

## Department of Planning and Development

446 West Crogan Street • Lawrenceville, GA 30046-2440  
(tel) 678.518.6000  
www.gwinnettcountry.com



gwinnettcountry

### MUNICIPAL-GWINNETT COUNTY PLANNING COMMISSION

#### PUBLIC HEARING AGENDA

#### GWINNETT JUSTICE AND ADMINISTRATION CENTER TUESDAY, JANUARY 6, 2015 AT 7:00 P.M.

AS SET FORTH IN THE AMERICANS WITH DISABILITIES ACT OF 1992, THE GWINNETT COUNTY GOVERNMENT DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY AND WILL ASSIST CITIZENS WITH SPECIAL NEEDS GIVEN PROPER NOTICE (SEVEN WORKING DAYS). FOR INFORMATION, PLEASE CALL THE FACILITIES MANAGEMENT DIVISION AT 770.822.8015.

- A. CALL TO ORDER, INVOCATION, PLEDGE TO FLAG
- B. OPENING REMARKS BY CHAIRMAN AND RULES OF ORDER
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES (DECEMBER 2, 2014 MEETING)
- E. ANNOUNCEMENTS
- F. ELECTION OF OFFICERS FOR 2015
  1. CHAIRMAN
  2. VICE-CHAIRMAN
  3. REPRESENTATIVE TO PLANNING ADVISORY COMMITTEE
  4. REPRESENTATIVE TO DEVELOPMENT ADVISORY COMMITTEE
- F. OLD BUSINESS
  - I. CASE NUMBER :**RZR2014-00019**  
APPLICANT :GREY PHOENIX, LLC  
CONTACT :BRIAN GLASS  
PHONE NUMBER :770.361.3104  
ZONING CHANGE :R-100 TO R-SR  
LOCATION :3000 BLOCK OF LEE ROAD  
:3000 BLOCK OF BUD RUTLEDGE DRIVE  
MAP NUMBERS :R4318 005, 045 & 051  
ACREAGE :29.0 ACRES  
UNITS :105 UNITS  
PROPOSED DEVELOPMENT :SENIOR ORIENTED RESIDENCES  
(REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

2. CASE NUMBER :**CIC2014-00014 (PUBLIC HEARING HELD 12-2-14)**  
APPLICANT :JOHN W. ROOKER & ASSOCIATES, INC.  
CONTACT :KYLE HOLBROOK  
PHONE NUMBER :678.367.4229  
ZONING :M-1  
LOCATION :1300-1700 BLOCK OF HURRICANE SHOALS ROAD  
MAP NUMBER :R5241 001  
ACREAGE :51.32 ACRES  
SQUARE FEET :260,000 SQUARE FEET  
PROPOSAL :CHANGE IN CONDITIONS TO REDUCE 150-FOOT  
BUFFER REQUIREMENT  
  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION : **DENIAL**
3. CASE NUMBER :**SUP2014-00054**  
APPLICANT :LISA REEVES  
CONTACT :DAVID ADAMS  
PHONE NUMBER :770.638.0247  
ZONING :C-2  
LOCATION :4500 BLOCK OF SATELLITE BOULEVARD  
MAP NUMBERS :R6211 223, 224 & 225  
ACREAGE :15.04 ACRES  
PROPOSED DEVELOPMENT :OUTDOOR STORAGE AND DISPLAY  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION : **DENIAL**
4. CASE NUMBER :**RZM2014-00003 (REMANDED FOR RECONSIDERATION)**  
APPLICANT :MAISER ABONEAAJ  
CONTACT :MARIAN ADEIMY  
PHONE NUMBER :770.822.0900  
ZONING CHANGE :R-100 & MH TO R-TH  
LOCATION :1600 BLOCK OF PURCELL ROAD  
:1800 BLOCK OF MARIE WAY  
  
MAP NUMBERS :R7044 003 & 195  
ACREAGE :2.34 ACRES  
UNITS :18 UNITS  
PROPOSED DEVELOPMENT :TOWNHOMES  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**DENIAL**

G. NEW BUSINESS

1. CASE NUMBER :**RZC2015-00001**  
APPLICANT :MICHAEL BISHOP  
PHONE NUMBER :678.618.6009  
ZONING CHANGE :RA-200 TO C-2  
LOCATION :3200 BLOCK OF STANCIL DRIVE  
MAP NUMBER :R3002 172  
ACREAGE :0.53 ACRE  
SQUARE FEET :5,500 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOBILE SERVICE (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION : **DENIAL**
  
2. CASE NUMBER :**SUP2015-00001**  
APPLICANT :MICHAEL BISHOP  
PHONE NUMBER :678.618.6009  
ZONING :C-2 (PROPOSED)  
LOCATION :3200 BLOCK OF STANCIL DRIVE  
MAP NUMBER :R3002 172  
ACREAGE :0.53 ACRE  
PROPOSED DEVELOPMENT :AUTOMOBILE SERVICE  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION : **DENIAL**
  
3. CASE NUMBER :**RZC2015-00002**  
APPLICANT :CORMAN-CARTER, LLC  
CONTACT :MARIAN ADEIMY  
PHONE NUMBER :770.822.0900  
ZONING CHANGE :M-2 TO C-3  
LOCATION :4500 BLOCK OF BUFORD HIGHWAY  
MAP NUMBER :R6258 333  
ACREAGE :1.42 ACRES  
SQUARE FEET :6,058 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOBILE SALES, SERVICE & BODY REPAIR  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS AS C-2/SUP**

4. CASE NUMBER :**RZC2015-00003**  
APPLICANT :ROBERT SANDAGE  
PHONE NUMBER :678.523.5214  
ZONING CHANGE :O-I & R-100 CSO TO M-I  
LOCATION :4500 BLOCK OF BRUSHY FORK ROAD  
:1000 BLOCK OF OLD LOGANVILLE ROAD  
MAP NUMBER :R5097 003  
ACREAGE :7.02 ACRES  
SQUARE FEET :12,800 SQUARE FEET  
PROPOSED DEVELOPMENT :CRAFT BREWERY AND SPECIAL EVENTS FACILITY  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**
5. CASE NUMBER :**RZC2015-00004**  
APPLICANT :TAYLOR & MATHIS PROPERTIES IV, LLC  
CONTACT :JEFF MAHAFFEY  
PHONE NUMBER :770.232.0000  
ZONING CHANGE :C-2 TO M-I  
LOCATION :400 BLOCK OF HORIZON DRIVE  
MAP NUMBER :R7172 009  
ACREAGE :15.10 ACRES  
SQUARE FEET :160,000 SQUARE FEET  
PROPOSED DEVELOPMENT :OFFICE / WAREHOUSE (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**
6. CASE NUMBER :**RZR2015-00001**  
APPLICANT :GEORGE HIGH  
PHONE NUMBER :770.982.1297  
ZONING CHANGE :R-100 TO RA-200  
LOCATION :4100 BLOCK OF ANDERSON-LIVSEY LANE  
MAP NUMBER :R6005 005  
ACREAGE :3.68 ACRES  
PROPOSED DEVELOPMENT :AGRICULTURAL USES (ON-SITE FARMERS MARKET)  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**

7. CASE NUMBER :**SUP2015-00002**  
APPLICANT :GEORGE HIGH  
PHONE NUMBER :770.982.1297  
ZONING :RA-200 (PROPOSED)  
LOCATION :4100 BLOCK OF ANDERSON-LIVSEY LANE  
MAP NUMBER :R6005 005  
ACREAGE :3.68 ACRES  
SQUARE FEET :2,400 SQUARE FEET  
PROPOSED DEVELOPMENT :SPECIAL EVENTS FACILITY  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**
8. CASE NUMBER :**CIC2015-00001**  
APPLICANT :CRONOS DEVELOPMENT, LLC  
CONTACT :VIRAL PAREKH  
PHONE NUMBER :404.512.4492  
ZONING :C-2  
LOCATION :3800 BLOCK OF BRASELTON HIGHWAY  
MAP NUMBERS :R3002A 493 & 495  
ACREAGE :2.08 ACRES  
PROPOSAL :CHANGE IN CONDITIONS TO REMOVE PITCHED  
ROOF REQUIREMENT AND REDUCE/DELETE  
LANDSCAPED STRIPS  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION : **APPROVAL WITH CONDITIONS**
- H. AUDIENCE COMMENTS
- I. COMMITTEE REPORTS
- J. COMMENTS BY STAFF AND PLANNING COMMISSION
- K. ADJOURNMENT

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

CASE NUMBER :**RZR2014-00019**  
ZONING CHANGE :R-100 TO R-SR  
LOCATION :3000 BLOCK OF LEE ROAD  
:3000 BLOCK OF BUD RUTLEDGE DRIVE  
MAP NUMBERS :R4318 005, 045 & 051  
ACREAGE :29.0 ACRES  
UNITS :105 UNITS  
PROPOSED DEVELOPMENT :SENIOR ORIENTED RESIDENCES (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(3) HUNTER

FUTURE DEVELOPMENT MAP: **RURAL/ESTATE**

APPLICANT: GREY PHOENIX, LLC  
P. O. BOX 588  
SOCIAL CIRCLE, GA 30025

CONTACT: T. BRIAN GLASS PHONE: 770.361.3104

OWNER: GREY PHOENIX, LLC  
P. O. BOX 588  
SOCIAL CIRCLE, GA 30025

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests rezoning of 29.0-acre parcel assemblage from R-100 (Single Family Residence District) to R-SR (Senior Oriented Residence District) for development of a senior oriented subdivision. The subject property is located on the south side of Lee Road, east of its intersection with Lenora Church Road.

The submitted site plan indicates 105 homes on 29.0 acres with no floodplain, power or gas easements, resulting in a gross and net density of 3.62 units per acre. The required 50-foot landscaped setback is shown along the frontage of Lee Road. Access would be provided by a single street connection onto Lee Road. According to the site plan, a total of 4.36-acres of open space would be provided as natural areas and community amenities distributed throughout the site. Included among the amenities would be a clubhouse, gazebo, lodge, pool and tennis courts. A proposed detention pond is shown east of the community area on the northwest portion of the property.

The applicant proposes that each dwelling would be a minimum of 1,600 square feet for all two-bedroom homes and 1,800 square feet for all three or more bedroom homes. The submitted building elevations show single-story, four-sided stucco homes. Each home would include a

two-car garage. It is noted that the submitted elevations appear to show front entry garages. In addition to traditional detached homes, some of the elevations suggest residences may be semi-attached, zero lot-line dwellings.

The required 50-foot stream buffers are shown along all on-site streams. The required 50-foot zoning buffer adjacent to R-100 zoned properties is shown as being reduced to a 25-foot setback.

#### ZONING HISTORY:

In 1970, the subject property is zoned RA-200. In 1973, the property was rezoned to R-100 (Single Family Residence District), per an areawide rezoning.

#### GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The development would be served by sanitary sewer, resulting in minimal impact.

#### WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

#### OPEN SPACE AND GREENWAY MASTER PLAN:

No comment.

#### DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Protection (Chapter 620 of the Unified Development Ordinance) require a no-access easement along the line of double frontage lots abutting a major thoroughfare for residential developments.

The Buffer, Landscape and Tree Protection requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Parking lots and interior driveways shall be designed in accordance with Chapter 240 of the Unified Development Ordinance.

All open space areas/common areas shall meet the minimum road frontage and lot width requirements for a lot within the subdivision.

Section 900-30 of the Unified Development Ordinance requires a 200-foot deceleration lane with a 50-foot taper at each project entrance that proposes access to a Minor Collection Street or Major

Thoroughfare. Right-of-way dedication to accommodate the deceleration lane and an 11-foot shoulder is also required. Reduction in length of a deceleration lane requires approval of a Modification by the Development Division; elimination of a deceleration lane requires approval of a Waiver by the Board of Commissioners.

Section 900-90 of the Unified Development Ordinance requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

Section 210-90-6C of the Unified Development Ordinance requires a minimum of 50-foot landscaped building setback adjacent to abutting exterior streets.

The required 50-foot undisturbed buffer adjacent to R-100 zoned properties appears to not be met. The applicant must revise the site plan or apply for a Buffer Reduction from the Board of Commissioners.

Section 610-20.4B of the Unified Development Ordinance requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit a preliminary plat (construction plans), including a grading plan, tree plan, and road/sewer profiles for review and approval of the Development Division prior to any construction.

Section 800-20 of the Unified Development Ordinance requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Section 700-40.1A of the Unified Development Ordinance requires that the lowest floor, including the basement, of all residential building be constructed at an elevation of at least three feet above the 100-year floodplain.

Note that all recreation areas, open space and/or common areas (including storm water detention facility lots) located within the development shall be controlled by a mandatory Property Owner's Association (to include reported bylaws) with responsibility for maintenance, insurance, and taxes for open space areas.

The developer must submit a concept plan for review and approval of the Development Division prior to submittal and acceptance of a development permit application.

The U.S. Postal service may require a centralized mail delivery kiosk for this proposed development, replacing individual mail boxes.

Mail delivery kiosk must be located outside of right-of-way or access easement (if private street). Location and access must be approved by Gwinnett County DOT.

STORMWATER REVIEW SECTION COMMENTS:

All storm water best management practices will be applicable upon development permit issuance.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Lee Road is a Major Arterial and 50 feet of right-of-way is required from the centerline, with 60 feet required within 500 feet of a major intersection.

Standard deceleration lane with appropriate taper and adequate right-of-way will be required.

The number and locations of driveways are subject to Gwinnett County D.O.T. approval.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided.

Project must comply with Gwinnett County D.O.T. Criteria and Guidelines for Left Turn Lanes.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the southern right-of-way of Lee Road and 8-inch water mains located on the northern right-of-ways of both Bud Rutledge Drive and James Floyd Way.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located in the right-of-ways of both Bud Rutledge Drive and James Floyd Way.

The subject development is located within the Lower Big Haynes Creek service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

#### BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall obtain a residential building permit for each house and achieve satisfactory field inspections for issuance of a Certificate of Completion.
2. Architectural design of the proposed buildings shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category 2.

For assistance, you may contact this office at (678) 518-6000 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to this request. For assistance, you may contact our office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

#### DEPARTMENT ANALYSIS:

The subject property is a 29.0-acre parcel assemblage located on Lee Road, east of its intersection with Lenora Church Road. The site currently is wooded and contains one single-family residence.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Rural Estate Character Area. The Rural Estate Character Area discourages single family residential densities greater than 2 units per acre. However, policies of the Unified Plan support expanded housing opportunities for seniors, providing a residential environment with lower maintenance responsibilities and smaller dwelling sizes. The proposed senior oriented residences could be consistent with policies supporting expanding housing opportunities for seniors, but the proposed 3.62 units per acre may not be consistent with recommended densities for this character area. If the development is approved at a density closer to 2.0 units per acre, the proposed R-SR subdivision could be consistent with recommendations of the Unified Plan and with the surrounding area.

Low-density residential uses characterize the surrounding area. To the north of the subject property in R-100 zoning are homes on large lots and Lenora Park. To the east is the Rutledge Estates subdivision and to the west are a single family home and a church, all zoned R-100. To the south is the Whispering Pines Airpark subdivision zoned R-140 along with its adjacent private air strip. The Department could be supportive of senior housing which would have immediate access to a public park, would have no impact on the school system and would have traffic patterns that are off peak. However, the proposed density may be inconsistent with the zoning pattern and low density development of the surrounding area. Therefore, if approved at a more compatible density the use could be suitable and supported by the Department.

In conclusion, with conditions limiting the density of the development, a senior-oriented residential subdivision could be consistent with policies of the Unified Plan and the surrounding area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as R-SR for a single-family subdivision, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Single-family detached dwellings and accessory uses and structures. The project shall be limited to a density of 2.5 units per acre.
  - B. The minimum heated floor areas per dwelling unit shall be at least 1,600 square feet for two bedroom homes, and 1,800 square feet for three or more bedroom homes.
  - C. Homes shall be constructed with architectural treatments of primarily brick or stone on all sides, with minor treatments of low or no maintenance siding materials.
  - D. All dwellings shall have a minimum two-car garage.
2. To satisfy the following site development considerations:
  - A. All lots shall be a minimum of 60 feet in width, with a minimum lot area of 7,500 square feet.
  - B. Provide a minimum 50-foot wide open space strip around the perimeter of the development.
  - C. All utilities shall be placed underground.
  - D. Natural vegetation shall remain on the property until the issuance of a development permit.
  - E. Detention pond(s) shall be fenced with black vinyl coated chain linked fence minimum 4 feet in height, and shall be fully screened from view of adjacent residences with a staggered double row of evergreens.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

If properly conditioned, a senior housing development could be suitable to the area. The development could be expected to introduce a use which is quiet, with low traffic impact, and could complement the surrounding area.

ADVERSE IMPACTS

With the recommended conditions, minimal adverse impacts on surrounding properties would be anticipated.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Minor impacts in the form of increased utility demand, traffic, and storm water runoff could be anticipated from this request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the site is located in a Rural Estate Character Area. Although not strictly consistent with the recommended land use, if properly conditioned and limited in density, the proposed use could be consistent with the 2030 Unified Plan which encourages expanded housing opportunities for seniors.

CONDITIONS AFFECTING ZONING

The surrounding area is primarily developed with R-100 homes and subdivisions; therefore, it may be appropriate to include conditions governing lot size, lot width and project density to help ensure compatibility with the area.

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

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

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

- (A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:  
The proposed rezoning use is suitable to 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 use will not adversely affect use or usability of adjacent or nearby property.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
The rezoning will have a positive economic affect on the property. The property currently has an unreasonable 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:  
This is an adult/senior community which will reduce burdensome use as currently zoned.
- (E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
The rezoning use is in conformity with the policy and intent of the Land Use Plan.
- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING:  
There are many seniors needing this type of housing communities and the use of Lenora will be enhanced.

RZR '14 019

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Planning & Development

# GREY PHOENIX, LLC

P.O. BOX 588 (ALL MAIL)

119 S. CHEROKEE ROAD

SOCIAL CIRCLE, GA 30025

T. Brian Glass  
Member/Manager

770-361-3104  
tbgcs1@att.net

June 30, 2014

## VIA HAND DELIVERY

Gwinnett County Board of Commissioners  
Gwinnett Justice and Administration Center  
75 Langley Drive  
Lawrenceville, GA 30046

Dear Chairman Nash and Commissioners:

Re: Letter of Intent to Rezone and Rezoning Application

Grey Phoenix, LLC (the "Applicant") hereby requests a rezoning of the 29<sup>+/-</sup>-acre property located very near the intersection of Lee Road and Lenora Church Road in the 4<sup>th</sup> District, Land Lot 318, Parcels 005, 045, and 051 (the "Property") from R-100 to R-SR, Senior Oriented Residence District. The proposed development will be a community of 105 custom-built, detached homes serving the housing and leisure activity needs of the growing number of senior citizens in Gwinnett County. Attached please find the rezoning application.

The requested use is compatible with the intent of Gwinnett County's Land Use Plan as it provides efficient and affordable use of County land. The Property is adjacent to sizeable, medium-density single-family housing developments; the average lot size in those developments is 7800 square feet, which is consistent with R-60 zoning districts, and the average lot size in the proposed development is a comparable 6500 square feet. Also, the Property is adjacent to churches and abuts an airport community with a private landing strip, which is zoned M-1.

County facilities, such as Lenora Park, Briscoe Park and the Centerville Public Library are within a few miles of the Property. Lenora Park, in particular, is within walking distance of the Property. Significant in this regard is the fact that the Property is one of the last undeveloped properties of any significant size that is adjacent to Lenora Park; as such, the proposed development will serve the activity, age diversity and walkability goals envisioned by the County in designing and developing that park.

The proposed development will serve the goals of retaining current residents and attracting new residents. There will be a resulting economic benefit to Gwinnett County that will not be offset by the need for additional County resources or infrastructure given the existing infrastructure available to the Property and the characteristics of adult communities and their residents, including the driving habits of older people and a lack of school-age children.

In short, the rezoning will allow the Applicant to bring to Gwinnett County an economically beneficial, quality development of homes with stable, non-transient residents as well as to provide for those residents a well-planned and harmonious community.

Thank you for your consideration of this rezoning application. If there are any questions or concerns, please do not hesitate to contact me at 770-361-3104.

Sincerely yours,



T. Brian Glass

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JUL 01 2014

Planning & Development

RZR '14 019

Encl.

# GREY PHOENIX, LLC

P.O. BOX 588 (ALL MAIL)  
119 S. CHEROKEE ROAD  
SOCIAL CIRCLE, GA 30025

T. Brian Glass  
Member/Manager

770-361-3104  
tbgs1@att.net

Re: Rezoning Application for Lee Road, Snellville Adult Development

Attached are elevations in compliance with UDO Section 210-90.12(D). In addition:

(1)(a) Prior to issuance of a building permit for any occupied structure to be located within a TND District, the builder shall provide architectural plans and elevations at a scale no smaller than 1/8" = 1'0" that demonstrates compliance with the requirements of the Architectural Design Standards. The director shall have the authority to review and approve building plans for conformity with the requirements of UDO Section 210-80 and the UDO design Guidelines.

(b) The applicant shall adhere to all other applicable requirements of the UDO and other applicable requirements of Gwinnett County. In any case where the standards and requirements of this district conflict with other provisions of the Gwinnett County Code of Ordinances, the requirements of this district shall govern.

(2)(a) All dwellings shall be limited to single-story; however, bonus rooms over garages shall be allowed.

(b) All dwellings shall contain double-car garages.

(c) All dwellings shall incorporate ADA accessibility standards and shall include the following:

1. Easy access step free feature at entrances to the unit.
2. Easy passage feature requiring 32 inch wide, clear passage doorways throughout the unit.
3. Easy use feature requiring wheelchair accessible bedrooms, kitchen, entertainment area and bathroom(s), via step-free entrance.

(3) All units shall conform with building materials, heights, and other requirements of the UDO, and all side and rear elevation colors shall be the same as the front elevation colors.

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Planning & Development

# GREY PHOENIX, LLC

P.O. BOX 588 (ALL MAIL)  
119 S. CHEROKEE ROAD  
SOCIAL CIRCLE, GA 30025

June 30, 2014

## RESERVATION OF RIGHTS/CONSTITUTIONAL OBJECTIONS

This is an attachment to the Rezoning Application of Grey Phoenix, LLC (the "Applicant") relating to the 29<sup>±</sup>-acre property located in the 4<sup>th</sup> District, Land Lot 318, Parcels 005, 045, and 051 (the "Property"). Nothing in this Rezoning Application waives, impairs, or otherwise diminishes, or is intended to waive, to impair, or otherwise to diminish, any rights of the Applicant relating to the Property. Furthermore, the Applicant asserts that any denial of this Rezoning Application (or any grant of this Rezoning Application on any conditions not agreed to by the Applicant) would violate the Applicant's rights under the United States Constitution and the Constitution of the State of Georgia, including, without limitation, the Applicant's rights to due process, equal protection and just compensation for the taking of property.

RZR '14 0 1 9

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JUL 0 1 2014

Planning & Development





Garage Plans have moved!  
Click here to visit our sister site!



Plan Style

All Styles

Square Footage:

Minimum to Maximum

Levels:

1  2  3+  Split

Bedrooms:

1  2  3  4  5+

Baths:

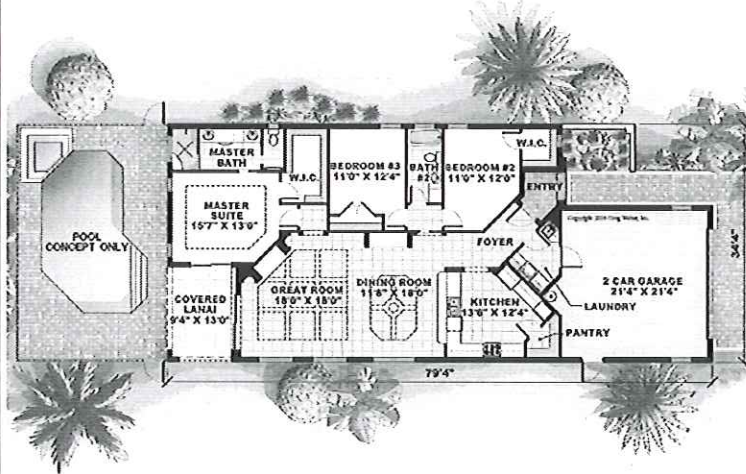
1  2  3  4  5+

Search

Advanced Search

Plan #

Click to Enlarge



Floor Plan

Click image above to view larger

Views may vary slightly from working drawings. Refer to floor plan for actual layout.

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Design 040H-0074

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Memorial Day Holiday Schedule

Plan Details

Heated Sq. Ft.  
First Floor 1801 sq. ft.  
Total 1801 sq. ft.

Unheated Sq. Ft.  
Garage 507 sq. ft.  
Patio/Terrace 128 sq. ft.  
Porch(es) 35 sq. ft.

Bedrooms 3

Full Baths 2

Dimensions  
Width 34 ft. 4 in.  
Depth 74 ft. 4 in.  
Approx. Height 19 ft. 2 in.

Roof Pitch  
6/12 Main

Roof Framing  
Stick

Exterior Wall  
CMU

Foundation  
Slab

Plan Features

Garage  
Front-entry  
Two car

Bedroom Features  
Walk-in closet

Kitchen Features  
Eating/Snack bar  
Walk-in Pantry

Interior Features  
Great room  
Laundry  
Valuted/volume ceiling

Exterior Features  
Covered front porch  
Covered rear porch

Plan Description

Perfect for your narrow lot, this Sunbelt house plan may be modest in size, but it features all the amenities necessary for comfortable family living. The dining and great rooms show off detailed volume ceilings and combine to create a spacious and open living area. A gourmet's delight, the kitchen boasts a walk-in pantry and eating bar, which opens conveniently into the dining and great room area. The master suite accesses the covered lanai and pool area, and features a large walk-in closet and his and her vanities. Fashioned with three bedrooms and two full baths, this family-friendly ranch home plan packs quiet a punch in a narrow lot





Plan Number 60702 | Order Code: 00WEB  
 FamilyHomePlans.com  
 U.S. customers call 1-800-482-0464 | Canadian customers call 1-800-361-7526  
[Click Here to Mirror Reverse Plan](#)

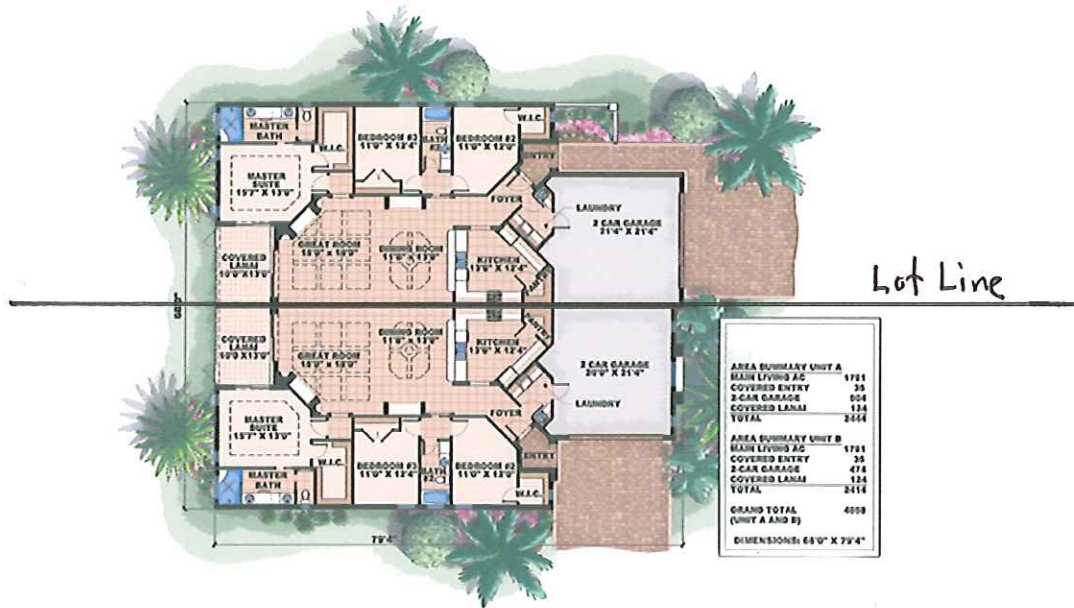


- |  |   |
|--|---|
| <b>Plan Number: 60702</b>  | <b>Order Code: 00WEB</b>  |
| <ul style="list-style-type: none"> <li>• 3570 Total Living Area</li> <li>• 1785 Main Level</li> <li>• 6 Bedrooms</li> <li>• 4 Full Bath(s)</li> <li>• 4 Car Garage</li> <li>• 68' Wide x 80' Deep</li> </ul> | <ul style="list-style-type: none"> <li>• PDF File: \$1,155.00</li> <li>• CAD File: \$1,155.00</li> <li>• Mirror Reverse: \$150.00 per order</li> <li>• Right Reading (True) Reverse: \$350.00</li> <li>• All sets will be Readable Reverse copies. Turn around time is usually 3 to 5 business days.</li> <li>• Additional Sets: \$50.00</li> </ul> |
| <b>Available Foundation Types:</b>   |   |
| <ul style="list-style-type: none"> <li>• Slab</li> </ul>   |   |

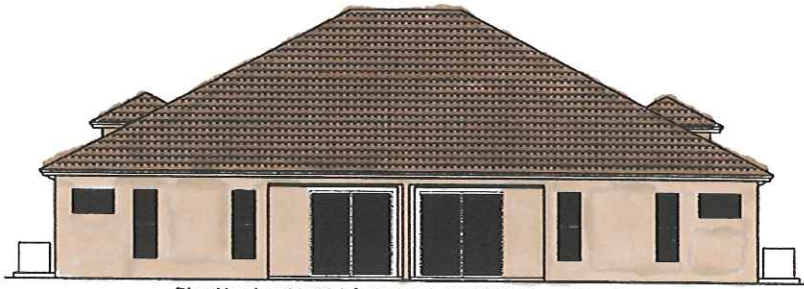


Plan Number 60702 | Order Code 00WEB | Front Elevation  
 FamilyHomePlans.com  
 U.S. customers call 1-800-482-0464 | Canadian customers call 1-800-361-7526  
[Click Here to Mirror Reverse](#)

2 - Zero lot line



Plan Number 60702 | Order Code 00WEB | First Floor Plan  
 FamilyHomePlans.com  
 U.S. customers call 1-800-482-0464 | Canadian customers call 1-800-361-7526  
[Click Here to Mirror Reverse](#)



Plan Number 60702 | Order Code 00WEB | Rear Elevation  
FamilyHomePlans.com  
U.S. customers call 1-800-482-0464 | Canadian customers call 1-800-361-7526  
[Click Here to Mirror Reverse](#)





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**Plan Style**

All Styles

**Square Footage:**

Minimum  to Maximum

**Levels:**

1  2  3+  Split

**Bedrooms:**

1  2  3  4  5+

**Baths:**

1  2  3  4  5+

[Advanced Search](#)

Plan #



[Click to Enlarge](#)



**Stucco House Plan, 043H-0042**

[Click image above to view larger](#)

*Views may vary slightly from working drawings. Refer to floor plan for actual layout.*

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**Design 043H-0042**

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**Memorial Day Holiday Schedule**

**Plan Details**

**Heated Sq. Ft.**  
First Floor 1768 sq. ft.  
Total 1768 sq. ft.

**Unheated Sq. Ft.**  
Garage 522 sq. ft.  
Patio/Terrace 123 sq. ft.  
Porch(es) 65 sq. ft.

**Bedrooms** 3

**Full Baths** 2

**Dimensions**  
Width 40 ft. 0 in.  
Depth 60 ft. 0 in.  
Approx. Height 21 ft. 4 in.

**Ceiling Heights**  
First Floor 8 ft. 0 in.

**Roof Pitch**  
7/12 Main

**Roof Framing**  
Truss

**Exterior Wall**  
2x4

**Foundation**  
Slab

**Plan Features**

**Garage**  
Front-entry  
Two car

**Bedroom Features**  
Split bedrooms  
Walk-in closet

**Kitchen Features**  
Breakfast area/nook  
Eating/Snack bar

**Interior Features**  
Family room  
Laundry  
Open floor plan  
Valuted/volume ceiling

**Exterior Features**  
Covered front porch  
Patio/terrace

**Plan Description**

Gentle arches, tiered gables and a stucco façade give this Sunbelt house plan striking street appeal. Though designed for a narrow lot, the floor plan seems larger than it actually is with vaulted ceilings topping the living areas, plenty of sparkling windows and a covered patio extending the living areas outdoors. An elegant double door entry opens to the combined living and dining rooms, an ideal arrangement for entertaining guests. Stylish art niches



Garage Plans have moved! [Click here to visit our sister site!](#)

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All Styles

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Minimum  to  Maximum

**Levels:**

1  2  3+  Split

**Bedrooms:**

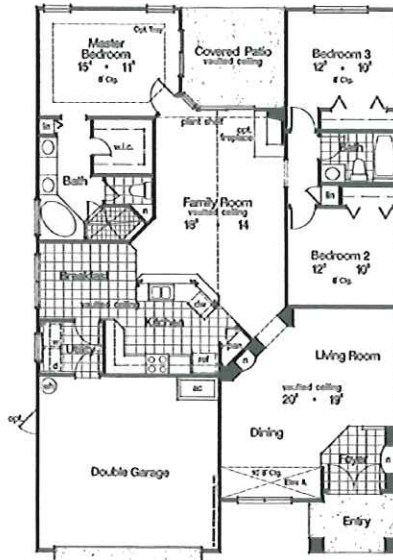
1  2  3  4  5+

**Baths:**

1  2  3  4  5+

[Advanced Search](#)

Plan #



[Click to Enlarge](#)



**Floor Plan**

[Click image above to view larger](#)

Views may vary slightly from working drawings. Refer to floor plan for actual layout.

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**Design 043H-0042**

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**Roof Framing**  
Truss

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2x4

**Foundation**  
Slab

**Plan Features**

**Garage**  
Front-entry  
Two car

**Bedroom Features**  
Split bedrooms  
Walk-in closet

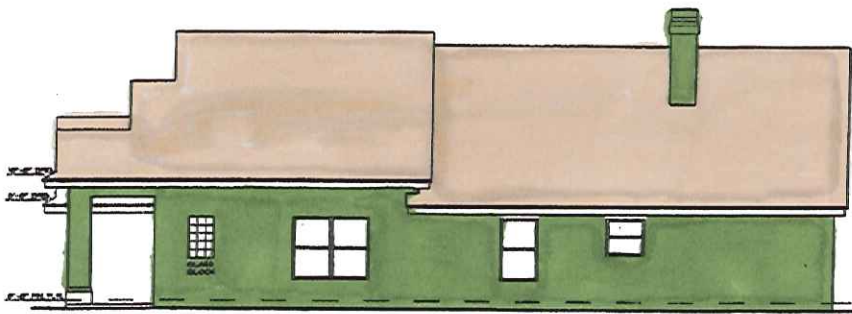
**Kitchen Features**  
Breakfast area/nook  
Eating/Snack bar

**Interior Features**  
Family room  
Laundry  
Open floor plan  
Valuted/volume ceiling

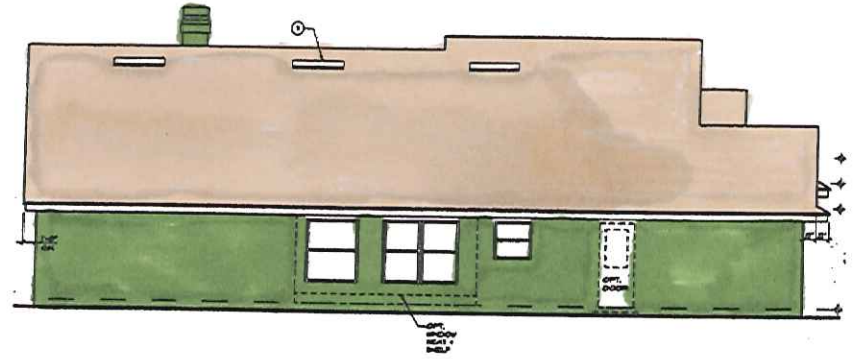
**Exterior Features**  
Covered front porch  
Patio/terrace

**Plan Description**

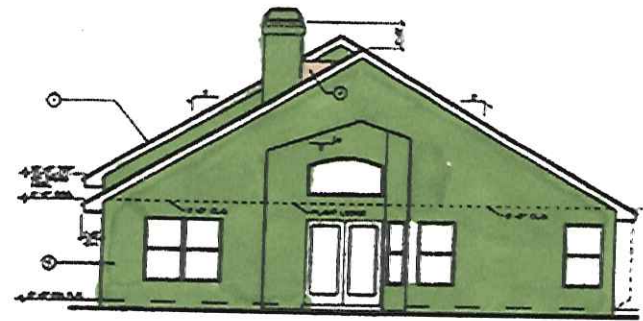
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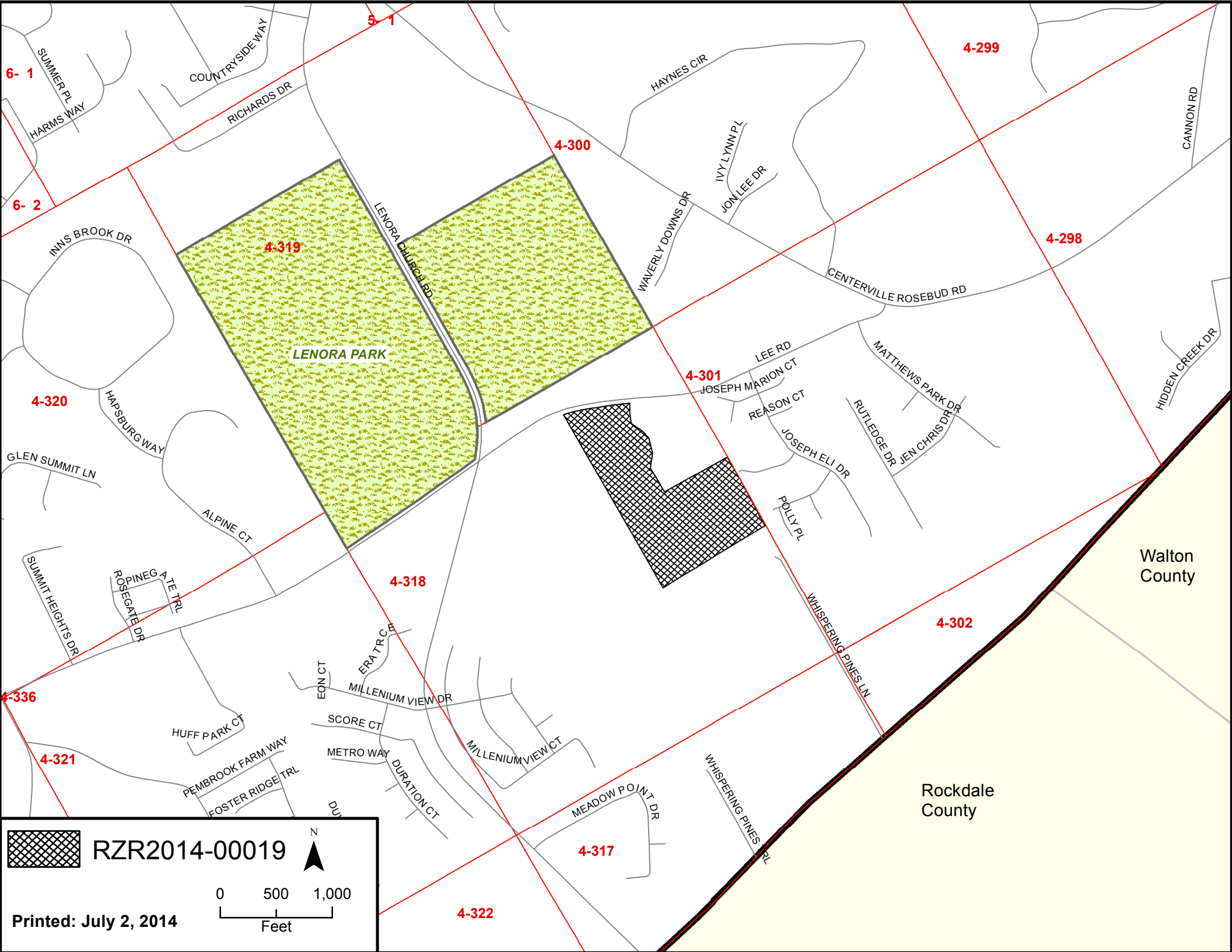
Right Side Elevation



Left Side Elevation



Rear Elevation



LENORA PARK

4-319

4-301

4-318

4-302

4-317

4-322

4-299

4-298

4-320

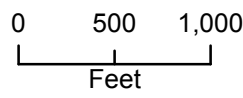
6-1

6-2

4-336

4-321

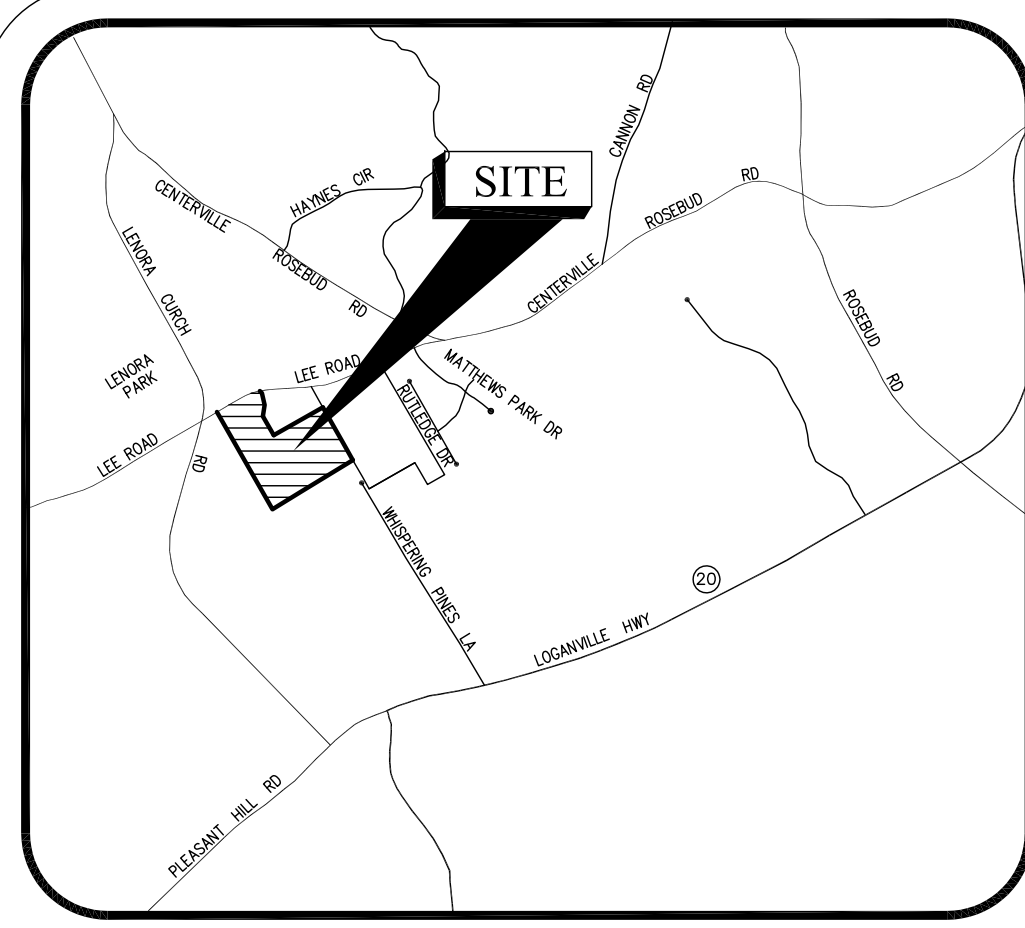
RZR2014-00019



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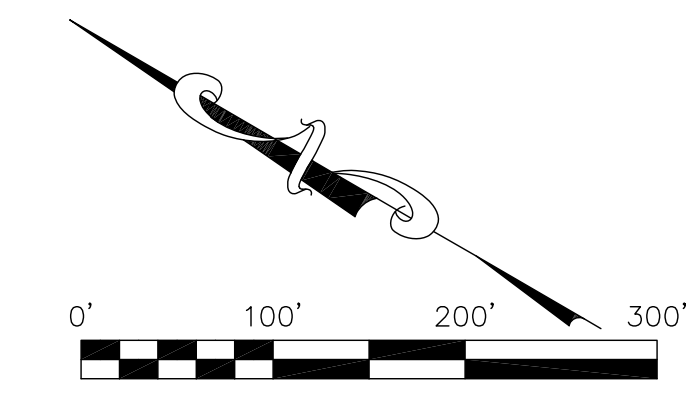
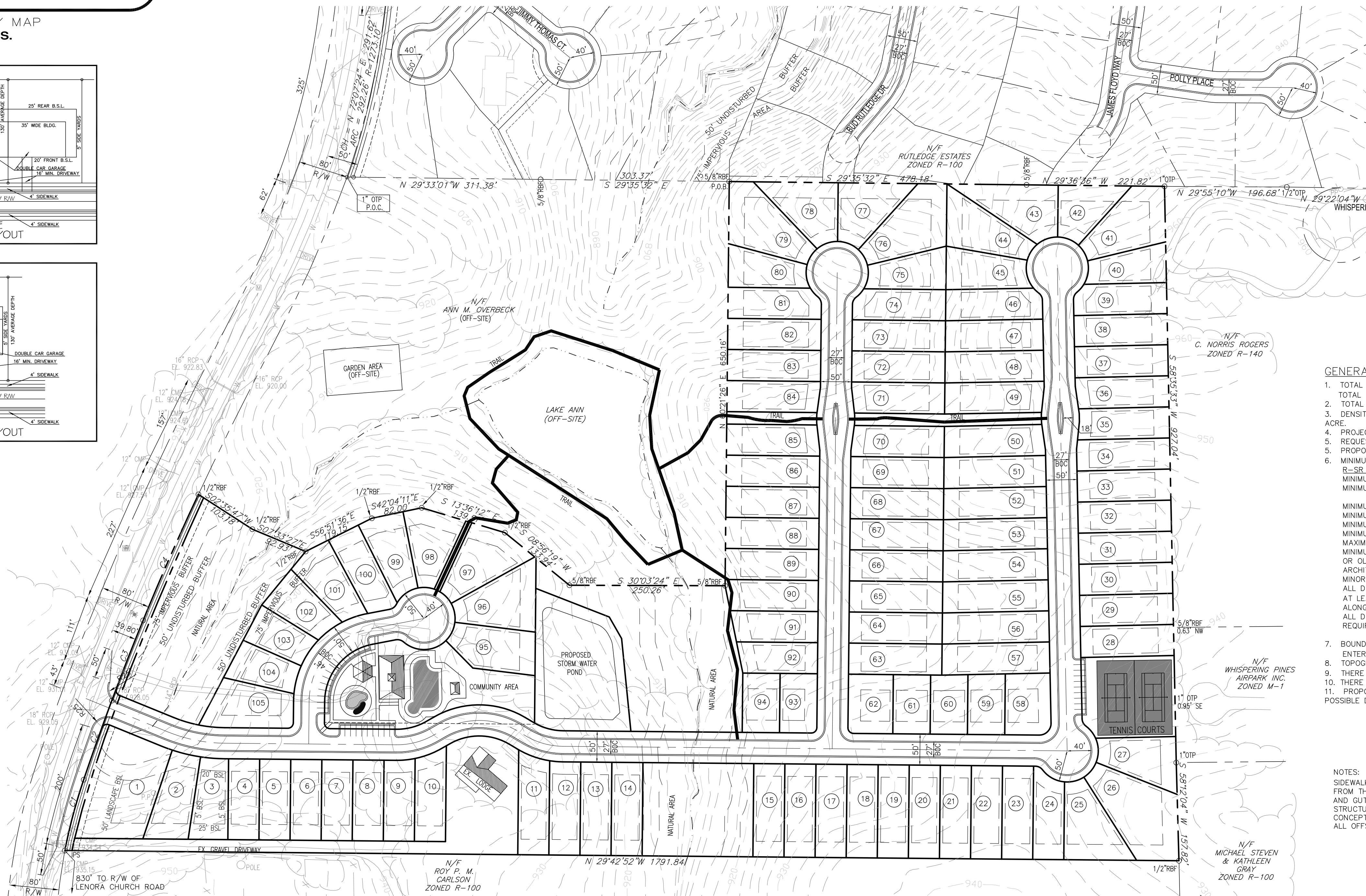
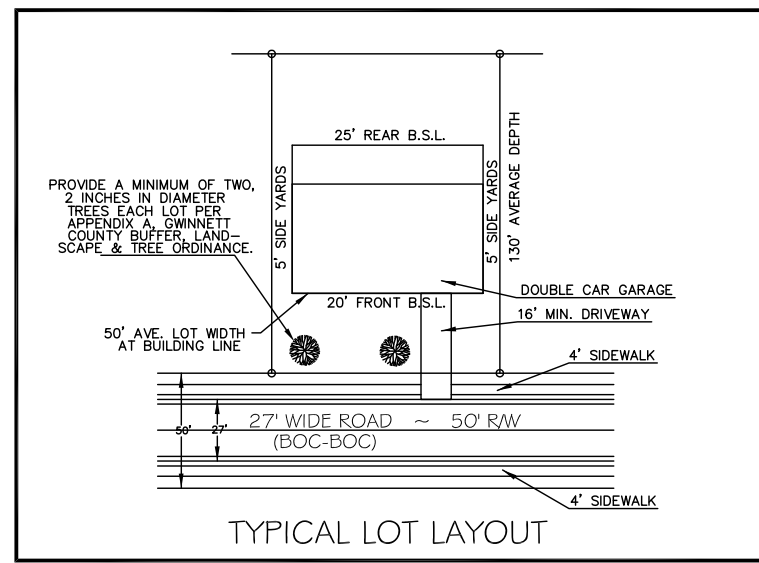
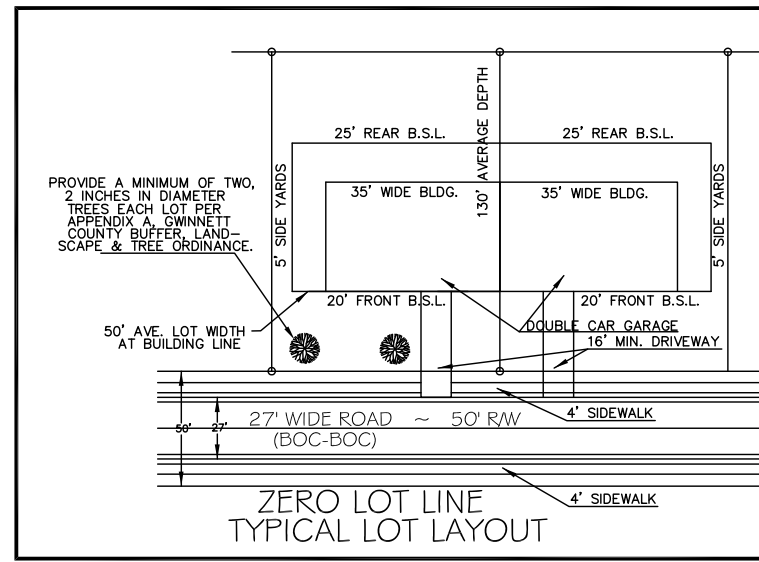
Walton County

Rockdale County



VICINITY MAP  
N.T.S.

Curve	Radius	Length	Chord	Chord Bear.
C1	906.35'	118.13'	118.04'	N 74°41'52" E
C2	4385.74'	134.87'	134.86'	N 79°18'44" E
C3	4385.74'	138.60'	138.59'	N 81°05'55" E
C4	4385.74'	221.28'	221.26'	N 83°26'58" E



**GENERAL NOTES:**

- TOTAL PROJECT AREA : 29.006 ACRES
- TOTAL AREA IN OPEN SPACE: 4.36 ACRES OR 15.03%
- TOTAL NUMBER OF LOTS : 105
- DENSITY : 3.62 LOTS PER ACRE (105 LOTS/29.006 AC.) MAXIMUM DENSITY 4 LOT PER ACRE.
- PROJECT ZONED R-100
- REQUESTED R-SR SENIOR ORIENTED RESIDENCE DISTRICT
- PROPOSED LAND USE : SINGLE FAMILY RESIDENTIAL
- MINIMUM/MAXIMUM LOT REQUIREMENTS:  
R-SR ZONING:  
MINIMUM LOT AREA : 5,000 SF.  
MINIMUM DWELLING SIZE : 1,600 SF. FOR TWO BEDROOM HOMES  
1,800 SF. FOR THREE OR MORE BEDROOMS HOMES
- MINIMUM LOT WIDTH: 50 FT.  
MINIMUM FRONT YARD: 20 FT.  
MINIMUM SIDE YARD: 5 FT.  
MINIMUM REAR YARD: 25 FT.  
MAXIMUM BUILDING HEIGHT: 35 FT.  
MINIMUM OF 80% OF THE UNITS SHALL BE OCCUPIED BY A PERSON WHO IS 55 OR OLDER.
- ARCHITECTURAL TREATMENTS SHALL BE PRIMARILY OF BRICK, STUCCO OR STONE WITH MINOR TREATMENTS OF LOW OR NO-MAINTENANCE SIDING MATERIALS.  
ALL DWELLING SHALL BE LIMITED TO SINGLE-STORY.  
AT LEAST 1 THREE-INCH CALIPER STREET TREE SHALL BE PLANTED AT LEAST EVERY 35' ALONG BOTH SIDE OF INTERNAL STREETS.
- ALL DWELLING SHALL CONTAIN DOUBLE-CAR GARAGES: 105 X 2 = 210 SPACES REQUIRED. PROVIDED 245 PARKING SPACES.
- BOUNDARY INFORMATION TAKEN FROM SURVEYS BY VON ITTER & MCGEE, INC. FOR JCD ENTERPRISES, INC. DATED 1/30/06.
- TOPOGRAPHY DATA FROM DIVERSIFIED DESIGN & DRAFTING SERVICES, DATED FEB. 2006.
- THERE ARE NO NATIONAL WETLAND INVENTORY (NW) WETLANDS ON SITE.
- THERE ARE STATE WATERS ON THIS PROPERTY.
- PROPOSED CUL-DE-SAC ALONG THE NORTH PROPERTY LINE. CONNECTING ROAD IS NOT POSSIBLE DUE TO DRASTIC CHANGE IN ELEVATION.

NOTES:  
SIDEWALKS ARE NOT ALLOWED WITHIN THIRTEEN FEET FROM THE EDGE OF LEE ROAD WITHOUT CURB AND GUTTER AND ANY NECESSARY DRAINAGE STRUCTURES.  
CONCEPT PLAN, BUILDINGS, AND SITE IMPROVEMENTS MAY VARY ALL OFFSITE AREAS NOT INCLUDED IN REZONING

**ALCOVY**  
SURVEYING & ENGINEERING, INC.  
P.O.C. TIP HUYNH, P.E.  
2205 Highway 81 South  
Loganville, Georgia 30052  
Phone: 770-466-4002  
Fax: 770-466-4296  
tip@alcovyse.com

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**REZONE REQUEST**

**LEE ROAD  
ADULT  
DEVELOPMENT**

TAX MAP: 335705  
PARCELS: 5, 45, 51  
LAND LOT: 318  
DISTRICT: 4TH  
LEE ROAD  
GWINNETT COUNTY, GEORGIA

DATE: 06-30-14  
SCALE: 1"=100'

**OWNER / DEVELOPER**

GREY PHEONIX, LLC  
PO BOX 588  
SOCIAL CIRCLE GA, 30025

24 HOUR - EMERGENCY CONTACT  
T. BRIAN GLASS  
PHONE: 770-361-3104  
tbgcsl@att.net

**REVISIONS**

NO.	DATE	DESCRIPTION

JOB No. 05-051

**RZ-1**



LEE RD

JOSEPH MARION CT

JIMMY THOMAS CT

REASON CT

JOSEPH ELIDR

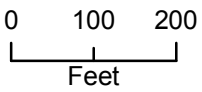
BUD RUTLEDGE DR

JAMES FLOYD WAY

POLKY PL

WHISPERING PINES LN

RZR2014-00019



Printed: July 2, 2014

RA200

LENORA PARK

RA200

R100

R140

M1

R100

LENORA CHURCH RD

LEE RD

JOSEPH MARION CT

REASON CT

RUTLEDGE DR

BUD RUTLEDGE DR

JAMES FLOYD WAY

JOSEPH ELLI DR

POLLY PL

WHISPERING PINES LN

4-300


4-319

4-301

4-318

4-302

4-317

 RZR2014-00019

0 125 250  
Feet

Printed: July 2, 2014

N

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
CHANGE IN CONDITIONS ANALYSIS**

CASE NUMBER : **CIC2014-00014**  
ZONING : M-1  
LOCATION : 1300-1700 BLOCK OF HURRICANE SHOALS ROAD  
MAP NUMBER : R5241 001  
ACREAGE : 51.32 ACRES  
SQUARE FEET : 260,000 SQUARE FEET  
PROPOSAL : CHANGE IN CONDITIONS TO REDUCE 150-FOOT  
BUFFER REQUIREMENT  
COMMISSION DISTRICT : (4) HEARD

FUTURE DEVELOPMENT MAP: **RESEARCH & DEVELOPMENT CORRIDOR**

APPLICANT: JOHN W. ROOKER & ASSOCIATES, INC.  
445 BISHOP STREET, SUITE 200  
ATLANTA, GA 30318

CONTACT: KYLE HOLBROOK                      PHONE: 678.367.4229

OWNER: ROOKER GWINNETT, LLC  
445 BISHOP STREET, SUITE 200  
ATLANTA, GA 30318

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

The applicant is requesting a change in conditions of a prior rezoning (RZ-135-85) to reduce the required buffer adjacent to residential zoning. The subject property is a 51.32-acre parcel, zoned M-1 (Light Industry District), and located on the north side of Hurricane Shoals Road, in the Gwinnett Progress Center Industrial Park.

The site is presently vacant and heavily wooded. It is proposed for development with two industrial buildings totaling 260,000 square feet building, along with associated parking and driveways. To accommodate the development, the applicant proposes to reduce the 150-foot buffer requirement of RZ-135-85 along the rear property line. The condition in question is contained in RZ-135-85 (Exhibit 2 – Response to Neighborhood Comments) Condition #5, which reads as follows:

5. 150-foot buffer - 100-feet undisturbed adjacent to property line plus 50-feet undisturbed or supplemented with plantings where appropriate.

The site plan proposes a new buffer width of 100 feet along the rear property line, 50 feet of which would remain undisturbed with portions of the other 50 feet being graded and replanted.

It is also noted that remnant strips of R-100 zoned property abut the subject site along both side property lines. The buffers required in these areas are proposed for elimination.

The 2030 Unified Plan Future Development Map indicates that the property lies within the Research & Development Corridor extending along Highway 316 from Lawrenceville to the Barrow County line. The site is part of the Gwinnett Progress Center, a large office/warehouse/distribution development, zoned M-1. The original rezoning of the Progress Center in 1985 included numerous conditions and buffer requirements which were in response to neighborhood concerns. Among these was the current 150-foot buffer attached to the subject property. In light of the long-standing nature of the condition, which was established in 1985 to afford protection and separation for adjacent residential properties, reducing the buffer's width may not be compatible with the original Board action or policies of the Unified Plan which promote neighborhood compatibility.

The surrounding area is characterized by office/warehouse uses within the Progress Center development, and residential uses and zoning lying to the north, just beyond the business park. Abutting the property to the east is Dyer Elementary School, and to the west is a vacant M-1 property. To the north are two single-family homes on acreage, zoned R-140, at the rear of Saddlewood Estates subdivision. The past zoning case on the site required preservation of a substantial 150-foot buffer adjacent to these neighboring residential areas. The buffer is required in a continuous strip extending from Cedars Road to Rabbit Hill Road at the eastern end of the business park. In the years since the rezoning, there have been no changes in the area which would warrant reduction of the buffer. In the Department's opinion, such a condition change may be unsuitable.

In conclusion, the requested change in conditions may not be desirable in light of the previous zoning approval and associated conditions for the property, which were established with input from neighboring property owners. The required buffer has been maintained along the perimeter of the progress center, and has been observed by other similar buildings, further suggesting that the requested reduction may be inappropriate. Therefore, the Department of Planning and Development recommends **DENIAL** of the request.

#### ZONING HISTORY:

In 1970, the property was zoned RA-200. In 1975, all of Land Lot 5-241 was rezoned to R-100 through an area wide zoning map revision. The subject site was rezoned to M-1 in 1985, pursuant to RZ-135-85, as part of the Gwinnett Progress Center business park. In 2003, a request to rezone the property to R-60 for a single-family subdivision was denied (RZR-03-001).

#### GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Protection (Chapter 620 of the Unified Development Ordinance) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 610-20.3 of the Unified Development Ordinance requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Chapter 240 of the Unified Development Ordinance.

Parking spaces shall be provided at a ratio of:

One space per 2,500 square feet, at a minimum.

One space per 750 square feet, at a maximum.

Section 900-90 of the Unified Development Ordinance requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

Section 610-20.4B of the Unified Development Ordinance requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 800-20 of the Unified Development Ordinance requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Section 700-40.1B of the Unified Development Ordinance requires that the lowest floor including the basement, of all non-residential building be constructed at an elevation of at least one foot above the 100-year floodplain.

**STORMWATER REVIEW SECTION COMMENTS:**

The property appears to contain stream buffers. The proposed conceptual plan may require revision to show the appropriate stream buffer area.

All storm water best management practices will be applicable upon development permit issuance.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Hurricane Shoals Road is a Major Collector and 40 feet of right-of-way is required from the centerline.

Standard deceleration lanes with appropriate taper and adequate right-of-way will be required.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided.

The number and locations of driveways are subject to Gwinnett County D.O.T. approval.

A left turn lane shall be provided at the project entrance on Hurricane Shoals Road.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the northern right-of-way of Hurricane Shoals Road.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of a 20-inch sanitary sewer main located approximately 350 feet north of the property.

The subject development is located within the Yellow River service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

#### BUILDING CONSTRUCTION COMMENT SECTION:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2012 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.
4. Architectural design of the proposed building shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category I.
5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at (678) 518-6000 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Note: The following conditions are provided as a guide, should the Board choose to approve the request:

RZ-135-85

Exhibit 2 (Response to Neighborhood Comments)

1. 150' undisturbed buffer with Red-Tipped Photinias along Cedars Rd. (1.8 acres restricted)
2. No access north of intersection of Cedars Rd. and Street "D".
3. Proposed 4 lane road to the south and 2 lane road to the north of intersection of Cedars Rd. and relocated Rawlins Rd.
4. Agree to rezone MF-I area to M-I Light Industrial.
5. ~~150'~~ **100-foot** buffer - ~~100'~~ **50 feet** undisturbed adjacent to property line plus **50 feet** undisturbed or supplemented with plantings where appropriate. (~~33.7 acres restricted~~)
6. Meet or exceed soil erosion ordinance and provide drainage detention as required.
7. No septic tanks are proposed.
8. Covenants will restrict lighting coverage to boundaries of property.
9. 150' buffer planted with pine seedlings where appropriate. (16.5 acres restricted)
10. No access is proposed to Rabbit Hill Road.
11. 50' buffer planted with pine seedlings along Fence Rd. (1.7 acres restricted)
12. One curb cut is provided on Fence Road frontage.
13. All development is restricted to industries which meet EPA Clean Air Standards.
14. Hedge planting - 2 gallon Red-Tipped Photinias @ 4' O.C. – both sides of Alford Drive.

Note: Total number acres restricted by buffers: 53.7 acres.

PLANNING AND DEVELOPMENT DEPARTMENT RESPONSE  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested change to the buffer requirements of the Gwinnett Progress Center zoning may not be suitable, as they were established with substantial neighbor input through the public hearing process, and have been in place with no revision since 1985. Several other nearby M-I properties have been successfully developed while maintaining the full required buffer.

ADVERSE IMPACTS

Approval of a reduction in the buffer standards could result in adverse impacts on existing residences adjacent to the north from light and noise intrusion, and loss of vegetative screening.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be few changes in impacts on public facilities from this request.

CONFORMITY WITH POLICIES

The request would not be consistent with the actions taken by the Board in the prior rezoning, and is not considered consistent with Board policy for the Progress Center or with the Unified Plan.

CONDITIONS AFFECTING ZONING

The buffer in question extends continuously along the northern boundary of the Progress Center, from Cedars Road to Rabbit Hill Road, and has been maintained for its full 150-foot width since 1985. Adjacent residential property owners were involved in negotiating the buffer standard, and have come to rely on its continued preservation.

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

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

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

- (A) **WHETHER A PROPOSED CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY;**The requested buffer reduction will not change the intended use of the property. The proposed 50' undisturbed buffer in combination with the proposed 50' planted buffer (disturbed areas planted only) along the rear of the property will prevent viewing by the adjacent and nearby property.
- (B) **WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY;**The requested buffer reduction will still allow the adjacent and nearby property to be utilized as it is currently. Adjacent property owners will not be encumbered in any way due to the approval of this request.
- (C) **WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED;**The subject property is currently zoned for an industrial use. However, due to the drastic change in elevation that is present on the subject property it will not support a building of the size required to attract commercial use.
- (D) **WHETHER THE PROPOSED CHANGE IN CONDITIONS WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS;**The requested buffer reduction will not adversely affect any existing streets, transportation facilities, utilities or schools due to the fact the subject property is located within an industrial park that uses a major thoroughfare for access. The above mentioned amenities have been upgraded to accommodate the park.
- (E) **WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN;**The current zoning of the property will remain the same. The limits for the building coverage and impervious area will not be exceeded due to the approval of this request.
- (F) **WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED CHANGE IN CONDITIONS;**  
Due to the amount of slope on this site it is crucial the existing buffer be reduced to allow for the construction of buildings in the size range typically utilized by businesses that occupy facilities located in industrial parks. These buildings will bring companies and jobs from other locations to Gwinnett County thereby insuring a very positive economic impact. This buffer reduction request is not intended to allow the new buildings to be located closer to the property lines. In fact, the buildings will be located more than 150' from the property lines; well beyond the minimum building setbacks required.

RECEIVED BY

3

SEP - 5 2014

CIC'14 014

Planning & Development



DESIGN :: BUILD :: DEVELOP

September 4, 2014

Gwinnett County  
Department of Planning & Development  
446 West Crogan Street  
Lawrenceville, GA 30045

Re: Letter of Intent for Variance  
Gwinnett Progress Center - Buffer Reduction at 5<sup>th</sup> District, Land Lot 241, Parcel 5241-001

Dear Sirs:

Rooker is preparing to develop 51.3178 Acres of Land currently zoned as M-1 at Gwinnett Progress Center. The proposed initial development will include two (2) industrial buildings. One building will contain 110,000 square feet while the other will encompass 150,000 square feet for a total of 260,000 square feet. Both of the initial facilities will be designed with an interior clear height of 28' and a maximum parapet structure height of 38' along the exterior wall. The initial development will include approximately 246 automobile spaces and the buildings will create a site density of approximately 5,000 SF per acre, well within the requirements of the M-1 zoning designation.

These buildings are the minimal size customarily seen in an industrial park of this size. In order to adhere to the most favorable industry size standards, Rooker respectfully requests a reduction in the existing buffers to allow for these adequate size industrial buildings to be developed. Rooker is proposing a reduction in the buffer at the northwest property line from 150 feet to a 50 foot undisturbed buffer plus a 50 foot planted buffer (disturbed areas planted only – these disturbed areas will be revegetated with evergreen trees). Rooker is proposing a reduction in the buffers at the southwest and northeast property lines from 100 feet to zero feet. These buffer reductions will make the property usable for the grading & drives needed for development of the property. Please note that this buffer reduction is not requested in order to locate buildings closer to the adjacent land owners. Both buildings will be located more than 150' from each property line, thereby drastically reducing the impact of this buffer reduction.

Rooker is accustomed to developing and constructing facilities across the entire State of Georgia. We have completed several million square feet of similar space in Georgia and have developed multiple facilities in Gwinnett County. We understand the economic impact these facilities can bring to an area; not only in business relocation but in the introduction of new jobs.

Rooker is very excited about this project and we look forward to working with you. During the consideration of this request, if any additional information is required, please feel free to contact us at 678-367-4229 or by email [kyleholbrook@rookerco.com](mailto:kyleholbrook@rookerco.com).

Sincerely,

Kyle Holbrook  
Project Manager

RECEIVED BY

SEP - 5 2014

CIC'14 014

Planning & Development

tel: 770.491.7711

445 BISHOP STREET, SUITE 200, ATLANTA, GA 30318  
WWW.ROOKERCO.COM

fax: 770.491.1387

GWINNETT COUNTY BOARD OF COMMISSIONERS  
A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP  
PLANNING AND ZONING  
BOOK 5

RZ-135-85

000412

WHEREAS, the Municipal-Gwinnett County Planning Commission has filed a formal recommendation to the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 to M-1 by ATLANTA RESEARCH PROPERTIES, C/O W. CLAY HAMNER, SUITE 25 B,  
905 W. MAIN STREET, DURHAM, N.C. 27701

for the proposed use of GWINNETT PROGRESS CENTER

on a tract of land described by the attached legal description, and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been published in BUSINESS GWINNETT, the Official News Organ of Gwinnett County, and

WHEREAS, a Public Hearing was held in the Commission Meeting Room by the Gwinnett County Board of Commissioners on JULY 23, 1985 and objections were \_\_\_\_\_ filed.

THEREFORE, BE IT RESOLVED that the Gwinnett County Board of Commissioners do hereby Approved \* the Amendment to the Official Zoning Map from R-100 to M-1 on the 27 day of August, 1985.

CONDITIONS:

(SEE ATTACHED)

GWINNETT COUNTY BOARD OF COMMISSIONERS

*Lillian Walsh*

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RZ-135-85 Stipulations

1. Subject to the applicable use restrictions listed in Exhibit 1, (the package which begins with quality assurance) of the applicant's petition, minus the page headed heavy industry (HI);
2. Subject to the provisions and restrictions as shown in Exhibit 2 (entitled responsive neighborhood comments') of the applicants petition.);
3. Subject to the provision of sufficient waste water transmission and treatment capacity to adequately serve the proposed development at a cost and means as determined by the Board of Commissioners and the developer, notwithstanding anything contained in the above paragraph, the developer and the County agree to attempt to connect to the Yellow River/Sweetwater Creek treatment Plant, via the Lawrenceville City System as shown on Exhibit 3, as attached; this would be allowed under an agreement dated M 3, 1977, as attached as Exhibit 4 between the City of Lawrenceville hook-up and purchase of capacity will be paid for by the developer upon an agreed upon amount and scheduled to be determined; the developer and the County will work to reach an agreement with the City of Lawrenceville;
4. Subject to the improvement at the applicant's expense of the public roads within and adjoining the subject sites, the standards reflected in traffic generated by the subject development as determined by the Board of Commissioners and the developer.
5. The developer would initiate rezoning on parcel identified as C-6 on their submitted site plan and that they would request rezoning of the parcel from the current C-2 zoning to the M-1 category.
6. Subject to the developer paying all costs for the relocation of any utilities associated with the easterly extension of Georgia 316 through the subject property.

Business Parks will be developed under Section 1310. M1. Light Industry District. The Business Park District is comprised of lands that are located on or have ready access to a Major Street or State Highway and are well adapted to industrial development but whose proximity to residential or commercial districts makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions.

Within the Business Park District, the following uses are permitted:

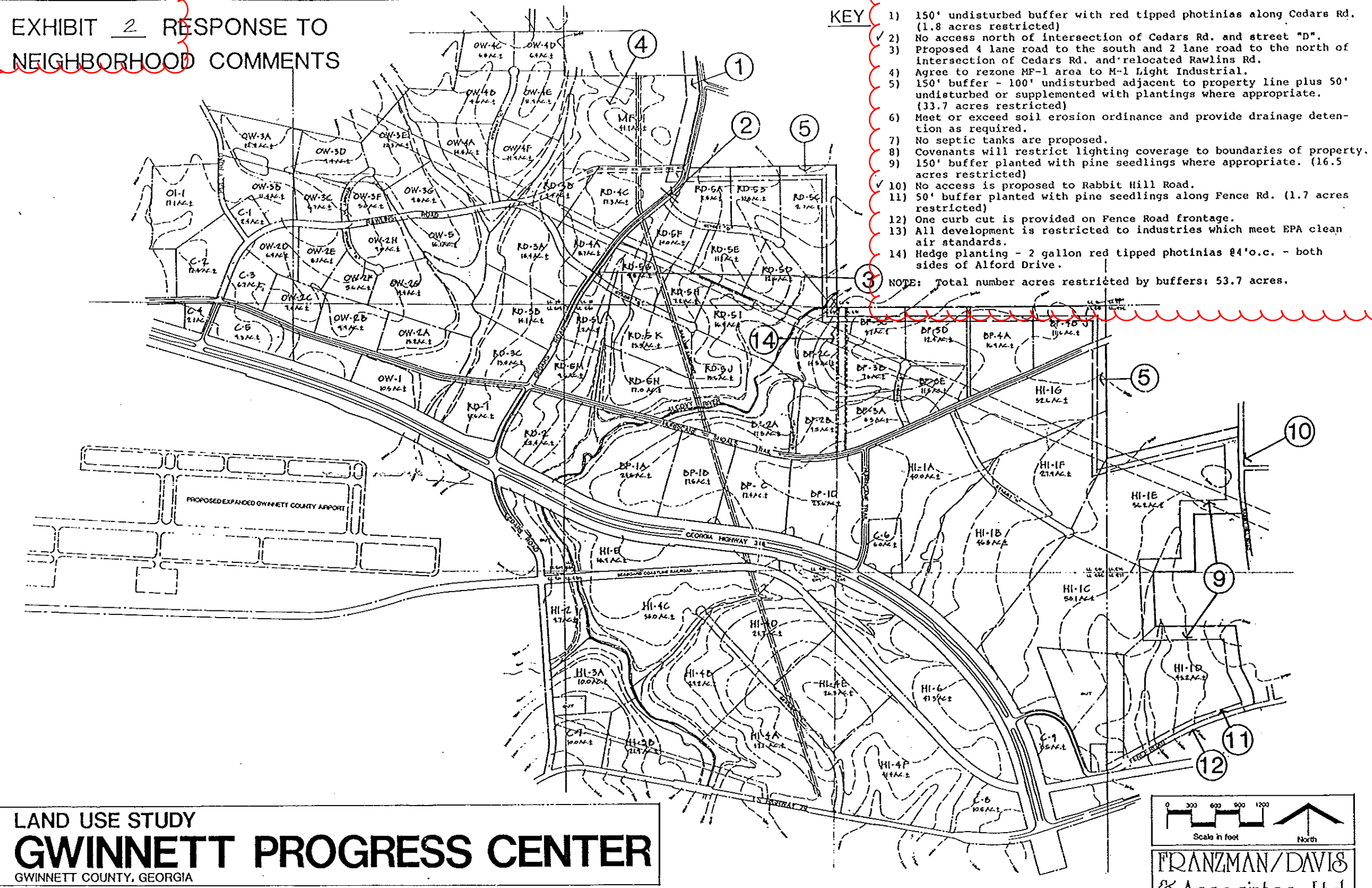
1. Businesses that serve industries or their employees.
2. Wholesaling and Warehousing with Offices.
3. Similar Industries that meet the standards of this Zoning District.

# EXHIBIT 2 RESPONSE TO NEIGHBORHOOD COMMENTS

## KEY

- 1) 150' undisturbed buffer with red tipped photinias along Cedars Rd. (1.8 acres restricted)
- 2) No access north of intersection of Cedars Rd. and street "D".
- 3) Proposed 4 lane road to the south and 2 lane road to the north of intersection of Cedars Rd. and relocated Rawlins Rd.
- 4) Agree to rezone MF-1 area to M-1 Light Industrial.
- 5) 150' buffer - 100' undisturbed adjacent to property line plus 50' undisturbed or supplemented with plantings where appropriate. (33.7 acres restricted)
- 6) Meet or exceed soil erosion ordinance and provide drainage detention as required.
- 7) No septic tanks are proposed.
- 8) Covenants will restrict lighting coverage to boundaries of property.
- 9) 150' buffer planted with pine seedlings where appropriate. (16.5 acres restricted)
- 10) No access is proposed to Rabbit Hill Road.
- 11) 50' buffer planted with pine seedlings along Fence Rd. (1.7 acres restricted)
- 12) One curb cut is provided on Fence Road frontage.
- 13) All development is restricted to industries which meet EPA clean air standards.
- 14) Hedge planting - 2 gallon red tipped photinias @4'o.c. - both sides of Alford Drive.

NOTE: Total number acres restricted by buffers: 53.7 acres.

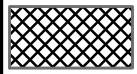
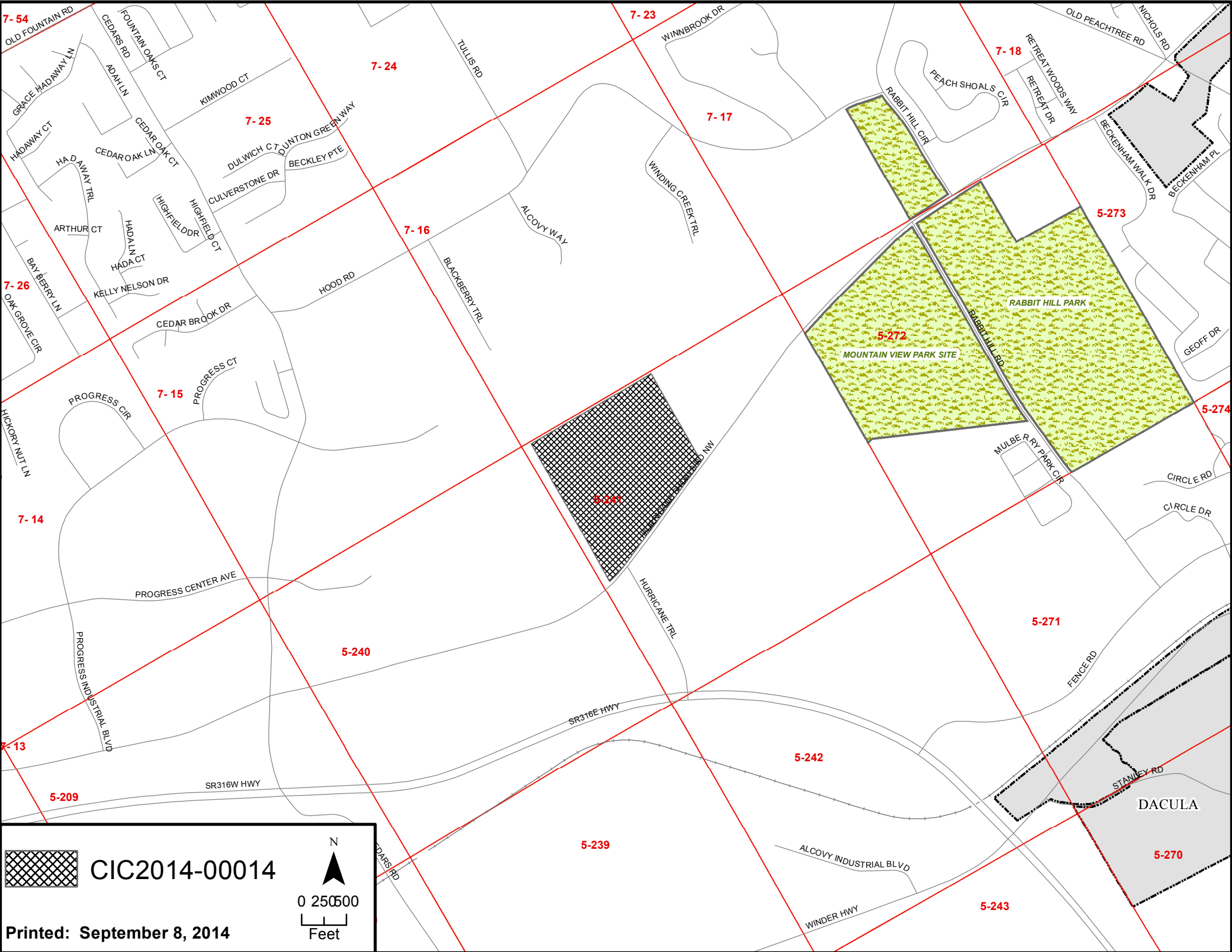


LAND USE STUDY  
**GWINNETT PROGRESS CENTER**  
 GWINNETT COUNTY, GEORGIA

PREPARED FOR:  
**ATLANTA RESEARCH PROPERTIES**

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 Scale in feet North

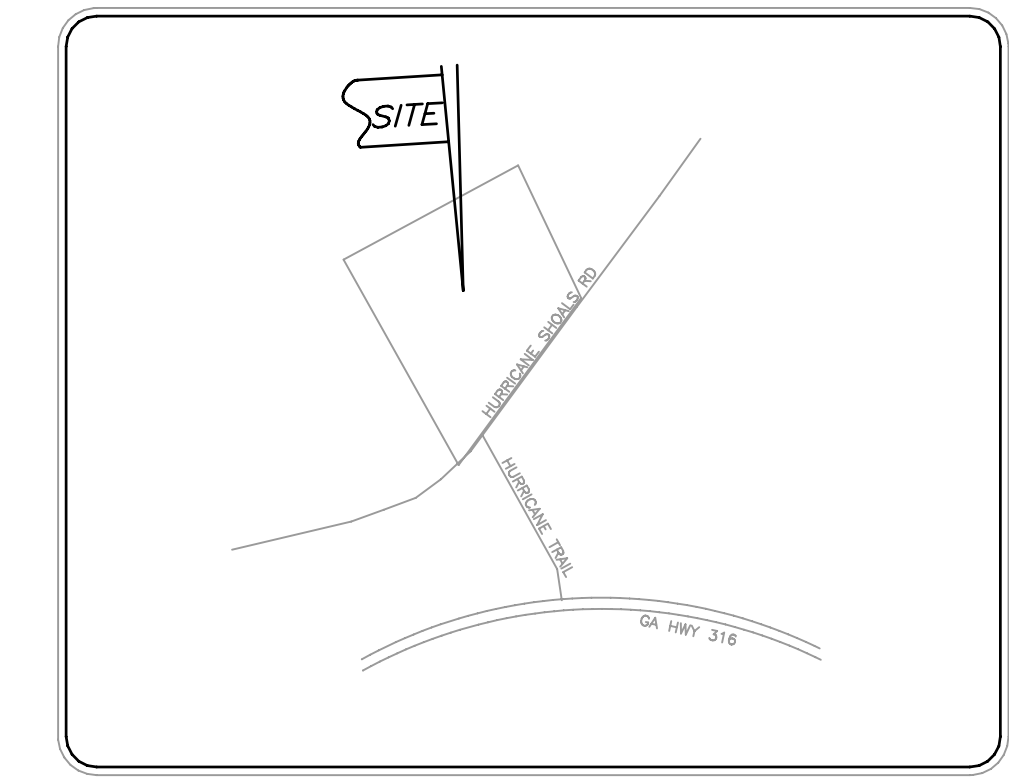
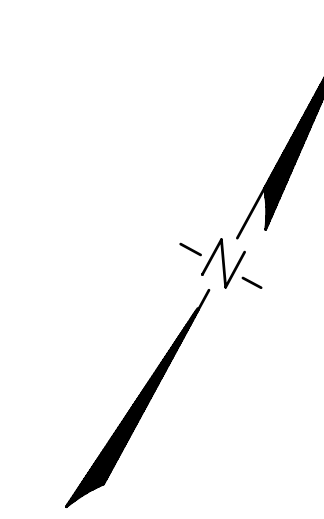
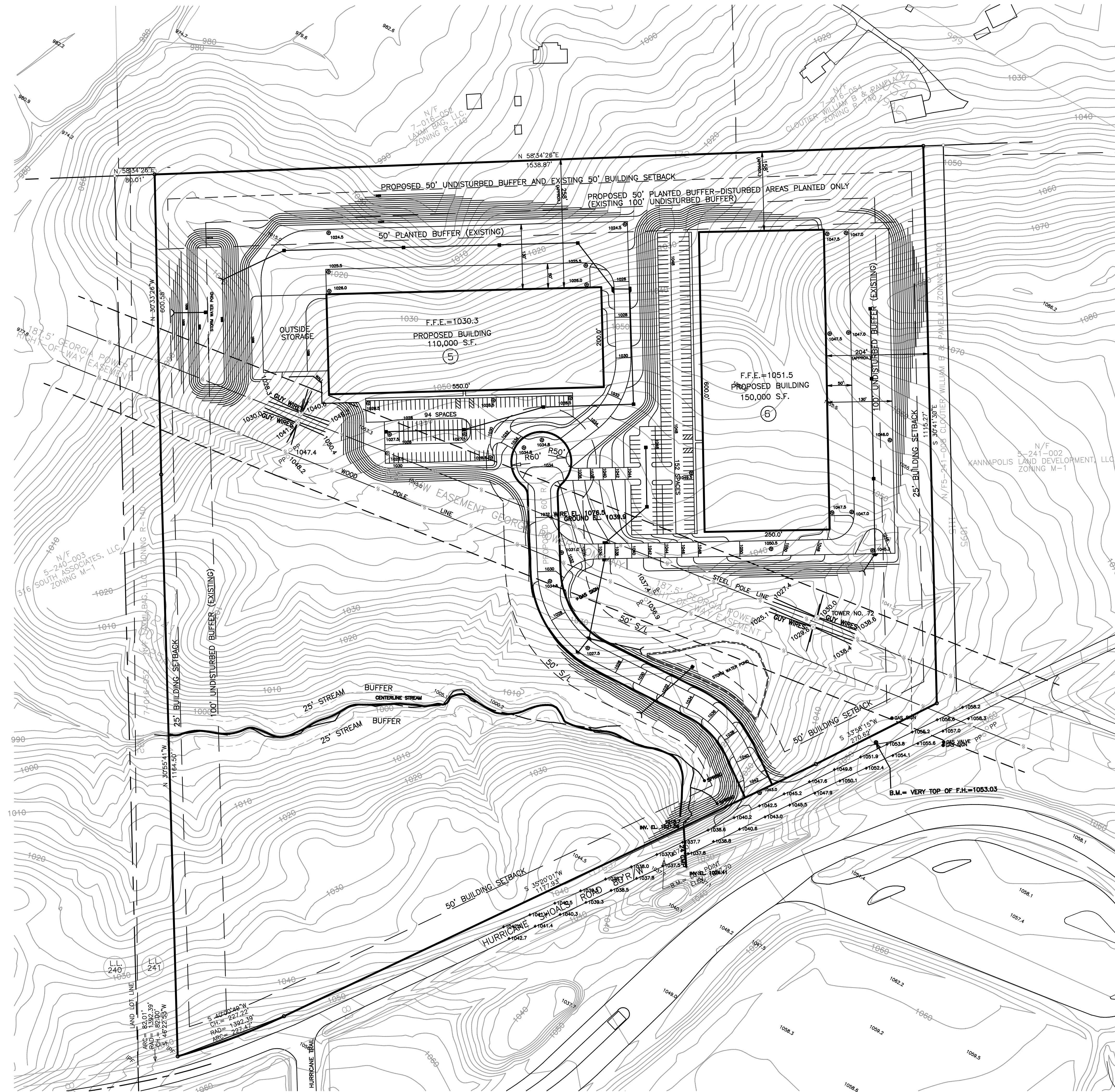
**FRANZMAN/DAVIS**  
 & Associates, Ltd.  
 LAND PLANNERS • LANDSCAPE ARCHITECTS  
 ATLANTA MAY 22, 1985  
 HANNON, WEEKS AND BAGWELL SURVEYORS AND ENGINEERS, INC.



CIC2014-00014

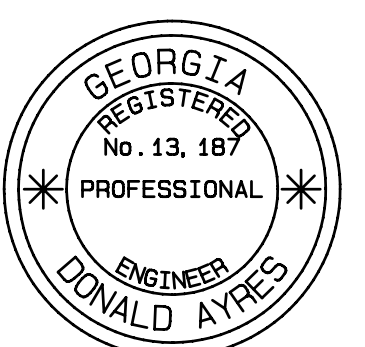
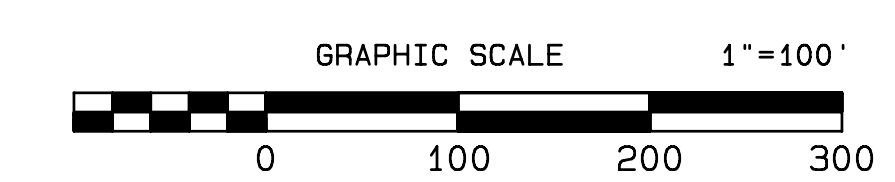


Printed: September 8, 2014



### SITE INFORMATION

1. THE SITE IS LOCATED IN L.L. 241 OF THE 5TH DISTRICT GWINNETT COUNTY, GEORGIA.
2. SITE ACERAGE IS 51.3178 AC.
3. SITE IS ZONED M-1 WITH CONDITIONS PER RZ-135-85.
4. THERE IS NO FLOOD PLAIN ON SITE.



DESIGN D.A.  
 DRAWN K.C.  
 CHECKED K.L.  
 G.C.

JOHN W. ROOKER AND ASSOC., INC.

GWINNETT PROGRESS CENTER

PRELIMINARY SITE PLAN

5				JOB NO.	
4				F.B. NO.	
3				DATE	05/12/14
1	05/05/14	REVISED BUILDING AND PARKING, TOWER WALL			
NO.	DATE	REVISION	APPD. BY		

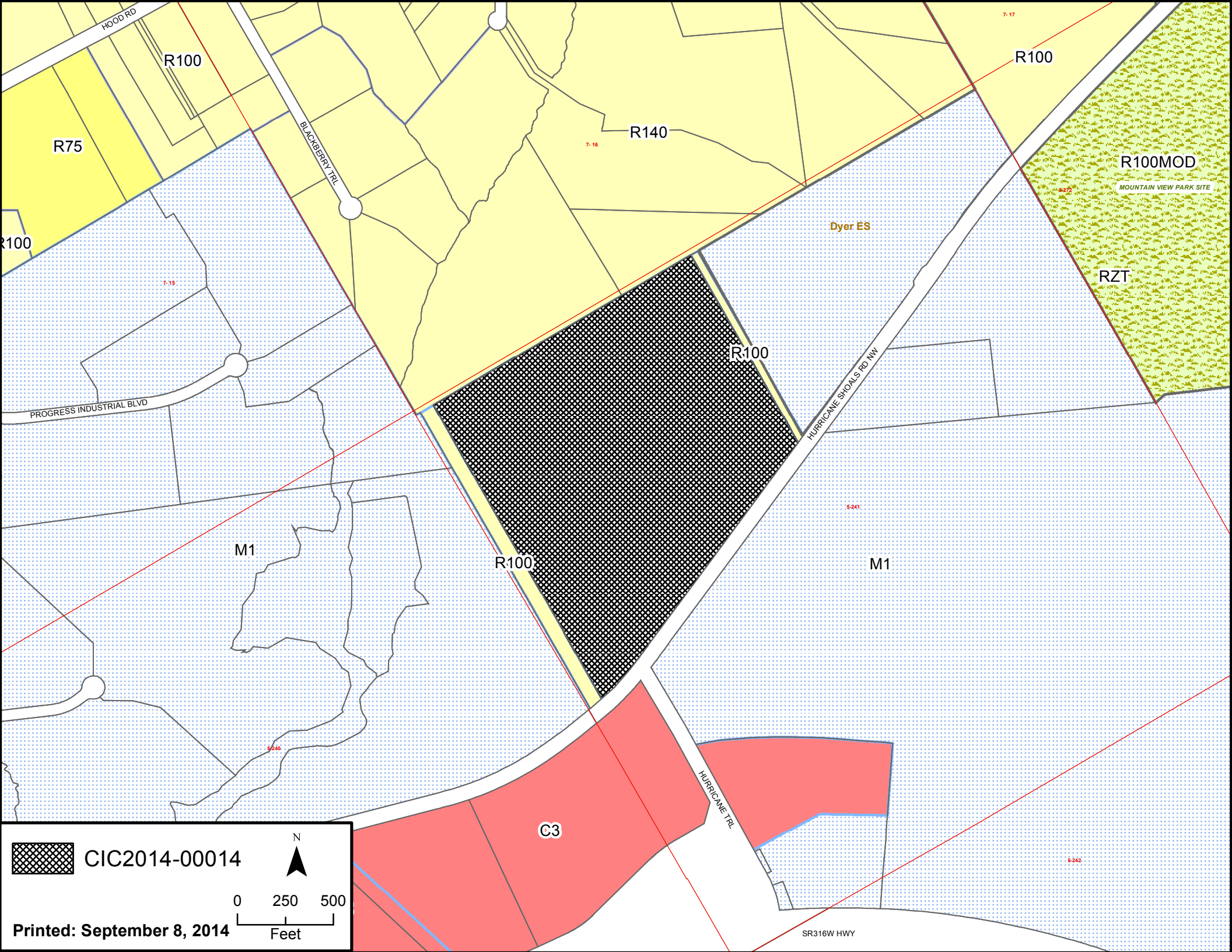


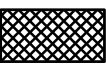
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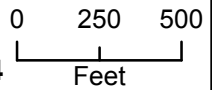


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Printed: September 8, 2014



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Printed: September 8, 2014

SR316W HWY

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER :**SUP2014-00054**  
ZONING :C-2  
LOCATION :4500 BLOCK OF SATELLITE BOULEVARD  
MAP NUMBERS :R6211 223, 224 & 225  
ACREAGE :15.04 ACRES  
PROPOSED DEVELOPMENT :OUTDOOR STORAGE AND DISPLAY  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP: **REGIONAL MIXED-USE**

APPLICANT: LISA REEVES  
4864 JIMMY CARTER BOULEVARD, SUITE A  
NORCROSS, GA 30093

CONTACT: DAVID ADAMS PHONE: 770.638.0247

OWNER: LISA REEVES & TUNG NGUYEN  
4864 JIMMY CARTER BOULEVARD, SUITE A  
NORCROSS, GA 30093

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant request a Special Use Permit on a 15.04 acre parcel, zoned C-2 (General Business District), to allow outdoor storage and display. The site is known as the The Paragon at Satellite shopping center, and is located on the southeast side of Satellite Boulevard, just north Beaver Ruin Road. The outdoor storage and display were undertaken without proper County approvals, and the subject application has been filed to bring it into compliance with zoning requirements.

The applicant has begun storing and displaying theme park-style statues and three-dimensional ornaments and models molded in plastic and fiberglass materials, or made of aluminum or other metal products. The storage and display includes large-scale models of dinosaurs, wild animals, castles, flowers, and a replica of the Eiffel Tower made of either aluminum or a metal based product. The statues are presently displayed throughout the development, including the parking lot and common areas. The western most portion of the site has been secured with fencing and currently includes outdoor storage of various objects comprising replicas of Cinderella's Carriage, flowers, and animals and appears to have a gravel walkway meandering through the lot.

The overall property is developed as The Paragon at Satellite multi-tenant shopping center, with associated parking and driveways. The site consists of several retail establishments, a bowling

alley and driving range. Access to the site is provided through three existing curb-cuts located along Satellite Boulevard.

**ZONING HISTORY:**

The subject property has been zoned C-2 since 1970. A Special Use Permit for a golf driving range was approved in 2006 (SUP-06-047). A Buffer Reduction from 75 feet to 0 feet along the southwestern property line was also approved in 2006 (BRD-06-002). In 2008, two Special Use Permits were approved for a bowling alley (with alcohol sales), and building height increase, pursuant to SUP-08-023 and SUP-08-024, respectively.

**GROUNDWATER RECHARGE AREA:**

The subject property is not located within an identified Significant Groundwater Recharge Area.

**WETLANDS INVENTORY:**

The subject property does not contain areas, streams and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

**DEVELOPMENT REVIEW SECTION COMMENTS:**

No comment.

**STORMWATER REVIEW SECTION COMMENTS:**

All storm water best management practices will be applicable upon development permit issuance.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

The available utility records show that the subject development is currently in the vicinity of a 48-inch water main located on the eastern right-of-way of Satellite Boulevard, and a 16-inch water main located on the western right-of-way of Satellite Boulevard.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located on the western right-of-way of Satellite Boulevard and a 27-inch sanitary sewer main located approximately 200 feet south of the property.

#### BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

#### DEPARTMENT ANALYSIS:

The subject property is known as the The Paragon at Satellite shopping center, and is located on the southeast side of Satellite Boulevard, just north Beaver Run Road. The shopping center occupies the majority of the site, with a smaller wooded area at the southwestern end of the property where most of the outdoor storage/display is occurring.

The 2030 Unified Plan Future Development Map indicates the site is located within a Regional Mixed-Use Character Area. The Unified Plan may not support use of the site for the outdoor display of theme park-style three-dimensional objects, potentially degrading the appearance of the property and negatively impacting the Beaver Run Road/Satellite Boulevard corridor.

The surrounding area is characterized by commercial/retail uses with residential developments located beyond this segment of Satellite Boulevard. To the north, across Satellite Boulevard, are the Hopkins Ridge subdivision and a mini-warehouse facility. To the south of the site is a large floodplain and wetland protected by a conservation easement. To the east of the subject property are the Menlo Creek and Preston Park at Satellite apartment complexes, zoned RM-13, as well as the Recycling Bank of Gwinnett. To the west is a county owned property and the Hickory Ridge subdivision zoned R-75. The Paragon was constructed as a visually-pleasing, upscale shopping center, utilizing brick and stone as the major building materials with traditional architectural elements. Allowing the display of models, statues and fantasy displays of bright colors that are not consistent with the architecture of the existing development could be considered visual blight negatively affecting both commercial and residential properties located

along the Satellite Boulevard corridor. Therefore, given the potential for negative visual impacts affecting the surrounding area, the outdoor display of monuments may not be considered appropriate at this location.

In conclusion, the proposed request for outdoor storage and display of monuments of various objects and vibrant colors could adversely impact the surrounding community, and may be considered incompatible with the Unified Plan. Therefore, the Department of Planning and Development recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval of a Special Use Permit for outdoor storage and display, subject to the following enumerated conditions:

1. Retail, service-commercial and accessory uses which may include outdoor storage and display of theme-park-style fantasy models, objects and decorations.
2. The outdoor storage and display of these objects on the subject property shall be restricted to western most portion of the development within the existing fenced area. The location of the objects and fencing (including a requirement for screening materials) shall be subject to review and approval of the Director of Planning and Development.
3. Any exterior architectural modifications to the existing building or site shall be subject to review and approval by the Director of Planning and Development.
4. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
5. Peddlers and/or parking lot sales shall be prohibited.
6. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The display of three-dimensional objects, models and statuary may be considered incompatible with the architectural style of the existing development and could degrade the appearance of the property and negatively impact the surrounding community.

ADVERSE IMPACTS

Adverse impacts could be anticipated from visual blight associated with allowing outdoor storage and display of monuments and models inconsistent with the quality of The Paragon and surrounding area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

A small increase in traffic could be anticipated from visitors to the proposed use.

CONFORMITY WITH POLICIES

The display of objects of this magnitude could be considered inconsistent with the Gwinnett County 2030 Unified Plan which encourages the preservation and protection of quality commercial development. The use as proposed and currently operated is not considered compatible with the Unified Plan.

CONDITIONS AFFECTING ZONING

The Paragon development was conditionally approved by the Board to include review and approval of architectural elevations by the Director of Planning and Development. The buildings were constructed with architectural treatments of brick, stone and glass, with minor treatments of metal or wood, and resulted in a high-quality development. The recent introduction of the theme park-style displays has blighted what was a visually pleasing site, giving grounds for denial of the request.

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

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

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

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

Yes

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

No

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

Yes

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

No

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

Yes

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

Residential & Commercial neighbors have shown support for the project.



4864 Jimmy Carter Blvd., Suite 203  
Norcross, GA 30093  
Ph 770.638.0247  
Fax 770.638.0249  
www.ndiDevelopment.com

August 21, 2014

ATTN: Gwinnett County Planning and Development Department

Re: **District 1, land lots 224-225.**  
**4580 Satellite Blvd**  
**Duluth, GA 30096**

To whom it may concern,

On behalf of the property owners of the site referenced in the Special Use Permit application attached, I am providing this Letter of the intended use for the location which is currently under a C-2 zoning status.

The owners would like to establish a cultural arts display park for their private use. The park would be accessible to various Church organizations, as well as the patrons of the shopping center on a limited basis for personal photos and viewing.

The owners wish to work with the Gwinnett County Planning and Development Department, to provide the necessary permitting, and code requirements for such a use.

There are currently no plans for the erection of any building structure, or grading.

However power to a number of the displays would be needed, and would of course be per Gwinnett County code requirements.

Any need for parking is satisfied by the parking area of the adjacent Shopping center which utilizes the shared entry to the property, and is owned by the same property owner.

Residents of the area are excited to see life come into the area, and the children who come into the center, are all wanting to see the displays, which are not accessible at this time, subject to the use application process.

On behalf of the property owners I would like to thank you for your consideration, and I look forward to answering any questions that you may have.

Very best regards,

  
*A. David Adams*  
*Leasing and Sales*  
*Managing Broker*  
*NDI Development LLC*  
[davidadams@ndidevelopment.com](mailto:davidadams@ndidevelopment.com)  
[678/755-4590 c](tel:6787554590)  
[770/638-0247 o](tel:7706380247)

SUP '14 0 5 4

RECEIVED BY

AUG 25 2014

Planning & Development



**POSTED**  
PRIVATE PROPERTY  
NO TRESPASSING  
VIOLATORS WILL BE PROSECUTED  
BY THE POLICE DEPARTMENT

09/05/2014

DO  
I



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DO NOT  
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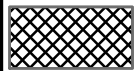
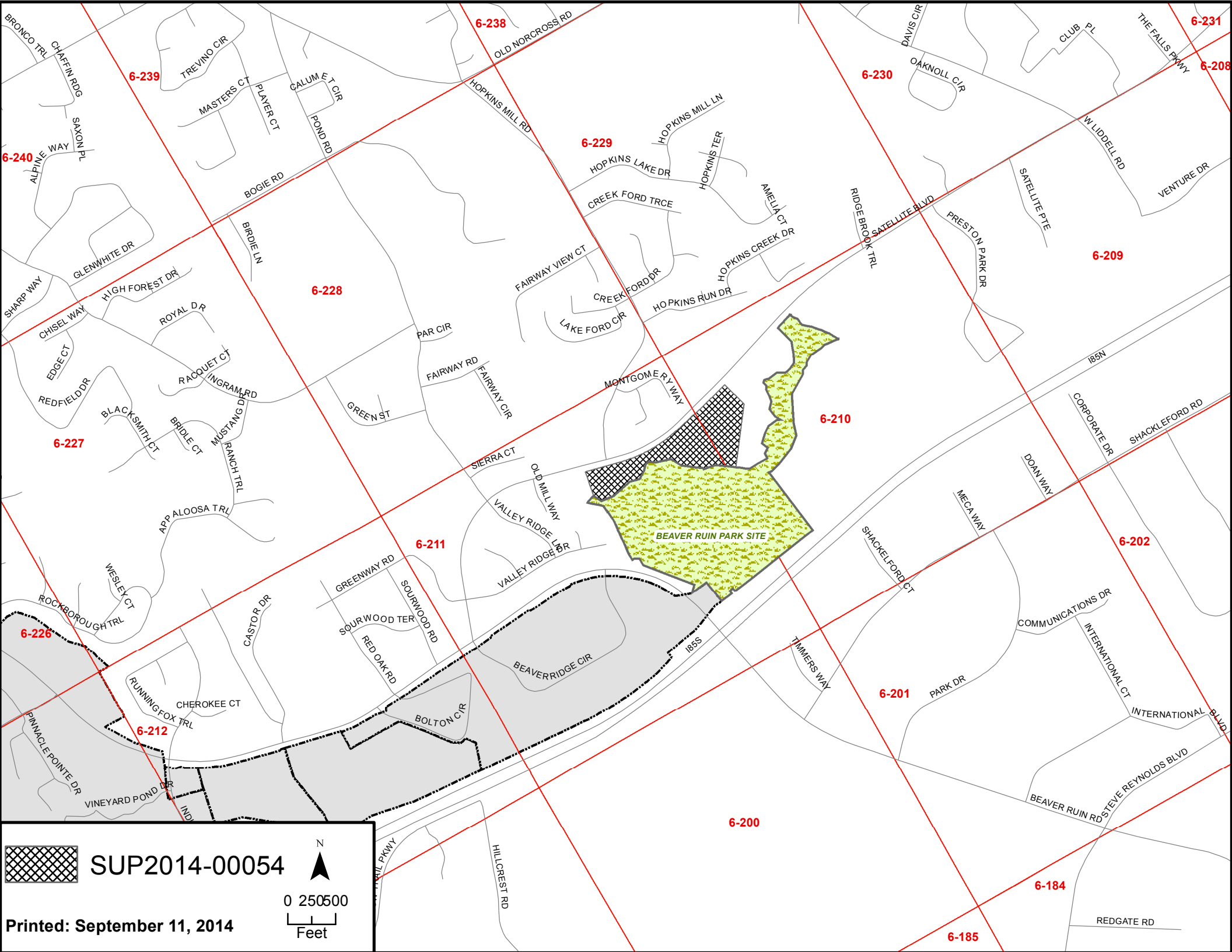
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SUP2014-00054



0 250500  
Feet

Printed: September 11, 2014





HOPKINS MILL RD

MONTGOMERY WAY

MONTGOMERY TRL

SATELLITE BLVD

BEAVER RUIN PARK SITE



SUP2014-00054



0 50 100  
Feet

Printed: September 11, 2014

RA200

FAIRWAY VIEW CT

RM

HOPKINS RUN DR

R60

C2

M1

RZT

LAKE FORD CIR

6-228

HOPKINS MILL RD

FAIRWAY RD

FAIRWAY CIR

RTH

RM13

POND RD

SIERRA CT

SATELLITE BLVD

C2

6-210

R75

OLD MILL WAY

6-211

BEAVER RUIN PARK SITE

VALLEY RIDGE LN

OLD HICKORY CT

BIG HICKORY TRL

185S

185N

M1

SHACKELFORD CT

M2

M1

NORCROSS

6-201

 SUP2014-00054



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Feet

Printed: September 11, 2014

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

CASE NUMBER :**RZM2014-00003**  
ZONING CHANGE :R-100 & MH TO R-TH  
LOCATION :1600 BLOCK OF PURCELL ROAD  
:1800 BLOCK OF MARIE WAY  
MAP NUMBERS :R7044 003 & 195  
ACREAGE :2.34 ACRES  
PROPOSED DEVELOPMENT :TOWNHOMES  
UNITS :18 UNITS  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP: **EXISTING/EMERGING SUBURBAN**

APPLICANT: MAISER ABONEAAJ  
C/O ANDERSEN, TATE & CARR, P.C.  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MARIAN C. ADEIMY                      PHONE: 770.822.0900

OWNER: MAISER ABONEAAJ  
C/O ANDERSEN, TATE & CARR, P.C.  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests rezoning of a 2.34-acre parcel assemblage from R-100 (Single Family Residence District) and MH (Mobile Home Park District) to R-TH (Single Family Residence Townhouse District) to construct an 18-unit townhouse development. The property is located on the west side of Purcell Road, at its intersection with Marie Way, just north of Lakes Parkway.

The development would consist of 18 townhomes on 2.34-acres, which would result in a gross and net density of 7.64 units per acre, as the property does not contain floodplain. The submitted architectural elevations reflect townhouse buildings with a combination of brick, stone, stucco and siding on the fronts, with siding on the sides and rear. The proposed townhomes would be approximately 1,100 square feet each, with a front-entry single-car garage. Access to the development would be provided through a single entrance onto Purcell Road. The existing mobile home lot on Marie Way would be used as a detention pond facility.

It is noted that the site plan does not meet any of the required internal or external setbacks or landscaping requirements for the R-TH district. The standard setbacks are 50 feet adjacent to Purcell Road and Marie Way, and 40 feet adjacent to all other property lines. To accommodate the requested 18 units, the site plan shows these setbacks reduced to 25 feet along Purcell Road and approximately 10 feet on Jody Lane. The required side and rear setbacks of 40 feet are proposed to be reduced to a 20-foot side yard setback and 30-foot rear yard setback adjacent to the northern and western property lines. The site plan does not show the internal yard requirement of a 20-foot grassed or landscaped strip between buildings and interior driveways. Due to the reduced setback, several of the required off-street parking spaces overhang the internal driveway.

In order to meet the standards for the R-TH district, the site plan would need to be revised to eliminate a number of the units. To develop the property as proposed, several Variances would be required for exterior or interior yard requirements, off-street parking, sidewalks and landscaping.

#### ZONING HISTORY:

In 1970, the property was zoned R-100. In 1981, a portion of the property (parcel 7044 195) was rezoned to MH as part of the High Sierra mobile home subdivision, pursuant to RZ-61-81.

#### GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

#### WETLANDS INVENTORY:

The subject property does not contain areas, streams and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

#### OPEN SPACE AND GREENWAY MASTER PLAN:

No comment.

#### DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide no-access easement along classified roadways for residential developments.

The Buffer, Landscape and Tree Ordinance requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

Section 9.7.5 of the Development Regulations requires proposed driveways to be located at least 100 feet from the centerline of the driveway to the nearest right-of-way line (extended).

Section 6.3.3 and/or 6.3.4 of the Development Regulations requires a 200-foot deceleration lane with a 50-foot taper at each project entrance that proposes access to a Minor Collection Street or Major Thoroughfare. Right-of-way dedication to accommodate the deceleration lane and an 11-foot shoulder is also required. Reduction in length of a deceleration lane requires approval of a Modification by the Development Division; elimination of a deceleration lane requires approval of a Waiver by the Board of Commissioners.

Section 6.13 of the Development Regulations requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

A 50-foot building setback is required from the right-of-way of Purcell Road.

The required side/rear setback of 40 feet appears to not be met. The applicant must either revise the site plan, or seek a Variance from the Zoning Board of Appeals.

The developer must submit a construction plans, including a grading plan, tree plan, and road/sewer profiles for review and approval of the Development Division prior to any construction.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Note that all recreation areas, open space and/or common areas (including storm water detention facility lots) located within the development shall be controlled by a mandatory Property Owner's Association (to include reported bylaws) with responsibility for maintenance, insurance, and taxes for open space areas.

Entrance is to be 28 feet wide at 25 foot radius returns and to intersect at 90 degrees. The applicant must either revise the site plan or seek a modification for a non-standard entrance.

Interior road is not designed to standard road specifications. The applicant must seek a Variance from the Zoning Board of Appeals.

#### STORMWATER REVIEW SECTION COMMENTS:

Stormwater management will be required for all proposed development showing land disturbance.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Purcell Road is a Major Collector and 40 feet of right-of-way is required from the centerline.

Marie Way is a Local Residential Street and 25 feet of right-of-way is required from the centerline.

Standard deceleration lane with appropriate taper and adequate right-of-way will be required.

The developer shall be limited to one curb cut on Purcell Road.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided.

The number and locations of driveways are subject to Gwinnett County D.O.T. approval.

Minimum separation from a street intersection: 100 feet from centerline of driveway to nearest right-of-way line of the intersecting street, extended. For any driveway on a major thoroughfare having a centerline between 100 feet and 200 feet from the intersecting street right-of-way line, access restriction may be imposed to avoid traffic hazards. Greater separation may be required for safe operation of a free-right lane, acceleration or deceleration lane, etc.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the western right-of-way of Purcell Road, and an 8-inch water main located on the eastern right-of-way of Marie Way.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located in the right-of-way of Marie Way.

The subject development is located within the Beaver Ruin service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

#### BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall obtain a residential building permit for each townhouse and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at (678) 518-6000 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objections to the above rezoning requests, under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

#### DEPARTMENT ANALYSIS:

The subject property consists of two parcels totaling 2.34 acres. The site is located at the intersection of Marie Way and Purcell Road, just north of Lakes Parkway. The site currently contains a mobile home, with the majority of the property being partially cleared and vacant.

The 2030 Unified Plan Future Development Map indicates this property lies within an Existing/ Emerging Suburban Character Area. Although the Unified Plan suggests a variety of housing options, it also suggests that new residential development in the vicinity of existing low density developments should not exceed the 3.0 units per acre density. The adjacent subdivisions were

developed with large lots, at a low density of development. Therefore, based on the character of surrounding developments and the intent of the Unified Plan, the requested townhomes may not be appropriate at this location.

The area immediately surrounding the property is characterized by mobile home subdivisions and light industrial uses. To the south and east, across Purcell Road, is the M-I zoned Corporate Lakes Industrial Park, as well as other M-I zoned properties. To the north and west are the High Sierra and Purcell Valley mobile home subdivisions. These subdivisions were rezoned with a stipulation requiring that the lots be designed to R-100 standards. Although there are townhouse and attached villa developments in the vicinity, those developments are situated on Duluth Highway and were developed on more spacious properties, resulting in neighborhoods meeting the design requirements of their respective zoning districts. In the Department's opinion, the subject property may be too small for the density of development being proposed. In order to meet the requirements for an R-TH development, many of the minimum standards would need to be reduced, therefore suggesting the proposed development may not be appropriate for this site or location.

In conclusion, the requested R-TH zoning may not be compatible with the area immediately surrounding the proposed site or consistent with the polices of the Unified Plan. The property is considered by the Department to be too small for the development being proposed, requiring numerous reductions in development standards. Therefore, the Department recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval as R-TH for a townhouse development, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Attached townhouse dwellings and accessory uses.
  - B. Building façades (fronts) shall be constructed primarily of brick or stacked stone with minor treatments (i.e. gables, bay windows, chimneys) of fiber-cement type shake or siding. The remaining sides of the buildings shall be constructed of at least 50% brick or stacked stone with the balance being fiber-cement shake or siding. Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.
  - C. The minimum heated floor area per dwelling unit shall be at least 1,200 square feet.
  - D. At least 50% of the units shall have a double car garage.
2. To satisfy the following site development considerations:
  - A. Obtain all necessary Variances, or revise the final site plan to reduce the number of buildings and/or units in order to meet the full landscaping, external setback, and internal yard requirements of the R-TH district.
  - B. The landscaped setbacks along Purcell Road and Marie Way shall include a decorative fence/wall and entrance monument. Landscaping, fence/wall and entrance monument design shall be subject to review and approval of the Director of Planning and Development prior to the issuance of a Development Permit.
  - C. All grassed areas shall be sodded.
  - D. All utilities shall be placed underground.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed townhouse development may not be suitable at this location in light of the low-density nature that characterizes residential uses in the immediate area. Additionally, the development standards being proposed represent a substantial reduction from the requirements of the R-TH district, and may result in a development which is not beneficial to the area.

ADVERSE IMPACTS

Adverse impacts on nearby residential properties may be anticipated by introducing attached, medium density housing with reduced development standards.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

Anticipated adverse impacts would include increased traffic, stormwater runoff and utility system demand. Additionally, the proposed development may increase the number of school-aged children in the school system.

CONFORMITY WITH POLICIES

The request may not be consistent with the recommendations of the 2030 Unified Plan, which encourage consistency in density of development within a given area.

CONDITIONS AFFECTING ZONING

In order to develop as proposed, many of the minimum standards of the R-TH district would need to be diminished, suggesting that the proposed development and zoning may be inappropriate at this for this parcel and at this location.

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

PURSUANT TO SECTION 1702 OF THE 1985 ZONING RESOLUTION, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

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

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

See Exhibit "B".

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

See Exhibit "B".

---

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

See Exhibit "B".

---

- (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:

See Exhibit "B".

---

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

See Exhibit "B".

---

- (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:

See Exhibit "B".

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**EXHIBIT "B"**  
**APPLICANT'S RESPONSE**  
**1655 PURCELL ROAD AND 1852 MARIE WAY ("PROPERTY")**

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

Yes. The subject Property has been established as an industrial, office, and mixed-use node and the proposed transitional zoning for townhomes is consistent the 2030 Unified Plan and map and an appropriate transition based on the nearby office and industrial uses.

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

No. The subject Property is near major roads and nearby property is made up of older mobile homes and more intense industrial, office and commercial uses.

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

No. In addition to the shape, size and configuration of the subject property, under the current single-family residential zoning, the Property would have almost no chance of any reasonable or likely economic use in the office and industrial node in which its located.

- 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:

No. Any use under this rezoning, including the proposed 18-unit townhome community, would have access to the existing utilities, major roads, and highways, with little to no impact, excessive, or burdensome use on transportation facilities, streets, utilities, or the school system.

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

Yes. The proposed rezoning would be entirely consistent with the letter and intent of the Gwinnett 2030 Unified Plan and Comprehensive Plan for this node, labeled for mixed-use, along with research, development and industrial uses.

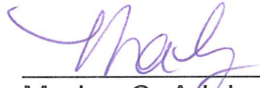
- F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING.

To restrict the subject property to the current residential zoning district leaves the Applicant and Owner with zero economic use for what would be an otherwise viable parcel, and is also a result that cannot be supported by any rational review of Gwinnett's zoning and development related ordinances, including the Gwinnett 2030 Unified Plan. Allowing for the requested, transitional R-TH zoning is appropriate as applied to the subject Property and is consistent with the surrounding uses.

This 6th day of December, 2013.

Respectfully submitted,

**ANDERSEN, TATE & CARR, P.C.**



---

Marian C. Adeimy  
Attorney for Owner/Applicant

RZM '14 0 0 3  
**RECEIVED**  
DEC 0 6 2013  
BY: .....

# ANDERSEN | TATE | CARR

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E-mail: [madeimy@atclawfirm.com](mailto:madeimy@atclawfirm.com)

## **LETTER OF INTENT FOR REZONING TO R-TH** **Purcell Road Townhomes**

The Applicant, Maiser Aboneaaj (hereinafter, "Applicant"), submits this request for a townhome community on an approximately 2.344 acre tract of land located at the corner of Purcell Road and Marie Way, specifically 1655 Purcell Road and 1852 Marie Way (hereinafter, the "Property"). The subject property covered by this Application is currently zoned R-100 and MH.

The proposed townhome development would increase property values of the nearby mobile residential homes and would provide an appropriate transition from the industrial to residential uses along Purcell Road and Lakes Parkway.

This site is consistent with other townhome developments in the Sugarloaf Parkway area. These townhome developments have provided young professionals who are from the area or who work nearby with home ownership options that allow for a maintenance free lifestyle consistent with their busy lives with a price point and architectural standard consistent with the surrounding community.

Quality townhomes do not have a negative impact on residential property values. Townhomes are not apartments. The proposed townhomes would be individually owned by the occupant. Rental of townhome units and maintenance of the community and common property would be governed by covenants for the development. By way of example, there is a townhome development right outside the entrance to the Sugarloaf Country Club subdivision and a beautiful townhome development at Sever Road & Old Peachtree. Like the nearby mobile home, office, and industrial uses surrounding the subject Property, the property values of the single-family subdivisions in each of those areas have not been negatively impacted as a result of having quality townhome developments in those areas.

Furthermore, with a townhome development, the landscaping and exterior maintenance is all taken care of by the mandatory homeowners association and dues are collected from the owners to pay for that upkeep. So there is a better guarantee of long term maintenance, upkeep and attractiveness of the individual homes and the overall development that you don't have with single family homes, where each individual homeowner is responsible for their own landscaping and maintenance.

Additionally, townhome developments also have very little, if any impact on the school system. Townhomes are marketed to and appeal primarily to young and/or single

professionals with no kids. The design of a townhome unit and the fact that there is no yard to play in makes it particularly undesirable to families with children. So from the perspective of school impact, a townhome development has far less of an impact than that of a traditional single-family subdivision.

The subject Property is surrounded by industrial and office uses to the South, East and West, zoned M-1, and is bordered by a large mobile home community, providing an appropriate transition from residential to office and industrial uses. The property is located adjacent to the Corporate Lakes industrial and office park, a primary Research and Development node identified in the 2030 Unified Plan and Future Development Map. Townhomes will serve employees and promote growth in that research and development corridor. The property is also only a few parcels away from the major Mixed-Use, Mixed-Housing, and Office nodes identified in the Gwinnett 2030 Unified Plan, further bolstering the need for a transitional use on the subject Property and making this request entirely consistent with the Plan's guidelines for this area.

Most importantly, the subject property has absolutely no reasonable economic use as currently zoned R-100. It would be all but impossible to develop and/or market the property for any low density, detached or single-family residential uses due to (1) the property's relatively small size and configuration, (2) the fact that the property is a peninsula, surrounded almost entirely by industrial and office uses, with very little depth back from any of the roads surrounding the property, and (3) the age of the adjacent mobile home community. Due to the size and shape of the Property and given the more intense office and industrial uses located nearby, the Applicant also seeks setback variances from 40 to 30 feet along the property line adjacent to the mobile home communities, and from 40 to 20 feet along the rear setback. Additionally, due to the size and configuration of the Property, the Applicant requests a variance to allow for minimal easement encroachment in the landscape strip and for a 50% reduction of the front setback along Purcell Road (located across from industrial uses). All of the requested variances will allow the Applicant to promote a quality, well-designed and well-landscaped townhome community, in compliance with applicable development, detention/retention, and landscaping ordinances and regulations.

The development of the property as a small but high-quality townhome development is appropriate to the subject tract and would be entirely consistent with the residential to office transitional character of the area. Townhomes are essentially the only residential use that would work on this property. If that use is not permitted, the owner and Applicant will be left with no other reasonable economic uses available for the Property.

The extension of this commercial node to the subject property is entirely appropriate under any reasonable land use consideration and is also consistent with the Board of Commissioners precedent in establishing the Lakes Parkway office park as an industrial and commercial node and approving subsequent expansions of this node.

The property has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares and an interstate highway. The subject property is also located near public transportation routes and locations already existing and being considered in Gwinnett County.


**CONCLUSION**

This proposed townhome use would bring a vibrant, upscale, community to this area and serve the nearby companies and the young professionals they employ. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development, Planning Commissioners, and Board of Commissioners to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

This 6<sup>h</sup> day of December, 2013.

Respectfully submitted,

**ANDERSEN, TATE & CARR, P.C.**

  
\_\_\_\_\_  
Marian C. Adelmy  
Attorney for the Applicant

RZM '14 0 0 3

**RECEIVED**  
DEC 06 2013

BY: .....

# PURCELL ROAD TOWNEHOMES

1852 MARIE WAY & 1655 PURCELL RD  
LAND LOT 44, 7TH DIST, PARCELS 3 & 166  
GWINNETT COUNTY, GEORGIA .



Proposed Sketch View  
NOT TO SCALE

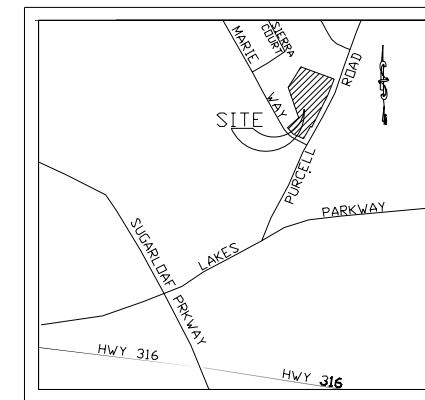
### INDEX OF DRAWINGS

SHEET # DRAWING DESCRIPTION

**	SITE PLAN
A00.1	COVERSHEET
A4.2-1	COLORED ELEVATIONS
A4.2-2	COLOR ELEVATIONS CONT.

### DEVELOPER/ OWNER

MR. MAISER ABONEAAG  
275 SATELLITE BLVD, NW  
SUAWNEE, GEORGIA 30024  
PHONE: (770) - 822 - 0900



SITE LOCATION MAP  
NOT TO SCALE

Seal  
**PROJECT STATUS**  
CONCEPTUAL  
DATE: 12/20/13  
PLOT DATE: 12/20/2013  
FILE NAME: 13-Purcell.plt  
DRAWN BY: RWS  
CHECKED BY: #Architect  
This drawing, as an instrument of service, is and shall remain the property of the designer and shall not be reproduced, published or used in any way without the written permission of the designer.

**SPALDING DESIGNS, L.L.C.**  
BUILDING DESIGN AND CONSULTING  
MONROE, GEORGIA 30655  
PHONE: (678) 914-5653  
EMAIL: SPALDINGDESIGNSLLC@YAHOO.COM  
"LET'S PUT YOUR IDEAS ON PAPER!"

**PURCELL ROAD**  
**TOWNEHOMES**  
1852 MARIE WAY & 1655 PURCELL RD  
LAND LOT 44, 7TH DIST, PARCELS 3 & 166  
GWINNETT COUNTY, GEORGIA .

REVISION:	DATE:
1. DESCRIPTION	000000

COVERSHEET  
Scale - As Noted  
#Notes

A00.1

**BUILDING ELEVATION COLOR NOTES**

1. COLORS, STYLES, TEXTURES, ETC. OF EXTERIOR CLADDING, INCLUDING BUT NOT LIMITED TO BRICK, MORTAR, METAL PANELS, E.I.F.S., GUTTERS, AND DOWNSPOUTS SHALL BE AS FOLLOWS (ACTUAL FINISHED COLORS MAY VARY SLIGHTLY DUE TO MATERIAL VARIATIONS AND/OR FIELD CONDITIONS):

SHINGLES - PINNACLE SERIES, WEATHERBLEND BY ATLAS ROOFING (OR OTHER SIMILAR STYLE OR MFR.)

HORIZONTAL SIDING - CEDAR MILL WOODSTOCK BROWN, (OR) MOUNTAIN SAGE, (OR) MONTERAY TAUPE, (OR) COBBLESTONE BY JAMIES HARDIE (OR OTHER SIMILAR STYLE OR MFR.)

VERTICAL SIDING - CEDAR MILL KHAKI BROWN (OR OTHER SIMILAR STYLE OR MFR.)

SHAKE SIDING - MOUNTAIN SAGE, (OR) WOODSTOCK BROWN, (OR) MONTERAY TAUPE BY JAMIES HARDIE (OR OTHER SIMILAR STYLE OR MFR.)

BRICK - BRIARWOOD, (OR) SPANISH MOSS BY BORAL MANUFACTURING (OR OTHER SIMILAR STYLE OR MFR.)

STONE - ASPEN COUNTRY LEDGESTONE BY BORAL MANUFACTURING (OR OTHER SIMILAR STYLE OR MFR.)

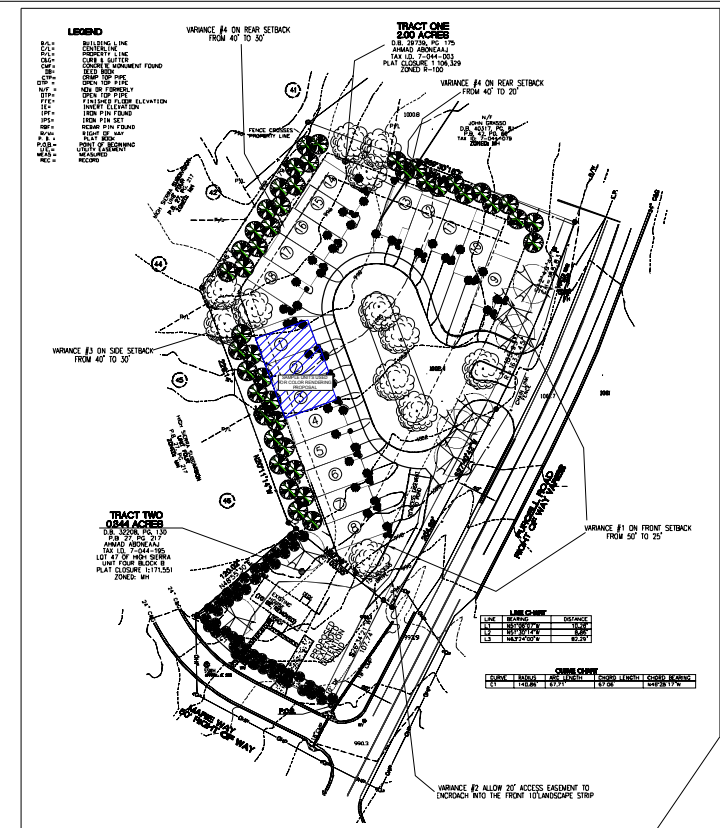
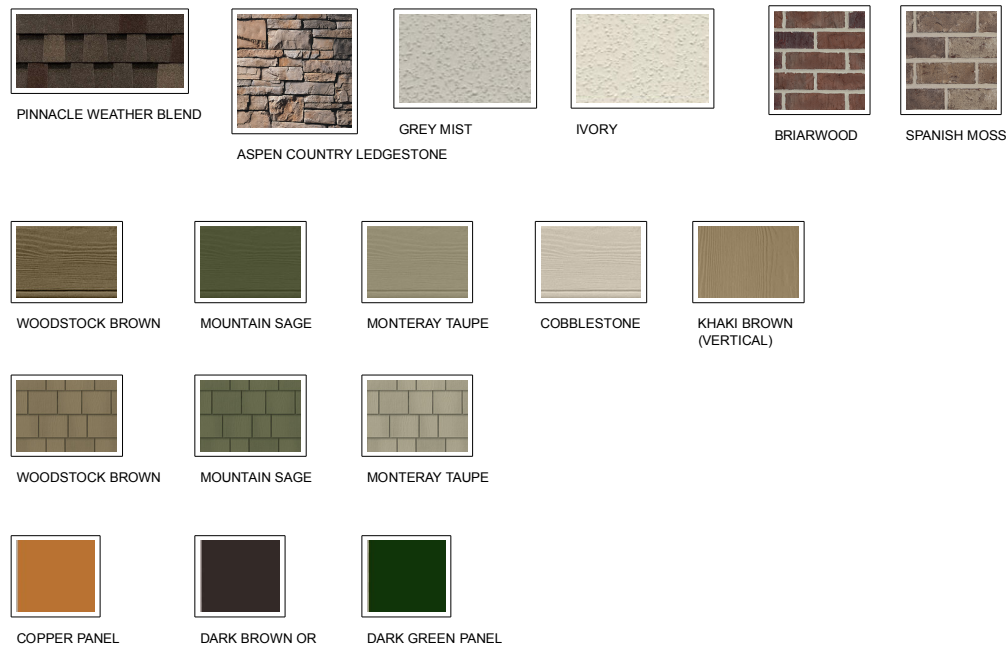
DOORS & SHUTTERS - COCO BROWN, (OR) BLACK, (OR) DARK GREEN (OR SIMILAR)

TRIM AND OVERHANGS/ SOFFITS - PURE WHITE (OR SIMILAR)

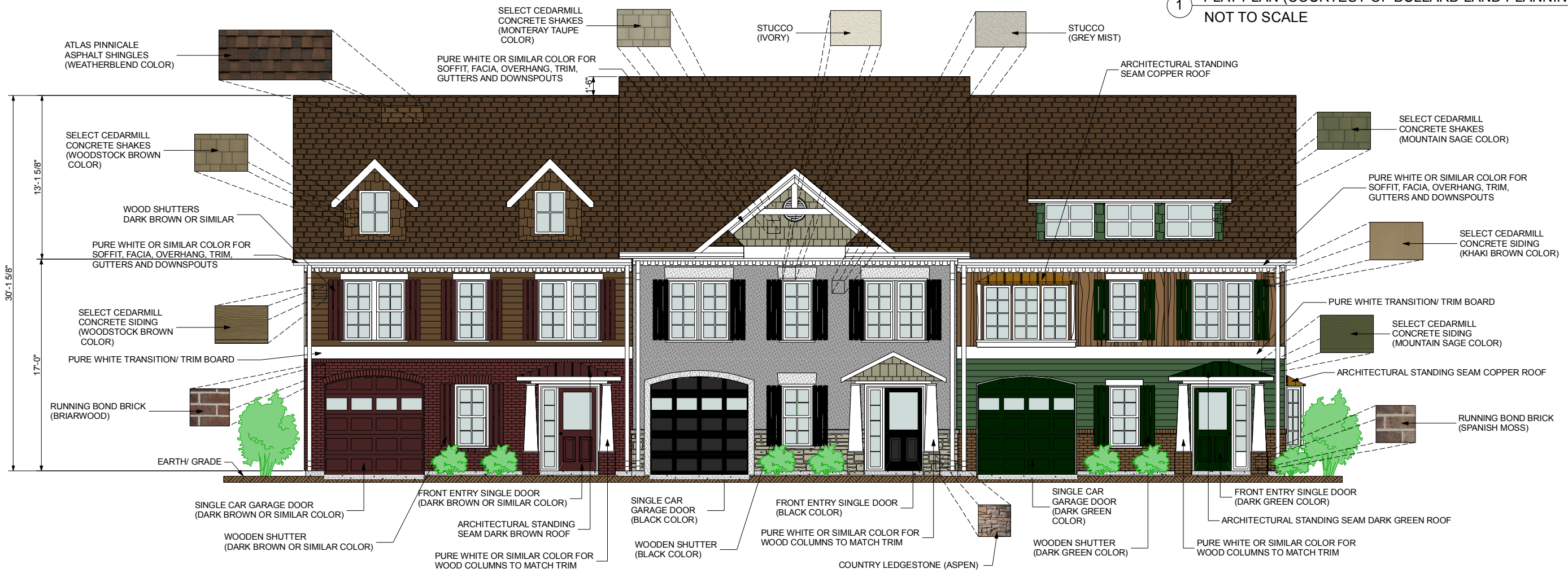
GUTTERS & DOWNSPOUTS - COLOR TO MATCH TRIM

STUCCO - PRIMARY COLOR - GREY MIST (OR SIMILAR). TRIM/SECONDARY COLOR - IVORY (OR SIMILAR). STUCCO COLORS BY PAREX OR SIMILAR MFR.

METAL ROOF PANELS - COPPER, (OR) DARK BROWN/ COCO, (OR) DARK GREEN ARCHITECTURAL PANELS BY MBCI (OR SIMILAR)



1 PLAT PLAN (COURTESY OF BULLARD LAND PLANNING) NOT TO SCALE



3.2 CONCEPTUAL COLOR FRONT ELEVATION SCALE: 1/4" = 1'-0"

PROJECT STATUS  
CONCEPTUAL

DATE: 12/20/13  
PLOT DATE: 12/20/2013  
FILE NAME: 13-Purcell.plt  
DRAWN BY: RWS  
CHECKED BY: #Architect

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PURCELL ROAD  
TOWNEHOMES  
1852 MARIE WAY & 1655 PURCELL RD  
LAND LOT 44, 7TH DIST, PARCELS 3 & 166  
GWINNETT COUNTY, GEORGIA

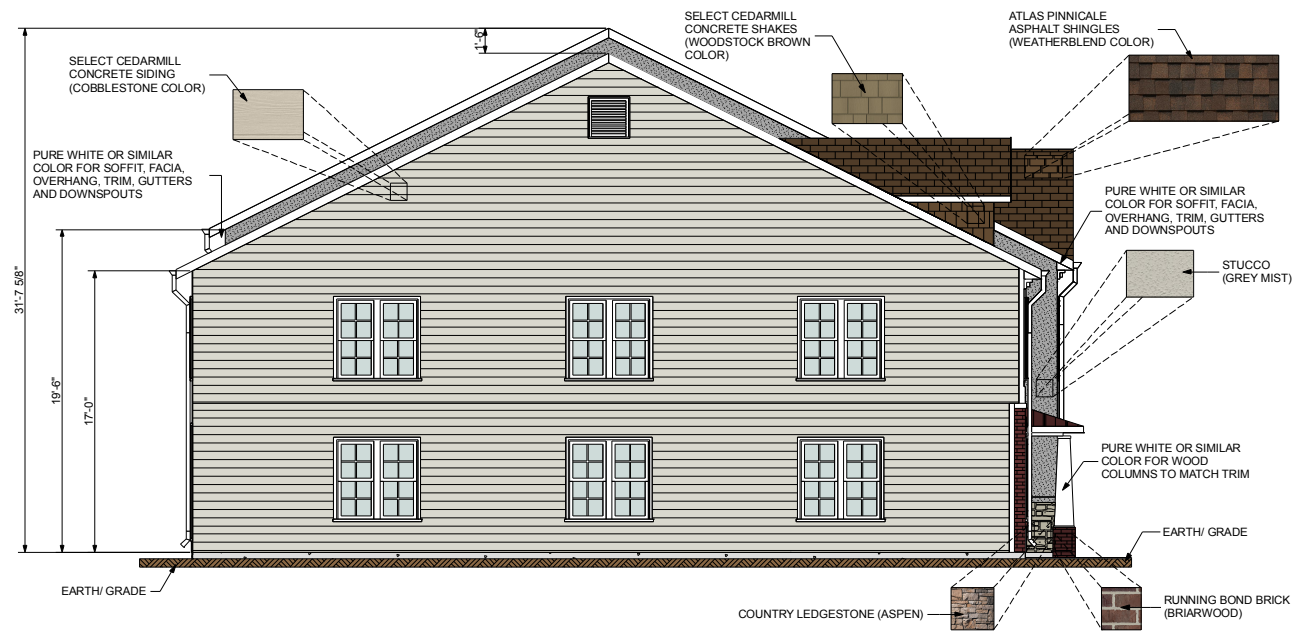
REVISION: DATE:

COLORED ELEVATIONS  
Scale - As Noted  
#Notes

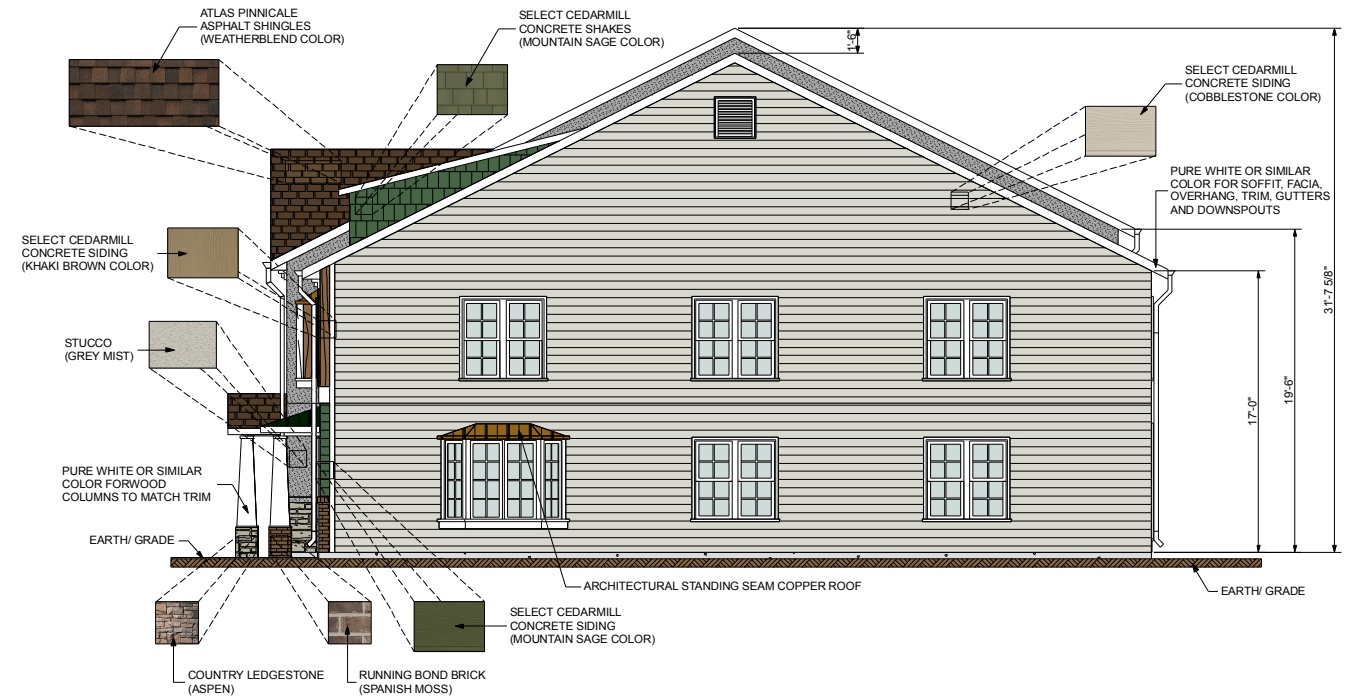
A4.2-1



4.2 CONCEPTUAL COLOR REAR ELEVATION  
SCALE: 1/4" = 1'-0"



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



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

PROJECT STATUS  
CONCEPTUAL

DATE: 12/20/13

PLOT DATE: 12/20/2013  
FILE NAME: 13-Purcell.plt  
DRAWN BY: RWS  
CHECKED BY: #Architect

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PURCELL ROAD  
TOWNEHOMES

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REVISION:      DATE:

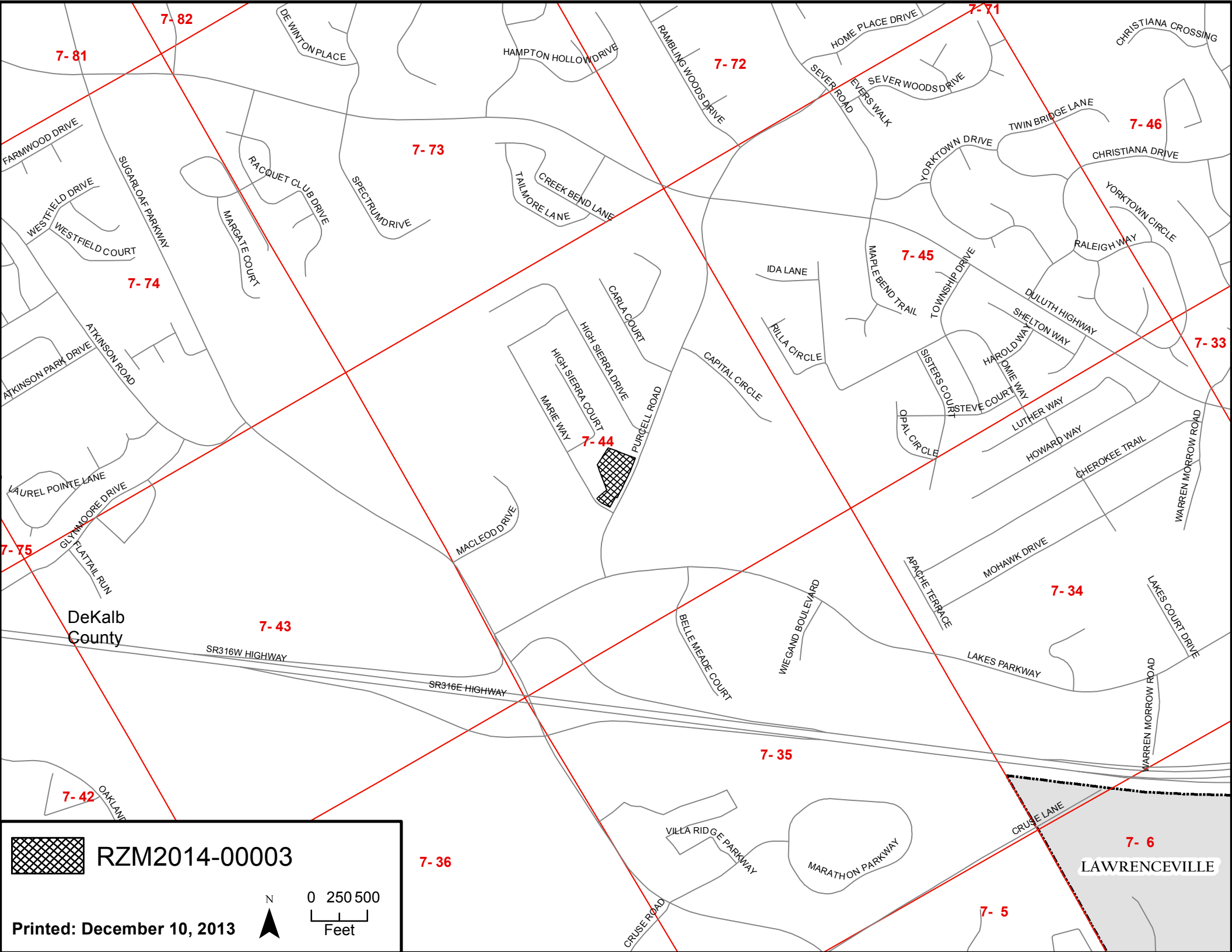
COLOR ELEVATIONS CONT.  
Scale - As Noted  
#Notes



**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, March 2014 Agenda**

Case #	Schools	Current Projections									Approximate additional Student Projections from Proposed Developments
		2014-15			2015-16			2016-17			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2014-00003	Peachtree Ridge HS	3203	2,800	403	3235	2,800	435	3267	2,800	467	4
	Northbrook MS	910	1,000	-90	925	1,000	-75	930	1,000	-70	3
	Jackson ES	1483	1,500	-17	1464	1,500	-36	1453	1,500	-47	6
RZM2014-00004	Peachtree Ridge HS	3203	2,800	403	3235	2,800	435	3267	2,800	467	15
	Hull MS	1409	1,750	-341	1430	1,750	-320	1460	1,750	-290	12
	Parsons ES	818	750	68	830	750	80	843	750	93	23
RZR2014-00007	Peachtree Ridge HS	3203	2,800	403	3235	2,800	435	3267	2,800	467	14
	Northbrook MS	910	1,000	-90	925	1,000	-75	930	1,000	-70	11
	Jackson ES	1483	1,500	-17	1464	1,500	-36	1453	1,500	-47	12
RZR2014-00008	Mill Creek HS	3738	3,050	688	3794	3,050	744	3851	3,050	801	19
SUP2014-00014	Osborne MS	1295	1,075	220	1308	1,075	233	1321	1,075	246	14
	Duncan Creek ES	1062	1,325	-263	1055	1,325	-270	1044	1,325	-281	29

Current projections do not include new developments



7-81

7-82

7-72

7-71

7-46

7-73

7-45

7-33

7-74

7-44

7-75

7-43

7-34

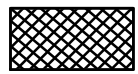
7-35

7-42

7-36

7-5

7-6



RZM2014-00003



0 250 500  
Feet

Printed: December 10, 2013

LAWRENCEVILLE

DeKalb  
County

SR316W HIGHWAY

SR316E HIGHWAY

VILLA RIDGE PARKWAY

MARATHON PARKWAY

CRUISE LANE

CRUISE ROAD

WARREN MORROW ROAD

LAKES PARKWAY

APACHE TERRACE

MOHAWK DRIVE

WIEGAND BOULEVARD

BELLE MEADE COURT

MACLEOD DRIVE

HOWARD WAY

OPAL CIRCLE

SISTERS COURT

STEVE COURT

HAROLD WAY

SHELTON WAY

DULUTH HIGHWAY

RALEIGH WAY

YORKTOWN CIRCLE

TWIN BRIDGE LANE

YORKTOWN DRIVE

EVERS WALK

SEVER ROAD

HOME PLACE DRIVE

RAMBLING WOODS DRIVE

HAMPTON HOLLOW DRIVE

DE WINTON PLACE

CHRISTIANA CROSSING

CHRISTIANA DRIVE

YORKTOWN DRIVE

RALEIGH WAY

DULUTH HIGHWAY

SHELTON WAY

OPAL CIRCLE

SISTERS COURT

HAROLD WAY

SHELTON WAY

DULUTH HIGHWAY

RALEIGH WAY

YORKTOWN CIRCLE

TWIN BRIDGE LANE

YORKTOWN DRIVE

EVERS WALK

SEVER ROAD

HOME PLACE DRIVE

RAMBLING WOODS DRIVE

HAMPTON HOLLOW DRIVE

DE WINTON PLACE

CHRISTIANA CROSSING

CHRISTIANA DRIVE

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SHELTON WAY

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DULUTH HIGHWAY

SHELTON WAY

OPAL CIRCLE

SISTERS COURT

HAROLD WAY

SHELTON WAY

DULUTH HIGHWAY

RALEIGH WAY

YORKTOWN CIRCLE

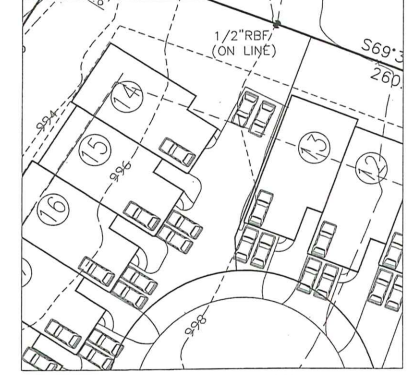
TWIN BRIDGE LANE

YORKTOWN DRIVE

**SITE INFORMATION**  
 EXISTING ZONING: R-100 & MH  
 PROPOSED ZONING: R-TH  
 TOTAL AREA: 2.344 ± ACRES  
 NET AREA: 2.344 ACRES  
 TOTAL LOTS/UNITS: 18  
 GROSS DENSITY: 7.68 UPA  
 NET DENSITY: 7.68 UPA  
 PARKING CALCULATIONS:  
 REQUIRED PARKING: 18x3=54 SPACES  
 54 SPACES PROVIDED  
 TOTAL PROPOSED BUILDING SQUARE FOOTAGE: 19,800 SF

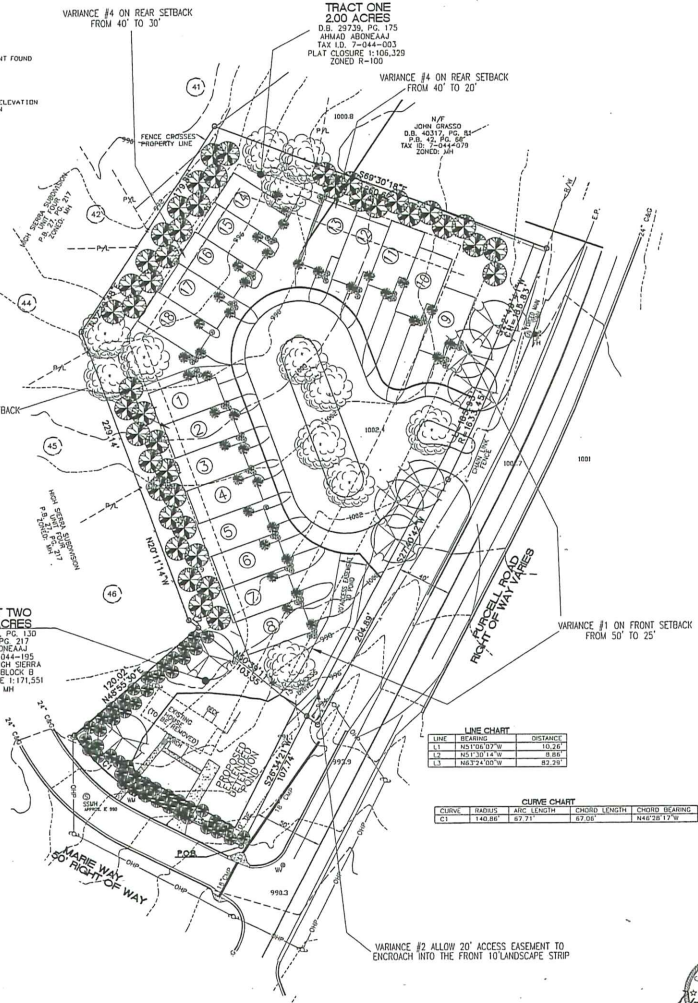
**GENERAL NOTES**  
 1. BOUNDARY REFERENCES FOR PLAT PREPARED BY BULLARD LAND PLANNING, INC., DATED 11/19/2013

THIS PROJECT IS NOT IN A FLOOD HAZARD PER F.I.R.M.  
 PANEL # 13247C 0114C DATED: 2/19/2011



TYPICAL PARKING LAYOUT  
 SCALE: 1"=20'

- LEGEND**
- BA= BUILDING LINE
  - PA= PROPERTY LINE
  - CA= CURB & GUTTER
  - CM= CONCRETE MONUMENT FOUND
  - SB= BUILD SIGN
  - CTP= CONSP. TOP PIPE
  - DTP= DNCH TOP PIPE
  - NFP= NEW OR FORMERLY
  - DTP= DNCH TOP PIPE
  - FCE= FUTURE FLOOR ELEVATION
  - FE= FINISH ELEVATION
  - IFP= IRON PIN FOUND
  - IFP= IRON PIN SET
  - RF= REBAR PIN FOUND
  - RF= REBAR PIN SET
  - RT= RIGHT OF WAY
  - PL= PLAT
  - P.S.= POINT OF BEGINNING
  - P.S.= PLAT CLOSURE
  - UE= UTILITY EASEMENT
  - MEAS.= MEASURED
  - REC.= RECORD



**LINE CHART**

LINE	BEARING	DISTANCE
1	N 87° 00' 00" W	63.25'
2	N 11° 30' 14" W	8.88'
3	N 83° 24' 00" W	63.25'

**CURVE CHART**

CHORD	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	140.86'	87.71'	87.68'	N 48° 28' 17" W

- LEGEND**
- 1/2" = 1/2" IRON PIN FOUND
  - 1/2" = 1/2" IRON PIN SET
  - 1/2" = 1/2" REBAR PIN SET
  - 1/2" = 1/2" REBAR PIN FOUND
  - P.O.B. = POINT OF BEGINNING
  - CA = CURB
  - CM = CONCRETE MONUMENT FOUND
  - CTP = CONSP. TOP PIPE
  - DTP = DNCH TOP PIPE
  - FCE = FUTURE FLOOR ELEVATION
  - FE = FINISH ELEVATION
  - IFP = IRON PIN FOUND
  - IFP = IRON PIN SET
  - RF = REBAR PIN FOUND
  - RF = REBAR PIN SET
  - RT = RIGHT OF WAY
  - PL = PLAT
  - P.S. = POINT OF BEGINNING
  - P.S. = PLAT CLOSURE
  - UE = UTILITY EASEMENT
  - MEAS. = MEASURED
  - REC. = RECORD



**REZONING PLAN FOR  
 PURCELL ROAD  
 TOWNHOMES**  
 1852 Marie Way and 1855 Purcell Road  
 RT044 195 and R2044 003  
 LOCATED IN LAND LOT 44, 7th DISTRICT, PARCELS 3 AND 186  
 WINNETT COUNTY, GEORGIA  
 DEVELOPER/OWNER:  
 Mr. Ahmad Abdecaad  
 275 Satellite Blvd NW,  
 Suwanee, GA 30024  
 PHONE # 201.745.8820  
 CONTACT: JOHN BAMBACH

**BULLARD  
 LAND PLANNING, INC.**  
 7764-A HAMPTON PLACE  
 LOGANVILLE, GEORGIA 30052  
 (770) 554-8714 ~ (770) 978-8857 FAX  
 CONTACT PERSON: BOBBY BULLARD

GEORGIA  
 REGISTERED  
 LAND PLANNING  
 PROFESSIONAL  
 SEAL

GEORGIA  
 REGISTERED  
 LAND PLANNING  
 PROFESSIONAL  
 SEAL

2013 06-1366  
 SHEET 1 OF 1  
 DECEMBER 3, 2013

**REVISIONS TO PLAT:**

1		
2		
3		
4		

**RECEIVED**  
 DEC 06 2013  
 RZM '14 0 0 3  
 BY: .....



MARIE WAY

HIGH SIERRA COURT

HIGH SIERRA DRIVE

PURCELL ROAD

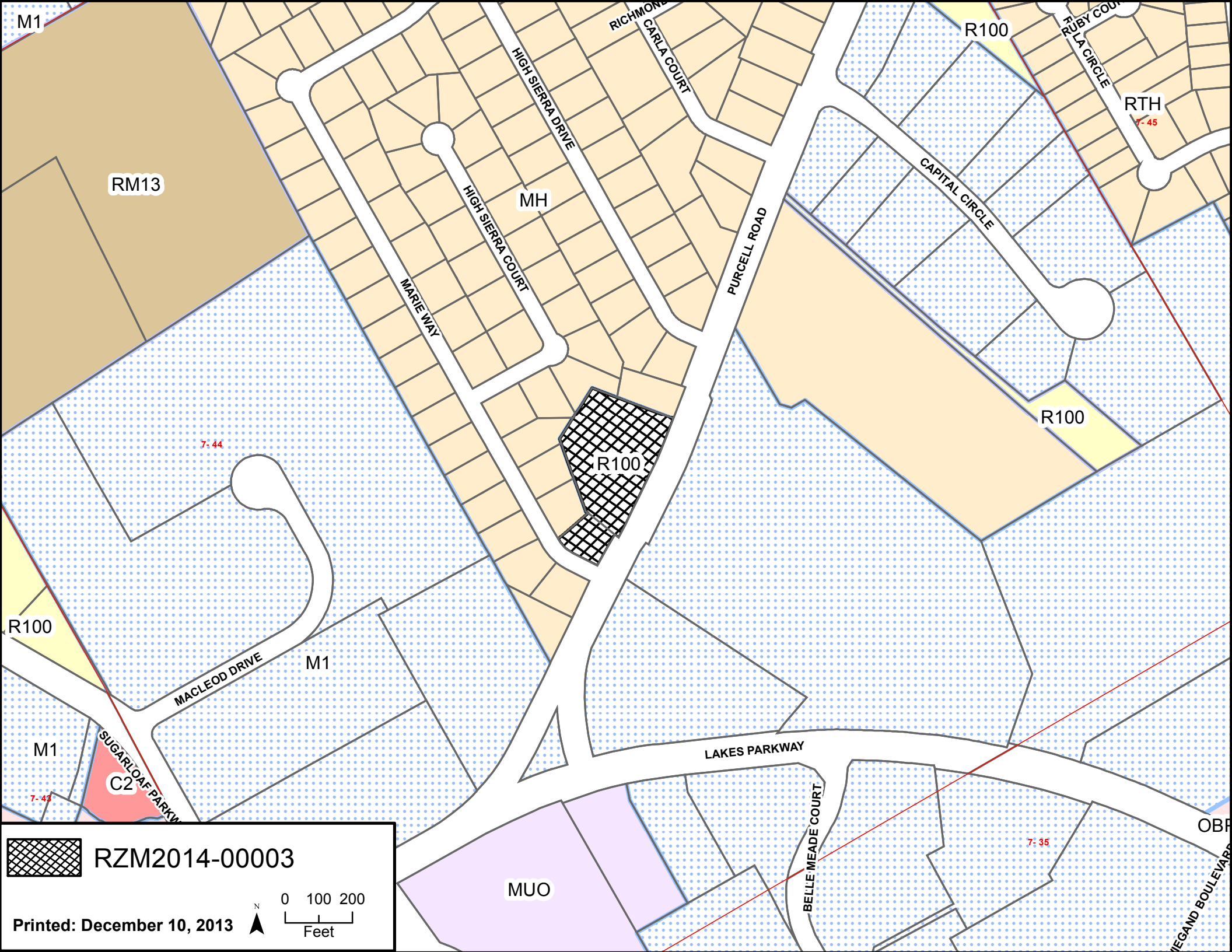


RZM2014-00003



0 25 50  
Feet

Printed: December 10, 2013



M1

RM13

MH

RTH

R100

R100

R100


M1

M1

C2

MUO

OBP

 RZM2014-00003

Printed: December 10, 2013

0 100 200  
Feet

N

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING AND SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER :**RZC2015-00001**  
ZONING CHANGE :RA-200 TO C-2  
LOCATION :3200 BLOCK OF STANCIL DRIVE  
MAP NUMBER :R3002 172  
ACREAGE :0.53 ACRE  
SQUARE FEET :5,500 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOBILE SERVICE (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(3) HUNTER

CASE NUMBER :**SUP2015-00001**  
ZONING :C-2 (PROPOSED)  
LOCATION :3200 BLOCK OF STANCIL DRIVE  
MAP NUMBER :R3002 172  
ACREAGE :0.53 ACRE  
PROPOSED DEVELOPMENT :AUTOMOBILE SERVICE (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(3) HUNTER

FUTURE DEVELOPMENT MAP: **EXISTING / EMERGING SUBURBAN**

APPLICANT: MICHAEL BISHOP  
3250 STANCIL DRIVE  
DACULA, GA 30019

CONTACT: MICHAEL BISHOP                      PHONE: 678.618.6009

OWNER: MICHAEL BISHOP  
3250 STANCIL DRIVE  
DACULA, GA 30019

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests rezoning of 0.53-acre of property from RA-200 (Agriculture-Residence District) to C-2 (General Business District), along with a Special Use Permit, for continued operation of an automobile repair shop. The property is located on the southeast side of Stancil Drive, and represents a portion of the applicant's two-acre residential parcel. The automobile repair facility is already operating on the property, and is located along the residential driveway approximately 200 feet from Stancil Drive.

According to the applicant's letter of intent, the property has been used as an automobile repair shop since 1983. In July 2014, the applicant received a Notice of Violation from the

Police Department Code Enforcement Unit (CEU2014-05764) for operating an automobile service facility from a residentially-zoned property, in violation of zoning requirements.

The subject 0.53-acre site is developed with a 5,500 square-foot single-story auto service building, a second small garage, a parking area and driveway extending to Stencil Drive. The balance of the parent tract consists of a single-family structure owned by the applicant, pasture land and another structure. The applicant is not proposing any modifications to the existing repair shop as part of this application.

The minimum buffer required for a development of this type is 75-feet in width, adjacent to property zoned RA-200. As part of this request, the applicant proposes to eliminate the buffers, as they adjoin other tracts owned by the applicant.

#### ZONING HISTORY:

The property has been zoned RA-200 since 1970.

#### GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

#### WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

#### OPEN SPACE AND GREENWAY MASTER PLAN:

No comment.

#### DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Protection (Chapter 620 of the Unified Development Ordinance) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 610-20.3 of the Unified Development Ordinance requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Chapter 240 of the Unified Development Ordinance.

The site plan does not indicate the required widening of the existing residential driveway to non-residential standards.

Section 900-90 of the Unified Development Ordinance requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

The required side setback of 10 feet appears to not be met. The applicant must either review the site plan, or seek a Variance from the Zoning Board of Appeals.

Section 610-20.4B of the Unified Development Ordinance requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 800-20 of the Unified Development Ordinance requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

This project lies within an Activity Center/Corridor Overlay District, and is subject to all requirements set forth in Chapter 220 of the Unified Development Ordinance.

#### STORMWATER REVIEW SECTION COMMENTS:

All storm water best management practices will be applicable upon development permit issuance.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Stancil Drive is a local street, and 30 feet of right-of-way is required from the centerline.

Commercial entrances shall be provided to the site per the Unified Development Ordinance.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided.

The number and locations of driveways are subject to Gwinnett County D.O.T. approval.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

Contact GCEHD regarding septic system requirements.

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the southern right-of-way of Stancil Drive.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 160 feet south of the property in the right-of-way of Stancil Point Drive.

The subject development is located within the Ivy Creek service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

- I. The applicant shall obtain a building code compliance inspection of the existing building by the Building Construction Section of Department of Planning and Development and shall comply with inspection results.

2. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
3. The applicant shall submit plans which clearly indicate any new construction as proposed by the applicant and as required by compliance inspection report for review and approval by Building Plan Review.
4. Architectural design of any proposed exterior modification shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category 3.
5. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at (678) 518-6000 Monday through Friday from the hours of 8:00 am to 5:00 pm

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no objection to the request under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

#### DEPARTMENT ANALYSIS:

The subject site is a 0.53-acre property located on the southeast side of Stancil Drive, and contains a small automobile repair facility, an outbuilding and a shared driveway. The property is an open grassed lot, with the repair building located approximately 200 feet from Stancil Drive.

The 2030 Unified Plan Future Development Map indicates this property lies within an Existing/Emerging Suburban Character Area. The Unified Plan recommends that commercial uses be restricted to appropriate roadways and intersections, and not encroach upon residential areas. The site is located along an established, secluded residential roadway and is bordered on all sides by RA-200 zoned parcels, which suggests a commercial zoning may be inappropriate for the property.

The surrounding area is developed with single-family dwellings on large-lots, predominately zoned RA-200. Adjacent to the subject site on all sides, are properties zoned RA-200. Located further to the south along Stancil Drive is the Millside Manor subdivision, zoned R-ZT. The site is located along an isolated residential street surrounded by residentially-zoned properties, and a rezoning to C-2 could present an adverse zoning precedent on the surrounding community. Given these factors, rezoning the property to C-2 for an automobile repair facility may not be compatible with the zoning and land use pattern of the immediate area or suitable at this location.

In conclusion, the requested rezoning and Special Use Permit may not be compatible with adjacent zoning or the Unified Plan, which recommends that commercial uses be located along appropriate commercial corridors. Therefore, the Department of Planning and Development recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval as C-2 with a Special Use Permit for automobile service, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Limited to general automobile repair and maintenance, operated by the applicant. Auto body repair and auto sales shall be prohibited.
  - B. Any new building shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (stucco may only be used as an accent material). Final building elevations shall be submitted for review by the Director of Planning and Development.
2. To abide by the following site development considerations:
  - A. Commercial site development regulations shall be waived. The buildings shall be brought up to applicable building and fire codes within 90 days of zoning approval.
  - B. Outdoor automobile repair; or outdoor storage of parts, tires, junked vehicles or other similar materials shall be prohibited.
  - C. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
  - D. Ground signage shall be prohibited.
  - E. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.
  - F. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

Commercial zoning and uses in the area are typically restricted to the Braselton Highway frontage. The subject site is bordered on all sides by RA-200 zoning; therefore, the proposed rezoning to C-2 for an automobile repair facility may not be suitable at this location.

ADVERSE IMPACTS

The proposed rezoning to C-2 may have adverse impacts on nearby properties and introduce an incompatible zoning precedent.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Additional impacts on public facilities in the form of utilities usage, storm water run-off and traffic could be anticipated from this request.

CONFORMITY WITH POLICIES

The requested rezoning may be inconsistent with policies of the Unified Plan which recommend that commercial uses be restricted to appropriate roadways and intersections, and not encroach upon residential areas.

CONDITIONS AFFECTING ZONING

The subject property is separated from the established Hamilton Mill commercial corridor, suggesting that an automobile related business may not be appropriate at this location.

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

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

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

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

PLEASE SEE ATTACHMENT

---

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

PLEASE SEE ATTACHMENT

---

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

PLEASE SEE ATTACHMENT

---

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

PLEASE SEE ATTACHMENT

---

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

PLEASE SEE ATTACHMENT

---

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

PLEASE SEE ATTACHMENT

---

**ATTACHMENT TO:**

**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

(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 proposed special use/rezoning will permit the continued use of the property as a private garage that has paid business taxes to the county since 1983. There is one high-density RZT property nearby that is still under development. All other adjacent properties are zoned R-200, with two of them owned by the applicant. Nearby commercial properties include a QuikTrip Gas Station, Discovery Point Day Care and a Publix Strip Mall.

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

The proposed property is surrounded by acreage owned by the applicant. This property is well maintained with sufficient buffers of vegetation and fencing. There are no noise factors, pollution or eyesores present to adversely affect the use of nearby properties. The property is not clearly visible from the street, has a private residential drive and appears as a residential free standing garage behind a home. There are no signs or other means of advertisement.

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

The current R-200 zoning was due to large tracts of farmland which is no longer applicable to this area as a source of income.

(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 intended use has no bearing on transportation facilities, utilities, or schools. The small proposed privately owned garage has minimal cars coming and going with no impact on existing streets. As previously stated, the garage is accessible by a private residential drive with sufficient buffers on all sides.

RZC '15 0 0 1

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Planning & Development

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

Yes, the proposed rezoning is in conformity with the policy and intent of the land use plan.

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

The proposed rezoning will allow for the continued use of the property as the sole income of the applicant. The applicant has paid business taxes to the county and operated since 1983 with no negative affect on surrounding properties. That, along with changing conditions in this area with commercial development, and close proximity to the intersection of State Hwy. 124 and Hamilton Mill Road support grounds for the approval of the proposed special use/rezoning. The denial of the permit will result in loss of income leading to the loss of home and property by the applicant.

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## LETTER OF INTENT

The proposed use of the property described is a small privately owned auto repair garage. The size of the tract is .535 acres and lies within a 5 acre tract owned by the applicant. The zoning classification requested is for a rezoning/special use permit. The present garage is 5,500 square feet and is accessible by a private residential drive. The garage sits behind a home owned by the applicant and is not clearly visible from the street. No alterations in parking are required. The exterior of the garage appears as a residential, free standing garage and there is no outside evidence of the operation of the special use to the neighborhood. There are no signs or any other type of advertising for this business. All direct adjacent property is owned by the applicant and there are sufficient buffers of vegetation and fencing surrounding the tract requesting a special use permit. As stated in Standards Governing the Exercise of the Zoning Power (F), the garage has been in operation and paid business taxes to the county since 1983 with no problems or complaints. We respectfully ask that you recommend to approve this request.

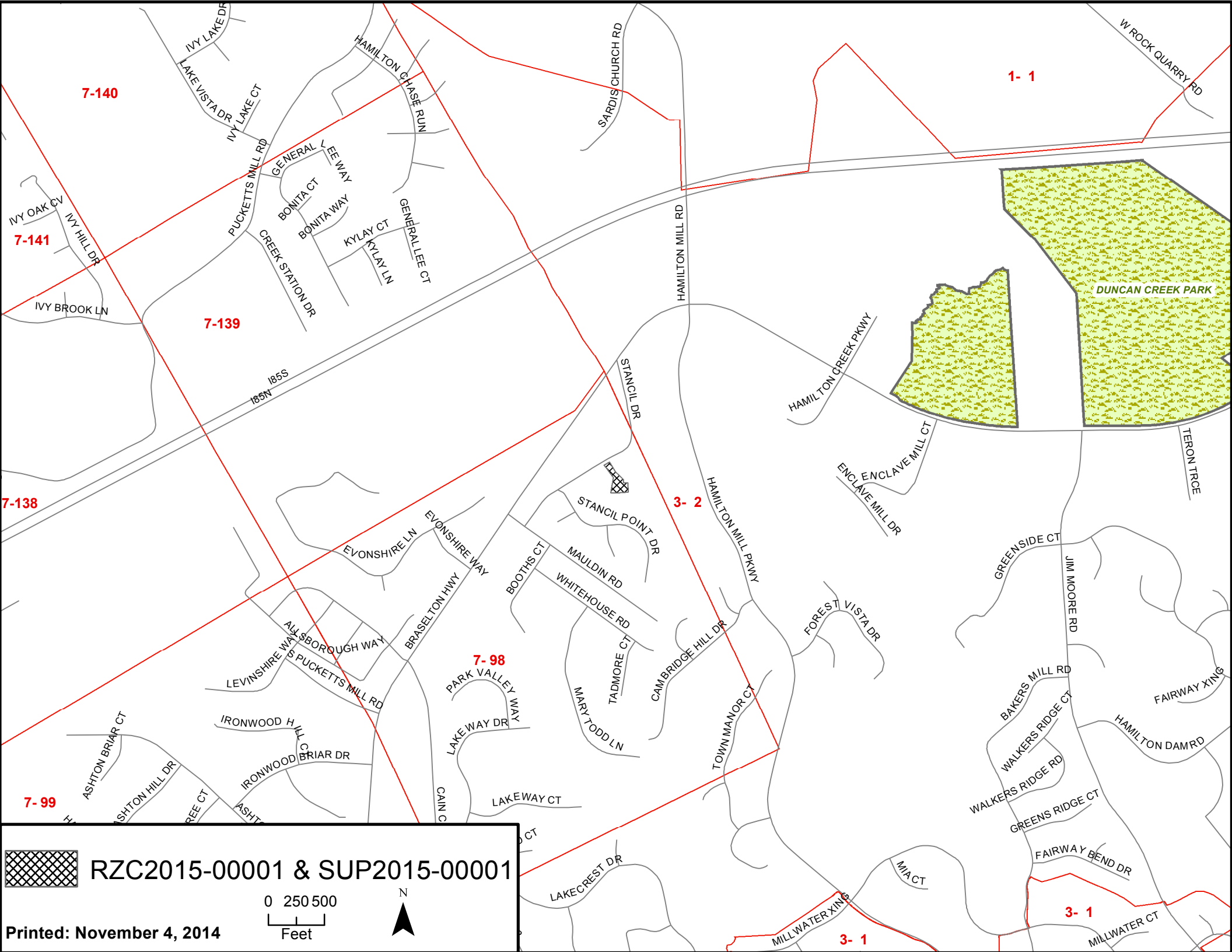
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Planning & Development





 **RZC2015-00001 & SUP2015-00001**

0 250 500  
 Feet

Printed: November 4, 2014

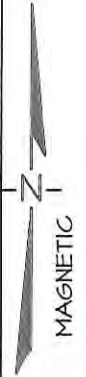
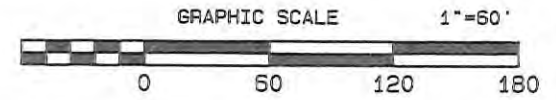
N

REFERENCE  
 EXEMPTION PLAT FOR  
 MICHAEL L. BISHOP BY  
 CORNERSTONE PLANNING CO.  
 DATED JUNE 15, 1990  
 SURVEY FOR BILLY RAY PUCKETT  
 BY HANNON & MEEKS DATED 12/13/68  
 PLAT OF MILLSIDE MANOR PH-I

REZONING SITE PLAN FOR:  
**MICHAEL BISHOP**

DUNCANS GMD #1749  
 GWINNETT COUNTY, GEORGIA  
 GWINNETT PARCEL 3 002 172

SCALE 1" = 60'  
 SEPTEMBER 29, 2014  
 OCTOBER 23, 2014  
 (REVISE LIMITS OF ZONING)



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STANCI L DIRVE

028.15' ALONG CL TO  
 80' R/W MAULDIN ROAD  
 25.17'  
 S35°54'28\"/>

54.16'  
 N60°44'51\"/>

N/F  
 RONNIE H. STANCI L  
 ZONED RA 200

#3246

EXISTING  
 1-STORY FR.

EXISTING  
 GARAGE

EXISTING  
 1 STORY FRAME  
 BUILDING

PROPOSED  
 C-2 ZONING  
 23,316 SQ. FT.  
 OR  
 0.535 ACRES

N/F  
 MICHAEL BISHOP  
 ZONED RA 200

N/F  
 MICHAEL BISHOP  
 ZONED RA 200

N/F  
 MICHAEL BISHOP  
 ZONED RA 200

SUBDIVIDED AS  
 MILLSIDE MANOR PH-I  
 ZONED RZT



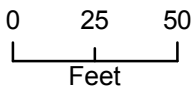
**LANDMAN INC.**  
 DBA: LAND DEVELOPING CO.  
 Land Surveying / Land Planning  
 1162 Rockbridge Road  
 Stone Mountain, Ga.  
 PHONE: (770) 923-6694  
 FAX: (770) 923-6495

SCALE:	1" = 60'
DATE SURVEYED:	
DATE DRAFTED:	9-29-14
SURVEYED BY:	
DRAWN BY:	LRB
JOB NUMBER:	#2531

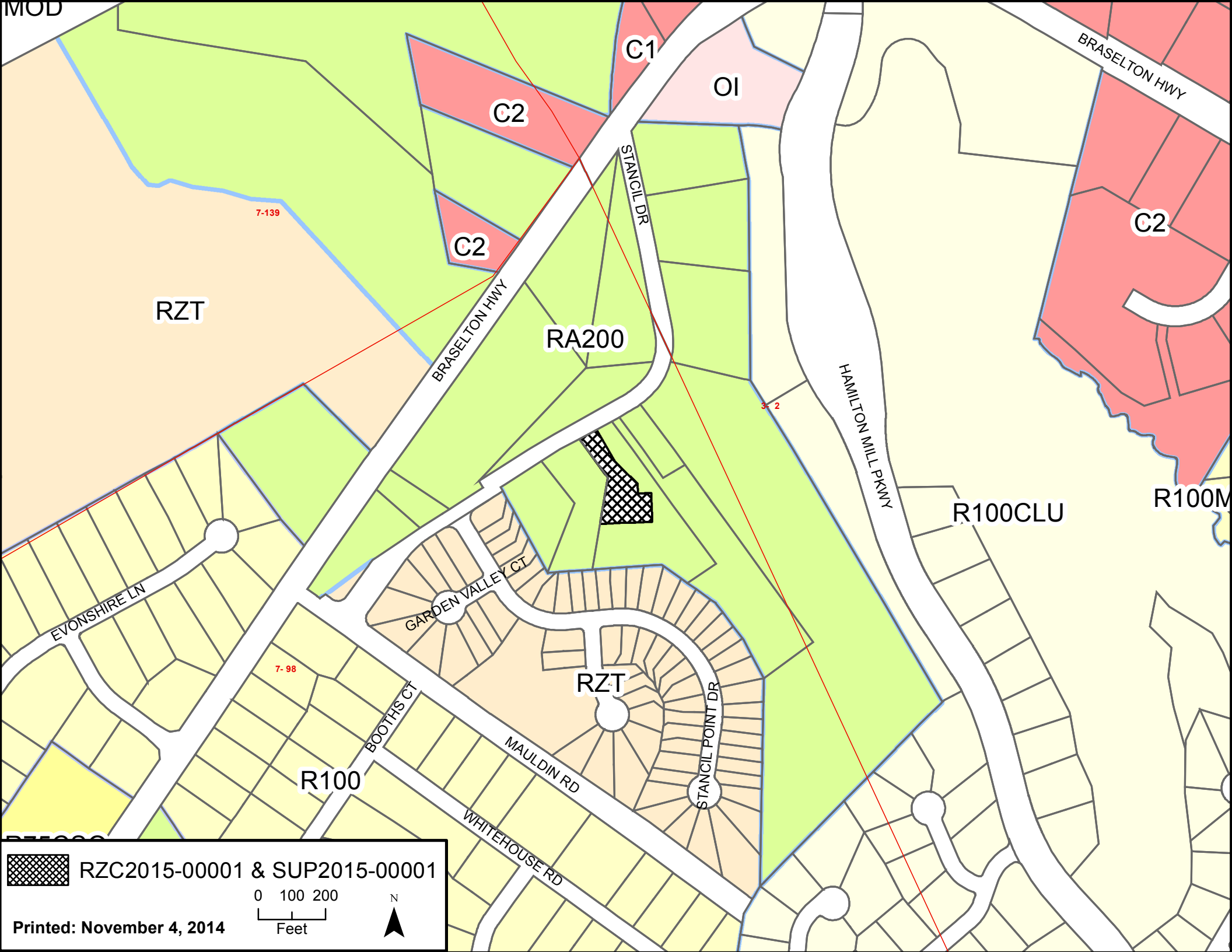
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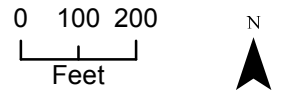
RZC2015-00001 & SUP2015-00001



Printed: November 4, 2014



 RZC2015-00001 & SUP2015-00001



Printed: November 4, 2014

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

CASE NUMBER :**RZC2015-00002**  
ZONING CHANGE :M-2 TO C-3  
LOCATION :4500 BLOCK OF BUFORD HIGHWAY  
MAP NUMBER :R6258 333  
ACREAGE :1.42 ACRES  
SQUARE FEET :6,058 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOBILE SALES, SERVICE AND BODY REPAIR  
COMMISSION DISTRICT :(2) HOWARD

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: CORMAN-CARTER, LLC  
C/O ANDERSEN, TATE & CARR, PC  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MARIAN C. ADEIMY                      PHONE: 770.822.0900

OWNER: CORMAN-CARTER, LLC  
C/O ANDERSEN, TATE & CARR, PC  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS AS C-2/SUP**

**PROJECT DATA:**

The applicant requests rezoning of a 1.42-acre parcel from M-2 (Heavy Industry District) to C-3 (Highway Business District) for the continued operation of two small automobile sales, service and body repair businesses. The property is located on the southeast side of Buford Highway, southwest of Simpson Circle, and is a portion of a larger parcel also containing the U-Wrench-It auto salvage yard.

The site is currently developed with two single-story buildings, associated parking areas and driveways. The applicant intends to use the existing buildings, parking and driveways as they are currently developed for automobile sales, service and body repair. The buildings are currently occupied by Bossi Auto Sales and Cambia Autos. Access is from a single, shared driveway onto Buford Highway. Areas to the rear of both buildings are used for storage of vehicles in various states of repair.

This rezoning request is the result of a Police Department Code Enforcement Unit complaint (CEU2014-04409) for operating automobile sales lots in M-2 zoning, which is a non-permitted

use. It is also noted that the businesses do not presently have County Occupational Tax Certificates or Certificates of Occupancy.

**ZONING HISTORY:**

In 1970, the subject property was zoned M-1. The property was rezoned to M-2 in 1971, pursuant to RZ-57-70.

**GROUNDWATER RECHARGE AREA:**

The subject property is not located within an identified Significant Groundwater Recharge Area.

**WETLANDS INVENTORY:**

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

**OPEN SPACE AND GREENWAY MASTER PLAN:**

No comment.

**DEVELOPMENT REVIEW SECTION COMMENTS:**

Section 610-20.3 of the Unified Development Ordinance requires screening of dumpsters and loading/unloading facilities.

Parking spaces shall be provided at a ratio of:

One space per 400 square feet (minimum). No minimum for inventory.

One space per 150 square feet (maximum). No maximum for inventory.

Project access and required improvements along State routes or U.S. Highways (i.e., number and design of driveways, deceleration lanes, median breaks, etc.) will be subject to review and approval of the Georgia Department of Transportation. (Section 900-90.3F of the Unified Development Ordinance).

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

The available utility records show that the subject development is currently in the vicinity of a 6-inch water main located on the southeastern right-of-way of Buford Highway.

The available utility records show that the subject development is currently in the vicinity of a 16-inch sanitary sewer main located on the property.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior tenant space modifications or exterior modifications for review and approval by Building Plan Review.
2. Upon completion of plan review approvals, the applicant shall obtain a building permit for any proposed modification/renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.
3. The applicant shall submit structural details for fences exceeding 8 feet in height and achieve satisfactory field inspections for a Certificate of Occupancy.

For assistance, you may contact this office at (678) 518-6000 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

Fire Plan Review has no objection to the request under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

## DEPARTMENT ANALYSIS:

The subject site is a 1.42-acre parcel, located on the southeast side of Buford Highway, southwest of Simpson Circle. The site is currently developed with two single-story buildings, parking and driveways. The only vegetation on the property is located along the road frontage of Buford Highway.

The 2030 Unified Plan Future Development Map indicates the site is located within a Preferred Office Character Area, which primarily encourages professional office uses. Although not strictly consistent with the Preferred Office Character Area, this section of Buford Highway is an established commercial corridor, developed with numerous automobile sales, service and body repair facilities. The request could be considered consistent with the existing uses in the area.

The area surrounding the property consists predominately of commercial and industrial businesses along the Buford Highway corridor, with residential uses lying beyond the corridor. This segment of Buford Highway is developed with several similar automotive businesses along with other commercial, industrial and office uses. Given the zoning and development pattern of this segment of Buford Highway, an automobile sales facility could be considered consistent with the area and may be suitable at this location. The Department suggests, however, that C-2 zoning has been more commonly granted for similar businesses, and may be more appropriate than the requested C-3.

In conclusion, the requested rezoning for automobile sales, repair and body repair could be considered consistent with the zoning and land uses in the area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS AS C-2 WITH AN SUP.**

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as C-2 with Special Use Permits for automobile sales, automobile service and automobile body repair, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail, service-commercial, office and accessory uses, which may include automobile sales, service and body repair as special uses. The following uses shall be prohibited:
    - adult bookstores or entertainment
    - extended stay hotels or motels
    - recovered materials processing facilities
    - smoke shops/novelty stores
    - tattoo parlors
    - taxidermists
    - yard trimmings composting facilities
  - B. Any new building(s) shall be finished with architectural treatments of glass, brick and/or stacked stone (stucco may only be used as an accent material). Final building elevations shall be submitted for review and approval by the Director of Planning and Development. Portable office trailers shall be prohibited.
  - C. Outdoor sales, storage or display of merchandise other than automobiles (such as trailers, utility buildings, rental trucks, automotive parts, junked vehicles, etc.) shall be prohibited. Servicing of vehicles outdoors shall be prohibited.
2. To satisfy the following site development considerations:
  - A. New ground signage shall be limited to monument type sign, and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, and the sign cabinet shall be fully surrounded by the same materials, matching the building's architectural treatments.
  - B. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure.
  - C. Outdoor loudspeakers shall be prohibited.
  - D. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
  - E. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative

balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.

F. Peddlers shall be prohibited.

G. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested rezoning for automobile sales lots and automobile repair and body repair businesses could be suitable in light of several automobile sales and repair shops located in the immediate area and the similar intensity of uses along the corridor.

ADVERSE IMPACTS

With the recommended conditions, potential impacts on adjacent and nearby properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The subject property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

A minimal change in impacts on public facilities could be anticipated from the request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the site is located within a Preferred Office Character Area, which encourages office professional uses. Although not strictly consistent with the Preferred Office Character Area, this section of Buford Highway is an established commercial corridor, developed with numerous automobile sales and service facilities, and the requested rezoning could be considered consistent with the existing uses in the area.

CONDITIONS AFFECTING ZONING

Approval of this request could bring this property into compliance with the Unified Development Ordinance.

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

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

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

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

See Exhibit "B" \_\_\_\_\_

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

See Exhibit "B" \_\_\_\_\_

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

See Exhibit "B" \_\_\_\_\_

- (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:

See Exhibit "B" \_\_\_\_\_

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

See Exhibit "B" \_\_\_\_\_

- (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:

See Exhibit "B" \_\_\_\_\_

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**EXHIBIT "B"**  
**REZONING APPLICANT'S RESPONSE**  
**CORMAN CARTER, LLC**

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

Yes. The subject property is located within an existing heavy industrial complex which was originally rezoned to M-2 in 1971, fronting on one of Gwinnett County's highest traffic volume commercial corridors (Buford Highway). Properties in the area already feature a mix of commercial/retail, restaurant, office and heavy and light industrial uses. The proposed C-3 zoning and auto and commercial uses are consistent with the uses of adjacent and nearby properties and will not adversely affect those properties. Therefore, this request proposes a use that is ideally suited to and consistent with the zoning, use and development of adjacent and nearby property.

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

No, this rezoning request proposes a use that is entirely compatible with the character of the commercial/industrial corridor within which the property is located. The proposed auto sales and auto repair uses are consistent with the uses of adjacent and nearby properties and will not adversely affect those properties.

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

No.

- 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:

No, this property is located in an area with public water and sewer availability, and convenient access to major thoroughfares such as Buford Highway and Peachtree Industrial Boulevard. This rezoning will not cause excessive use of existing streets, transportation facilities, utilities, will have no impact on the schools whatsoever.

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

Yes. While the Land Use Plan identifies the subject property for industrial uses, there are significant numbers of properties in the immediate vicinity along Buford Highway that are zoned for and designated on the Land Use Plan for auto/commercial/retail uses.

F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING.

Yes. The property's location fronting on one of Gwinnett County's most heavily trafficked commercial corridors (Buford Highway), the character of which has changed significantly since this property originally zoned M-2 in the early 1970's.

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# ANDERSEN, TATE & CARR, P.C.

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Attorney at Law

E-mail: [madeimy@atclawfirm.com](mailto:madeimy@atclawfirm.com)

November 3, 2014

## **LETTER OF INTENT - REZONING APPLICATION FOR CORMAN CARTER, LLC, 4598 BUFORD HIGHWAY, NORCROSS, GEORGIA 30071**

The Applicant, Corman Carter, LLC (the "Applicant"), submits this Rezoning Application for the purpose of rezoning a 1.42 acre tract located at 4598 Buford Highway, Norcross, Georgia (Tax Parcel No. 6-258-032A, hereinafter, the "Property") from the M-2 to the C-3 zoning classification.

The Property is currently zoned M-2 with no zoning conditions, and has been consistently used for automobile sales, auto dealer, auto repair and body shop uses. The Applicant seeks to continue those uses subject to any agreed-upon conditions, to allow for those auto uses consistent with the industrial uses adjacent to and surrounding the subject Property. In further support of the requested rezoning, the Applicant states that it holds a partial, common ownership interest in the adjacent property and has no objection to this rezoning and the proposed uses.

This rezoning would serve to correct any pending or potential violations under the Gwinnett County Unified Development Ordinance. The Applicant proposes a down-zoning from an industrial to a commercial zoning designation which has been similarly approved for nearby properties. The Applicant and current tenants would continue to use the existing buildings totaling approximately 6,058 square feet with auto sales in the front of the buildings and auto body and repair work at the back of the buildings with little to no visibility from Buford Highway.

The subject property is located within an existing heavy industrial complex which was originally rezoned to M-2 in 1971 fronting on one of Gwinnett County's highest traffic volume commercial corridors (Buford Highway). Properties in the area already feature a mix of commercial/retail, restaurant, office and heavy and light industrial uses. The proposed retail and medical office uses are consistent with the uses of adjacent and nearby properties and will not adversely affect those properties.

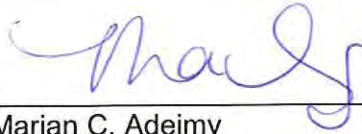
This request is consistent with the use and development of adjacent and nearby properties. This request would also be consistent with prior Board of Commissioners precedent in rezoning those similarly situated properties in the Buford Highway for commercial/retail uses. The property is surrounded by properties identified as either commercial or industrial on the Gwinnett 2030 Comprehensive Plan. The proposed use is consistent with the intent of the Zoning Ordinance for C-3 retail and commercial uses. The property has access to a public water supply, public sanitary sewer, and "convenient access to collector streets, major thoroughfares or state or interstate highways."

The continued use of the Property for auto sales, dealer, and auto body and repair uses is appropriate to the subject tract and is entirely consistent with the zoning, use and development of the adjacent and surrounding properties.

RZC '15 0 0 2

Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

Respectfully submitted this 3<sup>rd</sup> day of November, 2014.



---

Marian C. Adeimy  
Attorneys for Applicant

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**CONSTITUTIONAL OBJECTIONS / JUSTIFICATION FOR REZONING**

The Applicant, Corman Carter, LLC, hereby files the attached Constitutional Objections and Justification for Rezoning in support of the rezoning request for the property located at 4598 Buford Highway, Norcross, Georgia 30071.

The portions of the Gwinnett County Unified Development Ordinance which classify or may classify the property which is the subject of this Application (the "Property") into any less intensive zoning classification and/or specially permitted use other than as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Gwinnett County Unified Development Ordinance as applied to the subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development as requested by the Applicant, and is not economically suitable for development under its present zoning classification, due to its location, market conditions and other factors. A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore and contrary to prior Board precedent and treatment of a similarly situated property owners, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to grant the Applicant's request, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any zoning action approved for the subject Property subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Accordingly, the Applicant respectfully requests that the application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification shown above.

**ANDERSEN, TATE & CARR, P.C.**

By:   
Marian C. Adeimy  
Attorneys for Applicant

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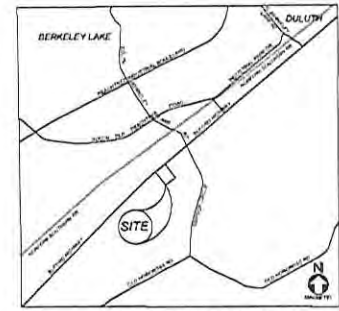
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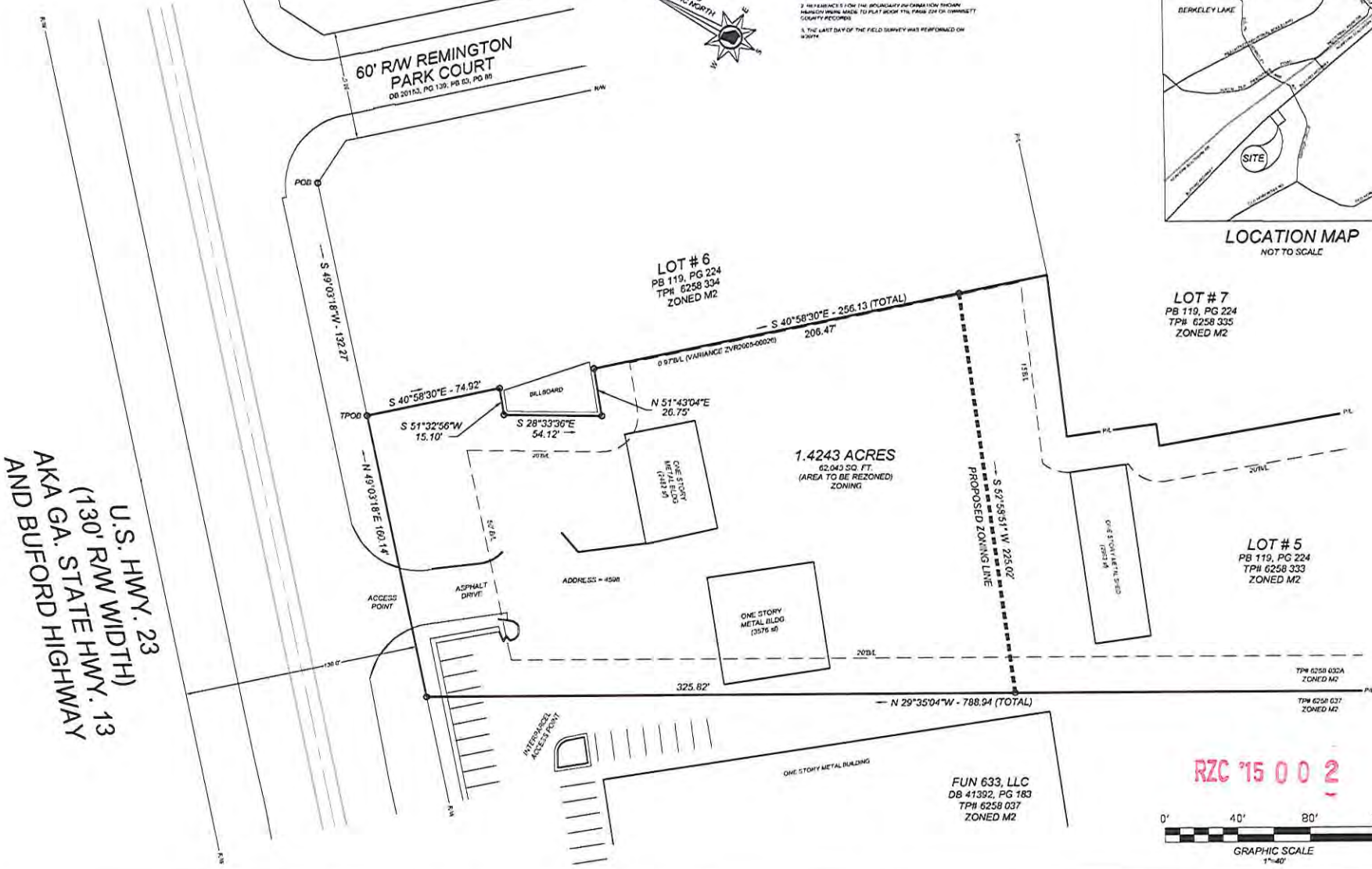
RZC '15 0 0 2



NOTES:  
 1. THE PURPOSE OF THIS EXHIBIT IS TO SHOW THE PROPOSED ZONING LINE.  
 2. ALL REFERENCE TO THE BOUNDARIES OF PARCELS NOW BEING REZONED WERE MADE TO PLAT BOOKS OF THE COUNTY RECORDS.  
 3. THE LAST DAY OF THE FIELD SURVEY WAS PERFORMED ON 10/27/14.

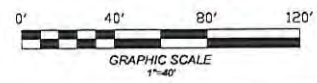


LOCATION MAP  
NOT TO SCALE



U.S. HWY. 23  
 (130' R/W WIDTH)  
 AKA GA. STATE HWY. 13  
 AND BUFORD HIGHWAY

RZC '15 0 0 2



DATE:	ISSUE		
SCALE: HORIZ.	NO.	DESCRIPTION	DATE
OCTOBER 2, 2014	R-1	Revise to show bldg sf	10/17/14
1"=40'			
ACREAGE: 1.4243 (62,043 SQ. FT.)			
LAND LOT(S): 258			
DISTRICT: 6th			
CITY:			
COUNTY: GWINNETT	STATE: GEORGIA		
SURVEYED: SDC	DRAWN: MJS		
CHECKED: APPROVED: CAM			
PROJECT #: 11-210 Zoning Line Exhibit R-1			

ZONING LINE EXHIBIT FOR:  
**ROBERT SLACK**  
 A PORTION OF LOT 5 OF THE ROBERT BRETT SLACK PROPERTY  
 4598 BUFORD HIGHWAY  
 LAND LOT 258, 6th DISTRICT, GWINNETT COUNTY, GEORGIA  
 TAX PARCEL No. 6258 032A



GA LAND SURVEYOR, LLC  
**GALANDSURVEYOR.com**  
**404-384-9577**  
 1670 SACKETTS DR.  
 LAWRENCEVILLE, GA 30043  
 EMAIL: cam@galandsurveyor.com


SHEET  
**1**  
 OF  
**1**

PEACHTREE CORNERS

BUFORD HWY


REMINGTON PARK CT



 RZC2015-00002

0 25 50  
Feet

Printed: November 4, 2014



BERKELEY LAKE

6-269

KERKLAND CIR

M1

PEACHTREE CORNERS

M2

6-258

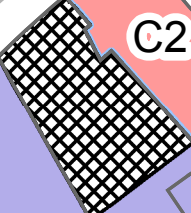
BUFORD HWY

C3

OVERLOOK VIEW CT

SHELBURNE CT

RZT



C2

REMINGTON PARK CT

M2

C2

C1

C2

SIMPSON CIR

6-259

C2

RICK ST  
PINE ST  
MAPLE LN

MH

HILL ST

FRY ST

ROGER ST

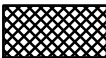
FIRST ST

R75

M1

C2

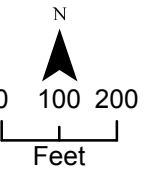
KEYSTONE CT

 RZC2015-00002

Printed: November 4, 2014

0 100 200 Feet

N



**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

CASE NUMBER :**RZC2015-00003**  
ZONING CHANGE :O-I & R-100 CSO TO M-I  
LOCATION :4500 BLOCK OF BRUSHY FORK ROAD  
:1000 BLOCK OF OLD LOGANVILLE ROAD  
MAP NUMBER :R5097 003  
ACREAGE :7.02 ACRES  
SQUARE FEET :12,800 SQUARE FEET  
PROPOSED DEVELOPMENT :CRAFT BREWERY AND SPECIAL EVENTS FACILITY  
COMMISSION DISTRICT :(3) HUNTER

FUTURE DEVELOPMENT MAP: **RURAL / ESTATE CHARACTER AREA**

APPLICANT: ROBERT SANDAGE  
831 ROCK SPRINGS COURT, N.E.  
ATLANTA, GA 30306

CONTACT: BOB SANDAGE PHONE: 678.523.5214

OWNER: ESTATE OF GEORGE P. DILLARD  
3500 LENOX ROAD, N.E., SUITE 760  
ATLANTA, GA 30326

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests rezoning of an 7.02 acre property from O-I (Office-Institutional District) and R-100 CSO (Single Family Residence District) to M-I (Light Industry District) to allow a craft brewery and special events facility (to be known as the Wrecking Barn) in conjunction with an organic farming operation (Dillwood Farms). The rezoning applicant owns and operates the Wrecking Bar Brewpub in Atlanta, and plans for the subject location, along with Dillwood Farms, to provide beer and locally-grown produce for the Wrecking Bar. The subject property is located at the northwest corner of the intersection of Old Loganville Road and Brushy Fork Road.

The property is currently developed with a wooden barn and several greenhouse buildings, and is part of a larger active farm known as Dillwood Farms. The site plan proposes two new buildings totaling 12,800 square feet, in addition to the existing 3,500 square foot barn, which would house the craft brewery, office and special events activities. The submitted renderings suggest the new buildings would have a rural/agricultural appearance to blend with the existing farming operations. Two existing driveways extend from Brushy Fork Road, one providing access to an existing grassed parking area and the other providing access to the northern portion of the property. One proposed driveway would extend from Old Loganville Road

providing access to a proposed paved parking lot. The applicant has indicated approximately 209 parking spaces would be provided.

The applicant's submitted letter of intent indicates they intend to utilize the new buildings for a craft brewery operation and special events facility. The brewery's normal hours of operation would be from 8 a.m. to 8 p.m., with 5-10 employees on a daily basis. Tours of the brewery would be on Friday, Saturday and Sunday evenings each week for about 50-75 people with 30-50 cars anticipated during tour hours.

The site plan depicts a 100-foot buffer around the perimeter of the site, in excess of the 50-foot buffer that is required adjacent to residentially-zoned property. Staff notes, that the majority of this buffer area adjoins the balance of Dillwood Farms. Except for the existing sewer easement, it appears that all proposed improvements are outside the required 50-foot buffer.

#### ZONING HISTORY:

In 1970, the subject property was zoned RA-200. In 1973, the property was rezoned to R-100 per an areawide rezoning. In 1992, the property was rezoned to RA-200, pursuant to RZ-063-92. In 2004, the property was rezoned to O-1 and R-100 CSO, pursuant to RZC-04-062 and RZR-04-045.

#### GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

#### WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

#### OPEN SPACE AND GREENWAY MATER PLAN:

No comment.

#### DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Protection (Chapter 620 of the Unified Development Ordinance) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 610-20.3 of the Unified Development Ordinance requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Chapter 240 of the Unified Development Ordinance.

Parking spaces shall be provided at a ratio of:

- One space per 2,000 square feet (minimum).
- One space per 1,000 square feet (maximum).

The site plan does not indicate the required widening of the existing residential driveway to non-residential standards.

Section 900-30 of the Unified Development Ordinance requires a 200-foot deceleration lane with a 50-foot taper at each project entrance that proposes access to a Minor Collection Street or Major Thoroughfare. Right-of-way dedication to accommodate the deceleration lane and an 11-foot shoulder is also required. Reduction in length of a deceleration lane requires approval of a Modification by the Development Division; elimination of a deceleration lane requires approval of a Waiver by the Board of Commissioners.

Section 900-90 of the Unified Development Ordinance requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

A minimum of 50-foot building setback is required from the rights-of-way.

Section 610-20.4B of the Unified Development Ordinance requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 800-20 of the Unified Development Ordinance requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Section 700-40.1B of the Unified Development Ordinance requires that the lowest floor including the basement, of all non-residential building be constructed at an elevation of at least one foot above the 100-year floodplain.

**STORMWATER REVIEW SECTION COMMENTS:**

The property appears to contain stream buffers and floodplain. The proposed conceptual plan may require revision to show the appropriate stream buffer and floodplain areas.

All storm water best management practices will be applicable upon development permit issuance.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Brushy Fork Road is a Minor Collector and 30 feet of right-of-way is required from the centerline.

Old Loganville Road is a Major Collector and 40 feet of right-of-way is required from the centerline.

Commercial entrances shall be provided to the site per current development regulations.

Standard deceleration lanes with appropriate taper and adequate right-of-way will be required.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided.

The number and locations of driveways are subject to Gwinnett County D.O.T. approval. Project shall conform to the Gwinnett County Criteria and Guidelines for left turn lanes.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the eastern right-of-way of Old Loganville Road, and a 12-inch water main located on the northern right-of-way of Brushy Fork Road.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of a 24-inch sanitary sewer main located on the property.

The subject development is located within the Lower Big Haynes service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

#### BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2012 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.
4. Architectural design of the proposed building shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category I.
5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at (678) 518-6000 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

Fire Plan Review has no objection to the request under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

**DEPARTMENT ANALYSIS:**

The subject site is a 7.02-acre property located at the northwest corner of the intersection of Old Loganville Road and Brushy Fork Road. The property contains an existing barn and several greenhouse buildings. Much of the property is used to operate Dillwood Farms, with the remainder of the property being wooded.

The 2030 Unified Plan Future Development Map indicates the property lies within a Rural Estate Character Area. Encouraged uses in the Rural Estate Character Area include limited “crossroads” commercial/retail uses at appropriate intersections, but should be limited in size and subject to site planning and design criteria that promote a traditional “rural” crossroads feel. The subject intersection was rezoned in 2004 for small-scale commercial and office uses, establishing this as such a node. A craft brewery directly engaged with a larger organic farming operation for ingredients and produce, remaining rural in character, could be consistent with recommendations of the Unified Plan.

The subject property is located in an area characterized by agricultural uses at the Brushy Fork Road and Old Loganville Road intersection, with single-family homes on large lots and residential subdivisions in the outlying area. Adjoining the subject tract to the north, west and east across Brushy Fork Road, is Dillwood Farms zoned RA-200, C-1 and R-100 CSO. To the south, across Old Loganville Road, is Brushy Forks Nursery, zoned RA-200. Outlying residential areas are buffered from the subject property by these active agricultural activities and wooded areas along the periphery, suggesting that the proposed use may be adequately separated from neighboring properties. The proposed use could be compatible with residential developments in the area if conditions restricting the use of the property and hours of operation are included to ensure land use compatibility. In light of the intersection already being zoned for non-residential use, and with appropriate conditions to afford protection for surrounding property owners and residents of the community, the proposed craft brewery could be appropriate at this location.

In conclusion, the requested rezoning may be suitable in light of the rural appearance and character of the proposed use; and its consistency with policies of the Unified Plan, which

suggests that the proposed brewery could be appropriate at this location. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

PLANNING AND DEVELOPMENT  
RECOMMENDED CONDITIONS

Approval as M-I for a Craft Brewery and Special Event facility, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. The sole M-I use of the property shall be a craft brewery with an accessory special events facility as a special use. The development shall be limited to the building square footage and parking shown on the submitted site plan.
  - B. Building(s) shall be in general accordance with the renderings submitted with the rezoning application. Building plans shall be subject to the review and approval of the Director of Planning and Development.
  - C. Guests shall be limited to no more than 200 (subject to fire code limitations) at any one time.
  - D. Brewery hours of operation (including deliveries) shall be limited to between 8 a.m. and 8 p.m. Special event hours of operation shall be limited to between 10 a.m. and 10 p.m., closed on Sunday.
  - E. No outdoor loudspeakers shall be allowed. Any live music associated with special events shall be unamplified acoustic performances.
  - F. Parking shall be restricted to designated parking areas only. No parking shall be allowed along Old Loganville Road or Brushy Fork Road.
2. To satisfy the following site development considerations:
  - A. Provide a 50-foot wide natural undisturbed buffer adjacent to all residentially-zoned properties. The buffer shall be enhanced where sparsely vegetated.
  - B. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way.
  - C. Natural vegetation shall remain on the property until the issuance of a development permit.
  - D. Ground signage shall be limited to wood and metal fabrication with a rustic appearance matching the buildings, and shall not exceed 6 feet in height. Wall and ground signage shall not be internally-illuminated. All signage plans shall be subject to review and approval by the Director of Planning & Development.
  - E. Outdoor storage shall be screened from view. Screening materials shall be subject to review and approval by the Director of Planning & Development

- F. No temporary tents or canopies shall be allowed on the site except that a single tent or canopy may be erected for special events for durations not to exceed 48 hours.
- G. Portable buildings and portable toilets shall be prohibited.
- H. Dumpsters shall be screened by a 100% opaque fence or wall. Hours of pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
- I. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into nearby properties or rights-of-way.
- J. No streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- K. Peddlers or parking lot sales shall be prohibited.
- L. Owner shall repaint or repair any graffiti or vandalism that occurs that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The property is buffered from nearby residences by the active agricultural activities of the adjacent farm and is wooded along the periphery, suggesting that the proposed use may be adequately separated from neighboring properties and therefore, could be compatible with residential developments in the area.

ADVERSE IMPACTS

With conditions that limit the use of the property, number of guests, outdoor lighting and loudspeakers, adverse impacts on adjacent and nearby residences created by a craft brewery and special event facility could be reduced.

REASONABLE ECONOMIC USE AS CURRENTLY ZONED

The subject property has a reasonable economic use as zoned.

IMPACT ON PUBLIC FACILITIES

The craft brewery and special events facility could be expected to increase stormwater runoff, traffic and utility demand.

CONFORMITY WITH POLICIES

The Unified Plan Future Development Map indicates that the property lies within a Rural Estate Character Area. The Unified Plan encourages that commercial activity be limited to appropriate commercial crossroads, suggesting that the proposed craft brewery and special events facility could be considered appropriate at this location.

CONDITIONS AFFECTING ZONING

In light of the intersection already being zoned for non-residential use, the proposed brewery could be suitable at this location. However, appropriate conditions and limitations to afford protection for surrounding property owners and residents of the community should be included.

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

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

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

*- See Attached*

- (A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS 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:

\_\_\_\_\_  
\_\_\_\_\_

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS 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:

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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Planning & Development

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:

The existing property is zoned for residential development with a mixed used commercial development at the corner property currently zoned O&I. . The proposed development will rezone the corner O&I parcel in addition with another 2 acres to form a larger corner

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

Proposed Use will not provide any adverse effect on adjacent or nearby properties as the rezoned parcel will be buffered by R-100 and R-200 parcels that will maintain their current use as farmland. The traffic impact will be relatively low on a week day operation with about five employees that would have daily trips and less than two weekly deliveries.

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

Currently, the main use of the 4.03 acre parcel is in support of farming operations for the 40.60 acre portion of the property, the proposed use will generate jobs and income for the community along with relative taxes for the business.

- (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:

Minor amount of inbound and outbound trucks estimated to be two weekly trips. Public tours on Friday, Saturday, Sunday are expected to generate about 50-75 people with any special event generating up to 200 cars. The proposed parcel is sized to accommodate parking for the 200 car event to minimize any burden on surrounding property.

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

Yes

- (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:

This development will be Gwinnett County's first packaging craft beer brewery and be a significant source of tourism and tax dollars, as well as the most synergistic use of the property in conjunction with the farm that has operated on the property for 40+ years.

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The intent of the rezoning application for 4000 Brushy Fork Road in Loganville is to continue current farming operations on 40.60 acres zoned RA-200, and add a craft beer brewery to a portion of the property currently zoned (O&I). The current 4.03 acre parcel zoned O&I would be rezoned to M-1 and incorporate an additional approximately 2 acres from the adjacent R-100 zoned portion of the property.

The property owned by the Dillard family at 4000 Brushy Fork Road has been an active farm since the 1960's, and in recent years has provided natural, pesticide-free produce to over a dozen high-end restaurants in Atlanta. The Dillard family desires to sell the property.

Bob Sandage and Stevenson Rosslow are business partners at the Wrecking Bar Brewpub in Atlanta; which is one of the top 10 brewpubs in the US. Before opening the successful restaurant and pub in June 2011, Mr. Sandage owned an engineering company for 15 years and Mr. Rosslow managed several successful restaurants in the Buckhead Life Group. Sandage and Rosslow will both be active partners in the new business at 4000 Brushy Fork Road in Loganville. Mr. Sandage is the applicant for rezoning.

There is a great amount of synergy between brewing craft beer and natural or organic farming. Used or spent grains from the brewing process will be used along with food scraps from the Wrecking Bar Brewpub to create high-quality compost on the RA-200 zoned portion of the property; allowing growth of high-quality natural produce. In return, the farm will supply natural produce to the Wrecking Bar Brewpub and other area restaurants. Some parts of the RA-200 zoned parcel will also be used to grow hops, which are a key ingredient in brewing beer.

Impact on the surrounding community will be positive. The existing farming operation will remain as is with a minimal traffic impact from the brewery operation. Inbound trucks (53') will deliver brewing supplies (mainly grains) about once every two weeks. Finished beer will be driven off-premise weekly to the beer distributor in a medium sized truck. During normal operation of the brewery from 8am to 8pm, at most 5-10 employees will be working on a daily basis, and there will be minimal noise and odor impact to the surrounding community. On Friday evenings, Saturday, and Sunday of each week, the brewery will host tours available to the public. Attendance of about 50-75 people with 30-50 cars at any one time is anticipated during tour hours. Hours for these tours will not interfere with any school or church traffic in the surrounding communities. Overall, the combined and synergistic farm and brewery will be a showcase of craft artisan food and beer that Gwinnett County and Loganville can be proud of.

Special events will occasionally be held in the new buildings on the M-1 zoned parcel. Typical events would be a wedding on the portion of the property zoned RA-200 (near the farm fields) and then subsequent reception at the brewery building in the M-1 zoned parcel. Sandage and Rosslow have extensive experience in this area; as the Wrecking Bar Brewpub has a large event space. Valet and off-duty police officers will be used to ensure safe and proper flow of vehicle and pedestrian traffic for up to 200 cars.

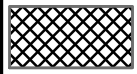
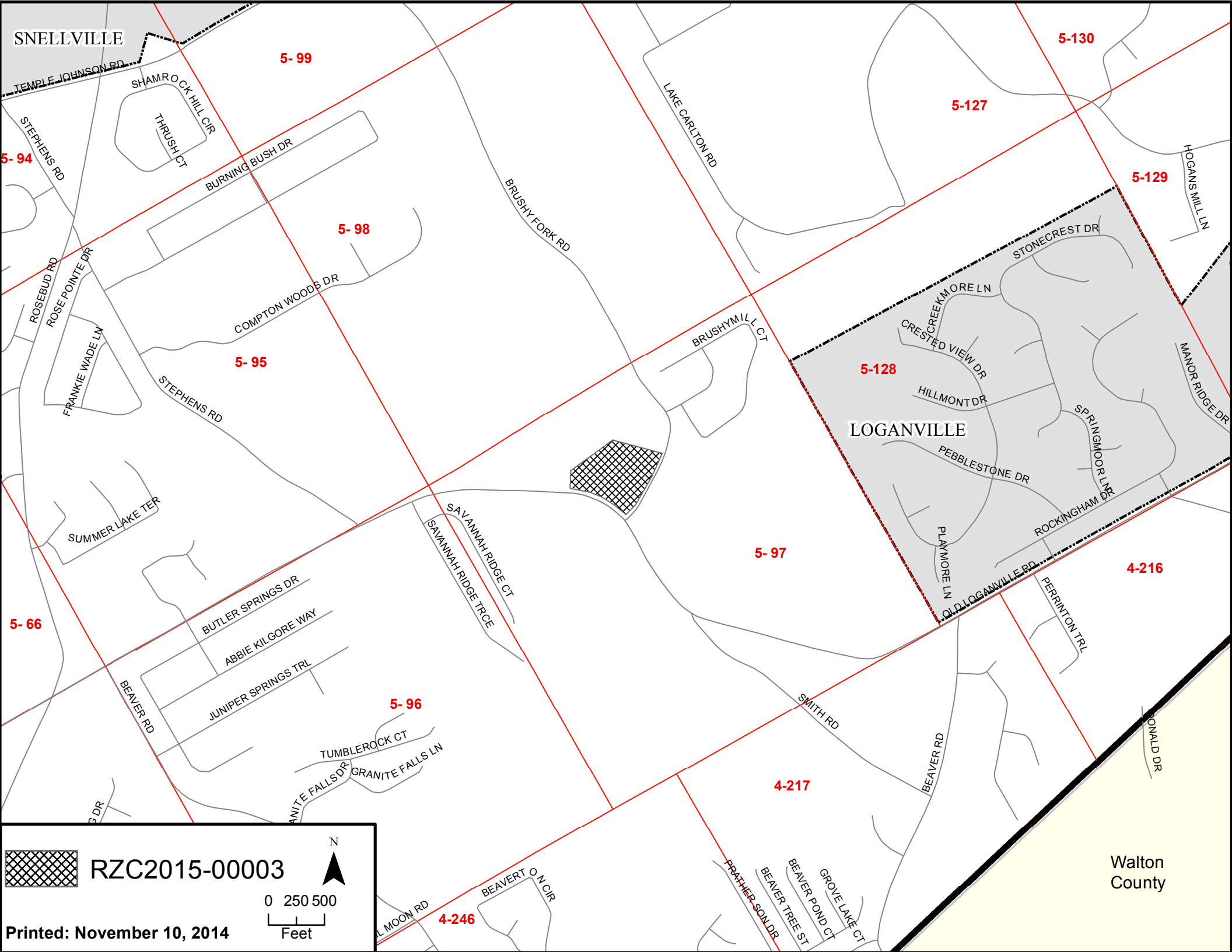
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Planning & Development

SNELLVILLE



RZC2015-00003



0 250 500  
Feet

Printed: November 10, 2014

Walton County



TOTAL  
±21.49 ACRES

DORIS GRIFFIN  
N/F  
DB 16651, PG 12

459.61' N48°19'21"E  
20' SEWER EASEMENT

478.22' S73°15'07"E

100'  
BUFFER

18" CMP

44

43

42

PCOB  
PB. 90

KEYN

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O-I to M-1

APPROXIMATE  
±2.78 ACRES  
OUT OF FLOOD

ASPHALT PAVING

BARN

WM

300.12' S27°36'51"W

GRAVEL DRIVE

APPROXIMATE  
±0.27 ACRES  
OUT OF FLOOD

GRAVEL  
AREA  
AT  
PARKING

TEMP.  
SLOPE  
EASEMENT

RCP  
CULVERT

TEMP.  
SLOPE  
EASEMENT

WINNETT COUNTY  
D.O.T. PROJECT #9330  
INTERSECTION IMPROVEMENTS

±2.29 ACRES  
C-1

P.O.B.

18" RCP

18" RCP WM

PERMANENT  
D.E.

20' S.S.E.

150' IM

31 RECORDING APPLICATION  
No. 1105001/1105001

This drawing is the property of the engineer and shall not be reproduced, copied, or used in any other project without the written consent of the engineer. The engineer's name and seal shall be placed on all reproductions of this drawing. James P. Hines, P.E.

SC  
S

Project No. 1407

Date 11.07.11

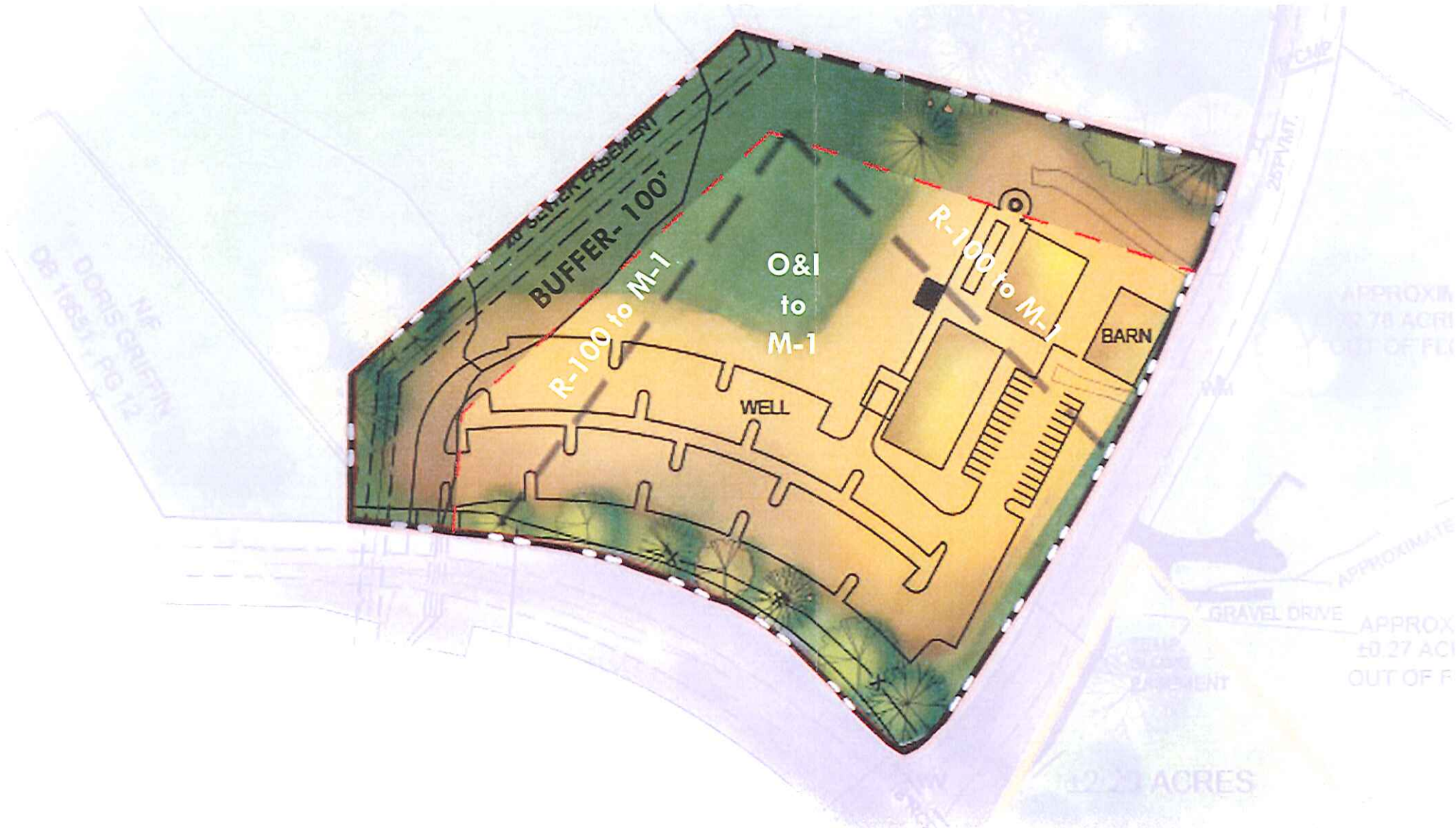
Scale 1/16" = 1'

A,1

SITE PLAN

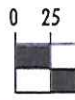
THIS SITE PLAN BASED ON A SURVEY BY BARTON SURVEYING, INC. DATED AUGUST 29, 2005

1" = 50'-0"

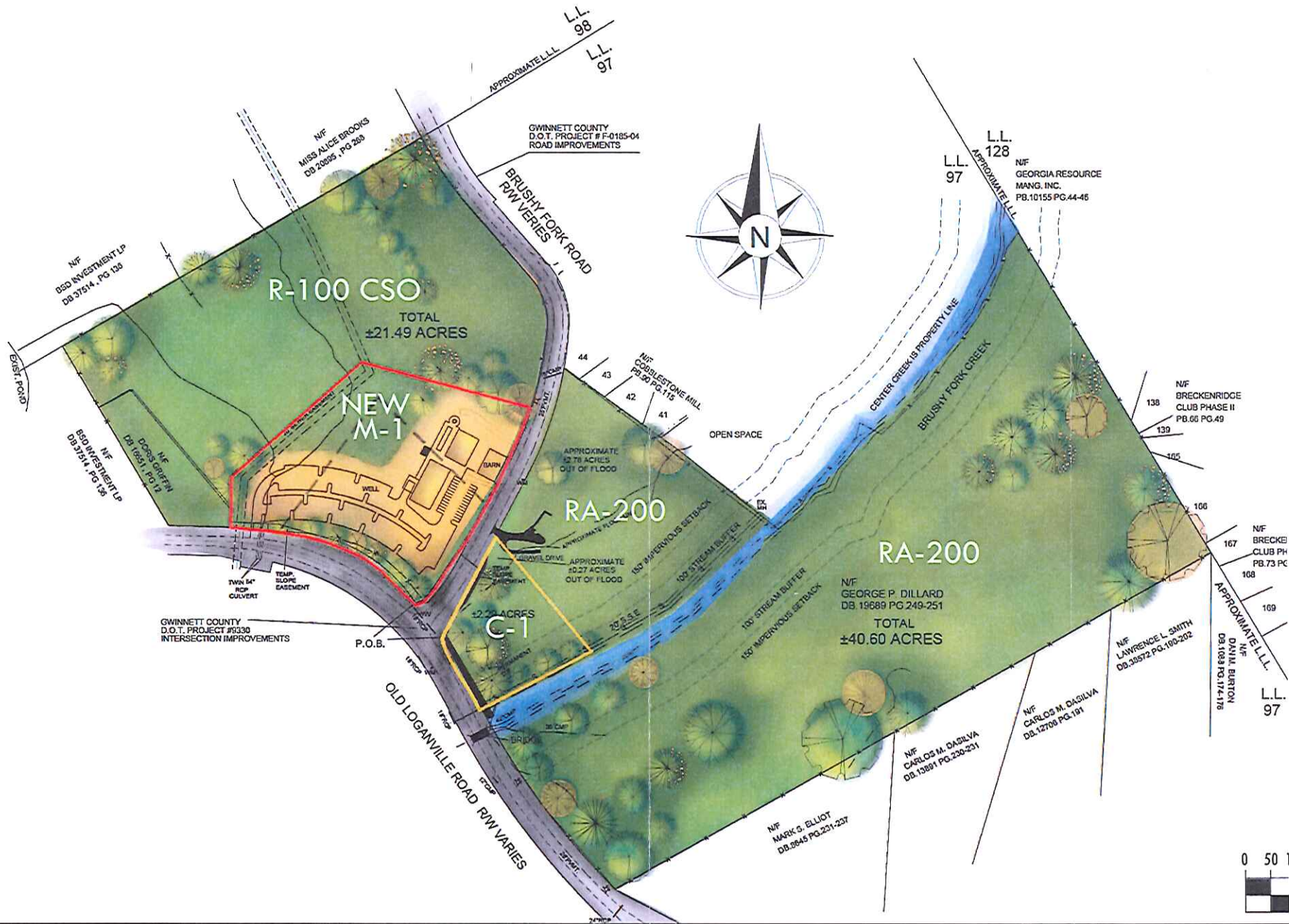


# WRECKING BARN BREWERY

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



JON



# WRECKING BARN BREWERY

SITE MASTER PLAN SCALE: 1"=200'-0"



JON



# WRECKING BARN BREWERY

RENDERING- SPECIAL EVENT

JON



# WRECKING BARN BREWERY

RENDERING- ENTRY

JON



BRUSHY FORK RD

OLD LOGANVILLE RD

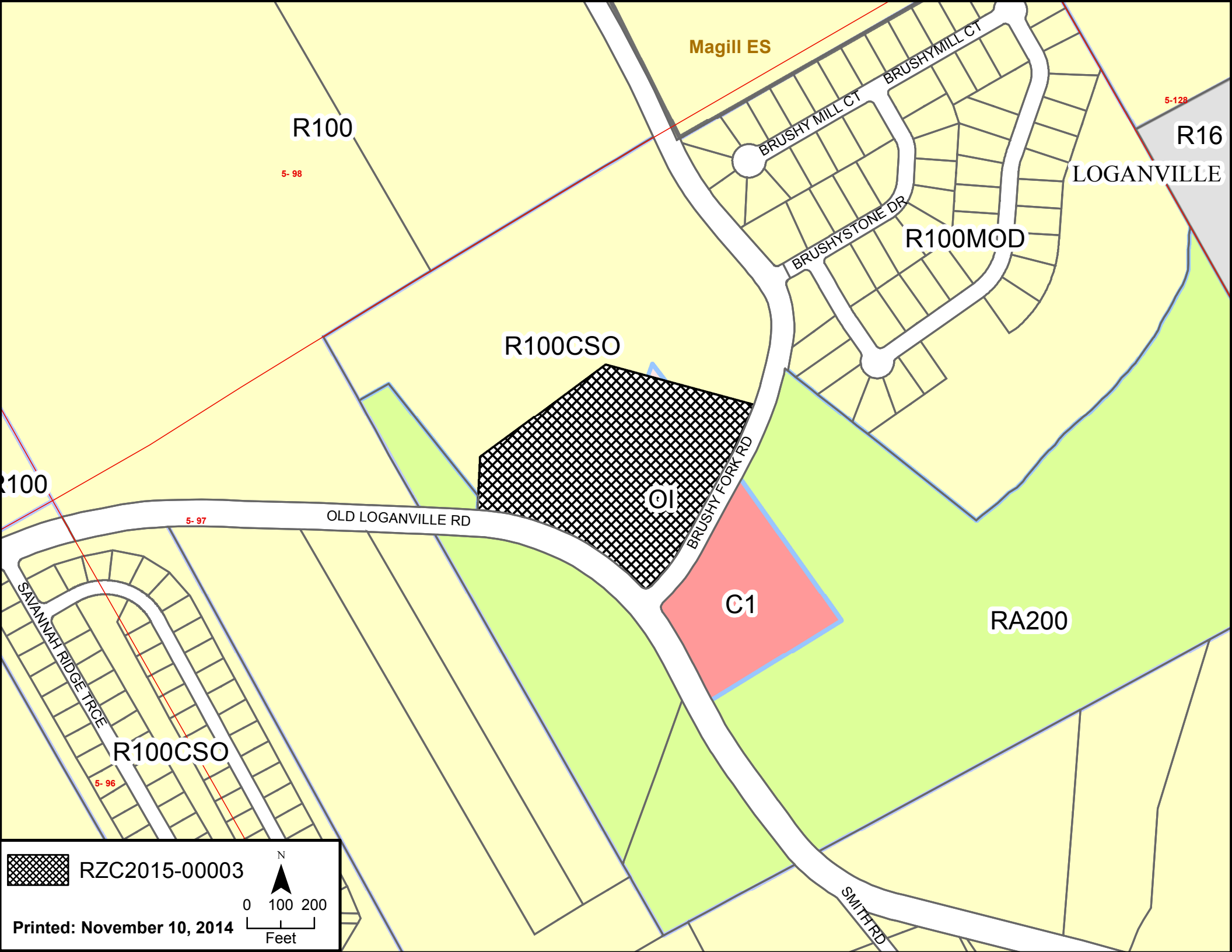


RZC2015-00003



0 25 50  
Feet

Printed: November 10, 2014



R100

5-98

Magill ES

5-128

R16

LOGANVILLE

R100MOD

R100CSO

R100

5-97

OLD LOGANVILLE RD

Ol

BRUSHY FORK RD

C1


RA200

SAVANNAH RIDGE TRCE

R100CSO

5-96

SMITHER RD

 RZC2015-00003

Printed: November 10, 2014

0 100 200  
Feet

N

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

CASE NUMBER :**RZC2015-00004**  
ZONING CHANGE :C-2 TO M-1  
LOCATION 400 BLOCK OF HORIZON DRIVE  
MAP NUMBER :R7172 009  
ACREAGE :15.10 ACRES  
SQUARE FEET :160,000 SQUARE FEET  
PROPOSED DEVELOPMENT :OFFICE / WAREHOUSE (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: TAYLOR & MATHIS PROPERTIES IV, LLC  
C/O MAHAFFEY, PICKENS, TUCKER, LLP  
1550 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACT: JEFFREY R. MAHAFFEY                      PHONE: 770.232.0000

OWNER:        POINTEBRAND, LLC  
C/O MAHAFFEY, PICKENS, TUCKER, LLP  
1550 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests the rezoning of a 15.10-acre parcel from C-2 (General Business District) to M-1 (Light Industry District) for the development of a light industrial office/warehouse facility. The subject property is located at the dead-end of Horizon Drive, adjacent to the city limits of Suwanee.

In 2007, the subject property was part of a larger parcel assemblage, consisting of approximately 165 acres, which was rezoned to R-ZT and C-2, pursuant to RZR-06-051, RZM-06-007 and RZC-07-005, for the development of a mixed-use project, which included commercial, office and residential uses. However, the development was never initiated and site has remained undeveloped.

The submitted site plan indicates the development would consist of a single office/warehouse building, totaling approximately 140,000 to 160,000 square feet, along with associated parking, driveways and truck loading docks. The site also includes a 100-foot wide Georgia Power Company easement being located along the southern property line, separating the site from Rock Springs Park and Arden Ridge subdivision. An existing sediment pond is located within

the southeast portion of the site, with access being provided through a 20-foot access easement extending from the proposed Horizon Drive road extension.

A 75-foot stream buffer and impervious surface setback are shown along a stream which forms the eastern property line. The stream and its natural buffers would include the required 75-foot zoning buffer where the truck loading docks face residential property to the east. A 50-foot zoning buffer is required along the southern property line, adjacent to Rock Springs Park, which the applicant proposes to reduce to 20-feet.

#### ZONING HISTORY:

In 1970, the subject property was zoned R-100 (Single Family Residence District). In 2000, the property was rezoned to M-1, pursuant to RZ-00-085. The property was rezoned to C-2 in 2007, pursuant to RZC-07-005.

#### GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The Development would be served by sanitary sewer, resulting in minimal impact.

#### WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

#### OPEN SPACE AND GREENWAY MASTER PLAN:

No comment.

#### DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Protection (Chapter 620 of the Unified Development Ordinance) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 610-20.3 of the Unified Development Ordinance requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Chapter 240 of the Unified Development Ordinance.

Parking spaces shall be provided at a ratio of:

One space per 2,500 square feet (minimum).

One space per 750 square feet (maximum).

Section 900-90 of the Unified Development Ordinance requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

A minimum 35-foot building setback is required from the right-of-way of Horizon Drive.

Section 610-20.4B of the Unified Development Ordinance requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 800-20 of the Unified Development Ordinance requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Section 700-40.1B of the Unified Development Ordinance requires that the lowest floor including the basement, of all non-residential building be constructed at an elevation of at least one foot above the 100-year floodplain.

#### STORMWATER REVIEW SECTION COMMENTS:

The property appears to contain stream buffers. The proposed conceptual plan may require revision to show the appropriate stream buffer area.

All storm water best management practices will be applicable upon development permit issuance.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Horizon Drive is a Local Non-Residential Street and right-of-way dedication matching the existing Horizon Drive shall be required.

Commercial entrances shall be provided to the site per the Unified Development Ordinance.

Prior to the issuance of a Development Permit, a sight distance certification shall be provided.

The number and locations of driveways are subject to Gwinnett County D.O.T. approval.

Parking is not permissible within the right-of-way of Horizon Drive.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the northern right-of-way of Horizon Drive.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 230 feet east of the property in the right-of-way of Dogwood Hollow Lane, and an 8-inch sanitary sewer main located approximately 400 feet south of the property, and approximately 250 feet southwest of parcel 7149 010A on the right-of-way of Arden Ridge Terrace.

The subject development is located within the Patterson and Suwanee Creek service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2012 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.
4. Architectural design of the proposed building shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category I.
5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at 678.518.6000 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

Fire Plan Review has no objection to the request under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

**DEPARTMENT ANALYSIS:**

The subject property is a 15.10-acre tract located at the dead-end of Horizon Drive, on the south side of Interstate 85 near its interchange with Interstate 985. The site is vacant and has been graded in the past. Wooded areas have begun to reestablish, and a tributary of Ivy Creek forms the eastern boundary of the subject property.

The 2030 Unified Plan Future Development Map indicates that the property lies within the Preferred Office Character Area. Although the proposed warehouse/distribution activities may not be strictly consistent with recommendations of the Unified Plan, the proposed office activities within the development could be consistent with these recommendations for Preferred Office. The requested light industrial zoning could be suitable in view of the adjacent light industrial development along Horizon Drive, and could be a logical extension of that existing business park.

The subject property is surrounded by various uses including office/warehouse buildings along Horizon Drive, located within the city limits of Suwanee. Arden Ridge subdivision and Rock Springs Park (Gwinnett County Park Facility) are located to the south. The area immediately to the east of the subject property was zoned to R-ZT along with the subject tract in 2007, and has remained undeveloped since that time. The property is largely separated from developed residential areas both by the County Park and the undeveloped R-ZT property. With appropriate conditions including architectural and landscaping controls, the proposed light industrial use could be compatible with the surrounding area and consistent with similar industrial land uses along Horizon Drive adjacent to the south.

It is noted that the original M-I conditions of zoning established in 2000 (RZ-00-085; see attached) included increased tree density requirements, increased buffers and setbacks adjacent to residentially-zoned properties and limitations on project access. As these conditions were designed to ensure compatibility with the area, and were crafted with input from the community, several of these conditions have been incorporated into the staff's recommended conditions for this request.

In conclusion, the requested M-I zoning with proper conditions could be consistent with office/warehouse development adjacent to the south, and is consistent with recommendations of the Unified Plan for supporting office development. The site is separated from established residential areas, further suggesting that the rezoning could be suitable. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as M-I subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Office, office/warehouse/distribution, light manufacturing and accessory uses.  
The following uses shall be prohibited:
    - Aircraft landing pads
    - Recovered materials processing facilities
    - Truck terminals
    - Wood chipping and shredding
    - Yard trimmings composting facilities
  - B. The development shall be in general accordance with the submitted site plan. Variations from the plan shall be subject to review and approval by the Director of Planning and Development.
  - C. Buildings shall be finished with architectural treatments of glass and/or brick, textured architectural precast concrete or stone. Architectural renderings shall be submitted for review and approval of the Director of Planning and Development prior to issuance of building permits.
  - D. Outdoor storage of equipment or materials shall be prohibited.
2. To satisfy the following site development considerations:
  - A. Provide a 100-foot wide natural, undisturbed buffer adjacent to all residentially-zoned property. Along the southern property line the buffer shall be 50 feet in width and located outside of the Georgia Power Company easement. Where sparsely vegetated, buffers shall be enhanced with a double staggered row of evergreens eight feet on center. Trees shall be a minimum of six feet in height at the time of planting.
  - B. Provide a minimum 150-foot building setback adjacent to all residentially zoned property.
  - C. Provide a minimum 40-foot wide landscaped strip adjacent to Horizon Drive, planted with a double row of trees matching the frontage landscaping of the adjacent office/warehouse to the west.
  - D. Provide, at a minimum, 20 Tree Density Units per acre. Plantings shall be in compliance with UDO requirements. Landscape plans shall be submitted for review and approval by the Director of Planning and Development.

- E. Dumpsters shall be screened by a 100% opaque masonry wall with an opaque metal gate enclosure. Dumpster pickup shall be between the hours of 7:00 a.m. and 7:00 p.m.
  - F. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or rights-of-way.
  - G. Outdoor loudspeakers shall be prohibited.
  - H. Provide interparcel access throughout the site.
  - I. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign(s) shall include a minimum two-foot high brick or stacked stone base, and the sign cabinet shall be fully surrounded by the same materials, matching the building's architectural treatments.
  - J. Billboards or oversized signs shall be prohibited.
3. To abide by the following requirements, dedications, and improvements:
- A. Design required stormwater detention facilities such that they are not located within any required landscaped strips or buffers.
  - B. At no cost to Gwinnet County, dedicate 80 feet of right-of-way, design and construct the extension of Horizon Drive across the entire property frontage. Design and specifications shall be subject to review and approval of the Gwinnett Department of Transportation.
  - C. Sole project access shall be via commercial driveway cuts onto the extension of Horizon Drive. The number, locations and design of all driveways shall be subject to Gwinnett County Department of Transportation review and approval.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The property is adjacent to an office/warehouse development within the city limits of Suwanee, and would function as an expansion of that existing industrial zoning. With the recommended conditions designed to afford protection to the surrounding area, the proposed rezoning and use could be suitable at this location.

ADVERSE IMPACTS

With the recommended conditions, potential impacts could be minimized on adjacent or nearby properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

An increase in traffic, utility demand, and storm water run-off would be anticipated from development of the property as proposed.

CONFORMITY WITH POLICIES

The proposed development could serve as a logical extension of the business park located adjacent to the southwest and could be compatible with light industrial land uses in the area. The proposed development could be consistent with adopted policies within the 2030 Unified Plan Future Development Map, which recommends attracting high-quality businesses in areas with adequate infrastructure.

CONDITIONS AFFECTING ZONING

The subject property was zoned M-I from 2000 to 2007. As such, rezoning the property back to M-I could be suitable; however, certain conditions attached to the original 2000 rezoning should be included in this case to provide for compatibility of the development with the area.

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

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

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

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

Please see attached.

---

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

Please see attached.

---

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

Please see attached.

---

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

Please see attached.

---

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

Please see attached.

---

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

Please see attached.

---

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RZC '15 004

## STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, the proposed Rezoning will permit a use that is suitable in light of the use and development of adjacent and nearby property. As mentioned in the Letter of Intent filed herewith, the subject property is surrounded by properties zoned M-1 along Horizon Drive and is adjacent to the Horizon Technology and Distribution Park. The proposed rezoning is compatible with the zonings and uses currently in effect or contemplated for adjacent and nearby properties.
- (B) No, the proposed Rezoning will not adversely affect the existing use or usability of adjacent or nearby property but, to the contrary, will be compatible and consistent with such uses as currently exist or as are contemplated in the future.
- (C) No, the property which is the subject of this proposed Rezoning has limited reasonable economic use as zoned for C-2 uses in light of the adjacent and surrounding properties zoned for light industrial uses.
- (D) No, the proposed Rezoning will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The transportation network in this area has been improved greatly in the last few years and is capable of handling any traffic to be generated by the development of this property under the proposed Rezoning.
- (E) Yes. The proposed rezoning to M-1 is in conformity with the intent of the Land Use Plan in that it provides a use consistent with nearby properties in close proximity to economic centers and regional accessibility. Also, the subject tract is adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property.
- (F) Yes, the existing zonings of adjacent and nearby properties, along with the fact that the subject tract is located near a major interstate give additional supporting grounds for the approval of the requested rezoning.

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Matthew P. Benson  
Alissa L. Cummo  
Kelly O. Faber  
J. David Gussio  
Amanda F. Henningsen  
Christopher D. Holbrook  
Gerald Davidson, Jr.\*  
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Joshua P. Johnson  
Jeffrey R. Mahaffey  
Steven A. Pickens  
Andrew D. Stancil  
Kenneth W. Stroud  
R. Lee Tucker, Jr.  
Wesley C. Turner  
\*of Counsel

**LETTER OF INTENT FOR**  
**REZONING APPLICATION OF TAYLOR & MATHIS IV, LLC**

Mahaffey Pickens Tucker, LLP submits this Rezoning Application, on behalf of Taylor & Mathis IV, LLC, for the purpose of rezoning an approximate 15.1 acre tract (hereinafter, the "Property") located on Horizon Drive and adjacent to Interstate 85 to the M-1 zoning classification. The Property is currently zoned C-2. In its current state, the use and development of the Property as C-2 is not the highest and best use. As stated in the Rezoning Application, the Applicant intends to develop the Property for light industrial and/or office warehouse uses. Additionally, the Applicant anticipates construction of a building ranging from 140,000 square feet to 160,000 square feet on the Property. It is also anticipated that the building will accommodate one (1) or two (2) tenants, but will have the capacity to hold up to four (4) tenants. The expected tenant mix of the development will be warehouse/distribution with a possible light manufacturing component.

The Applicant respectfully submits that the proposed development will conform to the Gwinnett County 2030 Unified Plan and will be compatible with adjacent properties. The Applicant submits that the proposed rezoning would not impose any additional burdens on the transportation network. The Applicant further submits that the operation of the Property as a commercial building under the guidelines of Gwinnett County is appropriate for the subject tract,

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

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FACSIMILE 678 518 6880

[www.mptlawfirm.com](http://www.mptlawfirm.com)

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is consistent with the surrounding property and will afford the owner the opportunity to increase the number of allowed uses on site so as to provide a needed amenity for the surrounding area.

The Applicant welcomes the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

This 3<sup>rd</sup> day of November, 2014.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



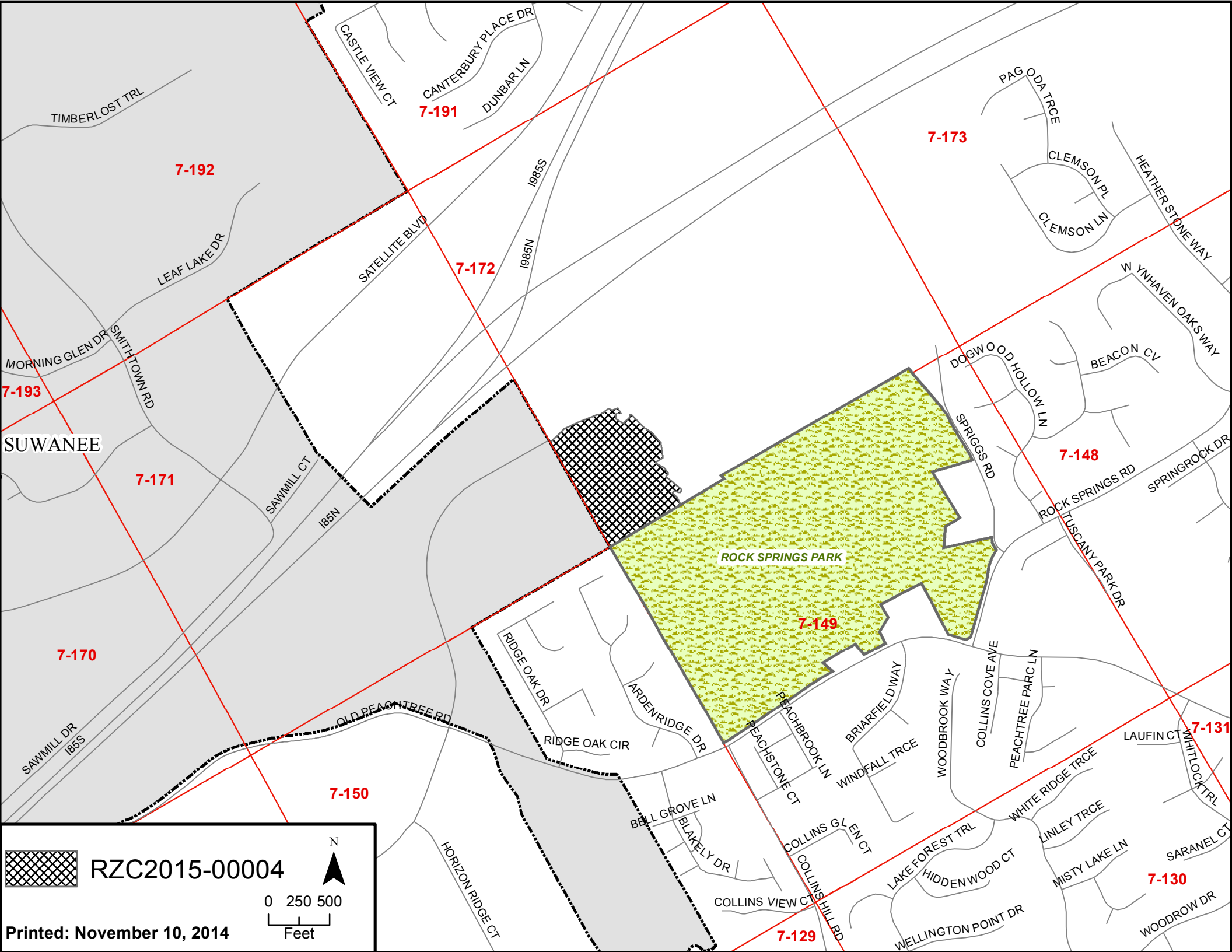
Jeffrey R. Mahaffey  
Attorney for Applicant


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Printed: November 10, 2014

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7-129

TIMBERLOST TRL

CASTLE VIEW CT

CANTERBURY PLACE DR  
DUNBAR LN

LEAF LAKE DR

SATELLITE BLVD

1985S  
1985N

PAG ODA TRCE

CLEMSON PL  
CLEMSON LN

HEATHER STONE WAY

MORNING GLEN DR  
SMIT TOWN RD

SUWANEE

SAWMILL CT  
185N

DOGWOOD HOLLOW LN

BEACON CV

W YNHAVEN OAKS WAY

SPRINGCROCK DR

ROCK SPRINGS RD  
TUSCANY PARK DR

SPRIGGS RD

SAWMILL DR  
185S

OLD PEACHTREE RD

RIDGE OAK DR

ARDENRIDGE DR

RIDGE OAK CIR

BELL GROVE LN

BLAKELY DR

HORIZON RIDGE CT

PEACHBROOK LN

BRIARFIELD WAY

WOODBROOK WAY

COLLINS COVE AVE

PEACHTREE PARC LN

LAUFIN CT  
WHITLOCK TRL

COLLINS GLEN CT

LAKE FOREST TRL

WHITE RIDGE TRCE

LINLEY TRCE

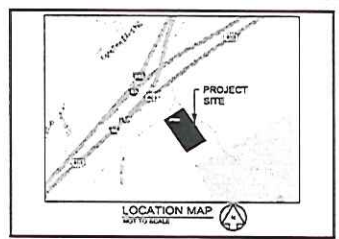
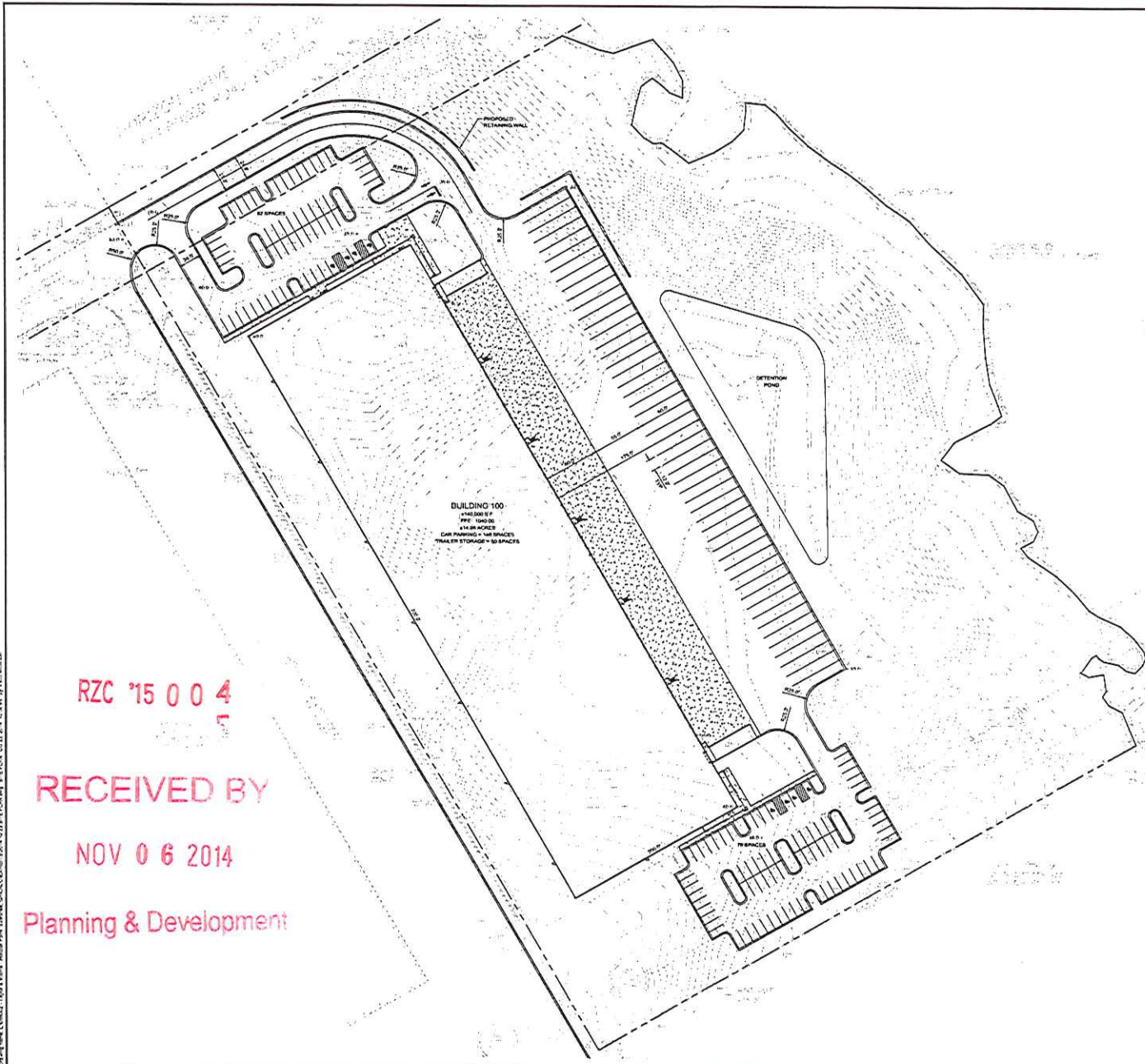
SARANEL CT

WELLINGTON POINT DR

WOODROW DR

COLLINS VIEW CT

COLLINS HILL RD



**SITE SUMMARY**

<b>SITE AREA</b>	
SITE AREA	14.8 ACRES
IMPERVIOUS AREA	== 89 ACRES
PERVIOUS AREA	== 59 ACRES
<b>ZONING CLASSIFICATION</b>	
ARRISSION	OWENETT COUNTY
ZONING	G2
ADJACENT ZONING	R2T & M1 (SUNSHINE)
<b>BUILDING SETBACKS</b>	
FRONT	15'
REAR	30'
<b>BUILDING SUMMARY</b>	
BUILDING AREA	146,000 S.F.
BUILDING COVERAGE	21.4%
<b>PARKING SUMMARY</b>	
PARKING REQ.	1 SPACE/10,000 S.F. (MAX) 150 SPACES
	1 SPACE/5,000 S.F. (MAX) 300 SPACES
PARKING PROVIDED	147 SPACES/1,000,000 S.F.
	147 SPACES
STANDARD STALL DIMENSIONS	12' x 18'
MIN. DRIVE WIDTH	30'

**GENERAL SITE NOTES:**

- 1) ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS SPECIFIED OTHERWISE.
- 2) ALL TREES SHALL HAVE PROPER PROTECTION DURING CONSTRUCTION UNLESS APPROVED PLANS INDICATE OTHERWISE.
- 3) FLOOD PLAIN IS NOT PRESENT ON THIS SITE. AS SHOWN ON THE FEMA FIRM MAP NUMBERS 13130C03A & 13130C03B, DATED MARCH 2013 & SEPTEMBER 20, 2009.
- 4) 2 HANDICAP SPACE IS REQUIRED TO BE MAN ACCESSIBLE WITH A MINIMUM 8' WIDE ACCESS AREA.
- 5) ACCESSIBLE PARKING AREAS, INCLUDING AISLES, SHALL SLOPE NO MORE THAN 2% IN ANY DIRECTION.
- 6) THE OWNER IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AGENT AGREEMENTS FROM ADJACENT PROPERTY OWNERS IN ORDER TO PERFORM THE REQUIRED OFF-SITE WORK, INCLUDING STORM DRAINAGE, CURB AND GUTTER AND PAVEMENT TIE-INS AND GRADING.
- 7) REFERENCE ARCH PLANS FOR DIRECTIONAL SIGNAGE, SITE SIGNAGE, BUILDING DIMENSIONS, ETC.

**LEICRAW ENGINEERING**  
 8741 ALLEGRA EXPANDED, INC.  
 1100 STATE ROAD 100  
 SUITE 100  
 FLORENCE, SC 29506  
 PHONE: 843.781.8111  
 WWW.LEICRAWENGINEERING.COM  
 PROJECT # 15-004

DATE	11/06/14
BY	ML
SCALE	AS SHOWN
PROJECT	BUILDING 100 - HORIZON POINTE
LOCATION	LAND LOT 112 & 113, DISTRICT 17, SUMNER, OWENETT COUNTY, GEORGIA

**CLIENT**  
 TAYLOR & MATHIS, INC.  
 245 TOWNHALL CIRCLE - SUITE 205 - ANDERSON, SC 29614

**PROJECT**  
 BUILDING 100 - HORIZON POINTE  
 LAND LOT 112 & 113, DISTRICT 17, SUMNER, OWENETT COUNTY, GEORGIA

SEAL

**DESIGN TEAM:**  
 DRAWN BY: MAT  
 DESIGNED BY: MAT  
 REVIEWED BY: ML

**811**  
 Know what's below.  
 Call before you dig.

**SCALE & NORTH ARROW:**

SCALE: 1"=30'

DATE: 11/06/14

**SITE PLAN**  
 PS-2

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HORIZON DR

**ROCK SPRINGS PARK**

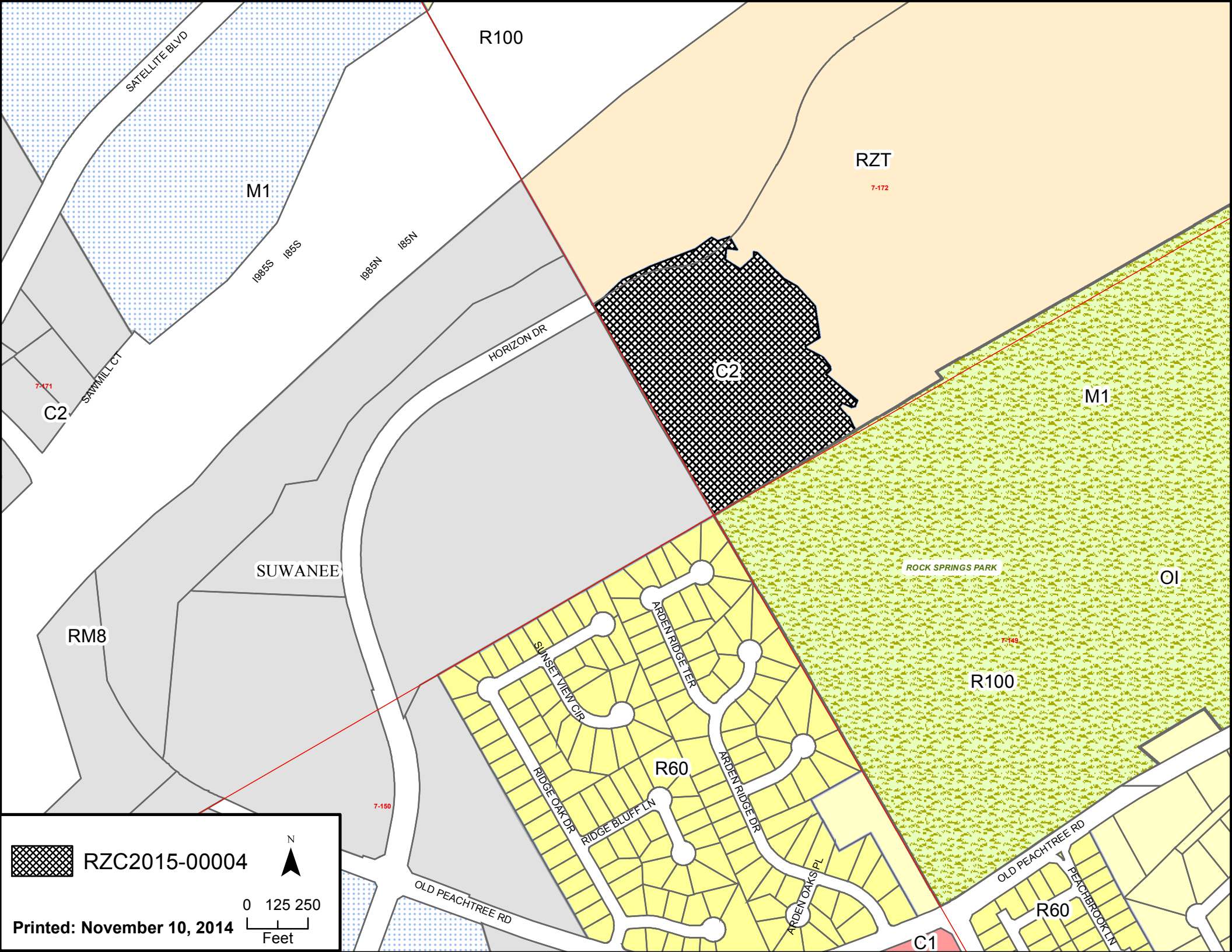


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R100

RZT

M1

C2

C2

M1

SUWANEE


RM8

ROCK SPRINGS PARK

OI

R100

R60

 RZC2015-00004



0 125 250  
Feet

Printed: November 10, 2014

7-149

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7-150

7-171

C1

R60

OLD PEACHTREE RD

OLD PEACHTREE RD

FEACHBROOK LN

ARDEN OAKS PL

ARDEN RIDGE DR

ARDEN RIDGE TER

SUNSET VIEW CIR

RIDGE BLUFF LN

RIDGE OAK DR

SATELLITE BLVD

SPRINGMILL CT

1985S 185S

1985N 185N

HORIZON DR

**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING AND SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER :**RZR2015-00001**  
ZONING CHANGE :R-100 TO RA-200  
LOCATION :4100 BLOCK OF ANDERSON-LIVSEY LANE  
MAP NUMBER :R6005 005  
ACREAGE :3.68 ACRES  
PROPOSED DEVELOPMENT :AGRICULTURAL USES (ON-SITE FARMERS MARKET)  
COMMISSION DISTRICT :(3) HUNTER

CASE NUMBER :**SUP2015-00002**  
ZONING :RA-200 (PROPOSED)  
LOCATION :4100 BLOCK OF ANDERSON-LIVSEY LANE  
MAP NUMBER :R6005 005  
ACREAGE :3.68 ACRES  
SQUARE FEET :2,400 SQUARE FEET  
PROPOSED DEVELOPMENT :SPECIAL EVENTS FACILITY  
COMMISSION DISTRICT :(3) HUNTER

FUTURE DEVELOPMENT MAP: **EXISTING/EMERGING SUBURBAN**

APPLICANT: GEORGE HIGH  
4108 ANDERSON-LIVSEY LANE  
SNELLVILLE, GA 30039

CONTACT: GEORGE HIGH PHONE: 770.982.1297

OWNER: GEORGE HIGH  
4108 ANDERSON-LIVSEY LANE  
SNELLVILLE, GA 30039

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests rezoning of an 3.68 acre property from R-100 (Single Family Residence District) to RA-200 (Agriculture Residence District) for an on-site farmers market, and a Special Use Permit to allow special events to be held in conjunction with the agricultural activities. The subject property is located on the eastern side of Anderson-Livsey Lane, north of its intersection of Castle Gate Drive. The property is developed with several buildings including; a single family dwelling, a barn, several sheds, chicken coop, former produce stand, orchards and muscadine vineyard. Access is by two residential driveways onto Anderson Livsey Lane.

The applicant's letter of intent requests the rezoning and special use permit to use the property for the following: a commercial farm to grow organic crops, farmer's market for on-site

produce sales, and a special events facility. The applicant further indicates that the property was previously used as Mason's Plant Nursery and You-Pick Farm.

The site plan proposes to preserve the existing 932 square foot one story frame house, 1488 square foot barn and the 800 square foot former produce stand, with plans to restore or rebuild these structures. A 2,160 square foot high greenhouse tunnel is proposed to be used to grow organic crops and would be located to the rear of the property. A 361 square foot existing shed along the front of the property is proposed to be used for the farm office. The proposed farmer's market would be located inside the existing 800 square foot building which was previous used as a produce stand, located at the front of the property. Staff notes, some of the existing structures may require a building code compliance inspection, which would outline necessary code related repairs and upgrades for the proposed change in use and occupancy.

The requested Special Use Permit for a special events facility would be used for community gatherings and farm business functions. The proposed special events hall would be located within a proposed new 2,400 square foot building that would be the same style and color in appearance as the existing wood frame house. The hall would be located in the front of the property adjacent to the existing wood frame house. The applicant has not indicated how many anticipated guest would be utilizing the event space, how often or during what hours these events would take place. The letter of intent states that an existing 20 foot by 60 foot asphalt pad would provide parking for the property along with six additional parking spaces shown on the site plan provided.

#### ZONING HISTORY:

In 1970, the subject property was zoned RA-200. In 1973, the property was rezoned to R-100 per an areawide rezoning.

#### GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

#### WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

#### OPEN SPACE AND GREENWAY MATER PLAN:

No comment.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Protection (Chapter 620 of the Unified Development Ordinance) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 610-20.3 of the Unified Development Ordinance requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Chapter 240 of the Unified Development Ordinance.

A minimum of 35-foot building setback is required from the right-of-way of Anderson-Livsey Lane.

The required front and side setback of 35 feet appears to not be met. The applicant must either review the site plan, or seek a Variance from the Zoning Board of Appeals.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 800-20 of the Unified Development Ordinance requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Section 700-40.1A of the Unified Development Ordinance requires that the lowest floor, including the basement, of all residential building be constructed at an elevation of at least three feet above the 100-year floodplain.

Section 700-40.1B of the Unified Development Ordinance requires that the lowest floor including the basement, of all non-residential building be constructed at an elevation of at least one foot above the 100-year floodplain.

STORMWATER REVIEW SECTION COMMENTS:

All storm water best management practices will be applicable upon development permit issuance.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Anderson-Livsey Lane is a Local Street, and 30 feet of right-of-way is required from the centerline.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Contact GCEHD regarding septic system requirements for the proposed use.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 6-inch water main located on the western right-of-way of Anderson-Livsey Lane.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 925 feet south of the property in the right-of-way of Round Stone Trail.

The subject development is located within the Norris Lake service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design, construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2012 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.
4. Architectural design of the proposed building shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category 3.
5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at (678) 518-6000 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

Fire Plan Review has no objection to the request under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

## DEPARTMENT ANALYSIS:

The subject site is a 3.68-acre property located on the eastern side of Anderson-Livsey Lane, north of its intersection of Castle Gate Drive. The property is developed with several buildings including: a single family dwelling, a barn, several sheds, chicken coop, former produce stand and muscadine vineyard.

The 2030 Unified Plan Future Development Map indicates the property lies within an Existing/Emerging Suburban Character Area. The Existing/Emerging Character Area encourages single family residential uses; although the agricultural nature of the uses proposed by the applicant may not be strictly consistent with a single family use, the property's prior use with agricultural-related activities could provide supporting grounds for the request. Also, the Board has approved other similar small-scale agricultural uses within the county in residential areas. The request could bring the existing agricultural buildings and uses on the site into compliance with the Unified Development Ordinance. If properly conditioned and limited to appropriate activities, the Special Events Facility may also be suitable at this location.

The subject property is located in an area characterized by single-family residential subdivisions and institutional uses. Adjoining the subject tract to the north, east and south are single family homes zoned R-100. To the west, across Anderson-Livsey Lane is a wooded lot. The Future Centerville Park site and Future Gwinnett County Public School are located across Centerville Highway to the west, in RA-200 zoning. With appropriate conditions, a family farm, farmer's market and small events facility could be compatible with residential developments in the area. Conditions restricting the hours of operation, outdoor lighting and loudspeakers could also help to ensure land use compatibility.

In conclusion, the requested rezoning and Special Use Permit may be suitable in light of the similar intensity of use to the previous use of the property and with appropriate conditions it could be compatible with the existing residential uses of the surrounding area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

PLANNING AND DEVELOPMENT  
RECOMMENDED CONDITIONS

Approval as RA-200 with a Special Use Permit for a Special Event facility, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Agricultural, single family residential and accessory uses, which may include a special events facility as a special use. Special events shall be limited to agriculture-oriented functions, private parties and gatherings.
  - B. Obtain all necessary development and building permits, and bring the site and building up to all applicable development and building codes prior to commencement of business operations.
  - C. Any new construction shall be compatible with the architectural style of the existing buildings, and shall be subject to the review and approval of the Director of Planning and Development. This condition does not apply to general exterior maintenance or interior renovation of the existing buildings.
  - D. Guests shall be limited to no more than 30 (subject to fire code limitations) at any one time.
  - E. Special event hours of operation shall be limited to between 8 a.m. and 9 p.m., Monday through Saturday.
  - F. Event parking shall be restricted to designated parking areas only. No parking shall be allowed within the Anderson-Livsey Lane right-of-way.
2. To satisfy the following site development considerations:
  - A. No temporary tents, canopies or portable buildings shall be allowed on the site except that a single tent or canopy may be erected in the side or rear yard of the existing house on Friday, Saturday or Sunday for a duration not to exceed 48 hours.
  - B. No portable buildings or portable toilets shall be allowed.
  - C. Dumpsters shall be screened by a 100% opaque fence or wall. Hours of pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
  - D. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into nearby properties or rights-of-way.
  - E. No outdoor loudspeakers shall be allowed.

- F. Ground signs shall be limited to a single, externally-illuminated sign, not exceed 5-feet in height. Sign materials and appearance shall be subject to the review and approval of the Director of Planning and Development.
- G. No streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- H. Owner shall repaint or repair any graffiti or vandalism that occurs that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

A family farm, small farmer's market and special events facility could be considered consistent with the land use pattern of the surrounding area which contains single family residential uses and properties zoned RA-200.

ADVERSE IMPACTS

With the recommended conditions, any adverse impacts upon adjacent and nearby properties could be reduced.

REASONABLE ECONOMIC USE AS CURRENTLY ZONED

The subject property has a reasonable economic use as zoned.

IMPACT ON PUBLIC FACILITIES

The uses could be expected to increase traffic, stormwater runoff and utility demand.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property lies within an Existing/Emerging Suburban Character Area. The property had been zoned RA-200 many years ago, and functioned as a similar use in the past, suggesting the requests may be suitable.

CONDITIONS AFFECTING ZONING

The property's operation in the past as a plant nursery for several years without complaint, which is a similar use, could provide supporting grounds for this request. Several agricultural buildings and a vineyard already exist on the site from its past use.

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

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

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

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

Yes

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

No

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

No. The property is not currently zoned for agriculture use.

(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:

No

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

Yes

(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 has historic use <sup>as</sup> a garden center/ You Pick Farm

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# Rezoning Request Letter of Intent for 4108 Anderson-Livsey Lane, Snellville, GA 30039

## Acreage and Historical Use of the Property

4108 Anderson-Livsey Lane consists of 3.677 acres that were historically operated as Mason's Garden Center and a You Pick Farm until the property was sold on September 23, 2013. The lot contained 17 fig trees, a half-acre vineyard, apple trees, and a vegetable and herb garden.

## Zoning Classification Requested

The property is zoned R-100. However, in accordance with historical and proposed uses of the property, we are requesting that the zoning classification be changed to RA-200.

## Proposed Use of the Property

We propose to restore this historic property and expand its use as a commercial farm. In addition to its historic use as a You Pick Farm for figs and grapes, we would like to produce crops, help the community grow healthy food, and conduct community outreach regarding (1) the importance of growing and consuming local food, (2) how to work and heal with nature, and (3) how to foster a more sustainable future.

We propose to make the following changes and improvements to the property:

- Install a 2,160 ft<sup>2</sup> High Tunnel to grow organic crops for the community (structure height = 12 ft).
- Restore/rebuild three historic buildings—house (built in 1894) [936 ft<sup>2</sup>, building height = 24 ft], barn, and former produce stand.
- Use former produce stand as an onsite farmer's market (building height = 15 ft).
- Replace 384 ft<sup>2</sup> shed (building height = 8 ft) with a 2,400 ft<sup>2</sup> single story building for the Special Use outlined on the following page.
- Remove 65-year-old chicken coop (1,188 ft<sup>2</sup>, structure height = 10 ft) that is located within the 50-foot side buffer.
- Use existing 361 ft<sup>2</sup> shed as a farm office (building height = 11 ft).

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## **Special Use Permit**

We are requesting a Special Use Permit to build a 2,400 ft<sup>2</sup> Special Events Hall (building height = 24 ft) for community gatherings and farm business functions aimed at restoring the land and nourishing the community. The hall will be framed in the same style and color as the historic house.

## **Requested Change in Buffers**

We are requesting exemptions to the buffer/setback requirements for two buildings that were built prior to our purchase:

- The existing 1,488 ft<sup>2</sup> barn is 39 feet from the side property line (barn height = 17 ft).
- The 800 ft<sup>2</sup> former produce stand (consists of stone walls and a cement slab) is 47.5 feet from the side property line and 34 feet from the front property line (building height = 15 ft).

## **Parking**

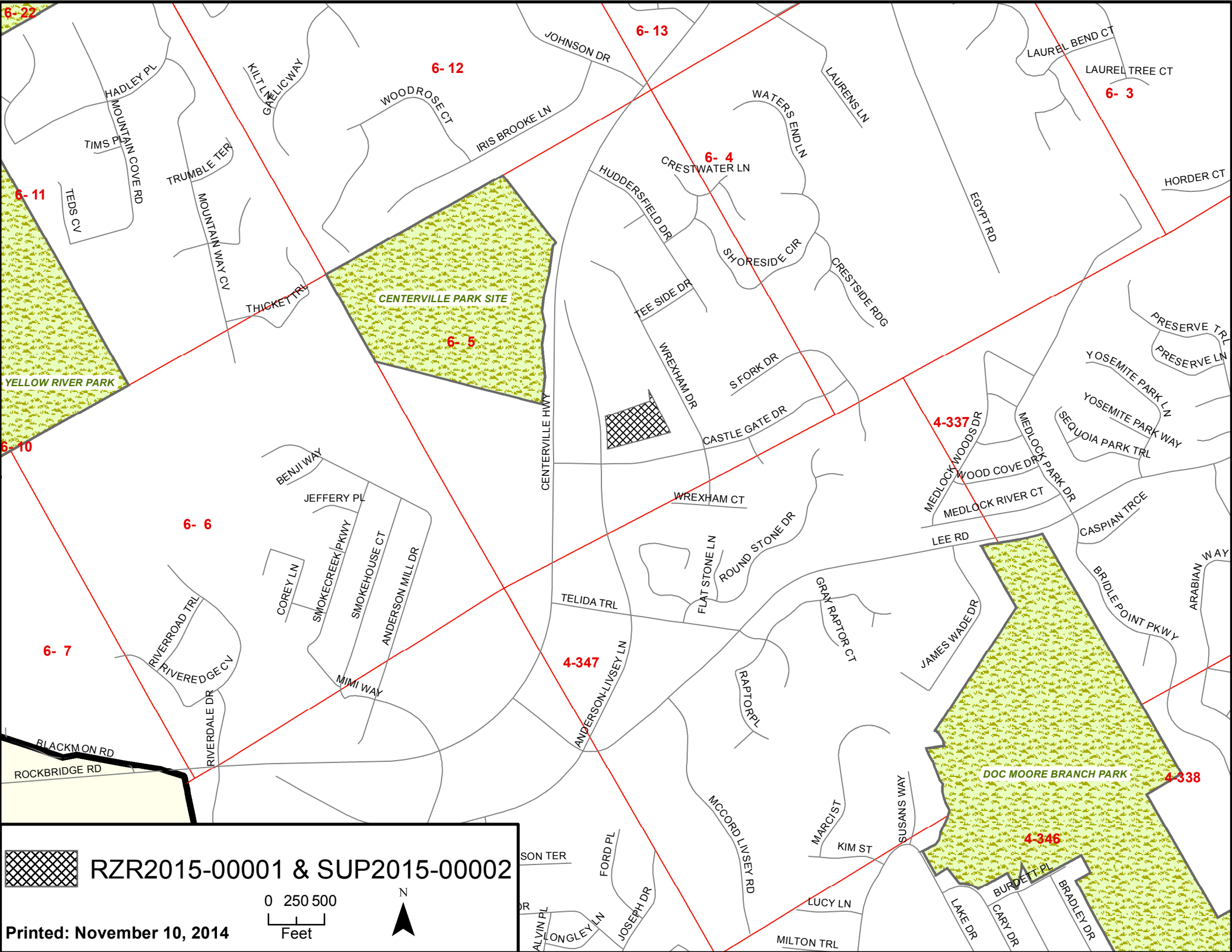
Adequate onsite parking will be provided by adding six parking spaces (each 9.5 ft x 18.5 ft) on an existing 20 ft x 60 ft asphalt pad that is front of the property.


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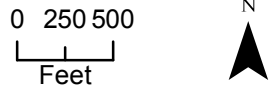
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 RZR2015-00001 & SUP2015-00002



Printed: November 10, 2014

4108 Anderson Livsey Lane  
November 3rd, 2014 by  
George High Owner

North arrow pointing left

S 30°-14'-00" E  
438.45'

105.00'  
N 09°-06'-21" W

Note: 2 Parcels were  
combined into one

Gross and Net  
Acreage 3.677  
Acres

Per attached flood  
map, entire lot is not  
located in any flood  
hazard areas

N 66°-55'-53" E  
421.85'

Existing  
20x60  
asphalt  
Parking  
6 spaces

Proposed 2160 ft<sup>2</sup>  
High Tunnel

Miscellaneous Vans

Restore/  
Rebuild  
1488 ft<sup>2</sup>  
Historic  
Old Barn

S 72°-28'-06" W  
584.49'

33ft

50ft Buffer

Remove  
384 ft<sup>2</sup>  
Shed

361 ft<sup>2</sup>  
Shed

936 ft<sup>2</sup>  
1-Story  
Frame  
House

Proposed  
2400 ft<sup>2</sup>  
Special Events

Remove  
1183 ft<sup>2</sup>  
Chicken  
Coop

6 foot wood  
privacy fence

Proposed  
Onsite  
Farmers  
Market

35ft Setback

CH. = N 08°-31'-52" W 183.50'  
ARC = 183.88'

800sqft  
stone  
structure

47.5ft

104.72'  
N 04°-13'-14" W

106.25' Along Roadway to the  
Northerly R/W Line of Cas-  
tlegate Drive (50' R/W)


Anderson Livsey Lane 100' R/W

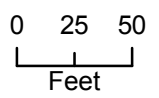
RZR '15 0 0 1

ANDERSON-LIVSEY LN



CASTLE GATE DR

 RZR2015-00001 & SUP2015-00002



Printed: November 10, 2014



**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
CHANGE IN CONDITIONS ANALYSIS**

CASE NUMBER : **CIC2015-00001**  
ZONING : C-2  
LOCATION : 3800 BLOCK OF BRASELTON HIGHWAY  
MAP NUMBERS : R3002A 493 & 495  
ACREAGE : 2.08 ACRES  
SQUARE FEET : 27,100 SQUARE FEET  
PROPOSAL : CHANGE IN CONDITIONS TO REMOVE PITCHED ROOF  
REQUIREMENT AND REDUCE/DELETE LANDSCAPED STRIPS  
COMMISSION DISTRICT : (3) HUNTER

FUTURE DEVELOPMENT MAP: **EXISTING / EMERGING SUBURBAN**

APPLICANT: CRONOS DEVELOPMENT, LLC  
PO BOX 422584  
ATLANTA, GA 30342

CONTACT: VIRAL PAREKH                      PHONE: 404.512.4492

OWNER: 12STONE CHURCH, INC.  
1322 BUFORD DRIVE  
LAWRENCEVILLE, GA 30043

JOROLA PROPERTIES, LLC  
8115 ISABELLA LANE, #9  
BRENTWOOD, TN 37027

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a Change in Conditions of a prior C-2 rezoning case (RZ-04-050) to amend several conditions related to exterior architectural treatments and landscaping. The subject property is currently undeveloped, and consists of two parcels totaling 2.08 acres. The site is located at 3808 & 3818 Braselton Highway, just northeast of Duncan Creek Park. The site is currently vacant, and has been cleared and graded for development. It is noted that the site is located within the Hamilton Mill Overlay District, and would be subject to those requirements.

The applicant is proposing to construct two commercial buildings, totaling 27,100 square feet, and develop the site as retail space, a health club and a restaurant with a drive-through window. The site plan depicts the two buildings along with associated driveways and parking lots. Access to the property would be provided through one shared curb-cut onto Braselton Highway, and interparcel access through the neighboring church property to the north.

The applicant requests changes to RZ-04-050, conditions 1.B., 2.A., 2.B., and 2.C. as follows:

Condition 1.B. currently reads as follows:

1.B. Buildings shall be finished with architectural treatments of glass and/or brick with a pitched roof minimum pitch of 4:12. Building design shall be subject to review and approval of the Director of Planning and Development.

The applicant requests condition 1.B. is revised to read as follows:

Buildings shall be finished with architectural treatments of glass and/or brick. Building design shall be subject to review and approval of the Director of Planning and Development.

Condition 2.A. currently reads as follows:

2.A. Provide a 10-foot wide landscaped strip adjacent to residentially zoned property.

The applicant requests condition 2.A. is revised to read as follows:

Provide a 5-foot wide landscaped strip adjacent to residentially zoned property.

Condition 2.B. currently reads as follows:

2.B. Provide a ten-foot wide landscaped strip outside the right-of-way of Braselton Highway.

The applicant requests that condition 2.B. is revised to read as follows:

Provide a 5-foot wide landscaped strip measured from the edge of the sidewalk along the right-of-way of Braselton Highway.

Condition 2.C. currently reads as follows:

2.C. Provide a five-foot wide landscaped strip adjacent to all interior property lines.

The applicant requests that condition 2.C. to be deleted in its entirety.

The 2030 Unified Plan Future Development Map indicates the property lies within an Existing/ Emerging Suburban Character Area. Policies for this character area support certain freestanding retail establishments. It is noted that the Board recently granted a similar CIC request for a flat-roofed building (12 Stone Church) on the neighboring property (CIC2013-00015 and CIC2012-00008), suggesting that the subject request regarding flat-roofed buildings could be considered consistent with Board policy for the area.

The surrounding area consists of commercial/retail, office and public-institutional uses along the Braselton Highway corridor, with single-family residential uses in the outlying areas. Immediately adjacent to the north and east of the subject property is 12 Stone Church. In 2013, the church was approved for a Change-in-Conditions eliminating the same pitched roof requirement, pursuant to CIC2013-00015. However, this approval also included more stringent conditions of zoning regarding landscaping. These conditions required: a 25-foot wide landscaped strip adjacent to residentially-zoned property, a ten-foot wide landscaped strip outside the right-of-way of Braselton Highway and a five-foot wide landscaped strip adjacent to all interior property lines. It is noted that the internal landscaped strip between the church and subject property has been installed on both sides of the property line (10-foot total width) and would be removed if the subject CIC request is granted.

To the west of the property is Duncan Creek Park. Further to the east and south of the property are several churches and residential uses, with commercial uses located further to the west along Braselton Highway. Numerous structures in the nearby commercial/office areas are constructed with flat roofs, which could provide supporting grounds to amend the condition that requires a pitched roof. However, the conditions of zoning that address the landscaping were incorporated to ensure an appealing streetscape and compatibility between uses. It may not be appropriate to change the landscaping requirements as it would be considered inconsistent with the precedent established by the Board for development located along the Braselton Highway corridor.

The proposed change in conditions could be consistent with the architecture in the immediate area. However, the proposed changes to the landscaping requirements may not be consistent with Board approvals for the corridor. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

#### ZONING HISTORY:

In 1970, the subject property was zoned RA-200 Agriculture-Residence District. The property was rezoned to C-2 in 2004, pursuant to RZC-04-050.

#### GROUNDWATER RECHARGE AREA:

The subject property is not located within an identified Significant Groundwater Recharge Area.

#### WETLANDS INVENTORY:

The subject property does not contain areas, streams, and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Protection (Chapter 620 of the Unified Development Ordinance) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

Section 610-20.3 of the Unified Development Ordinance requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Chapter 240 of the Unified Development Ordinance.

Parking spaces shall be provided at a ratio of:

One space per 200-500 square feet for retail (shopping center).

One space per 150-300 square feet for a health club.

Project access and required improvements along State routes or U.S. Highways (i.e., number and design of driveways, deceleration lanes, median breaks, etc.) will be subject to review and approval of the Georgia Department of Transportation. (Section 900-90.3F of the Unified Development Ordinance).

Section 900-90 of the Unified Development Ordinance requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

A minimum of 50-foot building setback is required from the right-of-way of Braselton Highway.

Section 610-20.4B of the Unified Development Ordinance requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

The developer must obtain a Land Disturbance or Development Permit from the Development Division prior to any construction.

Section 800-20 of the Unified Development Ordinance requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

This project lies within an Activity Center/Corridor Overlay District, and is subject to all requirements set forth in Chapter 220 of the Unified Development Ordinance.

**STORMWATER REVIEW SECTION COMMENTS:**

All storm water best management practices will be applicable upon development permit issuance.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**

The available utility records show that the subject development is currently in the vicinity of a 10-inch water main located on the southern right-of-way of Braselton Highway.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system. Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located on the property.

The subject development is located within the Hog mountain service area. There are currently no connection restrictions within this service area. Treatment capacity within this area is presently available on a first come - first serve basis.

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

As-built information for this department is dependent upon outside entities to provide record drawings for the utilities. Therefore this department does not guarantee the accuracy of the information provided.

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design,

construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

**BUILDING CONSTRUCTION COMMENT SECTION:**

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2012 International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.
4. Architectural design of the proposed building shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category 3.
5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at (678) 518-6000 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

Fire Plan Review has no objection to the request under the following conditions:

1. Applicant submits civil drawings to Fire Plan Review for review and approval.
2. Applicant submits architectural drawings to Fire Plan Review for review and approval.
3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

For assistance, you may contact this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Additions in **bold**

Deletions in ~~strickethrough~~

Approval as C-2 (Change-in-Conditions) subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail and service uses, and accessory uses.
  - B. Buildings shall be finished with architectural treatments of glass and/or brick **or stacked stone**. ~~with a pitched roof minimum pitch of 4:12.~~ Building design shall be subject to review and approval of the Director of Planning and Development.
2. To satisfy the following site development considerations:
  - A. Provide a 10-foot wide landscaped strip adjacent to residentially-zoned property.
  - B. Provide a 10-foot wide landscaped strip outside the right-of-way of Braselton Highway.
  - C. Provide a 5-foot wide landscaped strip adjacent to all interior property lines.
  - D. Dumpsters shall be screened by a brick wall with an opaque gate enclosure, at least six feet in height. Dumpster pickup shall be limited to between the hours of 7:00 a.m. and 7:00 p.m.
  - E. ~~Ground signs shall be limited to a single monument type sign with a brick base of at least 2 feet in height.~~ **Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign(s) shall include a minimum two-foot high brick or stacked stone base, and the sign cabinet shall be fully surrounded by the same materials, matching the building's architectural treatments.**
  - F. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent ~~residential~~ properties **or rights-of-way**.
  - G. Peddlers **and/or parking lot sales** shall be prohibited.
  - H. **No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-**

**air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.**

- I. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.**

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

In light of existing buildings with flat roofs in the nearby and surrounding area, the request to allow a flat roof on the proposed retail development could be suitable at this location.

ADVERSE IMPACTS

Modifying or eliminating the landscape strip requirement may not be consistent with the most recent Board approvals for similar request in the immediate area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be few additional impacts on public facilities anticipated from this request.

CONFORMITY WITH POLICIES

A limited change in conditions regarding the building's roof could be compatible with the Unified Plan policies for the commercial corridor extending along Braselton Highway.

CONDITIONS AFFECTING ZONING

In light of the Boards recent approvals regarding exterior architectural treatments in the immediate area, the pitched roof requirement may no longer be appropriate for this development.

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

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

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

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

YES.

---

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

NO.

---

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

YES.

---

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

NO.

---

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

YES.

---

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

YES, WE WILL BE MATCHING & KEEPING THE SAME ARCHITECTURAL STANDARDS AS THE EXISTING 12 STONE CHURCH THAT ADJOINS SAID PROPERTIES WITH ROOF LINES, BUFFERS, & LANDSCAPING.

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Planning & Development

**LETTER OF INTENT FOR CHANGE IN CONDITIONS APPLICATION**  
**OF CRONOS DEVELOPMENT, LLC**

Cronos Development, LLC (the "Applicant") submits this application for the purpose of modifying certain conditions of zoning for approximate 1.14 & 0.94 acre tracts situated along Braselton Highway in Buford, Georgia (the "Property").

The Applicant, who is a contract purchaser of the Property, proposes to develop 3808 & 3818 Highway 124, Buford GA 30519. The proposed development consists of proposed health club, restaurant and retail uses.

A health club with 47 parking spaces is proposed on Lot 4 (3808 Highway 124). The health club is proposed to be 18,850 square feet which results in a lot density of approximately 0.38 GSF/acre. The height of the health club will be less than 45 feet.

A restaurant with drive-thru and retail and 45 parking spaces is proposed on Lot 3 (3818 Highway 124). The restaurant/retail building is proposed to be 8,250 square feet which results in a lot density of approximately 0.20 GSF/acre. The height of the restaurant and retail building will be less than 45 feet.

The Property was rezoned on September 3, 2004 to C-2 by that certain Resolution RZC-04-050 (the "Resolution"). The Resolution included certain conditions of zoning applicable to the Property.

In order to develop the Property in accordance with the Applicant's development plans, as depicted on the site plan included with the Change in Conditions Application, the Applicant seeks to modify the following conditions as follows:

- 1.B. To restrict the use of the property as follows: Buildings shall be finished with architectural treatments of glass and/or brick ~~with a pitched roof minimum pitch of 4:12~~. Building design shall be subject to review and approval of the Director of Planning and Development.
- 2.A. To satisfy the following site development considerations: Provide a ~~10-foot~~ **5-foot** wide landscaped strip adjacent to residentially zoned property.
- 2.B. To satisfy the following site development considerations: Provide a ~~ten-foot~~ **5-foot** wide landscaped strip ~~outside the~~ **measured from the edge of the sidewalk along the right-of-way** of Braselton Highway.
- 2.C. ~~To satisfy the following site development considerations: Provide a 5-foot wide landscape strip adjacent to all interior property lines.~~

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any

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Planning & Development

December 5, 2013  
Page 2

concerns relating to the matters set forth in this letter or in the Change in Conditions Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 7<sup>TH</sup> day of November 2014.

CRONOS DEVELOPMENT, LLC

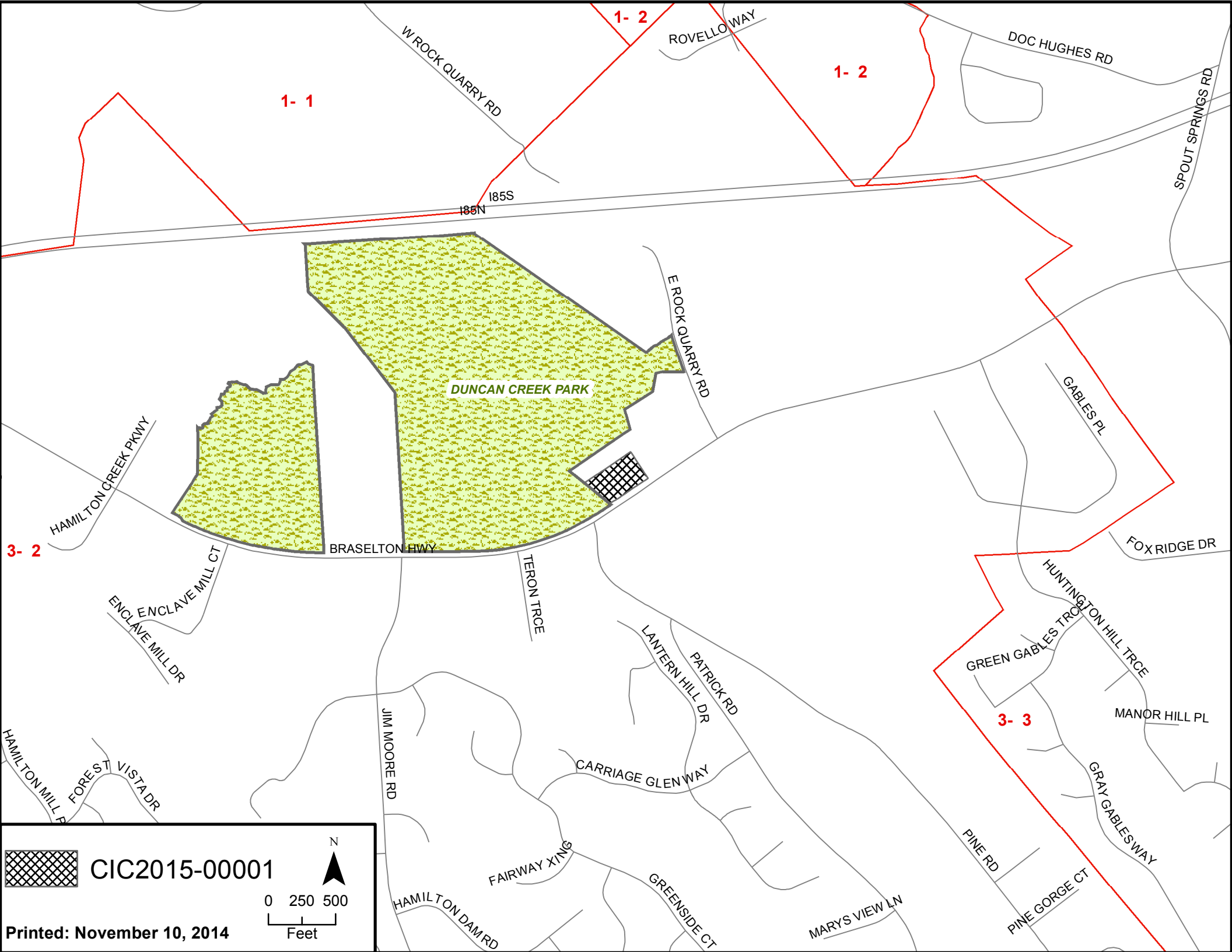
  
\_\_\_\_\_  
Viral Parekh, Manager

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1- 2

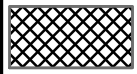
1- 2

185S  
185N

DUNCAN CREEK PARK

3- 2

3- 3



CIC2015-00001



0 250 500  
Feet

Printed: November 10, 2014

**PROJECT DATA**

PROJECT NO. 629.011  
 LOCATION: GANNETT COUNTY, GA

**CITY DATA**

LIMITS: 100' WIDE  
 LOT AREA: 1.18 AC

**BUILDING DATA**

NET GROSS BUILDING AREA: 18,250 SF  
 NET GROSS RETAIL AREA: 5,750 SF  
 NET GROSS OFFICE AREA: 12,500 SF

**REQUIRED MINIMUM PARKING**

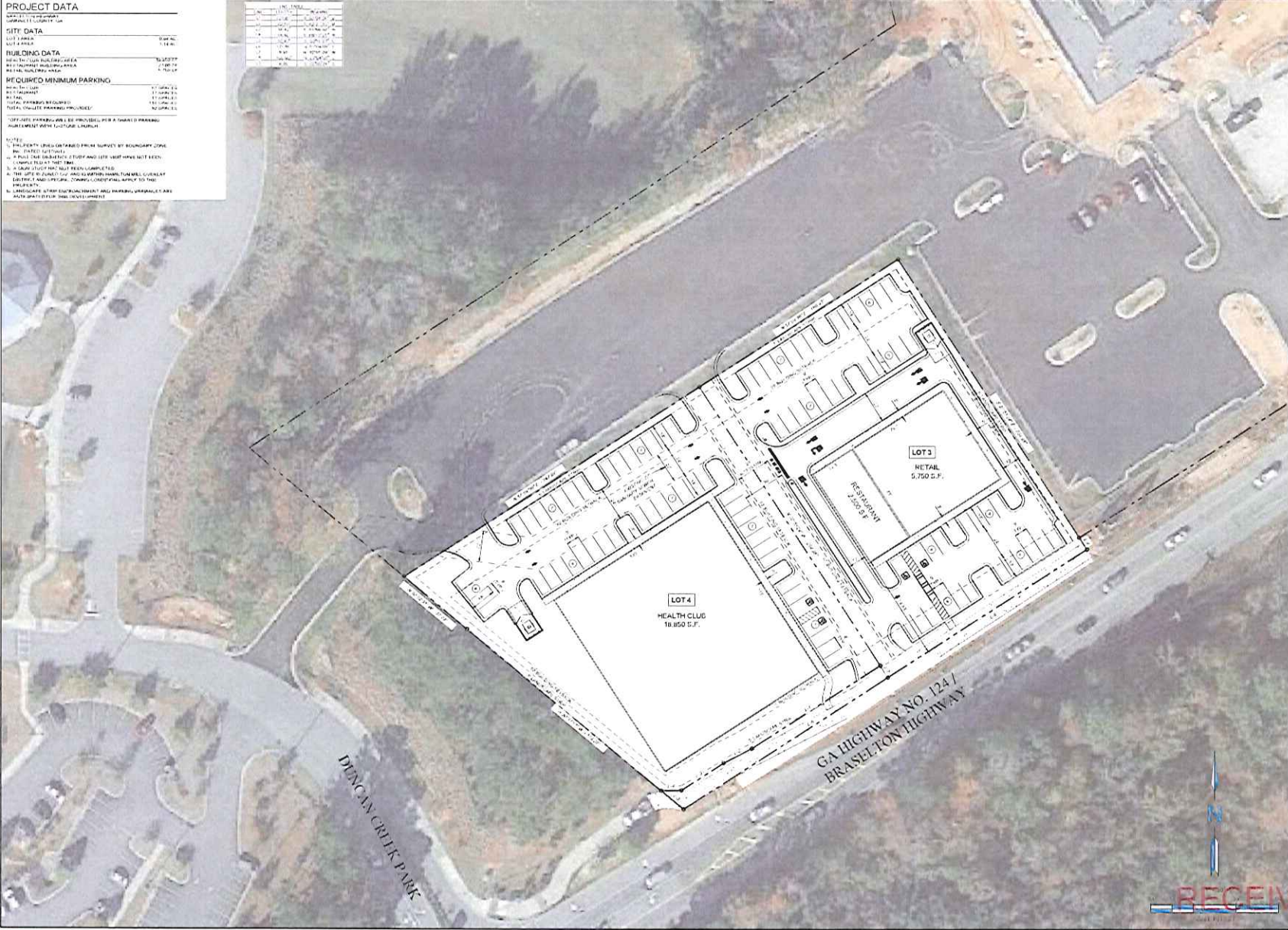
OFFICE: 17 SPACES  
 RETAIL: 17 SPACES  
 TOTAL PARKING REQUIRED: 34 SPACES  
 TOTAL PROJECT PARKING PROVIDED: 34 SPACES

OFF-SITE PARKING WILL BE PROVIDED PER A SHARED PARKING AGREEMENT WITH FUTURE DEVELOPER.

**NOTES**

1. ALL ELEVATIONS OBTAINED FROM SURVEY BY BOUNDARY ZONE AND TRIMMED TO FINISH.
2. ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE.
4. ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE.
5. ALL DIMENSIONS TO FACE UNLESS NOTED OTHERWISE.
6. THE SITE IS SUBJECT TO AND SUPERSEDES ALL PREVIOUS LOCAL, STATE, FEDERAL AND FEDERAL ZONING ORDINANCES APPLICABLE TO THE PROJECT.
7. LANDSCAPE ARCHITECTURE AND PARKING ARRANGEMENTS ARE SUBJECT TO THE DEVELOPER'S APPROVAL.

NO.	DESCRIPTION	AMOUNT
1	LOT 3	5,750 SF
2	LOT 4	12,500 SF
3	TOTAL	18,250 SF



**ENGINEER**

**FORESITE**

1000 Peachtree Street, N.E.  
 Atlanta, Georgia 30309  
 Phone: (404) 512-4492  
 Fax: (404) 512-4493  
 www.foresite.com

**DEVELOPER**

**CRONOS DEVELOPMENT, LLC**  
 P.O. BOX 422584  
 ATLANTA, GA 30342  
 PHONE: (404) 512-4492

**CONTRACT: JAY PARKER**

**PROJECT**

BRASLETTON HIGHWAY  
 GANNETT COUNTY, GA

**REVISIONS**

NO.	DATE	DESCRIPTION
1	11/05/14	DATE REVISION

**PROJECT MANAGER:** JAY PARKER  
**DATE:** 11/05/14  
**DESIGNED BY:** TRW  
**AUTHORITY:** GANNETT COUNTY, GA  
**DATE:** 12/OCTOBER 2014  
**SCALE:** 1" = 40'  
**TITLE:**

**QL-1**

**SHEET NUMBER:** 1 OF 1  
**DATE:** 11/05/14  
**PROJECT NUMBER:** 629.011



**CIC'15 00 1**

**NOV 10 2014**  
**Planning & Development**

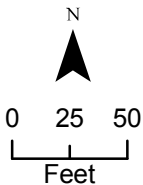


**DUNCAN CREEK PARK**

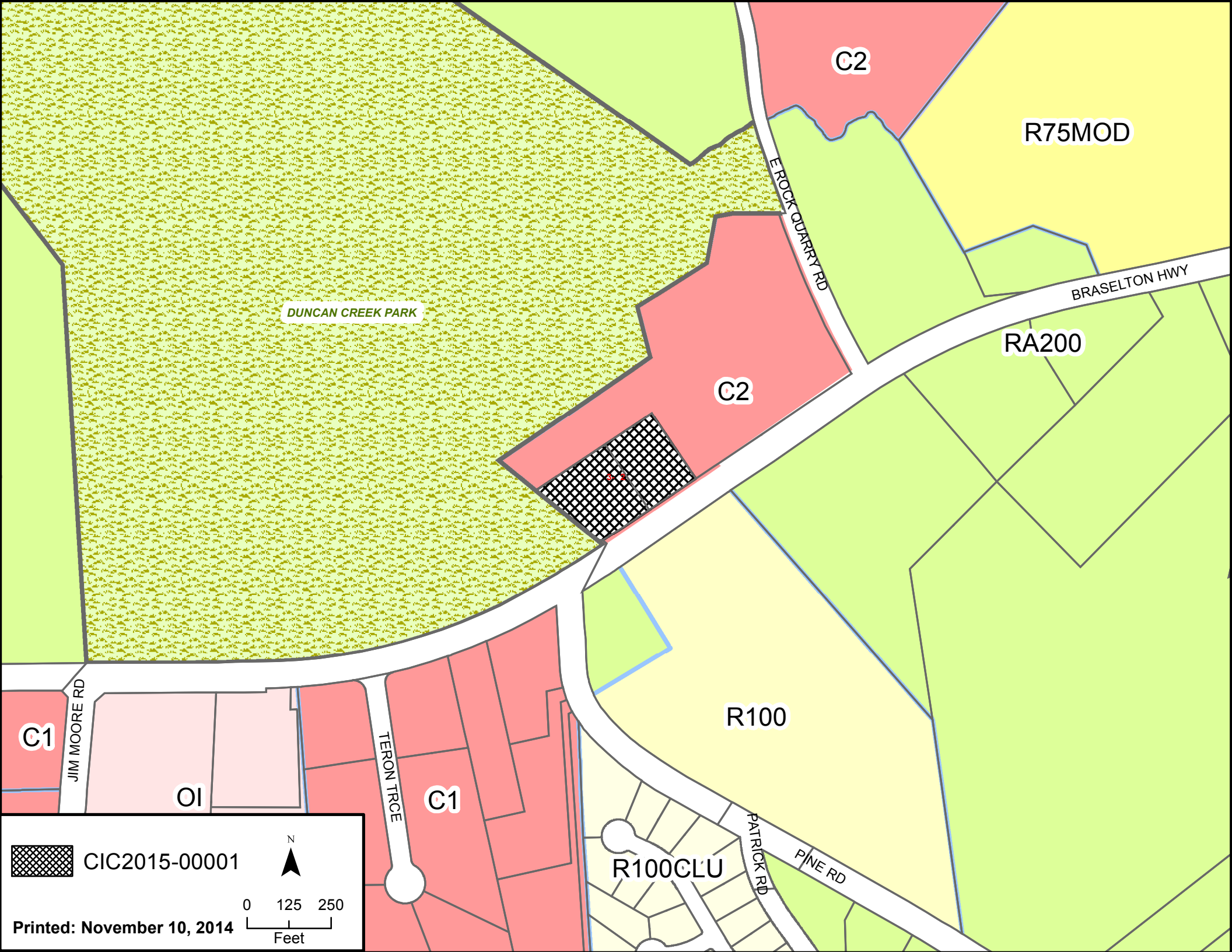
**BRASELTON HWY**



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DUNCAN CREEK PARK

C2

R75MOD

C2

RA200

C1

R100

OI

C1

R100CLU

PINE RD


PATRICK RD

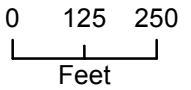
TERON TRCE

JIM MOORE RD

EROCK QUARRY RD

BRASELTON HWY

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