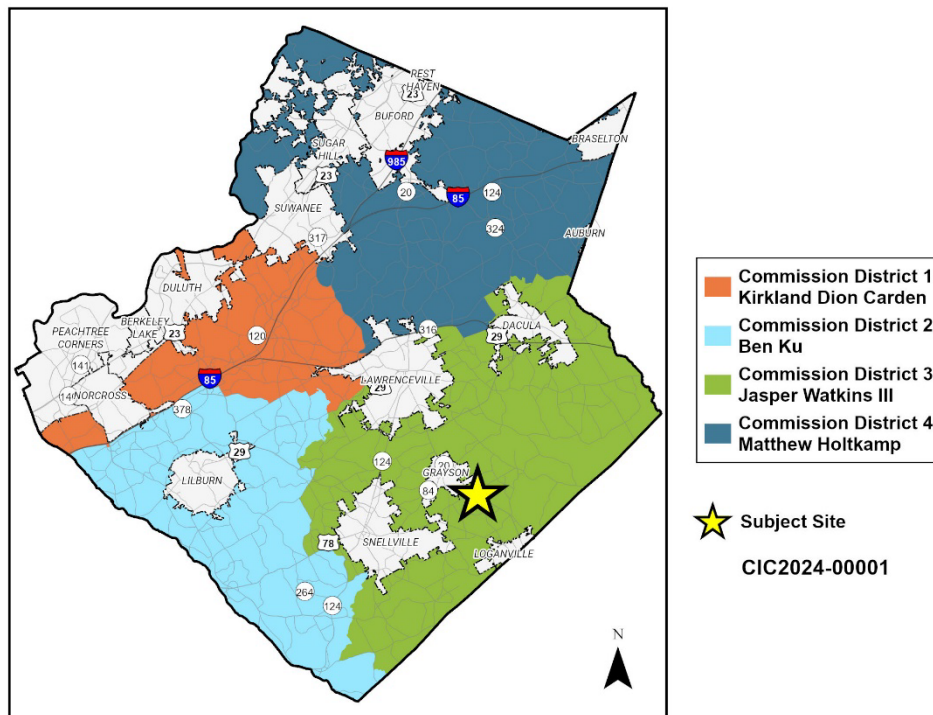


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: CIC2024-00001
Current Zoning: C-2 (General Business District)
Request: Change in Conditions
Overlay District: Grayson/Georgia Highway 20 Overlay District
Additional Requests: Variances and Waiver
Address: 2870 Loganville Highway
Map Number: R5156 310 (portion)
Site Area: 9.89 acres
Square Feet: 7,430
Proposed Development: Restaurant (drive-thru)
Commission District: District 3 – Commissioner Watkins
Character Area: Suburban Estate Living

Staff Recommendation: APPROVAL WITH CONDITIONS

Planning Commission Recommendation: APPROVAL WITH CONDITIONS



Applicant: STC Brands, Inc. c/o
Troutman Pepper Hamilton Sanders LLP
600 Peachtree Street, NE, Suite 3000
Atlanta, GA 30308

Owner: Ozora Development, LLC
12645 Birmingham Highway
Alpharetta, GA 30004

Contact: David C. Kirk

Contact Phone: 404.885.3415

Zoning History

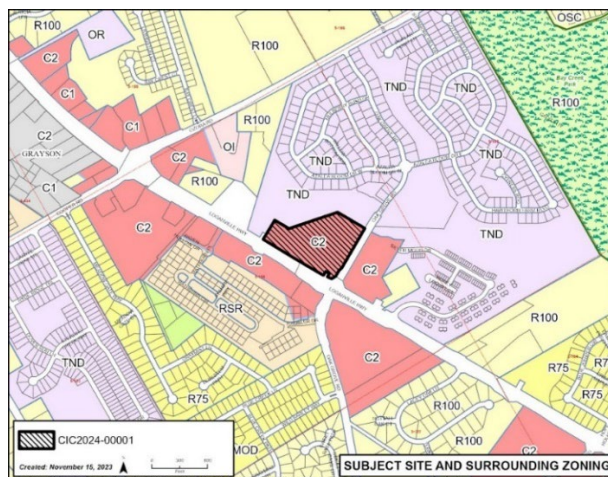
The subject property is zoned C-2 (General Business District). In 1973, the property was rezoned from RA-200 (Agriculture-Residence District) to R-100 (Single-Family District) as part of an areawide rezoning. In 2015, the property was rezoned to C-2 for retail, service commercial and office uses that serve adjacent residential development, pursuant to RZC2015-00007. The subject property is located in the Grayson/Georgia Highway 20 Overlay District.

Existing Site Condition

The subject property is the 9.89-acre western portion of a parcel located along Loganville Highway, at its intersection with Oak Grove Road. The site has been cleared and graded for development and contains a stormwater management facility along the rear property line. The land gently slopes down approximately ten feet from Loganville Highway towards the rear. There is an existing monument entrance sign on the southeast corner of the property with a decorative fence, landscaping, and sidewalks along the Loganville Highway and Oak Grove Road frontages. The property line jogs approximately 45 feet around a utility box along the Loganville Highway frontage. The nearest Gwinnett County Transit stop is approximately 5.2 miles from the subject property.

Surrounding Use and Zoning

The site is part of the commercial portion of the surrounding Independence development, which features single-family detached residences and townhouses accessed from Oak Grove Road. To the east across Oak Grove Road is an undeveloped commercial property that is also part of the Independence development. To the south across Loganville Highway are commercial parcels that are part of the Seaboard Junction villa development. A shopping center with fast food restaurants and a gas station is located farther west at the intersection of Loganville Highway and Cooper Road. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Restaurant (drive-thru)	C-2	N/A
North	Single-Family Residential	TND	1.91 units per acre
East	Undeveloped	C-2	N/A
South	Undeveloped	C-2	N/A
West	Undeveloped	C-2	N/A

Project Summary

The applicant requests a change in conditions for the development of a 7,430-square-foot restaurant with full-service, quick-service and drive-thru options on a 2.72-acre portion of the subject site, including:

- A change in conditions of cases RZC2015-00007. The applicant is requesting the following changes to the approved conditions of both resolutions:
 - Condition 1B: *“Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (stucco may only be used as an accent material) in general accordance with the elevations presented at the May 5 Planning Commission meeting. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.”* The applicant is requesting to amend this condition to update the referenced elevations with the elevations included with this application (Exhibit B).
 - Condition 2B: *“Provide a 10-foot wide landscaped strip adjacent to all rights-of-way.”* The applicant is requesting to amend this condition to add “except for an approximate 45-foot section on Loganville Highway, as shown on the site plan, where the landscape strip shall be reduced to 2.9 feet to reflect an unusual variation of the right-of-way line.”
- A two-lane drive-thru with 89 parking spaces.
- An outdoor seating area in front of the building facing Loganville Highway.
- A detached canopy covering a portion of the drive-thru lanes along the Loganville Highway frontage, and an attached canopy at the drive-thru pick up area along the Oak Grove Road frontage.
- Two dumpster enclosures at the rear of the building.
- A stormwater management facility at the rear of the property.
- Two curb cuts: one full-access curb cut off Oak Grove Road, and another right-in-right-out curb cut off Loganville Highway.
- The exterior building façades consist of brick, fiber-cement siding, and metal coping.

Zoning and Development Standards

Below are the applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	22' 8"	YES
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	>10'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Parking (Commercial)	Minimum 50 spaces Maximum 99 spaces	89 spaces	YES

Stacking Lane Width (Service Window)	8.5'	10'	NO*
Stacking Lane Setback	Minimum 5'	<3'	NO*
Landscape Strip	Minimum 10'	<3'	NO**

* The applicant has requested variances to the above stacking dimensional requirements.

** The applicant has requested a waiver to reduce the required landscape strip width.

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

Standard	Meets Standard?
A minimum four-foot-wide sidewalk shall connect the entrance of the building to the public rights-of-way.	YES
A 2'x8' concrete pad, located outside of the right-of-way, designed to accommodate future pedestrian amenities such as benches, planters and trash containers.	YES
No more than 20% of the parking area to be located in the front of building and no more than 20% of the remaining parking area may be located to the sides of building, with the balance located to the rear of the building.	NO*
A minimum 10-foot-wide landscaped strip between all road rights-of-way and the back-of-curb of abutting off-street paved parking lots.	YES
Provide street trees spaced 50 feet on-center or grouped at 120 feet on-center along the right of way.	NO**

* The applicant has requested a variance from the parking location requirements.

**This requirement must be satisfied during the permitting process.

Variance Requests

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

1. Section 220-30.3.E.3 – Design Requirements – Parking and Accessory Structures

Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less shall provide no more than 20 percent of parking areas in the front of building(s) and be limited to no more than one double row of parking. No more than 20 percent of off-street parking areas may be located to the sides of building(s), with the balance of parking located to the rear the building(s).

The applicant is requesting a variance to allow more than 20% of the parking spaces to be located to the side of the building along the Loganville Highway frontage.

2. Section 230-120.7 – 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 allow for an accessory structure (detached canopy) to be located in front of the building along the Loganville Highway frontage.

3. Section 240-80.3.B – Stacking Lanes for Drive-through Facilities or Service Windows

Stacking lanes shall be a minimum of 10 feet in width, and parallel the entire length for the drive-through service area and narrowing to 8.5 feet adjacent to the service window or facility.

The applicant is requesting a variance to allow the width of the stacking lane at the service window to be 10 feet wide.

4. Section 240-80.3.H - Stacking Lanes for Drive-through Facilities or Service Windows

Service areas and stacking lanes shall be set back 5 feet from all lot lines and roadway right-of-way lines.

The applicant is requesting a variance to reduce the setback from a stacking lane to be less than three feet along a portion of the property along Loganville Highway.

Waiver Request

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

1. Section 620-10.1.A Landscape Regulations

A Landscape Strip at least 10 feet in width (Type 2, 3, or 5 as shown in Table 620.1) adjacent to any street right-of-way abutting the property and running the length of the entire property frontage.

The applicant is requesting a waiver to reduce the landscape strip to less than three feet along a portion of the property along Loganville Highway.

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 H). 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's recommended conditions.

Staff Analysis

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

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

The subject property was rezoned to C-2 for the development of a restaurant in 2015. Nearby commercial development includes a retail center anchored by Publix and contains a variety of retail and restaurant uses. The proposed change in conditions does not modify any of the allowed or prohibited uses in the approved zoning conditions. The proposed restaurant would also serve adjacent residential development, and is suitable in view of the use and development of adjacent and nearby property.

B. Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property.

The proposed restaurant with drive-thru is an allowed use for the subject property. There are two access points and sufficient stacking space to operate a drive-thru restaurant. The proposed restaurant will not adversely affect the existing use or usability of adjacent or nearby property.

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

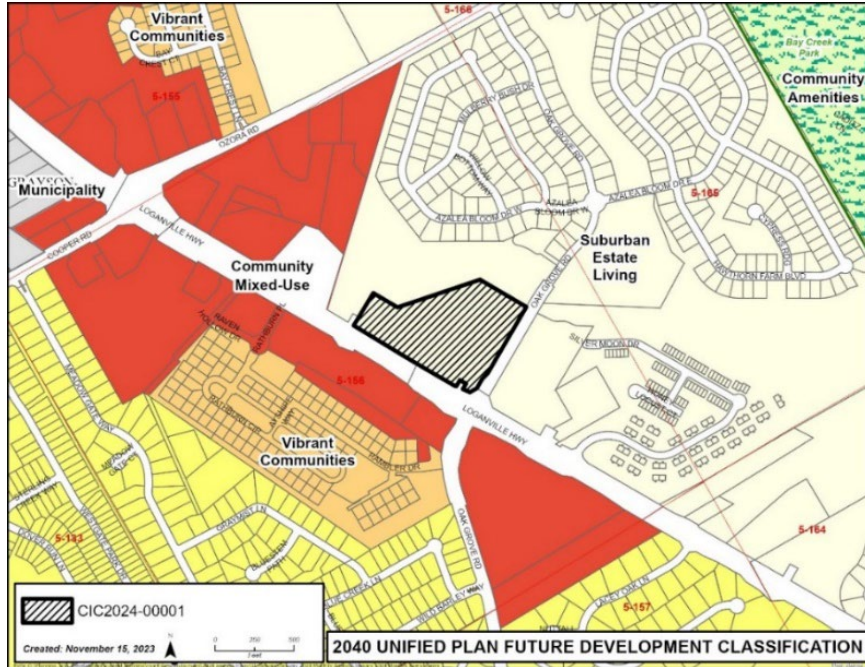
The property has a reasonable economic use as currently zoned.

D. Whether the proposed change in conditions 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. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning request are attached (Exhibit H).

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

The Future Development Map of the Unified Plan indicates the property is within the Suburban Estate Living Character Area. The vision is to preserve the historical and agricultural character so that new development is low in intensity and consists primarily of large residential lots. The proposed change in conditions is a minor amendment to a previously approved rezoning. The subject property is part of the Independence development rezoned in 2015 that contains residential components. This leftover C-2 parcel would serve nearby residential subdivisions, and the proposed sidewalk and outdoor seating would promote pedestrian connectivity, which meets the intent of the Unified Plan.



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

The proposal complies with most of the zoning conditions in RZC2015-00007, with only minor changes to reflect new elevations and to address a unique property line issue along Loganville Highway. The proposed restaurant is a unique concept for the Chick-fil-A brand, and will provide patrons with either a sit-down, carryout, or a drive-thru dining experience. The proposed restaurant could spur additional commercial development for the surrounding land that has been undeveloped since 2015.

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

The applicant is requesting a variance to allow more than 20% of the parking spaces to be located to the side of the building along the Loganville Highway frontage. The site is located on a corner lot, making it difficult to comply with the parking location requirements for both frontages. The parking is located entirely behind the building from the Oak Grove Road frontage and screened by a 10-foot landscape strip from Loganville Highway.

The applicant is requesting a variance to allow for a detached canopy to be located in front of the building along Loganville Highway. The proposed detached canopy is increasingly common and more attractive than previous models used by drive-thru restaurants. If the detached canopy were to be relocated to the side of building, the stacked lane length would be significantly decreased, which could potentially result in traffic congestion along both Oak Grove Road and Loganville Highway.

The applicant is requesting a variance to allow the width of the stacking lane at the service window to be 10 feet wide. The amended Unified Development Ordinance struck this requirement as it is outdated.

The applicant is requesting a variance to reduce the setback distance from a stacking lane to be less than three feet along a 45-foot-wide portion of the property line. The request is for the area along the property line that jogs to the north around a utility box. Although the property line is unusual, there is over 50 feet of land between the stacking lane and the sidewalk, which meets the intent of the provision.

All four variance requests are reasonable considering that the property has two frontages and an unusual property line along Loganville Highway.

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

The applicant is requesting a waiver to reduce the landscape strip to less than three feet for a portion of the property along Loganville Highway. The waiver is necessary due to the unique property line that jogs upward approximately 45 feet into the property around a utility box. The applicant is amenable to providing shrubs in the reduced landscape strip area, and landscaping is already provided along this portion of the frontage within the right-of-way as part of the Independence subdivision entrance feature. Approval of the requested waiver would not adversely affect the general public welfare or nullify the intent of the Development Regulations.

Staff Recommendation

Based on 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 change in conditions request.

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

1. To allow 100% of the parking spaces to be located to the side of the building along the Loganville Highway frontage.
2. To allow for an accessory structure (detached canopy) to be located in front of the building along the Loganville Highway frontage.
3. To allow the width of the stacking lane at the service window to be 10 feet wide.
4. To reduce the setback from a stacking lane to be less than three feet along a 45-foot-wide portion of the property line.

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

1. To reduce the landscape strip to less than three feet along a portion of the property along Loganville Highway surrounding a utility box.

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 change in conditions request.

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

1. To allow 100% of the parking spaces to be located to the side of the building along the Loganville Highway frontage.
2. To allow for an accessory structure (detached canopy) to be located in front of the building along the Loganville Highway frontage.
3. To allow the width of the stacking lane at the service window to be 10 feet wide.
4. To reduce the setback from a stacking lane to be less than three feet along a 45-foot-wide portion of the property line.

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

1. To reduce the landscape strip to less than three feet along a portion of the property along Loganville Highway surrounding a utility box.

Planning Commission Recommended Conditions (includes Staff Recommended Conditions)

NOTE: The conditions below are those from RZC2015-00007 with suggested changes in bold or strikethrough.

Approval of a change in conditions subject to the following conditions:

1. To restrict the use of the property as follows:
 - A. Retail, service-commercial, office and accessory uses. The following uses shall be prohibited:
 - Adult bookstores or entertainment
 - Automotive parts stores
 - Contractor's offices
 - Emissions inspection stations
 - Equipment rental
 - Extended stay hotels or motels
 - Recovered materials processing facilities
 - Smoke shops/novelty stores
 - Tattoo parlors
 - Taxidermists
 - Yard trimmings composting facilities
 - Pawn Shops

- Convenient Stores (with or without gas pumps)
- Tire Stores
- Automotive Repair
- Car Washes
- Used Car Dealerships
- Building Materials Sales (Retail)
- Auto Rental
- Retail, Light equipment and tool
- Self-Storage/Mini-Warehouse Facility
- Title Loan Facility
- Dollar or Variety Store
- Funeral Homes
- Crematory

- B. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (**fiber-cement siding, metal, and** stucco may only be used as an accent materials). **The proposed restaurant building shall be** in general accordance with the elevations **dated received October 26, 2023** ~~presented at the May 5 Planning Commission meeting.~~ Final building elevations shall be **subject to the** submitted for review and approval ~~of by the Director~~ **Department** of Planning and Development.
- C. Abide by all requirements of UDO Section 220-30 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application.

~~D. No single retail unit shall exceed 30,000 square feet.~~

2. To abide by the following site development considerations:

- A. The site shall be developed in general conformance with Exhibit B: Site Plan dated received November 27, 2023, with revisions required by conditions of approval, as reviewed and approved by the Department of Planning and Development.**
- B. Buffer not required adjacent to TND development.
- ~~C. Provide a 10-foot wide landscaped strip adjacent to all rights-of-way.~~
- D. Natural vegetation shall remain on the property until the issuance of a development permit.
- E. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot-high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the cabinet shall be fully surrounded by the same materials. Ground sign(s) shall not exceed 10 feet in height.

- F. Billboards or oversized signs shall be prohibited.
 - G. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
 - H. Outdoor loudspeakers shall be prohibited, except for drive-through windows.
 - I. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
 - J. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, signwalkers and sign-twirlers shall be prohibited.
 - K. Peddlers and/or parking lot sales shall be prohibited.
 - L. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
 - M. All above ground stormwater management ponds shall be enclosed with a 6' opaque fence and screened by landscaping.
3. To abide by the following requirements, dedications and improvements:
- ~~A. Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study and a signal warrant study.~~
 - ~~B. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the D.O.T. at no cost to Gwinnett County. All design and construction will be subject to D.O.T. review and approval.~~
 - C. ~~Along the main corridor (from the SR-20 to RZR20 15-0003),~~ Provide minimum 8' sidewalks on both sides of the corridor **along Loganville Highway.**
 - D. Needed upgrades shall be provided to the traffic signal located at Loganville Highway and Oak Grove Road (TS #680). This includes adding permissive flashing yellow arrow (FYA) heads for the Oak Grove Road legs, or providing a payment in-lieu, so the Gwinnett County Department of Transportation may work with GDOT on signal permitting.**

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Previously Approved Resolution (RZC2015-00007)
- E. Letter of Intent and Applicant's Response to Standards
- F. Application and Disclosure of Campaign Contributions
- G. Traffic Impact Study
- H. Internal and External Agency Review Comments
- I. Maps

Exhibit A: Site Visit Photos



View of interior of the subject site



View of area where the landscape strip is to be reduced



View of existing landscaping along Loganville Highway



View of existing sign and landscaping in front of the site

Exhibit B: Site Plan

[attached]

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11.27.2023



Chick-fil-A
5200 Buffington Road
Atlanta, Georgia 30349-2998

GREYDEN
ENGINEERING • PLANNING

12460 Crabapple Road
Alpharetta, Georgia 30004
PH: 770.573.4831 FAX: 678.304.6362

CHICK-FIL-A
2870 Loganville Highway
Loganville, GA 30052

FSU# 70054

REVISION SCHEDULE
NO. DATE DESCRIPTION

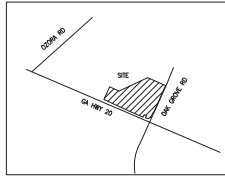
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SKETCH
10r4
SHEET NUMBER

NOT FOR CONSTRUCTION, PERMITTING, OR REGULATORY APPROVAL

VICINITY MAP



PARKING REQUIREMENTS
PARKING RATIO = MIN: 1 PER 150 SF
MAX: 1 PER 75 SF
TOTAL BUILDING FOOTPRINT = 7,430 SF
PARKING SPACES REQUIRED = MIN: 50, MAX: 99
TOTAL SPACES PROVIDED = 89

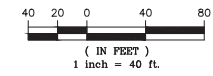
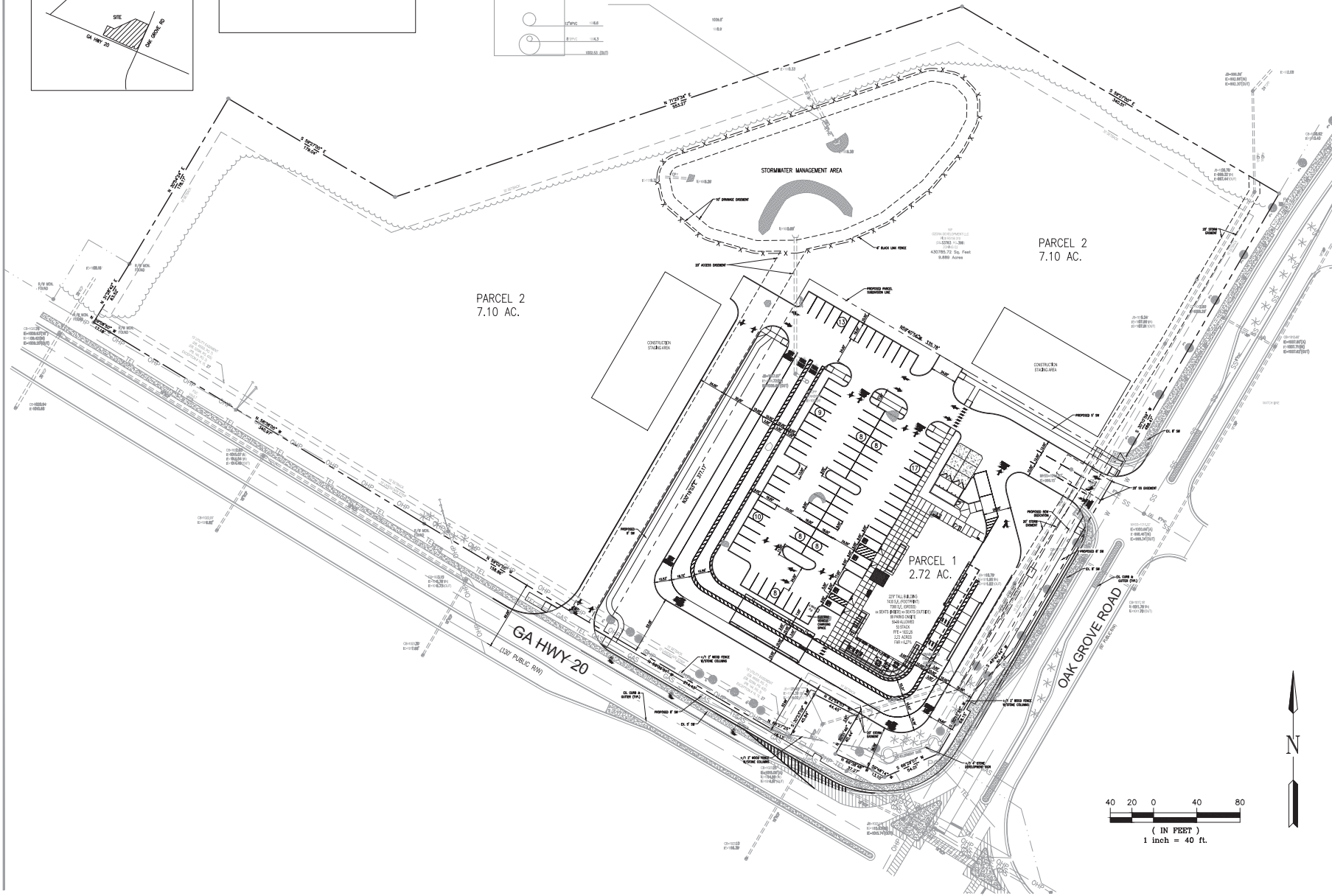
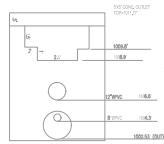
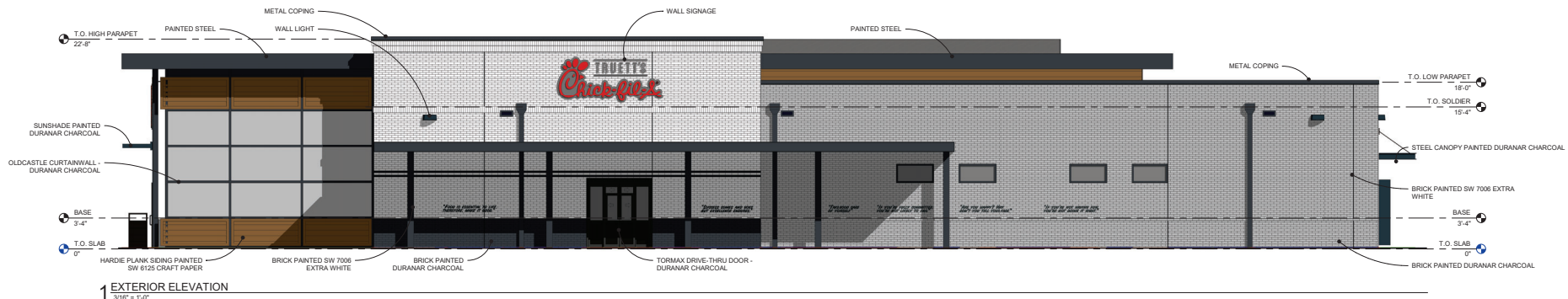
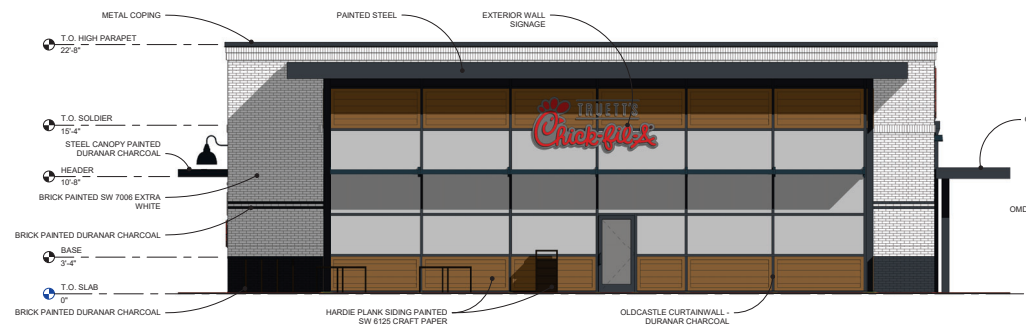


Exhibit C: Building Elevations

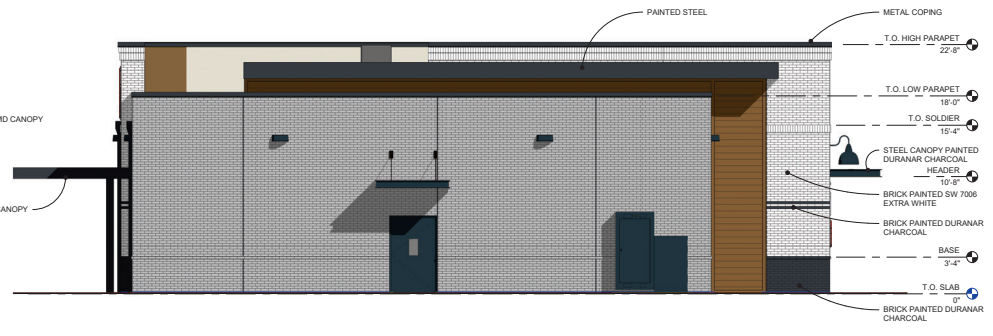
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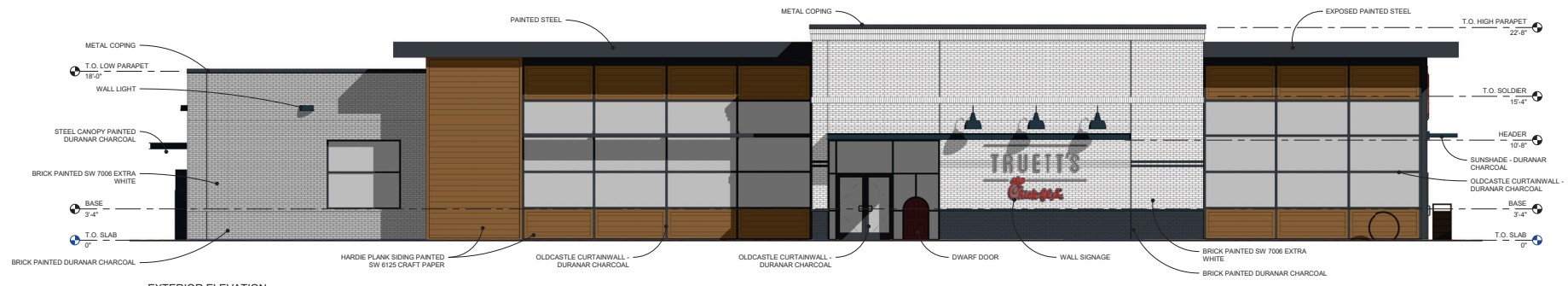
1 EXTERIOR ELEVATION
3/16" = 1'-0"



2 EXTERIOR ELEVATION
3/16" = 1'-0"



4 EXTERIOR ELEVATION
3/16" = 1'-0"



3 EXTERIOR ELEVATION
3/16" = 1'-0"

GWINNETT COUNTY
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Exhibit D: Previously Approved Resolution (RZC2015-00007)

[attached]

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11.17.2023

CASE NUMBER RZC2015-00007
GCID 2015-0371

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners, held in the Justice and Administration Center Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

<u>Present</u>	<u>VOTE</u>
Charlotte J. Nash, Chairman	<u>YES</u>
Jace Brooks, District 1	<u>YES</u>
Lynette Howard, District 2	<u>YES</u>
Tommy Hunter, District 3	<u>YES</u>
John Heard, District 4	<u>YES</u>

On motion of COMM. HUNTER, which carried 5-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 to C-2 by GRAYSON INVESTMENT PARTNERS, LLC for the proposed use of COMMERCIAL/RETAIL USES (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

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11.17.2023

CASE NUMBER RZC2015-00007
GCID 2015-0371

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on MAY 26, 2015 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners on this, the 26TH day of MAY 2015, that the aforesaid application to amend the Official Zoning Map from R-100 to C-2 is hereby **APPROVED** with the following enumerated conditions:

I. To restrict the use of the property as follows:

- A. Retail, service-commercial, office and accessory uses. The following uses shall be prohibited:
- Adult bookstores or entertainment
 - Automotive parts stores
 - Contractor's offices
 - Emissions inspection stations
 - Equipment rental
 - Extended stay hotels or motels
 - Recovered materials processing facilities
 - Smoke shops/novelty stores
 - Tattoo parlors
 - Taxidermists
 - Yard trimmings com posting facilities
 - Pawn Shops
 - Convenient Stores (with or without gas pumps)
 - Tire Stores
 - Automotive Repair
 - Car Washes
 - Used Car Dealerships
 - Building Materials Sales (Retail)
 - Auto Rental
 - Retail, Light equipment and tool
 - Self-Storage/Mini-Warehouse Facility
 - Title Loan Facility
 - Dollar or Variety Store
 - Funeral Homes
 - Crematory

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11.17.2023

CASE NUMBER RZC2015-00007

GCID 2015-0371

dated received October 26, 2023.

- B. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (stucco may only be used as an accent material) in general accordance with the elevations presented at the ~~May 5 Planning Commission meeting~~. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
- C. Abide by all requirements of UDO Section 220-30 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application.
- D. No single retail unit shall exceed 30,000 square feet.
2. To abide by the following site development considerations:
- A. Buffer not required adjacent to TND development.
- B. Provide a 10-foot wide landscaped strip adjacent to all rights-of-way, except for an approximate 45-foot section on Loganville Highway, as shown on the site plan, where the landscape strip shall be reduced to 2.9 feet to reflect an unusual variation of the right-of-way line.
- C. Natural vegetation shall remain on the property until the issuance of a development permit.
- D. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the cabinet shall be fully surrounded by the same materials. Ground sign(s) shall not exceed 10 feet in height.
- E. Billboards or oversized signs shall be prohibited.
- F. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
- G. Outdoor loudspeakers shall be prohibited, except for drive-through windows.
- H. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- I. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- J. Peddlers and/or parking lot sales shall be prohibited.

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11.17.2023

CASE NUMBER RZC2015-00007

GCID 2015-0371

- K. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
 - L. All above ground stormwater management ponds shall be enclosed with a 6' opaque fence and screened by landscaping.
3. To abide by the following requirements, dedications and improvements:
- A. Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study and a signal warrant study.
 - B. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the D.O.T. at no cost to Gwinnett County. All design and construction will be subject to D.O.T. review and approval.
 - C. Along the main corridor (from the SR 20 to RZR20 15-0003), provide minimum 8' sidewalks on both sides of the corridor.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Charlotte J. Nash
Charlotte J. Nash, Chairman

Date Signed: 6/4/15

ATTEST:

Jina M. King
County Clerk/Deputy County Clerk



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

[attached]

David C. Kirk
david.kirk@troutman.com

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

11.27.2023

October 26, 2023 **(Revised November 27, 2023)**

VIA ELECTRONIC SUBMITTAL

Mr. Brian Ford
Planner III
Gwinnett County Department of Planning & Development
446 West Crogan Street, Suite 300
Lawrenceville, Georgia 30046

**Re: REVISED LETTER OF INTENT – Change in Conditions Request for Property
Located at 2870 Loganville Highway (“Subject Property”)**

Dear Mr. Ford:

As authorized by Ozora Development, LLC and its parent company Stolz Partners, LLC, the owner of the Subject Property (the “Owner”), and on behalf of STC Brands, Inc. (“STC Brands” or the “Applicant”) I am pleased to provide for review and consideration by Gwinnett County this Revised Letter of Intent in support of an application requesting a Change in Conditions of rezoning for the 9.89-acre Subject Property zoned C-2 (General Commercial) to allow for the development of a Truett’s Chick-fil-A restaurant on a 2.72-acre portion of the Subject Property. In addition, this application seeks the approval of four concurrent Variances:

- A Variance from Section 220-30.3.E.3. of the Gwinnett County Unified Development Ordinance (the “UDO”) to allow for more than 20% of the parking associated with the new restaurant to be in the front or side of the building on the Subject Property, which is a corner lot.
- A Variance from Section 230-120.7 of the UDO to allow for accessory structures (the proposed Order Point Canopy and Outside Meal Delivery Canopy) to be placed in the front yard of this corner lot.
- A Variance from Section 240-80.3.B. of the UDO to eliminate the requirement that stacking lanes narrow from a width of at least 10-feet for most of their length to only 8.5 feet in the food delivery area.
- A Variance from Section 240-80.3.H. of the UDO to allow the bypass lane to be located 2.9 feet from a small section of the Loganville Highway right-of-way due to an unusual right-of-way configuration.

Finally, this application seeks the concurrent approval of a Waiver to reduce the 10-foot landscape strip required by Section 620-20.2.A. of the UDO to 2.9 feet along the same small section of the Loganville Highway frontage to account for an oddly-shaped right-of-way line that extends in toward the Subject Property.

Included with this Letter of Intent are the following materials either required by Gwinnett County or included for the County's reference and use.

- A complete Change in Conditions Application Form, including all necessary Certification Forms executed by the Owner and Applicant;
- A Copy of the adopted and executed Board of Commissioners Resolution 2015-0371, approving RZC2015-00007, with conditions, with suggested modifications to the language of Conditions 1.B. and 2.B.
- A Legal Description and Survey of the Subject Property;
- A Site Plan;
- Proposed Building Elevations;
- Standards Governing the Exercise of the Zoning Power (within the body of this Letter); and
- Verification of Paid Property Taxes (included with Application Form).

Summary of the Proposed Project

The Applicant seeks the Change in Conditions for the Subject Property and other associated approvals to allow for the development of a new Truett's Chick-fil-A restaurant approximately 7,430 square feet in size. Truett's Chick-fil-A is a concept in the Chick-fil-A family of restaurants dedicated to the life and legacy of Chick-fil-A's founder, Truett Cathy. Currently, STC Brands operates four of these restaurants in Georgia (in Newnan, Rome, Woodstock, and Stockbridge), each of which offers full-service sit-down dining, counter service for in-restaurant and to-go dining, and drive-through service, a specialty Chick-fil-A menu, and family heirlooms, photographs, and quotes intended to allow customers to learn more about Mr. Cathy.

The new restaurant at the northwest corner of Loganville Highway (SR 20) and Oak Grove Road will include full service and quick service indoor dining areas, outdoor seating for dining, a two-lane drive-through, 89 associated off-street parking spaces for guests and team members, and extensive landscaping. Vehicular access will be provided to Loganville Highway (S.R. 20) through a new curb cut along the Subject Property frontage and to Oak Grove Road through an existing curb cut that will be slightly modified to narrow its width. STC Brands intends to purchase the Subject Property from the Owner.

Requested Change in Conditions

The Subject Property was part of a larger property assemblage that was rezoned to the C-2 (General Business District) zoning classification, with conditions, in 2015 (RZC2015-00007). Of these 18 conditions, the Applicant respectfully requests only two conditions be modified:

- **Condition 1.B.** requires the buildings in the originally approved development to be constructed in general accordance with elevation drawings presented at the May 5, 2015 Planning Commission meeting. As the Applicant has recently submitted elevation drawings showing the proposed restaurant building, this condition must be changed to accurately reference the date such drawings were received by the County, as follows:

1.B. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (stucco may only be used as an accent material) in general accordance with the elevations dated received October 26, 2023. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.

- **Condition 2.B.** requires a 10-foot wide landscape strip adjacent to all rights of way. Section 620-20.2.A. of the UDO contains this same requirement. Because there is a small section of the frontage along Loganville Highway where it will not be possible to provide the ten-foot landscape strip due to an unusual configuration of the property line, the Applicant is seeking a variance from Section 620-20.2.A. of the UDO and respectfully requests this condition be modified to reflect the variance request, as follows:

2.B. Provide a 10-foot wide landscape strip adjacent to all rights-of-way, except for an approximate 45-foot section on Loganville Highway, as shown on the site plan, where the landscape strip shall be reduced to 2.9 feet to reflect an unusual variation of the right-of-way line.

Change in Conditions - Analysis of Standards Governing the Exercise of the Zoning Power as set forth in Section 270-20.5 of the UDO, as required by Section 270-20.9 of the UDO

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

The Applicant respectfully submits the proposed change in conditions will permit a use (restaurant) that is suitable and consistent with the use and development of adjacent and nearby property. The Subject Property is part of a larger assemblage that was rezoned in 2015 to provide for a variety of uses, including residential and commercial. The Subject Property itself was rezoned to the C-2 (General Business District) to provide, in part, for the development of a restaurant. Nearby development includes residential uses, a large retail center anchored by Publix but containing a variety of retail uses and restaurants such as Wendy's, Subway and Waffle House, among others, a CVS Pharmacy, and a Chevron gas station. The proposed Truett's Chick-fil-A restaurant is a

relatively small development with a density below that which is permitted in the requested C-2 zoning district and is, therefore, suitable in view of the use and development of nearby properties. The requested change in conditions will not change the underlying zoning or the uses already permitted on the site. Rather, the requested change in conditions will simply allow for the development of the Truett's Chick-fil-A restaurant to proceed in light of the unique characteristics of the Subject Property.

B. Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property.

The Applicant respectfully states the existing use and useability of adjacent or nearby properties would not be adversely affected by the proposed change in conditions or the development of the proposed Truett's Chick-fil-A restaurant. The use of the Subject Property for commercial/restaurant purposes was contemplated and approved as part of the 2015 rezoning that encompassed the Subject Property and additional property now developed for residential purposes. Nearby development along Loganville Highway (SR 20) is commercial in nature and includes a variety of retail, restaurant, and small office uses, both in a Publix-anchored commercial center and standing alone. The relatively small scale of the proposed Truett's Chick-fil-A restaurant, given the density permitted under the C-2 zoning district, will lessen any impact on adjacent residential property.

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

The current zoning of the Subject Property allows for the economic use of the Subject Property as contemplated (restaurant) but the Applicant respectfully submits the change in conditions is required in order to accommodate a unique characteristic of the Subject Property and allow the development of the Truett's Chick-fil-A to proceed.

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

The transformation of the Subject Property from its current undeveloped state to an economically productive use will generate some impacts in the form of traffic and utility usage but such impacts are not anticipated to be excessive in light of the current capacity of such facilities. The proposed change in conditions will not result in a use which will have any impact on schools.

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

The 2040 Unified Plan and Future Development Map adopted as part of the 2022 Plan Amendment indicates the Subject Property lies within the Suburban Estate Living Character Area but is adjacent to an area designated as Community Mixed-Use. In addition, while a portion of the overall development of which the Subject Property is a part is, in fact, developed for residential purposes, the Subject Property was specifically

zoned C-2 (General Business District) for the purpose of providing, among other things, a restaurant to serve the nearby community. Accordingly, the Applicant respectfully submits the proposed change in conditions aligns with the policy and intent of the 2040 Unified Plan in that it will allow development of the Subject Property to contribute toward a smaller commercial/retail node intended to draw customers from the surrounding area. In addition, the intensity of the proposed use is low in comparison to the allowable height and density within the existing C-2 zoning district.

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

For more than 8 years, the Subject Property has been zoned C-2 and vacant as part of a larger proposed development that has been partially completed. During this time, much of the surrounding property has developed into a mix of residential, retail, restaurant, and similar uses. The proposed development of the Subject Property, as allowed under the existing zoning classification and facilitated through the requested change in conditions, is a logical and reasonable step in the maturation of this area.

Concurrent Variance Requests

In addition to the change in condition request, the Applicant is respectfully requesting variances from the following provisions of Title II of the UDO:

1. Section 220-30.3.E.3 – Design Requirements – Parking and Accessory Structures

Freestanding buildings or shopping center developments containing 7,500 gross square feet of space or less shall provide no more than 20 percent of parking areas in the front of building(s) and be limited to no more than one double row of parking. No more than 20 percent of off-street parking areas may be located to the sides of building(s), with the balance of parking located to the rear the building(s).

The Subject Property is a corner lot on which STC Brands proposes to construct a 7,430 square foot restaurant building. Because the Subject Property is a corner lot, it is considered to have two “front” yards under the UDO - one on Loganville Highway (SR 20) and the other on Oak Grove Road. Thus, one “front” of the proposed restaurant building faces Oak Grove Road. As shown on the Site Plan, all parking is located to the rear of the building when considered from this direction and, if considered alone, would fully meet the UDO requirement. However, since the elevation of the building facing Loganville Highway is also considered the “front” of the building, all 89 parking spaces (100%) are considered to be located “to the side” of the proposed restaurant building when viewed from this direction.

Since the Subject Property is a corner lot, the Applicant respectfully submits that it would be impossible to place the parking anywhere in relation to the building and strictly meet the requirements noted above. Instead, the Applicant has placed all the parking to the rear of the building when viewed from Oak Grove Road, which is more visible to the nearby residents of the

associated development, in order to reduce the visual impact of the parking and meet the spirit of the UDO, if not the letter. Accordingly, the Applicant respectfully requests approval of this concurrent variance request to allow 100% of the parking to be located in its proposed location to the side of the building when viewed from Loganville Highway, as shown on the Site Plan.

2. Section 230-120.7 – 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.

As noted above, the Subject Property is a corner lot on which STC Brands proposes to construct a 7,430 square foot restaurant building in addition to the two-lane drive-through. The drive-through employs both an “Order Point Canopy” and an “Outside Meal Delivery Canopy” as accessory structures intended to provide protection from the elements for team members and for guests as they place and receive their order. Because the Subject Property is a corner lot, it is considered to have two “front” yards under the UDO - one on Loganville Highway (SR 20) and the other on Oak Grove Road. Thus, there is no true “rear” yard on the Subject Property within which STC Brands may locate these canopies in a manner that functions properly and is in strict accordance with the requirements of Section 230-120.7 of the UDO.

As shown on the accompanying site plan, when facing the site from Loganville Highway, the Order Point Canopy is located to the side of the restaurant building but in a location closer to Loganville Highway than the proposed restaurant building. Thus, when viewed from Loganville Highway, the Order Point Canopy is located both to the front and side of the restaurant building. The Applicant seeks relief to allow the Order Point Canopy to remain in its proposed location.

Similarly, as shown on the accompanying site plan, when facing the site from Oak Grove Road, the Outside Meal Delivery Canopy is located to the front of the restaurant building. When considered from Loganville Highway, the Outside Meal Delivery Canopy is located to the side of the restaurant building. The Applicant thus seeks relief to allow the Outside Meal Delivery Canopy to remain in its proposed location as well.

Since the Subject Property is a corner lot, the Applicant respectfully submits that it would be impossible to place the Order Point Canopy and Outside Meal Delivery Canopy anywhere in relation to the building where they would provide the necessary functions and strictly meet the requirements of the UDO noted above. Instead, the Applicant has placed the canopies in their logical location required to meet the functional requirements of the drive-through with the intention to best serve the guests of Truett’s Chick-fil-A in a safe and efficient manner. Accordingly, the Applicant respectfully requests approval of this concurrent variance request.

3. Section 240-80.3.B. – Stacking Lanes for Drive-through Facilities or Service Windows General Standards

Stacking lanes shall be a minimum of 10 feet in width, and parallel the entire length for the drive-through service area and narrowing to 8.5 feet adjacent to the service window or facility.

As shown on the Site Plan, the two stacking lanes and an adjacent bypass lane are at least 10.5 feet wide for most of their length, except at the delivery area, where they narrow to ten (10) feet in width, instead of the required 8.5 feet. Accordingly, the stacking lanes and bypass lane meet the 10-foot minimum width requirement of this Section, except at the food delivery area. In order to accommodate larger vehicles and safely deliver food to guests, the 10-foot width is provided through the outside meal delivery area for the proposed restaurant. Requiring the drive-through stacking and bypass lanes to narrow to only 8.5 feet at the food delivery area would be both impractical and potentially dangerous, as it would not provide sufficient width for some vehicles to easily pass through the area and would not allow sufficient area for Chick-fil-A team members to move safely to and from vehicles while delivering orders¹.

The Applicant respectfully submits the current general standard is outdated as it does not account for larger vehicles that frequently may be used by Truett's Chick-fil-A customers and does not account for a two-lane drive-through or reflect the way food is personally delivered by a team member to a guest, rather than through the outdated and inefficient model using a single pick-up window adjacent to a single drive-through lane.

Importantly, it appears the outdated nature of this requirement has been recognized by the County as the newly adopted Unified Development Ordinance that takes effect in January of 2024 eliminates the requirement that drive-through lanes narrow at the point of food delivery.

Accordingly, the Applicant respectfully requests relief from this standard and asks that a concurrent variance be granted allowing the width of the drive-through lanes in the food delivery area to be increased from 8.5 to ten (10) feet, as shown on the Site Plan.

3. Section 240-80.3.H. - Stacking Lanes for Drive-through Facilities or Service Windows General Standards

Service areas and stacking lanes shall be setback 5 feet from all lot lines and roadway right-of-ways.

As shown on the Site Plan, for the majority of its length along the Loganville Highway frontage of the Subject Property, the bypass lane for the restaurant drive-through is located more than 50 feet from the roadway right-of-way and thus far exceeds the minimum requirement stated above. However, owing to the unique configuration of the right-of-way line along an approximately 45-foot section where the right-of-way line forms a "notch" that extends inward toward the Subject Property, the bypass lane for the drive-through is setback slightly less than 3 feet from the Loganville Highway right-of-way line.

While the bypass lane is not functionally identical to a "stacking lane" and thus may not be subject to the setback requirement of Section 240-80.3.H of the UDO, in an abundance of caution the Applicant respectfully requests relief from this setback requirement for the bypass lane along this small section of the Subject Property frontage and seeks approval of a variance

¹ As an example, the 2022 Ford F-150 is 8-feet wide with mirrors. See <https://www.edmunds.com/ford/f-150/2022/features-specs/> A 2023 Ford F-250 Super Duty Truck is nearly 9 feet wide with mirrors. See <https://www.edmunds.com/ford/f-250-super-duty/2023/features-specs/>

to reduce the required setback from 5 feet to approximately 2.9 feet at the narrowest point. Should staff determine this variance is not required, the Applicant will revise its request and this Letter of Intent accordingly and promptly resubmit it.

As noted above, this request is based on the odd and unique configuration of the right-of-way line, which appears to have been altered to accommodate the easement area for a large reinforced concrete pipe that passes under the area, along with other utilities. Such configuration is not the result of any action taken by the Applicant, who respectfully submits the strict application of the requirement would create an unnecessary hardship on the Applicant. Additionally, the Applicant respectfully submits the approval of this requested variance will not result in the bypass lane being any closer to the actual roadway along this small section than along the other sections fronting Loganville Highway. It will remain at least 50 feet from the road itself and thus give the appearance of meeting this standard.

Concurrent Waiver Request

In addition to the change in conditions request and concurrent variances, the Applicant is seeking a waiver from the following provision of Title III of the UDO:

1. **Section 620-20.2.A.– Ten Foot Wide Landscape Strips**

Proposed developments, other than single-family developments in single-family residential districts, shall include at a minimum 10-foot landscape strip of Type 2, 3, or 5.

The Applicant respectfully requests the required width of the landscape strip along a small portion of the Loganville Highway frontage of this corner lot be reduced from the required 10 feet to 2.9 feet to account for the oddly-shaped and unique right-of-way line along this frontage. As noted previously, for most of the frontage along Loganville Highway, the portion of the Subject Property that will be developed for the restaurant is more than 50 feet from the right-of-way line and even a greater distance from the edge of the roadway itself, thus providing for a landscape strip well in excess of what is required. Only along an approximately 45-foot section does the right-of-way line form a “notch” that extends away from the road and in toward the Subject Property. At its nearest point, the right-of-way line in this “notch” is approximately 2.9 feet from the edge of the nearest improvement on the site. While this width may provide sufficient area to plant shrubs, while the area within the “notch” will remain sodded, and while the remaining portions of the landscape strip outside the “notch” will allow sufficient room for tree grouping, the area adjacent to the “notch” is insufficient to provide a ten-foot landscape strip on the Subject Property itself.

As noted previously, the Subject Property is a corner lot with an odd and unique “notch” in the right-of-way along one frontage, resulting in an exceptional condition affecting its development. The Applicant respectfully submits the strict compliance with the 10-foot landscape strip requirement would create an undue hardship for the development of the proposed restaurant. The Applicant further submits the approval of the requested reduction in the required landscape strip, together with the distance of the right-of-way line from the actual roadway would not adversely affect the general public welfare or nullify the intent of the

development regulations as ample areas for additional landscaping along other portions of the Loganville Highway frontage will remain, consistent with the intent of the development regulations.

Summary and Conclusion

I believe this Letter of Intent, together with the Change in Conditions application and supporting documents submitted, provide all the information required by Gwinnett County to review and evaluate this request for a change in conditions to RZC2015-00007 together with the concurrent variances and concurrent waiver as described more fully above. If there are other materials or information you believe would be helpful to your review of this request, please do not hesitate to contact me. I look forward to our cooperative efforts on this important matter.

Yours very truly,



David C. Kirk
Attorney for STC Brands, Inc.

/dck

Exhibit F: Application and Disclosure of Campaign Contributions

[attached]

RECEIVED

11.27.2023

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>STC Brands, Inc., by its Attorney David C. Kirk</u> ADDRESS: <u>Troutman Pepper Hamilton Sanders LLP 600 Peachtree Street, NE, Suite 3000</u> CITY: <u>Atlanta</u> STATE: <u>Georgia</u> ZIP: <u>30308</u> PHONE: <u>404-885-3415</u> EMAIL: <u>david.kirk@troutman.com</u>	NAME: <u>Ozora Development, LLC (Parent Company: Stolz Partners, LLC)</u> ADDRESS: <u>12645 Birmingham Highway</u> CITY: <u>Alpharetta</u> STATE: <u>Georgia</u> ZIP: <u>30004</u> PHONE: <u>678-524-3523</u> EMAIL: <u>phillip@stolzpartners.com</u>
CONTACT PERSON: <u>David C. Kirk (Attorney for STC Brands, Inc.)</u> PHONE: <u>404-885-3415</u> CONTACT'S E-MAIL: <u>david.kirk@troutman.com</u>	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER
<input checked="" type="checkbox"/> CONTRACT PURCHASER	
ZONING DISTRICTS(S): <u>C-2 (General Business District)</u> PRIOR ZONING CASE: <u>RZC2015-00007</u> PARCEL NUMBER(S): <u>R5156 310</u> ACREAGE: <u>9.89 acres*</u> ADDRESS OF PROPERTY: <u>2870 Loganville Highway</u> PROPOSED CHANGE IN CONDITIONS: <u>1. Modify Condition 2.B. to require a reduced buffer along a small section of Loganville Highway right-of-way due to an unusual right-of-way variation. 2. Modify Condition 1.B to reflect new date of elevation drawing receipt.</u> Applicant is also requesting concurrent variances and waiver.	
RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>N/A</u>	NO. OF BUILDINGS/LOTS: <u>1 building/2 lots*</u>
DWELLING UNIT SIZE (Sq. Ft.): <u>N/A</u>	TOTAL GROSS SQUARE FEET: <u>7,430 SF (+/-)</u>
GROSS DENSITY: <u>N/A</u>	DENSITY: <u>FAR = 0.0627 or 2,731.6 SF/acre</u>
NET DENSITY: <u>N/A</u>	*NOTE: STC Brands, Inc. intends to submit a proposed subdivision plat that would divide the current 9.89 acre parcel into two lots but the proposed development described herein (Truett's Chick-fil-A) would only occur on one 2.72 acre lot.

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

11.6.2023

CHANGE IN CONDITIONS APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

PLEASE SEE ATTACHED LETTER OF INTENT

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

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

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

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

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

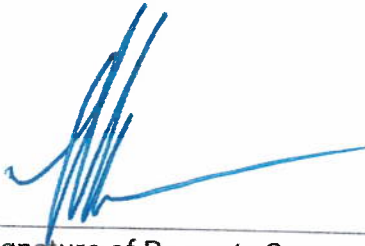
RECEIVED

11.6.2023

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 7/2023

CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION

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



Signature of Property Owner

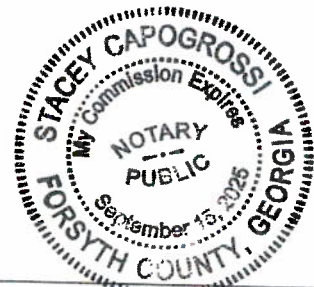
10/30/23
Date

PHILIP GALBREATH, MANAGER
Type or Print Name and Title



Signature of Notary Public

10/30/2023
Date



Notary Seal

RECEIVED

11.6.2023

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 7/2023

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

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

Signature of Applicant _____ Date _____ Type of Print Name and Title _____

David C. Kirk

10/13/2023

David C. Kirk
Attorney for STC Brands, Inc.

Signature of Applicant's
Attorney or Representative

Date

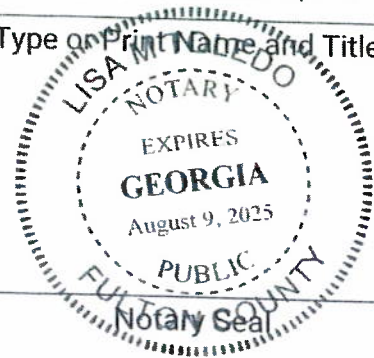
Type of Print Name and Title

Lisa M. Toledo

10/13/2023

Signature of Notary Public

Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

YES NO

David C. Kirk

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

11.6.2023

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 7/2023

CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS

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

Signature of Applicant
Property Owner's Representative

10/30/23
Date

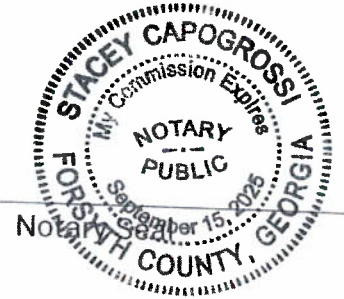
PHILIP GALBREATH, MANAGER
Type of Print Name and Title

Signature of Applicant's
Attorney or Representative

Date

Type or Print Name and Title

Stacey Capor
Signature of Notary Public
Date 10/30/2023



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

Phillip Galbreath
Your Name

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

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

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

Exhibit G: Traffic Impact Study

[attached]

RECEIVED

11.3.2023

TRAFFIC IMPACT STUDY

Chick-fil-a Restaurant
Grayson, GA

June 27, 2023



PREPARED FOR:
Joseph Latimer
Chick-fil-A, Inc.
5200 Buffington Road
Atlanta, GA 30349



SAIN
ASSOCIATES

PREPARED BY:
Sain Associates, Inc.
Two Perimeter Park South
Suite 500 East
Birmingham, Alabama 35243
205-940-6420

SAIN PROJECT #:
23-0134
BF

Executive Summary

Sain Associates examined the transportation impacts associated with a proposed Chick-fil-A restaurant in Grayson, GA. The purpose of this study is to analyze the traffic conditions in the vicinity of the proposed development, determine any impact that the proposed development may have on the existing traffic network, and recommend any improvements that may be necessary to mitigate any impacts.

The existing site is located in the northwest corner of the intersection of Oak Grove Road and Loganville Highway, approximately 9.6 miles south of SR-316, approximately 23.6 miles north of Interstate 20 and approximately 13.9 miles south of Interstate 85. The proposed development plan includes what is approximately a 2.75-acre site, which includes a building size of approximately 7,000 square feet.

Our analysis includes a review of traffic operations at the following intersections:

- Oak Grove Road at Loganville Highway
- Proposed Driveway 1 at Oak Grove Road
- Proposed Driveway 2 at Loganville Highway

Our conclusions of this analysis are listed as follows:

- According to our capacity analysis, the intersection of Oak Grove Road at Loganville Highway operates at acceptable levels of service under existing conditions during the AM, Midday, and PM peak hours.
- The intersection of Oak Grove Road at Loganville Highway, along with the proposed site driveways are expected to operate at acceptable levels of service during the AM, Midday, and PM peak hours under future traffic conditions at the anticipated opening date of the proposed development. These future traffic conditions include following:
 - Background volumes for the anticipated opening year (2024)
 - Site Generated trips for the proposed development
 - A westbound right turn lane on Loganville Highway at Driveway 2.
 - Optimized signal timings based on future volumes.
 - Permitted side street signal heads on both approaches of Oak Grove Road.
- As requested by GDOT, an analysis was conducted to compare the future conditions at the intersection of Oak Grove Road at Loganville Highway with a permitted/protected left turn phase on the southbound approach to future conditions with the original permitted side street configuration.
 - The results of this comparison indicated better intersection levels of service for the AM, Midday, and PM peak hours with permitted side streets than with the addition of a southbound permitted/protected left turn phase.

Based on our observations and analysis documented in this report, Sain Associates makes the following recommendations:

- Construct Driveway 1 as a full access connection onto Oak Grove Road, approximately 410 feet north of the study intersection, as shown on the attached site plan.
- Construct Driveway 2 as a right-in/right-out connection onto Loganville Highway. Per GDOT recommendations, this driveway is to be placed at least 230 feet from the study intersection, measured from radius to radius.
- Install a westbound right turn lane onto Loganville Highway at Driveway 2. According to Georgia Construction Details M-3A, right turn lanes are to include a deceleration length of 200 feet (minimum) and a taper length of 100 feet (minimum). For this study, GDOT requires the right turn lane to tie into the radius of the adjacent intersection (Oak Grove Road at Loganville Highway) with striping used for the taper.
- Traffic entering at Driveway 1 should utilize the existing northbound left turn lane on Oak Grove Road to access the site.

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

11.8.2025
CIC2024-00001

Exhibit H: Internal and External Agency Review Comments

[attached]



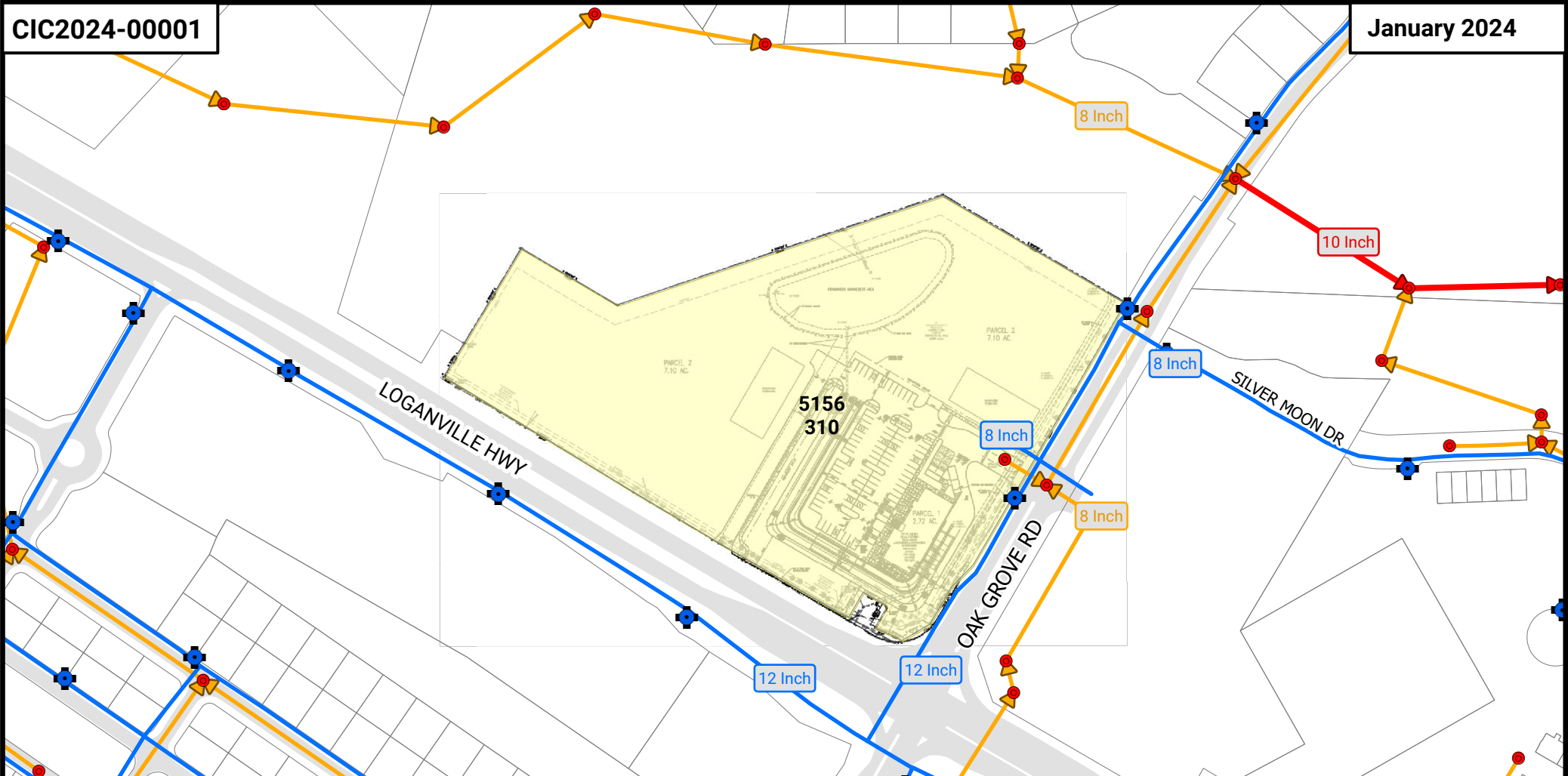
**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:		12.01.2023	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcounty.com	
Case Number:		CIC2024-00001	
Case Address:		3195 Loganville Highway, Loganville, 30052	
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO
1	Loganville Highway (SR 20) is a principal arterial. ADT = 21,100.		
2	5.2 miles to the nearest transit facility (#2454884) Grayson Highway and VFW 5255.		
3			
4			
5			
6			
Recommended Zoning Conditions:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		YES	NO
1	The developer shall coordinate with the Gwinnett County Department of Transportation to provide needed upgrades to the traffic signal located at Loganville Highway and Oak Grove Road (TS #680). This includes adding permissive flashing yellow arrow (FYA) heads for the Oak Grove Road legs, or providing a payment in-lieu, so the Gwinnett County Department of Transportation may work with GDOT on signal permitting.		
2			
3			
4			
5			
6			
7			



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

TRC Meeting Date:				
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcounty.com		
Case Number:		CIC2024-00001		
Case Address:		3195 Loganville Hwy		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The proposed development may connect to the existing 8-inch or 12-inch mains available to the subject site.			
2	Sewer: A Sewer Capacity Certification (C2023-278-11) has been approved for this development for connection to an existing 8-inch gravity sewer located on the subject site.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1				
2				
3				
4				
5				
6				
7				



LEGEND

- Water Main
- Hydrant
- Manhole
- Sewer Collector
- Sewer Interceptor

**3195 Loganville Hwy
C-2
Water & Sewer
Utility Map**

LOCATION

0 130 260
Feet



Water Comments: The proposed development may connect to the existing 8-inch or 12-inch mains available to the subject site.

Sewer Comments: A Sewer Capacity Certification (C2023-278-11) has been approved for this development for connection to an existing 8-inch gravity sewer located on the subject site.

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 I: Maps

[attached]



SILVER
MOON DR

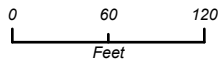
OAK GROVE RD

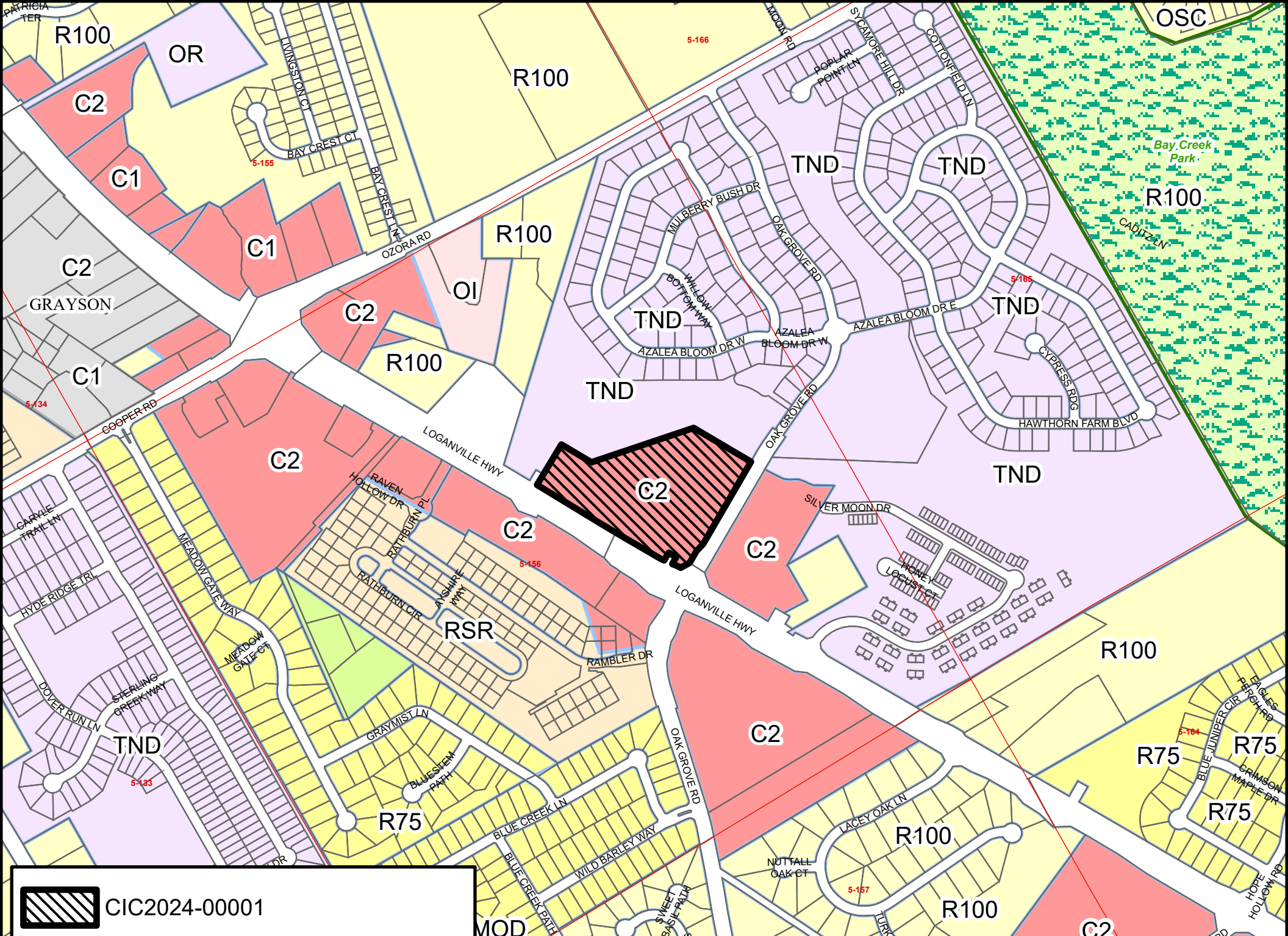
LOGANVILLE HWY

LOGANVILLE HWY

 CIC2024-00001

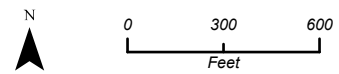
Created: November 15, 2023



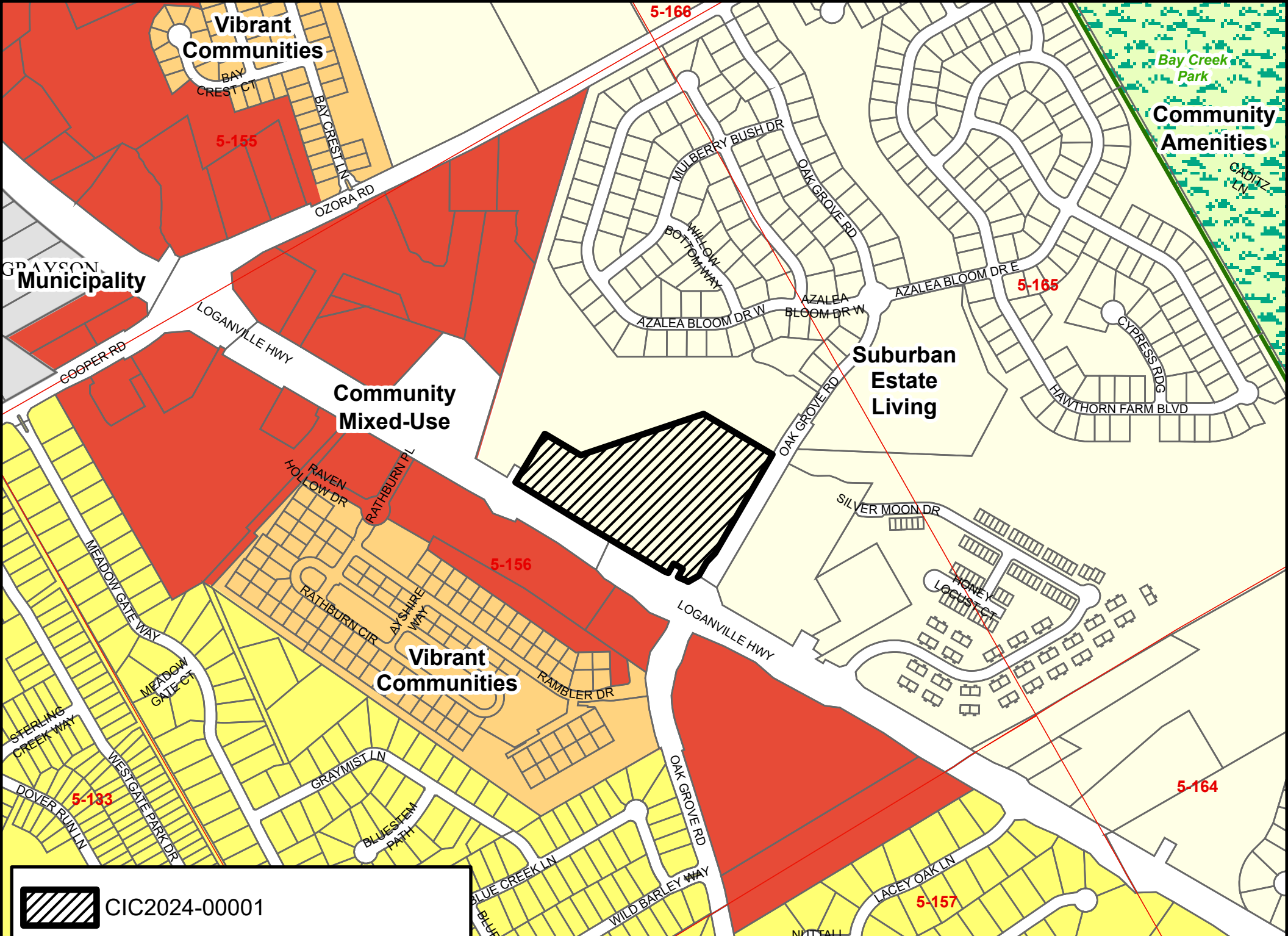


 CIC2024-00001

Created: November 15, 2023



SUBJECT SITE AND SURROUNDING ZONING



 CIC2024-00001

Created: November 15, 2023

0 250 500
Feet

2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION