

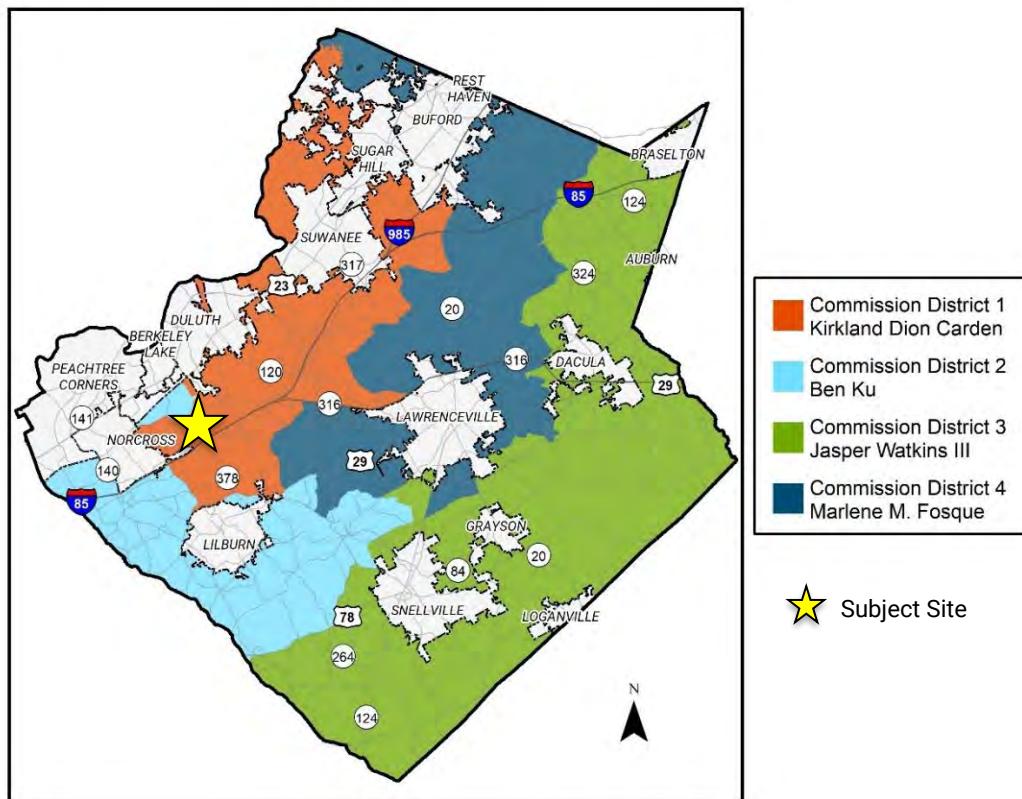


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: CIC2021-00014
Current Zoning: O-I (Office-Institutional District)
Request: Change in Conditions
Additional Request: Buffer Reduction Waiver
Address: 1942 Beaver Ruin Road
Map Number: R6212 A002
Site Area: 0.46 acre
Square Feet: 2,850
Proposed Development: Medical Office
Commission District: District 1 – Commissioner Carden
Character Area: Vibrant Communities

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL



Location Map

Planning Commission Advertised Public Hearing Date: 6/2/2021
Board of Commissioners Advertised Public Hearing Date: 6/22/2021

Applicant: Adolfo F. Molina
1942 Beaver Ruin Road
Norcross, GA 30071

Owner: Adolfo F. Molina
1942 Beaver Ruin Road
Norcross, GA 30071

Contact: Adolfo F. Molina

Contact Phone: 404-674-4404

Zoning History

The subject property is zoned O-I. In 1970, the subject property was zoned R-75 (Single-Family Residence District). In 1992, a request for a Special Use Permit for a Home Occupation (Professional Office) was denied, pursuant to SUP-92-027. In 1993, a request to rezone the property from R-75 to O-I was denied, pursuant to RZ-93-052. In 1996, the subject property was rezoned to its current zoning classification of O-I, pursuant to RZ-96-003.

Existing Site Condition

The subject site is a 0.461-acre parcel located west of the intersection of Beaver Ruin Road and Red Oak Road. The site contains a single, existing 2,850 square foot building which houses a medical office. A full access driveway exists on Beaver Ruin Road. No stormwater management facilities are located on the property. Two parking areas exist on the property, one in front of the existing building and a second to the rear of the parcel. The rear of the parcel contains a parking lot that is both asphalt and gravel. A wooden privacy fence along with trees buffer the eastern and western property lines. The property includes frontage on Beaver Ruin Road and a five-foot wide sidewalk along Beaver Ruin Road. This parcel is on Gwinnett County Transit Route 10A with a stop directly across Beaver Ruin Road and another one 350 feet on same side of Beaver Ruin Road.

Surrounding Use and Zoning

The subject site is surrounded by existing institutional, industrial, and single-family residential uses. The following is a summary of surrounding uses and zoning:



Surrounding Zoning

Location	Land Use	Zoning
Subject Property	Office	O-I
North	Single-Family Detached Dwelling	R-75
East	Single-Family Detached Dwelling	O-I
South	Industrial, Single-Family Detached Dwelling	M-1, R-100
West	Elementary School	R-75

Project Summary

The applicant requests a Change in Conditions on a 0.461-acre property zoned O-I for continued use as a medical office, including:

- Modifying three zoning conditions of a prior zoning approval in 1996 (RZ-96-003, which read as follows:
 - 1.A. To restrict the use of the subject property to an office in the existing structure, and that no modifications will be made to the exterior of the structure other than normal maintenance.
 - 2.A. Provide a 50-foot wide natural buffer, undisturbed except for approved perpendicular access and utility crossings and replanting where sparsely vegetated, adjacent to the rear (northerly) property line.
 - 2.K. All parking be located in front of the building.
- Changes proposed by the applicant are to modify Condition 1.A. to allow for the green color as shown in Exhibit A: Site Photos; Modify Condition 2.A. to reduce the required 50-foot-wide natural buffer to a 25-foot buffer; and remove Condition 2.K.
- A reduced 25-foot buffer along the north property line (buffer reduction requested by the applicant).
- Buffer reduction waiver requested by the applicant.
- This case is the result of a code enforcement violation, CEU2019-04471. Violations listed are unpermitted ground sign, broken fence, unpermitted donation collection bin, building color not in compliance with conditions of zoning, and parking in rear not in compliance with conditions of zoning.

Zoning and Development Standards

The applicant is requesting a Change in Conditions for a medical office. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	One story	YES
Front Yard Setback	Minimum 15'	15'	YES
Side Yard Setback	Minimum 10'	10'	YES
Rear Yard Setback	Minimum 25'	25'	YES
Off-Street Parking	Minimum: 6 spaces Maximum 19 spaces	14 spaces	YES
Zoning Buffer	50'	North-25'; West-0'	NO

Landscape Strip	10'	10'	YES
Parking Surface	Asphalt	Gravel	NO

A portion of the site includes an unpermitted gravel parking area. Providing a gravel parking lot would require approval of a variance application by the Zoning Board of Appeals.

Waiver Request

In addition to the rezoning request, the applicant is seeking a waiver from the following provision of Title III of the UDO:

1. Section 610-20.5. Minimum Buffer Requirements:

- A. Required buffers shall be provided in conformity [with] Table 610.0 "Table of Minimum Buffer Requirements".

50' buffer for O-I development adjacent to existing R-75 zoned property

Since the existing O-I development is adjacent to existing R-75 zoned property, a 50-foot undisturbed permanent buffer is required. The applicant is requesting to reduce the required buffer from 50-feet to 0-feet along the western property line and from 50-feet to 25-feet along the northern property line.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and external agency review comments are attached (Exhibit D). For this project, the following are notable items that will be required during the site development process:

- Environmental Health approval is required to determine if the parking lot in the rear is near the septic field.
- A commercial development permit would be needed to bring the site in compliance with commercial standards for parking and landscaping.
- Any additional parking spaces shall be included in the count towards the minimum required accessible parking spaces per the 2010 Americans with Disabilities Act Section 208.2.
- If any site work is proposed, then stormwater regulations will need to be met.

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

Staff Analysis

Change in Conditions Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification or zoning conditions the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

- A. Whether a proposed zoning will permit a use that is suitable in view of the use and

development of adjacent and nearby property.

The site is surrounded by single-family dwellings to the rear and to the east. Conditions placed on the property during the zoning process were to enhance compatibility with surrounding properties and to maintain appearance of the site. The request to modify zoning conditions related to buffers, parking, and building appearance would not be suitable.

B. Whether a proposed rezoning 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 requested changes. Reducing the buffer along the northern property line would adversely impact adjoining properties.

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

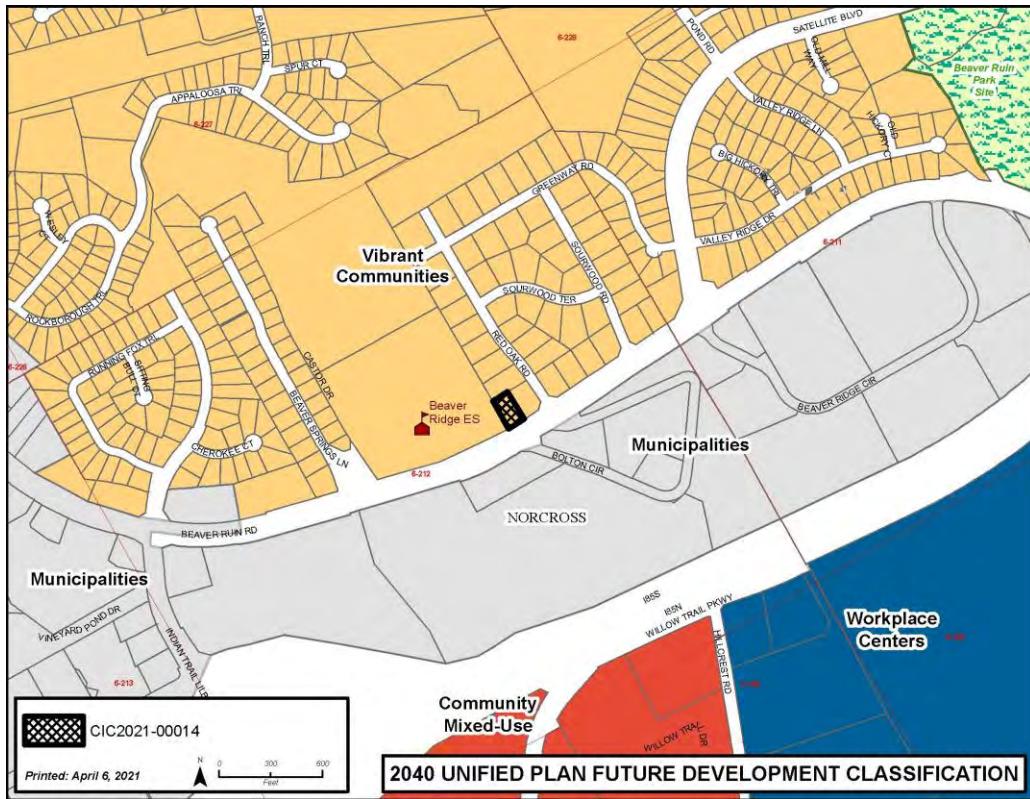
The property, as currently zoned, has a reasonable economic use.

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

An impact on public facilities is anticipated in the form of traffic, utility demand, and stormwater runoff. No impact is anticipated on school enrollment. Agency review comments, related to this request, are attached (Exhibit D).

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

The 2040 Unified Plan Future Development Map indicates that the subject property lies within the Vibrant Communities Character Area. This designation is intended to serve as a transition between neighborhood nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where various types of activity centers and nodes are located. The current zoning conditions were placed on the property to ensure that an appropriate transition was made between uses. Modifying these conditions would negatively impact this intent.



Surrounding Future Land Use

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

The existing parking lot to the rear was built without permits in the required 50-foot undisturbed buffer and the building was painted a bright green color, both of which do not meet conditions of zoning. Additionally, a code enforcement case has been open since 2019 regarding these issues. The applicant has failed to bring their property into compliance.

Waiver Request Analysis: When considering waivers from Title III of the UDO, staff is required to review whether an undue hardship may result from strict compliance with the regulations and that approval would not adversely affect the general public welfare or nullify the intent of the Development Regulations. In addition, there must be a determination that there are unusual topographical or other exceptional conditions. Staff makes the following findings related to the waiver request:

While the western property line abuts existing R-75 zoned property, the area immediately adjacent to the buffer contains a dense grouping of trees and a public elementary school. Therefore, reducing this buffer would not adversely affect the general public welfare or nullify the intent of the Development Regulations. However, the northern property line abuts existing single-family residences where a buffer reduction would adversely impact adjoining properties.

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 change in conditions request.

Staff recommended **APPROVAL** of the following Waiver:

1. To reduce the required buffer along the western property line from 50' to 0'.

Staff recommends **DENIAL** of the following Waiver.

1. To reduce the required buffer along the northern property line from 50' to 25'.

Staff Recommended Conditions

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

Additions in **Bold**

Deletions in ~~Strikethrough~~

Approval as O-I (Office Institutional District), subject to the following conditions:

1. To restrict the use of the property as follows:
 - A. To restrict the use of the subject property to an office in the existing structure, and that no modifications will be made to the exterior of the structure other than normal maintenance. **Building shall be painted with an earth tone color to be reviewed and approved by the Director of Planning and Development.**
 - B. Obtain necessary permits from the Development Division for business occupancy.
2. To satisfy the following site development considerations:
 - A. Provide a ~~50~~ **25**-foot-wide **landscaped** natural buffer, undisturbed except for approved ~~perpendicular access and utility crossings and enhanced plantings to include evergreen screen trees spaced a minimum of 8-foot on center and 4-foot height at time of planting,~~ adjacent to the rear (northerly) property line. **Final landscape shall be subject to the review and approval by the Director of Planning and Development.**
 - B. Provide a ten-foot-wide landscape strip outside the new dedicated right-of-way of Beaver Ruin Road.
 - C. Provide a ten-foot-wide landscape strip adjacent to the side (easterly) property line.
 - D. Maintain a minimum six-foot high 100 percent opaque privacy fence adjacent to residentially zoned properties.

- E. Exits/entrances shall be in accordance with the Gwinnett County Department Regulations and subject to the approval of the Development Division.
 - F. No billboards are permitted.
 - G. Dumpsters shall be screened by a fence or wall. Dumpster pickup shall be limited to between the hours of 7:00 A.M. and 7:00 P.M.
 - H. Provide interparcel access if required by the Development Division.
 - I. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent residential properties.
 - J. ~~Owner shall enhance rear property line buffer next to residentially zoned property by planting minimum four feet high Leyland Cypress trees on eight-foot centers inside the fence.~~
 - K. All parking be located in front of the building. Remove existing pavement located within the 25-foot buffer along the rear property line. Obtain necessary permits to bring existing parking lot up to current development standards within 180 days of zoning approval.
 - L. **Obtain approval from the Environmental Health Department for any existing or proposes septic systems.**
3. To abide by the following requirements, dedications and improvements:
- A. Design required on-site stormwater detention facilities such that they are not located within any required buffers.

Planning Commission Recommendation

Based on the staff's evaluation of the special use permit application, 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 recommended **DENIAL** of the special use permit request.

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

1. To reduce the required buffer from 50 feet to 0 feet along the western property line.

Planning Commission recommends **DENIAL** of the following waiver:

1. To reduce the required buffer from 50 feet to 25 feet along the northern property line.

Exhibits:

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

Exhibit A: Site Visit Photos



Front of building

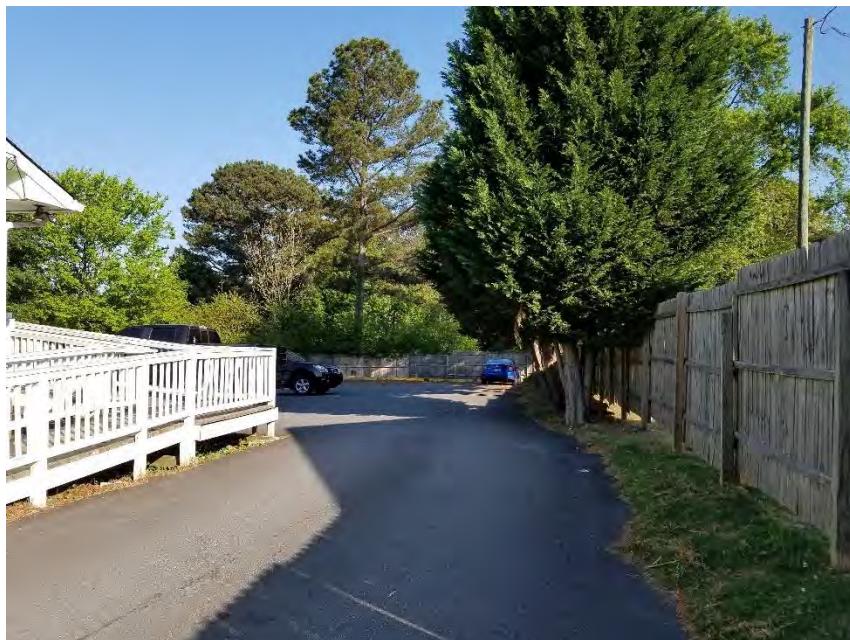


Rear of existing building

Exhibit A: Site Visit Photos



Rear Parking lot



Right Side of Building

Exhibit B: Site Plan

[attached]

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

[attached]

Exhibit D: Internal and External Agency Review Comments

[attached]

Exhibit E: Maps

[attached]

Gwinnett County Planning Division
 Change in Conditions Application
 Last Updated 12/2015

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Adolfo F. Molina</u>	NAME: <u>Adolfo F. Molina</u>
ADDRESS: <u>1942 Beaver Ruin Rd</u>	ADDRESS: <u>1942 Beaver Ruin Rd</u>
CITY: <u>Norcross</u>	CITY: <u>Norcross</u>
STATE: <u>GA</u> ZIP: <u>30071</u>	STATE: <u>GA</u> ZIP: <u>30071</u>
PHONE: <u>770-674-0501</u>	PHONE: <u>770-674-0501</u>
CONTACT PERSON: <u>Claudia Coto</u> PHONE: <u>404-543-4404</u>	
CONTACT'S E-MAIL: <u>ccoto@consultoriomedicohispano.com</u>	

APPLICANT IS THE:		
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICT(S): <u>D1</u>	PRIOR ZONING CASE: <u>R2-96-003</u>	
PARCEL NUMBER(S): <u>R6212A002</u>	ACREAGE: <u>0.461</u>	
ADDRESS OF PROPERTY: <u>1942 Beaver Ruin Rd, Norcross, GA</u>		
PROPOSED CHANGE IN CONDITIONS: <u>building color and parking, buffer reduction</u>		

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/LOTS: <u>1</u>
DWELLING UNIT SIZE (Sq. Ft.): _____	TOTAL GROSS SQUARE FEET: <u>2850</u>
GROSS DENSITY: _____	DENSITY: <u>0.1419</u>
NET DENSITY: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED
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**Tax Parcel 6-212A-002
0.461 Acres**

All that tract or parcel of land lying and being in Land Lot 212 of the 6th Land District, Gwinnett County, Georgia and being more particularly described as follows;

To find the true point of beginning, commence at the intersection of Beaver Ruin Road (Right-of-Way Varies) and Red Oak Road (60' Right-of-Way); THENCE in a Southwesterly direction along Right-of-Way of Beaver Ruin Road for a distance of 125.00 feet to a point, said point marked by a 5/8" Rebar Found, said point being THE TRUE POINT OF BEGINNING.

THENCE from said point as thus established, South 56 Degrees 36 Minutes 50 Seconds West for a distance of 114.80 along the Right-of-Way of Beaver Ruin Road to a point, said point marked by a 1/2" Rebar Found; THENCE leaving said Right-of-Way, North 30 Degrees 07 Minutes 34 Seconds West for a distance of 184.11 feet to a point, said point marked by a 5/8" Rebar Found; THENCE North 56 Degrees 08 Minutes 20 Seconds East for a distance of 103.15 feet to a point, said point marked by a 5/8" Rebar Found; THENCE South 33 Degrees 45 Minutes 18 Seconds East for a distance of 184.67 feet to a point, said point being on the Northwesterly Right-of-Way of Beaver Ruin Road, said point marked by a 5/8" Rebar Found, , said point being THE TRUE POINT OF BEGINNING.

Said property contains 0.461 Acres as shown on final plat for block C of Beaver Bend Estates Subdivision.

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THE CERTIFICATION, AS SHOWN HEREON, IS FURNISHED AS A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. SUBJECT AND ADJACENT PROPERTY OWNERS' DEEDS REFERENCES WERE PROVIDED BY GEORGIA PREMIER LAND SERVICES, INC. AND ARE NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS.

STRUCTURES VISIBLE ON THE DATE OF SURVEY ARE SHOWN HEREON.
LOCATIONS ARE ACCURATE ONLY WHERE DEMESSED.

REFERENCES:

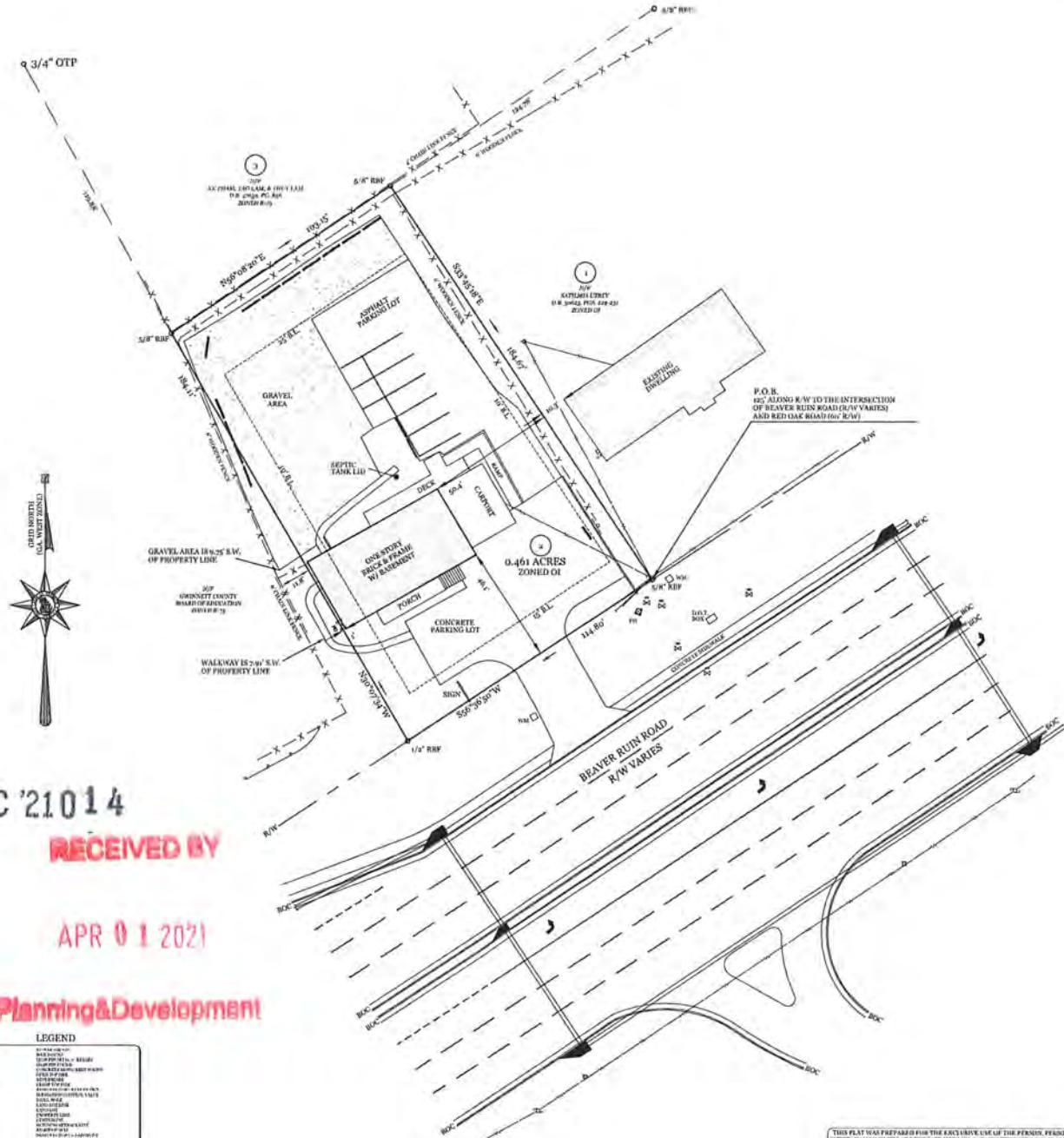
1. WARRANTY DEED FOR SERVICIO MEDICO HISPANO, INC. RECORDED IN DEED BOOK 52415, PAGE #65 GWINNETT COUNTY RECORDS.
2. FLAT PLAT FOR BLOCK C OF BEAMER BEND ESTATES RECORDED IN PLAT BOOK N, PAGE #60 GWINNETT COUNTY RECORDS.

A TUPCON ES-105 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS MAP OR
PLAT IS BASED HAS A CLOSURE PRECISION
OF ONE FOOT IN 24,765
FEET AND AN ANGULAR ERROR OF $\pm 3''$
PER ANGLE POINT, AND WAS ADJUSTED USING
THE LEAST SQUARES METHOD.

THIS MAP OR PLAT HAS BEEN CALCULATED
FOR CLOSURE AND IS FOUND TO BE
ACCURATE WITHIN ONE FOOT IN 1000
FEET AND CONTAINS 1.455 ACRES.

NO PORTION OF SUBJECT PROPERTY LIES
WITHIN A DESIGNATED 100 YEAR FLOOD
HAZARD AREA AS DEPICTED BY SCALED MAP
LOCATION AND GRAPHIC PLUTING ONLY PER
F.I.R.A. PANEL NO. 041303043P.
DATED SEPTEMBER 25, 2006.



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LEGEND

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 1867 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.



Know what's below.
Call before you dig.



BATCH ATTACHMENT SURVEY FORM

SERVICIO MEDICO HISPANO, INC.

1947 BEAVER RUIN ROAD
GEORGINA BREWER

GEORGIA PREMIER
LAND SERVICES, INC.

LAND SERVICES, INC.
PROFESSIONAL LAND SURVEYING

СУПРУГ СОВЕТСКОГО СОЮЗА

1998-1999 FAYETTEVILLE
LAND SURVEYORS INC.

Address: 419 District: 5th

INDIA Scale: 1" = 2 mi.

Drawn By: AS

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:

SEE ATTACHMENT

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

SEE ATTACHMENT

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

SEE ATTACHMENT

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

SEE ATTACHMENT

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

SEE ATTACHMENT

- (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:

SEE ATTACHMENT

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March 29, 2021

Department of Planning & Development
446 West Crogan Street, Suite 250
Lawrenceville, GA 30046

To whom it may concern,

Our family's medical practice has been serving the citizens of Gwinnett for over 18 years, and it was the need to provide a location closer to those that we served that led us to move into the county in 2012. In 2015, we had the blessing of being able to purchase our own location at 1942 Beaver Ruin Road, the site in question. In 2015 we went through the permit and inspection process and at no time were we alerted about the various conditions that were attached with the property that would make it nearly impossible for us to operate as such. It was not until last year that we were informed about the fact that a preexisting sign, the color of the building, or the parking in the back of the property were a problem. We have the blessing to be able to provide care to close to fifty Gwinnett county citizens each and everyday, and during covid it has been invaluable to have parking in the back of the property so that patients may wait safely in there vehicles until it is there time to be seen. We are one of the most reasonably priced centers of care, while we are a for profit organization, or company's corporate culture has always been to help the least of these. As such we participate in the Medicaid and Vaccines for Children program, providing a center of medical care for all who need it.

This color is important to the practice because it has become a trademark for our business. In the community we are known as "los de la casita verde" or "the little green house". Since before purchasing and opening the practice at the property in question, our practice has used the name the little green house in all our advertising and marketing. This has helped us stand out from the competition and has become a mark which our patients expect and know us by. Having to change the color of the building would severely and detrimentally impact our entire marketing and operational opportunity. Since being informed about the issues, we have already removed the preexisting sign that was on the property, but having to paint the property another color or have the entire back parking lot stripped away would make the land and property completely and utterly worthless. As per conversations, we are seeking your mercy and assistance in allowing us to change the conditions that are currently part of the property so that we may be able to continue to serve the vulnerable communities that we serve. Most of our patients are either uninsured or underinsured and we are the only place they can visit and afford.

We collaborate with other non for profit clinics, but even when they have patients that they cannot serve, they send their patients to us. All we are asking is for the opportunity to work with the county to find a possible solution that allows us to continue to serve. Nothing in the request changes

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would adversely affect the existing use or usability of adjacent properties, the changes also fall inline with the current zoning and use of nearby properties. Additionally, the property sits on a six lane highway and thus would not negatively impact traffic patterns, if anything having the parking reduces the numbers of cars that could be forced to park elsewhere. Our property currently has only about 6 usable parking spaces in the front and 8 parking spaces in the rear. We usually have at least 8 team members working on any given day, this alone would make it impossible for any of our patients that we serve to park on the property, this is especially concerning given COVID concerns. Additionally, having parking accessible in the back of the property would be severely limited in we are not able to receive a change in condition with regards to the buffer on the back of the property. Having a 50 foot buffer in the back of the lot would make it nearly impossible for vehicles to have the space they need to make the turn to exit the lot. We are also open to increasing the privacy with trees, landscaping, and a higher fence if need to protect the privacy of our neighbor in the back, and would respectfully that a 25 foot buffer be instituted instead. Having this change would allow us the opportunity to be able to have adequate parking for our medical staff that works day after day to provide excellent medical care to the patients we serve. We pray that you would consider our plight and work to find a reasonable solution that would work and meet the counties current regulations.

Yours Truly,



Claudia Coto
Chief Operating Officer

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I. Changes to Condition 1(A) of case# RZ-96-003

- A. The property currently zoned O-I. Changing this condition to allow the us to keep our green color is suitable in view of the use and development of adjacent and nearby properties .It is our strong belief that maintaining the current color is suitable in view of the use and development of adjacent and nearby properties.
- B. Allowing us to maintain the current color will not, nor has it affected the existing use or usability of adjacent or nearby properties. We have been operating for over 6 years and have never receive a single complaint about the color of the building.
- C. Our practice has been operating at the site since 2015 and our patients have come to expect and know use by “the little green house.” Since that time our practice has grown exponentially, and we believe the service we are providing in the community is highly needed. For one, we are one of the most affordable centers of care in the community currently serving an average of 50 patients per day.
- D. The proposed change will not have nor has it caused an excessive or burdensome use of existing streets, transportation facilities, or schools. On the contrary having our practice right next to Beaver Ridge has helped the students that attend the school and their families.
- E. It is our belief that the change in condition that we are requesting is within and in conformity with the land use plan. For one, the business is a medical practice operating in an O-I commercial zone. We are not looking to change the physical structure of the property, rather all we are requesting is that we be allowed to maintain the color of the exterior of the property to fit with our company brand.
- F. The lot was zone O-I in 1996, since that time it has operated as various businesses. Most of the properties along Beaver Ruin are now zoned commercial, and based on the proposed changes to the area, our practice falls well into the county plans.

II. Changes to condition 2(K) of case# RZ-96-003

- A. The property in question is located on a heavy commercial area of Beaver Ruin Road, most of the properties on the street are now zoned in a commercial matter. Furthermore, the property itself sits between Beaver Ridge Elementary and another property that is also zoned O-I. As such the property and its current use is suitable in view of the use and development of adjacent and nearby properties.

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B. The proposed change to the current conditions would not adversely affect the existing use or usability of adjacent or nearby properties. Currently we have a six-foot fence and 8 foot high trees that sit between our properties, should the need to increase the fence height be required we are prepared to do so. Reducing the back buffer would not adversely impact the property directly behind us.

C. The property is zoned O-I commercial and has a reasonable economic use. We have been operating out of the property since we acquired it in 2015, treating an average of 50 patients per day. Given the topography in the back of the lot reducing the buffer would be necessary for us to have a place for employees to park. Currently there are only 6 parking spaces in the front, including a handicap space, with the amount of patients that we treat on a daily basis and the number of staff members that work at the practice, we would not be able to even accommodate our staff, let alone our patients. This problem is further, exacerbated by the lack of adjacent properties which might have the space that we could lease out to park.

D. The proposed is currently on a main six lane road and the proposed change in conditions would not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. What we are simply asking for the opportunity to have enough parking to meet the demand of patients seen and the need for social distancing. Given the building's size, 3000 sqft, without the restrictions a business would be allowed up to 30 spaces as per the current code. We are not requesting no where near that amount, only those spaces that would allow us to operate safely.

E. In our opinion the proposed change in condition is within the land use plan, as noted above the property is zoned O-I and is on a main six lane road with commercial buildings located along the vast majority of the street.

F. Given the current medical environment, not having the ability to have vehicles park in the back of our property would cripple the business. We have to ensure that we maintain social distancing with our patients and it would be near impossible to accomplish without allowing our patients to stay in their vehicles while they wait to be seen by a provider.

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B. The proposed change to the current conditions would not adversely affect the existing use or usability of adjacent or nearby properties. Currently we have a six-foot fence and 8 foot high trees that sit between our properties, should the need to increase the fence height be required we are prepared to do so.

C. The property is zoned O-I commercial and has a reasonable economic use. We have been operating out of the property since we acquired it in 2015, treating an average of 50 patients per day. Removing the current parking would make use of the property impossible. Currently there are only 6 parking spaces in the front, including a handicap space, with the amount of patients that we treat on a daily basis and the number of staff members that work at the practice, we would not be able to even accommodate our staff, let alone our patients. This problem is further, exacerbated by the lack of adjacent properties which might have the space that we could lease out to park.

D. The proposed change is currently on a main six lane road and the proposed change in conditions would not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. What we are simply asking for is the opportunity to have enough parking to meet the demand of patients seen and the need for social distancing.

E. In our opinion the proposed change in condition is within the land use plan, as noted above the property is zoned O-I and is on a main six lane road with commercial buildings located along the vast majority of the street.

F. Given the current medical environment, not having the ability to have vehicles park in the back of our property would cripple the business. We have to ensure that we maintain social distancing with our patients and it would be near impossible to accomplish without allowing our patients to stay in their vehicles while they wait to be seen by a provider.

III. Changes to condition 2(A) of case# RZ-96-003

A. The property in question is located on a heavy commercial area of Beaver Ridge Road, most of the properties on the street are now zoned in a commercial manner. Furthermore, the property itself sits between Beaver Ridge Elementary and another commercial property that is also zoned O-I. As such the property and its current use is suitable in view of the use and development of adjacent and nearby properties. Additionally, the change we are requesting falls inline and below the maximum spaces allotted for the property's square footage.

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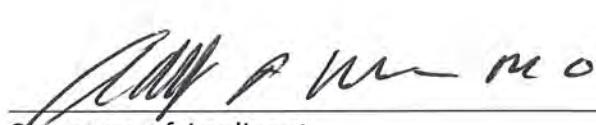
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CIC '21014

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2015

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.



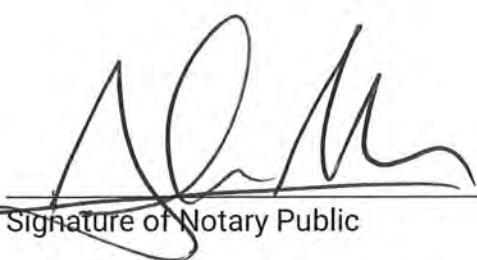
Signature of Applicant

2/26/21

Date

ADOLFO F. MOLINA, MD

Type or Print Name and Title



Signature of Notary Public

2/26/21

Date



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Gwinnett County Planning Division
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Last Updated 12/2015

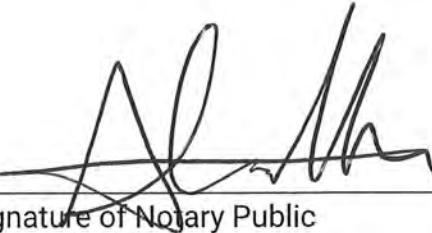
CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION

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

2/26/21
Date

Adolfo F Molina, MD
Type or Print Name and Title


Signature of Notary Public

2/26/21
Date



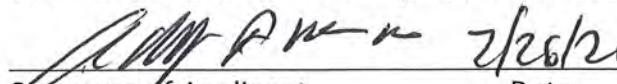
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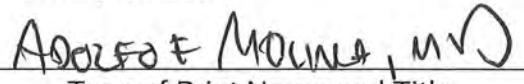
APR 01 2021

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.

 2/26/21
Signature of Applicant

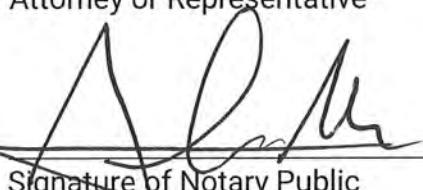
Date


Adolfo F. Molina, MD
Type of Print Name and Title

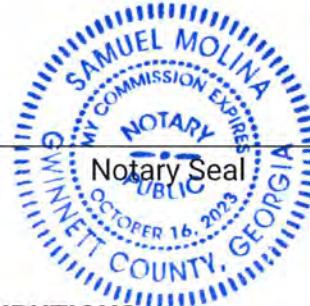
Signature of Applicant's
Attorney or Representative

Date

Type or Print Name and Title

 2/26/21
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

ADOLFO F. MOLINA, MD

Your Name

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

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

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

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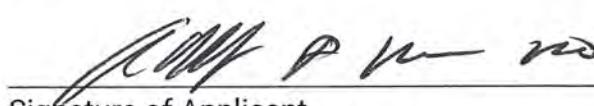
Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2015

VERIFICATION OF CURRENT PAID PROPERTY TAXES
FOR CHANGE IN CONDITIONS

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: R 6212 A 002 -
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

2/26/21
Date

Adriana & Molina, MD Owner
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)

Julie Smith
NAME

TSA II
TITLE

3-9-21
DATE

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