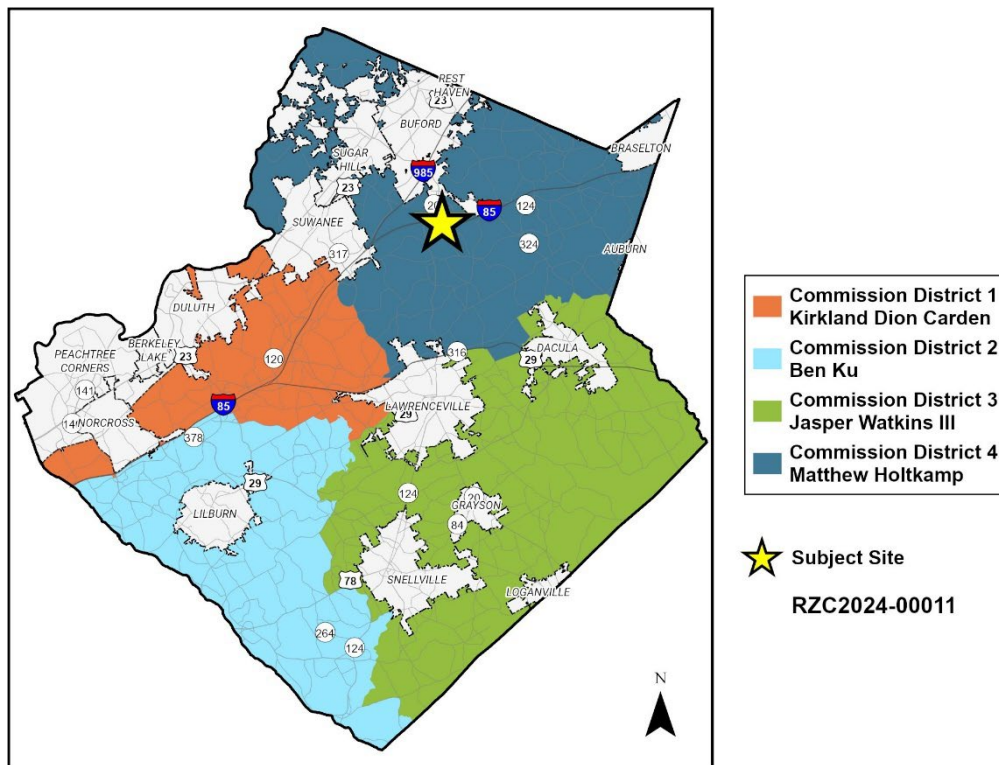


PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2024-00011
Current Zoning: R-100 (Single-Family Residence District)
Request: Rezoning to C-1 (Neighborhood Business District)
Overlay District: Mall of Georgia
Additional Requests: Variances
Property Address: 2700 Block of Old Ivy Court
Map Number: R7145 003
Site Area: 6.07 acres
Proposed Development: Telecommunications Tower
Commission District: District 4 – Commissioner Holtkamp
Future Development Type: Urban-Medium

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** APPROVAL WITH CONDITIONS



Planning Commission Advertised Public Hearing Date: 5/7/2024 (Public Hearing Tabled to 6/4/2024)
Board of Commissioners Advertised Public Hearing Date: 5/14/2024 (Public Hearing Tabled to 6/25/2024)

Applicant: Kelly Towers III, LLC
3708 Stonewall Circle
Atlanta, GA 30339

Owner: MAAG USA, LLC
820 Ingleside Drive
Lawrenceville, GA 30044

Contact: Kathy Kelly

Contact Phone: 770.330.9784

Zoning History

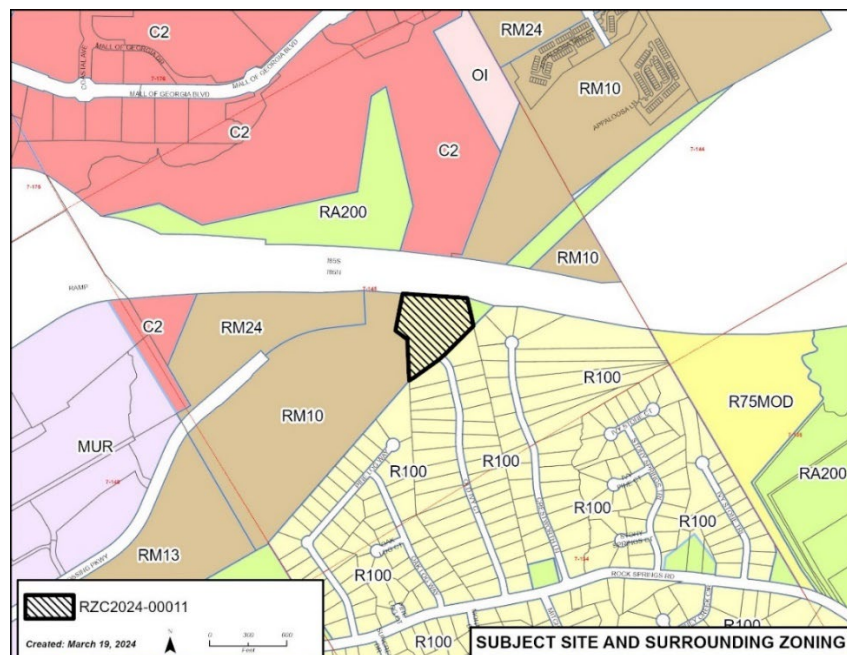
The subject property is zoned R-100 (Single-Family Residence District). In 1984, the property was rezoned from RA-200 (Agriculture-Residence District) to R-100 as part of a 34-acre rezoning for the single-family detached Old Ivy subdivision, pursuant to RZ-187-84.

Existing Site Condition

The subject property is a 6.07-acre parcel located west of the stub street of the Old Ivy Court subdivision, just south of Interstate 85. There is a metal gate and dirt path at the rights-of-way of Old Ivy Court that provides access to the property. The site is developed with a tower and transmission lines, with a Georgia Power easement approximately 237 feet wide. A 35-foot-wide utility easement crosses the property and is primarily within the Georgia Power easement. A stream and associated buffers run along a portion of the western property line. The terrain slopes steadily from the rights-of-way of Old Ivy Court declining in elevation approximately 45 feet northwest, down toward the stream. The nearest Gwinnett County Transit stop is approximately 1.4 miles from the site.

Surrounding Use and Zoning

The surrounding area is comprised of the Old Ivy and the Crestworth Village single-family detached subdivisions to the south and the east, respectively. A multi-family residential development is to the west, and a small undeveloped parcel is to the east. There are a mix of commercial and residential uses north of Interstate 85. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning
Proposed	Telecommunications Tower	C-1
North	Interstate 85	N/A
East	Single-Family Residential Undeveloped	R-100 RA-200
South	Single-Family Residential	R-100
West	Multi-Family	RM-10

Project Summary

The applicant requests rezoning of a 6.07-acre property from R-100 to C-1 for a telecommunications tower, including:

- A 125-foot-tall metal monopole telecommunications tower enclosed by a 60' x 60' 6-foot-tall chain link fence.
- Accessory ground equipment and cabinets within the fenced area.
- A 12-foot-wide gravel driveway within a 30-foot-wide access easement from Old Ivy Court to the telecommunications tower.
- A 12' x 50' gravel turnaround outside the fenced area.
- An access gate at the Old Ivy Court stub street.

Note: Telecommunication towers are permitted in residential zoning districts upon approval of a Tall Structure Permit by the Board of Commissioners. However, they may not exceed 100 feet in height. If zoned C-1, the tower is a permitted use if all setback, screening, and buffer requirements are satisfied. This includes a setback of a minimum distance of two times the height of the tower from any residentially zoned property. Otherwise, Board of Commissioners approval is required.

Zoning and Development Standards

The applicant is requesting a rezoning to C-1 for a new private telecommunications tower. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Lot Coverage	Maximum 80% of site	0%	YES
Front Yard Setback	Minimum 0'	290'	YES
Side Yard Setback	Minimum 0'	250' and 163'	YES
Rear Yard Setback	Minimum 0'	269'	YES
Zoning Buffer	10' to the west	250'	YES
Zoning Buffer	50' to the south and east	0'	NO*
Driveway Material	Paved Surface	Gravel Surface	NO*

* The applicant is requesting variances to eliminate the zoning buffer and allow a gravel driveway and parking area.

The property is within the Mall of Georgia Overlay District. The proposed site plan demonstrates compliance with all requirements of the overlay district, most of which do not apply to the site/use.

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 230-100.1 A 50-foot zoning buffer is required on property zoned C-1 where it abuts property that is zoned for single-family detached residential use.**

Rezoning the property to C-1 requires a 50-foot-wide zoning buffer adjacent to single-family detached residentially zoned properties, including the adjacent R-100 and RA-200 parcels. A Georgia Power easement area is entirely clear-cut and begins at the property line abutting the single-family detached residential neighborhoods to the east and south. However, the UDO requires that the buffer standards be met outside of the easement on the subject property.

- 2. Section 240-10.3.A. In any non-residential district, the parking of any vehicle on other than a paved surface is prohibited.**

The applicant proposes gravel parking for maintenance vehicles.

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 may be required related to transportation, stormwater, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Rezoning Request Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-90.7. After this evaluation, staff makes the following findings based on the standards from the UDO:

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

The property is surrounded by single-family detached and multi-family subdivisions. Although the subject site has been clear-cut for a depth of 237 feet for the Georgia Power transmission lines, tower, and easement, rezoning the property to C-1 for a new telecommunications tower would introduce a zoning district that allows uses that are not suitable in view of the use and development of adjacent and nearby property.

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

The proposed rezoning would adversely affect the existing use or usability of adjacent or nearby property due to the added visual impact that the telecommunications tower could impose upon

nearby residences. The site is adjacent to the Exchange development which was an economic development project targeted by the County to be a premier mixed-use development. The communication tower would negatively impact the residential portions of this development.

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

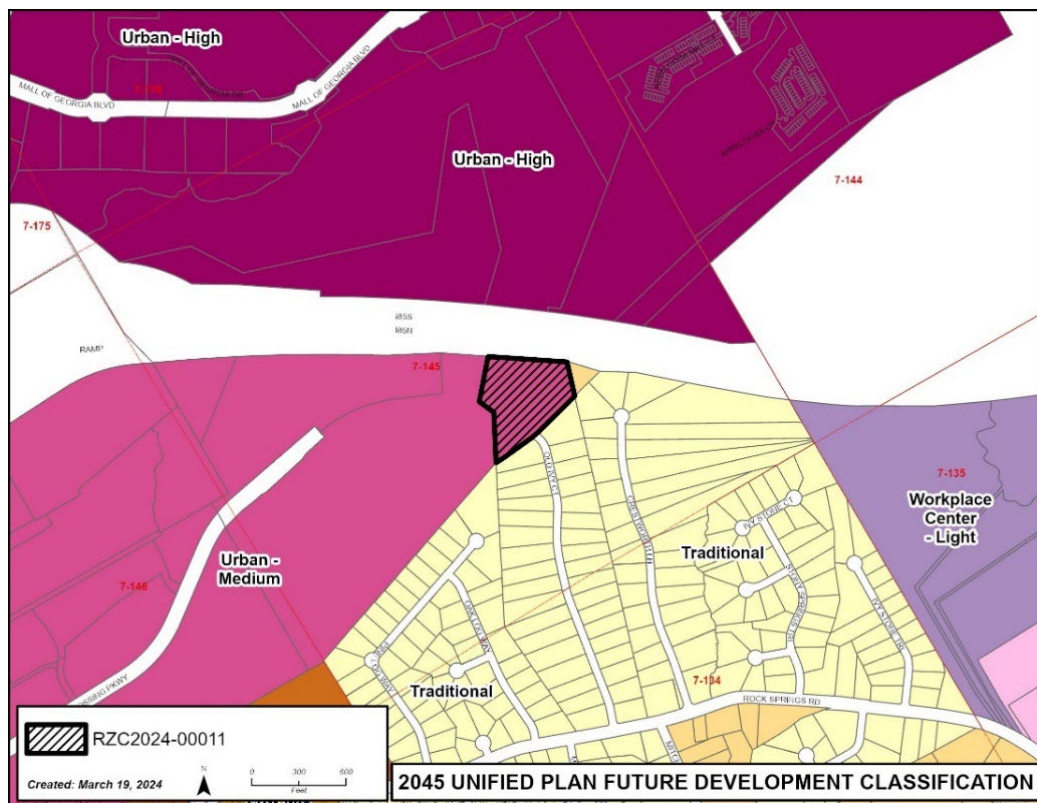
The property has a reasonable economic use as currently zoned.

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

The proposed rezoning would not likely result in a use which would cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. However, other C-1 permitted uses would cause an excessive burden to the residential streets. Agency review comments concerning potential improvements related to the request are attached (Exhibit F).

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

The Unified Plan's Future Development Map indicates "Urban-Medium" for the subject property, which envisions mixed-use development with both residential and nonresidential components. A standalone telecommunications tower does not align with the Unified Plan vision, and C-1 is not a recommended zoning district for "Urban-Medium". Therefore, the proposed rezoning is not in conformity with the policy and intent of the Unified Plan and Future Development Map.



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

The property is located in the Mall of Georgia Overlay District, which is intended to enhance the viability and livability of areas surrounding major activity centers in the County, and to achieve and maintain a unified and pleasing aesthetic/visual quality in site features. In addition, the Gwinnett County Telecommunications Ordinance establishes guidelines for telecommunications towers and antennas with the goal to encourage their location in nonresidential areas where adverse visual impacts on the community are minimized. A telecommunications tower is not appropriate at this location.

Variance Requests Analysis: The standards for granting variances are outlined in Section 270-90.7 of the UDO. Staff makes the following findings related to the variance request:

The applicant requests a variance to eliminate the 50-foot-wide zoning buffer to the adjacent single-family detached districts to the east and south. The UDO requires the buffer to be located outside of the existing Georgia Power easement within the property. The applicant is proposing new land disturbance and would not provide any vegetative screening within the required zoning buffer. The proposal does not meet the purpose and intent of the UDO.

The applicant also requests a variance to allow a gravel driveway and parking area for maintenance vehicles. There are no unique conditions on the parcel to warrant approval of this variance request.

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 request.

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

1. To eliminate the zoning buffer adjacent to single-family detached zoning districts.
2. To allow a gravel driveway and parking area.

Planning Commission Recommendation

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

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

1. To eliminate the zoning buffer adjacent to single-family detached zoning districts.

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

2. To allow a gravel driveway and parking area.

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

Approval as C-1 (Neighborhood Business District) for a telecommunications tower, subject to the following conditions:

1. The property shall be limited to a telecommunications tower and accessory structures, not exceeding 125 feet. **The tower shall not exceed the height of the structures in the surrounding area.**
2. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan and Exhibit C: Architectural Elevations dated received March 8, 2024, subject to the review and approval of the Department of Planning and Development.
3. A 30-foot undisturbed zoning buffer shall be provided outside of the Georgia Power Easement, to the northwest, along the entire length of the easement, except for approved access crossing, subject to the review and approval of the Department of Planning and Development.
4. **A paving apron driveway shall be installed for 150 feet from the existing driveway and the parking area of the power site.**
5. **The tower shall have stealth camouflage.**

Exhibits:

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

Exhibit A: Site Visit Photos



View of natural buffer between adjacent residential property and the site from Old Ivy Court



View of eastern portion of subject property facing west from Old Ivy Court



View from subject property under power lines facing north towards Interstate 85



Approximate location of proposed telecommunications tower

Exhibit B: Site Plan

[attached]

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03/08/2024

EXISTING PROPERTY
LINE (TYP.)

SUBJECT PROPERTY
N/F
MAAG USA LLC OF
WINNETT COUNTY
PARCEL ID: R7145 003
ZONED: R-100

INTERSTATE 85
(R/W VARIES)

GEORGIA POWER
3503: NORCROSS -
SOUTH HALL 500KV
TRANSMISSION LINE

N/F
FIRST REPUBLIC CO
PARCEL ID: R7145 090
ZONED: RA-200

N/F
COTTONWOOD SUMMER
PARK CASH LLC
PARCEL ID: R7145 078
ZONED: RM-10

4" OF #57 STONE W/
GEOFAB UNDERLAYMENT
THROUGHOUT COMPOUND

PROPOSED 60'x60' COMPOUND
WITH CHAINLINK FENCE

PROPOSED
MONOPOLE TOWER

TOP OF BANK WRESTED VEGETATION

25' STATE UNDISTURBED BUFFER

50' COUNTY UNDISTURBED BUFFER

75' COUNTY NO-IMPERVIOUS BUFFER

269'-1"

250'-3"

163'-2"

294'-6"

230'-0"

89'-6"

50'-0"

87'-6"

50'-0"

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GTC STRUCTURE
#15

PROPOSED 50'x12'
GRAVEL PARKING
AND TURNAROUND

EXISTING WINNETT COUNTY
UTILITY WATER LINE TO BE
FIELD LOCATED AND MARKED
PRIOR TO CONSTRUCTION

GA POWER
STRUCTURE #73

N/F
2018-1 IH BORROWER LP
PARCEL ID: R7145 064
ZONED: R-100

PROPOSED 30'
ACCESS, FIBER &
UTILITY EASEMENT

PROPOSED 12' GRAVEL
ACCESS DRIVE TO MEET
REQUIREMENTS OF UDO
SEC 360-40

EXISTING UTILITY POLE
W/ TRANSFORMER

OLD IVY COURT
(50' R/W)

N/F
CARRILLO RAFAEL MUNOZ
PARCEL ID: R7145 045
ZONED: R-100

EXISTING PROPERTY
LINE (TYP.)

EXISTING ZONING = R-100
PROPOSED ZONING = C-1

PROPOSED DEVELOPMENT IS UNMANNED
TELECOMMUNICATIONS FACILITY. NO PROPOSED
OCCUPANCY.

PRE-DEVELOPMENT IMPERVIOUS AREA = 1695 SF
POST-DEVELOPMENT IMPERVIOUS AREA = 1875 SF

OVERALL SITE PLAN
SCALE: 1" = 100'-0"

SHEET:
1

PROJECT INFORMATION:	
DEVELOPER:	KELLY TOWERS III, LLC 3708 STONEWALL CIRCLE ATLANTA, GA 30339
SITE ADDRESS:	OLD IVY COURT BUFORD, GA 30516
LATITUDE:	34° 03' 22.98"
LONGITUDE:	-83° 58' 46.35"
RZC2024-00011	

SITE ID:
GA2011
Page 12 of 36

DESIGN REVISION:		
1	03/05/24	ISSUED FOR REVIEW
0	02/22/24	ISSUED FOR REVIEW
NO.	DATE	REVISIONS

PREPARED FOR:	
KELLY TOWERS III LLC	
PREPARED BY:	
TRIUMPH SOLUTIONS, LLC AR	

RECEIVED

03/08/2024

SUBJECT PROPERTY INFORMATION

Owner: MAAG USA LLC OF GWINNETT COUNTY
Address: Old Ivy Court, Buford, GA 30519
Parcel ID: R7145 003
Zoned: R-100
Area: 6.07 Acres ± (264,409 Sq. Ft.)
Flood Zone: Zone X
References: DB 52745, Pg 100; PB 43, Pg 12

SITE INFORMATION

SITE ADDRESS: Old Ivy Court, Buford, GA 30519
LEASE AREA = 10,000 Sq. Ft. (0.2296 Acres)
LATITUDE = 34° 03' 22.98" NAD 83 AT CENTER OF SITE
LONGITUDE = -83° 58' 46.35" NAD 83
ELEVATION AT CENTER OF SITE = 1036' Above Mean Sea Level

TITLE EXCEPTIONS

Old Republic National Title Insurance Company
Commitment 01-23039839-01T
Commitment Date: 10/04/2023
See Sheet 4 for list of exceptions



VICINITY MAP
Not to Scale

GENERAL NOTES

This survey was prepared for the exclusive use of Kelly Towers III LLC and Arcadia Towers and exclusively for the transfer of the rights of easement shown hereon and shall not be used as an exhibit or evidence in the transfer of the subject property nor any portion or portions thereof.

The outer boundary of the subject property as shown hereon was established using a combination of deeds of record, plats of record, and some field work. However, a complete boundary survey was not performed for this drawing.

Equipment Used:
Angular & Linear: Topcon GTS-225

The field data upon which this survey is based was collected from multiple control points and was not adjusted.

This survey has been calculated for closure and is found to be accurate to within one foot in 100,000+ feet.

The 2' contours shown on this plat are based on U.S.G.S. datum and have a vertical accuracy of ± 1.0'. Contours outside the immediate site area are approximate.

The Lease Area and Ingress-Egress & Utility/Fiber Easement are not located in a special flood area as per F.I.R.M. Community Panel No. 13135C0035F dated 09/29/2006. (Zone X)

The utilities shown hereon are based upon an above-ground field survey. The actual utility locations should be field verified before any construction begins.



civilsurvey, inc.
116 Maddox Road
Griffin, Georgia 30224
404.925.8774

KELLY TOWERS III LLC

Arcadia Towers

3708 Stonewall Circle
Atlanta, Georgia 30339

101 Main Street
Suite 300
Milford, Ohio 45150

Date: 31 October 2023

Land Lot: 145

Land District: 7th

Land Section: N/A

City: (unincorporated)

County: Gwinnett

State: Georgia

csi Project Number: 2023.162

"SE Mall of GA"
GA2011 9AT3199C

AR

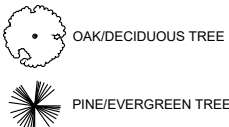
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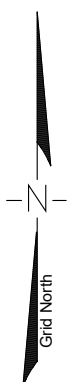
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LEGEND

POB POINT OF BEGINNING
IPS IRON PIN SET
IPF IRON PIN FOUND
CMF CONCRETE MONUMENT FOUND
PP UTILITY POLE
LP LIGHT POLE
FP FLAG POLE
SSMH SANITARY SEWER MANHOLE
SDMH STORM DRAIN MANHOLE
INV INVERT
FH FIRE HYDRANT
EP EDGE OF PAVEMENT
TC TOP OF CURB
BC BACK OF CURB
TW TOP OF WALL
BW BOTTOM OF WALL
OU OVERHEAD UTILITY
UE UNDERGROUND UTILITY
CMP CORRUGATED METAL PIPE
RCP REINFORCED CONCRETE PIPE
PVC POLYVINYL CHLORIDE PIPE
GW WIRE ANCHOR
TX TRANSFORMER
JB JUNCTION BOX
SWCB SINGLE WING CATCH BASIN
DWCB DOUBLE WING CATCH BASIN
CLF CHAIN LINK FENCE
WV WATER VALVE
WM WATER METER
CO SEWER CLEAN-OUT
GV GAS VALVE
N/F NOW OR FORMERLY
MW MONITORING WELL



[illegible]

civil
survey

civilsurvey, inc.
116 Maddox Road
Griffin, Georgia 30224
404.925.8774

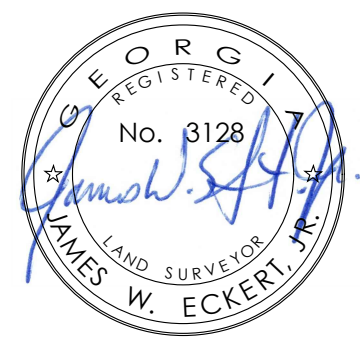
Arcadia Towers
101 Main Street
Suite 300
Milford Ohio 45150

KELLY TOWERS III LLC
3708 Stonewall Circle
Atlanta, Georgia 30339

Date: 31 October 2023
Land Lot: 145
Land District: 7th
Land Section: N/A
City: (unincorporated)
County: Gwinnett
State: Georgia
csi Project Number: 2023.16

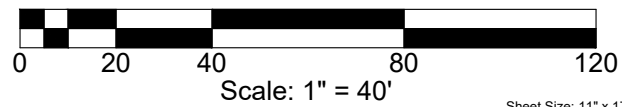
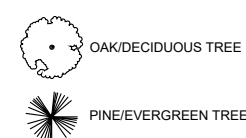
"SE Mall of GA" GA2011 9AT3199C

2 of 4



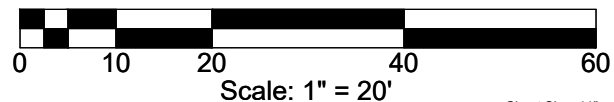
LEGEND

POB	POINT OF BEGINNING
IPS	IRON PIN SET
IRP	IRON PIN FOUND
CMF	CONCRETE MONUMENT FOUND
PP	UTILITY POLE
LP	FLAG POLE
FP	FIRE HYDRANT
SSMH	SANITARY SEWER MANHOLE
SDMH	STORM DRAIN MANHOLE
INV	INVERT
HT	FIRE HYDRANT
EC	EDGE OF PAVEMENT
TP	TOP OF CURB
BC	BACK OF CURB
TW	TOP OF WALL
BW	BOTTOM OF WALL
OU	OVERHEAD UTILITY
UG	UNDERGROUND UTILITY
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RCP	REINFORCED CONCRETE PIPE
CC	CHLORIDE PIPE
WJ	WIRE ANCHOR
TX	TRANSFORMER
JB	JUNCTION BOX
SWCB	SINGLE WING CATCH BASIN
DWCB	DOUBLE WING CATCH BASIN
CLF	CHAIN LINK FENCE
WV	WATER VALVE
WM	WATER METER
CO	SEWER CLEAN-OUT
GS	GAS VALVE
NF	NOTED OR FORMERLY
MV	MONITORING WELL



Sheet Size: 11" x 17"

Page 14 of 36




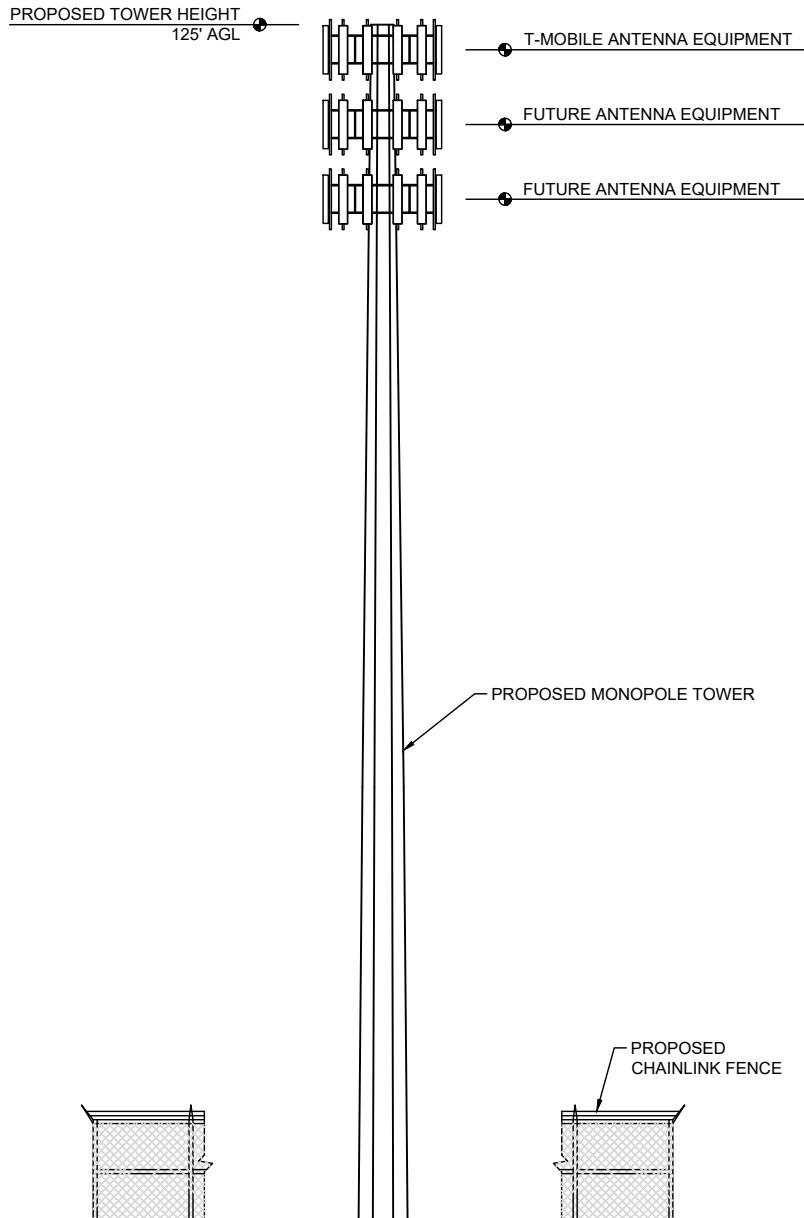
<p align="center">"SE Mall of GA" GA2011 9AT3199C</p>	
	<p>of 4</p>

Exhibit C: Architectural Elevation

[attached]

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03/08/2024



1 TOWER ELEVATION
SCALE: NOT TO SCALE

SHEET:

2

PROJECT INFORMATION:

DEVELOPER: KELLY TOWERS III, LLC
3708 STONEWALL CIRCLE
ATLANTA, GA 30339

SITE ADDRESS: OLD IVY COURT
BUFORD, GA 30516

LATITUDE: 34° 03' 22.98"

LONGITUDE: -83° 58' 46.35"

RZC2024-00011

SITE ID:

GA2011

Page 17 of 36

DESIGN REVISION:

0	03/06/24	ISSUED FOR REVIEW
NO.	DATE	REVISIONS

PREPARED FOR:

KELLY TOWERS III LLC

PREPARED BY:

TRIUMPH
SOLUTIONS, LLC
AR

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

[attached]

RECEIVED

03/08/2024
February 19, 2024

KELLY TOWERS III, LLC

Gwinnett County Planning and Development
446 W Crogan St # 150,
Lawrenceville, GA 30046

RE: Re-zoning Application for PIN R7145 003.

To Whom it May Concern:

On behalf of Kelly Towers III, LLC ("Kelly"), please allow this letter to supplement the attached Rezoning Application for Parcel Number 7145 003 to re-zone the parcel from R100 to C1. The rezoning request is for the construction of a 125' monopole wireless telecommunications facility.

The telecommunication facility will be constructed in accordance with the Gwinnett County Tower and Antenna Ordinance and will comply with the following regulations:

Sec. 98-56. Aesthetics:

1. The tower will be constructed of galvanized steel and in accordance with any applicable FAA standards.
2. Cabinets will be used within the compound of the communication facility. We will be requesting a variance to the landscape requirements as the facility will be in a wooded area that will provide a natural visual buffer.
3. We have received FAA approval, and the tower is not required to be lighted.
4. The only signage that will be on site will be the required signage per the FAA and FCC.

Sec. 98-57. Setbacks and Separation:

1. The location of the communication facility shall comply with all setbacks and separations as required in the above Section.
2. No guyed wires shall not be used within communication facility.

Sec. 98-58. Security Fencing/anti-climbing devices.

1. The compound will be surrounded with a 6' Chain link fence and will include an anti-climbing device on the monopole.

Sec.98-59. Landscaping:

1. We will be requesting a variance to the above requirement. The communication facility is located within a heavily wooded area that will provide natural screening.

Currently, the 6.07 acre tract of land is classified as "Residential Unbuildable" due to the terrain of the property and that much of the property is encumbered by a high voltage transmission easement and related equipment currently utilized by Georgia Power, Georgia Transmission Corporation and Gwinnett County. The terrain and lack of access restricts development opportunities of the property outside of the easement. The area identified for placement of the telecommunications facility is the only possible location due to required setbacks, underwater streams, and other aspects of the parcel.

The requested change to the zoning classification is to allow for a taller structure to meet the radio frequency engineering requirements for optimal carrier coverage and to allow for additional collocations. The development plan includes encroachment agreements with Georgia Power, Georgia Transmission Corporation and Gwinnett County Water Resources, with whom we have met and received approval to proceed with the requisite process.

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03/08/2024

During the construction process, the Gwinnett County Water easement shall be clearly identified and flagged for visual guidance. The plans call for a 30' access and utility easement across the existing high voltage transmission easement and approximately 10,000 sq. ft. of leased space on the northwest side of the easement for the installation of the 125' monopole tower and required ground equipment. The access will be constructed in accordance with the requirement set forth in UDO Sec. 360-40: Project Access Improvements. Upon completion, the tower will only be accessed for regular maintenance, upgrades, and future wireless carrier collocations. T-Mobile will be the first wireless carrier tenant. It is believed that Verizon and AT&T have similar service needs in this area.

There currently is a high voltage tower located on the Southeast side of the property closest to the nearby existing homes. The proposed monopole will be located on the opposite side of the high voltage tower from the homes, making the distance from the monopole to the closest residential structure at least 400'. The properties that abut northwest of this parcel are zoned RM and the property across I85 is zoned C2 and lies within a large flood zone. The rezoning of this parcel to C1 will not negatively impact any current or future development of this parcel or surrounding properties.

We will be requesting the following two (2) variances in our rezoning application per the Gwinnett County UDO for properties zoned C1.

- a. Per Sec. 240-10.3. In any non-residential district, the parking of any vehicle on other than paved surface (or other system approved by the Director) is prohibited: Due to the location of the communication facility along with the existing easements and terrain, we plan to install a gravel parking and turnaround area in front of the compound as indicated in the attached site plan.
- b. Per Sec. 230-100. A 50' zoning buffer is required where C1 abuts next to property zoned for Single-Family Detached Residential: The existing Georgia Power easement abuts the property zoned for Single-Family Detached Residential and continues to the edge of the communication facility leased area.

Upon approval of the request for rezoning the property to C1, we will be applying for a tall tower permit as required per the Gwinnett County Tower and Antenna Ordinance, if required.

Please feel free to email or call if you have any questions. Thank you in advance for your time and consideration.

Sincerely,



Kathy Kelly
President/Owner
770.330.9784

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03/08/2024

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

Pursuant to requirements of the Unified Development Ordinance, the Board of Commissioners find 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 the property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

- (A) Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Since the current use of the subject parcel is as a utility easement with existing large high voltage electrical towers, and since the proposed additional use of the subject parcel is as a telecommunications facility, the proposed rezoning will permit a use that remains suitable in view of the use and development of adjacent and nearby property.

- (B) Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property:

Since the current use of the subject parcel is as a utility easement with existing large high voltage electrical towers, and since the proposed additional use of the subject parcel is as a telecommunications facility, the proposed rezoning will NOT adversely affect the existing use or usability of adjacent and nearby property.

- (C) Whether the property to be affected by a proposed rezoning has reasonable economic use as currently zoned:

Due to the current use of the subject parcel as a utility easement with existing large high voltage electrical towers, there is no reasonable economic use as currently zoned. The only reasonable additional use for the subject property is as the proposed use as a wireless telecommunications facility.

- (D) Whether the rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

The proposed use as a wireless telecommunications facility will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools, as such use does not utilize water or sewer as it is not to be used for habitable structures, requires only monthly visits for inspection, and does not contribute to school population.

- (E) Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan:

Based on the County's future land use map, the proposed rezoning is in conformity with the policy and intent of the Land Use Plan because such parcel is classified as Regional Activity Center Area, which is a mixed use.

- (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:

There are no other existing or changing conditions affecting the use and development of the property which give supporting grounds for disapproval of the proposed rezoning.

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

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Gwinnett

WINNETT COUNTY
PLANNING AND DEVELOPMENT | PLANNING DIVISION
REZONING APPLICATION

Please complete this application to amend the official zoning map of Gwinnett County and attach a letter of intent explaining what is proposed.

Applicant Information	Property Owner Information
Name: <u>Kelly Towers III, LLC</u>	Name: <u>MAAG USA, LLC</u>
Address: <u>3708 Stonewall Circle</u>	Address: <u>820 Ingleside Dr.</u>
City: <u>Atlanta</u>	City: <u>Lawrenceville</u>
State: <u>GA</u> Zip code: <u>30339</u>	State: <u>GA</u> Zip code: <u>30044</u>
Phone: <u>770.330.9784</u>	Phone: <u>404.484.4184</u>
Email: <u>kathy.kelly@kellycomss.com</u>	Email: <u>arif050@yahoo.com</u>

Contact person: Kathy Kelly Phone: 770.330.9784
Contact's email: kathy.kelly@kellycomss.com

Applicant is the

☐ Owner's agent ☐ Property owner ☐ Contract purchaser

Present zoning district(s): R100 Requested zoning district: C1
Parcel number(s): 7145 003 Acreage: 6.07
Address of property: 2700 Block of Old Ivy Court, Buford, GA 30519

Proposed development: We are proposing to construct a communication facility which will consist of a 125' monopole structure along with associated cabinets within a 60' x 60' compound.

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: <u>0 / 1</u>
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. <u>0</u>
Gross Density: _____	Density: _____
Net Density: _____	

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REZONING APPLICANT'S CERTIFICATION

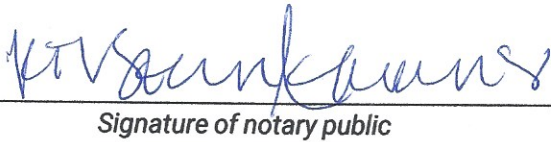
The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Board of Commissioners unless waived by the Board of Commissioners. In no case shall an application or reapplication be acted upon in less than six months from the date of last action by the Board of Commissioners.


Signature of applicant

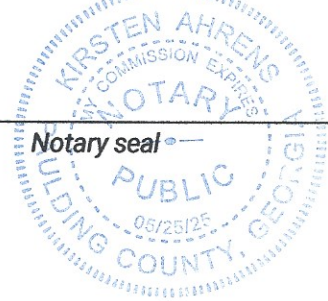
2/17/24
Date

Kathy Kelly
Type or print name and title

2/17/24
Date


Signature of notary public

2/17/24
Date



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03/08/2024

REZONING PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Board of Commissioners unless waived by the Board of Commissioners. In no case shall an application or reapplication be acted upon in less than six months from the date of last action by the Board of Commissioners.

[Signature] : *[Signature]* :

Signature of applicant

2/14/2024

Date

MAAG USA LLC Member

Type or print name and title

2/14/2024

Date

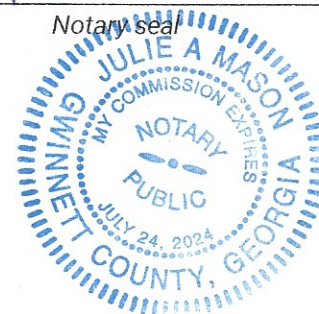
[Signature]

Signature of notary public

2-14-2024

Date

Notary Seal



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03/08/2024

CONFLICT OF INTEREST CERTIFICATION FOR REZONING


The undersigned below, applying for a rezoning, has complied with the Official Code of Georgia Section 36-67A-1 and has submitted or attached the required information on the forms provided.


Signature of applicant

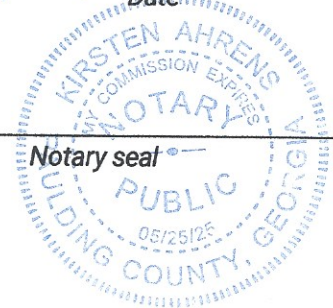
2/17/24
Date

Kathy Kelly
Type or print name and title

2/17/24
Date


Signature of notary public

2/17/24
Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250 or more to a member of the Gwinnett County Board of Commissioners or a member of the Gwinnett County Planning Commission?

☐ Yes



No

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.

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03/08/2024

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

The undersigned below is authorized to make this application. The undersigned certifies that all Gwinnett County property taxes billed to date for the parcel listed below have been paid in full to the Gwinnett County Tax Commissioner. In no case shall an application or reapplication for rezoning be processed without such property verification.

Note: A separate verification form must be completed for each tax parcel included in the rezoning request.

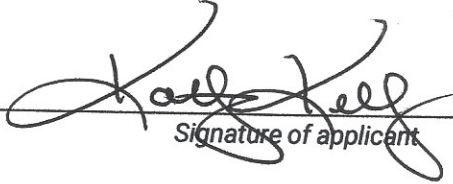
Parcel ID Number:
(Map reference number)

R 7145 003

District

Land lot

Parcel


Signature of applicant

2/21/24
Date

Kathy Kelly
Type or print name and title

Leaseholder 2/21/24
Date

Please take this form to the Tax Commissioners office at the Gwinnett Justice and Administration Center, located at 75 Langley Drive in Lawrenceville, for their approval below.

TAX COMMISSIONERS USE ONLY

Payment of all property taxes billed to date for the above referenced parcel has been verified as paid current and confirmed by the signature below.

Vukie Schoby
Name

TSA II
Title

2/21/2024
Date

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LEGAL DESCRIPTION
R145 003

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 145, 7TH DISTRICT, OF GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT AN IRON PIN ON THE NORTHERLY RIGHT-OF-WAY LINE OF ROCK SPRINGS ROAD (HAVING AN 80 FOOT RIGHT-OF-WAY) 62 FEET WESTERLY AS MEASURED ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF ROCK SPRINGS ROAD FROM THE POINT WHERE THE NORTHERLY RIGHT-OF-WAY LINE OF ROCK SPRINGS ROAD IS INTERSECTED BY A PROJECTION OF THE CENTERLINE OF MITCHELL ROAD (MITCHELL ROAD INTERSECTS THE SOUTHERLY RIGHT-OF-WAY LINE OF ROCK SPRINGS ROAD) AND RUNNING THENCE NORTH 13 DEGREES 14 MINUTES 08 SECONDS WEST 2,103.06 FEET TO A POINT, WHICH POINT IS THE TRUE POINT OF BEGINNING; THENCE FROM SAID TRUE POINT OF BEGINNING THUS LOCATED, SOUTH 45 DEGREES 08 MINUTES 14 SECONDS WEST 377.00 FEET TO A POINT, THENCE SOUTH 54 DEGREES 00 MINUTES 58 SECONDS WEST 284.79 FEET TO A POINT; THENCE NORTH 03 DEGREES 31 MINUTES 04 SECONDS WEST 367.38 FEET TO A POINT, THENCE NORTH 54 DEGREES 39 MINUTES 07 SECONDS WEST 111.05 FEET TO AN IRON PIPE, THENCE NORTH 09 DEGREES 24 MINUTES 46 SECONDS EAST 281.29 FEET TO AN IRON PIPE ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 1-85 (HAVING A 300 FOOT RIGHT-OF-WAY); THENCE EASTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 1-85 AND FOLLOWING THE CURVATURE THEREOF 516.23 FEET TO AN IRON PIPE, THE ARC OF SAID CURVE BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF SOUTH 83 DEGREES 48 MINUTES 00 SECONDS EAST 516.19 FEET, THENCE SOUTH 13 DEGREES 14 MINUTES 08 SECONDS EAST 225.41 FEET TO THE TRUE POINT OF BEGINNING. 6.07 TOTAL ACRES.

TAX ID: R7145 003

BEING THE SAME PROPERTY CONVEYED TO MAAG USA LLC OF GWINNETT COUNTY, GRANTEE, FROM RICARDO STEELE, EX-OFFICIO SHERIFF OF GWINNETT COUNTY, GRANTOR, BY TAX SALE DEED RECORDED 01/16/2014, IN BOOK 52745, PAGE 100, OF THE GWINNETT COUNTY RECORDS.

Exhibit F: Internal and External Agency Review Comments

[attached]



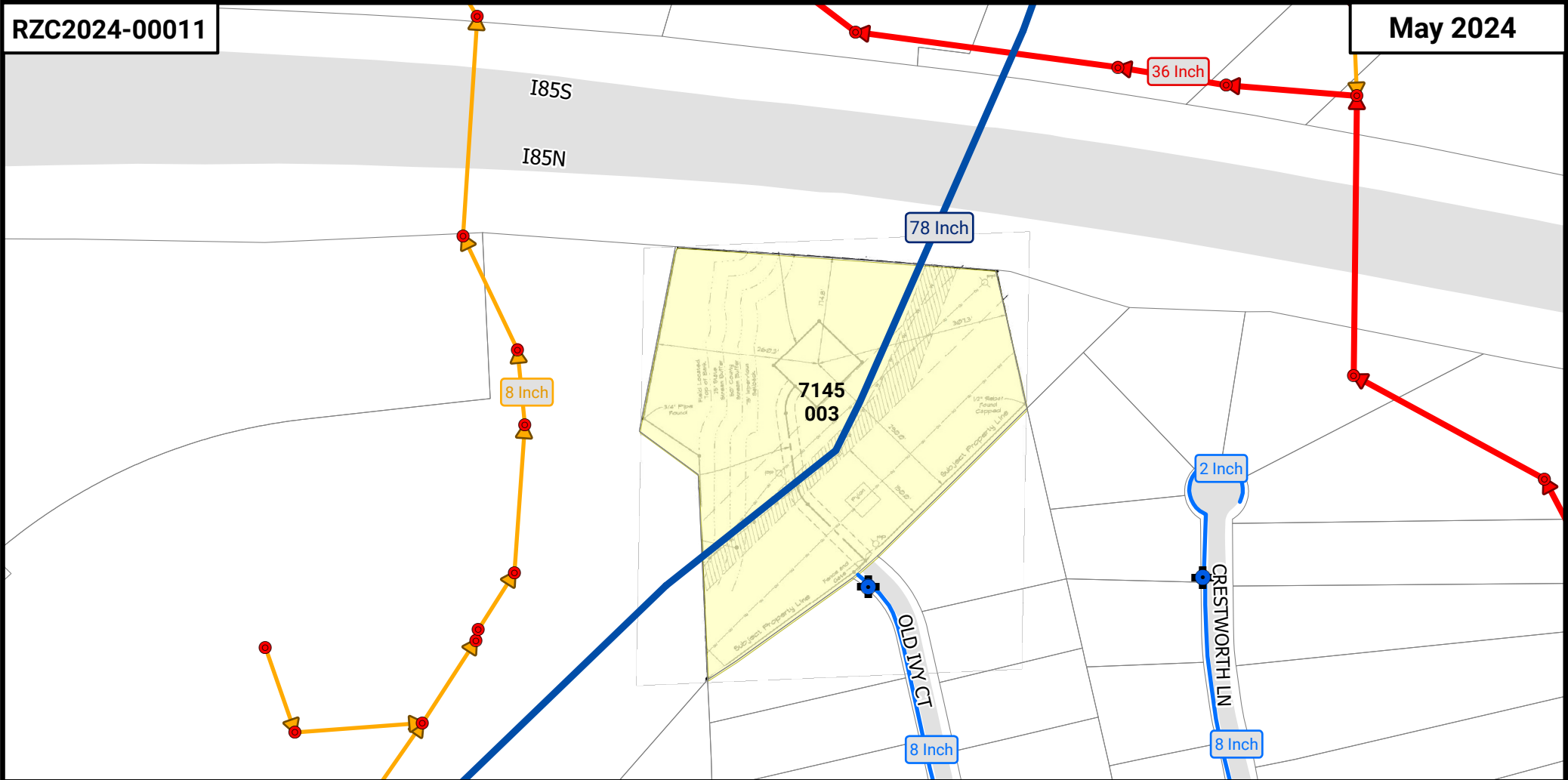
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		03.28.2024	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		RZC2024-00011	
Case Address:		Old Ivy Court, Buford, 30519	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES <input type="checkbox"/> NO
1	Old Ivy Court is a local street. ADT is not available.		
2	The nearest transit facility is located 1.4 miles away along Route (50) at Buford Drive/SR 20 and Laurel Crossing Parkway (The Exchange).		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> X NO
1			
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@gwinnettcountry.com	
Case Number:		RZC2024-00011	
Case Address:		Old Ivy Court	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES <input type="checkbox"/> NO
1	Water: The developer shall coordinate with GCDWR on encroachments of the proposed driveway into the easement of the existing 78-inch water transmission main.		
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:		<input type="checkbox"/>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> X <input type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			

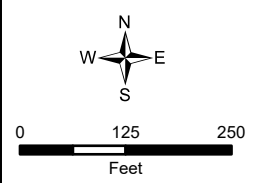


LEGEND

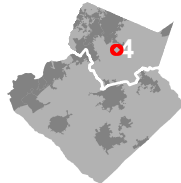
- Water Main
- Hydrant
- Manhole
- Sewer Collector
- Sewer Interceptor

Old Ivy Court
R-100 to C-1

Water & Sewer Utility Map



LOCATION



Water Comments: The developer shall coordinate with GCDWR on encroachments of the proposed driveway into the easement of the existing 78-inch water transmission main.

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 and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

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

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

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

Exhibit G: Maps

[attached]



LAUREL
CROSSING PKWY

I85S

I85N

APPALOCSA LN

OLDM CT

CRESTWORTH LN

STONY
SPRINGS TRL

IVY PINE CT



RZC2024-00011

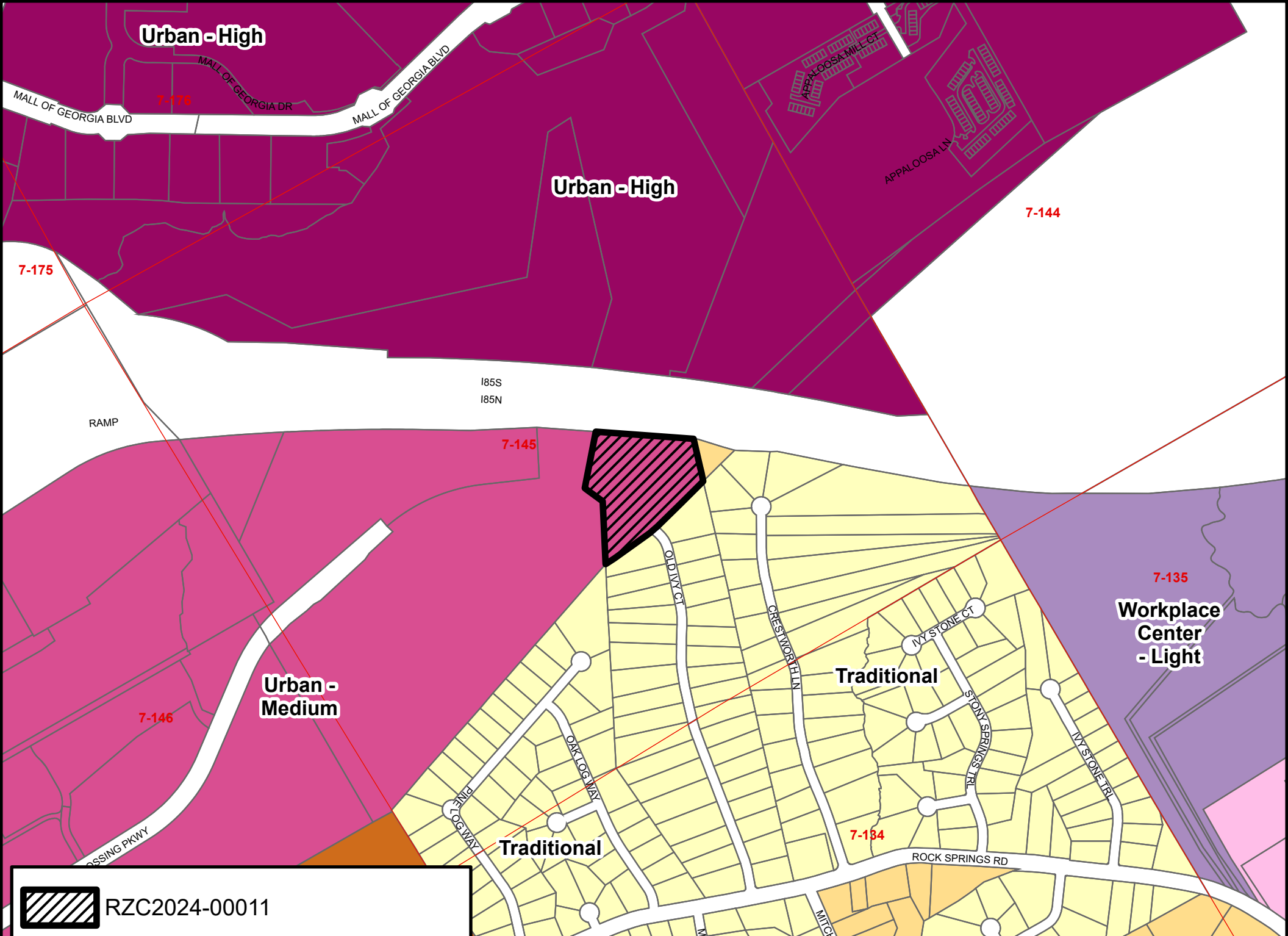
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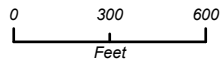
Gwinnett County GIS

User: clara



RZC2024-00011

Created: March 19, 2024



2045 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION