



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: 129,196
Proposed Development: Self-Storage Facility, Convenience Store with Fuel Pumps, and Restaurants with Drive-Through Fast Food, and Outdoor Seating
Commission District: District 4 – Commissioner Fosque
Character Area: Community Mixed-Use

Staff Recommendation: DENIAL

Planning Commission Recommendation: DENIAL

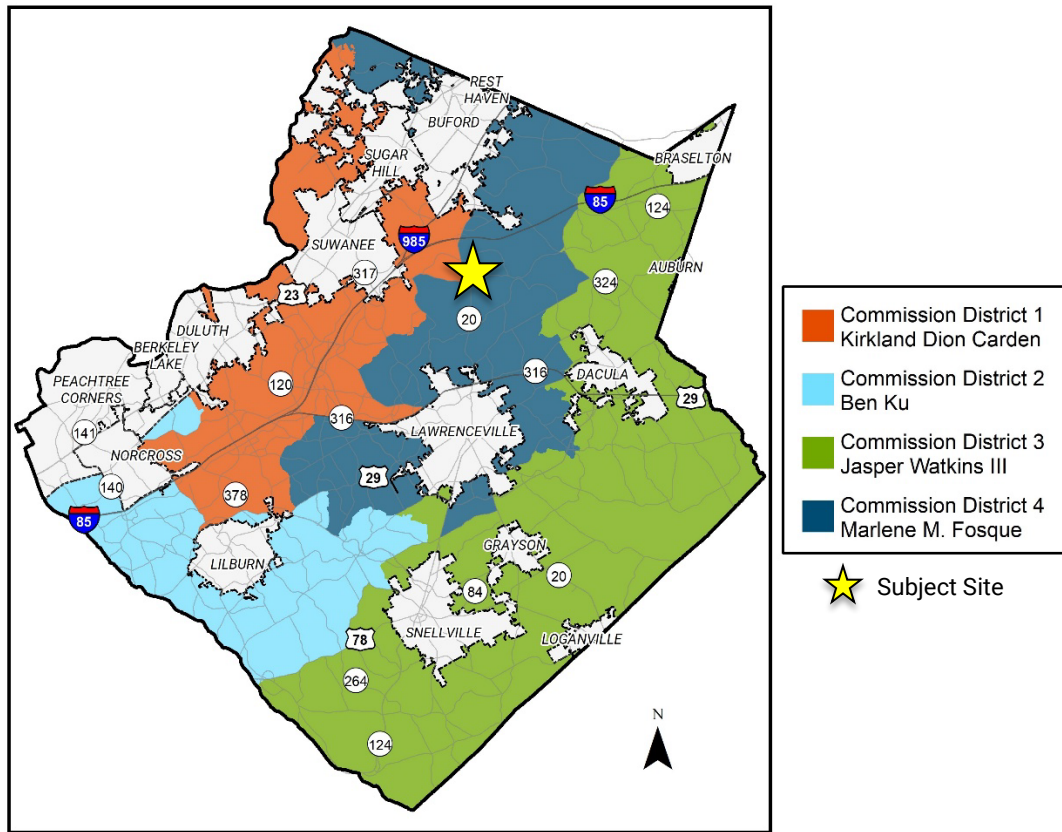
Case Number: SUP2022-00017
Current Zoning: C-2 (General Business District)
Overlay District: Mall of Georgia
Request: Special Use Permit
Additional Request: Variances
Address: 2465 Buford Drive and 2500 Block of Buford Drive
Map Number: R7132 002 and 026
Site Area: 10.25 acres
Square Feet: 110,500
Proposed Development: Self-Storage Facility
Commission District: District 4 – Commissioner Fosque
Character Area: Community Mixed-Use

Staff Recommendation: DENIAL

Planning Commission Recommendation: DENIAL

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 7/26/2022)



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

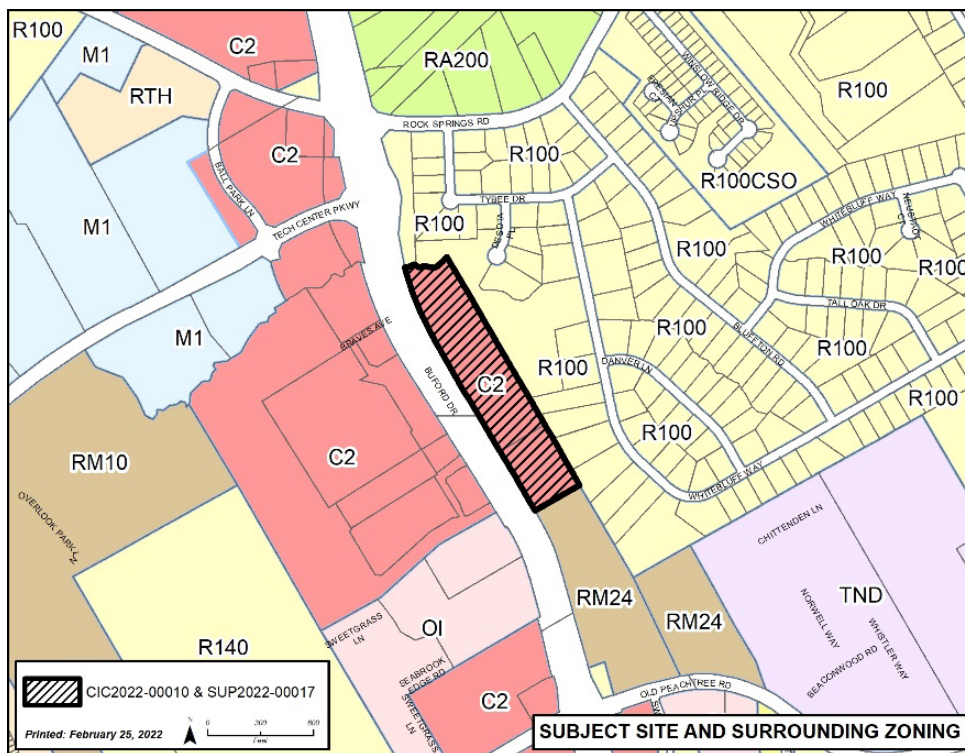
The subject properties are zoned C-2 (General Business District). In 2000, the northern property was rezoned from R-100 (Single-Family Residence District) to O-I (Office-Institutional District) for commercial and retail uses, pursuant to REZ2000-00129. In 2009, RZC2009-00005 rezoned both properties from 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.

Existing Site Condition

The subject site is an assemblage of two properties, totaling 10.25 acres. The site is undeveloped and located along Buford Drive, south of Tech Center Parkway and north of Old Peachtree Road. The site is heavily wooded and slopes down from south to north, approximately 68 feet towards a stream located along the northern property line. Power lines are located in the right of way which is graded and contains no sidewalks. A 78-inch water main within a 35-foot-wide utility easement is located on the property, along the frontage of Buford Drive. A 15-foot-wide Jackson EMC easement is also located along the Buford Drive frontage. The nearest Gwinnett County Transit stop is 4.1 miles away.

Surrounding Use and Zoning

The subject site is surrounded by commercial and residential uses. The zoning transitions from commercial uses along Buford Drive to residential uses east and west of the commercial corridor. North and east of the site is heavily wooded and contains the recreational area for an established single-family subdivision, Habersham Hills. To the south of the site is an undeveloped property recently rezoned for the construction of 300 multifamily apartments. West of the site is Coolray Field and multifamily apartment buildings. Further southeast of the site is a single-family subdivision under construction, which will contain a mix of attached and detached residences. At the intersection of Old Peachtree and Road and Buford Drive are commercial uses including a day care, retail pharmacy, supermarket, multiple fast food restaurants with drive-throughs, and a convenience store with fuel pumps. The Exchange, a regional mixed-use development, is located less than one mile north of the subject site. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Self-Storage/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 and special use permit for a 10.25-acre property zoned C-2 for a self-storage facility, convenience store with fuel pumps, and restaurants with drive-throughs and outdoor seating, 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 remove automotive parts stores, automotive repair shops, or tire stores from the prohibited uses list which would allow the uses with a special use permit.
 - Condition 2C, *“Provide a 5-foot-wide landscape strip adjacent to all internal property lines.”* The applicant requests to remove the 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 remove the minimum two-foot-high brick or stacked stone base requirement and the 8-foot height limitation from the condition.
 - Condition 2O, *“Buildings shall be limited in height to one story.”* The applicant would like to add, *“except for the self-storage building”* to the request.
- Five freestanding buildings on separate lots.
- A three story, 110,500 square foot climate controlled self-storage facility located at the northern portion of the site, adjacent to the stream. At total of 11 parking spaces located east of the building and four loading spaces located at the rear side of the building, will serve the use. A 28-foot-wide driveway aisle located between the building and the street.
- A total of 131 surface parking spaces located throughout the site.
- Two driveways from Buford Drive with deceleration lanes. The southernmost driveway will align with the signaled intersection of Buford Drive and Braves Avenue.
- Two underground stormwater management facilities located under the parking areas of Buildings 300 and 400.
- Commercial dumpsters located on the rear side of each of the lots, except for the self-storage facility lot.
- A 10-foot-wide sidewalk along Buford Drive.

- Two 10-foot-wide landscape strips along Buford Drive. One to be located between the sidewalk and Buford Drive, which will contain streetlights spaced 150 feet. The second landscape strip will be located behind the 78-inch water main, between the buildings and the street.
- Three 2-foot by 8-foot concrete pads for future benches and trash receptacles along Buford Drive.
- 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.
- Architectural elevations of the self-storage facility depict a gray color scheme. No materials were specifically called out by the applicant. The architectural elevations of the convenience store with fuel pumps depict building materials of stacked stone and stucco. No other architectural renderings or building elevations were provided for the other uses.
- 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 and special use permit for a self-storage facility, convenience store with fuel pumps, and restaurants with drive-throughs and outdoor seating. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	One story*	42'/ 3 stories	NO
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: 92 spaces Maximum: 214 spaces	131 spaces	YES
Zoning Buffer	South: 0' East: 25' undisturbed and 25' graded and replanted*	South and East: 25' undisturbed and 25' graded and replanted	NO
Landscape Strip	10'	10'	YES
Loading Spaces	4	4	YES

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

Variance Request

In addition to the change in conditions and special use permit requests, the applicant is seeking variances from the following provisions of Title II of the UDO:

1. Section 220-30.3.E.4., to allow the primary building façade of a development exceeding 7,500 square feet to be located more than 70 feet from the public rights-of-way.
2. Section 240-20.3., to decrease the number of parking spaces for a self-storage facility from 24 spaces to 11 spaces.

3. Section 220-30.3.E.3., to allow more than 20 percent of parking in the front of buildings and the sides of the buildings containing 7,500 square feet or less.
4. Section 230-130.4.G.7., to allow the hours of operations of outdoor seating area adjacent to residential uses to be from 9 a.m. to 9 p.m. to 6:00 a.m. to 2 a.m.
5. Section 230-130.4.G.8., to allow the outdoor seating area to be located adjacent to sidewalks that are at least six feet in width.
6. Section 220-30.3.A.1., to not provide interparcel vehicle access to the contiguous attached residential 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 E). 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 and Special Use Permit Analysis: 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. For Special Use Permits, the Department shall also evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

A. Whether a proposed change in conditions and special use permit are 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. The applicant's special use permit request for a self-storage facility and change in conditions request to remove automobile repair shops, auto parts stores, and tire stores from the prohibited use list is inconsistent with the active uses along the corridor. These uses discourage pedestrian-friendly design and encourage automobile dependent uses. Therefore, the proposed development is not 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 of the site into a self-storage facility and automobile related use would be inconsistently 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.

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.

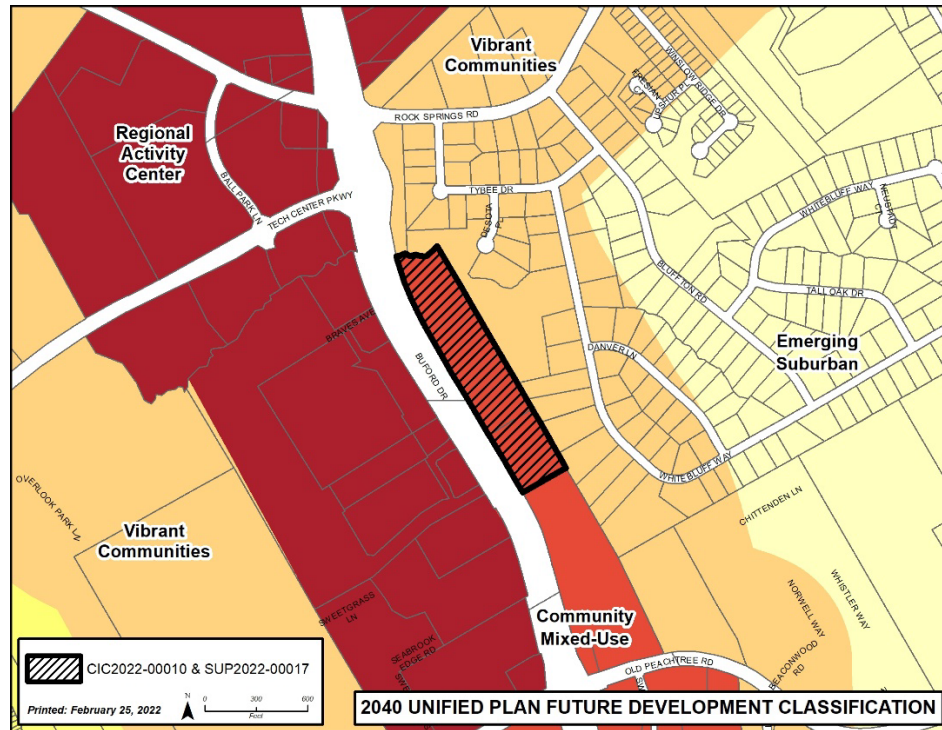
D. Whether the proposed change in conditions and special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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 E).

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. Within nodes or major intersections, buildings should be set close to the street for pedestrian orientation and engagement. If surface parking is proposed, it should be located primarily behind buildings or to the side of them while providing a continuous pedestrian connection to the street and other uses. Parking to the side of the building must be screened by landscaping, walls, or other strategies.

The development does not conform to or meet the intent of the Community Mixed-Use Character Area. A self-storage facility and possible automobile related uses are not pedestrian oriented developments. In addition, the site design is automobile centered. The proposed development would detract from the high-quality aesthetics site designs that have developed the area. The site design and uses are not consistent with the area, 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 part 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 is proposing automobile related uses and a self-storage facility building. The denial of the 2020 cases, for similar uses, gives supporting grounds for denial of the change in conditions and special use permit request.

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 requested variances to allow the primary building façade to be further than 70 feet from the right of way and to have more than 20 percent of parking between the front and side façades and the street, would nullify the intent of the Mall of Georgia Overlay District and the Unified Development Ordinance. The variance requests are not a result of a hardship, but instead are a result of the applicant’s design preference. The development will include one, five story building and four, one story buildings, with parking, drive aisles, stacking lanes, and fuel pumps between the front building facades and the street. Although a 78-inch water main is located along Buford Drive, which prevents the buildings from being constructed immediately adjacent to the landscape strip, the applicant is exacerbating this condition by proposing these features between the building and street. This design is not consistent with the recently approved and proposed developments in the area. This area is developing into a commercial node with medium scale buildings set close to the street, with minimal parking between the building facades and the street.

Further, the applicants request to not meet the supplemental use regulations of outdoor seating requirements would also adversely affect the general 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 greatly affect residences with negative impact from noise and lighting.

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 **DENIAL** of the special use permit and change in conditions requests.

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

2. Section 240-20.3., to decrease the number of parking spaces for a self-storage facility from 24 spaces to 11 spaces.

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

1. Section 220-30.3.E.4., to allow the primary building façade of a development exceeding 7,500 square feet to be located more than 70 feet from the public rights-of-way.
3. Section 220-30.3.E.3., to allow more than 20 percent of parking in the front of buildings and the sides of the buildings containing 7,500 square feet or less.
4. Section 230-130.4.G.7., to allow the hours of operations of outdoor seating area adjacent to residential uses to be from 9 a.m. to 9 p.m. to 6:00 a.m. to 2 a.m.
5. Section 230-130.4.G.8., to allow the outdoor seating area to be located adjacent to sidewalks that are at least six feet in width.
6. Section 220-30.3.A.1., to not provide interparcel vehicle access to the contiguous attached residential tract to the south.

Staff Recommended Conditions:

NOTE: The following conditions are provided as a guide should the Board of Commissioners choose to approve this petition. 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. **The property shall be limited to retail and service commercial, and accessory uses and a self-storage facility as a special use.** 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 ~~1315-220-30~~ **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. **No parking, drive aisles, stacking lanes, fuel pumps, or similar elements, shall be located between the front building facades and the street. Final site design shall be reviewed and approved by the Department of Planning and Development.**

- C. **Self-storage shall be limited to indoor, climate controlled individual storage units accessed from internal corridors in a single building not to exceed 110,500 square feet and 35 feet in height. The first floor of the building shall include an active commercial retail use.**

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~~ **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 ~~1315~~**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. 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. Fuel canopies shall be located behind the convenience store building. Gasoline canopy support columns shall be brick or stacked stone matching the building exterior. The vertical façade panels of the canopy roof shall incorporate a continuous vertical change of plane (either projecting or recessed). The change of plane shall have a minimum offset of one inch and a minimum vertical height of six inches.**
- T. 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.**
- U. 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.**
- V. 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.**

Planning Commission Recommendation

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

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Renderings
- D. Letter of Intent and Applicant's Response to Standards
- E. Internal and External Agency Review Comments
- F. BOC Resolution RZC2009-00005 and Site Plan
- G. Maps
- H. Site Plan Presented at the Planning Commission Hearing on 6/7/2022

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: Building Renderings

[attached]



DG Ronald Reagan



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

[attached]



Matthew P. Benson
G. Tyler Boyd
Catherine W. Davidson
Gerald Davidson, Jr.*
Rebecca B. Gober
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**COMBINED LETTER OF INTENT FOR CHANGE IN
CONDITIONS AND SPECIAL USE PERMIT APPLICATION**

Mahaffey Pickens Tucker, LLP submits this combined Letter of Intent and attached Change in Conditions and Special Use Permit applications (the “Application”) on behalf of the Davis Group of Georgia (the “Applicant”) for the purpose of requesting a change in conditions of zoning and special use permit on an approximately 10.255-acre tract (the “Property”) located along Buford Drive near the intersection of Buford Drive and Rock Springs Road in order to develop a three-story self-storage facility and additional commercial/retail development. The Property is currently zoned C2 and located within the Community Mixed-Use Character Area as depicted on the Gwinnett County Unified Plan (the “2040 Plan”) Future Development Map.

The Property was rezoned to its current C2 zoning classification by the Gwinnett County Board of Commissioners in January 2009 pursuant to case number RZC0-9-005 (the “Resolution”). The conditions of that zoning would restrict the development to the older style single-story self-storage facility, whereas the Applicant is proposing a contemporary design, similar in appearance and design to a modern office building. The requested change in conditions and special use permit would allow the development and operation of a mixed commercial

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development including a first-class self-storage facility and additional retail/commercial development along the Property's frontage on Buford Drive. The proposed self-storage facility would be a 3-story building containing approximately 110,500 square feet of space.

The Applicant's proposed three-story self-storage facility is a significant aesthetic improvement from the single-story storage facilities of the past, necessitating this change in conditions request. The proposed self-storage building would include attractive architectural design elements with an entrance on Buford Drive. The Property would also include interparcel connections to the adjacent proposed commercial and retail uses as depicted on the submitted site plan. The Applicant is requesting this change in conditions and special use permit for the purpose of developing the proposed self-storage facility. Additionally, the Applicant is proposing other commercial/retail development on the Property and is requesting changes to the current zoning conditions to accomplish that development.

The Applicant respectfully requests to revise the below conditions as written. Deletions are shown in ~~strike through~~ and additions are shown in **bold and underline**.

Condition 1(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. **Automobile repair shop, auto parts store, and tire store may be allowed with a special use permit.**

Condition 2(C): ~~Provide a 5-foot wide landscape strip adjacent to all internal property lines.~~

Condition 2(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.

Condition 2(O): Buildings shall be limited in height to one story, **except for the self-storage building.**

The Applicant is requesting the revision to Condition 1(A) because preliminary talks have begun with potential end users on the Property and there has been interest regarding those specific uses. The proposed change to this condition is consistent with the provisions of the UDO because such uses are allowed in C-2 with a special use permit. Condition 2(C) is required in order to develop the Property as depicted, which includes subdividing the subject property in the future so that each proposed use is contained within its own component parcel. Provided, however, that except for the self-storage facility, the site plan is conceptual in nature and subdivision lines could vary from parcel to parcel. There are shared access drives along some of proposed property line making landscape strips adjacent to all internal property lines impossible. There are significant topographical and engineering difficulties on the Property and the submitted site plan reflects the configuration necessary to address those difficulties. However, the Applicant is still proposing attractive landscaping and landscape features throughout the development. Similar to the request regarding Condition 1(A), the Applicant is requesting that Condition 2(D) reflect the requirements of the UDO and the County Sign Ordinance. The Applicant is agreeable to prohibiting the other types of signage as given in the condition as written. Finally, the Applicant is requesting to alter Condition 2(O) to allow for the self-storage building, and the self-storage building only, to be larger than one-story. As previously mentioned, the Applicant is requesting this change in order to

develop a more modern and aesthetically pleasing building. In appearance, the self-storage facility would resemble a contemporary office building with attractive architectural features.

The Applicant is not proposing to modify the existing zoning condition which requires a hybrid 50-foot wide buffer with a 25-foot wide natural, undisturbed buffer and a 25-foot wide graded and replanted buffer. To the extent it is necessary, the Applicant requests a buffer reduction waiver to maintain this requirement. Section 220-30.3 of the UDO requires developments within the Activity Center/Corridor Overlay District to “provide interparcel vehicle access points between all contiguous commercial, office, industrial or attached residential tracts.” The subject property faces significant topographical challenges and the Applicant respectfully submits that routing traffic of the adjacent residential development through the subject property could pose safety concerns. However, in that same code section, the UDO also provides that “[t]his requirement may be waived by the Director only if it is demonstrated that an interparcel connection is not feasible due to traffic safety or topographic concerns.” Accordingly, the Applicant requests a waiver of the interparcel access requirement.

The proposed development is consistent with the spirit and intent of the Gwinnett County 2040 Unified Plan (the “2040 Plan”), the C2 zoning classification, and the conditions of the original zoning. The Property is nearby to other commercial developments, demonstrating that the proposed development is appropriate on the Property. In addition, the proposed development will still be developed in accordance with all other conditions required by the Resolution. However, this Change in Conditions is required in order for the Applicant to develop the Property as depicted on the submitted site plan.

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 3rd day of February, 2022.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Shane M. Lanham
Attorneys for Applicant

RECEIVED

2/3/2022 11:58AM

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

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

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

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

- (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:

Please see attached.

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- A. Approval of the change in conditions request and proposed special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property. The subject Property is located along Buford Drive nearby to other commercial developments.
- B. Approval of the change in conditions request and proposed special use permit will not adversely affect the existing use or usability of adjacent or nearby property. Rather the proposed development would complement surrounding commercial land uses by providing a use that would serve residents and employees of the surrounding area.
- C. The Applicant submits that due to its size, location, physical characteristics, and layout, the subject property does not have a reasonable economic use without the change in conditions request and proposed special use permit.
- D. Approval of the change in conditions request and proposed special use permit will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The property has immediate access to Buford Drive and Rock Springs Road and convenient access to Interstate 85.
- E. Approval of the change in conditions request and proposed special use permit is in conformity with the policy and intent of the 2040 Plan. The subject Property is designated as within the Community Mixed Use Character Area on the 2040 Plan Future Development Map. Encouraged land uses for this character area include commercial development to serve the surrounding community.
- F. The Property's location on Buford Drive, the Property's proximity to Interstate 85, and the nature of existing land uses at the established commercial node provide additional supporting grounds for approval of the application.

Exhibit E: 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).			
4				
5				
6				

Note: Attach additional pages, if needed

Revised 7/26/2021

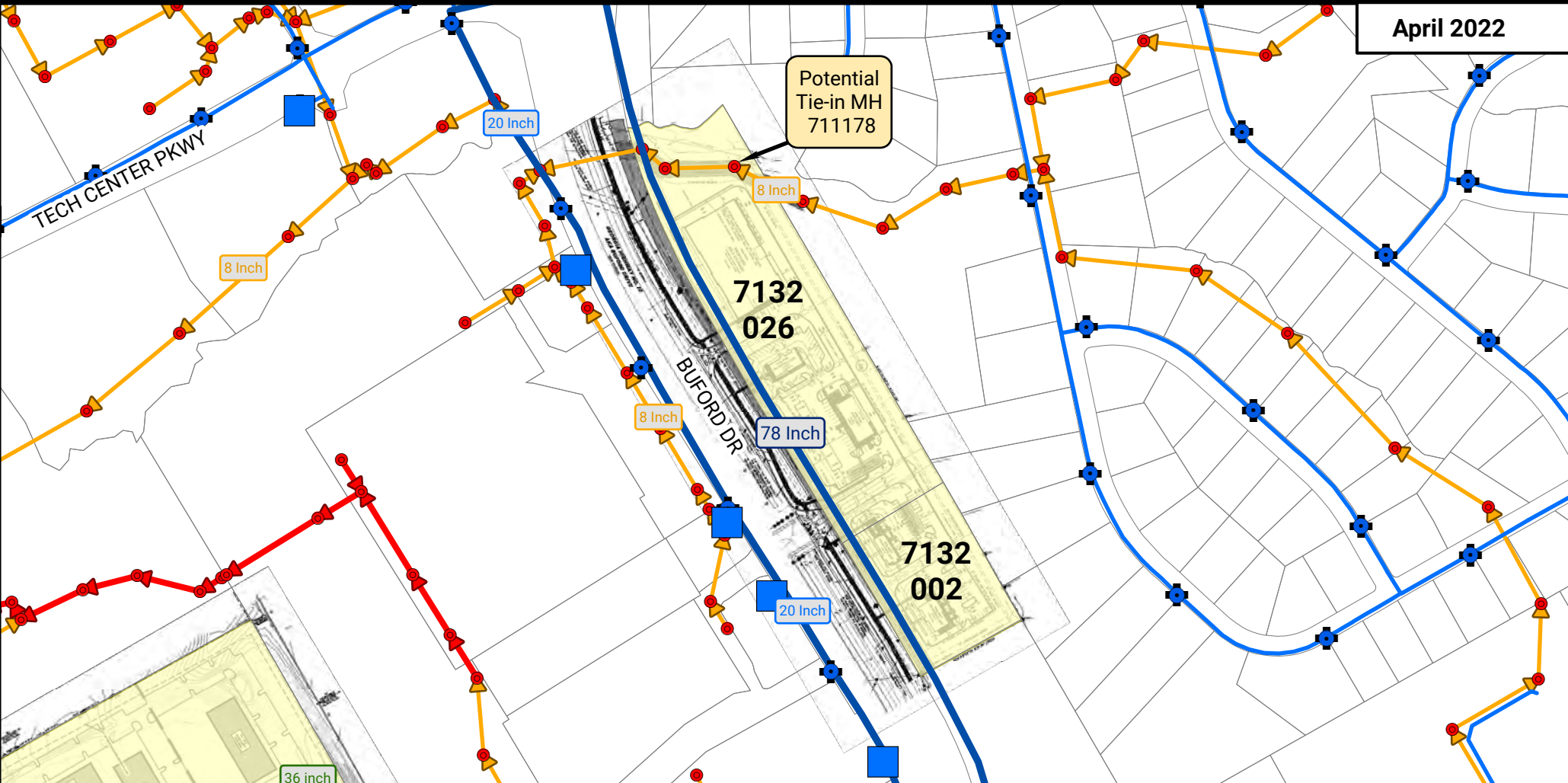


**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

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				
6				
7				

Note: Attach additional pages, if needed

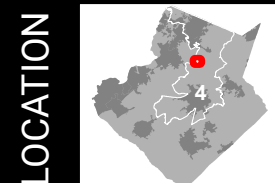
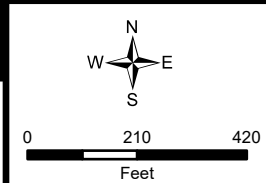
Revised 7/26/2021



	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 F: 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:

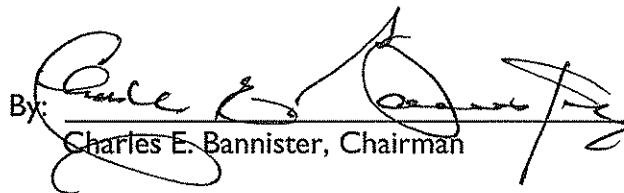
- I. To restrict the use of the property as follows:
 - A. Retail, service commercial, office and accessory uses. The following uses shall be prohibited: adult bookstores or adult entertainment, automotive parts stores, automotive repair shops or tire stores, contractor's offices, emission inspection 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.

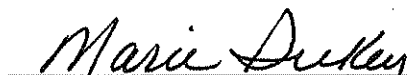
- J. Outdoor lighting shall utilize decorative light poles and fixtures with cut-off type luminaries and shall be directed inward to avoid light intrusion directly into adjacent residential properties and away from adjacent thoroughfares.
- K. All utilities shall be placed underground and all utility 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



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 10.255 ACRES LYING AND BEING IN LAND LOT 132 OF THE 7th LAND DISTRICT, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING BEGIN AT A 1/2" REBAR FOUND INSIDE A 2" PIPE AT THE LAND LOT CORNER COMMON TO LAND LOTS 104, 105, 132 AND 133; THENCE RUN ALONG THE LAND LOT LINE COMMON TO LAND LOTS 132 AND 133 NORTH 30 DEGREES 10 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 607.86 FEET TO A 1/2" REBAR SET AT A ROCK FOUND, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

THENCE FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND LEAVING SAID LAND LOT LINE SOUTH 60 DEGREES 49 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 279.96 FEET TO A 1/2" REBAR SET ON THE NORTHEASTERLY RIGHT OF WAY OF GEORGIA HIGHWAY No. 20, HAVING A RIGHT OF WAY WIDTH THAT VARIES (A/K/A BUFORD DRIVE);

THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF GEORGIA HIGHWAY No. 20 ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1246.11 FEET AND AN ARC LENGTH OF 7.01 FEET, BEING SUBTENDED BY A CHORD OF NORTH 31 DEGREES 51 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 7.01 FEET TO A POINT;

THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 32 DEGREES 01 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 1095.21 FEET TO A POINT;

THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1810.15 FEET AND AN ARC LENGTH OF 494.11 FEET, BEING SUBTENDED BY A CHORD OF NORTH 24 DEGREES 12 MINUTES 02 SECONDS WEST FOR A DISTANCE OF 492.58 FEET TO A POINT;

THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 10 DEGREES 37 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 14.49 FEET TO A POINT IN THE CENTERLINE OF A CREEK;

THENCE CONTINUING ALONG SAID RIGHT OF WAY AND ALONG THE CENTERLINE OF SAID CREEK NORTH 81 DEGREES 57 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 25.22 FEET TO A POINT;

THENCE CONTINUING ALONG SAID RIGHT OF WAY AND ALONG THE CENTERLINE OF SAID CREEK SOUTH 87 DEGREES 28 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 54.90 FEET TO A POINT;

THENCE LEAVING SAID RIGHT OF WAY AND CONTINUING ALONG THE CENTERLINE OF SAID CREEK SOUTH 87 DEGREES 28 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 4.66 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 63 DEGREES 58 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 34.97 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 74 DEGREES 23 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 18.47 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 69 DEGREES 02 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 36.02 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 20 DEGREES 02 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 11.45 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 39 DEGREES 24 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 29.80 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 69 DEGREES 20 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 35.71 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE NORTH 88 DEGREES 42 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 36.23 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 88 DEGREES 43 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 32.01 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE NORTH 85 DEGREES 55 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 49.58 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE NORTH 85 DEGREES 21 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 46.04 FEET TO A POINT ON THE AFORESAID LAND LOT LINE COMMON TO LAND LOTS 132 AND 133;

THENCE LEAVING THE CENTERLINE OF SAID CREEK AND RUN ALONG SAID LAND LOT LINE SOUTH 30 DEGREES 10 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 1376.84 FEET TO A 1/2" REBAR SET, SAID REBAR BEING THE TRUE POINT OF BEGINNING.

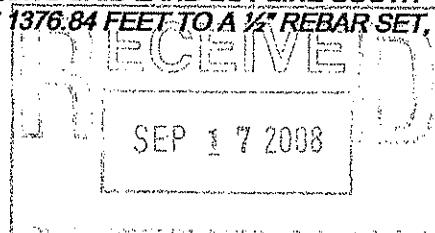
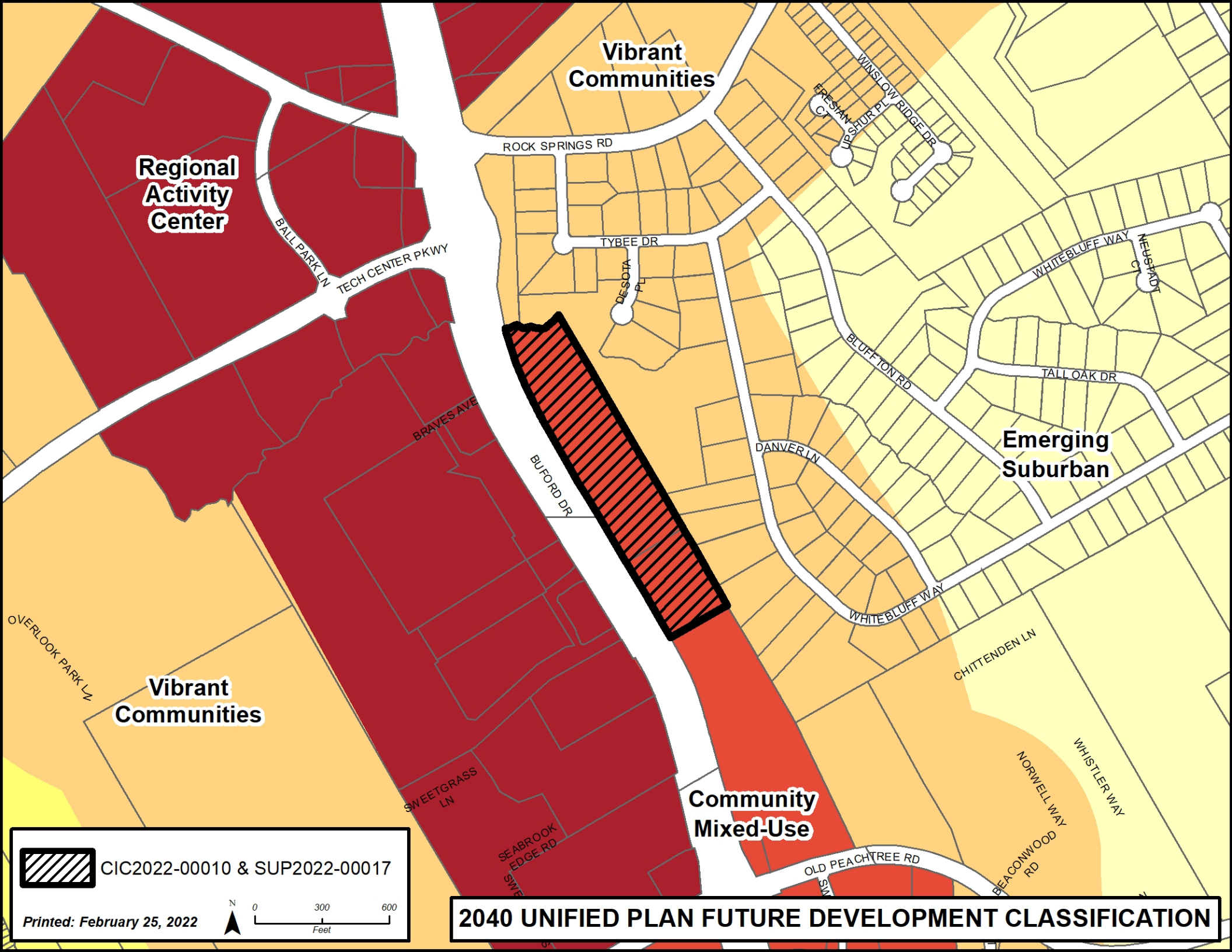


Exhibit G: Maps

[attached]




**Vibrant
Communities**

**Regional
Activity
Center**

**Emerging
Suburban**

**Vibrant
Communities**

**Community
Mixed-Use**

 CIC2022-00010 & SUP2022-00017

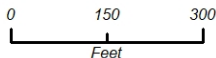
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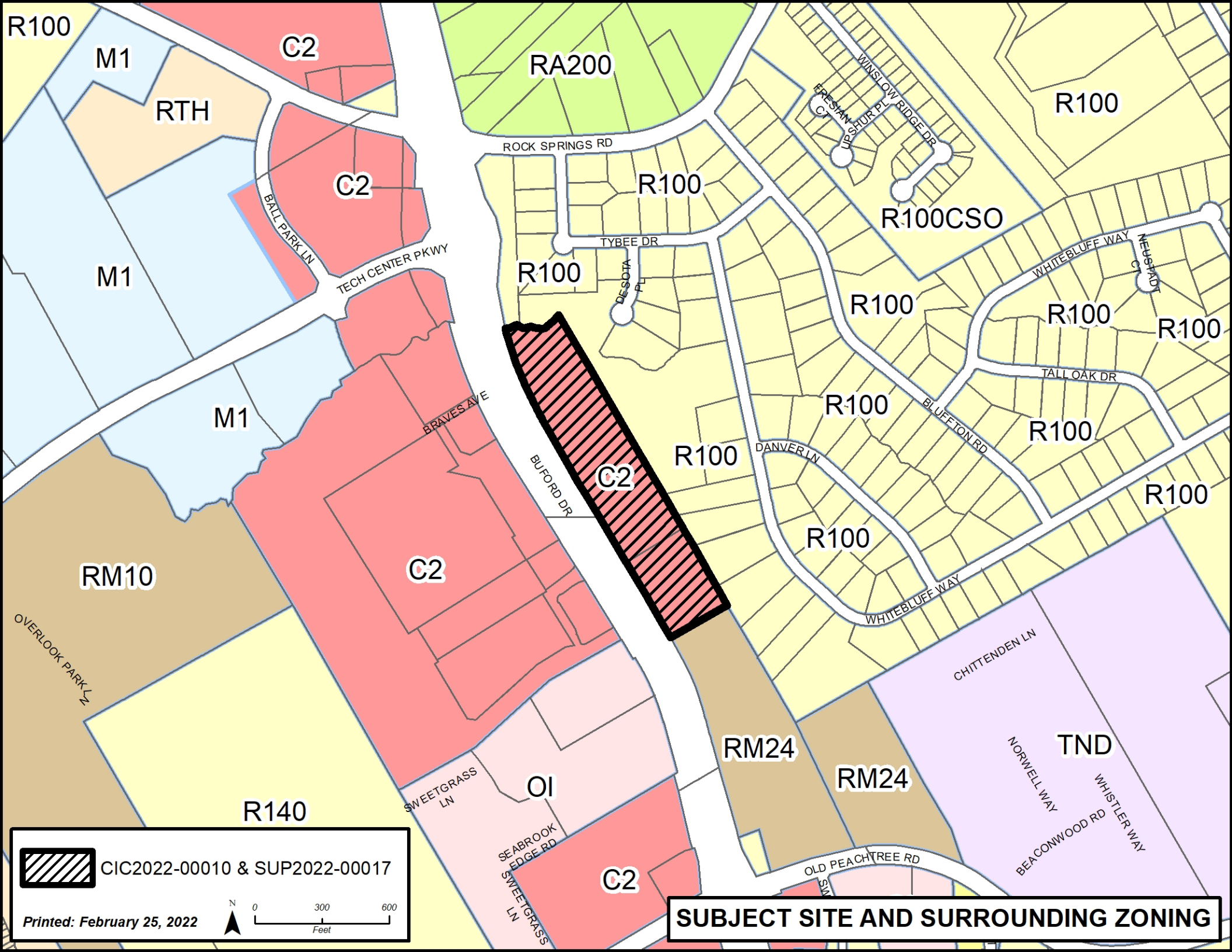
2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION




CIC2022-00010 & SUP2022-00017

Printed: February 25, 2022





 CIC2022-00010 & SUP2022-00017

Printed: February 25, 2022



SUBJECT SITE AND SURROUNDING ZONING

Exhibit H: Site Plan Presented at the Planning Commission Hearing on 6/7/2022

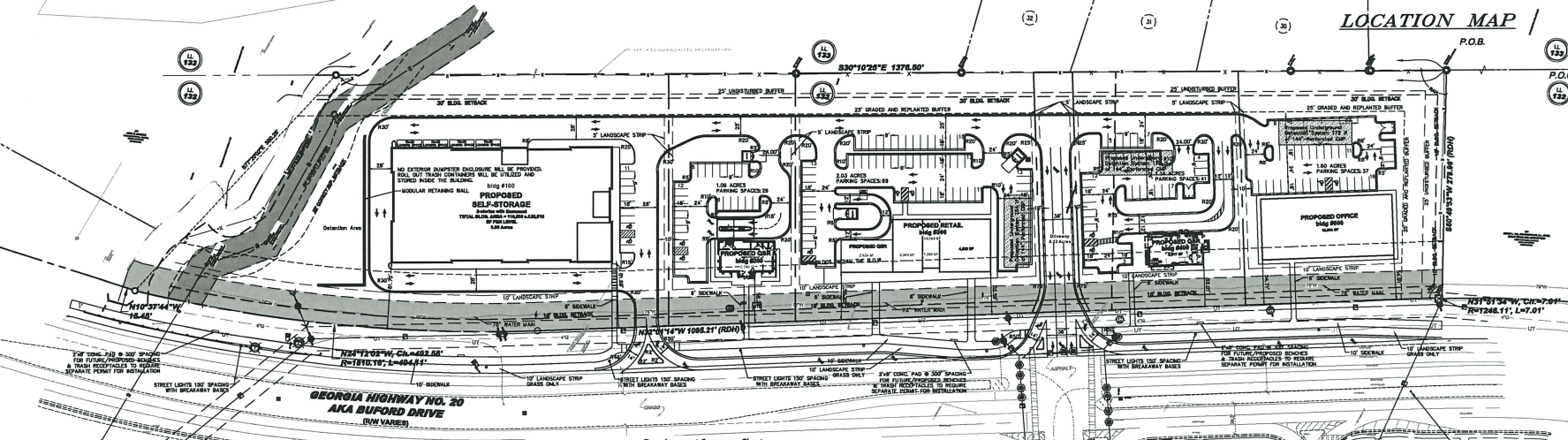
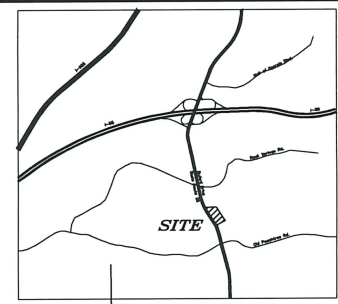
[attached]

WINNETT COUNTY
PLANNING AND DEVELOPMENT
 RECEIVED
 6/7/2022

SITE ADDRESSES 2465 & 2500 BUFORD DRIVE
C-2 (COMMERCIAL District)
CASE NUMBER RZC-09-005, GCID 2009-0095
GROSS ACREAGE = 10.255 acres-446,709.586 s.f.
NET ACREAGE = 10.255 acres-446,709.586 s.f.
TOTAL BUILDING AREA = 135,487 s.f.
F.A.R.=0.30
COMMON AREA= 2.01 a.c.-19.59%

USE	BLDG. AREA	MINIMUM PARKING SPACES	MAXIMUM PARKING SPACES	PARKING PROVIDED
BLDG. 300 Storage	110,500 sf	24	57	11
BLDG. 200 Restaurant	2,740 sf	18	37	26
BLDG. 300 Restaurant	2530 sf	17	34	34
BLDG. 300 Retail	7,630 sf	15	38	35
BLDG. 400 Restaurant	2,617 sf	17	35	41
BLDG. 500 Office	12,000 sf	24	80	37
TOTAL	135,487	116	280	184

WINNETT COUNTY PARKING:
 OFFICE: MIN. 1sq/200 s.f. - MAX. 1sq/150 s.f.
 RETAIL: MIN. 1sq/200 s.f. - MAX. 1sq/200 s.f.
 RESTAURANT: MIN. 1sq/150 s.f. - MAX. 1sq/75 s.f.
 STORAGE: 2 for Office Space
 MIN. 1sq/2,000 s.f. - MAX. 1sq/2,000 s.f.

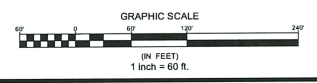


Development Summary Chart

Issue	Maximum	Min. Required	Shown on Site Plan
Area of Site (s.f.)	446,706		446,706
Area of Site (acres)			10.26 acres
Land Area (Commercial), Acres			10.26 acres
Land Area (Common Space)			2.01 acres
Common Space (%)			19.59%
Open Space (undeveloped)			106,100 sf
Open Space (%)			23.74%
Pervious Area (acres)			3.34
Pervious Area %			33%
Impervious Area (acres)			6.92
Impervious Area %			56%
Total Building Area			135,487 sf
Building Height			
Storage			42 feet
Restaurant			25-40 feet
Retail			25-40 feet
office			25-40 feet
Lot Coverage of Building Area (s.f.)*			64,332 sf
Lot Coverage of Building Area (%)			14.40%
Buffers			
Front (Georgia Hwy. 20)	Per Zoning Code 75' Min. Req.		30' Landscape
Side (North Prop)	Per Zoning Code 50' Min. Req.		60' undisturbed buffer
Side (South)	Per Zoning Code 50' Min. Req.		25' undisturbed
Rear (East)	Per Zoning Code 75' Min. Req.		25' Grade and Replant
Side (North Prop)			25' undisturbed
Side (South)			25' Grade and Replant
Rear (East)			
Setbacks			
Front (Georgia Hwy. 20)			15 feet
Side (North Prop)			10 feet
Side (South)			10 feet
Rear (East)			30 feet

- VARIANCES**
- BUILDINGS ARE NOT WITH IN 70' OF RIGHT OF WAY (220-30.3.E.4)
 - OVER MAXIMUM OF 20% OF PARKING BETWEEN BUILDING AND RIGHT OF WAY/STREET (220-30.3.E.3)(210-225.5.2)
 - OUTDOOR SEATING TIMES FROM 8 am to 2 am NEXT TO RESIDENTIAL USES (230-130.4(C)).
 - PARKING VARIANCE REQUIRED FOR STORAGE BUILDING (240-20.3 TABLE 240.1 min. parking requirements)

ZONING PLAN



GEORGIA 811
 Unified Protection Center, Inc.
 Dial 811
 Or Call 800-282-7411

THE LOCATION OF ALL UTILITIES LOCATED ON THIS PLAN IS BASED ON THE RECORDS AND INFORMATION OF THE UTILITY COMPANIES AND IS NOT A GUARANTEE OF ACCURACY. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES PRIOR TO ANY CONSTRUCTION.

CAUTION-NOTE TO CONTRACTOR
 THE CONTRACTOR IS RESPONSIBLY NOTICED THAT THE DIMENSIONS AND/OR ELEVATIONS OF EXISTING UTILITIES ARE BASED ON THE RECORDS AND INFORMATION OF THE UTILITY COMPANIES AND IS NOT A GUARANTEE OF ACCURACY. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES PRIOR TO ANY CONSTRUCTION.

HGA
 HAINES GIPSON & ASSOCIATES
 Civil - Structural - Bridge

DG
 THE DAVIS GROUP

BALL PARK COMMERCIAL DEVELOPMENT
 CITY OF WINNETT
 2465 & 2500 BUFORD DRIVE

NO.	BY	DATE	DESCRIPTION	CHECKED BY	DATE

DATE: 05/27/2022
 SHEET TITLE: S.I.P. Plan
 SHEET NUMBER: Z-1

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>The Davis Group C/O Mahaffey Pickens Tucker, LLP</u>	NAME: <u>SBR Properties, LLC</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>1100 Highway 98 East</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Destin</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Florida</u> ZIP: <u>32541</u>
PHONE: <u>770 232 0000</u>	PHONE: <u>770 232 0000</u>
EMAIL: <u>slanham@mptlawfirm.com</u>	EMAIL: <u>johnrbowen99@gmail.com</u>
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770 232 0000</u>	
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICTS(S): <u>C2</u> PRIOR ZONING CASE: <u>RZC2009-00005</u>	
PARCEL NUMBER(S): <u>7132 026 & 7132 002</u> ACREAGE: <u>10.255</u>	
ADDRESS OF PROPERTY: <u>2465 Buford Drive & 2500 Buford Drive</u>	
PROPOSED CHANGE IN CONDITIONS: <u>Condition 1.A. allow automobile repair shop, auto parts store, and tire store with a special use permit. Delete condition 2.C. Delete portions of condition 2.D. Addition to condition 2.O. to allow for a three story self storage building</u>	
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>N/A</u>	NO. OF BUILDINGS/LOTS: <u>5</u>
DWELLING UNIT SIZE (Sq. Ft.): <u>N/A</u>	TOTAL GROSS SQUARE FEET: <u>+/- 129,196</u>
GROSS DENSITY: <u>N/A</u>	DENSITY: <u>+/- 12,600 square feet per acre</u>
NET DENSITY: <u>N/A</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
The Davis Group C/O Mahaffey Pickens NAME: <u>Tucker, LLP</u>	NAME: <u>SBR Properties, LLC</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>1100 Highway 98 East</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Destin</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Florida</u> ZIP: <u>32541</u>
PHONE: <u>770 232 0000</u>	PHONE: <u>770 232 0000</u>
EMAIL: <u>slanham@mptlawfirm.com</u>	EMAIL: <u>johnrbowen99@gmail.com</u>
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770 232 0000</u>	
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	

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

APPLICANT IS THE:
<input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER
EXISTING/PROPOSED ZONING: <u>C2</u> BUILDING/LEASED SQUARE FEET: <u>110,500 SF</u>
PARCEL NUMBER(S): <u>7132 026 & 7132 002</u> ACREAGE: <u>10.255</u>
ADDRESS OF PROPERTY: <u>2465 Buford Drive & 2500 Buford Drive</u>
SPECIAL USE REQUESTED: <u>Self-storage facility.</u>

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

**COMBINED LETTER OF INTENT FOR CHANGE IN
CONDITIONS AND SPECIAL USE PERMIT APPLICATION**

Mahaffey Pickens Tucker, LLP submits this combined Letter of Intent and attached Change in Conditions and Special Use Permit applications (the “Application”) on behalf of the Davis Group of Georgia (the “Applicant”) for the purpose of requesting a change in conditions of zoning and special use permit on an approximately 10.255-acre tract (the “Property”) located along Buford Drive near the intersection of Buford Drive and Rock Springs Road in order to develop a three-story self-storage facility and additional commercial/retail development. The Property is currently zoned C2 and located within the Community Mixed-Use Character Area as depicted on the Gwinnett County Unified Plan (the “2040 Plan”) Future Development Map.

The Property was rezoned to its current C2 zoning classification by the Gwinnett County Board of Commissioners in January 2009 pursuant to case number RZC0-9-005 (the “Resolution”). The conditions of that zoning would restrict the development to the older style single-story self-storage facility, whereas the Applicant is proposing a contemporary design, similar in appearance and design to a modern office building. The requested change in conditions and special use permit would allow the development and operation of a mixed commercial

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

development including a first-class self-storage facility and additional retail/commercial development along the Property's frontage on Buford Drive. The proposed self-storage facility would be a 3-story building containing approximately 110,500 square feet of space.

The Applicant's proposed three-story self-storage facility is a significant aesthetic improvement from the single-story storage facilities of the past, necessitating this change in conditions request. The proposed self-storage building would include attractive architectural design elements with an entrance on Buford Drive. The Property would also include interparcel connections to the adjacent proposed commercial and retail uses as depicted on the submitted site plan. The Applicant is requesting this change in conditions and special use permit for the purpose of developing the proposed self-storage facility. Additionally, the Applicant is proposing other commercial/retail development on the Property and is requesting changes to the current zoning conditions to accomplish that development.

The Applicant respectfully requests to revise the below conditions as written. Deletions are shown in ~~strike through~~ and additions are shown in **bold and underline**.

Condition 1(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. **Automobile repair shop, auto parts store, and tire store may be allowed with a special use permit.**

Condition 2(C): ~~Provide a 5-foot wide landscape strip adjacent to all internal property lines.~~

Condition 2(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.

Condition 2(O): Buildings shall be limited in height to one story, **except for the self-storage building.**

The Applicant is requesting the revision to Condition 1(A) because preliminary talks have begun with potential end users on the Property and there has been interest regarding those specific uses. The proposed change to this condition is consistent with the provisions of the UDO because such uses are allowed in C-2 with a special use permit. Condition 2(C) is required in order to develop the Property as depicted, which includes subdividing the subject property in the future so that each proposed use is contained within its own component parcel. Provided, however, that except for the self-storage facility, the site plan is conceptual in nature and subdivision lines could vary from parcel to parcel. There are shared access drives along some of proposed property line making landscape strips adjacent to all internal property lines impossible. There are significant topographical and engineering difficulties on the Property and the submitted site plan reflects the configuration necessary to address those difficulties. However, the Applicant is still proposing attractive landscaping and landscape features throughout the development. Similar to the request regarding Condition 1(A), the Applicant is requesting that Condition 2(D) reflect the requirements of the UDO and the County Sign Ordinance. The Applicant is agreeable to prohibiting the other types of signage as given in the condition as written. Finally, the Applicant is requesting to alter Condition 2(O) to allow for the self-storage building, and the self-storage building only, to be larger than one-story. As previously mentioned, the Applicant is requesting this change in order to

develop a more modern and aesthetically pleasing building. In appearance, the self-storage facility would resemble a contemporary office building with attractive architectural features.

The Applicant is not proposing to modify the existing zoning condition which requires a hybrid 50-foot wide buffer with a 25-foot wide natural, undisturbed buffer and a 25-foot wide graded and replanted buffer. To the extent it is necessary, the Applicant requests a buffer reduction waiver to maintain this requirement. Section 220-30.3 of the UDO requires developments within the Activity Center/Corridor Overlay District to “provide interparcel vehicle access points between all contiguous commercial, office, industrial or attached residential tracts.” The subject property faces significant topographical challenges and the Applicant respectfully submits that routing traffic of the adjacent residential development through the subject property could pose safety concerns. However, in that same code section, the UDO also provides that “[t]his requirement may be waived by the Director only if it is demonstrated that an interparcel connection is not feasible due to traffic safety or topographic concerns.” Accordingly, the Applicant requests a waiver of the interparcel access requirement.

The proposed development is consistent with the spirit and intent of the Gwinnett County 2040 Unified Plan (the “2040 Plan”), the C2 zoning classification, and the conditions of the original zoning. The Property is nearby to other commercial developments, demonstrating that the proposed development is appropriate on the Property. In addition, the proposed development will still be developed in accordance with all other conditions required by the Resolution. However, this Change in Conditions is required in order for the Applicant to develop the Property as depicted on the submitted site plan.

GWINNETT COUNTY

PLANNING AND DEVELOPMENT

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2/15/2022

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 3rd day of February, 2022.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Shane M. Lanham

Attorneys for Applicant

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2/3/2022 11:58AM

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

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

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

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

- (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:

Please see attached.

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- A. Approval of the change in conditions request and proposed special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property. The subject Property is located along Buford Drive nearby to other commercial developments.
- B. Approval of the change in conditions request and proposed special use permit will not adversely affect the existing use or usability of adjacent or nearby property. Rather the proposed development would complement surrounding commercial land uses by providing a use that would serve residents and employees of the surrounding area.
- C. The Applicant submits that due to its size, location, physical characteristics, and layout, the subject property does not have a reasonable economic use without the change in conditions request and proposed special use permit.
- D. Approval of the change in conditions request and proposed special use permit will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The property has immediate access to Buford Drive and Rock Springs Road and convenient access to Interstate 85.
- E. Approval of the change in conditions request and proposed special use permit is in conformity with the policy and intent of the 2040 Plan. The subject Property is designated as within the Community Mixed Use Character Area on the 2040 Plan Future Development Map. Encouraged land uses for this character area include commercial development to serve the surrounding community.
- F. The Property's location on Buford Drive, the Property's proximity to Interstate 85, and the nature of existing land uses at the established commercial node provide additional supporting grounds for approval of the application.

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2/3/2022 11:58AM

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND CONTAINING 10.255 ACRES LYING AND BEING IN LAND LOT 132 OF THE 7th LAND DISTRICT, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE **TRUE POINT OF BEGINNING** BEGIN AT A 1/2" REBAR FOUND INSIDE A 2" PIPE AT THE LAND LOT CORNER COMMON TO LAND LOTS 104, 105, 132 AND 133; THENCE RUN ALONG THE LAND LOT LINE COMMON TO LAND LOTS 132 AND 133 NORTH 30 DEGREES 10 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 607.86 FEET TO A 1/2" REBAR SET AT A ROCK FOUND, SAID REBAR BEING THE **TRUE POINT OF BEGINNING**.

THENCE FROM THE **TRUE POINT OF BEGINNING** THUS ESTABLISHED AND LEAVING SAID LAND LOT LINE SOUTH 60 DEGREES 49 MINUTES 53 SECONDS WEST FOR A DISTANCE OF 279.96 FEET TO A 1/2" REBAR SET ON THE NORTHEASTERLY RIGHT OF WAY OF GEORGIA HIGHWAY No. 20, HAVING A RIGHT OF WAY WIDTH THAT VARIES (A/K/A BUFORD DRIVE);

THENCE RUN ALONG THE NORTHEASTERLY RIGHT OF WAY OF GEORGIA HIGHWAY No. 20 ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1246.11 FEET AND AN ARC LENGTH OF 7.01 FEET, BEING SUBTENDED BY A CHORD OF NORTH 31 DEGREES 51 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 7.01 FEET TO A POINT;

THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 32 DEGREES 01 MINUTES 14 SECONDS WEST FOR A DISTANCE OF 1095.21 FEET TO A POINT;

THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1810.15 FEET AND AN ARC LENGTH OF 494.11 FEET, BEING SUBTENDED BY A CHORD OF NORTH 24 DEGREES 12 MINUTES 02 SECONDS WEST FOR A DISTANCE OF 492.58 FEET TO A POINT;

THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 10 DEGREES 37 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 14.49 FEET TO A POINT IN THE CENTERLINE OF A CREEK;

THENCE CONTINUING ALONG SAID RIGHT OF WAY AND ALONG THE CENTERLINE OF SAID CREEK NORTH 81 DEGREES 57 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 25.22 FEET TO A POINT;

THENCE CONTINUING ALONG SAID RIGHT OF WAY AND ALONG THE CENTERLINE OF SAID CREEK SOUTH 87 DEGREES 28 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 54.90 FEET TO A POINT;

THENCE LEAVING SAID RIGHT OF WAY AND CONTINUING ALONG THE CENTERLINE OF SAID CREEK SOUTH 87 DEGREES 28 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 4.66 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 63 DEGREES 58 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 34.97 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 74 DEGREES 23 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 18.47 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 69 DEGREES 02 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 36.02 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 20 DEGREES 02 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 11.45 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 39 DEGREES 24 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 29.80 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 69 DEGREES 20 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 35.71 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE NORTH 88 DEGREES 42 MINUTES 26 SECONDS EAST FOR A DISTANCE OF 36.23 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE SOUTH 88 DEGREES 43 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 32.01 FEET TO A POINT;

THENCE CONTINUING ALONG SAID CENTERLINE NORTH 85 DEGREES 55 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 49.58 FEET TO A POINT;

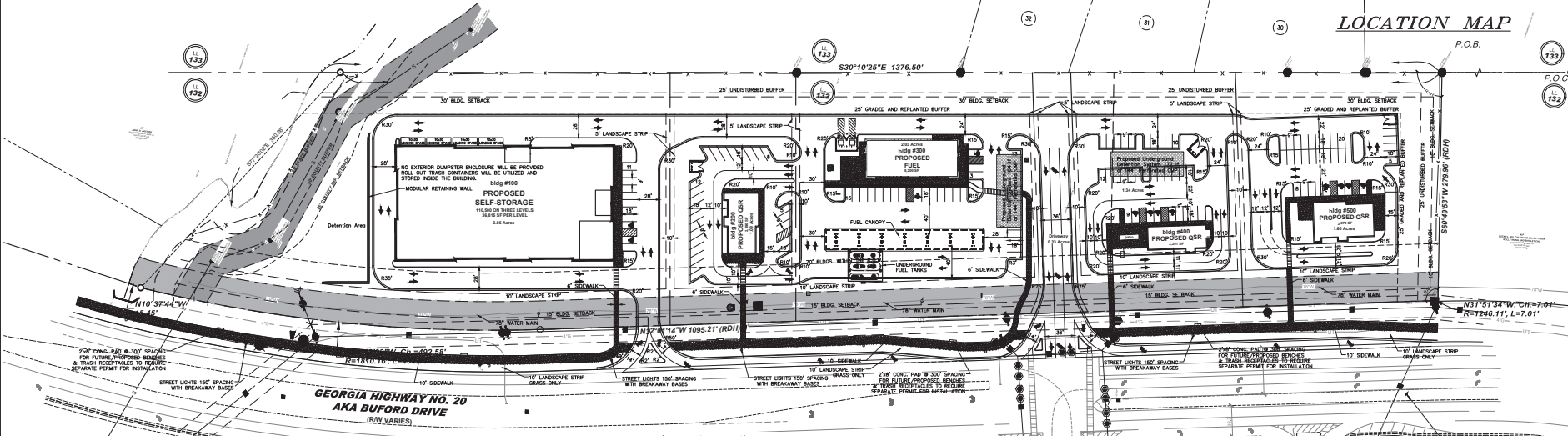
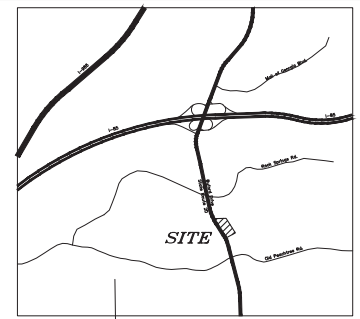
THENCE CONTINUING ALONG SAID CENTERLINE NORTH 85 DEGREES 21 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 46.04 FEET TO A POINT ON THE AFORESAID LAND LOT LINE COMMON TO LAND LOTS 132 AND 133;

THENCE LEAVING THE CENTERLINE OF SAID CREEK AND RUN ALONG SAID LAND LOT LINE SOUTH 30 DEGREES 10 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 1376.84 FEET TO A 1/2" REBAR SET, SAID REBAR BEING THE **TRUE POINT OF BEGINNING**.

PARKING STATISTICS				
USE	BLDG. AREA	MINIMUM PARKING SPACES	MAXIMUM PARKING SPACES	PARKING PROVIDED
BLDG. 100 Storage	110,500 s.f.	24	57	11
BLDG. 200 Restaurant	2,990 s.f.	20	40	25
BLDG. 300 Fuel	5,200 s.f.	10	42	31
BLDG. 400 Restaurant	2,291 s.f.	15	31	31
BLDG. 500 Restaurant	3,378 s.f.	23	45	33
TOTAL	N/A	92	234	131

GWINNETT COUNTY PARKING:
 FUEL: MIN. 1sp/2,000 s.f. - MAX. 1sp/75 s.f.
 RESTAURANT: MIN. 1sp/150 s.f. - MAX. 1sp/75 s.f.
 STORAGE: MIN. 1sp/5,000 s.f. - MAX. 1sp/2,000 s.f.

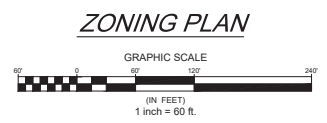
SITE ADDRESSES 2465 & 2500 BUFORD DRIVE
C-2 (COMMERCIAL District)
CASE NUMBER RZC-09-005, GCID 2009-0095
GROSS ACREAGE = 10.255 acres-446,709.586 s.f.
NET ACREAGE = 10.255 acres-446,709.586 s.f.
TOTAL BUILDING AREA = 129,196 s.f.
F.A.R.=0.289
COMMON AREA= 2.01 a.c.-19.59%



Development Summary Chart

Issue	Maximum	Min. Required	Shown on Site Plan
Area of Site (s.f.)	447,277 s.f.		10.26 acres
Area of Site (Acres)	10.26 acres		10.26 acres
Land Area (Commercial), Acres			10.26 acres
Land Area (Common Space)	2.01 acres		19.59%
Common Space (%)	19.59%		
Open Space (undeveloped)	106,100 s.f.		23.74%
Open Space (%)	23.74%		
Pervious Area (acres)	3.34		33%
Pervious Area (%)	33%		
Impervious Area (acres)	6.92		58%
Impervious Area (%)	58%		
Total Building Area	129,196 s.f.		
Building Height			
Storage	42 feet		
Restaurant	25-40 feet		
Convenience Store	25-40 feet		
Lot Coverage of Building Area (s.f.)**	55,511 s.f.		
Lot Coverage of Building Area (%)	12.42%		
Buffers			
Front (Georgia Hwy. 20)	Per Zoning Code 75' Min. Req.	20' Landscape	60' undisturbed buffer
Side (North Prop)	Per Zoning Code 50' Min. Req.	25' undisturbed	25' Grade and Replant
Side (South)		25' undisturbed	25' Grade and Replant
Rear (East)	Per Zoning Code 75' Min. Req.	25' undisturbed	25' Grade and Replant
Setbacks			
Front (Georgia Hwy. 20)		15 feet	
Side (North Prop)		10 feet	
Side (South)		10 feet	
Rear (East)		30 feet	

- VARIANCES**
- BUILDINGS ARE NOT WITH IN 70' OF RIGHT OF WAY (220-30.3.E.4)
 - OVER MAXIMUM OF 20% OF PARKING BETWEEN BUILDING AND RIGHT OF WAY/STREET (220-30.3.E.3)(210-225.5.2)
 - NO GREENWAY PATH LOCATED ON THIS SITE. (210-225.3(D))
 - OUTDOOR SEATING TIMES FROM 6 am to 2 am NEXT TO RESIDENTIAL USES (230-130.4(C))
 - OUTDOOR SEATING AREAS MAY BE LOCATED ADJACENT TO SIDEWALKS THAT ARE AT LEAST SIX FEET IN WIDTH.
 - PARKING VARIANCE REQUIRED FOR STORAGE BUILDING (240-20.3 TABLE 240.1 min. parking requirements)



GEORGIA811
 Utilities Protection Center, Inc.
 Know what's below.
 Call before you dig.
 Dial 811
 Or Call 800-282-7411

THE LOCATION OF ALL UTILITIES (GAS, WATER, ELECTRIC, TELEPHONE, CABLE, OPTICAL FIBER, ETC.) IS SHOWN ON THESE PLANS AS BASED ON RECORDS OF THE JURISDICTIONAL AGENCIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS BELIEVED TO BE CORRECT AS OF THE DATE OF THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES (GAS, WATER, ELECTRIC, TELEPHONE, CABLE, OPTICAL FIBER, ETC.) PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES (GAS, WATER, ELECTRIC, TELEPHONE, CABLE, OPTICAL FIBER, ETC.) PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES (GAS, WATER, ELECTRIC, TELEPHONE, CABLE, OPTICAL FIBER, ETC.) PRIOR TO ANY EXCAVATION.

HGA
 HANES GIBSON & ASSOCIATES
 CDR - Structural & Bridge

DG
 THE DAVIS GROUP

BALL PARK
 COMMERCIAL DEVELOPMENT
 CITY OF ATLANTA
 2465 & 2500 BUFORD DRIVE

NO.	REV.	DATE	DESCRIPTION

DRAWN BY: LCC
 CHECKED BY: SCA
 DATE: 02/15/2022
 SHEET TITLE: S.I.P. Plan
 SHEET NUMBER: Z-1

HGA-CR No. 500-500

WINNETT COUNTY

PLANNING AND DEVELOPMENT

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2/15/2022

2902 Buford Dr

Buford, Georgia

Google

Street View - Dec 2021



GWINNETT COUNTY

PLANNING AND DEVELOPMENT

RECEIVED

2/15/2022



DG Ronald Reagan



The Exchange at Gwinnett seeing beginning stream of business openings

By Curt Yeomans curt.yeomans@gwinnettdaily.com Apr 13, 2021 0

2 of 21



Customers go through the drive thru at the new Starbucks located in The Exchange at Gwinnett mixed-use development on Buford Drive at Interstate 85 on Monday.

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2/3/2022 11:58AM

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION

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



Signature of Applicant

2/1/2022

Date

Sam Kennon attorney for Applicant

Type or Print Name and Title



Signature of Notary Public

2/1/2022

Date

Notary Seal



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2/3/2022 11:58AM

CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION

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



Signature of Property Owner

2/2/2022

Date

John Bowen Member

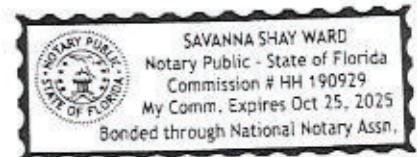
Type or Print Name and Title



Signature of Notary Public

2/2/22

Date



Notary Seal

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2/3/2022 11:58AM

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION

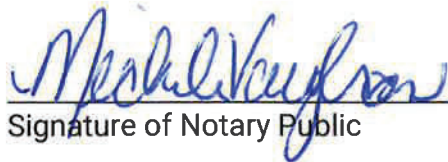
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL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


Signature of Applicant

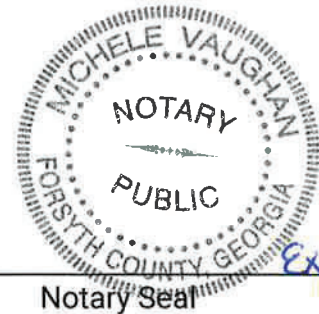
2/2/2022
Date

MATTHEW COFFING
Type or Print Name and Title

VP - ACQUISITIONS & DEVELOPMENT


Signature of Notary Public

2/2/2022
Date



Exp 9/23/2024

RECEIVED

2/3/2022 11:58AM

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

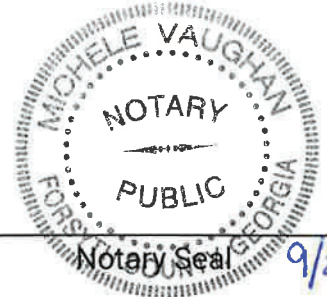
CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

The undersigned below, making application for a change in conditions, 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.

 2/2/2022 MATTHEW COFFING - VP ACQUISITIONS + DEV.
Signature of Applicant Date Type of Print Name and Title

Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

 2/2/2022
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 MATTHEW COFFING
Your Name

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

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

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



PRE-APPLICATION INFORMATION FORM

NOTE: Once the Pre-Application Meeting is complete, staff will provide the applicant with a signed copy of this form. This signed copy must be submitted with your official zoning/variance application.

Applicant Information:

Name: The Davis Group C/O Mahaffey Pickens Tucker, LLP

Company: The Davis Group

Mailing Address: 1550 North Brown Road, Suite 125

City, State, Zip Code: Lawrenceville, Georgia 30043

Phone Number: 770 232 0000 Email Address: skennon@mptlawfirm.com

Project Summary:

Address of Project: 2465 Buford Drive

Name of Project: Buford Drive Mixed Use

Application Type (Rezoning, Change in Conditions, Special Use Permit, Buffer Reduction, Variance, Other): Rezoning and Special Use Permit

Total Project Acreage: 10.255 Total Square Footage: N/A Total Number of Lots/Units: N/A

Detailed Description (Include Proposed Use(s) and Square Footage of Floor Area for each use): Commercial development for self-storage facility and other commercial development.

Pre-Application Information Form Submittal Checklist:

- Completed Pre-Application Information Form
One PDF digital version of Concept Plan

For Internal Use Only:


Pre-Application Meeting Date: 1/26/2022

Staff Printed Name: Gabrielle Cazeau Signed: Gabrielle Cazeau



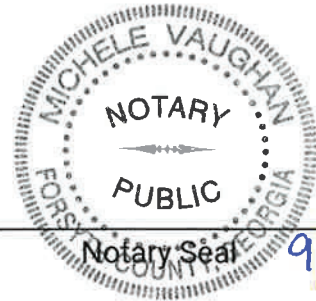
SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

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


Signature of Applicant 2/2/2022
Date

MATTHEW COFFING JP - ACQUISITION + DEVELOPMENT
Type or Print Name and Title

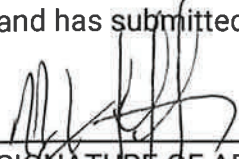

Signature of Notary Public 2/2/2022
Date



9/23/2022

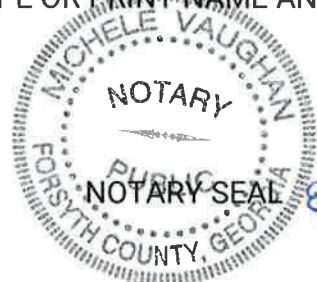
CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

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


 _____ 2/2/2022 MATTHEW COPPING - VP ACQUISITIONS + DEV.
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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


 _____ 2/2/2022
 SIGNATURE OF NOTARY PUBLIC DATE



exp. 9/23/2024

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 MATTHEW COPPING
 YOUR NAME

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

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

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

RECEIVED

2/3/2022 11:58AM

SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION


THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS 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 Property Owner


2/2/2022
Date

John Bowen
Type or Print Name and Title

Member


Signature of Notary Public

2/2/22
Date


Notary Seal



SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

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

[Handwritten Signature]

Signature of Applicant

2/1/2022

Date

Sam Keannon, attorney for Applicant

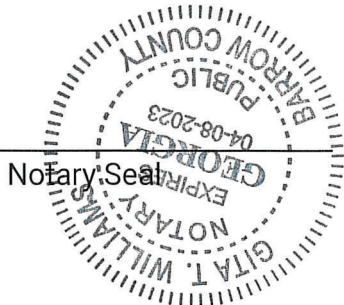
Type or Print Name and Title

[Handwritten Signature]

Signature of Notary Public

2/1/2022

Date



CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

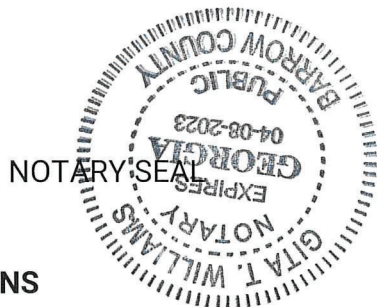
The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE
[Signature] 2/1/2022 Sam Kennon, attorney for Applicant

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

Gita J. Williams 2/1/2022

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 Mahaffey pickens tucker LLP
 YOUR NAME

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

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
kirkland cadden, county commissioner	\$1 250.00	November 18, 2021

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

RECEIVED


2/3/2022 11:58AM

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 - 132 - 002
(Map Reference Number) District Land Lot Parcel

 2/2/2022
Signature of Applicant Date

Sam Kennon, Attorney for Applicant

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)

 Temia Harmon TSA
NAME TITLE
 2.2.2022
DATE

