

Department of Planning and Development

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



gwinnettcountry

**MUNICIPAL-GWINNETT COUNTY  
PLANNING COMMISSION**

**PUBLIC HEARING AGENDA**

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

I. CASE NUMBER	<b>:RZM2017-00001 (PUBLIC HEARING HELD)</b>
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	<b>:APPROVAL AS R-75 WITH CONDITIONS</b>

2. CASE NUMBER	<b>:CIC2017-00002 (PUBLIC HEARING HELD)</b>
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	<b>:APPROVAL WITH CONDITIONS</b>

3. 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**
4. CASE NUMBER :**RZC2017-00006 (PUBLIC HEARING HELD)**  
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**
5. CASE NUMBER :**RZM2017-00002 (PUBLIC HEARING HELD)**  
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**

- I. 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**
- G. NEW BUSINESS
6. CASE NUMBER :**RZC2017-00008**  
APPLICANT :ROBERT JACKSON WILSON  
CONTACT :JACK WILSON  
PHONE NUMBER :770.962.9780  
ZONING CHANGE :C-2 TO C-3  
LOCATION :3500 BLOCK OF SATELLITE BOULEVARD  
MAP NUMBER :R6232 047  
ACREAGE :0.37 ACRE  
SQUARE FEET :2,592 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOTIVE SERVICE  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL AS A SPECIAL USE PERMIT**
7. CASE NUMBER :**RZC2017-00009**  
APPLICANT :BARBARA BANKS & RENE BANKS SEAWELL  
CONTACT :MITCH PEEVY  
PHONE NUMBER :770.614.6511  
ZONING CHANGE :RA-200 TO C-1  
LOCATION :2800 BLOCK OF HAMILTON MILL ROAD  
MAP NUMBER :R1001 452  
ACREAGE :4.24 ACRES  
SQUARE FEET :28,712 SQUARE FEET  
PROPOSED DEVELOPMENT :RESTAURANT (DRIVE-IN OR DRIVE-THRU FAST FOOD)  
(BUFFER REDUCTION)  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**

8. CASE NUMBER :**SUP2017-00011**  
APPLICANTS :BARBARA BANKS & RENE BANKS SEAWELL  
CONTACT :MITCH PEEVY  
PHONE NUMBER :770.614.6511  
ZONING :C-1 (PROPOSED)  
LOCATION :2800 BLOCK OF HAMILTON MILL ROAD  
MAP NUMBER :R1001 452  
ACREAGE :4.24 ACRES  
SQUARE FEET :28,712 SQUARE FEET  
PROPOSED DEVELOPMENT :RESTAURANT (DRIVE-IN OR DRIVE THRU FAST FOOD)  
(BUFFER REDUCTION)  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
9. CASE NUMBER :**RZC2017-00010**  
APPLICANT :R. JAMES HALSEMA  
CONTACT :JIM HALSEMA  
PHONE NUMBER :770.316.9345  
ZONING CHANGE :C-1 & C-2 TO C-2  
LOCATION :800 BLOCK OF BEAVER RUIN ROAD  
:4200 BLOCK OF BURNS ROAD  
MAP NUMBERS :R6158A032, 033, 034, & 035  
ACREAGE :2.55 ACRES  
SQUARE FEET :21,050 SQUARE FEET  
PROPOSED DEVELOPMENT :RETAIL CENTER (BUFFER REDUCTION)  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
10. CASE NUMBER :**RZC2017-00011 - ADMINISTRATIVELY HELD**
11. CASE NUMBER :**RZR2017-00004**  
APPLICANT :BLUE RIVER DEVELOPMENT, LLC  
CONTACT :MITCH PEEVY  
PHONE NUMBER :770.614.6511  
ZONING CHANGE :R-75, C-2, & O-1 TO TND  
LOCATION :0-100 BLOCKS OF BETHESDA CHURCH ROAD  
:RONALD REAGAN PARKWAY (RAMP)  
MAP NUMBERS :R6128 099 & 003, R6129 008, 009, 010, & 405, & R6130A204  
ACREAGE :23.42 ACRES  
UNITS :153 UNITS  
PROPOSED DEVELOPMENT :TRADITIONAL NEIGHBORHOOD DEVELOPMENT  
(BUFFER REDUCTION)  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

12. CASE NUMBER :**RZR2017-00005**  
APPLICANT :MICHAEL J. CASWELL  
CONTACT :TRACEY D. MASON, ESQ.  
PHONE NUMBER :770.963.6909  
ZONING CHANGE :R-100 TO R-75  
LOCATION :1400 BLOCK OF AZALEA DRIVE  
MAP NUMBERS :R7053 009 & 068  
ACREAGE :18.46 ACRES  
UNITS :49 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
13. CASE NUMBER :**CIC2017-00007**  
APPLICANT :MAHAFFEY PICKENS TUCKER, LLP  
CONTACT :SHANE LANHAM  
PHONE NUMBER :770.232.0000  
ZONING :C-2  
LOCATION :1000 BLOCK OF SCENIC HIGHWAY  
:1300 BLOCK OF SCENIC PINES DRIVE  
MAP NUMBER :R5086 628  
ACREAGE :1.34 ACRES  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**DENIAL**
14. CASE NUMBER :**CIC2017-00008**  
APPLICANT :27<sup>TH</sup> GROUP, INC.  
CONTACT :MARIAN C. ADEIMY  
PHONE NUMBER :770.822.0900  
ZONING :C-2  
LOCATION :1200 BLOCK OF BEAVER RUIN ROAD  
:4000 BLOCK OF ARC WAY  
MAP NUMBER :R6184 009B  
ACREAGE :1.27 ACRES  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS OF ZONING (BUFFER  
REDUCTION)  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
15. CASE NUMBER :**CIC2017-00009**  
APPLICANT :KRIS PRICE  
CONTACT :KRIS PRICE  
PHONE NUMBER :404.925.2849  
ZONING :R-ZT  
LOCATION :1500 BLOCK OF OX BRIDGE WAY  
MAP NUMBERS :R7048 451 & 452  
ACREAGE :0.20 ACRE  
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**

16. CASE NUMBER	: <b>SUP2017-00012</b>
APPLICANT	:PARADISE GROUP, LLC
CONTACT	:DAVE MATTSON
PHONE NUMBER	:404.444.8924
ZONING	:C-2
LOCATION	:4800 BLOCK OF STONE MOUNTAIN HIGHWAY
MAP NUMBER	:R6057 048
ACREAGE	:0.99 ACRE
SQUARE FEET	:2,200 SQUARE FEET
PROPOSED DEVELOPMENT	:AUTOMOBILE LUBRICATION
COMMISSION DISTRICT	:(3) HUNTER
DEPARTMENT RECOMMENDATION	: <b>APPROVAL WITH CONDITIONS</b>

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 :**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.

RECEIVED BY

NOV 04 2016



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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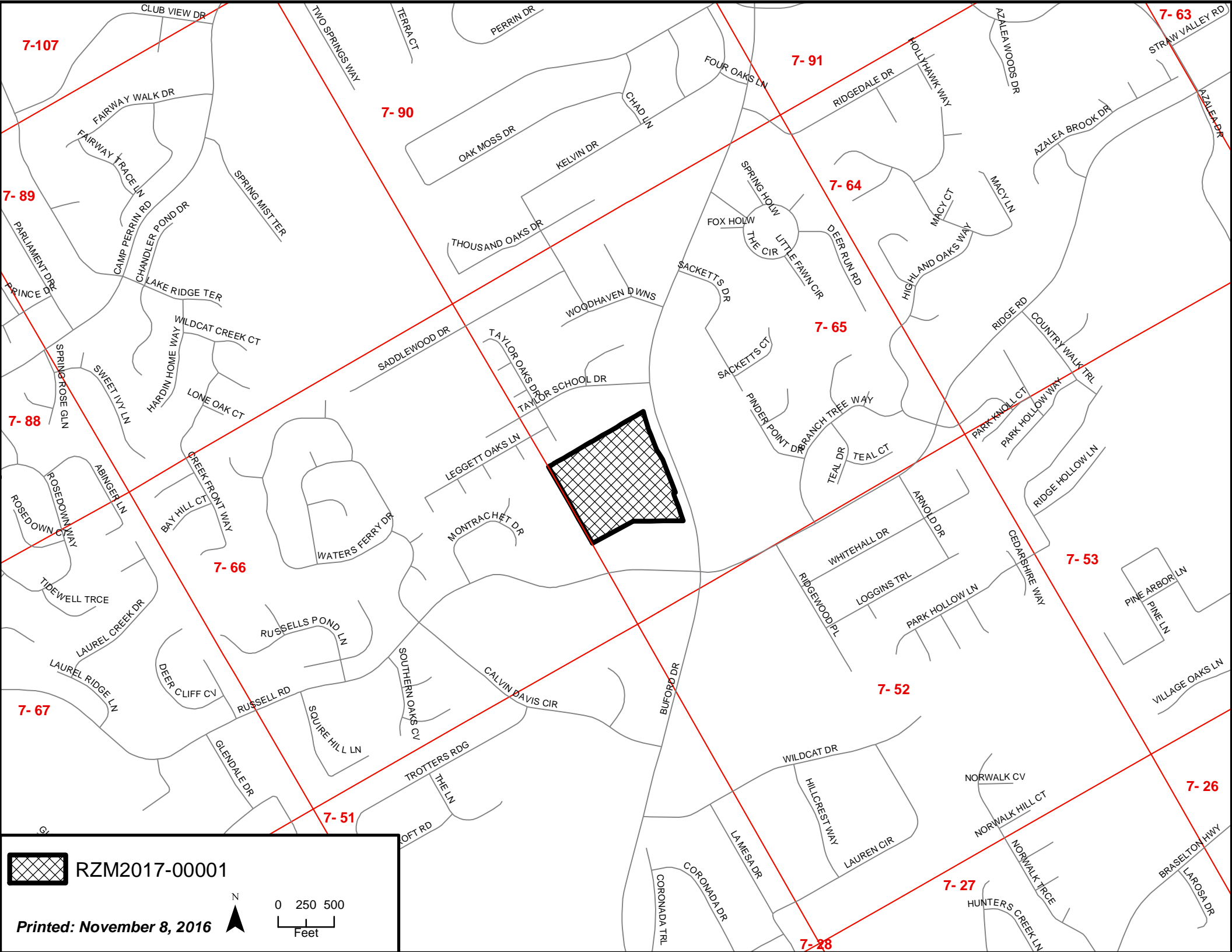
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SIDE AND REAR ELEVATIONS

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 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 30010  
(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 44115

### 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 03/25/2006, 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 GANNETT COUNTY GRAVITY FLOW SANITARY SEWER.
2. THE PROPOSED COMMERCIAL DEVELOPMENT WILL BE CONNECTED TO GANNETT COUNTY WATER.
3. THE PROPOSED COMMERCIAL DEVELOPMENT WILL HAVE ON-SITE DETENTION, WATER QUALITY, AND CHARREL PROTECTION UTILITIES UTILIZED. 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 GANNETT 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, GANNETT 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 PLANNING 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 GANNETT 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, Gannett 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 northeasterly right of way South 20°50'50" East, a distance of 300.00 feet to a point; thence along the northeasterly right of way South 32°08'25" East, a distance of 121.28 feet to a point; thence along the northeasterly right of way South 20°50'50" East, a distance of 310.00 feet to a point; thence along the northeasterly right of way South 69°09'10" West, a distance of 201.00 feet to a point; thence along the northeasterly right of way South 19°23'50" East, a distance of 259.61 feet to a point; thence along the northeasterly 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.



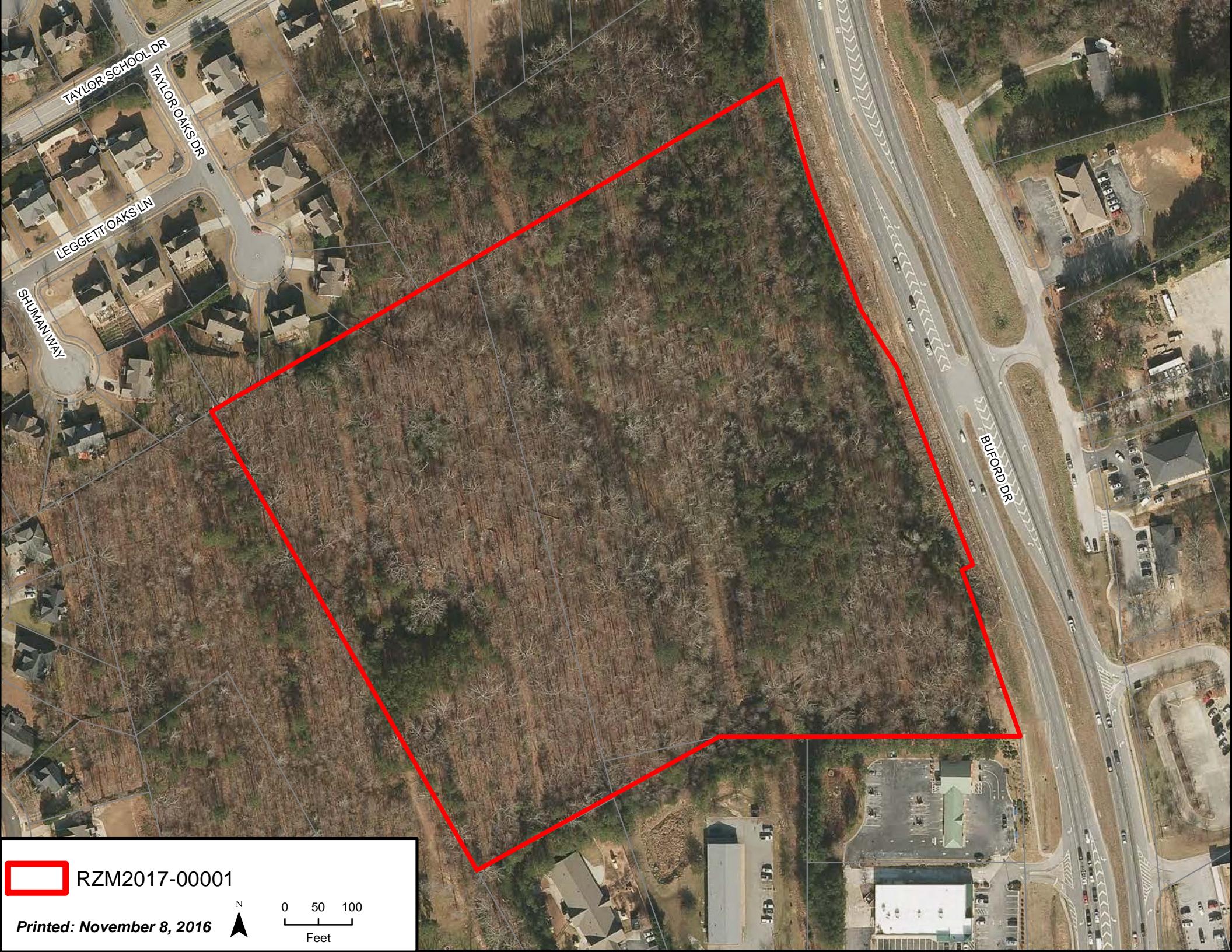
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# BUFORD DRIVE TOWNHOUSES

## A CONCEPTUAL SITE PLAN

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



TAYLOR SCHOOL DR

TAYLOR OAKS DR

LEGGETT OAKS LN

SHUMAN WAY

BUFORD DR



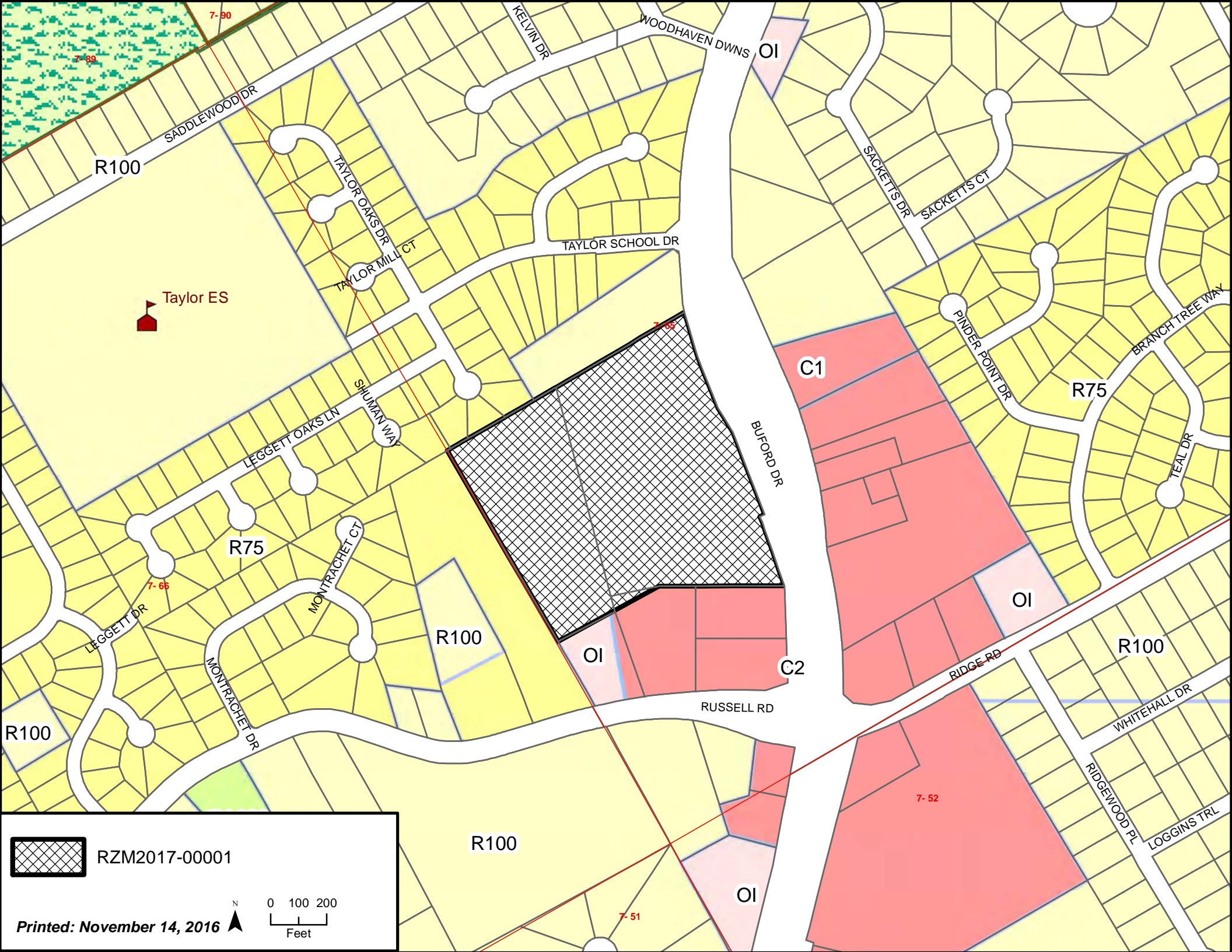
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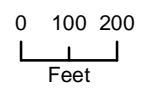
Printed: November 8, 2016





 RZM2017-00001

Printed: November 14, 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 expatiation 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

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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

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
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>

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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.

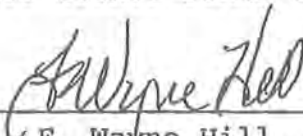
NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 26th day of May, 1998, that the aforesaid application for a Special Use Permit is hereby APPROVED subject to the following enumerated conditions:

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

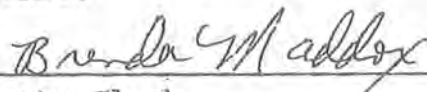
B. Provide replanting as agreed upon by the adjacent property owners (Tommy and Nancy Knox) and the Seventh Day Adventist Church, per the terms of agreement entered as part of the rezoning and variance application (Z-98-0061).

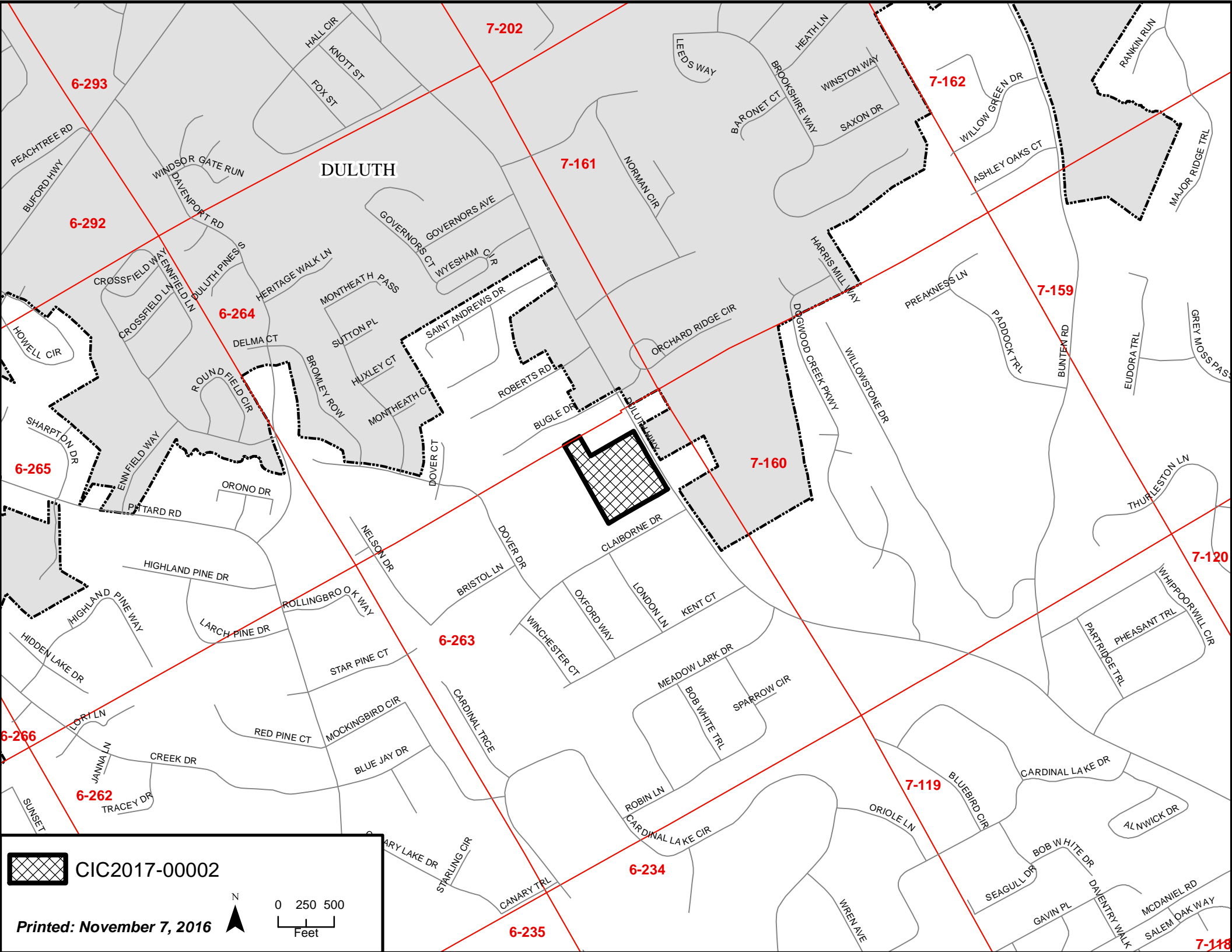
WINNETT COUNTY BOARD OF COMMISSIONERS


By:   
F. Wayne Hill, Chairman

Date Signed: June 25, 1998

ATTEST:

  
Deputy Clerk



 CIC2017-00002

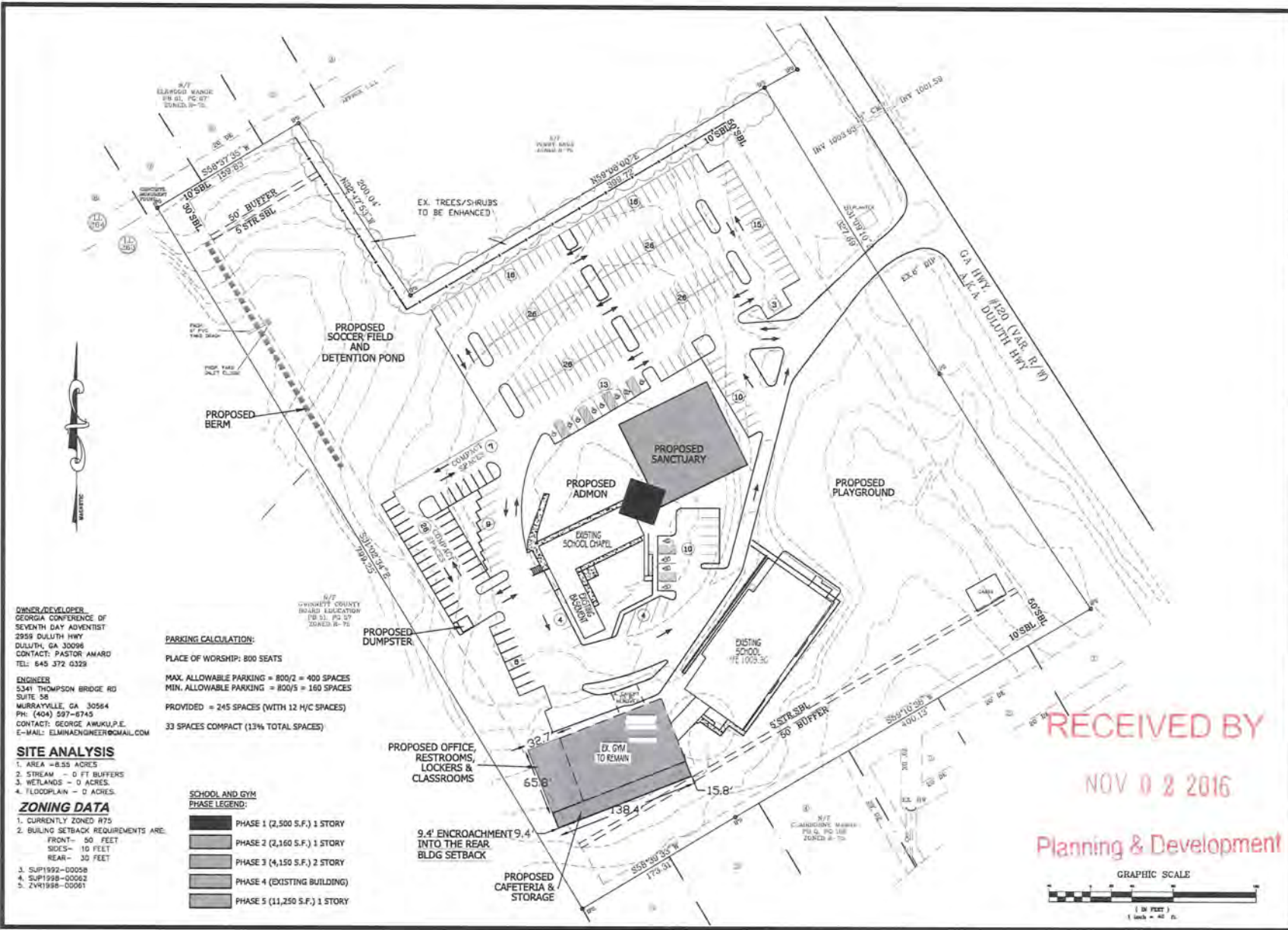


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**OWNER/DEVELOPER**  
 GEORGIA CONFERENCE OF  
 SEVENTH DAY ADVENTIST  
 2959 DULUTH HWY  
 DULUTH, GA 30096  
 CONTACT: PASTOR AMARO  
 TEL: 645 372 0329

**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

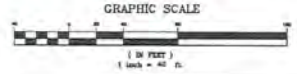
**ZONING DATA**  
 1. CURRENTLY ZONED R75  
 2. BUILDING SETBACK REQUIREMENTS ARE:  
 FRONT - 50 FEET  
 SIDES - 10 FEET  
 REAR - 30 FEET


**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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Planning & Development





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

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SEVENTH DAY OF ADVENTISTS-DULUTH  
 2959 DULUTH HWY (GA HWY 120)  
 DULUTH GA 30096  
 PROJECT ID: 1614-0004  
 PARCEL: 1614 1400 700 000 000 000 000 000

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CONCEPT MASTER PLAN	SHEET TITLE
DATE: 10/24/2016	JOB NUMBER: CP-1

CIC '17 00 2



DULUTH HWY

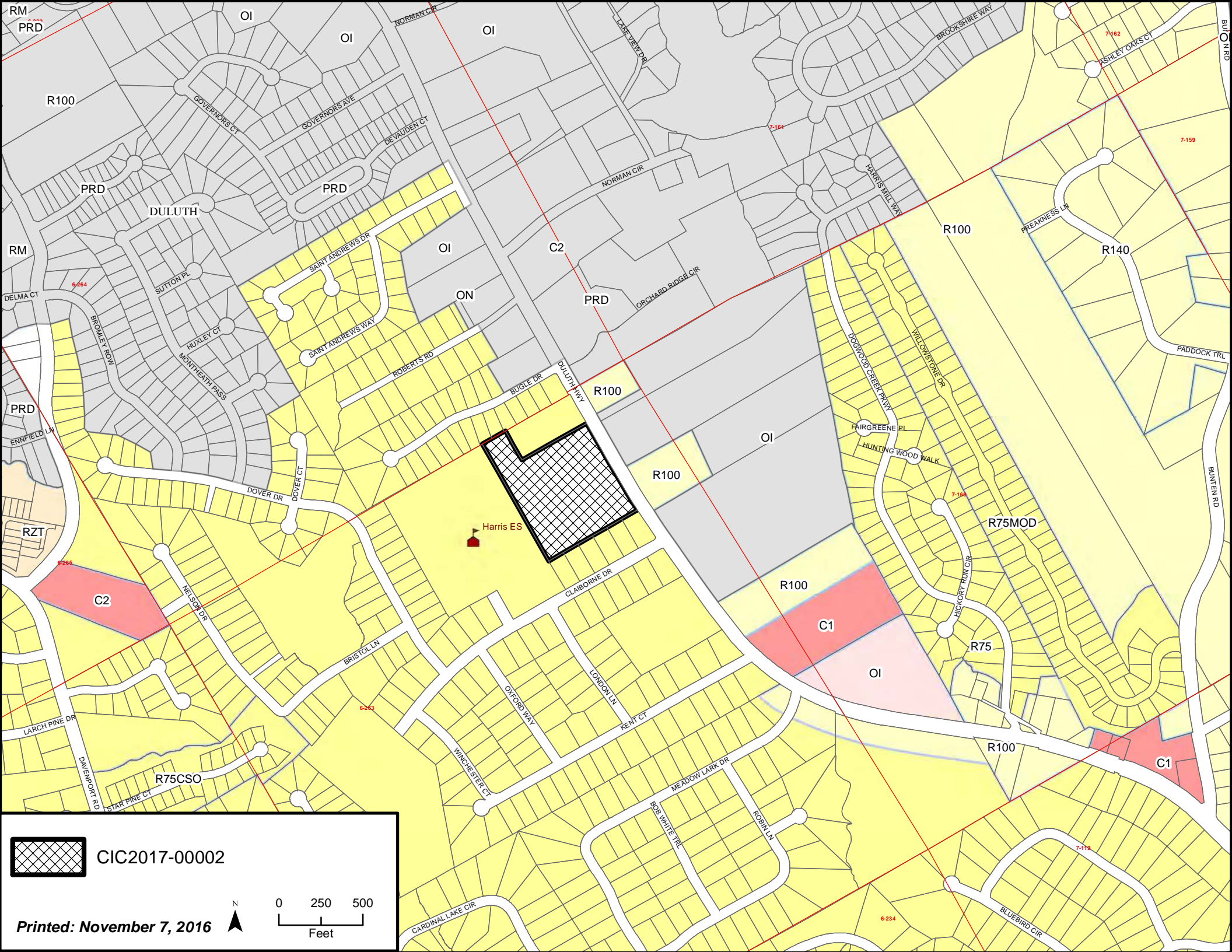
CLAIBORNE DR

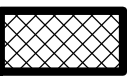
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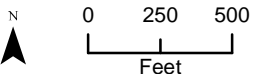
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Printed: November 7, 2016



**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.

# ROBERT JACKSON WILSON, PC

ATTORNEY AT LAW

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

ROBERT JACKSON WILSON

[jwilson@rjwpclaw.com](mailto:jwilson@rjwpclaw.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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Planning & Development

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

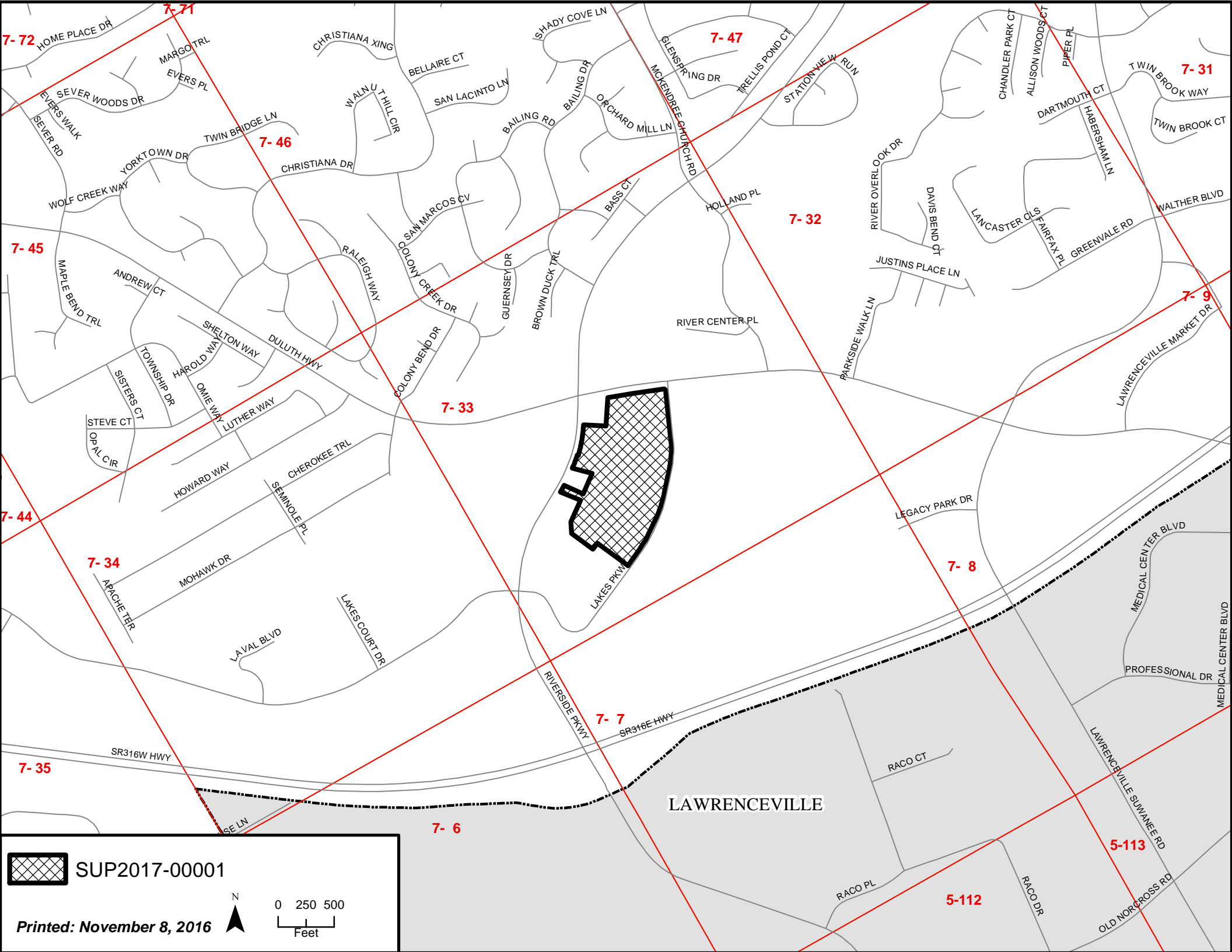
BY: 

F. Wayne Hill, Chairman

Date Signed: Dec. 11, 2000

ATTEST:

Brenda Madley  
County Clerk

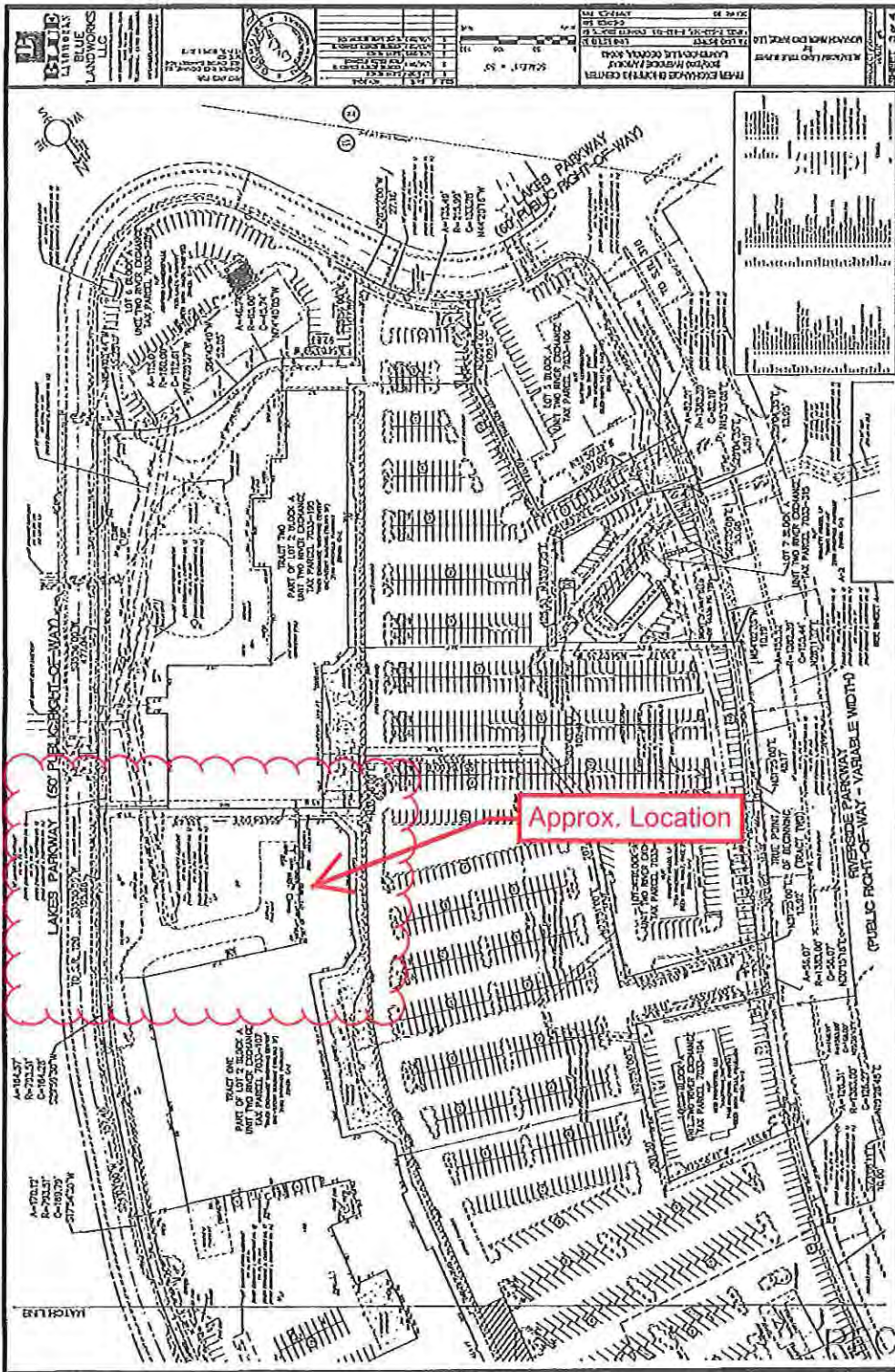


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TO S.R. 120

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ASPHALT PAVEMENT

CA PUMP UNIT

CA PUMP UNIT

PLAY ROOM TO PACE 200

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Planning & Development

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S54°04'00"E

Penske truck  
staging area

Suite 126

COVERED  
AREA

BOX

CANOPY



DULUTH HWY

RIVERSIDE PKWY

LAKES PKWY

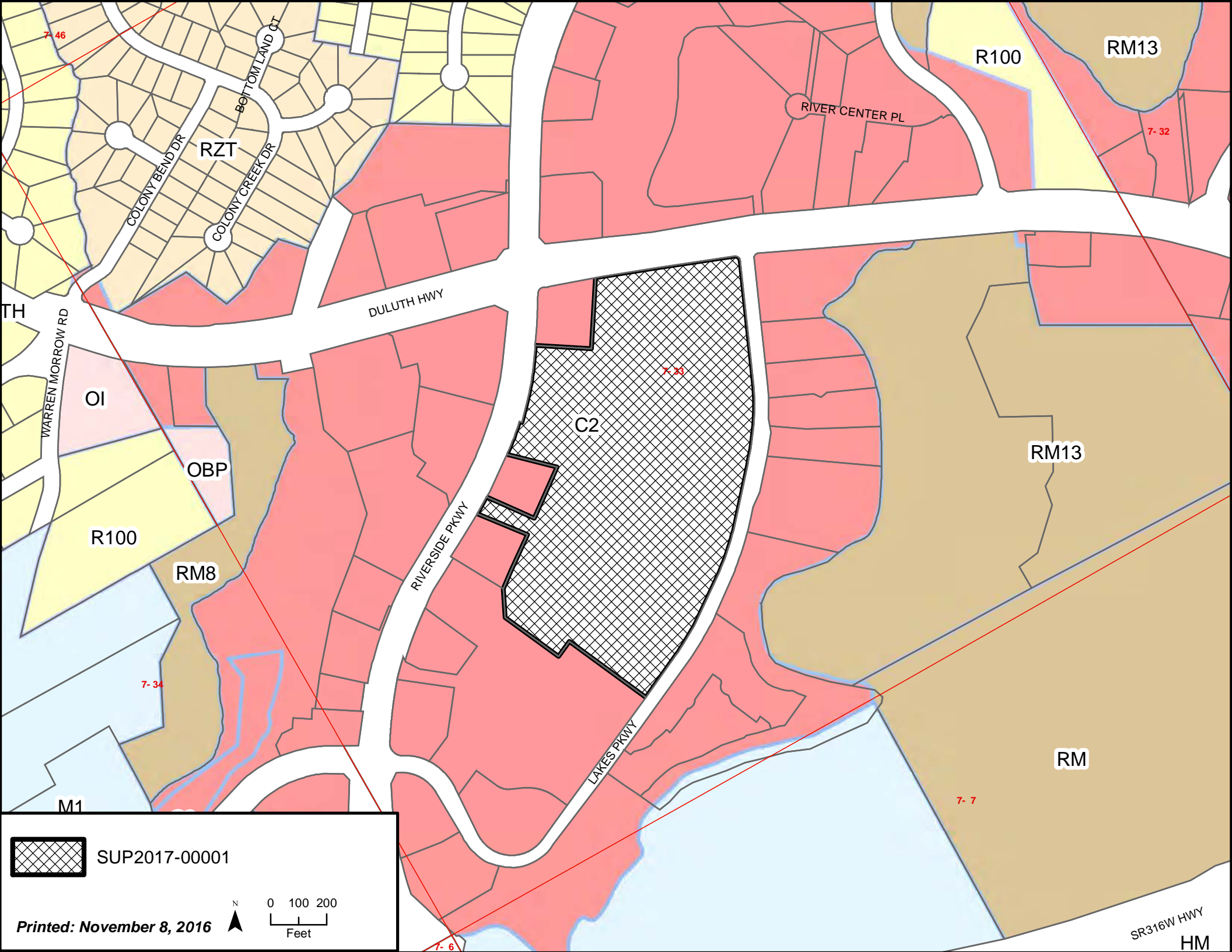


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RZT

R100

RM13

7-32

RIVER CENTER PL

DULUTH HWY

OI

OBP

R100

RM8

C2

7-23

RM13

RIVERSIDE PKWY

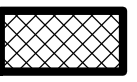
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LAKES PKWY

RM

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Printed: November 8, 2016

SR316W HWY  
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**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

**RECEIVED BY**

**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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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



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Shane M. Lanham  
Attorneys for Applicant

RZC '17 00 6

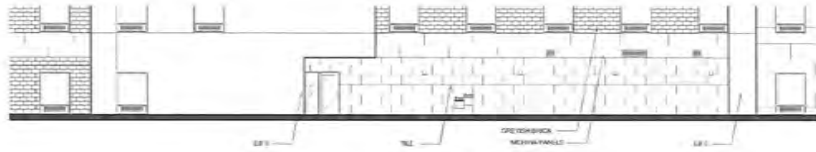
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**DEC 02 2016**

**Planning & Development**



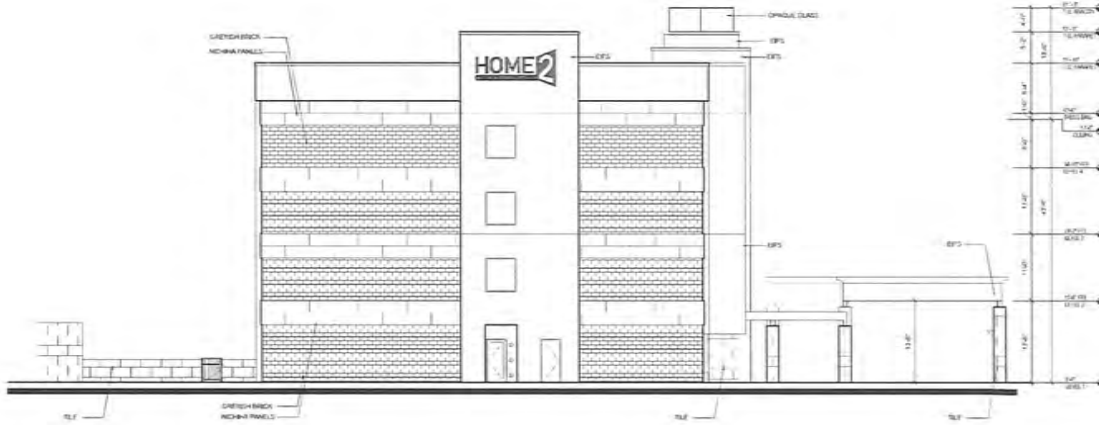




REAR ELEVATION @ POOL  
SCALE: 1/4\"/>



REAR ELEVATION  
SCALE: 1/4\"/>



SIDE ELEVATION  
SCALE: 1/4\"/>



**PHILLIPS**  
architects + engineers

770.241.1414

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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

PHILLIPS ARCHITECTS + ENGINEERS

1000 P.O. BOX 111111

ATLANTA, GA 30388

PH: 770.241.1414

FAX: 770.241.1415

WWW.PHILLIPSARCHITECTS.COM

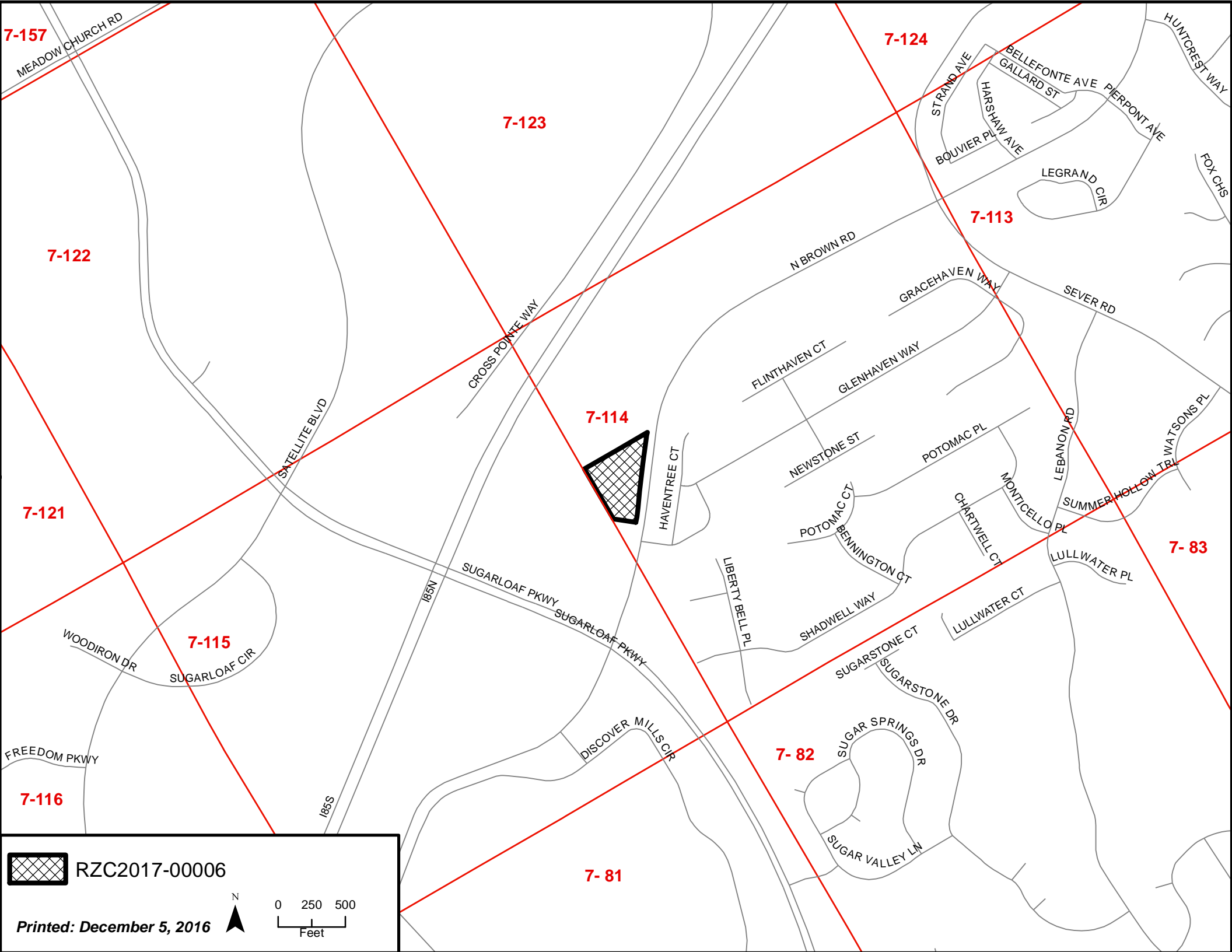
EXTERIOR ELEVATIONS


SHEET NO. 404

**A-4.2**

THE PHILLIPS ARCHITECTS + ENGINEERS  
1000 P.O. BOX 111111  
ATLANTA, GA 30388  
PH: 770.241.1414  
FAX: 770.241.1415  
WWW.PHILLIPSARCHITECTS.COM

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



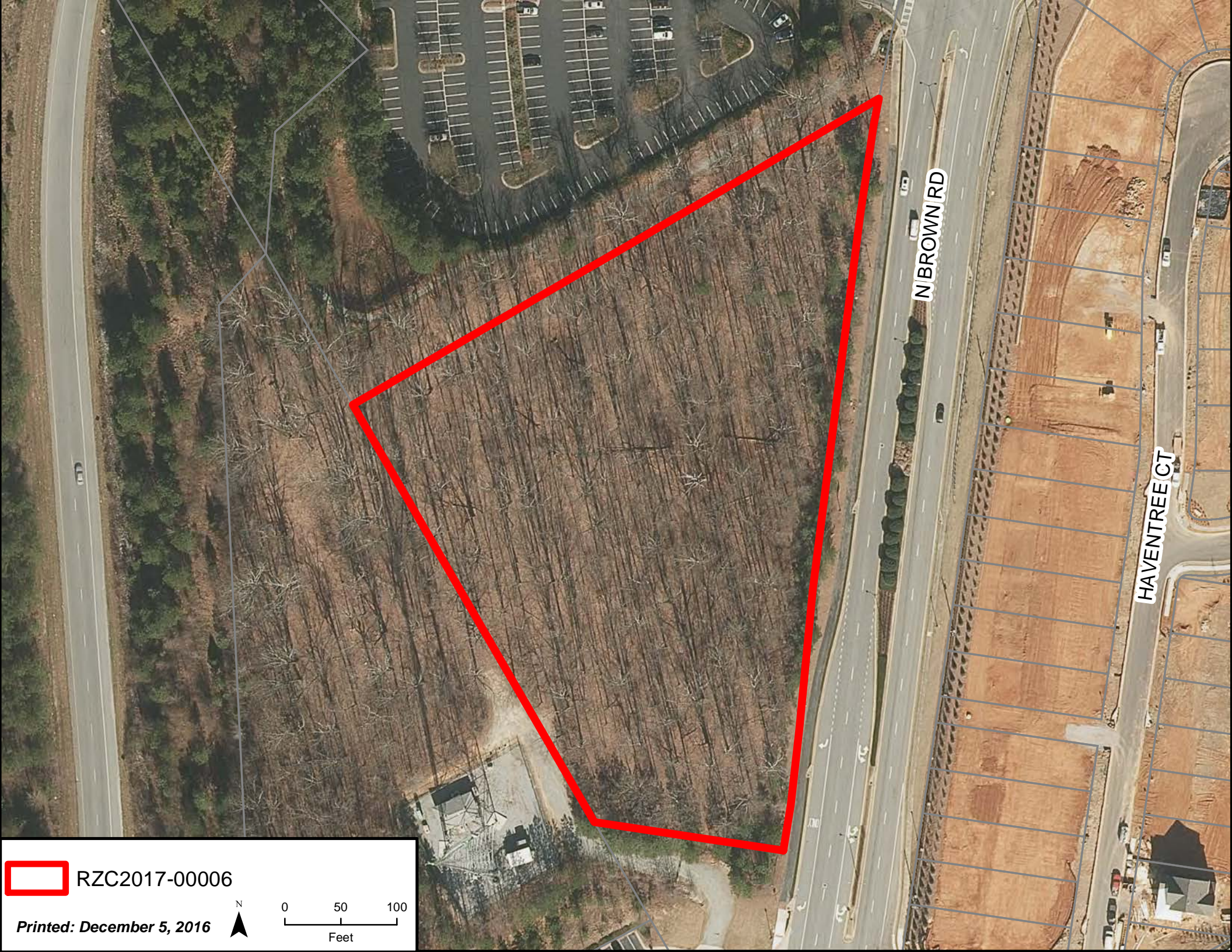
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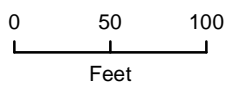


N BROWN RD

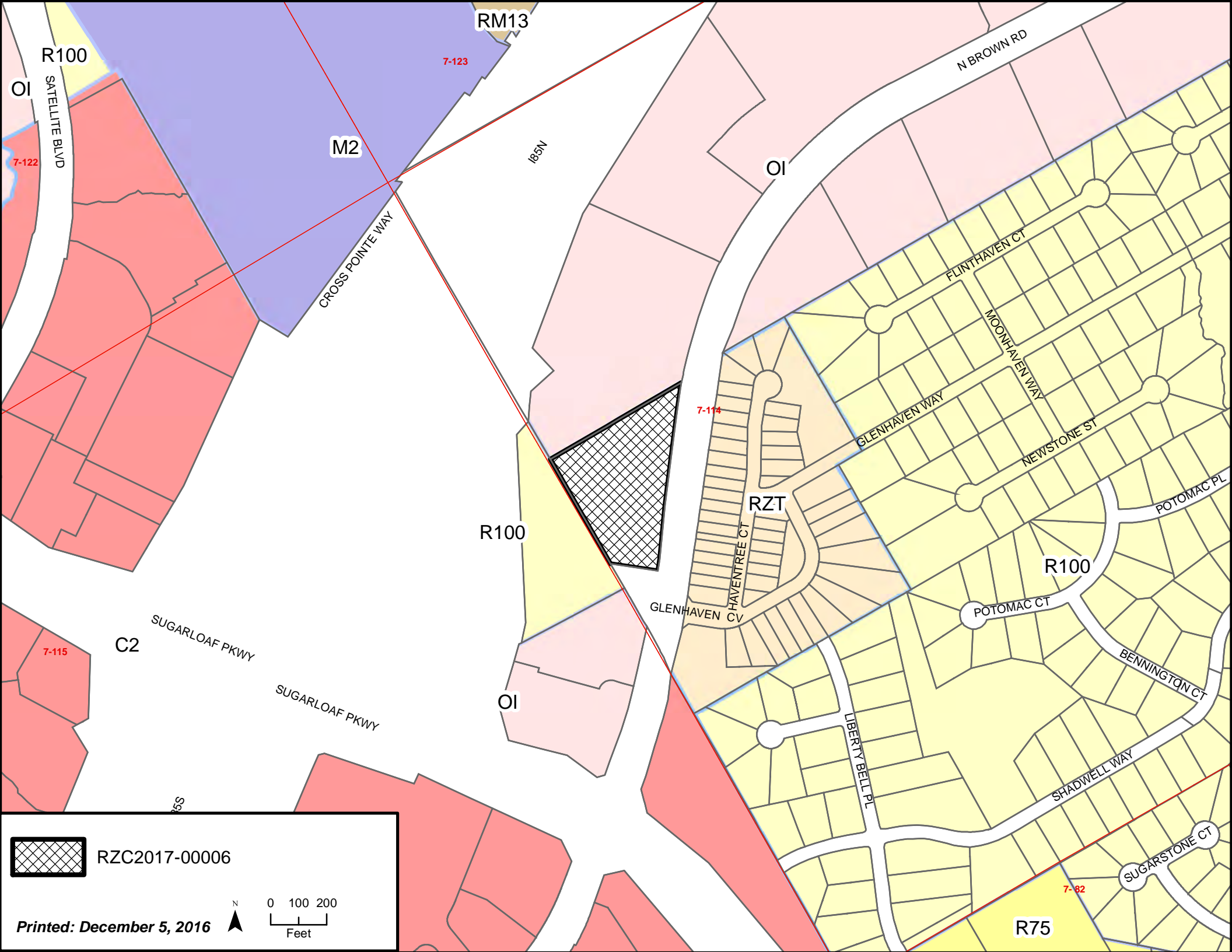
HAVENTREE CT




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Printed: December 5, 2016



 RZC2017-00006

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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 Run 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.
  - C. 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.

- D. 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

RZM2017-00002  
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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Attorney at Law

E-mail: [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, Suite 225  
Lawrenceville, Georgia 30045

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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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**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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RZM '17 002



TOWNHOMES VIEWED FROM THE NORTH ON SATELLITE BO

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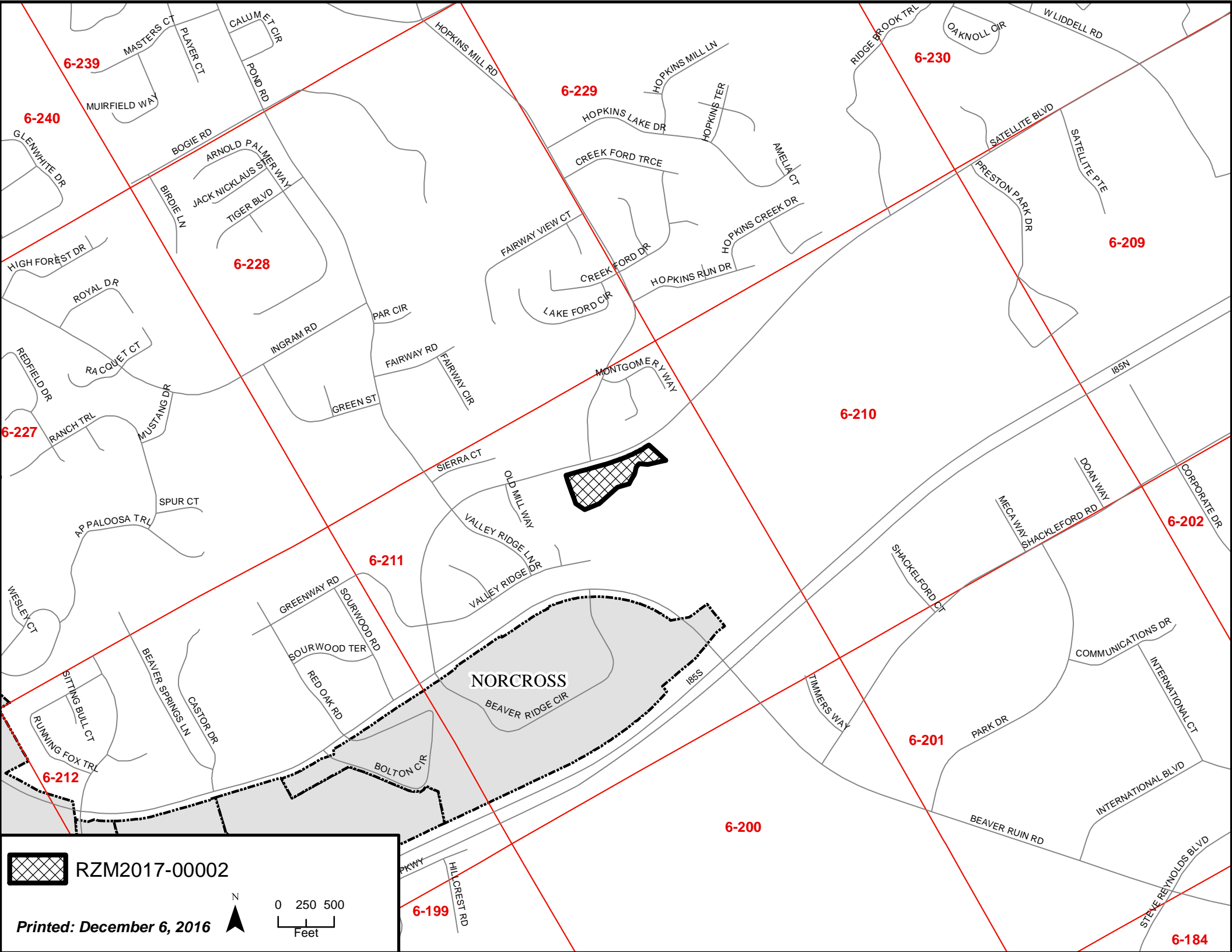
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OWNHOMES  
USE





6-239

6-240

6-229

6-230

6-228

6-209

6-210

6-227

6-202

6-211

NORCROSS


6-201

6-212

6-200

6-199

6-184

 RZM2017-00002

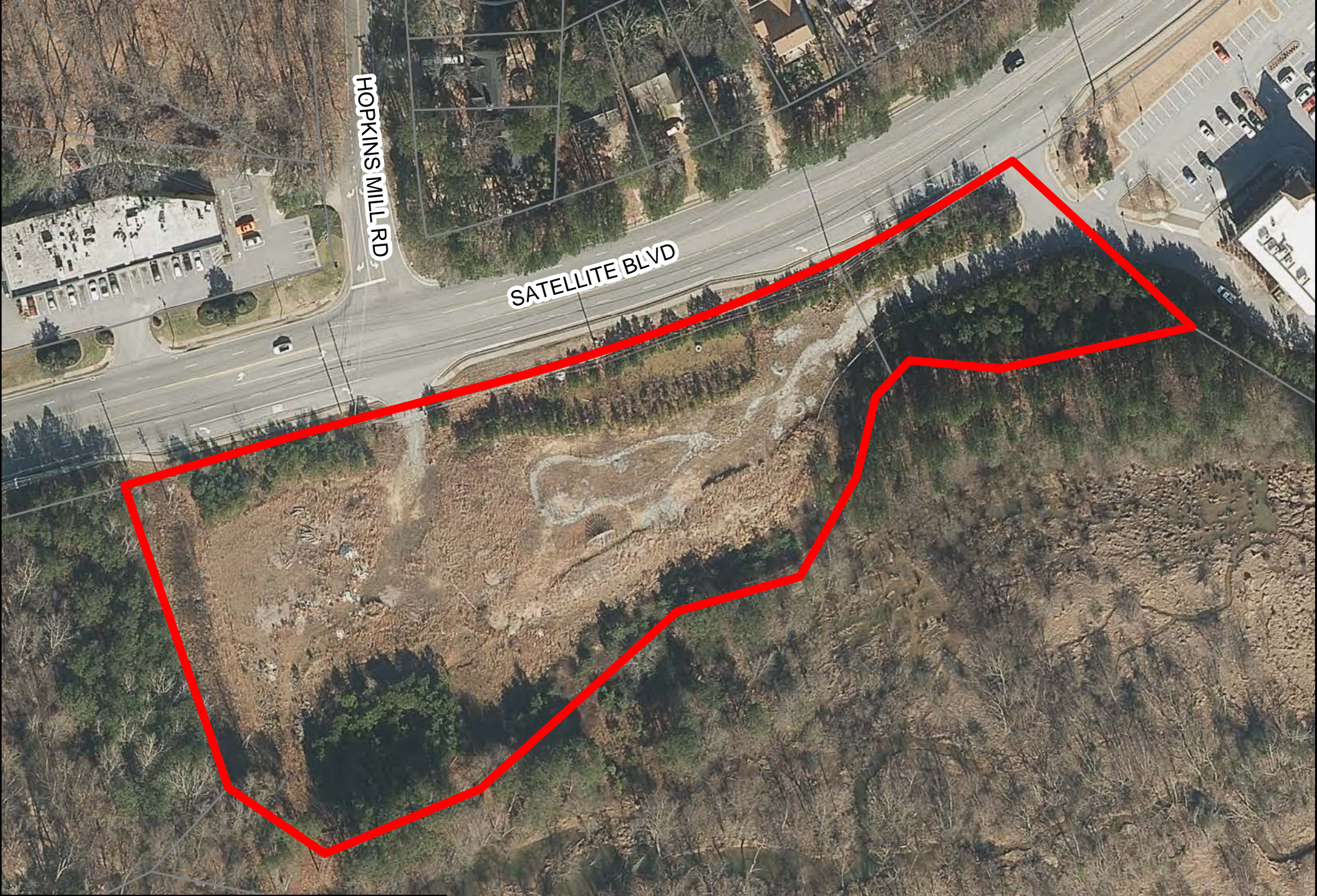


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Printed: December 6, 2016








HOPKINS MILL RD

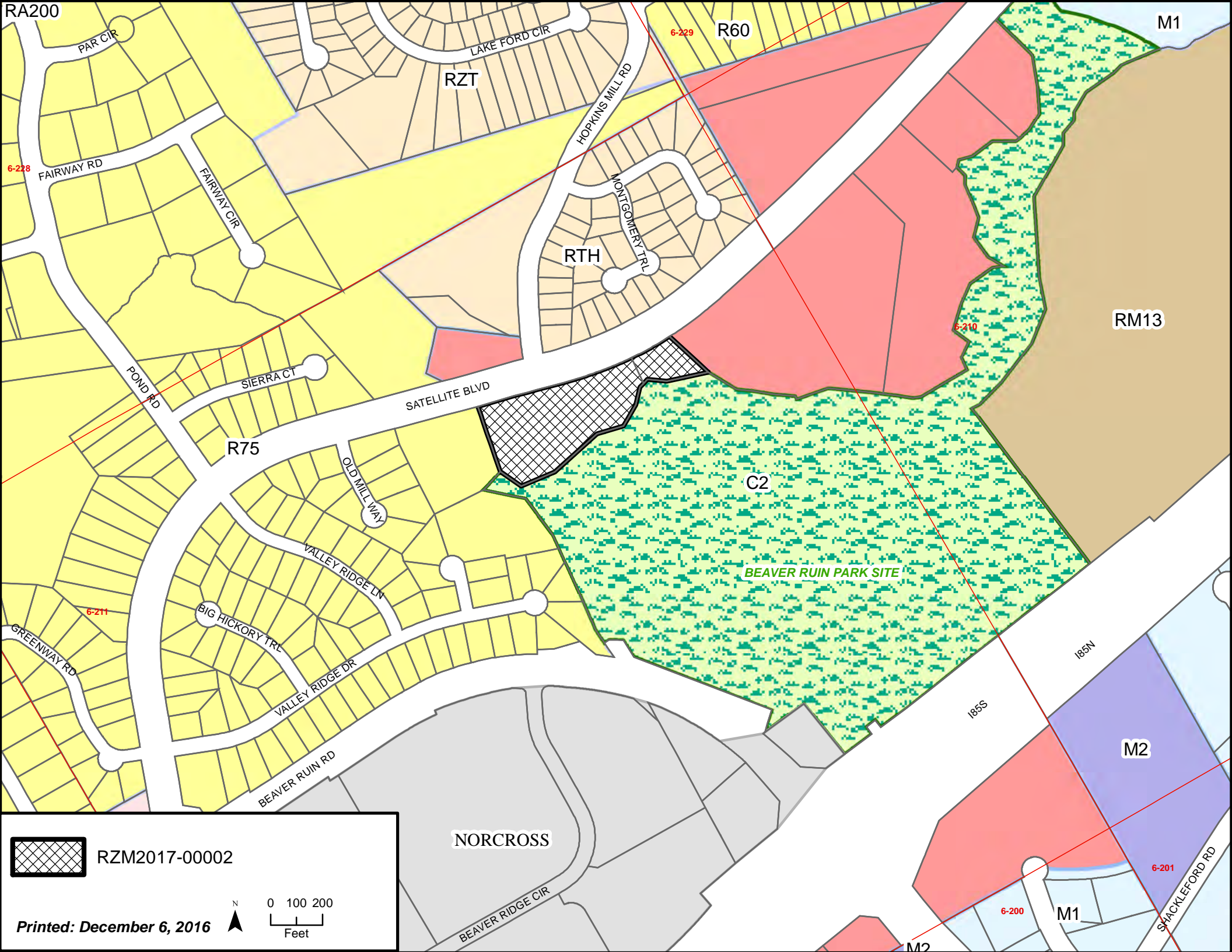
SATELLITE BLVD

 RZM2017-00002

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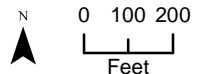
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 RZM2017-00002

Printed: December 6, 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 50-foot wide buffer and additional 25-foot impervious surface setback 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-zoned 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:

1. To restrict the use of the property as follows:
  - A. Light industrial, office, office/warehouse and accessory uses and structures, which may include a contractor's office (heavy/civil construction/logging) with gravel parking lots.
  - B. 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. The property shall not be used as a towing/wrecker service or junk salvage yard.
2. To abide by the following site development considerations:
  - A. 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.
  - B. Only one exit/entrance shall be allowed on Steve Reynolds Boulevard. No access shall be allowed on Beaver Ruin Road.
  - C. Gravel parking and storage areas shall be limited to those in existence before January 1, 2017.
  - D. 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.
  - E. 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.
  - F. 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.

- G. Billboards or oversized signs shall be prohibited.
- H. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- I. 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.
- J. 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.
- K. Outdoor loudspeakers shall be prohibited.
- L. Peddlers and/or parking lot sales shall be prohibited.
- M. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.



PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING 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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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

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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

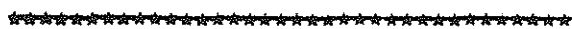
At a regular meeting of the Municipal-Gwinnett Planning and Zoning Commission held on January 17, 1980 at 9:00 A. M. in the Planning and Zoning Department, public hearing was held on the Zone Change Application for a rezoning amendment to the Gwinnett County Zoning Resolution adopted June 2, 1970 and 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

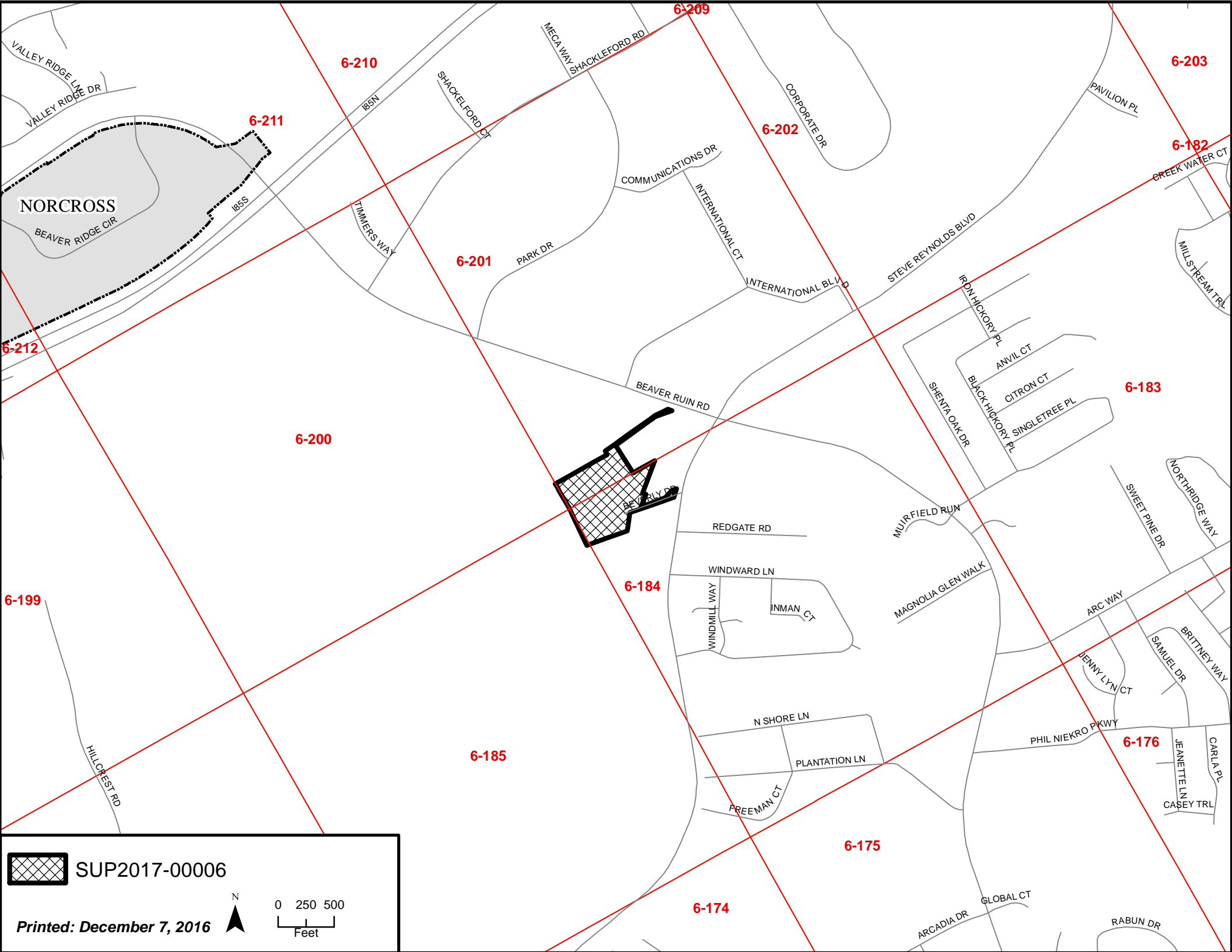
WHEREAS, Public Hearing was held in the Office of the Board of County Commissioners on February 26, 1980 and objections were not filed.

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



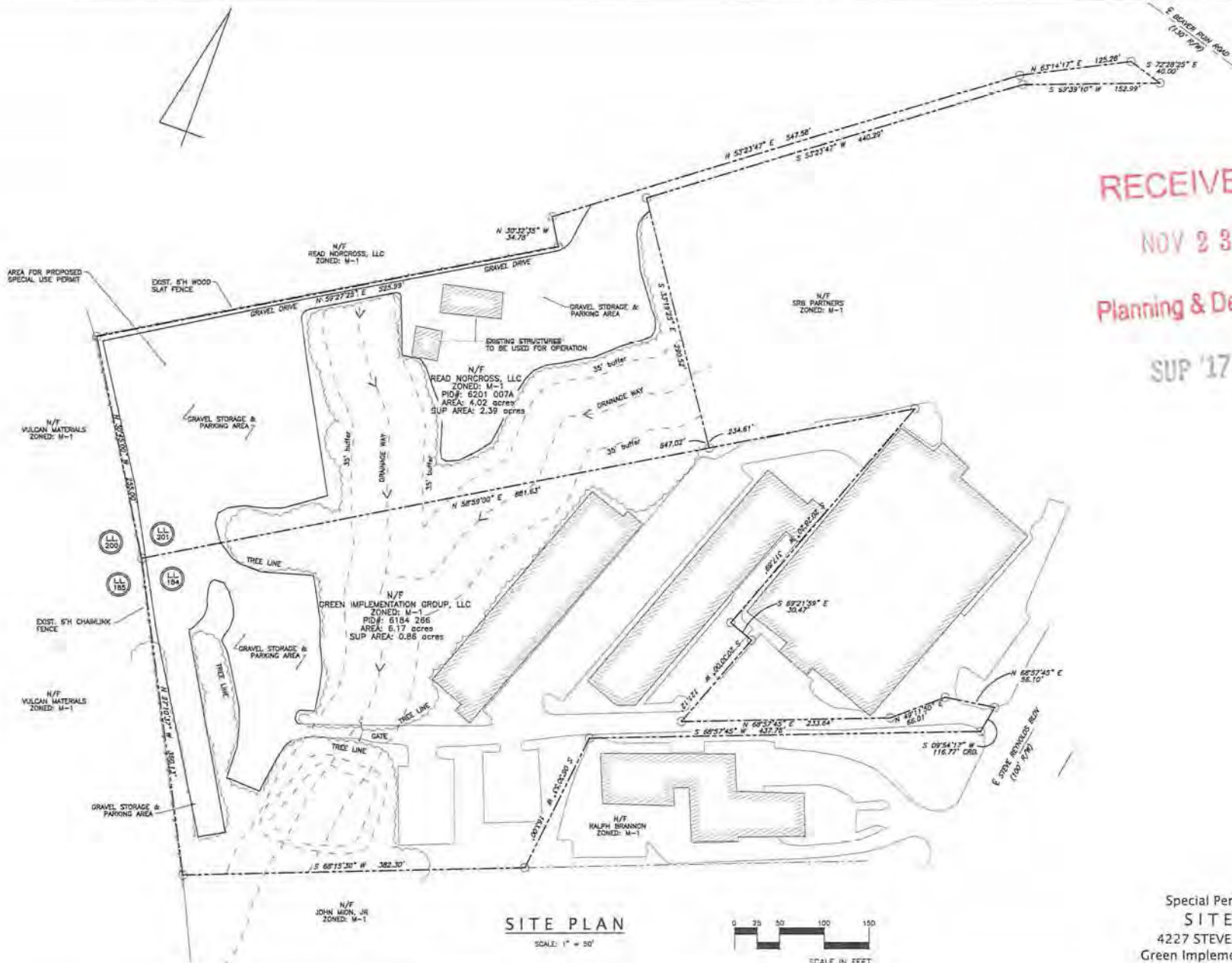
NORCROSS

 SUP2017-00006

Printed: December 7, 2016



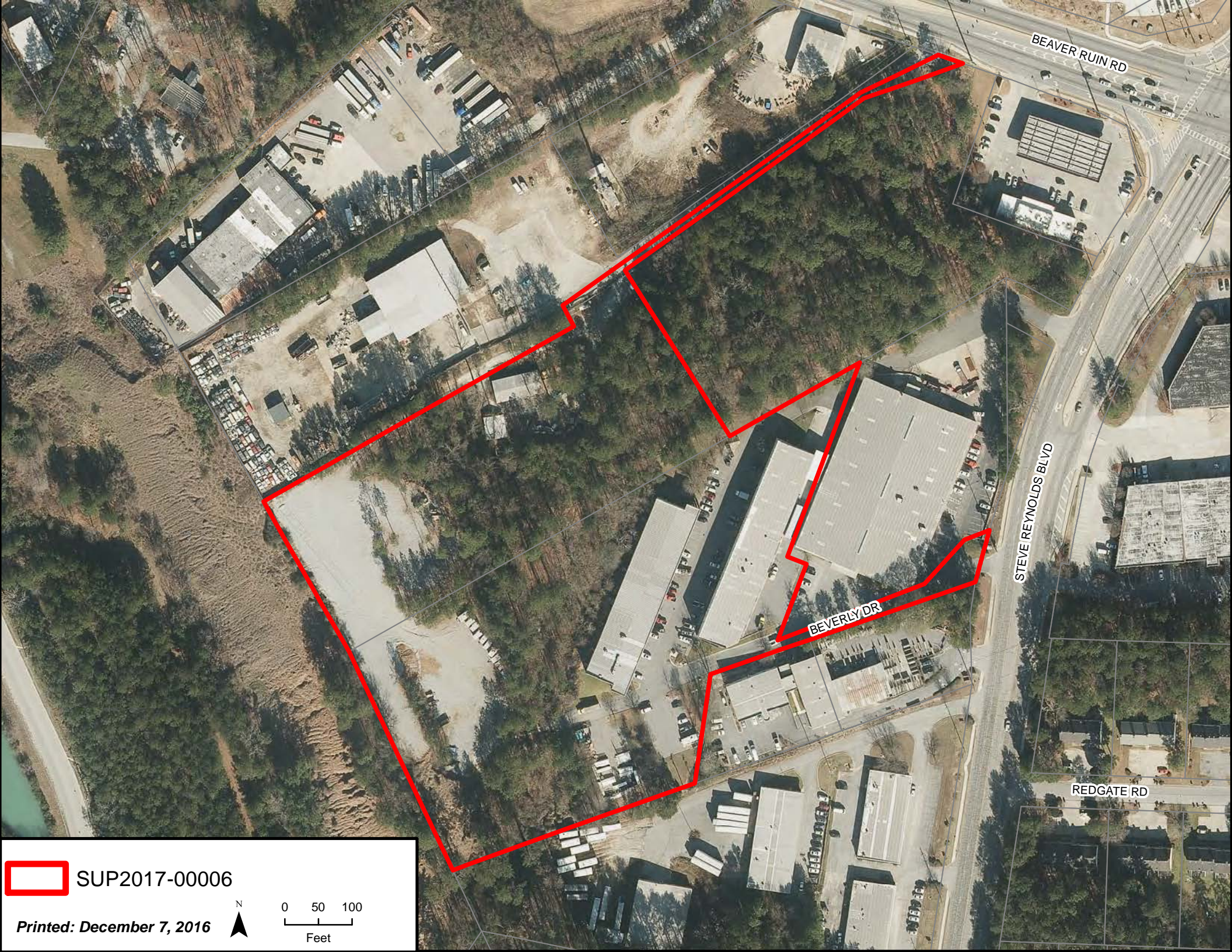
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 Planning & Development  
 SUP '17 06

**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

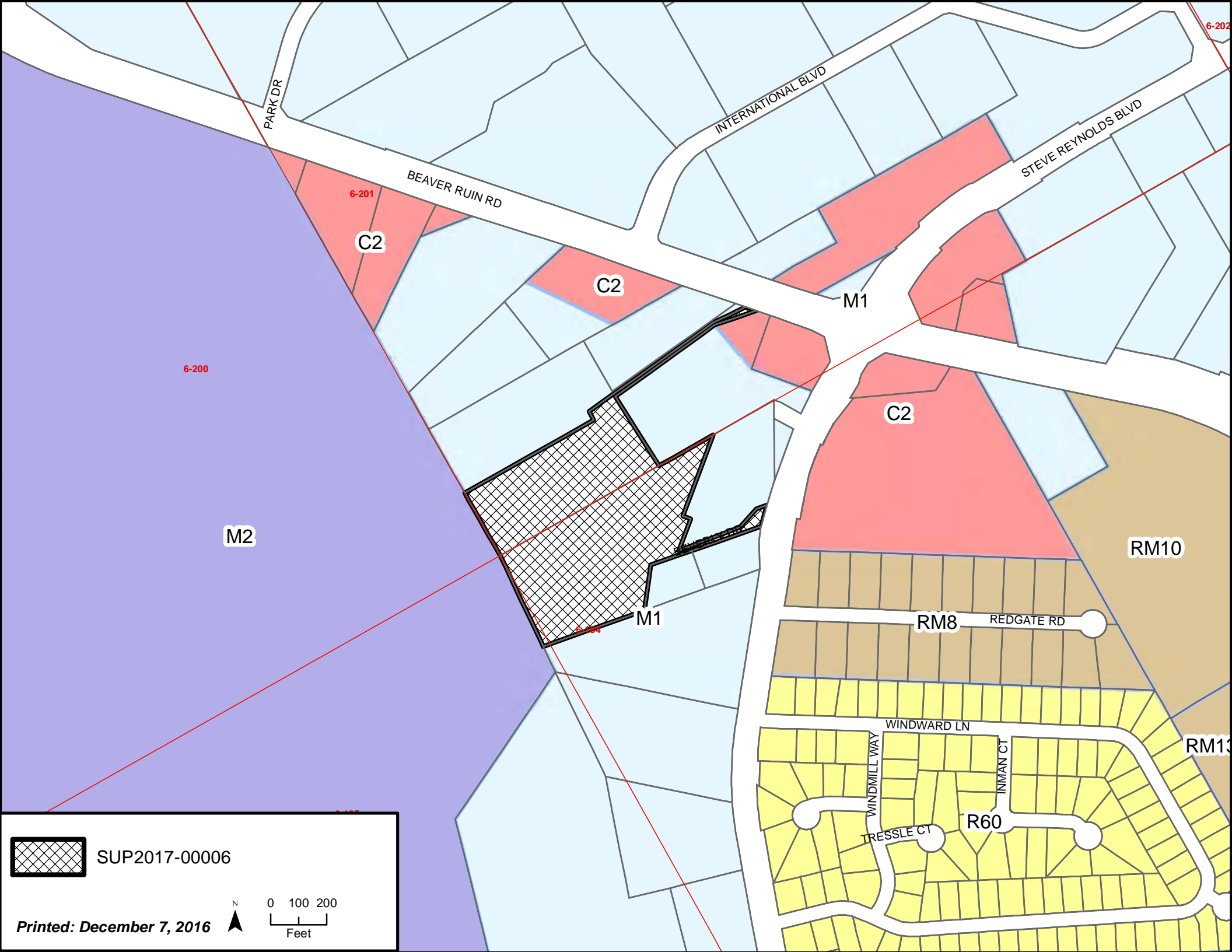
REDGATE RD

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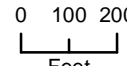
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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
REZONING ANALYSIS**

CASE NUMBER	: <b>RZC2017-00008</b>
ZONING CHANGE	:C-2 TO C-3
LOCATION	:3500 BLOCK OF SATELLITE BOULEVARD
MAP NUMBER	:R6232 047
ACREAGE	:0.37 ACRE
SQUARE FEET	:2,592 SQUARE FEET
PROPOSED DEVELOPMENT	:AUTOMOTIVE SERVICE
COMMISSION DISTRICT	:(1) BROOKS

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

APPLICANT: ROBERT JACKSON WILSON  
10 LUMPKIN STREET  
LAWRENCEVILLE, GA 30046

CONTACT: JACK WILSON      PHONE: 770.962.9780

OWNER: LUYEN PIEPER  
140 JUDD ROAD  
MONROE, CT 06468-1538

DEPARTMENT RECOMMENDATION: **APPROVAL AS A SPECIAL USE PERMIT**

PROJECT DATA:

The applicant requests a rezoning on a 0.37-acre parcel, zoned C-2 (General Business District), to allow an Automobile Repair Shop providing a wide range of services that may include electrical and mechanical repair, and general routine maintenance. The applicant intends to sell the property and requests to rezone to a C-3 zoning classification in order to comply with the rules and regulations of the Gwinnett County Unified Development Ordinance. The property is located on the northwest side of Satellite Boulevard just north of its intersection with Pleasant Hill Road. The site consists of one building approximately 2,592 square feet, associated parking, and driveways.

Originally developed in mid-1980's as an automobile repair and lubrication center, the site has operated as an existing non-conforming use prior to the amendment of the retired 1985 Gwinnett County Zoning Resolution requiring a Special Use Permit.

**ZONING HISTORY:**

In 1970, the subject property was zoned M-1 (Light Industry District). The property has been zoned C-2 since 1979, pursuant to RZ-147-79.

**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.

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.

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. (Venture Drive Overlay District)

**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.

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located on parcel R6232 047.

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

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

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The subject site is a 0.37-acre parcel, located on the northwest side of Satellite Boulevard, just north of its intersection with Pleasant Hill Road. The site consists of a freestanding commercial building, associated parking, and driveways.

The 2030 Unified Plan Future Development Map indicates the site is located within a Regional Mixed-Use Character Area, which supports commercial uses such as automobile repair shop operating as a freestanding business. The property is located along an established commercial corridor, developed with numerous automobile sales, rental, and service facilities, and the requested Special Use Permit would be compatible with the Character Area.

The area surrounding the site consists predominately of commercial/retail businesses with similar intensity of use and zoning. This segment of Satellite Boulevard is developed with an existing level of intensity consistent with the proposed uses in the immediate area, which includes automobile, commercial/retail and office uses. However, in the early 90's the zoning lines surrounding the Gwinnett Place Mall were established as C-3 and consisted of an area encompassed between Interstate-85, Pleasant Hill Road, Satellite Boulevard, and Old Norcross Road. Throughout the years, the Board has consistently recognized this boundary and established a precedent, limiting the range and level of intensity often associated with the C-3 zoning classification. Therefore, it may be more appropriate to consider approving a Special Use Permit allowing an automobile repair shop within the existing C-2 zoning at this location.

In conclusion, the requested rezoning classification would be inconsistent with the policies of Gwinnett County established by the Board with regard to the existing zoning pattern surrounding the Gwinnett Place Mall. A suitable alternative would be to recommend approval as a Special Use Permit within C-2 zoning allowing an automobile repair shop. Therefore, the Department of Planning and Development recommends **APPROVAL AS A SPECIAL USE PERMIT**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for an automobile repair shop, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail, service-commercial, office and accessory uses, which may include automobile repair shop as a special use.
  - B. Any new buildings and exterior renovations of existing buildings shall be finished with architectural treatments of glass, brick and/or stacked stone. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
  - C. Outdoor sales, storage or display of merchandise other than automobiles (such as trailers, utility buildings, rental trucks, automotive parts, junked vehicles, etc.) shall be prohibited.
  - D. Any repair or servicing of vehicles shall be conducted indoors.
2. To satisfy the following site development considerations:
  - A. Provide or maintain a minimum ten-foot landscaped strip along Satellite Boulevard and the rear property line, and a minimum five-foot wide landscaped strip along the north and south (side) property lines.
  - B. Ground signage shall be limited to a 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. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- F. Outdoor loudspeakers shall be prohibited.
- G. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure.
- H. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- I. Peddlers shall be prohibited.
- J. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested rezoning for an automobile repair shop may be considered suitable in light of adjacent and nearby land uses.

ADVERSE IMPACTS

With the recommended conditions, the request may not be expected to impose additional impacts on adjacent or nearby properties.

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 the proposed rezoning.

CONFORMITY WITH POLICIES

The proposal is compatible with policies of the Unified Plan for established commercial corridor and this Character Area. The proposed automobile repair shop would be compatible with the surrounding developments.

CONDITIONS AFFECTING ZONING

Allowing the rezoning of a small parcel of land to C-3 would be inconsistent with the policies established by of the Board of Commissioners.

**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 property has been used for automotive repairs since the 1980s. Other similar uses exist on the adjoining property and in close proximity.

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

No. The use is consistent with adjacent and nearby automotive and other intense commercial uses

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

Yes, but that use is limited by the new provisions of the UDO.

- (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 rezoning will allow the existing use to continue and make the property more easily marketable.

- (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:

Yes. Having destination uses like this one in close proximity to major commercial and residential centers will reduce the number of vehicle trips and enhance the viability of redevelopment of nearby properties by providing necessary services in close proximity.

RZC '17 008

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Planning & Development



# 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)

December 9, 2016

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

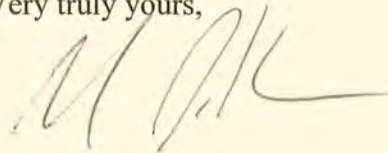
Re: Rezoning of 3545 Satellite Blvd., Duluth, GA 30096

Dear Chairman Nash and Members of the Commission:

I represent the applicant and owner in this request for rezoning. The property has been used as an automotive repair and tire shop since the 1980s. Under former zoning ordinances, the use is permitted as a matter of right. The UDO requires rezoning to C-3 to permit automotive repair uses as a matter of right. The property owner would like to be able to market and sell the property to an operator of the business or to an investor. She requests rezoning to C-3 to allow this long standing automotive use to continue and to allow the property to be freely marketable for those purposes in conformance with the requirements of the UDO. The small size of this tract indicates that it is not likely to be redeveloped for any other purpose. For these reasons, we respectfully request that the property be rezoned to C-3 to permit this use to continue as a matter of right. If you have any questions or need any additional information, please do not hesitate to call me.

With best regards, I am

Very truly yours,



Robert Jackson Wilson

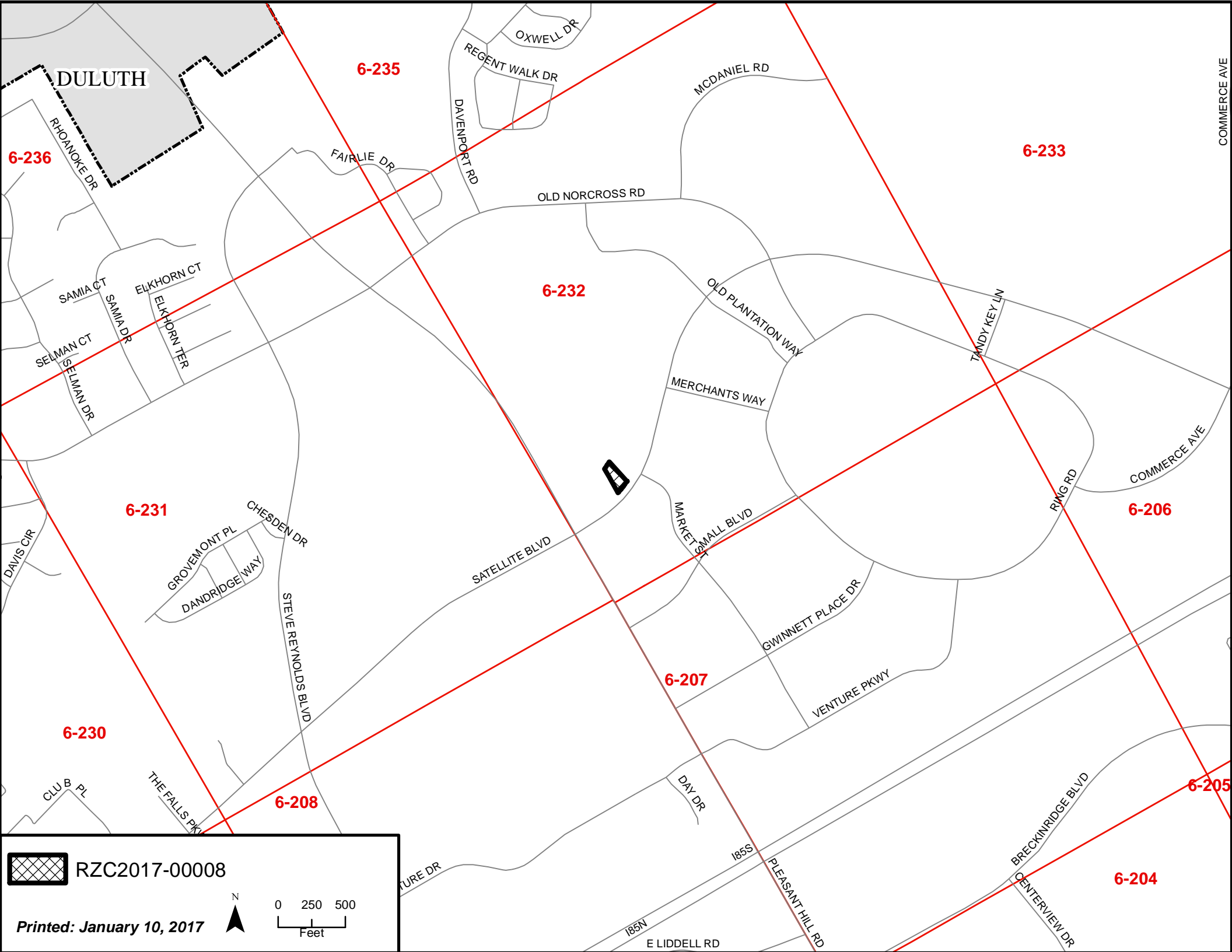
RJW/bka

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Planning & Development



DULUTH

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 RZC2017-00008



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Feet

Printed: January 10, 2017

OXWELL DR  
REGENT WALK DR  
DAVENPORT RD

MCDANIEL RD

OLD NORCROSS RD

MCDANIEL RD

FAIRLIE DR

DAVENPORT RD

RHANOKE DR

SAMIA CT

ELKHORN CT

SELMAN CT  
SELMAN DR

SAMA DR

ELKHORN TER

OLD NORCROSS RD

OLD PLANTATION WAY

MERCHANTS WAY

TANDY KEY LN

COMMERCE AVE

DAVIS CIR

GROVEMONT PL  
DANDRIDGE WAY

CHESDEN DR

STEVE REYNOLDS BLVD

SATELLITE BLVD

MARKET SMALL BLVD

GWINNETT PLACE DR

VENTURE PKWY

RMG RD

CLUB PL

THE FALLS PK

DAY DR

VENTURE DR

185N

185S

E LIDDELL RD

PLEASANT HILL RD

BRECKINRIDGE BLVD

CENTERVIEW DR

COMMERCE AVE



**LEGEND**

R/W	RIGHT OF WAY	UE	UTILITY EASEMENT
PAV	PAVEMENT	JB	JUNCTION BOX
SB	SEWER	HP	HEADPILL
RL	RUNNING LINE	CL	CENTER LINE
PL	PROPERTY LINE	SE	SEWER EASEMENT
A	ALIAS	HT	HYDROPHONE
W	WATER	IP	IRON PIN SET
MH	MANHOLE	EP	ELECTRIC POWER
SE	SEWER EASEMENT	ES	ELECTRIC SERVICE
SE	SEWER EASEMENT	CS	CABLE
EP	EDGE OF PAVEMENT	PP	POWER POLE
H.C.	HOLE IN CURB	NO	NOW OR FORMERLY
EC	EDGE OF CURB	IN	INVERT
EL	EXISTING ELEVATION	OF	OR FORMERLY
		PE	PROPOSED ELEVATION

NOW OR FORMERLY  
GLOBAL STATION, LLC  
PARCEL ID: 6-232-035  
DEED BOOK 46436, PAGE 500

NOW OR FORMERLY  
QUAKER STATE MINUTE LUBE, INC.  
PARCEL ID: 6-232-035  
DEED BOOK 1050, PAGE 56-57  
SEE PLAT BOOK 39, PAGE 79

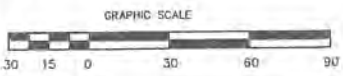
NOW OR FORMERLY  
JEROME F. MERSBERGER ET AL  
PARCEL ID: 6-232-032  
DEED BOOK 4723, PAGE 318  
SEE PLAT BOOK 39, PAGE 79



**General Notes:**

1. SURVEY AS PER IRON PINS FOUND AND REFERENCES AS NOTED ABOVE.
2. NEW RIGHT OF WAY SHOWN AS PER INFORMATION TAKEN FROM DRAWINGS PROVIDED BY GWINNETT COUNTY TRANSPORTATION DEPARTMENT, PROJECT NUMBER 0530 SHEET RW-06 AND IRON PINS AND NAILS SET ON THE GROUND.
3. SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD DISTRICT PER F.L.R.M. PANEL NUMBER 13135C0069F, EFFECTIVE DATE SEPTEMBER 29, 2006
4. SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND PROPERTY IS SUBJECT TO ALL MATTERS OF TITLE.
5. TEMPORARY EASEMENTS WERE NOT SHOWN, EASEMENT EXPIRED UPON COMPLETION OF CONSTRUCTION.

PROPERTY ADDRESS  
354S SATELLITE BOULEVARD  
PARCEL ID 6-232-047



**SURVEYOR'S CERTIFICATE**

I, J. SCOTT SMITH, A GEORGIA REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT, AS TO THE PROPERTY LINES AND IMPROVEMENTS SHOWN HEREON, THAT IT WAS PREPARED FROM AN ACTUAL FIELD SURVEY OF THE PROPERTY DENOTED, HEREON, EITHER BY ME, OR UNDER MY SUPERVISION, THAT ALL MONUMENTS SHOWN, HEREON ACTUALLY EXISTED AT THE TIME THE FIELD SURVEY WAS CONDUCTED AND THAT THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY REPRESENTED.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAD A CLOSURE PRECISION (BEFORE ADJUSTMENT) OF 1 FOOT IN 21,125 FEET WITH AN ANGULAR ERROR OF 0.6 SECONDS PER ANGLE POINT. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 198,809 FEET, AND THE AREA OF THE TRACT OF LAND SURVEYED IS 0.37 ACRES.

THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREON WAS: A TOPCON 303 SEMI TOTAL STATION.

BY: *J. Scott Smith*  
J. SCOTT SMITH - Georgia Registration No. 3014

**Boundary Survey**



REV. POB 5/7/07

Trestor Properties, LLC, Quantum National Bank U.S. Small Business Administration Lawyers Title Insurance Corporation			
COUNTY:	GWINNETT	LAND LOT (S):	232
DISTRICT:	6	STATE:	GEORGIA
SCALE:	1" = 30'	DATE:	3/20/07
DRAWN:	T.K.	CHECKED:	J.S.S.
JOB NO.:	07144		

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

LAND SURVEYING  
RESIDENTIAL & COMMERCIAL SITE DESIGN

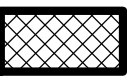
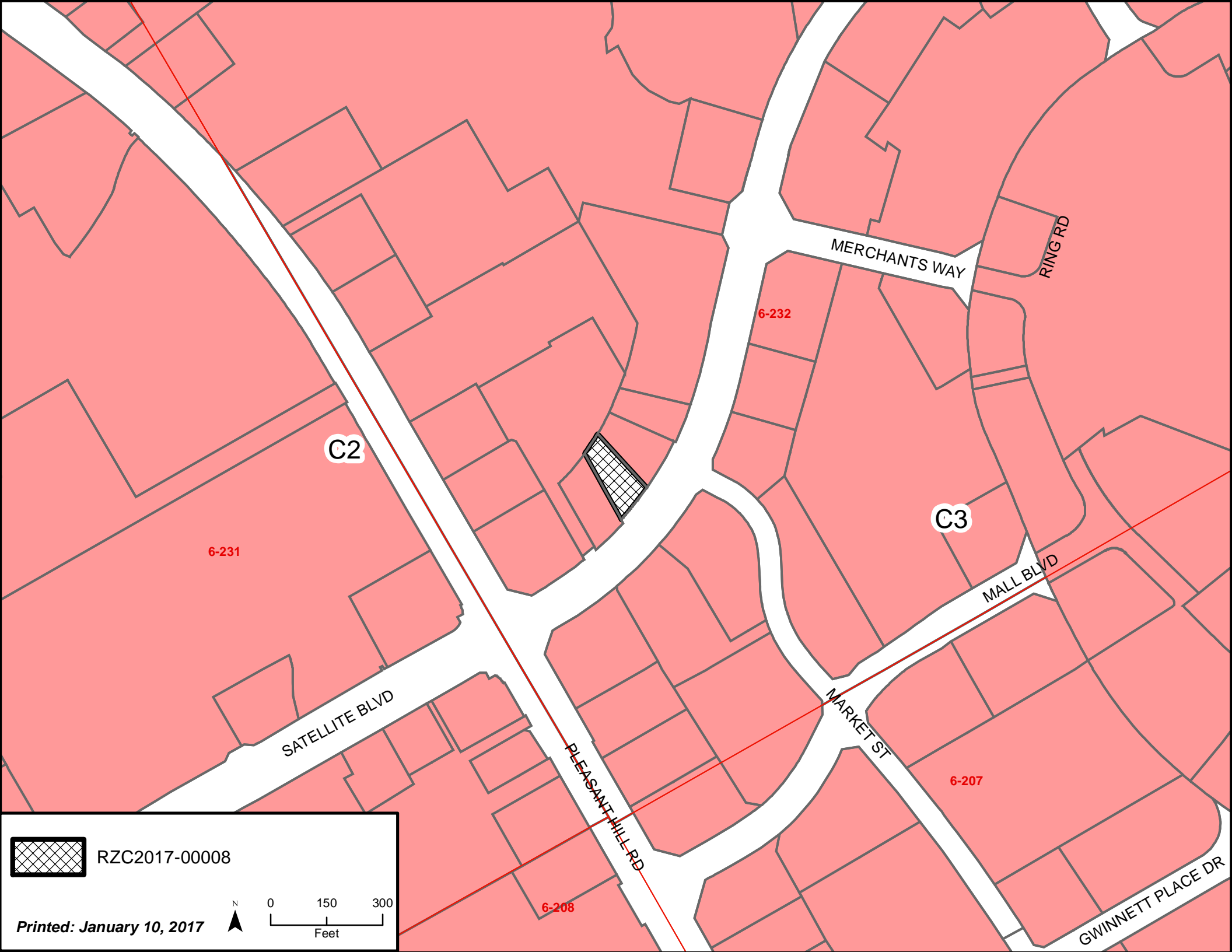
723 CHURCH STREET N.E. - SUITE A  
BURLINGTON, GEORGIA 30516  
Ph. (770) 614-7095  
Fax. (770) 614-7099  
Email: dtlsurvey@yahoo.com

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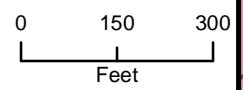
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**Planning & Development**




RZC2017-00008



Printed: January 10, 2017



SATELLITE BLVD

 RZC2017-00008

Printed: January 10, 2017

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0 25 50  
Feet

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

CASE NUMBER :**RZC2017-00009**  
ZONING CHANGE :RA-200 TO C-1  
LOCATION :2800 BLOCK OF HAMILTON MILL ROAD  
MAP NUMBER :R1001 452  
ACREAGE :4.24 ACRES  
SQUARE FEET :28,712 SQUARE FEET  
PROPOSED DEVELOPMENT :RESTAURANT (DRIVE-IN OR DRIVE-THRU FAST  
FOOD)  
(BUFFER REDUCTION)  
COMMISSION DISTRICT :(4) HEARD

CASE NUMBER :**SUP2017-00011**  
ZONING :C-1 (PROPOSED)  
LOCATION :2800 BLOCK OF HAMILTON MILL ROAD  
MAP NUMBER :R1001 452  
ACREAGE :4.24 ACRES  
SQUARE FEET :28,712 SQUARE FEET  
PROPOSED DEVELOPMENT :RESTAURANT (DRIVE-IN OR DRIVE-THRU FAST  
FOOD)  
(BUFFER REDUCTION)  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: BARBARA BANKS & RENE BANKS SEAWELL  
C/O ADVANCED ENGINEERING & PLANNING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNER: BARBARA BANKS & RENE BANKS SEAWELL  
C/O ADVANCED ENGINEERING & PLANNING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests the rezoning of 4.24-acres from RA-200 (Agriculture Residence District) to C-1 (Neighborhood Business District), and the granting of a Special Use Permit, for the construction of two fast food restaurants with a drive-in or drive-thru and a two-story retail

office building. The subject property is located at the western corner of the intersection of Hamilton Mill Road and the present location of Pucketts Mill Road (Gwinnett D.O.T. Project #M0690-01 proposes a relocation of Pucketts Mill Road). The property is located within the Highway 124/324/Hamilton Mill Overlay District and the development would be subject to those requirements.

The site plan proposes three commercial buildings on three individual lots, consisting of a total of approximately 28,712 square feet of retail and office space, associated driveways and a combined 198 parking spaces, which satisfies the minimum parking standards for this type of development.

As proposed, the site would include two fast-food restaurants, and a two-story commercial building located at the intersection of Hamilton Mill Road and the proposed old location of Pucketts Mill Road after realignment. Access would be provided through curb cuts onto both Hamilton Mill Road and the proposed Old Pucketts Mill Road, and the proposed relocation of Pucketts Mill Road. Inter-parcel access would be provided throughout the proposed development.

In addition, the plan proposes a dumpster being located in the front yard area, which would require a Variance for the desired location. Furthermore, a portion of the parking lot and dumpster are shown along the eastern property line. The property immediately to the east is not part of this request and is currently zoned RA-200. Therefore, a reduction of the required 50-foot buffer along the side property line will be required.

#### ZONING HISTORY:

In 1970, the property was zoned C-1. The site was rezoned RA-200 as part of an areawide rezoning action in 1975. In 2013, the Board of Commissioners, pursuant to RZC2013-00006 and SUP2013-00043, denied a similar request without prejudice.

#### 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 Hamilton Mill Road and Pucketts Mill 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.

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



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

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

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Hamilton Mill 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.

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

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

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

Standard deceleration 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.

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

There is a Gwinnett DOT project to improve Hamilton Mill Road and realign Pucketts Mill Road Project # (M0690-01). Coordinate development with the DOT Project Manager, Britton Lockheart.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the northeast right-of-way of Hamilton Mill Road and a two-inch water main located on the southeast right-of-way of Pucketts Mill 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 14-inch sanitary sewer main located on parcel R1001 452.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

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

classification, type of construction, and location of each building from property lines and other buildings.

4. Architectural design of the proposed building shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category 3.
5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

No Comment.

#### DEPARTMENT ANALYSIS:

The applicant's request comprises a 4.24-acre parcel of land, located at the northwest intersection of Hamilton Mill Road and Pucketts Mill Road intersection. Presently, the majority of the site contains woods, a power line easement, and an area cleared around the existing unoccupied single-family dwelling situated near the intersection. The applicant is proposing to develop the site with two fast food restaurants with a drive-in or drive-thru and a two-story retail office building.

The 2030 Unified Plan Future Development Map indicates that the property lies within an Existing/Emerging Suburban Character Area. The requested rezoning for commercial activity would be inconsistent with the recommendations for this Character Area, which encourage single-family residential uses and suggest that commercial activity be situated at appropriate intersections, buffered from residential uses.

The area immediately surrounding the proposed development is characterized by both residential and commercial uses with Puckett's Mill Road being the established transition point between these land uses. The surrounding residential uses, which extend from Pucketts Mill Road northwest to Wallace Road, are characterized by subdivision and acreage tracts zoned a mix of R-100, R-100 Modified, and RA-200. From Pucketts Mill Road southeast to Interstate 85 lies a heavily developed commercial corridor containing a large retail center, small strip commercial centers, restaurants, and gas stations among other commercial uses. Allowing commercial development to cross the existing transition line at Pucketts Mill Road may introduce incompatible land use and development within the predominantly residential area.

In conclusion, the requested rezoning and Special Use Permit would not be consistent with the recommended land uses for the property or with the low-density residential development pattern of this segment of Hamilton Mill Road. The Pucketts Mill Road and Hamilton Mill Road intersection represents the limits of commercial activity along Hamilton Mill Road in this area, and any encroachment would be inconsistent with the precedent established by the Board

regarding development along this segment of Hamilton Mill Road. Therefore, the Department of Planning and Development recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval as C-1, subject to the following enumerated conditions:

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

- A. Retail, service-commercial, office and accessory uses, which may include drive-through restaurants as a special use per SUP2017-00011. 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 limited to one-story. 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.
- C. Buildings shall be residential in appearance with residential scale windows and constructed with fully pitched roofs (4:12 minimum slope) which shall include at least two of the following features:
- Steep sections of roof with at least six-in-twelve pitch
  - Dormers
  - Cupolas
  - Spires
  - Gables
- D. Fully pitched roof buildings may have a flat roof well located in the central area of the roof, not to exceed 50 percent of the roof area, with a pitched roof similar to a mansard design on all sides of the building. The height of the partial (mansard design) pitched roof profile must be equal to 60% of the ridge height of a fully pitched roof for that building.

- E. Abide by all requirements of UDO Section 220-30 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application.
2. To abide by the following site development considerations:
    - A. Provide a 35-foot wide landscaped strip adjacent to all rights-of-way.
    - B. Provide a 35-foot graded and enhanced buffer adjacent to all residentially and agriculturally-zoned properties.
    - C. Natural vegetation shall remain on the property prior to the issuance of a development permit.
    - D. Ground signage shall be limited to a 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.
    - 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. Dumpsters shall be screened by a 100% opaque brick or stacked stonewall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
    - H. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
    - I. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
    - J. Peddlers and/or parking lot sales shall be prohibited.
    - K. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

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

- A Provide at no cost to Gwinnett County, all necessary right-of-way and easements for the Gwinnett County D.O.T. project to improve Hamilton Mill Road and realign Pucketts Mill Road, Project # (M0690-01). Design and specifications shall be subject to review and approval of the Gwinnett County D.O.T.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval as Special Use Permit for drive-thru restaurants, subject to the following enumerated conditions:

1. Up to two drive-through restaurants may be allowed as a special use.
2. Drive-thru menu boards shall not be located between the building and the adjacent right-of-way.
3. Abide by all applicable conditions of RZC2017-00009.



PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

A commercial/retail shopping center with two restaurants may not be compatible with surrounding low-density residential uses in the area. Approval of the request could promote additional commercial requests along this residential portion of Hamilton Mill Road.

ADVERSE IMPACTS

Adverse impacts in the form of noise, traffic and light intrusion could be anticipated in this residential area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

An increase in traffic, storm water runoff and utility demand could be anticipated from this request.

CONFORMITY WITH POLICIES

The requested rezoning may be inconsistent with the recommendations of the 2030 Unified Plan, which suggest the residential segment of Hamilton Mill Road between its intersection with both Pucketts Mill Road and Wallace Road be located at appropriate intersections buffered from residential activities.

CONDITIONS AFFECTING ZONING

Commercial development along Hamilton Mill Road has generally been limited to the commercial intersections at Pucketts Mill Road, Ridge Road/Wallace Road and at Sardis Church Road. As such, the proposed rezoning for a shopping center in an established residential corridor of Hamilton Mill Road would introduce an encroachment to the quality of life for those living along the corridor.

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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

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

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

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

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

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

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

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

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

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

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

THE SUBJECT PROPERTY IS DESIGNATED AS EXISTING/EMERGING SUBURBAN

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

SEE LETTER OF INTENT.

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STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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

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

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

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

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

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

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

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

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

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

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

THE SUBJECT PROPERTY IS DESIGNATED AS EXISTING/EMERGING SUBURBAN

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

SEE LETTER OF INTENT.

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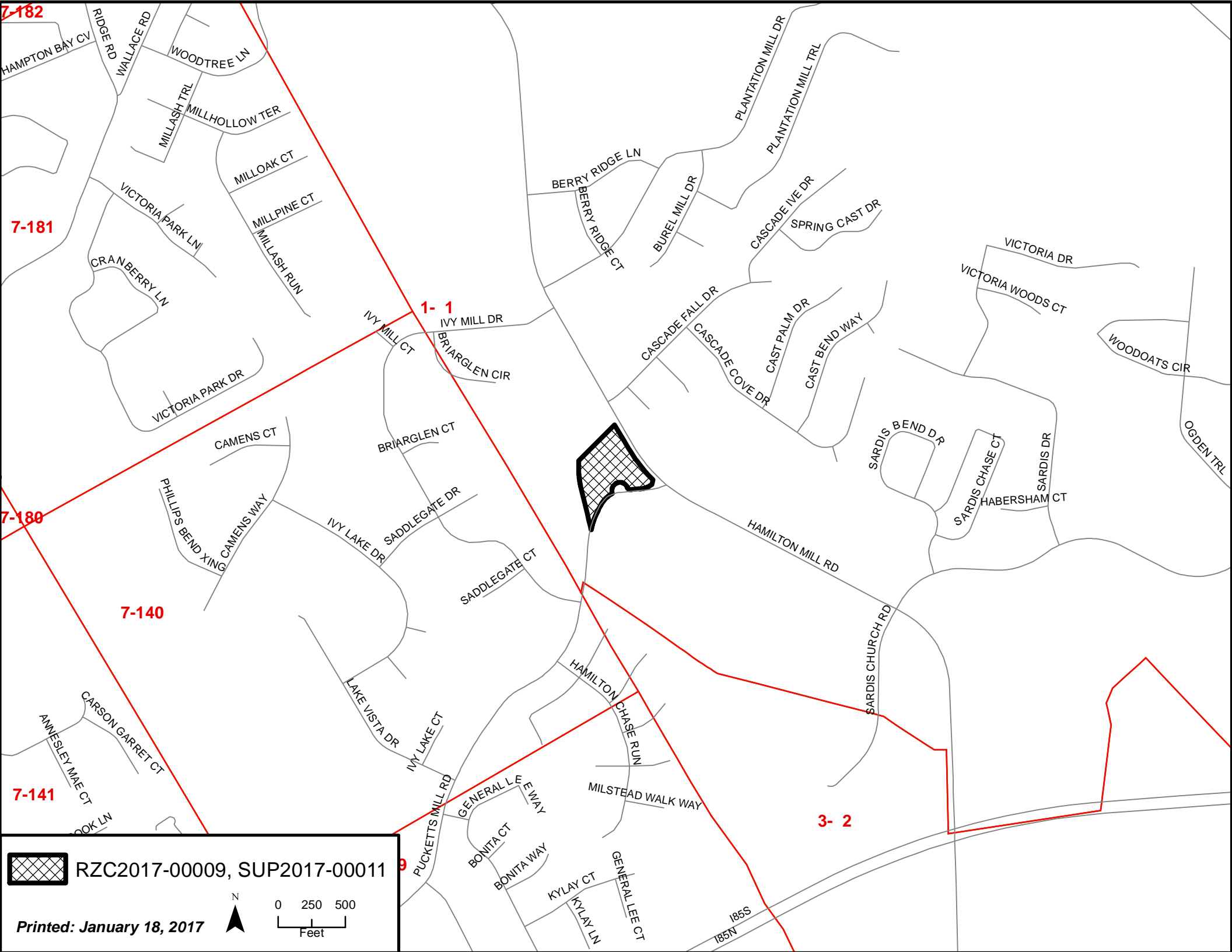
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## REZONING APPLICANT'S LETTER OF INTENT

The Applicant and Owner, The Troy Burel Estate, requests a rezoning and a special use permit for their property located at 2838 Hamilton Mill Road. The property is currently zoned RA-200 and the request is to allow the property to be developed as C-1 with a total of 3 buildings. Several years ago there was a request to rezone a part of the property to commercial and some of the neighbors expressed concerns about the uses for the remainder of the property as well as access to the property. This request is for all of the property to be rezoned as C-1 with complete interparcel access and to allow drive thru windows at the proposed restaurants. The previous request also included a Dairy Queen on the corner and this request also shows that same use as well as another possible restaurant or commercial/retail on the new corner of the realigned Pucketts Mill Road. Along the rear of the property there is a proposed 2 story building with commercial/retail on the first floor and office uses on the second floor. The county has acquired the right of way to move Pucketts Mill Road so that it will align with the entrance of Cascade Falls with a traffic light to be installed. This project is proposing to have one entrance onto the new section of Pucketts Mill Road, one access point onto the Old Pucketts Mill Road cul-de-sac and finally a right-in right-out access onto Hamilton Mill Road pending D.O.T. approval. The applicants are trying to make the project neighborhood friendly and to that end they agree that there will not be a gas station located on the property if it is approved as C-1. The project will also have a shared storm water management pond instead of each parcel having a separate pond.

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RZC2017-00009, SUP2017-00011

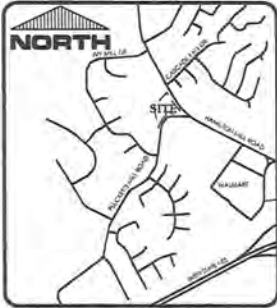


0 250 500  
Feet

Printed: January 18, 2017

# Hamilton Mill Commercial

LAND LOT(S): 1st DISTRICT: 1st  
 GWINNETT COUNTY, GEORGIA  
 DATE: December 19, 2016



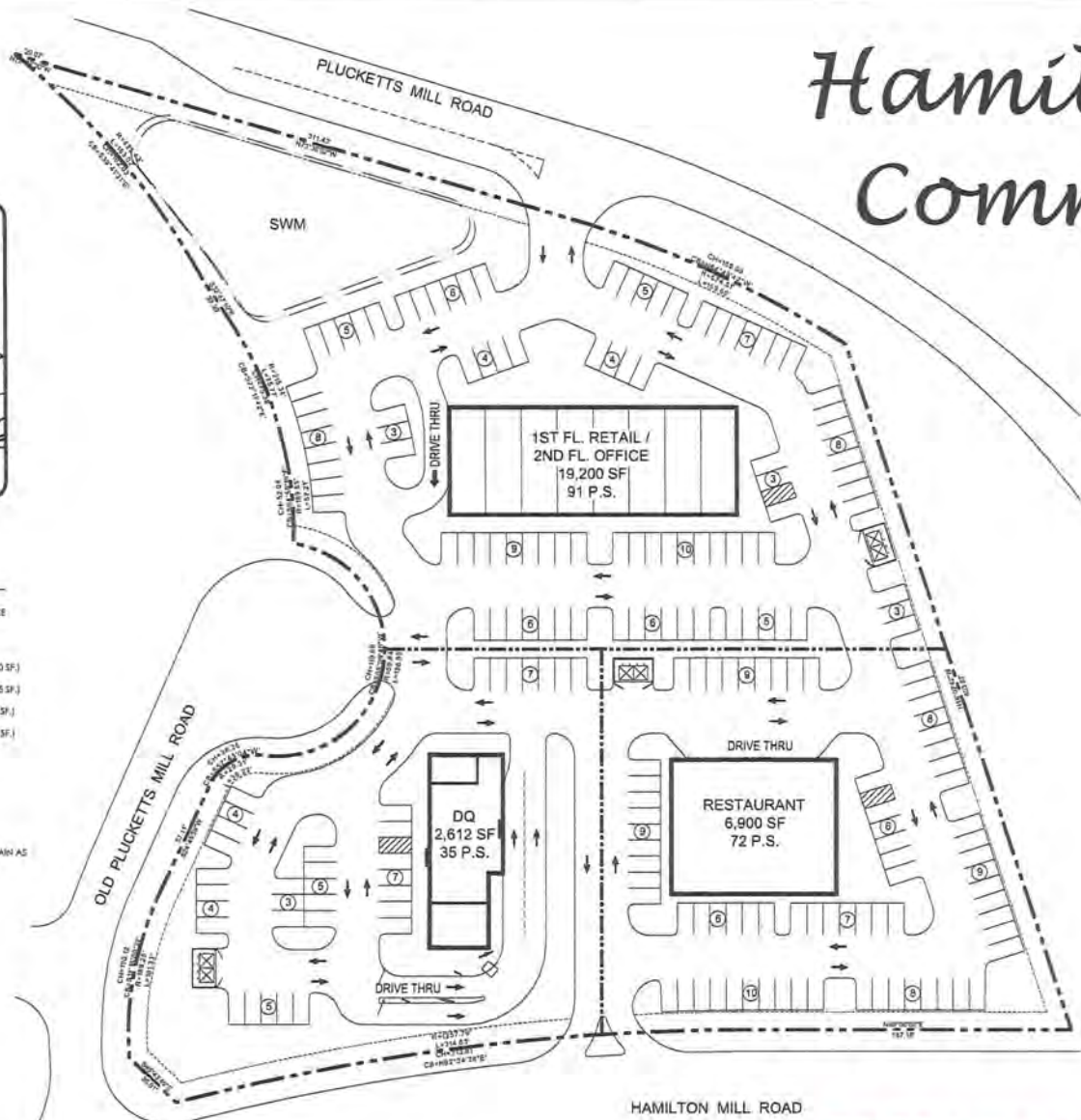
**SITE DATA**

EXISTING ZONING:	R4000
PROPOSED ZONING:	C-1 W/ SPECIAL USE
TOTAL SITE AREA:	+/-4.24 ACRES
TOTAL BUILDING S.F.:	28,712 S.F.
RETAIL (1ST FLOOR) S.F.:	9,400 S.F.
PARKING (MIN./1,500 SF. & MAX. 1/2,000 SF.):	48 SP. (1/2,000 SF.)
OFFICE (2ND FLOOR) S.F.:	9,400 S.F.
PARKING (MIN./1,500 SF. & MAX. 1/2,225 SF.):	43 SP. (1/2,225 SF.)
RESTAURANT:	4,900 S.F.
PARKING (MIN./1,150 SF. & MAX. 1/75 SF.):	72 SP. (1/75 SF.)
DO RESTAURANT:	2,612 S.F.
PARKING (MIN./1,150 SF. & MAX. 1/75 SF.):	35 SP. (1/75 SF.)
TOTAL # OF PARKING SPACES:	203 SPACES
BUILDING HEIGHT:	35 FT. MAX
SETBACKS:	
FRONT YARD:	15 FT.
SIDE SETBACK(SF):	10 FT.
REAR YARD:	30
LANDSCAPE STRIP:	10

\*NO PORTION OF THIS PROPERTY IS LOCATED IN A FEMA FLOOD PLAIN AS PER FEMA MAP NO. 13135C0227F, DATED 09/29/2005.

**PROPERTY OWNERS:**

1001-452 : TROY BUREL



**SEWER NOTE:**  
 SEWER WILL BE A GRAVITY LINE AND TIE INTO EXISTING SEWER MANHOLE ON HAMILTON MILL ROAD.  
 SEWER PROVIDED BY GWINNETT COUNTY.  
**LAND LOT & DISTRICT:**  
 SITE IS LOCATED IN LAND LOT 1 AND 1st DISTRICT.  
**DETENTION NOTE:**  
 DETENTION PONDS SHOWN WILL BE A MASTER DETENTION POND FOR THE ENTIRE PROPERTY.

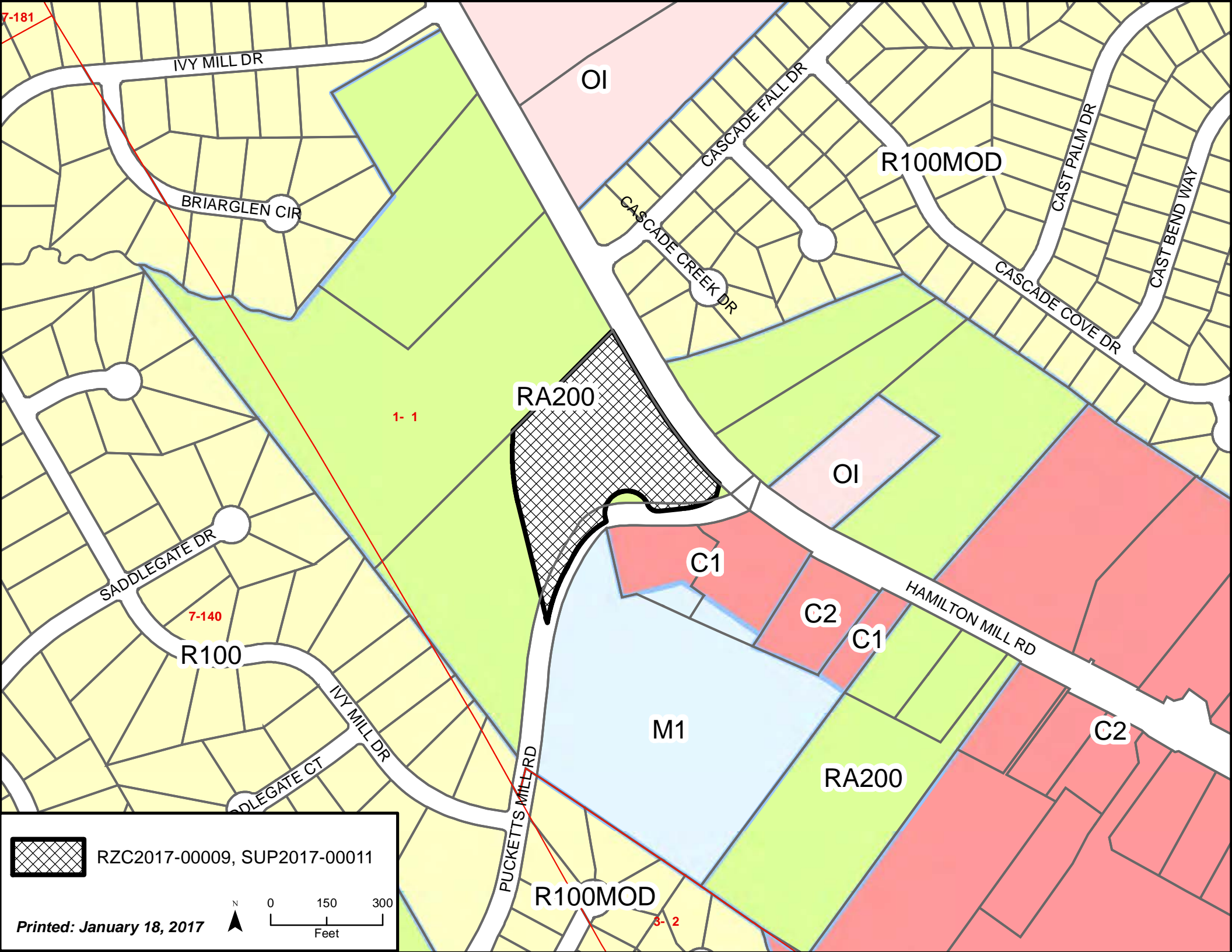


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RZC '17 00 9



7-181

IVY MILL DR

BRIARGLEN CIR

OI

CASCADE FALL DR

R100MOD

CAST PALM DR

CAST BEND WAY

CASCADE CREEK DR

CASCADE COVE DR

RA200

1-1

OI

SADDLEGATE DR

7-140

R100

C1

C2

C1

HAMILTON MILL RD

M1

C2

RA200

IVY MILL DR  
SADDLEGATE CT

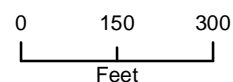
PUCKETTS MILL RD

R100MOD

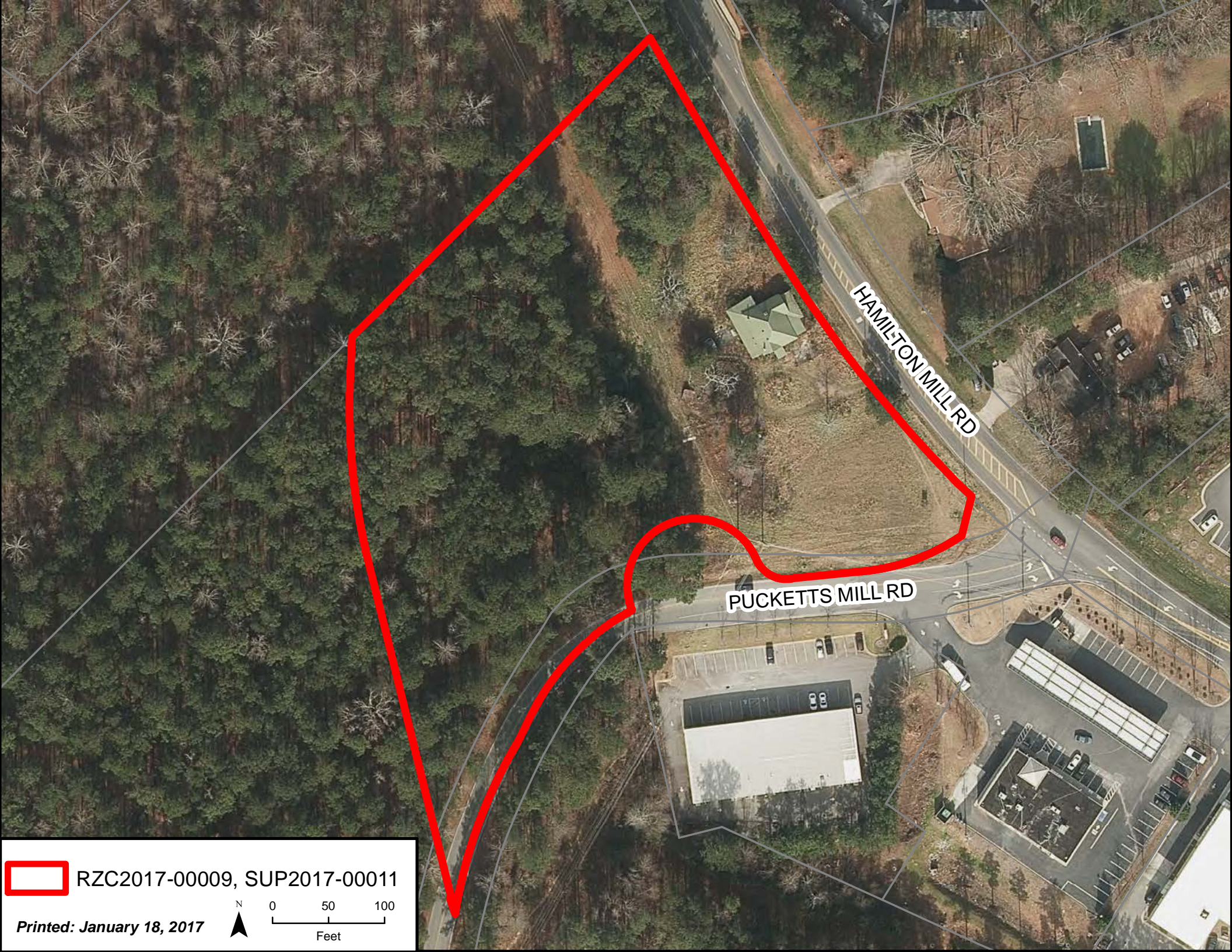
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RZC2017-00009, SUP2017-00011




Printed: January 18, 2017



HAMILTON MILL RD

PUCKETTS MILL RD

 RZC2017-00009, SUP2017-00011

Printed: January 18, 2017

N

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

CASE NUMBER :**RZC2017-00010**  
ZONING CHANGE :C-1 & C-2 TO C-2  
LOCATION :800 BLOCK OF BEAVER RUIN ROAD  
:4200 BLOCK OF BURNS ROAD  
MAP NUMBERS :R6158A032, 033, 034, & 035  
ACREAGE :2.55 ACRES  
SQUARE FEET :21,050 SQUARE FEET  
PROPOSED DEVELOPMENT :RETAIL CENTER (BUFFER REDUCTION)  
COMMISSION DISTRICT :(1) BROOKS  
  
FUTURE DEVELOPMENT MAP :**EXISTING/EMERGING SUBURBAN**

APPLICANT: R. JAMES HALSEMA  
205 MALVERN PLACE  
ROSWELL, GA 30076

CONTACT: JIM HALSEMA PHONE: 770.316.9345

OWNER: BEAVER RUIN 14593, LLC  
8924 E. PINNACLE PEAK ROAD  
SCOTTSDALE, AZ 85255-3649

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests rezoning from C-1 (Neighborhood Business District) and C-2 (General Business District) to C-2 for an assemblage of parcels in order to construct 21,050 square feet of commercial/retail space within two buildings. The 2.55-acre site is located on the east side of Beaver Ruin Road at the Burns Road intersection. The subject property is currently undeveloped and wooded.

The submitted site plan indicates a total of 7,750 square feet of space on the building labeled "Retail A", including a 4,000-square foot convenience store with 12 gas pumps and a drive-thru commercial use. The building labeled "Retail B" is proposed to contain 13,300 square feet and also has a proposed drive-thru use. According to correspondence with the applicant, the drive-thru uses are proposed for small food service tenants such as Starbucks or Dunkin' Donuts. The site plan indicates a reduction in the required 75-foot buffer adjacent to residentially-zoned properties to 10 to 15-foot wide buffers. No five-foot wide improvement setback is shown. One right-in/right-out access point on Beaver Ruin Road is proposed and one full access driveway is proposed on Burns Road. The applicant also stated that the detention facility for

“Retail A” is proposed to be behind the building and the detention for “Retail B” is proposed to be underground in the parking and drive areas.

**ZONING HISTORY:**

In 1970, the entire subject property was zoned R-75 (Single Family Residence District). In 1973, all but the easternmost parcel was rezoned to C-2 pursuant to an areawide rezoning. In 1985, that 0.53-acre parcel was rezoned to C-1 with a reduction in the required buffer to ten feet pursuant to RZ-85-21. Pursuant to BR-98-004, a buffer reduction was approved on the westernmost parcel to allow a graduated buffer as narrow as five feet in order to develop a convenience store with gas pumps.

**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).

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:

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

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

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

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

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

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

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

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

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

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 16-inch water main located on the northeast right-of-way of Beaver Ruin Road and a 12-inch water main located on the south right-of-way of Burns 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 222 feet south of parcel R6158A034 in the right-of-way of Beaver Ruin 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 architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior or exterior modification. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.
2. Architectural design of any proposed exterior modification shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Architectural Design Standards, Category I.
3. Upon completion of plan review approvals, the applicant shall obtain a building permit and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The applicant requests rezoning from C-1 (Neighborhood Business District) and C-2 (General Business District) to C-2 for an assemblage of parcels in order to construct 21,050 square feet of commercial/retail space within two buildings. The 2.55-acre site is located on the east side of Beaver Ruin Road at the Burns Road intersection. The subject property is currently undeveloped and wooded.

The 2030 Unified Plan Future Development Map indicates that the property lies within the Existing/Emerging Suburban Character Area. Policies for this character area encourage neighborhood-serving commercial/retail uses to be located at key nodes created at major intersections, and be adequately buffered from surrounding single family development. This subject site could be a suitable commercial/retail node and could be consistent with the 2030 Unified Plan policies, provided that adequate buffers are maintained on the site.

The area surrounding the subject property is characterized by residential uses adjacent to Burns Road and commercial uses surrounding the intersection of Burns Road and Beaver Ruin Road. Abutting the property to the north and east are single family homes within the Singleton Estates subdivision, zoned R-75. Further to the east is the Bradstone subdivision zoned R-ZT (RZ-98-159) and Huntington and Beaver Hills subdivisions, also zoned R-75. Adjoining the site to the east is an undeveloped O-I tract (RZ-00-088). Across Burns Road are several

commercial uses surrounding the Burns Road/Beaver Ruin Road intersection, including a CVS drugstore, convenience stores, the Southern Athletic Club and a skating rink zoned C-2. The proposed commercial zoning would be consistent with the development along this portion of Beaver Ruin Road provided that adequate buffers are required adjoining residential developments.

In conclusion, the requested C-2 zoning for a retail center could be consistent with the 2030 Unified Plan policies of limiting commercial uses at major intersections within this Character Area. If developed with the recommended conditions which include enhanced buffers, the use could be compatible with the adjacent and nearby residential areas, and serve the commercial needs of the community. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as C-2, 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.
  - 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 a 50-foot wide natural undisturbed buffer adjacent to all residentially-zoned properties. The buffer shall be enhanced where sparsely vegetated.
  - B. All grass areas shall be sodded.
  - C. Ground signage shall be limited to one monument-type sign, and shall be subject to review and approval by the Director of Planning and 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.

- D. 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. 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.
- 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. 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. 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. 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

A commercial/retail center may be compatible with the commercial and office uses at the intersection of Beaver Ruin Road and Burns Road, if developed in accordance with staff's recommended conditions.

ADVERSE IMPACTS

Adverse impacts in the form of noise, traffic and light intrusion could be anticipated as a result of this proposal. If properly conditioned, adverse impacts could be significantly reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

An increase in traffic, stormwater runoff and utility demand could be anticipated from this request.

CONFORMITY WITH POLICIES

If approved with staff's recommended conditions, the requested rezoning may be consistent with the recommendations of the 2030 Unified Plan, which suggest that commercial/retail land uses be located at intersections and adequately buffered from surrounding single family residential uses.

CONDITIONS AFFECTING ZONING

Commercial development along this segment of Beaver Ruin Road has generally been limited to the intersection with Burns Road.

**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:  
THIS REZONING WILL ALLOW FOR THE ASSEMBLY OF 4 PARCELS FOR A RETAIL CENTER THAT WILL BE SUITABLE WITH THE ADJACENT LAND USES
- (B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  
THE REZONING WILL NOT AFFECT THE ADJACENT PROPERTIES
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
THE PARCEL IS ONLY 2.53 OF AN ACRE AND HAS A VERY LIMITED USE UNLESS COMBINED WITH THE ADJACENT C-2 PARCELS
- (D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:  
THE REZONING WILL NOT CREATE AN IMPACT ON THE EXISTING INFRASTRUCTURE.
- (E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
THE REZONING WILL BE COMPATIBLE WITH THE LAND USE PLAN.
- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING:  
THE TAX COMMISSIONER'S OFFICE REQUIRES ALL OF THE ASSEMBLED PARCELS HAVE THE SAME ZONING CLASSIFICATION **RECEIVED BY**



**ARCHITECTURAL**  
*advocates*  
A Professional Corporation  
R. James Halsema, Architect

December 27, 2016

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

RE: Rezoning Application  
Letter of Intent

Gentlemen:

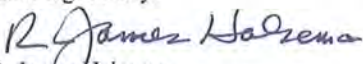
This is a rezoning application to rezone an assembly of parcels 6-158A032, 6-158A033, 6-158A034, and 6-158A035 to C-2 with a buffer reduction from 75 feet to 15 feet.

These 2.55 acre parcels are currently zoned C-1 and C-2 and we propose to develop a two building retail project of 7750 sf and 13300 sf. The site is geometrically challenged with an elbow in the middle of the rear property line and the seventy five (75) foot buffer requirement would make the development of these parcels unfeasible. This is the eighteenth site plan that was generated trying to overcome the rear property line geometry with a reasonable site design. These properties also drop approximately 25 feet from the street frontage to the back property lines and will require extensive earthwork and retaining walls to develop the building footprints.

We are requesting a common C-2 zoning and the fifteen (15) foot buffer to facilitate the development of the two retail buildings. The current BR-98-004 reduced the property line buffer to zero (0) feet and the rezoning RZ-21-85 approved a ten foot (10) foot property line buffer. With the realignment of the buffer we are also requesting a reduction in the landscape material count from the Condition No. 1 in the Br-98-004 from 200 trees to 50 trees and from 700 shrubs to 125 shrubs to be located throughout the proposed landscape buffer.

Please review this Letter of Intent, the application, along with the site plan and the legal description, and if you should have any other questions always feel free to contact this office at your convenience. Thank you.

Have a good day:

  
R. James Halsema  
Architect, NCARB

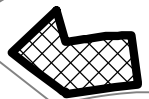
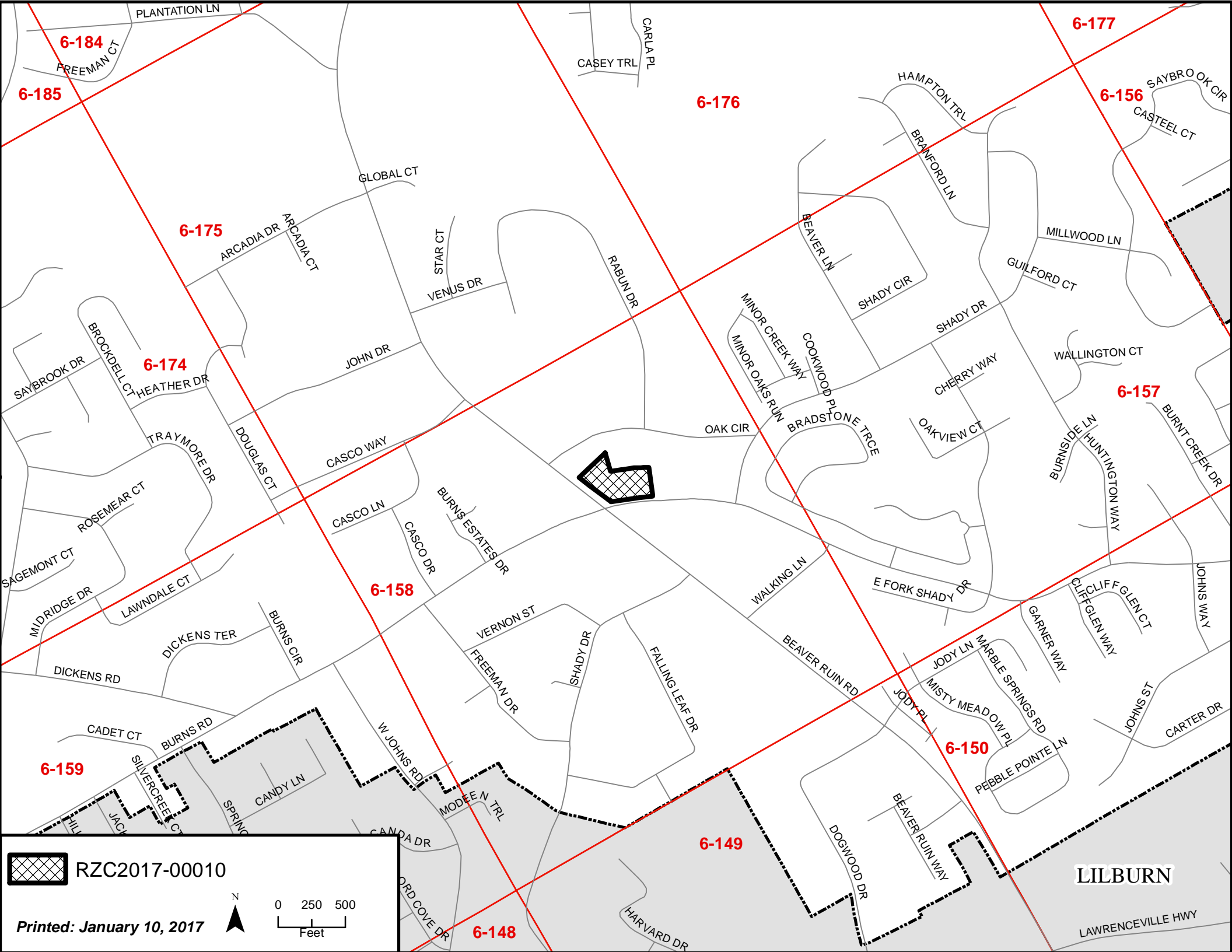
*Architectural Advocates Inc., 205 Malvern Place, Roswell, Georgia 30076  
Tel. (770) 316-9345 Fax (404) 263-0045  
jim@architecturaladvocates.com*


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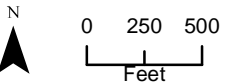
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Planning & Development

RZC '17 010



 RZC2017-00010



Printed: January 10, 2017

LILBURN

LOT 10  
R-75

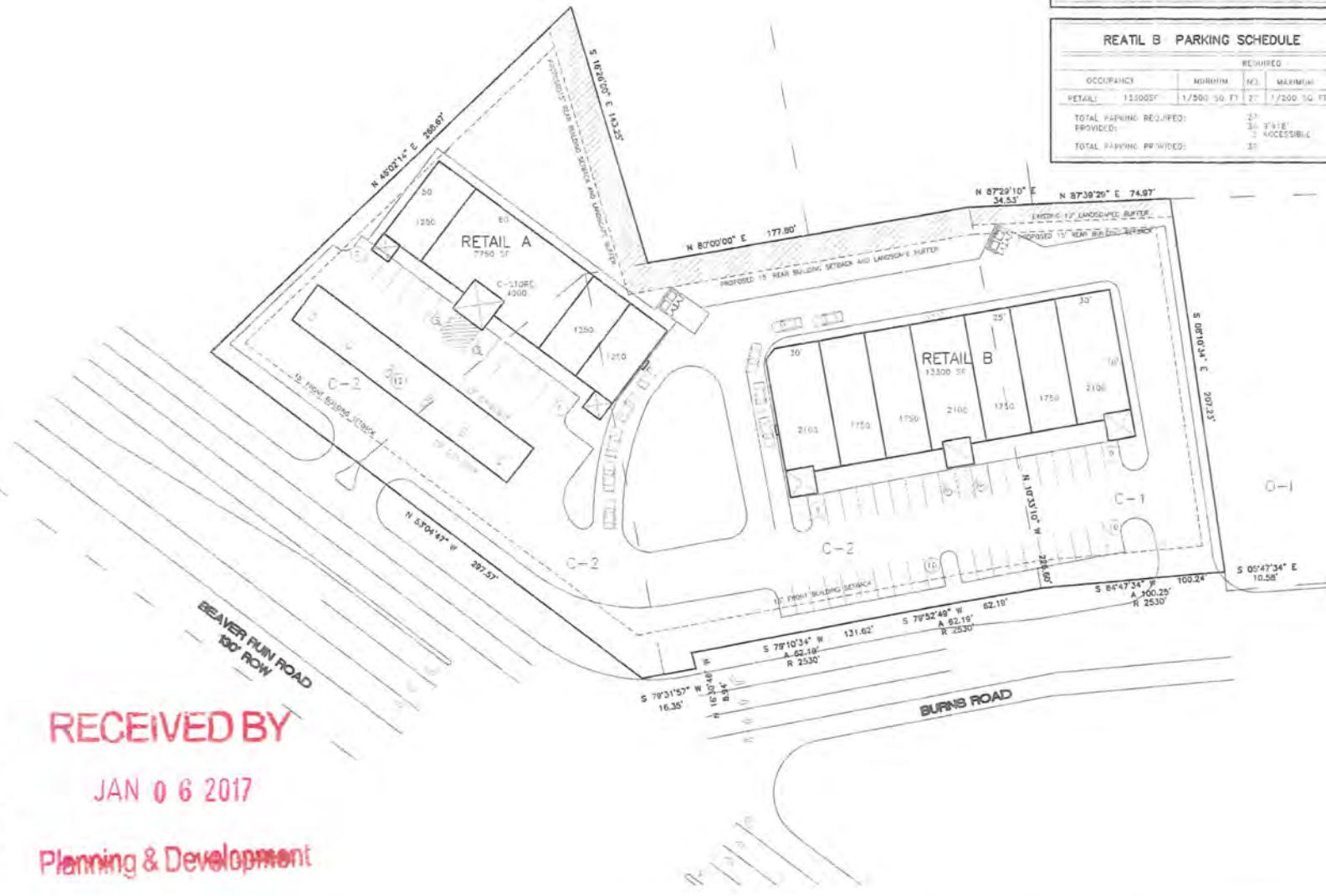
LOT 11 AND PART  
OF LOT 12  
R-75

RETAIL A PARKING SCHEDULE					
REQUIRED					
OCCUPANCY	MINIMUM	N/S	MAXIMUM	NO.	
RETAIL	7750 SF	1/500 SQ FT	1/4	1/200 SQ FT	39
TOTAL PARKING REQUIRED:				39	
PROVIDED:			21	3/11'S	
				1 ACCESSIBLE	
TOTAL PARKING PROVIDED:				22	

RETAIL B PARKING SCHEDULE					
REQUIRED					
OCCUPANCY	MINIMUM	N/S	MAXIMUM	NO.	
RETAIL	13300 SF	1/500 SQ FT	1/2	1/200 SQ FT	57
TOTAL PARKING REQUIRED:				57	
PROVIDED:			30	3/11'S	
				2 ACCESSIBLE	
TOTAL PARKING PROVIDED:				32	



DRAFTER:		
DESIGN CHECK: JH		
SCALE: 1"=30'		
DATE: 12/26/16		
DATE	BY	REVISION



RZC 17010

RECEIVED BY  
 JAN 06 2017  
 Planning & Development

SITE PLAN  
 RETAIL CENTER  
 BEAVER RUN ROAD  
 LILBURN GA 30047

Sp-108

GWINNETT

OAK CIR

BEAVER RUIN RD

BURNS RD

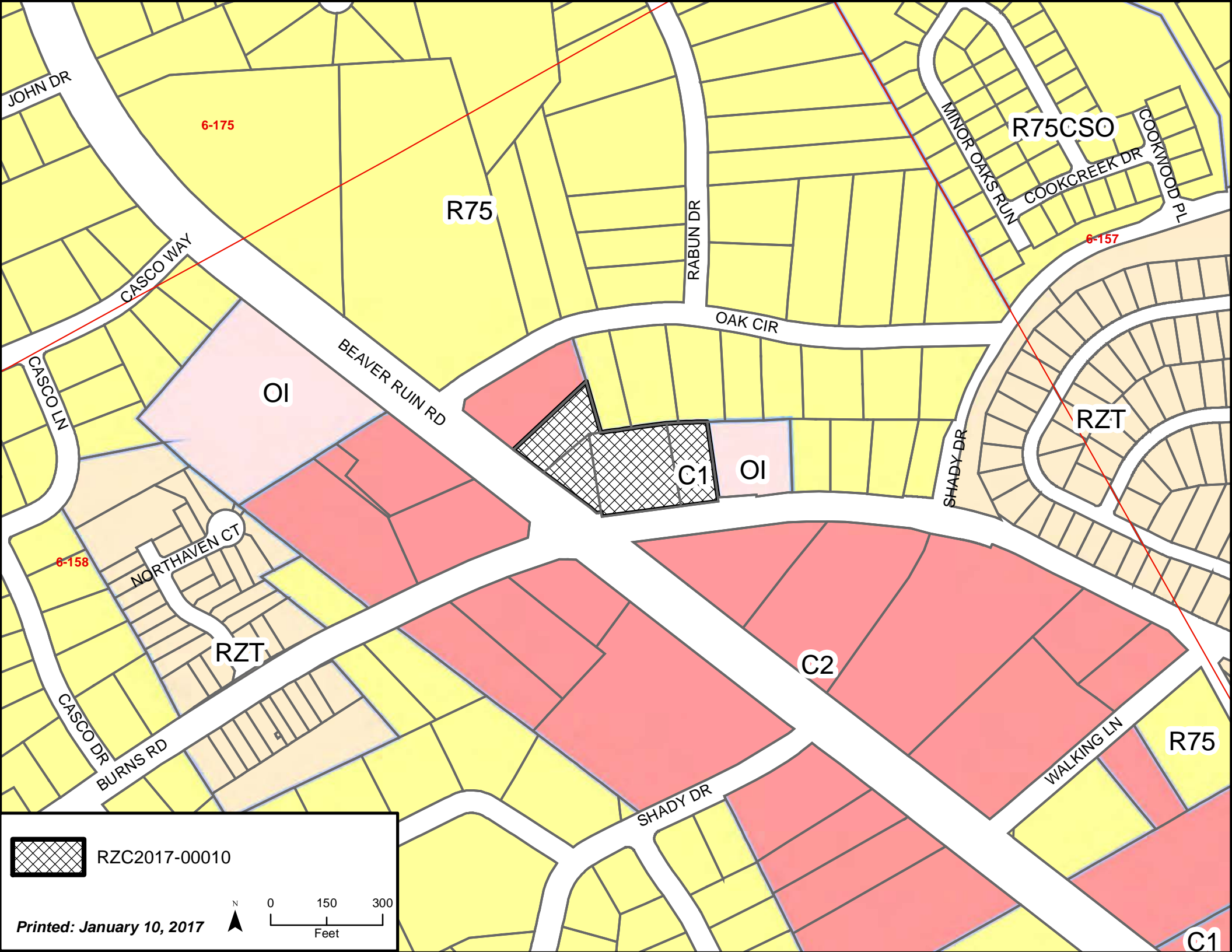
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Printed: January 10, 2017

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

CASE NUMBER :**RZR2017-00004**  
ZONING CHANGE :R-75, O-1 & C-2 TO TND  
LOCATION :0-100 BLOCKS OF BETHESDA CHURCH ROAD  
:RONALD REAGAN PARKWAY (RAMP)  
MAP NUMBERS :R6128 099 & 003, R6129 008, 009, 010 & 405, &  
R6130A204  
ACREAGE :23.42 ACRES  
UNITS :153 UNITS  
PROPOSED DEVELOPMENT :TRADITIONAL NEIGHBORHOOD DEVELOPMENT  
(BUFFER REDUCTION)  
COMMISSION DISTRICT :(2) HOWARD

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

APPLICANT: BLUE RIVER DEVELOPMENT, LLC  
C/O ADVANCED ENGINEERING & PLANNING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNERS: EDWARD GROVE  
9 BETHESDA CHURCH ROAD & RONALD REAGAN PARKWAY  
LAWRENCEVILLE, GA 30044

LENNY EN  
27 BETHESDA CHURCH ROAD  
LAWRENCEVILLE, GA 30044

ATLANTIS NATIONAL INVESTMENTS, LLC  
21 BETHESDA CHURCH ROAD  
LAWRENCEVILLE, GA 30044

EDDIE MONTGOMERY, JR.  
23 BETHESDA CHURCH ROAD  
LAWRENCEVILLE, GA 30044

ALEXANDRINA STOICA HOLT  
25 BETHESDA CHURCH ROAD  
LAWRENCEVILLE, GA 30044

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**



## PROJECT DATA:

The applicant seeks rezoning of an assemblage of property currently zoned R-75 (Single Family Residence), O-I (Office-Institutional) and C-2 (General Business) to TND (Traditional Neighborhood Development) in order to develop 153 residential units. The subject site consists of 23.42 acres located on the north side of Bethesda Church Road with frontage along the east ramp of Ronald Reagan Parkway. With the exception of three single family residences and accessory structures, the property is heavily wooded. A stream is located within the northwestern portion of the site.

The applicant proposes 129 townhomes and 24 single family detached lots for a total of 153 units. The proposed density is 6.53 units per acre. Of the 24 detached units, 22 units are proposed to be developed on small lots (5,000 to 7,499 square feet) and two units are proposed to be developed on mid-size lots (7,500 to 9,499 square feet). Minimum heated floor areas are proposed to be 1,600 square feet for the townhomes, 2,000 square feet for the small lots and 2,200 square feet for the mid-size lots. Front facades are intended to be a combination of brick or stone with concrete siding accents. The sides and rear will be the same, or all concrete lap siding. All units will have a two-car garage.

The site plan indicates 75-foot wide buffers along both sides of the stream. Staff notes that 30-foot wide buffers are required along the north property line adjacent to R-75 zoning. The site plan shows 20-foot wide buffers plus a five-foot wide "no-structure setback". In addition, access to the subject site is proposed from two entrance/exits on Bethesda Church Road. The applicant requests that 40 parking spaces be allowed within the rights-of-way of the proposed streets to serve the proposed townhomes. An active recreation area with a pool and cabana is shown in the northwest corner of the subject side. Approximately 27.6% of the site (6.47 acres) is indicated to be common areas. Two stormwater detention ponds are shown near the stream.

## ZONING HISTORY:

In 1970, the entire property was zoned R-75 (Single Family Residence District). In 2001, approximately ten acres of the site was rezoned to C-2 (General Business District) pursuant to RZC-01-042 then approved for a Change in Conditions (CIC-06-030) in 2006 to allow a convenience store with gas pumps. The northwestern portion of the subject site was zoned O-I (Office Institutional) pursuant to RZM-02-017 for two-story office 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 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.

All open space areas/common areas shall meet the minimum road frontage and lot width requirements for a lot within the subdivision. (Unified Development Section 210-80.7C)

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 30-foot natural, undisturbed buffer adjacent to R-75 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.

The developer must submit a phasing plan with the concept plan for review and approval by the Director prior to submittal and acceptance of a development permit application, unless the entire development is to be completed at one time.

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

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

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

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

#### STORMWATER REVIEW SECTION COMMENTS:

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

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Ronald Reagan Parkway is a Principal Arterial and 60 feet of right-of-way is required from the centerline, with 75 feet required within 500 feet of a major intersection.

Bethesda Church 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.

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 to provide left turn lanes at entrances from Bethesda Church Road.

#### GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the southeast right-of-way of Bethesda Church 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 684 feet south of parcel R6130A204 on parcel R6130A206 and an eight-inch sanitary sewer main located approximately 311 feet south of parcel R6128 099 on parcel R6128 001.

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 2.
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 seeks rezoning of an assemblage of property currently zoned R-75, O-I and C-2 to TND in order to develop 153 single family detached and attached residential units. The subject site consists of 23.42 acres located on the north side of Bethesda Church Road with frontage along the east ramp of Ronald Reagan Parkway.

The 2030 Unified Plan Future Development Map indicates the subject site is located in an Existing/Emerging Suburban Character Area. The TND development could be considered

appropriate in this predominantly residential Character Area. Only single family residential and townhomes are being proposed, both of which are encouraged land uses at low to moderate densities in this Character Area. Given the existence of the apartment complex approved for a maximum density of 13 units per acre directly across Bethesda Church Road, staff views this project as a compatible infill development if approved with the attached recommended conditions.

The surrounding area is characterized by residential and public/institutional uses. A small tract of land (approximately 0.17 acres) located on Bethesda Church Road and surrounded by the subject property contains a family cemetery. The tombstones have been removed but the graves still exist. Adjacent to the north and fronting on Bethesda Church Road is the Stratford Square subdivision, zoned R-75 (Single Family Residence District). West of that subdivision along Ronald Reagan Parkway is an undeveloped parcel zoned O-I for two-story office buildings (RZM-02-017). To the east across Bethesda Church Road is the Hidden Valley subdivision, zoned R-75. South across Bethesda Church Road is the Unitarian Universalist Church and private school, zoned R-75 (Single-Family Residence District). The Park 156 Apartment complex is adjacent to the church, zoned RM-13 (Multifamily Residence District) pursuant to RZ-99-011. This complex was developed for 222 multifamily units at a density of 13 units per acre. A 30-acre tract located across Ronald Reagan Parkway was recently approved by the Board of Commissioners on August 16, 2016 for R-60 zoning (RZR2016-00013). The Gwinnett Senior Center and Bethesda Community Park are located adjacent to that tract. Staff views the proposed TND project as appropriate for the subject site, provided that certain conditions are incorporated into the development, such as increased lot sizes, buffers adjacent to single family uses and protection of the existing cemetery.

Staff notes that the purpose of the TND zoning district is to encourage a pattern of neighborhood development that is distinguished from other residential zoning districts. This can be accomplished through a diversity of lot sizes and housing types to accommodate residents of a variety of stages of life. The applicant's proposal consists of 84.3% townhomes, 14.4% small-lot single family detached lots and 1.3% mid-size single family detached lots. In staff's view, this mix does not meet the intent of the TND zoning district to provide a diversity of housing options within the project. Therefore, staff recommends that if approved, the project be required to provide a more balanced mix of housing options of a maximum of 50% townhomes, and a minimum of 10% mid-size lots, with the balance being small or large lots.

In conclusion, the proposed Traditional Neighborhood Development may be appropriate at this location if developed in accordance with staff recommended conditions. Staff is of the opinion that the proposed project is supported by 2030 Unified Plan policies to encourage compatible infill development, provide housing options for residents and be consistent with existing established residential lot sizes in the surrounding area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of TND (Traditional Neighborhood Development District) zoning subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Single-family detached dwellings and townhomes and accessory structures with the following limitations:
    - i. No less than 10% of the total number of lots may be categorized as “mid-size lots” per the TND standards within the Unified Development Ordinance.
    - ii. No more than 50% of the total number of lots may be categorized as “townhomes” per the TND standards within the Unified Development Ordinance.
  - B. All single family detached homes and townhomes shall be constructed with front facades of brick and/or stacked stone; the rear and sides of each home may be the same or concrete siding. All homes, including the townhome end caps, shall have a minimum three-foot brick or stacked stone water table on all sides. Final approval for building materials and elevations shall be subject to the approval of the Director of Planning and Development.
  - C. The minimum heated floor area per dwelling shall be as follows:
 

i. Townhomes:	1,600 square feet
ii. Small Lot dwellings:	2,000 square feet
iii. Mid-size Lot dwellings:	2,200 square feet
  - D. All dwellings shall have at least a double-car garage.
2. To satisfy the following site development considerations:
  - A. A mandatory Homeowner’s Association shall be established and shall be responsible for maintenance of all common areas/facilities and street frontage landscaping. The Bethesda Road frontage shall be landscaped and maintained by the Homeowner’s Association, and shall include decorative masonry entrance features. A decorative fence shall be required along the Bethesda Road right-of-way. Landscaping plans, entrance features and fencing shall be subject to the review and approval of the Director of Planning and Development.
  - B. The subdivision shall be designed to require homes to be constructed with garages adjacent to one another where feasible. Residential driveways for said homes shall meet

with a minimum side yard setback with no more than a 10-foot grass separation between driveways centered on the common property line. A conceptual plan identifying those lots, and which complies with the requirement, shall be submitted for approval by the Director of Planning and Development prior to issuance of development permit.

- C. Provide 30-foot wide natural undisturbed buffers adjacent to all residentially-zoned property. Buffers shall be enhanced where sparsely vegetated, and may be graded and replanted per approval of the Director of Planning and Development.
  - D. Unless located on the periphery of the subject site, all townhomes shall be accessed by rear alleys, subject to the review and approval of the Director of Planning and Development.
  - E. Underground utilities shall be provided throughout the development.
  - F. Natural vegetation shall remain on the property prior to the issuance of a Development Permit.
  - G. All grassed areas shall be sodded.
  - H. Lighting for the amenity area shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent residential properties or rights-of-way.
3. To abide by the following requirements, dedications and improvements:
- A. Provide left turn lanes at entrances from Bethesda Church Road.



PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

With the recommended conditions, the TND (Traditional Neighborhood Development) zoning request could be suitable in view of the existing single family and multifamily residential developments along Bethesda Church Road.

ADVERSE IMPACTS

Buffers and required minimum lot sizes as recommended by staff in the attached conditions could minimize potential adverse impacts from the proposed residential development.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Impacts on public facilities from this request could include utility demand, stormwater runoff, and an increase in traffic and school-age children.

CONFORMITY WITH POLICIES

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

CONDITIONS AFFECTING ZONING

The property's location on Bethesda Church Road adjacent to the Ronald Reagan Parkway gives supporting grounds for approval with conditions of the TND proposal.

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:

YES AS THE PROPERTY IS SHOWN AS EXISTING/EMERGING SUBURBAN.

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

SEE LETTER OF INTENT.

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## REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Blue River Development, LLC, requests a rezoning from R-75, O & I and C-2 to TND for the purpose of developing a residential project. The subject property is located at the intersection of Bethesda Road and Ronald Reagan Parkway. The property is an assemblage of 6 parcels containing a total of 23.42 acres with the majority of the property originally planned as a village type commercial project. The Developer has proposed a plan for this property that corresponds with the existing area and trends of today as there is absolutely no demand in the area for any type of retail project.

The proposed development features 27.6% of the property or 6.47 acres to be used for common open space. There is also proposed to be an active recreation area with a cabana and a pool within the community. Access to the property will be by two entrances onto Bethesda Church Road. Sidewalks are planned along both sides of the street in the entire community. The applicant is also proposing to provide 40 on street parking spaces as well as each unit having a 2 car garage.

This residential project is proposed to consist of 24 detached homes varying in size from 2,000 to 2,800 square feet of heated space. There is also proposed to be 129 townhomes varying in size from 1,600 to 2,000 square feet of heated space. The front facades of the homes will be a mixture of brick or stone with accents of concrete siding. The sides and rear facades of the residential units will be the same or all concrete lap siding. The units will have granite countertops, stainless steel appliances, 9 foot ceilings and many additional upgrades available. The buildings will be two stories tall with a maximum height of thirty five feet with the price points as follows:

1. The 129 Townhomes will range from 1,600 to 2,000 square feet and start in the \$220's.
2. The 20 Small Lot types will all be front entry and range from 2,000 to 2,500 square feet and start in the \$260's.
3. The 2 Medium Lot types and the 2 Large Lot types will all be front entry and will range from 2,200 to 2,800 square feet and start in the \$290's.

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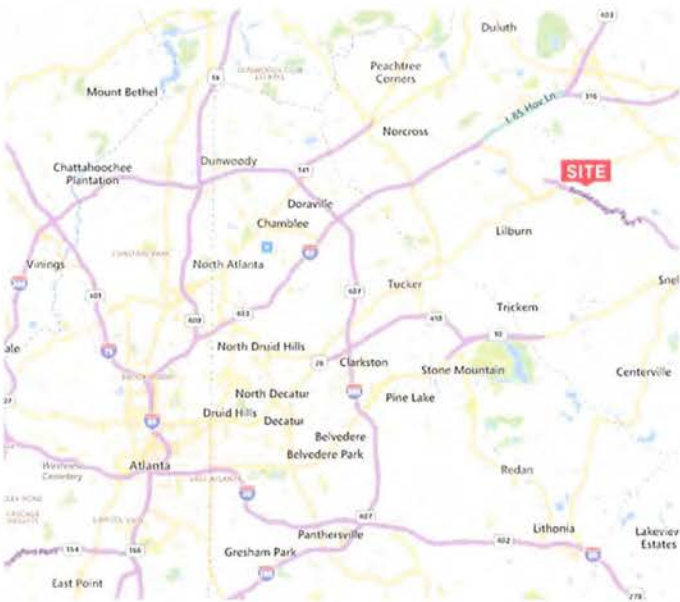
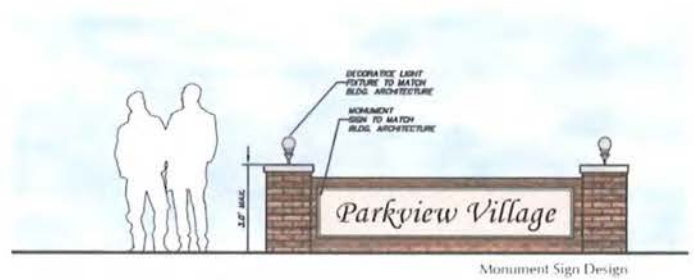
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**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, February 2017**

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	
RZR2017-00004	<b>Parkview HS</b>	<b>3021</b>	2,500	521	<b>3082</b>	2,500	582	<b>3143</b>	2,500	643	34
	Trickum MS	<b>2073</b>	1,775	298	<b>2104</b>	1,775	329	<b>2136</b>	1,775	361	25
	Mountain Park ES	<b>543</b>	450	93	<b>554</b>	450	104	<b>565</b>	450	115	48
RZR2017-00005	<b>Mountain View HS</b>	<b>2356</b>	2,300	56	<b>2470</b>	2,300	170	<b>2550</b>	2,300	250	14
	Twin Rivers MS	<b>2034</b>	2,150	-116	<b>2065</b>	2,150	-85	<b>2095</b>	2,150	-55	10
	Woodward Mill ES	<b>970</b>	1,200	-230	<b>994</b>	1,200	-206	<b>1019</b>	1,200	-181	20

Current projections do not include new developments

# Parkview Village



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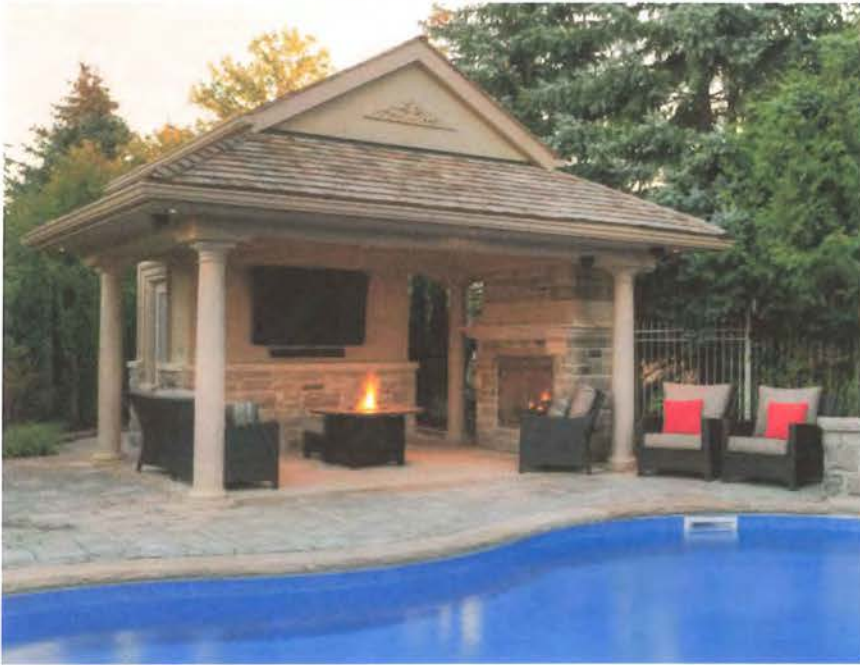
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RZR '17 00 4

# Parkview Village



Amenities Pool/Cabana



Mail Kiosk Character Image



Trees Enhance Shading and Seasonal Color



Lawn Area



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**BLUE RIVER**  
**DEVELOPMENT, LLC**  
BROKERAGE | DEVELOPMENT | CONSULTING

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# Parkview Village

30' Wide Single Family Detached Series



Front Elevation



Front Elevation



Rear Elevation



Left Elevation



Right Elevation

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# Parkview Village

30' Wide Single Family Detached Series



Front Elevation



Front Elevation



Rear Elevation



Left Elevation



Right Elevation

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# Parkview Village

40' Wide Single Family Detached Series



Front Elevation



Rear Elevation



Left Elevation



Right Elevation

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# Parkview Village

40' Wide Single Family Detached Series



Front Elevation



Rear Elevation



Left Elevation



Right Elevation

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# Parkview Village

Town Home Series  
Front Elevation



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**BLUE RIVER**  
**DEVELOPMENT, LLC**  
BROKERAGE | DEVELOPMENT | CONSULTING

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# Parkview Village

## Town Home Series



Left Elevation

Right Elevation



Rear Elevation

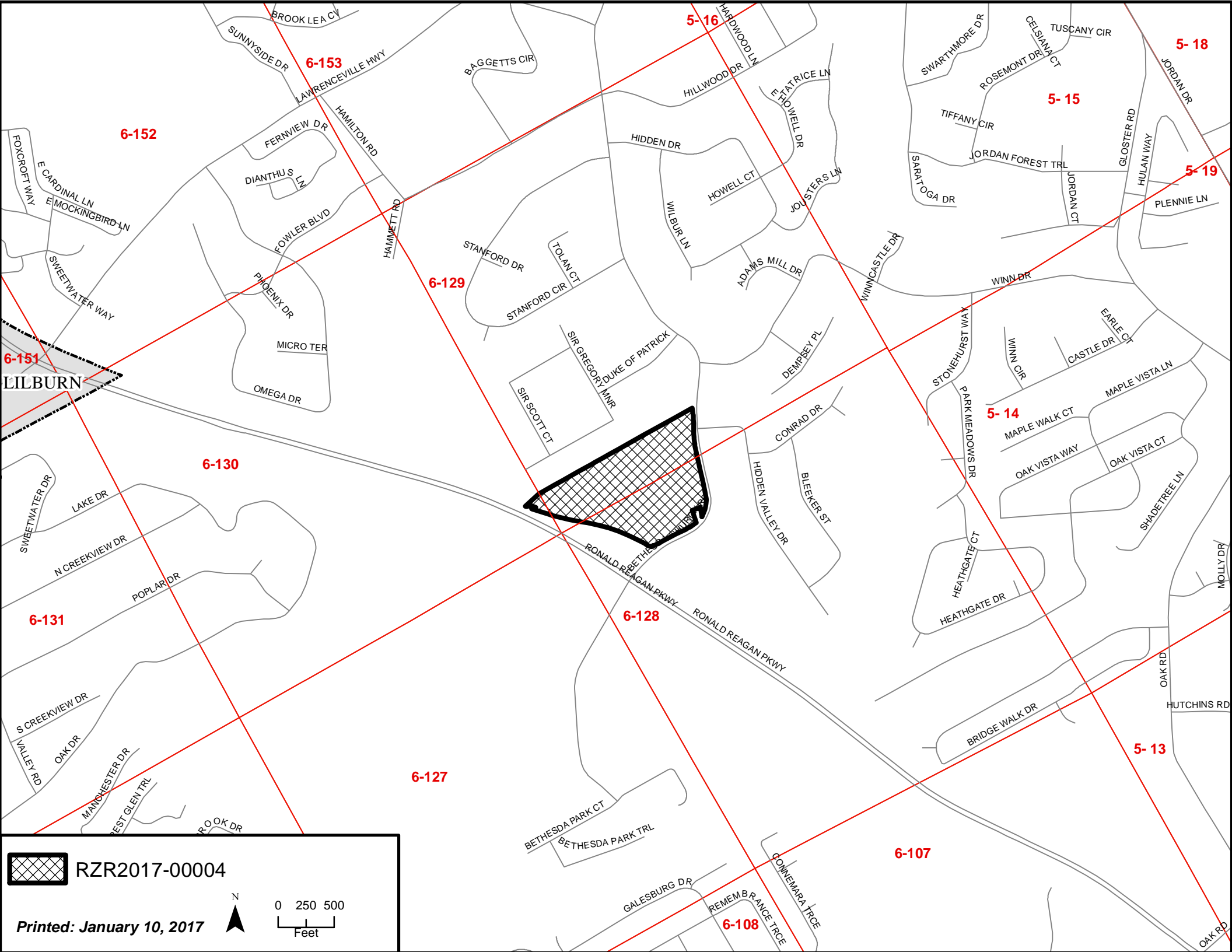
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LILBURN

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Printed: January 10, 2017

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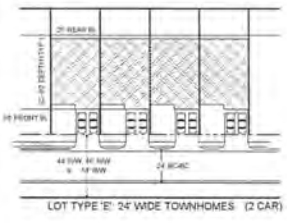
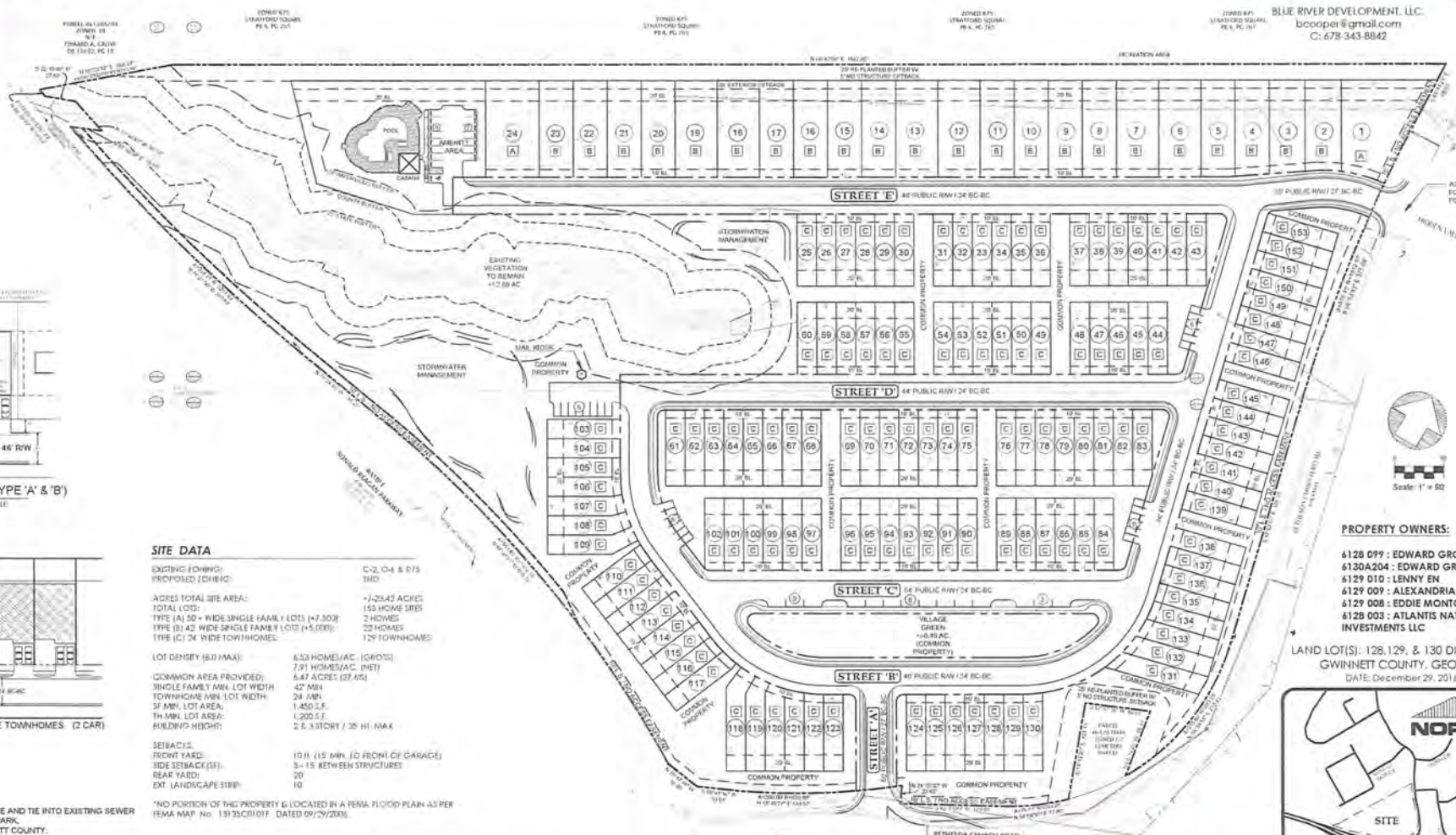
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OWNER / APPLICANT



# Parkview Village



**SITE DATA**

EXISTING ZONING: C-2, O-4 & R75 THD  
 PROPOSED ZONING: -

ACRES TOTAL SITE AREA: ~7.2642 ACRES  
 TOTAL LOTS: 153 HOME SITES  
 TYPE (A) 50+ WIDE SINGLE FAMILY LOTS (17.50%)  
 TYPE (B) 42 WIDE SINGLE FAMILY LOTS (45.00%)  
 TYPE (C) 24 WIDE TOWNHOMES (12% TOWNHOMES)

LOT DENSITY (BD MAX): 6.52 HOMES/AC. (GROSS)  
 7.91 HOMES/AC. (NET)  
 6.47 ACRES (27.6%)

COMMON AREA PROVIDED:  
 SINGLE FAMILY MIN. LOT WIDTH: 42' MIN.  
 TOWNHOME MIN. LOT WIDTH: 24' MIN.  
 SF MIN. LOT AREA: 1,450 S.F.  
 TH MIN. LOT AREA: 1,200 S.F.  
 BUILDING HEIGHT: 2 & 3 STORY / 35' HI. MAX.

SEPARALS:  
 FRONT YARD: 10' (15' MIN. TO FRONT OF GARAGE)  
 SIDE SETBACK (SF): 3'-5' BETWEEN STRUCTURES  
 REAR YARD: 20'  
 EXT. LANDSCAPE STRIP: 10'

NO PORTION OF THIS PROPERTY IS LOCATED IN A FEMA FLOOD PLAIN AS PER FEMA MAP No. 13135C101F DATED 09/27/2006.

CATEGORIES OF LOT SIZES AUTHORIZED IN THE DISTRICT	SITE PLANNING ITEMS 2.1.4 OF THE ORDINANCE
2 SF DETACHED ON MED. SIZE LOTS (7,000-9,000)	LOTS 1-14
2 SF DETACHED ON SMALL LOTS (5,000-7,000)	LOTS 1-15
4 TOWNHOME (2 OR VILAS) (2,000-5,000)	LOTS 16-102

PARCEL ANALYSIS	TOTAL PER HOUSE	TOTAL LOT SPACES
A	2	2
B	2	2
C	2	2
D	2	2
E	2	2
TOTAL PARKING SPACES FOR RESIDENTIAL	48	48

**SEWER NOTE:** SEWER WILL BE A GRAVITY LINE AND TIE INTO EXISTING SEWER MAINHOLE WITHIN BETHESDA PARK. SEWER PROVIDED BY GWINNETT COUNTY.

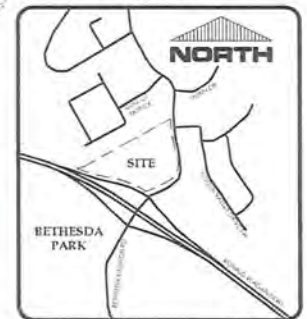
**LAND LOT & DISTRICT:** SITE IS LOCATED IN LAND LOT 128, 129, 130 AND 6TH DISTRICT.

**DETENTION NOTE:** DETENTION PONDS SHOWN WILL BE A MASTER DETENTION POND FOR THE ENTIRE PROPERTY.

**PROPERTY OWNERS:**

- 6128 099 : EDWARD GROVE
- 6130A204 : EDWARD GROVE
- 6129 010 : LENNY EN
- 6129 009 : ALEXANDRIA S. HOLT
- 6129 008 : EDDIE MONTGOMERY JR.
- 6128 003 : ATLANTIS NATIONAL INVESTMENTS LLC

LAND LOT(S): 128, 129, & 130 DISTRICT: 6TH GWINNETT COUNTY, GEORGIA  
 DATE: December 29, 2016



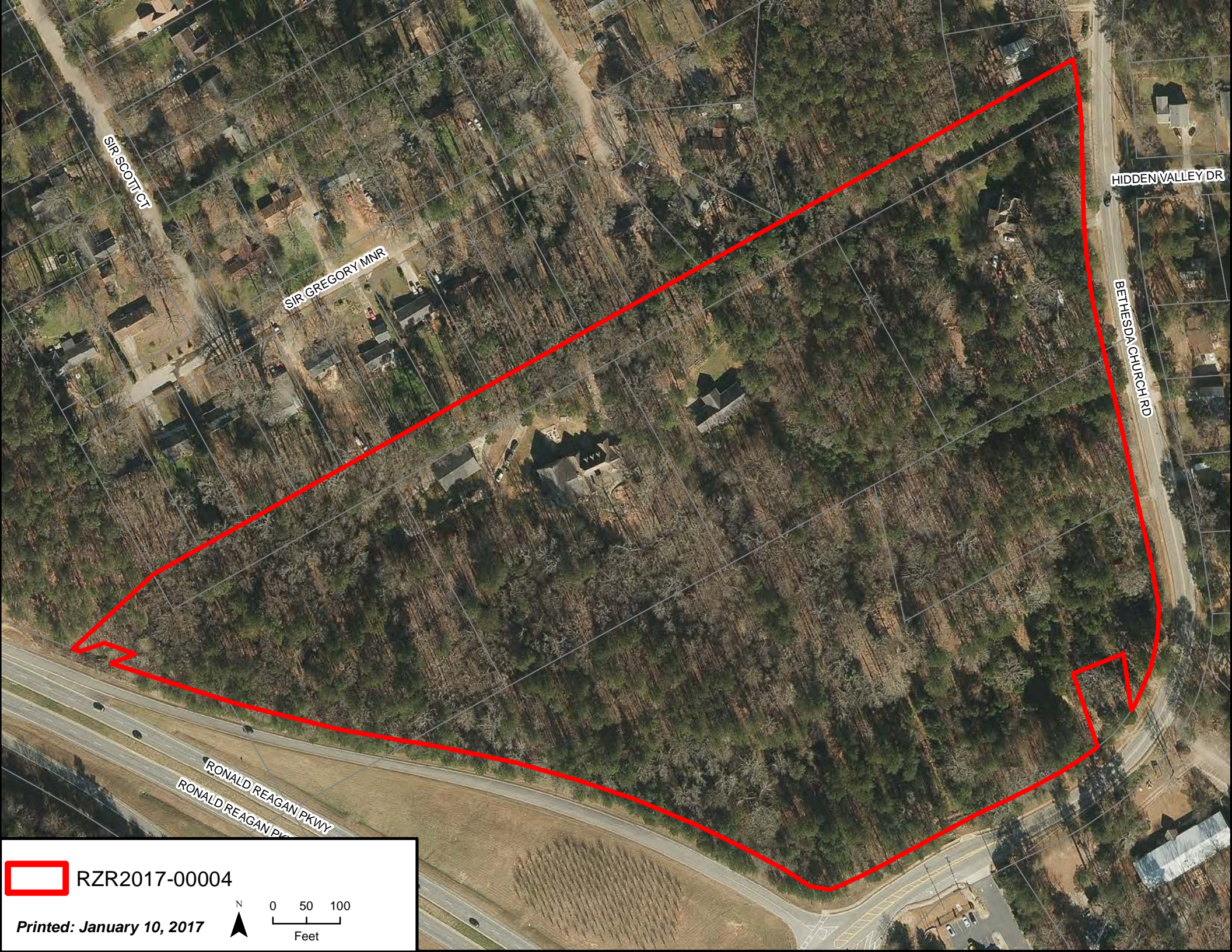
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Zoning Condition Request DEC 29 2016

ALLOWANCE OF ON STREET PARKING WITHIN THE RIGHT OF WAY

RZR '17 00 4

Planning & Development



SIR SCOTT CT

SIR GREGORY MNR

HIDDEN VALLEY DR

BETHESDA CHURCH RD

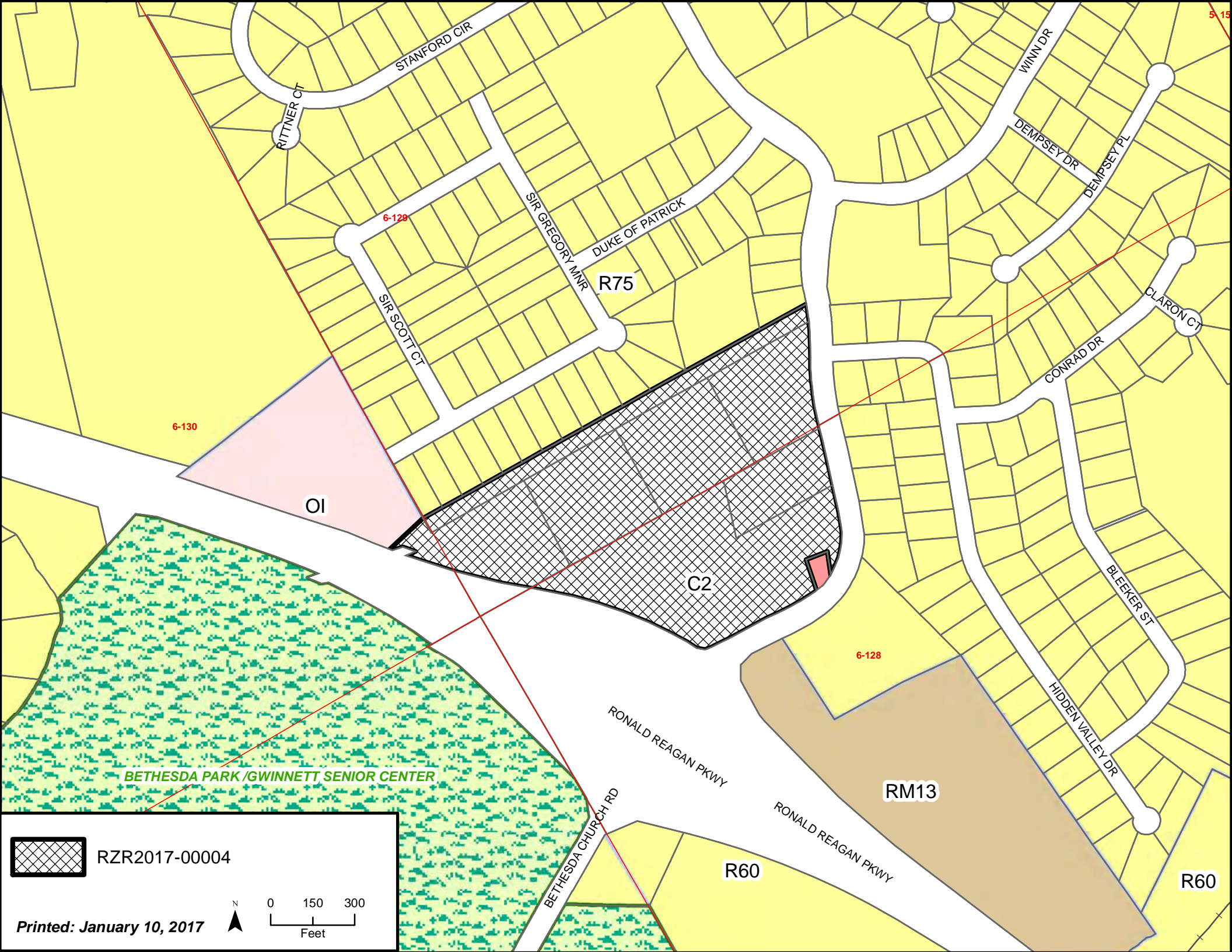
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 RZR2017-00004

Printed: January 10, 2017

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Printed: January 10, 2017



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

CASE NUMBER	: <b>RZR2017-00005</b>
ZONING CHANGE	:R-100 TO R-75
LOCATION	:1400 BLOCK OF AZALEA DRIVE
MAP NUMBERS	:R7053 009 & 068
ACREAGE	:18.46 ACRES
UNITS	:49 UNITS
PROPOSED DEVELOPMENT	:SINGLE-FAMILY SUBDIVISION
COMMISSION DISTRICT	:(4) HEARD

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

APPLICANT: MICHAEL J. CASWELL  
1911 GRAYSON HIGHWAY SUITE 8-333  
GRAYSON, GA 30017

CONTACT: TRACEY D. MASON, ESQ.                      PHONE: 770.963.6909

OWNERS: OTIS P. & SANDRA JONES  
PO BOX 304  
LAWRENCEVILLE, GA 30046

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests the rezoning of an 18.46-acre parcel from R-100 (Single-family Residence District) to R-75 (Single-family Residence District) to construct a 49-lot single-family subdivision. The subject property is located on the west side of Azalea Drive, north of Braselton Highway. The majority of the property is wooded; with a small portion of the property along the road that is open, where a house was previously located. The property is surrounded on three sides by homes on large lots.

The submitted site plan shows 49 lots on 18.46-acres, resulting in a density of 2.65 units per acre. The development would be accessed by a single entrance/exit onto Azalea Drive. A stream is identified on the site plan along with an associated 50-foot undisturbed stream buffer and 75-foot impervious setback. Staff notes there is a single detention pond to address site drainage, located in the center of the property adjacent to the existing stream. The minimum lot size for the proposed lots is 10,500 square feet, with a 1,200 square foot minimum dwelling size for each of the detached residences. The applicant has not indicated what materials would be used on the exterior of the homes.

**ZONING HISTORY:**

The property has been zoned R-100 since 1970.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**OPEN SPACE AND GREENWAY MASTER PLAN:**

No comment.

**DEVELOPMENT REVIEW SECTION COMMENTS:**

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

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

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

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

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

The developer must submit a 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:

Azalea 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.

#### GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

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

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

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 46 feet west of parcel R7053 009 on parcel R7053 161.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

## DEPARTMENT ANALYSIS:

The subject property is located on the west side of Azalea Drive, north of Braselton Highway. The applicant requests the rezoning of an 18.46-acre parcel from R-100 (Single-family Residence District) to R-75 (Single-family Residence District) to construct a 49-lot single-family subdivision. The majority of the property is wooded; with a small portion of the property along the road that is open, where a house was previously located. The property is surrounded on three sides by homes on large lots.

The 2030 Unified Plan Future Development Map indicates the property is located within an Existing/Emerging Suburban Character Area. Policies of the Unified Plan for this character area encourage residential in-fill developments with densities and character compatible with existing single-family developments. The proposed rezoning is not supported by these policies of the Unified Plan, as the neighboring single-family homes along Azalea Drive are zoned R-100, and are developed with single homes on large lots as opposed to the subdivision proposed by the applicant.

The surrounding area is characterized by residentially zoned land. Properties along Azalea Drive are zoned for single-family residential and developed with single homes on larger lots. Located to the north, east and south of the proposed project are single homes on large lots zoned R-100. To the west is the Park at Glens Ridge subdivision zoned R-100 CSO accessed via Ridge Road. Subdivisions in the surrounding area are zoned R-100 CSO, R-75, R-75 Modified, and R-100 Modified and are accessed from Ridge Road, Braselton Highway or Old Fountain Road. Although there are other subdivisions in the immediate area, none of these subdivisions are accessed from Azalea Drive along this segment of the road between Ridge Road and Braselton Highway. The density of development proposed by the applicant would not be consistent with the existing density along Azalea Drive. This segment of Azalea Drive contains 34 homes on roughly 148 acres. The development proposed would more than double the amount of homes along Azalea Drive from 34 to 83, with 49 of the homes being on 18.46 acres. The requested R-75 zoning may not be considered compatible with the existing zoning of the adjoining properties along Azalea Drive.

In conclusion, the requested R-75 zoning may not be considered consistent with policies of the Unified Plan and could adversely affect established single-family homes along Azalea Drive, through the introduction of incompatible lot sizes and densities of development. Therefore, staff recommends **DENIAL** of this petition.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

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

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

- A. Single-family detached dwellings and accessory uses and structures.
- B. The minimum heated floor area per dwelling unit shall be 2,200 square feet for one story homes and 2,400 square feet for two story homes.
- C. Homes shall be constructed with three sides of brick and/or stacked stone. The balance of the home may be the same or of fiber-cement shake or siding with a three-foot brick or stone water table.
- D. All dwellings shall have at least a double-car garage.

2. To satisfy the following site development considerations:

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

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

In light of the development pattern along Azalea Drive, which consists of individual homes on large lots, the 49 lot subdivision proposed by the applicant may not be suitable at this location.

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within an Existing/Emerging Suburban Character Area. Policies of the Unified Plan for this character area encourage residential in-fill developments with densities and character compatible with existing single-family developments. The proposed rezoning is not supported by these policies of the Unified Plan, as the neighboring single-family homes along Azalea Drive are zoned R-100, and are developed with single homes on large lots as opposed to the subdivision proposed by the applicant.

CONDITIONS AFFECTING ZONING

The proposed density of this development is not consistent with the low density development of single homes on acreage along Azalea Drive.

**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:

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

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

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

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

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**REZONING APPLICANT'S RESPONSE**  
**STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**  
**REZONING APPLICATION OF MICHAEL J. CASWELL**

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

In view of the residential nature of this area and, more specifically, the R100 CSO which abuts this property to the rear, we submit that an R-75 single family detached neighborhood would be appropriate at this location.

B. WHETHER THE ZONING PROPOSAL WOULD ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

This neighborhood of single family homes would not interfere with the use of the surrounding residential properties.

C. WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

We submit that the highest and best use of this property would be to be developed for residential use as an R-75 neighborhood.

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

The development of this property as a residential single family neighborhood at 2.65 units per acre would not cause an excessive use of the existing streets, transportation facilities. Sanitary sewer is available at the rear of the property, at The Park at Glenss Ridge, Unit Two. It is our understanding that this school district has the capacity to accommodate the additional students who might reside here.

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

The intent of the Land Use Plan is for this area to be zoned for detached single-family residential neighborhood, comparable to our proposal.

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 ZONING PROPOSAL.

At a density of 2.65 units per acre, we submit that this rezoning proposal is comparable to existing and anticipated development in the surrounding area.

JAN 05 2017

Planning & Development

RZR '17 00 5

LETTER OF INTENT  
REZONING APPLICATION OF  
MICHAEL J. CASWELL

January 5, 2017

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

Re: Rezoning Application of Michael J. Caswell, concerning 18.46 acres located in the 7th Land District, Land Lot 53, Parcel Numbers 009 and 068, located at 1434 Azalea Drive in Gwinnett County, Georgia

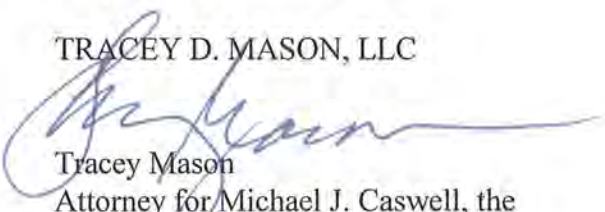
Dear Planning Department:

I am writing to you on behalf of Michael J. Caswell, the Applicant in the above-referenced case, to respectfully request your approval to rezone the subject property to R-75 (Single-Family Residence District) to allow for the development of a single family detached neighborhood. We are proposing to build 49 homes on this property, which would result in a gross and net density of 2.65 units per acre. We furthermore propose that each home contain a minimum of 1,200 square feet.

This Applicant has a tradition of developing quality neighborhoods in and around Gwinnett County and is committed to continuing that tradition with another successful community here. We see this rezoning request to be suitable in view of the use and development of nearby properties, and, therefore, respectfully request your approval of this proposed rezoning. We are available to meet with you at your convenience to discuss any questions or concerns that you may have.

Respectfully submitted,

TRACEY D. MASON, LLC



Tracey Mason  
Attorney for Michael J. Caswell, the  
Applicant

RECEIVED BY  
cc: Michael J. Caswell  
JAN 05 2017

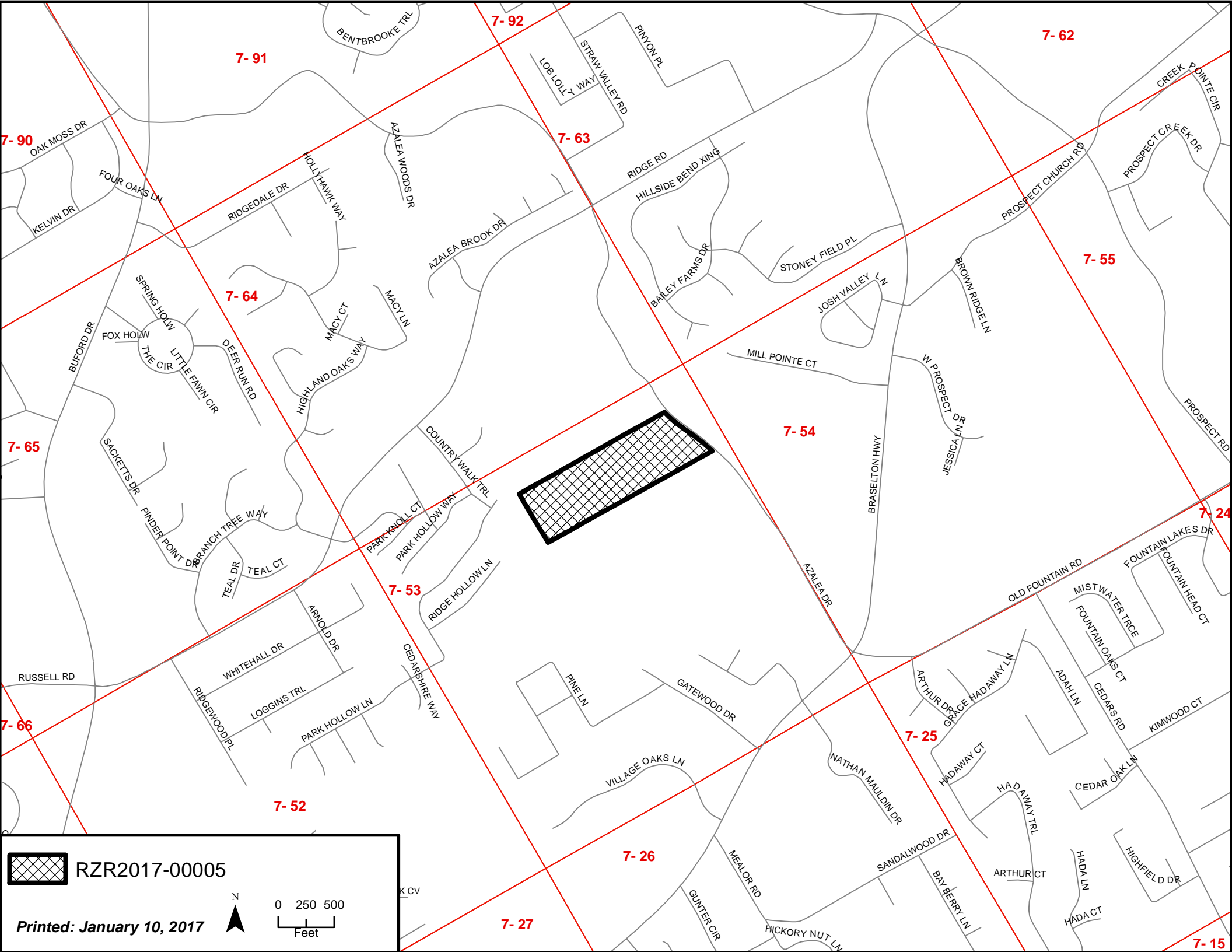
Planning & Development


RZR '17 00 5

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

Case #	Schools	Current Projections									Proposed Zoning  Approximate additional Student Projections from Proposed Developments
		2016-17			2017-18			2018-19			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZR2017-00004	<b>Parkview HS</b>	<b>3021</b>	2,500	521	<b>3082</b>	2,500	582	<b>3143</b>	2,500	643	34
	Trickum MS	<b>2073</b>	1,775	298	<b>2104</b>	1,775	329	<b>2136</b>	1,775	361	25
	Mountain Park ES	<b>543</b>	450	93	<b>554</b>	450	104	<b>565</b>	450	115	48
RZR2017-00005	<b>Mountain View HS</b>	<b>2356</b>	2,300	56	<b>2470</b>	2,300	170	<b>2550</b>	2,300	250	14
	Twin Rivers MS	<b>2034</b>	2,150	-116	<b>2065</b>	2,150	-85	<b>2095</b>	2,150	-55	10
	Woodward Mill ES	<b>970</b>	1,200	-230	<b>994</b>	1,200	-206	<b>1019</b>	1,200	-181	20

Current projections do not include new developments



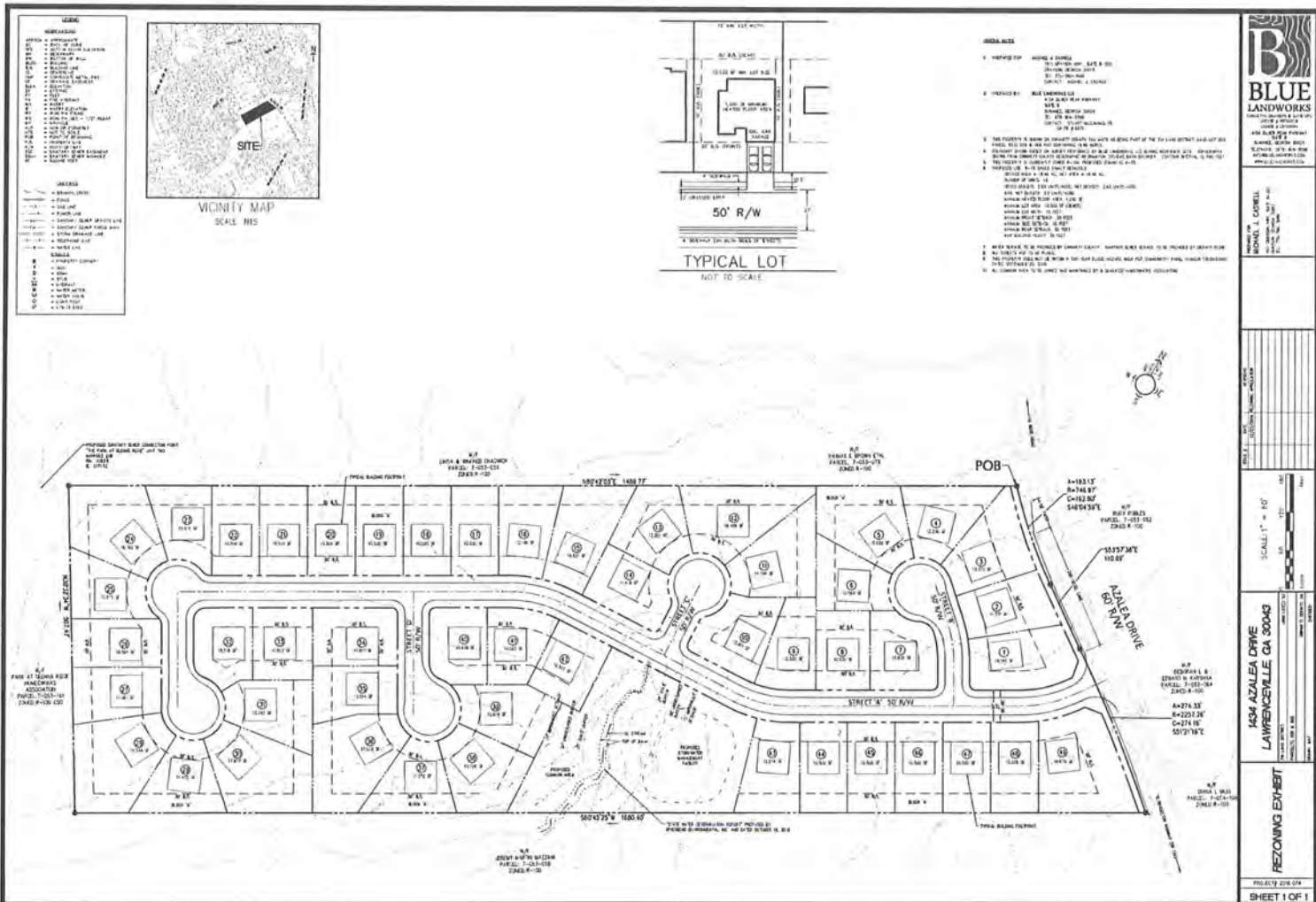
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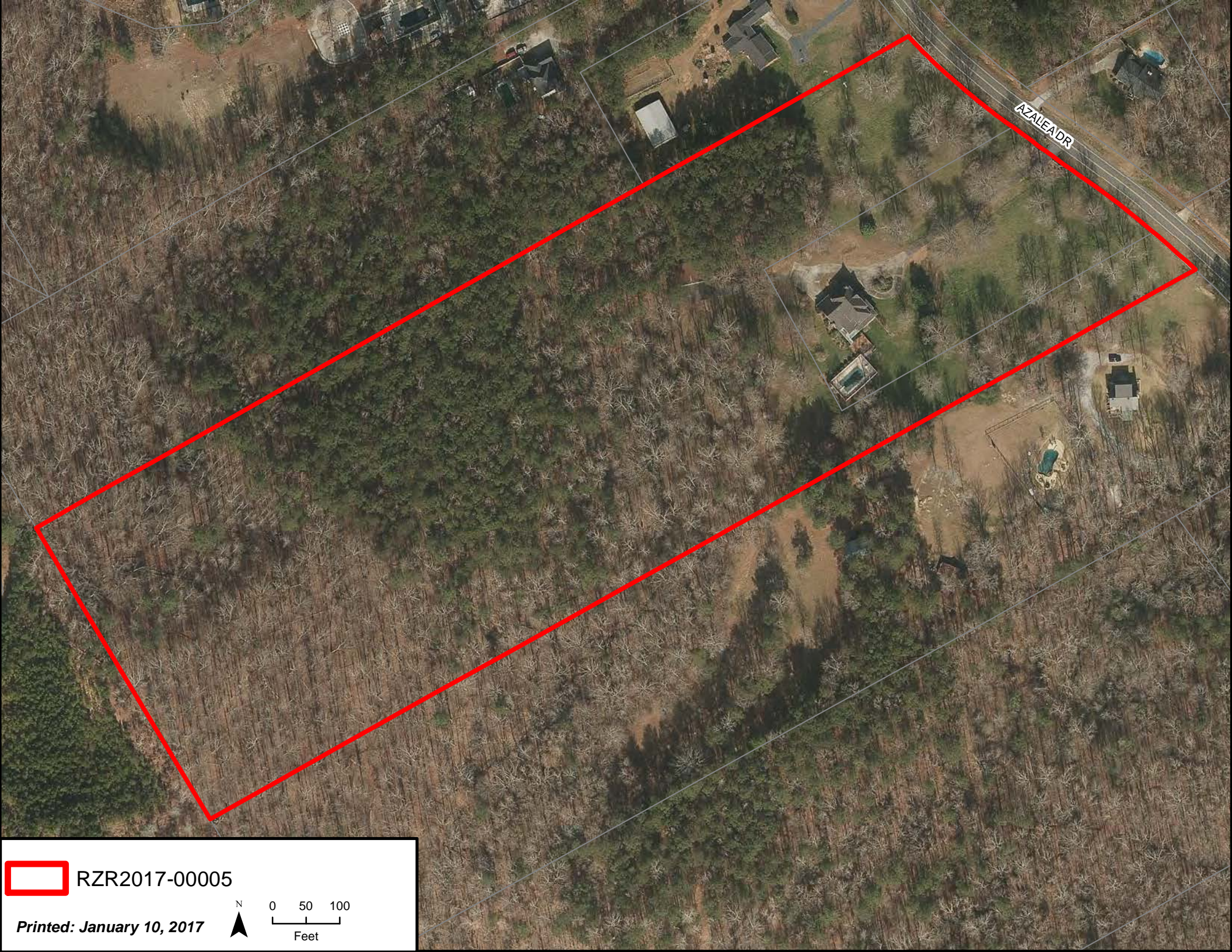


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Planning & Development

RZR '17005



AZALEA DR

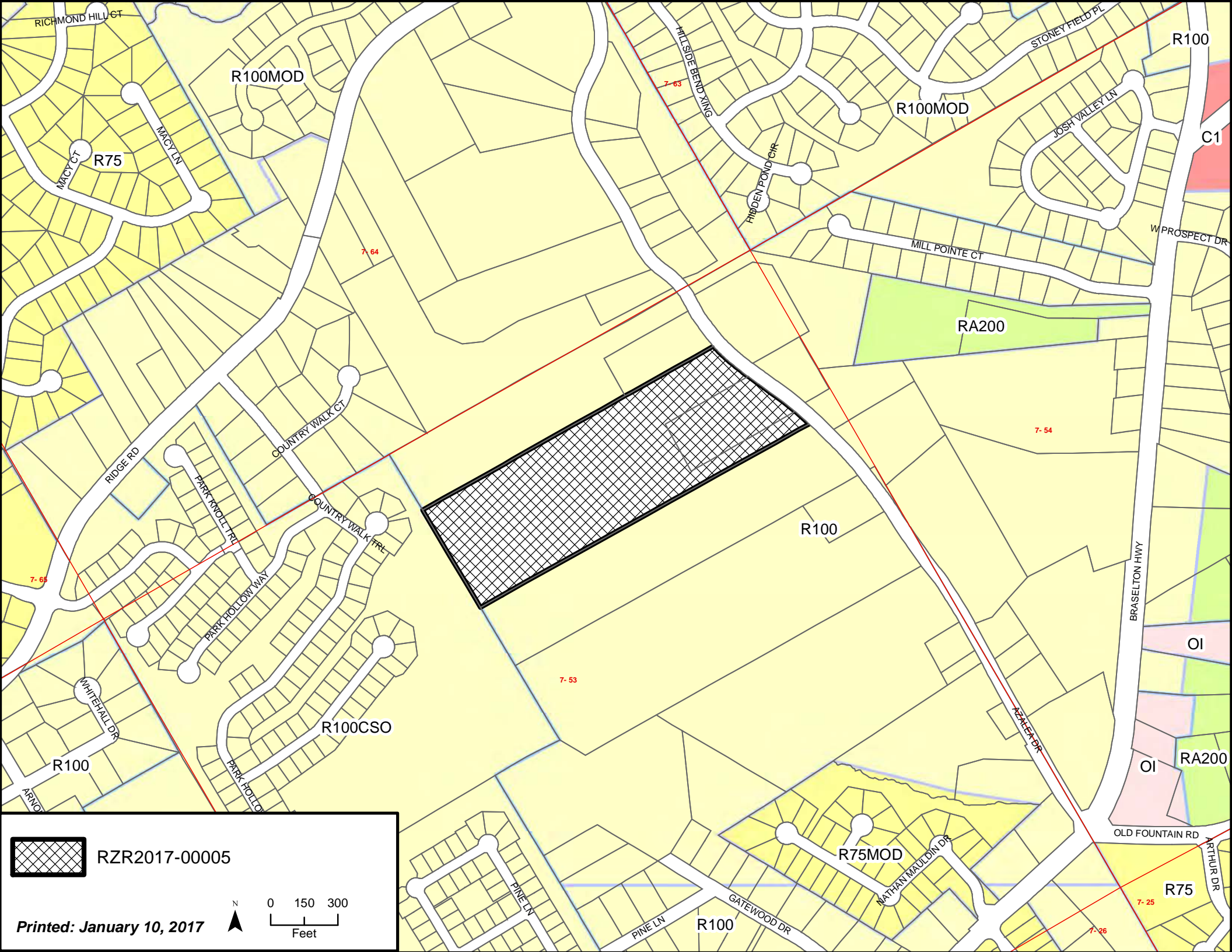


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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
CHANGE IN CONDITIONS ANALYSIS**

CASE NUMBER : **CIC2017-00007**  
ZONING : C-2  
LOCATION : 1000 BLOCK OF SCENIC HIGHWAY  
: 1300 BLOCK OF SCENIC PINES DRIVE  
MAP NUMBER : R5086 628  
ACREAGE : 1.34 ACRES  
PROPOSAL : CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT : (3) HUNTER

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

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

CONTACT: SHANE LANHAM                      PHONE: 770.232.0000

OWNER: TROUT PROPERTIES AT SCENIC OVERLOOK, LLC  
C/O MAHAFFEY PICKENS TUCKER, LLP  
1550 N. BROWN ROAD SUITE 125  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests a Change in Conditions of a 2002 rezoning case (RZC-02-016) to amend a condition regarding building materials. The subject property is a 1.34-acre site located on the west side of Scenic Highway, north of its intersection with Scenic Pines Drive. The site is zoned C-2 (General Business District) and is currently undeveloped.

The request is to amend condition 2.G. of RZC-02-016, which currently reads as follows:

2.G. Buildings shall be finished with architectural treatments of glass and/or brick or stacked stone. Gasoline pump canopy shall have four-sides brick around the columns.

The applicant requests the condition be modified to reflect the proposed design of a new fast food restaurant (Fazoli's) at the subject site. The design includes the use of stucco, EIFS (Exterior Insulation and Finish System), and cement with a color scheme including bright red and yellow that coordinates with the logo. No other changes to any of the other conditions are proposed.



The 2030 Unified Plan Future Development Map indicates the property lies within a Corridor Mixed-Use Character Area. Policies for this area support freestanding commercial establishments with importance placed on improving the overall quality of architecture and enhanced development aesthetics within commercial sites. Properties along this portion of Scenic Highway are also zoned C-2 and developed for various free-standing commercial uses. Commercial properties adjacent to the subject site have been developed pursuant to the existing conditions for higher quality building materials than those being proposed through this request. Introduction of alternative building materials different from those in the vicinity could be considered inappropriate within this Character Area.

Adjacent to the site, south across Scenic Pines Drive, is a Culver's fast food restaurant that recently opened and zoned C-2, as is the property to the north, which contains an automobile service station. To the west is the Scenic Overlook residential subdivision, zoned R-ZT (Single Family Residence District). Across Scenic Highway to the east is the gated Scenic Lake Townhomes subdivision zoned RM-6 (Multi-Family Residence District). The other existing commercial structures within the approved C-2 development tract on the west side of Scenic Highway include an International House of Pancakes restaurant and Discount Tire, which were constructed in compliance with the existing building materials condition. As no other existing or under-construction development in the immediate neighborhood has introduced alternative materials, the proposed change in conditions may be out of the character with the adjoining businesses and may not be appropriate with the growth in this area. Additionally, the requested change in conditions could set a precedent for all future development within this commercial tract, thereby changing the overall aesthetic that was proposed and approved when the tract first received rezoning approval.

In conclusion, allowing a change to the building materials conditions would not be appropriate, given that it would introduce new materials in an area of existing development and be out of character with the area. Therefore, the Department recommends **DENIAL** of this request.

#### ZONING HISTORY:

The property was zoned R-75 (Single-Family Residence District) in 1970. A Special Use Permit for a church on the property was denied in 1986. A request to rezone the property to C-2 was denied at the applicant's request in 2001 (RZC-01-23), but approved in 2002 as part of a 7.4-acre tract C-2 rezoning (RZC-02-016).

#### 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:

No Comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

SR 124 Scenic Highway is a State Route and Georgia D.O.T. right-of-way requirements govern. Scenic Pines Drive is a Local 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 north right-of-way of Scenic Pines Drive and a 24-inch water main located on the northwest right-of-way of Scenic 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 on parcel R5086 628.

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 3.
5. Architectural design of the proposed building shall incorporate the requirements of the Gwinnett County Unified Development Ordinance, Section 9.0.0 Architectural Design Standards Color and Finish Chart.
6. 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

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

Change in Conditions of RZC-02-016 with:

Additions in **Bold**

Deletions in ~~Strikethrough~~

Approval as C-2, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail and service commercial and accessory uses, excluding hotel/motel development.
  - B. One service station/convenience store shall be permitted.
  - C. No automotive sales or body shops shall be permitted.
2. To satisfy the following site development considerations:
  - A. Provide a 25-foot wide landscape buffer adjacent to all residential property.
  - B. Provide a ten-foot wide landscaped strip outside the dedicated right-of-way of Scenic Highway. Provide five-foot wide landscaped strips along internal property lines, planted with non-ornamental shade trees.
  - C. All exits/entrances shall be approved by the Georgia Department of Transportation and/or Gwinnett Department of Transportation.
  - D. Dumpsters shall be screened by a **100% opaque** brick or **stacked** stone wall **with an opaque metal gate enclosure**, a minimum 6-feet in height. Dumpster pickup shall be limited to between the hours of 7:00 a.m. and 7:00 p.m.
  - E. Provide five foot wide sidewalks adjacent to the dedicated right-of-way of Scenic Highway and both sides of the proposed main access, which would extend to the R-75 property located to the west.
  - F. ~~No~~ **Billboards or oversized signs shall be prohibited** ~~are permitted.~~
  - G. Building shall be finished with architectural treatments of glass, and/or brick, or stacked stone, Gasoline pump canopy shall have four sides brick around the columns. **elevations shall be a minimum of seventy (70) percent brick and/or field stone finish. Stucco/EIFs and/or fiber cement siding finish will be allowed not to exceed thirty (30) percent of the building elevation. Elevation**

design shall incorporate neutral or earth-toned colors with a light reflectance value (LRV) of fifty (50) or less. Corporate identity colors shall be limited to an entrance door surround feature not to exceed four (4) feet in width from the entrance door. Surface inset, applied, or painted non-text graphics shall be prohibited. Final building elevations, colors, and materials shall be reviewed and approved by the Director of Planning and Development.

- H. **The building parapet and tower base shall be articulated with vertical offsets not exceeding three (3) feet in height change.**
- I. ~~Site shall be limited to monument type ground signs. Monument signs shall have a base matching the building.~~ **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 material. Ground signage shall not exceed eight feet in height.**
- J. **No tents, canopies, temporary banners, streamers, or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign twirlers shall be prohibited.**
- K. **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.**
- L. **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.**
- M. **Any drive-up menu board signs shall be built per the monument sign standards. Final design of sign shall be submitted for approval by the Director of Planning and Development.**
- N. **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.**
- O. **Provide interparcel access driveways between all adjoining commercial parcels.**

- P. Natural vegetation shall remain on the property until the issuance of a commercial development permit.
- Q. ~~Provide a designated bus stop along the Scenic Highway frontage, subject to review and approval of the Gwinnett Department of Transportation.~~
- R. Other than drive-up bank teller or restaurant speakers, outdoor loudspeakers shall be prohibited.

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

- ~~A. Coordinate with the Georgia Department of Transportation regarding the proposed median opening, driveways and traffic signal on Scenic Highway (GA HWY 124). If approved by the Georgia DOT the applicant shall design and construct the proposed median opening as directed by the Georgia DOT. The applicant will also be responsible for the design and installation of the proposed signal. This includes paying for any right-of-way and easements that may be required for the signal installation.~~
- ~~B. No driveways will be permitted on the proposed main entrance road between State Road 124 and the proposed rear interparcel access easement.~~

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested change in condition of zoning in question may not be consistent with the precedent for higher architectural standards and quality building materials the Board established through the public hearing process.

ADVERSE IMPACTS

The reduction in architectural standards for this property may adversely impact neighboring businesses that were built with higher quality building materials.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

The change in building materials will have not an impact on public facilities.

CONFORMITY WITH POLICIES

The proposed development would not be consistent with the overall intent of the 2030 Unified Plan, which encourages overall quality of architecture and enhanced development aesthetics within commercial sites, as they deviate from the materials seen on adjacent commercial properties.

CONDITIONS AFFECTING ZONING

As surrounding development has met the architectural standards as originally conditioned, modification to a lesser standard may not be appropriate.

**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:

See attached

---

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

See attached

---

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

See attached

---

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

See attached

---

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

See attached

---

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

See attached

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

- (A) The proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (B) The proposed change in conditions will not adversely affect the existing use or usability of adjacent or nearby property. In fact, the proposed change will enhance adjacent and nearby property.
- (C) In light of market conditions, site-specific topography and design layout, the property to be affected by the proposed change in conditions does not have reasonable economic use as currently zoned.
- (D) The proposed change in conditions will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or schools. The surrounding infrastructure is built to accommodate a major commercial corridor development such as the development currently existing on adjacent properties. The change in conditions will allow the property to be developed in conformity with surrounding properties.
- (E) The proposed change in conditions is in conformity with the policy and intent of the Land Use Plan. The property is in the Corridor Mixed-Use character area and the change in conditions will allow the property to be development in conformity with surrounding properties.
- (F) The Property is located in an intense commercial corridor and the requested change in conditions would allow the development of land that has remained vacant for years.

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CIC 17 007



Matthew P. Benson  
Gerald Davidson, Jr.\*  
Brian T. Easley  
Kelly O. Faber  
Christopher D. Holbrook  
Frances H. Kim  
Shane M. Lanham

Austen T. Mabe  
Jeffrey R. Mahaffey  
David G. McGee  
Steven A. Pickens  
Andrew D. Stancil  
R. Lee Tucker, Jr.  
\*Of Counsel

**LETTER OF INTENT FOR CHANGE IN CONDITIONS APPLICATION  
OF TROUT PROPERTIES AT SCENIC OVERLOOK, LLC**

Mahaffey Pickens Tucker, LLP submits this application for a change in conditions of zoning on behalf of Trout Properties at Scenic Overlook, LLC (the “Applicant”). The property which is the subject of this application (the “Property”) is located at 1093 Scenic Highway south of Sugarloaf Parkway. The Property is currently zoned C-2 for general commercial and retail uses pursuant to zoning case number RZC-02-016 approved by the Board of Commissioners of Gwinnett County, Georgia in 2002 (“Resolution”). The Resolution contains several conditions governing the development of the Property, which is part of the larger Scenic Overlook development.

The Applicant submits this application to request a modification of Condition 2(G) related to required building materials. Condition 2(G) currently reads: “Buildings shall be finished with architectural treatments of glass and/or brick or stacked stone. Gasoline pump canopy shall have four-sides brick around the columns.” The Applicant respectfully requests to modify Condition 2(G) so as to permit the development of the property according to the building designs submitted with the application. The Applicant wishes to develop the property as a Fazoli’s restaurant with their fresh, updated building design. Though the proposed restaurant building does not incorporate finishes of brick or stacked stone architectural treatments, the

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proposed building design is attractive and compatible with surrounding development. The existing conditions were attached to the property nearly fifteen years ago and the Property remains undeveloped. The proposed building design is attractive and the proposed use complements surrounding development.

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

Respectfully submitted this 6th day of January, 2017.

**MAHAFFEY PICKENS TUCKER, LLP**



---

Shane M. Lanham  
*Attorneys for Applicant*

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CASE NUMBER RZC-02-016

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>
Marcia Neaton-Griggs, District 1	<u>NAY</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. KENERLY, which carried 4-1, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from

R-75 to C-2

by SCENIC OVERLOOK VENTURES for the proposed use of COMMERCIAL RETAIL USES (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which

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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 APRIL 25, 2002 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 25TH day of APRIL, 2002, that the aforesaid application to amend the Official Zoning Map from R-75 to C-2 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, excluding hotel/motel development.
  - B. One service station/convenience store shall be permitted.
  - C. No automotive sales or body shops shall be permitted.
2. To satisfy the following site development considerations:
  - A. Provide a 25-foot wide landscape buffer adjacent to all residential property.
  - B. Provide a ten-foot wide landscaped strip outside the dedicated right-of-way of Scenic Highway. Provide five-foot wide landscaped strips along internal property lines, planted with non-ornamental shade trees.

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- C. All exits/entrances shall be approved by the Georgia Department of Transportation and/or Gwinnett Department of Transportation.
- D. Dumpsters shall be screened by a brick or stone wall, a minimum 6-feet in height. Dumpster pickup shall be limited to between the hours of 7:00 a.m. and 7:00 p.m.
- E. Provide 5-foot wide sidewalks adjacent to the dedicated right-of-way of Scenic Highway and both sides of the proposed main access, which would extend to the R-75 property located to the west.
- F. No billboards are permitted.
- G. Buildings shall be finished with architectural treatments of glass and/or brick or stacked stone. Gasoline pump canopy shall have four-sides brick around the columns.
- H. Site shall be limited to monument type ground signs. Monument signs shall have a base matching the building.
- I. No banners, streamers or roping decorated with flags, tinsel, or other materials shall be displayed, hung, or strung on the site.
- J. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties.
- K. Provide interparcel access driveways between all adjoining commercial parcels.
- L. Natural vegetation shall remain on the property until the issuance of a commercial development permit.
- M. Provide a designated bus stop along the Scenic Highway frontage, subject to review and approval of the Gwinnett DOT.
- N. Other than drive-up bank teller or restaurant speakers, outdoor loudspeakers shall be prohibited.

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3. To abide by the following requirements, dedications, and improvements:
- A. Coordinate with the Georgia Department of Transportation regarding the proposed median opening, driveways and traffic signal on Scenic Highway (GA HWY 124. If approved by the Georgia DOT the applicant shall design and construct the proposed median opening as directed by the Georgia DOT. The applicant will also be responsible for the design and installation of the proposed signal. This includes paying for any right-of-way and easements that may be required for the signal installation.
  - B. No driveways will be permitted on the proposed main entrance road between State Road 124 and the proposed rear interparcel access easement.

WINNETT COUNTY BOARD OF COMMISSIONERS

By:

F. Wayne Hill  
F. Wayne Hill, Chairman

Date Signed:

May 9, 2002

ATTEST:

Brenda Maddy  
County Clerk

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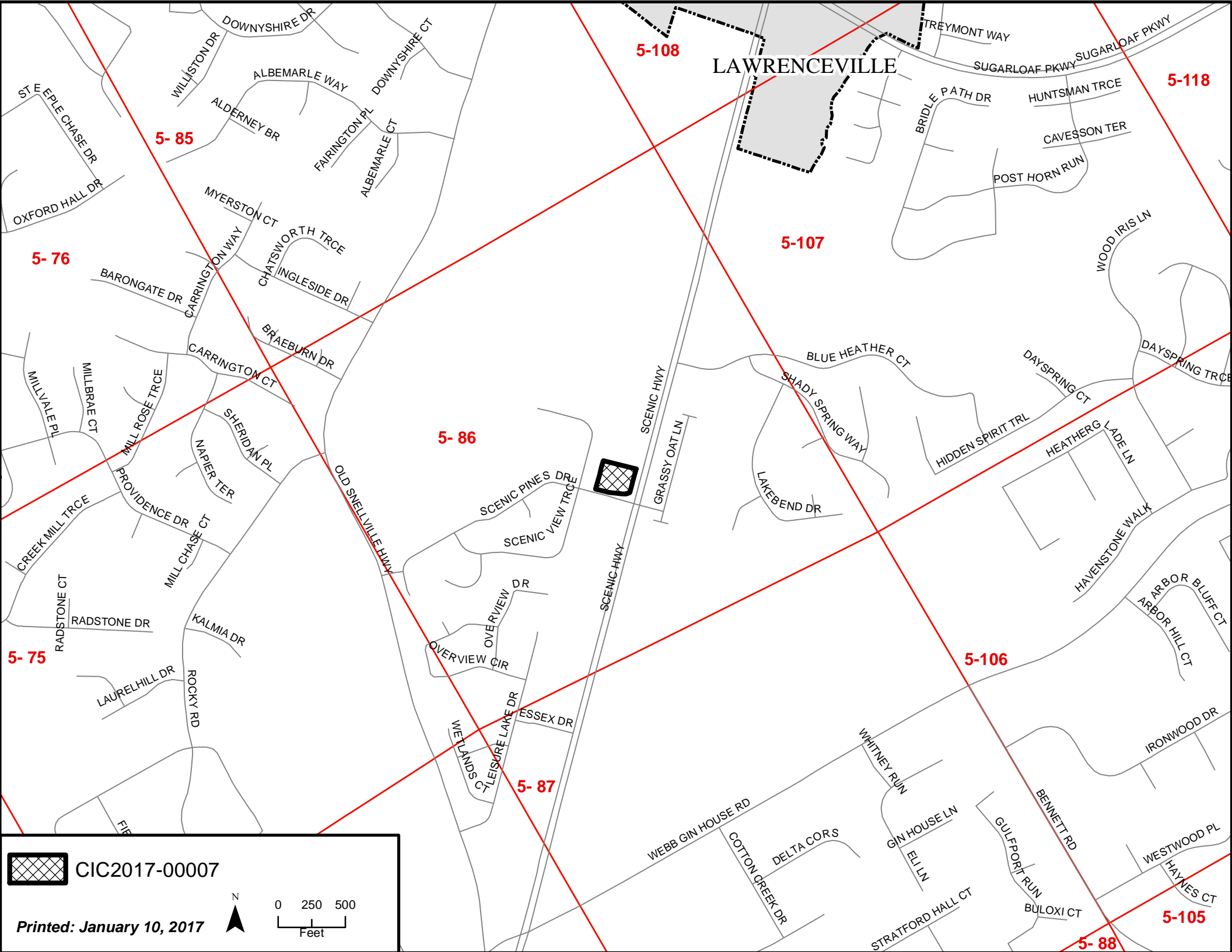
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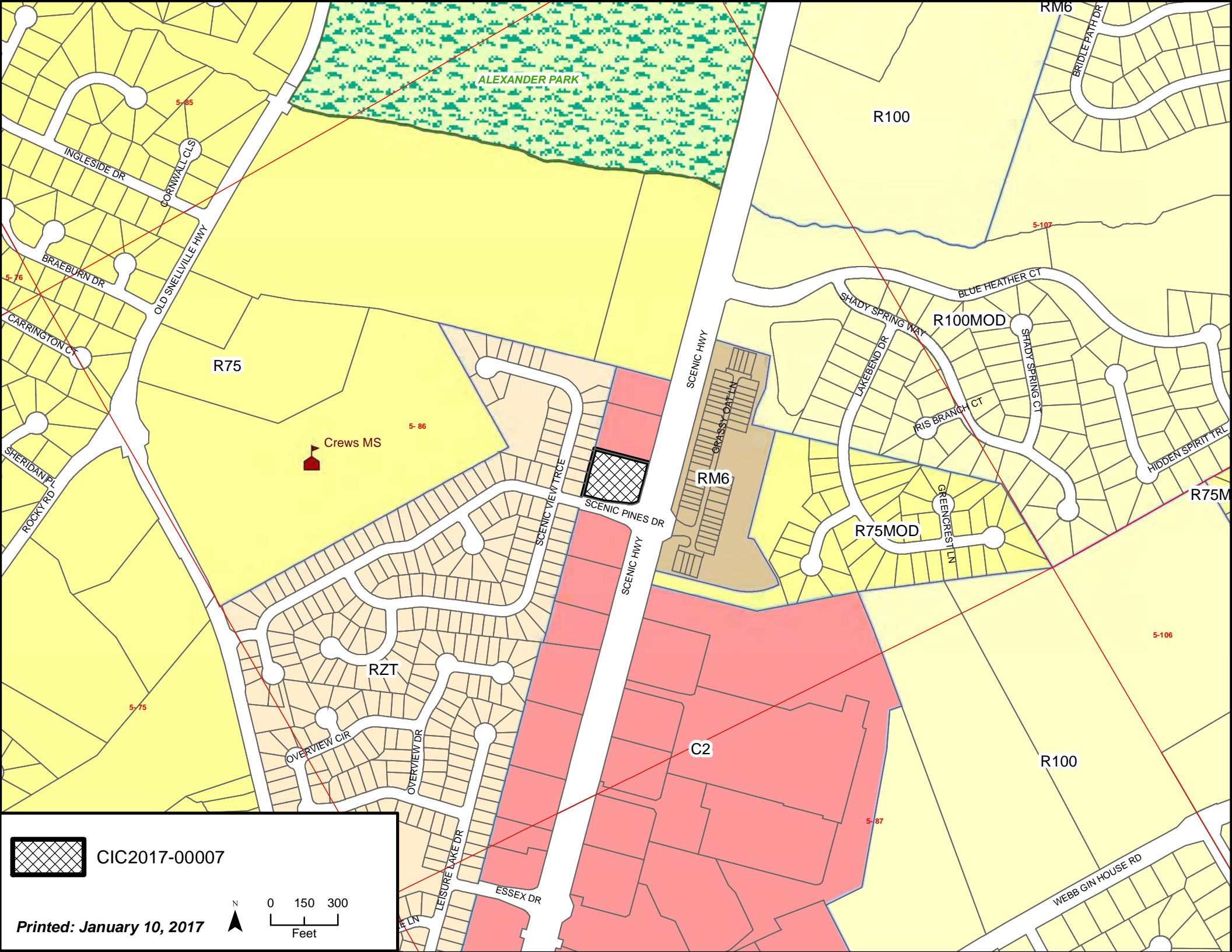


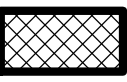
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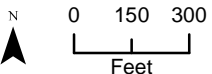
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**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT  
CHANGE IN CONDITIONS ANALYSIS**

CASE NUMBER : **CIC2017-00008**  
ZONING : C-2  
LOCATION : 1200 BLOCK OF BEAVER RUIN ROAD  
: 4000 BLOCK OF ARC WAY  
MAP NUMBER : R6184 009B  
ACREAGE : 1.27 ACRES  
PROPOSAL : CHANGE IN CONDITIONS OF ZONING  
(BUFFER REDUCTION)  
COMMISSION DISTRICT : (I) BROOKS  
  
FUTURE DEVELOPMENT MAP : **EXISTING/EMERGING SUBURBAN**

APPLICANT: 27<sup>TH</sup> GROUP, INC.  
C/O ANDERSEN, TATE & CARR, PC  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MARIAN C. ADEIMY                      PHONE: 770.822.0900

OWNER: SUN & CHRIS ENTERPRISE, INC.  
C/O ANDERSEN, TATE & CARR, PC  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a Change in Conditions of previous rezoning case RZC2008-00051 to in order to construct a 5,000-square foot convenience store with gas pumps. The 1.27-acre property is located on the east side of Beaver Ruin Road at the Arc Way intersection, and is currently undeveloped and heavily wooded.

The request is to amend condition I.A. of RZC2008-00051 to remove the prohibition on convenience stores with or without fuel pumps. The condition currently reads as follows:

- I.A. Retail, service commercial and accessory uses. The following uses shall be prohibited: tattoo or piercing parlors, pawn shops/check cashing stores, pool halls, adult bookstores or entertainment, drive-thru fast food establishments, automotive car washes, automotive parts stores, automotive service stations or convenience stores with or without fuel pumps, emission inspection stations, equipment rental establishment, fraternal organizations, clubs, lodges, or meeting halls, mobile buildings, auto sales lots, hotel or motels, laundry or dry cleaning

establishments, liquor stores, recovered materials processing facilities, taxidermists, yard trimmings composting facilities, auto body repair shops, auto repair shops or tire stores, building material sales, contractors offices, outside storage/sales of equipment or materials, heavy equipment and farm equipment sales or service, truck rental, mini-warehouse storage facilities, mobile home or mobile building leasing or sales lots, taxi cab or limousine services.

Staff notes that the proposed building encroaches five feet into the rear building setback on the submitted site plan. A variance from the Zoning Board of Appeals would be necessary to reduce that setback. The existing condition 2.B. allows for a reduction of the required 50-foot wide buffer to 25 feet. Staff is recommending that the modified set of conditions include enhanced architectural treatment of the proposed building and gasoline canopy to reflect recent approvals of convenience stores with gas pumps.

The 2030 Unified Plan Future Development Map indicates that the subject property lies within the Existing/Emerging Suburban Character Area. This segment of Beaver Ruin Road is an established commercial corridor and the proposed Change in Conditions to allow a convenience store with gas pumps could be compatible within this Character Area and policies of the Unified Plan.

The surrounding area is characterized by commercial, office/warehouse and multifamily residential uses fronting along Beaver Ruin Road, with established single-family neighborhoods lying beyond the corridor. Numerous properties along Beaver Ruin Road between Arc Way and Steve Reynolds Boulevard are zoned for commercial/retail, office-institutional and light industrial uses. A convenience store at this location could be compatible with the surrounding land uses provided that conditions are included to improve the aesthetics of the development and reduce potential impacts on nearby properties.

With appropriate conditions to ensure a quality appearance for the site, the proposed Change in Conditions could be considered reasonable. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

#### ZONING HISTORY:

The property was zoned R-75 in 1970. A request for M-I zoning was denied in 1972 pursuant to RZ-72-082. In 2008, the subject site was rezoned C-2 pursuant to RZC-08-051.

#### 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 50-foot natural, undisturbed buffer adjacent to RM-13 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.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

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

Arc Way is a Local Street and 30 feet of right-of-way is required from the centerline.

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

The developer shall be limited to one curb cut.

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

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

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

Project Driveway to line up with driveway opposite on Arc Way and provide a left turn lane to development site.

**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 southeast right-of-way of Arc Way and a 16-inch water main located on the east right-of-way of Beaver Ruin 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 215 feet east of parcel R6184 009B on parcel R6183 376.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
2. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for each building for review and approval by Building Plan Review.

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

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

**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:

RZC2008-00051

Additions in **bold**

Deletions in ~~strikethrough~~

- I. To restrict the use of the property as follows:
  - A. Retail, service commercial and accessory uses. The following uses shall be prohibited: tattoo or piercing parlors, pawn shops/check cashing stores, pool halls, adult bookstores or entertainment, drive-thru fast food establishments, automotive car washes, automotive parts stores, automotive service stations, ~~or convenience stores with or without fuel pumps~~, emission inspection stations, equipment rental establishment, fraternal organizations, clubs, lodges, or meeting halls, mobile buildings, auto sales lots, hotel or motels, laundry or dry cleaning establishments, liquor stores, recovered materials processing facilities, taxidermists, yard trimmings composting facilities, auto body repair shops, auto repair shops or tire stores, building material sales, contractors offices, outside storage/sales of equipment or materials, heavy equipment and farm equipment sales or service, truck rental, mini-warehouse storage facilities, mobile home or mobile building leasing or sales lots, taxi cab or limousine services.
  - B. Develop in general accordance with the site plan submitted **January 10, 2017**, ~~October 23, 2007~~, with changes as may be necessary to meet the ~~Development Regulations and~~ conditions of zoning. Final plans shall be approved by the Director of Planning and Development.
  - ~~C. Building shall be glass, brick or stone on all sides. Stucco may be used as an accent material. Building height shall be limited to two stories and shall have a pitched parapet on all four sides. The retail center shall have one central focus element on the front elevation. Building elevations shall be subject to review by the Director of Planning and Development.~~
  - C. The building 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.**
  - D. 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 satisfy the following site development considerations:
  - A. Provide a 25-foot graded and replanted buffer adjacent to residentially zoned property. **The buffer shall be replanted as required in the Unified Development Ordinance, subject to the review and approval of the Director of Planning and Development.** ~~planted with three staggered rows in equal distribution of cryptomeria and tree form hollies, 8-10 feet tall at the time of planting, on maximum 15-foot centers.~~
  - B. **Ground signage shall be limited to 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 shall be prohibited.
  - F. Dumpsters shall be screened by a 100% opaque brick wall matching the exterior of the building. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
  - G. Exterior lighting shall be contained in cut-off type luminaries, and directed so as not to shine directly into adjacent or nearby properties.
  - H. Natural vegetation shall remain on the property until the issuance of a commercial development permit.

- I. Outdoor loudspeakers shall be prohibited.
- J. Peddlers and/or parking lot sales shall be prohibited.
- K. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- L. Owner shall repaint or repair any graffiti or vandalism that occurs to the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested convenience store with gas pumps could be suitable at this location given the development of commercial/retail, office and light industrial uses along this portion of Beaver Ruin Road.

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

Additional impacts on public facilities in the form of utility demand and traffic could be anticipated.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the subject property lies within the Existing/Emerging Suburban Character Area. With appropriate conditions, the proposed convenience store with gas pumps could be compatible with the existing commercial, office and light industrial uses in the area.

CONDITIONS AFFECTING ZONING

If properly conditioned, including the enhancement of the buffer and architectural treatment of the building and gasoline canopy, the request could result in an improved appearance on the site.

**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:  
See attached.
  
- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  
See attached.
  
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
See attached.
  
- (D) WHETHER THE PROPOSED CHANGE IN CONDITIONS WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:  
\_\_\_\_\_
  
- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
See attached.
  
- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED CHANGE IN CONDITIONS:  
See attached.

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

- 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. The proposed neighborhood convenience store is consistent with the current C-2 zoning district, and will complement the adjacent and nearby office, commercial and high-density residential properties.

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

No, this request proposes a neighborhood-use that is entirely compatible with the adjoining and nearby property, will not adversely affect those properties, and is consistent with the existing commercial corridor and surrounding uses.

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

No. The subject property does not have any reasonable economic use based on the restricted commercial uses currently permitted, and give the size, shape and location of the subject property.

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

No. This property is located in an area with public water and sewer availability, and convenient access to major thoroughfares and highways. The requested change in conditions and commercial uses are consistent with the existing uses with no excessive or burdensome impact on existing streets, transportation facilities, or utilities, and will have no impact whatsoever on the schools.

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

Yes. The Gwinnett 2030 Unified Plan identifies this portion of Beaver Run as a commercial corridor that is ripe for redevelopment.

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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 CHANGE IN CONDITIONS.

Yes, the requested change in conditions and uses are entirely consistent with the goals for this area, (1) based on the Board of Commissioners' actions in permitting similar commercial and uses in the existing C-2 zoning district for similarly situated properties, (2) with the nearby industrial-zoned and more intense uses, and (3) because this area is already identified in the future land use plan as a commercial node.

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# ANDERSEN | TATE | CARR

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Direct: (678) 518-6855

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

January 6, 2017

## **VIA HAND DELIVERY**

Gwinnett County Board of Commissioners  
Attn: Director of Planning and Development  
446 West Crogan Street, Suite 225  
Lawrenceville, GA 30046-2440

### **RE: CHANGE IN CONDITIONS APPLICATION AND LETTER OF INTENT FOR 27<sup>TH</sup> GROUP, INC.**

Dear Director and Staff:

This Letter of Intent is written on behalf of the property owner and Applicant, 27<sup>th</sup> Group, Inc. (the "Applicant"), for a change on zoning conditions regarding the subject property, located at the corner of Beaver Ruin Rd. at Arc Way, Parcel No. 6184 009B, Norcross, GA (the "Property"), from C-2 to C-2, with the requested change in conditions, to allow for a quality convenience store with fuel pumps, to support nearby residents and businesses.

The Applicant plans to comply with all other buffer and setback requirements as reflected in the current zoning conditions. The proposed store will consist of a single building totaling approximately 5,000 square feet. The proposal calls for a total of 6 pump islands to be located under a canopy. The convenience store will include food, beverage and coffee options for customers.

The requested change in conditions and convenience store use have a demonstrated history of being entirely suitable and complementary to the other land uses in the area, including the more intense industrial and neighboring commercial and office uses. This request would also be consistent with prior Board of Commissioners' decisions and precedent in rezoning those similarly situated properties in this area, with the current uses permitted under the C-2 zoning district, and with the Future Land Use and Comprehensive Plans for this corridor. The property has access to a public water supply, public sanitary sewer, and convenient direct access to collector streets, major thoroughfares and state and interstate highways. This neighborhood, retail use will have no adverse impacts on surrounding properties.

### **Constitutional Objections**

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or condition the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are and would be unconstitutional in that they would take 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.

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The Property is presently suitable for development subject only to the approval of the requested change in conditions, 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 change in conditions 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 Applicant's and Property Owner's requested change in conditions, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

### **Conclusion**

Applicant submits the Applicant for Change in Conditions and supporting exhibits in further support of this rezoning request. The Applicant and its representatives welcome the opportunity to meet with the officials and staff to answer any questions. The Applicant respectfully requests your approval of this request.

Respectfully submitted,

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



Marian C. Adeimy  
Attorneys for Applicant

*Enclosures (Application Packet)*

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CASE NUMBER RZC-08-051  
GCID 2008-0113

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>ABSTAIN</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>ABSENT</u>

On motion of COMM. GREEN, which carried 3-0-1, the following resolution was adopted:

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-75 to C-2 by CRESCENT DEVELOPMENT for the proposed use of COMMERCIAL RETAIL (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which

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

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on JANUARY 22, 2008 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 22ND day of JANUARY 2008, that the aforesaid application to amend the Official Zoning Map from R-75 to C-2 is hereby **APPROVED** subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Retail, service commercial and accessory uses. **The following uses shall be prohibited:** tattoo or piercing parlors, pawn shops/check cashing stores, pool halls, adult bookstores or entertainment, drive-thru fast food establishments, automotive car washes, automotive parts stores, **automotive service stations or convenience stores with or without fuel pumps**, emission inspection stations, equipment rental establishment, fraternal organizations, clubs, lodges, or meeting halls, mobile buildings, auto sales lots, hotel or motels, laundry or dry cleaning establishments, liquor stores, recovered materials processing facilities, taxidermists, yard trimmings composting facilities, auto body repair shops, auto repair shops or tire stores, building material sales, contractors offices, outside storage/sales of equipment or materials, heavy equipment and farm equipment sales or service, truck rental, mini-warehouse

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storage facilities, mobile home or mobile building  
leasing or sales lots, taxi cab or limousine services.

- B. Develop in general accordance with the site plan submitted October 23, 2007, with changes as may be necessary to meet Development Regulations and conditions of zoning. Final plans shall be approved by the Director of Planning and Development.
  - C. Building shall be glass, brick or stone on all sides. Stucco may be used as an accent material. Building height shall be limited to two-stories and shall have a pitched parapet on all four sides. The retail center shall have one central focus element on the front elevation. Building elevations shall be subject to review by the Director of Planning and Development.
2. To satisfy the following site development considerations:
- A. Provide a minimum 10-foot wide landscaped strip outside the right-of-way of Arc Way and Beaver Ruin Road.
  - B. Provide a 25-foot graded and replanted buffer adjacent to residentially zoned property, planted with three staggered rows in equal distribution of cryptomeria and tree-form hollies, 8-10 feet tall at the time of planting, on maximum 15-foot centers.
  - C. Grounds signage shall be limited to a single monument-type sign with a masonry base (minimum two feet in height) matching the materials of the building. Sign height shall not exceed 10 feet.
  - D. Billboards shall be prohibited.
  - E. Dumpsters shall be screened by a 100% opaque brick wall matching the exterior of the building. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
  - F. Exterior lighting shall be contained in cut-off type luminaries, and directed so as not to shine directly into adjacent or nearby properties.

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- G. Natural vegetation shall remain on the property until the issuance of a commercial development permit.
- H. Outdoor loudspeakers shall be prohibited.
- I. Peddlers and/or parking lot sales shall be prohibited.
- J. No temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site. Yard and/or bandit signs shall be prohibited.
- K. Owner shall repaint or repair any graffiti or vandalism that occurs to the property within 72 hours.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By:

  
Charles E. Bannister, Chairman

Date Signed: 1/30/08

ATTEST:

Diane Kershner  
County Clerk/Deputy County Clerk

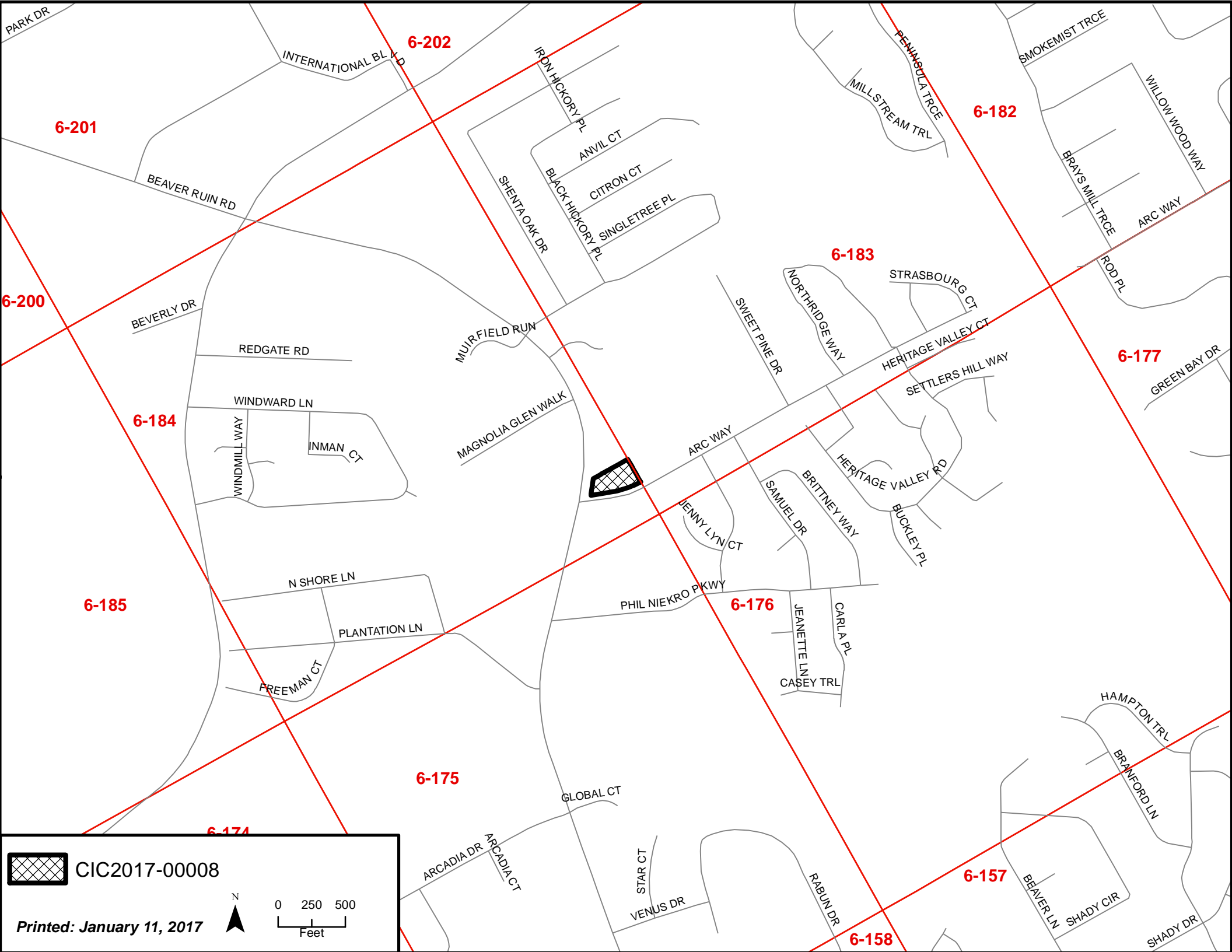



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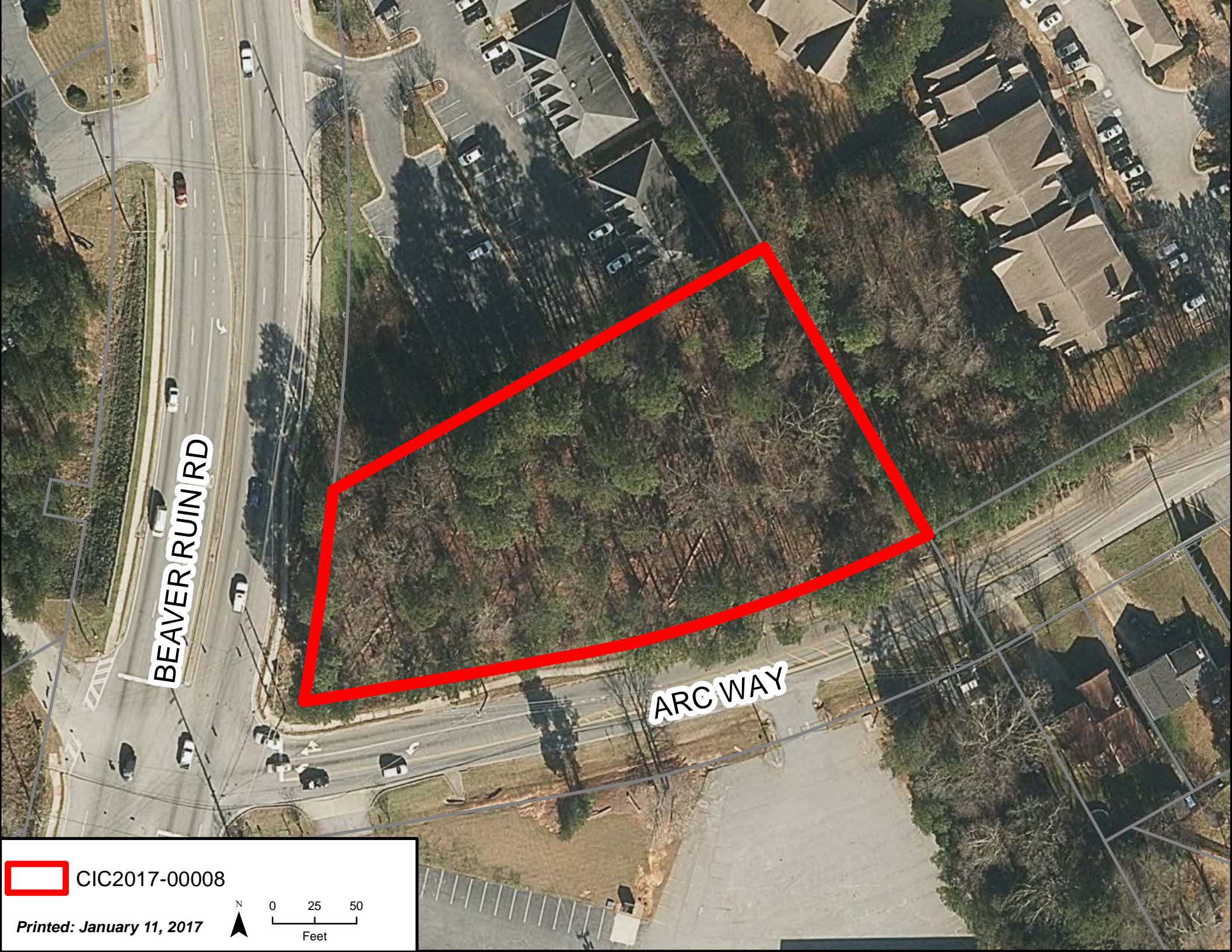


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Printed: January 11, 2017







BEAVER RUIN RD

ARC WAY

 CIC2017-00008

Printed: January 11, 2017

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

CASE NUMBER :**CIC2017-00009**  
ZONING :R-ZT  
LOCATION :1500 BLOCK OF OX BRIDGE WAY  
MAP NUMBERS :R7048 451 & 452  
ACREAGE :0.20 ACRE  
PROPOSAL :CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: KRIS PRICE  
1550 TAPESTRY RIDGE  
LAWRENCEVILLE, GA 30045

CONTACT: KRIS PRICE PHONE: 404.925.2849

OWNER: RIVERSIDE GABLE LLC  
5209 PALMERO COURT  
BUFORD, GA 30518

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a Change-in-Conditions (CIC) to amend a condition of a previously approved zoning case (RZM-05-038) requiring a 25-foot construction buffer between phases of the Riverside Gables subdivision. The request encompasses two lots within the newest phase of the subdivision, Unit 4, lots 14 and 15. The two lots combined encompass 0.2 acres and the entire subdivision is zoned R-ZT (Single-Family Residence District). The lots are located on the south side of Ox Bridge Way, east of its intersection with Devon Hall Place, south of Riverside Parkway and west of Lawrenceville Suwanee Road.

The applicant is requesting to amend Condition 2.E., which requires a construction buffer adjacent to an established phase of the neighborhood. The condition currently reads as follows:

2.E. Provide a 25-foot wide construction buffer adjacent to Riverside Gables subdivision.

The 2030 Unified Plan Future Development Map indicates that the property is located within the Existing/Emerging Suburban Character Area. The Unified Plan stresses protecting existing neighborhoods in rezoning actions. As proposed, the applicant's request may be counter to this emphasis of the Unified Plan because it encroaches upon the established portion of the subdivision. The requested change in conditions to reduce the buffer requirements may not be

appropriate in view of the previous rezoning request, which was considered through the public hearing process with input from neighboring property owners and the surrounding community.

The surrounding area is mostly single family residential subdivisions with commercial zoning and uses located at the Riverside Parkway and Lawrenceville Suwanee Road intersection. The subject properties are bordered by existing homes to the south and west within the Riverside Gables subdivision, with vacant lots to the east and north within the newest phase of this same subdivision. The applicant has indicated due to the irregular shape of the lots because of the location of the cul-de-sac, they are unable to build the proposed homes as shown without encroaching in the construction buffer. The requested change in conditions may not be appropriate for the subject property, and could negatively affect several adjacent single-family homes as well as diminish the development standards put in place to preserve the integrity of the development.

In conclusion, the existing conditions of zoning for the subject property were established through the public hearing process, with input from the public in 2005, to ensure land use compatibility with existing residences. Therefore, the Department of Planning and Development recommends **DENIAL** of this request.

#### ZONING HISTORY:

In 1970, the subject property was zoned R-100. In 1987, the property was rezoned to RM-13 (Multi-Family Residence District), pursuant to RZ-043-87. In 2005, it was rezoned to R-ZT (Single Family Residence District), pursuant to RZM-05-038.

#### 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:**

Ox Bridge Way 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 northwest right-of-way of Ox Bridge Way and an eight-inch water main located on the southwest right-of-way of Ox Bridge 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 40 feet north of parcel R7048 451 in the right of way of Ox Bridge Way and an eight-inch sanitary sewer main located approximately 44 feet south of parcel R7048 451 in the right-of-way of Ox Bridge Court.

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:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

RZM-05-038 with:

Additions in **Bold**

Deletions in ~~Strikethrough~~

Approval as R-ZT, 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 five (5) units per acre. Lots shall be a minimum of 50-feet in width.
  - B. The minimum heated floor area per dwelling shall be 1,800 square feet for one-story homes, and 2,000 for two story homes.
  - C. Dwellings shall be constructed of brick, stacked stone or stucco on the front façade with the balance of the dwelling being brick, stacked stone, stucco, wood or fiber-cement type siding.
  - D. All dwellings shall have double car garages and where front entry, driveways shall be a minimum of 16 feet.
  - E. ~~A mandatory Homeowners Association shall be established and shall coordinate with the Riverside Gables subdivision to incorporate into their Homeowners Association.~~ **Homes shall be part of the homeowners association established as by RZM-05-038.**
  
2. To satisfy the following site development considerations:
  - A. Natural vegetation shall remain on the property until the issuance of a development permit.
  - B. No direct lot access to Lawrenceville Suwanee Road.
  - C. All grassed areas in front and side yards to be sodded.
  - D. All utilities shall be placed underground.
  - E. Provide a ~~25-foot wide construction buffer~~ **10-foot landscape strip** adjacent to ~~Riverside Gables subdivision~~ **along the rear property lines.**



- F. There shall not be street interconnectivity between this development and Ox Bridge Court, Gables View Place or Kelsey Place.
- ~~G. Provide a 20-foot wide buffer along the north property line. The buffer shall be graded and replanted with two rows of equally distributed Leyland Cypress, Cryptomeria and Tree Form Hollies 8-10 feet in height at the time of planting and spaced 15 feet on center.~~

PLANNING AND DEVELOPMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Change in Conditions to remove the required 25-foot wide construction buffer may not be appropriate for the subject property, and could negatively affect several adjacent single-family homes as well as diminish the development standards put in place to preserve the integrity of the development.

ADVERSE IMPACTS

Allowing the reduction of the buffer may adversely impact existing single-family residences immediately adjacent to the subject property through the introduction of additional encroachment, noise and light intrusion.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There will be no negligible impacts on public facilities.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the property is located within the Existing/Emerging Suburban Character Area. The Unified Plan stresses protecting existing neighborhoods in rezoning actions. As proposed, the applicant's request may be counter to this emphasis of the Unified Plan because it encroaches upon the established phases. The requested change in conditions to reduce the buffer requirements may not be appropriate in view of the previous rezoning request, which was considered through the public hearing process with input from neighboring property owners and the surrounding community.

CONDITIONS AFFECTING ZONING

The requested change in conditions may not be appropriate for the subject property, and could negatively affect several adjacent single-family homes as well as diminish the development standards put in place to preserve the integrity of the development.

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

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

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

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

change will not affect use of existing properties

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

no adverse change will be in effect to existing properties

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

current properties are economically unaffected

- (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:

traffic will not increase/decrease from change

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

proposed change conforms to land use

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

no other conditions exist

Letter of Intent  
Riverside Gable LLC  
Change of Condition

To Whom It May Concern:

Re: 1515 Ox Bridge Way, Lot 15  
1525 Ox Bridge Way, Lot 14

The property referenced above is residential and zoned RZT with 50 Ft wide lots. It is located in land lot 48 of 7<sup>th</sup> district of Gwinnett County, Georgia.

As part of the zoning contingency on block "G," a 25' No Construction Buffer was imposed on the lots on the southern side of Ox Bridge Way. These lots border the existing block "D". We have completed and obtained CO's on lots 17, 18, 19, and 20 and we are currently building lots 21 and 22. None of these homes encroach into the 25' build line and subsequent "no construction buffer". Furthermore, lots 16, 23, and 24 will be built without encroachment.

This request is for 2 lots, Lot 14 and 15 (addresses listed above), which are influenced greatly by the radius of the cul-de-sac. This makes the build lines irregular and difficult to fit houses that meet the 2000 SqFt minimum.

**Request for Lot 14** – (see HLP attached) Due to the irregular shape of the lot, the right rear corner encroaches the build line by 6'. A change of condition is required to move forward with the home construction.

- Acreage – 6560 SqFt
- Requested Zoning Condition Change – Remove 25" No Construction Buffer in order to obtain administrative variance.
- Home Details – 2248 Heated SqFt, 25 Ft Build Height, 2 Car Garage with 18 Ft Min Driveway

**Request for Lot 15** - (see HLP attached) The 18' minimum required drive from right of way to face of structure makes the variance of 3.5 Ft to rear build line necessary. A change of condition is required to move forward with the home construction.

- Acreage – 4161 SqFt
- Requested Zoning Condition Change – Remove 25" No Construction Buffer in order to obtain administrative variance
- Home Details – 2243 Heated SqFt, 25 Ft Build Height, 2 Car Garage with 18 Ft Min Driveway

We appreciate your time and considerations in this matter.

Kris Price  
Riverside Gables LLC.  
404-925-2849

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CIC 17 009

CASE NUMBER RZM-05-038

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from

R-100 to R-TH (APPROVED AS R-ZT)

by JOE MILLER for the proposed

use of TOWNHOMES (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 AUGUST 23, 2005 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 20TH day of SEPTEMBER, 2005, that the aforesaid application to amend the Official Zoning Map from R-100 to R-TH is hereby **APPROVED AS R-ZT** subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Single-family detached dwellings and accessory uses and structures not to exceed five (5) units per acre. Lots shall be a minimum of 50-feet in width.
  - B. The minimum heated floor area per dwelling shall be 1,800 square feet for one-story homes, and 2,000 for two story homes.
  - C. Dwellings shall be constructed of brick, stacked stone or stucco on the front façade with the balance of the dwelling being brick, stacked stone, stucco, wood or fiber-cement type siding.
  - D. All dwellings shall have double car garages and where front entry, driveways shall be a minimum of 16 feet.

- E. A mandatory Homeowners Association shall be established and shall coordinate with the Riverside Gables subdivision to incorporate into their Homeowners Association.
2. To satisfy the following site development considerations:
- A. Natural vegetation shall remain on the property until the issuance of a development permit.
  - B. No direct lot access to Lawrenceville Suwanee Road.
  - C. All grassed areas in front and side yards to be sodded.
  - D. All utilities shall be placed underground.
  - E. Provide a 25-foot wide construction buffer adjacent to Riverside Gables subdivision.
  - F. There shall not be street interconnectivity between this development and Ox Bridge Court, Gables View Place or Kelsey Place.
  - G. Provide a 20-foot wide buffer along the north property line. The buffer shall be graded and replanted with two rows of equally distributed Leyland Cypress, Cryptomeria and Tree Form Hollies 8-10-feet in height at the time of planting and spaced 15-feet on center.


GWINNETT COUNTY BOARD OF COMMISSIONERS

By: 

Charles E. Bannister, Chairman

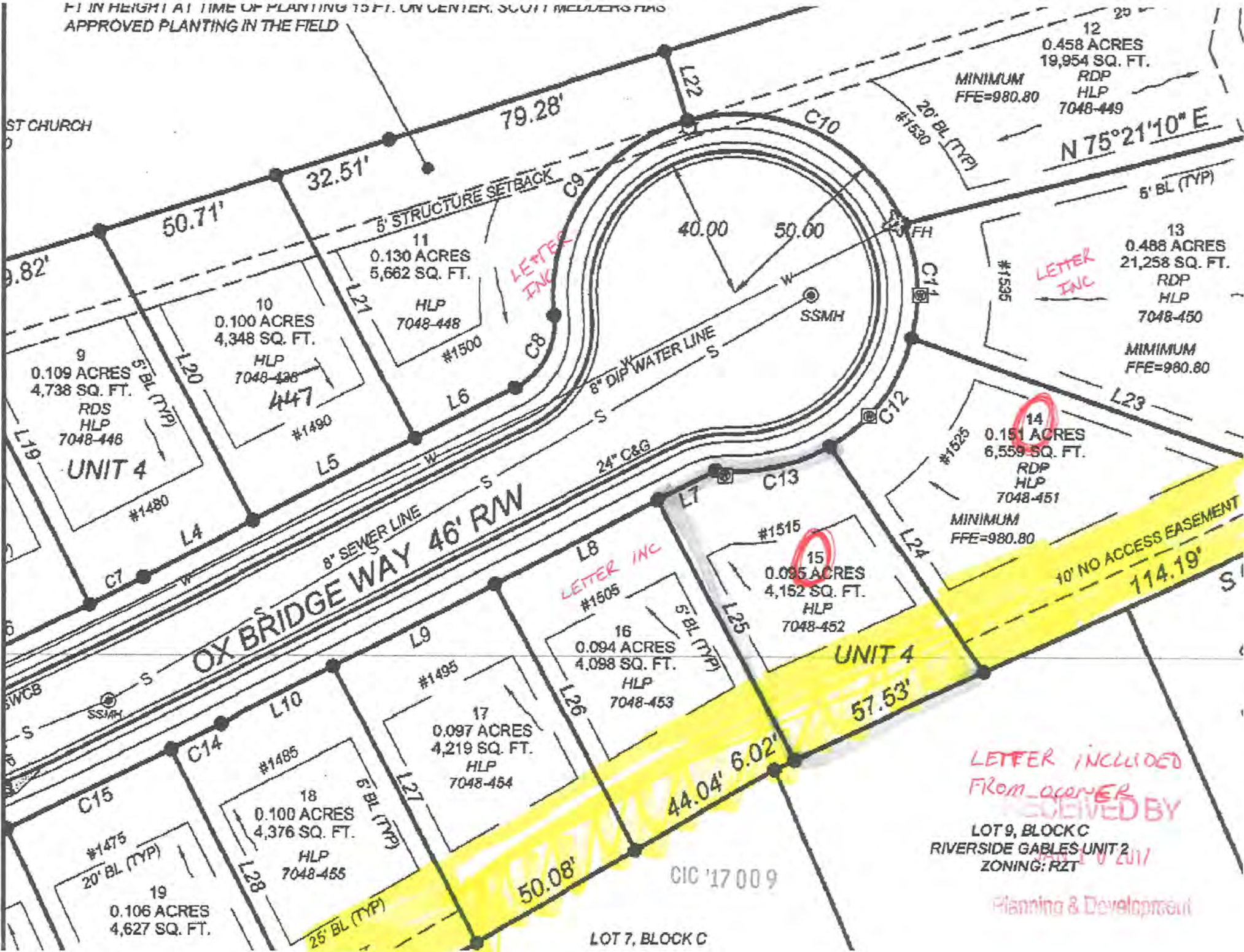
Date Signed: Oct. 25, 2005

ATTEST:

  
County Clerk

1 FT IN HEIGHT AT TIME OF PLANTING 15 FT. ON CENTER. SCOTT McLEOD HAS APPROVED PLANTING IN THE FIELD

ST CHURCH

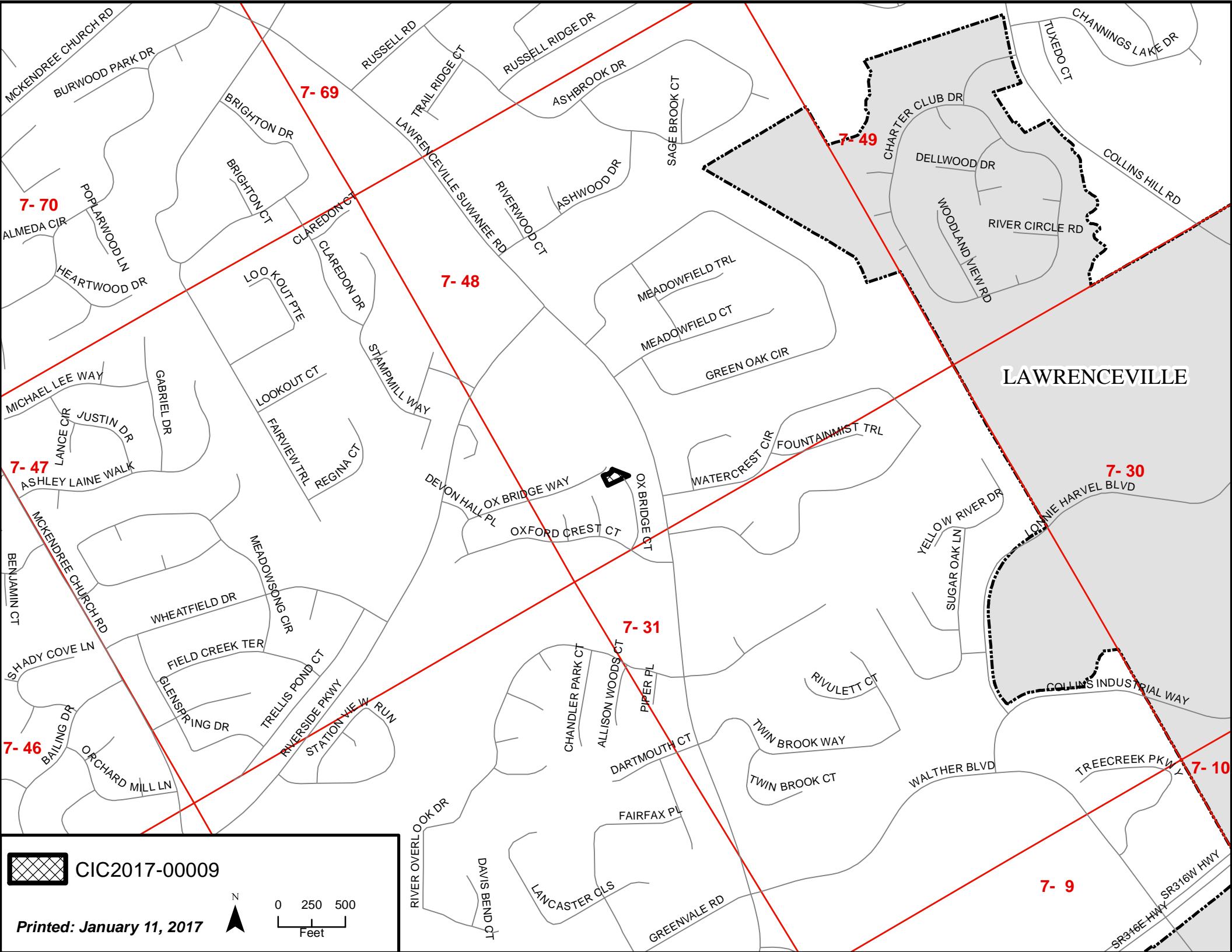


LETTER INCLUDED  
 FROM COVER  
 RECEIVED BY  
 LOT 9, BLOCK C  
 RIVERSIDE GABLES UNIT 2  
 ZONING: RZT


Planning & Development

LOT 7, BLOCK C





LAWRENCEVILLE

 CIC2017-00009

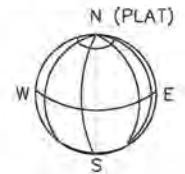
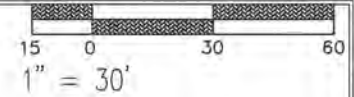


0 250 500  
Feet

Printed: January 11, 2017

REFERENCE: PB 135 PG 46

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF GWINNETT COUNTY, GEORGIA 13135C0072F EFFECTIVE DATE SEPTEMBER 29, 2006



LEGEND

- EQP EDGE OF PAVEMENT (CURB)
- PP POWER POLE
- R/W RIGHT OF WAY
- IPF IRON PIN FOUND
- IPS 1/2" REBAR SET
- SW SIDE WALK
- BOLLARD
- OHP OVERHEAD POWER
- FH FIRE HYDRANT
- CB CATCH BASIN
- MH MANHOLE
- WM WATER METER
- WV WATER VALVE
- GV GAS VALVE
- GM GAS METER
- LP LIGHT POLE
- CONCRETE PAD



FOR  
DEKALB SURVEYS, INC.  
407 W. PONCE DE LEON  
SUITE B  
DECATUR, GEORGIA 30030  
404.373.9003

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RECEIVED

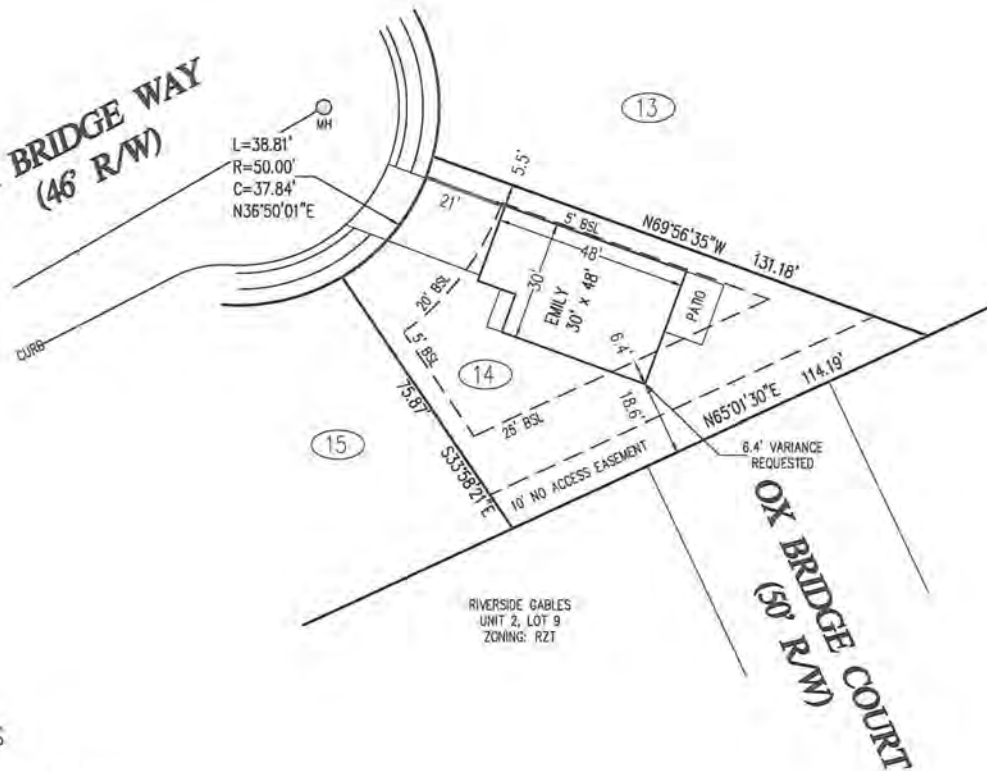
JAN 10 2017

Planning & Development

TOTAL AREA: 6,560 SQ FT, 0.10 AC  
CALCULATED PLAT CLOSURE: 1:94,947

**OX BRIDGE WAY  
(46' R/W)**

L=38.81'  
R=50.00'  
C=37.84'  
N36°50'01"E



RIVERSIDE GABLES  
UNIT 2, LOT 9  
ZONING: R21

VARIANCE PLAT FOR  
LOT 14, UNIT 4, RIVERSIDE GABLES

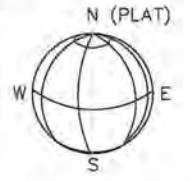
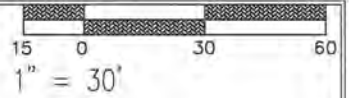
1525 OX BRIDGE WAY

GWINNETT COUNTY, GEORGIA  
LAND LOT 48, DIST 7  
DATE: DECEMBER 2, 2016

CIC '17 009

REFERENCE: PB 135 PG 46

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF GWINNETT COUNTY, GEORGIA 13135C0072F EFFECTIVE DATE SEPTEMBER 29, 2006.



LEGEND

- EOP EDGE OF PAVEMENT (CURB)
- PP POWER POLE
- R/W RIGHT OF WAY
- IPF IRON PIN FOUND
- IPS 1/2" REBAR SET
- SW SIDE WALK
- BOLLARD
- OHP OVERHEAD POWER
- FH FIRE HYDRANT
- CB CATCH BASIN
- MH MANHOLE
- WM WATER METER
- WV WATER VALVE
- GV GAS VALVE
- GM GAS METER
- LP LIGHT POLE
- CONCRETE PAD



FOR  
DEKALB SURVEYS, INC.  
407 W. PONCE DE LEON  
SUITE B  
DECATUR, GEORGIA 30030  
404.373.9003

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SURVEYOR



TOTAL AREA: 4,146 SQ FT, 0.10 AC  
CALCULATED PLAT CLOSURE: 1:66,447

VARIANCE PLAT FOR  
LOT 15, UNIT 4, RIVERSIDE GABLES

# 1515 OX BRIDGE WAY

GWINNETT COUNTY, GEORGIA  
LAND LOT 48, DIST 7  
DATE: DECEMBER 7, 2016

LINE TABLE				
LINE	LENGTH	BEARING		
L1	19.00	N64°50'23"E		

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	31.15	50.00	30.65	N76°55'06"E

CIC '17 00 9

JAN 10 2017

Planning & Development

OX BRIDGE WAY

OX BRIDGE CT



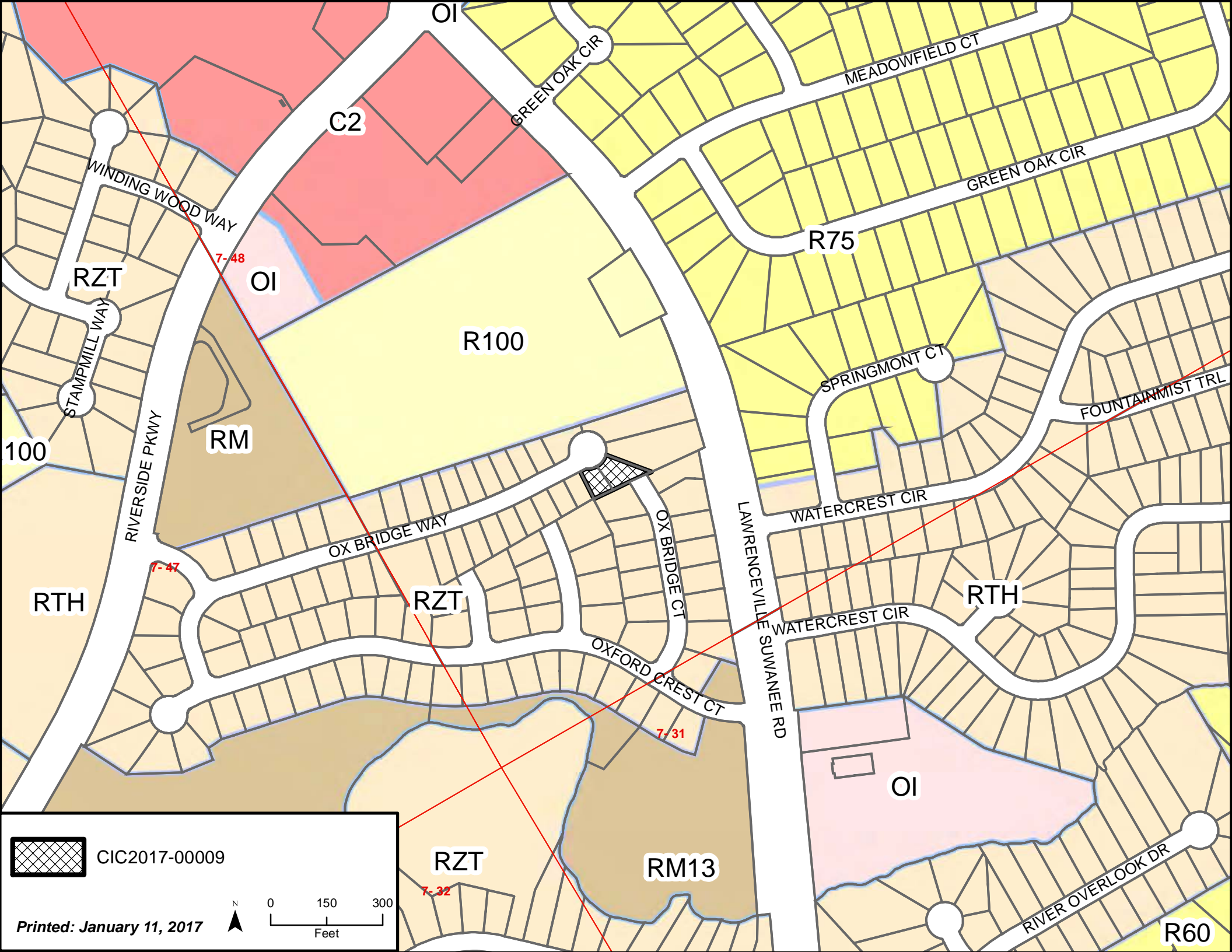
 CIC2017-00009

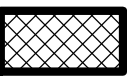
Printed: January 11, 2017


N

0 25 50  
Feet





 CIC2017-00009

Printed: January 11, 2017  0 150 300 Feet

100

RTH

RZT

RM

C2

OI

R100

RZT

RZT

RM13

R75

RTH

OI

R60

7-48

7-47

7-31

7-32

WINDING WOOD WAY

STAMPMILL WAY

RIVERSIDE PKWY

OX BRIDGE WAY

OXFORD CREST CT

OX BRIDGE CT

GREEN OAK CIR

MEADOWFIELD CT

GREEN OAK CIR

SPRINGMONT CT

FOUNTAINMIST TRL

WATERCREST CIR

WATERCREST CIR

LAWRENCEVILLE SWANEE RD

RIVER OVERLOOK DR

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

CASE NUMBER :**SUP2017-00012**  
ZONING :C-2  
LOCATION :4800 BLOCK OF STONE MOUNTAIN HIGHWAY  
MAP NUMBER :R6057 048  
ACREAGE :0.99 ACRE  
SQUARE FEET :2,200 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOBILE LUBRICATION  
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: PARADISE GROUP, LLC  
2901 RIGSBY LANE  
SAFETY HARBOR, FL 34695

CONTACT: DAVE MATTSON                      PHONE: 404.444.8924

OWNER: HARMONY MANAGEMENT GROUP, LLC  
PO BOX 361243  
DECATUR, GA 30036

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Special Use Permit (SUP) on a 0.99-acre parcel, zoned C-2 (General Business District), to allow for a new automobile lubrication and emission facility on a vacant lot. The property is located on the south side of Stone Mountain Highway, west of its intersection with Mankin Drive.

The proposal involves construction of a new 2,200-square foot, one-story building with six parking spaces. The site proposes access off Mankin Drive, and parcel access with the property to the west, which was previously occupied by a gas station but is currently vacant. No new curb cuts are proposed along Stone Mountain Highway. The building consists of three servicing bays, office and storage areas, measuring 17 feet tall, with a 30-foot tall tower feature at the corner. The application is proposing a 75-foot zoning buffer to the south, adjacent to the Beverly Woods residential subdivision. There are no documented streams or flood hazards on the property. No stormwater mitigation is indicated on the plan.

**ZONING HISTORY:**

In 1970, the property was zoned R-100 (Single-Family Residence District). The Property was rezoned in C-2 in 1973, pursuant to an area-wide rezoning action. In 2015, a Buffer Reduction

(BRD2015-00001) was approved permitting a reduction from 75-feet to 20-feet along the rear property line.

**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.

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).

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:**

US 78 SR 10 Stone Mountain Highway is a State Route and Georgia D.O.T. right-of-way requirements govern.

Mankin Drive is a Local Street and 30 feet of right-of-way is required from the centerline.

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

The developer shall be limited to one curb cut.

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

Driveway access on Mankin Drive will be restricted to Right in Left in Right out only due to one way street configuration of Mankin Drive at US 78.

**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 Mankin Drive and a 24-inch water main located on the southeast right-of-way of Stone Mountain 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 122 feet west of parcel R6057 048 on parcel R6057 009.

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

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

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

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

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

Building Plan Review has no objections under the following conditions:

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

5. Upon completion of plan review approvals, the applicant shall obtain a building permit for each building and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

#### DEPARTMENT ANALYSIS:

The subject site is located on the south side of Stone Mountain Highway, west of its intersection with Mankin Drive. The applicant seeks an SUP for an automobile lubrication and emission facility on a currently vacant lot zoned C-2. A new 2,200-square foot building is proposed with six parking spaces, with access off Mankin Drive and connectivity to the commercial property to the west. The building will consist of three service bays, office and storage, and will be oriented towards Stone Mountain Highway.

The 2030 Unified Plan Future Development Map indicates that the site is located in the Mixed-Use Corridor Character Area. This Character Area supports a variety of commercial uses, if located at appropriate intersections along commercial corridors. The property is bordered by established commercial development and buildings, and a review of the area has found that there are other automobile oriented services along this portion of the commercial corridor. Proposed development of the existing vacant site with recommended conditions would further support compatibility of the automobile lubrication and emissions facility with the 2030 Unified Plan policies.

Properties to the west, north (across Stone Mountain Highway), and east are all zoned C-2, which include a convenience store, restaurants, retail shopping centers, and other automobile oriented services, such as a tire store, car wash, and car rental. To the south is the Beverly Woods residential subdivision zoned R-75 (Single-Family Residence District), developed with single-family residences. The anticipated project proposes a 75-foot buffer between the subject parcel and residential properties to the south. Given the intensity of commercial development and presence of similar businesses in the vicinity, the proposed SUP may be considered compatible along this segment of the corridor.

In conclusion, the requested SUP could be compatible with the policies of the 2030 Unified Plan, consistent with nearby similar uses, and could be developed to enhance and improve the appearance of the area with the recommended conditions of approval. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit for an automobile lubrication and emissions facility, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail, service commercial, office and accessory uses, which may include an automobile repair shop, lubrication and tire store as a special use.
2. To satisfy the following site development considerations:
  - A. Automobile service bay doors shall not face Stone Mountain Highway or the residential properties to the south.
  - B. Provide a 75-foot undisturbed buffer adjacent to the Beverly Woods subdivision.
  - C. Buildings shall be of a brick, stacked stone and/or glass finish on all sides. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
  - D. Ground signage shall be limited to monument-type signage, and shall be subject to review and approval by the Director of Planning and 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.
  - 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), except for open/closed signs or those signs required by local, 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. Billboards or oversized signs shall be prohibited.
  - H. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.

- I. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.
- J. No outdoor display or storage of merchandise.
- K. 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.
- L. Outdoor loudspeakers shall be prohibited.
- M. Lighting shall be contained to cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for an automobile lubrication and emissions facility may be suitable at this location due to the intensity of commercial uses located along this segment of Stone Mountain Highway.

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

An increase in traffic, stormwater runoff and utility demand could be anticipated from the proposed use.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the site is located in a Corridor Mixed-Use Character Area. The proposed use for an automobile lubrication and emissions facility is similar to the other mix of retail and commercial uses in the area, and could be considered consistent with the 2030 Unified Plan.

CONDITIONS AFFECTING ZONING

The property's location within an established commercial area, which also contains similar automobile oriented services in close proximity, gives supporting grounds for approval.

See attached letter.

**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:

\_\_\_\_\_

- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL 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:

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

- (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:

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

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

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

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

\_\_\_\_\_

RECEIVED BY \_\_\_\_\_

JAN 06 2017

Planning & Development



January 5, 2017

Gwinnett County  
Dept. of Planning and Development  
446 West Crogan Street, Suite 250  
Lawrenceville, GA 30046

**RE: 4884 Highway 78 – Gwinnett County – Parcel R6057 048**

This letter of intent is for a Special Use Permit request to allow for an Automobile Lubrication and Emission facility in the C-2 zoning district per Section 230-100 Table 230.4. The site is located on a 0.99 acre tract located at 4884 Highway 78. The proposed building will be approximately 2,200 sf with 8 parking spaces for a density of 2,222 sf per acre of commercial use per the attached site plan. The height of the proposed building is 17' high with a 30' high tower feature at the corner.

- (A) The proposed development will consist of an oil change facility per the attached site plan. This Special Use Permit request will be suitable in view of the use and developments of nearby properties. There are auto repair businesses along this road including a Tires Plus just west of this site.
- (B) The proposed oil change and emissions only concept will compliment these surrounding businesses. The proposed use will have no impact on the usability of adjacent or nearby properties.
- (C) The property to be affected by the proposed Special Use Permit does have a reasonable economic use as currently zoned however it is too small for most users and has limited access.
- (D) The proposed development will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- (E) The proposed development will be in conformity with the policy and intent of the Land Use Plan by providing a convenient neighborhood service in a C-2 Zoning District.
- (F) There are no 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.

Sincerely,

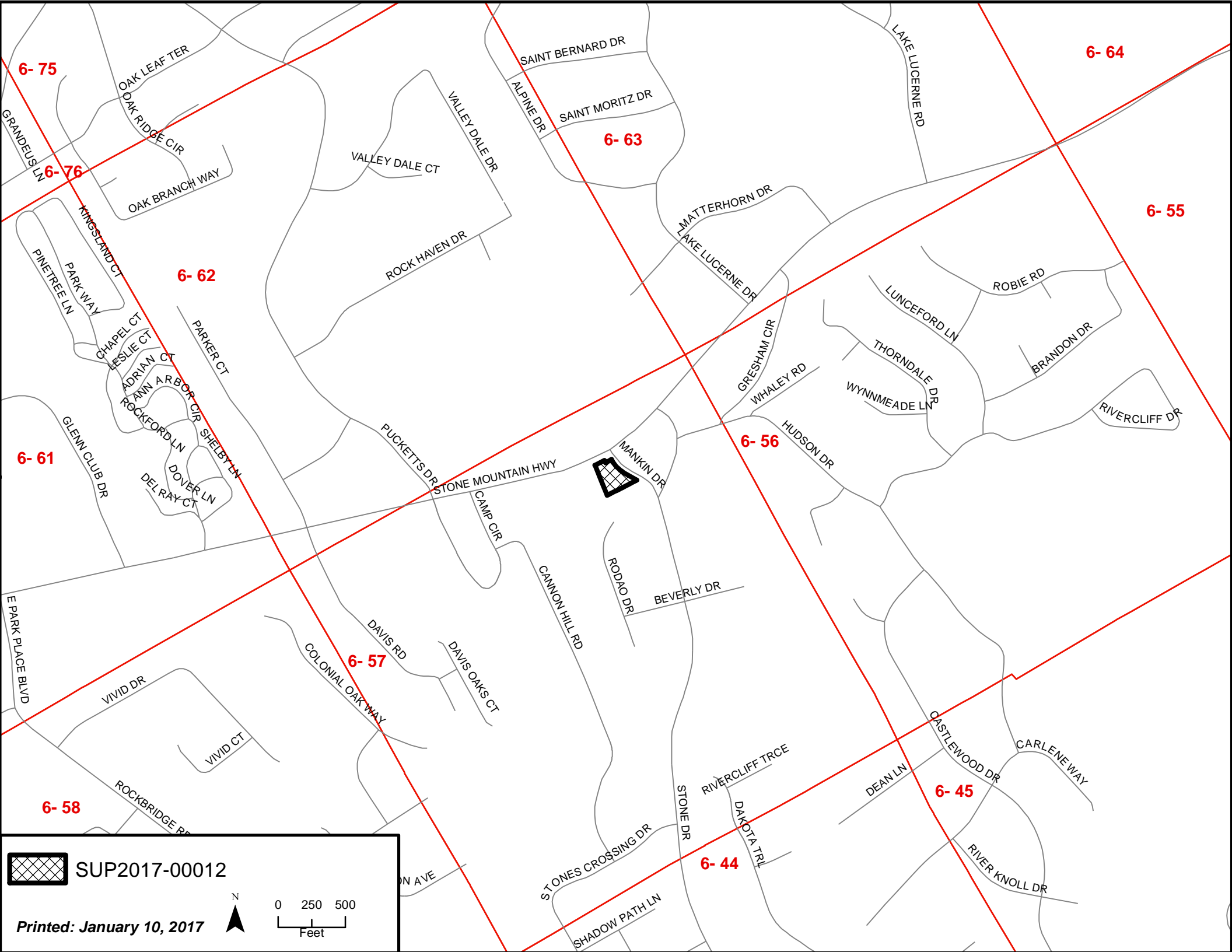
Dave Mattson

RECEIVED BY

JAN 06 2017

Planning & Development

SUP '17 012



SUP2017-00012



0 250 500  
Feet

Printed: January 10, 2017

6-75

6-76

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6-45

6-44

OAK LEAF TER  
OAK RIDGE CIR  
OAK BRANCH WAY

PINETREE LN  
PARK WAY  
KINGSLAND CT  
CHapel CT  
LESLIE CT  
ADRIAN CT  
ARMY ARBOR CIR  
ROCKFORD LN  
DOVER LN  
DEL RAY CT  
GLEN CLUB DR  
SHELBY LN

VALLEY DALE CT  
VALLEY DALE DR  
ROCK HAVEN DR

SAINT BERNARD DR  
ALPINE DR  
SAINT MORITZ DR

MATTERHORN DR  
LAKE LUCERNE DR

LUNCEFORD LN  
ROBIE RD  
BRANDON DR  
THORNDALE DR  
WYNNMEADE LN  
RIVERCLIFF DR

PUCKETTS DR  
STONE MOUNTAIN HWY  
CAMP CIR

CANNON HILL RD  
RODAO DR  
BEVERLY DR

DAVIS RD  
COLONIAL OAK WAY  
DAVIS OAKS CT

STONE DR  
RIVERCLIFF TRCE  
DAKOTA TRIL  
DEAN LN  
CASTLEWOOD DR  
CARLENE WAY  
RIVER KNOLL DR

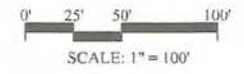
E PARK PLACE BLVD  
VIVID DR  
VIVID CT

SHADOW PATH LN





2901 RIGSBY LANE  
SAFETY HARBOR, FL 34695  
PHONE (727) 726-1115



SITE DATA			
	SITE AREA	BLDG AREA	PROVIDED PARKING
OIL CHANGE	0.99 ACRES	2,200	6

GWINNETT COUNTY JURISDICTION - C2 ZONING - SUP REQUIRED.

PROJECT NAME		
LILBURN GA OIL CHANGE 4884 STONE MOUNTAIN HIGHWAY LILBURN, GWINNETT COUNTY, GA		
DRAWING TITLE		
CONCEPTUAL SITE PLAN		
DATE: 1-5-2017	STORE NO.:	DRAWING NO.:
DESIGNED BY: DAN	SCALE: 1" = 30'	<b>P3</b> OF DWGS.
REVIEWED BY: DAN	RELEASED TO CONSTRUCTION:	

SUP '17 012

Planning & Development


JAN 06 2017

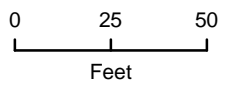
RECEIVED BY

STONE MOUNTAIN HWY

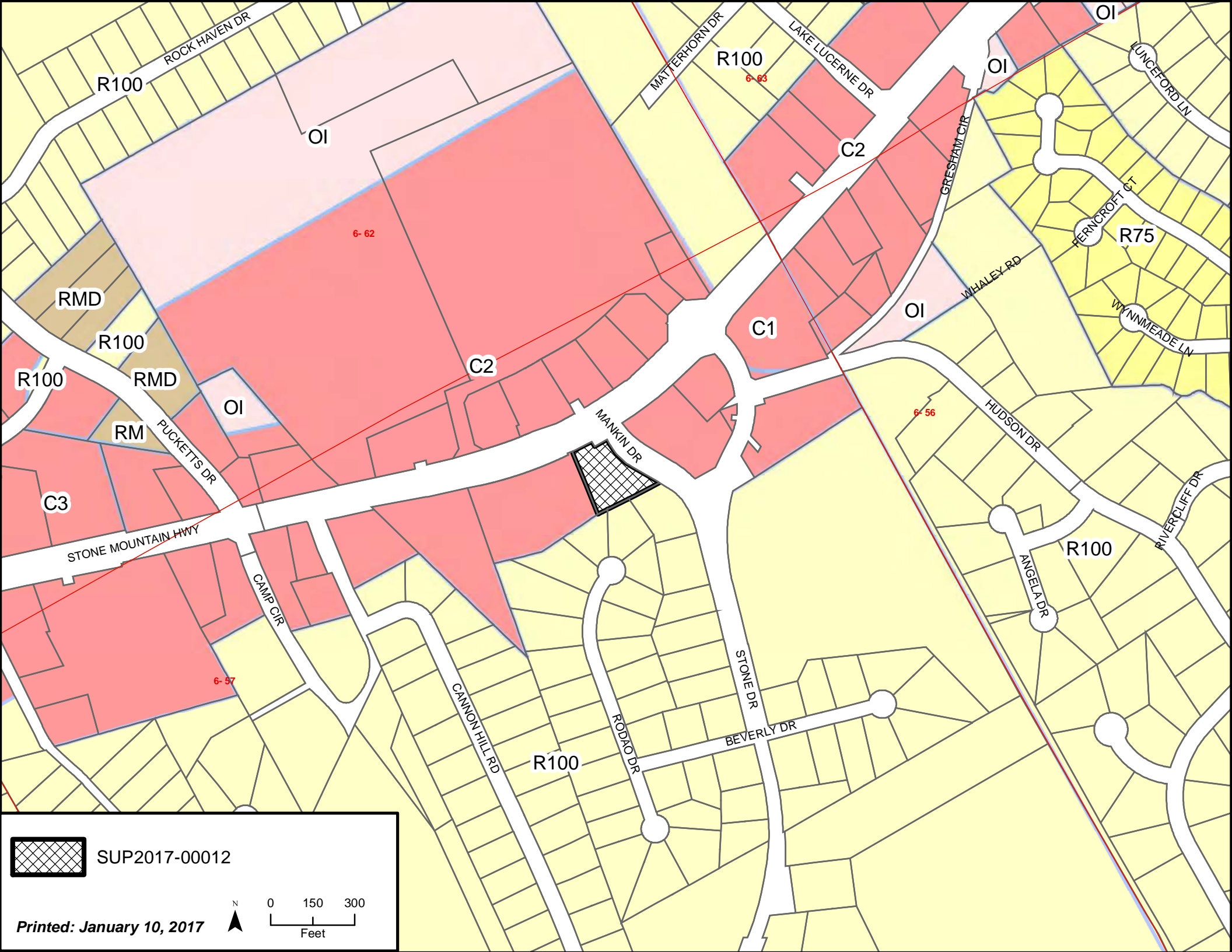
MANKIN DR



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