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**MUNICIPAL-GWINNETT COUNTY
PLANNING COMMISSION
PUBLIC HEARING AGENDA
GWINNETT JUSTICE AND ADMINISTRATION CENTER
TUESDAY, JUNE 7, 2016 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 (MAY 3, 2016 MEETING)
- E. ANNOUNCEMENTS
- F. **ALTERNATE ARCHITECTURAL DESIGN**
- I. NEXTRAN ATLANTA, 1735 BRECKINRIDGE PLAZA, PARCEL 7076 019, ZONED M-2 - PLANNING COMMISSION REVIEW OF ALTERNATE BUILDING ELEVATIONS FROM ARCHITECTURAL DESIGN STANDARDS COLOR AND FINISH (UDO APPENDIX SECTION I, SECTION 9.0.0 THROUGH AUTHORIZATION BY UDO APPENDIX SECTION I, SECTION 3.0.0 DIRECTOR'S REVIEW). **DISTRICT (I) BROOKS**

G. OLD BUSINESS

- I. 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 :(I) BROOKS
- DEPARTMENT RECOMMENDATION :**DENIAL**

2. CASE NUMBER :**RZC2016-00007**
APPLICANT :JBW INVESTMENTS, LLC
CONTACT :ERIC JOHANSEN
PHONE NUMBER :678.571.4843
ZONING CHANGE :M-1 & R-100 TO O-1
LOCATION :1700 BLOCK OF PLUNKETTS ROAD
:3700 BLOCK OF BLUE RIDGE DRIVE

MAP NUMBERS :R7218 004 & 053
ACREAGE :5.92 ACRES
UNITS :200 UNITS
PROPOSED DEVELOPMENT :RETIREMENT COMMUNITY (INDEPENDENT LIVING)
COMMISSION DISTRICT :(1) BROOKS
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
3. CASE NUMBER :**SUP2016-00017**
APPLICANT :JBW INVESTMENTS, LLC
CONTACT :ERIC JOHANSEN
PHONE NUMBER :678.571.4843
ZONING CHANGE :O-1 (PROPOSED)
LOCATION :1700 BLOCK OF PLUNKETTS ROAD
:3700 BLOCK OF BLUE RIDGE DRIVE

MAP NUMBERS :R7218 004 & 053
ACREAGE :5.92 ACRES
UNITS :200 UNITS
PROPOSED DEVELOPMENT :RETIREMENT COMMUNITY (INDEPENDENT LIVING)
COMMISSION DISTRICT :(1) BROOKS
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
4. CASE NUMBER :**SUP2016-00021**
APPLICANT :JBW INVESTMENTS, LLC
CONTACT :ERIC JOHANSEN
PHONE NUMBER :678.571.4843
ZONING CHANGE :O-1 (PROPOSED)
LOCATION :1700 BLOCK OF PLUNKETTS ROAD
:3700 BLOCK OF BLUE RIDGE DRIVE

MAP NUMBERS :R7218 004 & 053
ACREAGE :5.92 ACRES
UNITS :200 UNITS
PROPOSED DEVELOPMENT :HEIGHT INCREASE TO FOUR STORIES
COMMISSION DISTRICT :(1) BROOKS
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

5. CASE NUMBER :**RZR2016-00005**
APPLICANT :MAHAFFEY, PICKENS, TUCKER, LLP
CONTACT :SHANE LANHAM
PHONE NUMBER :770.232.0000
ZONING CHANGE :R-100 TO R-TH
LOCATION :500 BLOCK OF PADEN DRIVE
:2600 BLOCK OF TITON WAY
MAP NUMBER :R5017 009
ACREAGE :22.46 ACRES
UNITS :107 UNITS
PROPOSED DEVELOPMENT :TOWNHOMES
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**DENIAL**
6. CASE NUMBER :**BRD2016-00002**
APPLICANT :QUIKTRIP CORPORATION
CONTACT :SHANE LANHAM
PHONE NUMBER :770.232.0000
ZONING :C-2
LOCATION :2000 BLOCK OF BEAVER RUIN ROAD
:2000 BLOCK OF INDIAN TRAIL LILBURN ROAD
MAP NUMBER :R6212 036
ACREAGE :1.91 ACRES
PROPOSED DEVELOPMENT :BUFFER REDUCTION FROM 75 FEET TO 0 FEET
COMMISSION DISTRICT :(1) BROOKS
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
7. CASE NUMBER :**RZC2016-00012 (Public Hearing Held 5-3-16)**
APPLICANT :T&M PROPERTIES V, LLC
CONTACT :SHANE LANHAM OR JEFF MAHAFFEY
PHONE NUMBER :770.232.0000
ZONING CHANGE :R-ZT TO M-1
LOCATION :500 BLOCK OF HORIZON DRIVE
MAP NUMBERS :R7172 001 & 009 & R7173 004
ACREAGE :51.87 ACRES
SQUARE FEET :529,100 SQUARE FEET
PROPOSED DEVELOPMENT :LIGHT INDUSTRIAL / OFFICE WAREHOUSE USES
(REDUCTION IN BUFFERS)
COMMISSION DISTRICT :(1) BROOKS
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

8. CASE NUMBER :**SUP2016-00031 (Public Hearing Held 5-3-16)**
APPLICANT :T&M PROPERTIES V, LLC
CONTACT :SHANE LANHAM OR JEFF MAHAFFEY
PHONE NUMBER :770.232.0000
ZONING CHANGE :M-1 (PROPOSED)
LOCATION :500 BLOCK OF HORIZON DRIVE
MAP NUMBERS :R7172 001 & 009 & R7173 004
ACREAGE :51.87 ACRES
SQUARE FEET :529,100 SQUARE FEET
PROPOSED DEVELOPMENT :BUILDING HEIGHT INCREASE TO 62 FEET
COMMISSION DISTRICT :(1) BROOKS
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
9. CASE NUMBER :**SUP2016-00033 (Public Hearing Held 5-3-16)**
APPLICANT :JOHNSON DEVELOPMENT ASSOCIATES, INC.
CONTACT :MITCH PEEVY
PHONE NUMBER :770.614.6511
ZONING :C-2
LOCATION :2900 BLOCK OF BUFORD DRIVE
MAP NUMBER :R7146 039
ACREAGE :10.21 ACRES
PROPOSED DEVELOPMENT :MINI-WAREHOUSE STORAGE FACILITY WITH RV PARKING
COMMISSION DISTRICT :(1) BROOKS
DEPARTMENT RECOMMENDATION :**DENIAL**
10. CASE NUMBER :**SUP2016-00035 (Public Hearing Held 5-3-16)**
APPLICANT :MAHAFFEY, PICKENS, TUCKER, LLP
CONTACT :SHANE LANHAM
PHONE NUMBER :770.232.0000
ZONING :C-2
LOCATION :2900 BLOCK OF BUFORD DRIVE
MAP NUMBER :R7146 046
ACREAGE :2.76 ACRES
SQUARE FEET :105,300 SQUARE FEET
PROPOSED DEVELOPMENT :MINI-WAREHOUSE STORAGE FACILITY
COMMISSION DISTRICT :(1) BROOKS
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
11. CASE NUMBER :**SUP2016-00038 (Public Hearing Held 5-3-16)**
APPLICANT :STACEY BRITT
CONTACT :BRIAN CARDOZA
PHONE NUMBER :678.367.4210
ZONING :M-1
LOCATION :1600-1800 BLOCK OF CEDARS ROAD
MAP NUMBER :R5239 006
ACREAGE :9.56 ACRES
PROPOSED DEVELOPMENT :TRUCK STORAGE LOT (GRAVEL)
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**DENIAL**

H. NEW BUSINESS

1. CASE NUMBER :**RZC2016-00013 - WITHDRAWN**

2. CASE NUMBER :**RZC2016-00014**
APPLICANT :LOGISTICS & ENGINEERING SOLUTIONS
CONTACT :MICHAEL BONSELL
PHONE NUMBER :404.510.4728
ZONING CHANGE :R-100 TO O-R
LOCATION :2500 BLOCK OF LOGANVILLE HIGHWAY
MAP NUMBER :R5155 029
ACREAGE :5.54 ACRES
SQUARE FEET :12,300 SQUARE FEET
PROPOSED DEVELOPMENT :OFFICE USES (REDUCTION IN BUFFERS)
COMMISSION DISTRICT :(3) HUNTER
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

3. CASE NUMBER :**RZC2016-00015**
APPLICANT :MAHAFFEY, PICKENS, TUCKER, LLP
CONTACT :SHANE LANHAM OR LEE TUCKER
PHONE NUMBER :770.232.0000
ZONING CHANGE :C-2 TO MU-R
LOCATION :3100 BLOCK OF WOODWARD CROSSING BOULEVARD
:2600 BLOCK OF MALL OF GEORGIA BOULEVARD

MAP NUMBER :R7177 047
ACREAGE :16.0 ACRES
SQUARE FEET :217,170 SQUARE FEET (RETAIL)
:91,200 SQUARE FEET (OFFICE)
:134,460 SQUARE FEET (250 HOTEL GUEST ROOMS)

UNITS :352 UNITS (APARTMENTS)
:40 UNITS (CONDOMINIUMS)

PROPOSED DEVELOPMENT :REGIONAL MIXED-USE DEVELOPMENT
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

4. CASE NUMBER :**RZR2016-00009**
APPLICANT :MAHAFFEY, PICKENS, TUCKER, LLP
CONTACT :SHANE LANHAM
PHONE NUMBER :770.232.0000
ZONING CHANGE :RA-200 TO R-60
LOCATION :2200-2300 BLOCK OF KILGORE ROAD
MAP NUMBERS :R7178 014, 015, 016 & R7185 068
ACREAGE :17.44 ACRES
UNITS :36 UNITS
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**DENIAL**

5. CASE NUMBER :**RZR2016-00010 - WITHDRAWN**
6. CASE NUMBER :**RZR2016-00011**
APPLICANT :MAHAFFEY, PICKENS, TUCKER, LLP
CONTACT :SHANE LANHAM OR LEE TUCKER
PHONE NUMBER :770.232.0000
ZONING CHANGE :R-100 TO TND
LOCATION :1100-1200 BLOCK OF WEBB GIN HOUSE ROAD
MAP NUMBERS :R5087 120 & R5106 003, 067 & 278
ACREAGE :43.56 ACRES
UNITS :99 UNITS
PROPOSED DEVELOPMENT :TRADITIONAL NEIGHBORHOOD DEVELOPMENT
(REDUCTION IN BUFFERS)
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**DENIAL**
7. CASE NUMBER :**RZM2016-00003**
APPLICANT :MAHAFFEY, PICKENS, TUCKER, LLP
CONTACT :SHANE LANHAM OR LEE TUCKER
PHONE NUMBER :770.232.0000
ZONING CHANGE :R-100 TO RM-24
LOCATION :1100-1200 BLOCK OF WEBB GIN HOUSE ROAD
MAP NUMBERS :R5087 120 & R5106 278
ACREAGE :12.57 ACRES
UNITS :300 UNITS
PROPOSED DEVELOPMENT :APARTMENTS (REDUCTION IN BUFFERS)
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**DENIAL**
8. CASE NUMBER :**CIC2016-00016**
APPLICANT :EBC PRO
CONTACT :MITCH PEEVY
PHONE NUMBER :770.614.6511
ZONING CHANGE :C-2
LOCATION :900 BLOCK OF PARKSIDE WALK LANE
:900 BLOCK OF DULUTH HIGHWAY
MAP NUMBER :R7032 402
ACREAGE :0.5 ACRE
SQUARE FEET :4,997 SQUARE FEET
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS OF ZONING TO ALLOW
TRUCK AND TRAILER RENTAL
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**DENIAL**

9. CASE NUMBER :**SUP2016-00039**
APPLICANT :EBC PRO
CONTACT :MITCH PEEVY
PHONE NUMBER :770.614.6511
ZONING CHANGE :C-2
LOCATION :900 BLOCK OF PARKSIDE WALK LANE
:900 BLOCK OF DULUTH HIGHWAY
MAP NUMBER :R7032 402
ACREAGE :0.5 ACRE
SQUARE FEET :4,997 SQUARE FEET
PROPOSED DEVELOPMENT :TRUCK AND TRAILER RENTAL
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**DENIAL**
10. CASE NUMBER :**CIC2016-00017**
APPLICANT :TIDAL WAVE AUTO SPA
CONTACT :MARTIE MURPHY
PHONE NUMBER :706.647.0414
ZONING :C-2
LOCATION :3500 BLOCK OF BRASELTON HIGHWAY
MAP NUMBER :R3002A500
ACREAGE :0.79 ACRE
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS OF ZONING TO
ALLOW A CAR WASH (EXPRESS-SERVICE)
COMMISSION DISTRICT :(3) HUNTER
DEPARTMENT RECOMMENDATION :**DENIAL**
11. CASE NUMBER :**SUP2016-00045**
APPLICANT :TIDAL WAVE AUTO SPA
CONTACT :MARTIE MURPHY
PHONE NUMBER :706.647.0414
ZONING :C-2
LOCATION :3500 BLOCK OF BRASELTON HIGHWAY
MAP NUMBER :R3002A500
ACREAGE :0.79 ACRE
PROPOSED DEVELOPMENT :CAR WASH (EXPRESS-SERVICE)
COMMISSION DISTRICT :(3) HUNTER
DEPARTMENT RECOMMENDATION :**DENIAL**
12. CASE NUMBER :**SUP2016-00040**
APPLICANT :SEVA ADULT CARE, LLC
CONTACT :SHEETAL R. DESAI
PHONE NUMBER :678.502.7464
ZONING :R-100 & R-75
LOCATION :2700 BLOCK OF DULUTH HIGHWAY
MAP NUMBER :R7160 014
ACREAGE :15.10 ACRES
PROPOSED DEVELOPMENT :DAYCARE FACILITY (ADULT)
COMMISSION DISTRICT :(1) BROOKS
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

13. CASE NUMBER :**SUP2016-00041**
APPLICANT :JOHN L. ANDERSON, JR.
PHONE NUMBER :770.403.6060
ZONING :C-2
LOCATION :1900 BLOCK OF ROCKBRIDGE ROAD
:1800 BLOCK OF EAST PARK PLACE BOULEVARD
MAP NUMBERS :R6061 060 & 063
ACREAGE :6.59 ACRES
PROPOSED DEVELOPMENT :TATTOO AND BODY PIERCING
COMMISSION DISTRICT :(2) HOWARD
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
14. CASE NUMBER :**SUP2016-00042**
APPLICANT :FULMER PROPERTY MANAGEMENT, LLC
CONTACT :DR. JAY FULMER
PHONE NUMBER :404.626.3292
ZONING :C-2
LOCATION :3800 BLOCK OF BRASELTON HIGHWAY
MAP NUMBER :R3002A493
ACREAGE :0.90 ACRE
PROPOSED DEVELOPMENT :OUTDOOR DOG RUN
COMMISSION DISTRICT :(3) HUNTER
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
15. CASE NUMBER :**SUP2016-00043**
APPLICANT :RAMTIN MOTAHAR
PHONE NUMBER :404.840.6770
ZONING :O-1
LOCATION :2000 BLOCK OF LAWRENCEVILLE SUWANEE ROAD
MAP NUMBER :R7085 568
ACREAGE :0.60 ACRE
PROPOSED DEVELOPMENT :BUILDING HEIGHT INCREASE (TO 45 FEET)
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**DENIAL**
16. CASE NUMBER :**SUP2016-00044**
APPLICANT :ERIC RAMSARAN
PHONE NUMBER :404.554.6512
ZONING :C-2
LOCATION :3700 BLOCK OF STONE MOUNTAIN HIGHWAY
MAP NUMBER :R6053 123
ACREAGE :0.57 ACRE
PROPOSED DEVELOPMENT :AUTOMOBILE SERVICE (RENEWAL)
COMMISSION DISTRICT :(2) HOWARD
DEPARTMENT RECOMMENDATION :**DENIAL**

I. UNIFIED DEVELOPMENT ORDINANCE AMENDMENT

UDO2016-00003- AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE OF GWINNETT COUNTY; TITLE 1: ADMINISTRATION AND TITLE 2: LAND USE AND ZONING TO PROVIDE NEW OR REVISED REQUIREMENTS FOR DONATION DROP BOXES.

J. AUDIENCE COMMENTS

K. COMMITTEE REPORTS

L. COMMENTS BY STAFF AND PLANNING COMMISSION

M. ADJOURNMENT

ANDERSEN | TATE | CARR

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MARIAN C. ADEIMY
Attorney at Law

E-mail: madeimy@atclawfirm.com

January 28, 2016

VIA HAND-DELIVERY

Gwinnett County Department of
Planning and Development
Attn: Kathy Holland, Development Director
446 West Crogan Street
Lawrenceville, GA 30046-2440

Re: Letter of Intent and Constitutional Objections in Support of Revised Elevations, Architectural Materials and Planning Commission approval, for 1735 Breckenridge Plaza (the "Property")

Dear Ms. Holland:

This firm represents Nextran Atlantra with regard to the proposed, revised materials and building elevations for the Nextran/Mack Truck fleet and sales center currently under construction on the property located at 1735 Breckenridge Plaza.

I. Revised Elevations and Request

The Applicant requests that the revised building elevations enclosed herewith be placed on the Planning Commission agenda for March 2015, to allow for the Planning Commission's consideration of the finished, natural colored architectural block and brick water table along the rear of the building, where certain building materials are and remain unavailable.

This fleet and sales center will provide much-needed jobs, income, tax revenues, and to reinvigorate this part of Gwinnett County. The requested Variances are consistent with the Gwinnett County Unified Development Ordinance and Future Land Use Map for this area, and with the existing and nearby office uses. The proposed signs will have no negative impact on adjacent property owners.

By way of further background, the subject Property is zoned and permits the proposed sales and service center. The building design and elevations have been revised and submitted as part of building permit - BLD2015-01521. Due to the change in materials on the ___ face, the Applicant was asked to resubmit the elevations for the Planning Commission's review and approval.

The addition of these respected companies will create and represent an important tax base and provide jobs for Gwinnett residents and will support the local economy. Nextran's decision

to locate their North Atlanta office and service center in Gwinnett County was made after lengthy negotiations, and the Owner and Applicant will be unable to open and operate if the requested sign Variances are not approved. Based on the location, shape and size of the property, a denial of the requested Variances would impose a hardship that would make the use of the property economically unfeasible.

II. Constitutional Objections

The current approved elevations and UDO requirements applicable to the site leave the property owners unable to continue the highest and best use of their property, potentially eliminating any reasonable economic value. Accordingly, the requested approvals are necessary for the viability of the subject property. The portions of the applicable ordinances and regulations which presently restrict the property are or would be unconstitutional and, if applied, would destroy the owner's and applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the applicable ordinances and regulations which presently restrict the property are unconstitutional, illegal, null and void, constituting a taking of the owner's and applicant's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States, by denying the owner and applicant an economically viable use of their land while not substantially advancing legitimate state interests. The property is presently suitable based on the proposed elevations and building materials, and is not economically suitable as currently restricted.

A denial of these requests would constitute an arbitrary and capricious act by the Planning Commission and Gwinnett County without any rational basis, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Planning Commission and Gwinnett County to approve these requests, so as to prohibit the only feasible economic use of the Property, would be unconstitutional and discriminate against the owner and applicant in an arbitrary, capricious and unreasonable manner 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 U.S. Constitution.

Any approval of these requests with some other classification subject to conditions which are different from the conditions requested herein, to the extent such different conditions would have the effect of further restricting owner's and applicant's utilization of the subject property, would also constitute an arbitrary, capricious and discriminatory act, and would likewise violate

each of the provisions of the State and Federal Constitutions set forth hereinabove.

III. Conclusion

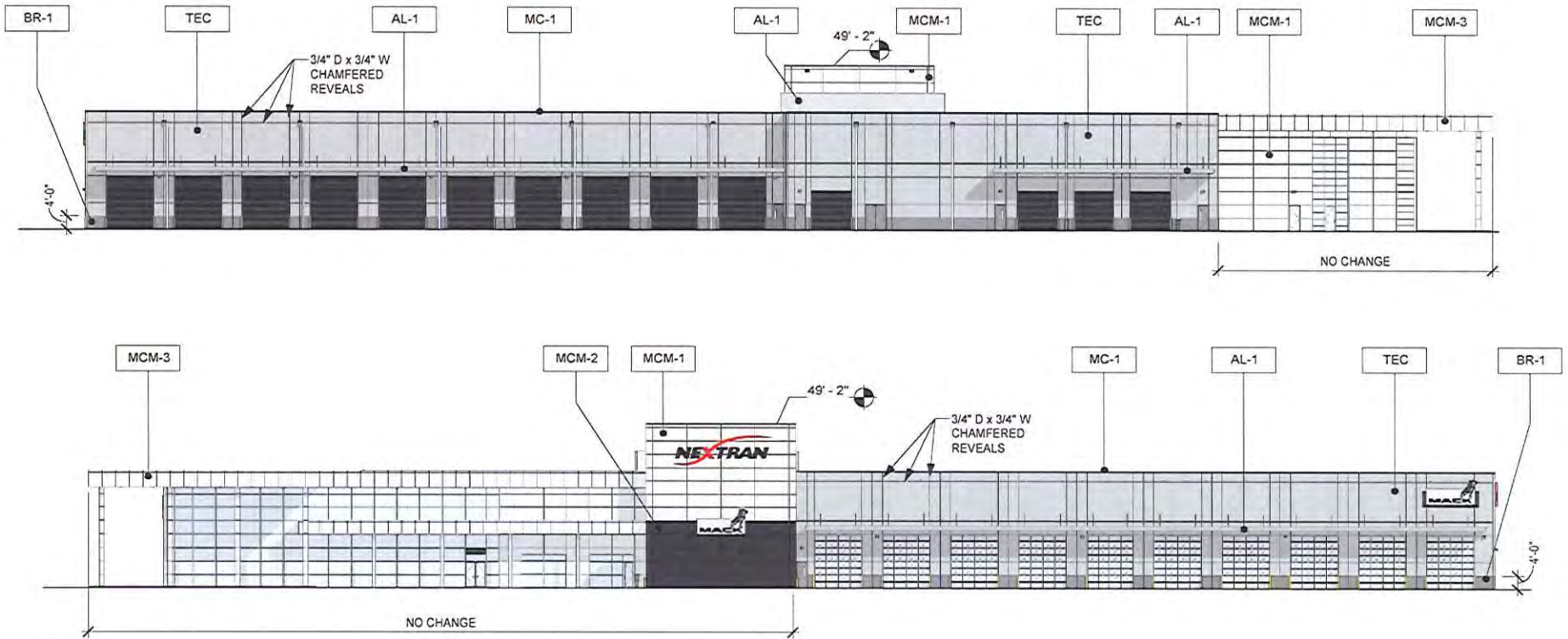
We thank you for your consideration and requested approval of this important request and revised elevations. The Applicant, Owner and their representatives will be glad to meet with County staff and Planning Commissioners at any time to discuss these requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Marian C. Adeimy". The signature is fluid and cursive, with the first name being the most prominent.

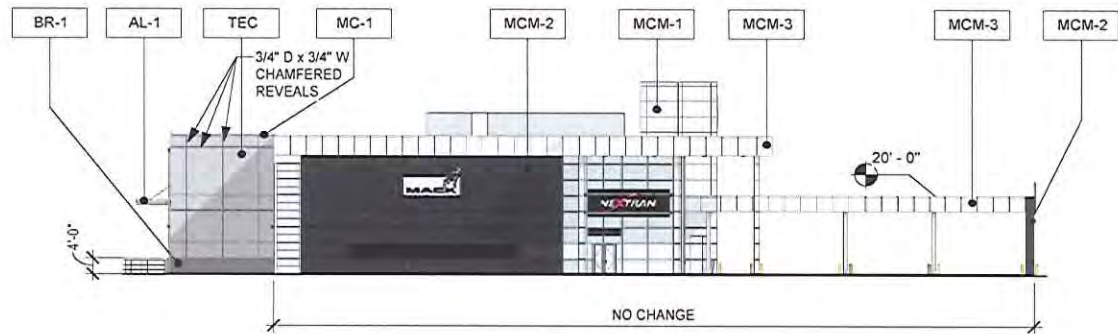
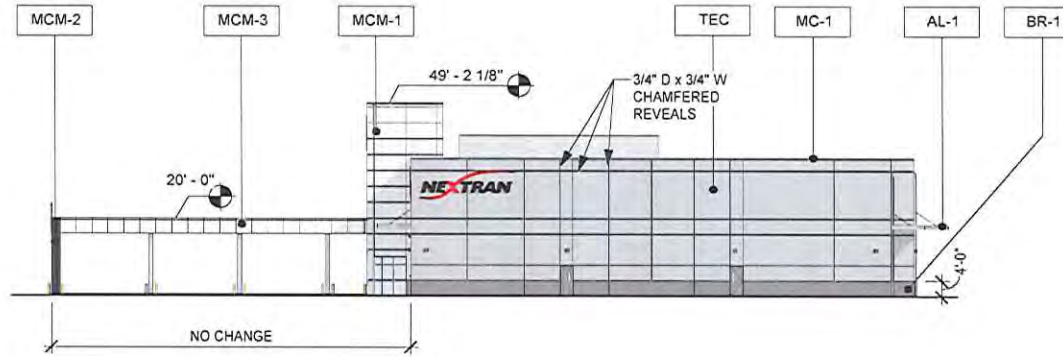
Marian C. Adeimy
Andersen, Tate & Carr, P.C.

Enclosures



Exterior Finish Material Legend

CODE	MATERIAL	COLOR
MCM-1	ALUMINUM COMPOSITE MATERIAL	BRIGHT SILVER METALLIC
MCM-2	ALUMINUM COMPOSITE MATERIAL	DEEP BLACK
MCM-3	ALUMINUM COMPOSITE MATERIAL	FRISCO WHITE
MC-1	METAL COPING	TO MATCH BR-1
BR-1	THIN SET BRICK, CAST INTO TILT-UP CONCRETE	507 EMPIRE
TEC	TEXTURED ELASTOMERIC COATING	GRAY



Exterior Finish Material Legend

CODE	MATERIAL	COLOR
MCM-1	ALUMINUM COMPOSITE MATERIAL	BRIGHT SILVER METALLIC
MCM-2	ALUMINUM COMPOSITE MATERIAL	DEEP BLACK
MCM-3	ALUMINUM COMPOSITE MATERIAL	FRISCO WHITE
MC-1	METAL COPING	TO MATCH BR-1
BR-1	THIN SET BRICK, CAST INTO TILT-UP CONCRETE	507 EMPIRE
TEC	TEXTURED ELASTOMERIC COATING	GRAY

**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 Breckinridge 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.

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JUN 04 2015

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

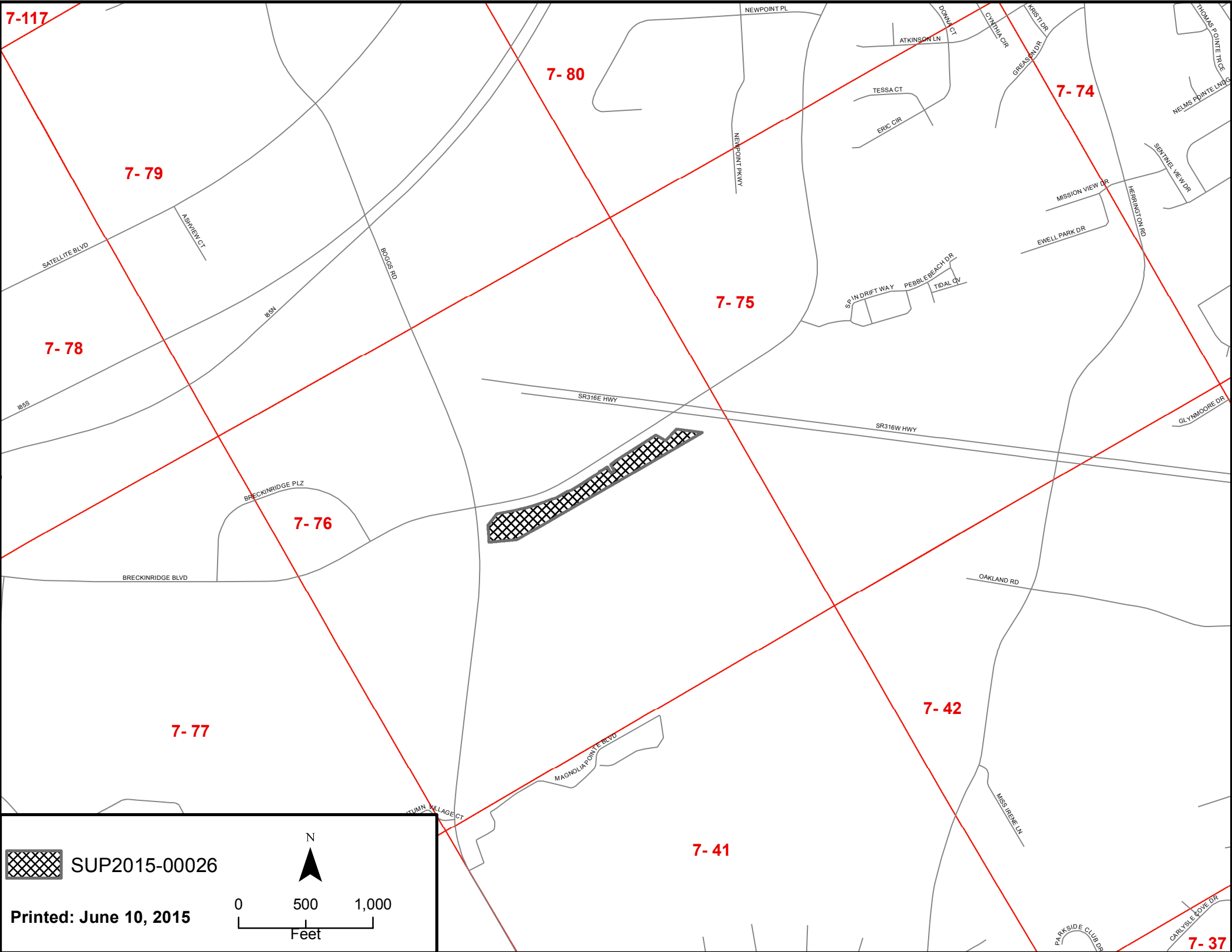
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Planning & Development

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Feet

Printed: June 10, 2015





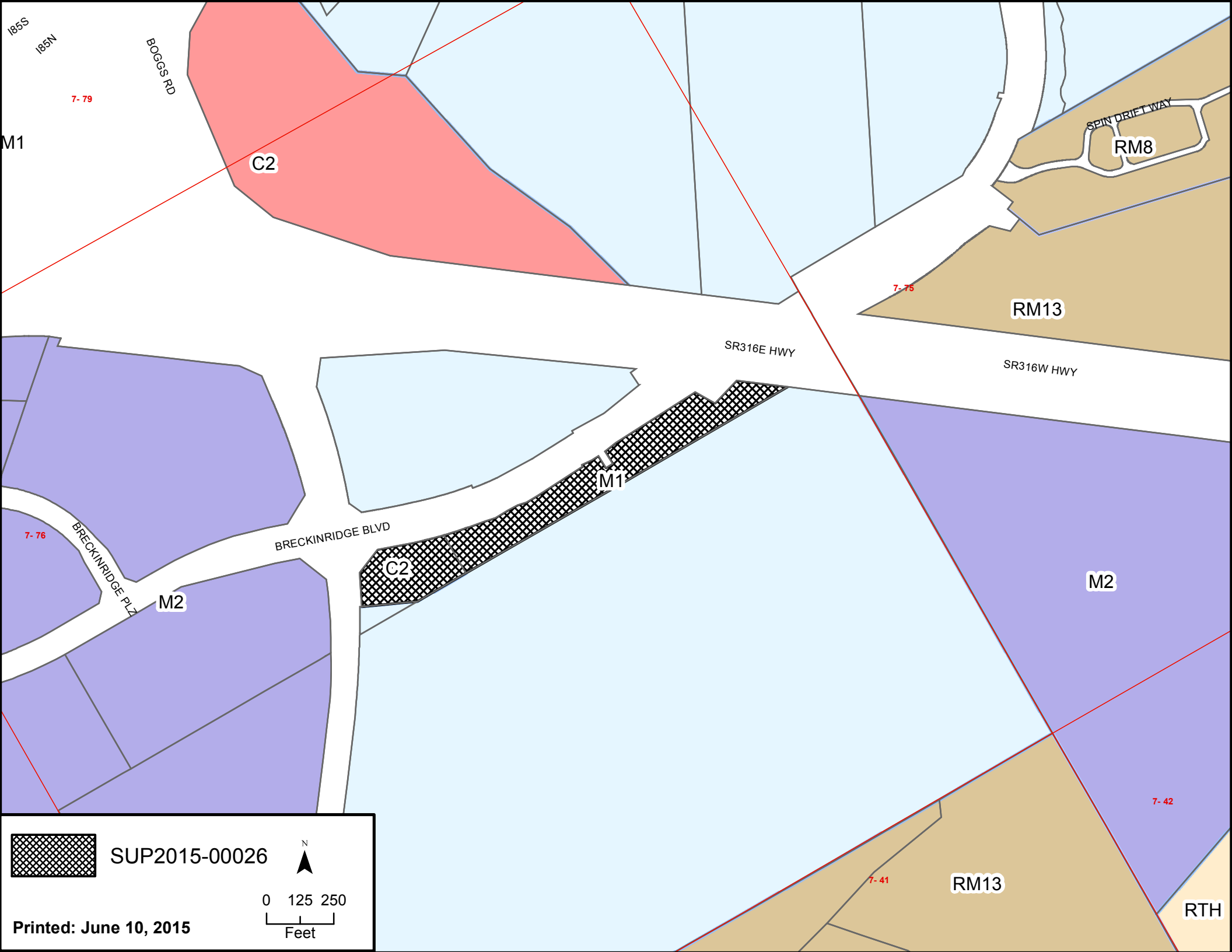
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Printed: June 10, 2015



185S
185N

BOGGS RD

7-79

M1

C2

SPIN DRIFT WAY

RM8

7-75

RM13

SR316E HWY

SR316W HWY

M1

7-76

BRECKINRIDGE PLZ

BRECKINRIDGE BLVD

C2

M2

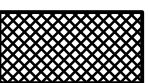
M2

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RM13

RTH

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 SUP2015-00026

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Printed: June 10, 2015

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

CASE NUMBER :**RZC2016-00007**
ZONING CHANGE :M-I & R-100 TO O-I
LOCATION :1700 BLOCK OF PLUNKETTS ROAD
:3700 BLOCK OF BLUE RIDGE DRIVE
MAP NUMBERS :R7218 004 & 053
ACREAGE :5.92 ACRES
UNITS :200 UNITS
PROPOSED DEVELOPMENT :RETIREMENT COMMUNITY (INDEPENDENT LIVING)
COMMISSION DISTRICT :(1) BROOKS

CASE NUMBER :**SUP2016-00017**
ZONING :O-I (PROPOSED)
LOCATION :1700 BLOCK OF PLUNKETTS ROAD
:3700 BLOCK OF BLUE RIDGE DRIVE
MAP NUMBERS :R7218 004 & 053
ACREAGE :5.92 ACRES
UNITS :200 UNITS
PROPOSED DEVELOPMENT :RETIREMENT COMMUNITY (INDEPENDENT LIVING)
COMMISSION DISTRICT :(1) BROOKS

CASE NUMBER :**SUP2016-00021**
ZONING :O-I (PROPOSED)
LOCATION :1700 BLOCK OF PLUNKETTS ROAD
:3700 BLOCK OF BLUE RIDGE DRIVE
MAP NUMBERS :R7218 004 & 053
ACREAGE :5.92 ACRES
UNITS :200 UNITS
PROPOSED DEVELOPMENT :BUILDING HEIGHT INCREASE TO 70 FEET
COMMISSION DISTRICT :(1) BROOKS

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

APPLICANT: JBW INVESTMENTS, LLC
6083 SHADBURN FERRY ROAD
BUFORD, GA 30518

CONTACT: ERIC JOHANSEN PHONE: 678.571.4843

OWNER: RONNIE F. PLUNKETT
 389 BLUE GRASS DRIVE
 JEFFERSON, GA 30549

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The subject property contains 5.92 acres located in the northwest quadrant of the Plunketts Road/Blue Ridge Drive intersection just east of Interstate 985. The majority of the property is zoned R-100 (Single Family Residence District) and is developed with two single family residences, one of which is vacant. The remaining vacant property is zoned M-1 (Light Industry District). The property is bound by the parcels within the City of Buford on all sides not bordered by right-of-way.

The applicant proposes to rezone the property to O-1 (Office Institutional District) with two Special Use Permits in order to develop a 200-unit, 4-story (maximum 70 foot high) independent living facility for residents aged 55 years and older. The applicant proposes the structure to be constructed with exterior materials to include but not be limited to brick, stone, steel, glass, fiber cement siding, stucco, and EIFS materials. The facility is also proposed to include an expansive sidewalk network, common gardens, patios, gazebos, benches, pools, “lush” landscaping, and pocket parks. Internally the facility is proposed to include common areas that consist of coffee bars, movie rooms, workout facilities, reading rooms, fire places, and recreation rooms. A majority of the parking is proposed to be along the frontages of Plunketts Road and Blue Ridge Drive with a very small portion of the parking lot being proposed to be developed on an adjacent 1.2-acre parcel located within the city limits of Buford to the west. Stormwater facilities are also proposed on the Buford parcel. In his letter of intent, the applicant states that the site is currently undevelopable due to existing steep slopes toward I-985, and will require substantial fill in order to construct this on this site. Two access points are proposed, one on Plunketts Road and one on Blue Ridge Drive.

ZONING HISTORY:

The subject property has been zoned M-1 and 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 Section of the Unified Development Ordinance (Chapter 620) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection Section of the Unified Development Ordinance (Chapter 620) requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

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

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

Parking spaces shall be provided at a ratio of:

One and one-half spaces per dwelling (at a minimum)

Three spaces per dwelling (at a 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 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 15-foot building setback is required from the right-of-way of Plunketts Road and Blue Ridge Drive.

Section 320-20.2 of the Unified Development Ordinance requires submittal of a Specimen Tree Concept Plan and Tree Survey prior to submittal and acceptance of a Development Permit Application.

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

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

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

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

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

A left turn lane shall be provided at the project entrance.

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.

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.

The project is to comply with the Gwinnett County Criteria and Guidelines for left turn lanes.

If warranted, the applicant shall provide a left turn lane at the intersection of Plunketts Road with Blue Ridge Drive. All design and construction will be subject to D.O.T. review and 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 an 8-inch water main located on the northwestern right-of-way of Plunketts Road, and a 12-inch water main located on the northern right-of-way of Blue 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 in the City of Buford service area.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review.
3. Each building shall comply with the height and area limitations of Table 503 and the fire resistive and horizontal separation requirements of Table 601 and 602 of the 2012

International Building Code with Georgia state amendments based on occupancy group classification, type of construction, and location of each building from property lines and other buildings.

4. Architectural design of the proposed building shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category I.
5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

DEPARTMENT ANALYSIS:

The 5.92-acre property is located in the northwest quadrant of the Plunketts Road/Blue Ridge Drive intersection just east of Interstate 985. The majority of the property is zoned R-100 (Single Family Residence District) and is developed with two single family residences, one of which is vacant. The remaining vacant property is zoned M-1 (Light Industry District). The stormwater facility and a very small portion of the parking lot is proposed to be developed on an adjacent 1.2-acre parcel, located within the city limits of Buford to the west.

The 2030 Unified Plan Future Development Map indicates this property lies within a Regional Mixed-Use Character Area. The proposed retirement community could be considered compatible within this Character Area. In addition, the proposed development for senior housing could be considered consistent with policies of the Unified Plan to support expanded housing opportunities for seniors in Gwinnett County.

With the exception of the south side of Blue Ridge Drive, the area surrounding the subject property is located within the city limits of Buford. Most of these properties were annexed into the city prior to 2005, with the exception of the property located at 3626 Buford Drive. That parcel was annexed in December 2014. According to Gwinnett County tax information, property to the west is zoned industrial and is developed with a small, industrial building that is presently vacant. This parcel is proposed to be developed as part of this project with the detention pond and a small part of the parking lot. Further west is a larger tract also zoned industrial and developed as a construction vehicle/truck repair facility. To the north is another truck/heavy construction equipment repair facility, zoned commercial. These properties are accessible only by Blue Ridge Drive which in turn is only accessible by its intersection with Plunketts Road at the subject property. East across Plunketts Road is vacant property located in the city of Buford, also zoned commercial. To the south and southeast are properties located in unincorporated Gwinnett County, zoned R-100 and developed as large lot single family residences. Further south is the Knoll Crest subdivision, also zoned R-100. Given the existing and proposed developments surrounding the site and zoning patterns of the area, the requested zoning and use as a 4-story retirement community could be considered suitable for the subject property.

In conclusion, the proposed retirement community could be compatible with the surrounding commercial, industrial and residential developments. In addition, the proposed use could be considered consistent with recommendations of the 2030 Unified Plan and policies for long term housing options for seniors. Staff has included a condition recommended by the D.O.T. staff for a left turn lane from Plunketts Road to Blue Ridge Drive if warranted. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of these requests.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval as O-I (Office-Institutional District) with Special Use Permits for an Independent Living Retirement Community and to exceed the height limitation, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Professional office and institutional uses, including an independent living retirement community as a special use. The retirement community may consist of no more than 200 independent living apartment units with a maximum height of 70 feet.
 - B. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (stucco may only be used as an accent material). Final building elevations shall be submitted for review by the Director of Planning and Development.
2. To abide by the following site development considerations:
 - A. Provide 10-foot wide landscape strips adjacent to all rights-of-way.
 - B. Provide a 10-foot wide landscape strip adjacent to the side and rear property line.
 - C. Natural vegetation shall remain on the property until the issuance of a development permit.
 - D. Ground signage shall be limited to one monument-type sign, and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, 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 shall be externally-illuminated and shall not exceed 6 feet in height.
 - E. Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white earthtone) background colors for the sign cabinet.
 - F. Dumpsters or trash compactors shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
 - G. 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.
 - H. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No

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

- I. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
- J. Billboards or oversized signs shall be prohibited.
- K. Outdoor storage shall be prohibited.
- L. If warranted by the Gwinnett D.O.T., the applicant shall provide a left turn lane at the intersection of Plunketts Road with Blue Ridge Drive. All design and construction will be subject to D.O.T. review and approval.
- M. The facility grounds shall include common gardens, patios, gazebos, benches, pools, and pocket parks.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The property is primarily situated adjacent to existing and proposed industrial and commercial uses, and could be suitable as a retirement community with the recommended conditions.

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The proposed development could be considered consistent with adopted policies within the 2030 Unified Plan, which encourage expanded housing opportunities for seniors, and with the Future Development Map designation of the property as the Regional Mixed-Use Character area.

CONDITIONS AFFECTING ZONING

This request for O-I zoning for a retirement community could be viewed as a suitable use of the property.

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 development will be suitable compared to the immediate and surrounding Commercial, Industrial, and Residential uses

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

NO, the proposed development will not adversely affect the immediate and surrounding properties, as the immediate and surrounding uses are widely varied in their uses, topography, County vs City jurisdictions, economic values, and overall building architecture

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

NO, the Subject Property does not have a reasonable economic use as currently zoned due to the fact that the immediate and surrounding properties have all been developed as Commercial or Industrial uses. Additionally, both street frontages are heavily dominated with cut-thru traffic.

- (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 development will utilize existing infrastructure already in place, the roads are already dominated with commercial and cut thru traffic patterns, and the Senior Development that is aged restricted should little to NO impact on the County school systems.

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

YES, this area has been identified as Regional Mixed-Use, and the proposed Senior Housing Development is exactly that. The proposed development will compliment the existing mixture of Commercial, Industrial, and Residential uses in the immediate and surrounding 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 REZONING:

The proposed Senior Housing Development will present a use that is virtually absent from the Mall or Georgia and City of Buford corridor. The proposed development will blend into the immediate and surrounding area and will provide a viable housing alternative to the aging population of Gwinnett County.

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RZC '16 007



December 29, 2015

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

Re: Rezoning and Special Use Permit – Letter of Intent
1798 Plunketts Road, Buford, GA 30519
3707 Blue Ridge Drive, Buford, GA 30519
Tax Parcels: R7218 004 & R7218 053
Gwinnett County, GA

Dear Ms. Holland,

Inland Group, LLC ("Inland") has been retained by JBW Investments, LLC (the "Applicant") to pursue a Rezoning and Special Use Permit Applications (the "Application") for real property located at the 1798 Plunketts Road, Buford, GA 30519, and 3707 Blue Ridge Drive, Buford, GA 30519, and further described as Gwinnett County Tax Parcels R7218 004 and R7218 053 that are approximately ±5.92 acres (the "Subject Property"). **The Applicant is Contract Purchaser of the Subject Property**, and the Subject Property is presently owned by the Plunkett family. The Subject Property is currently zoned R-100 and M-1 due to past actions of others, the development of the Blue Ridge Industrial Park, the construction of Blue Ridge Drive, and annexation efforts from the City of Buford, Georgia (the "City") for the immediate and surrounding properties.

The Applicant is requesting a Rezoning from the existing R-100 and M-1 zoning designations to O-1 (Office Institutional District) and a Special Use Permit ("SUP") to allow the Subject Property to be used for a **Retirement Community, Independent Living**. The Subject Property is the only remaining Gwinnett County, Georgia (the "County") parcels of land remaining between Blue Ridge Drive and Buford Drive due to recent annexation efforts of the City. The Subject Property has been previously used as a primary residence for the Plunkett family on Parcel R7218 004, but over the last few years the structure and property have not been utilized for residential purposes and most recently has been marketed for sale as commercial property with commercial property values assessed to the same property. The

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

RZC '16 007

immediate and surrounding area is characterized by existing Commercial and Industrial uses, and Plunketts Road has been discovered to be one of the County secret cut thru roads connecting Buford Drive to Satellite Boulevard and beyond.

The Applicant has assembled three parcels of land for the proposed Retirement Community, Independent Living facility. Two of the parcels are located within the County and one of the parcels is located within the City (the only parcels being considered by this Application is the County property). Currently, the Subject Property is NOT buildable due to the severe slopes that exist, falling from Plunketts Road toward Interstate 985 accounting for ± 80 feet of grade change from the front of the Subject Property to the back. The Applicant is currently under contract on the adjacent Commercial property to the north and has plans to remove up to 100,000 cubic yards of earthen materials that would ultimately be placed on the Subject Property leveling it out and creating the development opportunity as proposed by this Application. Considering the immediate and surrounding land uses of Commercial and Industrial, as well as, all of the same lands are located within the City, the Subject Property provides a unique opportunity for the County to expand its current housing options for the aging population. The Average Daily Traffic ("ADT") of Buford Drive and Plunketts Road is in excess of 80,000 vehicles per day, and the ADT of Plunketts Road between Buford Drive and Satellite Boulevard is in excess of 20,000 vehicles per day.

The Applicant is proposing to construct a four (4) story Independent Living facility that would be age restricted to 55 years of age and older consisting of two hundred (200) units for the Subject Property. The proposed Independent Living facility would be developed and managed by a leader within the Senior Housing industry and would provide a much needed housing option for this northern portion of the County. The proposed structure would be constructed with exterior materials to include but not be limited to brick, stone, steel, glass, hardy boards, stucco, and EIFS materials. The common elements of the facility would include but not be limited to expansive sidewalk networks, common gardens, patios, gazebos, benches, pools, lush landscaping, pocket parks, and other common areas consistent with a facility of this type. Internally, these facilities typically have common areas that consist of coffee bars, movie rooms, workout facilities, reading rooms, fire places, recreational rooms, and other common areas consistent with a facility of this type.

Given the location of the Subject Property, the future residents of this facility are less than five minutes away from the Mall of Georgia for shopping and dining options, and less than two minutes away from the Gwinnett County Heritage Center for recreational opportunities. For those future residents traveling North/South, Interstate 985 is less than two minutes away, and Interstate 85 is less than five minutes away. For those future residents traveling East/West, Buford Drive (aka State Route 20) is less than one minute away. The Subject Property is properly situated very close to all major travel arteries of the County, and virtually all shopping, dining, and recreational opportunities the County has to offer are less than five minutes away for all to use and enjoy.

We are requesting a height increase from 35 feet tall to 70 feet tall, as this increase will accommodate the proposed architecture to support the proposed four (4) story facility. The majority of the internal common areas will be located within an open basement level that will open up into the exterior common areas previously mentioned above. The Applicant has provided a basic level of architecture depicting a three story building for conceptual purposes only to the County. As the architecture for this facility is developed, the Applicant will share that with the County for review and consideration of the Application.

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We respectfully request your approval of this request for the proposed Rezoning Application and the Special Use Permit Application to permit the following additional uses on the Subject Property; **Retirement Community, Independent Living**. The proposed use on the Subject Property is consistent with the 2030 Unified Plan designating this area of the County as Regional Mixed-Use, and this proposed facility creates an opportunity for a long term housing option for the aging population in the northern portion of the County. 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 Applicant

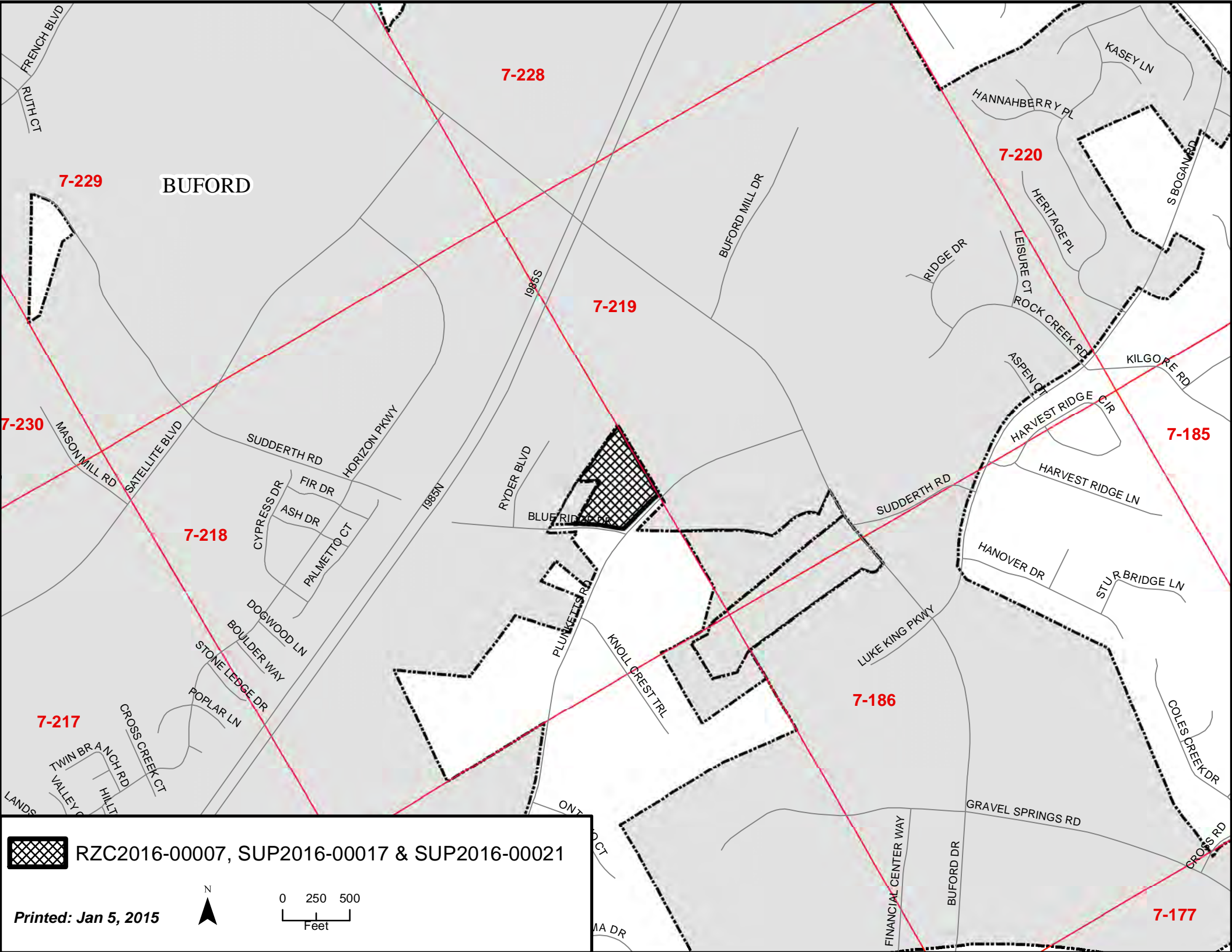
cc: JBW Investments, LLC
File

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BUFORD

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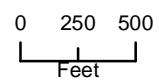
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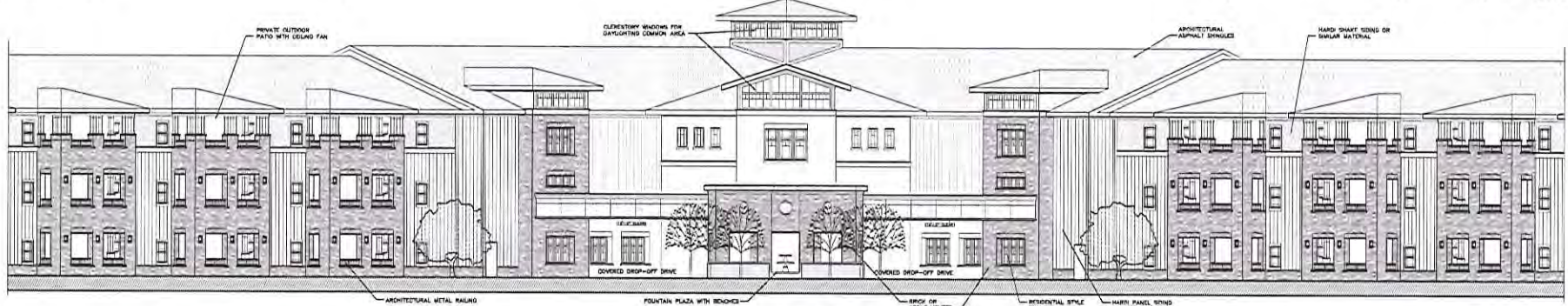
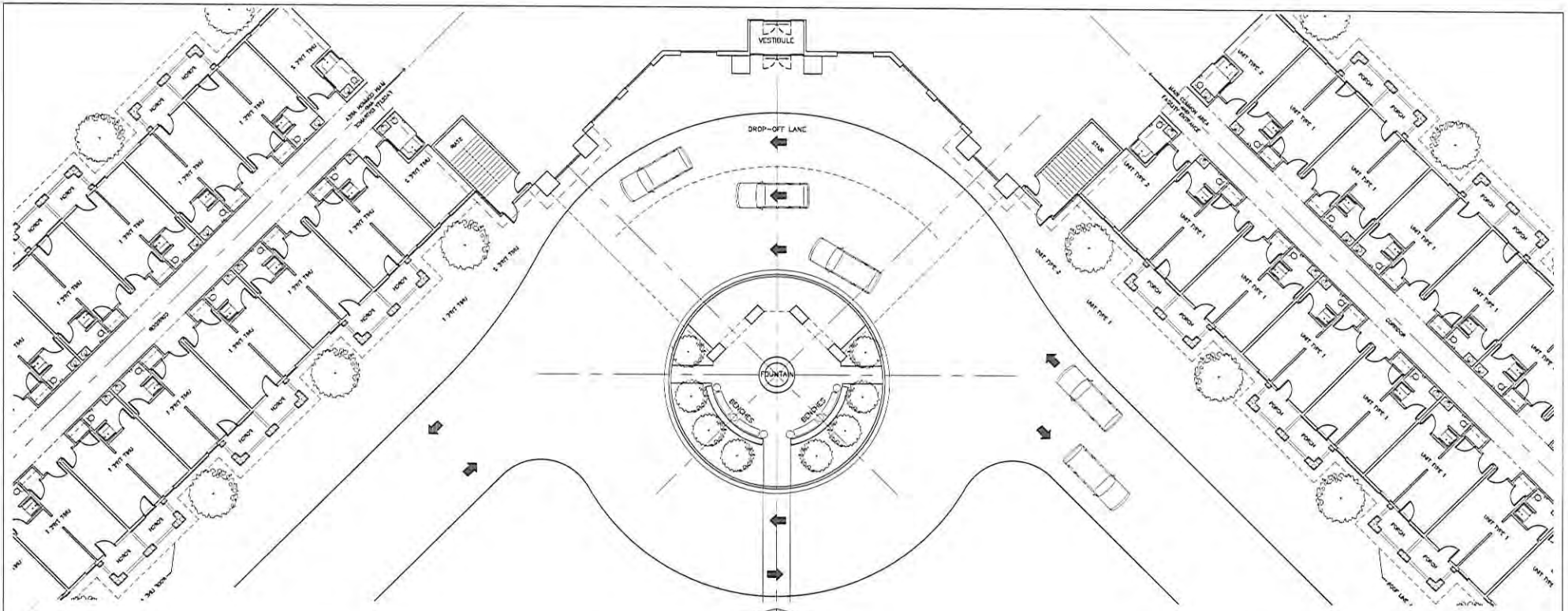
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 RZC2016-00007, SUP2016-00017 & SUP2016-00021

Printed: Jan 5, 2015





CONCEPT PLAN & ELEVATION

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OCTOBER 01, 2009

INLAND GROUP, LLC

PLANNING | DESIGN | CONSTRUCTION MANAGEMENT

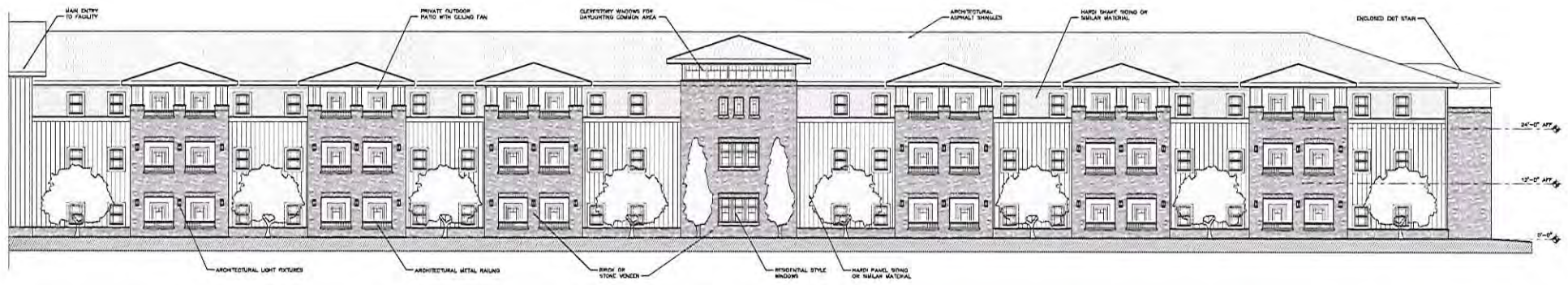
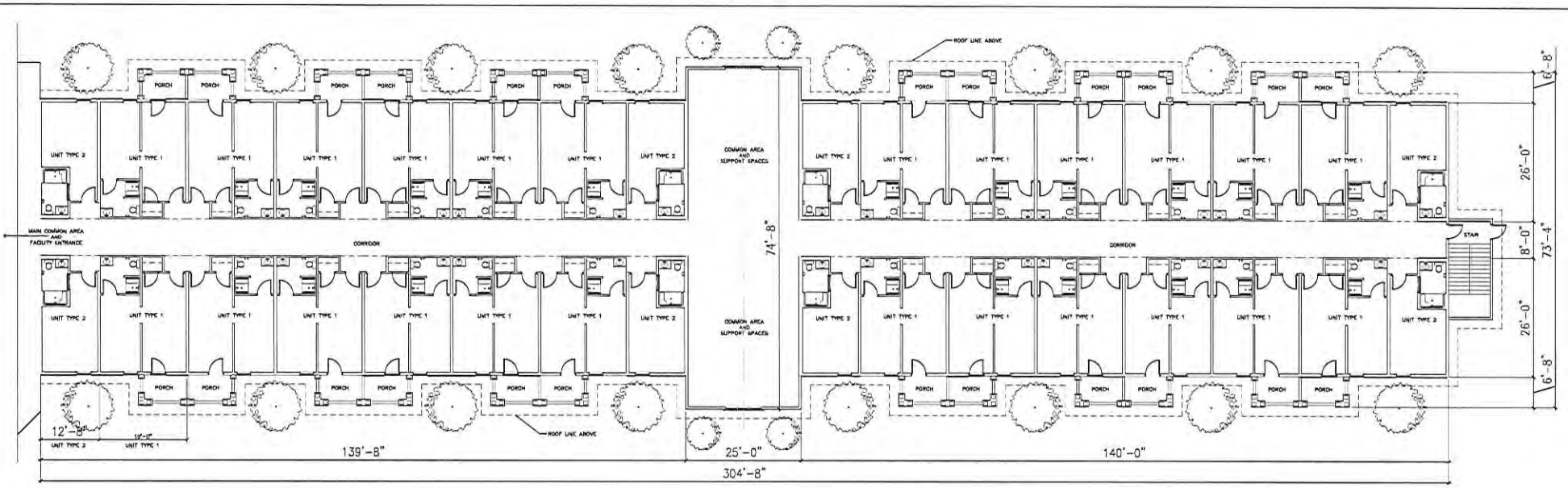
8300 OAKBROOK PARKWAY
 BUILDING 300 SUITE 308
 NORCROSS, GEORGIA 30092
 VOICE 404.388.8700
 FAX 404.388.8780



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CONCEPT PLAN & ELEVATION
TYPICAL RESIDENT WING

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RZC '16007

INLAND GROUP, LLC
PLANNING | DESIGN | CONSTRUCTION MANAGEMENT

5300 OAKBROOK PARKWAY
BUILDING 300 SUITE 366
MARIETTA, GEORGIA 30067
VOICE 404.388.6700
FAX 404.388.6700





FRONT ELEVATION

PRELIMINARY FRONT ELEVATION

DEVELOPED BY:



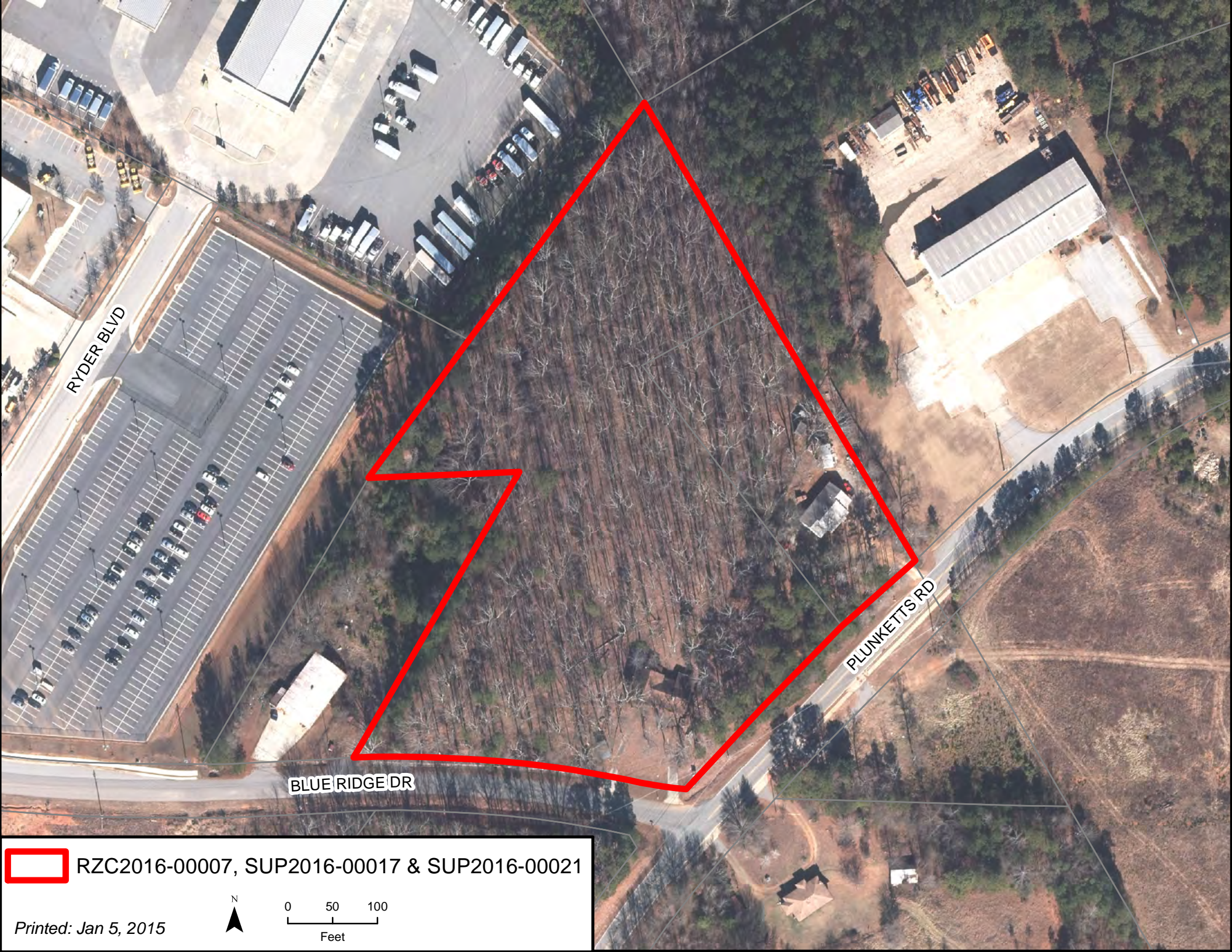
PLUNKET ROAD ASSISTED LIVING

BUFORD, GEORGIA

MaxDesign Group Project
#D16-106

27 JANUARY 2016





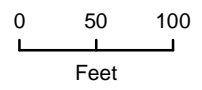
RYDER BLVD

PLUNKETTS RD

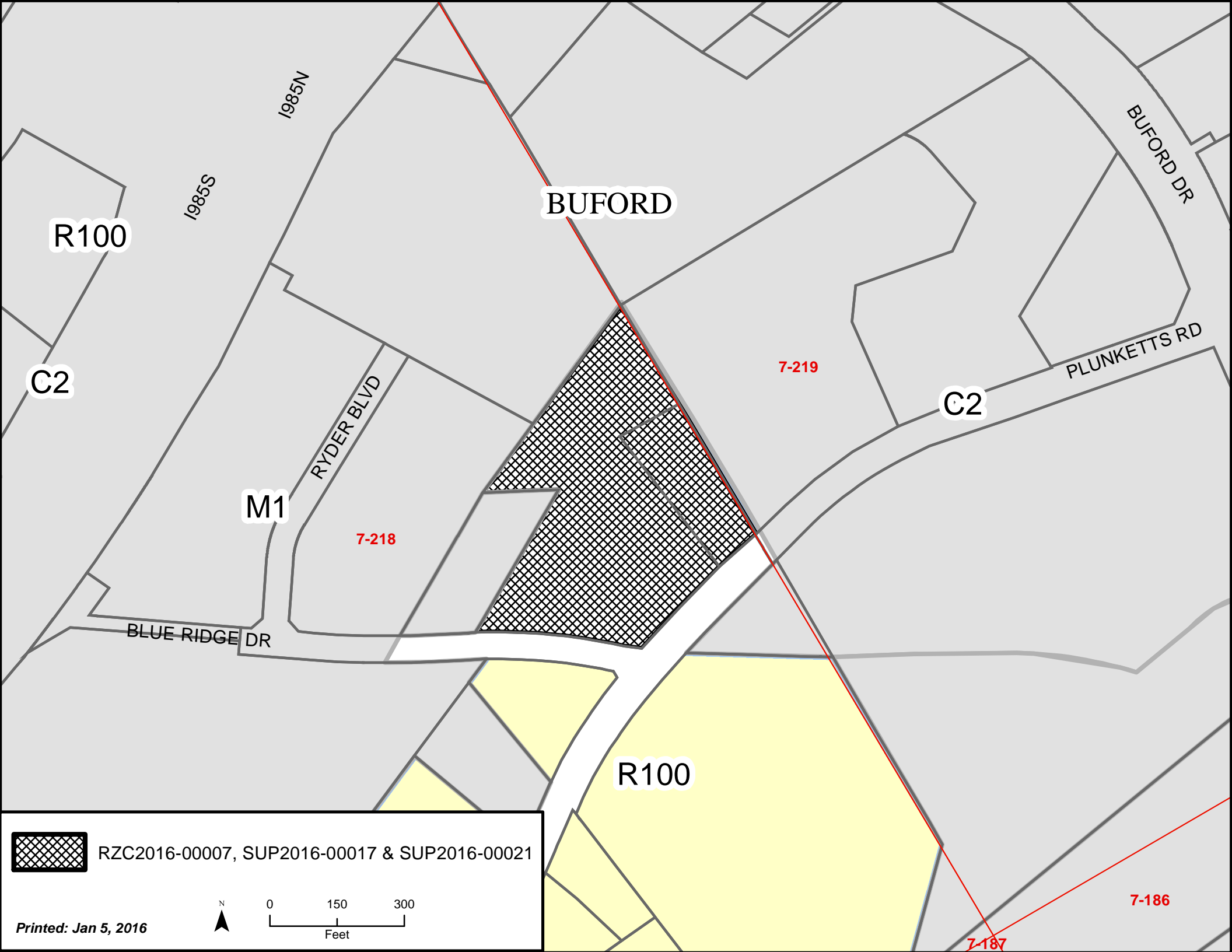
BLUE RIDGE DR



RZC2016-00007, SUP2016-00017 & SUP2016-00021



Printed: Jan 5, 2015



BUFORD

R100

1985S

1985N

BUFORD DR

C2

7-219

PLUNKETTS RD

C2

M1

7-218

RYDER BLVD

BLUE RIDGE DR

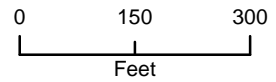
R100

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RZC2016-00007, SUP2016-00017 & SUP2016-00021



Printed: Jan 5, 2016

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

CASE NUMBER :**RZR2016-00005**
ZONING CHANGE :R-100 TO R-TH
LOCATION :500 BLOCK OF PADEN DRIVE
 :2600 BLOCK OF TITON WAY
MAP NUMBER :R5017 009
ACREAGE :22.46 ACRES
UNITS :107 UNITS
PROPOSED DEVELOPMENT :TOWNHOMES
COMMISSION DISTRICT :(4) HEARD

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

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

CONTACT: SHANE LANHAM PHONE: 770.232.0000

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

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The subject 22.46-acre property is located on the west side of Paden Drive north of Lawrenceville Highway. The site is heavily wooded with a stream bisecting the western portion of the property from north to south. One single family residence is developed along Paden Drive.

The applicant is requesting rezoning from R-100 to R-TH for 107 townhomes at a gross density of 4.76 units per acre. According to the proposed site plan, approximately 2.7 acres are located within floodplain, resulting in a net density of 5.07 units per acre. A stormwater detention pond is proposed outside the required 50-foot stream buffer on the west side of the site. Access to the townhome development is proposed from Paden Drive. The applicant proposes the minimum heated floor area will be 1,800 square feet with two car garages. The front facades would consist of brick, stacked stone, and fiber cement siding with fiber cement siding only being used on the balance of the homes. A small recreation area is proposed along the southwest property line.

The site plan indicates a required 35-foot undisturbed buffer adjacent to R-100 zoned properties around the periphery of the site, except the area labeled “Common Property” in the westernmost portion of the property. According to documents provided by the applicant, staff notes that a single family residence at the end of Titon Way obtained an access easement to cross the subject property in 1988 in perpetuity.

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 Section of the Unified Development Ordinance (Chapter 620) requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

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

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.

Section 320-20.2 of the Unified Development Ordinance requires submittal of a Specimen Tree Concept Plan and Tree Survey prior to submittal and acceptance of a Development Permit Application.

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:

The property appears to contain floodplain. The proposed townhomes may require revision to show the appropriate floodplain. All storm water best management practices will be applicable upon development permit issuance.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Paden Drive 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.

A left turn lane shall be provided at the project entrance.

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.

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 southwestern right-of-way of Paden Drive, and a 6-inch water main located on the northwestern right-of-way of Titon Way.

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located on the property.

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

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

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

Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies and Gwinnett County's ordinances. Proceeding design,

construction, inspection, and final acceptance of the required utilities, service to these utilities would then become available under the applicable utility permit rate schedules.

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

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

DEPARTMENT ANALYSIS:

This request is to rezone from R-100 to R-TH in order to develop 107 townhomes at a net density of 5.07 units per acre. The subject 22.46-acre property is located on the west side of Paden Drive north of Lawrenceville Highway. One single family residence is located along Paden Drive, which the applicant proposes to demolish, and the balance of the site is heavily wooded.

The 2030 Unified Plan Future Development Map indicates that the site is located in an Existing/Emerging Suburban Character Area, policies of which encourage low to medium density single-family residential development. The requested net density of 5.07 units per acre would not be consistent with 2030 Unified Plan policies. In addition, the proposed townhouse development could be considered incompatible with the established single family zoning and development pattern of the immediate area.

The surrounding area is characterized primarily by R-100 single-family residential subdivisions and lots, with one R-75 subdivision to the northwest. Directly south and southwest of the site are the Paden's Chase and Desiree subdivisions, both zoned R-100. To the northwest is the Sycamore Crossing subdivision, zoned and developed R-75. Across Paden Drive to the east is the Paden Mill subdivision, zoned R-100 pursuant to RZ-84-030. To the south of that subdivision is the Paden's Valley subdivision, zoned R-60 pursuant to RZ-93-138 and RZ-94-153. In light of these surrounding zonings and developments, townhomes could be considered an unsuitable use for this location. If staff's recommended alternate conditions for an R-75 single family detached subdivision are approved, including conditions for larger units, front façade treatment, and an internal recreation, this request could be considered consistent with existing

single family subdivisions and previous Board approvals for single family subdivisions in the immediate area.

In conclusion, the proposed townhouse development at 5.07 units per acre net density may not be supported by the Unified Plan or consistent with the single family development pattern of the surrounding area. 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 and structures.
 - B. The minimum heated floor area per dwelling unit shall be 1,800 square feet for one-story homes and 2,100 square feet for two-story homes.
 - C. Homes shall be constructed with front facades of primarily brick or stacked stone. The balance of the home may be the same, or of fiber-cement siding or shake with a minimum 3-foot high brick or stacked stone water table.
 - D. All dwellings shall have at least a double-car garage.
 - E. Any recreational area for the subdivision must be located internally to the development and not adjacent to any property line, or as may be approved by the Director of Planning and Development.
2. To satisfy the following site development considerations:
 - A. Provide a minimum 25-foot wide construction buffer adjacent to external property lines.
 - B. No direct lot access shall be allowed from Paden Drive.
 - C. Maintain a 50-foot building setback along Paden Drive.
 - D. The Paden Drive 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.
 - E. Natural vegetation shall remain on the property until the issuance of a development permit.
 - F. All grassed areas on building lots shall be sodded.
 - G. Underground utilities shall be provided throughout the development.

- H. Storm water detention facilities shall be screened from view from 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-TH rezoning and townhouse use may not be suitable at this location. An R-75 development could be more appropriate given the adjacent and neighboring single family detached subdivisions in the area.

ADVERSE IMPACTS

Adverse impacts on neighboring properties could be anticipated from the introduction of an incompatible zoning classification, density and unit type.

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-TH zoning at this location. The requested R-TH 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

The lack of any multi-family or townhome zoning within this area of Paden Drive suggests that R-TH zoning may be inappropriate for this location.

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

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

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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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FEB 05 2016

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

- (A) Yes, the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties.
- (C) Due to the size, location, layout and dimensions of the subject property, the Applicant submits that the property does not have reasonable economic use as currently zoned.
- (D) No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. Recent and continuing improvements to the transportation network in the area allow and contemplate developments of this nature.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County Land Use Plan.
- (F) Applicant submits that the subject property's proximity to commercially and similarly-zoned property provides additional support of this Application.

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RZR '16 005

Matthew P. Benson
Alissa L. Cummo
Brian T. Easley
Kelly O. Faber
Amanda F. Henningsen
Christopher D. Holbrook
Joshua P. Johnson
Gerald Davidson, Jr.*

Shane M. Lanham
Austen T. Mabe
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
*Of Counsel

**LETTER OF INTENT FOR REZONING APPLICATION
OF MAHAFFEY PICKENS TUCKER, LLP**

Mahaffey Pickens Tucker, LLP (the “Applicant”) submits this Letter of Intent and attached Rezoning Application for the purpose of rezoning to the R-TH zoning classification an approximate 22.46 acre tract (the “Property”) situated along Paden Drive north of its intersection with Lawrenceville Highway (a.k.a. U.S. Route 29). The Property is currently zoned R-100.

The Applicant proposes to develop a single-family residential community, including 107 attached residential townhomes. The proposed development would have a net density of approximately 5.07 units/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 proposed single-family community would consist of homes at a size, quality, and price-point commensurate with or exceeding homes in the surrounding area. The proposed townhomes would include double-car garages as well as other attractive architectural elements. The building materials would consist of brick, stacked stone, or cement or shake siding. The proposed development would also contain a pool and cabana amenities for residents as well as approximately 1.3 acres of common green space at the rear of the property.

In addition to the thirty-five foot buffers required by the UDO, adjacent R-100 uses are further buffered from the proposed development by the extensive green space provided at the

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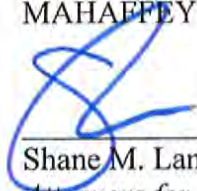
RZR '16 00 5

rear of the site. In effect, this common green space creates a buffer that is over five hundred feet in width.

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 February, 2016.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

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JUSTIFICATION FOR REZONING APPLICATION

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

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

The Property is presently suitable for development under the R-TH classification with as requested by the Applicant, and is not economically suitable for development under the present R-100 zoning classification of Gwinnett County. 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 Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the

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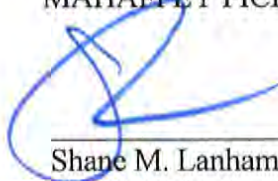
Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

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

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

This 5th day of February, 2016.

Respectfully submitted,
MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

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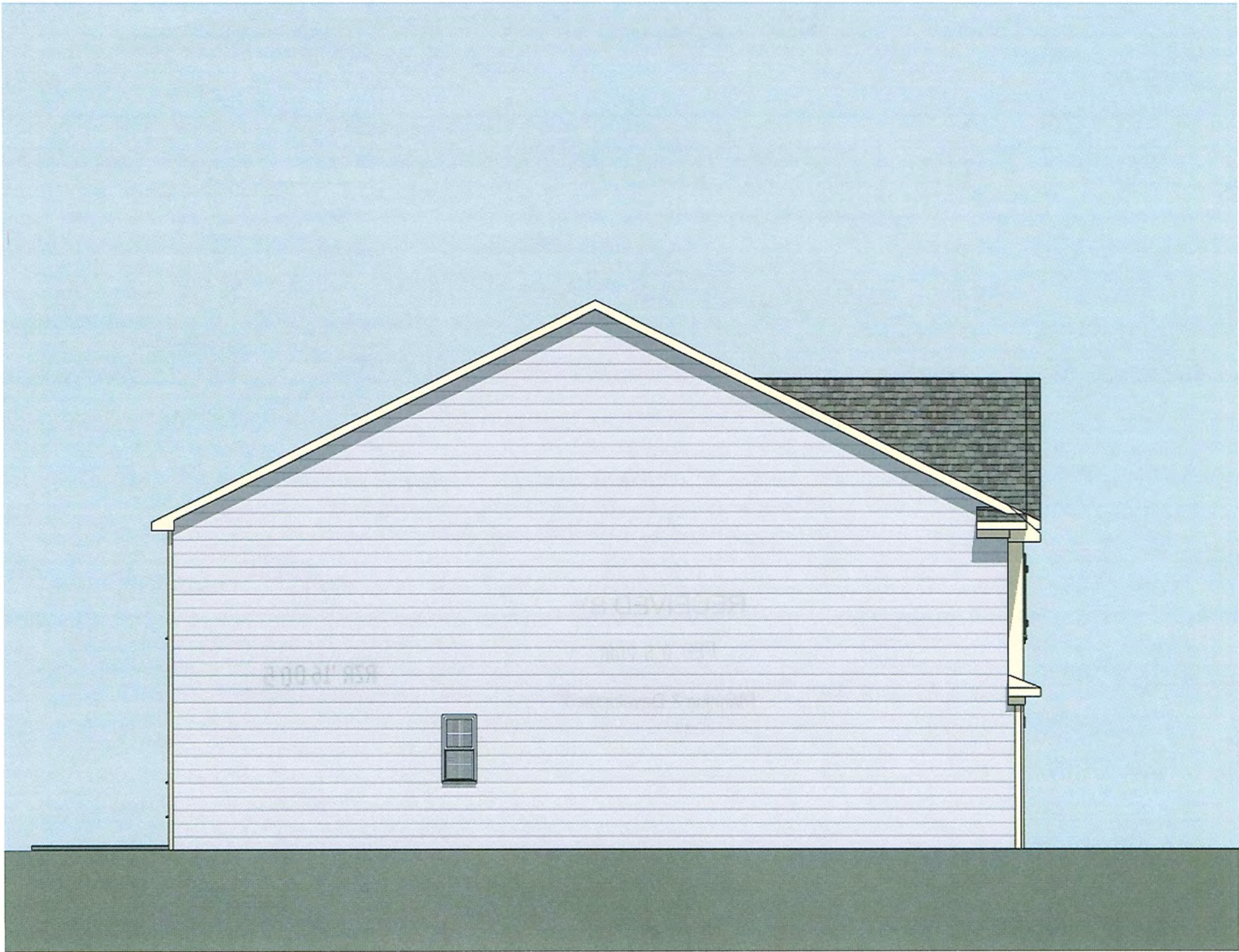
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Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County, April 2016

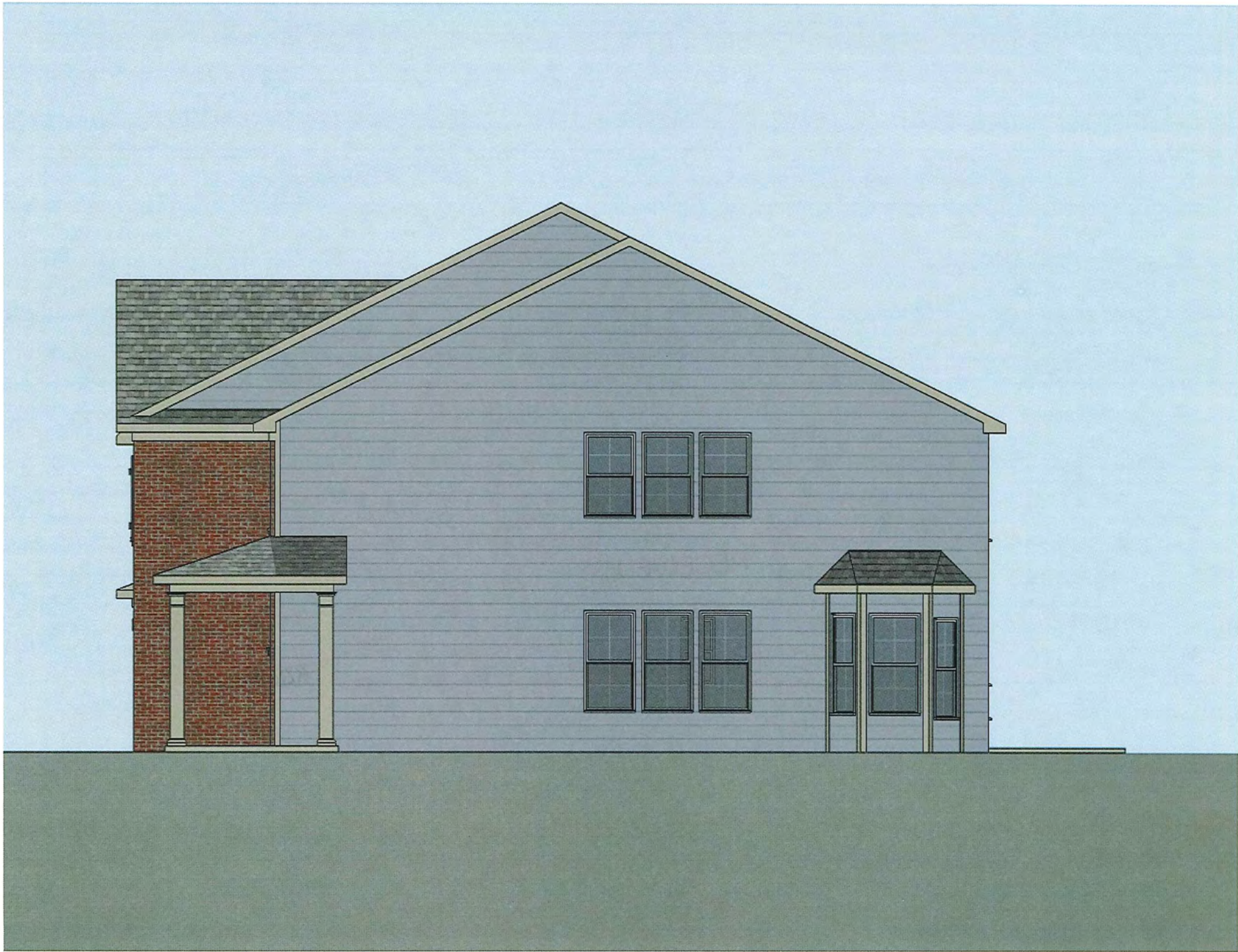
Case #	Schools	Current Projections									Proposed Zoning
		2015-16			2016-17			2017-18			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZR2016-00005	Discovery HS	1786	1,925	-139	1875	1,925	-50	1969	1,925	44	21
	Richards MS	2020	1,575	445	2060	1,575	485	2102	1,575	527	15
	Alford ES	968	1,025	-57	987	1,025	-38	1007	1,025	-18	29
RZR2016-00006	Brookwood HS	3407	2,575	832	3391	2,575	816	3375	2,575	800	6
	Crews MS	1267	1,150	117	1256	1,150	106	1245	1,150	95	4
	Brookwood ES	1111	1,250	-139	1122	1,250	-128	1133	1,250	-117	8

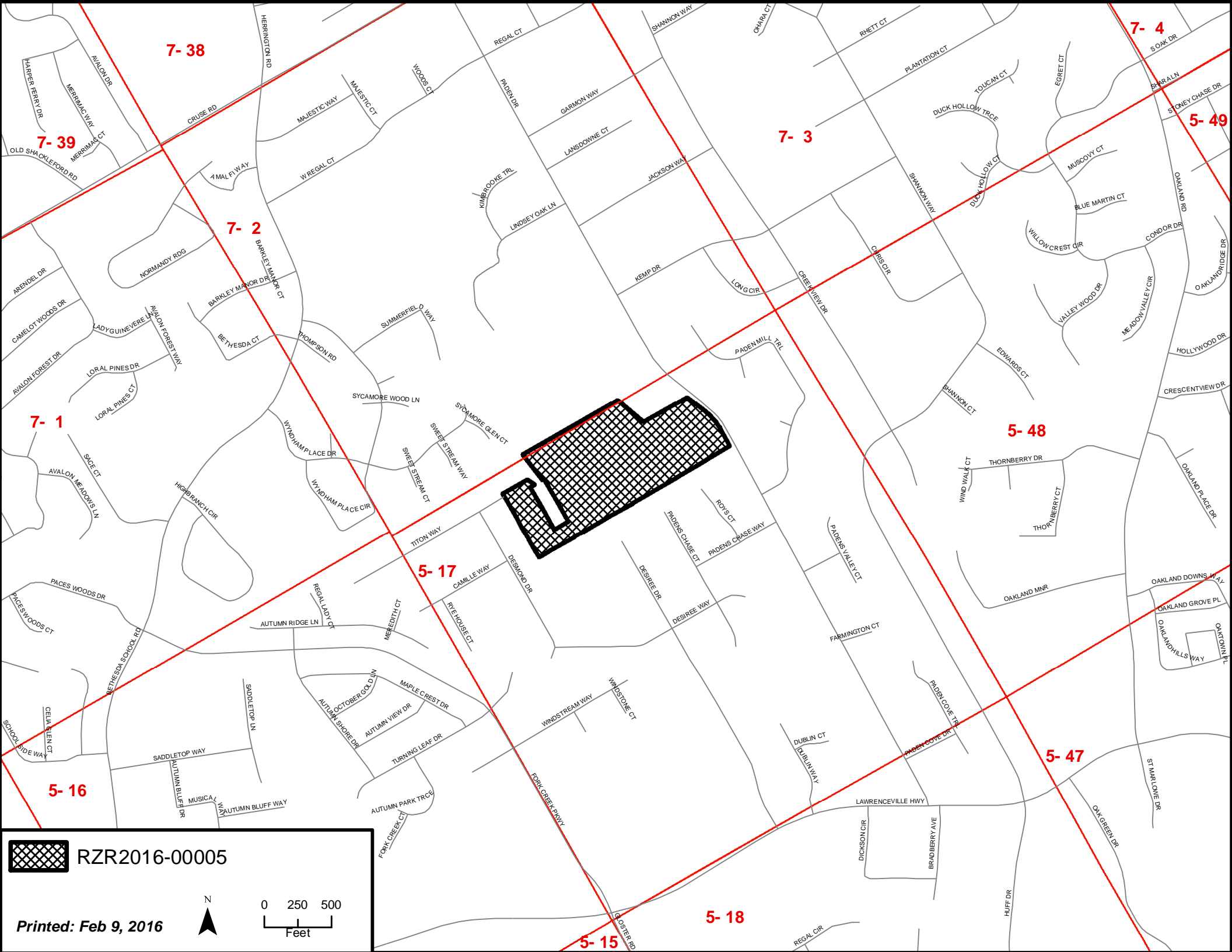
Current projections do not include new developments











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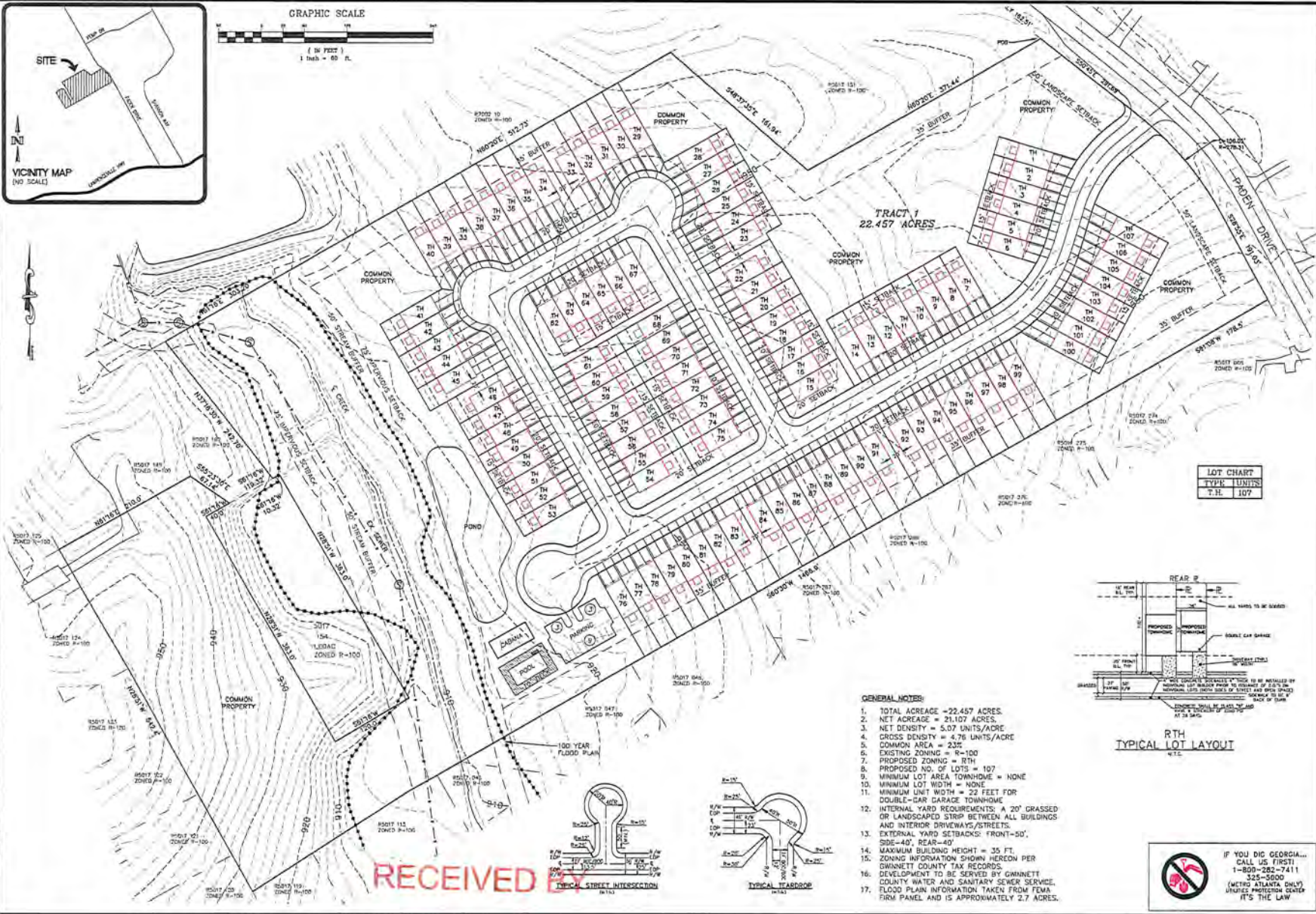
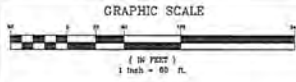
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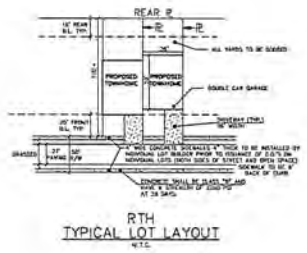


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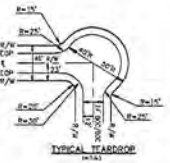
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LOT CHART	TYPE	UNITS
T.H. 107		



- GENERAL NOTES:**
- TOTAL ACREAGE = 22.457 ACRES.
 - NET ACREAGE = 21.107 ACRES.
 - NET DENSITY = 5.07 UNITS/ACRE
 - GROSS DENSITY = 4.76 UNITS/ACRE
 - COMMON AREA = 23%
 - EXISTING ZONING = R-100
 - PROPOSED ZONING = RTH
 - PROPOSED NO. OF LOTS = 107
 - MINIMUM LOT AREA TOWNHOME = NONE
 - MINIMUM LOT WIDTH = NONE
 - MINIMUM UNIT WIDTH = 22 FEET FOR DOUBLE-CAR GARAGE TOWNHOME
 - INTERNAL YARD REQUIREMENTS: A 20' GRASSED OR LANDSCAPED STRIP BETWEEN ALL BUILDINGS AND INTERIOR DRIVEWAYS/STREETS.
 - EXTERNAL YARD SETBACKS: FRONT-50', SIDE-40', REAR-40'
 - MAXIMUM BUILDING HEIGHT = 35 FT.
 - ZONING INFORMATION SHOWN HEREON PER GWINNETT COUNTY TAX RECORDS.
 - DEVELOPMENT TO BE SERVED BY GWINNETT COUNTY WATER AND SANITARY SEWER SERVICE. FLOOD PLAN INFORMATION TAKEN FROM FEMA FIRM PANEL AND IS APPROXIMATELY 2.7 ACRES.



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WWW.MYERS-AND-CO.COM

Project Description
587 PADEN DRIVE
LAWRENCEVILLE
GEORGIA 30044
DISTRICT 5, 14, 17
PARCEL #0017 079
GWINNETT COUNTY, GEORGIA

DATE	2-3-16
JOB NO.	15-35
SHEET NO.	REZONING PLAN

REVISIONS	
SHEET	1

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SYCAMORE GLEN CT

PADENS DR

SPILL WAY CT

TITON WAY


ROYS CT

DESMOND DR

DESIRE DR

PADENS CHASE CT

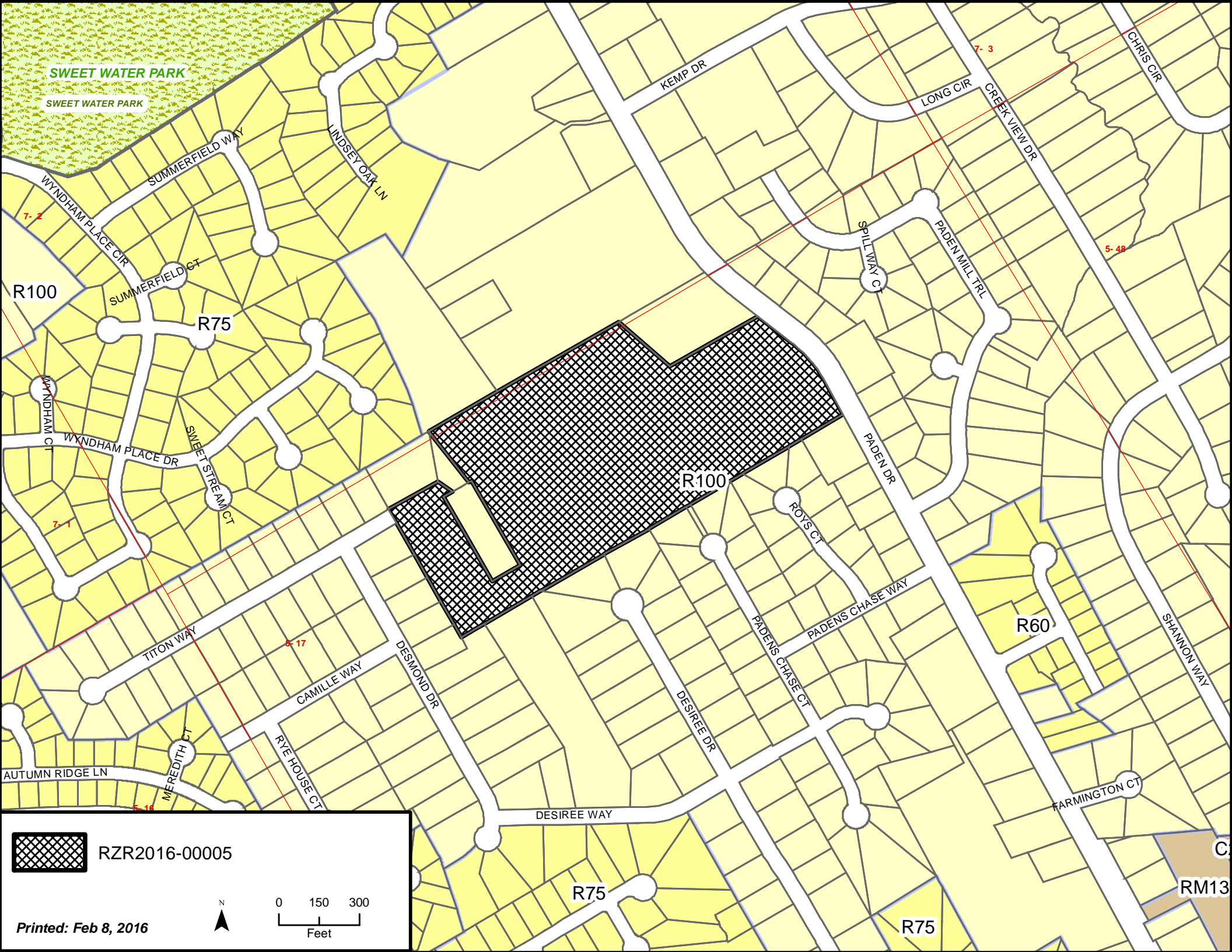
PADENS CHASE WAY

 RZR2016-00005



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Feet

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SWEET WATER PARK

SWEET WATER PARK

R100

R75

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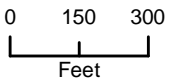
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R75

RM13

 RZR2016-00005

Printed: Feb 8, 2016



**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
BUFFER REDUCTION ANALYSIS**

CASE NUMBER :**BRD2016-00002**
ZONING :C-2
LOCATION :2000 BLOCK OF BEAVER RUIN ROAD
:2000 BLOCK OF INDIAN TRAIL LILBURN ROAD
MAP NUMBER :R6212 036
ACREAGE :1.91 ACRES
REQUEST :REDUCTION IN BUFFERS FROM 75 FEET TO 0 FEET
COMMISSION DISTRICT :(1) BROOKS

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

APPLICANT: QUIKTRIP CORPORATION
C/O MAHAFFEY, PICKENS, TUCKER, LLP
1550 NORTH BROWN ROAD, SUITE 125
LAWRENCEVILLE, GA 30043

CONTACT: SHANE LANHAM PHONE: 770.232.0000

OWNER: INDIAN TRAIL ASSOCIATES, LTD.
P. O. BOX 767127
ROSWELL, GA 30076

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

BUFFER REDUCTION SUMMARY:

The applicant requests to reduce the required buffer on a 1.91-acre parcel, zoned C-2 (General Business District), for redevelopment of the property with a new convenience store. The site is presently developed as Crossroads at Indian Trail shopping center and consists of an approximately 20,000 square foot commercial retail building with associated driveways and parking. The existing building would be demolished to accommodate the redevelopment of the subject property. The property is located at the northeast corner of the intersection of Beaver Ruin Road and Indian Trail Road.

The submitted site plan indicates that the subject property is planned for redevelopment as a QuikTrip gas station and convenience store. The new development would include a 5,858 square foot building, an eight pump gasoline canopy, and two points of access, one on both Beaver Ruin Road and Indian Trail Road.

In 1978, the property was rezoned to C-2 (RZ-16-78) and developed with the existing shopping center, at which time the county did not have a buffer requirement between dissimilar zoning districts. However, new redevelopment sites are required to conform to current county regulations, which require a 75-foot buffer between the site and Indian Crossing subdivision to the north. As shown on the submitted site plan, the 75-foot buffer would be eliminated and

replaced with a driveway and landscaping. As part of the plan, an adjoining residential lot, located in the Indian Crossing subdivision, would be partially graded and landscaped to facilitate and screen the development of the subject property. The existing single family home would be demolished.

The surrounding area is primarily a retail shopping district extending along Beaver Ruin Road in either direction, and continuing south along Indian Trail Road. Immediately to the north of the subject site is the R-75 zoned Indian Crossing subdivision. It is noted that no buffer currently exists between the existing commercial development and the neighborhood. This area consists of a four-foot concrete wall, with a fence. In 1984, the property to the east was approved as O-1 (Office-Institutional District), pursuant to RZ-270-84. That site is developed with six small professional office buildings with parking and driveway located solely in front of the buildings. The neighboring property was approved with conditions requiring a reduced 25-foot natural undisturbed buffer, along with an 8-foot high fence, along the northern property line separating the Indian Crossing subdivision from the office development. Given the reduced buffer and fencing on the neighboring office development, the Department could support a reduction in buffer width for the subject site. Additionally, a 20-foot with sanitary sewer easement exists along the full length of the northern property line, leaving only a narrow strip for potential plantings and fencing.

Given the existing lack of buffer and the presence of a sewer line and easement where the buffer would typically be located, the requested buffer reduction could be considered suitable. With installation of landscaping and a privacy fence in lieu of a buffer, the new use of the property could be properly screened. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of this request.

ZONING HISTORY:

In 1970, the subject property was zoned R-75 (Single Family Residence District). The property was rezoned to C-2 in 1978, pursuant to RZ-16-78.

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.

DEVELOPMENT REVIEW SECTION COMMENTS:

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

The Buffer, Landscape and Tree Protection Section of the Unified Development Ordinance (Chapter 620) requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

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

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

Parking spaces shall be provided at a ratio of:

- One space per 500 square feet, at a minimum
- One space per 125 square feet, at a maximum

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

A minimum 15-foot building setback is required from the right-of-way of Beaver Ruin Road and Indian Trail Lilburn Road.

Section 320-20.2 of the Unified Development Ordinance requires submittal of a Specimen Tree Concept Plan and Tree Survey prior to submittal and acceptance of a Development Permit Application.

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:

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

Indian Trail Road is 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 lane 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.

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

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 and 48-inch water main located on the northern right-of-way of Beaver Ruin 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 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. 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.

FIRE SERVICES SECTION 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 this office at (678) 518-6000, Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

PLANNING AND DEVELOPMENT RECOMMENDED CONDITIONS

Approval of a buffer reduction from 75 feet to 0 feet, subject to the following enumerated conditions:

1. Provide a ten foot wide landscaped strip and minimum six foot high opaque wooden privacy fence along the rear property line (to the northern side of the sanitary sewer easement) abutting residential properties.
2. Final landscape and fencing plan shall be subject to review and approval by the Director of Planning and Development.
3. Buildings shall be of a brick, stacked stone and/or glass finish on all sides (stucco may only be used as an accent material). Final building elevations shall be submitted for review by the Director of Planning and Development.
4. Gasoline canopy support columns shall be brick or stacked stone matching the building exterior. The vertical façade panels of the canopy roof shall incorporate a continuous vertical change of plane (either projecting or recessed). The change of plane shall have a minimum offset of one (1) inch and a minimum vertical height of six (6) inches. The offset plane shall have a contrasting color.
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 sign cabinet shall be fully recessed and surrounded by the same materials. Ground sign(s) shall not exceed ten feet in height.
6. Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white earth tone) background colors for the sign cabinet.
7. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
8. 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.
9. 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.

10. Outdoor loudspeakers shall be prohibited.
11. Peddlers and/or parking lot sales shall be prohibited.
12. No tents, 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.
13. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.



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 Alissa L. Cummo
 Brian T. Easley
 Kelly O. Faber
 Amanda F. Henningsen
 Christopher D. Holbrook
 Joshua P. Johnson
 Gerald Davidson, Jr.*

Shane M. Lanham
 Austen T. Mabe
 Jeffrey R. Mahaffey
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 Andrew D. Stancil
 Kenneth W. Stroud
 R. Lee Tucker, Jr.
 *Of Counsel

**LETTER OF INTENT FOR
 BUFFER REDUCTION APPLICATION
 OF QUIKTRIP CORPORATION**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Buffer Reduction Application (the "Application") on behalf of the Applicant, QuikTrip Corporation ("QuikTrip"), for the purpose of requesting a buffer reduction of more than fifty percent to allow the development and construction of a proposed QuikTrip store on property located at 2040 Beaver Ruin Road (the "Property") in western Gwinnett County. The subject Property is located on the northerly side of Beaver Ruin Road at its intersection with Indian Trail Lilburn Road. The Property is currently zoned C-2 and is located in an established commercial corridor in very close proximity to Interstate 85.

The Applicant is requesting approval of the Application to allow a reduction of the required rear 75 foot buffer. At its thinnest point, the Applicant is requesting to reduce the rear buffer to zero feet, but will include a buffer of approximately 17 feet along other portions of the rear property line. However, the Applicant's proposed new store building is actually located further away from the residential properties to the north than the current building and would be an improvement over existing conditions. Additionally, the subject Property is relatively shallow in relation to Beaver Ruin Road and its development is therefore severely restricted. Allowing a reduction of the rear buffer allows the property to sit further back from the right of way which allows QuikTrip to improve traffic flow on site and create a safer environment for customers and

employees. Similarly, allowing the proposed store building to sit further back on the site would

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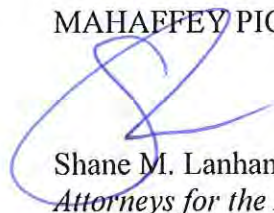
also draw vehicles further into the site off the right of way which would improve traffic flow and safety at the intersection. In order to mitigate the effects of the buffer reduction, the Applicant is proposing to install additional landscaping at the rear of the site to provide screening from the proposed use.

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 the Buffer Reduction Application filed herewith. The Applicant respectfully requests your approval of the Application.

This 5th day of February, 2016.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



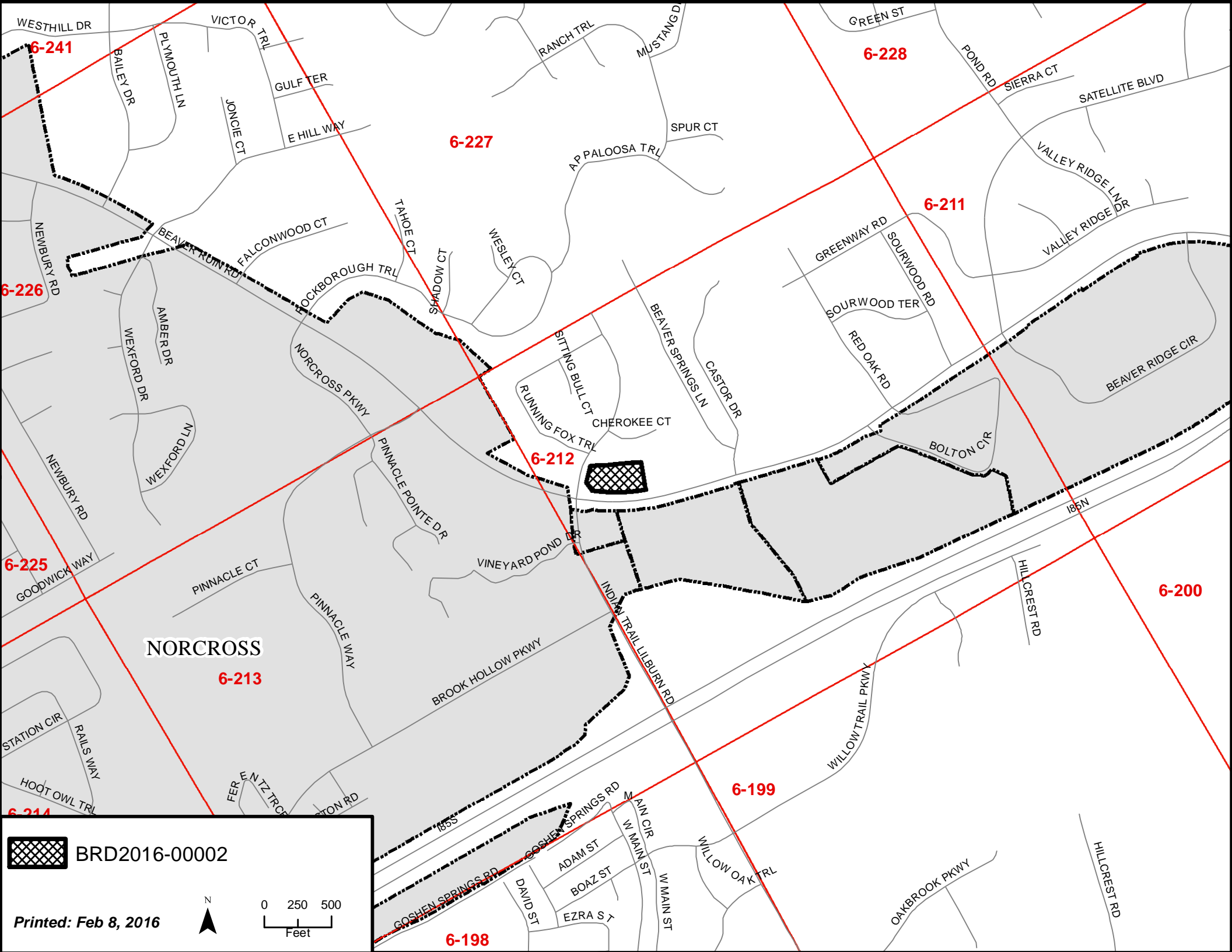
Shane M. Lanham
Attorneys for the Applicant

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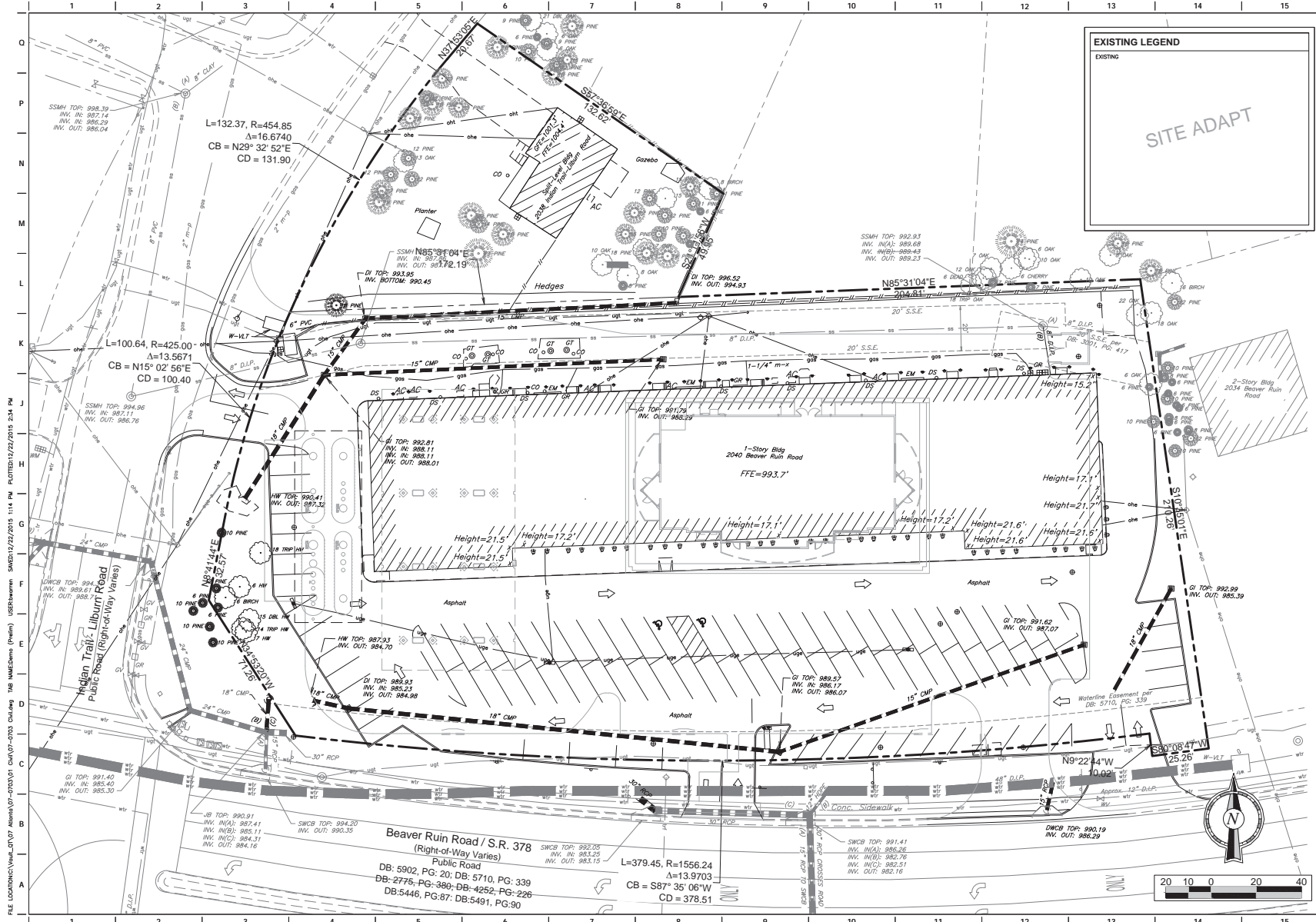
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Feet

Printed: Feb 8, 2016



EXISTING LEGEND

EXISTING

SITE ADAPT

PROJECT NO. 0703

Quit Trip No. 0703
BEAVER RUIN ROAD & LIBBURN ROAD
NORCROSS, GA



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DIVISION: (S/1/1/1/1/1/1)
VERSION: (S/1/1/1/1/1/1)
DESIGNED BY: (S/1/1/1/1/1/1)
DRAWN BY: (S/1/1/1/1/1/1)
REVIEWED BY: (S/1/1/1/1/1/1)

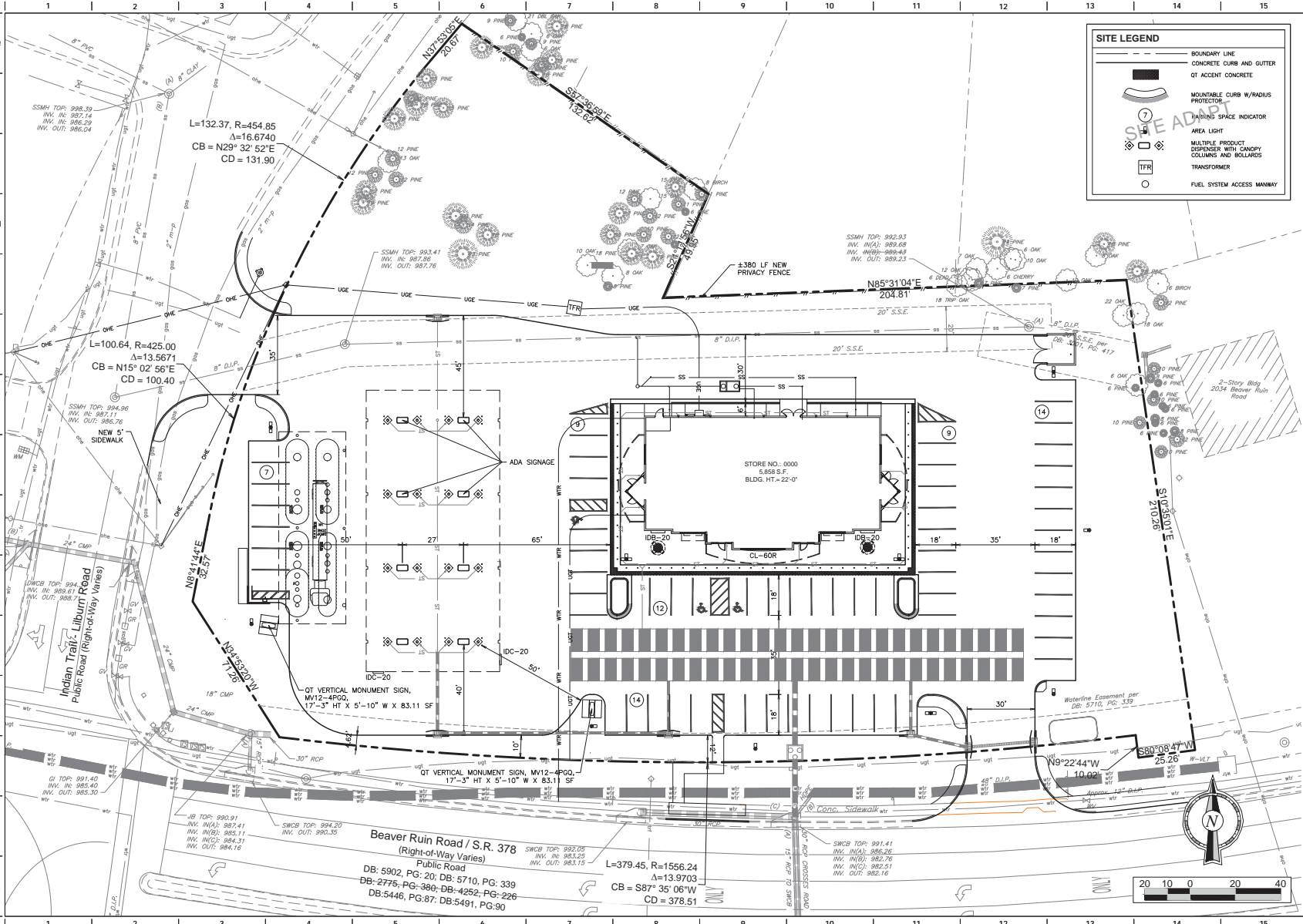
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PRELIMINARY DEMOLITION PLAN

SHEET NUMBER:
2

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 USER: swanmiller SW: 12/22/2018 1:14 PM PLOT: 12/22/2018 2:38 PM



SITE LEGEND

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- OT ACCENT CONCRETE
- MOUNTABLE CURB W/RADIUS PROTECTOR
- PAINTING SPACE INDICATOR
- AREA LIGHT
- MULTIPLE PRODUCT DISPENSER WITH CANOPY COLUMN AND BOLLARDS
- TRANSFORMER
- FUEL SYSTEM ACCESS MANWAY

PROJECT NO. 0703

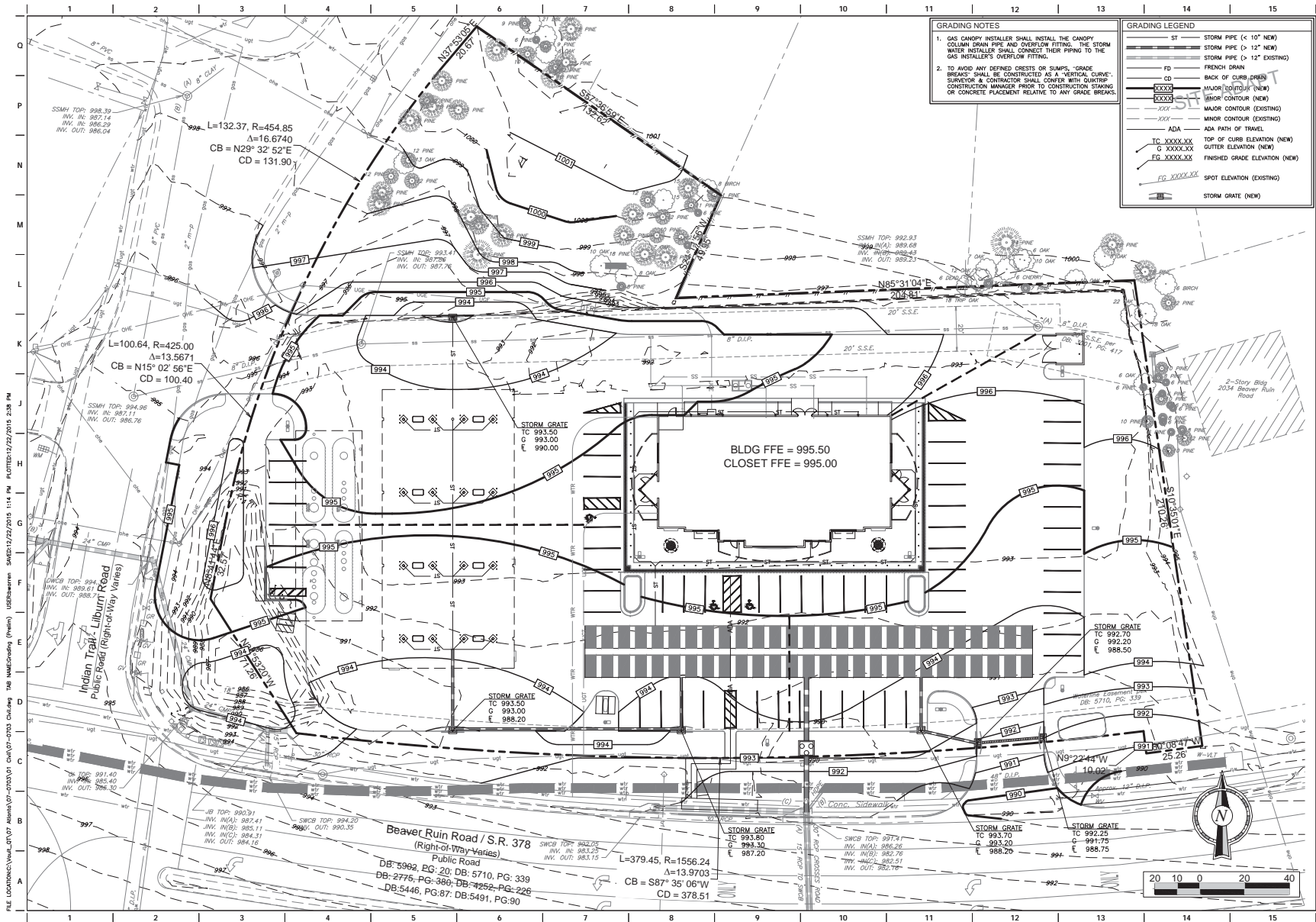
QuikTrip No. 0703
 BEAVER RUIN ROAD & LILBURN ROAD
 NORCROSS, GA

DATE DESCRIPTION
 ORIGINAL ISSUE DATE:

PROTOTYPE: N/A (11/01/15)
 DIVISION:
 VERSION: 001
 DESIGNED BY:
 DRAWN BY:
 REVIEWED BY:

SHEET TITLE:
 PRELIMINARY SITE PLAN

SHEET NUMBER:
 3



GRADING NOTES

- GAS CANOPY INSTALLERS SHALL INSTALL THE CANOPY COLUMN DRAIN PIPE AND OVERFLOW FITTING. THE STORM WATER INSTALLER SHALL CONNECT THEIR PIPING TO THE GAS INSTALLER'S OVERFLOW FITTING.
- TO AVOID ANY DEFINED CRESTS OR BUMPS, GRADE BREAKS SHALL BE CONSTRUCTED AS A VERTICAL CURVE. SURVEYOR & CONTRACTOR SHALL CONFER WITH QUIKTRIP CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION STAKING OR CONCRETE PLACEMENT RELATIVE TO ANY GRADE BREAKS.

GRADING LEGEND

ST	STORM PIPE (< 12" NEW)
ST	STORM PIPE (> 12" NEW)
ST	STORM PIPE (> 12" EXISTING)
FD	FRENCH DRAIN
CD	BACK OF CURB DRAIN
XXXX	MAJOR CONTOUR (NEW)
XXXX	MAJOR CONTOUR (EXISTING)
XXXX	MINOR CONTOUR (EXISTING)
ADA	ADA PATH OF TRAVEL
TC XXXX.XX	TOP OF CURB ELEVATION (NEW)
G XXXX.XX	GUTTER ELEVATION (NEW)
FG XXXX.XX	FINISHED GRADE ELEVATION (NEW)
EG XXXX.XX	SPOT ELEVATION (EXISTING)
SG	STORM GRATE (NEW)

QuikTrip No. 0703
 BEAVER RUIN ROAD & LILBURN ROAD
 NORCROSS, GA



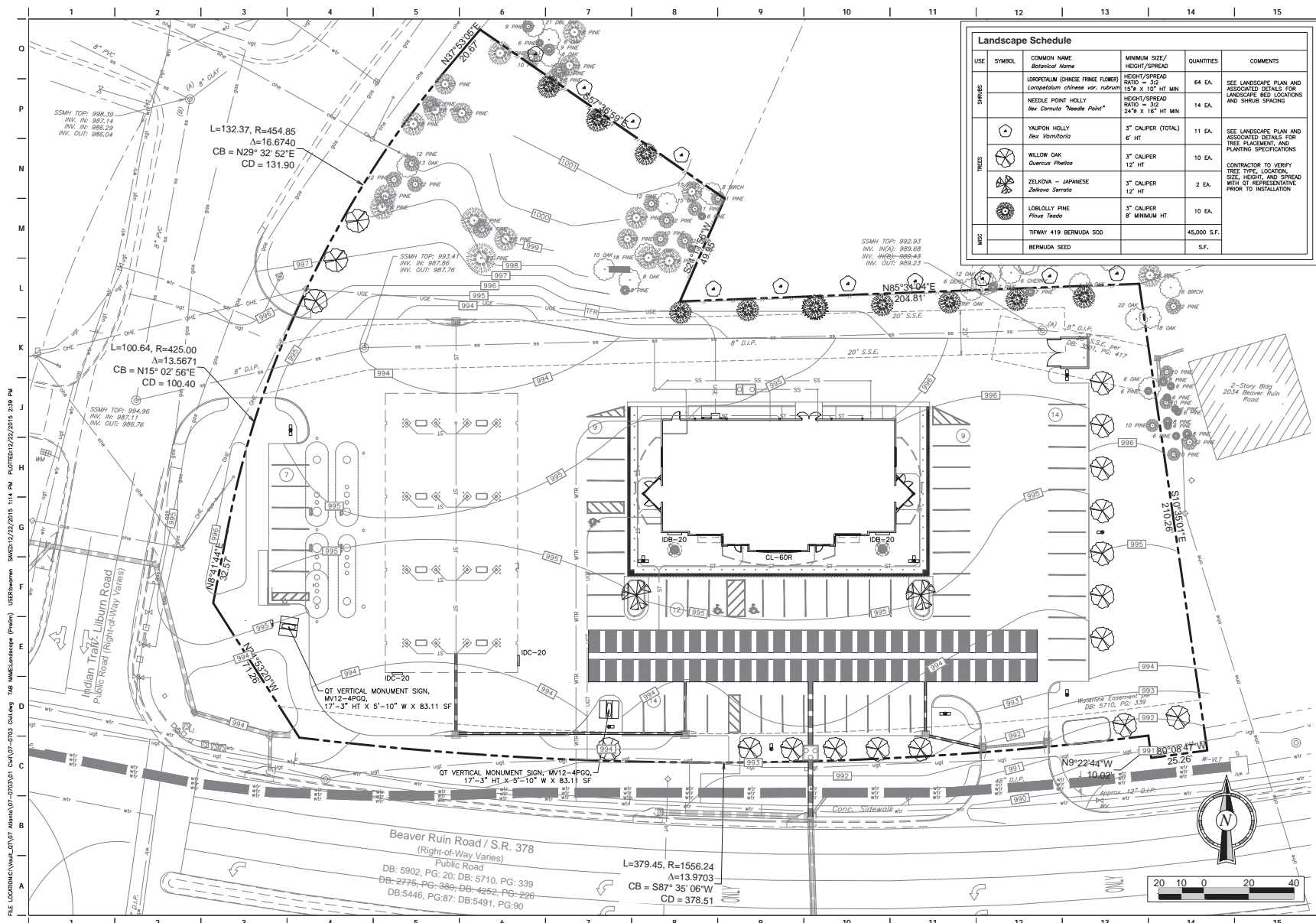
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 DRAWN BY:
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SHEET TITLE:
 PRELIMINARY GRADING
 PLAN

SHEET NUMBER:
 4

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 SHEET: 4 of 4



Landscape Schedule					
USE	SYMBOL	COMMON NAME Botanical Name	MINIMUM SIZE/ HEIGHT/SPREAD RATIO = 3:2	QUANTITIES	COMMENTS
SHRUBS	(Symbol)	LOOPTAILUM (CHINESE FRINGE FLOWER) <i>Loropetalum chinense var. rubrum</i>	HEIGHT/SPREAD RATIO = 3:2 15'9" x 10' HI. MIN.	64 EA.	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR LANDSCAPE BED LOCATIONS AND SHRUB SPACING
	(Symbol)	NEEDLE POINT HOLLY <i>Ilex Cornuta 'Needle Point'</i>	HEIGHT/SPREAD RATIO = 3:2 24'6" x 16' HI. MIN.	14 EA.	
TREES	(Symbol)	'YAUPON' HOLLY <i>Ilex vomitoria</i>	3" CALIPER (TOTAL) 6' HI.	11 EA.	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR TREE PLACEMENT AND PLANTING SPECIFICATIONS
	(Symbol)	WILLOW OAK <i>Quercus Phellos</i>	3" CALIPER 12' HI.	10 EA.	CONTRACTOR TO VERIFY TREE TYPE, LOCATION, SIZE, HEIGHT, AND SPREAD WITH QT REPRESENTATIVE PRIOR TO INSTALLATION
	(Symbol)	ZELKOVA - JAPANESE <i>Zelkova Serrata</i>	3" CALIPER 12' HI.	2 EA.	
TALL	(Symbol)	LOBLOLLY PINE <i>Pinus Taeda</i>	3" CALIPER 8' MINIMUM HI.	10 EA.	
	(Symbol)	TIFWAY 419 BERMUUDA SOO BERMUUDA SEED		45,000 S.F. S.F.	

PROJECT NO. 0703

QuitTrip No. 0703
BEAVER RUIN ROAD & LIBURN ROAD
NORCROSS, GA

PROTOTYPE: PLS (11/01/15)
DIVISION:
VERSION: 01
DESIGNED BY:
DRAWN BY:
REVIEWED BY:

REV.	DATE	DESCRIPTION

SHEET TITLE:
LANDSCAPE PLAN

SHEET NUMBER:
L100


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 SHEET: 1 OF 1



RUNNING FOX TRL

INDIAN TRAIL LILBURN RD

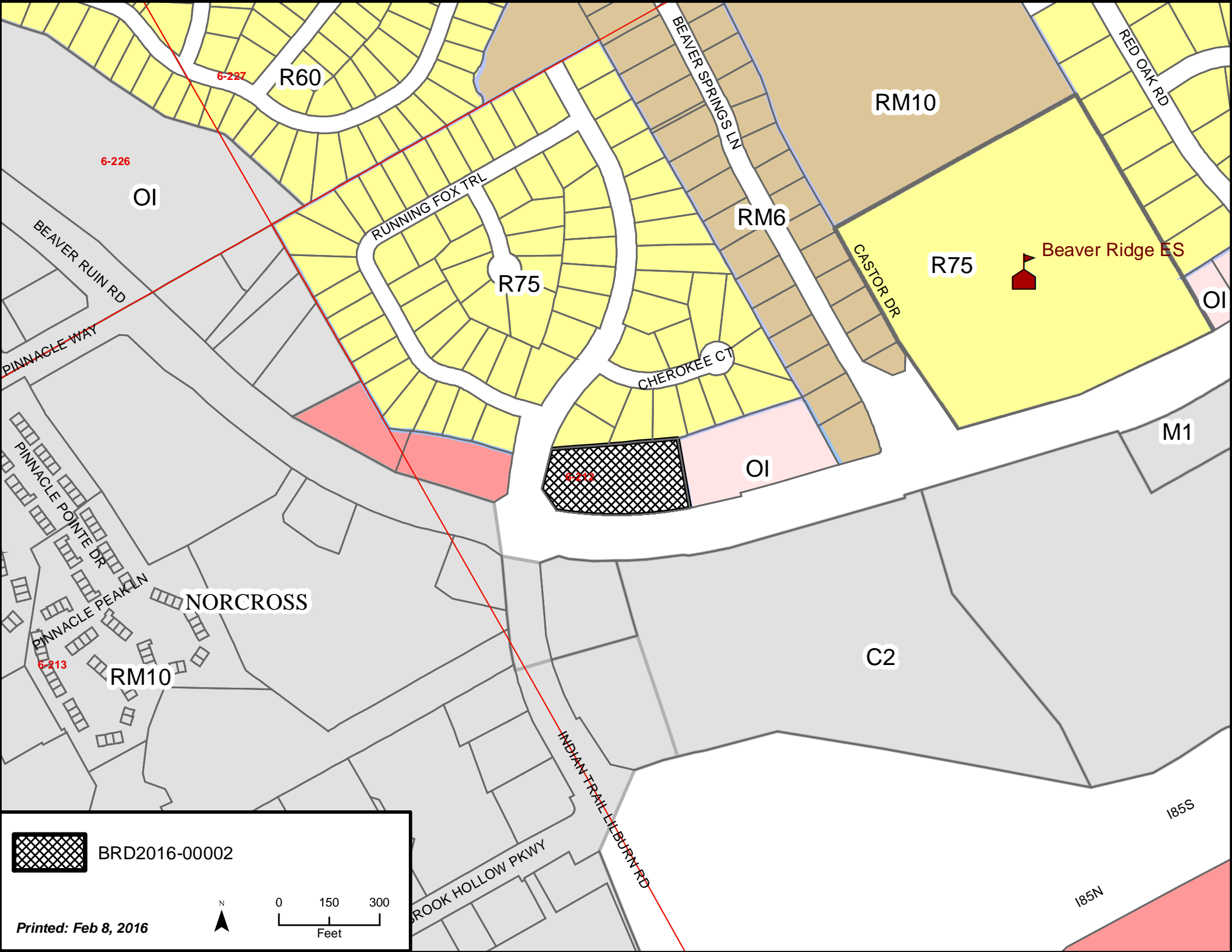
BEAVER RUIN RD


 BRD2016-00002

Printed: Feb 8, 2016

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Feet



 BRD2016-00002

Printed: Feb 8, 2016

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Feet

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

CASE NUMBER :**RZC2016-00012**
ZONING CHANGE :R-ZT TO M-I
LOCATION :500 BLOCK OF HORIZON DRIVE
MAP NUMBERS :R7172 001 & 009 & R7173 004
ACREAGE :51.87 ACRES
SQUARE FEET :529,100 SQUARE FEET
PROPOSED DEVELOPMENT :LIGHT INDUSTRIAL / OFFICE WAREHOUSE USES
(REDUCTION IN BUFFERS)
COMMISSION DISTRICT :(1) BROOKS

CASE NUMBER :**SUP2016-00031**
ZONING :M-I (PROPOSED)
LOCATION :500 BLOCK OF HORIZON DRIVE
MAP NUMBERS :R7172 001 & 009 & R7173 004
ACREAGE :51.87 ACRES
SQUARE FEET :529,100 SQUARE FEET
PROPOSED DEVELOPMENT :BUILDING HEIGHT INCREASE TO 62 FEET
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP :**PREFERRED OFFICE**

APPLICANT: T&M PROPERTIES V, LLC
C/O MAHAFFEY, PICKENS, TUCKER, LLP
1550 N. BROWN ROAD, SUITE 125
LAWRENCEVILLE, GA 30043

CONTACT: SHANE LANHAM OR JEFF MAHAFFEY PHONE: 770.232.0000

OWNERS: PINEBLOOM GWINNETT I, LLC
POINTEBRAND II, LLC
POINTEBRAND III, LLC
C/O MAHAFFEY, PICKENS, TUCKER, LLP
1550 N. BROWN ROAD, SUITE 125
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests the rezoning of a 51.87-acre tract from R-ZT (Single Family Residence District) to M-I (Light Industry District) for the development of 529,100 gross square feet of light industrial and/or office/warehouse use. Gross and net density is proposed to be 10,200 square feet per acre. The subject property is located on the south side of Interstate 85 at its

interchange with Interstate 985, and would be accessed by a proposed extension of Horizon Drive. The site is currently vacant and heavily wooded.

A tributary of Ivy Creek forms the south and east property lines, and the required stream buffer and setbacks have been identified on the submitted site plan. A 50-foot zoning buffer is also shown adjacent to undeveloped R-ZT property along the entire northeastern property line; however, a 75-foot buffer may be required if the truck docks are located adjacent to that property line. The submitted site plan indicates the development would consist of two office/warehouse buildings with associated parking, driveways, truck docks and outdoor storage areas.

The applicant has also requested a Special Use Permit to increase the maximum allowed height from 45 feet to 62 feet for a 2600-square foot area of the southernmost building (Building 300) to accommodate a piece of manufacturing equipment. The letter of intent states that the height increase would be located toward the inner portion of that building, thereby reducing its visibility. The applicant notes that the proposed architecture of the buildings would be similar to that of the adjacent building currently under construction to the west, finished with architectural treatments of glass and/or brick, textured architectural precast concrete or stone.

ZONING HISTORY:

In 1970, the subject property was zoned R-100 (Single Family Residence District). In 2000, the subject property was rezoned to M-1, pursuant to REZ-00-085. In 2007, the subject property was part of a larger parcel assemblage, consisting of approximately 165 acres, which was rezoned to R-ZT and C-2, pursuant to RZR-06-051, RZM-06-007 and RZC-07-005, for the development of a mixed-use project, which included commercial, office and residential uses. However, the development was never initiated and subject site has remained undeveloped. A request to rezone the property back to M-1 was denied without prejudice in 2013 pursuant to RZC2010-00021.

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 Section of the Unified Development Ordinance (Chapter 620) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection Section of the Unified Development Ordinance (Chapter 620) requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

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

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

Parking spaces shall be provided at a ratio of:

One space per 2,500 square feet (as a minimum)

One space per 1,000 square feet (as a maximum)

Section 900-20.7F of the Unified Development Ordinance requires existing dead end/stub streets abutting a proposed project to be extended into the project by the developer, unless it is determined that there is an unacceptable land use conflict due to either dissimilar zoning or a serious topographical hardship. This will apply to Horizon Drive.

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.

Section 320-20.2 of the Unified Development Ordinance requires submittal of a Specimen Tree Concept Plan and Tree Survey prior to submittal and acceptance of a Development Permit Application.

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 Stormwater Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

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

STORMWATER REVIEW SECTION COMMENTS:

The section takes no exception to the request. The property appears to contain stream buffers. The proposed conceptual plan may require revision to show the appropriate stream buffer area. All storm water best management practices will be applicable upon development permit issuance.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Horizon Drive is a 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 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 12-inch water main located on the northwestern right-of-way of Horizon Drive approximately 416 feet southwest of the property, and a 6-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 18-inch and 8-inch sanitary sewer main located on the property.

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 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 requests, under the following conditions:

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

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

DEPARTMENT ANALYSIS:

The subject property is a 51.87-acre tract located on the south side of Interstate 85 and its interchange with Interstate 985 at the dead-end of Horizon Drive. The site is vacant and heavily wooded. The applicant requests rezoning from R-ZT (Single Family Residence District) to M-I (Light Industry District) for the development of 529,100 gross square feet of light industrial and/or office/warehouse uses at a density of 10,200 square feet per acre.

The 2030 Unified Plan Future Development Map indicates that the property lies within the Preferred Office Character Area. Although the proposed warehouse/distribution activities may not be strictly consistent with recommendations of the Unified Plan to discourage all types of industrial uses, the proposed office activities within the development could be consistent with these recommendations for Preferred Office. In addition, the proposed 51-acre project site is consistent with the Unified Plan recommendation that the development be located on parcels greater than 10 acres. The requested rezoning could be suitable in view of the predominately light industrial development along Horizon Drive, and could be a logical extension of that existing business park and therefore consistent with Unified Plan recommendations to locate these projects in areas that are developed with compatible existing and future land uses.

The subject property is surrounded by various uses including office/warehouse buildings along Horizon Drive. Adjacent to the west property line is a 15-acre site recently rezoned from C-2 to M-I pursuant to RZC2015-00004 and contains a 168,000 square foot industrial building currently under construction. Further west are existing office/warehouse buildings located within the city limits of Suwanee. Rock Springs Park (Gwinnett County Park facility) and the Arden Ridge subdivision are located to the south and southwest. The area immediately to the east of the subject property was zoned to R-ZT along with the subject tract in 2007, and has remained undeveloped since that time. The property is largely separated from developed residential areas both by the County Park and the undeveloped R-ZT property. With appropriate conditions including architectural and landscaping controls, the proposed light industrial use could be compatible with the surrounding area and consistent with similar industrial land uses along Horizon Drive adjacent to the south.

It is noted that the original M-I conditions of zoning established in 2000 pursuant to RZ-00-085 included increased tree density requirements, increased buffers and setbacks adjacent to residentially-zoned properties and limitations on project access. As these conditions were designed to ensure compatibility with the area, and were crafted with input from the community, several of these conditions have been incorporated into the staff's recommended conditions for this request. In addition, staff recommends that the approved zoning conditions for the adjacent M-I property to the west (RZC2015-00004) be included in the case, which prohibit outdoor storage and require the extension of Horizon Drive through the subject site.

In conclusion, the requested M-I zoning with proper conditions could be consistent with office/warehouse development adjacent to the southwest, and is consistent with recommendations of the Unified Plan for supporting compatible land uses, developments on tracts containing 10 acres or more and existing and future office development in the area. The site is separated from established residential areas, further suggesting that the rezoning could be suitable for the subject site. Therefore, the Department recommends these petitions be **APPROVED WITH CONDITIONS.**

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

- I. To restrict the use of the property as follows:
 - A. Office, office/warehouse/distribution, light manufacturing and accessory uses. The following uses shall be prohibited:
 - Aircraft landing pads
 - Recovered materials processing facilities
 - Truck terminals
 - Wood chipping and shredding
 - Yard trimmings composting facilities
 - B. The development shall be in general accordance with the submitted site plan. Variations from the plan shall be subject to review and approval by the Director of Planning and Development.
 - C. Buildings shall be finished with architectural treatments of glass and/or brick, textured architectural precast concrete or stone. Architectural renderings shall be submitted for review and approval of the Director of Planning and Development prior to issuance of building permits.
 - D. Outdoor storage of equipment or materials shall be prohibited.
 - E. The applicant shall include notification to potential tenants/buyers: "Please note Old Peachtree Road prohibits commercial truck traffic between Horizon Drive and S.R. 20/Buford Drive."
2. To satisfy the following site development considerations:
 - A. Provide a 50-foot wide natural, undisturbed buffer adjacent to all residentially-zoned property, unless truck docks or outdoor storage areas are located adjacent to residential zoning, then said buffer shall be increased to 75 feet in width. Where sparsely vegetated, buffers shall be enhanced with a double staggered row of evergreens eight feet on center. Trees shall be a minimum of six feet in height at the time of planting.
 - B. Provide a minimum 150-foot building setback adjacent to all residentially zoned property.

- C. Provide a minimum 40-foot wide landscaped strip on both sides of the extension of Horizon Drive, planted with a double row of trees matching the frontage landscaping of the adjacent office/warehouse to the west.
 - D. Provide, at a minimum, 20 Tree Density Units per acre. Plantings shall be in compliance with UDO requirements. Landscape plans shall be submitted for review and approval by the Director of Planning and Development.
 - E. Dumpsters shall be screened by a 100% opaque masonry wall with an opaque metal gate enclosure. Dumpster pickup shall be between the hours of 7:00 a.m. and 7:00 p.m.
 - F. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or rights-of-way.
 - G. Outdoor loudspeakers shall be prohibited.
 - H. Provide interparcel access throughout the site.
 - I. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign(s) shall include a minimum two-foot high brick or stacked stone base, and the sign cabinet shall be fully surrounded by the same materials, matching the building's architectural treatments.
 - J. Billboards or oversized signs shall be prohibited.
3. To abide by the following requirements, dedications, and improvements:
- A. Abide by all applicable requirements of the DRI #2563 GRTA Notice of Decision.
 - B. Design required stormwater detention facilities such that they are not located within any required landscaped strips or buffers.
 - C. At no cost to Gwinnet County, dedicate 80 feet of right-of-way, design and construct the extension of Horizon Drive throughout the entire property. At no cost to Gwinnett County, design and construct the extension of Horizon Drive from the existing right-of-way to a point on the eastern side of the property as required by the Gwinnett County Department of Transportation. Design and specifications shall be subject to review and approval of the Gwinnett County Department of Transportation.
 - D. Sole project access shall be via commercial driveway cuts onto the extension of Horizon Drive. The number, locations and design of all driveways shall be subject to Gwinnett County Department of Transportation review and approval.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

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

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

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

CONDITIONS AFFECTING ZONING

The subject property was zoned M-I from 2000 to 2007. As such, rezoning the property back to M-I could be suitable; however, certain conditions attached to the original 2000 rezoning and the most recent 2015 zoning case to the west (RZC2015-00004) should be included in this case to provide for compatibility of the development with the area. In addition, the proposed development is subject to a DRI review by the ARC and GRTA.

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

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

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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) The proposed Rezoning will permit a use that is suitable in light of the use and development of adjacent and nearby property. The subject Property is located in an industrial area of the county and is bordered by Interstate 85.
- (B) The proposed Rezoning will not adversely affect the existing use or usability of adjacent or nearby property. The proposed development will be compatible and consistent with such uses as currently exist or as are contemplated in the future.
- (C) The property which is the subject of this proposed Rezoning has limited reasonable economic use as zoned for RZT uses in light of the adjacent and surrounding properties zoned for light industrial uses.
- (D) No, the proposed Rezoning will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The transportation network in this area has been improved greatly in the last few years and is capable of handling any traffic to be generated by the development of this property under the proposed Rezoning.
- (E) Yes. The proposed rezoning to M-1 is in conformity with the intent of the Land Use Plan in that it provides a use consistent with nearby properties in close proximity to economic centers and regional accessibility. Also, the subject tract is adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property.
- (F) Yes, the existing zonings of adjacent and nearby properties, along with the fact that the subject tract is located near a major interstate give additional supporting grounds for the approval of the requested rezoning.

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RZC 16 012



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R. Lee Tucker, Jr.
*Of Counsel

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Planning & Development

RZC 16 012

LETTER OF INTENT FOR
REZONING APPLICATION OF T&M PROPERTIES V, LLC

Mahaffey Pickens Tucker, LLP submits the attached rezoning and special use permit applications (the “Applications”) on behalf of T&M Properties V, LLC, relating to a proposed development on an approximately 51.87 acre tract (hereinafter, the “Property”) in northern Gwinnett County. The Property is located on a proposed extension of Horizon Drive adjacent to Interstate 85 at its exchange with Interstate 985. The Property is vacant and is currently zoned RZT. The Applicant is requesting to rezone the Property to the M-I zoning classification in order to develop the Property for light industrial and/or office warehouse uses. Currently, the Applicant plans to develop the Property to include two buildings, each with approximately 264,550 square feet, for a total area of 529,100 square feet as shown on the site plan (the “Site Plan”) submitted with the Applications. Based on the Site Plan, the gross density of the proposed development would be approximately 10,286 square feet per acre. The Applicant is also requesting a Special Use Permit for a building height increase of greater than ten feet pursuant to The Gwinnett County Unified Development Ordinance (the “UDO”) Section 230-20.9(C).

The subject Property is bordered on the west by property zoned M-I and on the south by Rock Springs Park. According to County GIS maps, portions of the park are zoned R-100, O-I, and M-I. The property to the east of the subject Property is vacant and is zoned RZT. In order to

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

mitigate any potential effects of the proposed development, the Applicant has included a buffer along the eastern property line. As shown on the Site Plan, the proposed buffer would be fifty feet at its thinnest point and would be left natural or undisturbed. The owner of the property to the east has consented to the proposed development. To the north, the subject property is bounded by Interstate 85. Across I-85 is land zoned R-100 and owned by the Gwinnett County Department of Water Resources.

Buildings on the subject Property would be designed to match the architecture of existing buildings along Horizon Drive as shown on the building elevations submitted with the Applications. The architecture of the proposed buildings is similar in style to the architecture of the building located on adjacent property which was approved by the Board of Commissioners for an affiliate of the Applicant in 2015 (bearing case number RZC2015-0004). The requested special use permit for building height increase is limited to a fifty by fifty-two foot portion of the southerly building ("Building 300") as shown on the Site Plan. The building height increase is required to accommodate a piece of manufacturing equipment utilized by a prospective tenant. The main roof height of building 300 will be approximately forty feet with an exterior wall/parapet height of forty-four feet. However, the machine requires a 58-foot interior clearance which would result in a small tower projecting from the main roof. The total height of the tower would be approximately sixty-two feet. The proposed tower would be located towards the inner portions of Building 300 reducing its visibility. In conjunction with the light industrial and/or office warehouse uses planned for the subject Property, the Applicant is proposing to include two defined outdoor storage areas in the rear of each building. Though outdoor storage is permitted by right in M-I, the Applicant proposes to fence and screen the outdoor storage areas to mitigate any risk of negative effects on neighboring property.

FEB 29 2016

RZC '16 012

Planning & Development

The Applicant respectfully submits that the proposed development is consistent with the Gwinnett County 2030 Unified Plan and would be compatible with adjacent properties. The existing light industrial and/or office warehouse uses along Horizon Drive within the city limits of Suwanee provide additional supporting grounds for approval of the Applications. The Applicant welcomes the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of the Applications.

This 25th day of February, 2016.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

RZC '16 012

RECEIVED BY

FEB 29 2016

Planning & Development



NOTICE OF DECISION

To: Doug Hooker, ARC
(via electronic mail) Sonny Deriso, GRTA
Bob Voyles, GRTA

Dick Anderson, GRTA
Al Nash, GRTA

To: Chairman Charlotte Nash, Gwinnett County Board of Commissioners
(via electronic mail and certified mail) Mike Irby, T&M Properties V, LLC

From: Chris Tomlinson, GRTA Executive Director

Copy: Kirk Fjelstul, GRTA
(via electronic mail) Laura Beall, GRTA
Jon West, DCA
Andrew Smith, ARC
David Olson, GDOT Dist 1
Daniel Robinson, City of Suwanee

Jeff West, Gwinnett Co Planning and Zoning
Vince Edwards, Gwinnett Co Transportation
Hamilton Reynolds, Taylor & Mathis
Jeff Mahaffey, Mahaffey, Pickens & Tucker
John Walker, Kimley-Horn and Associates

Date: May 6, 2016

Re: **DRI 2563 Horizon Pointe**

Summary: This Notice of Decision for DRI 2563 Horizon Pointe replaces the previous one issued on May 6, 2006 for DRI 1010 New Trend Development on August 30, 2007.

Notice of Decision for Request for Expedited Review of DRI 2563 Horizon Pointe

The purpose of this notice is to inform T&M Properties V, LLC (the Applicant), Gwinnett County (the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI 2563 Horizon Pointe (the DRI Plan of Development). GRTA has completed an Expedited Review for the DRI Plan of Development pursuant to sections 3-101 and 3-102 of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101, 3-102.B.2. The DRI Plan of Development as proposed is **approved without conditions** by Expedited Review.

This decision will become final and no further review will be required, unless: (1) a request for review by the Land Development Committee is submitted to the Executive Director within five (5) business days of receipt of this notice pursuant to Section 2-502 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, or (2) an appeal by the Applicant is submitted to the Executive Director within five (5) business days of receipt of this notice pursuant to Section 2-501, or (3) an appeal by the local government is submitted to the Executive Director within five (5) business days of receipt of this notice pursuant to Section 2-501. If GRTA staff receives a request for review or an appeal, you will receive another notice from GRTA, and the Land Development Committee will hear the appeal or request for Expedited Review at its July 13, 2016 regular meeting.

The decision is based upon review of the applicant's DRI Review Package. The DRI Review Package includes a trip generation/access analysis dated April 2016 and site plan dated April 15, 2016 titled "Horizon Pointe DRI Site Plan", both prepared by Kimley-Horn and Associates, and both received by GRTA on April 18, 2016.

Approval of the above referenced DRI by expedited review shall not constitute GRTA approval of any subsequent material modifications to the proposed DRI by the local government such that the proposed DRI is no longer eligible for approval by expedited review.



Chris Tomlinson
Executive Director
Georgia Regional Transportation Authority



REGIONAL REVIEW FINDING

Atlanta Regional Commission • 40 Courtland Street NE, Atlanta, Georgia 30303 • ph: 404.463.3100 • fax:404.463.3105 • www.atlantaregional.com

DATE: May 11, 2016

ARC REVIEW CODE: R1604251

TO: Chairman Charlotte Nash, Gwinnett County Board of Commissioners
ATTN TO: Jeffrey West, Planning Division Director
FROM: Douglas R. Hooker, Executive Director, ARC
RE: Development of Regional Impact Review

Digital signature
Original on file

The Atlanta Regional Commission (ARC) has completed regional review of the following Development of Regional Impact (DRI). Below is the ARC finding. ARC reviewed the DRI with regard to its relationship to regional plans, goals and policies – and impacts it may have on the activities, plans, goals and policies of other local jurisdictions as well as state, federal and other agencies. The finding does not address whether the DRI is or is not in the best interest of the local government.

Name of Proposal: Horizon Pointe

Submitting Local Government: Gwinnett County

Review Type: Development of Regional Impact Date Opened: April 25, 2016 Date Closed: May 11, 2016

Description:

This DRI is located in unincorporated Gwinnett County at the northern terminus of Horizon Drive, approximately 1/2-mile north of its intersection with Old Peachtree Road. The project consists of 702,084 sq. ft. of warehouse/distribution space in two buildings on 67 acres. The property represents a portion of two sites previously reviewed as DRIs: Peachtree Technology Center in 2000 and New Trend Developments, LLC in 2006 (DRI #1010). The trigger for this DRI is a rezoning.

Comments:

According to the ARC Unified Growth Policy Map (UGPM), a component of the Atlanta Region's Plan, the proposed development is located within the Developed/Established Suburbs area of the region. Developed/Established Suburbs are areas of development that occurred roughly from 1970 to 1995. These areas are projected to remain suburban in character through 2040.

The ARC Regional Development Guide (RDG), a related Atlanta Region's Plan component, details recommended policies for areas and places on the UGPM. Recommended policies for Developed/Established Suburbs include:

- New development should connect to the existing road network and adjacent developments and use of cul-de-sacs or other means resulting in disconnected subdivisions should be discouraged;
- Maximize the usefulness of existing recreational facilities in addition to providing new recreational opportunities;
- Eliminate vacant or under-utilized parking areas through mechanisms such as out-parceling or conversion to community open space;
- Use rain gardens, vegetated swales or other enhanced water filtration design to enhance the quality of stormwater run-off; and
- Identify other opportunities to foster a sense of community by developing town centers, village centers or other places of centralized location.

The intensity of this proposed project generally aligns with the RDG's recommended range of densities and building heights in the Developed/Established Suburbs area.

Additional ARC staff comments and comments from other affected parties are included in this report.

-CONTINUED ON NEXT PAGE-

THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES RECEIVED NOTICE OF THIS REVIEW:

ARC COMMUNITY DEVELOPMENT DIVISION
ARC RESEARCH & ANALYTICS DIVISION
GEORGIA DEPARTMENT OF NATURAL RESOURCES
CITY OF BUFORD
GEORGIA MOUNTAINS REGIONAL COMMISSION

ARC TRANSPORTATION ACCESS & MOBILITY DIVISION
ARC AGING & HEALTH RESOURCES DIVISION
GEORGIA DEPARTMENT OF TRANSPORTATION
CITY OF SUGAR HILL
NORTHEAST GEORGIA REGIONAL COMMISSION

ARC NATURAL RESOURCES DIVISION
GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS
GEORGIA REGIONAL TRANSPORTATION AUTHORITY
CITY OF SUWANEE

If you have any questions regarding this review, please contact Andrew Smith at (404) 463-5581 or asmith@atlantaregional.com. This finding will be published to the ARC review website located at <http://www.atlantaregional.com/land-use/planreviews>.

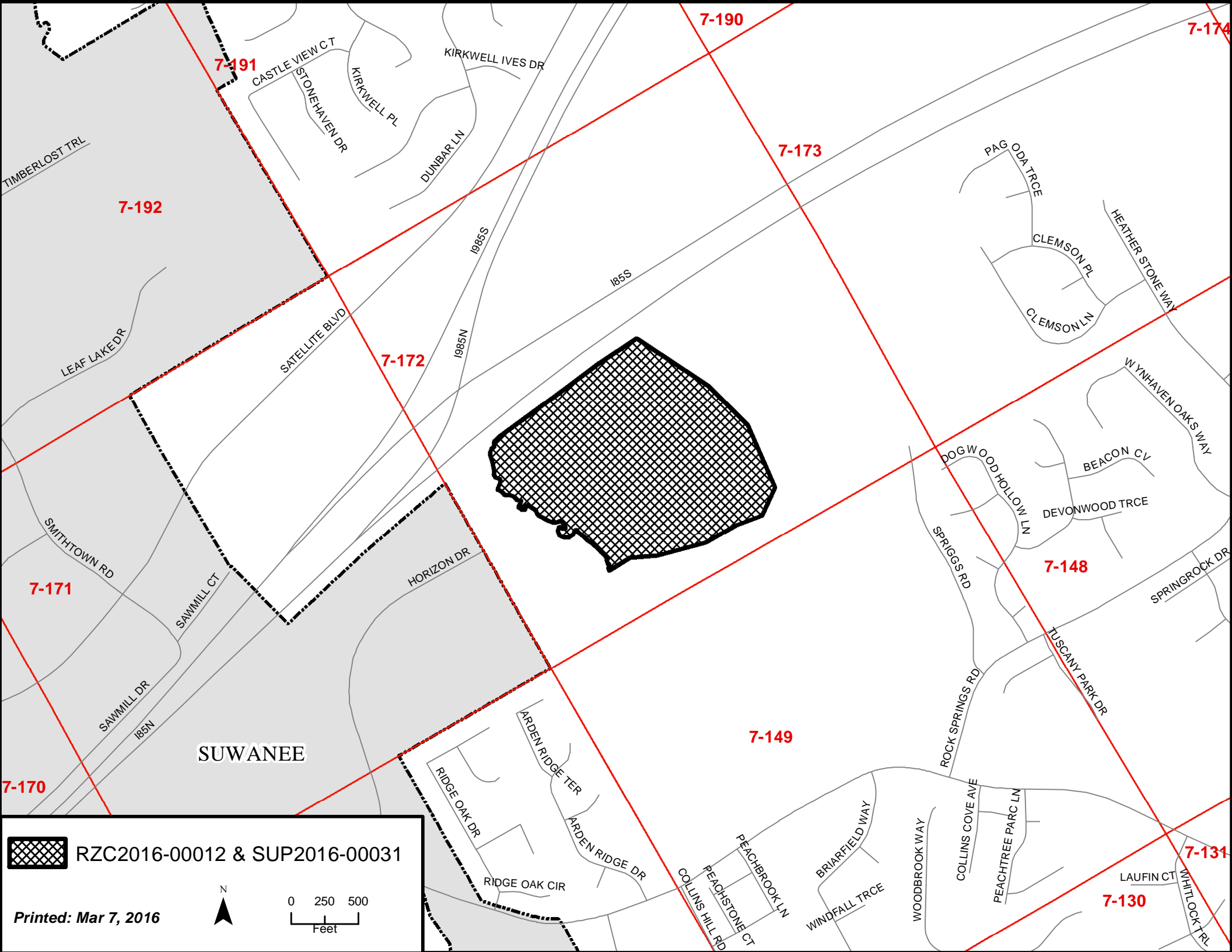



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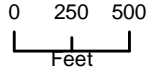
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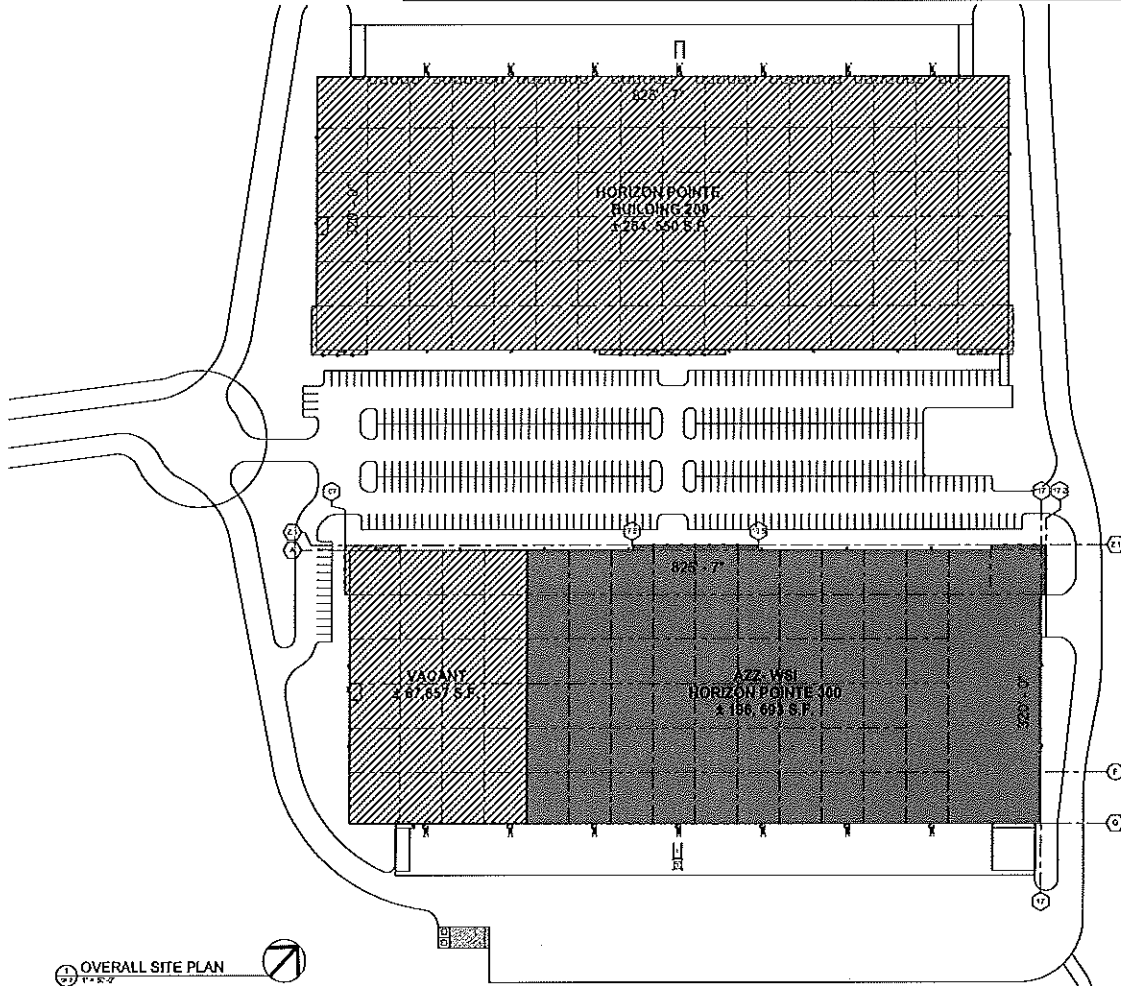


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Printed: Mar 7, 2016

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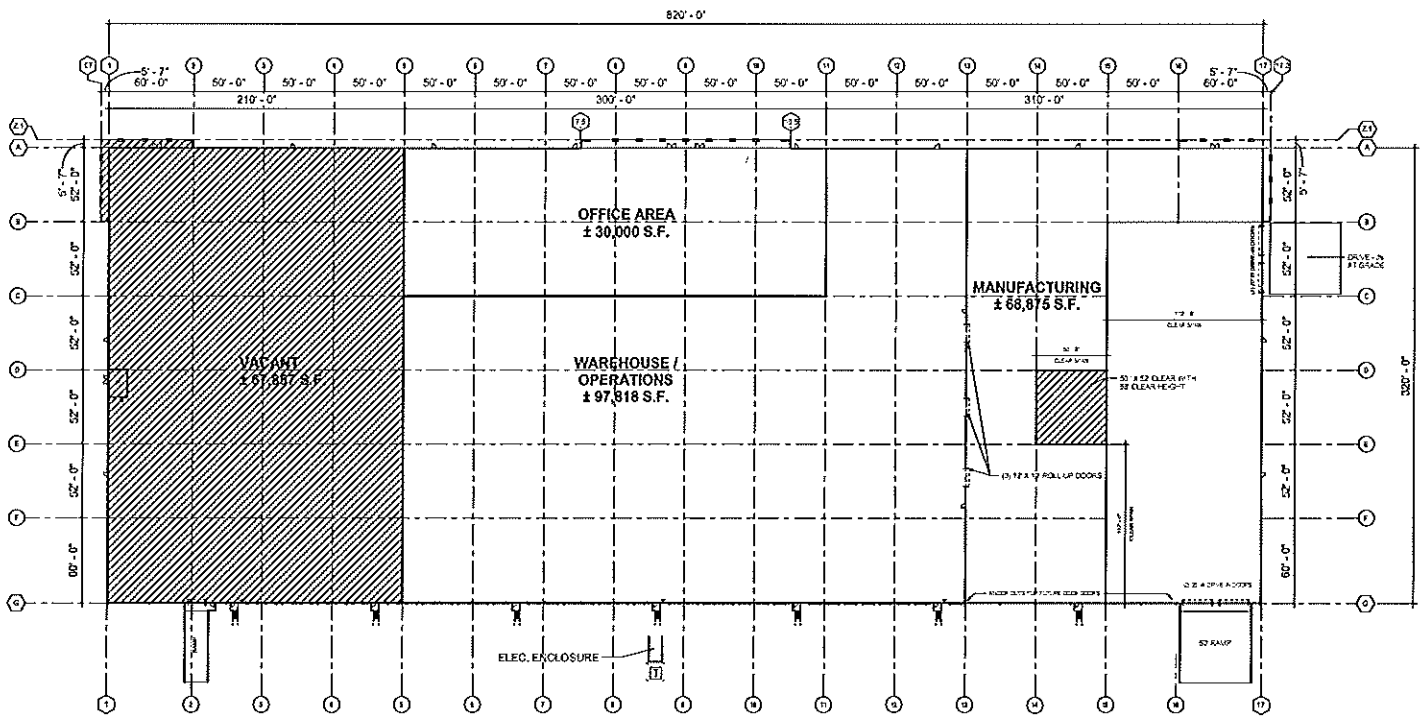


ARCHITECTURAL SITE PLAN

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SUP '16031



OVERALL FLOOR PLAN

TOTAL BUILDING S.F. = ± 264, 550 S.F.
AZZ/ WSI S.F. = ± 196, 693 S.F.

OVERALL FLOOR PLAN

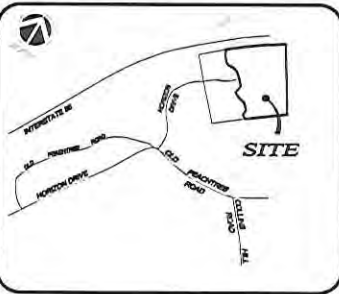
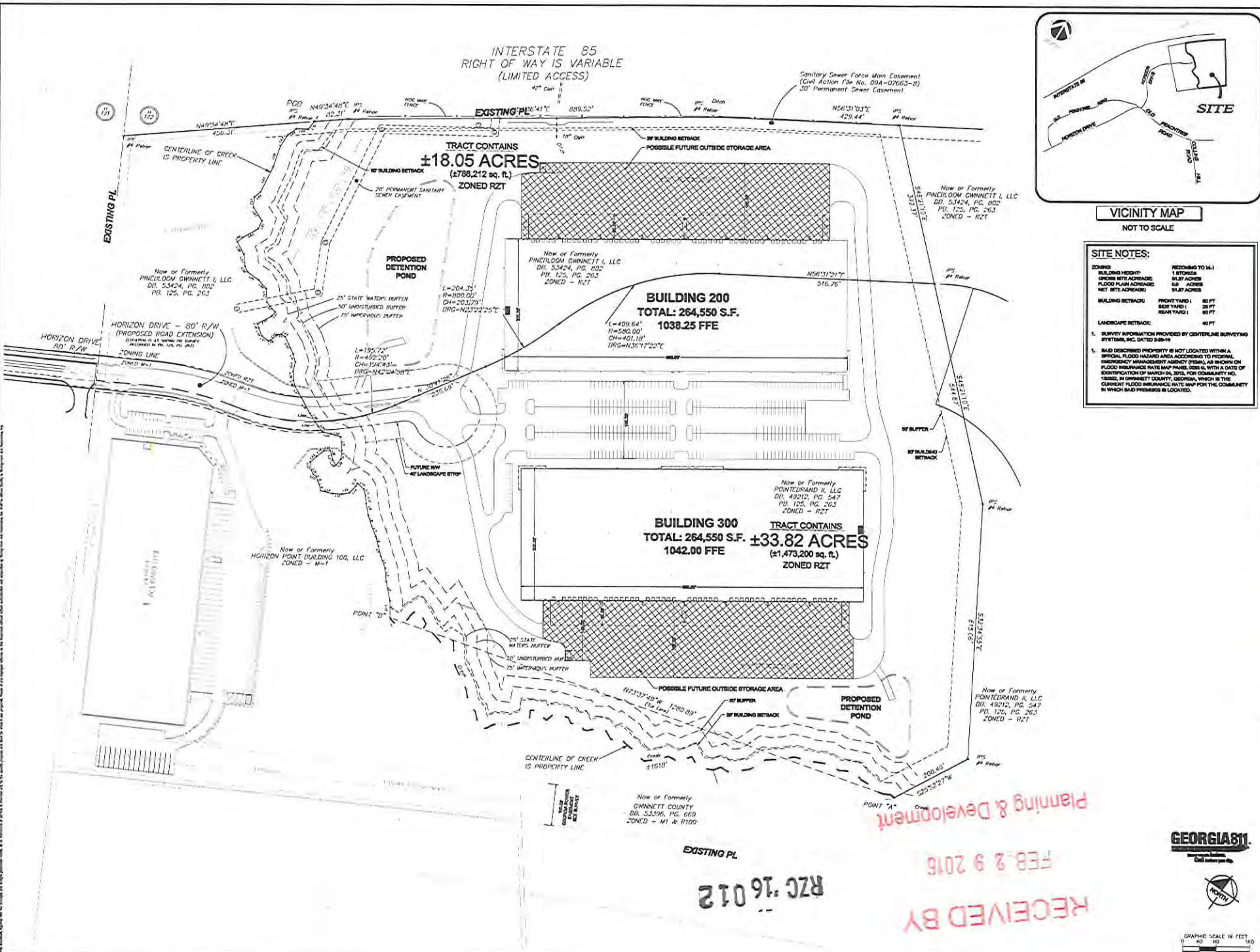
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RZC '16012

SUP '16031



VICINITY MAP
NOT TO SCALE

SITE NOTES:

ZONING: BUILDING HEIGHT: 1 STORY
 DRIVE SETBACK: FLOOD HAZARD: 5.87 ACRES
 NET SITE ACRES: 5.0 ACRES
 BUILDING SETBACK: FRONT YARD: 30 FT, SIDE YARD: 10 FT, REAR YARD: 10 FT
 LANDSCAPE SETBACK: 40 FT

1. SURVEY INFORMATION PROVIDED BY CENTERLINE SURVEYING SYSTEMS, INC. DATED 3-8-16

2. SHAD DESCRIBED PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AS SHOWN ON FLOOD INSURANCE RATE MAP PANEL 0885 G WITH A DATE OF IDENTIFICATION OF MARCH 04, 2015. FOR COMMUNITY NO. 58852, IN GWINNETT COUNTY, GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SHAD PREMISES IS LOCATED.

NO.	DATE	BY
1	02/29/18	DAW

Kimley-Horn

1000 N. GWINNETT AVE., SUITE 100
 ALPHARETTA, GEORGIA 30201
 PHONE (770) 619-4200
 WWW.KIMLEY-HORN.COM

NO.	DATE	BY
1	02/29/18	DAW

JAYLOREN WATHIS

140 Truitt Park Drive, Suite 170
 Kennesaw, GA 30144

PROJECT: HORIZON POINTE BUILDING 200 & 300
 DATE: 02/29/18
 DRAWING NO.: 1802000000
 SHEET NUMBER: X-1.0

RECEIVED BY
 FEB. 9 2018
 Planning & Development


GEORGIA811

Call before you dig



EXISTING PL
 RZC 16 012

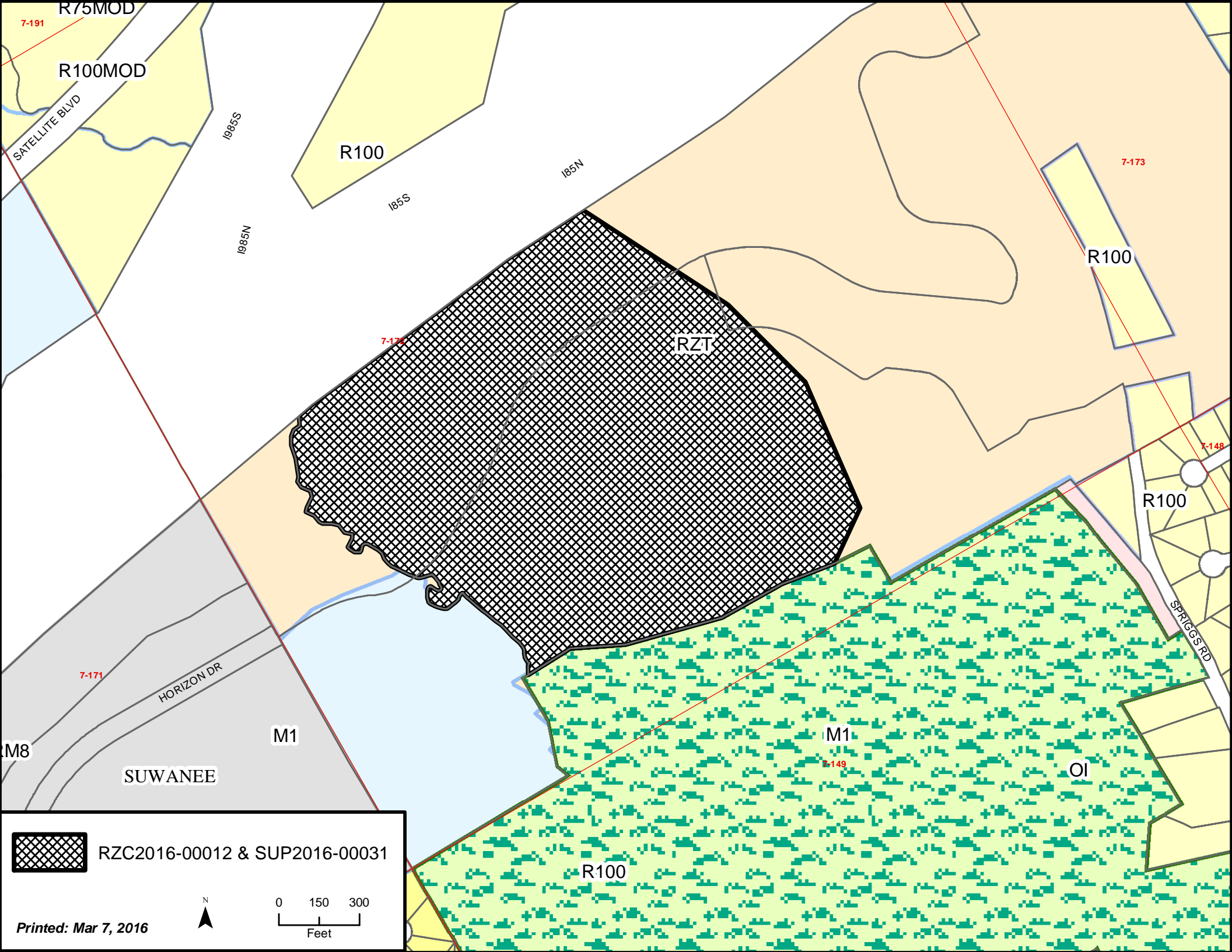


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Printed: Mar 7, 2016



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7-149

R75MOD

SATELLITE BLVD

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I85N

HORIZON DR

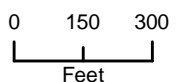
SPRIGGS RD

M8

SUWANEE

RZC2016-00012 & SUP2016-00031

Printed: Mar 7, 2016



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

CASE NUMBER :**SUP2016-00033**
ZONING :C-2
LOCATION :2900 BLOCK OF BUFORD DRIVE
MAP NUMBER :R7146 039
ACREAGE :10.21 ACRES
PROPOSED DEVELOPMENT :MINI-WAREHOUSE STORAGE FACILITY AND RV PARKING
COMMISSION DISTRICT :(1) BROOKS

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

APPLICANT: JOHNSON DEVELOPMENT ASSOCIATES, INC.
C/O MILL CREEK CONSULTING
4480 COMMERCE DRIVE, SUITE A
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNER: BRANDSMART U.S.A. OF GA, LLC
3100 SOUTH PARK BOULEVARD
ELLENWOOD, GA 30294

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Special Use Permit for a 10.21-acre parcel zoned C-2 (General Business District) for the development of a mini-warehouse facility with outdoor storage of recreational vehicles. The subject property is an outparcel situated to the rear of what was initially developed as BrandsMart, being located along Buford Drive at its intersection with Brandsmart Way and Interstate 85. The site was cleared and graded for development several years ago, but is currently void of development. The property is located within the Mall of Georgia Activity Center/Corridor Overlay District, and is subject to requirements set forth in Gwinnett County Unified Development Ordinance.

The submitted site plan indicates the development would consist of five mini-warehouse buildings totaling 101,830 square feet, associated driveways and parking. The site would include a 50-foot front yard setback and 10-foot landscape strip along I-85, with the landscape strip being extended along the eastern property line. Access to the proposed development would be provided via internal access, as the development is accessed by a driveways from both Brandsmart Way and Buford Drive.

A 50-foot stream buffer, additional 25-foot impervious surface setback and sanitary sewer easement are shown along a stream which forms a natural buffer along the southern property line. An existing detention pond is shown along the eastern portion of the site.

ZONING HISTORY:

The property was zoned R-100 and C-1 in 1970. In 1975, a portion of the property adjacent to Interstate 85 was rezoned to C-2 (General Business District) and O-1 (Office-Institutional District) through an area-wide map revision. The property was entirely rezoned to C-2 with a Special Use Permit for automotive sales and service (RZ-98-179, SUP-98-136 and SUP-02-026). In 2008, a Special Use Permit was approved allowing a building height increase, pursuant to SUP-08-022.

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 Section of the Unified Development Ordinance (Chapter 620) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection Section of the Unified Development Ordinance (Chapter 620) requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

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

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

Parking spaces shall be provided at a ratio of:

Two spaces for office plus one per 5,000 square feet (as a minimum).

Two spaces for office plus one per 2,000 square feet (as a maximum).

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 Stormwater 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.

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:

Buford Drive is a State Route and Georgia D.O.T. right-of-way requirements govern.

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 12-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 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:

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, and 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 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 10.21-acre outparcel within the BrandsMart development located at the intersection of Buford Drive and Brandsmart Way, with a portion of the property fronting Interstate 85. The site is currently vacant, but in the past had been cleared and graded for development.

The 2030 Unified Plan Future Development Map indicates the site being located within a Regional Mixed-Use Character Area. A mini-warehouse development with roll-up doors and outdoor storage of RV's with such a highly visible location along Interstate 85 may be contradictory to policies of the Unified Plan promoting enhanced development aesthetics.

The surrounding area is characterized primarily by commercial, office and multi-family uses surrounding the Mall of Georgia and the Mill Creek regional mixed-use node, with single-family residential uses in the outlying areas. Immediately to the south of the subject property is Floor & Decor, originally developed as BrandsMart, zoned C-2. Across Brandsmart Way is StoreSmart, an indoor climate controlled self-storage facility approved with a Special Use Permit in 2007 (SUP-07-055). To the south is the RM-13 (Multi-Family Residence District) Preston Hills at Mill Creek apartment complex. Located to the west is the R-60 (Single Family Residence District) Sentinel Ridge subdivision. Also, further to the east across Buford Drive is vacant, undeveloped land zoned RA-200, O-1 and C-2. Further to the south, along Brandsmart Way and within the same development there is a pending request for an indoor climate controlled mini-warehouse facility (SUP2016-00035). In the department's opinion, there are significant aesthetic differences between an internally accessed, climate controlled, self-storage facility, and an externally accessed mini-warehouse facility with outdoor storage. Although both serve the same purpose, the appearance of roll up doors and outdoor storage as proposed in this application could detract from the visual appeal of the development, and may not be aesthetically pleasing as other existing self-storage facilities within the immediate area.

In conclusion, the proposed mini-warehouse facility could be considered to be inconsistent with policies of the Unified Plan and the precedent established by the Board ensuring quality developments within the Mall of Georgia Overlay District. Therefore, the Department of Planning and Development recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Approval of a Special Use Permit to allow climate controlled indoor self-storage facility, 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 a minimum three-story, climate controlled, self-storage facility as a special use.
 - B. Abide by all requirements of UDO Section 220-30 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application.
 - C. Buildings shall be constructed as urban-style, flat-roofed buildings with primary exterior treatments of brick or stacked stone on each elevation. Building elevations shall be submitted for review and approval of the Director of Planning and Development prior to the issuance of a development permit.
 - D. Outdoor storage and truck rental shall be prohibited.
 - E. Roll-up doors shall be prohibited.
2. To satisfy the following site development considerations:
 - A. Provide a 50-foot wide natural buffer adjacent to residentially zoned properties.
 - B. Property security enclosures shall be a decorative masonry and/or wrought iron style fencing. All additional security fencing shall be black, vinyl-coated chain link.
 - C. All mechanical equipment serving the proposed new building should be screened on all four sides, to the satisfaction of the Director of Planning and Development prior to the issuance of a development permit.
 - D. Any detention ponds serving the property shall be screened with a single row of 6'-8' tall evergreens.
 - E. Provide a 50-foot wide landscape strip along the right-of-way of Interstate 85. Final landscape plan shall be subject to review and approval by the director of Planning & Development.
 - F. All signage must conform to Mall of Georgia (MOG) Overlay and Gwinnett County ordinance requirements. If lighted, lettering shall be individually formed and lighted.

- 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 sign cabinet shall be fully recessed and surrounded by the same materials.
- H. 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.
- I. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for a mini-warehouse storage facility may not be suitable at this location in light of the existing and proposed indoor climate controlled mini-warehouse facility in the immediate area.

ADVERSE IMPACTS

If properly conditioned, the establishment of an indoor mini-warehouse storage facility at this location 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 could be considered compatible with the Regional Mixed-Use designation of the Unified Plan.

CONDITIONS AFFECTING ZONING

The requested externally accessed mini-warehouse facility could be considered to be inconsistent with the policies of the Unified Plan and development standards for the Mall of Georgia Overlay District.

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 WITHOUT THE SPECIAL USE PERMIT.

(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 REGIONAL 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.

.....
PLANNING DIVISION USE ONLY

CASE NUMBER _____

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Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the rezoning 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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REZONING APPLICANT'S LETTER OF INTENT

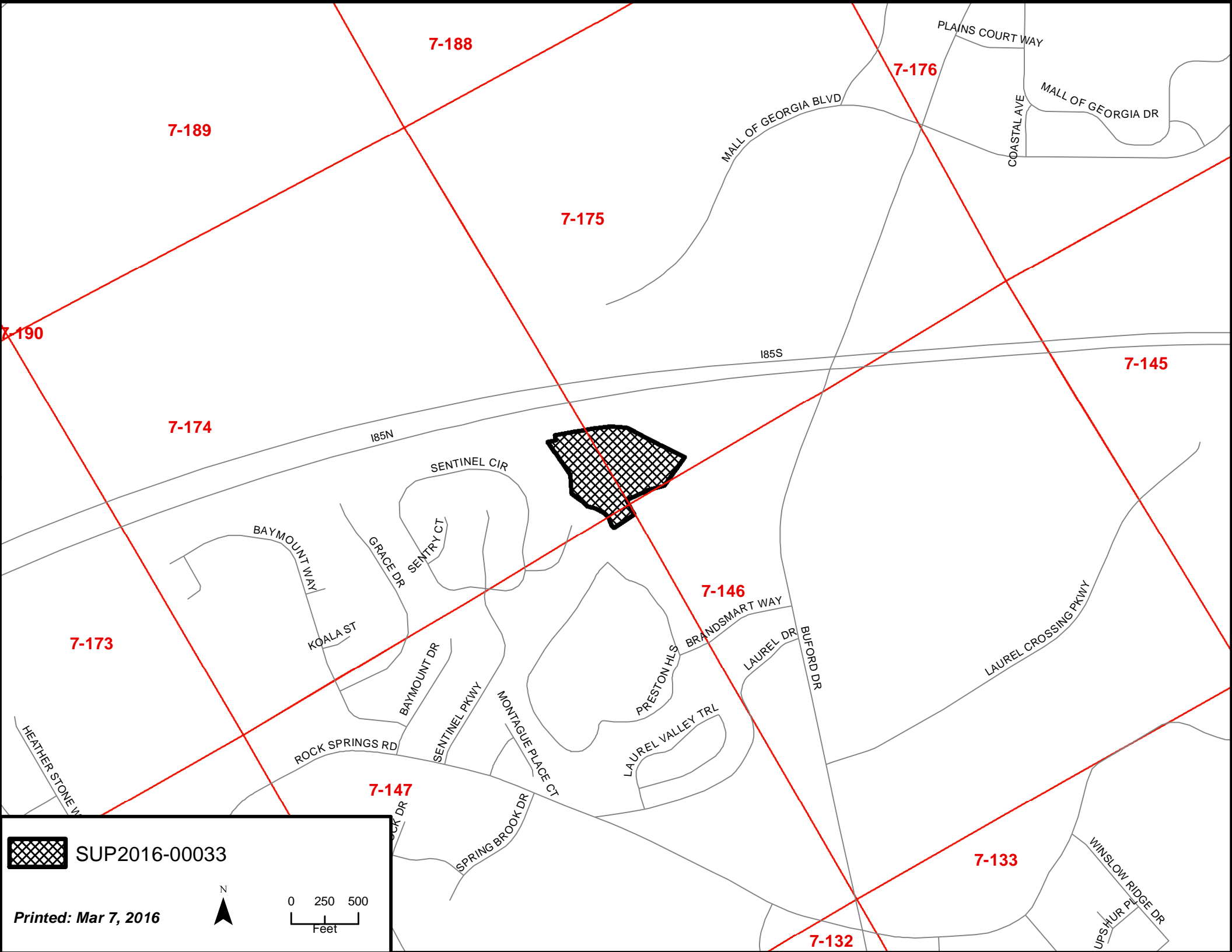
The Applicant, Johnson Development Associates, Inc., requests a special use permit for the property located behind the Floor and Décor building that was formally known as BrandsMart to allow a mini warehouse facility with RV parking. The site plan shows that the applicant intends to build 5 buildings that will be a total of 103,030 square feet. Access will be through the parking lot of Floor and Decor by an interparcel access agreement when the property was subdivided. The project will not be visible from Highway 20 but there will be some visibility from I-85 and the access ramp along the northern property line. The proposed outside parking and storage area will be along the southern property line adjacent to the stream buffer and will have no visibility from any roads. The buildings and landscaping will comply with all the requirements of the Mall of Georgia overlay district. There will be no loudspeakers and all security lighting will be directed into the property so as not to disturb the adjacent residential subdivision. There is a large stream buffer that will not be disturbed so there should be nothing visible or audible to those homes in the area.

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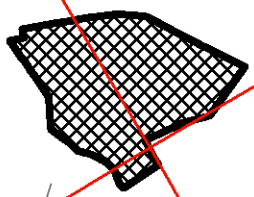
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BAYMOUNT WAY

GRACE DR

SENTRY CT

BRANDSMART WAY

KOALA ST

BAYMOUNT DR

SENTINEL PKWY

MONTAGUE PLACE CT

PRESTON HLS

LAUREL DR

BUFORD DR

LAUREL CROSSING PKWY

HEATHER STONE W

ROCK SPRINGS RD

7-147

SPRING BROOK DR


LAUREL VALLEY TRL

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WINSLOW RIDGE DR

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UPS HUR PL

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Call 811 or call 800-222-7411

SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND DETAILS...

NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.

SIDEWALKS SHALL BE LOCATED 2' FROM EACH CURB AND SHALL BE CONSTRUCTED OF CONCRETE...

A SEPARATE BUILDING PERMIT SHALL BE OBTAINED PRIOR TO CONSTRUCTION FOR EACH SITE RETAINING WALL...

SIDEWALKS SHALL BE LOCATED AT LEAST 2' FROM BACK OF CURB BRIDGES EXCEPTED...

NOTE: PARKING LOTS SHALL BE MAINTAINED IN GOOD CONDITION...

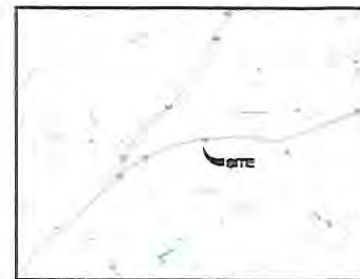
INTERSECTION RAMP/ CURB RAMPS SHALL BE PROVIDED AT STREET INTERSECTIONS...

EACH BUILDING AND ITS RELATIVE LOCATION TO PROPERTY LINES AND OTHER STRUCTURES SHALL COMPLY WITH THE 2012 INTERNATIONAL BUILDING CODE...

SEE LANDSCAPE AND HARDSCAPE PLANS FOR EXACT SIDEWALK LAYOUT, HARDSCAPE PLAN, DISPOSITION OF CONCRETE SIDEWALKS...

ALL HIGHWAY STRIPES & PAVEMENT MARKING WITHIN THE DUNNETT COUNTY DISTRICT...

EACH BUILDING AND ITS RELATIVE LOCATION TO PROPERTY LINES AND OTHER STRUCTURES SHALL COMPLY WITH THE 2012 INTERNATIONAL BUILDING CODE...



VICINITY MAP

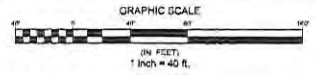
EXISTING ZONING (C-2) GENERAL BUSINESS DISTRICT PARCEL ID 7146 039 10.210 ACRES

- 1. OWNER/DEVELOPER - JSF BUFORD, LLC
2. CIVIL ENGINEER - HANES GIBSON & ASSOCIATES, INC.

- GENERAL NOTES
1. PROPOSED USE IS A SELF STORAGE FACILITY WITH 8 SINGLE STORY BUILDINGS...



CONCEPT SITE PLAN



SITE DATA CALCULATIONS ARE BASED ON THE FOLLOWING DUNNETT CO. REQUIREMENTS:

Table with 3 columns: USE, MIN. PARKING RATIO REQUIRED, MAX. PARKING RATIO REQUIRED.

SITE DATA

- SITE AREA = 10.21 AC.
• TOTAL OFFICE AREA = 1,200 SF
• MINIMUM PARKING REQUIRED = 2 SPACES

NOTE: SEWER WILL CONNECT TO DUNNETT COUNTY GRADUITY SANITARY SEWER MAIN. SEWER IS LOCATED ON THE SITE.



HANES GIBSON & ASSOCIATES, INC.
1560 NORTH BURNING ROAD, SUITE 100
LAWRENCEVILLE, GA 30046

BUFORD SELF-STORAGE
100 DUNBAR STREET, SUITE 400
SPARTANBURG, SC 29306

Table with 2 columns: DATE, SHEET TITLE.

DATE 08/24/16
SHEET TITLE CONCEPT SITE PLAN
SHEET NUMBER C-1

SUP '16 033



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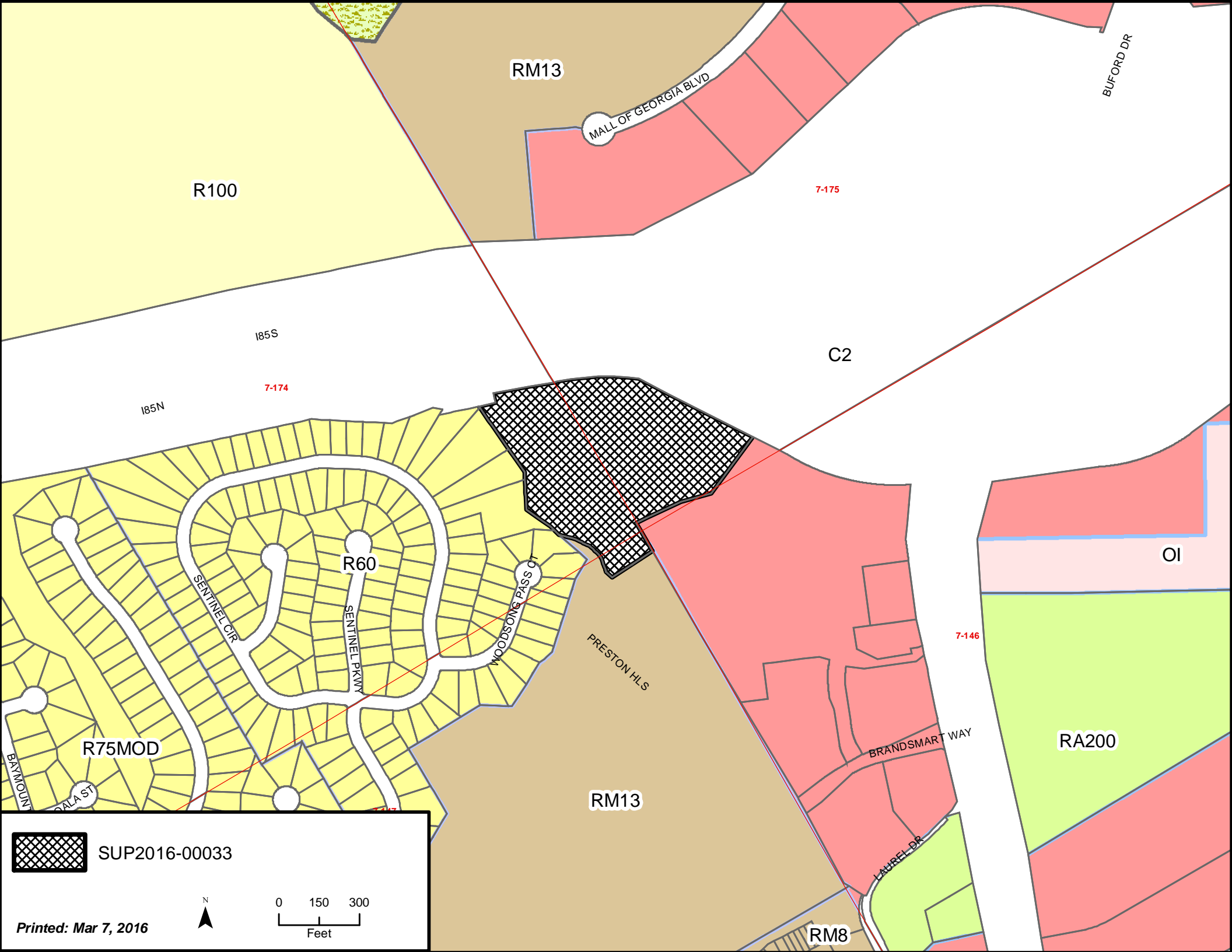


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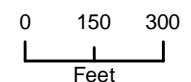
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SUP2016-00033



Printed: Mar 7, 2016

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

CASE NUMBER :**SUP2016-00035**
ZONING :C-2
LOCATION :2900 BLOCK OF BUFORD DRIVE
MAP NUMBER :R7146 046
ACREAGE :2.76 ACRES
SQUARE FEET :105,300 SQUARE FEET
PROPOSED DEVELOPMENT :CLIMATE-CONTROLLED SELF-STORAGE
COMMISSION DISTRICT FACILITY :(I) BROOKS

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

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

CONTACT: SHANE LANHAM PHONE: 770.232.0000

OWNER: SCENIC BUFORD RETAIL, LLC
1505 LAKES PARKWAY, SUITE 190
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit for a 2.75-acre parcel for the development of a proposed indoor climate-controlled, self-storage facility. The property is situated to the south of what was initially developed as BrandsMart, being located on the western side of Buford Drive, at its intersection with Brandsmart Way. The site was cleared and graded for development several years ago, and currently contains a 65-space parking lot. This property is located in the Mall of Georgia Overlay District, and is subject to those overlay requirements as set forth in Gwinnett County Unified Development Ordinance.

The submitted site plan indicates development would consist of a 3-story indoor, climate-controlled self-storage facility of 105,300 square feet, with 17 parking spaces. The site would include a 30-foot natural undisturbed buffer and 40-foot setback extended along the western property line. This matches the buffer standard established by the underlying rezoning case from 1998 (RZ-98-00179).

Access to the proposed development would be provided via an existing private driveway off Brandsmart Way as well as internally from the other portions of the parcel accessed by driveways from Buford Drive. Existing stormwater facilities on the adjacent commercial development would be utilized.

ZONING HISTORY:

The property was zoned R-100 (Single-Family Residence District) and C-1 (Neighborhood Business District) in 1970. In 1998, the subject property was approved for rezoning of the entire parcel to C-2 (RZ-98-179).

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 Section of the Unified Development Ordinance (Chapter 620) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection Section of the Unified Development Ordinance (Chapter 620) requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

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

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

Parking spaces shall be provided at a ratio of:

Two spaces for office plus one per 5,000 square feet (as a minimum)

Two spaces for office plus one per 2,000 square feet (as a maximum)

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

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

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

Section 800-20 of the Unified Development Ordinance requires submittal of a Stormwater 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.

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:

Buford Drive is a State Route and Georgia D.O.T. right-of-way requirements govern.

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 Buford Drive, and a 20-inch water main located on the western right-of-way of Buford 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 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:

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

DEPARTMENT ANALYSIS:

The subject site is a 2.76-acre parcel within the BrandsMart development, located on the west side of Buford Drive, at its intersection with Brandsmart Way. The subject site has in the past been cleared and graded for development of a parking lot and is mostly blocked from view from Buford Drive by an existing commercial building (Pep Boys Auto Parts & Service). The rest of the adjacent property contains a Floor & Decor (originally developed as BrandsMart), and Waffle House.

The 2030 Unified Plan Future Development Map indicates the site is located within a Regional Mixed-Use Character Area. Policies of the Unified Plan support a range of free-standing commercial and retail uses, which includes an indoor climate-controlled, self-storage facilities. The property is located in a developed commercial corridor where other storage facilities exist and a new indoor climate-controlled, self-storage facility could be considered compatible with the Character Area and the 2030 Unified Plan.

The surrounding area would be characterized primarily by commercial, office and multi-family uses surrounding the Mall of Georgia and the Mill Creek regional mixed-use node, with single-family residential uses in the outlying areas. Across Brandsmart Way to the south is StoreSmart, an indoor climate-controlled self-storage facility approved within the C-2 zoning district with a Special Use Permit in 2007 (SUP-07-055). East across Buford Drive is a vacant, undeveloped tract zoned RA-200, O-1 and C-2. To the west is the Preston Hills at Mill Creek apartment complex, zoned RM-13 (Multi-Family Residence District). The apartments are adequately set back from the subject parcel and proposed use, and are surrounded by wooded areas. With appropriate conditions, the proposed Special Use Permit could be compatible with the surrounding area. Further, the subject property is located in the Mall of Georgia Overlay District and would need to comply with the requirements set forth in the Overlay District standards.

In conclusion, the requested special use may be suitable given the 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 a climate-controlled, self-storage facility, 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 a three-story climate-controlled, self-storage facility as a special use.
 - B. Outdoor storage and truck rental shall be prohibited.
2. To satisfy the following site development considerations;
 - A. Provide a 30-foot wide buffer adjacent to RM-13 zoning.
 - B. External roll-up doors shall be prohibited.
 - C. Property security enclosures visible from Brandsmart Way shall be a decorative masonry and/or wrought iron style fencing. All additional security fencing shall be black, vinyl-coated chain link.
 - D. Buildings shall be constructed of four sides brick or stone. Stucco may only be used as an accent material. Building elevation shall be submitted for review and approval by the director of Planning & Development.
 - E. All mechanical equipment serving the proposed new building should be screened on all four sides, to the satisfaction of the Director of Planning and Development prior to the issuance of a development permit.
 - F. Any detention ponds serving the property shall be screened with a single row of 6'-8' tall evergreens.
 - 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 sign cabinet shall be fully recessed and surrounded by the same materials.
 - H. Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white earth tone) background colors for the sign cabinet.

- I. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
- J. 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.
- 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.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for a climate-controlled, self-storage facility may be suitable at this location in light of the existing commercial development in the area.

ADVERSE IMPACTS

If properly conditioned, the establishment of a climate-controlled, self-storage facility at this location 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 could be considered compatible with the Regional Mixed-Use designation of the Unified Plan.

CONDITIONS AFFECTING ZONING

The location of the property is in a commercial area, with adequate distance from the multifamily residential properties in the vicinity, 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:

Please see attached

- (B) WHETHER A PROPOSED SPECIAL USE PERMIT 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 SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

Please see attached

- (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

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

- (A) Yes, the proposed Special Use Permit Application will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- (B) No, the proposed Special Use Permit Application will not adversely affect the existing use or usability of any of the nearby properties.
- (C) Due to the size, layout, location, and topography of the subject property, the Applicant submits that the subject property does not have reasonable economic use as currently zoned without the requested special use permit.
- (D) No, the proposed Special Use Permit Application will not result in an excessive or burdensome use of the infrastructure systems. The subject property is located off of Buford Drive with access to utilities.
- (E) Yes, the proposed Special Use Permit Application is in conformity with the policy and intent of the Land Use Plan.
- (F) Applicant submits that the commercial/retail nature of the area provides additional support of this Application.

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SUP '16 035



Matthew P. Benson
Alissa L. Cummo
Kelly O. Faber
Amanda F. Henningsen
Christopher D. Holbrook
Joshua P. Johnson
Gerald Davidson, Jr.*

Shane M. Lanham
Austen T. Mabe
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
*Of Counsel

**LETTER OF INTENT FOR
SPECIAL USE PERMIT APPLICATION.**

Mahaffey Pickens Tucker, LLP submits the attached Special Use Permit Application (the “Application”) for the purpose of obtaining a Special Use Permit for an approximately 2.755 acre tract (the “Property”) located off of Buford Drive near Interstate 85 in northern Gwinnett County. The requested special use permit would allow the development and operation of a Self-Storage/Mini-Warehouse Facility on the Property. The Property is currently zoned C2 and is within the Mall of Georgia Overlay District. The Property is designated as “Regional Mixed-Use” on the Gwinnett County 2030 Unified Plan Future Development Map.

The subject Property has previously been graded, but is otherwise undeveloped except for a limited parking area on the northern end of the property. The Applicant’s proposal is to develop the Property to include a single three-story building with approximately 105,300 square feet for interior, conditioned storage space. The operation of the Property as a Self-Storage/Mini-Warehouse Facility under the C2 zoning classification is an appropriate use for the subject Property and is consistent with the development on surrounding properties. Additionally, the proposed development would provide a transitional use from the higher-intensity commercial uses along Buford Drive to the residential uses to the west of the Property.

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Planning & Development

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

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

This 3rd day of March, 2016.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



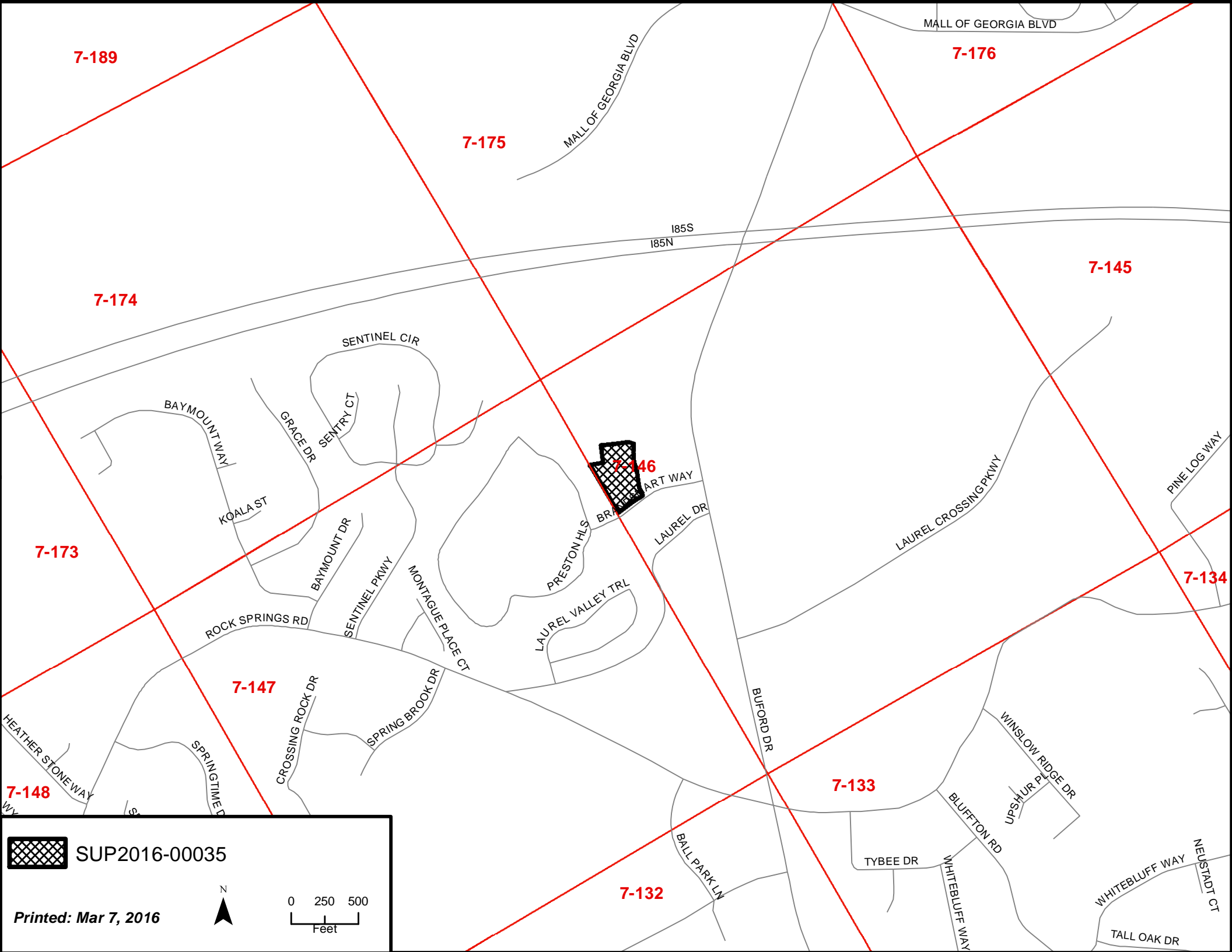
Shane M. Lanham
Attorneys for the Applicant

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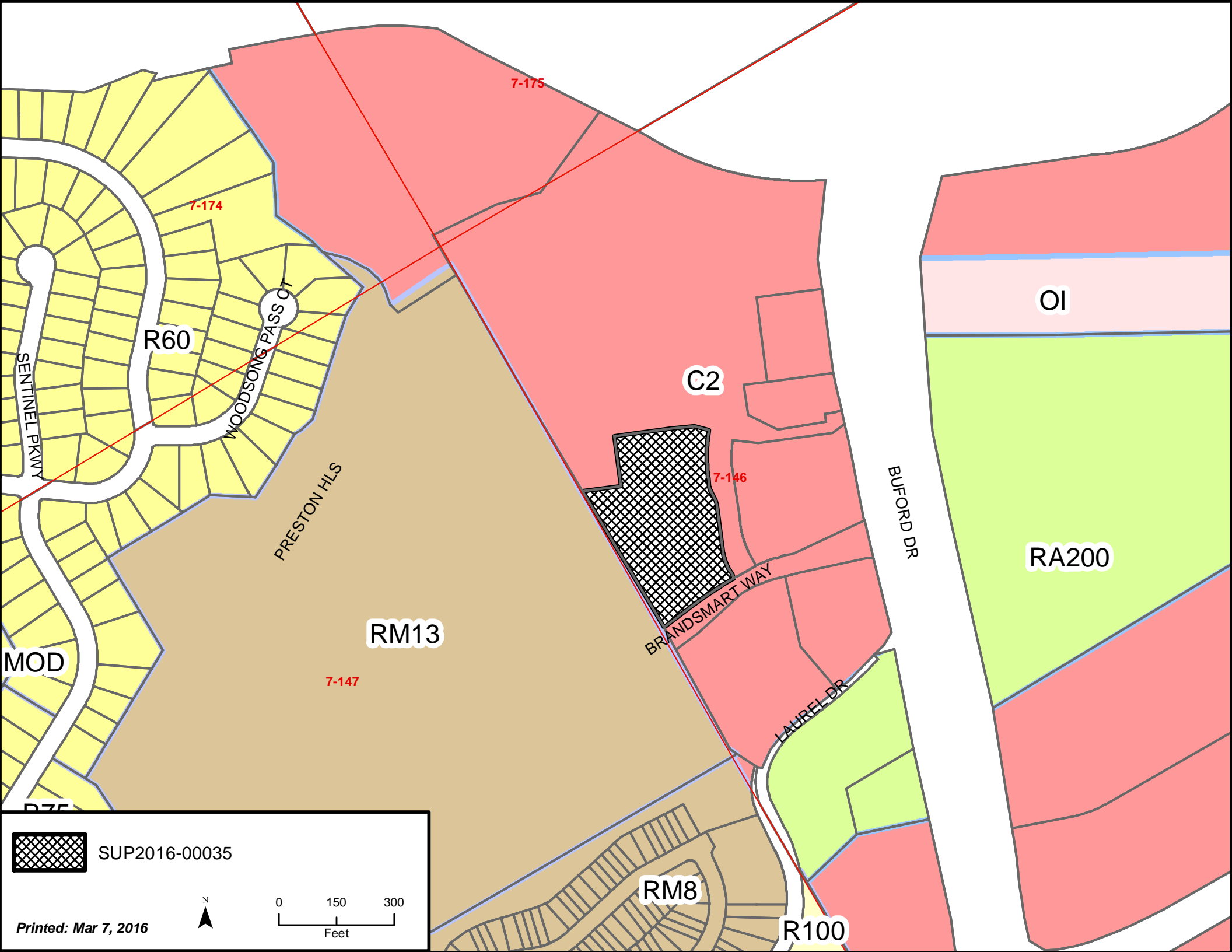



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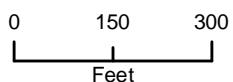


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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER :**SUP2016-00038**
ZONING :M-I
LOCATION :1600-1800 BLOCK OF CEDARS ROAD
MAP NUMBER :R5239 006
ACREAGE :9.56 ACRES
PROPOSED DEVELOPMENT :TRUCK STORAGE LOT (GRAVEL)
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: STACEY BRITT
P. O. BOX 929
GRAYSON, GA 30017

CONTACT: BRIAN CARDOZA PHONE: 678.367.4210

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

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant is requesting a Special Use Permit for a truck storage lot for tractor trailers and heavy equipment on property currently zoned M-I (Light Industry District). The subject property contains 9.56 acres located on the east side of Cedars Road north of Winder Highway. The northern property line is the Seaboard Coastline railroad right-of-way, while the eastern property line is the centerline of Alcovy River and the southern property line is the centerline of Cedar Creek. The site is currently undeveloped and heavily wooded.

The site plan indicates 257 proposed gravel parking spaces on the site. According to the letter of intent, the applicant is requesting approval of gravel rather than paved because in his opinion, a paved parking lot would be hard to maintain and costly to repair. The site plan also indicates the required 50-foot stream buffers and additional 25-foot setback from both the Alcovy River and Cedar Creek. A detention pond is proposed in the southeastern portion of the site. One access point is shown on Cedars Road; no landscaping or buffer is indicated along that roadway.

ZONING HISTORY:

In 1970, the subject site was zoned RA-200. In 1973, the eastern portion of the site was part of a 193-acre tract zoned M-I pursuant to RZ-73-098. The western portion was then rezoned to M-I in 1975 as part of an areawide rezoning. In 1985, a request for M-2 (Heavy Industry

District) zoning on approximately 618 acres was approved for M-1 pursuant to RZ-136-85. Several attempts to rezone the property to single family residential (R-60 and R-ZT) were either denied or withdrawn in 2003 and 2005 pursuant to RZ-03-002, RZ-03-003 and RZ-05-060.

GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The Georgia Department of Community Affairs and Department of Natural Resources have mandated that Significant Groundwater Recharge Areas be identified and that minimum lot sizes for septic tanks be increased in these resource areas. Please contact Gwinnett County Environmental Health for septic system information and/or Gwinnett Department of Water Resources regarding availability of sanitary sewer for this site.

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 Section of the Unified Development Ordinance (Chapter 620) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection Section of the Unified Development Ordinance (Chapter 620) 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 Cedars Road and Winder Highway.

Section 320-20.2 of the Unified Development Ordinance requires submittal of a Specimen Tree Concept Plan and Tree Survey prior to submittal and acceptance of a Development Permit Application.

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 Stormwater 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:

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

Winder Highway is a State Route and Georgia D.O.T. right-of-way requirements govern.

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

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.

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 10-inch water main located on the southeastern right-of-way of Winder Highway, a 48-inch water main located on the northeastern right-of-way of Cedars Road, and a 12-inch water main located on the southwestern right-of-way of Cedars 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 12-inch and 20-inch sanitary sewer mains located on the property.

The subject development is located within the Alcovy Pump 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 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 contains 9.56 acres located on the east side of Cedars Road north of Winder Highway. The northern property line is the Seaboard Coastline railroad right-of-way, while the eastern property line is the centerline of Alcovy River and the southern property line is the centerline of Cedar Creek. The site is currently undeveloped and heavily wooded.

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 of a gravel tractor trailer parking lot 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 located along the north side of Winder Highway is developed with a mix of industrial and commercial uses and zoning. The subject property and surrounding properties are part of the Gwinnett Progress Center, which is a planned industrial park created to serve as a major portion of the County's industrial base. The Progress Center is developed with various industrial uses with intense operations, including the use of heavy equipment operating in outdoor storage areas, heavy truck traffic and rail service to and from several of the sites. Immediately adjacent to the east is a 124-acre site developed as Total Distribution Services Inc. (TDSI), an automobile distribution facility zoned M-I (Light Industry District). Within that development is an 8.91-acre property approved for three above-ground bulk storage tanks for the distribution of ethanol fuel pursuant to SUP2014-00001. Adjacent to TDSI is Allied Systems, a truck repair facility which is provided inter-parcel access from the TDSI site. Further east is Alcovy Industrial Boulevard which includes office/warehouse buildings and associated outdoor storage areas with potential rail access. The area to the south, across Winder Highway, consists of scattered single-family homes on large acreage tracts zoned RA-200, MH and an undeveloped R-ZT zoned property approved for a single-family development. The proposed parking/storage lot for tractor trailers and heavy equipment could be considered

inconsistent with the overall development pattern established for the area, and with other industrial uses of the Gwinnett Progress Center.

In conclusion, the approval of the Special Use Permit for the storage lot could potentially contradict the emphasis of the Unified Plan, and hamper the long-term direction 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 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 of a Special Use Permit for a tractor trailer and heavy equipment parking/storage lot, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Light industrial uses, which may include a parking/storage lot for tractor trailers and heavy equipment as a special use.
 - B. Buildings 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.
 - C. The Special Use Permit shall be limited to a period of two years, at which time the use shall cease, or an application made for renewal.
2. To abide by the following site development considerations:
 - A. Natural vegetation shall remain on the property until the issuance of a development permit.
 - B. Provide a minimum 12-foot high, opaque wood fence around the periphery of the area utilized for the parking/storage of all tractor trailers and heavy equipment, except for approved access on Cedars Road. 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. Provide a 15-foot wide landscape strip along Cedars Road exterior to the fence. 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.
 - D. Outdoor parking/storage of tractor trailers and heavy equipment shall be solely within the screened parking area.
 - E. Exit/entrance design and location shall be subject to review and approval of the Gwinnett County Department of Transportation.
 - F. 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 sign cabinet shall be fully recessed and surrounded by the same materials. Ground sign(s) shall not exceed 6 feet in height.

- G. Dumpsters shall be located within the fenced and screened parking/storage area.
- H. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- I. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- J. Peddlers and/or parking lot sales shall be prohibited.
- K. 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 Special Use Permit for a tractor trailer and heavy equipment parking/storage lot may not be considered suitable in light of the business park 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 the 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, stormwater 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 that being requested.

CONDITIONS AFFECTING ZONING

The request to allow tractor trailer and heavy equipment parking/storage 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.

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:

NONE

- (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:

Approval

RECEIVED BY

MAR 08 2016

Planning & Development

Letter of Intent

The Applicant is requesting a SUP for a gravel lot for the use as a storage lot for parking of tractor-trailers and heavy equipment. The property is located within the Gwinnett Progress Center off of Cedars Road and is currently zoned M-1. The M-1 zoning district allows for outdoor storage and is an industrial land use zoning. The property will be used for storage of tractor-trailers, which meets the requirements for the M-1 industrial district. The Applicant is requesting to use gravel for storage because a paved parking lot will be hard to maintain and costly to repair. The property is surrounded by industrial uses and tractor-trailers coming and going around the site. Approving the SUP for gravel outdoor storage will reduce the impervious area . The granting of the SUP to allow a gravel lot will not adversely affect the adjacent property and is in keeping with the Gwinnett County Zoning Resolution.

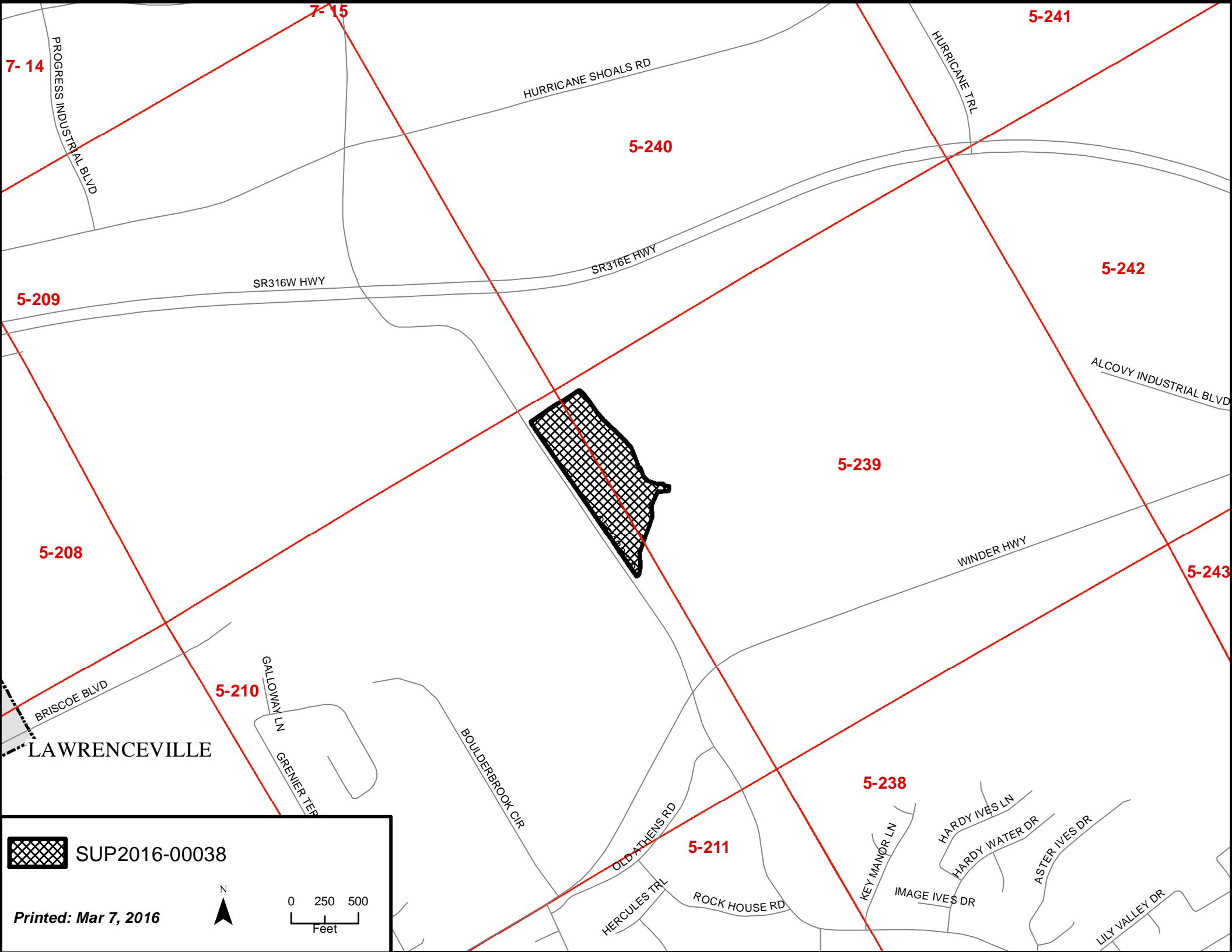
Thank you for your consideration and approval of this SUP.


RECEIVED BY

MAR 08 2016

Planning & Development

SUP '16 038



 SUP2016-00038

Printed: Mar 7, 2016

N

0 250 500
Feet



VICINITY MAP
N.T.S.

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

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CONCEPT PLAN

**PROPOSED
GRAVEL
TRUCK PARKING**

PARCEL: PT. OF 5239 006
LAND LOT: 210 AND 239
DISTRICT: 5TH
CEDAR ROAD
GWINNETT COUNTY, GA

DATE: 3-15-16
SCALE: 1" = 50'

OWNER / DEVELOPER

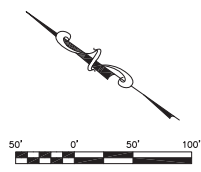
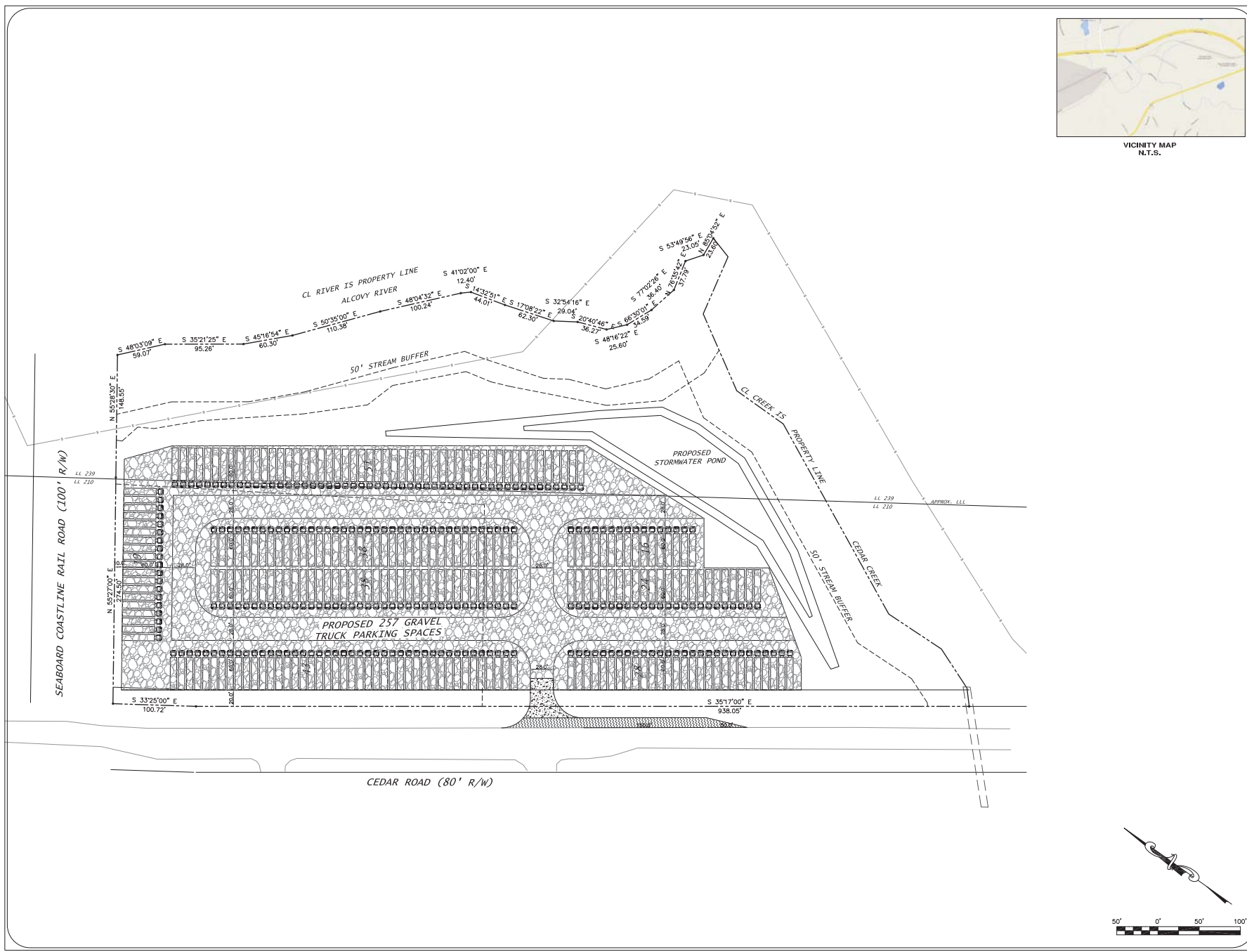
ROOKER GWINNETT, LLC.
445 BISHOP ST NW
STE 200
ATLANTA, GA 30318

24 HOUR - EMERGENCY CONTACT
NAME
PHONE

REVISIONS


NO.	DATE	DESCRIPTION

JOB No. 16-048
C-1





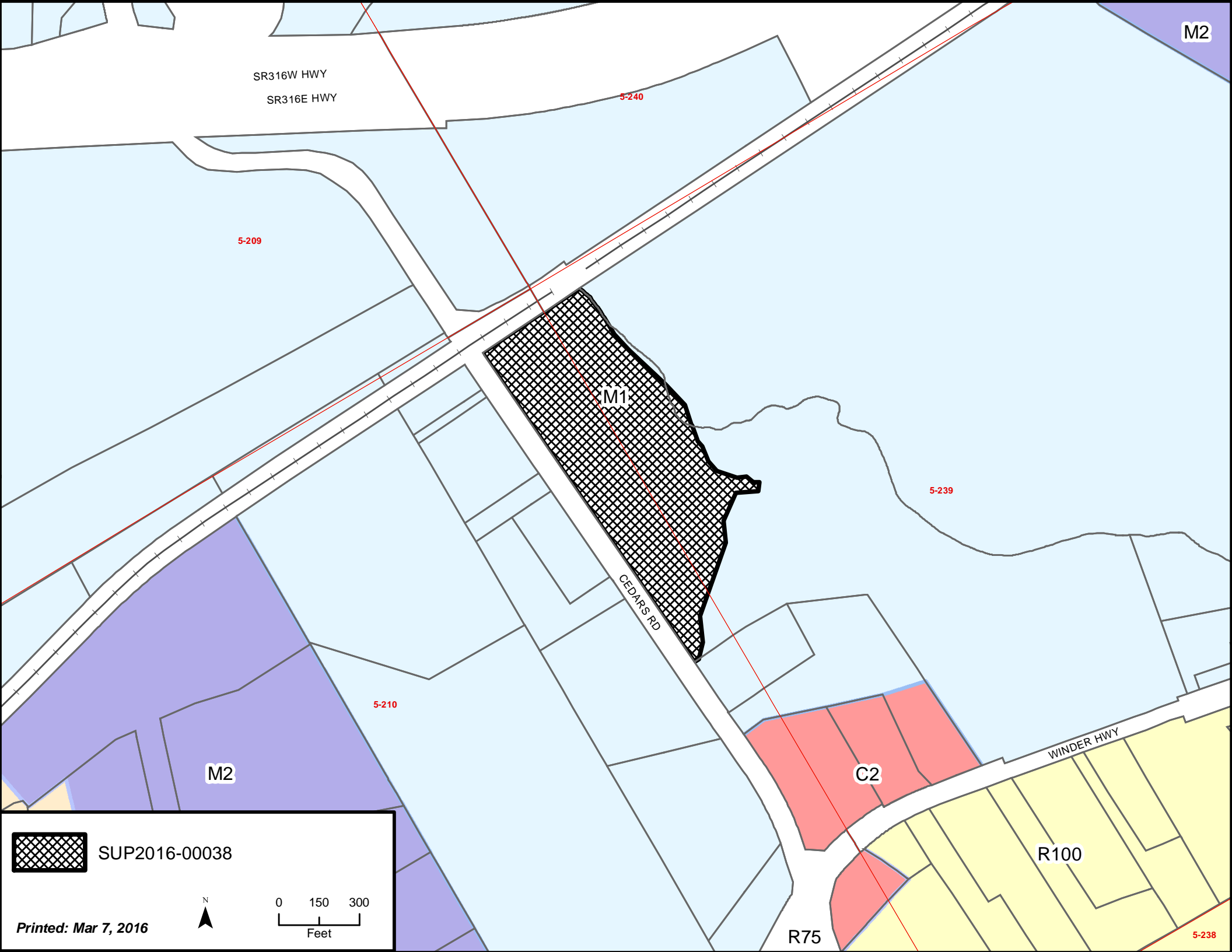
CEDARS RD

 SUP2016-00038

Printed: Mar 7, 2016

N

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Feet



M2

SR316W HWY
SR316E HWY

5-209

5-240

M1

5-239

CEDARS RD

5-210

M2

C2

WINDER HWY

R100

R75

5-238



SUP2016-00038



0 150 300
Feet

Printed: Mar 7, 2016

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

CASE NUMBER :RZC2016-00014
ZONING CHANGE :R-100 & C-1 TO O-R
LOCATION :2500 BLOCK OF LOGANVILLE HIGHWAY
MAP NUMBER :R5155 029
ACREAGE :5.54 ACRES
SQUARE FEET :12,300 SQUARE FEET
PROPOSED DEVELOPMENT :OFFICE USES (REDUCTION IN BUFFERS)
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: LOGISTICS & ENGINEERING SOLUTIONS
130 STONE MOUNTAIN STREET
LAWRENCEVILLE, GA 30046

CONTACT: MICHAEL BONSELL PHONE: 404.510.4728

OWNER: LOGISTICS & ENGINEERING SOLUTIONS
130 STONE MOUNTAIN STREET
LAWRENCEVILLE, GA 30046

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests rezoning of a 5.54-acre parcel zoned R-100 (Single Family Residence District) and C-1 (Neighborhood Business District) to O-R (Office-Residential District) to allow for the construction of an office building and conversion of an existing single-family dwelling for use as a live-work unit by an engineering firm. The subject property is located on the northeast side of Loganville Highway, northwest of Ozora Road. The property is a flag lot with the driveway extending 800 feet from Loganville Highway before reaching the main body of the property. The site consists of a single-family dwelling, having a log-cabin appearance, surrounded with natural landscaping which includes a portion of a lake.

The existing residential structure is approximately 1,800 square feet, and the applicant intends to utilize this space as a live-work unit. The office component of a live/work unit must be the primary function of the facility, occupy a significant portion of the overall building square footage, and preserve the residential character of the site. The applicant intends to construct an additional building with 10,500 (+/-) square feet of office space, increasing the overall square footage to approximately 12,300 square feet. The existing and proposed structures would be attached by a breeze-way. The proposed office space would consist of a two-story building, conference rooms, individual offices and a general workspace for employees. The front facade of the proposed addition would have architectural treatments of a combination of brick, cedar-

shake, fiber-cement siding, and stacked stone, with remaining three sides being constructed of fiber-cement siding.

The minimum buffer required for an O-R development is 25-feet in width when adjacent to residentially zoned properties. As part of this request, the applicant proposes to reduce the buffers to allow for the driveway to be upgraded and widened to 24 feet with an asphalt surface. The O-R buffer requires the installation and placement of a six-foot high opaque fence or wall within the required buffer either ten-feet (side yard) or 20-feet (rear yard) when adjacent to residentially zoned properties. A total of 25 parking spaces are reflected on the submitted site plan, which meets County parking requirements for office related uses. The majority of the spaces will be located to the rear of the building. Although not reflected on the site plan, the site would be subject to the applicable best management practices as required by the Stormwater Review Section.

A Building Code Compliance Inspection (CIR2016-00019) was conducted to evaluate the existing structure for conversion to commercial occupancy. Substantial upgrades will be needed to bring the structure into compliance with commercial codes. A copy of the report has been attached to this case.

ZONING HISTORY:

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). In 1973, the property was rezoned R-100 (Single Family Residence District), pursuant to an area-wide rezoning. In 1995, the driveway serving the property was rezoned C-1 (Neighborhood Business District) as part of a larger rezoning request pursuant to RZ-95-036.

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 Section of the Unified Development Ordinance (Chapter 620) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection Section of the Unified Development Ordinance (Chapter 620) 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 and Section 210-140.6E.

Parking spaces shall be provided at a ratio of:

One space per 500 square feet.

One space per 225 square feet.

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 25-foot building setback is required from the right-of-way of Loganville Highway.

The required lot width, 100 feet, appears to not be met. The applicant must either revise the site plan, or seek a Variance from the Zoning Board of Appeals.

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

Section 320-20.2 of the Unified Development Ordinance requires submittal of a Specimen Tree Concept Plan and Tree Survey prior to submittal and acceptance of a Development Permit Application.

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

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

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

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

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:

Loganville 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 an 12-inch water main located on the southwestern right-of-way of Loganville 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 135 feet east of the property on the right-of-way of Livingston Court, and an 8-inch sanitary sewer main located approximately 206 feet south of the property on the right-of-way of Bay Crest 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:

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

1. Applicant submits civil drawings to Fire Plan Review for review and approval.

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

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

DEPARTMENT ANALYSIS:

The subject site is a 5.54-acre flag lot tract located on the northeast side of Loganville Highway, northwest of Ozora Road. The site is developed with a single-family dwelling, a small lake and natural vegetation. A single driveway provides access to Loganville Highway.

The 2030 Unified Plan Future Development Map indicates that the property is located within a Corridor Mixed Use Character Area. Policies for Corridor Mixed-Use Character Areas state that commercial uses should be compatible with neighboring residential uses located outside the corridor. The requested zoning and use could provide a reasonable transition with the adjoining single-family developments surrounding the subject property by limiting total building size and by imposing buffers to protect residential neighborhoods or individual residences located outside the mixed-use corridor. Therefore, the request could be considered to be consistent with policies of the Unified Plan.

The subject property is located along a predominately commercial segment of Loganville Highway, and is characterized by a mixture of office and commercial uses extending from the intersection of Loganville Highway with Ozora/Cooper Road. However, the bulk of the property proposed to be developed is secluded from adjacent residential and nearby commercial uses. Located to the north, immediately adjacent to the site, is the Regal Ridge subdivision, zoned R-100. Located immediately to the south, east and west of the site is the Livingston Park subdivision, zoned R-100 CSO, consisting of a portion of the required open space for the neighboring CSO subdivision; hence providing a natural buffer. In recent years some residential dwellings fronting Loganville Highway have been rezoned for commercial purposes. Based on the location of the proposed development, a size-restricted, converted office use with a live/work component may be an appropriate use for the subject tract. The proposed additional office building could be considered appropriate if conditions are established restricting the use of the site to a single tenant; while enhancing existing buffers, architectural treatments and lighting to ensure a high quality office development is designed preserving the residential character of the surrounding single-family residential developments.

In conclusion, the proposal to develop the property as a live/work unit with additional office space may be appropriate in light of the limited range of office-only activities typically associated with an engineering firm. By limiting the expansion of the existing building, the requested O-R zoning may provide a suitable transition with the commercial activities along Loganville Highway and neighboring single-family developments located beyond the corridor. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of the request.

PLANNING AND DEVELOPMENT
RECOMMENDED CONDITIONS

Approval as O-R for a live/work unit with additional office space subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Limited to development as a live/work unit with additional office space for occupancy by Logistics & Engineering Solutions. Final site design shall be subject to review and approval by the Director of Planning and Development.
 - B. The existing structure and any new buildings, expansions or additions shall maintain a residential character and have front facades of primarily brick, stacked stone or shake with a minimum three-foot high brick or stacked stone water table on all sides of the home. No more than 25% fiber-cement shake or siding accents shall be allowed on the front facade. The balance of the structure may be the same, or fiber-cement siding or shake. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
 - C. Any existing, rehabilitated, proposed additions or expansion must be accessed internally from one unit to another via an enclosed heated space.
 - D. Total building floor area shall be limited to a maximum of 5,000 square feet of heated floor area.
2. To satisfy the following site development considerations:
 - A. Provide a 25-foot wide natural undisturbed buffer, except for approved perpendicular access and utility crossings, replanted where sparsely vegetated when adjacent to residentially-zoned property except along the proposed driveway and existing lake shoreline.
 - B. No more than three parking spaces may be provided in the front yard. All other required parking shall be in the rear yard.
 - C. 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 sign cabinet shall be fully recessed and surrounded by the same materials. Ground sign(s) shall not exceed six feet in height.
 - D. Dumpsters shall be screened by a 100% opaque brick wall. Hours of pickup shall be limited to Monday through Friday from 8:00 a.m. to 5:00 p.m.

- 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. 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.
- G. Peddlers and/or parking lot sales shall be prohibited.
- H. 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 ZONING

SUITABILITY OF USE

With conditions limiting the overall size of the building, the requested O-R zoning district may provide a suitable transition at this location given the isolated location of the site and limited range of activities normally associated with the specified use.

ADVERSE IMPACTS

With the recommended conditions, minimal adverse impacts would be anticipated from this request.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Minor impacts on public roadways and utilities could be anticipated from the proposed development.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the subject property lies within a Corridor Mixed-Use Character Area. With conditions, the proposed rezoning and use could be consistent with the Unified Plan and compatible with the already existing commercial, office and residential uses in the area.

CONDITIONS AFFECTING ZONING

The conditions of zoning should be designed to preserve the residential character of the subject property. Limiting the range of activities, size of the building, the occupancy to a single tenant and enhancing the existing landscape of the property, the requested O-R zoning may provide an appropriate transition between residential, commercial and office uses along Loganville Highway.

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 2 STORY RESIDENTIAL SCALE BLDG IS APPROPRIATE

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

See Attached NO ADVERSE AFFECT

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

See Attached THIS ADDITION WILL BE GOOD FOR COMMUNITY

- (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 LIMITED NUMBER OF EMPLOYEES IN THIS BLDG.

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

See Attached YES, CONFORMS TO COMMUNITY STANDARDS

- (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 LANDSCAPING AND LAKE BUFFER PROVIDE

RECEIVED & SUITABLE CONDITIONS

APR 01 2016

REZONING APPLICANT'S RESPONSES – EXHIBIT

(A) Yes, the proposed rezoning will permit a suitable use based on the surrounding developments. The O/R rezoning allows us the flexibility to architecturally blend in with the nearby residential developments behind the property.

(B) No, the proposed rezoning will not adversely affect the existing adjacent properties. Architecturally, our new building will look like a beautiful home to match the existing house on the property and the surrounding residential developments. We also plan to keep the majority of the forested area and even add landscaping and buffers to further enhance the property.

In terms of our business use, we will be operating a small engineering office that will not adversely disturb the existing nearby businesses or residences.

(C) No, currently the existing zoning of this property does not have reasonable economic use. Our development and proposed rezoning will enhance the economic use and offer jobs to the community.

(D) No, the rezoning will not cause excessive burdensome to the existing streets, transportation, etc. Due to the fact there are commercial developments directly in front of the property, we plan to utilize the existing road and utility infrastructure in place. We will have no impact on the school system or transportation facilities.

The day-to-day operations of the proposed business use, which is that of a small engineering office, will have no impact on traffic. Our business does not lend to having customers or clients visiting our office on a regular basis.

(E) Yes, the proposed rezoning conforms with the 2030 Unified Development Plan. The Plan describes the property as being located in a Mixed-Use area and it will positively impact the existing residential and commercial establishments.

(F) Our plan is to add landscaping buffers, shrubbery, and build an architecturally appealing building that blends in with the surrounding residences. We meet every minimum requirement of the Unified Zoning Ordinance to qualify for this rezoning including the frontage off a main throughway. It should be noted that our driveway from Loganville Hwy is already zoned commercial in addition to being directly connected to several commercial properties.

APR 01 2016

Planning & Development

RZC '16 014



Land Planning Consultants, PC

156 Holly Hills Drive
Athens, Georgia • 30606
Phone: 706.461.6767
Fax: (please .pdf to email address)
E-Mail: lpcahensga@gmail.com

March 4, 2016

To whom it may concern,

This letter of intent is being submitted to the Gwinnett County Zoning Department for compliance with the Gwinnett County Rezoning Request requirements.

Logistics and Engineering Solutions, Inc., a State of Georgia corporation, is applying and requesting a rezoning for a certain parcel of land in Gwinnett County. The parcel is a 5 acre tract at 2564 Loganville Highway. The Parcel ID is 5155 029 and is presently zoned R-100. L & ES, Inc. are requesting a rezoning to O-R in order to build an office building. The proposed development will have minimum impact on the site.

Thank you,
Steve Landers

RECEIVED BY

APR 01 2016

Planning & Development

RZC '16 014



446 West Crogan Street, Ste. 150, Lawrenceville, Ga 30046-2440
 PHONE: 678-518-6000 www.gwinnettcounty.com

COMPLIANCE INSPECTION REPORT

CASE NUMBER:	CIR2016-00019
RECEIVED DATE:	3/9/2016
APPLICATION NAME:	LOGISTICS AND ENGINEERING SOLUTIONS
APPLICATION ADDRESS:	2564 LOGANVILLE HWY, GRAYSON, GA 30017
APPLICANT:	Michael Bonsell
	130 Stone Mountain Str . Lawrenceville, GA 30046
REQUEST TYPE:	
NFPA OCCUPANCY:	
CURRENT OCCUPANCY USE:	R-3 (IBC) Residential
PROPOSED OCCUPANCY USE:	B (IBC) Business
DEVELOPMENT TYPE:	Other
CONSTRUCTION TYPE:	(IBC) TYPE VB UNSPRINKLERED

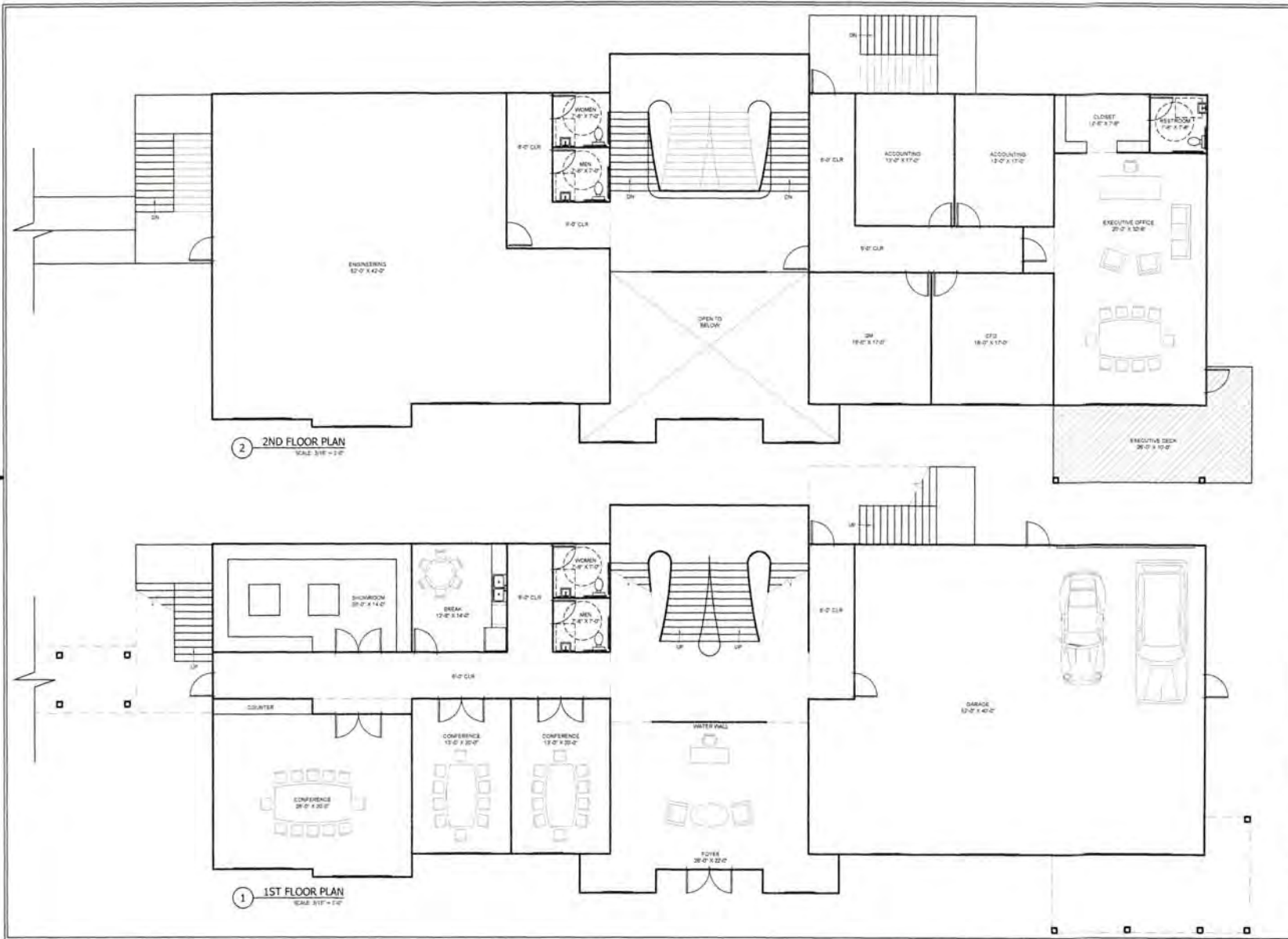
The following is the code compliance inspection report for the proposed occupancy and use. If you have any questions, please contact Building Plan Review at 678.518.6000. Construction drawings must be submitted to Building Plan Review and Fire Plan Review for code compliance review and authorization of a building permit before any construction work or repair work is performed.

	ITEM	COMMENT	INSPECTOR	STATUS
Electrical Code Compliance				
3/15/2016	The electrical system for the proposed occupancy is suitable for intended use.	2008 NEC ranch log cabin house on crawlspace. several code issues. also note there is pool and pump room with a sub feed panel from house and a dock with lighting see guide sheet	Johnny Lyors	Fail
3/15/2016	Ground fault circuit interrupter (GFCI) in bathroom, kitchen, and outside receptacles.	NEC 210.8	Johnny Lyors	Fail
3/15/2016	Grounding to metal water pipe, building steel, ground rods.	NEC 250-3	Johnny Lyors	Fail
3/15/2016	Location of service disconnect.	NEC 230.70 will need to install main disconnect out by meter and run 4 wire service to panel.	Johnny Lyors	Fail
3/15/2016	Service equipment - Fault current rating.	NEC 110.9	Johnny Lyors	Fail
3/15/2016	Service equipment - Load calculation.	NEC 220	Johnny Lyors	Fail
3/15/2016	Approved covers on junction boxes and accessible.	NEC 314 found several open boxes around house crawlspace and pool pump building	Johnny Lyors	Fail
3/15/2016	Sub-Panels - Location of panels	NEC 110.26 sup panel in pool pump room no panel schedule and open blanks in panel.	Johnny Lyors	Fail
3/15/2016	Sub-Panels - working clearance in front of panels.	NEC 110.26	Johnny Lyors	Fail
3/15/2016	Sub-Panels - Illumination of panels.	NEC 110.26(d)	Johnny Lyors	Fail
3/15/2016	Overcurrent devices - Correct type per panel manufacturer.	NEC 110.3	Johnny Lyors	Fail
3/15/2016	Grounding type receptacles.	NEC 406	Johnny Lyors	Pass
3/15/2016	Required location for receptacles.	NEC 210	Johnny Lyors	Pass

	ITEM	COMMENT	INSPECTOR	STATUS
Electrical Code Compliance				
3/15/2016	Required location for lights and switches.	NEC 210	Johnny Lyons	Pass
3/15/2016	Working clearance in front of equipment.	NEC 110.26	Johnny Lyons	Pass
3/15/2016	Service equipment - Illumination of service and/or panels.	NEC 110.26(d)	Johnny Lyons	Pass
3/15/2016	Junction boxes - Correct size for box volume.	NEC 314.16	Johnny Lyons	Pass
3/15/2016	Conductors - Correct size for overcurrent device.	NEC 310	Johnny Lyons	Pass
3/15/2016	Physical condition of conductors.	NEC 310	Johnny Lyons	Pass
3/15/2016	Proper equipment grounding conductor size.	NEC 250.122	Johnny Lyons	Pass
3/15/2016	Disconnects for appliances and HVAC equipment -Required locations and accessible.	NEC 422.30 NEC 440.11	Johnny Lyons	Pass
3/15/2016	Number of overcurrent devices for panel.	NEC 110.3	Johnny Lyons	Pass
Fire Compliance				
3/15/2016	Miscellaneous	I met with an employee Matt from Logistics and Engineering Solutions to discuss the plans for the residence conversion to business. He advised that they have talked about using part of the house as guest suites for people who visit from out of area have a place to stay and also of possibly having mixed occupancy. It appears that they are planning to do an INTF but not clear on room or board or business. I advised once they have determined there plan of action to return to P&D.	Miller Brown	Fail
Mechanical Code Compliance				
3/15/2016	The mechanical system for the proposed occupancy is suitable for intended use.	Ranch style house on crawlspace log cabin with poured concrete floor and metal roof. multiple violation needing to be address. see list	Johnny Lyons	Fail
3/15/2016	Ducts and duct sytems - Joints, seams, and connections.	exposed ductwork not sealed	Johnny Lyons	Fail
3/15/2016	Duct insulation.	return ductwork not insulated	Johnny Lyons	Fail
3/15/2016	Ducts and duct sytems - complies with Georgia State Energy Code.	return duct work not insulated	Johnny Lyons	Fail
3/15/2016	Combustion and ventilation air - Allowable material.	80 plus furnace vented into fireplace chimney by its self. vent under house in crawl going to furnace only single wall pipe not double wall as required.	Johnny Lyons	Fail
3/15/2016	Combustion and ventilation air - Capacity for space.		Johnny Lyons	Fail
3/15/2016	Combustion and ventilation air - Termination.		Johnny Lyons	Fail
3/15/2016	Space heater in building.	remove old space heater from sun room	Johnny Lyons	Fail
3/15/2016	Complies with Georgia State Energy Code		Johnny Lyons	Fail
3/15/2016	Fresh air system - allowable material.	install ASHRAE air as required	Johnny Lyons	Fail
3/15/2016	Fresh air system - Location on intakes.		Johnny Lyons	Fail
3/15/2016	Fresh air system - ASHRAE air systems.		Johnny Lyons	Fail
3/15/2016	Chimneys and vents systems - Allowable materials.	can not vent 80 plus furnace into chimney with out proper vent liner.	Johnny Lyons	Fail

	ITEM	COMMENT	INSPECTOR	STATUS
Mechanical Code Compliance				
3/15/2016	Chimneys and vents systems - Capacity.		Johnny Lyons	Fail
3/15/2016	Chimneys and vents systems - Location.		Johnny Lyons	Fail
3/15/2016	Chimneys and vents systems - Clearance.		Johnny Lyons	Fail
3/15/2016	Chimneys and vents systems - Termination.		Johnny Lyons	Fail
3/15/2016	Fuel gas piping - Allowable material.		Johnny Lyons	Fail
3/15/2016	Ducts and duct systems - Allowable materials.		Johnny Lyons	Pass
3/15/2016	Duct support.		Johnny Lyons	Pass
3/15/2016	Equipment - Location.		Johnny Lyons	Pass
3/15/2016	Equipment - Accessibility.		Johnny Lyons	Pass
3/15/2016	Equipment - Clearance.		Johnny Lyons	Pass
3/15/2016	Equipment - Support.		Johnny Lyons	Pass
3/15/2016	Separation ventilation system for incompatible material - Flammable vapors.		Johnny Lyons	Pass
3/15/2016	Separation ventilation system for incompatible material - Corrosive vapors.		Johnny Lyons	Pass
3/15/2016	Separation ventilation system for incompatible material - Noxious gases.		Johnny Lyons	Pass
3/15/2016	Separation ventilation system for incompatible material - Other.		Johnny Lyons	Pass
3/15/2016	Exhaust systems - Bath fan vents and termination.		Johnny Lyons	Pass
3/15/2016	Exhaust systems - Commercial or residential clothes dryers.		Johnny Lyons	Pass
3/15/2016	Fuel gas piping - Location.		Johnny Lyons	Pass
3/15/2016	Fuel gas piping - Joints.		Johnny Lyons	Pass
3/15/2016	Fuel gas piping - Support.		Johnny Lyons	Pass
3/15/2016	Fuel gas piping - Shut-off valves and approved locations.		Johnny Lyons	Pass
3/15/2016	Fuel gas piping - Concealed gas line.		Johnny Lyons	Pass
3/15/2016	Refrigeration system - Material.		Johnny Lyons	Pass
3/15/2016	Refrigeration system - Location		Johnny Lyons	Pass
3/15/2016	Refrigeration system - Joints and refrigerant containing part in plenum.		Johnny Lyons	Pass
3/15/2016	Refrigeration system - Piping insulation.		Johnny Lyons	Pass
Plumbing Code Compliance				
3/15/2016	The plumbing system for the proposed occupancy is suitable for intended use.		Johnny Lyons	Fail
3/15/2016	This occupancy requires drinking fountains to be installed.	IPC 403.1	Johnny Lyons	Fail
3/15/2016	Provide separate toilet rooms for male and female.	IPC 403.2	Johnny Lyons	Fail
3/15/2016	Install pressure reducing valve in main water service.	IPC 604.8	Johnny Lyons	Fail
3/15/2016	Install vacuum breakers on all hose bibbs.	IPC 608.11	Johnny Lyons	Fail
3/15/2016	Water heaters - Provide combustion air from outside.	IPC 504.5-504.6	Johnny Lyons	Pass
3/15/2016	Water heaters - Provide 3/4 T&P relief line using approved pipe.	IPC 502.4	Johnny Lyons	Pass

	ITEM	COMMENT	INSPECTOR	STATUS
Plumbing Code Compliance				
3/15/2016	Water heaters - Repair or replace vent with approved vent pipe.		Johnny Lyons	Pass
3/15/2016	Repair or replace water heater.	IPC 501.1	Johnny Lyons	Pass
3/15/2016	Water heaters - install thermal expansion device.	IPC 607.3	Johnny Lyons	Pass
3/15/2016	Change all water closets to elongated with open front seats.	IPC 420.2	Johnny Lyons	Pass
3/15/2016	Install privacy partitions for water closets and urinals.	IPC 310.4	Johnny Lyons	Pass
3/15/2016	Replace/repair water distribution pipe to comply with 2006 IPC.	IPC 601.1	Johnny Lyons	Pass
3/15/2016	Replace/repair drain waste vent system to comply with 2006 IPC.	IPC 701.1	Johnny Lyons	Pass
3/15/2016	Install double check valve assembly and certify device.	IPC 608.1	Johnny Lyons	Pass



2 2ND FLOOR PLAN
SCALE: 3/16" = 1'-0"

1 1ST FLOOR PLAN
SCALE: 3/16" = 1'-0"

LAWRENCE DESIGN GROUP
Architectural Planning
and Permitting



103 East Oglethorpe Street
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Fax: 770-882-8338
lmg@LawrenceDesignGroup.com

LOGISTICS & ENGINEERING SOLUTIONS
2554 LOGANVILLE HWY
GRAYSON, GA 30017
GWINNETT COUNTY

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1. American Institute of Building Design
2. American Society of Interior Design

Sheet	Date	Drawn By
1	01/15/16	COB
2		
3		
4		
5		
6		
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LOG A04 - 2016-018

FLOOR PLAN

A-1



1 FRONT ELEVATION
SCALE: 3/8" = 1'-0"

**LAWRENCE
DESIGN GROUP**
Architectural Planning
and Permitting



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LOGISTICS & ENGINEERING SOLUTIONS
2564 LOGANVILLE HWY
GRAYSON, GA 30017
GWINNETT COUNTY

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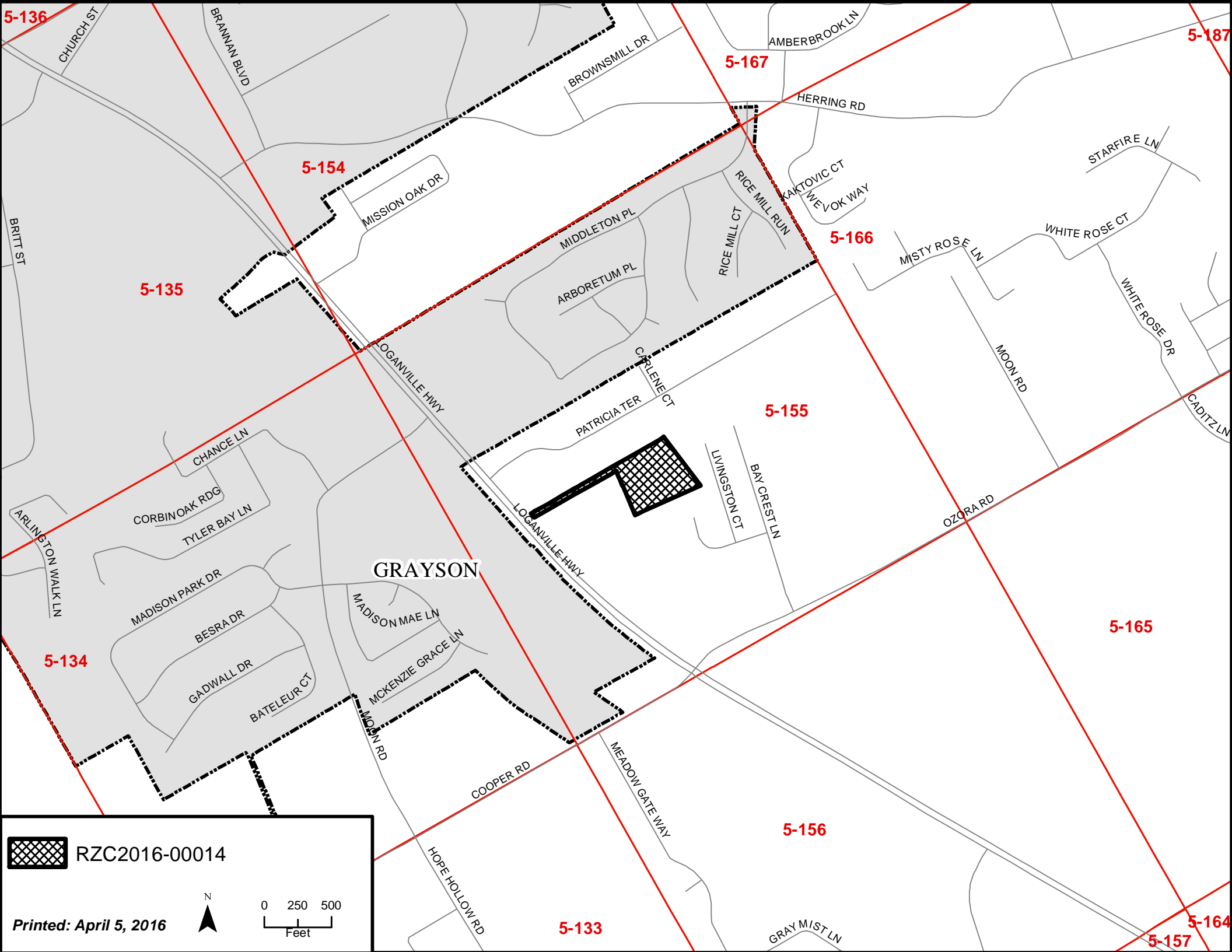
PROFESSIONAL CERTIFICATION
I, American Institute of Building Design
 American Council of Interior Design


Issue	Date	Drawn By
1	1/15/16	GMH
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LDS-109 # 2016-018

ELEVATION

A-2



 RZC2016-00014

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Feet


Printed: April 5, 2016



PATRICIA TER

LOGANVILLE HWY
LOGANVILLE HWY

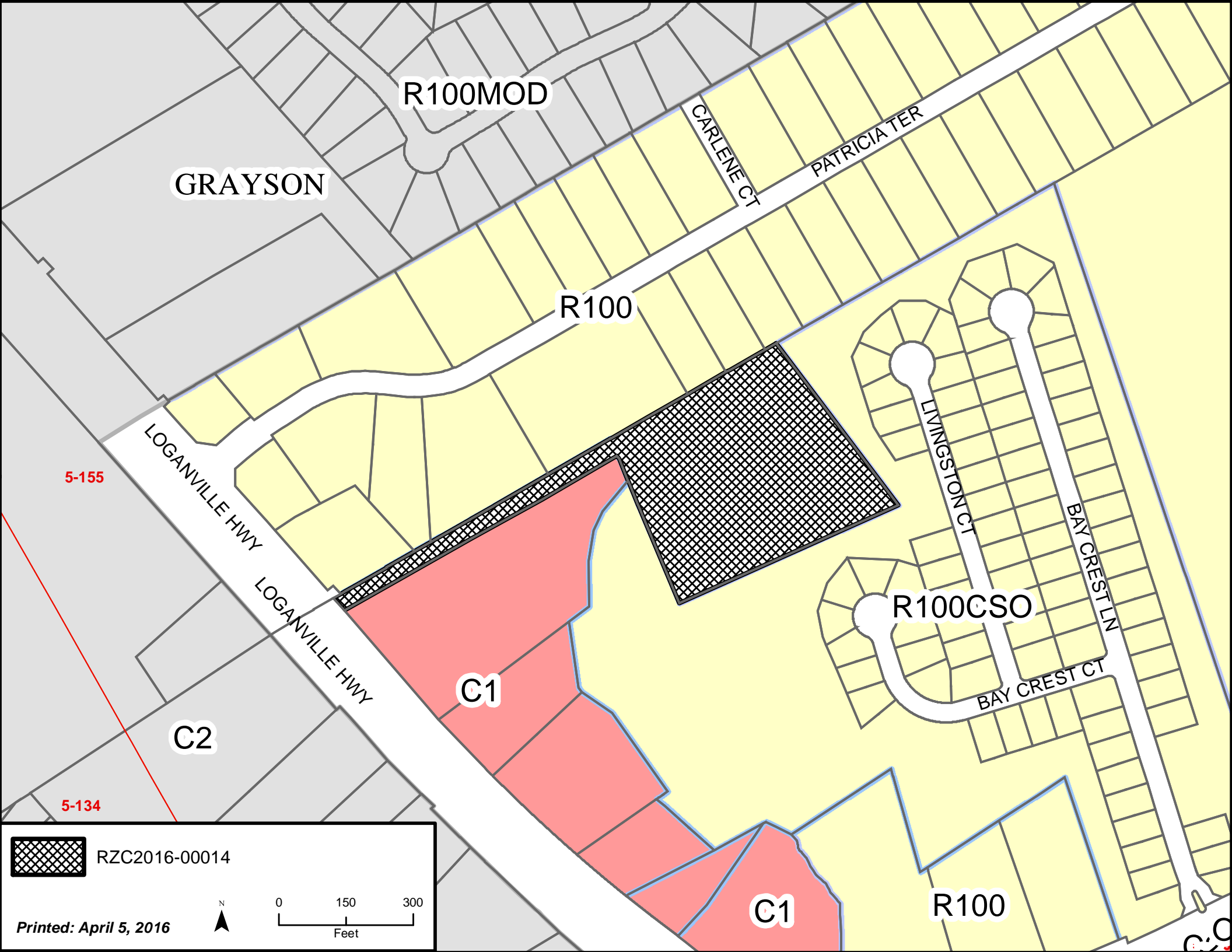
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Printed: April 5, 2016



R100MOD

GRAYSON

CARLENE CT

PATRICIA TER

R100

LOGANVILLE HWY

LOGANVILLE HWY

LIVINGSTON CT

BAY CREST LN

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BAY CREST CT

5-155


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R100

 RZC2016-00014

Printed: April 5, 2016

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Feet

N

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

CASE NUMBER :**RZC2016-00015**
ZONING CHANGE :C-2 TO MU-R
LOCATION :3100 BLOCK OF WOODWARD CROSSING BOULEVARD
:2600 BLOCK OF MALL OF GEORGIA BOULEVARD
MAP NUMBER :R7177 047
ACREAGE :16.0 ACRES
SQUARE FEET :217,170 SQUARE FEET (RETAIL)
:91,200 SQUARE FEET (OFFICE)
:134,460 SQUARE FEET (250 HOTEL GUEST ROOMS)
UNITS :352 UNITS (APARTMENTS)
:40 UNITS (CONDOMINIUMS)
PROPOSED DEVELOPMENT :REGIONAL MIXED-USE DEVELOPMENT
COMMISSION DISTRICT :(4) HEARD

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

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: J & J 360, LLC
1790 MALL OF GEORGIA BOULEVARD
BUFORD, GA 30519

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests rezoning of a 16-acre property from C-2 (General Business District) to MU-R (Mixed Use Regional District) for development of a mixed-use project consisting of 217,170 square feet of retail space, 91,200 square feet of office space, a 250-room hotel, 352 apartment units and 40 condominium units. The site is located at the corner of Mall of Georgia Boulevard and Woodward Crossing Boulevard, and was part of the original rezoning approval for the Mall of Georgia. Ivy Creek is located along the west property line with a portion of its floodplain on the subject site. The property was graded several years ago, but is still undeveloped. Located within the Mall of Georgia Activity Center/Corridor Overlay District, the project is subject to those overlay requirements as set forth in the Gwinnett County Unified Development Ordinance.

As indicated on the submitted site plan, the retail/service commercial uses which include the family entertainment center and the 250-room, maximum 21-story hotel, would be developed within eight buildings throughout the site. The proposed office project would be located within

one maximum eight-story building. Residential uses consisting of 352 apartment units in one building and 40 condominium units within another building would yield a gross density of 24.5 units per acre. The overall development is proposed with a Floor Area Ratio (FAR) of 1.29.

The required undisturbed stream buffer and impervious surface setbacks are shown on the submitted boundary survey. The Ivy Creek Greenway runs along Ivy Creek opposite of the subject site. Connection to the trail would be made via a proposed pedestrian bridge across the creek from the subject property to the Mall of Georgia property. Additional pedestrian connections would be made via internal sidewalks and sidewalks along both road frontages. Stormwater management is proposed to be underground. The submitted architectural renderings depict urban style, mixed-use buildings constructed with a mix of masonry, glass, and steel materials. A total of 2,453 parking spaces would be provided through on-street, surface, and structured parking. The site plan also indicates various outdoor spaces and street-level pedestrian access.

A Development of Regional Impact (DRI) review is underway by the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA), however the final DRI findings were not complete at the time of publication of this report.

ZONING HISTORY:

The property was zoned RA-200 (Agriculture Residence District) in 1970. The current C-2 (General Business District) classification was approved in 1997 as part of the Mall of Georgia rezoning actions (RZ-97-013, RZ-97-014 and SUP-97-014). At that time, a DRI was required for the mall development. The mall project has been built out and the new rezoning request requires additional DRI review as the proposal is beyond the scope of the original DRI approval. A change in conditions for a building height increase was approved on the site in December 2007, pursuant to CIC-07-035. In 2013, a request to rezone the subject site to RM-13 (Multi-family Residence District) was denied without prejudice by the Board of Commissioners pursuant to RZM2013-00004.

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 Section of the Unified Development Ordinance (Chapter 620) 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 and Section 210-225.3.

Parking spaces shall be provided at a ratio of:

Non-residential (at a minimum) - One space per 400 square feet.

Residential (at a minimum)- 1.5 spaces per residential dwelling unit.

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 320-20.2 of the Unified Development Ordinance requires submittal of a Specimen Tree Concept Plan and Tree Survey prior to submittal and acceptance of a Development Permit Application.

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 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 700-40.1A 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.

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.

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

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Mall of Georgia Boulevard is a Major Collector and 40 feet of right-of-way is required from the centerline.

Woodward Crossing Boulevard is a Major Collector and 40 feet of right-of-way is required from the centerline.

Commercial entrances shall be provided to the site per current Development Regulations.

Standard deceleration lane 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.

Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study and a signal warrant study.

Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are

approved by the D.O.T. All design and construction will be subject to D.O.T. review and approval.

If it is determined by the signal warrant study that a signal is warranted, and the signal is approved by the D.O.T., the applicant shall contact and pay for the signal design. The application shall also contract for the installation of the signal by a D.O.T. approved contractor. All design and construction will be subject to D.O.T. review and approval. The signal will be installed and operational prior to the issuance of the first certificate of occupancy.

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 northeastern right-of-way of Woodward Crossing Boulevard, and a 16-inch water main located on the southeastern right-of-way of Mall of Georgia 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 right-of-way of Woodward Crossing Boulevard, two sanitary sewer manholes located on the western edge of the property, an 8-inch sanitary sewer main located approximately 181 feet south of the property on the right-of-way of Appaloosa Lane, and a 24-inch sanitary sewer main located 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:

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 above rezoning 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 16-acre site located at the corner of Mall of Georgia Boulevard and Woodward Crossing Boulevard. The site was graded several years ago and is currently vacant. Ivy Creek forms the western property line, separating the property from the main mall site.

The 2030 Unified Plan Future Development Map indicates that the property lies within the Regional Mixed-Use Character Area. This proposal for a large scale mixed-use development could be consistent with the Unified Plan Map, as well as with policies of the Unified Plan to promote major mixed-use developments, to promote densification in specific areas designated for mixed-use through rezoning actions, to improve the walkability of activity centers and neighborhoods, and to provide more housing choices for residents. Therefore, the Department is of the opinion that the proposed mixed-use complex could be compatible with the 2030 Unified Plan policies and the intense commercial/retail activity currently surrounding the Mall of Georgia.

The surrounding area is anchored by the Mall of Georgia to the west with numerous commercial and office outparcels surrounding the mall. Two multifamily developments, the Reserve at Ivy Creek and Century Mill Creek, are located in close proximity to the subject site. These apartment complexes were rezoned RM-10 in 1997 (RZ-97-013) and 2001 (RZM-01-014), and are located immediately to the southeast across Mall of Georgia Boulevard. The presence of existing commercial, office and multifamily buildings in the mall area could provide supporting grounds for approval of this rezoning request.

In conclusion, the proposed rezoning to MU-R for a mixed-use development could be considered suitable at this location in light of the previously approved rezonings and the existing development pattern of the area, if approved with staff's recommended conditions. In addition, the proposed development could be consistent with a number of Unified Plan policies to promote mixed-use projects and to provide more housing choices for residents. Therefore, the Department recommends this petition be **APPROVED WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval as MU-R (Mixed-Use Regional) subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. A mixed-retail, office, hotel and residential development in general accordance with the submitted site plan and architectural renderings. Final site and building design shall be subject to review and approval of the Director of Planning and Development.
 - B. Development architecture shall meet the standards of Category 4 of the Architectural Standards of the Gwinnett County Unified Development code and shall be generally consistent with the renderings submitted on April 1, 2016.
2. To abide by the following site development considerations:
 - A. Provide a minimum ten-foot wide landscaped strip adjacent to Woodward Crossing Boulevard and Mall of Georgia Boulevard.
 - B. Ground signage shall be limited to monument type signs, and shall be subject to review and approval by the Director of Planning and Development. The signs 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 ten feet in height.
 - C. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
 - D. 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. 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. Peddlers and/or parking lot sales shall be prohibited.
 - G. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
 - H. Outdoor storage shall be prohibited.

- I. Abide by all requirements of UDO Section 220-30 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application.
3. To abide by the following requirements, dedications and improvements:
 - A. Abide by all applicable requirements of the DRI #2574 ARC and GRTA Notices of Decision.
 - B. Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study and a signal warrant study. If it is determined by the signal warrant study that a signal is warranted, and the signal is approved by the D.O.T., the applicant shall contact and pay for the signal design. The applicant shall also contract for the installation of the signal by a D.O.T. approved contractor. All design and construction will be subject to D.O.T. review and approval. The signal will be installed and operational prior to the issuance of the first certificate of occupancy.
 - C. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the D.O.T. All design and construction will be subject to D.O.T. review and approval.
 - D. Construction of a pedestrian bridge over Ivy Creek to the Mall of Georgia shall occur prior to the approval of any certificates of occupancy for commercial, office or residential development

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed mixed-use development could be suitable at this location, as it is located within the Mall of Georgia major mixed-use activity center.

ADVERSE IMPACTS

With the recommended conditions, the proposed development would not be expected to adversely impact adjacent or nearby properties. In view of the high visibility from Mall of Georgia Boulevard and the architectural standards established in the immediate area, appropriate conditions reinforcing Mall of Georgia Overlay architectural standards, landscape and signage conditions should be included.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

An increase in traffic, storm water runoff, and utility demand would be expected.

CONFORMITY WITH POLICIES

The proposed MU-R zoning for a large-scale retail, office, hotel and multifamily mixed-use development could be consistent with the zoning and development pattern established by the Board of Commissioners at the Mall of Georgia and with the 2030 Unified Plan Map designation of Regional Mixed-Use Corridor.

CONDITIONS AFFECTING ZONING

In light of the property's location at the Mall of Georgia activity corridor, accompanied with the scale of the proposed development and its anticipated traffic impacts, the recommended conditions received from the Gwinnett Department of Transportation, Atlanta Regional Commission and the Georgia Regional Transportation Authority should be included in any rezoning approval.

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

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

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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

- (A) Yes, the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development is adjacent to high-intensity commercial uses and is consistent with the character of surrounding development.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties.
- (C) In light of the size, location, layout, topography, and nature features of the property and in conjunction with the nature of surrounding development, the Applicant submits that the subject Property does not have reasonable economic use as currently zoned.
- (D) No, the proposed Rezoning Application will not result in an excessive or burdensome use of the infrastructure systems. The proposed development would have convenient access to Gravel Springs Road and Buford Drive as well as Interstate 85 and Interstate 985.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County 2030 Unified Plan. The subject Property is located within an area designated as Regional Mixed Use.
- (F) Applicant submits that the character of surrounding development as well as the proximity of the Property to the Mall of Georgia commercial uses provides additional supporting grounds for approval of the proposed rezoning.

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Kenneth W. Stroud
R. Lee Tucker, Jr.
*Of Counsel

**LETTER OF INTENT FOR REZONING APPLICATIONS OF
MAHAFFEY PICKENS TUCKER, LLP**

Mahaffey Pickens Tucker, LLP (the “Applicant”) submits this Letter of Intent for the purpose of rezoning an approximately 16.001 acre tract (the “Property”) located on the northerly side of Mall of Georgia Boulevard at its intersection with Woodward Crossing Boulevard. The Property lies adjacent to and east of Ivy Creek within the Mall of Georgia Overlay District. The Property is surrounded by property zoned C2 with the exception of several tracts zoned O-I to the south across Mall of Georgia Boulevard.

The Applicant is proposing to rezone the Property to the Regional Mixed Use zoning classification of the Gwinnett County Unified Development Ordinance (the “UDO”) in order to construct a luxury regional mixed-use development containing a variety of retail, office, entertainment and residential uses. The proposed development would include approximately 308,370 square feet of non-residential development in addition to a high-rise, 134,460 square foot, 250-key, full-service hotel. The proposed development would also include 352 multifamily residential units as well as 40 fee simple condominium units with heated square foot areas as set forth in the UDO. As shown on the site plan submitted herewith, Building H is identified as

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RZC '16 015

containing 91,200 square feet of office space with 24,415 square feet of retail space. This square footage break-down reflects the current plan for utilization of the building. However, as an alternative, Building H could be developed to contain 220 units of multifamily residential units instead of the office space.

The Gwinnett County 2030 Unified Plan (the “2030 Plan”) encourages large-scale mixed-use developments such as the proposed development and identifies the Property as within a Regional Mixed Use area on the 2030 Plan Future Development Map. The proposed development is also in line with the policy goals set forth in the 2030 Plan. For example, Policy A.5.1 provides that “[q]uality of life in Gwinnett can be enhanced by making it easier for people to walk through their neighborhoods to and from attractions such as local parks, schools, churches, or even neighborhood shopping.” The proposed development would enhance the walkability of the Mall of Georgia Activity Center and would improve access to the greater Mall of Georgia area for surrounding developments. Moreover, the 2030 Plan specifically encourages the Mixed Use, Office Professional, Ultra High Density Residential, and High Density land use categories within the Regional Mixed Use Sector.

The Applicant respectfully submits that the proposed development would be a catalyst for continued development in the Mall of Georgia area and would create a unique environment and amenity for the citizens of Gwinnett County. The development is designed to contour and accent the existing creek and greenway area to the west of the Property. This natural area would further contribute to the exceptional character of the Property. The Property’s location on Woodward Crossing Boulevard and Mall of Georgia Boulevard as well as its close proximity to Gravel Springs Road (a/k/a Georgia State Route 324), Interstate 85 and Interstate 985 provide ample convenient access to the Property. Parking on site would be provided through a mix of on and

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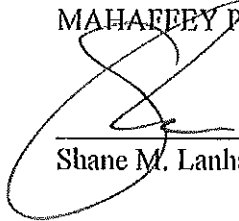
off-street parking spaces as well as multiple above and below-ground parking structures. The proposed development also includes a conceptualized pedestrian access bridge connecting the Property with the main Mall of Georgia property.

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 Applications filed herewith. The Applicant respectfully requests your approval of this Application.

This 1st day of April, 2016.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

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JUSTIFICATION FOR REZONING

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

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

The Property is presently suitable for development under the MU-R classification as requested by the Applicant, and is not economically suitable for development under the present C2 zoning classification of Gwinnett County. 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 Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due

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Process Clause of the Fourteenth Amendment to the Constitution of the United States.

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

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

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane M. Lanham

Attorneys for Applicant

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AERIAL VIEW - CORNER OF MALL OF GEORGIA BLVD. & WOODWARD CROSSING BLVD.

MALL OF GEORGIA MASTER PLAN
 Buford, Georgia

COOPER CARRY



PROJECT: 20150000 03.31.2016

PEDESTRIAN VIEW - CORNER OF MALL OF GEORGIA BLVD. & WOODWARD CROSSING BLVD.

 Ivy Creek Partners

MALL OF GEORGIA MASTER PLAN
Buckhead, Georgia

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PEDESTRIAN VIEW - ENTRANCE AT MALL OF GEORGIA BLVD.


MALL OF GEORGIA MASTER PLAN
Atlanta, Georgia

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PROJECT 20150103 03.31.2016

PEDESTRIAN VIEW - ENTRANCE AT MALL OF GEORGIA BLVD

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MALL OF GEORGIA MASTER PLAN

Subd. Concept

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PROJECT # 2017-004 | 03.31.2018

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PEDESTRIAN VIEW - ENTRANCE AT WOODWARD CROSSING BLVD

MALL OF GEORGIA MASTER PLAN
Atlanta, Georgia

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PEDESTRIAN VIEW - ENTRANCE AT WOODWARD CROSSING BLVD.

MALL OF GEORGIA MASTER PLAN
Atlanta, Georgia





REVISED: 2017.04.04 | 05.31.2018

PEDESTRIAN VIEW - LOOKING SOUTH ALONG PRIMARY CORRIDOR

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MALL OF GEORGIA MASTER PLAN
Atlanta, Georgia


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Weather 2015/16 | 03.31.2016

PEDESTRIAN VIEW - LOOKING WEST ALONG SECONDARY CORRIDOR

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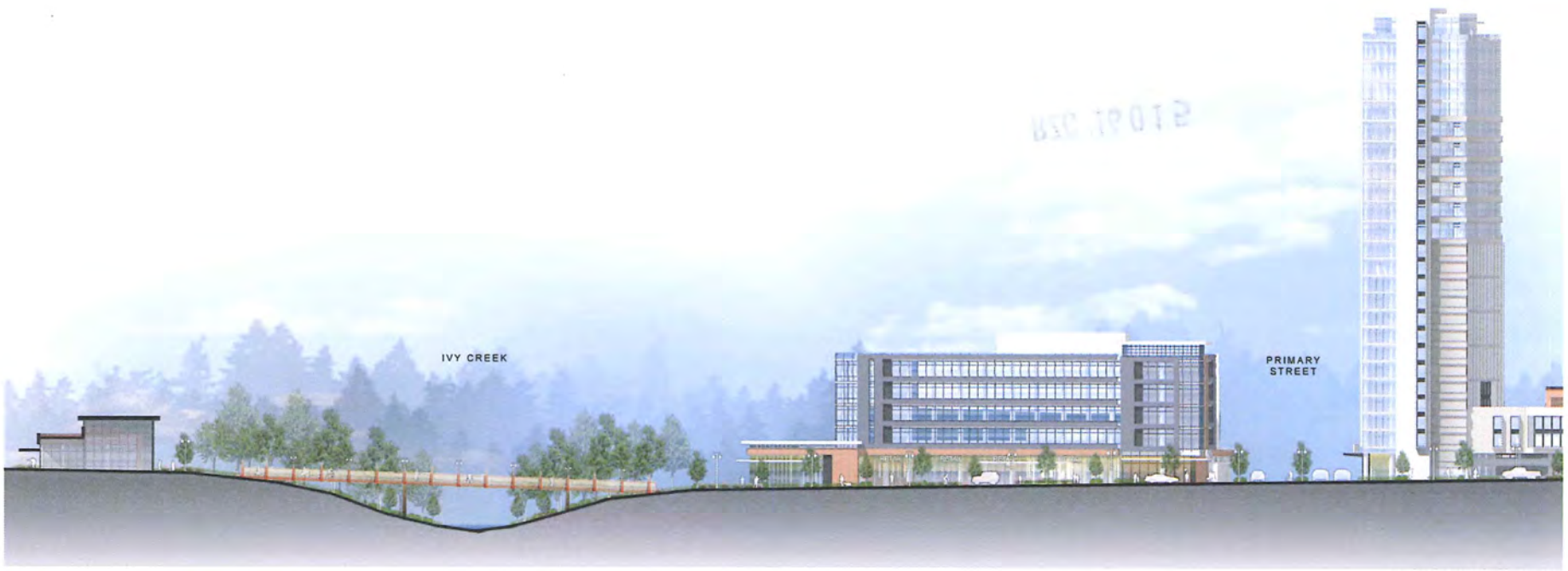
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MALL OF GEORGIA MASTER PLAN
Atlanta, Georgia

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OVERALL SITE SECTION



ENLARGED SITE SECTION

PROJECT# 2015/001 | 03.31.2016

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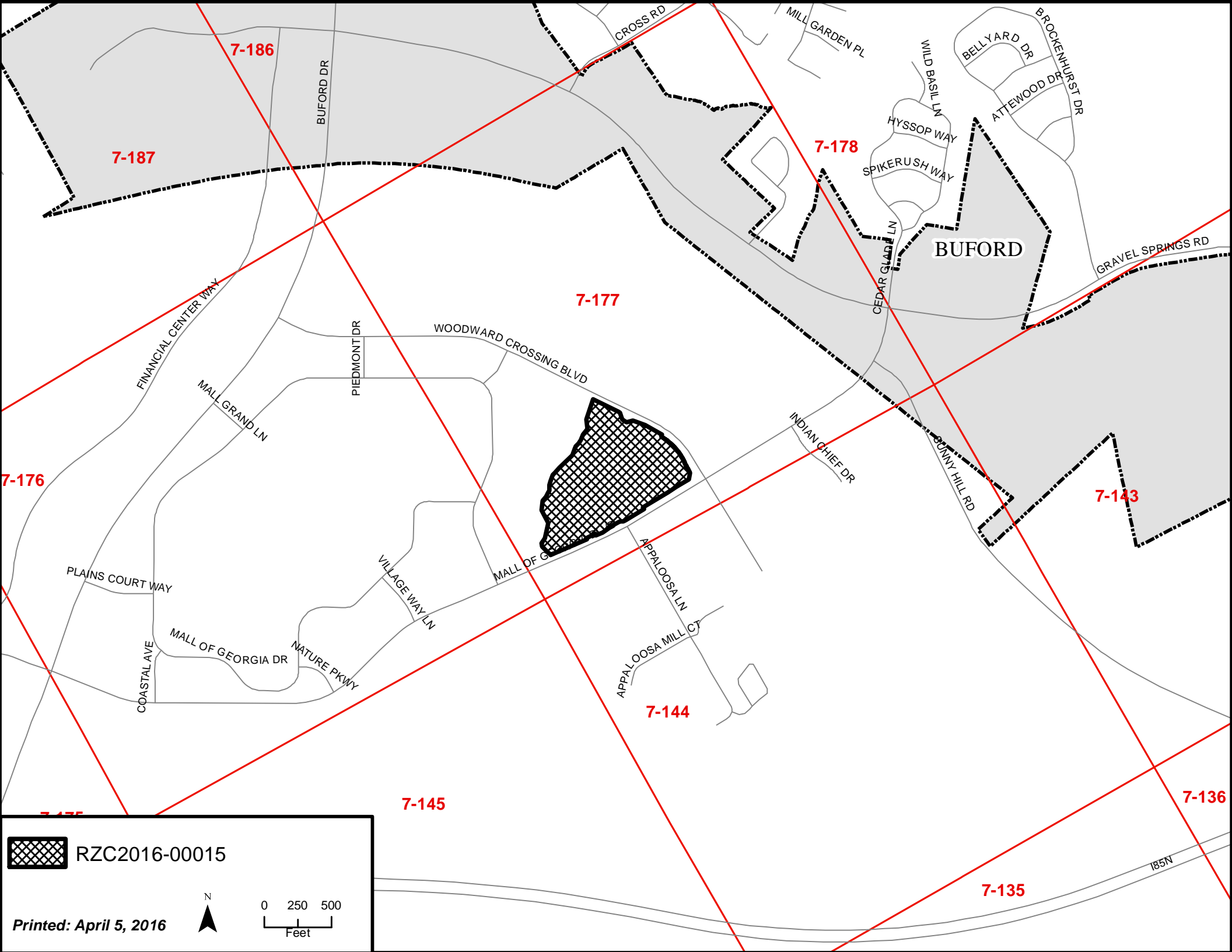
SITE SECTION
 MALL OF GEORGIA MASTER PLAN
 Buford, Georgia



Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County, June 2016

Case #	Schools	Current Projections									Proposed Zoning Approximate additional Student Projections from Proposed Developments
		2016-17			2017-18			2018-19			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZC2016-00015	Mountain View HS	2356	2,300	56	2470	2,300	170	2550	2,300	250	56
	Twin Rivers MS	2034	2,150	-116	2065	2,150	-85	2095	2,150	-55	40
	Patrick ES	792	1,025	-233	816	1,025	-209	840	1,025	-185	77
RZR2016-00009	Mountain View HS	2356	2,300	56	2470	2,300	170	2550	2,300	250	9
	Twin Rivers MS	2034	2,150	-116	2065	2,150	-85	2095	2,150	-55	6
	Patrick ES	792	1,025	-233	816	1,025	-209	840	1,025	-185	12
RZR2016-00010	Parkview HS	3021	2,500	521	3082	2,500	582	3143	2,500	643	19
	Trickum MS	2073	1,775	298	2104	1,775	329	2136	1,775	361	14
	Knight ES	790	900	-110	812	900	-88	835	900	-65	26
RZR2016-00011	Grayson HS	2847	2,125	722	2927	2,125	802	3009	2,125	884	24
	Couch MS	1025	1,150	-125	1040	1,150	-110	1056	1,150	-94	17
	Pharr ES	669	975	-306	660	975	-315	653	975	-322	32
RZM2016-00003	Grayson HS	2847	2,125	722	2927	2,125	802	3009	2,125	884	43
	Couch MS	1025	1,150	-125	1040	1,150	-110	1056	1,150	-94	31
	Pharr ES	669	975	-306	660	975	-315	653	975	-322	61

Current projections do not include new developments



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BUFORD

 RZC2016-00015



0 250 500
Feet

Printed: April 5, 2016

DEVELOPMENT SUMMARY

- A** RESIDENTIAL, GROCER, RETAIL
352 UNITS RESIDENTIAL
35,000 GSF GROCER
39,160 GSF RETAIL
- B** FAMILY ENTERTAINMENT CENTER, RETAIL
50,000 GSF FEC
15,695 GSF RETAIL
- C** RETAIL, PARKING DECK
9,700 GSF RETAIL
1,104 PARKING SPACES
- D** RETAIL
18,050 GSF
- E** HOTEL, CONDOMINIUM
250 KEYS HOTEL
134,460 GSF HOTEL
40 UNITS CONDOMINIUM
- F** RETAIL
5,150 GSF
- G** RETAIL
20,000 GSF
- H** OFFICE, RETAIL, PARKING
91,200 GSF OFFICE
24,415 GSF RETAIL
264 PARKING SPACES
- I** PARKING DECK
956 PARKING SPACES

RESIDENTIAL (ALTERNATE FOR OFFICE)
220 UNITS

*129 ON-GRADE PARKING SPACES

*STORMWATER MANAGEMENT TO BE PROVIDED BELOW GRADE

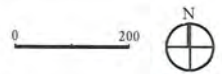


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MALL OF GEORGIA DR

WOODWARD CROSSING BLVD

TRAIL PATH LN

MALL OF GEORGIA BLVD

APPALOSA LN

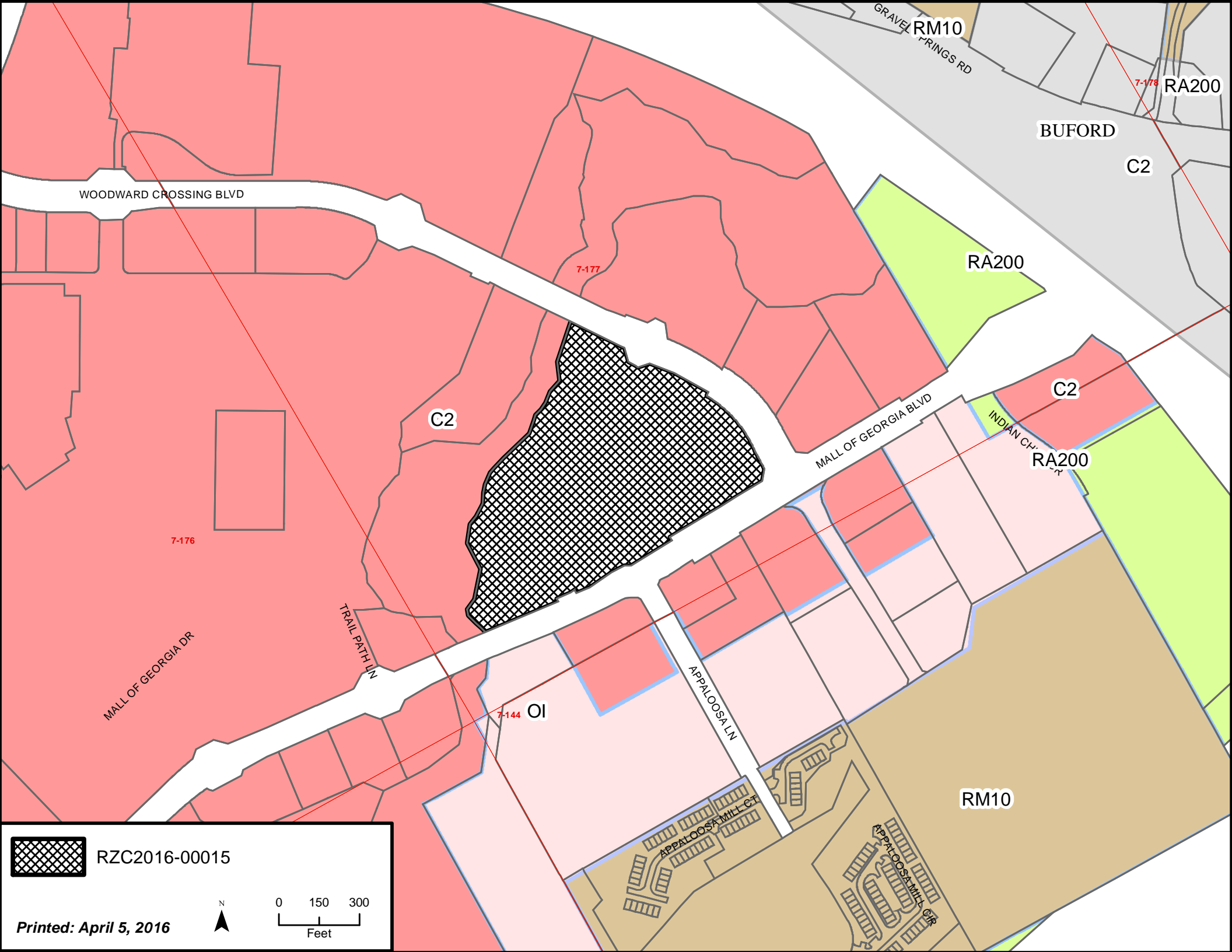


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Printed: April 5, 2016



RM10

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BUFORD

C2

WOODWARD CROSSING BLVD

RA200

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C2

MALL OF GEORGIA BLVD

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RA200

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INDIAN CH...

MALLOF GEORGIA DR

TRAIL PATH LN

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RM10

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Printed: April 5, 2016

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

CASE NUMBER :**RZR2016-00009**
ZONING CHANGE :RA-200 TO R-60
LOCATION :2200-2300 BLOCK OF KILGORE ROAD
MAP NUMBERS :R7178 014, 015, 016 & R7185 068
ACREAGE :17.44 ACRES
UNITS :36 UNITS
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION
COMMISSION DISTRICT :(4) HEARD

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

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

CONTACT: SHANE LANHAM PHONE: 770.232.0000

OWNERS: DAVID A. RAINES & DONNA K. BOYNTON
1295 EAST ROCK SPRINGS ROAD, N.E., #305
ATLANTA, GA 30306

HOYT RICHARD CRYDER
2269 KILGORE ROAD
BUFORD, GA 30519

DAVID A. DUSIK
1470 PINYON PLACE
LAWRENCEVILLE, GA 30043

FRANK C. & CHERYL A. BLALOCK
2319 KILGORE ROAD
BUFORD, GA 30519

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant request rezoning of a 17.44-acre parcel assemblage from RA-200 (Agriculture-Residence District) to R-60 (Single-Family Residence District), for development of a 36 unit detached single-family subdivision. The property is located on the south side Kilgore Road between Cross Road and Southpointe Hill Drive.

The gross area of the subject site is 17.44-acres, and the net area of the site is 15.05-acres, as 4.78-acres is located within a flood hazard area. The net density for the proposed development is 2.39 dwelling units per acre. According to the site plan, seven of the proposed lots are located within the flood hazard area that encompasses the southern portion of the property. A storm water management pond is located on the east side of the property, between the flood hazard area and the proposed new lots. A tributary of Ivy Creek meanders through the property south of the new single-family lots. Also shown running parallel to the stream is a 20-foot sanitary sewer easement. Although not reflected on the submitted plans, a 75-foot impervious setback is required, which includes the required stream buffer.

The minimum lot width for the development would be 60 feet, with a minimum lot area of 7,200 square feet, meeting the minimum requirements for the requested zoning classification. Access to the subdivision would be provided via a single entrance from Kilgore Road.

The applicant has proposed a minimum dwelling size of 2,200 square feet for one-story homes, 2,400 square feet for two-story homes, and all units would have two-car garages. The submitted materials indicate homes would have front facades of primarily brick or stacked stone with the balance being of brick, stack stone, cedar plank, or fiber-cement siding.

ZONING HISTORY:

Three of the four existing properties proposed to be developed have been zoned RA-200 since 1970. In 1984, one of the properties, identified as Tract 6 on the submitted boundary survey, received approval for rezoning from RA-200 to RT-200 (Temporary Mobile Home) for use of a mobile home pursuant to RZ-84-130.

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 Section of the Unified Development Ordinance (Chapter 620) requires a no-access easement along the line of double frontage lots abutting upon a major thoroughfare for residential developments.

The Buffer, Landscape and Tree Protection Section of the Unified Development Ordinance (Chapter 620) requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

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

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

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

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

A minimum of 40-foot building setback is required from the right-of-way of Kilgore Road.

Section 320-20.2 of the Unified Development Ordinance requires submittal of a Specimen Tree Concept Plan and Tree Survey 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.

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

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Kilgore Road is a Major 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 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.

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 an 8-inch water main located on the northwestern right-of-way of Kilgore 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, and an 8-inch sanitary sewer main located approximately 45 feet south 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:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

The subject property is located on the south side of Kilgore Road between Cross Road and Southpointe Hill Drive. The project site consists of four separate properties with a total combined gross acreage of 17.44-acres, with three of the properties containing single-family homes and associated accessory structures, which would be removed. The property is heavily wooded, and also contains a stream meandering through three of the tracts.

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 neighboring single-family developments along Kilgore Road are zoned R-75 CSO, R-100 CSO, and R-100 Modified, and are developed with substantially wider and larger lots than those proposed by the applicant.

The surrounding area is characterized by a majority of residentially zoned land. The other properties along Kilgore Road are zoned for single-family developments on larger lots. Located

west of the proposed project is the Enclave at Ivy Creek, a 41 unit conservation subdivision that received rezoning approval from RA-200 to R-75 CSO in 2004 pursuant to RZR2004-00030. This project has been developed with both one and two story single-family dwellings constructed of primarily brick and siding facades, with a 50 foot wide open space buffer along the sides of the property. Previous board action has established that both modified and conservation subdivisions are appropriate for this area, as there are two other developments along Kilgore Road in the vicinity that are zoned R-100 Conservation and R-100 Modified. The requested R-60 zoning may not be considered compatible with the existing zoning of the adjoining properties and subdivisions along Kilgore Road, and may not be appropriate for the subject property given the substantial flood hazard area on the site. In the Department's opinion, a more appropriate zoning classification may be OSC (Open Space Conservation District) given that over 15% of the property falls within a flood hazard area and is unsuitable for development. With appropriate conditions governing density and providing more open space, an OSC single-family development could provide the lot size of the R-60 rezoning request and be more consistent with adjacent and nearby subdivisions.

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 along Kilgore Road, through the introduction of an incompatible lot sizes and densities of development. Therefore, staff recommends **DENIAL** of this petition. Should the Board of Commissioners choose to approve the request, staff recommends that it be approved for OSC (Open Space Conservation District) with conditions.

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 OSC (Open Space Conservation 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 dwellings and accessory uses and structures.
- B. A revised layout meeting the requirements of OSC zoning shall be submitted for review and approval by the Director of Planning and Development
- C. The minimum heated floor area per dwelling unit shall be 2,200 square feet for one story homes and 2,400 square feet for two story homes.
- D. 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 three-foot watertable.
- E. All dwellings shall have at least a double-car garage.

2. To satisfy the following site development considerations:

- A. The Kilgore Road street frontage shall be landscaped by the developer and maintained by the Homeowner's Association, and shall include a decorative masonry entrance feature. Landscape and entrance plans shall be subject to review and approval of the Director of Planning and Development.
- B. Direct lot access to Kilgore Road shall be prohibited.
- C. All grassed areas on dwelling lots shall be sodded.
- D. Provide underground utilities throughout the development.
- E. Natural vegetation shall remain on the property until the issuance of a subdivision development permit.
- F. Building lots shall not be located within the required stream buffer or impervious setback area.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

In light of the nearby R-100 and R-75 zoning and developments, an R-60 rezoning may not be suitable at this location. A development with the OSC 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

There are subdivisions along Kilgore Road, in close proximity to the subject property, that have been rezoned R-75 CSO, R-100 CSO, and R-100 MOD giving support for an OSC zoning approval.

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

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

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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

- (A) Yes, the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development is adjacent to property zoned RZT and is consistent with the character of surrounding development.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties.
- (C) In light of the size, location, layout, topography, and nature features of the property and in conjunction with the nature of surrounding development, the Applicant submits that the subject Property does not have reasonable economic use as currently zoned.
- (D) No, the proposed Rezoning Application will not result in an excessive or burdensome use of the infrastructure systems. The proposed development would have convenient access to Gravel Springs Road and Buford Drive as well as Interstate 85 and Interstate 985.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County 2030 Unified Plan.
- (F) Applicant submits that the character of surrounding development as well as the proximity of the Property to the Mall of Georgia commercial uses provides additional supporting grounds for approval of the proposed rezoning.

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RZR '16009



Matthew P. Benson
Alissa L. Cummo
Brian T. Easley
Kelly O. Faber
Amanda F. Henningsen
Christopher D. Holbrook
Joshua P. Johnson
Gerald Davidson, Jr.*

Shane M. Lanham
Austen T. Mabe
Jeffrey R. Mahaffey
Steven A. Pickens
Andrew D. Stancil
Kenneth W. Stroud
R. Lee Tucker, Jr.
*Of Counsel

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RZR '16 009

**LETTER OF INTENT FOR REZONING APPLICATION
OF MAHAFFEY PICKENS TUCKER, LLP**

Mahaffey Pickens Tucker, LLP (the “Applicant”) submits this Rezoning Application for the purpose of rezoning an approximate 17.439 acre tract situated along Kilgore Road in northern Gwinnett County, Georgia (the “Property”) to the R-60 zoning classification. The Property is currently zoned RA-200.

The Applicant proposes to develop a single-family residential community, including 36 detached residential homes. The proposed development would have a net density of approximately 2.39 units per acre which is below the maximum density of 4.0 units per acre prescribed for the R-60 zoning classification in the Gwinnett County Unified Development Ordinance (the “UDO”). The proposed community would consist of homes at a size, quality, and price point commensurate with or exceeding homes in nearby communities. The homes on the subject Property would be constructed with front facades of primarily brick or stacked stone with the balance being the same, cedar plank, or fiber-cement siding.

The subject Property abuts land zoned R-75 CSO to the west, RA-200 to the northeast and across Kilgore Road, RZT to the southeast, and R-TH to the south. The adjacent property to

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the east was zoned RZT and R-60 pursuant to CIC2015-00008 and RZR2015-00007 in November 2015. The proposed development would also include substantial green space and natural areas in the southerly portions of the Property. The proposed development would also have convenient access to Interstate 85 and Interstate 985. The Applicant respectfully submits that the proposed development is consistent with the character of the surrounding area and other nearby developments.

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 29th day of March, 2016.

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

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RZR '16 009

JUSTIFICATION FOR REZONING APPLICATION

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

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

The Property is presently suitable for development under the R-60 classification and is not economically suitable for development under the present RA-200 zoning classification of Gwinnett County. 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 Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

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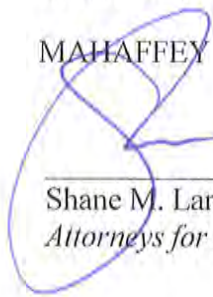
A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the R-60 classification with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the R-60 classification, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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

This 29th day of March, 2016.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham
Attorneys for Applicant

1550 North Brown Road || Suite 125
Lawrenceville, Georgia 30043
(770) 232-0000

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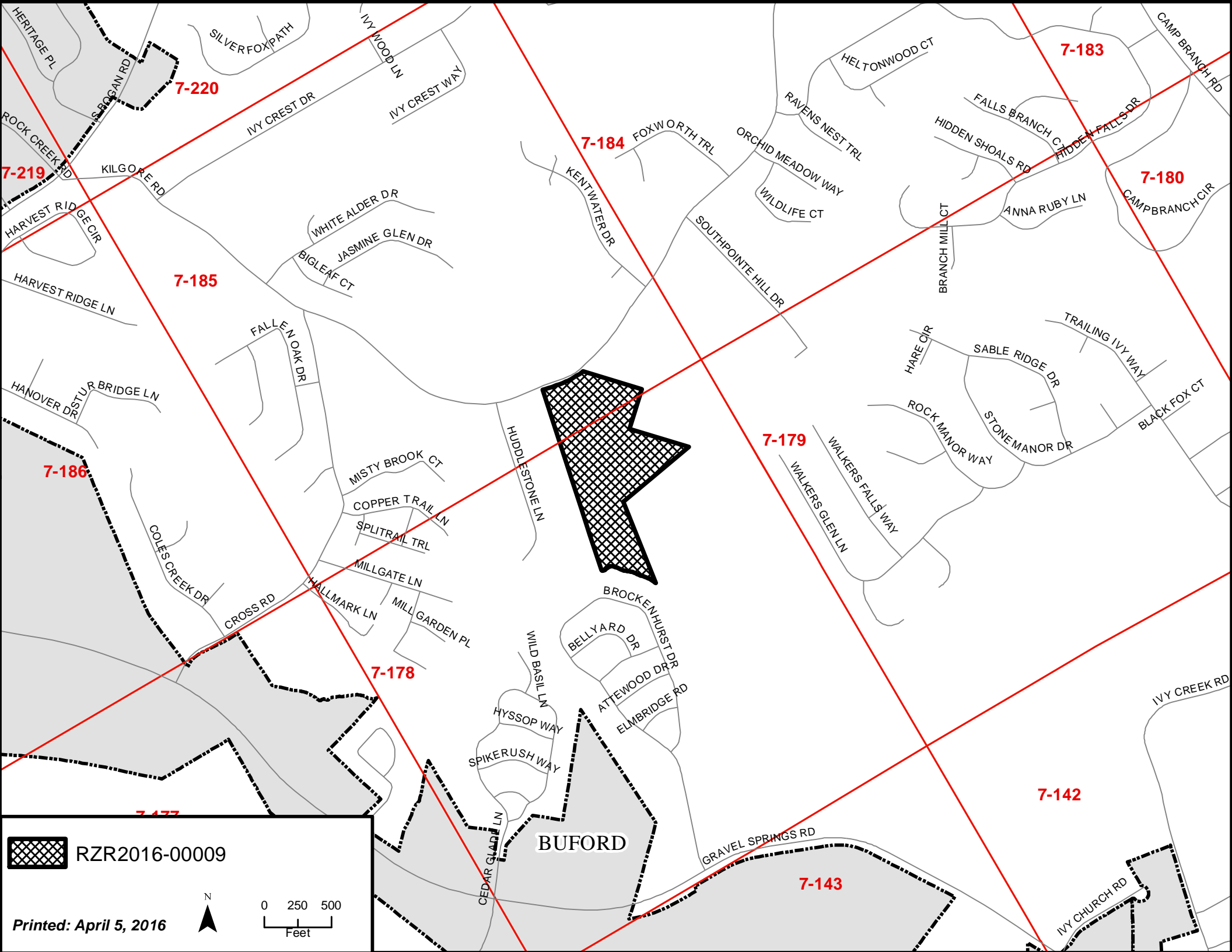
MAR 31 2016

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Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County, June 2016

Case #	Schools	Current Projections									Proposed Zoning Approximate additional Student Projections from Proposed Developments
		2016-17			2017-18			2018-19			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZC2016-00015	Mountain View HS	2356	2,300	56	2470	2,300	170	2550	2,300	250	56
	Twin Rivers MS	2034	2,150	-116	2065	2,150	-85	2095	2,150	-55	40
	Patrick ES	792	1,025	-233	816	1,025	-209	840	1,025	-185	77
RZR2016-00009	Mountain View HS	2356	2,300	56	2470	2,300	170	2550	2,300	250	9
	Twin Rivers MS	2034	2,150	-116	2065	2,150	-85	2095	2,150	-55	6
	Patrick ES	792	1,025	-233	816	1,025	-209	840	1,025	-185	12
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Current projections do not include new developments



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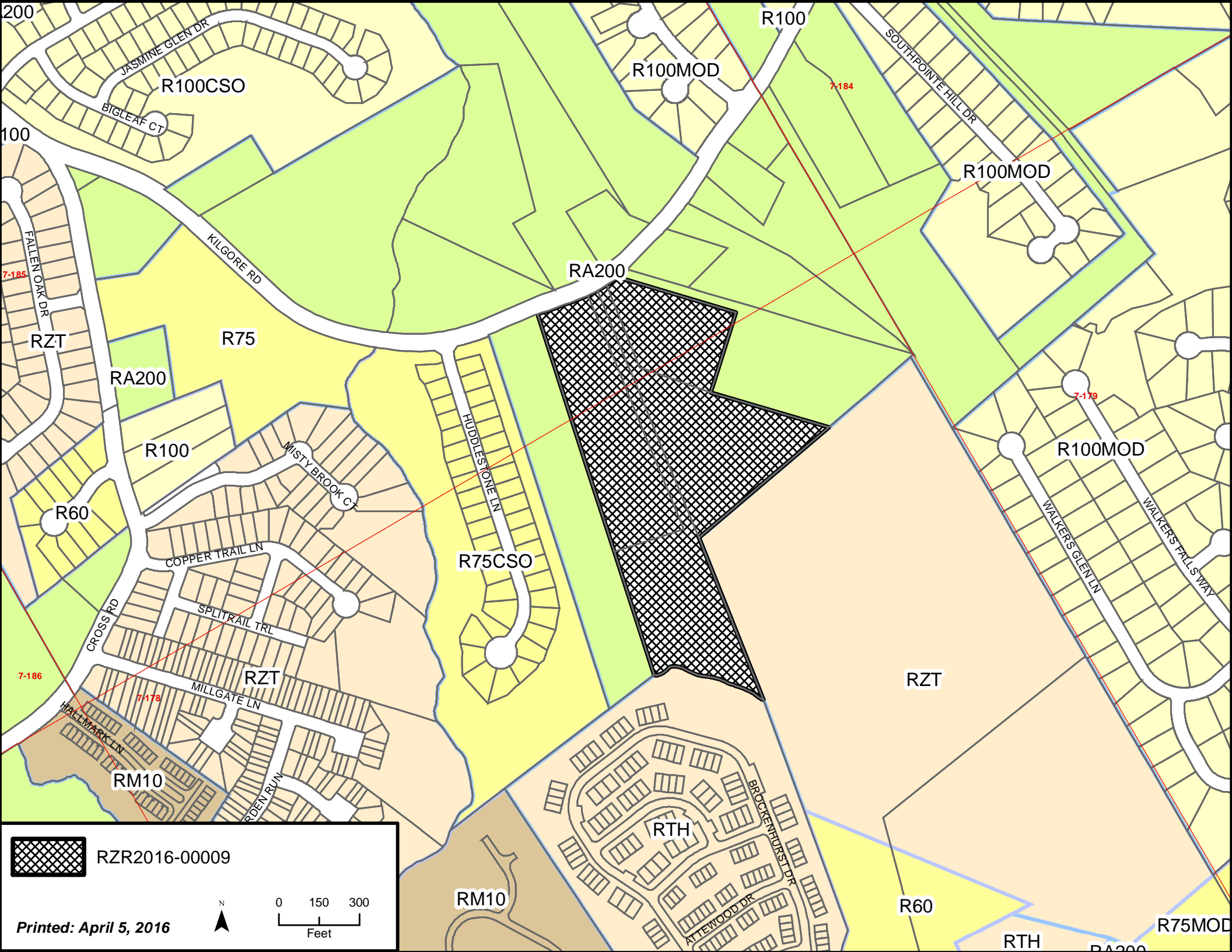
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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
REZONING ANALYSES**

CASE NUMBER :**RZR2016-00011**
ZONING CHANGE :R-100 TO TND
LOCATION :1100-1200 BLOCK OF WEBB GIN HOUSE ROAD
MAP NUMBERS :R5087 120 AND R5106 003, 067 & 278
ACREAGE :43.56 ACRES
UNITS :99 UNITS
PROPOSED DEVELOPMENT :TRADITIONAL NEIGHBORHOOD DEVELOPMENT
(REDUCTION IN BUFFERS)
COMMISSION DISTRICT :(4) HEARD

CASE NUMBER :**RZM2016-00003**
ZONING CHANGE :R-100 TO RM-24
LOCATION :1100-1200 BLOCK OF WEBB GIN HOUSE ROAD
MAP NUMBERS :R5087 120 AND R5106 278
ACREAGE :12.57 ACRES
UNITS :300 UNITS
PROPOSED DEVELOPMENT :APARTMENTS (REDUCTION IN BUFFERS)
COMMISSION DISTRICT :(4) HEARD

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

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

CONTACT: SHANE LANHAM OR LEE TUCKER PHONE: 700.232.0000

OWNERS: JLC HOLDINGS, LLLP
RICHARD L. HARRISON & JOYCE C. HARRISON
ESTATE OF VINNIE LUCILLE CLARK
C/O MAHAFFEY, PICKENS, TUCKER, LLP
1550 NORTH BROWN ROAD, SUITE 125
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant is requesting rezoning on two tracts of land located on the north side of Webb Gin House Road east of Scenic Highway. The first tract is a 43.56-acre parcel assemblage zoned R-100 (Single Family Residence District), developed with four single family residences and a number of accessory structures. On this tract, pursuant to RZR2016-00011, the applicant requests TND (Traditional Neighborhood Development District) zoning for a total of 99 units

at a density of 2.27 units per acre. The three required lot size categories indicated on the site plan are 39 small single family detached lots (minimum 5,000 square feet), 33 mid-size single family detached lots (minimum of 7,500 square feet) and 27 attached townhomes. Access to the TND project is proposed from a single driveway on Webb Gin House Road, to be directly aligned with Bennett Road. A recreation area with a swimming pool, clubhouse and tennis courts would be located near the proposed townhomes. Two detention ponds for this development are indicated on the site plan. Buffers ranging from 20 feet to 25 feet are required adjacent to the R-75 Modified and R-100 Modified zonings; however, a minimum 50-foot wide common area is shown on the site plan, which is not considered a buffer. Sufficient parking and common areas are being proposed. In the letter of intent, the applicant states that the townhomes would be a minimum of 1,150 square feet and the single family detached units would be a minimum of 1,200 square feet. Architectural treatments are proposed to be a combination of brick, stacked stone, cedar plank, hardiplank or fiber-cement siding.

The second tract contains 12.57 acres, is also zoned R-100 (Single Family Residence District) and is currently developed with a single family residence. Pursuant to RZM2016-00003, the applicant requests RM-24 (Multifamily Residence District) zoning for a total of 300 apartment units at a density of 23.87 units per acre. Access to the apartment project is proposed from a separate driveway on Webb Gin House Road. Six apartment buildings and one maintenance building are shown on the site plan. According to the letter of intent, a clubhouse and pool are proposed for the development. A detention pond is indicated on the site plan in the northwest corner of the subject site. Although the property adjacent to the west is zoned R-100, it is currently developed as a place of worship and a 50-foot buffer is required along that property line. The site plan does not indicate any buffer on the west property line. A minimum square footage and break down of unit type was not provided. The applicant states that the apartment buildings will include brick and/or stone masonry accents with cement/hardiplank siding and panels.

Staff notes that the site plan does not indicate any interparcel access, vehicular, pedestrian or bicycle, between the two zoning tracts, or between the TND zoning and the adjacent commercial development to the northwest.

ZONING HISTORY:

The entire 56.13-acre subject property was zoned R-100 in 1970. In 1981, the westernmost 30 acres of the property was rezoned to RT-200 (Temporary Mobile Home) for a mobile home as an accessory use pursuant to RZ-48-81. In 1982, a Moved In House (MIH) request was approved on five acres to allow a house to be relocated to that site pursuant to MIH-22-82.

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 Section of the Unified Development Ordinance (Chapter 620) requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

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

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).

Provide a 25-foot natural, undisturbed buffer adjacent to R-100 and R-100 Modified zoned properties, and a 20-foot natural disturbed buffer adjacent to R-75 Modified zoned properties. (Unified Development Ordinance Chapter 610, Table 610.1 and Section 610-20.2).

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.

Section 320-20.2 of the Unified Development Ordinance requires submittal of a Specimen Tree Concept Plan and Tree Survey prior to submittal and acceptance of a Development Permit Application.

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.

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.

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. The proposed conceptual plan may require revision to show the appropriate stream buffer area. All storm water best management practices will be applicable upon development permit issuance.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Webb Gin House 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.

A left turn lane shall be provided at the project entrance.

Standard deceleration lane 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.

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

The project shall 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 10-inch water main located on the southeastern right-of-way of Webb Gin House Road, reducing to an 8-inch water main.

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 mains located approximately 469 feet west of the property, approximately 193 feet east of the property on the right-of-way of Havenstone Walk, approximately 188 feet east of the property on the right-of-way of Heatherglade Lane, and approximately 165 feet north of the property on the right-of-way of Hidden Spirit Trail.

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:

Building Plan Review has no objections under the following conditions:

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan Review has no comments regarding RZR2016-00011.

Fire Plan Review has no objections to RZM2016-00003 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:

Located on the north side of Webb Gin House Road opposite of it's intersection with Bennett Road, both tracts of land can be characterized as open pasture with a few homes and a few small stands of trees. The requests are for TND and RM-24 zoning, respectively, for a total of 399 residential units.

The 2030 Unified Plan Future Development Map indicates that the site is located in an Existing/Emerging Suburban Character Area. The requested 23.87 unit per acre apartment plan and the proposed attached townhomes within the TND request could be considered inconsistent with 2030 Unified Plan policies of which encourage low to medium density single-family residential development, and with the established single family zoning and development pattern of the immediate area. Within the Existing/Emerging Suburban Character Area,

multifamily residential uses are discouraged. According to 2030 Unified Plan policies, the density limit for new residential development located within the vicinity of existing low density, single family subdivisions should not exceed a density of three units per acre. The proposed development far exceeds the density recommendations of the 2030 Unified Plan.

The surrounding area is characterized primarily by single family subdivisions to the north, east and south, and commercial uses along Scenic Highway to the west. Adjacent to the north is the Villas of Knollwood Lakes subdivision, zoned R-75 Modified pursuant to RZ-98-107. The maximum density for that subdivision is 2.6 single family detached units per acre. To the northeast is the Knollwood Lakes subdivision, zoned R-100 Modified pursuant to SUP-98-026 for a maximum density of 2.3 single family detached units per acre. Adjacent to the east is the Arbors of Knollwood Lakes subdivision, zoned R-75 Modified pursuant to RZ-00-142. Maximum density of that subdivision is 2.62 single family detached units per acre. On the south side of Webb Gin House Road are several R-100 subdivisions, Gin House Station and Graystone North, developed in the two to three single family detached units per acre range. To the west is Sola Fide Lutheran Church, zoned R-100. North and west of the church located along Scenic Highway are a number of commercial uses oriented toward that corridor and the intersection with Webb Gin House Road. Staff is of the opinion that the proposed TND and RM-24 zoning petitions are too intense for the subject properties given the existing single family detached residential developments located on three sides of the subject property.

Given the existence of multiple established single family subdivisions surrounding the proposed TND and high-density multifamily developments, staff considers these petitions unsuitable for the subject properties. In addition, the requested density of the overall site could be considered inconsistent with the 2030 Unified Plan Future Development Map designation of the Existing/Emerging Suburban Character Area, which discourages medium and high density residential developments. Therefore, staff recommends **DENIAL** of these petitions. Should the Board of Commissioners choose to approve these requests, staff recommends that they be approved for R-75 (Single Family Residence District).

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

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 and structures.
 - B. 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.
 - C. Homes shall be constructed with three sides of brick or stacked stone. The balance of the home may be the same, or of fiber-cement siding or shake with a minimum three-foot high brick or stacked stone water table.
 - D. All dwellings shall have at least a double-car garage.
 - E. Any recreational area for the subdivision shall be located internally to the development and not adjacent to any property line, or as may be approved by the Director of Planning and Development.
2. To satisfy the following site development considerations:
 - A. Provide a minimum 25-foot wide construction buffer adjacent to external property lines.
 - B. No direct lot access shall be allowed from Webb Gin House Road.
 - C. Maintain a 50-foot building setback along Webb Gin House Road.
 - D. The Webb Gin House 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.
 - E. Natural vegetation shall remain on the property until the issuance of a development permit.
 - F. All grassed areas on building lots shall be sodded.
 - G. Underground utilities shall be provided throughout the development.

- H. Storm water detention facilities shall be screened from view from adjoining residential properties. Screening plans shall be subject to review and approval of the Director of Planning and Development.
- I. Provide a bicycle/pedestrian connection to the commercial area along Scenic Highway via the common property boundary at the northwest of the subject property.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

In light of the existing R-100 and R-75 single family detached developments in the surrounding area, TND and RM-24 rezonings may not be suitable at this location. An R-75 development could be more appropriate given the adjacent and neighboring single family detached subdivisions in the area.

ADVERSE IMPACTS

Adverse impacts on neighboring properties could be anticipated from the introduction of an incompatible zoning classification, density and unit type.

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 higher density TND and RM-24 zonings at this location.

CONDITIONS AFFECTING ZONING

The existing low density single family detached subdivisions surrounding three sides of this project suggest that multifamily development may be inappropriate for this location.

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

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

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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

- (A) Yes, the proposed development will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties.
- (C) In light of the size, location, layout, and character of surrounding uses, the Applicant submits that the property does not have reasonable economic use as currently zoned.
- (D) No, the proposed Rezoning Application will not result in an excessive or burdensome use of the infrastructure systems. The subject Property has convenient access to Georgia Highway 124 and Grayson Highway.
- (E) Yes, the proposed development is in conformity with the policy and intent of the Gwinnett County 2030 Unified Plan.
- (F) Applicant submits that the commercial/retail nature of adjoining properties provides additional support for the Applications.

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Steven A. Pickens
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*Of Counsel

**LETTER OF INTENT FOR REZONING APPLICATIONS OF
MAHAFFEY PICKENS TUCKER, LLP**

Mahaffey Pickens Tucker, LLP (the “Applicant”) submits this Letter of Intent for the purpose of rezoning an approximately 56.1235 acre tract (the “Property”) located on the northerly side of Webb Gin House Road approximately one half mile east of its intersection with Scenic Highway (a/k/a State Route 124). The Applicant respectfully submits that the proposed development should be considered as a single development project, with a variety of residential uses, but submits two separate applications (the “Applications”) herewith in accordance with the requirements of the Gwinnett County Unified Development Ordinance (the “UDO”). Currently, the UDO does not include multi-family dwellings in the allowable mix of housing options provided for TND developments in UDO §210-80.7(E). Accordingly, the Applicant submits one application requesting to rezone an approximately 43.56 acre portion of the Property (the “TND Portion”) from the R-100 zoning classification to the TND zoning classification of the UDO. The Applicant submits a second application requesting to rezone the approximately 12.57 acre balance of the Property (the (“RM-24 Portion”) to the RM-24 zoning classification.

The Applicant proposes to develop the TND Portion as a Traditional Neighborhood Development District with a mix of residential uses. The proposed development will include a diversity of lot sizes, housing types and sizes to accommodate persons of a variety of stages of

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life in a pedestrian-oriented setting that would be well-integrated with the County's neighborhoods, parks, civic spaces, and supportive services. The subject Property borders property zoned R-100 to the southwest and across Webb Gin Road. The property to the north and east of the subject Property is zoned R-75. The subject Property also borders the Snellville Exchange shopping retail center zoned C-2. The Scenic Lake Townhomes development zoned RM-6 is also in close proximity to the subject Property.

In addition to its location just east of Scenic Highway, the Property is also conveniently located in close proximity to Grayson Highway and Sugarloaf Parkway. The Property is depicted on the Gwinnett County 2030 Unified Plan Future Development map as near or within areas designated as Existing/Emerging Suburban and Corridor Mixed-Use. The Applicant submits that the proposed development would serve as a transitional use between the higher-intensity commercial uses along Scenic Highway and the lower-intensity residential uses to the south and east.

The TND Portion of the proposed development would include a mix of housing types including 27 townhomes and 72 single-family detached homes. The proposed single-family homes would be developed on a variety of lot sizes ranging from 5,000 square feet to over 7,500 square feet. The proposed townhomes will be at least 1,150 square feet for three-bedroom units and proposed single-family detached homes will be at least 1,200 square feet for three-bedroom units. Architectural treatments for these homes would include a combination of brick, stacked stone, cedar plank, and hardiplank, or fiber-cement siding.

The Applicant is also proposing to develop the RM-24 Portion of the Property to include 300 units of young professional and millennial housing. The proposed development would create an upscale professional housing development consisting of 300 multi-family attached residences

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spread throughout six buildings. The proposed buildings will feature attractive architecture including brick and/or stone masonry accents with cement/hardiplank siding and panels. Additionally, the proposed buildings will include low-pitched roofs with articulated parapets. The millennial housing development also features a luxurious clubhouse that will include an executive business center and conference room, a cyber café with free Wi-Fi, a state-of-the-art fitness center, a resort-style saltwater pool, pergolas and poolside grilling stations. The proposed development would include a total of 567 parking spaces which would be provided through a mix of surface parking, tuck-under garages, and on-street parking.

The Applicant has designed the development to include higher-intensity uses such as the townhomes and young professional housing towards the center and westerly portions of the property. This design creates a transitional flow to the development and locates the lower-intensity elements of the project closer to existing single-family residential developments. The Applicant submits that this design strategy, in conjunction with the provided fifty-foot buffer along the northerly and easterly Property boundaries, provides adequate buffering and screening for adjoining property owners and mitigates any negative effects of the proposed development.

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 Applications filed herewith. The Applicant respectfully requests your approval of this Application.

This 29th day of March, 2016.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP


Shane M. Lanham

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JUSTIFICATION FOR REZONING

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

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

The Property is presently suitable for development under the TND and RM-24 classifications as requested by the Applicant, and is not economically suitable for development under the present R-100 zoning classification of Gwinnett County. A denial of these Applications 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 Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the

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Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the TND and RM-24 classifications, as set forth in the Applications, with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the TND or RM-24 classifications, subject to conditions which are different from the conditions by which the Applicant may amend its applications, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP


Shane M. Lanham
Attorneys for Applicant

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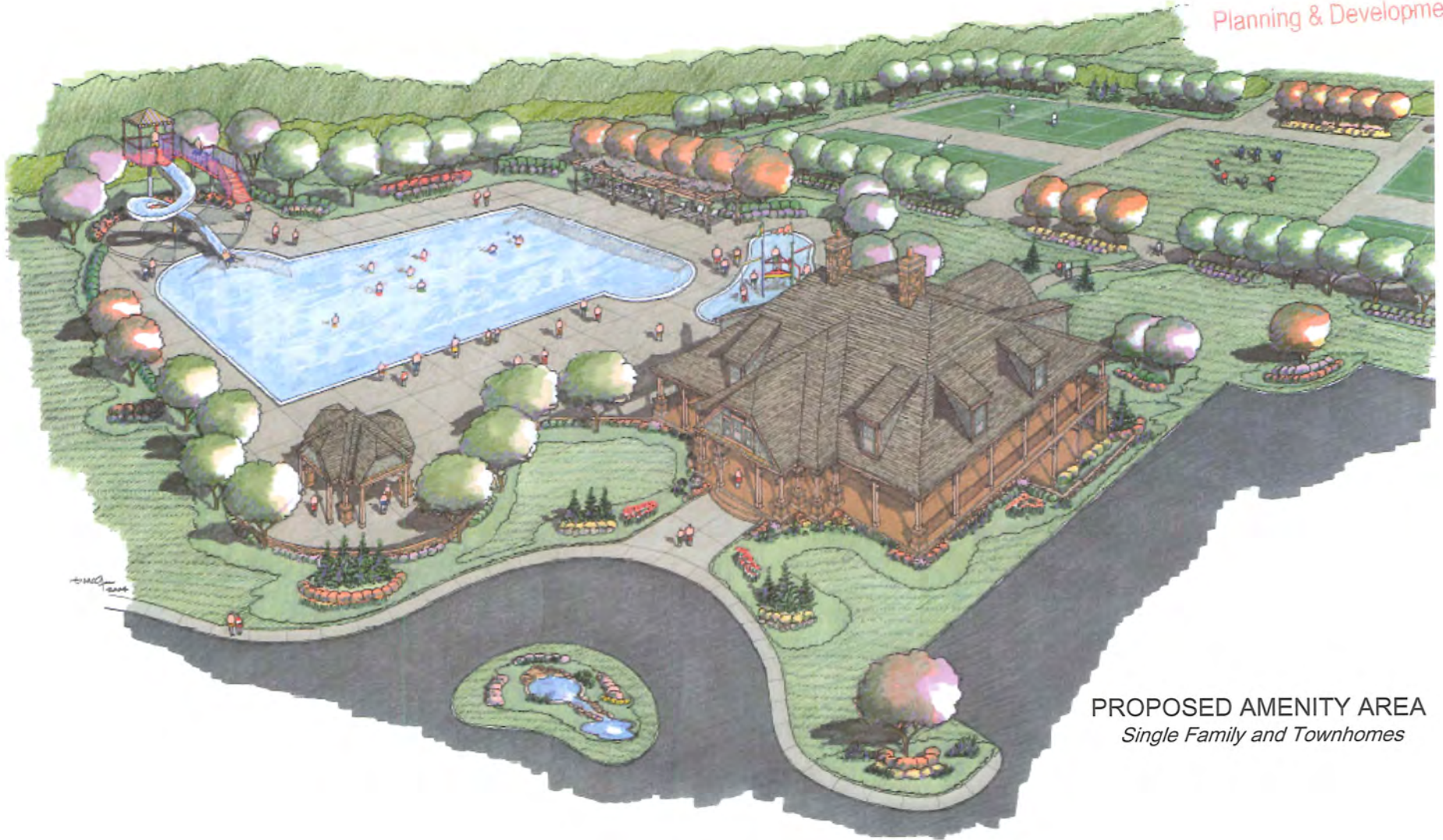
Planning & Development

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PROPOSED AMENITY AREA
Single Family and Townhomes

RZR '16011

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RZR '16011

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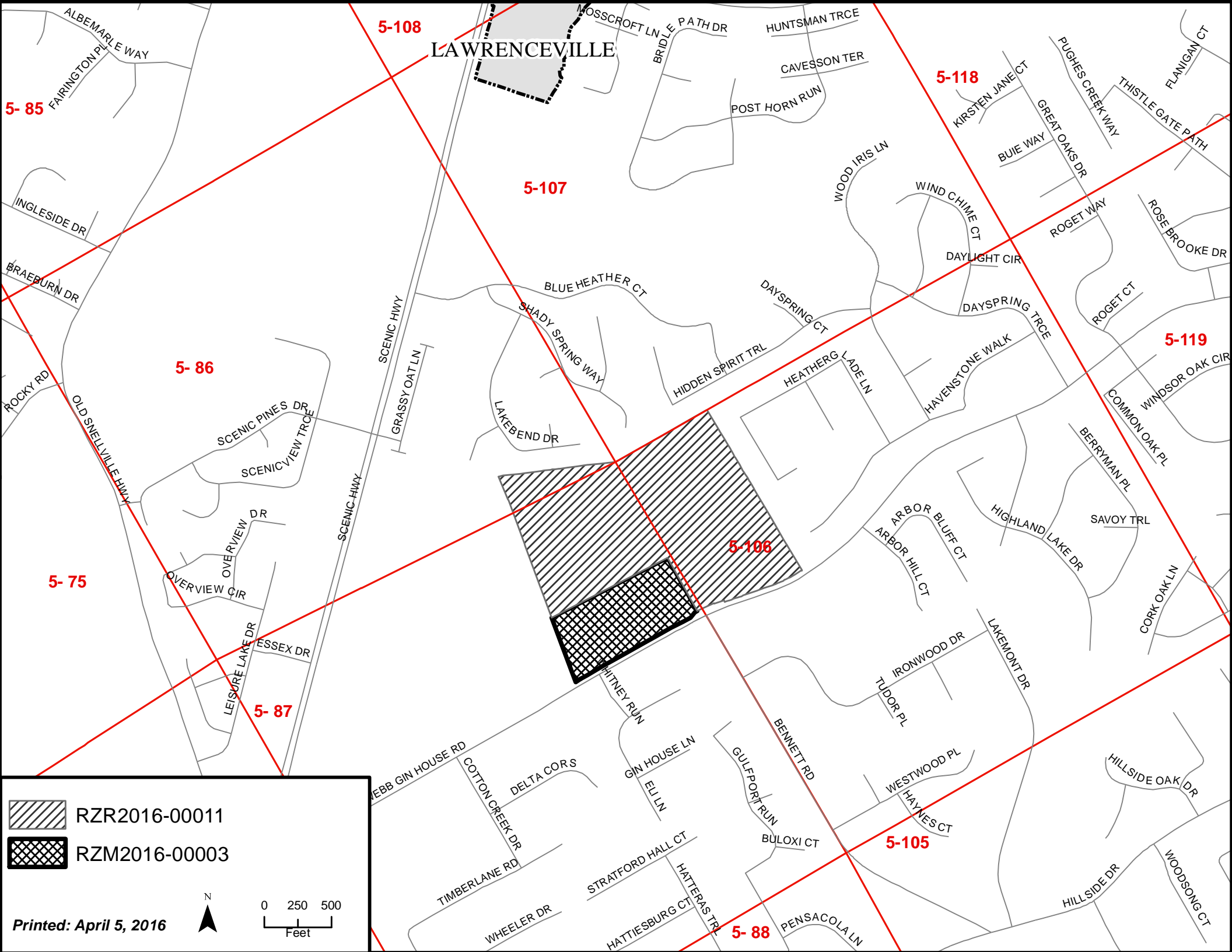
Planning & Development





Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County, June 2016

Case #	Schools	Current Projections									Proposed Zoning Approximate additional Student Projections from Proposed Developments
		2016-17			2017-18			2018-19			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZC2016-00015	Mountain View HS	2356	2,300	56	2470	2,300	170	2550	2,300	250	56
	Twin Rivers MS	2034	2,150	-116	2065	2,150	-85	2095	2,150	-55	40
	Patrick ES	792	1,025	-233	816	1,025	-209	840	1,025	-185	77
RZR2016-00009	Mountain View HS	2356	2,300	56	2470	2,300	170	2550	2,300	250	9
	Twin Rivers MS	2034	2,150	-116	2065	2,150	-85	2095	2,150	-55	6
	Patrick ES	792	1,025	-233	816	1,025	-209	840	1,025	-185	12
RZR2016-00010	Parkview HS	3021	2,500	521	3082	2,500	582	3143	2,500	643	19
	Trickum MS	2073	1,775	298	2104	1,775	329	2136	1,775	361	14
	Knight ES	790	900	-110	812	900	-88	835	900	-65	26
RZR2016-00011	Grayson HS	2847	2,125	722	2927	2,125	802	3009	2,125	884	24
	Couch MS	1025	1,150	-125	1040	1,150	-110	1056	1,150	-94	17
	Pharr ES	669	975	-306	660	975	-315	653	975	-322	32
RZM2016-00003	Grayson HS	2847	2,125	722	2927	2,125	802	3009	2,125	884	43
	Couch MS	1025	1,150	-125	1040	1,150	-110	1056	1,150	-94	31
	Pharr ES	669	975	-306	660	975	-315	653	975	-322	61

Current projections do not include new developments



LAWRENCEVILLE

 RZR2016-00011
 RZM2016-00003

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Printed: April 5, 2016



RZR2016-00011

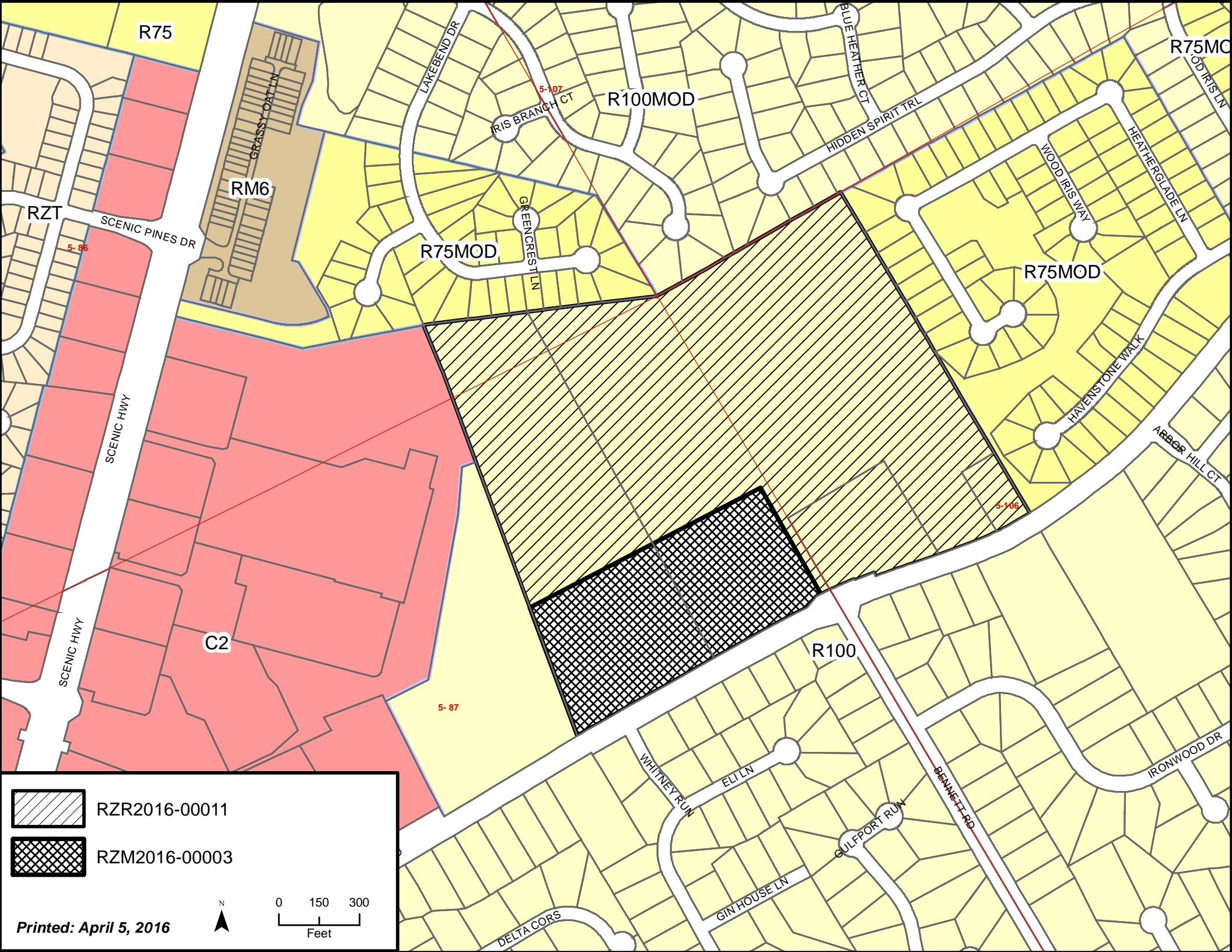




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Printed: April 5, 2016



-  RZR2016-00011
-  RZM2016-00003

Printed: April 5, 2016

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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
CHANGE IN CONDITIONS & SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER :**CIC2016-00016**
ZONING :C-2
LOCATION :900 BLOCK OF PARKSIDE WALK LANE
:900 BLOCK OF DULUTH HIGHWAY
MAP NUMBER :R7032 402
ACREAGE :0.5 ACRE
PROPOSAL :CHANGE IN CONDITIONS OF ZONING TO ALLOW
RENTAL TRUCKS AND TRAILERS
COMMISSION DISTRICT :(4) HEARD

CASE NUMBER :**SUP2016-00039**
ZONING :C-2
LOCATION :900 BLOCK OF PARKSIDE WALK LANE
:900 BLOCK OF DULUTH HIGHWAY
MAP NUMBER :R7032 402
ACREAGE :0.5 ACRE
PROPOSAL :TRUCK AND TRAILER RENTAL
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: EBC PRO
C/O MILL CREEK CONSULTING
4480 COMMERCE DRIVE, SUITE A
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNER: PARKSIDE 120, INC.
3665 CLAIRMONT ROAD, SUITE F
CHAMBLEE, GA 30341

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Change-in-Conditions and Special Use Permit to allow for the rental of trucks and trailers. The subject site is a 0.5-acre tract located within the parking lot of a small strip shopping center, located on the north side of Duluth Highway at Parkside Walk Lane. Staff notes that on January 22, 2016, the applicant was issued a Notice of Violation by the Quality of Life division of the Police Department (Code Enforcement) for operating the truck rental business without a Special Use Permit (SUP) or a Business License pursuant to CEU2016-

00413. This request for a SUP and a Change in Conditions is the result of that Notice of Violation.

The applicant proposes to utilize a portion of the existing parking lot to store between six to eight trucks and trailers for rent from an existing accounting and tax office on the site called EBC Pro. Currently zoned C-2 (General Business District) pursuant to RZ-97-152, a Special Use Permit for truck rental is required, in addition to a change in an existing condition of rezoning which prohibits businesses that require outside storage of equipment or supplies. Trucks are proposed to be stored to the rear and side of the existing building on approximately 20 parking spaces.

Condition I.B.2. of RZ-97-152 prohibits the use of the property for businesses that require outside storage and currently reads as follows:

I.B.2. The following uses shall be prohibited: Businesses requiring outdoor storage of equipment or supplies.

The applicant requests that this condition be modified to allow the parking of the trucks and trailers on the paved parking area to the rear of their existing building.

ZONING HISTORY:

In 1970, the property was zoned R-100 (Single Family Residence District). In 1993, the property was part of a larger tract zoned to C-2 (General Business District) pursuant to RZ-93-147. In 1995, additional property to the rear zoned R-ZT, was combined with the property fronting on Duluth Highway and rezoned to C-2 for the purpose of developing a retail shopping center (RZ-95-066). The property was granted a change in zoning conditions on October 22, 1996, to allow more than one outparcel, remove access restrictions and internal landscape strip requirements (RZ-96-135). In 1997, the site was approved for another change in conditions to allow additional drive-thru restaurants along Duluth Highway (RZ-97-152).

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:

A 40-foot road frontage is required for a lot to be created. The applicant must either revise the site plan, or seek a Variance from the Zoning Board of Appeals.

The required front setback of 15-feet appears to not be met. Also, the required side setback of 10-feet appears to not be met. The applicant must rather revise the site plan or seek a Variance from the Zoning Board of Appeals.

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.

Parkside Walk Lane is a Local Street and 30 feet of right-of-way if 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 northwestern right-of-way of Parkside Walk Lane, and a 24-inch water main located on the northeastern right-of-way of Duluth Highway.

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:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

The subject site is a 0.5-acre tract located within the parking lot of the Office Depot shopping center, located on the north side of Duluth Highway at Parkside Walk Lane. The applicant proposes to utilize a portion of the rear parking lot to store trucks and trailers for rent from an existing accounting and tax office on the site called EBC Pro.

The subject property is located within an Existing and Emerging Suburban Character Area. Allowing the proposed truck and trailer rental business to operate on the subject site could be inconsistent with 2030 Unified Plan policies that discourage commercial activities such as outdoor storage of trucks or trailers that could have a negative or blighting influence on adjacent residential neighborhoods.

The surrounding area is characterized by a mixture of residential and non-residential uses. A number of commercial uses are located along both sides of the Duluth Highway frontage, including outparcels of the shopping center in which the subject property is located. Adjacent to the west property line along Duluth Highway is a small tract of land zoned C-2 (General Business District) which contains an auto repair shop. The Merton Walk shopping center in C-2 zoning is located adjacent to the eastern property line. To the north of the subject property are several residential developments, including the Vineyards at Parkside townhome development, zoned R-TH pursuant to CIC2011-00003. Access to that development is from Parkside Walk Lane, the cul-de-sac to the west which also provides access to the subject property. To the west of the Vineyards is an apartment complex zoned RM-13 (Multi-Family Residence District) pursuant to RZ-87-043. This request may not be considered compatible with adjacent residential zoning and may be detrimental to the appearance of the subject shopping center.

In the staff's opinion, this location is not suitable for the more intense commercial use of a truck and trailer rental business, and could set a precedent for future similar requests in this area. The Department of Planning and Development recommends **DENIAL** of these requests. If the Board of Commissioners chooses to approve these requests, staff recommends that the number of trucks be limited and that additional screening be provided adjacent to the townhome development to the north.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

RZ-97-152

Additions in **bold**

Deletions in ~~strikethrough~~

Approval as C-2 (Change in Conditions) with a Special Use Permit for Truck and Trailer Rental, 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 a truck and trailer rental as a special use**, not to exceed 8,500 square feet of gross floorarea per acre zoned.
 - B. **Truck rental shall be limited to no more than one 26-foot (or smaller) box truck, three 17-foot (or smaller) trucks and two tow-behind rental trailers, and all must be parked in the rear of the building.**
 - C. The following uses shall be prohibited:
 1. Automobile sales, service, and maintenance establishments
 2. Businesses requiring outside storage of equipment or supplies **except truck and trailer rental**
 3. Plant nursery sales facilities
 4. Convenience stores
 - ~~D. Any commercial lots abutting Chandler Park subdivision shall not be allowed to have drive-through windows.~~
2. To satisfy the following site development considerations:
 - ~~A. Provide a 25-foot wide natural buffer, undisturbed except for approved perpendicular access and utility crossings and replanting where sparsely vegetated, adjacent to the Yellow River.~~
 - ~~B. Provide a 35-foot wide natural buffer, with a 15-foot enhanced buffer, undisturbed except for approved perpendicular access and utility crossings and replanting where sparsely vegetated, adjacent to all residentially-zoned property. The total width of the buffer shall be 50 feet.~~
 - C. **Provide a minimum eight-foot high opaque wooden fence to the rear of the building, subject to the approval of the Director of Planning and Development.**

- ~~D. Provide a ten-foot wide landscaped strip outside the dedicated right-of-way of Georgia Highway 120.~~
- ~~E. Provide a ten-foot wide landscaped strip, with interparcel access if required, adjacent to the Merton Walk shopping center.~~
- F. No billboards are permitted.
- G. Dumpsters shall be screened by a fence or wall. There shall be no trash pickup between the hours of 9:00 p.m. to 7:00 a.m.
- H. Provide interparcel access if required by the Development Division.
- I. Buildings shall be finished with architectural treatments of glass and/or brick, stone, stucco, or split faced block.
- ~~J. Provide a sidewalk within the new dedicated right-of-way of Georgia Highway 120 across the entire property frontage. Construct sidewalks adjacent to interior streets as each lot is developed.~~
- K. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent residential properties.
- L. Provide landscaped islands throughout the parking areas. At a minimum, landscaped islands shall consist of a 50-square foot planted area per eighteen (18) spaces of double row parking with a 100-square foot planted area at the end of each row. These landscaped islands shall include at least one tree per island. Trees shall be a minimum of five feet in height at the time of planting. Submit landscape plans for review and approval by the Development Review.
- M. **Signage identifying truck and trailer rental shall be limited to existing shopping center monument signs.**
- N. **Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.**
- O. **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.**

- P. **Peddlers and/or parking lot sales shall be prohibited.**
- Q. **The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.**

PLANNING AND DEVELOPMENT DEPARTMENT
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Change-in-Conditions and Special Use Permit for a truck and trailer rental business could be considered unsuitable in light of adjacent residential and less intense commercial uses in this area.

ADVERSE IMPACTS

Potential negative impacts on adjacent and nearby properties could be anticipated if this project is approved by setting a precedent for more intense commercial businesses in this area and by creating a negative or blighting influence on adjacent residential neighborhoods through the allowance of outdoor storage.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

Negligible change in impacts on public facilities could be anticipated.

CONFORMITY WITH POLICIES

The proposal could be considered inconsistent with the established land use policies for less intense commercial uses along this portion of Duluth Highway and policies that discourage commercial activities such as outdoor storage of trucks or trailers that could have a negative or blighting influence on adjacent residential neighborhoods.

CONDITIONS AFFECTING ZONING

The applicant opened the truck and trailer rental business without proper zoning permits and licenses, staff is of the opinion that this use is not appropriate for the subject site within a small strip commercial center adjacent to residential uses.

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 WITHOUT THE CHANGE IN CONDITIONS.

(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 R & D CORRIDOR.

(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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110
CIC '16 024

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.

.....
PLANNING DIVISION USE ONLY

CASE NUMBER _____

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Planning & Development

16
CIC '16 021

REZONING APPLICANT'S LETTER OF INTENT

The Applicant, EBC Pro, requests a change in conditions and a special use permit for the purpose of allowing a U-Haul Rental Business at their accounting and tax business. The subject property is located at 919 Parkside Walk Lane.

This proposal is to allow the parking and rental of the U-Haul trucks and trailers in the area to the rear of the subject building. The rental business will provide a supplemental cash flow to the business as after tax season the business slows. The area is paved and cannot be seen from Highway 120 as the area is behind the building that used to house Diggers restaurant. The applicant expects to park up to 6 to 8 trailers and trucks on the site. The building is located next to Office Depot and the rental trucks cannot be seen from that business and will have no impact on their parking area. This is a service provided to area residents that need moving trucks and supplies and will not be a detriment to the area.

The existing conditions on the property from case RZ-97-152 and specifically condition 1.B.2 restrict the outside storage of equipment or supplies. The applicant requests that this condition be modified to allow the parking of the U-Haul trucks and trailers on the paved parking area to the rear of the referenced building or as shown on the attached plan.

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OIC '16 021

CASE NUMBER RZ-97-152

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>
Wayne Hill, Chairman	<u>ABSENT</u>
Tommy Hughes, District 1	<u>AYE</u>
Patti Muise, District 2	<u>ABSENT</u>
Judy Waters, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

On motion of COMM. HUGHES, which carried 3-0, 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

C-2 to C-2 (CHANGE IN CONDITIONS)

by PARKSIDE WALK, LLC for the proposed use of

ADDITIONAL DRIVE-THROUGH RESTAURAUNTS 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 December 9, 1997, and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 9th day of December, 1997, that the aforesaid application to amend the Official Zoning Map from C-2 to C-2 (CHANGE IN CONDITIONS) is hereby APPROVED subject to the following enumerated conditions:

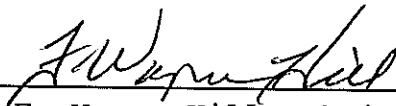
1. To restrict the use of the property as follows:
 - A. Retail and service commercial and accessory uses, not to exceed 8,500 square feet of gross floor area per acre zoned.
 - B. The following uses shall be prohibited:
 1. Automobile sales, service, and maintenance establishments
 2. Businesses requiring outside storage of equipment or supplies
 3. Plant nursery sales facilities
 4. Convenience stores

- C. Any commercial lots abutting Chandler Park subdivision shall not be allowed to have drive through windows.
2. To satisfy the following site development considerations:
- A. Provide a 25-foot wide natural buffer, undisturbed except for approved perpendicular access and utility crossings and replanting where sparsely vegetated, adjacent to the Yellow River.
 - B. Provide a 35-foot wide natural buffer, with a 15-foot enhanced buffer, undisturbed except for approved perpendicular access and utility crossings and replanting where sparsely vegetated, adjacent to all residentially-zoned property. The total width of the buffer shall be 50 feet.
 - C. Provide a ten-foot wide landscaped strip outside the dedicated right-of-way of Georgia Highway 120.
 - D. Provide a ten-foot wide landscaped strip, with interparcel access if required, adjacent to the Merton Walk shopping center.
 - E. No billboards are permitted.
 - F. Dumpsters shall be screened by a fence or wall. There shall be no trash pickup between the hours of 9:00 p.m. to 7:00 a.m.
 - G. Provide interparcel access if required by the Development Division.
 - H. Buildings shall be finished with architectural treatments of glass and/or brick, stone, stucco, or split faced block.
 - I. Provide a sidewalk within the new dedicated right-of-way of Georgia Highway 120 across the entire property frontage. Construct sidewalks adjacent to interior streets as each lot is developed.
 - J. Lighting shall be contained in cut-off type luminaries

and shall be directed in toward the property so as not to reflect into adjacent residential properties.

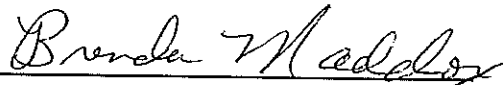
- K. Provide landscaped islands throughout the parking areas. At a minimum, landscaped islands shall consist of a 50-square foot planted area per eighteen (18) spaces of double row parking with a 100-square foot planted area at the end of each row. These landscaped islands shall include at least one tree per island. Trees shall be a minimum of five feet in height at the time of planting. Submit landscape plans for review and approval by the Development Review Section.

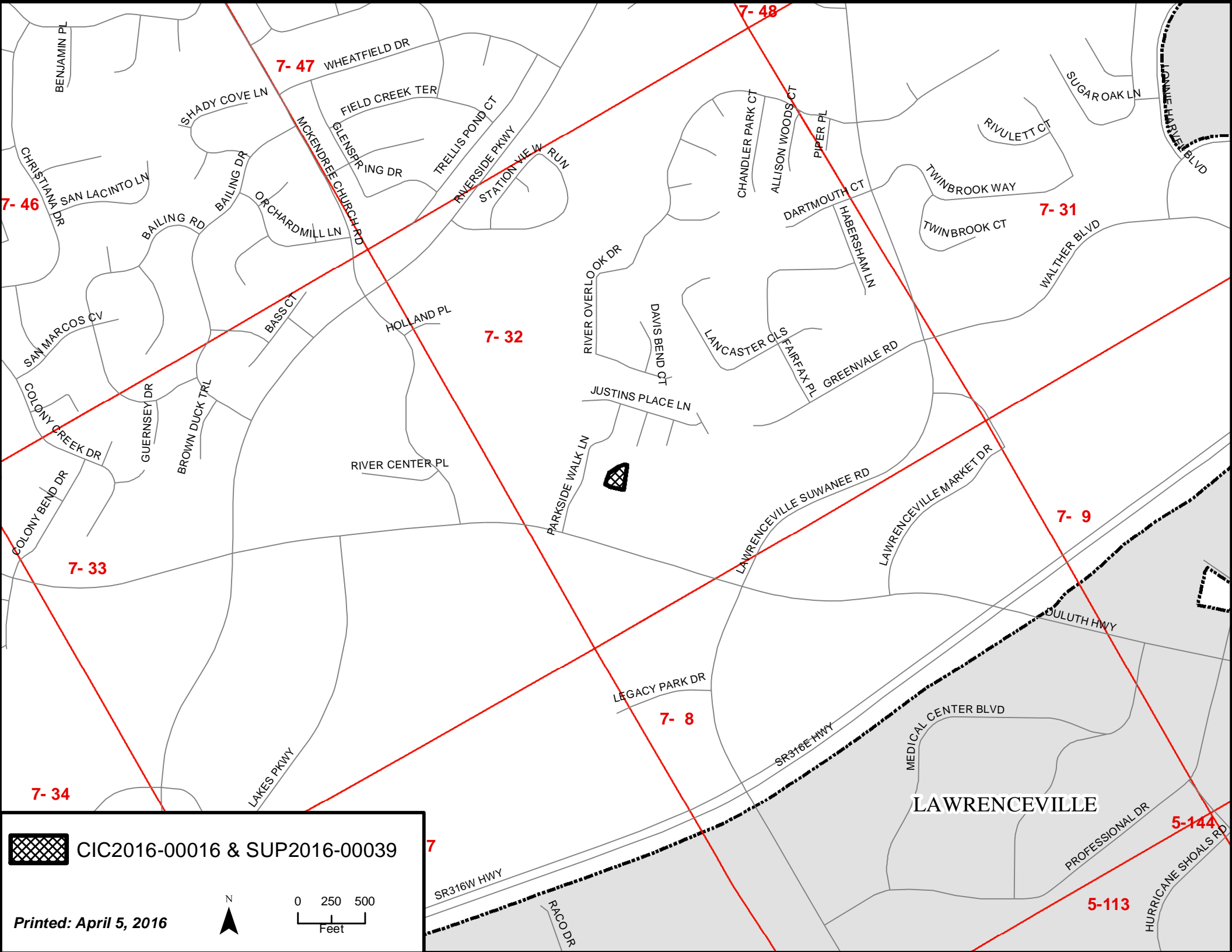
GWINNETT COUNTY BOARD OF COMMISSIONERS


By: 
F. Wayne Hill, Chairman

Date Signed: 12-29-97


ATTEST:

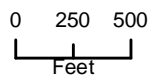

Deputy Clerk



 CIC2016-00016 & SUP2016-00039

Printed: April 5, 2016

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LAWRENCEVILLE



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CIC '16024

N89°52'03"E

19.01'

S89°30'4"

101.83'

CREEK

L=68.02'
R=109.37'
CH=66.93'
N79°28'58"E

N72°08'11"E
179.30'

15' BUILDING LINE

JOINT EASEMENT
FOR DETENTION POND
DB. 16458/PG. 1
(NO LIMITS GIVEN)

N58°38'42"E
89.85'

1' WIDE BLOCK WALL

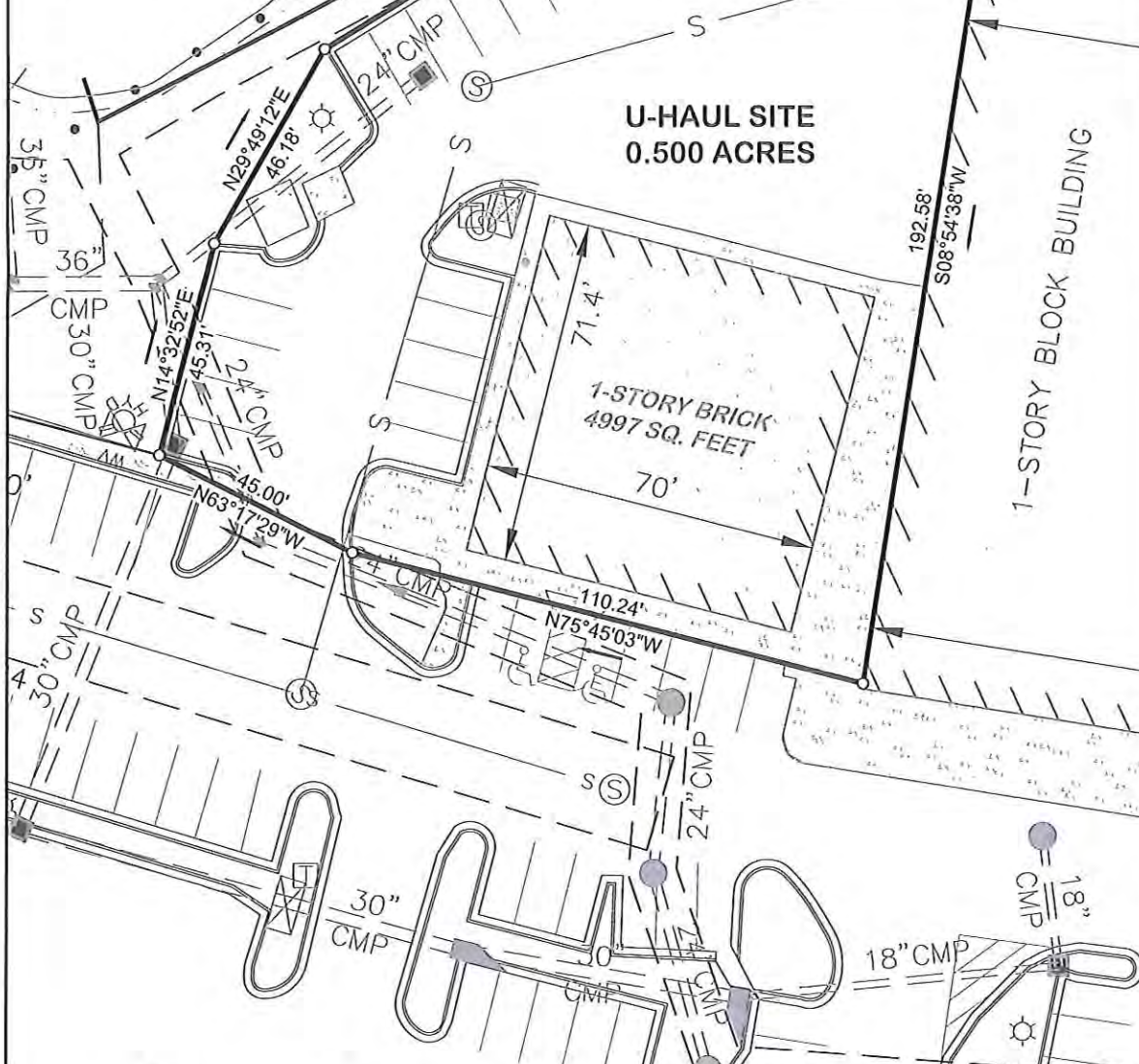
10' D.E.

CLEANOUT
(TYPICAL)

U-HAUL SITE
0.500 ACRES

1-STORY BRICK
4997 SQ. FEET

1-STORY BLOCK BUILDING



PRECISION
Planning Inc.

planners • engineers • architects • surveyors

400 Pike Boulevard, Lawrenceville, Ga 30046
770.338.8000 • www.ppi.us


PROPOSED U-HAUL SITE

919 PARKSIDE WALK LANE

EXHIBIT

Land lot: 32	District: 7	Date: 02.23.16
County: GWINNETT		SHEET 1
Drawn By: DGH	Field By:	
Checked By: DEJ		
Job #: S16123	Scale: 1"=30'	

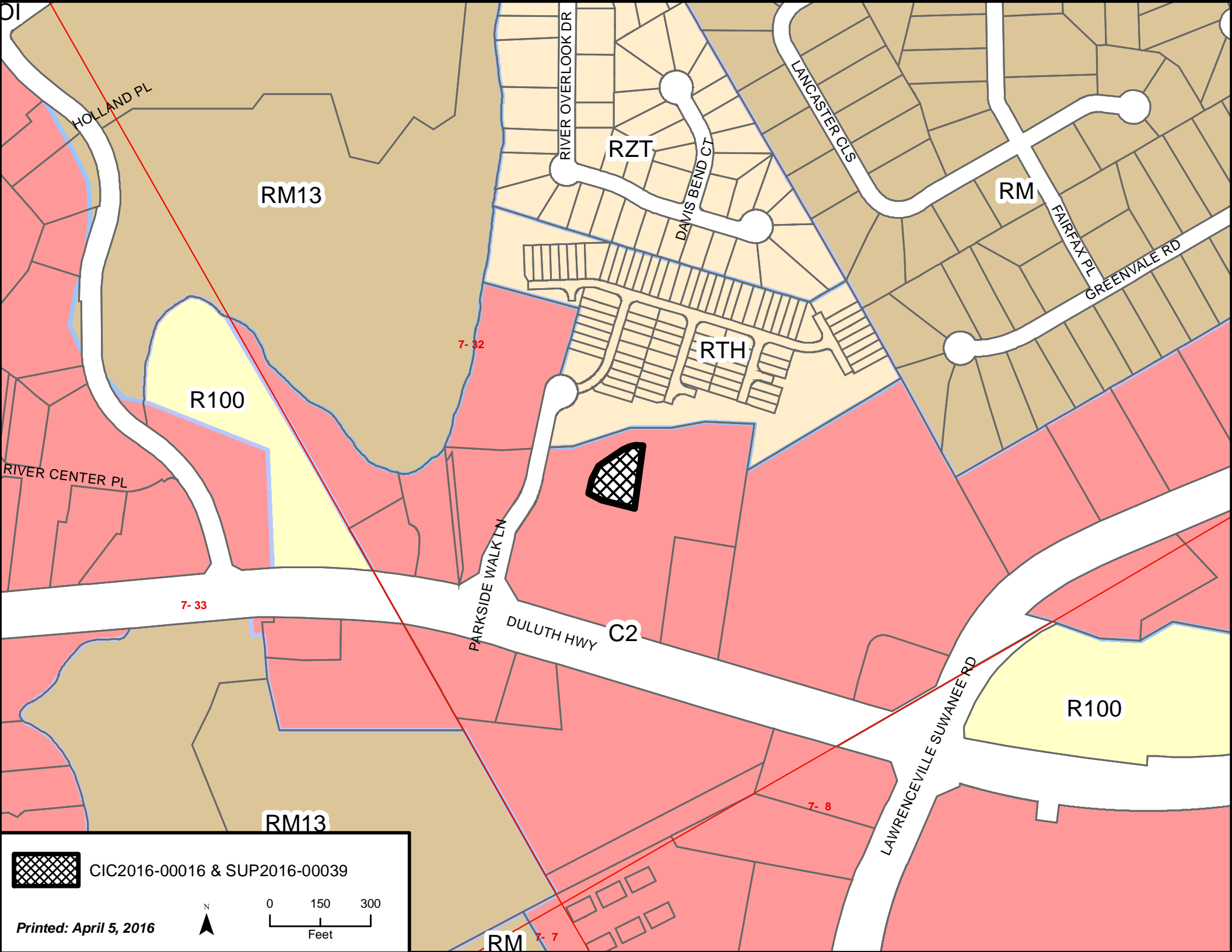


 CIC2016-00016 & SUP2016-00039



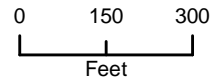
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Printed: April 5, 2016



CIC2016-00016 & SUP2016-00039

Printed: April 5, 2016



**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
CHANGE IN CONDITIONS & SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER :**CIC2016-00017**
ZONING :C-2
LOCATION :3500 BLOCK OF BRASELTON HIGHWAY
MAP NUMBER :R3002A500
ACREAGE :0.79 ACRE
PROPOSAL :CHANGE IN CONDITIONS OF ZONING TO ALLOW
CAR WASH (EXPRESS-SERVICE)
COMMISSION DISTRICT :(3) HUNTER

CASE NUMBER :**SUP2016-00045**
ZONING :C-2
LOCATION :3500 BLOCK OF BRASELTON HIGHWAY
MAP NUMBER :R3002A500
ACREAGE :0.79 ACRE
PROPOSED DEVELOPMENT :CAR WASH (EXPRESS-SERVICE)
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: TIDAL WAVE AUTO SPA
124 EAST THOMPSON STREET
THOMASTON, GA 30286

CONTACT: MARTIE MURPHY PHONE: 706.647.0414

OWNER: CML-GA MULBERRY, LLC
7000 CENTRAL PARKWAY, N.E., SUITE 700
ATLANTA, GA 30328

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Change-in-Conditions of a 2012 zoning case (CIC2012-00008), to remove a condition of zoning which prohibits automotive car washes and a Special Use Permit to allow such a facility to operate on the site. The property is zoned C-2 (General Business District), consisting of approximately 0.79-acres, being located on the south side of Braselton Highway, between Enclave Mill Court and Jim Moore Road and also within the GA Highway 124/324/Hamilton Mill Overlay District.

The applicant is proposing to develop the site with an express car wash facility, consisting of a 3,250 square foot commercial building, canopies, driveways and 20-parking spaces. Although not reflected on the site plan, the maximum number of parking spaces allowed for this type of facility is 13, with an additional ten stacking spaces per drive line. The submitted plans also

provide interparcel vehicle access points between all contiguous commercial developments along Braselton Highway.

Preparation for development of this site began several years ago with grading, installation of driveway cuts, curb and gutter and stormwater facilities. The submitted site plan depicts a ten-foot landscape strip along Braselton Highway. In addition to the required landscape strip, the property would be subject to the rules and regulations of the Overlay District; which includes restrictions related to landscaping, architecture, signage and use.

The applicant requests to change the following conditions of CIC2012-00008:

Condition I.A. prohibits several automotive related uses, including: automotive parts stores; automotive car wash (full and self-service); emission inspection stations; and mechanic's shops and/or garages and currently reads as follows:

- I.A. For the C-2 portion - Retail, service commercial and accessory uses, provided, however, that the following uses shall be prohibited: adult entertainment establishments; automotive parts stores; billboards or oversized signs; building, electrical or plumbing contractors; funeral homes and mausoleums; equipment rental; hotels and motels; self-service laundries; liquor stores; pest control businesses; radio, recording or television studios and broadcasting stations; recreation facilities (including bowling alleys, skating rinks, shooting ranges and movie theaters); recovered materials processing facility; taxidermist; yard trimmings and composting facility; automotive car wash (full and self-service); emission inspection stations; lock smith shops; pawn shops and mechanic's shops and/or garages; tattoo parlors; gas stations.

The applicant requests this condition be modified to remove the prohibition on automotive car wash (full and self-service).

ZONING HISTORY:

The property was zoned RA-200 (Agriculture-Residence District) in 1970. The property was rezoned to C-2 and O-1 in 2005, pursuant to RZC-05-037. A change in conditions was approved in May of 2007, pursuant to CIC-07-018. In 2012, a change in conditions was approved in October of 2012, pursuant to CIC2012-00008.

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.

DEVELOPMENT REVIEW SECTION COMMENTS:

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

The Buffer, Landscape and Tree Protection Section of the Unified Development Ordinance (Chapter 620) requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

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

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

Parking spaces shall be provided at a ratio of:

One space per 500 square feet plus 4 stacking spaces per line (at a minimum).

One space per 250 square feet plus 10 stacking spaces per line (at a maximum).

A minimum of 15-foot building setback is required from the right-of-way of Braselton Highway.

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 Stormwater 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.

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:

Braselton 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 an 10-inch water main located on the southern right-of-way of Braselton Highway.

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 1.5 feet west of the property.

The subject development is located within the Jim Moore 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. 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 above rezoning requests, under the following conditions:

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

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

DEPARTMENT ANALYSIS:

The subject property is a 0.79-acre outparcel located along Braselton Highway, between Enclave Mill Court and Jim Moore Road. The applicant proposes to modify the current condition of zoning which prohibits automotive car washes. The applicant also requests a Special Use Permit for an automotive car wash as is required in C-2 (General Business District) zoning. The site has been cleared and graded, but it is otherwise vacant.

The 2030 Unified Plan Future Development Map indicates the property is located within an Existing/Emerging Suburban Character Area. Policies for this area encourage commercial development that is compatible with the character of surrounding uses. Surrounding uses include a small grocery store, gas station, and a senior assisted living and memory care development immediately to the rear of the subject property. The outdoor nature of the proposed use may not be compatible with these existing adjacent uses. The current conditions assist in ensuring land use compatibility with neighboring uses which is supported by policies of the Unified Plan. The requests may not be consistent with Board policy established through the previous zoning action which was approved through the public hearing process with input from the neighboring community.

The character of the surrounding area consists of office and commercial zoning districts along the highway corridor, with a senior housing development adjacent to the rear of the subject property and single-family residential development situated further to the south of the area. Adjacent to the east is property zoned C-1, and developed with a Chevron convenience store. Farther east, across Jim Moore Road, are office condominiums, zoned O-1. Adjacent to the west is a commercial shopping center, zoned C-2, which fronts The Enclave at Hamilton Mill residential subdivision. To the north, across Braselton Highway, is a small C-2 property, the Gwinnett County Fire Training Facility, and Duncan Creek Park. Directly south of the property is the Arbor Terrace senior assisted living and memory care facility. Further to the south are the Greenside Park and Coventry at Hamilton Mill subdivisions. The conditions of the previous request were established to reduce the potential impacts on adjacent and nearby properties. Introduction of an express car wash, with the noise and activity associated with such a use, may not be appropriate given the immediately adjacent senior personal care home and retirement community. Therefore, the proposed change may not be suitable to the area or consistent with the nature of previous Board actions.

In conclusion, the requested Change-in-Conditions and Special Use Permit may not be compatible with the Unified Plan, surrounding commercial or senior housing developments, or consistent with Board policy established on the property in 2012. 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 choose to approve the request.

CIC2012-00008

Additions in **bold**

Deletions in ~~strikethrough~~

Approval as C-2 (change in conditions), with a Special Use Permit for an automotive car wash (express service), subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. For the C-2 portion - Retail, service commercial and accessory uses, **which may include an automotive car wash (express service) as a special use**; provided, however, that the following uses shall be prohibited: adult entertainment establishments; automotive parts stores; billboards or oversized signs; building, electrical or plumbing contractors; funeral homes and mausoleums; equipment rental; hotels and motels; self-service laundries; liquor stores; pest control businesses; radio, recording or television studios and broadcasting stations; recreation facilities (including bowling alleys, skating rinks, shooting ranges and movie theaters); recovered materials processing facility; taxidermist; yard trimmings and composting facility; ~~automotive car wash (full and self-service)~~; emission inspection stations; lock smith shops; pawn shops and mechanic's shops and/or garages; tattoo parlors; gas stations.
 - B. For a distance of 975 feet from Braselton Highway, the property shall be zoned C-2. All of the subject property beyond the 975-foot mark shall be zoned as O-I.
 - C. 24-hour sales shall be prohibited. The location of the stand-alone drive-through restaurant shall be limited to the outparcel labeled Number 1 on the conceptual site plan presented at the October 23, 2012 Board of Commissioners Meeting (roughly at the corner of Enclave Mill Court and the property's frontage along Braselton Highway). The hours of operation for retail operations shall be prohibited between the hours of 11:00 p.m. to 6:00 a.m. Deliveries and pick-ups, including trash, shall be between 7:00 a.m. and 7:00 p.m.
 - D. Outdoor storage or sales are prohibited.
 - E. Development shall abide by all requirements of Section 1315 Activity Center/Corridor Overlay District with the following changes:
 - I. Addition of Braselton Highway to the road list indicated on 2.D (I).

2. Street trees planted along the right-of-way within the 10-foot landscape strip must be a minimum of 4-inch caliper and of the species of a Willow Oak or Pin Oak.
 3. Buildings shall be finished with a mixture of brick, stone, glass, and hard-coat stucco accents, on all four sides. Primary use of stucco shall be prohibited. Building and site plans shall be submitted to the Director of Planning and Development for review and approval prior to the issuance of a Building Permit. Lighting shall comply with the Overlay Standards.
 4. Buildings shall be limited to two stories in height.
2. To satisfy the following site development considerations:
- A. Provide a 75-foot wide buffer, wherein no additional planting or grading will occur, adjacent to residentially-zoned property for the C-2 and O-I development; with the exception of the rear property line, which shall have a 125-foot wide undisturbed buffer. The detention pond shall be prohibited inside the buffer. Provide a double row of evergreens six feet tall, and ten feet on-center, beginning at the southernmost point of the retaining wall existing on the northeast edge of the property, and to continue along the existing rear curb line, around to the existing curb corner, located above the existing detention pond. Plantings will not be allowed within any sanitary sewer or detention easement(s). Provide a double row of evergreens six feet tall, and ten feet on-center, for 100 feet along the Enclave Mill Court side of the detention pond access road. The existing fire hydrant located along the western side of the pond access road, nearest the pond, shall serve as the center-point for this 100 foot length of run. All required plantings shall be completed within 180 days of this Change in Conditions case being approved by the Board of Commissioners.
 - B. Provide a 10-foot wide landscaped strip outside the dedicated right-of-way of Braselton Highway.
 - C. Hours of dumpster pickup shall be limited to between the hours of 7:00 am and 7:00 pm. Dumpster shall not be placed at a distance less than 100-feet from a residentially zoned property.
 - D. Peddlers or parking lot sales shall be prohibited.
 - E. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
 - F. Provide interparcel access to the adjacent commercial property to the east along with a connection to Enclave Mill Court. Interparcel access shall also be provided throughout the development and to neighboring commercial developments.

- G. Provide a 6-foot wide concrete sidewalk connection to the Enclave Mill subdivision to the intersection of Braselton Highway and Jim Moore Road. There is currently a sidewalk running from the Chevron property line to the intersection of Braselton Highway and Jim Moore Road, if remaining, developer shall tie on to this existing sidewalk.
 - H. The Director of Planning and Development is encouraged to grant a 10% reduction in minimum parking requirements.
3. As part of the overall retail/office project (RZC-05-037 and RZC-05-038), abide by the following requirements, dedications and improvements:
- A. Contribute to Gwinnett County Department of Transportation the amount of \$500,000 to toward area road improvements. The amount shall be provided within 60 days of the issuance of a Development Permit. All R-O-W and easements for Braselton Highway road improvements required by the Georgia or Gwinnett D.O.T.s shall be provided at no cost to the County.
 - B. The development shall be limited to **2 two** curb cuts on Braselton Highway. Access to Braselton Highway shall be subject to review and approval by Georgia D.O.T. Access to Enclave Mill Court shall be subject to review and approval by Gwinnett D.O.T.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested change in conditions allowing an automotive car wash facility may not be suitable as the use would introduce an increase in outdoor commercial noise and activities which have been specifically limited by prior Board action and which may not be appropriate adjacent to a senior personal care home.

ADVERSE IMPACTS

Adverse impacts on neighboring and nearby commercial and senior housing properties could be anticipated in the form of an increase in noise, traffic and utilities.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

The demand on public facilities in the form of traffic, noise and utilities could be anticipated.

CONFORMITY WITH POLICIES

The requested Change-in-Conditions and Special Use Permit may not be consistent with the previous public hearing or consistent with guidelines of the Unified Plan, which encourage compatibility of adjacent land uses. Also, any significant changes could set a precedent to further change conditions on the subject site and nearby similar businesses.

CONDITIONS AFFECTING ZONING

The existing conditions of the previous Change-in-Conditions request were established through the public hearing process. Amending the conditions as requested may not be compatible with nearby businesses or senior housing and could give additional supporting grounds for denial of the requests.

RECEIVED BY

APR 01 2016

CIC '16017

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 12/2015

Planning & Development

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

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

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

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

Tidal Wave would offer motorists a good service next to the existing Fuel Station.

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

This project will enhance adjoining property with its landscaping and beautification of our site. We will not negatively affect Braselton Hwy traffic.

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

Tidal Wave offers a positive economic opportunity for the development area. Our current sites always bring a positive impact in our community.

- (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:

Our site offers access from the easement not on Braselton Hwy. Our egress and ingress is on the side street.

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

Tidal Wave conforms with current commercial zoning intent. We are an automotive service that will be a standard for future business in Gwinnett Co.

- (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:

Our drives will be on the access road, not on Braselton Highway. This helps to maintain a safe alternative to using ~~our~~ access on the major road. With the current growth in this area, we feel this site is best suited for Tidal Wave to offer Gwinnett County a service ³ to its community.



Tidal Wave Auto Spas

Tidal Wave Auto Spa first began washing cars in 2004 in Atlanta, Georgia. Since then, Tidal Wave has opened auto spas throughout the Southeastern United States including South Carolina, Florida and Georgia.

Tidal Wave Auto Spa has been recognized for its fast, courteous service and clean cars. We use recycled water at all of our locations. Tidal Wave prides itself on providing the cleanest, fastest, greenest, and easiest car cleaning services. In addition, we have received numerous civic awards for the bright and beautiful appearance of our sites. Tidal Wave uses extensive landscaping to make its locations both inviting and pleasant spaces to clean your vehicle.

Tidal Wave buildings are 3500 sq. feet and are all one level. We pride ourselves in our design of not only the wash building but we use landscape features to screen buildings like our dump pad.

Tidal Wave provides employment for 8 to 10 people offering both full and part-time positions. We have shifts for the workers and there is always two to four on site to provide customers guidance onto the conveyor and keep the premises neat and clean. This concept eliminates the "attractive nuisance" created in traditional unstaffed self-serve washes. This concept also eliminates the issue of many full serve washes by not having large crews of employees which hang around bored at times which can create issues on rainy or slow days. We stay open between the hours of 8 a.m. and 8 p.m., with some occasional extended hours during the summer months. Tidal Wave is open seven days a week.

Tidal Wave Auto Spa is recognized as a leader in the Express Exterior car wash concept. The Express Exterior car wash is a concept created in 2002 and is quickly sweeping the country. In the Express Exterior concept customers remain in their vehicles while the vehicle is being washed and the customer has the option of vacuuming the interior themselves with free vacuum equipment provided by the car wash.

In September of each year, Tidal Wave Auto Spa designates the third Friday of the month as Charity Day. 100% of all proceeds from all sales made that day are donated to special needs charities. Tidal Wave has donated over \$250,000 to these charities.

Tidal Wave was selected by the United States Small Business Administration as the Small Business of the Year for Georgia in 2009.

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APR 11 2016

Planning & Development

CIC '16017

CASE NUMBER CIC2012-00008
GCID 2012-0665

BOARD OF COMMISSIONERS
GWINNETT COUNTY
LAWRENCEVILLE, GEORGIA
RESOLUTION

READING AND ADOPTION:

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

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

On motion of COMM. BEAUDREAU, 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 C-2 & O-1 to C-2 & O-1 by CML-GA MULBERRY, LLC for a CHANGE IN CONDITIONS OF ZONING 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 SEPTEMBER 25, 2012 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners on this, the 23rd day of OCTOBER 2012, that the aforesaid application to amend the Official Zoning Map from C-2 & O-1 to C-2 & O-1 (CHANGE IN CONDITIONS) is hereby **APPROVED** subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. For the C-2 portion - Retail, service commercial and accessory uses; provided, however, that the following uses shall be prohibited: adult entertainment establishments; automotive parts stores; billboards or oversized signs; building, electrical or plumbing contractors; funeral homes and mausoleums; equipment rental; hotels and motels; self-service laundries; liquor stores; pest control businesses; radio, recording or television studios and broadcasting stations; recreation facilities (including bowling alleys, skating rinks, shooting ranges and movie theaters); recovered materials processing facility; taxidermist; yard trimmings and composting facility; automotive car wash (full and self-service); emission inspection stations; lock smith shops; pawn shops and mechanic's shops and/or garages; tattoo parlors; gas stations.
 - B. For a distance of 975 feet from Braselton Highway, the property shall be zoned C-2. All of the subject property beyond the 975-foot mark shall be zoned as O-1.
 - C. 24-hour sales shall be prohibited. The location of the stand-alone drive-through restaurant shall be limited to the outparcel labeled Number 1 on the conceptual site plan presented at the October 23, 2012 Board of Commissioners Meeting (roughly at the corner of Enclave Mill Court and the property's frontage along Braselton Highway). The hours of operation for retail operations shall be prohibited between the hours of 11:00 p.m. to 6:00 a.m. Deliveries and pick-ups, including trash, shall be between 7:00 a.m. and 7:00 p.m.

- D. Outdoor storage or sales are prohibited.
- E. Development shall abide by all requirements of Section 1315 Activity Center/Corridor Overlay District with the following changes:
 - 1. Addition of Braselton Highway to the road list indicated on 2.D (1).
 - 2. Street trees planted along the right-of-way within the 10-foot landscape strip must be a minimum of 4-inch caliper and of the species of a Willow Oak or Pin Oak.
 - 3. Buildings shall be finished with a mixture of brick, stone, glass, and hard-coat stucco accents, on all four sides. Primary use of stucco shall be prohibited. Building and site plans shall be submitted to the Director of Planning and Development for review and approval prior to the issuance of a Building Permit. Lighting shall comply with the Overlay Standards.
 - 4. Buildings shall be limited to two stories in height.
- 2. To satisfy the following site development considerations:
 - A. Provide a 75-foot wide buffer, wherein no additional planting or grading will occur, adjacent to residentially-zoned property for the C-2 and O-1 development; with the exception of the rear property line, which shall have a 125-foot wide undisturbed buffer. The detention pond shall be prohibited inside the buffer. Provide a double row of evergreens six feet tall, and ten feet on-center, beginning at the southernmost point of the retaining wall existing on the northeast edge of the property, and to continue along the existing rear curb line, around to the existing curb corner, located above the existing detention pond. Plantings will not be allowed within any sanitary sewer or detention easement(s). Provide a double row of evergreens six feet tall, and ten feet on-center, for 100 feet along the Enclave Mill Court side of the detention pond access road. The existing fire hydrant located along the western side of the pond access road, nearest the pond, shall serve as the center-point for this 100 foot length of run. All required plantings shall be completed within 180 days of this Change in Conditions case being approved by the Board of Commissioners.
 - B. Provide a 10-foot wide landscaped strip outside the dedicated right-of-way of Braselton Highway.

- C. Hours of dumpster pickup shall be limited to between the hours of 7:00 am and 7:00 pm. Dumpster shall not be placed at a distance less than 100-feet from a residentially zoned property.
 - D. Peddlers or parking lot sales shall be prohibited.
 - E. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
 - F. Provide interparcel access to the adjacent commercial property to the east along with a connection to Enclave Mill Court. Interparcel access shall also be provided throughout the development and to neighboring commercial developments.
 - G. Provide a 6-foot wide concrete sidewalk connection to the Enclave Mill subdivision to the intersection of Braselton Highway and Jim Moore Road. There is currently a sidewalk running from the Chevron property line to the intersection of Braselton Highway and Jim Moore Road, if remaining, developer shall tie on to this existing sidewalk.
 - H. The Director of Planning and Development is encouraged to grant a 10% reduction in minimum parking requirements.
3. As part of the overall retail/office project (RZC-05-037 and RZC-05-038), abide by the following requirements, dedications and improvements:
- A. Contribute to Gwinnett County Department of Transportation the amount of \$500,000 to toward area road improvements. The amount shall be provided within 60 days of the issuance of a Development Permit. All R-O-W and easements for Braselton Highway road improvements required by the Georgia or Gwinnett D.O.T.s shall be provided at no cost to the County.

- B. The development shall be limited to 2 curb cuts on Braselton Highway. Access to Braselton Highway shall be subject to review and approval by Georgia D.O.T. Access to Enclave Mill Court shall be subject to review and approval by Gwinnett D.O.T.

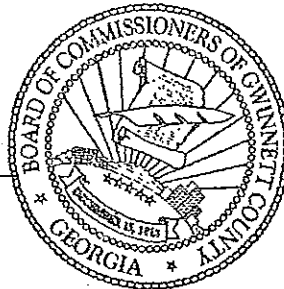
GWINNETT COUNTY BOARD OF COMMISSIONERS

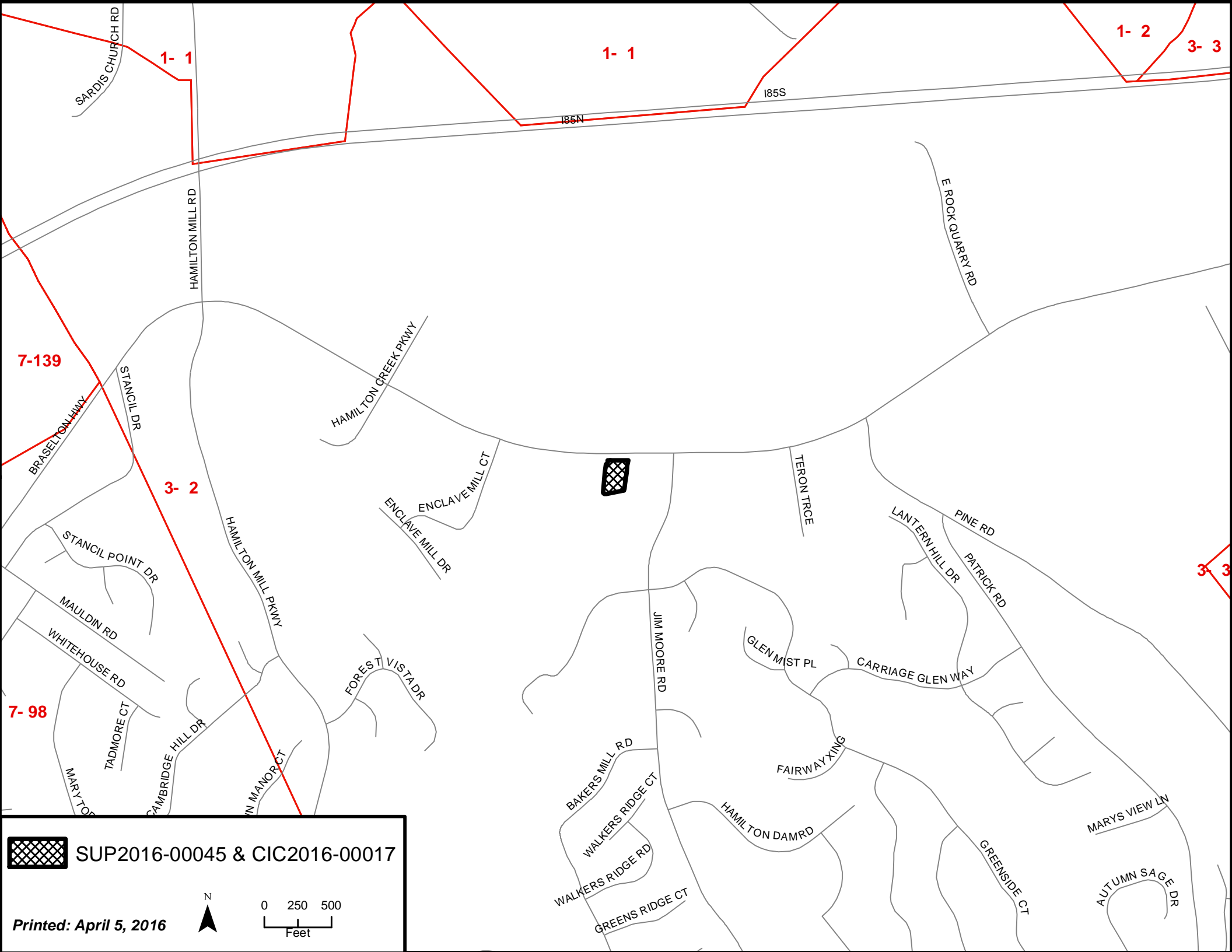
By: Charlotte J. Nash
Charlotte J. Nash, Chairman


Date Signed: 11/5/12

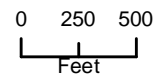
ATTEST:

David Kemp
County Clerk/Deputy County Clerk





 SUP2016-00045 & CIC2016-00017




Printed: April 5, 2016



BRASELTON HWY

JIM MOORE RD

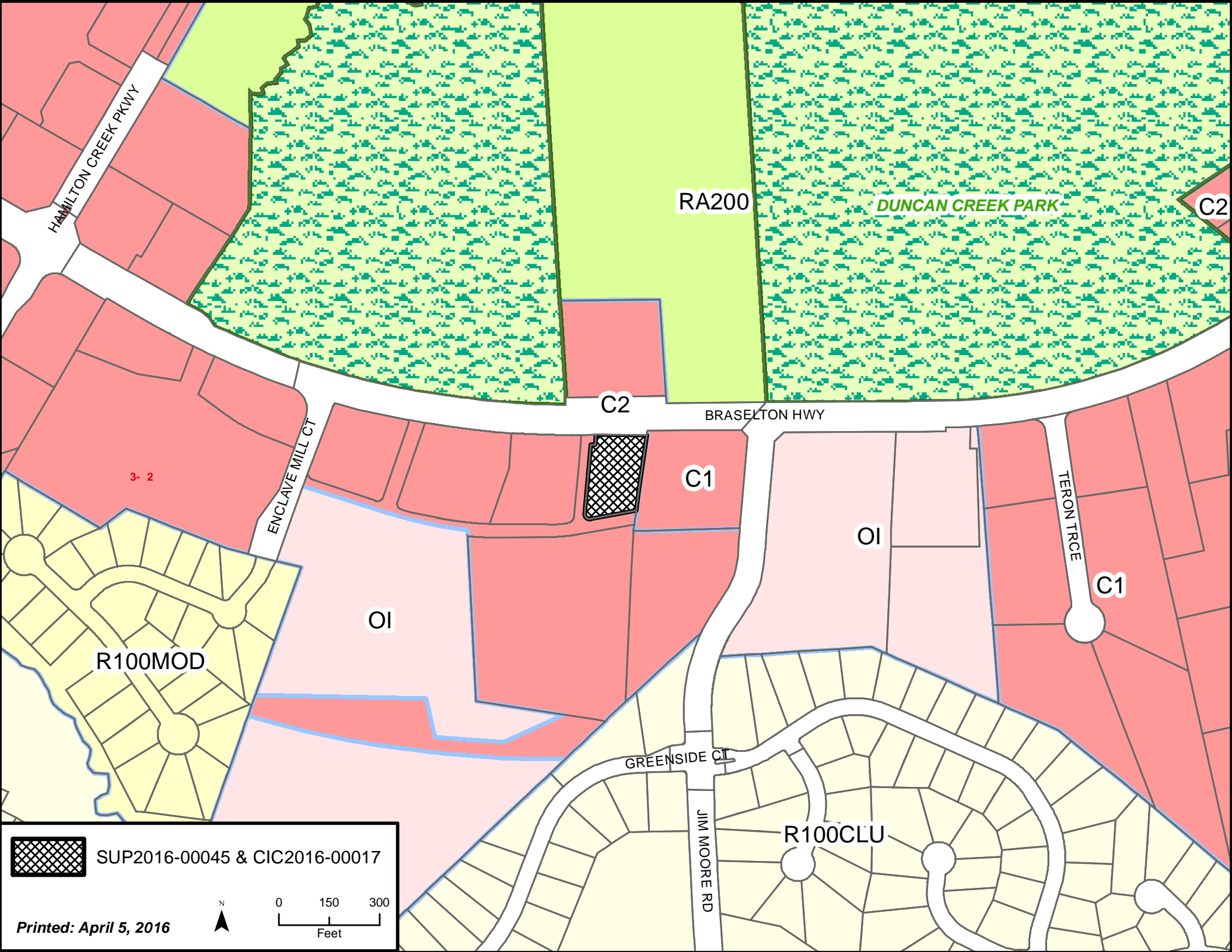


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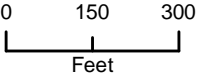
JIM MOORE RD

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HAMILTON CREEK PKWY

3-2

 SUP2016-00045 & CIC2016-00017



Printed: April 5, 2016

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

CASE NUMBER :**SUP2016-00040**
ZONING :R-100 & R-75
LOCATION :2700 BLOCK OF DULUTH HIGHWAY
MAP NUMBER :R7160 014
ACREAGE :15.10 ACRES
SQUARE FEET :2,064 SQUARE FEET
PROPOSED DEVELOPMENT :DAYCARE FACILITY (ADULT)
COMMISSION DISTRICT :(1) BROOKS

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

APPLICANT: SEVA ADULT CARE, LLC
510 BUTLER NATIONAL DRIVE
JOHNS CREEK, GA 30097

CONTACT: SHEETAL R. DESAI PHONE: 678.502.7464

OWNER: RADHA MADHAV SOCIETY, INC.
2769 DULUTH HIGHWAY
DULUTH, GA 30022

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on 15.1-acre property zoned R-100 (Single Family Residence District) and R-75 (Single Family Residence District) for an Adult Daycare Center. Located on the south side of Duluth Highway west of Bunten Road, the property is developed as the Radha Krishna Temple and Community Center, which opened in September 2015. The applicant proposes to utilize 2,064-square feet of the existing 22,000-square foot temple structure for an adult daycare center. The adult daycare center will be open to the general public.

ZONING HISTORY:

Since 1970, the subject property has been zoned R-100 along the frontage and R-75 on the remainder.

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:

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 6-inch water main located on the northeastern right-of-way of Duluth Highway.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 427 feet north of the property on the right-of-way of Dogwood Creek Parkway.

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 for review and approval by Building Plan Review.
2. Upon completion of plan review approvals, the applicant shall obtain an interior finish building permit for each proposed tenant space and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

For assistance, you may contact this office at (678) 518-6000 Monday through Friday from the

hours of 8:00 a.m. to 5:00 p.m.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

DEPARTMENT ANALYSIS:

The subject 15.1-acre property is zoned R-100 (Single Family Residence District) and R-75 (Single Family Residence District). Located on the south side of Duluth Highway west of Bunten Road, it is developed as the Radha Krishna Temple and Community Center.

Located within the Existing and Emerging Suburban Character Area of the 2030 Unified Plan Future Development Map, the proposed adult day care could be considered compatible with the Unified Plan which encourages recreation land uses within this character area, particularly for the aging population. Given that the day care will not be limited to members of the existing temple but rather be open to the community, staff maintains that the approval of this special use permit could also help promote a growing cultural diversity within the County.

The surrounding area is characterized by single-family residential development with a small amount of nearby commercial/retail/institutional uses on the opposite side of Duluth Highway. The surrounding properties to the west, south, and east all consist of R-100 and R-75 zoned single-family residences within the Cardinal Lakes Estates subdivision. Directly across Duluth Highway is the American Legion Post 251, zoned O-1 (Office-Institutional District). Adjacent to and west of the American Legion site is the Duluth Church of God, zoned C-1. There are several existing subdivision developments to the west and north, including Claiborne Manor and Forest Manor. To the east is a small commercial node located at the Duluth Highway/Bunten Road intersection, contain a convenience store, vacant land, and two residential office conversions in the C-1 (Neighborhood Business District) zoning. A small adult daycare operating in an existing place of worship could be considered compatible with the mix of residential and institutional uses surrounding the subject property.

In conclusion, the proposed adult daycare use could be compatible with the surrounding residential area, with proper conditions, and consistent with policies of the 2030 Unified Plan.

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. To restrict the use of the property to a place of worship, which may include an adult daycare center as a special use offering such services for a maximum of 15 adults.
2. Exterior signage advertising the adult daycare center shall be prohibited.
3. Any exterior modifications to the existing building shall be subject to review and approval by the Director of Planning and Development.
4. The additional adult daycare use shall be subject to review and approval by the Gwinnett County Environmental Health Department to ensure adequate septic system capacity.
5. All adult daycare activities shall be supervised by an employee of the daycare center.
6. Hours of operation for the daycare shall be limited to between 6:00 a.m. and 7:00 p.m.
7. 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.
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 THE EXERCISE OF ZONING

SUITABILITY OF USE

If approved with the recommended conditions, the proposed Special Use Permit for an adult daycare center may be suitable within the existing place of worship.

ADVERSE IMPACTS

With the appropriate conditions, including limited hours of operation and exterior visibility, potential impacts on nearby residential uses 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 the Future Development Map. The request is also consistent with a number of past Board actions approving similar institutional uses within existing places of worship throughout the County.

CONDITIONS AFFECTING ZONING

It is recommended that the hours of operation and the size of the daycare be restricted to reduce potential impacts on nearby residential uses.

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 Exhibit "B"

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

See Exhibit "B"

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

See Exhibit "B"

- (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 Exhibit "B"

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

See Exhibit "B"

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

See Exhibit "B"

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EXHIBIT "B"

- 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 Adult Day Care is consistent with the residential and other permitted uses in the area. There are over 22 churches and/or places of worship in the 2.5 miles surrounding this Property. Thus, there would be little to no impact on adjacent and nearby property uses.

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

No. The proposed use would be completely contained within the existing property and a continued residential/permitted use (church) appearance. There would be little to no impact on adjacent and nearby property and will not adversely affect these properties.

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

The property is currently zoned residential and does not have any reasonable economic use.

- 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 use would host seniors with limited activity and transportation offsite. Whether standing alone, or when compared to neighboring churches and residential uses, the proposed uses will not cause any additional or excessive use of existing streets, transportation facilities or utilities. There will be no impact on 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 area surrounding where the subject property is located for mixed use, 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 APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:

Yes. The Property is located off of Duluth Highway, a major highway, and the proposed use is entirely appropriate in light of existing zoning and existing and emerging development patterns and land uses in the surrounding area.

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THE TRUSTED LAWYERS

3576 Old Milton Parkway
Alpharetta, GA 30005
Phone (678) 502-7464
Fax (678) 502-7465

A DESAI LAW GROUP, P.C.

sdesai@TheTrustedLawyers.com

LETTER OF INTENT

SPECIAL USE PERMIT FOR ADULT DAY CARE (R-100 ZONING DISTRICT)

The Applicant, Seva Adult Care, LLC (hereinafter the "Applicant"), submits this request for a Special Use Permit for an Adult Day Care in a leased space of approximately 2,064 square feet located at 2769 Duluth Highway, Duluth, GA 30022, Parcel No. 7160 014 (the "Subject Property"). The Subject Property covered by this Application is currently zoned R-100.

The proposed use would be targeted at helping seniors with their daily care. The Adult Day Care will be contained within an existing 2,064 square foot room (Saffron Room) within the 22,000 square foot building located on the Subject Property.

The use would be professionally managed and operated. The facility will be fully staffed and will include daily activities for the day care customers. The facility already has a full kitchen operated by the owner, Radha Madhav Society, Inc., which will provide meals and snacks to the day care customers. Existing outdoor areas will provide seating and light activity options as well.

The proposed adult day care use is consistent with the existing character of the area. There are 22 other churches or places of worship within 2.5 miles of the subject Property and the surrounding area is zoned residential. The Property has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares and highways.

The Subject Property is an appropriate location for the proposed uses, and would have little to no impact on any surrounding properties or to the citizens in nearby or surrounding areas. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

Respectfully submitted, this 21st day of March 2016.

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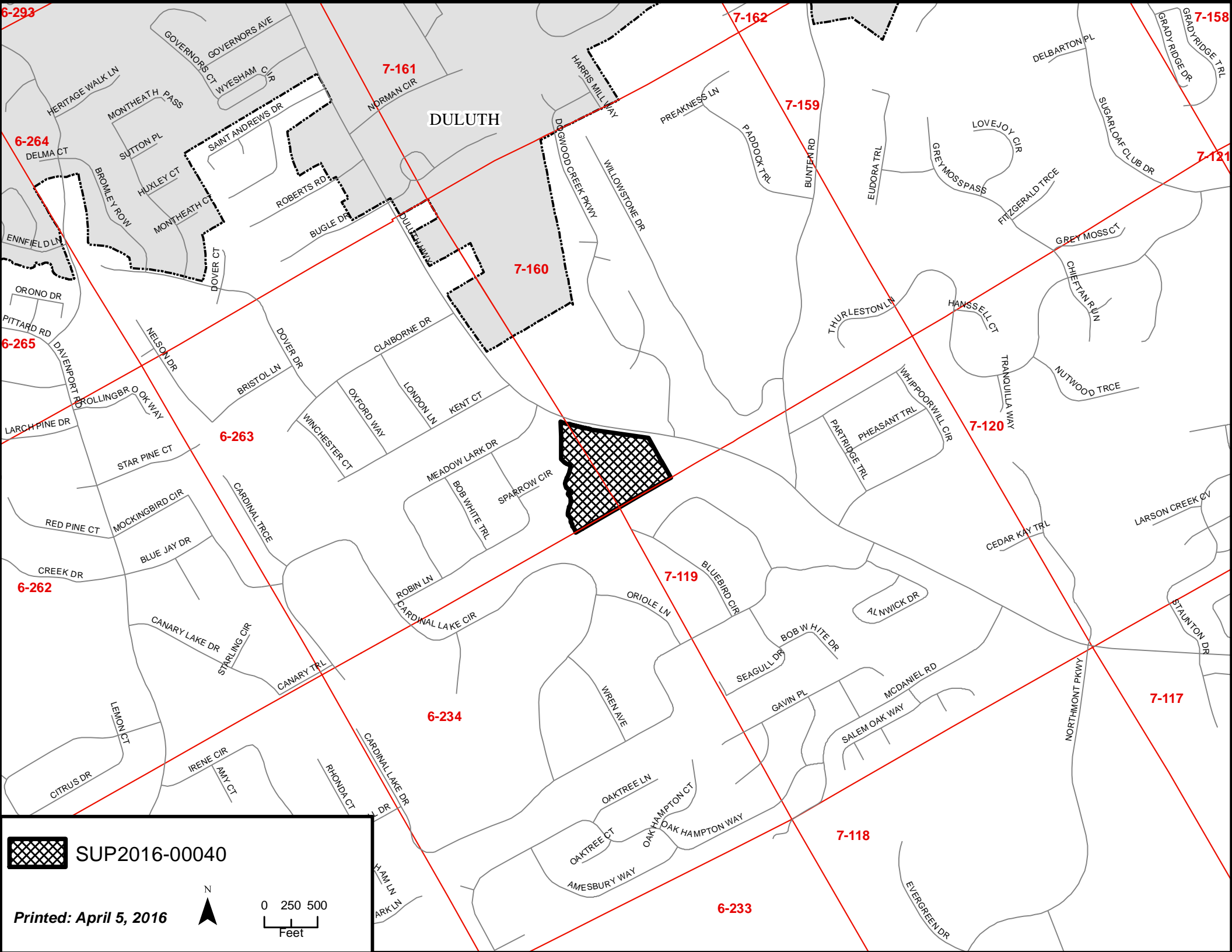
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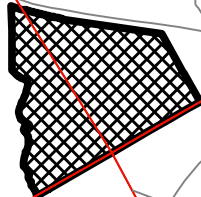
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Sheetal R. Desai, Attorney for Applicant



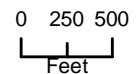
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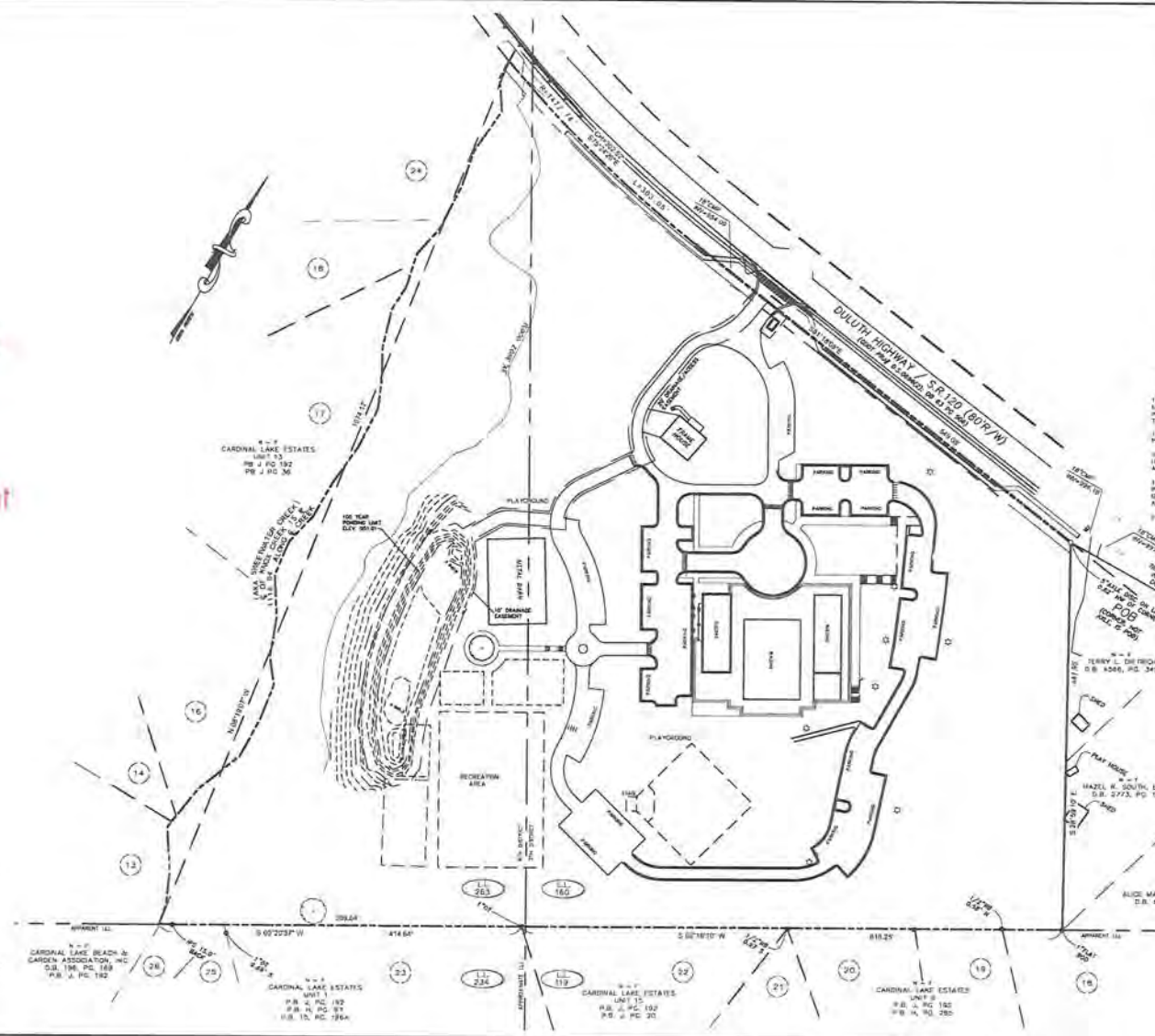
GENERAL NOTES

- THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE FLOODING MAPS & FLOOD HAZARD ZONING. NO CLAIM IS MADE BY THIS SURVEYOR AS TO THE ACCURACY OF THE INFORMATION SHOWN HEREON, NOR IS IT EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.
- FLOOD STATEMENT AS PER OFFICIAL FIRM MAP IS LOCATED DATED HEREIN AND PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA.
- I, SURVEYOR, CERTIFY THAT THE LAND SURVEY HAS BEEN MADE ACCORDING TO THE BEST OF MY SKILL AND TO THE BEST OF MY CONSCIENCE AND I AM NOT PROVIDING ANY GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THE PROPERTY ARE SHOWN HEREON.
- THIS SURVEY HAS BEEN MADE IN CONFORMANCE WITH THE "TECHNICAL STANDARDS OF PROFESSIONAL SURVEYING IN GEORGIA AS SET FORTH IN CHAPTER 50 OF THE RULES OF THE GEORGIA BOARD OF SURVEYING AND MAPPING, ENACTED BY THE GEORGIA LEGISLATURE AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 14-6-47.
- DATE OF SURVEY

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS BEEN RECHECKED AND FOUND TO BE ACCURATE AND THE FIELD DATA HAS BEEN RECHECKED AND FOUND TO BE ACCURATE. THE FIELD DATA HAS BEEN RECHECKED AND FOUND TO BE ACCURATE. THE FIELD DATA HAS BEEN RECHECKED AND FOUND TO BE ACCURATE.

TRACT AREA
15.10 ACRES



Call before you dig. 811

LEGEND

- CALCULATED POINT
- BORN FOR FOUND
- 1/4" BENCH MARK
- PROPERTY LINE
- RIGHT OF WAY
- NEW OR PROPOSED
- BUILDING LINE
- OPEN TOP EPC
- DOUBLE TIME CATCH BASIN
- HEADWALL
- SANDWICH BOX
- STOP SIGN
- CORRUGATED METAL PIPE
- REINFORCED CONCRETE PIPE
- FENCE
- GAT LINE
- UNDERGROUND POWER LINE
- OVERHEAD POWER LINE
- SANITARY SEWER LINE
- STORM SEWER LINE
- WATER LINE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- CLEANOUT
- LIGHT POLE
- GAS VALVE
- POWER POLE
- GUY ANCHOR
- BELLEF
- PRELIMINARY CONTROL VALVE
- FREE OPTIC MARKER
- CONCRETE

PLAT



HUGHES-RAY COMPANY, INC.
1111 EAST 15TH STREET
MARIETTA, GEORGIA 30067
770-421-2000
770-421-2002
www.hrcplanning.com

As-Built Survey for
RADHA KRISHNA TEMPLE

Located in Land Lot 263, 8th District, Land Lot 160 7th District
Gwinnett County, Georgia

DATE: 30 MARCH 2016	DRAWING NO. 151318
NO. DATE	REVISION DESCRIPTION
	DRAWN BY FAX
	CHECKED BY AMY
	JOB NO. 151318
	SCALE: 1"=40'
THIS DRAWING IS COPYRIGHTED BY HRC. THE ORIGINAL DRAWING AND ALL REVISIONS ARE THE PROPERTY OF HRC. ANY UNAUTHORIZED USE, REPRODUCTION, OR REPRODUCTION OF THIS DRAWING, IN PART OR WHOLE, IS HEREBY PROHIBITED.	



MEADOWLARK DR


DULUTH HWY

DOGWOOD CREEK PKWY

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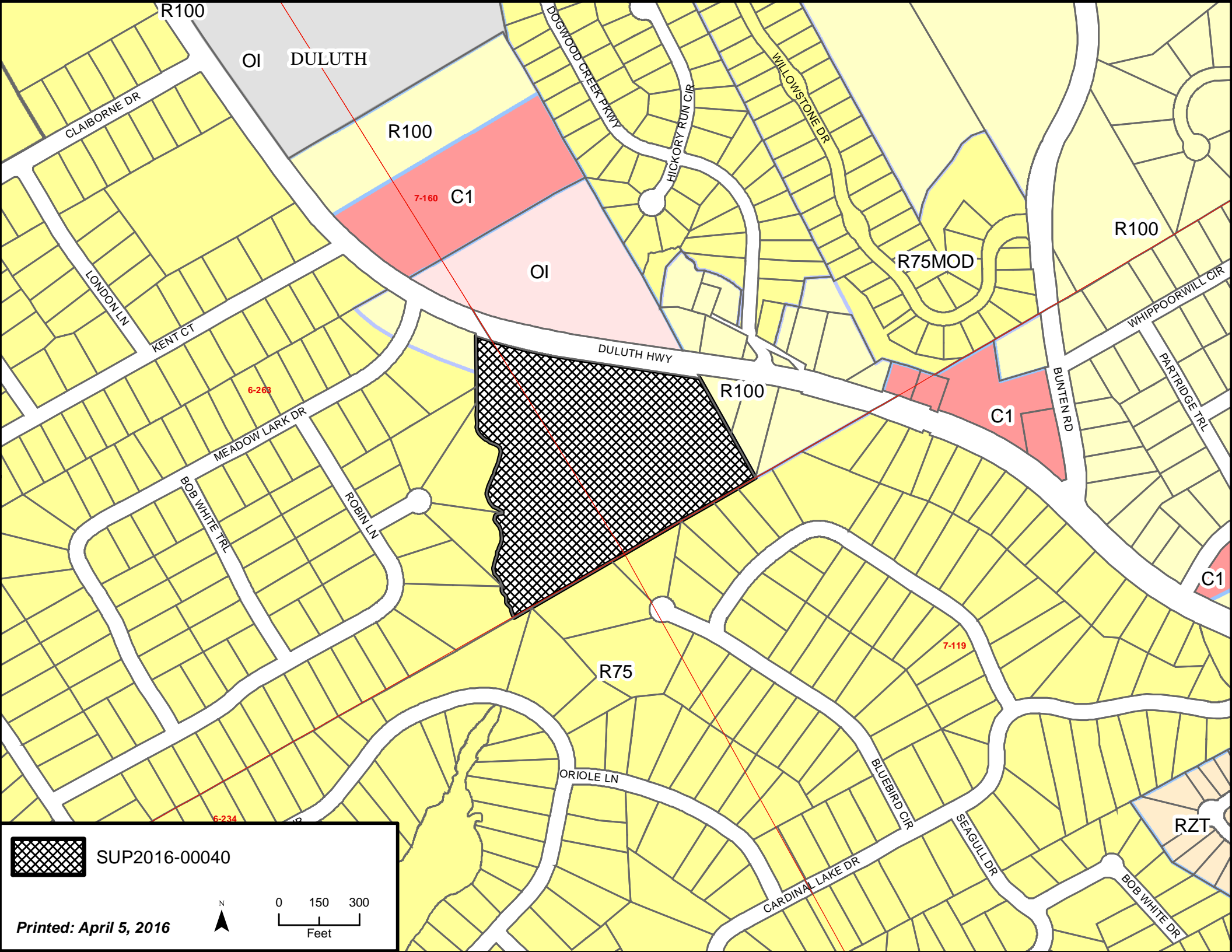
BLUEBIRD CIR

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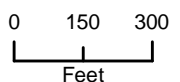
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 SUP2016-00040

Printed: April 5, 2016



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

CASE NUMBER :**SUP2016-00041**
ZONING :C-2
LOCATION :1900 BLOCK OF ROCKBRIDGE ROAD
:1800 BLOCK OF EAST PARK PLACE BOULEVARD
MAP NUMBERS :R6061 060 & 063
ACREAGE :6.59 ACRES
SQUARE FEET :1,250 SQUARE FEET
PROPOSED DEVELOPMENT :TATTOO AND BODY PIERCING
COMMISSION DISTRICT :(2) HOWARD

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

APPLICANT: JOHN L. ANDERSON, JR.
3609 MANSFIELD LANE
SNELLVILLE, GA 30039

CONTACT: JOHN L. ANDERSON, JR. PHONE: 770.403.6060

OWNER: STONEBRIDGE CROSSING LLC
85-A MILL STREET, SUITE 100
ROSWELL, GA 30075

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit for a tattoo and body piercing studio within an existing shopping center on the north side of Rockbridge Road, at the East Park Place Boulevard intersection. The site contains 6.59 acres and is zoned C-2 (General Business District).

The property is developed with a multi-tenant building with 15 retail spaces, including a Dollar Tree and Planet Fitness. Access is via two driveways off Rockbridge Road, and one driveway off Park Place Blvd, into the shared parking lot for the shopping center. The applicant intends to occupy a 1,250-square foot space within the retail center. According to the applicant, there will be three tattoo artists and one receptionist on site, using three chairs within the space for tattooing and one chair for piercings. The proposed hours of operation are Monday through Friday, 10:00 am through 10:00 pm, Saturday 11:00 am to 11:00 pm, and closed on Sundays.

ZONING HISTORY:

The property has been zoned C-2 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.

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Rockbridge 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.

East Park Place 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.

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 East Park Place Boulevard, and a 12-inch water main located on the northeastern right-of-way of Rockbridge 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 for review and approval by Building Plan Review.

2. Upon completion of plan review approvals, the applicant shall obtain an interior finish building permit for each proposed tenant space and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

DEPARTMENT ANALYSIS:

The subject site is located on the north side of Rockbridge Road, at the East Park Place Boulevard intersection. The property is developed with a multi-tenant building with 15 retail suites, associated driveways and parking areas.

The 2030 Unified Plan Future Development Map indicates the property lies within the Community Mixed-Use Character Area. This Character Area encourages a mix of retail, office, entertainment and residential activity, in an effort to create a vibrant, pedestrian oriented environment. With appropriate conditions and limitations, the proposed use could be consistent with the policies and intent of the 2030 Unified Plan and other coordinated planning efforts in this area.

The area surrounding the subject site is zoned C-2 along the Stone Mountain Highway corridor, with the County limits located just west of the subject area, single-family residential and office-institutional zoned properties to the north, and industrial zoned properties to the south. The proposed tenant space is located within an established shopping center that contains a Dollar Tree and Planet Fitness, among other smaller commercial businesses. In light of the subject property's location within an intensely developed commercial corridor, a small tattoo studio may be a suitable type of use in this retail center, provided appropriate conditions are included to ensure a quality appearance and compatibility with neighboring properties.

In conclusion, the requested Special Use Permit may be considered compatible with the policies and recommendations of the Unified Plan and Future Development Map, and may be suitable given the commercial nature of the surrounding 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 tattoo and body piercing, subject to the following enumerated conditions:

1. Retail and service commercial and accessory uses, which may include tattoo and body piercing as a Special Use.
2. The tattoo and body piercing studio leased space shall not exceed 1,250 square feet.
3. The hours of operation of the tattoo and body piercing studio shall not extend past 10:00 p.m.
4. Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white earth tone) background colors for the sign cabinet.
5. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and neon or LED signs shall be prohibited. Exposed or visible LED strips mounted on the building or around window frames shall be prohibited.
6. Peddlers and/or parking lot sales shall be prohibited.
7. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
8. 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.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed Special Use Permit to allow a tattoo and body piercing studio may be suitable at this location based on the variety of commercial uses already established in the multi-tenant retail center and intensity of uses and zoning along the Stone Mountain Highway corridor.

ADVERSE IMPACTS

With the recommended conditions, potential impacts on neighboring properties from this request could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

A negligible increase in traffic and utility demand could be anticipated from the request.

CONFORMITY WITH POLICIES

The request for a tattoo and body piercing studio could be compatible with the policies and intent of the 2030 Unified Plan and Future Development Map which provides for a variety of commercial uses in this Community Mixed-Use Character Area.

CONDITIONS AFFECTING ZONING

The subject property lies within a highly commercial segment of the Stone Mountain Highway corridor, adequately separated from single-family residential areas. With appropriate conditions and limitations, the use could be suitable to this commercial area.

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, there is currently a fitness gym, boxing gym, gun range, two restaurants, barber shop, nail salon, cleaners and a gun safety business located in the shopping center who all approve of a tattoo studio joining the family.

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

No, the tattoo studio will not affect the existing use or usability of adjacent or nearby properties

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

Yes, a tattoo studio will bring in more clients and revenue to the shopping center who love to workout, eat, shop and relax at hair and nail salons.

- (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 studio will not have heavy traffic in and out of the studio, most of our clients are by appointment only with one or two occasional walk-ins also no solicitors or vagrants are allowed on property

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

Yes, the property owner agrees that the tattoo studio is in conformity with the policy and intent of the 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:

No, there are no existing or changing conditions which should hinder the approval or disapproval of the proposed special use permit

RECEIVED BY

MAR 25 2016

Valley Boyz Ink Atl. LLC

John L. Anderson Jr.

3609 Mansfield Lane

Snellville, GA 30039

March 23, 2016

Department of Planning & Development

Planning Division

Gwinnett County

446 West Crogan Street, Suite 250

Lawrenceville, GA 30046

Letter of Intent

To whom it may concern:

Re: Tattoo and Piercing Studio

1944 Rockbridge Rd. Suite 104

Stone Mountain Ga 30087

I intend on opening a Tattoo and Piercing Studio in the Stonebridge Crossing Shopping Center which is in Unincorporated Gwinnett. I have been given permission from the owner of the property and have secured an 18 month lease for the studio. I am asking for a special permit so that I can contact both the fire and health inspectors so that they can inspect the property so that we may open our doors for business. We are surrounded by a Boxing and Fitness gym as well two restaurants, Dollar Tree, gun range, nail and hair salon, barber shop and a fire arm safety school. All tenants in the plaza welcome the idea of a tattoo studio to the plaza family.

We will be operating on a schedule that is in conjunction with all the other businesses in the plaza and are operating on an appointment only basis with an occasional walk-in or two there

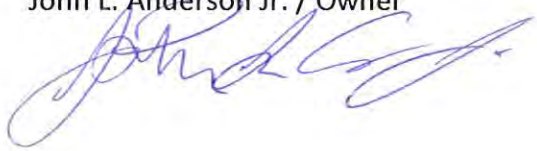
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MAR 25 2016
Planning & Development

SUP '16 041

will be no soliciting or loitering allowed on or near our place of business and signs will be posted to assist. Our artist will be licensed through the Gwinnett County Board of Health and also possess all certificates needed to operate as tattoo artist in the county. There will be no unruly or vagrant persons allowed we cater to young professionals, fitness enthusiasts, and body art collectors. I feel we will be an asset to the plaza not a burden or liability that will bring more revenue to the surrounding businesses. Our studio is a clean, sterile and all disposable operation, with a total of 40 plus years of experience in the tattoo industry our artists are highly professional and seasoned with their craft.

Respectfully,

John L. Anderson Jr. / Owner

A handwritten signature in blue ink, appearing to read "John L. Anderson Jr.", written in a cursive style.

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MAR 25 2016

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SUP '16041



MALON D. MIMMS COMPANY
REAL ESTATE INVESTMENTS

85-A MILL STREET * SUITE 100
ROSWELL, GEORGIA 30075-4952
(770) 518-1100 TEL * (770) 552-1100 FAX

February 29, 2016

Gwinnett County
Department of Planning & Development
446 West Crogan Street, Suite 250
Lawrenceville, GA 30046

RE: Valley Boyz Ink Tattoo Studio
Stonebridge Crossing Shopping Center
1900 Rockbridge Rd., Suite 104
Stone Mountain, GA 30087

To whom it may concern:

The purpose of this letter is acknowledge our tenant's use at the above stated address. The leased premises is for a tattoo studio only and for no other purpose according to the lease dated August 5, 2015. Thank you.

Sincerely,

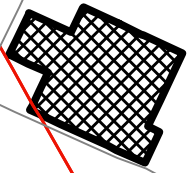
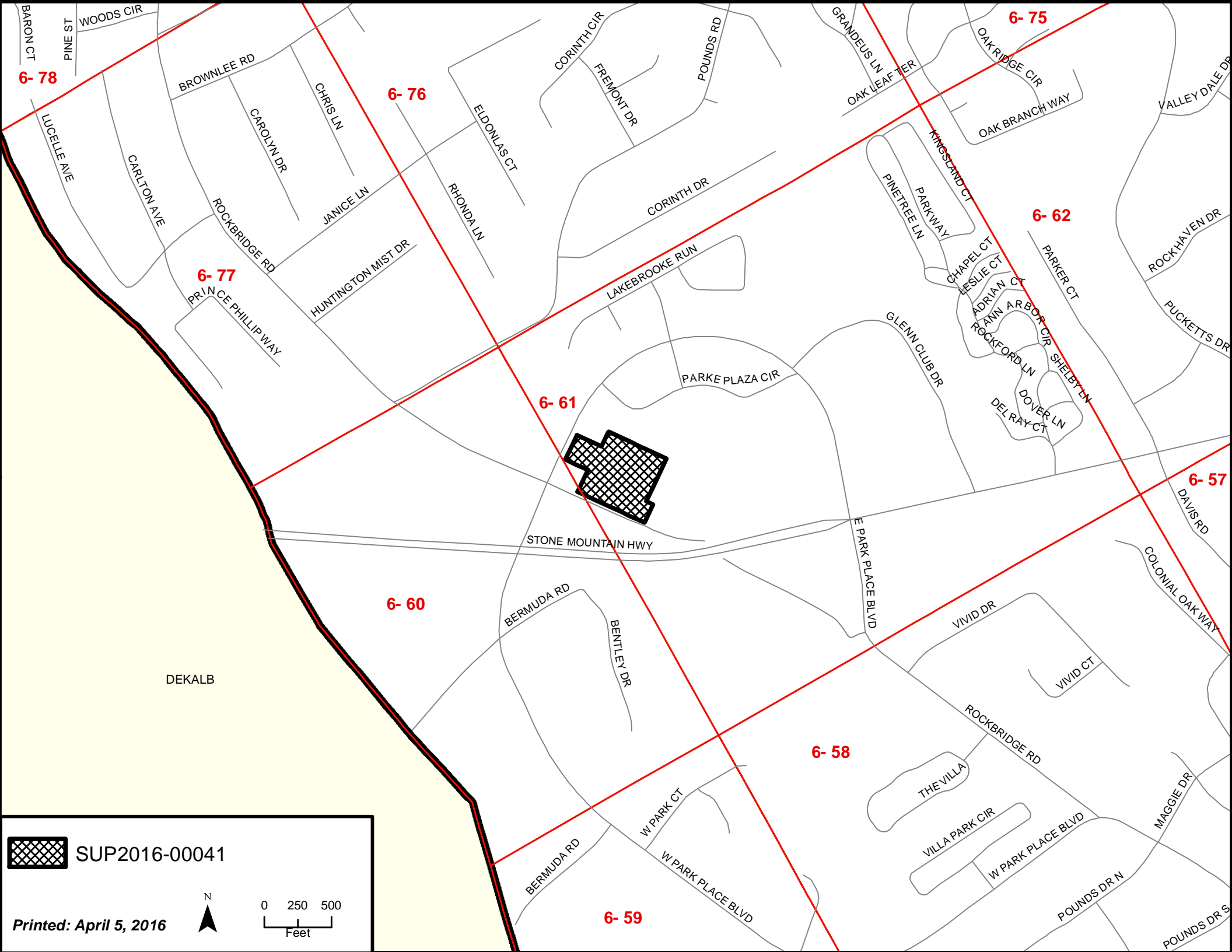
Julie McKendrick
Executive Assistant to Legal/Leasing

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SUP '16 041



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Printed: April 5, 2016

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E PARK PLACE BLVD

ROCKBRIDGE RD

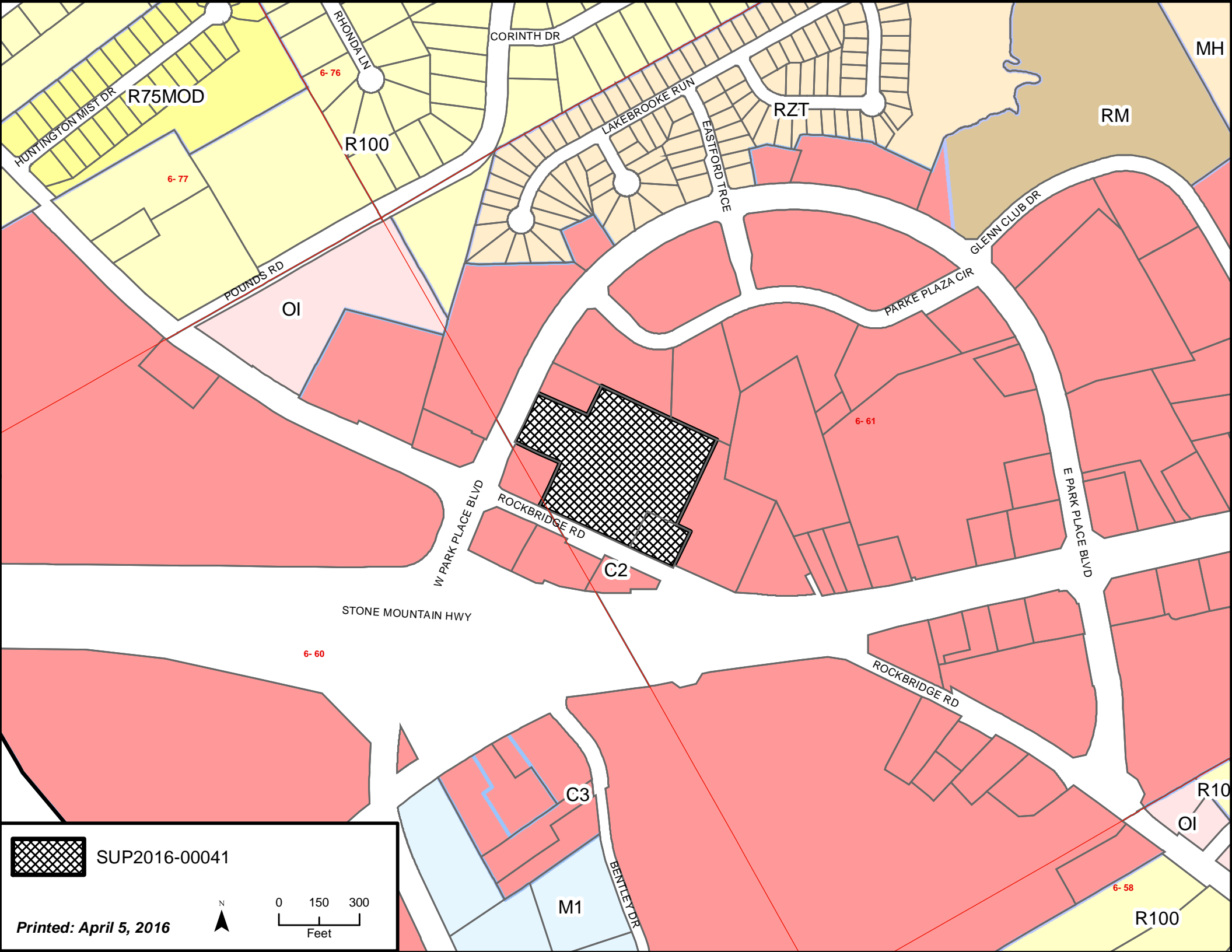



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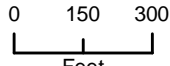
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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER :**SUP2016-00042**
ZONING :C-2
LOCATION :3800 BLOCK OF BRASELTON HIGHWAY
MAP NUMBER :R3002A493
ACREAGE :0.90 ACRE
PROPOSED DEVELOPMENT :OUTDOOR DOG RUN
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: FULMER PROPERTY MANAGEMENT, LLC
3818 BRASELTON HIGHWAY
BUFORD, GA 30519

CONTACT: DR. JAY FULMER PHONE: 404.626.3292

OWNER: FULMER PROPERTY MANAGEMENT, LLC
3818 BRASELTON HIGHWAY
BUFORD, GA 30519

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on a 0.90-acre parcel zoned C-2 (General Business District), to allow an accessory outdoor dog run at a veterinary clinic under construction. The site is located at 3818 Braselton Highway, just northeast of Duncan Creek Park and is within the Hamilton Mill Overlay District.

The outdoor dog run would be located to the side and rear of the building. According to the applicant's letter of intent, the dogs would utilize the outdoor facility individually accompanied on a leash. All other activities related to the veterinary clinic would be conducted indoors.

The clinic, when completed, will consist of a 6,070 square-foot building with associated parking and driveways. Access to the property will be provided through one shared curb cut onto Braselton Highway, and interparcel access through the neighboring 12 Stone church property to the north. A stormwater facility is proposed to be located adjacent to Braselton Highway.

ZONING HISTORY:

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). In 2004, the property was rezoned to C-2, pursuant to RZC-04-050. In 2015, a Change-in-Conditions

request was approved to amend several conditions related to the exterior architectural treatments and landscaping, pursuant to CIC2015-00001.

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:

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:

Braselton Highway is a State Route and Georgia D.O.T. right-of-way requirements govern.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 10-inch water main located on the southeastern right-of-way of Braselton Highway.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 163 feet west of the property.

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

The subject property is a 0.90-acre property located along Braselton Highway, just northeast of Duncan Creek Park. The site is in the development phase of construction and when completed will be occupied by the Hamilton Mill Animal Hospital. The property is zoned C-2 and is located within the Hamilton Mill Overlay District.

The 2030 Unified Plan Future Development Map indicates the property lies within an Existing/ Emerging Suburban Character Area. Policies for this character area support freestanding retail establishments and associated accessory uses. The Board recently granted a similar SUP request for a kennel with an outdoor dog run on a property located in the immediate area along Sardis Church Road (SUP2015-00027), suggesting the proposed request could be considered consistent with Board intent for the area.

The surrounding area consists of commercial/retail, office and public-institutional uses along the Braselton Highway corridor, with single-family residential uses in the outlying areas. Immediately adjacent to the north and east of the subject property is 12 Stone Church. Immediately adjacent to the west of the site is an undeveloped C-2 zoned property. Further to west are the Gwinnett County Duncan Creek Park and a large neighborhood-serving commercial node extending from Hamilton Mill Road to Pine Road. Provided that appropriate conditions are included to ensure compatibility with neighboring properties, the requested Special Use Permit may be considered suitable given the existing commercial, institutional and public facilities in the area.

The subject property could be suitable at this location as it is surrounded by other properties zoned and developed for commercial, institutional and public uses. The proposal could also be considered consistent with the 2030 Unified Plan and the commercial nature of this segment of Braselton Highway. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS.**

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for an outdoor dog run, subject to the following enumerated conditions:

1. Retail and service uses, and accessory uses, which may include an outdoor dog run as a an accessory special use to a veterinary clinic.
2. Abide by all conditions of CIC2015-00001.
3. The outdoor dog run facility shall be located as shown on the submitted site plan, and shall be enclosed by a minimum five-foot high wooden opaque fence. Final fence materials and design shall be subject to review and approval by the Director of Planning and Development.
4. The outdoor dog run shall be utilized one animal at a time, and supervised by a veterinary clinic employee.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

If properly conditioned and limited, an outdoor dog run may be a suitable use of the site given the existing commercial, institutional and public uses in the area.

ADVERSE IMPACTS

With the recommended conditions, potential impacts from the development could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

A negligible increase in impacts on public facilities would be expected from this request.

CONFORMITY WITH POLICIES

The requested Special Use Permit for a small, supervised outdoor dog run could be considered consistent with the policies and intent of the Unified Plan.

CONDITIONS AFFECTING ZONING

The site is located in an area consisting of commercial, institutional and public uses location of the site, surrounded by commercial uses and zoning, give supporting grounds for approval of this 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:

The current facility is an animal hospital.

- (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, it is an animal hospital

- (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:

Currently zoned for an animal hospital.

March 29, 2016



Gwinnett County
Department of Planning & Development
Planning Division
First Floor, Suite 250
Lawrenceville, GA 30046

Re: 3818 Braselton Highway

Dear Board,

We are requesting a special use permit for our new animal hospital that is being constructed at 3818 Braselton Highway, Buford, GA 30519. The property is located in the Hamilton Mill overlay district of Gwinnett County. We are seeking to acquire a special use permit for the placement of a chain-link fence in the rear and side of the facility. This fence is strictly for the safety of our clients and their pets and will not be used for kenneling or housing animals outside.

This animal hospital is situated directly on Braselton Highway, which is a main thoroughfare in the area and has a high volume of traffic. Our concern is for the safety of the canine patients that will be in our care at this facility, as they will need to be walked outside in order to use the restroom. For safety reasons, all of these dogs will be individually walked with leashes and will not be allowed to roam freely. Having a fenced in area for the walking of these animals will provide an extra level of safety in the event that a dog gets loose or out of a leash.

For these safety reasons, we are asking for a special use permit to install a fence on the rear and side of this property.

Respectfully Submitted,

A handwritten signature in black ink that reads "Jason Fulmer, DVM".

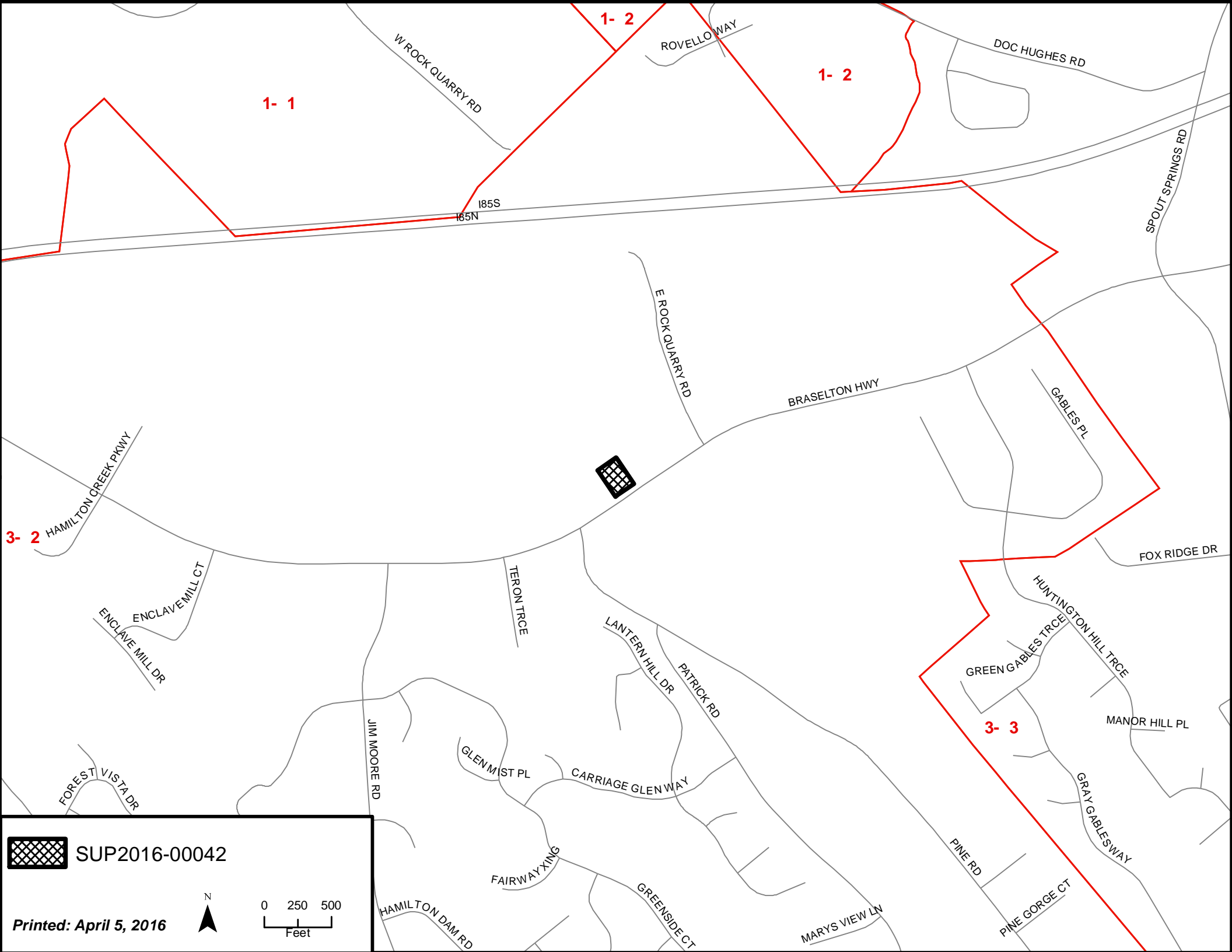
Jason Fulmer, DVM

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Planning & Development

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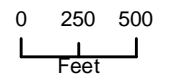
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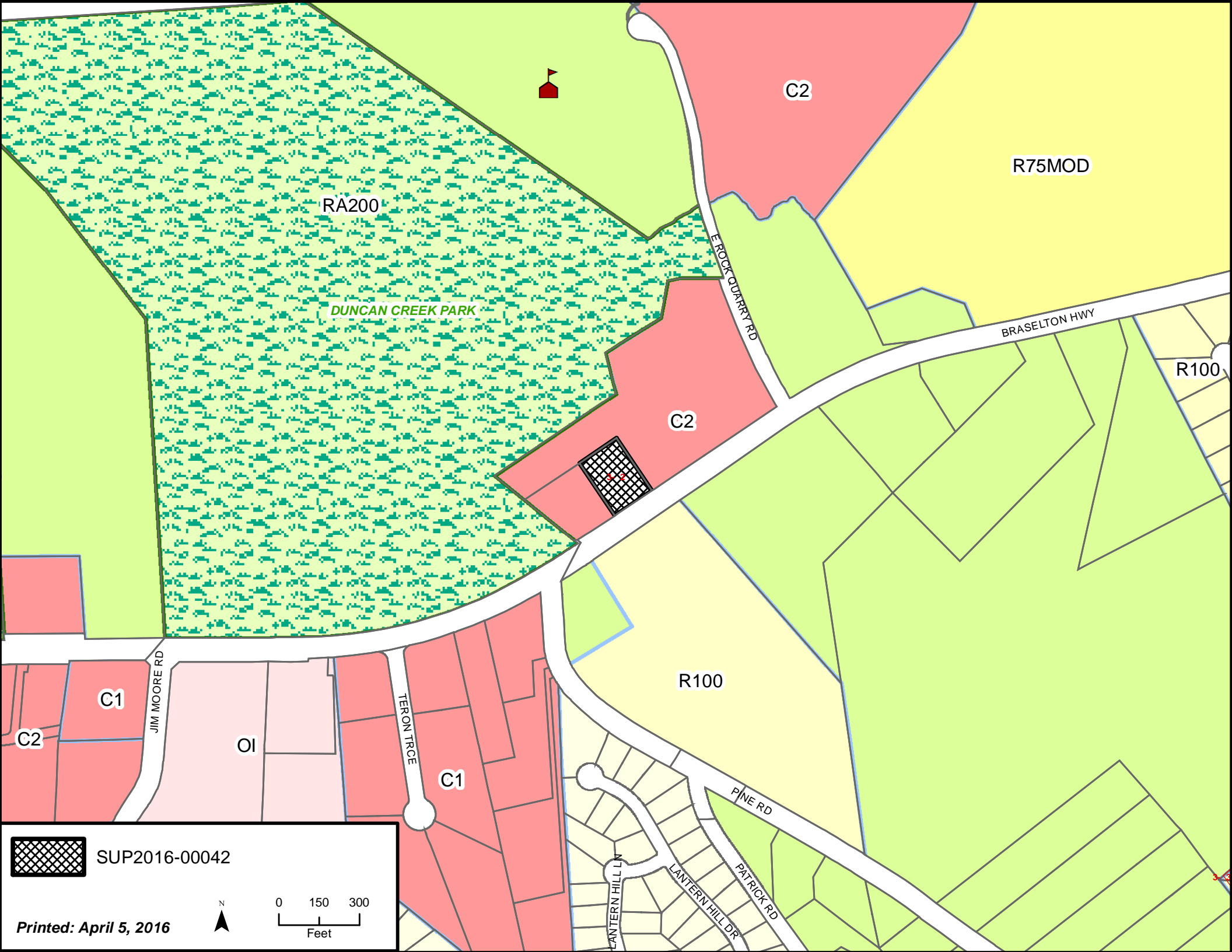
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Printed: April 5, 2016

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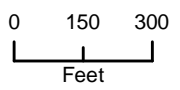
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SUP2016-00042

Printed: April 5, 2016



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

CASE NUMBER :**SUP2016-00043**
ZONING :O-I
LOCATION :2000 BLOCK OF LAWRENCEVILLE-SUWANEE ROAD
MAP NUMBER :R7085 568
ACREAGE :0.60 ACRE
PROPOSED DEVELOPMENT :BUILDING HEIGHT INCREASE (TO 45 FEET)
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: RAMTIN MOTAHAR
2870 PEACHTREE ROAD, #817
ATLANTA, GA 30305

CONTACT: RAMTIN MOTAHAR PHONE: 404.840.6770

OWNER: RAMTIN MOTAHAR
2870 PEACHTREE ROAD, #817
ATLANTA, GA 30305

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Special Use Permit on a 0.60-acre tract zoned O-I (Office-Institutional District), to increase allowable building height to 45-feet for the development of a three-story office building. The subject property was initially part of a mixed-use project (Meadows at Lawrenceville-Suwanee) zoned both O-I and R-75 (Modified), pursuant to RZ-00-153. The O-I portion of the development was limited to an area along Lawrenceville-Suwanee Road, with the remaining balance of the property being zoned R-75 MOD. The property is located along the western right-of-way of Lawrenceville-Suwanee Road, just south of its intersection with Tab Roberts Road.

The applicant is proposing to develop the site with a three-story, 15,000 square foot office building, utilizing an existing 32 parking area and driveways that were initially constructed in 2007. The site would also consist of a required 50-foot undisturbed buffer, with fence, adjacent to the neighboring residential development to the southwest. Access to the site would be provided through the required interparcel access, being extended from a single curb cut onto Lawrenceville-Suwanee Road.

The submitted architectural elevations for the new 45-foot tall building depict a majority of the building exterior being composed of red brick, with a plan to incorporate a second brick of either a darker or a lighter red for accents. The windows will have stone headers and sills. The

main roof will be clad with dark gray to black shingles and is currently conditioned to be sloped with a minimum 4:12 pitch (RZ-00-153). The arch over the main entry will be clad with standing seam metal.

The site was developed as the Suwanee Office Parc (CDP2007-00261), consisting of a two-story brick multi-tenant office building, parking, driveways, sewer and stormwater facilities. In 2007 the initial construction of the project was partially completed, leaving the site with the remnants of a concrete slab, parking and driveways.

ZONING HISTORY:

In 1970, the property was zoned R-100 (Single Family Residence District). In 1994, the property was rezoned to R-75 pursuant to RZ-94-059. In 1999, the property was rezoned to R-75 Modified, pursuant to RZ-99-003. In 2000, the property was rezoned to O-1 and R-75 (Single-Family Residence District), pursuant to RZ-00-153.

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 Section of the Unified Development Ordinance (Chapter 620) requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Protection Section of the Unified Development Ordinance (Chapter 620) requires submittal and approval of a Tree Preservation and Replacement Plan prepared by a professional landscape architect prior to securing a Land Disturbance or Development permit.

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

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

Parking spaces shall be provided at a ratio of:

- One space per 500 square feet (at a minimum).
- One space per 225 square feet (at a maximum).

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:

Lawrenceville Suwanee 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.

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 southwestern right-of-way of Lawrenceville Suwanee 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 53 feet west of 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 SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

1. Applicant submits civil drawings to Fire Plan Review for review and approval.

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

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

DEPARTMENT ANALYSIS:

The subject site is a 0.60-acre parcel located along the western right-of-way of Lawrenceville-Suwanee Road, just south of its intersection with Tab Roberts Road. The applicant is proposing to develop the site with a three-story, 15,000 square foot office building.

The 2030 Unified Plan Future Development Map indicates this site lies within an Existing/Emerging Character Area. The requested building height increase may not be consistent with policies of the Unified Plan for this character area. The Unified Plan encourages in-fill development that is compatible with the architectural character of existing development in the area and compatible with neighboring residential uses. The addition of a 45-foot tall building may not be consistent with the architectural character of the surrounding commercial area which is made up of both one and two-story commercial/retail and office related uses and zoning and may be incompatibly tall given the immediately neighboring residences to the rear.

The surrounding area primarily consists of single-family residential uses with low intensity commercial and office uses along Lawrenceville-Suwanee Road. The R-75 MOD portion of the project (Meadows at Lawrenceville-Suwanee) is situated approximately 12-feet lower in elevation than the existing grade of the proposed office building. The current O-I zoning of the site allows for up to 35-feet of building height. Other commercial developments in the immediate area are developed with both one and two-story commercial buildings; all of which were rezoned and approved through the public hearing process with a condition of zoning requiring final building plans being reviewed and approved by either the Planning Commission or the Director of Planning and Development. Allowing the addition of a 45-foot tall building would be inconsistent with building heights in the immediate area and potentially intrusive to the neighboring homes in Meadows at Lawrenceville-Suwanee subdivision.

In conclusion, the proposed building height increase to 45-feet may not be consistent with policies of the Unified Plan, and would be out of character with the surrounding area, which consists of both one or two-story commercial and residential structures. Therefore, the Department of Planning and Development recommends **DENIAL** of the 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 building height increase subject to the following enumerated conditions:

1. Approval of a building height increase to a maximum height of 45-feet.
2. Abide by all applicable conditions of RZ-00-153.
3. Building(s) shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides. Final building plans shall be submitted to the Director of Planning and Development for review and approval.
4. 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 sign cabinet shall be fully recessed and surrounded by the same materials. Ground sign(s) shall not exceed seven feet in height.
5. Wall signage shall be prohibited.
6. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
7. Peddlers and/or parking lot sales shall be prohibited.
8. 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 proposed height increase may not be suitable at this location in light of adjacent residential uses which sit at a lower grade than the proposed office. Other nearby and adjacent commercial buildings are limited to two-stories or less.

ADVERSE IMPACTS

The proposed height increase would introduce inconsistent building scale and could have adverse impacts on neighboring commercial and residential properties.

REASONABLE ECONOMIC USE AS ZONED

The site has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

An increase in traffic, stormwater runoff and utility demand could be anticipated with the additional floor space a third story would afford.

CONFORMITY WITH POLICIES

The requested height increase may not be consistent with the policies and recommendations of the 2030 Unified Plan that encourages in-fill development that is compatible with the architectural character of existing development in the area.

CONDITIONS AFFECTING ZONING

The addition of a 45-foot tall building to an area consisting of structures built at a height of 35-feet and less would be inconsistent with previous administrative approvals in the immediate area and inconsistent with the scale of the residential development immediately adjacent to the site.

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, shadow study shows that worse case scenario of shadows on residential properties at southwest of site is fine.

- (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:

Yes, senior housing project expected with four stories at 1611 Lawrenceville-Suwanee Road

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MAR 31 2016

3

SUP '16043

Planning & Development

March 31, 2016

Gwinnett County Department of Planning and Development
Planning Division
446 West Crogan Street, Suite 250
Lawrenceville, Georgia 30046

Letter of Intent – Special Use Permit:
2008 Lawrenceville-Suwanee Road
Suwanee, GA 30024
PIN 7085 568 - Outparcel #3A

To whom it may concern

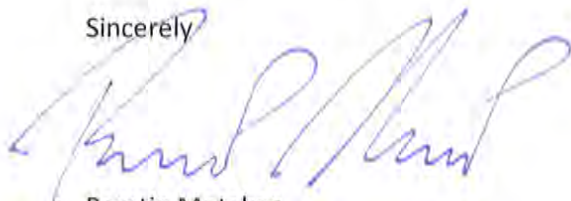
We are requesting approval of a height increase for a proposed three-story office building to be located at 2008 Lawrenceville-Suwanee Road. The parcel PIN ID is 7085 568 and is zoned as an O/I (Office-Institutional) use. Per the Code of Ordinances for Gwinnett County, O/I uses are restricted to a maximum height of thirty-five (35) feet. We are requesting approval of a 10 foot height increase and a maximum height of forty-five (45) feet. This property underwent an approved rezoning for which the conditions can be found under case number RZ-00-153.

Our site (outparcel #3A) is 0.604 acres (26,323 square feet) in size. Our proposed building has a footprint of 5,000 square feet. There is an existing building on the adjoining property to the northwest (PIN: 7085 542). The adjoining property to the southeast is vacant (PIN: 7085 541). There is a residential property to the southwest of our site (PIN: 7085 531).

The height increase allows us to design a more attractive and functional building in respect to the use of three floors. Our proposed building will also add an increased standard for design quality along this particular section of Lawrenceville-Suwanee Road and may generate interest in the development of the vacant adjoining lot. We have included, in addition to the required documents, our exterior elevations which show the design of our proposed building.

We appreciate your time in consideration of our requested building height increase.

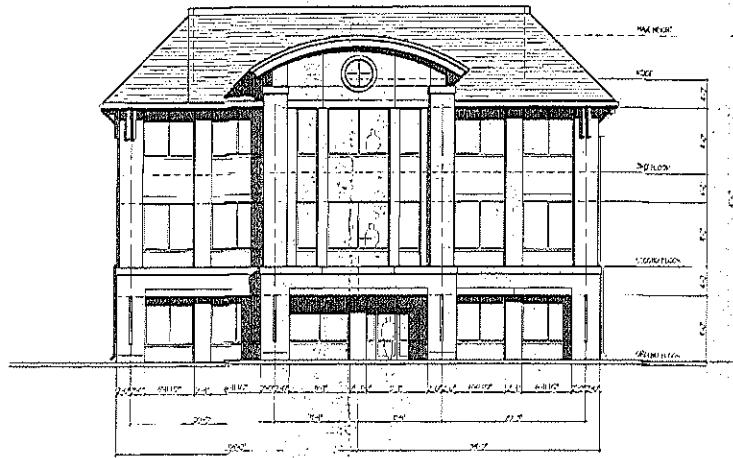
Sincerely



Ramtin Motahar

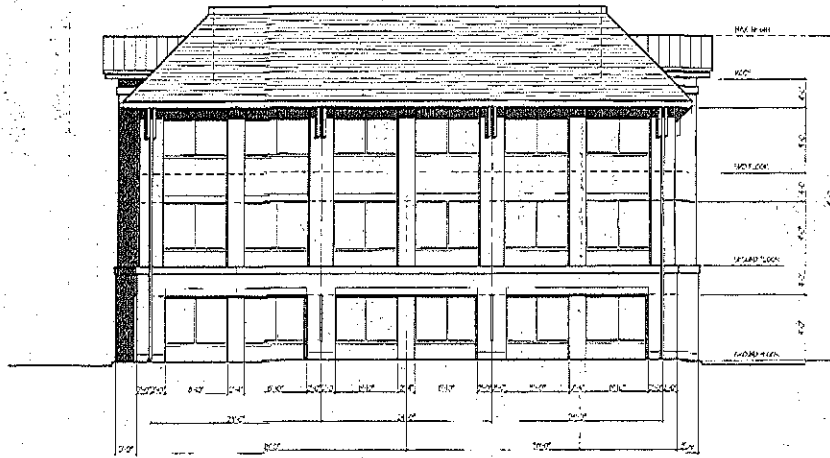
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Planning & Development
SUP '16043

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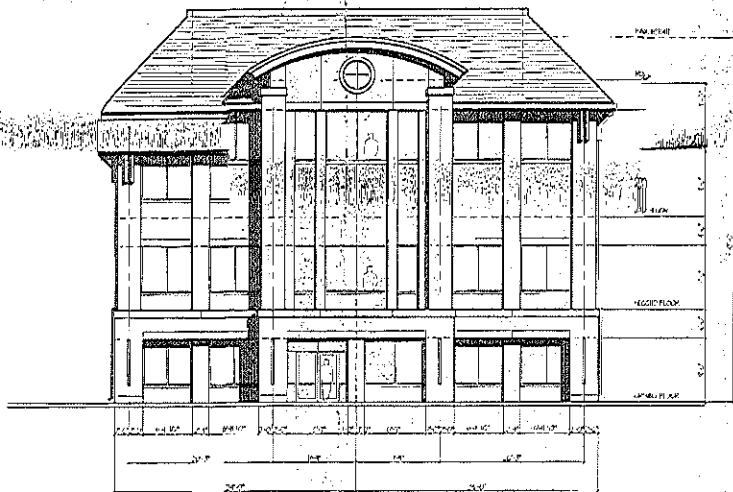
1 Front Elevation

1/8"=1'-0"



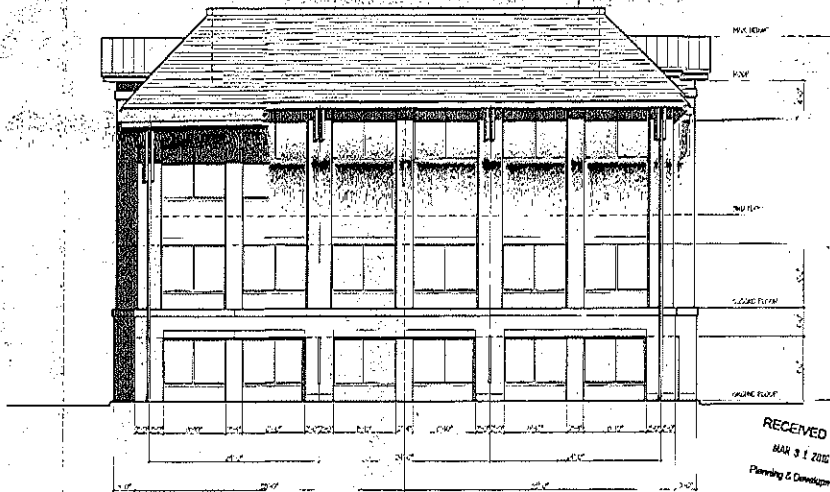
2 Side Elevation

1/8"=1'-0"



3 Rear Elevation

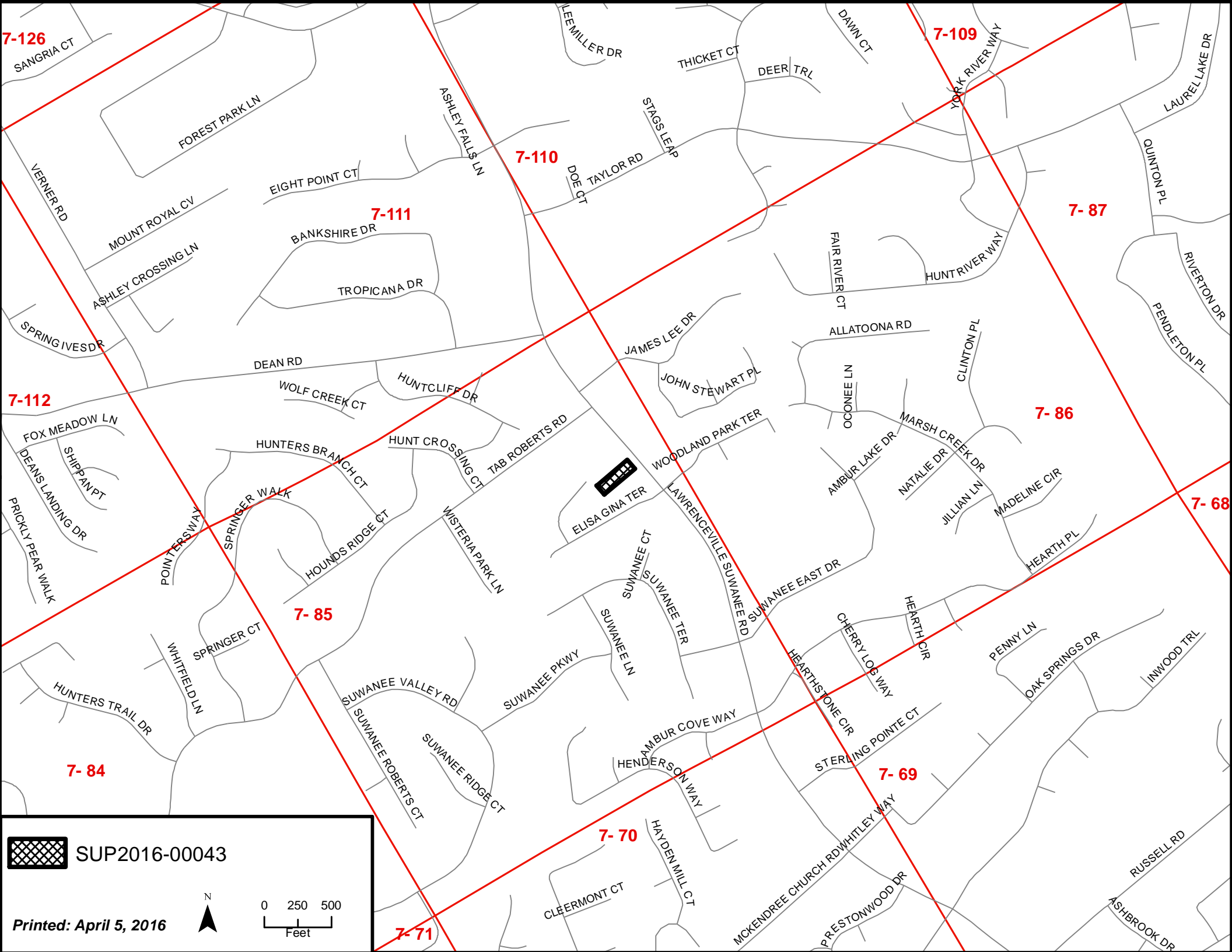
1/8"=1'-0"



4 Side Elevation

1/8"=1'-0"

March 03, 2016



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LAWRENCEVILLE SUWANEE RD

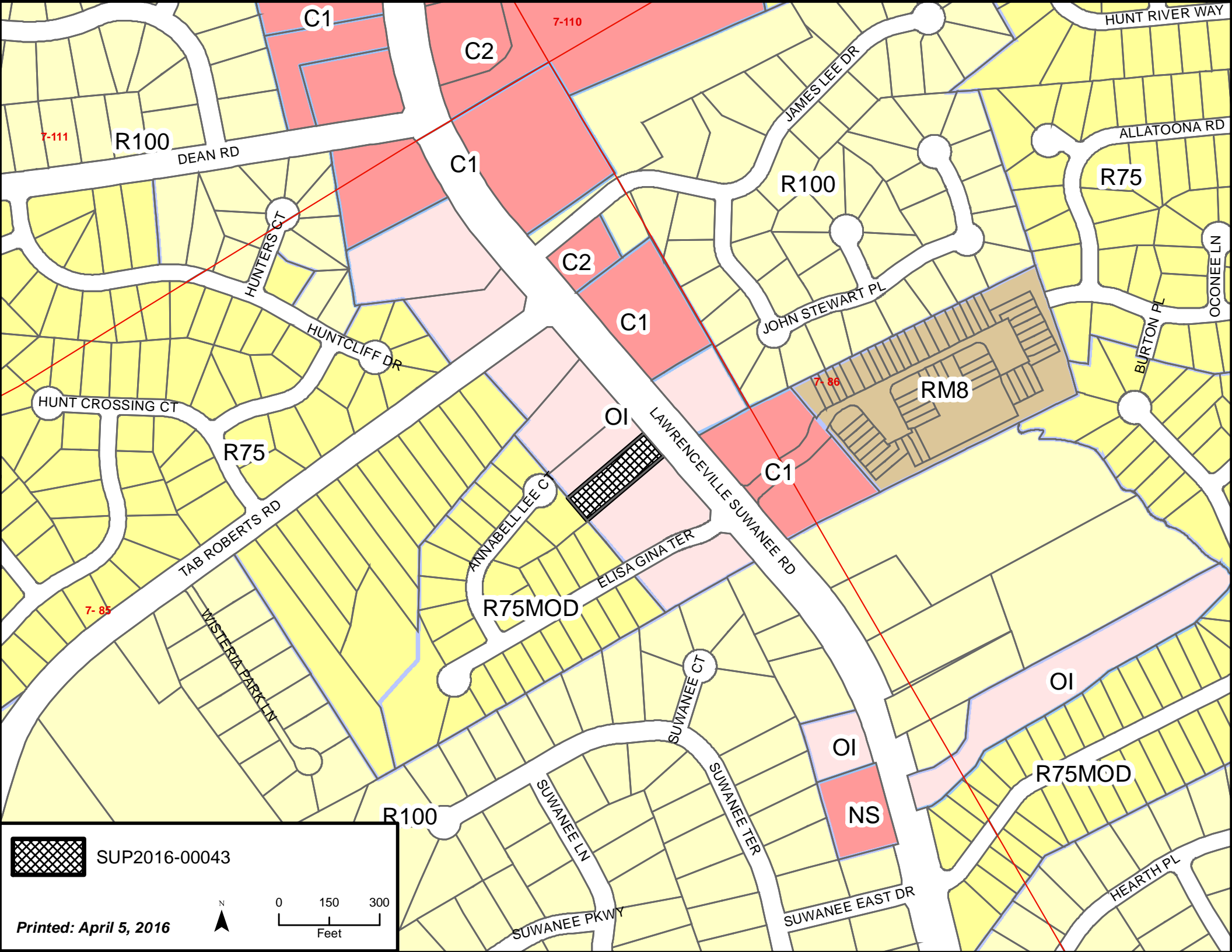
ELISA GINA TER


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Printed: April 5, 2016

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

CASE NUMBER :**SUP2016-00044**
ZONING :C-2
LOCATION :3700 BLOCK OF STONE MOUNTAIN HIGHWAY
MAP NUMBER :R6053 123
ACREAGE :0.57 ACRE
PROPOSED DEVELOPMENT :AUTOMOBILE SERVICE (RENEWAL)
COMMISSION DISTRICT :(2) HOWARD

FUTURE DEVELOPMENT MAP: **CORRIDOR MIXED USE**

APPLICANT: ERIC RAMSARAN
2109 OAKRIDGE AVENUE
MONROE, GA 30656

CONTACT: ERIC RAMSARAN PHONE: 404.554.6512

OWNER: REHAN A. SYED
2191 HUNTERS GREEN DRIVE
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests renewal of a Special Use Permit (SUP) on a 0.57-acre parcel, zoned C-2 (General Business District), to allow the continued use of an automobile service business. The subject property is located on the north side of Stone Mountain Highway, just west of its intersection with Hewatt Road.

The site is developed with a single-story retail building with a single roll up door (service bay), associated parking and driveways. Access is provided through a single existing driveway onto Stone Mountain Highway. A total of 17 parking spaces are shown on the submitted site plan. The lone service bay is located to the side of the building, and it was noted during a recent site visit by staff that numerous vehicles were being repaired in the parking lot. Numerous vehicles in various states of repair were parked throughout the site, in driveways, parking spaces and to the rear of the property.

The existing SUP originated in response to complaints received by the Code Enforcement Unit for vehicle repair without proper zoning and other various violations. A Code Enforcement case (CEU2014-02888) was opened but closed upon the applicant submitting for SUP approval. No further complaints have been documented by the Code Enforcement Unit since that time.

ZONING HISTORY:

The subject property has been zoned C-2 since 1970. In 2008, a SUP application was denied for a pawn shop. In 2014, a SUP application (SUP2014-00015) was approved for use of the automobile service and repair shop for a two year period.

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:

Stone Mountain Highway is a State Route and Georgia D.O.T. right-of-way requirements govern.

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 Stone Mountain Highway.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 568 feet west of the property on the right-of-way of Stone Mountain Highway and Veracruz Drive.

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

The subject property is a 0.57-acre parcel, located on the north side of Stone Mountain Highway, just west of its intersection with Hewatt Road. The property is currently developed with a 5,040 square-foot building.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Corridor Mixed-Use Character Area, which supports commercial uses such as automobile sales and repair which are best operated as free-standing businesses. Although the Corridor Mixed-Use Character Area could support such a business, the Unified Plan also promotes high-quality development with improved development quality for commercial and office buildings. The subject building was not originally designed for auto repair, and automobile repair activities are being conducted in the parking lot. As a condition of approval for the previous SUP, the building was required to be brought up to code for auto repair use within 180 days of zoning approval, including the installation of a minimum of two service bays. As of publication of this report, no building permits have been obtained and there continues to be only one service bay at the location. Furthermore, there are ongoing efforts to improve the appearance and viability of commercial properties along the Highway 78 corridor by the Evermore Community Improvement District. In light of these factors, the use may not be consistent with policies of the Unified Plan to enhance development quality along the corridor.

The property is located in an existing business corridor and is surrounded by intense commercial/retail uses. The property is situated between a small commercial strip center and a Salvation Army Store. The building was not designed for auto repair, and does not include sufficient space to properly repair vehicles indoors. The previous SUP approval required installation of a second service bay in order to accommodate the apparent need to provide interior space for the vehicle repairs. During the past two years additional conditions have been in place requiring improvement of the site's appearance, however, no noticeable efforts have been made to bring the site up to conformity with these conditions. Although the surrounding area does contain other automobile related uses, the manner in which this business is operating gives the property an aesthetically unappealing appearance and may not be appropriate at this location.

In conclusion, the requested SUP for an automobile service business may not be considered consistent with the Unified Plan improved development quality for commercial establishments. The business was started without proper permits and approvals, and continues to operate in a manner to which is detrimental to the visual appeal of the corridor, including not complying with previously required conditions of approval. 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 of Commissioners choose to approve the request.

Approval of a Special Use Permit for automobile repair, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Commercial, retail, office and accessory uses, which may include automobile service/repair as a special use.
 - B. The site and building shall obtain building permit to bring the building up to code for the auto repair use and receive certificate of occupancy within 90 days of zoning approval, and shall include installation of a minimum of two service bays.
2. To abide by the following site development considerations:
 - A. Outdoor storage of equipment, inoperable vehicles, parts, tires and other materials shall be prohibited. Utilization of tractor trailers or storage containers for storage shall be prohibited.
 - B. Outdoor display of merchandise, tires or other materials shall be prohibited.
 - C. Outdoor repair of vehicles shall be prohibited.
 - D. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
 - E. Billboards or oversized signs shall be prohibited.
 - F. 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.
 - G. Peddlers and/or parking lot sales shall be prohibited.
 - H. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

3. The Special Use Permit shall be limited to a period of one year, at which time the use shall cease, or an application be made for renewal.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The manner in which this business is operating gives the property a cluttered appearance and could be considered inconsistent with surrounding similar uses.

ADVERSE IMPACTS

Adverse impacts from an auto repair business, including noise, parking of inoperable vehicles and site congestion could be expected.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

It is anticipated that there would be few additional impacts on public facilities from the request.

CONFORMITY WITH POLICIES

The requested Special Use Permit and proposed automobile service and repair may not be consistent with policies of the Unified Plan which promote high-quality development with improved development quality for commercial and office buildings. The proposed automobile repair business, and its associated site congestion, may not be consistent with policies to enhance development quality and the efforts to improve the appearance and viability of commercial properties along the Stone Mountain Highway corridor.

CONDITIONS AFFECTING ZONING

The requested Special Use Permit for automobile service/repair may not be suitable on this property in light of the limited area within the existing building for repair of vehicles combined with the lack of area for storage of vehicles awaiting repair. The applicant has not complied with previous conditions of approval to bring the building into code compliance and add a second service bay to accommodate interior repair of the vehicles.

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:

Suitable as there are similar businesses in the immediate vicinity.

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

Will not affect nearby property in any way.

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

The zoning for said property is economically sound.

- (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:

Should have no effect on 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:

Use of land ~~to~~ conforms to the policy prescribed by the special use permit.

- (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:

Not aware of any existing or conditions that ~~would affect~~ such development and use of property

APR 01 2016

SUP '16044

Autotronics ATL LLC

3781 Stone Mountain Hwy.

Snellville Ga. 30039

Tel: 404 826-3235 Fax: 770 733-1098

Gwinnett County planning Division

Special Use Permit

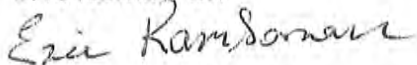
To Whom It May Concern

Re: Letter Of Intent.

It is my intention to carry out minor automotive repairs at Autotronics Atl.,
Located at 3781 Stone Mountain Hwy, located in Snellville Ga. We presently
Do automotive electronics such as sales and installation of mobile alarms ,
Stereos and dvd systems. We respectfully apply for a special use permit to
facilitate our fore mentioned intention. Thanking you in advance.

Respectfully Yours

Eric Ramsaran

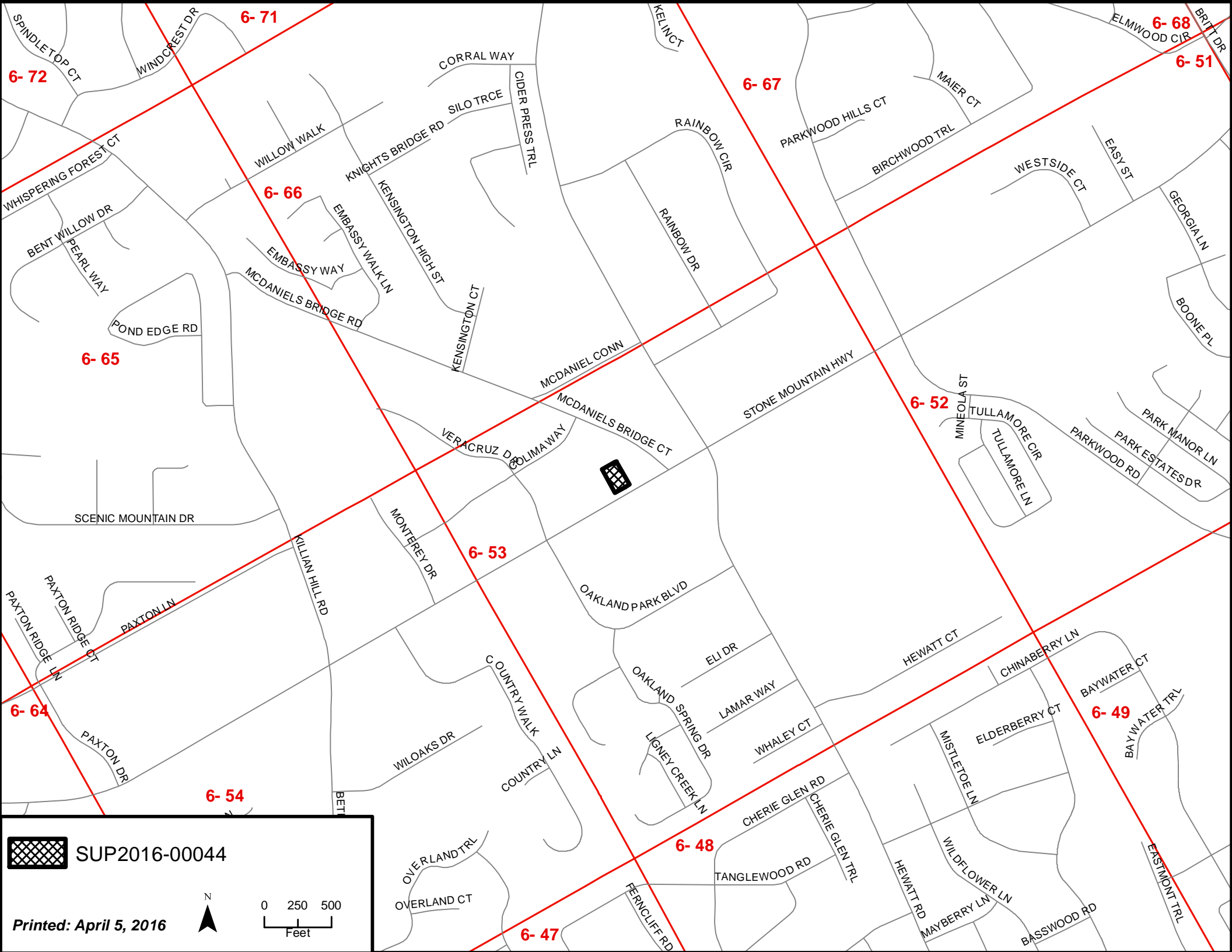



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Planning & Development

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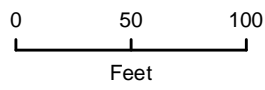
COLIMA WAY

MCDANIELS BRIDGE CT

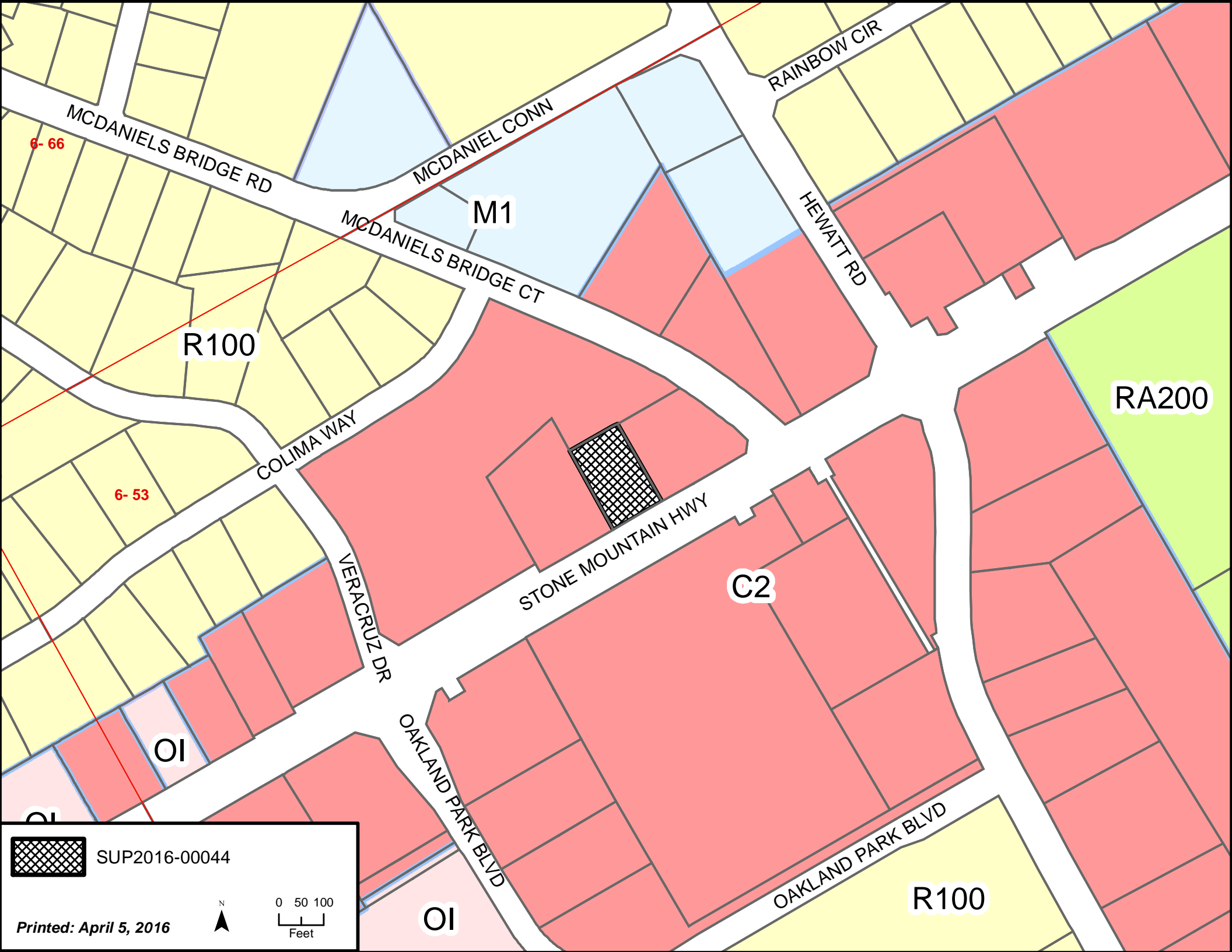
STONE MOUNTAIN HWY



SUP2016-00044



Printed: April 5, 2016



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C2

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OI

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RAINBOW CIR

MCDANIELS BRIDGE CT

HEWATT RD


COLIMA WAY

VERACRUZ DR


STONE MOUNTAIN HWY

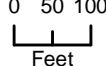
OAKLAND PARK BLVD

OAKLAND PARK BLVD

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Printed: April 5, 2016

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GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: Gwinnett County Unified Development Ordinance

READING AND ADOPTION: March 22, 2016

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

Name	Present	Vote
Charlotte Nash, Chairman		
Jace Brooks, District 1		
Lynette Howard, District 2		
Tommy Hunter, District 3		
John Heard, District 4		

On motion of Commissioner _____, which carried _____, the Unified Development Ordinance of Gwinnett County, Title 1: Administration and Title 2: Land Use and Zoning are hereby amended.

WHEREAS, the Unified Development Ordinance contains regulations governing zoning and land use, development and permitting, landscape requirements and architectural guidelines, as well as procedures for the administration and application of those regulations; and

WHEREAS, by careful review of the rules and requirements contained therein, it has become evident that certain Definitions, Chapters and Sections of the Unified Development Ordinance could be logically amended; and

WHEREAS, the Gwinnett County Board of Commissioners desires that the Unified Development Ordinance provide appropriate and sound regulation of land use, zoning, development and permitting; and

WHEREAS, the Unified Development Ordinance was adopted by the Gwinnett County Board of Commissioners on February 25, 2014; and

WHEREAS, the Unified Development Ordinance provides that the text, tables and drawings thereof may be amended from time to time by the Board of Commissioners following submission of certain items to the Municipal-Gwinnett Planning Commission for review and recommendation; and

WHEREAS, the Board of Commissioners finds that the following amendment to the Unified Development Ordinance promotes the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Gwinnett County;

NOW, THEREFORE, BE IT ORDAINED that the Unified Development Ordinance of Gwinnett County, Title 1: Administration and Title 2: Land Use and Zoning and are hereby amended as set forth in **Exhibit A** which is attached hereto.

BE IT FURTHER RESOLVED that all regulations or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: _____
Charlotte J. Nash, Chairman

Date Signed: _____

ATTEST:

By: _____ (Seal)
Diane Kemp, County Clerk

APPROVED AS TO FORM:

By: _____
Theresa Cox, Senior Assistant County Attorney

EXHIBIT A

That Title I, Chapter 110, Subsection 40. General Definitions, is amended by deleting the existing defined term “Donation Collection Bin” in its entirety, and inserting in lieu thereof the following:

Drop Box: Any enclosed receptacle or container made of metal, steel, or similar product and designed for the depositing and temporary storage of items including clothing, shoes, books or other similar materials.

That Title 2, Section 230-130.4(C) is hereby amended by deleting the existing subsection in its entirety, and inserting in lieu thereof the following:

C. Drop Boxes

1. Drop boxes not associated with the principal use of the property on which they are located shall be prohibited.
2. Any drop boxes located within unincorporated Gwinnett County which are not associated with the principal use of the property on which they are located shall be subject to impoundment by Gwinnett County. Any such drop boxes impounded by the county shall be released to the owner upon the payment of an impound fee of \$200.00, and a daily storage fee of \$20.00 for each day in County possession after impound.
3. Any drop box which has received a permit under the previous ordinance shall be allowed to remain in its permitted location until the permit expires. At that time, the unattended drop box shall be removed within Fifteen (15) days of the expiration of the permit.
4. Nothing in this section shall limit the remedies available to the County in seeking to enforce the provisions of this article. Each day's violation thereof shall constitute a separate offense.
5. Where it is deemed necessary by the County Administrator and the Director, the County Attorney is hereby empowered to secure injunctive relief to enforce the provisions of this Article. This shall be in addition to, and not in lieu of, the enforcement provisions found in the Unified Development Ordinance.
6. This ordinance shall become effective immediately upon its adoption (March 22, 2016).