

GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

446 West Crogan Street, Suite 300 | Lawrenceville, GA 30046-2440 678.518.6000 GwinnettCounty.com

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2024-00005

Current Zoning: O-I (Office-Institutional District) and **C-2** (General Business District)

Request: Rezoning to **M-1** (Light Industry District)

Additional Requests: Variances

Addresses: 4417 and 4421 Stone Mountain Highway

Map Numbers: R6064 020 and R6064 072

Site Area: 5.12 acres
Square Feet: 0 square feet

Proposed Development: Automobile or Truck Storage Lot with Outdoor Storage including Heavy

Equipment

Commission District: District 2 – Commissioner Ku

Character Area: Vibrant Communities and Community Mixed-Use

Staff Recommendation: DENIAL

Planning Commission

Recommendation: DENIAL

Case Number: SUP2024-00008

Current Zoning: O-I (Office-Institutional District), M-1 (Light Industry District), and C-2

(General Business District)

Request: Special Use Permit

Additional Requests: Variances

Addresses: 4417 and 4421 Stone Mountain Highway

Map Numbers: R6064 020 and R6064 072

Site Area: 29.00 acres
Square Feet: 0 square feet

Proposed Development: Automobile or Truck Storage Lot with Outdoor Storage including Heavy

Equipment

Commission District: District 2 – Commissioner Ku

Character Area: Vibrant Communities and Community Mixed-Use

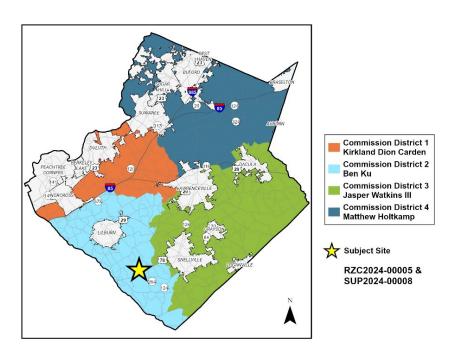
Staff Recommendation: DENIAL

Planning Commission

Recommendation: DENIAL

Planning Commission Advertised Public Hearing Date: 03/05/2024 (Public Hearing Tabled to 4/9/2024)

Board of Commissioners Advertised Public Hearing Date: 03/26/2024 (Public Hearing Tabled to 4/23/2024)



Applicant: Yellow River Ventures, LLC

c/o Mahaffey Pickens Tucker, LLP 600 Peachtree Street, Suite 3000

Atlanta, GA 30308

Contact: Shane Lanham Contact Phone: 770.232.0000

Zoning History

The subject property consists of two split-zoned parcels: R6064 020 zoned C-2 (General Business District), M-1 (Light Industry District), and O-I (Office-Institutional District); and R6064 072 zoned M-1 and O-I. In 1973, as part of an area-wide rezoning, the site was rezoned from R-100 (Single-Family Residence District) to M-1. An eastern portion of the property was rezoned from M-1 to O-I in 1980, pursuant to RZ-80-129. A small portion of the property along Stone Mountain Highway was rezoned from M-1 to C-2, and a special use permit was granted for automobile sales and service, pursuant to RZ-84-90 and SUP-50-90.

Existing Site Condition

The subject property is a 29-acre assemblage of two parcels located along the north side of Stone Mountain Highway, east of its intersection with Lake Lucerne Road. The Yellow River, associated buffers, floodplain, and wetlands are located along the northern property line. The site gradually slopes up approximately 20 feet from the right-of-way to the middle of the site, then slopes downward approximately 80 feet to the rear of the property. The center portion of the site has been graded and filled with dirt and topped with gravel. There is dense vegetation along the north property line, abutting nearby residential lots. A 200-foot-tall telecommunications tower is located at the southwestern corner of the property. Access to the site is provided by a gravel driveway on Stone Mountain Highway. The nearest Gwinnett County Transit stop is approximately 2.3 miles from the subject property.

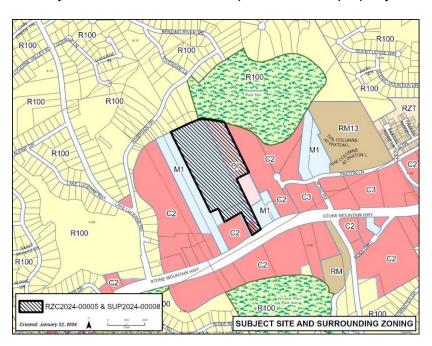
Owners: Yellow River Ventures, LLC

Atlanta, GA 30340

4351 Pleasantdale Road

Surrounding Use and Zoning

The subject property is surrounded by residential, commercial, and industrial uses. To the north are single-family residential lots and a County-owned property. To the east is heavy equipment sales fronting Stone Mountain Highway, a place of worship, and an automobile repair shop. To the southwest, the property abuts a medical office, and to the south across Stone Mountain Highway is an automobile leasing service. Immediately to the west is an undeveloped M-1 zoned property.



Location	Land Use	Zoning	Density
Proposed	Automobile or Truck Storage Lot with	M-1	N/A
	Outdoor Storage of Heavy Equipment		
North	Residential	R-100	0.5
East	Place of Worship	M-1, O-I	N/A
	Commercial	C-2	
South	Medical	C-2	N/A
West	Undeveloped	M-1	N/A
	Commercial	C-2	

Project Summary

The applicant requests rezoning of an approximately 5.12-acre portion of the two subject parcels from O-I and C-2 to M-1, for an automobile truck storage lot with outdoor storage of heavy equipment, including:

- A gravel parking lot for parking tractor trailers and trucks, and outdoor storage of heavy equipment including bulldozers, graders, etc.
- 215 parking spaces for semi-trucks.
- Grass vegetation around the perimeter of the gravel parking lot.
- A gravel driveway with gated access from Stone Mountain Highway.
- A 6-foot-tall vinyl chain link fence around the perimeter of the site.
- The application did not indicate if there will be on-site management or facilities.

Zoning and Development Standards

The applicant is requesting an approximately 5.12-acre portion of land be rezoned to M-1, for an automobile or truck storage lot with heavy equipment outdoor storage. This application was received prior to January 1, 2024, and is subject to the previous Unified Development Ordinance (UDO) standards. The following is a summary of applicable development standards from the UDO:

Standard	Required	Proposed	Meets Standard?
Front Yard Setback	Minimum 50'	>50'	YES
Side Yard Setback	Minimum 25'	>25'	YES
Rear Yard Setback	Minimum 50'	>50'	YES
Lot Size	Minimum 10 acres	29.0 acres	YES
Zoning Buffer	Minimum 50' to Residential Property	>50'	YES
	Minimum 15' Undisturbed from Public Street	0'	NO*
	Minimum 25' to Non-Residential Property	0'	NO*

^{*} Applicant is requesting a variance from the buffer standard.

Variance Requests

In addition to the rezoning and special use permit requests, the applicant is seeking variances from the following provisions of Title II of the UDO:

1. Section 240-10.3(A) - Off-Street Parking Standards - Parking Surfaces

In any non-residential district, the parking of any vehicle on other than a paved surface (or other system approved by the Director) is prohibited.

The applicant is requesting a variance to allow for the entire parking area to be gravel.

2. Section 240-70.1(B) – Driveways – Interior Driveways

Inter-parcel driveway connection or provision of a future inter-parcel driveway stub (with appropriate cross-access easements) shall be required between adjacent non-residential properties. This requirement may be waived by the Director only if it is demonstrated that an inter-parcel connection is not feasible due to traffic safety or topographic concerns.

The applicant is requesting a variance to not provide for future inter-parcel connections or driveway stubs to the adjoining properties to the south, east, and west.

3. Section 240-70.1(C) – Driveways – Interior Driveways

Interior driveways, with or without parking, shall be 10 to 12 feet wide for one-way traffic, and 22 to 24 feet wide for two-way traffic. Driveways that are determined to be essential fire access shall be increased to a minimum of 20 feet in width.

The applicant is requesting a variance to increase the maximum 24-foot-wide driveway width to 70 feet.

4. Section 230-130.3(E)(2) - Supplemental Use Standards (Per Table of Permitted Uses).

The entire lot shall be surrounded by a 15-foot in depth buffer adjacent to any public street, a 25-foot in depth buffer adjacent to a non-residential zoning district.

The applicant is requesting a variance to eliminate the 15-foot-wide buffer adjacent to public streets and the 25-foot-wide buffer adjacent to a non-residential zoning district.

Internal and External Agency Review

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

Staff Analysis

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

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

The proposed 215-space truck parking lot with outdoor storage of heavy equipment would not be suitable in view of the use and development of adjacent and nearby property. The site is surrounded by a mixture of commercial, institutional, and residential uses. The site abuts a place of worship to the east, a medical office to the southwest, and the Yellow River to the north. Additionally, the proposal fails to meet many UDO standards, which requires four variances including parking space paving materials, driveway width, inter-parcel access, and buffer requirements.

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

The proposal would adversely impact the existing use or usability of adjacent or nearby property which consists of commercial, institutional, and residential uses. Large-scale outdoor storage of automobiles, truck and heavy equipment is not compatible with existing development along this portion of Stone Mountain Highway. Many surrounding uses are consumer goods and services providers. The issue of compatibility is compounded by the proposed variances to eliminate the required buffers and to allow gravel parking areas, which could adversely impact the adjacent properties and the environmental features on the site.

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

The property has a reasonable economic use as currently zoned.

D. Whether the proposed rezoning and special use permit 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; however, the impacts would be mitigated with appropriate conditions, site development requirements, and planning. A Trip Generation Report submitted on January 30, 2024, estimates that the 215-parking space facility will generate 52 trips daily. No mitigation recommendations were made in the report. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning request are attached (Exhibit F).

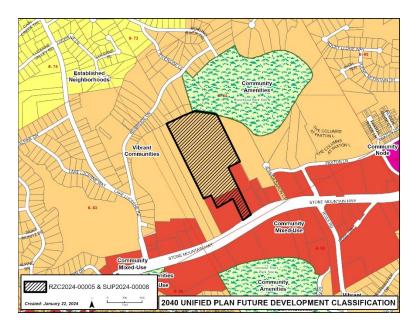
E. Whether the proposed rezoning and special use permit is in conformity with the policy and intent of the Unified Plan and Future Development Map; and

The 2040 Unified Plan Future Development Map indicates the majority of the subject property is within the Vibrant Communities Character Area, and a small portion of the property is within the Community Mixed-Use Character Area.

The Vibrant Communities Character Area is intended to serve as a transition between nodes and mixed-use activity centers and surrounding, established single-family residential areas. This Character Area is generally located away from the primary intersections where the activity centers and nodes are located. Depending on existing land use, zoning patterns and development intensity, new development and redevelopment in Vibrant Communities may contain a mix of housing types, including small-lot single-family housing, townhomes, multifamily housing, and senior housing. Other forms of "missing middle" housing including cottage courts, duplex, triplex, fourplex, multiplex, and live-work units are ideal for these locations since they are generally within walking distance of nodes and activity centers.

The Community Mixed-Use Character Area is intended for connecting areas outside of Regional Activity Centers and Community Nodes, and are typically located along major corridors including Stone Mountain Highway. Future development and redevelopment should focus on making these corridors more pedestrian-friendly. These areas should develop and redevelop with a mixture of uses, including vertically and horizontally integrated mixed-use, multifamily residential, commercial, and office uses, integrating high quality aesthetics and site design.

An automobile and truck storage lot with heavy equipment outdoor storage is not in conformity with the policy or intent of either the Vibrant Communities or Community Mixed-Use Character Areas.



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

A vehicle storage lot allowing semi-trucks and trailers to be parked for extended periods of time is not appropriate at this location. In addition, although it is anticipated that there will be 52 daily trips, signalization for accessing Stone Mountain Highway heading east is only available via local streets for safe vehicular egress. This negative impact on adjacent streets gives supporting grounds for denial.

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

The applicant requests variances to allow for the entire parking area to be gravel, to not provide inter-parcel access or stub-out streets for future connections to the adjacent non-residentially zoned properties, to exceed the maximum 24-foot-wide driveway width, and to not install 15-foot buffers adjacent to public streets nor 25-foot-wide buffers adjacent to non-residential properties. Gravel parking may break down over time and leave the site due to large tractor trailers and heavy equipment moving throughout the site, which would impact adjacent environmentally sensitive features including the Yellow River. Interparcel access could allow for safer access to Stone Mountain Highway as adjacent parcels redevelop. Therefore, eliminating the opportunity for future interparcel access does not align with the intent of the Unified Development Ordinance. The required buffers are intended to mitigate the impacts of an automobile or truck storage lot from adjoining developments and should be provided. Although the 70-foot-wide internal driveways are appropriate for the movement of trucks and heavy equipment throughout the site, due to the overall incompatibility of the proposed use, the request is not supportable. All variances requested are not aligned with the purpose and intent of the Unified Development Ordinance.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the rezoning and special use permit requests.

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

- 1. To allow for the entire parking area to be gravel.
- 2. To not provide for future inter-parcel connections or driveway stubs.
- 3. To increase the 24-foot-wide maximum driveway width to 70 feet.
- 4. To eliminate the 15-foot buffer required adjacent to public streets and the 25-foot buffer required adjacent to a non-residential zoning district.

Staff Recommended Conditions

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

RZC2024-00005

Approval of rezoning of the approximately 5.12-acre O-I and C-1 zoned portion of the lots to M-1 (Light Industry District) for an automobile and truck storage lot with outdoor storage of heavy equipment, subject to the following conditions:

- The proposed development shall be constructed in general conformance with Exhibit B: Site
 Plan dated received February 2, 2024, with revisions required by conditions of approval and the
 Unified Development Ordinance as reviewed and approved by the Department of Planning and
 Development.
- 2. No vehicle sales or service shall be permitted on the property.
- 3. No overnight resting or sleeping shall be permitted on the property.
- 4. No inoperable vehicles shall be stored on the property.
- 5. No outdoor storage of automotive parts or tires shall be permitted on the property.
- 6. All vehicles shall be parked on an approved surface and within striped parking spaces. Parking within the rights-of-way shall be prohibited.
- 7. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of grand opening and during special events which shall occur no more than twice per calendar year, and last no longer than seven days each.

- 8. Fencing along the perimeter of the property shall be of metal material that provides for screening and 8 feet in height, subject to the review and approval of the Department of Planning and Development.
- 9. The developer shall provide a 15-foot-wide graded and replanted buffer along the Stone Mountain Highway road frontage and a 25-foot-wide graded and replanted buffer adjacent to non-residential properties, subject to the review and approval of the Department of Planning and Development.
- 10. Stormwater BMP facilities shall be screened from view of adjoining properties and rights-of-way by a decorative fence and landscaping that complies with the Gwinnett County Stormwater Management Manual.
- 11. Natural vegetation shall remain on the property until the issuance of a development permit.

SUP2024-00008

Approval of a special use permit for an automobile and truck storage lot with outdoor storage of heavy equipment, subject to the following conditions:

- The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received February 2, 2024, with revisions required by conditions of approval and the Unified Development Ordinance as reviewed and approved by the Department of Planning and Development.
- 2. No vehicle sales or service shall be permitted on the property.
- 3. No overnight resting or sleeping shall be permitted on the property.
- 4. No inoperable vehicles shall be stored on the property.
- 5. No outdoor storage of automotive parts or tires shall be permitted on the property.
- 6. All vehicles shall be parked on an approved surface and within striped parking spaces. Parking within the rights-of-way shall be prohibited.
- 7. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of grand opening and during special events which shall occur no more than twice per calendar year, and last no longer than seven days each.
- 8. Fencing along the perimeter of the property shall be of metal material that provides for screening and 8 feet in height, subject to the review and approval of the Department of Planning and Development.
- 9. The developer shall provide a 15-foot-wide graded and replanted buffer along the Stone Mountain Highway road frontage and a 25-foot-wide graded and replanted buffer adjacent to non-residential properties, subject to the review and approval of the Department of Planning and Development.

- 10. Stormwater BMP facilities shall be screened from view of adjoining properties and rights-of-way by a decorative fence and landscaping that complies with the Gwinnett County Stormwater Management Manual.
- 11. Natural vegetation shall remain on the property until the issuance of a development permit.

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

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

- 1. To allow for the entire parking area to be gravel.
- 2. To not provide for future inter-parcel connections or driveway stubs.
- 3. To increase the 24-foot-wide maximum driveway width to 70 feet.
- 4. To eliminate the 15-foot buffer required adjacent to public streets and the 25-foot buffer required adjacent to a non-residential zoning district.

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. Traffic Impact Study
- F. Internal and External Agency Review Comments
- G. Maps
- H. Site Plan Presented at the April 9, 2024, Planning Commission Public Hearing

Exhibit A: Site Visit Photos



View of existing entrance to property



View facing north



View of property facing north



View of property facing west

Exhibit B: Site Plan

[attached]

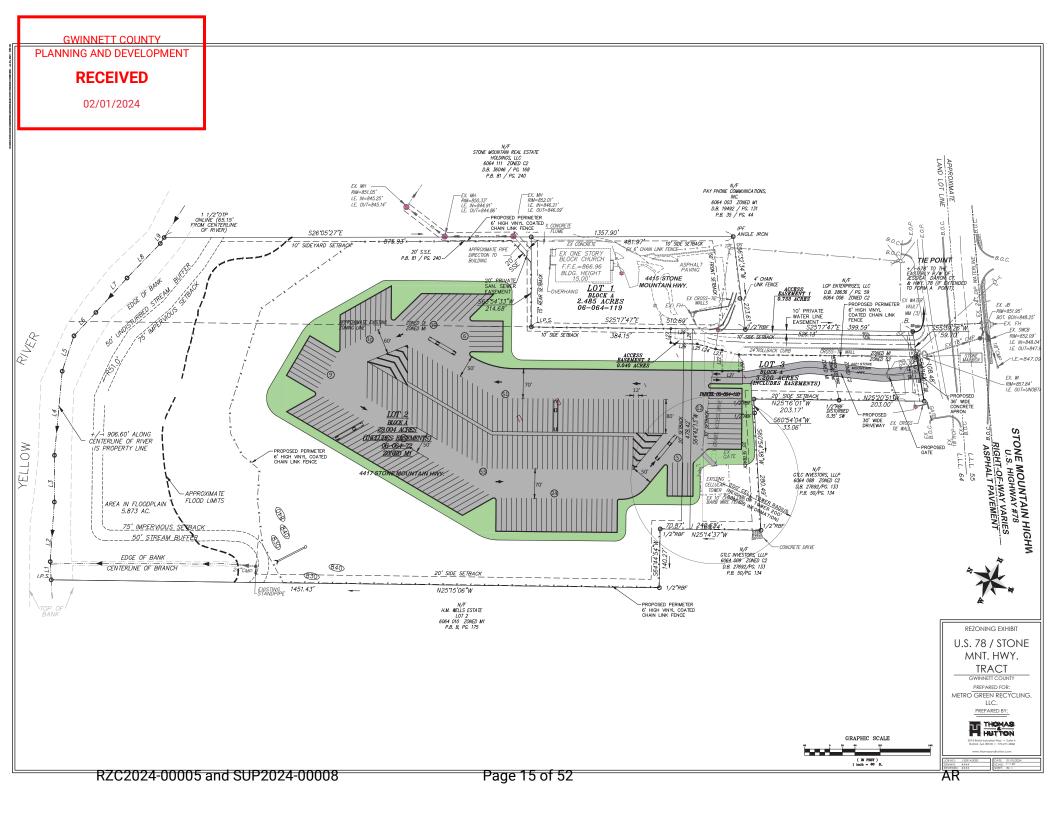


Exhibit C: Letter of Intent and Applicant's Response to Standards [attached]

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01/09/2024

Matthew P. Benson Catherine W. Davidson

Gerald Davidson, Jr.* Brian T. Easley Rebecca B. Gober Christopher D. Holbrook

Shane M. Lanham Jessica R. Kelly



Julia A. Maxwell Jeffrey R. Mahaffey Steven A. Pickens Jack M. Ryan Gabrielle H. Schaller S. Tess Shaheen Andrew D. Stancil R. Lee Tucker, Jr.

*Of Counsel

COMBINED LETTER OF INTENT FOR REZONING AND SPECIAL USE PERMIT APPLICATIONS OF YELLOW RIVER VENTURES, LLC

Mahaffey Pickens Tucker, LLP submits the attached rezoning and special use permit applications (the "Applications") on behalf of the property owner, Yellow River Ventures, LLC (the "Applicant"), relating to an approximately 29.004-acre tract (the "Property") located along Stone Mountain Highway (U.S. Route 78) in southern Gwinnett County. The Property is located on the northerly side of Stone Mountain Highway, is primarily zoned M-1, and is located in the Vibrant Communities and Community Mixed-Use Character Areas.

The bulk of the Property is zoned M-1 with no conditions with a small portion zoned C-2 and O-I pursuant to case numbers RZ-84-1990 and RZ-129-1980, respectively. The Applicant submits the Applications requesting (i) to rezone the C-2 and O-I portions of the Property to the M-I zoning classification and (ii) approval of a special use permit for the entire Property in order to use it for an "Automobile or Truck Storage Lot (excl. junk/wrecked vehicles)." The Applicant would also utilize the Property for outdoor storage, including of heavy equipment, as permitted by right in M-1 as set forth in the Unified Development Ordinance (the "UDO").

Sugarloaf Office | | 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043 NorthPoint Office | | 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022 TELEPHONE 770 232 0000

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The Property is graded and developed with an existing gravel parking/storage area which

the Applicant is proposing to use for a truck parking/storage lot. Large buffers and green space areas have been maintained in the northern portion of the Property along the Yellow River. The proposed use is compatible with existing surrounding uses and is also similar to and less intense than uses that are permitted by right in M-1, such as "Contractors Office, Building Construction," "Distribution Facility," "Outdoor Storage (other than junk/salvage yards)," and "Wholesaling and Warehousing." A farm equipment sales and service facility is located on adjacent property to the east. While outdoor storage is permitted on gravel surfaces and the proposed use is an "Automobile or Truck Storage Lot," the Applicant, out of an abundance of caution, also requests, to the extent necessary, a variance from §240-10.3(A) and/or other relief from the requirements of the UDO to allow the proposed Automobile or Truck Storage Lot on the existing gravel-surface lot. The Applicant also requests a variance from §240-70.1 and/or other relief from the provisions of the UDO which would require inter-parcel access among the Property and adjacent non-residential properties. The nature of the proposed use as a secure storage area as well as the provisions of the UDO which require fencing around the perimeter of the Property are frustrated by a strict interpretation of UDO \$240-70. The Applicant also requests a variance from UDO \$240-70.1(C) to increase the maximum driveway width to 70 feet. The storage lot would be provided according to the layout depicted on the site plan submitted with the application. Generally, truck storage areas would be provided around the perimeter of the gravel lot with an additional storage area in the center. Based on the Property's shape and the nature of the proposed use, wider driveways are appropriate to facilitate safe ingress and egress of trucks. Driveway standards in the UDO are drafted contemplating typical passenger automobiles and do not provide appropriate standards for the proposed use, the nature of which relates to tractor-trailers and heavy equipment. Additionally,

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the Applicant requests a variance from §230-130.3(E) to reduce the buffers required adjacent to public streets and non-residential zoning districts to zero feet. The 50-foot buffer adjacent to residential zoning districts required by §230-130.3(E)(2) would only apply at the northern end of the Property and would be measured from the property boundary line (which is the centerline of the Yellow River. Since the required 50-foot wide stream buffer is measured from the point of wrested vegetation (top-of-bank), the former buffer is contained within the latter. The Property also has a relatively narrow road frontage which has been previously developed to include two driveways. Overhead power lines are also present which, together with the narrow road frontage, frustrates the provision of any buffering adjacent to the right-of-way. Moreover, the rear of the site, where the proposed use will occur, is not visible from the right-of-way of Stone Mountain Highway as the driveway rises away from the right-of-way and then descends out of view moving towards the northerly portion of the Property and the truck storage lot.

The requested variances arise from conditions that are unique and peculiar to the land, structures and buildings involved. They are necessary because the particular physical surroundings, the size, shape and topographical condition of the Property would result in unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced. The conditions requiring the requested relief are not ordinarily found in properties of the same zoning district as the subject property. The conditions are created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant. The granting of the variances will not impair or injure other property or improvements in the neighborhood in which the Property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation,

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01/09/2024 endanger the

endanger the public safety or substantially diminish or impair property values within the

neighborhood. The variances requested represent the minimum variance that will make possible

the reasonable use of the land, building or structures. Approval of the requested variances would

not be contrary to the general spirit and intent of Title 2 of the UDO or the purpose and intent of

the Gwinnett County Unified Plan.

The Property's location on a heavily-developed major transportation corridor in close

proximity to commercial, industrial, distribution, and logistics uses makes it an appropriate site for

a secure truck parking/storage use. The location of the proposed parking/storage area at the rear of

the site will screen the proposed use from Stone Mountain Highway and preserve the aesthetics of

that roadway. The proposed use is significantly lower-intensity than many of the uses allowed by

right in M-1 and even less intense than the medium density residential and mixed-use land uses

encouraged by the 2040 Plan. The proposed use is compatible with the policy and intent of the

land use plan which designates the property as split between the Vibrant Communities and

Community Mixed-Use Character Areas. The proposed development is in many ways less intense

than the medium density (8-13 units/acre) residential uses recommended by the 2040 Plan. While

the subject property is not a good candidate for large-scale commercial or office uses given its

shape and limited road frontage, it can play a supporting role for other mixed-use, commercial,

and office uses recommended for the Community Mixed-Use Character Area. The proposed use

will be quiet, screened from view, will reduce illegal truck parking, increase safety for motorists,

and have no impact on school enrollment.

The Applicant respectfully submits that the proposed development is consistent with the

spirit and intent Gwinnett County 2040 Unified Plan and would be compatible with adjacent

properties. The Applicant welcomes the opportunity to meet with staff of the Gwinnett County

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01/09/2024
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. The Applicant respectfully requests your approval of the Applications.

This 9th day of January, 2024.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane Lanham

Shane M. Lanham Attorneys for Applicant

Exhibit D: Application and Disclosure of Campaign Contributions [attached]

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12/21/2023

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*		
NAME: Owner c/o Mahaffey Pickens Tucker, LLP	NAME: Yellow River Ventures, LLC		
ADDRESS: 1550 North Brown Road, Suite 125	ADDRESS: 4351 Pleasantdale Road		
CITY: Lawrenceville, GA 30043	CITY: Atlanta		
STATE: Georgia ZIP: 30043	STATE: Georgia ZIP: 30340		
PHONE: <u>770 232 0000</u>	PHONE: _770 232 0000		
EMAIL: slanham@mptlawfirm.com	EMAIL: slanham@mptlawfirm.com		
CONTACT PERSON: Shane Lanham PHONE: 770 232 0000			
CONTACT'S E-MAIL: slanham@mptlawfirm.com			
APPLICANT IS THE:			
OWNER'S AGENT XX PROPERTY OWNER CONTRACT PURCHASER			
PRESENT ZONING DISTRICTS(S): C-2 REQUESTED ZONING DISTRICT: M-1			
PARCEL NUMBER(S): R6064 072 & R6064 020 ACREAGE: +/-0.497			
ADDRESS OF PROPERTY: 4417 & 4421 Stone Mountain Highway			
Outdoor Storage (other than junk/salvage yards) including heavy PROPOSED DEVELOPMENT: equipment and "Automobile or Truck Storage Lot (excl. junk/wrecked vehicles" as a special use			

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units NA	No. of Buildings/Lots: 0 buildings/ 1 lot
Dwelling Unit Size (Sq. Ft.): NA	Total Building Sq. Ft. 0
Gross Density: NA	Density: NA
Net Density: NA	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

Gwinnett County Planning Division Special Use Permit Application Last Updated 7/2023

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12/21/2023

SPECIAL USE PERMIT APPLICATION

ADDITION INFORMATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*		
NAME: Owner c/o Mahaffey Pickens Tucker, LLP	NAME: Yellow River Ventures, LLC		
ADDRESS: 1550 North Brown Road, Suite 125	ADDRESS: 4351 Pleasantdale Road		
CITY: Lawrenceville	CITY: Atlanta		
STATE: Georgia ZIP: 30043	STATE: Georgia ZIP: 30340		
PHONE: 770 232 0000	PHONE: 770 232 0000		
EMAIL: slanham@mptlawfirm.com	EMAIL: slanham@mptlawfirm.com		
CONTACT PERSON: Shane Lanham	PHONE: 770 232 0000		
CONTACT'S E-MAIL: slanham@mptlawfirm.com			
*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:			
OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER			
EXISTING/PROPOSED ZONING: M-1 BUILDING/LEASED SQUARE FEET: 0			
PARCEL NUMBER(S): R6064 072 & R6064 020 ACREAGE: +/-29.004			
ADDRESS OF PROPERTY: 4417 & 4421 Stone Mountain Highway			
SPECIAL USE REQUESTED: Automobile or Truck Storage Lot (excl. junk/wrecked vehicles)			

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

Gwinnett County Planning Division Rezoning Application Last Updated 7/2023

RECEIVED

12/21/2023

REZONING APPLICANT'S CERTIFICATION

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

Signature of Applicant

Date

Shane Lanham, attorney for Applicant

Type or Print Name and Title

Signature of Notary Public

Date

Notary Seal

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Signature of Applicant		Dute
mitchell Stephens	managing	member
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Donna L Borne	12/21/13	COUNTY INTO SOME EXPIRES MARCH S
Signature of Notary Public	Date	Notary Seal

RECEIVED

12/21/2023

Gwinnett County Planning Division Rezoning Application Last Updated 7/2023

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ME		12/2/123
Signature of Property Owner		Date
mitchell Stephens	manag	ing member
Type or Print Name and Title	<i>J</i>	
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		ZEZ PUBLIC SE
Donna L. Bowen	12/21/23	COUNTY WILLIAM
Signature of Notary Public	Date	Notary Seal IIII

Gwinnett County Planning Division Rezoning Application Last Updated 7/2023

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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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

Please see attached		
NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
f the answer is yes, please co		າ:
YES NO Mahaffey Pic	kens Tucker, LLP YOUR NAME	
	gating \$250.00 or more to a	filing of this application, made a member of the Board of
		EXPIRES MARCH
Donna L. Bowen SIGNATURE OF NOTARY PUB	12/19/23 LIC DATE	MY COTARY SEAR IN SO
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTA		TYPE OR PRINTINAME AND TIT
	12/19/23	Shane Lanham, attorney for Applicant
SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITL

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

RECEIVED

12/21/2023CONFLIGT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS

MAHAFFEY PICKENS TUCKER, LLP			
CONTRIBUTIONS	DATE		
\$1,500	10/03/2022		
\$1,000	04/13/2023		
\$2.500	08/11/2023		
. ,	09/18/2023		
•	09/27/2023		
, , , , , , , , , , , , , , , , , , ,			
ornev at Law P.C.			
omey at Law, 1 .O.			
CONTRIBUTIONS	DATE		
	10/25/2023		
Ψ2,000	10/20/2020		
orney at Law Individually			
officy at Law, individually			
CONTRIBUTIONS	DATE		
	08/14/2023		
	CONTRIBUTIONS \$1,500 \$1,000 \$2,500 \$3,300 \$3,300 \$corney at Law, P.C. CONTRIBUTIONS \$2,000 Corney at Law, Individually CONTRIBUTIONS		

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Gwinnett County Planning Division Rezoning Application Last Updated 7/2023

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

	7A-1, et. seq, <u>Conflict of In</u>	ing, has complied with the Official terest in Zoning Actions, and has provided.
		mitchell Stephens
736	12/21/23	orms provided. mitchell Stephens managing membe TYPE OR PRINT NAME AND TITLE
SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTA		TYPE OR PRINT NAME AND TITLE
Donna L. Bour	en 12/21/23	- AUBLIC SOLUTION OF THE SECOND OF THE SECON
SIGNATURE OF NOTARY PUBI	LIC DATE	NOTARY/SEAL
	SURE OF CAMPAIGN CON	
campaign contributions aggre Commissioners or a member of	gating \$250.00 or more to	
YES NO Yell	ow River 1	rentures, LLC
	YOUR NAME	
If the answer is yes, please co	mplete the following section	on:
NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate \$250 or More)	to WAS MADE (Within last two years)

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

Gwinnett County Planning Division Rezoning Application Last Updated 7/2023

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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

PARCEL I.D. NUMBER: 6 - 064 - 072
(Map Reference Number) District Land Lot Parcel
Signature of Applicant Date
Mane Lanham
Type or Print Name and Title
Type of Tillit Name and Title
PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.
TAX COMMISSIONERS USE ONLY
(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW) THIN THE NAME NAME TITLE DATE

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PARCEL I.D. NUMBER:	6 -	064 - 02	0
(Map Reference Number)	District	Land Lot	Parcel
Signature of Applicant	Lanham		12/18/23 Date
Type or Print Name and Ti	itlo		
PLEASE TAKE THIS FO JUSTICE AND ADMINIST BELOW.			FICE AT THE GWINNETT F, FOR THEIR APPROVAL
	TAX COMMISS	ONERS USE ONLY	
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Signature of Applicant

12/19/25 Date

Shane Lanham, attorney for Applicant

Type or Print Name and Title

Signature of Notary Public

Date

Notary Seal

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Gwinnett County Planning Division Special Use Permit Application Last Updated 7/2023

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Type or Print Name and Title

Date

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Donna L. Bowen	12/21/23	COUNTY INTERPRES MARCH
Signature of Notary Public	Date	Notary Seal

Signature of Property Owner

Gwinnett County Planning Division Special Use Permit Application Last Updated 7/2023

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See attached		
NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
If the answer is yes, please co	YOUR NAME mplete the following section:	
Y _{ES} No Mahaffe	y Pickens Tucker, LLP	
Have you, within the two years campaign contributions aggre Commissioners or a member	gating \$250.00 or more to a r	member of the Board of
DISCLO	SURE OF CAMPAIGN CONTR	IBUTIONS
Donna L. Bowen SIGNATURE OF NOTARY PUB	12/19/23 LIC DATE	OTARY SEALS OMNOTARY SEALS ONNOTARY SEALS
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X	17/14/23 Shane	Lanham, attorney for Applicant
SIGNATURE OF APPLICANT	DATE T'	YPE OR PRINT NAME AND TITI

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



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MAHAFFEY PICKENS TUCKER, LLP			
NAME AND OFFICIAL POSITION			
OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE	
Ben Ku, Commissioner	\$1,500	10/03/2022	
Matt Holtkamp, Commissioner	\$1,000	04/13/2023	
Nicole Love Hendrickson, Chairwoman	\$2,500	08/11/2023	
Matt Holtkamp, Commissioner	\$3,300	09/18/2023	
Kirkland Carden, Commissioner	\$3,300	09/27/2023	
,	. ,		
Lee Tucker, Atto	orney at Law, P.C.		
, , , , , , , , , , , , , , , , , , ,			
NAME AND OFFICIAL POSITION			
OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE	
Kirkland Carden, Commissioner	\$2,000	10/25/2023	
Jeffrey Mahaffey, Attorney at Law, Individually			
•			
NAME AND OFFICIAL POSITION			
OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE	
Nicole Love Hendrickson, Chairwoman	\$1,000	08/14/2023	

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		mitchell Stephen managing memi		
74	12/21/23	managing memi		
SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAMÉ AND TITLE		
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTAT		TYPE OR RRINT NAME AND TITLE		
Donna L. Borver	12/21/23	AND		
SIGNATURE OF NOTARY PUBL	LIC DATE	NO VARY, HEALES		
DISCLOS	SURE OF CAMPAIGN CONT	RIBUTIONS		
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 XNO Yellow River ventures, LLC YOUR NAME				
TYES LAJNU TOTTO	YOUR NAME	, , , , , , , , , , , , , , , , , , , ,		
If the answer is yes, please complete the following section:				
NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate t \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)		

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Signature of Applicant Date				
Shane Lanham				
Type or Print Name and Title				
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TAX COMMISSIONERS USE ONLY				
(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW) TEMPERATURE NAME TITLE DATE				

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PARCEL I.D. NUMBER:	<u>- 064</u>	- 020		
(Map Reference Number)	District	Land Lot I	Parcel	
Signature of Applicant	. 6	100 I B	/18/23 ate	
- Mare Lea	Man	·		
Type or Print Name and Title				
PLEASE TAKE THIS FORM JUSTICE AND ADMINISTRATE BELOW.				
	TAX COMMISSIONER	RS USE ONLY		
(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW) T. Sinley 1				

Exhibit E: Traffic Impact Study

[attached]

GWINNETT COUNTY PLANNING AND DEVELOPMENT

RECEIVED

01/30/2024



5074 BRISTOL INDUSTRIAL WAY, SUITE A
BUFORD, GA 30518 | 770.271.2868
WWW.THOMASANDHUTTON.COM

MEMORANDUM

TO: Metro Green Recycling LLC

FROM: Doyle Kelley, P.E.

DATE: January 30, 2024

RE: Trip Generation for US 78/Stone Mountain Highway Tract (30914.0000)

The US 78/Stone Mountain Highway Tract is a proposed tractor trailer parking facility that is located north of Stone Mountain Highway (US 78), west of Ross Road, and east of Lake Lucerne Road in Lilburn, Georgia. The development is proposed to consist of 215 parking spaces. The development has one proposed driveway on Stone Mountain Highway (US 78) frontage road.

Trips generated by the proposed development are estimated using information provided by the client regarding estimated daily roundtrips and the number of parking spaces at similar facilities in the vicinity. It is estimated that 24% of the parking spaces have turnover on an average day. The trip generation equation is shown below. The trip generation is shown in Table 1.

Daily Roundtrips = 0.24 * number of parking spaces

Table 1. Trip Generation

		Daily	
	Size	ln	Out
Tractor Trailer Parking Facility	215 Parking Spaces	52	52

Exhibit F: Internal and External Agency Review Comments

[attached]



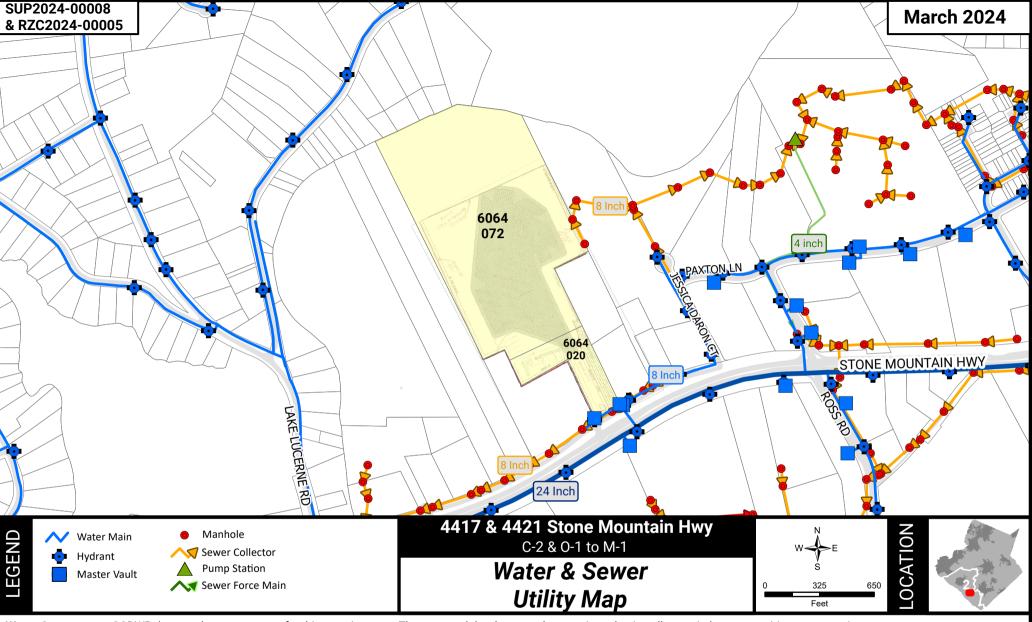
Department of Planning and Development TECHNICAL REVIEW COMMITTEE

TRC	Meeting Date:	02.01.2024	
Depa	rtment/Agency Name:	Transportation	
Revie	ewer Name:	Brent Hodges	
Revie	ewer Title:	Construction Manager 1	
Revie	ewer Email Address:	Brent.Hodges@gwinnettcounty.com	
Case	Number:	SUP2024-00008 / RZC2024-00005	
Case	Address:	4417 – 4421 Stone Mountain Highway, Lilburn, 30047	
	Comments:	X YES NO	
1	Stone Mountain Highway (SR 10) is a	principal arterial. ADT = 59,200.	
2	2.3 miles to the nearest transit facility, located along route (70) at Park Place Boulevard and Bermuda Road.		
3	The developer shall coordinate with the Georgia Department of Transportation (GDOT) on if any improvements are needed along the entrance.		
4			
5			
6			
7			
	Recommended Zoning Conditions:	YES X NO	
1			
2			
3			
4			
5			
6			
7			



Department of Planning and Development TECHNICAL REVIEW COMMITTEE

TRC	Meeting Date:		
Depa	rtment/Agency Name:	DWR	
Revie	wer Name:	Mike Pappas	
Revie	wer Title:	GIS Planning Manager	
Revie	wer Email Address:	Michael.pappas@gwinnettcounty.com	
Case	Number:	SUP2024-00008 & RZC2024-00005	
Case	Address:	4417 & 4421 Stone Mountain Highway	
	Comments:	YES X NO	
1	Water: GCDWR does not have comments for intend to install occupied space requiring wat	this rezoning case. The proposed development does not ter service.	
2	Sewer: GCDWR does not have comments for this rezoning case. The proposed development does not intend to install occupied space requiring sewer service.		
3			
4			
5			
6			
7			
	Recommended Zoning Conditions:	YES X NO	
1			
2			
3			
4			
5			
6			
7			



Water Comments: GCDWR does not have comments for this rezoning case. The proposed development does not intend to install occupied space requiring water service.

Sewer Comments: GCDWR does not have comments for this rezoning case. The proposed development does not intend to install occupied space requiring sewer service.

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. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developments.

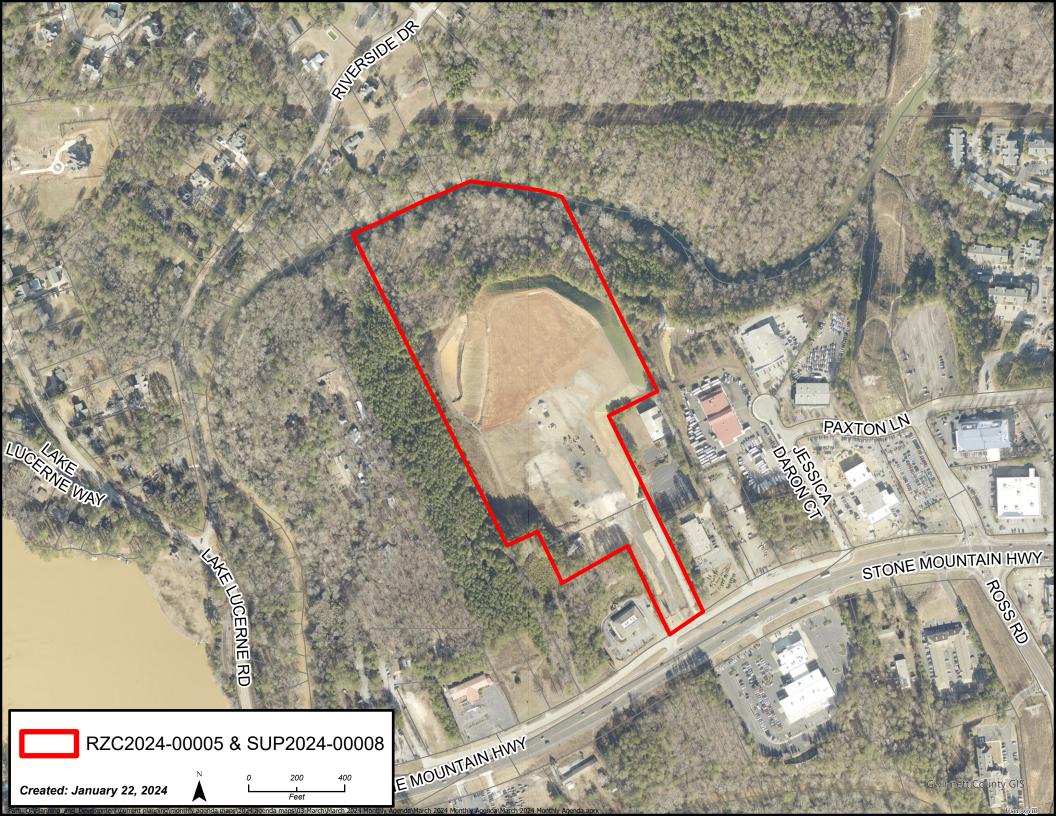
Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or installation of a new pump station. 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.

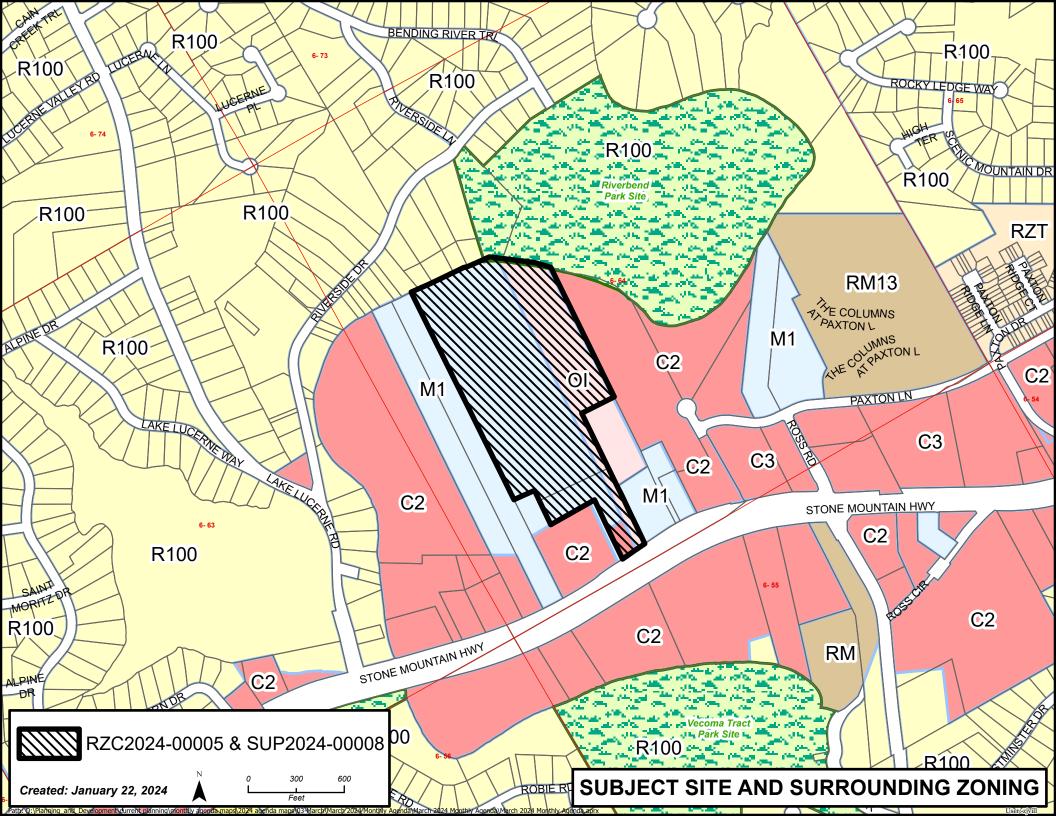
Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, 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 developments with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments: This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Exhibit G: Maps

[attached]





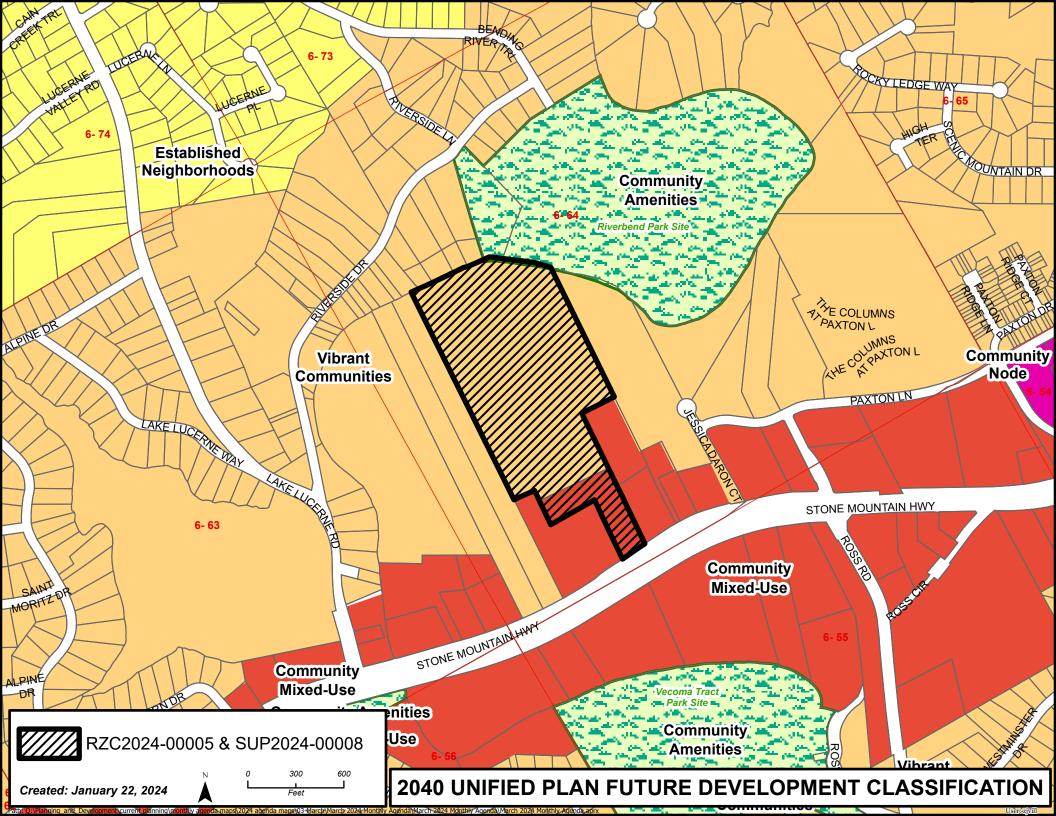


Exhibit H: Site Plan Presented at the April 9, 2024, Planning Commission Public Hearing [attached]

