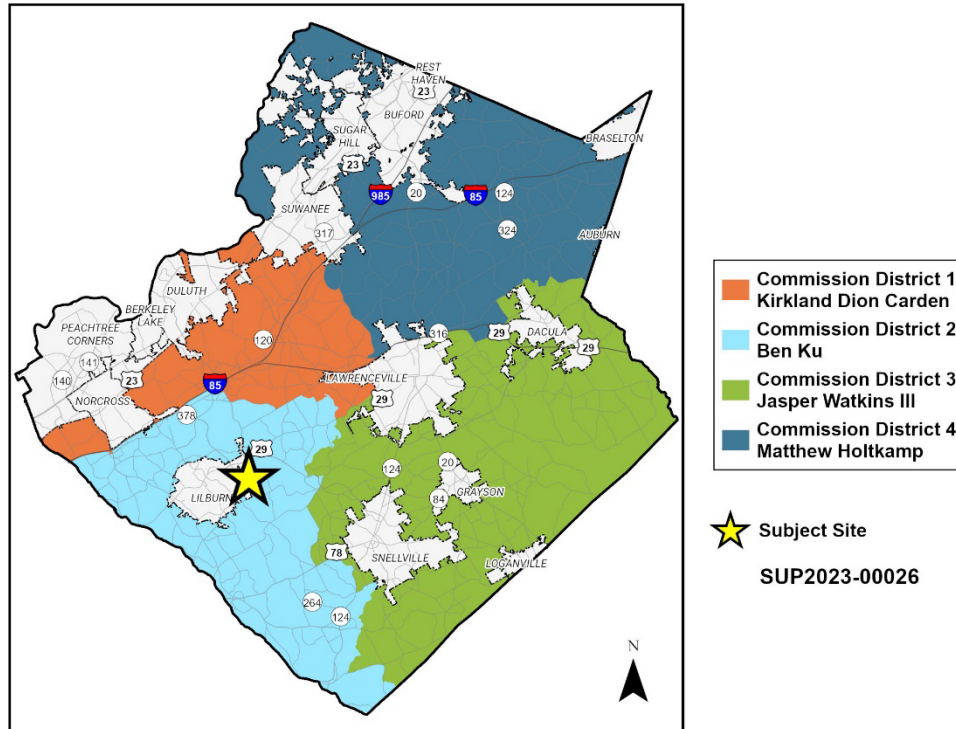


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: SUP2023-00026
Current Zoning: M-1 (Light Industry District)
Request: Special Use Permit
Address: 4139 Arcadia Industrial Circle
Map Number: R6125 022
Site Area: 0.99 acres
Square Feet: 7,533
Proposed Development: Automobile Repair and Automobile Body Repair (Renewal)
Commission District: District 2 – Commissioner Ku
Character Area: Established Neighborhoods

Staff Recommendation: APPROVAL WITH CONDITIONS

Planning Commission Recommendation: APPROVAL WITH CONDITIONS



Planning Commission Advertised Public Hearing Date: 07/11/2023 (Public Hearing Held/ Recommendation Tabled to 8/1/2023)

Board of Commissioners Advertised Public Hearing Date: 07/25/2023 (Public Hearing Tabled to 8/22/2023)

Applicant: Bernadino D’Almeida
4139 Arcadia Industrial Circle
Lilburn, GA 30047

Owners: Bernadino D’Almeida
4139 Arcadia Industrial Circle
Lilburn, GA 30047

Contact: Bernadino D’Almeida

Contact Phone: 404.422.1869

Zoning History

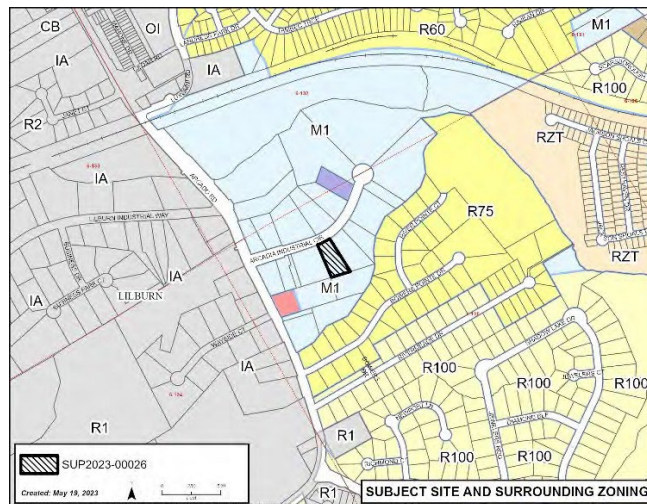
The subject property is zoned M-1 (Light Industry District). In 1970, as a part of a larger rezoning, the property was rezoned from R-100 (Single-Family Residential) to M-1 for an industrial park pursuant to RZ-59-70. In 1999, a rezoning and special use permit for a towing/wrecker service with outdoor storage was denied pursuant to RZ-99-173 and SUP-99-118. In 2018, a special use permit was approved, pursuant to SUP2018-00064, for an automobile repair shop with a condition to renew in two years. In 2021, a special use permit renewal for automobile repair and automobile body repair was approved, pursuant to SUP2021-00006 with a condition to renew in two years. This application currently under consideration is a renewal request of this special use permit approval.

Existing Site Condition

The subject property is a 0.99-acre lot located along Arcadia Industrial Circle, east of its intersection with Arcado Road, within the Arcadia Industrial Park. The property contains a 7,533-square-foot, single-story building constructed in 1975. The building is situated immediately adjacent to the eastern property boundary and is surrounded by an asphalt parking lot. The eastern property boundary has a wooden privacy fence. The majority of the site is relatively flat but does slope downward approximately 12 feet at the rear of the property. The site is accessed by two curb cuts on Arcadia Industrial Circle. There are no sidewalks along Arcadia Industrial Circle. The nearest Gwinnett County Transit stop is approximately 1.0 miles from the subject site.

Surrounding Use and Zoning

The subject site is surrounded by industrial uses. Automotive-related uses are located to the north and west of the property on Arcadia Industrial Circle. Additionally, an automobile repair shop and tree service company are located to the east. A vacant lot is located to the south of the property. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Existing	Automobile Repair and Automobile Body Repair	M-1	N/A
North	Light Industrial	M-1	N/A
East	Light Industrial	M-1	N/A
South	Vacant	M-1	N/A
West	Light Industrial	M-1	N/A

Project Summary

The applicant requests renewal of a special use permit to allow an automobile repair and automobile body repair shop on a 0.99-acre property, including:

- An automobile repair and automobile body repair shop in an existing one-story, 7,533-square-foot masonry building.
- A brick front façade and multiple roll-up doors along the front, side, and rear of the building. The property is enclosed with a fence that encroaches onto the adjacent property to the west and into the right-of-way of Arcadia Industrial Circle.
- Two 20-foot-wide concrete driveways onto Arcadia Industrial Circle.
- 34 surface parking spaces located to the front and west sides of the building.
- A dumpster on a pad, located at the rear of the property.
- A fence under construction along the perimeter of the yards per a zoning condition of previously approved SUP2023-00006.
- Hours of operation from 8:00 am to 6:00 pm, Monday through Saturday.
- Upon receipt of this application, Code Enforcement performed an inspection of the property on May 8, 2023 and found several violations including failure to comply with zoning conditions relating to the prohibition of salvage of inoperable vehicles and outdoor storage of automotive parts or tires, placement of vehicles awaiting repair shall be in the side or rear of the building, outdoor storage limited to the rear of the property, and parking outside of designated spaces, per CEU2020-09109. Code Enforcement performed a subsequent inspection on June 23, 2023, and found the property owners in the process of removing stored items from the front yard. The salvage of inoperable vehicles and the placement of vehicles awaiting repair had not been addressed. (See Exhibit F)

Zoning and Development Standards

The applicant is requesting a special use permit renewal for an automobile repair and automobile body repair shop in the M-1, Light Industry District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Existing	Meets Standard?
Building Height	Maximum: 45'	25.5'	YES
Front Yard Setback	Minimum: 50'	50'	YES
Side Yard Setback	Minimum: 25'	<25'	NO*
Rear Yard Setback	Minimum: 15'	15'	YES
Off-Street Parking	Minimum: 6 spaces Maximum: 18 spaces	34 spaces	NO*
Inter-parcel Access	between adjacent non-residential properties	NO	NO*

*The building encroaches into the required side yard setback, exceeds the maximum number of parking spaces, and does not have an inter-parcel driveway connection to the adjacent properties; these deficiencies are considered legally nonconforming.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit E). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Special Use Permit Analysis: According to the UDO, the staff analysis and recommendation on each application for a Special Use Permit shall follow the same procedures as those contained in Section 270-20. Emphasis shall be given to the evaluation of characteristics of the proposed use in relationship to neighboring properties and the compatibility of the proposed use with its surroundings. For Special Use Permits, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After the evaluation, staff makes the following findings based on the standards of the UDO:

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

The surrounding area is characterized by similar industrial uses, including automobile repair shops to the north and west. Additionally, a tree service company is located to the east, and a vacant industrial lot is located to the south. The applicant proposes continuing to use the approximately 7,533-square-foot building for an automobile repair and automobile body repair shop. Given that the surrounding properties have substantially similar land uses, the renewal of the special use permit for an automobile repair and automobile body repair shop is compatible with the surrounding uses.

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

The existing use and usability of adjacent or nearby properties would not be adversely impacted by the renewal of the special use permit. The automobile repair and automobile body repair

shop has been in operation since 2018. However, failure to satisfy all conditions of approval could adversely impact nearby and adjacent properties. The surrounding uses adjacent to the property are substantially similar and include automobile repair shops.

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

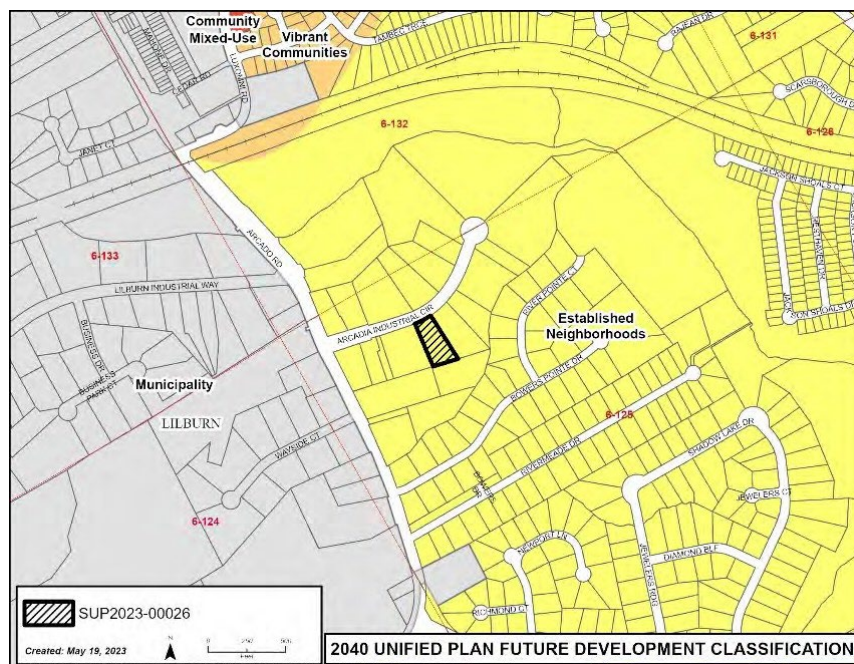
The property as currently zoned has a reasonable economic use.

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.

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

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

The 2040 Unified Plan and Future Development Map indicates that the subject property is within the Established Neighborhoods Character Area. This Character Area includes those areas where changes in land use are not anticipated or encouraged, and any new development should be consistent in scale, architecture, and use with surrounding properties. The proposed special use permit for an automobile repair and automobile body repair shop is not in conformity with the policy and intent of the Unified Plan and Future Development Map. However, the property is within an existing industrial park. Therefore, the continued use of an automobile repair and automobile body repair shop is appropriate.



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 existing automobile repair and automobile body repair shop has been in operation since 2018 and is surrounded by properties with similar land uses. The subject property has no current code enforcement citations, though a notice of a violation has been issued. The property owner is not proposing to make any changes to the site. Additionally, similar automobile-related businesses have recently been approved along Arcadia Industrial Circle. Therefore, approval of the special use permit renewal request for an automobile repair and automobile body repair shop would be appropriate, given the surrounding land uses and recent efforts to bring the property into compliance with county ordinances.

Staff Recommendation

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

Planning Commission Recommendation

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

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

Approval of a Special Use Permit for an automobile repair and automobile body repair shop subject to the following conditions:

1. The proposed use shall be in general conformance with Exhibit B: Site Plan dated received April 28, 2023, with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.
2. Uses shall be limited to light industrial uses, which may include automobile repair and automobile body repair as special uses. Salvage/junk yard operations shall be prohibited. No vehicle sales of any kind shall occur at this location.
3. Salvage of inoperable vehicles and outdoor storage of automotive parts or tires shall be prohibited. No inoperable vehicles shall be stored on the property for more than ten days. Any vehicles abandoned by their owners, whether before or after repair, shall be removed from the property within five days after they become abandoned under State and/or County law.
4. All repair activities shall take place indoors. No repairs may be conducted in the parking lot.
5. The property owner shall stripe parking spaces in accordance with Gwinnett County parking standards. All vehicles must be parked in a striped parking space on a paved surface.

6. All vehicles awaiting repair shall be parked in the paved area along the side and rear of the building. The paved area at the front of the lot, between Arcadia Industrial Circle and the front building façade, shall remain free of vehicles awaiting repair at all times, and shall be utilized for rear access and customer parking only.
7. The existing fence shall be removed from the front yard and right-of-way and fencing shall not extend past the front plane of the building. Fencing shall be installed to enclose the side and rear yard, and shall be fitted with screening slats or fabric, to provide an effective screen from view of Arcadia Industrial Circle.
8. Outdoor storage shall be limited to the rear of the property and screened per the requirements of the Unified Development Ordinance.
9. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure.
- 10. The special use permit shall be valid for a two-year period at which time the use shall cease, or an application shall be made for renewal of the special use permit.**

Exhibits:

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

Exhibit A: Site Visit Photos



View of the existing building



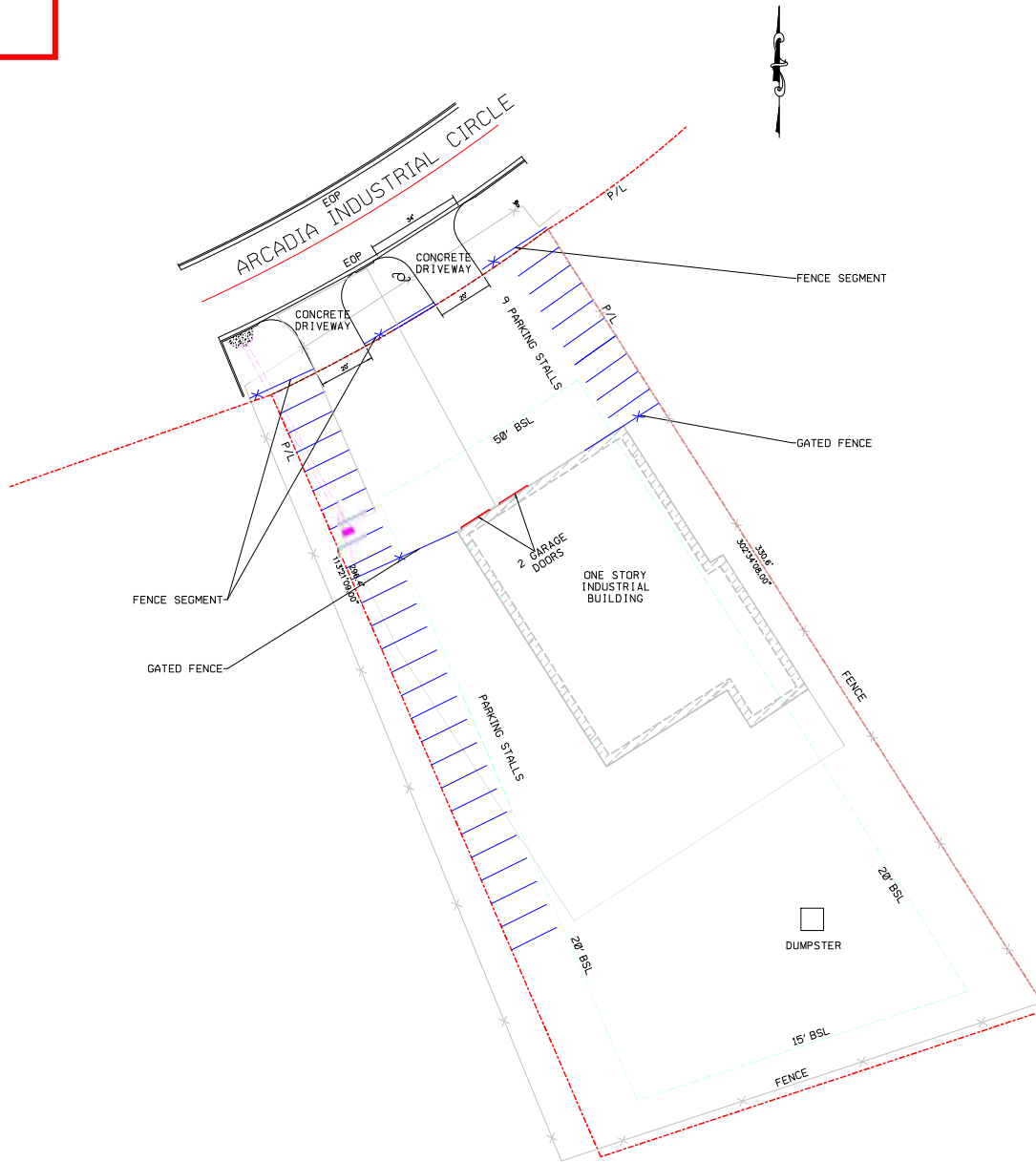
View of fence under construction

Exhibit B: Site Plan

[attached]

RECEIVED

4.28.2023



**Ayus Engineers &
Home Inspection Services, L.L.C.**
3640 Drayton Manor Run
Lawrenceville, GA 30046
Tel. (770) 617-7000
ayusengineers@gmail.com



CONSULTANT
ADDRESS
ADDRESS
PHONE
FAX
e-MAIL

CONSULTANT
ADDRESS
ADDRESS
PHONE
FAX
e-MAIL

NO.	DESCRIPTION	DATE
0	SITE PLAN	04/27/2023

WORKSHOP

4139 ARCADIA IND. CIR.
Lilburn, GA 30047

SITE PLAN

Project number	PRJ 021 AYUS
Date	04/27/2023
Drawn by	A. MIDDLETON
Checked by	x.xxxxxx

S-2

Scale 1" = 20'

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

[attached]

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3/16/2023



03/23

Gwinnett County
Department of Planning & Development - Planning Division
446 West Crogan Street, Suite 250
Lawrenceville, GA, 30046

Letter of Intent for Special Use Permit Application

To whom it may concern,

Boundary Zone, Inc. is writing this Letter of Intent to accompany the attached Rezoning and Special Use Permit Applications (the "applications") on behalf of Bernadino Dalmeida (the "applicant"), in regards to an approximately 0.99-acre property situated in the Arcadia Industrial Park south of Lawrenceville Highway and its intersection with Arcado Road. The address of the subject property is 4139 Arcadia Industrial Circle, Lilburn, GA, 30047, and is currently zoned M-1. The property includes an existing one-story, 25.5 foot tall, 7533.84 square foot building. The applicant is requesting to rezone the property to the M -1 with a special use permit zoning classification for Baba Auto Repair, Inc. in order to utilize the property for automobile repair services.

The applicant is proposing to utilize the property as an automobile repair shop with both concrete and asphalt parking areas for vehicles being serviced, as depicted on the site plan submitted with the applications. Further, the applicant is not planning to erect any additional structures on the property aside from relocating a fence at the front of the property. The existing conditions of the building will be preserved and utilized as earlier specified.

The surrounding area is characterized by heavy commercial and industrial uses. Within the Arcadia Industrial Park, there exist several other automobile and/or truck repair businesses along with

www.BoundaryZone.com
454 Satellite Blvd NW, Suite 200, Suwanee, GA 30024 / 770-271-5772
1100 Peachtree Street, Suite 200, Atlanta, GA 30309 / 404-446-8180
975 Cobb Place Blvd, Suite 101, Kennesaw, GA 30144 / 678-730-4393
8024 Glenwood Ave, Suite 109, Raleigh, NC 27612 / 919-363-9226

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3/16/2023



equipment and storage facilities. These businesses are similar to the applicant's business located on the subject property. The proposed use is compatible with the policy and intent of the Gwinnett County 2030 Unified Plan (Comprehensive Plan), which encourages land uses that are compatible with surrounding development. The proposed concrete and asphalt parking lots are compatible with existing heavy commercial and industrial uses.

The applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the applications filed herewith.

Please feel free to contact me at 770-271-5772 should you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Dean", is written over a horizontal line.

Greg Dean
Registered Landscape Architect
Boundary Zone, Inc.

www.BoundaryZone.com

454 Satellite Blvd NW, Suite 200, Suwanee, GA 30024 / 770-271-5772
1100 Peachtree Street, Suite 200, Atlanta, GA 30309 / 404-446-8180
975 Cobb Place Blvd, Suite 101, Kennesaw, GA 30144 / 678-730-4393
8024 Glenwood Ave, Suite 109, Raleigh, NC 27612 / 919-363-9226

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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:

_____ yes _____

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

_____ NO _____

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

_____ Has been in use since 1975 in this Industrial Area _____

- (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:

_____ None _____

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

_____ auto service ^{yes} Garage _____

- (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:

_____ This area is in an industrial park all existing structure have same businesses _____

Exhibit D: Application and Disclosure of Campaign Contributions

[attached]

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SPECIAL USE PERMIT APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>Bernadino D'Almeida</u>	NAME: <u>Bernadino D'Almeida</u>
ADDRESS: <u>4139 Arcadia Ind Cir</u>	ADDRESS: <u>4139 Arcadia Ind Cir</u>
CITY: <u>Lilburn</u>	CITY: <u>Lilburn</u>
STATE: <u>GA</u> ZIP: <u>30047</u>	STATE: <u>GA</u> ZIP: <u>30047</u>
PHONE: <u>404-422-1869</u>	PHONE: <u>404-422-1869</u>
CONTACT PERSON: <u>Bernadino D'Almeida</u> PHONE: <u>404-422-1869</u>	
CONTACT'S E-MAIL: <u>babab10@hotmail.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>M-1</u>	BUILDING/LEASED SQUARE FEET: <u>7533.84</u>
PARCEL NUMBER(S): <u>6125 022</u>	ACREAGE: <u>0.999 acres</u>
ADDRESS OF PROPERTY: <u>4139 Arcadia Ind Cir</u>	
SPECIAL USE REQUESTED: <u>Automobile Repair</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

3/16/2023

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.

[Handwritten Signature]

Signature of Applicant

3-13-23

Date

Bernadino D'Almeida owner

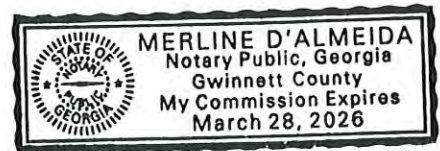
Type or Print Name and Title

[Handwritten Signature]

Signature of Notary Public

3/13/23

Date



Notary Seal

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3/16/2023

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.

[Handwritten Signature]

Signature of Property Owner

3-13-23

Date

Bernadino D'Almeida

Type or Print Name and Title

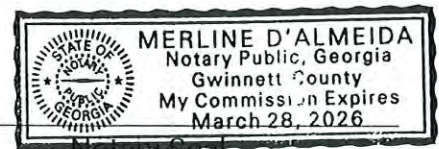
owner

[Handwritten Signature]

Signature of Notary Public

3/13/23

Date



Notary Seal

Exhibit E: Internal and External Agency Review Comments

[attached]



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

TRC Meeting Date:		06.14.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcounty.com	
Case Number:		SUP2023-00026	
Case Address:		4139 Arcadia Industrial Circle, Lilburn, 30047	
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO
1	Arcadia Industrial Circle is a local street. ADT is not on file.		
2	1.0 mile to the nearest transit facility (#2335086) Lawrenceville Highway and Arcado Road.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input checked="" type="checkbox"/>
		YES	NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021

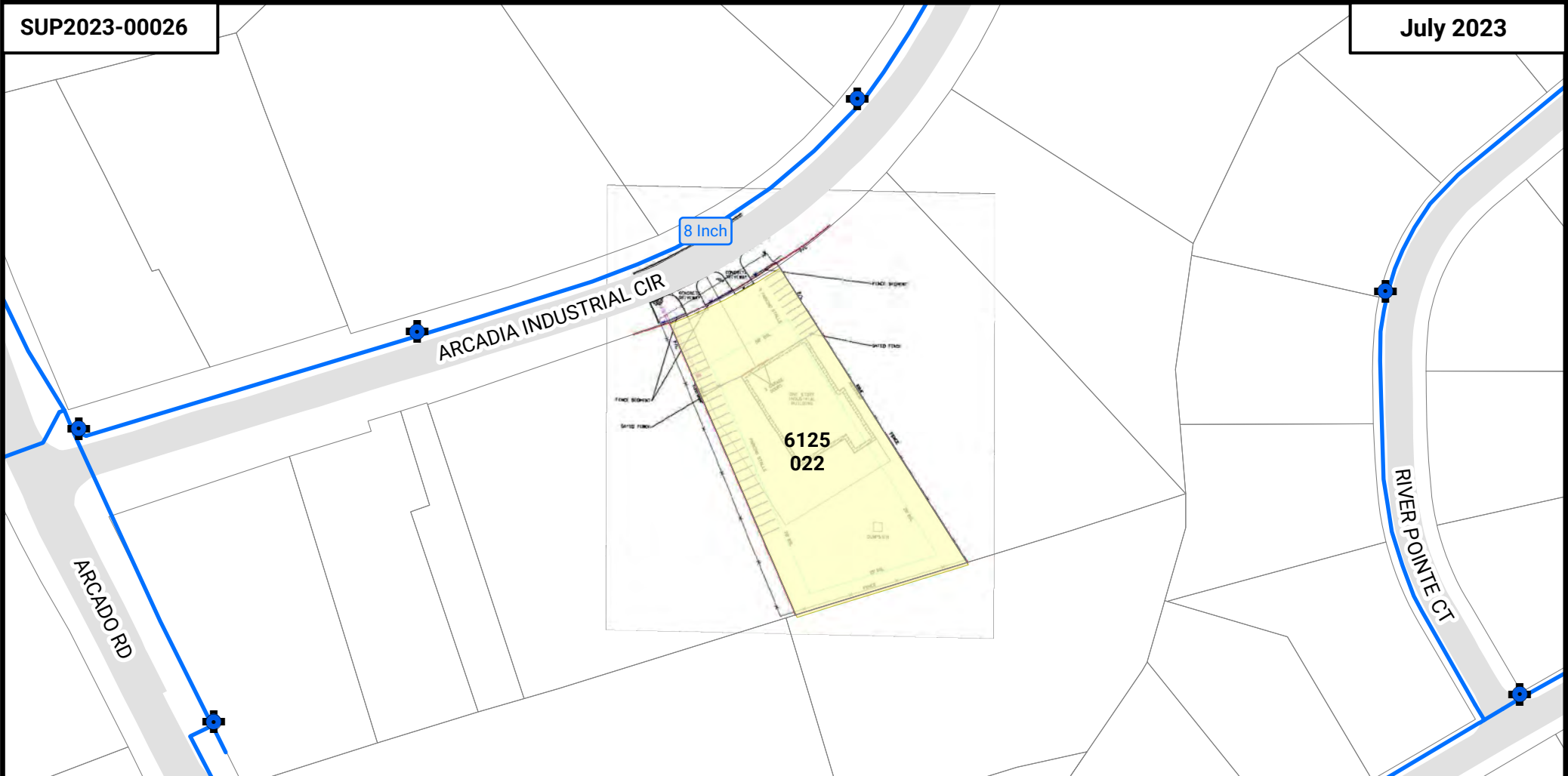


**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:					
Department/Agency Name:		DWR			
Reviewer Name:		Mike Pappas			
Reviewer Title:		GIS Planning Manager			
Reviewer Email Address:		Michael.pappas@gwinnettcountry.com			
Case Number:		SUP2023-00026			
Case Address:		4139 Arcadia Industrial Circle			
Comments:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
1	Water: DWR does not have comments for this Special Use Permit. The existing building is connected to public water.				
2	Sewer: DWR does not have comments for this Special Use Permit. The existing building is on septic and will remain on septic.				
3					
4					
5					
6					
7					
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
1					
2					
3					
4					
5					
6					
7					

Note: Attach additional pages, if needed

Revised 7/26/2021



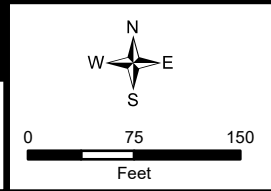
LEGEND

- Water Main
- Hydrant

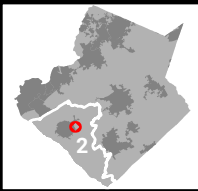
4139 Arcadia Industrial Cir

M-1

Water & Sewer Utility Map



LOCATION



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

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

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

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

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

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

Exhibit F: Code Enforcement Report

[attached]

CASE NUMBER : CEU2020-09109

PRIMARY ADDRESS:	4139 ARCADIA INDUSTRIAL CIR, LILBURN, GA 30047
PARCEL:	6125 022
RECEIVED DATE:	12/8/2020
APPLICATION STATUS:	RINSP
DESCRIPTION:	VERIFY THIS PROPERTY IS IN COMPLIANCE WITH ITS SPECIAL USE PERMIT AND PROVIDE FINDINGS TO THE CURRENT PLANNING SECTION.

OWNER NAME	ADDRESS	CITY/STATE/ZIP
DALMEIDA BERNADINO	4139 ARCADIA INDUSTRIAL CIR SW STE A	LILBURN, GA, 30047-2906

Phone: _____

CONTACTS ROLE	NAME	ADDRESS	CITY/STATE/ZIP

Phone: _____

COMMENTS

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

INSPECTIONS

Inspection	Requested	Scheduled	Completed	Status	Inspector	Comment
Re-Inspection	5/8/2023	6/12/2023	6/23/2023	Extension Granted	Brian Pint	<p>1. Limited to light industrial uses, which may include automobile repair and automobile body repair as special uses. Salvage/junk yard operations shall be prohibited. No vehicle sales of any kind shall occur at this location. In compliance.</p> <p>2. Salvage of inoperable vehicles and outdoor storage of automotive parts or tires shall be prohibited. No inoperable vehicles shall be stored on the property for more than ten days. Any vehicles abandoned by their owners, whether before or _after repair, shall be removed from the property within five days after they become abandoned under State and/or County law. – There were a few car parts around the dumpsters. Most of the vehicles on the property appeared to be in various stages of repair.</p> <p>3. All repair activities shall take place indoors. No repairs may be conducted in the parking lot. Did not observe any repairs being done outside of the building</p> <p>4. The property owner shall stripe parking spaces in accordance with Gwinnett County parking standards. All vehicles must be parked in a striped parking space on a paved surface. There are parking spots on the left and right side in the front. On this date there were several vehicles parked in front of the building that does not have any striping. There is a handicap parking spot on the left side that was totally inaccessible because there were cars parked around that area which would prohibit a vehicle from parking there.</p> <p>5. All vehicles awaiting repair shall be parked in the paved area along the side and rear of the building. The paved area at the front of the lot, between Arcadia Industrial Circle and the front building facade, shall remain free of vehicles awaiting repair at all times, and shall be utilized for rear access and customer parking only. There were several vehicles parked in front that did not appear to be customers</p>

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						<p>vehicles.</p> <p>6. The existing fence shall be removed from the front yard and right-of-way and fencing shall not extend past the front plane of the building. Fencing shall be installed to enclose the side and rear yard, and shall be fitted with screening slats or fabric, to provide an effective screen from view of Arcadia Industrial Circle. Fence has been removed from the front yard. The owner has installed a new screened fence on the right side and rear of the lot</p> <p>7. Outdoor storage shall be limited to the rear of the property and screened per the requirements of the Unified Development Ordinance. Small amount of outdoor storage in the front including an old toilet. Owner stated he did not know where that came from.</p> <p>8. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Dumpster does not have any type of screening. It is located in the rear of the building but is not screened.</p> <p>9. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.</p> <p>10. Obtain all necessary development and building permits, and bring the site and structure(s) up to all applicable zoning, development and building codes within 180 days of zoning approval.</p> <p>11. The Special Use Permit shall be valid for a two-year period, at which time the use shall cease or an application shall be made for renewal of the Special Use Permit.</p>
Re-Inspection	3/10/2023	4/6/2023	5/8/2023	Extension Granted	Brian Pint	OWNER HAS APPLIED FOR A NEW SUP....HAS FINISHED THE FENCE IN REAR AND ALONG SIDE OF THE PROPERTY...STILL HAS NUMEROUS VEHICLES THAT APPEAR TO BE STORED HERE
Re-Inspection	3/3/2023	3/10/2023	3/9/2023	Extension Granted	Brian Pint	has installed fence in the rear...has added some screening to right side...has cleaned a lot of O/S.
Re-Inspection	2/3/2023	2/24/2023	2/10/2023	Extension Granted	Thomas Mulheron	DALMEIDA (BABA) BERNADINO 404-422-1869 FENCE AND WALL MAINTENANCE - INSTALL SCREENING MATERIAL RIGHT SIDE - JUNK VEHICLES - OUTDOOR STORAGE COMMERCIAL. TALKED WITH OWNER WHO SAID HE WILL WORK TOWARDS COMPLIANCE.
Re-Inspection	1/26/2023	2/2/2023	2/3/2023	Further Investigation	Nicole Tucker	Outdoor storage in front, handicapped spot looks the same, light on front pointed down. Still has junk vehicles on property in rear seen from the front. Dumpster not screened, still in violation of SUP
Re-Inspection	8/20/2022	10/3/2022	10/3/2022	Extension Granted	Ed Wallace	EXTENSION GRANTED AFTER COMMUNICATION WITH PROPERTY/BUSINESS OWNER AND PROGRESS TOWARD COMPLIANCE. GRASS MOWED, VEHICLES REMOVED FROM UNPAVED SURFACES, MOST VEHICLES BEING SERVICED MOVED BEHIND FENCE; NOW HAS REQUIRED PARKING AVAILABLE.
Re-Inspection	7/1/2022	8/2/2022	8/20/2022	Mailed Official Notice	Ed Wallace	CHECK FOR COMPLIANCE WITH CONDITIONS OF EXPIRED SUP. PROPERTY IS IN VIOLATION OF MULTIPLE CONDITIONS. OTHER ZONING AND PROPERTY MAINTENANCE VIOLATIONS ALSO PRESENT. PHOTOS TAKEN. CASE TO BE UPDATED AND ONOV MAILED.

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Initial Inspection	12/10/2020	12/10/2020	12/10/2020	Further Investigation	Ed Wallace	PROPERTY IN VIOLATION OF 8 OF 10 SUP CONDITIONS. ADDITIONALLY HAS VIOLATIONS PERTAINING TO FENCE MAINTENANCE, LANDSCAPING REQUIREMENTS, DEAD TREES, TREE DEBRIS, ROOF MAINTENANCE, EXTERIOR DOORS/FRAME, AND GARAGE DOOR.
Re-Inspection	12/1/2022	1/6/2023		Rescheduled	Ed Wallace	Inspection rescheduled to provide time for determination from zoning on outstanding inquiry

WORKFLOW HISTORY

Workflow Task	Assigned	Due	Completed	Status	Inspector	Comment
Enforcement	12/8/2020	9/30/2022	8/20/2022	Mailed Official Notice	Ed Wallace	<p>** OPERATIONS ON THE PROPERTY MUST BE BROUGHT INTO COMPLIANCE WITH THE CONDITIONS SET FORTH IN SPECIAL USE PERMIT (SUP2021-00006).</p> <p>AUTO BROKERS ARE NOT PERMITTED TO OPERATE FROM THIS PROPERTY, BASED ON CONFLICT BETWEEN SUPPLEMENTAL USE STANDARDS AND EXISTING USES. ALL AUTO BROKERS MUST CEASE OPERATING FROM THE PROPERTY.</p> <p>AUTO STORAGE AND AUTO SALVAGE ACTIVITIES ARE PROHIBITED ON THIS PROPERTY. CEASE ALL UNAUTHORIZED USES BEING CONDUCTED ON THE PROPERTY AND REMOVE ALL JUNK VEHICLES FROM THE PROPERTY.</p> <p>NO INOPERABLE VEHICLES SHALL BE STORED ON THE PROPERTY FOR MORE THAN TEN DAYS. ANY VEHICLES ABANDONED BY THEIR OWNERS, WHETHER BEFORE OR AFTER REPAIR, SHALL BE REMOVED FROM THE PROPERTY WITHIN FIVE DAYS AFTER THEY BECOME ABANDONED UNDER STATE AND/OR COUNTY LAW.</p> <p>NO PARKING AREAS MAY BE USED FOR THE SALE, REPAIR, DISMANTLING, SERVICING OR LONG-TERM STORAGE OF ANY VEHICLES OR EQUIPMENT. ALL REPAIR ACTIVITIES SHALL TAKE PLACE INDOORS.</p> <p>PARKING SPACES AT THE FRONT OF THE BUILDING MAY ONLY BE USED FOR CUSTOMER AND EMPLOYEE PARKING. ALL VEHICLES AWAITING REPAIR SHALL BE PARKED IN THE PAVED AREA ALONG THE SIDE AND REAR OF THE BUILDING BEHIND THE EXISTING FENCE AND GATE. PARKING AREAS AND DRIVEWAYS MUST BE MAINTAINED IN GOOD CONDITION, FREE OF POTHOLES, WEEDS, DUST, TRASH AND DEBRIS.</p> <p>ALL VEHICLES MUST BE PARKED IN A STRIPED PARKING SPACE ON AN APPROVED PAVED SURFACE. BUMPER STOPS A MINIMUM OF 6 INCHES IN HEIGHT AND 6 INCHES IN WIDTH (CONSTRUCTED OF CONCRETE, STONE, OR APPROVED EQUAL) SHALL BE INSTALLED AND PERMANENTLY SECURED TO THE PAVEMENT TO SEPARATE PARKING SPACES FROM SIDEWALKS, RIGHTS-OF-WAY, ADJACENT PROPERTIES AND LANDSCAPE STRIPS AND PREVENT OVERHANGS OR ENCROACHMENTS. AT LEAST ONE</p>

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						<p>CUSTOMER PARKING SPACE MUST MEET THE ADA GUIDELINES FOR VAN ACCESSIBLE PARKING.</p> <p>THE OUTDOOR STORAGE OF AUTO PARTS, TIRES, TRASH OR OTHER SIMILAR MATERIALS OR DEBRIS IS PROHIBITED, THUS ANY SUCH ITEMS MUST BE APPROPRIATELY COLLECTED AND REMOVED FROM THE PROPERTY.</p> <p>PERMISSIBLE OUTDOOR STORAGE SHALL LIMITED TO THE REAR OF THE PROPERTY AND BE SET BACK AT LEAST 15 FEET FROM ANY SIDE AND REAR PROPERTY LINES. SUCH STORAGE SHALL BE FULLY SCREENED BY A SOLID WOOD FENCE, MASONRY WALL OR SLATTED CHAIN-LINK FENCE AT LEAST 8 FEET IN HEIGHT. MATERIALS STORED OUTDOORS SHALL NOT BE PLACED OR STACKED AT A HEIGHT EXCEEDING THAT OF THE SCREENING FENCE, AND THE SETBACK DISTANCE SHALL BE LANDSCAPED TO PROVIDE A YEAR-ROUND VEGETATIVE SCREEN.</p> <p>REMAINING WOOD PRIVACY FENCING WITHIN THE REQUIRED FRONT YARD MUST BE REMOVED. ANY WALL OR FENCE WHICH EXTENDS INTO THE REQUIRED FRONT YARD ON A PROPERTY LESS THAN 3 ACRES SHALL BE ORNAMENTAL OR DECORATIVE AND CONSTRUCTED OF BRICK, STONE, WOOD, STUCCO, WROUGHT IRON, OR SPLIT RAIL. ALL REMAINING FENCING MUST BE REPAIRED OR REPLACED SO AS TO BE IN GOOD REPAIR AND APPROPRIATELY SCREEN PERMISSIBLE STORAGE AND OPERATIONS.</p> <p>DUMPSTERS SHALL BE LOCATED IN THE REAR OR SIDE YARD. DUMPSTERS, INCLUDING THE ENCLOSURE STRUCTURE, SHALL BE. SHALL BE SCREENED BY A 100% OPAQUE BRICK OR STACKED STONE WALL, NOT LESS THAN 6 FEET IN HEIGHT, WITH AN OPAQUE METAL GATE ENCLOSURE. ENCLOSURES SHALL BE LOCATED A MINIMUM OF 5 FEET FROM PROPERTY LINES AND BUFFERS.</p> <p>REPAIR DETACHED GUTTER(S)/DOWNSPOUT(S) SO AS TO PROVIDE FOR APPRIATE AND ADEQUATE DRAINAGE AND COMPLETE WITH ALL TRIM STRIPS, MOLDINGS, BRACKETS, BRACES AND SUPPORTS ATTACHED OR FASTENED IN ACCORDANCE WITH COMMON BUILDING PRACTICES. GUTTERS MUST ALSO BE FREE OF VEGETATION AND IN GOOD REPAIR.</p> <p>OBTAIN A PERMIT FOR THE INSTALLATION OF SECURITY CAMERAS AND LED LIGHTING FIXTURES INSTALLED WITHOUT A PERMIT -OR- PROPERLY REMOVE AND DISCONNECT ELECTRICAL WIRING TO EACH.</p> <p>ALL EXTERIOR LIGHTING FIXTURES SHALL BE CUTOFF LUMINARIES WHOSE SOURCE IS COMPLETELY CONCEALED WITH AN OPAQUE HOUSING. FIXTURES SHALL BE RECESSED IN</p>
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						THE OPAQUE HOUSING. MOW AND MAINTAIN GRASS/WEEDS ON PROPERTY AT A HEIGHT NOT TO EXCEED 12 INCHES.
Enforcement	12/8/2020	12/8/2020	12/18/2020	Mailed Notice of Violation	Ed Wallace	<p>—</p> <ol style="list-style-type: none"> 1) COLLECT AND PROPERLY DISPOSE OF ALL DISCARDED PARTS, EQUIPMENT, DEBRIS, GARBAGE, GLASS, MATERIAL, MERCHANDISE, RUBBISH, TRASH OR SIMILAR ITEMS. 2) COMPLETE REPAIR OF ROOFING AND FASCIA. 3) REPAIR EXTERIOR DOOR, FRAME, JAMB, STOP, HEADER AND MOLDING OF DOOR ON THE WEST SIDE OF THE BUILDING SO AS TO BE IN GOOD REPAIR. 4) REPAIR GARAGE DOOR TO BE PROPERLY ATTACHED AND CAPABLE OF BEING CLOSED REASONABLY PLUMB. 5) APPROPRIATELY REMOVE ALL DEAD TREES AND OR DEAD TREE LIMBS AND COLLECT AND DISPOSE OF ALL FALLEN TREE DEBRIS. 6) INSTALL APPROVED TYPE DUMPSTER ENCLOSURE ON THE PROPERTY AND PLACE DUMPSTER WITHIN SUCH ENCLOSURE. 7) REMOVE ALL PORTIONS OF EXISTING FENCING WHICH EXTENDS BEYOND THE FRONT FAÇADE OF THE BUILDING. INSTALL NEW FENCING, FITTED WITH SCREENING SLATS OR FABRIC, TO ENCLOSE SIDE AND REAR YARDS. REPAIR OR REPLACE REMAINING EXISTING FENCING, INCLUDING POLES AND POSTS, AND MAINTAIN IN A STRUCTURALLY SOUND CONDITION AND IN GOOD REPAIR. 8) ALL PERMISSIBLE OUTDOOR STORAGE MUST BE APPROPRIATELY SCREENED FROM VIEW. 9) PARKING SPACES IN FRONT OF THE BUILDING SHOULD BE UTILIZED FOR CUSTOMER PARKING ONLY. ALL VEHICLES AWAITING REPAIR MUST BE PARKED ON PAVED SURFACE WITHIN SIDE OR REAR YARD. ALL VEHICLES SHALL BE PARKED ON A PAVED SURFACE AND NO PARKING AREAS MAY BE USED FOR THE SALE, REPAIR, DISMANTLING, SERVICING OR LONG-TERM STORAGE OF ANY VEHICLES OR EQUIPMENT. 10) REMOVE ANY AND ALL JUNK VEHICLES WHICH ARE NOT IN THE CONTINUAL PROCESS OF REPAIR, RECONDITIONING OR REMODELING FROM THE PROPERTY. NO INOPERABLE VEHICLES SHALL BE STORED ON THE PROPERTY FOR MORE THAN 10 DAYS UNDER ANY CIRCUMSTANCE.

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						<p>11) NO AUTO SALES OR PARTS SALES SHALL BE PERMITTED FROM THE PROPERTY. ADDITIONALLY, AUTO BROKERS SHALL NOT BE ALLOWED TO CONTINUE OPERATION DUE TO THE CONFLICT OF THE PERMITTED SPECIAL USES WITH APPLICABLE SUPPLEMENTAL USE STANDARDS.</p> <p>12) OBTAIN A DEVELOPMENT PERMIT TO BRING PARKING AREA, REQUIRED LANDSCAPING, AND OUTDOOR LIGHTING INTO COMPLIANCE WITH THE UNIFIED DEVELOPMENT ORDINANCE.</p> <p>—</p>
Enforcement	12/8/2020	12/8/2020	12/18/2020	Field Notice of Violation	Ed Wallace	<p>—</p> <p>1) COLLECT AND PROPERLY DISPOSE OF ALL DISCARDED PARTS, EQUIPMENT, DEBRIS, GARBAGE, GLASS, MATERIAL, MERCHANDISE, RUBBISH, TRASH OR SIMILAR ITEMS.</p> <p>2) COMPLETE REPAIR OF ROOFING AND FASCIA.</p> <p>3) REPAIR EXTERIOR DOOR, FRAME, JAMB, STOP, HEADER AND MOLDING OF DOOR ON THE WEST SIDE OF THE BUILDING SO AS TO BE IN GOOD REPAIR.</p> <p>4) REPAIR GARAGE DOOR TO BE PROPERLY ATTACHED AND CAPABLE OF BEING CLOSED REASONABLY PLUMB.</p> <p>5) APPROPRIATELY REMOVE ALL DEAD TREES AND OR DEAD TREE LIMBS AND COLLECT AND DISPOSE OF ALL FALLEN TREE DEBRIS.</p> <p>6) INSTALL APPROVED TYPE DUMPSTER ENCLOSURE ON THE PROPERTY AND PLACE DUMPSTER WITHIN SUCH ENCLOSURE.</p> <p>7) REMOVE ALL PORTIONS OF EXISTING FENCING WHICH EXTENDS BEYOND THE FRONT FAÇADE OF THE BUILDING. INSTALL NEW FENCING, FITTED WITH SCREENING SLATS OR FABRIC, TO ENCLOSE SIDE AND REAR YARDS. REPAIR OR REPLACE REMAINING EXISTING FENCING, INCLUDING POLES AND POSTS, AND MAINTAIN IN A STRUCTURALLY SOUND CONDITION AND IN GOOD REPAIR.</p> <p>8) ALL PERMISSIBLE OUTDOOR STORAGE MUST BE APPROPRIATELY SCREENED FROM VIEW.</p> <p>9) PARKING SPACES IN FRONT OF THE BUILDING SHOULD BE UTILIZED FOR CUSTOMER PARKING ONLY. ALL VEHICLES AWAITING REPAIR MUST BE PARKED ON PAVED SURFACE WITHIN SIDE OR REAR YARD. ALL VEHICLES SHALL BE PARKED ON A PAVED SURFACE AND NO PARKING AREAS MAY BE USED FOR THE SALE, REPAIR, DISMANTLING, SERVICING OR LONG-TERM STORAGE OF ANY VEHICLES OR EQUIPMENT.</p>

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						<p>10) REMOVE ANY AND ALL JUNK VEHICLES WHICH ARE NOT IN THE CONTINUAL PROCESS OF REPAIR, RECONDITIONING OR REMODELING FROM THE PROPERTY. NO INOPERABLE VEHICLES SHALL BE STORED ON THE PROPERTY FOR MORE THAN 10 DAYS UNDER ANY CIRCUMSTANCE.</p> <p>11) NO AUTO SALES OR PARTS SALES SHALL BE PERMITTED FROM THE PROPERTY. ADDITIONALLY, AUTO BROKERS SHALL NOT BE ALLOWED TO CONTINUE OPERATION DUE TO THE CONFLICT OF THE PERMITTED SPECIAL USES WITH APPLICABLE SUPPLEMENTAL USE STANDARDS.</p> <p>12) OBTAIN A DEVELOPMENT PERMIT TO BRING PARKING AREA, REQUIRED LANDSCAPING, AND OUTDOOR LIGHTING INTO COMPLIANCE WITH THE UNIFIED DEVELOPMENT ORDINANCE.</p>
Enforcement Intake	12/8/2020	12/8/2020	12/8/2020	Complaint Accepted	Thor Neff	

VIOLATIONS

ORDINANCE	CODE SECTION	VIOLATION DATE	COMPLIANCE DATE	VIOLATION STATUS
Property Maintenance	14-284 FENCE AND WALL	12/10/2020	10/31/2022	Not Met
Property Maintenance	14-287JUNK VEHICLES	12/10/2020	10/31/2022	Not Met
Property Maintenance	14-289 OPEN OR OUTDOOR STORAGE	12/10/2020	10/31/2022	Not Met
Property Maintenance	14-290(A) DEAD TREES	12/10/2020	12/31/2020	Met
Property Maintenance	14-290(C) TREE DEBRIS	12/10/2020	12/31/2020	Met
Property Maintenance	14-322 ROOFS	12/10/2020	10/31/2022	Not Met
Property Maintenance	14-325 EXTERIOR DOORS & FRAMES	12/10/2020	12/31/2020	Met
Property Maintenance	14-326 GARAGE DOORS	12/10/2020	12/31/2020	Met
Unified Development Ordinance	230-100.1 NON-PERMITTED USE	12/10/2020	10/31/2022	Not Met
Unified Development Ordinance	230-120.14 DUMPSTERS	12/10/2020	10/31/2022	Not Met
Unified Development Ordinance	230-130.4.H SU-OUTDOOR STORAGE	12/10/2020	10/31/2022	Not Met
Unified Development Ordinance	240-10.3.A OFF ST PRKG - COMM	12/10/2020	09/30/2022	Met
Unified Development Ordinance	240-10.5 OFF ST PRKG - PROH	12/10/2020	10/31/2022	Not Met
Unified Development Ordinance	240-20 PRKG SP REQ	12/10/2020	09/30/2022	Met
Unified Development Ordinance	240-50 HNDPC PARKING	12/10/2020	10/31/2022	Not Met
Unified Development Ordinance	230-130.3.E AUTO BROKER	12/10/2020	10/31/2022	Not Met
Property Maintenance	14-286 TALL GRASS, WEEDS	08/20/2022	09/30/2022	Met
Unified Development Ordinance	230-130.3.D AUTO STORAGE	12/10/2020	10/31/2022	Not Met

CITATIONS

Exhibit G: Maps

[attached]



ARCADIA INDUSTRIAL CIR

RIVER POINTE CT

BOWERS POINTE DR

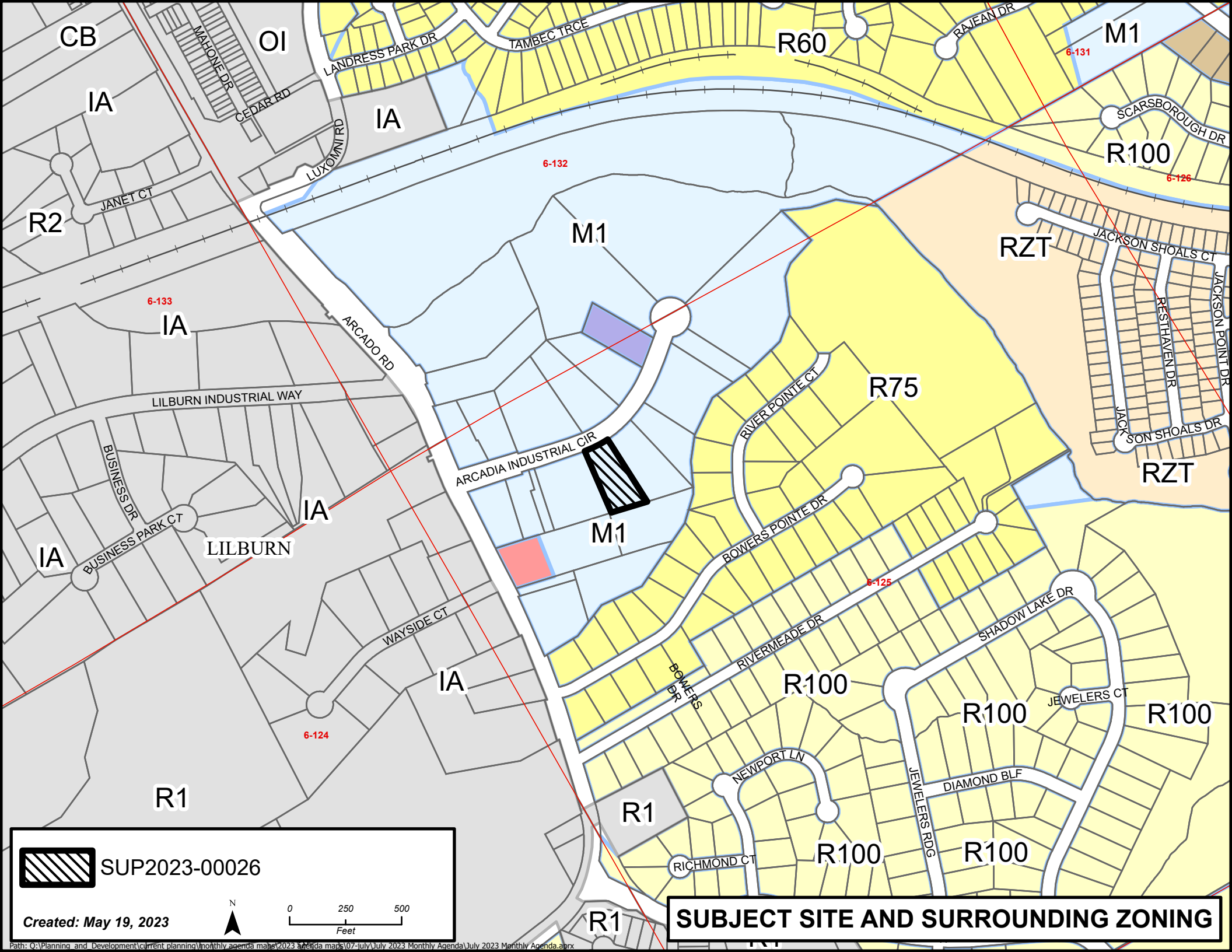
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 SUP2023-00026

Created: May 19, 2023

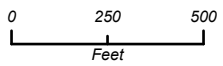


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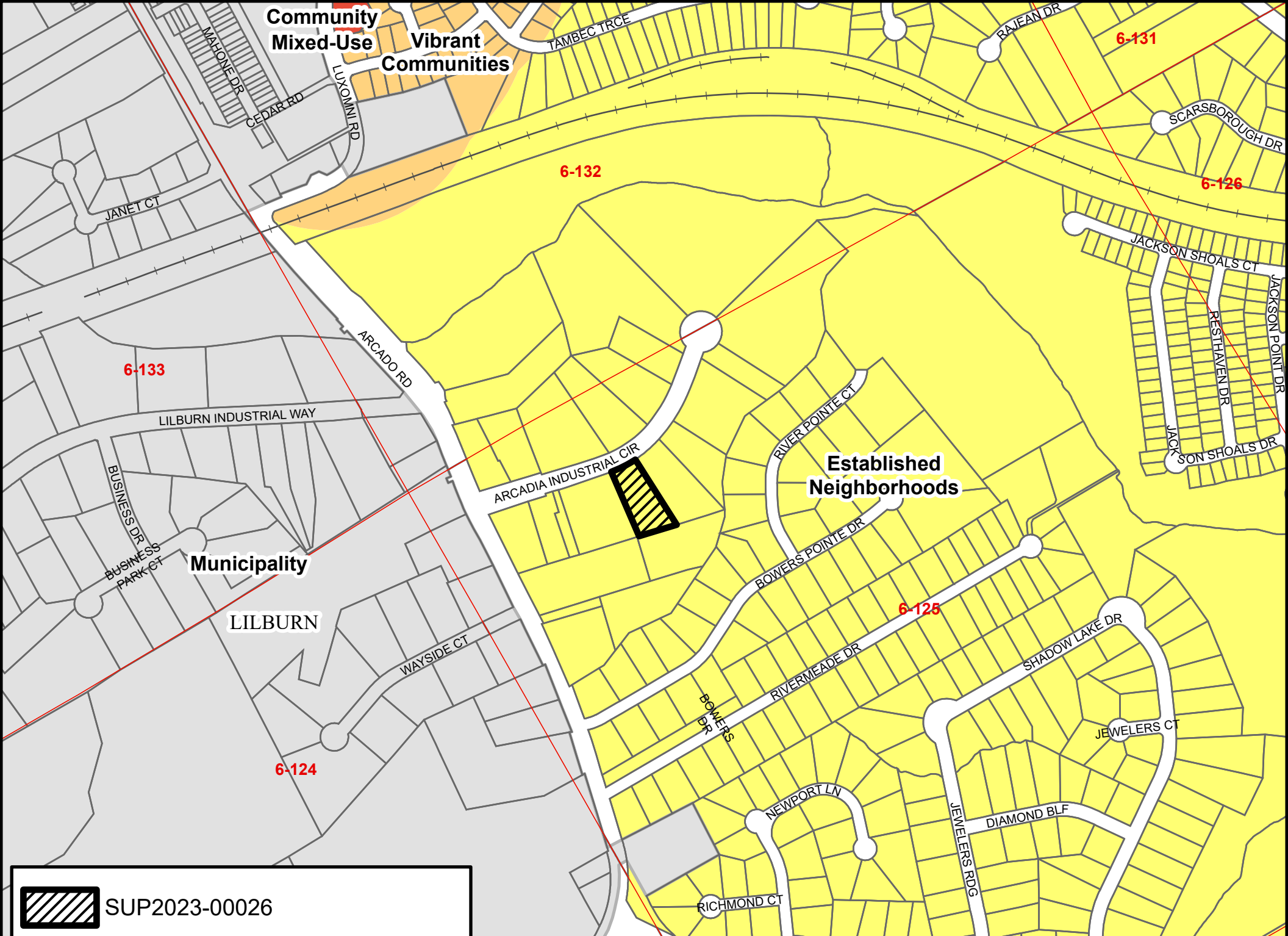


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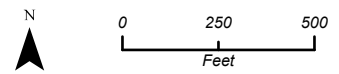


SUBJECT SITE AND SURROUNDING ZONING



 SUP2023-00026

Created: May 19, 2023



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION