

Department of Planning and Development



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gwinnettcountry

**MUNICIPAL-GWINNETT COUNTY  
PLANNING COMMISSION**

**PUBLIC HEARING AGENDA**

**GWINNETT JUSTICE AND ADMINISTRATION CENTER  
TUESDAY, FEBRUARY 7, 2017 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 (JANUARY 3, 2017 MEETING)
- E. ANNOUNCEMENTS
- F. OLD BUSINESS

- |                           |   |
|---------------------------|---|
| I. CASE NUMBER            | <b>:RZM2016-00008 (PUBLIC HEARING HELD)</b>                           |
| APPLICANT                 | :MAHAFFEY PICKENS TUCKER, LLP   |
| CONTACT                   | :SHANE LANHAM   |
| PHONE NUMBER              | :770.232.0000   |
| ZONING CHANGE             | :C-2 & RA-200 TO R-TH   |
| LOCATION                  | :4200 BLOCK OF BRASELTON HIGHWAY<br>:4200 BLOCK OF SPOUT SPRINGS ROAD |
| MAP NUMBERS               | :R3003 135, 051, 147, & 674   |
| ACREAGE                   | :32.13 ACRES  |
| UNITS                     | :230 UNITS  |
| PROPOSED DEVELOPMENT      | :TOWNHOMES (BUFFER REDUCTION)   |
| COMMISSION DISTRICT       | :(3) HUNTER   |
| DEPARTMENT RECOMMENDATION | <b>:DENIAL</b>  |

2. CASE NUMBER :**RZC2017-00003**  
APPLICANT :BUFORD AMERICAN LEGION POST 127  
CONTACT :MITCH PEEVY  
PHONE NUMBER :770.614.6511  
ZONING CHANGE :RL TO O-I  
LOCATION :1700 BLOCK OF BUFORD DAM ROAD  
:6300 BLOCK OF OLD SHADBURN FERRY ROAD  
:6500 BLOCK OF OLD GARRETT ROAD  
  
MAP NUMBERS :R7362 030 & 031  
ACREAGE :16.39 ACRES  
SQUARE FEET :13,920 SQUARE FEET  
PROPOSED DEVELOPMENT :CLUB, LODGE, OR FRATERNAL ORGANIZATION  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
3. CASE NUMBER :**SUP2017-00003**  
APPLICANT :BUFORD AMERICAN LEGION POST 127  
CONTACT :MITCH PEEVY  
PHONE NUMBER :770.614.6511  
ZONING :O-I (PROPOSED)  
LOCATION :1700 BLOCK OF BUFORD DAM ROAD  
:6300 BLOCK OF OLD SHADBURN FERRY ROAD  
:6500 BLOCK OF OLD GARRETT ROAD  
  
MAP NUMBERS :R7362 030 & 031  
ACREAGE :16.39 ACRES  
SQUARE FEET :13,920 SQUARE FEET  
PROPOSED DEVELOPMENT :CLUB, LODGE, OR FRATERNAL ORGANIZATION  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
4. CASE NUMBER :**RZC2017-00005**  
APPLICANT :AZIZ CHARANIA  
CONTACT :AZIZ CHARANIA  
PHONE NUMBER :678.754.1879  
ZONING CHANGE :R-100 TO O-I  
LOCATION :1200 BLOCK OF OAK ROAD  
MAP NUMBER :R6086 010  
ACREAGE :1.41 ACRES  
SQUARE FEET :7,920 SQUARE FEET  
PROPOSED DEVELOPMENT :MONTESSORI SCHOOL (BUFFER REDUCTION)  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**DENIAL**

5. CASE NUMBER :**SUP2017-00005**  
APPLICANT :AZIZ CHARANIA  
CONTACT :AZIZ CHARANIA  
PHONE NUMBER :678.754.1879  
ZONING :O-1 (PROPOSED)  
LOCATION :1200 BLOCK OF OAK ROAD  
MAP NUMBER :R6086 010  
ACREAGE :1.41 ACRES  
SQUARE FEET :7,920 SQUARE FEET  
PROPOSED DEVELOPMENT :MONTESSORI SCHOOL (BUFFER REDUCTION)  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
6. CASE NUMBER :**RZM2017-00001 (PUBLIC HEARING HELD)**  
APPLICANT :FIELDSTONE HOMES  
CONTACT :ERIC JOHANSEN, RLA  
PHONE NUMBER :678.571.4843  
ZONING CHANGE :R-100 TO R-TH  
LOCATION :1500-1600 BLOCKS OF BUFORD DRIVE  
MAP NUMBERS :R7065 008 & 007  
ACREAGE :18.06 ACRES  
UNITS :140 UNITS  
PROPOSED DEVELOPMENT :TOWNHOMES (BUFFER REDUCTION)  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**APPROVAL AS R-75 WITH CONDITIONS**
7. CASE NUMBER :**RZR2017-00002 (PUBLIC HEARING HELD)**  
APPLICANT :BRAD COOPER  
CONTACT :JIM WARREN  
PHONE NUMBER :404.401.7656  
ZONING CHANGE :R-100 TO R-SR  
LOCATION :2100 BLOCK OF RIDGEDALE DRIVE  
:1700 BLOCK OF PINEHURST ROAD  
MAP NUMBER :R5071 033  
ACREAGE :17.55 ACRES  
UNITS :57 UNITS  
PROPOSED DEVELOPMENT :SENIOR ORIENTED SUBDIVISION  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

8. CASE NUMBER :**CIC2017-00002 (PUBLIC HEARING HELD)**  
APPLICANT :ANGEL AMARO  
CONTACT :GEORGE AWUKU  
PHONE NUMBER :404.597.6745  
ZONING :R-75  
LOCATION :2900 BLOCK OF DULUTH HIGHWAY  
MAP NUMBER :R6263 003A  
ACREAGE :8.55 ACRES  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS OF ZONING  
(BUFFER REDUCTION)  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
9. CASE NUMBER :**SUP2017-00001**  
APPLICANT :LAWRENCEVILLE RENTALS, INC.  
CONTACT :ROBERT JACKSON WILSON  
PHONE NUMBER :770.962.9780  
ZONING :C-2  
LOCATION :1000 BLOCK OF DULUTH HIGHWAY  
:2100 BLOCK OF RIVERSIDE PARKWAY  
:900-1000 BLOCKS OF LAKES PARKWAY  
MAP NUMBER :R7033 107  
ACREAGE :22.97 ACRES  
SQUARE FEET :1,200 SQUARE FEET  
PROPOSED DEVELOPMENT :TRUCK RENTAL  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**DENIAL**
10. CASE NUMBER :**SUP2017-00004**  
APPLICANT :DEAN WERTS  
CONTACT :MARIAN C. ADEIMY  
PHONE NUMBER :678.518.6855  
ZONING :RA-200  
LOCATION :2000 BLOCK OF JONES PHILLIPS ROAD  
:1900 BLOCK OF HARBINS ROAD  
MAP NUMBER :R5313 041  
ACREAGE :9.55 ACRES  
SQUARE FEET :2,500 SQUARE FEET  
PROPOSED DEVELOPMENT :SPECIAL EVENTS/BANQUET FACILITY OR RENTAL  
HALL  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

G. NEW BUSINESS

1. CASE NUMBER :**RZC2017-00006**  
APPLICANT :PEACHTREE HOTEL GROUP, LLC  
CONTACT :SHANE LANHAM  
PHONE NUMBER :770.232.0000  
ZONING CHANGE :R-100 TO C-2  
LOCATION :1700 BLOCK OF NORTH BROWN ROAD  
MAP NUMBER :R7114 175  
ACREAGE :4.43 ACRES  
SQUARE FEET :76,299 SQUARE FEET  
PROPOSED DEVELOPMENT :HOTEL (BUFFER REDUCTION)  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
  
2. CASE NUMBER :**RZC2017-00007**  
APPLICANT :MAHAFFEY PICKENS TUCKER, LLP  
CONTACT :SHANE LANHAM  
PHONE NUMBER :770.232.0000  
ZONING CHANGE O-I TO C-I  
LOCATION :4800 BLOCK OF JIMMY CARTER BOULEVARD  
:6100 BLOCK OF QUEEN ANNE COURT  
MAP NUMBER :R6169 250  
ACREAGE :0.75 ACRE  
SQUARE FEET :3,400 SQUARE FEET  
PROPOSED DEVELOPMENT :CONVENIENCE STORE WITH FUEL PUMPS (BUFFER REDUCTION)  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
  
3. CASE NUMBER :**RZM2017-00002**  
APPLICANT :NDI DEVELOPMENT, LLC  
CONTACT :MARIAN ADEIMY  
PHONE NUMBER :678.518.6855  
ZONING CHANGE :C-2 TO R-TH  
LOCATION :4500 BLOCK OF SATELLITE BOULEVARD  
MAP NUMBERS :R6211 224 & 225  
ACREAGE :4.49 ACRES  
UNITS :35 UNITS  
PROPOSED DEVELOPMENT :TOWNHOMES  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

4. CASE NUMBER :**RZM2017-00003**  
APPLICANT :US LAND INVESTMENTS, LLC  
CONTACT :MARIAN ADEIMY  
PHONE NUMBER :770.822.0900  
ZONING CHANGE :C-2 & O-I TO R-TH  
LOCATION :4900 BLOCK OF STONE MOUNTAIN HIGHWAY  
MAP NUMBER :R6062 017B  
ACREAGE :26.62 ACRES  
UNITS :149 UNITS  
PROPOSED DEVELOPMENT :TOWNHOMES  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
5. CASE NUMBER :**CIC2017-00005**  
APPLICANT :TULL SIGNS  
CONTACT :KEVIN TULL  
PHONE NUMBER :404.729.6699  
ZONING :C-2  
LOCATION :3500 BLOCK OF BRASELTON HIGHWAY  
MAP NUMBER :R3002 115B  
ACREAGE :6.94 ACRES  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
6. CASE NUMBER :**CIC2017-00006**  
APPLICANT :J.S. BEAR  
CONTACT :STEVE BEAR  
PHONE NUMBER :678.229.4042  
ZONING :C-2  
LOCATION :2400 BLOCK OF SATELLITE BOULEVARD  
MAP NUMBER :R7079 001  
ACREAGE :12.38 ACRES  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
7. CASE NUMBER :**SUP2016-00052**  
APPLICANT :SAMUEL & SONG CHOI  
CONTACT :MARIAN C. ADEIMY  
PHONE NUMBER :678.518.6855  
ZONING :R-100  
LOCATION :2900 BLOCK OF DULUTH HIGHWAY  
MAP NUMBER :R6263 085  
ACREAGE :1.38 ACRES  
SQUARE FEET :2,700 SQUARE FEET  
PROPOSED DEVELOPMENT :PLACE OF WORSHIP  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

8. CASE NUMBER :**SUP2017-00006**  
APPLICANT :ALEX TSYNMAN  
CONTACT :ALEX TSYNMAN  
PHONE NUMBER :678.458.4834  
ZONING :M-1  
LOCATION :4200 BLOCK OF STEVE REYNOLDS BOULEVARD  
:1500 BLOCK OF BEAVER RUIN ROAD  
MAP NUMBERS :R6184 266 & R6201 007A  
ACREAGE :10.19 ACRES  
SQUARE FEET :86,002 SQUARE FEET  
PROPOSED DEVELOPMENT :CONTRACTOR'S OFFICE, HEAVY/CIVIL  
CONSTRUCTION/LOGGING  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**DENIAL**
9. CASE NUMBER :**SUP2017-00007**  
APPLICANT :BEN WALKER, JR. & DENISE WEMPE  
CONTACT :DENISE WEMPE  
PHONE NUMBER :813.813.3750  
ZONING :C-2  
LOCATION :5300 BLOCK OF FIVE FORKS TRICKUM ROAD  
:1200 BLOCK OF ROCKBRIDGE ROAD  
MAP NUMBER :R6079 033  
ACREAGE :0.74 ACRE  
SQUARE FEET :1,525 SQUARE FEET  
PROPOSED DEVELOPMENT :PAWN SHOP  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
10. CASE NUMBER :**SUP2017-00008**  
APPLICANT :MARIA E. DIAZ  
CONTACT :ORLANDO DIAZ  
PHONE NUMBER :770.480.4172  
ZONING :RA-200  
LOCATION :3000 BLOCK OF INDIAN SHOALS ROAD  
MAP NUMBER :R5325 001  
ACREAGE :0.94 ACRE  
SQUARE FEET :1,568 SQUARE FEET  
PROPOSED DEVELOPMENT :MOBILE HOME  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**DENIAL**

11. CASE NUMBER :**SUP2017-00009**  
APPLICANT :PROLINE MOTORSPORTS, INC.  
CONTACT :ANGELY SMITH  
PHONE NUMBER :404.914.5035  
ZONING :C-2  
LOCATION :3400 BLOCK OF PALMER DRIVE  
:600 BLOCK OF MIDWAY ROAD  
MAP NUMBER :R5126 010  
ACREAGE :1.93 ACRES  
SQUARE FEET :3,750 SQUARE FEET  
PROPOSED DEVELOPMENT :MOTORCYCLE SALES/SERVICE  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

12. CASE NUMBER :**SUP2017-00010**  
APPLICANT :MICHEL NJEM  
CONTACT :GEORGE AWUKU  
PHONE NUMBER :678.597.6745  
ZONING :C-2  
LOCATION :5500 BLOCK OF JIMMY CARTER BOULEVARD  
MAP NUMBER :R6195 115  
ACREAGE :0.58 ACRE  
SQUARE FEET :4,800 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOBILE REPAIR SHOP, LUBRICATION & TIRE STORE  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

H. AUDIENCE COMMENTS

I. COMMITTEE REPORTS

J. COMMENTS BY STAFF AND PLANNING COMMISSION

K. ADJOURNMENT



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

CASE NUMBER	: <b>RZM2016-00008</b>
ZONING CHANGE	:C-2 & RA-200 TO R-TH
LOCATION	:4200 BLOCK OF BRASELTON HIGHWAY :4200 BLOCK OF SPOUT SPRINGS ROAD
MAP NUMBERS	:R3003 135, 051, 147, & 674
ACREAGE	:32.13 ACRES
UNITS	:230 UNITS
PROPOSED DEVELOPMENT	:TOWNHOMES (BUFFER REDUCTION)
COMMISSION DISTRICT	:(3) HUNTER

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

APPLICANT: MAHAFFEY, PICKENS, TUCKER, LLP  
1500 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACT: SHANE LANHAM                      PHONE: 770.232.0000

OWNER: CONSTANCE FOSSETT TRONCALLI, MARTHA J STOVALL, CONNIE  
TRONCALLI, & HERITAGE LAND & DEVELOPMENT CO.  
C/O MAHAFFEY, PICKENS, TUCKER, LLP  
1500 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA. 30043

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests to rezone a 32.13-acre parcel assemblage from RA-200 (Agriculture Residence District) and C-2 (General Business District) to R-TH (Residence Townhouse District). The subject property is located on the northern right-of-way of Braselton Highway, extending to the eastern right-of-way of Spouts Springs Road. The property abuts the southern right-of-way of I-85. Vehicular access to the development would be provided by a street connection onto Braselton Highway and Spout Springs Road.

The proposed development would consist of 230 attached units on 32.11-acres, which results in a gross and net density of 7.15 units per acre, as the property does not contain floodplain, power or gas easements. The submitted architectural elevations indicate the proposed townhouse buildings would be constructed with a combination of brick, cedar shake, stacked stone, fiber-cement siding. The proposed townhomes would be approximately 1,800 square feet each, with a front-entry two-car garage. Site amenities proposed include a clubhouse, pocket parks, swimming pool, tennis courts, and a parking area. Additionally, the site would

consist of 7.9 acres of common area or approximately 25-percent of the total land area. The site also includes two proposed detention facilities, a pond, streams, and wetlands

The standard external setbacks for R-TH zoning are 50 feet adjacent to both Braselton Highway and Spout Springs Road, while incorporating the required 50-foot landscape setback along all exterior street frontages. The required 40-foot side and rear setbacks are shown on the submitted site plan as well. The standard zoning buffer for R-TH is 40-feet when adjacent to properties zoned RA-200. As part of this request, the applicant is requesting to reduce the required zoning buffer to ten-feet. The applicant's submitted materials inaccurately delineate the required buffer as being 35 feet.

#### ZONING HISTORY:

In 1970, the property was zoned RA-200. A portion of the property has been zoned to C-2 since 2006, pursuant to RZC-06-017.

#### 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.

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.

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

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

A 50-foot building and landscaped setback is required along the all exterior street frontages. (Unified Development Ordinance Section 210-100.6.15).

Provide a 35-foot natural, undisturbed buffer adjacent to RA-200 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.

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:

This property appears to have stream buffers. All stormwater best management practices will be applicable upon development permit issuance.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Braselton Highway is a State Route and Georgia Department of Transportation right-of-way requirements govern.

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

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.

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

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

Project must comply with Gwinnett County D.O.T. Criteria and Guidelines for left turn lanes.

Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact 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.

Provide a left turn lane on Spout Springs Road at development entrance meeting Gwinnett County D.O.T. standards.

**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 southeast right-of-way of Braselton Highway and a 12-inch water main located on the southeast right-of-way of Spout Springs Road reducing to an eight-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 an eight-inch sanitary sewer main located on parcel R3003 674.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

- I. The applicant shall obtain a residential building permit for each townhome 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 applicant is requesting rezoning on a 32.13-acre parcel assemblage of land to R-TH for the construction of a 230-unit attached townhome development. The subject property is located along the right-of-ways of Braselton Highway and Spouts Springs Road, with frontage along I-85. The site currently consists of two single-family dwellings and related accessory structures.

The 2030 Unified Plan Future Development Map indicates the property is located within an Existing/Emerging Suburban Character Area. Policies for this Character Area encourage single-family residential uses at a density of three units per acre or less. The requested R-TH at a density of 7.15 units per acre may be inconsistent with the policies of the Gwinnett County 2030 Unified Plan.

The surrounding area is primarily residential in character and includes single-family subdivision developments as well as residences on large acreage tracts. Adjacent to the south are larger lots zoned RA-200 with single-family dwellings. Adjacent to the east is the Millcrest Manor R-ZT zoned single-family detached subdivision, pursuant to RZR-06-041. In addition, to the east a small tract of O-I (Office-Institutional District) was approved for a daycare (RZC-05-050). Further to the east is Mill Creek High School and Osborne Middle School. To the south, across Braselton Highway are both developed and undeveloped properties zoned C-2 and homes on large tracts of land zoned RA-200, as well as several single-family residential developments. To the west, on both sides of Spouts Springs Road are homes on large tracts of land and undeveloped tracts of land zoned RA-200. To the north, across I-85 are several single-family developments zoned R-100, R-100 CSO, and R-75 CSO. The requested rezoning for a townhome development would be inconsistent with the established residential development pattern of the area and could set a precedent for future higher density requests.

In conclusion, the requested R-TH zoning could be inconsistent with Board policy and the 2030 Unified Plan and zoning decisions in the immediate vicinity. Therefore, the Department of Planning and Development recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

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

- I. To restrict the use of the property as follows:
  - A. Townhomes and accessory uses and structures.
  - B. Dwellings shall be constructed of four sides brick, with minor treatments of stacked stone or fiber-cement siding/shake. Architectural elevations 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 2,000 square feet.
  - D. All units shall have at least a double-car garage. All units shall provide sole access via alleys and shall have rear-entry garages except for units located along the periphery of the site, which may have street-facing garages.
  - E. A mandatory homeowners association shall be incorporated which provides for building and grounds maintenance, repair, insurance and working capital. Said association must also include declarations and by laws including rules and regulations which shall at minimum regulate and control the following:
    - i. Exterior home maintenance to include roofing and painting.
    - ii. All grounds and common area maintenance, including the detention facilities.
    - iii. Exterior fence maintenance to include the requirement that any graffiti shall be repaired and repainted within 72 hours.
    - iv. Restrictions on single-family residential use only of units. No more than 10% of the total units may be leased by individual owners at any time.
2. To satisfy the following site development considerations:
  - A. Provide a 40-foot landscaped strip along the right-of-ways of Braselton Highway, Spouts Springs Road and I-85, which shall include a decorative fence or wall and entrance monument. The fence may be constructed as solid brick wall, or as a wrought iron-style fence with brick columns (max. 30-feet-on-center). 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.

- B. Provide a 40-foot wide natural, undisturbed buffer, supplemented with a solid opaque wood fence a minimum of six-feet in height, adjacent to all residentially zoned properties. The buffer shall be enhanced where sparsely vegetated to provide an effective visual screen. The Homeowner's Association shall ensure that buffer vegetation is not removed by individual unit owners.
- C. Natural vegetation shall remain on the property until issuance of a Development Permit.
- D. Direct unit access shall not be allowed to Braselton Highway, Spout Springs Road and I-85.
- E. All grassed areas within the development shall be sodded.
- F. All utilities shall be placed underground.



PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

In light of the low-density, detached residential developments and large lots that characterize the residential uses in the immediate area, an R-TH zoning and development may not be appropriate 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 may have 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 the 2030 Unified Plan encourage consistency of both density and development type within a given area. The requested R-TH may be out of character with existing and proposed low-density single-family developments in the area.

CONDITIONS AFFECTING ZONING

This segment of the Braselton Highway corridor is predominately characterized by single-family uses and zoning further suggesting that a multi-family townhome 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

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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 Property is adjacent to I-85 and is near land zoned C-2, O-I, and C-1.
- (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. The Property has convenient access to Interstate 85 as well as frontage along both Spout Springs Road and Braselton Highway.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County Land Use Plan. The Property is designated as within the Existing/Emerging Character Area which encourages single-family townhouse developments as well as Residential infill development.
- (F) The Applicant submits that the subject Property's proximity to Interstate 85 and commercially-zoned property provides additional support of this Application.

RZM '16 00 B





Matthew P. Benson  
Gerald Davidson, Jr.\*  
Brian T. Easley  
Kelly O. Faber  
Christopher D. Holbrook  
Joshua P. Johnson

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

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

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached Rezoning Application on behalf of Rocklyn Homes, Inc. (the “Applicant”) for the purpose of rezoning to the R-TH zoning classification an approximately 32.13-acre tract (the “Property”) situated along Braselton Highway (also known as Georgia Route 124) and Spout Springs Road south of and adjacent to Interstate 85. The majority of the Property (approximately 29 acres) is currently zoned C-2 with a smaller portion (approximately 3 acres) along Spout Springs zoned RA-200.

The Applicant proposes to develop a gated, single-family residential community, consisting of 230 attached residential townhomes. The proposed development would have a net density of approximately 7.15 units per acre, which is below the maximum allowed density of 8.0 units per acre prescribed for the R-TH zoning classification in the Gwinnett County Unified Development Ordinance (the “UDO”). The 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 Applicant is currently in the final stages of building homes at the Caswell Overlook subdivision in the City of Marietta which consists of homes that are comparable to the homes in the proposed development. Homes in Caswell Overlook are currently selling in the high \$200s and the Applicant anticipates that homes in the proposed development would also sell in the high \$200s.

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

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

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FACSIMILE 678 518 6880

www.mptlawfirm.com

The proposed townhomes would include double-car garages as well as attractive architectural elements which are compatible with the surrounding area. The façades of the homes would be constructed primarily of brick and/or stacked stone as well as cementitious cedar shake, siding, and/or board and batten as depicted in the building elevations submitted with the Application. The proposed townhomes are front-entry units with garages on the front elevation and would be accessed by internal streets and driveways. Currently, the proposed units would have building footprints of 26 feet wide by 50 feet deep with approximately 2,000 square feet of heated space. The proposed community would also feature approximately 7.9 acres of common open space which is roughly 25% of the entire development. This common open space includes a park area to the rear of the site and access to an existing +/- 1.2-acre pond. The proposed development would also include community and recreation facilities such as a pool, cabana/clubhouse, and tennis courts.

The Applicant proposes to develop the Property with gated entrances off of Spout Springs Road as well as Braselton Highway which would include attractive landscaping, a decorative fence or wall, and entrance monument as well as an additional 50-foot landscaped setback along both road frontages creating an attractive streetscape. The Applicant is also requesting to reduce the required 35-foot undisturbed buffer along property zoned RA-200 to 10 feet and replant the remaining 25 feet to buffer standards as a Landscaped Buffer as defined in the UDO. Though the Unified Plan may call for lower densities in the Existing/Emerging Character Area than what is proposed in the Application, the Property has several characteristics which differentiate it from other land in the Existing/Emerging Character Area. For example, the Property is located between and adjacent to both Interstate 85 and Georgia Highway 124. Additionally, approximately 90% of the Property is currently zoned C-2 which permits relatively

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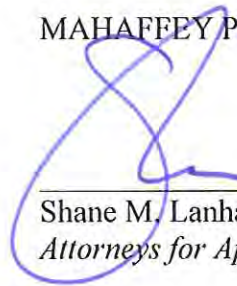
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Planning & Development

intense commercial and retail uses. An approval of the Application would actually move the Property closer in line with the Unified Plan while remaining consistent with its overall policies of providing a mix of housing options and encouraging infill development. Moreover, the traffic study submitted with the Application shows that the proposed development would actually generate fewer vehicle trips than would be generated if the Property were to be developed under its current C-2 zoning. An approval of the Application would actually be a downzoning and would reduce the intensity of allowed development on the 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 7th day of October, 2016.

MAHAFFEY PICKENS TUCKER, LLP



---

Shane M. Lanham  
*Attorneys for Applicant*

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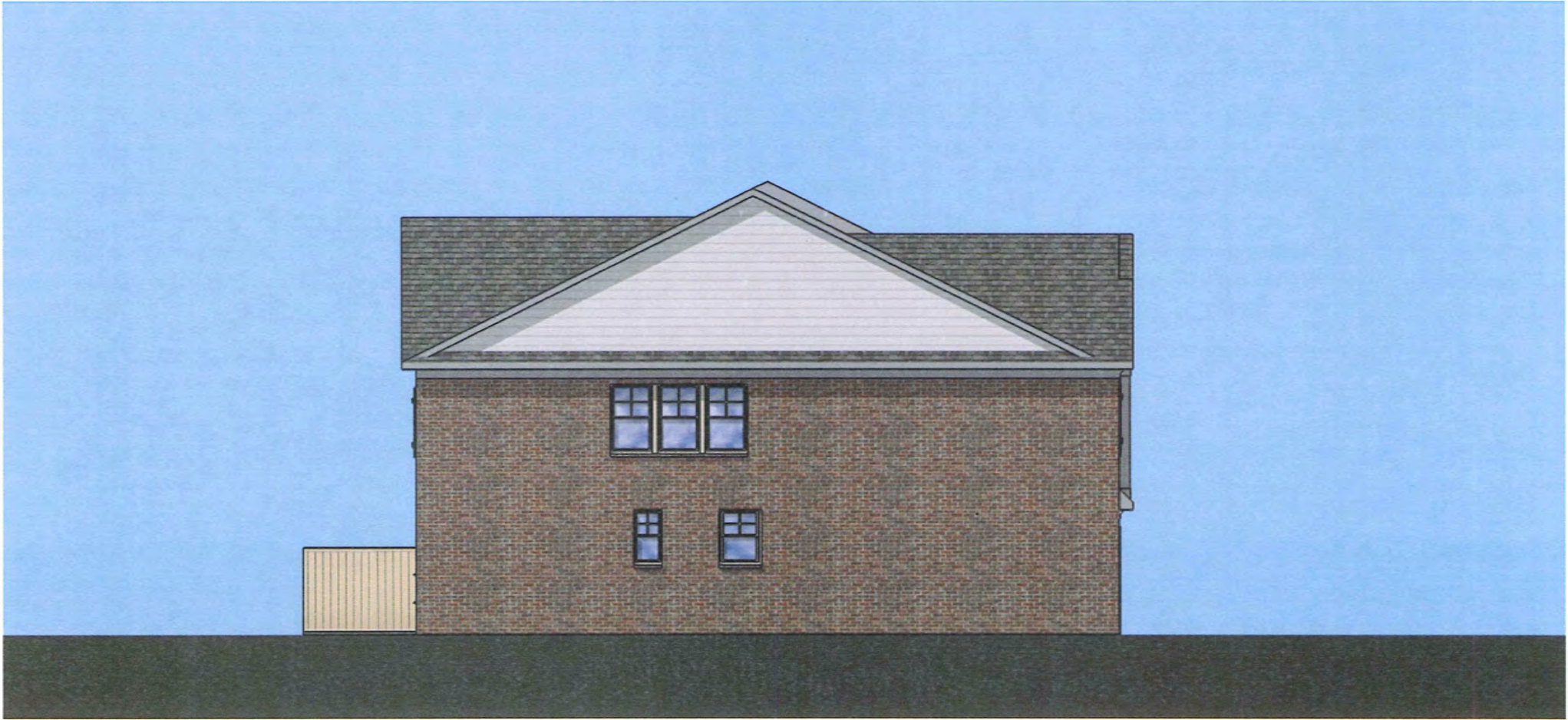
**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, November 2016**

Case #	Schools	Current Projections									Proposed Zoning
		2016-17			2017-18			2018-19			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2016-00006	<b>Meadowcreek HS</b>	<b>3960</b>	2,850	1,110	<b>4094</b>	2,850	1,244	<b>4232</b>	2,850	1,382	3
	Lilburn MS	<b>1672</b>	1,550	122	<b>1739</b>	1,550	189	<b>1808</b>	1,550	258	2
	Lilburn ES	<b>1459</b>	1,450	9	<b>1488</b>	1,450	38	<b>1518</b>	1,450	68	4
RZM2016-00007	<b>Discovery HS</b>	<b>2362</b>	2,000	362	<b>2553</b>	2,000	553	<b>2617</b>	2,000	617	15
	Richards MS	<b>1916</b>	1,575	341	<b>1954</b>	1,575	379	<b>1993</b>	1,575	418	10
	Cedar Hill ES	<b>1018</b>	1,000	18	<b>1033</b>	1,000	33	<b>1049</b>	1,000	49	19
RZM2016-00008	<b>Mill Creek HS</b>	<b>3819</b>	2,800	1,019	<b>3682</b>	2,800	882	<b>3594</b>	2,800	794	55
	Osborne MS	<b>1680</b>	1,575	105	<b>1697</b>	1,575	122	<b>1714</b>	1,575	139	37
	Duncan Creek ES	<b>1109</b>	1,300	-191	<b>1087</b>	1,300	-213	<b>1075</b>	1,300	-225	69
RZR2016-00026	<b>Lanier HS</b>	<b>1817</b>	1,900	-83	<b>1897</b>	1,900	-3	<b>1981</b>	1,900	81	13
	Lanier MS	<b>1500</b>	1,700	-200	<b>1560</b>	1,700	-140	<b>1622</b>	1,700	-78	9
	White Oak ES	<b>801</b>	1,000	-199	<b>817</b>	1,000	-183	<b>833</b>	1,000	-167	16
RZR2016-00028	<b>Grayson HS</b>	<b>2847</b>	2,125	722	<b>2927</b>	2,125	802	<b>3009</b>	2,125	884	1
	Bay Creek MS	<b>1111</b>	1,150	-39	<b>1148</b>	1,150	-2	<b>1186</b>	1,150	36	1
	Trip ES	<b>988</b>	1,200	-212	<b>1027</b>	1,200	-173	<b>1067</b>	1,200	-133	1

Current projections do not include new developments





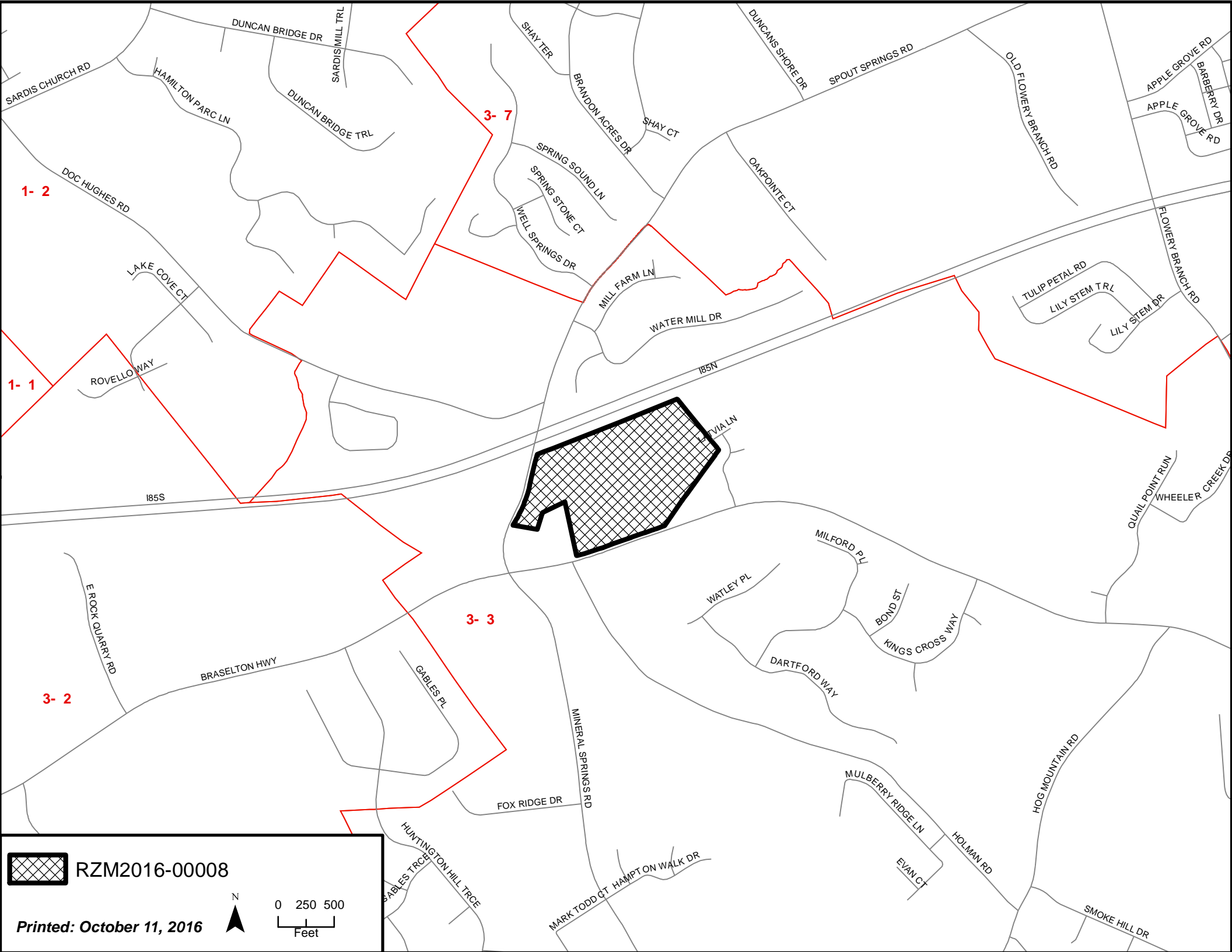













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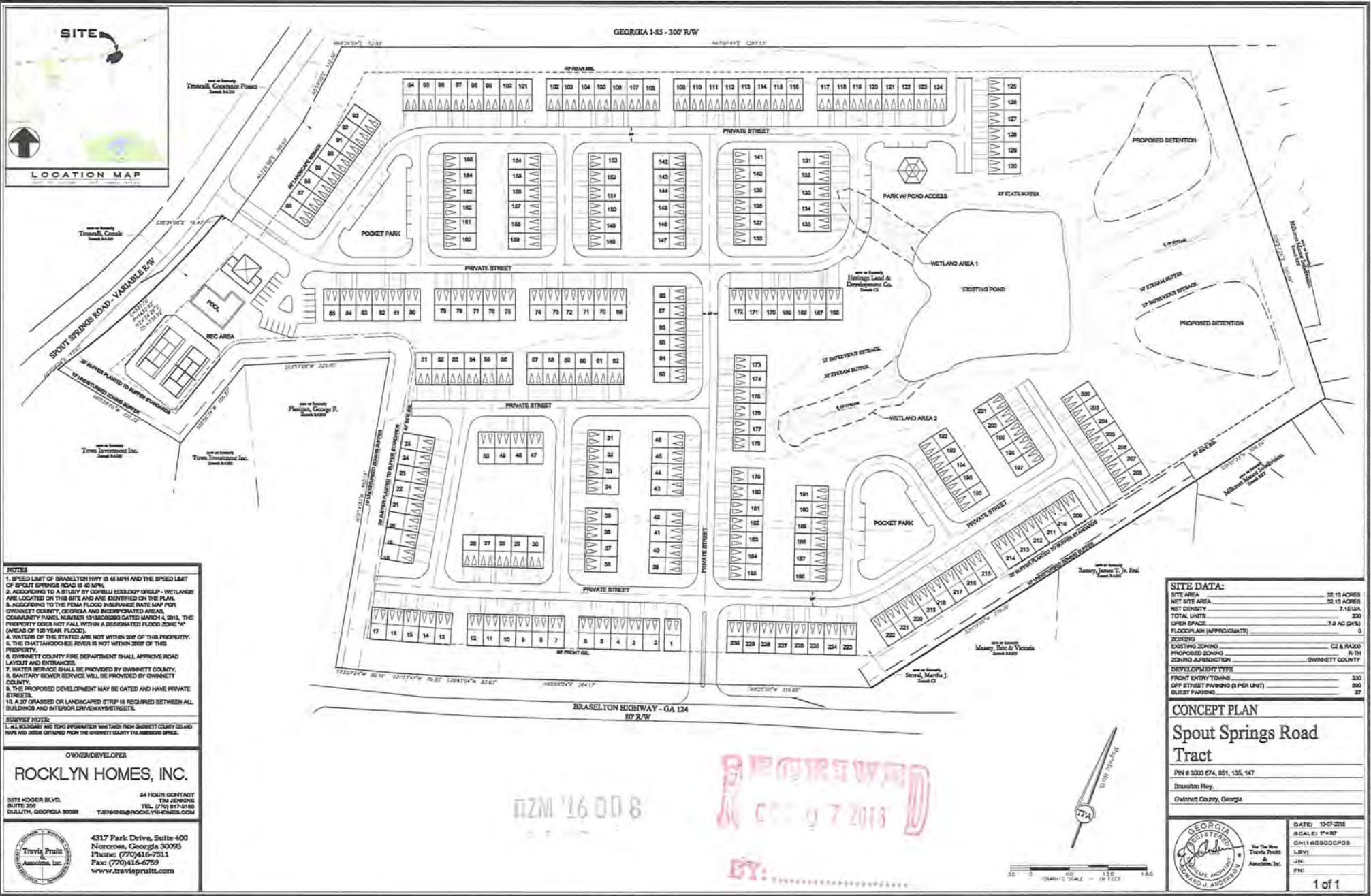
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Feet

Printed: October 11, 2016



**NOTES**

1. SPEED LIMIT OF BRASELTON HWY IS 45 MPH AND THE SPEED LIMIT OF SPOUT SPRINGS ROAD IS 40 MPH.
2. ACCORDING TO A STUDY BY CORBELL ECOLOGY GROUP - WETLANDS ARE LOCATED ON THIS SITE AND ARE IDENTIFIED ON THIS PLAN.
3. ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP FOR GWINNETT COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 1315000080 DATED MARCH 4, 2015, THE PROPERTY DOES NOT FALL WITHIN A DESIGNATED FLOOD ZONE "V" (AREAS OF 100 YEAR FLOOD).
4. WATERS OF THE STATE ARE NOT WITHIN 200' OF THIS PROPERTY.
5. THE CHATTAHOOCHEE RIVER IS NOT WITHIN 200' OF THIS PROPERTY.
6. GWINNETT COUNTY FIRE DEPARTMENT SHALL APPROVE ROAD LAYOUT AND ENTRANCES.
7. WATER SERVICE SHALL BE PROVIDED BY GWINNETT COUNTY, & SANITARY SEWER SERVICE WILL BE PROVIDED BY GWINNETT COUNTY.
8. THE PROPOSED DEVELOPMENT MAY BE GATED AND HAVE PRIVATE STREETS.
9. A 20' GRASSSED OR LANDSCAPED STRIP IS REQUIRED BETWEEN ALL BUILDINGS AND INTERIOR DRIVEWAYS/STREETS.

**UTILITY NOTES:**

1. ALL BOUNDARY AND TOWN INFORMATION WAS TAKEN FROM GWINNETT COUNTY GIS AND MAPS AND ARE SUBJECT TO CHANGE FROM THE GWINNETT COUNTY THE SERVICE OFFICE.

OWNERS/DEVELOPER  
**ROCKLYN HOMES, INC.**

3579 HOOPER BLVD. SUITE 205  
 DULUTH, GEORGIA 30098  
 TEL: (770) 817-8185  
 TJENKINS@ROCKLYNHOMES.COM

24 HOUR CONTACT  
 4317 Park Drive, Suite 400  
 Norcross, Georgia 30095  
 PHONES: (770) 416-7911  
 FAX: (770) 416-6759  
 www.travisprutt.com



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**SITE DATA:**

SITE AREA	32.13 ACRES
NET SITE AREA	32.13 ACRES
NET DENSITY	7.15 U/A
TOTAL UNITS	230
OPEN SPACE	7.9 AC (24%)
FLOODPLAIN (APPROXIMATE)	0
ZONING	CS & RA200
PROPOSED ZONING	R-7H
ZONING JURISDICTION	GWINNETT COUNTY
DEVELOPMENT TYPE	
FRONT ENTRY TOWNSHIP	230
OFF STREET PARKING (PER UNIT)	200
GUEST PARKING	27

**CONCEPT PLAN**  
**Spout Springs Road Tract**  
 PIN # 3003 074, 051, 135, 147  
 Braselton Hwy.  
 Gwinnett County, Georgia

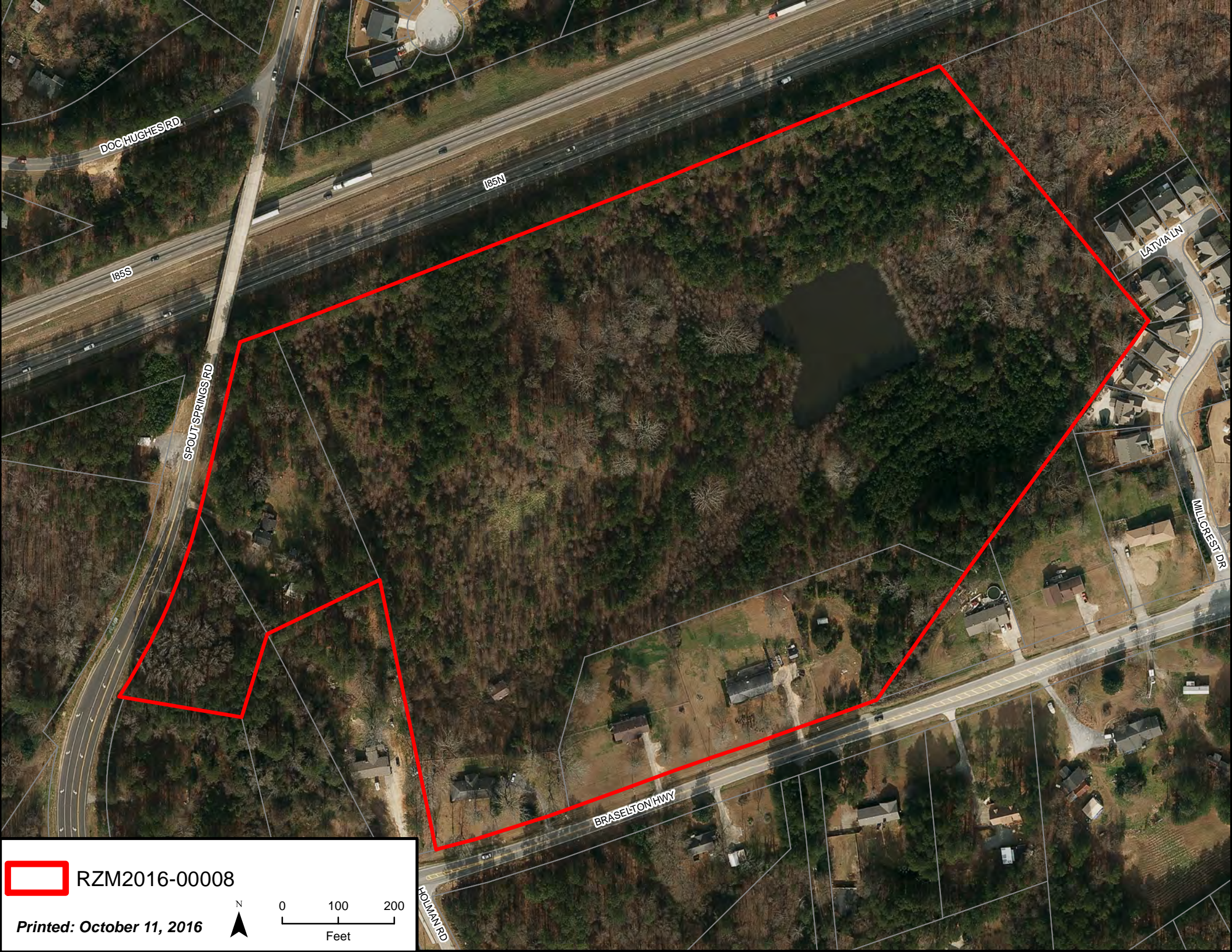
DATE: 10-07-2016  
 SCALE: 1"=40'  
 GHI1603000105  
 JEN: [Signature]  
 TPN: [Signature]

GEORGIA REGISTERED PROFESSIONAL ENGINEER  
 TRAVIS PRUTT  
 10000 WOODBRIDGE DRIVE  
 NORCROSS, GA 30095  
 TEL: (770) 416-7911  
 FAX: (770) 416-6759  
 www.travisprutt.com

DATE: 10-07-2016  
 SCALE: 1"=40'  
 GHI1603000105  
 JEN: [Signature]  
 TPN: [Signature]

1 of 1





DOC HUGHES RD

185S

SPOUT SPRINGS RD


185N

BRASELTON HWY

LATVIA LN

MILCREST DR

HOLMAN RD

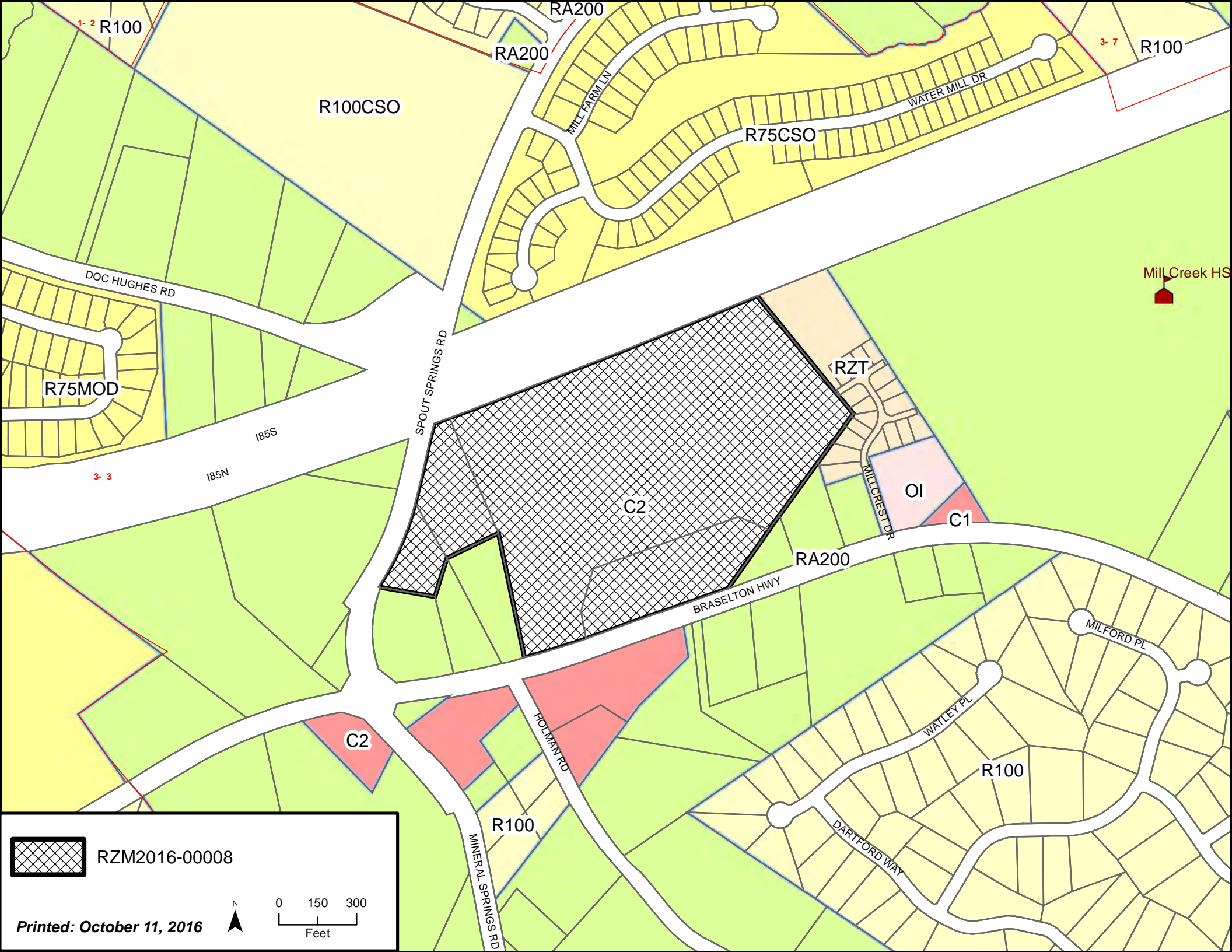
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Feet





1-2 R100

RA200

3-7 R100

R100CSO

R75CSO

DOC HUGHES RD

R75MOD

185S

185N

3-3

SPOUT SPRINGS RD

C2

RZT

OI

C1

Mill Creek HS

RA200

BRASELTON HWY

MILFORD PL

C2

HOLMAN RD

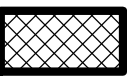
WAYLEY PL

R100

R100

MINERAL SPRINGS RD

DARTFORD WAY



RZM2016-00008



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Feet

Printed: October 11, 2016

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

CASE NUMBER :**RZC2017-00003**  
ZONING CHANGE :RL TO O-I  
LOCATION :1700 BLOCK OF BUFORD DAM ROAD  
:6300 BLOCK OF OLD SHADBURN FERRY ROAD  
:6500 BLOCK OF OLD GARRETT ROAD  
MAP NUMBERS :R7362 030 & 031  
ACREAGE :16.39 ACRES  
SQUARE FEET :13,920 SQUARE FEET  
PROPOSED DEVELOPMENT :CLUB, LODGE, OR FRATERNAL ORGANIZATION  
COMMISSION DISTRICT :(4) HEARD

CASE NUMBER :**SUP2017-00003**  
ZONING :O-I (PROPOSED)  
LOCATION :1700 BLOCK OF BUFORD DAM ROAD  
:6300 BLOCK OF OLD SHADBURN FERRY ROAD  
:6500 BLOCK OF OLD GARRETT ROAD  
MAP NUMBERS :R7362 030 & 031  
ACREAGE :16.39 ACRES  
SQUARE FEET :13,920 SQUARE FEET  
PROPOSED DEVELOPMENT :CLUB, LODGE, OR FRATERNAL ORGANIZATION  
COMMISSION DISTRICT :(4) HEARD

FUTURE DEVELOPMENT MAP: **CHATTAHOOCHEE RIVER CHARACTER AREA**

APPLICANT: BUFORD AMERICAN LEGION POST 127  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

CONTACT: MITCH PEEVY                      PHONE: 770.614.6511

OWNER: I H KENNEDY GROUP LLC & STELLA MOONEY  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests to rezone a 16.39-acre two parcel assemblage from RL (Lakeside Residence District) to O-I (Office-Institutional District), along with a Special Use Permit, to allow for the development and establishment of an American Legion lodge. The properties are

located on the north side of Buford Dam Road, between Old Garrett Road and Old Shadburn Ferry Road. The two subject parcels are currently undeveloped, with some wooded areas, a stream going through the rear of the property and direct access to Lake Lanier. The Gwinnett County Shoal Creek Filter Plant is located across the street (1667 Buford Dam Road).

According to the applicant, the main property (R7362 031) would be developed for use by the Buford American Legion organization. The applicant made note that the property may be used for camping and other outdoor recreational activities, which are uses that are not permitted in the O-I zoning district. The site would be developed with a 13,920 square foot building less than 35 feet in height. A total of 100 paved parking spaces are proposed for the site, located on an area between the road and the proposed new building, with an additional 28 future spaces designated on a graded area east of the parking lot. Access would be provided via a driveway across the second subject property (R7362 030) extending from the intersection of Old Garrett Road and Buford Dam Road. Although a portion of the property does abut Old Shadburn Ferry Road to the east, no access to this road is proposed.

A minimum 50-foot zoning buffer is required adjacent to residential zoning for the O-I zoning district. The submitted site plan indicates this required buffer would be met and landscaped. No stormwater facilities are indicated on the site plan.

#### ZONING HISTORY:

The property has been zoned RL since 1970.

#### 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:

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 Buford Dam Road and Old Shadburn Ferry Road.

Provide a 50-foot natural, undisturbed buffer adjacent to residential 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 detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

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

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

#### STORMWATER REVIEW SECTION COMMENTS:

This property appears to have stream buffers and floodplain. All stormwater best management practices will be applicable upon development permit issuance.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Buford Dam 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.

Old Garret Road is a Local Residential Street and 25 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.

Dedicate at no cost to Gwinnett County Department of Transportation (D.O.T.) the necessary right-of-way and easements for the construction of transportation improvement projects based on plans on file with the Gwinnett County D.O.T.

The developer shall be limited to one curb cut.

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

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

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

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

Upgrade the existing substandard Old Garrett Road to meet current Gwinnett County roadway standards and upgrade the existing Traffic Signal.

#### 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 Buford Dam 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 2,509 feet south of parcel R7362 031 on parcel R7531 029.

The subject development is located within the Level 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 comments.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

#### DEPARTMENT ANALYSIS:

The subject property contains a 16.39-acre two parcel assemblage located on the north side of Buford Dam Road, between Old Garrett Road and Old Shadburn Ferry Road. The subject parcels are currently undeveloped, with some wooded areas and direct access to Lake Lanier.

The 2030 Unified Plan Future Development Map indicates that the property is located within the Chattahoochee River Character Area. The Unified Plan designates this area to remain predominantly residential with future development to be implemented in more environmentally sensitive ways. As there are retail and commercial services in the neighboring cities, this Character Area notes there is little need to locate any retail or commercial beyond the corner store variety within this area. Despite the proposed institutional use of a lodge, which is not normally considered a retail or commercial use, the proposed office-institutional zoning may be inconsistent with the intent of the plan to restrict non-residential uses in the area. Additionally, the introduction of a large building with large parking areas could be inconsistent with the Character Area recommendation of low impact development.

The surrounding area is characterized by low-density residential homes on acreage and in subdivisions. On the north side of Buford Dam Road on either side of the property are properties zoned RL, with the Quillian Tuggle subdivision located to the east across Old Shadburn Ferry Road. To the north is property owned by the Army Corp of Engineers as part of their Lake Lanier operations. On the south side of Buford Dam Road, the properties are all zoned R-100 (Single-Family Residence District), which includes the Shoal Creek Filter Plant operated by the Gwinnett County Department of Water Resources. The proposed O-I zoning may not be appropriate at this location as it would be only property with this zoning designation in the area. While the topography of the site does allow any development of the property to be screened from view, the anticipated use of the site may not be considered in alignment with the surrounding uses or preservation of environmental character.

In conclusion, the approval of the O-I zoning district and Special Use Permit for a club, lodge or fraternal organization may not be consistent with the 2030 Unified Plan policies or the Future Development Map's Chattahoochee River Character Area that encourages compatibility with existing land uses and zoning. Furthermore, the introduction of the O-I zoning district in an established residential area may negatively affect the quality of life for adjoining properties and sensitive environmental resources. Therefore, the Department recommends **DENIAL** of these requests.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS  
RZC2017-00003

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

Approval as O-I (Office-Institutional District) subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Office-Institutional use, which may include a club, lodge and fraternal organization as a special use per SUP2017-00003.
  - B. Buildings shall be of a traditional residential style, compatible with the homes in the surrounding area and shall be of a brick, stacked stone and/or glass finish on all sides. Final building elevations shall be submitted for review by the Director of Planning and Development.
2. To satisfy the following site development considerations:
  - A. Natural vegetation shall remain on the property until the issuance of a development permit.
  - B. Exit/entrance design and location shall be subject to review and approval of the Gwinnett County Department of Transportation. No curb cuts are permitted along Old Shadburn Ferry Road.
  - C. Ground signage shall be limited to one monument-type sign, and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials. Ground sign shall not exceed six feet in height, and shall not be internally-illuminated.
  - D. Billboards or oversized signs shall be prohibited.
  - E. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
  - F. Outdoor storage shall be prohibited.



- G. 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.
  - H. Lights 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 right-of-way.
  - I. Outdoor loudspeakers shall be prohibited.
  - J. Peddlers and/or parking lot sales shall be prohibited.
  - K. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
3. To abide by the following requirements, dedications and improvements:
- A. Developer shall upgrade the existing substandard Old Garrett Road to meet current Gwinnett County roadway standards and upgrade the existing Traffic Signal at Buford Dam Road.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS  
SUP2017-00003

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

Approval of Special Use Permit for a club, lodge or fraternal organization use is subject to the following enumerated conditions:

1. Approval of a club, lodge or fraternal organization as a special use.
2. No shooting ranges, archery ranges or similar outdoor recreational facilities shall be permitted.
3. No camping or similar outdoor recreational activities shall be permitted.
4. Abide by all applicable conditions of RZC2017-00003

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The subject property is located along a segment of Buford Dam Road that is characterized primarily by residential uses. Staff believes that the proposed office-institutional zoning and intense land use could be unsuitable at this location.

ADVERSE IMPACTS

Approval of the requested office-institutional zoning and use could have an adverse impact on adjacent and nearby properties through increased noise, traffic, and other impacts related to institutional uses.

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 recommends low-density residential land uses in the Chattahoochee River Character Area that encourage the protection of water quality and environmentally unique character of the area. The proposed office-institutional land use and development may not be consistent with policies of this Character Area as a non-residential use surrounded by existing and protected residential properties and disruptive to the existing environmental character.

CONDITIONS AFFECTING ZONING

There are no other office-institutional zonings or developments along this portion of Buford Dam Road, and staff does not support the introduction of a non-residential zoning district into an area surrounded by residential zoning and uses.

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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

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

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

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

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

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

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

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE 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 LAND USE PLAN STATES THE PROPERTY IS IN THE CHATTAHOOCHEE RIVER AREA.

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

SEE LETTER OF INTENT.

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RZC '17 003

Planning & Development

## REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Buford American Legion Post 127, requests a rezoning from R-L to O-I with a special use to allow a club/lodge to be built on the property. The subject property totals 16.39 acres and is located on Buford Dam Road with the entrance planned to be at the traffic light across from the Gwinnett County water plant. The applicant proposes to build a 13,920 square foot facility which equates to only 849 square feet per acre. No buffer reductions are proposed and since this is not a commercial venture the building will be somewhat screened from view along its frontage on Buford Dam Road. The planned location of the building itself will be about 10 feet below the road level of Buford Dam road and with the height of the building being less than 35 the building will be difficult to see.

The Legion has had a long history of giving back to the North Gwinnett community by building and establishing the youth baseball fields in Buford to providing both financial and emotional support to veterans in the area. However, the current location has now been surrounded by the ever expanding Buford School system so it is time for them to move to another location. There will be no outside activities other than fishing and telling tall tales at the existing dock and the boy scouts will be allowed to camp out on the property and utilize the dock area as well. NO OTHER OUTSIDE activities will be allowed as all meetings and social activities will be held inside the building.

The location will allow the Legion to continue to support veterans and their families in the North Gwinnett area as well as continue their support of youth activities.

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RZC '17 003



DENNIS L. NORTON  
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 Dunwoody, Georgia 30022  
 PHONE: (478) 462-5253  
 dnorton@dnortonarch.com

24 HR. CONTACT:  
 Mr. Tony Zavitz  
 (770) 957-8866

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 of Dennis L. Norton

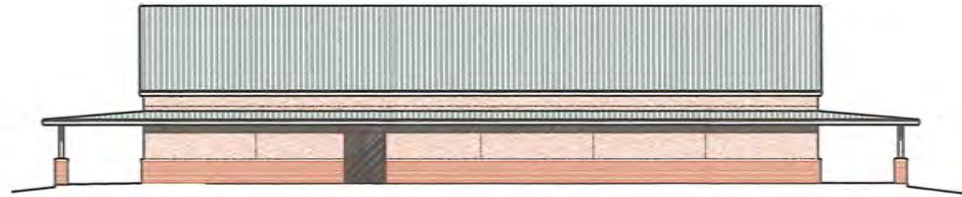


**ENTRY LEVEL FLOOR PLAN**  
**AMERICAN LEGION POST 87**  
 16444 Dora Road & Old Shawnee Ferry Road  
 DUFOR, GWINNETT COUNTY, GEORGIA

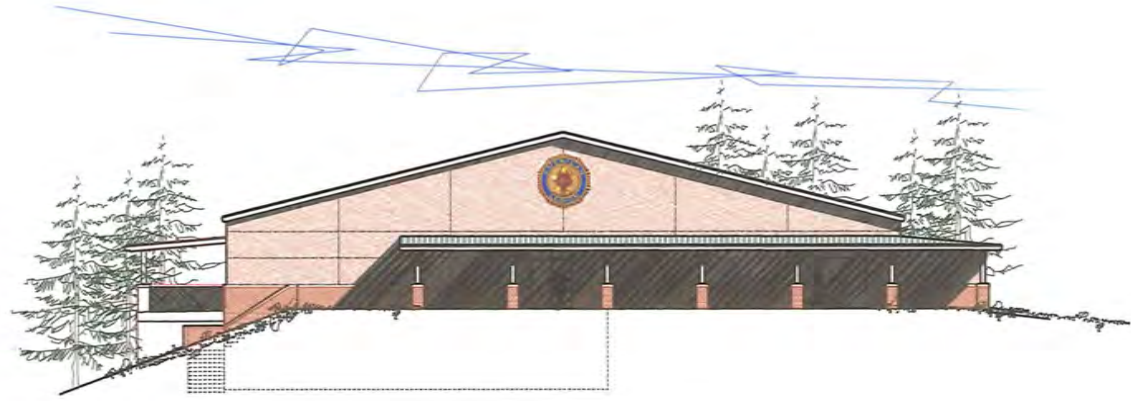
NO.	DESCRIPTION	DATE

PROJECT NUMBER  
 00000  
 DESCRIPTION  
 FLOOR PLAN  
 DRAWING NUMBER

**A-2**



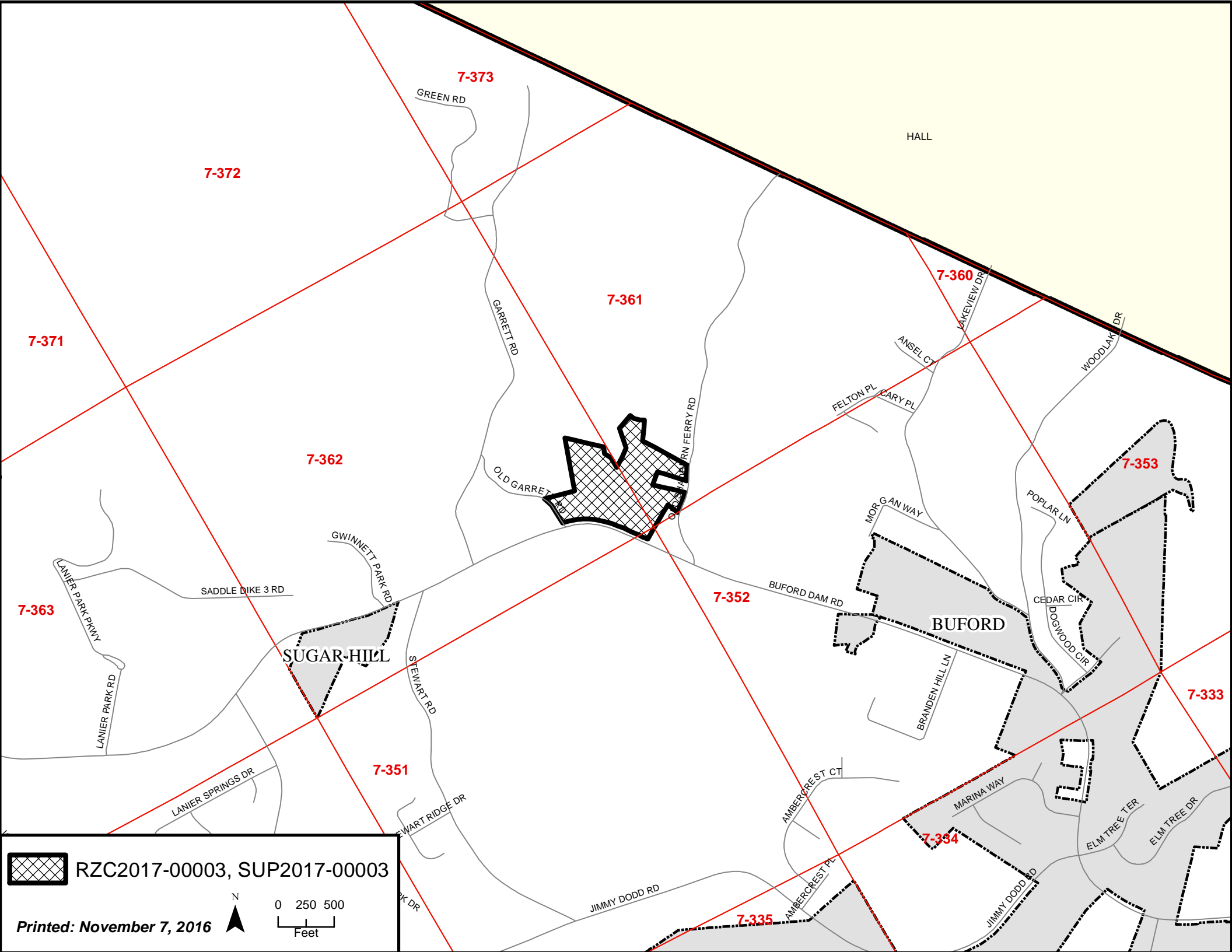
① **EAST ELEVATION**  
 1/8" = 1'-0"  
 SCALE IN FEET





① **SOUTH ELEVATION**  
 1/8" = 1'-0"  
 SCALE IN FEET

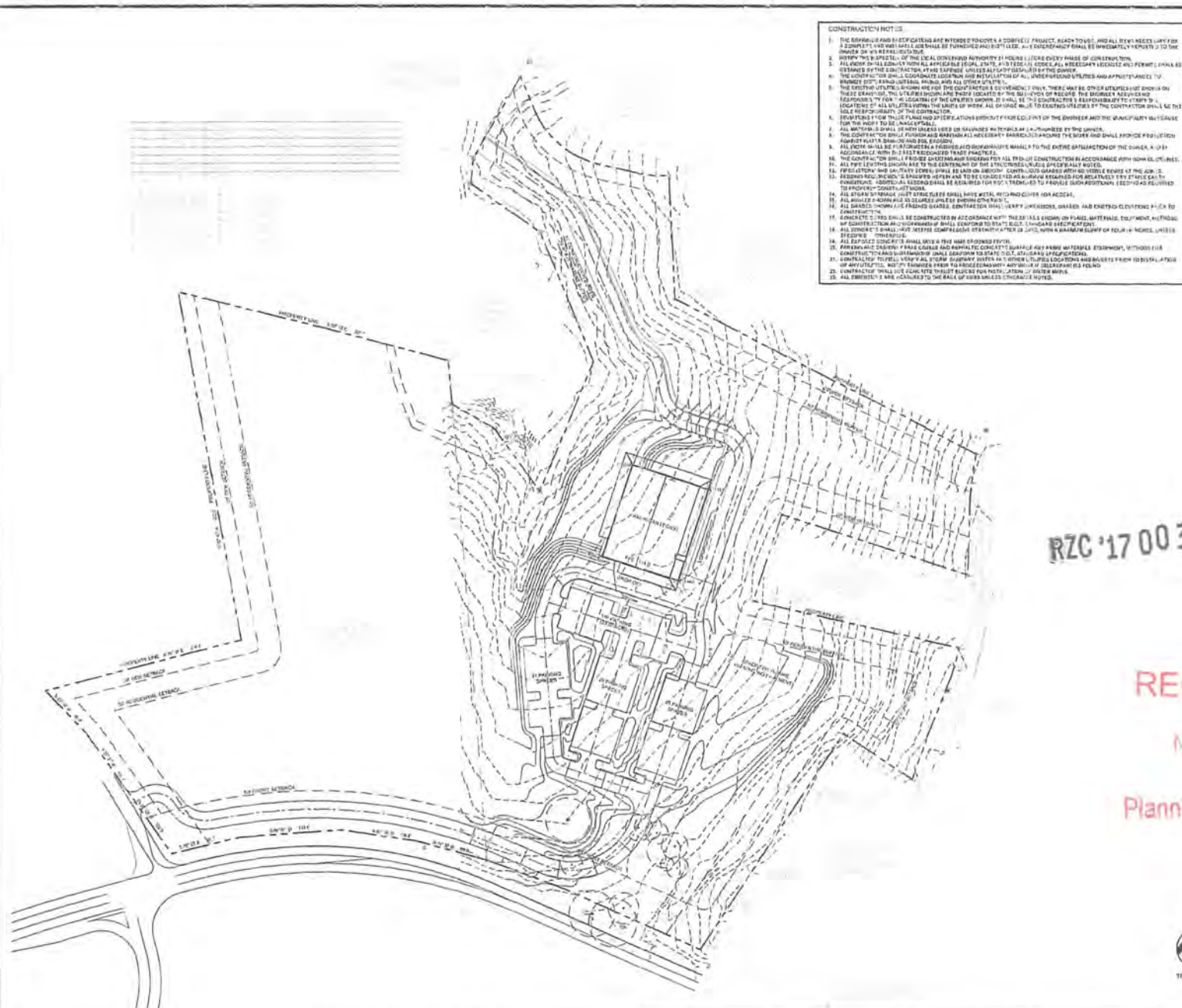
RZC '17 003

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 NOV 03 2016  
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 RZC2017-00003, SUP2017-00003

Printed: November 7, 2016  0 250 500 Feet



- CONSTRUCTION NOTES:**
1. THE APPROVAL AND SPECIFICATIONS ARE INTENDED TO COVER A COMPLETE PROJECT, READY TO BE BUILT, AND ALL ITEMS NEEDS LISTED FOR A COMPLETE AND FULLY COMPLETED PROJECT. ANY DISCREPANCY SHALL BE IMMEDIATELY REPORTED TO THE OWNER OR HIS REPRESENTATIVE.
  2. NOTIFY THE SUPERVISOR OF THE LOCAL GOVERNING AUTHORITY 24 HOURS PRIOR TO THE START OF CONSTRUCTION.
  3. ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL CODES, ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS OWNERS RISK. UNLESS OTHERWISE SPECIFIED BY THE OWNER.
  4. THE CONTRACTOR SHALL COORDINATE ALL UTILITIES AND INSTALLATION OF ALL UNDERGROUND UTILITIES AND APPLICANCES TO REMAIN WITHIN THE PROPOSED GRADING AND ALL OTHER UTILITIES.
  5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF ALL UTILITIES. IF ONLY THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE GRADINGS, THE CONTRACTOR SHALL LOCATE THE UTILITIES AND REPORT TO THE SUPERVISOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES WITHIN THE LIMITS OF WORK. ALL UTILITIES TO BE CONSTRUCTED BY THE CONTRACTOR SHALL BE THE CONTRACTOR'S RESPONSIBILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF UTILITIES WITHIN THE LIMITS OF THE OWNER AND THE MUNICIPALITY'S JURISDICTION FOR THE PROJECT.
  6. ALL MATERIALS SHALL BE STORED IN A CLEAN AND DRY AREA AS SPECIFIED BY THE OWNER.
  7. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY EASEMENTS AND RIGHTS OF WAY AND SHALL PROVIDE PROTECTION AGAINST PLANT DAMAGE AND SOIL EROSION.
  8. ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL CODES, ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS OWNERS RISK. UNLESS OTHERWISE SPECIFIED BY THE OWNER.
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  19. ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL CODES, ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS OWNERS RISK. UNLESS OTHERWISE SPECIFIED BY THE OWNER.
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  23. ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL CODES, ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS OWNERS RISK. UNLESS OTHERWISE SPECIFIED BY THE OWNER.
  24. ALL WORK SHALL BE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL CODES, ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS OWNERS RISK. UNLESS OTHERWISE SPECIFIED BY THE OWNER.
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LOCATION MAP  
SCALE: NTS

**PROJECT NOTES:**

OWNER: [Name]  
 DESIGNER: [Name]  
 DATE: [Date]

**REVISIONS:**

NO.	DATE	DESCRIPTION
1		
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**STATIONING:**

STATIONING FOR MANAGEMENT SHALL BE IN ACCORDANCE WITH COUNTY, STATE, AND OTHER APPLICABLE ORDINANCES AND REGULATIONS IN EFFECT AT THE TIME OF CONSTRUCTION PLAN APPROVAL.

RZC '17 00 3

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REVISION BLOCK

DATE

Carter Engineering Consultants  
 1111 Main Street  
 Atlanta, GA 30301  
 Phone: 404.555.1234  
 Fax: 404.555.5678  
 www.cartereng.com

PROPOSED SITE PLAN  
 for  
 BUFORD AMERICAN LEGION  
 GWINNETT COUNTY, GEORGIA

PROJECT NAME:  
**BUFORD AMERICAN LEGION**

SHEET TITLE:  
**PROPOSED GRADING PLAN**

SHEET NUMBER:  
**C-3**

PROJECT NUMBER:  
**16001BAL**

DATE:  
**10/27/16**



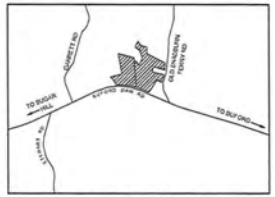
US ARMY CORPS OF ENGINEERS  
TAK PARCEL # 8708110  
ZONING: M

CURVE	CHORD	ARC LENGTH	CHORD BEARING	CHORD BEARING
1	144.22	112.17	123.17	123.17
2	175.48	113.97	118.97	118.97
3	112.23	88.67	96.86	96.86
4	186.42	121.21	121.21	121.21
5	242.42	154.68	154.68	154.68
6	304.74	174.68	174.68	174.68
7	370.00	214.19	214.19	214.19

LINE	BEARING	DISTANCE
1	N 13.53° E	179.19
2	N 08.01° E	31.00
3	S 20.12° E	43.99
4	S 03.27° E	38.19
5	S 1.88° E	15.19
6	S 22.00° W	31.82
7	S 21.50° W	43.10

- CONSTRUCTION NOTES:**
1. THE DRAWINGS AND SPECIFICATIONS ARE INTENDED TO COVER A COMPLETE PROJECT, READY TO USE, AND ALL ITEMS NECESSARY FOR A COMPLETE AND WORKABLE JOB SHALL BE FURNISHED AND INSTALLED. ANY DISCREPANCY SHALL BE IMMEDIATELY REPORTED TO THE OWNER OR HIS REPRESENTATIVE.
  2. NOTIFY THE INSPECTOR OF THE LOCAL GOVERNING AUTHORITY 24 HOURS BEFORE EVERY PHASE OF CONSTRUCTION.
  3. ALL WORK SHALL COMPLY WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES. ALL NECESSARY LICENSES AND PERMITS SHALL BE OBTAINED BY THE CONTRACTOR, AT HIS EXPENSE, UNLESS OTHERWISE NOTED BY THE OWNER.
  4. THE CONTRACTOR SHALL COORDINATE LOCATION AND INSTALLATION OF ALL UNDERGROUND UTILITIES AND APPURTENANCES TO MINIMIZE DISTURBING CURBING, TRAVEL AND ALL OTHER UTILITIES.
  5. THE EXISTING UTILITIES SHOWN ARE FOR THE CONTRACTOR'S INFORMATION ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE DRAWINGS. THE UTILITIES SHOWN ARE LOCATED BY THE SURVEYOR OF RECORD. THE ENGINEER ASSURES NO RESPONSIBILITY FOR THE LOCATION OF UTILITIES SHOWN ON ALL DRAWINGS. THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES WITHIN THE LIMITS OF WORK. ALL CHANGES TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
  6. DEVIATIONS FROM THESE PLANS AND SPECIFICATIONS WITHOUT PRIOR CONSENT OF THE ENGINEER AND THE MUNICIPALITY MAY CAUSE FOR THE WORK TO BE UNACCEPTABLE.
  7. ALL MATERIALS SHALL BE NEW UNLESS NOTED OR SALVAGED MATERIALS ARE AUTHORIZED BY THE OWNER.
  8. THE CONTRACTOR SHALL FURNISH AND MAINTAIN ALL NECESSARY BARRICADES AROUND THE WORK AND SHALL PROVIDE PROTECTION AGAINST WATER DAMAGE AND SOIL EROSION.
  9. ALL WORK SHALL BE PERFORMED IN A NEAT AND WORKMANLIKE MANNER TO THE ENTIRE SATISFACTION OF THE OWNER, AND IN ACCORDANCE WITH THE BEST RECOGNIZED TRADE PRACTICES.
  10. THE CONTRACTOR SHALL PROVIDE SAFETY AND SIGNALING FOR ALL FRENCH CONSTRUCTION IN ACCORDANCE WITH OSHA STANDARDS.
  11. ALL PIPE LENGTHS SHOWN ARE TO THE CENTERLINE OF THE STRUCTURES UNLESS SPECIFICALLY NOTED.
  12. RISES (STORM AND SANITARY REDESIGN) SHALL BE LAID ON GRADE. CONTRIBUTE GRADES WITH NO VISIBLE BENCH AT THE DEPTH. BEHIND REQUIREMENTS SPECIFIED HEREIN ARE TO BE CONSIDERED AS MINIMUM REQUIREMENTS FOR RELATIVELY DRY STABLE EARTH CONDITIONS. ADDITIONAL BENCHING SHALL BE REQUIRED FOR ROCK FRENCHES TO PROVIDE SUCH ADDITIONAL BENCHING AS REQUIRED TO PROPERLY CONSTRUCT WORK.
  13. ALL STORM DRAINAGE STRUCTURES SHALL HAVE METAL RING AND COVER FOR ACCESS.
  14. ALL ANGLES SHOWN ARE 90 DEGREES UNLESS SHOWN OTHERWISE.
  15. ALL GRADES SHOWN ARE FINISHED GRADES. CONTRACTOR SHALL VERIFY DIMENSIONS, GRADES, AND EXISTING ELEVATIONS PRIOR TO CONSTRUCTION.
  16. ALL CONCRETE SHALL HAVE 3000 PSI COMPRESSIVE STRENGTH AT 28 DAYS, WITH A MAXIMUM SLURRY OF FOUR (4) INCHES, UNLESS SPECIFIED OTHERWISE.
  17. FINISHED AND UNFINISHED BASE COURSE AND ASPHALT CONCRETE SURFACES AND PRIME MATERIALS, EQUIPMENT, METHODS FOR CONSTRUCTION AND WORKMANSHIP SHALL CONFORM TO STATE D.O.T. STANDARD SPECIFICATIONS.
  18. ALL CONCRETE SHALL HAVE 3000 PSI COMPRESSIVE STRENGTH AT 28 DAYS, WITH A MAXIMUM SLURRY OF FOUR (4) INCHES, UNLESS SPECIFIED OTHERWISE.
  19. ALL FINISHED CONCRETE SHALL HAVE A FINE FINISH BROOKED FINISH.
  20. FINISHED AND UNFINISHED BASE COURSE AND ASPHALT CONCRETE SURFACES AND PRIME MATERIALS, EQUIPMENT, METHODS FOR CONSTRUCTION AND WORKMANSHIP SHALL CONFORM TO STATE D.O.T. STANDARD SPECIFICATIONS.
  21. CONSTRUCTION TO BE KEPT NEAT, ALL EXCESS SANITARY WATER AND OTHER UTILITIES LOCATIONS AND WASTES FROM INSTALLATION OF ANY UTILITIES, NOTIFY ENGINEER PRIOR TO PROCEEDING WITH ANY WORK. IF DISCREPANCIES FOUND CONTRACTOR SHALL USE CONCRETE TO BE LAID FOR INSTALLATION OF WATER MAINS.
  22. ALL DIMENSIONS ARE MEASURED TO THE BACK OF CURB UNLESS OTHERWISE NOTED.



LOCATION MAP  
SCALE: NTS

**PROJECT NOTES:**

OWNER: DEVELOPER  
 3675 Main 160 Road  
 Buford, GA 30518  
 Contact: Tom Jones  
 Tel: 770-272-1234  
 Email: tom@jones.com

DESIGNER:  
 Carter Engineering Consultants, Inc.  
 3675 Main 160 Road  
 Buford, GA 30518  
 Contact: Tom Jones  
 Tel: 770-272-1234  
 Email: tom@jones.com

PROJECT NO: 17-003  
 DATE: 10/27/16

REVISIONS:  
 1. 10/27/16: Initial Design  
 2. 11/03/16: Final Design



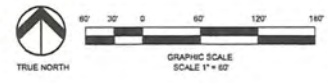
Carter Engineering Consultants, Inc.  
 3675 Main 160 Road  
 Buford, GA 30518  
 Tel: 770-272-1234  
 Email: tom@jones.com

STORMWATER MANAGEMENT SHALL BE IN ACCORDANCE WITH COUNTY, STATE, AND OTHER APPROPRIATE ORDINANCES AND REGULATIONS IN EFFECT AT TIME OF CONSTRUCTION PLAN APPROVAL.

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 NOV 03 2016  
 Planning & Development

**PARKING DATA:**

Standard Parking Requirement	1000
Building Square Footage	11,000
REQUIRED PARKING	75
PARKING SPACES PROVIDED	100
TOTAL PARKING SPACES	100



PROPOSED SITE PLAN  
 for  
 BUFORD AMERICAN LEGION  
 GWINNETT COUNTY, GEORGIA

PROJECT NAME:  
 BUFORD AMERICAN LEGION

SHEET TITLE:  
 PROPOSED SITE PLAN

SHEET NUMBER:  
 C-2

PROJECT NUMBER:  
 16001BAL

DATE:  
 10/27/16


RZC '17 003



OLD GARRETT RD

BUFORD DAM RD

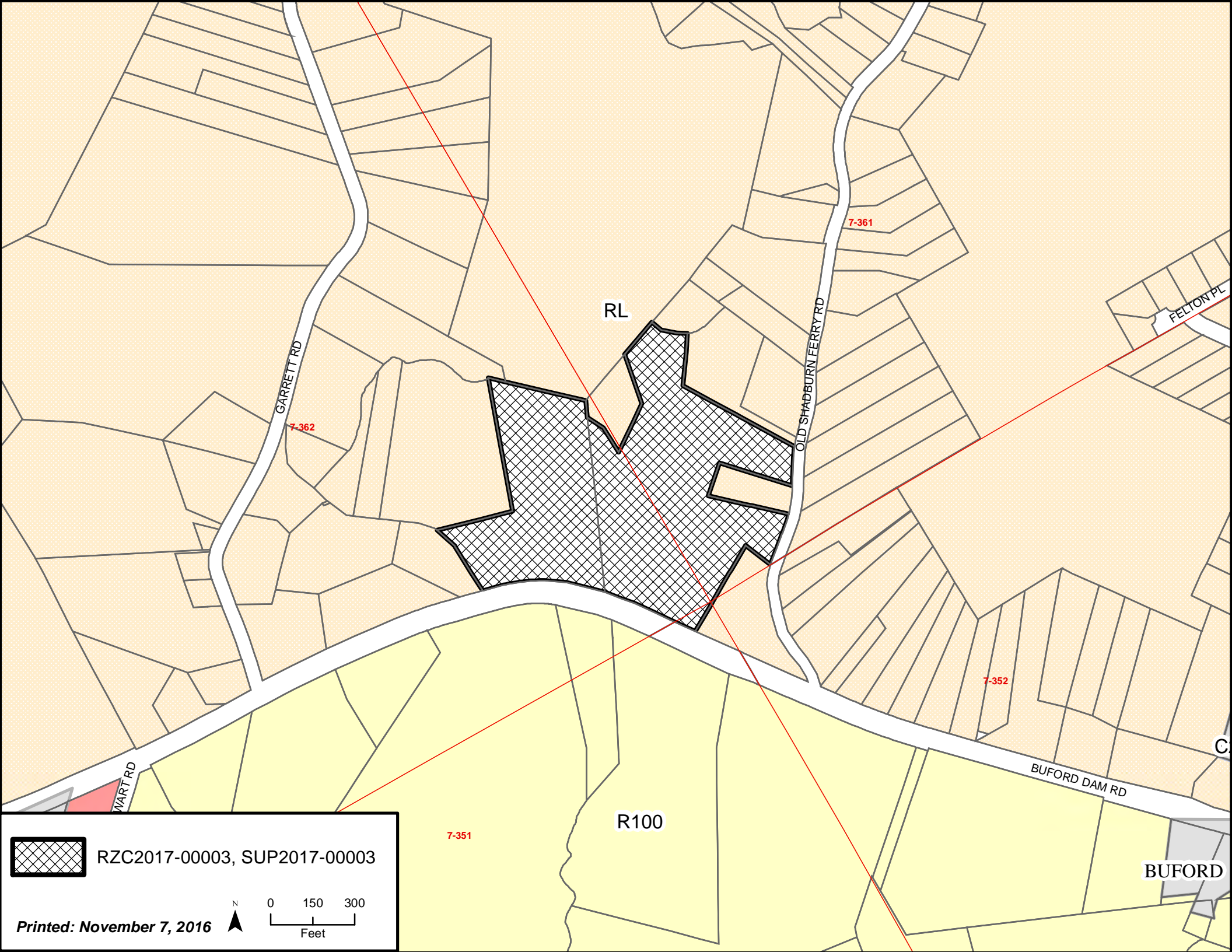
OLD SHADBURN FERRY RD

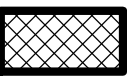
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Printed: November 7, 2016

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0 50 100  
Feet



 RZC2017-00003, SUP2017-00003

Printed: November 7, 2016  0 150 300 Feet

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

CASE NUMBER :**RZC2017-00005**  
ZONING CHANGE :R-100 TO O-1  
LOCATION :1200 BLOCK OF OAK ROAD  
MAP NUMBER :R6086 010  
ACREAGE :1.41 ACRES  
SQUARE FEET :7,920 SQUARE FEET  
PROPOSED DEVELOPMENT :MONTESSORI SCHOOL (BUFFER REDUCTION)  
COMMISSION DISTRICT :(2) HOWARD

CASE NUMBER :**SUP2017-00005**  
ZONING :O-1 (PROPOSED)  
LOCATION :1200 BLOCK OF OAK ROAD  
MAP NUMBER :R6086 010  
ACREAGE :1.41 ACRES  
SQUARE FEET :7,920 SQUARE FEET  
PROPOSED DEVELOPMENT :MONTESSORI SCHOOL (BUFFER REDUCTION)  
COMMISSION DISTRICT :(2) HOWARD

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

APPLICANT: AZIZ CHARANIA  
4464 NEWPORT VIEW COURT  
LILBURN, GA 30047

CONTACT: AZIZ CHARANIA PHONE: 678.754.1879

OWNER: AZIZ CHARANIA  
4464 NEWPORT VIEW COURT  
LILBURN, GA 30047

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant is requesting rezoning from R-100 (Single Family Residence District) to O-1 (Office-Institutional) with a Special Use Permit in order to develop a 7,920-square foot Montessori school. The subject parcel contains 1.41 acres on the west side of Oak Road near the entrance to the Brookwood Oaks subdivision, south of Five Forks Trickum Road. The property is vacant and mostly wooded.

According to correspondence with the applicant, the school will serve children aged 18 months to 6.5 years old for a total of 80 students. The submitted site plan indicates one access point on Oak Road, to be aligned across with Winding Way. The site is directly adjacent to property owned by the Brookwood Oaks Homeowners Association on the south and west as part of the open space requirement for an R-100 CSO (Conservation Subdivision

Overlay District) subdivision. That property consists of a 40 to 50-foot wide strip located between Brookwood Oak Lane and subject site. Typically, 50-foot wide buffers are required between O-I zoning and R-100 CSO and R-100 zoning; however, according to correspondence with the applicant, the site plan is showing buffers ranging from 20 to 40 feet. Twenty parking spaces are indicated on the site plan, which meets the minimum requirement. No stormwater detention facility is shown on the site plan.

**ZONING HISTORY:**

The subject property has been zoned R-100 (Single-Family Residence District) since 1970.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**OPEN SPACE AND GREENWAY MASTER PLAN:**

No comment.

**DEVELOPMENT REVIEW SECTION COMMENTS:**

The Buffer, Landscape and Tree Protection 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 Oak Road and Brookwood Oak Lane.

Provide a 50-foot natural, undisturbed buffer adjacent to R-100 and R-100 CSO 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 detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

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

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

The developer must submit a final plat for review and approval of the development division prior to submittal and acceptance of a development permit application.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Oak 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.

Brookwood Oak Lane is a Local Residential Street and 25 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 developer shall be limited to one curb cut.

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

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

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

Project must comply with Gwinnett County D.O.T. Criteria and Guidelines for left turn lanes.

Driveway acceleration lane is not allowed under current Unified Development Ordinance standards.

Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact 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.

**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 ten-inch water main located on the southwest right-of-way of Oak 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 24 feet south of parcel R6086 010 and parcel R6086 304.

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 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. 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 parcel contains 1.41 acres on the west side of Oak Road near the entrance to the Brookwood Oaks subdivision, south of Five Forks Trickum Road. The property is vacant and heavily wooded.

The 2030 Unified Plan Future Development Map identifies the property as lying within an Existing/Emerging Suburban Character Area. Rezoning the property to O-I (Office-Institutional) would not be considered compatible with this Character Area designation. Policies of this area encourage neighborhood-serving institutional uses located at major intersections, provided they are adequately buffered from surrounding single family development. The O-I zoning and Special Use Permit for a Montessori school for a total of 80 students may be too large to be considered neighborhood-serving scale and could be considered inconsistent and incompatible with 2030 Unified Plan policies at this location.

The area surrounding the subject property is characterized by low-density residential uses developed primarily in R-100 and R-100 CSO zoning. Adjacent to the west is the Brookwood Oaks subdivision, zoned R-100 CSO. To the north and south are single family residences on large tracts, zoned R-100. Across Oak Road are the Five Oaks, Brookwood Laurel Plantation and Edgebrook subdivisions, all zoned and developed as R-100 single family subdivisions. In staff's opinion, the approval of O-I zoning for a private Montessori school is not compatible with the established single family residential character of the immediate area and may set a precedent for future non-residential requests along this portion of Oak Road.

In conclusion, the requested rezoning and Special Use Permit may not be appropriate in view of the well-established single family subdivisions in the immediate area and may be better suited on properties located in more non-residential settings or at major intersections. Therefore, the Department of Planning and Development recommends **DENIAL** of these requests.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval as O-I zoning with a Special Use Permit for a Montessori School, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Limited to a Montessori school pursuant to SUP2017-00005.
  - B. Buildings shall be of a traditional residential style, compatible with the homes in the surrounding area and shall be of a brick, stacked stone and/or glass finish on all sides. Final building elevations shall be submitted for review by the Director of Planning and Development.
2. To satisfy the following site development considerations:
  - A. Provide a 20-foot wide natural undisturbed buffer adjacent to all residentially-zoned properties. The buffer shall be enhanced where sparsely vegetated.
  - B. Provide a ten-foot wide landscaped strip adjacent to Oak Road.
  - C. Natural vegetation shall remain on the property until the issuance of a development permit.
  - D. Ground signage shall be limited to one monument-type sign, and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials. Ground signage shall not exceed six feet in height.
  - E. 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.
  - F. 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.

- 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. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
  - I. Outdoor storage shall be prohibited.
  - J. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
  - K. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
  - L. Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study.
3. To abide by the following requirements, dedications and improvements:
- A. Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study.
  - B. 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 Gwinnett County D.O.T. All design and construction will be subject to D.O.T. review and approval.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval as a Special Use Permit for a Montessori School, subject to the following enumerated conditions:

1. Limited to a Montessori school not to exceed 7,920 square feet and a total of 80 students.
2. The hours of operation shall be limited to 6:00 a.m. to 7:00 p.m., Monday through Friday.
3. The playground area shall be completely surrounded with a minimum four-foot high chain link fence.
4. All outdoor activities shall be supervised by an employee of the school.
5. Abide by all applicable conditions of RZC2017-00005.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed Montessori school within an established, low density single family residential area may not be suitable for the subject property.

ADVERSE IMPACTS

The proposed Montessori school may have adverse impacts on adjacent and nearby single family residential properties due to an increase in activity on the site not consistent with typical single-family residences.

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, stormwater and utility demand.

CONFORMITY WITH POLICIES

The requested O-I rezoning and Special Use Permit may be inconsistent 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. A Montessori school with 80 students may be considered an unsuitable use within a residential area, but is encouraged within more commercialized settings or at major intersections.

CONDITIONS AFFECTING ZONING

Approval of these requests could set a precedent for future non-residential rezonings and more intense land uses in the predominantly single family residential area.

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

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

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

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

Yes

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

NO

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

NO

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

NO

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

Yes

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

None

**RECEIVED BY**

**NOV 04 2016**

**Planning & Development**

## Letter of Intent

Date: Nov 3<sup>rd</sup>, 2016

I would like to build a Montessori School on the property located at 1221 Oak Road, Lilburn, GA 30047. The parcel ID is R6086 010 and consisting 3.94 acres; currently zoned R100. There is currently one SFR on the property.

I would like to divide the property in two pieces; one parcel of 1.41 acres and the other remaining 2.53 acres. The existing SFR would be on the 2.53 acres section of the property. On 1.41 acres of the property, I would like to build a Montessori School. The school building would be 7,920 sq feet.


I would like to request a reduction on the buffer on the back and on the side facing the home. Despite the request for buffer reduction the proposed building and children play area would be at least **70 feet away** from the property line of the residences on the back, due to the fact that there is a 50 foot wide undeveloped property that sits between the proposed Montessori school and SFR's in the back. **Also, the elevation of school backyard (proposed children play area) is approximately 20 to 25 feet higher than the elevation of the SFR's backyard; separated with dense trees and bushes, and therefore wouldn't cause any nuisance.**

**The closest Montessori school in each direction are located:**

**North: No Montessori School**  
**South: 6 Miles**  
**East : 3 miles**  
**West: 12 Miles**

**I think there is a need for Montessori School to serve the community in the area. I therefore, request to grant the zoning for the proposed Montessori School.**

Thanking You



---

Aziz Charania

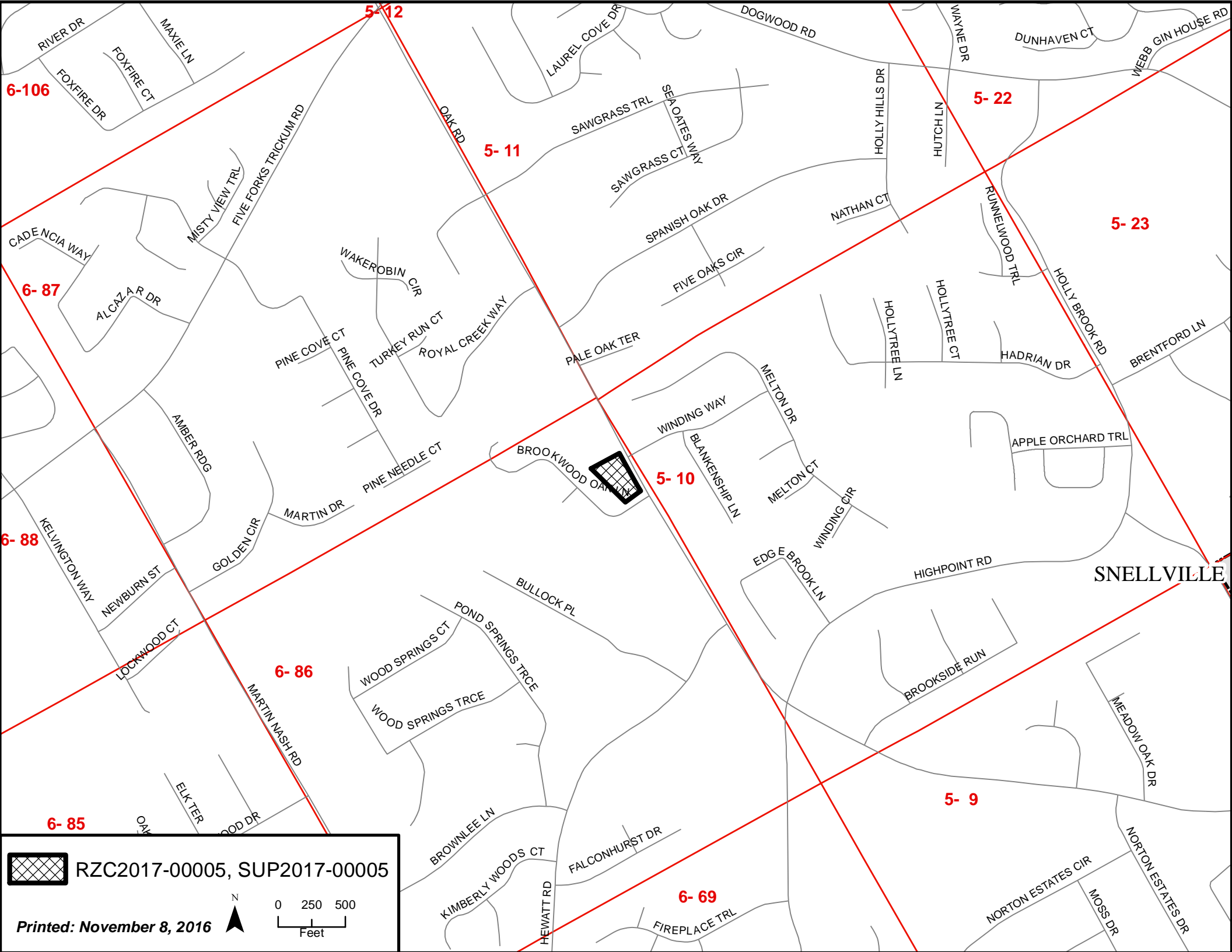
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Planning & Development

RZC2017-00005

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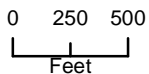
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Printed: November 8, 2016

RZC2017-00005, SUP2017-00005



SNELLVILLE

RIVER DR  
FOXFIRE CT  
MAXIELN  
FOXFIRE DR

LAUREL COVE DR

DOGWOOD RD

DUNHAVEN CT

WEBB GIN HOUSE RD

CADENCIA WAY

MISTY VIEW TRL  
FIVE FORKS TRICKUM RD

SAWGRASS TRL  
SEA OATES WAY  
SAWGRASS CT

HOLLY HILLS DR

HUTCH LN

6-87

ALCAZAR DR

WAKEROBIN CIR

SPANISH OAK DR

NATHAN CT

RUNNELLWOOD TRL

HOLLY BROOK RD

PINE COVE CT

TURKEY RUN CT

ROYAL CREEK WAY

PALE OAK TER

FIVE OAKS CIR

HOLLYTREE LN

HOLLYTREE CT

HADRIAN DR

BRENTFORD LN

AMBER RDG

PINE COVE DR

PINE NEEDLE CT

BROOKWOOD OAK LN

WINDING WAY

MELTON DR

APPLE ORCHARD TRL

MARTIN DR

GOLDEN CIR

BULLOCK PL

BLANKENSHIP LN

MELTON CT

WINDING CIR

HIGHPOINT RD

SNELLVILLE

KELINGTON WAY

NEWBURN ST

WOOD SPRINGS CT

POND SPRINGS TRCE

EDGE BROOK LN

BROOKSIDE RUN

MEADOW OAK DR

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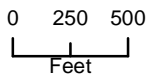
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SNELLVILLE

RZC2017-00005, SUP2017-00005



Printed: November 8, 2016

RIVER DR  
FOXFIRE CT  
MAXIELN  
FOXFIRE DR

LAUREL COVE DR

DOGWOOD RD

DUNHAVEN CT

WEBB GIN HOUSE RD

CADENCIA WAY

MISTY VIEW TRL  
FIVE FORKS TRICKUM RD

SAWGRASS TRL  
SEA OATES WAY  
SAWGRASS CT

HOLLY HILLS DR

HUTCH LN

6-87

ALCAZAR DR

WAKEROBIN CIR

SPANISH OAK DR

NATHAN CT

RUNNELLWOOD TRL

HOLLY BROOK RD

PINE COVE CT

TURKEY RUN CT

ROYAL CREEK WAY

PALE OAK TER

FIVE OAKS CIR

HOLLYTREE LN

HOLLYTREE CT

HADRIAN DR

BRENTFORD LN

AMBER RDG

PINE COVE DR

PINE NEEDLE CT

BROOKWOOD OAK LN

WINDING WAY

MELTON DR

APPLE ORCHARD TRL

MARTIN DR

GOLDEN CIR

BULLOCK PL

BLANKENSHIP LN

MELTON CT

WINDING CIR

HIGHPOINT RD

SNELLVILLE

KELINGTON WAY

NEWBURN ST

WOOD SPRINGS CT

POND SPRINGS TRCE

EDGE BROOK LN

BROOKSIDE RUN

MEADOW OAK DR

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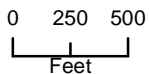
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SNELLVILLE

RZC2017-00005, SUP2017-00005



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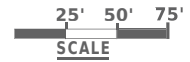
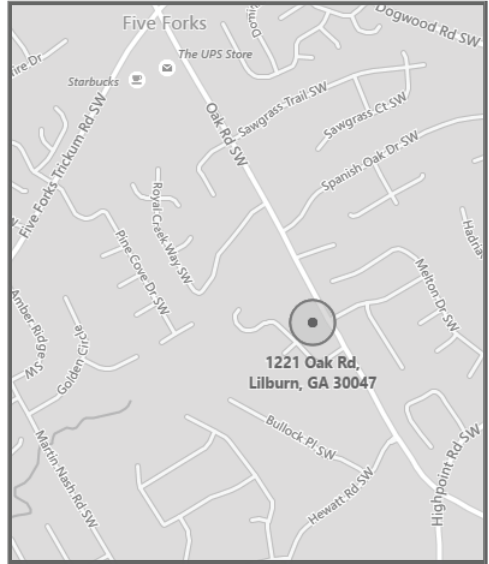


**SITE INFORMATION**

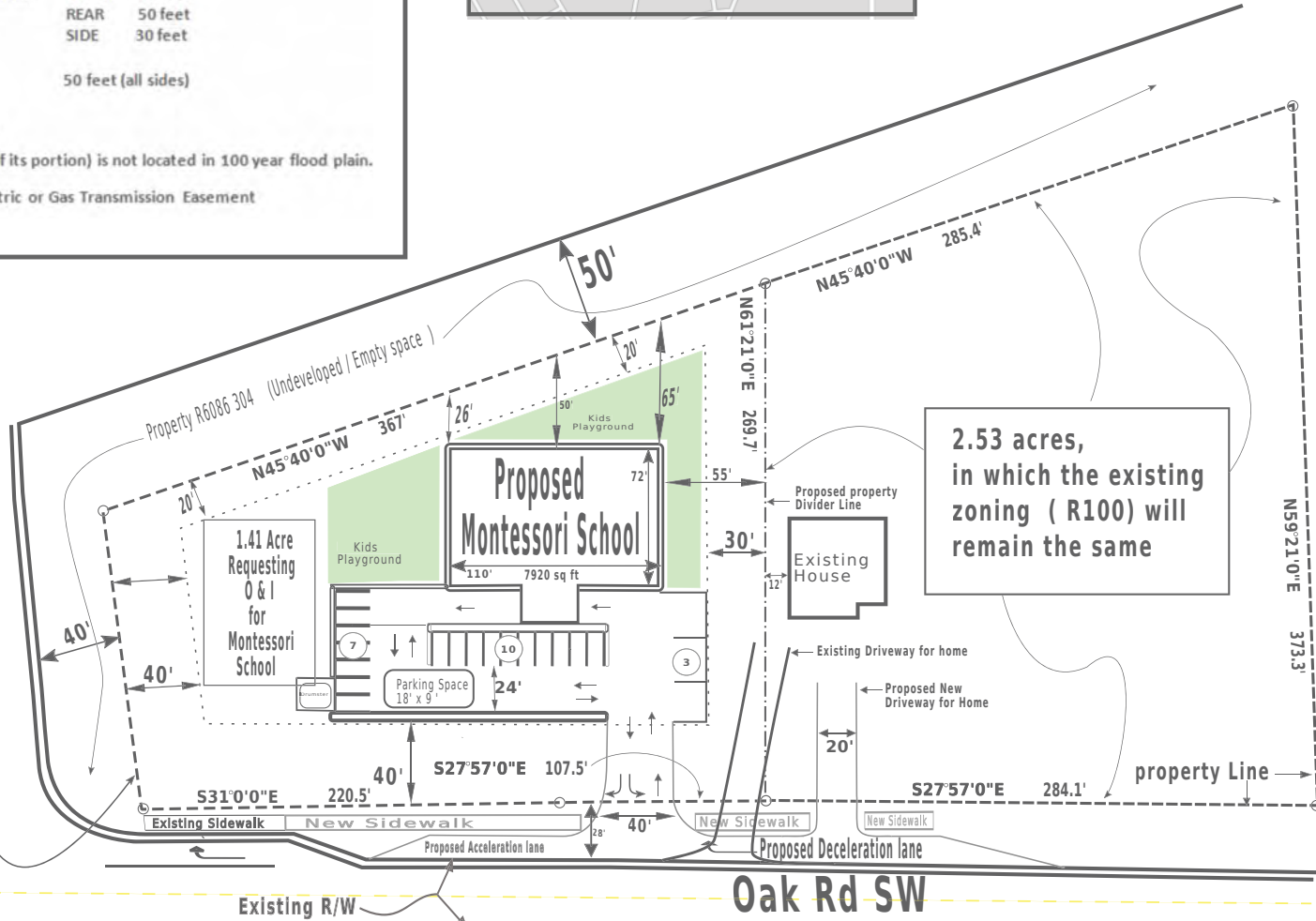
Location	1221 Oak Rd, Lilburn, GA 30047
Parcel ID	R6086 010 (3.94 acres)
Existing Zoning	R-100
Proposed Land Use	Montessori School
Proposed Acre Usage	1.41 acres (61,360 sq ft)
Disturbed Area	0.73 acres 31581 sq ft
Percent Impervious	52 %
Proposed Zoning	C-1 (Only Portion of the Property)
Driveway	1 Driveway: 40'
Building Area	7920 sq ft
Parking Requirement	1 per 400 Sq ft (Total required = 20)
Parking Spaces	20
Setback Requirement	FRONT 50 feet REAR 50 feet SIDE 30 feet
Buffer	50 feet (all sides)

**GENERAL NOTES**

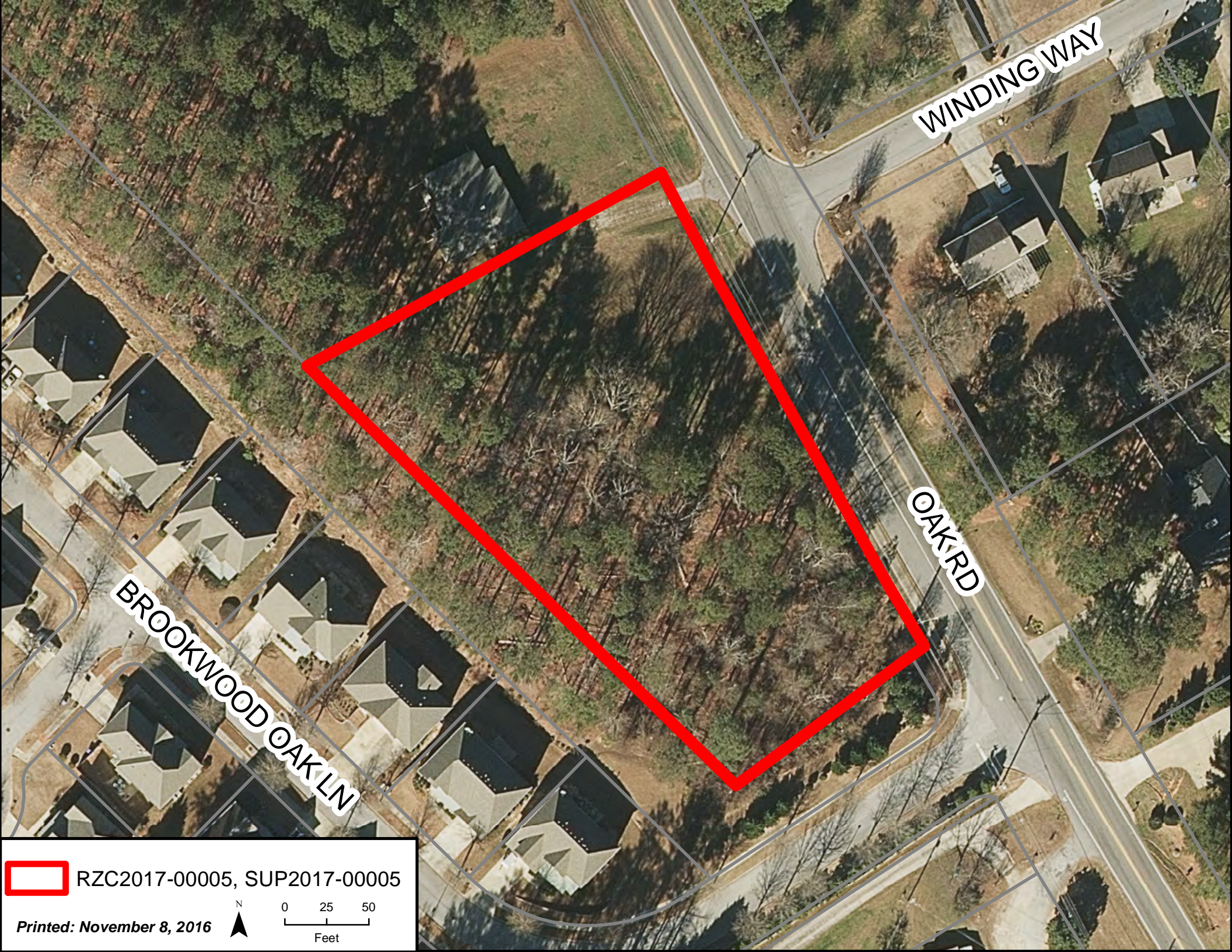
The site (or any of its portion) is not located in 100 year flood plain.  
There are no Electric or Gas Transmission Easement



**Brookwood Oak Ln SW**




RZC2017-00005  
SUP2017-00005  
Received Planning and  
Development  
November 4, 2016



WINDING WAY

OAK RD

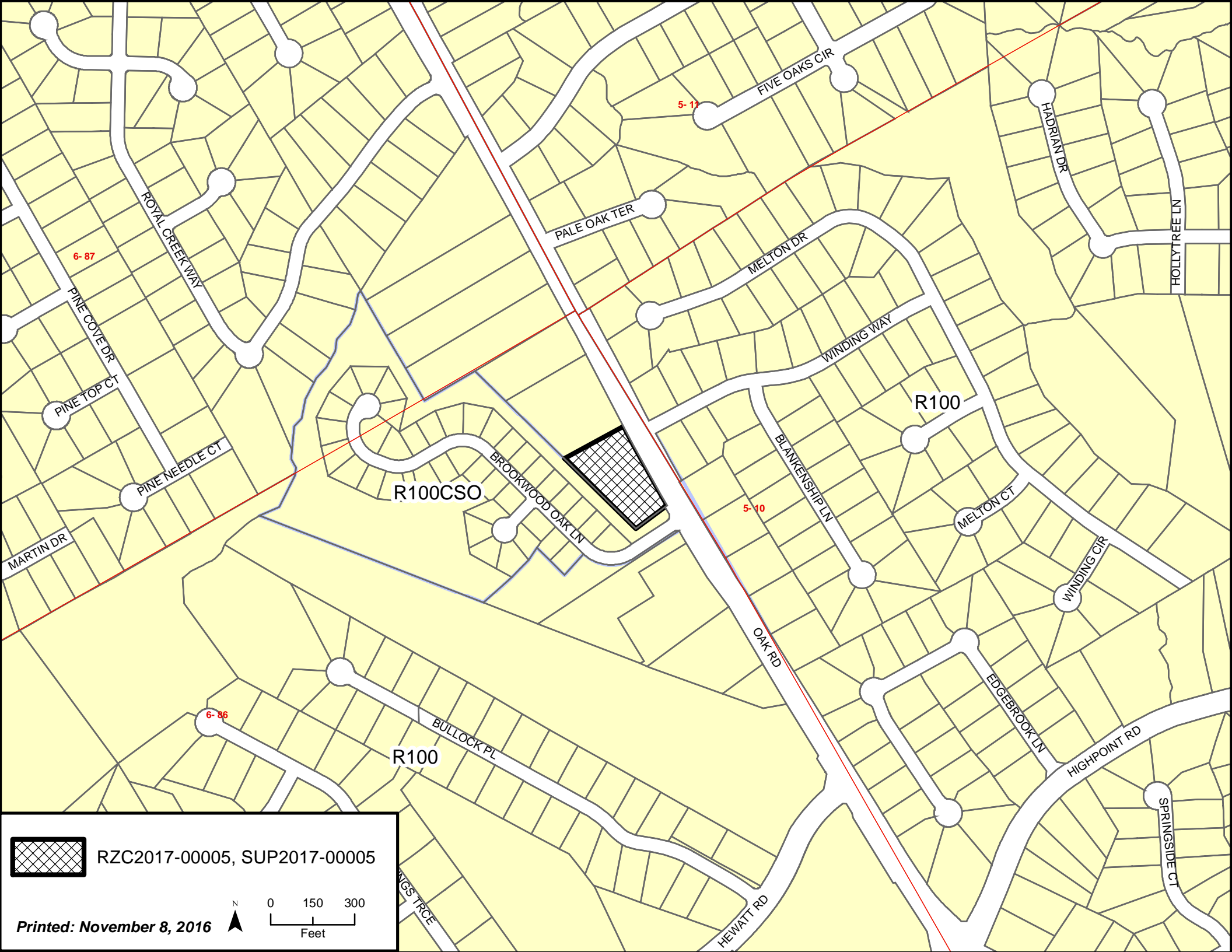
BROOKWOOD OAK LN

 RZC2017-00005, SUP2017-00005

Printed: November 8, 2016

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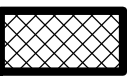


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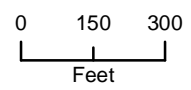
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RZC2017-00005, SUP2017-00005



Printed: November 8, 2016

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R100

R100

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

CASE NUMBER :**RZM2017-00001**  
ZONING CHANGE :R-100 TO R-TH  
LOCATION :1500-1600 BLOCKS OF BUFORD DRIVE  
MAP NUMBERS :R7065 008 & 007  
ACREAGE :18.06 ACRES  
UNITS :140 UNITS  
PROPOSED DEVELOPMENT :TOWNHOMES (BUFFER REDUCTION)  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: FIELDSTONE HOMES  
390 BROGDON ROAD  
SUWANEE, GA 30024

CONTACT: ERIC JOHANSEN, RLA                      PHONE: 678.571.4843

OWNERS: JAMES JACKSON STUTTS  
PO BOX 184  
KILLEN, AL 35645

ACCOUNT Z123444 & Z111668  
1 EQUITY WAY  
WESTLAKE, OH 44145

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

**PROJECT DATA:**

The applicant requests rezoning of an 18.06-acre parcel assemblage tract from R-100 (Single-Family Residence District) to R-TH (Single Family Residence Townhouse District) to construct a townhouse development. The property is located on the west side of Buford Drive north of its intersection with Russell Road. The property is wooded and undeveloped.

The proposed 140-unit townhome development would result in a density of 7.75 units per acre. The applicant states that the minimum heated floor area will be 1,600 square feet. All units would have a two-car garage. According to the letter of intent, exterior facades would consist of a mixture of brick, stone, wood, fiber cement siding, stucco and EIFS (Exterior Insulation Finish System) accents. Proposed site amenities include a community green space and centrally located mail kiosk.

Stormwater detention is proposed to be located adjacent to the existing stream along the Buford Drive frontage. Streams traverse the center of the property running north and south and along the southeastern portion of the property. The submitted site plan indicates a 50-foot stream buffer and 75-foot impervious surface setback adjacent to the stream. Access to the site is proposed from a single entrance driveway along Buford Drive. A 30-foot graded buffer has been shown on the site plan provided along the side and rear property line. A 30-foot undisturbed buffer is required; therefore the applicant is requesting to reduce the buffer requirement.

**ZONING HISTORY:**

In 1970, the subject property was zoned R-100.

**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.

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

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:

This property appears to have stream buffers. All stormwater best management practices will be applicable upon development permit issuance.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Buford Drive SR-20 is a State Route and Georgia D.O.T. right-of-way requirements govern.

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

Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact 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.

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 southwest right-of-way of Buford Drive and a six-inch water main located on the northeast right-of-way of Buford Drive.

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

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located on parcel R7065 008.

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 obtain a residential building permit for each townhouse and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.
2. Architectural design of the proposed houses shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category 3.

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

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

#### DEPARTMENT ANALYSIS:

The subject property is located on the west side of Buford Drive north of its intersection with Russell Road. The property is wooded and undeveloped. The applicant is requesting rezoning from R-100 to R-TH for a 140-unit townhome development at a density of 7.75 units per acre.

The 2030 Unified Plan Future Development Map indicates the property is located within an Existing/Emerging Suburban Character Area. Policies for this Character Area encourage residential development at densities less than 3.0 units per acre. The proposed density of 7.7 is more than double the recommended density of the character area. An R-75 development



may be more consistent with recommendations of the 2030 Unified Plan for this area whereas the proposed R-TH zoning may would not be supported by the 2030 Unified Plan.

This corridor is characterized by single family residential and commercial retail uses. Commercial development is isolated and located at the Buford Drive and Russell Road intersection. To the north, is a single family lot zoned R-100 and the Taylor Oaks subdivision zoned R-75. To the west, is a large lot zoned R-100 and the Canterbury Cove subdivision zoned R-75. Across Buford Drive to the east, are several commercial developments zoned C-1 with neighborhoods behind zoned R-75. There are no townhomes in the vicinity and the existing residential developments in this area are zoned R-75 and R-100. The proposed townhome development would be out of character with the development pattern of the area.

In conclusion, the introduction of a townhome development may not be compatible with the surrounding residential zoning or policies of the 2030 Unified Plan. An R-75 zoning may be more appropriate for the area and consistent with the recommendations of the Existing/Emerging Suburban Character Area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS AS R-75.**

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 residential and accessory uses and structures.
  - B. The minimum heated floor area per unit shall be 2,200 square feet for one-story homes, and 2,400 square feet for two-story homes.
  - C. Homes shall be constructed with four sides of brick and/or stacked stone where adjacent to Buford Drive. All other homes shall be constructed at minimum with front facades of brick and/or stacked stone with the balance of these homes being the same, cedar plank or fiber-cement siding with a minimum three-foot brick or stacked stone water table.
  - D. All units shall have at least a double-car garage.
2. To satisfy the following site development considerations:
  - A. Provide a minimum 25-foot construction buffer adjacent to all residentially-zoned properties. This buffer shall expire upon approval of the final plat.
  - B. Natural vegetation shall remain on the property until the issuance of a development permit.
  - C. No direct lot access shall be allowed to Buford Drive.
  - D. The Buford Drive frontage shall be landscaped and maintained by the Homeowner's Association, and shall include a landscaped entrance feature, a decorative wrought iron fence with brick columns spaced 30 feet on center and landscaping along the entire frontage. Landscaping, fencing and monument signage plans shall be subject to review and approval of the Director of Planning and Development.
  - E. All grassed areas on dwelling lots shall be sodded.
  - F. Underground utilities shall be provided throughout the development.

- G. The detention pond(s) and stormwater easement(s) shall be located a minimum of ten feet off of all property lines and the detention pond(s) shall be screened from all abutting residential properties.
3. To abide by the following requirements, dedications, and improvements:
- A. Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study.
  - B. 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.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

This townhome development may be out of character for the area which is developed with lower density single family detached residential uses. An R-75 zoned subdivision may be more appropriate for this location.

ADVERSE IMPACTS

Adverse impacts would be anticipated on nearby residential properties through the introduction of attached housing and an incompatible density into the area.

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. Policies for this Character Area encourage residential development under 3.0 units per acre; the proposed 7.75 units per acre development which is more than double of the recommended density of the character area, would not be consistent with recommendations of the Unified Plan.

CONDITIONS AFFECTING ZONING

This portion of the Buford Drive corridor is characterized as a mix of low density housing; a townhome development may not be consistent with the development pattern of the area, that is consistently single family neighborhoods zoned R-75 and R-100 but, an R-75 zoned subdivision could be consistent with other single family subdivisions in the area.

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

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

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

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

Yes, the proposed TH development will be compatible with the immediate and surrounding area.

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

No, the proposed development will not adversely affect the existing use or usability of the adjacent and nearby properties. The surrounding area is a mixture of Commercial, Residential, and Office type uses. Immediately adjacent to the Subject Property is a Daycare and Carwash.

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

Yes, the Subject property as currently zoned r-100 does have a reasonable economic use, however, the shape of the land, the stream buffers and the steep topography make the property as currently zoned close to impossible to develop as this zoned use to do SF expectations.

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

No, the proposed development should not cause an excessive or burdensome use of the surrounding infrastructure.

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

Yes, the proposed plan is in conformity with the policy and intent of the current Gwinnett County Land Use Plan.

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

The property has steep topography and excessive stream buffers making the current zoning of R-100 close to impossible to develop considering the land cost and the development costs. The proposed solution of attached townhouses are a better for the land and its present challenges.

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Universal Planning and Development  
6083 Shadburn Ferry Road  
Buford, GA 30518

November 4, 2016

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

**Re: Buford Drive Townhouse Development– Rezoning Letter of Intent  
Parcels: 7065 007 and 7065 008  
Gwinnett County, GA**

Dear Ms. Holland,

Universal Planning and Development, LLC ("Universal") has been retained by Fieldstone Homes (the "Applicant") to pursue a Rezoning Application (the "Application") for real property located near the intersection of Buford Drive (State Route 20) and Russell Road and further described as Parcels R7065 007 & R7065 008 that are approximately ±18.059 acres (the "Subject Property"). **The Applicant is Contract Purchaser of the Subject Property.** The Subject Property is currently zoned R-100 and is surrounded by a mixture of residential, office, and commercial uses.

The Applicant is proposing a Rezoning of the Subject Property to R-TH (Single Family Residential Townhouse District) for a residential development that will both compliment and blend into the immediate and surrounding area along the Buford Drive corridor. Townhouses in this area provides an alternative residential living option for residents who want to be located near Highway 316 and Interstate 85 for commute purposes, the City of Lawrenceville and want their children to be educated within the Collins Hill School Cluster.

The Buford Drive corridor within the immediate vicinity of the Subject Property has an average daily traffic count of 32,800 ADT based on the Georgia Department of Transportation 2015 traffic data, with the workforce getting back into the daily grind, it is fair to assume this ADT will continue to increase annually and be in excess of 35,000 ADT in today's current environment. The Subject Property is surrounded by the following zoning designations with a ½ mile radius: C-1, C-2, O-I, RA-200, R-100, R-100 Mod, and R-75. This Subject Property is clearly located within a transitional area from residential to commercial as evidenced by the vast zoning uses, and for the fact that a 24 Hour Carwash Facility and a Daycare Facility are located immediately adjacent.

The proposed R-TH development will include the construction of one hundred forty (140) two-story single family townhouse units that are 24' wide by 50' deep, a minimum of 1,600 square feet in heated floor space, two car garages, covered front entry porches, and rear outdoor living areas. The proposed architecture will include a mixture of building materials to include brick, stone, wood, hardi cement siding, stucco and EIFS accents. The proposed development will include 4' sidewalks on both sides of

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the internal roads, community green space, centrally located mail kiosk, lush landscaping, stream buffer views, and on-site storm water management.

We respectfully request your approval of this request for the Rezoning from R-100 to R-TH for the proposed single family residential town house development located on the Subject Property. The proposed use on the Subject Property is consistent with the current Unified Plan and creates an opportunity to provide an alternate housing option for residents of the Buford Drive corridor. The residents of the proposed townhouse units will be Gwinnett County tax payers, and will continue to shop, eat, and support the local businesses of the surrounding area and local communities. We are available to meet with the County staff and District Representatives at any time to further discuss the merits of this Application upon request.

Thank you for your consideration of this Application.

Sincerely,



Eric Johansen, RLA  
**Universal Planning and Development, LLC**  
Agent for the Applicants

cc: Applicant  
File

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**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, January 2017**

Case #	Schools	Current Projections									Proposed Zoning
		2016-17			2017-18			2018-19			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2017-00001	<b>Collins Hill HS</b>	<b>3130</b>	2,625	505	<b>3101</b>	2,625	476	<b>3073</b>	2,625	448	27
	Creekland MS	<b>2149</b>	2,100	49	<b>2126</b>	2,100	26	<b>2104</b>	2,100	4	19
	Taylor ES	<b>896</b>	1,300	-404	<b>888</b>	1,300	-412	<b>881</b>	1,300	-419	37

Current projections do not include new developments





FRONT ELEVATIONS

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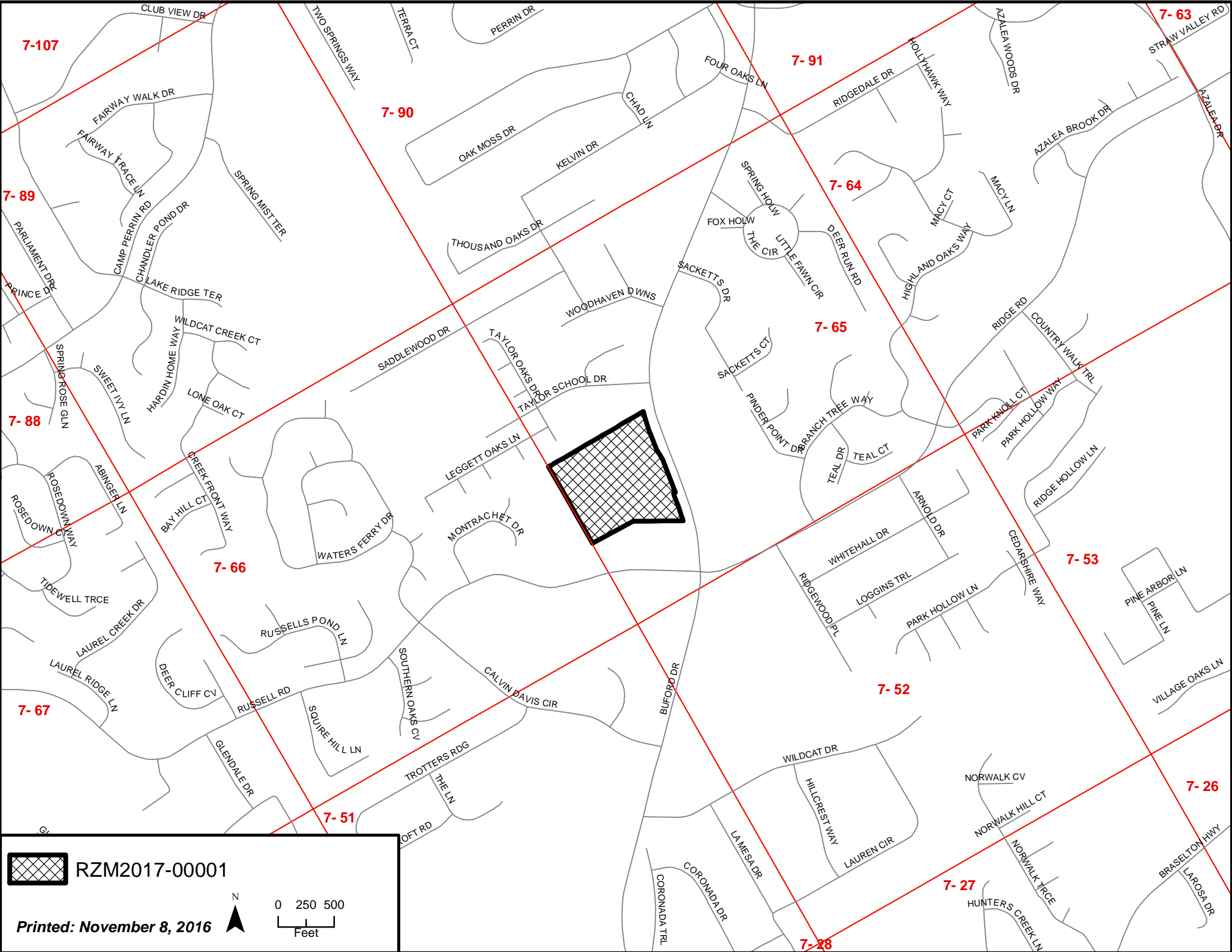
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SIDE AND REAR ELEVATIONS

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7-27

7-28

 RZM2017-00001



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Printed: November 8, 2016



Know what's below. Call before you dig.

### PROJECT CONTACTS

**24 HOUR PROJECT CONTACT:**  
MR. CLINT WALKER - (404) 774-4432 (CELL)

**APPLICANT INFORMATION:**  
FIELDSTONE HOMES  
390 BRADDOCK ROAD  
SUMNER, GA 30084

**LAND PLANNING CONSULTANT:**  
ERIC JOHANSEN, RUP  
UNIVERSAL PLANNING AND DEVELOPMENT  
2203 SHILOH BURN FERRY ROAD  
BUFORD, GA 30510  
(770) 571-4643 CELL  
E.JOHANSEN@GMAIL.COM

**OWNER INFORMATION:**  
PARCELS 7065 005      PARCELS 7065 007  
JAMES JACKSON STRUTTS      ACCOUNT 2123444 & 2111666  
PO BOX 134      COUNTY WAY  
FREDEN, AL 35045      WESTVILLE, OH 44145

### TRAFFIC COUNTS

THE AVERAGE DAILY TRAFFIC (ADT) FOR BUFORD DRIVE (STATE ROUTE 20), BASED ON READER-AVAILABLE TRAFFIC DATA FROM THE GEORGIA DEPARTMENT OF TRANSPORTATION WERE AS FOLLOWS:

2015      ±32,800 ADT

### FLOODPLAIN NOTES

ACCORDING TO FEMA FLOOD MAP PANELS 131350002P & 131350050P, EFFECTIVE DATE 03/20/2006, THERE IS NO FLOOD PLAN ON THE SUBJECT PROPERTY FOR PARCELS 7065 006 AND 7065 007.

### PROJECT UTILITIES

1. THE PROPOSED COMMERCIAL DEVELOPMENT WILL BE CONNECTED TO GARNETT COUNTY GRAVITY FLOW SANITARY SEWER.
2. THE PROPOSED COMMERCIAL DEVELOPMENT WILL BE CONNECTED TO GARNETT COUNTY WATER.
3. THE PROPOSED COMMERCIAL DEVELOPMENT WILL HAVE ON-SITE DETENTION, WATER QUALITY, AND CHARREL PROTECTION UTILIZING LOTS, AN ABOVE GROUND FACILITY OR AN UNDERGROUND FACILITY. THIS HAS YET TO BE DETERMINED AT THIS POINT.
4. GAS, PHONE, ELECTRIC AND OTHER COMMON INFRASTRUCTURE WILL BE PROVIDED BY THE CARRIERS ESTABLISHED IN THE IMMEDIATE AND SURROUNDING AREA.

### GENERAL NOTES

1. THE SUBJECT PROPERTY IS LOCATED ALONG THE BUFORD DRIVE STATE ROUTE 20 CORRIDOR (UNINCORPORATED GARNETT COUNTY, AND MUST COMPLY WITH THE CURRENT DEVELOPMENT STANDARDS AND THE LATEST DEVELOPMENT ORDINANCE) AT THE TIME OF LAND ACQUISITION PERMITTING.
2. THE EXISTING INFORMATION USED FOR THE PREPARATION OF THIS CONCEPTUAL SITE PLAN WAS OBTAINED FROM LEGAL DESCRIPTIONS AND BOUNDARY SURVEYS OF THE SUBJECT PROPERTY PROVIDED BY THE PROPERTY OWNERS AND THEIR RESPECTIVE AGENTS, GARNETT COUNTY GIS, AND READER-AVAILABLE AERIAL PHOTOGRAPHY. NO FIELD SURVEY DATA WAS USED, AND THE SUBJECT PROPERTY SHOULD BE SURVEYED BY A LICENSED SURVEYOR PRIOR TO DEVELOPMENT PERMITTING AND CONSTRUCTION OF THE SUBJECT PROPERTY.
3. ALL PROPOSED ITEMS DEPICTED ON THIS REZONING SITE PLAN ARE CONCEPTUAL IN NATURE AND ALL ITEMS MUST MEET THE CURRENT STANDARDS OF THE LATEST DEVELOPMENT ORDINANCE OF GARNETT COUNTY AT THE TIME OF PERMITTING AND CONSTRUCTION.



### SITE DATA CHART

PARCEL TAX IDENTIFICATION	PARCELS 7065 005 & 7065 007
AREA OF THE SUBJECT PROPERTIES	± 16.059 ACRES
GROSS AREA OF 50' STREAM BUFFER & 25' SETBACKS	± 187,253 SF (± 4.3 ACRES)
EXISTING ZONING OF PARCELS	R-100 (SINGLE FAMILY RESIDENCE DISTRICT)
ADDRESS OF PARCEL	NO ADDRESS ASSIGNED, NEAREST INTERSECTION IS BUFORD DRIVE (SR 20) AND RUSSELL ROAD
PROPOSED DEVELOPMENT	R-TH (SINGLE FAMILY TOWNHOUSE RESIDENCES)
PROPOSED TOWNHOUSE UNITS	140 UNITS
PROPOSED TOWNHOUSE DENSITY	140 UNITS / 16.059 ACRES = 7.75 UNITS/ACRE
PROPOSED UNIT DIMENSIONS	TOWNHOUSE UNITS (24' WIDE X 50' DEEP)
PROPOSED UNIT STORES	TWO STORES WITH (2) CAR GARAGES

### LEGAL DESCRIPTION

All those tracts or parcel of land lying and being in Land Lot 65, of the 7th District, Garnett County, Georgia, and being more particularly described as follows:

**BEGINNING** at a point on the westerly right of way of Georgia Highway 20, said point being 230 +/- feet from the southerly right of way intersection of Taylor School Drive and the westerly right of way of Georgia Highway 20; thence continuing along the westerly right of way of Georgia Highway 20 South 16°42'00" East, a distance of 171.63 feet to a point; thence along the allowed right of way South 20°50'50" East, a distance of 300.00 feet to a point; thence along the allowed right of way South 32°08'25" East, a distance of 121.28 feet to a point; thence along the allowed right of way South 20°50'50" East, a distance of 310.00 feet to a point; thence along the allowed right of way South 69°09'10" West, a distance of 201.00 feet to a point; thence along the allowed right of way South 19°23'54" East, a distance of 259.61 feet to a point; thence along the allowed westerly right of way South 07°56'56" West, a distance of 454.67 feet to a point; thence South 61°00'57" West, a distance of 413.85 feet to a point; thence North 30°45'30" West, a distance of 282.47 feet to a point; thence North 59°35'29" East, a distance of 1008.51 feet to a point, being the POINT OF BEGINNING.

2nd lot containing 118,062 square more or less.

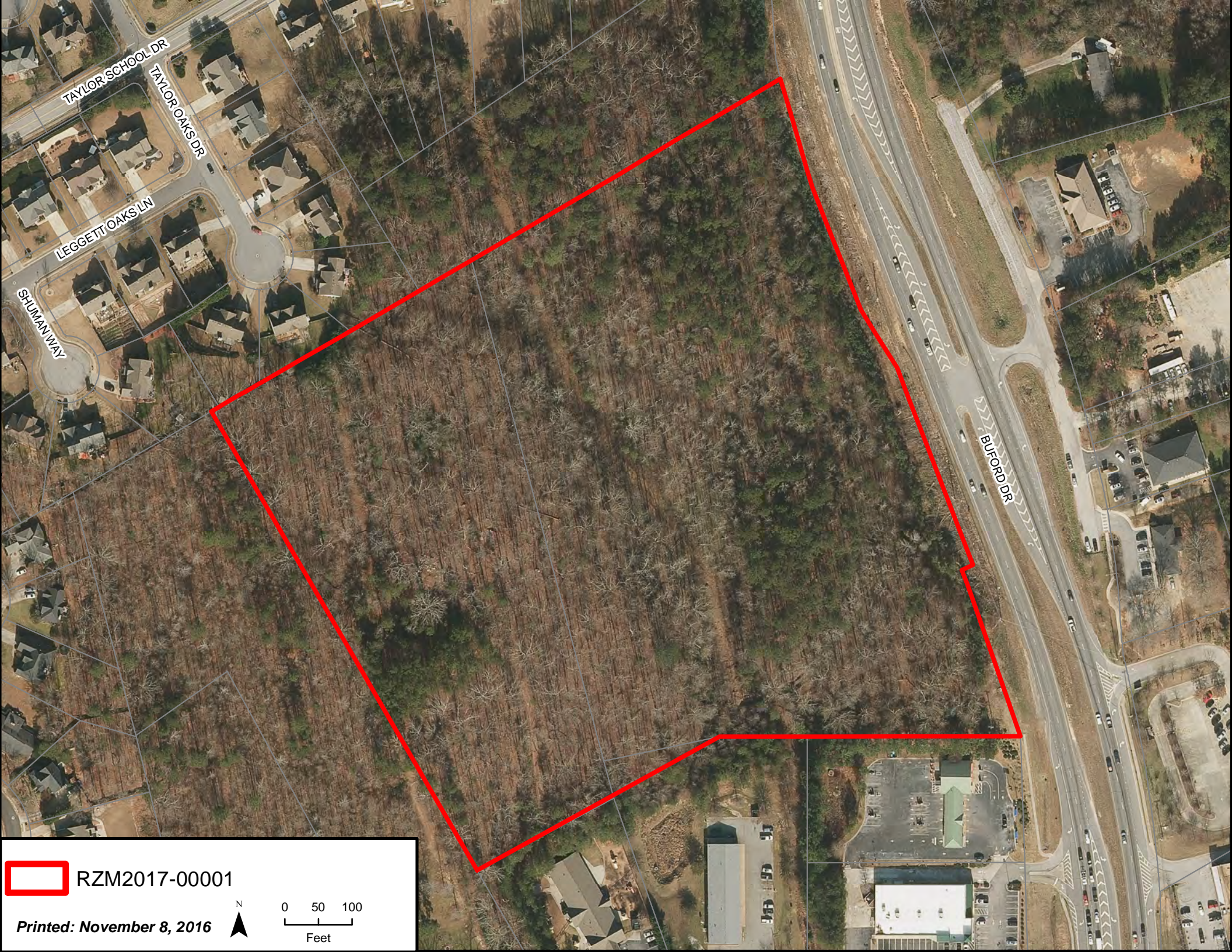
# BUFORD DRIVE TOWNHOUSES

## A CONCEPTUAL SITE PLAN

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PLAN DATED: NOVEMBER 3, 2016  
GRAPHIC SCALE: 1" = 50'




TAYLOR SCHOOL DR

TAYLOR OAKS DR


LEGGETT OAKS LN

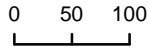
SHUMAN WAY

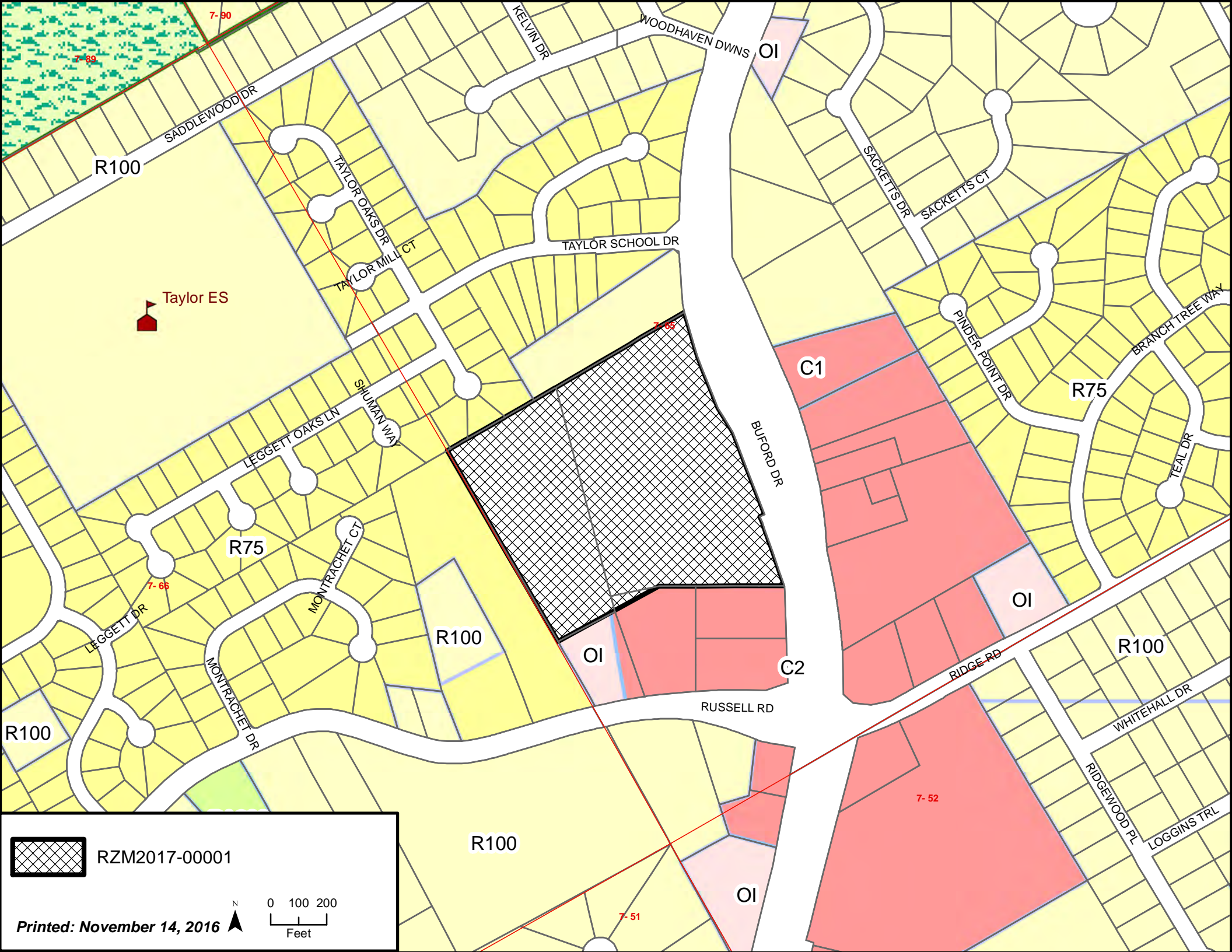
BUFORD DR

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Printed: November 8, 2016

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Printed: November 14, 2016

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

CASE NUMBER :**RZR2017-00002**  
ZONING CHANGE :R-100 TO R-SR  
LOCATION :2100 BLOCK OF RIDGEDALE DRIVE  
:1700 BLOCK OF PINEHURST ROAD  
MAP NUMBER :R5071 033  
ACREAGE :17.55 ACRES  
UNITS :57 UNITS  
PROPOSED DEVELOPMENT :SENIOR ORIENTED DETACHED SUBDIVISION  
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: BRAD COOPER  
6845 SHILOH ROAD EAST, SUITE D-3  
ALPHARETTA, GA 30005

CONTACT: JIM WARREN PHONE: 404.401.7656

OWNER: DOUGLAS AND JANICE KURASAKA  
2175 RIDGEDALE DRIVE  
SNELLVILLE, GA 30078

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests rezoning of a 17.55-acre tract located in the southwest quadrant of the Ridgedale Drive/Pinehurst Road intersection, adjacent to the city limits of Snellville. Currently zoned R-100 (Single Family Residence District), the applicant seeks R-SR zoning (Senior Oriented Residence District) to develop a 57-lot, age-restricted single family detached subdivision at a density of 3.25 units per acre. A small stream crosses the southwest portion of the subject site. One single family residence is currently developed near the intersection of the two roadways.

The site plan indicates a minimum lot area of 5,000 square feet with an average lot width of 50 feet. A minimum unit size of 1,600 square feet of traditional and craftsman-style architecture is proposed. Each home would include a front entry two-car garage. The applicant is reminded that, per the Unified Development Ordinance, if a block contains a majority of lots less than 60 feet in width, individual lot access for that block shall be accessed from a rear alley, not a public street. The required 50-foot landscaped setback is shown along the frontages of Ridgedale Drive and Pinehurst Road. Vehicular access would be provided by a single street connection onto Ridgedale Drive. Homes are proposed to have front setbacks of 20 feet. This

is below the minimum required 25-foot setback for homes with front-facing garages and will require a revised site plan or a variance from the Zoning Board of Appeals.

A proposed detention facility is shown in the southeastern portion of the property, being surrounded by two rows of evergreen plant material and a four-foot high, vinyl chain-link fence. Also reflected on the submitted site plan is a natural surface walking trail connecting two open space areas in the southwestern portion of the subject site.

#### ZONING HISTORY:

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

#### GROUNDWATER RECHARGE AREA:

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

#### WETLANDS INVENTORY:

The subject property 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 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 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 building setback is required from the right-of-way of Ridgedale Drive and Pinehurst Road. (Unified Development Ordinance Section 210-90.6.C)

The required front setback of 25-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 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.

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 210-90.6A requires that the homes shall meet the following requirements:

1. Minimum lot area: 5,000 square feet.
2. Average lot width: 50 feet.
3. Minimum front setback: 20 feet, except front-facing garages shall be setback a minimum of 25 feet behind sidewalks.

Section 210-90.6C requires at least one two-inch caliper street tree shall be planted at least every 35 feet along both sides of internal street(s).

#### STORMWATER REVIEW SECTION COMMENTS:

This property appears to have stream buffers. All stormwater best management practices will be applicable upon development permit issuance.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

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

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

The developer shall be limited to one curb cut.

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

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

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

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

Project must comply with Gwinnett County D.O.T. Criteria and Guidelines for left turn lanes.

Dead end streets designed to have one end permanently closed shall provide a cul-de-sac turnaround.

**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 southwest right-of-way of Ridgedale Drive and an eight-inch water main located on the northwest right-of-way of Pinehurst 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 237 feet south of parcel R5071 033 on the right-of-way of Carolina Wind Court.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

## GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

## DEPARTMENT ANALYSIS:

The subject property is a 17.55-acre tract located in the southwest quadrant of the Ridgedale Drive/Pinehurst Road intersection, adjacent to the city limits of Snellville. Currently zoned R-100 (Single Family Residence District), the applicant seeks R-SR zoning (Senior Oriented Residence District) to develop a 57-lot, age-restricted single family detached subdivision at a density of 3.25 units per acre. A small stream crosses the southwestern portion of the subject site. One single family residence is currently developed near the intersection of the two roadways.

The 2030 Unified Plan Future Development Map indicates the site is located in an Existing/Emerging Suburban Character Area. Policies of the 2030 Unified Plan support expanded housing opportunities for seniors, providing a residential environment with lower maintenance responsibilities and smaller dwelling sizes. The Unified Plan discourages infill residential development that is of an incompatible density to existing low density, single-family subdivisions in the area, and suggests that such infill density should not exceed 3.0 units per acre. Although an R-SR subdivision could be considered suitable to the area, the proposed density of 3.25 units per acre may not be compatible with the surrounding low density residential developments in the immediate area and could be inconsistent with recommendations of the Unified Plan. If approved at a more compatible density of 3.0 units per acre the use could be suitable and supported by the Department.

The surrounding area is characterized by single family detached residential subdivisions and large tracts of land zoned R-100. Directly across Ridgedale Drive is the Wellington North subdivision, zoned R-100. To the south is the Wellington subdivision, also zoned R-100. Adjacent to the west of the subject site is property located within the city limits of Snellville. The proposed development could be compatible with the surrounding single family detached developments, if approved with staff's recommended conditions.

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

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as R-SR (Senior Oriented Residence District) for a senior-oriented 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 a density of 3.0 units per acre. The development shall be restricted to occupancy by residents aged 55 years or older.
  - B. The homeowner's association shall be responsible for maintenance of all common areas/facilities, street frontage landscaping, and lawn and ornamental planting maintenance on individual lots. The homeowner's association shall be responsible for exterior maintenance of individual residences to include, at a minimum, painting of the exteriors on a rotation not to exceed six years.
  - C. The minimum heated floor area per dwelling unit shall be 1,800 square feet.
  - D. Homes shall be constructed with architectural treatments of primarily brick or stone on all sides, with minor treatments of low or no-maintenance siding materials. Final building elevations shall be subject to the review and approval of the Director of Planning and Development.
  - E. All dwellings shall have a minimum two-car garage.
2. To satisfy the following site development considerations:
  - A. All utilities shall be placed underground.
  - B. Detention pond(s) shall be fenced with a black vinyl-coated chain link fence a minimum of four feet in height, and shall be fully screened from view of adjacent residences with a double staggered row of evergreens. Final screening plans shall be subject to the review and approval of the Director of Planning and Development.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

If properly conditioned, a senior oriented, single family detached subdivision could be suitable for the subject property.

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Impacts in the form of increased utility demand, traffic and stormwater runoff 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 Character Area. If properly conditioned, the proposed use could be consistent with the 2030 Unified Plan which encourages expanded housing opportunities for seniors.

CONDITIONS AFFECTING ZONING

The subject site is located at the intersection of two collector streets and would be suitable for the proposed senior oriented subdivision. The requested rezoning could be compatible with the surrounding single family detached residential developments in the immediate area.

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

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

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

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

Yes, the proposed Senior oriented development will be consistent with the nearby and adjacent residential development.

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

No. The proposed Senior oriented development will not adversely affect the adjacent and nearby communities.

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

No. As currently zoned R-100, the property cannot be developed due to market conditions as evidence by over a decade of efforts to sale/develop.

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

No, the proposed development will not cause any excessive or burdensome uses of the streets, utilities, schools or related infrastructure in the immediate area.

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

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

- (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:

Yes, the immediate and surrounding area has changed over the years making the proposed use not only compatible, but desirable alternative to maintenance free life style, with little to no impact on local schools.



November 4, 2016

VIA HAND DELIVERY

Gwinnett County Board of Commissioners  
c/o Jerry Oberholtzer  
Planning Manager  
446 West Crogan Street  
Lawrenceville, GA 30045

RE: 2175 Ridgedale Drive Rezoning Application  
LETTER OF INTENT

Dear Mr. Oberholtzer,

Respectfully we submit this application to rezone approximately 17.50 acres located at 2175 Ridgedale Drive from it's current zoning classification of R-100 to R-SR (Senior Oriented Residence District) which will be age Restricted. We fell that the proposed community is ideally located in an influential area near the Snellville city limits.

We are proposing that fifty-seven (57) residential homes at a density of 3.25 DU/AC, well below the 4 DU/AC UDC threshold. A single, vehicular entrance on Ridgedale Drive, 50-foot wide public street, 25-foot perimeter landscape buffer with 6-foot high fence, open space, walking trail and central mail kiosk further define the proposed community.

The detached, single-family homes will have a mixture of traditional as well as craftsman style architecture as further illustrated on the attached documents. For the avoidance of doubt, the proposed R-SR community shall require a mandatory homeowners association which will publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for person 55 and over, as permitted by 42 U.S.C. Section 3607b2c for the Federal Fair Housing Act.

We respectfully request your approval of this request for Rezoning from R-100 to R-SR so as to permit the proposed residential community.

Respectfully submitted,

Brad Cooper,  
Blue River Development, LLC

Cc: Joey Maxwell, Maxwell-Reddick and Associates, Inc.

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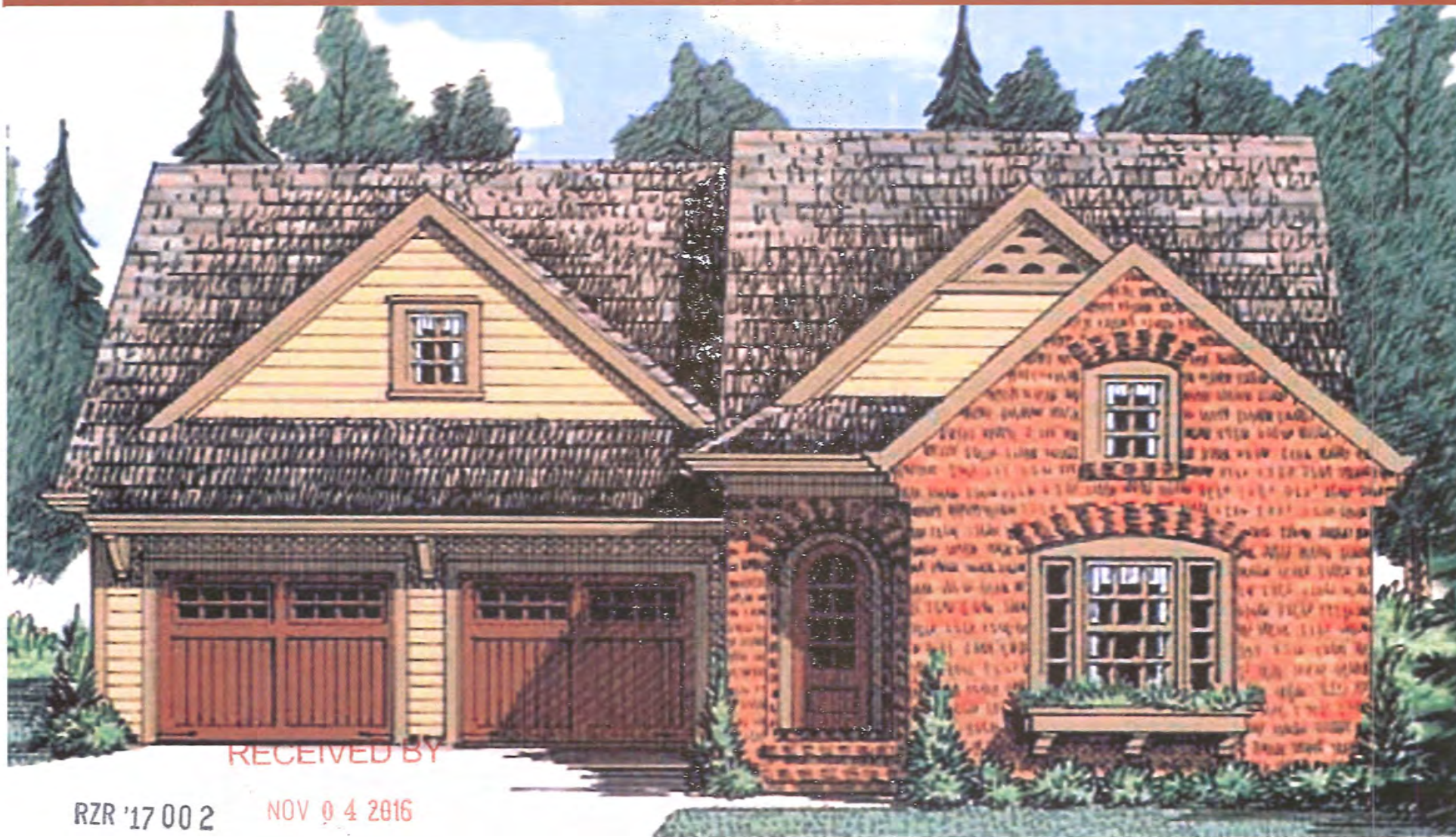
NOV 04 2016

Planning & Development

RZR '17 00 2



Homes will be constructed with architectural treatments of primarily brick or stone on the FRONT, with minor treatment of low or no-maintenance siding materials. The RIGHT, LEFT and REAR ELEVATIONS will contain a minimum three-foot high water table of brick or stone. A full cornice return at gable height shall be installed with fiber-cement shake siding in the gable area. The balance of the SIDE and REAR shall be fiber cement siding.



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Planning & Development

Homes will be constructed with architectural treatments of primarily brick or stone on the FRONT, with minor treatment of low or no-maintenance siding materials. The RIGHT, LEFT and REAR ELEVATIONS will contain a minimum three-foot high water table of brick or stone. A full cornice return at gable height shall be installed with fiber-cement shake siding in the gable area. The balance of the SIDE and REAR shall be fiber cement siding. Single story homes with bonus room option above the garage.



RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION

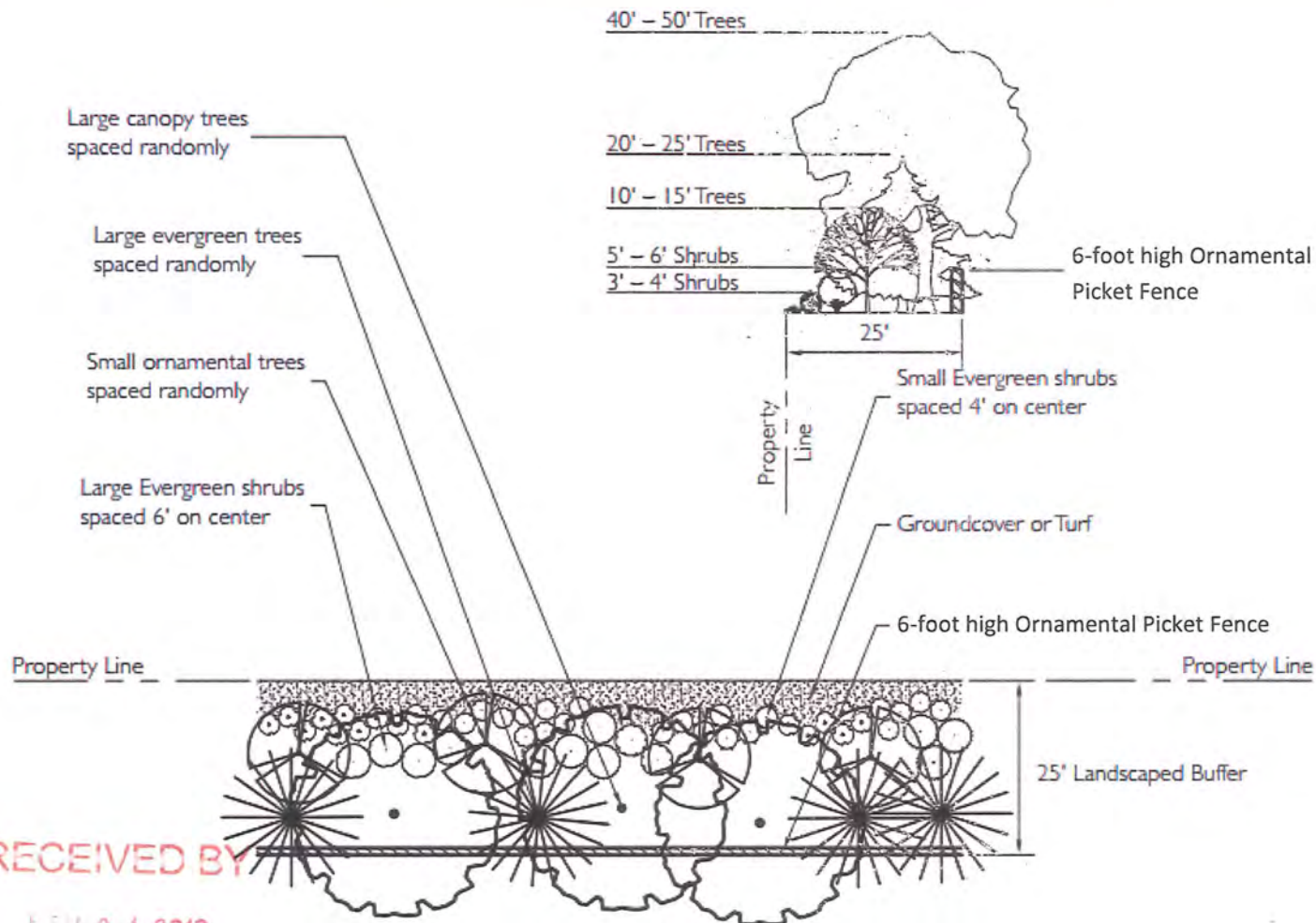
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# PERIMETER 25-Foot LANDSCAPE BUFFER

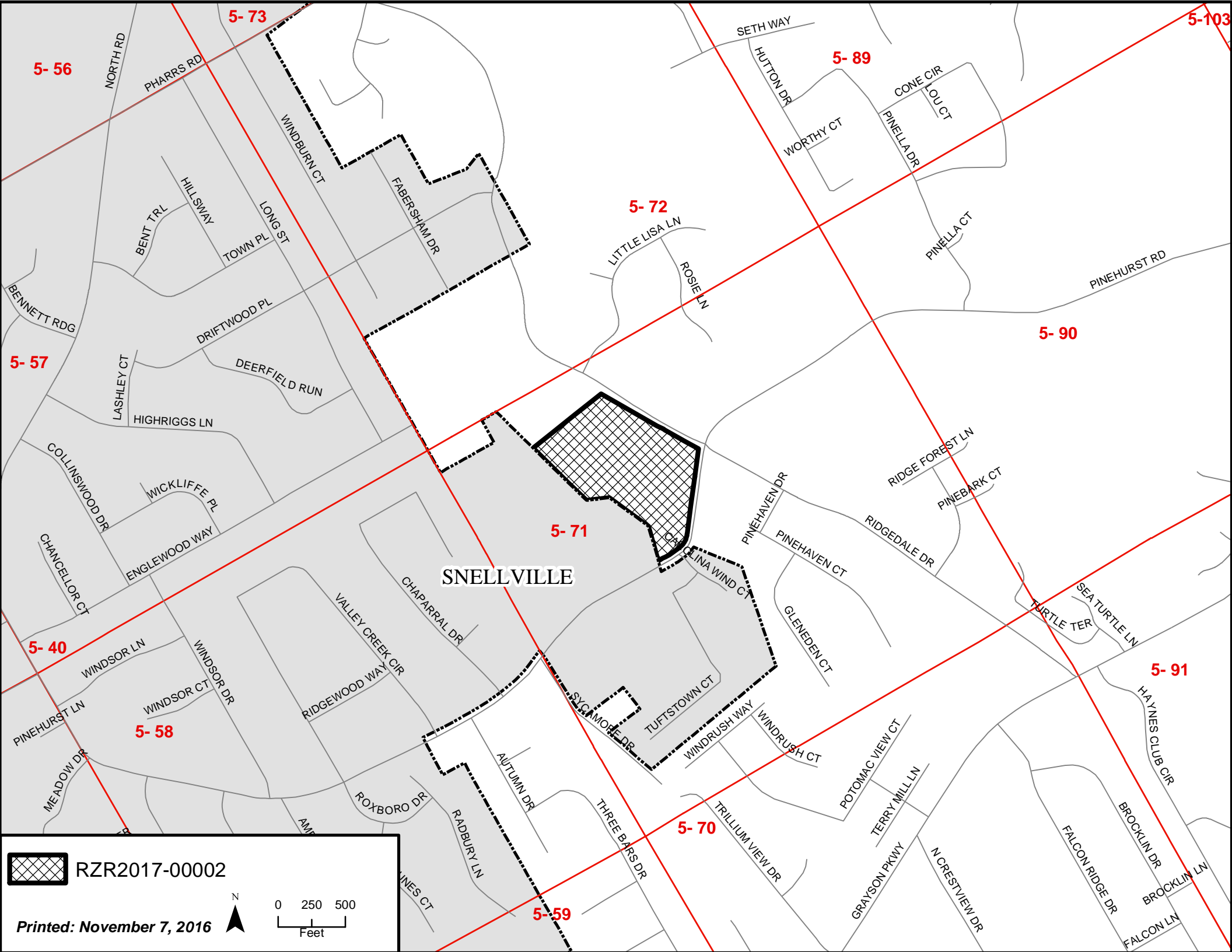



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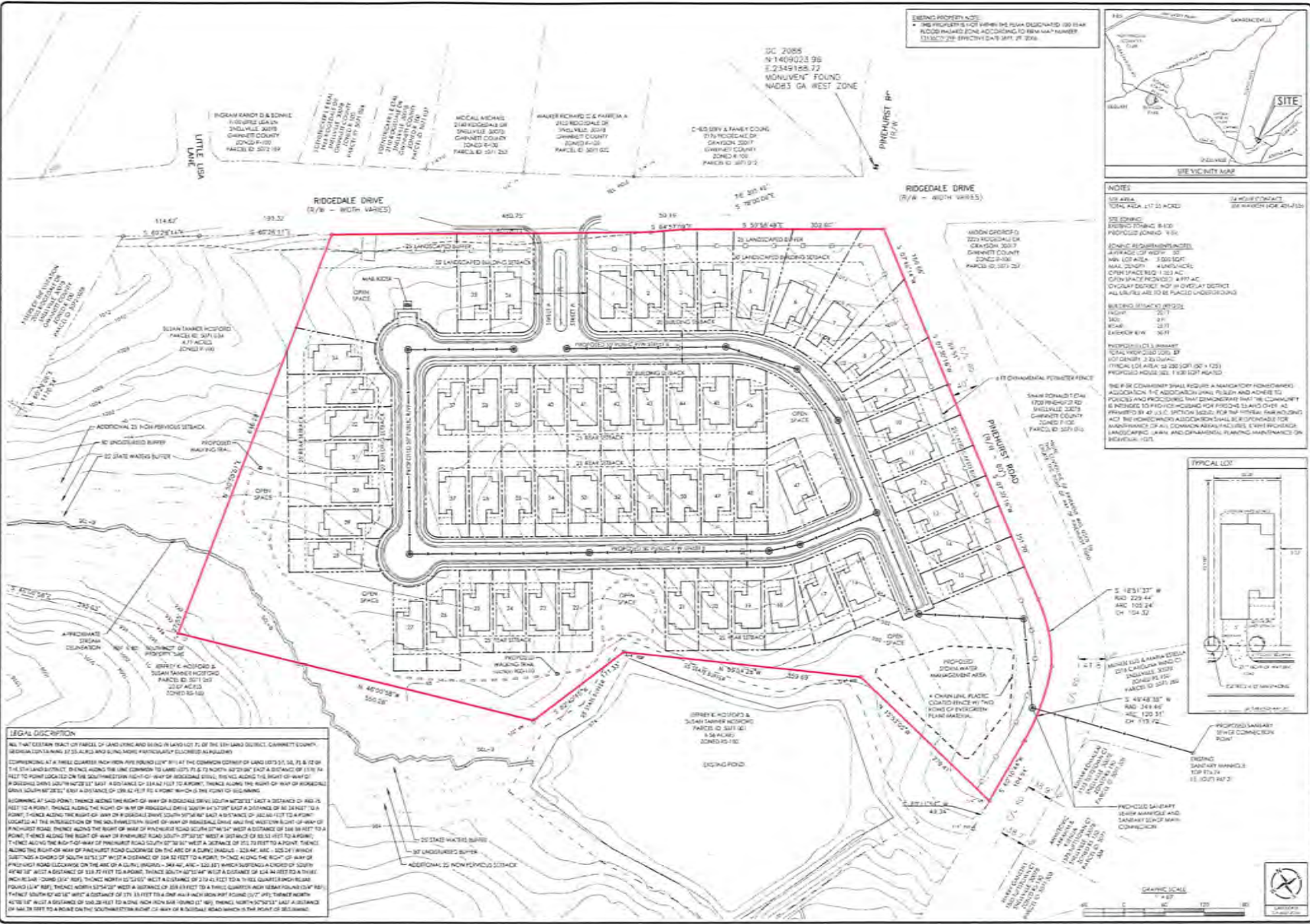
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 RZR2017-00002

Printed: November 7, 2016 

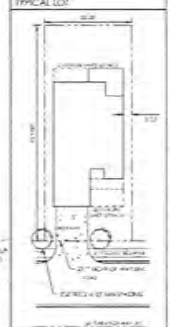
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**BOUNDARY NOTES:**  
 1. THE PROPERTY IS TO BE ZONED R-8 AND DESIGNATED (R) FROM THE R-8 ZONING MAP. THE PROPERTY IS TO BE ZONED R-8 AND DESIGNATED (R) FROM THE R-8 ZONING MAP.  
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**NOTES:**  
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 20. SEE AREA MAP AND SURVEY FOR MORE DETAILS.



**PRELIMINARY NOT FOR CONSTRUCTION**

**LAND LOT 71, 5TH LAND DISTRICT  
 2175 RIDGEDALE DR  
 GWINNETT COUNTY, GA**

**REZONE EXHIBIT PROPOSED R-8**

**DATE: NOV 2, 2016**

**SCALE: AS SHOWN**

**SHEET NUMBER  
 C0.0**

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RZR '17 00 2

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Planning & Development



RIDGEDALE DR

PINEHURST RD

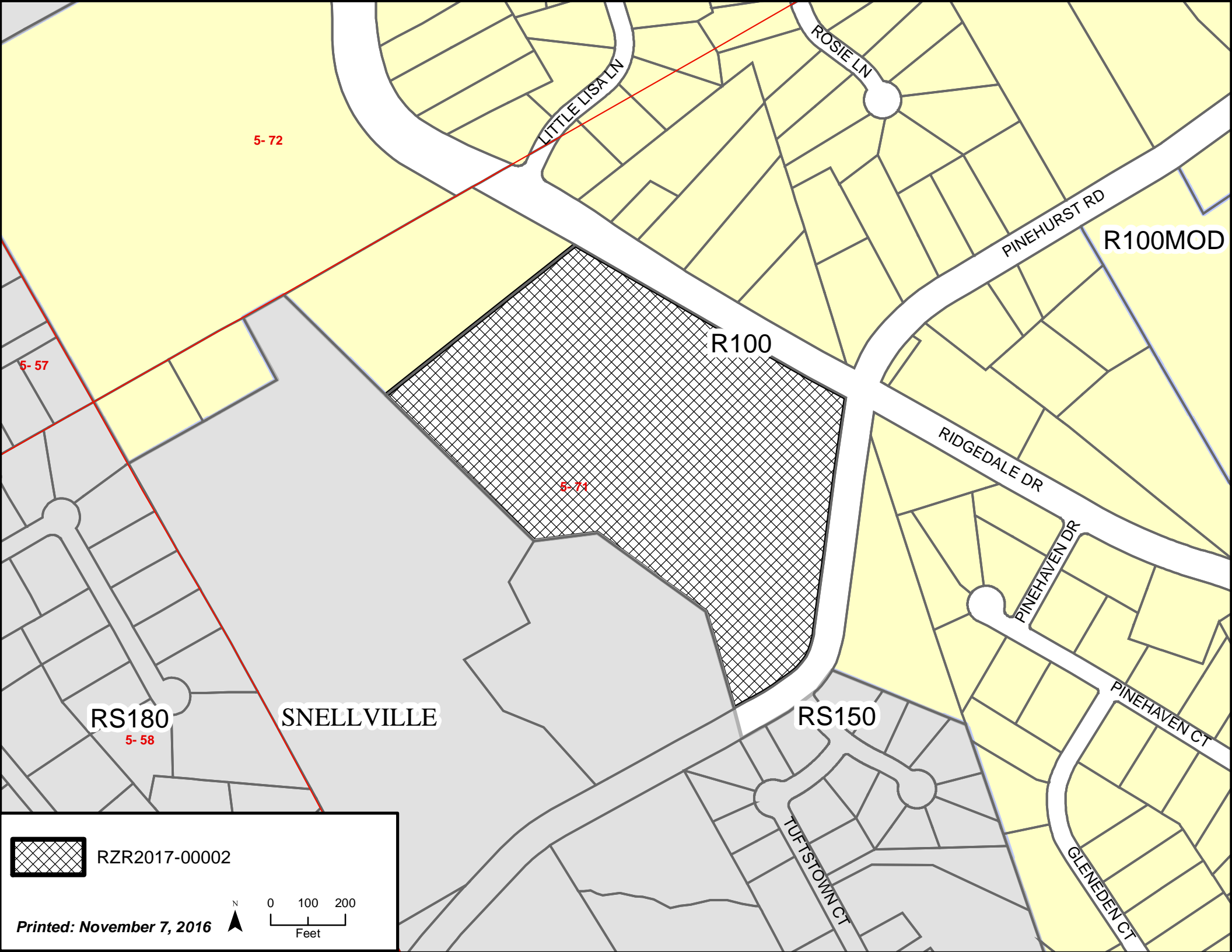
CAROLINA WIND CT

 RZR2017-00002

Printed: November 7, 2016

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5-74

5-58

ROSIE LN

LITTLE LISA LN

PINEHURST RD

R100MOD

R100

RIDGEDALE DR

PINEHAVEN DR

PINEHAVEN CT

RS150

RS180

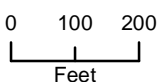
SNELLVILLE

TUFTSTOWN CT

GLENEDEN CT



RZR2017-00002



Printed: November 7, 2016

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

CASE NUMBER :CIC2017-00002  
ZONING :R-75  
LOCATION :2900 BLOCK OF DULUTH HIGHWAY  
MAP NUMBER :R6263 003A  
ACREAGE :8.55 ACRES  
PROPOSAL :CHANGE IN CONDITIONS OF ZONING (BUFFER REDUCTION)  
COMMISSION DISTRICT :(I) BROOKS

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

APPLICANT: ANGEL AMARO  
2959 DULUTH HIGHWAY  
DULUTH, GA 30096

CONTACT: GEORGE AWUKU                      PHONE: 404.597.6745

OWNER: DULUTH SEVENTH-DAY ADVENTIST CHURCH  
2959 DULUTH HIGHWAY  
DULUTH, GA 30096

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a Change-in-Conditions of a previous Special Use Permit case, SUP-98-062, to amend conditions of zoning relating to buffers and landscaping to facilitate the expansion of parking and facilities. The 8.55-acre property is located along the southwest side of Duluth Highway, just southeast of its intersection with Bugle Drive, near the city limits of Duluth. The Duluth Seventh-Day Adventist Church occupies the property, and the development consists of a church, school, parking lot, and accessory uses.

The request is to amend condition 2.A. of SUP-98-062, which reads as follows:

2.A. Provide a 50-foot wide natural undisturbed buffer, adjacent to Elkwood Manor and Claiborne Manor subdivisions. For the remainder of the site, provide buffers adjacent to residential zoning as specified by the 1985 Zoning Resolution except for the encroachment of the parking lot and ball field as shown on the site plan submitted February 24, 1998 and for approved perpendicular access and utility crossings and replanting where sparsely vegetated.

The applicant is proposing to encroach into the required buffer along the northern property line. The encroachment would include grading for the expansion to the existing parking and the addition of a fence. Additionally the applicant is proposing to encroach into the required buffer along the western property line common to B.B. Harris Elementary School. The encroachment would include grading for the proposed construction of a berm, parking, and the expansion of the existing gymnasium.



The request is to amend condition 2.B. of SUP-98-062, which reads as follows:

2.B. Provide replanting as agreed upon by the adjacent property owners (Tommy and Nancy Knox) and the Seventh Day Adventist Church, per the terms of agreement entered as part of the rezoning and variance application (Z-98-0061).

The applicant is proposing to encroach into the required buffer along the northern property line to expand parking, add additional landscaping, and construction of a fence.

The 2030 Unified Plan Future Development Map indicates the property lies within an Existing/Emerging Suburban Character Area. Policies for this character area support neighborhood serving institutional facilities. Therefore, the continued use and expansion as a Place of Worship facilitated by requested change in condition change may be consistent with the policies of the Gwinnett County 2030 Unified Plan.

The surrounding properties include B.B. Harris Elementary School which adjoins the subject property to the west. Surrounding the school are single-family developments zoned R-75, which includes Forest Manor, Elkwood Manor, and Claiborne Manor subdivisions. To the east, across Duluth Highway are more single-family dwellings located on large lots, and other institutional uses including a church and office buildings located within the city limits of Duluth. The Duluth Seventh-Day Adventist Church has operated from this location since 1962, with the school program being established in 1972. The two uses have expanded over the years and remain compatible with adjoining residential and institutional uses in the immediate area.

With proper conditions to ensure compatibility, the proposed change in conditions could be consistent with other institutional uses along this portion of the Duluth Highway corridor. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

#### ZONING HISTORY:

The property has been zoned R-75 (Single-Family Residence District) since 1970. In 1992, a Special Use Permit allowing for the expansion of a private school, pursuant to SUP-92-058. In 1998, a Special Use Permit allowing a buffer reduction for the expansion of a parking lot along the north (side) and west (rear) property lines.

#### 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 comments.

**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).

The required rear setback of 30 feet appears to not be met. The applicant must either revise the site plan, or seek a Variance from the Zoning Board of Appeals.

Provide a 20-foot natural, undisturbed buffer adjacent to residentially zoned properties. This buffer shall be increased to 50-feet in depth adjoining a detention pond and any church or

recreation facilities. (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 detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

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

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

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Duluth Highway SR-120 is a State Route and Georgia D.O.T. right-of-way requirements govern.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

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

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located on parcel R6263 003A.

**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.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as R-75 (Change-in-Conditions) subject to the following enumerated conditions:

SUP-98-062

Additions in **bold**

Deletions in ~~strikethrough~~

- I. To restrict the use of the property as follows:
  - A. A church and accessory uses which may include a school.
2. To satisfy the following site development considerations:
  - A. Provide a 50-foot wide natural undisturbed buffer, adjacent to Elkwood Manor and Claiborne Manor subdivisions. ~~For the remainder of the site, provide buffers adjacent to residential zoning as specified by the 1985 Zoning Resolution except for the encroachment of the parking lot and ball field as shown on the site plan submitted February 24, 1998 and for approved perpendicular access and utility crossings and replanting where sparsely vegetated.~~
  - B. Provide replanting as agreed upon by the adjacent property owners (Tommy and Nancy Knox) and the Seventh Day Adventist Church, per the terms of agreement entered as part of the rezoning and variance application (Z-98-0061). The front facade of the sanctuary building shall be of a brick, stacked stone or wood shake finish. The balance of the building exterior may be these same finishes or fiber-cement siding.**
  - C. Parking shall be restricted to church use only.**
  - D. Provide a minimum ten-foot wide landscaped strip outside the dedicated right-of-way of Duluth Highway.**
  - E. In lieu of required 50-foot wide undisturbed buffer along portions of the northern and western property lines, provide a 20-foot wide undisturbed buffer, replanted where sparsely vegetated. Final landscape plan shall be subject to review and approval by the Director of Planning and Development.**
  - F. Provide a six-foot high opaque fence along the portions of the north property line now or formerly owned by Tommy and Nancy Knox. Landscape plan and fence materials shall be subject to the review and approval by the Director of Planning and Development.**

- G. Natural vegetation shall remain on the property prior to the issuance of a development permit.**
- H. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.**
- I. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent residential properties or roadways.**
- J. Outdoor recreation fields shall not be lighted.**
- K. 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.**
- L. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.**

PLANNING AND DEVELOPMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Change in Conditions to reduce the required 50-foot wide undisturbed buffer may be suitable in light of expansion efforts of the church and its compatibility with surrounding institutional and residential uses.

ADVERSE IMPACTS

With the recommended conditions, no significant adverse impacts are anticipated on the surrounding area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

The requests would allow for expansion of the church which could be expected to result in an increase in traffic and utility demand. Creating additional paved areas and new buildings on the property could be expected to create additional impacts in the form of stormwater runoff.

CONFORMITY WITH POLICIES

With the recommended conditions, the request may be considered generally consistent with zoning actions taken by the Board on a portion of the property and in the vicinity, and could be compatible with policies of the 2030 Unified Plan recommending compatibility of residential uses in the area.

CONDITIONS AFFECTING ZONING

The current zoning conditions on the subject property were established through the public hearing process to ensure the compatibility of uses in the area.

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

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

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

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

The use of the property will remain the same, the development is an expiation of use permitted in previous SUP

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

We do not believe the change in conditions will adversely affect any neighboring propertys

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

The property is a church and the change in conditions is to allow it to continue to grow as such

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

The change in conditions should have very little impact on the above

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

It is expanding on the current SUP of the property and in line with development standards

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

The property will be an expansion of intended use granted and operating under a current SUP

CIC '17 00 2

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NOV 02 2016

Planning & Development





Suite 58, 5341 THOMPSON BRIDGE ROAD, MURRAYVILLE, GA 30564 TEL 404 597 6745/ELMINAENGINEER@GMAIL.COM

October 26, 2016

Board of Commissioners  
Gwinnett County  
446 West Crogan Street  
Lawrenceville, Georgia 30046

Dear Board Members;

Change in Conditions from SUP1998-00062

Parcel ID: 6-263-003A (2959 DULUTH HWY) Seventh-Day Adventist Church.

The Applicant respectfully submits to the Board of Commissioners a request for a change in the conditions as approved under Special Use Permit (SUP)1998-0062. SUP1998-0062 provided for a reduction of buffers for the existing church expansion then. The church, since then, has seen additional growth and in anticipation of future growth prepared a master plan (as indicated on Concept Plan submitted). A change in conditions is required to allow for the modification of the site plan on record as the nature of the proposed improvement impacts stipulations agreed to in the SUP1998-0062.

The following improvements are proposed:-

- Phase 1 – new 2,300 SF administration building,
- Phase 2 – new 2,160 SF cafeteria and storage facility addition to the existing gym building,
- Phase 3 – new 4,100 SF office/classrooms/locker rooms addition to the existing gym building,
- Phase 4 – 6,800 SF remodeling the existing gym building, and
- Phase 5 – new 11,250 SF sanctuary building.
- The improvements also call for additional parking, improvements to the existing detention pond and new pond/playfield and landscape installation.

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Suite 58, 5341 THOMPSON BRIDGE ROAD, MURRAYVILLE, GA 30564 TEL404 597 6745/ELMINAENGINEER@GMAIL.COM

Stipulation A of the approved SUP1998-0062 will be maintained in part. The 50-foot wide natural undisturbed buffer adjacent to Elkwood Manor and Clairborne Manor subdivisions will not be impacted. The approved 0-foot buffer along the western property line/B B Harris Elementary School will be impacted by the addition of a parking lot, using the ball field as a detention pond and an addition to the existing gym.

Stipulation B of the approved SUP1998-0062 will be maintained. The agreed to planting per ZV1998-0061 will be enhanced by replanting sparsely vegetated areas and the installation of a 6-foot opaque fence. The proposed improvement will require extending the existing parking parallel and along that section of the reduced buffer.

The Gwinnett County Board of Education (BOE) has been notified of the applicant's requested improvements to encroach into the rear setback line. At the time of preparing the application we are yet to hear back from them. Any information from the BOE regarding our application will be forwarded to Planning and Development Staff and Board Members.

Thank you for your time and consideration of our request. The applicant is opened to working with Staff and Board Members to achieve the successful implementation of this project.

Respectively Submitted,

George Awuku, P.E.

Design Engineer

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CASE NUMBER SUP-98-062

BOARD OF COMMISSIONERS

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

---

On motion of COMM. HUGHES, 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 DULUTH SEVENTH-DAY ADVENTIST for the proposed use of CHURCH EXPANSION (REDUCTION IN BUFFERS) 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 May 26, 1998, and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 26th day of May, 1998, that the aforesaid application for a Special Use Permit is hereby APPROVED subject to the following enumerated conditions:

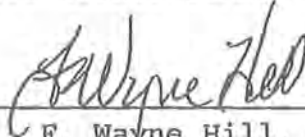
1. To restrict the use of the property as follows:
  - A. A church and accessory uses which may include a school.
2. To satisfy the following site development considerations:
  - A. Provide a 50-foot wide natural undisturbed buffer, adjacent to Elkwood Manor and Claiborne Manor subdivisions. For the remainder of the site, provide buffers adjacent to residential zoning as specified by the 1985 Zoning Resolution except for the encroachment of the parking lot and ballfield as shown on the site plan submitted February 24, 1998 and for approved perpendicular access and utility crossings and replanting where sparsely vegetated.

CASE NUMBER SUP-98-062

B. Provide replanting as agreed upon by the adjacent property owners (Tommy and Nancy Knox) and the Seventh Day Adventist Church, per the terms of agreement entered as part of the rezoning and variance application (Z-98-0061).

WINNETT COUNTY BOARD OF COMMISSIONERS

By:

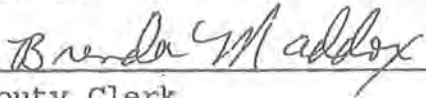


F. Wayne Hill, Chairman

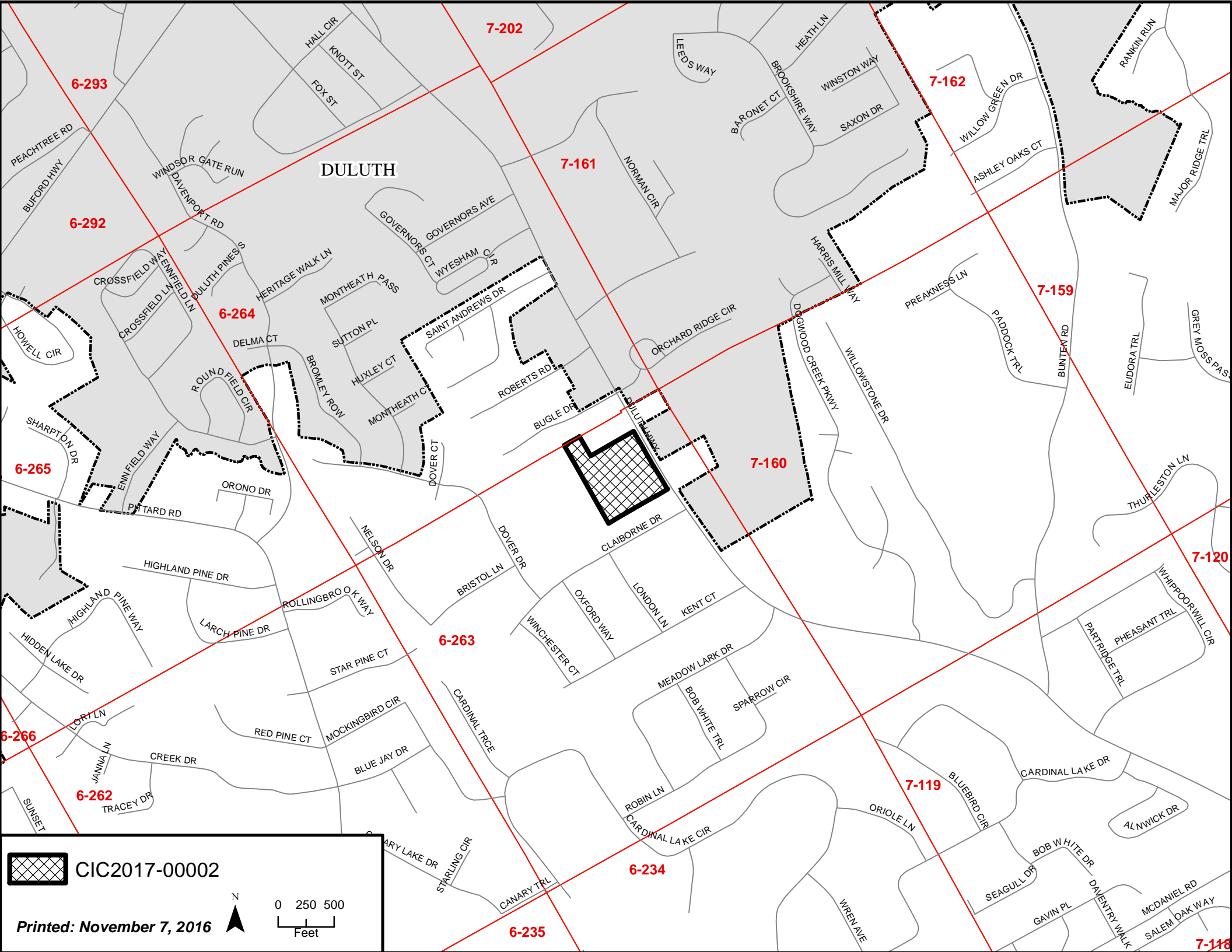
Date Signed:


June 25, 1998

ATTEST:

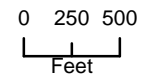


Deputy Clerk

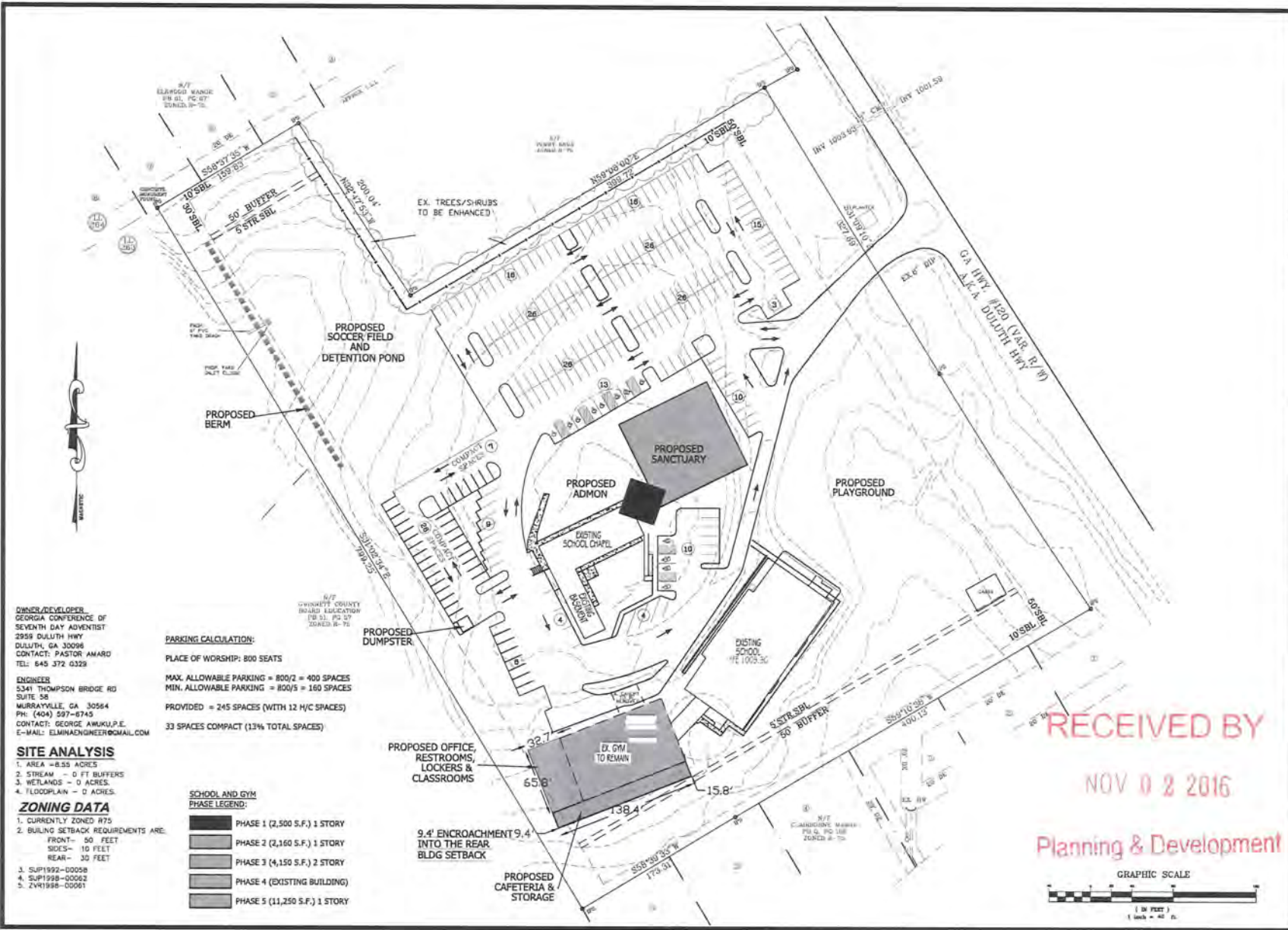


 CIC2017-00002

Printed: November 7, 2016



7-118



**OWNER/DEVELOPER**  
 GEORGIA CONFERENCE OF  
 SEVENTH DAY ADVENTIST  
 2959 DULUTH HWY  
 DULUTH, GA 30096  
 CONTACT: PASTOR AMARO  
 TEL: 645 372 0329

**ENGINEER**  
 5341 THOMPSON BRIDGE RD  
 SUITE 58  
 MURRAYVILLE, GA 30084  
 PH: (404) 597-8743  
 CONTACT: GEORGE AMUKU, P.E.  
 E-MAIL: ELMKACNGINEER@GMAIL.COM

**PARKING CALCULATION:**  
 PLACE OF WORSHIP: 800 SEATS  
 MAX. ALLOWABLE PARKING = 800/2 = 400 SPACES  
 MIN. ALLOWABLE PARKING = 800/5 = 160 SPACES  
 PROVIDED = 245 SPACES (WITH 12 H/C SPACES)  
 33 SPACES COMPACT (13% TOTAL SPACES)

**SITE ANALYSIS**  
 1. AREA = 8.53 ACRES  
 2. STREAM - 0 FT BUFFERS  
 3. WETLANDS - 0 ACRES  
 4. FLOODPLAIN - 0 ACRES


**ZONING DATA**  
 1. CURRENTLY ZONED R75  
 2. BUILDING SETBACK REQUIREMENTS ARE:  
 FRONT - 50 FEET  
 SIDES - 10 FEET  
 REAR - 30 FEET

**SCHOOL AND GYM PHASE LEGEND:**

- PHASE 1 (2,500 S.F.) 1 STORY
- PHASE 2 (2,160 S.F.) 1 STORY
- PHASE 3 (4,150 S.F.) 2 STORY
- PHASE 4 (EXISTING BUILDING)
- PHASE 5 (11,250 S.F.) 1 STORY

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GRAPHIC SCALE  
 1" = 40' FT



STATE OF GEORGIA  
 DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT  
 MURRAYVILLE, GEORGIA 30084

---

SEVENTH DAY OF ADVENTISTS-DULUTH  
 2959 DULUTH HWY (GA HWY 100)  
 DULUTH GA 30096  
 PARCEL: 584-008  
 PARCEL: 584-009

---

CONCEPT MASTER PLAN SHEET TITLE

DATE	NO.	DESCRIPTION
10/24/2016	001	

JOB NUMBER


CP-1

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DULUTH HWY

CLAIBORNE DR

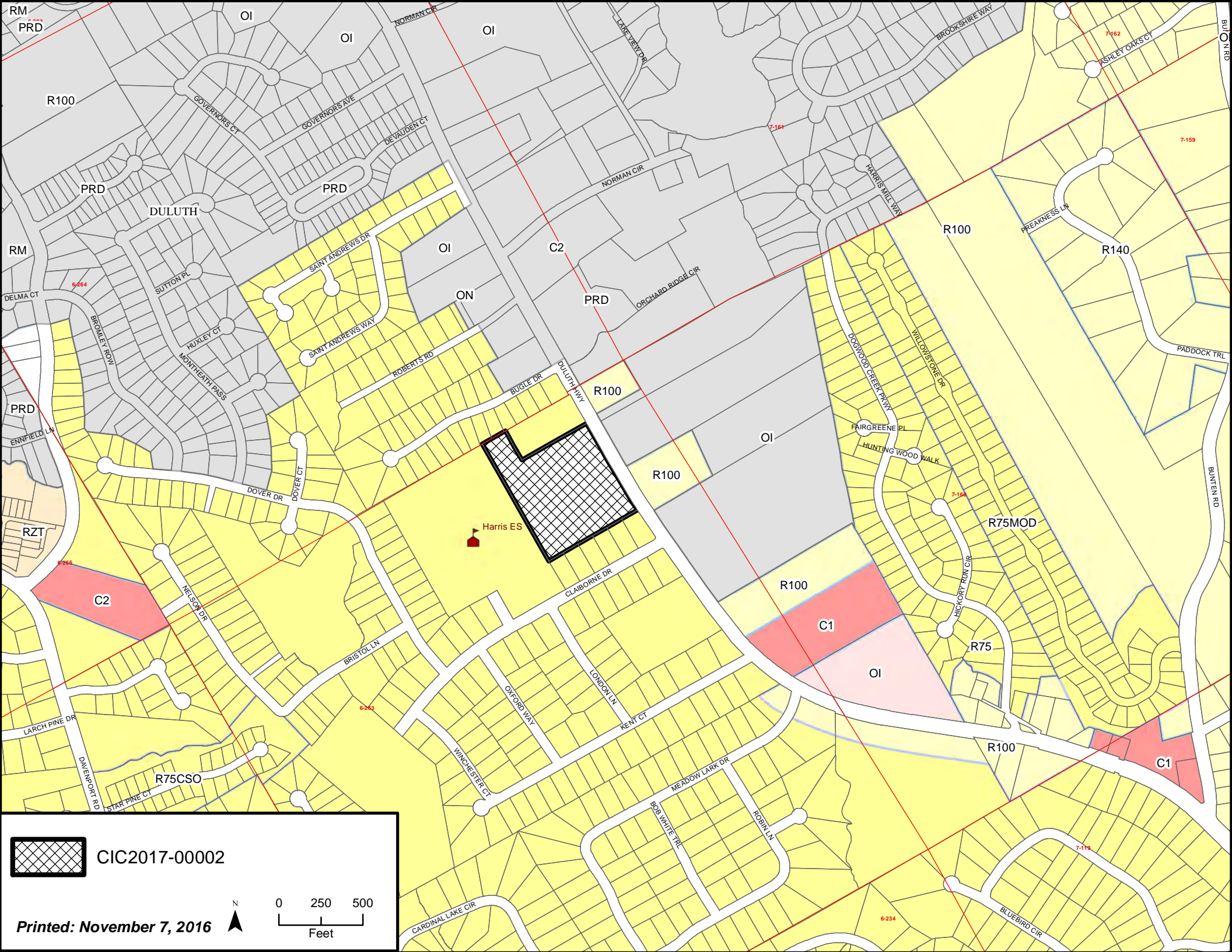
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Printed: November 7, 2016

N

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Feet





PRD

R100

DULUTH

PRD

OI

C2

PRD

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R100

R140

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R100

R100

C1

OI

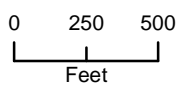
R75

R100

C1



CIC2017-00002



Printed: November 7, 2016

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

CASE NUMBER :**SUP2017-00001**  
ZONING :C-2  
LOCATION :1000 BLOCK OF DULUTH HIGHWAY  
:2100 BLOCK OF RIVERSIDE PARKWAY  
:900-1000 BLOCKS OF LAKES PARKWAY  
MAP NUMBER :R7033 107  
ACREAGE :22.97 ACRES  
SQUARE FEET :1,200 SQUARE FEET  
PROPOSED DEVELOPMENT :TRUCK RENTAL  
COMMISSION DISTRICT :(1) BROOKS

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

APPLICANT: LAWRENCEVILLE RENTALS, INC.  
2100 RIVERSIDE PARKWAY, SUITE 126  
LAWRENCEVILLE, GA 30043

CONTACT: ROBERT JACKSON WILSON PHONE: 770.962.9780

OWNER: MONARCH RIVER EXCHANGE, LLC  
4828 ASHFORD DUNWOODY ROAD, SUITE 300  
ATLANTA, GA 30338

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests a Special Use Permit for one suite in an existing shopping center on a 22.97 acre parcel, zoned C-2 (General Business District), to allow truck rental. The subject property is located on the southeast corner of the Riverside Parkway and Duluth Highway intersection. The site is developed as the River Exchange shopping center, with associated parking lots, and driveways.

The truck rental business would be operated in conjunction with the automobile rental business (Hertz), which has been renting trucks for several months without the necessary Special Use Permit from the County. Staff notes that during a recent site visit several rental trucks were parked in the Shopping Center parking lot and were highly visible in front of the Hertz suite. The applicant's request is the result of a Code Enforcement Unit case (CEU2016-10742). Approval of this request would bring the property into compliance.

**ZONING HISTORY:**

In 1970, the subject property was zoned R-100. In 1987, the property was rezoned to C-2 and OBP pursuant to RZ-87-041 and RZ-87-040. In 1988, the property was rezoned to C-2, pursuant to RZ-00-146.

**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:**

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

Section 230-130.3GG of the Unified Development Ordinance requires that vehicle storage, cleaning and maintenance must take place within a building or outside storage area that is screened from public view.

Vehicle repair, painting, and body work may not be conducted on the premises.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Duluth Highway SR-120 is a State Route and Georgia D.O.T. right-of-way requirements govern.

Riverside Parkway 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.

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

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the northwest right-of-way of Riverside Parkway and a 10-inch water main located on the southwest right-of-way of Lakes Parkway.

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located on parcel R7033 107.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The applicant requests a Special Use Permit in a shopping center suite on a 22.97 acre parcel, Suite 126, zoned C-2 (General Business District), to allow truck rental. The subject property is located on the southeast corner of the Riverside Parkway and Duluth Highway intersection. The site is developed as the River Exchange shopping center, with associated parking lots, and driveways.

The 2030 Unified Plan Future Development Map indicates the property is located within the Research and Development Corridor extending along Highway 316. Policies of the 2030 Unified Plan for this character area recommend compatibility of design and intensity among land uses. The leasing of rental trucks from a shopping center parking lot where they may interfere with parking for other shopping center patrons, and could be visible from adjoining highways may not be compatible with the recommendations of the 2030 Unified Plan.

The area surrounding the subject property is characterized by neighborhood serving commercial/retail uses and office uses located at the Riverside Parkway and Duluth Highway commercial node, with single-family and multi-family residential areas located beyond the node. The uses immediately around the subject property include a multi-tenant retail center, professional offices, small retail centers, restaurants and a major grocery store. The leasing of

rental trucks on the site, which began without proper County approvals or licenses, could negatively impact other businesses in the shopping center which share the parking lot. All other auto related businesses in the area are for passenger vehicles. A truck rental business would be a more intense use and may not be compatible, or suitable in a multi-tenant shopping center setting.

In conclusion, the truck rental business may not be consistent with policies of the 2030 Unified Plan and may not be suitable in light of the retail and less-intense automotive uses in the 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 should the Board of Commissioners choose to approve the petition.

Approval of a Special Use Permit for truck rental subject to the following enumerated conditions:

1. Retail, service-commercial and accessory uses which may include truck rental as a Special Use.
2. Truck rental shall be limited to no more than three trucks. Rental trucks shall be no larger than 16-foot box trucks, and must be parked to the rear of the suite and in marked parking spaces.
3. Tow-behind rental trailers shall be prohibited.
4. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
5. Peddlers and/or parking lot sales shall be prohibited.
6. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
7. Abide by all applicable conditions of RZ-00-146

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The use of a truck rental business from a multi-tenant shopping center parking lot, where the large box trucks are visible from Duluth Highway and could congest the parking lot, may not be suitable at this location.

ADVERSE IMPACTS

Adverse impacts may be anticipated on nearby businesses in the form of clutter and visual blight associated from large trucks being parked in a retail shopping center.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in truck traffic could be anticipated from the proposed use.

CONFORMITY WITH POLICIES

All other auto related business in the area are for passenger vehicles and a truck rental business would be a more intense use and may not be compatible, or suitable in a multi-tenant shopping center setting and may be inappropriate for this location.

CONDITIONS AFFECTING ZONING

The request is the result of a Code Enforcement investigation for operating the truck rental business without proper County approvals and licenses.

**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 use is suitable in view of other intense commercial uses in the shopping center.

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

No. Neighboring tenants in the shopping center support this application.

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

No. The property is vacant for several years with no tenant prior to the applicant's leasing the property.

- (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. Approval would ease such burden by providing a necessary service in a convenient and accessible location.

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

Yes.

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

The commercial space was vacant for many months before the applicant signed the lease. The applicant misunderstood the requirements of the zoning ordinance. This special use permit will correct that error.



**GWINNETT COUNTY**  
**POLICE DEPARTMENT**  
**Code Enforcement Unit**

770 Hi-Hope Road, P.O.Box 602  
 Lawrenceville, GA 30046  
 www.gwinnettcounty.com

**CASE NUMBER : CEU2016-10742**

<b>PRIMARY ADDRESS:</b>	2100 RIVERSIDE PKWY, LAWRENCEVILLE, GA 30043
<b>RECEIVED DATE:</b>	10/3/2016
<b>APPLICATION STATUS:</b>	RINSP
<b>DESCRIPTION:</b>	PARKING RENTAL BOX TRUCKS WITHOUT A SUP

OWNER NAME	ADDRESS	CITY/STATE/ZIP
MONARCH RIVER EXCHANGE LLC	PO BOX 37351	CHARLOTTE, NC, 28237-7351

CONTACTS ROLE	NAME	ADDRESS	CITY/STATE/ZIP

**COMMENTS**

View ID	COMMENTS	DATE

**INSPECTIONS**

Inspection	Requested	Scheduled	Completed	Status	Inspector	Comment
Re-Inspection	12/6/2016	1/25/2017	1/25/2017	Not Complied	James Smith	Waiting on SUP
Re-Inspection	11/29/2016	12/6/2016	12/6/2016	Not Complied Extension Granted	James Smith	SUP Public hearing is not till 01/24/2017
Re-Inspection	11/15/2016	11/29/2016	11/29/2016	Not Complied Extension Granted	James Smith	SUP2017-00001 - pending review
Re-Inspection	11/15/2016	11/15/2016	11/15/2016	Not Complied	James Smith	Still working on SUP
Re-Inspection	10/25/2016	11/1/2016	11/1/2016	Not Complied Extension Granted	James Smith	The application for the SUP is in. They have been working with Todd Hargrave in planning. They have an attorney working on thier behalf. Jack Wilson of Robert Jaskson Wilson PC.
Re-Inspection	10/18/2016	10/25/2016	10/25/2016	Not Complied Extension Granted	James Smith	working on SUP
Initial Inspection	10/3/2016	10/4/2016	10/4/2016	Field Notice of Violation	James Smith	NO S.U.P

**WORKFLOW HISTORY**

Workflow Task	Assigned	Due	Completed	Status	Inspector	Comment
Enforcement	10/3/2016	10/3/2016	10/4/2016	Field Notice of Violation	James Smith	

**VIOLATIONS**

ORDINANCE	CODE SECTION	VIOLATION DATE	COMPLIANCE DATE	VIOLATION STATUS
Unified Development Ordinance	270-40.4 VIOLATION /CONDITIONS	10/04/2016	10/11/2016	Not Met

**CITATIONS**

ORDINANCE	CODE SECTION	DATE OF CITATION	CITATION NUMBER	COURT DATE
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**GWINNETT COUNTY**  
**POLICE DEPARTMENT**  
**Code Enforcement Unit**

770 Hi-Hope Road, P.O.Box 602  
Lawrenceville, GA 30046  
www.gwinnettcounty.com

**CASE NUMBER : CEU2016-10742**

**DOCUMENTS**

<b>DOCUMENT NAME</b>	<b>FILE NAME</b>	<b>DESCRIPTION</b>	<b>UPLOADED BY</b>	<b>UPLOADED ON</b>
2100 Riverside Pkwy Ste 126	2100 Riverside Pkwy Ste 126.JPG	Trucks and Cars	JTSMITH	10/4/2016 2:31:00 PM
2100 Riverside Pkwy Ste 126 2	2100 Riverside Pkwy Ste 126 2`.JPG	Front	JTSMITH	10/4/2016 2:31:01 PM
2100 Riverside Pkwy Ste 126 10-11-16	2100 Riverside Pkwy Ste 126 10-11-16.JPG	Front	JTSMITH	10/11/2016 2:29:31 PM
2100 Riverside Pkwy Ste 126 10-18-16	2100 Riverside Pkwy Ste 126 10-18-16.JPG	Front	JTSMITH	10/18/2016 2:50:57 PM
2100 Riverside Pkwy 10-26-16	2100 Riverside Pkwy 10-26-16.JPG	Front	JTSMITH	10/25/2016 2:52:31 PM
2100 Riverside Pkwy Ste 126 11-01-16	2100 Riverside Pkwy Ste 126 11-01-16.JPG	Front	JTSMITH	11/1/2016 2:14:30 PM
2100 Riverside Pkwy Ste 126 11-15-16	2100 Riverside Pkwy Ste 126 11-15-16.JPG	Front	JTSMITH	11/15/2016 2:51:48 PM
2100 Riverside Pkwy Ste 126 11-29-16	2100 Riverside Pkwy Ste 126 11-29-16.JPG	Front	JTSMITH	11/29/2016 2:21:43 PM

# ROBERT JACKSON WILSON, PC

ATTORNEY AT LAW

10 LUMPKIN STREET ■ LAWRENCEVILLE, GA 30046  
770-962-9780

ROBERT JACKSON WILSON

[jwilson@rjwpcclaw.com](mailto:jwilson@rjwpcclaw.com)

October 25, 2016

Ms. Charlotte Nash, Chairman, and  
Members of the Board of Commissioners  
Gwinnett County Justice and Administration Center  
75 Langley Drive  
Lawrenceville, GA 30045

Re: Lawrenceville Rentals, Inc.  
2100 Riverside Parkway, Suite 126, Lawrenceville, GA 30043

Dear Chairman Nash and Members of the Board:

This firm represents the Applicant, Lawrenceville Rentals, Inc. The applicant operates a rental car facility in the River Exchange Shopping Center. That use is permitted as a matter of right. The Applicant also operates a Penske truck rental facility at the same location. When the applicant investigated leasing the subject property, it reviewed the County's ordinance in place at the time. The Applicant listed its business as "car and truck rental." The Applicant understood car and truck rental to include the rental of its Penske trucks. The Applicant signed a ten year lease in March 2016 with the understanding that the use was permitted in C-2. The County's business license staff granted a business license in the location based on the same understanding. The Applicant later learned that the term "car and truck rental" included only light duty trucks for rent and did not include typical box trucks for short-term rental. When the Code Enforcement staff notified the Applicant of this interpretation, the Applicant moved immediately to file this Application. The Applicant requests approval of the Special Use Permit to allow truck rental on the site. Most of the trucks are stored in the rear of the shopping center. This commercial space was vacant for a number of months prior to the Applicant's signing a lease for it. The shopping center's owner and neighboring tenants are in support of the Applicant's use. For all these reasons, the Applicant requests the Special Use Permit be approved for its leased space to allow a productive use of the space and a convenient, readily accessible location for this necessary service. If you have any questions or need any additional information, please do not hesitate to contact me.

With best regards, I am

Very truly yours,

  
Robert Jackson Wilson

RJW/bka

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CASE NUMBER RZ-00-146

BOARD OF COMMISSIONERS

WINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

On motion of COMM. HUGHES, which carried 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

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

by WINNETT PRADO, L.P. for the proposed use of

ALLOW AN ADDITIONAL OUTPARCEL 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 28, 2000 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 28<sup>TH</sup> day of NOVEMBER, 2000, that the aforesaid application to amend the Official Zoning Map from C-2 to C-2 (CHANGE IN CONDITIONS) is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Office, retail and service commercial and accessory uses at a maximum density of 8,700 gross square feet per acre, based on the 67.595 acres rezoned pursuant to RZ-147-88, or 585,000 square feet of total floor area, whichever is less.
  - B. Limit the number of single use, free-standing structures adjacent to Georgia Highway 120 to two, not including the site at the corner of Georgia Highway 120/Riverside Parkway.
2. To satisfy the following site development considerations:
  - A. Provide a minimum ten-foot wide landscape strip outside the new dedicated rights-of-way of all dedicated roads and a minimum five-foot wide landscape strip adjacent to the proposed internal site road except for access points.

- B. Entrances/exists along Georgia Highway 120, Lakes Parkway and Riverside Parkway shall be in accordance with Gwinnett County Development Regulations and the State Department of Transportation.
  - C. Free-standing uses or out parcels shall be accessed internally from the project site. No additional curb cuts shall be permitted.
  - D. No billboards are permitted.
  - E. Sign regulations as required by the 1985 Zoning Resolution shall be met as minimum standards for this development except for entryway signs designating the project.
  - F. Dumpsters shall be screened by a fence or wall where visible by any public right-of-way.
  - G. Buildings shall be finished with architectural treatments of glass and/or brick, stone, stucco or other masonry finish; or, submit alternate architectural plans for approval of the Planning Commission prior to approval of a building permit.
  - H. Submit a landscape plan for approval of the Development Division.
3. To abide by the following requirements, dedications and improvements.
- A. Provide acceleration/deceleration lanes at entrance driveways.

GWINNETT COUNTY BOARD OF COMMISSIONERS

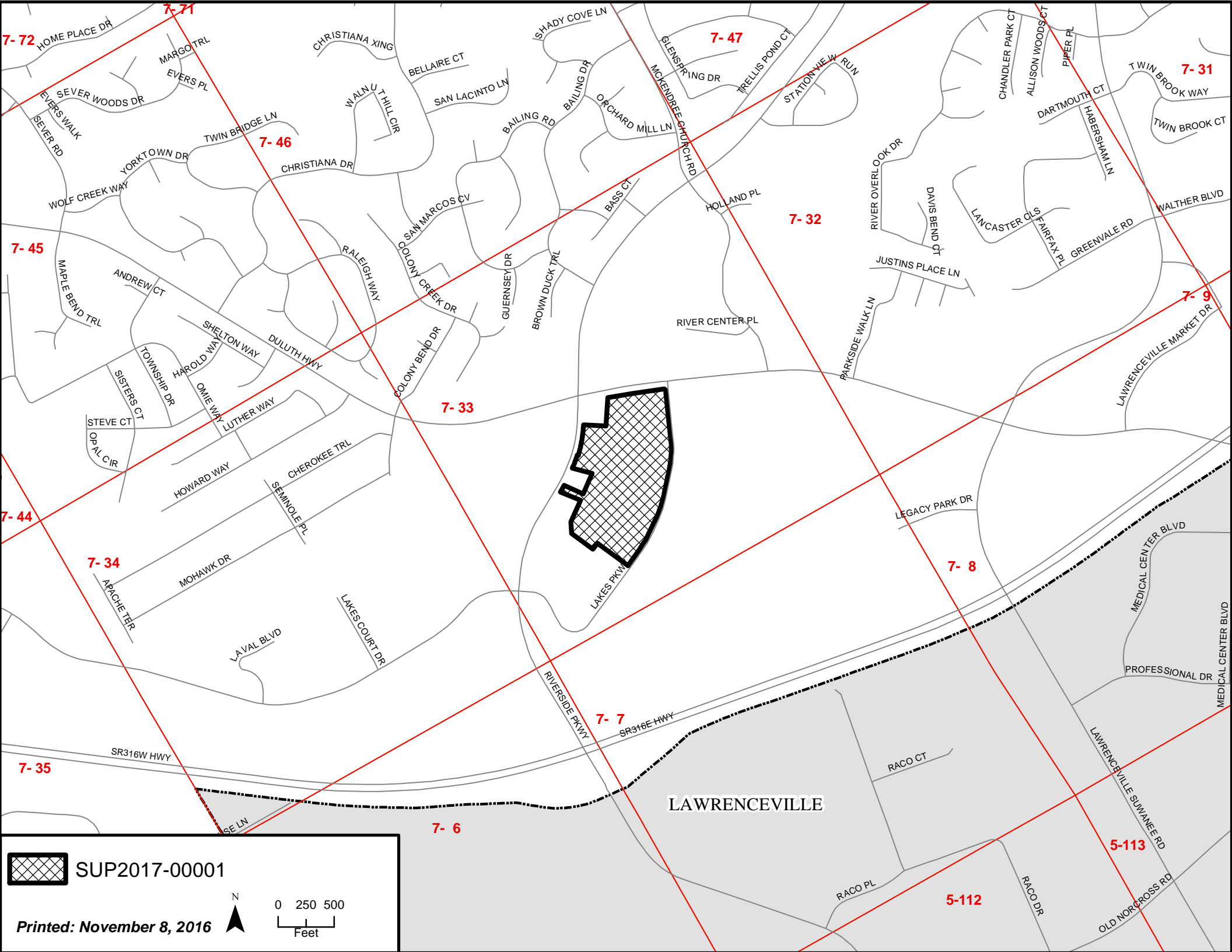
BY: 

F. Wayne Hill, Chairman

Date Signed: Dec. 11, 2000

ATTEST:

Brenda Madley  
County Clerk

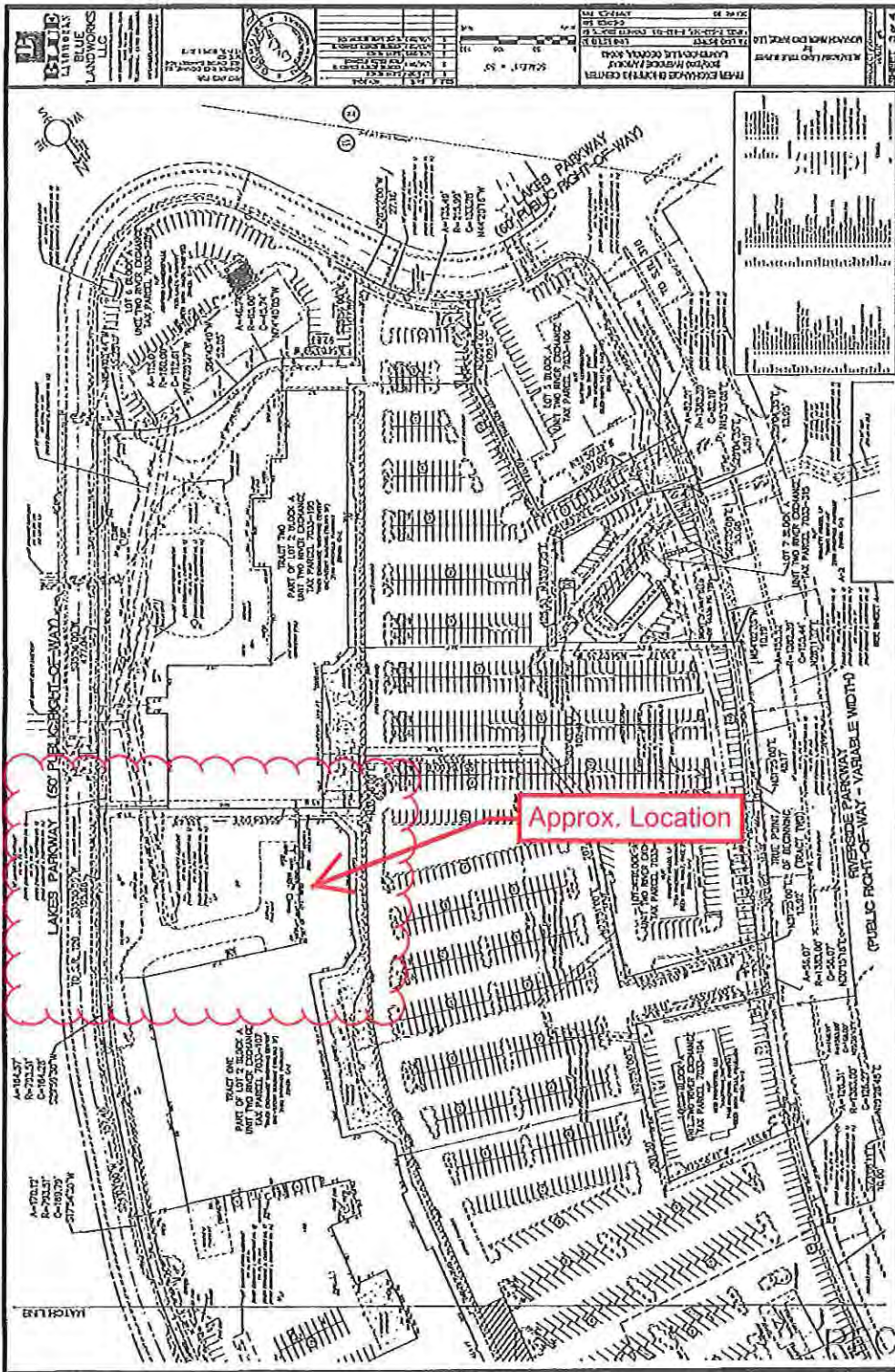


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Printed: November 8, 2016



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TO S.R. 120

S35°55'59" W  
195.86'

ASPHALT PAVEMENT

CA PUMP UNIT

CA PUMP UNIT

PLAY ROOM TO PACE 200

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Penske truck  
staging area

Suite 126

338.48'

S54°04'00" E

COVERED  
AREA

BOX



DULUTH HWY

RIVERSIDE PKWY

LAKES PKWY

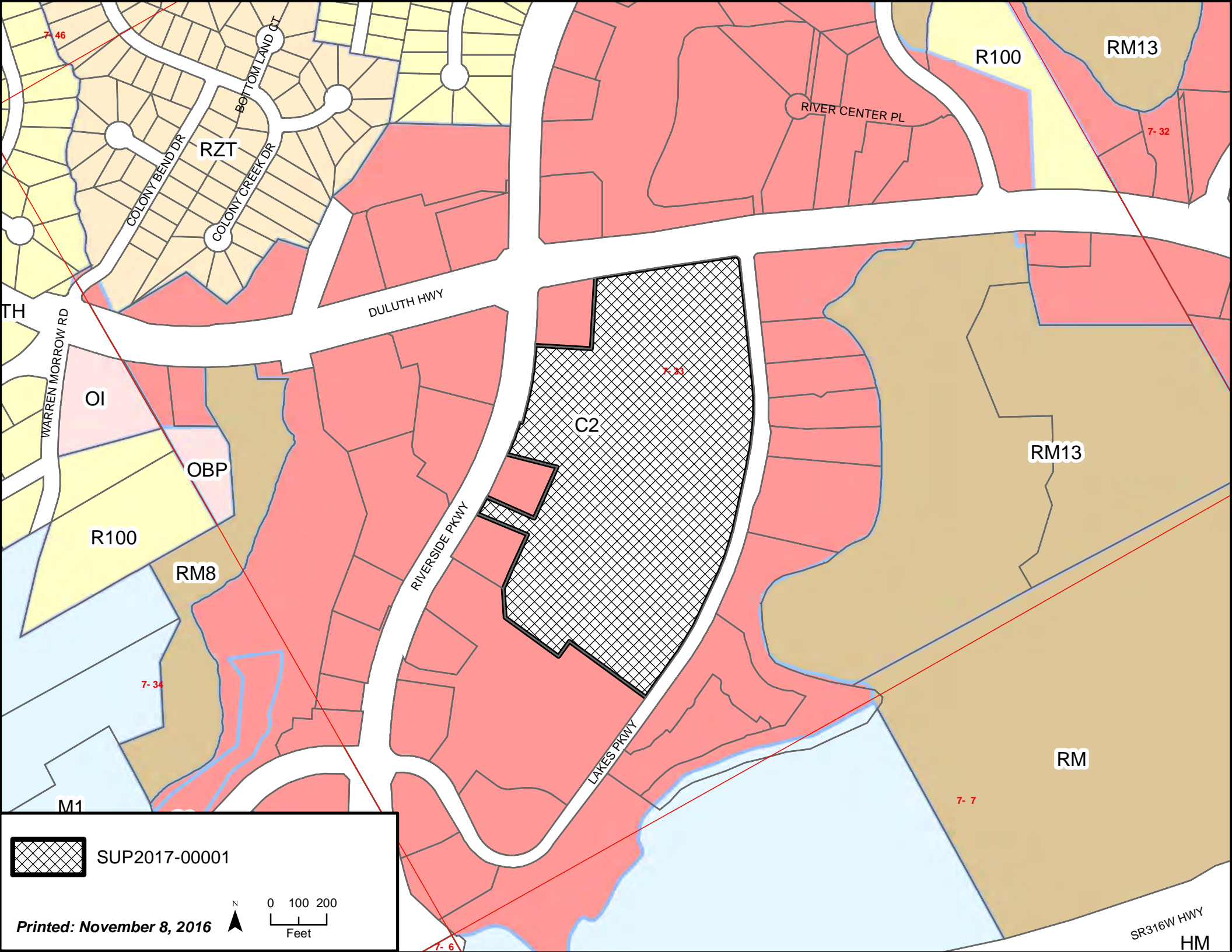


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Feet

Printed: November 8, 2016



 SUP2017-00001

Printed: November 8, 2016  0 100 200 Feet

SR316W HWY  
HM

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

CASE NUMBER :**SUP2017-00004**  
ZONING :RA-200  
LOCATION :2000 BLOCK OF JONES PHILLIPS ROAD  
:1900 BLOCK OF HARBINS ROAD  
MAP NUMBER :R5313 041  
ACREAGE :9.55 ACRES  
SQUARE FEET :2,500 SQUARE FEET  
PROPOSED DEVELOPMENT :SPECIAL EVENTS/BANQUET FACILITY OR RENTAL HALL  
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: DEAN WERTS  
C/O ANDERSEN, TATE & CARR, PC  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MARIAN C. ADEIMY PHONE: 678.518.6855

OWNER: DEAN WERTS  
2032 JONES PHILLIPS ROAD  
DACULA, GA 30019

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The subject request for a Special Use Permit is the result of a Code Enforcement Unit notice of violation for a non-permitted use (special events facility) on the subject property (CEU2016-09871). The applicant now seeks a Special Use Permit for a Special Events/Banquet Facility or Rental Hall in order to conduct competitive dog events on the site. According to the letter of intent, the proposed events include dock diving competitions in an existing above-ground swimming pool, Frisbee competitions, agility training/competitions and training and dog trick lessons on Saturdays and periodically throughout the year.

The subject property contains 9.55 acres and is located in the southeast quadrant of the Harbins Road/Jones Phillips Road intersection east of New Hope Road. It is currently zoned RA-200 (Residence-Agriculture District) and is developed with a single-family residence, a kennel/boarding/training facility and an above-ground pool for training and competitions. The existing driveway on Jones Phillips Road is the only proposed access point. The submitted site plan and letter of intent indicate two level grass areas on which the event area could be located; however, no parking areas are indicated on the site plan. According to correspondence with the applicant, 15-foot wide bleachers are brought onto the site for quarterly events and usually results in 10-30 cars maximum, with an average of usually 18-20 vehicles.

**ZONING HISTORY:**

The subject property has been zoned RA-200 since 1970.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

The subject property 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:**

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

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

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.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Harbins 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.

Jones Phillips 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 north right-of-way of Harbins Road and an eight-inch water main located on the southwest right-of-way of Jones Phillips Road.

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located approximately 8,278 feet southeast of parcel R5313 041 on parcel R5344 153 and an eight-inch sanitary sewer main located approximately 6,465 feet northwest of parcel R5313 041 on parcel R5311 001.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

- I. The applicant shall obtain a commercial building permit for each pool and structure and achieve satisfactory field inspections for issuance of a Certificate of Completion.

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

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The subject 9.55-acre property is located in the southeast quadrant of the Harbins Road/Jones Phillips Road intersection east of New Hope Road. It is currently zoned RA-200 (Residence-Agriculture District) and developed with a single-family residence, a kennel/boarding/training facility and an above-ground pool for training, which would also be used for events and competitions, if this request for a Special Use Permit is approved.

The 2030 Unified Plan Future Development Map indicates the property lies within a Rural/Estate Character Area. Policies for this character area encourage acreage tract/estate lot residential uses. This character area also allows for limited "crossroads" type commercial activity that promotes and preserves a rural setting. The convergence of New Hope Road

and Jones Phillip Road with Harbins Road currently includes two long-established country stores and a recently developed Dollar General store, providing limited retail activity in this area. The proposed Special Use Permit and quasi-commercial development of the subject site may be consistent with policies of the Unified Plan for allowing community-level commercial uses in the area.

The subject property is adjacent to a small neighborhood commercial node on both sides of Harbins Road between Jones Phillips Road and New Hope Road. To the north across Harbins Road is a small retail store originally built as a service station many years ago, zoned C-1 pursuant to a 1975 areawide rezoning. The subject property is bounded on the east and south by several large tract, single-family residences zoned RA-200. To the west across Jones Phillips Road are a Dollar General store and a country feed store, both zoned C-1 in 1975. The outlying area is rural/residential with agricultural uses and single-family homes on acreage, zoned RA-200. The approval of a Special Use Permit for a Special Events Facility, with appropriate conditions for screening and limiting the hours of operation of the public address system, may not adversely affect the nearby low intensity nature of the existing residential and commercial developments.

Staff recommends that the parking or special event areas not be located along Harbins Road and that the parking, event area, and swimming pool be sufficiently screened from Jones Phillips Road. If approved in accordance with the recommended conditions, staff believes this request would be compatible with the existing rural character of the surrounding area and with 2030 Unified Plan policies for limited commercial uses along Harbins Road. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for a Special Events/Banquet Facility or Rental Hall, subject to the following enumerated conditions:

1. Limited to use as a single-family residence, a dog kennel and boarding facility, and a dog training/competition special event facility as a special use.
2. Obtain all necessary development and building permits, and bring the site and structure(s) up to all applicable zoning, development and building codes within 60 days of zoning approval.
3. No parking or special event area shall be allowed along Harbins Road. Said areas shall only be allowed along Jones Phillips Road and shall be screened from view with a minimum 25-foot wide replanted buffer. Parking spaces shall be provided on a paved surface or approved porous paving system only. Landscape plans shall be subject to the review and approval by the Director of Planning and Development and be submitted to the Department of Planning and Development within 60 days of approval of the Special Use Permit.
4. The swimming pool shall be enclosed by a fence made from 100% opaque material and painted in non-white (earthtone) colors within 60 days of approval of the Special Use Permit. Final fence design and colors shall be subject to the review and approval of the Director of Planning and Development.
5. Ground signage shall be limited to one monument-type sign, and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base. 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. The ground sign shall not exceed six feet in height.
6. 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. All lighting shall be turned off at 9:00 p.m.
7. The use of an outdoor public address system shall be prohibited between 9:00 p.m. and 11:00 a.m. daily.
8. The applicant shall prepare and submit an animal waste management plan to the Department of Planning and Development for review by the appropriate agencies.
9. Outdoor storage shall be prohibited.



10. The Special Use Permit shall be valid for a two-year period, at which time the use shall cease or the Special Use Permit must be renewed.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed use could be suitable in view of the rural/residential character of the area which includes some limited commercial uses along Harbins Road.

ADVERSE IMPACTS

With the recommended conditions, adverse impacts from the proposed special events use upon adjacent and nearby properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The subject property has a reasonable economic use as zoned.

IMPACT ON PUBLIC FACILITIES

A minimal increase in impacts on public facilities in the form of traffic and utility demand could be expected from the proposed use.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the property lies within a Rural/Estate Character Area. Policies for this character area could support the requested activity if developed with staff's recommended conditions for appropriate screening.

CONDITIONS AFFECTING ZONING

The rural/residential character of the area lends some supporting grounds for approval of this request. Several properties along Harbins Road are developed as neighborhood-level commercial uses. The proposed Special Use Permit for special events could offer a service to the community that is in keeping with the rural character of the surrounding area.

**EXHIBIT "B"**  
**APPLICANT'S RESPONSE**

- A) WHETHER A PROPOSED REZONING (OR 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 kennel and special dog events facility is consistent with the existing RA-200 zoning district and similar farm, animal and community space and event uses.

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

No, this rezoning request proposes a community-friendly use that is entirely compatible with the adjoining and nearby property, and, like the existing kennel and dog boarding uses, permitted by right, will not adversely affect those properties.

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

No. The subject property does not have any reasonable economic use without the full dog training and boarding and events promoting that service to the community.

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

No. This property is permitted with existing utilities and has convenient access to major thoroughfares, including Highway 316. This rezoning is consistent with the existing dog boarding and kennel uses, and will have no impact whatsoever on the schools.

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

Yes. The Gwinnett 2030 Unified Plan identifies property zoned RA-200 and located in this area as being appropriate for rural, animal-related and community event uses.

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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 THE APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING (OR SPECIAL USE PERMIT).

Yes, the Board of Commissioners' support of this request will provide a much-needed service and community event opportunity for dog lovers, families and residents in the area.

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**GWINNETT COUNTY**  
**POLICE DEPARTMENT**  
**Code Enforcement Unit**

770 Hi-Hope Road, P.O.Box 602  
 Lawrenceville, GA 30046  
 www.gwinnettcounty.com

**CASE NUMBER : CEU2016-09871**

<b>PRIMARY ADDRESS:</b>	2032 JONES PHILLIPS RD, DACULA, GA 30019
<b>RECEIVED DATE:</b>	9/7/2016
<b>APPLICATION STATUS:</b>	RINSP
<b>DESCRIPTION:</b>	POOL IN MIDDLE OF YARD (PERMIT FOR ABOVE GROUND AND DECK WAS PULLED AND CC ISSUED ) STRUCTURE BUILT (PERMIT PULLED FOR METAL SHED) AND OUTDOOR STORAGE

OWNER NAME	ADDRESS	CITY/STATE/ZIP
WERTS DEAN	2032 JONES PHILLIPS RD	DACULA, GA, 30019-1826

CONTACTS ROLE	NAME	ADDRESS	CITY/STATE/ZIP

**COMMENTS**

View ID	COMMENTS	DATE
NIWARMAN	WWW.THEBRIGHTSIDE.COM WEBSITE TO THIS ADDRESS	10/5/2016
NIWARMAN	KATY WERTS 404-642-4404....DEAN WERTS 404-729-3588	10/18/2016
NIWARMAN	SPOKE WITH DEAN HE HAS NOW APPLIED FOR SPECIAL USE PERMIT SEE SUP2017-00004	11/15/2016
NIWARMAN	PLANNING TABLED..NEXT MEETING 02/07/17 ON SUP 2017-00004	1/25/2017
NIWARMAN	BOC MEETING TABLED FOR 02-28-17	2/1/2017

**INSPECTIONS**

Inspection	Requested	Scheduled	Completed	Status	Inspector	Comment
Re-Inspection	12/8/2016	1/3/2017	1/3/2017	Not Complied Extension Granted	Nicole Warman	SEE CASE SUP2017-00004 1ST HEARING 01-03-17
Re-Inspection	12/8/2016	1/3/2017	1/3/2017	Not Complied Extension Granted	Nicole Warman	SUP WAS APPROVED WITH SPECIAL CONDITIONS, NEXT SCEDULED MEETING BOC ON 01/24/2017
Re-Inspection	10/18/2016	11/1/2016	11/2/2016	Not Complied Extension Granted	Nicole Warman	PROPERTY OWNERS ARE STILL WORKING ON GETTING A SUP FOR THIS RA200 PROPERTY AND A ADMIN VARIANCE FOR THE POOL, CYPRESS TREES HAVE BEEN PLANTED AROUND POOL AND SCREENING PLACED ON ONE SIDE, OWNER LEFT ME V/M STATING THEY ARE STILL WORKING ON THESE VIOLATIONS
Re-Inspection	10/6/2016	10/12/2016	10/17/2016	Field Notice of Violation	Nicole Warman	MET WITH PROPERTY OWNER KATY WERTS, EXPLAINED PROPERTY WILL NEED AN SUP FOR THE ACTIVITES ON PROPERTY..TRAINING/EVENTS/ACTIVITIES WITH THE K9'S, BOARDING HAS NOT OPENED YET AND SHE WILL GET A OTC WHEN THEY GET A CERT OCCUPANCY. PALLETS O/S IN FRONT YARD
Re-Inspection	9/26/2016	10/5/2016	10/5/2016	Further Investigation	Nicole Warman	PROPERTY APPEARS THE SAME FROM LAST INSPECTION, STILL LOOKING INTO THE POOL/ AND NEEDING AN ADMIN VARIANCE AND SCREENING EVEN THOUGH POOL HAS RECIEVED A CC FROM P&D. DOES NOT HAVE BUISNESS LICENSE FOR WHAT APPEARS ONLINE AS RUNNING A TRAINING/BOARDING/COMPETITION FACILITY, GOING TO GET WITH SUPERVISOR AGAIN IN REGARDS TO THE POOL

**GWINNETT COUNTY**  
**POLICE DEPARTMENT**  
**Code Enforcement Unit**

770 Hi-Hope Road, P.O.Box 602  
 Lawrenceville, GA 30046  
 www.gwinnettcounty.com

**CASE NUMBER : CEU2016-09871**

Initial Inspection	9/19/2016	9/19/2016	9/19/2016	Further Investigation	Nicole Warman	SMALL AMOUNT O.S AT CORNER OF PARCEL...WITNESSED POOL, HAS PERMIT AND CC BLD2016-00518...METAL BUILDING IN FRONT/ SIDE..HAS BUILDING PERMIT BLD2016-00517... AN EMAIL HAS BEEN SENT TO PERMIT TO FURTHER INVESTIGATE ASSEC STRUCTURES
Re-Inspection	1/25/2017	2/8/2017		Scheduled	Nicole Warman	BOC MEETING TABLED..NEXT MEETING 02/07/17 ON SUP 2017-00004
Re-Inspection	1/4/2017	1/26/2017		Rescheduled	Nicole Warman	BOC MEETING ON 01/24/2017 ON SUP 2017-00004
Re-Inspection	11/15/2016	12/6/2016		Rescheduled	Nicole Warman	SEE CASE SUP2017-00004 1ST HEARING 01-03-17

**WORKFLOW HISTORY**

Workflow Task	Assigned	Due	Completed	Status	Inspector	Comment
Enforcement	9/7/2016	9/7/2016	10/18/2016	Field Notice of Violation	Nicole Warman	

**VIOLATIONS**

ORDINANCE	CODE SECTION	VIOLATION DATE	COMPLIANCE DATE	VIOLATION STATUS
Property Maintenance	14-306 OPEN OR OUTDOOR STORAGE	10/17/2016	10/31/2016	Met
Unified Development Ordinance	230-100.1 NON-PERMITTED USE	10/17/2016	10/31/2016	Not Met

**CITATIONS**

ORDINANCE	CODE SECTION	DATE OF CITATION	CITATION NUMBER	COURT DATE
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**DOCUMENTS**

DOCUMENT NAME	FILE NAME	DESCRIPTION	UPLOADED BY	UPLOADED ON
AERIAL	2032 JONES PHILLIPS.docx		KGCHASSION	9/19/2016 6:02:27 PM
09-19-16	027.JPG	STREET VIEW	NIWARMAN	9/20/2016 9:05:00 AM
09-19-16	020.JPG	METAL BUILDING	NIWARMAN	9/20/2016 9:05:03 AM
09-19-16	017.JPG	STREET O/S	NIWARMAN	9/20/2016 9:05:06 AM
09-19-16	022.JPG	METAL BUILDING/ STREET	NIWARMAN	9/20/2016 9:05:07 AM
09-19-16	019.JPG		NIWARMAN	9/20/2016 9:05:09 AM
09-19-16	016.JPG	O/S	NIWARMAN	9/20/2016 9:05:10 AM
09-19-16	018.JPG	POOL	NIWARMAN	9/20/2016 9:05:12 AM
09-19-16	028.JPG	STREET ENTRANCE / POOL	NIWARMAN	9/20/2016 9:05:14 AM
10-05-16	10-05-16 016.JPG	STREET VIEW	NIWARMAN	10/6/2016 8:49:43 AM
10-05-16	10-05-16 017.JPG	O/S	NIWARMAN	10/6/2016 8:49:45 AM
10-05-16	10-05-16 018.JPG	POOL	NIWARMAN	10/6/2016 8:49:46 AM
10-17-16	10-17-16 012.JPG	STREET VIEW	NIWARMAN	10/18/2016 9:19:40 AM

**GWINNETT COUNTY  
POLICE DEPARTMENT  
Code Enforcement Unit**

**770 Hi-Hope Road, P.O.Box 602  
Lawrenceville, GA 30046  
www.gwinnettcounty.com**

**CASE NUMBER : CEU2016-09871**

11-02-16	11-02-16 032.JPG	POOL	NIWARMAN	11/3/2016 9:41:09 AM
11-02-16	11-02-16 031.JPG	STREET VIEW	NIWARMAN	11/3/2016 9:41:10 AM
11-02-16	11-02-16 033.JPG	SCREEN	NIWARMAN	11/3/2016 9:41:16 AM
01/03/2017	020.JPG	FIELD	NIWARMAN	1/4/2017 10:39:07 AM
01/03/2017	018.JPG	POOL 1	NIWARMAN	1/4/2017 10:39:08 AM
01/03/2017	019.JPG	POOL 2	NIWARMAN	1/4/2017 10:39:11 AM

# ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.  
ONE SUGARLOAF CENTRE  
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DULUTH, GEORGIA 30097  
(770) 822-0900  
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[www.atclawfirm.com](http://www.atclawfirm.com)

Marian C. Adeimy

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

## **LETTER OF INTENT** **FOR SPECIAL EVENTS SPECIAL USE PERMIT**

The Owner and Applicant, Dean Werts (hereinafter, "Applicant"), submits this request for a Special Use permit for a Special Events Facility on an approximately 9.3 acre tract of land (hereinafter, the "Property") located at 2032 Jones Phillips Rd., Dacula, GA 30019. The subject property covered by this Application is currently zoned RA-200.

The subject property is 9.3 acres, recently purchased and combined by the Applicant for their kennel and proposed special dog events proposed. Both uses provide an important service to Gwinnett County pet and dog lovers, many of whom respect and work with the Applicant regularly.

Kennels and pet boarding are permitted uses in the existing RA-200 zoning district and consistent with this request and important event opportunity for Gwinnett dog-lovers and families alike. Community centers and cultural facilities are also permitted, similar to the community events hosted by the Applicant.

The requested special use permit under the existing zoning district would allow the Applicant to host special dog competition events on the property, subject to the proposed screening and additional conditions agreeable to the Applicant. Many of the events help raise money for charitable and pet-rescue organizations both locally and nationally. The Applicant and his wife strive to provide a "friendly and enjoyable place that is exciting and fun/safe place to play with your dog."

### Proposed event types include:

- Dock Diving competitions - involved with AKC and may host 3-5 a year. Dogs earn points towards title for the end of the year at the Eukanuba championship in FL.
- Frisbee – They host 5 events per year with different organizations.
- Agility- Mostly the field is used for training
- Training and dog trick lessons on Saturdays and periodically throughout the year

The property, residence, kennel and pool would continue to appear as it does today.

Because of the shape and location of the property, it contains at least two front yards in which the event area could be located, and where the Applicant constructed the event pool area. The remaining property contains the Applicant's personal home, kennel and boarding facilities, all of which were permitted by Gwinnett County.

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The Applicant proposes privacy screening and planting of evergreen trees across the front of the pool and event area in order to screen it from the road, and as reflected in the photos and plan submitted herewith. The Applicant has marked off the area shown on the photos submitted herewith, and plan to screen the pool with Leland Cypress and Green Giant trees. They plan to purchase trees that are already 6-9' tall for immediate coverage and spacing at 12-15' apart. They have also constructed a 52" wood/chain-link fence around the pool now with two gates in order to meet code.

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

### **CONCLUSION**

The subject property is an appropriate location for the proposed special dog training events and, like the existing kennel, would have little to no impact on any surrounding properties or to the citizens in nearby or surrounding areas.

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

This 3<sup>rd</sup> day of November, 2016.

Respectfully submitted,

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



Marian C. Adeimy  
Attorney for the Applicant

Enclosures (Application Packet)

2777470\_1.DOC

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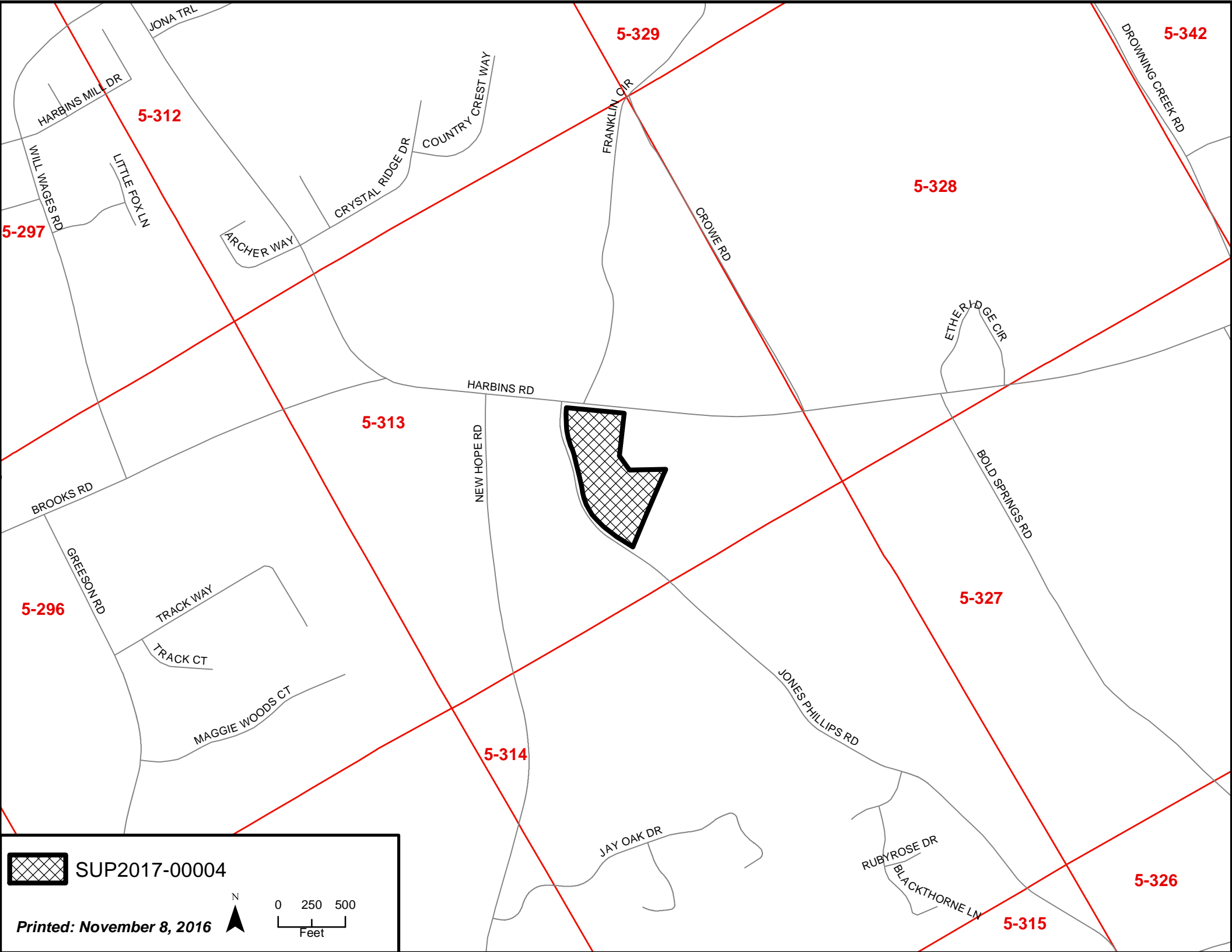
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0 250 500  
Feet

Printed: November 8, 2016

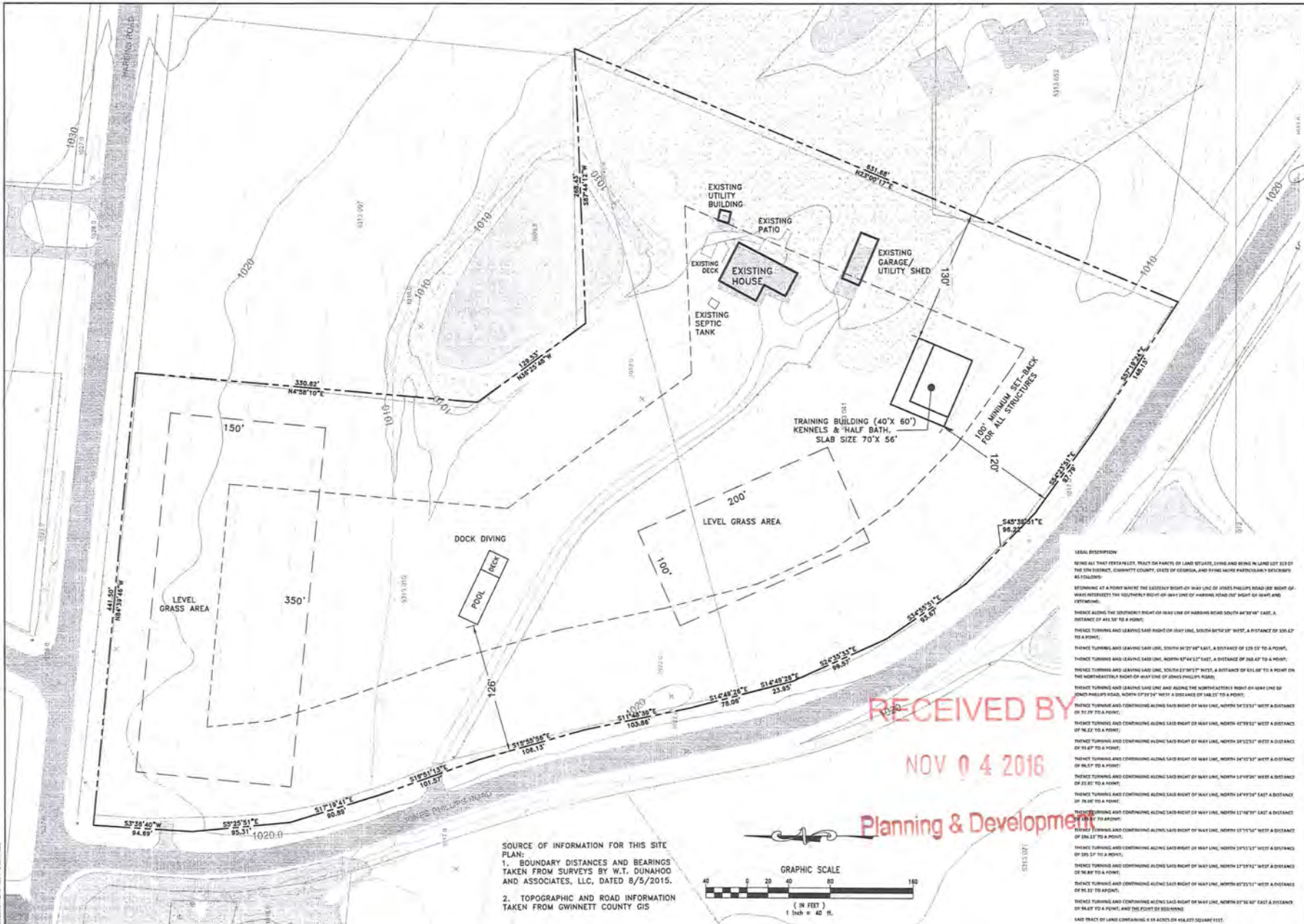


PROJECT	DOG TRAINING FACILITY
CLIENT	DAQUA, UNINCORPORATED GWINNETT COUNTY, GA
DESIGNER	DEAN WERTS
DATE	2017 JONES PHILLIPS ROAD DALYLA, GA

APPROVED FOR CONSTRUCTION  
 NOT APPROVED FOR CONSTRUCTION

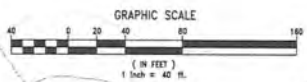
REVISIONS	DATE
TRAINING BUILDING	2/18/2016
REVISED	10/24/16

DRAWING TITLE	SITE PLAN
DATE	11/24/15
PROJECT NO.	2842.00
DRAWN BY	LL
SCALE	S-1



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 NOV 04 2016  
 Planning & Development

SOURCE OF INFORMATION FOR THIS SITE PLAN:  
 1. BOUNDARY DISTANCES AND BEARINGS TAKEN FROM SURVEYS BY W.T. DUNAHOO AND ASSOCIATES, LLC, DATED 8/5/2015.  
 2. TOPOGRAPHIC AND ROAD INFORMATION TAKEN FROM GWINNETT COUNTY GIS



**LEGAL DESCRIPTION:**  
 BEING ALL THAT CERTAIN TRACT OR PARCELS OF LAND Situate, Lying and Being in LAND LOT 113 OF THE 5TH DISTRICT, COUNTY OF GWINNETT, STATE OF GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT A POINT WHERE THE EXISTING BROADWAY RIGHT OF WAY LINE OF JONES PHILLIPS ROAD (BY RIGHT OF WAY INTERSECT THE RIGHT OF WAY LINE OF HARRIS ROAD) BEING THE RIGHT OF WAY AND EXTENDING:  
 THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF HARRIS ROAD SOUTH 84°38'10" EAST, A DISTANCE OF 330.82 FEET TO A POINT;  
 THENCE TURNING AND LEAVING SAID RIGHT OF WAY LINE, SOUTH 10°10' WEST, A DISTANCE OF 1020.00 FEET TO A POINT;  
 THENCE TURNING AND LEAVING SAID LINE, SOUTH 11°25'51" WEST, A DISTANCE OF 106.13 FEET TO A POINT;  
 THENCE TURNING AND LEAVING SAID LINE, SOUTH 2°25'51" WEST, A DISTANCE OF 95.51 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF JONES PHILLIPS ROAD;  
 THENCE TURNING AND LEAVING SAID LINE AND ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF JONES PHILLIPS ROAD, NORTH 17°19'41" WEST, A DISTANCE OF 101.37 FEET TO A POINT;  
 THENCE TURNING AND CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 11°25'51" WEST, A DISTANCE OF 103.88 FEET TO A POINT;  
 THENCE TURNING AND CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 14°49'28" WEST, A DISTANCE OF 78.00 FEET TO A POINT;  
 THENCE TURNING AND CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 14°49'28" WEST, A DISTANCE OF 23.50 FEET TO A POINT;  
 THENCE TURNING AND CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 2°35'33" WEST, A DISTANCE OF 98.57 FEET TO A POINT;  
 THENCE TURNING AND CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 2°35'33" WEST, A DISTANCE OF 81.67 FEET TO A POINT;  
 THENCE TURNING AND CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 1°35'51" WEST, A DISTANCE OF 110.00 FEET TO A POINT;  
 THENCE TURNING AND CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 1°35'51" WEST, A DISTANCE OF 72.50 FEET TO A POINT;  
 THENCE TURNING AND CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 17°19'41" WEST, A DISTANCE OF 101.37 FEET TO A POINT;  
 THENCE TURNING AND CONTINUING ALONG SAID RIGHT OF WAY LINE, NORTH 11°25'51" WEST, A DISTANCE OF 106.13 FEET TO A POINT;  
 THENCE TURNING AND CONTINUING ALONG SAID RIGHT OF WAY LINE, SOUTH 10°10' WEST, A DISTANCE OF 1020.00 FEET TO A POINT;  
 THENCE TURNING AND CONTINUING ALONG SAID RIGHT OF WAY LINE, SOUTH 84°38'10" WEST, A DISTANCE OF 330.82 FEET TO A POINT, BEING THE RIGHT OF WAY INTERSECT THE RIGHT OF WAY LINE OF HARRIS ROAD) BEING THE RIGHT OF WAY AND EXTENDING.  
 LAND TRACT OF LAND CONTAINING 4.88 ACRES OR 418,422 SQUARE FEET.



HARBINS RD

JONES PHILLIPS RD



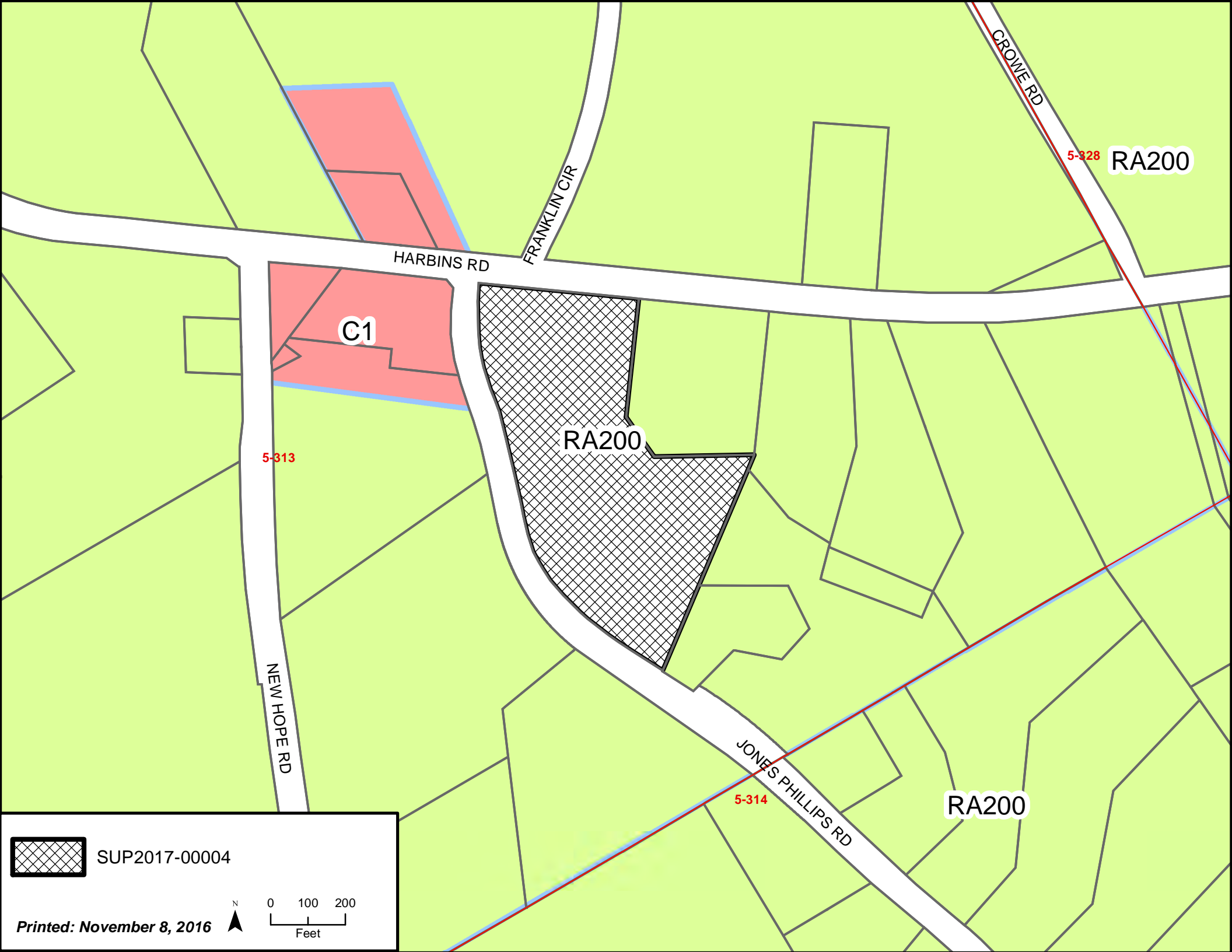
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Printed: November 8, 2016





5-328 RA200

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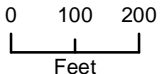
RA200

5-313

5-314

RA200

 SUP2017-00004

Printed: November 8, 2016  

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

CASE NUMBER	: <b>RZC2017-00006</b>
ZONING CHANGE	:R-100 TO C-2
LOCATION	:1700 BLOCK OF NORTH BROWN ROAD
MAP NUMBER	:R7114 175
ACREAGE	:4.43 ACRES
SQUARE FEET	:76,299 SQUARE FEET
PROPOSED DEVELOPMENT	:HOTEL (BUFFER REDUCTION)
COMMISSION DISTRICT	:(1) BROOKS

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

APPLICANT: PEACHTREE HOTEL GROUP, LLC  
C/O MAHAFFEY PICKENS TUCKER, LLP  
1550 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACT: SHANE LANHAM PHONE: 770.232.0000

OWNER: MARY VIRGINIA MIMMS  
215 SAVANNA ESTATES COURT  
CANTON, GA 30115

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests rezoning from R-100 (Single Family Residence District) to C-2 (General Business District) for the development of a 76,299 square foot hotel on 4.43-acres. The site is located on the western side of North Brown Road, just north of its intersection with Sugarloaf Parkway. The property is wooded and undeveloped.

The proposed site plan indicates the development would consist of a four story 76,299 square foot hotel with 130 rooms. A total of 137 parking spaces are indicated for the hotel which meets the minimum parking requirements for a development of this size.

Access is shown by a single entrance from North Brown Road. The Department notes that a 75-foot wide buffer would be required between the proposed C-2 development and the R-100 zoned property to the north. As part of this request, the applicant proposes elimination of the required buffer adjacent to the northern property line. A detention pond is shown along the western portion of the property adjacent to North Brown Road.

**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 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).

Provide a 75-foot natural, undisturbed buffer adjacent to residential 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 detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

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

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

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

Section 220-30.3E of the Unified Development Ordinance requires that for developments exceeding 7,500 square feet, primary building facades and entrances shall be located no more than 70-feet from public right-of-way, and shall be oriented to the street and shall provide a sidewalk connecting the front entrance to a continuous sidewalk place parallel to the street.

#### STORMWATER REVIEW SECTION COMMENTS:

No comment.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

North Brown 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 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.

**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 northwest right-of-way of North Brown 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 a 10-inch sanitary sewer main located approximately 44 feet east of parcel R7114 175 in the right-of-way of North Brown Road.

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 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:**

No comment.

**DEPARTMENT ANALYSIS:**

The applicant requests rezoning from R-100 (Single Family Residence District) to C-2 (General Business District) for the development of a 76,299 square foot hotel on 4.43-acres. The site is located on the western side of North Brown Road, just north of its intersection with Sugarloaf Parkway. The property is wooded and undeveloped.

The 2030 Unified Plan Future Development Map indicates that the property lies within the Existing/Emerging Suburban Character Area extending along North Brown Road to the Sugarloaf Parkway commercial corridor. The proposed development of the site as a hotel may be beneficial to the corridor and consistent with the overall policies and goals of the 2030 Unified Plan by complementing and supporting the nearby commercial, office and civic uses.

The area surrounding the subject site is characterized by commercial, office and single family residential uses along this segment of North Brown Road. The uses within the immediate area consist of hotels, office uses, the Sugarloaf Mills Mall, Infinite Energy Center and single family subdivisions. Adjacent to the north property line is an office building zoned O-I. East across North Brown Road is The Enclave at Stonehaven subdivision, zoned R-ZT. South is Homewood Suites and Hampton Inn zoned O-I and to the west is wooded property which also

contains a cell tower zoned R-100. Several other hotels are located in the area surrounding the Infinite Energy Arena including the Hilton Garden Inn, Courtyard Marriott and a Holiday Inn, located across Interstate I-85. Given the mixture of uses along this segment of North Brown Road, including several existing hotels, and with conditions limiting the use of the property, a hotel use could be appropriate at this location.

In conclusion, if developed in accordance with staff's recommended conditions, this request for C-2 zoning may be consistent with the 2030 Unified Plan policies to support and complement nearby commercial and office uses. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as C-2 (General Business District) subject to the following enumerated conditions:

I. To restrict the use of the property as follows:

A. Retail, service-commercial, office, and accessory uses. The following uses shall be prohibited:

- adult bookstores or entertainment
- automotive parts stores
- contractors offices
- emissions inspection stations
- equipment rental
- extended stay hotels or motels
- recovered materials processing facilities
- smoke shops/novelty stores
- tattoo parlors
- taxidermists
- yard trimmings composting facilities

B. Buildings shall be of a brick, stacked stone and/or glass finish on all sides. Final building elevations shall be submitted for review by the Director of Planning and Development.

2. To abide by the following site development considerations:

A. Natural vegetation shall remain on the property until the issuance of a development permit.

B. 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 signage shall not exceed eight feet in height.

C. 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.

D. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and



exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.

- E. Billboards or oversized signs shall be prohibited.
- F. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- G. Outdoor storage shall be prohibited.
- H. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
- I. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- J. Outdoor loudspeakers shall be prohibited.
- K. Peddlers and/or parking lot sales shall be prohibited.
- L. 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 requested rezoning and development of the proposed hotel at this location could be compatible with the established commercial uses and complement the civic uses along the Sugarloaf Parkway corridor.

ADVERSE IMPACTS

With the recommended conditions, including use restrictions, adverse impacts on surrounding uses could be minimized.

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 2030 Unified Plan Future Development Map indicates that the property lies within the Existing/Emerging Suburban Character Area. The proposed development of the site as a hotel may be beneficial to the corridor and consistent with the overall policies and goals of the 2030 Unified Plan by complementing and supporting the nearby commercial, office and civic uses.

CONDITIONS AFFECTING ZONING

The surrounding area contains a mixture of uses including restaurants, the Sugarloaf Mills Mall, the Infinite Energy Arena and Center and several other commercial, office and civic uses. Given the mixture of uses along this segment of North Brown Road, including several existing hotels, and with conditions limiting the use of the property, a hotel use could be appropriate at this location.

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

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

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

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

Please see 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) Applicant submits that the property does have not 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.
- (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 commercial/retail nature of the area provides additional support of this Application.

RZC '17 00 6

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**DEC 02 2016**

**Planning & Development**



Matthew P. Benson  
Gerald Davidson, Jr.\*  
Brian T. Easley  
Kelly O. Faber  
Christopher D. Holbrook  
Joshua P. Johnson

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

**LETTER OF INTENT FOR  
REZONING APPLICATION OF PEACHTREE HOTEL GROUP, LLC**

The Applicant, Peachtree Hotel Group, LLC, submits this Rezoning Application for the purpose of rezoning to the C-2 zoning classification an approximately 4.43 acre tract (the "Property") located on North Brown Road near its intersection with Sugarloaf Parkway. The Property is currently zoned R-100.

The use and development of the Property as R-100 is not economically feasible and is not the highest and best use of the Property. It would be impossible to develop and market the Property for use consistent with the R-100 zoning in light of its location immediately adjacent to an expanding commercial corridor at a major intersection. The development of the Property as a C-2 development under the guidelines of Gwinnett County is appropriate for the subject tract and is consistent with the surrounding property. The Applicant intends to develop the Property as a limited service, all-suite hotel within the Hilton family of hotels.

Applicant also requests a buffer reduction to zero feet along the along the common property lines (southerly and westerly boundaries) with property owned by Gwinnett County (parcel number 7115 008A) and submits herewith a site plan reflecting the areas which are the subject of this buffer reduction request.

The development of the Property in accordance with a C-2 designation provides the appropriate type of zoning within the Sugarloaf Parkway and North Brown Road commercial corridors. The proposed use is consistent with the intent of the zoning ordinance for C-2 use.

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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DEC 02 2016

Planning & Development

RZC '17 00 6

The requested rezoning will have no adverse impact on the current or contemplated uses of nearby or surrounding properties.

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,

MAHAFFEY PICKENS TUCKER, LLP



---

Shane M. Lanham  
Attorneys for Applicant

RZC '17 00 6

**RECEIVED BY**

**DEC 02 2016**

**Planning & Development**



PHILLIPS  
architects + engineers

7/20/14/15



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



SIDE ELEVATION  
SCALE: 1/8" = 1'-0"

DATE: 12/15/15  
DESCRIPTION:

THE PROJECT IS THE PROPERTY OF THE CLIENT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PHILLIPS ARCHITECTS + ENGINEERS.



PROPOSAL VERSION 02 MAY 2015

4 STORY 155,000 SQ FT  
CENTER ENTRY  
W/ EXTERIOR PUDO

N BROWN ROAD  
LAWRENCEVILLE,  
GEORGIA

PEACHTREE HOTEL  
GROUP

2700 PERIMETER PLAZA  
800 OLIVERVILLE DRIVE, SUITE 400  
ATLANTA, GA 30328

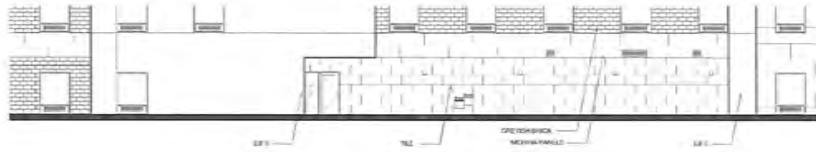
DATE PLOTTED	12/15/15
DATE CHECKED	12/15/15
DATE PRINTED	12/15/15
SCALE	AS SHOWN

EXTERIOR ELEVATIONS

A-4.1

THE PHILLIPS ARCHITECTS + ENGINEERS  
1000 PHILLIPS DRIVE  
ATLANTA, GEORGIA

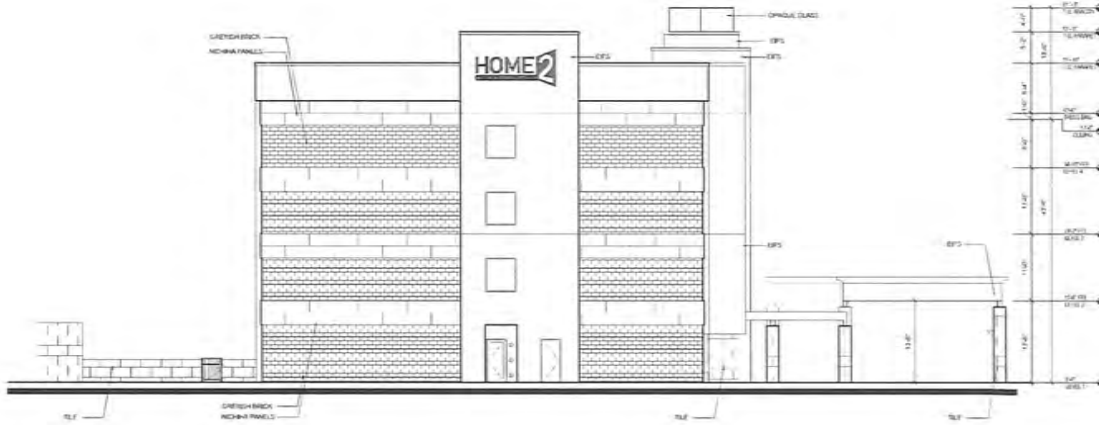
REVISIONS  
Revised December 2, 2015  
Planning and Development



REAR ELEVATION @ POOL  
SCALE: 1/8" = 1'-0"



REAR ELEVATION  
SCALE: 1/8" = 1'-0"



SIDE ELEVATION  
SCALE: 1/8" = 1'-0"



**PHILLIPS**  
architects + engineers

770.241.1414

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

DATE \_\_\_\_\_

DESCRIPTION \_\_\_\_\_

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PROTOTYPE VERSION 22 MAY 2014

4 STORY 130 UNITS  
CENTER ENTRY  
W/ EXTERIOR POOL

N BROWN ROAD  
LAWRENCEVILLE,  
GEORGIA

PEACHTREE HOTEL  
GROUP

TWO PERIMETER PLAZA  
5601 CLEMENS DRIVE, SUITE 401  
ATLANTA, GA 30327

PHILIP T. WHEELER

1000 P.O. BOX 1100

ATLANTA, GA 30308

PH: 404.525.1414

FAX: 404.525.1415

WWW.PHILLIPSARCH.COM

PHILLIPS ARCHITECTS + ENGINEERS

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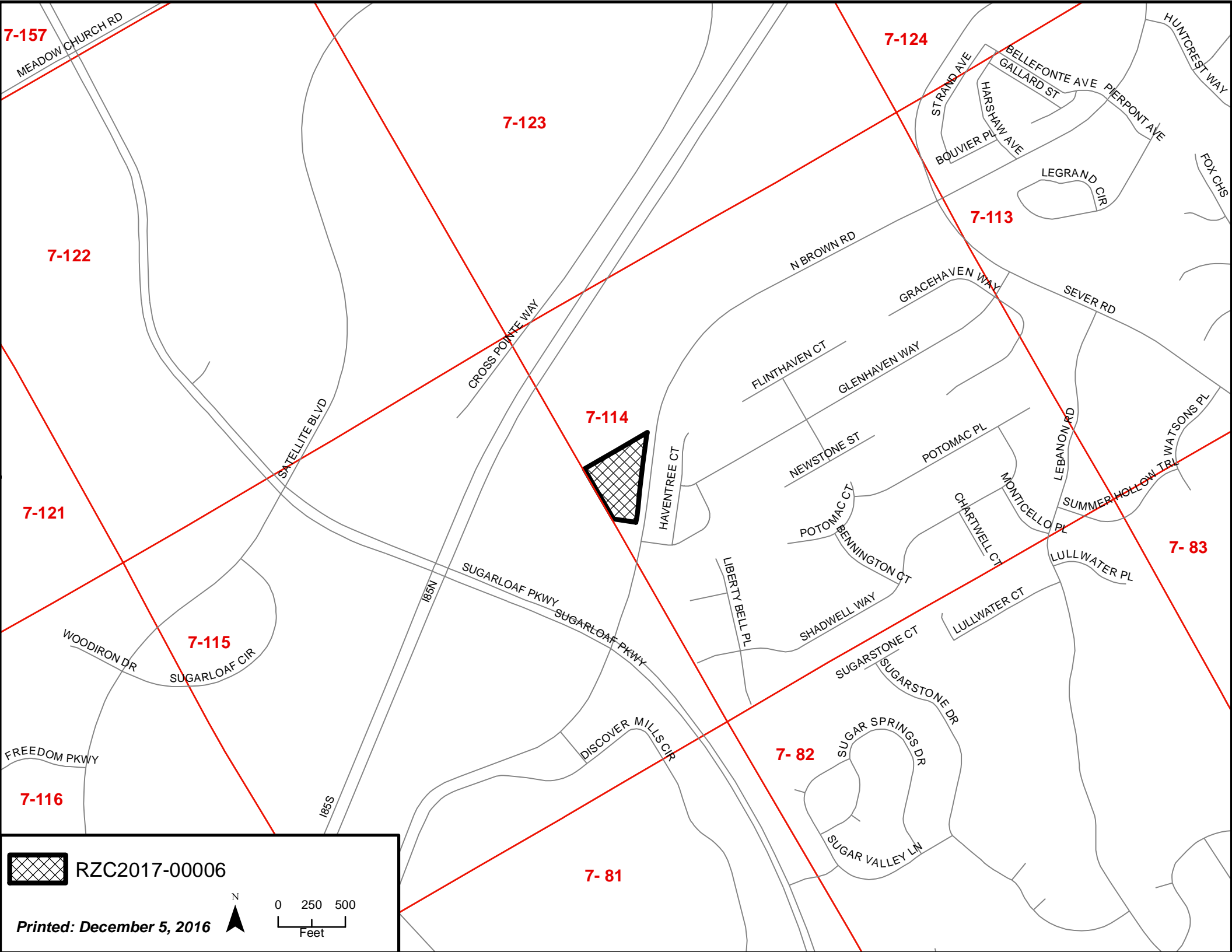
22C2117-0006  
Revised December 2, 2014  
Planning and Development

THE PHILLIPS  
1700 PHILLIPS DRIVE, SUITE 1100  
ATLANTA, GA 30308  
PH: 404.525.1414  
FAX: 404.525.1415  
WWW.PHILLIPSARCH.COM

**A-4.2**

EXTERIOR  
ELEVATIONS





7-157

7-124

7-123

7-122

7-113

7-121

7-114


7-83

7-115

7-82

7-116

7-81

 RZC2017-00006



0 250 500  
Feet

Printed: December 5, 2016

MAP SCALE 1" = 50'

**FIRM**  
FLOOD INSURANCE RATE MAP  
CHWENNETT COUNTY,  
GEORGIA  
AND INCORPORATED AREAS

PANEL OF 16  
SHEET NO. 11

DATE: SEPTEMBER 23, 2008

**SITE INFORMATION**

PROJECT: PEACHTREE HOTEL GROUP  
SUITE 400  
15471 GLENROSE DRIVE  
ATLANTA, GEORGIA 30340

**PROPOSED BUILDING:**  
FLOOR AREA: 100,000 SQ. FT.  
HEIGHT: 4-5 STORIES

**PROPOSED PARKING:**  
TOTAL SPACES: 100  
TYPE: SURFACE

**PROPOSED LANDSCAPE:**  
TREES: 100  
PLANTS: 100

**PROPOSED UTILITIES:**  
WATER: 100 GPD  
SEWER: 100 GPD

**ingenium**  
PLANNING & ENGINEERING  
300 N. W. 10TH AVENUE  
SUITE 400  
MIAMI, FL 33136  
TEL: 305.575.1111  
WWW.INGENIUMFL.COM

N BROWN ROAD & SUGARLOAF PARKWAY  
LAWRENCEVILLE, GEORGIA  
CHWENNETT COUNTY  
LAND LOT 14, 7th DISTRICT

**HOME2**  
SUITES BY HALTON

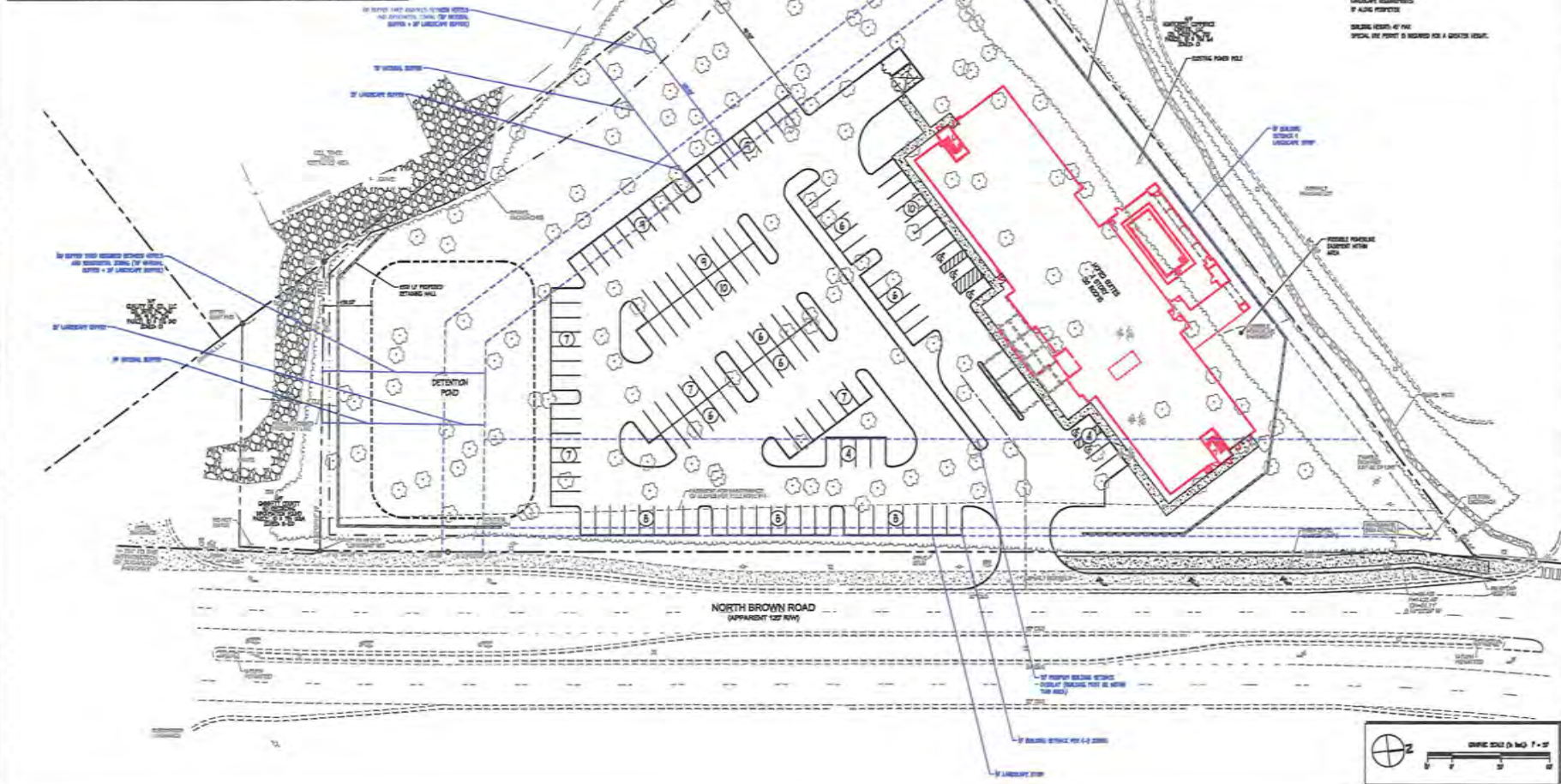
**PEACHTREE HOTEL GROUP**  
15471 GLENROSE DRIVE  
SUITE 400  
ATLANTA, GEORGIA 30340  
(404) 491-4000

**REVISION HISTORY**

NO.	DATE	DESCRIPTION
1	09/23/08	ISSUE FOR PERMIT
2	10/15/08	REVISED PER CITY COMMENTS
3	11/10/08	REVISED PER CITY COMMENTS
4	12/15/08	REVISED PER CITY COMMENTS
5	01/15/09	REVISED PER CITY COMMENTS
6	02/15/09	REVISED PER CITY COMMENTS
7	03/15/09	REVISED PER CITY COMMENTS
8	04/15/09	REVISED PER CITY COMMENTS
9	05/15/09	REVISED PER CITY COMMENTS
10	06/15/09	REVISED PER CITY COMMENTS
11	07/15/09	REVISED PER CITY COMMENTS
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23	07/15/10	REVISED PER CITY COMMENTS
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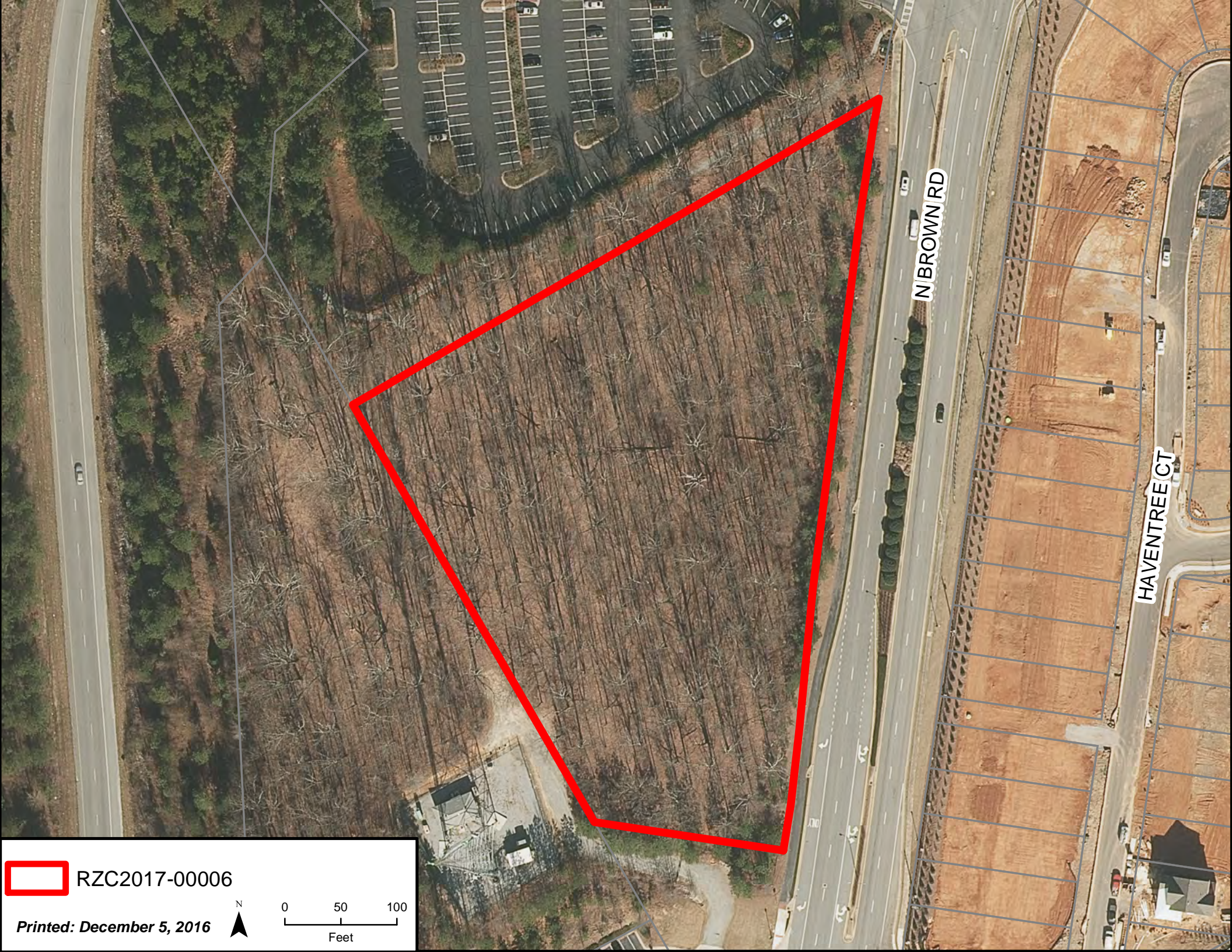
**PRELIMINARY SITE PLAN**

DATE: 11/15/16




RZC 17006

PRELIMINARY




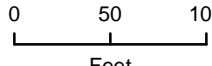
N BROWN RD

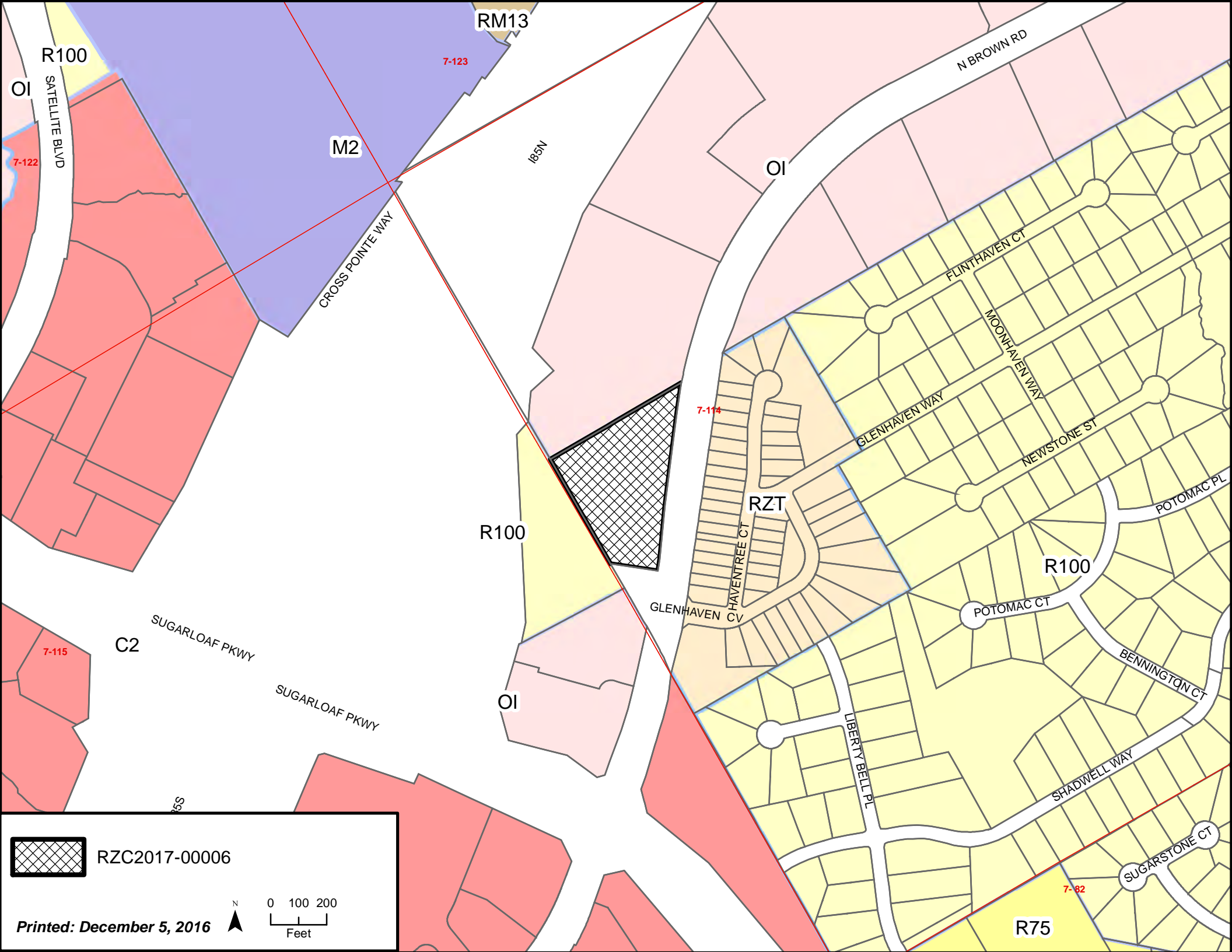
HAVENTREE CT

 RZC2017-00006

Printed: December 5, 2016

 N

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Feet



RM13

R100

M2

7-123

N BROWN RD

OI

SATELLITE BLVD

7-122

185N

OI

CROSS POINTE WAY

FLINTHAVEN CT

MOONHAVEN WAY

GLENHAVEN WAY

NEWSTONE ST

7-114

R100

RZT

R100

POTOMAC PL

SUGARLOAF PKWY

C2

7-115

SUGARLOAF PKWY

OI

GLENHAVEN CV

HAVENTREE CT

POTOMAC CT

BENNINGTON CT

155S

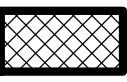
LIBERTY BELL PL

SHADWELL WAY

SUGARSTONE CT

R75

7-82



RZC2017-00006



0 100 200  
Feet

Printed: December 5, 2016

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

CASE NUMBER : **RZC2017-00007**  
ZONING CHANGE : O-I TO C-I  
LOCATION : 4800 BLOCK OF JIMMY CARTER BOULEVARD  
: 6100 BLOCK OF QUEEN ANNE COURT  
MAP NUMBER : R6169 250  
ACREAGE : 0.75 ACRE  
SQUARE FEET : 3,400 SQUARE FEET  
PROPOSED DEVELOPMENT : CONVENIENCE STORE WITH FUEL PUMPS  
(BUFFER REDUCTION)  
COMMISSION DISTRICT : (2) HOWARD

FUTURE DEVELOPMENT MAP : **MIXED HOUSING AREA**

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

CONTACT: SHANE LANHAM PHONE: 770.232.0000

OWNER: SM SHAMIM PROPERTIES, LLC  
1550 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests rezoning from O-I (Office Institutional District) to C-I (Neighborhood Business District) to develop a 3,400-square foot convenience store with six fuel islands. The 0.75-acre site is located in the northeast corner of the Jimmy Carter Boulevard and Queen Anne Court intersection, south of the Rockbridge Road intersection. The site is currently vacant and heavily wooded.

Two access points are indicated on the submitted site plan, one on each roadway. The submitted site plan shows sufficient parking for the convenience store. Reductions in the required 50-foot wide buffers are proposed along the north and east property lines to 25-foot wide buffers. Ten-foot wide landscape strips will be required along each roadway. The applicant has not indicated architectural treatments for the building. A detention pond is shown along the east property line behind the proposed convenience store.

**ZONING HISTORY:**

The property was zoned RM (Multi-Family Residence District) in 1970. In 1976, the property was rezoned via an areawide rezoning to RM-8 (Multi-Family Residence District). In 1988, the

site was rezoned to O-I for low-density office uses at a maximum density of 7,500 square feet per acre within a two-story building pursuant to RZ-130-88.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**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 900-40.7A of the Unified Development Regulations requires proposed driveways to be located at least 100 feet from the centerline of the driveway to the nearest right-of-way line (extended).

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

approval of a Modification by the Development Division; elimination of a deceleration lane requires approval of a Waiver by the Board of Commissioners.

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

Provide a 50-foot natural, undisturbed buffer adjacent to RM-8 and R-TH 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 detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

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

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

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Jimmy Carter Boulevard 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.

Queen Anne Court is a Local Residential Street and 25 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 developer shall be limited to one curb cut.

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

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

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

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

Gwinnett County Code of Ordinances Section 110-32: All motor vehicles having a Gross Vehicle Weight Rating (GVWR) or vehicle combinations with a Gross Combination Weight Rating (GCWR) in excess of thirty-six thousand (36,000) pounds, except vehicles designed to carry passengers, are prohibited from using any street within the unincorporated County except those authorized as truck routes by this ordinance [Ordinance No. TAV-2010-001], as designated in Appendix A [section 110-36].

#### 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 southwest right-of-way of Jimmy Carter Boulevard and a 16-inch water main located on the northeast right-of-way of Jimmy Carter Boulevard and an eight-inch water main located on the northwest right-of-way of Queen Anne Court.

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 124 feet west of parcel R6169 250 on parcel R6169 C013 and an eight-inch sanitary sewer main located approximately 55 feet south of parcel R6169 250 on parcel R6169 248.



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 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 0.75-acre site is located in the northeast corner of the Jimmy Carter Boulevard and Queen Anne Court intersection, south of the Rockbridge Road intersection. The site is currently vacant and heavily wooded. The applicant proposes a 3,400-square foot convenience store with gas pumps.

The 2030 Unified Plan Future Development Map indicates that the property lies within a Mixed Housing Character Area. This area encourages medium density single-family housing, townhouses and multi-family housing. Discouraged land uses include employment uses and non-residential uses such as retail intended to serve more than the immediate neighborhood. The Character Area also specifically discourages convenience stores that dispense gasoline and other fuels. The requested rezoning to C-1 for a convenience store with fuel pumps would not be consistent with the designated Character Area. In addition, the most recent rezoning request on the east side of Jimmy Carter Boulevard (RZC2008-00040) was denied by the Board of Commissioners in 2008 for C-2 zoning for retail and office development just south of the subject site.

The surrounding area on the east side of Jimmy Carter Boulevard is characterized by residential zonings with some office development. Adjacent to the north of the subject property are the Wintergreen Condominiums, zoned RM-8 pursuant to RZ-78-122. To the east are single-family townhomes within the Sheffield Manor subdivision, zoned R-TH pursuant to RZ-82-088. To the south across Queen Anne Court is a small low density office project zoned O-1 pursuant to REZ-94-174. Across Jimmy Carter Boulevard to the west are the Crescent Lake Apartments zoned RM-13. Although there are pockets of C-1 and C-2 commercial zonings in the area, the subject property falls in a transitional area adjacent to single-family and multi-family residential properties. In light of the abutting residential properties, the intense nature of the requested use and the reduction of the required buffers due to the size of the parcel, the proposed convenience store may not be appropriate for the 0.75-acre parcel at this location.

In conclusion, the requested rezoning may be inconsistent with the Gwinnett County 2030 Unified Plan Future Development Map recommendation for Mixed Housing and with previous Board action regarding commercial zoning on the east side of Jimmy Carter Boulevard in this area. Therefore, the Department recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval as C-1 (Neighborhood Business District) subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. A convenience store with fuel pumps, and retail, service-commercial, office and accessory uses. The following uses shall be prohibited:
    - adult bookstores or entertainment
    - automotive parts stores
    - contractors offices
    - emissions inspection stations
    - equipment rental
    - extended stay hotels or motels
    - recovered materials processing facilities
    - smoke shops/novelty stores
    - tattoo parlors
    - taxidermists
    - yard trimmings composting facilities
  - B. Buildings shall be of a brick, stacked stone and/or glass finish on all sides. The rear of the building shall be architecturally similar to the front of the building with all utilities screened from view. Final building elevations shall be submitted for review by the Director of Planning and Development.
  - C. 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 inch and a minimum vertical height of six inches. The offset plane shall have a contrasting color.
2. To abide by the following site development considerations:
  - A. Provide 25-foot wide natural undisturbed buffers adjacent to the north and east property lines adjacent to residentially-zoned properties. The buffers shall be enhanced where sparsely vegetated.

- B. Ground signage shall be limited to one monument-type signage, and shall be subject to review and approval by the Director of Planning & Development. Signage 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 signage shall not exceed eight feet in height.
- C. 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.
- D. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
- E. Billboards or oversized signs shall be prohibited.
- F. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- G. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure.
- H. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- I. Peddlers and/or parking lot sales shall be prohibited.
- J. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
- K. Outdoor storage shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested rezoning and development of the proposed convenience store at this location would be incompatible with the established residential uses along this portion of Jimmy Carter Boulevard.

ADVERSE IMPACTS

Adverse impacts on nearby residential properties in the form of increased traffic, noise, and light could be anticipated from this request.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in traffic along the two roadways, utility demand and stormwater runoff could be anticipated as a result of this request.

CONFORMITY WITH POLICIES

The proposed development would not be consistent with the overall intent of the 2030 Unified Plan, which discourages convenience stores with gas pumps in the Mixed Housing Character Area. In addition, the denial by the Board of Commissioners for a commercial zoning request just south of the subject supports the Department's recommendation for denial of this request.

CONDITIONS AFFECTING ZONING

Given the subject site's location adjacent to existing and established residential developments, with the requested reduction in buffers due to the size of the property and the amount of development proposed on it, staff views this request as inappropriate for the property.

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

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

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

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

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) Applicant submits that the property does have not 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.
- (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 commercial/retail nature of the area provides additional support of this Application.

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**Planning & Development**

**RZC '17 007**



Matthew P. Benson  
Gerald Davidson, Jr.\*  
Brian T. Easley  
Kelly O. Faber  
Christopher D. Holbrook  
Joshua P. Johnson

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RZC '17 007

Planning & Development

**LETTER OF INTENT FOR  
REZONING APPLICATION OF SM SHAMIM PROPERTIES, LLC**

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

The Applicant, SM Shamim Properties, LLC, submits this Rezoning Application for the purpose of rezoning to the C-1 zoning classification an approximately 0.745 acre tract (the "Property") located on Jimmy Carter Boulevard at its intersection with Queen Anne Court. The Property is currently zoned O-I.

The use and development of the Property as O-I is not economically feasible and is not the highest and best use of the Property. It would be impossible to develop and market the Property for use consistent with the O-I zoning in light of its location within an expanding commercial/retail corridor. The development of the Property as a C-1 development under the guidelines of Gwinnett County is appropriate for the subject tract and is consistent with the surrounding property. The Applicant intends to develop the Property as a convenience store with fuel pumps.

Applicant also requests a buffer reduction in buffers along the along the common property lines (northerly and easterly boundaries) with property zoned RM-8 (parcel number 6169C013) and R-TH (parcel number 6169D001) and submits herewith a site plan reflecting the areas which are the subject of this buffer reduction request.

The development of the Property in accordance with a C-1 designation provides the appropriate type of zoning within the Jimmy Carter Boulevard commercial corridors. The proposed use is consistent with the intent of the zoning ordinance for C-1 use. The requested




rezoning will have no adverse impact on the current or contemplated uses of nearby or surrounding properties. Property located directly across Jimmy Carter Boulevard from the subject Property is zoned C-1 and C-2.

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,

MAHAFFEY PICKENS TUCKER, LLP



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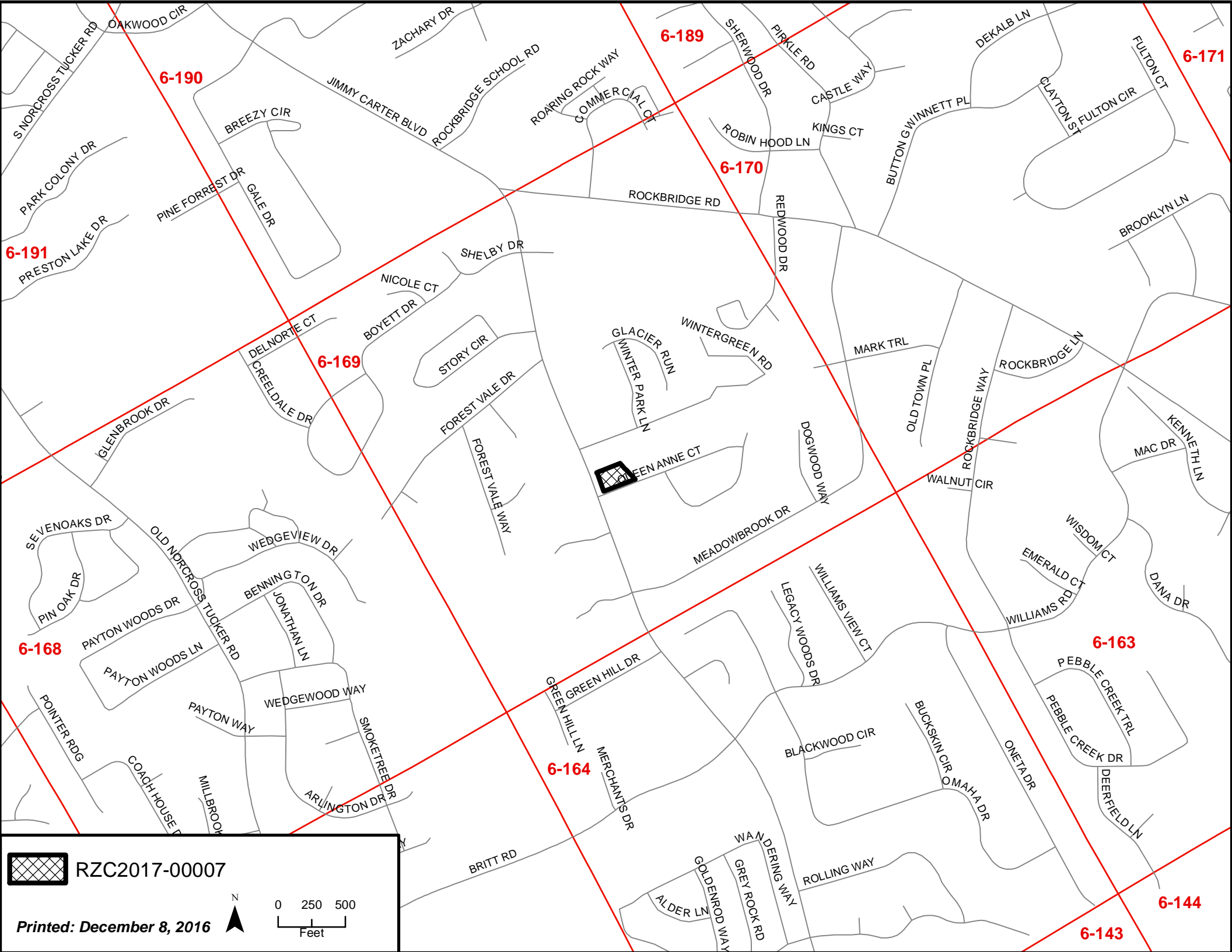
Shane M. Lanham  
*Attorneys for the Applicant*

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**Planning & Development**

**RZC '17 007**



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Printed: December 8, 2016




WINTERGREEN RD

JIMMY CARTER BLVD

QUEEN ANNE CT

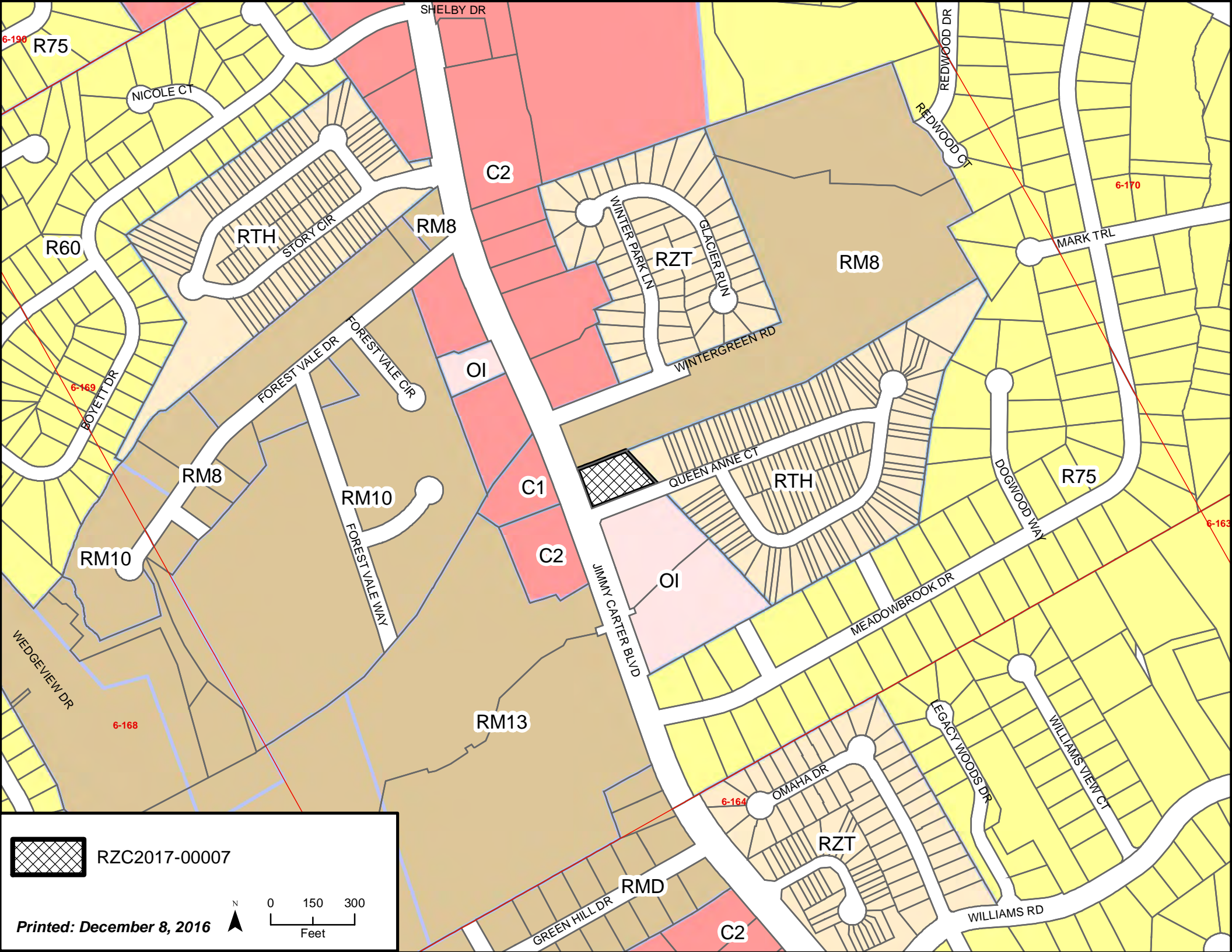


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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

CASE NUMBER	: <b>RZM2017-00002</b>
ZONING CHANGE	:C-2 TO R-TH
LOCATION	:4500 BLOCK OF SATELLITE BOULEVARD
MAP NUMBERS	:R6211 224 & 225
ACREAGE	:4.49 ACRES
UNITS	:35 UNITS
PROPOSED DEVELOPMENT	:TOWNHOMES
COMMISSION DISTRICT	:(1) BROOKS

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

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

CONTACT: MARIAN C. ADEIMY                      PHONE: 678.518.6855

OWNER: PARAGON TOWN CENTER, LLC  
C/O ANDERSEN, TATE & CARR, PC  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests rezoning of a 4.49-acre, two-parcel assemblage from C-2 (General Business District) to R-TH (Single Family Residence Townhouse District) to construct a townhouse development. The property is located on the south side of Satellite Boulevard south of its intersection with Hopkins Mill Road.

The proposed 35-unit townhome development would result in a net density of 7.95-units per acre. The applicant states that the townhomes would be two to three stories in height and would have two-car garages at minimum. The design of the development proposes access to the garages via alleys, with the front of the townhome units facing one another. According to the letter of intent, the proposed townhome project is to compliment and support the existing Paragon Shopping Center, and allowing the properties to have connectivity with this property as well as to the future Beaver Ruin park site to the south.

Stormwater detention is proposed to be located adjacent to the southern property line. The site plan indicates that there is documented flood hazard along the western and southern property lines totaling to 0.09 acres. A 25-foot landscape setback is proposed along the front

of the property along Satellite Boulevard, where a 50-foot setback is required and variance permit approval will be required. Access to the site is proposed from a single entrance driveway along Satellite Boulevard, and an interior driveway access point to the Paragon shopping center to the east. A 40-foot building setback will be provided along the western side of the property, which includes the required 30-foot landscape buffer. A 40-foot building setback is also noted along the southern (rear) property line adjacent to the future park site.

#### ZONING HISTORY:

The property has been zoned C-2 since 1970. In 2006, a request for a Buffer Reduction from 75 feet to zero feet was approved in conjunction with other C-2 zoned properties to the east and south (BRD2006-00002). In 2008, a Special Use Permit was approved allowing a building height increase for a proposed six-story hotel project that was never built (SUP2008-00024). In 2014, Special Use Permit approval was granted for outdoor storage and display on the subject site by The Paragon at Satellite shopping center to the east (SUP2014-00054).

#### 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:

The property is adjacent to a future park and trail connections may be required at the time of development. In addition, the developer may be required to install a multiuse path on Satellite Boulevard.

#### 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.

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

The required landscape front setback of 50 feet appears to not be met. The applicant must either revise the site plan, or seek a Variance from the Zoning Board of Appeals.

Internal yard requirements. A 20-foot grassed or landscaped strip shall be provided between all buildings and interior driveways/streets (Unified Development Ordinance Section 210-100.6.8).

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.

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:**

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

The developer shall be limited to one curb cut.

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

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

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

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 a 27-inch sanitary sewer main located approximately 96 feet south of parcel R6211 224 on parcel R6210 016 and an eight-inch sanitary sewer main located approximately 89 feet north of parcel R6211 221 in the right-of-way of Satellite Boulevard.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The subject property is located on the southern side of Satellite Boulevard, south of its intersection with Hopkins Mill Road. The property is undeveloped, and has been previously graded and cleared for use as outdoor storage. The applicant is requesting rezoning from C-2 to R-TH for a 35-unit townhome development at a density of 7.95 units per acre.

The 2030 Unified Plan Future Development Map indicates the site is located within a Regional Mixed-Use Character Area. Considering the County's most intense mix of commercial, employment and residential developments, this Character Area encourages specifically High and Medium Density residential developments which may include townhouses. The proposed R-TH zoning to allow for a 35 unit townhome project may comply with the 2030 Unified Plan Character Area recommendations.

The surrounding area is characterized by commercial/retail uses with multi- and single-family residential development along this segment of Satellite Boulevard. To the north, across Satellite Boulevard is the Hopkins Ridge subdivision, zoned R-TH, and a C-2 property developed with a shopping center. To the north of the shopping center is also R-TH zoned property, which received approval in 2006 for a 34-unit development, but has not been constructed. To the east of the property is the Paragon Shopping Center, with a C-2 zoning, which has already been constructed with a driveway that could connect to the proposed new townhouse development. To the south is vacant property zoned C-2 and owned by the County for future use as Beaver Ruin Park. To the west is residential property zoned R-75 (Single-Family Residence District) developed as part of the Hickory Ridge subdivision. The proposed project would be compatible with the existing development of the area and could act as a transition between the commercial development to the east and single-family residential uses to the west.

In conclusion, the proposed townhome development may be consistent with the character of the area and surrounding development, as well as the policies of the 2030 Unified Plan. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the proposed project.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

- I. To restrict the use of the property as follows:
  - A. Attached townhouse dwellings and accessory uses not to exceed 35 units for a maximum net density of 7.95 units per acre
  - B. Buildings shall be constructed of brick or stacked stone on four sides, with minor treatments (i.e., gables, bay windows, chimneys) of fiber-cement shake or siding. Architectural elevations shall be submitted for review and approval by the Director of Planning and Development.
  - C. The minimum heated floor area per dwelling shall be 1,800 square feet.
  - D. All dwellings shall have at-least a double-car garage. All units shall provide sole access via alleys and shall have rear-entry garages.
  - E. A mandatory homeowners association shall be incorporated which provides for building and grounds maintenance, repair, insurance and working capital. Said association must also include declarations and by laws including rules and regulations which shall at minimum regulate and control the following:
    1. Exterior home maintenance to include roofing and painting.
    2. All grounds and common area maintenance, including detention facilities.
    3. Exterior fence maintenance to include the requirement that any graffiti shall be repaired and repainted within 72 hours.
    4. Restrictions on single-family residential use only of units. No more than ten percent of the total units may be leased by individual owners at any time.
2. To satisfy the following site development considerations:
  - A. All grassed areas shall be sodded.
  - B. All utilities shall be placed underground.
  - F. The Satellite Boulevard frontage and project entrance shall be landscaped by the developer and maintained by the Homeowner's Association. Entrance shall include a masonry entrance feature. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or

stacked stone columns (max. 30-feet on-center).Landscape, entrance feature, and fencing plans shall be subject to review and approval of the Director of Planning and Development.

- C. Natural vegetation shall remain on the property until the issuance of a development permit.

3. To abide by the following requirements, dedications and improvements:

- A. Dedicate, at no cost to Gwinnett County, all necessary right-of-way and easements for the future construction of the Beaver Ruin Park through the property. Right-of-way/easement width and location shall be located outside of stream bank setbacks and are subject to review and approval by the Gwinnett Department of Community Services.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested rezoning and proposed townhomes could be suitable if the homes are constructed in a manner that compliments and supports the existing Paragon Shopping Center, as conditioned.

ADVERSE IMPACTS

As conditioned, the construction of townhomes that comply with the architectural and building standards of the Unified Development Ordinance should not adversely impact the surrounding area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in the number of school-aged children, traffic, and utility demand would be anticipated from this request.

CONFORMITY WITH POLICIES

Townhomes could be consistent with the 2030 Unified Plan, which encourages High and Medium Density residential developments within the Regional Mixed-Use character area.

CONDITIONS AFFECTING ZONING

The proposed townhomes could act as a transition between existing commercial and residential development, and there is existing townhome development approved in the surrounding area.

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

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

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

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

See Exhibit "B"

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

See Exhibit "B"

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

See Exhibit "B"

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

See Exhibit "B"

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

See Exhibit "B"

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

See Exhibit "B"

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**APPLICANT'S RESPONSES IN SUPPORT**  
**PARAGON - RZM2017-00002**

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

Yes. The proposed development would be entirely consistent with the adjacent and nearby property uses, which are a mixture of commercial, office and residential uses, as well as other high-density attached residential apartment uses located in the vicinity of the subject property in the Satellite Blvd. corridor. The introduction of residential options will provide new customers for existing restaurant and commercial uses in this area.

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

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

The subject Property has remained vacant and is surrounded by existing and more intense commercial uses, two major arterial roads with access to I-85. The proposed development provides a less-intense, transitional use to nearby residential uses and further insulates those uses from the potential of a more intense commercial use on this property.

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

No. There is no current or foreseeable future market demand for the subject property and no reasonable economic use under the subject property's current zoning, especially due to the over-saturation of commercial development in the area.

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

No, this property is located in an area with public water and sewer availability, and convenient access to major thoroughfares and near a major interstate highway interchange. This rezoning will not cause excessive use of

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Received December 7, 2017  
Planning and Development

existing streets, transportation facilities or utilities and since the residential component of the proposed development will be marketed towards and designed primarily to serve young professionals, empty-nesters and seniors, and there will be little if any impact on the schools.

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

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

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

Yes. The property has been zoned for more intense uses and has remained vacant. The proposed uses will address the needs and improve property values in the area. The 2030 Unified Plan has designated the I-85 corridor as well as the specific area within which this property is located for higher density residential development, making this request entirely consistent with the Plan's guidelines for this area.

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# ANDERSEN | TATE | CARR

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December 2, 2016

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

Gwinnett County  
Department of Planning and Development  
446 West Crogan Street, Suite 225  
Lawrenceville, Georgia 30045

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DEC 02 2016  
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**LETTER OF INTENT**  
**NDI DEVELOPMENT, LLC (Townhomes at Paragon)**  
**REQUEST FOR REZONING FROM C-2 TO R-TH**  
**Satellite Blvd., Duluth, GA 30096**

RZM '17 002

Dear Planning staff:

The Applicant, NDI Development, LLC (hereinafter, "Applicant"), submits this request to rezone the property located near Satellite Blvd. and Indian Trail Road, Duluth, GA, from C-2 to R-TH, for a 35 unit townhome development on the approximately 4.5 acre site adjacent to the Paragon shopping center (hereinafter, the "Property").

**I. Rezoning Plan:**

The proposed townhomes would include larger, open floor plans, high-end materials and finishes, and two – three stories in height. They will include a minimum two-car garage. The proposed townhome use would complement and support the existing Paragon shopping center. While Paragon currently contains some retail and restaurant options, there is no residential option for young professionals and empty-nesters to support the existing retail center and convenient location the Property offers. The Property is also located near a future Gwinnett County park, which could serve as an amenity and connection to the larger, future mixed-use development.

On the whole, Gwinnett County has very few upscale developments which include office, commercial and residential options. This underserved market of young professionals is exactly the sort of demographic that Gwinnett needs to attract to maintain its vibrancy. Similarly, the County has residents looking to downsize as empty nesters.

The introduction of a quality townhomes at this location will introduce new customers for the restaurants and commercial uses already in this area, energize the commercial base and make those existing businesses and restaurants even more viable. The future of the I-85 corridor depends on the influx of active community members who will gravitate to our project and are exactly the demographic that can bring new vitality to Gwinnett.

Moreover, the Gwinnett 2030 Unified Plan has designated the specific area within which this property is located as a commercial corridor, for higher density residential and mixed-use developments, making this townhome request entirely consistent with the Plan's guidelines for this area. The property has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares and an interstate highway. The subject property is also located near primary and easily accessible transportation routes.

## **II. Constitutional Objections**

In order to preserve their constitutional objections, the Applicant and Owner outline those potential objections herein. The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or condition the Subject 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 Equal Protection and 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 Applicant's and Property Owner's requested rezoning request and related variances, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Subject 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 Due Process and Equal Protection Clause of the Fourteenth Amendment to the Constitution. A denial of the requested rezoning will deny the Applicant and Property Owner an economically viable use of the Property while not substantially advancing legitimate state and County interests.

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

Respectfully submitted,

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

Marian C. Adeimy  
Attorney for the Applicant/Paragon Town Center

Enclosures (*Application packet*)  
cc: Lisa Reeves  
Taylor Anderson

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RZM '17 00 2

**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, February 2017**

Case #	Schools	Current Projections									Proposed Zoning
		2016-17			2017-18			2018-19			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2017-00002	<b>Norcross HS</b>	<b>3779</b>	2,600	1,179	<b>3873</b>	2,600	1,273	<b>3970</b>	2,600	1,370	11
	Summerour MS	<b>1667</b>	1,675	-8	<b>1718</b>	1,675	43	<b>1771</b>	1,675	96	8
	Beaver Ridge ES	<b>1273</b>	1,150	123	<b>1298</b>	1,150	148	<b>1324</b>	1,150	174	16
RZM2017-00003	<b>Parkview HS</b>	<b>3021</b>	2,500	521	<b>3082</b>	2,500	582	<b>3143</b>	2,500	643	37
	Trickum MS	<b>2073</b>	1,775	298	<b>2104</b>	1,775	329	<b>2136</b>	1,775	361	26
	Mountain Park ES	<b>543</b>	450	93	<b>554</b>	450	104	<b>565</b>	450	115	50

Current projections do not include new developments

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TOWNHOMES VIEWED FROM THE NORTH ON SATELLITE BO

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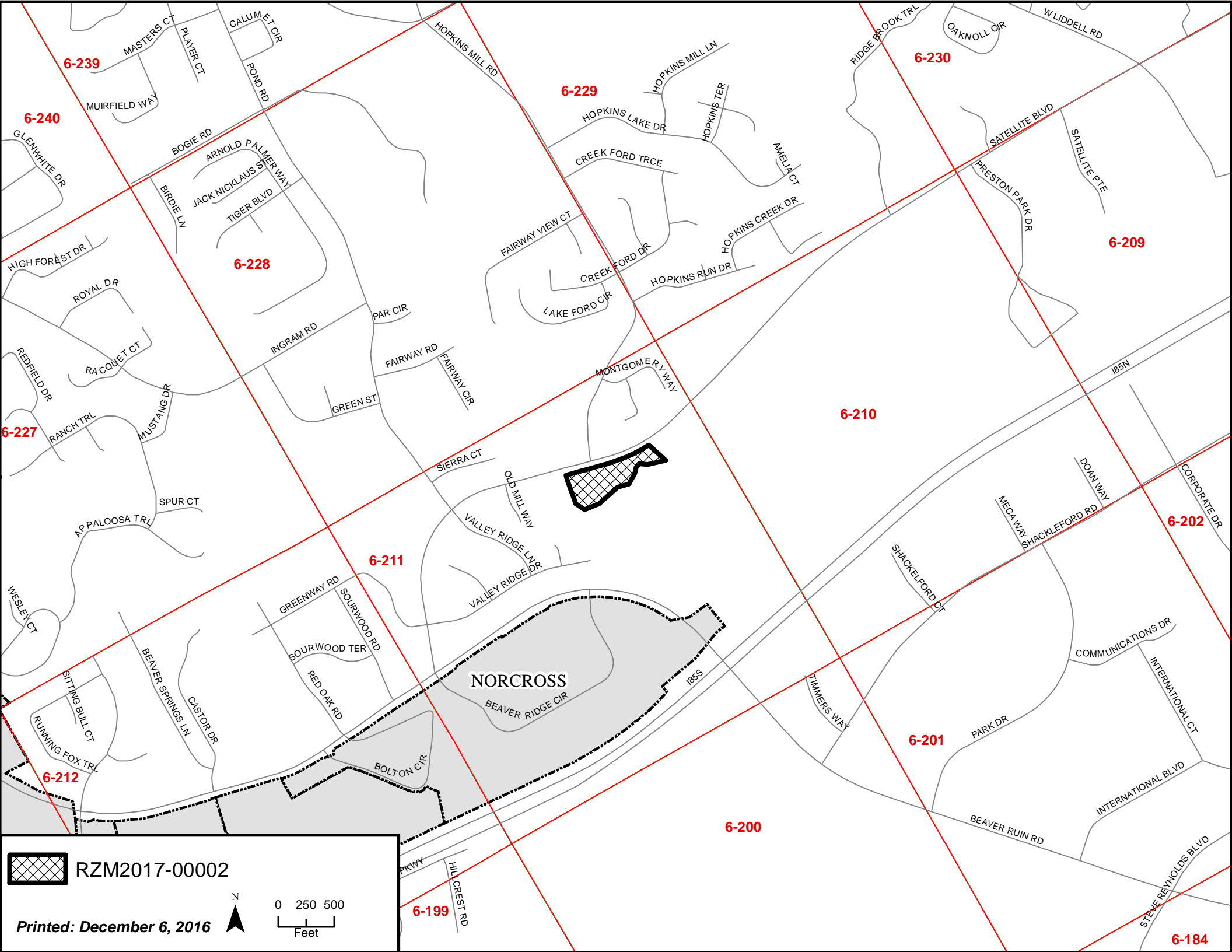
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DOWNHOMES  
HOUSE





6-239

6-240

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6-209

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6-202

6-211

NORCROSS


6-201

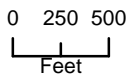
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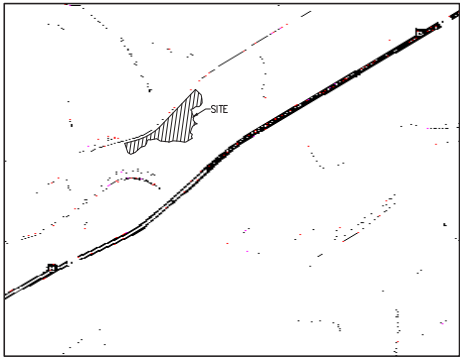
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 RZM2017-00002



Printed: December 6, 2016



VICINITY MAP  
SCALE: NTS  
SOURCE: USGS

- R-TH Single-Family Residence Townhouse District minimum requirements:**
- Maximum density: Eight units per acre;
  - Lot Area = No Minimum for townhomes or villas;
  - Lot Width = No Minimum for townhomes or villas;
  - Internal Road Frontage = No Minimum;
  - External Road Frontage For Overall Development = 50 feet
  - Minimum unit width:
    - 22 feet for double-car garage townhomes,
    - 18 feet for single-car garage townhomes,
    - 40 feet for villas.
  - Maximum height: 35-feet for townhomes or villas;
  - Internal yard requirements: A 20-foot grassed or landscaped strip shall be provided between all buildings and interior driveways/streets.
  - External yard requirements:
    - Front yard: 20-foot
    - Side yard: 40-foot
    - Rear yard: 40-foot
  - Provide three or more off-street parking spaces per dwelling unit for townhomes and villas. At least 80 percent of required parking areas for overall development must be located directly in the front or rear of the dwelling units. The balance of the parking spaces may be located in a parking facility separated from the units. All townhome and villa units shall require at least single-car garages.
  - All grassed areas shall be sodded.
  - Provide sidewalks adjacent to both sides of interior streets or private driveways. Design shall be per Development Regulations.
  - A minimum of three and maximum of eight dwelling units shall be allowed in each row of townhouses. Villas shall have a minimum of three units and a maximum of four units per building.
  - All utilities shall be placed underground.
  - A 50-foot wide landscaped setback shall be provided along all exterior street frontages. The landscaped setback may incorporate natural vegetation and shall include a decorative fence/wall and entrance monument. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought-iron-style fence with brick or stacked stone columns (maximum 30-feet on-center).

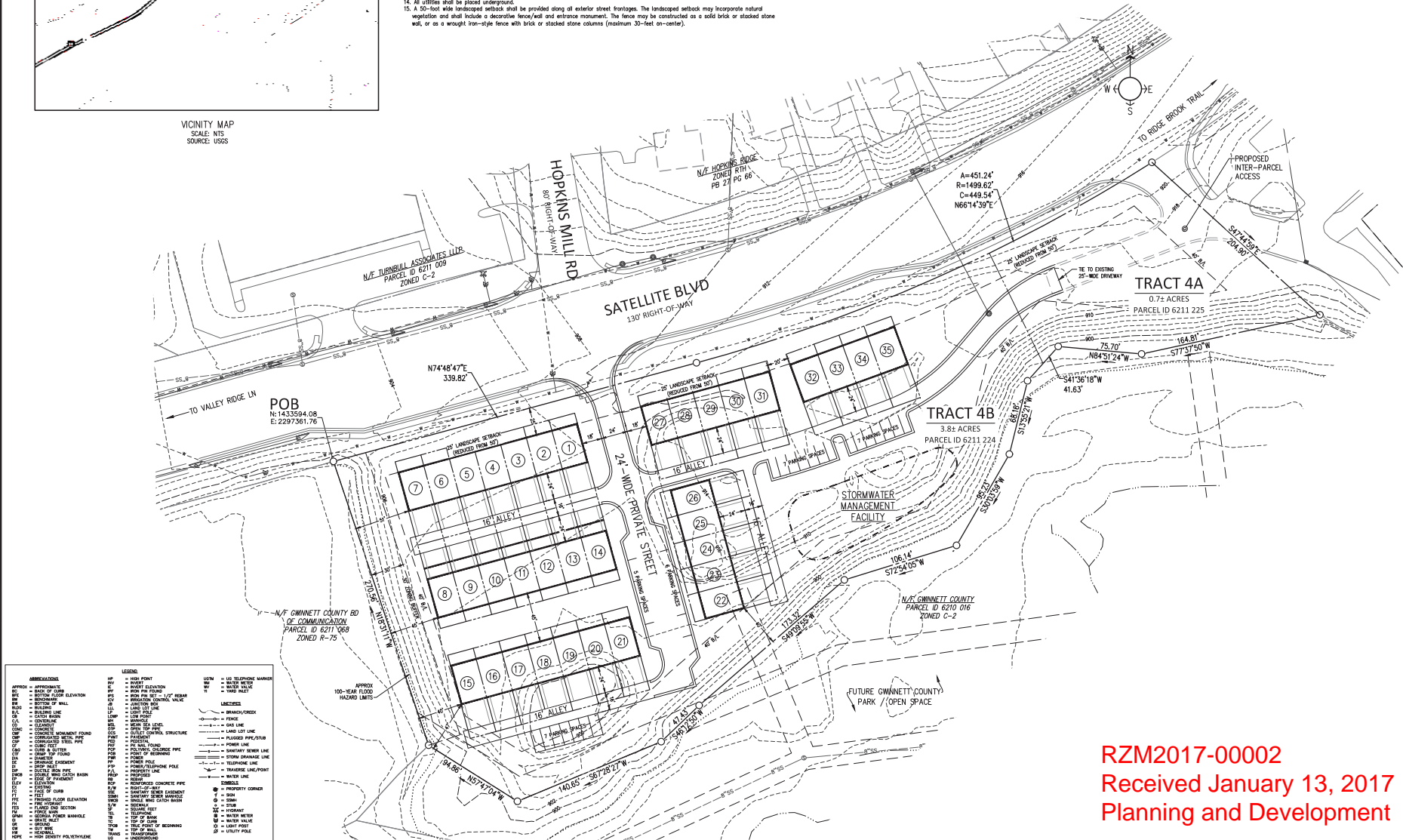
**PARCEL DATA**

TRACT	PARCEL ID	ACREAGE	CURRENT ZONING	REQUESTED ZONING
TRACT 4A	6211 224	3.8	C-2	RTH
TRACT 4B	6211 225	0.7	C-2	RTH

TOTAL ACRES TO BE REZONED: 4.5±  
TOTAL PROPOSED SINGLE FAMILY DWELING UNITS: 35  
PROPOSED DENSITY = 7.8 UNITS/ACRE (7.95 UNITS/ACRE ACCOUNTING FOR FLOOD HAZARD AREA)  
PROPOSED COMMON AREA = 2.97 AC (66%)

**GENERAL NOTES**

- CURRENT ZONING IS C-2 (COMMERCIAL). PROPOSED ZONING IS R-TH (RESIDENTIAL TOWNHOUSE).
- ALL PROPOSED ITEMS SHOWN ARE FOR CONCEPTUAL PURPOSES ONLY. FINAL SITE DESIGN IS SUBJECT TO CHANGE.
- THERE IS FLOODPLAIN ON THE SUBJECT PROPERTY ACCORDING TO FEMA FLOOD MAP PANEL 13135C0083F, EFFECTIVE 9/29/2006. THE TOTAL AREA IN FLOOD HAZARD IS APPROXIMATELY 4,000 SF (0.09 ACRES).
- THE PROPOSED TOWNHOUSE COMMUNITY WILL BE CONNECTED TO GWINNETT COUNTY GRANTY SANITARY SEWER AND GWINNETT COUNTY WATER SUPPLY.
- THE PROPOSED TOWNHOUSE DEVELOPMENT WILL HAVE ON-SITE STORMWATER MANAGEMENT.
- GA. GAS, PHONE, ELECTRIC AND OTHER COMMON INFRASTRUCTURE WILL BE PROVIDED BY THE LOCAL UTILITY CARRIER.




ABBREVIATIONS		LEGEND	
AP	APPROX	AP	APPROX
BL	BUILDING	BL	BUILDING
CE	CEILING	CE	CEILING
CH	CHIMNEY	CH	CHIMNEY
CL	CORNER	CL	CORNER
CO	CONCRETE	CO	CONCRETE
CU	CURB	CU	CURB
DA	DRAINAGE	DA	DRAINAGE
DE	DECK	DE	DECK
DI	DRAINAGE	DI	DRAINAGE
DO	DRAINAGE	DO	DRAINAGE
DR	DRIVEWAY	DR	DRIVEWAY
DU	DRAINAGE	DU	DRAINAGE
EA	ELECTRIC	EA	ELECTRIC
EL	ELEVATION	EL	ELEVATION
EM	EMERGENCY	EM	EMERGENCY
EN	ENTRANCE	EN	ENTRANCE
EP	ENTRY	EP	ENTRY
EQ	EQUALIZATION	EQ	EQUALIZATION
ER	EXTERIOR	ER	EXTERIOR
ES	EXTERIOR	ES	EXTERIOR
ET	EXTERIOR	ET	EXTERIOR
EV	ELEVATION	EV	ELEVATION
FE	FLOOR	FE	FLOOR
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HOPKINS MILL RD

SATELLITE BLVD

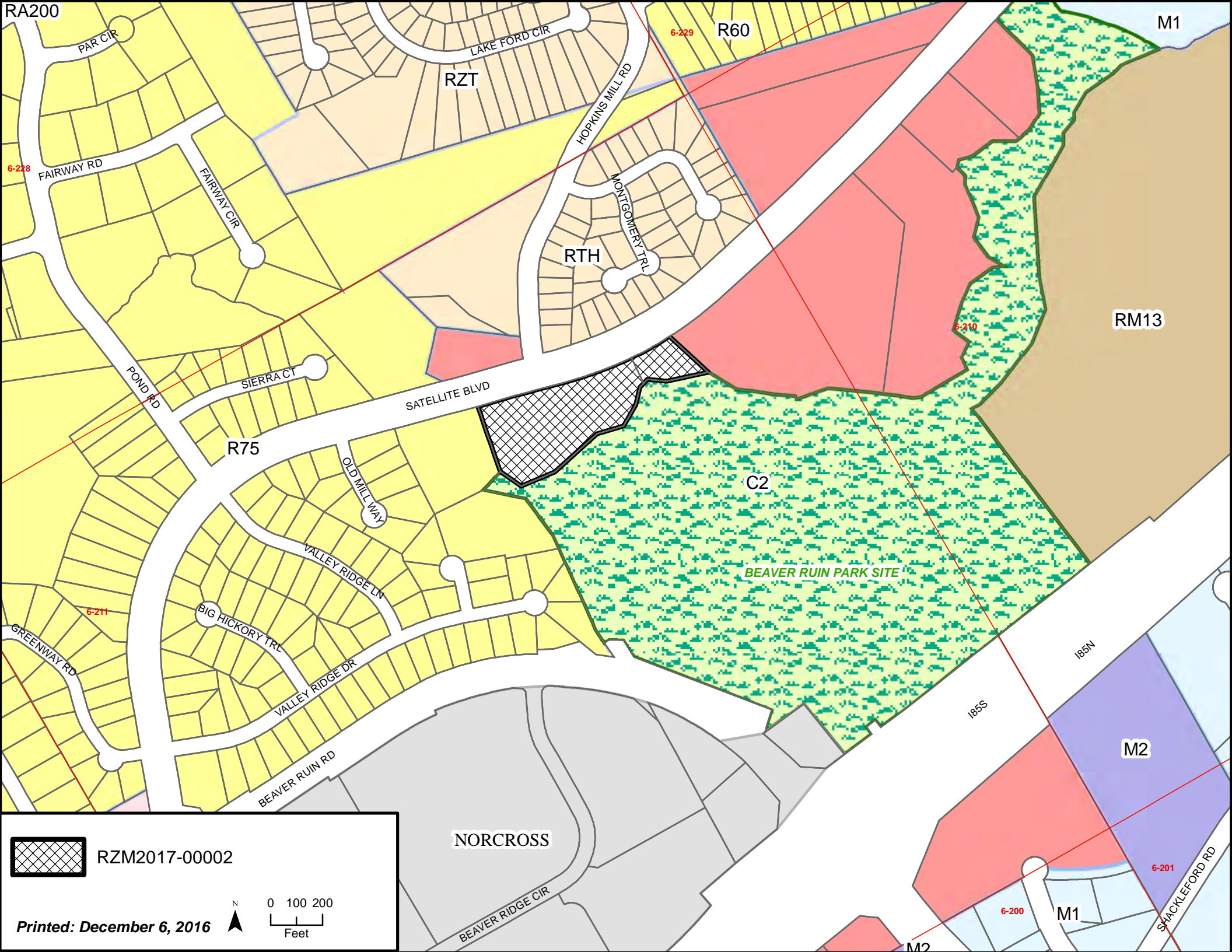
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Printed: December 6, 2016

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Printed: December 6, 2016



0 100 200  
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NORCROSS

R60

M1

RZT

RTH

RM13

R75

C2

BEAVER RUIN PARK SITE

M2

185N

185S

BEAVER RIDGE CIR

6-201

6-200

M1

M2

SHACKLEFORD RD

6-228

6-229

6-210

6-211

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

CASE NUMBER	: <b>RZM2017-00003</b>
ZONING CHANGE	:C-2 & O-I TO R-TH
LOCATION	:4900 BLOCK OF STONE MOUNTAIN HIGHWAY
MAP NUMBER	:R6062 017B
ACREAGE	:26.62 ACRES
UNITS	:149 UNITS
PROPOSED DEVELOPMENT	:TOWNHOMES
COMMISSION DISTRICT	:(2) HOWARD

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

APPLICANT: US LAND INVESTMENTS, LLC  
C/O ANDERSON, TATE, & CARR, PC  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MARIAN C. ADEIMY                      PHONE: 770.822.0900

OWNER: REO FUNDING SOLUTIONS V, LLC  
1170 PEACHTREE STREET NE, SUITE 1150  
ATLANTA, GA 30309

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant seeks rezoning of a property assemblage presently zoned C-2 & O-I to R-TH (Single Family Residence Townhouse District) in order to develop townhomes. The subject 26.62-acre site is located on the north side of Stone Mountain Highway just east of its intersection with Pucketts Drive and is immediately adjacent to a Lowe's home improvement store. A portion of the property had previously been graded for commercial development in conjunction with the Lowe's shopping center.

The development would consist of 149 units at a density of 5.6 units per acre. The proposed minimum heated square footage is 1,800 square feet for the townhomes. The submitted elevations show brick and stone along the front facades of the townhomes. Materials and elevations for the rear and side were not provided. The proposed stormwater detention for the neighboring Lowe's would be used for this townhome development.

**ZONING HISTORY:**

In 1970, the subject site was zoned R-100 (Single Family Residence District). In 1973, it was rezoned to RM (Multi-family Residence District) as an areawide rezoning. Subsequent areawide

rezonings in 1987 resulted in portions of the site being zoned C-2 (General Business District) and O-1 (Office-Institutional District). Pursuant to RZ-97-090, approximately 15 acres of the site was rezoned C-2 for a commercial shopping center.

**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.

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

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

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

A minimum of 50-foot landscape setback is required from the right-of-way of Stone Mountain Highway.

Provide a 35-foot natural, undisturbed buffer adjacent to R-100 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.

Internal yard requirements. A 20-foot grassed or landscaped strip shall be provided between all buildings and interior driveways/streets (Unified Development Ordinance Section 210-100.6.8).

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:

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

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Stone Mountain Highway is a State Route and Georgia D.O.T. right-of-way requirements govern. Coordinate access with SUP216-00074 for interparcel access Halle Properties, LLC.

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

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the northwest right-of-way of Stone Mountain Highway.

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

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located on parcel R6062 017B.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

## DEPARTMENT ANALYSIS:

The subject 26.62-acre site is located on the north side of Stone Mountain Highway just east of its intersection with Pucketts Drive. The applicant seeks rezoning of a property assemblage presently zoned C-2 & O-I to R-TH. The development would consist of 149 units at a density of 5.6 units per acre. The majority of the property is undeveloped; however, there is a detention pond for the adjacent Lowe's home improvement store located in the northeast corner of the site. A portion of the property was previously graded along with the Lowe's development.

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT

RECOMMENDED CONDITIONS

NOTE: The following conditions are provided 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 not to exceed 149 units for a maximum density of 5.6 units per acre.
  - B. Buildings shall be constructed of brick or stacked stone on four sides, with minor treatments (i.e., gables, bay windows, chimneys) of fiber-cement shake or siding. Architectural elevations 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 1,800 square feet.
  - D. All units shall have at least a double-car garage.
  - E. Units located along the periphery of the site may have street-facing garages. All other units shall provide sole access via alleys and shall have rear-entry garages.
  - F. No portion of a private lot shall be located in any required buffer.
  - G. A mandatory homeowners association shall be incorporated which provides for building and grounds maintenance, repair, insurance and working capital. Said association must also include declarations and by laws including rules and regulations which shall at minimum regulate and control the following:
    1. Exterior home maintenance to include roofing and painting.
    2. All grounds and common area maintenance, including detention facilities.
    3. Exterior fence maintenance to include the requirement that any graffiti shall be repaired and repainted within 72 hours.
    4. Restrictions on single-family residential use only of units. No more than ten percent of the total units may be leased by individual owners at any time.

2. To satisfy the following site development considerations:
  - A. All grassed areas shall be sodded.
  - B. All utilities shall be placed underground.
  - C. Natural vegetation shall remain on the property until the issuance of a development permit.
  - D. The Stone Mountain Highway frontage and project entrance shall be landscaped by the developer and maintained by the Homeowner's Association. Entrance shall include a masonry entrance feature and fence. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or stacked stone columns (max. 30-feet on-center). Landscape, entrance feature, and fencing plans shall be subject to review and approval of the Director of Planning and Development.
  - E. Provide five pocket parks, with a minimum of 8,000 square feet within the development to include, at a minimum, a gazebo and permanent benches.
  - F. Provide pedestrian access to adjacent Lowe's shopping center development with sidewalks and landscape. Submit landscape plan for review and approval by the Director of Planning and Development.
3. To abide by the following requirements, dedications and improvements:
  - A. Provide roundabout at entrance location to the townhome development as shown on site plan provided dated December 2, 2016. Final design shall be submitted to the Gwinnett Department of Transportation for review and approval.



PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

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

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

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

CONDITIONS AFFECTING ZONING

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

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

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

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

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

See Exhibits

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

See Exhibits

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

See Exhibits

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

See Exhibits

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

See Exhibits

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

See Exhibits

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## EXHIBIT "B"

### APPLICANT'S RESPONSES IN SUPPORT OF REZONING

- 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 proposed residential development completes this property by providing for a mixed use development consistent with the nearby uses, with easy access to Highway 78. The proposed residential development and rooftops will support the nearby businesses, retail and commercial uses, and are consistent with the 2030 Unified Plan, which identifies this property as being in a *Mixed-Use Corridor*.

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

No. Much of the residential development in the area similarly supports and creates a mixed-use development and similarly support neighboring businesses. Those nearby uses are consistent with the requested use, and these zoning requests are compatible with the existing uses and usability 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. Due to the influx and oversaturation of commercial and retail uses in the area, the existing zoning, conditions and restrictions, the subject property does not have reasonable economic use as currently zoned, and has remained vacant and undeveloped.

- 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 major thoroughfares. The development is consistent with the Unified Plan and prior precedent, which supports similar uses on this mixed commercial and residential corridor. The proposed community 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 Unified Plan identifies the subject property as an appropriate location for Emerging/Existing and similar residential and commercial uses, along the Hwy. 78 corridor, and the proposed development will confirm with the existing and nearby residential uses, many of which are more intense than the proposed development.

- 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. Like the residential developments along Highway 78, the requested rezoning is absolutely necessary to enable the Applicant to develop the property so as to allow for a feasible economic use based on the property's location to the existing Lowes, restaurants, and Highway 78. The requested use is also appropriate given the needs in the area and Evermore CID district, to balance the existing commercial uses with residential uses and patrons, and to support the viability of that area and existing businesses.

# ANDERSEN | TATE | CARR

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Email: [madeimy@atclawfirm.com](mailto:madeimy@atclawfirm.com)

December 2, 2016

**VIA HAND DELIVERY AND E-MAIL**

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

**RE: Letter of Intent in Support of Rezoning for the property located near the Lowes, on Highway 78, and known as Parcel Id No. R6-062-17B (the "Subject Property")**

Dear Ms. Holland and Planning Department:

On behalf of the Applicant and Property Owner, Andersen, Tate & Carr, PC and Marian C. Adeimy, Esq., hereby submit this Letter in Support of the related Applications for Rezoning. The Applicant hereby submits this application for rezoning, to rezone the Subject Property, being approximately 26.6 acres, from C-2/O&I to R-TH, to allow for 149 quality townhomes.

## **I. Background**

The Applicant seeks to create quality, residential development consistent with the existing residential communities in the area, while supporting the commercial development surrounding this long vacant property, all of which is located in the Evermore CID. The Subject Property was zoned C-2 as part of a larger planned development that never came to fruition due to the economic downturn, and due to the influx of less desirable commercial development along the Highway 78 corridor.

The property shares an entrance with the Lowes home improvement store, two existing restaurants, and future retail outparcels. This residential community will complete the development by creating a quality mixture of uses and rooftops to support the existing commercial and retail uses. The property will transition from a vacant, infill site to a walkable community.

It is clear that the residential real estate market is not only strong, but particularly near Stone Mountain and the Yellow River Game Ranch, where the County and Evermore CID has supported quality, residential development in order to support the saturated retail and commercial market in that area. The County recently furthered that goal by approving the purchase of the Stone Mountain Tennis Center for redevelopment.

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## II. Rezoning

In conjunction with all of the positive redevelopment opportunities in that area, the subject property has caught the attention of national builder, who seeks to build approximately 149 high-end townhomes, to provide a quality mixture of uses to help support the existing restaurant outparcels and Lowes shopping center.

The proposed zoning and site plan is entirely consistent with similarly, developed, residential communities along Highway 78, selling in the \$300's. Similar townhomes in the Metro-Atlanta area range between the \$300's to over \$600,000, serving the higher-end market.

In total, there are over 10 acres of open space, or one-third of the total development. The proposed development will include a community "main street", pocket parks, nature trails, and extensive pedestrian connectivity. The townhomes will be a mixture of front and rear entry, to provide for a "main street" at the community's entrance. Homes will be a minimum of 22 ft. wide and a minimum of 1,800 sq. ft., and will be built with quality materials of craftsman and traditional design, with alternating architectural elevations to create individual homes and facades. A master association and covenants will be formed to govern and maintain all common areas and landscaping.

As outlined in the 2030 Unified Plan and Future Development Map, the Subject Property and surrounding areas are designated as a *Corridor Mixed-Use*, consistently found to be appropriate for similar mixed retail, townhome and residential communities. Quality homes will help raise property values and support the over-saturation of commercial and retail uses.

The proposed use is much less intense than the uses currently zoned, and will have less of an impact on utilities, stormwater and traffic than a commercial development. The timing and approval of the requested development is supported by the goals of the Evermore CID, seeking to balance the existing commercial uses with residential uses, to create a sense of community, to improve the customer base, to connect existing properties, and to support the viability of the existing businesses.

This property has no economic use as currently zoned and remains a long-undeveloped, infill site from the original, failed commercial development. Like the similar residential developments along Highway 78, the requested rezoning is absolutely necessary to enable the Applicant to develop the property so as to allow for a feasible economic use, based on the property's location to the existing Lowes, restaurants, and Highway 78.

## III. Constitutional Objections

In order to preserve their constitutional objections, the Applicant and Owner outline those potential objections herein. The portions of the Gwinnett County Unified

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Development Ordinance, as amended, (the "UDO") which classify or condition the Subject 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 Equal Protection and 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 Applicant's and Property Owner's requested rezoning request and related variances, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Subject 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 Due Process and Equal Protection Clause of the Fourteenth Amendment to the Constitution. A denial of the requested rezoning will deny the Applicant and Property Owner an economically viable use of the Property while not substantially advancing legitimate state and County interests.

#### **IV. Conclusion**

The Applicant proposes a quality and high-end residential community to complete what was once an infill site, creating a walkable mixed-use development. The Applicant respectfully requests that the Gwinnett County Board of Commissioners, Planning Commission and Planning staff recommend and approve the Applicant's rezoning request, with conditions agreeable to the Applicant, in order to allow for this viable, quality and economic use.

The Applicant and its representatives welcome the opportunity to meet with the Gwinnett County Board of Commissioners, Planning Commissioners, community members, and staff to answer any questions.

Respectfully submitted,

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



Marian C. Adeimy  
Attorney for Applicant

cc: Jim Brooks, Evermore CID

Enclosures:  
Letter and Request for Time Waiver,  
Rezoning Application and exhibits

**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, February 2017**

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	
RZM2017-00002	<b>Norcross HS</b>	<b>3779</b>	2,600	1,179	<b>3873</b>	2,600	1,273	<b>3970</b>	2,600	1,370	11
	Summerour MS	<b>1667</b>	1,675	-8	<b>1718</b>	1,675	43	<b>1771</b>	1,675	96	8
	Beaver Ridge ES	<b>1273</b>	1,150	123	<b>1298</b>	1,150	148	<b>1324</b>	1,150	174	16
RZM2017-00003	<b>Parkview HS</b>	<b>3021</b>	2,500	521	<b>3082</b>	2,500	582	<b>3143</b>	2,500	643	37
	Trickum MS	<b>2073</b>	1,775	298	<b>2104</b>	1,775	329	<b>2136</b>	1,775	361	26
	Mountain Park ES	<b>543</b>	450	93	<b>554</b>	450	104	<b>565</b>	450	115	50

Current projections do not include new developments





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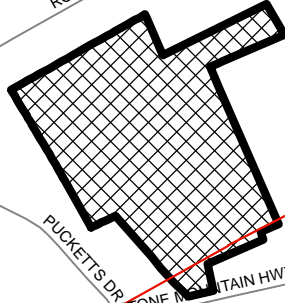
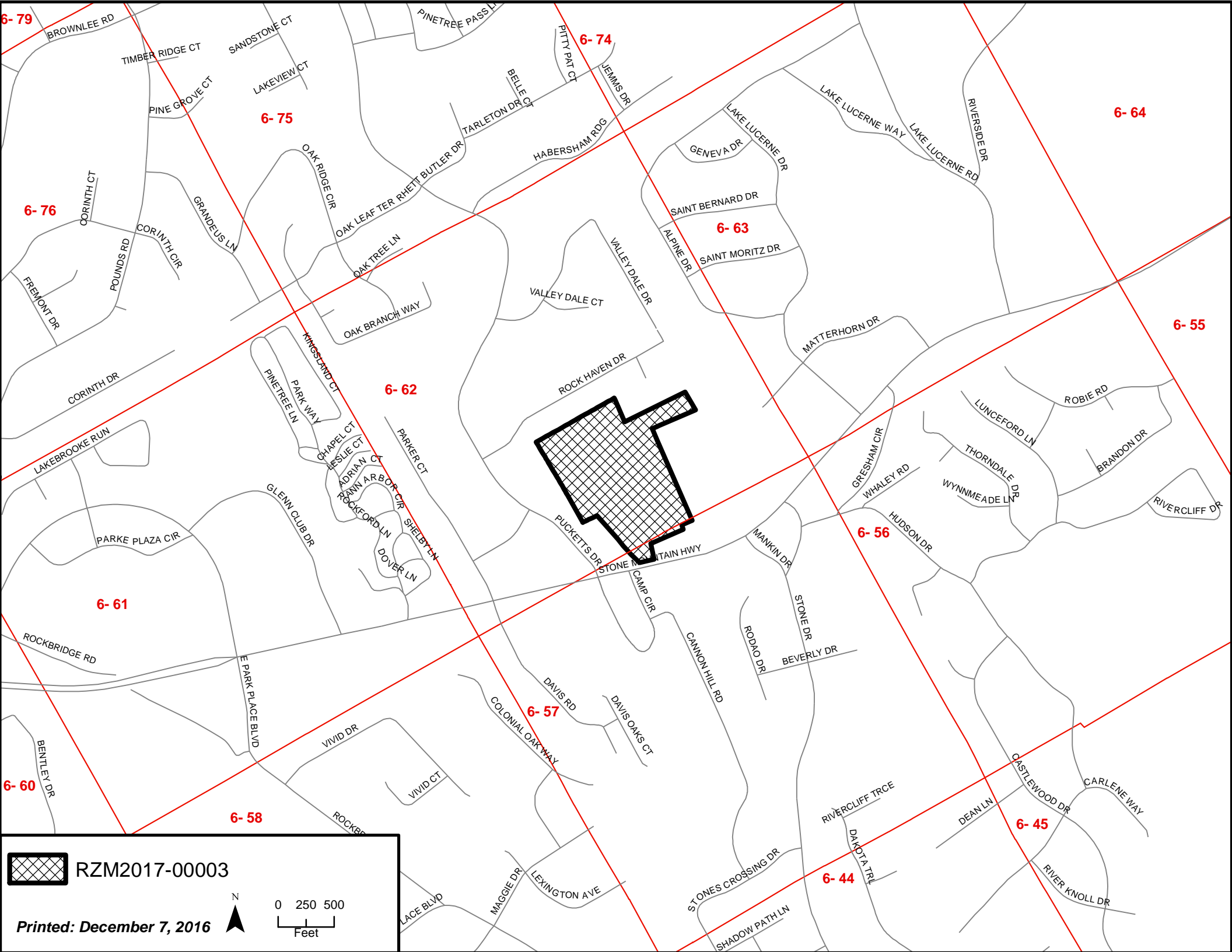
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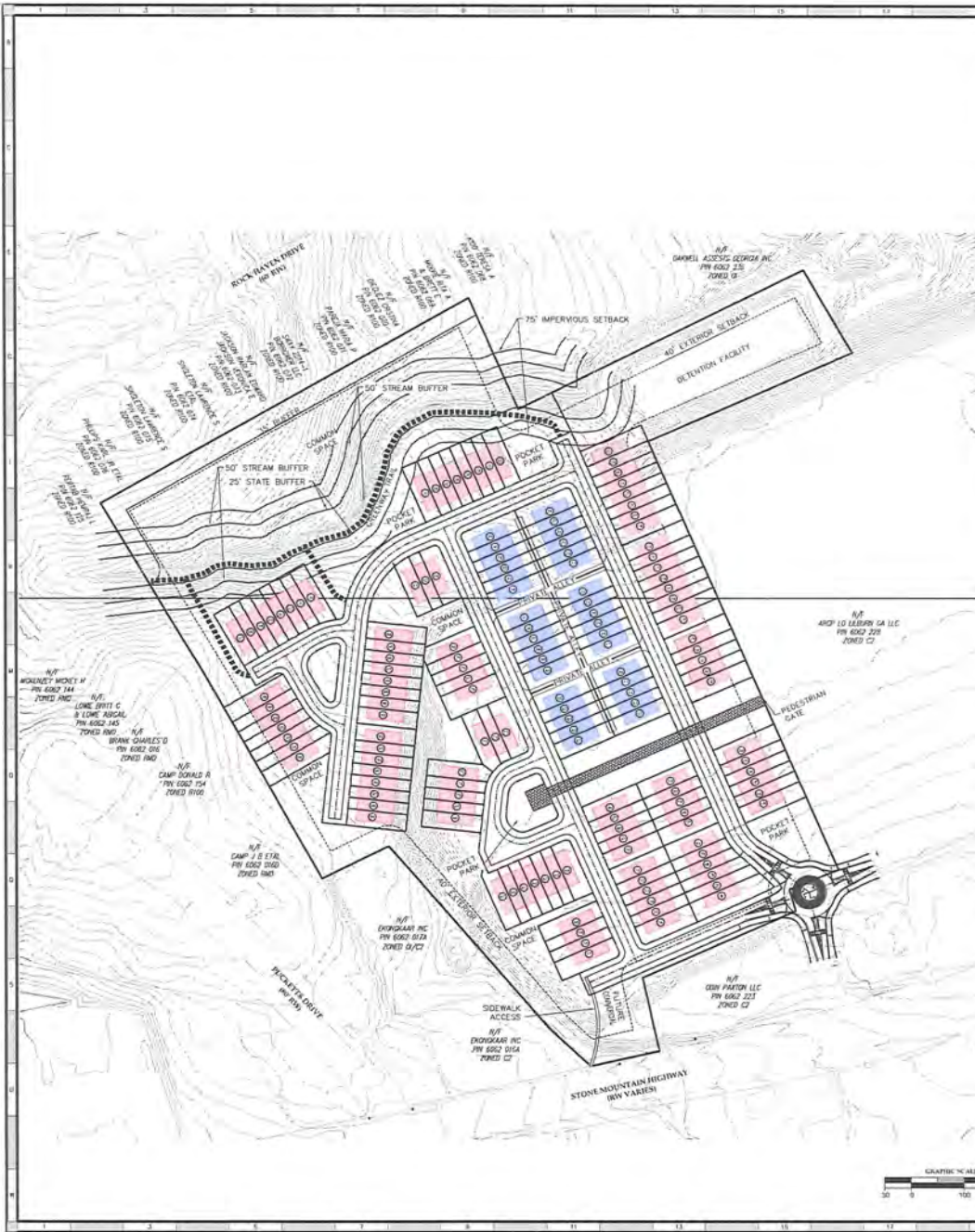


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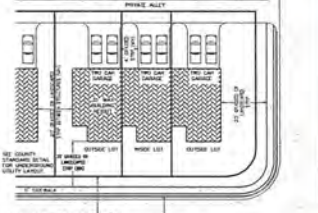


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Printed: December 7, 2016

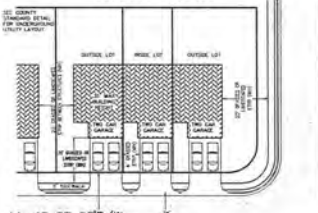


**TYPICAL LOT LAYOUT  
REAR ENTRY**



44, 46 OR 50R/W

**TYPICAL LOT LAYOUT  
FRONT ENTRY**



44, 46 OR 50R/W



**SITE DATA**

Site Area: 26.622 AC  
 Existing Zoning: C2 & OI  
 Proposed Zoning: R-TH  
 Total Lots: 149  
 (Rear Entry) [Blue]: 34  
 (Front Entry) [Red]: 115  
 Density: 5.60 Units/Acre  
 Linear Feet Of Street: 4,212 LF  
 Common Space: 9.944 AC (37.4%)  
 Detention Facility: 2.007 AC

JIM KING CONSULTING &  
 DEVELOPMENT ADVISERS  
 111 HOPKINS COURT, SUITE 110  
 DUNWOODY, GA 30118  
 404-251-3071, 404-251-3070

OWNER/DEVELOPER:  
 US LAND INVESTMENTS, LLC

PROJECT:  
**PARKHAVEN**

LOCATED IN:  
 LAND LOTS 57 & 62  
 8th DISTRICT, 1st SECTION,  
 COWNETT COUNTY,  
 GEORGIA

SHEET TITLE:  
**CONCEPT  
 PLAN**

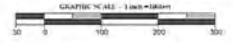
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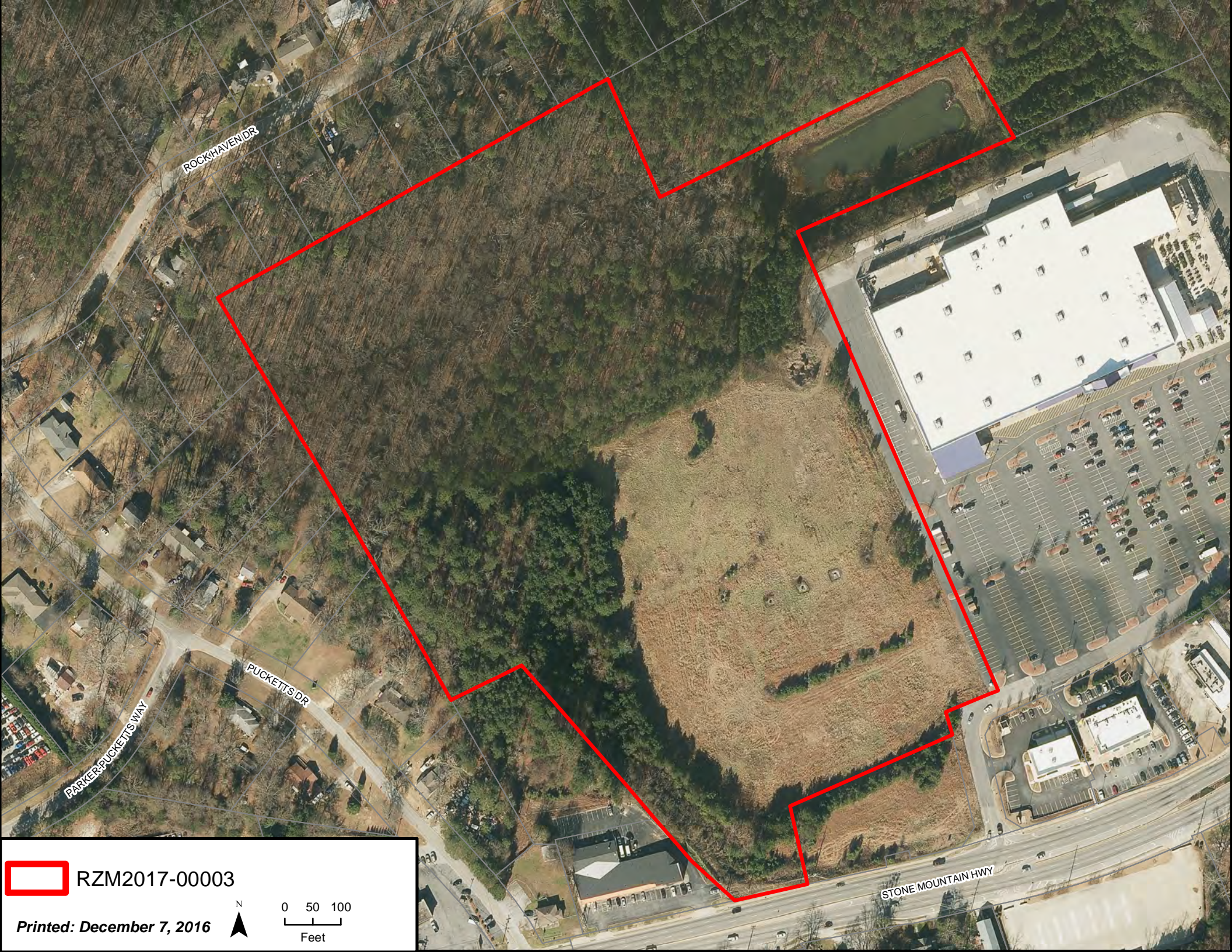
SHEET REVISIONS

NO.	DESCRIPTION	DATE
1	CONCEPT PLAN	10/25/16

SHEET:  
**C0.00**



RJ25/2017-0203  
 Received December 6, 2017  
 Planning and Development



ROCKHAVENDR

PARKER-PUCKETTS WAY

PUCKETTS DR

STONE MOUNTAIN HWY

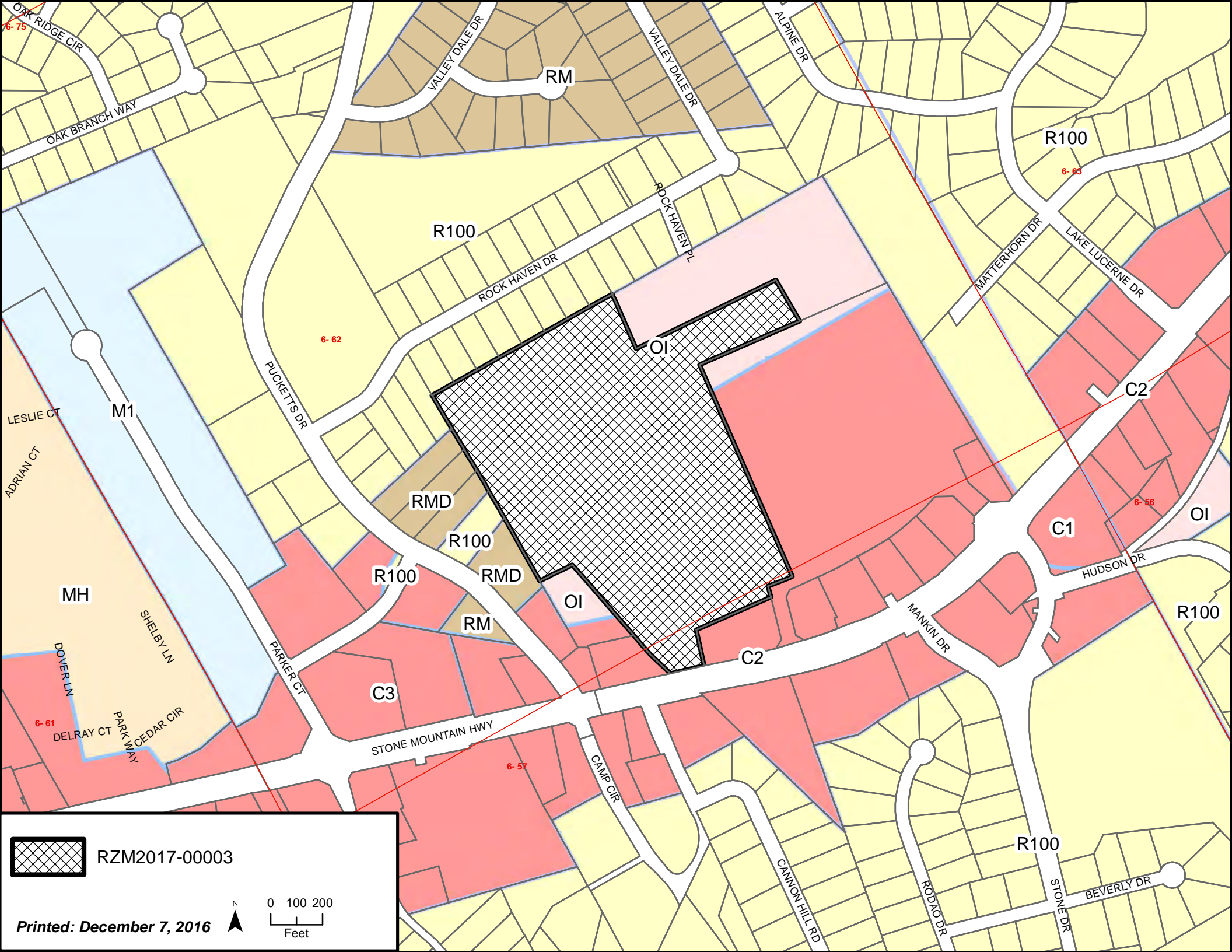


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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
CHANGE IN CONDITIONS ANALYSIS**

CASE NUMBER :CIC2017-00005  
ZONING :C-2  
LOCATION :3500 BLOCK OF BRASELTON HIGHWAY  
MAP NUMBER :R3002 115B  
ACREAGE :6.94 ACRES  
PROPOSAL :CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: TULL SIGNS  
1808 HOLLY SPRINGS ROAD  
MARIETTA, GA 30062

CONTACT: KEVIN TULL PHONE: 404.729.6699

OWNER: HAMILTON PARTNERS, LLC  
4524 SOUTHLAKE PARKWAY, SUITE 2  
HOOVER, AL 35244

**DEPARTMENT RECOMMENDATION: APPROVAL WITH CONDITIONS**

**CHANGE IN CONDITIONS SUMMARY:**

The applicant requests a Change-in-Conditions of previous rezoning cases, RZ-00-043 and SUP-00-028, to amend the condition that limits the height of a ground sign. The 6.94-acre property is located along the southwest side of Braselton Highway, just southwest of its intersection with Enclave Mill Court. The property is part of the mixed-use development known as the Shops at Hamilton Mill, consisting of a variety of commercial retail establishments, financial institutions and a residential component to the rear of the site. The subject site is located within the Georgia Highway 124/324/ Hamilton Mill Overlay District.

The request is to amend condition 2.G. of RZ-00-043 and SUP-00-028, which reads as follows:

2.G. Ground signage shall be limited to a monument-type signs of masonry construction matching the materials of the building and shall be no greater than 5-feet in height.

The applicant is requesting to amend Condition 2.G. to allow the construction of a new ground sign that will be approximately 20-feet in height.

The 2030 Unified Plan Future Development Map indicates the property lies within an Existing/ Emerging Suburban Character Area. Policies for this character area support certain freestanding and multi-tenant retail establishments. The revised sign height would be consistent with other signage along this segment of Braselton Highway. Allowing a modification to the allowable sign height on the property would not significantly affect the character of the area and be considered consistent with the Unified Plan.

The surrounding area consists of commercial/retail, office, and public-institutional uses along Braselton Highway, with single-family residential uses being located beyond the corridor. Located along this segment of the corridor are a variety of signs with differing heights and sizes. Given the intensity of the commercial activity and varying sign heights on adjacent and nearby properties, a sign height increase above the current five-foot limitation would be compatible along this segment of Braselton Highway.

In conclusion, the request to amend the sign height restriction would be appropriate, given the intense commercial nature of the area and the typical heights of existing signs in the area. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of this request.

#### ZONING HISTORY:

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). Since 2000, the property has been zoned C-2, with a Special Use Permit allowing automobile service, pursuant to RZ-00-43 and SUP-00-28.

#### GROUNDWATER RECHARGE AREA:

The subject property is located within an identified Significant Groundwater Recharge Area. The development is 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:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

SR124 Braselton Highway is a State Route and Georgia D.O.T. right-of-way requirements govern.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 10-inch water main located on the southwest right-of-way of Braselton Highway and an eight-inch water main located on the northwest right-of-way of Enclave Mill Court.

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 on parcel R3002 115B.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural/structural, and electrical drawings for the proposed sign for review and approval by Building Plan Review.
2. Upon completion of plan review approvals, the applicant shall obtain a building permit for the proposed sign and achieve satisfactory field inspections for issuance of a Certificate of Completion.

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

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as C-2 (Change-in-Conditions), subject to the following enumerated conditions:

RZ-00-043 & SUP-00-028

Additions in **bold**

Deletions in ~~strikethrough~~

- I. To restrict the use of the property as follows:
  - A. Retail, office, and service commercial and accessory uses, which may include automobile service as a special use. Automobile service shall be limited to oil change, tire sales/installation and auto maintenance. Body work, engine/transmission repair, etc. shall be prohibited.
2. To satisfy the following site development considerations:
  - A. Provide a 75-foot wide buffer, undisturbed except for approved access and utility crossings, adjacent to all residentially zoned properties.
  - B. Provide a ten-foot wide landscaped strip outside the dedicated rights-of-way of Braselton Highway, and provide a five-foot wide landscaped strip along all internal property lines.
  - C. No more than two exit/entrance shall be allowed onto Braselton Highway
  - D. Provide interparcel access throughout the development, and provide interparcel access with future adjacent non-residential developments (to the exterior property lines).
  - E. Dumpsters shall be screened by an opaque masonry fence or wall matching the building. Hours of dumpster pick-up shall be limited to between the hours of 7:00 am and 7:00 pm.
  - F. Buildings shall be finished with architectural treatments of glass and/or brick; or submit alternate architectural plans for the review and approval of the Director of Planning and Development prior to the issuance of a building permit. Architectural design of the buildings shall be similar and compatible with the nearby Hamilton Mill Village shopping center.
  - G. ~~Ground signage shall be limited to a monument type signs of masonry construction matching the materials of the buildings and shall be no greater than 5-feet in height.~~ **Ground signage shall be limited to one**

**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 signage shall not exceed twenty feet in height.**

- H. Provide a five-foot wide sidewalk adjacent to Braselton Highway. Provide a five-foot wide sidewalk adjacent to the roadway leading to the proposed residential development to the rear.
- I. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent and nearby residential properties or roadways.
- J. Natural vegetation shall remain on the property prior to the issuance of a commercial development permit.
- K. Billboards shall be prohibited.
- L. Service bays shall not face Braselton Highway.
- M. No outdoor storage or display of merchandise, automobile parts, tires, etc. may be allowed. Outdoor parking of inoperable vehicles shall be prohibited.
- N. ~~No banners, streamers, or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot air balloons shall be displayed on the site. No flags shall be flown on the site except the flags for the United States of America, other nations, and/or the State of Georgia.~~ **No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.**

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions, revising the five-foot height restriction may be suitable in light of the intense commercial nature of the area and the existence of several signs on nearby properties with similar heights.

ADVERSE IMPACTS

With appropriate conditions and limitations, the request may not significantly impact adjacent or nearby properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

No changes in impacts on public facilities are anticipated from this request.

CONFORMITY WITH POLICIES

The request could be considered compatible with policies of the 2030 Unified Plan.

CONDITIONS AFFECTING ZONING

A sign height increase could be consistent with the surrounding area provided the new height remains consistent with similar signs in the immediate area.

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

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

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

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

YES

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

NO

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

YES

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

NO

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

YES

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

NO

CIC '17 00 5

RECEIVED BY

NOV 30 2016

Planning & Development



LETTER OF INTENT:

Re: Change of Condition Request – Shops @ Hamilton Mill  
3571 – 3523 Braselton Highway, Dacula, GA 30047 – 6.935 Acres, Zoned C-2

We would like to respectfully request that zoning conditions adopted when the property was rezoned concerning the maximum height of signage be removed.

Zoning Case RZ-00-043 and Special Use Permit SUP-00-028 restrict the height of monument type signage to a maximum of 5' which is significantly less than what is now allowed under the current code and restrictions of the Hamilton Mill Overlay District which allows monument signs up to 20' in height.

The restrictions in place have a negative impact on the Shops at Hamilton Mill because the property has limited visibility from Hamilton Mill Road and needs better visibility for it's tenants to be competitive with other shopping centers in the immediate area that have adequate signage. Vacancy Rates in the shopping center are above average for the area and current tenants have requested an upgrade to the existing signage to provide better visibility for their businesses. New Signage would be in compliance with the restrictions of the current Gwinnett County Sign Ordinance and Hamilton Mill Corridor Overlay District and would not have a negative impact on any of the adjacent or surrounding properties.

CIC '17 00 5

RECEIVED BY

NOV 30 2016

Planning & Development

CASE NUMBER RZ-00-043

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

On motion of COMM. HUGHES, 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

RA-200 to C-2  
by MULBERRY CREEK PARTNERS, LLC for the proposed use of  
COMMERCIAL RETAIL USES (REDUCTION IN BUFFERS) 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 MARCH 28, 2000, and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 28<sup>TH</sup> day of MARCH, 2000, that the aforesaid application to amend the Official Zoning Map from RA-200 to C-2 is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Retail, office, and service commercial and accessory uses, which may include automobile service as a special use. Automobile service shall be limited to oil change, tire sales/installation and auto maintenance. Body work, engine/transmission repair, etc. shall be prohibited.
2. To satisfy the following site development considerations:
  - A. Provide a 75-foot wide buffer, undisturbed except for approved access and utility crossings, adjacent to all residentially zoned properties.
  - B. Provide a ten-foot wide landscaped strip outside the dedicated rights-of-way of Braselton Highway, and provide a five-foot wide landscaped strip along all internal property lines.

- C. No more than two exit/entrance shall be allowed onto Braselton Highway
- D. Provide interparcel access throughout the development, and provide interparcel access with future adjacent non-residential developments (to the exterior property lines).
- E. Dumpsters shall be screened by an opaque masonry fence or wall matching the building. Hours of dumpster pick-up shall be limited to between the hours of 7:00 am and 7:00 pm.
- F. Buildings shall be finished with architectural treatments of glass and/or brick; or submit alternate architectural plans for the review and approval of the Director of Planning and Development prior to the issuance of a building permit. Architectural design of the buildings shall be similar and compatible with the nearby Hamilton Mill Village shopping center.
- G. Ground signage shall be limited to a monument-type signs of masonry construction matching the materials of the buildings and shall be no greater than 5-feet in height.
- H. Provide a five-foot wide sidewalk adjacent to Braselton Highway. Provide a five-foot wide sidewalk adjacent to the roadway leading to the proposed residential development to the rear.
- I. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent and nearby residential properties or roadways.
- J. Natural vegetation shall remain on the property prior to the issuance of a commercial development permit.
- K. Billboards shall be prohibited.
- L. Service bays shall not face Braselton Highway.

- M. No outdoor storage or display of merchandise, automobile parts, tires, etc. may be allowed. Outdoor parking of inoperable vehicles shall be prohibited.
  
- N. No banners, streamers, or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. No flags shall be flown on the site except the flags for the United States of America, other nations, and/or the State of Georgia.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: *F. Wayne Hill*  
F. Wayne Hill, Chairman

Date Signed: April 5, 2000

ATTEST:

*Brenda Maddox*  
County Clerk

CASE NUMBER SUP-00-028

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

---

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

---

On motion of COMM. HUGHES, 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 MULBERRY CREEK PARTNERS, LLC for the proposed use of AUTOMOBILE SERVICE 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 MARCH 28, 2000 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 28<sup>TH</sup> day of MARCH, 2000 that the aforesaid application for a Special Use Permit is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Retail, office, and service commercial and accessory uses, which may include automobile service as a special use. Automobile service shall be limited to oil change, tire sales/installation and auto maintenance. Body work, engine/transmission repair, etc. shall be prohibited.
2. To satisfy the following site development considerations:
  - A. Provide a 75-foot wide buffer, undisturbed except for approved access and utility crossings, adjacent to all residentially zoned properties.
  - B. Provide a ten-foot wide landscaped strip outside the dedicated rights-of-way of Braselton Highway, and provide a five-foot wide landscaped strip along all internal property lines.
  - C. No more than two exit/entrance shall be allowed onto Braselton Highway.

- D. Provide interparcel access throughout the development, and provide interparcel access with future adjacent non-residential developments (to the exterior property lines).
- E. Dumpsters shall be screened by an opaque masonry fence or wall matching the building. Hours of dumpster pick-up shall be limited to between the hours of 7:00 am and 7:00 pm.
- F. Buildings shall be finished with architectural treatments of glass and/or brick; or submit alternate architectural plans for the review and approval of the Director of Planning and Development prior to the issuance of a building permit. Architectural design of the buildings shall be similar and compatible with the nearby Hamilton Mill Village shopping center.
- G. Ground signage shall be limited to a monument-type signs of masonry construction matching the materials of the buildings and shall be no greater than 5-feet in height.
- H. Provide a five-foot wide sidewalk adjacent to Braselton Highway. Provide a five-foot wide sidewalk adjacent to the roadway leading to the proposed residential development to the rear.
- I. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent and nearby residential properties or roadways.
- J. Natural vegetation shall remain on the property prior to the issuance of a commercial development permit.
- K. Billboards shall be prohibited.
- L. Service bays shall not face Braselton Highway.



- M. No outdoor storage or display of merchandise, automobile parts, tires, etc. may be allowed. Outdoor parking of inoperable vehicles shall be prohibited.
  
- N. No banners, streamers, or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. No flags shall be flown on the site except the flags for the United States of America, other nations, and/or the State of Georgia.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: *F. Wayne Hill*  
F. Wayne Hill, Chairman

Date Signed: *April 5, 2000*

ATTEST:

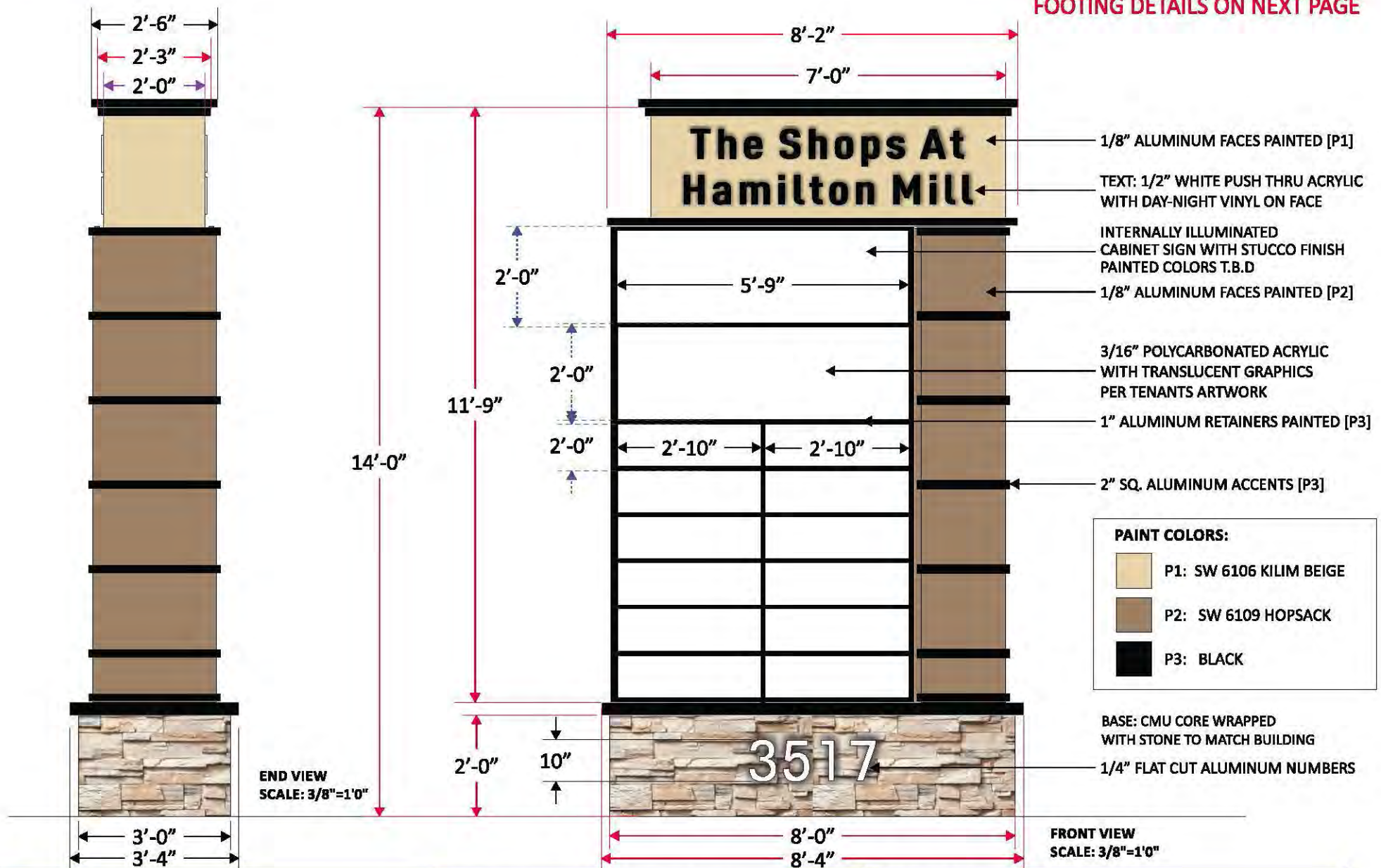
*Brenda Maddox*  
County Clerk

SIGN TYPE: A

MAIN ID SIGNS

QUANTITY: 1, DOUBLE SIDED

FOOTING DETAILS ON NEXT PAGE



THE SHOPS AT HAMILTON MILL

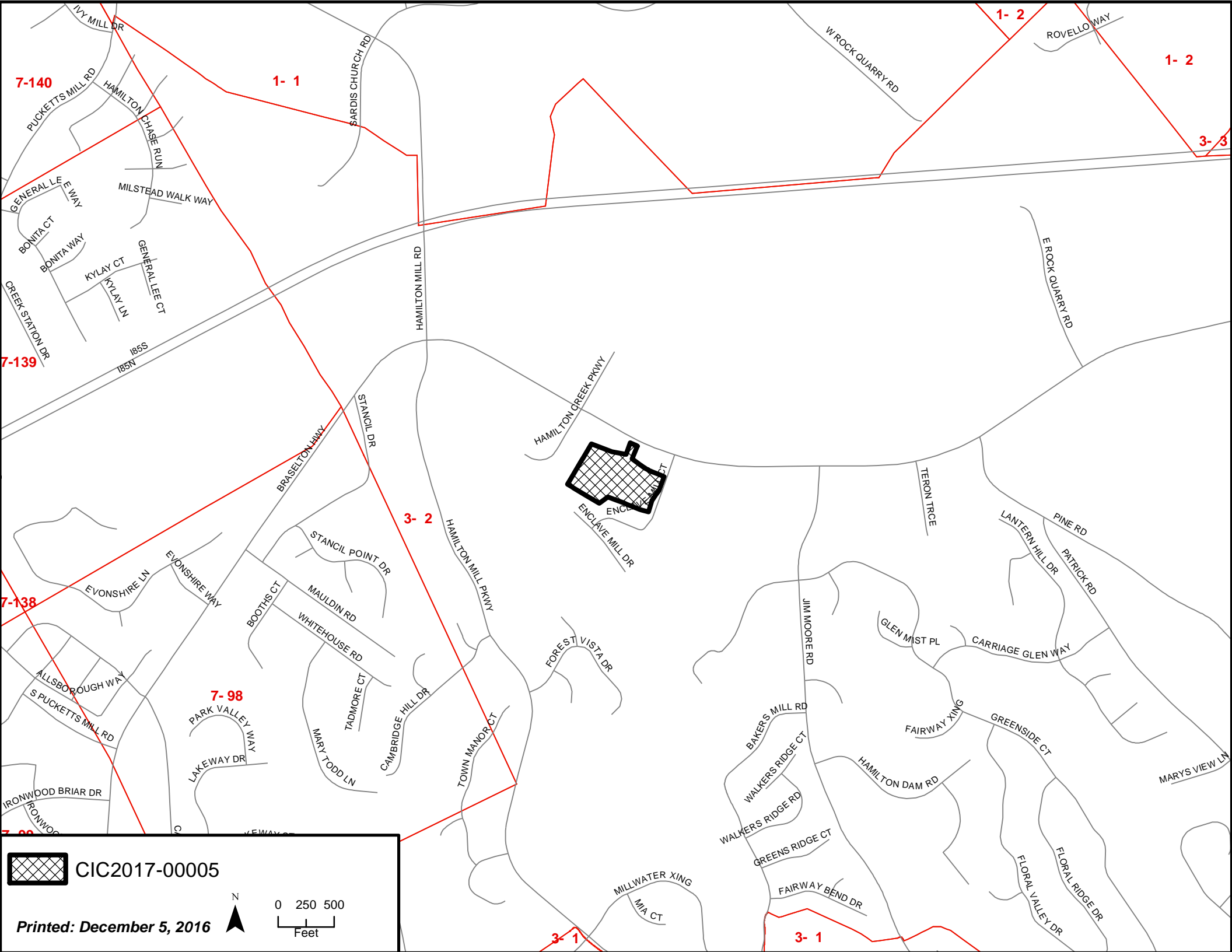
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REVISION DATE: 07-07-2016

CIC2017-00005

Received December 6, 2017

Planning and Development



CIC2017-00005



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Printed: December 5, 2016

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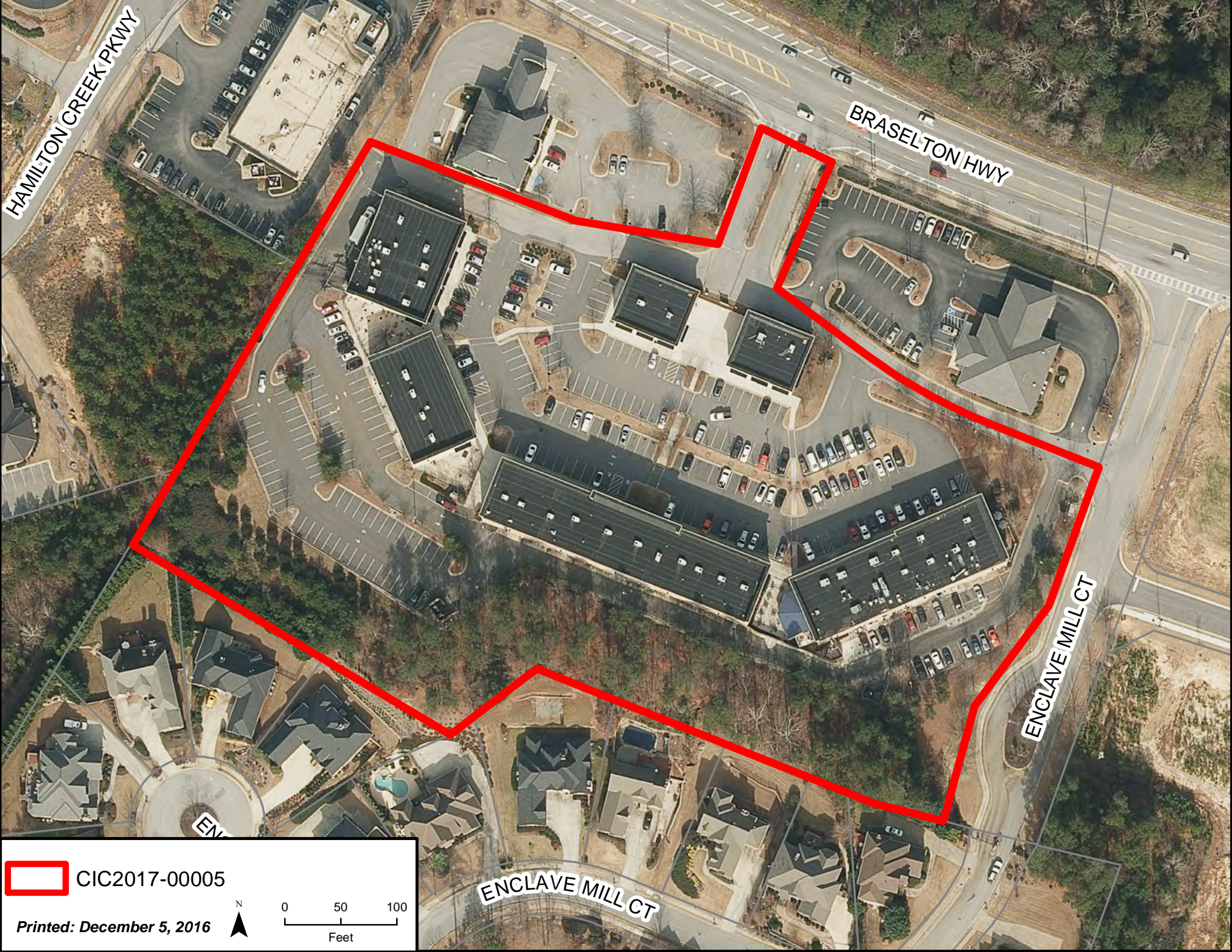
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HAMILTON CREEK PKWY


BRASELTON HWY

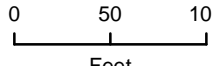
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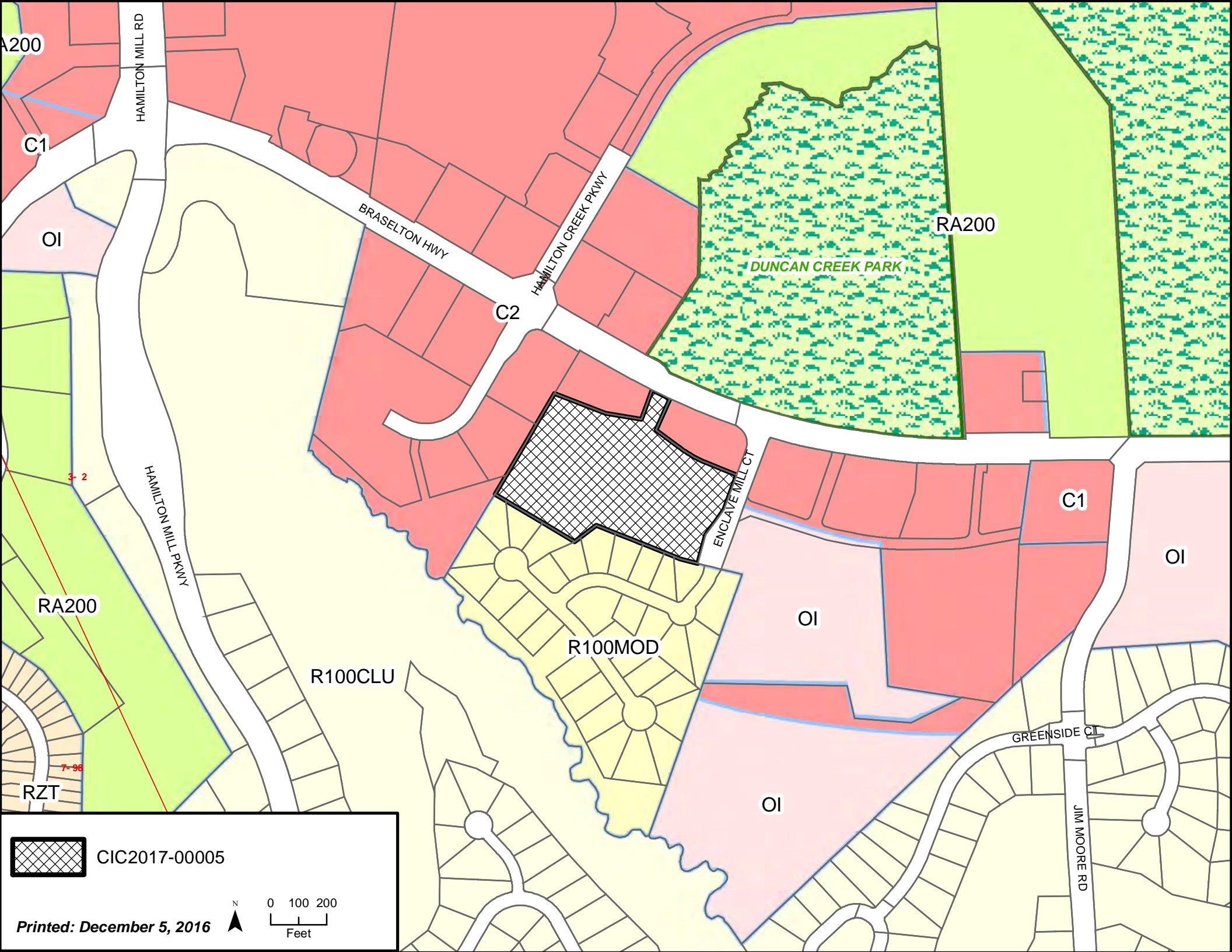
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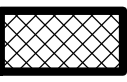
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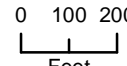
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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
CHANGE IN CONDITIONS ANALYSIS**

CASE NUMBER :CIC2017-00006  
ZONING :C-2  
LOCATION :2400 BLOCK OF SATELLITE BOULEVARD  
MAP NUMBER :R7079 001  
ACREAGE :12.38 ACRES  
PROPOSAL :CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT :(I) BROOKS

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

APPLICANT: J.S. BEAR  
3137 WESTMART LANE  
ATLANTA, GA 30340

CONTACT: STEVE BEAR PHONE: 678.229.4042

OWNER: QTS CORP  
2470 SATELLITE BOULEVARD  
DULUTH, GA 30096

**DEPARTMENT RECOMMENDATION: APPROVAL WITH CONDITIONS**

**CHANGE IN CONDITIONS SUMMARY:**

The applicant requests a Change-in-Conditions of previous rezoning case, RZ-02-030, to amend the condition limiting signage to a single monument sign. The 12.38-acre property is located along the eastern side of Satellite Boulevard, just northeast of its intersection with Boggs Road. The property is part of the Pinebrook Commerce Center located adjacent to Interstate-85, with access provided from interparcel access agreement extending from Satellite Boulevard.

The request is to amend condition 2.D. of RZC-02-030, which reads as follows:

2.G. Signage shall be limited to a single monument-type ground sign, which shall not exceed 70 square feet in size. Sign shall have a brick base that match the building and shall comply with all requirements of the Gwinnett County sign regulations.

The applicant is requesting to amend Condition 2.G. to allow for the installation of a parapet wall sign, totaling approximately 253-square feet on the south elevation of the existing building facing Interstate-85, and a standard wall sign, totaling approximately 150-square feet on the north elevation facing Satellite Boulevard. As required, the proposed signs will be internally illuminated. A rendering of the proposed signs is attached for reference.

The 2030 Unified Plan Future Development Map indicates that the property lies within a Regional Mixed-Use Character Area. Although not strictly consistent with the policies of the 2030 Unified Plan, the site has been used for office and institutional related activities for several years. The proposed wall signs would be consistent with other signage along this segment of Interstate-85. Allowing a modification to the existing conditions of zoning to include additional signage on the building would not affect the character of the area and be considered consistent with the 2030 Unified Plan.

The surrounding area consists of commercial/retail, office, and public-institutional uses along Interstate-85. Located along this segment of the corridor are a variety of wall signs with differing heights and sizes. Given the intensity of the commercial activity and the multitude wall signs located on adjacent and nearby properties, allowing a wall sign on the existing building would be consistent with other commercial developments located along this segment of Interstate 85.

In conclusion, the request to amend the current conditions of zoning would be appropriate, given the intense commercial nature of the area and the presence of existing wall signs in the immediate area. Therefore, the Department recommends **APPROVAL WITH CONDITIONS** of this request.

#### ZONING HISTORY:

In 1970, the property was zoned RA-200 (Agriculture Residence District). The property has been zoned C-2 since 2002, pursuant to RZC-02-030.

#### 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:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

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 on parcel R7079 001.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as C-2 (Change-in-Conditions), subject to the following enumerated conditions:

RZC-02-030

Additions in **bold**

Deletions in strikethrough

- I. To restrict the use of the property as follows:
  - A. Office/retail and service commercial and accessory uses.
2. To satisfy the following site development considerations:
  - A. Provide a 10-foot wide landscaped strip outside the right-of-way of Satellite Boulevard.
  - B. If further subdivided, provide five-foot wide landscaped strips adjacent to all internal property lines except where interparcel access is provided.
  - C. Any new buildings shall be finished with architectural treatments of glass and/or brick, stone or stucco. Style and color shall be similar to the existing office building.
  - D. **Ground** signage shall be limited to a single monument-type ground sign, which shall not exceed 70 square feet in size. Sign shall have a brick base that match the building and shall comply with all requirements of the Gwinnett County sign regulations.
  - E. **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.**
  - F. **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.**
  - 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. Billboards or oversized signs are shall be prohibited.**
- I. Dumpsters shall be screened by a 100% opaque brick fence or wall.
- J. 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 I-85 right-of-way.
- K. Peddlers and/or parking lot sales shall be prohibited.**
- L. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.**

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed change in conditions may be suitable given the existence of other wall signs located on neighboring buildings along both sides of Interstate-85.

ADVERSE IMPACTS

With the existence of wall signs on neighboring buildings along this segment of the Interstate-85 corridor, the change in conditions would not have adverse impacts on the surrounding commercial, institutional, and light industrial activities in the immediate area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

No change in impacts on public facilities would be anticipated from this request.

CONFORMITY WITH POLICIES

The property is located along the established Interstate-85 corridor that includes commercial, institutional, and light industrial activities. The integrity of the surrounding area would not be compromised with the addition of wall signs on an existing building. Therefore, the proposed amendment would be considered consistent with the policies of the 2030 Unified Plan.

CONDITIONS AFFECTING ZONING

The majority of buildings located along this segment of Interstate-85 include wall signs permitted under current Gwinnett County regulations. Allowing the change to the conditions of zoning for the addition of a wall sign on an existing building would not directly affect the current conditions of zoning in the immediate area.

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

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

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

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

YES

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

NO

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

YES

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

NO

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

YES

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

NO

CIC '17 00 5

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NOV 30 2016

Planning & Development

*Code Compliance Services*

3137 Westmart Lane Atlanta, GA 30340

VOICE : 678. 229-4042 EMAIL : STEVE @ CODE-COMPLIANCE.US

Gwinnett County Planning & Development - Change in Conditions

RE: QTS CORPORATION - 2470 SATELLITE BLVD - DULUTH, GA 30096

Proposed Change :

The installation of new building signage on the eastern side of the existing building facing Boggs Road Access Ramp and Interstate 85.

Applicant's Line Item Responses :

- A- Our application does not propose a change in use of the existing development or building. Our proposed new building signage would remain consistent with both existing and nearby property uses based on current zoning.
- B- We do not believe the proposed new building signage would affect existing or proposed nearby uses adversely or otherwise. Zoning of adjacent properties is consistent with our current zoning.
- C- As there is no change in current zoning proposed with this application, we anticipate the installation of our proposed point of presence signage will result in a more reasonable economic enhancement of our building.
- D- Approval of our request will not result in a burdensome impact to existing streets, due to traffic, above and beyond our eminent occupancy as permitted and will present no impact on utility or school systems.
- E- New building signage would appear to be in conformity with the intent of the County Land Use Plan and current zoning of our existing building as well as that of adjacent properties.
- F- Increasing our point of presence, via the installation of our proposed signage, can only be considered a positive affect of our business occupying the facility.

Attached are some graphic images of our proposed sign location, we appreciate your consideration of this request.

With Best Regards,  
J. S. ( Steve ) Bear

CIC '17 00 6

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**DEC 02 2016**

**Planning & Development**

CASE NUMBER RZC-02-030

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

<u>Present</u>	<u>VOTE</u>
Wayne Hill, Chairman	<u>AYE</u>
Marcia Neaton-Griggs, District 1	<u>AYE</u>
Albert Nasuti, District 2	<u>AYE</u>
John Dunn, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

On motion of COMM. NEATON-GRIGGS, 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

M-1 to C-2  
by WORSHIPPERS R' US, LLC for

the proposed use of COMMERCIAL RETAIL USES

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 JULY 23, 2002 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 23RD day of JULY, 2002, that the aforesaid application to amend the Official Zoning Map from M-1 to C-2 is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Office/retail and service commercial and accessory uses.
2. To satisfy the following site development considerations:
  - A. Provide a 10-foot wide landscaped strip outside the right-of-way of Satellite Boulevard.
  - B. If further subdivided, provide five-foot wide landscaped strips adjacent to all internal property lines except where interparcel access is provided.
  - C. Any new buildings shall be finished with architectural treatments of glass and/or brick, stone or stucco. Style and color shall be similar to the existing office building.

- D. Signage shall be limited to a single monument-type ground sign, which shall not exceed 70 square feet in size. Sign shall have a brick base that match the building and shall comply with all requirements of the Gwinnett County sign regulations.
- E. Billboards are prohibited.
- F. Dumpsters shall be screened by a 100% opaque brick fence or wall.
- G. 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 I-85 right-of-way.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_

*F. Wayne Hill*  
F. Wayne Hill, Chairman

Date Signed: \_\_\_\_\_

*July 31, 2002*

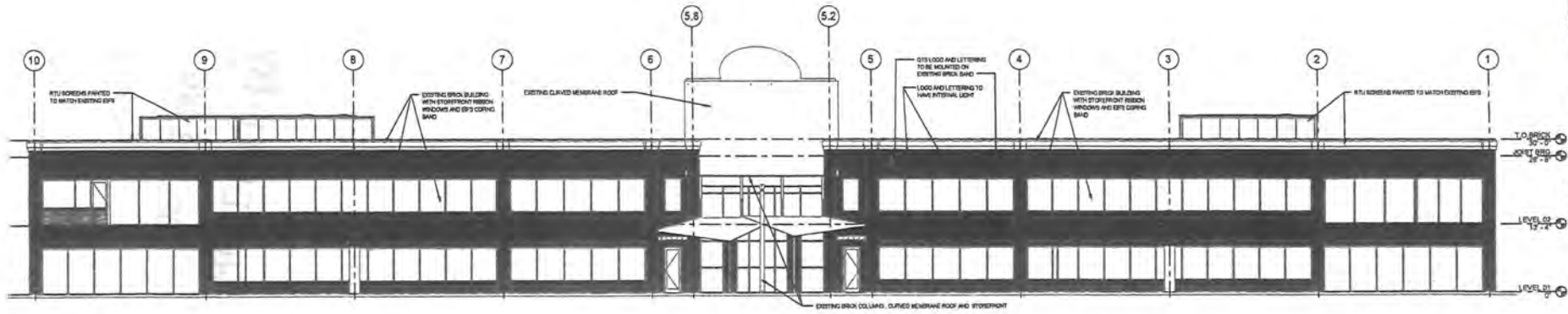
ATTEST:

*Brenda Maddox*  
\_\_\_\_\_  
County Clerk

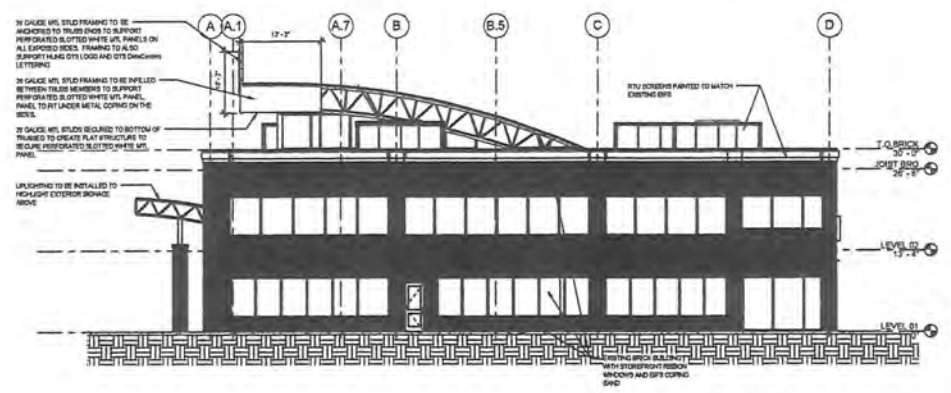


**PIEPER  
O'BRIEN  
HERR**  
ARCHITECTS

1000 Peachtree Street, NE, Suite 1000  
Atlanta, Georgia 30309  
404.525.8800  
www.pieperobrienherr.com

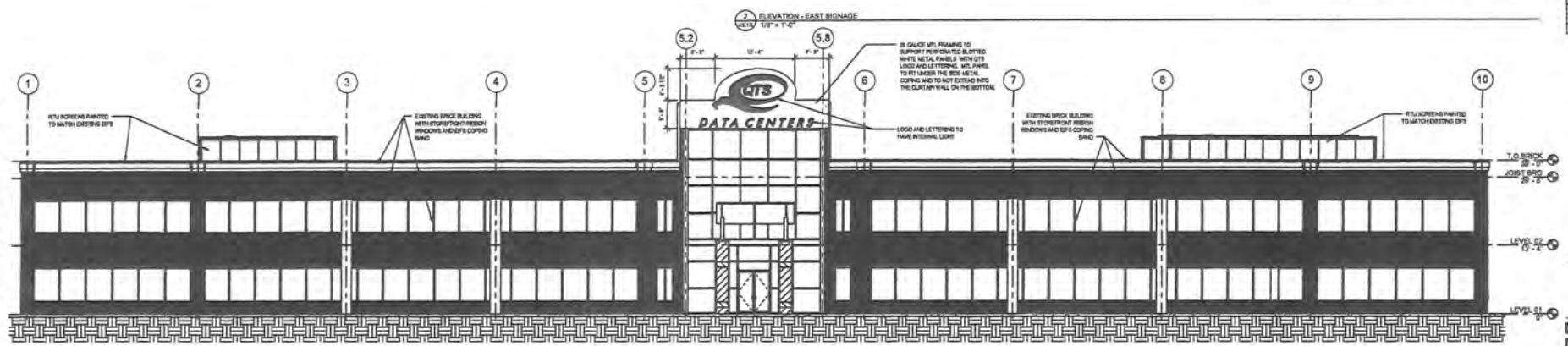


2 ELEVATION - NORTH  
1/8" = 1'-0"



RELEASED FOR CONSTRUCTION  
APPROVAL

REVISIONS			
REV#	DATE	DESCRIPTION	BY



3 ELEVATION - EAST SIGNAGE  
1/8" = 1'-0"

QTS DLT1

2470 Satellite Blvd.  
Duluth, GA 30096

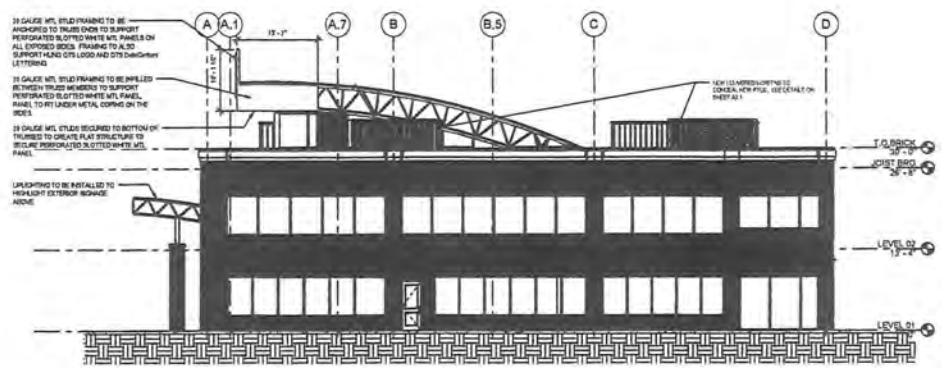
PROJECTING 20-16032  
DATE 04 OCT 2016

SHEET TITLE  
EXTERIOR SIGNAGE

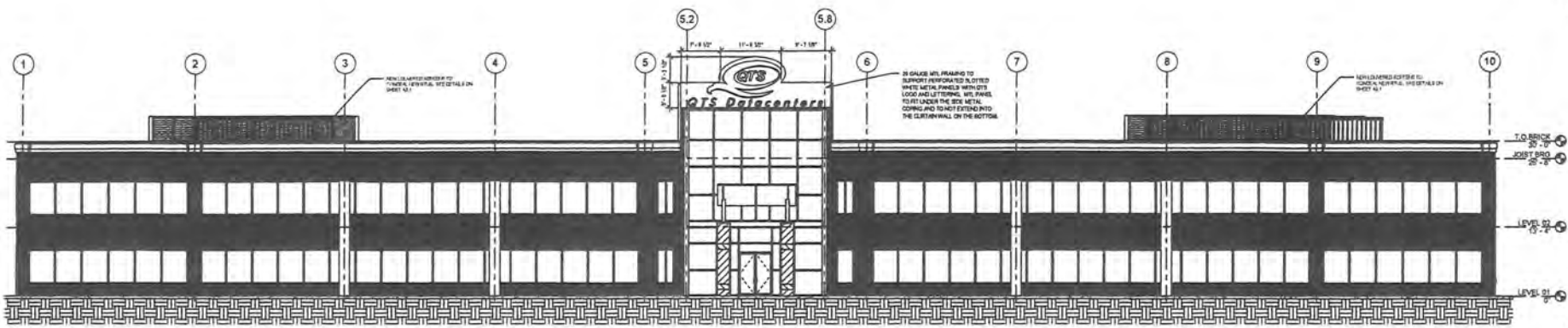
PLAN NORTH  
SHEET NO. A5.1S

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10/20/16 5:55:40 AM



7 ELEVATION - EAST SIGNAGE  
1/8" = 1'-0"



8 ELEVATION - SOUTH SIGNAGE  
1/8" = 1'-0"

RELEASED FOR CONSTRUCTION  
APPROVAL \_\_\_\_\_

REVISIONS	NO.	DATE	DESCRIPTION	BY

QTS DLT1

2470 Satellite Blvd.  
Duluth, GA 30096

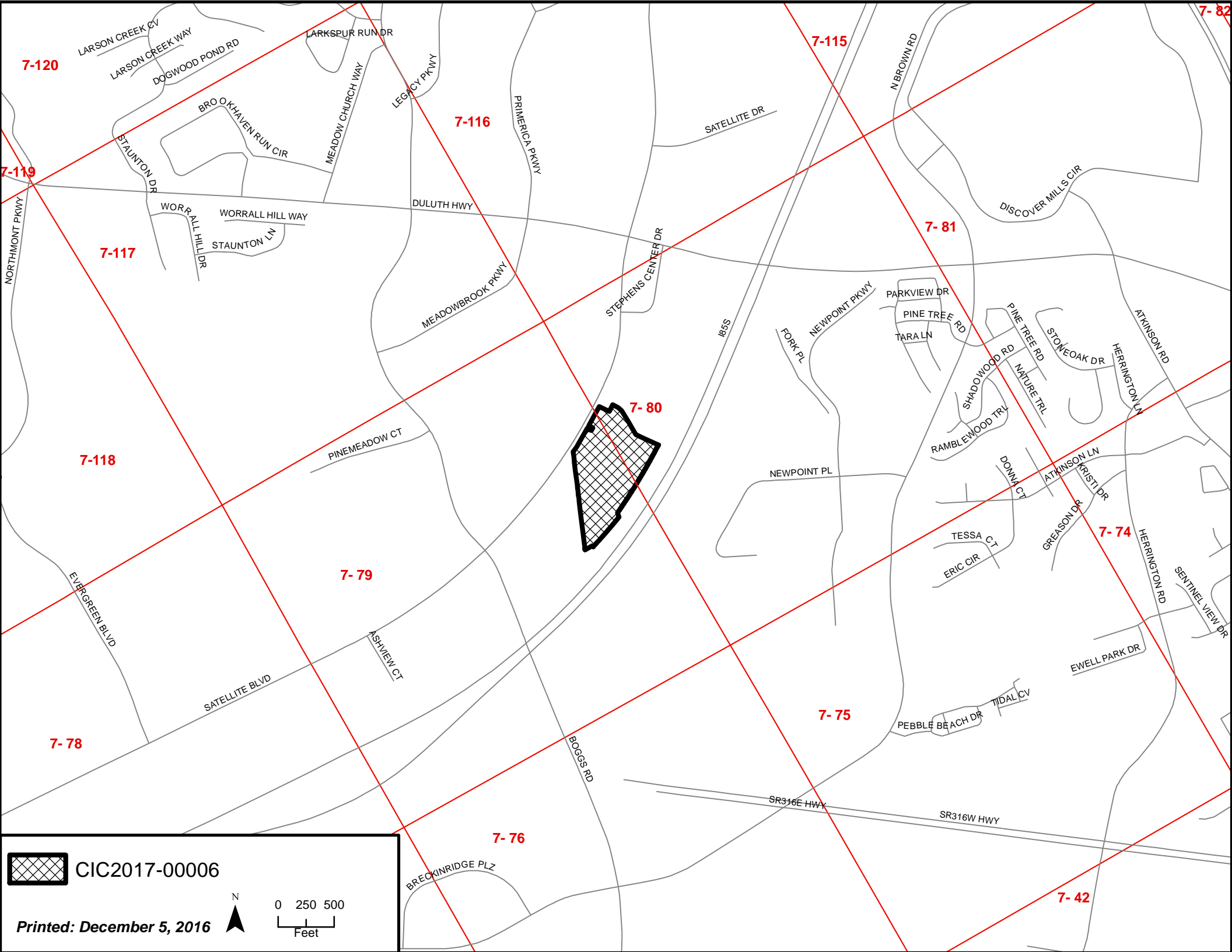
PROJECT NO. 20-16032  
DATE 13 SEPT 2016


SHEET TITLE  
EXTERIOR SIGNAGE

PLAN NORTH SHEET NO. **A5.1S**

CIC '17 00 6

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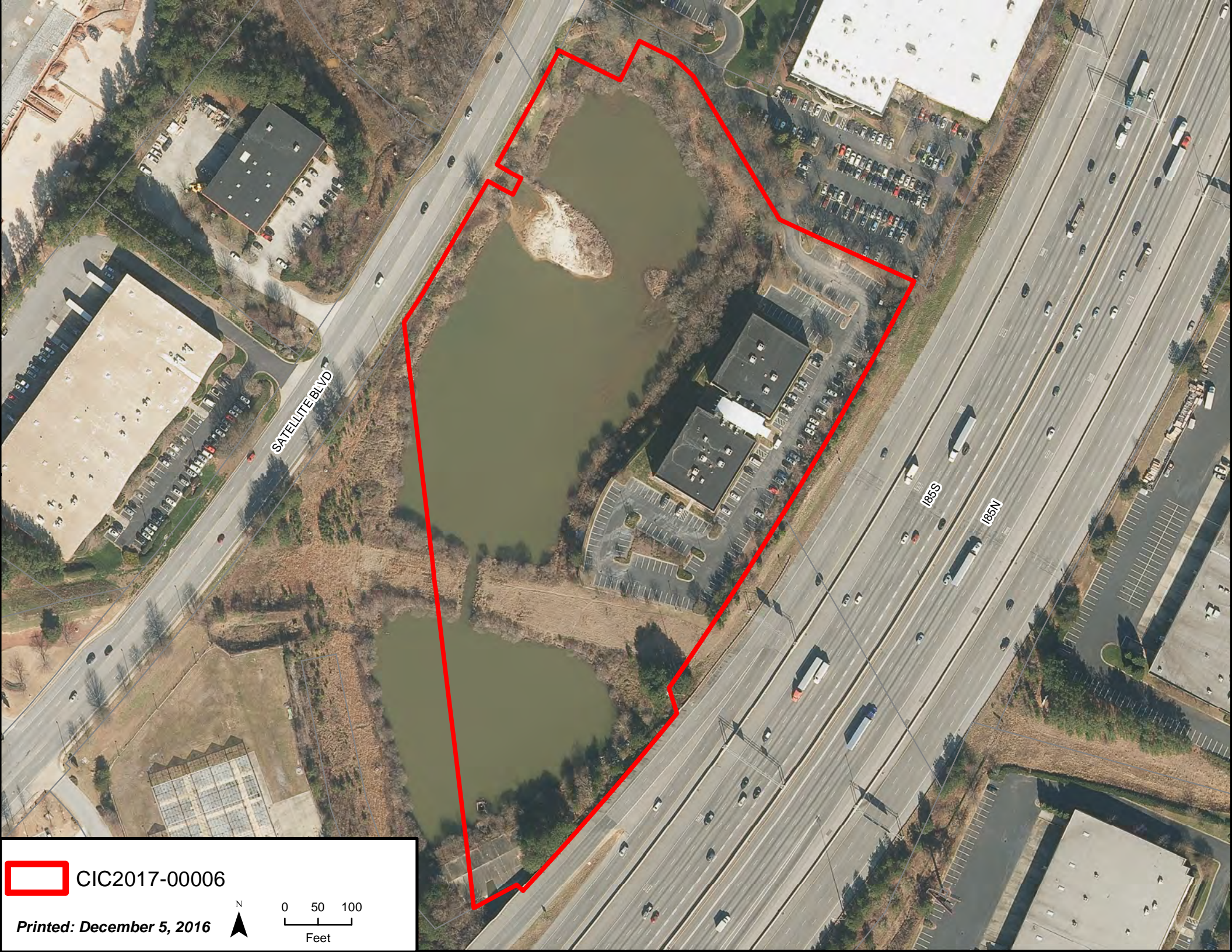
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Printed: December 5, 2016






SATELLITE BLVD

S851

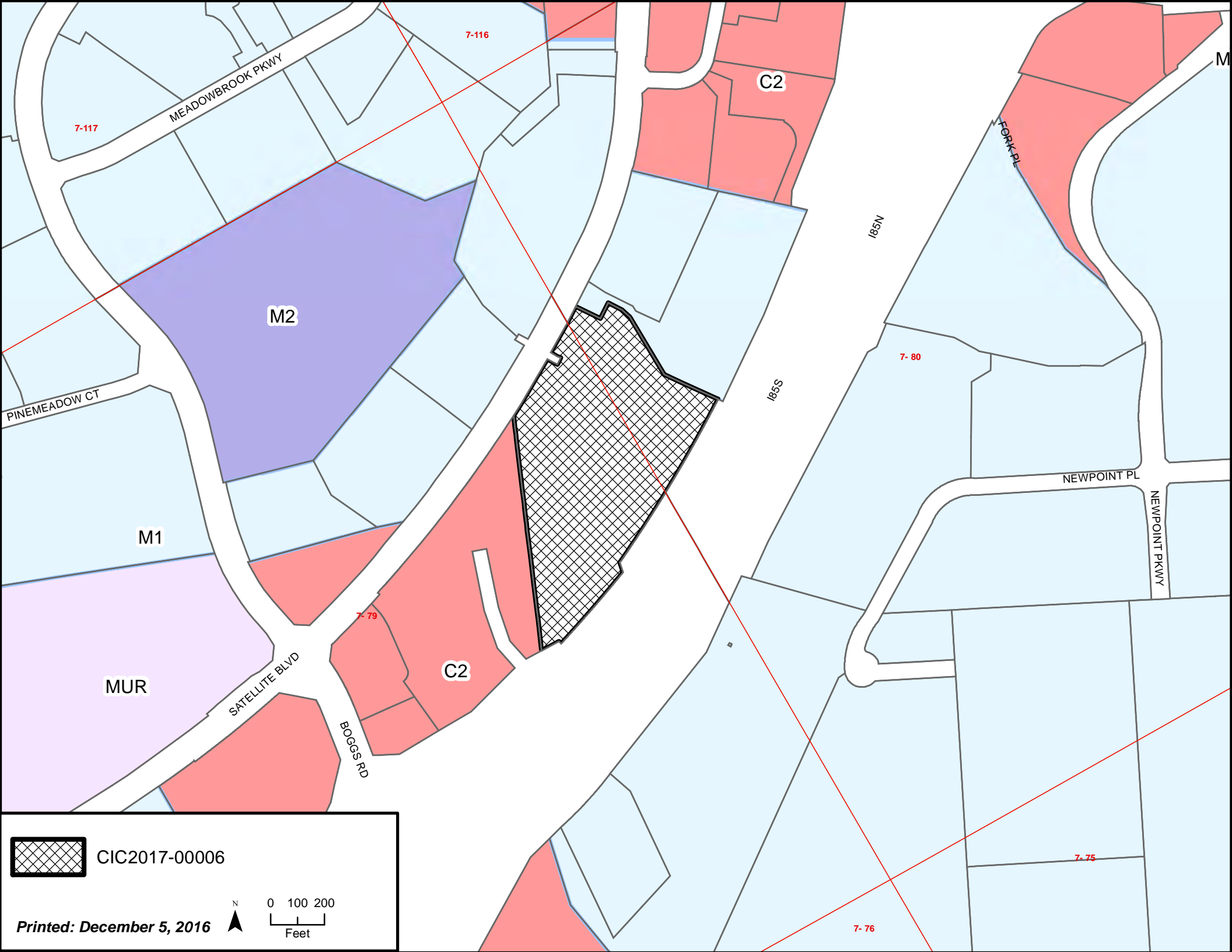
N881

 CIC2017-00006



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Printed: December 5, 2016



CIC2017-00006



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Printed: December 5, 2016



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

CASE NUMBER :**SUP2016-00052**  
ZONING :R-100  
LOCATION :2900 BLOCK OF DULUTH HIGHWAY  
MAP NUMBER :R6263 085  
ACREAGE :1.38 ACRES  
SQUARE FEET :2,700 SQUARE FEET  
PROPOSED DEVELOPMENT :PLACE OF WORSHIP  
COMMISSION DISTRICT :(1) BROOKS

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

APPLICANT: SAMUEL AND SONG CHOI  
C/O ANDERSON, TATE, & CARR, PC  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MARIAN ADEIMY PHONE: 678.518.6855

OWNER: SAMUEL AND SONG CHOI  
2998 DULUTH HIGHWAY  
DULUTH, GA 30096

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant seeks approval of a Special Use Permit on a 1.38-acre parcel, zoned R-100 (Single-Family Residence District), to allow for a place of worship (Duluth Korean Baptist Church) in an existing residence. The property is located at 2998 Duluth Highway, on the east side of Duluth Highway.

The subject property is currently developed with a 2,700 square foot residence and accessory structures. This application is the result of a code enforcement case from April 2016 (CEU2016-03302) when the church was first documented to be occupying the building in violation of the Unified Development Ordinance.

No modifications to the building are proposed, the applicant states a small parking area that complies with the size and parking requirements of this use will be added to the front of the property. There is a single entrance/exit onto Duluth Highway, and an unidentified stream in the rear yard. The property is surrounded on three sides by properties located within the City of Duluth. Approval of a Special Use Permit for a place of worship at this location is required because the size is less than the five acres required and has less than 250 feet of road frontage.

**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:**

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.

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

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

A minimum of 50-foot building setback is required from the right-of-way of Duluth Highway.

Provide a 20-foot natural, undisturbed buffer adjacent to residentially 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 detailed site development plans, including a landscape and tree preservation/replacement plan, for review and approval of the Development Division prior to any construction.

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

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

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

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Duluth Highway is a State Route and Georgia Department of Transportation right-of-way requirements govern.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of an six-inch water main located on the northeastern right-of-way of Duluth Highway.

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 243 feet north of parcel R6263 085 on parcel R7161 345, and an eight-inch sewer main located approximately 266 feet west of parcel R6263 085 on the right-of-way of Bugle Drive.

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 building code compliance inspection of the existing building by the Building Construction Section of Department of Planning and Development and shall comply with inspection results.
2. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
3. The applicant shall submit plans which clearly indicate any new construction as proposed by the applicant and as required by compliance inspection report for review and approval by Building Plan Review.
4. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

## GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

## DEPARTMENT ANALYSIS:

The applicant seeks approval of a Special Use Permit on a 1.38-acre parcel, zoned R-100 (Single Family Residence District), to allow for a place of worship (Duluth Korean Baptist Church) in an existing residence. The property is located on the east side of Duluth Highway, and is currently developed with a single-family residence and accessory structures.

The 2030 Unified Plan Future Development Map indicates that the site is located within an Existing/Emerging Suburban Character Area. This Character Area recommends low density residential uses, with places of worship allowed provided conditions are met observing buffers and consistency of use. While the proposed church use does not meet the minimum five acre lot size for places of worship within the R-100 zoning district, if it is operated in accordance with staff's recommended conditions, the subject property's use as a place of worship could be compatible with the recommendations for the 2030 Unified Plan.

The property is surrounded on three sides by property located in the city of Duluth. The properties west across Duluth Highway are zoned R-75 (Single Family Residence District) and are mostly developed as single-family residences. The Seventh Day Adventist Church is located across from the subject property, and received Special Use Permit approval for the church and school in 1992 (SUP-92-058). Although located within the city of Duluth, the First Baptist Church of Duluth is located just south of the subject parcel, on the east side of Duluth Highway. The proposed request for a place of worship within the existing structure could be considered appropriate for the area and consistent with the established development and zoning pattern along Duluth Highway, which consists of both single-family residential dwellings and other places of worship.

In conclusion, if approved with staff's recommended conditions, the requested Special Use Permit could be compatible with policies of the 2030 Unified Plan, 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 place of worship, subject to the following enumerated conditions:

1. A church and accessory uses, not including a daycare facility or private school unless approved by additional Special Use Permit(s).
2. Any new structures, additions or modifications to the existing structure shall be done in a manner to maintain the residential character of the property. Final building elevations shall be subject to review and approval by the Director of Planning & Development.
3. Obtain all necessary development and building permits, and bring the site and structure(s) up to all applicable zoning, development and building codes within 180 days of zoning approval.
4. Lighted outdoor recreation facilities shall be prohibited.
5. Outdoor loudspeakers shall be prohibited.
6. Ground signage shall be limited to monument-type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials. Ground sign(s) shall not exceed six feet in height.
7. Billboards or oversized signs shall be prohibited.
8. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
9. Outdoor storage shall be prohibited.
10. 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.
11. 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.
12. Outdoor loudspeakers shall be prohibited.

13. Peddlers and/or parking lot sales shall be prohibited.
14. 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 requested Special Use Permit allowing a place of worship within an existing residence in conformance with the Unified Development Ordinance could be suitable. The proposed church will be located within the existing structure with no further modifications and in an area where other churches or places of worship are also located on a major arterial roadway.

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

Places of Worship are considered to be a suitable, conforming use within the Existing/Emerging Suburban Character Area. The requested Special use Permit could also be consistent with the Board's approval of similar requests within the area.

CONDITIONS AFFECTING ZONING

The property is located in an area that is developed primarily with single-family subdivisions and other churches. Prohibiting exterior commercial signage for the place of worship 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 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 SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

See Exhibits

---

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

See Exhibits

---

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

See Exhibits

---

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

See Exhibits

---

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

See Exhibits

---

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

See Exhibits

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JUL 01 2016

SUP '16 052

**EXHIBIT "B"**  
**APPLICANT'S RESPONSE**

- 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. A church is typically permitted and found to be appropriate in office and commercial zoning districts like the Subject Property, and a smaller Bible study group will complement the nearby and adjacent church uses.

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

No, this request proposes a neighborhood-friendly use, limited to specific meeting days, during off-peak hours, that is entirely compatible with the church uses in the area, and will not adversely affect the nearby properties or their useability.

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

No. The subject property does not have any reasonable economic use as an outdated residence zoned for office and institutional uses, located along a major commercial and church-dominated corridor.

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

No. This SUP will not cause excessive use of existing streets, transportation facilities or utilities and will have no impact whatsoever on the schools. The Bible study is intended for a small group of 6-10 participants, meeting during off-peak hours, with little to no impact on roads or traffic.

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

Yes. The proposed church is consistent with the church uses permitted in nearby office and commercial zoning districts.

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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 THE APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT.

Yes. (1) The existing church uses permitted on adjacent and nearby properties; and (2) recent decisions and resolutions allowing for church uses for nearby property in similar neighborhood office and commercial areas has clearly established the Subject Property as being suitable for a Bible study and church use. The commercial corridor makes a residential use economically unfeasible, and the property was purchased specifically for the requested use.

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July 1, 2016

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

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

**RE: Letter of Intent in Support of Special Use Permit for a Bible study and church use, on behalf of Samuel and Song Choi (the "Applicant" and "Property Owner") for the property located at 2998 Duluth Highway (Hwy. 120), Duluth, Georgia 30096 (the "Subject Property")**

Dear Ms. Holland and Planning staff:

On behalf of the Applicant and Property Owner, Andersen, Tate & Carr, PC and Marian C. Adeimy, Esq., hereby submit this Letter in Support of this zoning application for a Special Use Permit to allow for the operation of a small, 6-10 member Bible study group, located in the updated office building and former residential home, located on the Subject Property, zoned ~~OR~~ *R-100*.

### **Special Use Permit and Request:**

The Applicants operate a small Korean and Chinese church and Bible study group, incorporated as the Duluth Korean Baptists Church, Inc. The church use is consistent with that corridor and the adjacent and nearby property, all of which include and include existing church and religious uses.

The Applicant and owners seek to provide a quality Bible study atmosphere in a more intimate environment, and do not currently have plans to expand the building. The Application is planning to pave a small portion of the front property, between the existing sidewalk and Hwy. 120, in order to allow for the appropriate number of parking spaces.

The Bible study meets twice on Sunday, at 11 am and 3 pm, so as not to conflict with existing church uses, and once on Wednesday, at 4 pm. This is a small Bible study and church group intended to serve members in the immediate area. The church will not house a school, daycare, or any other peak-hour activities. Churches are historically good neighbors, with minimal use and operations, while contributing to the community and creating a safe environment.

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Similar religious and church uses, and more intense commercial uses have been permitted on nearby property and this use is entirely consistent with those uses. A smaller Bible study atmosphere will provide a needed service and opportunity to area and minority residents.

### **Constitutional Objections**

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or condition the Subject 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 Subject 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 Subject Property is presently suitable for the requested Special Use Permit and religious uses, 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 Special Use Permit 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 request for Special Use Permit, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Subject 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.

A denial of this zoning and Special Use Permit request would also violate the Religious Land Use Act of 2000 ("RLUIPA"), which supports the equal protection of religious and church uses, and their right to use their property for religious purposes.

Any zoning designation, condition, or variance related to the Subject Property subject to conditions which are different from those requested by the Applicant, 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 Subject Property to an unconstitutional classification and would likewise violate each of the provisions of RLUIPA, and the State and Federal Constitutions as set forth hereinabove.

**Conclusion**

This proposed special use permit would result in a quality Bible study to serve its minority members in the 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. Applicant respectfully requests your approval of this Application.

Respectfully submitted this 1<sup>st</sup> day of July, 2016.

**ANDERSEN, TATE & CARR, PC**



Marian C. Adeimy  
*Attorney for Applicant/Property Owner*

*Enclosures:*  
SUP Application and exhibits

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**GWINNETT COUNTY**  
**POLICE DEPARTMENT**  
**Code Enforcement Unit**

770 Hi-Hope Road, P.O.Box 602  
 Lawrenceville, GA 30046  
 www.gwinnettcounty.com

**CASE NUMBER : CEU2016-03302**

<b>PRIMARY ADDRESS:</b>	2998 HWY 120, DULUTH, GA 30096
<b>RECEIVED DATE:</b>	4/13/2016
<b>APPLICATION STATUS:</b>	RINSP
<b>DESCRIPTION:</b>	EITHER RUNNING A CHURCH OR SOME SORT OF BUSINESS FROM THE RESIDENCE

OWNER NAME	ADDRESS	CITY/STATE/ZIP
SAMUEL K CHOI	3010 OAK HAMPTON WAY	DULUTH, GA, 30096-5854

CONTACTS ROLE	NAME	ADDRESS	CITY/STATE/ZIP

**COMMENTS**

View ID	COMMENTS	DATE
ERFRANKLIN	NOT ENOUGH ACREAGE. P/O SPOKE TO PLANNING AND THEY WILL HAVE TO REZONE	4/29/2016
JGAGIC	RECEIVED A CALL FROM THE LAWYERS OFFICE -MARIAN 678 518 6855 STATING THAT THE OFFICE IS REPRESENTING THE OWNER OF THE PROPERTY AND THAT THEY ARE TRYING TO APPLY FOR A COMMERCIAL ZONING. RECEIVED A VM FROM SUSAN KELLI THE DAUGHTER OF THE OWNERS STATING THAT THEY HAVE A LAWYER THAT IS REPRESENTING THEM AND THAT THERE WAS SOME MISCOMMUNICATION ON HER PARENTS PART REGARDING WHAT THEY NEEDED TO DO.	6/2/2016
JGAGIC	SPOKE WITH MARIAN (LAWYERS OFFICER 678-518-6855) SHE IS MEETING WITH THE OWNERS THIS MORNING REGARDING THE PROPERTY TO FIGURE OUT WHAT THEY WILL BE DOING IF THEY WILL CEASE THE BUSINESS OR IF THEY WILL APPLY FOR THE REZONING OF THE PROPERTY.	6/8/2016
JGAGIC	SPOKE WITH MARIAN SHE STATED THAT THEY ARE SUBMITTING PAPERWORK ON JULY 1ST FOR SPECIAL USE PERMIT AND THAT SHE WILL SEND ME COPIES OF THE PAPERWORK.	6/22/2016
JGAGIC	OWNER HAVE APPLIED FOR A SUP....REF SUP2016-0052 ..HEARINGS ARE SCHEDULED FOR 09-08-16 AND 09-27-16.	7/11/2016

**INSPECTIONS**

Inspection	Requested	Scheduled	Completed	Status	Inspector	Comment
Re-Inspection	12/13/2016	1/10/2017	1/10/2017	Not Complied Extension Granted	James Smith	Hearing 02/28/2017
Re-Inspection	11/29/2016	12/6/2016	12/6/2016	Not Complied Extension Granted	James Smith	Public hearing was supposed to be 09/27/2016. Need to do more research.
Re-Inspection	6/22/2016	7/5/2016	7/5/2016	Not Complied	Jenny Gagic	ACCORDING TO ACCELA NO PAPERWORK HAS BEEN SUBMITTED. CALLED MARIAN (LAWYERS OFFICE) AND LEFT A MSG TO GIVE ME A CALL BACK REGARDING THE STATUS.
Re-Inspection	6/3/2016	6/16/2016	6/16/2016	Not Complied	Jenny Gagic	signs at the property still regarding the church. attorney has not filed for rezoning.
Re-Inspection	5/16/2016	5/16/2016	5/16/2016	Not Complied Extension Granted	Jenny Gagic	APPLICATION FOR REZONING HAS NOT BEEN SUBMITTED. THERE IS STILL A BANNER IN THE FRONT YARD. WHITE VAN PARKED ON THE YARD. CALLED OWNER S. CHOI SPOKE WITH HER ADVISED HER THAT THEY HAVE UNTIL JUN 1ST TO GET THE APPLICATION IN WITH PND. SHE ADVISED ME THAT SHE IS WORKING WITH A LAWYER AND THAT HE WILL SUBMIT ALL OF THE DOCUMENTS.
Re-Inspection	4/14/2016	4/28/2016	4/28/2016	Not Complied	Jenny Gagic	NO PERMITS HAVE BEEN PULLED ACCORDING TO ACCELA. ONE BANNER WAS REMOVED, THE OTHER HAS BEEN MOVED OUT OF THE RIGHT OF WAY -NO SLP HAS BEEN PULLED.

**GWINNETT COUNTY**  
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**Code Enforcement Unit**

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**CASE NUMBER : CEU2016-03302**

Initial Inspection	4/14/2016	4/14/2016	4/14/2016	Field Notice of Violation	Jenny Gagic	TWO BANNERS AT THE PROPERTY. OWNER IS RUNNING A KOREAN CHURCH FROM THE PROPERTY. ADVISED THAT PERMITS WILL NEED TO BE PULLED.
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WORKFLOW HISTORY						
Workflow Task	Assigned	Due	Completed	Status	Inspector	Comment
Enforcement	4/13/2016	4/13/2016	4/14/2016	Field Notice of Violation	Jenny Gagic	

VIOLATIONS				
ORDINANCE	CODE SECTION	VIOLATION DATE	COMPLIANCE DATE	VIOLATION STATUS
Construction Code	106.1 BUILDING PERMIT REQUIRED	04/14/2016	04/28/2016	Not Met
Sign Ordinance	86-102 SIGN PERMIT REQUIRED	04/14/2016	04/28/2016	Not Met

CITATIONS				
ORDINANCE	CODE SECTION	DATE OF CITATION	CITATION NUMBER	COURT DATE

DOCUMENTS				
DOCUMENT NAME	FILE NAME	DESCRIPTION	UPLOADED BY	UPLOADED ON
04/14/2016	04-14-2016 011.JPG	FRONT	JGAGIC	4/15/2016 7:24:00 AM
04/14/2016	04-14-2016 012.JPG	BANNER	JGAGIC	4/15/2016 7:24:03 AM
04/14/2016	04-14-2016 013.JPG	BANNER	JGAGIC	4/15/2016 7:24:05 AM
04/28/2016	04-28-2016 048.JPG	FRONT	JGAGIC	5/10/2016 8:12:38 AM
04/28/2016	04-28-2016 050.JPG	BANNER	JGAGIC	5/10/2016 8:12:40 AM
05/16/2016	05-16-2016 001.JPG	FRONT	JGAGIC	5/17/2016 7:30:24 AM
05/16/2016	05-16-2016 002.JPG	BANNER	JGAGIC	5/17/2016 7:30:27 AM
05/16/2016	05-16-2016 003.JPG	YP	JGAGIC	5/17/2016 7:30:29 AM
05/16/2016	05-16-2016 004.JPG	SIGNS	JGAGIC	5/17/2016 7:30:33 AM
05/16/2016	05-16-2016 005.JPG	SIGNS	JGAGIC	5/17/2016 7:30:35 AM
06-16-2016 003.JPG	06-16-2016 003.JPG	06/16/2016	JGAGIC	6/20/2016 3:13:28 PM
06-16-2016 002.JPG	06-16-2016 002.JPG	06/16/2016	JGAGIC	6/20/2016 3:13:29 PM
06-16-2016 001.JPG	06-16-2016 001.JPG	06/16/2016	JGAGIC	6/20/2016 3:13:30 PM
07/05/2016	07-05-2016 001.JPG	FRONT	JGAGIC	7/5/2016 2:25:48 PM
07/05/2016	07-05-2016 002.JPG	SIGNS	JGAGIC	7/5/2016 2:25:49 PM
2998 Hwy 120 10-26-16	2998 Hwy 120 10-26-16.JPG	SUP is in review	JTSMITH	10/25/2016 3:12:25 PM
2998 Hwy 120 11-01-16	2998 Hwy 120 11-01-16.JPG	Front	JTSMITH	11/1/2016 2:34:06 PM



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**CASE NUMBER : CEU2016-03302**

2998 Hwy 120 11-08-16	2998 Hwy 120 11-08-16.JPG	Front	JTSMITH	11/8/2016 2:53:04 PM
2998 Duluth Hwy 11-15-16	2998 Duluth Hwy 11-15-16.JPG	Front	JTSMITH	11/15/2016 2:53:21 PM
2998 Hwy 120 11-29-16	2998 Hwy 120 11-29-16.JPG	Front	JTSMITH	11/29/2016 2:33:55 PM
2998 Duluth Hwy 12-13-16	2998 Duluth Hwy 12-13-16.JPG	Front	JTSMITH	12/13/2016 2:48:54 PM
2998 Hwy 120 01-10-17	2998 Hwy 120 01-10-17.JPG	Front	JTSMITH	1/10/2017 2:56:40 PM



## COMPLIANCE INSPECTION REPORT

<b>CASE NUMBER:</b>	<b>CIR2016-00124</b>
<b>RECEIVED DATE:</b>	11/28/2016
<b>APPLICATION NAME:</b>	SAMUEL AND SONG CHOI - PLACE OF WORSHIP
<b>APPLICATION ADDRESS:</b>	2998 DULUTH HWY, DULUTH, GA 30096
<b>APPLICANT:</b>	Marian Adeimy 1960 Satellite Blvd. Duluth, GA 30097
<b>REQUEST TYPE:</b>	
<b>NFPA OCCUPANCY:</b>	
<b>CURRENT OCCUPANCY USE:</b>	R-3 (IBC) Residential
<b>PROPOSED OCCUPANCY USE:</b>	A-3 (IBC) Assembly
<b>DEVELOPMENT TYPE:</b>	
<b>CONSTRUCTION TYPE:</b>	(IBC) TYPE VB UNSPRINKLERED

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

	ITEM	COMMENT	INSPECTOR	STATUS
<b>Electrical Code Compliance</b>				
12/1/2016	The electrical system for the proposed occupancy is suitable for intended use.	2008 NEC Ranch house with 3/4 finished basement. several code issues will need to be address.	Johnny Lyons	Fail
12/1/2016	Ground fault circuit interrupter (GFCI) in bathroom, kitchen, and outside receptacles.	NEC 210.8 no protection in any of the areas.	Johnny Lyons	Fail
12/1/2016	Location of service disconnect.	NEC 230.70 required meter disconnect outside house/ building	Johnny Lyons	Fail
12/1/2016	Service equipment - Fault current rating.	NEC 110.9	Johnny Lyons	Fail
12/1/2016	Service equipment - Load calculation.	NEC 220	Johnny Lyons	Fail
12/1/2016	Grounding type receptacles.	NEC 406	Johnny Lyons	Pass
12/1/2016	Required location for receptacles.	NEC 210	Johnny Lyons	Pass
12/1/2016	Required location for lights and switches.	NEC 210	Johnny Lyons	Pass
12/1/2016	Working clearance in front of equipment.	NEC 110.26	Johnny Lyons	Pass
12/1/2016	Service equipment - Illumination of service and/or panels.	NEC 110.26(d)	Johnny Lyons	Pass
12/1/2016	Occupant to have access to service equipment.	NEC 230.72(c)	Johnny Lyons	Pass
12/1/2016	Approved covers on junction boxes and accessible.	NEC 314	Johnny Lyons	Pass
12/1/2016	Junction boxes - Correct size for box volume.	NEC 314.16	Johnny Lyons	Pass
12/1/2016	Conductors - Correct size for overcurrent device.	NEC 310	Johnny Lyons	Pass
12/1/2016	Physical condition of conductors.	NEC 310	Johnny Lyons	Pass
12/1/2016	Proper equipment grounding conductor size.	NEC 250.122	Johnny Lyons	Pass

	ITEM	COMMENT	INSPECTOR	STATUS
<b>Electrical Code Compliance</b>				
12/1/2016	Disconnects for appliances and HVAC equipment -Required locations and accessible.	NEC 422.30 NEC 440.11	Johnny Lyons	Pass
<b>Fire Compliance</b>				
	Interior: Doors and Hardware	Depending on the occupancy load:  - If occupancy load is over 100, panic hardware is required.  - Less than 100 can have a one release mechanism to release the door. No dead bolts are allowed.  LSC 7.2.1.5.10.2 The releasing mechanism shall open the door leaf with not more than one releasing operation, unless otherwise specified in 7.2.1.5.10.3, 7.2.1.5.10.4, or 7.2.1.5.10.6.  - The garage door in the basement is not considered a exit. Depending on the occupancy lead, the basement may require more than one exit.	Eric Crisp	Fail
	Miscellaneous: Vent Hood Test/Cert.	The kitchen is required to have a venting hood that leads to the outside.  If the stove is lonely going to be used for warming, then we do not require a suppression system. The receive this variance, we need to letter stating that the stove will only be used for warming.	Eric Crisp	Fail
<b>Mechanical Code Compliance</b>				
12/1/2016	The mechanical system for the proposed occupancy is suitable for intended use.	Ranch house with 3/4 finished basement. only one heating system heating both floors. using floor jousts as return air system not aloud. also other issues as well as A/C not meeting energy code rating.	Johnny Lyons	Fail
12/1/2016	Ducts and duct sytems - Allowable materials.	using floor joust as return are system.	Johnny Lyons	Fail
12/1/2016	Ducts and duct sytems - Joints, seams, and connections.	no joints sealed	Johnny Lyons	Fail
12/1/2016	Ducts and duct sytems - complies with Georgia State Energy Code.		Johnny Lyons	Fail
12/1/2016	Combustion and ventilation air - Allowable material.		Johnny Lyons	Fail
12/1/2016	Combustion and ventilation air - Capacity for space.	no combustion air for furnace and water heater in room in basement with door.	Johnny Lyons	Fail
12/1/2016	Combustion and ventilation air - Termination.		Johnny Lyons	Fail
12/1/2016	Complies with Georgia State Energy Code	A/C unit installed 1998 only 10 seer at best.	Johnny Lyons	Fail
12/1/2016	Fresh air system - allowable material.		Johnny Lyons	Fail
12/1/2016	Fresh air system - Location on intakes.		Johnny Lyons	Fail
12/1/2016	Fresh air system - ASHRAE air systems.		Johnny Lyons	Fail
12/1/2016	Exhaust systems - Bath fan vents and termination.	no ventilation of any of the bathrooms	Johnny Lyons	Fail
12/1/2016	Grease Hoods - Allowable material.	note residential stove and hood check with fire Marshall as to requirements	Johnny Lyons	Fail
12/1/2016	Grease Hoods - Outside make-up air.		Johnny Lyons	Fail
12/1/2016	Grease Hoods - Duct system for hood and make-up air for hood.		Johnny Lyons	Fail

	ITEM	COMMENT	INSPECTOR	STATUS
<b>Mechanical Code Compliance</b>				
12/1/2016	Grease Hoods - Cleanouts and hood labeling.		Johnny Lyons	Fail
12/1/2016	Grease Hoods - Hood duct support.		Johnny Lyons	Fail
12/1/2016	Grease Hoods - Automatic gas shutdown control.		Johnny Lyons	Fail
12/1/2016	Grease Hoods - Duct termination and separation.		Johnny Lyons	Fail
12/1/2016	Refrigeration system - Material.		Johnny Lyons	Fail
12/1/2016	Refrigeration system - Location		Johnny Lyons	Fail
12/1/2016	Refrigeration system - Joints and refrigerant containing part in plenum.		Johnny Lyons	Fail
12/1/2016	Refrigeration system - Piping insulation.		Johnny Lyons	Fail
12/1/2016	Duct support.		Johnny Lyons	Pass
12/1/2016	Duct insulation.		Johnny Lyons	Pass
12/1/2016	Equipment - Location.		Johnny Lyons	Pass
12/1/2016	Equipment - Accessibility.		Johnny Lyons	Pass
12/1/2016	Equipment - Clearance.		Johnny Lyons	Pass
12/1/2016	Equipment - Support.		Johnny Lyons	Pass
12/1/2016	Separation ventilation system for incompatible material - Flammable vapors.		Johnny Lyons	Pass
12/1/2016	Separation ventilation system for incompatible material - Corrosive vapors.		Johnny Lyons	Pass
12/1/2016	Separation ventilation system for incompatible material - Noxious gases.		Johnny Lyons	Pass
12/1/2016	Separation ventilation system for incompatible material - Other.		Johnny Lyons	Pass
12/1/2016	Chimneys and vents systems - Allowable materials.		Johnny Lyons	Pass
12/1/2016	Chimneys and vents systems - Capacity.		Johnny Lyons	Pass
12/1/2016	Chimneys and vents systems - Location.		Johnny Lyons	Pass
12/1/2016	Chimneys and vents systems - Clearance.		Johnny Lyons	Pass
12/1/2016	Chimneys and vents systems - Fire stops.		Johnny Lyons	Pass
12/1/2016	Chimneys and vents systems - Termination.		Johnny Lyons	Pass
12/1/2016	Fuel gas piping - Allowable material.		Johnny Lyons	Pass
12/1/2016	Fuel gas piping - Location.		Johnny Lyons	Pass
12/1/2016	Fuel gas piping - Joints.		Johnny Lyons	Pass
12/1/2016	Fuel gas piping - Support.		Johnny Lyons	Pass
12/1/2016	Fuel gas piping - Shut-off valves and approved locations.		Johnny Lyons	Pass
12/1/2016	Fuel gas piping - Concealed gas line.		Johnny Lyons	Pass
12/1/2016	Fuel gas piping - Underground - in slab install.		Johnny Lyons	Pass
12/1/2016	Fuel gas piping - Air test.		Johnny Lyons	Pass
12/1/2016	Condensate drains piping and termination.		Johnny Lyons	Pass
<b>Plumbing Code Compliance</b>				
12/1/2016	The plumbing system for the proposed occupancy is suitable for intended use.		Johnny Lyons	Fail
12/1/2016	This occupancy requires drinking fountains to be installed.	IPC 403.1	Johnny Lyons	Fail

	ITEM	COMMENT	INSPECTOR	STATUS
<b>Plumbing Code Compliance</b>				
12/1/2016	Provide separate toilet rooms for male and female.	IPC 403.2	Johnny Lyons	Fail
12/1/2016	Change all water closets to elongated with open front seats.	IPC 420.2	Johnny Lyons	Fail
12/1/2016	Install privacy partitions for water closets and urinals.	IPC 310.4	Johnny Lyons	Fail
12/1/2016	Install double check valve assembly and certify device.	IPC 608.1	Johnny Lyons	Fail
12/1/2016	Install pressure reducing valve in main water service.	IPC 604.8	Johnny Lyons	Fail
12/1/2016	Install vacuum brakers on all hose bibbs.	IPC 608.11	Johnny Lyons	Fail
12/1/2016	Water heaters - Provide combustion air from outside.	IPC 504.5-504.6	Johnny Lyons	Pass
12/1/2016	Water heaters - Provide 3/4 T&P relief line using approved pipe.	IPC 502.4	Johnny Lyons	Pass
12/1/2016	Water heaters - Repair or replace vent with approved vent pipe.		Johnny Lyons	Pass
12/1/2016	Repair or replace water heater.	IPC 501.1	Johnny Lyons	Pass
12/1/2016	Water heaters - install thermal expansion device.	IPC 607.3	Johnny Lyons	Pass
12/1/2016	Replace/repair water distribution pipe to comply with 2006 IPC.	IPC 601.1	Johnny Lyons	Pass
12/1/2016	Replace/repair drain waste vent system to comply with 2006 IPC.	IPC 701.1	Johnny Lyons	Pass
<b>Structural Code Compliance</b>				
12/1/2016	S15: Wood grades, spans, floor joist, ceiling and rafters, and Light Frame Construction.	IBC 2308 (Need engineer review of floor system and deck for compliance with commercial loads)	Johnny Lyons	Fail
12/1/2016	S6: Cut, sawed, drilled, damaged wood (interior and exterior).	IBC 2308.9.10; 2308.9.11 can not see any thing because areas finished	Johnny Lyons	Fail
12/1/2016	S20: Insulation, flamespread.	IBC 720	Johnny Lyons	Fail
12/1/2016	S13: Insualtion in attic.	IECC 502	Johnny Lyons	Fail
12/1/2016	S14: Insulation in walls.	IECC 502 can not see because areas finished	Johnny Lyons	Fail
12/1/2016	S9: Fireplaces.	IBC 2111	Johnny Lyons	Fail
12/1/2016	S5: Decks, guardrails.	IBC 1013; IBC 1607.8 new deck not permitted will needs plans and permits as required	Johnny Lyons	Fail
12/1/2016	S17: Tempered glass for doors and windows.	IBC 2406	Johnny Lyons	Fail
12/1/2016	S11: Draftstops/Concealed Spaces/Combustable Materials.	IBC 718	Johnny Lyons	Fail
12/1/2016	S1: Additional Data / Plans.	GCCC 103.2.2 Ranch house with basement. 3/4 of basement is finish, stair well open closet no sheet rock. as well as other issues. new deck not permitted. will need plans permit and all required inspection for all trades	Johnny Lyons	Fail
12/1/2016	S2: Wood Connections and Fasteners.	IBC 2304.9 basement sheet rock not able to see any of floor joust or walls as to support and assemble will need Engineer report	Johnny Lyons	Fail
12/1/2016	S8: Attic Ventilation.	IBC 1203	Johnny Lyons	Pass
12/1/2016	S10: Attic Access.	IBC 1209.2	Johnny Lyons	Pass
12/1/2016	S16: Vents.	IBC 1203	Johnny Lyons	Pass
12/1/2016	S19: Minimum ceiling heights.	IBC 1208.2	Johnny Lyons	Pass

DULUTH

6-293

7-202

7-162

7-163

6-292

7-161

7-159

6-264

7-160

6-265

7-120

6-263

7-119

6-234

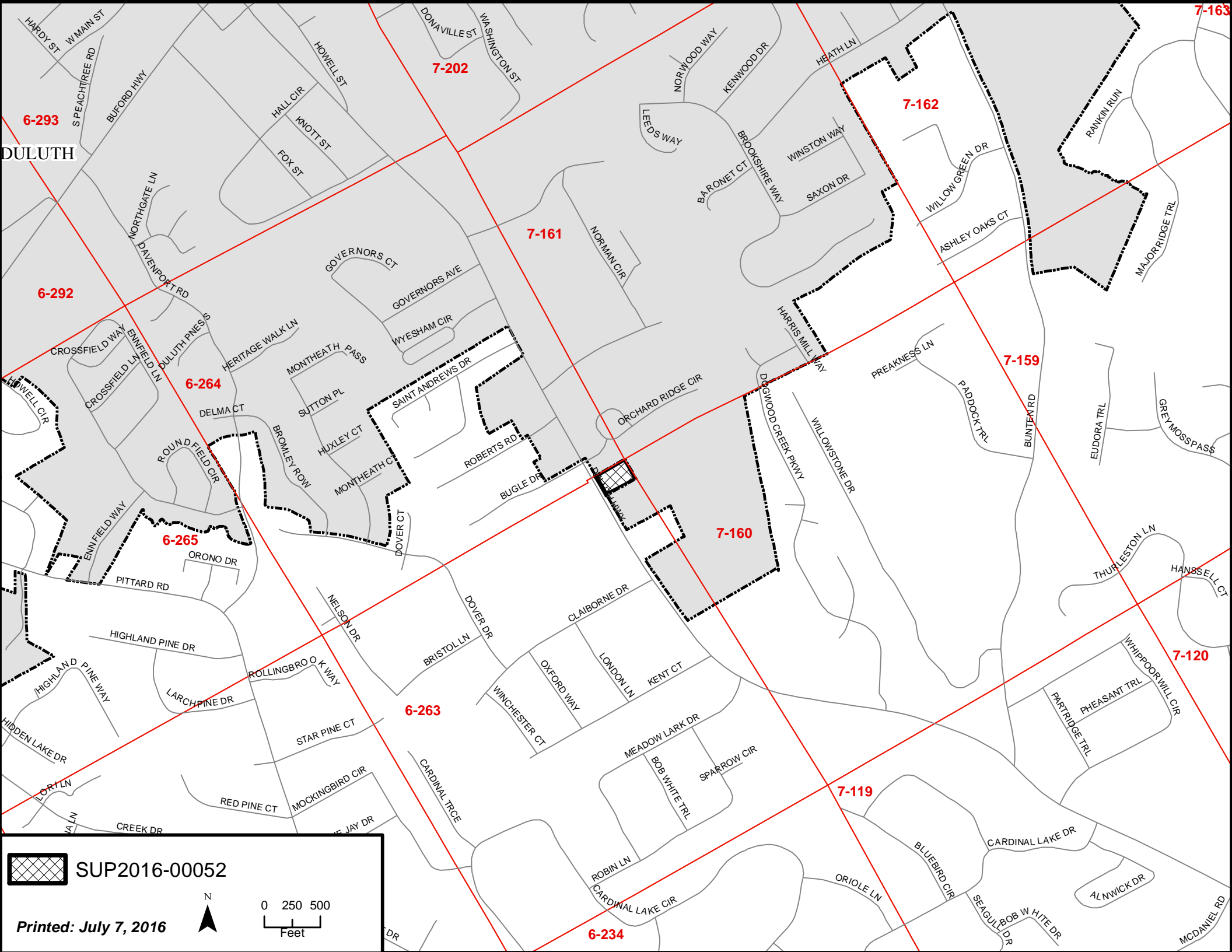


SUP2016-00052



0 250 500  
Feet

Printed: July 7, 2016



ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE. NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

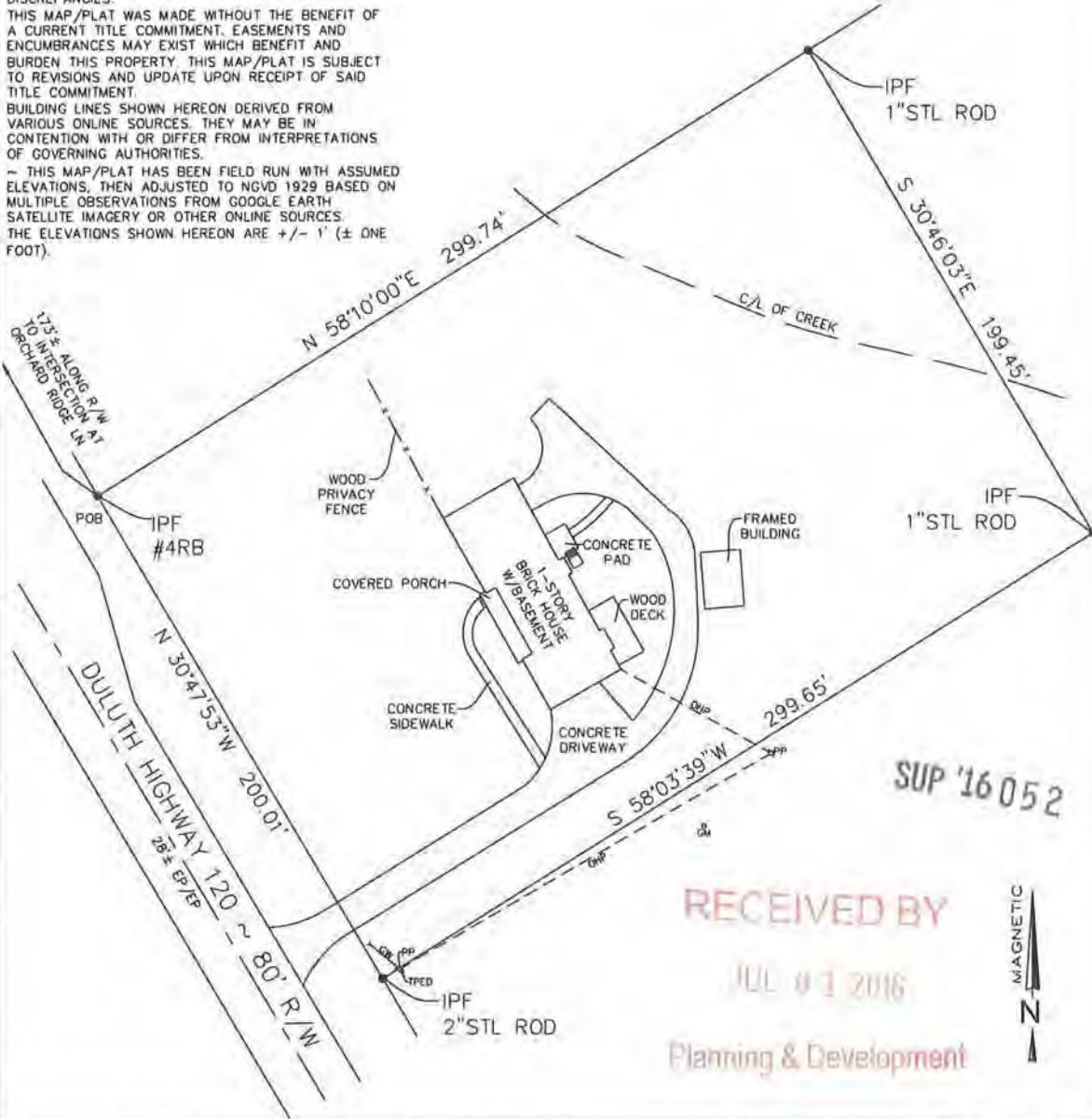
THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES.

~ THIS MAP/PLAT HAS BEEN FIELD RUN WITH ASSUMED ELEVATIONS, THEN ADJUSTED TO NGVD 1929 BASED ON MULTIPLE OBSERVATIONS FROM GOOGLE EARTH SATELLITE IMAGERY OR OTHER ONLINE SOURCES. THE ELEVATIONS SHOWN HEREON ARE +/- 1' (± ONE FOOT).

**\* LEGEND \***

NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.  
 AKA ALSO KNOWN AS  
 APD AS PER DEED  
 APP AS PER PLAT  
 BSL BUILDING (SETBACK) LINE  
 CP COMPUTED POINT  
 CTP CRIMP TOP PIPE FOUND  
 D DEED (BOOK/PAGE)  
 DW DRIVEWAY  
 EP EDGE OF PAVEMENT  
 FFE FINISH FLOOR ELEVATION  
 FKA FORMERLY KNOWN AS  
 IPF IRON PIN FOUND  
 L ARC LENGTH  
 LL LAND LOT  
 LLL LAND LOT LINE  
 N NEIGHBOR'S  
 N/F NOW OR FORMERLY NAIL FOUND  
 P PLAT (BOOK/PAGE)  
 POB POINT OF BEGINNING  
 POC POINT OF COMMENCEMENT  
 R RADIUS LENGTH  
 R/W RIGHT-OF-WAY  
 RBF REINFORCING BAR FOUND (1/2" UNO)  
 RBS 1/2" REINFORCING BAR SET  
 SW SIDEWALK  
 SSE SANITARY SEWER EASEMENT  
 SSCO SANITARY SEWER CLEANOUT  
 -X- FENCE LINE



RECEIVED BY  
 JUL 01 2016  
 Planning & Development



PROPERTY ADDRESS:  
 2998 DULUTH HIGHWAY 120  
 DULUTH, GA 30096

LAND AREA:  
 59,847 SF  
 1.3739 AC

AS-BUILT PLAT PREPARED FOR:

SAMUEL K. CHOI &  
 SONG J. CHOI

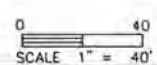
LOT	BLOCK	UNIT	SUBDIVISION	BY:
LAND LOT 263		6th DISTRICT	SECTION	
GWINNETT COUNTY, GEORGIA		FIELD: DATE 06-15-2016	MRH	
LOCATED IN CITY/DR/UNINCORP		DRWN: DATE 06-16-2016	MRH	
DEED BOOK 53977, PAGE 359		ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED		



SURVEY SYSTEMS & ASSOC., INC.  
 657 Lake Drive, Snellville, GA 30039 ~ COA # LSF000867 ~ INFO@SURVEYSYSTEMSATLANTA.COM  
 CELL 770-558-7895 ~ OFFICE 404-760-0010

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN \_\_\_\_\_ FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.


THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.



ORCHARD RIDGE LN

DULUTH HWY



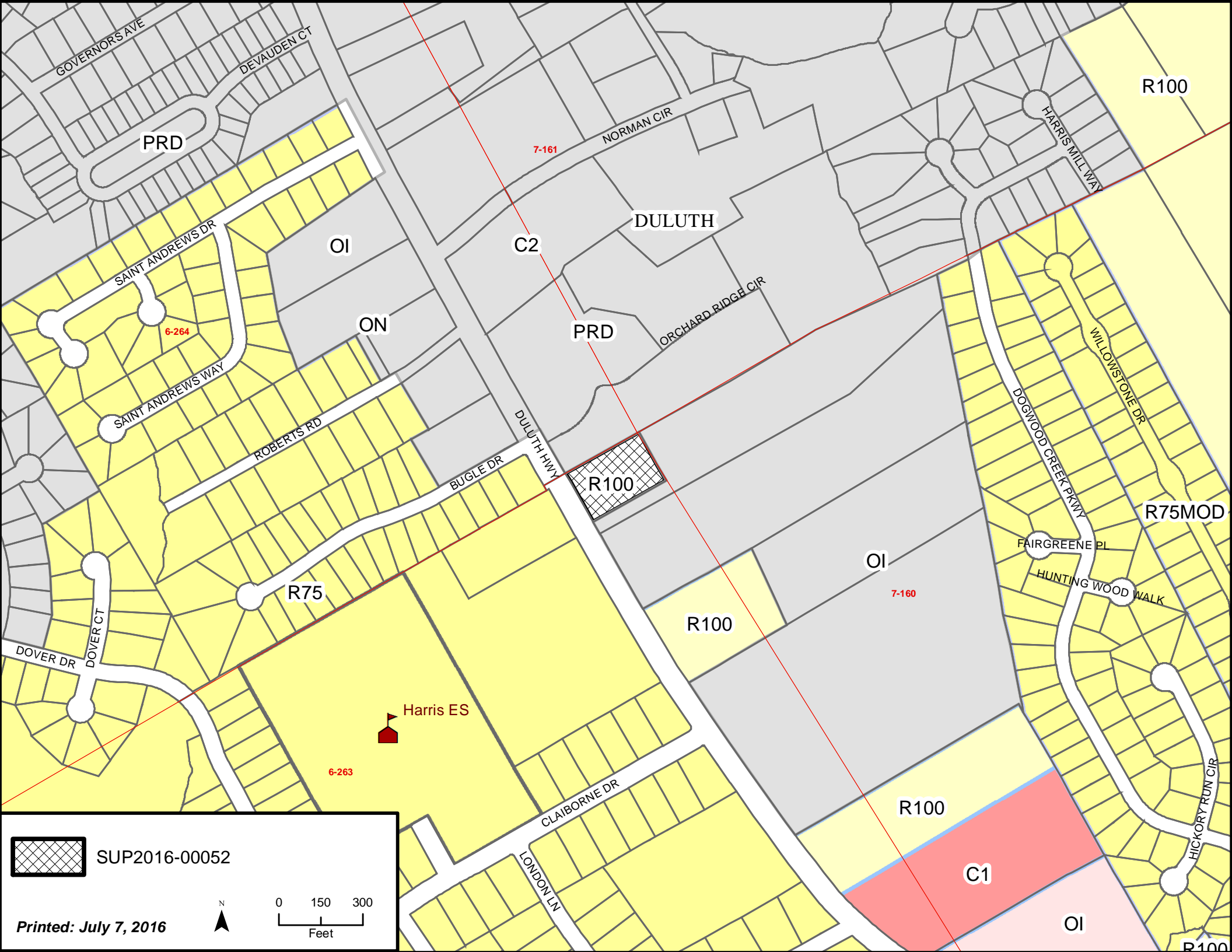
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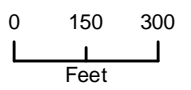
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 SUP2016-00052

Printed: July 7, 2016



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

CASE NUMBER :**SUP2017-00006**  
ZONING :M-I  
LOCATION :4200 BLOCK OF STEVE REYNOLDS BOULEVARD  
:1500 BLOCK OF BEAVER RUIN ROAD  
MAP NUMBERS :R6184 266 & R6201 007A  
ACREAGE :10.19 ACRES  
SQUARE FEET :86,002 SQUARE FEET  
PROPOSED DEVELOPMENT :CONTRACTOR'S OFFICE, HEAVY/CIVIL  
CONSTRUCTION/LOGGING  
COMMISSION DISTRICT :(I) BROOKS  
  
FUTURE DEVELOPMENT MAP :**PREFERRED OFFICE**

APPLICANT: ALEX TSYNMAN  
300 E. SMOKE TREE TERRACE  
JOHNS CREEK, GA 30005-6735

CONTACT: ALEX TSYNMAN PHONE: 678.458.4834

OWNER: GREEN IMPLEMENTATION GROUP, LLC  
& READ NORCROSS, LLC  
300 E. SMOKE TREE TERRACE  
JOHNS CREEK, GA 30005-6735

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The subject site is comprised of 10.19 acres located near the southwest quadrant of the Beaver Ruin Road/Steve Reynolds Boulevard intersection. The property is currently zoned M-I (Light Industry District) and is developed with two large industrial office buildings with suites on the east side of the property, and two smaller buildings near the north property line. There are also several large gravel storage and parking areas on the site which contain tractor trailers, food trucks and several dumpsters. No new construction is proposed on the site. A "drainage way" bisects the property from north to south and 35-foot wide buffers are shown adjacent to it. However, County records do not indicate a stream on the property. If it is determined that a stream does exist on the property, a 75-foot wide buffer on both sides of the stream would be required.

The applicant requests a Special Use Permit for a Heavy/Civil Construction Contractor's office with gravel parking lots for heavy vehicles, machinery and construction-related equipment and tools. This request is in response to a complaint to the Code Enforcement office pursuant to CEU2016-10829 for numerous violations. According to discussions with the applicant, those violations have been resolved with the exception of a Special Use Permit for the contractor's office and allowing gravel parking lots instead of paved.

The submitted site plan indicates large gravel storage and parking areas on the property. Access is proposed from one existing curb cut on Steve Reynolds Boulevard to the rear of the property where the parking lots and two smaller buildings are located.

**ZONING HISTORY:**

In 1970, the subject site was zoned R-75. The southern portion of the property was rezoned to M-I through an areawide rezoning in 1972. The northern portion was rezoned to M-I in 1980 pursuant to RZ-80-022 for unspecified industrial uses.

**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.

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.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

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

Steve Reynolds 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 lane with appropriate taper and adequate right-of-way will be required.

The developer shall be limited to one curb cut.

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

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located in the west right-of-way of Steve Reynolds Boulevard and an eight-inch water main located in parcel R6201 007A.

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located approximately 25 feet east of parcel R6184 266 in the right-of-way of Steve Reynolds Boulevard.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

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

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

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The subject site is comprised of 10.19 acres located near the southwest quadrant of the Beaver Ruin Road/Steve Reynolds Boulevard intersection. The property is currently zoned M-1 (Light Industry District) and is developed with two large industrial office buildings with suites on the east side of the property, and two smaller buildings near the north property line. The applicant seeks a Special Use Permit for a construction contractor's office. No new development is proposed on the property.

The 2030 Unified Plan Future Development Map indicates that the property lies within the Preferred Office Character Area extending along Beaver Ruin Road and Steve Reynolds Boulevard commercial node. In staff's opinion, the proposed contractor's office use is not in keeping with the policies of this Character Area to promote less intense office uses. Although the property is currently zoned M-1, it is located at an established commercial node near the Steve Reynolds Boulevard/Beaver Ruin Road intersection. The properties located at the three remaining quadrants of this intersection are zoned C-2 and developed with various commercial uses. The proposed contractor's office with heavy equipment and gravel parking lots is not consistent with established commercial and residential development in this area and is not consistent with the policies and intent of the 2030 Unified Plan to promote less intense office uses.

The surrounding area includes properties developed with light to heavy industrial uses along Steve Reynolds Boulevard, with retail uses located at the intersection at Beaver Ruin Road. The properties to the southeast, across the intersection, consist of Board-approved C-2 zoned properties, which includes the Shops and Offices at Meeting Place (CIC2015-00009) and Gwinnett Pavilion (RZ-164-86) retail shopping centers. Across Steve Reynolds Boulevard are several residential subdivisions – the Redgate Commons villas zoned RM-8 (REZ1983-00067) and the Windtree single family subdivision zoned R-60 (REZ1983-00075). These established residential and commercially-zoned properties do not support this request for a more intense industrial use on the subject property. The only industrially-zone properties in the vicinity are the properties to the north and west zoned M-1 and M-2; which include various industrial uses including Vulcan Materials and a metal recycling facility (SUP2015-00022).

Given the potential for encroaching industrial uses further into commercial and residential areas, and the 2030 Unified Plan Future Development Map designation of Preferred Office, staff views this request as inappropriate. Therefore, the Department of Planning and Development recommends **DENIAL**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval of a Special Use Permit for a contractor's office (heavy/civil construction/logging), subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. To restrict the use of the property to a contractor's office (heavy/civil construction/logging) with gravel parking lots.
  - B. The property shall not be used as a towing/wrecker service or junk salvage yard. Outdoor activities shall be restricted to areas screened on all sides by a 100% opaque fence and gate. The fence height, materials and design shall be subject to the review and approval of the Director of Planning and Development.
2. To abide by the following site development considerations:
  - A. Only one exit/entrance shall be allowed on Steve Reynolds Boulevard. No access shall be allowed on Beaver Ruin Road.
  - B. Gravel parking and storage areas shall be limited to those in existence before January 1, 2017.
  - C. New 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 signage shall not exceed ten feet in height.
  - D. New or replacement 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.
  - E. No additional window signage (signs displayed on the interior or exterior of the business storefront windows) shall be allowed, 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.
  - F. Billboards or oversized signs shall be prohibited.

- 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. Any new or replacement 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.
- I. Any new dumpster areas shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
- J. Outdoor loudspeakers shall be prohibited.
- K. Peddlers and/or parking lot sales shall be prohibited.
- L. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit to allow the continued operation of a heavy/civil construction contractor's office may not be appropriate at this location in view of the established residential and commercial uses which are adjacent to and near the subject property.

ADVERSE IMPACTS

Significant adverse impacts in terms of noise and heavy truck traffic could be expected from the approval of this Special Use Permit for a heavy/civil construction contractor's office.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

No change in impacts on public utilities would be anticipated from the continued use of the property as a heavy/civil construction contractor's office.

CONFORMITY WITH POLICIES

This request for a Special Use Permit could be considered inconsistent with the 2030 Unified Plan policies to protect established residential development near the subject property, and inconsistent with the 2030 Unified Plan Future Development Map designation for Preferred Office uses.

CONDITIONS AFFECTING ZONING

Although currently zoned M-1, the request for approval of a heavy/civil construction contractor's office would increase the amount of heavy truck traffic along this portion of Steve Reynolds Boulevard and affect nearby established commercial and residential developments.



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NOV 23 2016

SUP '17 06

Gwinnett County Planning Division  
Special Use Permit Application  
Last Updated 12/2015

Planning & Development

**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- Rock Quarry to rear, Metal Recycling & Woods on side lot lines

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

No- the area is well naturally well screened and separated from adjacent properties

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

Yes-The property is already being utilized to economically benefit the owner & county as currently zoned. The extreme rear of the property is the subject of the Special Use Permit, and if approved will provide economical benefit to the Owner to support his other construction business and subcontractors.

- (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 Owner desires to temporarily store heavy equipment and item that support the construction projects or stage equipment and materials, tractors, dump trucks concrete trucks, concrete forms, dumpsters, etc. There will be no utilities, no school requirements and limited ingress/egress therefore minimal burden on traffic

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

Yes - this is allowed to be considered in M-1

- (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, approval, the owner of the property desires to utilize the rear portion of the property to benefit his other business.

November 7, 2016

Gwinnett County Board of Commissioners  
446 W Crogan Street, Suite 150  
Lawrenceville, GA 30046

RECEIVED BY

NOV 23 2016

Planning & Development

Ref: Letter of Intent  
Green Implementation Group, LLC  
& Read Norcross, LLC  
PIN: 6184 266, 6201 007A  
Special Use Permit Request

SUP '17 06

To whom it may concern;

Green Implementation Group, LLC & Read Norcross, LLC are requesting a Special Use Permit for the rear portion of the subject properties. These entities are wholly owned by the same individual. The subject properties are currently zoned M-1, Light Industry. The property is generally at the southwestern quadrant of the intersection of Steve Reynolds Boulevard and Beaver Ruin Road.

Parcel ID 6184 266 with a total area of 6.17 acres and a proposed SUP area of 0.86 acres is seeking a special use permit as a gravel parking/storage lot including accessory buildings for heavy machinery and construction related equipment, tools and operation support. This area of the property is open, contained and naturally screened.

Parcel ID 6201 007A with a total area of 4.02 acres and a proposed SUP area of 2.39 acres is seeking a special use permit as a gravel parking/storage lot including accessory buildings for heavy machinery and construction related equipment, tools and operation support. This area of the property is open, contained and naturally screened.

The Owner utilizes numerous pieces of large machinery and appurtenances for the development, maintenance and operation of our portfolio of properties in Gwinnett and surrounding counties. There are occasions that this property facilitates our temporary storage, and transfer of the machinery. The property has also allowed the parking of equipment operator's personal vehicles (10 or less) while operating the dump trucks, pump trucks or other machinery. Large New Dumpsters are also stored on the property prior to being placed in service. The maneuvering of any of these items will permanently damage asphalt pavement and gravel has proven to be the best wearing surface of this area. The purpose of the proposed Special Use Permit is in response to a complaint received and effort to be in full compliance with Gwinnett County Zoning Documents. Please find attached a summary of the proposal we are seeking.

We appreciate your consideration on this project.

Respectfully,  
Green Implementation Group, LLC

Alex Tsynman  
Manager

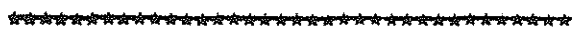
At a regular meeting of the Municipal-Gwinnett Planning and Zoning Commission held on January 17, 1980 at 9:00 A. M. in the Planning and Zoning Department, public hearing was held on the Zone Change Application for a rezoning amendment to the Gwinnett County Zoning Resolution adopted June 2, 1970 and map as amended June 9, 1970 of <sup>Gwinnett County Board</sup> of Commissioners from present Zone R-75 to M-1. Proposed use is Land-Use Revision.

SEE ATTACHED DESCRIPTION:

Opposition was not voiced or filed on said application. Motion was made by D. H. Keever and duly seconded by H. C. Peevy that the Municipal-Gwinnett Zoning and Planning Commission recommend to the Honorable Board of Gwinnett County Commissioners APPROVAL of the application. Motion was unanimously carried.

Board of Commissioners  
Gwinnett County, GA.

Respectfully submitted,  
Lewis Brinkley III



A RESOLUTION

COMMISSIONERS OF ROADS AND REVENUES  
GWINNETT COUNTY, GEORGIA

WHEREAS, the Municipal-Gwinnett Planning and Zoning Commission has filed a formal recommendation with the Board of Gwinnett County Commissioners upon application of Board of Commissioners for rezoning amendment to rezone a tract of land from

R-75 to M-1 for the proposed use of Land Use Revision

and

WHEREAS, Notice to the Public regarding said amendment to Zoning Map and Ordinance has been published in the Home Weekly the official news organ of Gwinnett County, and

WHEREAS, Public Hearing was held in the Office of the Board of County Commissioners on February 26, 1980 and objections were not filed.

THEREFORE, BE IT RESOLVED That the Board of County Commissioners do hereby adopt the rezoning from R-75 to M-1. This is the 26th day of February, 1980.

BOARD OF GWINNETT COUNTY COMMISSIONERS

Wayne H. Mason

Wayne H. Mason, Chairman

**GWINNETT COUNTY**  
**POLICE DEPARTMENT**  
**Code Enforcement Unit**

**770 Hi-Hope Road, P.O.Box 602**  
**Lawrenceville, GA 30046**  
**www.gwinnettcounty.com**

**CASE NUMBER : CEU2016-10829**

<b>PRIMARY ADDRESS:</b>	4227 STEVE REYNOLDS, NORCROSS, GA 30093
<b>RECEIVED DATE:</b>	10/4/2016
<b>APPLICATION STATUS:</b>	Notice of Violation
<b>DESCRIPTION:</b>	OPEN OUTDOOR STORAGE - TRASH/REFUSE & ETC. ALL IN BACK OF BUILD & TALL GRASS/WEEDS

OWNER NAME	ADDRESS	CITY/STATE/ZIP
GREEN IMPLEMENTATION GROUP LLC	300 E SMOKETREE TER	ALPHARETTA, GA, 30005-6735

CONTACTS ROLE	NAME	ADDRESS	CITY/STATE/ZIP
Registered Agent	ALEXEI MIKHAILOV	300 E SMOKETREE TERRACE	JOHNS CREEK GA 30005

**COMMENTS**

View ID	COMMENTS	DATE
ECDAVIS	ON 10-17-16 REC MSG FROM MR. ALEX 678-458-4834 ON OFFICE PHONE . HE LEFT MSG. ON 10-18-16 I CALLED MR. ALEX BACK . HE ASKED TO MEET AT THE PROPERTY FOR ME TO SHOW HIM WHAT IS PROHIBITED AND ALLOWED ON PROPERTY. HE REC LETTER BUT WANTED ME TO ALSO EXPLAIN LETTER. SUP FRANKLIN AND I WILL MEET WITH HIM ON 10-20-16 AT 10AM.	10/18/2016
ECDAVIS	11-02-16 SPOKE TO ALEX 678-458-4834 BY PHONE. HE WAS WANTING AN EXTENTION FOR 2 MONTHS FOR A SURVEY OF THE PROPERTY. ALEX STATED HE HAD TO HAVE A SURVEY DONE FOR VERIANCE APPLICATION. I STATED HE NEEDED TO SCHEDULE TO SURVEY AND SEND ME INFO IF COULD NOT BE COMPLETE IN NEXT FEW WEEKS. DENIED 2 MONTH EXT BUT DID STATED I WOULD CHECK IN ON 11/08 TO SEE WHAT PROGRESS HAS BEEN MADE.	11/2/2016

**INSPECTIONS**

Inspection	Requested	Scheduled	Completed	Status	Inspector	Comment
Re-Inspection	12/6/2016	12/15/2016	12/15/2016	Not Complied Extension Granted	Erica Davis	PROPERTY STILL BEING USED AS A PARKING PLACE FOR COMMERCIAL VEHICLES THAT ARE RUNNING BUSINESS FOR GRAVEL AND PAVING COMPANY. SEVERAL JUNK VEHICLES ON PROPERTY. TOW TRUCK SERVICE BRINGING JUNK VEHICLES THAT ARE WRECKED AND WITHOUT VALID TAGS TO DUMP FOR A FEW DAYS TILL THEY ARE ABLE TO GATHER AND TAKE TO SCRAP METAL. SPOKE TO MR FRANKLIN WHO STATED THIS WAS HIS BUSINESS AND THAT HE WAS PAYING FOR A SECTION OF THE PARKING AREA THAT ALLOWED HIM TO BRING THE J/V THERE AS STORAGE. HE ALSO HAD A LARGE TOW TRUCK AND SEMI TRUCK PARKED AT TOP NEAR HILL. LOTS OF SCRAP METAL, TIRES AND OTHER MISC O/S BEING STORED ON PROPERTY. ONE SECTION HAS AUTO REPAIR ITEMS (OIL CANS, AIR PUMPS, TIRES, ECT) AS IF A BUSINESS WAS STILL BEING RAN FROM PROPERTY. SEVERAL BLUE BINS PLACED ON PROPERTY FROM RECYCLE PLANT. APPEARS THE PROPERTY HAS BEEN CLEANED UP OF MOST OF THE DUMPED CONCRETE FROM PREVIOUS VISITS. GRAVEL STILL COVERS 100% OF THE PARKING AREA. NO PAVED SECTIONS AT THIS TIME. ADDED BUILDING PERMITS FOR TWO BUILDINGS NEAR BACK OF PARKING AREA. WILL SEND NEW LETTER TO THE PROPERTY OWNER.
Re-Inspection	11/10/2016	12/5/2016	12/5/2016	Not Complied Extension Granted	Erica Davis	APPLICATION TURNED IN AS OF 11/23/2016. NOT SCHEDULED FOR REVIEW YET AT THIS TIME PER CURRENT PLANNING. SENT EMAIL TO MR. JERRY OBERHOLTZER ABOUT CASE

**GWINNETT COUNTY**  
**POLICE DEPARTMENT**  
**Code Enforcement Unit**

**770 Hi-Hope Road, P.O.Box 602**  
**Lawrenceville, GA 30046**  
**www.gwinnettcounty.com**

**CASE NUMBER : CEU2016-10829**

Re-Inspection	11/10/2016	11/8/2016	11/8/2016	Not Complied Extension Granted	Erica Davis	HAD A MEETING WITH MR. ALEX AT PROPERTY DURING INSPECTION. HE HAD THE APPLICATION FILLED OUT AND PROPERTY PLANS READY TO SUBMIT TO PLANNING AND DEVELOPEMNT. DEADLINE DATE IS DEC.2ND FOR IT TO BE TURNED IN. MR. ALEX WILL SEND EMAIL OF CONFONFIRMATION OF WHEN HE SUBMITS HIS APPLICATION. WILL GRANT 30 DAYS EXT FOR BOARD OF COMMISSIONERS TO EITHER APPROVE OR NOT THE APPLICATION.
Re-Inspection	10/7/2016	10/6/2016	10/7/2016	Mailed Notice of Violation	Erica Davis	WENT BACK OUT TO PROPERTY FOR FURTHER INVESTIGATION. WHILE RUNNING TAGS ON FOOD TRAILERS AND BOX TRUCKS, MR PETER KIRILILIUK (PROPERTY MANAGER) 404-547-0248 CAME TO OFFICER PAULY AND I TO SPEAK WITH US. WHILE SPEAKING WITH MR. PETER HE STATED HE WAS RENTING OUT PROPERTY TO OTHERS FOR A MONTHLY FEE TO KEEP EQUIPMENT/VEHICLES ON PROPERTY. HE THOUGHT HE HAD MAYBE 7-8 PEOPLE/COMPANIES LEASING FROM HIM. HE GAVE THE INFORMATION OF HIS BOSS MR. ALEX MICHAILOV 770-403-4816 AND SASHA LOVVOITECH 678-458-4834(PERSON TO SECONDARY CALL IF COULD NOT SPEAK WITH MR. ALEX). I BRIEFY SPOKE WITH MR. PETER ABOUT THE NON -PERMITTED USE ON PROPERTY. THERE WERE TWO AREA WHERE PEOPLE WERE REPAIRING VEHICLES AND ANOTHER SECTION WHERE LARGE DUMPTRUCK WAS HAVING ITS TIRES CHANGED. I TOLD MR PETER THE NON PERMITTED USE WOULD NEED TO STOP UNTIL PROPER PERMITS WERE OBTAINED BY MR. ALEX OR PROPERTY OWNER FOR THE COMMERCIAL PROPERTY. THIS PROPERTY IS ZONED M-1. MOST OF THE BACK PARKING ARE IS GRAVEL OR ASPHALT PEPPLES. THERE WAS O/S LUMBER, OLD SIGNS FROM RESUTRANTS, BUCKETS, ECT. FOOD TRUCKS DISMANTLED , FLAT TIRES, NO TAGS/EXPIRED TAGS ON PROPERTY. IT APPEARED THERE WAS HALF WAY BURRIED CONCRETE AT THE EDGE OF SECONDARY PARKING AREA WHERE ASPHALT PEPPLES WERE. BEHIND BUILDING 4229 THERE WAS TALL WEEDS/GRASS, AS WELL AS GRAFFITI TAGS ON BUILDING. PASSED GRAFFITI INFORMATION ONTO OFFICER RICHEY WITH GANG TASKFORCE. WILL SEND LETTER TO REG AGENT AND LLC COMPANY.

**CASE NUMBER : CEU2016-10829**

Re-Inspection	10/7/2016	10/6/2016	10/7/2016	Mailed Notice of Violation	Erica Davis	WENT BACK OUT TO PROPERTY FOR FURTHER INVESTIGATION. WHILE RUNNING TAGS ON FOOD TRAILERS AND BOX TRUCKS, MR PETER KIRILILIUK (PROPERTY MANAGER) 404-547-0248 CAME TO OFFICER PAULY AND I TO SPEAK WITH US. WHILE SPEAKING WITH MR. PETER HE STATED HE WAS RENTING OUT PROPERTY TO OTHERS FOR A MONTHLY FEE TO KEEP EQUIPMENT/VEHICLES ON PROPERTY. HE THOUGHT HE HAD MAYBE 7-8 PEOPLE/COMPANIES LEASING FROM HIM. HE GAVE THE INFORMATION OF HIS BOSS MR. ALEX MICHAILOV 770-403-4816 AND SASHA LOVVOITECH 678-458-4834(PERSON TO SECONDARY CALL IF COULD NOT SPEAK WITH MR. ALEX). I BRIEFY SPOKE WITH MR. PETER ABOUT THE NON -PERMITTED USE ON PROPERTY. THERE WERE TWO AREA WHERE PEOPLE WERE REPAIRING VEHICLES AND ANOTHER SECTION WHERE LARGE DUMPTRUCK WAS HAVING ITS TIRES CHANGED. I TOLD MR PETER THE NON PERMITTED USE WOULD NEED TO STOP UNTIL PROPER PERMITS WERE OBTAINED BY MR. ALEX OR PROPERTY OWNER FOR THE COMMERCIAL PROPERTY. THIS PROPERTY IS ZONED M-1. MOST OF THE BACK PARKING ARE IS GRAVEL OR ASPHALT PEPPLES. THERE WAS O/S LUMBER, OLD SIGNS FROM RESUTRANTS, BUCKETS, ECT. FOOD TRUCKS DISMANTLED , FLAT TIRES, NO TAGS/EXPIRED TAGS ON PROPERTY. IT APPEARED THERE WAS HALF WAY BURRIED CONCRETE AT THE EDGE OF SECONDARY PARKING AREA WHERE ASPHALT PEPPLES WERE. BEHIND BUILDING 4229 THERE WAS TALL WEEDS/GRASS, AS WELL AS GRAFFITI TAGS ON BUILDING. PASSED GRAFFITI INFORMATION ONTO OFFICER RICHEY WITH GANG TASKFORCE. WILL SEND LETTER TO REG AGENT AND LLC COMPANY.
Initial Inspection	10/5/2016	10/5/2016	10/5/2016	Further Investigation	Erica Davis	BUILDING ITSELF IS IN GOOD CONDITION. SEVERAL WEEDS IN BACK OVERGROWING ONTO SOME OF THE AC UNITS. GRAFFITI TAGGED ON BACK OF BUILDING. TWO LARGE BOX TRUCKS PARKED ON THE SIDE. SEVERAL BOX TRUCKS/ TRAILERS AND SEMI'S PARKED BEHIND IN A GRAVEL PARKING AREA THAT HAS A GATE TO IT THAT CAN BE LOCKED. SEVERAL BUSINESS IN BUILDINGS. TAGGED J/V GOLD MERCEDES WITH EXPIRED TAG AND FLAT TIRES IN PARKING LOT. BELONGS TO THE OWNER AT SIGN STORE. SMALL AREA OF PALLETS IN FRONT OF LOCATION. TRAILER PARKED IN SMALL PARKING LOT WITH EXPIRED TAG AND MOBILE HOME AS WELL WITH EXPIRED TAG PARKED IN SMALL PARKING LOT.

**WORKFLOW HISTORY**

Workflow Task	Assigned	Due	Completed	Status	Inspector	Comment
Enforcement	10/4/2016	10/4/2016	12/15/2016	Mailed Notice of Violation	Erica Davis	
Enforcement	10/4/2016	10/4/2016	10/6/2016	Mailed Notice of Violation	Erica Davis	***IT IS A NON PERMITTED USE TO OPERATE AUTO AND TRUCK REPAIR AS WELL AS A LANDFIELD WITHOUT A SPECIAL USE PERMIT. A COMMERCIAL DEVELOPMENT PERMIT MUST BE OBTAINED FOR THE AREA THAT HAS BEEN GRADED AND GRAVELED. GRAVEL IS NOT PERMITTED IN A COMMERCIAL ZONING WITHOUT AN APPROVED VARIANCE. PERMITS INSPECTIONS AND APPROVALS MUST BE OBTAINED FROM PLANNING AND DEVELOPEMENT. PLEASE CALL TO DISCUSS YOUR CASE 770-513-5030.***

**CASE NUMBER : CEU2016-10829**

**VIOLATIONS**

ORDINANCE	CODE SECTION	VIOLATION DATE	COMPLIANCE DATE	VIOLATION STATUS
Property Maintenance	14-302 GRAFFITI	10/05/2016	11/07/2016	Met
Property Maintenance	14-303 TALL GRASS, WEEDS	10/05/2016	11/07/2016	Met
Property Maintenance	14-304 JUNK VEHICLES	10/05/2016	02/27/2017	Not Met
Property Maintenance	14-306 OPEN OR OUTDOOR STORAGE	10/05/2016	02/27/2017	Not Met
Unified Development Ordinance	230-100.1 NON-PERMITTED USE	10/05/2016	02/27/2017	Not Met
Unified Development Ordinance	230-20.6 COUNTY APPROVALS REQD	10/05/2016	02/27/2017	Not Met
Construction Code	106.1 BUILDING PERMIT REQUIRED	12/15/2016	02/27/2017	Not Met
Construction Code	113.2 COMPLETION CERT REQD	12/15/2016	02/27/2017	Not Met

**CITATIONS**

ORDINANCE	CODE SECTION	DATE OF CITATION	CITATION NUMBER	COURT DATE
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**DOCUMENTS**

DOCUMENT NAME	FILE NAME	DESCRIPTION	UPLOADED BY	UPLOADED ON
10-05-16	10-5-16-018.JPG	FRT ENTRANCE TO BACK PARKING AREA	ECDAVIS	10/7/2016 2:18:27 PM
10-05-16	10-5-16-019.JPG	GRAFFITI	ECDAVIS	10/7/2016 2:18:29 PM
10-05-16	10-5-16-020.JPG	GRAFFITI PIC #2	ECDAVIS	10/7/2016 2:18:31 PM
10-05-16	10-5-16-021.JPG	GRAFFITI PIC #3	ECDAVIS	10/7/2016 2:18:32 PM
10-05-16	10-5-16-025.JPG	O/S PALLETS	ECDAVIS	10/7/2016 2:19:37 PM
10-05-16	10-5-16-026.JPG	FENCE DAMAGE DUMSTER	ECDAVIS	10/7/2016 2:19:38 PM
10-05-16	10-5-16-024.JPG	FRT OF BUILDING	ECDAVIS	10/7/2016 2:19:40 PM
10-05-16	10-5-16-028.JPG	GRAFFITI	ECDAVIS	10/7/2016 2:24:44 PM
10-05-16	10-5-16-029.JPG	J/V FLAT TIRES	ECDAVIS	10/7/2016 2:24:45 PM
10-05-16	10-5-16-031.JPG	J/V EXPIRED TAG	ECDAVIS	10/7/2016 2:24:48 PM
10-05-16	10-5-16-033.JPG	O/S SIGNS, LUMBER	ECDAVIS	10/7/2016 2:24:49 PM
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10-05-16	10-5-16-032.JPG	FOOD TRUCKS	ECDAVIS	10/7/2016 2:24:52 PM
10-05-16	10-5-16-036.JPG	EXPIRED TAG	ECDAVIS	10/7/2016 2:24:53 PM
10-05-16	10-5-16-037.JPG	J/V TRAILER	ECDAVIS	10/7/2016 2:24:54 PM
10-05-16	10-5-16-038.JPG	EXPIRED TAG	ECDAVIS	10/7/2016 2:24:56 PM
10-05-16	10-5-16-035.JPG	J/V CAMPER	ECDAVIS	10/7/2016 2:24:58 PM

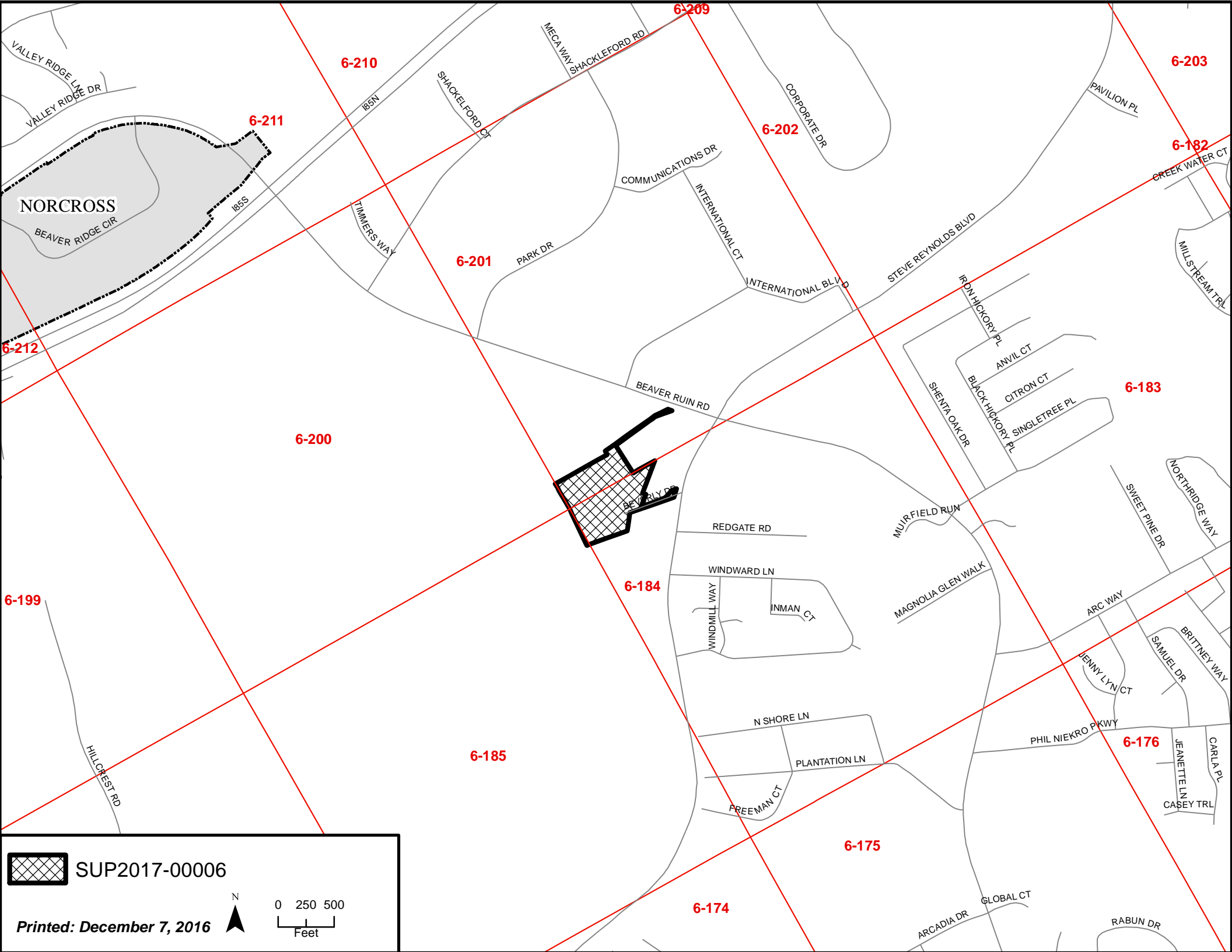
**GWINNETT COUNTY**  
**POLICE DEPARTMENT**  
**Code Enforcement Unit**

**770 Hi-Hope Road, P.O.Box 602**  
**Lawrenceville, GA 30046**  
**www.gwinnettcounty.com**

**CASE NUMBER : CEU2016-10829**

10-06-16	10-6-16-042.JPG	CONCRETE BURIED	ECDAVIS	10/7/2016 2:31:48 PM
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10-06-16	10-6-16-044.JPG	ASPHALT PEPPLES	ECDAVIS	10/7/2016 2:31:50 PM
10-06-16	10-6-16-041.JPG	J/V	ECDAVIS	10/7/2016 2:31:52 PM
10-06-16	10-6-16-039.JPG	GRAVEL	ECDAVIS	10/7/2016 2:31:54 PM
10-06-16	10-6-16-045.JPG	DUMP TRUCK /TIRES	ECDAVIS	10/7/2016 2:31:55 PM
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12-15-16	12-15-16-034.JPG		ECDAVIS	12/16/2016 11:36:33 AM
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12-15-16	12-15-16-038.JPG		ECDAVIS	12/16/2016 11:36:36 AM
12-15-16	12-15-16-029.JPG		ECDAVIS	12/16/2016 11:36:37 AM
12-15-16	12-15-16-032.JPG		ECDAVIS	12/16/2016 11:36:38 AM
12-15-16	12-15-16-030.JPG		ECDAVIS	12/16/2016 11:36:40 AM
12-15-16	12-15-16-037.JPG		ECDAVIS	12/16/2016 11:36:45 AM
12-15-16	12-15-16-036.JPG		ECDAVIS	12/16/2016 11:36:51 AM
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NORCROSS

 SUP2017-00006

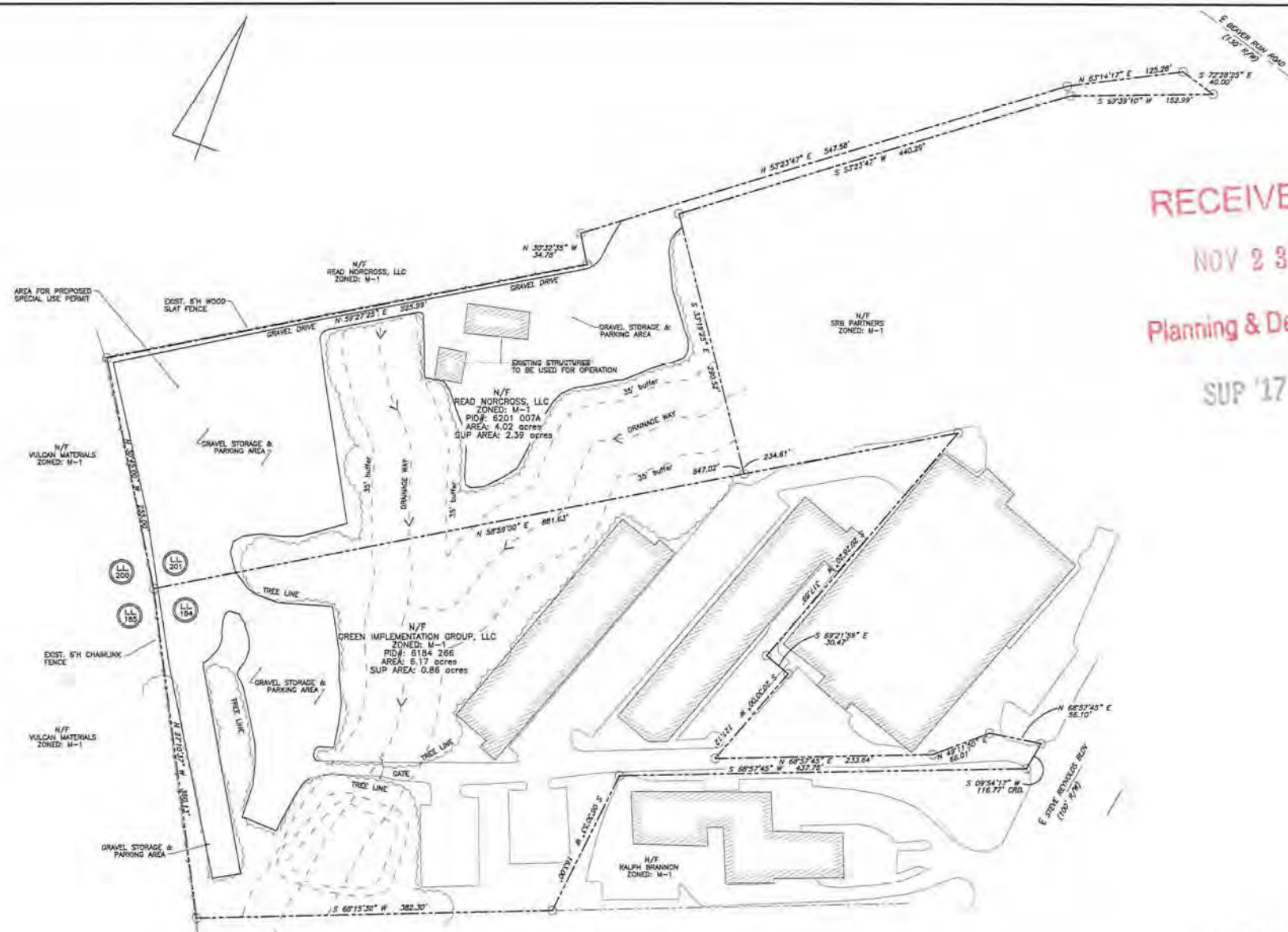
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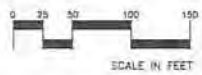
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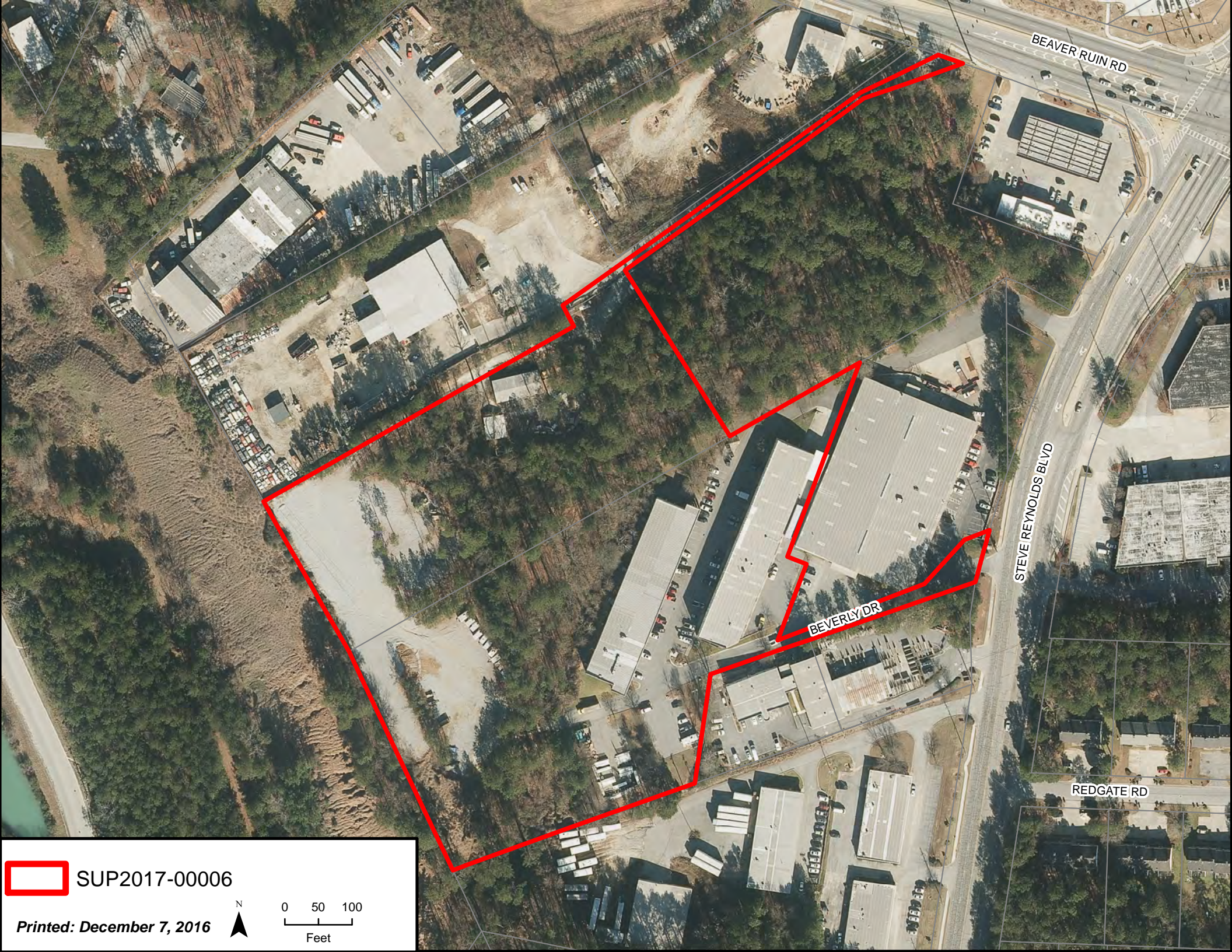
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 Planning & Development  
 SUP '17 06



**SITE PLAN**  
 SCALE: 1" = 50'



Special Permit Application  
**SITE PLAN**  
 4227 STEVE REYNOLDS BLVD  
 Green Implementation Group, LLC



BEAVER RUIN RD

STEVE REYNOLDS BLVD

BEVERLY DR

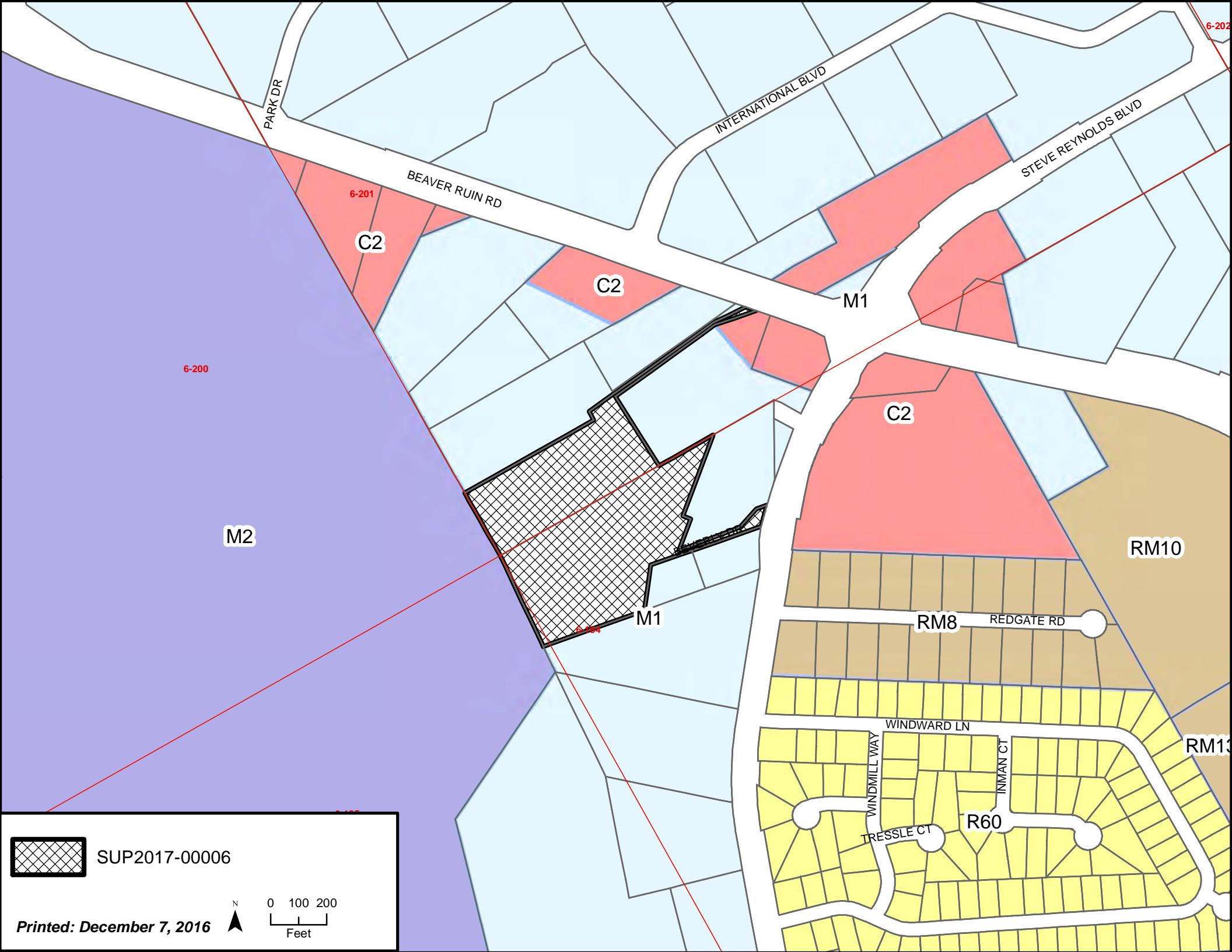
REDGATE RD

 SUP2017-00006


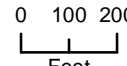
Printed: December 7, 2016

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 SUP2017-00006

Printed: December 7, 2016   0 100 200 Feet

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

CASE NUMBER :**SUP2017-00007**  
ZONING :C-2  
LOCATION :5300 BLOCK OF FIVE FORKS TRICKUM ROAD  
:1200 BLOCK OF ROCKBRIDGE ROAD  
MAP NUMBER :R6079 033  
ACREAGE :0.74 ACRE  
SQUARE FEET :1,525 SQUARE FEET  
PROPOSED DEVELOPMENT :PAWN SHOP  
COMMISSION DISTRICT :(2) HOWARD

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

APPLICANT: BEN WALKER, JR. & DENISE WEMPE  
180 MYSTIC COVE  
LILBURN, GA 30047

CONTACT: DENISE WEMPE                      PHONE: 813.813.3750

OWNER: MOUNTAIN PARK PLAZA, LLC  
5755 NORTH POINT PARKWAY, SUITE 21  
ALPHARETTA, GA 30022

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Special Use Permit (SUP) to allow for a pawn shop in an existing shopping complex, zoned C-2 (General Business District). The proposed use would occupy a 1,525 square foot unit in a 6,460 square foot building on the 0.74-acre property, located on the north side of the intersection of Five Forks Trickum Road and Rockbridge Road. According to the applicant, the proposed pawn shop allows customers to buy and sell goods, collectibles and antiques, and no firearms or car loans will be sold or bought at the business. There is an existing parking lot at the front of the property that serves the multi-tenant building, as well as an existing 576 square foot detached building. The site is completely developed, with no new construction nor any additional stormwater management proposed.

**ZONING HISTORY:**

The property has been zoned C-2 since 1970.

**GROUNDWATER RECHARGE AREA:**

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

WETLANDS INVENTORY:

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

OPEN SPACE AND GREENWAY MASTER PLAN:

No comment.

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Five Forks Trickum 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.

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

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 east right-of-way of Rockbridge Road and a 16-inch water main located on the southeast right-of-way of Five Forks Trickum Road.

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located on parcel R6079 033.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

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

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

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The subject site is a 0.74-acre parcel, located on the northeast corner of the Five Forks Trickum Road and Rockbridge Road intersection. The site is developed with an existing 6,460 square foot, multi-tenant retail building, a detached 576 square foot building at the front of the property, and associated parking and driveways. The proposed pawn shop would lease a 1,525 square foot tenant space within the existing retail building.

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 recommend compatibility of design and intensity among land uses. Free-standing commercial/retail uses are acceptable components of this character area. With appropriate conditions and limitations, the proposed use could be a compatible use with the intensity of existing commercial development within the Five Forks Trickum Road and Rockbridge Road commercial node. The establishment of other retail shops and neighborhood-serving services may allow the presence of the new pawn shop with no disruption to the character of the area.

The area surrounding the subject property is characterized by neighborhood serving commercial/retail uses located at the Five Forks Trickum and Rockbridge Road commercial node, with single-family residential areas located beyond the intersection. The existing retail building on the subject property contains a barber shop, bakery, nail salon and restaurant, with an automobile emissions business occupying the detached smaller building. The uses immediately around the subject property include places of worship, professional offices, small retail centers, restaurants and a major grocery store. A new pawn shop may be consistent with the character with the existing businesses and surrounding C-2 zoning. Staff recommends that conditions be required to minimize any potential impacts of this business on others in the area.

In conclusion, a pawn shop could be consistent with the policies of the 2030 Unified Plan and compatible with uses located in the area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS.**



PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for pawn shop, subject to the following enumerated conditions:

1. Retail and service commercial and accessory uses, which may include a pawn shop as a Special Use.
2. 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.
3. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and neon or LED signs shall be prohibited. Exposed or visible LED strips mounted on the building or around window frames shall be prohibited.
4. Any new ground signage shall be limited to monument-type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials. Ground sign(s) shall not exceed six feet in height.
5. Billboards or oversized signs shall be prohibited.
6. Outdoor storage and display of merchandise shall be prohibited.
7. Peddlers and/or parking lot sales shall be prohibited.
8. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
9. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed Special Use Permit to allow a pawn shop may be suitable based on the heavily developed retail and commercial nature of the area, and that minimal changes are proposed to the existing building.

ADVERSE IMPACTS

With the recommended conditions, potential impacts on neighboring properties from this request could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

A negligible increase in traffic and utility demand could be anticipated from the request.

CONFORMITY WITH POLICIES

The request for a pawn shop could be compatible with the policies and intent of the 2030 Unified Plan and Future Development Map which provides for a variety of commercial uses in designated commercial areas within the Existing/Emerging Suburban Character Area.

CONDITIONS AFFECTING ZONING

The subject property lies within a highly commercial/retail area of Five Forks Trickum Road and Rockbridge Road. With appropriate conditions and limitations, the use could be suitable to this commercial area.

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

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

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

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

We are not requesting rezoning. The current property is zoned C-2 and the proposed special use permit falls within that zoning classification.

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

We are not requesting rezoning. The proposed SUP will not adversely affect the existing use or usability of adjacent or nearby property.

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

We are not requesting rezoning. The current property is zoned C-2 and the proposed special use permit falls within that zoning classification.

- (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:

We are not requesting rezoning. The proposed SUP will not have any adverse affect on the existing streets, transportation facilities, utilities, or schools.

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

We are not requesting rezoning. The current property is zoned C-2 and the proposed special use permit falls within that zoning classification.

- (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:

We are not requesting rezoning. The current property is zoned C-2 and the proposed special use permit falls within that zoning classification.

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NOV 28 2016

SUP '17 007

7  
Planning & Development



5385 FIVE FORKS TRICKUM RD B-2  
 STONE MOUNTAIN, GA 30087  
 uniqthrift@gmail.com  
**WE BUY, SELL, & CONSIGN**  
 Guitars, Amps, CDs & DVDs,  
 Collectibles, Antiques, Tools  
 Music & Instruments, Electronics  
 Oddities, Art, Vintage Jewelry, and  
 Much More  
**BEN AND DENISE**

November 23, 2016

To Whom it may concern:

Unique Thriftique & Consignment is currently operating in Mountain Park Plaza at 5385 Five Forks Trickum, Suite B-2, Stone Mountain, GA 30087. The shop is owned and operated by Ben Walker and Denise Wempe. Ben has a bachelor's degree in fine art from UGA and 25 years of experience as co-owner of Antique and Pawn. Denise is a CPA who retired as the Regional Inspector General, Region IV, with the U.S. Department of Education in December 2015. Denise currently is a registered mediator and a consultant with experience in business, accounting, and auditing. We want to evolve our shop into a pawn shop and, therefore, we are requesting a Special Use Permit (SUP). As a pawn shop, we **WILL NOT BUY, SELL, OR LOAN ON FIREARMS**. In addition, we **WILL NOT DO CAR LOANS OR INSTALOANS**. We prefer to loan on items that fit into the current inventory of our shop, specifically, antiques and collectibles, such as, Guitars, Amps, CDs & DVDs, Collectibles, Antiques, Tools, Music & Instruments, Electronics, Oddities, Art, Vintage Jewelry, and nostalgic and unusual items.

Previously, in 2015, Gwinnett County approved Ben Walker for an SUP; however, we had some issues with the lease at that location and continued our search for a more suitable site. Our current location is uniquely suited for displaying our unique items and collectibles. Our inventory includes antique and vintage, art deco, mid-century modern, and retro items and collectibles, such as, tools and electronics; vintage jewelry; coins; antique and collectible toys and tins; antique radios and phones; unique bronze sculptures; unique artwork; sports memorabilia; comics and vinyl; and much more cool stuff. We also specialize in musical instruments, including guitars. Currently, the shop includes our own inventory, but we will do consignments for selected items that fit into our genre.

Both Ben and I have been residents of Lilburn, GA for 18 and 12 years, respectively. We have both put children through the Parkview school district. In fact, we met many years ago, when our youngest were playing ball at Mountain Park, Ben was one of the coaches of my daughter's softball team. We both have coached several sports at Mountain Park, including baseball, softball, basketball, football (and GGC soccer); in addition, we donate time to the schools. We located our shop near where we live because we love being a part of our community and our shop supports the kids and the teams in the community.

If you need any additional information, please contact either Ben (470-295-6133) or myself (816-813-3750).

Warm regards,

  
 Denise M. Wempe  
[nwempe5@gmail.com](mailto:nwempe5@gmail.com)

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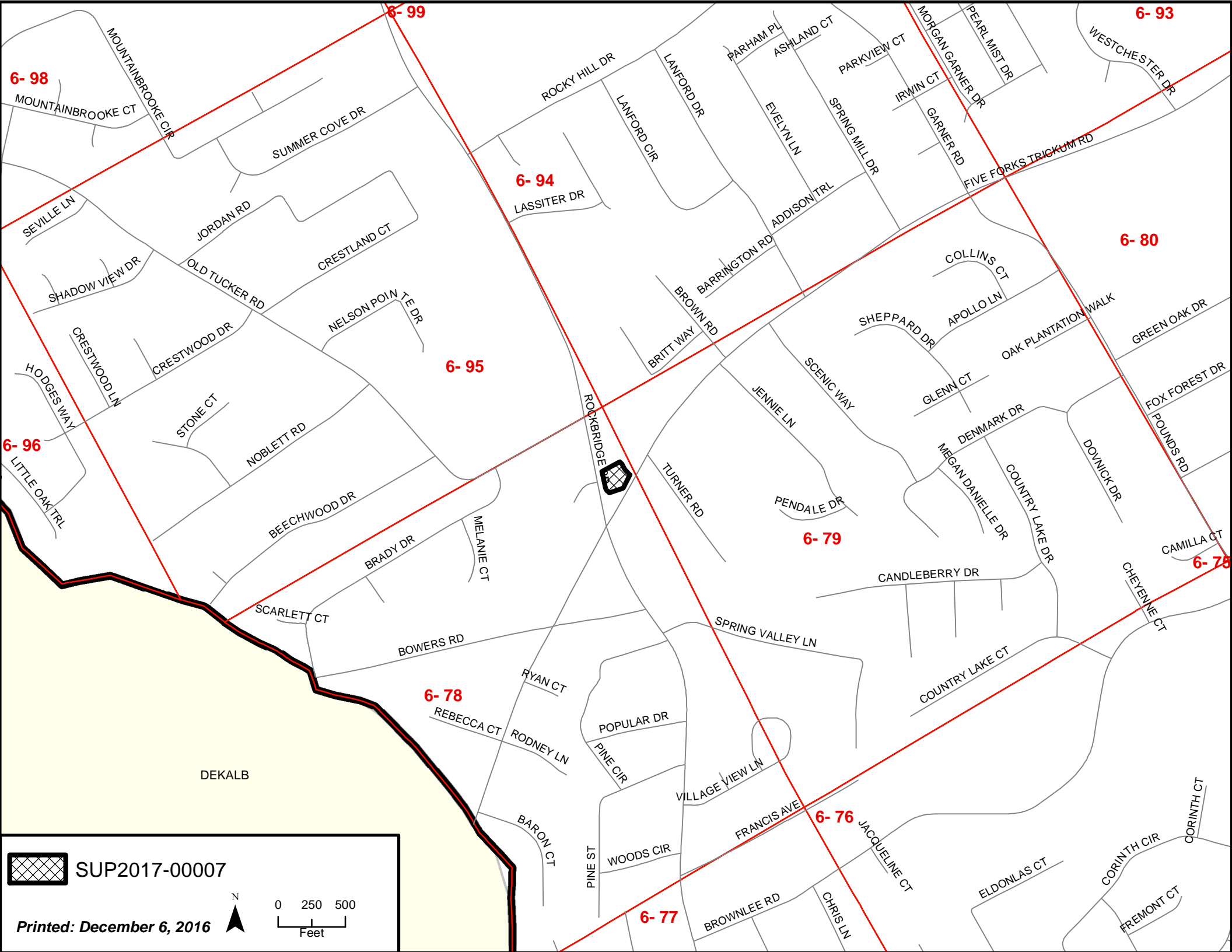
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Printed: December 6, 2016

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AMY INC. & BANK ATLANTA  
SEE OUR PLAT FILE # 315-238 8-31-90

FIVE-FORKS TRICKUM RD.

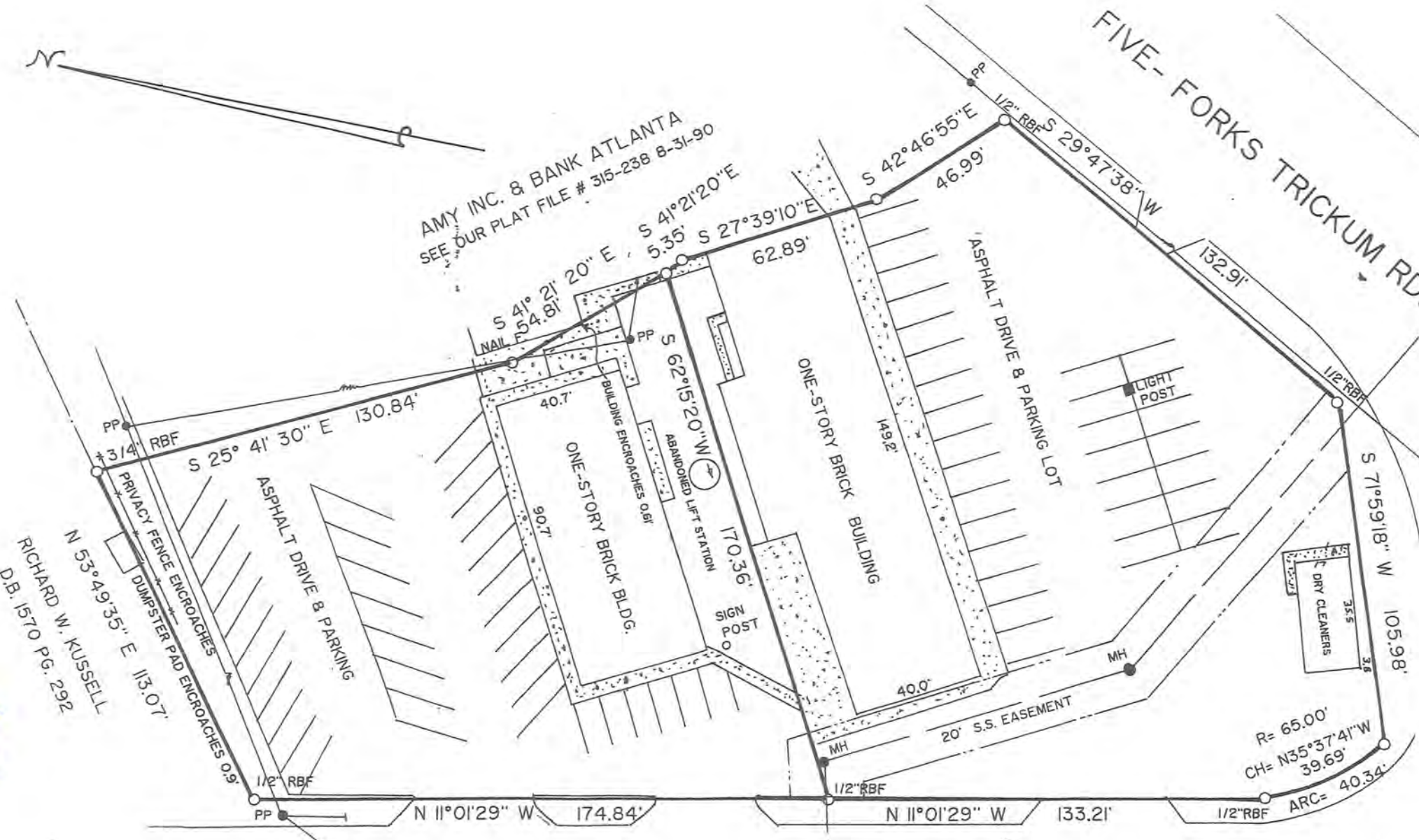
RICHARD W. KUSSELL  
D.B. 1570 PG. 292

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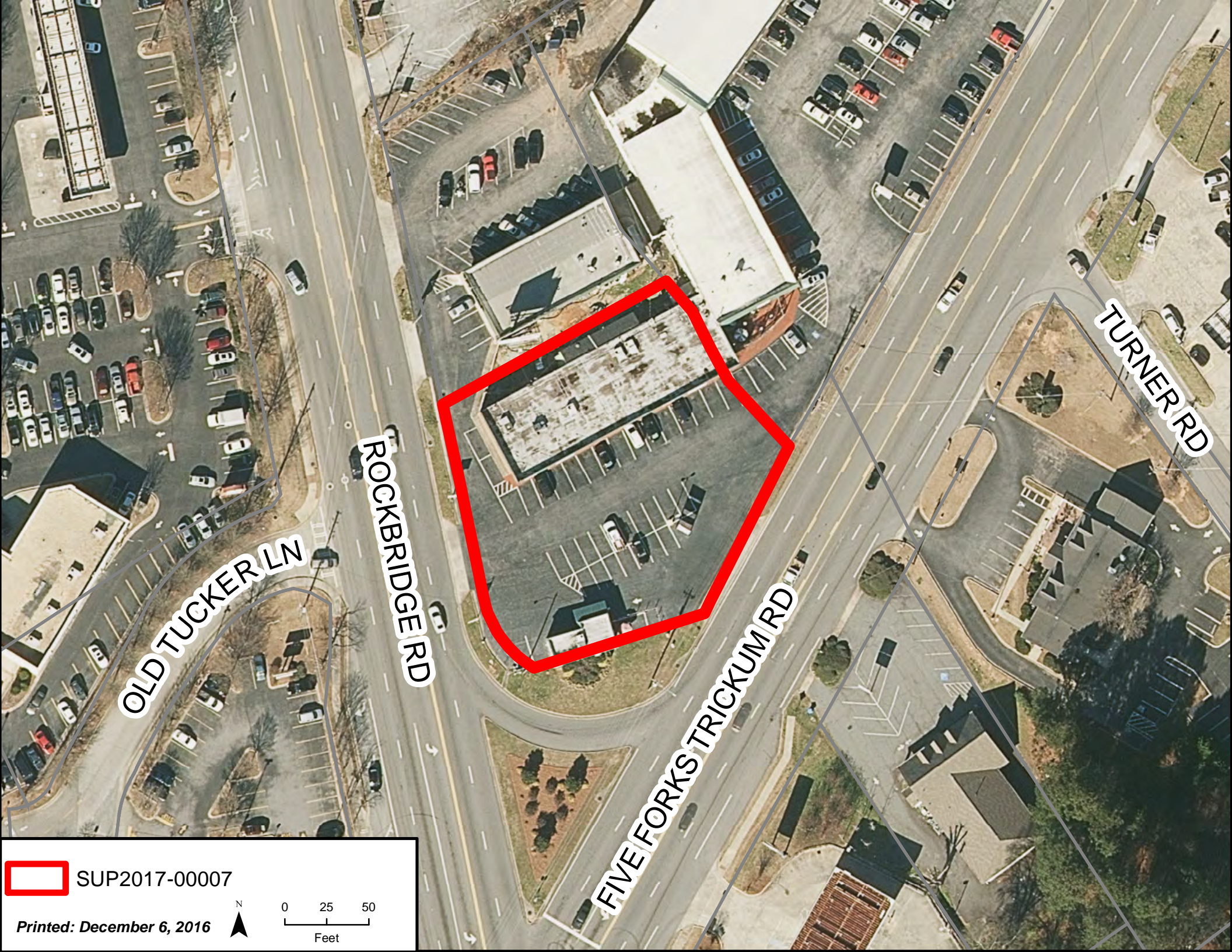
82' R/W ROCKBRIDGE ROAD

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OLD TUCKER LN

ROCKBRIDGE RD

FIVE FORKS TRICKUM RD

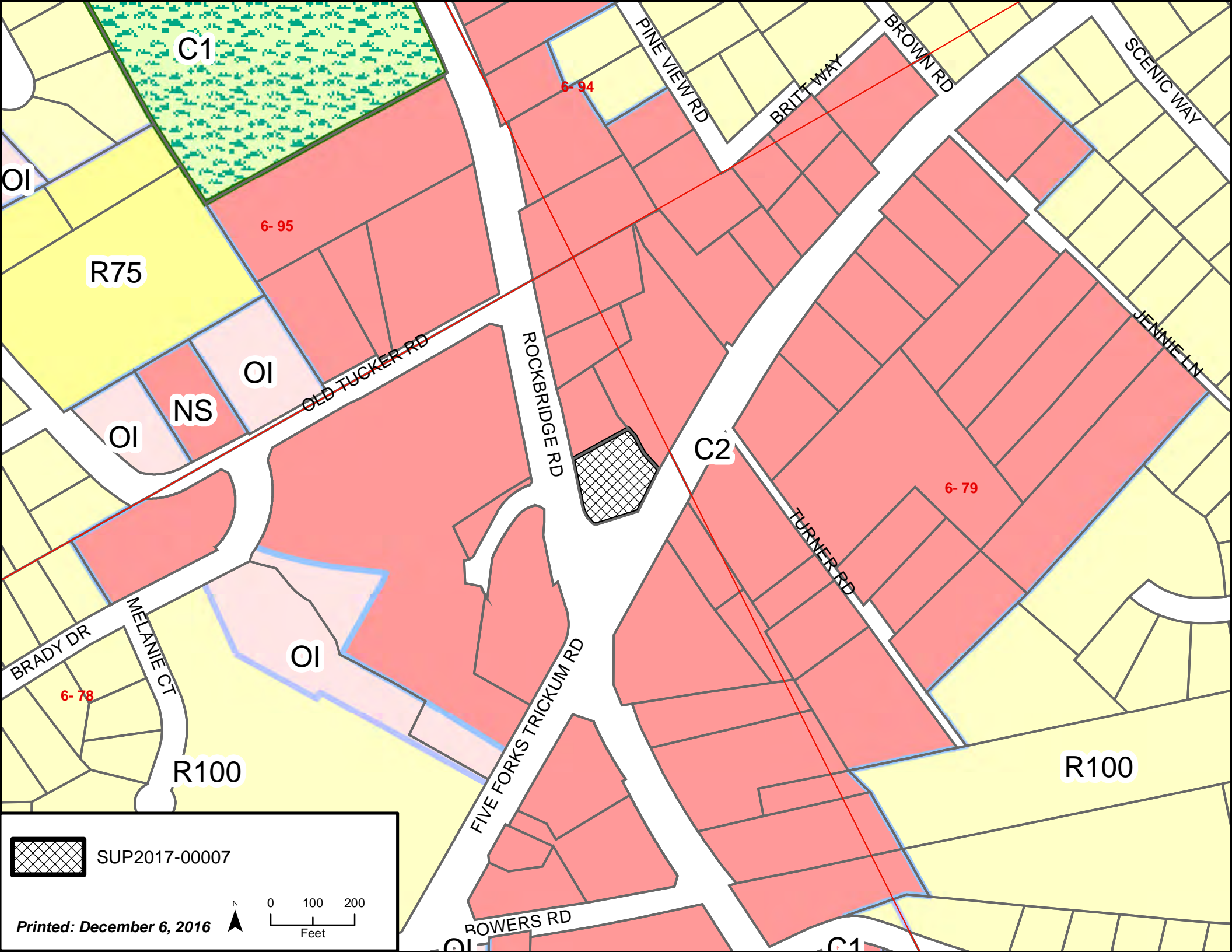
TURNER RD

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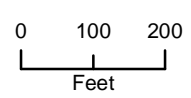
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Printed: December 6, 2016

ROWERS RD

C1

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

CASE NUMBER :**SUP2017-00008**  
ZONING :RA-200  
LOCATION :3000 BLOCK OF INDIAN SHOALS ROAD  
MAP NUMBER :R5325 001  
ACREAGE :0.94 ACRE  
SQUARE FEET :1,568 SQUARE FEET  
PROPOSED DEVELOPMENT :MOBILE HOME  
COMMISSION DISTRICT :(3) HUNTER

FUTURE DEVELOPMENT MAP: **RURAL/ESTATES AREA**

APPLICANT: MARIA E. DIAZ  
3058 INDIAN SHOALS ROAD  
DACULA, GA 30019

CONTACT: ORLANDO DIAZ                      PHONE: 770.480.4172

OWNER: MARIA E. DIAZ  
3058 INDIAN SHOALS ROAD  
DACULA, GA 30019

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests a Special Use Permit for the placement of a permanent mobile home on a vacant 0.94-acre parcel, zoned RA-200 (Agriculture-Residence District). The subject property is located on the north side of Indian Shoals Road, between Jones Phillips Road and Bold Springs Road.

The applicant intends to place a 1,559 square foot mobile home on the property. The mobile home would be located approximately 97-feet off Indian Shoals Road, and would be accessed by an existing gravel driveway as reflected on the site plan.

**ZONING HISTORY:**

The subject property has been zoned RA-200 since 1970. In 1984, a similar request to allow a mobile home on the property was denied by the Gwinnett County Board of Commissioners, pursuant to RZ-84-189.

**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:

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

A minimum of 50-foot building setback is required from the right-of-way of Indian Shoals Road.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Indian Shoals 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 a 12-inch water main located on the northwest right-of-way of Indian Shoals 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 226 feet east of parcel R5325 001 in

the right-of-way of Holden Spring Drive and an eight-inch sanitary sewer main located approximately 214 feet north of parcel R5325 001 in the right-of-way of Holden Spring Court.

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

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

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

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

#### BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

I. The applicant shall obtain a residential building permit for the proposed premanufactured home 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 property is a vacant 0.94-acre parcel located on the north side of Indian Shoals Road, between Jones Phillips Road and Bold Springs Road.

The 2030 Unified Plan Future Development Map indicates that the property lies within a Rural/Estates Area. The immediate area is characterized with single-family subdivisions zoned

R-100 Modified, and homes on large lots zoned RA-200. Although the applicant proposes a residential use, policies of the 2030 Unified Plan require residential infill development be consistent or compatible in style and scale with surrounding residential uses in an area. Introduction of a mobile home on the property would not be compatible with the development pattern of the immediate area and considered inconsistent with the policies of the 2030 Unified Plan.

Homes on large estate lots and Board approved single-family subdivisions characterize the surrounding area. Immediately adjacent to the north and east of the property is the Providence single-family subdivision zoned R-100 Modified (RZR2004-00036 & SUP2004-00067). To the south and west is the Shady Creek Estates single-family subdivision zoned R-100 Modified (CIC2014-00011) currently in the initial phases of development. Also, to the south, across Indian Shoals Road is an undeveloped R-100 Modified single-family subdivision (RZR2004-00037 and SUP2004-00066). Additionally, the presence of mobile homes does exist in the general vicinity of the subject property. However, the Board approved the majority of such requests on a temporary basis, and those approvals on permanent basis limited occupancy to the applicant, property owner, or members of the property owner's family. A mobile home on a permanent basis would not be appropriate at this location. A suitable alternative would be to construct a single-family residence on the subject property, as it would be consistent with the existing single-family homes and subdivisions in the immediate area.

In conclusion, approval of a Special Use Permit for a permanent mobile home would not be suitable at this location, as it would be inconsistent with the policies of the 2030 Unified Plan and the precedent established by the Board for future single-family development in the immediate 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 of a Special Use Permit for a mobile home (permanent), subject to the following enumerated conditions:

1. Limited to one permanent mobile home.
2. The occupancy of the mobile home shall be limited to the applicant and/or members of the applicant's family.
3. The mobile home shall be placed on its own lot.
4. The mobile home shall be a multi-section structure (double-wide or greater). Any wheels or axles shall be removed, and the home shall be installed with tie-downs and skirting on all sides. Skirting shall be constructed of brick or stacked stone. Final elevations and materials shall be submitted for review and approval by the Director of Planning and Development.
5. Submit plans to Gwinnett County Environmental Health Department for review and approval of the septic system.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed permanent mobile home is not suitable in view of the development of adjacent and nearby properties. The Board has approved a few requests for mobile homes in the immediate area. However, the majority of the requests were for temporary placement of a mobile home on the property during the construction of a site built home.

ADVERSE IMPACTS

The proposed mobile home may have adverse impacts on the character of the surrounding area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as zoned.

IMPACT ON PUBLIC FACILITIES

The proposed request would result in minimal impacts on public facilities.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the property lies within a Rural Estate Character Area. Encouraged uses for this character area include estate lot residential development. A mobile home placed on the subject property would be counter to the emphasis of the 2030 Unified Plan.

CONDITIONS AFFECTING ZONING

In light of the subject property, surrounded by Board approved single-family developments; a permanent mobile home would be contrary to the precedent established by the Board for future development in the immediate 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

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

NO

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

yes

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

NO

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

yes

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

NO

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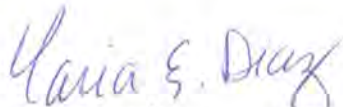
Planning & Development

Nov. 11,2016

# Letter of Intent

To Whom This May Concern:

I Maria E. Diaz want to put a modular double wide trailer home on my lot located at 3058 Indian Sholas Road, Dacula, GA 30019. Attached is a copy of the home I want to place at my lot. I have bought this land to have my home and I choose for it to be this modular home that looks like a built home and plan to build a back porch later at a future date.

  
Sincerely,

Maria E. Diaz

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Planning & Development

SUP '17 008

*Are you looking for a professionally designed manufactured home at an aggressive package price? The Schult Patriot Manufactured Home may be the home for you!*

1559 Sq. Ft. – 3 Bedrooms / 2 Bathrooms

Now available, the Schult Patriot Manufactured Home. Buyers will fall in love with this impressive manufactured home. This home is professionally designed and manufactured by Schult Homes of Redwood Falls, Minnesota. Manufactured home buyers will LOVE the modern features in this 3 bedroom & 2 bathroom home. This modern 1559 square foot home is offered as you see with only a few options you can change. An end entry floor plan is available. Like this home, but looking for a modular? Ask us about the [modular home option](#). **This home is now on display at our location in Hutchinson, Minnesota.**

### Standard Features in the Schult Patriot Manufactured Home

### Options Available in the Schult Patriot Manufactured Home

- ▶ R22 Floor Insulation
- ▶ R 21 Wall Insulation
- ▶ R45 Roof Insulation
- ▶ 30" Deluxe Gas Range in place of electric
- ▶ 40 gallon gas water heater in place of standard
- ▶ 2nd Conduit through floor

### Home Details

Model Name: Patriot

Square Feet: 1559

Model Number: 5628-Patriot

Bedrooms: 3

Floor Plan: Ramber

Bathrooms: 2

Manufacturer: Schult Homes

Dimensions: 28' x 56'

### Additional Features:

Barn Door, Pocket Door, Entertainment Center, White Interior Doors

**Floor Plans** Development

SUP '17 00 8



**EXCELSIOR**  
 HOMES WEST, INC.  
 of Hutchinson - [excelsiorhomesinc.com](http://excelsiorhomesinc.com)

**THE PATRIOT**

1,559 SQ. FT. • 3 BEDS / 2 BATHS • 28X56

**SCHULT**  
 REDWOOD FALLS



**INTERIOR FEATURES**



- GRANITE KITCHEN ISLAND ◀
- SOLID WOOD CABINET DOORS ◀
- LUXURY WALK-IN TILE SHOWER ◀
- FREE STANDING OVAL TUB ◀
- STYLISH BARN DOOR & POCKET DOOR ◀

# THE PATRIOT

3 Beds - 2 Baths | 1475 Sq. Ft. | 56' x 28' Multi Section

★  
GRANITE ISLAND



★  
CRAFT AREA



## Interior Features

- Granite Kitchen Island
- Solid Wood Cabinet Doors
- Luxury Walk-in Tile Shower
- Free Standing Oval Tub
- Stylish Barn Door & Pocket Door

★  
FREESTANDING OVAL TUB



★  
STYLISH BARN DOOR



Supporting

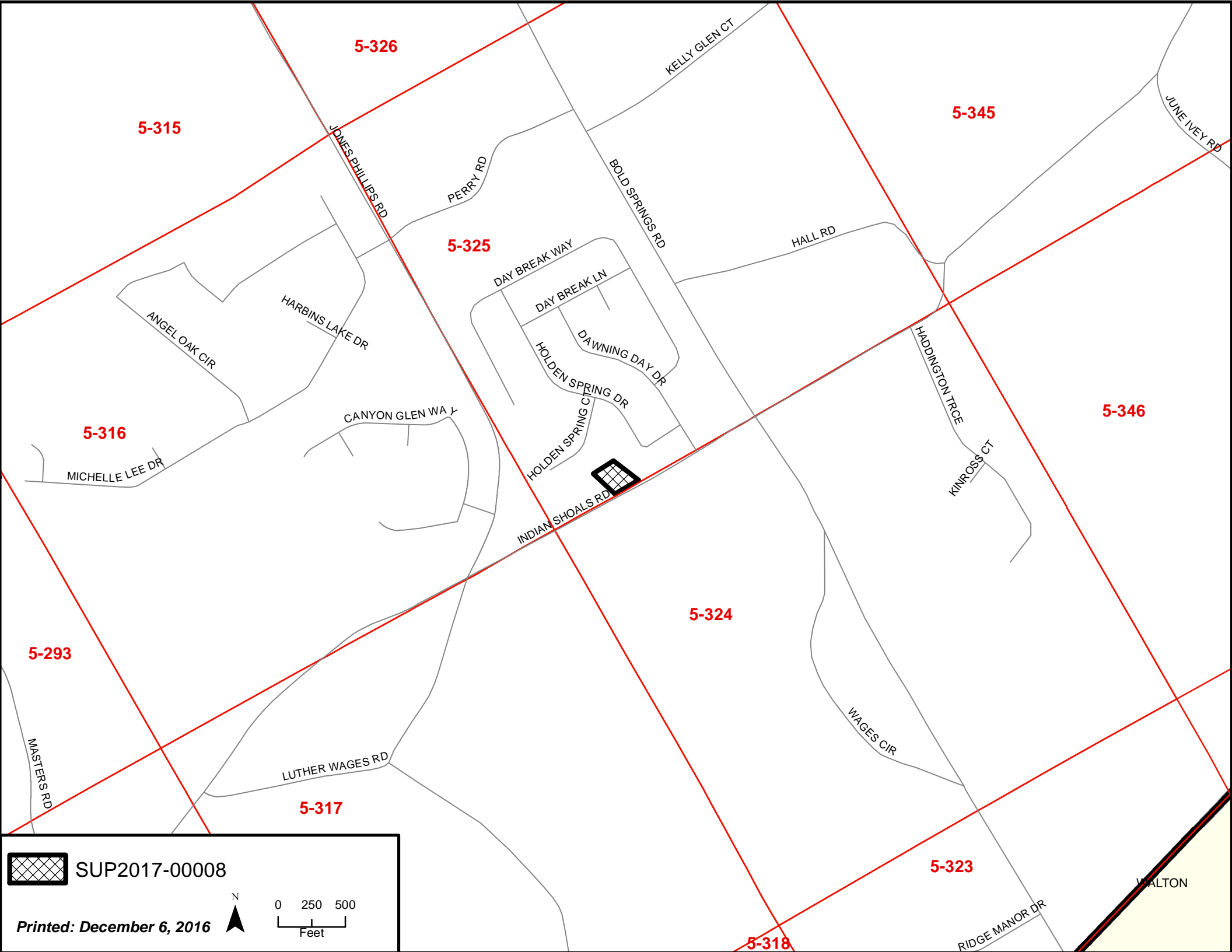


★  
ENTERTAINMENT CENTER



## Also Including

- Great Access to Outdoors
- Pendant Lighting
- Tile Backsplash
- Craft Area
- All-Metal Faucets



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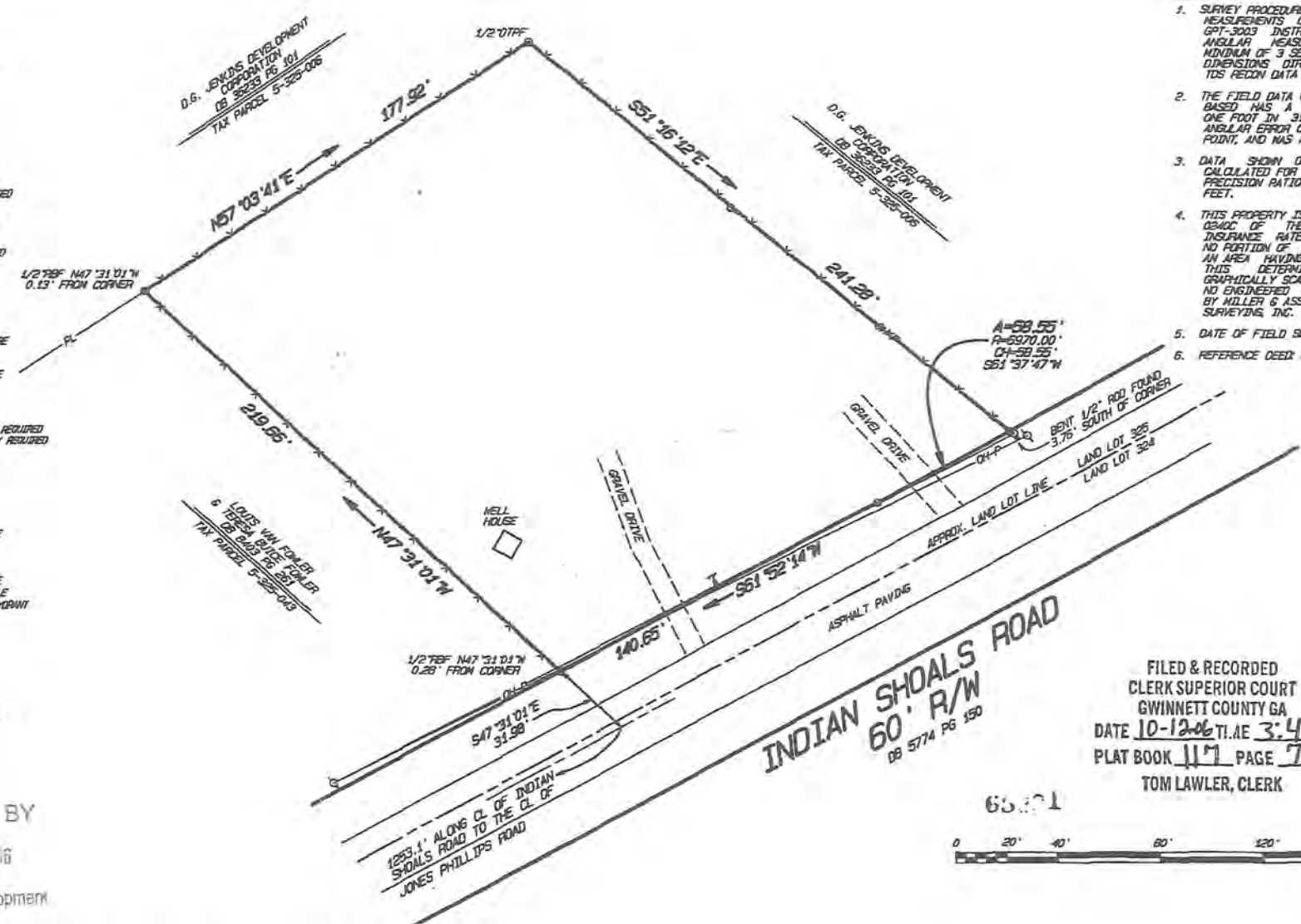
WALTON

**LEGEND:**

- BL - BUILDING LINE
- BM - BENCH MARK
- CB - CATCH BASIN
- CE - CONSTRUCTION EASEMENT
- CL - CENTER LINE
- CM - CONCRETE MONUMENT FOUND
- CP - CORRUGATED METAL PIPE
- CT - CRIMP TOP TUBE FOUND
- DB - DEED BOOK
- DE - DRAINAGE EASEMENT
- DI - DRAIN INLET
- EL - ELEVATION
- FES - FINISHED END SECTION
- FTE - FINISHED FLOOR ELEVATION
- FH - FIRE HYDRANT
- FIRM - FLOOD INSURANCE RATE MAP
- HL - HOUSE LOCATION PLAN REQUIRED
- HN - HEAD HULL
- HML - 100 YEAR HIGH WATER LEVEL
- IE - INVERT ELEVATION
- IPS - ONE-HALF INCH R-SHA SET
- IF - INTERMEDIATE RESIDENTIAL FLOOD
- JB - JUNCTION BOX
- LL - LAND LOT LINE
- NY - NINETY
- OH - OVERHEAD
- OTPF - OPEN TOP PIPE FOUND
- PB - PLAT BOOK
- PC - POINT OF CURVATURE
- PCO - POINT OF COMPOUND CURVATURE
- PI - POINT OF INTERSECTION
- PL - PROPERTY LINE
- PRC - POINT OF REVERSE CURVATURE
- PT - POINT OF TANGENCY
- R - RADIUS
- RFP - REINFORCED CONCRETE PIPE FOUND
- RFP - REINFORCED CONCRETE PIPE
- RDP - RESIDENTIAL DRAINAGE PLAN REQUIRED
- RDS - RESIDENTIAL DRAINAGE STUDY REQUIRED
- R/W - RIGHT-OF-WAY
- SSE - SANITARY SEWER EASEMENT
- SSRI - SANITARY SEWER HANGAR
- TH - TEST HOLE
- US - UNDERGROUND
- WM - WATER METER
- WV - WATER VALVE
- W-L - WIRE LINE & POLE
- W-L - WIRE LINE
- W-L - WIRE LINE & POLE
- W-L - WIRE LINE & HANGAR
- W-L - TELEPHONE LINE & POLE
- W-L - WATER LINE & FIRE HYDRANT

**NOTES:**

1. SURVEY PROCEDURES: THIS SURVEY BASED ON MEASUREMENTS OBTAINED USING AN TOPCON GPT-5003 INSTRUMENT CAPABLE OF READING ANGULAR MEASUREMENTS DIRECTLY TO A MINIMUM OF 3 SECONDS OF ARC AND LINEAR DIMENSIONS DIRECTLY TO 0.01 FEET AND A TDS RECORD DATA COLLECTOR.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A MINIMUM PRECISION RATIO OF ONE FOOT IN 31,419 FEET, AND AN AVERAGE ANGULAR ERROR OF 2.0 SECONDS PER ANGLE POINT, AND WAS ADJUSTED BY LEAST SQUARES.
3. DATA SHOWN ON THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS A MINIMUM PRECISION RATIO OF 1 FOOT IN 110,643 FEET.
4. THIS PROPERTY IS LOCATED ON PANEL 130322 DEADC OF THE FEMA OFFICIAL FLOOD INSURANCE RATE MAP DATED MAY 4, 1992 AND NO PORTION OF THIS PROPERTY LIES WITHIN AN AREA HAVING SPECIAL FLOOD HAZARDS. THIS DETERMINATION WAS MADE BY GRAPHICALLY SCALING ABOVE SAID FLOOD MAP. NO ENGINEERED FLOOD STUDY WAS PERFORMED BY MILLER & ASSOCIATES PROFESSIONAL LAND SURVEYING, INC.
5. DATE OF FIELD SURVEY: SEPT. 11, 2006.
6. REFERENCE DEED DB 11914 PG 84



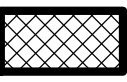
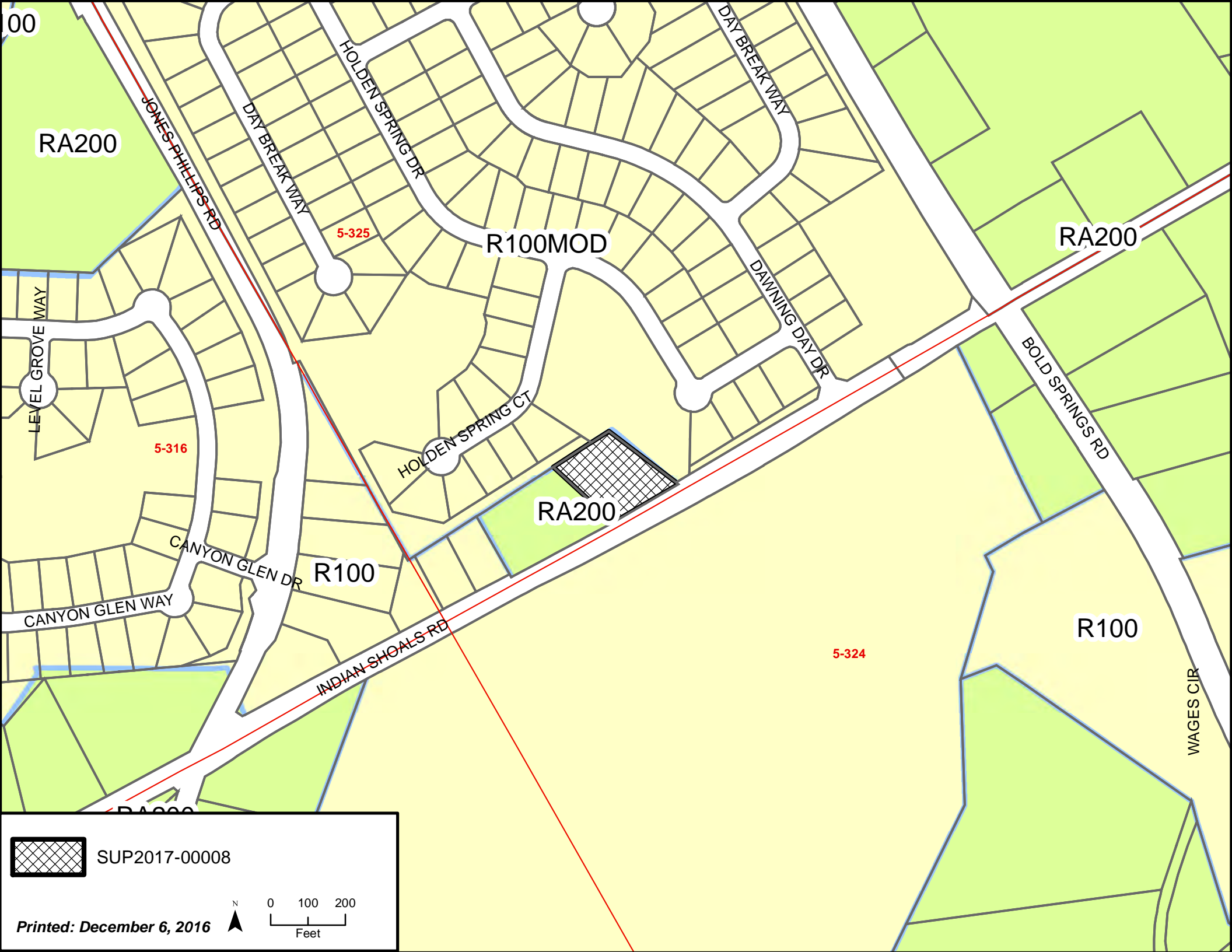
FILED & RECORDED  
 CLERK SUPERIOR COURT  
 GWINNETT COUNTY GA  
 DATE 10-12-06 TIME 3:47 p.m.  
 PLAT BOOK 117 PAGE 76  
 TOM LAWLER, CLERK



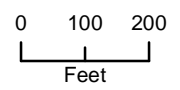
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LAND LOT 325	OF THE	5TH DISTRICT	DATE: SEPT. 12, 2006
GWINNETT COUNTY, GEORGIA		0.9422 ACRES	SCALE: 1"=40'

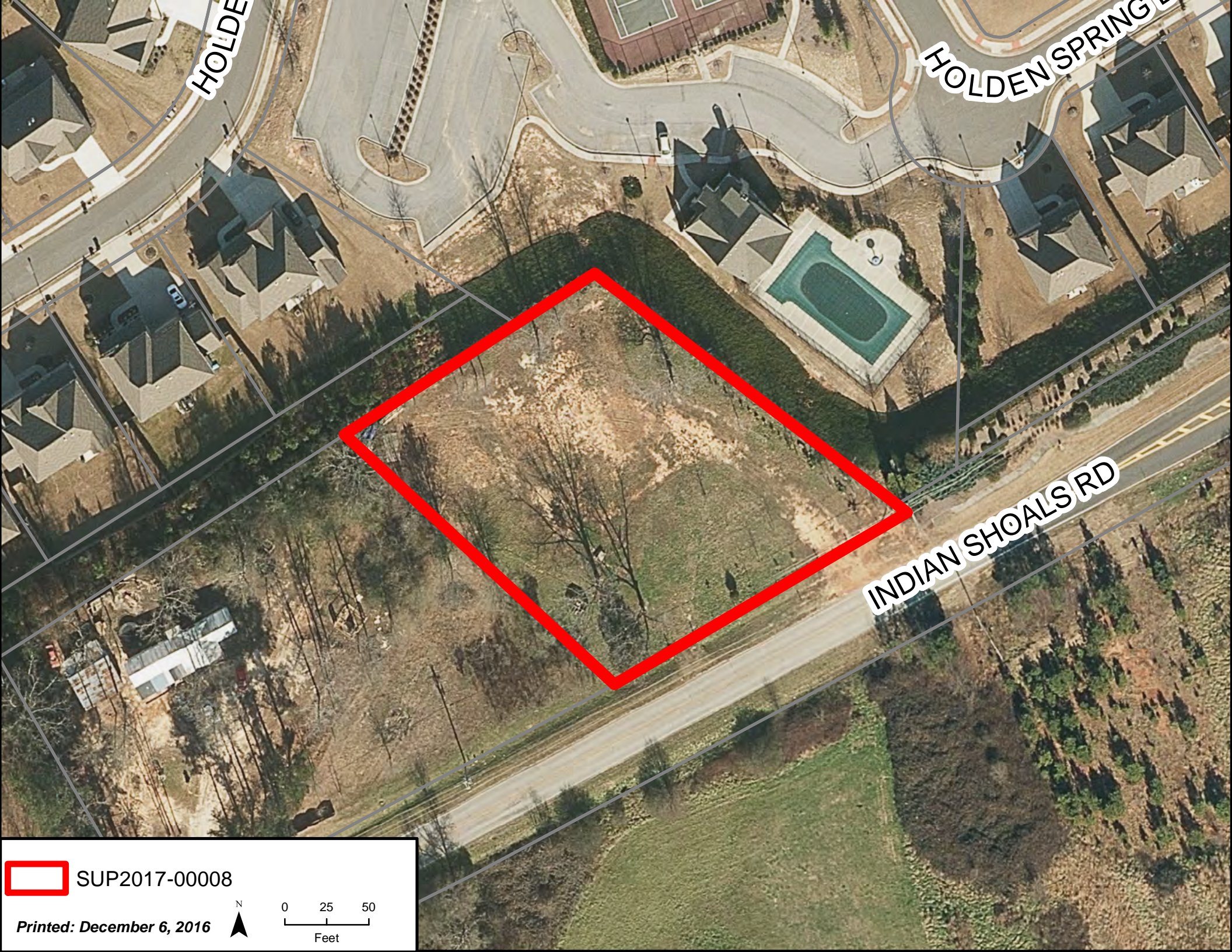


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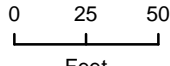
HOLDEN SPRING

INDIAN SHOALS RD

 SUP2017-00008

Printed: December 6, 2016

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

CASE NUMBER	: <b>SUP2017-00009</b>
ZONING	:C-2
LOCATION	:3400 BLOCK OF PALMER DRIVE :600 BLOCK OF MIDWAY ROAD
MAP NUMBER	:R5126 010
ACREAGE	:1.93 ACRES
SQUARE FEET	:3,750 SQUARE FEET
PROPOSED DEVELOPMENT	:MOTORCYCLE SALES/SERVICE
COMMISSION DISTRICT	:(3) HUNTER

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

APPLICANT: PROLINE MOTORSPORTS, INC.  
3476 PALMER DRIVE, BLDG. B-100  
LOGANVILLE, GA 30052

CONTACT: ANGELY SMITH                      PHONE: 404.914.5035

OWNER: ABATECH HOLDINGS, LLC  
3476 PALMER DRIVE, BLDG. A  
LOGANVILLE, GA 30052

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Special Use Permit (SUP) to allow for a motorcycle sales and service business on a developed lot, zoned C-2 (General Business District). The 1.93-acre property contains two existing buildings, located on the east side of Palmer Drive, north of its intersection with Midway Road.

The proposed business is to occupy 3,750 square feet of an existing 7,701 square foot building at the back of the property. No modifications are proposed to the site or buildings, and there is one existing curb cut off Palmer Drive providing access to the site and existing onsite parking. The southern portion of the property contains a dry extended detention pond per project plans, and the property is enclosed by chain link fencing. The property currently is approved for automobile service and repair and has been used as such, but a condition of the property prohibits the sale of automobiles.

**ZONING HISTORY:**

In 1970, the subject property was zoned RA-200 (Agriculture-Residence District). In 1973, the subject property was rezoned to R-100 (Single Family Residence District) through an areawide rezoning. In 2002, the subject property was rezoned to C-2, pursuant to RZC-02-012. In 2004, a Change in Conditions was approved to reduce a landscape buffer requirement from 75 feet to 10 feet (CIC2004-00001). A second Change in Conditions request was approved in 2005 to allow for automobile service on multiple properties including the subject property (CIC2005-00020).

**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:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

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

Palmer Drive is a Local Residential Street 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 a 12-inch water main located on the southwest right-of-way of Palmer Drive and a two-inch water main located on the southwest right-of-way of Midway Road.

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located approximately 11 feet west of parcel R5126 010 in the right-of-way of Palmer Drive and an eight-inch sanitary sewer main located approximately nine-feet south of parcel R5126 010 in the right-of-way of Midway Road.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

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

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

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The subject property is located on the east side of Palmer Drive, north of its intersection with Midway Road. The applicant seeks a SUP for motorcycle service and sales on the currently developed lot zoned C-2. The property consists of two buildings, with the proposed business occupying 3,750 square feet of a 7,701 square foot existing warehouse building at the back of the property, and with no modifications proposed to the site or the other 6,681 square foot office building at the front.

The 2030 Unified Plan Future Development Map indicates that the site is located within the Corridor Mixed Use Character Area extending along the Athens Highway corridor. This character area supports a variety of commercial uses if located at appropriate intersections along commercial corridors. The proposed motorcycle service could be compatible with the similar commercial and industrial uses in the area. Adjacent and nearby uses have been approved for automotive repair and uses, and the subject property is approved for automobile

repair and a General Contractor's office occupies one of the offices in the front building. For these reasons, the use could be compatible with recommendations of the character area.

The surrounding area is a mix of non-residential to the north, which is zoned C-2, and west, which is zoned M-1 (Light Industry District), and with multiple large lot residential properties to the east and south that are zoned R-100. The property directly north of the subject property was once approved for a home-based upholstery business, but does not have a current business license. The C-2 properties to the northwest are approved for automobile service and body repair, and currently contain a collision center, auto repair shop, and a restaurant (American Tavern). The properties to the west that are zoned M-1 were approved in 2007 for a service and retail business park, but no development of the site has occurred. The adjacent residential properties are developed with single-family residence, many of which are protected by trees and significant foliage, which works as a buffer between the residential and non-residential properties. Based upon the existing approvals in the area, the previous use of the property for automobile repair, and minimal changes to the site needed for the proposed use, the request for motorcycle service and sales could be consistent and compatible with the existing and anticipated uses for this area.

In conclusion, if properly conditioned, the requested Special Use permit for motorcycle service and sales could be consistent with the policies of the 2030 Unified Plan and compatible with uses located in the area. Therefore, the Department recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT  
RECOMMENDED CONDITIONS

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

1. Retail, service-commercial, office and accessory uses, which may include motorcycle service and sales as a special use.
2. No new service bay doors may face Palmer Drive or residential properties to the north and east.
3. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the cabinet shall be fully surrounded by the same materials. Ground sign(s) shall not exceed eight feet in height.
4. Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white, earth tone) background colors for the sign cabinet.
5. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
6. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
7. Outdoor storage shall be allowed. Motorcycles awaiting repair or parked for more than 24-hours shall be enclosed in a holding area screened by an opaque fence.
8. Peddlers and/or parking lot sales shall be prohibited.
9. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
10. Abide by all applicable conditions of CIC-05-020.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed use would be suitable at this location as there are multiple similar uses on adjoining properties, and the site was previously approved for automobile service.

ADVERSE IMPACTS

With the recommended conditions, potential adverse impacts on adjacent and nearby properties from the proposed motorcycle service and sales could be reduced.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

An increase in traffic and utility demand could be anticipated from the proposed use.

CONFORMITY WITH POLICIES

The request for motorcycle service and sales could be compatible with the policies and intent of the 2030 Unified Plan and Future Development Map which provides for a variety of commercial uses in designated commercial areas within the Mixed-Use Corridor character area.

CONDITIONS AFFECTING ZONING

The site has been established and prepared for use as a commercial development within an area that contains other similar types of businesses. The use of the property for motorcycle service and sales may be no more impactful than the previous use for automobile service.

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

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

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

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

YES

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

NO

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

YES

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

NO

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

YES

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

THERE ARE CURRENTLY SIMILAR BUSINESSES (VEHICLE REPAIRS, BODY SHOPS ETC) IN NEIGHBORING LOCATIONS. OUR OPERATIONS WILL FIT WITH THE CURRENT ENVIRONMENT.



# Proline Motorsports

3476 Palmer Drive. Bldg. #100B  
Loganville, GA 30052

Nov./29<sup>th</sup>/2016

## LETTER OF INTENT for special use permit.

To whom it may concern;

I am hereby requesting a permit for special use for my business (Proline Motorsports). The location of the property is: 3476 Palmer Drive. Bldg-B#100. Loganville GA 30052. Land lot/Parcel Numbers: R5126 010 with a total acreage size of 1.94

- The nature of our operations will be motorcycle repairs/services and sales. Our activities are low key in nature and based on past history, there won't be a violation of noise and other Gwinnett county ordinances
- Our operating hours will be between the hours of 10:00am and 7:00pm. Tuesday through Friday and 10am through 5:00pm on Saturday.
- Zoning classification requested is still C-2
- The density of the gross square footage of building proposed leased space is 3,750SF
- There are 44 pre-existing parking spaces available
- The height of the building is approximately 17-20 feet
- Major nearby highway is HWY 78/Athens HWY
- There are no requested changes in buffers

Sincerely;

  
\_\_\_\_\_  
Jim East. (President/Owner- Proline Motorsports)

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DEC 01 2016  
Planning & Development

CASE NUMBER CIC-05-020

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

---

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from

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

by DANNY HERRMANN for the proposed

use of AUTOMOBILE BODY REPAIR SHOP 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 OCTOBER 25, 2005 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 25TH day of OCTOBER, 2005, that the aforesaid application to amend the Official Zoning Map from C-2 to C-2 (CHANGE IN CONDITIONS) is hereby APPROVED subject to the following enumerated conditions:

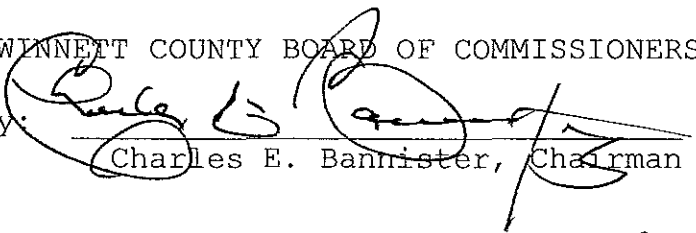
1. To restrict the use of the property as follows:
  - A. Retail and service commercial and accessory uses which may include auto body repair as a Special Use.
  - B. The sale of automobiles shall be prohibited. Outdoor automotive repair, or outdoor storage of parts, tires, junked vehicles or other materials is prohibited.
2. To satisfy the following site development considerations:
  - A. Provide landscape strips adjacent to residential zoning. A 10-foot wide landscape strip shall be provided adjacent to the Palmer property (R5126 001A). A 15-foot wide landscaped buffer shall be provided adjacent to the Causey property (R5126 001), planted with a double staggered row of Leyland Cypress minimum of 6-feet in height at time of planting on 10-foot centers and supplemented with a 6-foot high vinyl coated chain link fence with slats located on the interior of the buffer.

- B. No more than two exits/entrances on U.S. 78.
- C. No billboards are permitted.
- D. Dumpsters shall be screened by an opaque brick wall at least six feet in height and dumpster pickup shall be limited to between the hours of 7:00 a.m. and 7:00 p.m.
- E. No outdoor storage shall be allowed. Automobiles awaiting repair or parked for more than 24-hours, shall be enclosed in a holding area screened by opaque fence.
- F. Interparcel access shall be provided throughout the development.
- G. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent residential properties.
- H. Buildings shall be finished with architectural treatments of glass and/or brick, stone, or stucco on all sides; architectural plans shall be subject to review and approval of the Planning Director prior to issuance of a building permit.
- I. Provide five-foot wide landscaped strips adjacent to all internal property lines.
- J. Natural vegetation shall remain on the property until the issuance of a development permit.
- K. No banners, streamers or roping decorated with flags tinsel, or other similar materials shall be displayed, hung or strung on the site.
- L. No overnight idling of trucks or refrigeration equipment allowed.
- M. Access to Midway Road shall be prohibited.

3. To abide by the following requirements, dedications and improvements:
- A. Design required on-site storm water detention facilities such that they are not located within any required buffers.
  - B. Coordinate with Georgia Department of Transportation regarding access to Athens Highway.
  - C. No access allowed to Palmer Drive. If access is granted, pave and improve Palmer Drive its entire length.

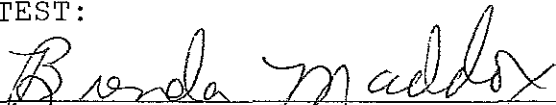
GWINNETT COUNTY BOARD OF COMMISSIONERS

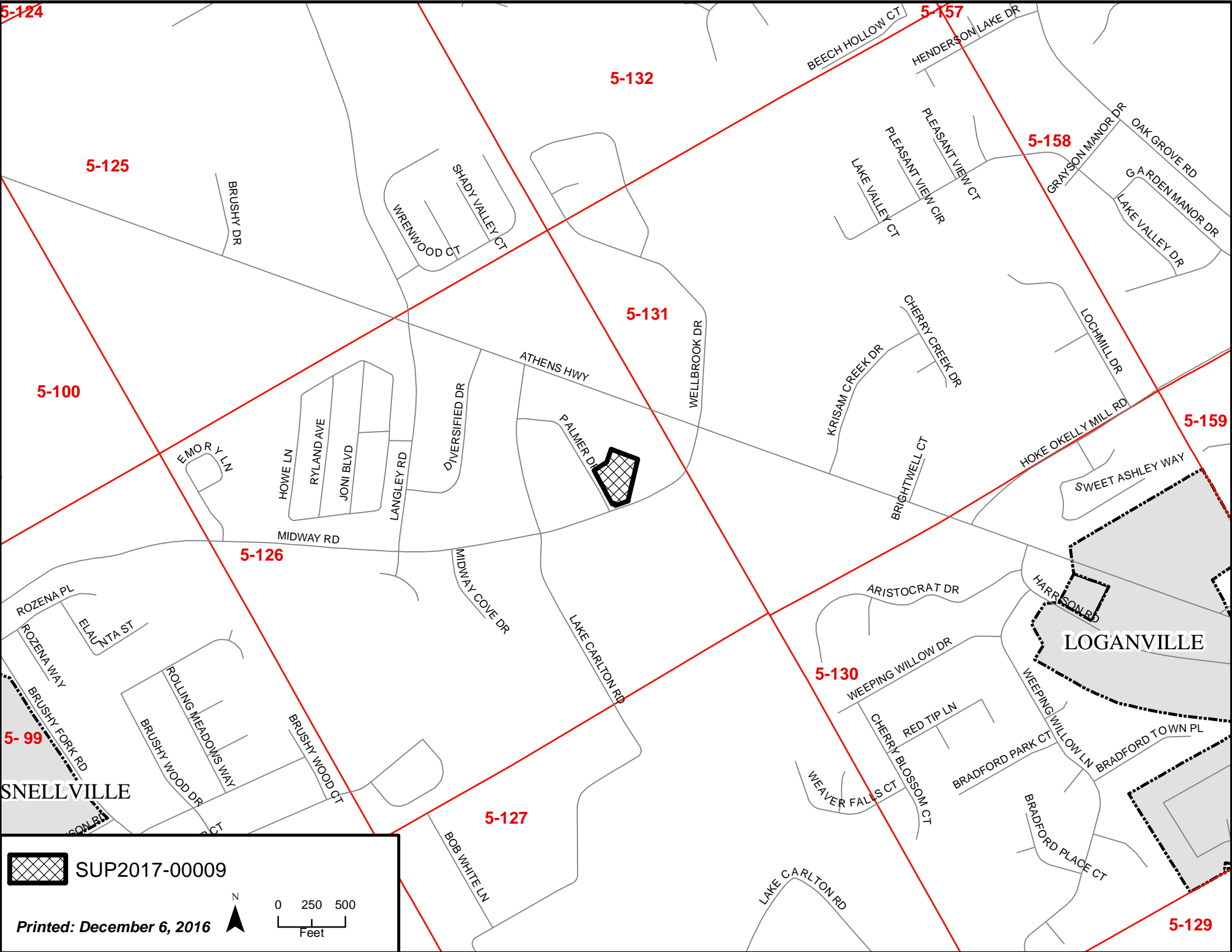
By:


  
Charles E. Bannister, Chairman

Date Signed: Nov. 18, 2005

ATTEST:

  
County Clerk/Deputy County Clerk



 SUP2017-00009



0 250 500  
Feet

Printed: December 6, 2016

**SIGHT DISTANCE CERTIFICATION**

I, THE UNDERSIGNED, HEREBY CERTIFY THE SIGHT DISTANCE FOR THE PROJECT IS DESIGNED WITH ADEQUATE DISTANCE. THE REGULATED SPEED LIMIT ON THE APPROACHING THOROUGHFARE IS 25 MPH. THE DESIGNED SIGHT DISTANCE PROVIDES VISIBILITY OF 200 FT TO THE LEFT AND 200 FT TO THE RIGHT. THE SIGHT DISTANCE SHALL BE MEASURED FROM A POINT OF 15 FT FROM THE EDGE OF PAVEMENT AND 3.5 FT. IN HEIGHT ABOVE THE ROADWAY.



**PAVEMENT LEGEND**

- CONCRETE FINISH AT ENTRANCES PER CONNETT CO. TYPE 1 PAVEMENT
- STANDARD DUTY PAVEMENT TYPE 2 PAVEMENT

**LEGEND FOR PROPOSED IMPROVEMENTS**

- PROPOSED BUILDING
- PROPOSED 24" CURB AND GUTTER
- PROPOSED PARKING SPACES
- TRAFFIC ARROW

**PAINT STRIPING LEGEND**

- SM/SL/ST - SINGLE WHITE SOLID LINE / 5" WIDE
- SM/SL/ST - SINGLE WHITE SOLID LINE / 4" WIDE
- SM/SL/ST - SINGLE YELLOW SOLID LINE / 4" WIDE EACH
- SM/SL/ST - DOUBLE YELLOW SOLID LINE / 4" WIDE EACH
- SM/SL/ST - DOUBLE YELLOW SOLID LINE / 5" WIDE EACH
- SM/SL/ST - SINGLE WHITE DASHED LINE / 4" WIDE
- SM/SL/ST - SINGLE WHITE SOLID LINE / 24" WIDE

**SITE PLAN KEYED NOTES**

- AREA STRIPPED WITH SM/SL/ST @ 40' AT 3'-0" O.C.
- ADJACENT PARKING SPACE TYPICAL. SEE DETAIL SHEET FOR ACCESSIBLE PARKING SPACE SIZE, SIGN AND SYMBOL. (VANS INDICATED VIA ACCESSIBLE SPACES)
- ACCESSIBLE RAMP. SEE DETAIL SHEET
- 24" CONCRETE CURB AND GUTTER TYPICAL. SEE DETAIL SHEET
- PAINTED DIRECTIONAL ARROW (TYPICAL). SEE DETAIL SHEET
- CONCRETE SWAMPERS PAD WITH ENCLOSURE. REFER TO SHEET D-3 FOR SWAMPERS ENCLOSURE DETAILS.
- EX 5' WIDE CONCRETE SIDEWALK
- TAPER PROPOSED CURB FROM FULL HEIGHT TO 4 INCHES OVER 4 FEET
- 80-1 "STOP" SIGN
- EX 7" WIDE CONCRETE FLUTE
- EX-1 "NO LEFT TURN" SIGN
- EX CURB
- FRASCAP SIGN. SEE DETAIL SHEET
- 6" WIDE CONCRETE SIDEWALK

**A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP FROM C-2 TO C-2 (CHANGE IN CONDITIONS)**

CASE NO. 00-24-001, APPROVED JANUARY 27, 2004, SUBJECT TO THE FOLLOWING CHANGED CONDITIONS:

- TO RESTRICT THE USE OF THE PROPERTY AS FOLLOWING:
  - 1. RETAIL AND SERVICE COMMERCIAL AND ACCESSORY USES.
- TO SATISFY THE FOLLOWING SITE DEVELOPMENT CONSIDERATIONS:

- PROVIDE LANDSCAPE STRIPS ADJACENT TO RESIDENTIAL ZONING. A 10-FOOT WIDE LANDSCAPE STRIP SHALL BE PROVIDED ADJACENT TO THE PALMER PROPERTY (STATUS SIGN) A 15-FOOT WIDE LANDSCAPED BUFFER SHALL BE PROVIDED WITH DOUBLE STAGGERED ROW OF LEAVY CONIFER SHRUBS OF SUITABLE HEIGHT AT TIME OF PLANTING ON 10-FOOT CENTER AND SUPPLEMENTED WITH 8-FOOT HIGH WOOD GRADED GRANITE LINE FENCE WITH SLATS LOCATED ON THE INTERIOR OF THE BUFFER.
- NO MORE THAN TWO ENTRANCES ON U.S. 78.
- NO BILLBOARDS ARE PERMITTED.
- SWAMPERS SHALL BE SCREENED BY AN opaque BRICK WALL AT LEAST SIX FEET IN HEIGHT AND SWAMPERS PROXIMITY SHALL BE LIMITED TO BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M.
- NO OUTDOOR STORAGE SHALL BE ALLOWED.
- INTERFERED ACCESS SHALL BE PROVIDED THROUGHOUT THE DEVELOPMENT.
- LIGHTING SHALL BE CONTAINED IN OUT-OF-THE-LINE AREAS AND SHALL BE DIRECTED IN TOWARD THE PROPERTY SO AS NOT TO REFLECT INTO ADJACENT RESIDENTIAL PROPERTIES.
- THE FRONT FACADES OF BUILDINGS SHALL BE FINISHED WITH ARCHITECTURAL TREATMENTS OF GLASS AND/OR BRICK, STONE, OR STUCCO. ARCHITECTURAL PLANS SHALL BE SUBJECT TO REVIEW AND APPROVAL OF THE PLANNING DIRECTOR PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- PROVIDE FIVE FOOT WIDE LANDSCAPE STRIPS ADJACENT TO ALL INTERIOR PROPERTY LINES.
- NATURAL VEGETATION SHALL REMAIN ON THE PROPERTY UNTIL THE SERVICE SIGN IS IN PLACE.
- NO BANNERS, SIGNAGES OR MARKS DECORATED WITH FLAME, TIGER, OR OTHER SIMILAR MATERIALS SHALL BE DISPLAYED, HUNG OR STRUNG ON THE SITE.
- NO OVERSIGHT BLINDS OF TRUCKS OR RECREATION EQUIPMENT ALLOWED.
- ACCESS TO HIGHWAY ROAD SHALL BE PROHIBITED.
- ACCESS BY THE FOLLOWING REQUIREMENTS, REVISIONS AND IMPROVEMENTS:
  - A. DESIGN REQUIRED ON-SITE STORM WATER DETENTION FACILITY THAT THEY ARE NOT LOCATED WITHIN ANY REQUIRED BUFFERS.
  - B. COORDINATE WITH GEORGIA DEPARTMENT OF TRANSPORTATION REGARDING ACCESS TO ATHENS HIGHWAY.
  - C. NO ACCESS ALLOWED TO PALMER DRIVE. IF ACCESS IS SHOWN, FIVE-FOOT IMPROVE PALMER DRIVE TO USDA LENGTH.
  - D. AUTOMOBILE USES SHALL BE PROHIBITED.

- NOTE:
  - 1. SIDEWALKS ARE NOT ALLOWED WITHIN SIX FEET FROM THE EDGE OF ROAD, WHICH CURB AND GUTTER AND ANY NECESSARY DRAINAGE STRUCTURES.
  - 2. PARKING LOTS SHALL BE MAINTAINED IN GOOD CONDITION, FREE OF POTHOLES, WEEDS, DIRT TRACK, AND OTHER.

**SITE ANALYSIS (TRACT 4)**

OFFICE PARKING	14,000 S.F.
MINIMUM PROVIDED	28 SPACES
MAXIMUM PROVIDED	62 SPACES
AREA ZONING	44 SPACES
	1.94 AC, C-2

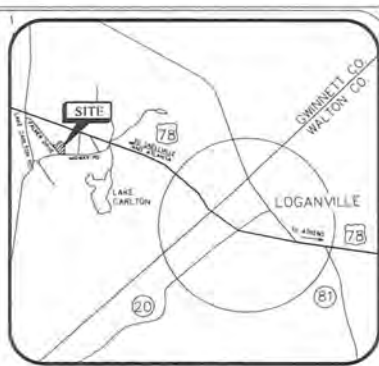
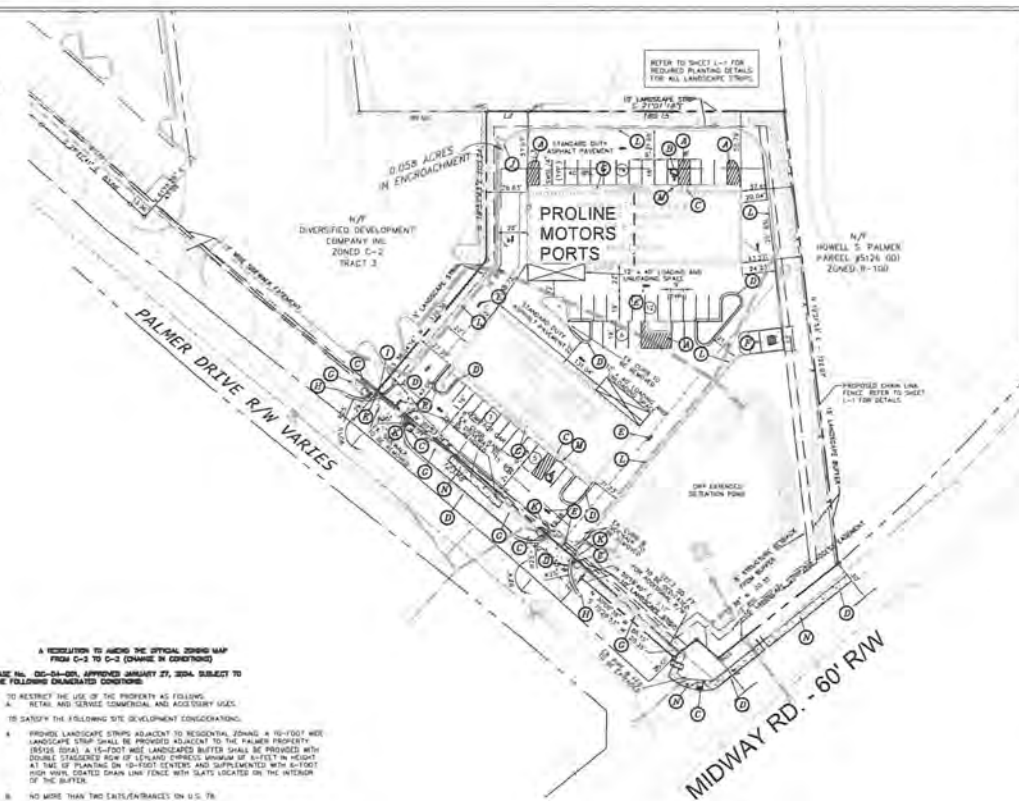
Know what's below  
Call before you dig



SUP '17 009

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**VICINITY MAP N.T.S. SITE PLAN NOTES**

- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CONNETT COUNTY REGULATIONS AND CODES AND D.S. STANDARDS.
- CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF SIDEWALKS, PAVEMENT, BUILDINGS AND EXISTING BUILDING UTILITY ENTRANCE LOCATIONS.
- ALL DISTURBED AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL, SEED, MULCH AND WATER UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED.
- ALL ISLANDS WITH CURB & GUTTER SHALL BE LANDSCAPED. THREE ISLANDS ARE TO HAVE 24" CURB & GUTTER. ALL REMAINING ISLANDS ARE TO BE STRIPPED AS SHOWN.
- ALL CURBED RADIUS ARE TO BE 5' UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS AND RADIUS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED. PERMITS OR REVISIONS AS NECESSARY. ALL 2014 SHALL BE INCLUDED IN BASE BID.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REGULATIONS, INCLUDING BUT NOT LIMITED TO ALL UTILITIES, STORM DRAINAGE, TRAFFIC SIGNALS & TRAFFIC LIGHTS AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITY SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COSTS SHALL BE INCLUDED IN BASE BID.
- BOUNDARY INFORMATION TAKEN FROM A FINAL PLAT FOR CONNETT COUNTY COMPANY INC. BY VERA UTTER & WALTER INC. PHOTOGRAPHIC INFORMATION FROM A SURVEY BY HOW HYTER & WALTER DATE: 04/11/2011. JOBS: STRUCTURES OUTSIDE PROPERTY TAKEN FROM CONNETT COUNTY GIS MAPS AND SHOW FOR REFERENCE ONLY.
- TOTAL LAND AREA OF TRACT 4 IS 1.934 ACRES.
- SITE IS CURRENTLY ZONED C-2.
- VERTICAL SURVEY IS N/A.
- NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.
- WORDS, LOCATION, NUMBER AND SIZE ARE NOT APPROVED BY THE PERMIT A SEPARATE PERMIT IS REQUIRED FOR EACH SIGN.
- NOTIFY EMERGENCY COUNTY INSPECTORS 24 HOURS BEFORE BEGINNING OF EVERY PHASE OF CONSTRUCTION (978-338-6070).
- NO SIGN-OFF PROVISIONS ARE TO BE INSTALLED.
- HIGH INTENSITY LIGHTING FACILITIES SHALL BE SO ARRANGED THAT THE SOURCE OF ANY LIGHT IS CONCEALED FROM PUBLIC VIEW AND FROM ADJACENT RESIDENTIAL PROPERTY AND DOES NOT INTERFERE WITH TRAFFIC.
- ALL BUFFERS AND TREE SHADE AREAS SHALL BE CLEARLY IDENTIFIED BY FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.
- NO OUTDOOR STORAGE PROVIDED. THIS INCLUDES SUPPLIES, EQUIPMENT, VEHICLES, PRODUCTS, ETC.
- ALL CONSTRUCTION TO COMPLY WITH CONNETT COUNTY STANDARDS.
- NO BILLBOARDS ARE PERMITTED.
- EACH BUILDING AND ITS LOCATION RELATIVE TO PROPERTY LINES AND OTHER STRUCTURES SHALL COMPLY WITH THE 2012 INTERNATIONAL BUILDING CODE (IBC) WITH SA STATE AMENDMENTS WITH REGARD TO THE HEIGHT AND AREA REQUIREMENTS OF USE, TABLE 503 AND THE FIRE RESISTANCE AND HORIZONTAL SEPARATION REQUIREMENTS OF THE TABLES 502 AND 503.
- IN ACCORDANCE WITH THE COUNTY STREET NUMBER ORDINANCE, EACH BUILDING SHALL POST AND MAINTAIN THE ADDRESS OF THE BUILDING IN A CONSPICUOUS PLACE VISIBLE FROM THE STREET NOT MORE THAN 15 FEET SET THE CURB OR EDGE OF THE STREET. THE ADDRESS SHALL CONSIDER 10' SQUARES AT LEAST 4 INCHES HIGH ON CONTRASTING BACKGROUND FOR 24 HOURS VISIBILITY.
- SITE LIGHTING IS NOT INCLUDED IN THE SCOPE OF WORK FOR THIS PROJECT. NO FIRE DEPARTMENT CONNECTION IS INDICATED.
- NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED PRIOR TO THE SUBMITTAL, REVIEW AND APPROVAL OF A FINAL PLAT TO SURVEY THE PROPERTY.
- APPROVAL OF THESE PLANS DOES NOT CONSTITUTE APPROVAL BY CONNETT COUNTY OF ANY LAND DISTURBANCE ACTIVITIES WITHIN NEIGHBORHOOD AREAS. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO CONTACT THE APPROPRIATE REGULATORY AGENCY FOR APPROVAL OF ANY NEIGHBORHOOD AREA DISTURBANCE.
- GROUND AND FLOOR SURFACES ALONG ACCESSIBLE ROUTES, RAMP, STAIRS, AND CURB RAMP, SHALL BE STABLE, FIRM, SLIP-RESISTANT AND SHALL COMPLY WITH FIVE (5) INCHES MINIMUM ACCESSIBILITY GRATE.
- A SEPARATE BUILDING PERMIT SHALL BE OBTAINED FOR ALL RETAINING WALLS GREATER THAN 4 FEET IN HEIGHT AND ALL RETAINING WALLS USED AS A SHAW PRIOR TO CONSTRUCTION OF THE WALLS.
- NO ROOF OVERHANGS PROPOSED.

NOTE: THERE ARE NO FLOODPLANS ON THIS PROPERTY FROM A WATER COURSE WITH A DRAINAGE AREA EXCEEDING 100 ACRES OR FLOODING PER FIRM PANEL 13135C013F DATED 09-29-08



**ALCOVY**  
SURVEYING & ENGINEERING, INC.  
FOR: TRU VISA LLC  
2205 Highway 81 South  
Loganville, Georgia 30052  
PHONE: 770-466-4002  
FAX: 770-466-4236  
606alcovy.com

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FLORIDA SURVEYING & ENGINEERING BOARD  
REGISTERED PROFESSIONAL SURVEYOR  
ALAN VAN  
10000

**SITE PLAN**

**ABATECH HOLDINGS LLC OFFICE BUILDING**

FORMERLY MIDWAY RD. OFFICE PARK

LAND LOT: 126  
5th DISTRICT, PARCELS 10 & PT. 2  
3476 PALMER DRIVE  
GWINNETT COUNTY, GEORGIA

DATE: 09-12-2005  
SCALE: 1"=40'

OWNER / DEVELOPER

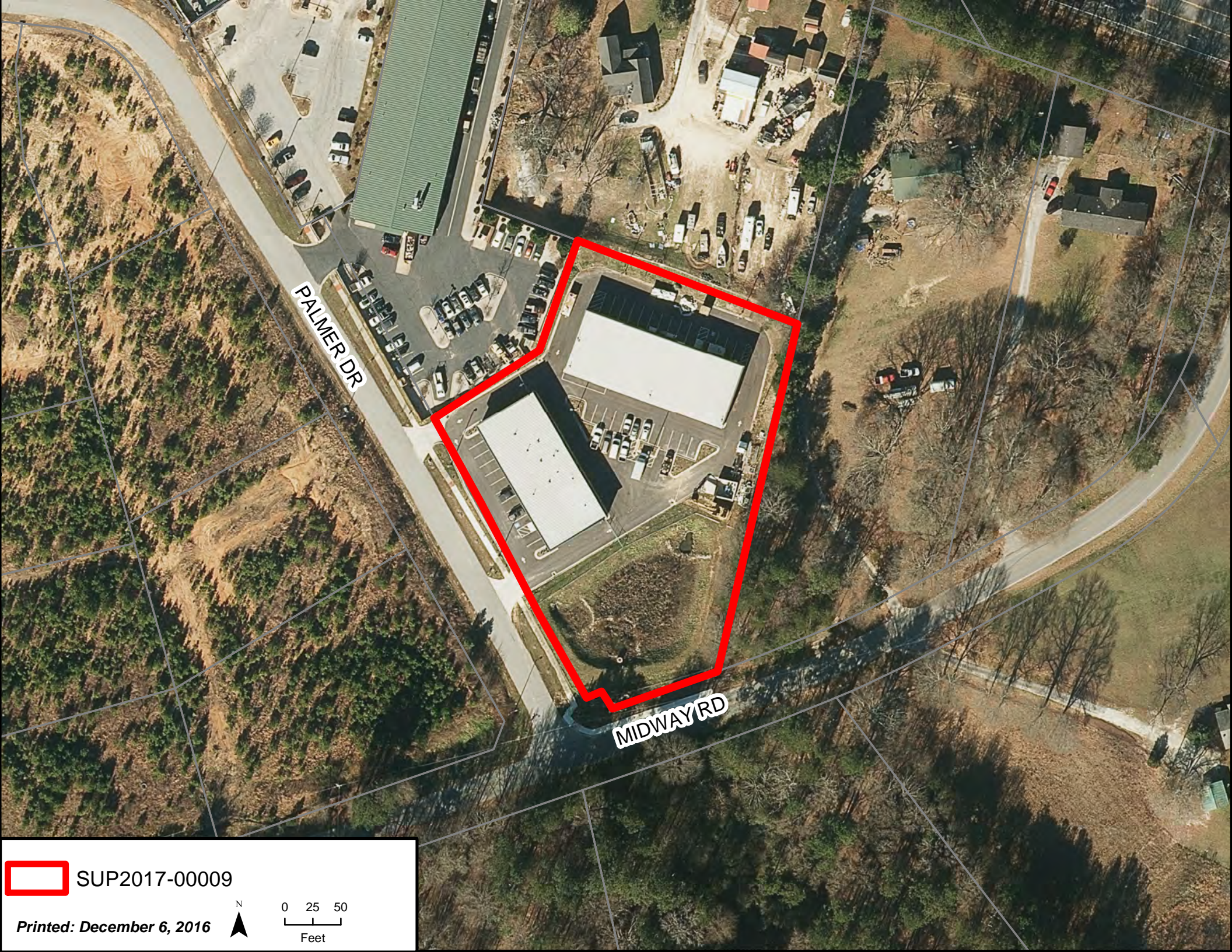
ABATECH SERVICES, INC.  
2795 MAIN STREET WEST  
BLDG. 20A  
SNELLVILLE, GEORGIA, 30078

24 HOUR - EMERGENCY CONTACT  
MR. BERNARD AVUK  
770-597-4499

**REVISIONS**


NO.	DATE	DESCRIPTION
1	04-11-14	REVISED ENTRANCE AND PARKING
2	05-22-14	CO. COMMENTS
3	07-11-14	CO. COMMENTS
4	08-05-14	CO. COMMENTS

JOB No. 14-034  
**C-1**  
EXISTING SITE PLAN



PALMER DR

MIDWAY RD

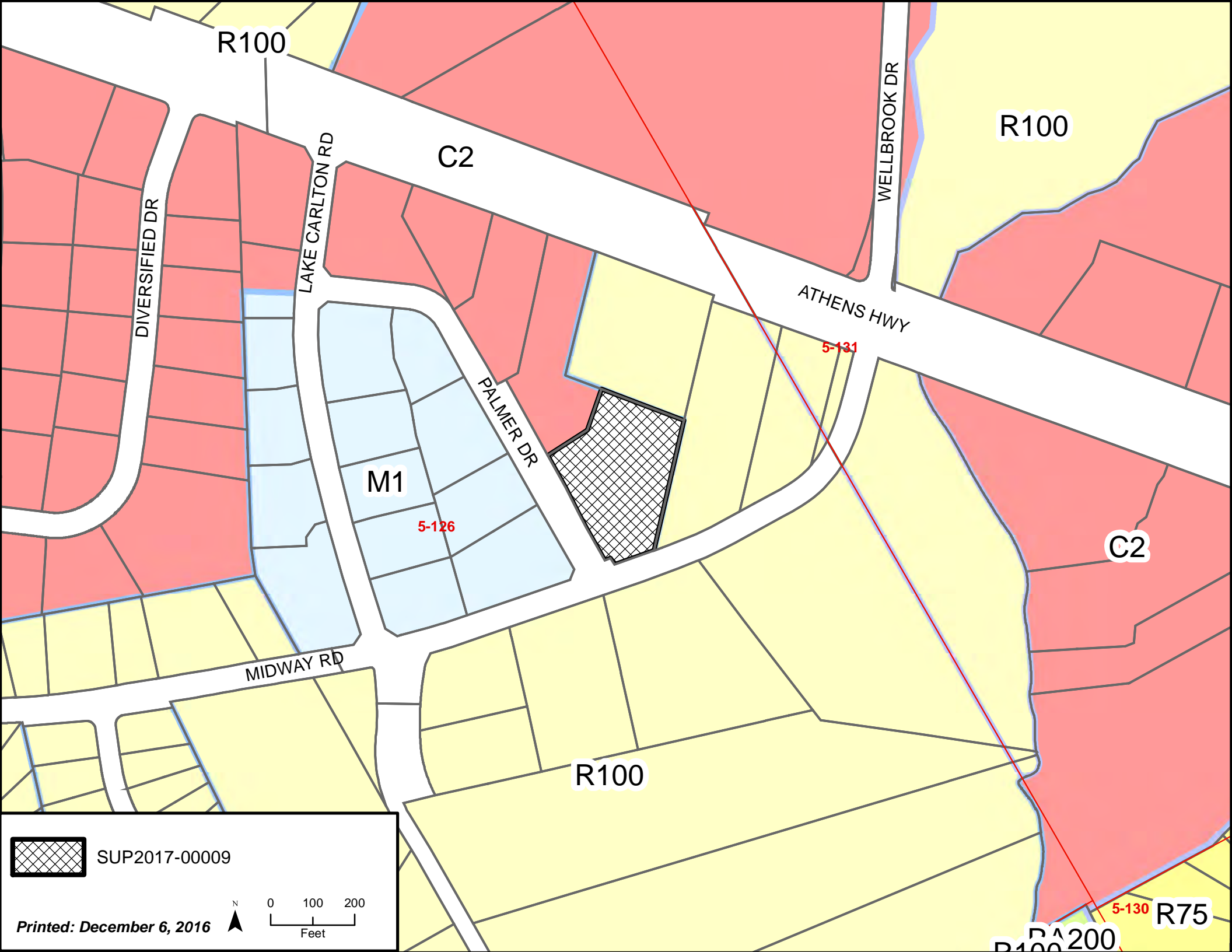
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Printed: December 6, 2016

N

0 25 50  
Feet





R100

R100

C2

DIVERSIFIED DR

LAKE CARLTON RD

WELLBROOK DR

ATHENS HWY

5-131

PALMER DR

M1

5-126

C2

MIDWAY RD

R100

5-130

R75

RA200

 SUP2017-00009



0 100 200  
Feet

Printed: December 6, 2016

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

CASE NUMBER :**SUP2017-00010**  
ZONING :C-2  
LOCATION :5500 BLOCK OF JIMMY CARTER BOULEVARD  
MAP NUMBER :R6195 115  
ACREAGE :0.58 ACRE  
SQUARE FEET :4,800 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOBILE REPAIR SHOP, LUBRICATION & TIRE STORE  
COMMISSION DISTRICT :(2) HOWARD

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

APPLICANT: MICHEL NJEM  
3915 MUIRFIELD SQUARE  
DULUTH, GA 30096

CONTACT: GEORGE AWUKU PHONE: 678.597.6745

OWNER: UNITED NATIONS REALTY & INVESTMENT CO.  
3915 MUIRFIELD SQUARE  
DULUTH, GA 30096

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The 0.58-acre subject site is located on the west side of Jimmy Carter Boulevard south of the McDonough Drive/Oakbrook Parkway intersection. Currently zoned C-2 (General Business District), the site contains an existing foundation from a former restaurant building. The applicant is requesting a Special Use Permit in order to construct a 4,800-square foot, seven-bay automobile repair shop.

The submitted site plan indicates that the existing foundation and the existing curb cut will be utilized for the proposed repair shop. A maximum of 21 parking spaces would be allowed on the site (three per bay); however, the site plan indicates 24 parking spaces. The required ten-foot side building setback along the north property line is not indicated. Only a five-foot wide landscape strip is shown on the submitted site plan. The applicant must either revise the site plan, or seek a variance from the Zoning Board of Appeals. Ten-foot wide landscape strips are shown along Jimmy Carter Boulevard and the rear property line, and five-foot wide landscape strips are shown along the side property lines.

**ZONING HISTORY:**

The subject site has been zoned C-2 since 1970.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**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 900-90 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 Jimmy Carter Boulevard.

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

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

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

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

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Jimmy Carter Boulevard 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.

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.

**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 Jimmy Carter Boulevard and a

12-inch water main reducing to ten-inches located on the northeast right-of-way of Jimmy Carter Boulevard.

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 128 feet north of parcel R6195 115 on parcel R6195 113.

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

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

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

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

#### BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

classification, type of construction, and location of each building from property lines and other buildings.

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

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

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

#### DEPARTMENT ANALYSIS:

The subject site contains 0.58 acres located on the west side of Jimmy Carter Boulevard south of the McDonough Drive/Oakbrook Parkway intersection. Currently zoned C-2 (General Business District), the site contains an existing foundation from a former restaurant building. The applicant is proposing a 4,800-square foot, seven-bay automobile repair shop.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Regional Mixed-Use Character Area. The property is located in an intensely developed commercial corridor which includes a mix of automotive, retail, restaurant and office uses. If properly conditioned, an automobile repair shop could be a suitable use of the site, and could be compatible with the 2030 Unified Plan.

The surrounding area is extensively developed with retail/service commercial and office uses along this portion of Jimmy Carter Boulevard. Nearby businesses include similar facilities along with shopping centers, restaurants, offices and hotels. Property to the north across McDonough Drive was approved for a similar automobile use in 1994, pursuant to SUP1994-00043. Given the intensity of commercial development in the area, an automobile repair shop may be compatible with the surrounding area if approved with the conditions as recommended by staff. Increasing the side building setback along the north property line to ten feet and limiting the number of service bays to six would render the site less cluttered in appearance.

In conclusion, the requested special use permit may be suitable given the intensely developed commercial nature of the area, if developed with staff's attached recommended conditions. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit to allow an automobile repair shop, lubrication and tire store, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail, service commercial, office and accessory uses only which may include an automobile repair shop, lubrication and tire store as special uses consisting of a maximum of six bays.
  - B. On-site automobile sales or storage of junked vehicles shall be prohibited.
2. To abide by the following site development considerations:
  - A. Provide a ten-foot wide landscaped strip adjacent to all internal property lines. Final landscaping plans shall be subject to review and approval of the Director of Planning and Development.
  - B. Ground signage shall be limited to one 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 signage shall not exceed six feet in height.
  - C. 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.
  - D. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
  - E. Billboards or oversized signs shall be prohibited.
  - F. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.

- G. Outdoor storage shall be prohibited.
- H. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
- I. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- J. Outdoor loudspeakers shall be prohibited.
- K. Peddlers and/or parking lot sales shall be prohibited.
- L. 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 requested Special Use Permit for an automobile service facility may be suitable at this location in light of the intense commercial nature of the area, which also includes other nearby automobile repair shops.

ADVERSE IMPACTS

If properly conditioned, the establishment of an automobile service center at this location would not be expected to adversely impact surrounding uses.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

Approval of the requested Special Use Permit at this location could be consistent with the 2030 Unified Plan Future Development Map designation of Regional Mixed Use. The request is also consistent with 2030 Unified Plan policies which encourage similar land uses to be developed near each other.

CONDITIONS AFFECTING ZONING

If approved with staff's recommended conditions, the proposed automobile service center would be appropriate at this site.

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

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

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

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

yes

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

No

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

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

No

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

Yes

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

No

**RECEIVED BY**

DEC 02 2016

3

SUP '17 010

Planning & Development



Suite 58, 5341 THOMPSON BRIDGE ROAD, MURRAYVILLE, GA 30564 TEL 404 597 6745/ELMINAENGINEER@GMAIL.COM

November 29, 2016

Board of Commissioners  
Gwinnett County  
446 West Crogan Street  
Lawrenceville, Georgia 30046

Dear Board Members;

Request for a Special Use Permit for Parcel ID: 6-195-115 (5528 Jimmy Carter Blvd, Norcross).

The Applicant, United Nations Realty and Investments, respectfully submits to the Board of Commissioners a request for a Special Use Permit (SUP) the above reference property. The property, currently zoned C-2, has remained vacant for more than 12 months. The SUP is requested to allow the redevelopment of the property as an automotive service center. A 4800 square foot automotive care center is proposed.

Thank you for your time and the consideration of our request. The applicant is opened to working with Staff and Board Members to achieve the successful implementation of this project.

Respectively Submitted,

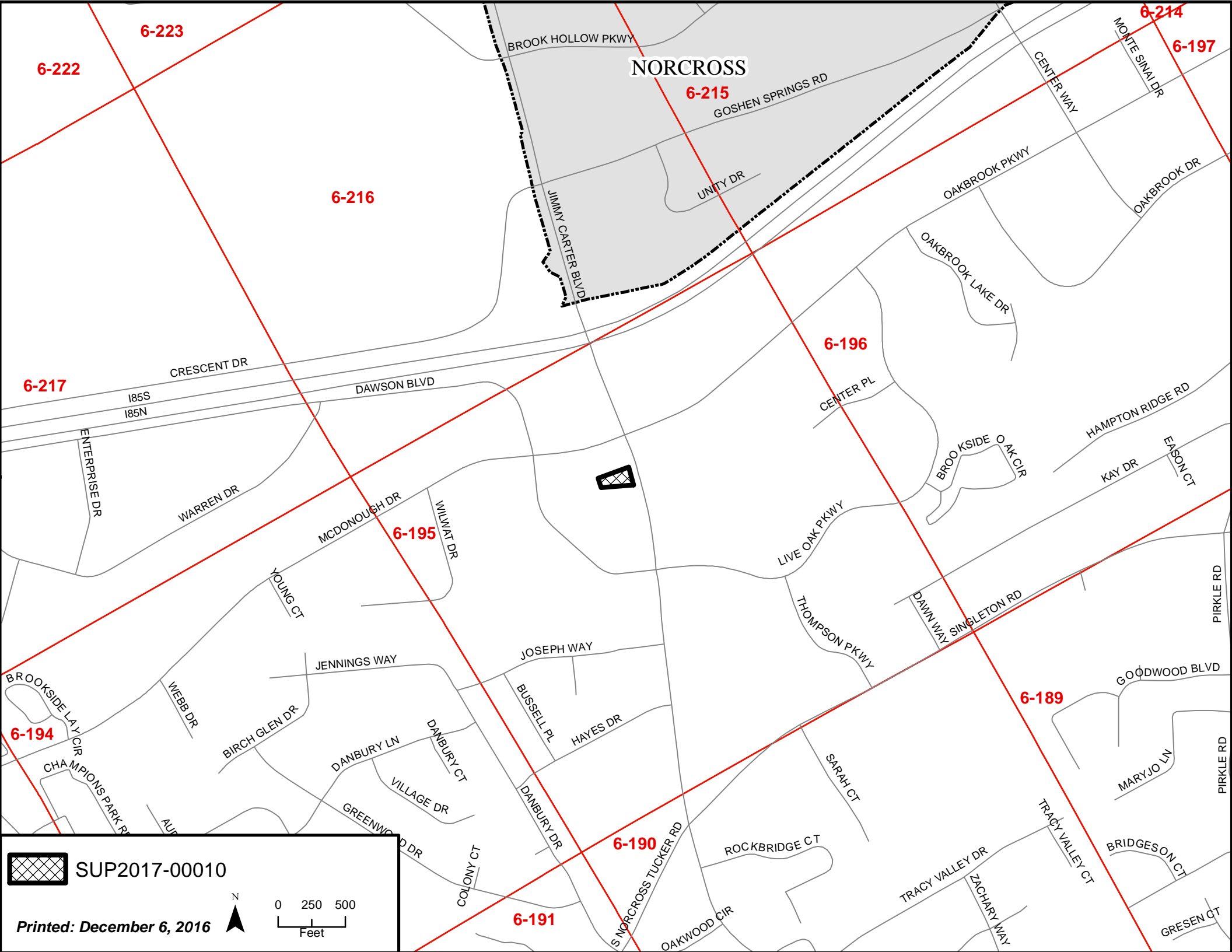
George Awuku, P.E.  
Design Engineer

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**DEC 02 2016**

**Planning & Development**

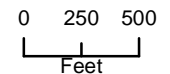
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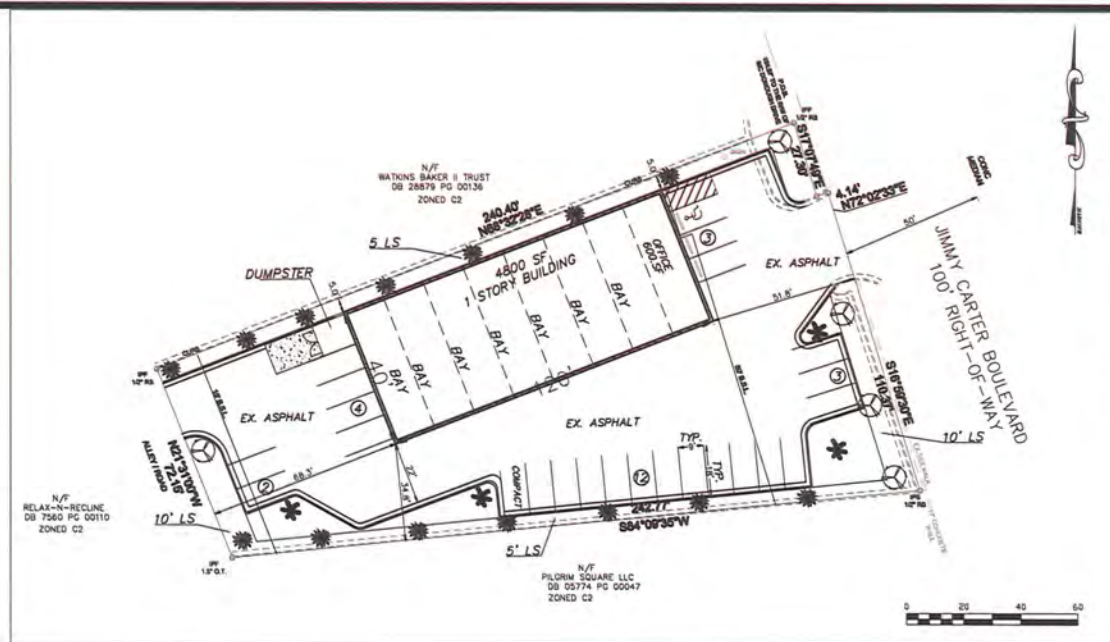
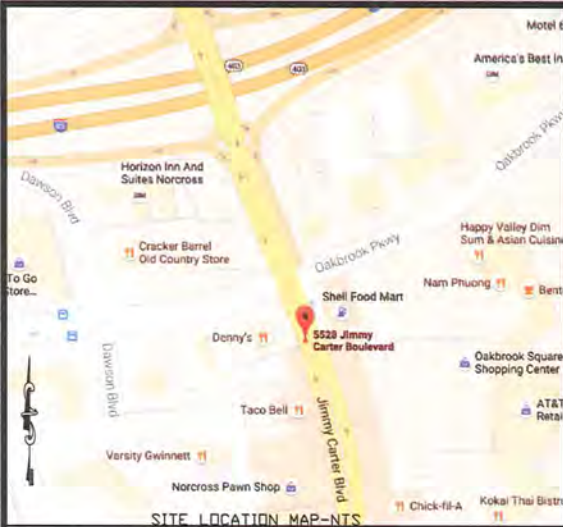


NORCROSS

 SUP2017-00010

Printed: December 6, 2016





**ZONING DATA**

1. CURRENTLY ZONED C2
2. BUILDING SETBACK REQUIREMENTS ARE:  
FRONT- 50 FEET  
SIDES- 0 FEET  
REAR- 30 FEET
3. AREA 0.58 ACRES

**PARKING REQUIREMENTS:**

- AUTOMOBILE SERVICE CENTER 7 BAYS**  
 MIN: 1 PER BAY: (1 X 7 = 7) 7  
 MAX: 3 PER BAY: (3 X 7 = 21) 21  
**OFFICE SPACE: 600 SF**  
 MIN: 1 PER 500SF: (600/500=1.2) 2  
 MAX: 1 PER 225SF: (600/225=2.6) 3

- TOTAL REQUIRED:**  
 MIN: 5  
 MAX: 24  
**TOTAL PROVIDED: 24**  
 INCLUDING 1 H/C SPACE + 1 COMPACT SPACE

**OWNER**  
 UNITED NATIONS REALTY & INVESTMENT CO.  
 3915 MAIRFIELD SQ.  
 DULUTH, GA 30096  
 PH: (678) 777-3337  
 michelnjem@hotmail.com  
 CONTACT: MICHEL N.JEM

**ENGINEER**  
 5341 THOMPSON BRIDGE RD  
 SUITE 58  
 MURRAYVILLE, GA 30054  
 PH: (404) 597-6745  
 ELMINAENGINEER@GMAIL.COM  
 CONTACT: GEORGE AWUKU, P.E.

THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER GWINNETT COUNTY PANEL NO. 13135C0097F, DATED 09/29/2006.

**RECEIVED BY**

**DEC 02 2016**

**Planning & Development**

**SUP '17 010**



SUITE 58, 5341 THOMPSON BRIDGE ROAD  
 MURRAYVILLE, GEORGIA 30054

**5528 JIMMY CARTER BLVD**  
**NORCROSS, GA 30093**  
**GWINNETT COUNTY**  
 PARCEL #: 6-195-121

**CONCEPT PLAN**  
**SHEET TITLE**

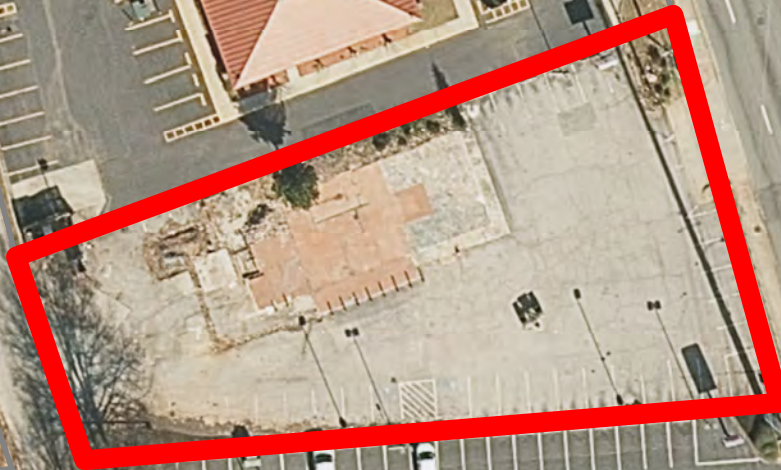
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**11/16/2016**  
 DATE  
  
 JOB NUMBER

**C-1**

MCDONOUGH DR

JIMMY CARTER BLVD

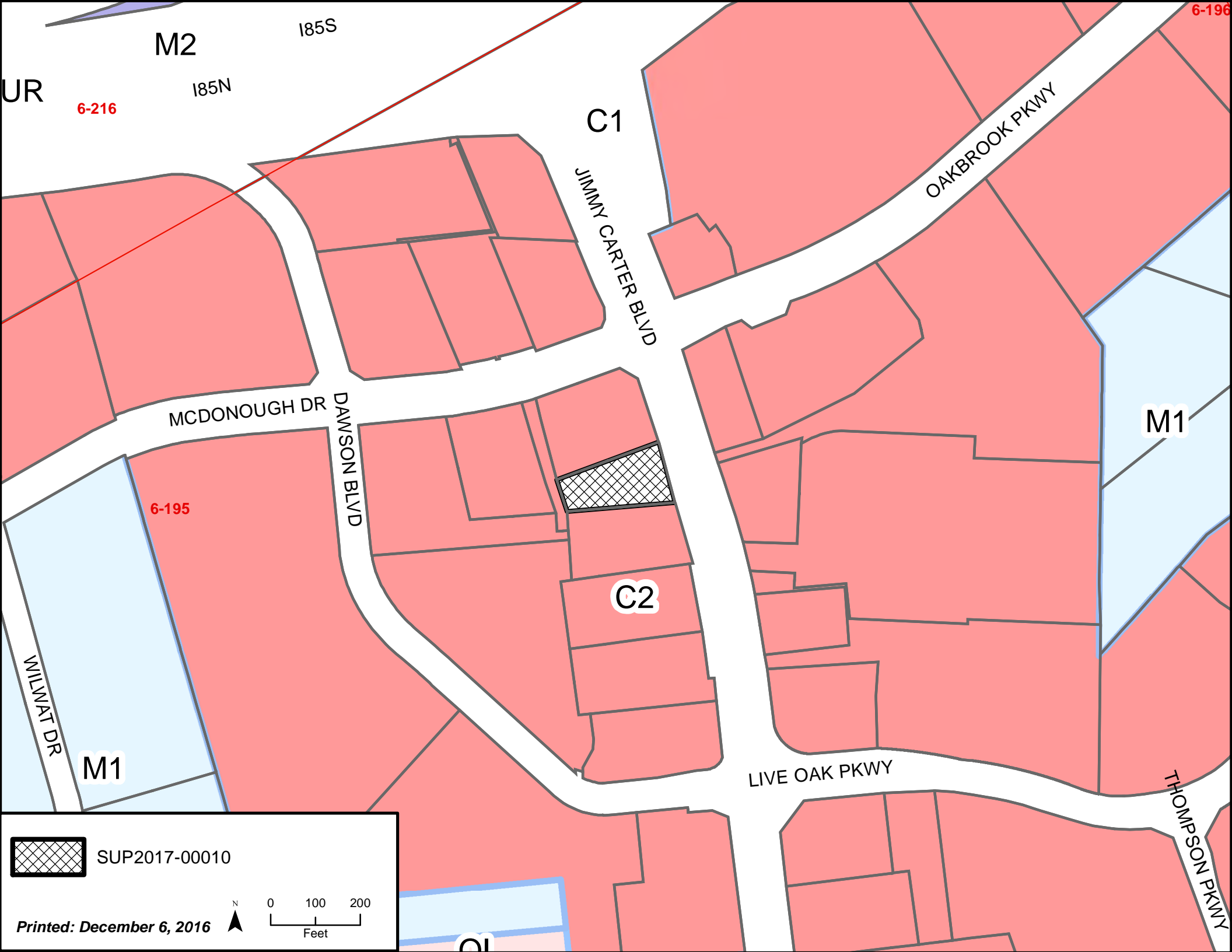


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0 25 50  
Feet

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M2

185S

185N

6-216

C1

JIMMY CARTER BLVD

OAKBROOK PKWY

6-196

MCDONOUGH DR

DAWSON BLVD

6-195

M1

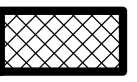
C2

WILMAT DR

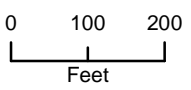
M1

LIVE OAK PKWY

THOMPSON PKWY



SUP2017-00010



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