



PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: CIC2022-00010
Current Zoning: C-2 (General Business District)
Overlay District: Mall of Georgia
Request: Change in Conditions
Additional Request: Variances
Address: 2465 Buford Drive and 2500 Block of Buford Drive
Map Number: R7132 002 and 026
Site Area: 10.25 acres
Square Feet: 31,874
Proposed Development: Commercial and Restaurants with Drive-In or Drive-Through Fast Food
Commission District: District 4 – Commissioner Fosque
Character Area: Community Mixed-Use

Staff Recommendation: APPROVAL WITH CONDITIONS

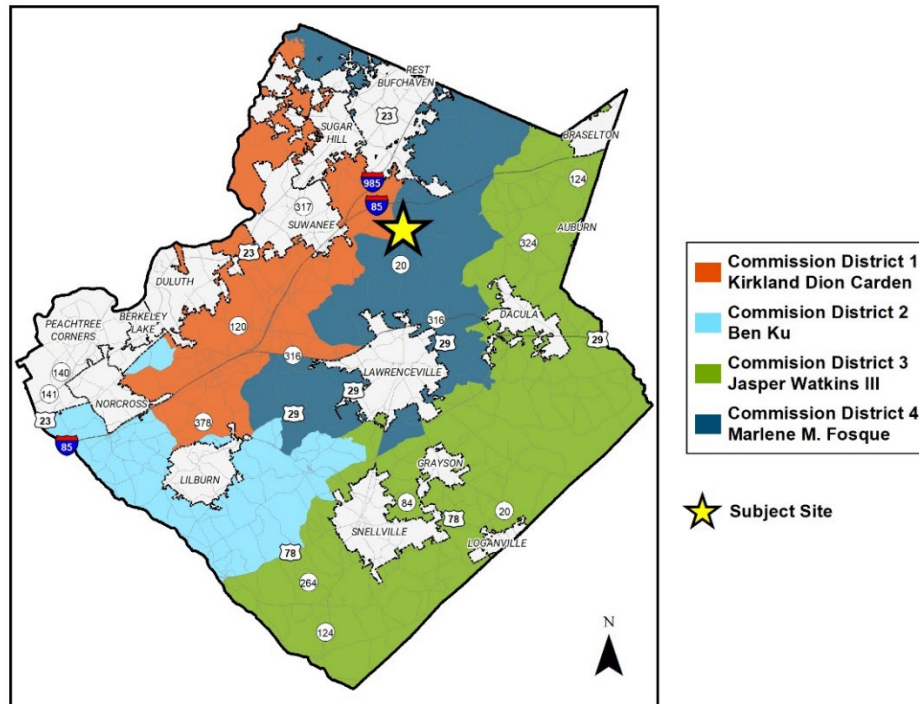
Planning Commission Recommendation: PUBLIC HEARING TABLED TO NOVEMBER 1, 2022

Planning Commission Advertised Public Hearing Date: 4/13/2022 (Public Hearing Tabled To 6/7/2022)

Board of Commissioners Advertised Public Hearing Date: 4/26/2022 (Public Hearing Tabled To 8/23/2022) Remanded to Planning Commission

Planning Commission Readvertised Public Hearing Date: 10/4/2022 (Public Hearing Tabled To 11/1/2022)

Board of Commissioners Readvertised Public Hearing Date: 10/25/2022 (Public Hearing Tabled To 11/15/2022)



Applicant: The Davis Group
 c/o Mahaffey Pickens Tucker, LLP
 1550 North Brown Road, Suite 125
 Lawrenceville, GA 30043

Owner: SBR Properties, LLC
 1100 Highway 98 East
 Destin, FL 32541

Contact: Shane Lanham

Contact Phone: 770.232.0000

Zoning History

The subject properties are zoned C-2 (General Business District). In 2000, the northern property was rezoned from R-100 (Single-Family Residence District) to O-I (Office-Institutional District) for commercial and retail uses, pursuant to REZ2000-00129. In 2009, RZC2009-00005 rezoned both properties from R-100 and O-I to C-2 for a retail center that included two hotels and a restaurant with no drive-through. The rezoning case also included a buffer reduction waiver which reduced the 50-foot undisturbed buffer along the eastern property line to a 25-foot undisturbed buffer with an additional 25-foot graded and replanted buffer. No buffer was required along the southern property line in order to encourage interparcel access with Parcel R7105 052. In 2020, CIC2020-00016 and SUP2020-00023, requested a change in conditions and special use permit for an automobile repair and auto part facility at the southern portion of the site which was denied.

Location	Land Use	Zoning	Density
Proposed	Commercial	C-2	N/A
North	Single-Family Residential	R-100	1.23 units per acre
East	Single-Family Residential	R-100	1.23 units per acre
South	Multifamily Residential	RM-24	18.17 units per acre
West	Mixed-Use Development	C-2	8.44 units per acre

Project Summary

The applicant requests a change in conditions for a 10.25-acre property zoned C-2 for commercial and drive-in or drive-through restaurants, including:

- A change in conditions of zoning case, RZC2009-00005. The applicant is requesting revisions to the following conditions:
 - Condition 1A, *“To restrict the use of the property as follows: Retail, service commercial, office and accessory uses. The following uses shall be prohibited: adult bookstores or adult entertainment, automotive parts stores, automotive repair shops or tire stores, contractor’s offices, emission inspection stations, equipment rental, extended stay hotels or motels, recovered materials processing facilities, smoke shops/novelty stores, taxidermists, yard trimmings composting facilities, tattoo or piercing parlors, pawn shops, check cashing stores, pool halls.”* The applicant requests to add convenience stores with or without fuel pumps to the list of prohibited uses.
 - Condition 2A, *“Provide a 25-foot-wide undisturbed buffer along the eastern property line adjacent to the Habersham Hills Subdivision. In addition to that undisturbed buffer, provide an additional 25-foot wide graded and replanted buffer adjacent and internal to the undisturbed buffer. The graded and replanted buffer shall be densely landscaped with three staggered rows of Thuja Green Giant trees planted on 15-foot centers and a minimum 6-foot in height at time of planting in order to provide an effective visual screen. A vinyl coated (black or green) chain link or decorative metal fence (wrought iron in appearance) shall be installed adjacent to the interior of landscape buffer. Said buffer and fence shall be in place before construction begins. Zero buffer shall be permitted adjacent to Tax Parcel 7-105-052 directly adjacent to the south, to allow for future interparcel access when that parcel is developed.* The applicant requests to allow a buffer on the southern property line as to not provide vehicular access to the adjacent property.
 - Condition 2C, *“Provide a 5-foot-wide landscape strip adjacent to all internal property lines.”* The applicant requests to remove this condition in its entirety.
 - Condition 2D, *“Ground signage shall be limited to monument-type sign(s) with a minimum 2-foot-high brick or stacked stone base matching the materials and architectural style of the buildings. Ground signs shall not exceed 8 feet in height. Electronic reader, neon, blinking neon, flashing, portable, inflatable and temporary signage shall be prohibited.”* The applicant requests to change the condition to, *“Signage shall comply with the Gwinnett County Sign Ordinance. This condition shall not preclude a variance.”*
 - The applicant requests the following additional conditions:
 - 2.Q. Final site design shall be subject to the review and approval of the Director of Planning and Development.
 - 2.R. Drive in or drive-through service shall be located at the rear of the building. Should a drive in or drive-through service be provided, only a one-way drive aisle

shall be placed at the front of the building between the building and the street. Said aisle shall be concealed with landscaping.

- 2.S. The developer shall coordinate with the developer of Parcel R7105-052 to design a pedestrian friendly interparcel access between the sites. An access and construction easement shall be provided to adjacent parcel R7105-052 to accommodate future pedestrian interparcel access.
- 2.T. The developer shall dedicate the right-of-way for the future widening of Buford Drive as identified in the County’s Destination 2040 Comprehensive Transportation Plan (Project GW_020D) subject to the review and approval of the Gwinnett County Department of Transportation.
- Seven buildings located on five separate lots totaling 31,874 square feet to accommodate 12 restaurants with drive-in or drive through fast food service.
- Five freestanding buildings with drive-thru windows and two multitenant buildings, one with a drive-thru window. All drive-thru lanes are proposed behind the building. However, an applicant proposed condition would allow drive-thru lanes between the building and the street.
- A total of 246 surface parking spaces located throughout the site.
- Two private streets from Buford Drive with deceleration lanes. The southernmost driveway would align with the signaled intersection of Buford Drive and Braves Avenue. The other private street would be constructed as a limited access entrance with right-in/right-out access only.
- A master stormwater management facility located on the northern portion of the property.
- Commercial dumpster enclosures located in the rear of each of the lots.
- A 10-foot-wide sidewalk along Buford Drive with perpendicular connections to the front of each building.
- A landscape strip located behind the 78-inch water main, between the buildings and the street.
- A 25-foot undisturbed buffer and an additional 25-foot graded and replanted buffer along the west and south property lines.
- A 5-foot-wide landscape strip between portions of each internal property line where unimproved.
- A 50-foot undisturbed stream buffer and 75-foot impervious setback adjacent to the stream located near the northern property line.

Zoning and Development Standards

The applicant is requesting a change in conditions, for commercial and restaurants with drive-throughs. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	One story*	25'-40'	YES
Front Yard Setback	Minimum: 15'	>15'	YES
Side Yard Setback	Minimum 10'	>10'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Off-Street Parking	Minimum: 150 spaces Maximum: 313 spaces	246 spaces	YES

Zoning Buffer	South and East: 25' undisturbed and 25' graded and replanted	South and East: 25' undisturbed and 25' graded and replanted	YES
Landscape Strip	10'	10'	YES
Loading Spaces	4	4	YES

**Per Condition 2A of Zoning Resolution RZC2009-00005*

Variance Requests

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

1. Section 230-130.4.G.7., to allow the hours of operations of outdoor seating area adjacent to residential uses to be from 9a.m. to 9p.m. to 6:00a.m. to 2a.m.
2. Section 220-30.3.A.1., to not provide interparcel vehicle access to the contiguous tract to the south.

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

Change in Conditions: According to the UDO, if a proposed amendment is for the change in conditions of 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 change in conditions is suitable in view of the use and development of adjacent and nearby property.

The surrounding area is a rapidly changing commercial node with active uses, including a sports field directly across from the site, restaurants, multifamily housing, and single-family housing. Further north of the site is the Mall of Georgia and the Exchange development. These active uses have created a high quality, aesthetic design in the area. A development of primarily drive-through restaurants discourages pedestrian-friendly design and encourages automobile dependency. Therefore, providing a mix of retail and restaurant space while limiting the number of drive-through establishments would result in a development that is suitable in view of the use and development of adjacent and nearby property.

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

The existing use and usability of adjacent or nearby properties would be impacted by the zoning change. Sites adjacent to the development have developed the area into a commercial node with pedestrian-friendly and active uses. Allowing the development as currently designed would be inconsistent with the high-quality design and aesthetics of the area and would therefore adversely affect the existing use or usability of adjacent or nearby property. However, a similar development with fewer drive-through establishments would not adversely affect nearby properties and provide additional dining opportunities for nearby residents.

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

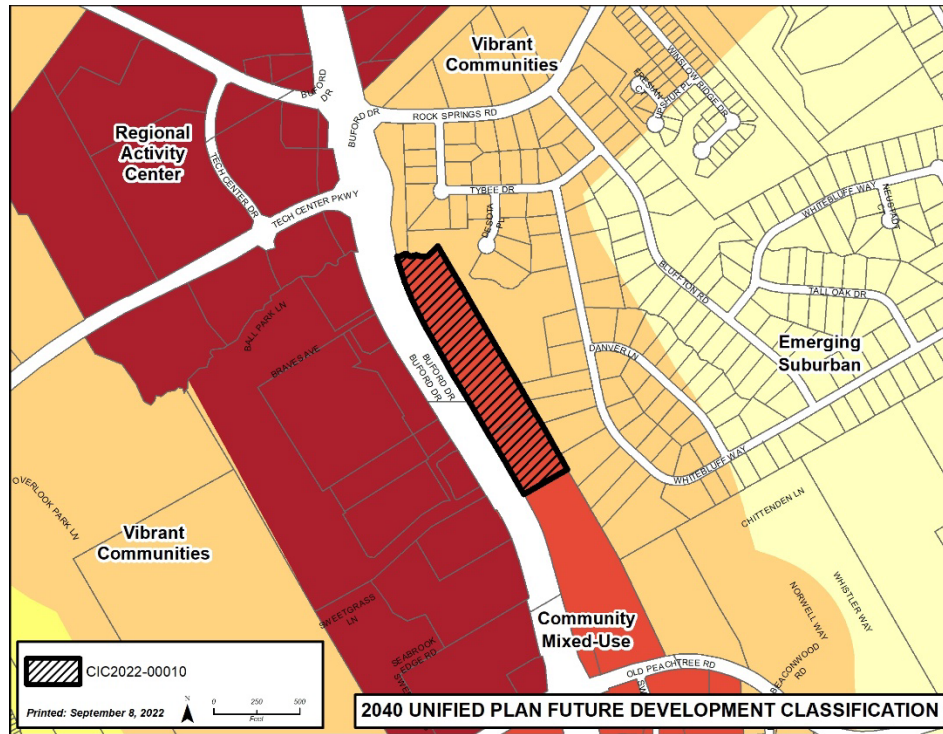
The property has reasonable economic use as currently zoned.

D. Whether the proposed change in conditions and special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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 the special use permit and change in condition requests are attached (Exhibit D).

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

The 2040 Unified Plan and Future Development Map indicates that the subject property lies within the Community Mixed-Use Character Area. Developments in this area should focus on making these corridors more pedestrian oriented with intensity focused in specific nodes. This is characterized by mixed-use developments incorporating mostly commercial uses with some smaller office tenants, and medium to high density residential uses concentrated at major intersections. The site design as currently designed is not consistent with the Unified Plan or Future Development Map.



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

In 2020, CIC2020-00016 and SUP2020-00023, which were requests for an automobile repair and auto parts facility on the southern portion of the site, were denied because the proposal undermined the recommendations of the Unified Plan and were incompatible with the adjacent single-family residential uses and the regional destination of Coolray Field. The applicant has eliminated the self-storage facility from the proposed plan which was the most out-of-character element of the previous site plan. Limiting the number of drive-through establishments would result in a development more closely aligning with the intent of the Unified Plan.

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

The applicant’s request to not meet the supplemental use regulations of outdoor seating requirements would adversely affect the general public welfare. The applicant requests to increase the hours of operation for outdoor seating adjacent to residential properties from 9 a.m. to 9 p.m. to 6:00 a.m. to 2 a.m. This could negatively affect residences with impacts from noise and lighting. The applicant is also requesting to not provide interparcel access to the neighboring property to the south. There does not appear to be a hardship to support the variance, as the requirement can be met by providing provisions for future interparcel access..

Staff Recommendation:

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

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

1. Section 220-30.3.A.1., to not provide interparcel vehicle access to the contiguous tract to the south.

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

2. Section 230-130.4.G.7., to allow the hours of operations of outdoor seating area adjacent to residential uses to be from 9:00 a.m. to 9:00 p.m. to 6:00 a.m. to 2:00 a.m.

Staff Recommended Conditions:

NOTE: The conditions below are those from RZC2009-00005 with suggested changes in bold or strikethrough.

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

1. To restrict the use of the property as follows:
 - A. Uses shall be limited to full-service restaurants and restaurants with drive-in or drive-through fast food. The site shall be limited to no more than 3 drive-through restaurants.
 - B. Abide by all applicable requirements of Section ~~1315-220-30~~ **220-30** (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application. Stucco may only be used as a building accent material.
2. To satisfy the following site development considerations:
 - A. Provide a 25-foot-wide undisturbed buffer along the eastern property line adjacent to the Habersham Hills Subdivision. In addition to that undisturbed buffer, provide an additional 25-foot wide graded and replanted buffer adjacent and internal to the undisturbed buffer. The graded and replanted buffer shall be densely landscaped with three staggered rows of Thuja Green Giant trees planted on 15-foot centers and a minimum 6-feet in height at time of planting in order to provide an effective visual screen. A vinyl coated (black or green) chain link or decorative metal fence (wrought iron in appearance) shall be installed adjacent to the interior of landscape buffer. Said buffer and fence shall be in place before **vertical construction of buildings** begins. ~~Zero~~ **A 25-foot-wide undisturbed buffer and a 25-foot-wide graded and replanted** buffer shall be ~~permitted~~ **required** adjacent to Tax Parcel 7-105-052 directly adjacent to the south., ~~to allow for future interparcel access when that parcel is developed.~~
 - B. Provide a minimum 10-foot-wide landscaped strip outside of and adjacent to the right-of-way of Buford Drive.
 - C. ~~Provide a 5-foot wide landscape strip adjacent to all internal property lines.~~
 - D. ~~Ground signage shall be limited to monument type sign(s) with a minimum 2-foot high brick or stacked stone base matching the materials and architectural style of the buildings. Ground signs shall not exceed 8 feet in height. Electronic reader, neon, blinking neon, flashing, portable, inflatable and temporary signage shall be prohibited.~~ **Signage shall comply with the Gwinnett County Sign Ordinance.**

- E. Hours of dumpster pickup shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Saturday only (no Sunday pickup). Dumpsters shall be screened by an opaque brick wall at least 6-feet in height, which will coordinate with the building architecture and with an opaque metal or wooden gated entry. No dumpster shall be located within 150 feet of residentially zoned property.
- F. Peddlers and/or parking lot sales shall be prohibited.
- G. Billboards or oversized signs shall be prohibited.
- H. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site. No decorative outdoor balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited
- I. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
- J. Outdoor lighting shall utilize decorative light poles and fixtures with cut-off type luminaries and shall be directed inward to avoid light intrusion directly into adjacent residential properties and away from adjacent thoroughfares.
- K. All utilities shall be placed underground and all utility meters shall be screened from public view.
- L. All HVAC shall be screened from public view.
- M. No amplified sounds shall be discernable from outside the development. Rooftop HVAC and mechanical equipment shall be screened in a manner which tends to direct the noise upwards or toward the front of the development in accordance with the requirements of Section ~~13-15~~**220-30**.
- N. Any and all restaurant uses shall install odor reducing scrubbers.
- ~~O. Buildings shall be limited in height to one story.~~
- P. Elevations shall be submitted to the Director of Planning and Development for final approval.
- Q. Final site design shall be subject to the review and approval of the Director of Planning and Development.**
- R. Drive in or drive-through service shall be located at the rear of the building. No drive in or drive-through service signage shall be advertised or seen from the public right of way.**
- S. The developer shall coordinate with the developer of Parcel R7105-052 to design a pedestrian friendly interparcel access between the sites. An access and construction easement shall be provided to adjacent parcel R7105-052 to accommodate future pedestrian inter-parcel access.**
- T. The developer shall construct a right turn lane (deceleration lane) to be continuous along the entire frontage of the site subject to the review and approval of the Gwinnett County Department of Transportation.**
- U. The developer shall dedicate the right of way for the future widening of Buford Drive as identified in the County's Destination 2040 Comprehensive Transportation Plan (Project GW_020D) subject to the review and approval of the Gwinnett County Department of Transportation.**

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. BOC Resolution RZC2009-00005 and Site Plan
- F. Maps

Exhibit A: Site Visit Photos



Southern portion of the parcel along Buford Drive



Northern portion of the parcel along Buford Drive



Intersection of Buford Drive and Braves Avenue

Exhibit B: Site Plan

[attached]

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

[attached]

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9/2/2022

Matthew P. Benson
G. Tyler Boyd
Catherine W. Davidson
Gerald Davidson, Jr.*
Rebecca B. Gober
Brian T. Easley
Christopher D. Holbrook



Shane M. Lanham
Jeffrey R. Mahaffey
Jessica R. Pickens
Steven A. Pickens
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

**AMENDED LETTER OF INTENT FOR
CHANGE IN CONDITIONS APPLICATION**

Mahaffey Pickens Tucker, LLP submits this amended Letter of Intent, as well as the attached revised site plan and revised Change in Conditions application form (the “Amendment”) on behalf of the Davis Group of Georgia (the “Applicant”) for the purpose of amending its previously-submitted change in conditions and special use permit applications (the “Applications”) relative to an approximately 10.255-acre tract (the “Property”) located along Buford Drive near the intersection of Buford Drive and Rock Springs Road. Originally, the Applications reflected a proposal to develop the Property for use as a mixed-commercial development including commercial/retail uses, a self-storage facility, and a convenience store with fuel pumps. Pursuant to conversations with Gwinnett County Planning Department staff and feedback received during public hearings, the Applicant has modified the proposed development to remove the self-storage facility and the convenience store with fuel pumps.

Accordingly, the Applicant requests a change in conditions of case number RZC-09-005 per the Applicant Revised Conditions attached hereto as “Exhibit A.” Additionally, in order to develop the property as depicted on the revised site plan, the Applicant requests approval of the following variances:

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

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1. Section 230-130.4.G.7., to allow the hours of operations of outdoor seating area adjacent to residential uses to be from 6:00 a.m. to 2:00 a.m. Provided, however, that no electronically amplified sounds shall be permitted in such outdoor seating areas after 12:00 a.m.
2. Section 220-30.3.A.1., to not provide interparcel vehicle access to the contiguous attached residential tract to the south.

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

This 2nd day of September, 2022.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Shane M. Lanham
Attorneys for Applicant

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EXHIBIT A:
APPLICANT REVISED CONDITIONS OF CASE NUMBER RZC-09-005

Applicant Revised Conditions:

Additions are in **bold and underline.**

Deletions are in ~~strikethrough.~~

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

- A. Retail, service commercial, office and accessory uses. The following uses shall be prohibited: adult bookstores or adult entertainment, automotive parts stores, automotive repair shops or tire stores, contractor's offices, emission inspection stations, equipment rental, extended stay hotels or motels, recovered materials processing facilities, smoke shops/novelty stores, taxidermists, yard trimmings composting facilities, tattoo or piercing parlors, pawn shops, check cashing stores, pool halls **and convenience stores with or without fuel pumps.**
- B. Abide by all applicable requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application. Stucco may only be used as a building accent material.

2. To satisfy the following site development considerations:

- A. Provide a 25-foot wide undisturbed buffer along the eastern property line adjacent to the Habersham Hills Subdivision. In addition to that undisturbed buffer, provide an additional 25-foot wide graded and replanted buffer adjacent and internal to the undisturbed buffer. The graded and replanted buffer shall be densely landscaped with three staggered rows of Thuja Green Giant trees planted on 15-foot centers and a minimum 6-feet in height at time of planting in order to provide an effective visual screen. A vinyl coated (black or green) chain link or decorative metal fence (wrought iron in appearance) shall be installed adjacent to the interior of landscape buffer. Said buffer and fence shall be in place before **vertical construction of buildings** begins. ~~Zero~~ **A 25-foot-wide undisturbed buffer and a 25-foot-wide graded and replanted** buffer shall be **required** ~~permitted~~ adjacent to Tax Parcel 7-105-052 directly adjacent to the south, ~~to allow for future interparcel access when that parcel is developed.~~
- B. Provide a minimum 10-foot wide landscaped strip outside of and adjacent to the right-of-way of Buford Drive.
- C. ~~Provide a 5 foot wide landscape strip adjacent to all internal property lines.~~
- D. ~~Ground signage shall be limited to monument type sign(s) with a minimum 2-foot high brick or stacked stone base matching the materials and architectural style of the buildings. Ground signs shall not exceed 8 feet in height. Electronic~~

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~~reader, neon, blinking neon, flashing, portable, inflatable and temporary signage shall be prohibited.~~ **Signage shall comply with the Gwinnett County Sign Ordinance. This condition shall not preclude a variance.**

- E. Hours of dumpster pickup shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Saturday only (no Sunday pickup). Dumpsters shall be screened by an opaque brick wall at least 6-feet in height, which will coordinate with the building architecture and with an opaque metal or wooden gated entry.
- F. Peddlers and/or parking lot sales shall be prohibited.
- G. Billboards or oversized signs shall be prohibited
- H. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site. No decorative outdoor balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.
- I. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
- J. Outdoor lighting shall utilize decorative light poles and fixtures with cut-off type luminaries and shall be directed inward to avoid light intrusion directly into adjacent residential properties and away from adjacent thoroughfares.
- K. All utilities shall be placed underground and all utility meters shall be screened from public view.
- L. All HVAC shall be screened from public view.
- M. No amplified sounds shall be discernable from outside the development. Rooftop HVAC and mechanical equipment shall be screened in a manner which tends to direct the noise upwards or toward the front of the development in accordance with the requirements of Section 1315.
- N. Any and all restaurant uses shall install odor reducing scrubbers
- O. Buildings shall be limited in height to one story.
- P. Elevations shall be submitted to the Director of Planning and Development for final approval.
- Q. **Final site design shall be subject to the review and approval of the Director of Planning and Development.**

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- R. Drive in or drive-through service shall be located at the rear of the building. Should a drive in or drive-through service be provided, only a one-way drive aisle shall be placed at the front of the building between the building and the street. Said aisle shall be concealed with landscaping.
- S. The developer shall coordinate with the developer of Parcel R7105-052 to design a pedestrian friendly interparcel access between the sites. An access and construction easement shall be provided to adjacent parcel R7105-052 to accommodate future pedestrian interparcel access.
- T. The developer shall dedicate the right of way for the future widening of Buford Drive as identified in the County's Destination 2040 Comprehensive Transportation Plan (Project GW 020D) subject to the review and approval of the Gwinnett County Department of Transportation

Exhibit D: Internal and External Agency Review Comments

[attached]



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

TRC Meeting Date:		3/16/2022		
Department/Agency Name:		Transportation		
Reviewer Name:		Brent Hodges		
Reviewer Title:		Construction Manager 1		
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com		
Case Number:		CIC2022-00010 and SUP 2022-00017		
Case Address:		2465 Buford Drive		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Buford Drive is a Principal Arterial. ADT = 42,700. Nearest Transit facility is 4.1 miles away at #2334754 Buford Park and Ride.			
2	Georgia Dept. of Transportation Driveway permit required. Contact Jonathan Peevy or Shane Giles at (770) 533-8491. The Georgia DOT must provide approval prior to Gwinnett DOT approval.			
3	Coordinate with GC Traffic Signals on existing Traffic Signal/ATMS facilities. Contact Angie Bastian at angela.bastian@gwinnettcountry.com or 678-639-8812 for traffic signal review. Contact David Turner at David.turner@gwinnettcountry.com or 678-639-8840 for ATMS review.			
4	A widening project along Buford Drive from Old Peachtree Road to I-85 is identified in the County's Destination2040 Comprehensive Transportation Plan (Project GW_020D).			
5				
6				
7				
Recommended Zoning Conditions:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Add interparcel pedestrian connection off of Right-of-way to adjacent proposed apartment complex.			
2	Developer shall construct Right-Turn Lane (Deceleration Lane) to be continuous along entire frontage of property.			
3	Developer shall dedicate right-of-way for the future widening of Buford Drive as identified in the County's Destination2040 Comprehensive Transportation Plan (Project GW_020D).			
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Note: Attach additional pages, if needed

Revised 7/26/2021

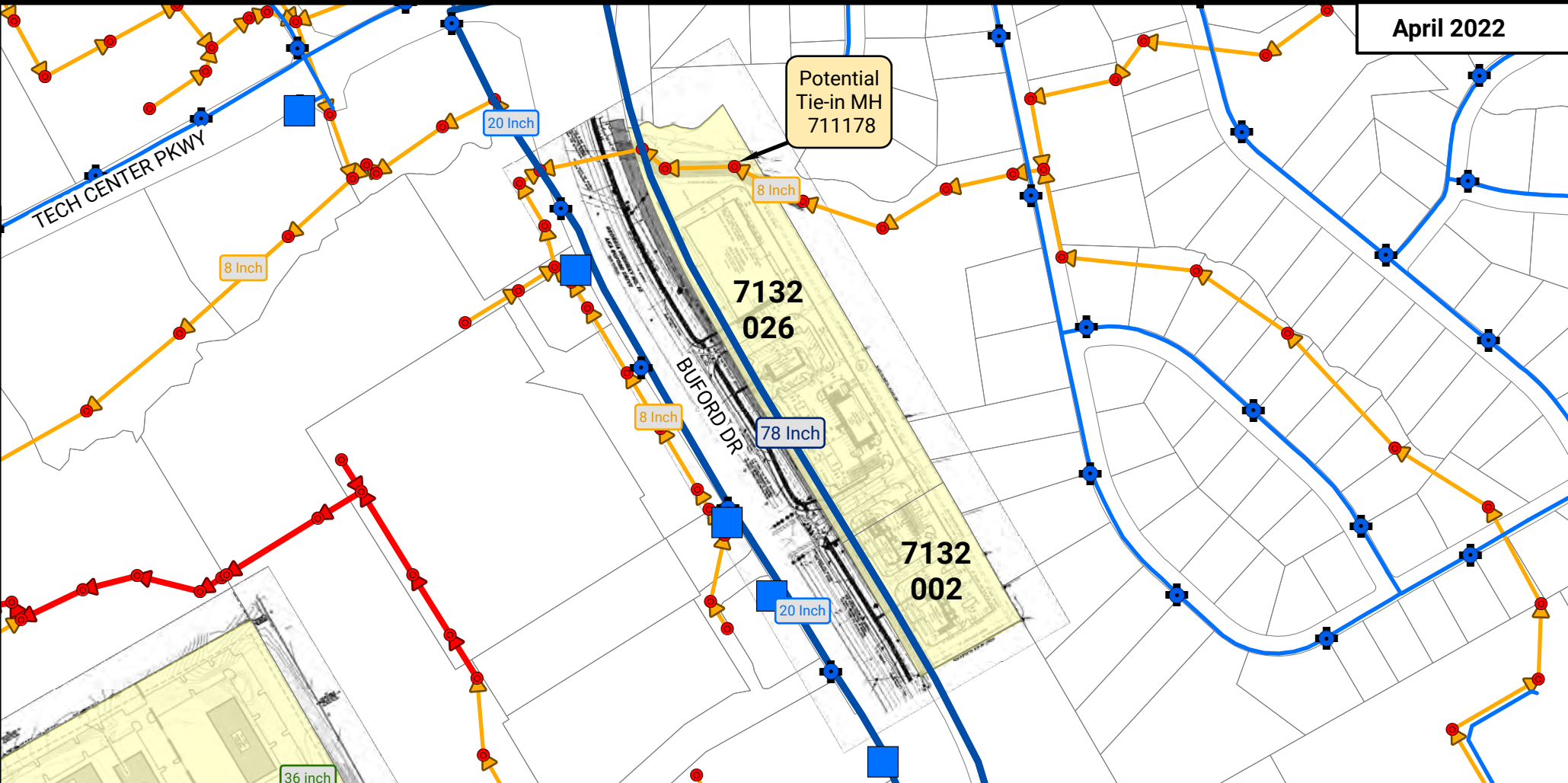


**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:		3/16/2022		
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcounty.com		
Case Number:		CIC2022-00010 & SUP2022-00017		
Case Address:		2465 Buford Drive & 2500 Block of Buford Drive		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The development may connect to an existing 20-inch water main located across the street on the west right-of-way of Buford Dr.			
2	Water: The 78-inch water main located on parcels 7132-026 and 7132-002 must be avoided during all phases of construction, inclusive of the installation of entrance driveways.			
3	Water: Grading over the 78-inch water transmission main must be reviewed and approved by DWR.			
4	Sewer: A Sewer Capacity Certification is required to confirm capacity, sewer capacity may not be available without downstream improvements.			
5	Sewer: There is an available 8-inch sanitary sewer main located on the subject property. .			
6	Sewer: GCDWR is currently evaluating sewer capacity limitations downstream of this proposed development.			
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1				
2				
3				
4				
5				
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7				

Note: Attach additional pages, if needed

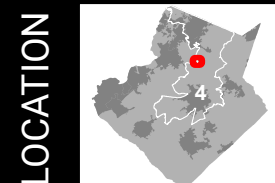
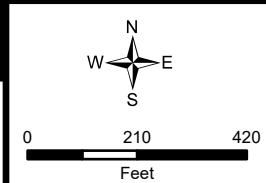
Revised 7/26/2021



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

CIC2022-00010 & SUP2022-00017
C-2

**Water & Sewer
Utility Map**



Water Comments: The development may connect to an existing 20-inch water main located across the street on the west right-of-way of Buford Dr. The 78-inch water main located on parcels 7132-026 and 7132-002 must be avoided during all phases of construction, inclusive of the installation of entrance driveways. Grading over the 78-inch water transmission main must be reviewed and approved by DWR.

Sewer Comments: A Sewer Capacity Certification is required to confirm capacity, sewer capacity may not be available without downstream improvements. There is an available 8-inch sanitary sewer main located on the subject property. GCDWR is currently evaluating sewer capacity limitations downstream of this proposed development.

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: RZC2009-00005 and Site Plan

[attached]

CASE NUMBER RZC-09-005
GCID 2009-0095

BOARD OF COMMISSIONERS
GWINNETT COUNTY
LAWRENCEVILLE, GEORGIA
RESOLUTION

READING AND ADOPTION:

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

<u>Present</u>	<u>VOTE</u>
Charles Bannister, Chairman	<u>AYE</u>
Shirley Lasseter, District 1	<u>AYE</u>
Albert Nasuti, District 2	<u>AYE</u>
Michael Beaudreau, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from O-1 to C-2 by RBS DEVELOPMENT, LLC for the proposed use of COMMERCIAL RETAIL USES (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JANUARY 27, 2009 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 3RD day of FEBRUARY 2009, that the aforesaid application to amend the Official Zoning Map from O-1 to C-2 is hereby **APPROVED** subject to the following enumerated conditions:

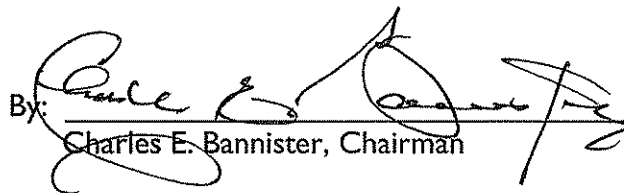
- I. To restrict the use of the property as follows:
 - A. Retail, service commercial, office and accessory uses. The following uses shall be prohibited: adult bookstores or adult entertainment, automotive parts stores, automotive repair shops or tire stores, contractor's offices, emission inspection stations, equipment rental, extended stay hotels or motels, recovered materials processing facilities, smoke shops/novelty stores, taxidermists, yard trimmings composting facilities, tattoo or piercing parlors, pawn shops, check cashing stores, pool halls.
 - B. Abide by all applicable requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application. Stucco may only be used as a building accent material.
2. To satisfy the following site development considerations:
 - A. Provide a 25-foot wide undisturbed buffer along the eastern property line adjacent to the Habersham Hills Subdivision. In addition to that undisturbed buffer, provide an additional 25-foot wide graded and replanted buffer adjacent and internal to the undisturbed buffer. The graded and replanted buffer shall be densely landscaped with three staggered rows of Thuja Green Giant trees planted on 15-foot centers and a minimum 6-feet in height at time of planting in

order to provide an effective visual screen. A vinyl coated (black or green) chain link or decorative metal fence (wrought iron in appearance) shall be installed adjacent to the interior of landscape buffer. Said buffer and fence shall be in place before construction begins. Zero buffer shall be permitted adjacent to Tax Parcel 7-105-052 directly adjacent to the south, to allow for future interparcel access when that parcel is developed.

- B. Provide a minimum 10-foot wide landscaped strip outside of and adjacent to the right-of-way of Buford Drive.
- C. Provide a 5-foot wide landscape strip adjacent to all internal property lines.
- D. Ground signage shall be limited to monument-type sign(s) with a minimum 2-foot high brick or stacked stone base matching the materials and architectural style of the buildings. Ground signs shall not exceed 8 feet in height. Electronic reader, neon, blinking neon, flashing, portable, inflatable and temporary signage shall be prohibited.
- E. Hours of dumpster pickup shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Saturday only (no Sunday pickup). Dumpsters shall be screened by an opaque brick wall at least 6-feet in height, which will coordinate with the building architecture and with an opaque metal or wooden gated entry.
- F. Peddlers and/or parking lot sales shall be prohibited.
- G. Billboards or oversized signs shall be prohibited.
- H. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site. No decorative outdoor balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited
- I. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

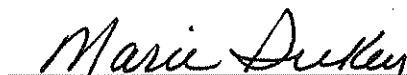
- J. Outdoor lighting shall utilize decorative light poles and fixtures with cut-off type luminaries and shall be directed inward to avoid light intrusion directly into adjacent residential properties and away from adjacent thoroughfares.
- K. All utilities shall be placed underground and all utility meters shall be screened from public view.
- L. All HVAC shall be screened from public view.
- M. No amplified sounds shall be discernable from outside the development. Rooftop HVAC and mechanical equipment shall be screened in a manner which tends to direct the noise upwards or toward the front of the development in accordance with the requirements of Section 1315.
- N. Any and all restaurant uses shall install odor reducing scrubbers.
- O. Buildings shall be limited in height to one story.
- P. Elevations shall be submitted to the Director of Planning and Development for final approval.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: 
Charles E. Bannister, Chairman

Date Signed: 2.20.09

ATTEST:


County Clerk/Deputy County

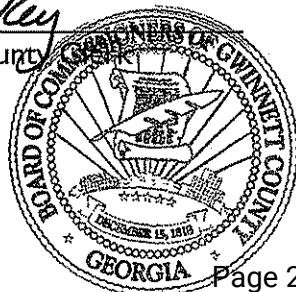
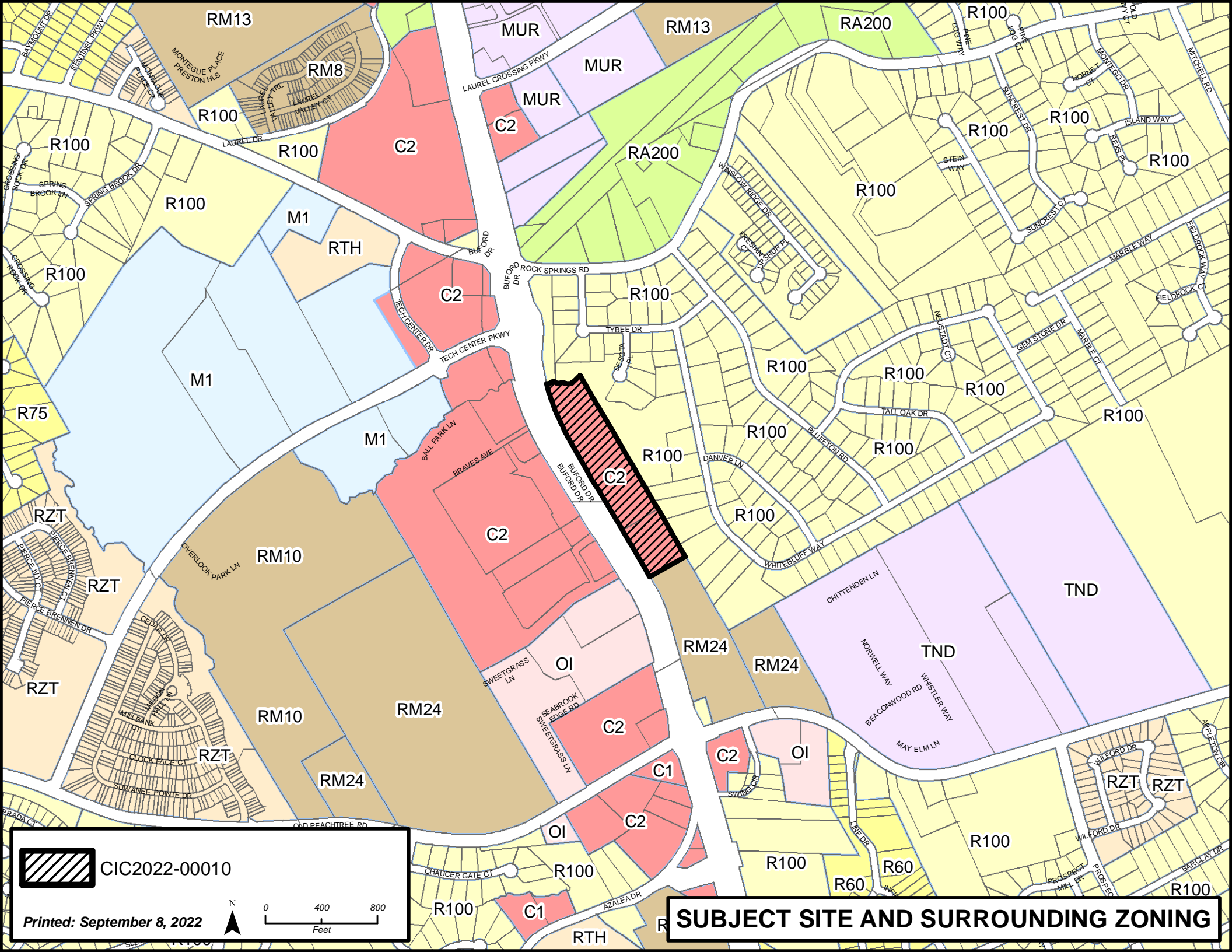



Exhibit F: Maps

[attached]



 CIC2022-00010

Printed: September 8, 2022

N

0 400 800
Feet

SUBJECT SITE AND SURROUNDING ZONING



TECH CENTER DR

TECH CENTER PKWY

TYBEE DR

DESOTA PL

BLUFFTON RD

WHITEBLUFF WAY


BALL PARK LN

DANVER LN

BUFORD DR

WHITEBLUFF WAY

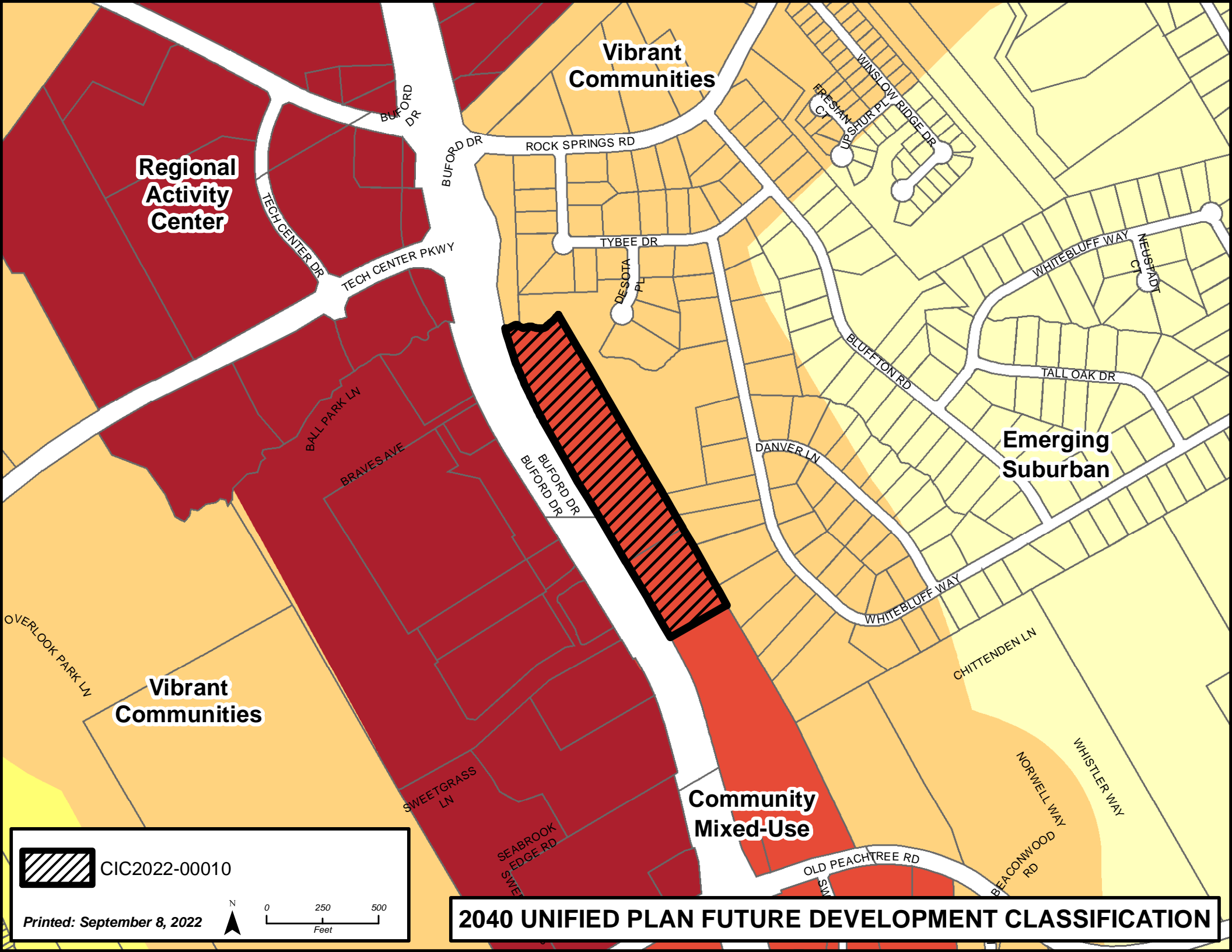
BRAVES AVE

 CIC2022-00010

Printed: September 8, 2022

N

0 150 300
Feet



**Vibrant
Communities**

**Regional
Activity
Center**

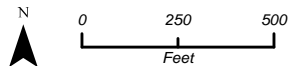
**Emerging
Suburban**

**Vibrant
Communities**

**Community
Mixed-Use**

 CIC2022-00010

Printed: September 8, 2022



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
CITY: _____	CITY: _____
STATE: _____ ZIP: _____	STATE: _____ ZIP: _____
PHONE: _____	PHONE: _____
EMAIL: _____	EMAIL: _____
CONTACT PERSON: _____ PHONE: _____	
CONTACT'S E-MAIL: _____	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
ZONING DISTRICTS(S): _____ PRIOR ZONING CASE: _____	
PARCEL NUMBER(S): _____ ACREAGE: _____	
ADDRESS OF PROPERTY: _____	
PROPOSED CHANGE IN CONDITIONS: _____	
<p style="text-align: center;">RESIDENTIAL DEVELOPMENT:</p> <p>NO. OF LOTS/DWELLING UNITS: _____</p> <p>DWELLING UNIT SIZE (Sq. Ft.): _____</p> <p>GROSS DENSITY: _____</p> <p>NET DENSITY: _____</p>	<p style="text-align: center;">NON-RESIDENTIAL DEVELOPMENT:</p> <p>NO. OF BUILDINGS/LOTS: _____</p> <p>TOTAL GROSS SQUARE FEET: _____</p> <p>DENSITY: _____</p>

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED



Matthew P. Benson
G. Tyler Boyd
Catherine W. Davidson
Gerald Davidson, Jr.*
Rebecca B. Gober
Brian T. Easley
Christopher D. Holbrook

Shane M. Lanham
Jeffrey R. Mahaffey
Jessica R. Pickens
Steven A. Pickens
Andrew D. Stancil
R. Lee Tucker, Jr.

*Of Counsel

**AMENDED LETTER OF INTENT FOR
CHANGE IN CONDITIONS APPLICATION**

Mahaffey Pickens Tucker, LLP submits this amended Letter of Intent, as well as the attached revised site plan and revised Change in Conditions application form (the “Amendment”) on behalf of the Davis Group of Georgia (the “Applicant”) for the purpose of amending its previously-submitted change in conditions and special use permit applications (the “Applications”) relative to an approximately 10.255-acre tract (the “Property”) located along Buford Drive near the intersection of Buford Drive and Rock Springs Road. Originally, the Applications reflected a proposal to develop the Property for use as a mixed-commercial development including commercial/retail uses, a self-storage facility, and a convenience store with fuel pumps. Pursuant to conversations with Gwinnett County Planning Department staff and feedback received during public hearings, the Applicant has modified the proposed development to remove the self-storage facility and the convenience store with fuel pumps.

Accordingly, the Applicant requests a change in conditions of case number RZC-09-005 per the Applicant Revised Conditions attached hereto as “Exhibit A.” Additionally, in order to develop the property as depicted on the revised site plan, the Applicant requests approval of the following variances:

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043
NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022
TELEPHONE 770 232 0000
FACSIMILE 678 518 6880
www.mptlawfirm.com

1. Section 230-130.4.G.7., to allow the hours of operations of outdoor seating area adjacent to residential uses to be from 6:00 a.m. to 2:00 a.m. Provided, however, that no electronically amplified sounds shall be permitted in such outdoor seating areas after 12:00 a.m.
2. Section 220-30.3.A.1., to not provide interparcel vehicle access to the contiguous attached residential tract to the south.

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

This 2nd day of September, 2022.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Shane M. Lanham
Attorneys for Applicant

EXHIBIT A:
APPLICANT REVISED CONDITIONS OF CASE NUMBER RZC-09-005

Applicant Revised Conditions:

Additions are in **bold and underline.**

Deletions are in ~~strikethrough.~~

1. To restrict the use of the property as follows:
 - A. Retail, service commercial, office and accessory uses. The following uses shall be prohibited: adult bookstores or adult entertainment, automotive parts stores, automotive repair shops or tire stores, contractor's offices, emission inspection stations, equipment rental, extended stay hotels or motels, recovered materials processing facilities, smoke shops/novelty stores, taxidermists, yard trimmings composting facilities, tattoo or piercing parlors, pawn shops, check cashing stores, pool halls **and convenience stores with or without fuel pumps.**
 - B. Abide by all applicable requirements of Section 1315 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application. Stucco may only be used as a building accent material.
2. To satisfy the following site development considerations:
 - A. Provide a 25-foot wide undisturbed buffer along the eastern property line adjacent to the Habersham Hills Subdivision. In addition to that undisturbed buffer, provide an additional 25-foot wide graded and replanted buffer adjacent and internal to the undisturbed buffer. The graded and replanted buffer shall be densely landscaped with three staggered rows of Thuja Green Giant trees planted on 15-foot centers and a minimum 6-feet in height at time of planting in order to provide an effective visual screen. A vinyl coated (black or green) chain link or decorative metal fence (wrought iron in appearance) shall be installed adjacent to the interior of landscape buffer. Said buffer and fence shall be in place before **vertical construction of buildings** begins. ~~Zero~~ **A 25-foot-wide undisturbed buffer and a 25-foot-wide graded and replanted** buffer shall be **required** ~~permitted~~ adjacent to Tax Parcel 7-105-052 directly adjacent to the south, ~~to allow for future interparcel access when that parcel is developed.~~
 - B. Provide a minimum 10-foot wide landscaped strip outside of and adjacent to the right-of-way of Buford Drive.
 - C. ~~Provide a 5 foot wide landscape strip adjacent to all internal property lines.~~
 - D. ~~Ground signage shall be limited to monument type sign(s) with a minimum 2-foot high brick or stacked stone base matching the materials and architectural style of the buildings. Ground signs shall not exceed 8 feet in height. Electronic~~

~~reader, neon, blinking neon, flashing, portable, inflatable and temporary signage shall be prohibited.~~ **Signage shall comply with the Gwinnett County Sign Ordinance. This condition shall not preclude a variance.**

- E. Hours of dumpster pickup shall be limited to between 7:00 a.m. and 7:00 p.m. Monday through Saturday only (no Sunday pickup). Dumpsters shall be screened by an opaque brick wall at least 6-feet in height, which will coordinate with the building architecture and with an opaque metal or wooden gated entry.
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- N. Any and all restaurant uses shall install odor reducing scrubbers
- O. Buildings shall be limited in height to one story.
- P. Elevations shall be submitted to the Director of Planning and Development for final approval.
- Q. **Final site design shall be subject to the review and approval of the Director of Planning and Development.**

- R. Drive in or drive-through service shall be located at the rear of the building. Should a drive in or drive-through service be provided, only a one-way drive aisle shall be placed at the front of the building between the building and the street. Said aisle shall be concealed with landscaping.
- S. The developer shall coordinate with the developer of Parcel R7105-052 to design a pedestrian friendly interparcel access between the sites. An access and construction easement shall be provided to adjacent parcel R7105-052 to accommodate future pedestrian interparcel access.
- T. The developer shall dedicate the right of way for the future widening of Buford Drive as identified in the County's Destination 2040 Comprehensive Transportation Plan (Project GW 020D) subject to the review and approval of the Gwinnett County Department of Transportation

