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER </p>	
PRESENT ZONING DISTRICTS(S): <u>O-I</u> REQUESTED ZONING DISTRICT: <u>M-1</u>	
PARCEL NUMBER(S): <u>R7013 002</u> ACREAGE: <u>3.024</u>	
ADDRESS OF PROPERTY: <u>788 Petty Road, Lawrenceville, Georgia</u>	
PROPOSED DEVELOPMENT: <u>Warehouse & Office with loading dock</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>1/1</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>20,250</u>
Gross Density: _____	Density: <u>0.154</u>
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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7/7/2022

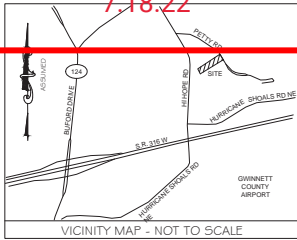
LEGAL DESCRIPTION

That tract or parcel of land lying and being in the Seventh (7th) land district of Gwinnett County, Ga. part of the land lot No. 13 and containing three acres, more or less and described as follows: Beginning at a rock corner on the lands of G. A. Petty and the road that runs from the Camp Ground to the Hurricane Shoals road; thence South 56 ¼ degrees West 801 feet to an iron pin corner; thence in a northeasterly direction 815 feet to an iron pin on the road; thence up said road in a northwesterly direction 163 feet to the point of beginning. This is a part of the same tract of land conveyed to C.Z. Rawlins by J.H. Oakes by deed dated March 31, 1943 and recorded in Deed Book 74 page 115 of the records of Gwinnett County, Ga.

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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7-18-22



PROPERTY OWNERS:
PID: 7013 002; HOLLOWAY, CLYDE WILLIAMSON JR.

PROJECT OWNER / APPLICANT:
L & H ENDEAVORS, LLC
7705 B HAMILTON PLACE
LOGANVILLE, GA. 30052

SEWER NOTE:
SEWER WILL BE A GRAVITY LINE AND TIE INTO EXISTING
SEWER MANHOLE WITHIN THE PETTY ROAD RIGHT OF
WAY. SEWER PROVIDED BY GWINNETT COUNTY.

WATER NOTE:
WATER PROVIDED BY GWINNETT COUNTY;
AVAILABLE WITHIN PROJECT R/W PROXIMITY.

FLOOD NOTE:
ACCORDING TO THE FLOOD INSURANCE RATE MAP
(FIRM) FOR GWINNETT COUNTY, GEORGIA
(COMMUNITY-PANEL NUMBER 13135C0060F, DATED
SEPTEMBER 29, 2006), NONE OF THE SUBJECT
PROPERTY LIES WITHIN ZONE X, DEFINED AS
"AREAS DETERMINED TO BE OUTSIDE THE 0.2%
ANNUAL CHANCE FLOODPLAIN."

STORMWATER NOTE:
EXISTING POND TO THE NORTH WILL REMAIN
AND A PROPOSED UNDERGROUND
DETENTION AREA FOR THE SOUTHERN AREA.
CALCULATIONS FOR DETENTION POND
SIZING TO BE COMPLETED DURING LAND
DISTURBANCE PERMIT DESIGN.

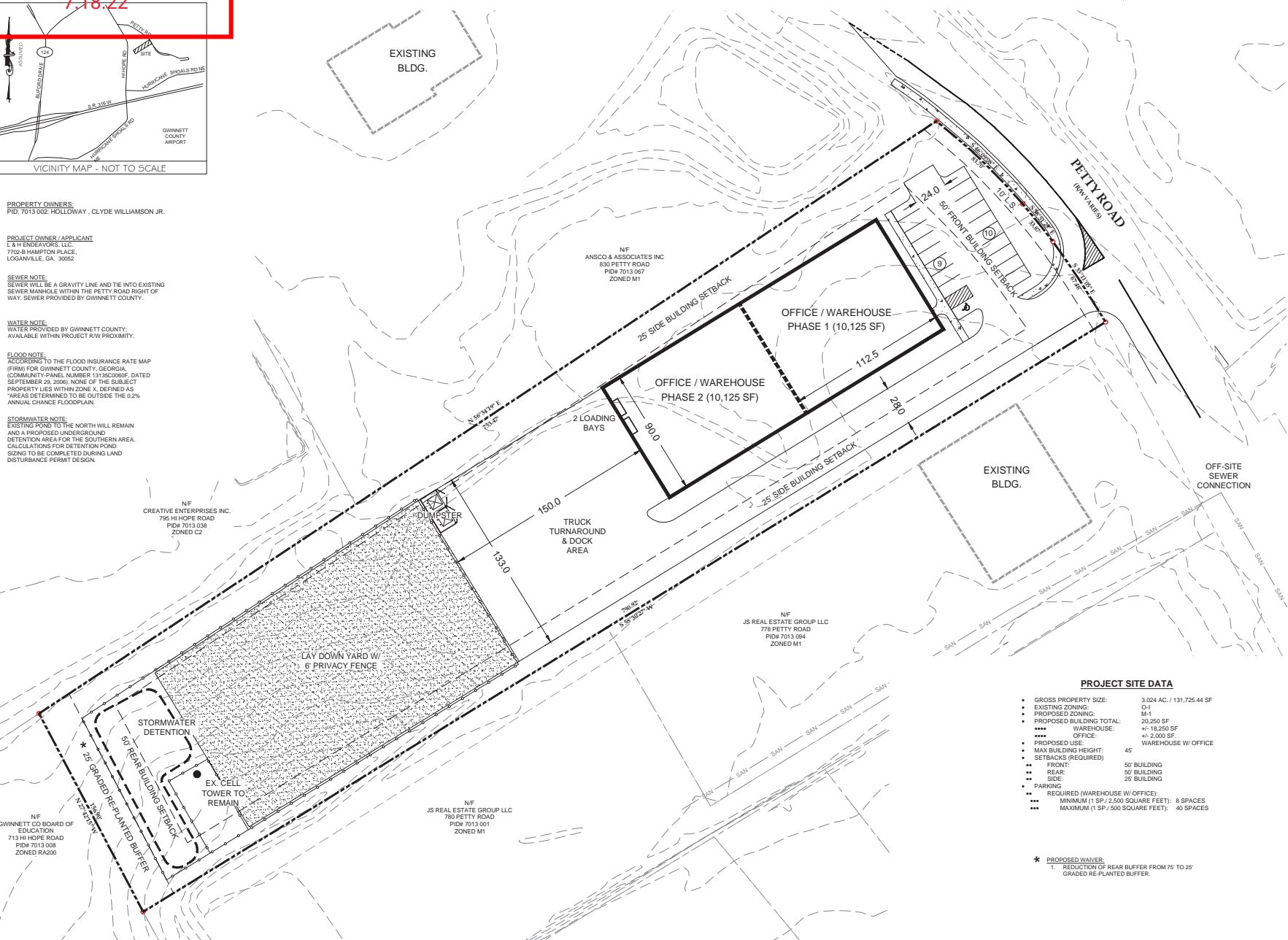
NF
CREATIVE ENTERPRISES INC.
795 HI HOPE ROAD
PID# 7013 038
ZONED C2

NF
ANSCO & ASSOCIATES INC
830 PETTY ROAD
PID# 7013 067
ZONED M1

NF
JIS REAL ESTATE GROUP LLC
778 PETTY ROAD
PID# 7013 084
ZONED M1

NF
JIS REAL ESTATE GROUP LLC
780 PETTY ROAD
PID# 7013 081
ZONED M1

NF
GWINNETT CO BOARD OF
EDUCATION
713 HI HOPE ROAD
PID# 7013 008
ZONED RA200



PROJECT SITE DATA

- GROSS PROPERTY SIZE: 3.024 AC. / 131,725.44 SF
- EXISTING ZONING: O-1
- PROPOSED ZONING: M-1
- PROPOSED BUILDING TOTAL: 20,250 SF
- WAREHOUSE: +/- 18,250 SF
- OFFICE: +/- 2,000 SF
- PROPOSED USE: WAREHOUSE W/ OFFICE
- MAX BUILDING HEIGHT: 45'
- SETBACKS (REQUIRED)
- FRONT: 80' BUILDING
- REAR: 50' BUILDING
- SIDE: 25' BUILDING
- PARKING
- REQUIRED (WAREHOUSE W/ OFFICE):
- MINIMUM (1 SP / 2,500 SQUARE FEET): 8 SPACES
- MAXIMUM (1 SP / 500 SQUARE FEET): 40 SPACES

- * PROPOSED WAIVER:
1. REDUCTION OF REAR BUFFER FROM 75' TO 25'
GRADED RE-PLANTED BUFFER.



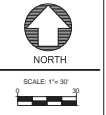
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Alliance Engineering & Planning, Inc.

NOT
RELEASED
FOR
CONSTRUCTION

DEVELOPER
L & H Endeavors, LLC.

Zoning Plan for
788 PETTY ROAD
COMMERCIAL TRACT

Orig. Issue 5.27.22
Designed by bw
Checked by bw
Project # 22104



ZONING
PLAN

7.18.22

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Gwinnett County Planning Division
Rezoning Application
Last Updated
10/2021

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 current zoning is actually inconsistent with the surrounding zoning and uses. The properties adjacent to the sides and front of the Subject Property are already zoned M-1 or C2. The rear adjacent property is the school bus parking for the GIVE Center. Allowing this property to be rezoned to M-1 is the most suitable use in view of the uses of the adjacent and nearby property.

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

As noted above, the surrounding properties are already similarly zoned. The property is part of an industrial park and as such would not adversely affect the use or usability of the adjacent or nearby property.

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

No, the property is undeveloped as it is currently zoned O-I and sandwiched between two M-1 businesses. This site is not appropriate for a purely O-I use as the activity from the neighboring properties would not be conducive for most offices other than those related to industrial uses.

- (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:

As noted above, the property is located within an industrial park. In the park there exist several tractor trailer terminals and distribution facilities. The addition of this modest-sized warehouse will have negligible impact on the use of the existing streets, transportation facilities or utilities. It will have no impact upon schools.

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

The 2040 Unified Plan classifies this area as being within the Innovation District. The district encourages uses which include Industrial Parks. Being located close to State Highway 316, this project is completely in conformity with the policy and intent of the Land Use Plan.

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

This parcel is surrounded by industrial uses and is located in an industrial park. Additionally, the parcel is extremely narrow. A cell tower is also located upon the property. All of these factors significantly limit the usability of property.



July 7, 2022

Susan Canon, Director
Gwinnett County Planning & Development
75 Langley Drive
Lawrenceville, Georgia 30046

**RE: REZONING APPLICATION AND LETTER OF INTENT FOR L & H
ENDEAVORS, LLC., 788 PETTY ROAD, LAWRENCEVILLE.**

Dear Ms. Canon:

Powell & Edwards, P.C. submits this Letter of Intent on behalf of L & H Endeavors, LLC (the "Applicant") to request a Rezoning from O-I to M-1 to allow for a proposed office and warehouse facility with a loading dock. The property is located in the Progress Center at 788 Petty Road, Lawrenceville and having Gwinnett County Tax ID Number of R7013 002 (the "Property").

The vacant 3.02 acre lot is surrounded on three sides by M-1 properties and the rear of the property is adjacent to the school bus parking lot of the Gwinnett County Public Schools GIVE Center. The proposed development would consist of a 2,000 square foot office and an attached 18,250 square foot warehouse with a loading dock. The building will not exceed 45' in height and will have 19 parking spaces which is well below the maximum allowed of 41.

The proposed facility is appropriately located within the Innovation District Character Area which specifically encourages uses such as Industrial Parks. Further, its use is consistent with the similar M-1 zoning of the immediately adjacent properties. Of particular note, is the existence of a cell tower at the rear of the property, which is not owned by the Applicant. Because of the location of the cell tower, stormwater detention on the narrow property requires a much wider footprint, which significantly diminishes the use of some of the Property. As such, the Applicant is requesting relief from the required 75-foot rear buffer by way of a waiver to allow for a 25-foot graded and re-planted buffer. This buffer abuts the previously mentioned school bus parking lot.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concern relating to the matters set forth in this Letter of Intent or in its Application for Rezoning filed herewith. The Applicant respectfully requests your approval of this Application.

A PROFESSIONAL CORPORATION

P.O. Box 1390 • Lawrenceville, Georgia 30046-1390 • powelledwards.com • 770.962.0100

Street Address For Direct Deliveries Only • 10 Lumpkin Street Lawrenceville, GA 30046

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7/7/2022

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.

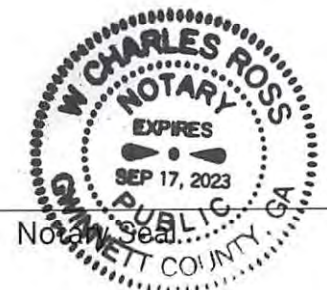

Signature of Applicant

7/5/2022
Date

Jason McCart, Member L & H Endeavors, LLC
Type or Print Name and Title


Signature of Notary Public

7/5/22
Date



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7/7/2022

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.

Clyde Williamson Holloway Jr. 7-1-2022
Signature of Property Owner Date

Clyde Williamson Holloway, Jr., Owner
Type or Print Name and Title

[Signature] 7/1/2022 [Seal]
Signature of Notary Public Date Notary Seal

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7/7/2022

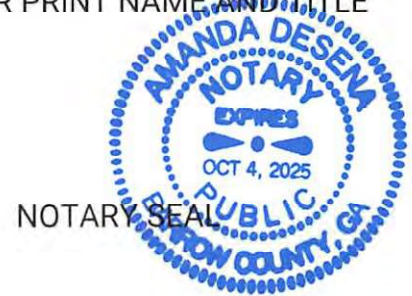
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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.

Jason McCart 7/5/2022 Jason McCart, Member, L&H Endeavors, LLC
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

W. Charles Ross 7/5/2022 W. Charles Ross, Esquire
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

Amanda DeSena 7-5-2022
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 Jason McCart
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.

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7/7/2022

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: 7 - 013 - 002
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

7/5/2022
Date

Jason McCart, Member L & H Endeavors, LLC
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)

Tomia A
NAME
7.6.22
DATE

TSA
TITLE