

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
MONDAY, APRIL 10, 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 (MARCH 7, 2017 MEETING)
- E. ANNOUNCEMENTS
- F. OLD BUSINESS

1. 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

2. CASE NUMBER	:RZM2017-00002 (PUBLIC HEARING HELD)
APPLICANT	:NDI DEVELOPMENT, LLC
CONTACT	:MATTHEW REEVES
PHONE NUMBER	:770.822.0900
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

3. 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**
4. CASE NUMBER :**RZC2017-00009 (PUBLIC HEARING HELD)**
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**
5. CASE NUMBER :**SUP2017-00011 (PUBLIC HEARING HELD)**
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**

6. CASE NUMBER :**RZC2017-00010 (PUBLIC HEARING HELD)**
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**
7. CASE NUMBER :**RZR2017-00005 (PUBLIC HEARING HELD)**
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**
8. 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**

9. CASE NUMBER :**CIC2017-00008 (PUBLIC HEARING HELD)**
APPLICANT :27TH GROUP, INC.
CONTACT :MATTHEW REEVES
PHONE NUMBER :770.236.9768
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**

G. NEW BUSINESS

1. CASE NUMBER :**RZC2017-00011**
APPLICANT :LEGACY PARTNERS, LLC
CONTACT :SHANE LANHAM
PHONE NUMBER :770.232.0000
ZONING CHANGE :C-2 & O-1 TO MU-R
LOCATION :2200-2400 BLOCKS OF MEADOW CHURCH ROAD
:2100-2200 BLOCKS OF DULUTH HIGHWAY
:9000-9999 BLOCKS OF PRIMERCA PARKWAY
:LEGACY PARKWAY (PRIVATE DRIVE)
MAP NUMBERS :R7116 090 & 091
ACREAGE :21.71 ACRES
SQUARE FEET :340,872 SQUARE FEET (RESIDENTIAL)
:126,783 SQUARE FEET (NON-RESIDENTIAL)
PROPOSED DEVELOPMENT :MIXED-USE DEVELOPMENT
COMMISSION DISTRICT :(1) BROOKS
DEPARTMENT RECOMMENDATION :**DENIAL**

2. CASE NUMBER :**RZM2017-00004**
APPLICANT :4RNJ2, LLC
CONTACT :ANDY PERRY
PHONE NUMBER :404.987.1224
ZONING CHANGE :R-75 TO R-TH
LOCATION :6100 BLOCK OF LAWRENCEVILLE HIGHWAY
MAP NUMBER :R6139 020
ACREAGE :4.25 ACRES
UNITS :34 UNITS
PROPOSED DEVELOPMENT :TOWNHOMES (BUFFER REDUCTION)
COMMISSION DISTRICT :(2) HOWARD
DEPARTMENT RECOMMENDATION :**DENIAL**

3. CASE NUMBER :**RZR2017-00006**
APPLICANT :4RNJ2, LLC
CONTACT :ANDY PERRY
PHONE NUMBER :404.987.1224
ZONING CHANGE :R-75 TO R-60
LOCATION :5800 BLOCK OF WILLIAMS ROAD
MAP NUMBER :R6163 006
ACREAGE :6.25 ACRES
UNITS :11 UNITS
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION
COMMISSION DISTRICT :(2) HOWARD
DEPARTMENT RECOMMENDATION :**DENIAL**
4. CASE NUMBER :**RZR2017-00007**
APPLICANT :MATTHEW COUTU
CONTACT :MATTHEW COUTU
PHONE NUMBER :404.969.9372
ZONING CHANGE :R-100 TO R-75
LOCATION :900 BLOCK OF ISLAND FORD ROAD
MAP NUMBERS :R7370 002 & 005
ACREAGE :8.71 ACRES
UNITS :22 UNITS
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION
COMMISSION DISTRICT :(1) BROOKS
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
5. CASE NUMBER :**RZR2017-00008**
APPLICANT :MOORE BASS CONSULTING
CONTACT :SEAN SHANKS
PHONE NUMBER :770.914.9394
ZONING CHANGE :R-100 TO R-75
LOCATION :400 BLOCK OF HOPE HOLLOW ROAD
MAP NUMBER :R5133 207
ACREAGE :14.01 ACRES
UNITS :38 UNITS
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION
COMMISSION DISTRICT :(3) HUNTER
DEPARTMENT RECOMMENDATION :**DENIAL**

6. CASE NUMBER :**CIC2017-00010**
APPLICANT :BRAHMBHATT DIPAKKUMAR
CONTACT :BRAHMBHATT DIPAKKUMAR
PHONE NUMBER :770.715.2197
ZONING :C-2
LOCATION :2000 BLOCK OF MINERAL SPRINGS ROAD
:4100 BLOCK OF BRASELTON HIGHWAY
MAP NUMBER :R3003 039B
ACREAGE :1.16 ACRES
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS OF ZONING (BUFFER
REDUCTION)
COMMISSION DISTRICT :(3) HUNTER
DEPARTMENT RECOMMENDATION :**DENIAL**
7. CASE NUMBER :**SUP2017-00013**
APPLICANT :BRAHMBHATT DIPAKKUMAR
CONTACT :BRAHMBHATT DIPAKKUMAR
PHONE NUMBER :770.715.2197
ZONING :C-2
LOCATION :2000 BLOCK OF MINERAL SPRINGS ROAD
:4100 BLOCK OF BRASELTON HIGHWAY
MAP NUMBER :R3003 039B
ACREAGE :1.16 ACRES
SQUARE FEET :4,735 SQUARE FEET
PROPOSED DEVELOPMENT :AUTOMOBILE SALES & RELATED SERVICE (BUFFER
REDUCTION)
COMMISSION DISTRICT :(3) HUNTER
DEPARTMENT RECOMMENDATION :**DENIAL**
8. CASE NUMBER :**CIC2017-00011**
APPLICANT :REDLAND CREEK HOUSING, LLC
CONTACT :MITCH PEEVY
PHONE NUMBER :770.614.6511
ZONING :O-1
LOCATION :1300 BLOCK OF LAWRENCEVILLE HIGHWAY
:200 BLOCK OF CASSADY LANE
MAP NUMBERS :R5083 009 & R5082 016
ACREAGE :9.52 ACRES
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS OF ZONING
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**DENIAL**

9. CASE NUMBER :**SUP2017-00015**
APPLICANT :REDLAND CREEK HOUSING, LLC
CONTACT :MITCH PEEVY
PHONE NUMBER :770.614.6511
ZONING :O-I
LOCATION :1300 BLOCK LAWRENCEVILLE HIGHWAY
:200 BLOCK OF CASSADY LANE
MAP NUMBER :R5083 009 & R5082 016
ACREAGE :9.52 ACRES
SQUARE FEET :94,000 SQUARE FEET
PROPOSED DEVELOPMENT :BUILDING HEIGHT INCREASE
COMMISSION DISTRICT :(4) HEARD
DEPARTMENT RECOMMENDATION :**DENIAL**

10. CASE NUMBER :**CIC2017-00012**
APPLICANT :AME ARCHITECT, INC.
CONTACT :ABDEL K. ELASSAR
PHONE NUMBER :609.665.2374
ZONING :O-I
LOCATION :800 BLOCK OF BUFORD HIGHWAY
MAP NUMBER :R7256 035
ACREAGE :0.73 ACRE
PROPOSED DEVELOPMENT :CHANGE IN CONDITIONS OF ZONING
COMMISSION DISTRICT :(1) BROOKS
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

H. AUDIENCE COMMENTS

I. COMMITTEE REPORTS

J. COMMENTS BY STAFF AND PLANNING COMMISSION

K. ADJOURNMENT

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

CASE NUMBER	: RZC2017-00006
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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

RECEIVED BY

DEC 02 2016

Planning & Development

RZC '17 00 6

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

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

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



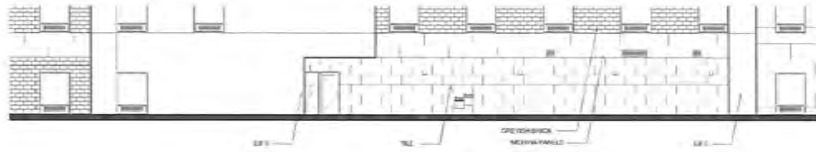
Shane M. Lanham
Attorneys for Applicant

RZC '17 00 6

RECEIVED BY

DEC 02 2016

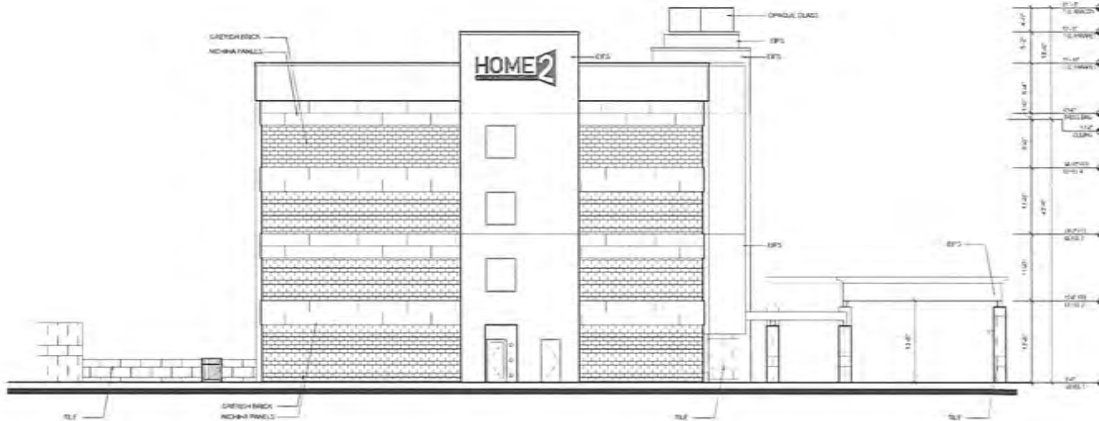
Planning & Development



REAR ELEVATION @ POOL
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



SIDE ELEVATION
SCALE: 1/4" = 1'-0"



PHILLIPS
architects + engineers

770.243.4466

PROJECT NO. _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

DATE _____

DESCRIPTION _____

HOME2
SUITES BY HILTON

PROTOTYPIC VERSION 22 MAY 2014

4 STORY, 130 UNITS
CENTER ENTRY
W/ EXTERIOR POOL

N BROWN ROAD
LAWRENCEVILLE,
GEORGIA

PEACHTREE HOTEL
GROUP

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

PHILLIPS ARCHITECTS + ENGINEERS
1000 P.O. BOX 11111
ATLANTA, GA 30301

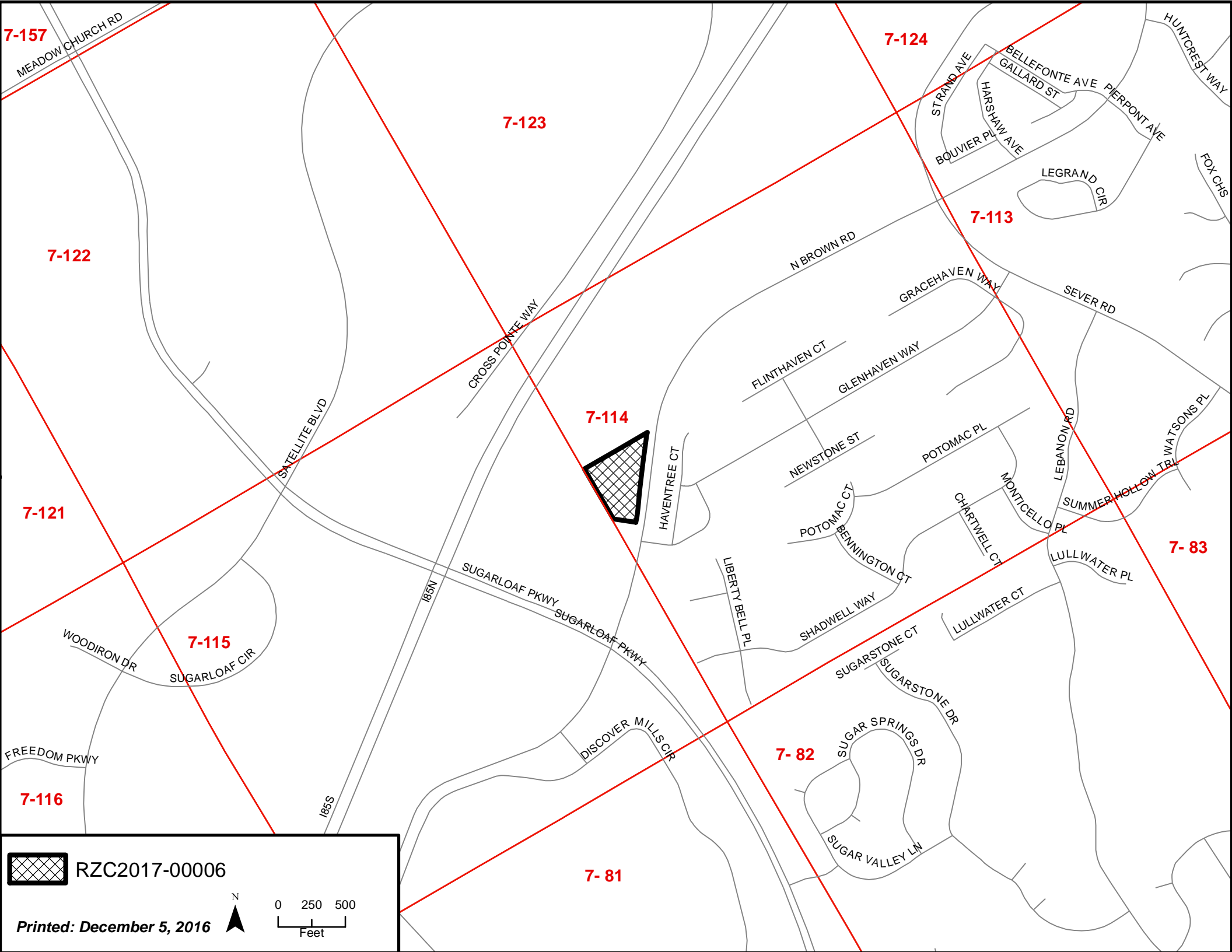
EXTERIOR
ELEVATIONS

SHEET NO. 404

A-4.2

THE PHILLIPS
1100 PHILLIPS DRIVE, SUITE 100
ATLANTA, GA 30329

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



7-157

7-124

7-123

7-122

7-113

7-121

7-114


7-83

7-115

7-82

7-116

7-81

 RZC2017-00006



0 250 500
Feet

Printed: December 5, 2016

MAP SCALE 1" = 50'

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

PANEL 07 OF 102
DATE: SEPTEMBER 23, 2008

MAP NUMBER: 170006
EFFECTIVE DATE: SEPTEMBER 23, 2008

SITE INFORMATION

PROJECT: PEACHTREE HOTEL GROUP
SUGARLOAF PARKWAY
LAURENCEVILLE, GEORGIA
GWINNETT COUNTY
LAND LOT 14, 7th DISTRICT

PROPOSED BUILDING ATTACHED FOR C-2 ZONING
PROPOSED: 10' - THE MINIMUM SETBACK BEHIND THE BUILDING IS 10' FROM THE EAST OF LOT
SIDE YARD: 10' - LOCATED THE NORTH SIDE OF THE DRIVE AND A 10' SIDE YARD IS REQUIRED
FRONT YARD: 10' - LOCATED THE NORTH SIDE OF THE DRIVE AND A 10' SIDE YARD IS REQUIRED
REAR YARD: 10' - LOCATED THE SOUTH SIDE OF THE DRIVE AND A 10' SIDE YARD IS REQUIRED
IN PROPOSED ZONING TO THE ADJACENT OF 10' W/

LANDSCAPE RECOMMENDATIONS
IN A 10' SETBACK
SPECIAL USE PERMIT IS REQUIRED FOR A SPECIAL USE.



N BROWN ROAD & SUGARLOAF PARKWAY
LAURENCEVILLE, GEORGIA
GWINNETT COUNTY
LAND LOT 14, 7th DISTRICT

HOME2
SUITES BY HALTON

PEACHTREE HOTEL GROUP
5401 CLEGG DRIVE
SUITE 400
ATLANTA, GEORGIA 30326
(404) 491-436

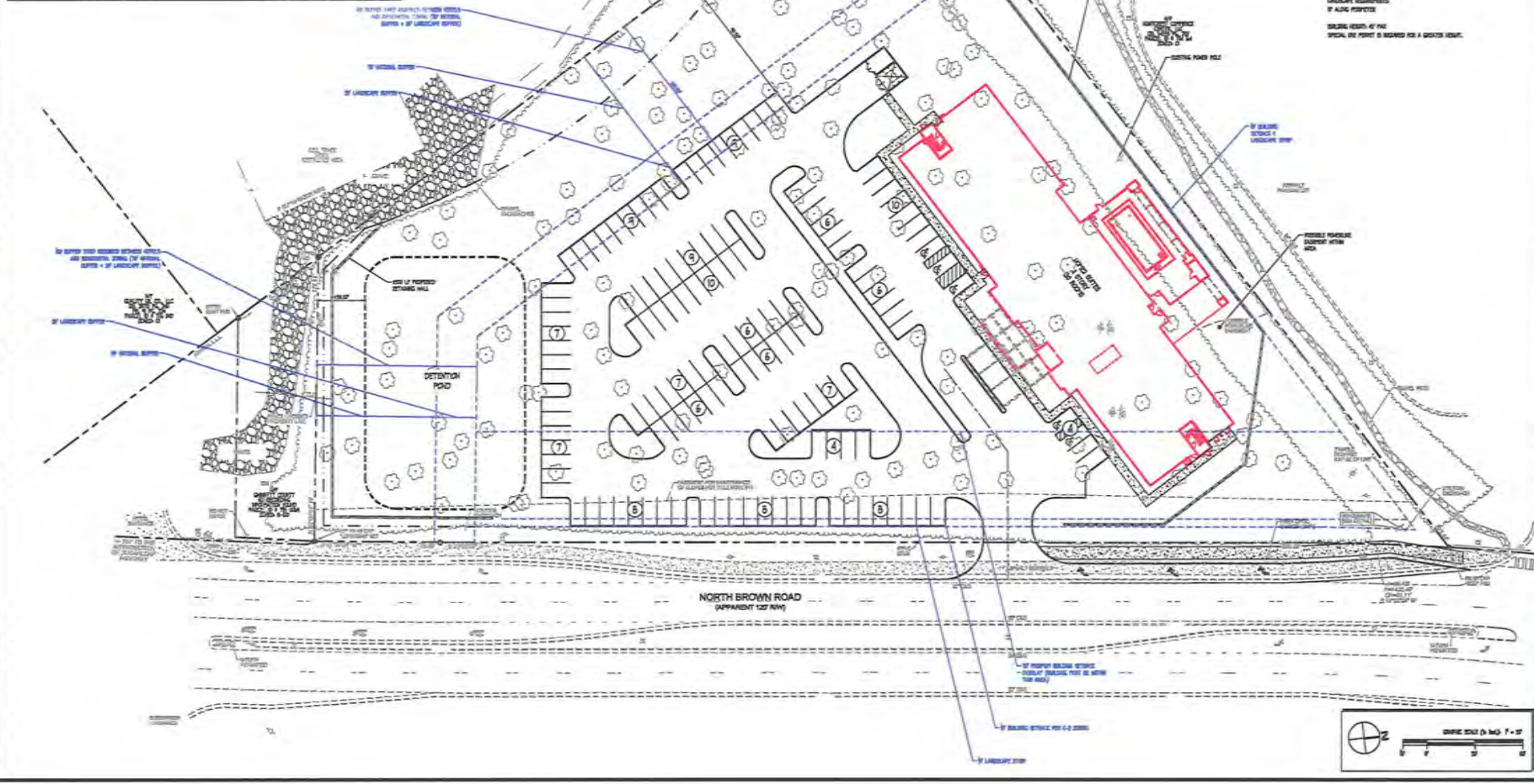
REVISION HISTORY

NO.	DATE	DESCRIPTION
1	09/23/08	ISSUED FOR PERMIT

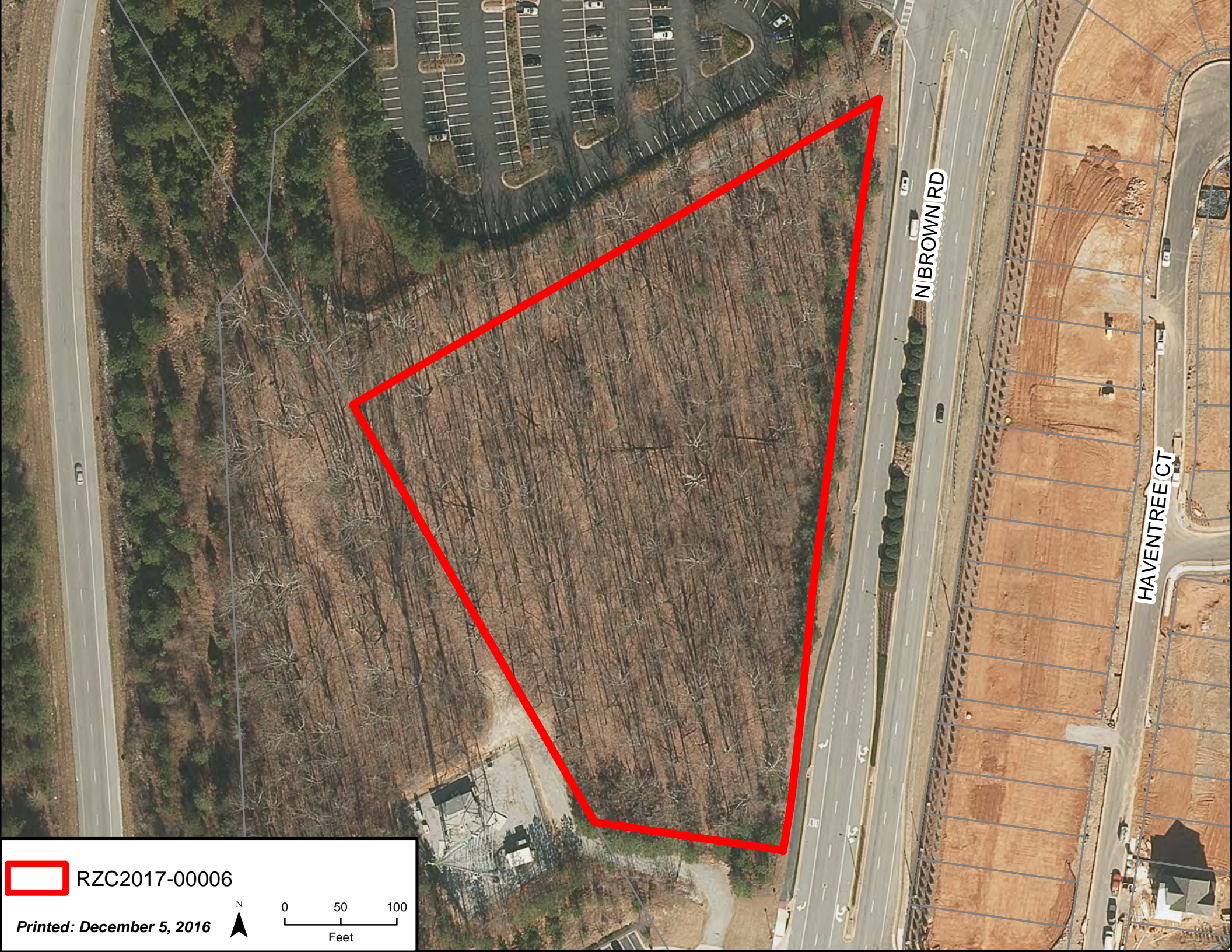
PREPARED BY: [Name]
CHECKED BY: [Name]
DATE: 09/23/08

PRELIMINARY
SITE PLAN

PRELIMINARY




RZC 17006




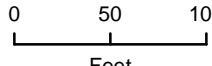
N BROWN RD

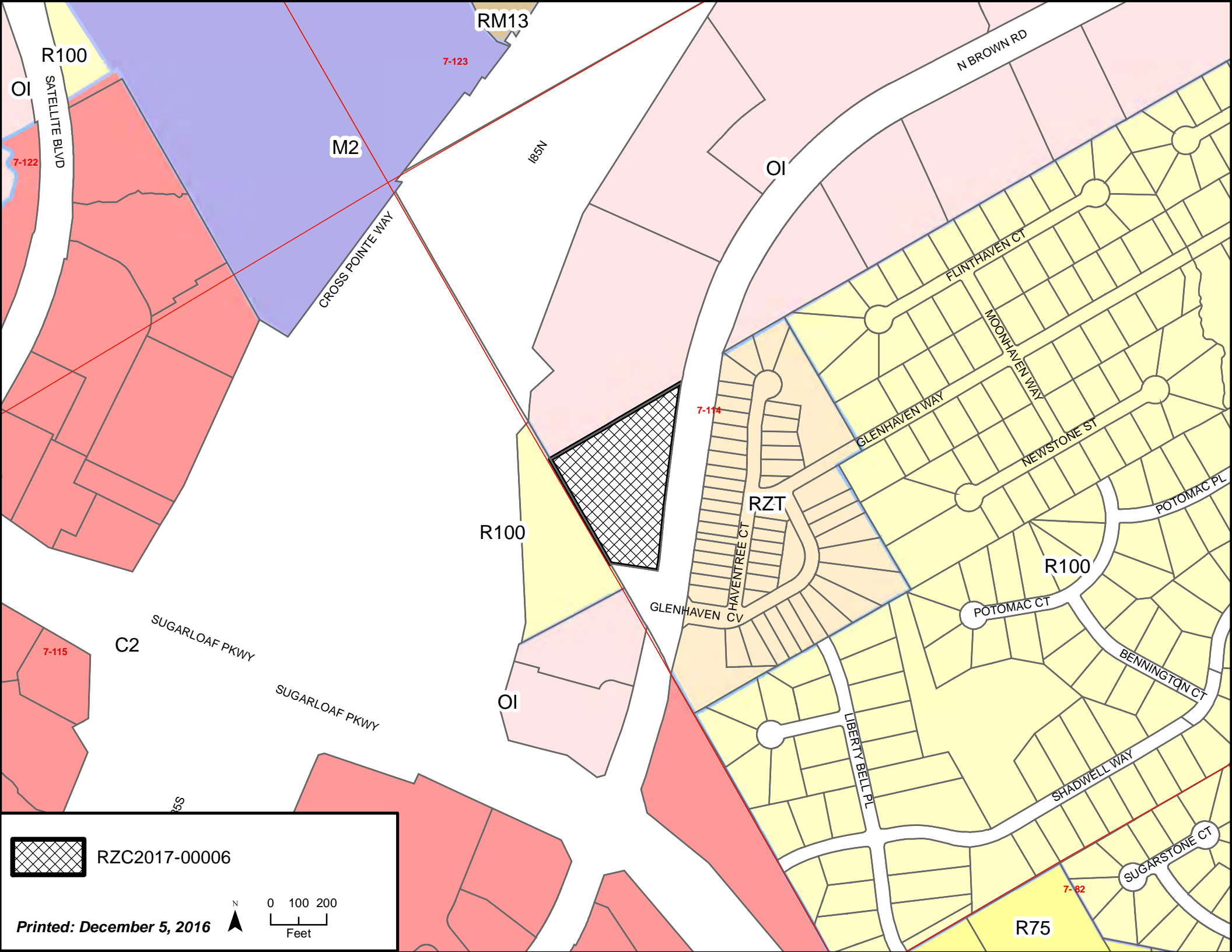
HAVENTREE CT

 RZC2017-00006

Printed: December 5, 2016

 N

 0 50 100 Feet



RM13

R100

M2

7-123

N BROWN RD

OI

SATELLITE BLVD

7-122

185N

OI

CROSS POINTE WAY

FLINTHAVEN CT

MOONHAVEN WAY

GLENHAVEN WAY

NEWSTONE ST

7-114

R100

RZT

R100

SUGARLOAF PKWY

C2

7-115

SUGARLOAF PKWY

OI

GLENHAVEN CV

HAVENTREE CT

POTOMAC CT

POTOMAC PL

BENNINGTON CT

LIBERTY BELL PL

SHADWELL WAY

SUGARSTONE CT

R75

7-82

 RZC2017-00006



0 100 200
Feet

Printed: December 5, 2016

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

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

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

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

CONTACT: MARIAN C. ADEIMY PHONE: 678.518.6855

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

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

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

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

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

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

ZONING HISTORY:

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

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

OPEN SPACE AND GREENWAY MASTER PLAN:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

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

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

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

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

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

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

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

The developer shall be limited to one curb cut.

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

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

The available utility records show that the subject development is currently in the vicinity of a 27-inch sanitary sewer main located approximately 96 feet south of parcel R6211 224 on parcel R6210 016 and an eight-inch sanitary sewer main located approximately 89 feet north of parcel R6211 221 in the right-of-way of Satellite Boulevard.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

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

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

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

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

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

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

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

See Exhibit "B"

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

See Exhibit "B"

- (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"

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

See Exhibit "B"

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

See Exhibit "B"

RECEIVED BY

DEC 02 2016

RZM '17 00 2

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.

2799515_1.DOC

RZM2017-00002
Received December 7, 2017
Planning and Development

ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.
ONE SUGARLOAF CENTRE
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GEORGIA 30097
(770) 822-0900
FACSIMILE: (770) 236-9754
www.atclawfirm.com

MARIAN C. ADEIMY
Attorney at Law

E-mail: 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

RECEIVED BY
DEC 02 2016
Planning & Development

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

RECEIVED BY

DEC 02 2016

Planning & Development

RZM '17 00 2

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

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

Current projections do not include new developments

RECEIVED BY

DEC 02 2016

Planning & Development

RZM '17 00 2



TOWNHOMES VIEWED FROM THE NORTH ON SATELLITE BO

RECEIVED BY

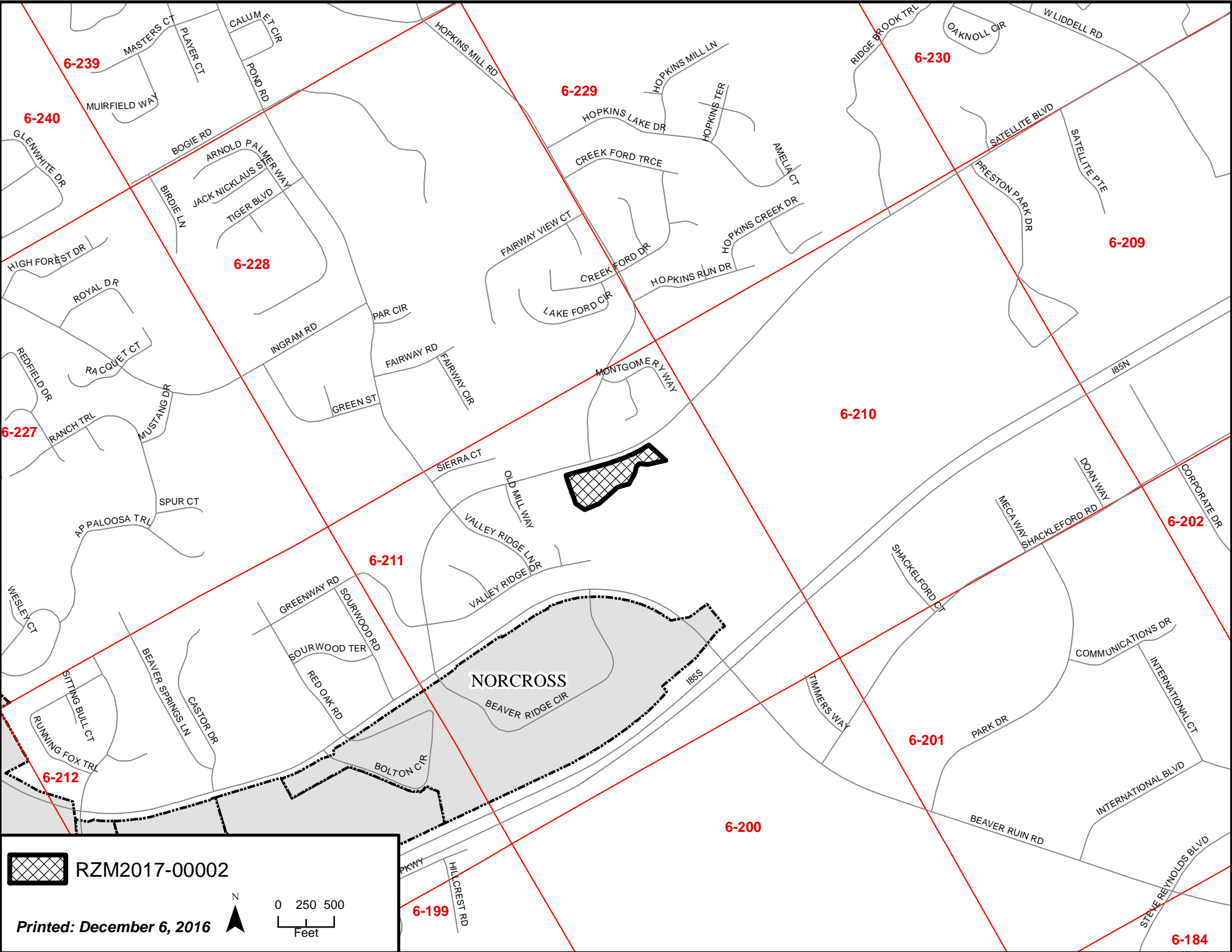
DEC 02 2016


Planning & Development

RZM '17 00 2

DOWNHOMES
HOUSE





 RZM2017-00002



0 250 500
Feet


Printed: December 6, 2016

6-184



HOPKINS MILL RD

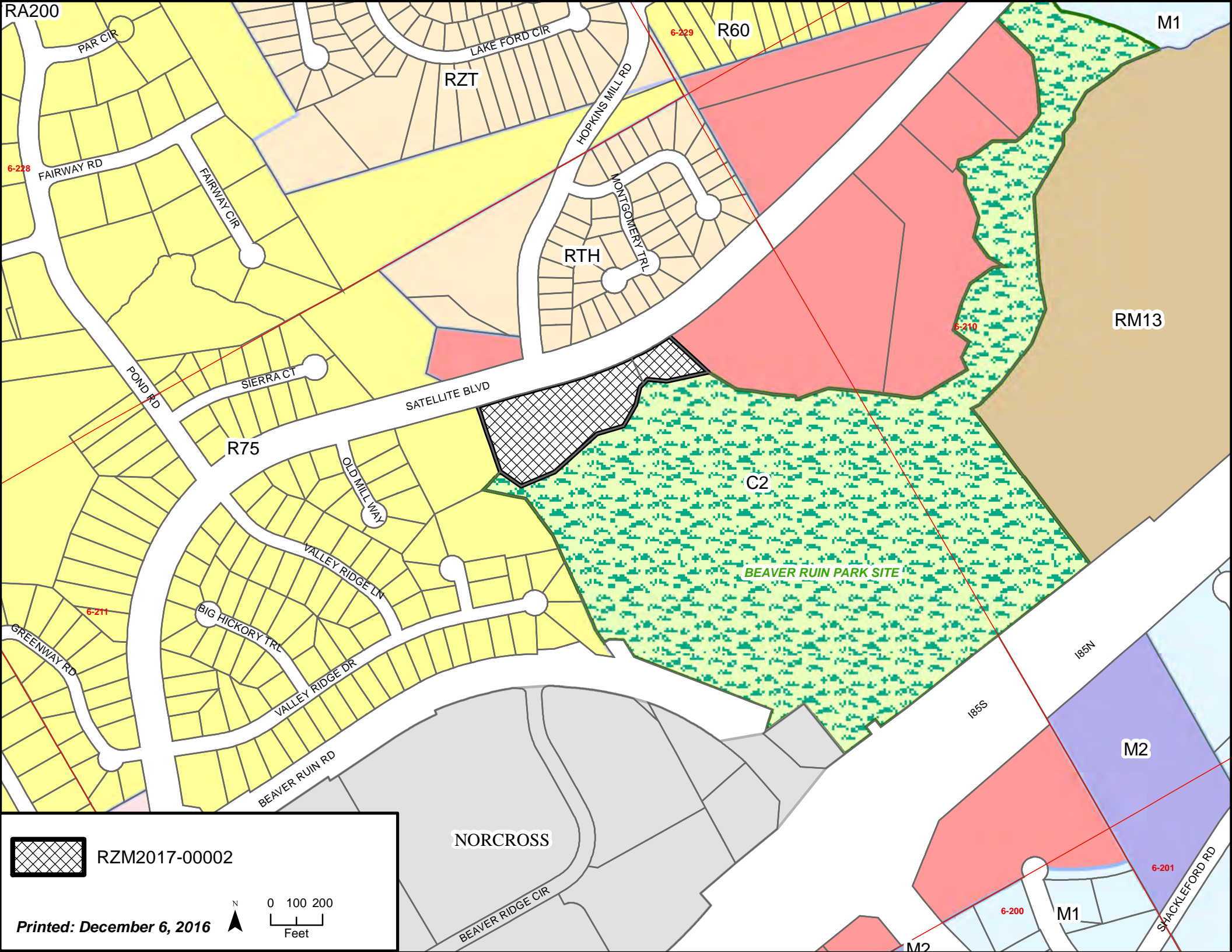
SATELLITE BLVD

 RZM2017-00002

Printed: December 6, 2016

N

0 50 100
Feet



RA200

6-229 R60

M1

RZT

RTH

RM13

6-228 FAIRWAY RD

R75

C2

BEAVER RUIN PARK SITE

6-211 GREENWAY RD

185N

M2

NORCROSS

185S

6-201

 RZM2017-00002

Printed: December 6, 2016



0 100 200
Feet

6-200 M1

M2

SHACKLEFORD RD

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

CASE NUMBER	: RZC2017-00008
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 00 8

RECEIVED BY

DEC 13 2016

Planning & Development

ROBERT JACKSON WILSON, PC

ATTORNEY AT LAW

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

ROBERT JACKSON WILSON

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

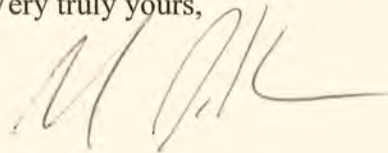
Re: Rezoning of 3545 Satellite Blvd., Duluth, GA 30096

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

RZC '17 008

RECEIVED BY

DEC 13 2016

Planning & Development

DULUTH

6-236

6-235

6-233

6-232

6-231

6-206

6-230

6-207

6-208

6-205

6-204



RZC2017-00008



0 250 500
Feet

Printed: January 10, 2017

OXWELL DR
REGENT WALK DR
DAVENPORT RD

MCDANIEL RD

OLD NORCROSS RD

RHOANOKE DR
SAMIA CT
SAMA DR
SELMAN CT
SELMAN DR
ELKHORN CT
ELKHORN TER

DAVIS CIR
GROVEMONT PL
DANDRIDGE WAY
CHESDEN DR
STEVE REYNOLDS BLVD

SATELLITE BLVD

OLD PLANTATION WAY
MERCHANTS WAY

MARKET SMALL BLVD

GWINNETT PLACE DR

VENTURE PKWY

ATURE DR

DAY DR

E LIDDELL RD

185S

PLEASANT HILL RD

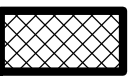
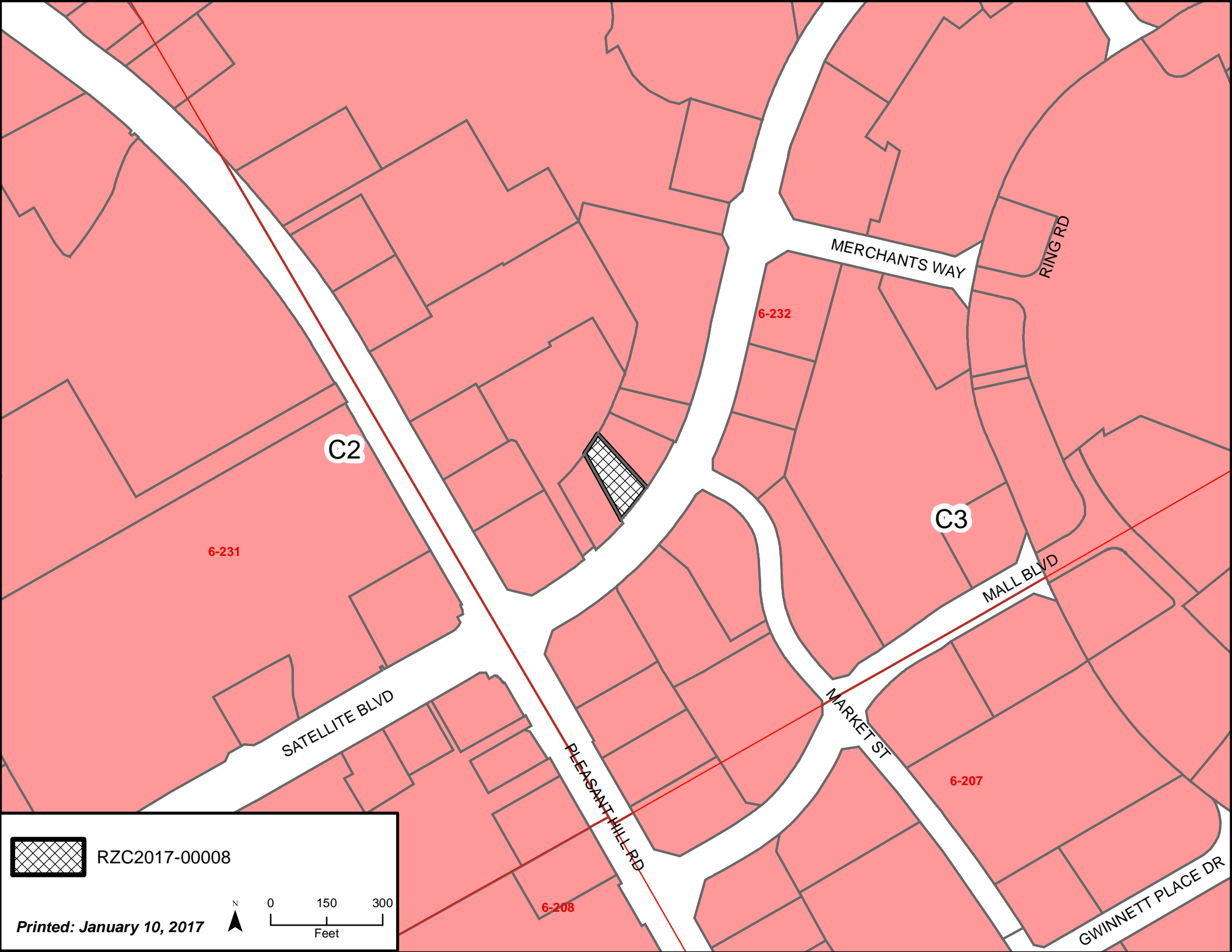
BRECKINRIDGE BLVD
CENTERVIEW DR

COMMERCE AVE

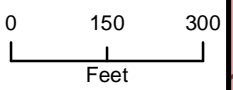
COMMERCE AVE

RMG RD

TANDY KEY LN



RZC2017-00008



Printed: January 10, 2017



SATELLITE BLVD

 RZC2017-00008

Printed: January 10, 2017

N

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 County D.O.T. project to improve Hamilton Mill Road and realign Pucketts Mill Road Project # (M0690-01). Coordinate development with the Gwinnett County D.O.T. 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-thru 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-thru 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, stormwater 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.

RZC '17 009

RECEIVED BY

DEC 27 2016

Planning & Development

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.

SUP '17 011

RECEIVED BY

DEC 27 2016

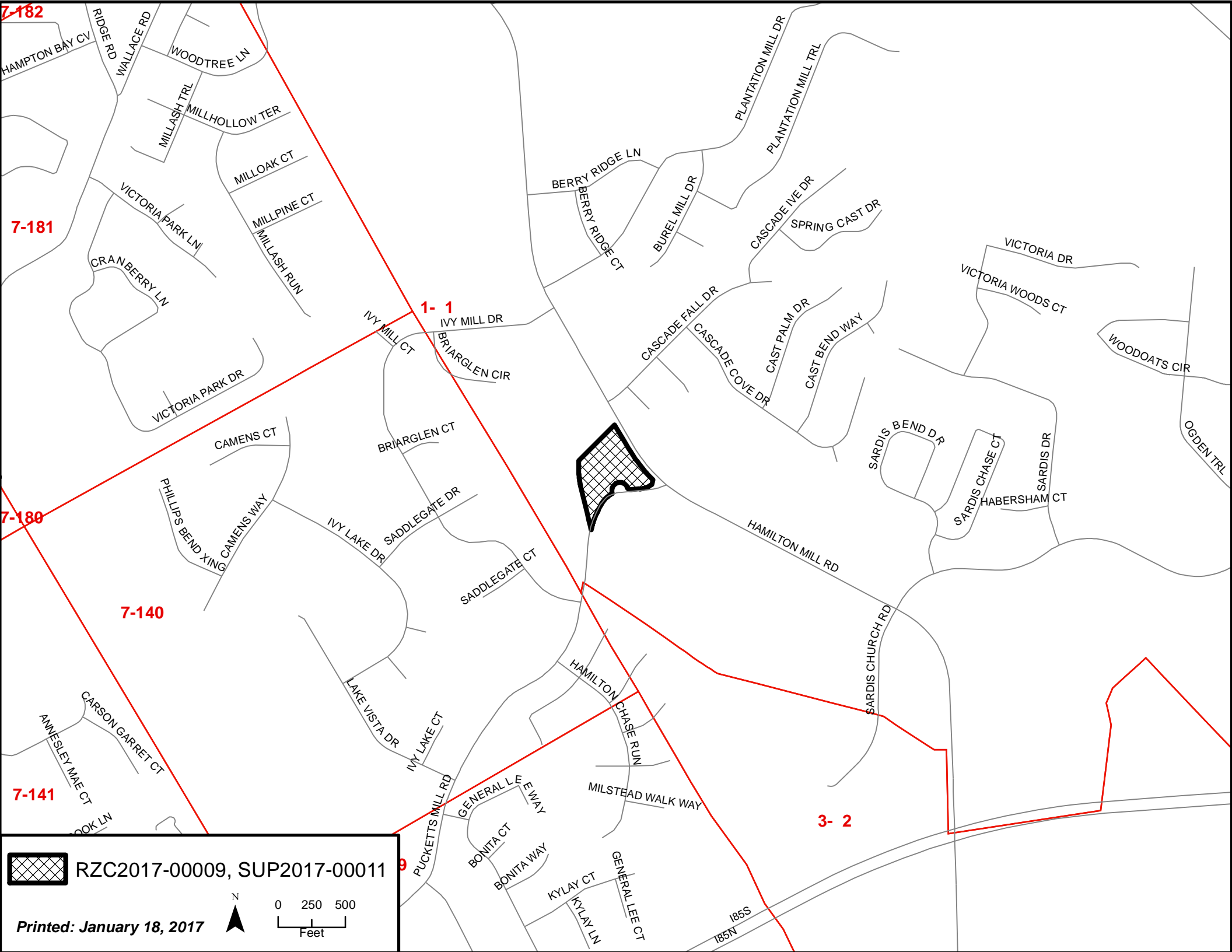
Planning & Development

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.

RZC '17 009

RECEIVED BY
DEC 27 2016
Planning & Development



RZC2017-00009, SUP2017-00011

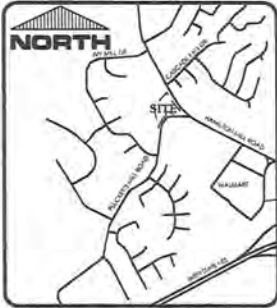


0 250 500
Feet

Printed: January 18, 2017

Hamilton Mill Commercial

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



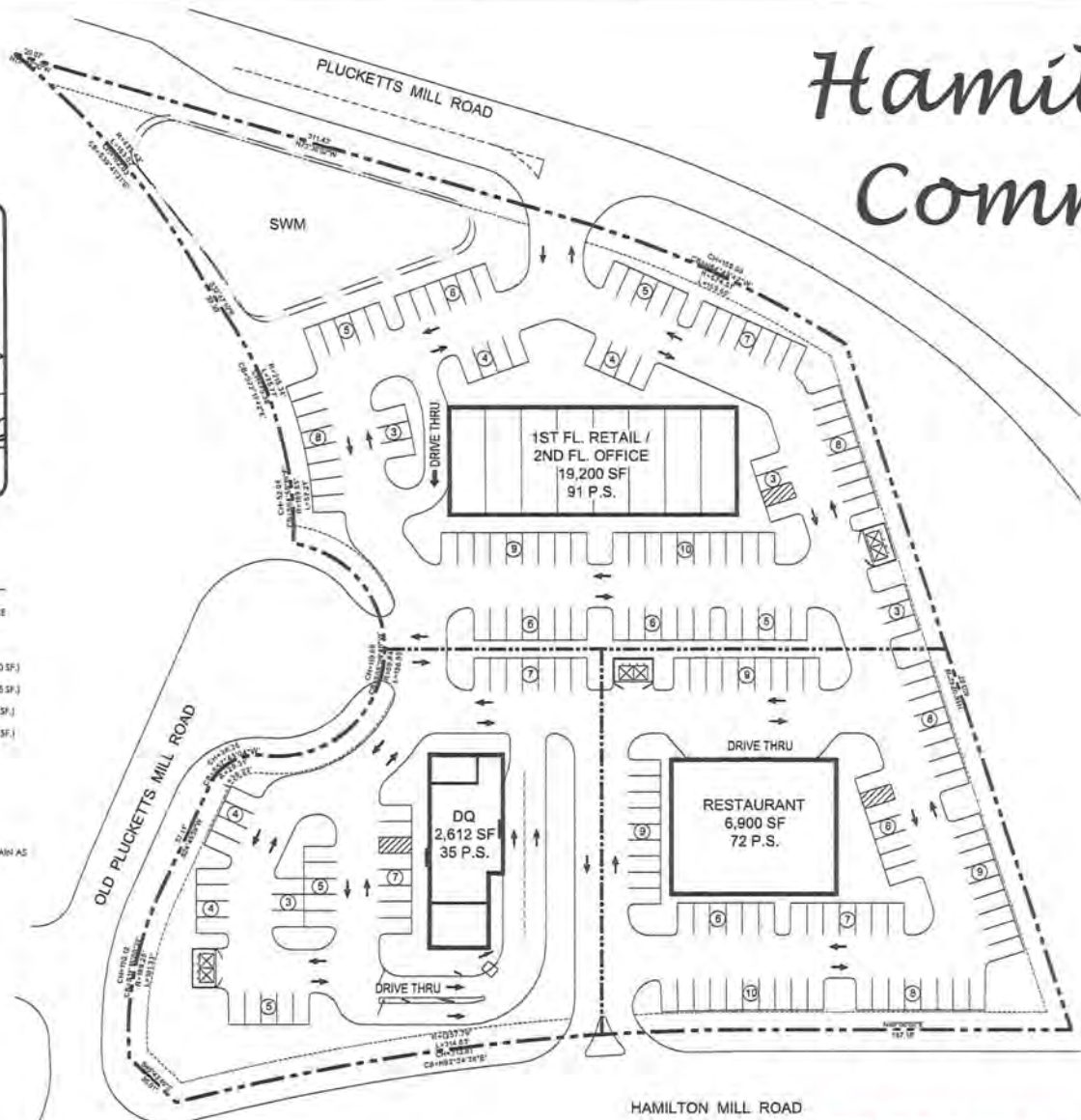
SITE DATA

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. 1/200 SF.):	48 SP. (1/200 SF.)
OFFICE (2ND FLOOR) S.F.:	9,400 S.F.
PARKING (MIN./1,500 SF. & MAX. 1/225 SF.):	43 SP. (1/225 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.

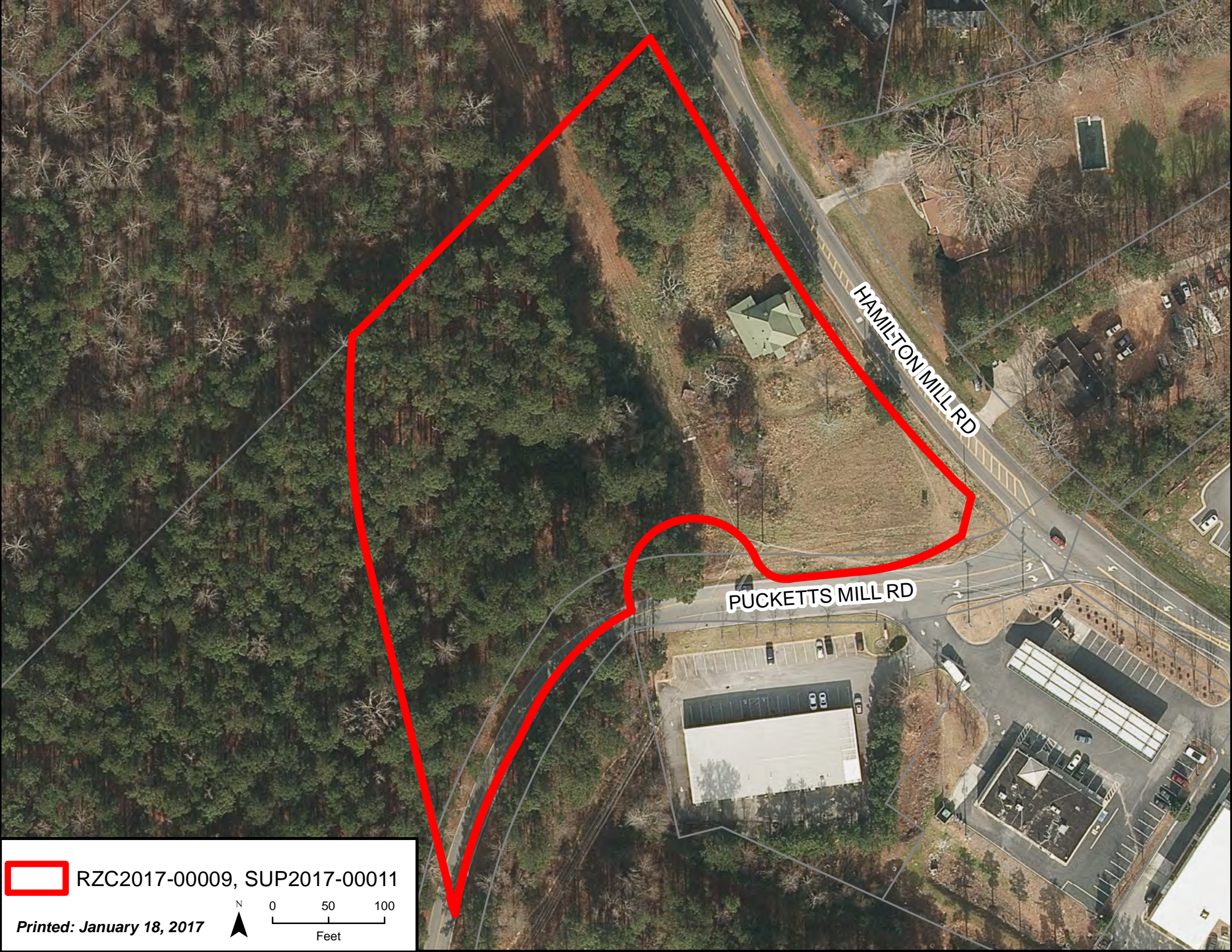


RECEIVED BY

DEC 27 2016


Planning & Development

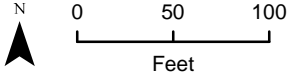
RZC '17 00 9



HAMILTON MILL RD

PUCKETTS MILL RD

 RZC2017-00009, SUP2017-00011



Printed: January 18, 2017

**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:

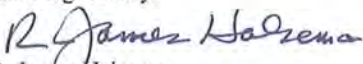
This is a rezoning application to rezone an assembly of parcels 6-158A032, 6-158A033, 6-158A034, and 6-158A035 to C-2 with a buffer reduction from 75 feet to 15 feet.

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

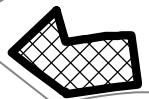
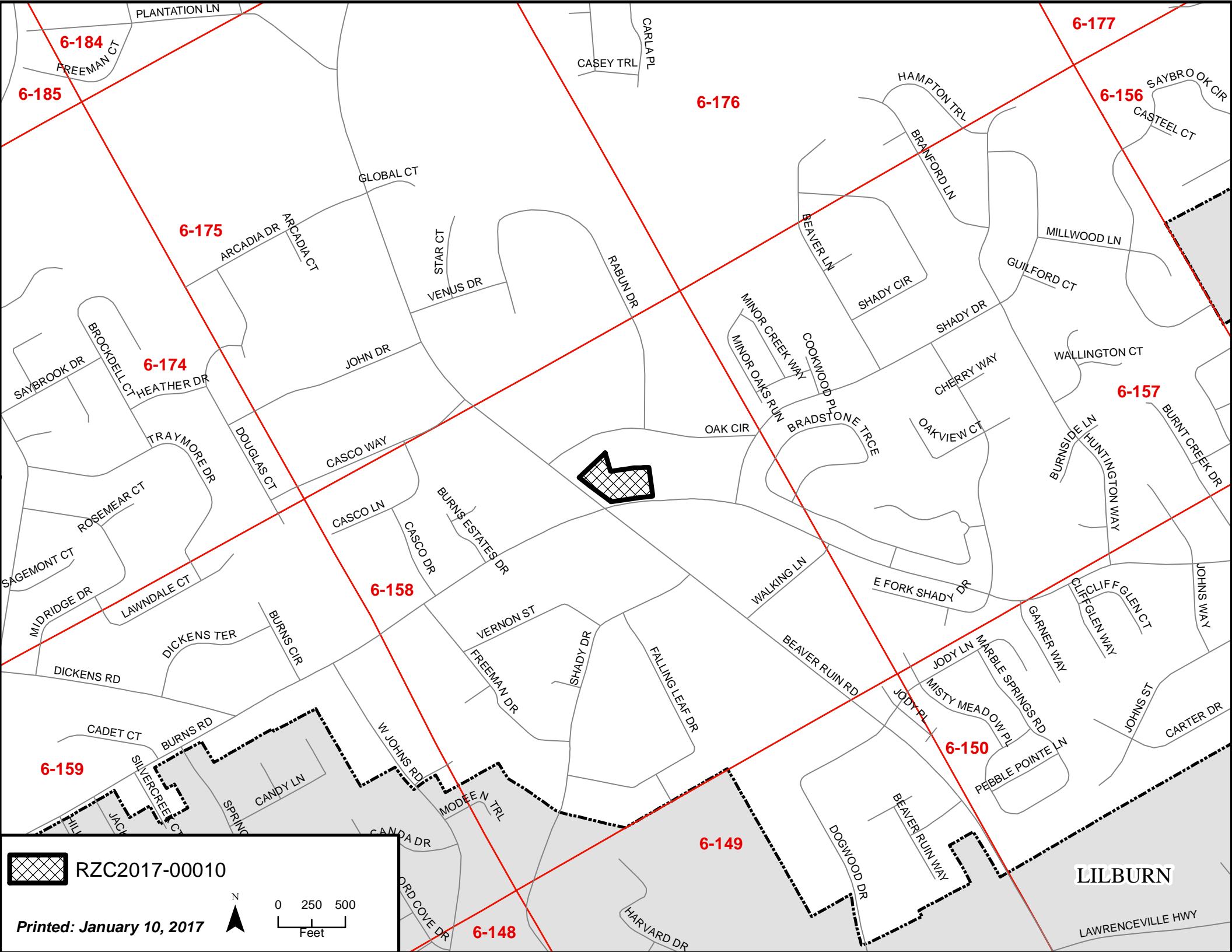
*Architectural Advocates Inc., 205 Malvern Place, Roswell, Georgia 30076
Tel. (770) 316-9345 Fax (404) 263-0045
jim@architecturaladvocates.com*


RECEIVED BY

JAN 06 2017

Planning & Development

RZC '17 010



 RZC2017-00010



0 250 500
Feet

Printed: January 10, 2017

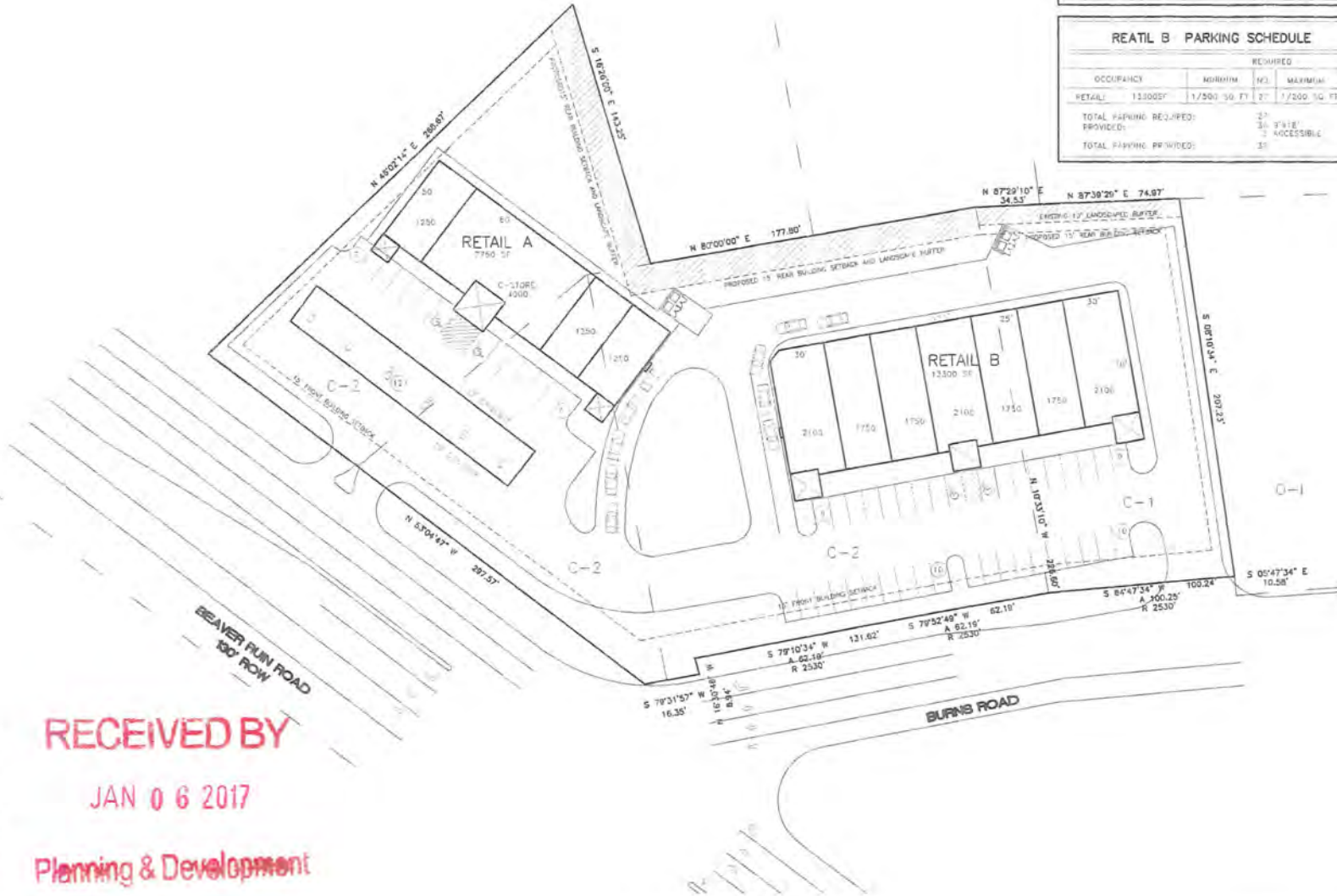
LILBURN

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	2/7	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/REVISED	NO.

SITE PLAN
RETAIL CENTER
BEAVER RUN ROAD
LILBURN, GA 30047

Sp-1 08 1 8'

GWINNETT

RZC 17010

RECEIVED BY
JAN 06 2017
Planning & Development

OAK CIR

BEAVER RUIN RD

BURNS RD

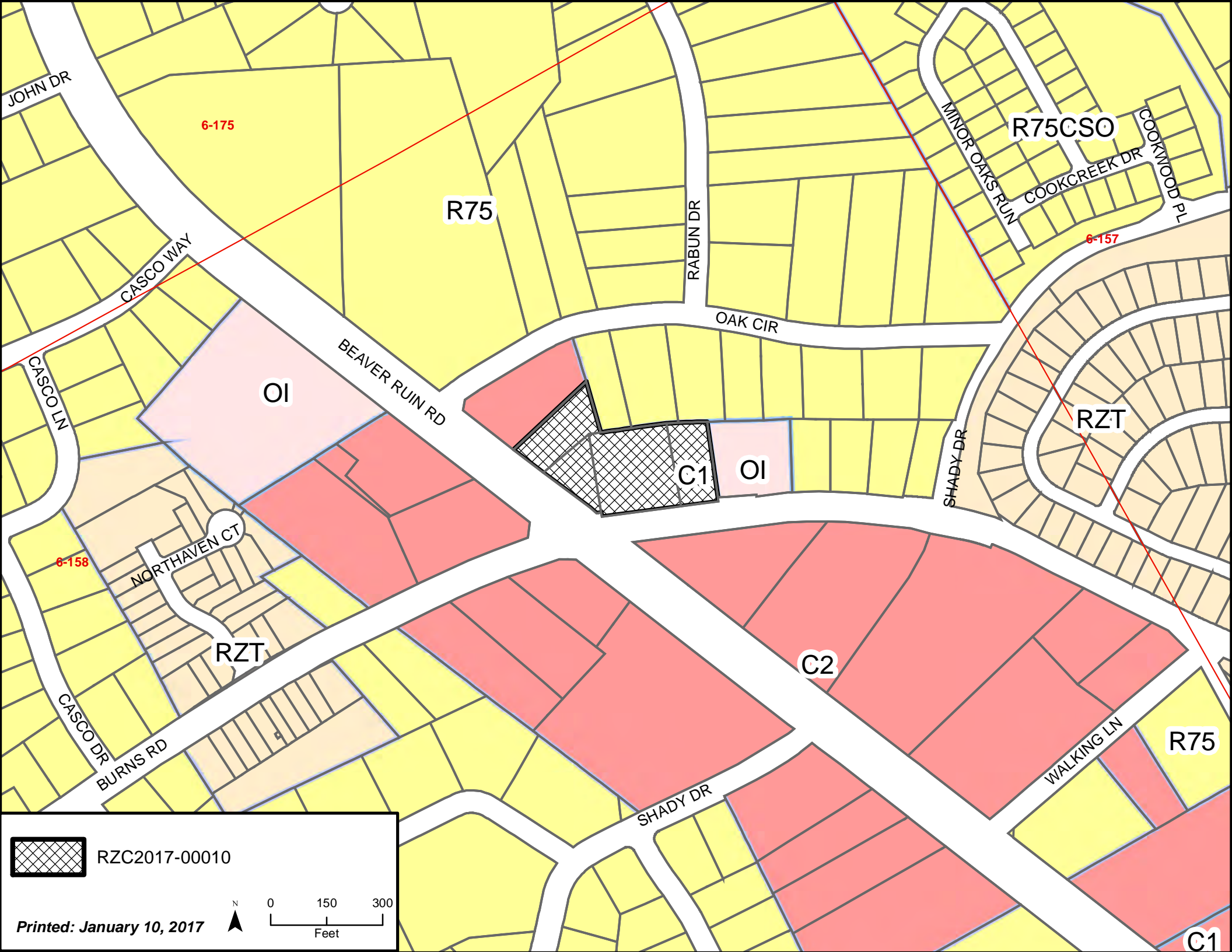
 RZC2017-00010

Printed: January 10, 2017

N

0 25 50
Feet





 RZC2017-00010

Printed: January 10, 2017

0 150 300
Feet

N

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

CASE NUMBER	: RZR2017-00005
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:

RECEIVED BY

JAN 05 2017

Planning & Development

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

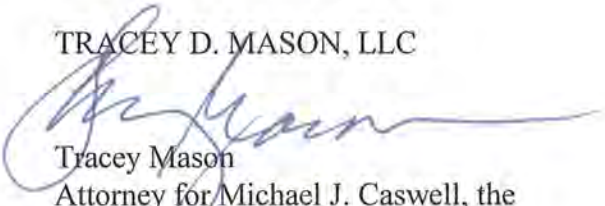
Dear Planning Department:

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

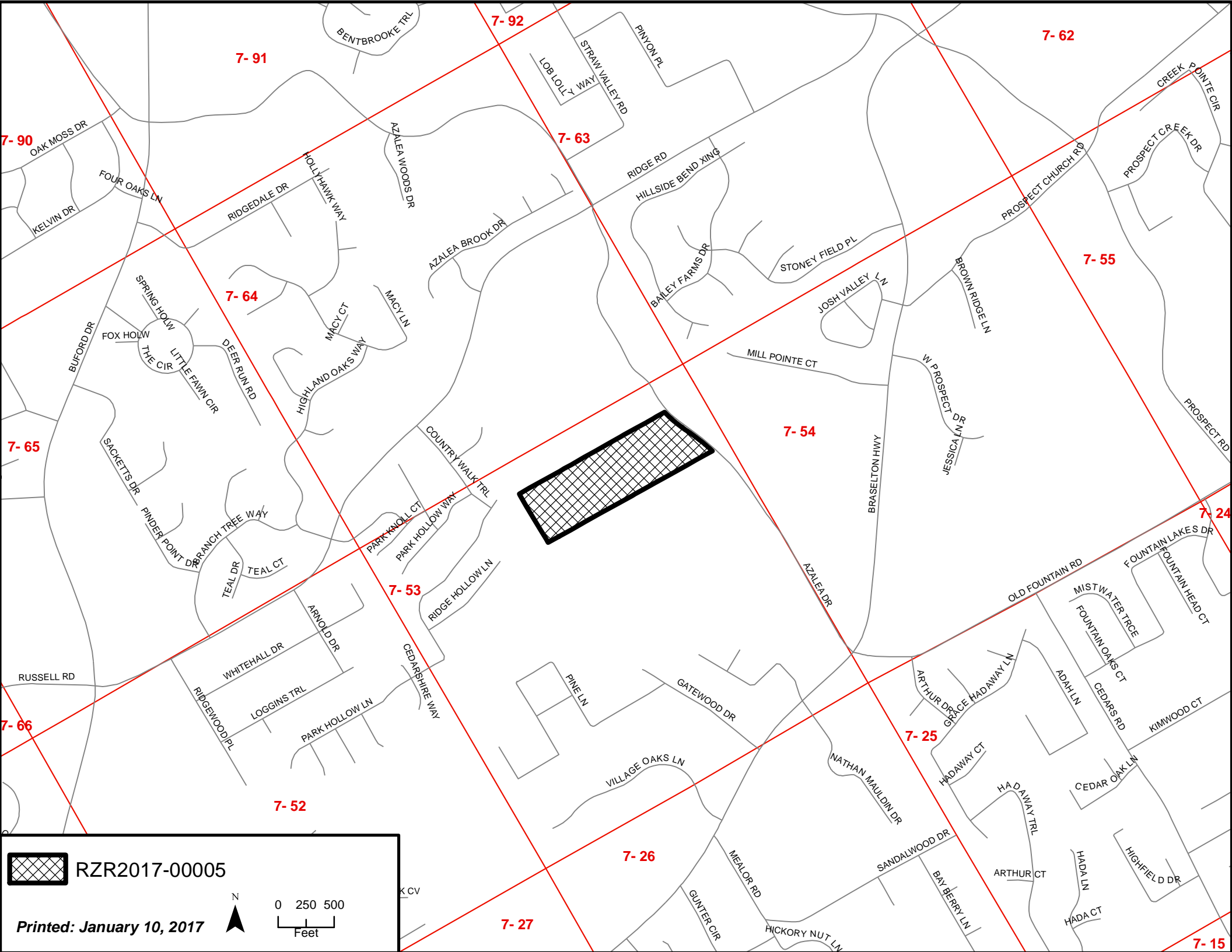
Planning & Development


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

Current projections do not include new developments



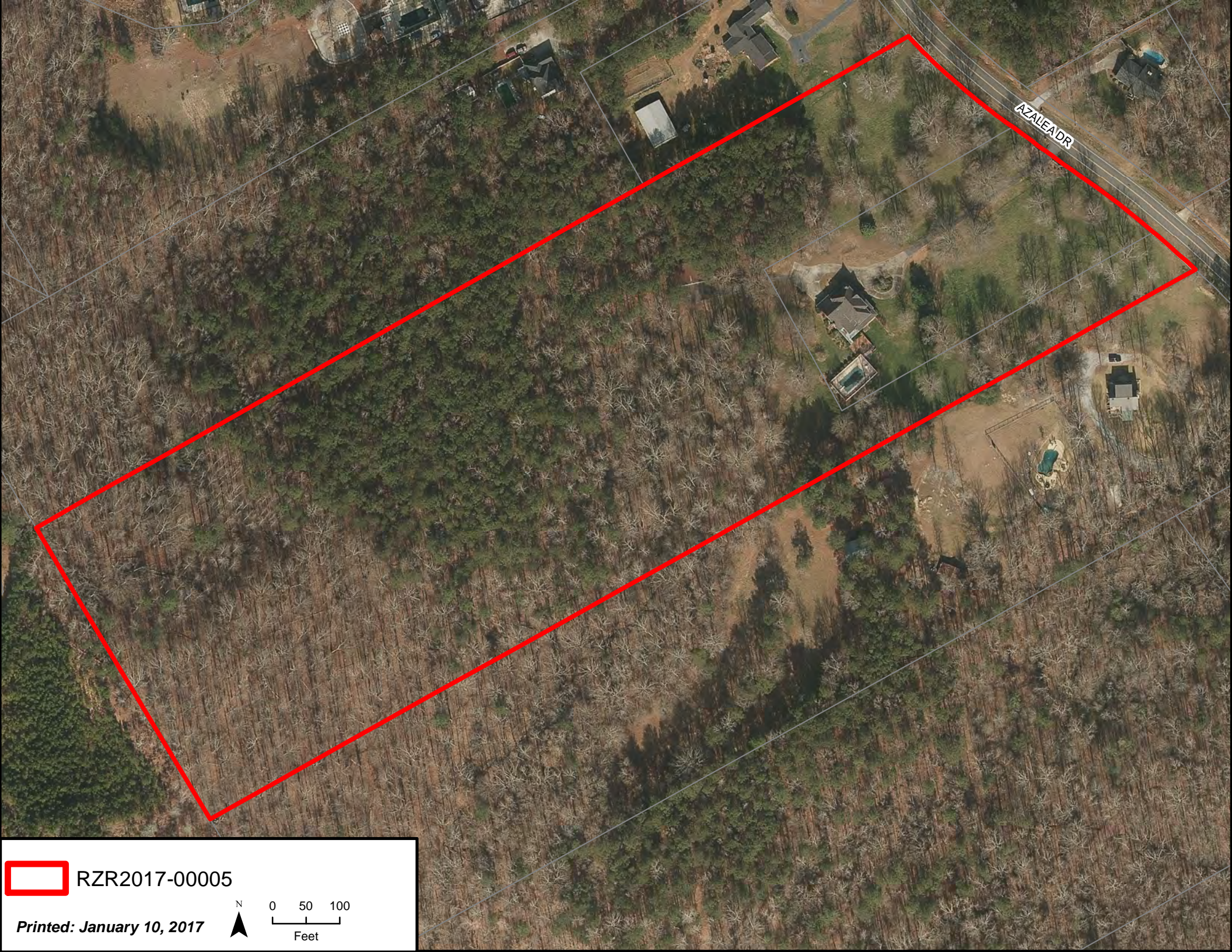
 RZR2017-00005



0 250 500
Feet

Printed: January 10, 2017

7-15



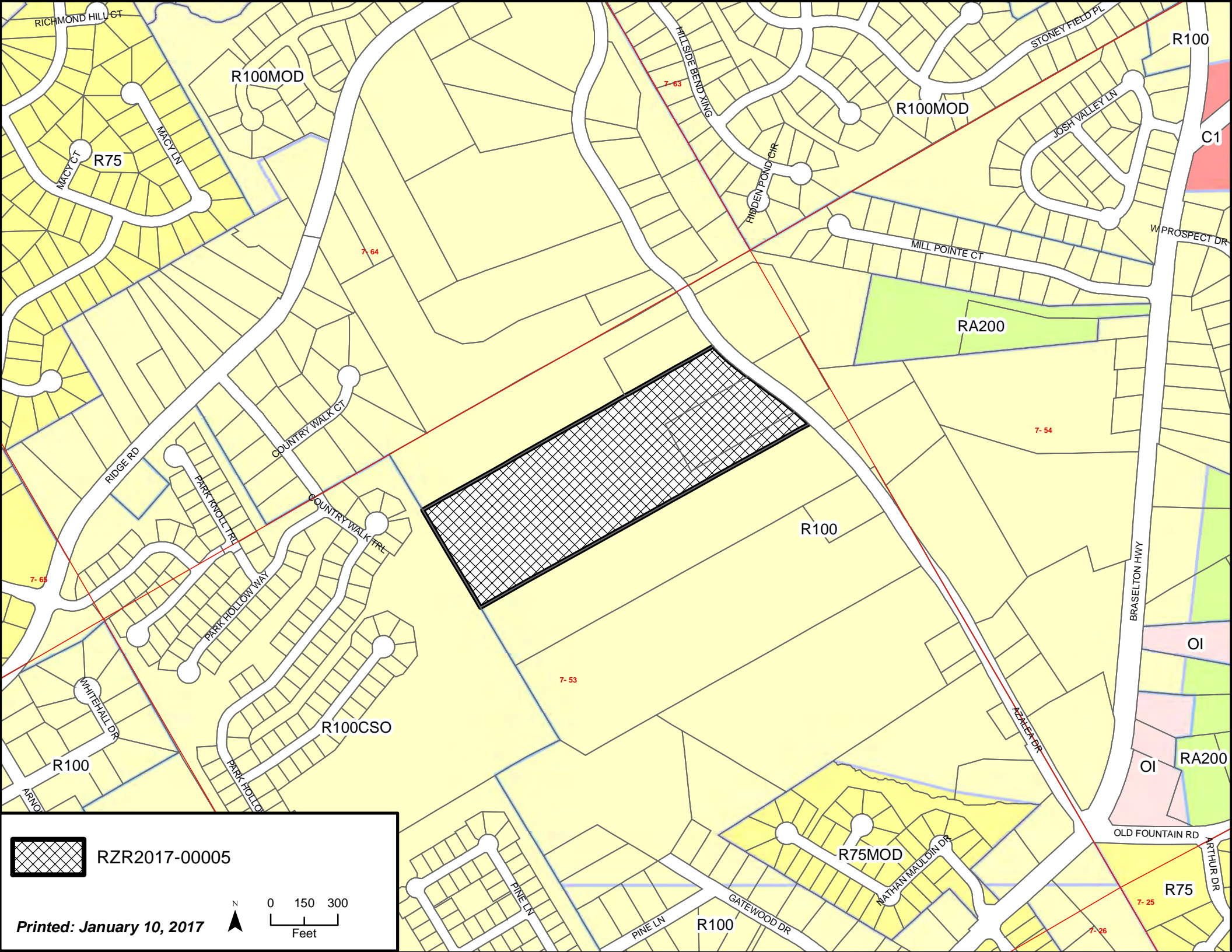
AZALEA DR

 RZR2017-00005

Printed: January 10, 2017

N

0 50 100
Feet



 RZR2017-00005



0 150 300
Feet

Printed: January 10, 2017

**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-tone 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

010 117 007
CIC 17007

RECEIVED BY

JAN 06 2017

Planning & Development

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.

RECEIVED BY

JAN 06 2017

Planning & Development

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

CIC '17 007

RECEIVED BY

JAN 06 2017

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

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

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

www.mptlawfirm.com

Planning & Development

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

RECEIVED BY

JAN 06 2017

Planning & Development

CIC '17 007

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

RECEIVED BY

JAN 06 2017

Planning & Development

CIC '17 007

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.

RECEIVED BY

CIC '17007

JAN 06 2017

Planning & Development

- 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.

CIC '17 007

RECEIVED BY

JAN 06 2017

Planning & Development

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

CIC '17 007

RECEIVED BY

JAN 06 2017

Planning & Development

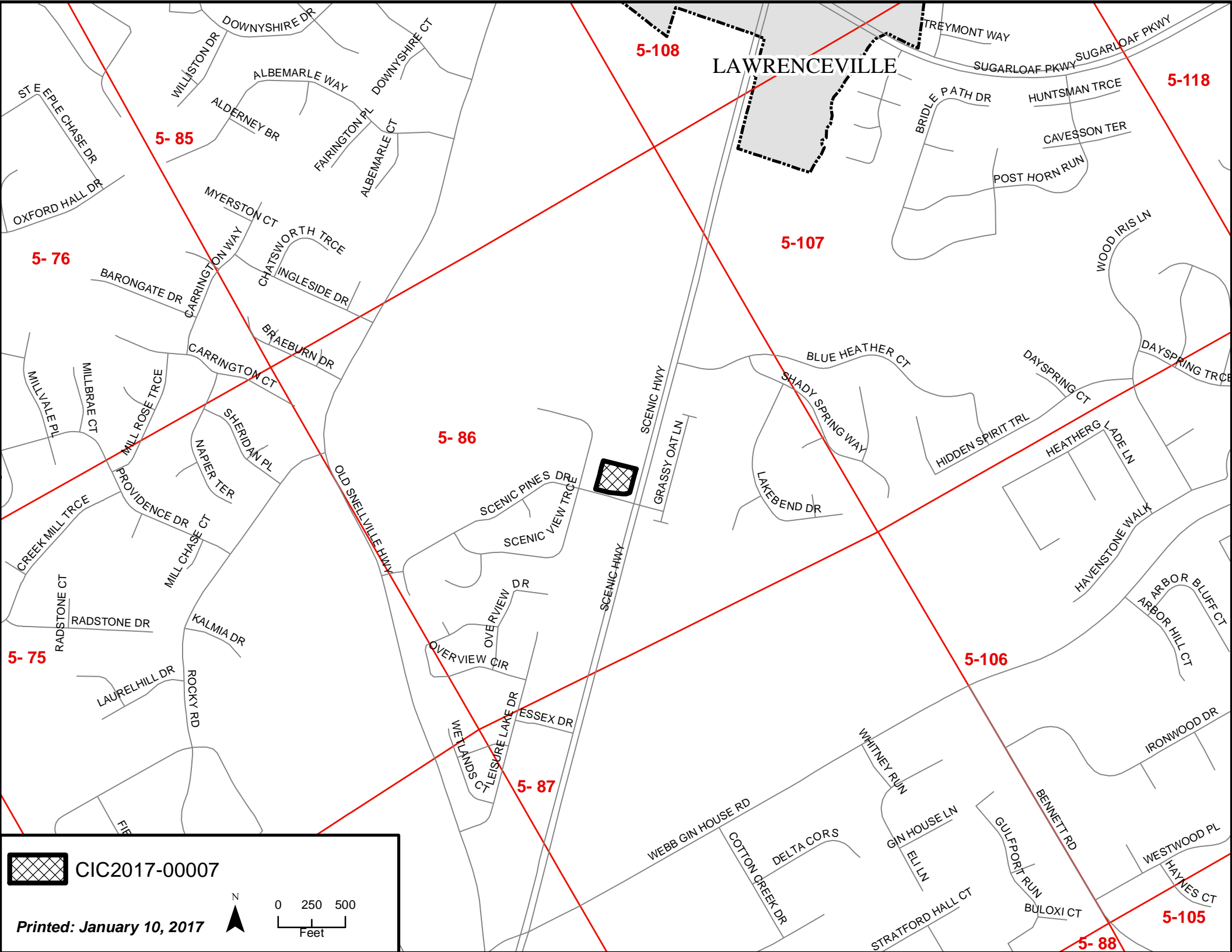


RECEIVED BY

JAN 06 2017

Planning & Development

CIC '17 007



LAWRENCEVILLE

5-108

5-118

5-85

5-107

5-76

5-86


5-106

5-75

5-87

5-105

5-88

 CIC2017-00007



0 250 500
Feet

Printed: January 10, 2017

SCENIC VIEW TRCE

SCENIC PINES DR

SCENIC HWY

SCENIC HWY

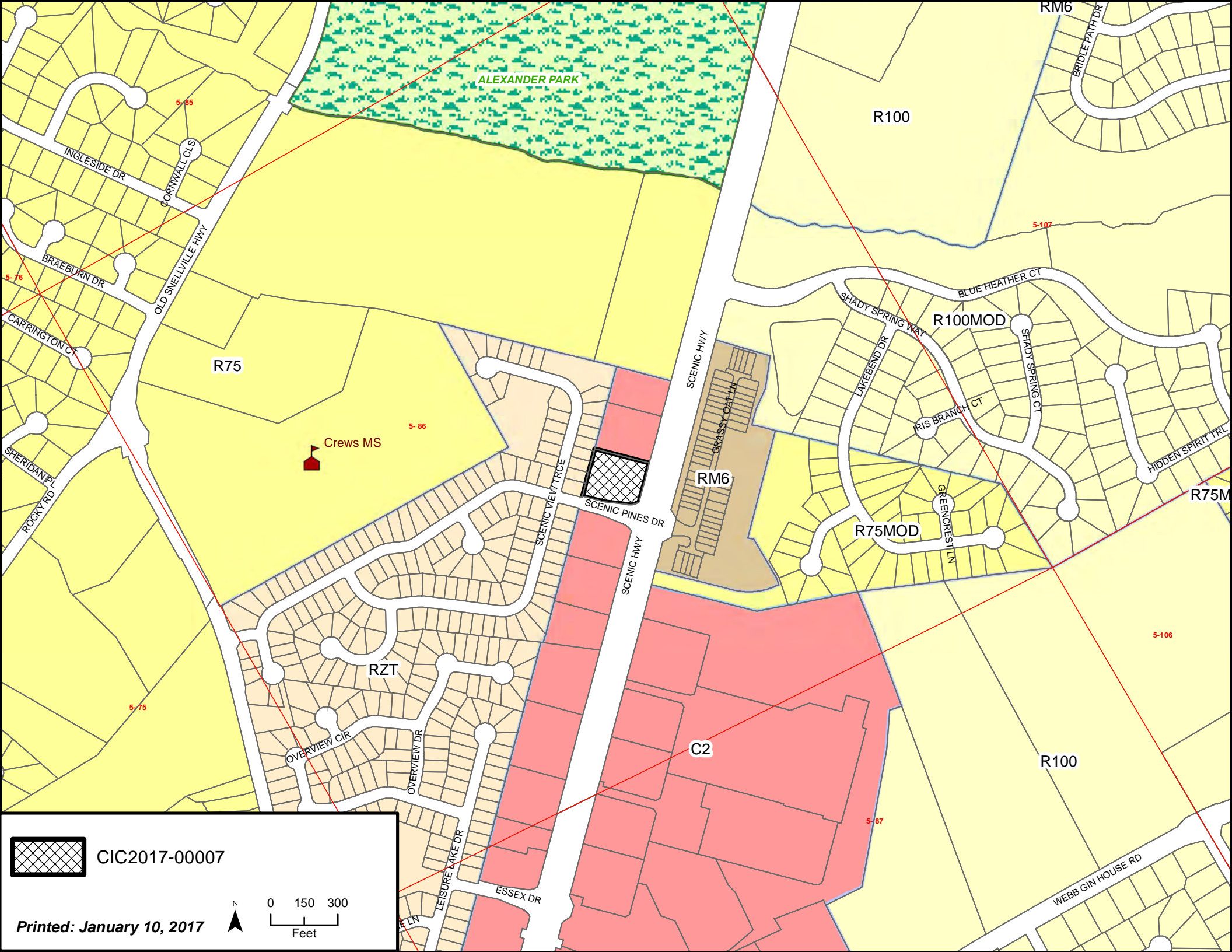


 CIC2017-00007

Printed: January 10, 2017

 N

 0 25 50
Feet



ALEXANDER PARK

R75

R100

Crews MS

RM6

R100MOD

R75MOD

RZT

C2

R100

CIC2017-00007



0 150 300
Feet

Printed: January 10, 2017

**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: 27TH 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 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.

CIC '17 008

RECEIVED BY

JAN 10 2017

Planning & Development

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.

CIC-17 008

RECEIVED BY

JAN 10 2017

Planning & Development

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

CIG '17 00 8

RECEIVED BY

JAN 10 2017

Planning & Development

ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.
ONE SUGARLOAF CENTRE
1960 SATELLITE BOULEVARD, SUITE 4000
DULUTH, GEORGIA 30097
(770) 822-0900
FACSIMILE: (770) 236-9702
www.atclawfirm.com

MARIAN C. ADEIMY
Direct: (678) 518-6855

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 27TH GROUP, INC.

Dear Director and Staff:

This Letter of Intent is written on behalf of the property owner and Applicant, 27th 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.

CIC 17 00 0

RECEIVED BY
JAN 10 2017
Planning & Development

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)

2822338_1.DOCX

CIC 17 008

RECEIVED BY

JAN 10 2017

Planning & Development

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

CIC '17 008

RECEIVED BY

JAN 10 2017

Planning & Development

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

GC 07008

RECEIVED BY

JAN 10 2008

Planning & Development

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.

CIC 17008

RECEIVED BY

JAN 10 2017

Planning & Development

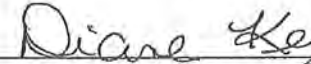
- G. Natural vegetation shall remain on the property until the issuance of a commercial development permit.
- H. Outdoor loudspeakers shall be prohibited.
- I. Peddlers and/or parking lot sales shall be prohibited.
- J. No temporary banners, streamers or roping decorated with flags, tinsel, or other 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:


County Clerk/Deputy County Clerk

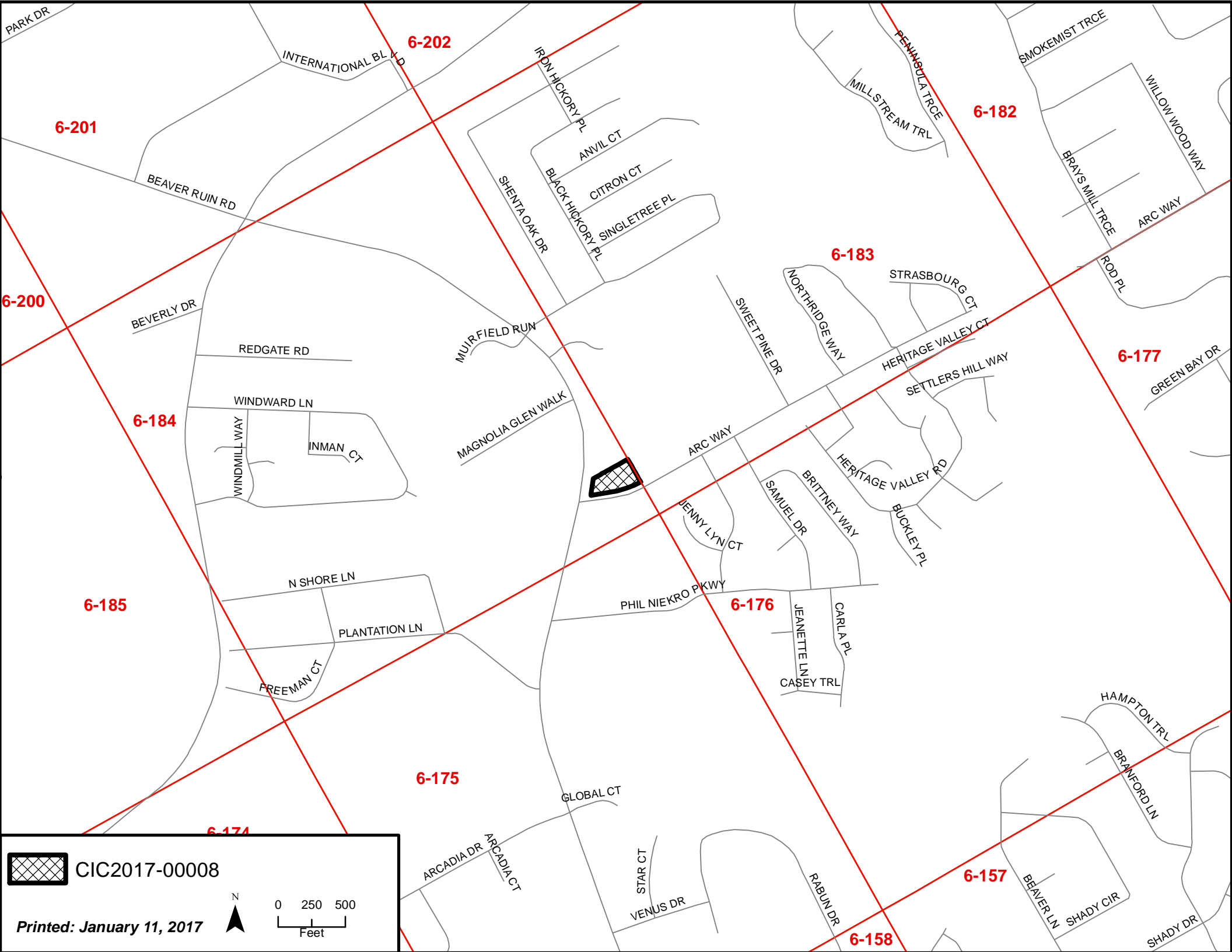



GC 17 00 8

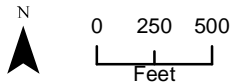
RECEIVED BY

JAN 10 2017

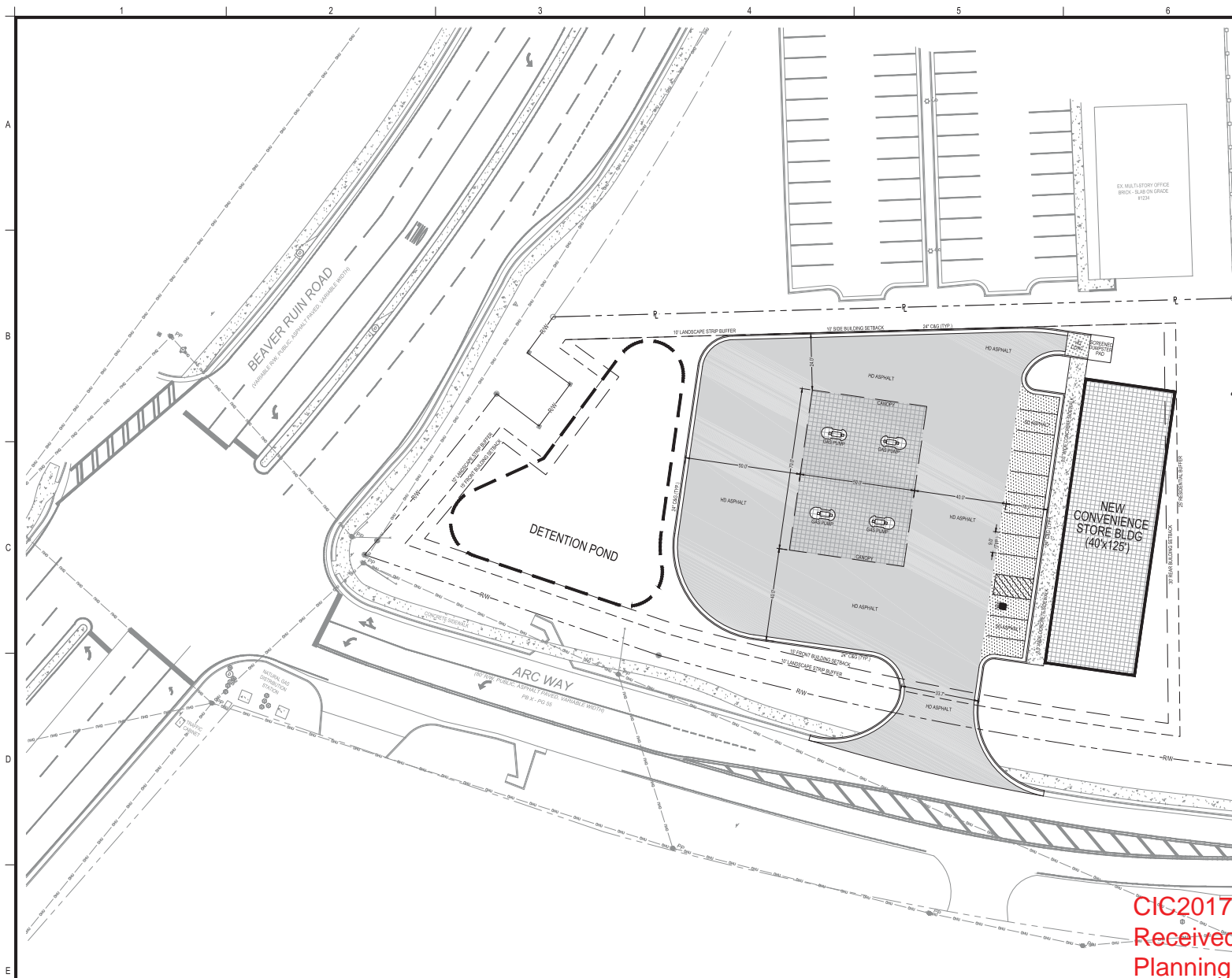
Planning & Development



 CIC2017-00008



Printed: January 11, 2017



SITE INFORMATION		
THE 1.2783 ACRES (AC) OF WOODED SITE WILL BE DEVELOPED FOR A CONVENIENCE STORE. THIS WILL INCLUDE THE BUILDING, PARKING AREAS, STORM WATER INFRASTRUCTURE, UTILITY AND COVER AND OTHER UTILITY INFRASTRUCTURE AND LANDSCAPING.		
TYPE	STATS	ADD. INFO.
ZONING	C-2 (GENERAL BUSINESS DISTRICT)	
PER GWINNETT COUNTY ZONING	1,278.3 AC	66,897 SQ. FT.
PROPERTY AREA	1,278.3 AC	66,897 SQ. FT.
IMPERVIOUS AREA ADDED	13.4 AC (10% OF SITE)	30,492 SQ. FT.
PARKING INFORMATION		
PARKING SPACES REQUIRED	CONVENIENCE STORE: 1,000 SPACES GASOLINE STATION: 1,000 SPACES MINIMUM 1 PER 100 SQ. FT.	MIN. SPACES REQUIRED: 1,000 SPACES + 10 SPACES MIN. SPACES ALLOWED: 1,000/100 + 40 SPACES
MIN. PARKING SPACES PROVIDED	REQUIRED: 12	PROVIDED: 12
ADA PARKING SPACES (MIN.)	REQUIRED: 1	PROVIDED: 1 (2 OF WHICH MUST BE VAN ACCESSIBLE)
MISCELLANEOUS INFORMATION		
SIGNAGE	SIGNAGE SHALL BE HANDLED UNDER A SEPARATE PERMIT.	
SITE LIGHTING	ALL ON-SITE LIGHTING SHALL BE FULLY SHIELDED. ALL SITE LIGHTING SHALL BE DESIGNED BY OTHERS.	
SOIL SERIES	GWINNETT COUNTY LOWLAND, 9% TO 10% SLOPES	
FLOOD PLAN	ADDITIONAL FLOOD PROVISIONS WITH EFFECTIVE DATE SEPTEMBER 20, 2006 FOR GWINNETT COUNTY. GAINCOPROVIDED AS THE PROPERTY SHOWN HEREON LIES WITHIN ZONE A AND IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA.	
STATE WATERS	THERE ARE NO STATE WATERS PRESENT ON THIS SITE. THERE ARE NO STATE WATERS WITHIN 200' OF THIS SITE. THERE ARE NO STREAM BUFFERS ON THE PROPERTY.	
WETLAND	THERE ARE NO WETLANDS BEING DISTURBED ON THIS SITE. THE DESIGN PROFESSIONAL, WHOSE SEAL APPEARS HEREON, CERTIFIES THE FOLLOWING: 1) THE WETLANDS AND INVENTORY MAPS HAVE BEEN CONSULTED AND 2) THE APPROXIMATE WETLANDS ARE SHOWN ON THE MAPS. 3) THE WETLANDS ARE ADJACENT TO THE LAND BEING DEVELOPED AND ADVISED THAT LAND DISTURBANCE OF PROTECTED WETLANDS SHALL NOT OCCUR UNLESS APPROPRIATE FEDERAL WETLANDS ALTERATION (SECTION 404) PERMIT HAS BEEN OBTAINED.	
	IF WETLANDS ARE IMPACTED BY THE DEVELOPMENT, A CORPS OF ENGINEERS PERMIT SHALL BE OBTAINED PRIOR TO DISTURBANCE. ONCE OBTAINED, A COPY OF THE PERMIT AND FORM SHALL BE SENT TO THE STATE, WITHIN THE CORPS OF ENGINEER APPROVAL. A SEPARATE COPY OF THE PERMIT WILL BE SUBMITTED TO THE L.A.	

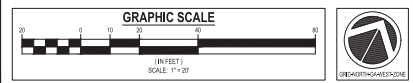


ARC WAY CONVENIENCE STORE
 LOCATED IN LAND LOT 184, 6TH LAND DISTRICT, GWINNETT COUNTY, GA, PIN: R6164 000B
 BEAVER RUN ROAD, GWINNETT COUNTY, GA 30083
 GWINNETT COUNTY
 ZONING (NOTE CITY OR COUNTY)

DRAWING DATE	01/09/2017
DRAWN BY	OMP
CHECKED BY	JPB
REVISIONS	
DATE	DESCRIPTION

SITE PLAN (SPECIAL USE PERMIT)
 Sheet Number
SUP-1

CIC2017-00008
 Received January 10, 2017
 Planning & Development



ZONING DISTRICT	MIN. LOT SIZE	MAX. NET DENSITY / FAR	MAX. HEIGHT	MIN. LOT WIDTH	MIN. FRONT SETBACK	MIN. SIDE SETBACK	MIN. REAR SETBACK	MIN. % COMMON AREA
C-2	NONE	NONE	45'	NONE	10'	10'	30'	NA

OWNER/DEVELOPER	CONTRACTOR	SURVEYOR	SITE DESIGNER
COMPANY: 2TH GROUP ADDRESS: 3675 HWY CARTER BLVD. #208 NORCROSS, GA 30071 CONTACT: SCHEMIL WOODS PHONE: 404-453-1001 FAX: 404-453-1001 EMAIL: swood@2thgroup.com	COMPANY: NOT SELECTED YET ADDRESS: CONTACT: PHONE: FAX: EMAIL:	COMPANY: GEORGIA CIVIL INC. ADDRESS: P.O. BOX 898 MADISON, GA 30650 CONTACT: G. BRIAN SLATE PHONE: 706-342-1104 FAX: EMAIL: bslate@georgiacivil.com	COMPANY: GEORGIA CIVIL INC. ADDRESS: P.O. BOX 898 MADISON, GA 30650 PHONE: 706-342-1104

© Copyright 2016 georgia civil inc. This drawing and its contents are the property of Georgia Civil Inc. and may not be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Georgia Civil Inc.



BEAVER RUIN RD

ARC WAY

 CIC2017-00008

Printed: January 11, 2017

N

0 25 50
Feet

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

CASE NUMBER :**RZC2017-00011**
ZONING CHANGE :C-2 & O-I TO MU-R
LOCATION :2200-2400 BLOCKS OF MEADOW CHURCH ROAD
:2100-2200 BLOCKS OF DULUTH HIGHWAY
:9000-9999 BLOCKS OF PRIMERICA PARKWAY
:LEGACY PARKWAY (PRIVATE DRIVE)
MAP NUMBERS :R7116 090 & 091
ACREAGE :21.71 ACRES
SQUARE FEET :340,872 SQUARE FEET (RESIDENTIAL)
:126,783 SQUARE FEET (NON-RESIDENTIAL)
PROPOSED DEVELOPMENT :MIXED-USE DEVELOPMENT
COMMISSION DISTRICT :(1) BROOKS

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

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

CONTACT: SHANE LANHAM PHONE: 770.232.0000

OWNER: LEGACY PARTNERS, LLC
3328 PEACHTREE ROAD NE, SUITE 100
ATLANTA, GA 30326

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant has requested the rezoning of a 21.71-acre parcel from C-2 (General Business District) and O-I (Office Institutional District) to MU-R (Regional Mixed Use District) for the development of a mixed-use project. The site would consist of 302 multi-family residential units, totaling 340,872 square feet at a density of 13.9 units per acre, with a maximum allowable density of approximately 19 units per acre. Additionally, the site would include 26,783 square feet of commercial/retail space and 100,000 square feet of office space. The property is located along the north side of Duluth Highway, between its intersection with both Meadow Church Road and Primerica Parkway, extending to Legacy Parkway (Private Drive). The site contains a creek that bisects the property as well as a small area of floodplain. The property was cleared several years ago of any dilapidated or neglected structures, and is currently undeveloped. Located within the Civic Center Activity Center/Corridor Overlay District, the project is subject to those overlay requirements as set forth in the Gwinnett County Unified Development Ordinance.

The site plan proposes six multi-story buildings, consisting of approximately 467,655 square feet of multi-family residential, commercial and office space, associated driveways and a combined 842

parking spaces. The site would consist of three multi-story buildings situated along the north side of Duluth Highway, between the intersections of Primerica Parkway and Meadow Church Road. The buildings would consist of a total of 210-residential units, and a commercial component located on the ground level of each structure comprised of 26,783 square feet of total commercial space. Additionally, two free standing multi-story building, consisting of 92 residential units, would be located along the south side of the existing stream buffer. Also reflected on the plan is a sixth free standing multi-story office building, consisting of 100,000 square feet, shown to be located along the north side of the existing stream buffer. The submitted architectural renderings depict urban style, mixed-use buildings constructed with a mix of masonry, glass, and steel materials.

The required undisturbed stream buffer and impervious surface setbacks are reflected on the submitted boundary survey. Stormwater detention facilities are not reflected on the submitted site plan. Public access throughout the mixed-use development will be provided through an interconnected network of driveways, walkways, and multi-use trails, providing a continuous network of pedestrian access to abutting properties.

ZONING HISTORY:

In 1970, the majority of the site was zoned R-100 (Single-Family Residence District) except for small areas adjacent to Duluth Highway zoned C-2 (General Business District), C-1 (Neighborhood Business District) and R-75 (Single-Family Residence District). A request to rezone one of the parcels adjacent to Duluth Highway to C-2 was denied, pursuant to RZ-19-74 in 1974, but was later rezoned to C-2 through an area-wide rezoning in January of 1975. In August of 1975 an area wide revision rezoned a portion of the site to RM and O-I. The corner of Duluth Highway and Meadow Church Road was rezoned to C-2, pursuant to RZ-11-85 in 1985. A former residential unit adjacent to Duluth Highway was rezoned to O-I (Office- Institution), pursuant to RZ-100-89 in 1989 and then later rezoned to C-1, via RZ-91-060 in 1991. A portion of the property was rezoned to the O-I classification with a Special Use Permit to allow buildings up to six stories in height on in 2000 (RZ-00-50, SUP-00-041). A portion of the Duluth Highway frontage was rezoned to C-2, as part of a larger, planned development, pursuant to RZC-04-060 in 2004. Additional property along the frontage was rezoned to C-2, pursuant to RZC-07-046 creating the current commercial zoning of the property. In 2012, the Board of Commissioners, pursuant to RZM2012-00004, denied a request for RM-13 without prejudice.

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:

This property ties into the existing 10 foot wide Legacy Loop multiuse path that runs along Meadow Church Road and Primerica Parkway. The loop should be completed by extending the multiuse path along Georgia Highway 120 from the intersection with Meadow Church Road to Primerica Parkway. The ten foot wide multiuse path should also parallel Primerica Parkway to connect to the existing multi path at the roundabout. Trails that are internal to the development should link to the Legacy Loop.

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 and Section 210-225.3 of the Unified Development Ordinance.

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

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

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

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.

A phasing plan shall be submitted with the concept plan, and approved by the Director, unless the entire development is to be completed at one time, 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 700-40.1A of the Unified Development Ordinance requires that the lowest floor, including the basement, of all residential building be constructed at an elevation of at least three feet above the 100-year floodplain.

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

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

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:

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

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

Meadow 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.

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.

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.

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

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

Prior to the issuance of the first Certificate of Occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the D.O.T. All design and construction will be subject to D.O.T. review and approval.

Prior to the issuance of a Certificate of Occupancy resulting in more than 450,000 square feet of building space, design and construct roadway modifications on Meadow Church Road to include left turn lanes into all site driveways, with the resulting configuration on Meadow Church Road being a three-lane section from north of the northern-most site driveway to the existing three-lane section near Meadow Church Road and Meadow Lane. The design and construction of these improvements shall be subject to Gwinnett County Department of Transportation 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 16-inch water main located on the southeast right-of-way of Satellite Boulevard.

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

The available utility records show that the subject development is currently in the vicinity of an 18-inch sanitary sewer main located on parcel R7116 083.

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. Residential apartment building design shall have internal corridors with feature door entrance into the common corridor
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.

DEPARTMENT ANALYSIS:

The subject property is a 21.71-acre parcel located on the north side of Duluth Highway, between the intersections of Meadow Church Road and Primerica Parkway. The site is wooded, but portions of the site were cleared several years ago to remove older residential and commercial

structures. The site is a part of the Legacy office park, which includes the Primerica corporate office campus.

The 2030 Unified Plan Future Development Map indicates that the property is located in a Regional Mixed-Use Character Area. Encouraged uses within this character area include mixed-use developments, where the dominant uses are non-residential, preferably employment-based. The proposed plan includes a high-density multi-family residential component that is 73-percent of the overall development. This ratio of residential to office/commercial is contrary to the policies of the 2030 Unified Plan.

The Civic Center Overlay District includes this segment of Duluth Highway, is a mix of office, office/warehouse, retail, and commercial developments. The Legacy development includes the Primerica corporate office campus, zoned O-I. Across Meadow Church Road and extending to Meadow Church Way are retail buildings, a convenience store, and a church. These uses are oriented to the Duluth Highway intersections formed by the aforementioned roadways. Across Duluth Highway from the subject site is a mix of commercial uses along the frontage with primarily office/warehouse developments located beyond the corridor. Developed at the Satellite Boulevard and Duluth Highway intersection are additional retail uses including restaurants, convenience stores, a bank, a hotel, and office buildings. To the north along Satellite Boulevard and Meadow Church Road are apartment complexes, zoned RM-13. The subject property was previously rezoned for commercial use as part of the Legacy office development. Although multi-family developments are present in the area they are not located at commercial nodes. Allowing a mixed-use project with 302 multi-family residential units at this location would not be consistent with the Boards efforts to attract quality office and retail developments that would complement the Primerica corporate office campus.

In conclusion, the policies of Gwinnett County could support a mixed-use project that contains a mix of office, commercial, and residential uses. However, the 2030 Unified Plan stresses employment uses rather than residential uses as the predominate use. Additionally, county policies limit mixed-use residential usage to an average of 35-percent of the total floor area. As proposed the applicants request would require that 73-percent of the total floor area be devoted exclusively to residential usage. Therefore, the proposed plan is inconsistent with the 2030 Unified Plan and given these factors, the Department of Planning and Development recommends **DENIAL**.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

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

- I. To restrict the use of the property as follows:
 - A. A mixed-office, retail and a multi-family residential development, with a maximum of 302 residential units. 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 finished with architectural treatments of glass, brick and/or stacked stone on all sides. Final building elevations shall be submitted for review by the Director of Planning and Development.
 - C. Maximum height of buildings shall be 45 feet or four stories.
2. To abide by the following site development considerations:
 - A. Provide a minimum ten-foot wide landscaped strip adjacent to Duluth Highway, Meadow Church Road, Legacy Parkway and Primerica Parkway.
 - B. Ground signage shall be limited to monument type signs, and shall be subject to review and approval by the Director of Planning and Development. The signs shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the cabinet shall be fully surrounded by the same materials. Ground signs shall not exceed ten feet in height.

- C. 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. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
 - F. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
 - G. Peddlers and/or parking lot sales shall be prohibited.
 - H. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
 - I. Outdoor storage shall be prohibited.
 - J. Abide by all requirements of UDO Section 220-30 (Activity Center/Corridor Overlay District). This condition shall not preclude a variance application.
3. To abide by the following requirements, dedications and improvements:
- A. Construct a ten-foot wide paved multiuse path along Georgia Highway 120 from the intersection with Meadow Church Road to Primerica Parkway. Extend the existing ten-foot wide multiuse path on Primerica Parkway to Georgia Highway 120. Link internal trails to the loop. Multiuse path locations shall be subject to review and approval by the Department of Transportation and the Department of Community Services.
 - B. Prior to the issuance of the first Certificate of Occupancy, the applicant shall make any improvements recommended by the submitted 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.
 - C. Prior to the issuance of a Certificate of Occupancy resulting in more than 450,000 square feet of building space, design and construct roadway modifications on Meadow Church Road to include left turn lanes into all site driveways, with the resulting configuration on Meadow Church Road being a three-lane section from north of the northern-most site driveway to the existing three-lane section near Meadow Church

Road and Meadow Lane. The design and construction of these improvements shall be subject to Gwinnett County Department of Transportation review and approval.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS STANDARDS
GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

This portion of Duluth Highway is characterized primarily with commercial, office, and light industrial activity. A mixed-use development that requires three-quarters of the overall development solely devoted to multi-family residential uses would not be suitable in light of surrounding land uses.

ADVERSE IMPACTS

Adverse impacts may be anticipated from this request in the form of increased traffic, number of multi-family residential units and inconsistency with surrounding commercial and office related land uses.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the property is located within a Regional Mixed-Use Character Area. The proposed rezoning for an MU-R zoning classification may not be appropriate, given that the policies of the 2030 Unified Plan discourage mixed-use developments with a high ratio of residential units.

CONDITIONS AFFECTING ZONING

The proposed mixed-use project would not be consistent with the precedent established by the Board's repeated approvals limiting the overall project to commercial and office related activities.

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

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

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

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

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

Please see attached

RECEIVED BY

JAN 10 2017

Planning & Development

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

- (A) Yes, the proposed Rezoning Application will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development is adjacent to high-intensity commercial and residential uses and is consistent with the character of surrounding development.
- (B) No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties.
- (C) In light of the size, location, layout, topography, and natural features of the property and in conjunction with the nature of surrounding development, the Applicant submits that the subject Property does not have reasonable economic use as currently zoned.
- (D) No, the proposed Rezoning Application will not result in an excessive or burdensome use of the infrastructure systems. The proposed development would have convenient access to State Route 120, Satellite Boulevard, Sugarloaf Parkway as well as Interstate 85 and State Route 316.
- (E) Yes, the proposed Rezoning Application is in conformity with the policy and intent of the Gwinnett County 2030 Unified Plan. The subject Property is located within the Regional Mixed Use Character Area and the Civic Center Overlay District.
- (F) Applicant submits that the character of surrounding development as well as the proximity of the Property to the Sugarloaf Mills commercial uses provides additional supporting grounds for approval of the proposed rezoning.

RECEIVED BY

JAN 10 2017

Planning & Development

RZC '17 011



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

**AMENDED LETTER OF INTENT FOR REZONING APPLICATIONS OF
 LEGACY PARTNERS, LLC**

Mahaffey Pickens Tucker, LLP submits this Letter of Intent and attached rezoning application (the “Application”) on behalf of Legacy Partners, LLC (the “Applicant”) for the purpose of rezoning an approximately 21.71 acre tract located on the northerly side of Duluth Highway (Georgia State Route 120) at its intersection with Meadow Church Road and Primerica Parkway (the “Property”).

The Applicant is proposing to rezone the Property from O-I and C-2 to the MU-R (Regional Mixed Use) zoning classification of the Gwinnett County Unified Development Ordinance (the “UDO”) in order to accommodate the development and construction of a regional mixed-use development consisting of residential, commercial, and office uses. Overall, the proposed development would include approximately 126,783 square feet of non-residential development in addition to 302 units of high-end, luxury apartment units designed to attract millennials and young professionals.

The proposed development consists of one office building and five residential/mixed-use buildings depicted as Buildings A, B, C, D, and E on the site plan. Buildings B and C would be “residential-over-retail” style buildings with commercial and “live/work” uses on the ground floor to encourage pedestrian connectivity and a sense of community. These residential-over-retail structures would be located along the Property’s frontage on Duluth Highway on the southerly edge of the Property. Building A is also vertically-mixed with amenity areas on the lower levels with residences above. The uses on the Property would transition moving northward away from Duluth Highway to Buildings D and E and the office buildings near the Primerica campus which is located across Primerica Parkway north of the Property.

The Gwinnett County 2030 Unified Plan encourages large-scale mixed-use developments such as the proposed development and identifies the Property as within a Regional Mixed Use area on the 2030 Unified Plan Future Development Map. Further, the proposed development is consistent with the policy goals set forth in the 2030 Unified Plan. For example, Policy A.5.1 provides that “[q]uality of life in Gwinnett can be enhanced by making it easier for people to walk through their neighborhoods to and from attractions such as local parks, schools, churches, or even neighborhood shopping.” The proposed development would enhance the walkability of

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

RZC2017-00011
Received March 16, 2017
Planning & Development

the Civic Center Overlay District and would improve residents' access to shopping and major employment centers. Moreover, the 2030 Plan specifically encourages the Mixed Use, Office Professional, and Ultra High Density Residential land use categories within the Regional Mixed Use Sector. The proposed development would provide shopping, housing, and employment opportunities all contained within the Property and residents could perform most, if not all, of their typical daily activities on-site or within a short distance from the Property. The proposed development provides an excellent opportunity for high-quality in-fill development in an important area of the County. Commercial/Retail uses are mixed both vertically and horizontally with residential uses as encouraged by the 2030 Plan.

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

This 17th day of March, 2017.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP



Shane M. Lanham

Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County, April 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	
RZC2017-00011	Peachtree Ridge HS	3206	3,050	156	3222	3,050	172	3238	3,050	188	47
	Hull MS	1300	1,750	-450	1310	1,750	-440	1326	1,750	-424	34
	Mason ES	924	1,150	-226	933	1,150	-217	943	1,150	-207	66
RZM2017-00004	Parkview HS	3021	2,500	521	3082	2,500	582	3143	2,500	643	11
	Trickum MS	2073	1,775	298	2104	1,775	329	2136	1,775	361	8
	Arcado ES	1010	750	260	1045	750	295	1082	750	332	15
RZR2017-00006	Meadowcreek HS	3338	2,850	488	3455	2,850	605	3578	2,850	728	4
	Lilburn MS	1672	1,550	122	1739	1,550	189	1808	1,550	258	3
	Lilburn ES	1459	1,450	9	1488	1,450	38	1518	1,450	68	5
RZR2017-00007	Lanier HS	1817	1,900	-83	1897	1,900	-3	1981	1,900	81	7
	Lanier MS	1500	1,700	-200	1560	1,700	-140	1622	1,700	-78	5
	White Oak ES	801	1,000	-199	817	1,000	-183	833	1,000	-167	10
RZR2017-00008	Grayson HS	2847	2,125	722	2927	2,125	802	3009	2,125	884	12
	Bay Creek MS	1111	1,150	-39	1148	1,150	-2	1186	1,150	36	9
	Trip ES	988	1,200	-212	1027	1,200	-173	1067	1,200	-133	17

Current projections do not include new developments



RZC '17 011

RECEIVED BY
JAN 10 2017
Planning & Development



RZC '17 011

RECEIVED BY
JAN 10 2017
Planning & Development



RZC '17 0 1 1

JAN 1 0 2017

Planning & Development



RZC '17 011

RECEIVED BY
JAN 10 2017
Planning & Development



RECEIVED BY
JAN 10 2017

RZC '17 011

Planning & Development



RZC '17 0 1 1

RECEIVED BY

JAN 1 0 2017

Planning & Development



RZC '17 011

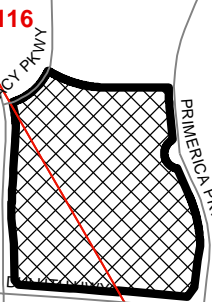
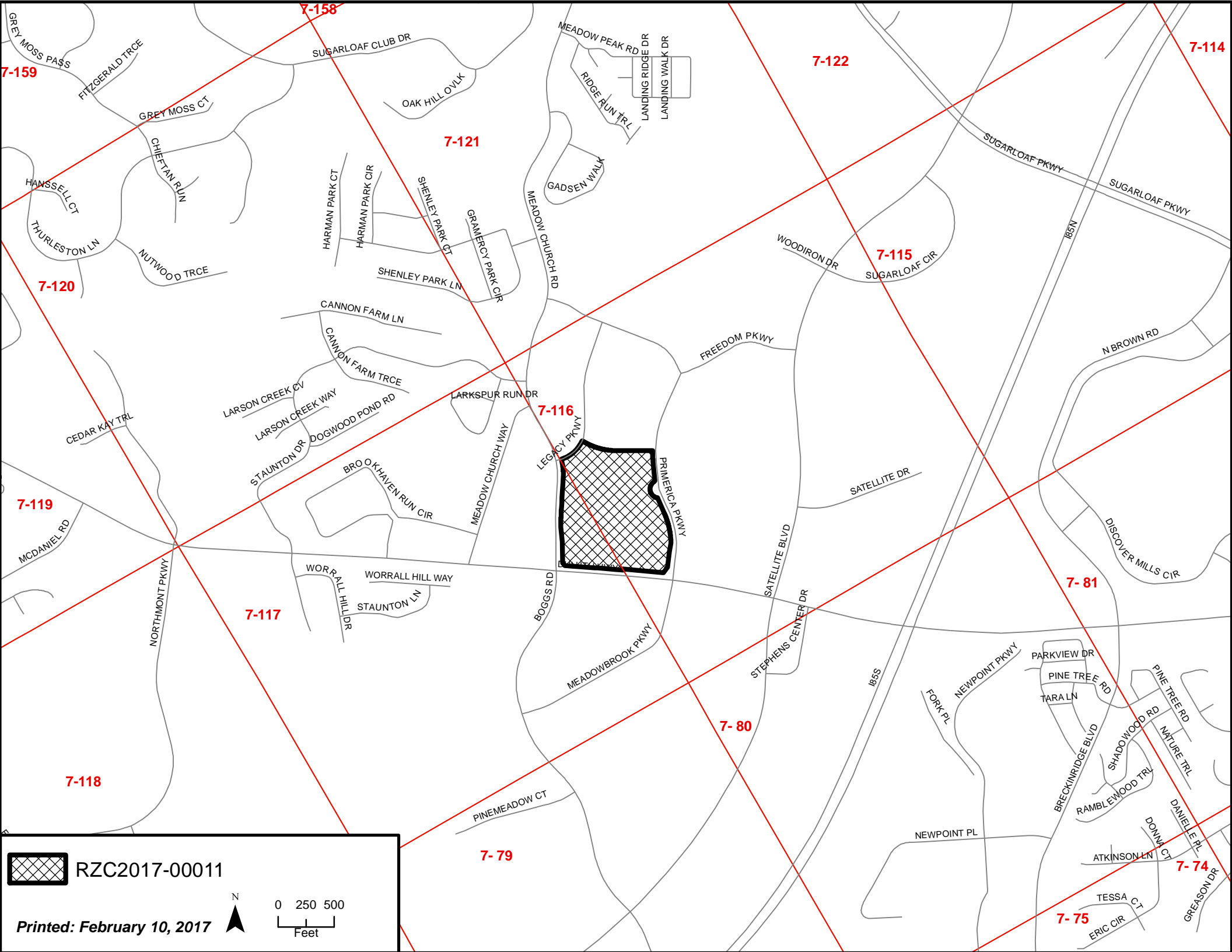
RECEIVED BY
JAN 10 2017
Planning & Development




RZC '17 0 1 1

JAN 1 0 2017

Planning & Development



7-116

 RZC2017-00011



0 250 500
Feet

Printed: February 10, 2017



Development Summary

Current Zoning	O-1/C-2
Proposed Zoning	MU-R
Site Acreage	
Gross Acreage	21.709 ac (945,663 sf)
Net Acreage*	21.624 ac
*Excludes 50% of 100-year floodplain (0.17 ac/2 = 0.085 ac)	
Residential	
Multi-family	302 units (340,872 sf)
Density	14.0 un/acre
FAR	0.360
Retail	26,783 sf
Office	100,000 sf
Provided Parking	
Residential	453 sp
Retail	89 sp
Office	300 sp
Total Parking	842 sp
Common Area	
Total Site Area	21.709 ac
100-yr Floodplain	
and Wetlands	0.21 ac
Required Common Area	3.22 ac (15%**)
Provided Common Area	6.02 ac (28%**)
Total Open Space	6.23 ac
**Based on total site area minus floodplain and wetlands	



Split level multi-family with 4 levels over amenity area, and 3-5 levels along frontage, +/- 66 un

3/4 split with ground level retail and multi-family, and multi-family above, +/- 56 un

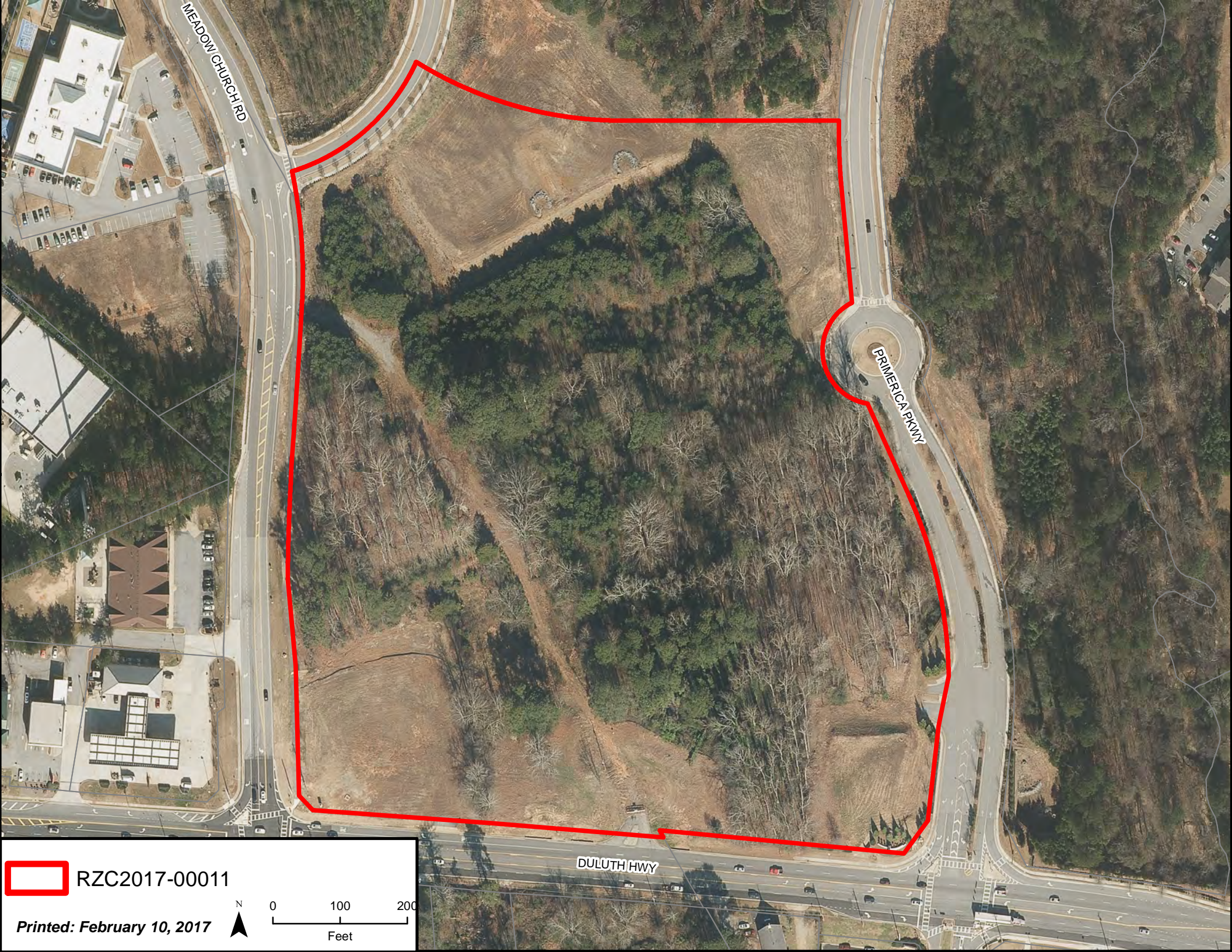
3/4 split levels of multi-family, +/- 46 un

Tie into existing sidewalk

3/4 split levels of multi-family, +/- 46 un

3/4 split with ground level retail and multi-family, and multi-family above, +/- 88 un

- Gates located for private access to residential, typical
- Existing vegetation line
- Multi-use trail throughout site to tie into existing trail
- Pedestrian connection between Retail/Residential and Office



MEADOW CHURCH RD

PRIMERA PKWY

DULUTH HWY

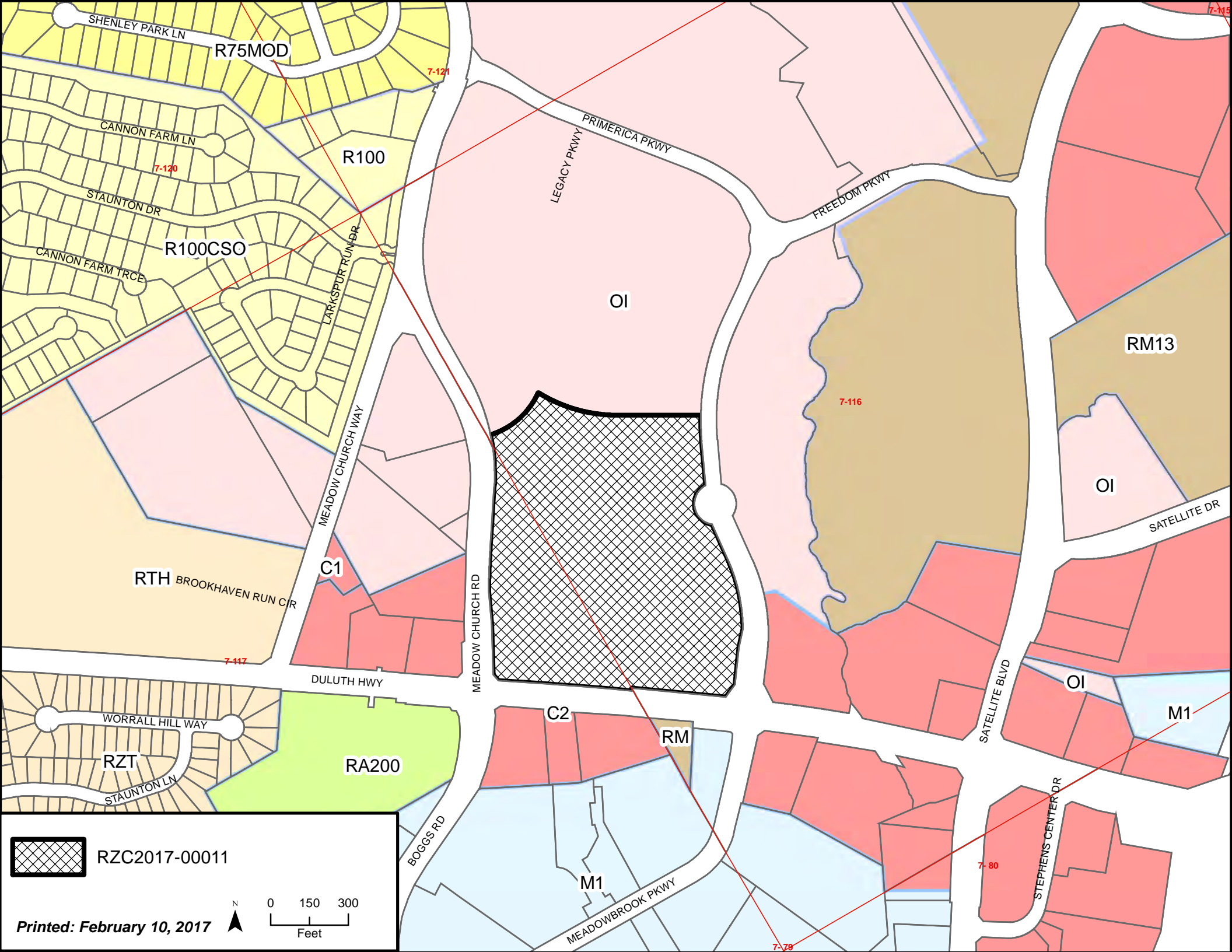


RZC2017-00011



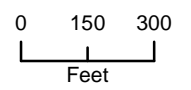
0 100 200
Feet

Printed: February 10, 2017



 RZC2017-00011

Printed: February 10, 2017 



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

CASE NUMBER :**RZM2017-00004**
ZONING CHANGE :R-75 TO R-TH
LOCATION :6100 BLOCK OF LAWRENCEVILLE HIGHWAY
MAP NUMBERS :R6139 020
ACREAGE :4.25 ACRES
UNITS :34 UNITS
PROPOSED DEVELOPMENT :TOWNHOMES (BUFFER REDUCTION)
COMMISSION DISTRICT :(2) HOWARD

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

APPLICANT: 4RNJ2, LLC
PO BOX 720314
ATLANTA, GA 30358

CONTACT: ANDY PERRY PHONE: 404.987.1224

OWNERS: 4RNJ2, LLC
PO BOX 720314
ATLANTA, GA 30358

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant seeks rezoning of 4.25 acres of a 4.84-acre parcel from R-75 (Single Family Residence District) to R-TH (Single Family Residence Townhouse District) in order to develop 34 townhomes at a density of eight units per acre. The remaining 0.59-acre of the subject site will remain R-75 and be developed with one single family residence. The subject property is located on the north side of Lawrenceville Highway east of the Pounds Drive intersection. One single family residence is currently located on the site.

In the letter of intent, the applicant states that the townhomes will contain a minimum of 1,900 square feet of heated floor area, will have two-car garages and be constructed with a balance of brick, cement siding, shake, architectural shingles and decorative trim. Minimum 30-foot wide buffers are required adjacent to single family residential properties; however, staff notes that the proposed subdivision street is directly adjacent to property zoned R-75 and the proposed cul-de-sac is partially within the required buffer. Therefore, a buffer reduction would be necessary to develop the site as indicated on the site plan. In addition, the applicant seeks relief from one other R-TH standard found in the Unified Development Ordinance, Section 210-100.6.A.9 requiring 40-foot external side yard setbacks. A variance from the Zoning Board of Appeals would be necessary for that reduction. One access point on Lawrenceville Highway is

proposed to serve the 34 townhomes. Stormwater detention is proposed in the northern portion of the property.

ZONING HISTORY:

The subject site has been zoned R-75 since 1970.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

OPEN SPACE AND GREENWAY MASTER PLAN:

No comment.

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

A minimum of 50-foot landscape setback is required from the right-of-way of Lawrenceville Highway (Unified Development Ordinance Chapter 210, Section 210-100.6).

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.

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:

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

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

US 29/SR 8 Lawrenceville Highway is a State Route and Georgia D.O.T. right-of-way requirements govern.

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.

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

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

There is a Gwinnett D.O.T. project to improve US 29 SR 8 Lawrenceville Highway project number (F-1153-01). Coordinate with Project Manager Tshaya Jackson for development requirements needed for the project at 770.822.7488.

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 Lawrenceville Highway and an eight-inch water main located approximately 13 feet east of parcel R6139 020 in the right-of-way of Hannah Way.

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 in the right-of-way of Lawrenceville Highway.

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:

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

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

The applicant seeks rezoning of 4.25 acres of a 4.84-acre parcel from R-75 (Single Family Residence District) to R-TH (Single Family Residence Townhouse District) in order to develop 34 townhomes at a density of eight units per acre. The remaining 0.59-acre of the subject site will remain R-75 and be developed with one single family residence. The subject property is located on the north side of Lawrenceville Highway east of the Pounds Drive intersection. One single family residence is currently located on the site.

The 2030 Unified Plan Future Development Map indicates the property lies along the western edge of a Corridor Mixed-Use Character Area. Policies for this area support limited-range retail, commercial and office establishments. A number of properties along this portion of Lawrenceville Highway are zoned C-2 and developed for various free-standing commercial uses. However, the subject site is adjacent to an R-TH development on the west, developed at 5.18 units per acre, and an existing lower density R-75 subdivision on the east. Staff believes this request for townhomes at eight units per acre does not meet the intent of the R-TH zoning district to provide an appropriate transitional use, and is therefore not consistent with the policies of the 2030 Unified Plan.

This section of Lawrenceville Highway is characterized by a mix of retail, offices, and residential developments. Commercial activity in the area is typically oriented to Lawrenceville Highway and includes fast food restaurants, retail centers and offices. Adjacent to the east is a funeral home, zoned C-2 pursuant to RZ-91-049. Residential uses and zoning are located to the west, north and east of the subject site as well across Lawrenceville Highway to the south. Adjacent to the west are the Braxton Square townhomes, zoned R-TH pursuant to RZ-83-186 and developed at a density of 5.18 units per acre. To the east is the Mimosa Estates subdivision, zoned and developed as an R-75 single family development. Across Lawrenceville Highway at the Pounds Drive intersection are the Bellewood Condominiums, zoned RM-6 for a maximum density of six units per acre (RZM-04-016). Along Pounds Drive are the Stokeswood townhomes, zoned R-TH for a maximum density of 6.86 units per acre (RZM-06-002). Given these lower density existing residential developments, staff does not consider this request for townhomes at eight units per acre as a compatible infill development on the subject site. Additionally, a higher density development on this site would not provide an appropriate transition toward the low density single family subdivisions to the east.

The existing multi-family developments to the west are lower in density than this request. Therefore, this request does not provide an appropriate transition to the adjacent and nearby single family detached residential subdivisions in this area. Staff recommends **DENIAL** of this rezoning request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

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

- I. To restrict the use of the property as follows:
 - A. Attached townhouse dwellings and accessory uses not to exceed a maximum density of five units per acre.
 - B. The two townhomes with frontage along Lawrenceville Highway shall be constructed of brick or stacked stone on all four sides, The remainder of the townhomes shall be constructed of brick or stacked stone on three sides; the rear of each home may be the same or fiber-cement shake or siding. All of the townhome end caps shall have a minimum three-foot brick or stacked stone water table on all sides. Architectural elevations shall be submitted for review and approval by the Director of Planning and Development.
 - C. The minimum heated floor area per dwelling unit shall be 2,000 square feet.
 - D. All units shall have at least a double-car garage.
 - 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. 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. The required 30-foot wide buffers adjacent to 6086 Hannah Way may be reduced to zero feet.

- B. All grassed areas shall be sodded.
 - C. All utilities shall be placed underground.
 - D. Natural vegetation shall remain on the property until the issuance of a development permit.
 - E. The Lawrenceville Highway frontage and project entrance shall be landscaped by the developer and maintained by the Homeowner's Association. The entrance shall include a masonry entrance feature and fence. The fence may be constructed as a solid brick or stacked stone wall, or as a wrought iron-style fence with brick or stacked stone columns (max. 30-feet on-center). Landscape, entrance feature, and fencing plans shall be subject to review and approval of the Director of Planning and Development.
3. To abide by the following requirements, dedications and improvements:
- A. Dedicate right-of-way as required by Gwinnett D.O.T. regarding a project to improve US 29/SR 8 Lawrenceville Highway (project number F-1153-01).

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

As proposed by the applicant at a density of eight units per acre, the requested rezoning for a townhome development may not be suitable at this location.

ADVERSE IMPACTS

Some adverse impacts such as increased traffic, stormwater runoff and the number of school-aged children would be anticipated from this request as proposed by the applicant.

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, utility demand and the number of school-aged children could be anticipated from the proposed townhome project.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the site is located in a Corridor Mixed-Use Character Area. Staff believes the proposed townhome development at eight units per acre is not consistent with policies regarding infill development and transitional densities along this section of Lawrenceville Highway.

CONDITIONS AFFECTING ZONING

The existence of established single family detached subdivisions and lower density townhome developments adjacent to and near the subject property do not support the applicant's request for a density of eight townhome units per acre.

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

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

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

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

See Attached Exhibit "B"

- (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:
-

RECEIVED BY

FEB 02 2017

RZM '17 00 4

6117 Lawrenceville Highway

Rezoning Plan for 4RNJ2, LLC

(Letter of Intent)

March 16th, 2017

We respectfully submit this zoning application, with property defined by the legal description in this application, to the zoning classification of R-TH from its present zoning of R-75.

Our proposal is to build 34 for sale town homes. The site is +/- 4.25 acres and provides a density of 8.00 units per acre.

R-TH requires 1,200 SF of heated floor area. We will be providing at least 1,900 SF. Every home will have a 2-car garage, maintaining a balance of brick, cement siding, shake, architectural shingles and decorative trim. Our driveway lengths will be no less than 20' from back of curb and we will provide visitor parking within our property. Each home will allow parking for now fewer than 4 cars. We are also requesting a reduction in the required buffer against 6086 Hannah Way and a 20' side external yard side setback.

As required by the UDO we will provide sidewalks along the frontage of Lawrenceville Highway. We will also replant the buffer areas as required. Gwinnett County Water Resources serve the property for water and sanitary sewer. All power, phone and cable services to the community will be buried underground.

We are proposing to add attractive elevations and streetscape to the area.

Thank you for your time.

Sincerely,
Andrew Perry
4RNJ2, LLC

RECEIVED BY

MAR 16 2017

Planning & Development

RZM '17 00 4

Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County, April 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	
RZC2017-00011	Peachtree Ridge HS	3206	3,050	156	3222	3,050	172	3238	3,050	188	47
	Hull MS	1300	1,750	-450	1310	1,750	-440	1326	1,750	-424	34
	Mason ES	924	1,150	-226	933	1,150	-217	943	1,150	-207	66
RZM2017-00004	Parkview HS	3021	2,500	521	3082	2,500	582	3143	2,500	643	11
	Trickum MS	2073	1,775	298	2104	1,775	329	2136	1,775	361	8
	Arcado ES	1010	750	260	1045	750	295	1082	750	332	15
RZR2017-00006	Meadowcreek HS	3338	2,850	488	3455	2,850	605	3578	2,850	728	4
	Lilburn MS	1672	1,550	122	1739	1,550	189	1808	1,550	258	3
	Lilburn ES	1459	1,450	9	1488	1,450	38	1518	1,450	68	5
RZR2017-00007	Lanier HS	1817	1,900	-83	1897	1,900	-3	1981	1,900	81	7
	Lanier MS	1500	1,700	-200	1560	1,700	-140	1622	1,700	-78	5
	White Oak ES	801	1,000	-199	817	1,000	-183	833	1,000	-167	10
RZR2017-00008	Grayson HS	2847	2,125	722	2927	2,125	802	3009	2,125	884	12
	Bay Creek MS	1111	1,150	-39	1148	1,150	-2	1186	1,150	36	9
	Trip ES	988	1,200	-212	1027	1,200	-173	1067	1,200	-133	17

Current projections do not include new developments

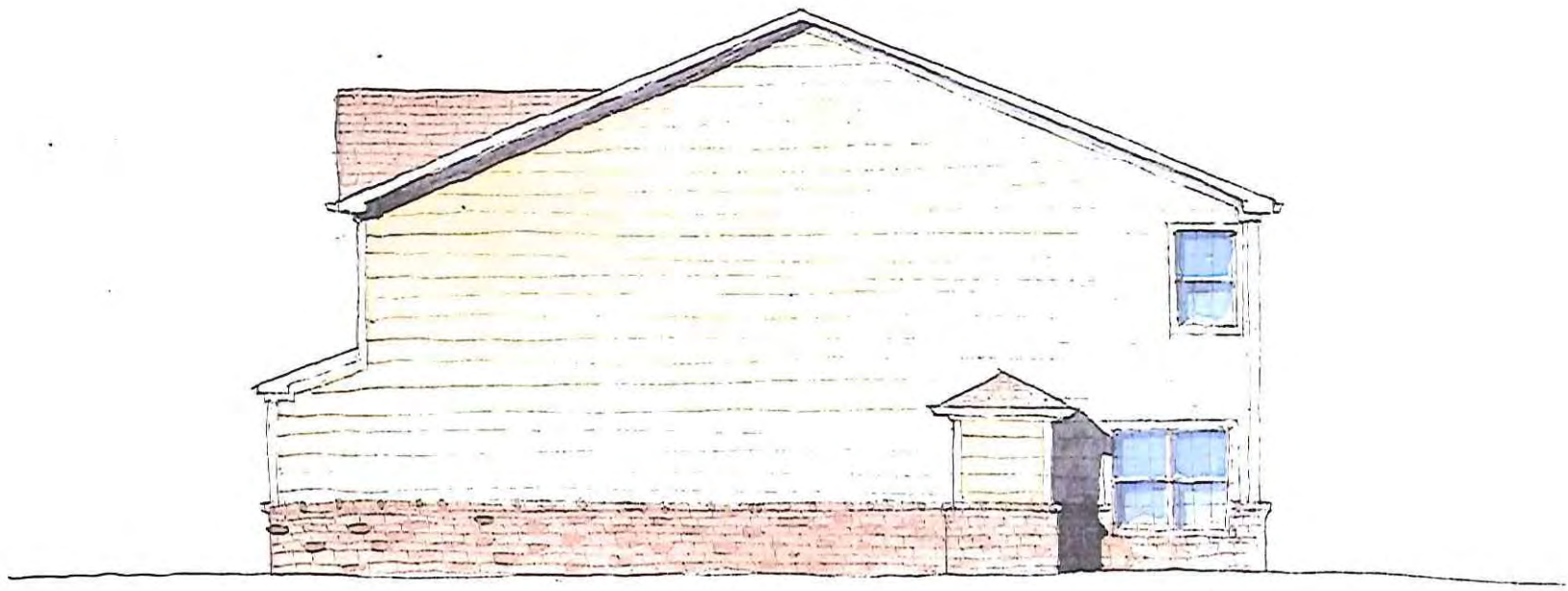


RECEIVED BY

FEB 02 2017

Planning & Development

RZM '17 00 4



RECEIVED BY

FEB 02 2017

Planning & Development

RZM 17004



RECEIVED BY

FEB 02 2017

Planning & Development

RZM '17 00 4



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

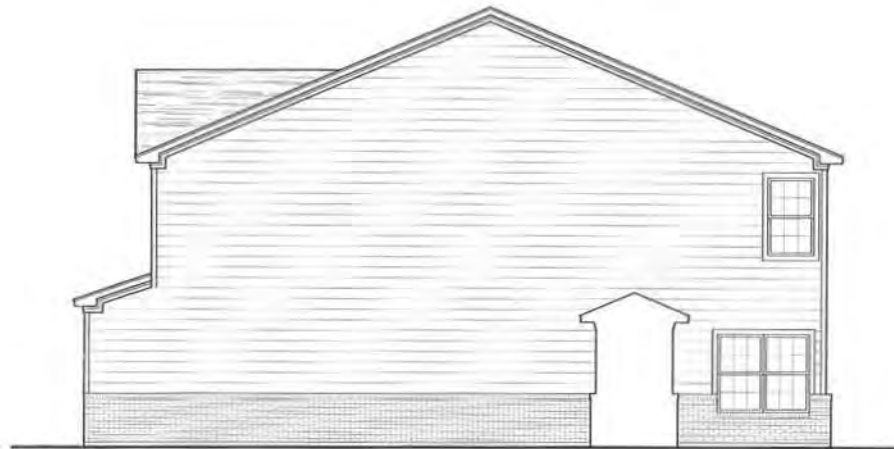


2 REAR ELEVATION - PITTMAN
AI SCALE: 1/8" = 1'-0"



RECEIVED BY

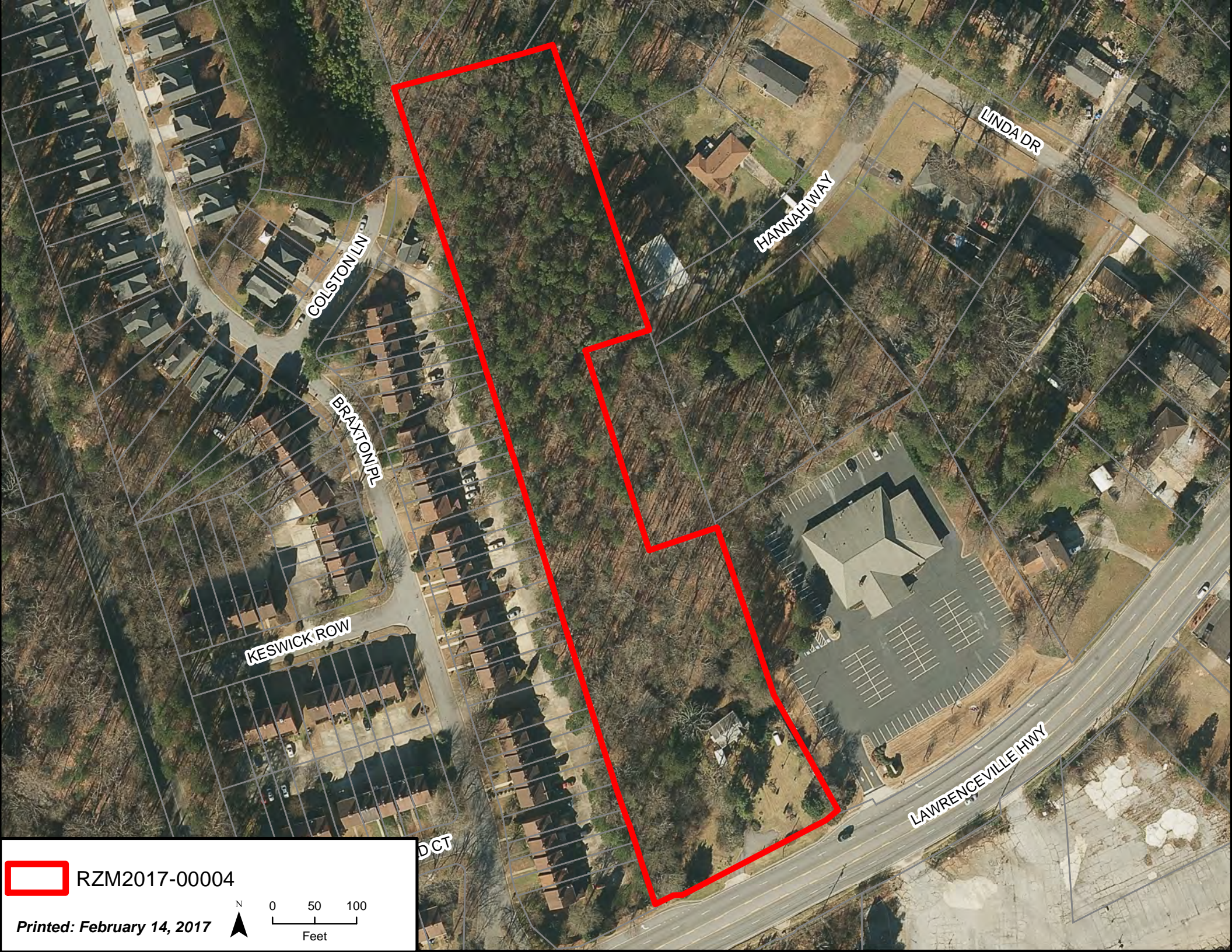
FEB 02 2017
3 LEFT ELEVATION - PITTMAN
Planning & Development



4 RIGHT ELEVATION - PITTMAN
AI SCALE: 1/8" = 1'-0" RZM '17 00 4



SHEET NO:
A1
1 OF 9



COLSTON LN

BRANTON PL

KESWICK ROW

DCT

HANNAH WAY

LINDA DR

LAWRENCEVILLE HWY

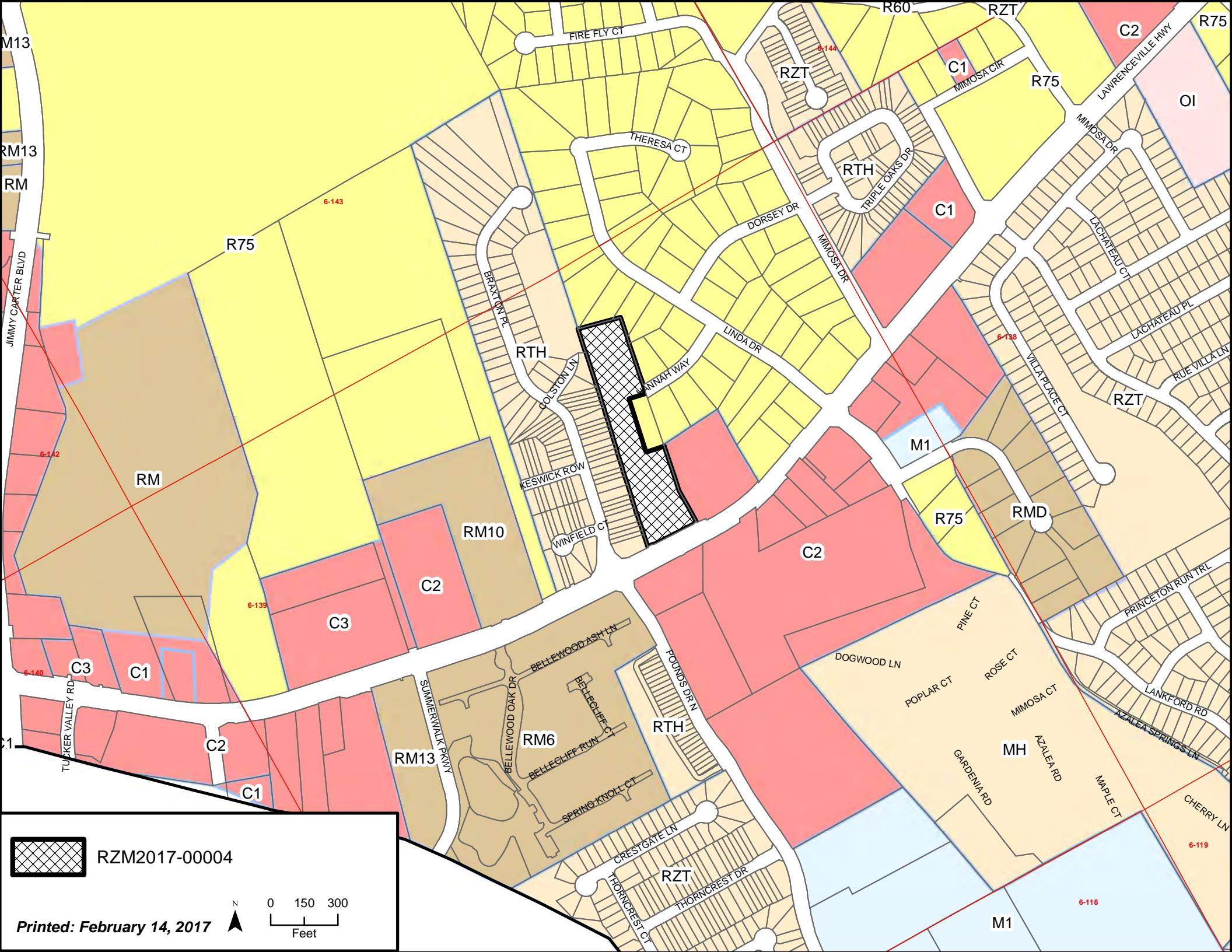



RZM2017-00004



0 50 100
Feet

Printed: February 14, 2017



 RZM2017-00004

Printed: February 14, 2017

N

0 150 300
Feet

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

CASE NUMBER	: RZR2017-00006
ZONING CHANGE	:R-75 TO R-60
LOCATION	:5800 BLOCK OF WILLIAMS ROAD
MAP NUMBERS	:R6163 006
ACREAGE	:6.25 ACRES
UNITS	:11 UNITS
PROPOSED DEVELOPMENT	:SINGLE-FAMILY SUBDIVISION
COMMISSION DISTRICT	:(2) HOWARD

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

APPLICANT: 4RNJ2, LLC
PO BOX 720314
ATLANTA, GA 30358

CONTACT: ANDY PERRY PHONE: 404.987.1224

OWNERS: 4RNJ2, LLC
PO BOX 720314
ATLANTA, GA 30358

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The applicant requests the rezoning of a 6.25-acre parcel from R-75 (Single-family Residence District) to R-60 (Single-family Residence District) to develop an 11-lot single-family residential subdivision. The subject property is on the west side of Williams Road, south of Rockbridge Road. The property presently contains a single-family residence and detached garage, with the remainder of the property heavily wooded. The property is surrounded by single-family residential development.

The submitted site plan shows 11 lots on a net acreage of 5.68-acres, due to a 0.57-acre of floodplain, resulting in a density of 1.93 dwelling units per acre. The development would be accessed by a single entrance/exit on Williams Road. There is an existing stream along with the floodplain at the rear of the property, as well as a 50 foot wide sewer easement, but no detention ponds are indicated to address site drainage.

The minimum lot size for the proposed subdivision is 7,200 square feet, with a minimum 2,100 square foot dwelling size for each detached residence. The letter of intent notes that the proposed single-family residences will be built with brick, cement siding, shake, architectural shingles, and decorative trim and two-car garages will face the proposed road. The proposed

development will meet all required landscaping buffers and will provide open space along the new roadway that will include a mail kiosk.

ZONING HISTORY:

The property has been zoned R-75 since 1970.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

The subject property contains areas, streams and/or bodies of water depicted as wetlands on the U.S. Department of Interior, Fish and Wildlife Service – National Wetlands Inventory map on file with the Gwinnett Department of Planning and Development. The applicant/developer shall obtain all required approvals from the Gwinnett Department of Public Utilities and the U.S. Army Corps of Engineers for construction or land disturbance activities which may impact floodplain or wetland areas.

OPEN SPACE AND GREENWAY MASTER PLAN:

No comment.

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

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

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

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:

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

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Williams Road is a Minor Collector and 30 feet of right-of-way is required from the centerline. Standard deceleration lane with appropriate taper and adequate right-of-way will be required. The developer shall be limited to one curb cut.

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

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

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the southwest right-of-way of Williams 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 on parcel R6163 006.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

The subject property is located on west side of Williams Road, south of Rockbridge Road. The 6.25-acre lot is currently developed with one single-family residence and detached garage, with the majority of the property wooded. The proposed project is for an 11 lot single-family residential development.

The Gwinnett County 2030 Unified Plan Future Development Map indicates that the property is in the Existing/Emerging Suburban Character area. Policies of this character area encourage low to medium density residential in-fill developments compatible with existing single-family developments. The immediate area has well-established single-family residential development with lot sizes compatible with the R-75 zoning district. The proposal to rezone the property to R-60 that allows for higher density and smaller lot development would be different from the existing character of the area may not be compatible with surrounding development patterns.

The immediate area consists entirely of residential land and subdivisions zoned R-75 since 1970. The Rockbridge Estates subdivision is located to the west, and the Emerald Court and Cranebrook subdivisions are located to the south. The proposed R-60 zoning district may not be compatible with the area as the proposed lot sizes will be smaller than what is generally seen in the area, which could create an incompatible look and feel compared to the surrounding neighborhoods. The subject property has a significant amount of stream buffers and flood plain at the rear that constrains the buildable areas of the proposed lots. Additionally, the proposed new public street is designed at a curve that also reduces the buildable areas of the lots along the northern side of the property. Existing site conditions coupled with development requirements result in a proposed subdivision incompatible with the surrounding area.

In conclusion, the proposed R-60 zoning and lot sizes may be considered inconsistent with the zoning and development pattern in the area, and with the recommendations of the 2030 Unified Plan. The result could result in an incompatible single-family development that negatively impacts the existing neighborhoods. Therefore, the Department of Planning and Development recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Approval as R-60 (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 shall be 2,000 square feet.
 - C. Homes shall be constructed with front facades and both sides of primarily brick or stacked stone. The rear of the home may be the same, or of fiber-cement siding with a minimum three-foot brick or stacked stone water table.
 - D. All homes shall have at least a double-car garage.
2. To satisfy the following site development considerations:
 - A. Maintain a minimum 40-foot building setback along Williams Road.
 - B. The Williams Road street frontage shall be landscaped by the developer and maintained by the Homeowner's Association, and shall include a decorative masonry entrance feature. Landscape and entrance plans shall be subject to review and approval of the Director of Planning and Development.
 - C. Direct lot access to Williams Road shall be prohibited.
 - D. Natural vegetation shall remain on the property until the issuance of a subdivision development permit.
 - E. All grassed areas on dwelling lots shall be sodded.
 - F. Provide underground utilities through the development.
 - G. 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 adjacent and nearby R-75 zonings and developments, an R-60 zoning 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 size.

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, the number of school-aged children and stormwater runoff could be anticipated from this request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within the Existing/Emerging Suburban Character Area. The requested zoning may be out of character with existing R-75 single family developments in the area, and inconsistent with the policies of the 2030 Unified Plan for infill development in this Character Area.

CONDITIONS AFFECTING ZONING

The proposed lot size and small buildable areas for this development are not consistent nor in keeping with the look and feel of the existing development of single homes on larger lot sizes in the surrounding neighborhoods.

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

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

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

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

See Attached Exhibit "B"

- (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:
-
-

RECEIVED BY

2-2-17

5869 Williams Road

Rezoning Plan for 4RNJ2, LLC
(Standards Governing Exercise of the Zoning Powers)
February 1st, 2017

We respectfully submit this zoning application, with property defined by the legal description in this application, to the zoning classification of R-60 from its present zoning of R-75.

- A) The neighboring properties are primarily R-60 and R-75. This property is currently zoned R-75. This zoning is comparable to other properties within 1 mile. Our proposed use will be in line with the single family detached properties surrounding our site.
- B) We feel the existing zoning of the property matches the medium to low-density neighborhoods that line Williams Road. We do not necessarily feel as currently zoned it adversely affects the existing neighborhood.
- C) There is a demand for single-family detached homes in the area.
- D) The proposed use will provide no more of a burden on the County infrastructure, schools and buses than the existing zoning.
- E) The future land use of the property indicates existing/emerging suburban. We feel 11 total homes fits the transitional appearance of this stretch of roadway and 1 mile radius of the subject property. This land use recommendation encourages single-family detached housing.
- F) We feel the existing zoning would allow for an equally intensive use of the property in terms of impervious acreage and county infrastructure. This site plan will provide the most efficient use of the property.

Andrew Perry
4RNJ2, LLC

RECEIVED BY

2-2-17

Planning & Development

RZR '17 006

5869 Williams Road

Rezoning Plan for 4RNJ2, LLC

(Letter of Intent)

February 2nd, 2017

We respectfully submit this zoning application, with property defined by the legal description in this application, to the zoning classification of R-60 from its present zoning of R-75.

Our proposal is to build 11 single-family homes. The site is +/- 6.25 acres and provides a density of 1.76 units per acre.

R-60 requires 1,200 SF of heated floor area. We will be providing at least 2,000 SF. Every home will have a 2-car garage, maintaining a balance of brick, cement siding, shake, architectural shingles and decorative trim. Our driveway lengths will be no less than 20' from back of curb and we will provide visitor parking within our property. Each home will allow parking for now fewer than 4 cars.

As required by the UDO we will provide sidewalks along the frontage of Williams Road. We will also replant the buffer areas as required. Gwinnett County Water Resources serve the property for water and sanitary sewer. All power, phone and cable services to the community will be buried underground.

We are proposing to add attractive elevations and streetscape to the area.

Thank you for your time.

Sincerely,

Andrew Perry
4RNJ2, LLC

RECEIVED BY

2-2-17

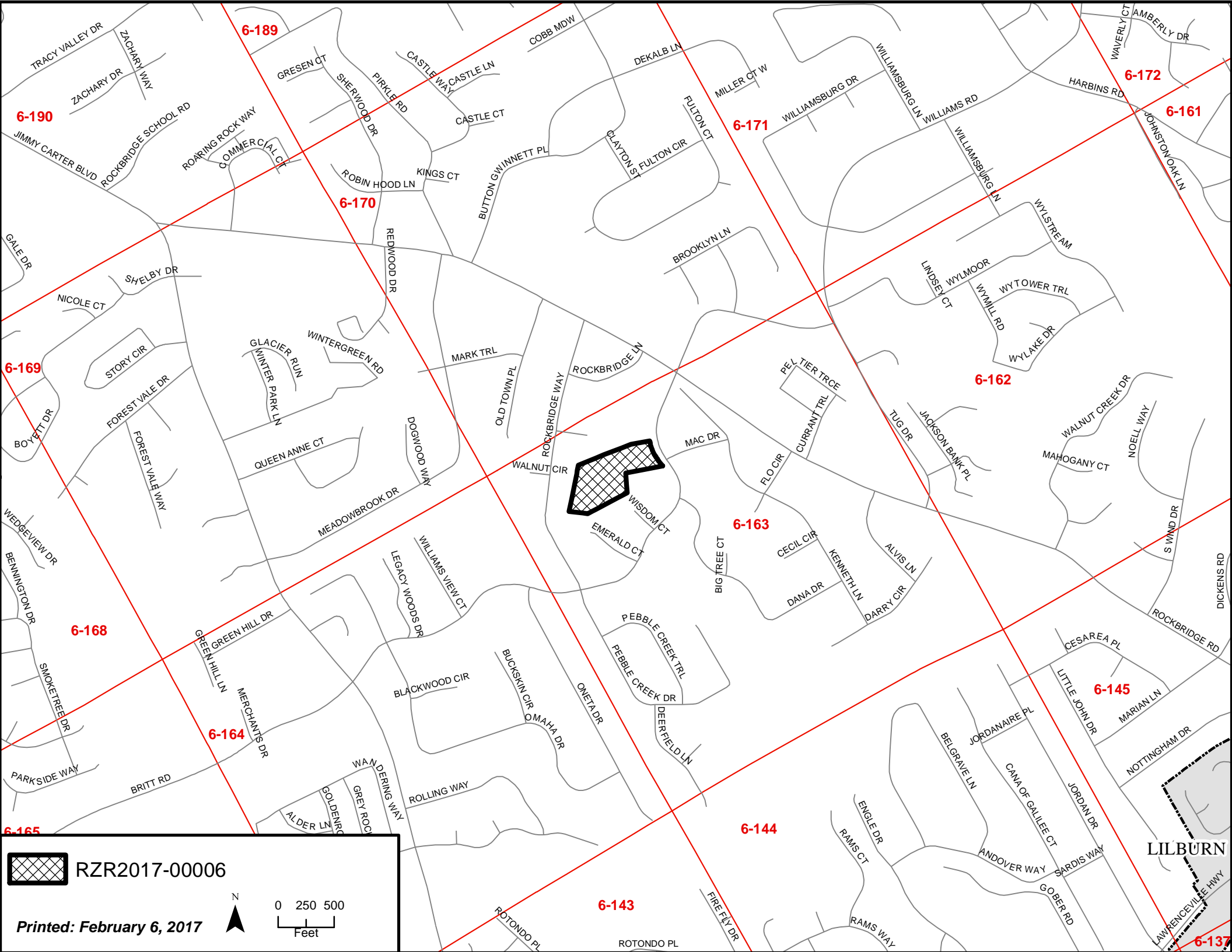
Planning & Development

RZR '17 00 6

Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County, April 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	
RZC2017-00011	Peachtree Ridge HS	3206	3,050	156	3222	3,050	172	3238	3,050	188	47
	Hull MS	1300	1,750	-450	1310	1,750	-440	1326	1,750	-424	34
	Mason ES	924	1,150	-226	933	1,150	-217	943	1,150	-207	66
RZM2017-00004	Parkview HS	3021	2,500	521	3082	2,500	582	3143	2,500	643	11
	Trickum MS	2073	1,775	298	2104	1,775	329	2136	1,775	361	8
	Arcado ES	1010	750	260	1045	750	295	1082	750	332	15
RZR2017-00006	Meadowcreek HS	3338	2,850	488	3455	2,850	605	3578	2,850	728	4
	Lilburn MS	1672	1,550	122	1739	1,550	189	1808	1,550	258	3
	Lilburn ES	1459	1,450	9	1488	1,450	38	1518	1,450	68	5
RZR2017-00007	Lanier HS	1817	1,900	-83	1897	1,900	-3	1981	1,900	81	7
	Lanier MS	1500	1,700	-200	1560	1,700	-140	1622	1,700	-78	5
	White Oak ES	801	1,000	-199	817	1,000	-183	833	1,000	-167	10
RZR2017-00008	Grayson HS	2847	2,125	722	2927	2,125	802	3009	2,125	884	12
	Bay Creek MS	1111	1,150	-39	1148	1,150	-2	1186	1,150	36	9
	Trip ES	988	1,200	-212	1027	1,200	-173	1067	1,200	-133	17

Current projections do not include new developments



6-190

6-189

6-172

6-161

6-171

6-170

6-169

6-162

6-163

6-168


6-164

6-145

6-144

6-143

6-165

 RZR2017-00006



0 250 500
Feet

Printed: February 6, 2017

LILBURN

6-137



WETLANDS NOTE
 THERE ARE RIPARIAN BED AND BANK WETLANDS ALONG THE STATE WATERS LOCATED AT THE SOUTHWEST CORNER OF THE SITE PER THE NATIONAL WETLANDS INVENTORY MAP, CHECKED ON 12-30-16



REVISION	BY

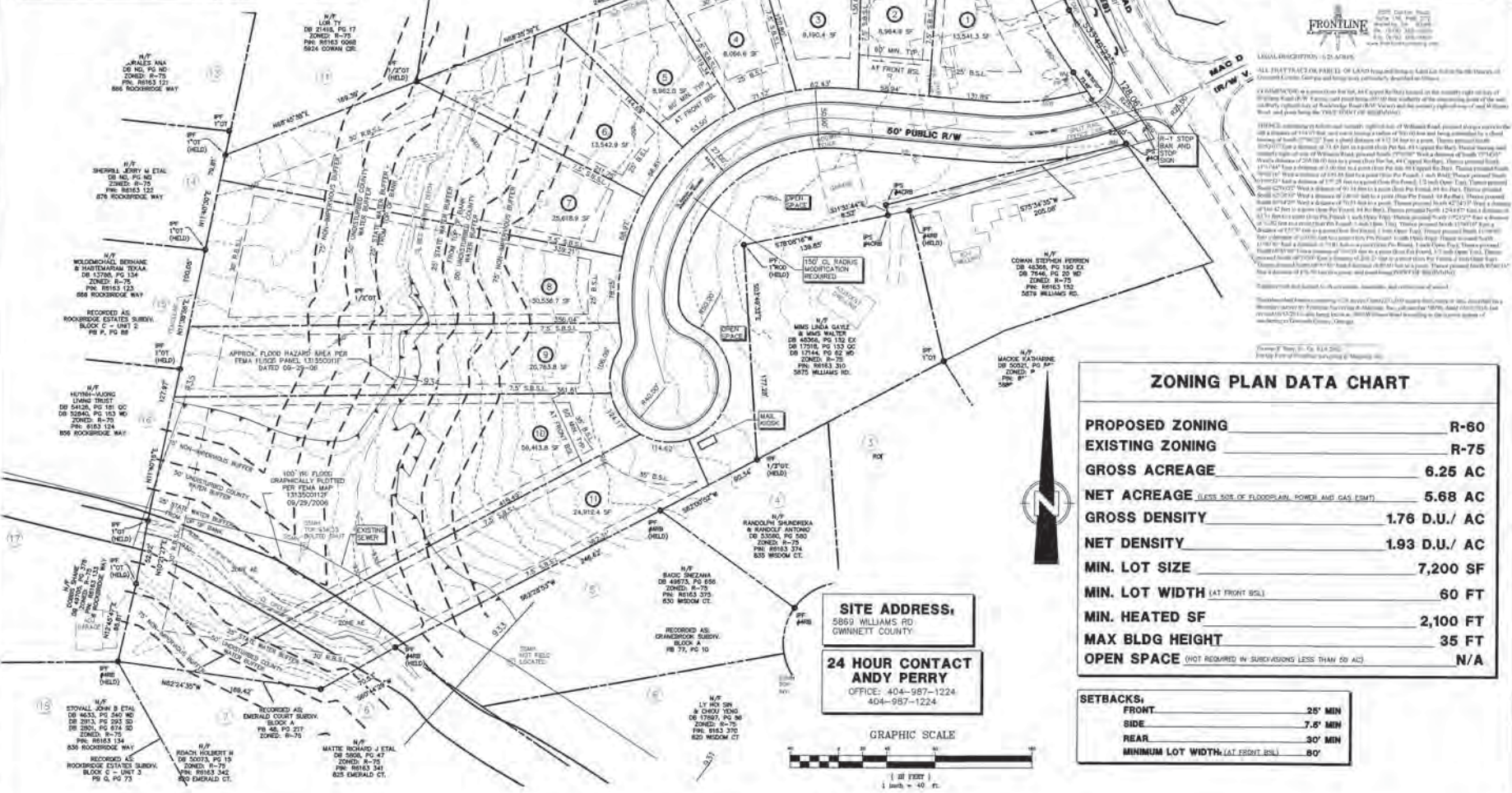
NO DRAWING IS THE PROPERTY OF THE ENGINEER AND MAY NOT BE USED OR REPRODUCED WITHOUT HIS WRITTEN PERMISSION



WILLIAMS RD
 ATYLAND, GA 30306
 RECORDING # 2124

ZONING PLAN
WILLIAMS RD
 U.S. DIST. 8TH DISTRICT, GWINNETT COUNTY, GEORGIA
PIN: R6163 006

DRAWN BY	DATE



ZONING PLAN DATA CHART

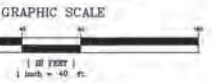
PROPOSED ZONING	R-60
EXISTING ZONING	R-75
GROSS ACREAGE	6.25 AC
NET ACREAGE (EXCLUDING FLOODPLAIN, POWER AND GAS LINES)	5.68 AC
GROSS DENSITY	1.76 D.U./ AC
NET DENSITY	1.93 D.U./ AC
MIN. LOT SIZE	7,200 SF
MIN. LOT WIDTH (AT FRONT BSL)	60 FT
MIN. HEATED SF	2,100 FT
MAX BLDG HEIGHT	35 FT
OPEN SPACE (NOT REQUIRED IN SUBDIVISIONS LESS THAN 60 AC)	N/A

SETBACKS:

FRONT	25' MIN
SIDE	7.5' MIN
REAR	30' MIN
MINIMUM LOT WIDTH (AT FRONT BSL)	60'

SITE ADDRESS:
 5869 WILLIAMS RD
 GWINNETT COUNTY

24 HOUR CONTACT
ANDY PERRY
 OFFICE: 404-987-1224
 404-987-1224



RZR2017-0006
 Received February 28, 2017
 Planning and Development


COWAN CIR

WILLIAMS RD

MAC DR

WISDOM CT

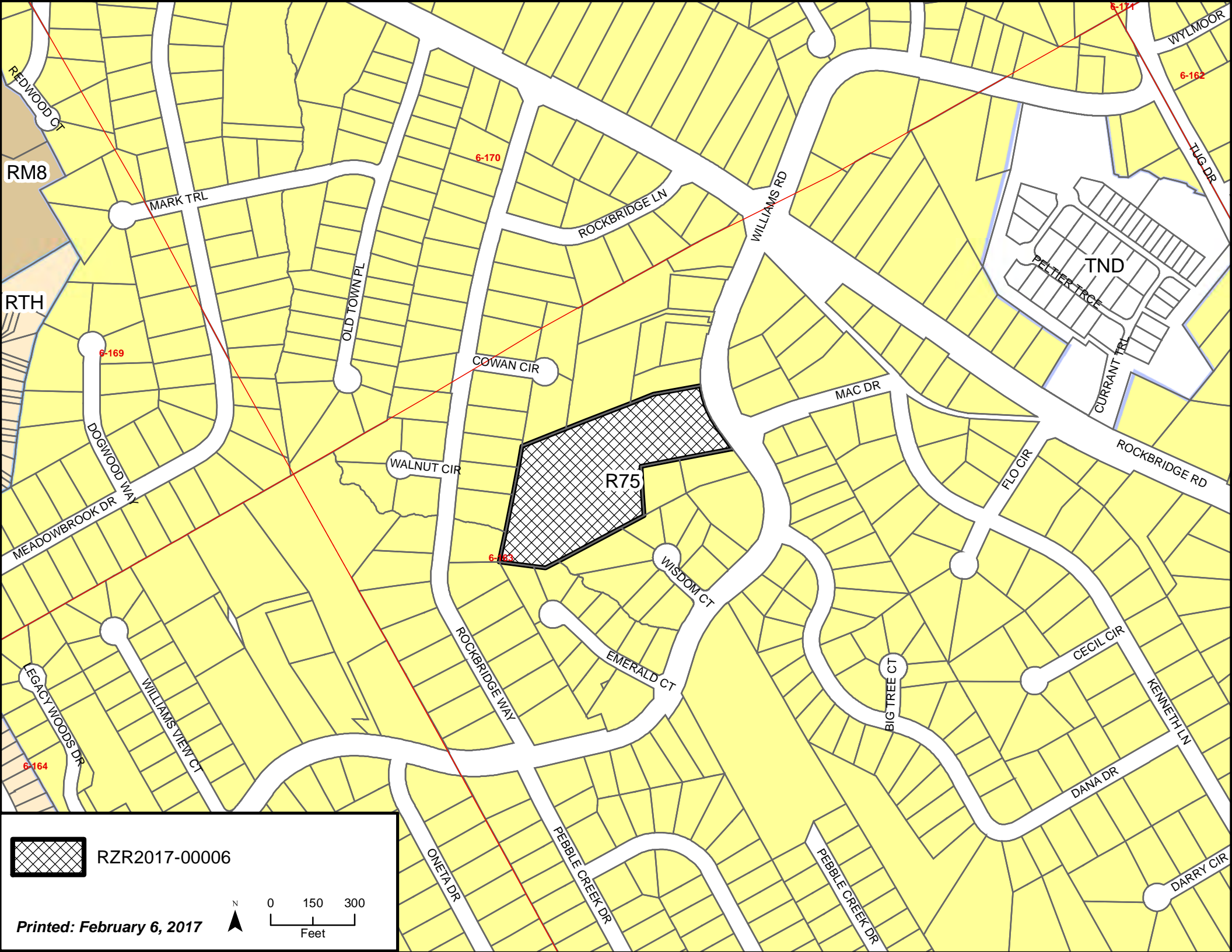
WILLIAMS RD

 RZR2017-00006

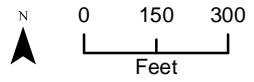
Printed: February 6, 2017

N

0 50 100
Feet



 RZR2017-00006



Printed: February 6, 2017

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

CASE NUMBER	: RZR2017-00007
ZONING CHANGE	:R-100 TO R-75
LOCATION	:900 BLOCK OF ISLAND FORD ROAD
MAP NUMBERS	:R7370 002 & 005
ACREAGE	:8.71 ACRES
UNITS	:22 UNITS
PROPOSED DEVELOPMENT	:SINGLE-FAMILY SUBDIVISION
COMMISSION DISTRICT	:(1) BROOKS

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

APPLICANT: MATTHEW COUTU
227 SANDY SPRINGS PLACE SUITE D #339
SANDY SPRINGS, GA 30328

CONTACT: MATTHEW COUTU PHONE: 404.969.9372

OWNERS: JDM, INC & STONECREEK AT LAUREL RIDGE, INC.
3985 STEVE REYNOLDS BOULEVARD, BLDG. D
NORCROSS, GA 30093

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests the rezoning of an 8.71-acre, two parcel assemblage from R-100 (Single-family Residence District) to R-75 (Single-family Residence District) to develop a 22-lot single-family residential subdivision. The subject property is located on the south side of Island Ford Road, west of the road's intersection with Buford Dam Road. The subject parcels are currently undeveloped, but appear to have been cleared in the past for possible development.

The submitted site plan shows 22 lots with a gross lot density of 2.53 units per acre, accessed via one new curb cut off Island Ford Road. According to the letter of intent, single-family homes are proposed between 2,000 to 4,000-square feet in size, with exterior facades of concrete fiber siding, shake, stone, and brick, and driveways providing access to two and three car garages facing the new residential roads. An area for a detention pond will be located at the southernmost portion of the development, there is no documented floodplain on the property.

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.

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

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

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

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

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

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

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

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

Section 360-50.2 of the Unified Development Ordinance requires a no access easement of at least ten feet in width on double frontage lots.

STORMWATER REVIEW SECTION COMMENTS:

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

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

Island Ford Road 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.

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

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an eight-inch water main located on the northwest right-of-way of Island Ford 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 204 feet north of parcel R7370 002 in the right-of-way of Island Pointe Drive.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

The subject property contains an 8.71-acre two parcel assemblage, located on the south side of Island Ford Road, west of the road's intersection with Buford Dam Road. The subject parcels are currently undeveloped, but appear to have been cleared in the past for possible development. The proposed development is a 22 unit single-family subdivision with a density of 2.53 units per acre.

The 2030 Unified Plan Future Development Map indicates that the property is located within the Chattahoochee River Character Area. The Unified Plan designates this area to remain predominantly residential with future development implemented in more environmentally sensitive ways. The 2030 Unified Plan also states that this area combines the need for housing areas attractive to business executives and managers combined with the need to protect the water quality and environmental character of the Chattahoochee River and Lake Lanier. The proposed rezoning will maintain the existing single-family residential development of the area with low-density development of proposed high quality. Additionally, the letter of intent states that large residence sizes between 2,000 to 4,000 square feet in size would have the option for a third garage that could accommodate boat storage in compatibility with the lake usage of the area. Based upon the proposed design of the residential subdivision and intended development of the site of high quality compatible with the surrounding residential developments, the proposed rezoning could be in keeping with the Character area.

The surrounding area is characterized by residentially zoned land. Properties along Island Ford Road are zoned for single-family residential and are developed as single-family homes on larger lots as well as smaller lots within subdivisions. Located to the east and north-east of the proposed project are single-family homes on large lots zoned R-100. Directly across Island Ford Road to the north is Island Pointe subdivision, zoned and developed as R-100 CSO (Conservation Subdivision Overlay District). To the west and south is the River Falls subdivision approved as an R-100MOD (Modified Single-Family Development) subdivision that was approved in 2000 with a density of 2.22 units per acre and 1,600 to 1,800-square foot single and two story homes. The proposed R-75 zoning district and associated high quality residential development could be considered compatible with the existing R-100 CSO and MOD approved zoning in the area. With appropriate conditions, the single-family subdivision proposed as a high quality housing product would be consistent with the existing residential character of the area.

In conclusion, with conditions the proposed rezoning could be considered compatible with the surrounding residential uses and is consistent with the recommendations of the 2030 Unified Plan. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

Approval as R-75 for a Single-family Subdivision, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Single-family detached dwellings and accessory uses and structures.
 - B. The minimum heated floor area per dwelling shall be 2,400 square feet.
 - C. Homes shall be constructed with front facades and sides of brick and/or stacked stone. The rear of the homes may be the same, cedar plank or fiber-cement siding with a minimum three-foot brick or stacked stone water table.
 - D. All dwellings shall have at least a double-car garage.
2. To satisfy the following site development considerations:
 - A. Natural vegetation shall remain on the property until the issuance of a development permit.
 - B. No direct lot access shall be allowed to Island Ford Road.
 - C. The Island Ford 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.
 - D. All grassed areas on dwelling lots shall be sodded.
 - E. Underground utilities shall be provided throughout the development.
 - F. The detention pond(s) shall be screened from all residential properties.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

In view of the surrounding residential developments constructed or approved for similar densities, the proposed single-family subdivision could be suitable for this location.

ADVERSE IMPACTS

No adverse impacts would be anticipated as the proposed development is similar to those established in the immediate 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 Chattahoochee River Character Area. The proposed development could be considered consistent with policies recommending infill development be compatible with the surrounding development pattern.

CONDITIONS AFFECTING ZONING

This portion of the Chattahoochee River corridor is characterized as a mix of low to medium density housing products. The proposed high quality development could be consistent with the surrounding area.

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

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

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

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

Proposed use is suitable due to adjacent communities being R-100 Mod and R-100 OSC.

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

Proposed zoning will not adversely affect adjacent properties.

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

N/A - Proposed zoning will not adversely affect adjacent properties.

- (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:

Proposed Rezoning should not cause an excessive or burdensome use on existing infrastructure or facilities.

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

Proposed zoning conforms 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:

To my knowledge there are no changing conditions affecting the use.

RECEIVED BY

FEB 03 2017

RZR '17 007



February 1, 2017

Todd Hargrave
Current Planning Section
Gwinnett County Department of Planning and Development
One Justice Square
446 West Crogan Street, Suite 150
Lawrenceville, Georgia 30046
Office: 678-518-6206 Fax: 678-518-6275
todd.hargrave@gwinnettcountry.com

Re: Letter of Intent – Zoning Application Island Ford

Mr. Hargrave,

We are proposing a re-zoning of a partially developed R-100 property to an R-75 classification. The intent is to develop and construct a community in keeping with the surrounding communities in the vicinity. The surrounding communities are R-100 osc and R-100 modified both of which were designed for lots comparable and or smaller in size than what we are proposing with the R-75 designated zoning. Currently, the site is a cleared and partially-graded dormant development. Our purpose for the site is to complete this development in order to provide homeowners with covenant access to Lake Lanier as well as utilizing the superior services, schools, and infrastructure that Gwinnett County provides.

The homes intended for the property will be constructed with a mix of exterior product options including concrete fiber siding, shake, stone, and brick. The front facades shall be comprised of a majority brick or stone with siding and/or shake acting as an accent. The sides of the homes shall have a stone or brick water table to enhance the curb appeal. The minimum square footage of the homes shall be 2,000sf to allow for a well-appointed ranch product to be an option for the downsizing customers. A large majority of the homes are planned to be in the high 2,000-4,000 sf range. The targeted price point for the homes based on market research and access to the lake is to be in the low 300 to low 400 thousand price range. An increased square footage and the option for a 3rd garage for a boat are expected to drive higher prices as compared to the surrounding communities. Please feel free to contact me with any questions regarding the application and request for re-zoning.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Coutu", is written over a horizontal line.

Matthew Coutu

Woodland Asset Management, LLC

Address: 227 Sandy Springs Place; Ste. D #339 Sandy Springs, GA 30328
Phone: (404) 969-9372
Fax: (888) 650-4289
email: info@woodlandam.com

RECEIVED BY

FEB 03 2017

Planning & Development

RZR '17 007

Typical Product Sample:



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



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



FRONT ELEVATION "A" CLASSIC

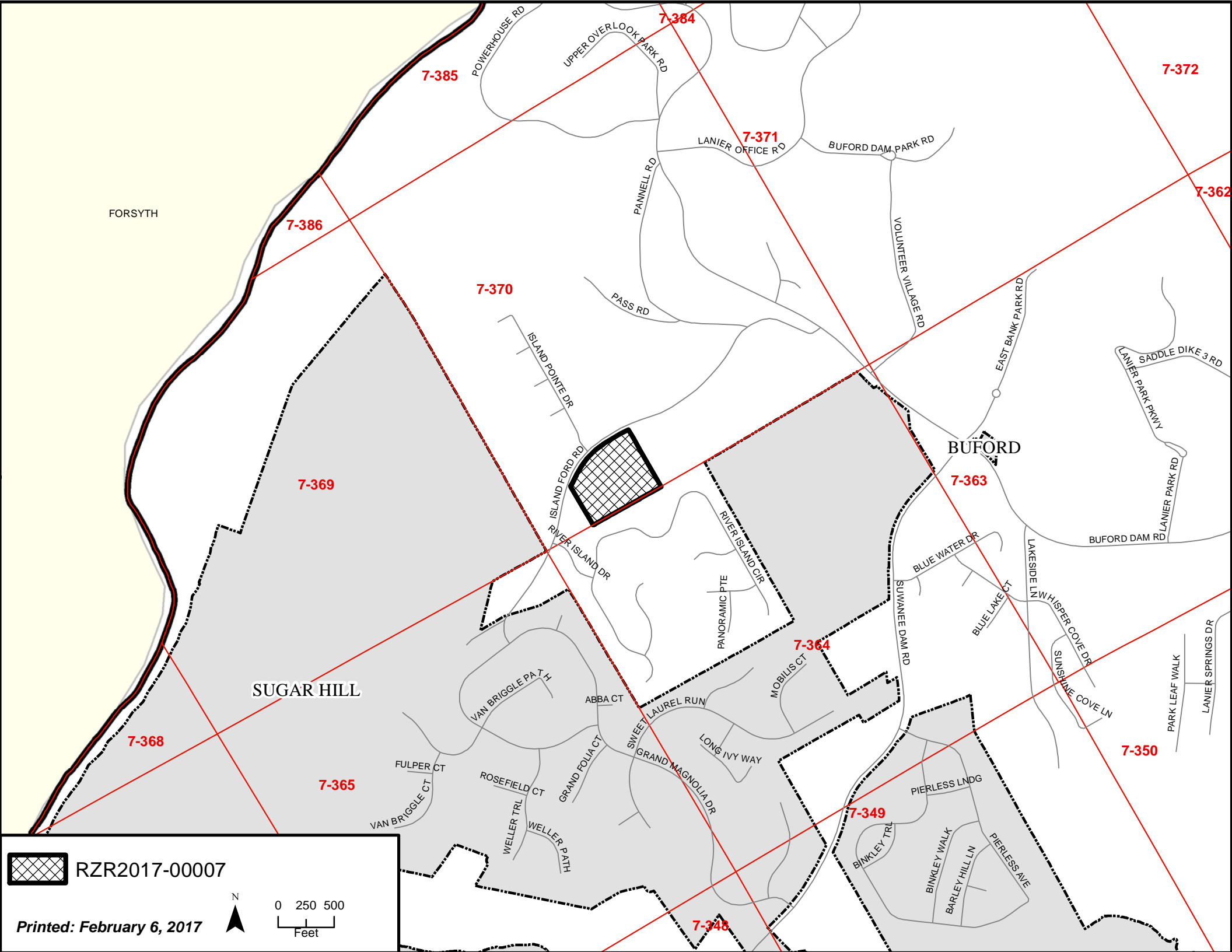
RZR '17007


RECEIVED BY
FEB 03 2017
Planning & Development

Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County, April 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	
RZC2017-00011	Peachtree Ridge HS	3206	3,050	156	3222	3,050	172	3238	3,050	188	47
	Hull MS	1300	1,750	-450	1310	1,750	-440	1326	1,750	-424	34
	Mason ES	924	1,150	-226	933	1,150	-217	943	1,150	-207	66
RZM2017-00004	Parkview HS	3021	2,500	521	3082	2,500	582	3143	2,500	643	11
	Trickum MS	2073	1,775	298	2104	1,775	329	2136	1,775	361	8
	Arcado ES	1010	750	260	1045	750	295	1082	750	332	15
RZR2017-00006	Meadowcreek HS	3338	2,850	488	3455	2,850	605	3578	2,850	728	4
	Lilburn MS	1672	1,550	122	1739	1,550	189	1808	1,550	258	3
	Lilburn ES	1459	1,450	9	1488	1,450	38	1518	1,450	68	5
RZR2017-00007	Lanier HS	1817	1,900	-83	1897	1,900	-3	1981	1,900	81	7
	Lanier MS	1500	1,700	-200	1560	1,700	-140	1622	1,700	-78	5
	White Oak ES	801	1,000	-199	817	1,000	-183	833	1,000	-167	10
RZR2017-00008	Grayson HS	2847	2,125	722	2927	2,125	802	3009	2,125	884	12
	Bay Creek MS	1111	1,150	-39	1148	1,150	-2	1186	1,150	36	9
	Trip ES	988	1,200	-212	1027	1,200	-173	1067	1,200	-133	17

Current projections do not include new developments



 RZR2017-00007



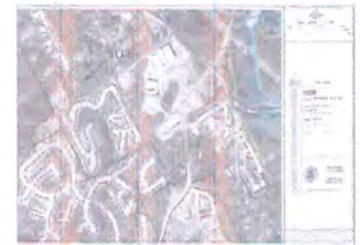
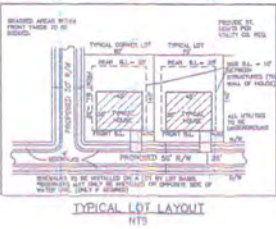
0 250 500
Feet

Printed: February 6, 2017

APPLICANT:
 GEORGIA SITE SERVICES
 AND WOODLAND MANAGEMENT, LLC.
 1000 PEACHTREE INDUSTRIAL BOULEVARD
 SUITE 6-407
 SUWANEE, GEORGIA 30024

CURVE CHART			
CURVE	LENGTH	RADIUS	BEARING
C1	107.72	663.77	N25°28'31" E 110.741'
C2	202.58	690.78	N36°28'33" E 202.75'
C3	41.33	752.40	N47°59'48" E 41.29'
C4	63.81	680.11	N57°44'46" E 63.81'
C5	210.67	1120.53	S64°18'10" E 213.52'

LINE CHART		
CURVE	LENGTH	BEARING
L1	30.53	N28°11'08" E
L2	1.66	S45°13'50" E
L3	25.32	S50°13'53" E

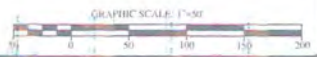


FLOOD PLAIN STATEMENT:
 ACCORDING TO F.L.R.M. 131350005H DATED
 MARCH 4, 2013 GWINNETT COUNTY, THIS SITE DOES
 NOT LIE WITHIN THE 100 YEAR FLOOD HAZARD
 ZONE A AREA.

GENERAL NOTES:

- EXISTING ZONING IS R-100.
 PROPOSED ZONING IS R-75.
- TOTAL ACREAGE = 8.71 ACRES.
 TOTAL NUMBER OF LOTS IS 22.
 GROSS DENSITY = 2.58 LOTS PER ACRE.
 NET DENSITY = 2.55 LOTS PER ACRE.
 TOTAL OPEN SPACE = 0.6 ACRES.
- SITE TO COMPLY WITH ZONING REQUIREMENTS AND RESOLUTIONS.
- SETRBACKS WILL BE IN COMPLIANCE OF APPROVED ZONING CONDITIONS.
 SETBACKS:
 FRONT = 30'
 REAR = 30'
 SIDE = 10'
- GWINNETT COUNTY WILL PROVIDE: WATER, SANITARY SEWER AND PUBLIC SAFETY.
- POWER WILL BE PROVIDED BY GEORGIA POWER.

RECEIVED BY
FEB 03 2017
Planning & Development
RZR '17 007



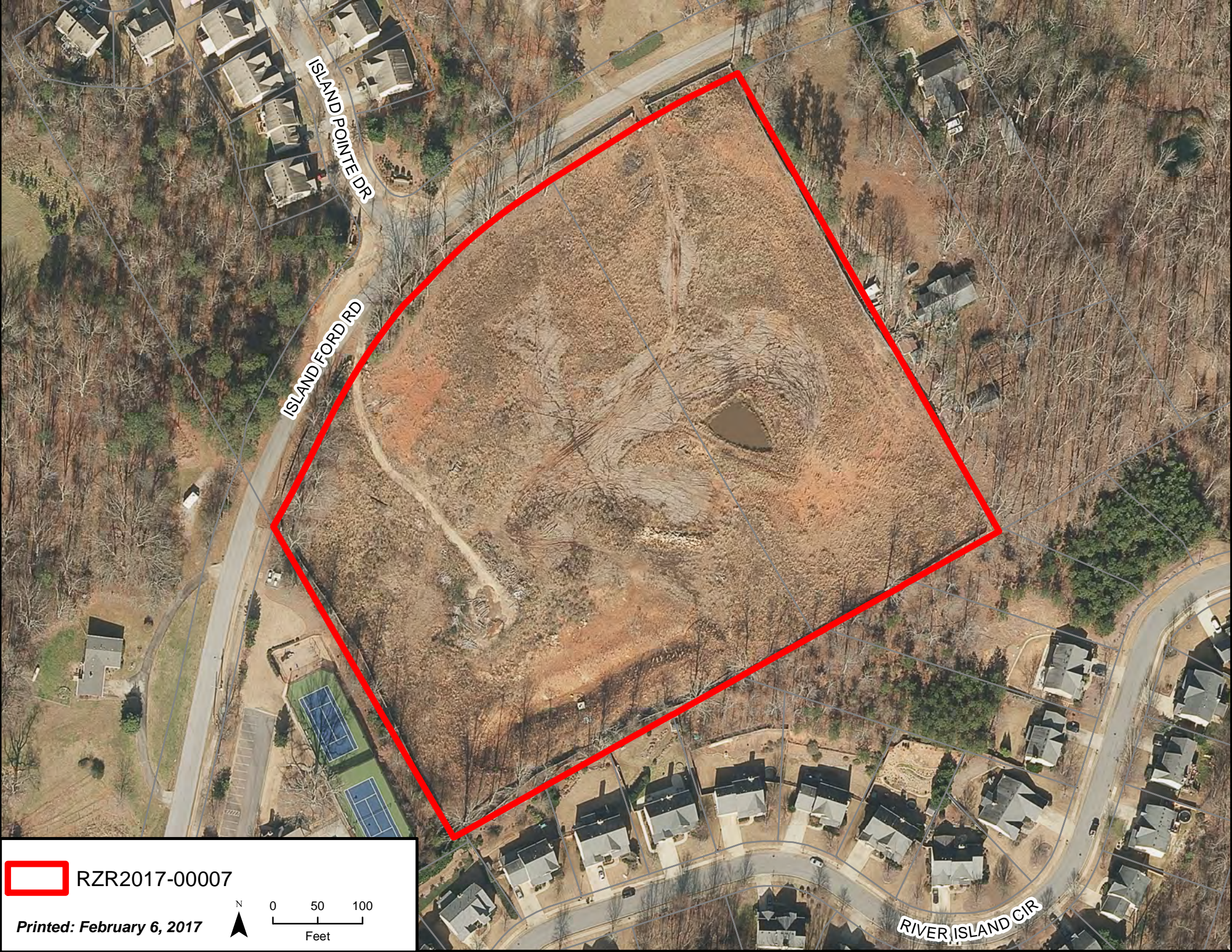
PLAN SOUTH
 1000 PEACHTREE INDUSTRIAL BOULEVARD SUITE 6-407 SUWANEE, GEORGIA 30024
 P.O. BOX 5 • WETTEREN, GEORGIA 30049
 #plansouth.com • 404-202-8888

REZONING PLAN
GEORGIA SITE SERVICES AND WOODLAND ASSET MANAGEMENT, LLC.
 LAND LOT 370
 7TH DISTRICT
 GWINNETT COUNTY, GEORGIA

NO.	DATE	DESCRIPTION	REVISIONS



DATE: JAN 18, 2017
 SCALE: 1" = 50'
 JOB NO.: 17-001
 DWN BY: J.D. INC.



ISLAND POINTE DR

ISLAND FORD RD

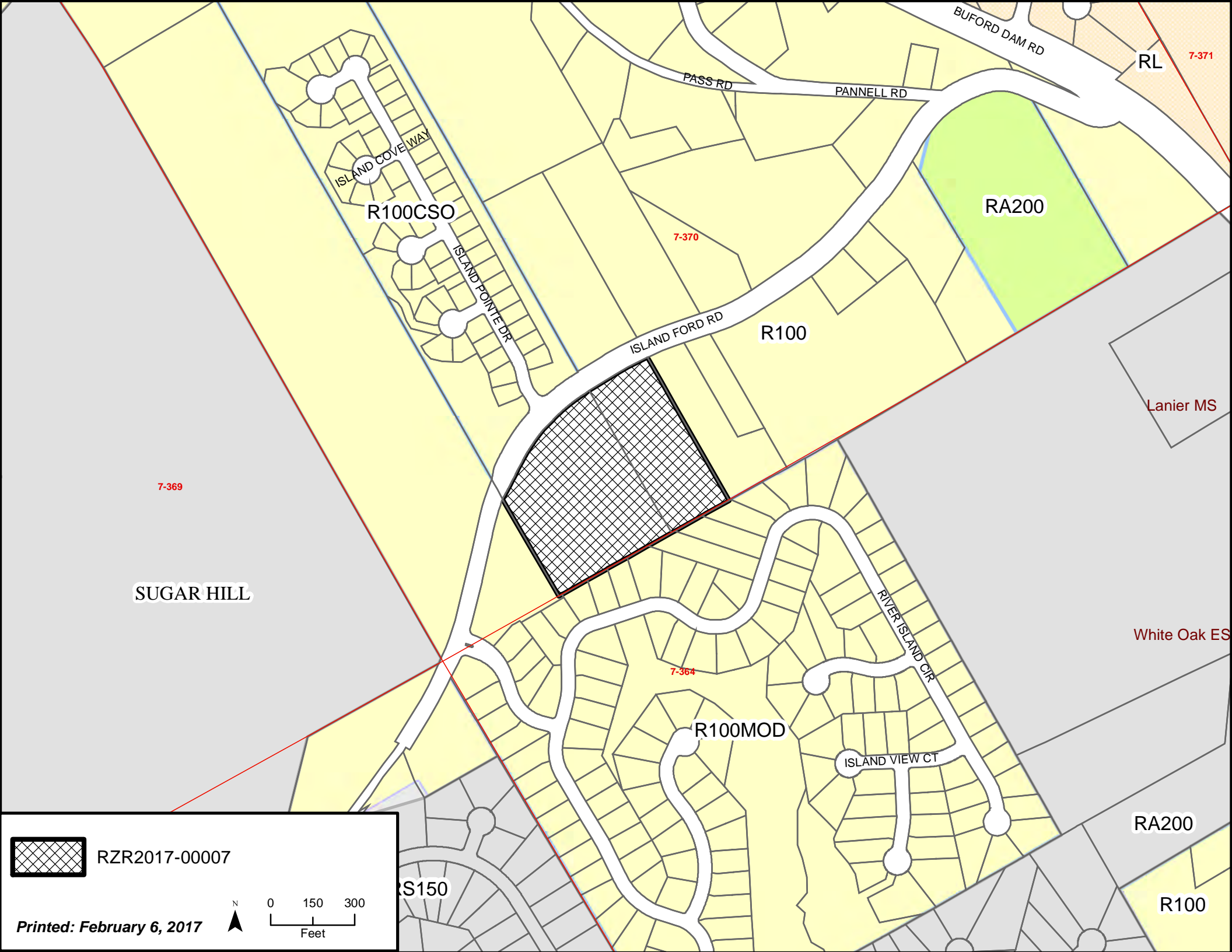
RIVER ISLAND CIR

 RZR2017-00007

Printed: February 6, 2017

N

0 50 100
Feet



7-369

SUGAR HILL

R100CSO

ISLAND COVE WAY

ISLAND POINTE DR

7-370

PASS RD

PANNELL RD

BUFORD DAM RD

RL

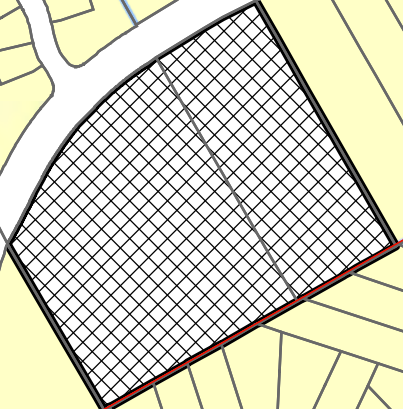
7-371

RA200

ISLAND FORD RD

R100

Lanier MS



White Oak ES

7-364

RIVER ISLAND CIR

R100MOD

ISLAND VIEW CT

RA200

R100

S150

 RZR2017-00007



0 150 300
Feet

Printed: February 6, 2017

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

CASE NUMBER :**RZR2017-00008**
ZONING CHANGE :R-100 TO R-75
LOCATION :400 BLOCK OF HOPE HOLLOW ROAD
MAP NUMBER :R5133 207
ACREAGE :14.01 ACRES
UNITS :38 UNITS
PROPOSED DEVELOPMENT :SINGLE FAMILY SUBDIVISION
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: MOORE BASS CONSULTING
1350 KEYS FERRY COURT
MCDONOUGH, GA 30253

CONTACT: SEAN SHANKS PHONE: 770.914.9394

OWNERS: J&D CONSTRUCTION SERVICES
3651 MARS HILL ROAD SUITE 300
WATKINSVILLE, GA 30677

DEPARTMENT RECOMMENDATION: **DENIAL**

PROJECT DATA:

The subject property contains 14.01 acres located on the east side of Hope Hollow Road directly across from its intersection with Hope Hollow Lane. The applicant seeks rezoning from R-100 to R-75 in order to develop a 38-lot single family detached subdivision. The subject site is undeveloped and heavily wooded and is surrounded on three sides by homes on large lots.

The submitted site plan shows 38 lots on 14.01 acres, resulting in a density of 2.71 units per acre. The development would be accessed by a single entrance/exit onto Hope Hollow Road, with two cul-de-sacs at the end of the proposed street. Staff notes that this configuration may not conform to the layout and dimensional requirements of the Unified Development Ordinance. 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. Staff also notes there is a single detention pond to address site drainage, located in the southwest corner of the property adjacent to Hope Hollow Road.

ZONING HISTORY:

In 1970, the subject property was zoned RA-200. Pursuant to an areawide rezoning, the site was rezoned to R-100 in 1973.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

OPEN SPACE AND GREENWAY MASTER PLAN:

No comment.

DEVELOPMENT REVIEW SECTION COMMENTS:

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

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

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

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

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

Section 900-20 of the Unified Development Ordinance requires cul-de-sacs shall conform to the layout and dimensional requirements as shown in the standard drawings in the Appendix Section 2.0.

A minimum of 50-foot building setback is required from the right-of-way of Hope Hollow road.

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

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

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:

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

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

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

The developer shall be limited to one curb cut.

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

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

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

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of an eight-inch water main located on the west right-of-way of Hope Hollow Road approximately 50 feet south of parcel R5133 207.

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 the right-of-way of Hope Hollow Road and an eight-inch sanitary sewer main located approximately 18 feet north of parcel R5133 207 on parcel R5133 011.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

DEPARTMENT ANALYSIS:

The applicant seeks rezoning from R-100 to R-75 in order to develop a 38-lot single family detached subdivision. The subject 14.01-acre site is undeveloped and heavily wooded and 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 developments with densities and lot sizes compatible with existing single family developments. The proposed rezoning is not supported by these policies of the 2030 Unified Plan, as the neighboring large lot single family homes along Hope Hollow Road are zoned R-100, and the existing three single family subdivisions that access Hope Hollow Road are zoned either R-100, R-100 CSO or R-100 Modified.

The surrounding area is characterized by single family residentially zoned land. Properties along Hope Hollow Road are zoned R-100 and developed with single homes on larger lots. Located to the east of the proposed project are single homes on large lots zoned R-100. To the northeast is the Meadow Gate subdivision, zoned R-75 pursuant to RZ-99-021 and accessed via Cooper Road. To the east and southeast is the Wildwood at Meadow Gate subdivision, zoned R-100 Modified and R-75 Modified pursuant to SUP-00-010 and REZ-00-016, respectively. That subdivision is accessed via Oak Grove Road. Although there are other subdivisions in the immediate area, none of these subdivisions are accessed from Hope Hollow Road. They are located to the west and south of the subject property and are zoned R-100 (Vines Plantation), R-100 Modified (Hollowstone) and R-100 CSO (Cooper Woods). The density of development proposed by the applicant would not be consistent with the existing density along Hope Hollow Road. This segment of Hope Hollow Road contains 28 homes on roughly 120 acres. The development proposed would more than double the amount of homes along Hope Hollow Road from 28 to 66, with 38 of the homes being on 14 acres. The requested R-75 zoning may not be considered compatible with the existing zoning of the adjoining properties along Hope Hollow Road.

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 Hope Hollow Road, 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 Hope Hollow Road street frontage shall be landscaped by the developer and maintained by the Homeowner's Association, and shall include a decorative masonry entrance feature. Landscape and entrance plans shall be subject to review and approval of the Director of Planning and Development.
 - B. Direct lot access to Hope Hollow Road shall be prohibited.
 - C. All grassed areas on dwelling lots shall be sodded.
 - D. Provide underground utilities throughout the development.
 - E. Natural vegetation shall remain on the property until the issuance of a subdivision development permit.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

In light of the development pattern along Hope Hollow Road, which consists of individual homes on large lots, the 38-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 Hope Hollow Road 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 Hope Hollow 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:

Yes, There are multiple R-75 zonings within the surrounding properties.

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

R-75 will not have any affect on the adjacent or nearby properties.

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

The long skinny shape of the parcel prevents an efficient and economic layout at R-100

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

The size of the property will only yield approximately 35-40 lots.

That amount will not present an issue with school or transportation.

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

Yes. The rezoning will provide a low density single-family subdivision which is consistent 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:

There are unique challenges with the existing topography and parcel shape that make the existing zoning a less efficient and economic use.

RECEIVED BY

FEB 03 2017

3

RZR '17 008

Planning & Development



Land Use Planning • Engineering Design • Environmental Permitting • Landscape Architecture • Land Surveying

February 2, 2017

Kathy Holland, Director
Gwinnett County Planning & Zoning Department
446 West Grogan Street, Suite 250
Lawrenceville, GA 30046

RE: Greighfield – Gwinnett Count Parcel ID# R5133207
Letter of Intent for Rezoning

Dear Ms. Holland:

This document is intended to serve as the Letter of Intent for the proposed rezoning application for the above referenced property, located on Hope Hollow Road, near its intersection with Hope Hollow Ln. in unincorporated Gwinnett County, Georgia.

The subject property has frontage on Hope Hollow Road and consists of approximately 14.01 acres of land. The proposed intent is to rezone the property from R-100 to R-75 for the development of a single-family residential subdivision, consisting of 38 lots with public water and sewer service.

The proposed 38 lot development results in an overall net density of 2.71 units per acre.

The project is intended to be developed in one phase, with anticipated construction beginning in the summer of 2017.

If you have any questions concerning the above or if any additional information is required, please do not hesitate to call me at (770) 914-9394.

Sincerely,

Moore Bass Consulting, Inc.

Sean Shanks, P.E.

RECEIVED BY

FEB 03 2017

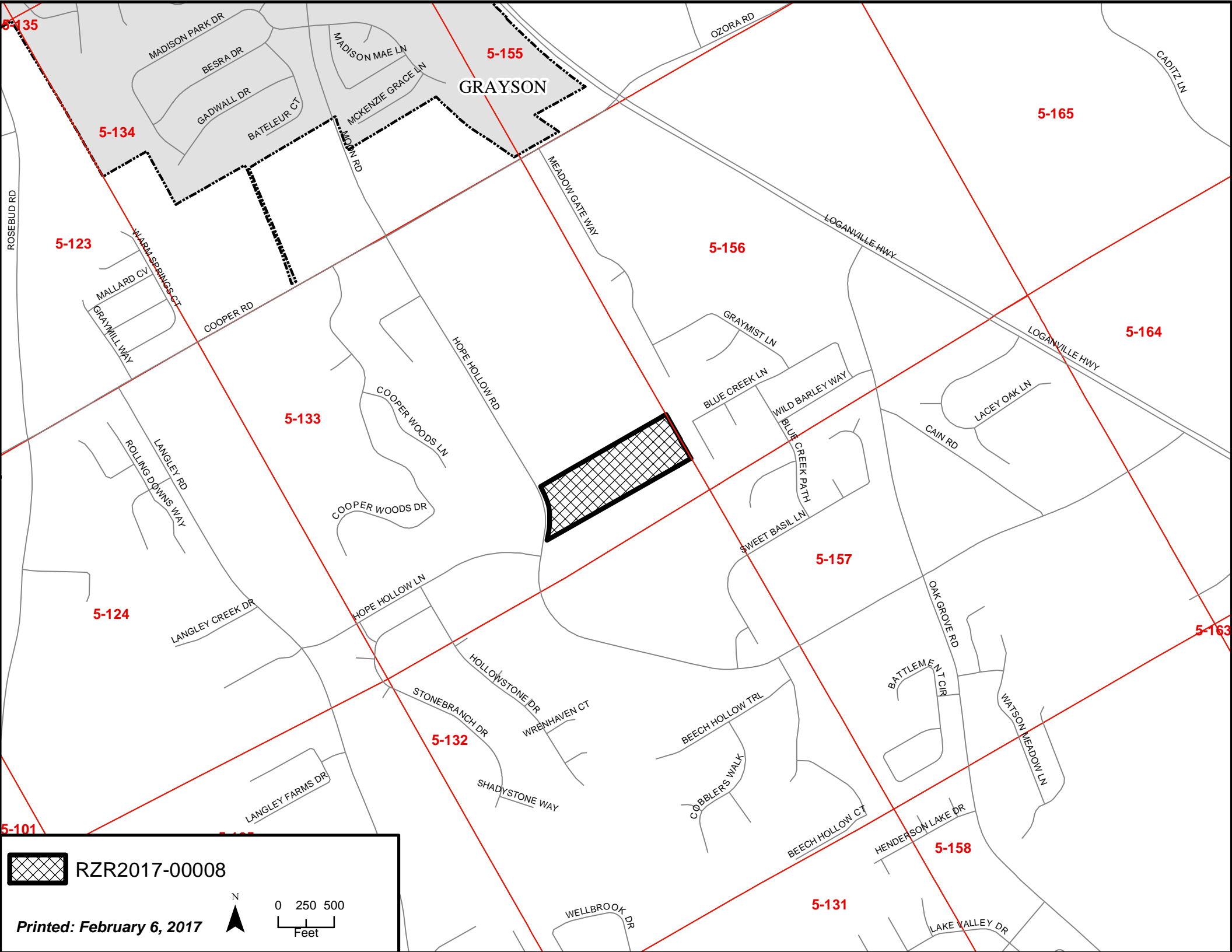
RZR '17 008

Planning & Development


Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County, April 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	
RZC2017-00011	Peachtree Ridge HS	3206	3,050	156	3222	3,050	172	3238	3,050	188	47
	Hull MS	1300	1,750	-450	1310	1,750	-440	1326	1,750	-424	34
	Mason ES	924	1,150	-226	933	1,150	-217	943	1,150	-207	66
RZM2017-00004	Parkview HS	3021	2,500	521	3082	2,500	582	3143	2,500	643	11
	Trickum MS	2073	1,775	298	2104	1,775	329	2136	1,775	361	8
	Arcado ES	1010	750	260	1045	750	295	1082	750	332	15
RZR2017-00006	Meadowcreek HS	3338	2,850	488	3455	2,850	605	3578	2,850	728	4
	Lilburn MS	1672	1,550	122	1739	1,550	189	1808	1,550	258	3
	Lilburn ES	1459	1,450	9	1488	1,450	38	1518	1,450	68	5
RZR2017-00007	Lanier HS	1817	1,900	-83	1897	1,900	-3	1981	1,900	81	7
	Lanier MS	1500	1,700	-200	1560	1,700	-140	1622	1,700	-78	5
	White Oak ES	801	1,000	-199	817	1,000	-183	833	1,000	-167	10
RZR2017-00008	Grayson HS	2847	2,125	722	2927	2,125	802	3009	2,125	884	12
	Bay Creek MS	1111	1,150	-39	1148	1,150	-2	1186	1,150	36	9
	Trip ES	988	1,200	-212	1027	1,200	-173	1067	1,200	-133	17

Current projections do not include new developments



GRAYSON

 RZR2017-00008



0 250 500
Feet

Printed: February 6, 2017



HOPE HOLLOW RD

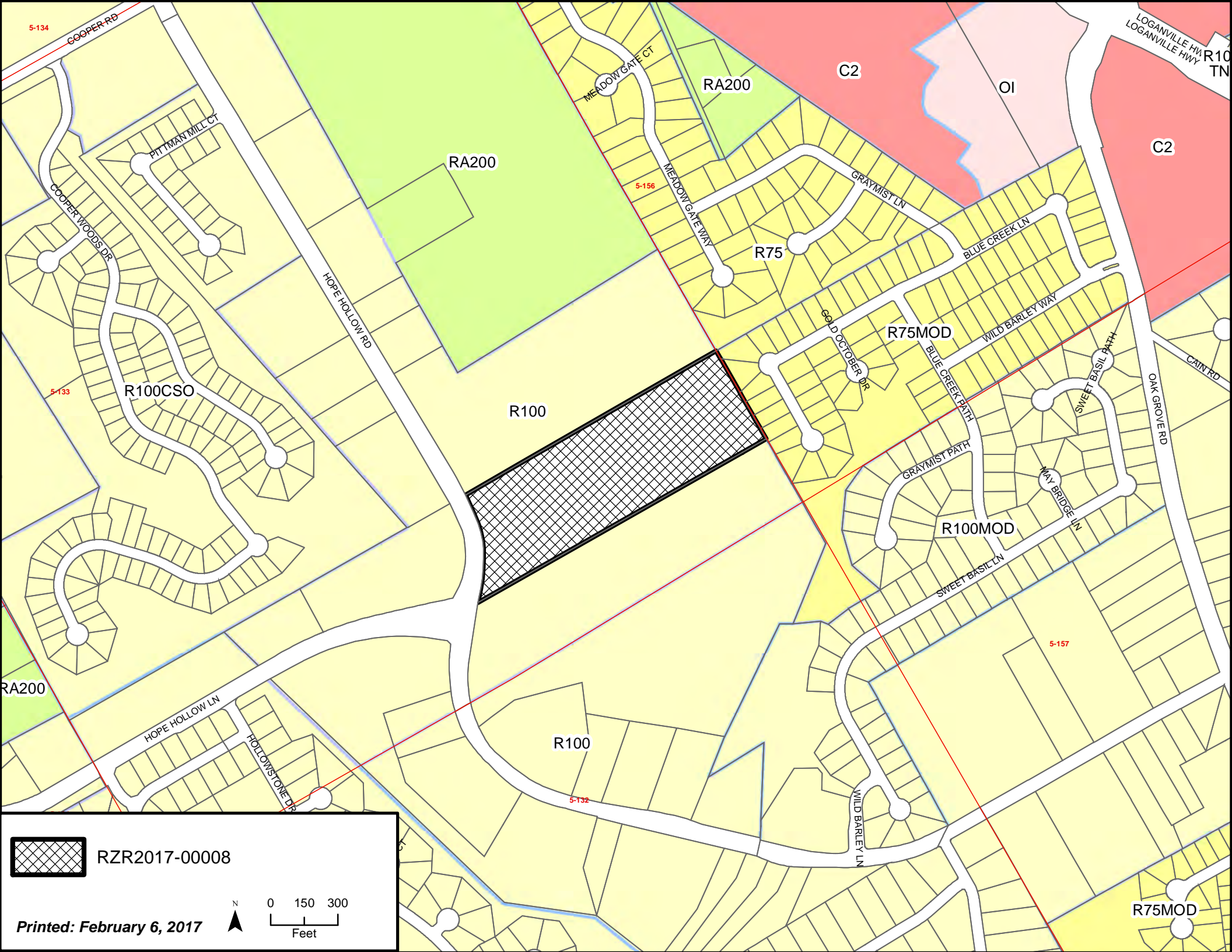
BLUE CREEK LN

 RZR2017-00008

Printed: February 6, 2017

N

0 50 100
Feet



5-134

COOPER RD

PITTMAN MILL CT

COOPER WOODS DR

R100CSO

5-133

HOPE HOLLOW RD

RA200

MEADOWGATE CT

RA200

C2

OI

LOGANVILLE HWY R10
LOGANVILLE HWY TN

C2

5-156

MEADOWGATE WAY

R75

GRAYMIST LN

BLUE CREEK LN

GOLD OCTOBER DR

R75MOD

BLUE CREEK PATH

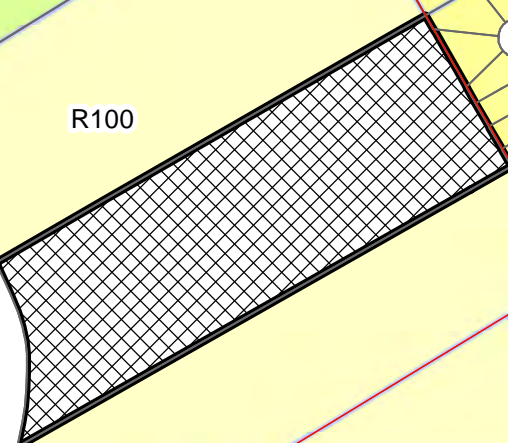
WILD BARLEY WAY

SWEET BASIL PATH

OAK GROVE RD

CANN RD

R100



GRAYMIST PATH

R100MOD

WY BRIDGE LN

SWEET BASIL LN

5-157

RA200

HOPE HOLLOW LN

R100

5-152

WILD BARLEY LN

FOLLOWSTONE DR

SWEET BASIL LN

R75MOD



RZR2017-00008



0 150 300
Feet

Printed: February 6, 2017

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

CASE NUMBER :**CIC2017-000010**
ZONING :C-2
LOCATION :2000 BLOCK OF MINERAL SPRINGS ROAD
:4100 BLOCK OF BRASELTON HIGHWAY
MAP NUMBER :R3003 039B
ACREAGE :1.16 ACRES
PROPOSAL :CHANGE IN CONDITIONS OF ZONING (BUFFER REDUCTION)
COMMISSION DISTRICT :(3) HUNTER

CASE NUMBER :**SUP2017-00013**
ZONING :C-2
LOCATION :2000 BLOCK OF MINERAL SPRINGS ROAD
:4100 BLOCK OF BRASELTON HIGHWAY
MAP NUMBER :R3003 039B
ACREAGE :1.16 ACRES
SQUARE FEET :4,735 SQUARE FEET
PROPOSAL :AUTOMOBILE SALES & SERVICE (BUFFER REDUCTION)
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: BRAHMBHATT DIPAKKUMAR
1890 DURWOOD LANE
DULUTH, GA 30096

CONTACT: BRAHMBHATT DIPAKKUMAR PHONE: 770.715.2197

OWNER: BRAHMBHATT DIPAKKUMAR
2054 MINERAL SPRINGS ROAD
HOSCHTON, GA 30548

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a Change-in-Conditions of a previous 2009 zoning case (CIC2009-00008) to amend two conditions of zoning pertaining to the overall development of the subject property, along with a Special Use Permit allowing an automobile sales and related service facility. The property is located at the southwest intersection of Braselton Highway and Mineral Springs Road and is zoned C-2 (General Business District). Currently, the property consists of a single-family dwelling, accessory structures, and uses. The property lies within the Georgia Highway 124/324/ Hamilton Mill Overlay District.

Condition 1.A of CIC2009-00008 prohibits auto repair shops or tire stores, and currently reads as follows:

- A. Retail and service commercial and accessory uses. The following uses shall be prohibited: tattoo and piercing parlors, adult bookstores or entertainment, drive-thru fast food service except coffee shops, bakery and ice cream stores, automobile car wash, convenience food stores with or without fuel pumps, emission inspection stations, equipment rental, hotels and motels, on-site laundry or dry cleaning establishments, liquor stores, mobile buildings, parking lots and garages, plant nursery sales facility, recreation facilities, recovered materials processing facility, taxidermist, yard trimmings composting facility, clubs, lodges, fraternal institutions and meeting halls, caretaker or watchman quarters, auto body repair shops, auto repair shops or tire stores, automobile service stations with or without fuel pumps, building material sales with outdoor storage, contractors offices or the outside storage of equipment or materials, heavy equipment and farm equipment sales and service and truck rental, mini-warehouse storage facilities, mobile home or mobile building leasing or sales lots, taxi cab or limousine services and no outdoor storage of any type.

Through the Change-in-Conditions request, the applicant is requesting a Special Use Permit to allow automobile sales and related service. The applicant intends to develop the site as an automobile sales and related service facility while incorporating the existing conditions of the property into the plan by utilizing the existing single-family dwelling as a sales office and the adjacent accessory structure (barn) as a garage. The site would include 18 parking spaces, with a two-way driveway extending from existing curb cuts along Braselton Highway across the property to a second curb cut along Mineral Springs Road. The proposed plan includes resurfacing the existing corral along the southern property line with a hard surface for display and additional parking for the proposed service facility.

Condition 2.A. of CIC2009-00008 requires buffers as approved through the public hearing process, and currently reads as follows:

- A. Provide buffers per the submitted site plan. All grassed areas shall be sodded pursuant to an approved landscape plan.

Additionally, the applicant is requesting to encroach into the required buffer along the western property line. Through the 2009 Change-in-Conditions request, the approved conditions of zoning allowed a buffer of 20-feet along the western property line and a 30-foot buffer along the southern property line. The previous request was for the development of a fast-foot restaurant at this location but the project never materialized. The current request includes utilizing the existing accessory structure (barn), at its present location, as an automobile service facility. This area would also include a portion of the proposed two-way driveway, underground stormwater detention facility, as well as additional paving within the existing buffer.

ZONING HISTORY:

The property was zoned RA-200 in 1970. In January 1992, a Special Use Permit was approved for an in-home beauty salon pursuant to SUP-91-048. In 1994, a Special Use Permit renewal for the beauty salon was approved pursuant to SUP-94-075. The property was rezoned from RA-200 to C-2, pursuant to RZC-08-004, in September 2007. In 2009, a Change-in-Conditions request was approved allowing fast-food restaurant with a drive through, pursuant to CIC2009-00008.

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 as per the architectural design standards.

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

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

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

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

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

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

Provide a 75-foot natural, undisturbed buffer adjacent to RA-200 zoned properties (Unified Development Ordinance Chapter 610, Table 610.1 and Section 610-20.2).

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

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

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

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

SR 124 Braselton Highway 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.

Mineral Springs 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.

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.

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

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

There is a Gwinnett County Project to improve the intersection of Braselton Highway and Mineral Springs Road. Dedicate at no cost to Gwinnett County the right-of-way and easements needed for the project.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the south right-of-way of Braselton Highway and a 24-inch water main located on the southwest right-of-way of Mineral Springs Road and an eight-inch main located on the northeast right-of-way of Mineral Springs Road.

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

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located approximately 2,590 feet west of parcel R3003 039B on parcel R3002 042 and an eight-inch sanitary sewer main located approximately 2,180 east of parcel R3003 039B on the right-of-way of Millcrest Drive.

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

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

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

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

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural, structural, 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 3.
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 property is located at the southwest intersection of Braselton Highway and Mineral Springs Road. The property consists of a single-family dwelling and accessory structures. The property lies within the Georgia Highway 124/324/ Hamilton Mill Overlay District and would be subject to those rules and regulations. The applicant proposed to establish an automobile sales and related service facility.

The 2030 Unified Plan Future Development Map indicates that the subject property lies within an Existing / Emerging Suburban Character Area. The Unified Plan stresses protecting existing residential properties in rezoning actions. As proposed, the applicant's request may be counter to this emphasis of the Unified Plan. The requested Change-in-Conditions to encroach into the approved buffer may not be appropriate in view of the previous rezoning request approved with adequate buffering, which was considered through the public hearing process.

Through the public hearing process, the Braselton Highway, Mineral Springs Road, and Spout Springs Road commercial node was established with the Board approving several requests with the C-2 zoning classification. Properties located along the commercial node are zoned C-2 with a condition of zoning prohibiting automobile related uses. In order to ensure compatibility with surrounding properties allowing such a use would be out of character and contrary to prior Board vision for the area.

In conclusion, the requested Change-in-Conditions, Buffer Reduction, and Special Use Permit for an automobile sales and related service facility would be counter to the emphasis of the approved conditions of zoning prohibiting certain uses to ensure a quality development at this location. Therefore, the Department of Planning and Development recommends **DENIAL** of these requests.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

CIC2009-00008:

Additions in **bold**

Deletions in ~~striketrough~~

Approval as C-2 (Change-in-Conditions), subject to the following enumerated conditions:

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

A. Retail and service commercial and accessory uses **which may include automobile sales and related service as a special use**. The following uses shall be prohibited:

- Tattoo and piercing parlors,
- Adult bookstores or entertainment,
- Automobile car wash,
- Emission inspection stations,
- Equipment rental,
- Hotels and motels,
- On-site laundry or dry cleaning establishments,
- Liquor stores,
- Mobile buildings,
- ~~Parking lots and garages,~~
- Plant nursery sales facility,
- Recreation facilities,
- Recovered materials
- Processing facility,
- Taxidermist,
- Yard trimmings composting facility,
- Clubs, lodges, fraternal institutions and meeting halls,
- Caretaker or watchman quarters,
- ~~Auto body repair shops,~~
- ~~Auto repair shops or tire stores,~~
- Automobile service stations with or without fuel pumps,
- Building material sales with outdoor storage,
- Contractors offices or the outside storage of equipment or materials,
- Heavy equipment and farm equipment sales and service and truck rental,
- Mini-warehouse storage facilities,
- Mobile home or mobile building leasing or sales lots,

- Taxi cab or limousine services,
- ~~Outdoor storage of any type.~~

~~B. If a convenience store or fast food restaurant occupies the property, window signage (signs displayed on the interior or exterior of the business's storefront windows) other than "open/closed" signs, hours of operation, or those signs required by local, state or federal law shall be prohibited. Allowable window signage shall not exceed 4 square feet. Windows may not be painted on the interior or exterior and merchandise and/or interior fixtures may not be placed in front of any storefront window. A convenience store shall have sliding entrance/exit doors. If pump islands are built, all pump islands shall be constructed with brick columns.~~

B. Where not in conflict with other conditions stated herein, abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). All buildings shall be brick with accents of stucco. This condition shall not preclude a variance application.

C. 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 satisfy 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 180 days of zoning approval.

~~B. Provide buffers per the submitted site plan. All grassed areas shall be sodded pursuant to an approved landscape plan.~~ **Provide a 20-foot wide natural undisturbed buffer adjacent to the western residentially zoned property. The buffer shall be enhanced where sparsely vegetated.**

C. Provide a 30-foot wide natural undisturbed buffer adjacent to the southern residentially zoned property. The buffer shall be enhanced where sparsely vegetated.

D. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way.

E. Provide interparcel access to the adjacent property.

F. Install an eight-foot high privacy fence adjacent to the southern (rear) and western (side) Mr. Park's property lines. The fence shall be constructed of opaque wood and brick columns. The fence shall be subject to approval of the Director of Planning &

Development. The owner shall repair or repaint any graffiti on the property within 72 hours.

- G. Outdoor loudspeakers are prohibited, except for drive-thru businesses.
- H. 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.
- I. 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.
- J. 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.
- K. Billboards or oversized signs shall be prohibited.
- L. All grass areas shall be sodded.
- M. 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.
- N. 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.
- O. Except for the sales of automobiles with a valid Special Use Permit, peddlers and/or parking lot sales shall be prohibited.
- P. 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.
- Q. All utilities shall be placed underground.

3. To abide by the following requirements, dedications and improvements:
 - A. Dedicate at no cost to Gwinnett County the right-of-way and easements needed for the improvements to the intersection of Braselton Highway and Mineral Springs Road.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS
SUP2017-00013

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

Approval of a Special Use Permit for automobile sales and related service subject to the following enumerated conditions:

1. To allow automobile sales and related service as a special use.
2. Outdoor storage shall be prohibited except for the outdoor display of vehicles. Outdoor display of vehicles shall be outside of existing or proposed right-of-ways, landscape strips, zoning buffers. Outdoor display must be on a hard surface. The location of outdoor display area shall be subject to the review and approval of the Gwinnett County Director of Planning and Development.
3. Vehicles awaiting repair shall be contained within a screened storage yard. Screening fence materials and height shall be subject to the approval of the Director of Planning and Development. The location of the screened storage yard shall be subject to the review and approval of the Gwinnett County Director of Planning and Development.
4. Abide by all applicable conditions of CIC2017-00010.
5. The Special Use Permit shall be valid for a two-year period, at which time the use shall cease or an application shall be made for renewal of the Special Use Permit.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

In light of the current conditions of zoning prohibiting the specific use and the associated outdoor storage, along with neighboring properties prohibiting similar uses, the proposed buffer reductions, automobile sales, and related service facility is not be considered a suitable use for the property.

ADVERSE IMPACTS

Allowing an automobile service facility to operate from within an existing accessory structure that is located within the required buffer would adversely affect the surrounding residential uses to the south and west through the form of unnecessary noise and a degraded visual appearance.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

Additional impacts on public facilities would be anticipated from the request.

CONFORMITY WITH POLICIES

The request is not consistent with prior Board rezoning actions for the subject property or other commercially zoned properties in the immediate area, which also specifically prohibit automobile related uses.

CONDITIONS AFFECTING ZONING

Commercial activity at the Braselton Highway, Mineral Springs Road, and Spout Springs Road commercial node has been limited to a single commercial development, while the remaining commercially zoned properties have remained undeveloped. The proposed changes to the current conditions of zoning would contradict the precedent the Board has established regarding commercial development at this commercial intersection.

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

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

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

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

Yes

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

No

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

No

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

No

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

Yes

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

No

RECEIVED BY

FEB 03 2017

Planning & Development

2-3-17

To,
Gwinnett County,
Department of Planning,

Letter of Intent for 2054 minerals Spring Rd

I Mr. Brahmbhatt DILAKKUMAR the Landlord of
DIP & DC LLC located at 2054 minerals Spring
Road Houston GA like to Request you to
Approve ~~me~~ us for change of use.

We bought this property for \$ 600,000 & I
cant afford mortgage plus property tax therefore

I am trying to Rent to Automotive Business

if you have any question please contact me
on my cell 770 715 2107 &

Thank you,

Brahmbhatt Dilan M.
OWNER

Linda Kupper 10/26/2016
Notary



RECEIVED BY

FEB 03 2017

Planning & Development

CIC 17010

CASE NUMBER CIC-09-008
GCID 2009-0350

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>
Shirley Lasseter, District 1	<u>AYE</u>
Albert Nasuti, District 2	<u>AYE</u>
Michael Beaudreau, District 3	<u>ABSENT</u>
Kevin Kenerly, District 4	<u>AYE</u>

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from C-2 to C-2 by DIP & DC, LLC for a CHANGE IN CONDITIONS OF ZONING on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on MARCH 24, 2009 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 21ST day of APRIL 2009, 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:

- I. To restrict the use of the property as follows:
 - A. Retail and service commercial and accessory uses. The following uses shall be prohibited: tattoo and piercing parlors, adult bookstores or entertainment, automotive car wash, emission inspection stations, equipment rental, hotels and motels, on-site laundry or dry cleaning establishments, liquor stores, mobile buildings, parking lots and garages, plant nursery sales facility, recreation facilities, recovered materials processing facility, taxidermist, yard trimmings composting facility, clubs, lodges, fraternal institutions and meeting halls, caretaker or watchman quarters, auto body repair shops, auto repair shops or tire stores, automotive service stations with or without fuel pumps, building material sales with outdoor storage, contractors offices or the outside storage of equipment or materials, heavy equipment and farm equipment sales and service and truck rental, mini-warehouse storage facilities, mobile home or mobile building leasing or sales lots, taxi cab or limousine services and no outdoor storage of any type.
 - B. Abide by all requirements of Section 1315 (Activity Center/Corridor Overlay District). All buildings shall be brick with accents of stucco. This condition shall not preclude a variance application.

- C. If a convenience store or fast food restaurant occupies the property, window signage (signs displayed on the interior or exterior of the business's storefront windows) other than "open/closed" signs, hours of operation, or those signs required by local, state or federal law shall be prohibited. Allowable window signage shall not exceed 4 square feet. Windows may not be painted on the interior or exterior and merchandise and/or interior fixtures may not be placed in front of any storefront window. A convenience store shall have sliding entrance/exit doors. If pump islands are built, all pump islands shall be constructed with brick columns.
2. To satisfy the following site development considerations:
- A. Provide buffers per the submitted site plan. All grassed areas shall be sodded pursuant to an approved landscape plan.
 - B. Provide interparcel access to the adjacent property.
 - C. Install an 8-foot high privacy fence adjacent to Mr. Park's property. The fence shall be constructed of opaque wood and brick columns. The fence shall be subject to approval of the Director of Planning & Development.
 - D. The owner shall repair or repaint any graffiti on the property within 72 hours.
 - E. Outdoor loudspeakers are prohibited, except for drive-thru businesses.
 - F. Ground signage shall be limited to monument type sign(s).

GWINNETT COUNTY BOARD OF COMMISSIONERS

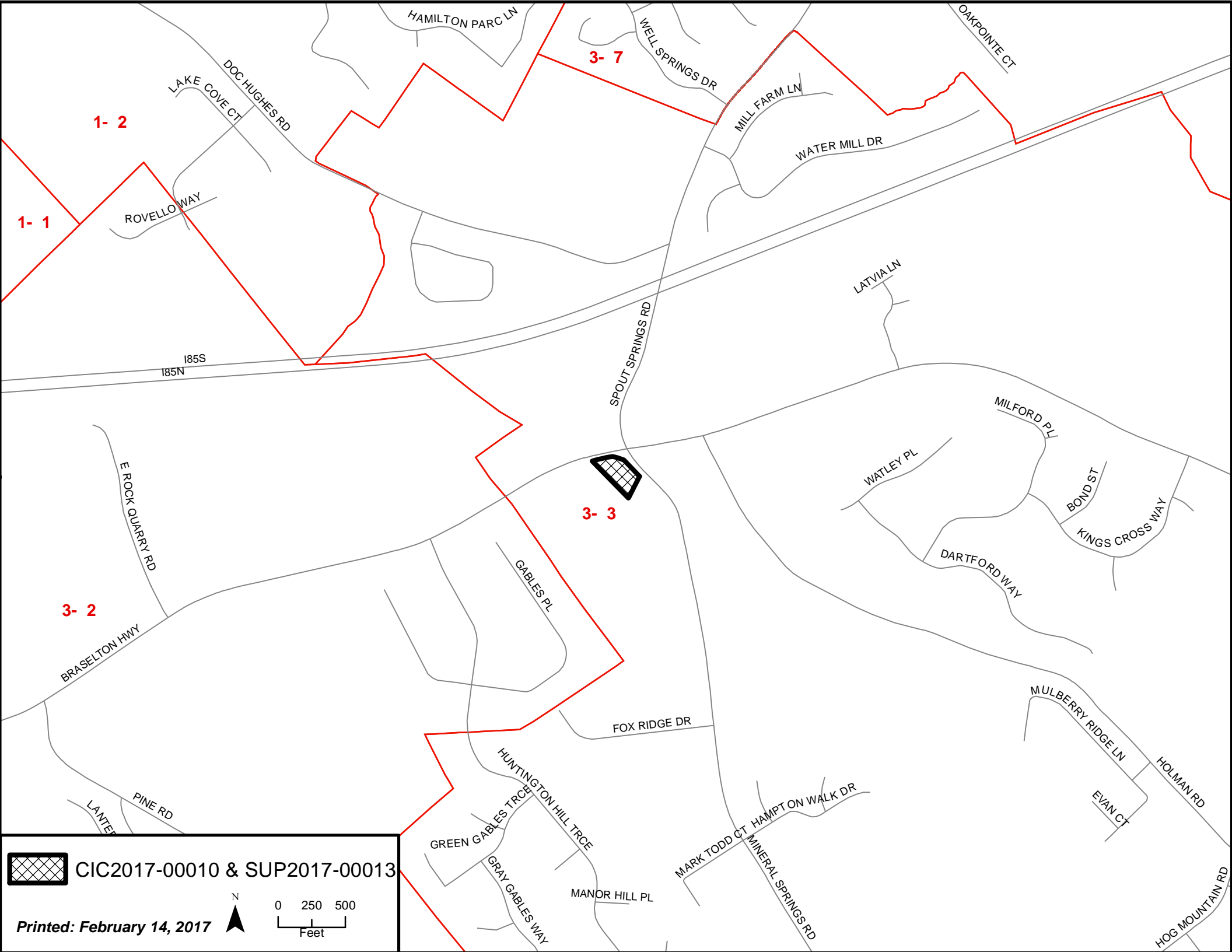
By: 
Charles E. Bannister, Chairman

Date Signed: May 5, 2009

ATTEST:


County Clerk/Deputy County Clerk






1- 2

1- 1

3- 7

3- 3

3- 2

 CIC2017-00010 & SUP2017-00013



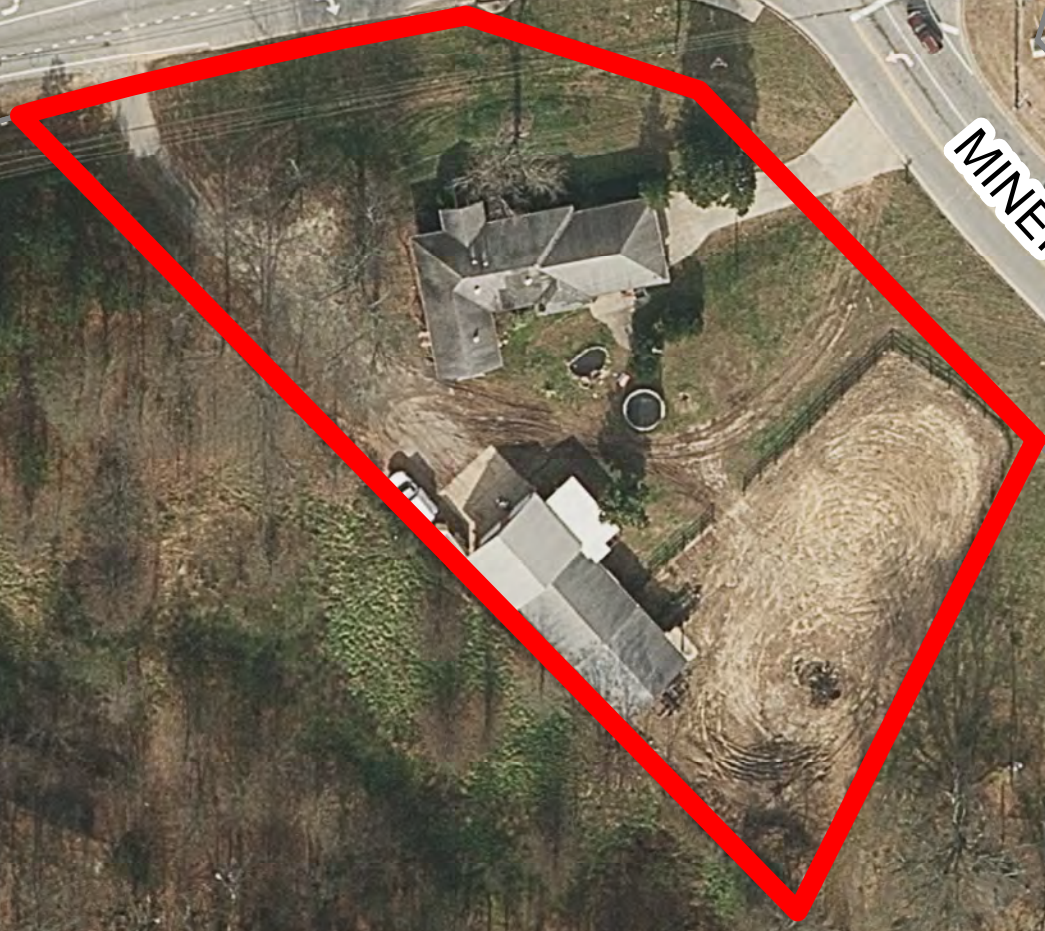
0 250 500
Feet

Printed: February 14, 2017



BRASELTON HWY

MINERAL SPRINGS RD

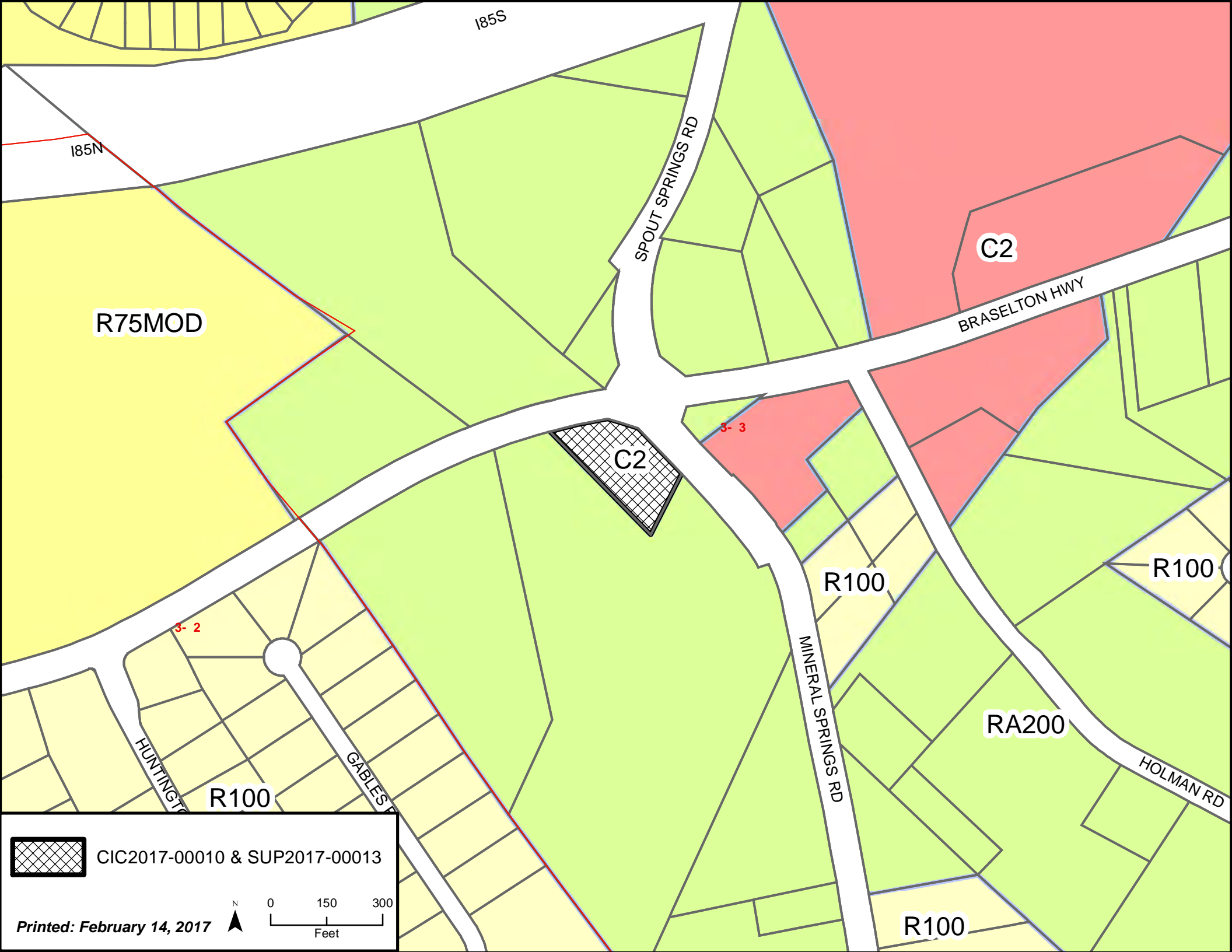



 CIC2017-00010 & SUP2017-00013

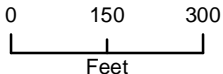


0 25 50
Feet

Printed: February 14, 2017



 CIC2017-00010 & SUP2017-00013



Printed: February 14, 2017

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

CASE NUMBER :**CIC2017-00011**
ZONING :O-I
LOCATION :1300 BLOCK OF LAWRENCEVILLE HIGHWAY
:200 BLOCK OF CASSADY LANE
MAP NUMBERS :R5083 009 & R5082 016
ACREAGE :9.52 ACRES
PROPOSAL :CHANGE IN CONDITIONS OF ZONING
COMMISSION DISTRICT :(4) HEARD

CASE NUMBER :**SUP2017-00015**
ZONING :O-I
LOCATION :1300 BLOCK OF LAWRENCEVILLE HIGHWAY
:200 BLOCK OF CASSADY LANE
MAP NUMBER :R5083 009 & R5082 016
ACREAGE :9.52 ACRES
SQUARE FEET :94,000 SQUARE FEET
PROPOSAL :BUILDING HEIGHT INCREASE
COMMISSION DISTRICT :(4) HEARD

FUTURE DEVELOPMENT MAP: **CORRIDOR MIXED USE**

APPLICANT: REDLAND CREEK HOUSING, LLC
C/O ADVANCED ENGINEERING & PLANNING
4480 COMMERCE DRIVE SUITE A
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNER: CHARLES G. CASSADY
4480 COMMERCE DRIVE SUITE A
BUFORD, GA 30518

DEPARTMENT RECOMMENDATION: **DENIAL**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a Change in Conditions of a 2012 rezoning case (RZM2012-00003) to amend conditions for building height, fencing and entrance gating along with a new request for a Special Use Permit for a building height increase. The subject property is a 9.52-acre site located on the south side of Lawrenceville Highway, between its intersections with Johnson Road and Lawrenceville Suwanee Road. The site is zoned O-I (Office-Institutional District) for a retirement community and is currently undeveloped.

The request is to amend condition I.C. of RZM2012-00003, which currently reads as follows:

I.C. Limit the height of the buildings to no more than 3 stories and 38.3 feet.

The applicant requests the condition be modified to reflect the proposed design of a single building with a $\frac{3}{4}$ split, with the front of the building being three-stories or 38.3-feet and the rear four-stories or 48.47-feet.

I.F. Provide a perimeter security fence around the entire property. Fence materials shall be subject to the review and approval of the Director of Planning and Development.

The applicant requests the condition be modified to the scope proposed in the submitted site plan. The applicant hasn't indicated where fencing would be placed.

I.G. The project design shall include a gated entrance to the internal private drives.

The applicant requests to remove the gated entrance condition in order to promote and provide unrestricted connectivity.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Corridor Mixed Use Character Area. The current zoning on the site was established through the public hearing process in September 2012. Allowing the proposed site and building changes may not be consistent with the previous Board action and with the recommendation of the 2030 Unified Plan which encourages improved compatibility with existing areas.

This segment of the Lawrenceville Highway corridor is characterized by commercial, institutional, townhomes and single family residential uses. Moore Middle School and the Ashton Hall senior living facility with single and three-story buildings are located across Lawrenceville Highway, along with the Crestwood Township townhome development with two-story homes. East of the property is the Johnson Place subdivision zoned R-ZT with two-story homes. The Grayland Hills subdivision zoned RS-150 (City of Lawrenceville) is located south of the property and Walmart is located west of the property within the city limits of Lawrenceville. The tallest building in the immediate area is Ashton Hall which is three stories while most of the other buildings are either single or two stories, the proposed four story building would be out of character for the area. The requested increase in height and removal of conditions regarding fencing and gating may adversely affect the adjacent residential neighbors. Reducing the fencing and gate may reduce appropriate buffering and separation between different uses. The requested building height increase and modification to conditions from the previous rezoning, which were placed on the property to ensure compatibility between uses may not be appropriate.

In conclusion, the requested changes, to the previous conditions, on the property, including increasing the height of the building, removing fencing requirements and gating requirements may not be appropriate on this property. The conditions originally placed on the property

through the zoning process were to ensure compatibility between uses and the proposed changes may be counter to what was approved by the Board through the public hearing process. Therefore the Department of Planning and Development recommends **DENIAL** of this request.

ZONING HISTORY:

In 1970, the subject property was zoned R-75. The property was rezoned to R-ZT in 2003, pursuant to RZM-03-053. In 2012, the property was rezoned to O-I (Office-Institutional District) with a Special Use Permit for a retirement community, pursuant to RZM2012-00003.

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 as per the architectural design standards.

All accessory buildings and structures shall be located in the rear yard or in the side yard, except as provided in the Unified Development Ordinance Section 230-120.10. The applicant must either review the site plan to relocate the dumpster, or seek a variance.

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

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

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

Provide a 50-foot natural, undisturbed buffer adjacent to R-75 and R-ZT zoned properties (Unified Development Ordinance Chapter 610, Table 610.1 and Section 610-20.2).

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

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

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

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

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

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

US 29 SR 8 Lawrenceville Highway is a State Route and Georgia D.O.T. right-of-way requirements govern.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the north right-of-way of Lawrenceville Highway and an eight-inch water main located approximately three feet east of parcel R58083 009 in the right-of-way of Cassidy Lane.

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 69 feet east of parcel R5083 009 in the right-of-way of Cassidy Lane and an eight-inch sanitary sewer main located approximately 17 feet south of parcel R5083 009 on parcel R5083 167.

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:

- I. 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.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS
CIC2017-00011

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

Additions in **bold**

Deletions in ~~strikethrough~~

Approval of a rezoning to O-I with a Special Use Permit for a retirement community, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Limited to development as, and deed restricted to, a retirement community for occupancy by persons 55 years of age and older as a Special Use. Final site design for the retirement community shall be subject to review and approval by the Director of Planning and Development.
 - B. The development shall be limited to a maximum of 100 units.
 - ~~C. Limit the height of the buildings to no more than 3 stories and 38.3 feet.~~
 - D. Buildings shall be finished with architectural treatments of brick or stacked stone on a minimum of 50% of each building elevation. The balance of each elevation shall be stucco or fiber-cement siding/shake. Final building elevations shall be subject to the review and approval of the Director of Planning and Development.
 - E. All units shall incorporate applicable accessibility standards known as “Easy Living Standards” which shall include the following:
 - Easy access step free feature at each entrance to the home.
 - Easy passage feature, to include 32-inch wide doorways.
 - Easy use feature, all units shall be one level.
 - ~~F. Provide a perimeter security fence around the entire property. Fence materials shall be subject to the review and approval of the Director of Planning and Development.~~
 - ~~G. The project design shall include a gated entrance to the internal private drives.~~
2. To satisfy the following site development considerations:
 - A. Provide a 50-foot wide natural buffer, undisturbed except for approved perpendicular access and utility crossings and replantings where sparsely vegetated, along the north

property line adjacent to residentially zoned property. There shall be no buffer requirement along the entrance driveway.

- B. Provide a 20-foot wide natural buffer, undisturbed except for approved perpendicular access and utility crossings and replantings where sparsely vegetated, along the east property line adjacent to residentially zoned property.
- C. Provide a 50-foot stream buffer and an additional 25-foot impervious setback along all streams, as required per the Stream Buffer Protection Ordinance of Gwinnett County. This shall not preclude a variance application.
- D. Natural vegetation shall remain on the property until the issuance of a development permit.
- E. Ground signage shall be limited to a monument type sign with a minimum two-foot high brick or stacked stone base. Ground sign shall not exceed 10 feet in height.
- F. Dumpsters or trash compactors shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
- G. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- H. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- I. Peddlers and/or parking lot sales shall be prohibited.
- J. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS
SUP2017-00015

Approval of a Special Use Permit for a Building Height Increase subject to the following enumerated conditions:

1. To allow a building height increase to 49 feet to accommodate the Continuing Care and Independent Living retirement community development as proposed by CIC2017-00011 and SUP2017-00015.
2. Abide by all applicable conditions of CIC2017-00011.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The conditions originally placed on the property through the zoning process were to ensure compatibility between uses and the proposed changes may be counter to what was approved by the Board through the public hearing process with input from surrounding neighbors.

ADVERSE IMPACTS

The increased height may adversely impact neighboring properties.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

The change in building height, fencing and gating will not have an impact on public facilities.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the site is located in a Corridor Mixed Use Character Area. The current zoning on the site was established through the public hearing process in September 2012. Allowing the proposed site and building changes may not be consistent with the previous Board action and with the recommendation of the 2030 Unified Plan which encourages improved compatibility with existing areas.

CONDITIONS AFFECTING ZONING

There have been no changes to the surrounding area since 2012 that would warrant approval of this request.

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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

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

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

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

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

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

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

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE WITHOUT THE CHANGE IN CONDITIONS.

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

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

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

THE SUBJECT PROPERTY IS DESIGNATED AS CORRIDOR MIXED USE.

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

SEE LETTER OF INTENT.

RECEIVED BY

FEB 03 2017

Planning & Development

CIC '17 01 1

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article P, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

.....
PLANNING DIVISION USE ONLY

CASE NUMBER _____

RECEIVED BY: _____

RECEIVED BY

FEB 03 2017

Planning & Development

CIC '17 01 1



Beyond Buildings.

To the Commissioners of Gwinnett County,

Redland Creek Housing, LLC (the “Applicant”) thanks you for the opportunity to submit this Letter of Intent (“LOI”) with a Change In Conditions application pertaining to Case Number RZM2012-00003 / GCID 2012-0370 for the development of 9.52 acres located at 1340 Lawrenceville Hwy in Unincorporated Gwinnett County (the “Site”). The Applicant, owned by Zimmerman Properties SE, LLC (“ZP”), a semi-national builder-owner-operator of over 7,000 multi-family apartment units across 11 States, is proposing the development of a 96-unit, 55 years of age and better retirement community on the Site to be known as Redland Creek Villas (the “Project”). The Applicant has drafted a site plan detailing the proposed development of the site, with certain modifications relating to previous conditions applied to the zoning thereof, and plans to develop to strict Earth Craft Community and Earth Craft Multi-Family Building design and construction standards (“ECC” and “ECMF”, respectively).

As mentioned above, the Project is a 96-unit community offering 36 x 1BR / 1BA and 60 x 2BR / 2BA units of approximately 750 and 950 square feet, respectively. The Project enjoys proximity to a multitude of services and amenities, and ZP plans on finishing out a substantial portion of unconnected sidewalks along Lawrenceville Hwy to promote walkability, and encourage use of the nearby GCT transit stop. Future residents will enjoy one of the best living environments, and amenities and services packages in all of Gwinnett County. As part of Applicant’s plan to achieve ECC certification, several initiatives will be proposed onsite which shall include, but may not be limited to subsidized annual transit passes for a portion (meant to encourage use of the nearby public transit system)...educating residents on healthy living goals whereby Property Management will sponsor classes on growing and maintaining organic produce within the on-site community garden (to be maintained by Property Management and Maintenance personnel)...and coordinating health screenings with local supportive service providers in the on-site, dedicated wellness center room. Other on-site amenities will include centralized, on-site property management and leasing offices, mail kiosk, guest greeting room, community gathering rooms with kitchenettes centrally located on each floor, centrally located resident storage closets on each floor, business center, and fitness room.

The reason for Applicant’s submitted Change In Conditions application is for Planning and County Commissioners to review Applicants proposed site plan, and consider the removal of certain conditions that may prohibit achievement of ECC certifications, or present restrictions on the property’s architectural and community appeal. The Conditions previously placed on the Site, which Applicant requests to be modified or removed, are as follows:

1. Item 1.C: Limit the height of the buildings to no more than 3 stories and 38.3 feet.
 - a. Applicant plans to develop the Project as a singular, fully enclosed building with leasing and community spaces centrally located within the building, as previously mentioned, covered portico at the main entrance to the building, and conditioned interior corridors and stairwells. The previously reviewed site plan proposed multiple residential buildings with a separate clubhouse. Applicant feels the proposed modified plan will result in less impervious surfaces, and more dedicated green space. However, to minimize on-site grading and retaining walls, Applicant is proposing the single building to be developed in a 3 / 4 split level. The front of the building will be 3-stories and close to the current restricted height of 38.3 feet, but the rear of the building will have a basement with units along the exterior and a height greater than 38.3 feet. Therefore, Applicant is requesting Condition 1.C be modified to apply height condition specific to the scope proposed in the submitted site plan.

RECEIVED BY

FEB 03 2017

CIC '17 011

Planning & Development

www.WilhoitProperties.com

1730 E. Republic Road, Suite F • Springfield, MO 65804

2. Item 1.F: Provide a perimeter security fence around the entire property. Fence materials shall be subject to the review and approval of the Director of Planning and Development.
 - a. Applicant is fine providing some perimeter fencing, where it would be architecturally appealing. However, fencing around the entire property would require disturbance of greenspaces, floodplains and wetlands. Therefore, Applicant is requesting Condition 1.F be modified to apply a fencing / screening condition specific to the scope proposed in the submitted site plan.
3. Item 1.G: The project design shall include a gated entrance to the internal private drives.
 - a. In order for Applicant to achieve ECC certification, any restriction of connectivity within the community is prohibited by Southface regulations, the entity responsible for said certification. Therefore, Applicant is requesting Condition 1.G to be removed entirely so the site may promote and provide unrestricted connectivity.

In addition to the above Conditions Applicant is requesting to be modified or removed, Applicant would also like to request a reduction in the required parking spaces for the Project. Currently, the Project would be required to provide 1.5 spaces per unit, or 144 spaces. Applicant would like to request a thirty percent (30%) reduction, or a total of 110 spaces. This will further encourage use of public transit and reduce residents need and dependency on cars for transportation. In exchange for this reduction, Applicant would agree to set-aside additional green space of the Site and preserve natural buffers in the area indicated on the submitted site plan for the remaining required parking spaces.

Applicant appreciates this opportunity to present the Commissioners with a site plan it feels meets the goals and objectives of Earth Craft Community initiatives. We hope the Commissioners will realize the requests are not being made for the sole benefit of the Applicant, but for the benefit of the Community, the future residents of the Project, and the environment and ecosystem surrounding the Site. The overall process will engage the local community with nearby services and amenities, as well as encourage responsible and sustainable building practices. Should the Commissioners have any questions, comments, or concerns, the Applicant, ZP and its project design team are ready and willing to respond and address them accordingly.

Sincerely,

Robert Fink
VP of Development – SE Region
Zimmerman Properties SE, LLC

RECEIVED BY

FEB 03 2017

Planning & Development

CIC '17 011

CASE NUMBER RZM2012-00003
GCID 2012-0370

BOARD OF COMMISSIONERS
GWINNETT COUNTY
LAWRENCEVILLE, GEORGIA
RESOLUTION

READING AND ADOPTION:

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

<u>Present</u>	<u>VOTE</u>
Charlotte J. Nash, Chairman	<u>YES</u>
Shirley Lasseter, District 1	<u>ABSENT</u>
Lynette Howard, District 2	<u>YES</u>
Michael Beaudreau, District 3	<u>NO</u>
John Heard, District 4	<u>YES</u>

On motion of COMM. HEARD, which carried 3-1 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-ZT to RM-13 by THE NUROCK COMPANIES for the proposed use of SENIOR APARTMENTS (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 MAY 22, 2012 and objections were filed.

RECEIVED BY

FEB 03 2017

CIC '17 011

Planning & Development

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners on this, the 22nd day of MAY 2012, that the aforesaid application to amend the Official Zoning Map from R-ZT to RM-13 is hereby **APPROVED AS O-I WITH A SPECIAL USE PERMIT FOR A RETIREMEMENT COMMUNITY**, with the following enumerated conditions:

- I. To restrict the use of the property as follows:
 - A. Limited to development as, and deed restricted to, a retirement community for occupancy by persons 55 years of age and older as a Special Use. Final site design for the retirement community shall be subject to review and approval by the Director of Planning and Development.
 - B. The development shall be limited to a maximum of 100 units.
 - C. Limit the height of the buildings to no more than 3 stories and 38.3 feet.
 - D. Buildings shall be finished with architectural treatments of brick or stacked stone on a minimum of 50% of each building elevation. The balance of each elevation shall be stucco or fiber-cement siding/shake. Final building elevations shall be subject to the review and approval of the Director of Planning and Development.
 - E. All units shall incorporate applicable accessibility standards known as "Easy Living Standards" which shall include the following:
 - Easy access step free feature at each entrance to the home.
 - Easy passage feature, to include 32-inch wide doorways.
 - Easy use feature, all units shall be one level.
 - F. Provide a perimeter security fence around the entire property. Fence materials shall be subject to the review and approval of the Director of Planning and Development.
 - G. The project design shall include a gated entrance to the internal private drives.
2. To satisfy the following site development considerations:
 - A. Provide a 50-foot wide natural buffer, undisturbed except for approved perpendicular access and utility crossings and replantings where sparsely vegetated, along the north property line adjacent to residentially zoned property. There shall be no buffer requirement along the entrance driveway.

RECEIVED BY

FEB 03 2017

CIC '17 011

Planning & Development

- B. Provide a 20-foot wide natural buffer, undisturbed except for approved perpendicular access and utility crossings and replantings where sparsely vegetated, along the east property line adjacent to residentially zoned property.
- C. Provide a 50-foot stream buffer and an additional 25-foot impervious setback along all streams, as required per the Stream Buffer Protection Ordinance of Gwinnett County. This shall not preclude a variance application.
- D. Natural vegetation shall remain on the property until the issuance of a development permit.
- E. Ground signage shall be limited to a monument type sign with a minimum two-foot high brick or stacked stone base. Ground sign shall not exceed 10 feet in height.
- F. Dumpsters or trash compactors shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
- G. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- H. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- I. Peddlers and/or parking lot sales shall be prohibited.
- J. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

GWINNETT COUNTY BOARD OF COMMISSIONERS

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

Date Signed: May 29, 2012

ATTEST:

Marie Sully
County Clerk/Deputy County Clerk



RECEIVED BY

FEB 03 2017

Planning & Development

CIC '17 011

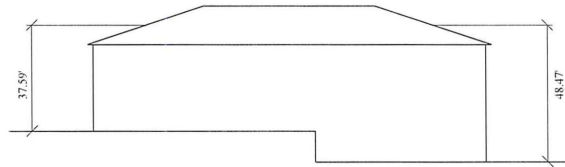
RECEIVED BY

FEB 03 2017

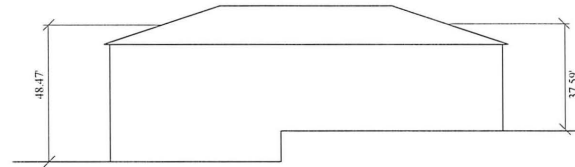
CIC '17 01 1

Planning & Development

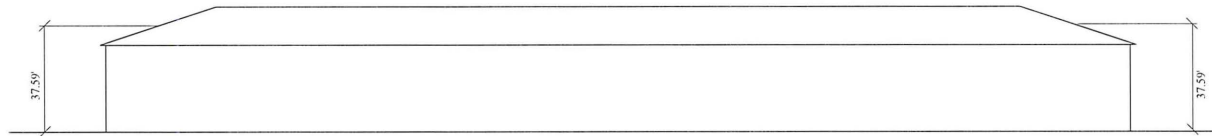




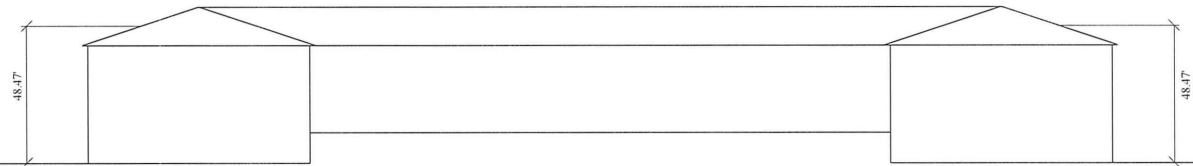
4 NORTHWEST ELEVATION



3 SOUTHEAST ELEVATION



2 NORTHEAST ELEVATION



1 SOUTHWEST ELEVATION

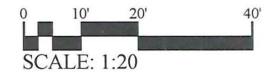
RECEIVED BY

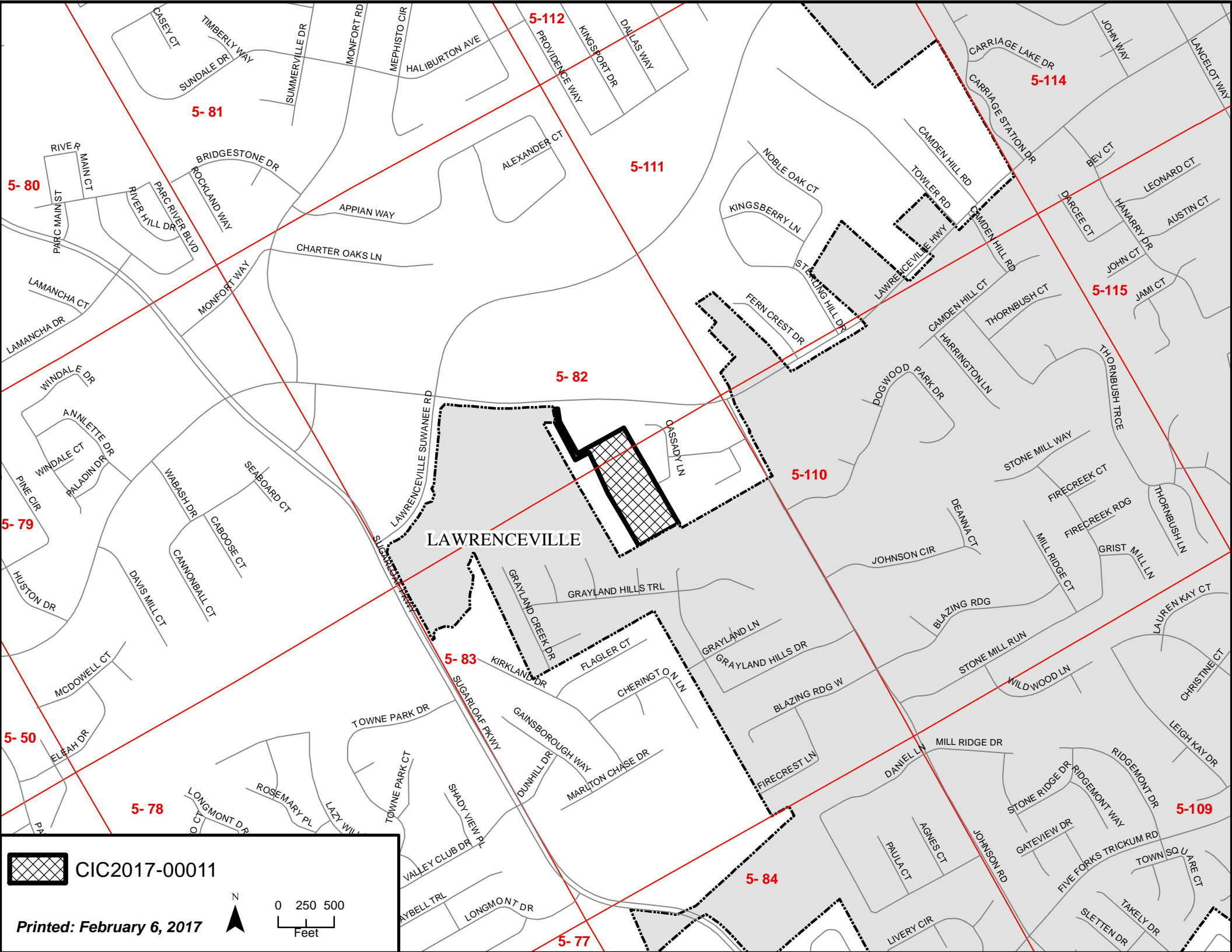
FEB 06 2017

Planning & Development


CIC '17011

CE.1





LAWRENCEVILLE

 CIC2017-00011



0 250 500
Feet

Printed: February 6, 2017

RECEIVED BY

FEB 03 2017

Planning & Development

CIC '17 011

LAWRENCEVILLE HWY

NEW PAVED PEDESTRIAN SIDEWALK IN PUBLIC R.O.W. FROM EXISTING WALMART PROPERTY TO JOHNSON ROAD TO BE PROVIDED BY DEVELOPER

EXISTING SINGLE FAMILY

EXISTING RESIDENTIAL

ADDITIONAL 25' IMPERVIOUS SURFACE BUFFER

ADMINISTRATIVE PARKING REDUCTION TO BE REQUESTED

UNDEVELOPED

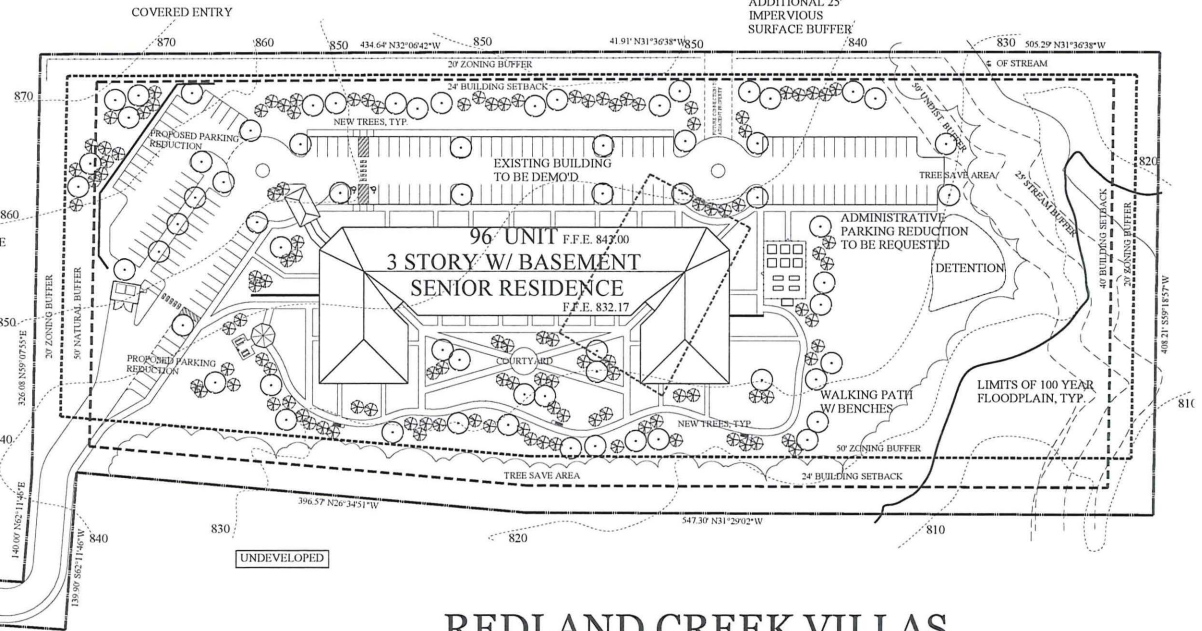
PROPOSED PARKING REDUCTION

PROJECT SIGN

EXISTING SINGLE FAMILY

NEW PAVED PEDESTRIAN SIDEWALK IN PUBLIC R.O.W. FROM EXISTING WALMART PROPERTY TO JOHNSON ROAD TO BE PROVIDED BY DEVELOPER

EXISTING WALMART SUPERCENTER



REDLAND CREEK VILLAS

1 CONCEPTUAL SITE DEVELOPMENT PLAN

1"=50'

SITE INFO

GROSS AREA = 9.52 ACRES; NET AREA = 9.125 ACRES

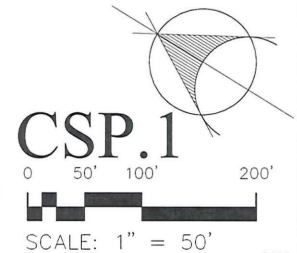
UNIT MIX

1-BR (A UNITS)	= 36
2-BR (B UNITS)	= 60
TOTAL	= 96 UNITS

REQUIRED PARKING @ 1.15 SPACES PER UNIT

144 PARKING SPACES PROVIDED

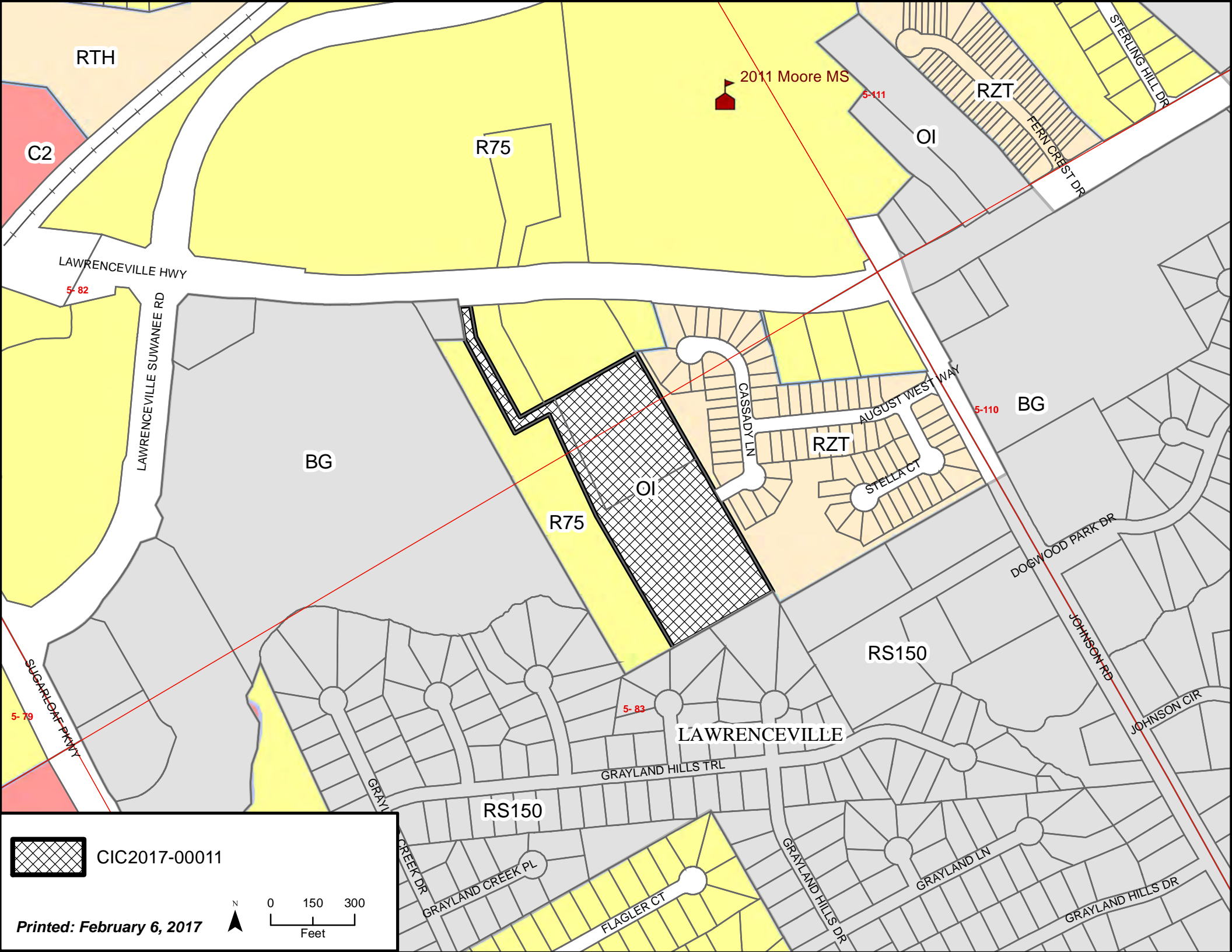
NOTE: ADMINISTRATIVE PARKING REDUCTION TO BE REQUESTED FOR A 30% REDUCTION TO 110 SPACES.



ENUMERATED CONDITIONS

- 1.A. THE DEVELOPMENT IS LIMITED AND DEED RESTRICTED TO A RETIREMENT COMMUNITY FOR PERSONS 55 YEARS OF AGE AND OLDER AS A SPECIAL USE. THE FINAL SITE DESIGN SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE DIRECTOR OF PLANNING AND DEVELOPMENT.
- 1.B. THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM OF 100 UNITS. (96 PROPOSED)
- 1.C. ALLOWABLE 3-STORIES WITH A MAX HEIGHT OF 38'-4". PROPOSING 3-STORY BUILDING WITH A BASEMENT AND RELIEF ON THE 38'-4" HEIGHT LIMITATION.
- 1.D. THE BUILDINGS SHALL BE FINISHED WITH ARCHITECTURAL TREATMENTS OF BRICK OR STACKED STONE ON A MINIMUM OF 50% OF EACH BUILDING ELEVATION.
- 1.E. ALL UNITS SHALL INCORPORATE "EASY LIVING STANDARDS" - EAST ACCESS AT EACH ENTRANCE, EAST PASSAGE DOORWAYS, AND ALL UNITS ONE LEVEL.
- 1.F. WE ARE REQUESTING RELIEF ON THE REQUIREMENT FOR PERIMETER FENCE AROUND THE ENTIRE PROPERTY.
- 1.G. WE ARE REQUESTING RELIEF ON THE REQUIREMENT FOR GATED ENTRANCE.
- 2.A. WE WILL PROVIDE A 50-FOOT WIDE NATURAL BUFFER UNDISTURBED EXCEPT FOR APPROVED PERPENDICULAR ACCESS AND UTILITY CROSSINGS AND REPLANTINGS WHERE SPARSLEY VEGETATED, ALONG THE NORTH PROPERTY LINE ADJACENT TO RESIDENTIALLY ZONED PROPERTY.
- 2.B. WE WILL PROVIDE A 20-FOOT WIDE NATURAL BUFFER UNDISTURBED EXCEPT FOR APPROVED PERPENDICULAR

- ACCESS AND UTILITY CROSSINGS AND REPLANTINGS WHERE SPARSLEY VEGETATED, ALONG THE EAST PROPERTY LINE ADJACENT TO RESIDENTIALLY ZONED PROPERTY.
- 2.C. WE WILL PROVIDE A 25-FOOT STREAM BUFFER AND 25-FOOT IMPERVIOUS SETBACK ALONG ALL STREAMS.
- 2.D. NATURAL VEGETATION SHALL REMAIN ON THE PROPERTY UNTIL THE ISSUANCE OF A DEVELOPMENT PERMIT.
- 2.E. GROUND SIGNAGE SHALL BE LIMITED TO A MONUMENT TYPE SIGN WITH A MIN. TWO-FT. HIGH BRICK OR STACKED STONE BASE. GROUND SIGN SHALL NOT EXCEED 10 FEET IN HEIGHT.
- 2.F. 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 AM AND 7 PM.
- 2.G. LIGHTING SHALL BE CONTAINED IN CUT-OFF TYPE LUMINAIRES AND SHALL BE DIRECTED IN TOWARD THE PROPERTY AS NOT TO SHINE DIRECTLY INTO ADJACENT PROPERTIES OR RIGHTS OF WAY.
- 2.H. TENTS, CANOPIES, TEMP. BANNERS, STREAMERS, ROPING WITH FLAGS, TINSSEL, DECORATIVE BALLOONS OR HOT AIR BALLOON, YARD AND/OR BANDIT SIGNS, SIGN-WALKERS AND SIGN TWIRLERS SHALL BE PROHIBITED.
- 2.I. PEDDLERS AND PARKING LOT SALES SHALL BE PROHIBITED.
- 2.J. THE PROPERTY OWNER SHALL REPAINT OR REPAIR ANY GRAFFITI OR VANDALISM THAT OCCURS ON THE PROPERTY WITHIN 72 HOURS.



RTH

C2

R75

RZT

OI

LAWRENCEVILLE HWY

5-82

LAWRENCEVILLE SUWANEE RD

BG

R75

OI

RZT

5-110

BG

CASSADY LN

AUGUST WEST WAY

STELLA CT

DOGWOOD PARK DR

JOHNSON RD

JOHNSON CIR

RS150

SUGARLOAF PKWY

5-79

5-83

LAWRENCEVILLE

GRAYLAND HILLS TRL

RS150

GRAYLAND CREEK DR

GRAYLAND CREEK PL

FLAGLER CT

GRAYLAND HILLS DR

GRAYLAND LN

GRAYLAND HILLS DR

 CIC2017-00011



0 150 300
Feet

Printed: February 6, 2017

2011 Moore MS

5-111

STERLING HILL DR

FERTI CREST DR

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

CASE NUMBER :CIC2017-00012
ZONING :O-I
LOCATION :800 BLOCK OF BUFORD HIGHWAY
MAP NUMBERS :R7256 035
ACREAGE :0.73 ACRE
PROPOSAL :CHANGE IN CONDITIONS OF ZONING
COMMISSION DISTRICT :(I) BROOKS

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

APPLICANT: AME ARCHITECT, INC.
C/O ABDEL ELASSAR
500 SUN VALLEY DRIVE, SUITE A & D
ROSWELL, GA 30076

CONTACT: ABDEL K. ELASSAR PHONE: 609.665.2374

OWNER: VINCENT DUTA
2100 RIVERSIDE PARKWAY
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

CHANGE IN CONDITIONS SUMMARY:

The applicant requests a Change-in-Conditions of a previous 2002 zoning case (RZC-02-033) to amend conditions of zoning pertaining to the overall development of the subject property to allow a Place of Worship. The property is located along to the north side of Buford Highway, between Woodward Mill Road and Old Suwanee Road, and is zoned C-2 (General Business District). Currently, the property consists of a single-family dwelling, and accessory structures.

Condition I.A. of RZC-02-033 restricts the use of the property as follows:

I.A. Office and accessory uses, which may include a contractor's office.

Through the Change-in-Conditions request, the applicant is requesting to amend the condition of zoning to eliminate the restriction limiting the use of the property to allow for a Place of Worship.

Condition I.B. of RZC-02-033 requires the occupant to comply with the current building code as related to business occupancy.

I.B. Bring the structure up to code for business occupancy.

The applicant is requesting to amend the current condition of zoning which limits the use of the property for business occupancy only. The applicant intends to occupy the existing structure for assembly related purposes. Therefore, all items related to the Compliance Inspection Report (CIR2015-00069) must be satisfied prior to the issuance of a building permit.

Condition I.C. of RZC-02-033 requires the occupant to obtain a development permit for a contractor's office and reads as follows:

I.C. Submit for a development permit for the contractor's office and complete all required site improvements.

As previously stated, the applicant intends to utilize property as a Place of Worship. Therefore, the applicant is requesting to amend the current condition of zoning by eliminating the term contractor's office.

The 2030 Unified Plan Future Development Map indicates the site is located within an Existing/Emerging Suburban Character Area. A primary goal of this character area is to accommodate the extensive needs of the surrounding residential neighborhoods. The property was rezoned O-I allowing a contractor's office, with development process being initiated but never completed. The site has remained idle for several years and allowing a less intense use, such as a Place of Worship, would be compatible with recommendations of the 2030 Unified Plan.

The surrounding area consists of a mix of commercial, industrial, institutional, and residential uses scattered along the Buford Highway corridor. The area immediately surrounding the property consist of residential single-family dwellings on large lots, Lanier High School, automobile sales and service facilities, as well as other undeveloped properties zoned both C-2 and M-I. The conditions of the previous rezoning that restricted the use of the subject property were incorporated to ensure land use compatibility with the mix of uses in the immediate area. With appropriate conditions, this request would be compatible with nearby and adjacent zoning and uses.

In conclusion, the requested Change-in-Conditions and the proposed less intense use of the property would be consistent with the recommendations of the 2030 Unified Plan and surrounding commercial, industrial, institutional, and residential uses in the immediate area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

ZONING HISTORY:

The subject property has been zoned R-75 (Single-Family Residence District) since 1970. In 2002 the subject property was zoned O-I (Office Institutional District), pursuant to RZC-02-033.

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 as per the architectural design standards.

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

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

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

The required rear setback of 25 feet appears to not be met. The applicant must either revise the site plan, or seek a Variance from the Zoning Board of Appeals.

Provide a 50-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 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:

SR 13 Buford Highway is a State Route and Georgia D.O.T. right-of-way requirements govern.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

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

The available utility records show that the subject development is currently in the vicinity of an eight-inch sanitary sewer main located approximately 1,588 feet northeast of parcel R7256 035 in the right-of-way of Secret Cove Drive and an eight-inch sanitary sewer main located approximately 1,159 feet southeast of parcel R7256 035 on parcel R7231 325.

BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

1. The applicant shall submit architectural, structural, mechanical, electrical and plumbing drawings for any proposed interior tenant space modifications or exterior modifications for review and approval by Building Plan Review. .
2. Upon completion of plan review approvals, the applicant shall obtain a building permit for any proposed modification/renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

GWINNETT COUNTY FIRE SERVICES COMMENTS:

Fire Plan review has no objections to the above Planning Commission request submission, however a change in occupancy classification from Business to Assembly will require plans to be submitted for review prior to occupancy, the plans may be required to be designed by a State of Georgia Licensed Registered Architect. Additional Code based requirements specific to an Assembly occupancy may be required at time of plan submission and review.

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

PLANNING AND DEVELOPMENT DEPARTMENT
RECOMMENDED CONDITIONS

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

Change in Conditions of RZC-02-033 with:

Additions in **bold**

Deletions in ~~strikethrough~~

- I. To restrict the use of the property as follows:
 - A. Office, **Institutional**, and accessory uses, ~~which may include a contractor's office.~~
 - ~~B. Bring the structure up to code for business occupancy.~~
 - C. ~~Submit for a development permit for the contractor's office and complete all required site improvements.~~ **Obtain all necessary development and building permits, and bring the site and structure(s) up to all applicable zoning, development and building codes within 180 days of zoning approval.**
 - B. Any new construction shall have an exterior of brick, **and/or** stacked stone, ~~or stone~~ and be residential in nature. **Final building elevations shall be submitted for review by the Director of Planning and Development.**
 - C. Outdoor storage shall **be prohibited.** ~~not be allowed without approval of a Special Use Permit.~~

2. To satisfy the following site development considerations:
 - A. The buffer adjacent to residential zoning along the eastern and western property lines may be replaced by a 10-foot wide landscaped strip including preservation of existing trees.
 - B. Provide 40-foot wide planted evergreen buffer adjacent to the northern property line. No intrusions into the buffer area shall be permitted other than existing encroachments.
 - C. Provide a 10-foot wide landscape strip along Buford Highway.
 - D. Dumpsters shall be screened by a 100% opaque fence or wall at least six (6) feet in height.
 - 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 or nearby residential properties.

- F. Ground signage shall be limited to a single monument ground sign with a stone base, matching the exterior of the residence, a maximum of 6-feet in height.
- G. Billboards shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested Change-in-Conditions to allow a less intense use of the property would be suitable in light of adjacent and nearby uses and zoning within the immediate area.

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

With the recommended conditions, the request would be generally consistent with zoning actions taken by the Board related to other Places of Worship throughout the county, and the policies of the 2030 Unified Plan recommending compatibility of residential uses in the area.

CONDITIONS AFFECTING ZONING

The majority of properties located along this segment of Buford Highway include a wide range of commercial, industrial, institutional, and residential use permitted under current Gwinnett County regulations. Allowing the change to the conditions of zoning for a Place of Worship would not directly affect the established development pattern in the immediate area.

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

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

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

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

see ATTACHED ANSWER SHEET

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

see ATTACHED ANSWER SHEET

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

see ATTACHED ANSWER SHEET

- (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 ANSWER SHEET

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

see ATTACHED ANSWER SHEET

- (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 ANSWER SHEET

RECEIVED BY

FEB 03 2017

Change in Conditions Applicant's Response

Answer for: Standards Governing Exercise of the Zoning Power

A. The GRC religious center is a non-profit organization and religious group which supports surrounding societies for all faiths and beliefs. They provide educational materials to the community, as well as fill full spiritual guidance. Place of Worship Facilities such as the GRC has become an integral part of any neighborhood society.

B. The Current use of the property is: construction contractor offices.
The proposed project use is a Place of worship has much less negative impact than the previously granted use to construction contractor offices. There are no needs to store construction materials, and there is no traffic impact to store any heavy equipment, and the proposed project will not affect the usability of any of the adjacent or nearby property.

C. On July 23rd, 2002, the property was granted to rezone from R-75 to I-O as a result of a public hearing for case #RZC-02-033. It was granted the use of "construction contractor offices". The requested use in this application is to have this facility act as a Place of worship. The religious center shall improve the economic current use, and will not require as much equipment or other negative economic impacts as the construction office uses.

D. The proposed Place of worship is a small building with limited occupancy. Their meetings shall be on weekends or after business hours when the work day ends, so it will not have an impact on surrounding facilities, utilities, and schools.

E. The Current property zone is O-I. This zone does permit the place of worship use per section 230-100 Table of Permitted and Special Uses table (230-4).

F. Buford Hwy has many similar uses to the proposed use; there is a very close school across the street from the center, and many properties within a few hundred feet which were also granted a rezoning, which we believe really give us a supporting ground for approving this proposed change in condition.

RECEIVED BY

FEB 03 2017

Planning & Development

CIC 17012

GWINNETT RELIGIOUS COUNSELING CENTER
826 Buford Hwy., Sugar Hill, GA 30518

February 1, 2017
Gwinnett County Department of Planning and Development
One Justice Square
446 West Crogan Street
Lawrenceville, GA 30046

RE: Change In Conditions Application
Allow all permitted use for Zone O-I /Remove restriction condition 1. (A)

Dear Sir or Madam,

As part of the proposed construction of our new Gwinnett Religious Center over the Property Located in Land Lot 256 of the 7th District of Gwinnett County, Georgia we are requesting a Change In Conditions due to the following:

Based on Case Number RZC-02-033 filed by the previous tenant to use the Property as a Contractor's office. The Gwinnett County Board of commissions resolved this case In July 23,2002 and amended the official Zoning Map from R-75 to O-I subject to enumerated conditions. The condition 1. (A) which restrict the use of the property as office and accessory uses, which may include a contractor's office.

On behalf of the new tenant with the agreement of the same owner of the subject property we are requesting to lift/remove restriction 1.(A) and grant the property approval to be used as a Place of Worship which the current Property Zone O-I originally has it as a permitted use per section 230-100 (Table of Permitted And Special uses)table 230.4 page 64 attached on the Gwinnett County Unified Development Ordinance.

We appreciate your support in approving this Change In Condition.

Sincerely,

AME ARCHITEST,INC
Abdelkader Elassar
Tenant Architect on Record

RECEIVED BY
609-663-2374

FEB 03 2017

CIC '17 012

Planning & Development

CASE NUMBER RZC-02-033

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

<u>Present</u>	<u>VOTE</u>
Wayne Hill, Chairman	<u>AYE</u>
Marcia Neaton-Griggs, District 1	<u>AYE</u>
Albert Nasuti, District 2	<u>AYE</u>
John Dunn, District 3	<u>AYE</u>
Kevin Kenerly, District 4	<u>AYE</u>

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

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

R-75 to C-2

by STEPHEN GOLDEN, INC. for

the proposed use of CONTRACTOR'S OFFICE (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 JULY 23, 2002 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 23RD day of JULY, 2002, that the aforesaid application to amend the Official Zoning Map from R-75 to C-2 (APPROVED AS O-I) is hereby APPROVED AS O-I subject to the following enumerated conditions:

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

- A. Office and accessory uses, which may include a contractor's office.
- B. Bring the structure up to code for business occupancy.
- C. Submit for a development permit for the contractor's office and complete all required site improvements.
- D. Any new construction shall have an exterior of brick, stacked stone, or stucco and be residential in nature.
- E. Outdoor storage shall not be allowed without approval of a special use permit.

2. To satisfy the following site development considerations:

- A. The buffer adjacent to residential zoning along the eastern and western property lines may be replaced by a 10-foot wide landscaped strip including preservation of existing trees.
- B. Provide 40-foot wide planted evergreen buffer adjacent to the northern property line. No intrusions into the buffer area shall be permitted other than existing encroachments.
- C. Provide a 10-foot wide landscape strip along Buford Highway.
- D. Dumpsters shall be screened by a 100% opaque fence or wall at least six (6) feet in height.
- 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 or nearby residential properties.
- F. Ground signage shall be limited to a single monument ground sign with a stone base, matching the exterior of the residence, a maximum of 6-feet in height.
- G. Billboards shall be prohibited.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: _____

F. Wayne Hill
F. Wayne Hill, Chairman

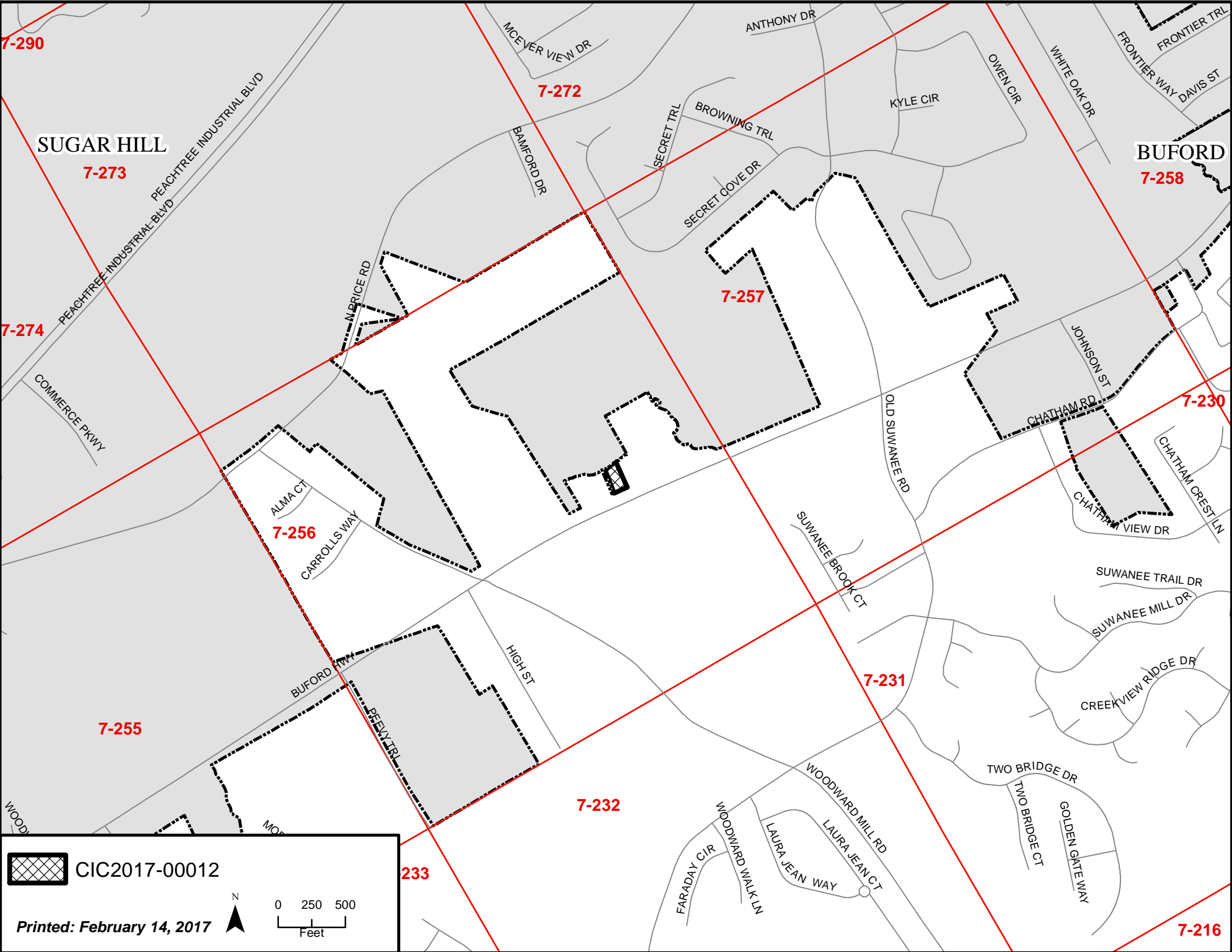
Date Signed: _____

July 31, 2002

ATTEST:

Brenda Maddox

County Clerk



SUGAR HILL

BUFORD

7-273

7-258

7-257

7-256

7-255

7-232

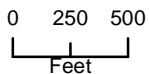
7-231

7-230

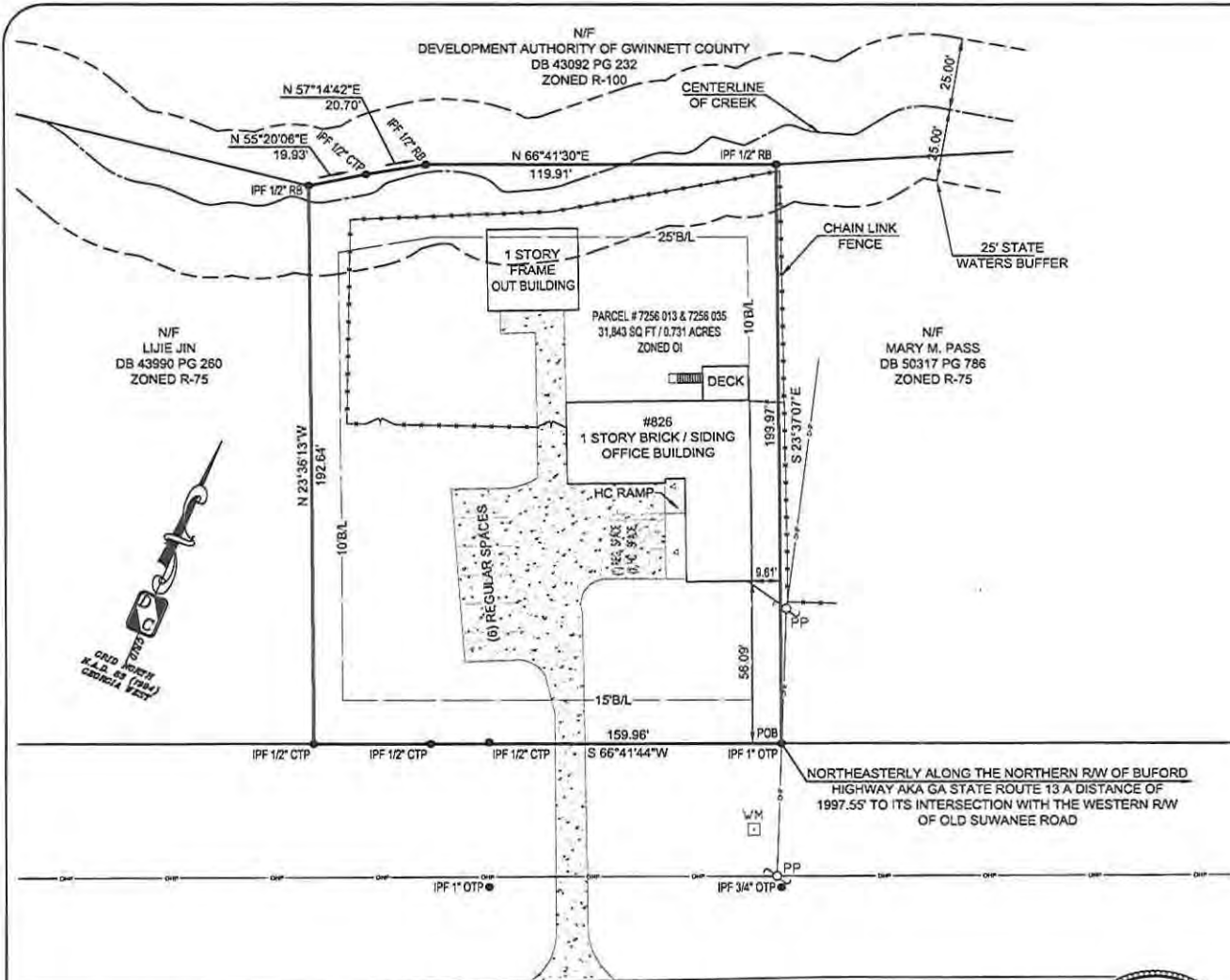
233

7-216

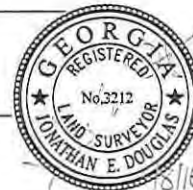
CIC2017-00012



Printed: February 14, 2017



BUFORD HIGHWAY (200' R/W) AKA GA STATE ROUTE 13
PUBLIC ROAD - CONDITION GOOD



DISCLAIMER

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE; THEREFORE, THE UNDERSIGNED AND DOUGLAS CONSULTING LLC MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.

THIS PLAT IS NOT VALID FOR RECORDING PURPOSES UNLESS SURVEYOR'S SIGNATURE APPEARS IN ORIGINAL BLUE INK OVER THE STAMP.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATION OR TITLE HEREON. SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.

THIS SURVEY DOES NOT CERTIFY THAT SAID PROPERTY WILL OR WILL NOT FLOOD.

RECOGNIZING THAT UNDERGROUND UTILITIES LOCATING IS AN ART AS WELL AS A SCIENCE, AND THAT THERE ARE INNUMERABLE VARIABLES IN ACHIEVING THE DESIRED RESULTS, DOUGLAS CONSULTING LLC DOES NOT GUARANTEE ACCURACY OR OMISSIONS IN LOCATING UNDERGROUND UTILITIES, AND DISCLAIMS ALL LIABILITY FOR ANY DAMAGES BASED ON INFORMATION PROVIDED.

FLOOD NOTE:

THIS TRACT OF LAND DOES NOT LIE WITHIN THE 100 YEAR INTERMEDIATE REGIONAL FLOOD ZONE AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL #13135C0024 G LAST REVISED MARCH 4, 2013.

SURVEY REFERENCE:

1. WARRANTY DEED FOR EURO CASA CONSULTING USA INC., DEED BOOK 51,631 PAGES 808-810, GWINNETT COUNTY RECORDS, DATED SEPTEMBER 10, 2012.
2. SURVEY FOR SARA CRIDER (826 BUFORD HWY), PREPARED BY DAVED BEALLE SURVEYORS LTD., DATED AUGUST 23, 2001.

SITE NOTES:

ZONING: O1
TOTAL SITE AREA: 31,843 SQ FT / 0.731 ACRES
BUILDING SETBACKS: 15' FRONT, 10' SIDE, 25' REAR
PARKING SPACES: 7 REGULAR, 1 HANDICAP

SURVEYORS CERTIFICATION

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 25,986 FEET, AND ANGULAR ERROR OF 0 SEC. PER ANGLE POINT AND WAS ADJUSTED USING THE NOME METHOD. THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO ONE FOOT IN 100,000 FEET. AN ELECTRONIC TOTAL STATION GEOMAX ZOOM80 WAS USED TO GATHER THE ANGULAR AND DISTANCE USED IN THE PREPARATION IN THIS PLAT.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

JONATHAN E. DOUGLAS, R.L.S.#3212

4/8/16
DATE

NO.	REVISION	DATE
1	XXXXXXXXXX	XXXXXX
2	XXXXXXXXXX	XXXXXX
3	XXXXXXXXXX	XXXXXX
4	XXXXXXXXXX	XXXXXX

BOUNDARY SURVEY FOR:
HASSAN MAHMUD
826 BUFORD HWY.
SUGAR HILL, 30518
LAND LOT 256 OF THE 7TH DISTRICT
GWINNETT COUNTY, GEORGIA

DOUGLAS CONSULTING LLC
248 Gilligan Ct.
Lawson Grove, GA 30248
Call: (770) 944-5887
Cell: (770) 538-3117
Fax: (770) 538-3117
doe@doconline.com
doe@doconline.com

CHECKED: JED
DRAWN: JED
SCALE: 1"=40'
FIELD DATE: 4-7-2016
DWG. DATE: 4-8-2016
JOB NO.: 826 BUFORD HWY
SHEET
1 OF 1

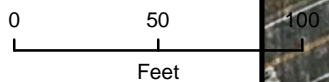
ANY REPRODUCTION OF THIS LEGAL DOCUMENT WITHOUT THE EXPRESS WRITTEN CONSENT OF DOUGLAS CONSULTING LLC IS PROHIBITED BY FEDERAL LAW. COPYRIGHT RESERVED BY THE DOUGLAS CONSULTING LLC

FEB 03 2017
Planning & Development

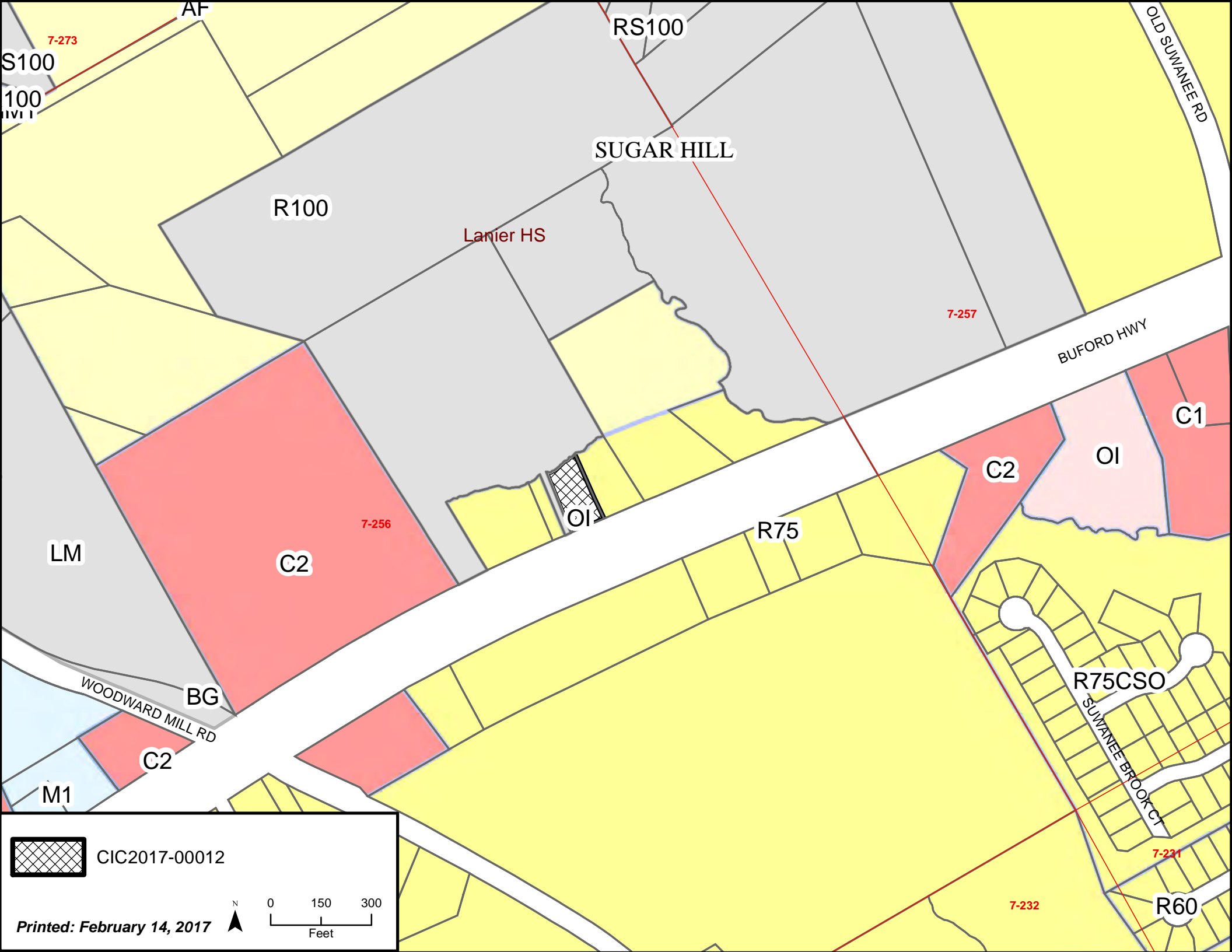
CIC '17 012

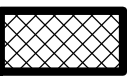


CIC2017-00012



Printed: February 14, 2017



 CIC2017-00012

Printed: February 14, 2017  