



## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** RZC2023-00021  
**Current Zoning:** C-1 (Neighborhood Business District) and R-100 (Single-Family Residence District)  
**Request:** Rezoning to O-I (Office-Institutional District)  
**Additional Requests:** Variance and Waivers  
**Address:** 2838 Duluth Highway  
**Map Number:** R6263 002A (portion)  
**Site Area:** 9.45 acres  
**Units:** 136  
**Proposed Development:** Independent Living Retirement Community  
**Commission District:** District 1 – Commissioner Carden  
**Character Area:** Established Neighborhoods

**Staff Recommendation:** DENIAL

**Planning Commission Recommendation:** PUBLIC HEARING TABLED TO OCTOBER 3, 2023

**Case Number:** SUP2023-00044  
**Current Zoning:** C-1 (Neighborhood Business District) and R-100 (Single-Family Residence District)  
**Request:** Special Use Permit  
**Additional Requests:** Variance and Waivers  
**Address:** 2838 Duluth Highway  
**Map Number:** R6263 002A (portion)  
**Site Area:** 9.45 acres  
**Units:** 136  
**Proposed Development:** Independent Living Retirement Community  
**Commission District:** District 1 – Commissioner Carden  
**Character Area:** Established Neighborhoods

**Staff Recommendation:** DENIAL

**Planning Commission Recommendation:** PUBLIC HEARING TABLED TO OCTOBER 3, 2023

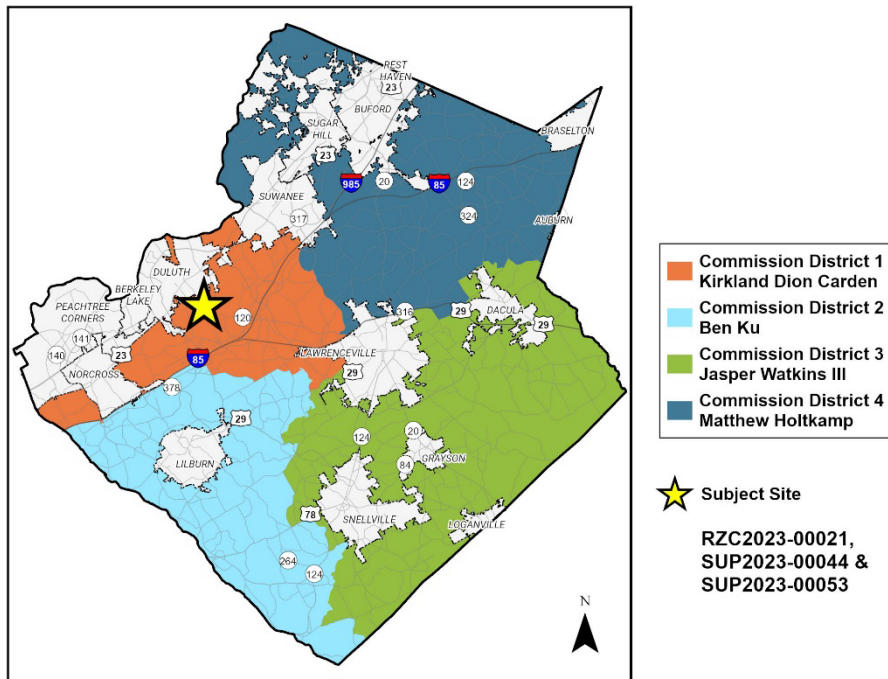
**Planning Commission Advertised Public Hearing Date:** 9/5/2023 (Public Hearing Tabled to 10/3/2023)

**Board of Commissioners Advertised Public Hearing Date:** 9/26/2023 (Public Hearing Tabled to 10/24/2023)

**Case Number:** SUP2023-00053  
**Current Zoning:** C-1 (Neighborhood Business District) and R-100 (Single-Family Residence District)  
**Request:** Special Use Permit (Building Height)  
**Address:** 2838 Duluth Highway  
**Map Number:** R6263 002A (portion)  
**Site Area:** 9.45 acres  
**Units:** 136  
**Proposed Development:** Independent Living Retirement Community  
**Commission District:** District 1 – Commissioner Carden  
**Character Area:** Established Neighborhoods

**Staff Recommendation:** DENIAL

**Planning Commission Recommendation:** PUBLIC HEARING TABLED TO OCTOBER 3, 2023



**Applicant:** Paradise Evangelist Association, Inc.  
 c/o Alliance Engineering and Planning  
 4525 S. Lee Street  
 Buford, GA 30518

**Owners:** Paradise Evangelist Association Inc.  
 3675 Crestwood Parkway NW,  
 Suite 400  
 Duluth, GA 30096

**Contact:** Tyler Lasser

**Contact Phone:** 470.202.9321

## **Zoning History**

The subject site is zoned C-1 (Neighborhood Business District) and R-100 (Single-Family Residence District). The parent parcel was originally zoned R-100. In 1973, a portion of the property was rezoned to C-1 to allow a childcare center as part of the existing place of worship, pursuant to RZ-82-73. This rezoning resulted in the current split-zoning of the property.

## **Existing Site Condition**

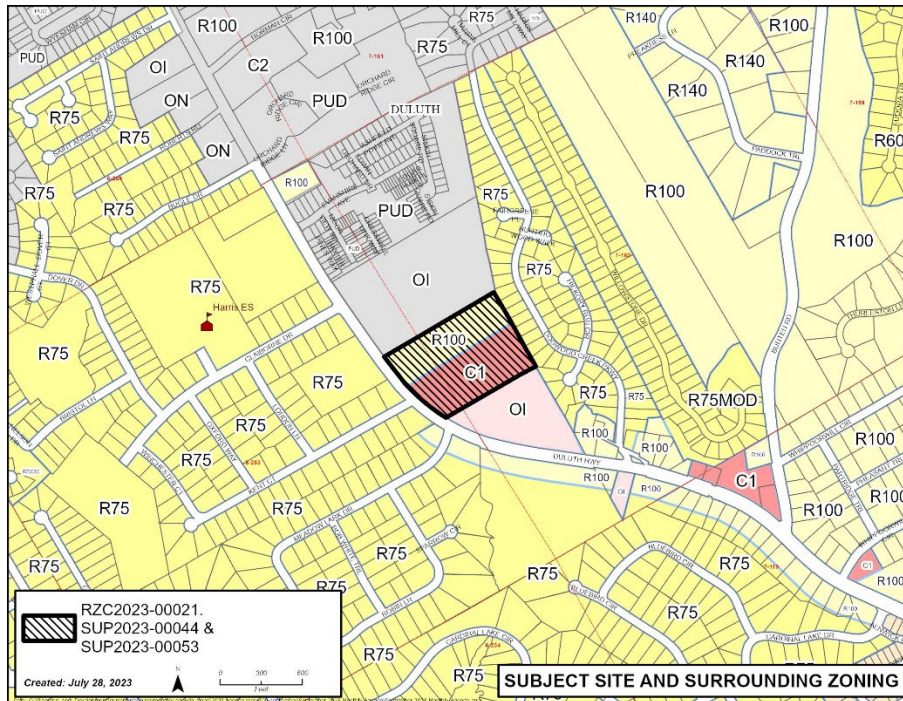
The subject site is a 9.45-acre portion of a 12.17-acre parcel located along the east side of Duluth Highway, north of its intersection with Meadow Lark Drive. The remaining 2.71 acres with two existing buildings and associated parking for a place of worship is not part of the rezoning or special use permit request.

The subject property is undeveloped. The site is heavily wooded and bisected from north to south by Knox Branch Creek. The 100-year floodplain is adjacent to the creek across the entire width of the site. Much of the property is within a dam breach zone. There are 40 specimen trees located near the eastern and western property lines and along the creek. The site topography is steep, including a 30-foot grade change.

The site includes a full-access driveway from Duluth Highway that is one of two access points to the 12.17-acre parent tract. The existing place of worship will retain one access point and the second will be included with the subject property. Along the frontage of Duluth Highway is a two-lane major arterial with no sidewalks along either side of the road. The nearest Gwinnett County Transit stop is approximately 1.8 miles from the site.

## **Surrounding Use and Zoning**

The subject site is surrounded by residential uses, institutional uses, and a place of worship. An American Legion is on the property to the south. A place of worship and two single-family residential subdivisions, Cardinal Lake Estates and Claiborne Manor, are located across Duluth Highway to the west of the site. Woodbridge subdivision is to the east. The City of Duluth boundary line is along the northern property line. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Independent Living Retirement Community	O-I	16.1 units per acre
North	Place of Worship	O-I (City of Duluth)	N/A
East	Single-Family Residential	R-75	2.65 units per acre
South	Institutional	O-I	N/A
West	Place of Worship Single-Family Residential	R-100 / C-1 R-75	N/A 1.61 units per acre

## Project Summary

The applicant requests a rezoning of a 9.45-acre portion of a 12.17 acre parcel from C-1 and R-100 to O-I, and a special use permit to allow an Independent Living Retirement Community, and a special use permit to allow a four-story building in O-I including:

- 136 units for persons aged 55 years or older, including 67 one-bedroom units and 69 two-bedroom units within two buildings identified as Building A and Building B, yielding a net density of 16.1 units per acre.
- Typical unit sizes of 712 square feet for one-bedroom units and 1,160 square feet for two-bedroom units.
- A three-story building (Building A) with a height of 38' 10", located at the rear of the property near the eastern property line.
- A three-story building (Building B) with a height of 44' 6", oriented parallel to the eastern property boundary, and partially within the floodplain, requiring a special use permit to exceed the maximum permitted building height.
- A lobby, mailroom, storage room, and fitness center provided in each building.
- An outdoor swimming pool with cabana and grills located on the south side of Building B.
- 204 parking spaces, including 87 spaces serving Building A and 117 spaces serving Building B.

- A 26-foot-wide internal driveway crossing a stream and its associated buffers to provide access to Building A.
- One full access drive from Duluth Highway located at the southwestern corner of the parcel.
- A 5-foot-wide sidewalk located within the right-of-way and a 10-foot-wide landscape strip along the frontage of Duluth Highway.
- A stormwater management facility located south of Building A and partially within the 75-foot-wide impervious setback.
- A second stormwater management facility located between the parking lot serving Building B and the 75-foot-wide impervious setback.
- A 50-foot-wide undisturbed zoning buffer reduced to zero feet and replaced with a 50-foot-wide graded and replanted landscaped buffer along the eastern property line, abutting the R-75 zoned Woodbridge subdivision.
- Elimination of the 50-foot-wide undisturbed zoning buffer adjacent to the R-100 zoned property along the western property line.
- Exterior façade materials of brick, with lime slurry coating, and wood siding, with gunmetal metal panels around the windows.

### Zoning and Development Standards

The applicant requests a rezoning of 9.45 acres from C-1 and R-100 to O-I, a special use permit to allow an Independent Living Retirement Community, and a special use permit to allow a four-story building. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35' (3-stories)	44' 6" (4-stories)	NO*
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	>10'	YES
Rear Yard Setback	Minimum 25'	>25'	YES
Parking (Multi-Family Residential)	Minimum 204 spaces Maximum 408 spaces	204 spaces	YES
Landscape Strip	Minimum 10'	10'	YES
Zoning Buffer	Minimum 50'	0' along the western property line, 50' graded and replanted along the eastern property line	NO**
Structure Setback	Minimum 5' from buffer	>5'	YES

\* The applicant has requested a Special Use Permit to exceed the maximum building height and maximum number of stories.

\*\* The applicant has requested waivers to reduce and modify the required buffers.

### Variance Request

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

1. Section 230-120 Accessory Building, Structure and Use Standards

**All accessory buildings or structures shall be located in the rear yard unless explicitly stated otherwise in this section.**

The applicant is requesting a variance to locate a swimming pool and cabana in the side yard.

## **Waiver Requests**

In addition to the rezoning request, the applicant is seeking waivers from the following provisions 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".

**A 50-foot-wide undisturbed zoning buffer for O-I adjacent to R-75 property.**

The applicant is requesting a waiver to eliminate the 50-foot-wide undisturbed zoning buffer and provide a 50-foot-wide graded and replanted buffer adjacent to R-75 zoned properties along the eastern property line abutting the Woodbridge subdivision.

2. Section 610-20.5. Minimum Buffer Requirements.

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

**A 50-foot-wide undisturbed zoning buffer for O-I adjacent to R-100 property.**

The applicant is requesting a waiver to eliminate the 50-foot-wide undisturbed zoning buffer adjacent to R-100 zoned property along the western 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 F). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

## **Staff Analysis**

**Rezoning and Special Use Permit Requests 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. For special use permits, the Department shall also evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

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

The surrounding area is predominately comprised of single-family residences and institutional uses. The independent living retirement community is proposed in an area that does not contain any apartments or retirement communities in close vicinity to the site, nor would be considered similar in terms of form or scale. As such, the proposed retirement community and building height increase is not suitable within the established, low-density context of adjacent and nearby property.

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

The proposed Building A, located less than 75 feet from the eastern property line adjacent to the Woodbridge subdivision, will extend approximately 400 feet parallel to the eastern property boundary, and will be 38' 10" in height (three stories). Building A is proposed in an area which will require significant grading and removal of mature vegetation from the required 50-foot-wide zoning buffer, reducing the effectiveness of the buffer to screen the new development from adjacent single-family homes. In addition, the existing driveway intended to serve the proposed independent living retirement community is located within a curve along Duluth Highway in very close proximity to its intersection with Meadow Lark Drive, which could result in an unsafe condition for vehicles entering or exiting the site. As such, the proposed rezoning and special use permits will adversely affect the existing use of adjacent or nearby property.

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

The property has a reasonable economic use as currently zoned.

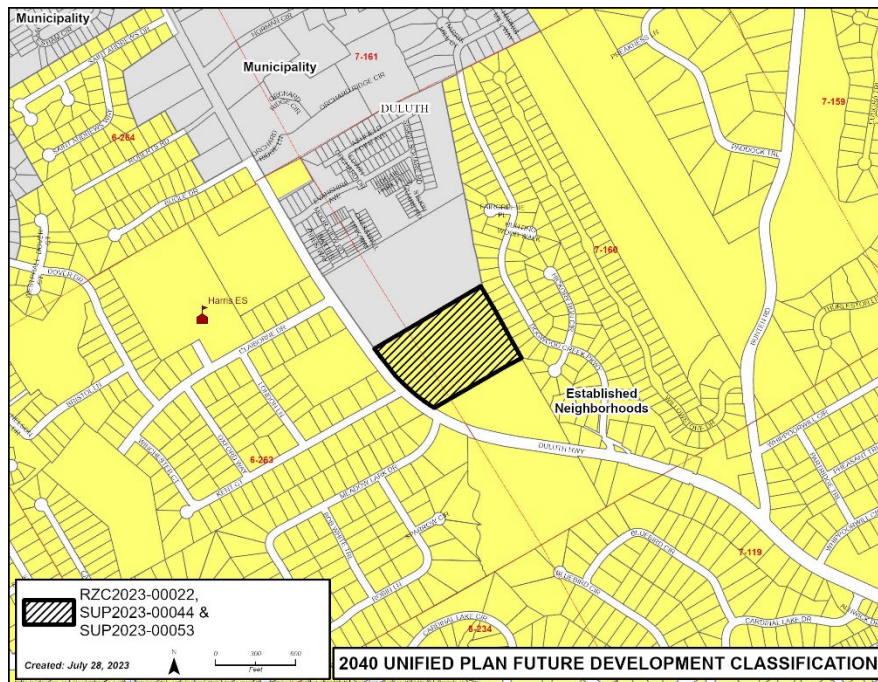
**D. Whether the proposed rezoning and special use permits will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. Based on the nature of the use as an age-restricted independent living retirement community, no impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning and special use permit request are attached (Exhibit F).

**E. Whether the proposed rezoning and special use permits are in conformity with the policy and intent of the Unified Plan and Future Development Map; and**

The Unified Plan and Future Development Map indicate that the subject property is located within the Established Neighborhoods Character Area. This Character Area designates well established neighborhoods and single-family residential areas that are unlikely to undergo any significant changes or redevelopment in the next 20 years. Any new development including residential infill properties should be consistent in scale, architecture, and use with surrounding properties.

Nearby uses consist primarily of established residential neighborhoods and institutional uses, originally constructed between the 1970s and 1990s. Typical homes in the area are one to two stories in height and are constructed with a mix of brick and siding on the front façade. The places of worship along Duluth Highway are also one to two stories in height with brick or stucco façades. The proposed buildings would be three and four stories in height with steep roof pitches that further increase the height and enhance the prominence of the building. Building heights would exceed the maximum height allowed in the O-I district by nearly ten feet and one additional story. The façades would consist primarily of wood siding with a lime slurry on the first floor and gunmetal accents. The proposed height, massing, and façade materials of the retirement community would be out of scale and character with the surrounding properties within the Established Neighborhoods Character Area.



**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 and special use permits.**

The site is bisected by Knox Branch Creek and includes floodplain and other environmentally sensitive features. The site is also located within the Category 1 Lake Dam Breach Zone. The four-story Building B and its associated parking lot are located in the floodplain, which would require a flood study and grading to be able to be constructed as proposed. The proposed location and size of Building A is not compatible with the adjacent single-family detached residences within the Woodbridge subdivision, many of which are one-story. Therefore, an independent living retirement community is not appropriate at this location.

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

The applicant is requesting a variance to allow a swimming pool in the side yard. The swimming pool could be relocated to another area of the site that would meet UDO requirements. Although



the site includes topographical changes in grade, these conditions have no bearing on the ability to comply with building height or to relocate the pool out of the side yard. As such, there are no exceptional conditions that would warrant approval of the variance.

**Waiver Requests 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 requests:

The applicant is requesting waivers to modify or eliminate required buffers along residentially zoned property. The proposed graded and replanted landscaped buffer along the eastern property line abutting the Woodbridge subdivision would replace dense, mature vegetation with new foliage that would not effectively screen the new buildings from the single-family residences in the short-term. In addition, elimination of the required 50-foot-wide buffer along the property line abutting the place of worship would result in an even more prominent appearance of a four-story building from Duluth Highway, which is out of character for the area. Approval of the requested waivers would adversely affect the general public welfare and nullify the intent of the Development Regulations

### **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 **DENIAL** of the rezoning and special use permit requests.

In addition, staff recommends **DENIAL** of the following variance:

1. To allow the placement of a swimming pool and cabana in the side yard.

In addition, staff recommends **DENIAL** of the following waivers:

1. To eliminate the 50-foot-wide undisturbed zoning buffer and allow a 50-foot-wide graded and replanted buffer along the eastern property line abutting R-75 zoned property.
2. To eliminate the 50-foot-wide undisturbed zoning buffer adjacent to R-100 zoned property along the western property line.

### **Staff Recommended Conditions**

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

#### **RZC2023-00021**

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

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received June 7, 2023, and Exhibit C: Building Elevations dated received May 25,

2023, with revisions required by conditions of approval and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.

2. Limited to development as an independent living retirement community for occupancy by persons 55 years of age or older.
3. Limited to the development of a maximum of 136 independent living units.
4. Building A as depicted on the Exhibit B: Site Plan dated received, June 7, 2023, shall be limited to no more than three stories, measured at a total height of 38 feet, ten inches tall.
5. Building B as depicted on the Exhibit B: Site Plan dated received, June 7, 2023, shall be limited to no more than four stories, measured at a total height of 44 feet, six inches tall.
6. The developer shall provide a 50-foot-wide graded and replanted landscaped buffer along the eastern property line adjacent to the Woodbridge subdivision. Final landscape and buffer design shall be subject to review and approval of the Department of Planning and Development.
7. A property management company shall be responsible for maintenance of all common areas/facilities, street frontage landscaping, lawn, and ornamental planting maintenance, decks, roofs, painting of exteriors, and other property maintenance.
8. Amenity areas shall consist of, at minimum, a swimming pool and a cabana. The design and location of all amenity areas shall be subject to the review and approval of the Department of Planning and Development.
9. Natural vegetation shall remain on the property until the issuance of a development permit.
10. All grassed areas shall be sodded.
11. 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 cover no more than twice per calendar year and last no longer than seven day each.
12. The developer shall provide four-foot-wide continuous internal sidewalks throughout the development connecting both buildings to the pool area and the public sidewalk along Duluth Highway.
13. The developer shall provide an inter-parcel access with a cross-access agreement between the independent living retirement community and the existing place of worship that fronts Duluth Highway.
14. The developer shall provide verification that minimum sight distance is provided for the eastern most driveway to the site. If minimum sight distance is unable to be met, per the UDO, the driveway shall be modified or removed.

**SUP2023-00044**

Approval of a special use permit for an Independent Living Retirement Community subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received June 7, 2023, and Exhibit C: Building Elevations dated received May 25, 2023, with revisions required by conditions of approval and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. Limited to development as an independent living retirement community for occupancy by persons 55 years of age or older.
3. Limited to the development of a maximum of 136 independent living units.
4. Building A as depicted on the Exhibit B: Site Plan dated received, June 7, 2023, shall be limited to no more than three stories, measured at a total height of 38 feet, ten inches tall.
5. Building B as depicted on the Exhibit B: Site Plan dated received, June 7, 2023, shall be limited to no more than four stories, measured at a total height of 44 feet, six inches tall.
6. The developer shall provide a 50-foot-wide graded and replanted buffer along the eastern property line adjacent to the Woodbridge subdivision. Final landscape and buffer design shall be subject to review and approval of the Department of Planning and Development.
7. Road frontage and the entrance shall be landscaped by the developer and maintained by the property management company. The entrance shall include a decorative masonry entrance feature. Landscape and entrance feature plans shall be subject to the review and approval of the Department of Planning and Development.
8. A property management company shall be responsible for maintenance of all common areas/facilities, street frontage landscaping, lawn, and ornamental planting maintenance, decks, roofs, painting of exteriors, and other property maintenance.
9. Amenity areas shall consist of, at minimum, a swimming pool and a cabana. The design and location of all amenity areas shall be subject to the review and approval of the Department of Planning and Development.
10. Natural vegetation shall remain on the property until the issuance of a development permit.
11. All grassed areas shall be sodded.
12. 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 cover no more than twice per calendar year and last no longer than seven day each.
13. The developer shall provide four-foot-wide continuous internal sidewalks throughout the development connecting both buildings to the pool area and the public sidewalk along Duluth Highway.

14. The developer shall provide an inter-parcel access with a cross-access agreement between the independent living retirement community and the existing place of worship that fronts Duluth Highway.
15. The developer shall provide verification that minimum sight distance is provided for the eastern most driveway to the site. If minimum sight distance is unable to be met, per the UDO, the driveway shall be modified or removed.

**SUP2023-00053**

Approval of a special use permit to exceed the maximum height of 35 feet in the (Office-Institutional District) O-I district, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received June 7, 2023, and Exhibit C: Building Elevations dated received May 25, 2023, with revisions required by conditions of approval and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.

**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

**Exhibit A: Site Visit Photos**



**View of proposed access into the site.**



**View of interior of the site.**



**View of existing vegetation where waiver would eliminate required buffer.**



**View of existing place of worship in front of the site.**



**View of Duluth Highway northbound, subject on right.**



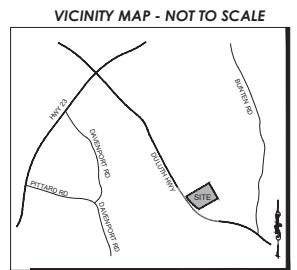
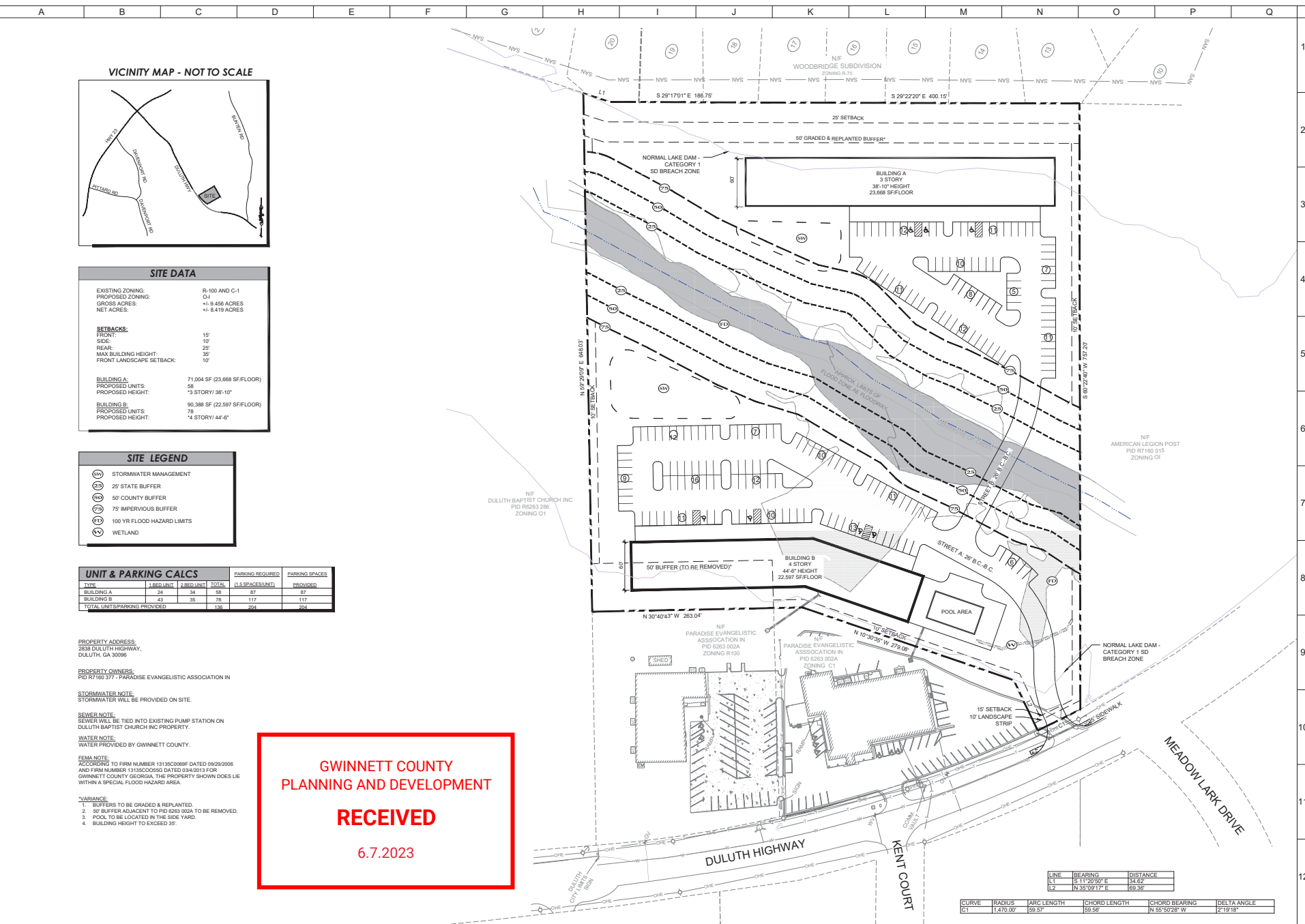
**View of Duluth Highway southbound, subject property on left.**



**Exhibit B: Site Plan**

**[attached]**

File Location: C:\working\p\_01\_cad\p180203\p180203.dwg Plotter: dwgplot10:dwgplot10.ctb Date: 7/23/2023 10:52:23 AM



**SITE DATA**

EXISTING ZONING: R-100 AND C-1  
 PROPOSED ZONING: O1  
 GROSS ACRES: +/- 9.456 ACRES  
 NET ACRES: +/- 8.419 ACRES

**SETBACKS:**  
 FRONT: 15'  
 SIDE: 10'  
 REAR: 25'  
 MAX BUILDING HEIGHT: 35'  
 FRONT LANDSCAPE SETBACK: 10'

**BUILDING A:**  
 71,004 SF (23,668 SF/FLOOR)  
 58'-0" HEIGHT  
 3 STORY/ 38'-10"

**BUILDING B:**  
 90,388 SF (22,597 SF/FLOOR)  
 78'-0" HEIGHT  
 4 STORY/ 44'-0"

**SITE LEGEND**

- (SM) STORMWATER MANAGEMENT
- (SB) 25' STATE BUFFER
- (SC) 50' COUNTY BUFFER
- (SI) 75' IMPERVIOUS BUFFER
- (SL) 100 YR FLOOD HAZARD LIMITS
- (SW) WETLAND

**UNIT & PARKING CALCS**

TYPE	1 BED UNIT	2 BED UNIT	TOTAL	(L.S.SPACES/UNIT)	PARKING SPACES PROVIDED
BUILDING A	24	34	58	97	87
BUILDING B	43	35	78	117	117
<b>TOTAL UNIT/PARKING PROVIDED</b>			136	204	204

**PROPERTY ADDRESS:**  
 2800 DULUTH HIGHWAY,  
 DULUTH, GA 30096

**PROPERTY OWNERS:**  
 PID R7190 377 - PARADISE EVANGELISTIC ASSOCIATION IN

**STORMWATER NOTE:**  
 STORMWATER WILL BE PROVIDED ON SITE.

**SEWER NOTE:**  
 SEWER WILL BE TIED INTO EXISTING PUMP STATION ON DULUTH BAPTIST CHURCH INC PROPERTY.

**WATER NOTE:**  
 WATER PROVIDED BY GWINNETT COUNTY.

**FEMA NOTE:**  
 ACCORDING TO FIRM NUMBER 13135C0006P DATED 09/29/2006 AND FIRM NUMBER 13135C0005G DATED 03/4/2013 FOR GWINNETT COUNTY GEORGIA, THE PROPERTY SHOWN DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

**VARIANCE:**  
 1. BUFFERS TO BE GRADED & REPLANTED.  
 2. 25' BUFFER ADJACENT TO PID 6803 002A TO BE REMOVED.  
 3. POOL TO BE LOCATED IN THE SIDE YARD.  
 4. BUILDING HEIGHT TO EXCEED 35'.

GWINNETT COUNTY  
 PLANNING AND DEVELOPMENT  
 RECEIVED  
 6.7.2023

LINE	BEARING	DISTANCE
L1	S 11°20'50" E	34.82'
L2	N 55°39'17" E	65.36'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1,470.00'	69.57'	99.56'	N 55°39'28" W	2°19'18"

**ALLIANCE**  
 ENGINEERING & PLANNING  
 INCORPORATED  
 289 SCOTTSDALE AVENUE, SUITE 200  
 SCOTTSDALE, GA 30077  
 (770) 225-4230 | www.alliangepd.com

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NOT  
RELEASED  
FOR  
CONSTRUCTION

SURVEYING BY:  
 ALLIANCE LAND SURVEYING  
 PHONE: (770) 540-9988  
 CONTACT: GREGG DAVIS

DEVELOPER  
**OM DUGGAL**

Site Zoning Plan for  
**2800 DULUTH HIGHWAY**  
 DULUTH, GA 30096  
 LL 100 - DISTRICT 7TH  
 PARCEL # R7 160377

Orig. Issue 5.16.23  
 Designed by KN  
 Checked by BW  
 Project # 22155

NORTH  
 SCALE: 1"=50'  
 ZONING PLAN

6.7.23

**Exhibit C: Building Elevations**

**[attached]**

**RECEIVED**

5/25/2023

BUILDING A



**Influencers Church Gwinnett**  
2838 Duluth Highway, Duluth, GA 30097



**RECEIVED**

5/25/2023

BUILDING A



**Influencers Church Gwinnett**  
2838 Duluth Highway, Duluth, GA 30097



**RECEIVED**

5/25/2023

BUILDING A



**Influencers Church Gwinnett**  
2838 Duluth Highway, Duluth, GA 30097



**RECEIVED**

5/25/2023

BUILDING A



**Influencers Church Gwinnett**  
2838 Duluth Highway, Duluth, GA 30097



**RECEIVED**

5/25/2023

BUILDING B



**Influencers Church Gwinnett**  
2838 Duluth Highway, Duluth, GA 30097





**RECEIVED**

5/25/2023

BUILDING B



**Influencers Church Gwinnett**  
2838 Duluth Highway, Duluth, GA 30097



**RECEIVED**

5/25/2023

BUILDING B



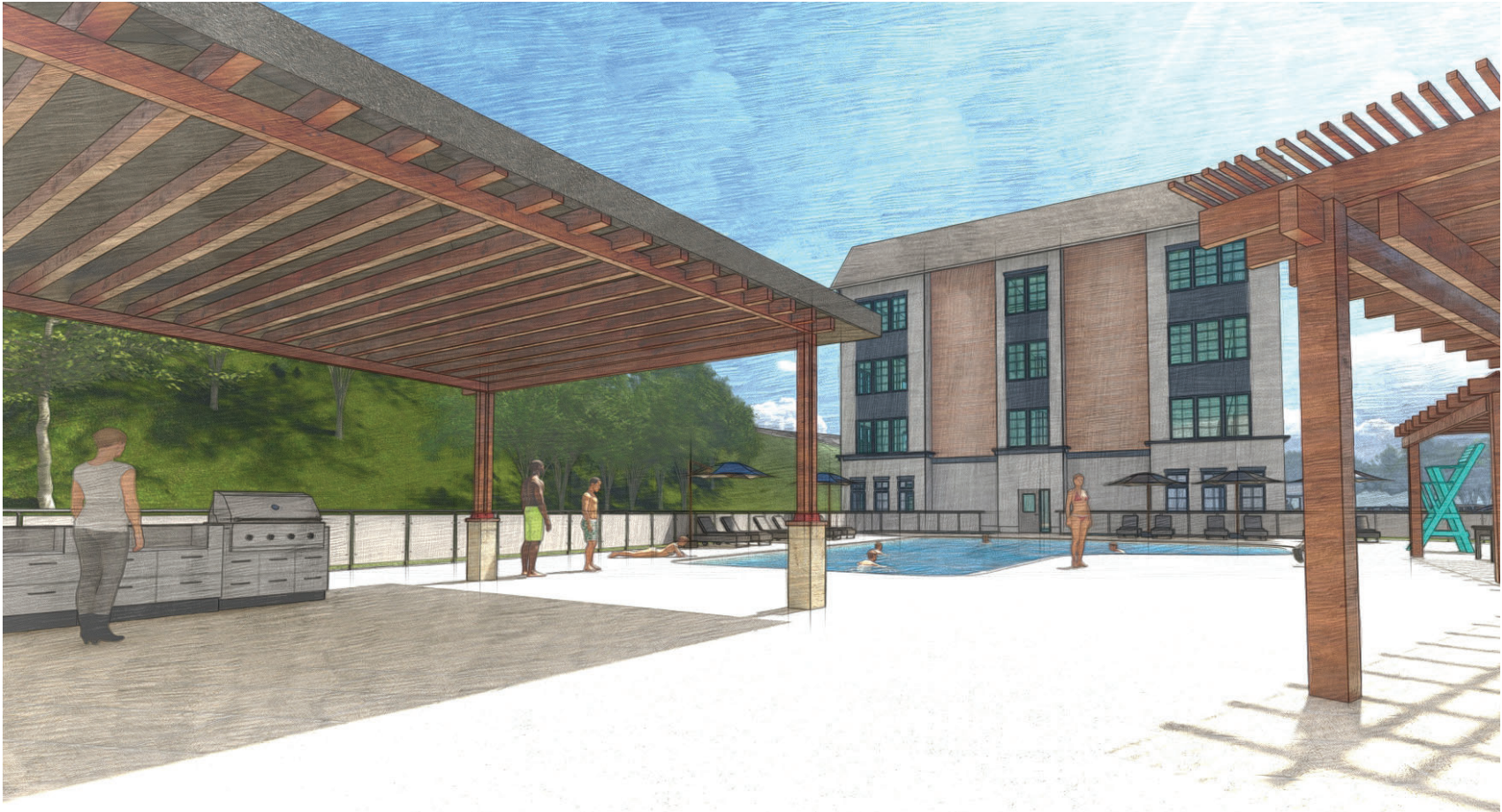
**Influencers Church Gwinnett**  
2838 Duluth Highway, Duluth, GA 30097



**RECEIVED**

5/25/2023

BUILDING B



**RECEIVED**

5/25/2023

BUILDING B



**Influencers Church Gwinnett**  
2838 Duluth Highway, Duluth, GA 30097



RECEIVED

6.7.2023



1 FRONT ELEVATION  
SCALE: 1/16" = 1'-0"



2 REAR ELEVATION  
SCALE: 1/16" = 1'-0"



4 LEFT ELEVATION  
SCALE: 1/16" = 1'-0"



3 RIGHT ELEVATION  
SCALE: 1/16" = 1'-0"

EOR/AR SEAL

CONSULTANT

CLIENT INFORMATION  
<CLIENT NAME>

PROJECT NAME

Duluth Senior Living

<PROJECT ADDRESS>  
<CITY, STATE, ZIP>

DRAWING ISSUE

DATE

DESCRIPTION

MARK

DESIGNED BY: OT  
DRAWN BY: S/JG  
CHECKED BY: MBD  
SUBMITTED BY: MBD  
DATE:  
PROJECT #: <PROJECT#>

SHEET TITLE  
EXTERIOR ELEVATIONS

SHEET NUMBER

A-201

ORIGINAL SHEET SIZE:  
24" X 36"

C:\Users\Owen.Thurman\OneDrive\Documents\REVIT\LOCAL\2023\06\02\_Duluth Senior Living\_ARCH\01\_Building B\_Cover\Drawings\FES17.rvt 6/5/2023 3:08:32 PM

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6.7.2023

EXORIOR SEAL

CONSULTANT

CLIENT INFORMATION

<CLIENT NAME>

PROJECT NAME

Duluth Senior Living

<PROJECT ADDRESS>

<CITY, STATE, ZIP>

DRAWING ISSUE

DATE

DESCRIPTION

MARK

DESIGNED BY: Designer

DRAWN BY: Author

CHECKED BY: Checker

SUBMITTED BY: Approver

DATE: -

PROJECT #: <PROJECT #>

SHEET TITLE

EXTERIOR ELEVATIONS

SHEET NUMBER

A-201

ORIGINAL SHEET SIZE:  
24" X 36"



1 FRONT ELEVATION  
SCALE: 1/16" = 1'-0"



2 REAR ELEVATION  
SCALE: 1/16" = 1'-0"



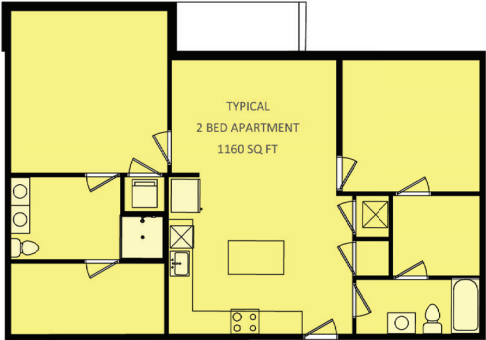
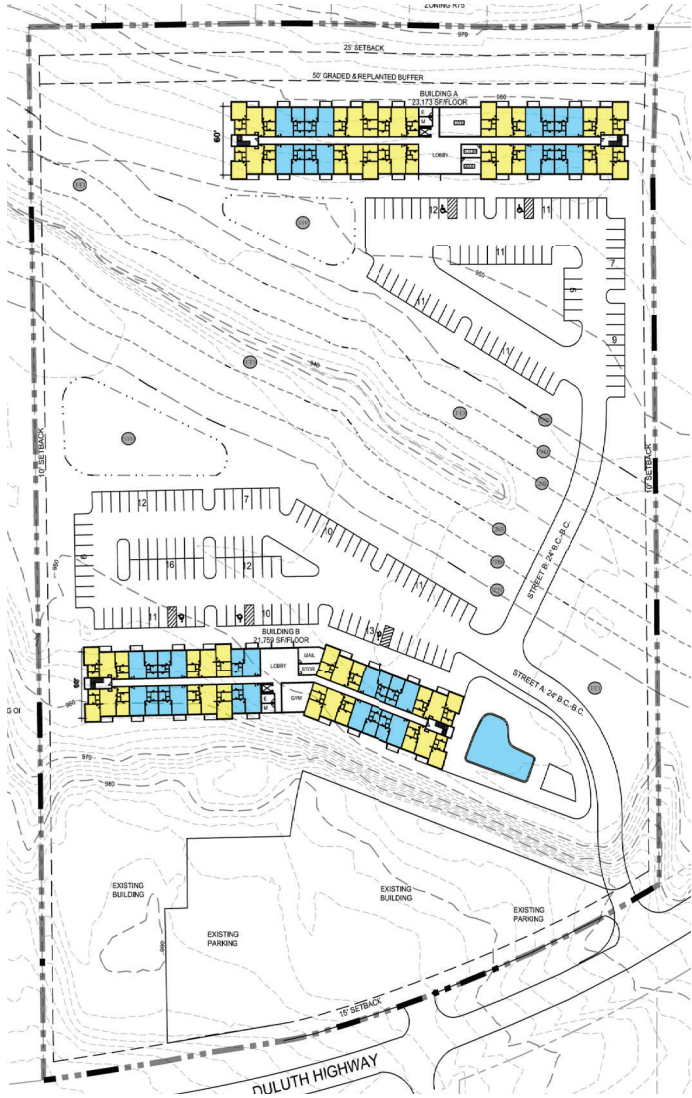
3 LEFT ELEVATION  
SCALE: 1/16" = 1'-0"



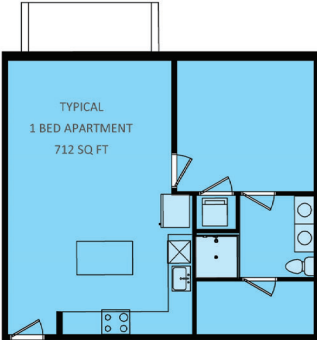
4 RIGHT ELEVATION  
SCALE: 1/16" = 1'-0"

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# SITE PLAN AND TYPICAL APARTMENT LAYOUT



TYPICAL 2 BED APARTMENT  
SPECIAL CIRCUMSTANCES MIGHT CAUSE SOME VARIATIONS IN LAYOUT



TYPICAL 1 BED APARTMENT  
SPECIAL CIRCUMSTANCES MIGHT CAUSE SOME VARIATIONS IN LAYOUT

Building A				
GF	1b	8	2b	10
1st	1b	8	2b	12
2nd	1b	8	2b	12
		24		34 =
				58

Building B				
GF	1b	10	2b	8
1st	1b	11	2b	9
2nd	1b	11	2b	9
3rd	1b	11	2b	9
		43		35 =
				78
		TOTAL UNITS		136

Building A Goss area - Estimated			
GF		sq ft	23668
1st		sq ft	23668
2nd		sq ft	23668
		TOTAL	71004

Building B Goss area - Estimated			
GF		sq ft	22597
1st		sq ft	22597
2nd		sq ft	22597
3rd		sq ft	22597
		TOTAL	90388

GRAND TOTAL 161392



Influencers Church Gwinnett  
2838 Duluth Highway, Duluth, GA 30097

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

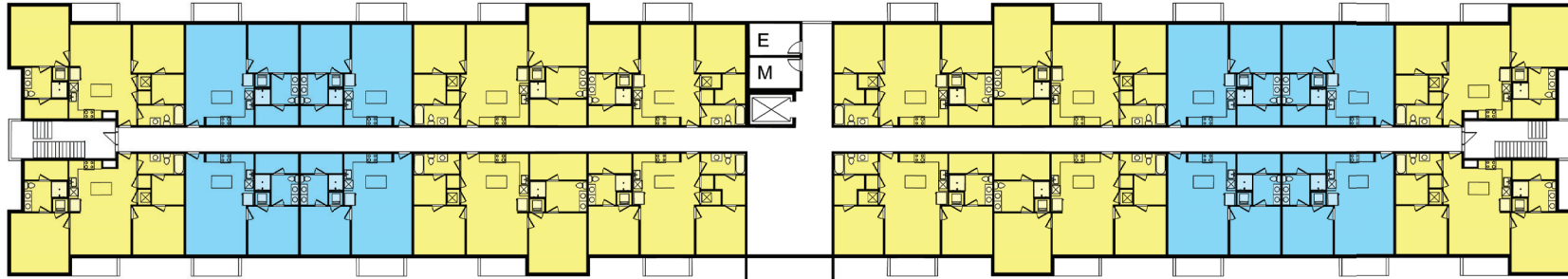


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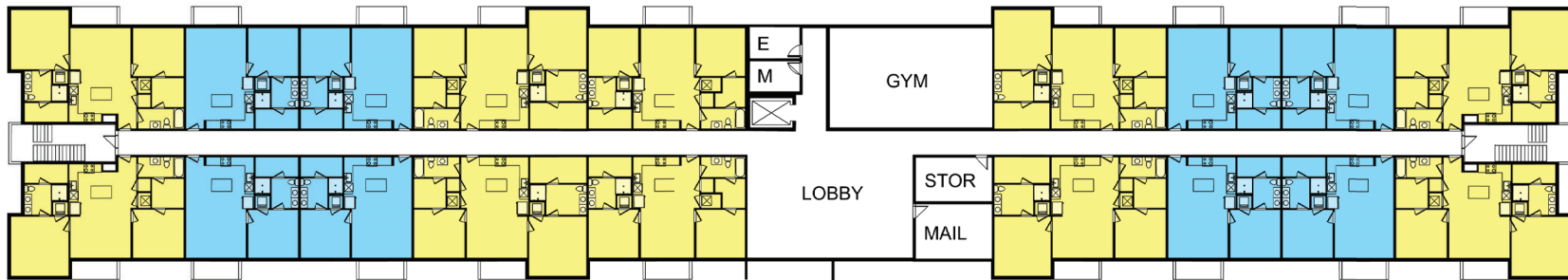
5/25/2023

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5/25/2023



1ST - 2ND



GROUND

BUILDING - A



Influencers Church Gwinnett  
2838 Duluth Highway, Duluth, GA 30097



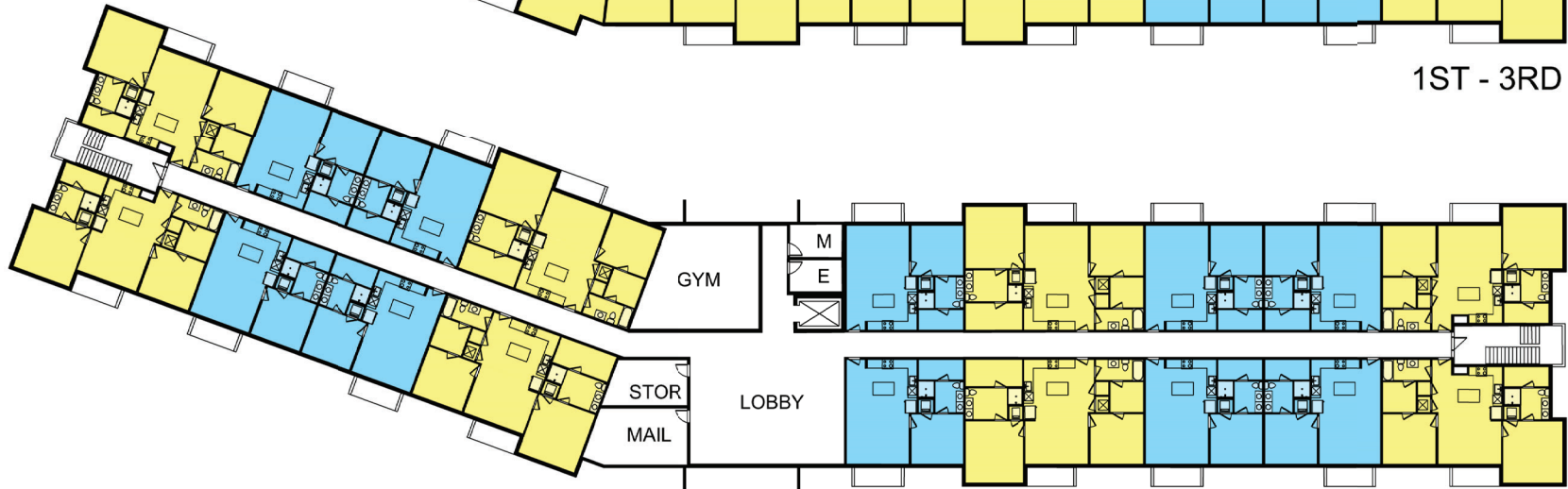


**RECEIVED**

5/25/2023



1ST - 3RD



GROUND

BUILDING - B



Influencers Church Gwinnett  
2838 Duluth Highway, Duluth, GA 30097



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

**[attached]**

### **Applicant's Letter of Intent**

Rezoning from C-1/R-100 to O-I  
Special Use Permit for Independent Living and Building Height  
6263 002A

The applicant, Paradise Evangelist Association Inc., requests a rezoning and special use permits for the purpose of constructing an independent living facility on Duluth Highway, approximately one mile south of Downtown Duluth. The existing site, which is currently split-zoned between C-1 and R-100, is approximately 12.17 acres with a stream running through the center of the property. Influencers Church is located at the front of the site abutting Duluth Highway. Duluth First Baptist Church is adjacent to the site to the north and an American Legion is adjacent to the site to the south, both of which are zoned O-I. Across Duluth Highway is the entrance of the Claiborne Manor subdivision as well as the Georgia United Korean SDA Church. As proposed, the site will be subdivided into two tracts: a 2.716-acre tract for the existing church along Duluth Highway, and a 9.453 tract for the proposed rezoning and development to the rear of the church tract. As proposed, the development will include two buildings with a total of 136 independent living units for those 55 years of age and older. Of those 136 units, 67 will be one-bedroom units, and 69 will be two-bedroom units. The one-bedroom units will have one bathroom and the two-bedroom units will have two-bathrooms. Both buildings will include a main lobby area, a mailroom, storage room and gym/fitness room. The pool area, which will include a swimming pool, cabana(s), grills, and furniture, will be located near the front of the site adjacent to the side of building B. The applicant requests a variance to allow the pool on the side of the building as proposed. Site access will be provided via a new driveway at the southernmost corner of the parcel by way of Duluth Highway. Internal to the site, a total of 204 parking spaces will be provided, offering sufficient spaces for residents as well as guests. In accordance with the submitted elevations, the building closest to Duluth Highway and the existing church, Building B, will be four stories tall with a pitched roof with a maximum height of approximately 44'-6" (midpoint of roof). Building A, which will be located at the rear of the property will be three stories tall with a pitched roof and a maximum height of approximately 38'-10" tall (midpoint of roof). The applicant requests a special use permit to allow the buildings to exceed the maximum height of 35 feet as illustrated on the submitted elevations. The exterior of the building will be modern, and consistent on all four sides with materials including lime slurry on brick, wood siding, and gunmetal panels around windows. The subject site is within the Established Neighborhoods character area of the Gwinnett County 2040 Unified Plan. The proposed development meets the intent of the plan as the character area recognizes senior living as one of the few potential development types. The proposed development will utilize land that is hindered by site constraints and will offer housing to the growing population of seniors in Gwinnett County in an ideal location. In addition to the SUP and rezoning applications, the applicant requests to allow the 50-foot buffer at the rear of the site to be reduced to a 50-foot graded and replanted buffer. This area would be graded where necessary and would be planted back to full buffer standards for year-round screening. It should be noted that the rear of the property is at a lower grade than the Woodbridge subdivision behind it. Additionally, the applicant requests to remove the 50-foot buffer adjacent to the R-100 portion of the Influencer Church property at the front of the site. The applicant requests a waiver to reduce the buffers as proposed.

The applicant looks forward to meeting with staff as well as the community to answer all questions or concerns. Please refer to the attached documents for additional details regarding the layout and appearance of the proposed senior living facility.

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**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:

please see attached

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

please see attached

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

please see attached

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- (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:

please see attached

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

please see attached

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- (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:

please see attached

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## Standards Governing the Exercise of the Zoning Power

To further demonstrate that the proposed rezoning and land use is consistent with the intent of the UDO and 2040 Unified Plan, the applicant submits its response to the Standards Governing Exercise of the Zoning Power as follows:

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

Rezoning the subject site from R-100 and C-1 to O-I is suitable in the view of the use and development of adjacent and nearby property. The site abuts multiple churches and an American Legion that are zoned O-I and is located off a major thoroughfare near Downtown Duluth. The subject site is ideal for the proposed development due to the proximity of the many restaurants, services, and places of worship.

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

The proposed rezoning will not adversely affect the use of the surrounding properties. The proposed development will ultimately benefit the many nearby churches and businesses of the area.

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

The subject site has limited visibility and buildable area due to site constraints including the topography and streams within the site. The Applicant submits the SUP would allow for a use more compatible for the site.

(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:

The rezoning will not result in excessive use of existing streets, transportation facilities, utilities or schools.

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

The proposed rezoning is in conformity with the intent of the 2040 Unified Plan. The subject property is located within the established neighborhoods character area which specifically encourages senior housing.

(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 viability of the proposed development amongst the uses in the surrounding area, and site constraints give supporting grounds for approval of the proposed SUP and Rezoning.

WINNETT COUNTY  
PLANNING AND DEVELOPMENT

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5/25/2023

RZC2023-00021 SUP2023-00044,  
and SUP2023-00053

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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RZC2023-00021 SUP2023-00044,  
and SUP2023-00053

**Exhibit E: Application and Disclosure of Campaign Contributions**

**[attached]**

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6.7.2023

**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Paradise Evangelist Association Inc.</u> <u>c/o Alliance Engineering and Planning</u>	NAME: <u>Paradise Evangelist Association Inc.</u>
ADDRESS: <u>4525 S Lee Street</u>	ADDRESS: <u>3675 Crestwood Pkwy NW</u> <u>Suite 400</u>
CITY: <u>Buford</u>	CITY: <u>Duluth</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>GA</u> ZIP: <u>30096-5054</u>
PHONE: <u>470.202.9321</u>	PHONE: <u>470.202.9321</u>
EMAIL: <u>tlasser@allianceco.com</u>	EMAIL: <u>tlasser@allianceco.com</u>
CONTACT PERSON: <u>Tyler Lasser</u> PHONE: <u>470.202.9321</u>	
CONTACT'S E-MAIL: <u>tlasser@allianceco.com</u>	
<b>APPLICANT IS THE:</b>	
<input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>C-1/</u> REQUESTED ZONING DISTRICT: <u>O-I</u> <u>R-100</u>	
PARCEL NUMBER(S): <u>6263 002A</u> ACREAGE: <u>9.45</u>	
ADDRESS OF PROPERTY: <u>2800 Duluth Highway</u>	
PROPOSED DEVELOPMENT: <u>Senior Living Facility</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>136</u> <u>712 sq ft. (1 bed)</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>1,160 (2 bed)</u>	Total Building Sq. Ft. _____
Gross Density: <u>14.3</u>	Density: _____
Net Density: <u>16.1</u>	

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

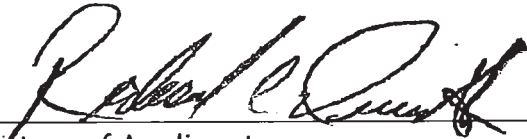


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5/25/2023

**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.



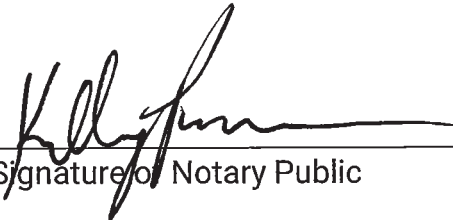
Signature of Applicant

3-10-23

Date

Richard Onorato - Treasurer

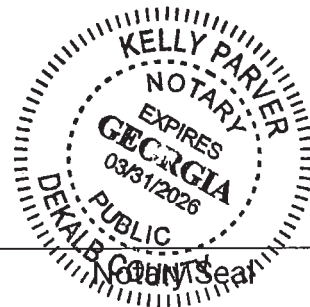
Type or Print Name and Title



Signature of Notary Public

3-10-23

Date

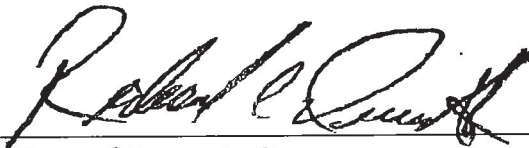


**RECEIVED**

5/25/2023

**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.



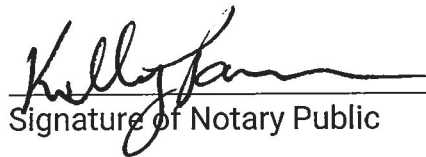
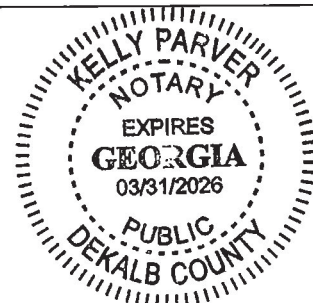
3-10-23

Signature of Property Owner

Date

Richard Onorato - Treasurer

Type or Print Name and Title



3-10-23

Signature of Notary Public

Date

Notary Seal

**RECEIVED**

5/25/2023

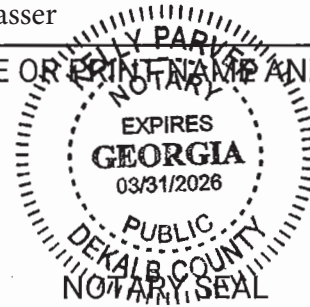
**CONFLICT OF INTEREST CERTIFICATION FOR REZONING**

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.

*Richard Onorato* 3.10.23 Richard Onorato - Treasurer  
SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

*Tyler Lasser* 3/10/23 Tyler Lasser  
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE      DATE                      TYPE OR PRINT NAME AND TITLE

*Kelley Park* 3.10.23  
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    Richard Onorato  
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**

6.7.2023

**SPECIAL USE PERMIT APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Paradise Evangelist Association Inc. c/o Alliance Engineering and Planning</u>	NAME: <u>Paradise Evangelist Association Inc.</u>
ADDRESS: <u>4525 S Lee Street</u>	ADDRESS: <u>3675 Crestwood Pkwy NW Suite 400</u>
CITY: <u>Buford</u>	CITY: <u>Duluth</u>
STATE: <u>GA</u> ZIP: <u>30518</u>	STATE: <u>GA</u> ZIP: <u>30096-5054</u>
PHONE: <u>470.202.9321</u>	PHONE: <u>470.202.9321</u>
EMAIL: <u>tlasser@allianceco.com</u>	EMAIL: <u>tlasser@allianceco.com</u>
CONTACT PERSON: <u>Tyler Lasser</u> PHONE: <u>470.202.9321</u>	
CONTACT'S E-MAIL: <u>tlasser@allianceco.com</u>	

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

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
EXISTING/PROPOSED ZONING: <u>C-1/R-100 (ex.) O-I (Prop.)</u>	BUILDING/LEASED SQUARE FEET: <u>+/- 46,265</u>
PARCEL NUMBER(S): <u>6263 002A</u>	ACREAGE: <u>9.45</u>
ADDRESS OF PROPERTY: <u>2800 Duluth Highway</u>	
SPECIAL USE REQUESTED: <u>Senior Living Facility</u>	

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

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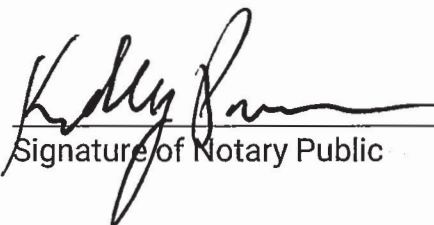
5/25/2023

**SPECIAL USE PERMIT APPLICANT'S CERTIFICATION**

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

  
\_\_\_\_\_  
Signature of Applicant 3-10-23  
Date

Richard Onorato - Treasurer  
\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public 3.10.23  
Date




RECEIVED


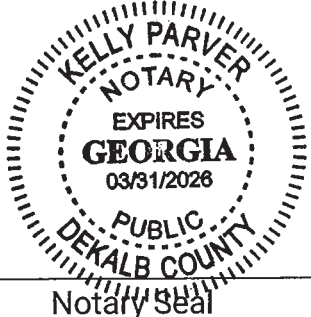
5/25/2023

**SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION**

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Signature of Property Owner  
3-10-23  
Date

Richard Onorato — Treasurer  
Type or Print Name and Title

  
Signature of Notary Public  
3.10.23  
Date  
  
Notary Seal

**RECEIVED**

5/25/2023

**CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT**

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

Richard Onorato 3.10.23 Richard Onorato - Treasurer  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Tyler Lasser 3/10/23 Tyler Lasser  
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE  
ATTORNEY OR REPRESENTATIVE

Kelly Parver 3.10.23  
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 Richard Onorato  
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**

7.27.2023

**SPECIAL USE PERMIT APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
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PHONE: <u>470.202.9321</u>	PHONE: <u>470.202.9321</u>
EMAIL: <u>tlasser@allianceco.com</u>	EMAIL: <u>tlasser@allianceco.com</u>
CONTACT PERSON: <u>Tyler Lasser</u> PHONE: <u>470.202.9321</u>	
CONTACT'S E-MAIL: <u>tlasser@allianceco.com</u>	

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

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
EXISTING/PROPOSED ZONING: <u>C-1/R-100 (ex.) O-I (Prop.)</u>	BUILDING/LEASED SQUARE FEET: <u>+/- 46,265</u>
PARCEL NUMBER(S): <u>6263 002A</u>	ACREAGE: <u>9.45</u>
ADDRESS OF PROPERTY: <u>2800 Duluth Highway</u>	
SPECIAL USE REQUESTED: <u>Max Building Height Increase</u>	

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

**RECEIVED**

7.27.2023

**SPECIAL USE PERMIT APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

PURSUANT TO REQUIREMENT 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 SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Please see attached

---

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

Please see attached

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

Please see attached

---

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

Please see attached

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

Please see attached

---

---

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

Please see attached

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**RECEIVED**

7.27.2023

**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER  
SPECIAL USE PERMIT**

To further demonstrate that the proposed rezoning and land use is consistent with the intent of the UDO and 2040 Unified Plan, the applicant submits its response to the Standards Governing Exercise of the Zoning Power as follows:

A. WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The SUP will allow for a use that is suitable with the surrounding uses. There are currently many churches in the area along with restaurants and services in walking distance, which is ideal for a senior living facility.

B. WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No, the special use permit will not adversely affect the use or usability of nearby properties.

C. WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The Applicant submits the SUP would allow for a use more compatible for the site.

D. WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

The special use permit will not result in an excessive use of existing streets, transportation facilities, utilities, or schools.

E. WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes, the development is in conformity with the intent of the 2040 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 SPECIAL USE PERMIT:

The viability of the proposed development amongst the uses in the surrounding area, and site constraints give supporting grounds for approval of the proposed SUP and Rezoning.

RECEIVED

7.27.2023

**SPECIAL USE PERMIT APPLICANT'S CERTIFICATION**

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



Signature of Applicant

3-10-23

Date

Richard Onorato - Treasurer

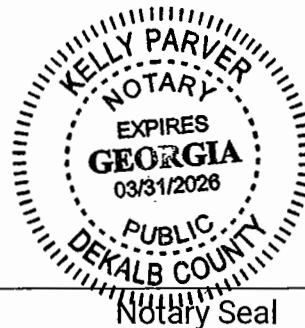
Type or Print Name and Title



Signature of Notary Public

3.10.23

Date



Notary Seal

**RECEIVED**

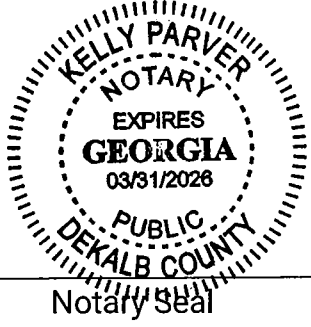
7.27.2023

**SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION**

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

Robert Onorato 3-10-23  
Signature of Property Owner Date

Richard Onorato — Treasurer  
Type or Print Name and Title

Kelly Parver 3.10.23   
Signature of Notary Public Date Notary Seal

**RECEIVED**

7.27.2023

**CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT**

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

Richard Onorato 3.10.23 Richard Onorato - Treasurer  
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Tyler Lasser 3/10/23 Tyler Lasser  
SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE  
ATTORNEY OR REPRESENTATIVE

Kelly Parver 3.10.23  
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 Richard Onorato  
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.





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

**[attached]**



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

<b>TRC Meeting Date:</b>		07.05.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		<a href="mailto:Brent.Hodges@gwinnettcounty.com">Brent.Hodges@gwinnettcounty.com</a>	
Case Number:		RZC2023-00021 / SUP2023-00044	
Case Address:		2800 Duluth Highway, Duluth, 30096	
<b>Comments:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<b>YES</b>	<b>NO</b>
1	Duluth Highway (SR 120) is a major arterial. ADT = 18,300.		
2	1.8 mile to the nearest transit facility (#2335384) Boggs Road and St. Andrews Church.		
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 provide an inter-parcel access connection between the existing church site that fronts Duluth Highway and the rear portion of the site where the Senior residential units are proposed.		
2	The developer shall provide verification that minimum sight distance is provided for the eastern most driveway to the site. If minimum sight distance is unable to be met, per the UDO, the driveway shall be modified or removed.		
3			
4			
5			
6			

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

*Revised 7/26/2021*

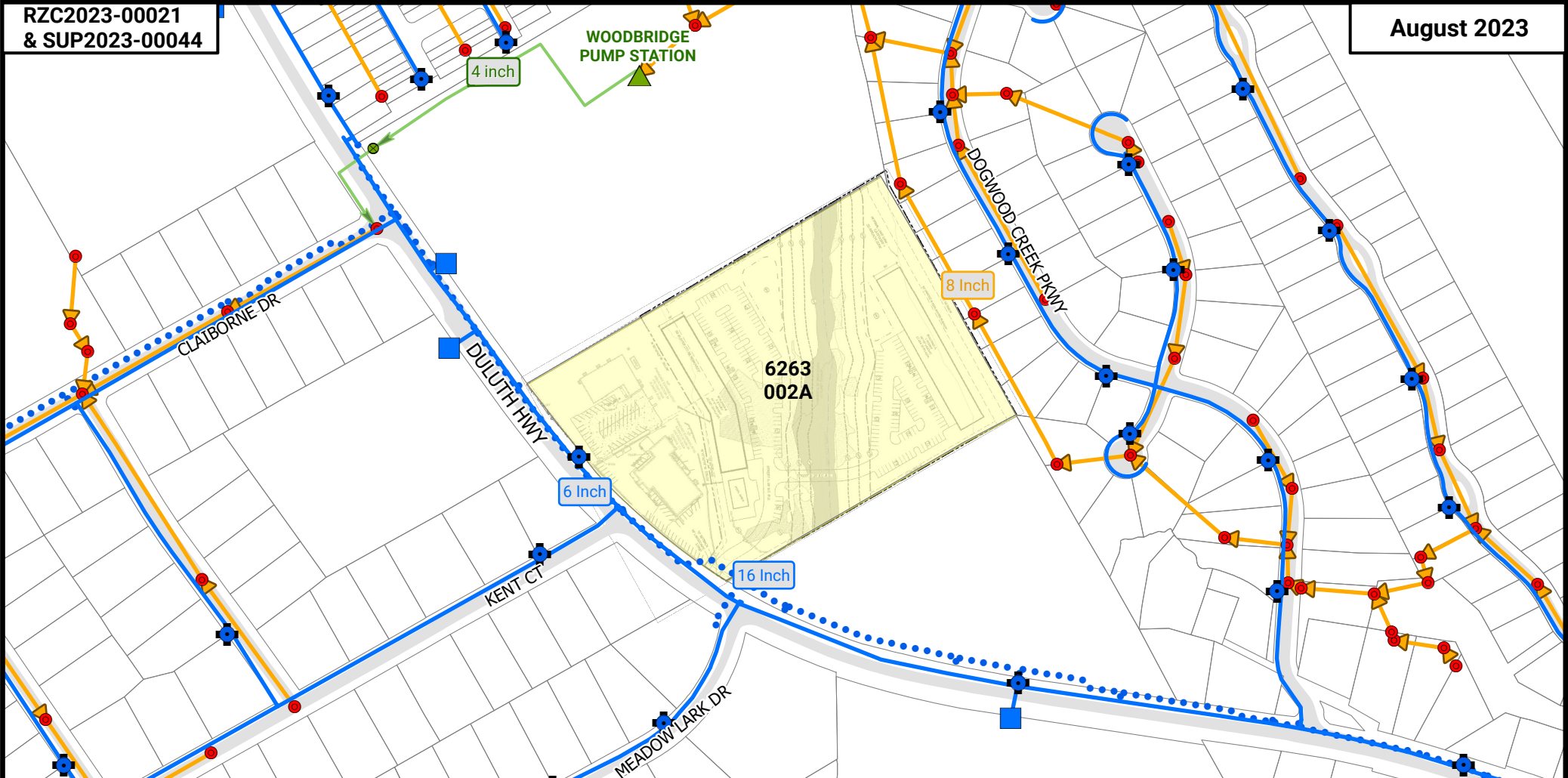


**Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE**

<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@gwinnettcountry.com">Michael.pappas@gwinnettcountry.com</a>		
Case Number:		RZC2023-00021 & SUP2023-00044		
Case Address:		2800 Duluth Highway		
<b>Comments:</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>1</b>	Water: The developer should coordinate with GCDWR to connect to a proposed 16-inch water main along the northern right-of-way of Duluth Highway currently under design by GCDWR.			
<b>2</b>	Sewer: The developer should contact GCDWR to discuss potential solutions for sewer service, which may include upsizing of the Woodbridge Pump Station. A Sewer Capacity Certification is required for this development.			
<b>3</b>				
<b>4</b>				
<b>5</b>				
<b>6</b>				
<b>7</b>				
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>1</b>				
<b>2</b>				
<b>3</b>				
<b>4</b>				
<b>5</b>				
<b>6</b>				
<b>7</b>				

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

*Revised 7/26/2021*

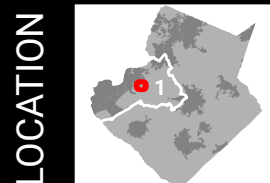


**LEGEND**

	Water Main		Manhole
	Proposed Water Main		Sewer Collector
	Hydrant		Sewer Interceptor
	Master Vault		Sewer Force Main

**2800 Duluth Highway**  
C-1 and R-100 to O-1  
**Water & Sewer**  
**Utility Map**

**LOCATION**



**Water Comments:** The developer should coordinate with GCDWR to connect to a proposed 16-inch water main along the northern right-of-way of Duluth Highway currently under design by GCDWR.

**Sewer Comments:** The developer should contact GCDWR to discuss potential solutions for sewer service, which may include upsizing of the Woodbridge Pump Station. A Sewer Capacity Certification is required for this development.

**Water Availability:** Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

**Sewer Availability:** A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

**Water and Sewer Design and Construction Requirements:** Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5th, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

**Private Road Developments:** Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.



City of Duluth  
Department of Community Development & Engineering

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3167 Main Street  
Duluth, Georgia 30096  
Phone: (770) 476-1790  
Fax: (770) 814-3008  
www.duluthga.net

June 30, 2023

Gwinnett County Department of Planning and Development  
C/O Stephanie Miles (stephaniemiles@gwinnettcounty.com)  
**p&d-planningzoning@gwinnettcounty.com**  
446 West Crogan Street  
Lawrenceville, GA 30046

**RE: RZC2023-00021 and SUP2023-00044**

Ms. Miles:

Please accept this letter on behalf of the City of Duluth regarding Rezoning and Special Use Applications RZC2023-00021 and SUP2023-00044, respectively, submitted to Gwinnett County to allow construction of a 136-unit senior living apartment complex in close proximity to the City of Duluth. Please provide this letter to the Gwinnett County Planning Commission and Gwinnett County Board of Commissioners so the comments may be considered in any recommendation or formal action taken regarding the land-use on parcel 6263 002A located at 2800 Duluth Highway.

The City of Duluth appreciates the opportunity to provide comments on the proposal. The subject property is immediately south of the City Limit on SR 120. Your applicant has indicated this proposed development to be within the County's "Established Neighborhood" character area. Per your Comprehensive Plan, that character area does not encourage new development. Though it does indicate that residential infill, should it occur, should be consistent in scale, architecture, and use with surrounding properties. The neighborhood immediately behind the proposed development is a single-family R-75, with both sides of the proposed development adjoining to O-I. The proposed land use is not consistent with the surroundings.

It is not the City's intent to oppose this application, rather we would like to request that should the County approve the applications, they do so with specific conditions. We believe the following conditions would improve the long-term viability of the site:

- Require the developer to add sidewalk along the entire SR 120 frontage. This includes both subdivided sections of the lot. This will leave only a short adjacent sidewalk gap remaining (within the city limit) that could be filled in later to allow pedestrians to get to the signal at Claiborne Drive, cross safely to the opposite side of SR 120, and walk into downtown Duluth.
- Require the development to be deed restricted to 55 and older, and do not allow that restriction to be removed at any time in the future. The lifestyle of a 55 and older community will be less disruptive to the single-family neighborhood behind it.



City of Duluth  
Department of Community Development & Engineering

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Duluth, Georgia 30096  
Phone: (770) 476-1790  
Fax: (770) 814-3008  
[www.duluthga.net](http://www.duluthga.net)

Please accept this letter on behalf of the City of Duluth encouraging the Applications RZC2023-00021 and SUP2023-00044 should they be approved, be approved with the conditions listed above by the Gwinnett County Planning Commission and Gwinnett County Board of Commissioners.

Respectfully,

Margie S. Pozin, PE  
Community Development & Engineering Director  
City of Duluth

CC:



# City of Duluth

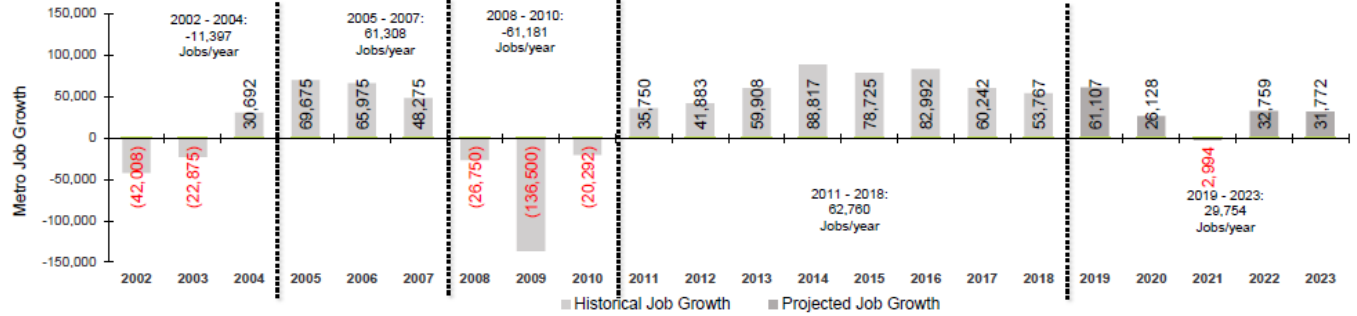
## Department of Community Development & Engineering

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 Duluth, Georgia 30096  
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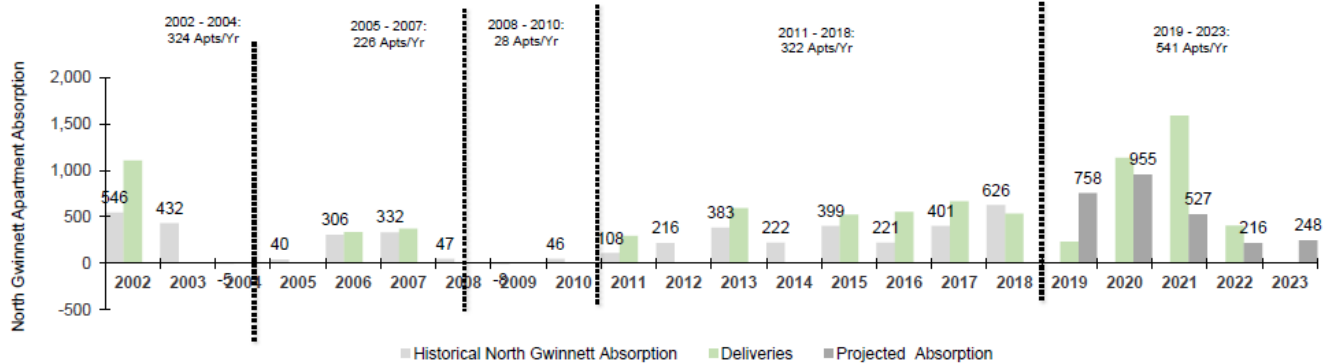
### Exhibit "A"

#### Historical and Projected Job Growth to Apartment Absorption Relationship in Atlanta Metro

##### ATLANTA METRO JOB GROWTH

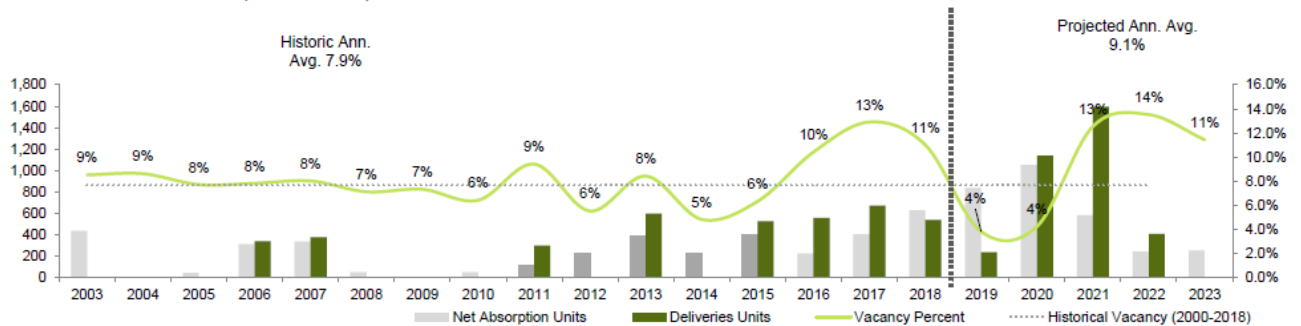


##### NORTH GWINNETT CLASS A&B APARTMENT ABSORPTION



#### Historic and Projected Vacancy and Rent Growth of Class A & B Properties in the North Gwinnett Submarket

##### SUBMARKET ABSORPTION, DELIVERIES, & VACANCY



SOURCE: Noell Consulting Group via data provided by Costar and Moody's.


Absorption-Rent Growth Trend  
 7/19/2019

**Exhibit G: Maps**

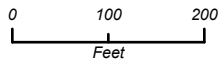
**[attached]**

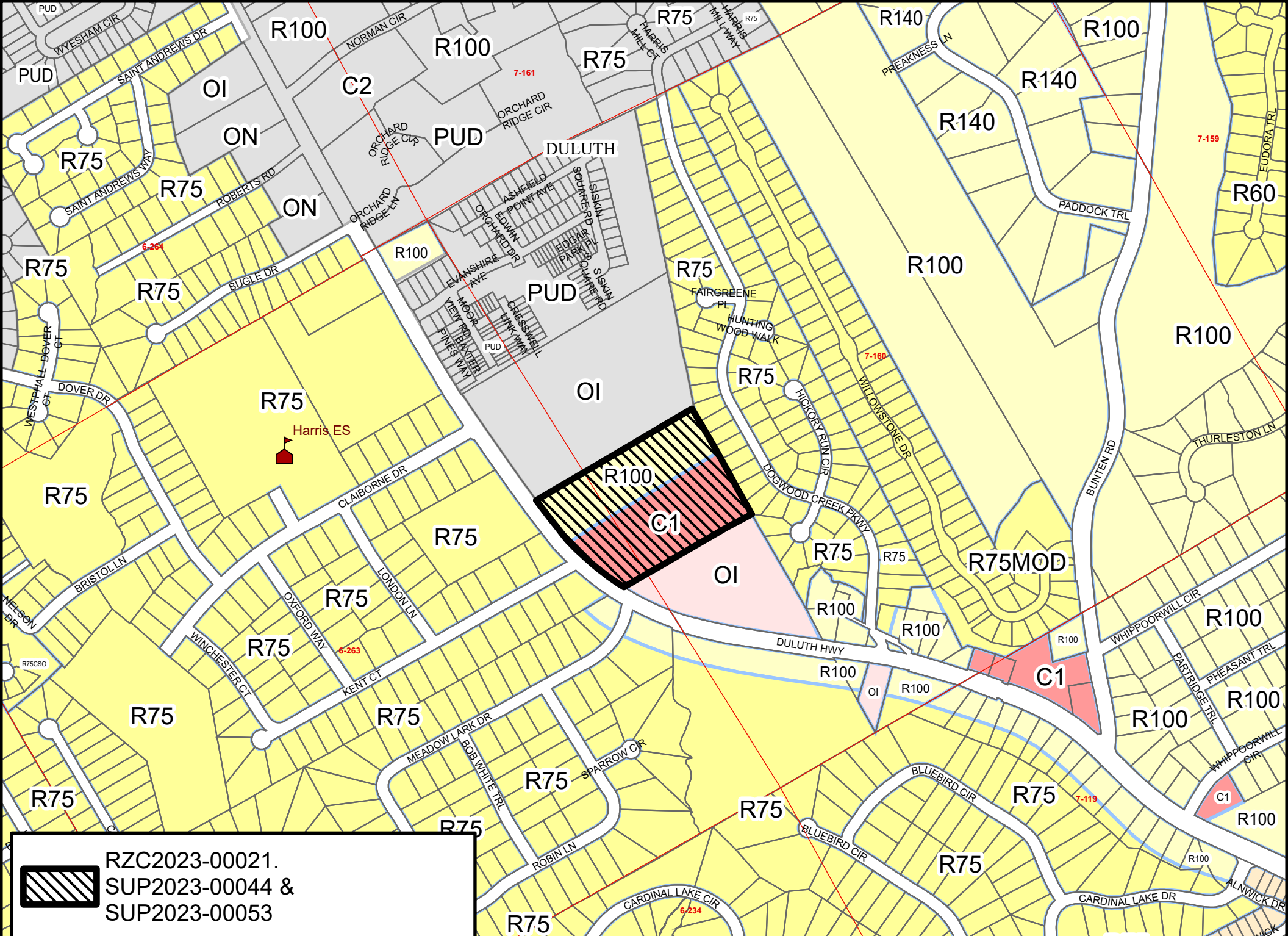





 RZC2023-00021,  
 SUP2023-00044 &  
 SUP2023-00053

Created: July 28, 2023





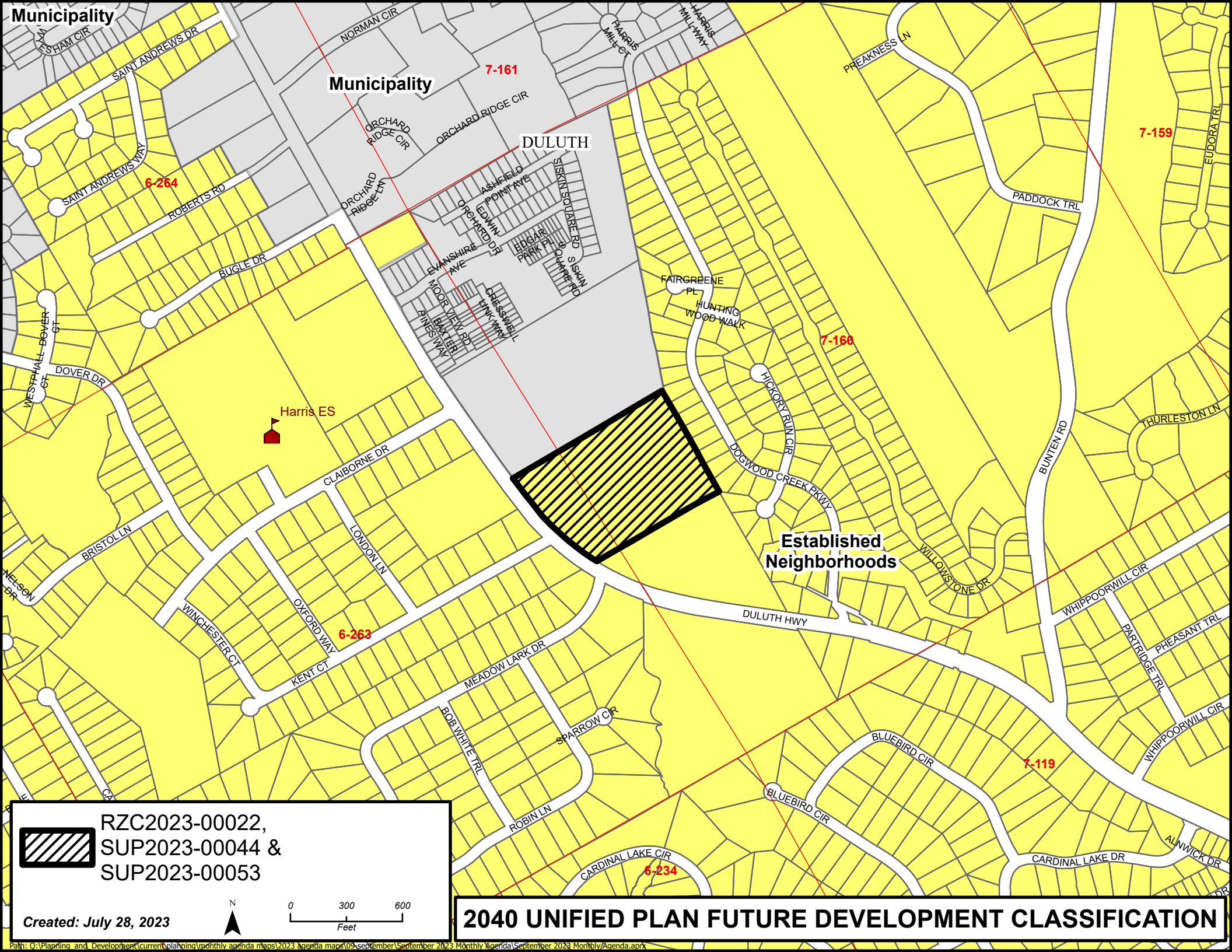
**RZC2023-00021.**  
**SUP2023-00044 &**  
**SUP2023-00053**


Created: July 28, 2023

0 300 600  
 Feet

N

**SUBJECT SITE AND SURROUNDING ZONING**




**RZC2023-00022,  
 SUP2023-00044 &  
 SUP2023-00053**

Created: July 28, 2023
 


**2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION**