

## Department of Planning and Development

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



gwinnettcountry

### MUNICIPAL-GWINNETT COUNTY PLANNING COMMISSION

#### PUBLIC HEARING AGENDA

#### GWINNETT JUSTICE AND ADMINISTRATION CENTER TUESDAY, AUGUST 2, 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 (JULY 5, 2016 MEETING)
- E. ANNOUNCEMENTS
- F. OLD BUSINESS

- I. 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**
  
- 2. 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**

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 BLVD  
: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 :**RZR2016-00011**  
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**

6. 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**
7. CASE NUMBER :**RZC2016-00016**  
APPLICANT :NANCY G. LAIL & STEPHANIE HUMPHREY  
CONTACT :MARIAN ADEIMY  
PHONE NUMBER :678.518.6855  
ZONING CHANGE :R-100 TO M-1  
LOCATION :2900 BLOCK OF MCGINNIS FERRY ROAD  
MAP NUMBER :R7152 007  
ACREAGE :3.3 ACRES  
SQUARE FEET :60,000 SQUARE FEET  
PROPOSED DEVELOPMENT :OFFICE/WAREHOUSE (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
8. CASE NUMBER :**RZR2016-00012**  
APPLICANT :MAHAFFEY, PICKENS, TUCKER, LLP  
CONTACT :SHANE LANHAM  
PHONE NUMBER :770.232.0000  
ZONING CHANGE :R-75 TO R-TH  
LOCATION :3200-3300 BLOCK OF SUGARLOAF PARKWAY  
MAP NUMBER :R7164 183  
ACREAGE :6.05 ACRES  
UNITS :36 UNITS  
PROPOSED DEVELOPMENT :ATTACHED TOWNHOMES (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**DENIAL**

G. NEW BUSINESS

1. CASE NUMBER :**RZC2016-00004 (RECONSIDERED BY CONSENT ORDER)**  
APPLICANT :ENTERPRISE LEASING COMPANY OF GEORGIA, LLC  
CONTACT :MARIAN ADEIMY  
PHONE NUMBER :678.518.6855  
ZONING CHANGE :C-3 TO M-1  
LOCATION :1700 BLOCK OF JEURGENS COURT  
:5300 BLOCK OF GOSHEN SPRINGS ROAD  
MAP NUMBER :R6198 055  
ACREAGE :23.55 ACRES  
SQUARE FEET :132,381 SQUARE FEET  
PROPOSED DEVELOPMENT :MAINTENANCE SHOP (RENTAL FLEET)  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
  
2. CASE NUMBER :**RZR2016-00015**  
APPLICANT :CKK DEVELOPMENT, LLC  
CONTACT :DUNCAN CORLEY  
PHONE NUMBER :770.962.8456  
ZONING CHANGE :R-100 TO R-60  
LOCATION :3100-3200 BLOCK OF FIVE FORKS TRICKUM ROAD  
MAP NUMBER :R6087 007  
ACREAGE :11.0 ACRES  
UNITS :41 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS AS R-75**
  
3. CASE NUMBER :**RZR2016-00016**  
APPLICANT :EDGE CITY PROPERTIES, INC.  
CONTACT :MITCH PEEVY  
PHONE NUMBER :770.614.6511  
ZONING CHANGE :C-2 TO R-TH  
LOCATION :2000 BLOCK OF HAMILTON CREEK PARKWAY  
MAP NUMBER :R3002 110  
ACREAGE :4.47 ACRES  
UNITS :35 UNITS  
PROPOSED DEVELOPMENT :TOWNHOMES (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**DENIAL**

4. CASE NUMBER :**CIC2016-00018**  
APPLICANT :BRIAN B. WEST, P.E.  
PHONE NUMBER :404.201.6127  
ZONING :O-I  
LOCATION :1500-1600 BLOCKS OF LAWRENCEVILLE-SUWANEE ROAD  
:500 BLOCK OF RUSSELL ROAD  
:500 BLOCK OF INWOOD TRAIL  
MAP NUMBERS :R7069 014, 024, & 294  
ACREAGE :7.08 ACRES  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS TO REDUCE BUFFERS  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
5. CASE NUMBER :**SUP2016-00050**  
APPLICANT :BRIAN B. WEST, P.E.  
PHONE NUMBER :404.201.6127  
ZONING :O-I  
LOCATION :1500-1600 BLOCKS OF LAWRENCEVILLE-SUWANEE ROAD  
:500 BLOCK OF RUSSELL ROAD  
:500 BLOCK OF INWOOD TRAIL  
MAP NUMBERS :R7069 014, 024, & 294  
ACREAGE :7.08 ACRES  
PROPOSED DEVELOPMENT :BUILDING HEIGHT INCREASE (TO 40 FEET)  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
6. CASE NUMBER :**CIC2016-00019**  
APPLICANT :CMH PARKS, INC. D/B/A CHAFIN BUILDERS  
CONTACT :SHANE LANHAM  
PHONE NUMBER :770.232.0000  
ZONING :R-ZT  
LOCATION :2900 BLOCK OF GRAVEL SPRINGS ROAD  
MAP NUMBERS :R7143 004 & 005  
ACREAGE :44.86 ACRES  
PROPOSED DEVELOPMENT :REVISE SITE PLAN AND ARCHITECTURAL STANDARDS  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**

7. CASE NUMBER :**CIC2016-00020**  
APPLICANT :CMH PARKS, INC. D/B/A CHAFIN BUILDERS  
CONTACT :SHANE LANHAM  
PHONE NUMBER :770.232.0000  
ZONING :R-60  
LOCATION :2900 BLOCK OF GRAVEL SPRINGS ROAD  
MAP NUMBERS :R7143 004 & 005  
ACREAGE :14.78 ACRES  
PROPOSED DEVELOPMENT :REVISE SITE PLAN AND ARCHITECTURAL STANDARDS  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
8. CASE NUMBER :**SUP2016-00048**  
APPLICANT :GEORGE RATIU  
PHONE NUMBER :678.772.2626  
ZONING :R-100  
LOCATION :3500 BLOCK OF HOG MOUNTAIN ROAD  
:1700 BLOCK OF JIM MOORE ROAD  
MAP NUMBER :R3001 190  
ACREAGE :1.00 ACRE  
SQUARE FEET :2,442 SQUARE FEET  
PROPOSED DEVELOPMENT :FAMILY PERSONAL CARE HOME  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
9. CASE NUMBER :**SUP2016-00049**  
APPLICANT :GA COMMUNITY SUPPORT AND SOLUTIONS, INC.  
CONTACT :ZENOBIA RAINEY  
PHONE NUMBER :404.634.4222 EXT. 249  
ZONING :R-100  
LOCATION :4000 BLOCK OF EGYPT ROAD  
MAP NUMBER :R6004 043  
ACREAGE :4.28 ACRES  
SQUARE FEET :3,274 SQUARE FEET  
PROPOSED DEVELOPMENT :COMMUNITY LIVING ARRANGEMENT  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**DENIAL**

H. AUDIENCE COMMENTS

I. COMMITTEE REPORTS

J. COMMENTS BY STAFF AND PLANNING COMMISSION

K. ADJOURNMENT

**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.



Matthew P. Benson  
Alissa L. Cummo  
Brian T. Easley  
Kelly O. Faber  
Amanda E. 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**  
**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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FEB 05 2016

Planning & Development

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

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BRD '16 002

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



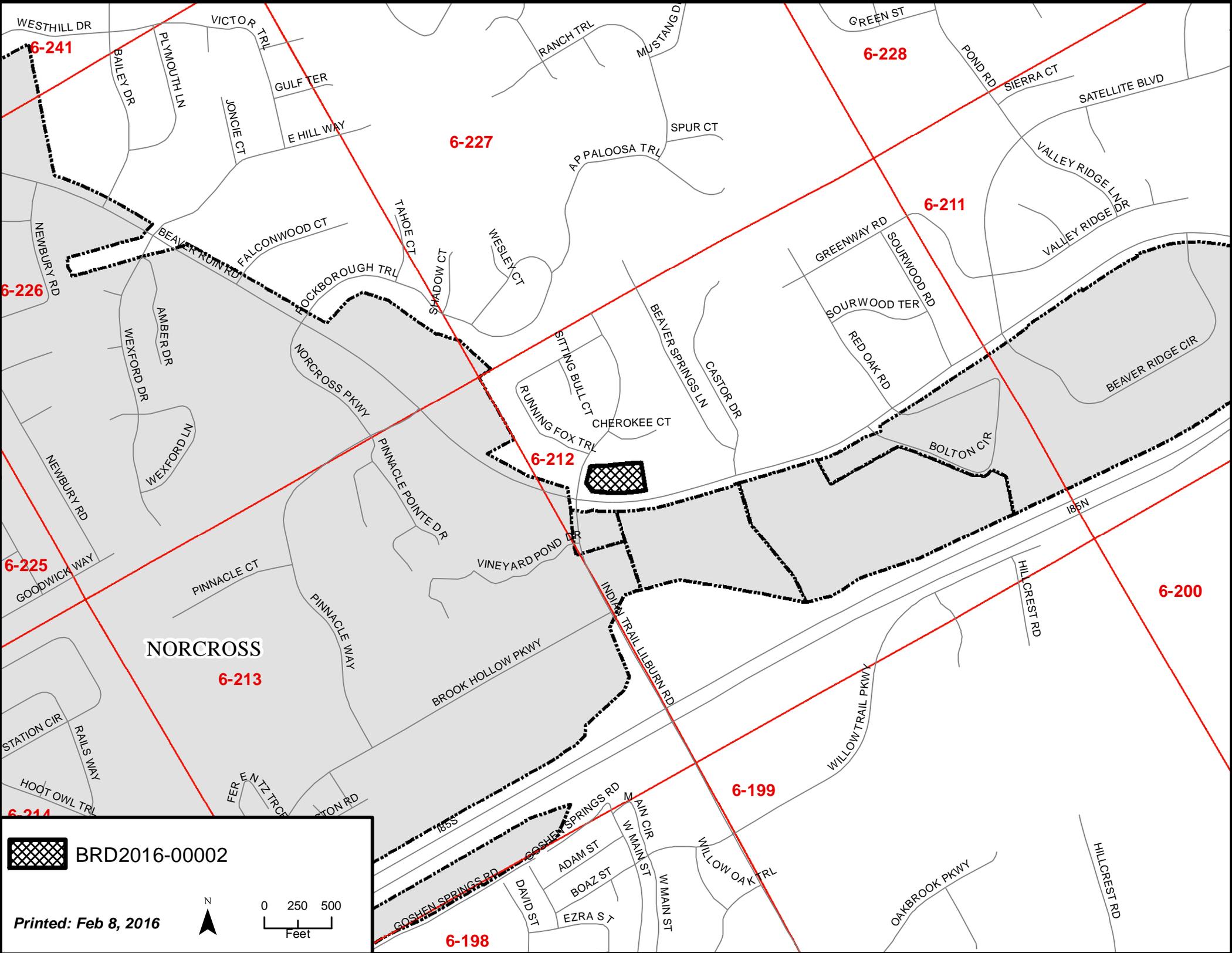
Shane M. Lanham  
*Attorneys for the Applicant*

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FEB 05 2016

Planning & Development

BRD '16 002



**NORCROSS**  
6-213

6-212

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6-211

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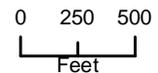
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 BRD2016-00002



Printed: Feb 8, 2016











RUNNING FOX TRL

INDIAN TRAIL LILBURN RD

BEAVER RUIN RD

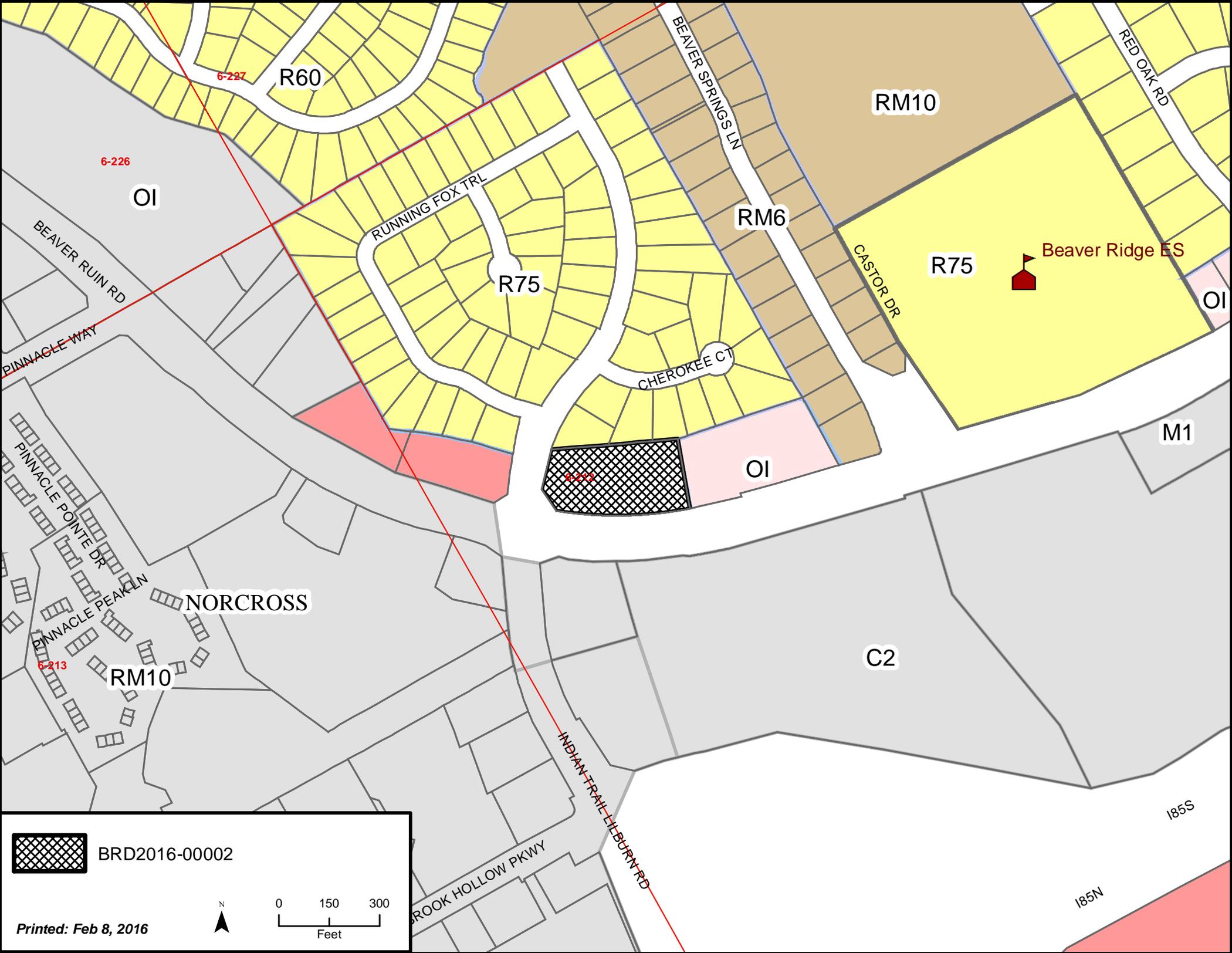


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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

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.
- (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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**FEB 05 2016** Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043  
 NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

**Planning & Development**

TELEPHONE 770 232 0000  
 FACSIMILE 678 518 6880  
 www.mptlawfirm.com

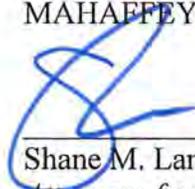
**RZR '16 00 5**

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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RZR '16 005

**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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**RZR '16 005**

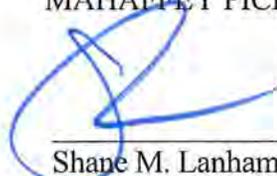
Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

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



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Shane M. Lanham  
*Attorneys for Applicant*

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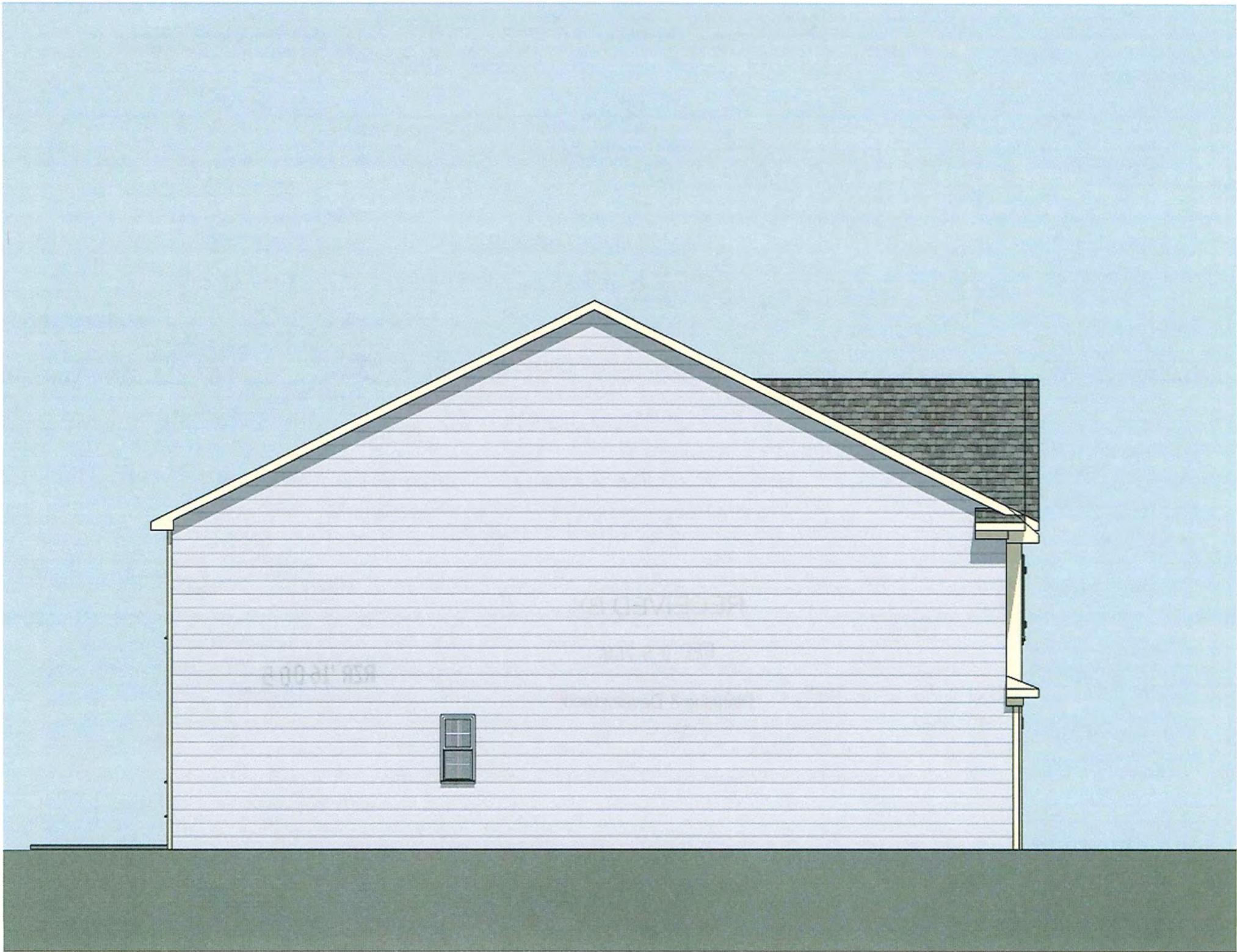
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**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, April 2016**

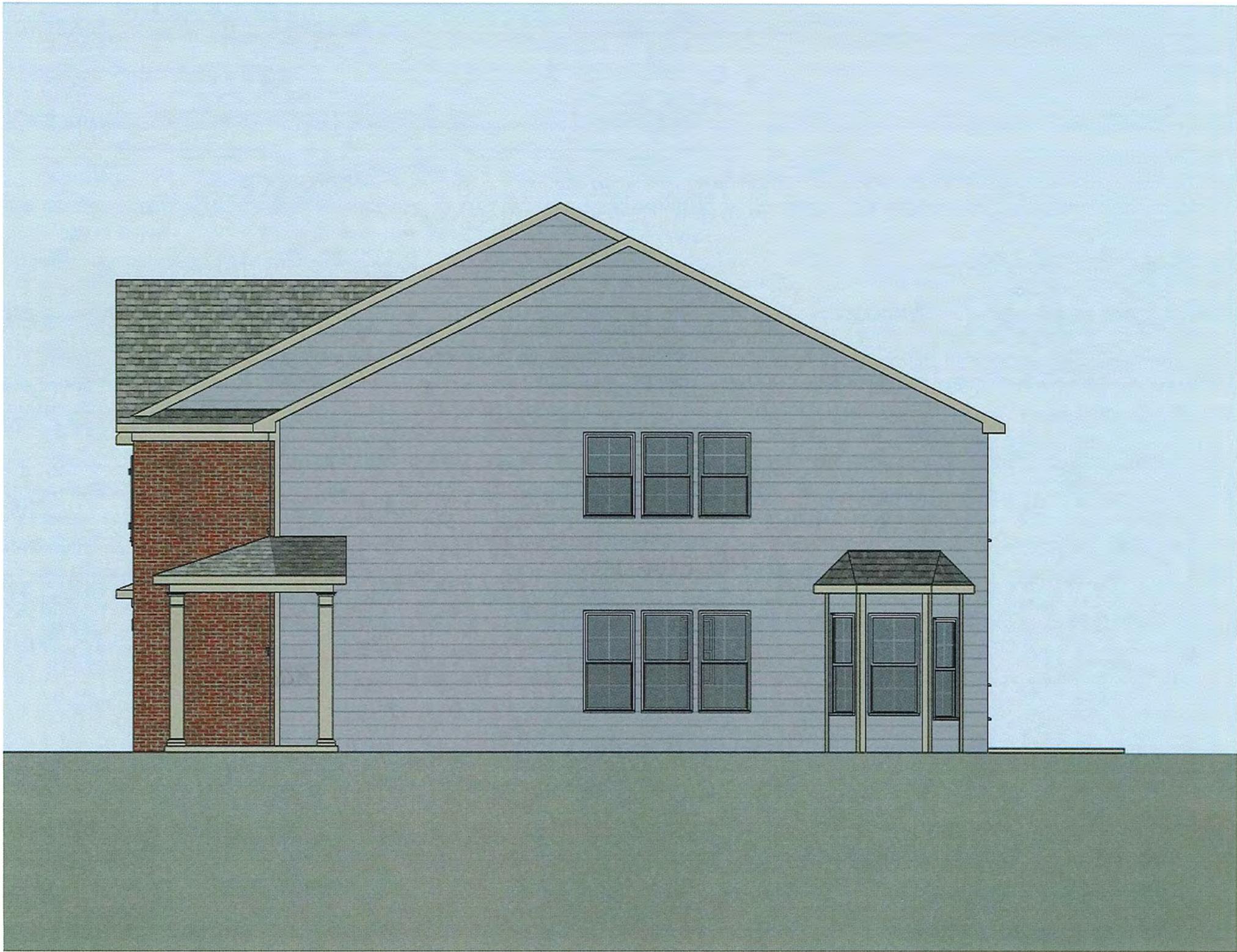
Case #	Schools	Current Projections									Proposed Zoning
		2015-16			2016-17			2017-18			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZR2016-00005	<b>Discovery HS</b>	<b>1786</b>	1,925	-139	<b>1875</b>	1,925	-50	<b>1969</b>	1,925	44	21
	Richards MS	<b>2020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

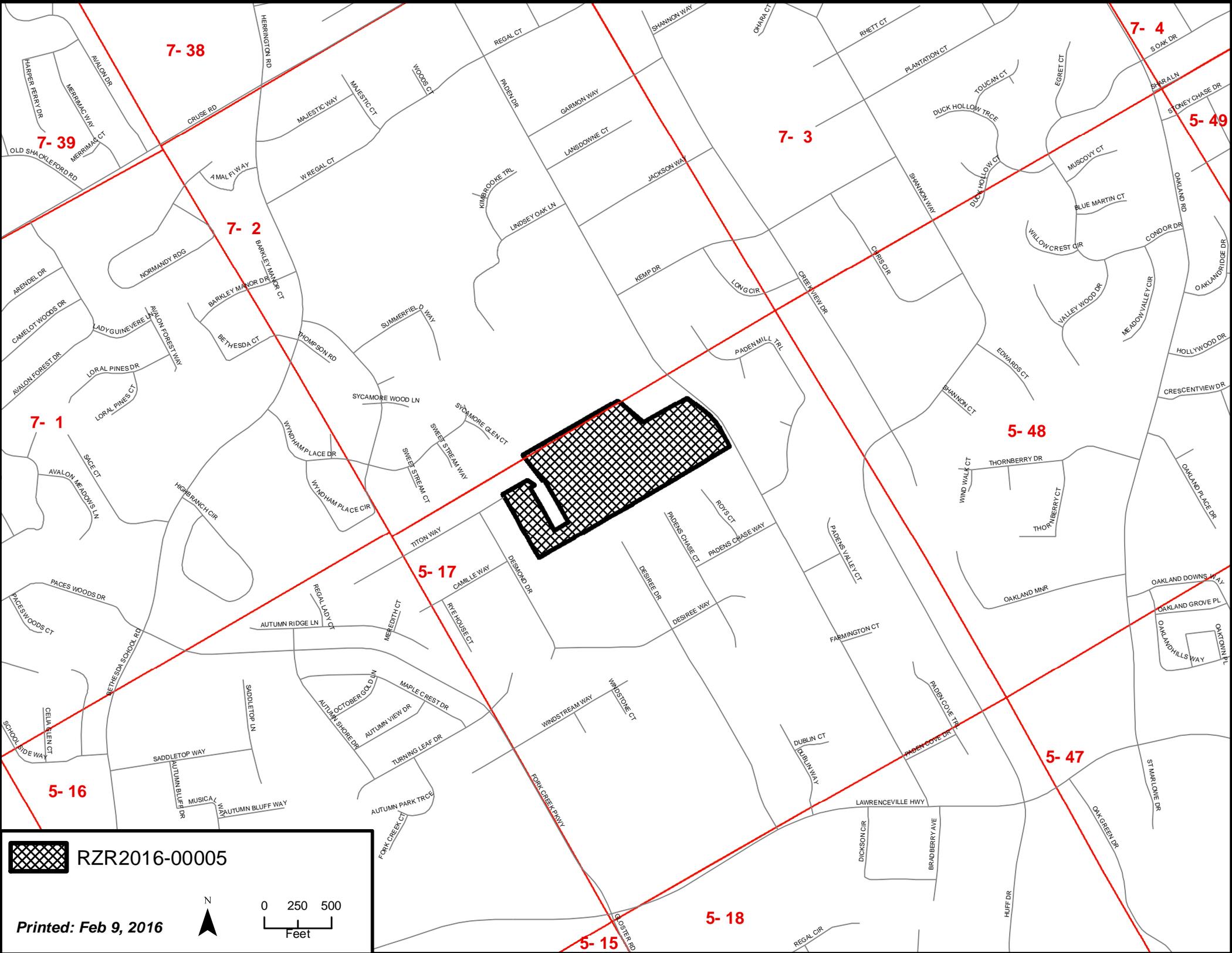
Current projections do not include new developments











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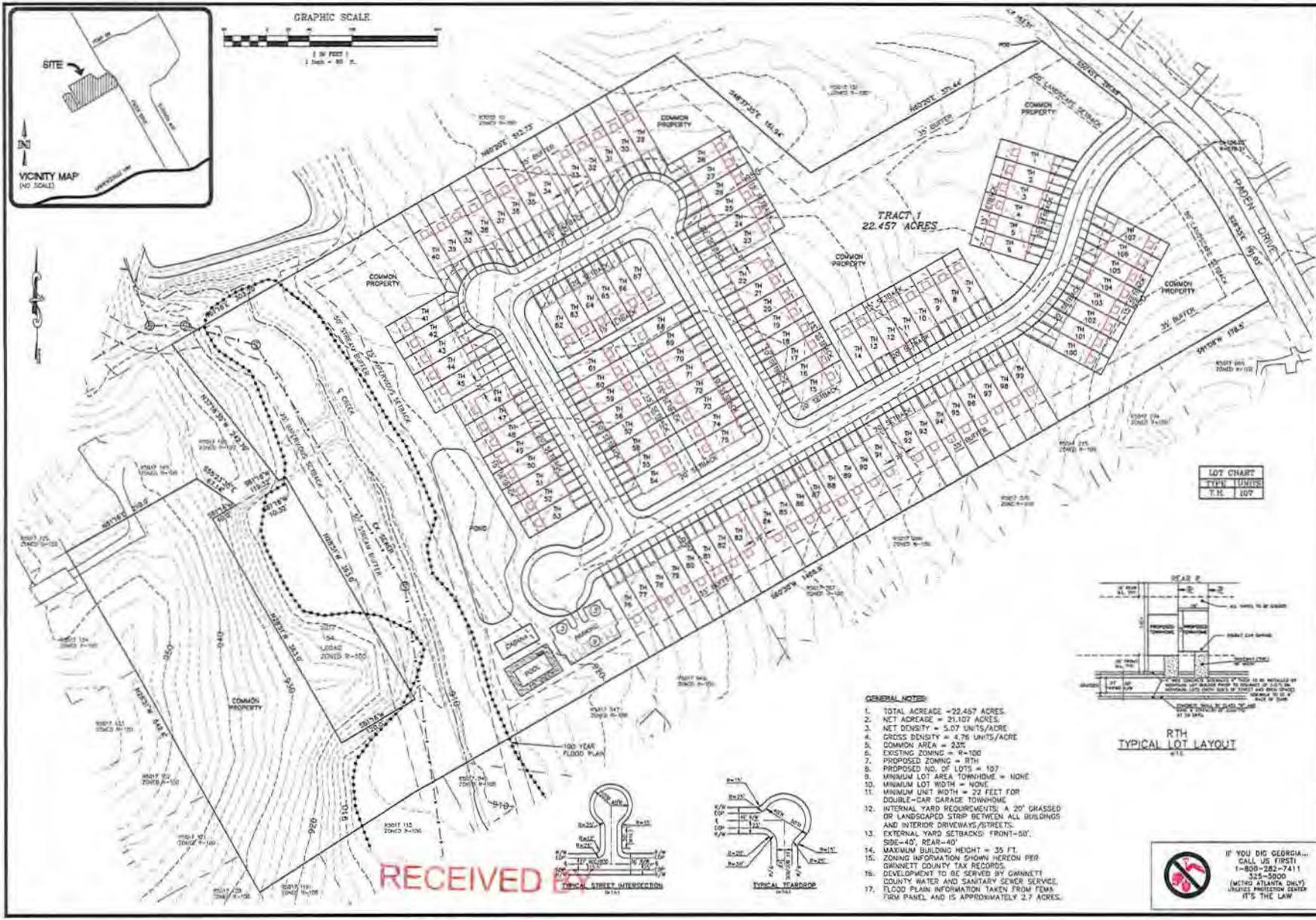
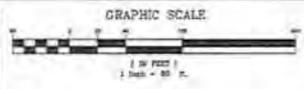
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- GENERAL NOTES:**
- TOTAL ACREAGE = 22.457 ACRES.
  - NET ACREAGE = 21.107 ACRES.
  - NET DENSITY = 5.07 UNITS/ACRE.
  - GROSS DENSITY = 4.76 UNITS/ACRE.
  - COMMON AREA = 23%.
  - EXISTING ZONING = R-100.
  - PROPOSED ZONING = RTH.
  - PROPOSED NO. 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 WATER AND SANITARY SEWER SERVICE. 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.

IF YOU DIG GEORGIA... CALL US FIRST! 1-800-283-7411 325-3000 (MEMO ATLANTA ONLY) UNLESS NOTATION STATES IT'S THE LAW

City/ST  
MIGUEL RODRIGUEZ, INC.  
1000 W. BENTLEY BLVD. SUITE 100  
DUBLIN, GA 31006  
TEL: 770-476-1111  
WWW.MIGUELRODRIGUEZ.COM

**MYERS & CO.**  
civil engineers  
587 PADEN DRIVE  
LAWRENCEVILLE  
GEORGIA 30044  
770-961-9999  
404-949-0200  
WWW.MYERSANDCO.COM

Project Description  
587 PADEN DRIVE  
LAWRENCEVILLE  
GEORGIA 30044  
PARCEL 15017 079  
GWINNETT COUNTY, GEORGIA

DATE	2-3-16
Job No.	15-35
Sheet No.	REZONING PLAN
Revision	
SHEET	1

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SYCAMORE GLEN CT

TITON WAY

DESMOND DR

DESIRE DR

PADENS CHASE CT

PADENS CHASE WAY

ROYS CT

PADENS DR

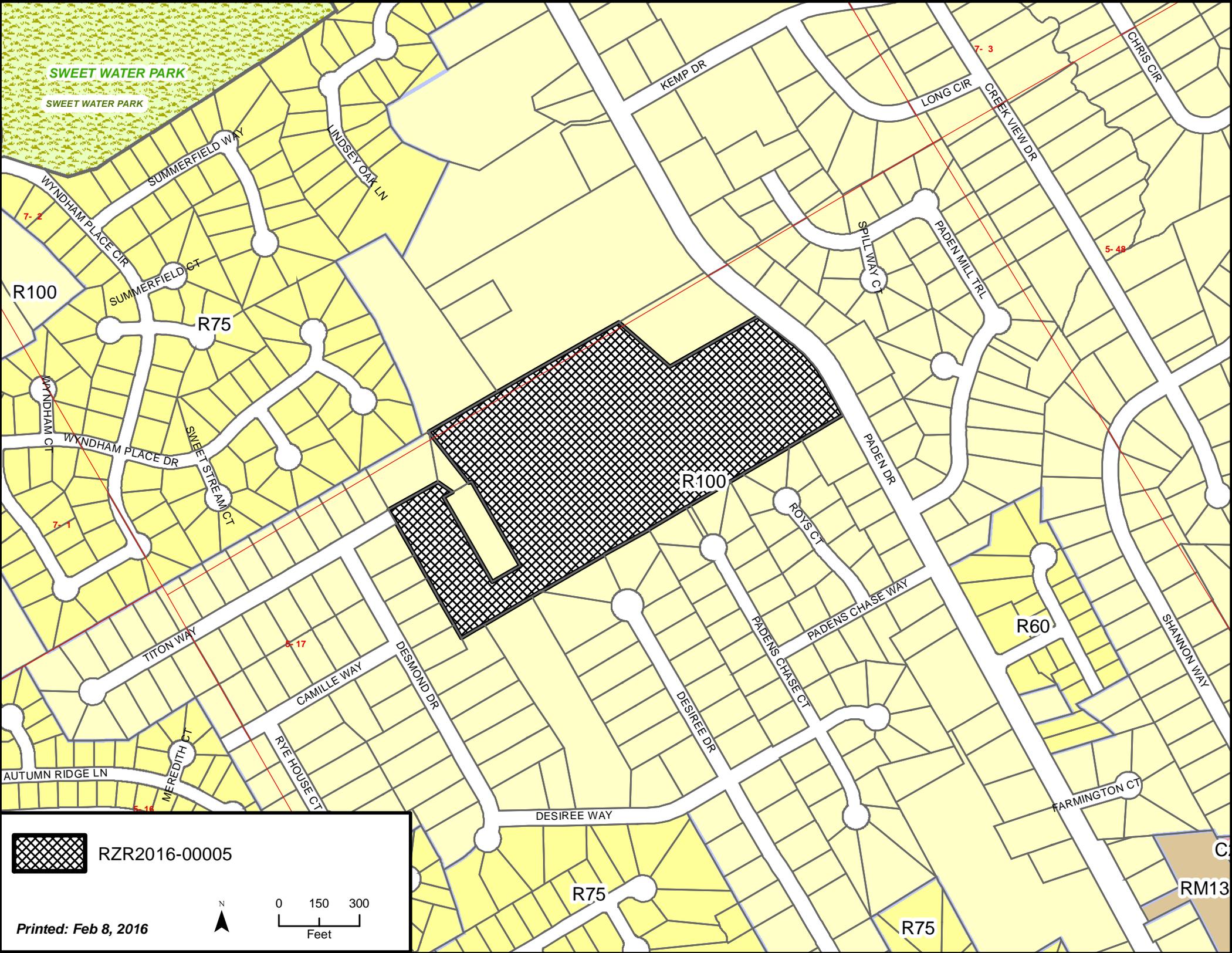
SPILL WAY CT

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SWEET WATER PARK

SWEET WATER PARK

R100

R75

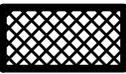
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RM13

 RZR2016-00005

Printed: Feb 8, 2016



**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 Stormwater 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 stormwater 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 stormwater 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, stormwater 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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

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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 Austen T. Mabe  
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 Steven A. Pickens  
 Andrew D. Stancil  
 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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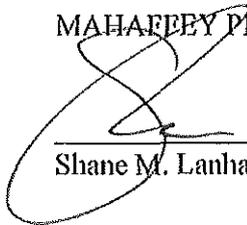
off-street parking spaces as well as multiple above and below-ground parking structures. The proposed development also includes a conceptualized pedestrian access bridge connecting the Property with the main Mall of Georgia property.

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



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Shane M. Lanham

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**RZC '16015**

## 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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RZC 16015

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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PROJECT # 2015014 | 03.31.2016

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

 **Ivy Creek Partners**  
©2016 Ivy Creek Partners, Inc., 174 Peachtree Street SE, Suite 2100, Atlanta, Georgia 30333 Tel: 404.237.2100 Fax: 404.237.4276

MALL OF GEORGIA MASTER PLAN  
Atlanta, Georgia

 **COOPER CARRY**



PROJECT# 20170301 | 03.31.2016

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

**Ivy Creek Partners**  
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MALL OF GEORGIA MASTER PLAN  
Atlanta, Georgia





PROJECT # 2015038 | 03.31.2016

PEDESTRIAN VIEW - ENTRANCE AT MALL OF GEORGIA BLVD

 Ivy Creek Partners

MALL OF GEORGIA MASTER PLAN  
Buford, Georgia

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REVISION 2015/08/28 03.31.2016

PEDESTRIAN VIEW - ENTRANCE AT MALL OF GEORGIA BLVD.

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MALL OF GEORGIA MASTER PLAN  
Atlanta, Georgia

  
COOPER CARRY



RETAIL

PROJECT # 2015-0101 | 03.31.2016

**Ivy Creek Partners**  
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PEDESTRIAN VIEW - ENTRANCE AT WOODWARD CROSSING BLVD

MALL OF GEORGIA MASTER PLAN  
Buckhead Georgia

**COOPER CARRY**

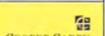


PROJECT: 20150101 | 03.31.2016

PEDESTRIAN VIEW - ENTRANCE AT WOODWARD CROSSING BLVD.

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MALL OF GEORGIA MASTER PLAN  
 Buford, Georgia

 **COOPER CARRY**



REVISION: 2016/04/08 03.31.2016

PEDESTRIAN VIEW - LOOKING SOUTH ALONG PRIMARY CORRIDOR

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MALL OF GEORGIA MASTER PLAN  
Atlanta, Georgia

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**COOPER CARRY**



PROJECT# 2015/0101 03.31.2016

PEDESTRIAN VIEW - LOOKING WEST ALONG SECONDARY CORRIDOR

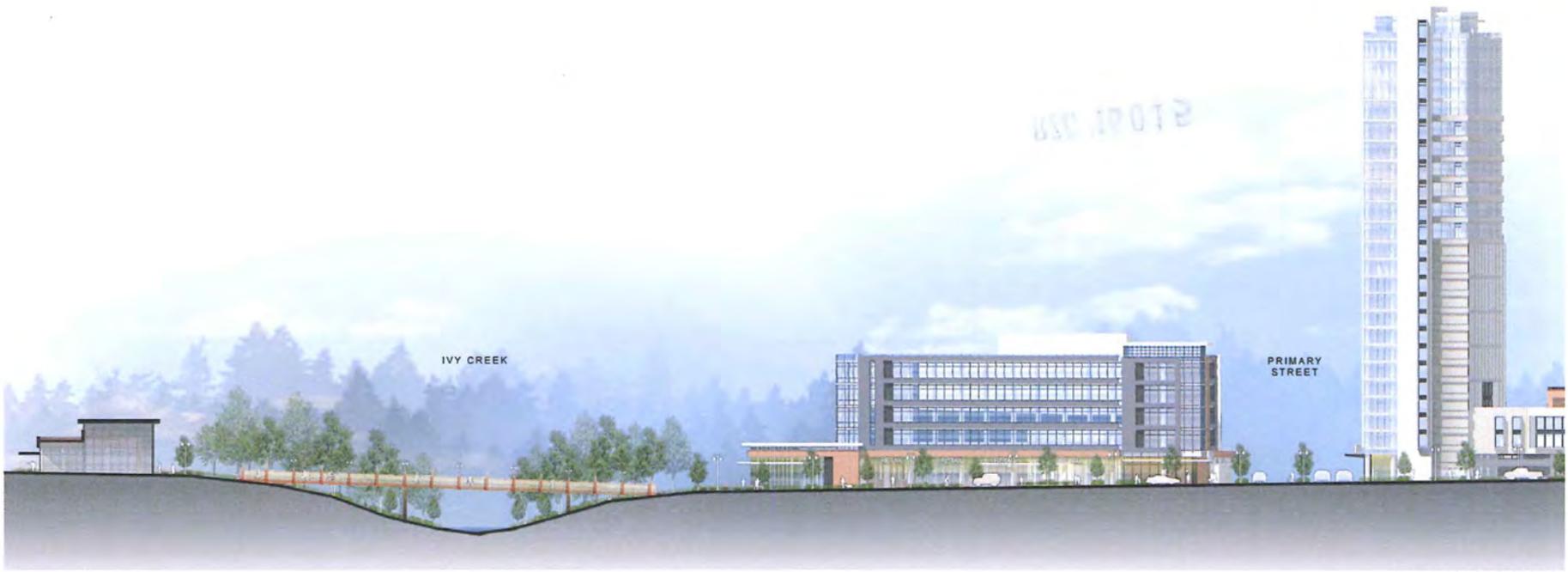
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MALL OF GEORGIA MASTER PLAN  
Dorav, Georgia

**COOPER CARRY**



OVERALL SITE SECTION



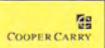
ENLARGED SITE SECTION

PROJECT# 2015058 | 03.31.2016

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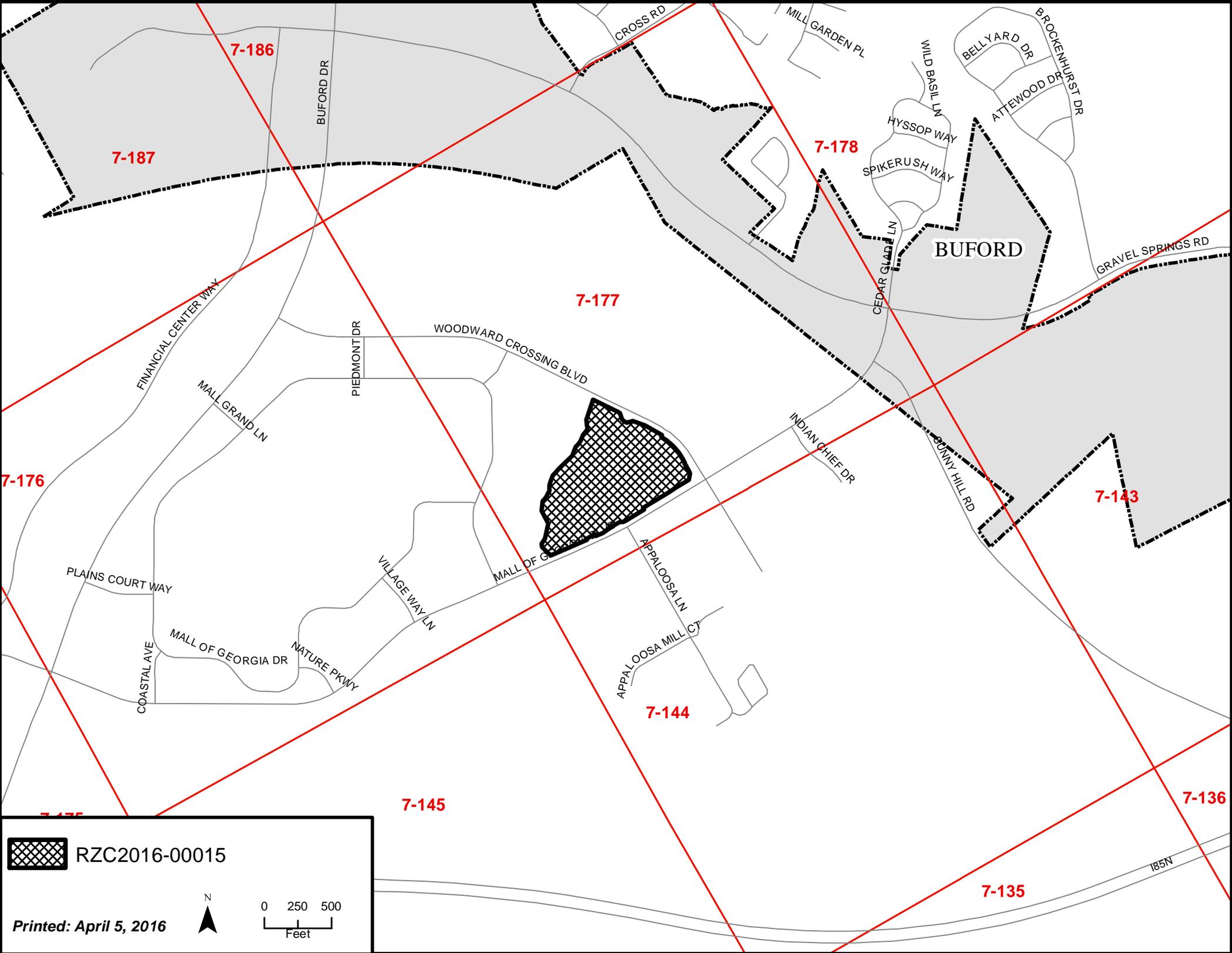
SITE SECTION  
MALL OF GEORGIA MASTER PLAN  
Atlanta, Georgia



**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	<b>Mountain View HS</b>	<b>2356</b>	2,300	56	<b>2470</b>	2,300	170	<b>2550</b>	2,300	250	56
	Twin Rivers MS	<b>2034</b>	2,150	-116	<b>2065</b>	2,150	-85	<b>2095</b>	2,150	-55	40
	Patrick ES	<b>792</b>	1,025	-233	<b>816</b>	1,025	-209	<b>840</b>	1,025	-185	77
RZR2016-00009	<b>Mountain View HS</b>	<b>2356</b>	2,300	56	<b>2470</b>	2,300	170	<b>2550</b>	2,300	250	9
	Twin Rivers MS	<b>2034</b>	2,150	-116	<b>2065</b>	2,150	-85	<b>2095</b>	2,150	-55	6
	Patrick ES	<b>792</b>	1,025	-233	<b>816</b>	1,025	-209	<b>840</b>	1,025	-185	12
RZR2016-00010	<b>Parkview HS</b>	<b>3021</b>	2,500	521	<b>3082</b>	2,500	582	<b>3143</b>	2,500	643	19
	Trickum MS	<b>2073</b>	1,775	298	<b>2104</b>	1,775	329	<b>2136</b>	1,775	361	14
	Knight ES	<b>790</b>	900	-110	<b>812</b>	900	-88	<b>835</b>	900	-65	26
RZR2016-00011	<b>Grayson HS</b>	<b>2847</b>	2,125	722	<b>2927</b>	2,125	802	<b>3009</b>	2,125	884	24
	Couch MS	<b>1025</b>	1,150	-125	<b>1040</b>	1,150	-110	<b>1056</b>	1,150	-94	17
	Pharr ES	<b>669</b>	975	-306	<b>660</b>	975	-315	<b>653</b>	975	-322	32
RZM2016-00003	<b>Grayson HS</b>	<b>2847</b>	2,125	722	<b>2927</b>	2,125	802	<b>3009</b>	2,125	884	43
	Couch MS	<b>1025</b>	1,150	-125	<b>1040</b>	1,150	-110	<b>1056</b>	1,150	-94	31
	Pharr ES	<b>669</b>	975	-306	<b>660</b>	975	-315	<b>653</b>	975	-322	61

Current projections do not include new developments



7-187

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BUFORD

 RZC2016-00015



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Feet

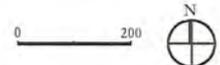
Printed: April 5, 2016

**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
- RESIDENTIAL (ALTERNATE FOR OFFICE)  
220 UNITS
- I** PARKING DECK  
956 PARKING SPACES

\*129 ON-GRADE PARKING SPACES

\*STORMWATER MANAGEMENT TO BE PROVIDED BELOW GRADE





MALL OF GEORGIA DR

WOODWARD CROSSING BLVD

TRAIL PATH LN

MALL OF GEORGIA BLVD

APPALOSA LN

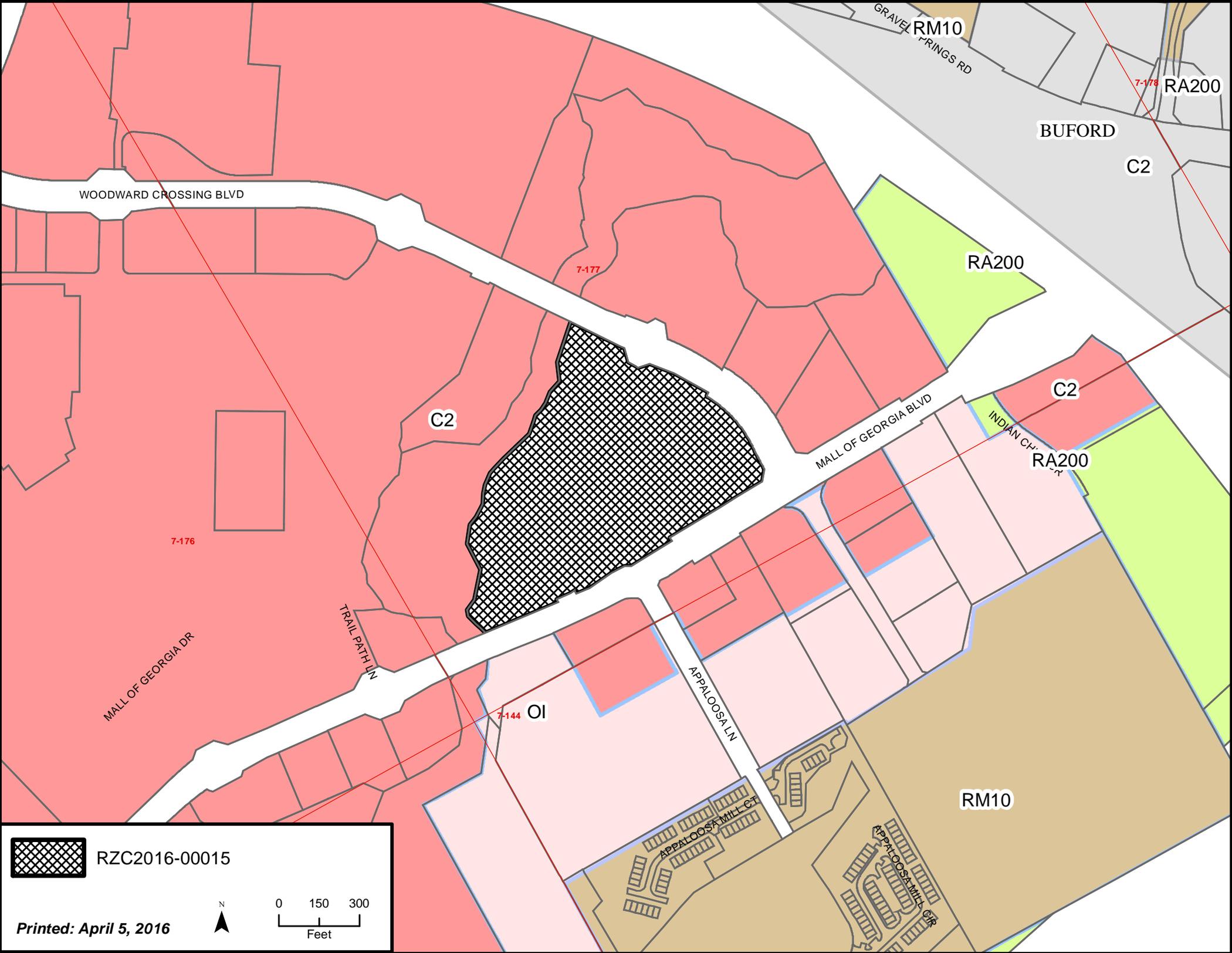


RZC2016-00015



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Printed: April 5, 2016



RM10

7-178 RA200

BUFORD

C2

WOODWARD CROSSING BLVD

RA200

7-177

C2

MALL OF GEORGIA BLVD

C2

RA200

INDIAN CH...

7-176

TRAIL PATH LN

MALLOF GEORGIA DR

7-144 OI

APPALOOSA LN

RM10

APPALOOSA MIL CT

APPALOOSA MIL CIR

 RZC2016-00015



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Feet

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 stormwater 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 Stormwater 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 stormwater 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 stormwater 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 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, stormwater 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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

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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9/1/2016

Planning & Development

RZR '16009



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Planning & Development

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.

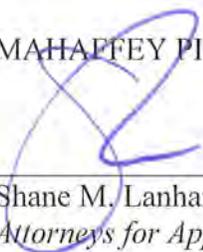
The subject Property abuts land zoned R-75 CSO to the west, RA-200 to the northeast and across Kilgore Road, RZT to the southeast, and R-TH to the south. The adjacent property to

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



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Shane M. Lanham  
*Attorneys for Applicant*

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MAR 31 2016  
Planning & Development

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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RZR '16 009

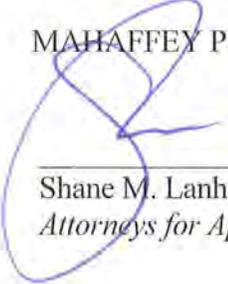
A refusal by the Gwinnett County Board of Commissioners to rezone the Property to the R-60 classification with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable 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



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Shane M. Lanham  
*Attorneys for Applicant*

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

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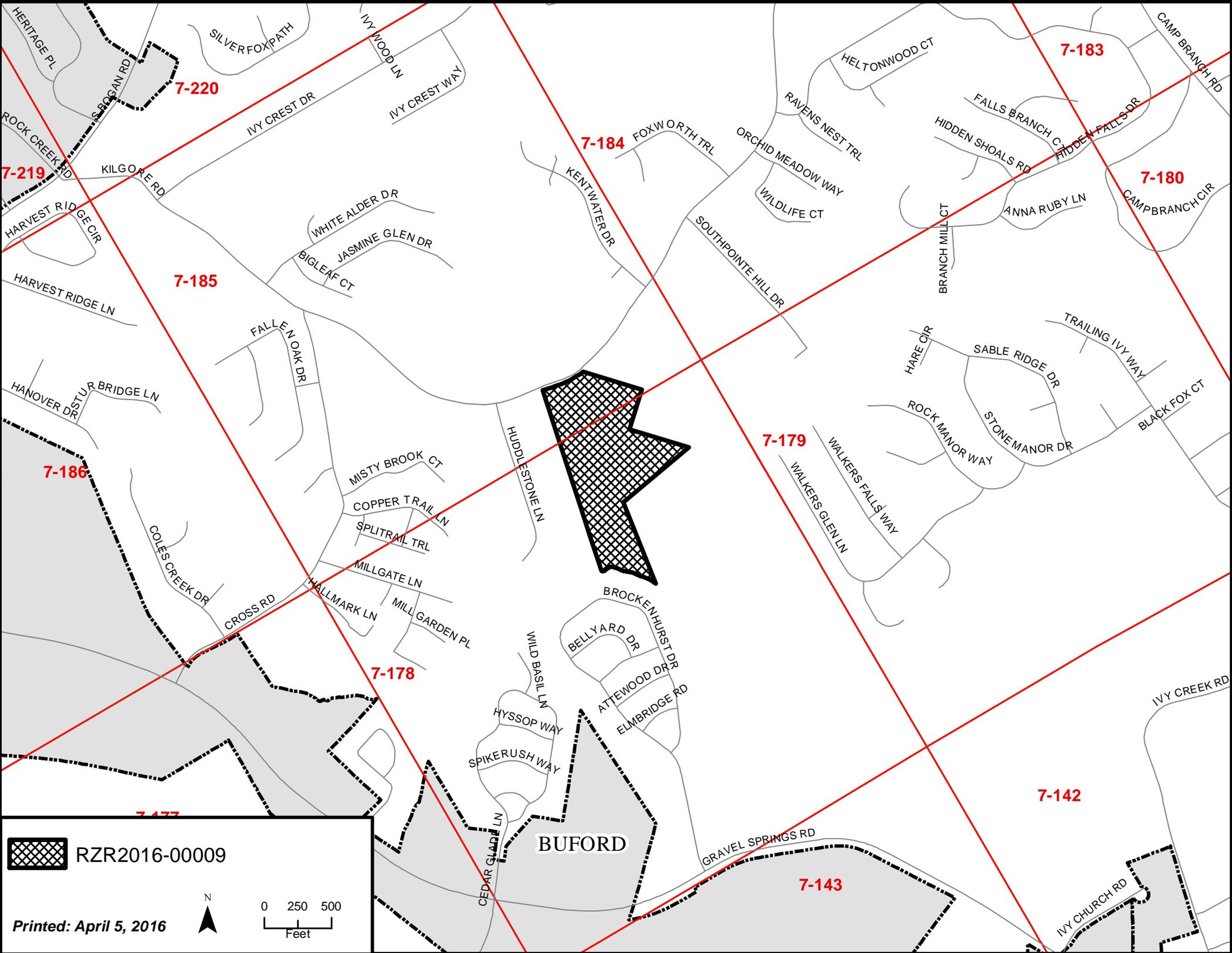
MAR 31 2016

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	<b>Mountain View HS</b>	<b>2356</b>	2,300	56	<b>2470</b>	2,300	170	<b>2550</b>	2,300	250	56
	Twin Rivers MS	<b>2034</b>	2,150	-116	<b>2065</b>	2,150	-85	<b>2095</b>	2,150	-55	40
	Patrick ES	<b>792</b>	1,025	-233	<b>816</b>	1,025	-209	<b>840</b>	1,025	-185	77
RZR2016-00009	<b>Mountain View HS</b>	<b>2356</b>	2,300	56	<b>2470</b>	2,300	170	<b>2550</b>	2,300	250	9
	Twin Rivers MS	<b>2034</b>	2,150	-116	<b>2065</b>	2,150	-85	<b>2095</b>	2,150	-55	6
	Patrick ES	<b>792</b>	1,025	-233	<b>816</b>	1,025	-209	<b>840</b>	1,025	-185	12
RZR2016-00010	<b>Parkview HS</b>	<b>3021</b>	2,500	521	<b>3082</b>	2,500	582	<b>3143</b>	2,500	643	19
	Trickum MS	<b>2073</b>	1,775	298	<b>2104</b>	1,775	329	<b>2136</b>	1,775	361	14
	Knight ES	<b>790</b>	900	-110	<b>812</b>	900	-88	<b>835</b>	900	-65	26
RZR2016-00011	<b>Grayson HS</b>	<b>2847</b>	2,125	722	<b>2927</b>	2,125	802	<b>3009</b>	2,125	884	24
	Couch MS	<b>1025</b>	1,150	-125	<b>1040</b>	1,150	-110	<b>1056</b>	1,150	-94	17
	Pharr ES	<b>669</b>	975	-306	<b>660</b>	975	-315	<b>653</b>	975	-322	32
RZM2016-00003	<b>Grayson HS</b>	<b>2847</b>	2,125	722	<b>2927</b>	2,125	802	<b>3009</b>	2,125	884	43
	Couch MS	<b>1025</b>	1,150	-125	<b>1040</b>	1,150	-110	<b>1056</b>	1,150	-94	31
	Pharr ES	<b>669</b>	975	-306	<b>660</b>	975	-315	<b>653</b>	975	-322	61

Current projections do not include new developments



7-220

7-183

7-219

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7-177

7-142

7-143

BUFORD

 RZR2016-00009



0 250 500  
Feet

Printed: April 5, 2016





KILGORE RD

HUNDRISTONE LN



RZR2016-00009



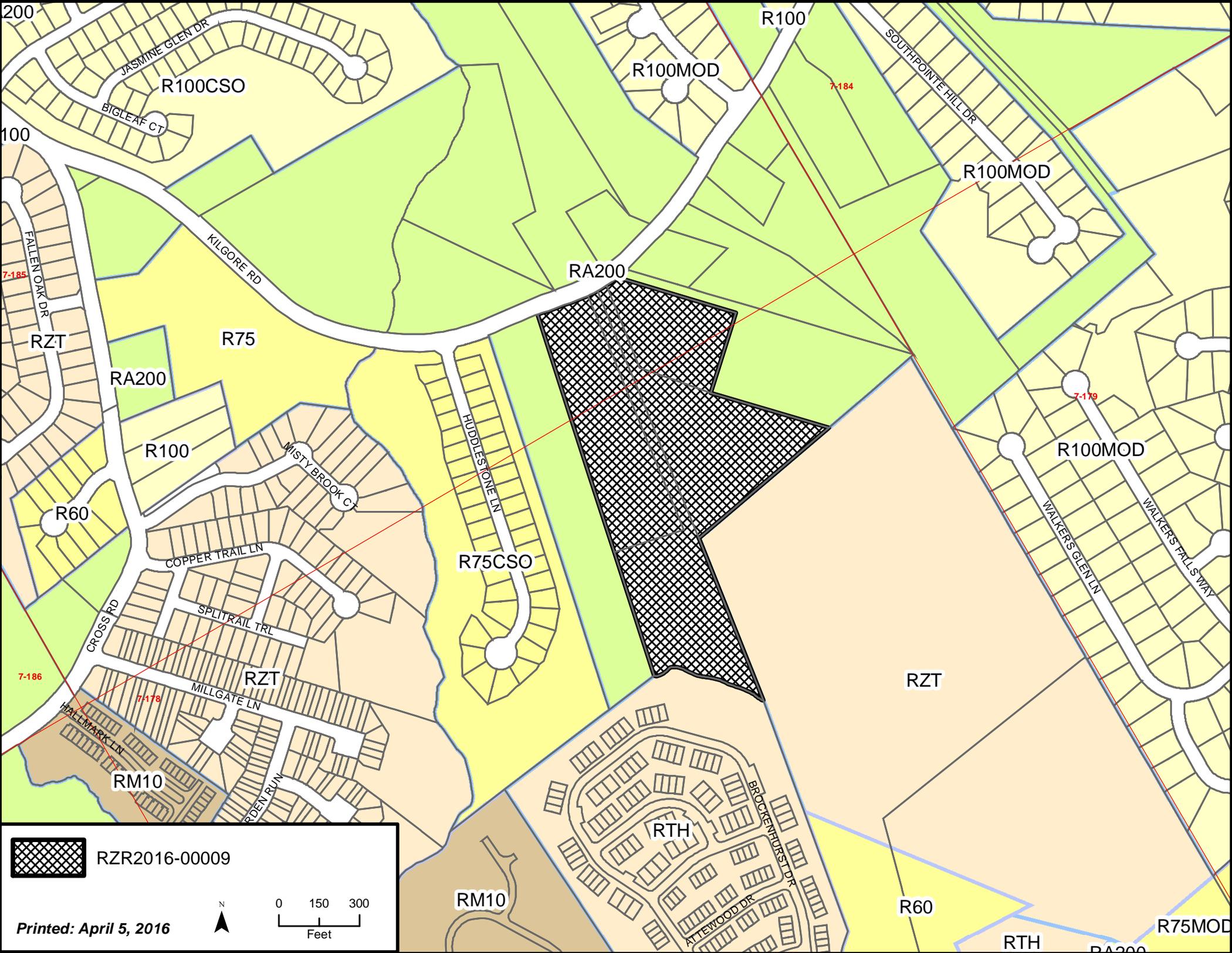
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 RZR2016-00009

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R100CSO

R100MOD

R100

R100MOD

RA200

R75

RA200

R100

R100MOD

R60

R75CSO

RZT

RZT

RTH

RM10

RM10

R60

R75MOD

RTH

RA200

JASMINE GLEN DR

BIGLEAF CT

FALLEN OAK DR

KILGORE RD

HUDDLESTON LN

MISTY BROOK C

COPPER TRAIL LN

SPLITRAIL TRL

CROSS RD

MILLGATE LN

HALLMARK LN

RODEN RUN

BRACKENHURST DR

ATTEWOOD DR

SOUTHPOINTE HILL DR

WALKERS GLEN LN

WALKERS FALLS WY

7-184

7-185

7-179

7-186

7-178

**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 Stormwater 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 stormwater 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 stormwater 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 its 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. Stormwater 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, stormwater 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

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

Please see attached

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

Please see attached

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

Please see attached

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- (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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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 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.

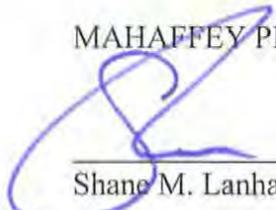
The Applicant has designed the development to include higher-intensity uses such as the townhomes and young professional housing towards the center and westerly portions of the property. This design creates a transitional flow to the development and locates the lower-intensity elements of the project 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*

1550 North Brown Road, Suite 125  
Lawrenceville, Georgia 30043  
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PROPOSED AMENITY AREA  
*Single Family and Townhomes*



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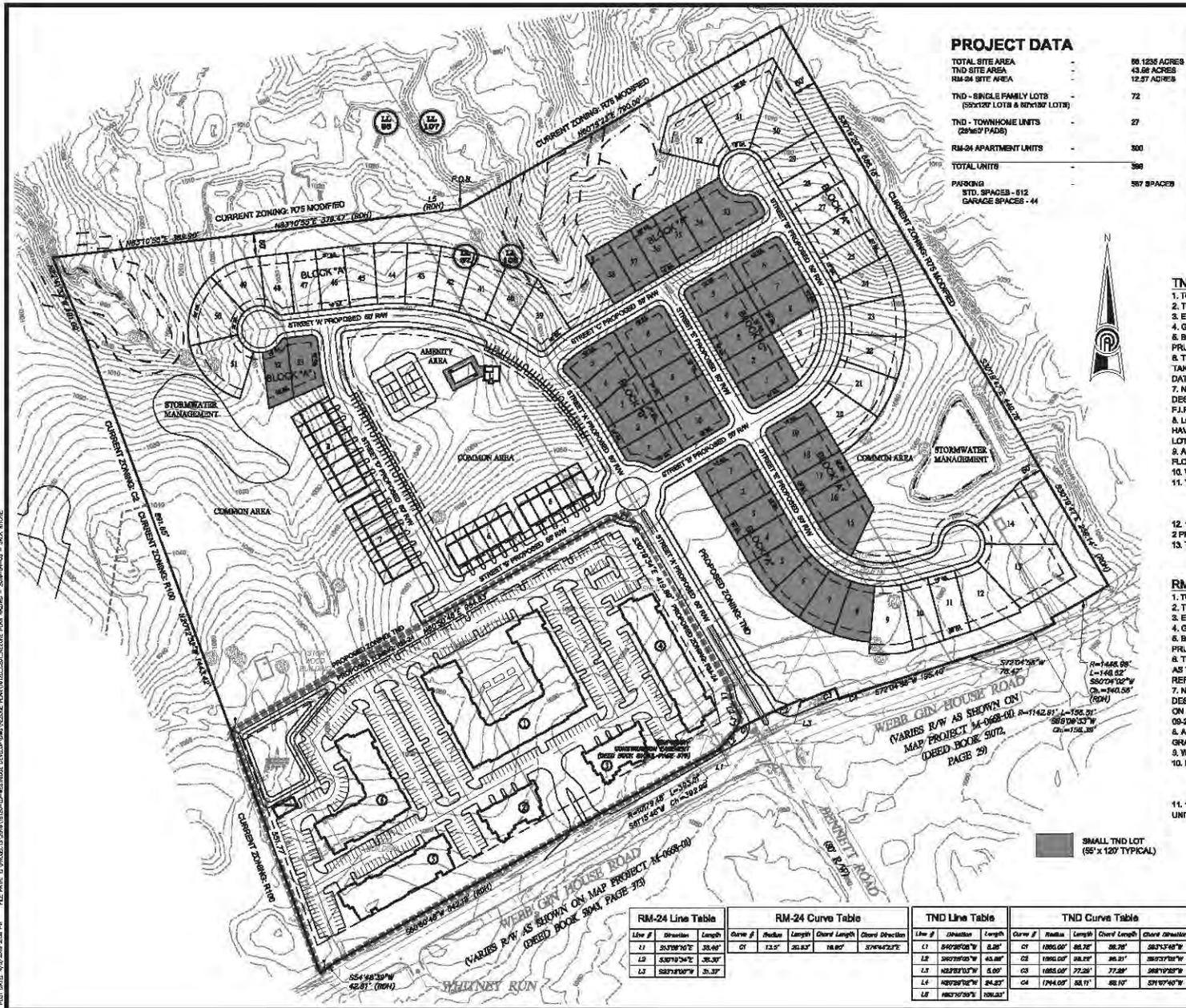
**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, June 2016**

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	<b>Mountain View HS</b>	<b>2356</b>	2,300	56	<b>2470</b>	2,300	170	<b>2550</b>	2,300	250	56
	Twin Rivers MS	<b>2034</b>	2,150	-116	<b>2065</b>	2,150	-85	<b>2095</b>	2,150	-55	40
	Patrick ES	<b>792</b>	1,025	-233	<b>816</b>	1,025	-209	<b>840</b>	1,025	-185	77
RZR2016-00009	<b>Mountain View HS</b>	<b>2356</b>	2,300	56	<b>2470</b>	2,300	170	<b>2550</b>	2,300	250	9
	Twin Rivers MS	<b>2034</b>	2,150	-116	<b>2065</b>	2,150	-85	<b>2095</b>	2,150	-55	6
	Patrick ES	<b>792</b>	1,025	-233	<b>816</b>	1,025	-209	<b>840</b>	1,025	-185	12
RZR2016-00010	<b>Parkview HS</b>	<b>3021</b>	2,500	521	<b>3082</b>	2,500	582	<b>3143</b>	2,500	643	19
	Trickum MS	<b>2073</b>	1,775	298	<b>2104</b>	1,775	329	<b>2136</b>	1,775	361	14
	Knight ES	<b>790</b>	900	-110	<b>812</b>	900	-88	<b>835</b>	900	-65	26
RZR2016-00011	<b>Grayson HS</b>	<b>2847</b>	2,125	722	<b>2927</b>	2,125	802	<b>3009</b>	2,125	884	24
	Couch MS	<b>1025</b>	1,150	-125	<b>1040</b>	1,150	-110	<b>1056</b>	1,150	-94	17
	Pharr ES	<b>669</b>	975	-306	<b>660</b>	975	-315	<b>653</b>	975	-322	32
RZM2016-00003	<b>Grayson HS</b>	<b>2847</b>	2,125	722	<b>2927</b>	2,125	802	<b>3009</b>	2,125	884	43
	Couch MS	<b>1025</b>	1,150	-125	<b>1040</b>	1,150	-110	<b>1056</b>	1,150	-94	31
	Pharr ES	<b>669</b>	975	-306	<b>660</b>	975	-315	<b>653</b>	975	-322	61

Current projections do not include new developments



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**PROJECT DATA**

TOTAL SITE AREA	88.1935 ACRES
TND SITE AREA	43.86 ACRES
RM-24 SITE AREA	12.87 ACRES
TND - SINGLE FAMILY LOTS (59x120' LOTS & 80x130' LOTS)	72
TND - TOWNHOME UNITS (29'x67' PADS)	27
RM-24 APARTMENT UNITS	300
TOTAL UNITS	398
PARKING STD. SPACES - 812 GARAGE SPACES - 44	587 SPACES



EXISTING ZONING: R-100  
PROPOSED ZONING: TND, RM-24

**TND SUMMARY:**

- TOTAL ACREAGE (GROSS AND NET) OF TND = 43.86
- TOTAL NUMBER OF UNITS = 90
- EXISTING ZONING = R-100
- GROSS & NET DENSITY = 2.27 UNITS/AC
- BOUNDARY INFORMATION BASED ON SURVEY BY TRAVIS PRUITT & ASSOCIATES, INC. ON 8-21-15.
- TOPOGRAPHIC INFORMATION BASED ON MEAN SEA LEVEL AS TAKEN FROM GWINNETT COUNTY GIS SURVEY REFERENCE DATUM: NVD-1985.
- NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA AS DEPICTED ON F.I.R.M. PANEL NO. 13136C0103F & 13136C0117F DATED 06-29-2008.
- LOTS 8 SHOWN ARE FOR SINGLE-FAMILY USE ONLY. SMALL LOTS HAVE A MINIMUM SQUARE FOOTAGE OF 6,000 SF AND MID-SIZE LOTS HAVE A MINIMUM SQUARE FOOTAGE OF 7,800 SF.
- ALL LOTS ARE TO BE SERVED BY GWINNETT COUNTY GRAVITY FLOW SANITARY SEWER.
- WATER PROVIDED BY GWINNETT COUNTY.
- YARD REQUIREMENTS:  
FRONT SETBACK = 15 FT  
SIDE SETBACK = 15 FT  
REAR SETBACK = 20 FT
- 1.5 PARKING SPACES REQUIRED PER EACH RESIDENTIAL UNIT, 2 PROVIDED PER UNIT.
- TOTAL OPEN/Common SPACE = 18.88 AC = 44%

**RM-24 SUMMARY:**

- TOTAL ACREAGE (GROSS AND NET) OF TND = 12.87
- TOTAL NUMBER OF UNITS = 300
- EXISTING ZONING = R-100
- GROSS & NET DENSITY = 23.80 UNITS/AC
- BOUNDARY INFORMATION BASED ON SURVEY BY TRAVIS PRUITT & ASSOCIATES, INC. ON 8-21-15.
- TOPOGRAPHIC INFORMATION BASED ON MEAN SEA LEVEL AS TAKEN FROM GWINNETT COUNTY GIS SURVEY REFERENCE DATUM: NVD-1985.
- NO PORTION OF THE SUBJECT PROPERTY LIES WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA AS DEPICTED ON F.I.R.M. PANEL NO. 13136C0103F & 13136C0117F DATED 06-29-2008.
- ALL UNITS ARE TO BE SERVED BY GWINNETT COUNTY GRAVITY FLOW SANITARY SEWER.
- WATER PROVIDED BY GWINNETT COUNTY.
- LOT REQUIREMENTS:  
FRONT SETBACK = 15 FT  
SIDE SETBACK = 18 FT  
REAR SETBACK = 30 FT
- 1.5 PARKING SPACES REQUIRED PER EACH RESIDENTIAL UNIT, 2 PROVIDED PER UNIT.

**OWNER INFORMATION**

- JLC HOLDINGS, LLLP
- RICHARD L. & JOYCE HARRISON
- ROBIN JAMES SNELL, AS EXECUTOR UNDER THE WILL OF VINNIE LUCILLE CLARK, DECEASED

**RM-24 Line Table**

Line #	Station	Length
L1	51708+70"E	35.49'
L2	53079+34"E	38.30'
L3	52873+10"W	31.37'

**RM-24 Curve Table**

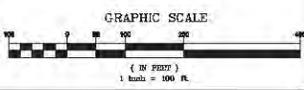
Curve #	Radius	Length	Chord Length	Chord Direction
C1	13.5'	25.83'	18.87'	274°42.2'E

**TND Line Table**

Line #	Station	Length
L1	84028+08"W	8.28'
L2	28079+02"W	45.88'
L3	42382+10"W	5.00'
L4	48758+02"W	84.25'
L5	48870+00"E	108.53'

**TND Curve Table**

Curve #	Radius	Length	Chord Length	Chord Direction
C1	1085.00'	88.78'	88.78'	282°17.6"W
C2	1085.00'	28.23'	28.23'	282°17.6"W
C3	1085.00'	77.25'	77.25'	282°19.2"W
C4	1294.00'	83.71'	83.71'	274°40.0"W



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Planning Inc.

**WEBB GIN HOUSE ROAD TRACT**  
 TND ID: 6047-124-6106-003, 6106-07, & 6106-07B  
 GWINNETT COUNTY, GEORGIA

REZONING EXHIBIT  
 SHEET TITLE  
 DATE: APRIL 5, 2016  
 DATE: R18120  
 REV: PROJECT NO.

1 OF 1



RZR2016-00011

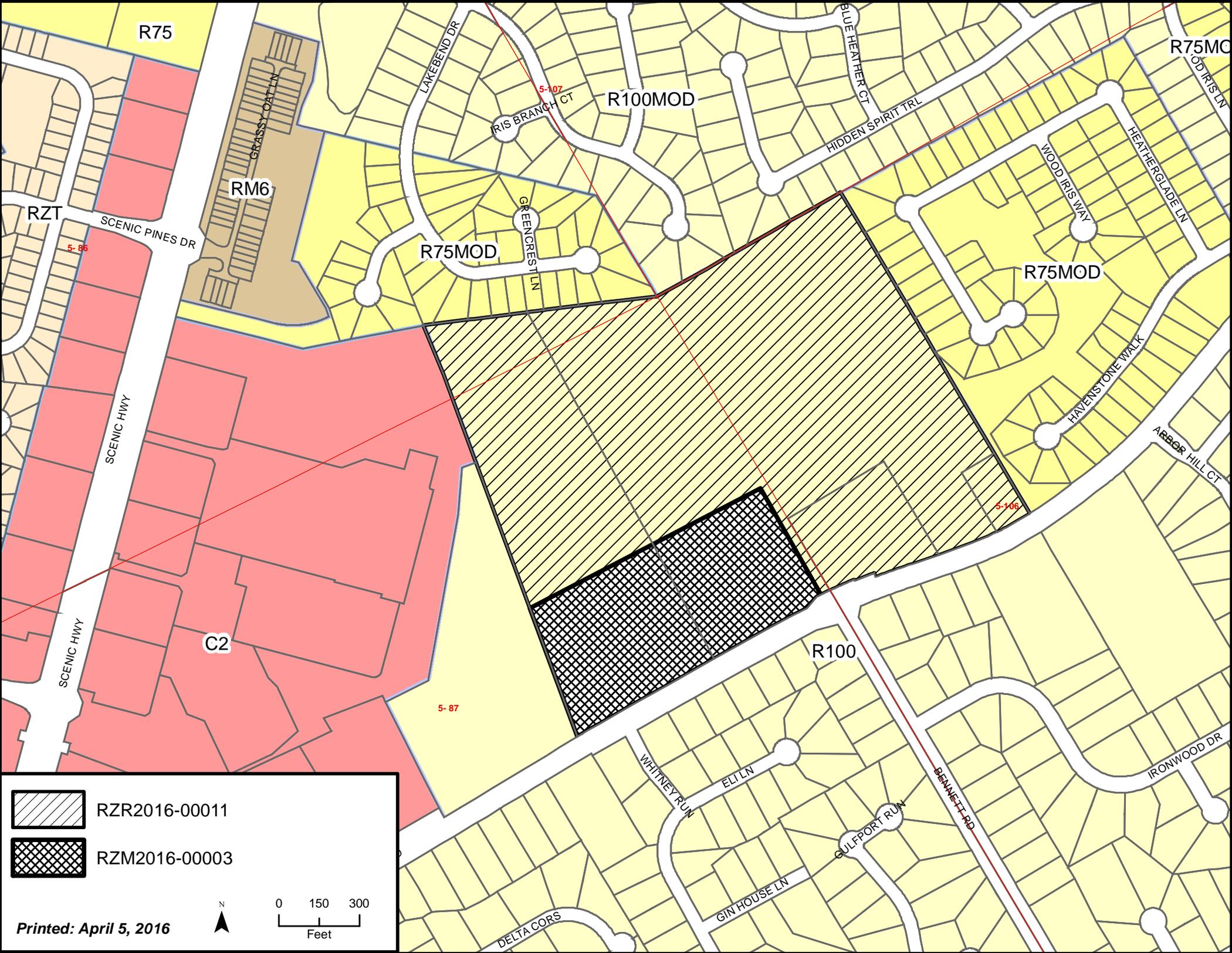


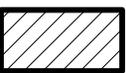
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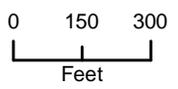
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-  RZR2016-00011
-  RZM2016-00003

Printed: April 5, 2016



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

CASE NUMBER :RZC2016-00016  
ZONING CHANGE :R-100 TO M-1  
LOCATION :2900 BLOCK OF MCGINNIS FERRY ROAD  
MAP NUMBER :R7152 007  
ACREAGE :3.3 ACRES  
SQUARE FEET :60,000 SQUARE FEET  
PROPOSED DEVELOPMENT :OFFICE/WAREHOUSE (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: NANCY G. LAIL & STEPHANIE HUMPHREY  
C/O ANDERSEN, TATE & CARR, P.C.  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MARIAN C. ADEIMY                      PHONE: 678.518.6855

OWNERS: NANCY G. LAIL & STEPHANIE HUMPHREY  
C/O ANDERSEN, TATE & CARR, P.C.  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

DEPARTMENT RECOMMENDATIONS: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant seeks rezoning of a 3.3 acre parcel from R-100 to M-1 (Light Industry District) in order to develop an office/industrial/warehouse building. The property is located on the northwest side of Interstate 85, at McGinnis Ferry Road. The site is currently developed with a single-family residence.

The site plan depicts a 60,000-square foot office/warehouse building. A parking lot with 24 parking spaces is planned for the front of the building, along with a small loading dock area also on the front of the building. There are no driveways or service areas planned to the sides or rear of the building. The applicant has not indicated any architectural features or external finish materials for the proposed building. Two access points are proposed onto McGinnis Ferry Road. A 50-foot wide buffer is shown on the site plan adjacent to an R-100 zoned property to the north. Stormwater detention facilities are not indicated on the submitted site plan.

**ZONING HISTORY:**

The subject site 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 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 210-230.

Section 240-20 of the Unified Development Ordinance parking space requirements (Table 240.1 minimum parking requirements). Parking spaces shall be provided at a ratio of:

Warehouse (including office) minimum parking spaces required one space per 2,500 square feet.

Warehouse (including office) maximum parking spaces required one space per 500 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.

Project access and required improvements along State routes, U.S. Interstates or Highways (i.e., number and design of driveways, deceleration lanes, median breaks, etc.) will be subject to

review and approval of the Georgia Department of Transportation. (Section 900-90.3F of the Unified Development Ordinance).

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

#### STORMWATER REVIEW SECTION COMMENTS:

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

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

McGinnis Ferry 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.

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 developer shall be limited to one curb cut.

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

The number and locations of driveways are subject to Gwinnett County Department of Transportation (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.

There is a Gwinnett County and Georgia D.O.T. interchange project at McGinnis Ferry Road and Interstate 85 (PI#0013104 and F-1054-01). The acquisition of right-of-way and easements will be needed for the project.

**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 northeast right-of-way of McGinnis Ferry Road.

Due to the uncontrollable variables, the Department of Water Resources (DWR) 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 eight-inch sanitary sewer main located approximately 971 feet west of parcel R7152 001 on parcel R7153 130 and an eight-inch sanitary sewer main located approximately 340 feet west of parcel R7152 007 on right-of-way Northcliff Drive.

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 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 3.3-acre subject property is located on the northwest side of Interstate 85, at the McGinnis Ferry Road bridge overpass. The property is currently zoned R-100, and developed with a single family residence.

The 2030 Unified Plan Future Development Map indicates that the property lies within a Preferred Office Character Area. If limited to office activities only, the development could be considered consistent with the recommendations for the Character Area, and suitable in view of the neighboring non-residential developments to the west and north of the subject site known as the Shawnee Ridge business park and other office and institutional developments along this section of McGinnis Ferry Road. The Unified Plan recommends locating such uses in areas that are developed with similar existing and future land uses.

The surrounding area southwest of McGinnis Ferry Road is primarily characterized by office/industrial/warehouse uses as part of the Shawnee Ridge business park development, zoned M-1. The northeast side of McGinnis Ferry Road is primarily zoned and developed with single family residential uses. The Northbrook Square single-family subdivision, zoned R-60 is located in that area. Staff notes that the Shawnee Ridge business park is buffered from and does not have direct access to McGinnis Ferry Road. Non-residential development along this segment of McGinnis Ferry Road includes office buildings, schools, and churches, suggesting that a restriction to office use-only may be appropriate for the subject property. Staff is of the opinion that the proposed M-1 zoning and development could be appropriate for the subject site if conditioned to prohibit trucking activities.

Staff notes that the Georgia D.O.T and the Gwinnett County D.O.T. have a proposed interchange project at McGinnis Ferry Road and I-85. The acquisition of right-of-way and easements will be needed for this project (PI#0013104 and F-1054-01) from the subject property; therefore, staff has included this requirement in the attached recommended conditions.

In conclusion, the requested M-1 zoning with proper conditions could be consistent with the zoning and development pattern of the surrounding area. If limited to office use, the requested rezoning could be consistent with the Preferred Office recommendation of the Unified Plan. The site is separated from established residential areas by McGinnis Ferry Road, further suggesting that the rezoning could be suitable for the subject site. Therefore, the Department recommends **APPROVED WITH CONDITIONS.**

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as M-1 subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Limited to office uses only. Truck docks shall be prohibited.
  - B. Buildings shall be finished with architectural treatments of glass, brick, and/or stone. Architectural renderings shall be submitted for review and approval of the Director of Planning and Development prior to issuance of building permits.
  - C. Outdoor storage of equipment or materials shall be prohibited.
2. To satisfy the following site development considerations:
  - A. Provide a 50-foot wide natural, undisturbed buffer adjacent to residentially-zoned property along the northern property line.
  - B. Provide a minimum ten-foot wide landscaped strip along the McGinnis Ferry Road frontage.
  - C. 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.
  - D. 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.
  - E. Outdoor loudspeakers shall be prohibited.
  - 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 eight feet in height, and shall not be internally-illuminated.
  - G. Billboards or oversized signs shall be prohibited.

3. To abide by the following requirements, dedications, and improvements:
  - A. Provide at no cost to Gwinnett County, all necessary right-of-way and easements for the Gwinnett County and Georgia D.O.T. interchange project at McGinnis Ferry Road and I-85 (PI#0013104 and F-1054-01). Design and specifications shall be subject to review and approval of the Gwinnett County and Georgia Departments of Transportation.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The subject property is located along a segment of McGinnis Ferry Road that is characterized as a mix of office, residential, and institutional uses. With the recommended conditions designed to prohibit truck traffic and afford protection to the surrounding area, the proposed rezoning 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 could be anticipated from development of the property as proposed.

CONFORMITY WITH POLICIES

The 2030 Unified Plan and the Future Development Map recommend Preferred Office for this section of McGinnis Ferry Road. The proposed development could conform to the recommendations of the Unified Plan if limited to office use with a prohibition on truck traffic.

CONDITIONS AFFECTING ZONING

The Gwinnett County D.O.T. and the Georgia D.O.T. are proposing an interchange project at McGinnis Ferry Road and Interstate 85 which will affect the subject site. Staff has incorporated their requirements into the attached recommended conditions.

**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:

Attached.

---

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

Attached.

---

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

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:

Attached.

---

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

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:

Attached.

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**EXHIBIT "B" - RESPONSES IN SUPPORT OF REZONING (MCGINNIS FERRY RD)**

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

Yes. The requested M-1 zoning and commercial use is consistent with the nearby uses, and provides an appropriate use in light of the future right-of-way plans and given the property's location at an interchange with I-85, adjacent to an existing industrial office park, and McGinnis Ferry, a major mixed-use and commercial thoroughfare.

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

No. Nearby property consists of similar or more intense commercial and industrial uses. The property provides an appropriate transitional zoning along I-85 while completing the existing industrial office park, and accordingly, the zoning request is compatible with the existing uses and usability of the adjacent and nearby property.

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

No. Due to the property's location and existing zoning, conditions and restrictions, for low density residential uses based on the area's history, the subject property does not have reasonable economic use as currently zoned and conditioned, and has remained vacant and undeveloped.

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

No. This property is located in an area with access to public water and sewer, and direct access to two major thoroughfares, highways and interstate. The development is consistent with the Unified Plan, which supports similar industrial and commercial uses in this corridor. Gwinnett County precedent has historically approved similar uses as being appropriate for property located near an existing industrial park and major interchanges like I-85. The proposed development will not cause excessive use of existing streets, transportation facilities or utilities.

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

Yes. The 2030 Unified Plan identifies the subject property and similar I-85 interchanges as appropriate locations for more intense, non-residential uses.

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

Yes. The application for rezoning to M-1 is absolutely necessary so as to allow for a feasible economic use consistent with similar uses in the immediate vicinity, and alternate, less intense uses are not feasible for the subject property given its location and surrounding uses.

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# ANDERSEN | TATE | CARR

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Direct Fax: (770) 236-9702  
Email: [madeimy@atclawfirm.com](mailto:madeimy@atclawfirm.com)

May 5, 2016

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

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

**RE: Letter of Intent in Support of Rezoning for Nancy G. Lail and Stephanie Humphrey (collectively, the "Applicant") for the property located at 2984 McGinnis Ferry Road (the "Property")**

Dear Ms. Holland, Mr. West and Planning Department:

The Applicant submits this Rezoning Application and Letter of Intent on behalf of the Property Owner and Applicant Nancy G. Lail and Stephanie Humphrey (collectively, the "Applicant") through their attorney, Andersen, Tate & Carr, PC and Marian C. Adeimy, Esq., for the rezoning of the property known as 2984 McGinnis Ferry Road (hereinafter, the "Property"), being approximately 3.3 acres, for an office and industrial development consistent with those uses in the immediate vicinity.

### **I. Request for Rezoning**

The Property is currently zoned for single-family residential, based on its historically residential use, which is no longer a viable or appropriate use. Like many properties in the area, the Property is now located at a major interchange at McGinnis Ferry and I-85, and backs up to an existing industrial office park. The Property is last parcel before reaching McGinnis Ferry Road, and is appropriate for the completion of the existing office park and related industrial/warehouse uses, while providing a fitting stopping point for that development. The Property is also the subject of a future SPLOST and transportation project which includes the improvement of the bridge over I-85, and has no other reasonable economic use as currently zoned.

The 2030 Unified Plan identifies the subject property and similar I-85 interchanges as appropriate locations for more intense, non-residential uses. The application for rezoning to M-1 is absolutely necessary so as to allow for a feasible economic use consistent with similar uses in the immediate vicinity, and alternate, less intense uses are not feasible for the subject property given its location and surrounding uses.

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The Property remained undeveloped during the economic downturn, but has since become appropriate for commercial uses like those in the immediate area, like the industrial and office uses found at similar interchanges along Satellite Blvd., McGinnis Ferry Road, and I-85. The proposed use will serve as an economic driver for the area, and redevelop the property from its existing, non-economic use.

## **II. Constitutional Objections**

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or condition the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are and would be unconstitutional in that they would destroy the Applicant's and Property Owner'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, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO, as applied to the Property, which restricts its use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Property 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, Paragraphs I and 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 and Property Owner any economically viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for development subject only to the approval of the requested rezoning, as requested and amended by the Applicant, and is not economically suitable for development under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning 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, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to approve the Property Owner's requested rezoning request, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

Any zoning designation, condition, or variance related to the Property subject to conditions which are different from the requested variances and 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 Property 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 as set forth hereinabove.

**III. Conclusion**

The Applicant respectfully requests that the Gwinnett County Board of Commissioners, Planning Commission and Planning staff recommend and approve the Applicant's rezoning request, to allow the property owner and Applicant a viable, quality and economic use of the Property. The Applicant and its representatives welcome the opportunity to meet with the Gwinnett County Board of Commissioners, Planning Commissioners, and staff to answer any questions.

Respectfully submitted this 5<sup>th</sup> day of May, 2016,

**ANDERSEN, TATE & CARR, PC**



Marian C. Adeimy  
Attorney for Applicant

*Enclosures*  
(Application and Exhibits)

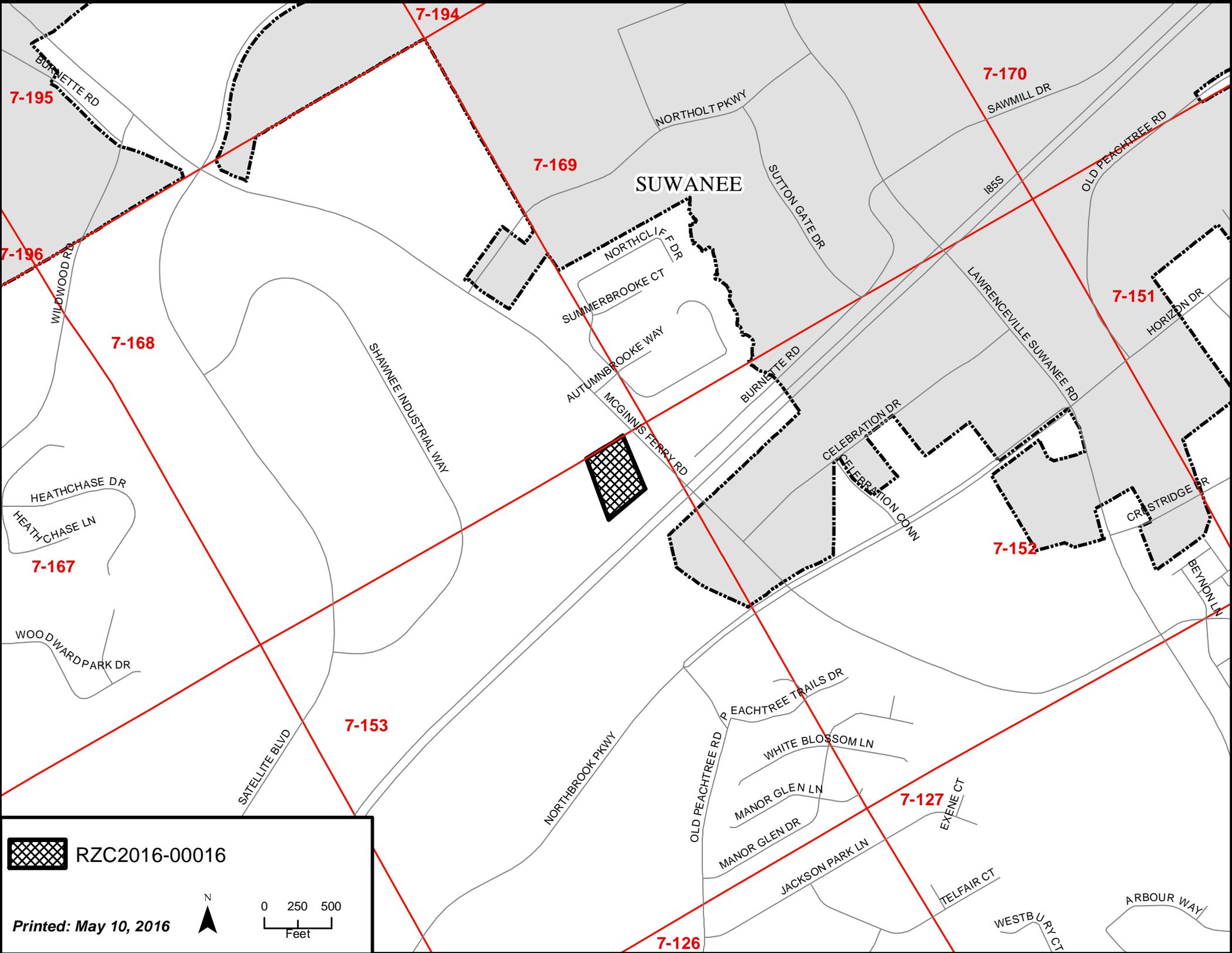
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SUWANEE

 RZC2016-00016



0 250 500  
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Printed: May 10, 2016

**LEGEND**

- R/W RIGHT OF WAY
- WM WATER METER
- B/L BUILDING LINE
- △ FIRE HYDRANT
- VALVE
- + WATER MAIN MANHOLE
- + GAS LINE
- PP POWER POLE
- N&C NAIL IN CAP
- LP-○ LIGHT POLE
- FES FLARED END SECTION
- JB JUNCTION BOX
- HW HEADWALL
- IPF IRON PIN FOUND
- IPS IRON PIN SET
- + ELECTRIC POWER
- R RADIUS OF CURVATURE
- PP ○ POWER POLE
- A ARC OF CURVE
- INV INVERT
- DI DROP INLET

SUWANEE RIDGE - UNIT THREE  
PREPARED BY PRECISION PLANNING INC.  
RECORDED IN PLAT BOOK 95, PAGE 227

LOT 2  
ZONED M-1

NOW OR FORMERLY  
SUNTRUST BANK  
PIN: 7-168-056  
DEED BOOK 48953, PAGE 71

IPF 1/2" RB  
IPF 1/2" RB

NOW OR FORMERLY  
WILLIAM H. ERWIN ETAL TRUST  
PIN: 7-168-005  
DEED BOOK 13099, PAGE 199

ZONED R-100  
CHAIN LINK FENCE  
328.77

N 59°49'23"E  
50' BUFFER (TO R-100)

NOW OR FORMERLY  
NANCY G. LAIL & STEPHANIE G. HUMPHREY  
PIN: 7 152 007

PROPOSED  
WAREHOUSE/OFFICE  
200 X 300'  
60,000 SQ. FT

SUWANEE RIDGE - UNIT THREE  
PREPARED BY PRECISION PLANNING INC.  
RECORDED IN PLAT BOOK 95, PAGE 227

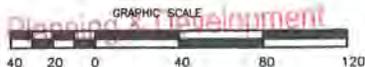
LOT 1  
ZONED M-1

NOW OR FORMERLY  
CHI ATLANTA I-85 LLC  
PIN: 7 153-130  
DEED BOOK 48866, PAGE 482

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**OWNERS/DEVELOPERS**

NANCY G. LAIL &  
STEPHANIE G. HUMPHREY

TOTAL AREA:  
143,786 SQ. FT / 3.30 ACRES

**ReZoning Notes:**

PROPERTY ZONED R-100  
PROPOSED ZONING M-1

PROPOSED OFFICE WAREHOUSE = 60,000 SQ. FT.

**Parking Requirements:**

WAREHOUSE WITH OFFICE (1 SPACE PER 2,500 SQ. FT)  
60,000/2,500 = 24 REQUIRED SPACES  
SPACES PROVIDED = 24

**Building Setback Requirements:**

FRONT = 15'  
SIDE = 10'  
REAR = 30'

SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR  
FLOOD DISTRICT AS PER F.I.R.M. PANEL NO.  
13155C0043F, EFFECTIVE DATE SEPTEMBER 29, 2006

**Zoning Exhibit**

PROPERTY ADDRESS:  
2984 MCGINNIS FERRY ROAD

COUNTY: GWINNETT LAND LOT (S): 153 DISTRICT: 7 STATE: GEORGIA

SCALE: 1" = 40'	DATE: 2/23/16	DRAWN: J.S.S.	CHECKED: J.S.S.	JOB NO. 16137
--------------------	------------------	------------------	--------------------	------------------

**DIVERSIFIED TECHNICAL GROUP, L.L.C.**

LAND SURVEYING  
RESIDENTIAL & COMMERCIAL SITE DESIGN  
2700 BRASELTON HIGHWAY - SUITE 10-430  
Dacula, Georgia 30019  
PH. 770-614-7095 - FAX 770-614-7099  
EMAIL: DtgSurvey@bellsouth.com  
Web: DtgSurvey.com





MCGINNIS FERRY RD

I85S

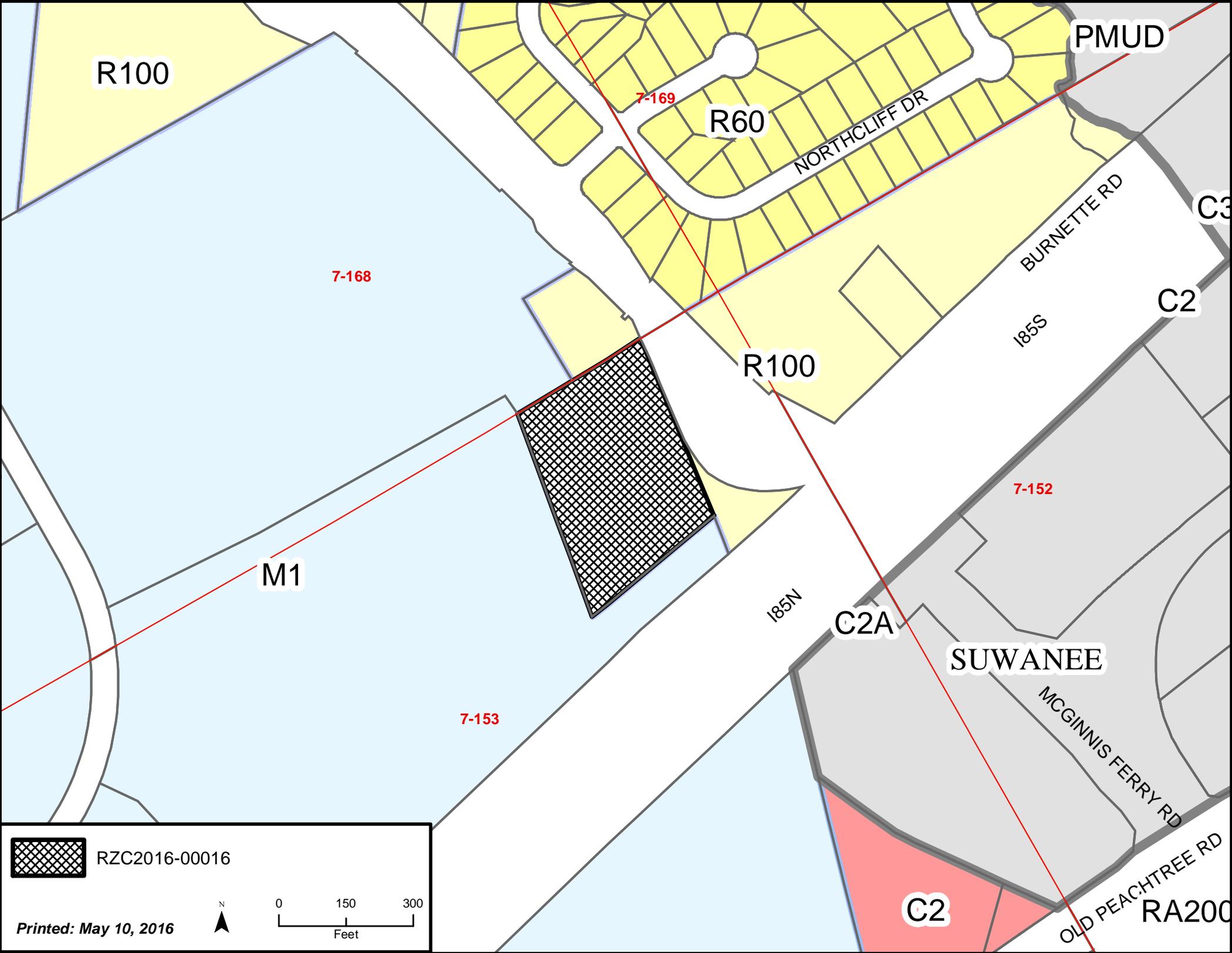
I85N

 RZC2016-00016



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Feet

Printed: May 10, 2016



R100

R60

PMUD

7-168

7-169

NORTHCLIFF DR

BURNETTE RD

C3

C2

I85S

R100

7-152

M1

I85N

C2A

SUWANEE

MCGINNIS FERRY RD

7-153

C2

RA200

OLD PEACHTREE RD

 RZC2016-00016

Printed: May 10, 2016

0 150 300  
Feet

N

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

CASE NUMBER :RZR2016-00012  
ZONING CHANGE :R-75 TO R-TH  
LOCATION :3200-3300 BLOCK OF SUGARLOAF PARKWAY  
MAP NUMBER :R7164 183  
ACREAGE :6.05 ACRES  
UNITS :36 UNITS  
PROPOSED DEVELOPMENT :ATTACHED TOWNHOMES  
COMMISSION DISTRICT :(I) BROOKS

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: SUGARLOAF PARKING LOT, LLC  
100 PGA TOUR BOULEVARD  
PONTE VEDRA, FL 32082

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests rezoning from R-75 to R-TH to develop 36 attached townhomes at a density of 5.95 units per acre. The subject 6.05-acre site is located on the north side of Sugarloaf Parkway southeast of its intersection with Old Peachtree Road. The site has been partially cleared in the center with trees remaining around the periphery of the site. A driveway onto Sugarloaf Parkway was also previously constructed and utilized as overflow parking for the TPC golf tournament held annually at the Sugarloaf Country Club located across Sugarloaf Parkway.

The submitted site plan indicates a 25-foot wide landscaped setback along Sugarloaf Parkway. The Department notes, however, that a 50-foot wide landscaped setback is required, and that Variances would be required to reduce the landscaped setback width and allow the driveway and detention pond encroachments shown on the site plan. Also shown on the plan are the required 30-foot wide buffer along the side (south) property line adjacent to R-75 zoning and a 35-foot wide buffer along the rear (east) property line adjacent to R-100 zoning. The property adjacent to the north is located within the city limits of Duluth and is zoned PUD (Planned Unit Development). It is currently vacant but approved for residential development at a maximum density of 3.9 units per acre. A 40-foot side yard setback is shown along that property line with one of the two detention ponds proposed within the setback.

One right-in/right-out access point on Sugarloaf Parkway is shown on the site plan. The applicant's letter of intent states that the townhomes would be constructed with two-car garages accessed from alleys behind the units. Submitted building elevations show that the townhomes are to be constructed of brick on the front and sides, with the rear being a combination of brick and siding.

#### ZONING HISTORY

The subject property was zoned RA-200 in 1970. In 1985, the property was part of a 489-acre site rezoned to R-100 pursuant to RZ-85-047. In 1994, the 6.05-acre property was part of a 1,958-acre mixed-use development known as Sugarloaf Farms, and was zoned R-75 pursuant to RZ-94-156. Staff notes that in June 2015, a request to annex and rezone the subject property was made to the City of Duluth for 38 townhomes at a density of 6.28 units per acre. The request was denied when a motion to approve failed before the City Council.

#### 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.

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 210-100.

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 50-foot landscape setback is required from the right-of-way of Sugarloaf Parkway. Parking, driveway, detention ponds, retaining walls, etc. to be located out of landscape setback.

Provide a 35-foot natural, undisturbed buffer adjacent to R-100 zoned property. Provide a 30-foot natural undisturbed buffer adjacent to the R-75 zoned property. (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.

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 Stormwater 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 stormwater detention facility lots) located within the development shall be controlled by a mandatory Property Owner's Association (to include reported bylaws) with responsibility for maintenance, insurance, and taxes for open space areas.

The United States Postal Service may require a centralized mail delivery kiosk for this proposed development, replacing individual mail boxes. Mail delivery kiosk must be located outside of right-of-way access easement (if private street). Location and access must be approved by Gwinnett County D.O.T.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Sugarloaf Parkway is a Principal Arterial and 60 feet of right-of-way is required from the centerline, with 75 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.

The developer shall be limited to one curb cut.

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

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

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

**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 approximately 208 feet southeast of parcel R7164 183 on the northwest right-of-way of Briergate Drive and a 24-inch water main located approximately 790 feet northwest of parcel R7164 183 on the right-of-way of Old Peachtree Road.

Due to the uncontrollable variables, the Department of Water Resources (DWR) 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 eight-inch sanitary sewer main located approximately 279 feet east of parcel R7164 183 on the right-of-way of Briergate Drive and an eight-inch sanitary sewer main located approximately 408 feet east of parcel R7164 183 on parcel R7199 004.

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

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

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

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

#### **BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

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

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

#### **GWINNETT COUNTY FIRE SERVICES COMMENTS:**

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

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

3. Upon completion of plan review approvals, applicant successfully achieves a satisfactory Fire field inspection, for issuance of a Certificate of Occupancy - Business Operation.

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

#### DEPARTMENT ANALYSIS:

The subject 6.05-acre site is located on the north side of Sugarloaf Parkway south of its intersection with Old Peachtree Road. The applicant requests rezoning from R-75 to R-TH to develop 36 attached townhomes at a density of 5.95 units per acre. The site has been partially cleared in the center with scrub trees remaining around the periphery of the site, and was previously used as overflow parking for the TPC golf tournament held annually at the Sugarloaf Country Club located across Sugarloaf Parkway. Staff notes that when the subject site was rezoned to R-75 as part of Sugarloaf Farms, it was intended to be included as part of the adjacent single family subdivision (Stonebrier at Sugarloaf) to the southeast, but was instead left undeveloped.

The 2030 Unified Plan Future Development Map indicates that the subject property is located within an Existing/Emerging Suburban Character Area, policies of which encourage low to medium density single-family residential development. According to 2030 Unified Plan, 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 of 5.95 units per acre exceeds this density. In addition, the proposed development could be considered incompatible with the established zoning and development pattern of the immediate area, which are primarily single family detached subdivision zonings with lower densities. Therefore, the requested townhome development could be considered inconsistent with 2030 Unified Plan policies.

The surrounding area is characterized primarily by single family residential subdivisions and lots. Stonebrier at Sugarloaf is adjacent to the southeast, zoned R-75 pursuant to RZ-94-156. The Sugarloaf County Club, zoned R-100 and R-75, is developed to the south across Sugarloaf Parkway. Adjacent to north in the City of Duluth, is property zoned PUD (Planned Unit Development) that remains undeveloped. Further north is the Sugarloaf Ridge single family detached subdivision, also zoned PUD in city of Duluth. Adjacent to the east is Hull Middle School, zoned R-100. It is staff's opinion that the proposed request for attached townhomes is not consistent with the existing single family detached character of the surrounding area.

In conclusion, staff is of the opinion that the request may be considered inconsistent with both the 2030 Unified Plan and with previous Board approvals for single family detached subdivisions in 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-TH for attached townhomes, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Townhomes and accessory uses and structures.
  - B. The minimum heated floor area per dwelling unit shall be 2,200 square feet.
  - C. Townhouse buildings shall be constructed of brick or stacked stone on all four sides.
  - D. All dwellings shall have at least a double-car garage, accessed from the rear of the unit.
  - 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 30-foot wide landscaped buffer adjacent to all external property lines.
  - B. No direct lot access shall be allowed from Sugarloaf Parkway.
  - C. Maintain a 50-foot landscaped building setback along Sugarloaf Parkway. This setback may not include any driveway, parking or detention pond encroachments.
  - D. The Sugarloaf Parkway 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. All grassed areas shall be sodded.
  - F. Underground utilities shall be provided throughout the development.
  - G. Stormwater detention facilities shall be screened from view of adjoining properties and rights-of-way. 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 adjacent and nearby R-100 and R-75 zoning and developments, an R-TH zoning and townhouse development may not be suitable at this location.

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, stormwater 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 townhome project 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 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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**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

- (A) Yes. The subject property is located along the north side of Sugarloaf Parkway east of its intersection with Old Peachtree Road. The R-TH zoning classification would permit a suitable use for the area in light of the uses of nearby property. A townhome development would serve the demands of the market and maintain the residential character of the area.
- (B) No. This rezoning will enhance the area and will not adversely affect adjacent and nearby properties.
- (C) No. In light of the size, location, and layout of the subject property as well as market conditions, site-specific topography, and the surrounding property uses, the Applicant submits that the property does not have reasonable economic use as currently zoned.
- (D) No. The proposed development will not cause excessive use of existing streets, transportation facilities, utilities, or schools.
- (E) Yes. The proposed rezoning to an R-TH residential development is in conformance with the intent of the Land Use Plan. The Property is located in an Existing/Emerging Suburban character area.
- (F) Yes. The property's convenient location to commercial development along Peachtree Industrial Boulevard and Interstate 85 provides supporting grounds for development of the property in accordance with the application.

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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 approximately 6.055 acre tract (the “Property”) situated along Sugarloaf Parkway east of its intersection with Old Peachtree Road. The Property is currently zoned R-75.

The Applicant proposes to develop a single-family residential community, including 36 attached residential townhomes. The proposed development would have a net density of approximately 5.945 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 homes in the surrounding area. The proposed townhomes would include double-car garages as well as other attractive architectural elements in line with a traditional “Brownstone” appearance as depicted on the building elevations submitted with the Application. The townhomes would be rear-entry with garages on the rear elevation and accessed by alleyways. The building materials would consist of brick, stone, or cement or shake siding. The proposed development would also contain approximately 0.91 acres of common space within the Property. The Applicant proposes to development the Property with a single, gated entrance off Sugarloaf Parkway. The proposed development would include attractive

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043  
 NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022  
 TELEPHONE 770 232 0000  
 FACSIMILE 678 518 6880  
 www.mptlawfirm.com

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landscaping at the gated entrance as well as an additional 25-foot landscaping buffer along the entire frontage of Sugarloaf Parkway, creating an attractive streetscape.

To the north and northeast, the subject Property is bordered by Hull Middle School, zoned R-100. Though the land that contains the middle school is zoned for lower-intensity residential uses, the actual use of the property as a large, public middle school is more akin to an office or institutional use. To the east is the Stonebrier at Sugarloaf subdivision and to the south across Sugarloaf Parkway is Sugarloaf Country Club, each zoned R-75. To the northwest, the subject Property is bordered by property within the City of Duluth zoned PUD. According to the City of Duluth Unified Development Code, the “intent of the PUD District is to ... accommodate relatively large scale, planned developments that allow a mix of uses, master planned single use developments, and higher residential densities than allowed in other zoning districts.” The proposed development would serve as a transitional use from the higher-intensity uses of the school and the PUD property in the City of Duluth to the lower-intensity uses to the east and south of the subject 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 Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 2nd day of May, 2016.

MAHAFFEY PICKENS TUCKER, LLP



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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-75 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 2nd day of May, 2016.

Respectfully submitted,  
MAHAFFEY PICKENS TUCKER, LLP

  
\_\_\_\_\_  
Shane M. Lanham  
*Attorneys for Applicant*

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TOWNHOMES

# SUGARLOAF PARKWAY

RZR '16012

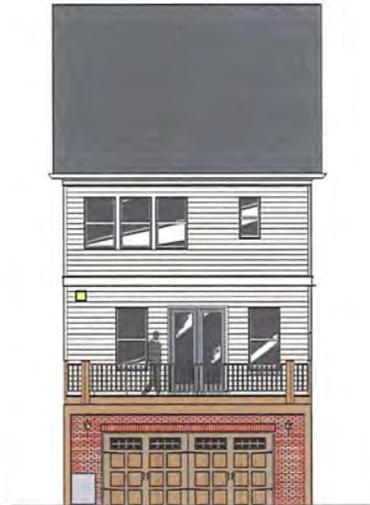


RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

TOWNHOMES  
**SUGARLOAF PARKWAY**  
DATE: 5.04.2016



REAR ELEVATION

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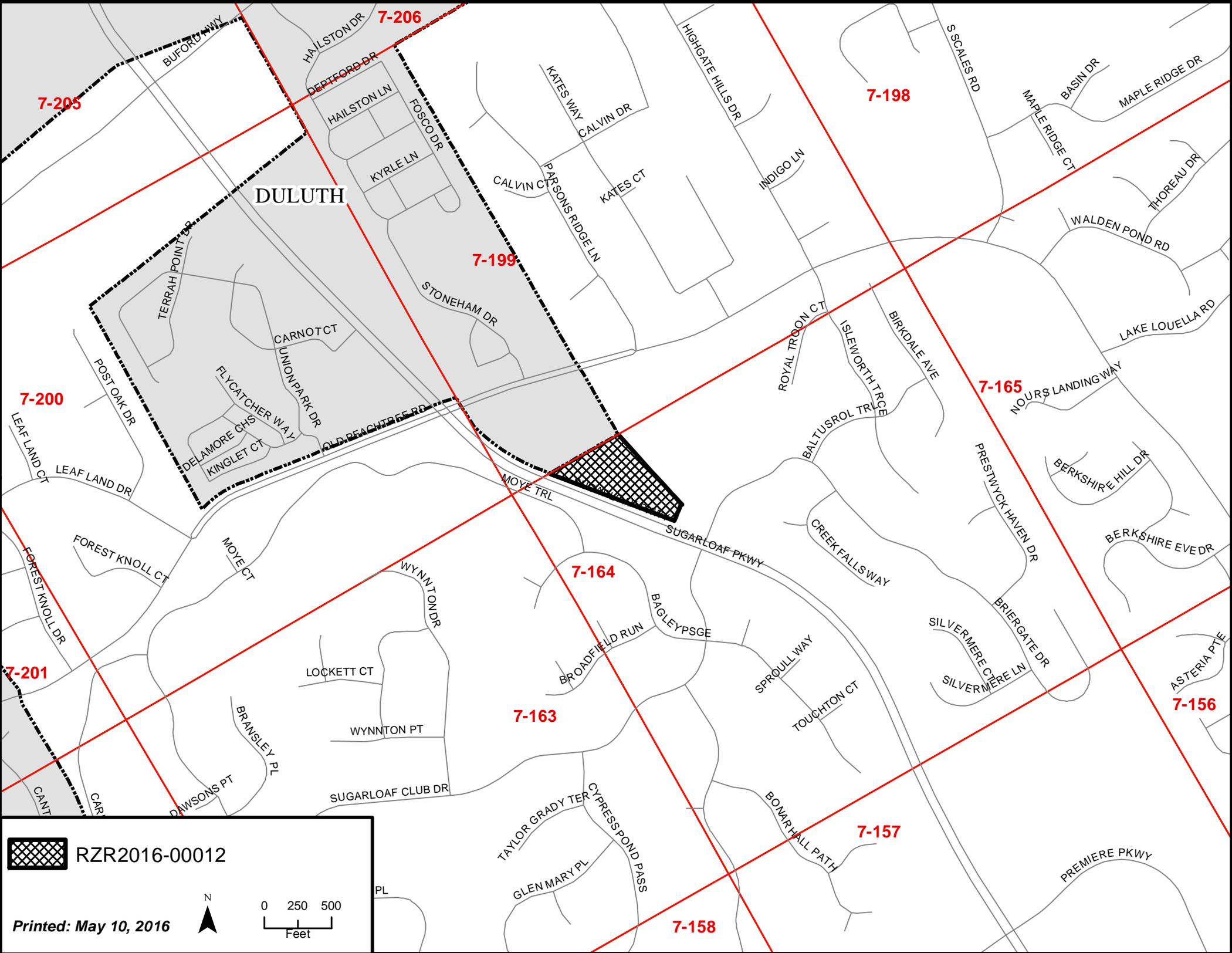
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**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, July 2016**

Case #	Schools	Current Projections									Proposed Zoning
		2016-17			2017-18			2018-19			Approximate additional Student Projections from Proposed Developments
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZR2016-00012	<b>Peachtree Ridge HS</b>	<b>3206</b>	3,050	156	<b>3222</b>	3,050	172	<b>3238</b>	3,050	188	7
	Hull MS	<b>1300</b>	1,750	-450	<b>1310</b>	1,750	-440	<b>1326</b>	1,750	-424	5
	Parsons ES	<b>774</b>	700	74	<b>769</b>	700	69	<b>777</b>	700	77	10
RZR2016-00013	<b>Parkview HS</b>	<b>3021</b>	2,500	521	<b>3082</b>	2,500	582	<b>3143</b>	2,500	643	19
	Trickum MS	<b>2073</b>	1,775	298	<b>2104</b>	1,775	329	<b>2136</b>	1,775	361	14
	Knight ES	<b>790</b>	900	-110	<b>812</b>	900	-88	<b>835</b>	900	-65	27
RZR2016-00014	<b>Grayson HS</b>	<b>2847</b>	2,125	722	<b>2927</b>	2,125	802	<b>3009</b>	2,125	884	60
	Bay Creek MS	<b>1111</b>	1,150	-39	<b>1148</b>	1,150	-2	<b>1186</b>	1,150	36	43
	Trip ES	<b>988</b>	1,200	-212	<b>1027</b>	1,200	-173	<b>1067</b>	1,200	-133	84

Current projections do not include new developments



 RZR2016-00012

Printed: May 10, 2016

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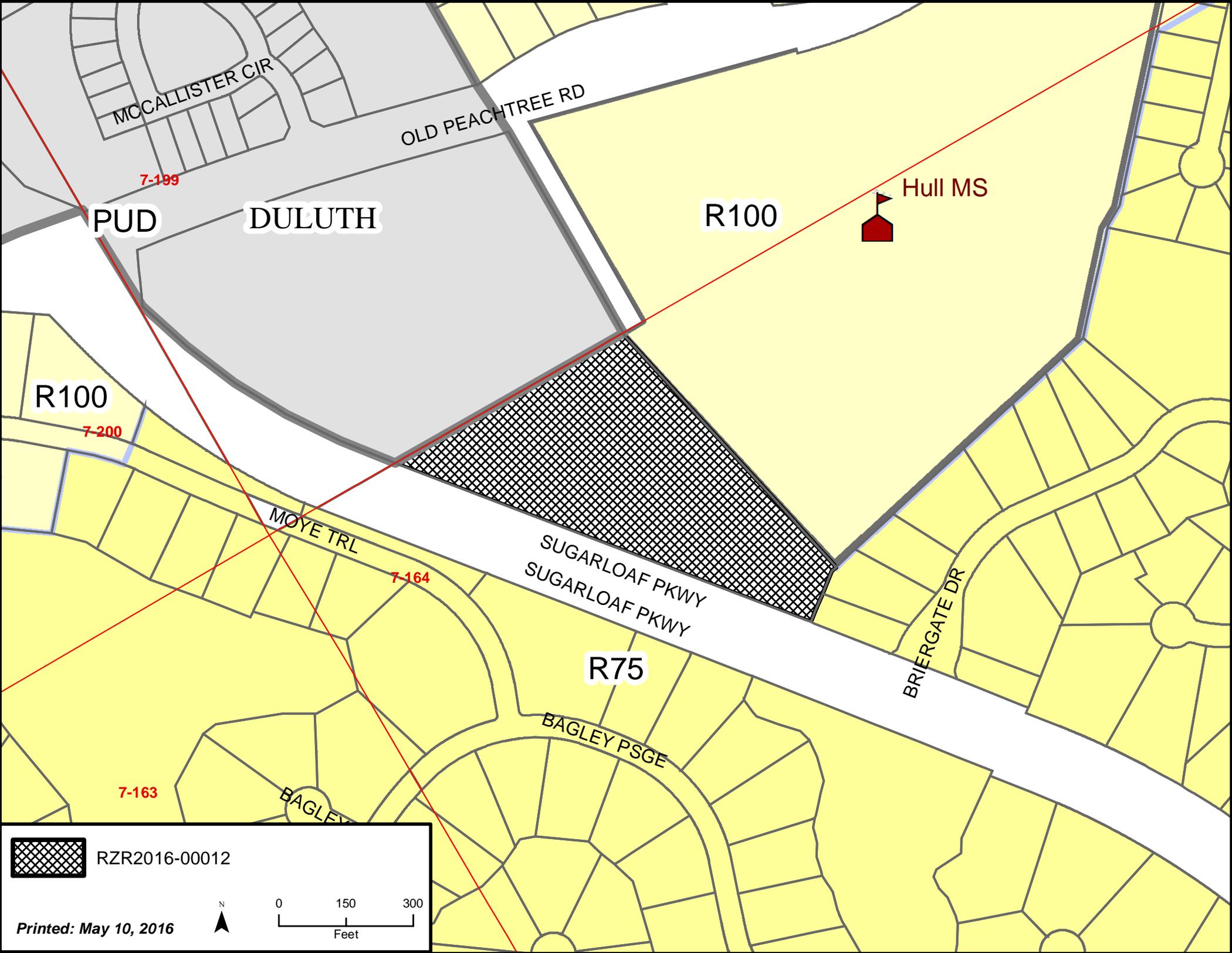
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 RZR2016-00012

Printed: May 10, 2016

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PUD

DULUTH

R100

R100

R75

Hull MS

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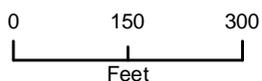
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7-163

RZR2016-00012

Printed: May 10, 2016



**RZC2016-00004** to be reconsidered per a Consent Order of the Gwinnett County Superior Court.

Companion case **SUP2016-00010** is **not** being reconsidered and stands as approved by the Gwinnett County Board of Commissioners on June 7, 2016.

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

CASE NUMBER :**RZC2016-00004**  
ZONING CHANGE :C-3 TO M-1  
LOCATION :1700 BLOCK OF JEURGENS COURT  
:5300 BLOCK OF GOSHEN SPRINGS ROAD  
MAP NUMBER :R6198 055  
ACREAGE :23.55 ACRES  
SQUARE FEET :132,381 SQUARE FEET  
PROPOSED DEVELOPMENT :MAINTENANCE SHOP (RENTAL FLEET)  
COMMISSION DISTRICT :(2) HOWARD

CASE NUMBER :**SUP2016-00010**  
ZONING :M-1 (PROPOSED)  
LOCATION :1700 BLOCK OF JEURGENS COURT  
:5300 BLOCK OF GOSHEN SPRINGS ROAD  
MAP NUMBER :R6198 055  
ACREAGE :23.55 ACRES  
PROPOSED DEVELOPMENT :MAINTENANCE SHOP (RENTAL FLEET)  
COMMISSION DISTRICT :(2) HOWARD

FUTURE DEVELOPMENT MAP: **REGIONAL MIXED USE**

APPLICANT: ENTERPRISE LEASING COMPANY OF GEORGIA, LLC  
C/O ANDERSEN, TATE & CARR, P.C.  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MARIAN ADEIMY PHONE: 678.518.6855

OWNERS: TENANTS IN COMMON  
ATTN: IAN M. SMITH, AGENT, KNIGHTSWOOD, INC.  
2964 PEACHTREE ROAD, SUITE 150  
ATLANTA, GA 30305

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests the rezoning of a 23.55-acre parcel from C-3 (Highway Business District) to M-1 (Light Industry District) with a Special Use Permit to convert an exhibition hall into a maintenance shop (rental fleet) facility. The site is known as the North Atlanta Trade Center, being located along Jeurgens Court just north of its intersection with Oakbrook Parkway. The property also has frontage along the south side of Goshen Springs Road.

In 1989, the subject property was rezoned to C-3 (Highway Business District), with a Special Use Permit allowing an exhibition hall for special events, exhibitor shows and associated retail sales (RZ-73-89 & SUP-37-89).

Enterprise Leasing Company of Georgia, LLC, is proposing to modify the existing facility as a regional vehicle maintenance center; with offices, outdoor storage and an indoor maintenance facility. The site consists of one building, which contains 132,381 square feet of floor area, 1,009 parking spaces, and several points of access along both Jeurgens Court and Goshen Springs Road. The existing parking lot would also be used for the outdoor storage of fleet vehicles.

**ZONING HISTORY:**

In 1970, the subject property was zoned M-I (Light Industry District). The property was zoned to C-3 in 1989 with a Special Use Permit allowing an exhibition hall, pursuant to RZ-73-89 and SUP-37-89.

**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:**

No comment.

**STORMWATER REVIEW SECTION COMMENTS:**

The property appears to contain floodplain. All storm water best management practices will be applicable upon development permit issuance.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

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

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the southeastern right-of-way of Goshen Springs Road, and a 12-inch water main located approximately 14 feet south of the property in the right-of-way of Jeurgens Court.

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 and 30-inch sanitary sewer mains 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:

- I. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior or exterior modification (remodel) for review and approval by Building Plan Review.

2. Architectural design of any proposed exterior modification shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Design Category I.
3. Upon completion of plan review approvals, the applicant shall obtain a building permit and achieve satisfactory field inspections for issuance of a Certification of Occupancy.

For assistance, contact Building Plan Review at (678) 518-6000 Monday through Friday, from the hours of 8:00 a.m. to 5:00 p.m.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

#### DEPARTMENT ANALYSIS:

The subject property is a 23.55-acre parcel, known as the North Atlanta Trade Center. The site is located along Jeurgens Court, just north of its intersection with Oakbrook Parkway. The property also has frontage along the south side of Goshen Springs Road. The property is developed with a 132,381 square foot exhibition hall, associated parking and driveways.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Regional Mixed-Use Character Area. Although not strictly consistent with the Unified Plan, the site has been used as an exhibition hall and related activities for several years. However, with the decline in the economy the demand to utilize the facility for special events has declined as well. The requested rezoning could be consistent with the established zoning of the area and the proposed use of the site could potentially contribute to the revitalization efforts of the county.

The surrounding area along this segment of the Oakbrook Parkway/I-85 corridor is characterized as an intensely developed area consisting predominately of industrial sites that include outdoor storage being served by heavy truck traffic. Industrial zoning and uses are located to the north, west and south of the site, with a residential component zoned MH (Manufactured Housing) being located immediately to the east. With appropriate conditions, a fleet maintenance facility could be compatible within this light industrial area, provided that the outdoor storage area is properly screened.

In conclusion, the requested rezoning and special use may be appropriate in light of the existing zoning and the intensely developed nature of the area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as M-I with a for a fleet maintenance facility with outdoor storage, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Light industrial, office, office/warehouse and accessory uses and structures, which may include fleet vehicle maintenance as a special use.
  - B. Any new buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on the front facade (stucco may only be used as an accent material). Final building elevations shall be subject to review and approval by the Director of Planning and Development. Portable buildings are prohibited.
  - C. Outdoor storage shall be within a screened area meeting the standards of the M-I zoning district. Outdoor storage of parts, tires, or other similar materials or debris is prohibited.
2. To satisfy the following site development considerations:
  - A. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way.
  - B. Dumpsters shall be screened by a 100% opaque fence or wall with an opaque metal gate enclosure, or shall be kept within the screened outdoor storage area.
  - C. Use of outdoor loudspeakers shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m.
  - D. New or replacement billboards and oversized signs 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.
  - G. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, and sign-walkers or sign-twirlers shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested rezoning and Special Use Permit for a fleet maintenance facility could be suitable in light of the mix and intensity of industrial uses and zoning in this area.

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

Additional impacts on utility demand and traffic could be anticipated from this request.

CONFORMITY WITH POLICIES

Although not strictly consistent with the land use recommended by the Unified Plan, if properly conditioned, the requested rezoning and proposed fleet maintenance facility could be compatible with the zoning and development pattern of the area.

CONDITIONS AFFECTING ZONING

The site has been used as the North Atlanta Trade Center for many years, and the economic downturn has resulted in a decline in business for the exhibition hall. Approval of the request could contribute to the revitalization efforts of the county.

**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:

Attached.

---

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

Attached.

---

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

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:

Attached.

---

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

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:

Attached.

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EXHIBIT "B"

1700 JEURGENS COURT, NOCROSS, GEORGIA 30093

APPLICANT'S AND OWNERS' RESPONSES IN SUPPORT OF  
REZONING, SPECIAL USE PERMIT AND CHANGE IN CONDITIONS

- A) WHETHER THE REQUESTED REZONING, SPECIAL USE PERMIT, AND/OR CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The subject property is a fully accessible site with an existing, more-intense use, and the requested uses are consistent with the similar industrial and fleet maintenance uses, including, but not limited to the Advanced Disposal and Bus Max fleet, transit and business centers located in that mixed-use corridor and area.

The subject property was also previously zoned M-1 and is surrounded by similarly-zoned property and uses, and accordingly, the requested uses, zoning and conditions are suitable in view of the use and development of the adjacent and nearby property. As reflected in 2030 Comprehensive Plan for Gwinnett County, the subject property is intended for Regional Mixed-Use. The intent of that 2030 land use goals are met by the proposed uses and conditions.

- B) WHETHER THE REQUESTED REZONING, SPECIAL USE PERMIT, AND/OR CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No. The subject property was also previously zoned M-1 and is surrounded by similarly-zoned property, and accordingly, the zoning requests and conditions are compatible with the existing uses and useability of the adjacent and nearby property.

- C) WHETHER THE PROPERTY TO BE AFFECTED BY THE REQUESTED REZONING, SPECIAL USE PERMIT, AND/OR CHANGE IN CONDITIONS HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED AND CONDITIONED:

No. The Property has been zoned and restricted to provide only for the existing trade center use. Due to the existing zoning, conditions and restrictions, the subject property does not have reasonable economic use as currently zoned and conditioned, and cannot be used for industrial uses as permitted on nearby and adjacent properties and consistent with the requests herein.

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- D) WHETHER THE REQUESTED REZONING, SPECIAL USE PERMIT, AND/OR CHANGE IN CONDITIONS WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No. This property is located in an area with public water and sewer availability, and direct access to two major thoroughfares, highways and interstate. The development is consistent with the Comprehensive Plan, with no impact on schools. The requested rezoning, special use permit and change in conditions is expected to be less intense than the existing trade center use, and will not cause excessive use of existing streets, transportation facilities or utilities.

- E) WHETHER THE REQUESTED REZONING, SPECIAL USE PERMIT, AND/OR CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes. 2030 Comprehensive Plan identifies the subject property as an appropriate location for Regional Mixed-Uses and will positively impact the existing industrial and commercial area, and consistent with the prior zoning and uses permitted on 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 THE APPROVAL OR DISAPPROVAL OF THE REQUESTED REZONING, SPECIAL USE PERMIT, AND/OR CHANGE IN CONDITIONS.

Yes. The requested Rezoning, Special Use Permit and Change in Conditions are absolutely necessary to enable the Applicant and Owner to relocate this quality business, fleet center and maintenance use by Enterprise.

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# ANDERSEN TATE CARR

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1960 SATELLITE BOULEVARD, SUITE 4000  
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Marian C. Adeimy, Esq.

E-mail: [madeimy@atclawfirm.com](mailto:madeimy@atclawfirm.com)  
Direct: (678) 518-6855

December 4, 2015

## **VIA HAND DELIVERY**

Gwinnett County  
Department of Planning and Development  
446 West Crogan Street  
Lawrenceville, GA 30046-2440

**RE: LETTER OF INTENT AND RESPONSES IN SUPOPRT OF ENTERPRISE  
REZONING, SPECIAL USE PERMIT AND CHANGE IN CONDITIONS**

Dear Development Director and staff:

I represent the Applicant Enterprise Leasing Company of Georgia, LLC ("Enterprise") and the owners, as recorded tenants-in-common, with regard to the requested rezoning and changes in conditions for the North Atlanta Trade Center property located at 1700 Jeurgens Court, Norcross, Georgia 30093 (the "Property").

The Applicant is seeking to enter into a long-term lease for the Property for use of the Property and existing building as a regional business location for Enterprise's fleet rental vehicle center, service and indoor maintenance. The Applicant and owner hereby seek to rezone the property to M-1, with the applicable Special Use Permit and, as needed, changes in conditions to the current zoning conditions, in order to allow for the proposed fleet storage, office and maintenance uses.

As reflected in the Unified Development Ordinance (the "UDO"), the proposed uses are permitted by right under the M-1 zoning district. Consistent with the requested rezoning, the Property was previously zoned M-1 and is surrounded by similar M-1 uses, including the neighboring Advanced Disposal and Bus Max fleet, transit and business centers. The 2030 Unified Plan and Future Land Use Map for Gwinnett County also specifically identify this area as appropriate and intended for similar Regional Mixed-Use development.

The intent of that 2030 land use goals are met by the proposed uses and long-term business partner. The fleet and maintenance uses are compatible with the mixed-use corridor within which this Property is located. Nearby properties have similarly been zoned and developed for and feature fleet maintenance, storage, business and industrial uses. Those specific uses have proven to be entirely suitable to the other land uses in the vicinity of the subject Property, demonstrating the suitability of the uses requested.

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The North Atlanta Trade Center was rezoned in 1989 from M-1 to C-3, pursuant to Gwinnett Zoning Case No. RZ-73-89 and SUP-37-89, with a Special Use Permit to allow for trade center, event and exhibition uses. Time and economic factors have decreased the use and activity at the trade center. Accordingly, the Applicant and property owners seek to add a well-established, long-term business to better serve the property and area as a whole.

Enterprise currently operates and supports 18 business locations in Gwinnett County, and collectively paid over \$2.3 million in taxes in 2015. Enterprise operates a similar business center and service location in Atlanta in order to serve its regional rental offices. Having a central storage and service location provides needed employment opportunities and helps to better serve Enterprise locations throughout the Southeast. The existing building and parking lot would be improved where necessary, and the County's approval of this rezoning request will allow for a quality, long-term business in that part of Gwinnett County. This location would operate as one of Enterprise's major fleet centers, and all of their business locations maintain an excellent reputation.

## **II. Constitutional and Statutory Justifications**

The Property is presently suitable for development subject only to the approval of the change in conditions hereby requested by the Applicant, and is not economically suitable for development under its present conditions and restrictions due to its existing uses, location, shape, size, surrounding development, and other factors.

The portions of the Unified Development Ordinance which classify or condition the Property into any more or less intensive classification and/or conditions other than as requested by the Applicant and property owner are and would be unconstitutional in that they would destroy the Applicant's and property owner'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, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Gwinnett Unified Development Ordinance, as applied to the Property, which restricts its use to the present site plan, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the property 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, Paragraphs I and 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 and property owner any economically viable use of the Property while not substantially advancing legitimate state interests.

A denial of any of these zoning requests, special use permit, changes in conditions and related applications would constitute an arbitrary and capricious act by Gwinnett County and the Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and 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 approve these zoning requests and applications with only 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.

Any action subjecting the Property to conditions which are different from the requested 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, also constitutes an arbitrary, capricious and discriminatory act classification and would likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

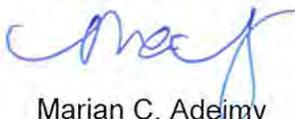
### III. Conclusion

Approval of these zoning requests will result in a quality use and long-term business and community partner in this part of Gwinnett County. The Applicant hereby submits the attached exhibits and responses in further support of these zoning requests. We welcome the opportunity to meet with staff, County representatives and neighbors to discuss these zoning applications. The Applicant and property owners respectfully request your approval of the requested Rezoning, Change in Conditions and Special Use Permit.

This 4<sup>th</sup> day of December, 2015,

Respectfully submitted,

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



Marian C. Adejmy  
Attorney for Applicant

#### Enclosures

cc: Ian Smith (Knightswood, Inc.)  
Dan Miller, VP/GM for Enterprise  
Derek Griffin (Allied Commercial Properties)

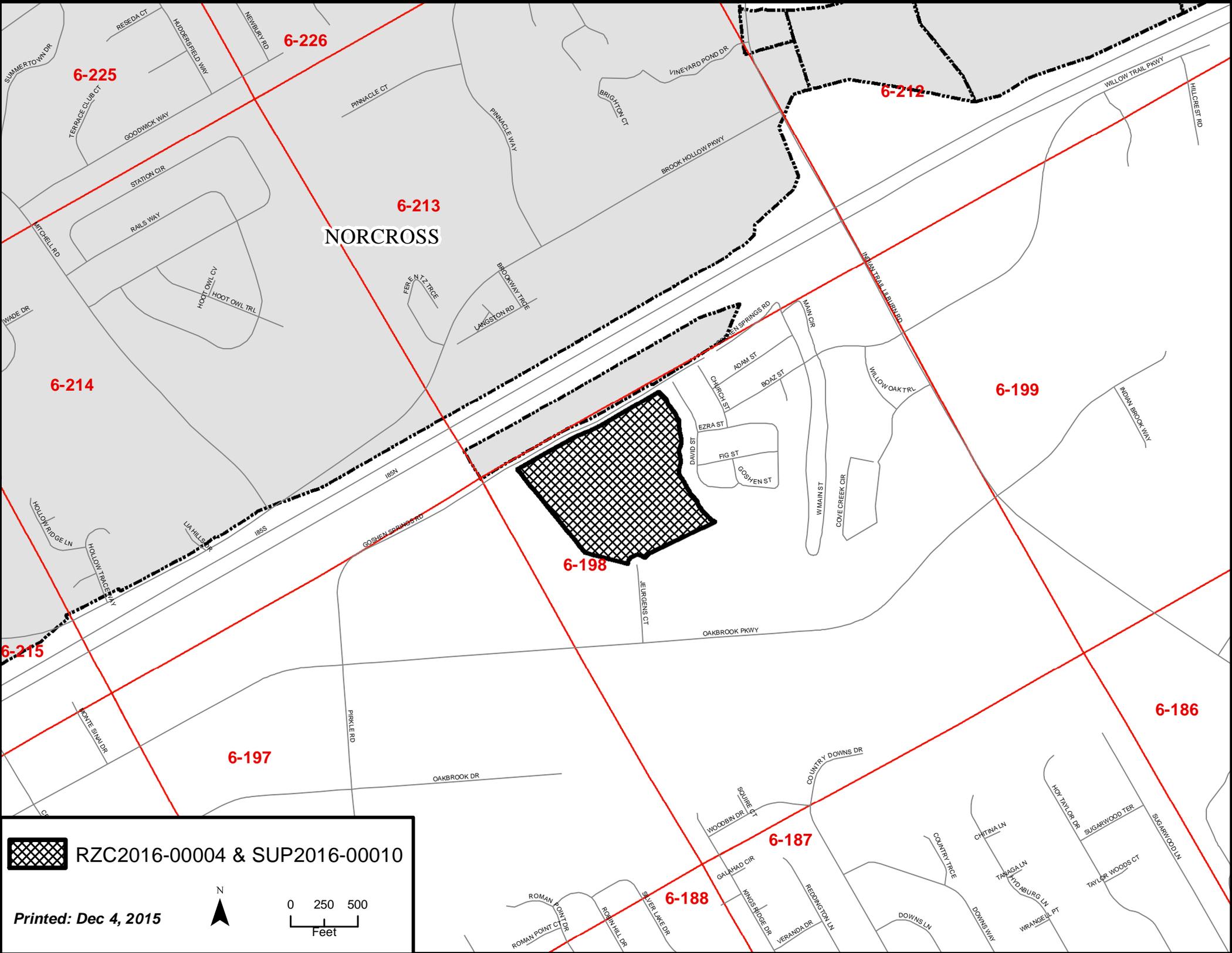
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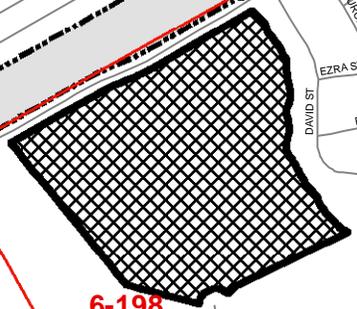
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**NORCROSS**



**6-198**

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**Printed: Dec 4, 2015**

**GENERAL NOTES**

1. THESE PLANS SHOW THE LAYOUT OF THE PROPOSED DEVELOPMENT AND ARE NOT TO BE USED FOR CONSTRUCTION PURPOSES. THE LAYOUT OF THE PROPOSED DEVELOPMENT IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE DEPARTMENT OF TRANSPORTATION.
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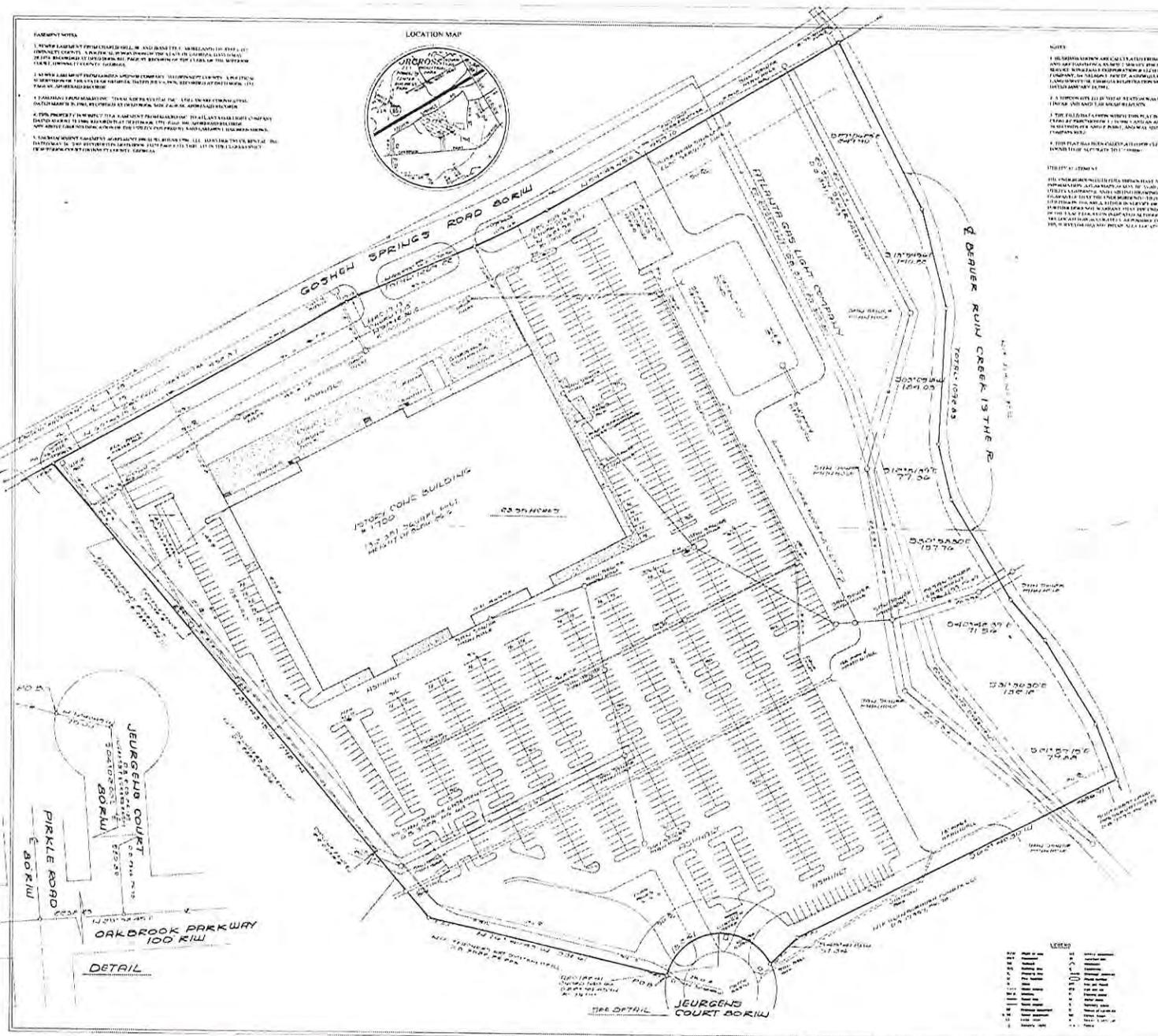


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PROPERTY LOCATED AT  
 1700 GOSHEN COURT  
 NORTHWEST, GWINNETT COUNTY, GEORGIA 30146  
 (GWINNETT COUNTY MAP REFERENCE NUMBER 6-10-11)

**SURVEY FOR**  
**JEURGENS 1700, LLC;**  
**LAWYERS TITLE INSURANCE CORPORATION;**  
**AND KEY CORPORATE CAPITAL INC. ON**  
**BEHALF OF KEY BANK NATIONAL**  
**ASSOCIATION & ITS SUCCESSORS AND ASSIGNS**

LAND LOT 198 4TH DISTRICT  
 GWINNETT COUNTY, GEORGIA

DATE OCTOBER 05, 2000 SCALE 1"=60'  
 REVISION DATE AUGUST 14, 2001

MADE BY ROBERT M. KIRKLEY LAND SURVEYORS  
 PHONE 770-474-1062 FAX 770-474-2590

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GOSHEN SPRINGS RD

DAVID ST

CHURCH ST

ADAM ST

BOAZ ST

EZRA ST

FIG ST

GOSHEN ST

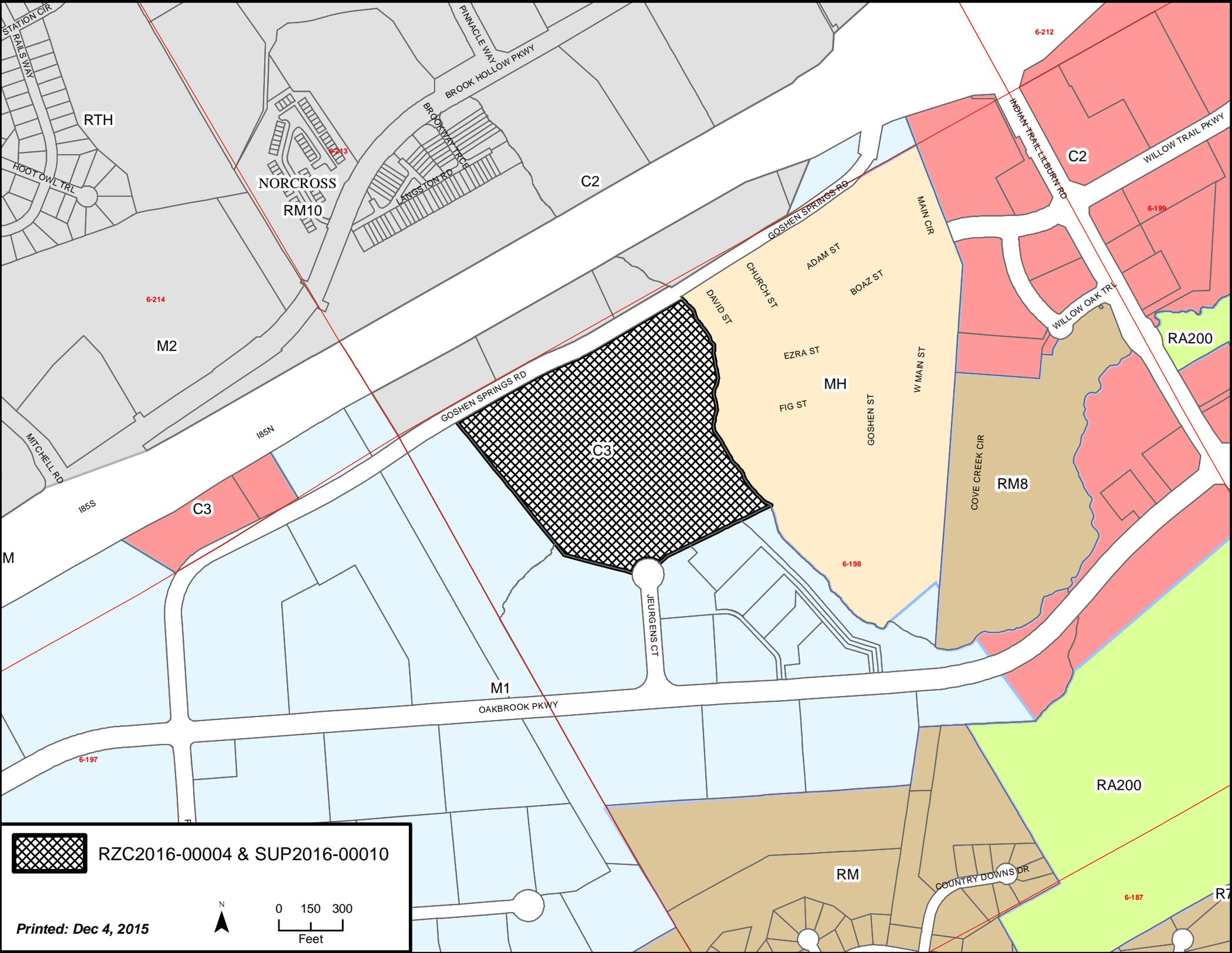
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Printed: Dec 4, 2015



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Printed: Dec 4, 2015

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

CASE NUMBER :RZR2016-00015  
ZONING CHANGE :R-100 TO R-60  
LOCATION :3100-3200 BLOCK OF FIVE FORKS-TRICKUM ROAD  
MAP NUMBER :R6087 007  
ACREAGE :11.0 ACRES  
UNITS :41 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(2) HOWARD

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

APPLICANT: CKK DEVELOPMENT, LLC  
174 DACULA ROAD  
DACULA, GA. 30019

CONTACT: DUNCAN CORLEY PHONE: 770.962.8456

OWNER: JAMES TED LEE  
116 GOLDEN CIRCLE SW  
LILBURN, GA. 30047

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS AS R-75**

**PROJECT DATA:**

The applicant requests the rezoning of an 11.0-acre property from R-100 (Single-Family Residence District) to R-60 (Single-Family Residence District), for development of a 41-lot single-family subdivision. The subject property is partially wooded with one residential structure and is located on the southeast side of Five Forks-Trickum Road, north of its intersection with Martin Nash Road. The gross and net density for the proposed development is 3.7 dwelling units per acre, as there are no flood hazard areas or utility easements on the property.

The applicant's letter of intent indicates that exterior treatments for the homes would consist of brick, stacked stone, shake or fiber-cement siding. The applicant has proposed a minimum dwelling size of 2,200 square-feet of heated floor space for one-story homes and 2,400 square-feet for two-story homes, with all units containing a two-car garage.

The minimum lot width for the development would be 60 feet, with a minimum lot area of 7,200 square-feet, which are the minimum requirements for the requested R-60 zoning classification. One entrance is proposed from Five Forks-Trickum Road, which would align with Alcazar Drive. No recreation areas are proposed nor required for the development. A potential stormwater detention pond is indicated on the eastern corner of the site. The site plan also shows two proposed lots in this location. There are no streams identified on the site plan, but staff records indicated there is an unidentified stream just south of the subject

property, ending at the southern property line where the potential detention pond may be located.

**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 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.

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 streets.

A minimum of 40-foot building setback is required from the right-of-way of Five Forks-Trickum Road. The setback may be reduced to 30 feet if a berm, landscaping, fence, or wall is provided adjacent to the exterior street(s).

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.

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 700-40.1A 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 stormwater 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.

Section 500-10.4A of the Unified Development Ordinance Requires that an undisturbed buffer shall be maintained for 50 feet measured horizontally on both banks of the stream as measured from the top of the stream bank. An additional setback shall be maintained for 25 feet measured horizontally beyond the undisturbed buffer, in which all impervious cover shall be prohibited.

#### STORMWATER REVIEW SECTION COMMENTS:

The property appears to contain stream buffers. The proposed conceptual plan may require revision to show appropriate stream buffer areas. All stormwater best management practices will be applicable upon development permit issuance.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

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

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

The 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.

There is a Gwinnett DOT project to improve Five Forks-Trickum Road from Oak Road to Killian Hill Road (F-0549-01). Coordinate the development plans with GCDOT as needed for the project.

**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 southeast right-of-way of Five Forks-Trickum 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 eight-inch sanitary sewer main located approximately 252 feet northeast of parcel R6087 007 on the right-of-way of Landing View Court.

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

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

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

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

#### BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

#### DEPARTMENT ANALYSIS:

The subject property is located on the southeast side of Five Forks-Trickum Road, north of its intersection with Martin Nash Road. One single-family residence is currently developed on the site. The applicant proposes to demolish the existing structure and is requesting rezoning from R-100 to R-60 on the 11.0-acre property for a 41-lot single-family subdivision.

The 2030 Unified Plan Future Development Map indicates that the site is located in an Existing/Emerging Suburban Character Area, policies of which encourage infill development to be of consistent character with existing residential developments and densities. The proposed rezoning is not supported by these policies of the Unified Plan, as the neighboring single-family properties along Five Forks-Trickum Road are primarily zoned R-100, and are developed with substantially wider and larger lots than those proposed by the applicant.

The subject property is surrounded on almost all sides by single-family residential subdivisions and residential tracts zoned R-100. These subdivisions include Pine Cone, Amber Hills, and Valencia. To the north of the subject property across Five Forks-Trickum Road is the Brookwood Landing subdivision which is zoned R-ZT (Single-Family Residence Zero Lot Line/Townhouse District). Given the R-100 zoning of surrounding subdivisions along this side of Five Forks-Trickum Road, the requested R-60 zoning may be unsuitable. A development in the R-75 zoning district, at a density of fewer than three units per acre, with its relatively wider and more spacious lots could be a more appropriate zoning at this location.

In conclusion, the requested R-60 zoning may not be considered consistent with policies of the 2030 Unified Plan and could adversely affect the established single-family subdivision developments on Five Forks-Trickum Road through the introduction of incompatible lot sizes and density of development. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS AS R-75** as a more suitable alternative.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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, not to exceed three units per acre.
  - B. A revised layout meeting the requirements of R-75 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 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 three-foot high brick or stacked stone water table.
  - E. All dwellings shall have at least a double-car garage.
2. To satisfy the following site development considerations:
  - A. Provide a minimum 25-foot wide construction buffer adjacent to external property lines.
  - B. No direct lot access shall be allowed onto Five Forks-Trickum Road.
  - C. Maintain a 50-foot building setback along Five Forks-Trickum Road.
  - D. The Five Forks-Trickum 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 prior to the issuance of a development permit.
  - F. All grassed areas shall be sodded.
  - G. Underground utilities shall be provided throughout the development.
  - H. Building lots shall not be located within any required stream buffers or accompanying impervious surface setback areas.

- I. Stormwater detention pond(s) shall be screened from view from adjoining residential properties. Screening plans shall be subject to review and approval by the Director of Planning and Development.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

The proposed residential density and lot sizes may not be suitable at this location. The R-75 zoning classification may be more appropriate given the lower residential density and greater lot sizes of neighboring developments.

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, stormwater 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 that the site is located in an Existing/Emerging Suburban Character Area. The requested R-60 zoning may be inconsistent with the policies of the 2030 Unified Plan for compatible infill development and out of character with the existing R-100 single-family developments in the area.

CONDITIONS AFFECTING ZONING

The subject property is primarily surrounded by less dense R-100 development properties. The requested R-60 zoning may be out of character with the surrounding residential development. The R-75 zoning classification could allow for more suitable lot dimensions and a more compatible density of development.

**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, it is located in an area of mixed res. development with an RZT neighborhood directly across the street.

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

No, the proposed development is a small single family neighborhood that will have very little impact on surrounding property.

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

No, the current zoning does not allow for enough lots to support required infrastructure to develop the site.

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

The proposed development will not have an excessive impact due to its small number of proposed homes.

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

Yes, it is an area with mixed use, primarily residential with nearby CZ + OI zoning. R-6D would conform well.

- (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 subdivision would support the demand for quality new housing in this desirable area of Gwinnett Co. with limited options.

RECEIVED BY

3 RZR '16015

JUN 01 2016

Planning & Development

May 27, 2016

To: Gwinnett County Planning and Dev.

One Justice Square

446 West Crogan St. Suite 150

Lawrenceville, GA 30046

RE: LOI Rezoning Request for 3210 Five Forks Trickum Rd.

Attn: Mr. Geoff West

This Letter of Intent is to request a rezoning of the subject property to R-60. The parcel is located on Five Forks Trickum Road, about  $\frac{3}{4}$  of a mile south of the intersection of Oak Road, and consists of 10.996 +/- acres. It is currently zoned R-100 without conditions. The tax ID is 6-087-007. The proposed development would fit as an infill neighborhood. It is located in an area with low to medium density development and O/I – commercial development in the immediate area.

The proposed development will consist of 41 lots with single story homes a minimum of 2,200 square feet and two story homes a minimum 2,400 square feet. All homes would include a double car garage and have attractive architecture with building materials consisting of brick, stacked stone, shake or fiber cement siding.

Applicant respectfully requests approval of the submitted rezoning application.

CKK Development Services, LLC



Duncan Corley  
President

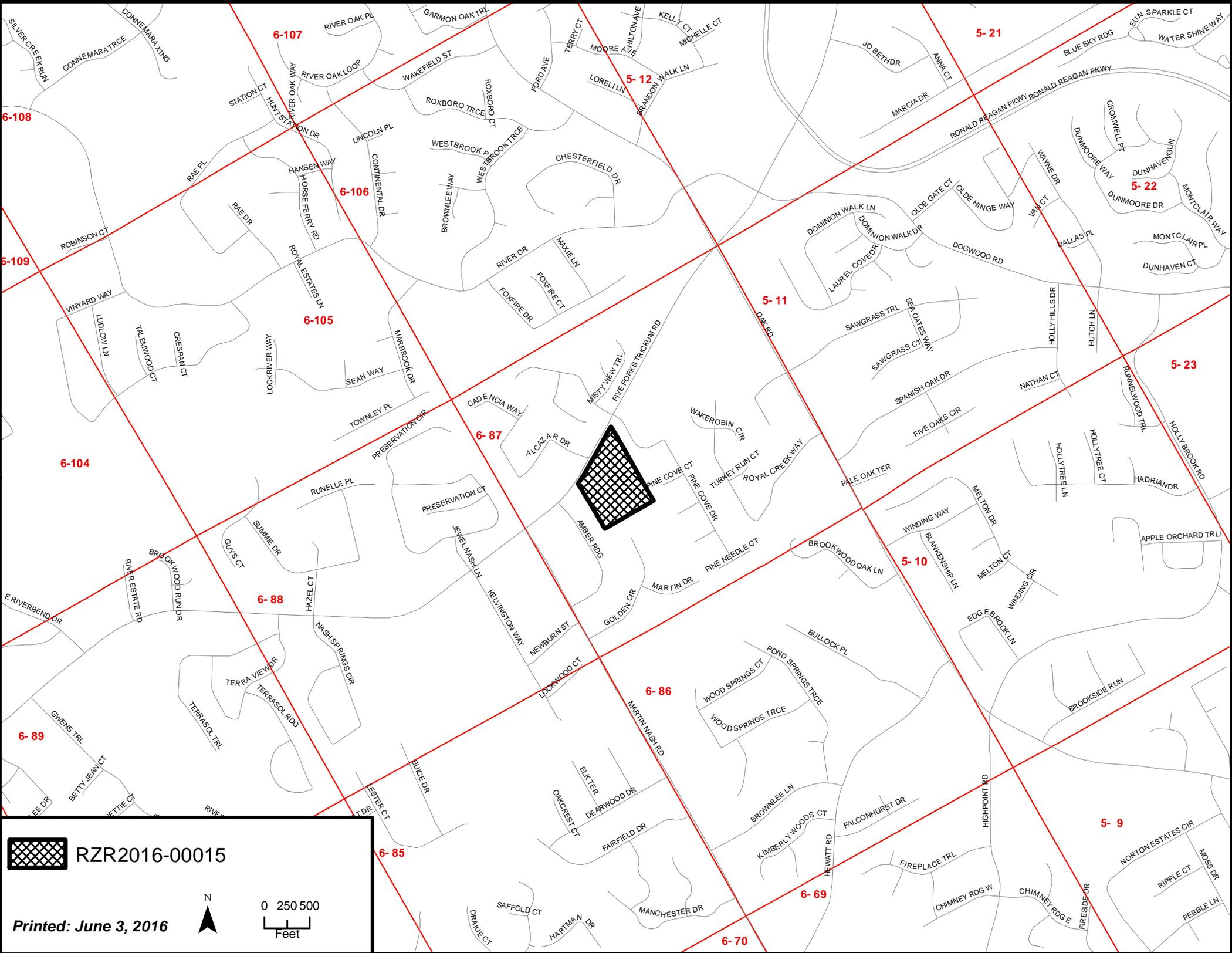
RZR '16 015

RECEIVED BY  
JUN 03 2016  
Planning & Development

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

Case #	Schools	Current Projections									Proposed Zoning
		2016-17			2017-18			2018-19			Approximate additional Student Projections from Proposed Developments
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZR2016-00015	<b>Brookwood HS</b>	<b>3481</b>	2,575	906	<b>3516</b>	2,575	941	<b>3504</b>	2,575	929	11
	Five Forks MS	<b>1078</b>	1,150	-72	<b>1094</b>	1,150	-56	<b>1105</b>	1,150	-45	8
	Gwin Oaks ES	<b>1033</b>	875	158	<b>1043</b>	875	168	<b>1054</b>	875	179	15
RZR2016-00016	<b>Mill Creek HS</b>	<b>3819</b>	2,800	1,019	<b>3682</b>	2,800	882	<b>3594</b>	2,800	794	7
	Osborne MS	<b>1680</b>	1,575	105	<b>1697</b>	1,575	122	<b>1714</b>	1,575	139	5
	Puckett's Mill ES	<b>891</b>	1,200	-309	<b>880</b>	1,200	-320	<b>871</b>	1,200	-329	10
CIC2016-00019	<b>Mountain View HS</b>	<b>2356</b>	2,300	56	<b>2470</b>	2,300	170	<b>2550</b>	2,300	250	34
CIC2016-00020	Twin Rivers MS	<b>2034</b>	2,150	-116	<b>2065</b>	2,150	-85	<b>2095</b>	2,150	-55	25
	Patrick ES	<b>792</b>	1,025	-233	<b>816</b>	1,025	-209	<b>840</b>	1,025	-185	48

Current projections do not include new developments



 RZR2016-00015



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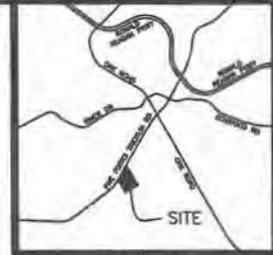
Printed: June 3, 2016

JUN 11 2016

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11.00 ACRES TOTAL AREA  
 11.00 ACRES TO BE REZONED  
 11.00 ACRES FOR PROPOSED S/D

FIVE FORKS TRICKUM RD  
 (80' R/W)



VICINITY MAP

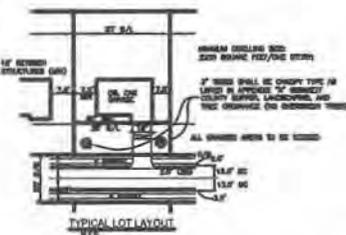
OWNER/DEVELOPER:  
 COK, LLC  
 174 DACULA ROAD  
 DACULA, GA. 30019  
 24 HR CONTACT - DUNCAN CORLEY  
 PHONE: 770-952-8458

DESIGNER/ENGINEER:  
 RINGO-ABERNATHY & ASSOC.  
 174 DACULA ROAD  
 DACULA, GEORGIA 30019  
 24 HR CONTACT - DUNCAN CORLEY  
 PHONE: 770-952-8458

LOT CHART

BLOCK	LOTS
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- GENERAL NOTES
1. TOTAL AREA OF PROPERTY PLAN AREA
  2. 11.00 ACRES TO BE REZONED AND PROPOSED S/D TO BE RECORDED
  3. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF
  4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED
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BOUNDARY SURVEY NOT BY THIS FIRM  
 THIS DRAWING IS NOT FOR RECORDING.  
 THIS DRAWING IS NOT FOR CONSTRUCTION.

RZR '16015

REGULATIONS NO. DATE SHEET

REVISIONS

NO. DATE

REGZONING SWITCH FOR:  
**FIVE FORKS TRICKUM ROAD TRACT**

PROJECT: 16015  
 DATE: 9/17/16  
 SCALE: 1" = 60'  
 JOB NO.: 16015

OWNER/DEVELOPER:  
 COK, LLC  
 174 DACULA ROAD  
 DACULA, GA. 30019  
 24 HR CONTACT - DUNCAN CORLEY  
 PHONE: 770-952-8458

DESIGNER/ENGINEER:  
 RINGO-ABERNATHY & ASSOC.  
 174 DACULA ROAD  
 DACULA, GEORGIA 30019  
 24 HR CONTACT - DUNCAN CORLEY  
 PHONE: 770-952-8458

811

811



ALCAZAR DR

FIVE FORKS TRICKUM RD

PINE COVE DR

PINE COVE CT

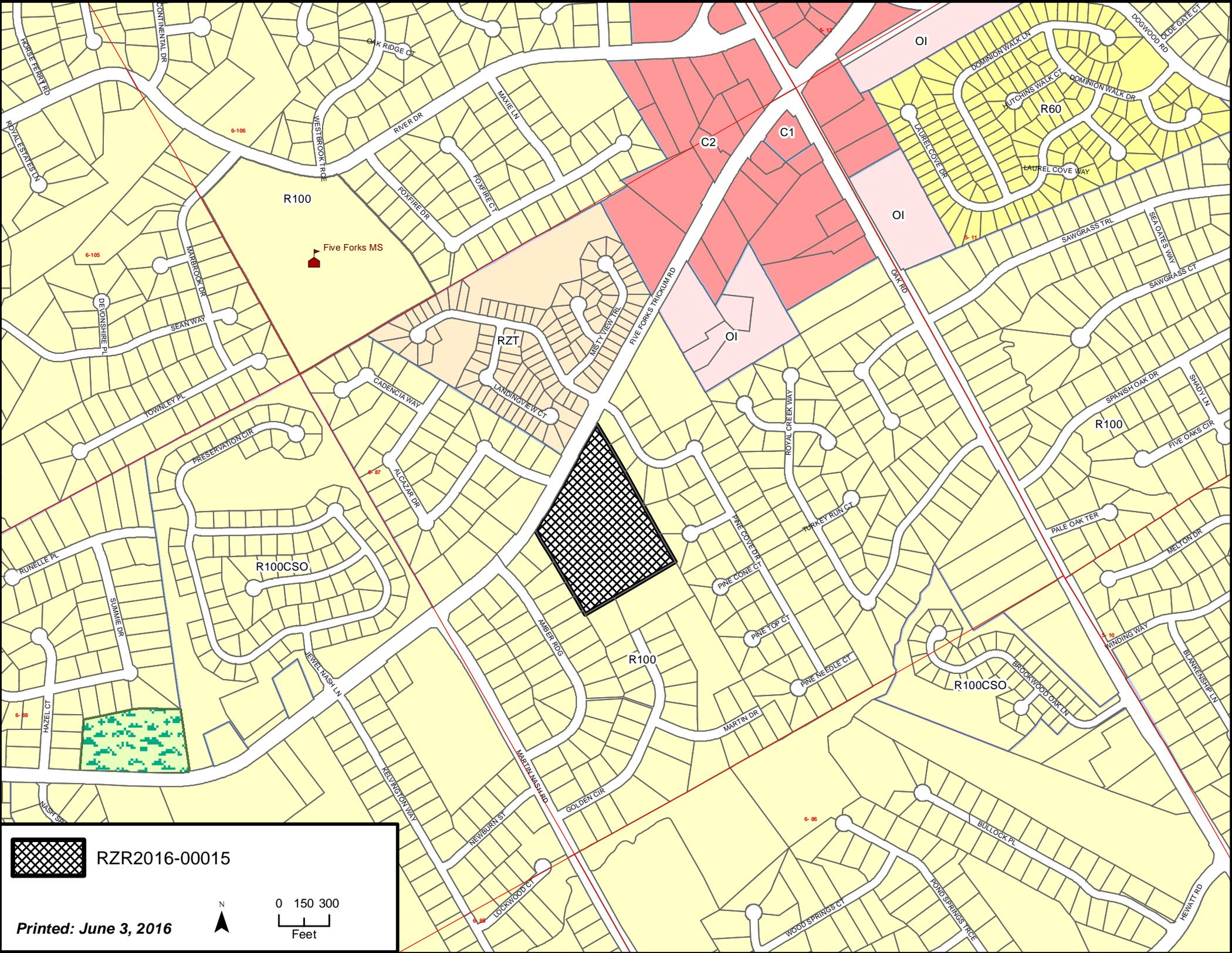
PINE CONE CT

 RZR2016-00015

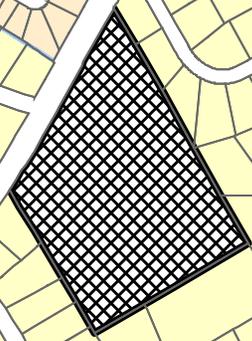
Printed: June 3, 2016

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Five Forks MS



RZR2016-00015



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Feet

Printed: June 3, 2016

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

CASE NUMBER :RZR2016-00016  
ZONING CHANGE :C-2 TO R-TH  
LOCATION :2000 BLOCK OF HAMILTON CREEK PARKWAY  
MAP NUMBER :R3002 110  
ACREAGE :4.47 ACRES  
UNITS :35 UNITS  
PROPOSED DEVELOPMENT :TOWNHOMES (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: EDGE CITY PROPERTIES, INC  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNER: HAMILTON CREEK PROPERTIES, LLC  
5555 GLENRIDGE CONNECTOR, SUITE 1100  
ATLANTA, GA. 30342

DEPARTMENT RECOMMENDATIONS: **DENIAL**

**PROJECT DATA:**

The applicant requests rezoning of a 4.47-acre parcel from C-2 (General Business District) to R-TH (Single Family Residence Townhouse District) to construct a 35-unit townhouse development. The property is located at the end of Hamilton Creek Parkway, a cul-de-sac street extending from Braselton Highway.

The development would consist of 35 townhomes on 4.47-acres, resulting in a density of 7.82 units per acre. The submitted architectural elevations reflect townhouse buildings with a combination of brick, stone, and fiber-cement shake siding on the fronts, with fiber-cement siding on the remaining balance of each building. The proposed townhomes would contain approximately 1,700 square-feet per unit, with a front-entry double-car garage.

The site includes park area located at a central point to the development. Access to the development would be provided through a cul-de-sac with two curb cuts onto Hamilton Creek Parkway. It is noted that the submitted site plan does not meet the required external or landscape setbacks or buffer requirements for the R-TH district. The standard building setbacks are 50-feet along Hamilton Creek Parkway and 40-feet adjacent to all other property lines. To accommodate the requested 35 units, the site plan reflects setbacks reduced to 20-feet along Hamilton Creek Road, 20-feet along the side (south) and rear (west) property lines and 10-feet along the east (north) property line. Additionally, the submitted site plan indicates a 20-foot

wide landscaped setback along Hamilton Creek Parkway in lieu of the required 50-foot landscape setback. Also shown on the plan is a 20-foot zoning buffer along the side (south) and rear (west) property lines adjacent to R-100 CLU zoning, a reduction from the standard 30-foot buffer width. The site plan indicates a stream located just beyond the southern property line requiring a 50-foot buffer and accompanying 25-foot impervious surface setback.

In order to meet the standards for the R-TH district, the site plan would need to be heavily revised which may result in a reduction in the total number of the units. To develop the property as proposed, numerous variances through the Zoning Board of Appeals would be required for exterior yard requirements and landscaping.

#### ZONING HISTORY:

In 1970, the property was zoned RA-200 (Agriculture-Residence District). The property was rezoned to C-2 in 2000, pursuant to RZ-00-119.

#### 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 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.

A minimum of 50-foot building landscaped setback is required from the right-of-way of Hamilton Creek Parkway (UDO Section 210-100.6.15).

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

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

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

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

Section 800-20 of the Unified Development Ordinance requires submittal of a Stormwater 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 stormwater 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. The proposed conceptual plan may require revision to show the appropriate stream buffer area. All stormwater best management practices will be applicable upon development permit issuance.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Hamilton Creek Parkway is a Local Street and 30-feet of right-of-way is required from the centerline.

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

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.

As per the current Gwinnett County Unified Development Ordinance all dead end streets are required to end at a cul-de-sac.

**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 northeast right-of-way of Hamilton Creek Parkway.

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 eight-inch sanitary sewer main located on parcel 3-002-110.

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:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The subject site is a 4.47-acre property located at the terminus of Hamilton Creek Parkway, just south of its intersection with Braselton Highway. The vacant site has been partially cleared and graded in the past.

The 2030 Unified Plan Future Development Map indicates this property lies within an Existing/Emerging Suburban Character Area. Policies for this Character Area encourage consistency of both density and development type within a given area. The proposed townhomes would be the only residential development along Hamilton Creek Parkway, a local commercially-zoned street. Based on the character of surrounding commercial developments, the potential land use conflicts, and the intent of the 2030 Unified Plan to encourage compatible infill development, the requested townhomes may not be appropriate at this location.

The immediate area is characterized by segregated commercial and residential uses. To the south and west of the subject site is the Hamilton Mill Hometown golf course and recreation area which are accessed via Hamilton Mill Parkway. The adjacent Braselton Highway commercial corridor is anchored by the C-2 zoned Hamilton Mill Village shopping center and the Hamilton Mill at Duncan Creek commercial center. Adjacent and nearby residential developments consist of detached units at much lower densities than proposed for the subject site. The proposed townhome development would also be isolated from these other residential developments and may not be considered compatible comingling with the commercial activities in the immediate area. In the Department's opinion, the subject site is more suitable for future commercial, office or institutional use, and the requested rezoning to R-TH would be inappropriate.

In conclusion, the requested R-TH zoning may not be consistent with the policies of the 2030 Unified Plan for infill residential development in a commercial area, and may be in conflict with the zoning and development pattern of the immediate area which does not include attached housing. In addition, the property is considered by the Department to be too small for the development being proposed, requiring numerous reductions in development standards. Therefore, the Department recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

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

- I. To restrict the use of the property as follows:
  - A. Attached townhouse dwellings and accessory uses at a maximum density of five units per acre.
  - B. Buildings shall be constructed of brick or stone on all sides (front, sides, and rear). Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.
  - C. The minimum heated floor area per dwelling unit shall be at least 1,600 square-feet.
  - D. Homes shall include a minimum of five different facades to create a variety in the community and to not appear identical.
2. To satisfy the following site development considerations:
  - A. Revise the final site plan to meet the full landscaping, buffer, external setback, and internal yard requirements of the R-TH district.
  - B. The landscaped setbacks along Hamilton Creek Parkway shall include a decorative fence/wall and entrance monument. Landscaping, fence/wall and entrance monument design shall be subject to review and approval of the Director of Planning and Development prior to the issuance of a Development Permit.
  - C. All grassed areas shall be sodded.
  - D. All utilities shall be placed underground.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed townhouse development may not be suitable at this location in light of the low-density, detached development that characterizes the residential uses in the immediate area.

ADVERSE IMPACTS

Adverse impacts on nearby residential properties may be anticipated by introducing attached, high-density housing with reduced development standards. The property is located within a commercial development that includes retail, office and institutional uses, and introduction of a residential use at this location could introduce potential land use conflicts.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

Anticipated impacts include increased traffic, stormwater runoff, utility system demand, and an increase in school age children.

CONFORMITY WITH POLICIES

The request may not be consistent with the recommendations of the 2030 Unified Plan, which encourage consistency of both density and development type within a given area. Additionally, the development standards being proposed represent a substantial reduction from the requirements of the R-TH district, and may result in a development which is not beneficial to the area.

CONDITIONS AFFECTING ZONING

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

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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

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

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

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

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

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

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

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

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

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

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

THE SUBJECT PROPERTY IS DESIGNATED AS EXISTING/EMERGING SUBURBAN

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

SEE LETTER OF INTENT.

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Planning & Development

RZR '16016

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

RZR '16 016

## REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Edge City Properties, Inc., requests a rezoning from C-2 to R-TH for the purpose of developing a 35 lot townhome subdivision. The Property is a total of 4.475 acres and there is just no demand for commercial property at the end of a dead end road that has no visibility from the main highway. The subject property is located on Hamilton Creek Parkway and is found in the 3rd district, land lot 002 in Gwinnett County.

The site plan shows that there will be two entrances to the proposed project at the end of the existing street. The minimum heated area for the dwellings will be 1,700 square feet with a maximum height for the proposed dwellings 35'. The front façade of all dwellings will consist of a mixture of brick, stone, or fiber cement shake and siding with the remainder of the home the same or fiber cement siding. The homes will feature a traditional architecture style and will all have a two car garage. The price range for the units will start in the low \$200,000 and go up to the mid \$200,000 range. The gross density is 7.82 units to the acre and the applicant is proposing to provide 76,800 square feet of common open space with the majority being 2 park areas in the center of the property. The HOA will also maintain all of the lawns, open space as well as the entry feature. This property is adjacent to a multi-tenant office building and provides excellent walkability to the retail shops and dining in the immediate area. Finally, the applicant is requesting a buffer reduction adjacent to the golf course from 30 feet to 20 feet. The area is heavily wooded with no homes abutting that area. The applicant also understands that variances will be needed from the Zoning Board of Appeals for the setbacks due to the unique size and dimensions of this property.

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RZR '16016

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

Case #	Schools	Current Projections									Proposed Zoning
		2016-17			2017-18			2018-19			Approximate additional Student Projections from Proposed Developments
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZR2016-00015	<b>Brookwood HS</b>	<b>3481</b>	2,575	906	<b>3516</b>	2,575	941	<b>3504</b>	2,575	929	11
	Five Forks MS	<b>1078</b>	1,150	-72	<b>1094</b>	1,150	-56	<b>1105</b>	1,150	-45	8
	Gwin Oaks ES	<b>1033</b>	875	158	<b>1043</b>	875	168	<b>1054</b>	875	179	15
RZR2016-00016	<b>Mill Creek HS</b>	<b>3819</b>	2,800	1,019	<b>3682</b>	2,800	882	<b>3594</b>	2,800	794	7
	Osborne MS	<b>1680</b>	1,575	105	<b>1697</b>	1,575	122	<b>1714</b>	1,575	139	5
	Puckett's Mill ES	<b>891</b>	1,200	-309	<b>880</b>	1,200	-320	<b>871</b>	1,200	-329	10
CIC2016-00019	<b>Mountain View HS</b>	<b>2356</b>	2,300	56	<b>2470</b>	2,300	170	<b>2550</b>	2,300	250	34
CIC2016-00020	Twin Rivers MS	<b>2034</b>	2,150	-116	<b>2065</b>	2,150	-85	<b>2095</b>	2,150	-55	25
	Patrick ES	<b>792</b>	1,025	-233	<b>816</b>	1,025	-209	<b>840</b>	1,025	-185	48

Current projections do not include new developments



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**24' Wide Town Home Series  
Front Elevation**

05.31.16

RZR '16016



The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e., applicable codes, structural, and MEP design requirements, and plan / floor plan changes, etc.)  
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Left Elevation

Right Elevation



Rear Elevation

EDGE CITY  
PROPERTIES

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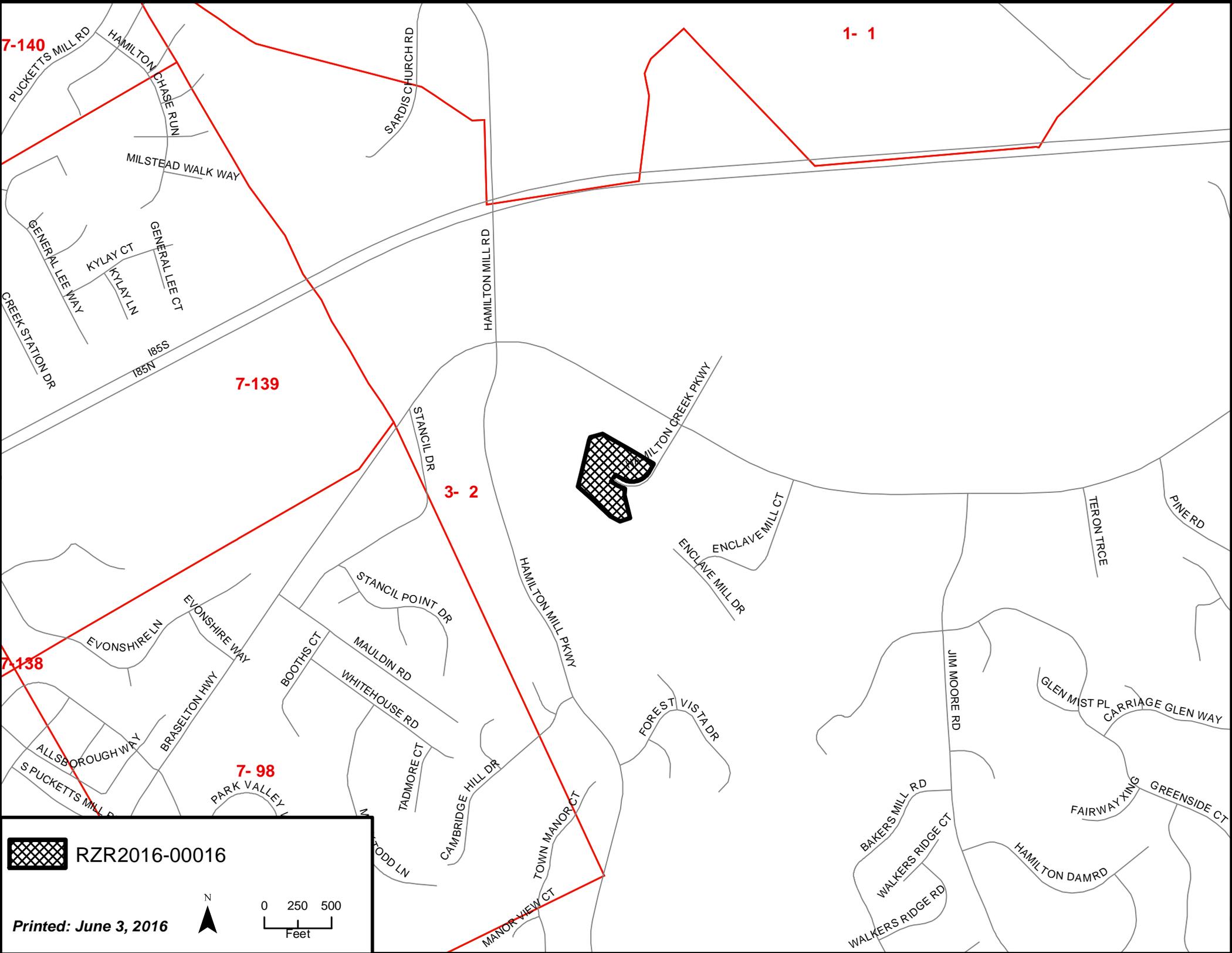
24' Wide Town Home Series

05.31.16

RZR '16016

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The drawings presented are illustrations of character and design intent only, and are subject to change based upon final design considerations (i.e., structural needs, mechanical, and MEP design requirements, and prior / later plan changes, etc.) ©2016 gmdgroup.com/gmd of georgia



 RZR2016-00016

Printed: June 3, 2016

N

0 250 500  
Feet





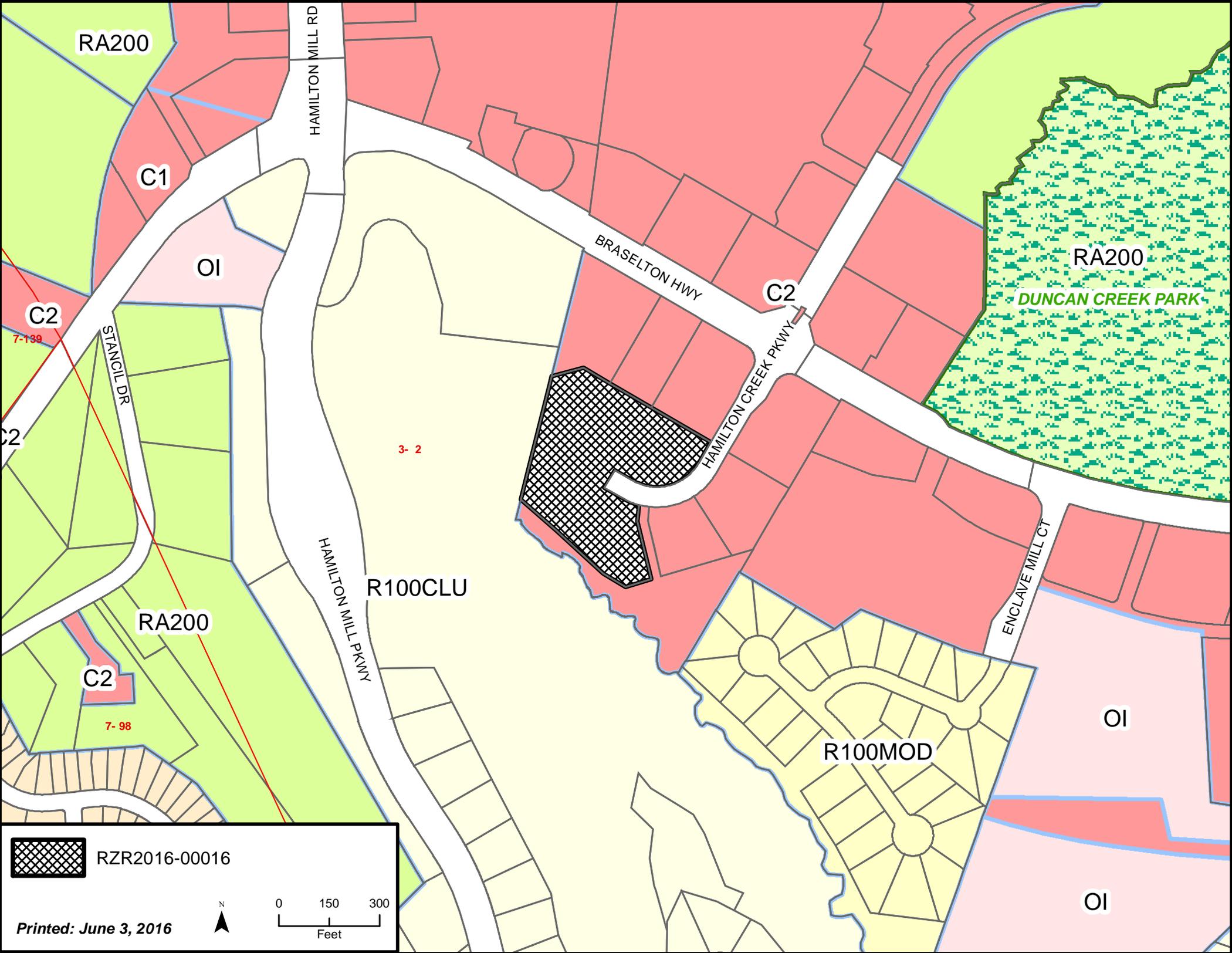
HAMILTON CREEK PKWY

 RZR2016-00016

Printed: June 3, 2016

N

0 25 50  
Feet



RA200

C1

OI

C2

STANCL DR

HAMILTON MILL RD

BRASELTON HWY

C2

HAMILTON CREEK PKWY

RA200

DUNCAN CREEK PARK

3-2

R100CLU

RA200

C2

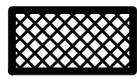
7-98

ENCLAVE MILL CT

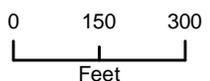
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RZR2016-00016



Printed: June 3, 2016

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

CASE NUMBER :**CIC2016-00018**  
ZONING :O-I  
LOCATION :1500-1600 BLOCKS LAWRENCEVILLE-SUWANEE ROAD  
:500 BLOCK OF RUSSELL ROAD  
:500 BLOCK OF INWOOD TRAIL  
MAP NUMBERS :R7069 014, R7069 024 & R7069 294  
ACREAGE :7.08 ACRES  
PROPOSAL :CHANGE IN CONDITIONS TO REDUCE BUFFERS  
COMMISSION DISTRICT :(4) HEARD

CASE NUMBER :**SUP2016-00050**  
ZONING :O-I  
LOCATION :1500-1600 BLOCKS LAWRENCEVILLE-SUWANEE ROAD  
:500 BLOCK OF RUSSELL ROAD  
:500 BLOCK OF INWOOD TRAIL  
MAP NUMBERS :R7069 014, R7069 024 & R7069 294  
ACREAGE :7.08 ACRES  
PROPOSED DEVELOPMENT :BUILDING HEIGHT INCREASE (TO 40 FEET)  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: BRIAN B. WEST, P.E.  
10 ROSWELL STREET, SUITE 210  
ALPHARETTA, GA 30009

CONTACT: BRIAN B. WEST PHONE: 404.201.6127

OWNER: AVANT GARDE PROPERTIES  
2804 THURLESTON LANE  
DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Change-in-Conditions of previous 2016 zoning cases (RZC2016-00013 & SUP2016-00007), to modify a condition of zoning which requires a 75-foot wide buffer adjacent to residentially-zoned properties. The applicant also requests an additional Special Use Permit to allow for a building height increase up to a maximum of 40 feet. The property is zoned O-I (Office-Institutional District), with a Special Use Permit allowing a 137-unit independent living senior retirement community. The property consists of 7.08 acres located at the northern corner of the intersection of Lawrenceville-Suwanee Road and Russell Road. A

small portion of the property is also adjacent to the intersection of Lawrenceville-Suwanee Road and Inwood Trail.

Through the Change-in-Conditions request, the applicant is requesting relief from the 75-foot buffer condition to allow for the construction of a proposed sanitary sewer outfall line. This line would originate from a sewer main located within the right-of-way of Inwood Trail as shown on the submitted site plan. Additionally, the applicant's letter of intent indicates the possibility of retaining walls and utilities encroaching into the interior 25 feet of the buffer. However, the submitted site plan does not show the location of the proposed walls.

The applicant requests to change Condition 2.A of RZC2016-00003 & SUP2016-00007 which currently reads as follows:

- 2.A. Provide a 75-foot wide buffer adjacent to all residentially-zoned properties. The exterior 50 feet of the buffer shall remain natural, undisturbed and enhanced where sparsely vegetated. The interior 25 feet of the buffer may be graded and landscaped. Final buffer and landscape plans shall be subject to review and approval of the Director of Planning and Development.

The applicant proposes to amend condition 2.A. to require a 50-foot natural, undisturbed buffer adjacent to residentially-zoned properties with allowances for utilities within the buffer. This buffer would be supplemented with a 25-foot landscape strip immediately adjacent to the proposed buffer. The conversion of the interior 25-feet of the buffer to a landscape strip would allow for the construction of retaining walls. Additionally, the applicant requests the elimination of the required five-foot structural setback requirement. This specific request would require a separate variance through the Zoning Board of Appeals.

The accompanying Special Use Permit is requested to allow for an increase in building height to a maximum of 40 feet. The maximum height allowed by the Unified Development Ordinance is 35 feet. Per the letter of intent, the proposed building height is 36 feet, 10 inches.

#### ZONING HISTORY:

In 1970, the property was zoned R-100 (Single Family Residence District). In 2006, a request to rezone the property to C-2 (General Business District) for a shopping center was denied, pursuant to RZC-06-027. In 2016, the property was rezoned to O-I (Office-Institutional District), with a Special Use Permit allowing a retirement community (independent living), pursuant to RZC2016-00013 and SUP2016-00007, respectively.

#### GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

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.

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 Lawrenceville-Suwanee Road and Russell Road.

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.

**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.

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

Inwood Trail is a Local Street and 25-30 feet of right-of-way is required from the centerline.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the southeast right-of-way of Russell Road and a 16-inch water main located on the southwest right-of-way of Lawrenceville Suwanee Road and an 8-inch water main located on the northwest right-of-way of Inwood Trail.

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 Inwood Trail.

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:

No comment.

## DEPARTMENT ANALYSIS:

The subject site is a 7.08-acre tract located at the northern intersection of Lawrenceville-Suwanee Road and Russell Road. The applicant requests a Change-in-Conditions to modify a buffer condition and a Special Use Permit to increase allowable building height to 40 feet. Per the site plan and letter of intent, the proposed multi-story senior independent living facility would be 36 feet, 10 inches, and consist of 127,141 square feet with a copula and exterior treatments of brick and fiber-cement siding.

The 2030 Unified Plan Future Development Map indicates this site lies within an Existing/Emerging Suburban Character Area. The requested buffer condition modification and building height increase could be supported by policies of the Unified Plan which encourages commercial developments to be compatible with the character of existing developments in the area and to promote proper transitions between uses.

The requested buffer modification could also be considered consistent with the board's previous approvals on the site as it continues to provide adequate buffering and landscaping while affording flexibility for site design and utility connections.

The requested increase in height from 35 feet to 40 feet, to allow a 37-foot building could be consistent with the architectural character of the surrounding commercial and institutional uses along Lawrenceville-Suwanee Road and along commercial corridors throughout Gwinnett County. The Board has approved similar requests for building height increases for other senior oriented communities throughout the county, which includes SUP2012-00032, CIC2013-00010, SUP2014-00023, and SUP2015-00013.

This segment of the Lawrenceville-Suwanee Road corridor is a mix of commercial, residential, and institutional uses. The subject site is surrounded by several subdivisions including Hambridge North, Russell Ridge Acres and Fairview Station, all zoned R-100. Large lots with residences, zoned R-100, are found adjacent to the northeast along Russell Road. McKendree United Methodist Church and Immanuel Full Gospel Church are located along Lawrenceville-Suwanee Road to the southwest. The previously mentioned institutional uses include Board approved Tall Structure Permits for church steeples (TSP1997-00002 & TSP2008-00038). Located further to north along Lawrenceville-Suwanee Road is a proposed commercial office building with a Board approved building height increase to 40 feet (SUP2016-00043). Allowing the addition of a 37-foot tall building used as an independent living senior retirement community could be considered consistent with Board policy regarding commercial and institutional developments located along this corridor.

In conclusion, the requested Change-in-Conditions for a buffer modification and Special Use Permit for increased building height could be consistent with the Unified Plan, with the precedent established by the Board of the similar requests along the Lawrenceville-Suwanee Road corridor and throughout the County, and previous Board action on this site. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as O-I with a Special Use Permit for an Independent Living Retirement Community (change-in-conditions) and a Special Use Permit for a Building Height Increase, subject to the following enumerated conditions:

RZC2016-00003 & SUP2016-00017 Conditions with:

Additions in **bold**

Deletions in ~~strikethrough~~

- I. To restrict the use of the property as follows:
  - A. Limited to development as a senior retirement community for occupancy by persons 62 years of age and older as a special use. Final site design for the retirement community shall be subject to review and approval by the Director of Planning and Development.
  - B. The building(s) shall be in general accordance with the exterior elevations prepared by Lenity Architecture, dated December 7, 2015, **with a maximum building height of 40 feet**. Final building elevations shall be subject to review and approval of the Director of Planning and Development.
  - C. The development shall be limited to a maximum of 140 units.
  - D. Buildings shall be of a brick and/or stacked stone finish on a minimum of 50% of each building elevation. The balance of each elevation may be the same or of fiber-cement siding/shake.
  - E. All units shall incorporate applicable accessibility standards known as "Easy Living Standards" which shall include the following:
    - Easy access step free feature at each entrance to the home.
    - Easy passage feature, to include 32-inch wide doorways.
    - Easy use feature, all units shall be one level.
2. To satisfy the following site development considerations:
  - A. Provide a ~~75~~ **50-foot wide buffer adjacent to all residentially-zoned properties with an additional 25-foot landscape strip interior to the buffer**. The exterior ~~50~~ **25** feet of the buffer shall remain natural, undisturbed and enhanced where sparsely vegetated. **The interior 25 feet of the buffer may be graded, replanted and contain utilities**. The ~~interior 25 feet of the buffer~~ **landscape strip** may be graded and ~~landscaped~~ **contain retaining walls and utilities**. Final buffer, **utility** and landscape plans shall be subject to review and approval of the Director of Planning and Development.
  - B. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way.

- C. Natural vegetation shall remain on the property until the issuance of a development permit.
- D. Ground signage shall be limited to 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 eight feet in height, and shall not be internally-illuminated.
- E. 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 a.m. and 7:00 p.m.
- F. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- G. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- H. Peddlers and/or parking lot sales shall be prohibited.
- I. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed buffer modification and building height increase may be suitable at this location in light of the proposed buffer enhancement and the similarity of the Board's approval of the previous requests.

ADVERSE IMPACTS

With the recommended conditions and limitations, the proposed buffer modification and height increase are not expected to introduce adverse impacts on neighboring properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in traffic, stormwater runoff, and utility demand would be expected from this development.

CONFORMITY WITH POLICIES

The requested buffer modification and building height increase could be considered consistent with the policies and recommendations of the 2030 Unified Plan for compatibility with the surrounding area.

CONDITIONS AFFECTING ZONING

The surrounding area includes other institutional and commercial uses with Board approved height increase for steeples and commercial developments. The Board has previously approved several building height increases and buffer reductions, specifically related to independent living senior retirement communities throughout the county.

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

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

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

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

Yes. This site was previously rezoned for the intended use. This application is simply for modification to the conditions of approval to allow the developemnt to be built as previously represented and approved.

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

This facility will not adversely affect the neighboring residential lots. This site was previously rezoned for the intended use. This application is simply for modification to the conditions of approval to allow the developemnt to be built as previously represented and approved.

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

This site was previously rezoned for the intended use. This application is simply for modification to the conditions of approval to allow the developemnt to be built as previously represented and approved.

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

No. This site was previously rezoned for the intended use. This application is simply for modification to the conditions of approval to allow the developemnt to be built as previously represented and approved.

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

Yes. This site was previously rezoned for the intended use. This application is simply for modification to the conditions of approval to allow the developemnt to be built as previously represented and approved.

- (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:

This site was previously rezoned for the intended use. This application is simply for modification to the conditions of approval to allow the developemnt to be built as previously represented and approved.

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Planning & Development

# Gwinnett County Retirement Residence Change in Condition – Letter of Intent

---

## I. INTRODUCTION – GWINNETT COUNTY RETIREMENT RESIDENCE

### Intent

This change in condition request is to clarify the intent of the conditions placed on the subject property which was rezoned on January 26, 2016 under RZC2016-00003 & SUP2016-00007.

### Site Description

The subject parcel is located on the easterly side of Lawrenceville – Suwannee Road, between Russell Road to the south and Inwood Trail to the North. This site is irregularly shaped and approximately 7.08 acres in size including two parcels with the facility being constructed on a 6.68 ac parcel and a 0.48 ac outparcel being used for passing the sanitary sewer outfall.

Abutted by:

- Two large residential parcels to the east
- Russell Road to the south
- Lawrenceville – Suwannee Road to the west
- To the north, five single family residential lots in Hambridge North – Unit One Subdivision. All lots front on Inwood Trail.

### Rezoning Background

This project's previous Rezoning and SUP was intended to rezone only two parcels PIN 7069014 and 7069024 (total of 6.68 Acres) to O-I. Inadvertently, the outparcel PIN 7069294 (0.48 acres), was also rezoned to O-I.

## II. Changes in Conditions requested

### Conditions to be Changed:

Provide a ~~75~~-50-foot wide buffer **undisturbed** adjacent to all residentially-zoned properties **and an additional 25' landscape strip adjacent to the undisturbed buffer. No structural setback (5') will be required in addition to the 50' undisturbed buffer and 25' landscape strip.** The exterior 50 feet foot of the buffer shall remain natural, undisturbed and enhanced where sparsely vegetated. The interior 25 feet **foot landscape strip** of the buffer may be graded, and landscaped, **and may contain walls and utilities.** Final buffer and landscape plans shall be subject to review and approval of the Director of Planning and Development.

### Conditions to be added:

Sanitary Sewer Outfall servicing this site may cross the 50' undisturbed buffer and 25' landscape strip, either in parallel or perpendicular as necessary to service the facility.

Thank you for your consideration.

# Gwinnett County Retirement Residence Special Use Permit – Letter of Intent

---

## I. INTRODUCTION – GWINNETT COUNTY RETIREMENT RESIDENCE

### Intent

This special use permit request is to clarify the intent of the Special Use Permit placed on the subject property which was rezoned on January 26, 2016 under RZC2016-00003 & SUP2016-00007.

### Site Description

The subject parcel is located on the easterly side of Lawrenceville – Suwannee Road, between Russell Road to the south and Inwood Trail to the North. This site is irregularly shaped and approximately 7.08 acres in size including two parcels with the facility being constructed on a 6.68 ac parcel and a 0.48 ac outparcel being used for passing the sanitary sewer outfall.

Abutted by:

- Two large residential parcels to the east
- Russell Road to the south
- Lawrenceville – Suwannee Road to the west
- To the north, five single family residential lots in Hambridge North – Unit One Subdivision. All lots front on Inwood Trail.

## II. Special Use Permit Requested

### Building Height

The proposed building mid-point height is 36'10". This special use permit (SUP) is to request an increase to the maximum allowable height from 35' (O-I) to 40' in order to facilitate the construction of this facility as originally submitted, reviewed and approved under the original rezone/SUP. In addition, the building will have a Cupola which will extend above the 40' height, however, the cupola will be within the allowed 20' height increase allowed for architectural features/cupolas. See attached building elevation.

Thank you for your consideration.

SUP '16 050

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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>
Tommy Hunter, District 3	<u>YES</u>
John Heard, District 4	<u>YES</u>

---

On motion of COMM. HEARD, which carried 5-0, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 & R-75 to O-1 by LENITY ARCHITECTURE OBO HAWTHORN DEVELOPMENT for the proposed use of a RETIREMENT COMMUNITY (INDEPENDENT LIVING) on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JANUARY 26, 2016 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners on this, the 26<sup>th</sup> day of JANUARY 2016, that the aforesaid application to amend the Official Zoning Map from R-100 & R-75 to O-1 is hereby **APPROVED** with the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Limited to development as a senior retirement community for occupancy by persons 62 years of age and older as a special use. Final site design for the retirement community shall be subject to review and approval by the Director of Planning and Development.
  - B. The building(s) shall be in general accordance with the exterior elevations prepared by Lenity Architecture, dated December 7, 2015. Final building elevations shall be subject to review and approval of the Director of Planning and Development.
  - C. The development shall be limited to a maximum of 140 units.
  - D. Buildings shall be of a brick and/or stacked stone finish on a minimum of 50% of each building elevation. The balance of each elevation may be the same or of fiber-cement siding/shake.
  - E. All units shall incorporate applicable accessibility standards known as "Easy Living Standards" which shall include the following:
    - Easy access step free feature at each entrance to the home.
    - Easy passage feature, to include 32-inch wide doorways.
    - Easy use feature, all units shall be one level.
2. To satisfy the following site development considerations:
  - A. Provide a 75-foot wide buffer adjacent to all residentially-zoned properties. The exterior 50 feet of the buffer shall remain natural, undisturbed and enhanced where sparsely vegetated. The interior 25 feet of the buffer may be graded and landscaped. Final buffer and landscape plans shall be subject to review and approval of the Director of Planning and Development.
  - B. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way.
  - C. Natural vegetation shall remain on the property until the issuance of a development permit.

- D. Ground signage shall be limited to 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 8 feet in height, and shall not be internally-illuminated.
- E. 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 a.m. and 7:00 p.m.
- F. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- G. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- H. Peddlers and/or parking lot sales shall be prohibited.
- I. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

GWINNETT COUNTY BOARD OF COMMISSIONERS

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

Date Signed: 2/1/16

ATTEST:

Diane Kemp  
County Clerk/Deputy County Clerk



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>
Tommy Hunter, District 3	<u>YES</u>
John Heard, District 4	<u>YES</u>

---

On motion of COMM. HEARD, which carried 5-0, the following resolution was adopted:

A RESOLUTION TO GRANT A SPECIAL USE PERMIT

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 for a Special Use Permit by LENITY ARCHITECTURE OBO HAWTHORN DEVELOPMENT for the proposed use of a RETIREMENT COMMUNITY (INDEPENDENT LIVING) 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 Special Use Permit Application has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JANUARY 26, 2016 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners on this, the 26<sup>th</sup> day of JANUARY 2016 that the aforesaid application for a Special Use Permit is hereby **APPROVED** with the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Limited to development as a senior retirement community for occupancy by persons 62 years of age and older as a special use. Final site design for the retirement community shall be subject to review and approval by the Director of Planning and Development.
  - B. The building(s) shall be in general accordance with the exterior elevations prepared by Lenity Architecture, dated December 7, 2015. Final building elevations shall be subject to review and approval of the Director of Planning and Development.
  - C. The development shall be limited to a maximum of 140 units.
  - D. Buildings shall be of a brick and/or stacked stone finish on a minimum of 50% of each building elevation. The balance of each elevation may be the same or of fiber-cement siding/shake.
  - E. All units shall incorporate applicable accessibility standards known as "Easy Living Standards" which shall include the following:
    - Easy access step free feature at each entrance to the home.
    - Easy passage feature, to include 32-inch wide doorways.
    - Easy use feature, all units shall be one level.
2. To satisfy the following site development considerations:
  - A. Provide a 75-foot wide buffer adjacent to all residentially-zoned properties. The exterior 50 feet of the buffer shall remain natural, undisturbed and enhanced where sparsely vegetated. The interior 25 feet of the buffer may be graded and landscaped. Final buffer and landscape plans shall be subject to review and approval of the Director of Planning and Development.

- B. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way.
- C. Natural vegetation shall remain on the property until the issuance of a development permit.
- D. Ground signage shall be limited to 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 8 feet in height, and shall not be internally-illuminated.
- E. 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 a.m. and 7:00 p.m.
- F. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- G. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- H. Peddlers and/or parking lot sales shall be prohibited.
- I. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

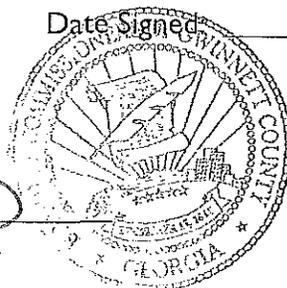
GWINNETT COUNTY BOARD OF COMMISSIONERS

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

Date Signed 2/1/16

ATTEST:

Diane Kemp  
County Clerk/Deputy County Clerk



# Exterior Elevations

DATE: 6/2/2016  
SCALE: 1" = 16'-0"



© COURT ELEVATION



© REAR ELEVATION

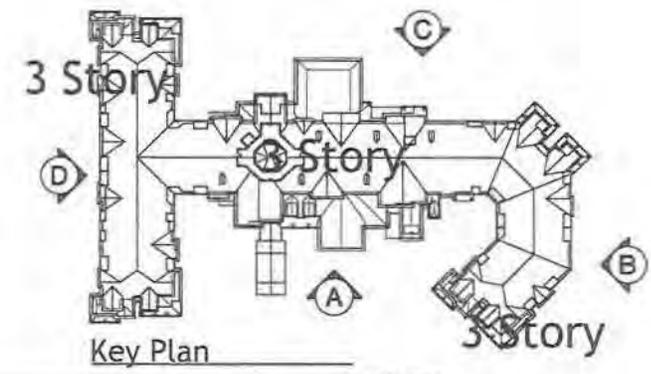


© WING ELEVATION

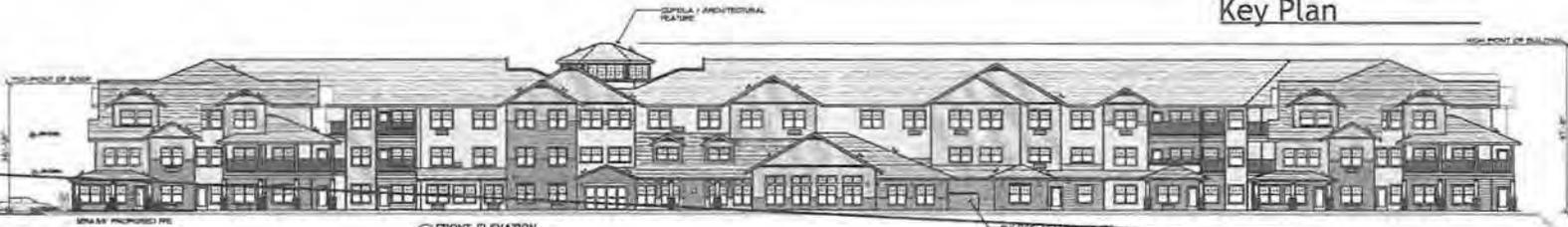


© WING ELEVATION

- CORNERSTONE SCAPING
- TRIANGLE GABLE SIDING
- WHITE PAINTED SHIMMERED GRIDDLE TYP.
- 3/4" PANDA W/ CORN. GUTTER TYP.
- PRE-FINISH ACTIVED ALUMINUM RAILING
- SHINGLE SIDING W/ TYP. BOARD
- HORIZONTAL SIDING



Key Plan



© FRONT ELEVATION

© WING END ELEVATION

Building Height:  
Average Height = 36'-10"  
(APPROVED 3-STORY  
HEIGHT BY JEFF WEST  
AND MARCUS CANADA  
ON 02/24/2016)

**lenity**  
architecture

7150 Kettle Court SE, Salem, Oregon 97301  
503 399 1090 503 399 0562 lenityarchitects.com

# Gwinnett County Retirement Residence

Gwinnett County, GA

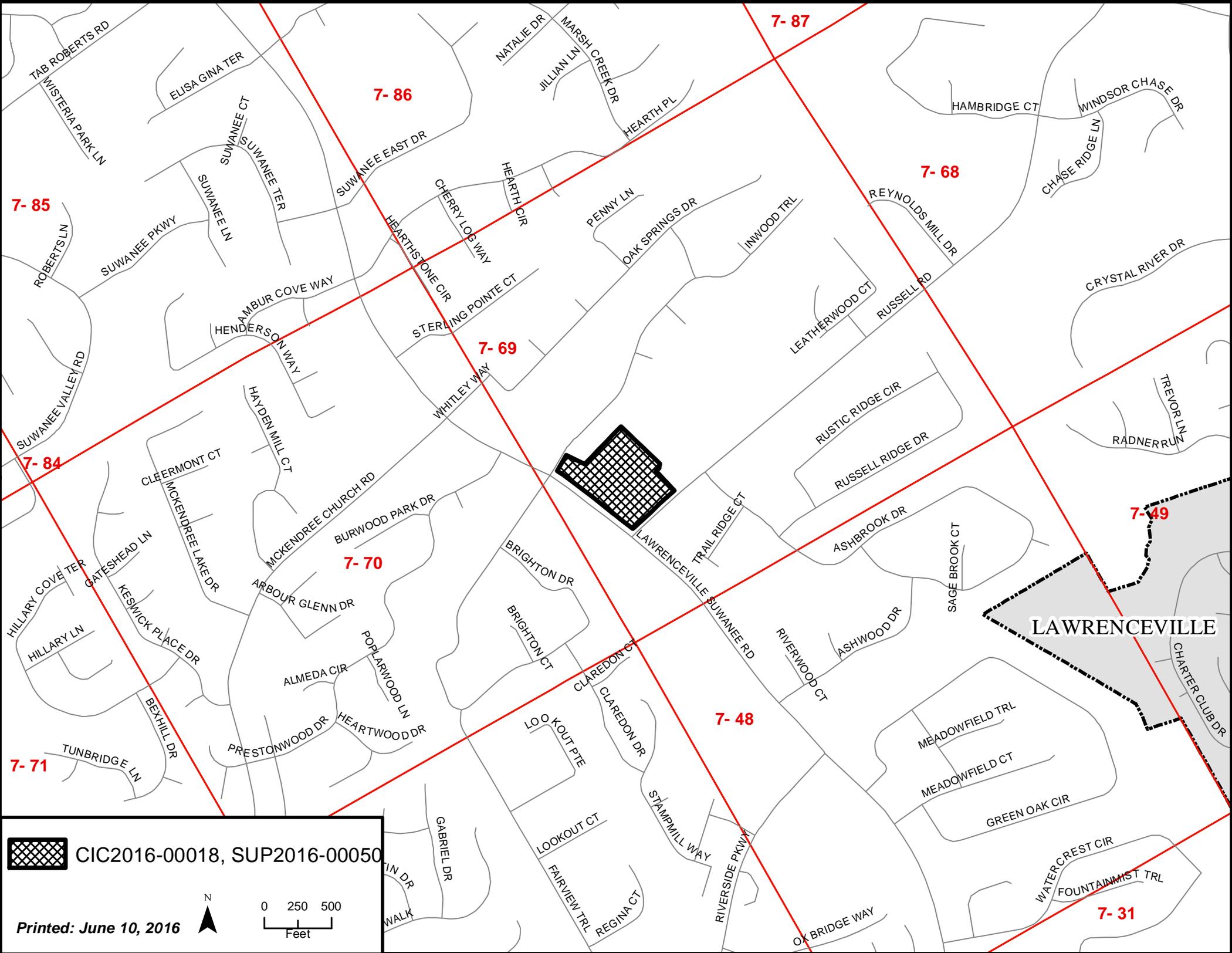
**HAWTHORN**  
RETIREMENT GROUP

2112 NE Vancouver Mall Dr., Suite 202  
Vancouver, WA 98668-6218  
(360) 213-1500 Fax (360) 213-1544

1001 16 9 2016

CIC '16 018

Planning & Development



 CIC2016-00018, SUP2016-00050



0 250 500  
Feet

Printed: June 10, 2016





INWOOD TRL

RUSSELL RD

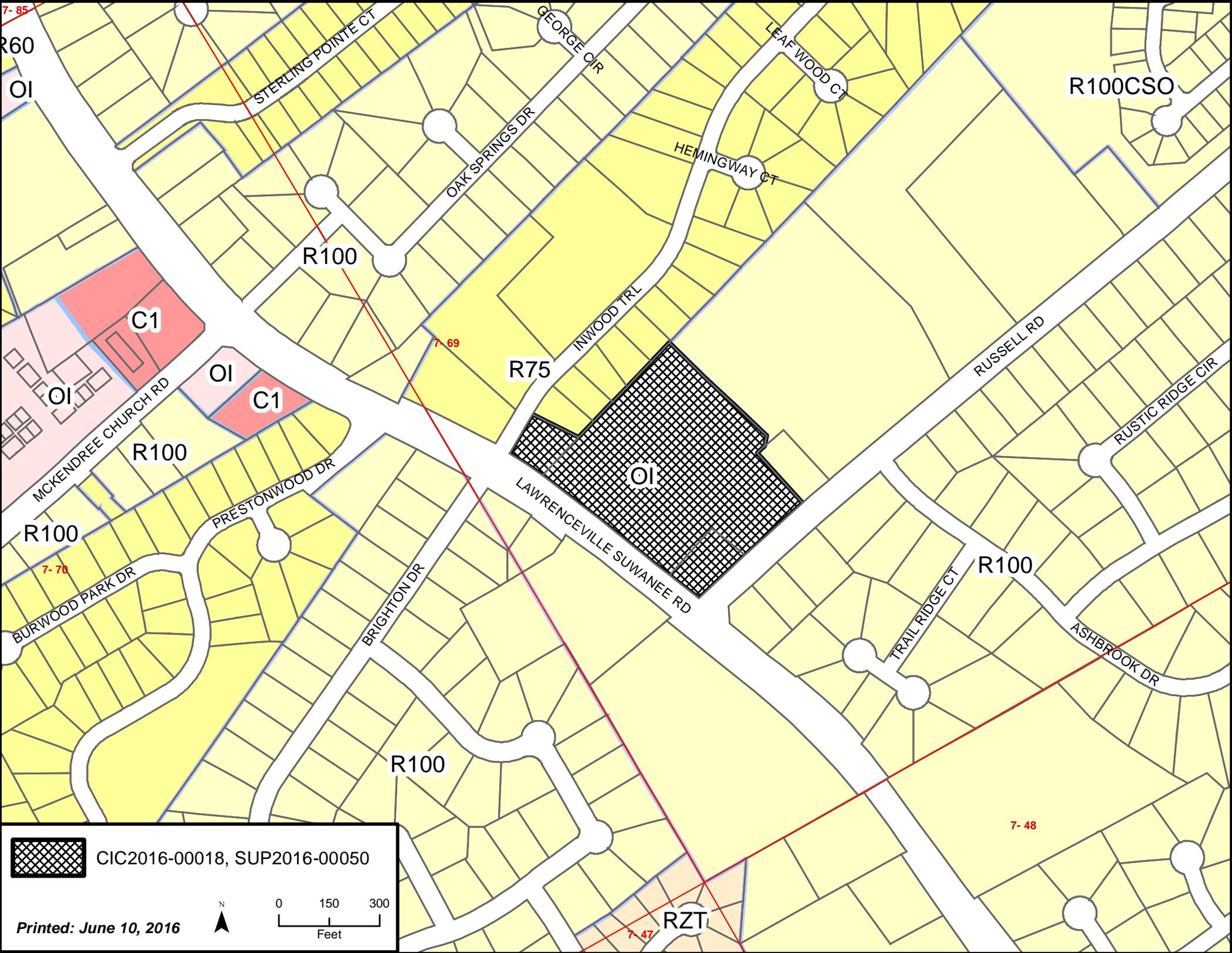
LAWRENCEVILLE SUWANEE RD

 CIC2016-00018, SUP2016-00050

Printed: June 10, 2016

N

0 25 50  
Feet



 CIC2016-00018, SUP2016-00050

**Printed: June 10, 2016**

0 150 300  
Feet

N

R60  
OI

R100CSO

R100

C1

OI

C1

R75

OI

R100

R100

R100

R100

RZT

7-69

7-70

7-48

7-47

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

CASE NUMBER :**CIC2016-00019**  
ZONING :R-ZT  
LOCATION :2900 BLOCK OF GRAVEL SPRINGS ROAD  
MAP NUMBERS :R7143 004 & 005  
ACREAGE :44.86 ACRES  
PROPOSAL :REVISE SITE PLAN AND ARCHITECTURAL STANDARDS  
COMMISSION DISTRICT :(4) HEARD

CASE NUMBER :**CIC2016-00020**  
ZONING :R-60  
LOCATION :2900 BLOCK OF GRAVEL SPRINGS ROAD  
MAP NUMBERS :R7143 004 & 005  
ACREAGE :14.78 ACRES  
PROPOSAL :REVISE SITE PLAN AND ARCHITECTURAL STANDARDS  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: CMH PARKS INC. D/B/A CHAFIN BUILDERS  
1550 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE GA. 30043

CONTACT: SHANE LANHAM PHONE: 770.232.0000

OWNER: CMH PARKS INC. D/B/A CHAFIN BUILDERS  
1550 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE GA. 30043

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

The applicant seeks approval of two Change-in-Conditions requests to develop a 178-lot single-family subdivision on the north side of Gravel Springs Road, east of Mall of Georgia Boulevard. The site is located within the GA Highway 124/324/Hamilton Mill Overlay District. Most of the property is undeveloped pasture and woodlands with several small streams. A single-family residence and several accessory buildings are located near the Gravel Springs Road frontage.

The subject properties contain a total of 59.64 acres, of which 44.86 acres are zoned R-ZT pursuant to CIC2015-00008 and the remaining 14.78 acres are zoned R-60 pursuant to RZR2015-00007. Currently approved for a total of 215 lots on 67 acres at density of 3.21 units per acre, the applicant seeks to revise the site plan to reduce the number of lots to 178 resulting in a new density calculation of 2.99 units per acre. Additionally, the applicant proposes to increase minimum lot widths at the front building line from 40 feet to 47 feet and from 60

feet to 62 feet. Finally, the applicant requests to reduce the percentage of units required to be constructed with four-sided brick or stacked stone. 162 of the approved 215 units are currently subject to this requirement, under the applicant's proposal, only 102 of the proposed reduced total of 178 units would continue to be subject to said architectural standard.

To accomplish these site and building modifications, two conditions of CIC2015-00008 and RZR2015-00007 are proposed to be revised. Each is briefly described below.

Change #1:

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

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

The applicant proposes to amend condition I.C. to require only 57% of all homes to be constructed with four-sides of brick or stacked stone, with the remaining 43% of all homes to have front facades of either brick, stacked stone, fiber-cement shake or siding, or combinations thereof, and the side and rear elevations to be of the same materials with a brick or stacked stone water table.

Change #2:

Condition I.E. references a site plan for the R-ZT portion of the development and currently reads as follows:

I.E: For the R-ZT portion of the development, the property shall be developed in general accordance with the site plan prepared by Ridgeline Land Planning, Inc. dated September 19, 2015, and presented at the Board of Commissioners Hearing November 17, 2015, which includes: (1) a section of lots a minimum of 60 feet wide adjacent to Hedgerows Subdivision (Walking Horse Trail and Walkers Glen Lane), containing approximately 78 lots and (2) a section of lots a minimum of 40 feet wide in the northwest portion of the property, containing approximately 97 lots.

The applicant proposes to amend the condition to reference the new site plan submitted with these applications which reduces the total number of lots from 215 to 178 and increases the minimum lot widths from 60 feet to 62 feet for 102 lots and from 40 feet to 47 feet for the remaining 76 lots.

Additional Information:

Condition 3.C. of both approved cases requires an amenity area based on the original approved site plan. No amenity area is shown on the proposed site plan, but the Department of Planning and Development recommends this condition remain.

ZONING HISTORY:

CIC2016-00019: The property was zoned RA-200 in 1970. The subject property was originally a part of the planned 194-acre Villages at Ivy Creek project approved in 2007. The tract was rezoned to R-ZT (Single-family Residence District) pursuant to RZR-06-056 for a single-family subdivision. In November 2015, a Change in Conditions was approved on the site to revise or delete seven zoning conditions of RZR-06-056 pursuant to CIC2015-00008.

CIC2016-00020: The property was zoned RA-200 in 1970. The subject property was originally a part of the planned 194-acre Villages at Ivy Creek project approved in 2007. A portion of the tract was rezoned to R-TH pursuant to RZM-06-010 for attached townhomes at a density of six units per acre, while the balance of the parent parcel remained RA-200. In November 2015, the entire tract was rezoned to R-60 for 40 lots pursuant to RZR2015-00007.

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:

No comment.

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 stormwater best management practices will be applicable upon development permit issuance.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Gravel Springs Road is a State Route (S.R. 324) 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 16-inch water main located on the southwest right-of-way of Gravel Springs Road.

Due to the uncontrollable variables, the Department of Water Resources makes no guarantees as to the minimum pressures or volumes available at a specific point within its system.

Demands imposed by the proposed development may require reinforcements or extensions of existing water mains. Any cost associated with such required reinforcements or extensions will be the responsibility of the development and will not be provided by this department.

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located on parcel R7143 005.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

## GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

## DEPARTMENT ANALYSIS:

The applicant seeks approval of two Change-in-Conditions requests in order to develop a 178-lot single-family subdivision on the north side of Gravel Springs Road, east of Mall of Georgia Boulevard. The subject properties contain a total of 59.64 acres, of which 44.86 acres are zoned R-ZT pursuant to CIC2015-00008 and the remaining 14.78 acres are zoned R-60 pursuant to RZR2015-00007.

The 2030 Unified Plan Future Development Map identifies the project as being located within the Existing/Emerging Suburban Character Area. Low and medium density residential subdivisions are encouraged within this Character Area; therefore, the density portion of this proposal may be considered consistent with the 2030 Unified Plan. However, the request to revise the architectural treatment for a number of the proposed units may not be consistent with the previous Board of Commissioners' action on the site, which was the result of significant public input from adjacent and nearby residents, property owners and other interested parties.

The area surrounding the subject site is zoned for a variety of attached and detached residential uses at varying densities, along with numerous commercially-zoned tracts fronting Gravel Springs Road (primarily within the city limits of Buford). Adjacent to the east is the Hedgerows subdivision, zoned R-100 Modified pursuant to RZ-99-160. To the southeast are undeveloped properties zoned R-TH, RA-200 and R-75 Modified. Properties across Gravel Springs Road to the south are zoned C-2 in the city of Buford and are primarily undeveloped. Adjacent to the west is The Townes of Avondale, a townhome development zoned R-TH pursuant to RZM-05-034. To the north are properties zoned RA-200 along with several low density subdivisions along Kilgore Road. Given the variety of residential zoning districts and densities in the area, the proposed change in the site plan (condition I.E.), with fewer lots and increases in the minimum lot widths, could be suitable for the subject site. However, condition I.C. for architectural treatment was established with substantial input from the neighboring residents and property owners, and the requested reduction in architectural standards is not supported for change by the Department.

In conclusion, based on the facts that not all of the proposed changes are consistent with the 2030 Unified Plan or previous Board action on the subject site after considerable neighbor input, planning staff recommends **DENIAL** of these requests.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval as R-ZT (CIC2016-00019) for the northern tract, and R-60 (CIC2016-00020) for the southern tract, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Single-family detached dwellings and accessory uses and structures.
  - B. The minimum heated floor area per dwelling unit shall be 2,200 square feet for single story homes and 2,400 square feet for two-story homes.
  - C. Homes shall be craftsman style on the front façade. Seventy-five percent (75%) of the homes (which shall include the homes adjacent to and along the common property lines of homes in Hedgerows Subdivision on Walking Horse Trail and Walkers Glen Lane), shall be constructed with side and rear elevations of brick and/or stacked stone on four sides. Minor treatments (i.e. chimneys, roof gables, bay windows, dormers, etc.) may be of the same or of stucco, shake shingle, wood or fiber-cement type siding. The remaining 25 percent of homes shall have side and rear elevations of same or of fiber-cement-type siding, with brick or stacked stone water table. Elevations must be submitted and approved by the Director of Planning and Development to insure keeping with the spirit intended.
  - D. All dwellings shall have double-car garages.
  - E. For the R-ZT portion of the development, the property shall be developed in general accordance with the site plan prepared by ~~Ridgeline Land Planning~~ **Primus Engineering**, Inc. dated ~~September 19, 2015~~ **June 3, 2016**, and ~~presented at the Board of Commissioners Hearing November 17, 2015~~, which includes: (1) a section of lots a minimum of ~~60~~ **62** feet wide adjacent to Hedgerows Subdivision (Walking Horse Trail and Walkers Glen Lane), containing approximately ~~78~~ **98** lots and (2) a section of lots a minimum of ~~40~~ **47** feet wide in the northwest portion of the property, containing approximately ~~97~~ **80** lots.
2. To satisfy the following site development considerations:
  - A. Provide a 50-foot wide buffer along the common property line with the Hedgerows subdivision (Walkers Glen Lane and Walking Horse Trail). Buffer shall be undisturbed except for additional landscaping only where sparsely vegetated, said additional landscaping shall be planted from the property line to the buffer line, to consist of a mixture of an undulating berm of Thuga Green Giants designed to blend with the

natural landscape and being two staggered rows planted six feet on-center, and shall be six to eight feet tall at the time of planting with a two-year warranty.

- B. Natural vegetation shall remain on the property until the issuance of a development permit.
  - C. All grassed areas shall be sodded.
  - D. Provide underground utilities throughout the development.
  - E. Final architectural, landscaping and site plans shall be subject to review and approval of the Director of Planning and Development.
  - F. All grassed areas on dwelling lots shall be sodded. All other disturbed land shall be sodded, hydro-seeded and strawed or mulched.
3. To abide by the following requirements, dedications, and improvements:
- A. If required, dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction of a greenway path/trail through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval of the Gwinnett Department of Community Services. All dedications will be located outside of the designated stream bank setbacks.
  - B. All residences shall be bound by a declaration of covenants, easements and restrictions which is recorded in the real estate records of Gwinnett County and which will automatically make each homeowner a member of the mandatory homeowners association (which shall be incorporated as a Georgia not-for-profit corporation). The homeowners association shall own, control and maintain all amenity areas, clubhouse open space and/or common areas located within the development and shall assess and collect compulsory annual, monthly or quarterly dues in an amount sufficient to provide for the ongoing maintenance, insurance, taxes, etc. of all landscaping, entranceways and common areas. Said homeowners association shall have lien rights in the event that compulsory dues are not paid.
  - C. The subdivision shall include an amenity area containing at a minimum, a junior Olympic size pool, playground, cabana/bath house and mail kiosk, aesthetically compatible with homes in the subdivision. The amenities shall be constructed once 25 percent of the homes in the subdivision have been sold to residents.
  - D. The subdivision entrance on Gravel Springs Road shall include a stone/brick monument divided entrance with a raised berm of six to eight feet high, with a three-to-one slope and decorative fencing. There shall be a 100-foot setback for the first two corner lots. The entrance shall be landscaped with ornamental shrubs, flowers and trees. The entrance, landscape and signage plans shall be subject to review and approval by the Director of Planning and Development.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

In light of the existing zoning conditions being established through the public hearing process with significant input from adjoining and nearby residents, the proposed change in conditions to reduce the architectural standards could be considered unsuitable.

ADVERSE IMPACTS

Potential adverse impacts on adjacent or nearby properties could be anticipated from lessening architectural requirements.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

A small reduction in impacts from traffic, utilities usage, stormwater runoff, and the number of school-aged children could be anticipated from the proposed reduced lot count.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within an Existing/Emerging Suburban Character Area. The proposed condition modifications could be considered inconsistent with policies established by the Board through its previous zoning actions on the site.

CONDITIONS AFFECTING ZONING

The proposed reduction in architectural standards may be inconsistent with the intent of the original Board approvals for this specific residential development. Certain zoning conditions were established through the public hearing process with significant input from the surrounding community.

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

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

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

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

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

Please see attached

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

Please see attached

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

- (A) The subject property is surrounded by residential developments. The proposed development of a single family residential subdivision will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- (B) No. The proposed development will not adversely affect the existing use or usability of adjacent or nearby property. Rather, the proposed development would be consistent with the adjacent and nearby property and provide an enhancement to the area.
- (C) No. In light of market conditions the property has no reasonable economic use as currently zoned. The Applicant's requested use as a single family residential development under the modified conditions will permit a more suitable and appropriate development allowing for the "highest and best use" for the property.
- (D) The proposed development is located in an area with public water and sewer availability and convenient access to major roadways. It will not cause an excessive use of the local fire department, police protection, or solid waste collection/disposal services provided by the County. Further, the rezoning will not cause excessive use of existing streets, transportation facilities, utilities, or schools.
- (E) Yes. The proposed rezoning is in conformance with the Gwinnett County 2030 Unified Plan in that it provides single family residences within an Existing/Emerging Suburban Character Area.
- (F) Yes, the existing zonings of adjacent and nearby properties and the proximity of the subject property to the Mall of Georgia and Interstate 85 give additional supporting grounds for the approval of the requested change in conditions.

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Matthew P. Benson  
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Kelly O. Faber  
Christopher D. Holbrook  
Joshua P. Johnson

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

Mahaffey Pickens Tucker, LLP submits the attached Change in Conditions Applications (the “Applications”) on behalf of CMH Parks, Inc., doing business as Chafin Builders, (“the Applicant”) for the purpose of modifying existing conditions of zoning on an approximately 59.64+/- acre tract of land located near the intersection of Gravel Springs Road and Mall of Georgia Boulevard (the “Property”). Current conditions which restrict the development of the Property are the result of two separate land use applications submitted in 2015. CIC2015-00008 governs the 44.86 acre portion of the Property zoned R-ZT (the “R-ZT Portion”) and RZR2015-00007 governs the 14.78 acre portion of the Property zoned R-60 (the “R-60 Portion”). Though there are two underlying zoning cases, the R-ZT Portion and the R-60 Portion comprise a single development.

The previously proposed development, which was approved pursuant to case numbers CIC2015-00008 and RZR2015-00007 (together the “Resolutions”), included 218 single-family homes at a density of 3.66 units per acre. Under the approved plan, the R-ZT Portion was proposed to include 178 lots and the R-60 Portion to include 40 lots. The Resolutions contained, among others, conditions requiring a site plan-specific development and certain building materials on the exteriors of the homes. The Applicant is requesting to modify certain existing conditions as follows:

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**CIC2015-00008 & RZR2015-00007**

- **Current Condition 1(C):** Homes shall be craftsman style on the front façade. Seventy-five percent (75%) of the homes (which shall include the homes adjacent to and along the common property lines of homes in Hedgerows Subdivision on Walking Horse Trail and Walkers Glen Lane), shall be constructed with side and rear elevations of brick and/or stacked stone on four sides. Minor treatments (i.e., chimneys, roof gables, bay windows, dormers, etc.) may be of the same or of stucco, shake shingle, wood or fiber cement type siding. The remaining twenty-five percent (25%) of homes shall have side and rear elevations of same or of fiber cement-type siding, with brick or stacked stone water table. Elevations must be submitted and approved by the Director of Planning and Development to insure keeping with the spirit intended.

The Applicant is proposing to modify Condition 1(C) of the Resolutions to read as follows:

- **Proposed Condition 1(C):** Homes shall be craftsman style on the front façade. The Site Plan submitted with the Applications was prepared by Primus Engineering, Inc. and is dated June 3, 2016, and reflects (1) a section of lots a minimum of 62 feet wide (the “62’ Lots”) containing approximately 102 lots (66 lots within the R-ZT Portion including all lots adjacent to the Hedgerows Subdivision and 36 lots in the R-60 Portion) and (2) a section of lots a minimum of 47 feet wide (the “47’ Lots”) in the northwest portion of the property containing approximately 76 lots. Homes on the 62’ Lots shall be constructed with side and rear elevations of brick and/or stacked stone on four sides. Minor treatments (i.e., chimneys, roof gables, bay windows, dormers, etc.) may be of the same materials or of stucco, shake shingle, wood or fiber cement

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type siding. Homes on the 47' Lots shall have front facades consisting either of brick, stacked stone, shake, or fiber cement siding, or combinations thereof, and the side and rear elevations shall be of the same materials with a brick or stacked stone water table. Elevations must be submitted and approved by the Director of Planning and Development to insure keeping with the spirit intended.

**CIC2015-00008 & RZR2015-00007**

- **Current Condition 1(E):** For the R-ZT portion of the development, the property shall be developed in general accordance with the site plan prepared by Ridgeline Land Planning, Inc. dated September 19, 2015 and presented at the Board of Commissioners Hearing November 17, 2015, which includes: (1) a section of lots a minimum of 60 feet wide adjacent to Hedgerows Subdivision (Walking Horse Trail and Walkers Glen Lane), containing approximately 78 lots and (2) a section of lots a minimum of 40 feet wide in the northwest portion of the property containing approximately 97 lots.

The Applicant is proposing to modify Condition 1(E) of the Resolutions to read as follows:

- **Proposed Condition 1(E):** The property shall be developed in general accordance with the site plan prepared by Primus Engineering, Inc. dated June 3, 2016 and submitted to the Gwinnett County Department of Planning and Development on June 3, 2016 which includes: (1) a section of approximately 102 lots a minimum of 62 feet wide (66 of which are located within the R-ZT Portion and 36 of which are located within the R-60 Portion) and (2) a section of lots a minimum of 47 feet wide in the northwest portion of the property containing approximately 76 lots.

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The Applicant is proposing to reduce the total number of lots from 218, under CIC2015-00008 and RZR2015-00007, to 178. By reducing the total number of lots by forty, the Applicant can reduce the density of the proposed development from 3.66 units per acre, as is currently allowed, to 2.98 units per acre. This will reduce the impact of the proposed development on schools, streets, and other infrastructure. Additionally, by reducing the total number of lots, the Applicant can also increase the size of lots in the proposed development, which currently provides two lot sizes: 60 feet wide and 40 feet wide. The Applicant is proposing to increase the former 60-foot lots to 62 feet wide and the former 40-foot lots to 47 feet wide. Maintaining the current exterior building materials requirement for homes near or adjacent to the property line common to the Hedgerows Subdivision will preserve the aesthetic of the proposed development as viewed from Walking Horse Trail and Walkers Glen Lane. The proposed development is generally not otherwise visible as it sits significantly back off of Gravel Springs Road. The Resolutions also contain a requirement for a 50 foot enhanced buffer along the common property line with Hedgerows Subdivision, further screening the proposed development from view.

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

Respectfully submitted this 3rd day of June, 2016.

MAHAFFEY PICKENS TUCKER, LLP

CIC '16 019

  
Shane M. Lanham  
*Attorneys for Applicant*

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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>
Tommy Hunter, District 3	<u>ABSENT</u>
John Heard, District 4	<u>YES</u>

---

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-ZT to R-ZT by MAHAFFEY, PICKENS, TUCKER, LLP 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 NOVEMBER 17, 2015 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners on this, the 17<sup>th</sup> day of NOVEMBER 2015, that the aforesaid application to amend the Official Zoning Map from R-ZT to R-ZT (CHANGE IN CONDITIONS) is hereby **APPROVED** subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Single family detached dwellings and accessory uses and structures.
  - B. The minimum heated floor area per dwelling unit shall be 2,200 square feet for single story homes and 2,400 square feet for two-story homes.
  - C. Homes shall be craftsman style on the front façade. Seventy-five percent (75%) of the homes (which shall include the homes adjacent to and along the common property lines of homes in Hedgerows Subdivision on Walking Horse Trail and Walkers Glen Lane), shall be constructed with side and rear elevations of brick and/or stacked stone on four sides. Minor treatments (i.e. chimneys, roof gables, bay windows, dormers, etc.) may be of the same or of stucco, shake shingle, wood or fiber cement type siding. The remaining twenty-five percent (25%) of homes shall have side and rear elevations of same or of fiber cement-type siding, with brick or stacked stone water table. Elevations must be submitted and approved by the Director of Planning and Development to insure keeping with the spirit intended.
  - D. All dwellings shall have double-car garages.
  - E. For the R-ZT portion of the development, the property shall be developed in general accordance with the site plan prepared by Ridgeline Land Planning, Inc. dated September 19, 2015, and presented at the Board of Commissioners Hearing November 17, 2015, which includes: (1) a section of lots a minimum of 60 feet wide adjacent to Hedgerows Subdivision (Walking Horse Trail and Walkers Glen Lane), containing approximately 78 lots and (2) a section of lots a minimum of 40 feet wide in the northwest portion of the property, containing approximately 97 lots.

2. To satisfy the following site development considerations:
  - A. Provide a fifty foot (50') wide buffer along the common property line with the Hedgerows Subdivision (Walkers Glen Lane and Walking Horse Trail). Buffer shall be undisturbed except for additional landscaping only where sparsely vegetated, said additional landscaping shall be planted from the property line to the buffer line, to consist of a mixture of an undulating berm of Thuga Green Giants designed to blend with the natural landscape and being two staggered rows planted 6 feet on-center, and shall be 6 to 8 feet tall at the time of planting with a two year warranty.
  - B. Natural vegetation shall remain on the property until the issuance of a development permit.
  - C. All grassed areas shall be sodded.
  - D. Provide underground utilities throughout the development.
  - E. Final architectural landscaping and site plans shall be subject to review and approval of the Director of Planning and Development.
  - F. All grassed areas on dwelling lots shall be sodded. All other disturbed land shall be sodded, hydro-seeded and strawed or mulched.
3. To abide by the following requirements, dedications, and improvements:
  - A. If required, dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction of a greenway path/trail through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval of the Gwinnett Department of Community Services. All dedications will be located outside of the designated stream bank setbacks.
  - B. All residences shall be bound by a declaration of covenants, easements and restrictions which is recorded in the real estate records of Gwinnett County and which will automatically make each homeowner a member of the mandatory homeowners association (which shall be incorporated as a Georgia not-for-profit corporation). The homeowners association shall own, control and maintain all amenity areas, clubhouse open space and/or common areas located within the development and shall assess and collect compulsory annual, monthly or quarterly dues in an amount sufficient to provide for the ongoing maintenance, insurance, taxes, etc. of all landscaping, entranceways and common areas. Said homeowners association shall have lien rights in the event that compulsory dues are not paid.

- C. The subdivision shall include an amenity area containing at a minimum, a junior Olympic size pool, playground, cabana/bath house and mail kiosk, aesthetically compatible with homes in the subdivision. The amenities shall be constructed once 25 percent of the homes in the subdivision have been sold to residents.
  
- D. The subdivision entrance on Gravel Springs Road shall include a stone/brick monument divided entrance with a raised berm 6 to 8 feet high, with a 3:1 slope and decorative fencing. There shall be a 100-foot setback for the first two corner lots. The entrance shall be landscaped with ornamental shrubs, flowers and trees. The entrance, landscape and signage plans shall be subject to review and approval by the Director of Planning and Development.

GWINNETT COUNTY BOARD OF COMMISSIONERS

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

Date Signed: 12/3/15

ATTEST:

Diane Kemp  
County Clerk/Deputy County Clerk



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>
Tommy Hunter, District 3	<u>ABSENT</u>
John Heard, District 4	<u>YES</u>

---

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from RA-200 & R-TH to R-60 by MAHAFFEY PICKENS TUCKER, LLP for the proposed use of a SINGLE-FAMILY SUBDIVISION on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on NOVEMBER 17, 2015 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners on this, the 17<sup>th</sup> day of NOVEMBER 2015, that the aforesaid application to amend the Official Zoning Map from RA-200 & R-TH to R-60 is hereby **APPROVED** with the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Single family detached dwellings and accessory uses and structures.
  - B. The minimum heated floor area per dwelling unit shall be 2,200 square feet for single story homes and 2,400 square feet for two-story homes.
  - C. Homes shall be craftsman style on the front façade. Seventy-five percent (75%) of the homes (which shall include the homes adjacent to and along the common property lines of homes in Hedgerows Subdivision on Walking Horse Trail and Walkers Glen Lane), shall be constructed with side and rear elevations of brick and/or stacked stone on four sides. Minor treatments (i.e. chimneys, roof gables, bay windows, dormers, etc.) may be of the same or of stucco, shake shingle, wood or fiber cement type siding. The remaining twenty-five percent (25%) of homes shall have side and rear elevations of same or of fiber cement-type siding, with brick or stacked stone water table. Elevations must be submitted and approved by the Director of Planning and Development to insure keeping with the spirit intended.
  - D. All dwellings shall have double-car garages.
  - E. For the R-ZT portion of the development, the property shall be developed in general accordance with the site plan prepared by Ridgeline Land Planning, Inc. dated September 19, 2015, and presented at the Board of Commissioners Hearing November 17, 2015, which includes: (1) a section of lots a minimum of 60 feet wide adjacent to Hedgerows Subdivision (Walking Horse Trail and Walkers Glen Lane), containing approximately 78 lots and (2) a section of lots a minimum of 40 feet wide in the northwest portion of the property, containing approximately 97 lots.

2. To satisfy the following site development considerations:
  - A. Provide a fifty foot (50') wide buffer along the common property line with the Hedgerows Subdivision (Walkers Glen Lane and Walking Horse Trail). Buffer shall be undisturbed except for additional landscaping only where sparsely vegetated, said additional landscaping shall be planted from the property line to the buffer line, to consist of a mixture of an undulating berm of Thuga Green Giants designed to blend with the natural landscape and being two staggered rows planted 6 feet on-center, and shall be 6 to 8 feet tall at the time of planting with a two year warranty.
  - B. Natural vegetation shall remain on the property until the issuance of a development permit.
  - C. All grassed areas shall be sodded.
  - D. Provide underground utilities throughout the development.
  - E. Final architectural landscaping and site plans shall be subject to review and approval of the Director of Planning and Development.
  - F. All grassed areas on dwelling lots shall be sodded. All other disturbed land shall be sodded, hydro-seeded and strawed or mulched.
3. To abide by the following requirements, dedications, and improvements:
  - A. If required, dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction of a greenway path/trail through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval of the Gwinnett Department of Community Services. All dedications will be located outside of the designated stream bank setbacks.
  - B. All residences shall be bound by a declaration of covenants, easements and restrictions which is recorded in the real estate records of Gwinnett County and which will automatically make each homeowner a member of the mandatory homeowners association (which shall be incorporated as a Georgia not-for-profit corporation). The homeowners association shall own, control and maintain all amenity areas, clubhouse open space and/or common areas located within the development and shall assess and collect compulsory annual, monthly or quarterly dues in an amount sufficient to provide for the ongoing maintenance, insurance, taxes, etc. of all landscaping, entranceways and common areas. Said homeowners association shall have lien rights in the event that compulsory dues are not paid.

- C. The subdivision shall include an amenity area containing at a minimum, a junior Olympic size pool, playground, cabana/bath house and mail kiosk, aesthetically compatible with homes in the subdivision. The amenities shall be constructed once 25 percent of the homes in the subdivision have been sold to residents.
  
- D. The subdivision entrance on Gravel Springs Road shall include a stone/brick monument divided entrance with a raised berm 6 to 8 feet high, with a 3:1 slope and decorative fencing. There shall be a 100-foot setback for the first two corner lots. The entrance shall be landscaped with ornamental shrubs, flowers and trees. The entrance, landscape and signage plans shall be subject to review and approval by the Director of Planning and Development.

GWINNETT COUNTY BOARD OF COMMISSIONERS

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

Date Signed: 12/3/15

ATTEST:

Diane Kemp  
County Clerk/Deputy County Clerk



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

Case #	Schools	Current Projections									Proposed Zoning
		2016-17			2017-18			2018-19			Approximate additional Student Projections from Proposed Developments
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZR2016-00015	<b>Brookwood HS</b>	<b>3481</b>	2,575	906	<b>3516</b>	2,575	941	<b>3504</b>	2,575	929	11
	Five Forks MS	<b>1078</b>	1,150	-72	<b>1094</b>	1,150	-56	<b>1105</b>	1,150	-45	8
	Gwin Oaks ES	<b>1033</b>	875	158	<b>1043</b>	875	168	<b>1054</b>	875	179	15
RZR2016-00016	<b>Mill Creek HS</b>	<b>3819</b>	2,800	1,019	<b>3682</b>	2,800	882	<b>3594</b>	2,800	794	7
	Osborne MS	<b>1680</b>	1,575	105	<b>1697</b>	1,575	122	<b>1714</b>	1,575	139	5
	Puckett's Mill ES	<b>891</b>	1,200	-309	<b>880</b>	1,200	-320	<b>871</b>	1,200	-329	10
CIC2016-00019	<b>Mountain View HS</b>	<b>2356</b>	2,300	56	<b>2470</b>	2,300	170	<b>2550</b>	2,300	250	34
CIC2016-00020	Twin Rivers MS	<b>2034</b>	2,150	-116	<b>2065</b>	2,150	-85	<b>2095</b>	2,150	-55	25
	Patrick ES	<b>792</b>	1,025	-233	<b>816</b>	1,025	-209	<b>840</b>	1,025	-185	48

Current projections do not include new developments



FRONT ELEVATION "A"



LEFT ELEVATION

FRAMER NOTES:

1. ALL RAFTER TAILS TO BE 4" ON ENDS. FASCIA NOT TO HANG DOWN MORE THAN 1/2" (TYPICAL)
2. INSTALL PLYWOOD CLIPS
3. ALL LONG BARGE S TO BE 1-WALL BRACED AND TIED FOR STABILITY (TYP.)
4. PITCH ALL RAFTERS OFF 3 TOP PLATES
5. HOLD ALL WINDOWS UP AT HEADER HEIGHT. FRAME ALL ALUMINUM WINDOW ROUGH OPENINGS 2" WIDER AND 2" TALLER THAN WINDOW SIZE. FRAME ALL WOOD WINDOW ROUGH OPENINGS 4" TALLER AND 2" WIDER PLUS 2" FOR EACH MILL.
6. ALL EYE BROWS TO BE FRAMED LEVEL
7. ALL RIDGES TO BE SAME MATERIAL SIZE AS RAFTERS, TYP.
8. 2x4s INSIDE AND OUTSIDE BARGE RAFTERS. BARGE RAFTERS NEED TO BE SUPPORTED BACK INTO RAFTERS AND NOTCHED 1/2"
9. 1/4 WOOD TRIM w/ BACKBAND IS ADDED TO ALL FRONT WINDOWS BY WINDOW MANUFACTURER

NOTE: ROOF BRACING

PURLINE ON ROOF BRACING SHOULD MATCH RAFTER SIZE (i.e. 2x6/2x8 ETC. w/ 2x4 STRONG BACK, KNEEWALL BRACING SHOULD BE DOUBLE 2x4's, DOUBLE 2x6's, ETC. KNEEWALL BRACING WHERE IT TOUCHES PURLINE MUST BE CLEAN CUT AT TOE, HEEL AND PURLINE. ALL BRACING 48" O.C. (TYP.)

RIDGE BRACING SHOULD BE 8'-0" O.C.  
ROOF BRACING SHOULD BE 4'-0" O.C.

DOUBLE 2x4's IN WALL UNDER ROOF BRACING

CIC '16019

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JUN 03 2016

Planning & Development

REVISIONS		
NO.	DATE	BY
1	1/6/13	
2	1/16/13	
3	1/25/13	

Cecilia A. Winston  
Architect  
10000 Highway 101, Suite 100  
Winston-Salem, NC 27157  
Phone: 703.433.1111  
Fax: 703.433.1112  
www.cawinston.com

SCALE: 1/8" = 1'-0"  
PLOT DATE: 1/25/2013

WINDERMERE "A"  
FRONT & LEFT ELEVATION

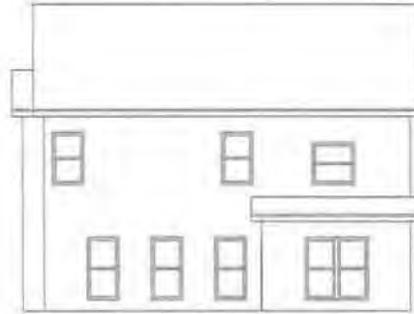
CHAFIN COMMUNITIES  
3430 BELLE MEAD CT. UNIT A  
BIRMINGHAM, AL 35244  
770.631.0644

The Residential Design Studio, Inc.  
1119 Bellmore Lane, Raleigh, NC 27618  
(404) 801-0734 | rds@rdsstudio.com

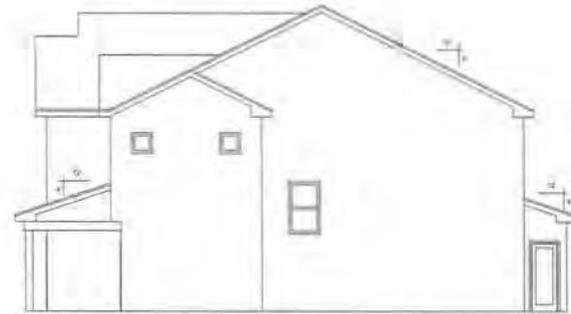
SHEET NO.  
1  
CONSTRUCTION DOCUMENTS



**LEFT ELEVATION**  
1/8"-----1'-0"



**REAR ELEVATION**  
1/8"-----1'-0"



**RIGHT ELEVATION**  
1/8"-----1'-0"

CIC '16019



**FRONT ELEVATION**  
1/4"-----1'-0"

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REV.

DATE

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HOMES, LLC.  
TEL: 770-845-5111  
WWW.WEPLANHOMES.COM

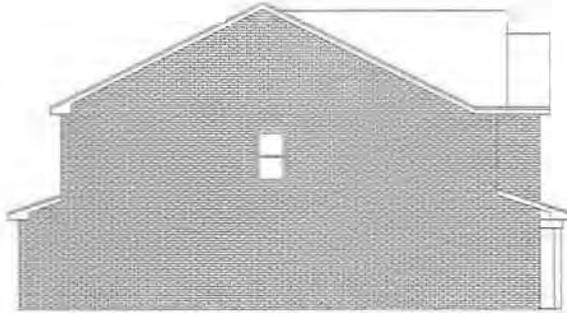
THE CONNER II  
ELEVATION B

DWG. BY:  
PWL/SAM

DATE:  
11-6-15

SHEET:

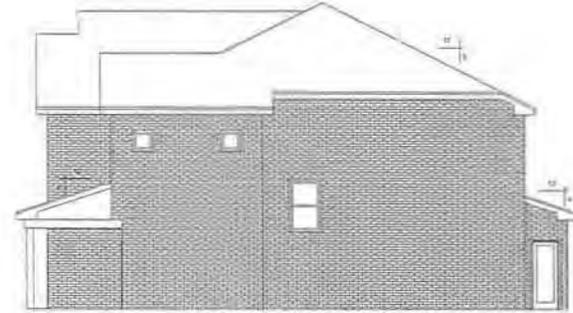
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**LEFT ELEVATION**  
1/8"-----1'-0"

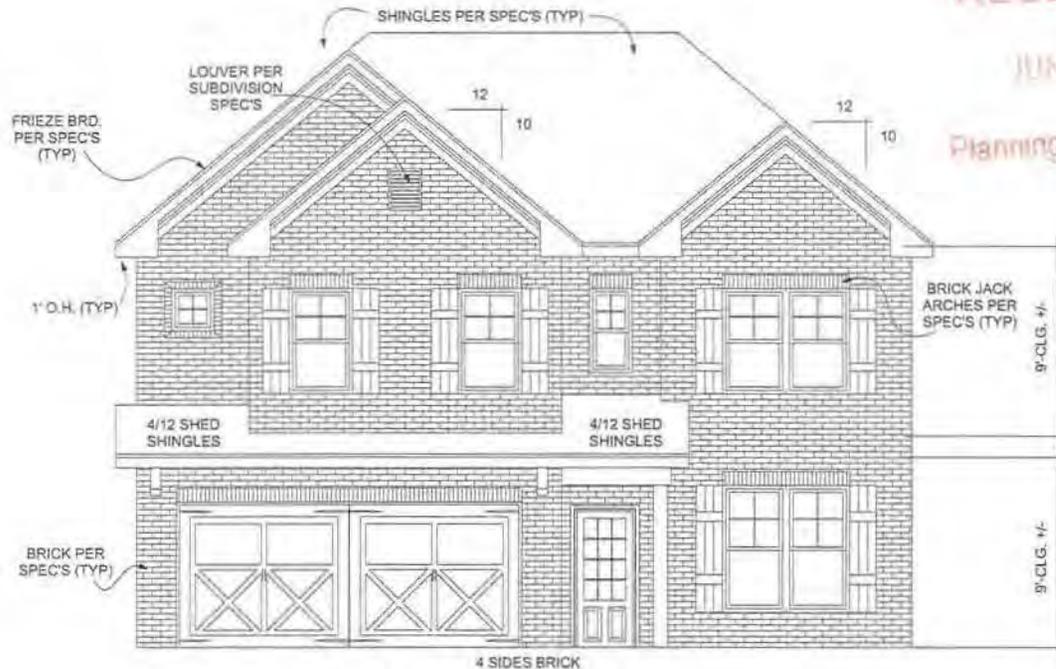


**REAR ELEVATION**  
1/8"-----1'-0"



**RIGHT ELEVATION**  
1/8"-----1'-0"

CIG 16019



**FRONT ELEVATION**  
1/4"-----1'-0"

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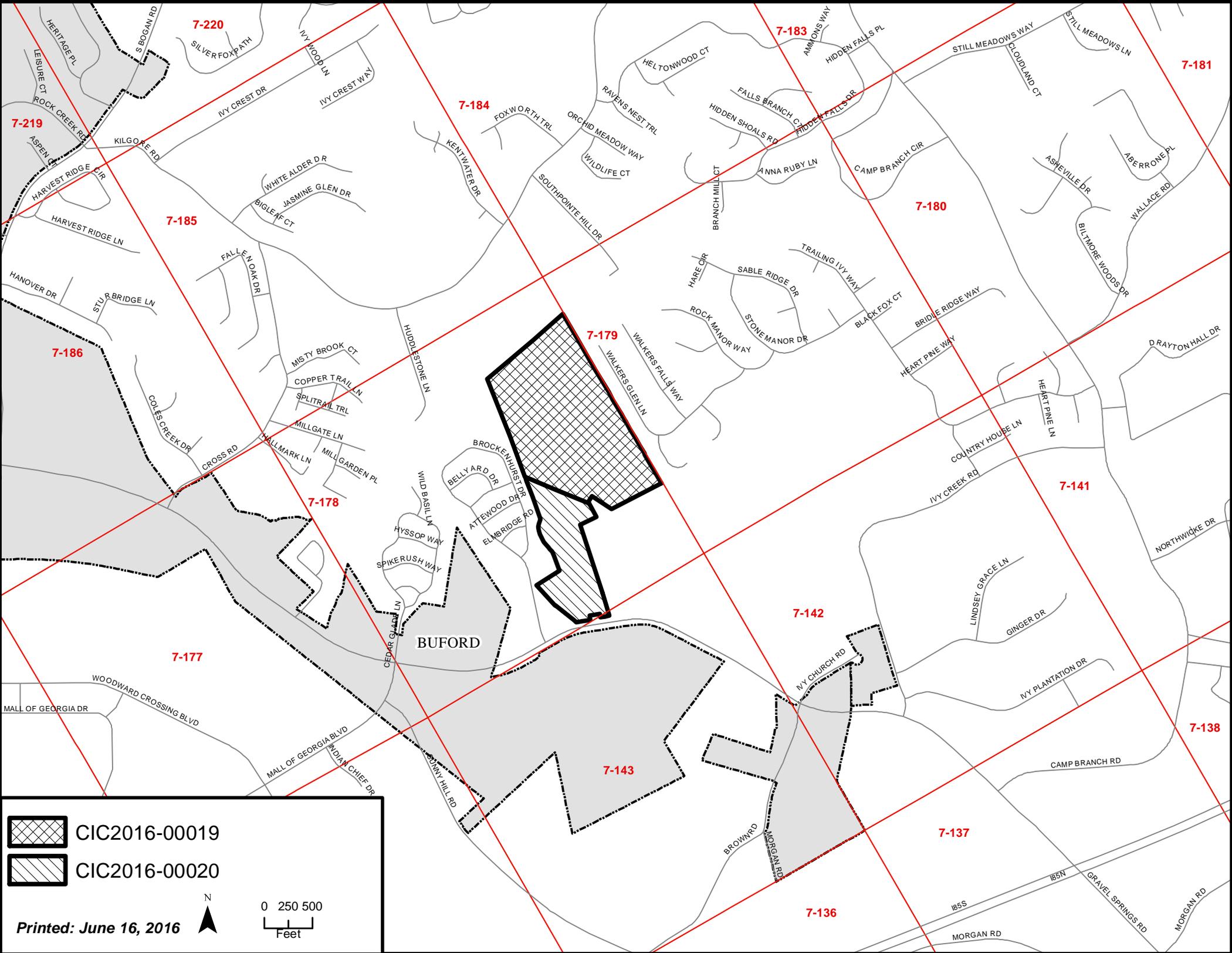
THE CONNER II  
ELEVATION F

DWG. BY:  
PWL/SAM

DATE:  
11-6-15

SHEET:

1



7-220

7-183

7-181

7-219

7-184

7-180

7-185

7-179

7-186

7-141

7-178

BUFORD

7-142

7-177

7-143

7-138

7-137

7-136

CIC2016-00019

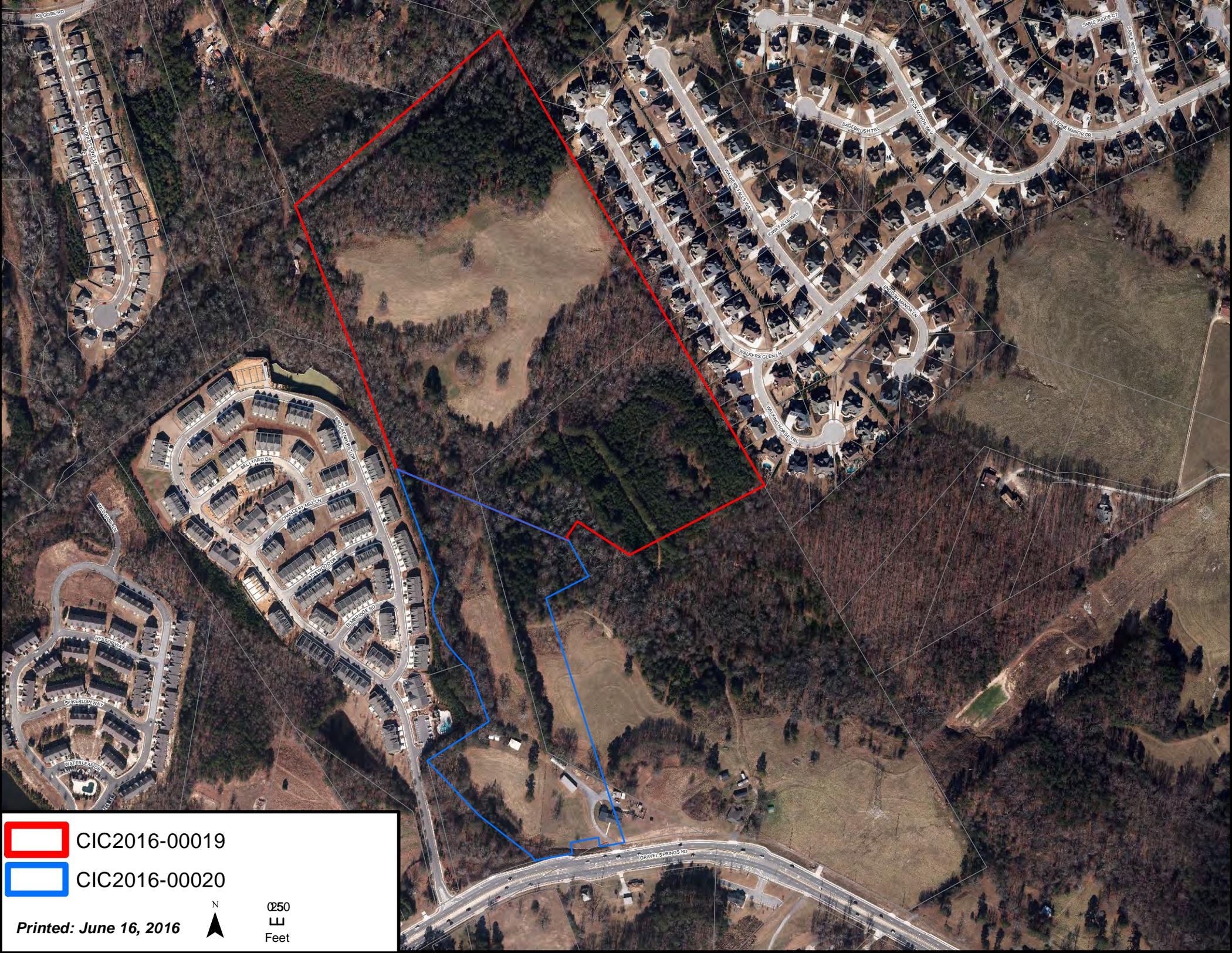
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Feet

Printed: June 16, 2016

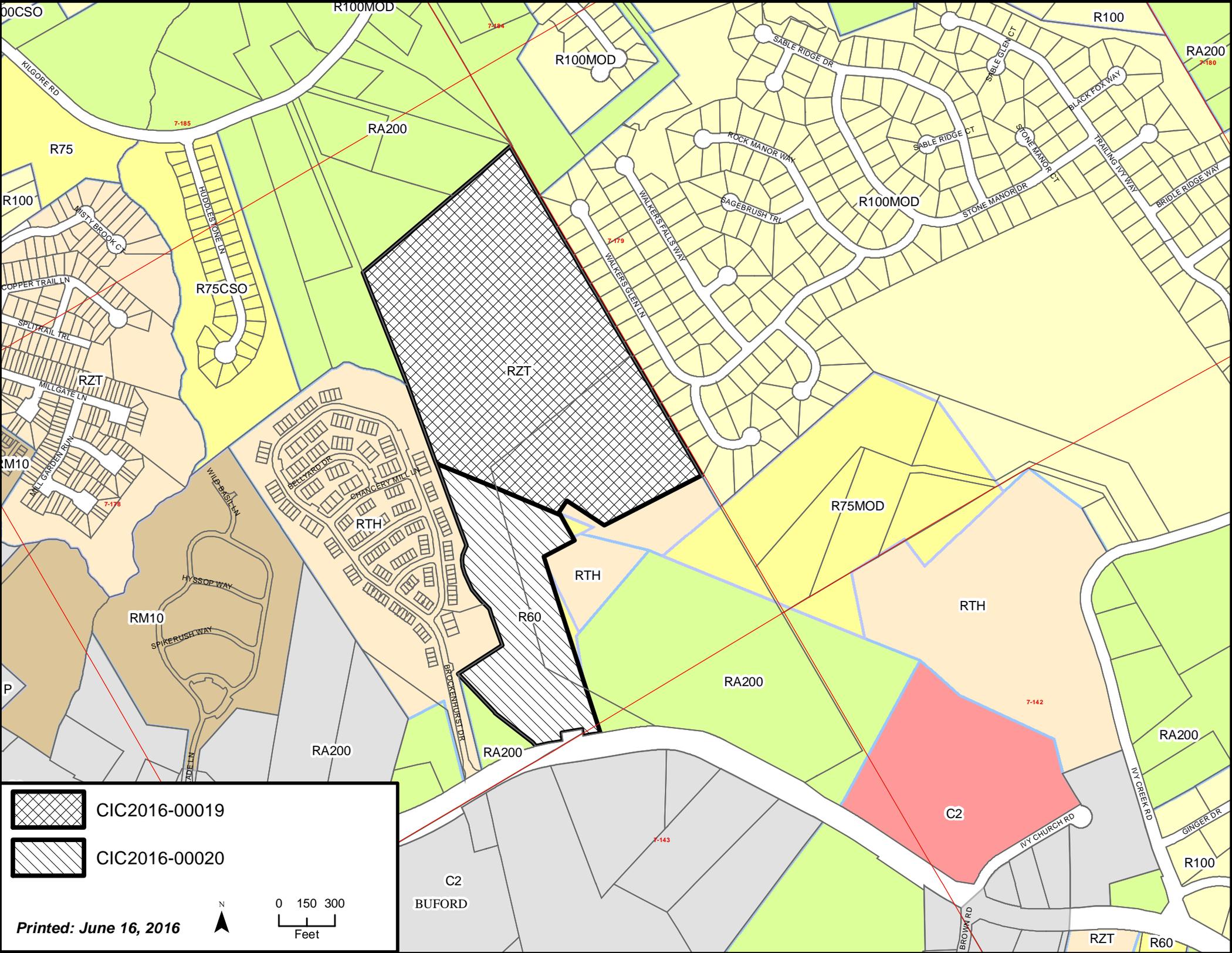




 CIC2016-00019  
 CIC2016-00020

Printed: June 16, 2016

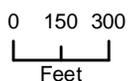
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 CIC2016-00019

 CIC2016-00020

Printed: June 16, 2016



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

CASE NUMBER :**SUP2016-00048**  
ZONING :R-100  
LOCATION :3500 BLOCK OF HOG MOUNTAIN ROAD  
:1700 BLOCK OF JIM MOORE ROAD  
MAP NUMBER :R3001 190  
ACREAGE :1.0 ACRE  
SQUARE FEET :2,442 SQUARE FEET  
PROPOSED DEVELOPMENT :FAMILY PERSONAL CARE HOME  
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: GEORGE RATIU  
3550 HOG MOUNTAIN ROAD  
DACULA, GA. 30019

CONTACT: GEORGE RATIU PHONE: 678.772.2626

OWNER: GEORGE RATIU  
3550 HOG MOUNTAIN ROAD  
DACULA, GA. 30019

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant seeks approval of a Special Use Permit on a 1.0-acre parcel, zoned R-100 (Single Family Residence District), to increase the number of residents in an existing family personal care home. The property is located at 3550 Hog Mountain Road, in the northeast quadrant of the Hog Mountain Road and Jim Moore Road intersection. It is currently developed and operated as Heaven's Garden personal care home, containing 2,442 square feet of finished floor area per County records. The applicant also intends to change the facility's name to Hamilton Mill Senior Care.

In 2009, Heaven's Garden was approved by the State of Georgia for three residents, which predated the County's March, 2010 requirement for a Special Use Permit for a family personal care home. In 2011, the applicant increased the number of residents to six persons and has since been operating without the required Special Use Permit. The applicant has initiated this application to bring the personal care home into compliance with zoning requirements. No changes to the building or grounds are proposed as part of this application. The property is served by an existing driveway accessing Hog Mountain Road, with vehicle parking located to the east side of the home.

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.

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an eight-inch water main located on the north right-of-way of Hog Mountain Road and a 12-inch water main located on the southwest right-of-way of Jim Moore Road.

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located approximately 183 feet north of parcel R3001 190 on the right-of-way of Woodbow Path.

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

## GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

## DEPARTMENT ANALYSIS:

The applicant seeks approval of a Special Use Permit on a 1.0-acre parcel, zoned R-100 (Single Family Residence District), to allow an increase in the number of residents in the existing family personal care home from three residents to six residents. The property is located in the northeast quadrant of the Hog Mountain Road and Jim Moore Road intersection, and is developed as Heaven's Garden personal care home.

The 2030 Unified Plan Future Development Map indicates that the site is located within an Existing/Emerging Suburban Character Area. This Character Area encourages a variety of housing options. If operated in accordance with staff's recommended conditions, the subject property's use as a Family Personal Care Home for elderly housing and care could be compatible with the recommendations of the 2030 Unified Plan.

The surrounding area is uniformly residential, and is developed with single-family homes and subdivisions within the RA-200 and R-100 zoning districts. The home is situated at the intersection of two classified roadways, not within a subdivision, and would not be expected to impose adverse impacts upon the surrounding residential community. The proposed request for a six-resident personal care home within the existing structure could be considered appropriate for the area and consistent with the established development and zoning pattern along Jim Moore Road and Hog Mountain Road, which consists predominately of single-family residential dwellings.

In conclusion, the requested Special Use Permit could be compatible with policies of the 2030 Unified Plan and the residential zoning and development patterns of the area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for a Family Personal Care Home, subject to the following enumerated conditions:

1. Limited to a Family Personal Care Home providing residence and care for a maximum of six residents in the existing single-family home.
2. Exterior signage advertising the Family Personal Care Home shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for a six-resident family personal care home could be suitable in light of the property's location fronting two classified roadways, and its separation from neighboring residences.

ADVERSE IMPACTS

The requested use would not be expected to impose adverse impacts upon neighboring properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

It is anticipated there would negligible additional impacts on public facilities beyond the demand created by the property as currently developed.

CONFORMITY WITH POLICIES

The request could be considered compatible with policies of the 2030 Unified Plan, which support residential uses for the area. The property's location outside of a subdivision, with direct access to a classified street, supports additional policy recommendations for neighborhood compatibility.

CONDITIONS AFFECTING ZONING

The property is located in an area that is developed primarily with single-family subdivisions and residences on large lots. Prohibiting exterior commercial signage for the family personal care home could help maintain the residential character of the 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, but no impact on adjacent and nearby residential 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 uses will not adversely affect the existing use or useability 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:  
No. The property has been used for the existing landscaping and similar uses for over seven years.
- (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 continued use would not cause any excessive or burdensome use of existing streets, transportation and no impact on the schools.
- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
YES. Making this request entirely consistent with the Plan's guidelines for this area (Gwinnett 2036 Unified 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:  
Yes. The changes would increase Revenue for the County as well.

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SUP '16 048

MAY 17 2016



**Hamilton Mill**  
Senior Care

Phone: (678)772-2626 • Fax: (678)714-7914

Address: 3550 Hog Mountain Road  
Dacula, GA 30019

## **LETTER OF INTENT**

### **APPLICATION FOR SPECIAL USE PERMIT AND CHANGE IN CONDITIONS FOR :**

**Hamilton Mill Senior Care  
3550 Hog Mountain Road, Dacula GA 30019**

The property owner and applicant, George Ratiu, submit this request for a Special Use Permit for a daily activities of the small business with the best Quality of Care for the Elderly in needs from Atlanta Area.

At the same location, for the last seven years we was licensed under Heaven's Garden Senior Care, and the name was change under Angels Garden Senior Community- 3 facilities till end of March 2016 when we decide to come with a Governing body changes at the 3rd facility under Hamilton Mill Senior Care. The activities should be exact the same we had in the past seven years, with no disturbance of the street, communities, neighbours, traffic, schools, no impact on any surrounding properties or to the citizens in nearby or surrounding area. 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.

Respectfully requests your approval of this Application.

This 16 day of May, 2016.

George Ratiu- applicant

SUP '16 048

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MAY 17 2016

Planning & Development



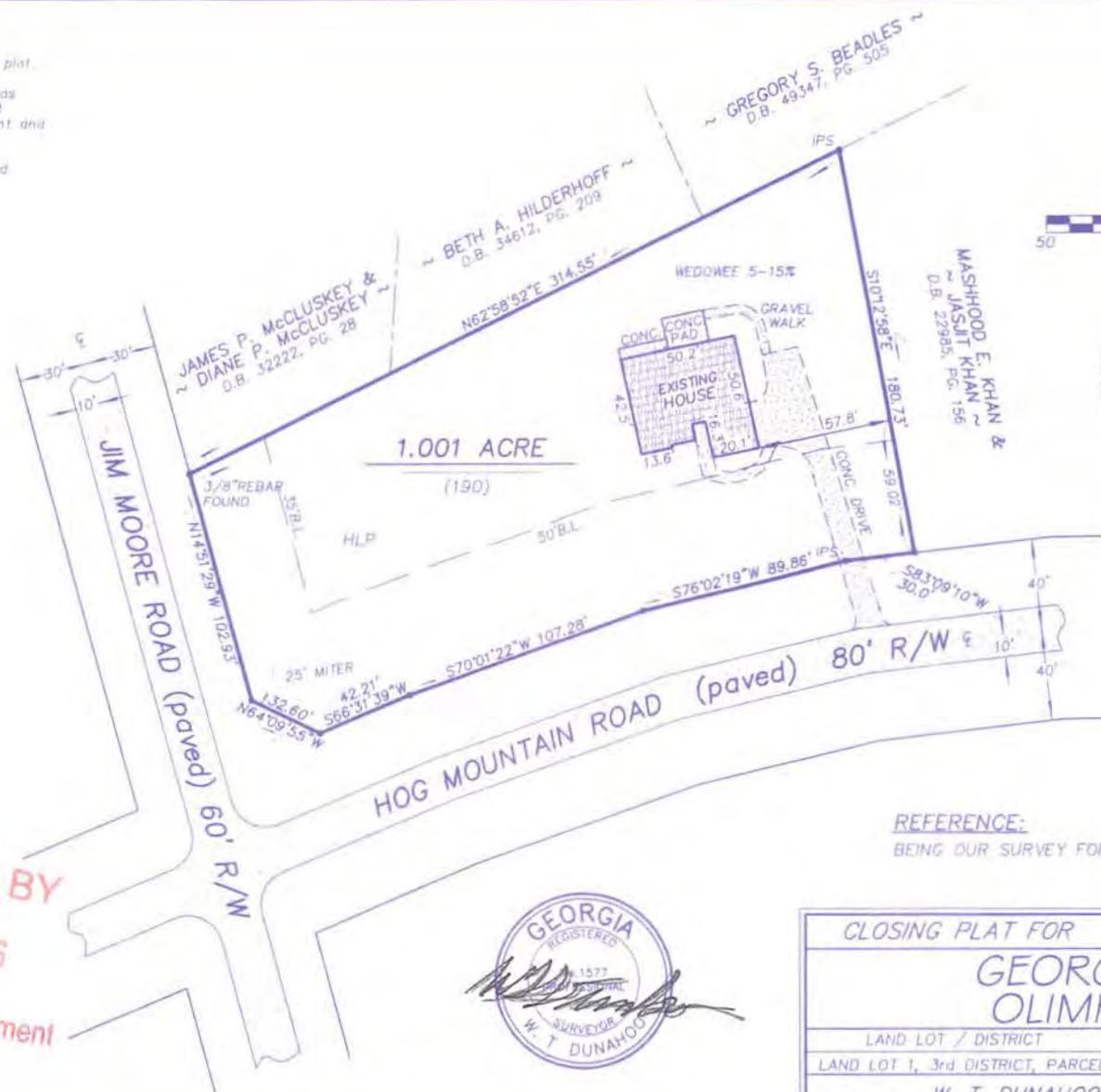
A TOPCON GTS-2B TOTAL STATION was used to obtain the linear and angular measurements used in the preparation of this plat.

The field data upon which this plat is based has a closure precision of one foot in 23,000 feet and an angular error of  $\frac{2}{100000}$  per angle point and was adjusted using the COMPASS rule.

This survey has been calculated for closure and is found to be accurate within one foot in >154,242 feet.



FILED & RECORDED  
CLERK SUPERIOR COURT  
GWINNETT COUNTY GA  
DATE 4-27-11 TIME 11:20am  
PLAT BOOK 127 PAGE 21a  
TOM LAWLER, CLERK



RECEIVED BY  
MAY 17 2016  
Planning & Development



REFERENCE:  
BEING OUR SURVEY FOR MARTY ORR DATED 4/18/2000

CLOSING PLAT FOR			
GEORGE RATIU & OLIMPIA RATIU			
LAND LOT / DISTRICT	COUNTY	SCALE	DATE
LAND LOT 1, 3rd DISTRICT, PARCEL 190	GWINNETT	1"=50'	4/22/2011
W. T. DUNAHOO AND ASSOCIATES, L.L.C.			
P.O. BOX 183 302 W. MAY ST.		(770) 862-3811	WINNER, GEORGIA

~ LEGEND ~  
R/W = RIGHT OF WAY  
IPS = IRON PIN SET (1/2" OPEN TOP)  
IPF = IRON PIN FOUND (1/2" REBAR)

SUP '16 048



JIM MOORE RD

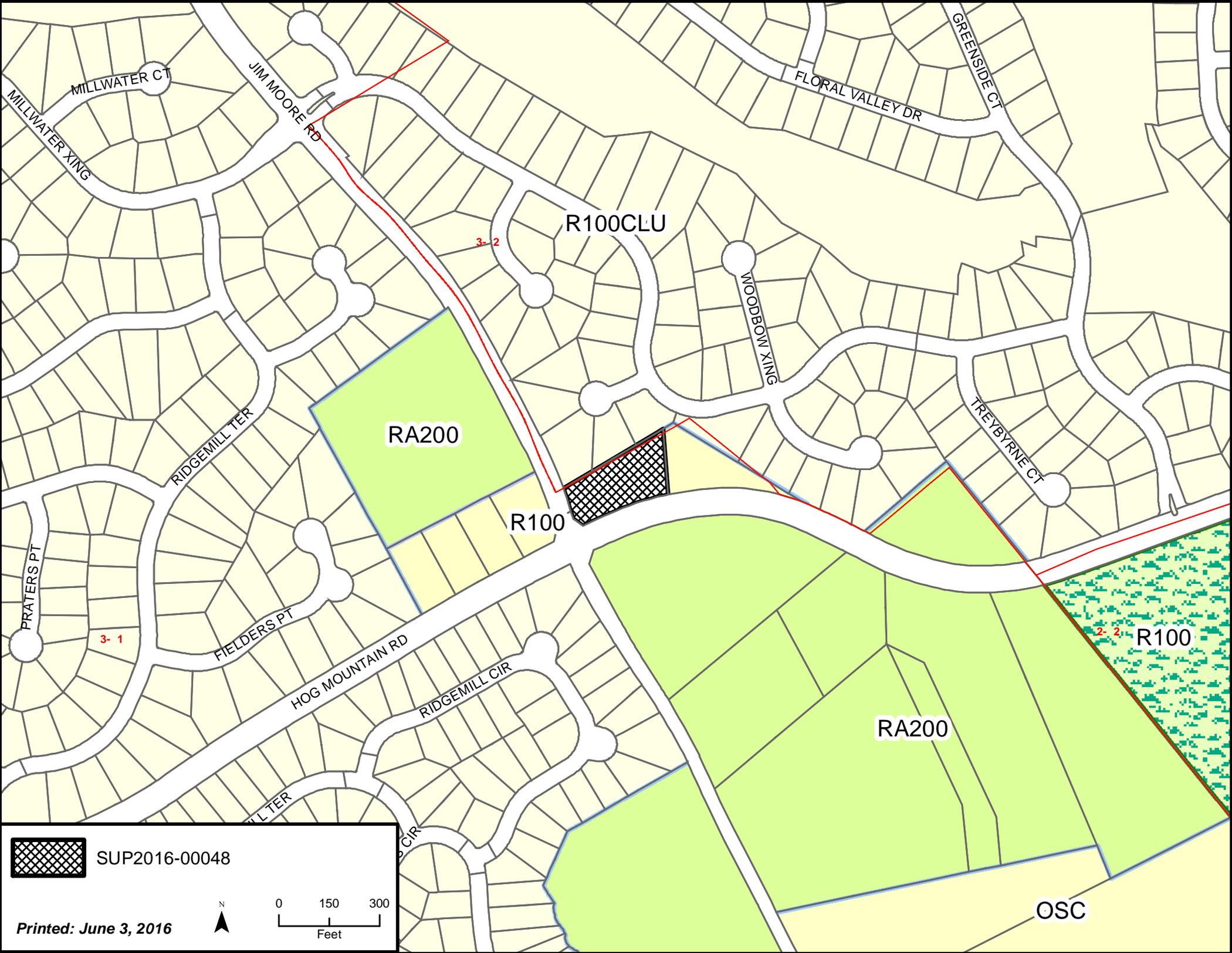
HOG MOUNTAIN RD

 SUP2016-00048

Printed: June 3, 2016

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Feet



 SUP2016-00048

Printed: June 3, 2016

0 150 300  
Feet

N

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

CASE NUMBER	: <b>SUP2016-00049</b>
ZONING	:R-100
LOCATION	:4000 BLOCK OF EGYPT ROAD
MAP NUMBER	:R6004 043
ACREAGE	:4.28 ACRES
SQUARE FEET	:3,274 SQUARE FEET
PROPOSED DEVELOPMENT	:COMMUNITY LIVING ARRANGEMENT
COMMISSION DISTRICT	:(3) HUNTER

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

APPLICANT: GEORGIA COMMUNITY SUPPORT AND SOLUTIONS, INC.  
1945 CLIFF VALLEY WAY, SUITE 220  
ATLANTA, GA 30329

CONTACT: ZENOBI A RAINEY                      PHONE: 404.634.4222 (EXT. 249)

OWNER: CHARLES CLONTS  
4011 EGYPT ROAD  
SNELLVILLE, GA 30039

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant seeks approval of a Special Use Permit for a Community Living Arrangement (CLA) for a maximum of four developmentally disabled adults on the 4.28-acre site. The subject property is zoned R-100 (Single-Family Residence District) and is located at 4011 Egypt Road. An existing residence of 3,274 square feet is located on the property which would be utilized for the CLA. The subject property is a flag lot accessed via a long, gravel driveway extending from Egypt Road between two other adjoining residences.

Based upon correspondence with the applicant, the proposed CLA would provide temporary housing and clinical services for up to four adults (clients). The facility would serve individuals with disabilities, including Autism, Cerebral Palsy and Down Syndrome, among others. These clients would stay at the facility for short periods of treatment, typically no more than seven days. During the periods where there are clients living in the residence, the home would be staffed with healthcare professionals at a one-to-one ratio. The residence would be staffed 24 hours a day, seven days a week, even when there are no clients on the property. Shift changes of the staff would occur three times per day.

**ZONING HISTORY:**

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). It was rezoned to R-100 as part of an areawide zoning map revision in 1973.

**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:**

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

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of an eight-inch water main located on the northeast right-of-way of Egypt Road.

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located approximately 177 feet east of parcel R6004 043 on the right of way of Laurel Bent Court.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

## GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

## DEPARTMENT ANALYSIS:

The subject property is located on the east side of Egypt Road, south of its intersection with Centerville Highway, and is zoned R-100. An existing residential structure is located on the property, which is accessed via a long, gravel driveway. A wire and chain-link fence separates a majority of the property from the neighboring residential properties.

The 2030 Unified Plan Future Development Map indicates that the subject site is located within the Existing/Emerging Suburban Character Area, which encourages a variety of housing options but also encourages compatibility with the character of existing development in a given area. This proposed CLA may not meet the intent of the policies of the 2030 Unified Plan due to its location deep within an established residential area, the temporary residency of its clients, and the amount of activity associated with the staff and clients coming and going from the property.

The surrounding area is characterized by low-density residential development in single-family subdivisions and homes on large acreage tracts. The subject property is completely surrounded by properties with R-100 zoning. The residence is set back considerably from the street requiring a long driveway between two other residential properties. The request for temporary institutional housing of disabled adults that increases the amount of noise and vehicular traffic in an otherwise quiet and low-density neighborhood of single-family residences may not be appropriate for the area. Approval of the request for this location could create an unnecessary encroachment upon the neighboring properties. Given these factors, the proposed use may be unsuitable at this location.

In conclusion, the requested Special Use Permit may not be compatible with the residences in the immediate neighborhood and may be better suited on a property accessed off a main corridor or major thoroughfare. 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 request.

Approval of a Special Use Permit for a Community Living Arrangement, subject to the following enumerated conditions:

1. Limited to a state-licensed Community Living Arrangement providing residence and care for up to a maximum of four developmentally disable adults residing in the home.
2. All outdoor activities shall be supervised by an employee of the facility.
3. Exterior signage advertising the Community Living Arrangement shall be prohibited.
4. Prior to CLA occupancy, the existing access driveway shall be brought up to a satisfactory condition. Design of the driveway improvements shall be subject to review and approval by the Director of Planning and Development.
5. Any new building(s) or building renovations shall be of a traditional residential style, compatible with the homes in the surrounding area. Architectural elevations, building materials and colors shall be subject to review and approval of the Director of Planning and Development prior to the issuance of a building permit.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed use may not be suitable in light of the property's location within a quiet, low intensity residential neighborhood.

ADVERSE IMPACTS

The proposed use may impose adverse impacts on adjacent and nearby residential properties from a potential increase in activity on the site which is inconsistent with a typical single-family residence. The property's access and proposed 24-hour operations could further impact the neighboring properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

It is anticipated that there would be additional impacts on public facilities in the form of traffic and utility demand.

CONFORMITY WITH POLICIES

The requested Special Use Permit may not be consistent with policies of the 2030 Unified Plan that encourage uses to be compatible with neighboring properties and consistent with the character of a given residential area.

CONDITIONS AFFECTING ZONING

The property's location off the residential street of Egypt Road, and accessed via a gravel driveway between two closely situated residences, may result in increased traffic on the street and adversely impact neighboring residential properties. Approval of the request could create an excessive encroachment upon these neighbors.

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

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

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

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

Yes. The proposed usage of the home is consistent with permitted on acres of land.

- (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 little to no impact on nearby property. The home is located on 4.4 acres and has a private driveway and fence.

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

The property is 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 will not cause any additional or excessive use of existing streets, transportation facilities, utilities or schools. The home is located on 4.2 acres.

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

Yes, it is permissible with a SUP if the property is on more than one acres.

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

No.

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P 404.634.4222 F 404.634.1324  
1945 Cliff Valley Way | Suite 220  
Atlanta, GA 30329  
www.gacommunity.org



## Letter of Intent

June 3, 2016

Department of Planning and Development  
Planning Division  
Gwinnett County  
446 West Crogan Street, Suite 250  
Lawrenceville, Georgia 30046

RE: Special Use Permit – Developmental Disabilities  
Address: 4011 Egypt Road, Snellville, GA 30039  
Acreage: 4.2, R100

Dear Planning and Development:

Georgia Community Support and Solutions (GCSS) is a community based non-profit organization that provides services to people with developmental disabilities, as well as support to their families. Our programs are specifically designed for those living with Autism spectrum disorders, Down syndrome, Cerebral Palsy, and other developmental and intellectual disabilities. GCSS currently operates 23 programs that benefit over 1,300 individuals in 20 counties.

GCSS intend to use the property at 4011 Egypt Rd, Snellville, Ga to operate the intensive support services and will have no more than 4 individuals with special needs admitted to the home at one time and provide 24 hour staffing. The home shall comply with all state and county rules and regulations.

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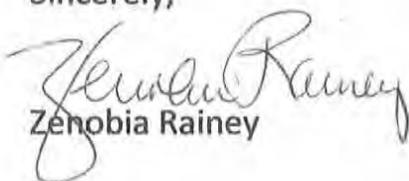
SUP '16049

GCSS is seeking your approval to provide intensive support services for individuals with developmental disabilities (DD) who meet admissions criteria established by the Department of Behavioral Health and Developmental Disabilities (DBHDD). The intensive support services purpose is to stabilize the individual and return the individual back into the system of care with a minimal level of ongoing support. The program will provide temporary around the clock supportive services and temporary housing to the individuals on a time limited basis.

The GCSS Associate Executive Director, will oversee the program whose core team consists of a Clinical Director, Licensed Clinical Social Workers, Behavior Specialists, Registered Nurse, Licensed Practical Nurses and Direct Support Professionals. We also have consultation services provided by a physician and psychiatrist as needed. This entire team of professionals will be readily available to provide support and supervision to the intensive support services home.

Thanks for your review of the enclosed information.

Sincerely,

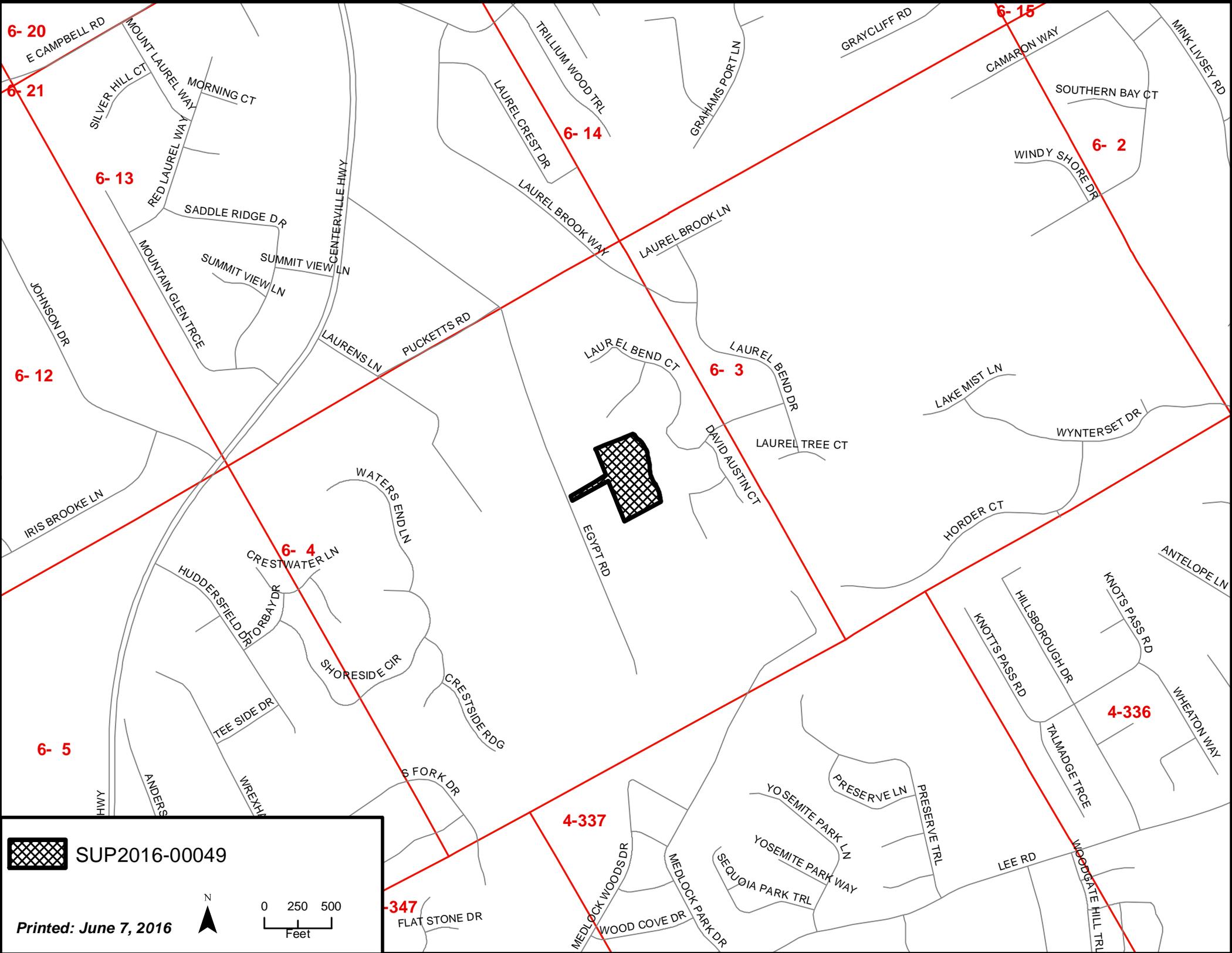
  
Zenobia Rainey

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Printed: June 7, 2016

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FLAT STONE DR

4-337

YOSEMITE PARK LN  
YOSEMITE PARK WAY  
SEQUOIA PARK TRL

4-336

LEE RD

WOODGATE HILL TRL

KNOTT'S PASS RD

HILLSBOROUGH DR

KNOTS PASS RD

ANTELOPE LN

WHEATON WAY

HORDER CT

WYNTERSET DR

LAKE MIST LN

LAUREL TREE CT

DAVID AUSTIN CT

EGYPT RD

LAUREL BEND CT

LAUREL BEND DR

PUCKETTS RD

LAURENS LN

SUMMIT VIEW LN

MOUNTAIN GLEN TRCE

SADDLE RIDGE DR

RED LAUREL WAY

MORNING CT

SILVER HILL CT

MOUNT LAUREL WAY

E CAMPBELL RD

TRILLIUM WOOD TRL

LAUREL CREST DR

LAUREL BROOK WAY

LAUREL BROOK LN

GRAHAM'S PORT LN

GRAYCLIFF RD

CAMARON WAY

SOUTHERN BAY CT

WINDY SHORE DR

MINK LIXEY RD

JOHNSON DR

IRIS BROOKE LN

WATERS END LN

CRESTWATER LN

HUDDERSFIELD DR

ROXBAY DR

SHORESIDE CIR

CRESTSIDERDG

TEE SIDE DR

ANDERS

WREXHAM

6 FORK DR

PRESERVE LN

PRESERVE TRL

LEE RD

MEDLOCK WOODS DR

WOOD COVE DR

MEDLOCK PARK DR

LEE RD

WOODGATE HILL TRL

TALMADGE TRCE

WHEATON WAY

KNOTS PASS RD

KNOTT'S PASS RD

ANTELOPE LN

HORDER CT

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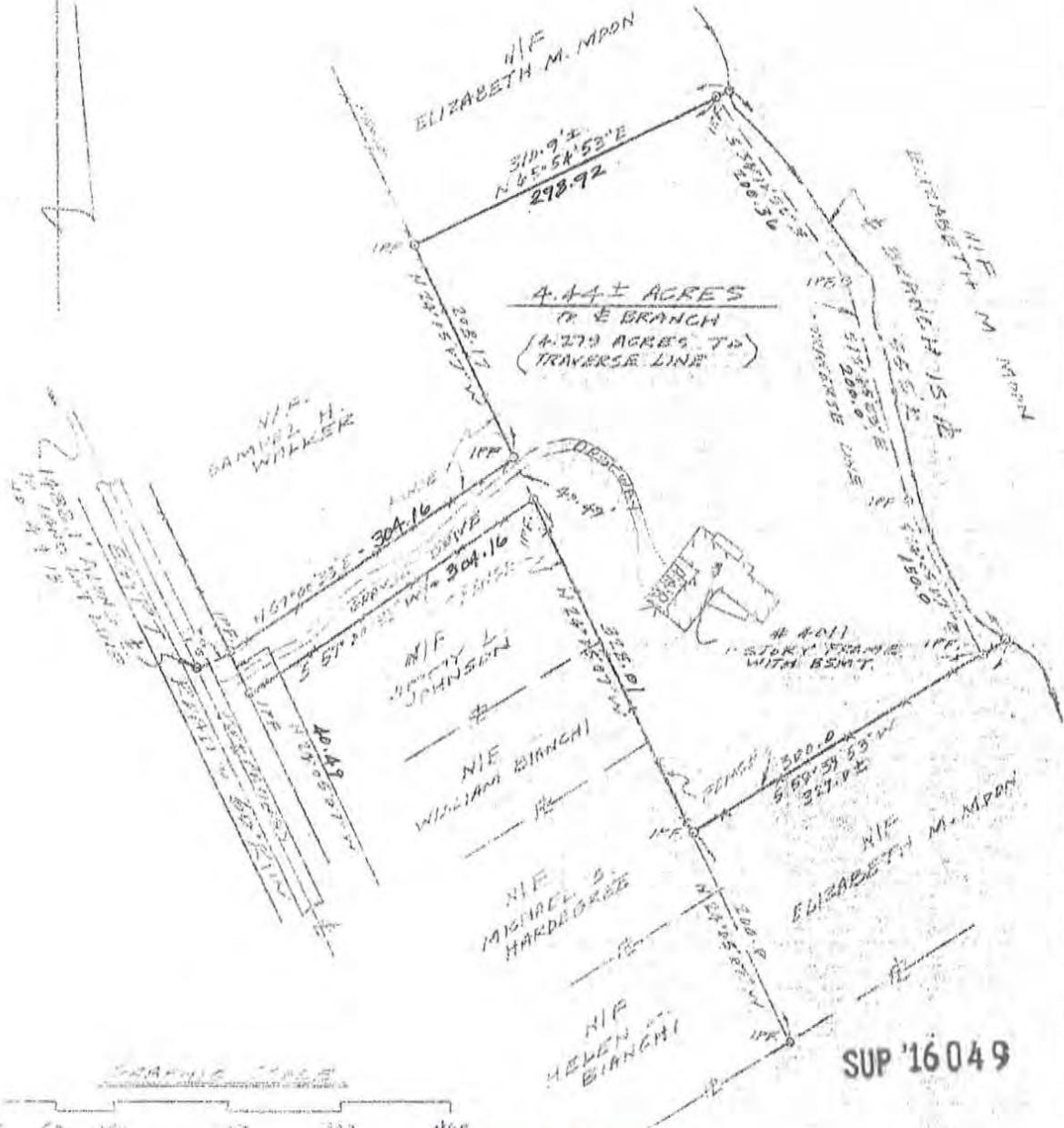
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SHORESIDE CIR

CRESTSIDERDG

TEE SIDE DR

ANDERS



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ADDITIONAL MAJOR FLOOD MAPS  
 THE PROPERTY IS NOT IN A SPECIAL  
 FLOOD HAZARD AREA

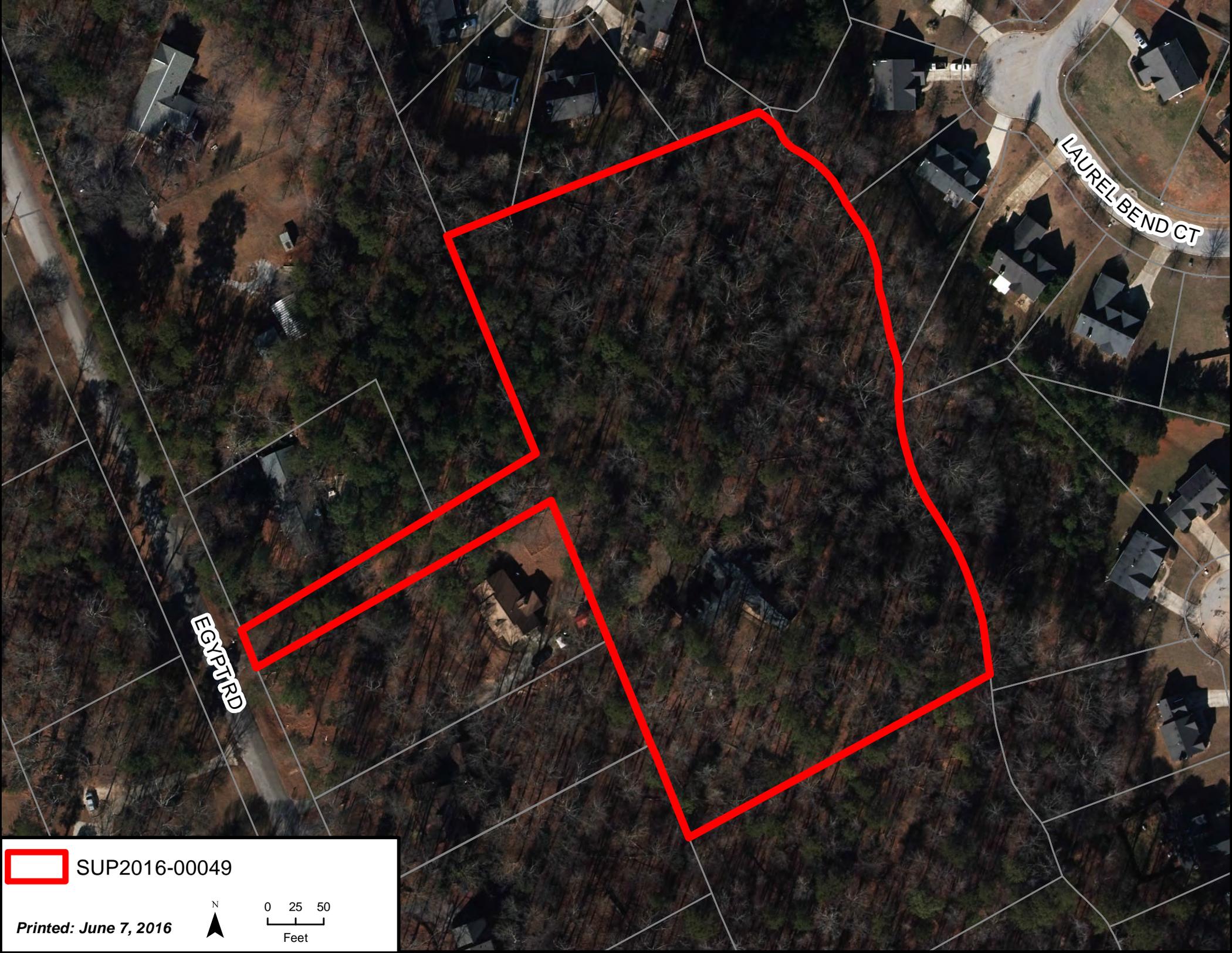
This survey has been calculated for  
 closure by bearings and distances  
 and adjusted to be accurate within  
 one foot in 10,000 feet.

PROPERTY OF  
 CHARLES B CLONTS &  
 MILDRED M. CLONTS  
 # 4011 EGYPT ROAD  
 LOT A - 6th DISTRICT  
 GWINNETT CO., GEORGIA  
 SURVEYED BY  
 AND DEVELOPING CO.  
 # 983-6001  
 SCALE 1" = 100'  
 DATE 10, 1991



In my opinion, this plat is a correct  
 representation of the land plotted and  
 has been prepared in conformity with  
 the minimum standards and requirements  
 of law.  
 by James H. Williams  
 Reg. Land Surveyor

SUP '16049



EGYPT RD

LAUREL BEND CT

 SUP2016-00049

Printed: June 7, 2016

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