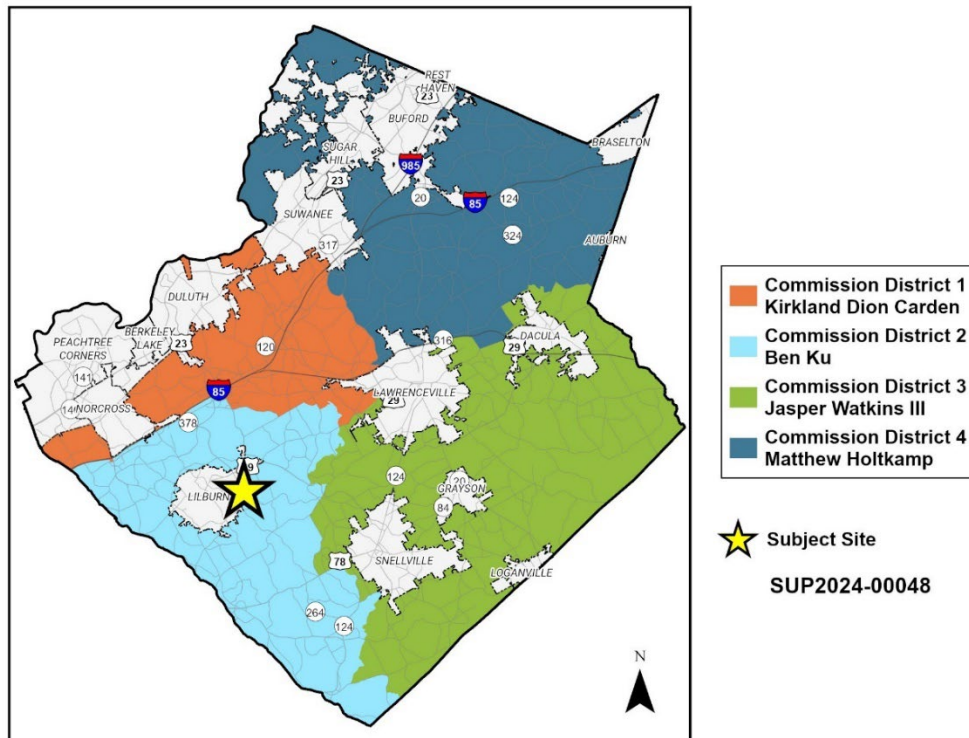


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: SUP2024-00048
Current Zoning: M-1 (Light Industry District)
Request: Special Use Permit
Additional Requests: Variances
Address: 4145 Arcadia Industrial Circle
Map Number: R6125 016
Site Area: 1.66
Square Feet: 10,500
Proposed Development: Heavy Truck and Heavy Equipment Repair Establishment
Commission District: District 2 – Ku
Future Development Type: Suburban Non-Residential

Staff Recommendation: APPROVAL WITH CONDITIONS

Planning Commission Recommendation: APPROVAL WITH CONDITIONS



Planning Commission Advertised Public Hearing Date: 9/3/2024
Board of Commissioners Advertised Public Hearing Date: 9/24/2024

Applicant: Atlanta Diesel Services, Inc.
4145 Arcadia Industrial Circle
Lilburn, GA 30047

Owners: Shiv Holdings, LLC
4145 Arcadia Industrial Circle
Lilburn, GA 30047

Contact: Jack Wilson

Contact Phone: 770.962.9780

Zoning History

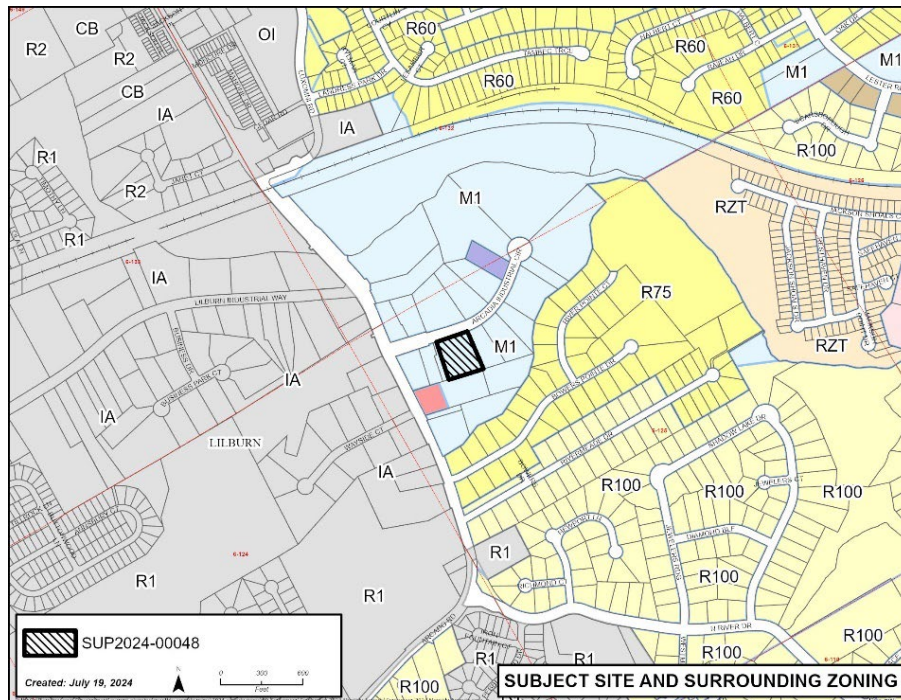
The subject property is zoned M-1 (Light Industry District). In 1971, the property was rezoned from R-100 (Single-Family Residence District) to M-1, pursuant to RZ-70-59.

Existing Site Condition

The subject property is a 1.66-acre parcel located along Arcadia Industrial Circle, east of its intersection with Arcado Road. The site is developed with a 10,500 square foot building with five bays on the eastern façade and one bay on the western façade. There are 22 parking spaces located in front of the building, and 22 parking spaces located to the east of the building enclosed by a screened security fence and gate. A 6-foot-tall chain link fence is located along the northern, eastern, and southern property lines. There is no sidewalk along Arcadia Industrial Circle. A heavy truck and heavy equipment repair establishment has been operating without a special use permit on the property since 2010.

Surrounding Use and Zoning

The subject site is surrounded by commercial and industrial parcels, and automobile-related service establishments are located along Arcadia Industrial Circle. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning
Proposed	Heavy Truck and Heavy Equipment Repair	M-1
North	Light Industrial	M-1
East	Light Industrial	M-1
South	Light Industrial	M-1
West	Light Industrial	M-1

Project Summary

The applicant requests a special use permit for a heavy truck and heavy equipment repair establishment in M-1, including:

- An existing 10,500 square foot building containing six bays.
- One existing full-access driveway from Arcadia Industrial Circle.
- 44 existing parking spaces, including ten (10) 30-foot-long spaces and fourteen (14) 50-foot-long spaces to accommodate trucks and trailers.
- A 6-foot-tall chain link fence that runs along the southern and eastern property lines and along a portion of the Arcadia Industrial Circle frontage with sliding security gates.
- Two outdoor storage containers, dumpster enclosure, and a covered waste oil storage tank located to the rear of the building.
- Hours of operation Monday through Friday from 8:00 a.m. to 10:00 p.m.
- 10-15 employees on site during business hours.
- A code enforcement case was initiated in August 2022 for several violations, including operating a non-permitted use, location of outdoor storage, parking lot maintenance, ADA parking compliance, dumpster location, fencing encroachment, banners, grass height, and light fixtures. A notice of violation was issued in August 2022, and a citation was issued in January 2024. The site is no longer in violation due to site improvements.

Zoning and Development Standards

The applicant is requesting a special use permit for a heavy truck and heavy equipment repair establishment in M-1. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Floor Area Ratio (FAR)	1.0	0.145	YES
Front Yard Setback	Minimum 50'	40'	NO*
Side Yard Setback	Minimum 25'	27'	YES
Rear Yard Setback	Minimum 50'	77'	YES
Building Height	Maximum 45'	20'	YES
Parking	Minimum 35 spaces Maximum 53 spaces	44 spaces	YES
Landscape Strip	Minimum 10'	0'	NO*

*The site was developed in 1979 and is considered legally nonconforming.

Variance Request

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

1. Section 230-80.1: Height of Fencing

Except as provided in Section 230-80.2, no fence shall exceed 4 feet in height within a required front yard setback or 8 feet in height in any other location.

The applicant is requesting a variance to allow the 6-foot-tall fence to extend into the front setback.

2. Section 230-80.3. B: Fence Design Standards

No wall or fence constructed of woven wire or metal fabric (chain link, hog wire or barbed wire) shall extend into a front yard. Woven wire or metal fabric fences may extend into a front yard when property contains a minimum of 3 acres and is used for agricultural purposes.

The applicant is requesting a variance to allow the fence to remain chain link.

3. Section 240-20.3A: Required area for each parking space.

Each automobile space shall be 9 feet wide and 18 feet deep for perpendicular spaces. Angled parking spaces shall be a minimum of 9 feet wide and 20 feet deep. Parallel parking spaces shall be a minimum of 9 feet wide and 22 feet in length. All spaces are measured from face-of-curb.

The applicant is requesting a variance to allow 20 perpendicular parking spaces to be dimensioned at 10 feet wide and 18 feet deep, 10 perpendicular parking spaces to be dimensioned at 10 feet wide and 30 feet deep, and 14 perpendicular parking spaces to be dimensioned at 10 feet wide and 50 feet deep, to accommodate larger vehicles such as trucks and trailers.

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 G). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Special Use Permit Analysis: According to the UDO, the staff analysis and recommendation on each application for a Special Use Permit shall follow the same procedures as those contained in Section 270-20. Emphasis shall be given to the evaluation of characteristics of the proposed use in relationship to neighboring properties and the compatibility of the proposed use with its surroundings. For Special Use Permits, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.6. After the evaluation, staff makes the following findings based on the standards of the UDO:

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

The surrounding area is characterized by commercial and industrial uses. All the properties along Arcadia Industrial Circle are zoned M-1 and developed with automobile-related establishments. The proposed special use permit request would permit a use that is suitable in view of the use and development of adjacent and nearby property.

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

The proposed heavy truck and equipment repair establishment is consistent with surrounding automobile-related uses. The special use permit request would not adversely affect the neighboring properties.

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

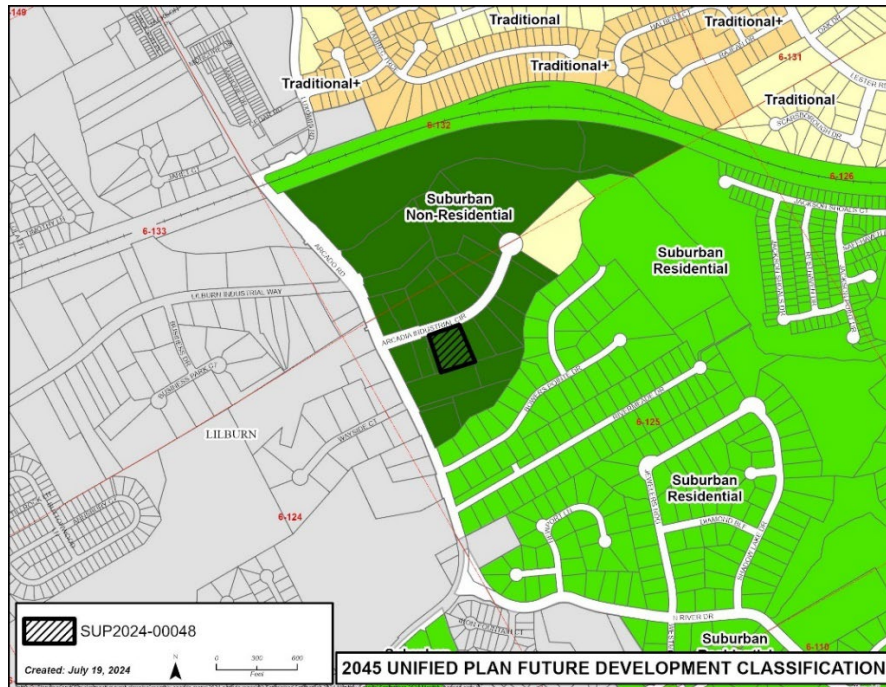
The property has a reasonable economic use as currently zoned.

D. Whether the proposed 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.

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

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

The Unified Plan's Future Development map indicates "Suburban Non-Residential" for the subject property. Auto-related commercial is a recommended use, and M-1 is a recommended zoning district. The proposal is in conformity with the policy and Intent of the 2045 Unified Plan and Future Development Map.



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

There are no other conditions giving support for approval or disapproval of the proposal.

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

The applicant is requesting variances to maintain the existing 6-foot-tall chain link fence within the front setback, and an increase in the length of the parking spaces. The existing chain link fence is consistent with the development pattern of surrounding areas and would provide security. The large parking spaces are to accommodate larger vehicles that will be repaired. Approval of these variance requests is not opposed to the general spirit or intent of the UDO.

Staff Recommendation

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

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

1. To allow a 6-foot-tall fence within the front setback.
2. To allow the fence on the property to remain chain link.
3. To allow the perpendicular parking spaces on the property to exceed 9-feet-wide by 18-feet-deep.

Planning Commission Recommendation

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

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

1. To allow a 6-foot-tall fence within the front setback.
2. To allow the fence on the property to remain chain link.
3. To allow the perpendicular parking spaces on the property to exceed 9-feet-wide by 18-feet-deep.

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

Approval of a special use permit for a heavy truck and heavy equipment repair establishment in M-1 (Light Industry District), subject to the following conditions:

1. The special use of the property shall be limited to a heavy truck and heavy equipment repair establishment.
2. No vehicle sales shall occur onsite.
3. All repair activities shall take place indoors.
4. Salvage of inoperable vehicles and outdoor storage of automobile parts or tires shall be prohibited. No inoperable vehicles shall be stored on the property for more than ten days. Any vehicles shall be removed from the property within five days after they become abandoned.
5. All parking spaces shall be striped in accordance with Gwinnett County parking standards. All vehicles must be parked in a striped parking space on a paved surface.
6. **The special use permit shall be valid for no more than a 2-year period, at which time the special use permit must be reapplied for and approved by the Board of Commissioners for continued use.**

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. Code Enforcement Report (CEU2022-08740)
- G. Internal and External Agency Review Comments
- H. Maps

Exhibit A: Site Visit Photos



View of the front of the building



View of the road frontage of Arcadia Industrial Circle



View of the fenced parking area with security gate



View of the full access driveway to the site

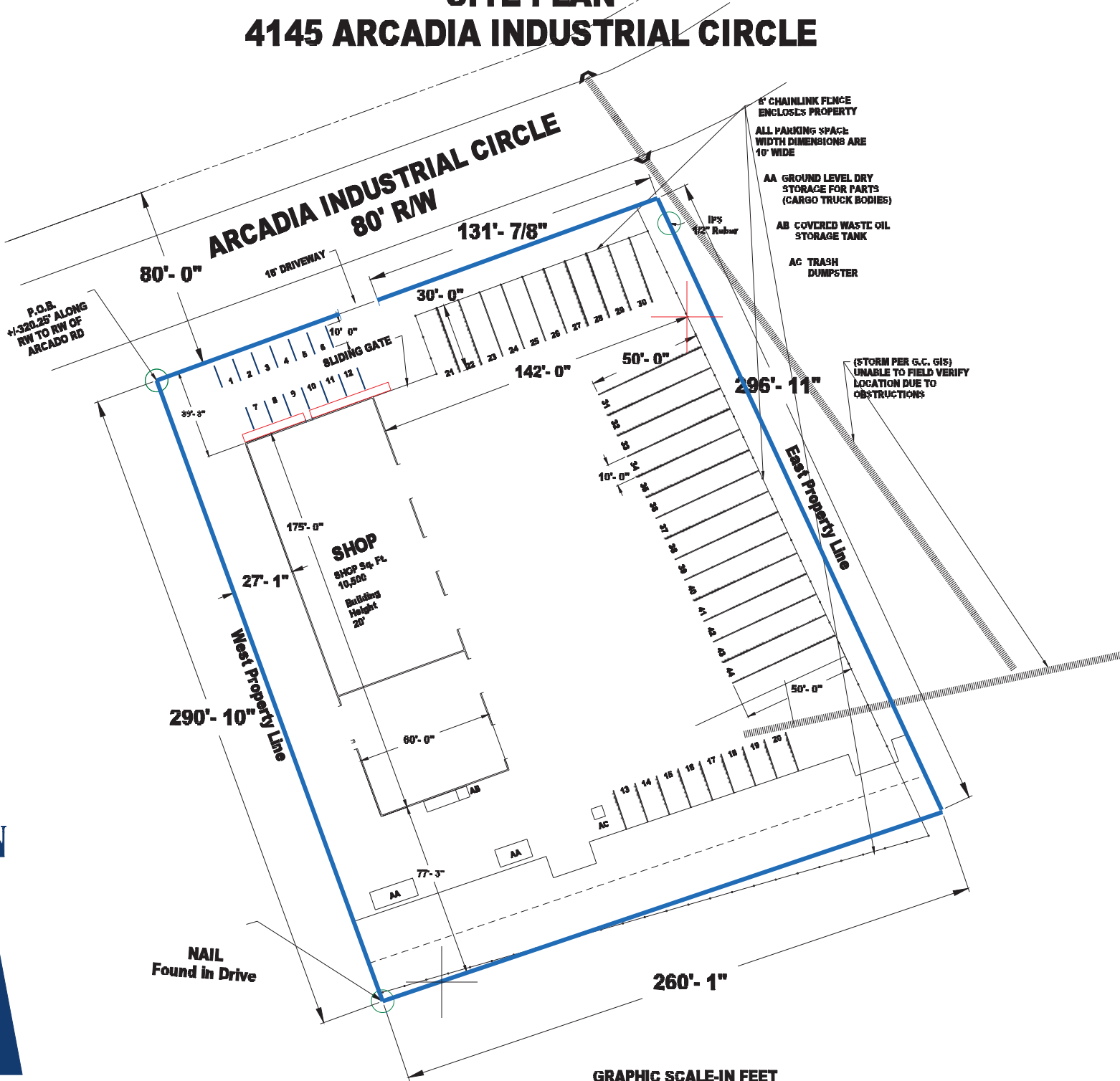
Exhibit B: Site Plan

[attached]

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ATLANTA DIESEL SERVICES, INC. SITE PLAN 4145 ARCADIA INDUSTRIAL CIRCLE



Parking Spaces
24 trucks
20 cars
44 total parking spaces

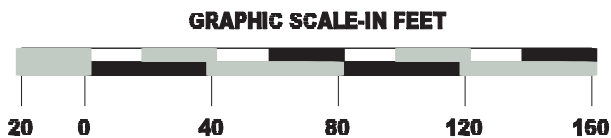


Exhibit C: Building Elevations

[attached]

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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

[attached]

LETTER OF INTENT
4145 Arcadia Industrial Circle
Atlanta Diesel Services, Inc. Applicant
Shiv Holdings, LLC Owner
Application for Special Use Permit

The Applicant has operated a heavy truck repair facility for commercial vehicles, tractor, trailers and delivery trucks at this location since 2010. Prior to that, a previous truck repair facility was located on the same site. The Applicant seeks a Special Use Permit to allow the property to continue to be used for truck repairs. The property is surrounded by similarly situated high intensity heavy industrial uses including automotive repairs, storage, and a variety of industrial applications. The property was rezoned for industrial use in the 1970s and has been continuously used for truck repairs since that time.

The Applicant and Owner also an existing chain link fence approximately six feet high on the perimeter of the property, including the front of the property, for security purposes. The Applicant and Owner request a concurrent variance to Section 230-80.1 and Section 230-80.3B to maintain the existing security fence. They also request a concurrent variance to Section 240-20.3A to the UDO to increase the size of the perpendicular parking spaces to accommodate trucks and trailers and a waiver to Section 620.10.1A to keep the existing grassed front yard area.

To satisfy the requirements of Georgia law, the Applicant notes that the denial of the application or approval with conditions not approved by the Applicant would violate the Applicant and Owner's constitutional rights protected by the U.S. and Georgia Constitutions.

The Applicant would be glad to meet with elected officials, staff, and neighboring property owners to answer any questions or to address any concerns relating to the Applications.

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STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to requirements of the United 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 attachment as necessary:

- (A) Whether a proposed special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Yes, the property is surrounded by similarly situated high intensity industrial uses.

- (B) Whether a proposed special use permit will adversely affect the existing use or usability of adjacent or nearby property:

No. Adjacent and nearby properties are subject to similar uses.

- (C) Whether the property to be affected by a proposed special use permit has reasonable economic use as currently zoned:

Yes,

- (D) Whether the proposed special use permit will result in a use which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

No. Approval would allow necessary use to occur within driving distance of users, without unduly burdening transportation facilities, utilities, or schools.

- (E) Whether the proposed special use permit is in conformity with the policy and intent of the Unified Plan and Future Development Map:

Yes.

- (F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed special use permit:

The property is in a mature, fully developed industrial area which has been the subject of intense industrial uses

since the 1970s. Because of these intense uses nearby, this location is appropriate.

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

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SPECIAL USE PERMIT APPLICATION

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

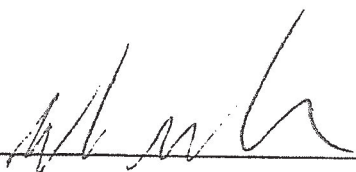
APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
Name: <u>Atlanta Diesel Services, Inc.</u>	Name: <u>Shiv Holdings, LLC</u>
Address: <u>4145 Arcadia Industrial Circle</u>	Address: <u>4145 Arcadia Industrial Circle</u>
City: <u>Lilburn</u>	City: <u>Lilburn</u>
State: <u>GA</u> ZIP: <u>30047</u>	State: <u>GA</u> ZIP: <u>30047</u>
Phone: <u>(770) 962-9780</u>	Phone: <u>(770) 962-9780</u>
Email: <u>jwilson@rjwpcclaw.com</u>	Email: <u>jwilson@rjwpcclaw.com</u>
Contact Person: <u>Jack Wilson</u> Phone: <u>(770) 962-09780</u>	
Contact's Email: <u>jwilson@rjwpcclaw.com</u>	
APPLICANT IS THE:	
<input checked="" type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
Existing/Proposed Zoning District(s): <u>M-1</u>	
Parcel Number(s): <u>R6125 016</u> Acreage: <u>1.66</u> Acres	
Property Address(es): <u>4145 Arcadia Industrial Circle</u>	
Proposed Development: <u>Truck/Vehicle Repairs</u> Variance(s): <u>Fence</u>	
Waiver(s): _____ Building/Leased Sq. Ft.: <u>10,500</u>	
Floor Area Ratio: <u>0.145</u>	

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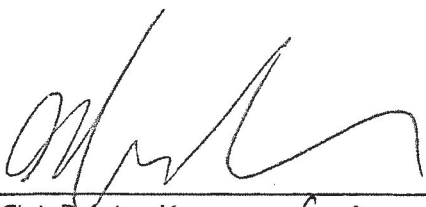
SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

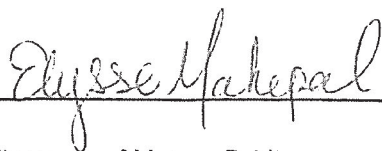
The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.

 _____ 2-17-2024

Signature of Applicant

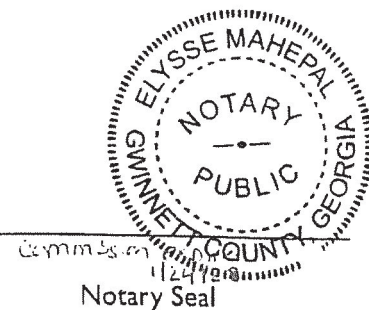
Date

 _____ 2-17-2024
Chris Defreitas, Manager of Operating Entity/Applicant
Type or Print Name and Title

 _____ 2/17/24

Signature of Notary Public

Date



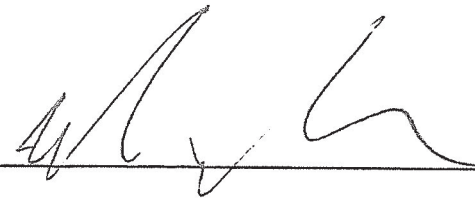
Notary Seal

RECEIVED

7/10/2024

SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

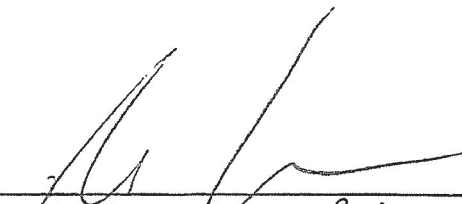
The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.



2-17-2024

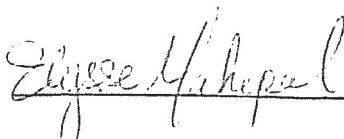
Signature of Property Owner

Date



2-17-2024

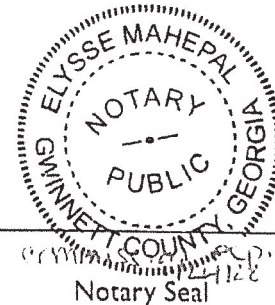
Chris Defreitas, Manager of Ownership Holdings, LLC
Type or Print Name and Title



2/17/24

Signature of Notary Public

Date



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7/10/2024

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

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 Gwinnett County Tax Commissioner. In no case shall an application or reapplication for special use permits be processed without such property verification.

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

Parcel I.D. Number: 26 125 016
(Map Reference Number)

[Signature]
Signature of Applicant

4/30/24
Date

Robert Jackson Wilson, Attorney
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. THIS FORM MUST BE SIGNED BY A REPRESENTATIVE OF THE TAX COMMISSIONER'S OFFICE.

TAX COMMISSIONERS USE ONLY

Payment of all property taxes billed to date for the above referenced parcel has been verified as paid current and confirmed by the signature below.

[Signature]
Name
5/3/24
Date

5/3/24, TSA
Title

RECEIVED

7/10/2024

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] 2-17-2024 Chris DeFreytas
Manager

Signature of Applicant Chris Defreitas, Manager Date Type of Print Name and Title

[Signature] 2/19/24 Robert Jackson Wilson
Attorney

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

[Signature] 2/17/24 Elyse Mahepal
Notary Seal

Signature of Notary Public Date Notary Seal

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners?

Yes No Chris DeFreytas
Robert Jackson Wilson (Your Name)

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

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

Exhibit F: Code Enforcement Report (CEU2022-08740)

[attached]

CASE NUMBER : CEU2022-08740

PRIMARY ADDRESS:	4145 ARCADIA INDUSTRIAL CIR, LILBURN, GA 30047
PARCEL:	6125 016
RECEIVED DATE:	8/20/2022
APPLICATION STATUS:	Court Inspection - Scheduled
DESCRIPTION:	ZONING COMPLIANCE SWEEP

OWNER NAME	ADDRESS	CITY/STATE/ZIP
SHIV HOLDINGS LLC	4145 ARCADIA INDUSTRIAL CIR SW	LILBURN, GA, 30047-3051

Phone:

CONTACTS ROLE	NAME	ADDRESS	CITY/STATE/ZIP
Business Owner	ATLANTA DIESEL SERVICES, INC.	C/O S.A. DEFREITAS	LILBURN GA 30047
Registered Agent	SHIV HOLDINGS LLC	C/O JENNY DEFREITAS	LILBURN GA 30047

Phone:

COMMENTS

View ID	COMMENTS	DATE
JSCARTER	CASE REC'D 02/2023.....NEW FNOV ISSUED BY OFCR MULHERON AFTER INSP BY OFCR TUCKER AND MULHERON. TABLES UPDATED AS DISCUSSED WITH MGR FRANKLIN.	3/3/2023

INSPECTIONS

Inspection	Requested	Scheduled	Completed	Status	Inspector	Comment
Court Hearing	7/25/2024	7/23/2024	7/25/2024	Continued	Brian Pint	Continued to 10/29.....defendant told Judge he has been there since 1979....Judge stated this would be last continuance
Court Inspection	6/20/2024	7/22/2024	7/22/2024	Not Complied	Brian Pint	court date was reset to 7/23
Court Inspection	6/20/2024	7/22/2024	7/22/2024	Not Complied	Brian Pint	Owner has applied for a SUP but it has not been issued....still in early stages and only shows applied for at this time.....still doing heavy automotive repair on the property
Court Hearing	2/16/2024	2/20/2024	2/21/2024	Continued	Brian Pint	Owner was given 120 day continuance until 6/25/24 at 0830 courtroom 2C....Owner stated he was possibly applying for non-conforming use
Court Inspection	1/11/2024	2/19/2024	2/16/2024	Not Complied	Brian Pint	business is still open....have not applied for an SUP at this time....heavy truck repair at the property
Re-Inspection	10/25/2023	11/9/2023	1/3/2024	Citation Issued	Brian Pint	The business is running a heavy truck repair business in this M1 zoning...they are required to have a SUP...there is no SUP on file for this property....citation issued to business owner
Re-Inspection	7/5/2023	7/21/2023	9/28/2023	Citation Pending	Brian Pint	SPOKE WITH THE OWNER AGAIN...HE ADMITTED IT HAS BEEN EXTENDED AMOUNT OF TIME...HE THOUGHT HIS LAYWER WAS GOING TO TAKE CARE OF THE ISSUE AND HAS NOW LEARNED THAT THE LAYWER NEVER TOOK CARE OF IT....HE HAS STARTED THE PROCESS HIMSELF AND IS GOING TO MEET WITH PLANNING AND DEVELOPMENT ABOUT WHAT HE NEEDS TO DO TO GET THE SUP
Re-Inspection	5/9/2023	6/12/2023	6/23/2023	Extension Granted	Brian Pint	OWNER SHOWED ME HIS CURRENT BUSINESS LICENSE....STILL STORING MULTIPLE VEHICLES ON THE LOT...COMMERCIAL VEHICLES...STATED AGAIN HE HAS PASSED ALL INFO TO HIS LAWYER AND THE LAWYER IS SUPPOSED TO APPLY FOR THE SUP....STATED TO ME HE IS A MECHANIC AND DID NOT KNOW HE NEEDED THESE PAPERS

CASE NUMBER : CEU2022-08740

CASE NUMBER : CEU2022-08740

Re-Inspection	3/10/2023	4/6/2023	5/8/2023	Extension Granted	Brian Pint	SPOKE TO MANAGER AGAIN.....HE STATED HAS PASSED ON ALL OF THE INFO TO HIS LAWYER....KNOWS HE STILL NEEDS TO GET AN SUP.....THERE ARE STILL MULTIPLE TRUCKS BEING STORED HERE....HE SAID HE IS TRYING TO GET AHOLD OF SOME OF THE OWNERS OF THE VEHICLES TO HAVE THEM REMOVED
Re-Inspection	3/3/2023	3/10/2023	3/9/2023	Extension Granted	Brian Pint	no sup...appears to be storage lot and repair shop...spoke to employee who said owner is not here.
Re-Inspection	2/3/2023	2/24/2023	2/10/2023	Extension Granted	Thomas Mulheron	CHRIS DEFREITAS 404-295-9806 JUNK VEHICLES ; OUTDOOR STORAGE ; NON PERMITTED USE AUTO STORAGE ; NON PERMITTED USE SALAVAGE YARD ; OUTDOOR STORAGE CMM ; CONDITIONS OF ZONING. TALKED WITH OWNER AND HE SAID HE WILL DO WHAT IS NECESSARY AND WILL GET WITH PLANNING FOR AN SUP FOR PROPERTY.
Re-Inspection	1/26/2023	2/2/2023	2/3/2023	Further Investigation	Nicole Tucker	Property still has outdoor storage seen in front / right side. Grass cut, pile of gravel in the front. Dumpster not seen in front, lots of heavy vehicles stored on the property, No handicapped spot seen in front. No banners seen. Will further investigate on SUP if one is needed.
Re-Inspection	8/20/2022	10/3/2022	10/3/2022	Extension Granted	Ed Wallace	EXTENSION GRANTED AFTER COMMUNICATION WITH PROPERTY/BUSINESS OWNER TO ALLOW TIME FOR PROGRESS TOWARD COMPLIANCE.
Initial Inspection	8/20/2022	8/2/2022	8/20/2022	Mailed Official Notice	Ed Wallace	PROPERTY DOES NOT APPEAR TO HAVE AN SUP, BUT BASED ON USE WOULD REQUIRE ONE; HEAVY TRUCK REPAIR AND OUTDOOR STORAGE. ALSO HAS VIOLATIONS PERTAINING TO TALL WEEDS AND GRASS, OUTDOOR STORAGE (PMO), FENCE MAINTENANCE, PROHIBITED SIGNS, PROHIBITED/UNPERMITTED EXTERIOR LIGHTING, AND PARKING LOT MAINTENANCE. FURTHER INVESTIGATION REQ'D. ONOV TO BE MAILED.
Re-Inspection	12/1/2022	1/6/2023		Rescheduled	Ed Wallace	Inspection rescheduled to provide time for determination from zoning on outstanding inquiry

WORKFLOW HISTORY

Workflow Task	Assigned	Due	Completed	Status	Inspector	Comment
Enforcement	8/20/2022	9/30/2022	8/20/2022	Mailed Official Notice	Ed Wallace	<p>THE CURRENT USE OF THIS PROPERTY REQUIRES ISSUANCE OF A SPECIAL USE PERMIT TO CONTINUE OPERATING THE HEAVY TRUCK SERVICE/REPAIR BUSINESS FROM THIS PROPERTY. AUTO/TRUCK STORAGE AND SALVAGE OPERATIONS SHALL NOT BE CONDUCTED WITHOUT THE APPROPRIATE SPECIAL USE PERMIT. CEASE ALL UNAUTHORIZED USES AND REMOVE ALL JUNK VEHICLES FROM THE PROPERTY.</p> <p>THE OUTDOOR STORAGE OF AUTO PARTS, TIRES, TRASH OR OTHER SIMILAR MATERIALS OR DEBRIS IS PROHIBITED, THUS ANY SUCH ITEMS MUST BE APPROPRIATELY COLLECTED AND REMOVED FROM THE PROPERTY.</p> <p>PERMISSIBLE OUTDOOR STORAGE SHALL NOT BE LOCATED IN THE AREA BETWEEN THE FRONT OF THE PRINCIPAL STRUCTURE AND THE PUBLIC STREET OR WITHIN A REQUIRED FRONT YARD. OUTDOOR STORAGE SHALL BE SET BACK AT</p>

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						<p>LEAST 15 FEET FROM SIDE OR REAR PROPERTY LINES AND SHALL BE FULLY SCREENED BY A SOLID WOOD FENCE, MASONRY WALL OR SLATTED CHAIN-LINK FENCE AT LEAST 8 FEET IN HEIGHT AND MATERIALS STORED OUTDOORS SHALL NOT BE PLACED OR STACKED AT A HEIGHT EXCEEDING THAT OF THE SCREENING FENCE.</p> <p>PARKING LOT MUST BE MAINTAINED IN GOOD CONDITION, FREE OF POTHOLES, WEEDS, DUST, TRASH AND DEBRIS. ADDITIONALLY, PARKING AREA MUST BE PAVED AND STRIPED IN ACCORDANCE WITH THE UNIFIED DEVELOPMENT ORDINANCE. EACH AUTOMOBILE SPACE MUST BE A MINIMUM OF 9 FEET WIDE AND 18 FEET DEEP AND BE CLEARLY MARKED BY A PAINTED STRIPE NO LESS THAN 3 INCHES WIDE RUNNING THE LENGTH OF EACH OF THE SIDES OF THE SPACE WHICH CLEARLY DELINEATES THE PARKING SPACE.</p> <p>THE PAVED PORTION OF THE PARKING AREA WHICH IS CURRENTLY LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY MUST BE REMOVED AND REPLACED WITH TURF GRASS. PROVIDE FOR A MINIMUM OF 6 AND MAXIMUM OF 18 PARKING SPACES FOR CUSTOMER AND EMPLOYEE PARKING.</p> <p>AT LEAST ONE CUSTOMER PARKING SPACE MUST MEET THE ADA GUIDELINES FOR VAN ACCESSIBLE PARKING. VAN PARKING SPACES SHALL BE MARKED TO DEFINE A MINIMUM WIDTH OF 132 INCHES AND AN ADJACENT ACCESS AISLE A MINIMUM OF 60 INCHES IN WIDTH EXTENDING THE FULL LENGTH OF THE PARKING SPACE(S) SERVED. ACCESS AISLES SHALL BE MARKED TO DISCOURAGE PARKING AND SHALL NOT OVERLAP WITH THE VEHICULAR WAY. ALL ACCESS AISLES SHALL CONNECT TO AN APPROVED ACCESSIBLE ROUTE FROM THE PARKING SPACE TO AN ACCESSIBLE BUILDING ENTRANCE.</p> <p>BUMPER STOPS A MINIMUM OF 6 INCHES IN HEIGHT AND 6 INCHES IN WIDTH (CONSTRUCTED OF CONCRETE, STONE, OR APPROVED EQUAL) SHALL BE INSTALLED AND PERMANENTLY SECURED TO THE PAVEMENT TO SEPARATE PARKING SPACES FROM SIDEWALKS, RIGHTS-OF-WAY, ADJACENT PROPERTIES AND LANDSCAPE STRIPS AND PREVENT OVERHANGS OR ENCROACHMENTS.</p> <p>DUMPSTER(S) SHALL BE LOCATED ON AN APPROVED CONCRETE PAD, IN THE REAR OR SIDE YARD A MINIMUM OF 5 FEET FROM PROPERTY LINES AND BUFFERS. DUMPSTER(S) SHALL BE SURROUNDED BY AN OPAQUE ENCLOSURE NOT LESS THAN 6 FEET IN HEIGHT WITH ACCESS VIA AN OPAQUE METAL GATE. DUMPSTER ENCLOSURES SHALL HAVE A FINISH FAÇADE AND SHALL CONFORM SUBSTANTIALLY WITH THE UDO DESIGN GUIDELINES.</p>
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						<p>PORTION OF FENCING ENCROACHING INTO ADJACENT PARCEL MUST BE REMOVED AND ALL REMAINING FENCING MUST BE REPAIRED OR REPLACED SO AS TO BE IN GOOD REPAIR AND APPROPRIATELY SCREEN PERMISSIBLE STORAGE AND OPERATIONS.</p> <p>REMOVE BANNERS FROM FENCE AND UNPERMITTED "A.S.E. CERTIFIED" GROUND SIGN AT THE FRONT OF THE PROPERTY.</p> <p>OBTAIN A PERMIT FOR THE INSTALLATION OF LED LIGHTING FIXTURES INSTALLED WITHOUT A PERMIT -OR- PROPERLY REMOVE AND DISCONNECT ELECTRICAL WIRING TO EACH. ALL EXTERIOR LIGHTING FIXTURES SHALL BE CUTOFF LUMINARIES WHOSE SOURCE IS COMPLETELY CONCEALED WITH AN OPAQUE HOUSING. FIXTURES SHALL BE RECESSED IN THE OPAQUE HOUSING.</p> <p>MOW AND MAINTAIN GRASS/WEEDS ON PROPERTY AT A HEIGHT NOT TO EXCEED 12 INCHES.</p>
Enforcement Intake	8/20/2022	8/20/2022	8/20/2022	Complaint Accepted	Ed Wallace	

VIOLATIONS

ORDINANCE	CODE SECTION	VIOLATION DATE	COMPLIANCE DATE	VIOLATION STATUS
Sign Ordinance	78-107(5) ROW Signs Prohibited	08/20/2022	10/31/2022	Met
Sign Ordinance	78-107(6) Pole Signs Prohibited	08/20/2022	10/31/2022	Met
Sign Ordinance	78-108(1) Temporary (Banners)	08/20/2022	10/31/2022	Met
Unified Development Ordinance	230-100.1 NON-PERMITTED USE	08/20/2022	10/31/2022	Not Met
Unified Development Ordinance	230-120.14 DUMPSTERS	08/20/2022	10/31/2022	Not Met
Unified Development Ordinance	230-120.4 IN PUBLIC ROW	08/20/2022	10/31/2022	Not Met
Unified Development Ordinance	230-130.3.D AUTO STORAGE	08/20/2022	10/31/2022	Not Met
Unified Development Ordinance	230-130.4.H SU-OUTDOOR STORAGE	08/20/2022	10/31/2022	Not Met
Unified Development Ordinance	240-60.3 MAINTENANCE	08/20/2022	10/31/2022	Not Met
Property Maintenance	14-284 FENCE AND WALL	08/20/2022	10/31/2022	Met
Property Maintenance	14-286 TALL GRASS, WEEDS	08/20/2022	10/31/2022	Met
Property Maintenance	14-287 JUNK VEHICLES	08/20/2022	10/31/2022	Not Met
Property Maintenance	14-289 OPEN OR OUTDOOR STORAGE	08/20/2022	10/31/2022	Not Met

CITATIONS

ORDINANCE	CODE SECTION	DATE OF CITATION	CITATION NUMBER	COURT DATE
Unified Development Ordinance	230-100.1 NON-PERMITTED USE	01/03/2024	CE05905	02/20/2024

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DOCUMENTS

DOCUMENT NAME	FILE NAME	DESCRIPTION	UPLOADED BY	UPLOADED ON
PHOTOS	CEU2022-08740 PHOTOS 220820.pdf	8/20/22	EBWALLACE	8/20/2022 5:38:34 PM
/Enforcement_Mailed_Notice_Of_Violation_20220902_113532.pdf	/Enforcement_Mailed_Notice_Of_Violation_20220902_113532.pdf		EBWALLACE	9/2/2022 11:35:33 AM
PHOTOS	CEU2022-08740 PHOTOS 221003.pdf	10/3/22	EBWALLACE	10/8/2022 5:00:15 PM
02/03/2023	4145 Arcadia Industrial Cir.pdf	pics	NITUCKER	2/6/2023 8:39:47 AM
2-10-23	20230210_114833.jpg	JUNK VEHICLE TRUCKS AND TRAILERS	THMULHERON	2/13/2023 12:09:35 PM
2-10-23	20230210_115426.jpg	FRONT	THMULHERON	2/13/2023 12:09:36 PM
2-10-23	20230210_114905.jpg	JUNK VEHICLE TRUCKS AND TRAILERS	THMULHERON	2/13/2023 12:09:37 PM
2-10-23	20230210_114831.jpg	JUNK VEHICLE TRUCKS AND TRAILERS	THMULHERON	2/13/2023 12:09:38 PM
2-10-23	20230210_115429.jpg	LEFT SIDE	THMULHERON	2/13/2023 12:09:39 PM
2-10-23	20230210_120304.jpg	OUTDOOR STORAGE	THMULHERON	2/13/2023 12:09:40 PM
2-10-23	20230210_115444.jpg	RIGHT SIDE	THMULHERON	2/13/2023 12:09:41 PM
2-10-23	20230210_120302.jpg	OUTDOOR STORAGE	THMULHERON	2/13/2023 12:09:42 PM
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tmp_20230508_1321291163801179284734962.jpg	tmp_20230508_1321291163801179284734962.jpg	front	BEPINT	5/8/2023 1:34:36 PM
tmp_20230508_1321512718751940874622955.jpg	tmp_20230508_1321512718751940874622955.jpg	truck storage	BEPINT	5/8/2023 1:34:41 PM
tmp_20230508_1321231559175906891331134.jpg	tmp_20230508_1321231559175906891331134.jpg	trucks on left side	BEPINT	5/8/2023 1:34:58 PM
6/23/23	20230623_135533.jpg	COMMERCIAL VEHS	BEPINT	7/5/2023 9:08:18 PM
6/23/23	20230623_135531.jpg	LEFT SIDE DRIVEWAY	BEPINT	7/5/2023 9:08:19 PM
6/23/23	20230623_135459.jpg	FRONT OF THE BUILDINGH	BEPINT	7/5/2023 9:08:20 PM
9/28/23	20230928_132205.jpg	SIDE OF BUILDING	BEPINT	10/25/2023 10:24:05 AM
9/28/23	20230928_132144.jpg	FRONT OF BUILDING	BEPINT	10/25/2023 10:24:06 AM

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9/28/23	20230928_132157.jpg	TRUCKS IN PARKING LOT	BEPINT	10/25/2023 10:24:07 AM
photo_20240103_135022_000.jpg	photo_20240103_135022_000.jpg	front of building	BEPINT	1/11/2024 2:29:39 PM
photo_20240103_135109_000.jpg	photo_20240103_135109_000.jpg	left side of building	BEPINT	1/11/2024 2:29:47 PM
photo_20240103_135024_000.jpg	photo_20240103_135024_000.jpg	front parking lot	BEPINT	1/11/2024 2:29:54 PM
photo_20240103_135039_000.jpg	photo_20240103_135039_000.jpg	tractor trailer	BEPINT	1/11/2024 2:30:03 PM
photo_20240103_135928_000.jpg	photo_20240103_135928_000.jpg	parking lot	BEPINT	1/11/2024 2:30:49 PM
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photo_20240103_135921_000.jpg	photo_20240103_135921_000.jpg	commercial vehs	BEPINT	1/11/2024 2:31:09 PM
photo_20240103_135904_000.jpg	photo_20240103_135904_000.jpg	parking lot	BEPINT	1/11/2024 2:31:20 PM
photo_20240103_135907_000.jpg	photo_20240103_135907_000.jpg	garage side	BEPINT	1/11/2024 2:31:33 PM
photo_20240216_120933_000.jpg	photo_20240216_120933_000.jpg	front	BEPINT	2/16/2024 12:21:33 PM
photo_20240216_120946_000.jpg	photo_20240216_120946_000.jpg	right side of building	BEPINT	2/16/2024 12:21:39 PM
photo_20240216_120909_000.jpg	photo_20240216_120909_000.jpg	commercial vehs	BEPINT	2/16/2024 12:21:44 PM
photo_20240216_120919_000.jpg	photo_20240216_120919_000.jpg	left side of building	BEPINT	2/16/2024 12:21:50 PM
photo_20240722_144531_000.jpg	photo_20240722_144531_000.jpg	Parking lot 2	BEPINT	7/25/2024 9:23:03 AM
photo_20240722_144537_000.jpg	photo_20240722_144537_000.jpg	Parking lot	BEPINT	7/25/2024 9:23:07 AM
photo_20240722_144545_000.jpg	photo_20240722_144545_000.jpg	Building front	BEPINT	7/25/2024 9:23:17 AM

Exhibit G: Internal and External Agency Review Comments

[attached]





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

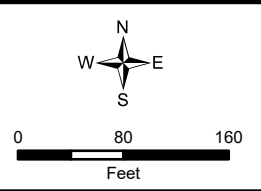
TRC Meeting Date:					
Department/Agency Name:		DWR			
Reviewer Name:		Mike Pappas			
Reviewer Title:		GIS Planning Manager			
Reviewer Email Address:		Michael.pappas@gwinnettcounty.com			
Case Number:		SUP2024-00048			
Case Address:		4145 Arcadia Industrial Circle			
Comments:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
1	Water: GCDWR does not have comments for this Special Use Permit. The existing facility is connected to public water.				
2	Sewer: GCDWR does not have comments for this Special Use Permit. The existing facility is on septic and will remain on septic.				
3					
4					
5					
6					
7					
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
1					
2					
3					
4					
5					
6					
7					



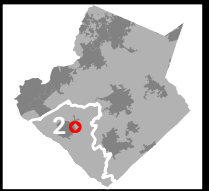
LEGEND

-  Water Main
-  Hydrant

4145 Arcadia Industrial Cir
M-1
Water & Sewer
Utility Map



LOCATION



Water Comments: GCDWR does not have comments for this Special Use Permit. The existing facility is connected to public water.

Sewer Comments: GCDWR does not have comments for this Special Use Permit. The existing facility is on septic and will remain on septic.

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 H: Maps

[attached]

ARCADO RD

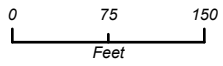
ARCADIA INDUSTRIAL CIR

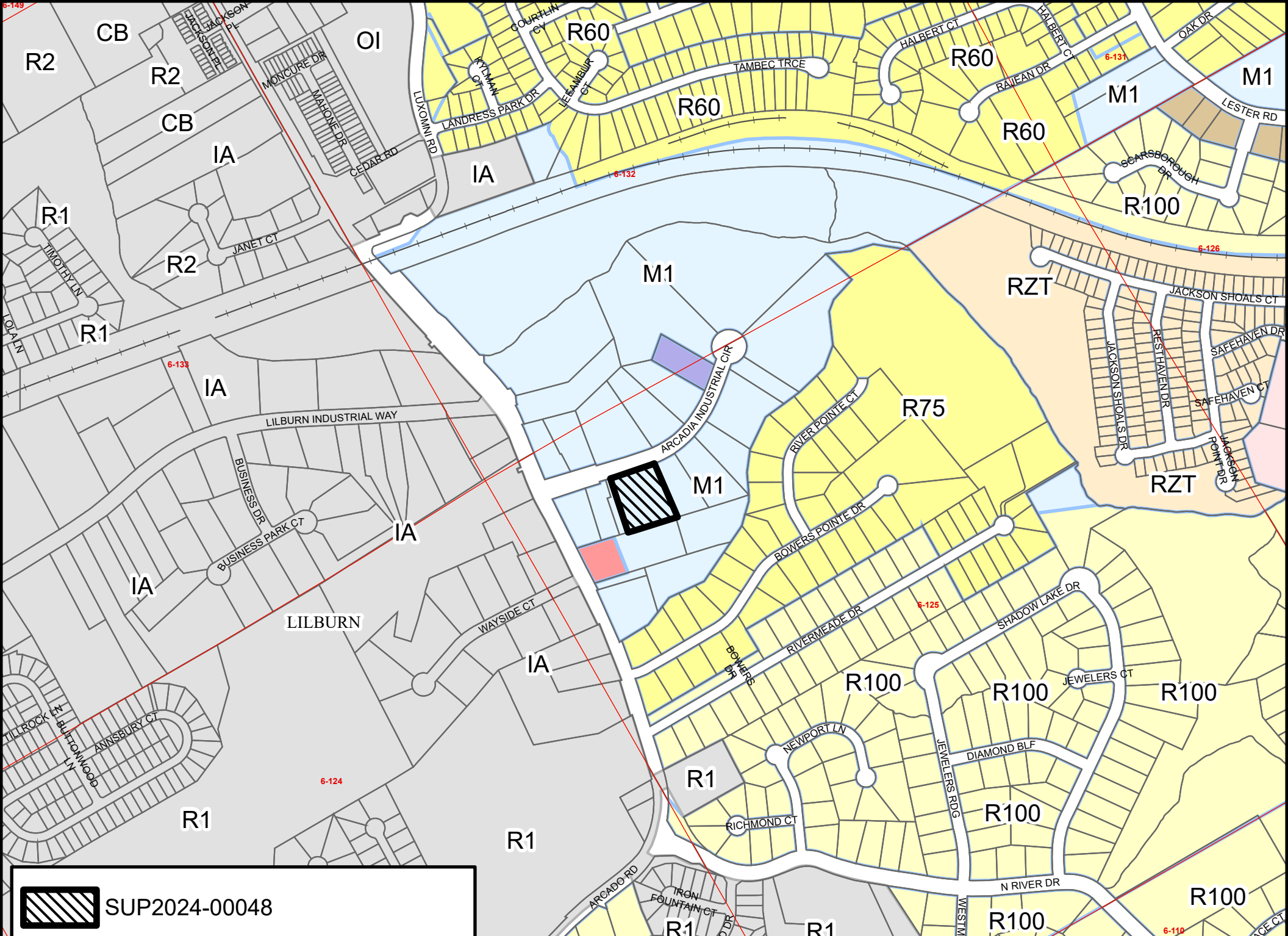
RIVER POINTE CT

BOWERS POINTE DR

 SUP2024-00048

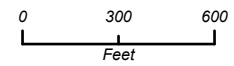
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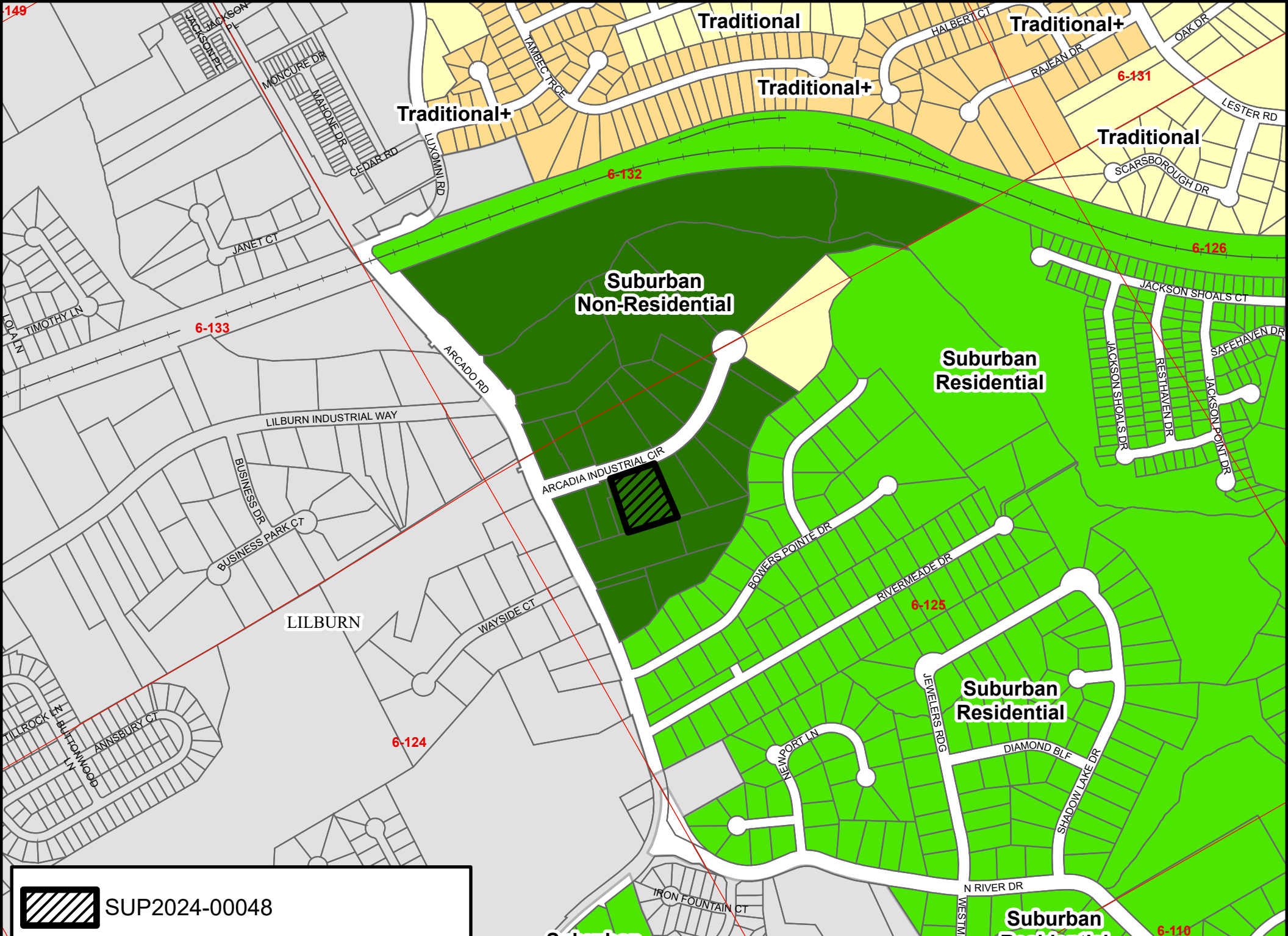


 SUP2024-00048

Created: July 19, 2024

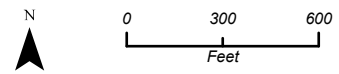


SUBJECT SITE AND SURROUNDING ZONING



 SUP2024-00048

Created: July 19, 2024



2045 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION