

## Department of Planning and Development

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gwinnettcountry

### MUNICIPAL-GWINNETT COUNTY PLANNING COMMISSION

#### PUBLIC HEARING AGENDA

**GWINNETT JUSTICE AND ADMINISTRATION CENTER  
TUESDAY, OCTOBER 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 (SEPTEMBER 1, 2015 MEETING)
- E. ANNOUNCEMENTS
- F. OLD BUSINESS

- I. CASE NUMBER :**CIC2015-00008 (Public Hearing Held 9-1-15)**
- APPLICANT :MAHAFFEY, PICKENS, TUCKER, LLP
- CONTACT :JEFFREY MAHAFFEY
- PHONE NUMBER :770.232.0000
- ZONING :R-ZT
- LOCATION :2900 BLOCK OF GRAVEL SPRINGS ROAD
- MAP NUMBERS :R7143 004 & 005
- ACREAGE :48 ACRES
- UNITS :178 UNITS
- PROPOSAL :CHANGE IN CONDITIONS OF ZONING
- COMMISSION DISTRICT :(4) HEARD
- DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

2. CASE NUMBER :**RZR2015-00007 (Public Hearing Held 9-1-15)**  
APPLICANT :MAHAFFEY, PICKENS, TUCKER, LLP  
CONTACT :JEFFREY MAHAFFEY  
PHONE NUMBER :770.232.0000  
ZONING CHANGE :RA-200 & R-TH TO R-60  
LOCATION :2900 BLOCK OF GRAVEL SPRINGS ROAD  
MAP NUMBERS :R7143 004 & 005  
ACREAGE :19 ACRES  
UNITS :40 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
3. CASE NUMBER :**SUP2015-00026**  
APPLICANT :DEVELOPMENT PLANNING & ENGINEERING  
CONTACT :TONYA WOODS  
PHONE NUMBER :770.271.2868  
ZONING :C-2 & M-1  
LOCATION :1600 BLOCK OF BOGGS ROAD  
:2500 BLOCK OF BRECKINRIDGE BOULEVARD  
MAP NUMBERS :R7076 002 & 029  
ACREAGE :5.11 ACRES  
PROPOSED DEVELOPMENT :HEAVY TRUCK AND TRAILER STORAGE LOT  
(REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**DENIAL**
4. CASE NUMBER :**RZM2015-00006**  
APPLICANT :JLCS ENTERPRISES, INC.  
CONTACTS :JEFF SUTTON  
PHONE NUMBER :678.300.5412  
ZONING CHANGE :R-100 TO R-TH  
LOCATION :1800 BLOCK OF OLD PEACHTREE ROAD  
:2000 BLOCK OF SUNNY HILL ROAD  
MAP NUMBERS :R7094 004 & 005A  
ACREAGE :29.69 ACRES  
UNITS :178 UNITS  
PROPOSED DEVELOPMENT :TOWNHOMES (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**

5. CASE NUMBER :**SUP2015-00034 (Public Hearing Held 9-1-15)**  
APPLICANT :TNT FIREWORKS  
CONTACT :LINDA MACKAY  
PHONE NUMBER :404.353.0844  
ZONING :C-2  
LOCATION :1600 BLOCK OF MALL OF GEORGIA BOULEVARD  
:3000 BLOCK OF FINANCIAL CENTER WAY  
MAP NUMBER :R7175 001  
ACREAGE :31.81 ACRES  
SQUARE FEET :1,360 SQUARE FEET  
PROPOSED DEVELOPMENT :FIREWORK SALES  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
6. CASE NUMBER :**SUP2015-00038**  
APPLICANT :JUN YOUNG YOO  
PHONE NUMBER :770.476.3701  
ZONING :C-2  
LOCATION :3700 BLOCK OF SATELLITE BOULEVARD  
MAP NUMBER :R6231 023  
ACREAGE :1.30 ACRES  
SQUARE FEET :5,676 SQUARE FEET  
PROPOSED DEVELOPMENT :POOL OR BILLIARDS HALL  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
7. CASE NUMBER :**SUP2015-00039**  
APPLICANT :SPICER EXPRESS, LLC  
CONTACT :ERIC JOHANSEN  
PHONE NUMBER :678.571.4843  
ZONING :M-1  
LOCATION :3200 BLOCK OF BRUSHY DRIVE  
MAP NUMBER :R5125 057  
ACREAGE :1.06 ACRES  
SQUARE FEET :3,200 SQUARE FEET  
PROPOSED DEVELOPMENT :HEAVY TRUCK SALES, LEASING AND SERVICE  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

8. CASE NUMBER :**SUP2015-00040 (Public Hearing Held 9-1-15)**  
APPLICANT :COMMUNITY OF BOSNIAKS GEORGIA, INC.  
CONTACT :NAIL CUBRO  
PHONE NUMBER :404.660.1741  
ZONING :R-100  
LOCATION :3300-3400 BLOCK OF SKYLAND DRIVE  
:2100-2400 BLOCK OF TEMPLE JOHNSON ROAD  
MAP NUMBER :R5035 007  
ACREAGE :12.59 ACRES  
PROPOSED DEVELOPMENT :CEMETERY (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

9. CASE NUMBER :**SUP2015-00042**  
APPLICANT :MICHAEL MARIETTA  
CONTACT :MICHAEL LOBER  
PHONE NUMBER :678.461.9800  
ZONING :C-2  
LOCATION :3500 BLOCK OF CLUB DRIVE  
MAP NUMBER :R6181 298  
ACREAGE :0.88 ACRE  
SQUARE FEET :6,477 SQUARE FEET  
PROPOSED DEVELOPMENT :FIREWORK SALES  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**DENIAL**

G. NEW BUSINESS

I. CASE NUMBER :**RZC2015-00016**  
APPLICANT :CHARLIE L. COOK, JR.  
PHONE NUMBER :404.401.7300  
ZONING CHANGE :O-1 TO M-1  
LOCATION :900 BLOCK OF PETTY ROAD  
:800 BLOCK OF HI-HOPE ROAD  
MAP NUMBER :R7013 003  
ACREAGE :0.72 ACRE  
PROPOSED DEVELOPMENT :GRADING CONTRACTOR WITH OUTDOOR STORAGE;  
AND TRUCK & TRAILER STORAGE LOT  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**

2. CASE NUMBER :**SUP2015-00045**  
APPLICANT :CHARLIE L. COOK, JR.  
PHONE NUMBER :404.401.7300  
ZONING CHANGE :M-1 (PROPOSED)  
LOCATION :900 BLOCK OF PETTY ROAD  
:800 BLOCK OF HI-HOPE ROAD  
MAP NUMBER :R7013 003  
ACREAGE :0.72 ACRE  
PROPOSED DEVELOPMENT :GRADING CONTRACTOR WITH OUTDOOR STORAGE;  
AND TRUCK & TRAILER STORAGE LOT  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
3. CASE NUMBER :**RZM2015-00007**  
APPLICANT :LYNWOOD DEVELOPMENT GROUP  
CONTACT :MARIAN C. ADEIMY  
PHONE NUMBER :678.518.6855  
ZONING CHANGE :C-2 & O-1 TO MU-R  
LOCATION :1400 BLOCK OF SATELLITE BOULEVARD  
MAP NUMBERS :R7155 518 & 567  
ACREAGE :23.96 ACRES  
UNITS :324 UNITS (APARTMENTS)  
SQUARE FEET :69,600 SQUARE FEET (RETAIL & OFFICE)  
PROPOSED DEVELOPMENT :REGIONAL MIXED USE DEVELOPMENT  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**DENIAL**
4. CASE NUMBER :**RZR2015-00017**  
APPLICANT :CORRIDOR PROPERTY GROUP, LLC  
CONTACT :SHANE LANHAM OR JEFF MAHAFFEY  
PHONE NUMBER :770.232.0000  
ZONING CHANGE :R-100 TO R-75  
LOCATION :1400-1500 BLOCKS OF JANMAR ROAD  
MAP NUMBERS :R5055 003A, R5056 006 & 077  
ACREAGE :12.10 ACRES  
UNITS :27 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

5. CASE NUMBER :**RZR2015-00018**  
APPLICANT :NORTHPOINTE COMMUNITIES, LLC  
CONTACT :TRACEY MASON  
PHONE NUMBER :770.963.6909  
ZONING CHANGE :R-TH & RA-200 TO R-60  
LOCATION :2300 BLOCK OF MORGAN FARM DRIVE  
:2400 BLOCK OF ASHTON RIDGE DRIVE  
MAP NUMBERS :R7099 005, R7100 010 & 173, R7137 024 & R7138 268  
ACREAGE :20.83 ACRES  
UNITS :51 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
6. CASE NUMBER :**RZR2015-00019**  
APPLICANT :EMBRY GROUP, LLC  
CONTACT :MITCH PEEVY  
PHONE NUMBER :770.614.6511  
ZONING CHANGE :C-2, O-I, RMD & R-100 TO TND  
LOCATION :2000 BLOCK OF PUCKETTS DRIVE  
MAP NUMBERS :R6062 016D, 017B & 154  
ACREAGE :27.90 ACRES  
UNITS :80 SINGLE-FAMILY DETACHED HOMES  
:30 ATTACHED TOWNHOMES  
PROPOSED DEVELOPMENT :TRADITIONAL NEIGHBORHOOD DEVELOPMENT  
(REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
7. CASE NUMBER :**RZR2015-00020**  
APPLICANT :RPIOM, LLC  
CONTACT :ANDREW PERRY  
PHONE NUMBER :404.987.1224  
ZONING CHANGE :R-75 TO TND  
LOCATION :3300-3400 BLOCKS OF PITTARD ROAD  
MAP NUMBERS :R6265 056 & 057B  
ACREAGE :7.01 ACRES  
UNITS :28 UNITS  
PROPOSED DEVELOPMENT :TRADITIONAL NEIGHBORHOOD DEVELOPMENT  
(REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

8. CASE NUMBER :**RZR2015-00021**  
APPLICANT :INLAND, LLC  
CONTACT :ERIC JOHANSEN  
PHONE NUMBER :678.571.4843  
ZONING CHANGE :R-100 TO OSC  
LOCATION :1300-1400 BLOCKS OF OLEANDER DRIVE  
MAP NUMBERS :R6073 180 & 268, R6082 004, 034, 087 & 188  
ACREAGE :93.32 ACRES  
UNITS :222 UNITS  
PROPOSED DEVELOPMENT :OPEN SPACE CONSERVATION SUBDIVISION  
(REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(2)HOWARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
9. CASE NUMBER :**RZR2015-00022**  
APPLICANT :PULTE GROUP, INC.  
CONTACT :MITCH PEEVY  
PHONE NUMBER :770.614.6511  
ZONING CHANGE :R-100 TO R-60  
LOCATION :2100 BLOCK OF SUGAR SPRINGS DRIVE  
:2000 BLOCK OF LIBERTY BELL PLACE  
MAP NUMBERS :R7082 038 & 093  
ACREAGE :10.80 ACRES  
UNITS :24 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**DENIAL**
10. CASE NUMBER :**CIC2015-00018**  
APPLICANT :MAHAFFEY, PICKENS, TUCKER, LLP  
CONTACT :SHANE LANHAM OR LEE TUCKER  
PHONE NUMBER :770.232.0000  
ZONING :C-2  
LOCATION :900 BLOCK OF DULUTH HIGHWAY  
MAP NUMBER :R7032 006  
ACREAGE :7.91 ACRES  
SQUARE FEET :17,768 SQUARE FEET  
PROPOSAL :CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

11. CASE NUMBER :**CIC2015-00019**  
APPLICANT :RICHARD & MYRNA BLANTON  
CONTACT :RICHARD BLANTON  
PHONE NUMBER :404.786.0401  
ZONING :C-2  
LOCATION :6100 BLOCK OF SINGLETON ROAD  
MAP NUMBER :R6190 053  
ACREAGE :0.38 ACRE  
SQUARE FEET :1,500 SQUARE FEET  
PROPOSAL :CHANGE IN CONDITIONS TO ALLOW  
AUTO SERVICE  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

12. CASE NUMBER :**SUP2015-00046**  
APPLICANT :MYSUNG SOOK SONG  
CONTACT :STACEY GALOS  
PHONE NUMBER :678.427.7967  
ZONING :M-1  
LOCATION :1500-1600 BLOCKS OF BEAVER RUIN ROAD  
:4400 BLOCK OF INTERNATIONAL BOULEVARD  
MAP NUMBERS :R6201 032 & 114  
ACREAGE :12.98 ACRES  
SQUARE FEET :7,333 SQUARE FEET  
PROPOSED DEVELOPMENT :ADULT DAYCARE CENTER  
COMMISSION DISTRICT :(1) BROOKS  
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  
CHANGE IN CONDITIONS AND REZONING ANALYSIS**

CASE NUMBER :**CIC2015-00008**  
ZONING :R-ZT  
LOCATION :2900 BLOCK OF GRAVEL SPRINGS ROAD  
MAP NUMBERS :R7143 004 & 005  
ACREAGE :48 ACRES  
UNITS :178 UNITS  
PROPOSAL :CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT :(4) HEARD

CASE NUMBER :**RZR2015-00007**  
ZONING CHANGE :RA-200 & R-TH TO R-60  
LOCATION :2900 BLOCK OF GRAVEL SPRINGS ROAD  
MAP NUMBERS :R7143 004 & 005  
ACREAGE :19 ACRES  
UNITS :40 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: MAHAFFEY, PICKENS, TUCKER, LLP  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACTS: JEFFREY MAHAFFEY PHONE: 770.232.0000

OWNERS: WENDELL BLOUNT, DEBORA B. HOLMAN, DONNA BLOUNT ALLEN  
& LULA NELL RICHARDSON  
C/O MAHAFFEY, PICKENS, TUCKER, LLP  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS AND REZONING SUMMARY:

The applicant requests a change in conditions of zoning for a previously approved R-ZT tract. Additionally, they have requested to rezone 19 adjacent acres from RA-200 and R-TH to R-60 for inclusion in their subdivision development. The subject properties contain a total of approximately 67 acres on the north side of Gravel Springs Road, east of Mall of Georgia Boulevard. The overall development would total 218 single family lots at a density of 3.25 units per acre. Most of the property is undeveloped pasture and woodlands with several small

streams. A single-family residence and several accessory buildings are located near the Gravel Springs Road frontage.

The following is a summary of each case:

CIC2015-00008: The applicant requests a Change in Conditions on property zoned R-ZT (Single Family Residence District) pursuant to RZR-06-056. Seven zoning conditions are proposed to be revised or removed in order to develop 178 lots. The site was originally a part of the Villages at Ivy Creek mixed-use project. According to the applicant, the Villages is no longer a viable project, and instead they are seeking approval to construct a free-standing development combined with the property to the south (RZR2015-00007) which would provide access for the development.

Seven conditions of RZR-06-056 are proposed to be revised or removed. Each is briefly described below.

Condition I.C. governs the style and exterior treatment of the homes, and currently reads as follows:

I.C: Homes shall be craftsman style on the front façade. Seventy-five percent (75%) of the homes shall be constructed with side and rear elevations of brick and/or stacked stone on four sides. Minor treatments (i.e. chimneys, roof gables, bay windows, dormers, etc.) may be of the same or of stucco, shake shingle, wood or fiber cement type siding. The remaining twenty-five percent (25%) of homes shall have side and rear elevations of same or of fiber cement type siding, with brick or stacked stone water table. Elevations must be submitted and approved by the Director of Planning and Development to insure keeping with the spirit intended.

The applicant proposes to amend condition I.C. to allow all homes to be constructed with front facades of primarily brick or stacked stone, with the remaining three sides being fiber cement siding.

Condition 2.A. requires a 50 foot buffer along the property line adjacent to the Hedgerows subdivision, and reads as follows:

2.A: Provide a fifty foot (50') wide buffer along the common property line with the Hedgerows Subdivision. Buffer shall be undisturbed except for additional landscaping only where sparsely vegetated, said additional landscaping to consist of a mixture of an undulating berm designed to blend with the natural landscape and two staggered rows of Thuga Green Giants planted 6 feet on center.

Although not specified in the Letter of Intent, the site plan proposes a reduction of the buffer from 50 feet to 40 feet along that property line. The 40-foot buffer would also extend along all other exterior property lines, except the Gravel Springs Road frontage.

Condition 2.C. governs interparcel access to the adjacent Villages at Ivy Creek properties and currently reads as follows:

2.C: Provide interparcel access with adjoining Villages at Ivy Creek properties.

The applicant proposes to remove this condition as the Villages project is no longer a viable project.

Condition 3.A. concerns the construction and alignment of a new road in the Villages project, and currently reads as follows:

3.A: Prior to the issuance of the first building permit donate and/or acquire all necessary right-of-way and easements and design and construct the New Road Alignment (Continuation of Ivy Creek Road) as directed by the Gwinnett County DOT and to agree to cooperate with the Gwinnett DOT regarding improvements to existing Ivy Creek Road between the new alignment and Camp Branch.

The applicant requests this condition be removed as the proposed road alignment was not located on the subject property, and due to the Villages project no longer being developed.

Condition 3.B. governs the acquisition of right-of-way and installation of a traffic signal, and currently reads as follows:

3.B: If approved, and when directed by the Gwinnett DOT and/or the Georgia DOT, acquire all necessary rights-of-way and easements and design and install a traffic signal at the intersection of State Road 324 and the New Road Alignment.

The applicant requests this condition be removed as the proposed traffic signal was not located on the subject property, and due to the Villages project no longer being developed.

Condition 3.C. requires the construction of additional lanes on Ivy Creek Road and Ivy Church Road, and currently reads as follows:

3.C Prior to the issuance of the 300<sup>th</sup> residential building permit, for the entire development, with Gwinnett DOT acquiring all necessary right-of-way, design and construct the following improvements at the intersection of Ivy Creek Road and Camp Branch Road:

1. Construct an eastbound right-turn lane on Ivy Creek Road.
2. Construct a southbound right-turn lane along Ivy Church Road.

The applicant requests this condition be removed as the subject tract does not abut these roadways, and due to the Villages project no longer being developed.

Condition 3.F. pertains to the recreation area amenity area for the overall Villages at Ivy Creek project, and currently reads as follows:

3.F: The overall Villages at Ivy Creek development shall have an amenities area containing, at minimum 3,500 square foot, heated closed structured 4-sided club house constructed to be aesthetically compatible with homes in the subdivision, a children's playground, 6 tennis courts, wading pool and a competition sized swimming pool. The amenities area shall be constructed once 25 percent of the total number of homes in the subdivision has been sold to residents.

The applicant proposes that this condition be revised so that the applicant's development is no longer tied to a central amenity area for the Villages, but is developed with its own amenity containing, a junior Olympic size pool, playground, cabana, bath house and mail kiosk.

RZR2015-00007: The applicant seeks rezoning of an additional 19 acres from RA-200 (Agriculture Residence District) and R-TH (Single Family Residence Townhouse District) to R-60 adjacent to the south of CIC2015-00008. This area would provide access for the new development onto Gravel Springs Road. The R-60 portion of the development would include 40 single-family lots, with a minimum area of 7,200 square feet and a proposed minimum dwelling size of 2,400 square feet. A creek runs along the northeast property line which requires a 50-foot stream buffer within a 75-foot impervious surface setback.

The 2030 Unified Plan Future Development Map identifies the project as being located within the Existing/Emerging Suburban Character Area. Low and medium density residential subdivisions are encouraged within this Character Area; therefore, this proposal is considered consistent with the recommended land use.

The area surrounding the subject site is zoned and developed primarily for single family residential subdivisions. Adjacent to the east is the Hedgerows subdivision, zoned R-100 Modified pursuant to RZ-99-160, which includes a condition for minimum house sizes of 2,400 square feet and 2,700 square feet for one and two-story homes, respectively. To the southeast are four (4) undeveloped properties originally a part of The Villages at Ivy Creek project. Adjacent to the southeast property line is a Villages tract zoned R-75 (Single Family Residence District), also required to develop homes of minimum 2,400 square feet and 2,700 square feet for one and two-story homes, respectively, pursuant to RZR-06-055. To the northeast is undeveloped Villages property zoned R-100 Modified pursuant to RZR-06-057 & SUP-06-072, with identical single-family home sizes. A 29-acre Villages tract is zoned R-TH pursuant to RZM-06-013 for a maximum density of 6 attached units per acre and minimum 1,800 square foot townhomes. The final 20-acre Villages tract is zoned C-2 (General Business District) at the corner of Gravel Springs Road and Ivy Creek Road pursuant to RZC-06-055. Adjacent to the west is The Townes of Avondale, a townhome development zoned R-TH pursuant to RZM-05-034 for a maximum density of 6 units per acre and minimum 1,600 square foot units. Further west are the Mill Creek Estates, a multi-family development zoned RM-10 pursuant to CIC-04-008, also conditioned to minimum 1,600 square foot units. Property directly across Gravel Springs Road is located in the city of Buford, primarily undeveloped except for the Gravel Springs Dental office. Given the variety of residential zoning districts and densities in the area,

the proposed R-ZT/R-60 subdivision could be suitable. Although the Department can support some of the minor R-ZT condition changes proposed by the applicant, a number of the conditions were established with substantial input from the neighboring community are not supported for changes by the Department. The attached conditions outline the Department's recommendation regarding each itemized condition change.

As it is no longer proposed to be developed with the mixed-use Villages at Ivy Creek project, staff generally supports these requests for changes in conditions and rezoning for a free-standing 218-lot single-family subdivision. If approved as recommended by staff, the proposed subdivision could be consistent with the Unified Plan and with previous Board action on the majority of the subject site. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of these requests.

#### ZONING HISTORY:

CIC2015-00008: The property was zoned RA-200 in 1970. Also originally a part of Villages at Ivy Creek project, the 48-acre tract was rezoned to R-ZT (Single Family Residence District) pursuant to RZR-06-056 a single-family subdivision.

RZR2015-00007: The property was zoned RA-200 in 1970. The subject property was originally a part of the planned 194-acre Villages at Ivy Creek project approved in 2007. Most of the 19-acre tract was rezoned to R-TH pursuant to RZM-06-010 for attached townhomes at a density of 6 units per acre, while the remainder of the site remained RA-200.

#### GROUNDWATER RECHARGE AREA:

The subject properties are not located within an identified Significant Groundwater Recharge Area.

#### WETLANDS INVENTORY:

The subject properties do 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.

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 right-of-way of Gravel Springs Road.

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.

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.

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 United States 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 access easement (if private street). Location and access must be approved by Gwinnett County D.O.T.

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 areas (measured from the top of bank on all streams) and floodplain areas. All storm water best management practices will be applicable upon development permit issuance.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Gravel Springs Road is a State Route and Georgia D.O.T. right-of-way requirements govern.

Coordinate with the Georgia D.O.T. regarding access.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

Contact GCEHD concerning the swimming pool permitting process.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the southern right-of-way of Gravel Springs 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 an 8-inch sanitary sewer main located on the property.

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:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.



PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Additions in **bold**

Deletions in ~~strikethrough~~

Approval as R-ZT (CIC2015-00008) for the northern tract, and R-60 (RZR2015-00007) for the southern tract, 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.
  - B. The minimum heated floor area per dwelling unit shall be 2,200 square feet for single story homes and 2,400 square feet for two-story homes.
  - C. Homes shall be craftsman style on the front façade. Seventy-five percent (75%) of the homes shall be constructed with side and rear elevations of brick and/or stacked stone on four sides. Minor treatments (i.e. chimneys, roof gables, bay windows, dormers, etc.) may be of the same or of stucco, shake shingle, wood or fiber cement type siding. The remaining twenty-five percent (25%) of homes shall have side and rear elevations of same or of fiber cement type siding, with brick or stacked stone water table. Elevations must be submitted and approved by the Director of Planning and Development to insure keeping with the spirit intended.
  - D. All dwellings shall have double-car garages.
2. To satisfy the following site development considerations:
  - A. Provide a fifty foot (50') wide buffer along the common property line with the Hedgerows Subdivision. Buffer shall be undisturbed except for additional landscaping only where sparsely vegetated, said additional landscaping to consist of a mixture of an undulating berm designed to blend with the natural landscape and two staggered rows of Thuga Green Giants planted 6 feet on-center.
  - B. Natural vegetation shall remain on the property until the issuance of a development permit.
  - C. ~~Provide interparcel access with adjoining Villages at Ivy Creek properties.~~
  - D. All grassed areas shall be sodded.
  - E. Provide underground utilities throughout the development.
  - F. Final architectural landscaping and site plans shall be subject to review and approval of the Director of Planning and Development.

- G. **All grassed areas on dwelling lots shall be sodded.** All other disturbed land shall be sodded, hydraseeded and strawed or mulched.
3. To abide by the following requirements, dedications, and improvements:
- A. ~~Prior to the issuance of the first building permit donate and/or acquire all necessary right-of-way and easements and design and construct the New Road Alignment (Continuation of Ivy Creek Road) as directed by the Gwinnett County DOT and to agree to cooperate with the Gwinnett DOT regarding improvements to existing Ivy Creek Road between the new alignment and Camp Branch.~~
- B. ~~If approved, and when directed by the Gwinnett DOT and/or the Georgia DOT, acquire all necessary right-of-way and easements and design and install a traffic signal at the intersection of State Road 324 and the New Road Alignment.~~
- C. ~~Prior to the issuance of the 300<sup>th</sup> residential building permit, for the entire development, with Gwinnett DOT acquiring all necessary right-of-way, design and construct the following improvements at the intersection of Ivy Creek Road and Camp Branch Road:~~
  - ~~1. Construct an eastbound right turn lane on Ivy Creek Road.~~
  - ~~2. Construct a southbound right turn lane along Ivy Church Road.~~
- D. If required, dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction of a greenway path/trail through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval of the Gwinnett Department of Community Services. All dedications will be located outside of the designated stream bank setbacks.
- E. All residences shall be bound by a declaration of covenants, easements and restrictions which is recorded in the real estate records of Gwinnett County and which will automatically make each homeowner a member of the mandatory homeowners association (which shall be incorporated as a Georgia not-for-profit corporation). The homeowners association shall own, control and maintain all amenity areas, clubhouse open space and/or common areas located within the development and shall assess and collect compulsory annual, monthly or quarterly dues in an amount sufficient to provide for the ongoing maintenance, insurance, taxes, etc. of all landscaping, entranceways and common areas. Said homeowners association shall have lien rights in the event that compulsory dues are not paid.
- F. ~~The overall Villages at Ivy Creek development shall have an amenities area containing, at minimum 3,500 square foot, heated closed structured 4-sided club house constructed to be aesthetically compatible with homes in the subdivision, a children's playground, 6 tennis courts, wading pool and a competition sized swimming pool. The amenities area shall be constructed once 25 percent of the total number of homes in the subdivision has been sold to residents.~~ **The subdivision shall include an amenity area**

**containing at a minimum, a junior Olympic size pool, playground, cabana/bath house and mail kiosk, aesthetically compatible with homes in the subdivision. The amenities shall be constructed once 25 percent of the homes in the subdivision have been sold to residents.**

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

In light of existing residential developments in the area, the proposed subdivision could be considered consistent with the surrounding developments in the immediate vicinity.

ADVERSE IMPACTS

With the recommended conditions, adverse impacts on adjacent or nearby properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in traffic, utilities usage, storm water runoff, and the number of school-aged children could be anticipated from this request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within an Existing/Emerging Suburban Character Area. The proposed subdivision could be considered consistent with the Unified Plan and with previous Board rezoning approvals in the area if approved with staff's recommended conditions.

CONDITIONS AFFECTING ZONING

As the Villages at Ivy Creek development is no longer to be developed as originally planned, the proposed subdivision could be consistent with residential developments in the immediate area. However, certain zoning conditions were established through the public hearing process to ensure the compatibility of uses in the area. Therefore, staff recommends that most of these conditions continue to be required for the new subdivision.

**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 Attached

---

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

See Attached

---

---

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

See Attached

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- (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 Attached

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

See Attached

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- (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 Attached

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

- (A) The subject property is surrounded by residential developments. The proposed zoning of a single family residential subdivision will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- (B) No. The rezoning will not adversely affect the existing use or usability of adjacent or nearby property. Rather, the proposed rezoning and development would be consistent with the adjacent and nearby property and provide an enhancement to the area.
- (C) No. In light of market conditions the property has no reasonable economic use as zoned for R-TH and/or RA-200. The Applicant's requested use as a single family residential development under the R-60 zoning classification will permit a more suitable and appropriate development allowing for the "highest and best use" for the property.
- (D) The proposed development is located in an area with public water and sewer availability and convenient access to major roadways. It will not cause an excessive use of the local fire department, police protection, or solid waste collection/disposal services provided by the County. Further, the rezoning will not cause excessive use of existing streets, transportation facilities, utilities, or schools.
- (E) Yes. The proposed rezoning is in conformance with the Gwinnett County 2030 Unified Plan in that it provides single family residences within an Existing/Emerging Suburban Character Area.
- (F) Yes, the existing zonings of adjacent and nearby properties give additional supporting grounds for the approval of the requested rezoning. Additionally, the property has no reasonable economic use under its current zoning thereby giving additional support for the approval of this Application.

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

- A. Yes, the proposed change in condition will permit a use that is substantially the same as the use and development of adjacent and nearby properties.
- B. No, the proposed change will not adversely affect the existing use/usability of adjacent or nearby properties.
- C. The Property in question does have reasonable economic use as currently zoned. This application does not seek to change the way the Property is currently zoned, but merely seeks to alter certain conditions in light of the number of homes that will be located in the single-family subdivision.
- D. No, the proposed change will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- E. Yes, the proposed change is in conformity with the policy and intent of the land use policy. The Property is developed as a single-family R-100 Modified subdivision, and nothing in this application seeks to change that classification.
- F. Yes, the number of residential homes that will be located in the subdivision and the zoning conditions of other subdivisions in the area surrounding the Property give support for the approval of the proposed change in conditions.

NEGATIVE

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Planning Department

CIC 15-09



Matthew P. Benson  
Alissa L. Cummo  
Kelly O. Faber  
Amanda F. Henningsen  
Christopher D. Holbrook  
Gerald Davidson, Jr.\*  
Jill H. Harris\*

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 MAHAFFEY PICKENS TUCKER, LLP**

Mahaffey Pickens Tucker, LLP, submits this Rezoning Application for the purpose of rezoning to the R-60 (Single Family Residence District) zoning classification a 19.359 acre tract located near the intersection of Gravel Springs Road and Ivy Church Road in Gwinnett County, Georgia (hereafter, the "Property").

The Property, which is currently undeveloped, is zoned R-TH and RA-200 and was formerly a portion of a larger residential development that never left the planning stages called The Villages at Ivy Creek. The Applicant has requested to rezone the Property to the R-60 zoning classification in order to develop a 67.609 acre single-family subdivision consisting of a total of 238 lots with varying lot and home sizes. The Property subject to this Rezoning Application makes up 19.359 acres of the planned 67.609 acre subdivision. The homes on the subject Property will be constructed with front facades of primarily brick or stacked stone with the balance being the same or fiber-cement siding. All homes on the subject Property shall be a minimum of 2,400 square feet.

The Applicant respectfully submits that the proposed use would be the best possible development of the Property and would further provide the community with a much needed benefit. The use and development of the Property as R-TH and RA-200 is not economically feasible and is not the highest and best use of the Property. The operation of the Property as an R-60 single family residential subdivision under the guidelines of Gwinnett County is appropriate for the subject tract, is consistent with the Existing/Emerging Suburban Area under the Gwinnett County 2030 Unified Plan, and is consistent with the surrounding properties.

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

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

TELEPHONE 770 232 0000

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BZR 15 00 71

Planning & Development

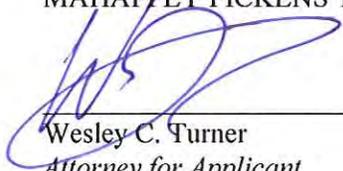


this letter or in the Application filed herewith. The Applicant respectfully requests your approval of this Application.

This 6 day of February, 2015.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



---

Wesley C. Turner  
*Attorney for Applicant*

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Matthew P. Benson  
Alissa L. Cummo  
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R. Lee Tucker, Jr.  
Wesley C. Turner  
\*of Counsel

**LETTER OF INTENT FOR CHANGE IN CONDITIONS  
APPLICATION OF MAHAFFEY PICKENS TUCKER, LLP**

Mahaffey Pickens Tucker, LLP submits this Change in Conditions Application on behalf of, LLC (“the Applicant”) for the purpose of changing a condition of zoning for an approximate 48.25 acre tract located near the intersection of Gravel Springs Road and Ivy Church Road (the “Property”). The Property is currently zoned R-ZT.

Prior to the Great Recession, the Property was to be a part of a large scale neighborhood development called The Villages at Ivy Creek. On February 14, 2007, RZR-06-056 (the “Resolution”) was approved by the Board of Commissioners of Gwinnett County, setting out certain conditions of zoning for the development of the Property. Now, the Property will represent 48.25 acres of a 67.609 acre single-family subdivision consisting of a total of 238 lots with varying lot and home sizes. The Property subject to this change in conditions request will consist of 189 lots with homes having a minimum heated floor area of 2,200 square feet, all being on 45 foot lots. Other than the following requests, the Applicant will abide by the remaining conditions as proposed in the Resolution.

The Applicant seeks to change the following conditions of zoning:

- Condition 1C of the Resolution currently reads as follows:

“Homes shall be craftsman style on the front façade. Seventy-five percent (75%) of the homes shall be constructed with side and rear elevations of brick and/or stacked stone on four sides. Minor treatments (i.e. chimneys, roof gables, bay windows, dormers, etc.) may be of the same or of stucco, shake shingle, wood or fiber cement type siding. The remaining twenty-five percent (25%) of homes shall have side and rear elevations of same or of fiber cement type siding, with brick or stacked stone water table. Elevations must be submitted and approved by the Director of Planning and Development to insure keeping with the spirit intended.”

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Plaintiff

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CIC 75 0 0 0

- The Applicant respectfully requests that Condition 1C be modified to read as follows:
 

“Homes shall be constructed with front facades of primarily brick or stacked stone. The balance of the homes may be the same, or of fiber-cement or shake shingle.”
- Condition 2C currently reads as follows:
 

“Provide interparcel access with adjoining Villages at Ivy Creek properties.”
- Due to the Villages at Ivy Creek not being developed as proposed in 2006, the Applicant respectfully requests that Condition 2C be REMOVED.
- Condition 3A currently reads as follows:
 

“Prior to the issuance of the first building permit, donate and/or acquire all necessary right-of-way and easements and design and construct the New Road Alignment (Continuation of Ivy Creek Road) as directed by the Gwinnett County DOT and to agree to cooperate with the Gwinnett County DOT regarding improvements to existing Ivy Creek Road between the new alignment and Camp Branch.”
- No longer having the ability to accomplish Condition 3A, the Applicant respectfully requests that Condition 3A be REMOVED.
- Condition 3B currently reads as follows:
 

“If approved, and when directed by the Gwinnett DOT and/or the Georgia DOT, acquire all necessary right-of-way and easements and design and install a traffic signal at the intersection of State Road 324 and the New Road Alignment.”
- No longer having the ability to accomplish Condition 3B, the Applicant respectfully requests that Condition 3B be REMOVED.
- Condition 3C currently reads as follows:
 

“Prior to the issuance of the 300<sup>th</sup> residential building permit, for the entire development, with Gwinnett DOT acquiring all necessary right-of-way, design and construct the following improvements at the intersection of Ivy Creek Road and Camp Branch Road:

  1. Construct an eastbound right-turn lane on Ivy Creek Road.
  2. Construct a southbound right-turn lane along Ivy Church Road.”
- Due to the Villages at Ivy Creek not being developed as proposed in 2006, the Applicant respectfully requests that Condition 3C be REMOVED.
- Condition 3F currently reads as follows:
 

“The overall Villages at Ivy Creek Development shall have an amenities area containing, at minimum 3,500 square foot, heated closed structured 4-sided club house constructed to be aesthetically compatible with homes in the subdivision, a children’s playground, 6 tennis courts, wading pool and a competition sized swimming pool. The amenities area

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shall be constructed once 25 percent of the total number of homes in the subdivision has been sold to residents.”

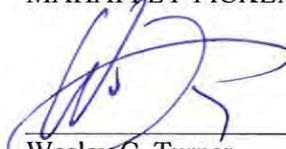
- Due to the Villages at Ivy Creek not being developed as proposed in 2006 and the proposed development being significantly smaller, the Applicant respectfully requests that Condition 3F be amended as follows:

“The Subdivision shall have an amenities area containing, at minimum junior olympic size pool, kids playground, cabana, bath house, and mail kiosk, aesthetically compatible with homes in the subdivision. The amenities shall be constructed once 25 percent of the total number of homes in the subdivision has been sold to residents.”

The Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matter 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 6 day of February, 2015.

MAHAFFEY PICKENS TUCKER, LLP



\_\_\_\_\_  
Wesley C. Turner  
*Attorneys for Applicant*

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CIC 15 070

Planned

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CASE NUMBER RZR-06-056  
GCID 2006-1493

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

---

<u>Present</u>	<u>VOTE</u>
Charles Bannister, Chairman	<u>AYE</u>
Lorraine Green, District 1	<u>AYE</u>
Albert Nasuti, District 2	<u>ABSENT</u>
Michael Beaudreau, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

---

On motion of COMM. KENERLY, which carried 4-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP.

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from RA-200 to R-ZT by RUBY FOREST, INC. for the proposed use of SINGLE-FAMILY SUBDIVISION on a tract of land described by the attached legal description, which

is incorporated herein and made a part hereof by reference; and

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JANUARY 23, 2007 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 23RD day of JANUARY 2007, that the aforesaid application to amend the Official Zoning Map from RA-200 to R-ZT is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Single family dwellings and accessory uses and structures.
  - B. The minimum dwelling size shall be 2,200 square feet for one-story homes and 2,400 square feet for two-story homes.

- C. Homes shall be craftsman style on the front façade. Seventy-five percent (75%) of the homes shall be constructed with side and rear elevations of brick and/or stacked stone on four sides. Minor treatments (i.e. chimneys, roof gables, bay windows, dormers, etc.) may be of the same or of stucco, shake shingle, wood or fiber cement type siding. The remaining twenty-five percent (25%) of homes shall have side and rear elevations of same or of fiber cement type siding, with brick or stacked stone water table. Elevations must be submitted and approved by the Director of Planning and Development to insure keeping with the spirit intended.
- D. All dwellings shall have double-car garages.
- 2. To satisfy the following site development considerations:
  - A. Provide a fifth foot (50') wide buffer along the property common line with the Hedgerows Subdivision. Buffer shall be undisturbed except for additional landscaping only where sparsely vegetated, said additional landscaping to consist of a mixture of an undulating berm designed to blend with the natural landscape and two staggered rows of Thuga Green Giants planted 6 feet on center.
  - B. Natural vegetation shall remain on the property until the issuance of a development permit.
  - C. Provide interparcel access with adjoining Villages at Ivy Creek properties.
  - D. All grassed areas shall be sodded.
  - E. All utilities shall be placed underground.
  - F. Final architectural landscaping and site plans shall be subject to review and approval of the Director of Planning and Development.
  - G. All disturbed land shall be sodded, hydraseeded and strawed or mulched.

3. To abide by the following requirements, dedications and improvements as follows:
  - A. Prior to the issuance of the first building permit donate and/or acquire all necessary right-of-way and easements and design and construct the New Road Alignment (Continuation of Ivy Creek Road) as directed by the Gwinnett County DOT and to agree to cooperate with the Gwinnett DOT regarding improvements to existing Ivy Creek Road between the new alignment and Camp Branch.
  - B. If approved, and when directed by the Gwinnett DOT and/or the Georgia DOT, acquire all necessary right-of-way and easements and design and install a traffic signal at the intersection of State Road 324 and the New Road Alignment.
  - C. Prior to the issuance of the 300<sup>th</sup> residential building permit, for the entire development, with Gwinnett DOT acquiring all necessary right-of-way, design and construct the following improvements at the intersection of Ivy Creek Road and Camp Branch Road:
    1. Construct an eastbound right-turn lane on Ivy Creek Road.
    2. Construct a southbound right-turn lane along Ivy Church Road.



- D. If required, dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction of a greenway path/trail through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval of the Gwinnett Department of Community Services. All dedications will be located outside of the designated stream bank setbacks.
- E. All residences shall be bound by a declaration of covenants, easements, and restrictions which is recorded in the real estate records of Gwinnett County and which will automatically make each homeowner a member of the mandatory homeowners' association (which shall be incorporated as a Georgia not-for-profit corporation). The homeowners' association shall own, control and maintain all amenity areas, clubhouse, open space and/or common areas located within the development and shall assess and collect compulsory annual monthly or quarterly dues in an amount sufficient to provide for the ongoing maintenance, insurances, taxes, etc. of all landscaping, entranceways, and common areas. Said homeowners' association shall have lien rights in the event that compulsory dues are not paid.

F. The overall Villages at Ivy Creek development shall have an amenities area containing, at minimum 3,500 square foot, heated closed structured 4-sided club house constructed to be aesthetically compatible with homes in the subdivision, a children's playground, 6 tennis courts, wadding pool and a competition sized swimming pool. The amenities area shall be constructed once 25 percent of the total number of homes in the subdivision have been sold to residents

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: *Charles E. Bannister*  
Charles E. Bannister, Chairman

Date Signed: 2/14/07

ATTEST:

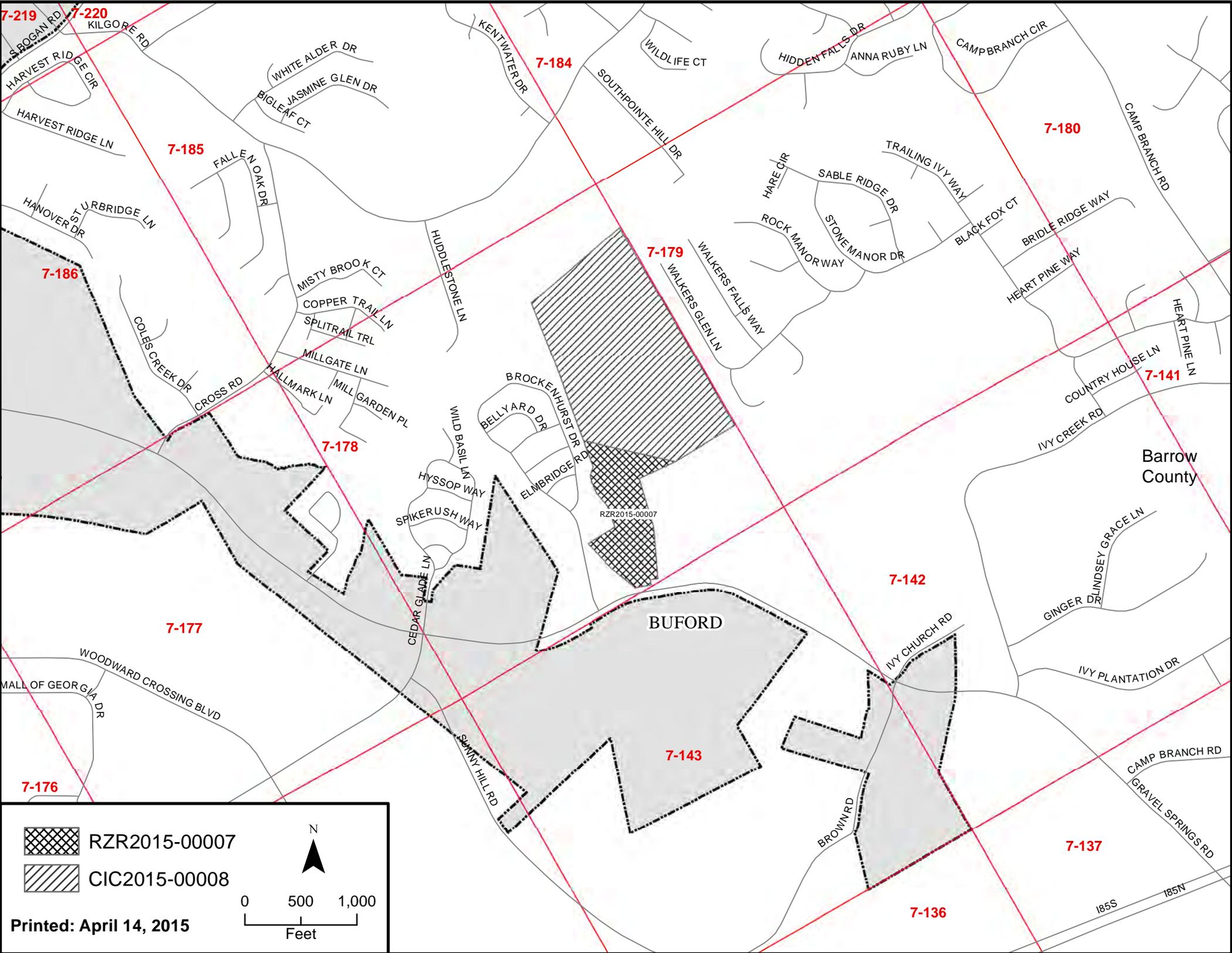
*Diane Kemp*  
County Clerk/Deputy County Clerk



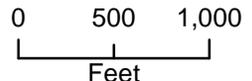
**Residential Rezoning Impact on Local Schools  
Prepared for Gwinnett County**

Case #	Schools	Current Projections									Proposed Zoning
		2014-15			2015-16			2016-17			Approximate additional Student Projections from Proposed Developments
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZR2015-00007	<b>Mill Creek HS</b>	<b>3885</b>	2,800	1,085	<b>4025</b>	2,800	1,225	<b>4000</b>	2,800	1,200	7
	<b>Jones MS</b>	<b>1402</b>	975	427	<b>1430</b>	975	455	<b>1459</b>	975	484	5
	Patrick ES	<b>851</b>	1,025	-174	<b>862</b>	1,025	-163	<b>872</b>	1,025	-153	11
CIC2015-00008	<b>Mill Creek HS</b>	<b>3885</b>	2,800	1,085	<b>4025</b>	2,800	1,225	<b>4000</b>	2,800	1,200	28
	<b>Jones MS</b>	<b>1402</b>	975	427	<b>1430</b>	975	455	<b>1459</b>	975	484	22
	Patrick ES	<b>851</b>	1,025	-174	<b>862</b>	1,025	-163	<b>872</b>	1,025	-153	44

Current projections do not include new developments



-  RZR2015-00007
-  CIC2015-00008



Printed: April 14, 2015

**BUFORD**

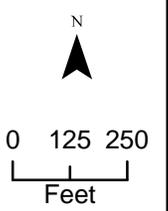
Barrow County

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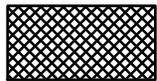
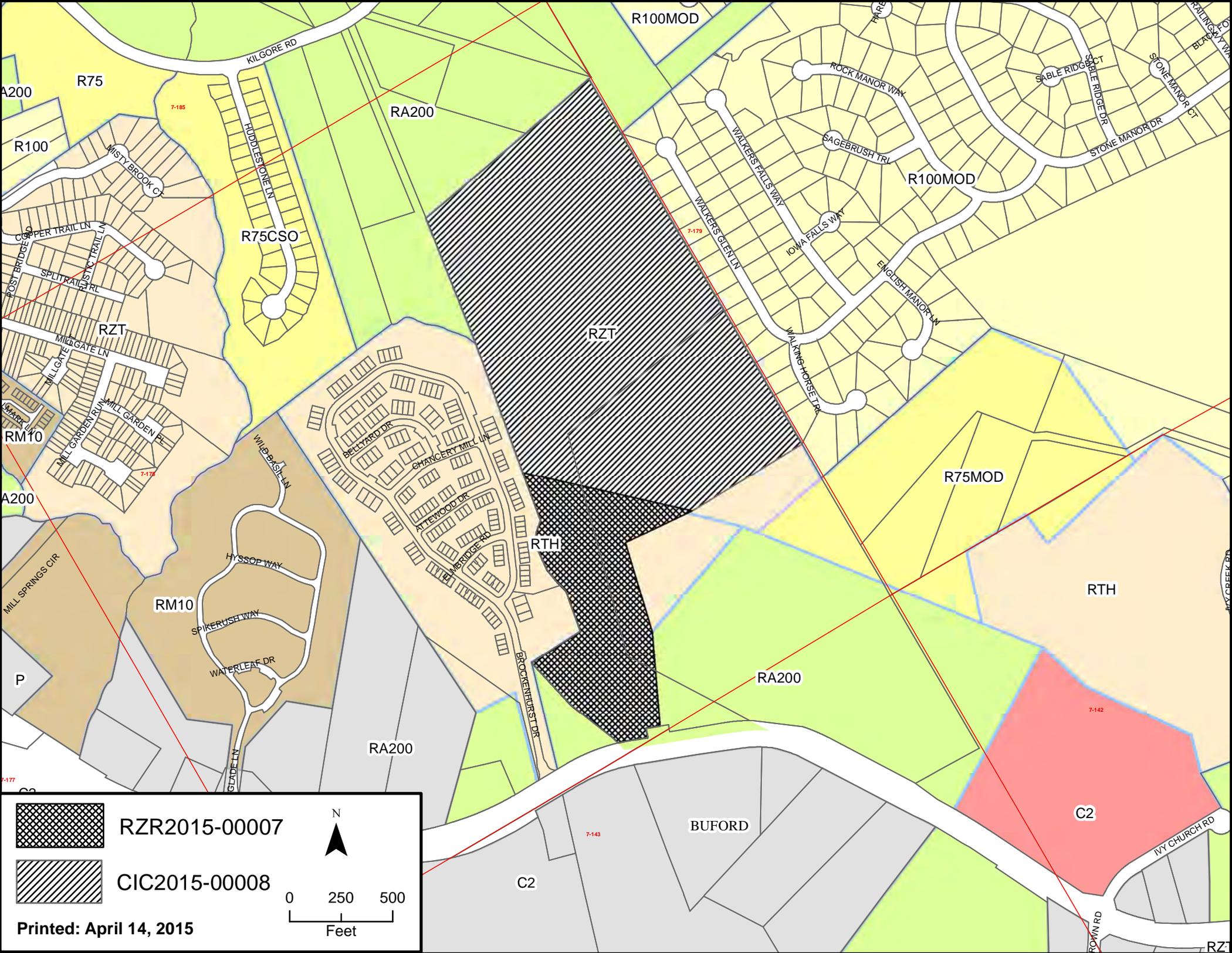


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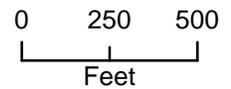
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Printed: April 14, 2015

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

CASE NUMBER :**SUP2015-00026**  
ZONING :C-2 & M-1  
LOCATION :1600 BLOCK OF BOGGS ROAD  
:2500 BLOCK OF BRECKINRIDGE BOULEVARD  
MAP NUMBERS :R7076 002 & 029  
ACREAGE :5.11 ACRES  
PROPOSED SPECIAL USE :HEAVY TRUCK AND TRAILER STORAGE LOT  
(REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: DEVELOPMENT PLANNING & ENGINEERING  
5074 BRISTOL INDUSTRIAL WAY, SUITE A  
BUFORD, GA 30518

CONTACT: TONYA WOODS                      PHONE: 770.271.2868

OWNER: JAMES DAVENPORT  
1224 PAT HARALSON MEMORIAL DRIVE  
BLAIRSVILLE, GA 30512

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant is requesting a Special Use Permit for a truck storage lot for tractor trailers and box trucks on property zoned C-2 (General Business District) and M-1 (Light Industry District). The site is a graded, narrow strip with approximately 1,200 feet of frontage along Breckenridge Boulevard, extending eastward from Boggs Road to Georgia Highway 316. The site plan indicates 38 proposed parking spaces on the 5.11-acre property. According to the letter of intent, the property owner is under contract with the United States Postal Service as a mail service carrier and therefore wishes their trucks to be located near the Post Office distribution facility, located on the property adjacent to the south.

The site plan indicates an 8-foot high solid wooden fence around the proposed storage lot, except at the entrance/exit on Boggs Road. A truck turn-around area and detention pond would be constructed at the rear of the truck parking area. For tractor trailer storage lots, the Unified Development Ordinance requires a 15-foot buffer along the street frontages, and a 25-foot buffer along the side and rear property lines. The site plan depicts the required 15-foot buffer along both streets, but proposes elimination of the 25-foot buffer along the south property line to accommodate truck parking, driveways and detention. The easternmost one-third of the site extending to Highway 316 would remain vacant.



**ZONING HISTORY:**

In 1970, the subject property was zoned M-2 (Heavy Industry District). In 1975, it was rezoned to M-1 (Light Industry District) by an areawide rezoning. Pursuant to RZ-96-036, 1.61 acres at the intersection of Breckenridge Boulevard and Boggs Road was rezoned to C-2 for a convenience store, which was never constructed.

**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 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.

Section 900-40.7A of the Unified 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 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).

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.

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.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Boggs 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.

Breckinridge Boulevard 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.

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.

Minimum separation from a driveway, public road, or side street shall be provided as specified in the Gwinnett County Unified Development Ordinance.

**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 Boggs 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 36-inch sanitary sewer main located on parcel 7076 002, and approximately 1,080 feet northwest of parcel 7076 029.

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 COMMENT SECTION:

No comment.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

#### DEPARTMENT ANALYSIS:

The subject site is a 5.11-acre graded tract located along Breckenridge Boulevard, between Boggs Road and Georgia Highway 316. A Georgia Power Company transmission line easement runs through a majority of the property which contains two electrical transmission towers. The site is also developed with a cell tower at the intersection of Breckenridge Boulevard and Boggs Road.

The 2030 Unified Plan Future Development Map indicates the property lies within a Preferred Office Character Area. Land uses such as professional office uses and mixed-use developments are encouraged for this Character Area. Uses that are discouraged include all forms of industrial and large free-standing commercial/retail. It is staff's opinion that the proposed tractor trailer/box truck storage lot may be too visible and unsightly for this location; and may not be consistent with the policies and intent of the Unified Plan to preserve the visual appeal and maintain a pleasing appearance for Preferred Office areas.

Much of the surrounding area is characterized by well-maintained business park uses which have been zoned since 1975. Across Breckenridge Boulevard is the Southern Ideal Door facility, zoned M-1. Adjacent to the south is a large tract zoned M-1 and developed as a U.S. Postal Service distribution facility. Although the Post Office stores similar large vehicles on their site, it is limited to the rear of the facility and not as highly visible as the subject tract. To the west across Boggs Road is the McCormick International Tractor facility, zoned M-2. The tractors on that site are located behind the building and are well-screened from Breckenridge Boulevard. Additionally, the property's location under large power line easements may limit the effectiveness of allowable vegetative screening. In staff's view, this request for a tractor trailer/box truck storage lot could be detrimental to this section of Breckenridge Boulevard and may be incompatible with the established higher-end office and business park uses in the area.

In conclusion, this request for a Special Use Permit for a truck storage lot for tractor trailers and box trucks may be inconsistent with the Preferred Office Character Area designation of the Future Development Map and the policies and intent of the 2030 Unified Plan. Additionally, staff believes that approval of this request may set a precedent for future industrial requests that could have a detrimental effect on the area. 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 of a Special Use Permit for a heavy truck and trailer storage lot, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Limited to a storage lot for tractor trailers and box trucks under contract with the U.S. Postal Service for mail distribution, only.
2. To abide by the following site development considerations:
  - A. Provide a minimum 12-foot high, opaque fence around the periphery of the area utilized for the storage of all trucks and trailers, except for approved access on Boggs Road.
  - B. Provide 15-foot wide landscape strips along Breckenridge Boulevard and Boggs Road exterior to the wooden fence, and along the southeastern property line. Landscape plantings shall include a mix of deciduous and evergreen trees and shrubs. Trees and shrubs shall be grouped and arranged to create an effective and aesthetic visual screen. The final landscape plan shall be subject to review and approval by the Director of Planning and Development.
  - C. Exit/entrance design and location shall be subject to review and approval of the Gwinnett County Department of Transportation.
  - D. Outdoor loudspeakers shall be prohibited.
  - E. 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.
  - 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

The proposed truck storage lot for tractor trailers and box trucks may not be a suitable use for the subject site given its visible location within an established business park setting along Breckenridge Boulevard.

ADVERSE IMPACTS

The proposed truck storage lot may have adverse visual impacts on nearby properties and rights-of-way, and introduce an incompatible land use 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 truck storage lot may be inconsistent with policies of the Unified Plan which recommend that this area be developed as with upscale office uses in a visually pleasing business park environment.

CONDITIONS AFFECTING ZONING

The highly visible nature of this tract, extending in a narrow strip along Breckenridge Boulevard, suggests that the visual impact of the use may be too intense. Additionally, the location of the tract under major power line easements may limit the effectiveness of allowable vegetative screening.

**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:

The proposed use of a storage facility of truck trailers is suitable in view of use and development of adjacent and nearby property.

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

The proposed use will not adversely affect the existing use or usability of adjacent or nearby property.

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

The property currently has not reasonable economic use as currently zoned because of the transmission easement that traverses the site.

- (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:

The proposed site will have only right in and right out access that will not cause an excessive or burdensome use of existing streets transportation facilities, utilities, or schools.

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

The proposed special use permit is in conformity with the policy and intent of the land use plan and does not change the underlying zoning classification of the subject property.

- (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:

Due to the existing site constraints with the electrical transmission line that traverses the property, the site is severely restricted with what use is feasible.

RECEIVED BY

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SUP'15 026



Development Planning & Engineering, Inc.

June 4, 2015

Gwinnett County Department of Planning & Development  
446 West Crogan Street  
Lawrenceville, Georgia 30046

To whom it may concern:

Please let this letter serve as our Letter of Intent to file for a Special Use Permit on Parcel numbers 7-076-029 and 7-076-002 that are zoned C-2 and M-1 respectively. We are seeking the Special Use Permit on these parcels to allow for parking of tractor trailer trucks and box trucks on site. The Property Owner, Davenport Transportation, is under contract with the United States Postal Service as a mail service carrier. The Postal Service is located on the adjacent tract and Davenport Transportation picks up the mail from the Postal Service on a daily basis.

By obtaining the Special Use permit on this property, it will allow Davenport Transportation to efficiently and cost effectively pick up and deliver the mail to and from the United States Postal Service with respect to fuel and personnel efficiency.

As reflected on the submitted site plan, we are requesting a reduction in the required landscape setback in regards to outdoor storage in the required front yard setbacks along Breckinridge Parkway and Boggs Road from fifty feet to fifteen feet. Also, along the rear we are requesting a reduction from fifteen feet to zero feet due to the fact that there is an existing Georgia Power Transmission Easement that is 187 feet wide from the property line. Along the side we are requesting a reduction from fifteen feet to zero feet due to the fact that there is no outdoor storage proposed in this area. An eight foot high solid wood fence will be erected along the perimeter of the outdoor storage area along with evergreen landscaping along Breckinridge Parkway and Boggs Road.

Thank you for your consideration of this Special Use Permit request. If you have any questions, please do not hesitate to give me a call.

Sincerely,

Tohya Woods  
Development Planning & Engineering

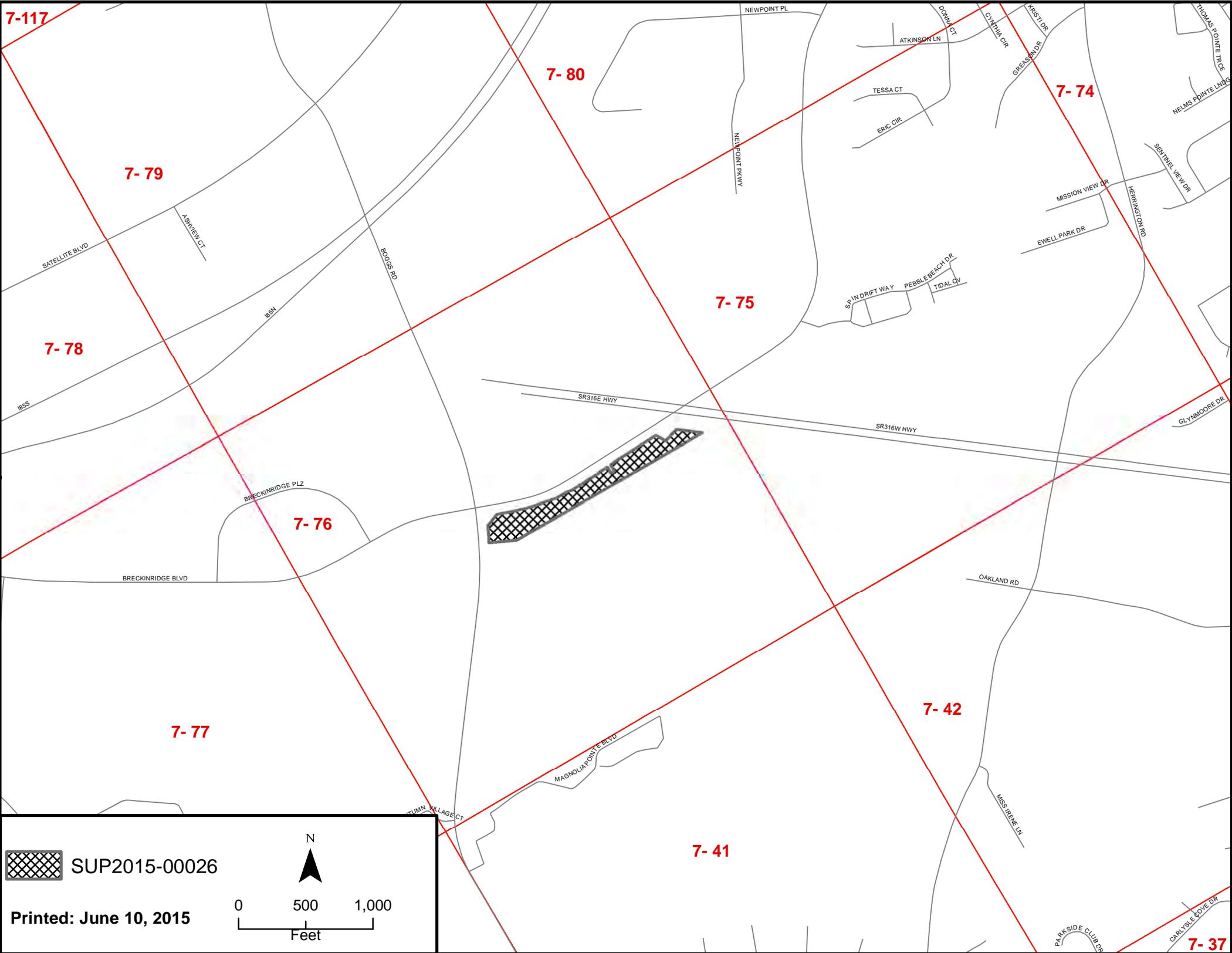
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Planning & Development

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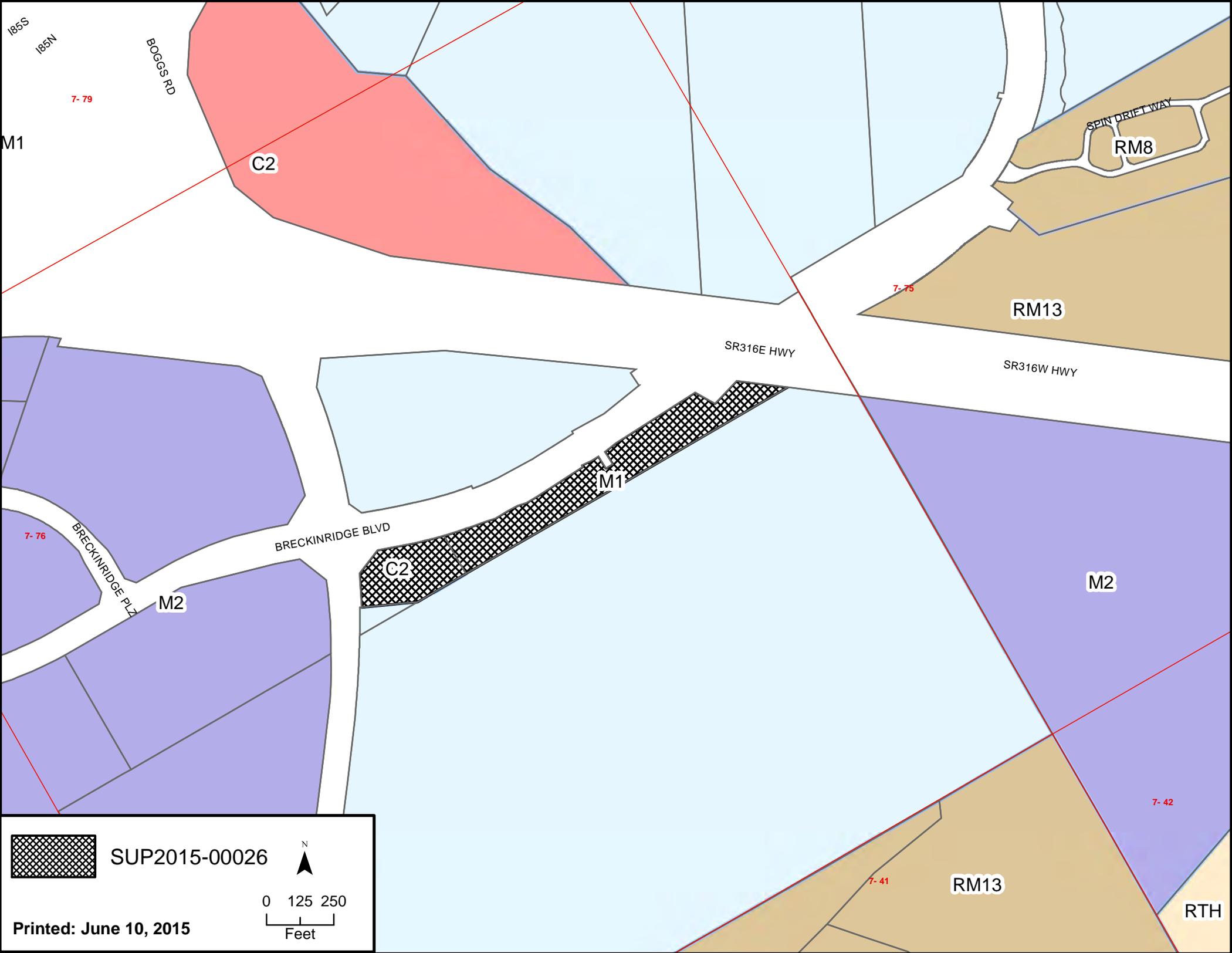
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185S  
185N

BOGGS RD

7-79

M1

C2

SPIN DRIFT WAY

RM8

7-75

RM13

SR316E HWY

SR316W HWY

7-76

BRECKINRIDGE PLZ

M2

BRECKINRIDGE BLVD

M1

C2

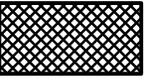
M2

7-42

RM13

RTH

7-41

 SUP2015-00026

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Printed: June 10, 2015

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

CASE NUMBER :**RZM2015-00006**  
ZONING CHANGE :R-100 TO R-TH  
LOCATION :1800 BLOCK OF OLD PEACHTREE ROAD  
:2000 BLOCK OF SUNNY HILL ROAD  
MAP NUMBERS :R7094 004 & 005A  
ACREAGE :29.69 ACRES  
UNITS :178 UNITS  
PROPOSED DEVELOPMENT :TOWNHOMES (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: JLCS ENTERPRISES, INC.  
C/O MAHAFFEY, PICKENS, TUCKER, LLP  
1550 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACT: JEFF SUTTON PHONE: 678.300.5412

OWNER: THE LANSKY PARTNERSHIP, LLLP  
5855 SANDY SPRINGS CIRCLE, SUITE 290  
SANDY SPRINGS, GA 30328

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests rezoning of a 29.69-acre parcel assemblage from R-100 (Single Family Residence District) to R-TH (Single Family Residence Townhouse District) to construct a 178-unit attached townhouse development. The property is located on the north side of Old Peachtree Road, at its intersection with Sunny Hill Road.

The proposed development would consist of 178 townhomes on 29.69-acres, which results in a gross and net density of 6.0 units per acre, as the property does not contain floodplain. The project would be accessed by a single driveway onto Sunny Hill Road. The site plan appears to meets the required internal and external setbacks, parking and landscaped setback requirements for the R-TH district. However, the required buffers are proposed to be reduced from 50 feet to 35 feet adjacent to neighboring properties zoned R-100 and R-75, and from 100 feet to 40 feet adjacent to neighboring properties zoned RA-200.

According to the applicant's letter of intent and submitted elevations, the townhouse buildings would be constructed with combinations of brick, stone, fiber-cement siding and shake. The townhome units would be a minimum of 1,500-square feet, and would include a one-car garage.

**ZONING HISTORY:**

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). In 1984, the property was rezoned to R-100, pursuant to RZ-183-84.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

The subject property contains 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. The applicant/developer shall obtain all required approvals from the Gwinnett Department of Public Utilities and the U.S. Army Corps of Engineers for construction or land disturbance activities which may impact floodplain or wetland areas.

**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.

Section 210-100.6 of the Unified Development Ordinance requires 50-foot wide landscaped setback be provided along all exterior street frontage.

Section 610-20 of the Unified Development Ordinance requires 40 feet of undisturbed buffer adjacent to RA-200 districts and 35 feet of undisturbed buffer adjacent to R-100 districts.

Parking spaces shall be provided at a minimum of three parking spaces per unit.

Section 210-100 of the Unified Development Ordinance required 80% of required parking areas for overall development be located directly in the front or rear of the dwelling units.

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 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.

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 United States 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 access easement (if private street). Location and access must be approved by Gwinnett County D.O.T.

#### STORMWATER REVIEW SECTION COMMENTS:

No comment.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Old Peachtree Road is a Minor Arterial and 40 feet of right-of-way is required from the centerline, with 50 feet required within 500 feet of a major intersection.

Sunny Hill Road is a Minor Collector and 30 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.

Minimum separation from a driveway, public road, or side street shall be provided as specified in the Gwinnett County Unified Development Ordinance.

The project is to comply with 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 16-inch water main located on the southern right-of-way of Old Peachtree Road, and a 48-inch water main located on the eastern right-of-way of Sunny Hill 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 an 8-inch sanitary sewer main located 217 feet west of the property, and an 8-inch sanitary sewer main located 156 feet east of the property.

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 residential building permit for each townhouse and achieve satisfactory field inspections for issuance of a Certificate of Completion.

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:**

No comment.

**DEPARTMENT ANALYSIS:**

The property is located on the north side of Old Peachtree Road, at its intersection with Sunny Hill Road. The property is developed with an existing residence; however, most of the site is wooded with a pond along the eastern property line.

The 2030 Unified Plan Future Development Map indicates the property is located within an Existing/Emerging Suburban Character Area. Policies for this Character Area encourage new development which is compatible with the existing single-family residential uses in the area. These policies would discourage attached housing and the density of development proposed by the applicant in this case. There is no precedent for townhomes in the surrounding single-family residential area along Old Peachtree Road. As such, the request could be inconsistent with policies of the Unified Plan which encourage the protection of established neighborhoods in rezoning actions.

The surrounding areas along Old Peachtree Road and Sunny Hill Road are primarily zoned and developed with single-family detached residential subdivisions, zoned R-100 and R-75, along with homes on large lots primarily zoned RA-200, R-140 and R-100. Located to the north is vacant land, zoned R-100. To the east is the Wynfield Pointe subdivision zoned R-100 and the Arbors at Old Peachtree zoned R-75 Modified. To the south of the subject site across Old Peachtree Road are large lots zoned R-100, and the Peachtree Downs subdivision zoned R-100 Modified. To the west across Sunny Hill Road is a property under development zoned R-60 and the Oaks at Charleston Commons subdivision zoned R-100 Modified. The proposed townhome development may be out of character with the area, which is limited to low density, detached residential development and zoning. Furthermore, approval of this project could establish a zoning precedent for approval of additional attached housing in the area.

In conclusion, the request is not considered compatible with subdivision developments along Old Peachtree Road, is inconsistent with the zoning pattern of the area and with policies of the Unified Plan. Therefore, the Department of Planning and Development recommends

**DENIAL.**

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval as an R-60 for a single-family detached 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.
  - B. Homes shall be constructed primarily of brick or stacked stone on the front facades. The balance shall be the same or fiber-cement siding or shake with a minimum three foot masonry water table.
  - C. The minimum heated floor area per dwelling unit shall be 2,000 square feet for one-story homes and 2,200 square feet for two-story homes.
  - D. All dwellings shall have at least a double-car garage.
2. To satisfy the following site development considerations:
  - A. No direct lot access allowed to Old Peachtree Road, Rock Springs Road or Sunny Hill Road.
  - B. All exterior street frontages shall be landscaped by the developer and maintained by the Homeowner's Association. Entrances shall include decorative masonry entrance features. Landscape and signage plans shall be subject to review and approval of the Director of Planning and Development.
  - D. All grassed areas on dwelling lots shall be sodded.
  - E. Underground utilities shall be provided throughout the development.
  - F. Natural vegetation shall remain on the property until the issuance of a development permit.
  - G. Detention pond shall be fenced with black vinyl coated chain linked fence 4 feet in height, and shall be fully screened from view of adjacent residences with a staggered double row of Thuga Green Giant trees which shall be 8 to 10 feet in height at the time of planting.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

The proposed townhome development may be out of character with the area, which is limited to detached residential development. Furthermore, approval of this project could establish a zoning precedent for additional attached housing in the area.

ADVERSE IMPACTS

Potential adverse impacts on nearby residential properties could be anticipated due to the proposed number of units and density of development.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in traffic, utilities usage, storm water runoff, and the number of school-aged children could be anticipated from this request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within an Existing/Emerging Suburban Character Area. Policies for this Character Area encourage single-family detached residential uses, and townhomes have not been permitted to extend into this residential area along Old Peachtree Road. As such, the request could be inconsistent with policies of the Unified Plan which encourage the protection of established neighborhoods in rezoning actions.

CONDITIONS AFFECTING ZONING

The requested style and density of housing are not considered compatible with single-family subdivision developments along Old Peachtree Road. The scale of the development, with 178 units on less than 30 acres is incompatible with the surrounding, established 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:

See attached

---

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

See attached

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---

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

See attached

---

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- (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 attached

---

---

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

See attached

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---

- (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 attached

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

- (A) Yes. The subject property is located along the east side of Sunny Hill Road north of its intersection with Old Peachtree Road. The R-TH zoning classification would permit a suitable use for the area in light of the uses of nearby property. A townhome development would serve the demands of the market and maintain the residential character of the area.
- (B) No. This rezoning will enhance the area and will not adversely affect adjacent and nearby properties.
- (C) No. In light of market conditions, site-specific topography, and the surrounding property uses, the property does not have reasonable economic use with its current R-100 zoning classification.
- (D) No. This property is located in an area with public water and sewer availability and convenient access to major roadways including I-85 and I-985. This rezoning will not cause excessive use of existing streets, transportation facilities, utilities, or schools. The development of the property as proposed will not unduly tax the water and sewer facilities in place in the area.
- (E) Yes. The proposed rezoning to an R-TH residential development is in conformance with the intent of the Land Use Plan. The Property is located in an Existing/Emerging Suburban character area very near the Regional Mixed-Use character area surrounding the Mall of Georgia. Further, the proposed Sugarloaf Parkway extension will further contribute the mixed-use character of the area.
- (F) Yes. The property's location near a major interstate interchange provides supporting grounds for development of the property in accordance with the application. Additionally, as the Mall of Georgia regional mixed-use area continues to develop, a variety of housing types will contribute to the success of the area.

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RZM '15 006



Matthew P. Benson  
Alissa L. Cummo  
Kelly O. Faber  
Amanda F. Henningsen  
Christopher D. Holbrook  
Gerald Davidson, Jr.\*  
Jill H. Harris\*

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 JLCS ENTERPRISES, INC.**

Mahaffey Pickens Tucker, LLP submits this Rezoning Application on behalf of the Applicant, JLCS Enterprises, Inc. (the "Applicant"), for the purpose of rezoning to the R-TH zoning classification an approximate 30.05 acre tract (the "Property") situated at the intersection of Sunny Hill Road and Old Peachtree Road in Gwinnett County, Georgia. The Property is currently zoned R-100.

The Applicant proposes to develop a single-family residential community, including 178 attached residential townhomes. The proposal would allow a development with a density of approximately 6.0 units per acre, which is below the maximum allowed density of 8.0 units per acre prescribed for the R-TH zoning classification in the Gwinnett County Unified Development Ordinance (the "UDO"). The community will consist of homes at a size, quality and price-point commensurate with or exceeding homes in the adjoining communities. The architectural features will be a mixture of brick, hardi-shake, stone, and cement-based siding on the front façade with the balance of the home being the same.

The surrounding area contains a mixture of housing types and the proposed rezoning is compatible with surrounding uses. Approval of the proposed rezoning would also provide for a continued transitional area from higher-intensity commercial uses near the Mall of Georgia to

lower-intensity residential uses further to the east of the Property.

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

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

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

www.mptlawfirm.com

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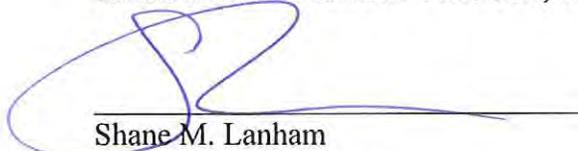
RZM '15 006

The Applicant has abundant experience in developing quality residential communities in the greater Atlanta area including Gwinnett County. Local knowledge and experience, strategic land selection, professional planning and detailed execution contributed to a rezoning proposal which is compatible with surrounding uses and meets the demands of the market.

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

Respectfully submitted this 4<sup>th</sup> day of June, 2015.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham  
*Attorneys for Applicant*

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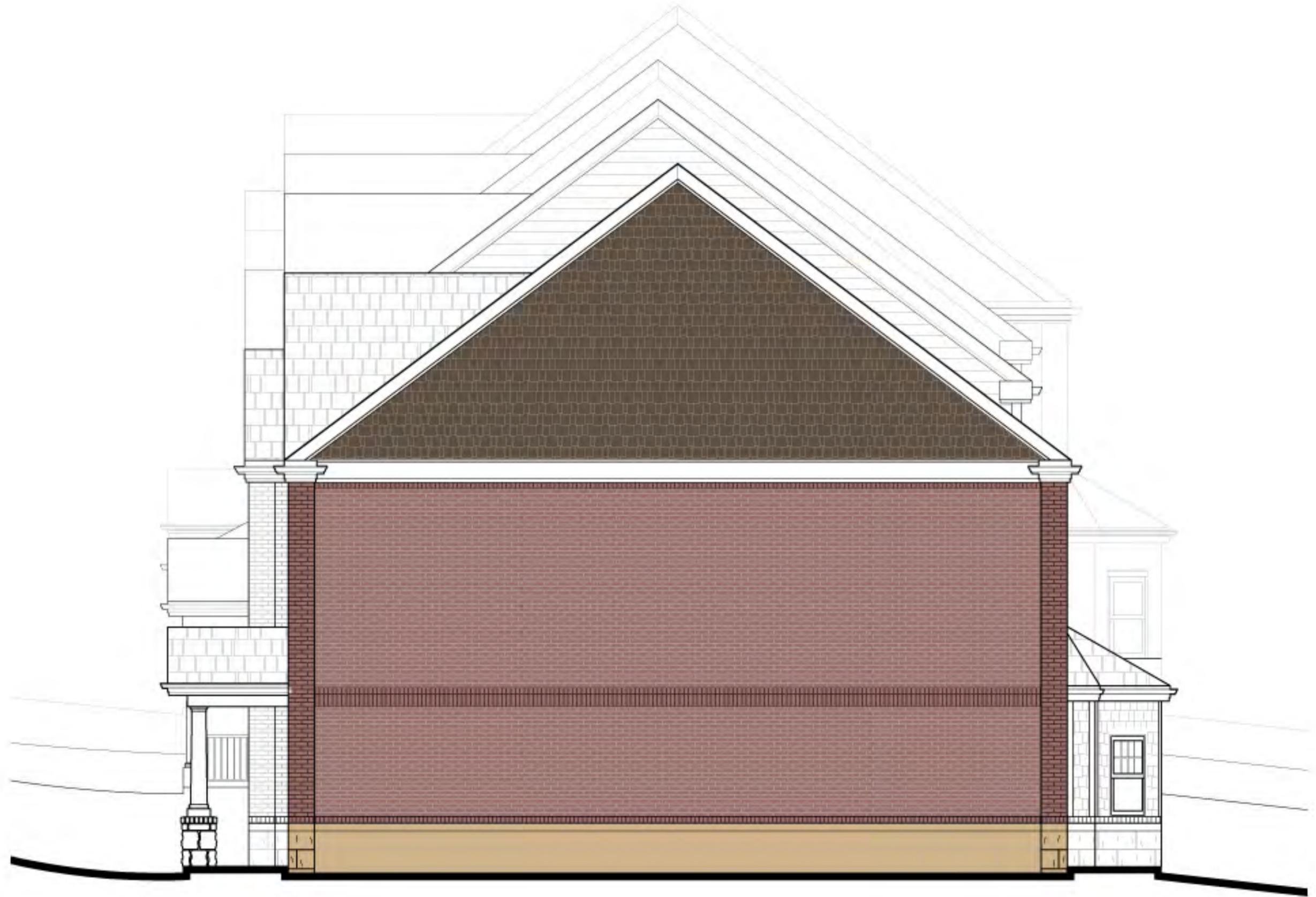
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RZM'15 006









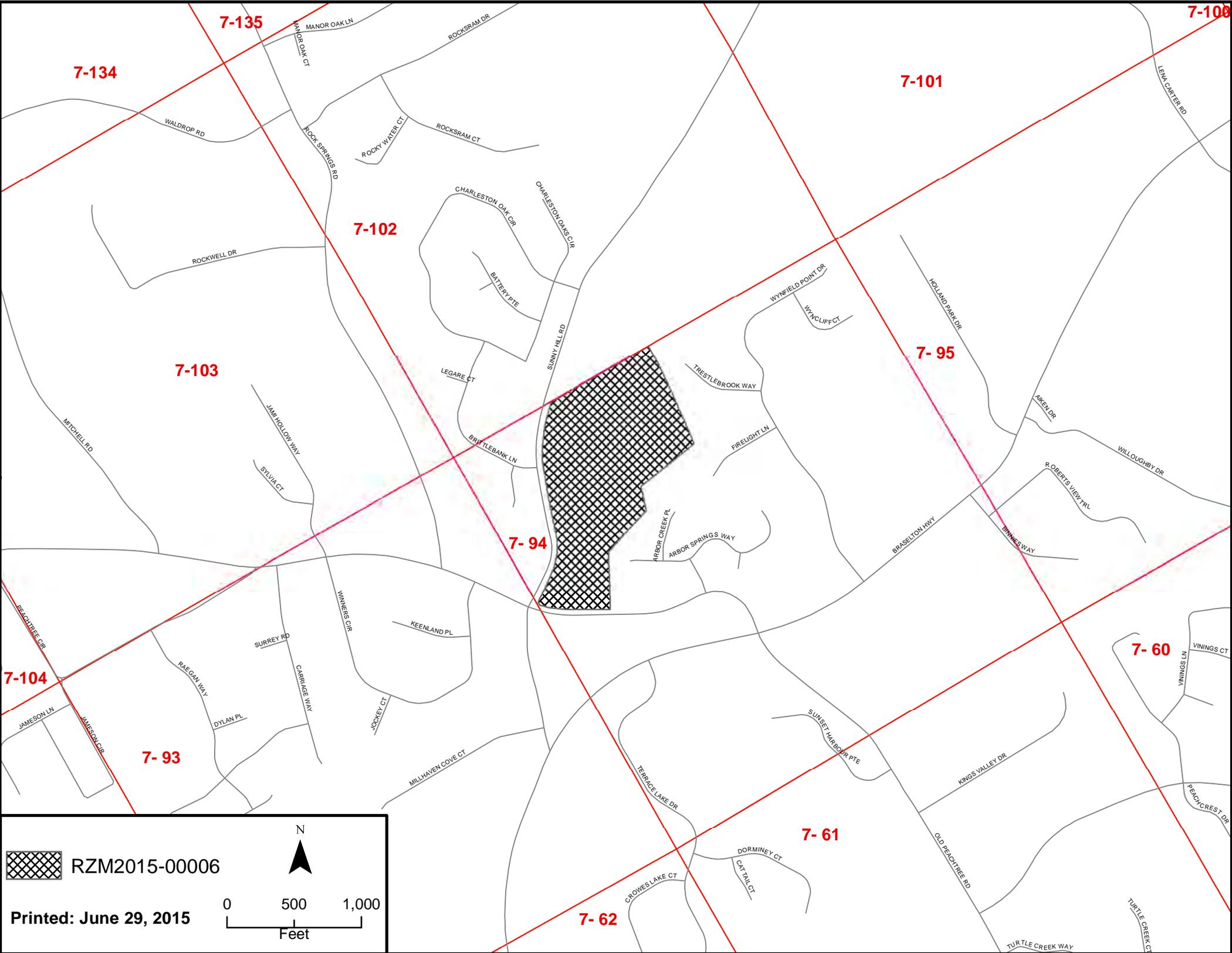




**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County BOC, September 2015 Agenda**

Case #	Schools	Current Projections									Proposed Zoning
		2015-16			2016-17			2017-18			Approximate additional Student Projections from Proposed Developments
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2015-00006	<b>Mountain View HS</b>	<b>2118</b>	2,300	-182	<b>2139</b>	2,300	-161	<b>2161</b>	2,300	-139	21
	Twin Rivers MS	<b>1604</b>	1,725	-121	<b>1620</b>	2,075	-455	<b>1636</b>	2,075	-439	16
	Freeman's Mill ES	<b>887</b>	925	-38	<b>883</b>	925	-42	<b>878</b>	925	-47	33
RZR2015-00016	<b>Grayson HS</b>	<b>2831</b>	2,125	706	<b>2873</b>	2,125	748	<b>2917</b>	2,125	792	36
	Bay Creek MS	<b>1097</b>	1,150	-53	<b>1119</b>	1,150	-31	<b>1141</b>	1,150	-9	28
	Trip ES	<b>928</b>	1,200	-272	<b>933</b>	1,200	-267	<b>938</b>	1,200	-262	31

Current projections do not include new developments



7-134

7-135

7-100

7-101

7-102

7-103

7-95

7-94

7-60

7-104

7-93

7-61

7-62

 RZM2015-00006

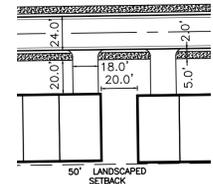
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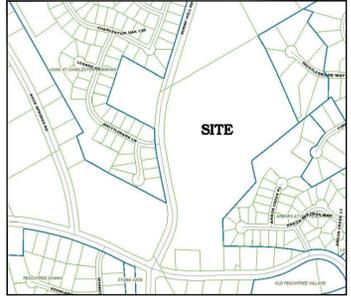
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### ZONING NOTES

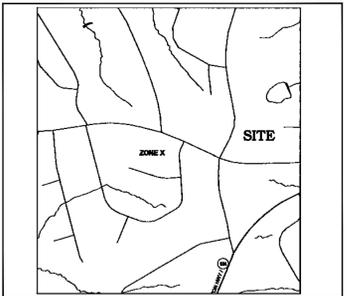
- Maximum density: Eight units per acre;
- Minimum unit width:
  - 22 feet for double-car garage townhomes.
  - 18 feet for single-car garage townhomes.
- Maximum height: 35-feet
- Internal yard requirements: A 20-foot grassed or landscaped strip shall be provided between all buildings and interior driveways/streets.
- Provide three or more off-street parking spaces per dwelling unit for townhomes. At least 80 percent of required parking areas for overall development must be located directly in the front or rear of the dwelling units. All townhome and villas units shall require at least single-car garages.
- All grassed areas shall be sodded.
- Provide sidewalks adjacent to both sides of interior streets or private driveways. Design shall be per Development Regulations.
- A minimum of three and maximum of eight, dwelling units shall be allowed in each row of townhomes.
- All utilities shall be placed underground.
- A 50-foot wide landscaped setback shall be provided along all exterior street frontages. The landscaped setback may incorporate natural vegetation and shall include a decorative fence/wall and entrance monument. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or stacked stone columns (maximum 30-feet on-center).



TYPICAL LOT LAYOUT

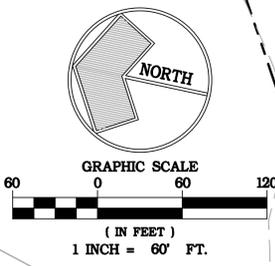
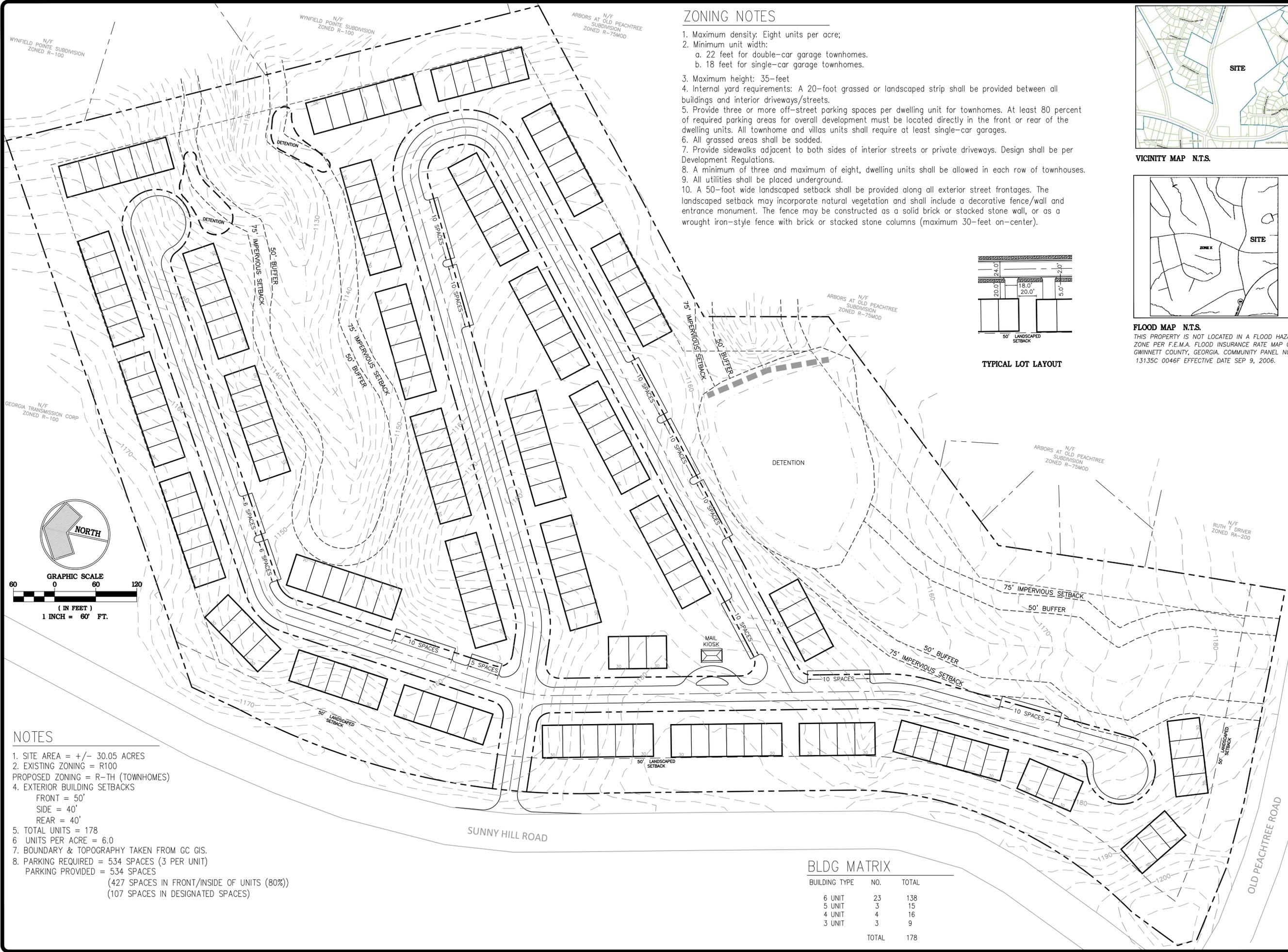


VICINITY MAP N.T.S.



FLOOD MAP N.T.S.

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE PER F.E.M.A. FLOOD INSURANCE RATE MAP OF GWINNETT COUNTY, GEORGIA. COMMUNITY PANEL NO. 13135C 0046F EFFECTIVE DATE SEP 9, 2006.



- #### NOTES
- SITE AREA = +/- 30.05 ACRES
  - EXISTING ZONING = R100  
PROPOSED ZONING = R-TH (TOWNHOMES)
  - EXTERIOR BUILDING SETBACKS  
FRONT = 50'  
SIDE = 40'  
REAR = 40'
  - TOTAL UNITS = 178
  - UNITS PER ACRE = 6.0
  - BOUNDARY & TOPOGRAPHY TAKEN FROM GC GIS.
  - PARKING REQUIRED = 534 SPACES (3 PER UNIT)  
PARKING PROVIDED = 534 SPACES  
(427 SPACES IN FRONT/INSIDE OF UNITS (80%))  
(107 SPACES IN DESIGNATED SPACES)

#### BLDG MATRIX

BUILDING TYPE	NO.	TOTAL
6 UNIT	23	138
5 UNIT	3	15
4 UNIT	4	16
3 UNIT	3	9
<b>TOTAL</b>		<b>178</b>

CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE  
SITE PLANNING

P.O. BOX 848  
BUFORD, GA 30515

(770) 271-4676 Ph.  
(770) 714-8477 Fax

www.daydesigngroup.com

**DAY DESIGN GROUP, Inc.**

CONCEPTUAL SITE PLAN  
FOR

## SUNNY HILL TOWNHOMES

LOCATED IN  
LANDLOT 094, 7TH DISTRICT, PARCEL 004&005A  
GWINNETT COUNTY, GEORGIA

NO.	DATE	DESCRIPTION	REVISIONS

DATE: 04/08/15  
DRAWN BY: BHD  
JOB NO.: 15-sut

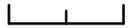




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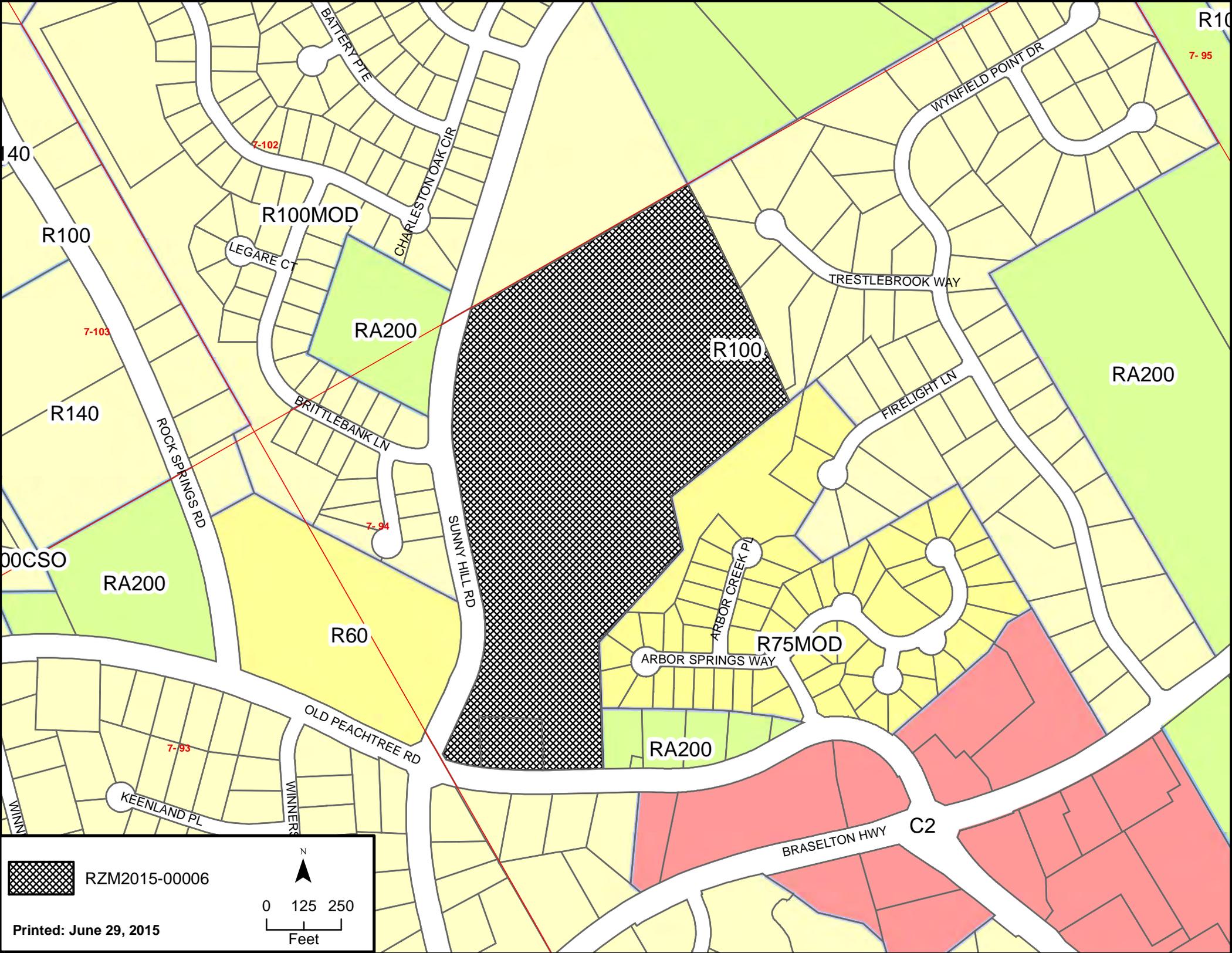


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Feet

Printed: June 29, 2015



R10

7-95

40

R100

R100MOD

LEGARE CT

RA200

CHARLESTON OAK CIR

WYNFIELD POINT DR

TRESTLEBROOK WAY

R100

RA200

FIRELIGHT LN

R140

BRITTLEBANK LN

ROCK SPRINGS RD

7-94

SUNNY HILL RD

00CSO

RA200

R60

ARBOR CREEK PL

R75MOD

ARBOR SPRINGS WAY

RA200

OLD PEACHTREE RD

7-93

KEENLAND PL

WINNERS

BRASELTON HWY C2



RZM2015-00006



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Feet

Printed: June 29, 2015

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

CASE NUMBER :**SUP2015-00034**  
ZONING :C-2  
LOCATION :1600 BLOCK OF MALL OF GEORGIA BOULEVARD  
:3000 BLOCK OF FINANCIAL CENTER WAY  
MAP NUMBER :R7175 001  
ACREAGE :31.81 ACRES  
SQUARE FEET :1,360 SQUARE FEET  
PROPOSED DEVELOPMENT :FIREWORK SALES  
COMMISSION DISTRICT :(1) BROOKS

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

APPLICANT: TNT FIREWORKS  
4511 HELTON DRIVE  
FLORENCE, AL 35630

CONTACT: LINDA MACKAY PHONE: 404.353.0844

OWNER: DDRTC MARKETPLACE AT MILL CREEK, LLC  
3000 ENTERPRISE PARKWAY  
BEACHWOOD, OH 44122

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Special Use Permit for firework sales within the 31.81-acre Marketplace at Mill Creek shopping center, zoned C-2 (General Business District). The property is developed with a main single-story, multi-tenant shopping center, a smaller multi-tenant center and one outparcel presently developed as a Chuck E. Cheese restaurant. The property is located on the northwest side of the Financial Center Way/Mall of Georgia Boulevard intersection and is located within the Mall of Georgia Overlay District.

TNT Fireworks would occupy Suite 1745 and contain approximately 1,360 square feet of tenant space, oriented along the Mall of Georgia Boulevard frontage. There are no changes proposed to the exterior of the structure or shopping center grounds. Access to the shopping center is provided through 2 existing driveways on Financial Center Way and 2 existing driveways on Mall of Georgia Boulevard.

**ZONING HISTORY:**

In 1970, most of the subject tract was zoned C-2 while the remainder was zoned R-100 (Single Family Residential District). Subsequently, the R-100 portion was rezoned C-2, pursuant to RZ-98-080 and RZ-99-04.

**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:**

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 12-inch water main located on the southern right-of-way of Mall of Georgia Boulevard and a 12-inch water main located on the southeastern right-of-way of Financial Center Way.

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.

**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.

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 property is located on the northwest side of the Financial Center Way/Mall of Georgia Boulevard intersection and is located within the Mall of Georgia Overlay District. The site is developed with a main single-story, multi-tenant shopping center, a smaller multi-tenant center and one outparcel. The applicant requests to utilize approximately 1,360 square feet of existing floor area.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Regional Mixed-Use Character Area, which supports a range of retail and commercial service uses, and could include fireworks sales. The property is located in an established, intensely developed commercial corridor and a fireworks sales business could be considered compatible with the Character Area and the 2030 Unified Plan.

The area surrounding the Mall of Georgia is developed with commercial/retail, office, apartment, restaurant and hotel uses. The small, multi-tenant building in which the fireworks store would be located includes a variety of stores and restaurants. With appropriate conditions and limitations, a fireworks sales business utilizing a suite within the shopping center could be a suitable use of the retail space. In light of the intensity of commercial activity in the area, the relatively small floor area of the fireworks store, and that the applicant does not propose significant modifications to the building exterior, the requested Special Use Permit could be appropriate at this location.

In conclusion, the requested special use may be suitable given the intensely developed commercial nature of the area. The use could also be considered compatible with the recommendations of the Unified Plan for this Character Area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit to allow fireworks sales, subject to the following enumerated conditions:

1. Retail, service commercial, office and accessory uses, which may include fireworks sales as a special use.
2. Exterior building modifications shall be limited to signage and general maintenance, and shall be subject to review and approval of the Director of the Department of Planning and Development.
3. Fireworks sales businesses shall occupy no more than 1,400 square feet of tenant space.
4. Outdoor sales, storage or display of merchandise shall be prohibited. Parking lot sales of fireworks shall be prohibited.
5. Wall and window signage for the business shall not exceed the requirements of the Gwinnett County Sign Ordinance.
6. Neon, LED or blinking window signs or wall signs shall be prohibited.
7. No 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.
8. Peddlers and/or parking lot sales shall be prohibited.
9. 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

The requested Special Use Permit for fireworks sales may be suitable at this location in light of the intense commercial nature of the area.

ADVERSE IMPACTS

If properly conditioned, the establishment of fireworks sales at this location, utilizing a suite in a multi-tenant center, may not be expected to have adverse impacts on surrounding uses.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be negligible additional impacts on public facilities anticipated from this request.

CONFORMITY WITH POLICIES

The request is considered compatible with the Regional Mixed-Use designation of the 2030 Unified Plan.

CONDITIONS AFFECTING ZONING

The location of the property in a very intense commercial area, situated away from residential neighborhoods, gives supporting grounds for approval of the request. The relatively small size of the tenant space may also help to ensure the use is of a low impact.

**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:

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PLEASE SEE ATTACHED

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

PLEASE SEE ATTACHED

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

PLEASE SEE ATTACHED

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- (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:

PLEASE SEE ATTACHED

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- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT 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 SPECIAL USE PERMIT:

PLEASE SEE ATTACHED

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JUN 29 2015

Planning & Development





Jill Arnold  
404-665-1243

E-Mail  
[jarnold@pftlegal.com](mailto:jarnold@pftlegal.com)

June 29, 2015

Charlotte J. Nash, Chairwoman  
and Commissioners  
c/o Jeff West, Planning Division Manager  
Gwinnett County Board of Commissioners  
75 Langley Drive  
Lawrenceville, GA 30046

Re: Special Use Permit Application by TNT Fireworks; Letter of Intent; Applicant's Response to Standards Governing the Exercise of the Zoning Power; Constitutional and Ante Litem Notice; 1680 Mall of Georgia Boulevard, Suite 1750, Buford, GA 30519

Dear Chairwoman Nash and County Commissioners:

Please be advised that this firm has been retained by TNT Fireworks ("Applicant") to represent them in obtaining a special use permit for the sale of fireworks and other general merchandise in Gwinnett County. The subject property is located within the Marketplace at Mill Creek Shopping Center at 1680 Mall of Georgia Boulevard, Suite 1750, Buford, GA 30519. This location is a permanent building, not a temporary structure.

The following supporting documents are attached:

1. Completed Application Form;
2. Applicant Certification with Notarized Signature;
3. Property Owner Certification with Notarized Signature;
4. Conflict of Interest Certification/Campaign Contributions Disclosure;
5. Boundary Survey

### **BACKGROUND**

Starting July 1, 2015, Georgia TNT Fireworks Stores will be operating numerous "Retail Chain" stores throughout the state of Georgia and will be licensed as such with the State Fire Marshal's office. In Gwinnett County, TNT Fireworks stores will not be used primarily for the retail sales of "Consumer Fireworks" as defined under state and local law. That is, consumer fireworks will be ancillary to other merchandise offered in the store and in no Gwinnett location shall it be the principal product. TNT's stores will have a minimum of 51% or more of a variety of general merchandise other than Consumer Fireworks. The stores will sell many different kinds of products that are not expensive, including, but not limited to, sparklers and sparkling devices

JUN 29 2015

SUP'15 034

Planning & Development

Charlotte J. Nash, Chairwoman  
and Commissioners  
c/o Jeff West, Planning Division Manager  
June 29, 2015  
Page 2

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as defined in paragraph (2) of subsection (b) of O.C.G.A Code Section 25-10-1, TNT Shirts, hats, posters and other novelty items. The sale of consumer fireworks at these stores will be ancillary to other products available.

As you most likely know, the new state law incorporates definitions and also incorporates by reference National Fire Protection Association Standard 1124, 2006 Edition (NFPA 1124). NFPA 1124 defines a "Store" as a building classified as a mercantile occupancy that contains a variety of merchandise and that is not used primarily for the retail sales of Consumer Fireworks. Mercantile occupancy is defined as occupancy used for the display and sale of merchandise. Accordingly, TNT's retail chain stores fit squarely within the definition of store. Although TNT will operate Consumer Fireworks Retail Sales Facilities (building or structure used primarily for the retail display and sale of Consumer Fireworks), those locations will not be within Gwinnett County. Furthermore, Georgia TNT Fireworks Stores will be in full compliance for all other regulatory requirements for general mercantile occupancies as required by law

### **RESERVATION OF RIGHTS**

Please note that the Applicant's submission of this Special Use Permit Application does not constitute agreement with the County's position and regulations regarding the sale of commercial fireworks. The Applicant reserves its right to challenge the County's special use permit requirements for the sale of fireworks as such regulations go beyond the authority of local governments. As such, this Application does not constitute a waiver of any challenges, facial or as applied, that the Applicant may have against Gwinnett County's regulation of consumer fireworks and deprivation of Applicant's property rights in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth and Fifth Amendments to the Constitution of the United States.

### **ZONING STANDARDS**

The Applicant proposes to use the above-referenced properties for the sale of general merchandise and consumer fireworks. Despite the fact that the sale of consumer fireworks will not be the principal use at any of the six locations, the County is still requiring the Applicant to obtain a special use permit in order to operate in the proposed locations. The proposed use is consistent with Gwinnett County's 2030 Unified Plan for Future Development and the surrounding and nearby properties which include commercial and retail uses.

The Applicant satisfies all of the criteria for a zoning change as set forth in the Gwinnett County Unified Development Ordinance, § 270-20.

JUN 29 2015  
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Planning & Development

SUP'15 034

Charlotte J. Nash, Chairwoman  
and Commissioners  
c/o Jeff West, Planning Division Manager  
June 29, 2015  
Page 3

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**(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. The proposed use is suitable in view of the use and development of adjacent and nearby properties. The surrounding area includes a mix of commercial and retail uses, and the property is located within an existing commercial shopping center.

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

No, the proposed special use permit will not adversely affect the existing use or usability of surrounding properties. Surrounding properties include a mix of commercial and retail uses, and the property is located within an existing shopping center.

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

The property, as currently zoned, has some economic value but without the special use permit has little or no value for the proposed retail use and development.

**(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, the proposed special use permit will not result in a use which would overburden existing streets, transportation facilities, utilities, or schools. Schools would in no way be affected by the use permit since the use is non-residential. Moreover, the proposed use of the property would not affect utilities. The proposed use of the property will have a negligible impact on the number of vehicles on the road. The existing arterial roads and nearby highways have adequate capacity to handle any increased traffic generated by the use.

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

Yes, the proposed special use permit is consistent with the policies and intent of the land use plan.

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JUN 29 2015

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Charlotte J. Nash, Chairwoman  
and Commissioners  
c/o Jeff West, Planning Division Manager  
June 29, 2015  
Page 4

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**(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:**

Yes. Recent changes in Georgia Law will allow all types of federally legal consumer fireworks to be allowed in the state beginning on July 1, 2015. Prior to this date the sale of fireworks was not permitted in the state. The Applicant seeks to sell general commercial merchandise and legal consumer fireworks in several commercial nodes within the County as permitted by state and local law.

The hereinafter constitutional and ante litem notice is now required by Georgia law.

The portions of the Gwinnett County Unified Development Ordinance, facially and as applied to the Property, which restrict the Property to any zoning classification, uses, or to any zoning district other than that proposed by the Applicant are 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 I and Section III, Paragraph I 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, facially and as applied to the Property, which restricts the Property to any zoning classification, uses, or to any zoning classification other than the classification as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses 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.

A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I 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 special use permit for the property in accordance with the zoning criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner

JUN 29 2015

Planning & Development

SUP '15 034

Charlotte J. Nash, Chairwoman  
and Commissioners  
c/o Jeff West, Planning Division Manager  
June 29, 2015  
Page 5

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between the Applicant and owners of the 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 special use permit issued by the Gwinnett County Board of Commissioners that is subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of the special use permit for the proposed use on the property would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-11-1 to afford the County an opportunity to grant the special use permit. If action is not taken by the County to issue the special use permit within a reasonable time, a claim will be filed in the Superior Court of Gwinnett County demanding just and adequate compensation under Georgia law for the taking of the Property, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Accordingly, your Applicant respectfully requests that this Application be granted as requested by the Applicant.

If there are any questions about this rezoning request, you may contact me at 404-665-1243 or at [jarnold@pftlegal.com](mailto:jarnold@pftlegal.com).

Sincerely,

PURSLEY FRIESE TORGRIMSON



G. Douglas Dillard  
Julie L. Sellers  
Jillian S. Arnold  
Attorneys for TNT Fireworks

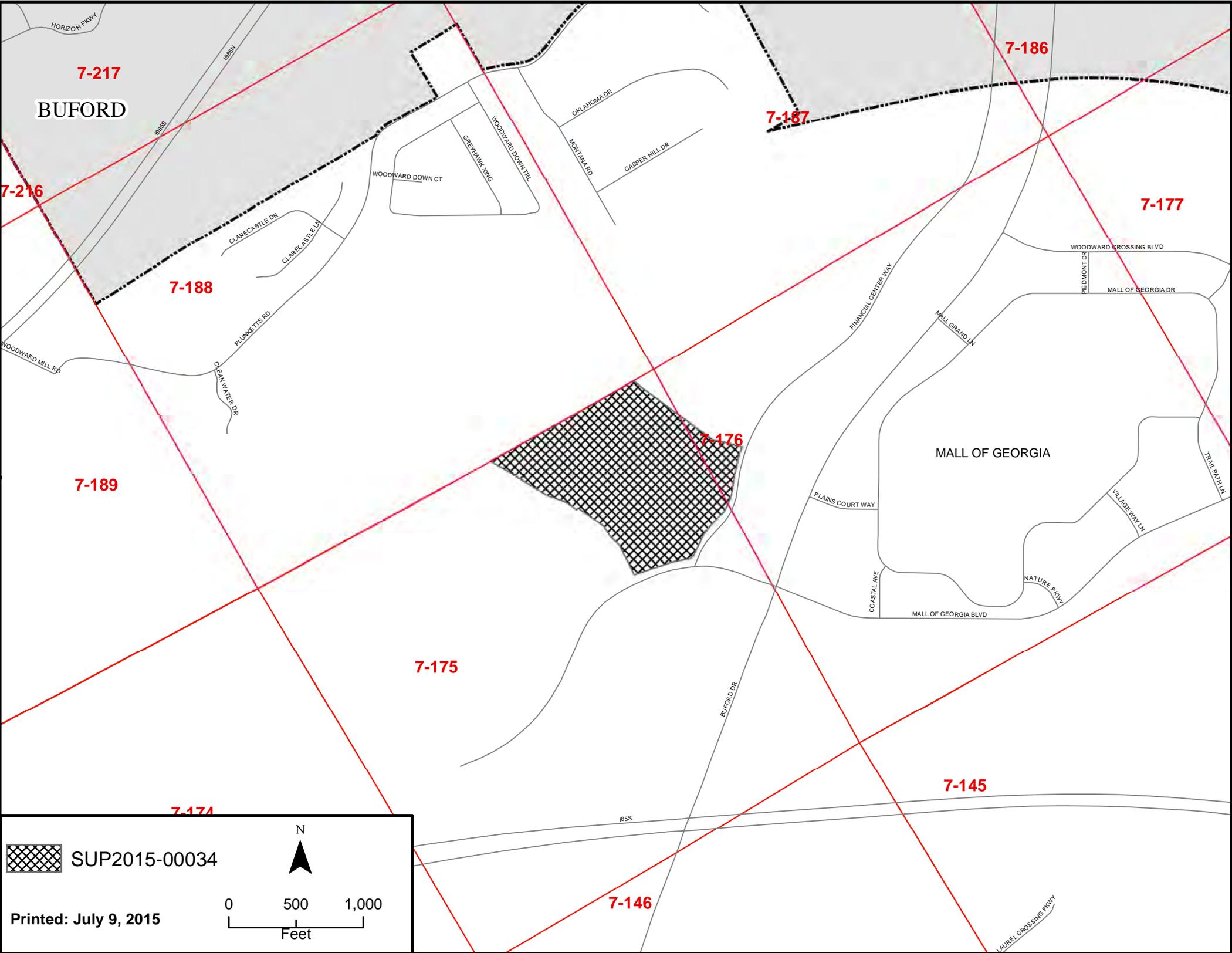
Pursley Friese Torgrimson  
1230 Peachtree Street, Ste. 1200  
Atlanta, GA 30309  
404-665-1243

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7-217  
BUFORD

7-186

7-187

7-177

7-188

7-176

MALL OF GEORGIA

7-189

7-175

7-145

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7-146

 SUP2015-00034

Printed: July 9, 2015

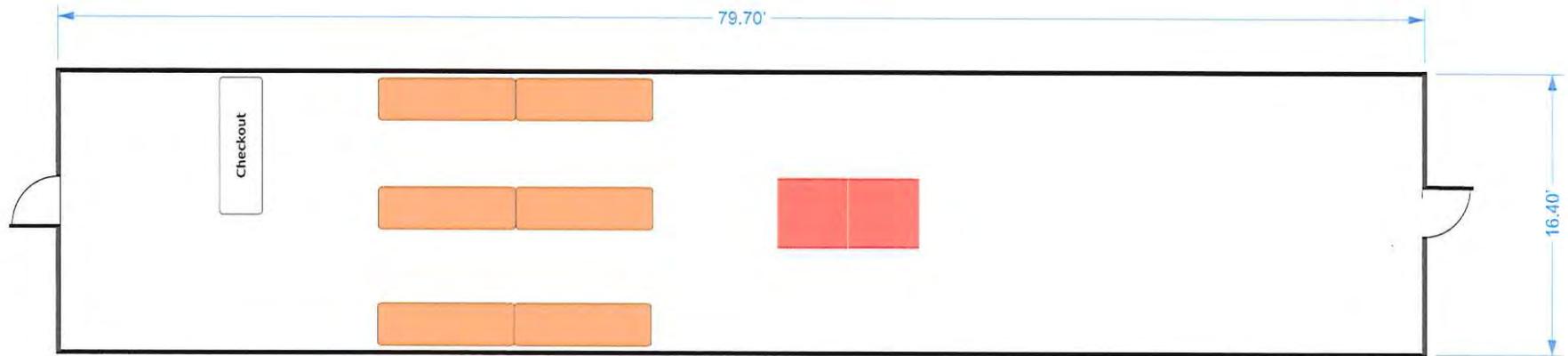
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Location: Marketplace at Millcreek



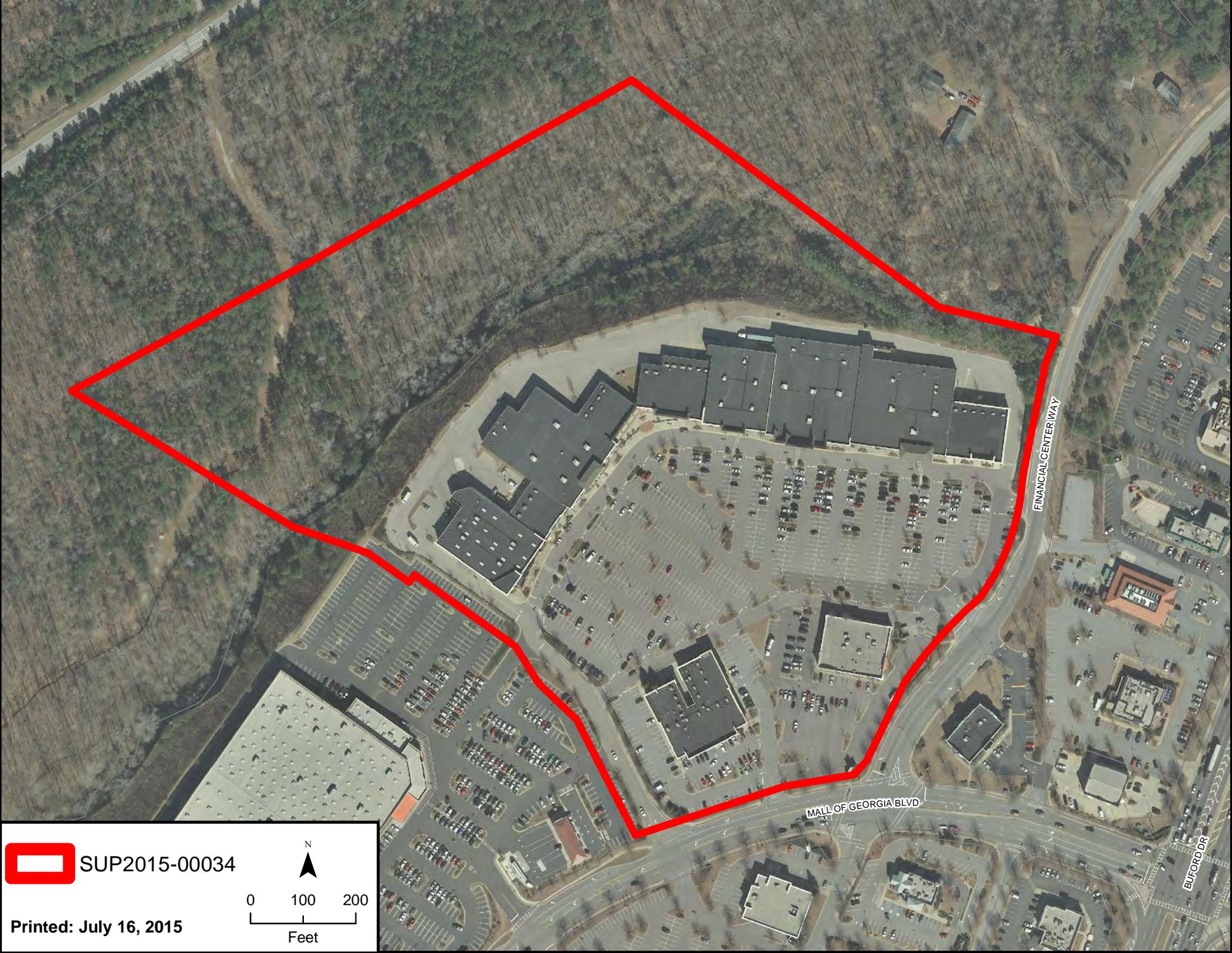
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SUP'15 034





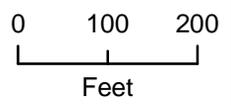
FINANCIAL CENTER WAY

MALL OF GEORGIA BLVD

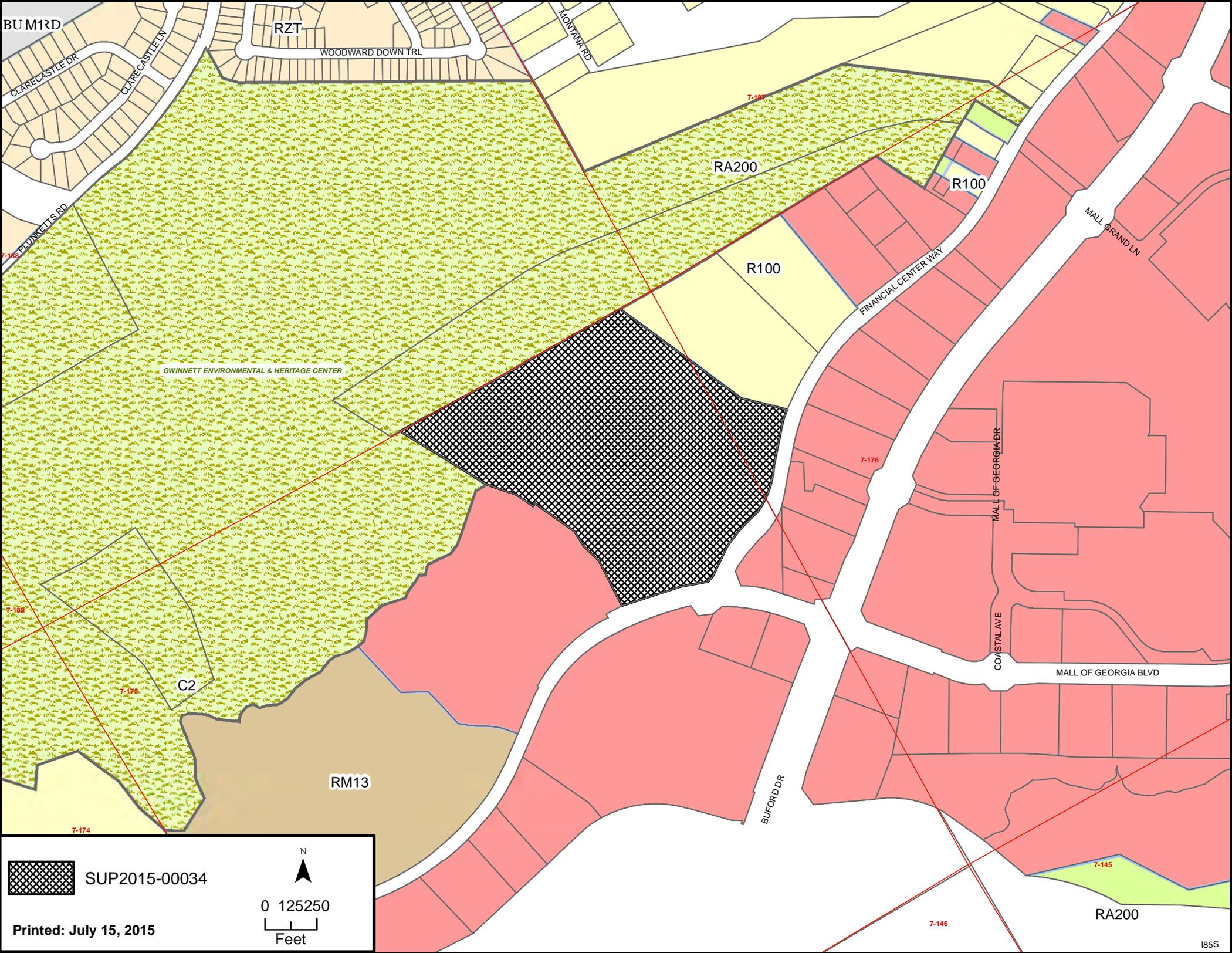
BUFORD DR



SUP2015-00034



Printed: July 16, 2015



BU M1RD

RZT

WOODWARD DOWN TRL

MONTANA RD

CLARECASTLE DR

CLARECASTLE LN

RA200

R100

R100

FINANCIAL CENTER WAY

MALL GRAND LN

GWINNETT ENVIRONMENTAL & HERITAGE CENTER

7-176

MALL OF GEORGIA DR

MALL OF GEORGIA BLVD

C2

RM13

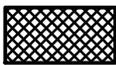
BUFORD DR

COASTAL AVE

7-145

RA200

7-146

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Printed: July 15, 2015

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

CASE NUMBER :**SUP2015-00038**  
ZONING :C-2  
LOCATION :3700 BLOCK OF SATELLITE BOULEVARD  
MAP NUMBER :R6231 023  
ACREAGE :1.30 ACRES  
SQUARE FEET :5,676 SQUARE FEET  
PROPOSED DEVELOPMENT :POOL OR BILLIARDS HALL  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP: **REGIONAL MIXED USE**

APPLICANT: JUN YOUNG YOO  
10615 HIGHGATE MANOR COURT  
DULUTH, GA 30097

CONTACT: JUN YOUNG YOO PHONE: 770.476.3701

OWNER: NGUYEN HUNG VAN  
3296 SUMMIT RIDGE PARKWAY, SUITE 430  
DULUTH, GA 30096

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant request a Special Use Permit on a 1.30-acre parcel zoned C-2 (General Business District) to allow the expansion of a billiards hall. The property is located on the north side of Satellite Boulevard just east of its intersection with Steve Reynolds Boulevard.

The property is developed with a 13,186-square foot multi-tenant retail center. A billiards hall has been in business at this location for approximately ten years, and the adjacent tenant space is currently vacant and for lease. The applicant proposes to expand the existing billiards hall into that space, resulting in a 5,676-square foot billiards hall with ten tables. There would be no alterations to the exterior of the building as part of this request. A total of 89 parking spaces are located on the site, and access is provided by a single driveway onto Satellite Boulevard.

**ZONING HISTORY:**

The property was zoned M-1 (Light Industry District) and R-75 (Single-Family Residence District) in 1970. A proposal initiated by Gwinnett County to rezone the property to O-1 (Office-Institutional District) was denied on September 29, 1987 (CZ-3-1-87). In 1994, the property was rezoned to C-2 (General Business District) pursuant to RZ-94-094. In 1999, a special use permit for a tire store was denied, pursuant to SUP-99-046.

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:

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 16-inch water main located on the northwestern right-of-way of Satellite Boulevard.

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 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 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.

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:

No comment.

#### DEPARTMENT ANALYSIS:

The property is a 1.30-acre property, located on the northwest side of Satellite Boulevard, just north of Steve Reynolds Boulevard. The site is developed with a single-story, multi-tenant shopping center and the expanded billiards hall would occupy approximately 5,676 square feet of space.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Regional Mixed Use Area, which supports a range of retail and commercial service uses, and could include a billiards hall. The property is located in an established, intensely developed commercial corridor, separated from residential uses. As such, the billiards hall could be considered compatible with the Character Area and the 2030 Unified Plan.

This segment of the Satellite Boulevard is developed with commercial/retail uses, including big box retail, shops, automotive businesses, restaurants and office uses. The billiards hall has been in operation at this location for approximately ten years, and with appropriate conditions and limitations, expanding into the adjacent suite within the shopping center could be a suitable use of the vacant retail space. In light of the intensity of commercial activity in the area, and that the applicant does not propose significant modifications to the building exterior, the requested Special Use Permit could be appropriate at this location.

In conclusion, the requested special use may be suitable given the intensely developed commercial nature of the area. The use could also be considered compatible with the recommendations of the Unified Plan for this Character Area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for a billiards hall, subject to the following enumerated conditions:

1. Retail and service commercial and accessory uses, which may include a billiards hall as a special use.
2. Abide by all applicable conditions of RZ-94-094.
3. The billiards hall shall not exceed 6,000 square feet of space.
4. The hours of operation of the billiards hall shall not extend past 12:00 a.m.
5. Peddlers and/or parking lot sales shall be prohibited.
6. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
7. 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.
8. Exposed neon, LED, or blinking lights shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for a billiards hall expansion may be suitable at this location in light of the intense commercial nature of the area, and the hall's presence in the shopping center for a number of years.

ADVERSE IMPACTS

If properly conditioned, the billiards hall at this location, expanding onto a vacant suite, may not be expected to have adverse impacts on surrounding uses.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be minimal additional impacts on public facilities anticipated from this request.

CONFORMITY WITH POLICIES

The request is considered compatible with the Regional Mixed Use designation of the Unified Plan.

CONDITIONS AFFECTING ZONING

The location of the property in a very intense commercial area, situated away from residential neighborhoods, gives supporting grounds for approval 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:

\_\_\_\_\_ NO. \_\_\_\_\_

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SUP'15 038

**JUNPAL2 INC**  
**d/b/a IMPERIAL BILLIARDS**  
**3483 Satellite Blvd Ste 102**  
**Duluth, GA 30096**  
**Tel: 770-476-3701**  
**Fax: 770-476-3706**

To the Gwinnett County Board of Commissioners:

This letter is to request a special use permit for a Pool or Billiards Hall. The business will consist of ten pool tables with two soda vending machines and will not serve any other foods or alcoholic drinks. Located at 3765 Satellite Boulevard Duluth, GA 30096 and zoned C-2, it is currently a vacant lot.

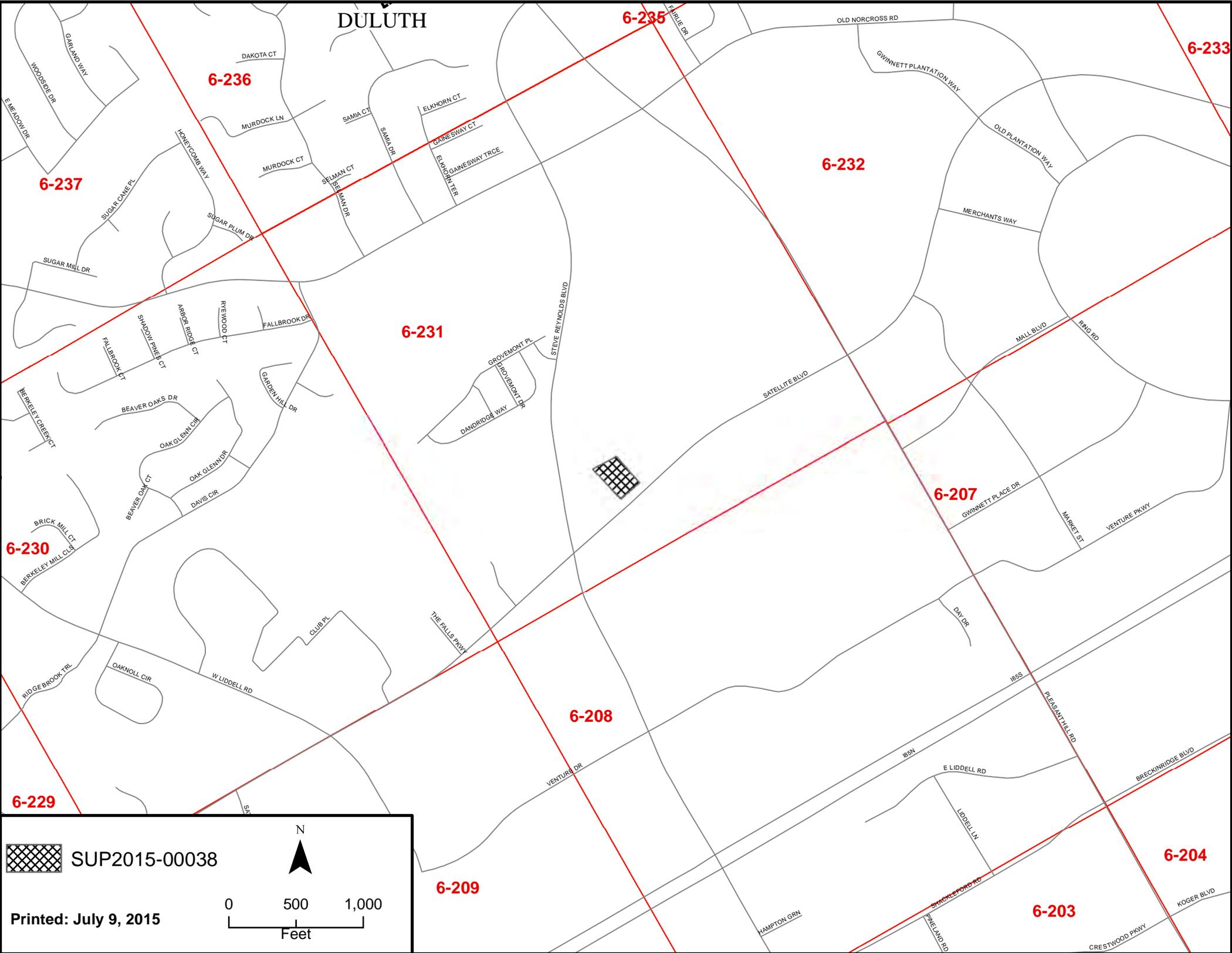
If you have other questions or concerns, please call me.

Thank you,

A handwritten signature in black ink, appearing to read "Jun Young Yoo". The signature is fluid and cursive, with a large loop at the end.

Jun Young Yoo  
President

DULUTH



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Printed: July 9, 2015

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STEVE REYNOLDS BLVD

SATELLITE BLVD



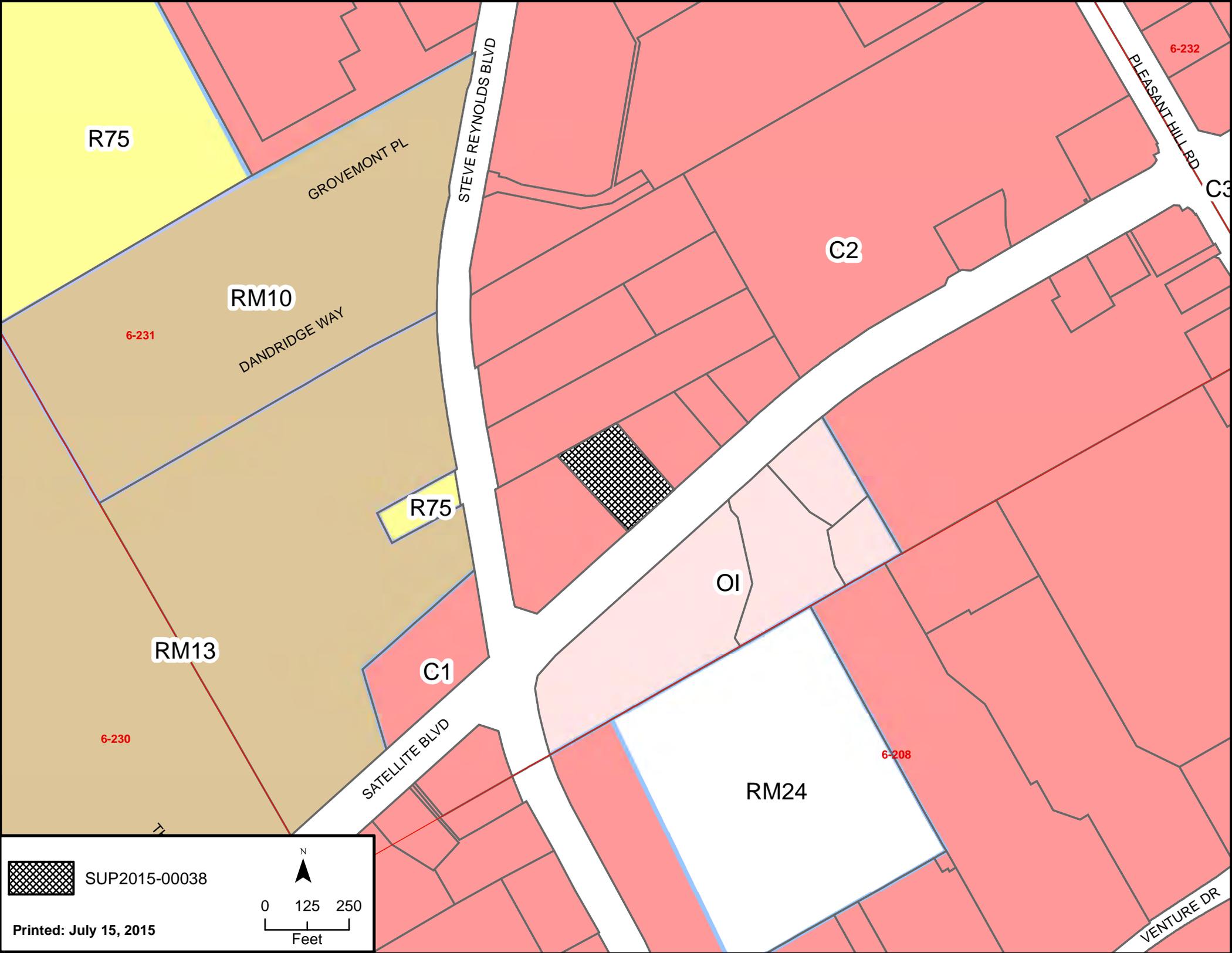
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Printed: July 16, 2015



R75

GROVEMONT PL

STEVE REYNOLDS BLVD

6-232

PLEASANT HILL RD

RM10

6-231

DANDRIDGE WAY

C2

R75

OI

RM13

C1

6-230

SATELLITE BLVD

6-208

RM24

VENTURE DR

 SUP2015-00038

Printed: July 15, 2015

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

CASE NUMBER :**SUP2015-00039**  
ZONING :M-I  
LOCATION :3200 BLOCK OF BRUSHY DRIVE  
MAP NUMBER :R5125 057  
ACREAGE :1.06 ACRES  
SQUARE FEET :3,200 SQUARE FEET  
PROPOSED DEVELOPMENT :HEAVY TRUCK SALES, LEASING AND SERVICE  
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: SPICER EXPRESS, LLC  
1805 HIGHPOINT ROAD  
SNELLVILLE, GA 30078

CONTACT: ERIC JOHANSEN                      PHONE: 678.571.4843

OWNER: DANIEL RAGSDALE ENTERPRISE, LLC  
5025 RABBIT FARM ROAD  
LOGANVILLE, GA 30052

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Special Use Permit on a 1.06-acre property to allow a heavy truck leasing and service facility. The site is zoned M-I (Light Industry District), and is part of the Brushy Fork Business Center, located on the east side of Brushy Drive, north of its intersection with Athens Highway.

The subject property is developed with an approximately 3,200 square foot office warehouse building, associated driveways, parking lot, and a gravel storage area surrounded by a fence located to the rear of the property. The building was previously occupied by an irrigation company, and the applicant intends to use the site to lease and service heavy trucks (semi-tractors). The site is accessed through a single existing driveway onto Brushy Drive.

**ZONING HISTORY:**

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). In 1973, the property was rezoned to O-I (Office-Institutional District), through an areawide rezoning. In 1995, a portion of the subject property was rezoned to RA-200, excluding 200 feet of depth along U.S. 78, which remained O-I, pursuant to RZ-95-089. In 1997, the subject property was rezoned M-I (Light Industry District), pursuant to RZ-97-116.

**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:**

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 12-inch water main located on the western right-of-way of Brushy Drive.

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.

**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:

No comment.

#### DEPARTMENT ANALYSIS:

The subject property is 1.06 acres in size, located on the east side of Brushy Drive, north of its intersection with Athens Highway. The property is developed with a vacant 3,200 square foot office/warehouse building, outdoor storage area, associated driveways and parking.

The 2030 Unified Plan Future Development Map indicates the site is located within a Corridor Mixed Use Character Area. The requested use could be supported by policies for this character area, which provides for certain freestanding uses which are not typically incorporated into mixed-use developments. The property is located along the established Athens Highway commercial corridor, which includes other Board approved automobile repair facilities, a diesel engine repair facility, numerous lawn and garden sales and service facilities and a plant nursery/landscape contractor's office located nearby. The proposed heavy truck sales, leasing and service facility could be considered consistent with the recommendation of the Unified Plan, and the presence of similar uses within the immediate vicinity give supporting grounds for the request.

The area surrounding the subject property is characterized by commercial/retail and light industrial uses, with residentially zoned properties located beyond the Athens Highway corridor. The site is bounded on the north by a vacant industrial property zoned M-1. Commercial properties zoned C-2 bound the property to the south and to the west across Brushy Drive, and an O-1 zoned property immediately to the east. The surrounding uses include a church (east), a daycare (south), an automobile repair facility (SUP2002-00077) zoned C-2 located at the entrance of the business park. Property located to the west, directly across Brushy Drive, is a lawn and garden equipment businesses (RZC2012-00001 & SUP2012-00003). Further to the west, is a plant nursery and landscape contractor's office (RZC2005-00029 & SUP2005-00010). Located further to the east along Athens Highway is a diesel engine repair facility (CIC2013-00040 & SUP2013-00040). Given the commercial and light industrial nature of the corridor and the presence of similar nearby businesses, the requested Special Use Permit could be considered suitable for this location.

The building appears to be currently occupied by the applicant, and on a recent site visit there were several semi-tractors located at the rear of the site. The applicant should be reminded that all activities related to repair or service of heavy trucks must be conducted indoors. The fence gravel area should only be used for storage and display of vehicles.

In conclusion, the requested Special Use Permit for heavy truck leasing and service could be considered compatible with the precedent established by the Board for the Athens Highway

corridor. The use could also be considered compatible with policies of the Unified Plan for the Corridor Mixed-Use Character Area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for heavy truck leasing and service facility, subject to the following enumerated conditions:

1. Light industrial, office, warehouse and accessory uses and structures. A heavy truck leasing and service business may be allowed as a special use.
2. Outdoor storage shall be restricted to the fenced gravel area located to the rear of the building. No display of trucks or other equipment shall be permitted outside the fenced storage area.
3. All service, repair and vehicle maintenance activities shall be conducted indoors, and shall be prohibited to take place outdoors.
4. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure.
5. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the cabinet shall be fully surrounded by the same materials.
6. 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.
7. 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

With appropriate conditions, the proposed use could be suitable at this location as there are other similar developments and businesses located along Athens Highway.

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

A minor increase in impacts on public facilities from traffic and utility demand could be anticipated.

CONFORMITY WITH POLICIES

The proposed use is considered consistent with nearby similar activity approved by the Board and with the 2030 Unified Plan, which supports certain freestanding commercial uses along this corridor.

CONDITIONS AFFECTING ZONING

The location of the subject property along a busy commercial corridor, with similarly intense uses in the area could support 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, the proposed use will be suitable and compatible to the surrounding Brushy Drive businesses and those fronting Highway 78

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

No, the proposed SUP will not adversely affect the existing use or usability of the adjacent and nearby properties. The proposed use for Truck Sales and Truck Repairs is consistent with the adjacent Lawnmower use and Automotive Repair use directly across the street.

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

Yes, the property does have a reasonable economic use as currently zoned. The Subject Property has been vacant for an extended period of time with no end users. Spicer Express will make the Subject Property viable again, and will provide a tax benefit to the community.

- (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, the Subject Property is located in an Industrial area and have already been developed. The SUP simply will allow for a new user to conduct business on the existing developed Industrial property.

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

Yes, the proposed use is permitted under the current zoning, and the proposed use meets the intent and spirit of the policies of the County land use plan for this area.

- (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:

There are other similar uses in the immediate and surrounding area. Directly across the street there is a lawnmower and equipment repair facility. Diagonally abutting the Subject Property there is a Automotive Repair facility. Therefore, the repair aspect is already present.

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Planning & Development

SUP'15 039



June 30, 2015

Gwinnett County Board of Commissioners  
c/o Bryan Lackey  
Director of Planning and Development  
446 West Crogan Street  
Lawrenceville, GA 30045

**Re: 3228 Brushy Drive – Special Use Permit Letter of Intent**  
**Parcels: R5125 057**  
**Gwinnett County, GA**

Dear Mr. Lackey,

Inland Group, LLC (“Inland”) has been retained by Spicer Express, LLC (the “Applicant”) to pursue a Special Use Permit Application (the “Application”) for real property located at the 3228 Brushy Drive, Loganville, GA 30052 and further described as Parcel R5125 057 that is approximately ±1.06 acres (the “Subject Property”). **The Applicant is Tenant on the Subject Property**, the Subject Property is owned by Daniel Ragsdale Enterprises, LLC. The Subject Property is currently zoned M-1 (previous zoning case #RZ-97-116) and is surrounded by other similarly zoned M-1 industrial properties within an established Industrial Business District called the Brushy Fork Business District.

The Applicant is requesting a Special Use Permit (“SUP”) to allow the Subject Property to be used for **Truck Sales, Leasing, and/or Heavy**, along with **Truck Service** for its own personal vehicles and vehicles of their outside clients that would utilize Spicer Express services. Immediately across the street is Frankie’s Repair Shop (zoned M-1) which performs repair work on outdoor lawn equipment and other small engine type motors. Frankie’s Repair Shop has outdoor storage within their fenced in yard to free up their limited shop space. Adjacent to Frankie’s Repair Shop is Knight’s Automotive Service (zoned M-1) which performs full service automotive repairs on cars and trucks, and utilizes its outdoor parking spaces for vehicles that are waiting to be repaired, as well as, previously repaired vehicles. Immediately adjacent to the Subject Property is a Day Care facility (zoned M-1) that fronts both Brushy Drive and Athens Highway (SR 78). Previously, the Subject Property was leased to a Commercial Sprinkler Company that used the main building for and office and warehouse, and the existing yard for storage of its vehicles and materials.

SUP’15 039

2180 Satellite Boulevard / Suite 400-15 / Duluth, Georgia 30097  
(404) 355-6700 Phone (404) 355-6760 Fax  
www.inlandgrp.com

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The Applicant intends to use the Subject Property "AS IS" with no modifications of the building or to the exterior grounds. There will be tractor trailer type vehicles and rigs parked on the Subject Property that are being leased, repaired, awaiting to be repaired, and stored prior to the next over the road delivery trip. Spicer Express provides over the road trucks for hauling other's trailers to and from their destination, as well as, repair work on the same type trucks/rigs. Spicer Express operates under USDOT Number 2563588, and runs freight in the following states: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Wisconsin, Alabama, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, Idaho, and Oregon. Spicer Express has been operating in Snellville, GA for the past two years and has grown its business to the point where the Subject Property meets its current and future growth needs.

We respectfully request your approval of this request for the SUP to permit the following additional uses on the Subject Property; **Truck Sales, Leasing, and/or Heavy, along with Truck Service** . The proposed use on the Subject Property is consistent with the 2030 Unified Plan and creates an opportunity for a long term tenant to utilize an existing industrial property in an established industrial corridor. We are available to meet with the County staff and District Representatives at any time to further discuss the merits of this Application upon request.

Thank you for your consideration of this Application.

Sincerely,



Eric Johansen, RLA  
Inland Group, LLC  
Agent for the Applicants

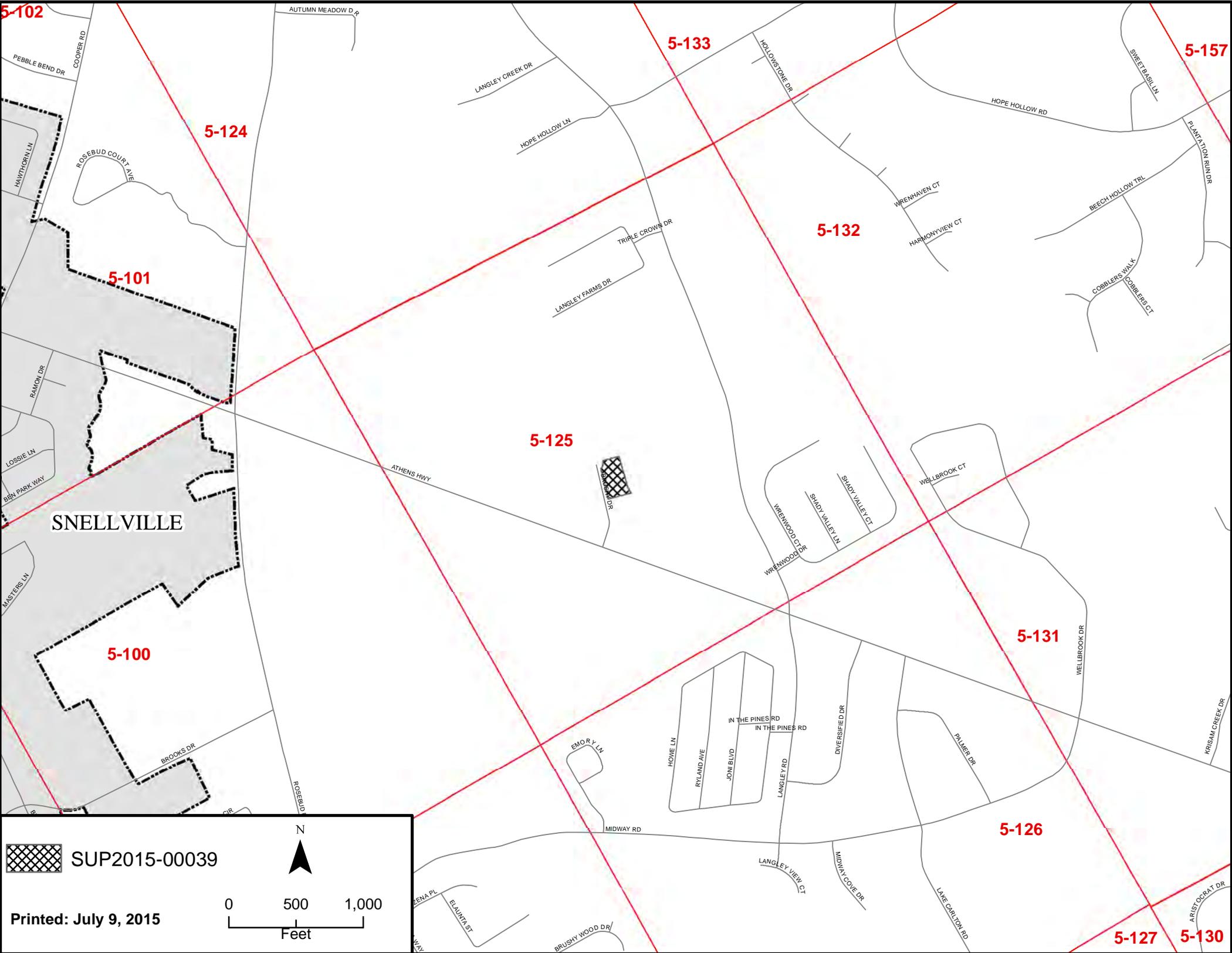
cc: Applicant  
File

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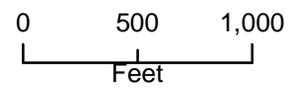
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SNELLVILLE



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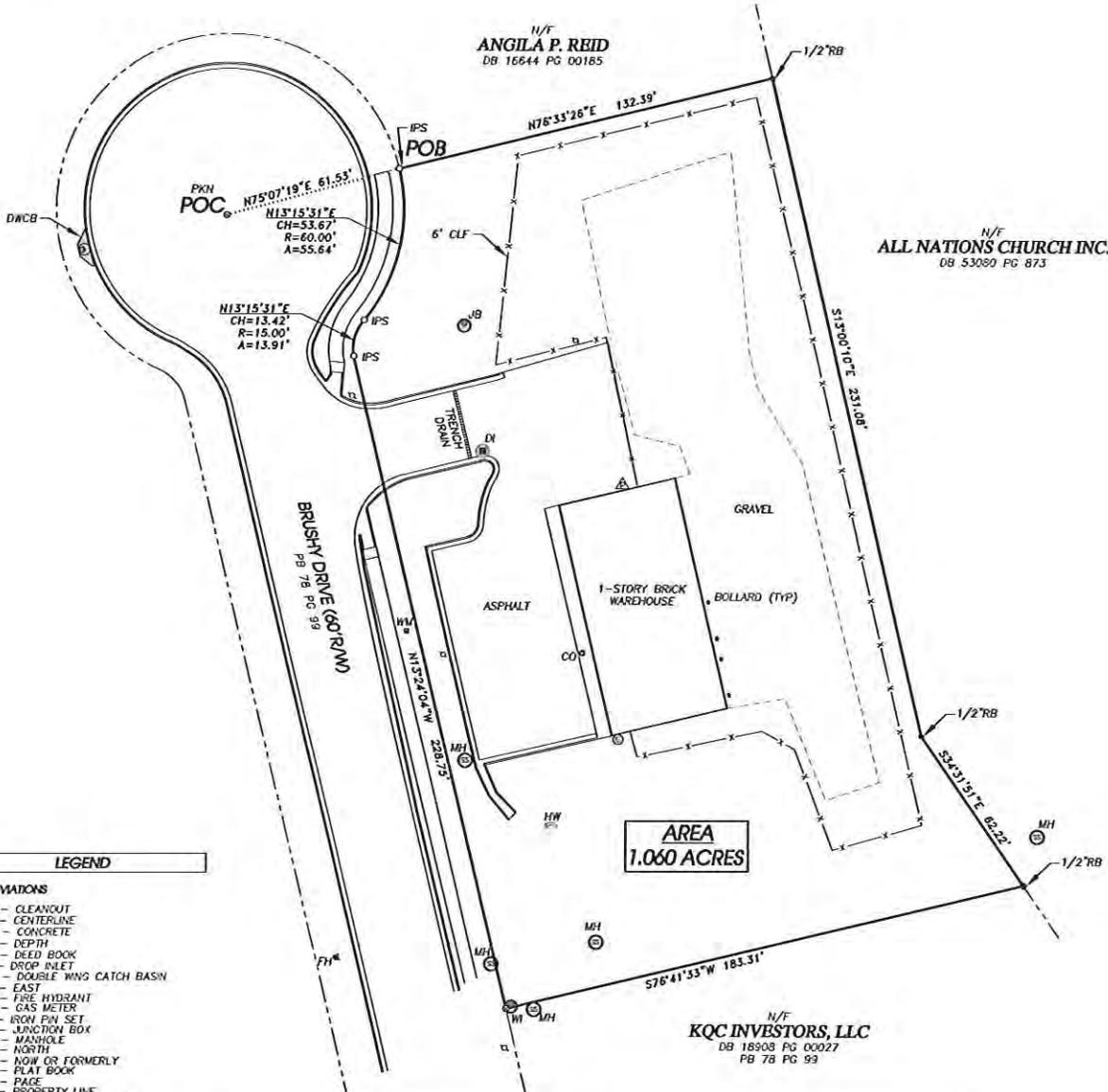


Printed: July 9, 2015

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**LEGEND**

- ABBREVIATIONS**
- CD - CLEANOUT
  - CL - CENTERLINE
  - CONC - CONCRETE
  - D - DEPTH
  - DB - DEED BOOK
  - DI - DROP INLET
  - DWCB - DOUBLE WING CATCH BASIN
  - E - EAST
  - FH - FIRE HYDRANT
  - GM - GAS METER
  - IFS - IRON PIN SET
  - JB - JUNCTION BOX
  - MH - MANHOLE
  - N - NORTH
  - N/F - NOW OR FORMERLY
  - PB - PLAT BOOK
  - PG - PAGE
  - PL - PROPERTY LINE
  - POB - POINT OF BEGINNING
  - POC - POINT OF COMMENCEMENT
  - PS - PLAT SLIDE
  - R/W - RIGHT-OF-WAY
  - S - SOUTH
  - SW - SIDEWALK
  - W - WEST
  - WI - WEIR INLET
- SYMBOLS**
- COMPUTED POINT
  - IRON PIN FOUND
  - IRON PIN SET
  - ⊙ SANITARY SEWER MANHOLE
  - ⊙ JUNCTION BOX
  - ⊙ DOUBLE-WING CATCH BASIN
  - ⊙ DROP INLET
  - ⊙ FIRE HYDRANT
  - ⊙ WATER VALVE
  - ⊙ WATER METER
  - ⊙ UTILITY POLE
  - ⊙ POWER METER
  - ⊙ GAS METER
- LINE TYPES**
- X-X- WIRE FENCE
  - - - RIGHT-OF-WAY LINE

**NOTES**

1. THE PURPOSE OF THIS PLAT IS TO DEPICT ALL OF THE LAND CONVEYED TO DANIEL RAGSDALE ENTERPRISE, LLC VIA DB 47380 PG 503, DATED 10/24/06.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. NO WARRANTY IS EXPRESSED OR IMPLIED WITH RESPECT TO THE QUALITY OF TITLE. EXCEPTION IS MADE AS TO ANY EASEMENTS OR OTHER RESTRICTIONS TO TITLE NOT SHOWN HEREON.
3. IN ADDITION TO THOSE OTHERWISE REFERENCED HEREON, THE FOLLOWING DOCUMENTS WERE USED IN THE PREPARATION OF THIS PLAT: PB 78 PG 99.
4. THE BASIS OF BEARING FOR THIS PLAT IS THE GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE (NAD 83). ALL DISTANCES SHOWN HEREON ARE GROUND (NOT GRID) DISTANCES.
5. ALL IRON PINS SET (IPS) ARE 1/2" REBAR UNLESS OTHERWISE NOTED. ALL OTHER MONUMENTATION CALLED FOR HEREON WAS FOUND IN PLACE.
6. THE UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND EVIDENCE VISIBLE AT THE TIME OF FIELDWORK, AND/OR AVAILABLE MAPS OR PLATS, AND ARE SHOWN AS ACCURATELY AS POSSIBLE FOR REFERENCE ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY OF UTILITY LOCATIONS, WHICH SHOULD BE INDEPENDENTLY VERIFIED.
7. NO PORTION OF THE PROPERTY DEPICTED HEREON LIES WITHIN A FLOOD HAZARD ZONE PER FEMA FIRM MAP NUMBER 13135C0131F, EFFECTIVE DATE SEPTEMBER 29, 2006.
8. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A RELATIVE POSITIONAL ACCURACY OF 0.04 FEET + 50 PPM FOR THE SUBJECT PROPERTY CORNER MONUMENTS AND WAS ADJUSTED USING LEAST SQUARES. THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS A LEICA TC1703R ROBOTIC TOTAL STATION.
9. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 47207 FEET.
10. THIS SURVEY DOES NOT REPRESENT A THOROUGH INSPECTION OF THE INTERIOR OF THE PROPERTY SHOWN HEREON. IMPROVEMENTS, WETLANDS, DUMP SITES AND OTHER SIGNIFICANT FEATURES NOT SHOWN HEREON MAY EXIST.
11. THIS PLAT DOES NOT CONSTITUTE A PLAT OF SUBDIVISION AND DOES NOT REQUIRE APPROVAL BY THE LOCAL GOVERNING AUTHORITY FOR RECORDING ACCORDING TO O.C.G.A. 15-6-67(d).

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2180 SATELLITE BOULEVARD  
SUITE 400-15 • DULUTH, GEORGIA 30097  
PH: (404) 355-6700 FAX: (404) 355-6760  
EMAIL: BEND@INLANDLLC.COM

**BOUNDARY SURVEY**  
FOR  
**SPICER EXPRESS, LLC.**  
OF  
**3228 BRUSHY DRIVE**  
LOCATED IN  
LAND LOT 125, 4TH DISTRICT  
GWINNETT COUNTY, GEORGIA



REVISIONS:		SHEET
		1
		OF
		1
DRAWING DATE: 6/30/15	LAST FIELD WORK: 6/17/15	
MANAGER: BD	CAD: CJ	CREW CHIEF: RM
JOB NUMBER: 15001-15-023	FILE: BRUSHY-BORY.dwg	



BRUSHY DR



SUP2015-00039



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Feet

Printed: July 16, 2015

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R100CSO

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R100MOD

C1

RA200

LANGLEY RD

R100

R100

M1

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BRUSHY DR

OI

MH

WRENWOOD CT

R60

C2

WRENWOOD DR

C1

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ATHENS HWY

R100

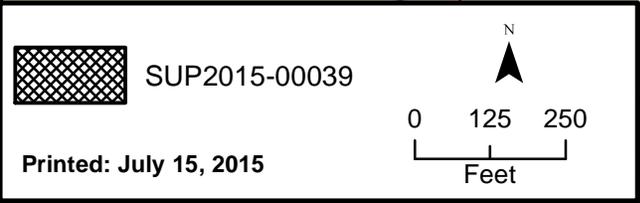
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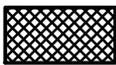
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 Printed: July 15, 2015

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

CASE NUMBER :**SUP2015-00040**  
ZONING :R-100  
LOCATION :3300-3400 BLOCK OF SKYLAND DRIVE  
:2100-2400 BLOCK OF TEMPLE JOHNSON ROAD  
MAP NUMBER :R5035 007  
ACREAGE :12.59 ACRES  
PROPOSED DEVELOPMENT :CEMETERY (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: COMMUNITY OF BOSNIAKS GEORGIA, INC.  
950 GRAYSON HIGHWAY  
LAWRENCEVILLE, GA 30046

CONTACT: NAIL CUBRO PHONE: 404.660.1741

OWNERS: DIANE HANEY BROWNLEE  
3521 MILLER BOTTOM ROAD  
LOGANVILLE, GA 30052

FERRELL DWIGHT HANEY  
598 E. MAYS ROAD  
STOCKBRIDGE, GA 30281

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant seeks approval of a Special Use Permit for a cemetery on a 12.59-acre tract located in the southern quadrant of the Skyland Drive and Temple Johnson Road intersection. The property is zoned R-100 (Single Family Residence District). The letter of intent and site plan also propose a 4,000 square foot place of worship; it is noted that the site meets the zoning requirements for a place of worship in a residential zoning district. The subject site is currently undeveloped, and is partially wooded and partially pastureland. A creek forms most of the western property line.

The cemetery would be located at the northern end of the property adjacent to the worship center, and would be roughly two-acres in area. The balance of the tract to the south of the worship center is indicated as green space. The site plan indicates that access would be from a single driveway onto Skyland Drive, aligning with Lyda Lane. According to the applicant, the cemetery would accommodate 2,050 burial plots. Parking for 75 cars is proposed and a detention pond is shown in the southern end of the property. A 25-foot wide buffer and fence

are proposed around the entire periphery of the site. Staff notes that the buffer must be increased to 50 feet in width adjacent to the detention pond, as required by the standards for a place of worship in a residential zoning district.

#### ZONING HISTORY:

The subject property was zoned RA-200 (Agriculture-Residence District) in 1970. It was rezoned to R-100 (Single Family Residence District) in 1973, pursuant to an areawide rezoning action.

#### 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 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.

Section 230-120 of the Unified Development Ordinance requires a 25-foot buffer, 4-foot decorative fence or wall along the street right-of-way.

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 per 5 seats in Sanctuary (minimum).
- One per 2 seats in Sanctuary (maximum).

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 Collector 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.

A minimum of 50-foot building setback is required from the right-of-way of Skyland Drive and Temple Johnson Road.

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.

A final plat and covenant for perpetual care shall be required and recorded with the Gwinnett County Clerk of Superior Court.

**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 an 8-inch water main located on the western right-of-way of Skyland Drive, and a 48-inch water main located on the eastern right-of-way of Temple Johnson 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 an 8-inch sanitary sewer main located approximately 191 feet south of the property on the right-of-way of Ridge Court.

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 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:

No comment.

#### DEPARTMENT ANALYSIS:

The subject 12.59-acre tract is located in the southern portion of the Skyland Drive/Temple Johnson Road intersection. It is currently undeveloped, and is partially wooded and partially pastureland. A creek forms most of the western property line.

The 2030 Unified Plan Future Development Map indicates that the site is located within an Existing/Emerging Suburban Character Area. Cemeteries, churches and similar institutional uses can be considered suitable uses within residential character areas. Therefore, this request for a cemetery could be considered consistent with the character area if adequately conditioned

to minimize impacts on neighboring residential properties along both roadways and residential properties to the south.

The surrounding area is currently developed with large-lot single family residences zoned R-100, and single family subdivisions zoned R-100, R-100 MOD, R-100 CSO and RS-180 (a Snellville zoning classification). To the east across Skyland Drive are properties developed as multi-acre sites in addition to the Martins Mill subdivision, both zoned R-100. To the north are the Skyland Heights and Skyland Glen subdivisions located in the City of Snellville, zoned RS-180 (Single-Family Residence). Northwest across Temple Johnson Road is the Skyland Cove subdivision and large lot residences, zoned R-100. To the west in the City of Snellville is the Grand Central subdivision, also zoned RS-180. South of the subject property is the Meadow Brook Ridge subdivision, also zoned R-100. Cemeteries and places of worship can be compatible uses in predominantly single family areas provided adequate screening and other site considerations are implemented into the development. Staff recommends that a 100 foot wide buffer be provided along Skyland Drive, only one access to Skyland Drive and none on Temple Johnson Road. In addition, limitations on the number of burial plots, hours of operation, fencing, signage, types of grave markers and other development considerations are included in staff's recommended conditions. Therefore, if approved with these conditions, staff believes the proposed cemetery and worship center could be compatible with residential uses in the area.

In conclusion, the requested Special Use Permit could be considered compatible with policies of the Unified Plan for the character area and with previous Board action for the approval of cemeteries. With appropriate conditions and restrictions, it could also be suitable to the zoning and development patterns of the area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.



PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit to allow a cemetery, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. A cemetery and accessory uses and structures as a special use.
  - B. The cemetery shall be closed and gated between the hours of 8:00 p.m. or sunset (whichever is earlier), and sunrise.
  - C. Buildings shall be constructed of brick or stone on all sides, with minor treatments of fiber-cement siding or stucco. Building elevations, building materials and colors shall be subject to review and approval by the Director of Planning and Development.
2. To satisfy the following site development considerations:
  - A. Provide a 100-foot wide natural and enhanced buffer along both road frontages. Buffer design and plantings shall be subject to review and approval by the Director of Planning and Development.
  - B. Access to Temple Johnson Road shall be prohibited. Access to the property shall be limited to one driveway on Skyland Drive.
  - C. Except where greater requirements are contained herein, abide by the Supplemental Use Standards of the Unified Development Ordinance as found in Section 230-130.3 for cemeteries and places of worship with regard to additional buffers, fencing and covenants. This condition shall not preclude a variance application.
  - D. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 a.m. and 7:00 p.m.
  - E. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the cabinet shall be fully surrounded by the same materials. Ground sign(s) shall not be internally illuminated and shall not exceed 5 feet in height.
  - F. Natural vegetation shall remain on the property prior to the issuance of a Development Permit.
  - G. Graves shall be a minimum of six-feet in depth.

- H. At a minimum, a wooden casket shall be used for the internment of the body.
  - I. A rectangular lidless vault comparable in design specifications and quality to a "Vantage" polypropylene vault shall be placed in the grave and inverted over the casket before the grave is filled in.
  - J. Gravemarkers shall be standardized, flush with the ground, and shall be metallic or stone in nature.
  - K. Graves shall not be excavated more than 24 hours prior to burial.
  - L. A groundwater monitoring well shall be constructed on the property at the owner's expense. Design, construction, and monitoring shall be coordinated with the Environmental Health Department at the owner's expense.
  - M. Burial areas shall be sodded. Graves shall be sodded after burial. Grass shall be cut at least twice monthly.
  - N. The construction of fencing and buffers shall be completed prior to any burials on the site.
3. Abide by the following requirements, dedications and improvements:
- A. Prior to the issuance of a Development Permit for the cemetery, a final plat and covenant for perpetual care shall be required and recorded with the Gwinnett County Clerk of Superior Court.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed cemetery could be suitable in this residential area if approved and developed in accordance with staff's recommended conditions.

ADVERSE IMPACTS

Potential impacts on nearby residential properties could be minimized with the recommended conditions, including buffers and restriction on access from Temple Johnson Road.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in traffic, utility demand 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 within an Existing/Emerging Suburban Character Area. If properly conditioned to reduce impacts on neighboring residential properties, the subject property's use as a cemetery could be compatible with the recommendations of the Unified Plan and previous Board actions.

CONDITIONS AFFECTING ZONING

Given that the property is situated in a predominantly single-family residential area, staff recommends an increased buffer along Skyland Drive and Temple Johnson Road and restricting access to Skyland Drive only.

**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. It will be.  
\_\_\_\_\_
- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  
No. It will not. Our development of the currently undeveloped property will not have any adverse effects on the usability of surrounding properties.  
\_\_\_\_\_
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
Currently, property in question is undeveloped land. As such, it has remained unused for a lengthy period of time. We plan to develop the land to benefit community.  
\_\_\_\_\_
- (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. The proposed special use will not place a strain on the use of existing streets, transportation facilities, utilities or schools. Traffic in and out will seldom occur.  
\_\_\_\_\_
- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
Yes. Our proposed use will developed land in an environmentally safe manner. Our improvements will also be more aesthetically pleasing then the current land  
\_\_\_\_\_
- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:  
The property in question has remained as unused and unimproved land for lengthy period of time and allowing us to develop will provide several benefits to community  
\_\_\_\_\_

SUP'15 040

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Planning & Development

July 1st, 2015  
Gwinnett County  
Department of Planning and Development  
Planning Division  
446 West Crogan Street, Ste 250  
Lawrenceville, Georgia 30046  
To Whom It May Concern,  
Re: Special Permit Application

This letter is to confirm that we are applying for a Special Use Permit in order to use the land located at 3362 Skyland Dr, Loganville GA currently zoned R-100, to build a new worship place with a cemetery.

We are currently under contract to purchase the referenced property. We believe that the property in question is the ideal location, and is perfectly suited to fit our community's needs to provide for a final resting place for our loved ones and will not disturb adjacent properties.

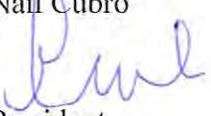
Bosniaks started settling in Gwinnett County in the nineties, and up until this date our community has grown to about 8000 individuals.

We built our Community Center In Gwinnett County (950 Grayson Hwy, Lawrenceville) however our community has grown and we have the need to expand and build a new place of worship along with new cemetery. We are planing to build this new place and burial site to resemble our culture and traditions, respecting County and State laws.

We respectfully ask that you issue a special permit for the use of the land as place of worship and cemetery for Bosniak's Community.

Thank you very much for your consideration and assistance in this matter.

Sincerely,  
Nail Cubro

  
President  
COBGA

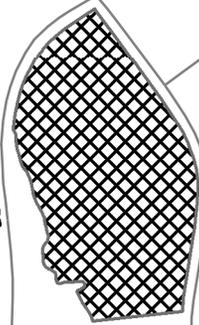
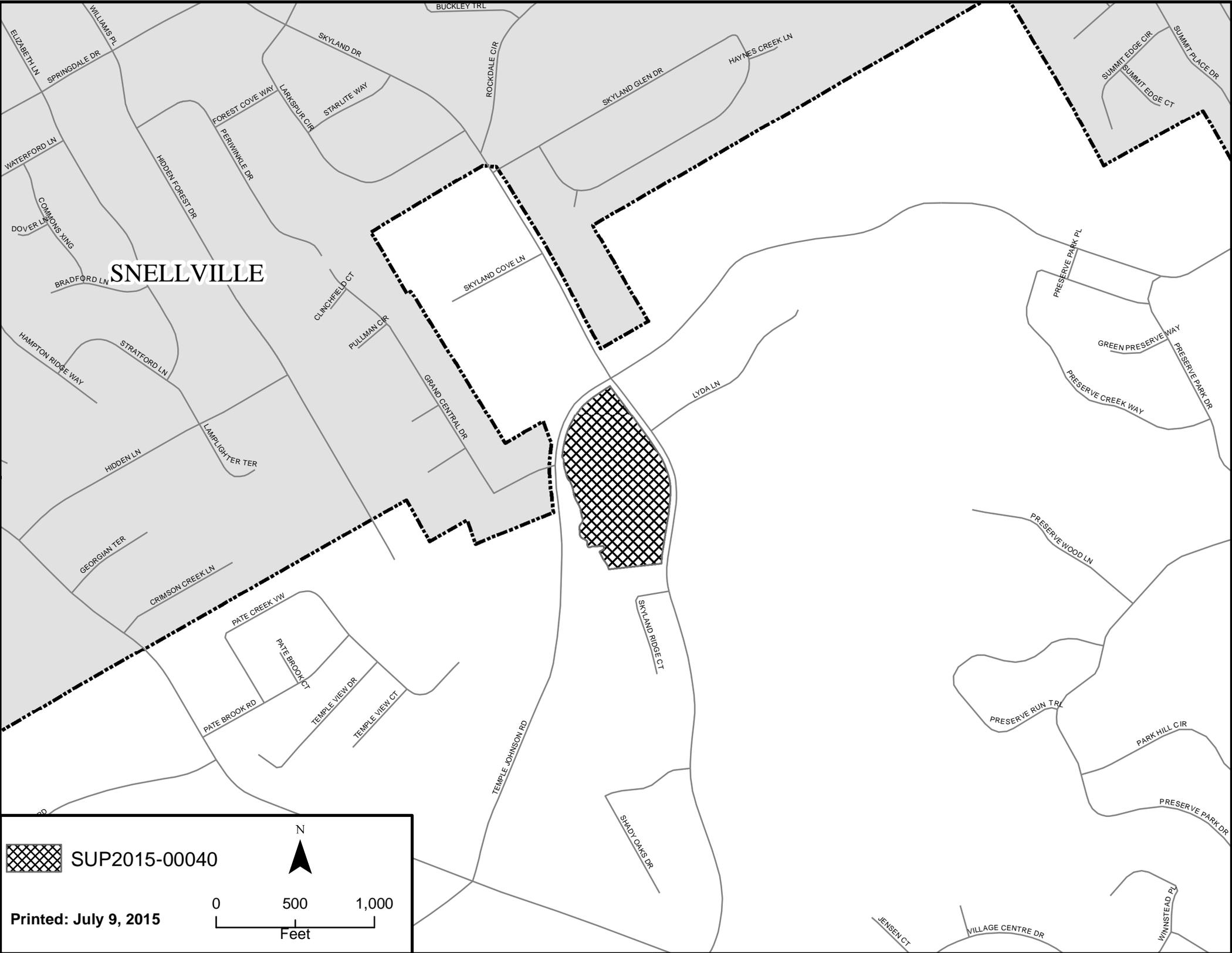
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Planning & Development

SUP'15 040

# SNELLVILLE



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Printed: July 9, 2015

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TEMPLE JOHNSON RD

LYDAL LN

SKYLAND DR

GRAND CENTRAL DR



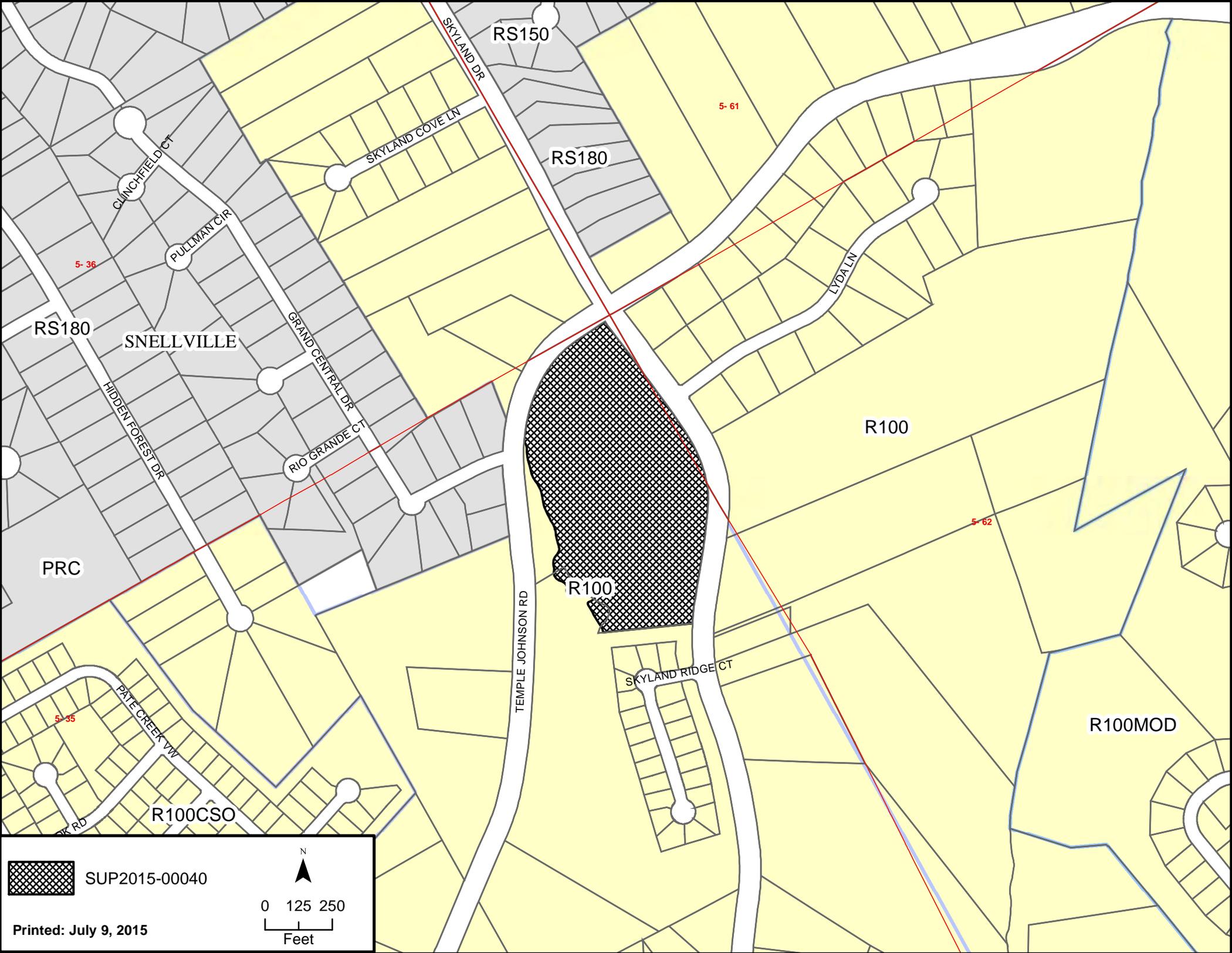
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RS150

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RS180

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SNELLVILLE

SKYLAND DR

SKYLAND COVE LN

LYDA LN

TEMPLE JOHNSON RD

SKYLAND RIDGE CT

GRAND CENTRAL DR

RIO GRANDE CT

CLINCHFIELD CT

PULLMAN CIR

HIDDEN FOREST DR

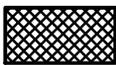
PATE CREEK VW

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Printed: July 9, 2015

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

CASE NUMBER :**SUP2015-00042**  
ZONING :C-2  
LOCATION :3500 BLOCK OF CLUB DRIVE  
MAP NUMBER :R6181 298  
ACREAGE :0.88 ACRE  
SQUARE FEET :6,477 SQUARE FEET  
PROPOSED DEVELOPMENT :FIREWORK SALES  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP: **REGIONAL MIXED USE**

APPLICANT: MICHAEL MARIETTA  
1500 E. 27<sup>TH</sup> TERRACE  
PITTSBURG, KANSAS 66762

CONTACT: MICHAEL LOBER                      PHONE: 678.461.9800

OWNER: SLATE MARKET PLACE HOLDINGS, LLC  
4675 MACARTHUR COURT, 1<sup>ST</sup> FLOOR  
NEWPORT BEACH, CA 92660

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests a Special Use Permit for fireworks sales on a 0.88-acre outparcel of the Market Place shopping center, located at the intersection of Club Drive and Pleasant Hill Road. The outparcel is zoned C-2 (General Business District), and fronts along Club Drive.

The property is developed with one single-story building, and Jake's Fireworks would occupy the entire 6,477-square foot building. There are no changes proposed to the exterior of the structure. Access is provided through two driveways extending onto Club Drive shared with the shopping center.

**ZONING HISTORY:**

In 1970, the subject property was zoned R-100 (Single Family Residence District). In 1973, the property was rezoned to C-2, pursuant to RZ-73-081. In 2012, a special use permit for truck rental was denied, pursuant to SUP2012-00012.

**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:**

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 16-inch water main located on the northwest right-of-way of Club Drive, and a 16-inch water main located on the east right-of-way of Pleasant Hill Road.

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.

**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.

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 0.88-acre outparcel of the Market Place shopping center, located on the north side of Club Drive, just east of the intersection of Pleasant Hill Road. The site is developed with a single-story, 6,477-square foot building which was formerly a restaurant.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Regional Mixed Use Character Area. The Regional Mixed Use character areas include intense concentrations of commercial activity in the County. However, a fireworks business inside a large free-standing retail space which could be overly visible from Pleasant Hill Road and Club Drive may not be compatible with the recommendations of the Unified Plan.

This segment of the Pleasant Hill Road corridor is intensely developed with commercial/retail uses, with residential areas located beyond the commercial area to the south and east. The corridor includes a mix of big box retail, shops, restaurants and office uses. Given the large size of the building and its location immediately fronting along Club Drive, a fireworks sales business may not be suitable at this location. Although a fireworks sales business could be appropriate as a minor component within a shopping center, this location in a freestanding building along a busy commercial corridor may be too prominent and may not be appropriate.

In conclusion, the requested special use may not be appropriate at this location. The use could also be considered incompatible with the recommendations of the Unified Plan for this Character Area. Therefore, the Department of Planning and Development recommends **DENIAL**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval of a Special Use Permit for fireworks sales, subject to the following enumerated conditions:

1. Retail, service commercial, office and accessory uses, which may include fireworks sales as a special use.
2. The building shall be left in its current neutral masonry finish, and may not be painted. Exterior building modifications shall be limited to signage and general maintenance, and shall be subject to review and approval of the Director of the Department of Planning and Development.
3. Outdoor sales, storage or display of merchandise shall be prohibited. Parking lot sales of fireworks shall be prohibited.
4. Wall and window signage for the business shall not exceed the requirements of the Gwinnett County Sign Ordinance.
5. Neon, LED or blinking window signs or wall signs shall be prohibited.
6. No 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.
7. Peddlers and/or parking lot sales shall be prohibited.
8. 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

The requested Special Use Permit for fireworks sales may not be suitable at this location in light of its conspicuous location in a free-standing building, highly visible from adjoining roadways.

ADVERSE IMPACTS

Given this visible, free-standing location, adverse impacts may be anticipated on nearby properties from the fireworks business.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

A minimal change in impacts on public facilities would be anticipated from the proposed use.

CONFORMITY WITH POLICIES

A fireworks business, located in a stand-alone building, visible from Pleasant Hill Road and Club Drive may not be compatible with the recommendations of the Unified Plan which encourage preserving the aesthetic quality of the corridor.

CONDITIONS AFFECTING ZONING

Although a fireworks sales business could be appropriate as a minor component within a shopping center, this location in a freestanding building along a busy commercial corridor may not be appropriate.

**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:

SEE ATTACHED.

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

SEE ATTACHED.

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

SEE ATTACHED.

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- (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:

SEE ATTACHED.

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

SEE ATTACHED.

---

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- (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:

SEE ATTACHED.

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JUL 02 2015

**SPECIAL USE PERMIT APPLICANT'S RESPONSE**

**Jake's Fireworks**

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

The proposed location is in a retail area and would not only be suitable but would enhance the existing businesses.

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

There will no adverse effect on the nearby properties.

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

This property is currently vacant and allowing the Special Use Permit would give the property a reasonable economic use. The applicant is seeking the Special Use Permit as the same is now required by the revisions to the UDO.

**(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:**

The proposed use will not create an excessive burden on the exiting streets, transportation, facilities, utilities or schools.

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

Yes, the revised UDO recognized that this location is suitable, subject to a Special Use Permit for the intended activity.

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

The Georgia Legislature passed Act 50, H.B. No. 110 permitting the sale of consumer fireworks subject to the approval and licensure by Georgia's State Fire Marshall. As such, until this law was passed, there was no reason for a county to have a zoning classification for such a use.

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Planning & Development

SUP '15 042



# Jake's Fireworks, Inc.

Corporate Offices - 1500 E. 27<sup>th</sup> Terrace  
Pittsburg, KS 66762  
Phone: 620-231-2264, 800-766-1277 Fax: 620-231-2416  
www.jakesfireworks.com

June 29<sup>th</sup>, 2015

Gwinnett County Dept. of Planning & Development  
Planning Division  
446 W. Crogan St., Suite 250  
Lawrenceville, GA 30046

RE: Special Use Permit for 3377 Club Drive, Duluth, GA

To whom it may concern:

Jake's Fireworks, Inc. is requesting a Special Use Permit (SUP) for the above listed address to operate a Consumer Fireworks Retail Sales (CFRS) facility in accordance with the new law regarding consumer fireworks in the state of Georgia. The store will be operated under all applicable building and fire codes. This will only be a sales facility open to the public and not a warehouse.

Thank you for your consideration,



Michael Marietta  
Owner



Jason Marietta  
Retail Sales Director

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**HOME OF - THE EXCALIBUR • GOLIATH • ONE BAD MOTHER • LOYAL TO NONE • THE BIGGEN**

INDIANA  
DISTRIBUTION CENTER  
800 Wagner Ave.  
Elkhart IN 64516  
ph: 574-296-7100  
fx: 574-296-7102

KENTUCKY  
DISTRIBUTION CENTER  
451 Johnson St  
Russellville, KY 42276  
ph: 270-728-8000  
fx: 270-728-8076

OKLAHOMA  
DISTRIBUTION CENTER  
17824 S. Sooner Rd.  
Norman OK 73071  
ph: 405-321-4885  
fx: 405-321-4896

SOUTH CAROLINA  
DISTRIBUTION CENTER  
130 Red River Rd  
PO Box 157  
Wagener, SC 29164  
ph: 803-564-2264  
fx: 803-564-2416

TEXAS  
DISTRIBUTION CENTER  
7010 S 19 Highway  
Athens, TX 75751  
ph: 903-264-2264  
fx: 903-264-2416

NEBRASKA  
DISTRIBUTION CENTER  
4355 Industrial Circle No. 17  
Hastings, NE 68902  
ph: 620-231-2264  
fx: 620-231-2416

WASHINGTON  
DISTRIBUTION CENTER  
739 Nevil Road  
Winlock WA 98593  
ph: 360-785-0859  
fx: 360-785-3748



**LOBER, DOBSON & DESAI**  
ATTORNEYS AT LAW

3150 Overland Drive  
Roswell, Georgia 30075  
Phone (678) 461-9800  
Fax (678) 461-9944

June 30, 2015

770 480 3613  
LCC

**Via Hand Delivery**

Bryan Lackey  
Planning Director  
Gwinnett County Department of Planning and Development

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Planning & Development

**Re: Jake's Fireworks/Fireworks Leasing, LLC  
1492 Pleasant Hill Rd Duluth GA  
Letter of Intent for Special Use Permit**

SUP '15 042

Dear Mr. Lackey:

I represent Fireworks Leasing, LLC, the applicant for a Special Use Permit for firework sales as a principal use as set forth in Gwinnett County's Uniform Development Ordinance, Title 2, Section 230-100, Table 230.4. Jake's Fireworks, an affiliated company with over 75 years of experience in the industry desires to operate a store at this location to sell consumer fireworks. The location is a 0.88 acre site with a 6610 square foot building and 52 parking spaces.

This year the Georgia Legislature passed Act 50, H.B. No. 110 permitting the sale of consumer fireworks. As such, Jake's Fireworks has opened five other stores in Georgia and looks forward to adding the Pleasant Hill location to serve the citizens of Gwinnett County.

Briefly, Jake's Fireworks is a family owned business started in Kansas in the 1940's. Besides its newest stores in Georgia, it operates locations in Kansas, Arkansas, Kansas, Missouri, Oklahoma, Michigan, and Indiana. Jake's Fireworks looks forward to being a good corporate citizen of Gwinnett County for years to come.

In order to open this store, in addition to obtaining a Special Use Permit from Gwinnett County, the State Fire Marshall will have to determine if the property is in compliance with the strict requirements of NFPA® Code 1124 concerning the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnics 9 (although the use for the property will be for consumer sales). This code takes into account many factors to ensure the safety of the customers, employees, and the surrounding area.

As set forth in the "Standards for Governing the Exercise of Zoning Power", this application meets all the requirements contained therein. The proposed location is well suited for the consumer retail and will encourage the revitalization of the Pleasant Hill corridor.

As the Georgia Appellate Courts have required an applicant to raise constitutional objections, the Applicant states that a denial of this request for a special use permit would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of

Bryan Lackey  
June 30, 2015  
Page 2

Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. The Applicant further respectfully submits that the Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the property or to curtail the Applicant's intended use as to do so would constitute a taking of the property as set forth above. Moreover, in the event of opposition to the proposed rezoning, the Applicant submits that opponents do not have standing to assert opposition and can prove no special damages as per the specially aggrieved citizen test. The Applicant further respectfully submits that the Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the property than presently exists as to do so not only would constitute a taking of the property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution. Moreover, in the event of opposition to the proposed rezoning, the Applicant submits that opponents do not have standing to assert opposition and can prove no special damages as per the specially aggrieved citizen test.

Additionally, the Applicant reasserts its position as set forth in its April 10, 2015 letter to you and incorporates those arguments herein by reference.

In closing, the applicant has met all requirements for the issuance of a Special Use Permit to operate its business and looks forward to working with you through this process.

Sincerely,

LOBER, DOBSON & DESAI, LLC



Michael J. Lober, Esq.

MJL/acc

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**CLUB DRIVE PARK**

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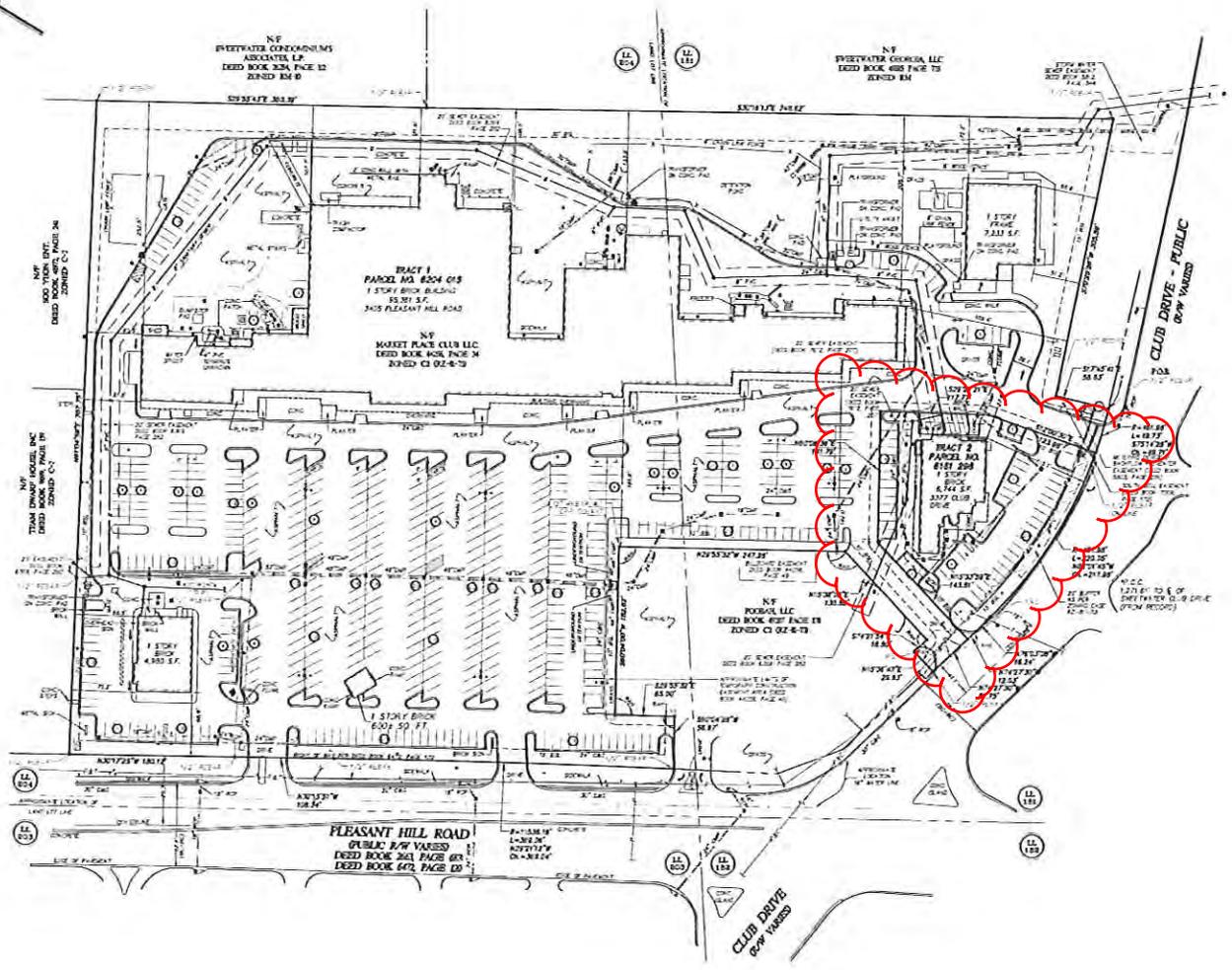
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4317 Park Drive - Suite 400  
 Atlanta, GA 30340  
 Phone: (770) 466-7911  
 Fax: (770) 466-7959  
 www.travispratt.com



FINAL PLAN  
**SLATE MARKETPLACE HOLDINGS, LLC**  
 1000 MARKET PLACE, SUITE 100  
 ATLANTA, GEORGIA 30338



For City File  
 Title: Final Plan & Survey  
 PLAN NO.: 15-042  
 FILED DATE: 07/02/15  
 SCALE: 1"=40'  
 LVL: PL  
 BY: [Signature]  
 DATE: 07/02/15  
 PROJECT NO.: 15-042

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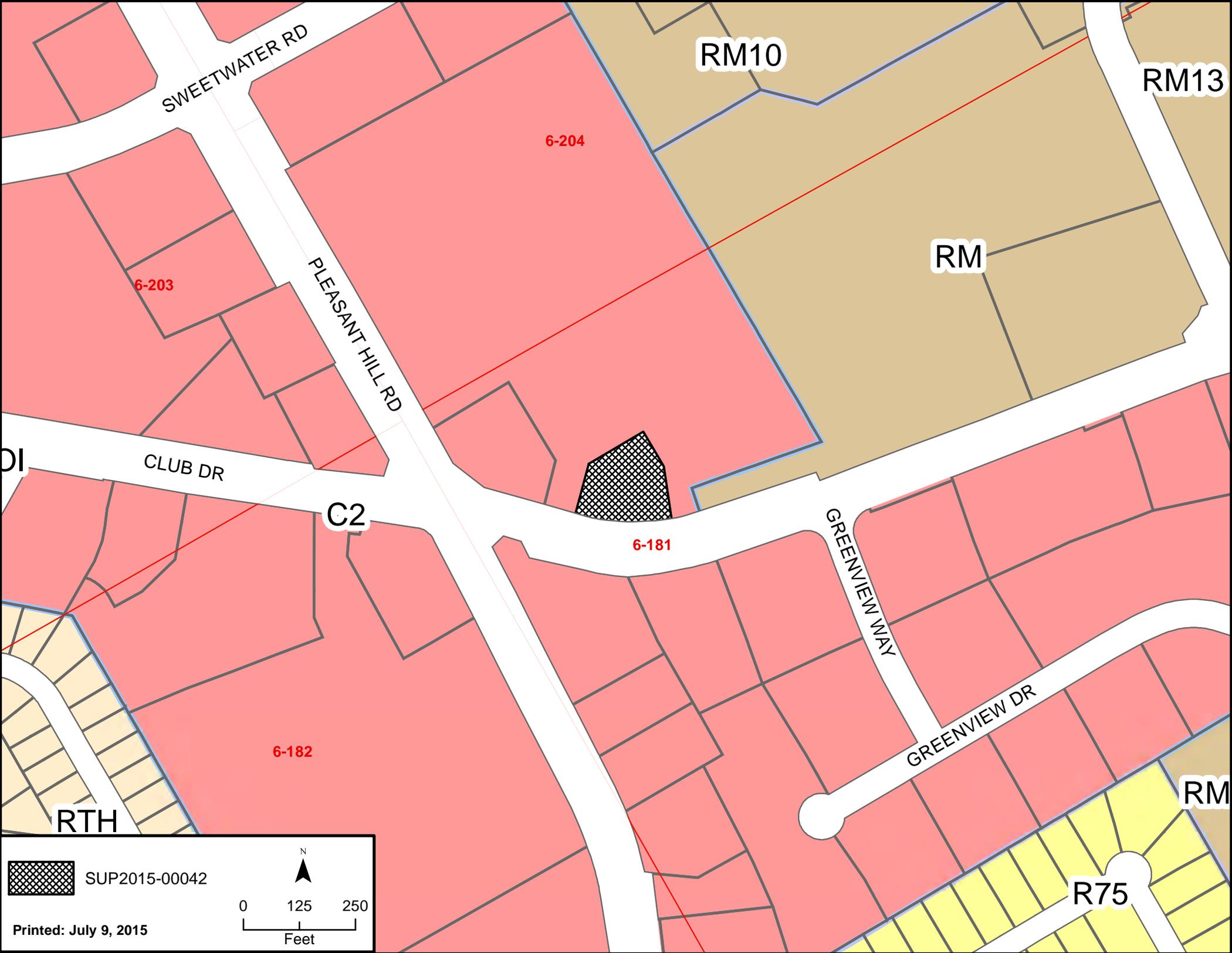
CLUB DR

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SWEETWATER RD

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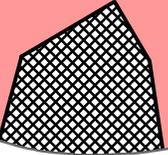
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PLEASANT HILL RD

RM

DI  
CLUB DR

C2



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GREENVIEW WAY

6-182

GREENVIEW DR

RTH

RM

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Printed: July 9, 2015

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

CASE NUMBER :**RZC2015-00016**  
ZONING CHANGE :O-I TO M-I  
LOCATION :900 BLOCK OF PETTY ROAD  
:800 BLOCK OF HI-HOPE ROAD  
MAP NUMBER :R7013 003  
ACREAGE :0.72 ACRE  
PROPOSED DEVELOPMENT :GRADING CONTRACTOR WITH OUTDOOR  
STORAGE; AND TRUCK & TRAILER STORAGE LOT  
COMMISSION DISTRICT :(4) HEARD

CASE NUMBER :**SUP2015-00045**  
ZONING :M-I (PROPOSED)  
LOCATION :900 BLOCK OF PETTY ROAD  
:800 BLOCK OF HI-HOPE ROAD  
MAP NUMBER :R7013 003  
ACREAGE :0.72 ACRE  
PROPOSED DEVELOPMENT :GRADING CONTRACTOR WITH OUTDOOR  
STORAGE; AND TRUCK & TRAILER STORAGE LOT  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: CHARLIE L. COOK, JR.  
2180 LULLWATER COURT  
LAWRENCEVILLE, GA 30043

CONTACT: CHARLIE COOK PHONE: 404.401.7300

OWNERS: GARY C. PETTY  
910 PETTY ROAD  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests rezoning of a 0.72-acre parcel from O-I (Office Institutional District) to M-I (Light Industry District) with a Special Use Permit to allow outdoor storage of heavy trucks, trailers, equipment and materials associated with a clearing and grading construction company. The site is located at the southeast intersection of Hi-Hope Road and Petty Road.

The applicant currently operates a non-compliant clearing and grading company from the neighboring property located at 868 Hi-Hope Road (CEU2015-10340), and it is the intention of



the applicant to expand onto the subject property for the same purpose. However, activities related to the current operation on the neighboring property would not be considered compliant with the Unified Development Ordinance and would require approval of an additional Special Use Permit. The entire site would be used for the outdoor storage of dump trucks, tractor trailers and other heavy equipment, as well as stockpiling dirt and other materials. The surface of the outdoor storage area would consist of gravel and encompass the majority of the site, as well as the applicant's neighboring property to the southeast. The applicant has suggested extending the proposed gravel limits to the property lines, including those located along both Hi-Hope Road and Petty Road. Since portions of the outdoor storage area would consist of gravel and encroach into the required landscape strips, variances would be required for an approved hard-surface and the encroachment into the required landscape strips along the right-of-ways. Access to the proposed project would be provided via a single gravel driveway extending from Hi-Hope Road through the neighboring property to the southeast.

Activities on the neighboring property are not presently screened, as required by the Unified Development Ordinance. The proposed rezoning and use of the subject site requires outdoor storage areas to be screened and situated in a side or rear yard; which in this case would be located along the southern most property line.

#### ZONING HISTORY:

In 1970, the property was zoned R-100 (Single Family Residence District). The property was rezoned to O-I (Office-Institutional District) as part of a larger area-wide rezoning in 1975.

#### 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 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.

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 right-of-way of Hi-Hope Road and Petty Road.

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.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

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

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

**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 Perry Road, a 12-inch water main located on the southwestern right-of-way of Hi-Hope Road, and an 8-inch water main located on the property.

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 Alcovy 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:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

Fire Plan Review has no objections to the 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 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 an undeveloped 0.72-acre parcel, located at the southeast intersection of Hi-Hope Road and Petty Road. The property is an open, grassed lot with a few scattered trees.

The 2030 Unified Plan Future Development Map indicates that the property is located within the Research and Development Corridor, which promotes upscale office activities, concentrating on science and high-technology based industries, and discourages heavy industrial uses. Policies of the Research and Development Corridor are intended to promote and develop research oriented industries along the University Parkway corridor. The introduction or expansion of a non-conforming grading company could be considered inconsistent with the Unified Plan and the efforts of the County to attract research and development firms to this particular corridor.

The area immediately surrounding the property is developed with light industrial, office/warehouse, institutional and single-family residential uses. Homes on large lots lie to the north, directly across Petty Road and along Hi-Hope Road. Located to the south and east is the Gwinnett Progress Center, which consists predominately of light industrial and office related uses. Although many of these businesses include distribution and warehousing functions, none are as intensive as the use being proposed for the subject property. Numerous County facilities are located to the south and west along Hi-Hope Road. A clearing and grading company storing trucks, tractor trailers, heavy equipment, dirt stockpiles and other materials may not be consistent with the less intense office/warehouse and institutional uses which characterize the area. The requested rezoning and Special Use Permit could have negative impacts on the potential future development of the Progress Center and the R&D Corridor.

In conclusion, allowing the applicant to continue to operate a business considered to be in violation of the requirements of the Unified Development Ordinance further supports denial of this request. Also, the approval of the requested rezoning and Special Use Permit for the outdoor storage of materials and equipment associated with a clearing and grading company could potentially contradict the emphasis of the Unified Plan, and hamper the long-term orientation of the Gwinnett Progress Center as an anchor for the envisioned high-technology Research and Development Corridor. Therefore, the Department of Planning and Development recommends **DENIAL** of these requests.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval as M-1, with a Special Use Permit for outdoor storage of tractor trailers, heavy equipment and grading materials, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Light industrial uses, which may include a grading contractor and outdoor storage of tractor trailers, heavy equipment and grading materials as a special use.
  - B. Any new buildings or additions shall be finished with architectural treatments of glass, brick or stacked stone. Stucco may be used as an accent material. Final architectural elevations shall be subject to review and approval by the Director of Planning and Development.
2. To abide by the following site development considerations:
  - A. Provide a minimum 10-foot wide landscaped strip along Hi-Hope Road and Petty Road.
  - B. The outdoor storage area shall be enclosed by minimum 8-foot high opaque fencing to provide an effective visual screen of the storage/parking area. The fence shall not contain any signage and shall be maintained in good repair. All fencing and screening shall be subject to review and approval by the Director of Planning and Development.
  - C. Outdoor storage of trucks, trailers, equipment and materials shall be solely within the screened storage area.
  - D. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the cabinet shall be fully surrounded by the same materials.
  - E. Dumpsters shall be located within the fenced and screened outdoor storage area.
  - F. 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.
  - G. 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.

- H. Peddlers and/or parking lot sales 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

The requested rezoning and Special Use Permit for the outdoor storage of trucks, trailers, heavy equipment and dirt stockpiles may not be considered suitable in light of the residential and institutional uses on surrounding properties.

ADVERSE IMPACTS

Adverse impacts on adjacent properties could be anticipated in the form of heavy truck traffic, noise/light intrusion and a degraded visual appearance for the site. The proposed use may also compromise Gwinnett County's efforts to attract research and development firms to the Progress Center and Highway 316 corridor.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the site is located within a Research and Development Corridor. This request may be considered inconsistent with policies for this character area which promote scientific and high-tech businesses to locate in the area, and discourage activities such as those being requested.

CONDITIONS AFFECTING ZONING

The request to allow outdoor storage of trucks, trailers, heavy equipment and grading materials at this location may be counter to the emphasis of the county to create a research and development corridor anchored in this area by the Gwinnett Progress Center.

**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

- (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:

No

RECEIVED BY

RZC '15 016

AUG 07 2015



August 6, 2015

Gwinnett County Department of Planning & Development  
446 West Crogan Street  
Lawrenceville, GA 30046

To whom it may concern:

Please accept this as my letter of intent to file for M-1 Zoning and a Special Use Permit on Parcel Number 7-013-003. I plan to leave the lot as is. The Special Use Permit for use as a Truck Storage Lot will allow for parking trucks, trailers and equipment. I am in the clearing and grading business.

Thank you for your consideration of the Zoning and Special Use Permit request. If you have any questions, please give me a call.

Sincerely,



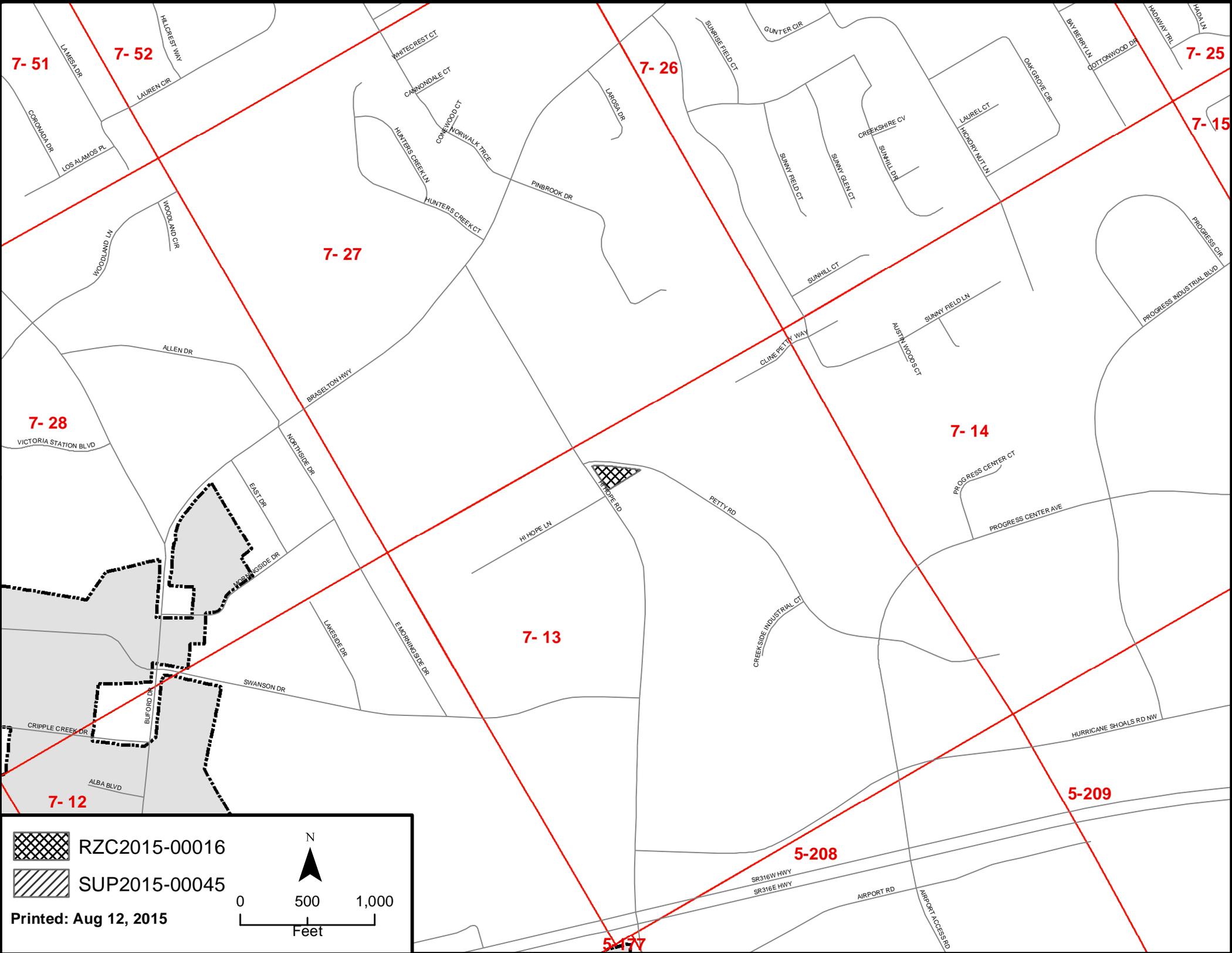
Charlie L. Cook, Jr.

RECEIVED BY

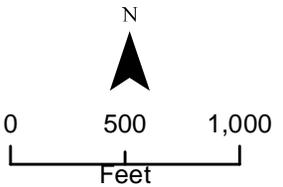
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Planning & Development

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 RZC2015-00016  
 SUP2015-00045



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5-197





PETTY RD

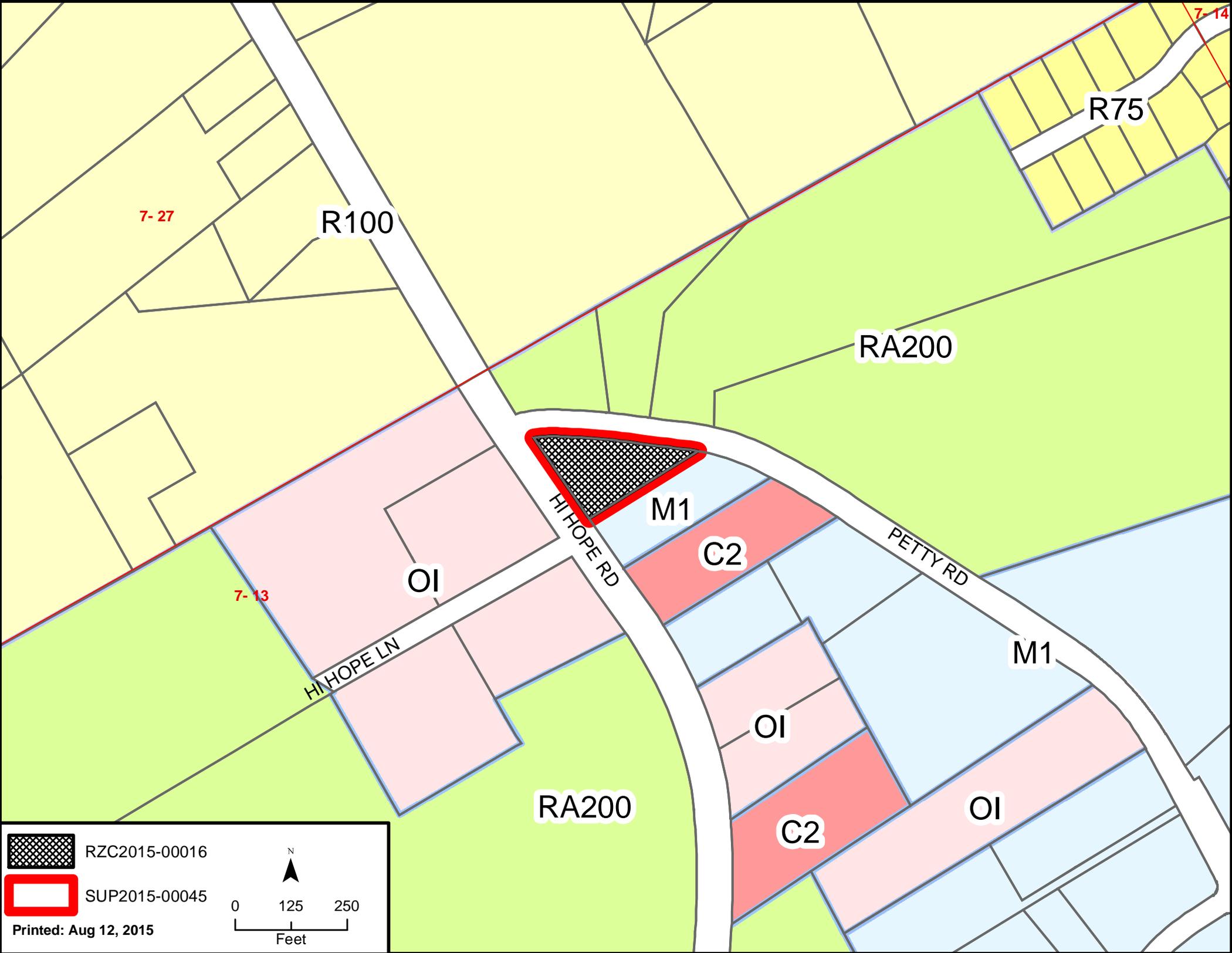
HI HOPE RD

 RZC2015-00016  
 SUP2015-00045

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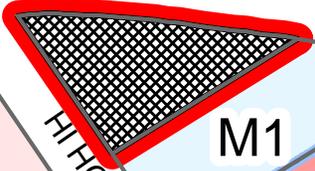


7-27

R100

R75

RA200



HI HOPE RD

M1

C2

PETTY RD

7-13

OI

HI HOPE LN

M1

OI

RA200

C2

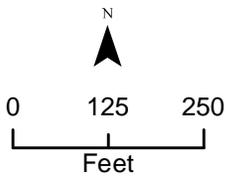
OI



RZC2015-00016



SUP2015-00045



Printed: Aug 12, 2015

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

CASE NUMBER :**RZM2015-00007**  
ZONING CHANGE :C-2 & O-I TO MU-R  
LOCATION :1400 BLOCK OF SATELLITE BOULEVARD  
MAP NUMBERS :R7155 518 & 567  
ACREAGE :23.96 ACRES  
UNITS :324 UNITS (APARTMENTS)  
SQUARE FEET :69,600 SQUARE FEET (RETAIL & OFFICE)  
PROPOSED DEVELOPMENT :REGIONAL MIXED USE DEVELOPMENT  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: LYNWOOD DEVELOPMENT GROUP  
C/O ANDERSEN TATE & CARR PC  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MARIAN ADEIMY PHONE: 678.518.6855

OWNER: SATELLITE BOULEVARD INVESTORS  
110 PEACHTREE INDUSTRIAL BOULEVARD  
SUGAR HILL, GA 30518

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests rezoning of a 23.96-acre property from C-2 (General Business District) and O-I (Office-Institutional) to MU-R (Regional Mixed-Use District) for development of a 324 unit apartment complex, and 69,600 square feet of commercial and office space. The subject property is part of the Huntcrest development, and is located on the northwest side of Satellite Boulevard just north of its intersection with Old Peachtree Road. The property is partially wooded and partially graded, with a stream crossing the southwestern end of the site.

The submitted site plan proposes 324 apartments on 18.82 acres, resulting in a density of 17.2 units per acre. Building heights for the apartments would range from 3 to 4 stories. A total of 553 parking spaces would be provided for the apartment complex. Four additional buildings are proposed for the remaining 5.14 acres along the Satellite Boulevard frontage, to contain a mix of commercial and office uses totaling 69,600 square feet of floor area. Two access points are shown on the site plan; the southernmost driveway would be limited to right-in/right-out turns due to a median on Satellite Boulevard. A 50-foot revegetated buffer is proposed along the common property line with Olde Savannah Square subdivision to the northwest.

The site plan indicates that an additional 0.2 floor area ratio (FAR) bonus would be earned by providing a minimum of 1,000 feet of multiuse path. However, the path is located along Satellite Boulevard, and is therefore not eligible for FAR bonus. To be eligible for the bonus, the path must be located internal to the development. The Department notes that unless the path location is revised, or another FAR bonus amenity is provided, the maximum residential density will be limited to 8 units per acre. In addition, the MU-R zoning district requires that no single land use be less than 20 percent of the total FAR. In this instance, the applicant has proposed 85% of the total floor area be apartments, and 15% of the total floor area be office or commercial.

Staff notes that the applicant has agreed to fully fence and gate the apartment development with a metal fence with spaced columns, and staff has included that in the attached recommended conditions. In addition, in order to give the entire project more of an urban street-scape design, staff also recommends that all of the buildings be flat-roofed, including the non-residential buildings.

#### ZONING HISTORY:

In 1970, the subject property was zoned R-100 (Single Family Residence District). In 1984, the property was rezoned to M-1 (Light Industry District), pursuant to RZ-71-84. The property was rezoned to O-1 (Office-Institution District) in 1998, with a Special Use Permit for a building height increase, pursuant to RZ-98-005 and SUP-98-004. In 2005, a Change in Conditions application was approved to allow detention ponds to encroach into the required buffer, pursuant to CIC2005-00018. A large portion of the property was rezoned to C-2 in 2011, pursuant to RZC2011-00006. In 2014, a request to rezone to R-TH (Single Family Residence Townhouse District) for 104 townhouses was denied, pursuant to RZM2014-00004.

#### GROUNDWATER RECHARGE AREA:

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

#### WETLANDS INVENTORY:

The subject property contains 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. The applicant/developer shall obtain all required approvals from the Gwinnett Department of Public Utilities and the U.S. Army Corps of Engineers for construction or land disturbance activities which may impact floodplain or wetland areas.

#### OPEN SPACE AND GREENWAY MASTER PLAN:

No comment.

DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Protection regulations require 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.

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

The developer must submit 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.

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:

No comment.



**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Satellite Boulevard 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.

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.

**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 16-inch water main located on the western right-of-way of Satellite Boulevard, and a 12-inch water main located on the western right-of-way of Satellite Boulevard.

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 8-inch sanitary sewer main located on parcel 7123 030, and an 8-inch sanitary sewer main located approximately 589 feet west of parcel 7155 567 on parcel 7155 518.

The subject development is located within the 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 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 objections 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 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 part of the Huntcrest development, and is located on the northwest side of Satellite Boulevard north of its intersection with Old Peachtree Road. The property is undeveloped and much of the site is wooded, with a stream crossing the southwestern end of the parcel.

The 2030 Unified Plan Future Development Map indicates that the property is located within the Preferred Office Character Area. The Unified Plan does encourage residential uses within this character area, provided they are incorporated into mixed-use developments. However, given the previous denial of R-TH zoning on the same property in 2014 (RZM2014-00004), the proposed rezoning for an apartment complex may not be appropriate on this site. Although the existing C-2 and O-I zoning have yet to be developed, it may be more consistent with the Unified Plan to preserve this property for future commercial/office space as an employment center.

The surrounding area is characterized by the established commercial intersection of Satellite Boulevard and Old Peachtree Road, with office uses and zoning extending northward along Satellite Boulevard. Residential uses lie to the northwest, adjacent to the Preferred Office corridor. The subject property abuts the residentially-zoned Olde Savannah Square subdivision along the northern property lines. Located to the south, across Satellite Boulevard, are the Home Depot retail center and the Goddard School child daycare, both properties zoned C-2, along with The Heights Old Peachtree development, zoned MUO. Staff notes that the multifamily residential portion of that project is located adjacent to Interstate 85, and is considered more appropriate for apartments than the subject tract which abuts a single-family neighborhood. Immediately to the southwest is the Autumn Leaves of Sugarloaf Nursing Home, an assisted living facility zoned C-2. The current zoning on the subject property is consistent and compatible with existing and anticipated uses along Satellite Boulevard. Staff also notes that adjacent commercial properties could be adversely impacted from the introduction of a residential zoning district that encumbers them with potential land use conflicts and buffer requirements. In light of these several factors, the requested rezoning from C-2 and O-I to MU-R may not be appropriate at this location.

In conclusion, the proposed rezoning to MU-R may not be consistent with the previous action by the Board of Commissioners to deny attached residential development on the subject property. The proposed apartment complex is not considered compatible with the 2030 Unified Plan's recommended land use of Preferred Office. 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 MU-R for a mixed-use development, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. For the residential component, no more than 324 apartments shall be allowed. The development shall be a fenced and gated community comprised of metal with spaced columns, with a maximum building height of 4 stories.
  - B. For the office and retail component, the following uses shall be prohibited:
    - adult bookstores or entertainment
    - automotive parts stores
    - contractors offices
    - emissions inspection stations
    - equipment rental
    - extended stay hotels or motels
    - recovered materials processing facilities
    - smoke shops/novelty stores
    - tattoo parlors
    - taxidermists
    - yard trimmings composting facilities
  - C. Buildings shall be constructed as urban-style, flat-roofed buildings with primary exterior treatments of brick or stacked stone on each elevation. The remainder of each elevation may be the same, or fiber-cement shake or siding. Building elevations shall be submitted for review and approval of the Director of Planning and Development prior to the issuance of a development permit.
2. To satisfy the following site development considerations:
  - A. Provide a 50-foot wide natural undisturbed buffer adjacent to residentially-zoned properties. The buffer shall be enhanced where sparsely vegetated.
  - B. Provide a ten-foot wide landscaped strip adjacent to Satellite Boulevard.
  - C. Natural vegetation shall remain on the property until the issuance of a development permit.

- D. Ground signage shall be limited to monument type signs, and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the cabinet shall be fully surrounded by the same materials. Ground signs shall not exceed 8 feet in height.
- E. All grassed areas within the development shall be sodded.
- F. All utilities shall be placed underground.
- G. Outdoor commercial sales or storage shall be prohibited.
- H. Dumpsters or trash compactors shall be screened by a 100% opaque brick or stacked stone wall. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
- I. Outdoor loudspeakers shall be prohibited.
- J. 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.
- K. 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.
- L. Peddlers and/or parking lot sales shall be prohibited.
- M. 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 EXERCISE OF THE ZONING

SUITABILITY OF USE

The proposed apartment complex on the majority of the site may not be suitable in view of the property's location adjacent to Olde Savannah Square, and the office and commercial nature of Satellite Boulevard and the Huntcrest development.

ADVERSE IMPACTS

Adverse impacts on adjacent single family properties to the northwest could be anticipated from the introduction of a multifamily residential development on the subject site.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned C-2 and O-I.

IMPACTS ON PUBLIC FACILITIES

An increase in traffic, utilities usage, storm water runoff, and the number of school-aged children would be anticipated from this request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within a Preferred Office Character Area. The proposed apartment development is considered inconsistent with this recommended land use. Additionally, a recent denial in 2014 by the Board for R-TH zoning on the site suggests this request for multifamily development may be inappropriate.

CONDITIONS AFFECTING ZONING

Although the existing C-2 and O-I zoning previously approved for the site has yet to be developed, it may be appropriate to preserve this property for future commercial/office space as an employment center.

**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"

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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"

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

See Exhibit "B"

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- (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"

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

See Exhibit "B"

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- (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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**APPLICANT'S RESPONSE**  
**FOR A MIXED-USE DEVELOPMENT AT HUNTCREST AND SATELLITE**

- 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. The proposed mixed-use development would be entirely consistent with the adjacent and nearby property uses, which are a mixture of commercial, office and residential uses, as well as other high-density attached residential apartment uses located in the vicinity of the subject property in the Satellite Blvd. corridor. The introduction of high-end, luxury residential apartments, potential senior, office and commercial uses designed to serve the residents of this mixed-use development will provide new customers for existing restaurant and commercial uses in this area.

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

No, this MU request proposes a mixed-use development that is entirely compatible with the adjoining and nearby properties and will not adversely affect these properties. New higher-end, luxury residential apartments will provide a much needed base of new customers for the numerous commercial and restaurant uses in the area, energizing the existing commercial base.

The subject Property has remained vacant and is surrounded by existing and more intense commercial uses, two major arterial roads and an interstate highway. The proposed mixed-use development provides a less-intense, transitional use to nearby residential uses and further insulates those uses from the potential of a more intense commercial use on this property.

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

No. There is an existing surplus of commercially zoned and developed property in the immediately surrounding area and many of these existing commercial centers have some vacant space. The commercial uses proposed as part of this request would likely be geared toward offices and/or senior uses to be compatible with the residents of the mixed-use development. While existing commercial vacancy rates are improving some, there is certainly no current or foreseeable future market demand for an additional 24 acres of commercial uses in this area, leaving the subject property with no reasonable economic use under the Property's current zoning.

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- 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, this property is located in an area with public water and sewer availability, and convenient access to major thoroughfares and near a major interstate highway interchange. This rezoning will not cause excessive use of existing streets, transportation facilities or utilities and since the residential component of the proposed mixed-use development will be marketed towards and designed primarily to serve young professionals or empty-nesters with no children, there will be little if any impact on the schools.

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

Yes. The Gwinnett 2030 Unified Plan has designated the I-85 corridor as well as the specific area within which this property is located for office, residential and mixed-use developments, making this request entirely consistent with the Plan's guidelines for this area.

- 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 SPECIAL USE PERMIT.

Yes. The property has been zoned for more intense uses and has remained vacant due to the influx of commercial uses already in the area. Market experience over the intervening years has amply demonstrated that there is simply no current or foreseeable future market demand for an additional 24 acres of commercial or office development and mixed-use will address the needs and growing trend in the area.

The Gwinnett 2030 Unified Plan has designated the I-85 corridor as well as the specific area within which this property is located for higher density residential and mixed-use developments, making this request entirely consistent with the Plan's guidelines for this area.

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August 7, 2015

## **VIA HAND-DELIVERY AND E-MAIL**

Mr. Bryan Lackey, Director  
Mr. Jeffery West, Manager, Current Planning Section  
Gwinnett County Department of Planning and Development  
446 West Crogan Street, Suite 225  
Lawrenceville, Georgia 30045-2440

### **LETTER OF INTENT** **IN SUPPORT OF APPLICANT LYNWOOD DEVELOPMENT'S REQUEST** **FOR REZONING TO MIXED-USE (MU) DESIGNATION AT HUNTCREST WEST** **(at Satellite Boulevard and Old Peachtree)**

The Applicant, Lynwood Development Group (hereinafter, "Applicant"), submits this request to rezone the property located at 1455 Satellite Blvd., Suwanee, Georgia, Land Lots 123, 155 and 156 of the 7<sup>th</sup> District of Gwinnett County, Georgia, from C-2 to Mixed-Use (MU) on an approximately 24 acre tract of assembled land (hereinafter, the "Property") located near the northeastern corner of Satellite Boulevard and Old Peachtree Road along the westerly right-of-way of Interstate 85. The subject property covered by this Application is currently zoned C-2.

The proposed mixed-use development would include both retail/commercial and residential components and would be a perfect compliment to the existing components of the Huntcrest development within which the subject Property is located. While Huntcrest currently contains some higher density, owner-occupied residential townhomes, there is no residential option for the higher income young professionals who would be attracted to the learn/work/play options and convenient location Huntcrest offers, but who are not yet interested in taking on the responsibilities of homeownership and who would prefer an upscale apartment lifestyle option.

The subject Property has remained undeveloped for over 40 years, having previously been rezoned to R-100, M-1, O&I, and currently, C-2 (rezoned in 2011). Around this vacant property, the Satellite Blvd. area has been development in multiple phases with a large variety of more intense commercial development. The Huntcrest area was originally developed in the early 2000's to allow for a cohesive industrial, office and residential developments along the Satellite and Brown Rd. corridors.

While the office market had difficulty retaining tenants, in 2011, Worthing developed the 18 acre parcel immediately across the street from this Property for the Heights at Sugarloaf, a similar mixed-residential/commercial development, which includes over 270 apartment units. In or around 2014, the Providence Group rezoned and began developing the Villages at Huntcrest for single-family homes.

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On the whole, Gwinnett County has very few upscale mixed-use developments which include office and apartment community options for young professionals. As a result, many of them are choosing to live near upscale apartment options where job, restaurant, entertainment and cultural opportunities are readily available. This underserved market of young professionals is exactly the sort of demographic that Gwinnett needs to attract to maintain its vibrancy. Similarly, the County has residents looking to down-size as empty nesters, or eventually, looking to start in an apartment near work in order to transition to single-family residential areas in Gwinnett when they decide to settle down and raise their families.

The introduction of a high-end mixed-use development will introduce a much needed base of new, affluent customers for the numerous restaurants and commercial uses already in this area, energizing the commercial base and making those existing businesses and restaurants even more viable. The future of the Sugarloaf and Gwinnett Arena area depends on the influx of active community members who will gravitate to our project and are exactly the demographic that can bring new vitality to Gwinnett.

Moreover, the Gwinnett 2030 Unified Plan has designated the specific area within which this property is located as a commercial corridor, for higher density residential and mixed-use developments, making this request entirely consistent with the Plan's guidelines for this area. 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 primary and easily accessible transportation routes.

As the Applicant and developer, Lynwood Development Group has continued to be one of the regional leaders for mixed-use development, having received the annual award from the Atlanta Regional Commission for West Village, a mixed-use development located in Smyrna, Georgia, designed to attract and maintain the same demographic being proposed for this project. Lynwood and its partners pride themselves in using the highest quality architectural materials and design in order to achieve the goals for a particular area. Like the Heights at Sugarloaf and nearby Terraces at Suwanee, the proposed mixed-use development will help to create a live/work activity node as part of the larger existing office and commercial developments in the area.

**CONCLUSION**

This proposed mixed-use development would bring a vibrant, upscale, mixed-use community to this area and new customers for the existing restaurants and stores already nearby. 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.

This 7<sup>th</sup> day of August, 2015.

Respectfully submitted,



Marian C. Adeimy  
Attorney for the Applicant

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# Huntcrest West

1455 Satellite Boulevard  
*a Master Planned Mixed-Use Community*



BUILDING TYPE 100 FRONT SIDE ONE ELEVATION | NTS

#### Materials Key

-  Stone Veneer
-  Brick
-  Fiber Cement Siding - Color 1
-  Fiber Cement Siding - Color 2
-  Trim
-  Asphalt Shingle Roof
-  Metal Roof



BUILDING TYPE 100 FRONT SIDE TWO ELEVATION | NTS

# Huntcrest West

1455 Satellite Boulevard  
*a Master Planned Mixed-Use Community*



The buildings will be craftsman in style and architecture similar to the rendering or photographs included with this request and will have front and side facades consisting of brick, stone, stacked stone, cedar shake type and/or hardi-plank.

*Traffic Impact Study*

# Huntcrest West

Gwinnett County, Georgia

*Report Prepared:*

August 2015

*Prepared for:*

Lynwood Development Group

*Prepared by:*

**Kimley»»Horn**

Kimley-Horn and Associates, Inc.  
2 Sun Court, Suite 450  
Peachtree Corners, GA 30092  
August 2015



## 7.0 CONCLUSION

As currently envisioned, the Huntcrest West development will consist of 324 residential apartment units and 88,000 SF of office/commercial space. The 23.96-acre site is located just north of the Satellite Boulevard / Old Peachtree Road intersection and is bordered by Satellite Boulevard to the east in Gwinnett County, Georgia. The study network, comprised of one existing signalized intersection, one proposed unsignalized driveway, and one existing unsignalized driveway intersections, were analyzed for the Existing 2015 traffic conditions, the Projected 2020 No-Build traffic conditions (background traffic growth plus the traffic associated with the development of two parcels per the Heights at Satellite Boulevard Traffic Impact Study), and the Projected 2020 Build traffic conditions (background traffic growth plus the traffic associated with the development of two parcels per the Heights at Satellite Boulevard Traffic Impact Study and the proposed Huntcrest West development).

Based on the results of this traffic impact study, the intersection of Satellite Boulevard at Old Peachtree Road (Intersection 1) currently operates at LOS E during the Existing 2015 PM peak hour. During the PM peak hour, the intersection will operate at LOS F under the Projected 2020 No-Build and Projected 2020 Build traffic conditions. The Existing Mixed-Use Development Driveway along Satellite Boulevard (Intersection 3) currently operates at LOS F during the Existing 2015 AM and PM peak hours. During both the AM and PM peak hours, the Existing Mixed-Use Development Driveway will operate at LOS F under the Projected 2020 No-Build and the proposed full movement driveway will operate at LOS F under Projected 2020 Build traffic conditions. The right-in/right-out driveway along Satellite Boulevard (Intersection 2) is projected to operate at LOS D or better during Projected 2020 Build AM and PM peak hours.

For the purposes of this traffic impact study, a level-of-service standard of D was assumed for all intersections within the study network. System improvements were applied to the Projected 2020 No-Build traffic conditions to ensure that the intersection of Satellite Boulevard at Old Peachtree Road operates at LOS D. With these improvements, the intersection continues to operate at LOS D during Projected 2020 Build traffic conditions. Additionally, improvements were applied to the Projected 2020 Build traffic conditions to ensure that the intersection of Satellite Boulevard at Proposed Driveway / Existing Mixed-Use Development Driveway operates at LOS D or better.

System improvements, or “No-Build” recommendations, are needed to serve the background road network traffic, without taking into account traffic associated with the Huntcrest West development. Please refer to *Section 6.0* (page 14) for the system improvements.

## 8.0 RECOMMENDED SITE IMPROVEMENTS

Based on the results of this study, Kimley-Horn and Associates, Inc. recommends the following site-access improvements to serve the Projected 2020 Build traffic conditions (note: this would be the improvements needed to serve the traffic associated with the proposed Huntcrest West development):

Intersection #1: Satellite Boulevard at Old Peachtree Road:

- Install a protected overlap phase for the westbound right-turn movement.

Intersection #3: Satellite Boulevard at Proposed Driveway / Existing Mixed-Use Development Driveway:

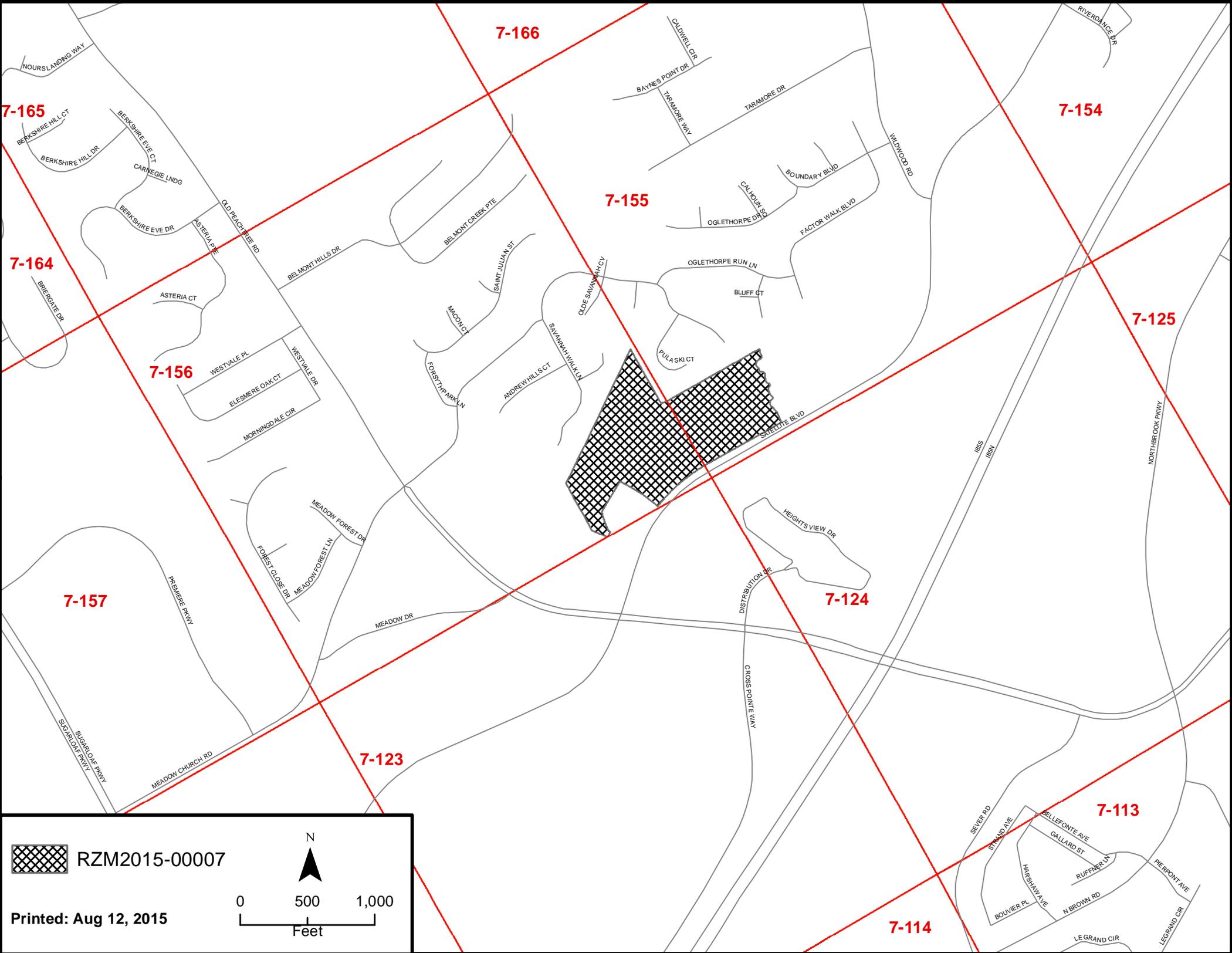
- Construct one (1) eastbound shared through/left-turn lane and one (1) eastbound right-turn lane exiting the site from the Proposed Driveway onto Satellite Boulevard.
- Restripe the northbound u-turn lane into a shared u-turn/left-turn lane.
- Construct one (1) southbound right-turn lane along Satellite Boulevard to serve traffic entering the site.
- Install a traffic signal (if warranted).



**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, October 2015 Agenda**

Case #	Schools	Current Projections									Proposed Zoning  Approximate additional Student Projections from Proposed Developments
		2015-16			2016-17			2017-18			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2015-00007	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	29
	Hull MS	<b>1352</b>	1,750	-398	<b>1345</b>	1,750	-405	<b>1339</b>	1,750	-411	22
	Parsons ES	<b>844</b>	700	144	<b>858</b>	700	158	<b>872</b>	700	172	45
RZR2015-00017	<b>Brookwood HS</b>	<b>3407</b>	2,575	832	<b>3391</b>	2,575	816	<b>3375</b>	2,575	800	6
	Crews MS	<b>1267</b>	1,150	117	<b>1256</b>	1,150	106	<b>1245</b>	1,150	95	5
	Craig ES	<b>1066</b>	1,250	-184	<b>1058</b>	1,250	-192	<b>1050</b>	1,250	-200	9
RZR2015-00018	<b>Mountain View HS</b>	<b>2118</b>	2,300	-182	<b>2139</b>	2,300	-161	<b>2161</b>	2,300	-139	11
	Twin Rivers MS	<b>1604</b>	1,725	-121	<b>1620</b>	2,075	-455	<b>1636</b>	2,075	-439	9
	Freeman's Mill ES	<b>887</b>	925	-38	<b>883</b>	925	-42	<b>878</b>	925	-47	18
RZR2015-00019	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	26
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	20
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	40
RZR2015-00020	<b>Duluth HS</b>	<b>2734</b>	2,650	84	<b>2775</b>	2,650	125	<b>2817</b>	2,650	167	7
	Duluth MS	<b>2013</b>	1,750	263	<b>2073</b>	1,750	323	<b>2136</b>	1,750	386	5
	Harris ES	<b>858</b>	750	108	<b>867</b>	750	117	<b>875</b>	750	125	10
RZR2015-00021	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	57
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	41
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	80
RZR2015-00022	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	6
	Northbrook MS	<b>977</b>	1,025	-48	<b>988</b>	1,025	-37	<b>999</b>	1,025	-26	4
	Jackson ES	<b>1643</b>	1,450	193	<b>1676</b>	1,450	226	<b>1709</b>	1,450	259	9

Current projections do not include new developments



7-166

7-165

7-154

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 RZM2015-00007

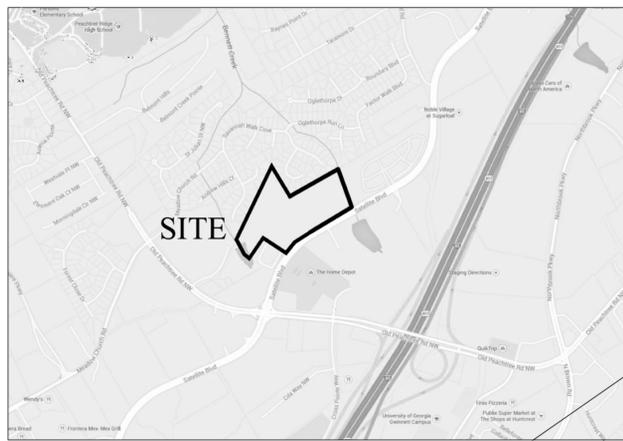
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0 500 1,000

Feet

Printed: Aug 12, 2015

LINE	BEARING	LENGTH
L1	S 58°29'20" W	41.30'
L2	N 51°20'48" W	37.40'
L3	N 51°27'09" W	110.31'
L4	N 60°29'35" W	94.55'
L5	N 60°12'01" W	92.07'
L6	S 10°05'16" W	13.01'
L7	N 06°29'15" W	40.56'
L8	S 23°42'36" E	49.20'
L9	S 22°12'11" E	32.77'
L10	S 55°55'53" E	17.92'
L11	S 24°25'57" W	48.27'
L12	S 06°56'14" E	29.05'
L13	S 23°32'05" E	13.43'
L14	S 28°30'39" E	13.11'
L15	S 06°59'32" E	6.10'
L16	S 07°31'46" W	9.23'
L17	S 45°01'32" W	22.40'
L18	S 49°34'22" W	32.25'
L19	S 03°12'57" W	13.03'
L20	S 29°36'18" E	46.68'
L21	S 49°25'21" E	17.01'
L22	S 81°51'57" E	21.06'
L23	S 57°09'52" E	9.99'
L24	S 06°14'45" E	37.03'
L25	S 09°13'53" E	34.59'
L26	S 49°27'15" E	6.18'
L27	S 83°10'46" E	5.41'
L28	S 89°03'34" E	9.10'
L29	S 48°27'03" E	4.93'
L30	S 23°40'54" E	6.45'
L31	S 05°19'20" W	19.64'
L32	S 31°47'41" W	16.61'
L33	S 19°37'27" E	23.65'
L34	S 20°41'54" E	28.30'
L35	S 45°49'57" E	17.16'
L36	S 12°27'33" E	5.65'
L37	S 06°18'31" W	15.58'
L38	S 64°17'45" W	19.59'
L39	S 01°02'27" E	29.47'
L40	S 33°41'19" E	22.36'
L41	S 64°32'22" E	16.12'
L42	S 21°57'52" E	24.28'
L43	S 29°52'19" E	27.05'
L44	S 20°05'46" E	76.47'
L45	S 58°31'52" W	41.99'



VICINITY MAP  
N.T.S.

BLDG	STORIES	UNITS
1	3/4	42
2	3	24
3	3/4	54
4	3/4	42
5	3	36
6	3/4	42
7	3/4	42
8	3/4	42
		324

TOTAL SITE AREA 23.96 AC  
 EXISTING ZONING C2 & OI  
 PROPOSED ZONING MU-R  
 15% COMMON AREA 3.6 AC

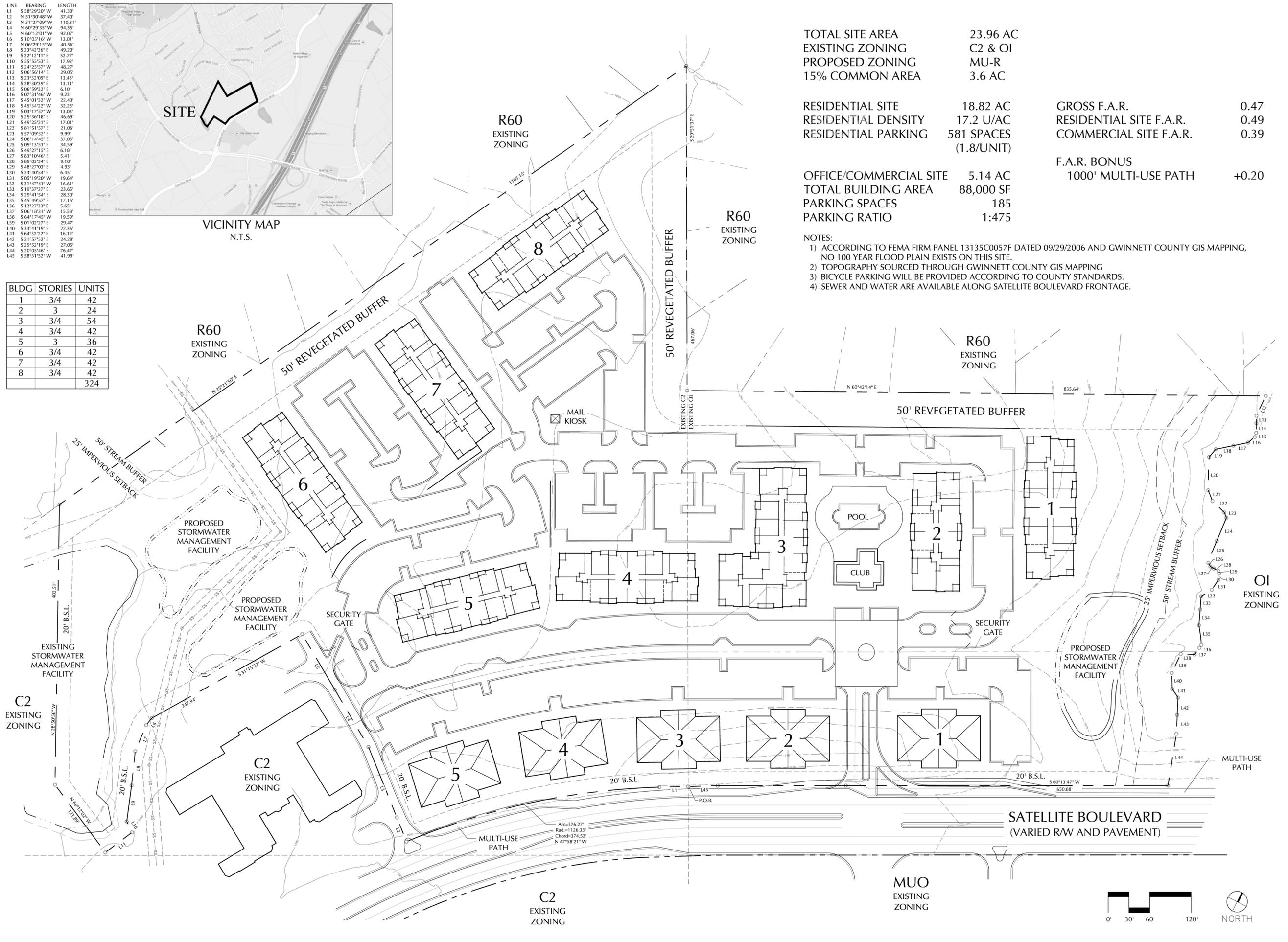
RESIDENTIAL SITE 18.82 AC  
 RESIDENTIAL DENSITY 17.2 U/AC  
 RESIDENTIAL PARKING 581 SPACES (1.8/UNIT)

OFFICE/COMMERCIAL SITE 5.14 AC  
 TOTAL BUILDING AREA 88,000 SF  
 PARKING SPACES 185  
 PARKING RATIO 1:475

GROSS F.A.R. 0.47  
 RESIDENTIAL SITE F.A.R. 0.49  
 COMMERCIAL SITE F.A.R. 0.39

F.A.R. BONUS  
 1000' MULTI-USE PATH +0.20

- NOTES:
- 1) ACCORDING TO FEMA FIRM PANEL 13135C0057F DATED 09/29/2006 AND GWINNETT COUNTY GIS MAPPING, NO 100 YEAR FLOOD PLAIN EXISTS ON THIS SITE.
  - 2) TOPOGRAPHY SOURCED THROUGH GWINNETT COUNTY GIS MAPPING
  - 3) BICYCLE PARKING WILL BE PROVIDED ACCORDING TO COUNTY STANDARDS.
  - 4) SEWER AND WATER ARE AVAILABLE ALONG SATELLITE BOULEVARD FRONTAGE.



REVISIONS

NO.	DATE	ISSUE

**HUNTCREST WEST**  
 GWINNETT COUNTY, GA  
**LYNWOOD DEVELOPMENT GROUP**  
 MARIETTA, GA

TITLE  
**ZONING PLAN**

DATE	7/31/15
JOB NO.	15014
DWG FILE	15014zw1
DRAWN BY	TS
CHECKED	TS
SCALE	1"=60'
SHEET	<b>Z-1</b>
	1 of 1

Not Released For Construction

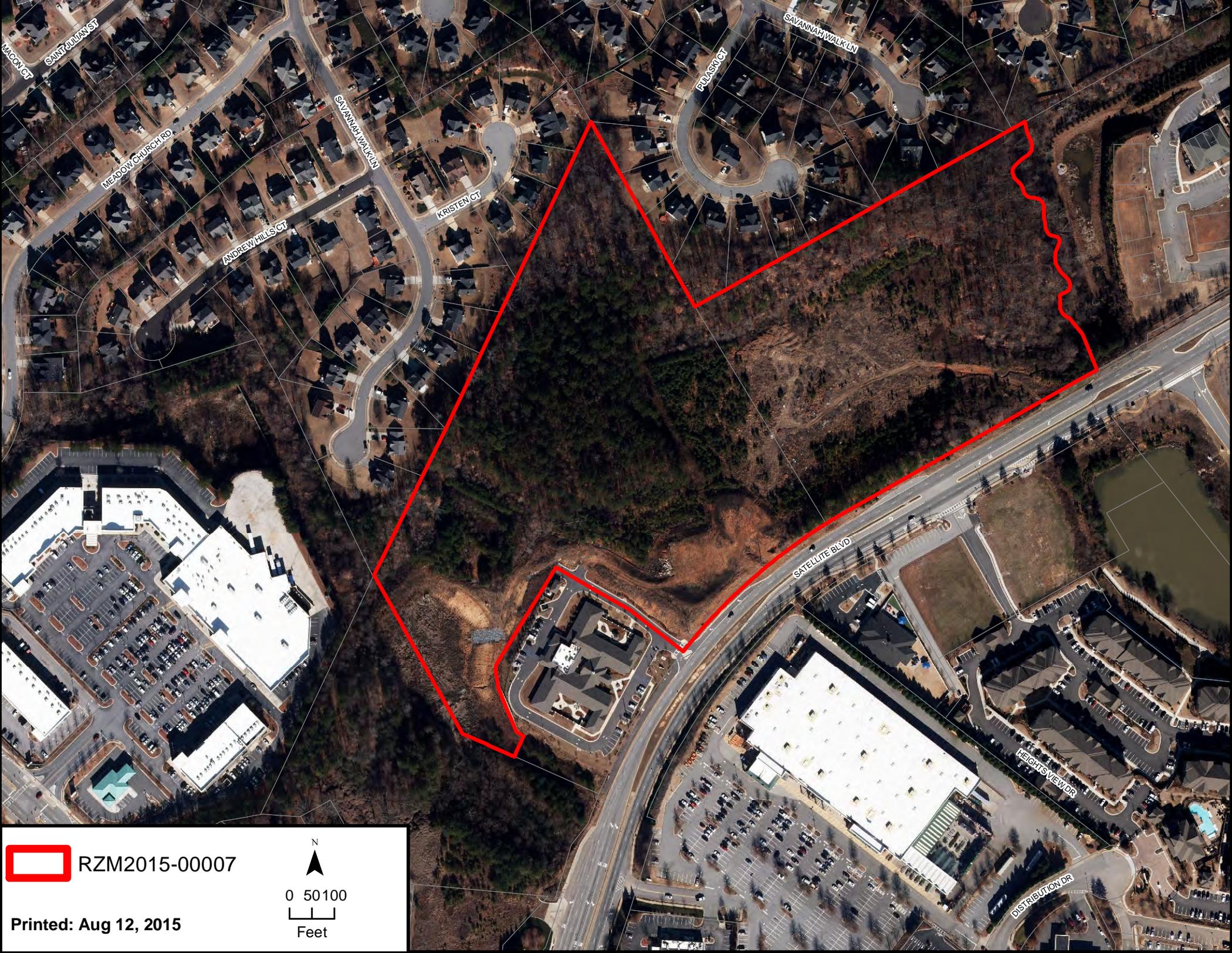
# HUNTCREST WEST



BLDG	STORIES	UNITS
1	3/4	42
2	3	24
3	3/4	54
4	3/4	42
5	3	36
6	3/4	42
7	3/4	42
8	3/4	42
		324

TOTAL SITE AREA	23.96 AC
RESIDENTIAL SITE	18.82 AC
RESIDENTIAL DENSITY	17.2 U/AC
RESIDENTIAL PARKING	581 SPACES (1.8/UNIT)
OFFICE/COMMERCIAL SITE	5.14 AC
TOTAL BUILDING AREA	88,000 SF
PARKING SPACES	185
PARKING RATIO	1:475

SCHEMATIC PLAN

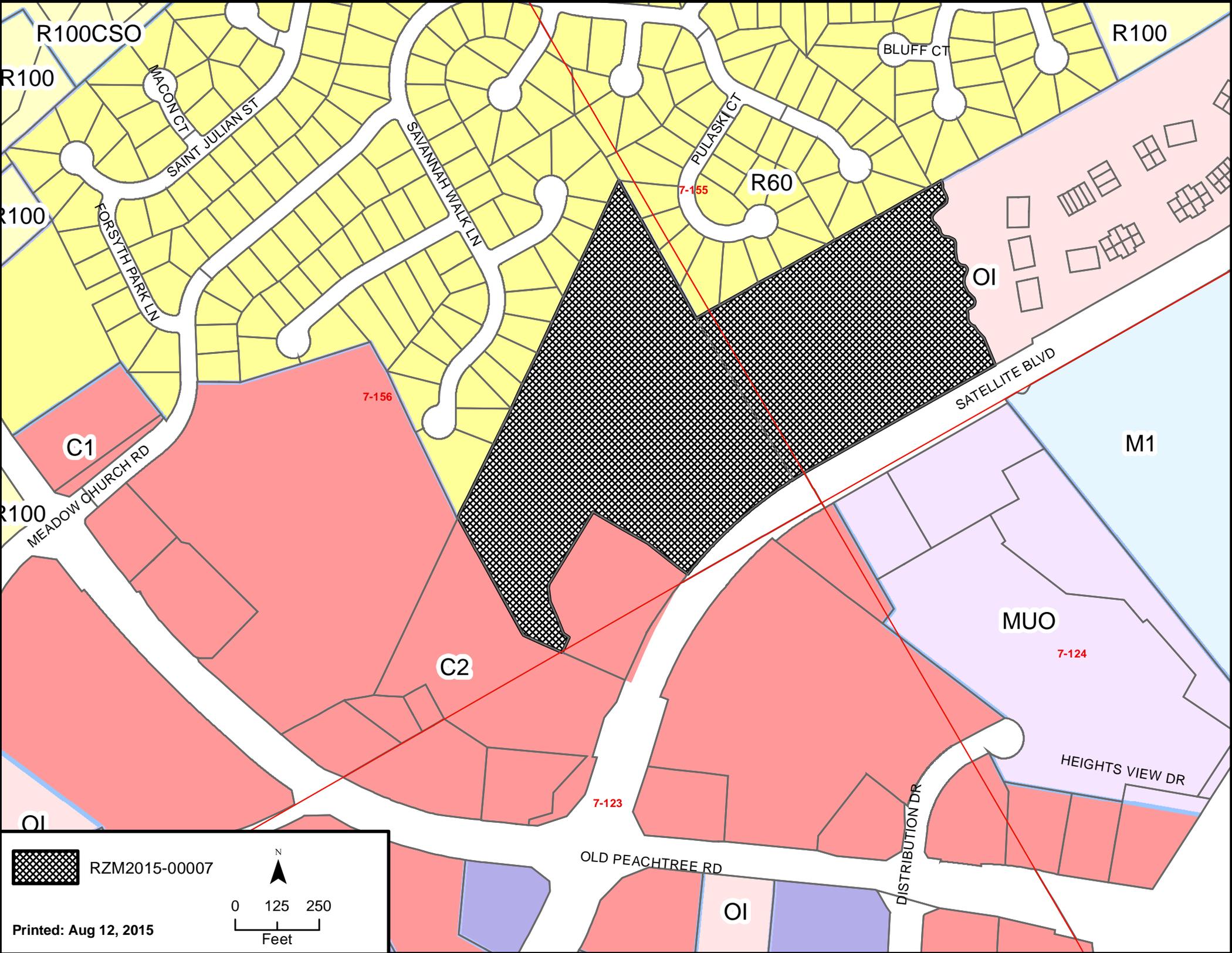


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Feet

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R100CSO

R100

R100

BLUFF CT

MACON CT

SAINT JULIAN ST

SAVANNAH WALK LN

PULASKI CT

R60

R100

FORSYTH PARK LN

7-155

OI

7-156

SATELLITE BLVD

C1

M1

R100

MEADOW CHURCH RD

MUO

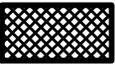
C2

7-124

OI

7-123

HEIGHTS VIEW DR



RZM2015-00007



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Feet

Printed: Aug 12, 2015

OI

OLD PEACHTREE RD

DISTRIBUTION DR

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

CASE NUMBER :**RZR2015-00017**  
ZONING CHANGE :R-100 TO R-75  
LOCATION :1400-1500 BLOCKS OF JANMAR ROAD  
MAP NUMBERS :R5055 003A, R5056 006 & 077  
ACREAGE :12.10 ACRES  
UNITS :27 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(3) HUNTER

FUTURE DEVELOPMENT MAP: **EXISTING EMERGING SUBURBAN &  
CORRIDOR MIXED USE**

APPLICANT: CORRIDOR PROPERTY GROUP, LLC  
246 NORTH PERRY STREET  
LAWRENCEVILLE, GA 30046

CONTACT: SHANE LANHAM OR JEFF MAHAFFEY PHONE: 770.232.0000

OWNER: OCTOBER ENTERPRISES, LLC  
1550 JANMAR ROAD  
SNELLVILLE, GA 30078

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests the rezoning of a 12.10-acre parcel assemblage from R-100 (Single Family Residence District) to R-75 (Single Family Residence District), to construct a 27-lot single-family subdivision. The property is located on the north side of Janmar Road, just west of its intersection with Scenic Highway. The subject property is currently undeveloped and mostly wooded.

The submitted site plan proposes 27 lots on 12.10-acres, with no floodplain, resulting in a gross and net density of 2.23 lots per acre. The R-75 zoning district requires a minimum lot width of 75 feet, and a minimum lot area of 10,500 square feet (on sanitary sewer). The development would be accessed by a single entrance onto Janmar Road, aligned with Innsfail Drive. A storm water detention area is shown in the western most portion of the property.

The applicant proposes a minimum dwelling size of 2,300 square feet. House elevations were not submitted with the application; however, the letter of intent states the exterior of the homes would be constructed of combinations of brick, stacked stone, shake and siding. Each home would also include a two-car garage.

**ZONING HISTORY:**

The property has been zoned R-100 since 1970.

**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.

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).

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 United States 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 access easement (if private street). Location and access must be approved by Gwinnett County D.O.T.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

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

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

The project entrance shall align with opposing roads or driveways in accordance with the Gwinnett County 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.

Minimum separation from a driveway, public road or side street shall be provided as specified in the Gwinnett County Unified Development Ordinance.

**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 northeastern right-of-way of Janmar 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 an 8-inch sanitary sewer main located approximately 250 east of parcel 5055 003A on parcel 5056 076, an 8-inch sanitary sewer main located approximately 31 feet east of parcel 5056 077 on parcel 5056 076, and an 8-inch sanitary sewer main located approximately 238 feet east of parcel 5056 006 on parcel 5056 076.

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 SECTION COMMENTS:

No comment.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

#### DEPARTMENT ANALYSIS:

The subject property is located on the north side of Janmar Road, just west of its intersection with Scenic Highway. The site is currently undeveloped and mostly wooded.

The 2030 Unified Plan Future Development Map indicates the subject property is primarily located within the Existing/Emerging Suburban Character Area, with a small portion located within the Corridor Mixed-Use Character Area oriented to Scenic Highway. These Character

Areas encourage single-family subdivisions at low to moderate densities, and the proposed subdivision may be consistent with policies of the Unified Plan for the Character Areas.

The surrounding area is characterized by low-density subdivisions and homes on acreage along Janmar Road, with intense commercial uses extending along the Scenic Highway corridor. Immediately adjacent to the north is the Raintree Forest subdivision and a single-family home on acreage, zoned R-100. To the south, across Janmar Road, is the Waterford Township subdivision, zoned R-100. Located to the east, inside the city limits of Snellville, are Mt. Zion Baptist Church and various commercial and office uses, including: Academy Sports, Lowe's, Walmart, Snellville Commons office park and Brookwood Healthcare. Located to the west, across Janmar Road, are the Craven Ridge subdivision, zoned R-140, as well as several single-family dwelling located on large lots zoned R-100. The requested R-75 zoning, with a density of 2.23 units per acre, could be considered a suitable transitional zoning and density at this location. The property is situated between commercial uses to the east, and R-100 residential uses to the west. Conditions of zoning should be included to ensure compatibility with the established residential character of single-family homes and subdivisions located along Janmar Road.

If properly conditioned, the proposed R-75 subdivision could be considered consistent with the density recommendation of the 2030 Unified Plan and a compatible zoning and density, providing a transition between the commercial uses to the east and the R-100 single-family homes and subdivisions along Janmar Road. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as R-75 (Single Family Residence District), subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Single-family dwellings and accessory uses and structures.
  - B. The minimum heated floor area per dwelling unit shall be 2,200 square feet.
  - C. Homes shall be constructed with front façades of brick, stacked stone and shake. The balance of the home may be the same or of fiber-cement shake or siding, with a minimum three-foot masonry water table.
  - D. All dwellings shall have at least a double-car garage.
2. To satisfy the following site development considerations:
  - A. Provide a minimum 25-foot wide construction buffer adjacent to residentially-zoned properties along the northwest property line. The buffer shall expire upon approval of the final plat.
  - B. Natural vegetation shall remain on the property prior to the issuance of a Development Permit.
  - C. The Janmar Road frontage and project entrance shall be landscaped by the developer and maintained by the Homeowner's Association. Entrance shall include a decorative masonry entrance feature. Landscape and entrance feature plans shall be subject to review and approval of the Director of Planning and Development.
  - D. Underground utilities shall be provided throughout the development.
  - E. All grassed areas on dwelling lots shall be sodded.
  - F. Storm water detention pond(s) shall be screened from view along Janmar Road and adjoining residential properties. Screening plans shall be subject to review and approval of the Director of Planning and Development.

PLANNING AND DEVELOPMENT DEPARTMENT  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

An R-75 zoned subdivision could be suitable at this location in light of the low-density residential character of the surrounding area, and the transitional location of the property.

ADVERSE IMPACTS

With appropriate conditions, adverse impacts on nearby residential properties could be minimized.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in stormwater runoff, utilities usage, traffic, and the number of school-aged children could be anticipated from this request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located primarily within an Existing/Emerging Suburban Character Area, and partially within the Corridor Mixed-Use Character Area. Policies for these Character Areas encourage single-family residential uses at a low to moderate density. The proposed R-75 zoning at a density of 2.23-units per acre could be considered compatible with these designations.

CONDITIONS AFFECTING ZONING

An R-75 subdivision could provide a logical transition between the established commercial corridor along Scenic Highway and the low-density, R-100 zoned, residential homes and subdivisions along Janmar Road.

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

- (A) Yes. The subject property is located along the north side of Janmar Road west of its intersection with Scenic Highway (Georgia State Route 124). The R-75 zoning classification would permit a suitable use for the area in light of the uses of nearby property. The subject property is adjacent to other residentially zoned property, but is also adjacent to property zoned OP and BG. The proposed development would serve as a transition from commercial areas to lower intensity residential areas.
- (B) No. This rezoning will enhance the area and will not adversely affect adjacent and nearby properties.
- (C) No. In light of market conditions, site-specific topography, and the surrounding property uses, the property does not have reasonable economic use with its current R-100 zoning classification.
- (D) No. This property is located in an area with public water availability and convenient access to major roadways including Scenic Highway (Georgia State Route 124) and Ronald Reagan Parkway. This rezoning will not cause excessive use of existing streets, transportation facilities, utilities, or schools.
- (E) Yes. The proposed rezoning to an R-75 residential development is in conformance with the intent of the Land Use Plan. The Property is located in an Existing/Emerging Suburban character area adjacent to the Corridor Mixed-Use character area surrounding Scenic Highway.
- (F) Yes. The continued commercial development of the surrounding area and the Scenic Highway corridor supports the rezoning of the subject property to be developed as an appropriate transitional use from the adjacent high-intensity commercial development to lower-intensity residential uses.

RZR '15 017

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Matthew P. Benson  
Alissa L. Cummo  
Kelly O. Faber  
Amanda F. Henningsen  
Christopher D. Holbrook  
Gerald Davidson, Jr.\*  
Jill H. Harris\*

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 CORRIDOR PROPERTY GROUP, LLC**

Mahaffey Pickens Tucker, LLP submits this Rezoning Application on behalf of the Applicant, Corridor Property Group, LLC (the "Applicant"), for the purpose of rezoning an approximate 12.1 acre tract situated along Janmar Road in Gwinnett County, Georgia (the "Property") to the R-75 zoning classification. The Property is currently zoned R-100.

The Applicant proposes to develop a single-family residential community, including 27 detached residential homes. The homes will be developed at a net density of approximately 2.23 units per acre, which is below the maximum density of 3.0 units per acre prescribed for the R-75 zoning classification in the Gwinnett County Unified Development Ordinance (the "UDO").

The proposed community will consist of homes at a size, quality and price point commensurate with or exceeding homes in nearby communities. In fact, despite the Applicant's request for the R-75 zoning classification, many lots in the proposed development are substantially wider than the required 75 feet. Currently, the Applicant is proposing to build homes with an area of 2,300 square feet or larger. Generally, the architectural style and composition of the exterior of the homes shall consist of brick, stacked stone, cedar shake-type, hardi-plank shake-type, or hardi-plank siding, or combinations thereof.

RZR '15 017

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

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

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

www.mptlawfirm.com

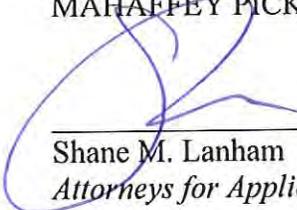
Planning & Development

The Applicant has abundant experience in developing quality communities in the greater Atlanta area including Gwinnett County. Local knowledge and experience, strategic land selection, professional planning and detailed execution contributed to the Applicant's rezoning proposal which is compatible with surrounding uses and meets the demands of the market.

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

Respectfully submitted this 5th day of August, 2015.

MAHAFFEY PICKENS TUCKER, LLP



---

Shane M. Lanham  
*Attorneys for Applicant*

RZR '15 017

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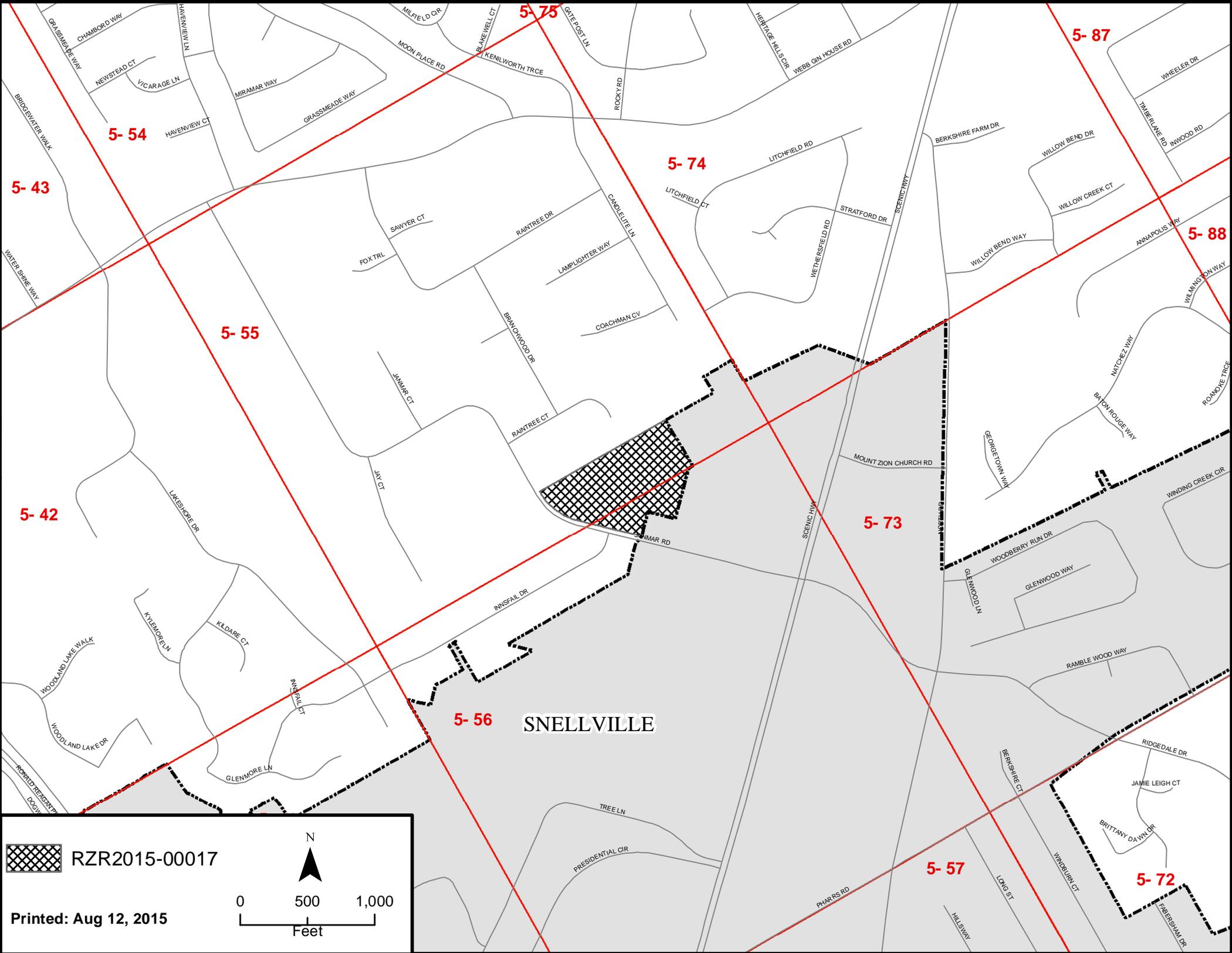
Planning & Development



**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, October 2015 Agenda**

Case #	Schools	Current Projections									Proposed Zoning  Approximate additional Student Projections from Proposed Developments
		2015-16			2016-17			2017-18			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2015-00007	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	29
	Hull MS	<b>1352</b>	1,750	-398	<b>1345</b>	1,750	-405	<b>1339</b>	1,750	-411	22
	Parsons ES	<b>844</b>	700	144	<b>858</b>	700	158	<b>872</b>	700	172	45
RZR2015-00017	<b>Brookwood HS</b>	<b>3407</b>	2,575	832	<b>3391</b>	2,575	816	<b>3375</b>	2,575	800	6
	Crews MS	<b>1267</b>	1,150	117	<b>1256</b>	1,150	106	<b>1245</b>	1,150	95	5
	Craig ES	<b>1066</b>	1,250	-184	<b>1058</b>	1,250	-192	<b>1050</b>	1,250	-200	9
RZR2015-00018	<b>Mountain View HS</b>	<b>2118</b>	2,300	-182	<b>2139</b>	2,300	-161	<b>2161</b>	2,300	-139	11
	Twin Rivers MS	<b>1604</b>	1,725	-121	<b>1620</b>	2,075	-455	<b>1636</b>	2,075	-439	9
	Freeman's Mill ES	<b>887</b>	925	-38	<b>883</b>	925	-42	<b>878</b>	925	-47	18
RZR2015-00019	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	26
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	20
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	40
RZR2015-00020	<b>Duluth HS</b>	<b>2734</b>	2,650	84	<b>2775</b>	2,650	125	<b>2817</b>	2,650	167	7
	Duluth MS	<b>2013</b>	1,750	263	<b>2073</b>	1,750	323	<b>2136</b>	1,750	386	5
	Harris ES	<b>858</b>	750	108	<b>867</b>	750	117	<b>875</b>	750	125	10
RZR2015-00021	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	57
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	41
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	80
RZR2015-00022	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	6
	Northbrook MS	<b>977</b>	1,025	-48	<b>988</b>	1,025	-37	<b>999</b>	1,025	-26	4
	Jackson ES	<b>1643</b>	1,450	193	<b>1676</b>	1,450	226	<b>1709</b>	1,450	259	9

Current projections do not include new developments



 RZR2015-00017

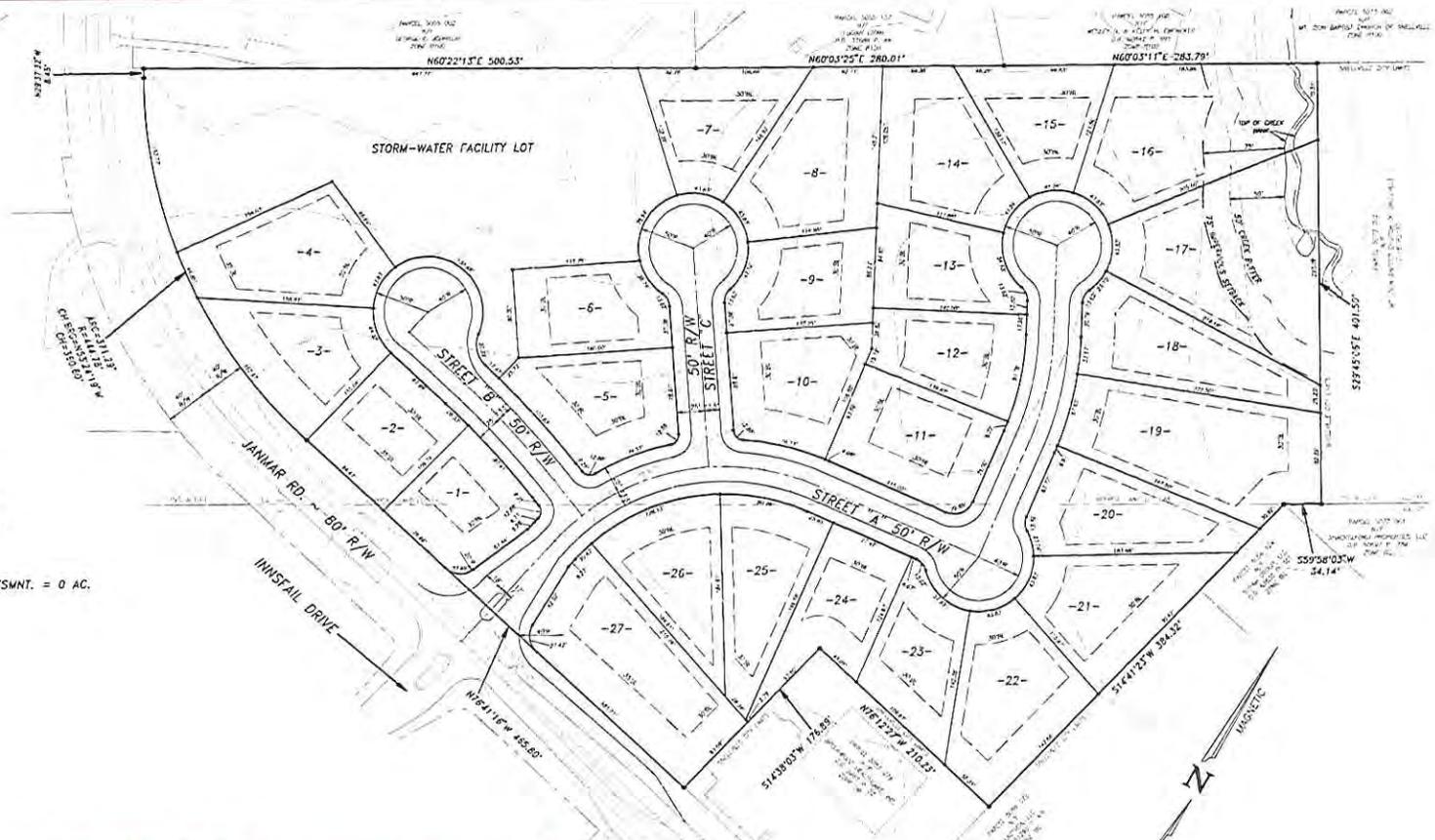
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LOCATION MAP (N.T.S.)



**PROJECT DATA**

EXISTING ZONING: R100 SINGLE FAMILY RESIDENTIAL  
 PROPOSED ZONING: R75 SINGLE FAMILY RESIDENTIAL  
 PROPOSED USE: SINGLE FAMILY DETACHED HOMES  
 LOTS TO BE SERVED BY GWINNETT CO. PUBLIC WATER & GRAVITY FLOW SANITARY SEWER

GROSS SITE AREA: 12.10 AC.  
 AREA IN FLOOD PLAIN, ELECTRIC, GAS TRANSMISSION ESMNT. = 0 AC.  
 NET AREA: 12.10 AC.

TOTAL LOTS PROPOSED: 27 LOTS  
 NET DENSITY: 2.23 LOTS/AC.

MINIMUM LOT DEVELOPMENT STANDARDS  
 LOT AREA: 10,500 S.F.  
 LOT WIDTH: 75 FT.  
 BUILDING SETBACK LINES:  
 ADJACENT TO JANMAR RD.: 35 FT.  
 FRONT: 30 FT.  
 REAR: 30 FT.  
 SIDE: 10 FT.  
 MIN. HEATED FLOOR AREA: 1,200 S.F.  
 MAX. BUILDING HEIGHT: 35 FT.

**NOTE:**

THIS PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS PER THE FIRM (FLOOD INSURANCE RATE MAP) FOR GWINNETT COUNTY, GA.; MAP NUMBER 13135C0117F; EFFECTIVE DATE: SEPTEMBER 29, 2006.

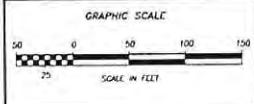
BOUNDARY SURVEY PER SURVEY FOR: OCTOBER ENTERPRISES, LLC AND FIRST AMERICAN TITLE INSURANCE COMPANY; PREPARED BY BULLARD LAND PLANNING; DATED 11/22/2010.

RZR '15 017 RECEIVED BY

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**P. J. KRIEGER ENGINEERS & SURVEYORS, INC.**  
 (SURVEYING - ENGINEERING - LAND PLANNING)  
 493 CRICKET RIDGE COURT  
 LAWRENCEVILLE, GEORGIA, 30044  
 PHONE: (770) 236-9240  
 E-MAIL: pkrieger1@gmail.com



REVISIONS:



PROJECT LOCATION:  
 1480 JANMAR ROAD  
 TAX PARCELS  
 5055 005A, 5056 006 & 5056 072  
 LAND LOTS 55 & 56 - 5TH DISTRICT  
 GWINNETT CO., GEORGIA

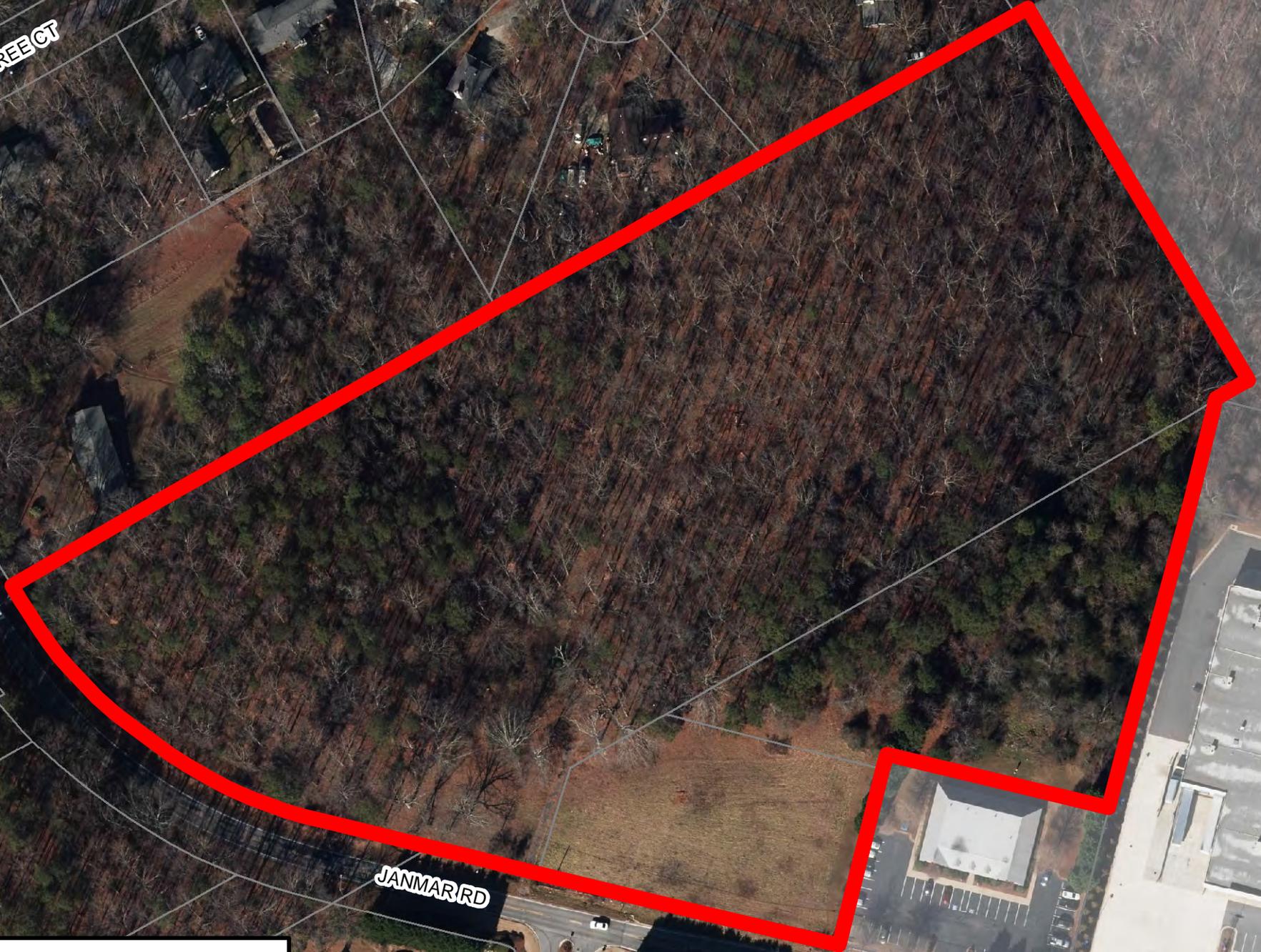
SHEET TITLE:  
 PROJECT NAME:  
 DATE: JULY 26, 2015

**CONCEPTUAL SITE PLAN**  
 PREPARED FOR:  
**CORRIDOR PROPERTY GROUP, LLC**  
 SCALE: 1" = 50'

SHEET 1  
 OF 1 SHEETS

Prepared for:  
 Corridor Property Group, LLC  
 246 North Perry Street  
 Lawrenceville, GA 30046  
 Contact:  
 Matthew R. Peller  
 770-963-7944

RAINTREE CT



JANMAR RD

INNSFALL DR

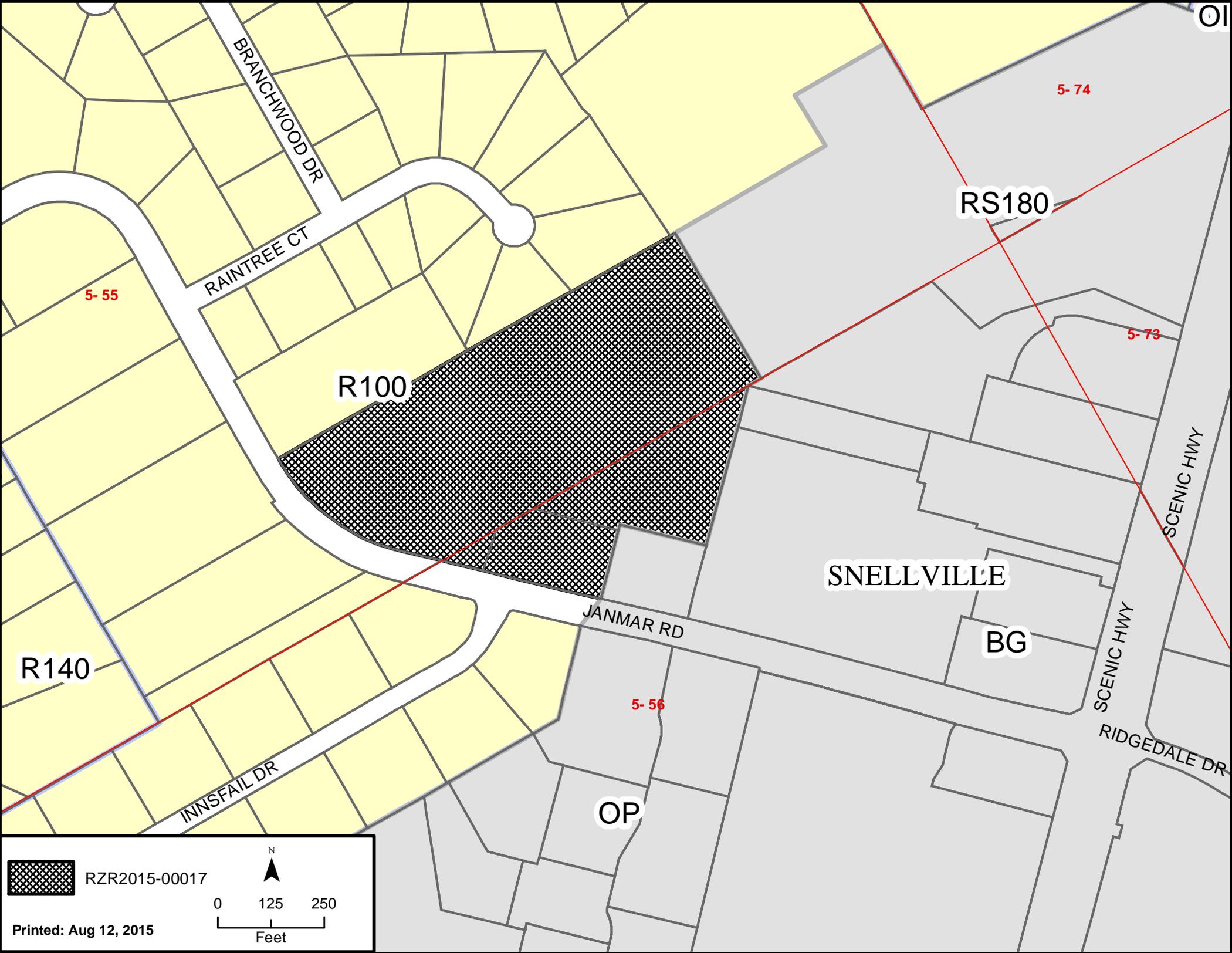


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R140

R100

RS180

SNELLVILLE

BG

OP

BRANCHWOOD DR

RAINTREE CT

JANMAR RD

INNSFAIL DR

SCENIC HWY

SCENIC HWY

RIDGEDALE DR

5-55

5-74

5-73

5-56

 RZR2015-00017

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

ASE NUMBER :**RZR2015-00018**  
ZONING CHANGE :R-TH & RA-200 TO R-60  
LOCATION :2300 BLOCK OF MORGAN FARM DRIVE  
:2400 BLOCK OF ASHTON RIDGE DRIVE  
MAP NUMBERS :R7099 005, R7100 010 & 173, R7137 024 & R7138 268  
ACREAGE :20.83 ACRES  
UNITS :51 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: NORTHPOINTE COMMUNITIES, LLC  
3276 BUFORD DRIVE, SUITE #104-102  
BUFORD, GA 30519

CONTACT: TRACEY MASON                      PHONE: 770.963.6909

OWNER: PG LAND, LLC  
3485 PUCKETT ROAD  
BUFORD, GA 30519

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant is requesting to rezone 20.83 acres from R-TH (Single-Family Residence Townhouse District) and RA-200 (Agriculture Residence District) to R-60 (Single-Family Residence District), for development of a single-family subdivision. The subject site is located on the south side of Morgan Farm Drive, east of Gravel Springs Road. The majority of the property is wooded and undeveloped; while aerial photos reveal that a small portion of the southern end of the site appears to have been used for business activities.

The site plan indicates that the property would be developed with 51 lots, which results in a net density of 2.9 units per acre as the site contains approximately 6 acres of floodplain. The proposed R-60 lots would be a minimum of 60 feet in width, with a minimum lot area of 7,200 square feet. A detention pond would be located central to the development. A 50-foot greenway easement (Ivy Creek Greenway), 100-year floodplain and wetlands are located along Little Ivy Creek, which roughly forms the eastern property line.

The applicant proposes a minimum home size of 1,900 square feet for one-story homes and 2,100 square feet for two-story homes. The front façade of the homes would be brick, stacked

stone, or fiber-cement shake with the sides and rear being fiber-cement siding. Each home would also include a two-car garage.

#### ZONING HISTORY:

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). In 2007, the majority of the site was rezoned to R-TH (Single-Family Residence Townhouse District), pursuant to RZM-07-003.

#### 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 contains 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. The applicant/developer shall obtain all required approvals from the Gwinnett Department of Public Utilities and the U.S. Army Corps of Engineers for construction or land disturbance activities which may impact floodplain or wetland areas.

#### OPEN SPACE AND GREENWAY MATER PLAN:

No comment.

#### DEVELOPMENT REVIEW SECTION COMMENTS:

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.

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

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 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 United States 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 access easement (if private street). Location and access must be approved by Gwinnett County D.O.T.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Morgan Farm Drive is a Local Residential Street and 25 feet of right-of-way is required from the centerline.

**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 16-inch water main located on the western right-of-way of Gravel Springs Road, an 8-inch water main located on the northwestern right-of-way of Morgan Farm Drive, and an 8-inch water main located on the northern right-of-way of Ashton Ridge 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 north of parcel 7138 268 on the right-of-way of organ Farm Drive, an 8-inch sanitary sewer main located approximately 148 feet north of parcel 7099 005, 607 feet north of parcel 7100 173, 691 feet north of parcel 7100 010 and 330 feet north of



parcel 7137 024 in the right-of-way of Morgan Farm Drive. There is a 20-inch sanitary sewer main located on parcel 7099 005.

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:

No comment.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

#### DEPARTMENT ANALYSIS:

The subject site is a 20.83-acre property located on the south side of Morgan Farm Drive, east of the intersection of Morgan Road and Gravel Springs Road. The majority of the property is wooded and undeveloped.

The 2030 Unified Plan Future Development Map indicates the property is located within an Existing/Emerging Suburban Character Area. Policies for this Character Area encourage single-family residential uses. In 2003, adjacent property was rezoned to R-ZT for a single-family subdivision (Morgan Crossing). The subject tract is now proposed for expansion of that subdivision, and represents a substantial decrease in density of development from the current R-TH. With similar conditions to those the Board approved for Morgan Crossing, the subject rezoning could be considered suitable, and consistent with the Unified Plan and past Board zoning actions in the area.

The surrounding area is predominately residential in character and includes attached townhouse and single-family detached developments, as well as residences on acreage tracts. To the south and east are the Ashton Wood subdivision zoned R-100, and the Huntington Park subdivision, zoned R-100 Modified. To the southwest are homes on acreage along Gravel Springs Road, zoned RA-200. To the north are vacant land zoned C-2 and the Morgan Commons subdivision, zoned R-ZT and RM-8. The requested rezoning could be compatible with the zoning and development pattern of the area, which predominately consists of single-family residential developments and uses at a low to medium density. Conditions should be included to ensure consistency with the adjacent Morgan Commons, and compatibility with other neighboring residential developments in the area.

In conclusion, the proposed rezoning to R-60 could be compatible with the development pattern of the area, and consistent with the Unified Plan and past zoning decisions in the immediate vicinity. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as R-60 for a single-family subdivision, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Single family dwellings and accessory uses, not to exceed 3.0 units per acre.
  - B. The minimum heated floor area per dwelling unit shall be 1,900 square-feet for one-story dwellings and 2,100 square-feet for two-story dwellings.
  - C. Homes shall have front facades primarily of brick, stacked stone or cedar shake; with the balance being brick, stacked stone, cedar shake or fiber-cement siding, with a minimum three-foot high water table.
  - D. All homes shall include a double-car garage.
2. To satisfy the following site development considerations:
  - A. Project access shall be subject to review and approval of the Gwinnett County Department of Transportation.
  - B. Natural vegetation shall remain on the property until the issuance of a development permit.
  - C. All grasses areas on dwelling lots shall be sodded.
  - D. All utilities shall be placed underground.
  - E. Any recreation area shall either be designated as a passive park (undisturbed except for the placement of benches or walking areas) or it shall be developed with a swimming pool/tennis courts and a clubhouse area.
  - F. The area east of Little Ivy Creek, abutting Ashton Ridge Drive, shall be platted and recorded as undeveloped common area owned and maintained by the HOA.
3. To abide by the following requirements, dedications and improvements:
  - A. Dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction of a greenway, path/trail through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval of the Gwinnett Department of Community Services.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

In light of the surrounding residential developments in the area, the requested rezoning to R-60 for single-family detached homes could be suitable.

ADVERSE IMPACTS

With the recommended conditions, potential impacts on nearby residential properties could be minimized. The request represents a reduction in allowable density from the current R-TH zoning, which should result in a development of lesser impact on the neighboring community.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

A decrease in potential traffic, utilities usage, storm water runoff and the number of school-aged children could be anticipated from the rezoning of this site from R-TH to R-60.

CONFORMITY WITH POLICIES

The request is considered consistent with policies the Unified Plan, and compatible with similar zoning and developments in the surrounding area.

CONDITIONS AFFECTING ZONING

The subject site lies in an area along Gravel Springs Road being developed with single-family attached and detached subdivisions of various zoning classifications, suggesting the requested R-60 rezoning could be compatible with the zoning pattern established for the immediate 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:

See attached

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

See attached

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

See attached

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- (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 attached

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

See attached

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- (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 attached

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RZR '15 018

**Rezoning Applicant's Response – Attachment to Application**

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

*Answer: The intended change from RA200 to R60 will permit a use that is suitable for the adjacent and nearby property.*

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

*Answer: The existing use or usability of the adjacent and nearby property will not be adversely affected by the request to rezone the property to R60, as the bulk of surrounding property is residential in nature.*

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

*Answer: The applicant believes that the subject property does not have a reasonable economic value as it is 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.**

*Answer: The proposed use will not produce an adverse effect on the existing infrastructure.*

**E.) Whether the proposed rezoning is in conformity with the policy and intent of the land use plan.**

*Answer: Yes the proposed rezoning is in conformity with policy and intent of the current land use plan.*

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

*Answer: See letter of intent.*

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Planning & Development

RZR '15 018

LETTER OF INTENT  
FOR  
REZONING APPLICATION OF  
NORTHPOINTE COMMUNITIES, LLC

August 6, 2015

Gwinnett County Department of Planning and Development  
One Justice Square  
446 West Crogan Street  
Lawrenceville, GA 30046

RE: Rezoning application of Northpointe Communities, LLC, concerning 20.827 acres located adjacent to Morgan Commons Subdivision on Gravel Springs Road, Gwinnett County, Georgia

Dear Sirs:

I am writing to you as the attorney for the Applicant in the above-referenced case. We are respectfully requesting your approval of our application to rezone this 20.827 acre tract from the current zoning classification of RTH (with a small RA-200 portion added to the rear of one lot) to R60 to allow for the development of additional lots in Morgan Commons Subdivision. The access for this development will be through the existing Morgan Commons Subdivision Lots 59 and 62. We are proposing to develop 51 homes with minimum sizes of 1,900 square feet for one-story homes and 2,100 square feet for two-story homes. The resulting gross density would be 2.45 homes per acre.

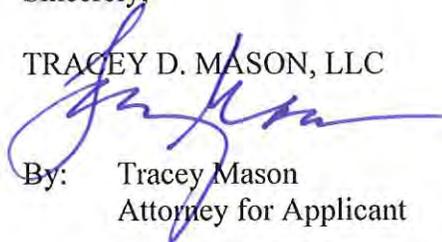
In conclusion, we are proposing to build 51 homes on 20.827 acres abutting Morgan Crossing Subdivision, as opposed to building approximately 166 townhomes under the current RTH zoning classification. Given that the surrounding area is residential in character with several single-family subdivision developments, we submit that our proposal is consistent with existing development and would be appropriate here.

We are happy to answer any questions or meet with any of you at your convenience.

Thank you again for your time and attention to this matter.

Sincerely,

TRACEY D. MASON, LLC



By: Tracey Mason  
Attorney for Applicant

RECEIVED BY  
cc: Northpointe Communities, LLC

AUG 06 2015

RZR '15 018

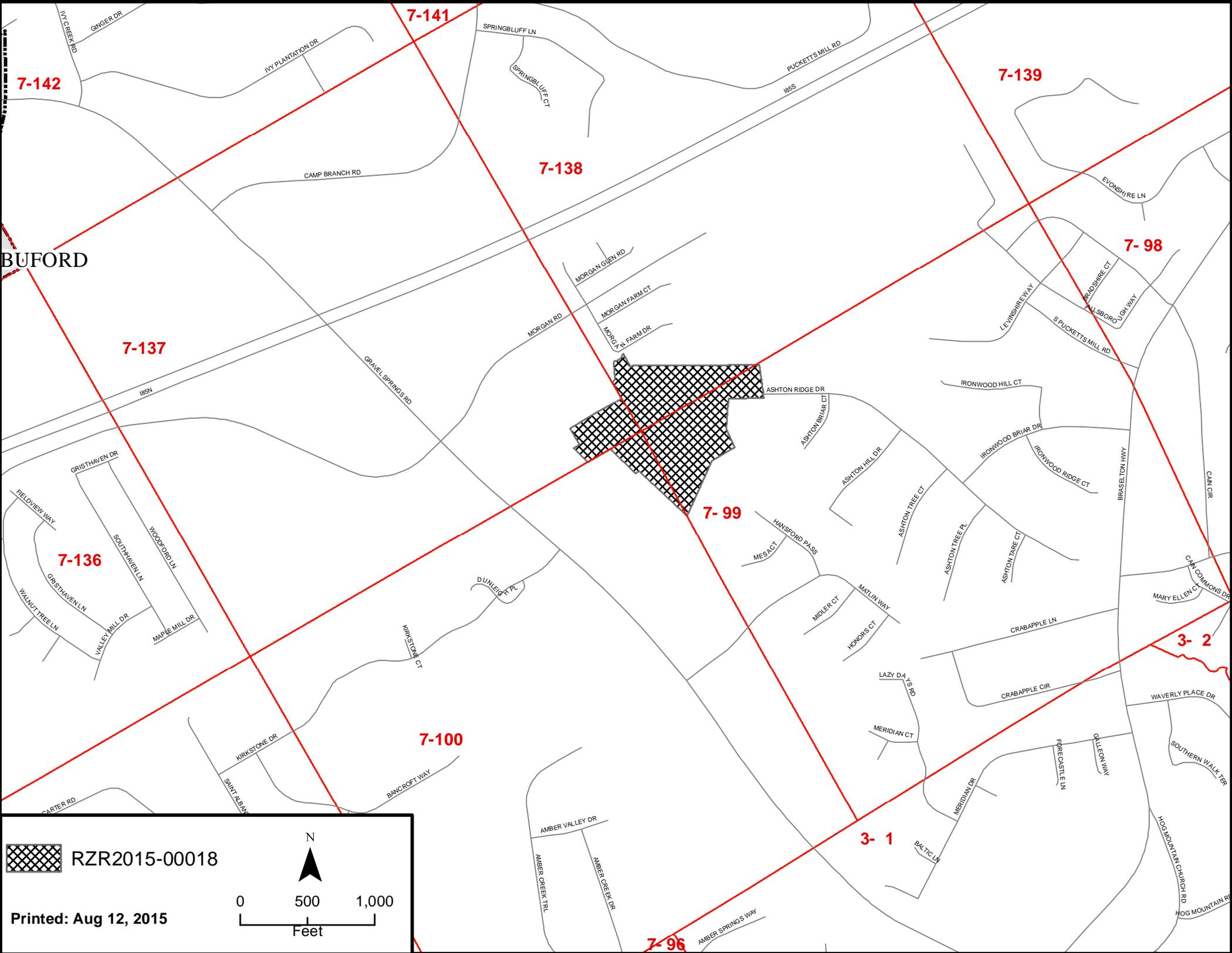
Planning & Development

**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, October 2015 Agenda**

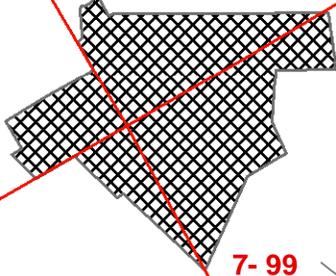
Case #	Schools	Current Projections									Proposed Zoning  Approximate additional Student Projections from Proposed Developments
		2015-16			2016-17			2017-18			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2015-00007	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	29
	Hull MS	<b>1352</b>	1,750	-398	<b>1345</b>	1,750	-405	<b>1339</b>	1,750	-411	22
	Parsons ES	<b>844</b>	700	144	<b>858</b>	700	158	<b>872</b>	700	172	45
RZR2015-00017	<b>Brookwood HS</b>	<b>3407</b>	2,575	832	<b>3391</b>	2,575	816	<b>3375</b>	2,575	800	6
	Crews MS	<b>1267</b>	1,150	117	<b>1256</b>	1,150	106	<b>1245</b>	1,150	95	5
	Craig ES	<b>1066</b>	1,250	-184	<b>1058</b>	1,250	-192	<b>1050</b>	1,250	-200	9
RZR2015-00018	<b>Mountain View HS</b>	<b>2118</b>	2,300	-182	<b>2139</b>	2,300	-161	<b>2161</b>	2,300	-139	11
	Twin Rivers MS	<b>1604</b>	1,725	-121	<b>1620</b>	2,075	-455	<b>1636</b>	2,075	-439	9
	Freeman's Mill ES	<b>887</b>	925	-38	<b>883</b>	925	-42	<b>878</b>	925	-47	18
RZR2015-00019	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	26
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	20
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	40
RZR2015-00020	<b>Duluth HS</b>	<b>2734</b>	2,650	84	<b>2775</b>	2,650	125	<b>2817</b>	2,650	167	7
	Duluth MS	<b>2013</b>	1,750	263	<b>2073</b>	1,750	323	<b>2136</b>	1,750	386	5
	Harris ES	<b>858</b>	750	108	<b>867</b>	750	117	<b>875</b>	750	125	10
RZR2015-00021	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	57
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	41
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	80
RZR2015-00022	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	6
	Northbrook MS	<b>977</b>	1,025	-48	<b>988</b>	1,025	-37	<b>999</b>	1,025	-26	4
	Jackson ES	<b>1643</b>	1,450	193	<b>1676</b>	1,450	226	<b>1709</b>	1,450	259	9

Current projections do not include new developments





BUFORD



 RZR2015-00018

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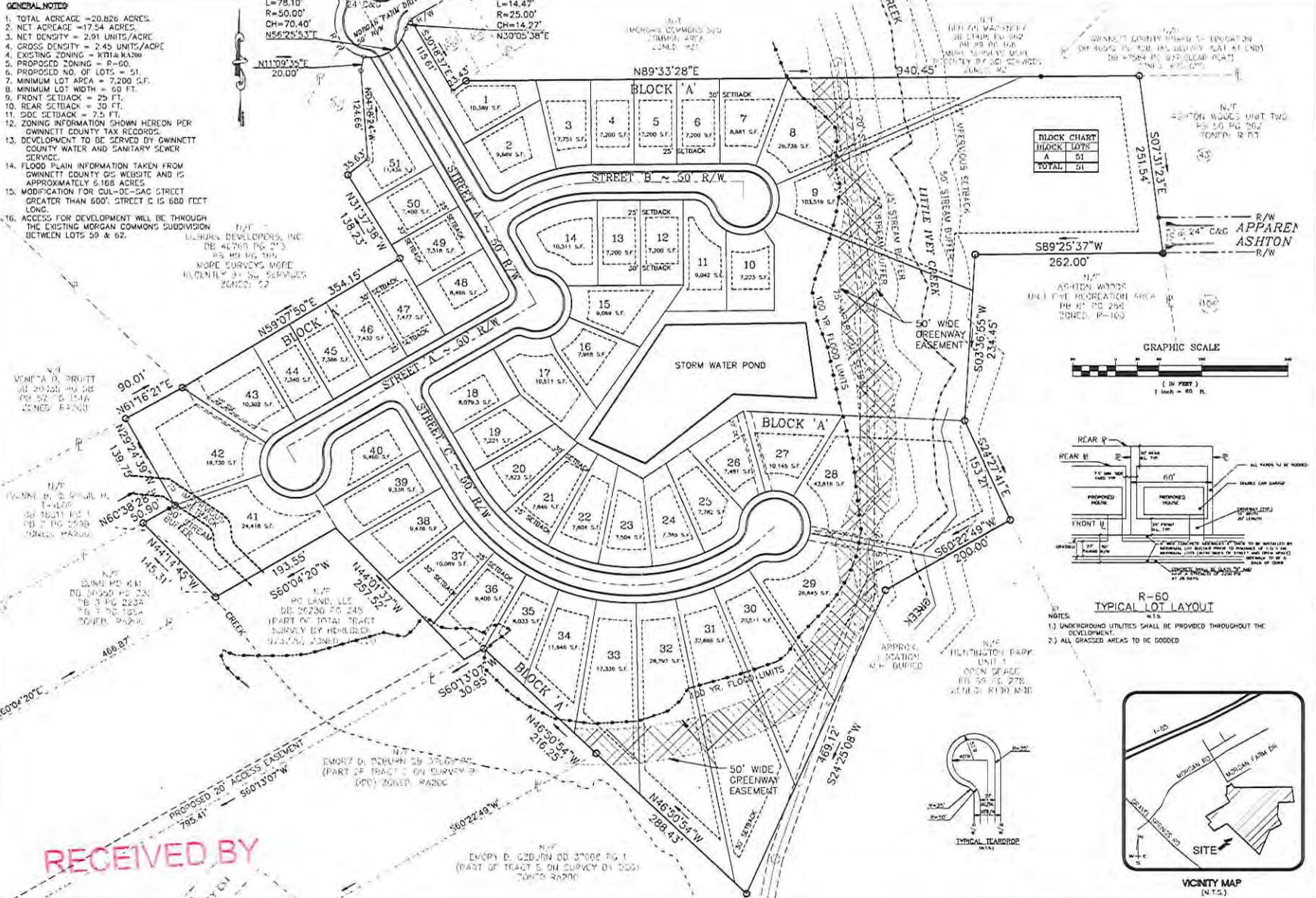
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3-2

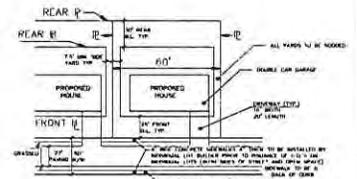
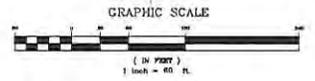
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- GENERAL NOTES**
- TOTAL ACREAGE = 20.826 ACRES.
  - NET ACREAGE = 17.54 ACRES.
  - NET DENSITY = 2.91 UNITS/ACRE.
  - GROSS DENSITY = 2.45 UNITS/ACRE.
  - EXISTING ZONING = RT1A RA200
  - PROPOSED ZONING = R-60
  - PROPOSED NO. OF LOTS = 51
  - MINIMUM LOT AREA = 7,200 S.F.
  - MINIMUM LOT WIDTH = 60 FT.
  - FRONT SETBACK = 25 FT.
  - REAR SETBACK = 30 FT.
  - SIDE SETBACK = 7.5 FT.
  - ZONING INFORMATION SHOWN HEREON PER GWINNETT COUNTY TAX RECORDS.
  - DEVELOPMENT TO BE SERVED BY GWINNETT COUNTY WATER AND SANITARY SEWER SERVICE.
  - FLOOD PLAIN INFORMATION TAKEN FROM GWINNETT COUNTY GIS WEBSITE AND IS APPROXIMATELY 6.168 ACRES.
  - MODIFICATION FOR CUL-DE-SAC STREET GREATER THAN 600'. STREET C IS 660 FEET LONG.
  - ACCESS FOR DEVELOPMENT WILL BE THROUGH THE EXISTING MORGAN COMMONS SUBDIVISION BETWEEN LOTS 59 & 62.

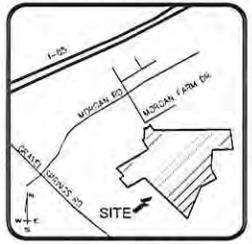


**BLOCK CHART**

BLOCK	LOTS
A	51
TOTAL	51



- NOTES**
- UNDERGROUND UTILITIES SHALL BE PROVIDED THROUGHOUT THE DEVELOPMENT.
  - ALL GRASSED AREAS TO BE DODED.



City of  
2015  
WATER DEPARTMENT  
PLANNING & DEVELOPMENT  
DIVISION  
1000 WEST GUNN RD  
GWINNETT, GA 30246  
770-420-1500  
WWW.GWINNETTGA.GOV

Staff

**MYERS & CO.**  
civil engineers

P.O. BOX 154  
GAINESVILLE, GA 30603

770-521-1123  
404-398-2444 ext 100

Project Description

**MORGAN FARM DRIVE SUBDIVISION**

DATE 7-27-15

JOB NO. 15-18

SHEET NO. REZONING PLAN

SHEET 1

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RZR 15 018



MORGAN RD

MORGAN FARM CT

MORGAN FARM DR

ASHTON RIDGE DR

HANSFORD PASS

MESA CT



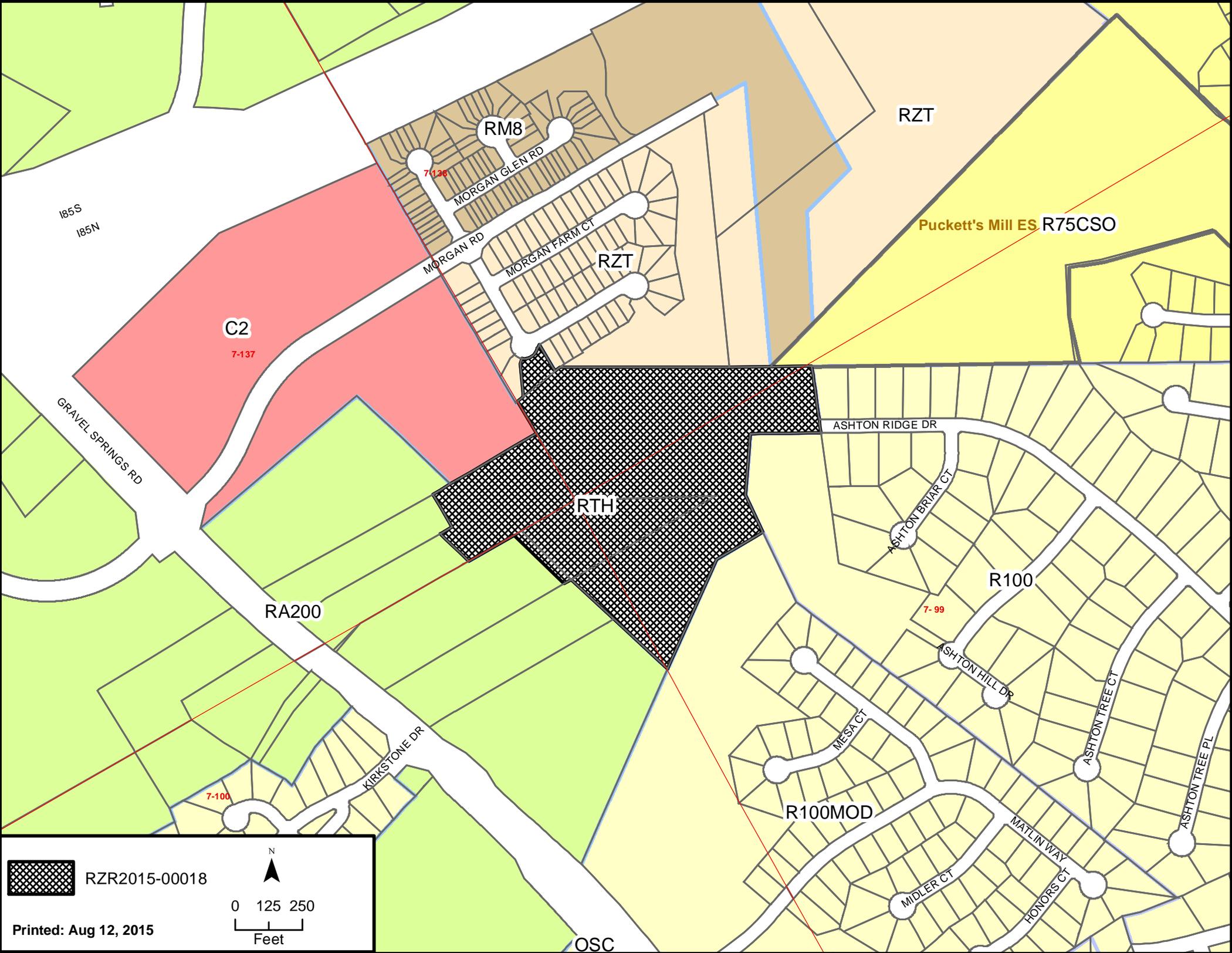
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Feet

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185S  
185N

C2  
7-137

RM8

7-128

RZT

RZT

Puckett's Mill ES R75CSO

GRAVEL SPRINGS RD

MORGAN RD  
MORGAN GLEN RD  
MORGAN FARM CT

RTH

ASHTON RIDGE DR

RA200

R100

7-99

7-100

KIRKSTONE DR

R100MOD

MESA CT

ASHTON HILL DR

ASHTON TREE CT

ASHTON TREE PL

MIDLER CT

MATLIN WAY  
HONORS CT

OSC

 RZR2015-00018

0 125 250  
Feet

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

CASE NUMBER :**RZR2015-00019**  
ZONING CHANGE :C-2, O-I, RMD & R-100 TO TND  
LOCATION :2000 BLOCK OF PUCKETTS DRIVE  
MAP NUMBERS :R6062 016D, 017B & 154  
ACREAGE :27.90 ACRES  
UNITS :80 SINGLE-FAMILY DETACHED HOMES  
30 ATTACHED TOWNHOMES  
PROPOSED DEVELOPMENT :TRADITIONAL NEIGHBORHOOD DEVELOPMENT  
(REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(2) HOWARD

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

APPLICANT: EMBRY GROUP, LLC  
C/O MILLCREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

CONTACT: MITCH PEEVY                      PHONE: 770.614.6511

OWNER: REO FUNDING SOLUTIONS V, LLC  
DONALD CAMP & JB CAMP, ETAL  
C/O MILLCREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant seeks rezoning of a property assemblage presently zoned C-2, O-I, RMD and R-100 to TND (Traditional Neighborhood Development District) in order to develop a single family subdivision. The subject 27.9-acre site is located on the east side of Pucketts Drive just north of the Stone Mountain Highway intersection. There are 2 single family homes developed along the Pucketts Drive frontage, and a detention pond for the adjacent commercial property is located in the northeast corner of the site. A portion of the property had previously been graded for development.

The development would consist of 110 units at a density of 3.94 units per acre. Three sizes of lots are being proposed: 30 townhomes on minimum 2,000 square foot lots (Category 4), 55 small single family lots with a minimum of 5,000 square feet (Category 3) and 25 medium single family lots with a minimum of 7,500 square foot lots (Category 2).

The proposed minimum heated square footage is 1,600 square feet for the townhomes and 2,420 square feet for the single family detached units. Homes would primarily be constructed of siding materials on all sides, with the larger floor plans including brick on the front facade.

The site plan indicates the minimum 20% common area dedication, although the requirement that each common area contain a minimum of 3,000 contiguous square feet is not adequately indicated on the site plan. A small pool and clubhouse are shown as common area amenities. A 35-foot wide graded and replanted buffer is shown adjacent to R-100 properties along the northern property line.

#### ZONING HISTORY:

In 1970, the subject site was zoned R-100 (Single Family Residence District). In 1973, it was rezoned to RM (Multi-family Residence District) as an areawide rezoning. Subsequent areawide rezonings in 1987 resulted in portions of the site being zoned C-2 (General Business District), O-I (Office-Institutional District) and RMD (Multi-Family Residence District (Duplexes)). Pursuant to RZ-97-090, approximately 15 acres of the site was rezoned C-2 for a commercial shopping center. A single lot along Pucketts Drive remains zoned R-100.

#### 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 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 spaces shall be provided at a ratio of one and one-half (1.5) spaces per residential dwelling unit.

All streets, driveways, alleys, sidewalks, multi-use paths and greenways shall conform to Chapter 900 and Section 210-80.10 of the Unified Development Ordinance.

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

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 United States 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 access easement (if private street). Location and access must be approved by Gwinnett County D.O.T.

TND development shall include at least three of the lot size categories shown in Table 210.4:

- Single-Family detached dwellings on large lots greater than 9,500 square feet.
- Single-Family detached dwellings on mid-size lots (7,500 - 9,499 square feet)
- Single-Family detached dwelling on small lots (5,000 - 7,499 square feet)
- Townhouses or Villas (2,000 - 5,999 square feet)

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Pucketts Drive is a Minor Collector and 30 feet of right-of-way is required from the centerline.

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

The developer shall be limited to one curb cut.

The project entrance shall align with opposing road or driveways in accordance with the Gwinnett County 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.

Project must comply with 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 6-inch water main located on the northeastern right-of-way of Pucketts Drive, and a 12-inch water main located on the northwestern right-of-way of Stone Mountain 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 approximately 412 feet southeast of the property on the right-of-way of Parker-Pucketts Way, and an 8-inch sanitary sewer main located on the northern right-of-way of Stone Mountain Highway.

The subject development is located within the Ross Road 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. Architectural design of the proposed building shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, and Category 2.
4. 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 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 27.9-acre site is located on the east side of Pucketts Drive just north of the Stone Mountain Highway intersection. The majority of the property is undeveloped; however, there are 2 single-family homes on the site along the Pucketts Drive frontage, and a detention pond for the adjacent Lowe's home improvement store is located in the northeast corner of the site. The entire site, except approximately 2 acres, is currently zoned C-2 and O-I and is the undeveloped portion of the Lowe's shopping center. The two residentially-zoned acres are properties (zoned RMD and R-100) located along Pucketts Drive. A portion of the property was previously graded along with the Lowe's development.

The Gwinnett County 2030 Unified Plan Future Development Map designates the property within a Corridor Mixed-Use Character Area. These Character Areas are situated between the Regional and Community Mixed-Use nodes along various corridors. Recommended uses in this Character Area include retail, commercial services, office uses and mixed-use developments. As such, the proposed subdivision may not be consistent with recommendations of the 2030 Unified Plan for mixed-use corridors.

Properties adjacent to the east and south of the subject site are zoned and/or developed for commercial uses. Adjacent to the east is the Lowe's home improvement store, zoned C-2. To the south along both sides of Stone Mountain Highway are various commercial uses zoned C-1, C-2 and C-3. To the west along Pucketts Drive are existing single family residences zoned R-100 and RM and several duplex residences zoned RMD. Adjacent to the north is the Mountain Villa single-family subdivision, zoned R-100. The subject property is zoned C-2 and O-I, and is part of the very intense commercial corridor extending along Stone Mountain Highway. In the Department's opinion, the current zoning of the site for commercial and office use is more appropriate at this location than the requested residential subdivision. Rezoning the site for a residential development could result in potential land use conflicts with neighboring commercial businesses and may not be a proper location for such a residential use.

Given that the subject site is already logically zoned for commercial and office uses, and that the 2030 Unified Plan Future Development Plan designates the site for more intense commercial or mixed-use development, staff is of the opinion that the proposed residential subdivision development is not appropriate for the subject site. Therefore, staff recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Note: The following conditions are provided should the Board of Commissioners choose to approve the petition.

Approval as TND (Traditional Neighborhood Development District) 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 homes, attached townhomes and accessory uses and structures.
  - B. The minimum lot sizes for the development shall be in accordance with UDO Table 210.4, with no more than 30 of the lots being Category 4 (townhouse) lots (2,000-5,999 square feet), and at least 25 of the lots being Category 2 lots (7,500-9,499 square feet).
  - C. The minimum heated floor area per dwelling shall be 1,800 for the townhomes and 2,400 square feet for all other dwellings.
  - D. Homes shall be constructed primarily of brick or stacked stone on the front façade. The balance of the home shall be the same or fiber-cement siding or shake with a minimum 3-foot masonry water table.
  - E. All dwellings shall have at least a double-car garage.
2. To satisfy the following site development considerations:
  - A. Natural vegetation shall remain on the property until the issuance of a development permit.
  - B. No direct lot access shall be allowed to Pucketts Drive.
  - C. The Pucketts Drive frontage shall be landscaped by the developer and maintained by the Homeowner's Association, and shall include a landscaped entrance feature, and a decorative fence and landscaping along the entire frontage. Landscaping, fencing and monument signage plans shall be subject to review and approval of the Director of Planning and Development.
  - D. All grassed areas on dwelling lots shall be sodded.
  - E. Underground utilities shall be provided throughout the development.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

In light of the property's location as part of the established commercial corridor along Stone Mountain Highway, a single family development may not be suitable at this location.

ADVERSE IMPACTS

Potential land use conflicts could arise from the introduction of a single-family subdivision into a commercial area. Nearly two dozen of the new lots would be adjacent to the Lowe's parking lot as well as fast-food and retail businesses along U.S. 78, with a greater number also potentially affected by the noise and light produced by these commercial properties. The neighboring businesses may also be affected by these conflicts in use and proximity.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

A potential increase in traffic, utilities usage, storm water runoff could be anticipated. Additional school-aged children would also be anticipated from this request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within the Corridor Mixed-Use Character Area, the policies of which do not support the requested rezoning at this location. The requested single family development may be incompatible with existing commercial developments in the area, and the property may be more appropriately developed in its current C-2 and O-1 zoning.

CONDITIONS AFFECTING ZONING

The existing and anticipated non-residential development of this area along the Stone Mountain Highway corridor does not support this request for a single family subdivision at this location.

STANDARDS GOVERNING 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:

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

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

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

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

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

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

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

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

THE SUBJECT PROPERTY IS DESIGNATED AS CORRIDOR MIXED-USE

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

SEE LETTER OF INTENT.

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# REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Embry Group, LLC, requests a rezoning from R-100, C-2, RMD and OI to TND for the purpose of developing a residential project. The subject property is located at 4925 Stone Mountain Highway. The property is an assemblage of 3 parcels containing a total of 27.9 acres with the largest parcel originally planned as a big box commercial use to compliment the adjacent Lowes Home Improvement store. The Developer has proposed a plan for this property that corresponds with the existing area and trends of today as there is absolutely no demand in the area for a big box retail facility.

The proposed development features 20% of the property or 5.58 acres to be used for common open space. There is also proposed to be an active recreation area with a cabana and a pool within the community. Access to the property will be by a single entrance onto Pucketts Drive. Sidewalks are planned along both sides of the street in the entire community.

The residential component is proposed to consist of ~~107~~<sup>80</sup> detached homes <sup>and 30 townhomes</sup> varying in size from 1,842 to 3,262 square feet of heated space. The front, sides and rear facades of the residential units will feature brick, stone, shake siding or of a concrete lap siding. The units will have granite countertops, stainless steel appliances, 9 foot ceilings and many additional upgrades available. The buildings will be two stories tall with a maximum height of thirty five feet with the price points as follows:

1. The ~~44~~<sup>30 townhouse</sup> Villa Lot types will all be rear entry and range from 1,842 to 2,327 square feet and start in the \$230's.
2. The ~~53~~<sup>55</sup> Small Lot types will all be front entry and range from 2,420 to 3,262 square feet and start in the \$260's.
3. The ~~10~~<sup>25</sup> Medium Lot types will all be front entry and will range from 2,420 to 3,262 square feet and start in the \$280's.

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**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, October 2015 Agenda**

Case #	Schools	Current Projections									Proposed Zoning  Approximate additional Student Projections from Proposed Developments
		2015-16			2016-17			2017-18			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2015-00007	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	29
	Hull MS	<b>1352</b>	1,750	-398	<b>1345</b>	1,750	-405	<b>1339</b>	1,750	-411	22
	Parsons ES	<b>844</b>	700	144	<b>858</b>	700	158	<b>872</b>	700	172	45
RZR2015-00017	<b>Brookwood HS</b>	<b>3407</b>	2,575	832	<b>3391</b>	2,575	816	<b>3375</b>	2,575	800	6
	Crews MS	<b>1267</b>	1,150	117	<b>1256</b>	1,150	106	<b>1245</b>	1,150	95	5
	Craig ES	<b>1066</b>	1,250	-184	<b>1058</b>	1,250	-192	<b>1050</b>	1,250	-200	9
RZR2015-00018	<b>Mountain View HS</b>	<b>2118</b>	2,300	-182	<b>2139</b>	2,300	-161	<b>2161</b>	2,300	-139	11
	Twin Rivers MS	<b>1604</b>	1,725	-121	<b>1620</b>	2,075	-455	<b>1636</b>	2,075	-439	9
	Freeman's Mill ES	<b>887</b>	925	-38	<b>883</b>	925	-42	<b>878</b>	925	-47	18
RZR2015-00019	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	26
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	20
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	40
RZR2015-00020	<b>Duluth HS</b>	<b>2734</b>	2,650	84	<b>2775</b>	2,650	125	<b>2817</b>	2,650	167	7
	Duluth MS	<b>2013</b>	1,750	263	<b>2073</b>	1,750	323	<b>2136</b>	1,750	386	5
	Harris ES	<b>858</b>	750	108	<b>867</b>	750	117	<b>875</b>	750	125	10
RZR2015-00021	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	57
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	41
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	80
RZR2015-00022	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	6
	Northbrook MS	<b>977</b>	1,025	-48	<b>988</b>	1,025	-37	<b>999</b>	1,025	-26	4
	Jackson ES	<b>1643</b>	1,450	193	<b>1676</b>	1,450	226	<b>1709</b>	1,450	259	9

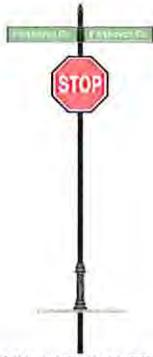
Current projections do not include new developments





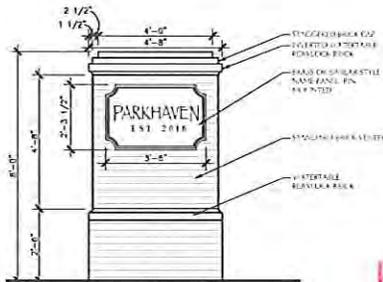
STREET SIGN    STREET SIGN

STOP SIGN    STOP SIGN

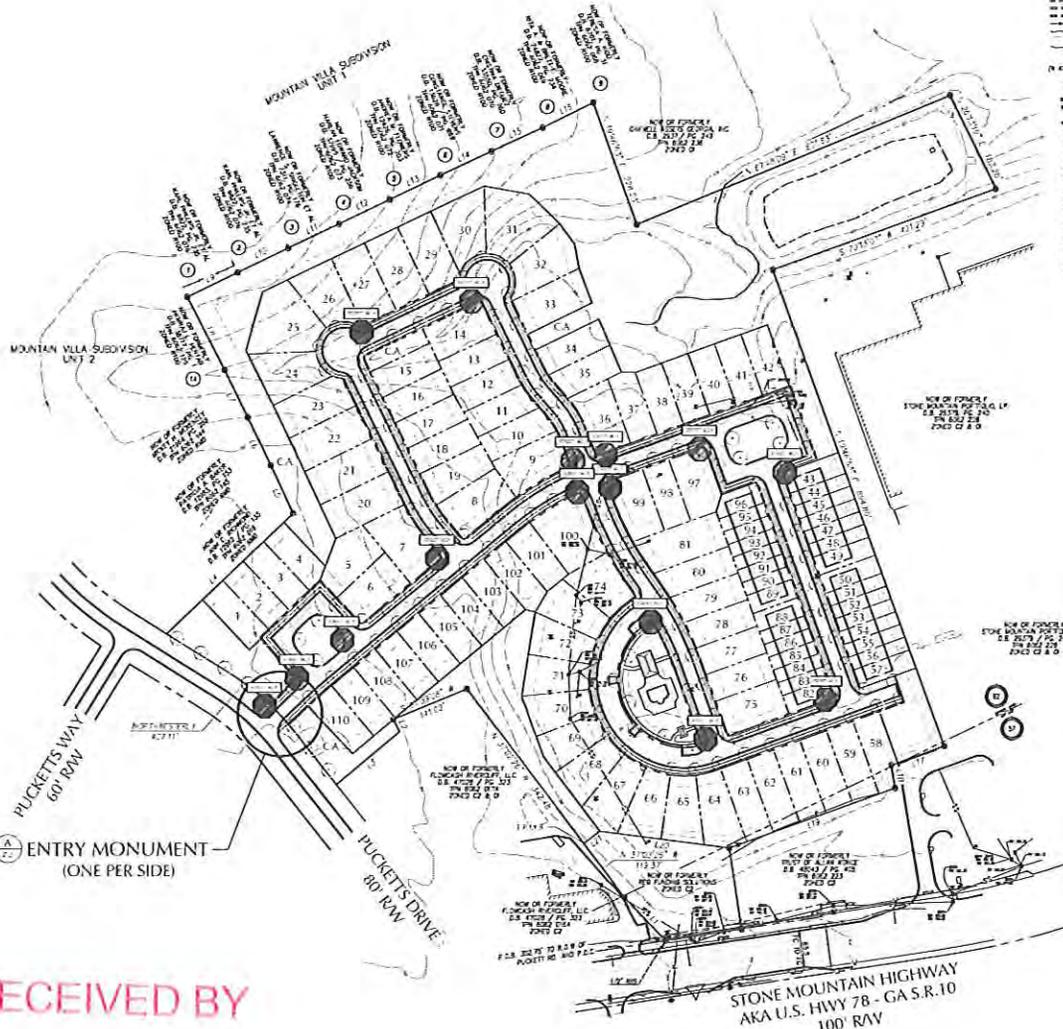


Option 1: 15'x45' street sign (2) with 4'x10' frames (2)  
 by 2 1/2" x 10" post same height 15'2" to 4'5" wide  
 These frames will be attached to a 1 1/2" x 4" aluminum sleeve  
 and mounted perpendicular from each side on the pole.  
 30" Engineer grade reflective stop sign with  
 1" aluminum frame (1F)  
 to be through bolted to the pole.  
 Pole to include 6" top cap, base, 24" and 30" arms (2) (S)

TYPICAL STREET/STOP SIGN  
 FINAL SELECTION SUBJECT TO COUNTY APPROVAL



Ⓐ ENTRY MONUMENT  
 Z-2



**LEGEND**

	EXISTING BUILDING
	LAND USE LINE
	PROPERTY LINE
	UTILITY LINE (SEE EXHIBIT 1 & 2)
	TREE LINE
	DRIVEWAY
	RETAINING WALL
	STORM DRAIN (SEE EXHIBIT 1)
	DOUBLE WIDE CATCH BASIN
	SINGLE WIDE CATCH BASIN
	MANHOLE
	ANCHOR BOX
	SPOT LEVEL
	24" INCH PIPE ON GRADE
	EXISTING 4' FOOT CONTOUR
	EXISTING 5' FOOT CONTOUR
	PROPOSED 5' FOOT CONTOUR
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**REVISIONS**

NO.	DATE	BY	DESCRIPTION
1	9/21/15	Comments	



**PARKHAVEN**  
 GWINNETT COUNTY, GEORGIA  
**EMBRY GROUP LLC**  
 BUFORD, GEORGIA

UNIFIED SIGNAGE PLAN

DATE	8/1/15
PROJECT	15020
DESIGNER	15020/PWT
ENGINEER	TS
CHECKED	TS
SCALE	1"=100'
SHEET	Z-2

Not Returned for Construction

Z-2

2 of 2



ROCKHAVEN DR

PARKER PUCKETT'S WAY

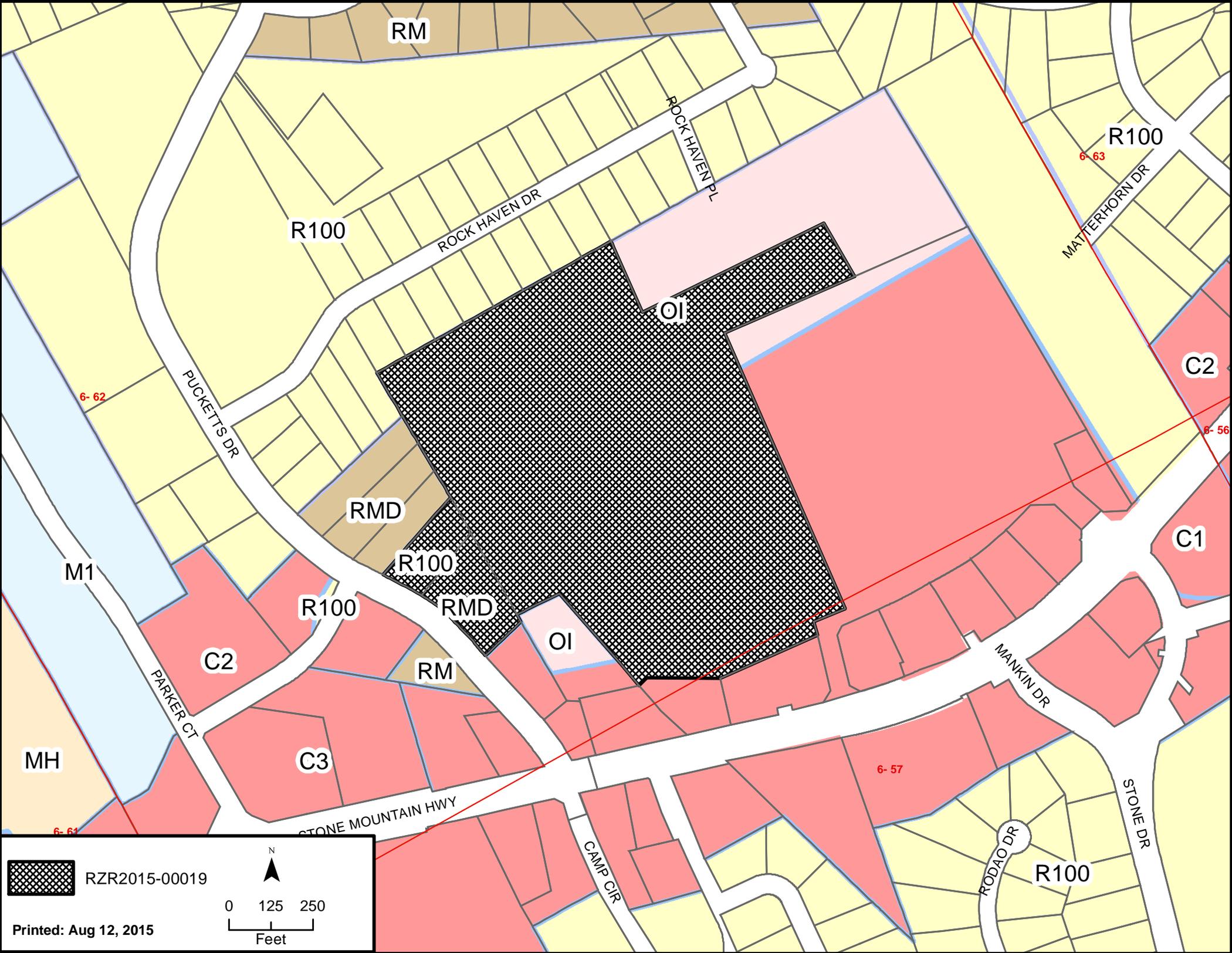
PUCKETT'S DR

STONE MOUNTAIN HWY

 RZR2015-00019

Printed: Aug 12, 2015

N  
0 50 100  
Feet



RM

R100

ROCK HAVEN DR

ROCK HAVEN PL

R100

6-63

MATTERHORN DR

C2

6-62

PUCKETTS DR

RMD

OI

6-56

M1

R100

RMD

C1

R100

C2

OI

MANKIN DR

MH

C3

RM

6-57

6-61

STONE MOUNTAIN HWY

CAMP CIR

RODAO DR

R100

STONE DR

 RZR2015-00019

N

0 125 250

Feet

Printed: Aug 12, 2015

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

CASE NUMBER :**RZR2015-00020**  
ZONING CHANGE :R-75 TO TND  
LOCATION :3300-3400 BLOCKS OF PITTARD ROAD  
MAP NUMBERS :R6265 056 & 057B  
ACREAGE :7.01 ACRES  
UNITS :28 UNITS  
PROPOSED DEVELOPMENT :TRADITIONAL NEIGHBORHOOD DEVELOPMENT  
(REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(1) BROOKS

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

APPLICANT: RPIOM, LLC  
PO BOX 720314  
ATLANTA, GA 30358

CONTACT: ANDREW PERRY                      PHONE: 404.987.1224

OWNER: FRANCES MANER  
3443 PITTARD ROAD  
DULUTH, GA 30096

VINCENT PHUNG  
3393 PITTARD ROAD  
DULUTH, GA 30096

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant has requested the rezoning of a 7.01-acre parcel from R-75 (Single Family Residence District) to TND (Traditional Neighborhood Development) for the construction of a 28-lot single-family subdivision. The property is located on the north side of Pittard Road, between Ennfield Way and Davenport Road.

The development would consist of 28 single-family lots, with a resulting density of 4.0 units per acre. Access to the site is proposed from a single entrance onto Pittard Road. The applicant has proposed a 25-foot planted buffer adjacent to the Ennfield subdivision along the western property line. The applicant is requesting a buffer reduction from 30-feet to 0-feet along the eastern property line adjacent to properties zoned R-75 and R-ZT.

The submitted application materials indicate that homes would range in size from 2,100 to 3,000 square feet of floor area. Building heights would range from 27-feet to 34-feet, with 2 and 3 story homes planned for the development. According to the applicant's letter of intent, exterior treatments for the homes would be a mix of brick, fiber-cement siding and architectural shingles. Two-car garages would be provided for each home.

**ZONING HISTORY:**

The subject property has been zoned R-75 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 MATER PLAN:**

No comment.

**DEVELOPMENT REVIEW SECTION COMMENTS:**

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.

All streets, driveways, alleys, sidewalks, multi-use paths and greenways shall conform to Chapter 900 and section 210-80.10 of the Unified Development Ordinance.

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).

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 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 United States 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 access easement (if private street). Location and access must be approved by Gwinnett County D.O.T.

TND development shall include at least three of the lot size categories shown in Table 210.4:  
Single-Family detached dwellings on large lots greater than 9,500 square feet.  
Single-Family detached dwellings on mid-size lots (7,500 - 9,499 square feet)  
Single-Family detached dwelling on small lots (5,000 - 7,499 square feet)

#### STORMWATER REVIEW SECTION COMMENTS:

No comment.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Pittard Road is a Minor Collector and 30-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.

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 driveway, public road, or side street shall be provided as specified in the Gwinnett County Unified Development Ordinance.

Horizontal and vertical alignment of proposed streets to meet the requirements of the Unified Development Ordinance.

**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 an 8-inch water main located on the southern right-of-way of Pittard 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 an 8-inch sanitary sewer main located approximately 32 feet east of the property on the right-of-way of Orono Drive, and an 8-inch sanitary sewer main located approximately 139 feet west of parcel 6265 056 on the right-of-way of Ennfield 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 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. Architectural design of the proposed building shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category 2.
4. 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:**

No comment.

**DEPARTMENT ANALYSIS:**

The 7.01-acre parcel is located on the north side of Pittard Road, between Ennfield Way and Davenport Road. The property contains a single family residence, with the rear of the property being wooded.

The Gwinnett County 2030 Unified Plan identifies this as an Existing/Emerging Suburban character area. The TND zoning district is considered appropriate in the predominantly residential Character Areas, and is considered consistent with the 2030 Unified Plan in light of the diverse mix of zoning in the area. With staff recommended conditions similar to the adjacent R-ZT development (RZR2014-00003), the Traditional Neighborhood Development could be suitable at this location.

This segment of Pittard Road is developed with single-family subdivisions with the exception of a single commercial tract at the intersection of Pittard and Davenport Roads. To the north and west of the property is the Ennfield subdivision located in the City of Duluth, zoned PRD. Adjoining the property to the east is the Creekside at Davenport (zoned R-ZT) development, currently under construction. South across Pittard Road is the Creekport Estates subdivision zoned R-75. The requested TND zoning is similar in density and housing style to the adjacent R-ZT development and staff recommends placing similar conditions on this proposed development. The adjoining R-ZT rezoning was approved in 2014 with conditions for a

minimum heated floor area of 2,100-square feet, and with homes constructed with front façade accents of brick or stacked stone. Based on the predominately single family subdivision zoning pattern of the area, the proposed TND project could be compatible with the surrounding area.

In conclusion, the proposed TND zoning could be compatible with the surrounding area if developed in accordance with the recommended conditions. The use is considered compatible with the Unified Plan and with the recent zoning and development patterns of the area. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as TND (Traditional Neighborhood Development District) for a single-family subdivision, subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Single-family detached dwellings, and accessory uses and structures.
  - B. Homes shall be constructed with front façade accents of brick or stacked stone. The balance of the home may be the same or of fiber-cement shake or siding. The first two homes on either side of the street at the development entrance shall also include a minimum two-foot brick or stacked stone water table on the side elevations.
  - C. The minimum heated floor area per dwelling shall be 2,100 square feet.
  - D. All dwellings shall have at least a double-car garage.
2. To satisfy the following site development considerations:
  - A. No direct lot access shall be allowed to Pittard Road.
  - B. The external street frontage shall be landscaped by the developer and maintained by the Homeowner's Association. Entrance shall include a decorative masonry entrance feature. Landscape and signage plans shall be subject to review and approval of the Director of Planning and Development.
  - C. Provide a 25-foot wide planted buffer adjacent to homes in the Ennfield subdivision, except within stream buffer and setback areas. Buffer plantings shall be subject to review and approval of the Director of Planning and Development.
  - D. All grassed areas on dwelling lots shall be sodded.
  - E. Underground utilities shall be provided throughout the development.
  - F. Natural vegetation shall remain on the property prior to the issuance of a Development Permit.
3. To abide by the following requirements, dedications and improvements:
  - A. Interior streets shall be private.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested zoning district is similar in density and style to the adjacent R-ZT and PRD zonings. With staff recommended conditions similar to the adjacent R-ZT development (RZR2014-00003), the requested rezoning could be suitable at this location.

ADVERSE IMPACTS

With the recommended conditions potential adverse impacts could be minimized.

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 utility demand, storm water runoff, traffic and additional school-age children could be anticipated.

CONFORMITY WITH POLICIES

The request could be considered consistent with the policies of the 2030 Unified Plan and the intended purpose of the TND District if developed with staff's recommended conditions.

CONDITIONS AFFECTING ZONING

Based on the predominately single family subdivision zoning pattern of the area, and recent approval for medium density R-ZT development in 2014, the proposed TND project could be compatible with the surrounding 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 SGEZP EXHIBIT

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

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

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- (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:

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

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- (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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AUG 07 2015

RZR '15 020

# 3443-3393 Pittard Road

**Rezoning Plan for RPIOM, LLC**  
**(Standards Governing the Exercise of the Zoning Power)**  
**August 7<sup>th</sup>, 2015**

A) There are a variety of housing types that surround the proposed development. Immediately around the property are RZT, PUD and R75 properties. Within 1-2 miles of the land there are town homes apartment complexes and commercial nodes 1 mile to the west on Davenport Road. We are offering a range of housing types within our development to fit the housing diversity of the area. We feel this fits better than a traditional cul de sac use and it is our intent to provide the streetscape and aesthetics to create a long-term desirable community. As with developments we have completed in the past, the homes are situated as to provide protection of natural areas and tree buffers to neighbors.

B) Based on the architectural plans and streetscape we will provide, this property will not adversely affect the usability of adjacent and nearby properties. We feel our development will increase the value of the area based on price points, home styles and attractiveness.

C) This property will not achieve its best economic use without sewer or annexation into Duluth. We can provide the former and with it a very clean, well maintained HOA and development that will improve its surroundings. There is not a utility plan that will work otherwise.

D) Our plan for a 28-home community will not create a negative effect on either the school system or traffic in this area. We feel it is a relatively small addition and we will work with the County to ensure than any development standards are met.

E) This property is in line with the designated future land use. There are multiple zonings within less than a mile of this property that have more homes per acre or are town homes. There appears, by zonings that surround this property, to be an equal spread of low to high zoning classifications starting from Buford Highway, extending from Pittard Road and then Davenport Road, to Old Norcross Road. We will fall within this mix of property sizes while increasing the housing value around us.

F) We have exceeded our proposed price points and square footage requirements for a neighboring zoning we completed last year. We want to integrate this plan into a TND zoning and a front porch, sidewalk-friendly community.

Sincerely,



Andrew Peivy

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AUG 07 2015  
AUG 07 2015

Planning & Development

RZR '15 020



# 3443 and 3393 Pittard Road

## Rezoning Plan for RPIOM, LLC

(Letter of Intent)

August 7<sup>th</sup>, 2015

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We respectfully submit this zoning application for this property, defined by the legal description herein containing +/- 7.01 acres, to the zoning classification of THD from its present zoning of R-75.

We will develop a variety of single-family homes, with ranges of lot sizes and price points. The site plan shows a development of 28 home sites on 7.01 acres. Around 20% of the acreage will remain open space. The site has a minimum lot size requirement of 5,000 SF and a minimum dwelling size of 2,100 SF. Those minimums represent a small percentage of the project. There will be 3 different categories of homes on the property, which are less intensive than the emerging suburban land use that is planned.

The neighborhood will be pedestrian friendly with alleyways and sidewalks. It will be constructed as a front porch community. All homes will have a mix of brick, fiber cement siding products, architectural style shingles and decorative trim. All homes will have 2-car garages with a percentage of homes using alleyways for rear entry, front porch facades.

Gwinnett County Water Resources services the property for both water and sewer. All power, phone and cable services to the community will be buried underground.

This development will improve the region that surrounds it. We will work closely with staff to provide an attractive mix of homes, streetscape and well maintained landscaping for the purpose of improving property values and making everyone that lives around the property glad to see positive development.

The rezoning of this property will benefit the community because of our mix of homes, the aesthetics of our development and the long-term improvement our property will create.

Thank you for your time.

Sincerely,



Andrew Perry  
RPIOM, LLC

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AUG 07 2015

Planning & Development

RZR '15 020

# 3443 and 3393 Pittard Road

## Rezoning Plan for RPIOM, LLC

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All homes on the property will be constructed using;

- Hardi style siding and shake materials
- 25 year architectural shingles (Weathered Wood)
- Brick
- Building heights range from 27' on the larger single family to 34.3' for the smaller homes
- We will build both 2 and 3 story plans throughout the property
- Exterior paint choices will be selected from the Sherwin Williams Suburban Traditional line
- All vinyl windows will include almond colored sashes with varying light patterns



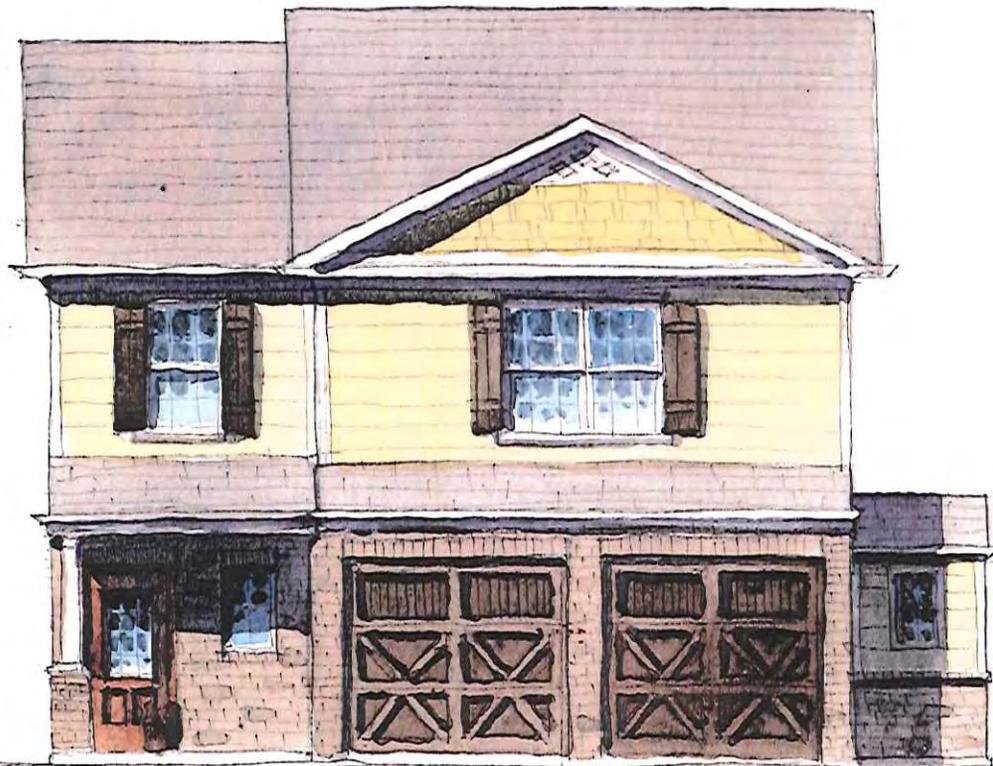
Andrew Perry  
RPIOM, LLC

RECEIVED BY

AUG 07 2015

Planning & Development

RZR '15 020



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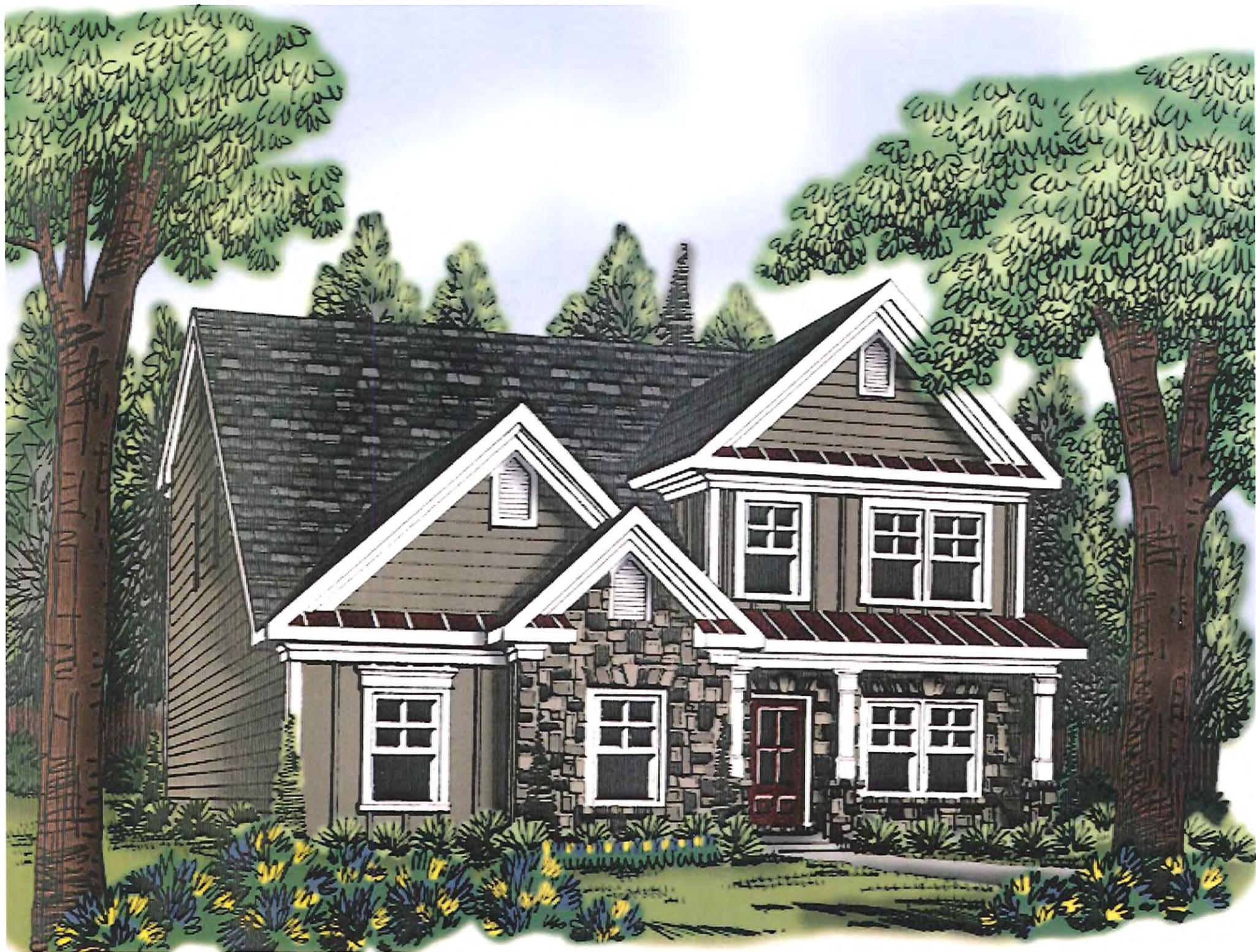
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Rear





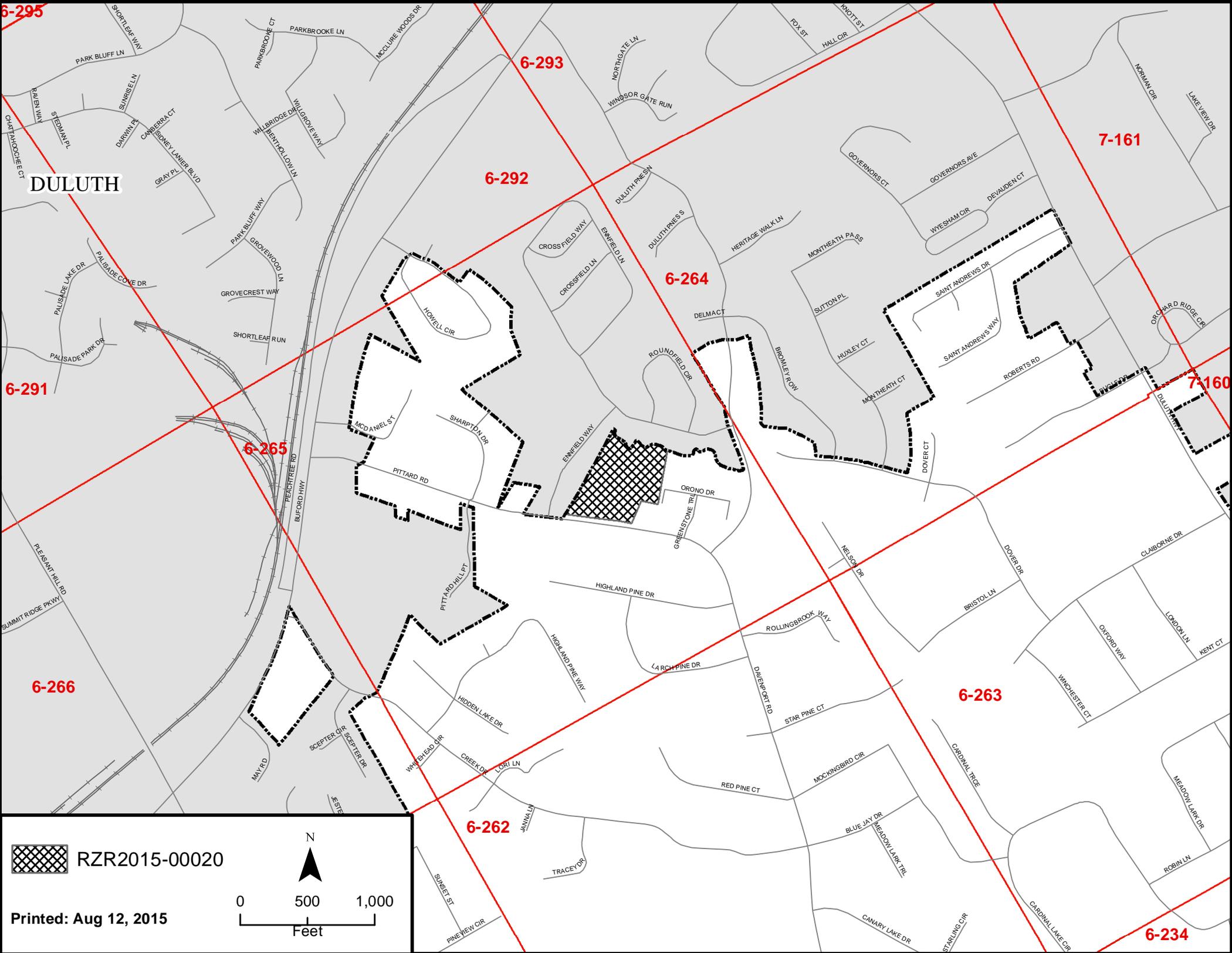




**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, October 2015 Agenda**

Case #	Schools	Current Projections									Proposed Zoning  Approximate additional Student Projections from Proposed Developments
		2015-16			2016-17			2017-18			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2015-00007	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	29
	Hull MS	<b>1352</b>	1,750	-398	<b>1345</b>	1,750	-405	<b>1339</b>	1,750	-411	22
	Parsons ES	<b>844</b>	700	144	<b>858</b>	700	158	<b>872</b>	700	172	45
RZR2015-00017	<b>Brookwood HS</b>	<b>3407</b>	2,575	832	<b>3391</b>	2,575	816	<b>3375</b>	2,575	800	6
	Crews MS	<b>1267</b>	1,150	117	<b>1256</b>	1,150	106	<b>1245</b>	1,150	95	5
	Craig ES	<b>1066</b>	1,250	-184	<b>1058</b>	1,250	-192	<b>1050</b>	1,250	-200	9
RZR2015-00018	<b>Mountain View HS</b>	<b>2118</b>	2,300	-182	<b>2139</b>	2,300	-161	<b>2161</b>	2,300	-139	11
	Twin Rivers MS	<b>1604</b>	1,725	-121	<b>1620</b>	2,075	-455	<b>1636</b>	2,075	-439	9
	Freeman's Mill ES	<b>887</b>	925	-38	<b>883</b>	925	-42	<b>878</b>	925	-47	18
RZR2015-00019	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	26
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	20
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	40
RZR2015-00020	<b>Duluth HS</b>	<b>2734</b>	2,650	84	<b>2775</b>	2,650	125	<b>2817</b>	2,650	167	7
	Duluth MS	<b>2013</b>	1,750	263	<b>2073</b>	1,750	323	<b>2136</b>	1,750	386	5
	Harris ES	<b>858</b>	750	108	<b>867</b>	750	117	<b>875</b>	750	125	10
RZR2015-00021	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	57
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	41
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	80
RZR2015-00022	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	6
	Northbrook MS	<b>977</b>	1,025	-48	<b>988</b>	1,025	-37	<b>999</b>	1,025	-26	4
	Jackson ES	<b>1643</b>	1,450	193	<b>1676</b>	1,450	226	<b>1709</b>	1,450	259	9

Current projections do not include new developments



DULUTH

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6-293

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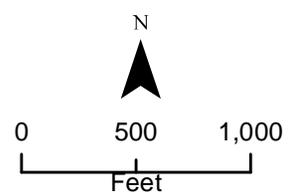
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Printed: Aug 12, 2015



# DULUTH

ENNFIELD WAY

ENNFIELD LN

ORONO DR

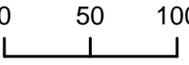
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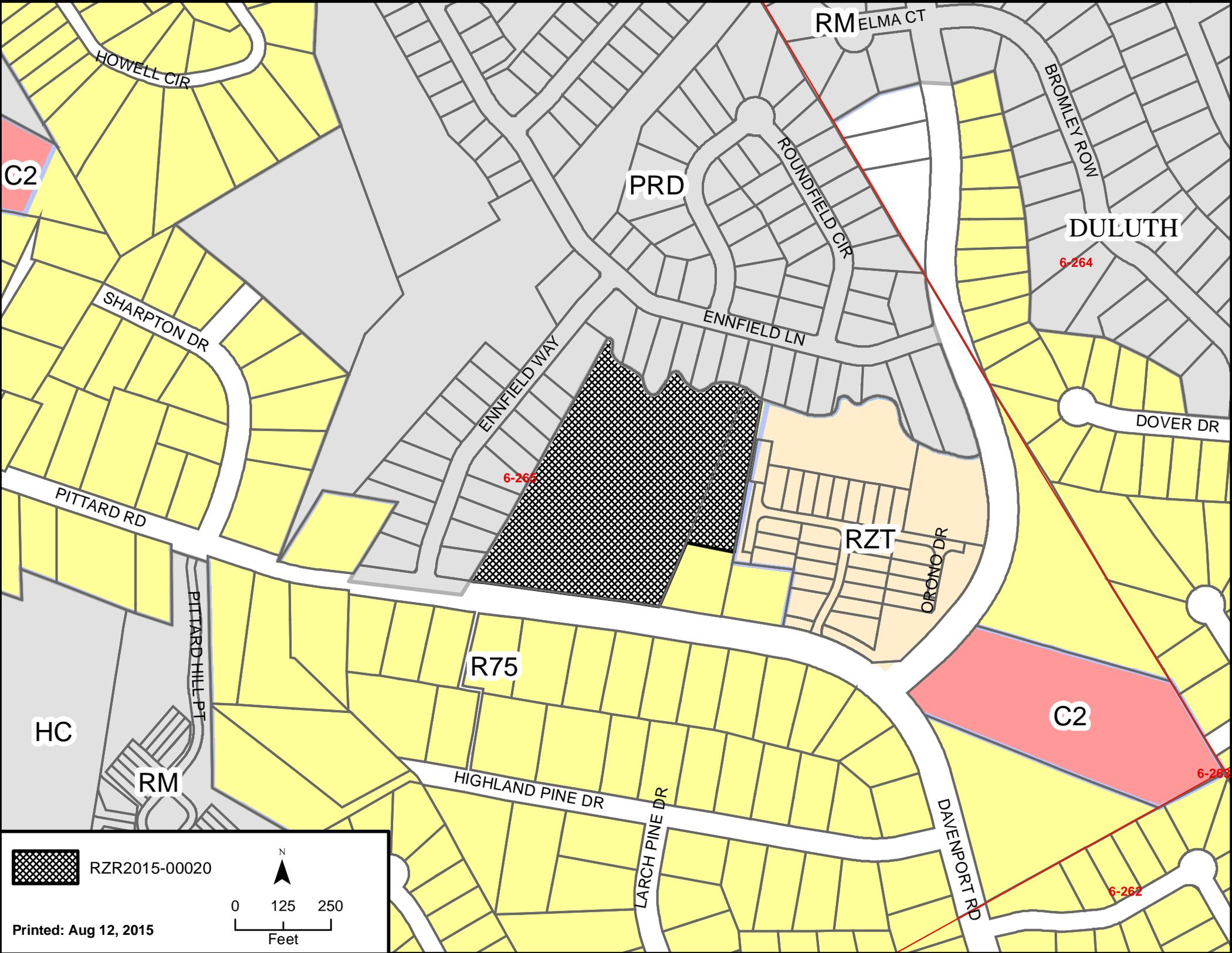
GREENSTONE TRL

 RZR2015-00020

Printed: Aug 12, 2015

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PRD

DULUTH

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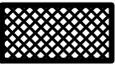
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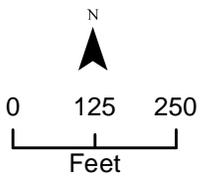
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6-262

 RZR2015-00020



Printed: Aug 12, 2015

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

CASE NUMBER :**RZR2015-00021**  
ZONING CHANGE :R-100 TO OSC  
LOCATION :1300 -1400 BLOCKS OF OLEANDER DRIVE  
MAP NUMBERS :R6073 180 & 268, R6082 004, 034, 087 & 188  
ACREAGE :93.32 ACRES  
UNITS :222 UNITS  
PROPOSED DEVELOPMENT :OPEN SPACE CONSERVATION SUBDIVISION  
(REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(2) HOWARD

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

APPLICANT: INLAND, LLC  
2180 SATELLITE BOULEVARD  
SUITE 400-15  
DULUTH, GA 30097

CONTACT: ERIC JOHANSEN                      PHONE: 678.571.4843

OWNERS: KEITH R. CONNELLY, ETAL  
ROBERT & MARGARET CONNELLY  
1400 OLEANDER DRIVE  
LILBURN, GA 30047

STEVE A. JOHNSON, ETAL  
1426 OLEANDER DRIVE  
LILBURN, GA 30047

ROBERT McCLURE  
1446 OLEANDER DRIVE  
LILBURN, GA 30047

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests rezoning of a 93.32-acre property assemblage from R-100 (Single Family Residence District) to OSC (Open Space Conservation District) to develop a 222-unit single family subdivision. The subject property is mostly wooded with substantial floodplain areas. The site is located on the east side of Oleander Drive, extending to the Yellow River. A small tributary stream also bisects the property. The property is currently developed with 6 single family homes and their various accessory buildings with uses such as a barn, horse corral, tennis

courts and swimming pools. A 150-foot Georgia Power right-of-way and a 10-foot gas easement traverse the southwestern edge of the property.

The minimum lot width for the OSC development would be 60 feet, with a minimum lot area of 7,500 square feet, meeting the minimum requirements for the requested zoning classification. The applicant has proposed a minimum home size of 1,800 square feet for one-story homes and 2,000 square feet for two-story homes. All homes would also include a two-car garage.

The gross area of the subject site is 93.32-acres, with the net area of the site being 84.38-acres, as the property contains over 17 acres located within a 100-year floodplain. The base density allowance for the OSC zoning classification is 2.5 dwelling units per acre, with a minimum of 25% of the total project acreage being designated as conservation space. The submitted site plan indicates a total of 35.35 acres, or approximately 37.9% of the gross land area of the site, would be set aside as conservation space. By providing additional open space the applicant is entitled to a density bonus of 0.20 additional dwelling units per acre above the base allowance. Consequently, the additional conservation space would allow for the maximum density of this request to be 2.7 units per acre. As indicated on the submitted site plan, the overall net density calculation for the proposed 222-unit development would be 2.63 units per acre.

The primary conservation space would be equal to 26% of the land area (24.4-acres) and the secondary conservation space area being equal to 13.8% of the land area (12.9-acres). It is noted that primary conservation space must comprise a minimum of 15% of the total conservation space. All properties surrounding the subject site are zoned R-100. An OSC zoned development requires one of three options as a form of transition when located adjacent to single-family residential uses. Most of the periphery of the subject site is located within required stream buffer areas which are a minimum of 50 feet in width. Along the south property line, however, there is not a required stream buffer. Therefore, the applicant has provided a 50-foot conservation space strip adjacent to those residential properties.

Access for the development would be provided by a single street extending from Oleander Drive, traversing through the development and crossing the internal stream in two locations. The required 50-foot wide street frontage buffer is shown along the right-of-way of Oleander Drive. Also reflected on the submitted plans are the required 50-foot wide stream buffer and 75-foot impervious surface setback along the Yellow River and the tributary stream which crosses the site.

#### ZONING HISTORY:

The subject property has been zoned R-100 since 1970. In 2006, a request for a Special Use Permit for R-100 CSO (Single Family Conservation Subdivision) was denied pursuant to SUP-06-043.

#### 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 contains 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. The applicant/developer shall obtain all required approvals from the Gwinnett Department of Public Utilities and the U.S. Army Corps of Engineers for construction or land disturbance activities which may impact floodplain or wetland areas.

**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.

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).

OSC zoned development shall provide a 50 foot street frontage buffer (not part of any building lot) adjacent to all right-of-way of exterior streets (Unified Development Ordinance Section 210-50.13B)

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 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 United States 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 access easement (if private street). Location and access must be approved by Gwinnett County D.O.T.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Oleander Drive is a Minor Collector and 40 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.

The project entrance shall align with opposing roads or driveways in accordance with the Gwinnett County 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.

Minimum separation from a driveway, public road, or side street shall be provided as specified in the Gwinnett County Unified Development Ordinance.

Project must comply with Gwinnett County D.O.T. 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 6-inch water main located on the eastern right-of-way of Oleander 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 3,264 feet southeast of parcel 6073 180 on the right-of-way of Pond Edge Road, an 8-inch sanitary sewer main located approximately 5,439 feet southwest of parcel 6082 188 on the right-of-way of Pinetree Pass Lane, an 8-inch sanitary sewer main located approximately 3,553 feet northwest of parcel 6073 268 on the right-of-way of Parkview Walk Drive, and an 8-inch sanitary sewer main located approximately 2,680 feet northeast of parcel 6082 087 on the right-of-way of Killian Way.

The subject development is located within the No Business 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:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The subject property is a 93.32-acre tract located on the east side of Oleander Drive, extending to the Yellow River. The subject property is mostly wooded with substantial floodplain areas. There are several homes on the site, which would be removed, along with several residential accessory structures.

The Gwinnett County 2030 Future Development Map identifies this property as lying within an Existing/Emerging Suburban Character Area. Policies for this Character Area encourage single-family residential uses such as the subdivision being proposed. With conditions to ensure the quality of the development and its compatibility with the density and development standards of the surrounding area, an OSC development could be considered consistent with these policies and map designation.

The surrounding area is uniformly zoned for single-family residential use, and developed with single-family subdivisions and homes on acreage tracts, zoned R-100. To the north and west are homes on large lots along Oleander Drive. Just beyond those properties several R-100 subdivisions accessed from Lake Lucerne Road and Five-Forks-Trickum Road, including Chesapeake, Thornwood Estates, Goose Bay and Old Maryland among others. To the south are the Oleander Trails and Bent River subdivisions, zoned R-100. Across the Yellow River to the east are the Stonemont and Hidden River subdivisions, zoned R-100 and accessed via Killian Hill Road. Given the nature of the site, with its numerous streams, floodplain and steep topography, approval of the subject property as an OSC subdivision could be suitable.

It is noted that the subject property was the subject of a Special Use Permit application in 2006 for an R-100 CSO subdivision. The request was for 186 homes, at a net density of 2.25 units per acre, which was denied by the Board. Given this past zoning precedent, the Department could not support the density being proposed in the current OSC proposal. With preservation of open space areas, architectural controls and a substantial density limitation, the proposed OSC development could be compatible with the other homes and subdivisions along Oleander Drive.

With the recommended conditions and density limitations, the proposed subdivision could be considered compatible with development in the area, and consistent with the Gwinnett County 2030 Future Development Map. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

- I. To restrict the use of the property as follows:
  - A. Single-family residential and accessory uses and structures, at a maximum net density of 2.2 units per acre.
  - B. The minimum heated floor area per dwelling shall be 2,000 square feet for one-story homes and 2,400 square feet for two-story homes.
  - C. Homes shall be constructed primarily of brick or stacked stone on three sides. The balance (rear) shall be the same or fiber-cement siding or shake with a minimum 3-foot masonry water table.
  - D. All dwellings shall have at least a double-car garage.
2. To satisfy the following site development considerations:
  - A. Natural vegetation shall remain on the property until the issuance of a development permit.
  - B. No direct lot access shall be allowed to Oleander Drive.
  - C. Maintain a 50-foot street frontage buffer along Oleander Drive.
  - D. The Oleander Drive frontage shall be landscaped by the developer and maintained by the Homeowner's Association, and shall include a landscaped entrance feature, and a decorative fence and landscaping along the entire frontage. Landscaping, fencing and monument signage plans shall be subject to review and approval of the Director of Planning and Development.
  - E. All grassed areas on dwelling lots shall be sodded.
  - F. Underground utilities shall be provided throughout the development.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

With appropriate conditions, including density limitations, the proposed OSC subdivision could be suitable in view of the nature of the property and surrounding uses.

ADVERSE IMPACTS

With the recommended conditions, adverse impacts on nearby residential properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACTS ON PUBLIC FACILITIES

An increase in impacts on public facilities in the form of traffic, utility demand, storm water runoff and school enrollment could be anticipated as a result of the proposal.

CONFORMITY WITH POLICIES

With the recommended conditions, designed to promote compatibility with neighboring properties, the proposed single-family subdivision could be consistent with the 2030 Unified Plan.

CONDITIONS AFFECTING ZONING

If approved at a lesser density that is compatible with homes and subdivisions along Oleander Drive, the proposed development could conserve open space including floodplain, active streams, steep slopes, and river frontage along the Yellow River, giving supporting grounds for approval of this request.

**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, the proposed residential community will present a use that is suitable with respect to the adjacent and surrounding residential properties

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

No, the proposed rezoning of the Subject Property will NOT adversely affect or impact the surrounding residential properties

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

Yes, the Subject Property does have a reasonable economic use as currently zoned R-100

- (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, the proposed residential community will not cause an excessive or burdensome use of the existing infrastructure in the immediate and surrounding area. Yes, there will be an increase in traffic as Oleander Drive currently has an ADT of 719 based on 2014 GC DOT traffic data.

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

Yes, the Subject Property is located in an Existing/Emerging Suburban Character Area. The proposed OSC residential community would be compatible and complimentary for policy and intent of the Gwinnett County 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 Subject Property is bordered by the Yellow River and also has a stream bi-secting the overall property. These natural resources provide lush green space areas and natural buffers to the adjacent and surrounding residential properties. This property is perfect for an OSC development.

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August 6, 2015

Gwinnett County Board of Commissioners  
c/o Bryan Lackey  
Director of Planning and Development  
446 West Crogan Street  
Lawrenceville, GA 30045

**Re: Oleander Drive Residential Development– Rezoning Letter of Intent  
Parcels: R6073 180, R6073 268, R6082 004, R6082 034, R6082 087, & R6082 188  
Gwinnett County, GA**

Dear Mr. Lackey,

Inland Group, LLC (“Inland”) has been retained by Inland, LLC (the “Applicant”) to pursue a Rezoning Application (the “Application”) for real property located at the 1396, 1406, 1426, 1436, and 1446 Oleander Drive, Lilburn, GA 30047 and further described as Parcels R6073 180, R6073 268, R6082 004, R6082 034, R6082 087, & R6082 188 that are approximately ±93.3 acres (the “Subject Property”). **The Applicant is Contract Purchaser of the Subject Property.** The Subject Property is currently zoned R-100 and is surrounded by other similarly zoned residential properties within an established residential community that is nestled along the Yellow River and Garner Creek.

*Our finished development could include some flood plain cut and fill compensation, as well as, numerous stream crossings to aid in vehicular circulation. Additionally, we may seek USACOE approvals for mitigation of wetlands that could be located along the banks of the Yellow River and other bodies of water scattered throughout the proposed development. All of these proposed items will be addressed during the engineering of the Subject Property after a successful Rezoning has been achieved.*

The Applicant is proposing a Rezoning of the Subject Property to OSC for a residential development that will accentuate the natural features of the site to include but not be limited to the Yellow River, rolling topography, and large protected areas along the stream buffer and floodplain areas that surround the proposed residential homes. These natural amenities provide opportunities for passive recreation and connectivity to other proposed Gwinnett County trail systems. Our proposed plan includes 222 residential lots that are a minimum lot size of 7,500 square feet, 60’ wide by 125’ deep, over 30% of the acreage preserved in its natural state, sidewalks on both sides of the proposed neighborhood streets with connectivity to Oleander Drive, swim and tennis amenities, lush landscaping, and evergreen buffering from the neighboring properties. Currently, we are proposing a Primary Conservation Area consisting of ±24.4 acres and a Secondary Conservation Area consisting of ±12.9 acres (see Rezoning site plan for breakdown of these areas). The proposed residential net density for the proposed

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**AUG 07 2015** 2180 Satellite Boulevard / Suite 400-15 / Duluth, Georgia 30097  
(404) 355-6700 Phone (404) 355-6760 Fax

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www.inlandgrp.com

development is 2.63 units per acre (as submitted). The maximum density permitted under OSC with the Bonus Density factored in is 2.7 units per acre which would equate to 227 residential lots.

The proposed residential houses for the OSC development will consist of full masonry front elevations that will include brick, stone, and a mixture of both materials types either together or separate. Additional the front elevations will include wood and metals accent along with residential style windows and doors. The side elevations will include a masonry water table that matches or compliments the front elevation up to a maximum height of 30 inches tall from the FFE of the first floor elevation. The balance of the side elevations will include wood, cement siding, and stucco type finishes. The rear elevations will include wood, cement siding, and stucco type finishes that match the pre-dominate side elevation building material. Most residential homes will have a craftsman style finish with treatments and paint schemes that are within the earth tone color palate. All residential homes will include a minimum two-car garage with some having single garage doors and others having double garage doors. A completed home in this proposed residential development will cost in excess of \$400,000.00 or more depending of finishes, and basements.

Currently, the Subject Property is not served by public sanitary sewer, and the nearest public sanitary service is approximately 6,000 linear feet away following the Yellow River to an adjacent apartment complex. After meeting with Gwinnett County Water and Sewer officials, we are proposing to provide gravity flow sanitary sewer to the Subject Property and have budgeted over \$1,500,000.00 to extend an 8 inch service to the southeast corner of the Subject Property. This proposed sewer solution will entail numerous easements from the adjacent land owners and those will be up to the Applicant to obtain after the Rezoning of the Subject Property from R-100 to OSC. The Yellow River, within the limits of the Subject Property, has been classified as an Impaired Stream Segment due to the increased levels of fecal content of the thousands of septic sewer properties in this part of Gwinnett County. Extending sanitary sewer to the Subject Property is a must for the proposed development to be created, but it also greatly improves the current utilities of Gwinnett County and will bring this much needed infrastructure to this part of Lilburn, GA.

We respectfully request your approval of this request for the Rezone from R-100 to OSC for the proposed residential development on the Subject Property. The proposed use on the Subject Property is consistent with the 2030 Unified Plan and creates an opportunity for a long term infrastructure improvement in an area that has been determined to be Impaired. Furthermore, there are other similar developments within five miles of the Subject Property being currently constructed with similar type residential structures and amenities. We are available to meet with the County staff and District Representatives at any time to further discuss the merits of this Application upon request.

Thank you for your consideration of this Application.

Sincerely,



Eric Johansen, RLA  
Inland Group, LLC  
Agent for the Applicants

cc: Applicant  
File

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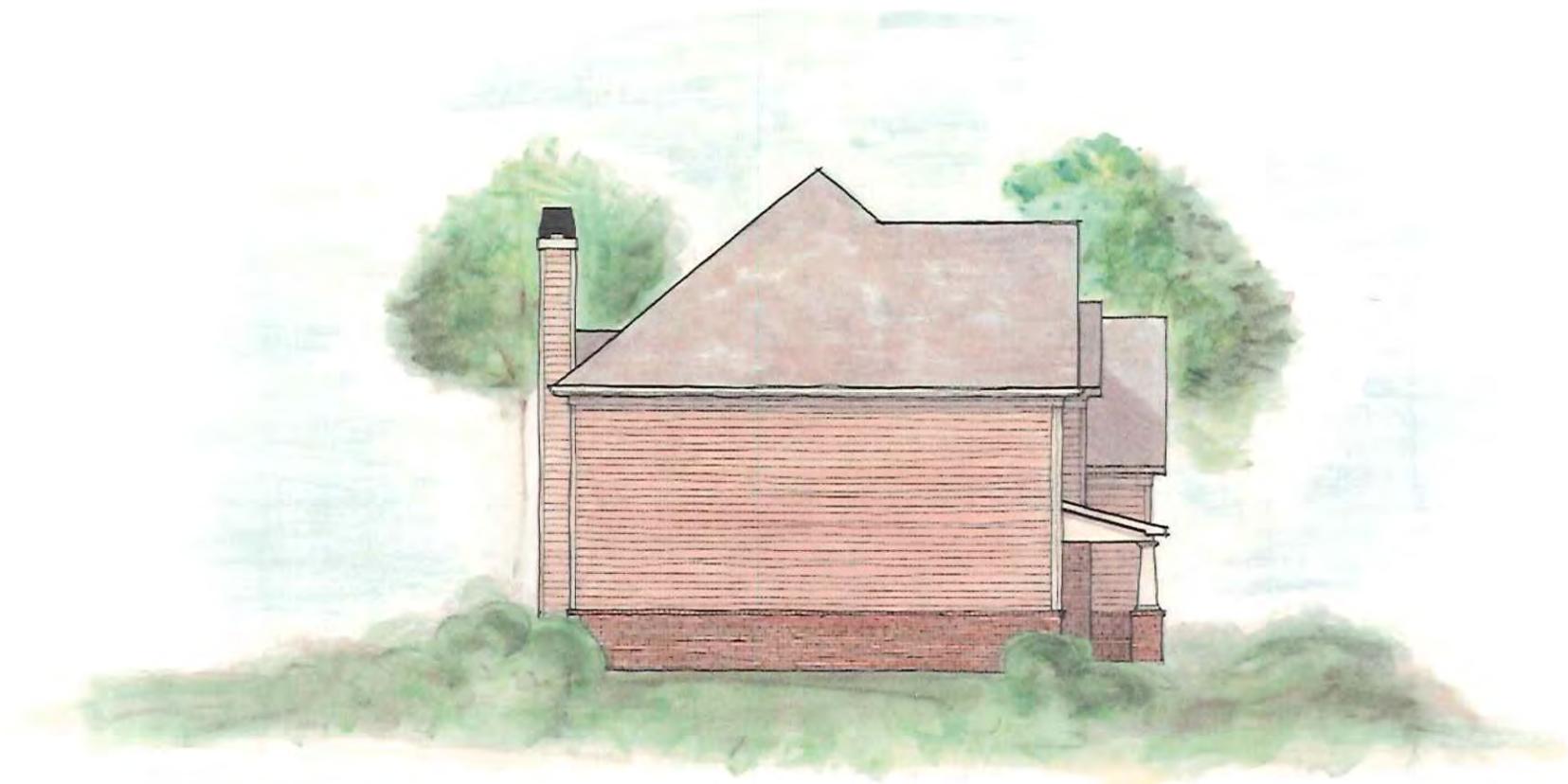


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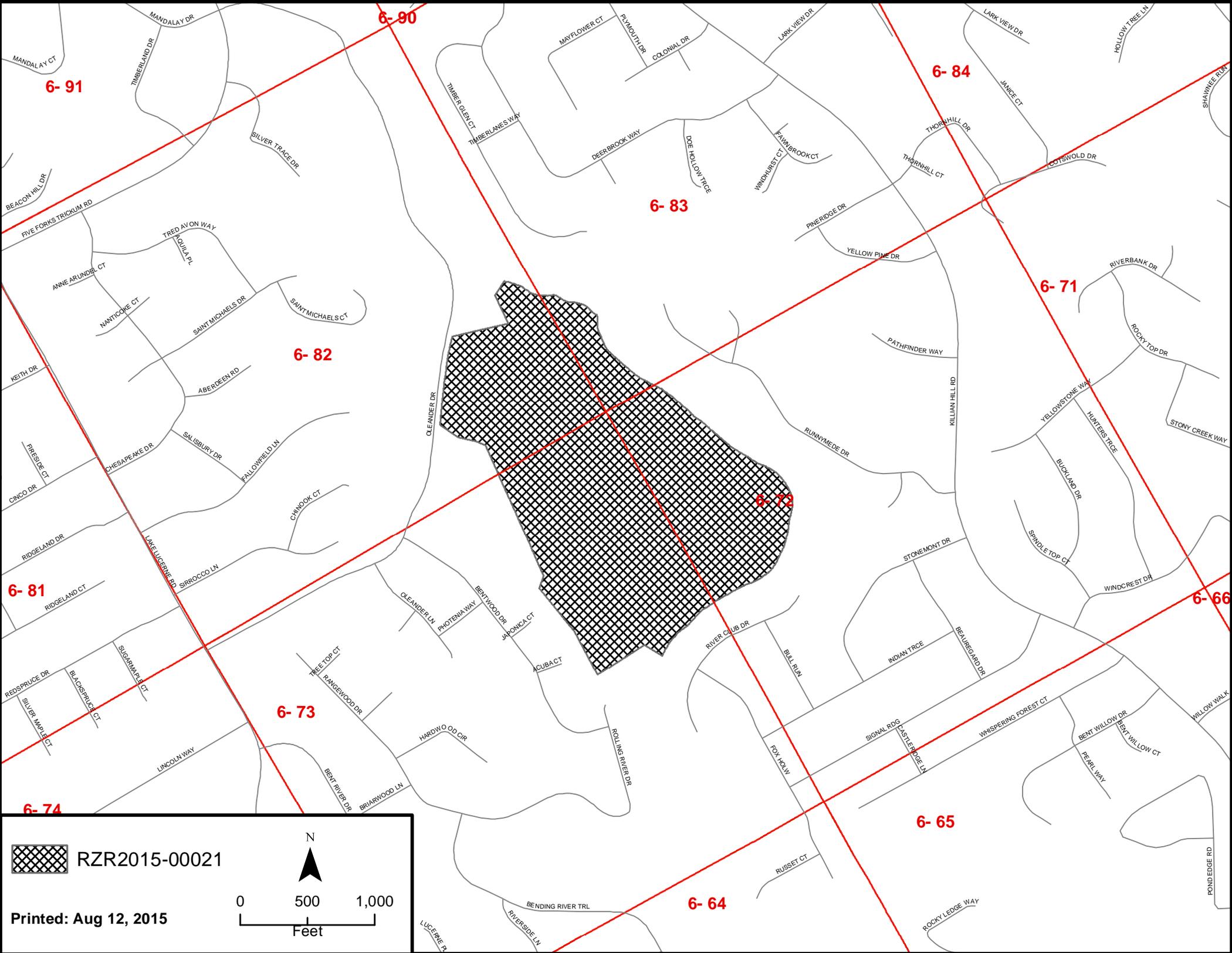
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**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, October 2015 Agenda**

Case #	Schools	Current Projections									Proposed Zoning  Approximate additional Student Projections from Proposed Developments
		2015-16			2016-17			2017-18			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2015-00007	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	29
	Hull MS	<b>1352</b>	1,750	-398	<b>1345</b>	1,750	-405	<b>1339</b>	1,750	-411	22
	Parsons ES	<b>844</b>	700	144	<b>858</b>	700	158	<b>872</b>	700	172	45
RZR2015-00017	<b>Brookwood HS</b>	<b>3407</b>	2,575	832	<b>3391</b>	2,575	816	<b>3375</b>	2,575	800	6
	Crews MS	<b>1267</b>	1,150	117	<b>1256</b>	1,150	106	<b>1245</b>	1,150	95	5
	Craig ES	<b>1066</b>	1,250	-184	<b>1058</b>	1,250	-192	<b>1050</b>	1,250	-200	9
RZR2015-00018	<b>Mountain View HS</b>	<b>2118</b>	2,300	-182	<b>2139</b>	2,300	-161	<b>2161</b>	2,300	-139	11
	Twin Rivers MS	<b>1604</b>	1,725	-121	<b>1620</b>	2,075	-455	<b>1636</b>	2,075	-439	9
	Freeman's Mill ES	<b>887</b>	925	-38	<b>883</b>	925	-42	<b>878</b>	925	-47	18
RZR2015-00019	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	26
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	20
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	40
RZR2015-00020	<b>Duluth HS</b>	<b>2734</b>	2,650	84	<b>2775</b>	2,650	125	<b>2817</b>	2,650	167	7
	Duluth MS	<b>2013</b>	1,750	263	<b>2073</b>	1,750	323	<b>2136</b>	1,750	386	5
	Harris ES	<b>858</b>	750	108	<b>867</b>	750	117	<b>875</b>	750	125	10
RZR2015-00021	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	57
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	41
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	80
RZR2015-00022	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	6
	Northbrook MS	<b>977</b>	1,025	-48	<b>988</b>	1,025	-37	<b>999</b>	1,025	-26	4
	Jackson ES	<b>1643</b>	1,450	193	<b>1676</b>	1,450	226	<b>1709</b>	1,450	259	9

Current projections do not include new developments



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24 HOUR CONTACT: MR. CHAZ WATERS (404) 277-4230 cell chaz@inlandilc.com



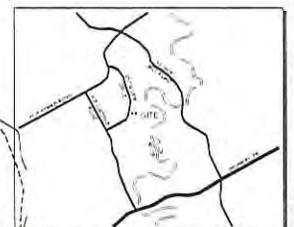
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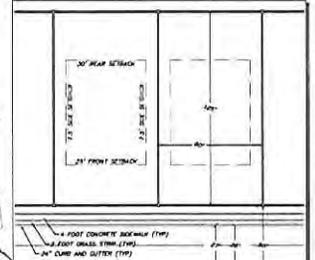
STATE OF GEORGIA



SITE LOCATION MAP

GENERAL NOTES:

- 1. THE PLANNING AND CONSTRUCTION OF THIS PROJECT IS THE RESPONSIBILITY OF THE DEVELOPER. THE PLANNING AND CONSTRUCTION OF THIS PROJECT IS THE RESPONSIBILITY OF THE DEVELOPER. THE PLANNING AND CONSTRUCTION OF THIS PROJECT IS THE RESPONSIBILITY OF THE DEVELOPER.



TYPICAL LOT LAYOUT (30 SCALE)

OSC LOT STANDARDS table with columns for setback type and distance in feet.

REVISIONS:

Revisions table with columns for date, description, and initials.

REZONING SITE PLAN - I

Scale and date information table.



Know what's below. Call before you dig.



LEGAL DESCRIPTION:

ALL THAT TRACT OR PARCELS OF LAND LYING AND BEING IN LAND LOTS 1 TO 222, IN AC. 83 OF THE 38TH STREET, GANNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SITE DATA CHART:

Site Data Chart table listing zoning, tax parcel, area, density, and other project specifications.

COMMON AREA SUMMARY:

Common Area Summary table listing gross area, total conservation areas, and density bonus calculations.

CONSERVATION LEGEND:

Conservation Legend table defining primary and secondary conservation areas.







SANT MICHAEL'S SQ

CLELAND DR

RUNWATER CT

RUNWATER CT

CLELAND DR

PACIFIC HWY

BEYWOOD

WINDY CT

ACUBA CT

RIVER CLUB DR

BEAUFORT

STANTON WAY

FOXMOOR

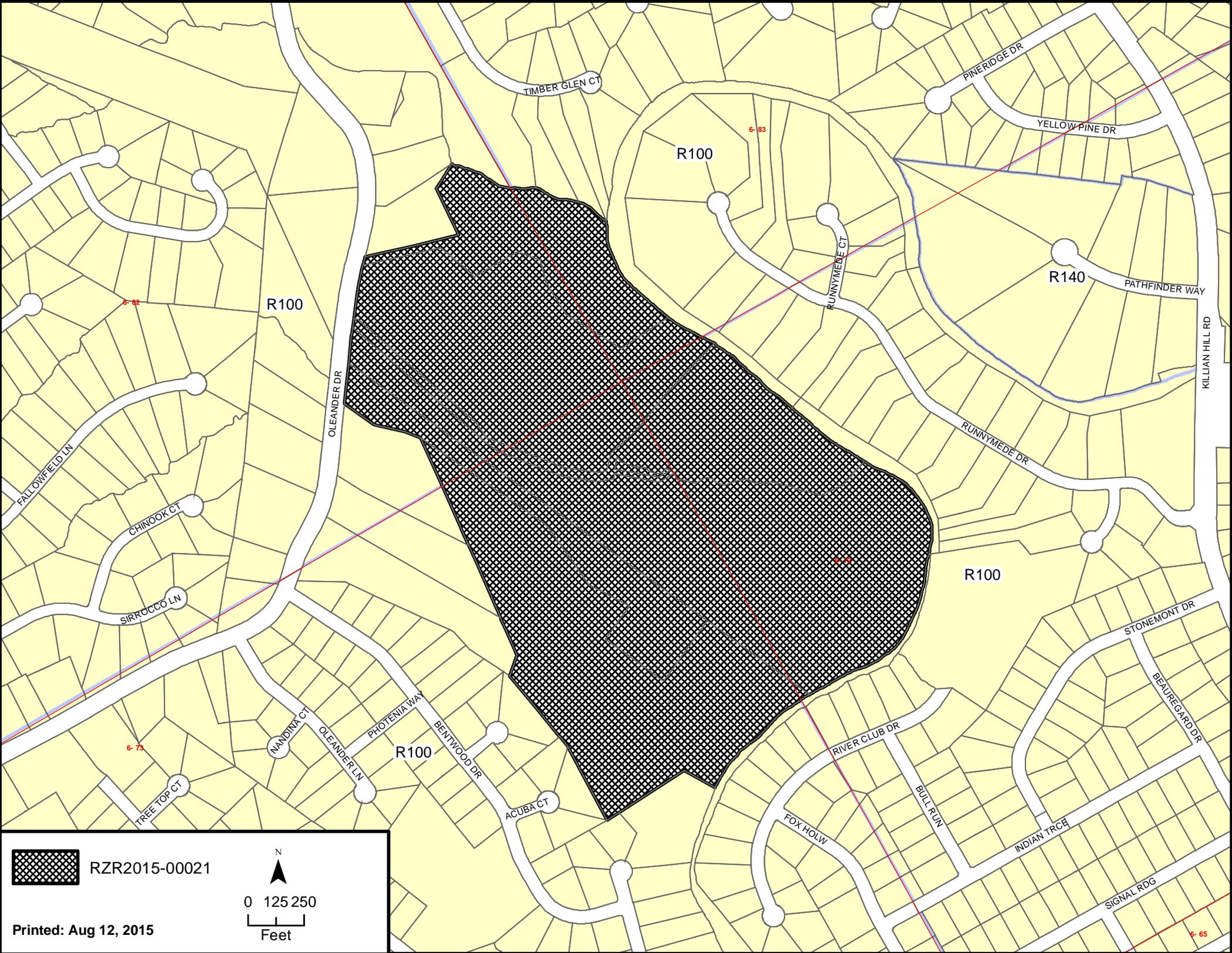
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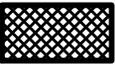
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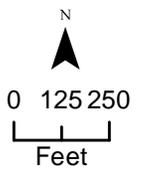
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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

CASE NUMBER :**RZR2015-00022**  
ZONING CHANGE :R-100 TO R-60  
LOCATION : 2100 BLOCK OF SUGAR SPRINGS DRIVE  
: 2000 BLOCK OF LIBERTY BELL PLACE  
MAP NUMBERS :R7082 038 & 093  
ACREAGE :10.80 ACRES  
UNITS :24 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(1) BROOKS

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

APPLICANT: PULTE GROUP, INC.  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

CONTACT: MITCH PEEVY                      PHONE: 770.614.6511

OWNER: DAVID & STACEY MILLER  
SCOTT PFUND  
C/O MILLCREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests rezoning of a 10.80-acre parcel assemblage from R-100 (Single Family Residence District) to R-60 (Single Family Residence District) for the construction of a single-family subdivision. The site is located near the eastern side of Sugarloaf Parkway, between North Brown Road and Sugar Valley Drive, across from Sugarloaf Mills Mall. The property is heavily wooded and contains two single-family dwellings, streams and a pond.

The submitted site plan shows 24 lots on 10.80-acres, resulting in a gross and net density of 2.22 units per acre, as the property does not contain floodplain. The R-60 zoning district requires a minimum lot width of 60 feet, and a minimum lot area of 7,200 square feet. The property is located between the Jefferson Station (north) and Sugarloaf Springs (south) single-family subdivisions, and is separated from Sugarloaf Parkway by County owned greenspace which is not part of this request. Two roadways in the adjoining subdivisions provide the only street frontages for the tracts (Liberty Bell Place and Sugar Springs Drive); however, the applicant is proposing to sole access the site through a street connection to Sugarloaf Parkway,

with no access proposed to the adjacent subdivisions. A storm water detention area is shown in the northern portion of the property, adjacent to a stream which flows into a pond located near the southwest portion of the property. The site plan depicts the required 50-foot stream buffer, and 75-foot impervious surface setback along the stream and pond.

The applicant proposes a minimum dwelling size of 2,800 square feet. The exterior of the dwellings would be constructed of brick and stone on the front façade, with the remaining sides and rear consisting of fiber-cement siding. Each home would also include a two-car garage.

#### ZONING HISTORY:

The subject property has been zoned R-100 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 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 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).

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 United States 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 access easement (if private street). Location and access must be approved by Gwinnett County D.O.T.

#### STORMWATER REVIEW SECTION COMMENTS:

No comment.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Sugar Springs Drive is a Local Residential Street and 25 feet of right-of-way is required from centerline.

Liberty Bell Place is a Local Residential Street and 25 feet of right-of-way is required from 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.

Minimum separation from a driveway, public road or side street shall be provided as specified in the Gwinnett County Unified Development Ordinance.

The preferred spacing between median breaks shall be 2,000 feet between centerlines of the openings, and the minimum spacing for median breaks shall be 1,000 feet between centerlines of the openings.

**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 an 8 inch water main located on the NW right-of-way of Liberty Bell Place and an 8 inch water main located on the NW right-of-way of Sugar Springs 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 +/- 29 feet SE of parcel 7-082-038 on the right-of-way of Sugar Springs Drive and a 8 inch sanitary sewer main located +/- 183 feet South of parcel 7-082-093 on the right-of-way of Sugar Valley Land and a 18 inch sanitary sewer main located West of parcel 7-082-093 in the right-of-way of Sugarloaf Parkway.

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:**

No comment.

## GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

## DEPARTMENT ANALYSIS:

The subject property is located just east of the Sugarloaf Parkway corridor, between North Brown Road and Sugar Valley Drive. The site currently contains two single-family homes and associated accessory structures, which would be removed. The property is heavily wooded, and also contains a stream bisecting the site and feeding into a small pond.

The 2030 Unified Plan Future Development Map indicates the property is located within an Existing/Emerging Suburban Character Area. Policies of the Unified Plan for this character area encourage residential in-fill developments with densities and character compatible with existing single-family developments. The proposed rezoning is not supported by these policies of the Unified Plan, as the adjoining single-family developments are zoned R-100 and R-75, and are constructed with substantially wider and larger lots than those proposed by the applicant.

The surrounding area is characterized by a mixture of both developed and undeveloped commercially zoned land located along Sugarloaf Parkway, with single-family residential developments being located east of the commercial corridor. Sugarloaf Mills mall lies across Sugarloaf Parkway to the west, buffered by the aforementioned County green space strip. Immediately to the east is a portion of the Sugarloaf Springs subdivision zoned R-100 and immediately to the south is a portion of Sugarloaf Springs subdivision, zoned R-75, pursuant to RZ-97-124. Immediately to the north is the Jefferson Station subdivision zoned R-100. The requested R-60 zoning is not considered compatible with the R-100 and R-75 zoning of the adjoining subdivisions, and may not be appropriate for the subject property.

In conclusion, the requested R-60 zoning may not be considered consistent with policies of the Unified Plan and could adversely affect established single-family subdivision developments in the general vicinity, through the introduction of an incompatible lot sizes and densities of development. 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 choose to approve the request.

Approval as R-75 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.
  - B. The minimum heated floor area per dwelling unit shall be 2,400 square feet.
  - C. Homes shall be constructed with three sides of brick and/or stacked stone. The balance of the home may be the same or of fiber-cement shake or siding, with a minimum three-foot masonry water table.
  - D. All dwellings shall have at least a double-car garage.
2. To satisfy the following site development considerations:
  - A. Provide a minimum 25-foot wide construction buffer adjacent to homes in the Sugarloaf Springs and Jefferson Station subdivisions.
  - B. Natural vegetation shall remain on the property prior to the issuance of a Development Permit.
  - C. Underground utilities shall be provided throughout the development.
  - D. All grassed areas on dwelling lots shall be sodded.
  - E. Storm water detention pond(s) shall be screened from the view of adjoining residential properties. Screening plans shall be subject to review and approval of the Director of Planning and Development.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

In light of the adjoining R-100 and R-75 zoning and developments, an R-60 rezoning may not be suitable at this location. A development in the R-75 zoning district could be more appropriate given the neighboring subdivisions in the area.

ADVERSE IMPACTS

Adverse impacts on neighboring properties could be anticipated from the introduction of an incompatible zoning classification, density and lot dimension standard.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in traffic, utilities usage, storm water runoff, and the number of school-aged children could be anticipated from this request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within the Existing/Emerging Suburban Character Area, the policies of which do not support the requested R-60 zoning at this location. The requested R-60 may be out of character with existing R-100 and R-75 single-family developments in the area, and inconsistent with the policies of the Unified Plan for infill development in this Character Area.

CONDITIONS AFFECTING ZONING

Access for the development is proposed across County-owned green space. To achieve access as proposed, an easement from the County would be required. In the absence of such an easement, access would be necessary through the existing internal streets of the adjoining developments.

STANDARDS GOVERNING 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:

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

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

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

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

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

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

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

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

THE SUBJECT PROPERTY IS DESIGNATED AS EXISTING/EMERGING SUBURBAN

(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 LETTER OF INTENT.

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RZR '15 022

Planning & Development

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of 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, and Article P, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

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PLANNING DIVISION USE ONLY

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## REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Pulte Group, Inc., requests rezoning on 10.804 acres for the purpose of developing a Single Family detached subdivision. In order to develop the site as proposed, the Applicant respectfully requests a rezoning from R-100 to R-60. The subject property is located at 2055 Liberty Bell Place and 2129 Sugar Springs Drive and is found in the 7th district, land lot 082 in Gwinnett County.

The enclosed site plan indicates 24 units on the subject site. The site plan shows that the project will have one entrance from Sugarloaf Parkway and no connection to the existing subdivisions. The minimum heated square footage for the homes will be 2,800 sf to 4,600sf with a maximum height for the proposed dwellings 35'. The exterior of all dwellings will consist of brick or stone on the front façade with accents of fiber cement siding. The balance of the home may be the same or wood, cedar shake or fiber cement siding. Price range for the units will be from the mid \$300s to the low \$500s. This property will be in walking distance to several restaurants as well as all of the other commercial\ retail uses in the area surrounding Sugarloaf Mills.

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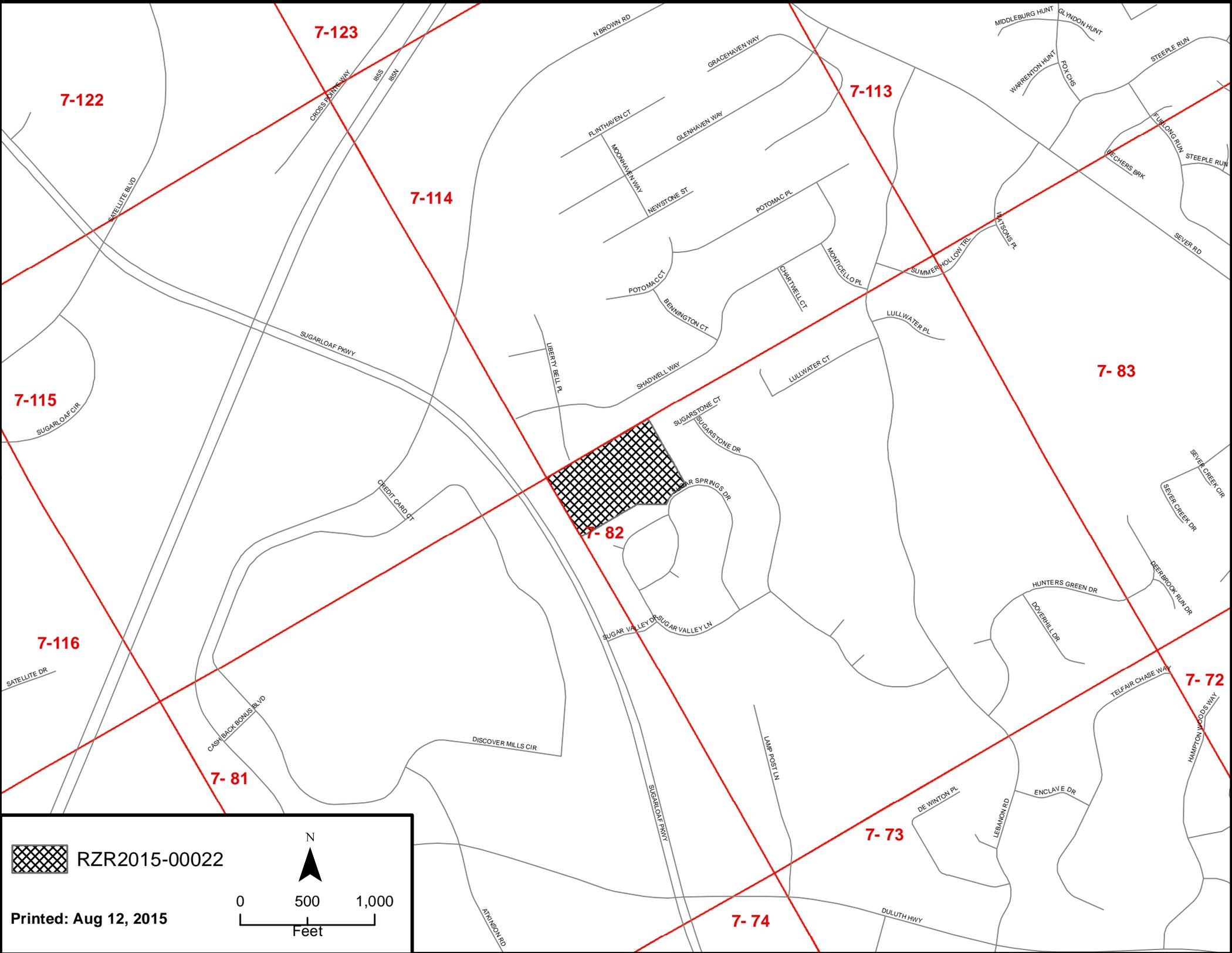
The Continental  
3000 sq. ft.  
Call Home 1-800-XXX-XXXX

**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, October 2015 Agenda**

Case #	Schools	Current Projections									Proposed Zoning  Approximate additional Student Projections from Proposed Developments
		2015-16			2016-17			2017-18			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2015-00007	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	29
	Hull MS	<b>1352</b>	1,750	-398	<b>1345</b>	1,750	-405	<b>1339</b>	1,750	-411	22
	Parsons ES	<b>844</b>	700	144	<b>858</b>	700	158	<b>872</b>	700	172	45
RZR2015-00017	<b>Brookwood HS</b>	<b>3407</b>	2,575	832	<b>3391</b>	2,575	816	<b>3375</b>	2,575	800	6
	Crews MS	<b>1267</b>	1,150	117	<b>1256</b>	1,150	106	<b>1245</b>	1,150	95	5
	Craig ES	<b>1066</b>	1,250	-184	<b>1058</b>	1,250	-192	<b>1050</b>	1,250	-200	9
RZR2015-00018	<b>Mountain View HS</b>	<b>2118</b>	2,300	-182	<b>2139</b>	2,300	-161	<b>2161</b>	2,300	-139	11
	Twin Rivers MS	<b>1604</b>	1,725	-121	<b>1620</b>	2,075	-455	<b>1636</b>	2,075	-439	9
	Freeman's Mill ES	<b>887</b>	925	-38	<b>883</b>	925	-42	<b>878</b>	925	-47	18
RZR2015-00019	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	26
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	20
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	40
RZR2015-00020	<b>Duluth HS</b>	<b>2734</b>	2,650	84	<b>2775</b>	2,650	125	<b>2817</b>	2,650	167	7
	Duluth MS	<b>2013</b>	1,750	263	<b>2073</b>	1,750	323	<b>2136</b>	1,750	386	5
	Harris ES	<b>858</b>	750	108	<b>867</b>	750	117	<b>875</b>	750	125	10
RZR2015-00021	<b>Parkview HS</b>	<b>2964</b>	2,500	464	<b>3014</b>	2,500	514	<b>3066</b>	2,500	566	57
	Trickum MS	<b>2038</b>	1,750	288	<b>2069</b>	1,750	319	<b>2100</b>	1,750	350	41
	Mountain Park ES	<b>582</b>	450	132	<b>588</b>	450	138	<b>594</b>	450	144	80
RZR2015-00022	<b>Peachtree Ridge HS</b>	<b>3213</b>	2,650	563	<b>3197</b>	2,650	547	<b>3181</b>	3,025	156	6
	Northbrook MS	<b>977</b>	1,025	-48	<b>988</b>	1,025	-37	<b>999</b>	1,025	-26	4
	Jackson ES	<b>1643</b>	1,450	193	<b>1676</b>	1,450	226	<b>1709</b>	1,450	259	9

Current projections do not include new developments





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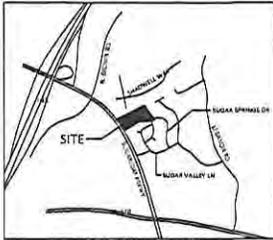
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REZONING DATA:

PROJECT ID: 150207150202  
 CITY ADDRESS: SUGARLOAF PARKWAY  
 ORDINA AREA: APPROX. 12.88 AC.  
 SPLITTY EXIST. AREA  
 NET AREA

EXISTING ZONING: R-100  
 PROPOSED METRAGES:  
 FRONT: 45 FEET  
 SIDE: 40 FEET  
 REAR: 40 FEET  
 MIN. LOT AREA: 15,000 SQ. FT.  
 MIN. LOT WIDTH: 100 FEET  
 MAX. DENSITY: 4 U  
 MIN. HEATED FLOOR AREA: 2,500 SQ. FT.

PROPOSED LOT: 12  
 PROPOSED USE: RESIDENTIAL, SINGLE-FAMILY DETACHED  
 PROP. DENSITY: 2.24 UNITS PER ACRE  
 PROP. NET DENSITY: 2.24 UNITS PER ACRE EXCLUDING  
 PROP. LOT WIDTH: 48 FT  
 PROP. LOT DEPTH: 128 FT

PROPOSED ZONING: R-100  
 PROPOSED METRAGES:  
 FRONT: 33 FEET  
 SIDE: 25 FEET  
 REAR: 30 FEET  
 500 MIN. LOT AREA: 7,500 SQ. FT.  
 500 MIN. LOT WIDTH: 60 FEET  
 500 MAX. DENSITY ALLOWED: 4.0 UNITS PER ACRE  
 MIN. HEATED FLOOR AREA: 1,800 SQ. FT.  
 MIN. OPEN SPACE REQUIRED: NA  
 OPEN SPACE PROVIDED: 1A



THE FRUIT GROUP  
 1000 W. 10TH ST. SUITE 100  
 CHICAGO, IL 60607  
 TEL: 312.467.1000  
 FAX: 312.467.1001  
 WWW.FRUITGROUP.COM



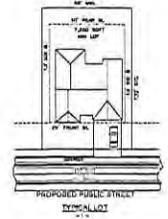
CARTER & CLARK  
 ENGINEERS, ARCHITECTS, PLANNERS  
 1000 W. 10TH ST. SUITE 100  
 CHICAGO, IL 60607  
 TEL: 312.467.1000  
 FAX: 312.467.1001  
 WWW.CARTERANDCLARK.COM

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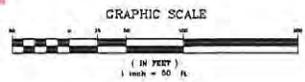
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SUGARLOAF PARKWAY TRACT  
 150207150202  
 ZONING CONCEPT PLAN

SHEET IDENTIFICATION  
 1



SHADWELL WAY

LIBERTY BELL PL

SUGARSTONE CT  
SUGARSTONE DR

SUGARLOAF PKWY  
SUGARLOAF PKWY

SUGAR VALLEY LN

SUGAR SPRINGS DR

SUGAR LAKE CT

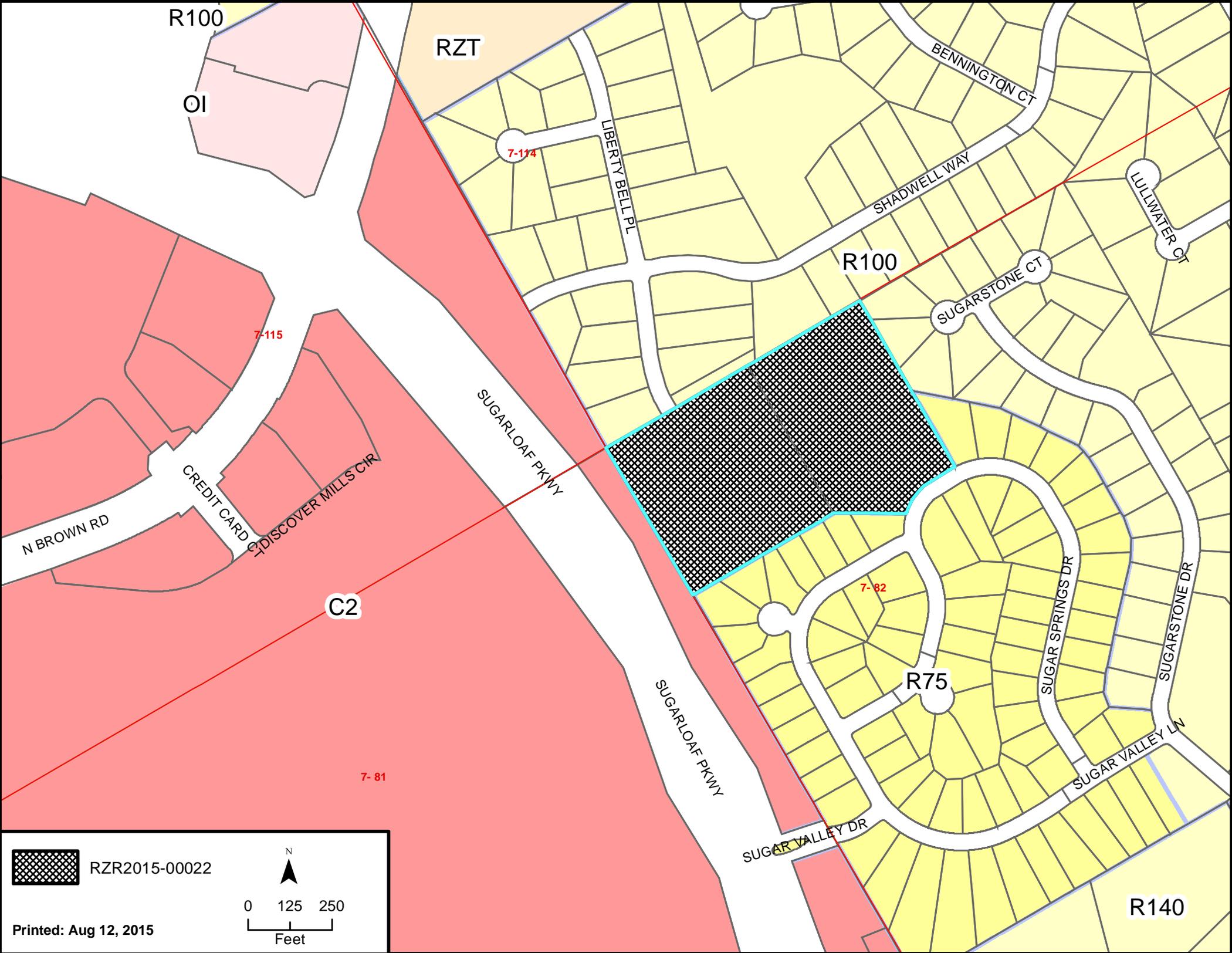


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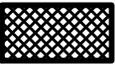
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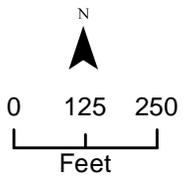
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Printed: Aug 12, 2015

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

CASE NUMBER :**CIC2015-00018**  
ZONING :C-2  
LOCATION :900 BLOCK OF DULUTH HIGHWAY  
MAP NUMBER :R7032 006  
ACREAGE :7.91 ACRES  
SQUARE FEET :17,768 SQUARE FEET  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT :(I) BROOKS

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

APPLICANT: MAHAFFEY PICKENS TUCKER, LLP  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACT: SHANE LANHAM OR LEE TUCKER PHONE: 770.232.0000

OWNER: NLA LAWRENCEVILLE, LLC  
250 WASHINGTON STREET  
PRATTVILLE, AL 36067

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a Change in Conditions of a 1988 rezoning case (RZ-26-88) to delete three conditions related to the original site plan and outparcel development. The subject property is a 7.91-acre parcel located on the south side of Duluth Highway, west of the Lawrenceville Suwanee Road intersection. The site is zoned C-2 (General Business District), and subject to conditions of rezoning case RZ-26-88.

The first request is to delete Condition I of RZ-26-88 which currently reads as follows:

I. That the site is to be developed as an extension of the abutting C-2 property as shown on the site plan submitted by Dowling Architects, dated February 3, 1988.

The applicant requests to remove Condition I in its entirety.

The second request is to delete Condition 2.B. which currently reads as follows:

2.B. The extension of one outparcel shown is permitted.

The applicant requests to remove Condition 2.B. in its entirety.

The third request is to delete Condition 3.D. in its entirety which currently reads as follows:

3.D. Provide interparcel access to outparcel and main shopping center.

The applicant requests to remove Condition 3.D. in its entirety.

The submitted site plan for this request is substantially different from the original site plan referenced in Condition 1. In 1988, the subject site was proposed to be combined with C-2 zoned property to the south for a larger shopping center on a larger tract of land. Since the 1988 rezoning, a portion of the original site to the south has been developed as a separate small office park and two smaller commercial shopping centers.

The proposed site plan indicates two multi-tenant buildings for a total of approximately 17,800 square feet. There are no additional outparcels proposed on the site. However, the site plan does indicate interparcel access to the existing shopping to the east, and staff would recommend that be required. Staff notes that prior to the filing of this CIC application, Development and Building permits were issued on the subject property that are in conformance with the existing C-2 conditions.

The 2030 Unified Plan Future Development Map indicates the property lies within a Research and Development Corridor Character Area. Policies for this character area support certain freestanding retail establishments. Properties along this portion of Duluth Highway are also zoned C-2 and developed for various shopping centers and free-standing commercial uses. The requested condition changes could be viewed as consistent with the Unified Plan.

The area surrounding the subject site is primarily zoned and developed for a variety of commercial uses. Adjacent to the east and southeast of the site are two small multi-tenant shopping centers, zoned C-2 (General Business District). Directly to the south are three existing office buildings, also zoned C-2. Properties to the southwest are zoned RM and RM-13 and are developed as multi-family apartment complexes. Adjacent to the west is property zoned C-2 and developed as a car wash. Properties across Duluth Highway are also zoned C-2 and developed as shopping centers and commercial outparcels. Given the intense commercial nature of the area and variety of building sizes and configurations, the requested change from a larger shopping center to smaller buildings is appropriate on this site.

The proposed change in conditions could be consistent with development in the immediate area, provided that interparcel access is still provided to the property to the east. The request is also consistent with the Unified Plan and with the nature of surrounding commercial uses. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

#### ZONING HISTORY:

In 1970, the property was zoned R-100 (Single Family Residence District). In 1988, the site was part of a larger tract rezoned to C-2 (General Business District), pursuant to RZ-26-88.

**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.

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 15-foot building setback is required from the right-of-way of Duluth 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.

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:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Duluth Highway is a State Route and Georgia D.O.T. right-of-way requirements govern.

Coordinate with the Georgia D.O.T. regarding access.

**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 24-inch water main located on the northeastern right-of-way of Duluth 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 Patterson 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 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 our 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

RZ-26-88 conditions with:  
Additions in **bold**  
Deletions in strikethrough

Approval as C-2 (Change in Conditions), subject to the following enumerated conditions:

1. ~~That the site is to be developed as an extension of the abutting C-2 property as shown on the plan submitted by Dowling Architects, dated February 3, 1988.~~
2. To restrict the use of the property as follows:
  - A. Retail and service commercial and accessory uses ~~at a maximum density of 10,000 square feet of gross floor area per acre zoned, including outparcels.~~ **The following uses shall be prohibited:**
    - **adult bookstores or entertainment**
    - **automotive parts stores**
    - **contractors offices**
    - **emissions inspection stations**
    - **equipment rental**
    - **extended stay hotels or motels**
    - **recovered materials processing facilities**
    - **smoke shops/novelty stores**
    - **tattoo parlors**
    - **taxidermists**
    - **yard trimmings composting facilities**
  - B. ~~The extension of one outparcel shown is permitted.~~
  - C. Limit the height of the buildings to no more than one story.
  - D. **Final building elevations, including all exterior tenant modifications, shall be submitted for review by the Director of Planning and Development.**
3. To satisfy the following site development considerations:
  - A. Provide a 75 foot natural buffer **adjacent to residentially-zoned properties.** ~~undisturbed except for approved access and utility crossings and dense evergreen replantings where sparsely vegetated, except that a similar 25 foot buffer adjacent to the relocated power line easements to be provided.~~
  - B. Provide a 10 foot wide landscape strip outside the new dedicated right-of-way of Ga. Highway 120.

- C. ~~No more than three (3) Exits/entrances on Ga. Highway 120 shall be subject to the Ga. Dept. of Transportation approval.~~
- D. Provide interparcel access to ~~outparcel and main~~ **the shopping center to the east.**
- E. No billboards are permitted.
- F. ~~Sign regulations, parking, setbacks and landscaping as required by the 1985 Zoning Resolution as amended shall be met as minimum standards for this development.~~
- G. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the cabinet shall be fully surrounded by the same materials. Ground sign(s) shall not exceed 10 feet in height.**
- H. Outdoor storage shall be prohibited.**
- I. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.**
- J. Outdoor loudspeakers shall be prohibited.**
- K. 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.**
- L. 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.**
- M. Peddlers and/or parking lot sales shall be prohibited.**
- N. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.**

4. To abide by the following requirements, dedications and improvements:
  - A. ~~Dedicate at no cost to Gwinnett County prior to the issuance of a development permit, 60 feet of right of way from the centerline of Ga. Highway 120.~~
  - B. Improve Ga. Highway 120 along the entire property frontage as per Ga. Department of Transportation specifications.
  - C. Design required on-site storm water detention facilities such that they are not located within any required buffers.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested changes in conditions for the proposed commercial development may be suitable in light of the surrounding commercial nature of the area, and the abandoned original plans for a large-anchor shopping center.

ADVERSE IMPACTS

With appropriate conditions and limitations, the request may not significantly impact adjacent or nearby properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

No significant change in impacts on public facilities is anticipated from this request.

CONFORMITY WITH POLICIES

This request could be considered compatible with policies of the 2030 Unified Plan provided the attached recommended conditions are incorporated into the development.

CONDITIONS AFFECTING ZONING

Staff's recommended changes to the conditions could serve to ensure consistency with the surrounding commercial area.

**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:

Please see attached

---

- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

Please see attached

---

- (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:

Please see attached

---

- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS:

Please see attached

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

- (A) The proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property. The subject property sits on an established commercial corridor and the surrounding area contains commercial and multi-family development. The proposed change in conditions will allow the property to be developed for commercial uses similar to surrounding properties.
- (B) The proposed change in conditions will not adversely affect the existing use or usability of adjacent or nearby property. The subject property is currently vacant and the proposed development will enhance adjacent and nearby property.
- (C) In light of market conditions, site-specific topography and design layout, the property to be affected by the proposed change in conditions does not have reasonable economic use as currently zoned.
- (D) The proposed change in conditions will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or schools. The surrounding infrastructure is built to accommodate a major commercial corridor development such as the development currently existing on adjacent and nearby properties. The change in conditions will allow the property to be developed in conformity with surrounding properties.
- (E) The proposed change in conditions is in conformity with the policy and intent of the Land Use Plan. The proposed development currently includes plans for a medical office and related restaurant and retail development. These proposed uses are consistent with current and projected development in the surrounding area.
- (F) Development of the subject property for uses other than the proposed limited retail uses is significantly limited due to extreme engineering and site development challenges. The site features extensive utilities and steep topography as well as challenges posed by extensive easements, stream setbacks and buffers which essentially prohibit development on the southern half of the site.

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Kelly O. Faber  
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Jill H. Harris\*

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 CHANGE IN CONDITIONS APPLICATION OF  
BARNHART COMMERCIAL DEVELOPMENT, LLC**

The property which is the subject of this Application is currently zoned C-2 for general business as a part of RZR-26-88 approved by Resolution of the Board of Commissioners of Gwinnett County, Georgia on February 23, 1988 (the "Resolution"). Said Resolution contained conditions governing the development of the subject property. The original rezoning application submitted in 1988 was a part of a larger proposed development as shown on the original site plan (the "1988 Site Plan") attached hereto. The original proposed development envisioned a larger commercial development with an anchor tenant and an adjoining strip retail center at the southwest corner of Duluth Highway and Lawrenceville-Suwanee Road. The Applicant is now in the process of developing the property according to current market as well as site conditions and files this Application requesting that three of the conditions of zoning be changed so as to be compatible with the manner in which the Applicant seeks to further develop its property.

Condition 1 of the Resolution currently reads as follows:

"That the site is to be developed as an extension of the abutting C-2 property as shown on the plan submitted by Dowling Architects, dated February 3, 1988."

The Applicant respectfully requests that Condition 1 be removed in its entirety. The larger commercial development of adjoining parcels as represented on the 1988 Site Plan never

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materialized. Because the 1988 Site Plan is no longer applicable and does not represent current site conditions, compliance with Condition 1 is impossible.

Condition 2B of the Resolution currently reads as follows:

“The extension of one outparcel shown is permitted.”

The Applicant respectfully requests that Condition 2B be removed in its entirety. Condition 2B was placed on the subject property in contemplation of a larger commercial development which never occurred. The surrounding area and adjoining parcels have since been developed under alternative site plans. The development currently proposed includes two lots to be developed with two to three tenants per building. Because the 1988 Site Plan is no longer applicable and does not represent current site conditions, compliance with Condition 1 is impossible.

Condition 3D of the Resolution currently reads as follows:

“Provide interparcel access to outparcel and main shopping center.”

The Applicant respectfully requests that Condition 3D be removed in its entirety. Condition 3D was also placed on the subject property in contemplation of a larger commercial development which never occurred. The surrounding area and adjoining parcels have since been developed under alternative site plans. Though the “main shopping center” was never built, the property adjoining the subject property on the east boundary line was developed and the current site plan provides interparcel access to this property. However, since the “main shopping center” was never developed, compliance with Condition 3D is impossible.

The Applicant respectfully requests your approval of the Change of Conditions application submitted herewith and welcomes the opportunity to meet with staff of the Gwinnett

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County Department of Planning & Development to address any concerns and answer any questions that they may have.

This 2nd day of July, 2015.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



---

Shane M. Lanham

*Attorneys for the Applicant*

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CASE NUMBER RZ-26-88

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

At the regular meeting of the Gwinnett County Board of Commissioners held in the Berkmar High School Cafeteria, 405 Pleasant Hill Road, Lilburn, Georgia.

-----

Present

VOTE

Lillian Webb, Chairman	<u>AYE</u>
Ken Suffridge, District 1	<u>AYE</u>
Scott Ferguson, District 2	<u>AYE</u>
Mike Berg, District 3	<u>AYE</u>
Don Loggins, District 4	<u>AYE</u>

-----

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 to C-2

CASE NUMBER RZ-26-88

by RON CURRY AND RALPH ABERCIA  
for the proposed use of SHOPPING CENTER AND OFFICE BUILDING on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on FEBRUARY 23, 1988 and objections were NOT filed;

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 23RD day of FEBRUARY, 1988 that the aforesaid application to amend the Official Zoning Map from R-100 to C-2 is hereby APPROVED subject to the following enumerated conditions:

1. That the site is to be developed as an extension of the abutting C-2 property as shown on the plan submitted by Dowling Architects, dated February 3, 1988.
2. To restrict the use of the property as follows:
  - A. Retail and service commercial and accessory uses at a maximum density of 10,000 square feet of gross floor area per acre zoned, including outparcels.
  - B. The extension of one outparcel shown is permitted.
  - C. Limit the height of the buildings to no more than one story.
3. To satisfy the following site development considerations:

CASE NUMBER RZ-26-88

- A. Provide a 75 foot natural buffer undisturbed except for approved access and utility crossings and dense ever-green replantings where sparsely vegetated, except that a similar 25 foot buffer adjacent to the relocated power line easements to be provided.
  - B. Provide a 10-foot wide landscape strip outside the new dedicated right-of-way of Ga. Highway 120.
  - C. No more than three (3) exits/entrances on Ga. Highway 120, subject to Ga. Dept. of Transportation approval.
  - D. Provide interparcel access to outparcel and main shopping center.
  - E. No billboards are permitted.
  - F. Sign regulations, parking, setbacks and landscaping and as required by the 1985 Zoning Resolution as amended shall be met as minimum standards for this development.
4. To abide by the following requirements, dedications and improvements:
- A. Dedicate at no cost to Gwinnett County prior to issuance of a development permit, 60 feet of right-of-way from centerline of Ga. Highway 120.
  - B. Improve Ga. Highway 120 along the entire property frontage as per Ga. Dept. of Transportation specifications.
  - C. Design required on-site storm water detention facilities such that they are not located within any required buffers.

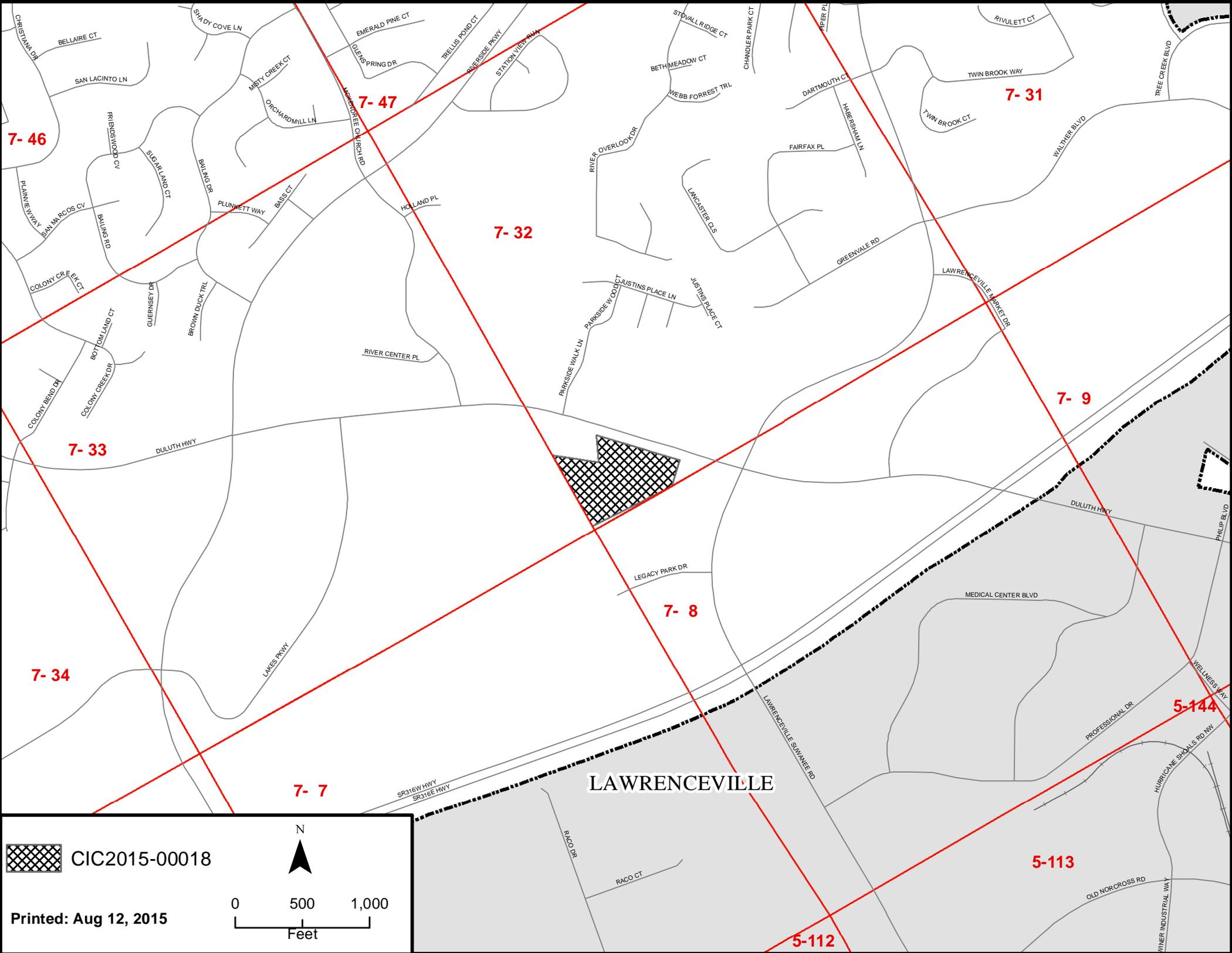
GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Lillian Webb  
Lillian Webb, Chairman

ATTEST:

Charlotte J. Nash  
Clerk

RECORDED: 3-16-88



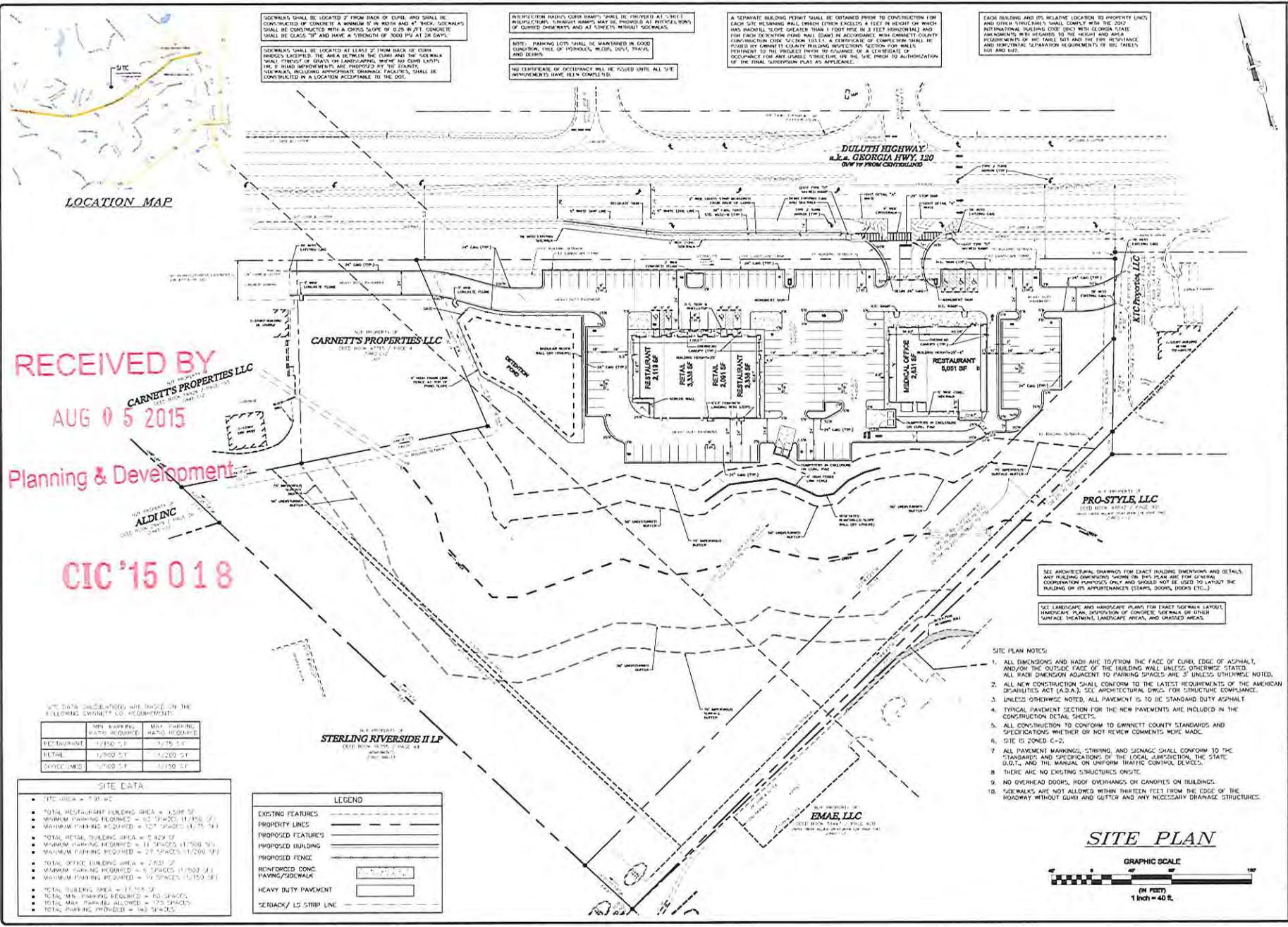
LAWRENCEVILLE

 CIC2015-00018

Printed: Aug 12, 2015

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SEGWALKS SHALL BE LOCATED 2' FROM BACK OF CURB, AND SHALL BE CONSTRUCTED OF CONCRETE A MINIMUM 9" IN WIDTH AND 4" THICK. SEGWALKS SHALL BE CONSTRUCTED WITH A CROSS SLOPE OF 0.25 IN FT. CONCRETE SHALL BE CLASS "B" AND HAVE A STRENGTH OF 3000 PSI AT 28 DAYS.

ALL REFLECTION MARKS CURB MARKS SHALL BE PROVIDED AT 18" IN 18" INTERVALS. STRAIGHT MARKS SHALL BE PROVIDED AT INTERSECTION POINTS OF CURBED DRIVEWAYS AND AT CURVES WITHOUT SIDEWALKS.

NOTE: PARKING LOTS SHALL BE MAINTAINED IN GOOD CONDITION, FREE OF PESTHOLE, WHEELS, DEVS, TRASH, AND DEBRIS.

NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.

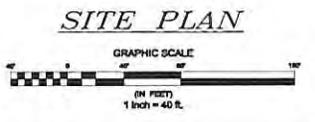
A SEPARATE BUILDING PERMIT SHALL BE OBTAINED PRIOR TO CONSTRUCTION FOR EACH SITE INCLUDING WALLS WHICH EXCEED 4 FEET IN HEIGHT OF WHICH HAS A MAXIMUM SLOPE GREATER THAN 1 FOOT RISE IN 3 FEET HORIZONTAL AND FOR EACH EXISTING FOUND WALL FOUND IN ACCORDANCE WITH GEORGETIA COUNTY CONSTRUCTION CODE SECTION 16.1.1. A CERTIFICATE OF COMPLETION SHALL BE PROVIDED BY GEORGETIA COUNTY BUILDING INSPECTOR SECTION FOR WALLS PERTAINING TO THE PROJECT PRIOR TO GRANTING OF A CERTIFICATE OF OCCUPANCY FOR ANY UNABLE STRUCTURE, OR, I.E. PRIOR TO AUTHORIZATION OF THE FINAL SUBDIVISION PLAN AS APPLICABLE.

EACH BUILDING AND ITS RELATIVE LOCATION TO PROPERTY LINES AND OTHER STRUCTURES SHALL COMPLY WITH THE 2012 INTERNATIONAL BUILDING CODE (IBC) WITH GEORGIA STATE AMENDMENTS WITH REGARD TO THE HEIGHT AND AREA REQUIREMENTS OF THE TABLE 503 AND THE FIRE RESISTANCE AND MINIMUM SEPARATION REQUIREMENTS OF IBC TABLE 501 AND 502.

SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND DETAILS. ALL BUILDING DIMENSIONS SHOWN ON THIS PLAN ARE FOR GENERAL COORDINATION PURPOSES ONLY AND SHOULD NOT BE USED TO LAYOUT THE BUILDING OR ITS APPURTENANCES (STAIRS, DOORS, DOCKS, ETC.).

SEE LANDSCAPE AND Hardscape PLANS FOR EXACT SIDEWALK LAYOUT, HARDWARE PLAN, POSITION OF CONCRETE SIDEWALK OR OTHER SURFACE TREATING, LANDSCAPE AREAS, AND UNPAVED AREAS.

- SITE PLAN NOTES:
1. ALL DIMENSIONS AND RADII ARE TO/FROM THE FACE OF CURB, EDGE OF ASPHALT, AND/OR THE OUTSIDE FACE OF THE BUILDING WALL UNLESS OTHERWISE STATED. ALL RADII DIMENSION ADJACENT TO PARKING SPACES ARE 3' UNLESS OTHERWISE NOTED.
  2. ALL NEW CONSTRUCTION SHALL CONFORM TO THE LATEST REQUIREMENTS OF THE AMERICAN DISABILITIES ACT (ADA). SEE ARCHITECTURAL DRGS. FOR STRUCTURE COMPLIANCE.
  3. UNLESS OTHERWISE NOTED, ALL PAVEMENT IS TO BE STANDARD DUTY ASPHALT.
  4. TYPICAL PAVEMENT SECTION FOR THE NEW PAVEMENTS ARE INCLUDED IN THE CONSTRUCTION DETAIL SHEETS.
  5. ALL CONSTRUCTION TO CONFORM TO GEORGETIA COUNTY STANDARDS AND SPECIFICATIONS WHETHER OR NOT REVIEW COMMENTS WERE MADE.
  6. SITE IS ZONED C-2.
  7. ALL PAVEMENT MARKINGS, STRIPING AND SIGNAGE SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE LOCAL JURISDICTION, THE STATE DOT, AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
  8. THERE ARE NO EXISTING STRUCTURES ON-SITE.
  9. NO OVERHEAD DOORS, ROOF OVERHANGS OR CANOPIES ON BUILDINGS.
  10. SIDEWALKS ARE NOT ALLOWED WITHIN THIRTEEN FEET FROM THE EDGE OF THE ROADWAY WITHOUT GATE AND GUTTER AND ANY NECESSARY DRAINAGE STRUCTURES.



LOCATION MAP

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NOTE: DATA CALCULATED AND BASED ON THE FOLLOWING OWNERSHIP INFORMATION:

	SF	MIN. PARKING REQUIRED	MAX. PARKING ALLOWED
RESTAURANT	17,150 SF	17 SPACES	17 SPACES
RETAIL	17,502 SF	17 SPACES	17 SPACES
OFFICE BLDG	17,502 SF	17 SPACES	17 SPACES

**SITE DATA**

- SITE AREA = 7.91 AC
- TOTAL RESTAURANT BUILDING AREA = 3,529 SF
- MINIMUM PARKING REQUIRED = 17 SPACES (17/35 SF)
- MAXIMUM PARKING ALLOWED = 17 SPACES (17/35 SF)
- TOTAL RETAIL BUILDING AREA = 5,429 SF
- MINIMUM PARKING REQUIRED = 17 SPACES (17/35 SF)
- MAXIMUM PARKING ALLOWED = 17 SPACES (17/35 SF)
- TOTAL OFFICE BUILDING AREA = 2,311 SF
- MINIMUM PARKING REQUIRED = 9 SPACES (17/35 SF)
- MAXIMUM PARKING ALLOWED = 17 SPACES (17/35 SF)
- TOTAL BUILDING AREA = 11,269 SF
- TOTAL MIN. PARKING REQUIRED = 43 SPACES
- TOTAL MAX. PARKING ALLOWED = 43 SPACES
- TOTAL PARKING PROVIDED = 43 SPACES

**LEGEND**

EXISTING FEATURES	---
PROPERTY LINES	---
PROPOSED FEATURES	---
PROPOSED BUILDING	---
PROPOSED FENCE	---
REINFORCED CONCRETE PAVING/SIDEWALK	---
HEAVY DUTY PAVEMENT	---
SETRACK/LS STRIP LINE	---

HANESS GESON & ASSOCIATES  
 CIVIL ENGINEERS AND ARCHITECTS  
 1000 N. W. 10TH AVE., SUITE 200  
 MIAMI, FL 33136  
 PHONE: (305) 441-7700  
 FAX: (305) 441-7705

GEORGIA PROFESSIONAL ENGINEERING BOARD  
 PROFESSIONAL ENGINEER  
 JOSEPH C. WOODRUFF

Barnhart Contract/Arch Development

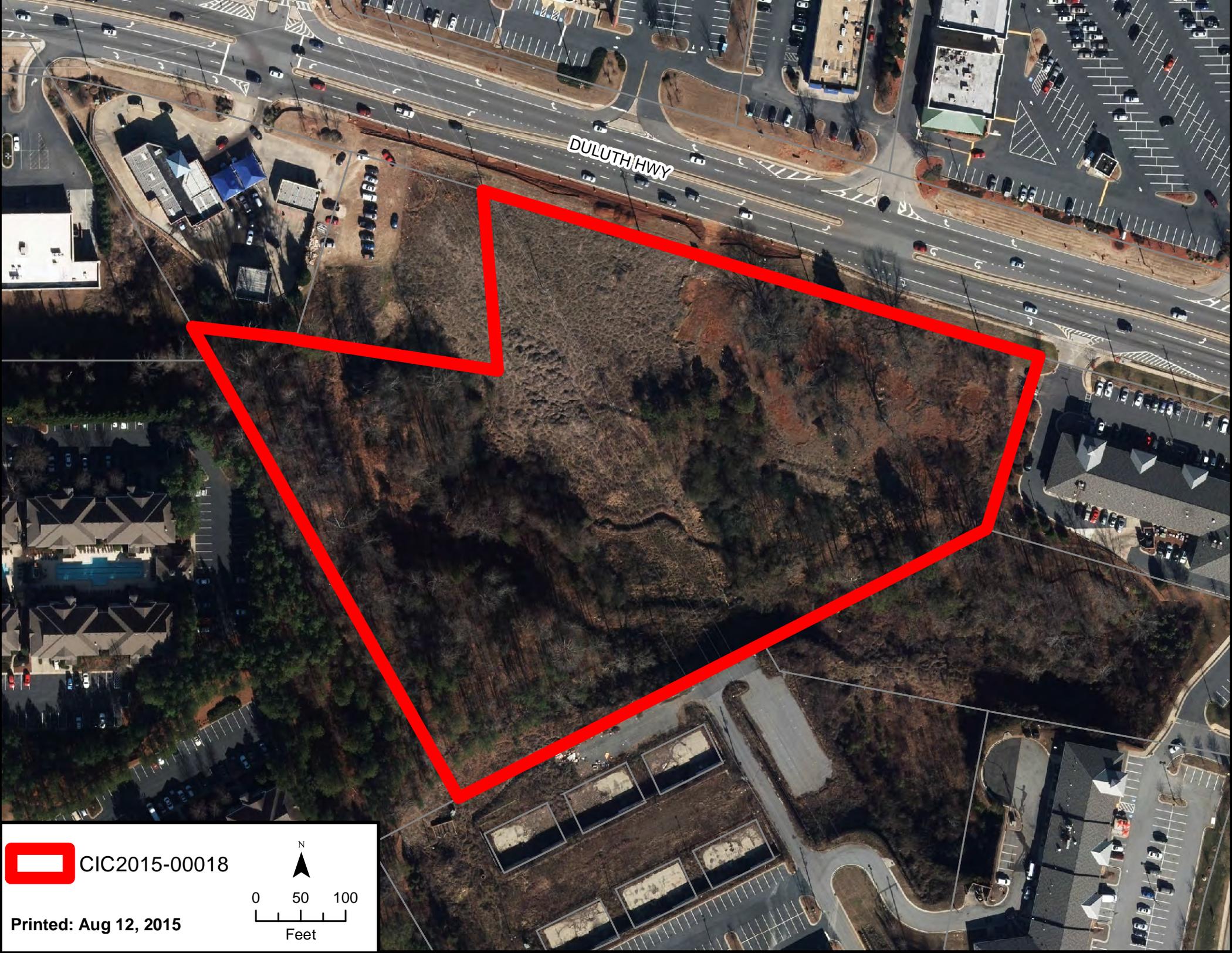
1115 PENNSYLVANIA BLVD., SUITE 100  
 ATLANTA, GEORGIA 30309  
 PHONE: (770) 234-4520

DULUTH HIGHWAY SHOPPES

SELECTED LOT 28 (AS A RETAIL LOT)  
 CANNONVILLE COUNTY, GEORGIA

DATE: 9/20/15  
 SHEET TITLE: SITE PLAN  
 SHEET NUMBER: C-1





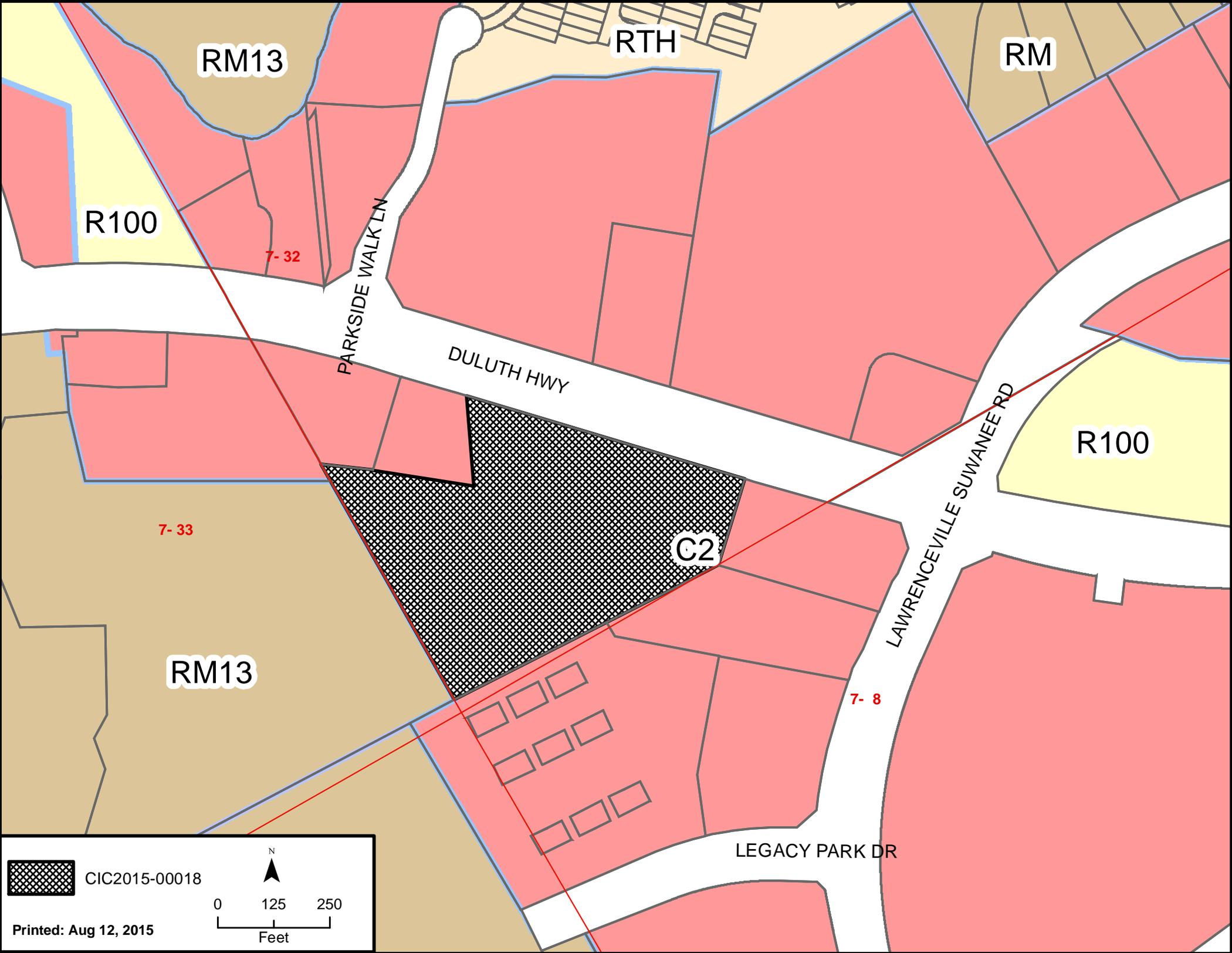
DULUTH HWY

 CIC2015-00018

Printed: Aug 12, 2015

0 50 100  
Feet

N



RM13

RTH

RM

R100

7-32

PARKSIDE WALK LN

DULUTH HWY

R100

7-33

C2

LAWRENCEVILLE SUWANEE RD

RM13

7-8

LEGACY PARK DR

 CIC2015-00018

Printed: Aug 12, 2015

0 125 250  
Feet

N

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

CASE NUMBER :**CIC2015-00019**  
ZONING :C-2  
LOCATION :6100 BLOCK OF SINGLETON ROAD  
MAP NUMBER :R6190 053  
ACREAGE :0.38 ACRE  
SQUARE FEET :1,500 SQUARE FEET  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO ALLOW AUTO SERVICE  
COMMISSION DISTRICT :(2) HOWARD

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

APPLICANT: RICHARD & MYRNA BLANTON  
6195 SINGLETON ROAD  
NORCROSS, GA 30093

CONTACT: RICHARD BLANTON PHONE: 404.786.0401

OWNER: RICHARD & MYRNA BLANTON  
6195 SINGLETON ROAD  
NORCROSS, GA 30093

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a change in conditions of a previous zoning case (CIC2011-00016). The subject property is Aztec Auto used car lot, located on the northwest side of Singleton Road, east of its intersection with Jimmy Carter Boulevard. The applicant is requesting to amend condition I.A., which prohibits automobile service to take place at the site.

Condition I.A. prohibits automobile service, and currently reads as follows:

I.A. Retail and service commercial and accessory uses, which may include an automotive sales lot. No auto repair, service, salvage, storage of inoperable vehicles or outdoor storage of automobile parts and tires shall be permitted on the property.

The applicant is requesting to amend Condition I.A. to allow automotive service as a permitted use. The servicing of vehicles would be limited to preparing cars and trucks for sale on the lot. Auto service and repair would not be offered to the general public.

The 2030 Unified Plan Future Development Map indicates the property lies within an Existing/Emerging Suburban Character Area. Policies for this character area could support this

use as the Jimmy Carter Boulevard corridor is a long-established commercial district serving the larger area. As such, the request could be considered consistent within this character area.

The area surrounding the subject property is characterized by commercial/retail uses, with residential developments located beyond the Jimmy Carter Boulevard corridor. The requested Change-In-Conditions could be considered consistent and compatible with the development pattern and the precedent the Board has established for this segment of the Jimmy Carter Boulevard corridor. Although the site is small, the vehicle prep would be conducted indoors, and the use is not intended as a retail service and repair facility.

In conclusion, the requested change in conditions may be appropriate in light of the similar uses along the corridor and the commercial nature of the area. The request is considered consistent with the Unified Plan, and with the recommended conditions and limitations, could be suitable for the site. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

#### ZONING HISTORY:

In 1970, the subject property was zoned R-75 (Single Family Residence District). In 1972, the subject property was rezoned to O-1 (Office-Institutional District) through an areawide rezoning. Later in 1972, the subject property was rezoned to C-2 (General Business District), pursuant to RZ-68-72. In 1983, a request to rezone the subject property to C-3 (Highway Business District) for a transmission shop was denied, pursuant to RZ-03-87. In 2003, a Special Use Permit for automobile sales was granted, pursuant to SUP-03-019. In 2004, a Special Use Permit (renewal) for automobile sales was granted, pursuant to SUP-04-065. In 2011, a Change-in-Conditions was approved to remove the 10-foot landscape strip along Singleton Road, pursuant to CIC2011-00016.

#### 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:

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 24-inch water main located on the southeastern right-of-way of Singleton Road, crossing over to the northwestern right-of-way of Singleton Road.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 14 feet southeast of the property.

**BUILDING CONSTRUCTION COMMENT SECTION:**

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 or exterior modification. 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.
2. Architectural design of any proposed exterior modification shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category I.
3. Upon completion of plan review approvals, the applicant shall obtain a building permit 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 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 our 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 ~~strikethrough~~

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 commercial and accessory uses, which may include an automotive sales lot. **Auto service and repair shall be limited to preparation of vehicles for sale on the lot. All repair and service shall take place indoors.**
  - B. No ~~auto repair, service,~~ salvage, storage of inoperable vehicles or outdoor storage of automobile parts and tires shall be permitted on the property.
  - C. Any future buildings or renovation of the existing building shall contain front facades finished with architectural treatments of glass and/or brick, stone, or stucco. Metal, portable buildings or mobile homes are not permitted.
2. To satisfy the following site development considerations:
  - A. There shall be no landscape strip required along Singleton Road.
  - B. **Within 90 days of zoning approval of CIC2015-000019,** provide a five-foot landscape strip along the rear property line, which shall be stabilized and planted with hardwoods, shrubs, and other appropriate ground cover or mulch in accordance with the Buffer, Landscape, and Tree Ordinance.
  - C. Obtain all necessary site development and building permits from the Development Division prior to issuance of a Certificate of Occupancy.
  - D. ~~No banners, 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.~~ **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.**
  - E. Billboards shall be prohibited.
  - F. Existing non-conforming ground sign shall be removed, and signage shall be limited to a single monument sign no higher than 10 feet.

- G. Fencing shall be limited to bollards no more than 2 and one-half feet high with interconnecting wire. Chain-link fencing shall be prohibited.
- H. Buildings and overall site design shall be constructed so as to discourage graffiti tagging, gathering, loitering or illegal activity. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
- I. Peddlers or parking lot sales (other than automobiles) shall be prohibited.
- J. Dumpsters shall be screened.



PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

In light of the similarity of the existing commercial uses in the nearby and surrounding area, the requested auto service could be suitable at this location.

ADVERSE IMPACTS

If limited to indoor servicing of vehicles for sale on the lot, the request would not be expected to significantly impact adjacent or nearby properties.

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

The request is considered compatible with the Unified Plan policies for the long-standing commercial corridor extending along Jimmy Carter Boulevard, which includes numerous similar auto-related businesses.

CONDITIONS AFFECTING ZONING

The neighboring commercial zonings and similar uses in the area suggest that limited, non-retail auto service could be suitable at this location.

**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~~ NO

CIC'15 019

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AUG 06 2015

Planning & Development

Richard & Myrna Blanton  
6195 Singleton Rd.  
Norcross, Ga. 30093

August 5, 2015

O-770-448-3939

F-404-393-9293

Cell-404-786-0401

LETTER OF INTENT

Gwinnett County Planning Division  
446 West Crogan St. Ste 250  
Lawrenceville, Ga. 30046

O-678-518-6000

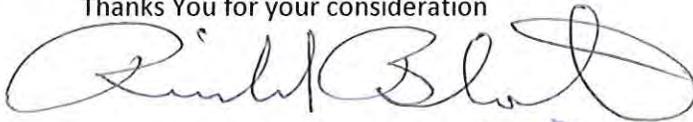
Re: Letter of Intent  
Change in Conditions

Thanks for addressing our request for a change in Conditions

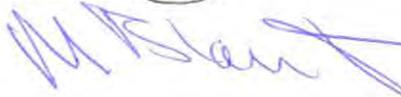
We have been property owners at this address since 2003.  
We have a Used Car Lot ,Aztec Auto & Truck Sales Inc. at this address  
since 2003. We worked with the County in 2011 during your Road Pedestrian  
Safety Improvement. We have a great relationship with our CID and have supported  
our CID since it's inception. It has made a difference in our neighborhood.

Our request involves the work we do to make our cars "get ready". We do no work  
outside the building and keep a great lot! We do no "outside" repair with non-owned  
vehicles. It is an accessory to our Used Car Sales.

Thanks You for your consideration



Richard & Myrna Blanton  
6195 Singleton Rd.  
Norcross, Ga. 30093  
C-404-786-0401

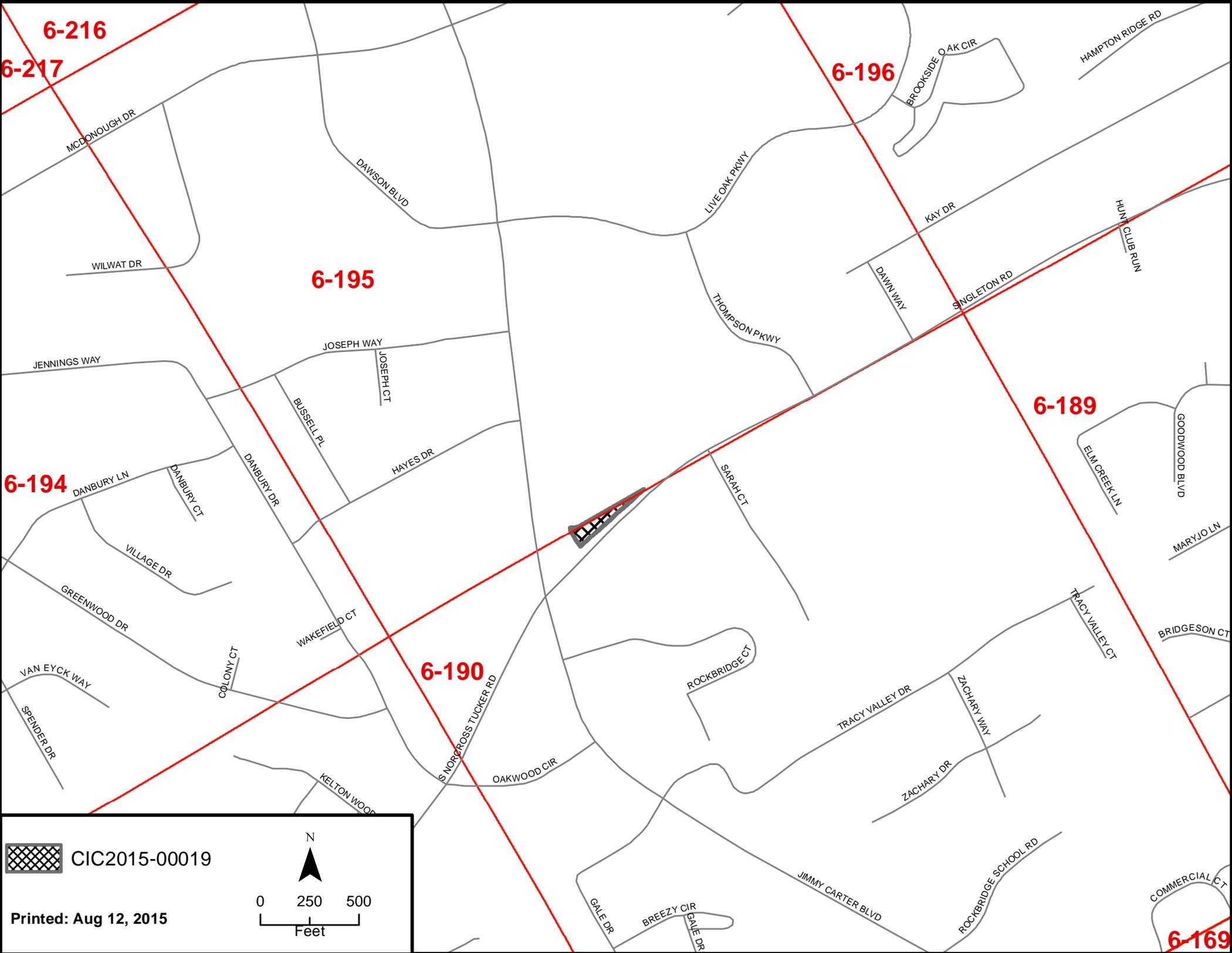


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CIC '15 019

Planning & Development



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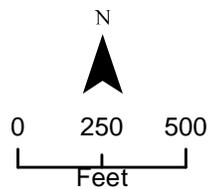
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 CIC2015-00019



Printed: Aug 12, 2015

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JIMMY CARTER BLVD

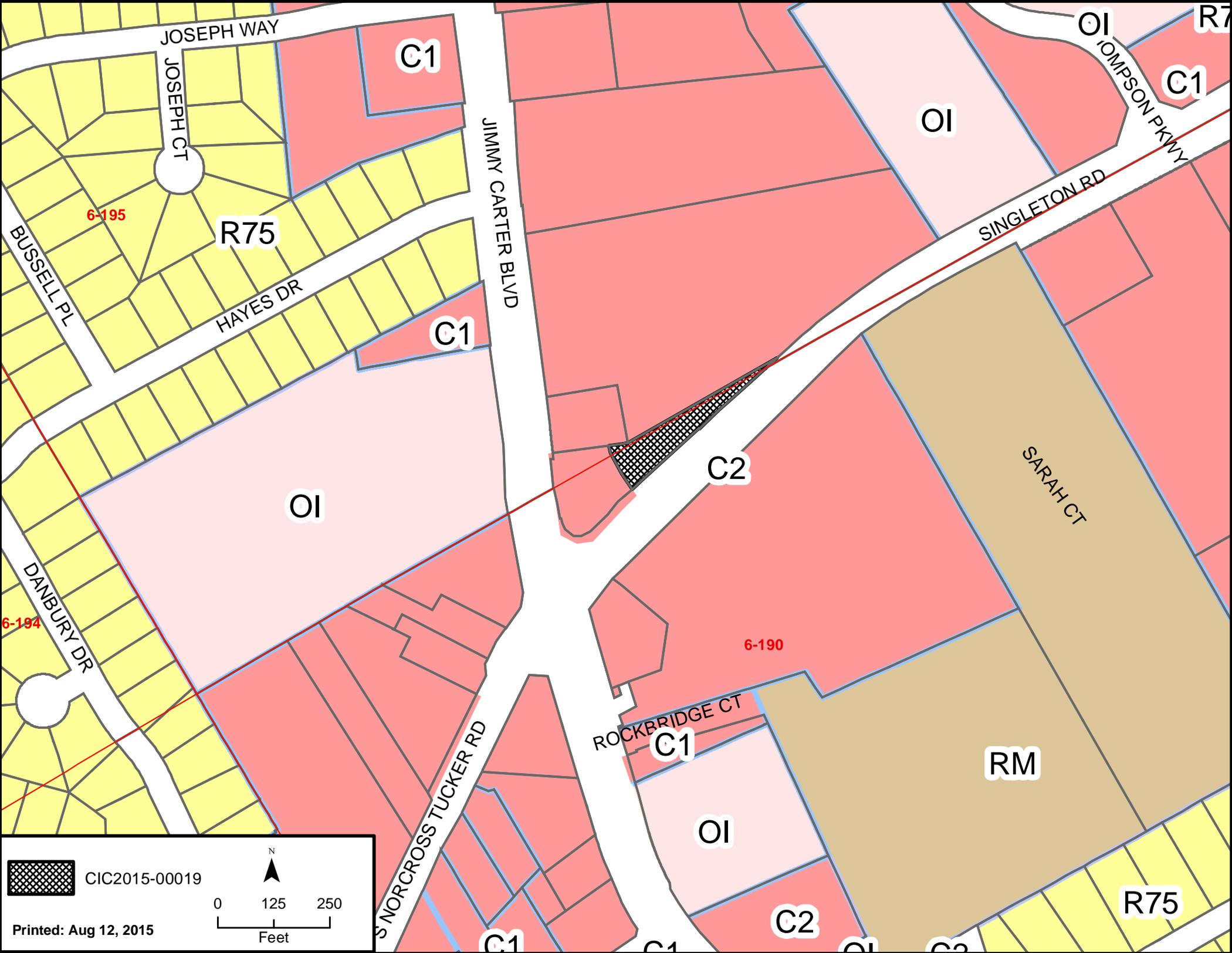
SINGLETON RD

 CIC2015-00019

Printed: Aug 12, 2015

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 CIC2015-00019

Printed: Aug 12, 2015

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Feet

N

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

CASE NUMBER	: <b>SUP2015-00046</b>
ZONING	:M-I
LOCATION	:1500-1600 BLOCKS OF BEAVER RUIN ROAD :4400 BLOCK OF INTERNATIONAL BOULEVARD
MAP NUMBERS	:R6201 032 & 114
ACREAGE	:12.98 ACRES
SQUARE FEET	:7,333 SQUARE FEET
PROPOSED DEVELOPMENT	:ADULT DAYCARE CENTER
COMMISSION DISTRICT	:(1) BROOKS

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: MYUNG SOOK SONG  
5380 PEACHTREE INDUSTRIAL BOULEVARD  
SUITE 247 A-B  
NORCROSS, GA 30071

CONTACT: STACEY GALOS PHONE: 678.427.7967

OWNER: SVN GWINNETT PARK, LLC  
5555 OAKBROOK PARKWAY, SUITE 310  
NORCROSS, GA 30093

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Special Use Permit on a 12.98-acre property, zoned M-I (Light Industry District), to allow an adult daycare within an existing office/warehouse building. The property is located within the Gwinnett Park business center, at the intersection of Beaver Ruin Road and International Boulevard.

The subject property contains three buildings, and the adult daycare would occupy Suite 101 (7,333-square feet) in the center building. The daycare would cater to seniors, and provide social activities, transportation and lunch-time meals. The estimated number of clients was not provided with the applications materials. The applicant's letter of intent indicates the operating hours for the daycare would be from 9:00 a.m. to 2:00 p.m., Monday through Friday.

Access is provided via curb-cuts onto to both Beaver Ruin Road and International Boulevard. There are 600 existing parking spaces shared among the various tenants within the business park.



**ZONING HISTORY:**

In 1970, the property was zoned R-75 (Single Family Residence District). In 1972, the property was rezoned to M-1 per an areawide rezoning. In 2012, a special use permit for a church was approved on the site, pursuant to SUP2012-00064.

**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:**

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 an 8-inch water main located on the northwestern right-of-way of International Boulevard, and a 16-inch water main located on the northeastern right-of-way of Beaver Ruin Road.

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.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

- I. 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.

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 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 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 site is a 12.98-acre property, located on the north side of Beaver Ruin Road, just west of its intersection with Steve Reynolds Boulevard. The property is developed with an existing office/warehouse building within the Gwinnett Park business center.

The 2030 Unified Plan Future Development Map indicates that the site lies within the Preferred Office character area. Providing day care for senior adults could be compatible with this land use designation. Over the past several years, the Board has approved numerous requests to locate similar institutional uses (daycares, places of worship and private schools) within office and industrial parks throughout the County; including a place of worship on this property (SUP2012-00064), further suggesting this request could be suitable at this location.

The site is located in an area characterized by intense commercial activity extending along the Interstate 85 corridor. Properties along this portion of Beaver Ruin Road are predominately zoned M-1, and are developed with office and office/warehouse buildings. If properly conditioned to require all daycare related activities to take place indoors, the proposed daycare could be compatible with adjacent tenants.

With appropriate conditions, including prohibiting outdoor activities, the proposed adult daycare within the existing building could be consistent with past Board actions approving such uses within industrial zones, and could be compatible with existing uses in the area. Therefore,

the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for an adult daycare center, subject to the following enumerated conditions:

1. Light industrial, office/warehouse and accessory uses, which may include an adult daycare center as a special use.
2. Any exterior modifications to the existing building shall be subject to review and approval by the Director of Planning and Development.
3. All adult daycare activities shall be conducted indoors.
4. Hours of operation for the daycare shall be limited to between 8:00 a.m. and 3:00 p.m. Monday-Friday.
5. No tents, canopies, temporary banners, 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 or sign-twirlers shall be prohibited.
6. 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

If restricted to indoor activities, the proposed Special Use Permit for an adult daycare center may be suitable within the existing business park.

ADVERSE IMPACTS

With the appropriate conditions, including limited hours of operation and a prohibition on outdoor activities, potential impacts on neighboring tenants of the business park could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There may be additional impacts on public facilities in the form of utility demand and peak hour traffic anticipated from this request.

CONFORMITY WITH POLICIES

The requested adult daycare center could be considered compatible with recommendations of the 2030 Unified Plan and Future Development Map. The request is also consistent with a number of past Board actions approving similar institutional uses in office and office/warehouse buildings throughout the County.

CONDITIONS AFFECTING ZONING

Since the buildings and grounds are shared among multiple tenants, it is recommended that the hours of operation and outdoor activities be restricted to reduce the daycare's potential impacts.

**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:

Adult day care center use is compatible with business and industrial uses of adjacent and nearby properties.

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

Adult day care center use will have no affect on the business and industrial uses of adjacent and nearby properties.

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

Property is greater than 90% leased and, as such, has demonstrated reasonable economic use as currently zoned.

- (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:

Adult day care center use will not burdensomely affect the current infrastructure.

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

Adult day care use, will operate similarly to other businesses already existing and, therefore, is in conformity with 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 SPECIAL USE PERMIT:

This adult day care center will blend into the park and will be operating as a typical business during regular business hours.

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SUP'15 046

**Ebenezer Healthcare Services, Inc.**  
**Myung Sook Song**  
**5380 Peachtree Industrial Blvd., Suite 247 A-B**  
**Norcross, Georgia 30071**  
**(470) 299-4564**

August 7, 2015

Gwinnett County Department of Planning and Development  
Planning Division  
One Justice Square  
446 West Crogan Street  
Lawrenceville, Georgia 30046

RE: Letter of Intent to Special Use Permit Application  
for Myung Sook Song, owner and applicant

Planning Department Staff:

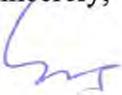
The applicant is seeking a Special Use Permit to operate an adult day care center at 4405-B International Blvd., Suite 101, Norcross, Georgia 30093. The building square footage is 60,950, and the suite square footage is 7,333. The property is zoned M-1.

The applicant is an experienced provider of adult day care services and is seeking proper licensing from the State of Georgia to operate an adult day care center at this location. Proper licensing cannot be obtained until the applicant has secured a Certificate of Occupancy for the location and approval of this SUP application will further the applicant's efforts to that effect.

It is the applicant's intention to operate the adult day care center for the benefit of Seniors seeking social interaction within the community. Operating hours will be 9:00am to 2:00pm Monday through Friday. Transport services will be provided for the majority of the Seniors, greatly reducing required parking. The applicant intends to contract with a catering service for the lunchtime meal and will provide snacks to the extent possible from the suite's warming kitchen (i.e., microwave and refrigerator only).

We appreciate your consideration of this Special Use Permit. Social interaction greatly enhances the quality of life for our Seniors. And, the services provided by adult day care centers also benefit the caregivers of our Seniors. It's a win-win opportunity for our community.

Sincerely,



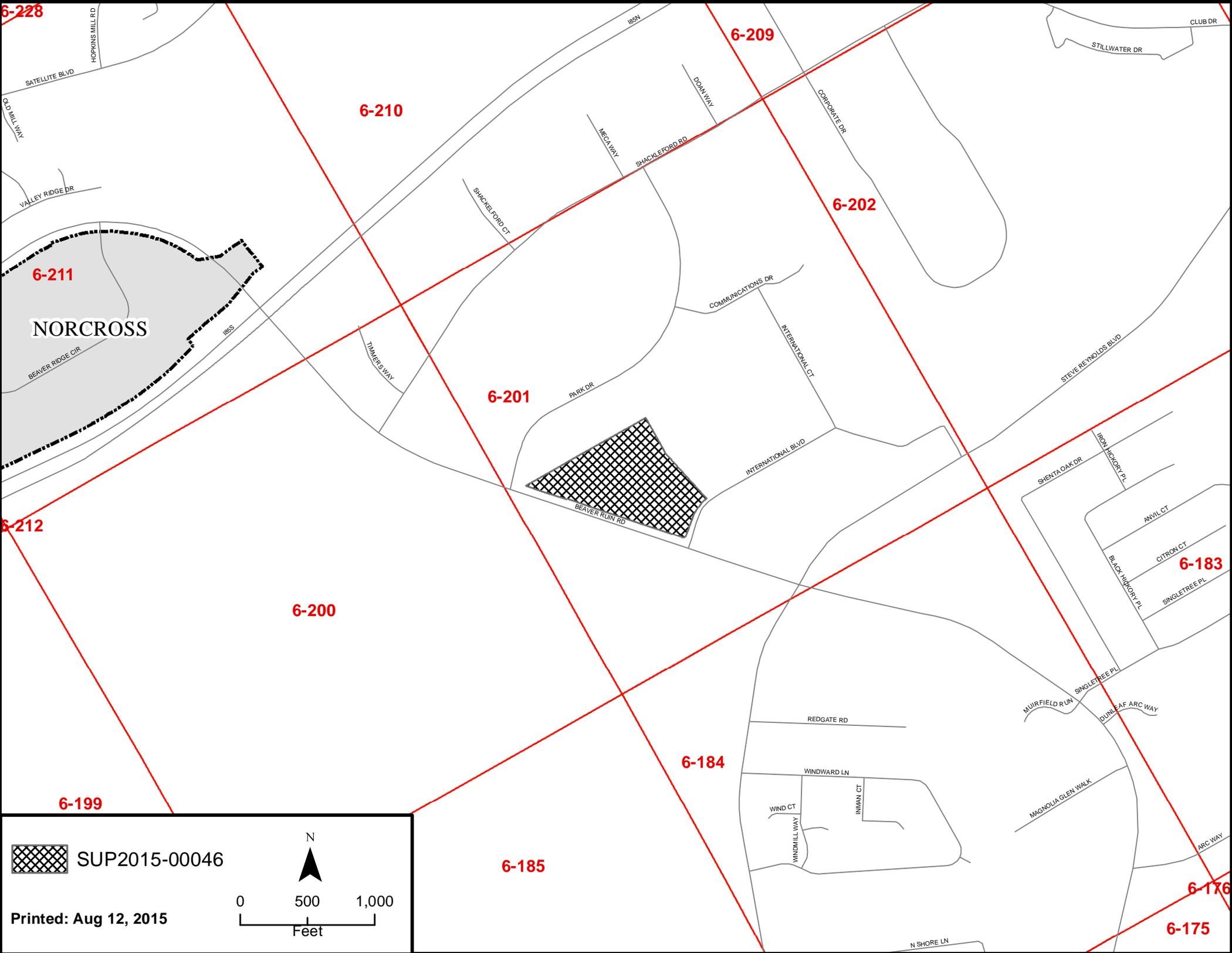
Myung Sook Song  
Ebenezer Healthcare Services, Inc.

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AUG 07 2015

SUP '15 046

Planning & Development



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0 500 1,000

Feet

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PARK DR

BEAVER RUN RD

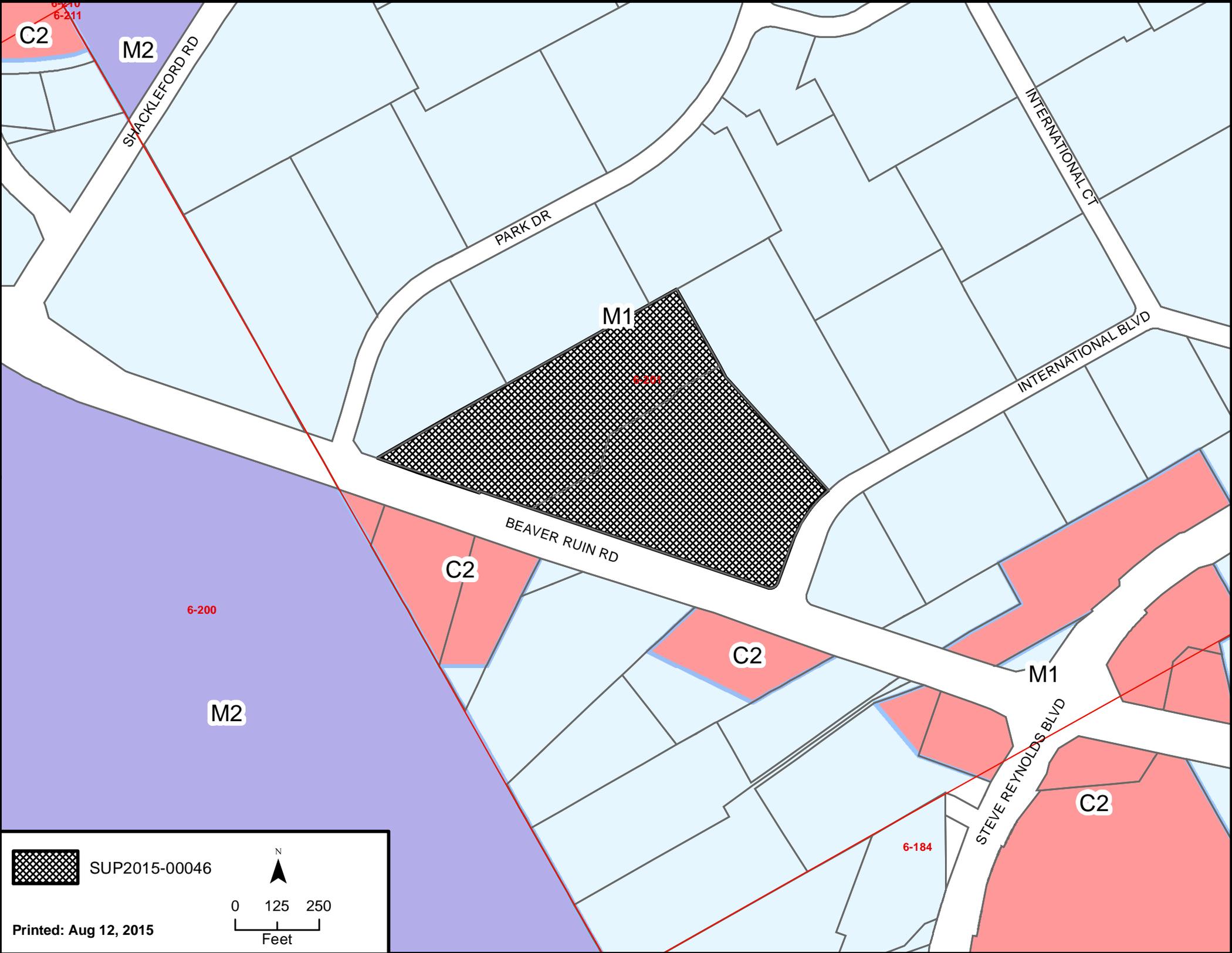
INTERNATIONAL BLVD

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Feet

N



C2

M2

M1

C2

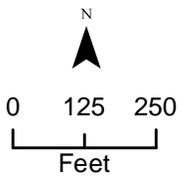
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M1

C2

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