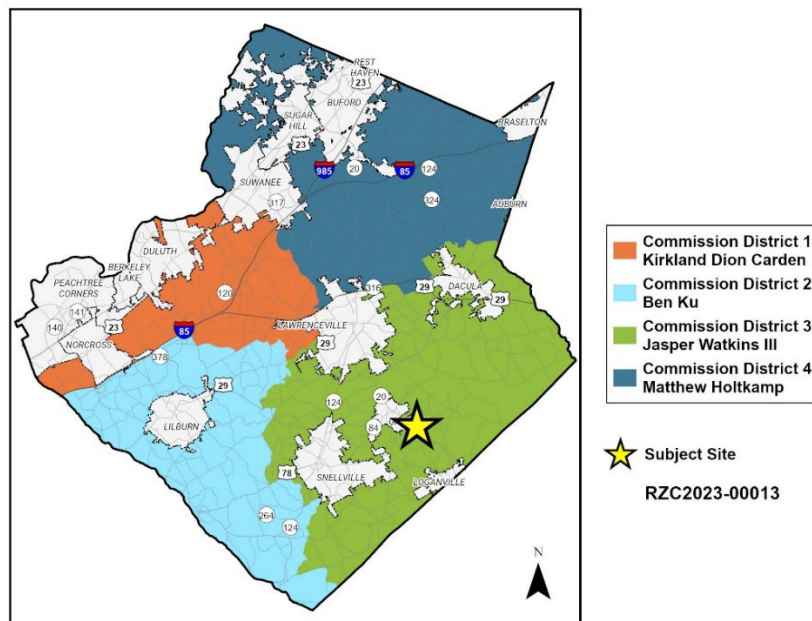


## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** RZC2023-00013  
**Current Zoning:** R-100 (Single-Family Residence District)  
**Request:** Rezoning to C-1 (Neighborhood Business District)  
**Additional Requests:** Variances and Alternative Architectural Review  
**Overlay District:** Grayson/Georgia Highway 20  
**Addresses:** 32 Ozora Road and 40 Block of Ozora Road  
**Map Numbers:** R5155 013, 086, and 088  
**Site Area:** 5.79 acres  
**Square Feet:** 26,864  
**Proposed Development:** Grocery Store  
**Commission District:** District 3 – Commissioner Watkins  
**Character Area:** Community Mixed-Use

**Staff Recommendation:** APPROVAL WITH CONDITIONS

**Planning Commission Recommendation:** APPROVAL WITH CONDITIONS



**Planning Commission Advertised Public Hearing Date: 6/7/2023**  
**Board of Commissioners Advertised Public Hearing Date: 6/27/2023 (Public Hearing Held 7/25/2023/ Action Tabled to 8/22/2023)**

**Applicant:** Lidl US, LLC  
400 Interstate N. Parkway SE Suite 550  
Atlanta, GA 30339

**Owners:** Georgia Boy Properties LLC  
2317 Danbury Lane  
Gainesville, GA 30507

Kim Towler and Thomas Wells  
205 Lacey Oak Lane  
Loganville, GA 30052

**Contact:** John Risher

**Contact Phone:** 703.859.5469

## Zoning History

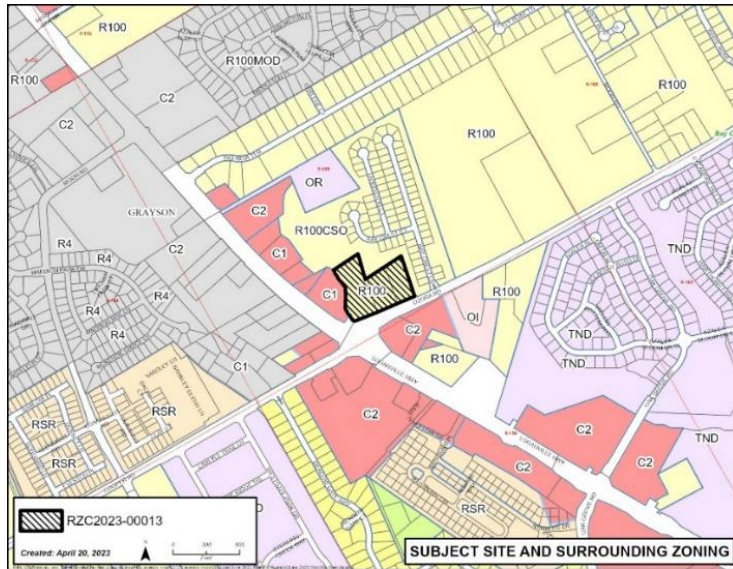
The subject properties are zoned R-100 (Single-Family Residence District). In 1973, as part of an area wide rezoning, the parcels were rezoned from RA-200 (Agriculture-Residence District) to R-100. In 1996, a rezoning application for a childcare center was denied on the easternmost parcel R5155 086, pursuant to RZ-96-23. In 2004, a special use permit was approved on 2662 Loganville Highway for a restaurant, pursuant to SUP-04-074. This parcel is part of the proposed development but is already zoned C-1 and is not included in this rezoning request. The remaining parcels have no zoning requests on record. The site is located within the Grayson/Georgia Highway 20 Overlay District.

## Existing Site Condition

The subject property is a 5.79-acre assemblage of three parcels located at the northeast corner of the Loganville Highway and Ozora Road intersection. A vacant single-family residence constructed in 1960 is located on the westernmost parcel. The rest of the site is undeveloped and covered with large, mature trees. A stream and its associated buffers are located along the western property line near the intersection of Loganville Highway and Ozora Road. A portion of the property nearest to the stream contains the 100-year floodplain. The property has rolling topography but generally slopes downwards toward the stream by approximately 25 feet. Overhead utilities and a sidewalk are present along the Ozora Road frontage. The property at 2662 Loganville Highway, which is part of the proposed development but not part of the rezoning request, contains two vacant buildings and a gravel parking lot located near the Loganville Highway frontage. It appears that one of the buildings was a single-family home and the other building was most recently used as a restaurant. The site is mostly cleared but there are large trees along the rear property line where the stream is located.

## Surrounding Use and Zoning

The subject site is surrounded by commercial and residential uses. Livingston Park, a single-family detached subdivision, is located to the north and east of the subject property. The subdivision was developed as a conservation open space development and has open space surrounding the entire neighborhood. The open space to the north and west contains a pond and the stormwater detention facility. Adjacent to the subdivision along the eastern property and northern corner of the site is undeveloped open space. A pharmacy and a senior-living memory care facility are located to the south, across Ozora Road. Several used automobile sales and service facilities are located to the west, across Loganville Highway. These facilities are located within the City of Grayson. A large, multi-tenant shopping center is located at the southeast corner of the intersection. The shopping center contains a convenience store with fuel pumps, several restaurants, and a grocery store-anchored multi-tenant building. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Grocery Store	C-1	N/A
North	Single Family Residential	R-100CSO	2.72 units per acre
East	Commercial Senior Living (Memory Care)	C-2 C-2	N/A N/A
South	Commercial	C-2	N/A
West	Commercial	C-1 (City of Grayson)	N/A

## Project Summary

The applicant requests rezoning of a 5.79-acre assemblage of three parcels from R-100 to C-1 for a grocery store, including:

- A 26,864 square foot grocery store located along Loganville Highway.
- Exterior building elevations of glass, fiber cement board, and split face CMU with integrated color.
- 110 parking spaces located to the front and side of the proposed grocery store.
- Access to the site via a limited-access right-in/right-out driveway on Loganville Highway. A full-access driveway and another limited-access driveway are proposed on Ozora Road.
- A new right turn deceleration lane into the site from Loganville Hwy.
- A relocated 6-foot-wide sidewalk along Loganville Highway with an internal walkway connection to the front of the proposed grocery store.
- A 2-foot by 8-foot concrete pad, located outside of the Loganville Highway right-of-way, to accommodate future pedestrian amenities such as benches, planters, and trash containers as required by the Overlay District.
- A 10-foot-wide multi-purpose trail along Ozora Road extending the full length of the subject site. A 12-foot-wide path is required and has been added as a recommended staff condition.
- A new regional detention pond serving the site, located in the northeast section of the parcel behind the proposed grocery.
- A loading dock located adjacent to the dumpster enclosure on the western side of the building.

- A 10-foot-wide landscape strip along the property frontage of Loganville Highway and Ozora Road.
- A dumpster enclosure located on the western side of the building.
- Two monument signs outside of the front building setback, on the corner of Loganville Highway and Ozora Road and one along the property frontage on Ozora Road.
- The piping of a portion of a stream through the proposed parking area. Stream buffer variances and permits will be requested to the appropriate boards and agencies at a later date.

## Zoning and Development Standards

The applicant is requesting a rezoning to C-1, Neighborhood Commercial District, for a grocery store. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	27'	YES
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	>10'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Off-Street Parking	Minimum: 53 spaces Maximum: 134 spaces	110 spaces	YES
Internal Driveway Width	One Way: 10'-12' Two Way: 22' – 24'	30' 45' with Fire Lane	NO*
Landscape Strip	Minimum 10'	10'	YES
Zoning Buffer	Minimum 50'	50'	YES

\*The applicant is requesting a variance to exceed the maximum width of an internal driveway.

In addition, the following standards apply to development in the Grayson/Georgia Highway 20 Overlay District:

Standard	Meets Standard?
Streetscape Standards. 8-foot-wide sidewalk on Priority Corridors (Loganville Hwy) with two-foot-wide landscape strip. 2'x8' concrete pad, located outside of the right-of-way, designed to accommodate existing or future pedestrian amenities such as benches, planters, and trash containers. Streetlights shall be provided.	YES
Pedestrian Access. A walkway shall be provided from all buildings to an adjacent public right of way.	YES
Provide interparcel vehicle access points between all contiguous commercial, office, industrial, or attached residential tracts.	YES
For developments exceeding 7,500 square feet, primary building facades and entrances shall be located no more than 70 feet from the public rights-of-way.	NO*

\*The applicant is requesting a variance from this section of the Overlay District requirements.

## Variance Requests

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

1. Section 220-30.E Parking and Accessory Structures.

***For developments exceeding 7,500 square feet, primary building facades and entrances shall be located no more than 70 feet from the public rights-of-way and shall be oriented toward the street and shall provide a sidewalk connecting the front entrance to a continuous sidewalk placed parallel to the street.***

The applicant is proposing primary building facades and entrances be located more than 70 feet from the public right-of-way.

2. Section 240-70.1.C – Interior Driveways

***Interior driveways, with or without parking, shall be 10 to 12 feet wide for one-way traffic, and 22 to 24 feet wide for two-way traffic.***

The applicant is requesting a variance to allow a 30-foot-wide (45' at fire lane) internal driveway width along the truck routes to allow for adequate maneuvering area for the delivery vehicles.

## Alternative Architectural Review Request

In addition to the rezoning request, the applicant is seeking an alternative architectural review from the following provision of Appendix Section 1.0 of the UDO:

1. Section 7.0.0 - Architectural Design Standards for Category 3.

The applicant requests a variation from Appendix Section 1.0 of the UDO to construct a building with alternate exterior building materials.

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

## Staff Analysis

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

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

The requested rezoning from R-100 to C-1 is suitable given that it will permit a use similar to existing commercial uses in the area. The requested rezoning will complement the adjacent and nearby properties as they provide services not dissimilar to the proposed commercial use. Further, the proposed C-1 zoning classification is appropriate at the intersection of two arterial roads.

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

The proposed rezoning would not adversely impact the existing use or usability of adjacent properties. The proposed rezoning is compatible and complimentary to similarly zoned parcels at this intersection. Additionally, the adjacent single-family detached subdivision contains a large open space abutting the subject parcel which surrounds the residences. The proposed development adheres to the required 50-foot-wide zoning buffer nearest to the residences. The subject property contains three highly visible vacant structures, two of which are boarded up and in a dilapidated state. A new grocery store would be an improvement to the current condition of the property, while providing an additional retail option for nearby residents.

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

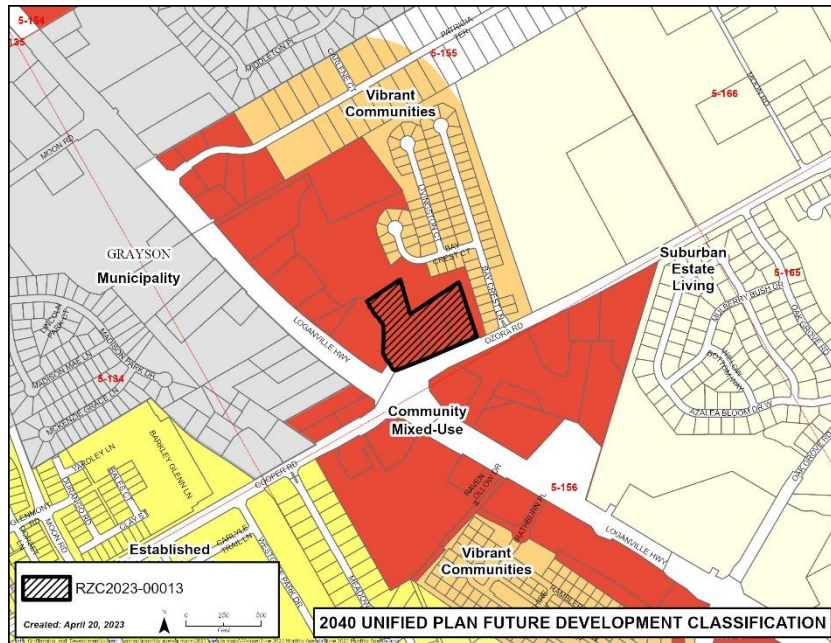
The property has a reasonable economic use as currently zoned.

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

An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. An increased impact is not anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning request is attached (Exhibit F).

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

The 2040 Unified Plan and Future Development Map indicates that the subject property lies within the Community Mixed Use Character Area. This character area is intended for connecting areas outside of Regional Activity Centers and Community Nodes and are typically located along major corridors including Loganville Highway. Future development and redevelopment should focus on making these corridors more pedestrian friendly. The proposed development is proposing to include wide sidewalks to improve the pedestrian environment at the intersection. The grocery store will be developed on vacant and underutilized property and is compatible with the goals and intent of the 2040 Unified Plan.



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

The proposed rezoning would be appropriate given the development and growth of the surrounding area. The proposed use of the property as a commercial development is similar to other commercial developments in this overlay district. The subject property currently contains three highly visible vacant structures along a heavily traveled corridor. The development of a new grocery store would be a vast improvement to the current condition of the property. The distance between existing single-family residences and the proposed grocery store provides enough separation that it would be unlikely that any negative impacts would be generated or experienced by the residents with appropriate conditions of approval. Additionally, the residential developments in the area will benefit from having an additional grocery store for their shopping needs.

**Variance Requests Analysis:** The standards for granting variances are outlined in Section 270-100.7 of the UDO. According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. Staff makes the following findings related to the variance requests:

The applicant requests variances from the standards of the Grayson/Georgia Highway 20 Overlay District. This Overlay requires primary building facades and entrances to be located no more than 70 feet from the public rights-of-way for developments that exceed 7,500 square feet. The applicant’s variance request is to exceed the maximum setback by 25 feet. The other variance request is from the off-street parking standards to allow an internal driveway to exceed 24 feet in width. The applicant states the variances are necessary to allow enough space for large trucks to maneuver around the site when accessing the loading dock. The site is encumbered by a stream and flood plain located on the rear portion of the subject property which limits the area where the loading dock can be located. Locating the loading dock behind

the building would require more of an encroachment into the stream buffer. These variance requests are reasonable to not further encroach into a stream buffer, with appropriate conditions of approval.

**Alternative Architectural Review:** Alternate building designs, architectural materials or color selections that vary from the architectural design standards of Category 2, 3, or 4, shall be reviewed and approved by the Planning Commission. Creative, innovative, and unique designs are encouraged, but care must be taken to maintain compatibility to surrounding buildings and community features. Staff makes the following findings related to the request:

The proposed elevation of the grocery store, while not meeting the design standards of Category 3, is a quality design featuring modern contemporary architecture. A very similar elevation was approved and used for the Lidl located at Old Peachtree Road and Braselton Highway. The alternative architectural design is appropriate for this use and this location.

### **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 rezoning request.

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

1. To increase the maximum setback within an Overlay District from 70 feet to 95 feet.
2. To allow a 30-foot-wide internal driveway (45-foot-wide fire lane) driveway.

In addition, staff recommends **APPROVAL** of the Alternative Architecture Review.

### **Planning Commission Recommendation**

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

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

1. To increase the maximum setback within an Overlay District from 70 feet to 95 feet.
2. To allow a 30-foot-wide internal driveway (45-foot-wide fire lane) driveway.

In addition, the Planning Commission recommends **APPROVAL** of the Alternative Architecture Review.



**Planning Commission Recommended Conditions (includes staff recommended conditions, as amended)**

Approval as C-1 for a grocery store, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received, April 19, 2023, and Exhibit C: Building Elevations dated received, March 23, 2023, subject to the review and approval of the Department of Planning and Development.
2. Stormwater management facilities shall be screened from view of the right of way and adjacent properties. The final design shall be subject to the review and approval of the Gwinnett County Department of Planning and Development.
3. All other requirements of the streetscape standards of the Grayson/Georgia Highway 20 Overlay District shall be provided.
4. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of the grand opening and during special events which shall occur no more than twice per calendar year and last no longer than seven day each.
5. Any future subdividing or development of the property other than what is depicted on Exhibit B: Site Plan dated received, April 19,2023 shall be prohibited unless a Change in Conditions request is approved.
6. The development shall be limited to one driveway access to Ozora Road. The access point shall align with the existing commercial driveway across Ozora Road.
7. The developer shall conduct a traffic impact study and provide any upgrades recommended per the study, subject to the review and approval of the Gwinnett County Department of Transportation and the Georgia Department of Transportation.
8. A 12-foot-wide trail/side path shall be provided along Ozora Road per the Gwinnett County Trails Master Plan.
9. A masonry fence with a decorative opaque metal vehicular gate shall enclose the proposed loading area. Gate doors shall remain closed when inventory loading, or trash removal activities are not taking place. Final design shall be subject to the review and approval of the Department of Planning and Development.
10. **The developer shall provide an additional 25-foot-wide revegetated buffer in the areas as shown on the Enhanced Buffer Exhibit presented at the June 7, 2023, Planning Commission Public Hearing.**
11. **In the revegetated buffer, the developer shall construct an 8-foot-tall wooden fence at the time of construction of the respective parcel. Current vegetation shall not be cleared until the development is commencing.**
12. **The developer of the Lidl parcel shall provide truck access off Loganville Highway.**

13. The developer shall install “No Truck Parking” signs along the Ozora Road access drive as shown on the Enhanced Buffer Exhibit presented at the June 7, 2023, Planning Commission Public Hearing.
14. The developer shall install “No Truck” signs at both entrance points on Ozora Road as shown on the Enhanced Buffer Exhibit presented at the June 7, 2023, Planning Commission Public Hearing.
15. The dumpster for the Lidl parcel shall be enclosed as required by the Gwinnett County code.
16. Loading for the Lidl parcel shall take place at the location as shown on the Enhanced Buffer Exhibit presented at the June 7, 2023, Planning Commission Public Hearing.
17. The following uses shall be restricted from the portion of the development not on the grocery store parcel:
  - a. Dollar stores
  - b. Parking lots for park and ride type operations
  - c. Tattoo parlor
  - d. Adult Type/Sex Stores
  - e. Swap or Pawn Shops
  - f. Fireworks stand (except that this provision shall not restrict the grocery store from selling fireworks as allowable under local laws)
  - g. Hookah/Vape Shop (except that this provision shall not restrict the grocery store from selling tobacco or CBD products as allowable under local laws)
  - h. Oil Change Facilities or Tire Stores
  - i. Car wash
  - j. Fast Food Restaurant on the two lots on Ozora Road, next to Livingston Park

**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. Internal and External Agency Review Comments
- G. Maps
- H. Enhanced Buffer Exhibit as Presented at the June 7, 2023, Planning Commission Public Hearing

**Exhibit A: Site Visit Photos**



**Vacant Residence on Ozora Road**



**Vacant Commercial Structure at 2662 Loganville Highway**



**Vacant Residence on Loganville Highway**

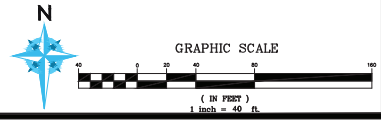
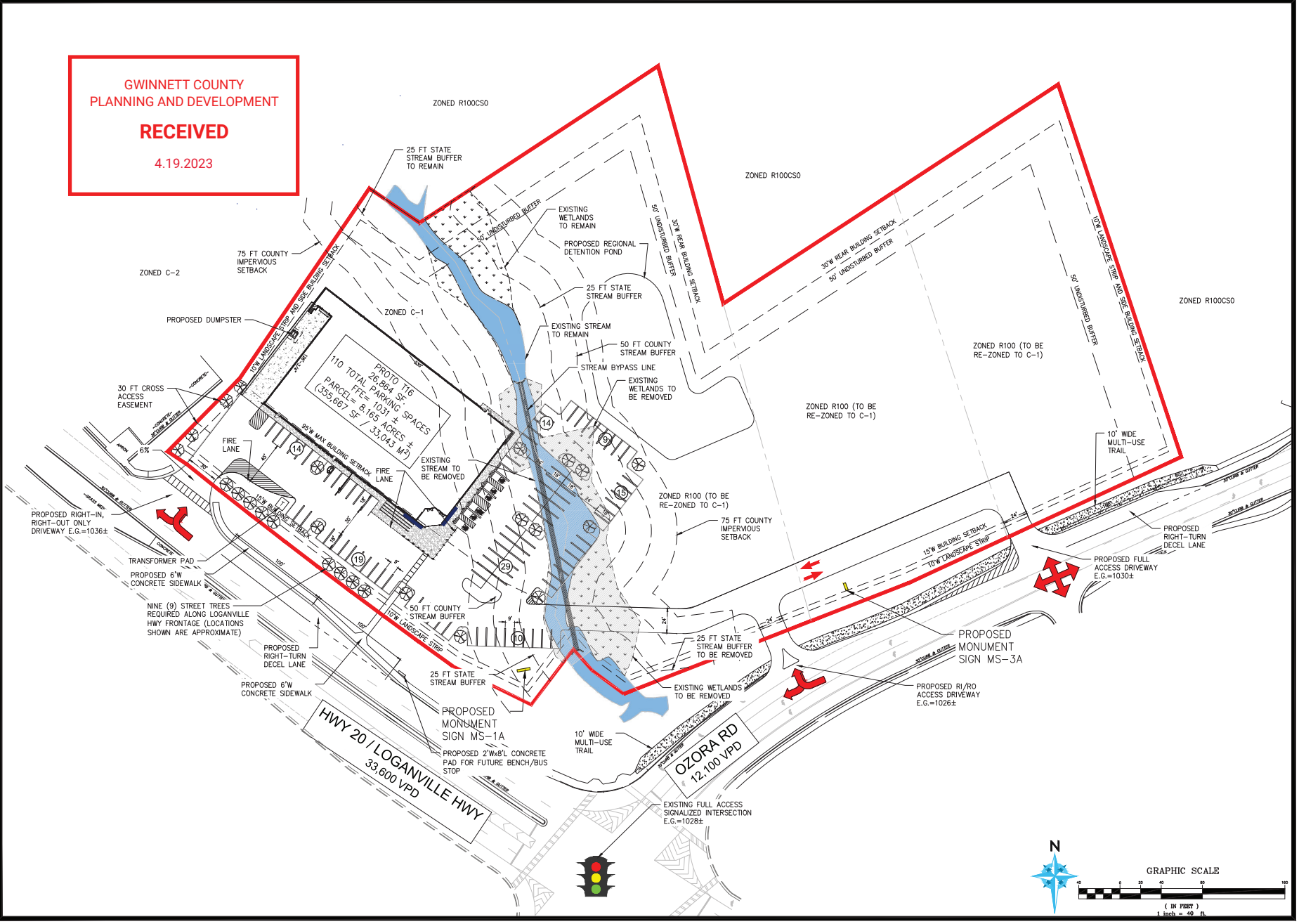
**Exhibit B: Site Plan**

**[attached]**

**GWINNETT COUNTY  
PLANNING AND DEVELOPMENT**

**RECEIVED**

4.19.2023



DATE: 07/26/22, DRAWN BY: DMN, CHECKED BY: CLM, DATE: 04/19/2023, SCALE: 1"=40', JOB No.: 078257, TEST FIT NUMBER: RZ-1 OF 1

**Exhibit C: Building Elevations**

**[attached]**



**RECEIVED**

3/23/2023



**RECEIVED**

3/23/2023



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

**[attached]**



April 14, 2023

Gwinnett County, GA  
Dept. of Planning and Development  
446 W. Crogan Street  
Lawrenceville, GA 30046-2440

**RE:        Rezoning Package for  
             Lidl US Proposed Grocery Store #P4288  
             “Letter of Intent”  
             CHA Project No. 078257**

Lidl US Operations, LLC (Lidl) is proposing to build a commercial subdivision anchored by a 26,864 SF Grocery Store on the property located at 2662 Loganville Highway. Lidl is requesting to rezone tracts 5155-013, 5155-086, and 5155-088 from R-100 (Single Family) to C-1 (Neighborhood Business) to accommodate the development.

Additionally, Lidl is requesting the following site variances:

1. A variance to encroach into a portion of the 50’ undisturbed buffer to grade the site and install a bypass pipe for the waterway that bisects the property.
2. A variance to encroach into the 75’ impervious setback to support the development as shown on the attached site plan.
3. A variance to allow for 45’ (max) driveway widths along the truck routes to allow adequate maneuvering area for the delivery vehicles.
4. A variance to increase the maximum building setback to 95 ft.
5. A variance to provide a 30 ft cross access easement to the adjacent commercial tract in place of installing a driveway as the driveway would conflict with the current development of the parcel

Lastly, Lidl is requesting the following building variances:

1. The front, sides, and rear facades of buildings shall have glass, brick, and/or stone finish. Stucco/EIFS, textured concrete masonry, and/or fiber cement board siding finish shall be allowed, not to exceed 30 percent of any façade elevation. Architectural precast concrete and architectural non-ribbed metal panels with concealed fasteners may be allowed subject to Director's review.
  - A) Requesting a variance to allow split face CMU with integrated color on rear of building. The view is limited by the drainage pond, landscaping and distance to the closest buildings.
  - B) Requesting a variance for the percentage of fiber cement board used on elevations.
    - Entry side (glass) elevation = 47% Fiber Cement Board
    - Entry front elevation = 85% Fiber Cement Board
    - Loading Dock side elevation = 82% Fiber Cement Board
    - Rear elevation = Split face CMU

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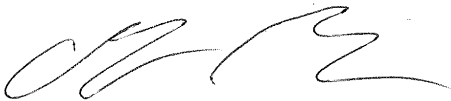
4.14.2023

2. The front, sides, and rear facades shall incorporate changes in building material, texture, and color. Building mass shall incorporate plan offsets (minimum offset shall be 2 feet) every 50 linear feet. Exterior walls shall incorporate features such as storefront/windows, colonnade openings, false windows, decorative tower features, and/or recessed panels reminiscent of windows and doors, every 50 linear feet.
  - A) Requesting a variance to avoid offsets due to interior shelving efficiencies.
  
3. All parapets on buildings three stories or less shall incorporate cornice features which project horizontally a minimum of 1 foot.
  - A) Requesting a variance to allow parapets as shown on elevations, to be more consistent with architectural design.
  
4. Flat roof buildings shall incorporate articulated parapets or facade projections such as porticoes or towers every 50 linear feet on all sides of the building.
  - A) Requesting a variance to allow parapets as shown on elevations, to be more consistent with architectural design.
  
5. All roof mounted equipment, such as mechanical units, vent hoods, communication devices, and/or other building system(s) equipment, shall be screened from view on all sides of the building. Roof screening height shall be equal to the height of the equipment. Roof screening design shall include parapets, secondary roof screening systems, and/or individual equipment screens. Buildings with non-parapet roof edges exceeding 50 linear feet shall incorporate secondary roof screening systems that enclose groups of equipment units rather than a "box" around individual units. Secondary screening systems and/or individual equipment screens shall be a material consistent with the finish materials of building facades. Alternative screen materials such as decorative ABS panels with a textured stucco pattern may be submitted for consideration.
  - A) Requesting a variance to allow the height of the parapets to screen equipment in lieu of screens for each piece of equipment. And to provide RTU screening from the rear elevation.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

**CHA Consulting, Inc.**



Christopher Manes, P.E., CPESC  
Project Manager III

**RECEIVED**

3/23/2023

**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

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

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

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

Yes. Developing this property as a grocery store tenant with commercial outlots is consistent with the development of other properties in the vicinity of the site.

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

No. Rezoning these tracts to a C-1 designation will not adversely affect the existing use and/or usability of the surrounding properties.

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

No. Being that the properties proposed for rezoning are contiguous to commercial tracts, developing them as residential units would not be consistent with the surrounding properties and is not consistent with the 2040 Future Land Use Map.

- (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:

No. This rezoning will not cause excessive or burdensome use on the existing infrastructure in the vicinity of the property.

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

Yes. Rezoning this property to a C-1 classification is consistent with the Regional Activity Center designation represented on the 2040 Future Land Use Map.

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

Yes. This site is located at the intersection of a major arterial and collector road for which the existing infrastructure has been built out to support a development of this nature.

**Exhibit E: Application and Disclosure of Campaign Contributions  
[attached]**

**RECEIVED**

3/23/2023

**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Lidl US, LLC</u> 400 Interstate N. Pkwy SE ADDRESS: <u>Suite 550</u> CITY: <u>Atlanta</u> STATE: <u>GA</u> ZIP: <u>30339</u> PHONE: <u>703-859-5469</u> EMAIL: <u>john.risher@lidl.us</u>	NAME: <u>See Attached</u> ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____ PHONE: _____ EMAIL: _____
CONTACT PERSON: <u>John Risher</u> PHONE: <u>703-859-5469</u> CONTACT'S E-MAIL: <u>john.risher@lidl.us</u>	
<b>APPLICANT IS THE:</b>	
<input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>C-1</u> PARCEL NUMBER(S): <u>5155-013, 5155-088, 5155-086</u> ACREAGE: <u>5.796 acres</u> ADDRESS OF PROPERTY: <u>Lidl US, LLC</u> PROPOSED DEVELOPMENT: <u>Commercial subdivision with a grocery anchor</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>N/A</u>	No. of Buildings/Lots: <u>1 Bldg / 4 Lots</u>
Dwelling Unit Size (Sq. Ft.): <u>N/A</u>	Total Building Sq. Ft. <u>26,864 SF</u>
Gross Density: <u>N/A</u>	Density: <u>N/A</u>
Net Density: <u>N/A</u>	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**



**RECEIVED**

3/23/2023

**REZONING APPLICANT'S CERTIFICATION**

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

 \_\_\_\_\_  
Signature of Applicant 3/21/2023  
Date

John Bisher, Director of Real Estate, Lidl US  
Type or Print Name and Title

 \_\_\_\_\_  
Signature of Notary Public 3/21/2023  
Date



**RECEIVED**

3/23/2023

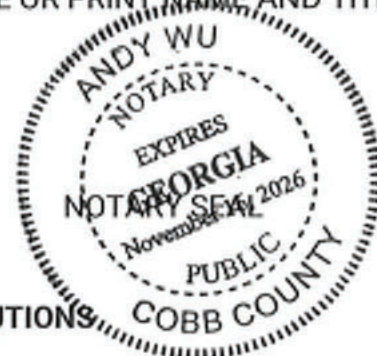
**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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

John W. Risher      3/21/2023      John Risher  
 SIGNATURE OF APPLICANT      DATE      Director of Real Estate  
 TYPE OR PRINT NAME AND TITLE

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

Andy Wu      3/21/2023  
 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    John Risher  
 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

4.14.2023

Tract 5155-088


Gwinnett County Planning Division  
Rezoning Application  
Last Updated 10/2021

**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: 5 - 155 - 088  
(Map Reference Number) District Land Lot Parcel

  
Signature of Applicant Date 03/22/23

Corey Arnold, 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)

Kathleen Lyles \_\_\_\_\_  
NAME TITLE TSA

4/12/2023  
DATE

Tract 5155-013

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

RECEIVED

4.14.2023

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 10/2021

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**\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER:      5      -      155      -      013  
(Map Reference Number)      District      Land Lot      Parcel

Kim Tower      3/23/23  
Signature of Applicant      Date

Kim Tower  
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)

Kathleen Lyles      ISA  
NAME      TITLE

4/12/2023  
DATE

RECEIVED

4.14.2023

Tract 5155-086


Gwinnett County Planning Division  
Rezoning Application  
Last Updated 10/2021

**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

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**\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER:                      5                      -                      155                      -                      086  
(Map Reference Number)                      District                      Land Lot                      Parcel

                      03/22/23  
Signature of Applicant                      Date

Corey Arnold, 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)

Kathleen Lyles                      ISA  
NAME                      TITLE  
4/12/2023  
DATE

**RECEIVED**

3/23/2023

**REZONING PROPERTY OWNER'S CERTIFICATION**

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



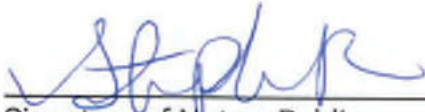
Signature of Property Owner

03/22/23

Date

Corey Arnold, Owner

Type or Print Name and Title



Signature of Notary Public

03/22/23

Date



Notary Seal

**RECEIVED**

3/23/2023

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*[Handwritten Signature]*

Signature of Property Owner

*03/22/23*

Date

*Corey Arnold, Owner*

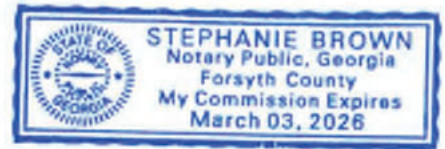
Type or Print Name and Title

*[Handwritten Signature]*

Signature of Notary Public

*03/22/23*

Date



Notary Seal

**RECEIVED**

3/23/2023

**REZONING PROPERTY OWNER'S CERTIFICATION**

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*Kim Touler*

Signature of Property Owner

3/23/23

Date

*Kim Touler*

Type or Print Name and Title



*Theresa M. Jamison*

Signature of Notary Public

3/23/2023

Date

Notary Seal



**RECEIVED**

3/23/2023

Property Description  
**Tract 2**  
(Date: 3-22-23)

All that tract or parcel of land lying and being in Land Lot 155 of the 5th District, Gwinnett County, Georgia, and being more particularly described as follows:

Commencing at a concrete monument found with measured state plane coordinate values of North: 1412158.08, and East: 2365655.18 located at the intersection of the Northeasterly right-of-way line of Loganville Highway, a.k.a Georgia Highway 20 (variable width right-of-way) and the Northwesterly right-of-way line of Ozora Road (variable width right-of-way); Thence departing the Northeasterly right-of-way line of Loganville Highway North 37 degrees 14 minutes 04 seconds East, a distance of 67.57 feet to a point located at the centerline of a creek, said point being the **POINT OF BEGINNING**; Thence along the centerline of said creek North 28 degrees 41 minutes 57 seconds West, a distance of 37.24 feet to a point; Thence North 08 degrees 14 minutes 08 seconds East, a distance of 89.63 feet to a point; Thence North 24 degrees 01 minutes 17 seconds West, a distance of 78.98 feet to a point; Thence North 12 degrees 25 minutes 04 seconds West, a distance of 72.24 feet to a point; Thence North 18 degrees 34 minutes 32 seconds West, a distance of 61.13 feet to a point; Thence North 48 degrees 25 minutes 01 seconds West, a distance of 33.06 feet to a point; Thence North 28 degrees 56 minutes 50 seconds West, a distance of 36.21 feet to a point; Thence North 42 degrees 17 minutes 29 seconds West, a distance of 51.59 feet to a point; Thence departing the centerline of said creek North 56 degrees 42 minutes 03 seconds East, a distance of 8.62 feet to a 1-inch open top pipe found; Thence North 56 degrees 42 minutes 03 seconds East, a distance of 268.28 feet to a 1-inch square iron bar found; Thence South 15 degrees 20 minutes 12 seconds East, a distance of 238.93 feet to a 1/2-inch rebar found; Thence South 15 degrees 28 minutes 37 seconds East, a distance of 319.50 feet to a 5/8-inch rebar set located on the Northwesterly right-of-way line of Ozora Road; Thence along said right-of-way line South 68 degrees 44 minutes 44 seconds West, a distance of 195.15 feet to a point; Thence North 53 degrees 25 minutes 19 seconds West, a distance of 38.13 feet to a point; Thence North 41 degrees 33 minutes 15 seconds West, a distance of 27.47 feet to a point, said point being the **POINT OF BEGINNING**.

Said tract of land contains 2.710 Acres.

**Exhibit F: Internal and External Agency Review Comments**

**[attached]**



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

<b>TRC Meeting Date:</b>					
Department/Agency Name:		DOCS			
Reviewer Name:		Glenn Boorman			
Reviewer Title:		Division Director – Project Admin – Parks & Recreation			
Reviewer Email Address:		<a href="mailto:glenn.boorman@gwinnettcountry.com">glenn.boorman@gwinnettcountry.com</a>			
Case Number:		RZC2023-00013			
Case Address:		2662 Loganville Highway & 32 Ozora Road			
<b>Comments:</b>		<input type="checkbox"/>	<b>YES</b>	<input checked="" type="checkbox"/>	<b>NO</b>
1					
2					
3					
4					
5					
6					
7					
<b>Recommended Zoning Conditions:</b>		<input checked="" type="checkbox"/>	<b>YES</b>	<input type="checkbox"/>	<b>NO</b>
1	Provide a 12 foot wide trail/side path along Ozora Road as per the Gwinnett County Trails Master Plan.				
2					
3					
4					
5					
6					
7					

**Note:** Attach additional pages, if needed

*Revised 7/26/2021*



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

<b>TRC Meeting Date:</b>		05.03.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		<a href="mailto:Brent.Hodges@gwinnettcountry.com">Brent.Hodges@gwinnettcountry.com</a>	
Case Number:		RZC2023-00013	
Case Address:		Ozora Road / Loganville Highway	
<b>Comments:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1	Loganville Highway (SR 20) is a principal arterial. ADT = 33,600. Ozora Road is a major collector. ADT = 14,122.		
2	4.9 miles to the nearest transit facility (#2454884) Grayson Highway and VFW Post #5255.		
3			
4			
5			
6			
7			
<b>Recommended Zoning Conditions:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1	The developer shall be limited to one (1) driveway access to Ozora Road, to align with the Ozora Road CVS access point.		
2	The developer shall conduct a traffic impact study and provide any upgrades recommended per the study, subject to the review and approval of the Gwinnett County Department of Transportation and the Georgia Department of Transportation.		
3			
4			
5			
6			
7			

**Note:** Attach additional pages, if needed

*Revised 7/26/2021*

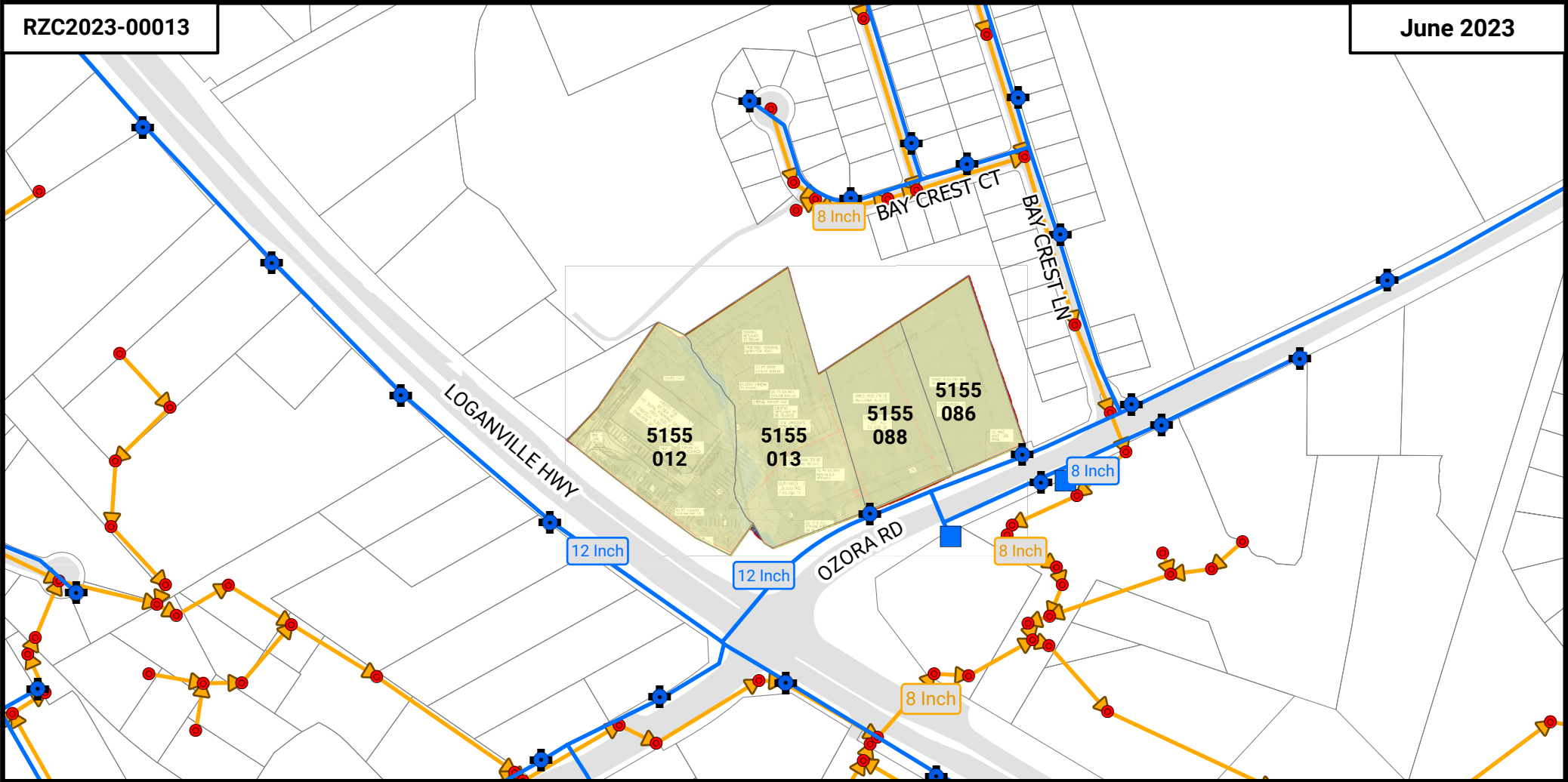


**Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b>				
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		<a href="mailto:Michael.pappas@gwinnettcounty.com">Michael.pappas@gwinnettcounty.com</a>		
Case Number:		RZC2023-00013		
Case Address:		Lidl US, LLC		
<b>Comments:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The proposed development may connect to an existing 12-inch water main along the northern right-of-way of Ozora Road.			
2	Sewer: A Sewer Capacity Certification is required for this development. Pending available capacity, the development may connect to an existing 8-inch gravity sewer main south of Ozora Road; an easement will be required.			
3				
4				
5				
6				
7				
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1				
2				
3				
4				
5				
6				
7				

**Note:** Attach additional pages, if needed

*Revised 7/26/2021*



**LEGEND**

- Water Main
- Hydrant
- Master Vault
- Sewer Collector
- Manhole

**Lidl US, LLC**  
R-100 to C-1

**Water & Sewer Utility Map**

North arrow and scale bar (0, 175, 350 Feet).

**LOCATION**

**Water Comments:** The proposed development may connect to an existing 12-inch water main along the northern right-of-way of Ozora Road.

**Sewer Comments:** A Sewer Capacity Certification is required for this development. Pending available capacity, the development may connect to an existing 8-inch gravity sewer main south of Ozora Road; an easement will be required.

**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.

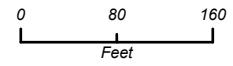
**Exhibit G: Maps**

**[attached]**

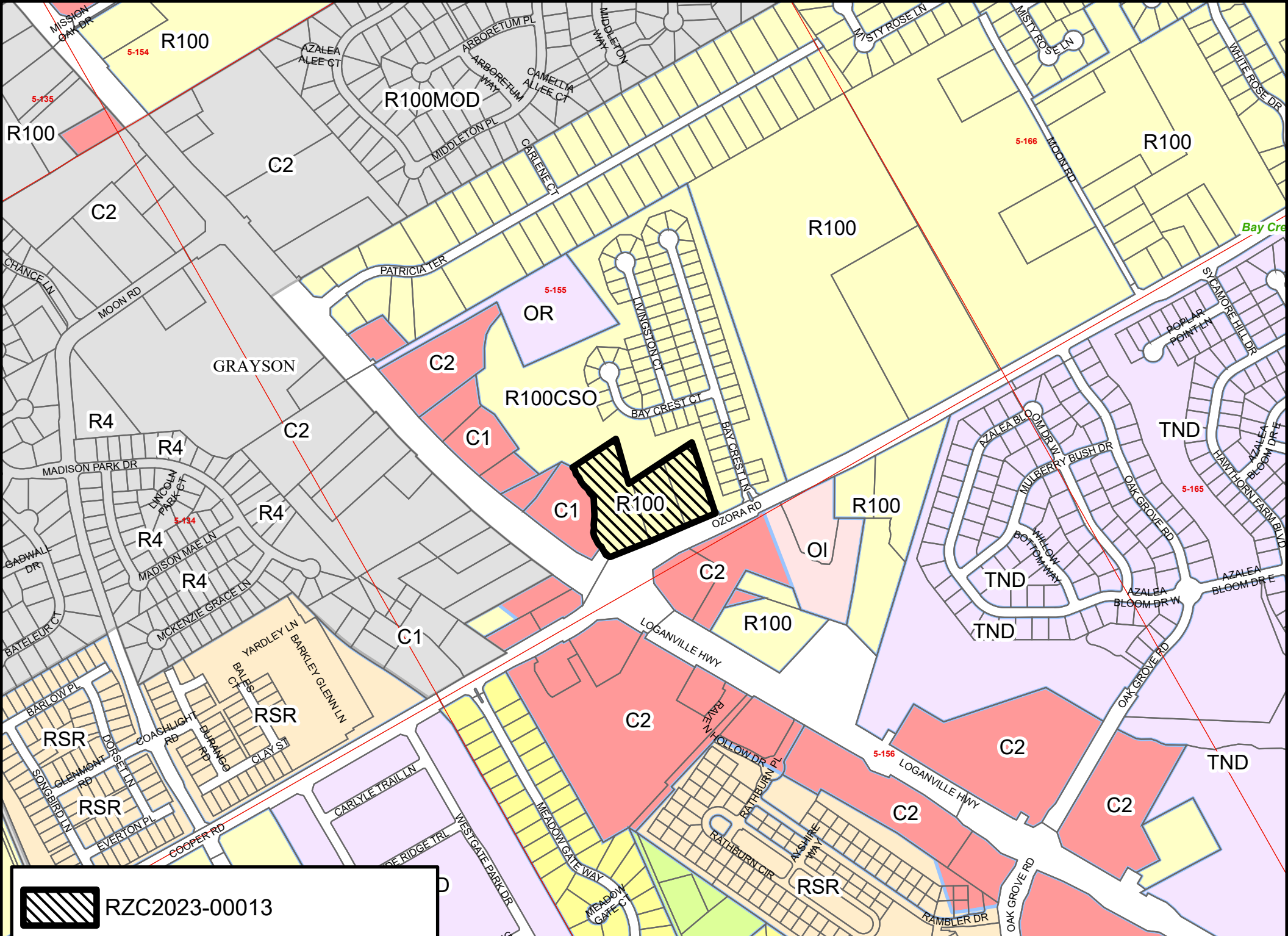


 RZC2023-00013

Created: April 20, 2023





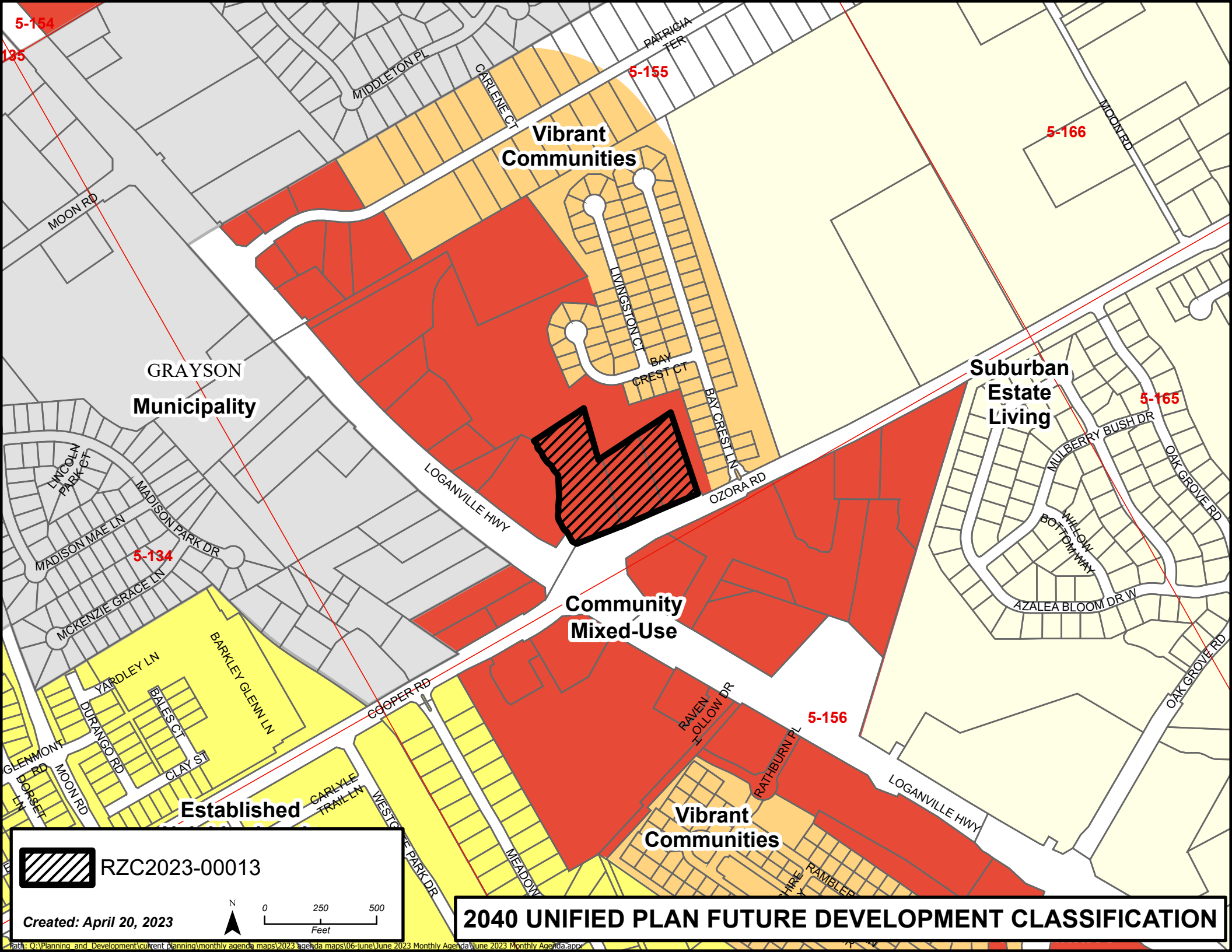


 RZC2023-00013

RZC2023-00013  
Created: April 20, 2023

0 300 600  
Feet

**SUBJECT SITE AND SURROUNDING ZONING**



5-154

5-155

5-166

5-165

5-156

GRAYSON  
Municipality


Vibrant  
Communities

Suburban  
Estate  
Living

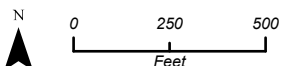
Community  
Mixed-Use

Vibrant  
Communities

Established

 RZC2023-00013

Created: April 20, 2023

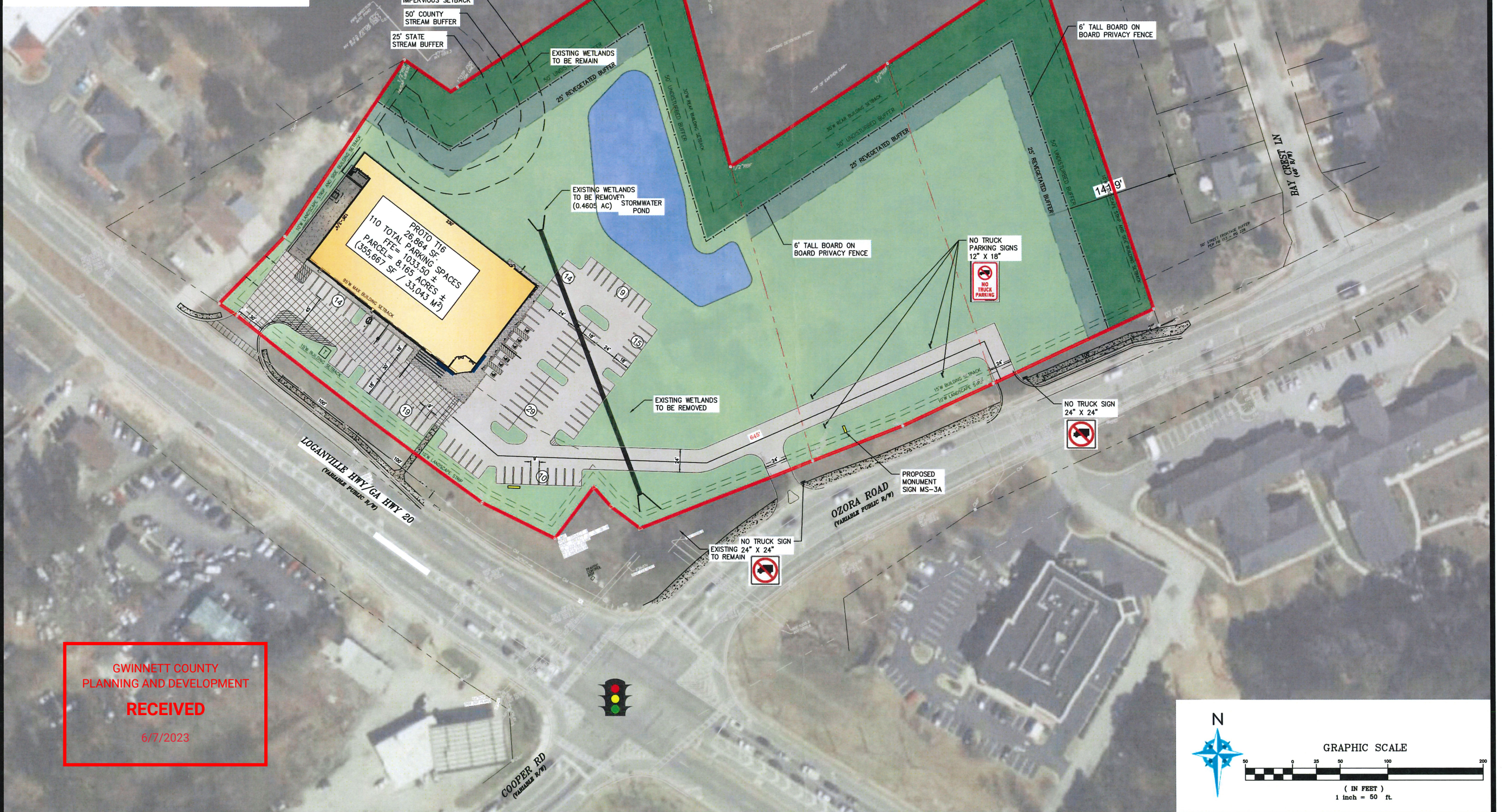
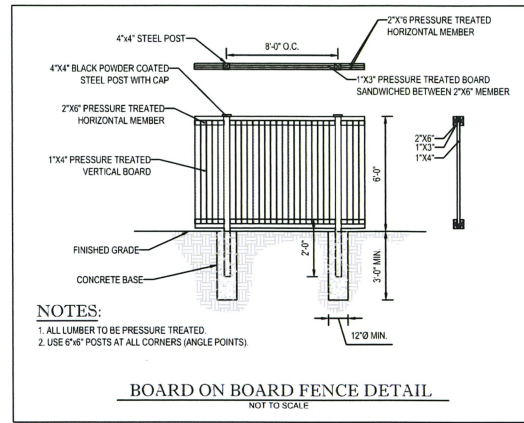


**2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION**

**Exhibit H:  
Enhanced Buffer Exhibit as Presented at the June 7, 2023, Planning Commission  
Public Hearing**

**[attached]**

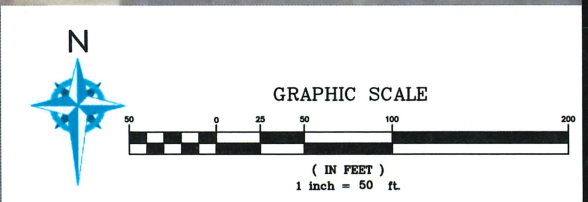
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**WINNETT COUNTY  
 PLANNING AND DEVELOPMENT**

**RECEIVED**

6/7/2023



**NEIGHBORHOOD  
 EXHIBIT**

**Project Title**  
 PROPOSED LIDL GROCERY STORE #1565  
 GRAYSON, GWINNETT COUNTY, GA  
 BY: LIDL US OPERATIONS, LLC  
 ATLANTA, GA

<b>DRAWN BY</b>	KN
<b>CHECKED BY</b>	CLM
<b>DATE:</b>	5/23/23
<b>SCALE:</b>	1" = 50'
<b>JOB No.</b>	078257

**EX-1**  
 OF SHEETS  
 078257 MAIN.DWG