

## Department of Planning and Development

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



gwinnettcountry

### MUNICIPAL-GWINNETT COUNTY PLANNING COMMISSION

#### PUBLIC HEARING AGENDA

**GWINNETT JUSTICE AND ADMINISTRATION CENTER  
TUESDAY, APRIL 1, 2014 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 4, 2014 MEETING)
- E. ANNOUNCEMENTS
- F. OLD BUSINESS

- I. CASE NUMBER :**RZM2013-00004**
- APPLICANT :BRAND PROPERTIES, LLC
- CONTACT :AMANDA FLOYD
- PHONE NUMBER :770.232.0000
- ZONING CHANGE :C-2 TO RM-13
- LOCATION :2500-2600 BLOCKS OF MALL OF GEORGIA BLVD.  
:3100 BLOCK OF WOODWARD CROSSING BLVD.
- MAP NUMBER :R177 047
- ACREAGE :16.14 ACRES
- PROPOSED DEVELOPMENT :APARTMENTS
- UNITS :286 UNITS
- COMMISSION DISTRICT :(4) HEARD
- DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

2. CASE NUMBER :**RZR2014-00002**  
APPLICANT :KEN AZEVEDO  
CONTACT :G. DOUGLAS DILLARD  
PHONE NUMBER :404.926.4545  
ZONING CHANGE :R-100 TO RA-200  
LOCATION :1400 BLOCK OF BOWMAN ROAD  
MAP NUMBER :R5183 020  
ACREAGE :10.10 ACRES  
PROPOSED DEVELOPMENT :HORSE RIDING STABLES  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
3. CASE NUMBER :**CIC2014-00002**  
APPLICANT :PARAN HOMES  
CONTACT :LEE TUCKER  
PHONE NUMBER 770.232.0000  
ZONING :R-ZT  
LOCATION :900 BLOCK OF PROGRESS COURT  
:1200 BLOCK OF PROGRESS INDUSTRIAL BOULEVARD  
:2200 BLOCK OF CEDARS ROAD  
MAP NUMBERS :R7015 097, 7015 111 & 112, 7015 114 - 156  
ACREAGE :19.57 ACRES  
PROPOSAL :CHANGE IN CONDITIONS TO REDUCE DWELLING SIZE,  
REVISE BUILDING MATERIALS AND REDUCE  
GARAGE REQUIREMENT  
UNITS :108 UNITS  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
4. CASE NUMBER :**RZM2014-00003**  
APPLICANT :MAISER ABONEAAJ  
CONTACT :MARIAN C. ADEIMY  
PHONE NUMBER :770.822.0900  
ZONING CHANGE :R-100 & MH TO R-TH  
LOCATION :1600 BLOCK OF PURCELL ROAD  
:1800 BLOCK OF MARIE WAY  
MAP NUMBERS :R7044 003 & 195  
ACREAGE :2.34 ACRES  
UNITS :18 UNITS  
PROPOSED DEVELOPMENT :TOWNHOMES  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**DENIAL**

5. CASE NUMBER :**RZR2014-00007**  
APPLICANT :TPA GROUP, LLC  
CONTACT :MITCH PEEVY  
PHONE NUMBER :770.614.6511  
ZONING CHANGE :O-I TO R-ZT  
LOCATION :2300 BLOCK OF HUNTCREST WAY  
MAP NUMBER :R7113 133  
ACREAGE :15.39 ACRES  
UNITS :48 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY DETACHED SUBDIVISION  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**DENIAL**

G. NEW BUSINESS

1. CASE NUMBER :**RZC2014-00007**  
APPLICANT :DAVIS MILL STATION, LLC  
CONTACT :MITCH PEEVY  
PHONE NUMBER :770.614.6511  
ZONING CHANGE :C-1 & R-75 TO C-2  
LOCATION :1500 BLOCK OF LAWRENCEVILLE HIGHWAY  
:4100 BLOCK OF SUGARLOAF PARKWAY  
MAP NUMBER :R5079 106  
ACREAGE :10.45 ACRES  
SQUARE FEET :76,760 SQUARE FEET  
PROPOSED DEVELOPMENT :COMMERCIAL RETAIL USES (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(4) HEARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

2. CASE NUMBER :**RZC2014-00008**  
APPLICANT :ATL MOTORS, LLC  
CONTACT :BOBBY BULLARD  
PHONE NUMBER :770.554.8714  
ZONING CHANGE :R-100 TO C-2  
LOCATION :400 BLOCK OF ATHENS HIGHWAY  
:700 BLOCK OF HOKE O'KELLY MILL ROAD  
MAP NUMBER :R5130 004  
ACREAGE :1.76 ACRES  
SQUARE FEET :1,080 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOBILE SALES  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**

3. CASE NUMBER :**SUP2014-00020**  
APPLICANT :ATL MOTORS, LLC  
CONTACT :BOBBY BULLARD  
PHONE NUMBER :770.554.8714  
ZONING :C-2 (PROPOSED)  
LOCATION :400 BLOCK OF ATHENS HIGHWAY  
:700 BLOCK OF HOKE O'KELLY MILL ROAD  
MAP NUMBER :R5130 004  
ACREAGE :1.76 ACRES  
SQUARE FEET :1,080 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOBILE SALES  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
4. CASE NUMBER :**RZM2014-00005 (WITHDRAWN)**
5. CASE NUMBER :**RZR2014-00009**  
APPLICANT :4WS PROPERTIES, LLC  
CONTACT :JEFF MAHAFFEY  
PHONE NUMBER :770.232.0000  
ZONING CHANGE :RA-200 TO R-100 MODIFIED  
LOCATION :1400 BLOCK OF MOUNT MORIAH ROAD  
MAP NUMBER :R3003 065  
ACREAGE :22.12 ACRES  
UNITS :44 UNITS  
PROPOSED DEVELOPMENT :MODIFIED SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
6. CASE NUMBER :**SUP2014-00019**  
APPLICANT :4WS PROPERTIES, LLC  
CONTACT :JEFF MAHAFFEY  
PHONE NUMBER :770.232.0000  
ZONING :R-100 (PROPOSED)  
LOCATION :1400 BLOCK OF MOUNT MORIAH ROAD  
MAP NUMBER :R3003 065  
ACREAGE :22.12 ACRES  
UNITS :44 UNITS  
PROPOSED DEVELOPMENT :MODIFIED SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**



7. CASE NUMBER :**RZR2014-00010**  
APPLICANT :HOME SOUTH COMMUNITIES, LLC  
CONTACT :JEFF MAHAFFEY  
PHONE NUMBER :770.232.0000  
ZONING CHANGE :R-100 TO R-60  
LOCATION :5100 BLOCK OF MOORE ROAD  
:4900 BLOCK OF HOUNSLOW WAY  
MAP NUMBERS :R7287 007 & R7287 208  
ACREAGE :6.83 ACRES  
UNITS :20 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**DENIAL**
8. CASE NUMBER :**SUP2014-00015**  
APPLICANT :AUTOTRONICS ATL, LLC  
CONTACT :ERIC RAMSARAN  
PHONE NUMBER :404.554.6512  
ZONING :C-2  
LOCATION :3700 BLOCK OF STONE MOUNTAIN HIGHWAY  
MAP NUMBER :R6053 123  
ACREAGE :0.57 ACRE  
SQUARE FEET :5,040 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOBILE SERVICE  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**DENIAL**
9. CASE NUMBER :**SUP2014-00016**  
APPLICANT :YOUNG HO PARK  
PHONE NUMBER :678.643.4544  
ZONING :C-3  
LOCATION :3500 BLOCK OF MALL BOULEVARD  
MAP NUMBER :R6232 020  
ACREAGE :7.70 ACRES  
SQUARE FEET :4,052 SQUARE FEET  
PROPOSED DEVELOPMENT :POOL OR BILLIARDS HALL  
COMMISSION DISTRICT :(1) BROOKS  
DEPARTMENT RECOMMENDATION :**DENIAL**

10. CASE NUMBER :**SUP2014-00017**  
APPLICANT :TITLE EASY, LLC  
CONTACT :MITCH PEEVY  
PHONE NUMBER :770.614.6511  
ZONING :C-2  
LOCATION :5000 BLOCK OF JIMMY CARTER BOULEVARD  
MAP NUMBER :R6190 185  
ACREAGE :0.21 ACRE  
SQUARE FEET :2,350 SQUARE FEET  
PROPOSED DEVELOPMENT :TITLE LOAN FACILITY  
COMMISSION DISTRICT :(2) HOWARD  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
11. CASE NUMBER :**SUP2014-00018**  
APPLICANT :SAMUEL CORDOS  
PHONE NUMBER :678.517.9778  
ZONING :R-100  
LOCATION :3400 BLOCK OF LAKE CARLTON ROAD  
MAP NUMBER :R5126 025  
ACREAGE :7.67 ACRES  
SQUARE FEET :3,512 SQUARE FEET  
PROPOSED DEVELOPMENT :FAMILY PERSONAL CARE HOME  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**APPROVAL WITH CONDITIONS**
12. CASE NUMBER :**SUP2014-00021**  
APPLICANT :CHILDRESS KLEIN PROPERTIES, INC.  
CONTACT :MARIAN ADEIMY  
PHONE NUMBER :770.822.0900  
ZONING :C-2  
LOCATION :2000 BLOCK OF WEST PARK PLACE BOULEVARD  
:5500 BLOCK OF BERMUDA ROAD  
MAP NUMBER :R6060 053  
ACREAGE :13.57 ACRES  
SQUARE FEET :178,116 SQUARE FEET  
PROPOSED DEVELOPMENT :SELF-STORAGE FACILITY (CLIMATE CONTROLLED)  
COMMISSION DISTRICT :(3) HUNTER  
DEPARTMENT RECOMMENDATION :**DENIAL**
- H. AUDIENCE COMMENTS
- I. COMMITTEE REPORTS
- J. COMMENTS BY STAFF AND PLANNING COMMISSION
- K. ADJOURNMENT

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

CASE NUMBER :**RZM2013-00004**  
ZONING CHANGE :C-2 TO RM-13  
LOCATION :3100 BLOCK OF WOODWARD CROSSING BOULEVARD  
:2500-2600 BLOCK OF MALL OF GEORGIA BOULEVARD  
MAP NUMBER :R7177 047  
ACREAGE :16.14 ACRES  
PROPOSED DEVELOPMENT :APARTMENTS  
UNITS :190 UNITS  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: BRAND PROPERTIES, LLC  
C/O MAHAFFEY PICKENS TUCKER, LLP  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACT: AMANDA FLOYD      PHONE: 770.232.0000

OWNER: BANK OF NORTH GEORGIA  
8025 WESTSIDE PARKWAY  
ALPHARETTA, GA 30009

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests rezoning of an 16.14-acre property from C-2 (General Business District) to RM-13 (Multi-Family Residence District) for development of an apartment complex. The subject property is located at the corner of Mall of Georgia Boulevard and Woodward Crossing Boulevard, and is a commercial outparcel of the Mall of Georgia. The site was graded several years ago, but is void of development. The property is located within the Mall of Georgia Activity Center/Corridor Overlay District, and is subject to requirements set forth in Section 1315 of the Gwinnett County 1985 Zoning Resolution.

The proposed apartment complex would consist of 190 units in 7 buildings, along with a community clubhouse and swimming pool. The proposed development would yield a gross density of 11.78 units per acre and a net density of 12.88 units per acre, as the site contains approximately 2.78 acres of floodplain. Gated entrances are proposed from each roadway to serve the development. A total of 285 parking spaces would be provided, meeting parking requirements. The applicant has not provided specific details regarding architectural treatments or siding materials for the apartment buildings; however, the Department notes that the development would be subject to the Mall of Georgia Overlay District requirements.

A stream is located along the northwestern property line and the required undisturbed stream buffer and impervious surface setbacks are shown on the site plan. A 50-foot wide landscape strip is depicted adjacent to both Mall of Georgia Boulevard and Woodward Crossing Boulevard.

**ZONING HISTORY:**

The property was zoned RA-200 (Agriculture Residence District) in 1970. The current C-2 (General Business District) classification was established in 1997 as part of the Mall of Georgia rezoning actions (RZ-97-013, RZ-97-014 and SUP-97-014). A change in conditions for a building height increase was approved on the site in December 2007, pursuant to CIC-07-035.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

The subject property contains potential wetlands as depicted on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory Map or on the Federal Emergency Management Agency – Flood Insurance Rate Map. The applicant/developer shall obtain all required approvals from Gwinnett County Department of Planning and Development and the U.S. Army Corps of Engineers.

**OPEN SPACE AND GREENWAY MASTER PLAN:**

No comment.

**DEVELOPMENT REVIEW SECTION COMMENTS:**

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip along both roadways.

The Buffer, Landscape and Tree Ordinance 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 606.3 of the 1985 Zoning Resolution requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

Section 6.3.3 and/or 6.3.4 of the Development Regulations 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.

A 50-foot building setback is required from the right-of-way of Mall of Georgia Boulevard and Woodward Crossing Boulevard.

Section 606.6 of the 1985 Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Section 1.5.1.b of the Floodplain Management Ordinance requires that the lowest floor, including the basement, of all residential buildings be constructed at an elevation of at least three feet above the 100-year floodplain.

This project lies within an Activity Center/Corridor Overlay District, and is subject to all requirements set forth in Section 1315 of the Gwinnett County 1985 Zoning Resolution.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

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

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

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

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

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

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

Contact GCEHD regarding the swimming pool permitting process.

**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 northern right-of-way of Woodward Crossing Boulevard, and a 16-inch water main located on the southern right-of-way of Mall of Georgia Boulevard.

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located in the right-of-way of Woodward Crossing Boulevard.

The subject development is located within the Crooked 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 2006

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 renovation shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.
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 678.518.6040 Monday through Friday from the hours of 8:00 a.m. to 5:00 p.m.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

#### DEPARTMENT ANALYSIS:

The subject property is a 16.14-acre site located at the corner of Mall of Georgia Boulevard and Woodward Crossing Boulevard. The site was graded several years ago and is currently a vacant. A creek forms the northwestern property line, separating the property from the main Mall site.

The 2030 Unified Plan Future Development Map indicates that the property lies within a Regional Mixed-Use Character Area. Although the proposal is not in the form of a mixed-use development, the policies of the Unified Plan could support the proposed apartment complex as part of the larger regional center surrounding the Mall of Georgia. The proposed apartment complex could be compatible with the intense commercial/retail activity surrounding the Mall and similar multifamily residential developments along Mall of Georgia Boulevard.

The surrounding area is anchored by the Mall of Georgia with numerous commercial and office outparcels surrounding the Mall. The proposed apartment complex is situated centrally to the

mall complex, within a commercially intensified area. Two similar apartment developments, The Reserve at Ivy Creek and Century Mill Creek, are located in close proximity to the subject site. These apartment complexes were rezoned to RM-10 in 1997 (RZ-97-013) and 2001 (RZM-01-014), and are located immediately to the southeast across Mall of Georgia Boulevard. The wooded area that extends around the rear of the property along the creek could provide a natural buffer separating the residential use from the Mall of Georgia. The presence of existing apartment buildings in the mall area could provide supporting grounds for approval of this rezoning request.

In conclusion, the proposed rezoning to RM-13 for an apartment complex could be considered suitable at this location in light of the previously approved rezonings and the existing apartment complexes and the development pattern of the area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.



PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as RM-13 for a multi-family apartment development, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Multifamily residential dwellings and accessory uses and structures at a maximum of 190 units. Three bedroom units shall be limited to no more than 15%.
  - B. Buildings shall be constructed primarily of brick or stacked stone on each elevation, with the remainder being of fiber-cement siding. Building elevations shall be submitted for review and approval of the Director of Planning and Development prior to the issuance of building permits.
  - C. The development shall be a gated, controlled-access community.
  - D. Prior to issuance of a Development Permit, the applicant shall submit architectural elevations in the form of a Plan Book for review and approval by the Director of Planning and Development. At a minimum, the Plan Book shall include building elevations, colors, materials and other pertinent information as may be required by the Director. Building colors and elevations shall be substantially in accordance with the elevations presented by the applicant at the March 5, 2013 Planning Commission hearing.
  - E. All units are to have solid surface counter tops and tile or hardwood entry, kitchen and bathroom floors.
2. To satisfy the following site development considerations:
  - A. Provide a buffer around the perimeter of the site. The area to the northwest along the creek shall remain undisturbed and natural. The buffer design shall be subject to review and approval of the Director of Planning and Development prior to the issuance of a development permit.
  - B. Provide 50-foot wide landscaped setbacks along Mall of Georgia Boulevard and Woodward Crossing Boulevard. The landscaped setbacks shall include decorative entrance monuments, decorative fences or walls, and landscaping. Design of these elements shall be subject to review and approval of the Director of Planning and Development prior to the issuance of a development permit.
  - C. Entrance/exit design and location shall be subject to review and approval of Gwinnett DOT.

- D. Dumpsters/trash compactors shall be screened from view by a 100% opaque brick wall.
- E. In the event of residential tenant eviction any belongings of the tenant will be placed on a portion of the subject property that is not visible from the public right-of-way, unless otherwise required by law.
- 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. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

With the recommended conditions, the proposed apartment development could be suitable in light of the intense commercial uses associated with the Mall of Georgia and the multifamily developments located across Mall of Georgia Boulevard from the subject property.

ADVERSE IMPACTS

With the recommended conditions that include enhanced aesthetic and design requirements similar to or greater than the apartment complexes across Mall of Georgia Boulevard, potential adverse impacts could be minimized.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

Impacts on public facilities from this request would include increased utility demand, traffic, storm water runoff, and an increase in school-age children.

CONFORMITY WITH POLICIES

The proposed rezoning to RM-13 for an apartment complex could be consistent with the policies of the Unified Plan, and there have been similar rezoning actions allowing apartments near the Mall of Georgia; including two sites just south of the subject property. Therefore, this request could be consistent with past Board policy for the proposed land use.

CONDITIONS AFFECTING ZONING

Over the past several years multi-family developments have been zoned and constructed in the Mall of Georgia area, suggesting that the proposed apartment complex could be a suitable fit for the property. However, the subject property is more visible and more closely situated to the Mall, suggesting that increased architectural and landscaping requirements may be appropriate.

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

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

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

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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RECEIVED BY

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APR 08 2013

RZM '13 004

Planning & Development

## STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Yes, the proposed Rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. The subject property is surrounded by commercial, office institutional and residentially-zoned properties within the Mall of Georgia region and is bordered by the Mall of Georgia to the west, the Reserve at Ivory Creek, and Century Mill Creek apartments to the southeast. The proposed Rezoning is compatible with the zonings and uses currently in effect or contemplated for adjacent and nearby properties.
- (B) No, the proposed Rezoning will not adversely affect the existing use or usability of adjacent or nearby property but, to the contrary, will be compatible and consistent with such uses as currently exist or as are contemplated in the future.
- (C) No. In light of market conditions and the realities of the surrounding property uses, it would be nearly impossible to use and develop the property in accordance with its current C-2 zoning.
- (D) No, the proposed Rezoning will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The proposed Rezoning and use will have no effect upon schools other than to generate revenue in the form of ad valorem taxes for the Gwinnett County Public School System. The transportation network in this area has been improved greatly and is capable of handling any traffic to be generated by the development of this property under the proposed Rezoning.
- (E) Yes. The proposed Rezoning is in conformity with the intent of the Land Use Plan in that it provides multifamily residential in the midst of a mixed-use corridor in the Mall of Georgia region. Also, the subject tract is adequately served by transportation thoroughfares providing appropriate ingress and egress to and from the property.
- (F) Yes, the existing zonings of adjacent and nearby properties and the fact that the subject tract is surrounded by ample infrastructure, and is located in close proximity to a major thoroughfare give additional supporting grounds for the approval of the requested rezoning. Additionally, the property has no reasonable economic use under its current zoning thereby giving additional support for the approval of this Application.

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APR 08 2013

Planning & Development

RZM '13 004





Jeffrey R. Mahaffey  
Steven A. Pickens  
R. Lee Tucker, Jr.  
Matthew P. Benson  
Gerald Davidson, Jr.,  
of Counsel

Andrew D. Stancil  
E. Michelle Rothmeier  
Shawn F. Bratton  
Alissa L. Cummo  
Justin A. Abernathy  
Austen T. Mabe  
J. David Gussio  
Jill H. Harris,  
of Counsel

**LETTER OF INTENT FOR  
REZONING APPLICATION OF BRAND PROPERTIES, LLC**

Mahaffey Pickens Tucker, LLP submits this Rezoning Application on behalf of the Applicant, Brand Properties, LLC, for the purpose of rezoning an approximate 16 acre tract (hereinafter, the "Property") located at the Woodward Crossing Boulevard and Mall of Georgia Boulevard intersection to the RM-13 zoning classification. The Property is currently zoned C-2.

In its current state, the use and development of the Property as C-2 is not economically feasible and is not the highest and best use. As stated in the Rezoning Application, the Applicant intends to develop the Property as a multi-family residential use.

The Applicant respectfully submits that the proposed development will conform to the Gwinnett County 2030 Unified Plan and will be compatible and consistent with adjacent properties. The Applicant submits that the proposed rezoning would not impose any additional burdens on the transportation network. The Applicant further submits that the operation of the Property as a multi-family residential development under the guidelines of Gwinnett County is appropriate for the subject tract, is consistent with the surrounding property and will afford the owner the opportunity to increase the number of allowed uses on site so as to provide a needed amenity for the surrounding area. The proposed development would ensure affordable and accessible housing and attract new residents, increasing the tax base without overburdening County schools and infrastructure. Rezoning of the property from the C-2 zoning classification to multi-family residential would protect and promote the quality of life of the surrounding community, as well as allow the Property to be developed to its highest and best use.

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

RZM '13 004

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.

This 4th day of April, 2013.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

  
\_\_\_\_\_  
Justin Abernathy  
*Attorneys for Applicant*

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APR 08 2013

Planning & Development

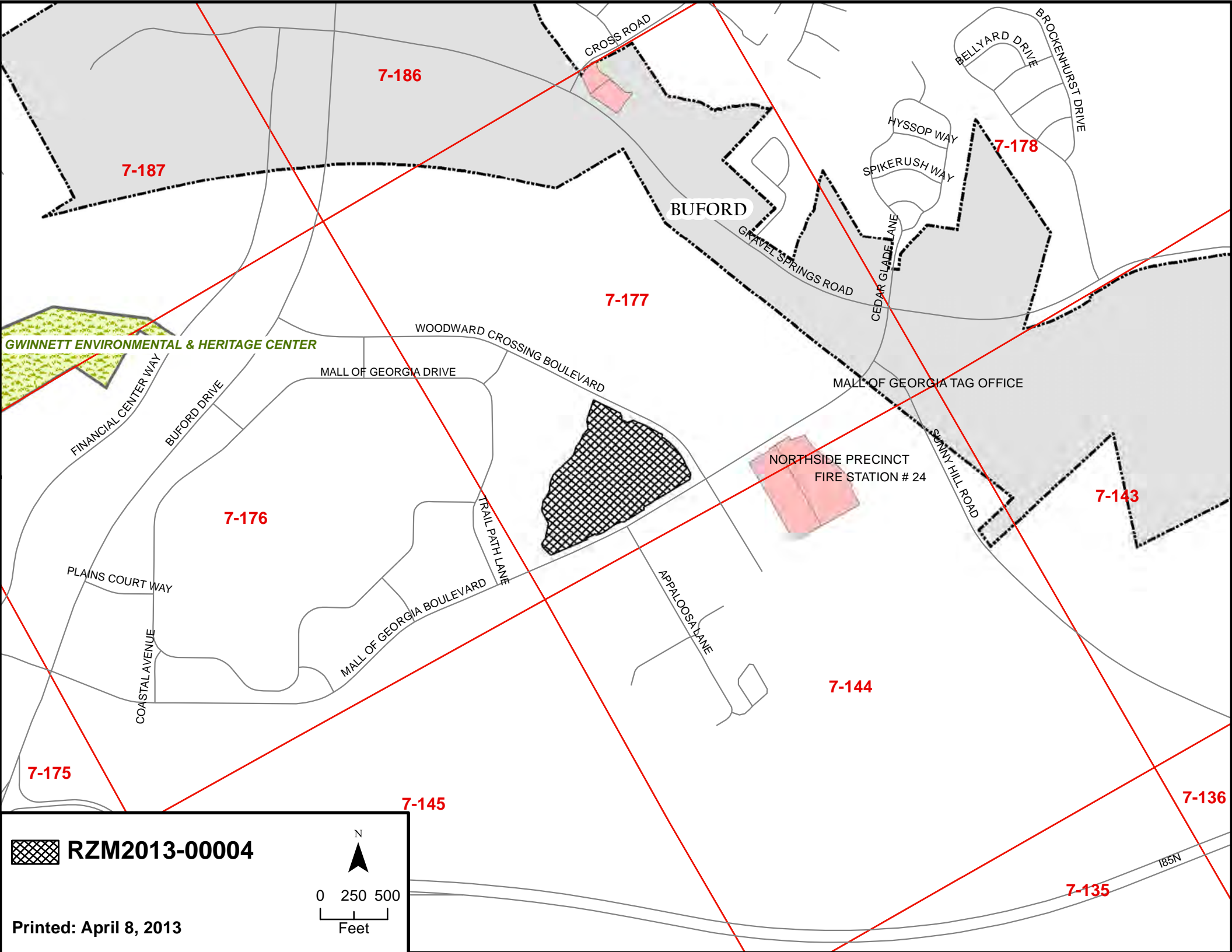
RZM '13 004

**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, June 2013**

Case #	Schools	Current Projections									Proposed Zoning  Approximate additional Student Projections from Proposed Developments
		2013-14			2014-2015			2015-2016			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2013-00004	Mill Creek HS	3,683	3,050	633	3,738	3,050	688	3,794	3,050	744	20
	Jones MS	1,282	1,075	207	1,295	1,075	220	1,308	1,075	233	15
	Patrick ES	830	1,050	-220	815	1,050	-235	832	1,050	-218	31

Current projections do not include new developments





7-186

7-187

BUFORD

7-177

7-178

GWINNETT ENVIRONMENTAL & HERITAGE CENTER

MALL OF GEORGIA TAG OFFICE

NORTHSIDE PRECINCT  
FIRE STATION # 24

7-143

7-176

7-144

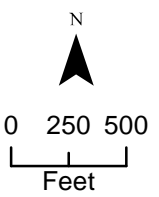
7-175

7-145

7-136

7-135

 RZM2013-00004



Printed: April 8, 2013







CROSSING VIEW ROAD

WOODWARD CROSSING BOULEVARD

MALL OF GEORGIA DRIVE

TRAIL SPIT LANE

APPALOOOSA LANE

MALL OF GEORGIA BOULEVARD

APPALOOOSA RUN TRAIL

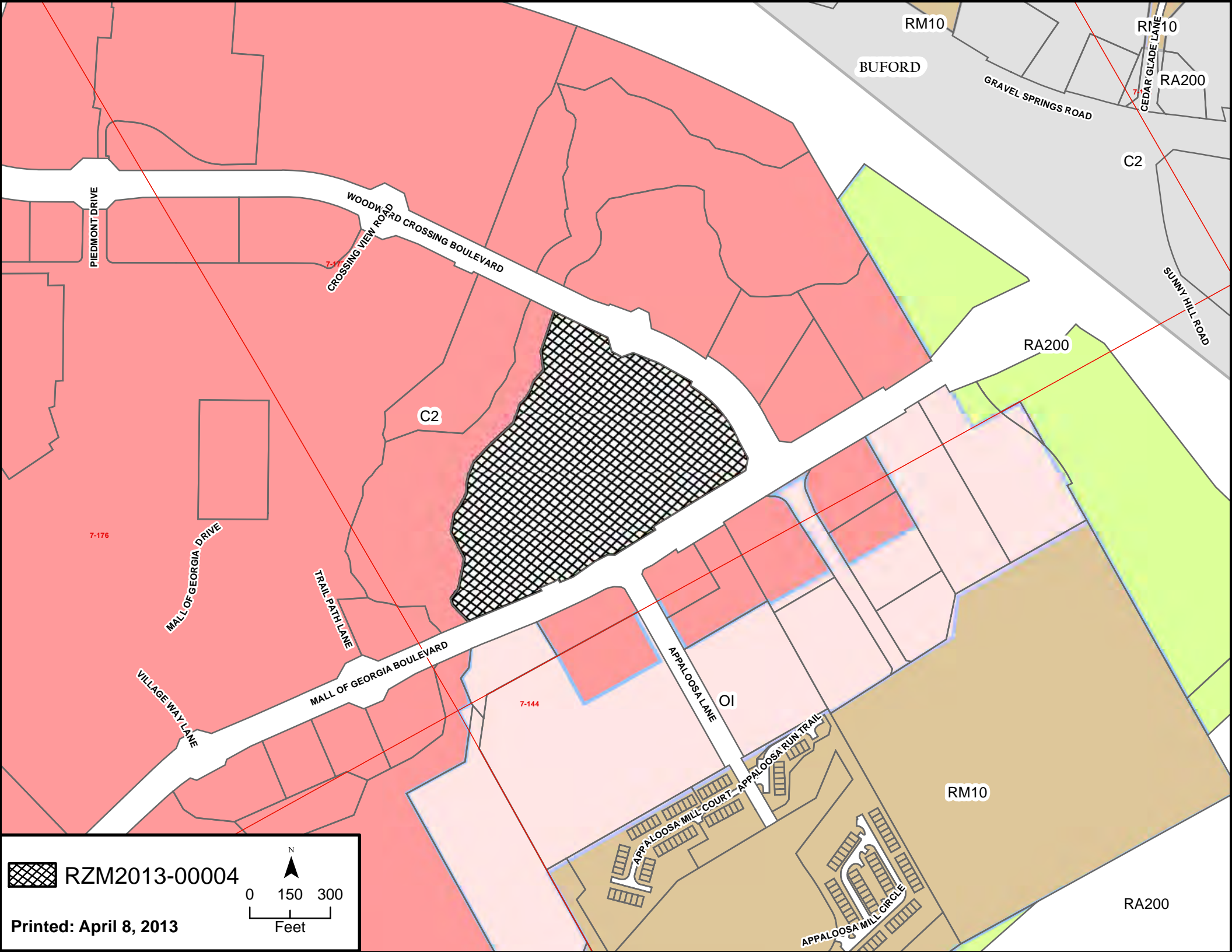
 RZM2013-00004



0 60 120  
Feet

Printed: April 8, 2013





RM10

BUFORD

RM10

RA200

GRAVEL SPRINGS ROAD

C2

SUNNY HILL ROAD

RA200

C2

PIEDMONT DRIVE

WOODWARD CROSSING BOULEVARD

CROSSING VIEW ROAD

7-176

MALL OF GEORGIA DRIVE

TRAIL PATH LANE

VILLAGE WAY LANE

MALL OF GEORGIA BOULEVARD

7-144

APPALOOSA LANE


OI

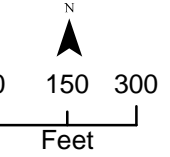
RM10

RA200

APPALOOSA MILL COURT - APPALOOSA RUN TRAIL

APPALOOSA MILL CIRCLE

 RZM2013-00004



Printed: April 8, 2013

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

CASE NUMBER :**RZR2014-00002**  
ZONING CHANGE :R-100 TO RA-200  
LOCATION :1400 BLOCK OF BOWMAN ROAD  
MAP NUMBER :R5183 020  
ACREAGE :10.10 ACRES  
PROPOSED DEVELOPMENT :HORSE RIDING STABLES  
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: KEN AZEVEDO  
1911 GRAYSON HIGHWAY, SUITE 8-335  
GRAYSON, GA 30017

CONTACT: G. DOUGLAS DILLARD PHONE: 404.926.4545

OWNER: KEN AZEVEDO  
1911 GRAYSON HIGHWAY, SUITE 8-335  
GRAYSON, GA 30017

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant is requesting to rezone a 10.10-acre parcel from R-100 (Single-Family Residence District) to RA-200 (Agriculture-Residence District) to allow for horse riding stables. The subject property is located on the southeast side of Bowman Road, near its intersection with Watson Ridge Trail. The site currently contains a single-family dwelling, fenced pastures, a barn and a horse riding ring. The majority of the property is pasture, with the rear portion of the site being lightly wooded. Access to the site is provided by a gravel driveway that extends from Bowman Road.

The site plan shows the residence, barn and riding stable and the letter of intent states their intent to expand the existing barn, and add a small parking area for customers. The applicant recently purchased the property with the understanding that the site was already zoned RA-200. The horse riding arena or animal quarters was constructed along the northeast property line and does not meet the minimum setback of 100 feet. A Variance application (ZVR2014-00020) has been submitted to allow the riding arena to remain at its current location. A complaint was filed with the Police Department's Code Enforcement Unit, pursuant to CEU2013-02838, resulting in this rezoning request.

**ZONING HISTORY:**

The property was zoned R-100 in 1970. In 1974, the property was rezoned to RA-200, pursuant to RZ-35-74. In 1975, the property was rezoned back to R-100 per an area-wide zoning map revision.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**OPEN SPACE AND GREENWAY MASTER PLAN:**

No comment.

**DEVELOPMENT REVIEW SECTION COMMENTS:**

Section 1300.8 of the Zoning Resolution requires that no animal quarters are located closer than 100 feet to any property lines. A Variance application is pending for this requirement (ZVR2014-00020).

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of an 12-inch water main located on the northern right-of-way of Bowman Road.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 265 feet north of the property in the right-of-way of Thomas Daniel Way.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The subject property is located on the southeast side of Bowman Road, near its intersection with Watson Ridge Trail. The site currently contains a single-family dwelling, a barn and a horse riding ring. Access to the site is provided by a gravel driveway that extends from Bowman Road.

The 2030 Unified Plan Future Development Map indicates that the property lies within a Rural/Estate Character Area. Policies for this character area promote large estate properties, agricultural activities and equestrian lots. As such, the requested rezoning to RA-200 for horse riding stables could be consistent with policies of the Unified Plan.

The surrounding area is a mix of large acreage properties and single family subdivisions in R-100 and R-100 CSO zoning. Surrounding the property are large acreage tracts developed with single-family homes, zoned R-100. A few low-density residential subdivisions also exist in the immediate area, including Avington Glen, Watson's Ridge and Helens Manor. Near the subject site are several properties ranging in size from two to five acres that consist of pasture and wooded areas. Located across from the subject site is a small grandfathered automobile repair business, zoned C-2. In light of the sparsely developed, residential nature of the area, the requested rezoning and riding stables could be appropriate at this location.

In conclusion, the requested rezoning could be considered consistent with the Unified Plan and with the rural/residential nature of the surrounding area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as RA-200 for horse riding stables, subject to the following enumerated conditions:

1. Limited to use as a residence and horse riding stables. Equestrian shows, auctions and other events shall be prohibited.
2. Obtain any necessary variance(s) for building setbacks or gravel parking areas.
3. The riding ring shall not be lighted, and shall not be utilized after dusk.
4. Obtain necessary permits from the Development Division and make all required building and site improvements prior to the issuance of a Business License or Certificate of Occupancy.



PLANNING & DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The proposed use could be suitable in view of the rural/residential character of the area which includes pasture land and numerous acreage tracts developed with single-family homes.

ADVERSE IMPACTS

With the recommended conditions, any adverse impacts from the proposed riding ring and stables upon adjacent and nearby properties could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The subject property has a reasonable economic use as zoned.

IMPACT ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the property lies within a Rural/Estate Character Area. Policies for this character area could support the requested rezoning and equestrian activity.

CONDITIONS AFFECTING ZONING

The rural/residential character of the area lends some supporting grounds for approval of this request. Several properties on Bowman Road are in excess of three acres and have pastures that would allow for the keeping of livestock.

G. Douglas Dillard  
404-926-4545  
[dougd@wncwlaw.com](mailto:dougd@wncwlaw.com)



Amended Letter of Intent  
and Rezoning Applicant's  
Response to Standards Governing  
the Exercise of the Zoning Power  
Rezoning Application of Ken Azevedo

One Alliance Center, 4th Floor  
3500 Lenox Road  
Atlanta, Georgia 30326  
Telephone: (404) 926-4500  
Fax: (404) 926-4600  
[www.wncwlaw.com](http://www.wncwlaw.com)

March 3, 2014

Mr. Chuck Warbington  
Chairman, Gwinnett County Planning Commission  
One Justice Square  
446 West Crogan Street  
Lawrenceville, GA 30046

RE: Amendment to the Rezoning Application of Ken Azevedo, concerning property located at 1458 Bowman Road, Lawrenceville, Georgia 30045; Gwinnett County

Dear Chairman Warbington:

Please consider this an amended Letter of Intent for the Rezoning Application (RZR2014-00002) filed by Ken Azevedo ("Applicant"). The subject property is located 1458 Bowman Road in Gwinnett County, Georgia (the "Property") and is currently zoned R-100. The Property consists of one parcel with an existing home, an existing barn, and an existing horse riding arena. The Property has been used as a horse riding stable for many years, and was being used as a horse riding stable when the Applicant purchased the Property. The Applicant has continued to use the Property for residential use and for a horse riding arena.

The Applicant proposes to rezone the Property from R-100 to RA-200. The zoning change is consistent with Gwinnett County's 2030 Unified Plan for Future Development and the surrounding and nearby properties which include commercial and residential uses. Moreover, the Applicant satisfies all of the criteria for a zoning change as set forth in the Gwinnett County Zoning Resolution, § 1702. The following responses *supplement* those responses provided in the original Rezoning Application.

**(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 proposed RA-200 zoning is suitable in view of the use and development of adjacent and nearby property. The surrounding area is a mix of large tract single-family residential homes and subdivisions. Moreover, the property across the street from the subject property is zoned C-2 for commercial use and is currently used as a commercial business operation. The area is rural in

Mr. Chuck Warbington  
Chairman, Gwinnett County Planning Commission  
March 3, 2014  
Page 2

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character and sparsely developed, and is therefore suitable for the requested rezoning for riding stables. The zoning change is consistent with Gwinnett County's 2030 Unified Plan for Future Development and the surrounding and nearby properties which include commercial and residential uses.

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

The proposed rezoning will not adversely affect the existing use or usability of surrounding properties. The property is currently permitted to have a horse arena and stables. The rezoning will additionally permit the Applicant to board horses for individuals outside of the Applicant's family. A potential increase in the number of horses stabled on the Property will not adversely affect surrounding uses of property since the surrounding properties are large tract properties with houses that sit far back from the Applicant's barn and horse riding arena. Moreover, the most immediate neighbors to the animal barn, the Kemps, are separated from the barn by several hundred feet and by Mr. Azevedo's home. Additionally, the Applicant has expended considerable sums to construct a separate driveway to eliminate the continued need for a shared driveway with the neighboring property owners.

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

No, the Property has little to no reasonable economic use as currently zoned. The Applicant bought the Property because of information from Gwinnett County that the Property was zoned RA-200, and thus boarding horses was permitted. After purchasing the Property and making significant investments to the horse arena, the County stated that, in fact, the Property was zoned R-100. Under R-100, the Applicant cannot board horses and has therefore suffered significant financial hardship in purchasing and investing in the Property. As such, the Property as currently zoned has no viable economic use for the purpose of boarding horses.

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

The proposed rezoning will not result in a use which would overburden existing streets, transportation facilities, utilities, or schools. Schools would in no way be affected by the rezoning since the proposed zoning is still single-family residential. Moreover, the proposed use of the property would not affect utilities. The proposed use of the property *may* slightly increase the number of vehicles on the road, but the existing arterial roads and nearby highways have

Mr. Chuck Warbington  
Chairman, Gwinnett County Planning Commission  
March 3, 2014  
Page 3

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adequate capacity to handle the negligible increase in trips. Furthermore, and as noted above, the Applicant has already installed a separate driveway, at his expense, on his property so as not to overuse the previously shared driveway with the neighboring property owners.

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

Yes. The current land use plan provides that the subject Property and surrounding properties remain large estate properties, agricultural activities, and equestrian lots. The proposed rezoning for horse riding stables is consistent with the policies 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:**

Yes. The Applicant was originally told by Gwinnett County that the Property was zoned RA-200, and has acted in reliance on that zoning certification investing significant time and financial resources into the property. The proposed and renovated facilities are of the highest quality, and the Applicant has already expended money in ensuring his proposed use does not interfere with his neighbors' enjoyment of their properties by building a separate driveway and installing a new fence.

The hereinafter constitutional notice is now required by Georgia law.

The portions of the Gwinnett County Zoning Resolution, facially and as applied to the Property, which restrict the Property to any zoning classification, uses, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Gwinnett County Zoning Resolution, facially and as applied to the Property, which restricts the Property to any zoning classification, uses, or to any zoning classification other than the classification as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the

WEISSMAN, NOWACK, CURRY & WILCO, P.C.

Mr. Chuck Warbington  
Chairman, Gwinnett County Planning Commission  
March 3, 2014  
Page 4

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Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I 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 rezone the Property in accordance with the zoning criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

The existing zoning classification which prohibits the Applicant's use of the property is unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional zoning classification within a reasonable time, a claim will be filed in the Superior Court of Gwinnett County demanding just and adequate compensation under Georgia law for the taking of the Property, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

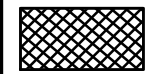
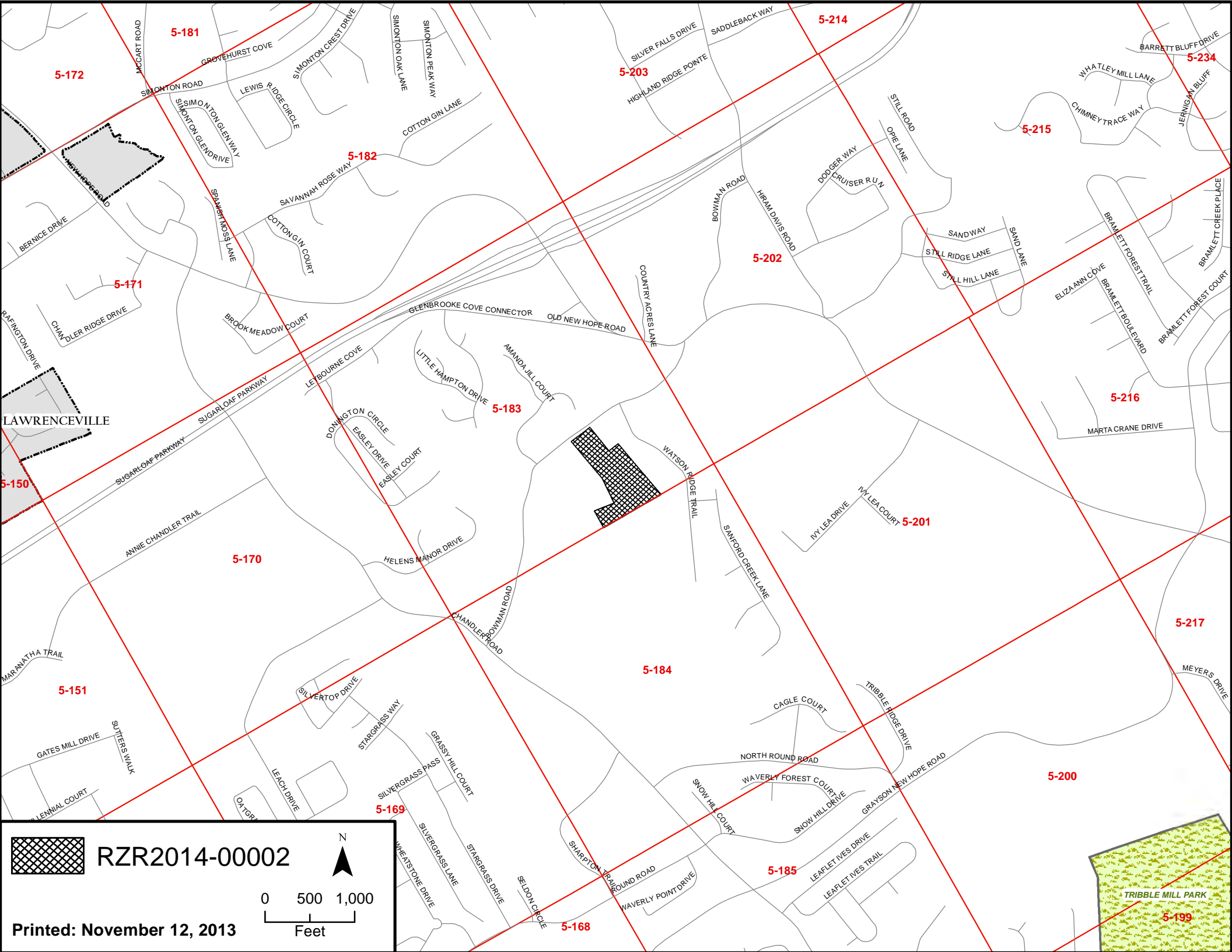
Accordingly, your Applicant respectfully requests that this Application be granted as requested by the Applicant.

Sincerely,

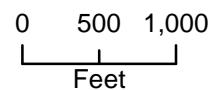
WEISSMAN, NOWACK, CURRY & WILCO, P.C.



G. Douglas Dillard  
Attorney for Applicant



RZR2014-00002



Printed: November 12, 2013

Feet



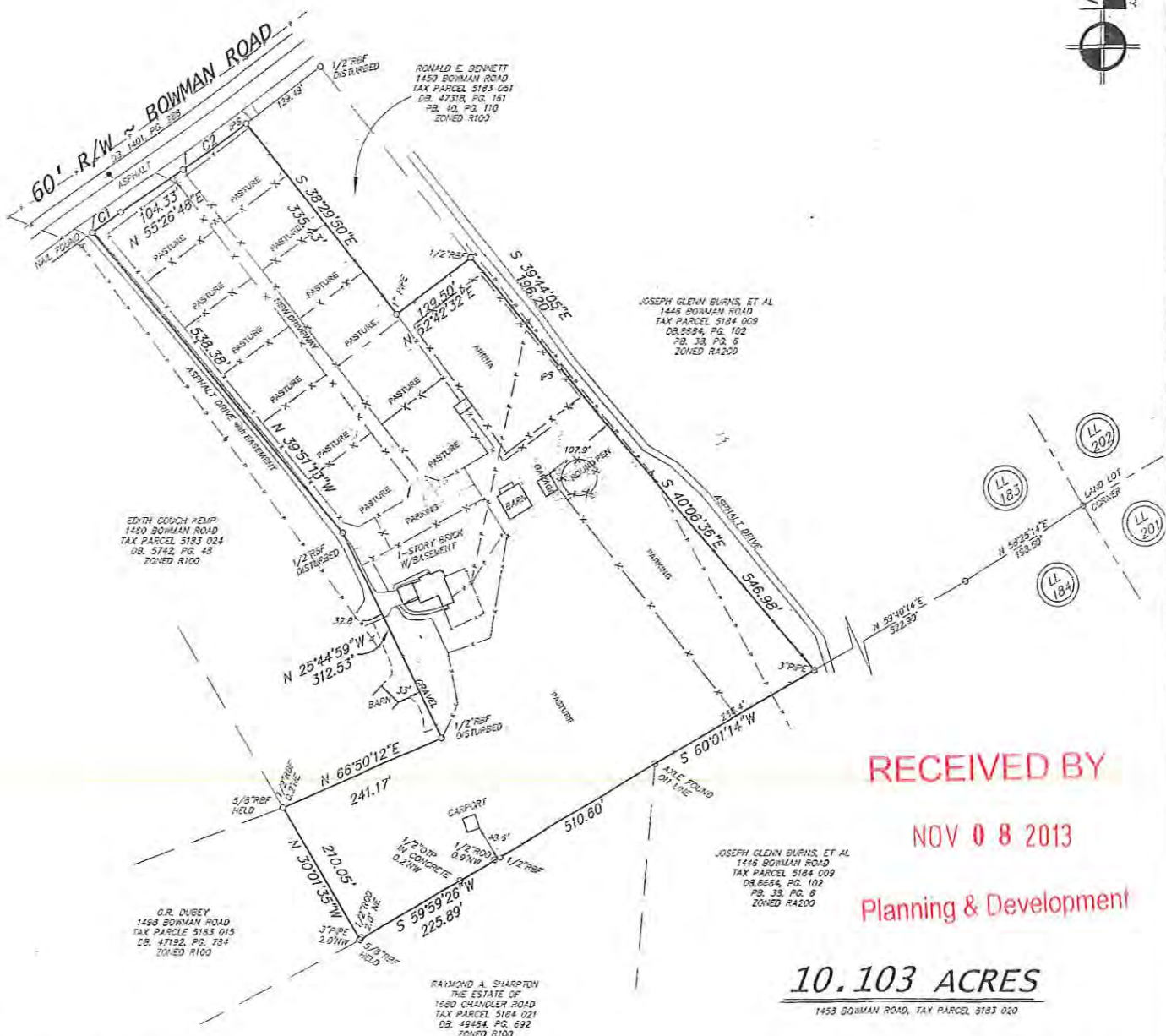
**LEGEND**

- I.P.F. = IRON PIN FOUND
- I.P.S. = IRON PIN SET (1/2" RE-BAR)
- R.B.F. = RE-BAR FOUND
- R.B.S. = RE-BAR SET
- O.T. = OPEN TOP
- G.T. = GRADED TOP
- R/W = RIGHT OF WAY
- P.L. = PROPERTY LINE
- C.L. = CENTER LINE
- B.L. = BUILDING LINE
- L.L. = LAND LOT
- L.L.L. = LAND LOT LINE
- G.O.D. = GEORGIA OILITA DISTRICT
- P. = POWER POLE
- P.L. = POWER LINE
- F.L. = FENCE LINE
- R. = RADIUS
- CH. = CHAIN
- TAIL. = TANGENT
- N/F. = NOW OR FORMERLY
- D.S. = DEED BOOK
- P.B. = PLAT BOOK
- P. = PAGE
- D.E. = DRAINAGE EASEMENT
- S.E. = SEWER EASEMENT
- M.H. = FIRE HYDRANT
- M.H. = MANHOLE
- C.B. = CATCH BASIN
- S.S. = EXISTING SPOT ELEVATION
- F.S. = FINISHED SPOT ELEVATION
- P.S. = PROPOSED SPOT ELEVATION
- F.F.E. = FINISHED FLOOR ELEVATION
- = DIRECTION OF SURFACE DRAINAGE

NOTE: NO PORTION OF THE PROPERTY SHOWN HEREON IS IN A DESIGNATED FLOOD HAZARD AREA, ACCORDING TO THE FLIRM. NO. 1313500105F DATED 9/29/2005

Curve	Radius	Length	Chord	Chord Bear.
C1	2018.95'	47.85'	47.85'	N 54°46'04" E
C2	2440.64'	107.81'	107.80'	N 54°10'53" E

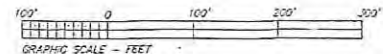
MAGNETIC NORTH



RECEIVED BY  
NOV 08 2013  
Planning & Development

10.103 ACRES

1458 BOWMAN ROAD, TAX PARCEL 5183 020



A TOPCON 225 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 55,101 FEET AND AN ANGULAR ERROR OF 01" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES METHOD.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 115,070 FEET.

RZR '14 0 0 2



BOUNDARY SURVEY FOR:

KEN AZEVEDO

LAND LOT(S) 183	5th DISTRICT	GWINNETT COUNTY, GEORGIA
SCALE: 1" = 100'	FIELD WORK DATE: 10/15/12	
ALCOY SURVEYING AND ENGINEERING, INC.		DATE: 10/18/2012
2205 HWY. 81 S., LOGANVILLE, GA. 30052		JOB NO. 12-087
PHONE 70-468-4002		






BOWMAN ROAD


S DANIEL WAY

WATSON RIDGE TRAIL

ANITA SPRINGS DR

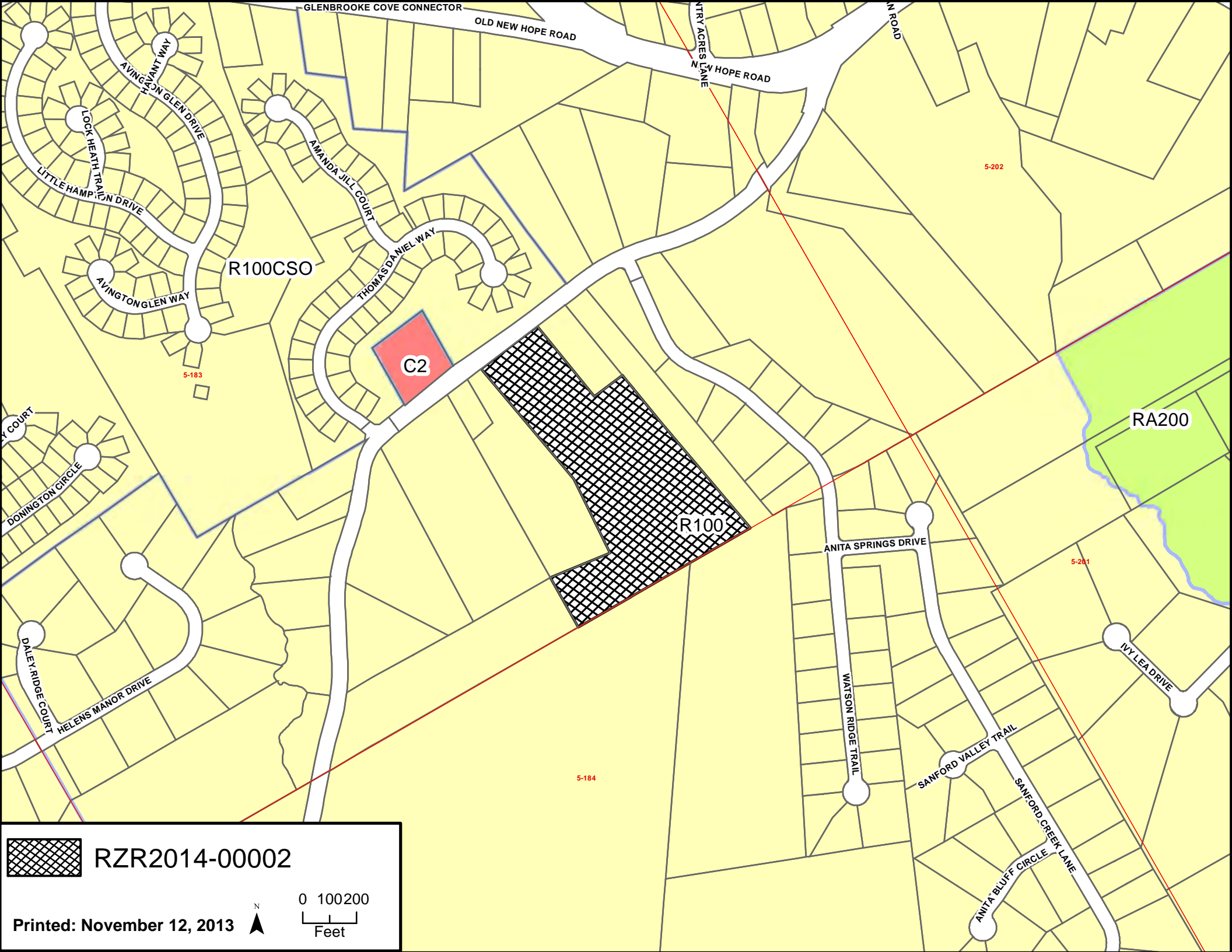
 RZR2014-00002

0 50 100  
Feet

N 

Printed: November 12, 2013





GLENBROOKE COVE CONNECTOR  
OLD NEW HOPE ROAD

ENTRY ACRES LANE  
NEW HOPE ROAD

N ROAD

AVINGDON GLEN DRIVE  
LOCK HEATH TRAIL  
LITTLE HAMPDEN DRIVE  
AVINGTON GLEN WAY

AMANDA JILL COURT  
THOMAS DANIEL WAY

R100CSO

C2

5-183

R100

RA200

DONINGTON CIRCLE

ANITA SPRINGS DRIVE

5-201

DALEY RIDGE COURT  
HELENS MANOR DRIVE


WATSON RIDGE TRAIL


IVY LEAD DRIVE

5-184

SANFORD VALLEY TRAIL

SANFORD CREEK LANE  
ANITA BLUFF CIRCLE

 RZR2014-00002

Printed: November 12, 2013 

0 100200  
Feet

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

CASE NUMBER :**CIC2014-00002**  
ZONING :R-ZT  
LOCATION :900 BLOCK OF PROGRESS COURT  
:1200 BLOCK OF PROGRESS INDUSTRIAL BOULEVARD  
:2200 BLOCK OF CEDARS ROAD  
MAP NUMBERS :R7015 097, 7015 111 & 112, 7015 114 THRU 156  
ACREAGE :19.57 ACRES  
PROPOSAL :CHANGE IN CONDITIONS TO REDUCE DWELLING SIZE,  
REVISE BUILDING MATERIALS AND REDUCE GARAGE  
REQUIREMENT  
UNITS :108 UNITS  
COMMISSION DISTRICT :(4) HEARD

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

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

CONTACT: LEE TUCKER                      PHONE: 770.232.0000

OWNERS: PH FUNDING, LLC  
PARAN HOMES OF HERITAGE PONITE, LLC  
C/O MAHAFFEY, PICKENS, TUCKER, LLP  
1550 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **DENIAL**

**CHANGE IN CONDITIONS SUMMARY:**

The applicant requests a Change-in-Conditions of zoning for Heritage Point subdivision, zoned R-ZT, to reduce the minimum heated floor area of the dwellings, revise the list of permitted building materials and modify the condition requiring all dwellings to have a double-car garage. The subject property is located at the northwest intersection of Progress Industrial Boulevard and Cedars Road, just north of Hurricane Shoals Road, and also has road frontage on Progress Court.

Heritage Point was first rezoned to R-ZT in 2005 pursuant to RZM-05-021. A change in conditions case was approved in 2006 (CIC-06-045) to reduce some of the development standards, and then in 2007 a request to further reduce the development standards was denied (CIC-07-034). In 2006, a subdivision development permit (SDP2006-00034) was issued and the

site was partially developed, with one phase being final platted with home sites. However, no homes were ever constructed, and the site has remained idle since that time.

The applicant is requesting to amend the following conditions of CIC-06-045: Condition I.B. governs the minimum dwelling size, condition I.C. governs the exterior treatments of the homes and condition I.D. governs the requirement for double-car garages.

Condition I.B. currently read as follows:

I.B. The minimum heated floor area per dwelling unit shall be 2,200 square feet.

The applicant proposes to amend condition I.B., to reduce the minimum heated floor area per dwelling unit from 2,200 square feet to 1,500 square feet.

Condition I.C. currently read as follows:

I.C. Buildings shall be constructed primarily of brick, stacked stone or stucco on four sides with minor treatments (i.e. gables, bay windows, and chimneys) of wood or fiber-cement type siding; or craftsman style including the elevations that have been submitted. If craftsman-style is utilized, then homes shall have brick or stacked stone (i.e. water tables) and around the front and sides. Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.

The applicant proposes to amend condition I.C., to allow the dwellings to be constructed primarily of wood or fiber-cement type siding with architectural accents of brick, stacked-stone or stucco. The submitted architectural renderings reflect the proposed exterior changes to the current conditions of zoning (see attached).

Condition I.D. currently read as follows:

I.D. All homes shall have a double car garage.

The applicant proposes to amend condition I.D., to allow all of the proposed dwellings to be constructed with a single-car garage.

The 2030 Unified Plan Future Development Map indicates that the property is located within the Research & Development Corridor extending along University Parkway (Highway 316). The Unified Plan stresses protecting the character of existing neighborhoods 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 reduce the dwelling unit size, diminish the architectural standards and eliminate the double-car garage requirement may not be appropriate in view of the two previous rezoning requests, which were considered through the public hearing process with input from the surrounding community. The conditions of zoning were designed to preserve the integrity of the surrounding community and ensure that homes would be constructed to desired standards.

The properties surrounding the site consist of a variety of zoning classifications and uses. The properties immediately to the west, and to the south and southeast, across both Progress Industrial Boulevard and Cedars Road, are all zoned M-I (Light Industry District) and are part of the Gwinnett Progress Center. The properties immediately to the east, across Cedars Road, are zoned R-100 (Single Family Residence District) consisting of a single-family dwelling on a large lot, and an undeveloped R-75 zoned property, having a condition of zoning requiring the minimum heated floor area to be at a minimum of 2,400 square feet, pursuant to RZM-05-023. To the north are residential developments zoned R-75, R-100 and R-100 CSO, all of which have homes of 2,000 square feet or greater. The requested change in conditions may not be consistent with development and zoning standards in the surrounding area.

In 2006, a Change-in-Conditions case heard on the subject property (CIC-06-045) requested to amend several of the conditions of zoning, which included a reduction of the minimum heated floor area per dwelling unit to 1,900 square feet. Although other changes to those conditions were granted, the reduction in the square footage of the homes was denied by the Board. Once again in 2007 a Change-in-Conditions was requested (CIC-07-034), requesting similar downgrades to the conditions, including a reduction in the minimum heated floor area to 1,600 square feet, was also denied. The current requested change in conditions would not be consistent with the precedent the Board established for the site in 2006 and 2007 or in keeping with the existing residential developments in the immediate area.

In conclusion, the existing conditions of zoning for the subject property were established through the public hearing process, with input from the public in the original case in 2005 and in the subsequent change in conditions requests in 2006 and 2007. The requested change in conditions to allow a smaller minimum housing size and single-car garages may not be compatible with the surrounding homes in the area. Further, multiple requests to reduce the standards for homes in Heritage Point have been made over the last several years, and the Board did not grant those requests. Therefore, the Department of Planning and Development recommends **DENIAL** of this current request.

#### ZONING HISTORY:

The site was zoned RA-200 (Agriculture-Residence District) in 1970. The property was rezoned to RM (Multi-Family Residence District) in 1975 via an area wide zoning map revision. As part of the Gwinnett Progress Center, the site was rezoned to M-I (Light Industry District) in 1985 pursuant to RZ-187-85. In 2003, the Board denied a request to change the M-I zoning conditions on the site to allow a buffer reduction (RZM-03-032). A request to rezone the property to R-TH (Single Family Residence Townhouse District) was instead approved as R-ZT in 2005 pursuant to RZM-05-021. In 2006, a change in conditions (CIC-06-045) was approved for the property. In 2007, an additional change in conditions request (CIC-07-034) was denied.

#### GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

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 eastern right-of-way of Progress Court, 2 12-inch water main located on the northern right-of-way of progress Industrial Boulevard, a 48-inch water main located on the eastern right-of-way of Cedars Road, and an 8-inch water main in the right-of-way of Weatherbrook Circle.

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

BUILDING CONSTRUCTION COMMENT SECTION:

No comment.

GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

PLANNING AND DEVELOPMENT  
RECOMMENDED CONDITIONS

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

Additions in **Bold**

Deletions in ~~Strikethrough~~

Approval as R-ZT subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Single-family residences and accessory structures.
  - B. The minimum heated floor area per dwelling unit shall be ~~2,200~~ **2,000** square feet.
  - C. Buildings (homes) shall be constructed primarily of brick, stacked stone or stucco on four sides with minor treatments (i.e. gables, bay windows, and chimneys) of ~~wood or~~ fiber-cement type siding; or craftsman style including the elevations that have been submitted. If craftsman-style is utilized, then homes shall have brick or stacked stone (i.e. water tables) and around the front and sides. Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.
  - D. All homes shall have a double car garage.
2. To satisfy the following site development considerations:
  - A. Provide an entrance feature to include landscaping with a minimum 4-foot high berm with landscaping plan as submitted at the December 5, 200 Planning Commission meeting. Entrance features to include landscaping and shall be subject to review and approval of the Director of Planning and Development.
  - B. Sidewalks shall be installed along all exterior road frontages.
  - C. Install a 6-foot high opaque wood privacy fence with brick or stone columns around the property to screen the adjacent property.
  - D. ~~Natural vegetation shall remain on the property until the issuance of a Subdivision Development Permit.~~
  - E. All grassed areas shall be sodded.
  - F. All utilities shall be placed underground.

- G. Access shall be limited to Cedars Road.
  - H. ~~Due to present overcrowding of the school cluster, the applicant agrees not to apply for a Building Permit until July 1, 2006.~~
3. ~~To abide by the following requirements, dedications and improvements:~~
- A. ~~Dedicate at no cost to Gwinnett County the necessary rights-of-way and easements for the construction of the transportation improvement project at Cedars Road (PN# 9388) based on plans on file with the Gwinnett County DOT.~~
  - B. ~~For the property represented by RZM-05-021, prior to the issuance of the first Building Permit contribute \$7,500.00 for future improvements to the intersection of Hurricane Shoals Road and Cedars Road.~~

PLANNING AND DEVELOPMENT DEPARTMENTS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

The requested changes to the conditions of this zoning may not be consistent with conditions established with public input through the public hearing process or with Board precedent for the property.

ADVERSE IMPACTS

Approval for a reduction in the development standards for new homes in the proposed development could have adverse impacts on existing residential developments located in the immediate area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be few changes in impacts on public facilities from this request.

CONFORMITY WITH POLICIES

The request would not be consistent with the actions taken by the Board in the prior rezoning and subsequent Change in Conditions requests, and is not considered consistent with past Board actions or with the Unified Plan.

CONDITIONS AFFECTING ZONING

The requested change in conditions may not be appropriate for the subject property, and could diminish the development standards put in place to preserve the integrity of the subdivision and the surrounding area. If approved, the Department recommends a minimum housing size of no less than 2,000 square feet to remain compatible with surrounding properties.



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

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

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

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

Please see attached.

---

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

Please see attached.

---

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

Please see attached.

---

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

Please see attached.

---

- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS 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 CHANGE IN CONDITIONS:

Please see attached.

---

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Planning & Development

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

- (A) The purpose of this Change in Conditions Application is limited in its nature, in that the Applicant does not seek to rezone the Property to a different zoning classification or use but merely requests the modification of conditions of zoning. Accordingly, the change in conditions requested will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (B) No, the change in conditions requested will not adversely affect the existing use or usability of adjacent or nearby properties.
- (C) The Property which is the subject of this application does have reasonable economic use as currently zoned. Therefore, this application does not seek to change that use, but merely seeks to allow for certain development conditions to create a more suitable and appropriate development of the Property in light of the surrounding residential areas and consumer needs.
- (D) No, the change in conditions requested will not result in any use which would or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (E) Yes, the proposed application is in conformity with the policy and intent of The Gwinnett County 2030 Unified Plan, as such shows the subject Property as designated for residential uses. The Applicant's application does not seek to change the current residential zoning classification.
- (F) Yes, the Property's location and situation provides supporting grounds for development of the Property in accordance with the application.

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CIC 2014 - 00002





Jeffrey R. Mahaffey  
Steven A. Pickens  
R. Lee Tucker, Jr.  
Matthew P. Benson  
Gerald Davidson, Jr.,  
of Counsel

Andrew D. Stancil  
E. Michelle Rothmeier  
Shawn F. Bratton  
Alissa L. Cummo  
Justin A. Abernathy  
Austen T. Mabe  
J. David Gussio  
Jill H. Harris,  
of Counsel

**LETTER OF INTENT FOR CHANGE IN CONDITIONS**  
**APPLICATION OF PARAN HOMES**

Mahaffey Pickens Tucker, LLP submits this Change in Conditions Application on behalf of the Applicant, Paran Homes (the "Applicant"), for the purpose of changing certain conditions of zoning for an approximate 19.573 acre tract situated at the intersection of Progress Industrial Boulevard and Cedars Road in Lawrenceville, Georgia (the "Property"). The Property is currently zoned R-ZT by virtue of RZM-05-021 and CIC-06-045.

The Applicant proposes to develop a single-family residential community, including 108 detached residential homes. The homes will be developed at a net density of approximately 5.6 units per acre, below the maximum density of 6.0 units per acre prescribed in the R-ZT zoning classification.

Specifically, the Applicant seeks to change the following conditions of zoning.

Condition 1B of the Resolution currently reads as follows:

"The minimum heated floor per dwelling shall be 2,200 square feet."

The Applicant respectfully requests that Condition 1B be modified to read as follows:

"The minimum heated floor per dwelling shall be 2,200 **1,500** square feet."

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

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Condition 1C of the Resolution currently reads as follows:

"Buildings shall be constructed primarily of brick, stacked stone or stucco on four sides with minor treatments (ie. gables, bay windows and chimneys) of wood or fiber-cement type siding; or craftsman style including the elevations that have been submitted, if craftsman style is utilized, then homes shall have brick or stacked stone (ie. water tables) and around the front or sides. Architectural elevations shall be submitted for review and approval of the Director of Planning and Development."

The Applicant respectfully requests that Condition 1C be modified to read as follows:

"Buildings shall be constructed primarily of **wood or fiber-cement type siding with architectural accents of brick, stacked-stone or stucco.** ~~brick, stacked stone or stucco on four sides with minor treatments (ie. gables, bay windows and chimneys) of wood or fiber-cement type siding; or craftsman style including the elevations that have been submitted, if craftsman style is utilized, then homes shall have brick or stacked stone (ie. water tables) and around the front or sides.~~ Architectural elevations shall be submitted for review and approval of the Director of Planning and Development."

Condition 1D of the Resolution currently reads as follows:

"All homes shall have a double-car garage."

The Applicant respectfully requests that Condition 1D be modified to read as follows:

"All homes shall have a double **single**-car garage."

CIC 2014-00002

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Planning & Development

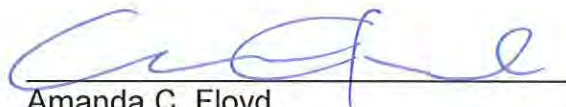


The Applicant is an Atlanta area homebuilder with communities located in several counties throughout the metro Atlanta area. Paran's motto, "Where Quality Lives," drives all those involved to create the dream homes of thousands moving to and within Atlanta and its surrounding cities. It is the Applicant's goal to build the finest product for their customers, present and future, and to sell that product at prices suited for the needs of their consumers. The Applicant desires to develop the Property in a manner that will meet consumer demand in Gwinnett County, comport with adjacent and nearby properties in the area and further the vision of the Gwinnett County 2030 Unified 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 Change in Conditions Application filed herewith. The Applicant respectfully requests your approval of this Application.

Respectfully submitted this 6<sup>th</sup> day of December, 2013.

MAHAFFEY PICKENS TUCKER, LLP



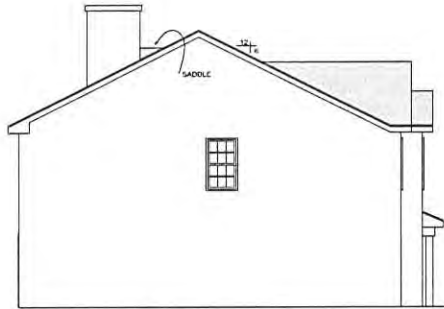
Amanda C. Floyd  
*Attorney for Applicant*

CIC 2014 - 00002

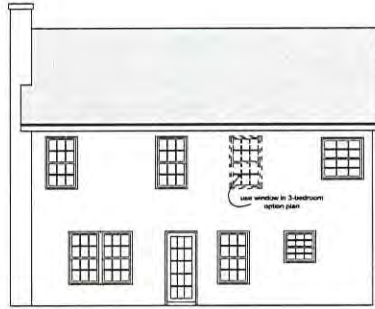
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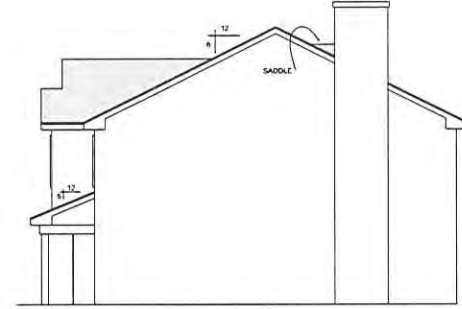
Planning & Development



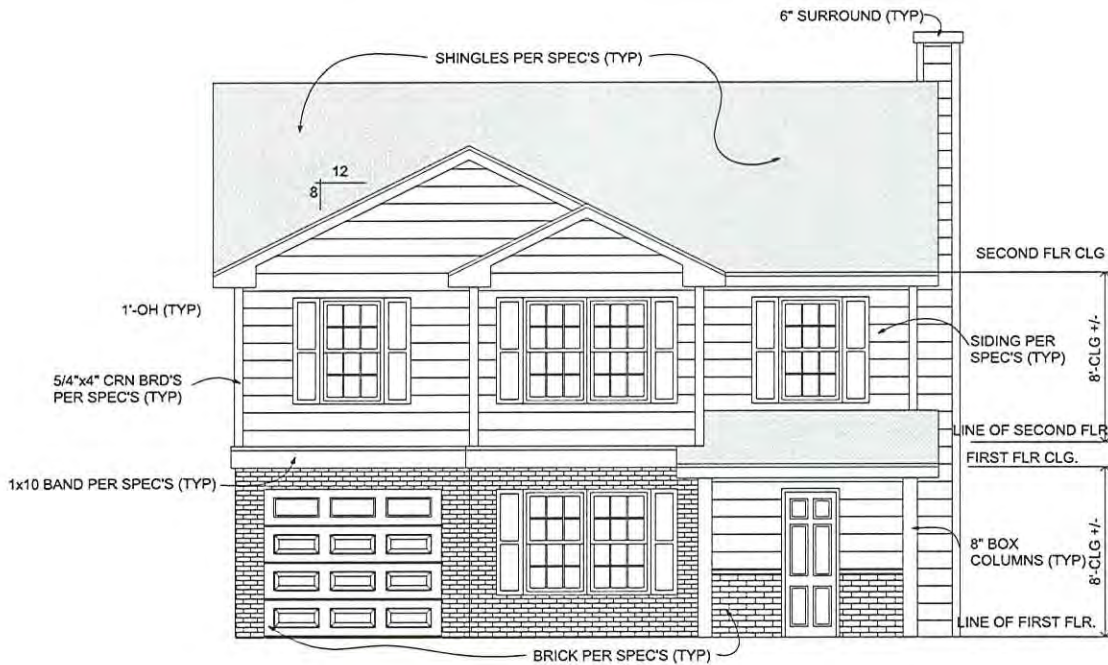
LEFT ELEVATION  
1/8"-----1'-0"



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



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



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

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DEC 10 2013

Planning & Development

C162014-00002

REV.	add 17 riser to steps
DATE	6-8-12
PARAN HOMES, LLC.	
THE MADISON ELEVATIONS	
DWG. BY:	PWL/SAM
DATE:	6-30-11
SHEET:	1

CASE NUMBER CIC-06-045  
GCID 2006-1803

BOARD OF COMMISSIONERS  
GWINNETT COUNTY  
LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

---

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

---

On motion of COMM. KENERLY, 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-ZT to R-ZT (CHANGE IN CONDITIONS)

by S&D DEVELOPMENT for the proposed use of CHANGE IN CONDITIONS on a tract of land described by the

attached legal description, which

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

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on DECEMBER 12, 2006 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 12TH day of DECEMBER 2006, that the aforesaid application to amend the Official Zoning Map from R-ZT to R-ZT (CHANGE IN CONDITIONS) is hereby APPROVED subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Single-family residences and accessory structures.
  - B. The minimum heated floor area per dwelling unit shall be 2,200 square feet.
  - C. Buildings shall be constructed primarily of brick, stacked stone or stucco on four sides with minor treatments (i.e. gables, bay windows, and chimneys) of wood or fiber-cement type siding; or craftsman style including the elevations that have been submitted. If craftsman-style is utilized, then homes shall have brick or stacked stone (i.e. water tables) and around the front and sides. Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.
  - D. All homes shall have a double car garage.



2. To satisfy the following site development considerations:

- A. Provide an entrance feature to include landscaping with a minimum 4-foot high berm with landscaping plan as submitted at the December 5, 200 Planning Commission meeting. Entrance features to include landscaping and shall be subject to review and approval of the Director of Planning and Development.
- B. Sidewalks shall be installed along all exterior road frontages.
- C. Install a 6-foot high opaque wood privacy fence with brick or stone columns around the property to screen the adjacent property.
- D. Natural vegetation shall remain on the property until the issuance of a Subdivision Development Permit.
- E. All grassed areas shall be sodded.
- F. All utilities shall be placed underground.
- G. Access shall be limited to Cedars Road.
- H. Due to present overcrowding of the school cluster, the applicant agrees not to apply for a Building Permit until July 1, 2006.

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

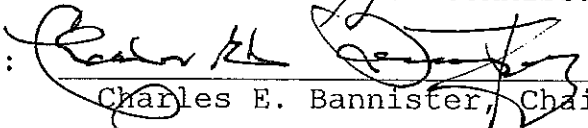
- A. Dedicate at no cost to Gwinnett County the necessary rights-of-way and easements for the construction of the transportation improvement project at Cedars Road (PN# 9388) based on plans on file with the Gwinnett County DOT.

CASE NUMBER CIC-06-045  
GCID 2006-1803

B. For the property represented by RZM-05-021, prior to the issuance of the first Building Permit contribute \$7,500.00 for future improvements to the intersection of Hurricane Shoals Road and Cedars Road.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By:

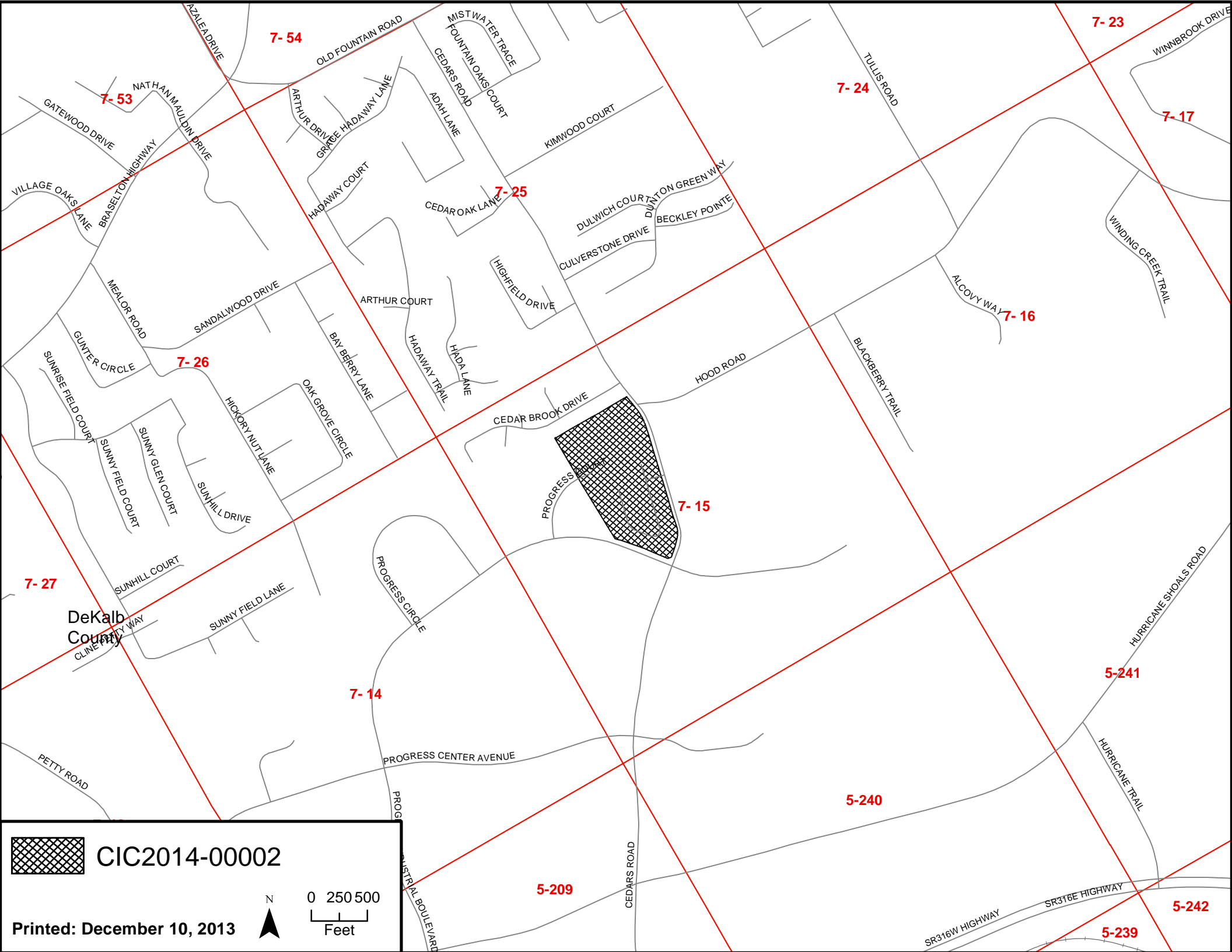
  
Charles E. Bannister, Chairman

Date Signed: 12/29/06

ATTEST:

  
County Clerk/Deputy County Clerk





DeKalb  
County

 CIC2014-00002



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Feet

Printed: December 10, 2013



**LEGEND**

- 1.00' = 1" (AS SHOWN)
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- 100.00' = 1" (AS SHOWN)

**C/L CURVE TABLE**

STATION	CHORD BEARING	CHORD LENGTH	CHORD CURVE	CHORD POINT
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**C/L LINE TABLE**

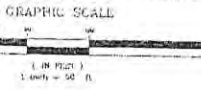
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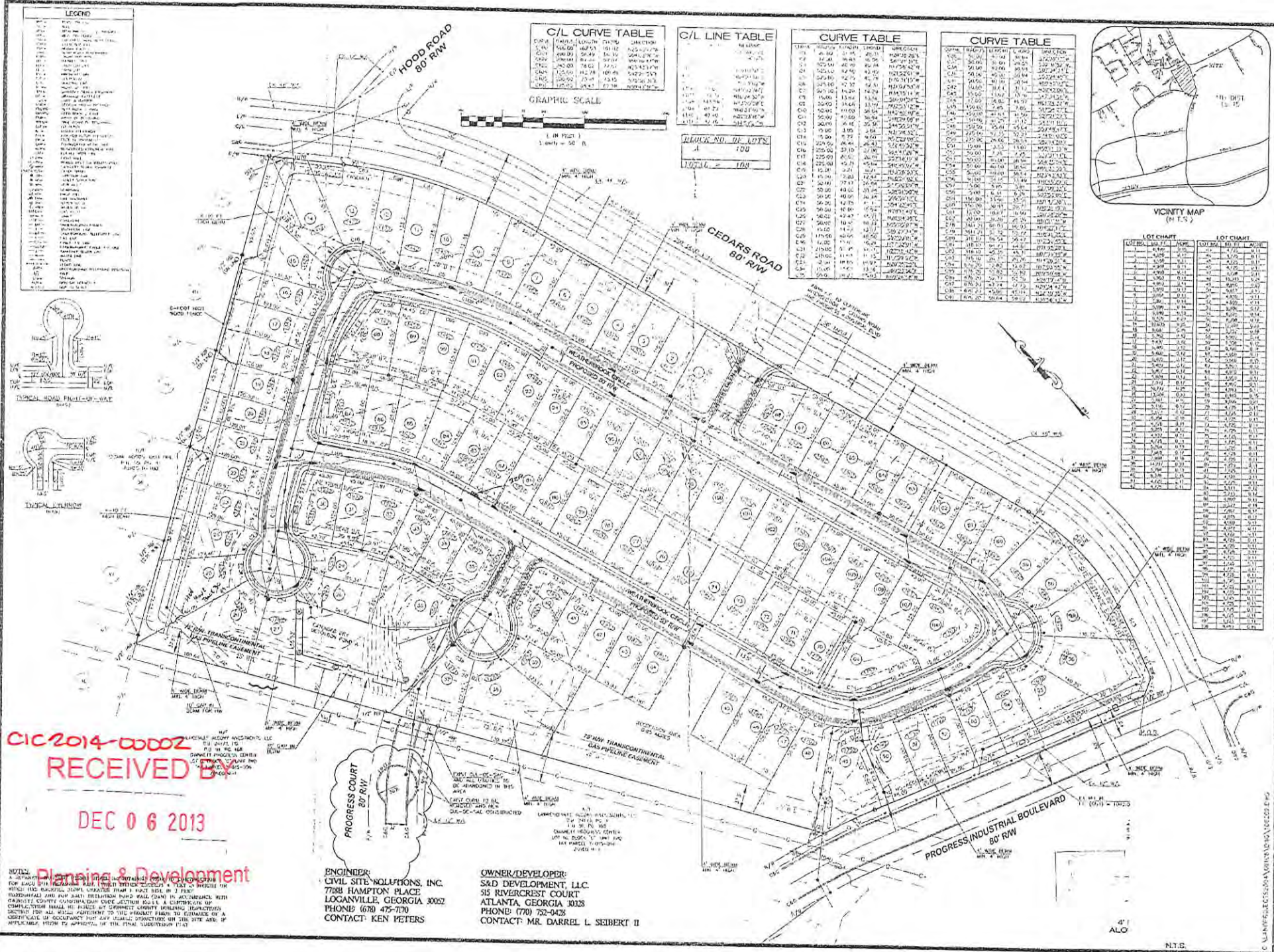
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**BLOCK NO. OF LOTS**  
A = 100  
TOTAL = 100

**LOT CHART**

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100	0.10	...	...



**CIC 2014-00002**  
**RECEIVED BY**  
**DEC 06 2013**

**Planning & Development**

**ENGINEER:**  
CIVIL SITE SOLUTIONS, INC.  
7788 HAMPTON PLACE  
LOGANVILLE, GEORGIA 30052  
PHONE: (678) 475-7170  
CONTACT: KEN PETERS

**OWNER/DEVELOPER:**  
S&D DEVELOPMENT, LLC  
515 RIVERCREST COURT  
ATLANTA, GEORGIA 30138  
PHONE: (770) 752-0428  
CONTACT: MR. DARREL L. SEIBERT II

4" = 1" ALO

N.T.S.

C:\Users\peters\Documents\Projects\2013\12\131203\131203.dwg  
DATE: 12/06/13  
TIME: 10:00 AM  
SHEET NO. 1 OF 1  
PROJECT: S&D DEVELOPMENT, LLC  
LOGANVILLE, GA  
SUBJECT: PROGRESS INDUSTRIAL BOULEVARD  
SCALE: 4" = 1" ALO  
N.T.S.





CEDAR BRANCH WAY

CEDAR B RANCH LANE

CEDAR BROOK TRAIL

CEDAR BROOK DRIVE

HOOD ROAD


PROGRESS COURT

COVENTRY GLEN LANE

CEDAR ROAD

WEATHERBROOK CIRCLE

PROGRESS INDUSTRIAL BOULEVARD

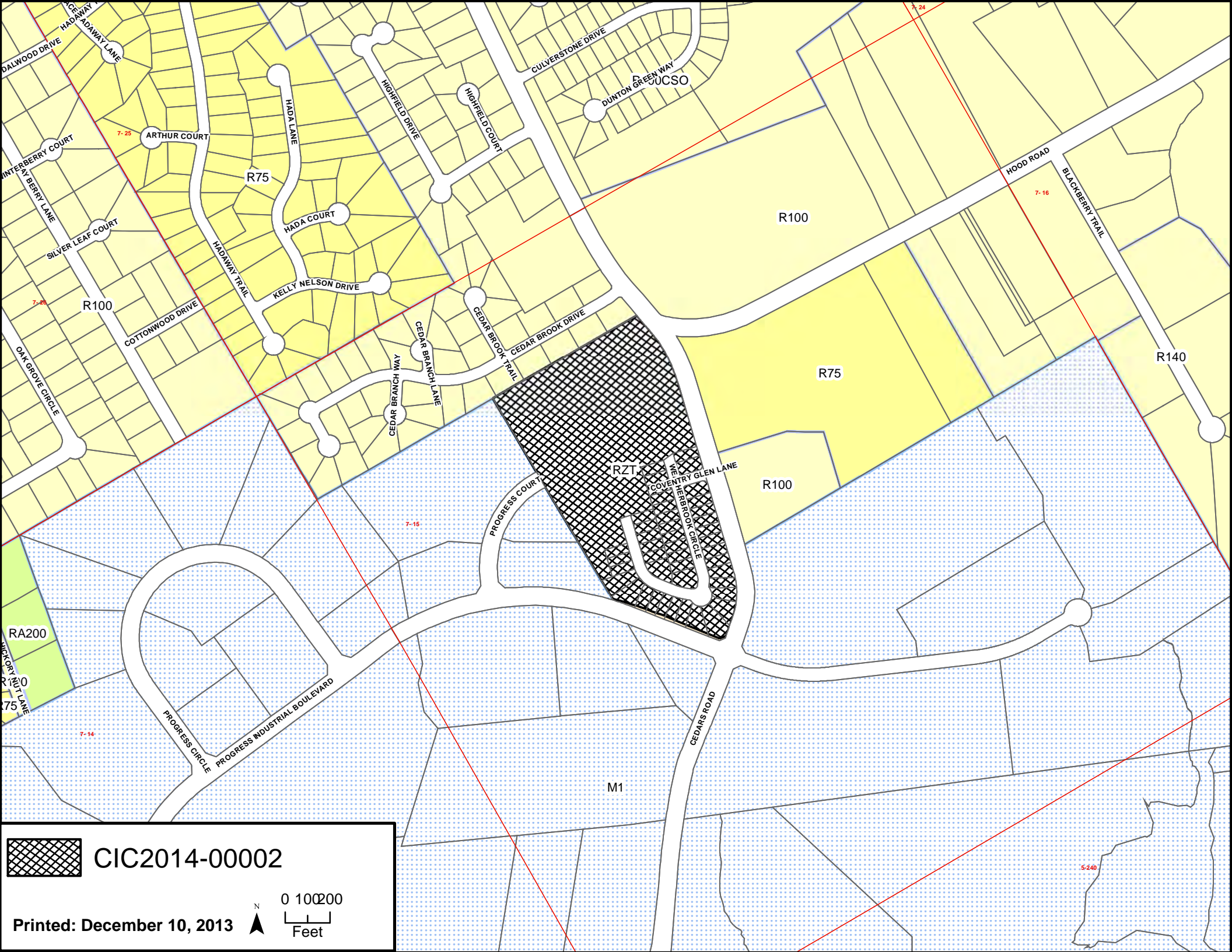
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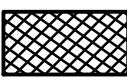
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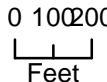
Printed: December 10, 2013





 CIC2014-00002

Printed: December 10, 2013



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

CASE NUMBER :**RZM2014-00003**  
ZONING CHANGE :R-100 & MH TO R-TH  
LOCATION :1600 BLOCK OF PURCELL ROAD  
:1800 BLOCK OF MARIE WAY  
MAP NUMBERS :R7044 003 & 195  
ACREAGE :2.34 ACRES  
PROPOSED DEVELOPMENT :TOWNHOMES  
UNITS :18 UNITS  
COMMISSION DISTRICT :(1) BROOKS

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

APPLICANT: MAISER ABONEAAJ  
C/O ANDERSEN, TATE & CARR, P.C.  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MARIAN C. ADEIMY           PHONE: 770.822.0900

OWNER: MAISER ABONEAAJ  
C/O ANDERSEN, TATE & CARR, P.C.  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests rezoning of a 2.34-acre parcel assemblage from R-100 (Single Family Residence District) and MH (Mobile Home Park District) to R-TH (Single Family Residence Townhouse District) to construct an 18-unit townhouse development. The property is located on the west side of Purcell Road, at its intersection with Marie Way, just north of Lakes Parkway.

The development would consist of 18 townhomes on 2.34-acres, which would result in a gross and net density of 7.64 units per acre, as the property does not contain floodplain. The submitted architectural elevations reflect townhouse buildings with a combination of brick, stone, stucco and siding on the fronts, with siding on the sides and rear. The proposed townhomes would be approximately 1,100 square feet each, with a front-entry single-car garage. Access to the development would be provided through a single entrance onto Purcell Road. The existing mobile home lot on Marie Way would be used as a detention pond facility.

It is noted that the site plan does not meet any of the required internal or external setbacks or landscaping requirements for the R-TH district. The standard setbacks are 50 feet adjacent to Purcell Road and Marie Way, and 40 feet adjacent to all other property lines. To accommodate the requested 18 units, the site plan shows these setbacks reduced to 25 feet along Purcell Road and approximately 10 feet on Jody Lane. The required side and rear setbacks of 40 feet are proposed to be reduced to a 20-foot side yard setback and 30-foot rear yard setback adjacent to the northern and western property lines. The site plan does not show the internal yard requirement of a 20-foot grassed or landscaped strip between buildings and interior driveways. Due to the reduced setback, several of the required off-street parking spaces overhang the internal driveway.

In order to meet the standards for the R-TH district, the site plan would need to be revised to eliminate a number of the units. To develop the property as proposed, several Variances would be required for exterior or interior yard requirements, off-street parking, sidewalks and landscaping.

#### ZONING HISTORY:

In 1970, the property was zoned R-100. In 1981, a portion of the property (parcel 7044 195) was rezoned to MH as part of the High Sierra mobile home subdivision, pursuant to RZ-61-81.

#### 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 Ordinance requires a ten-foot wide no-access easement along classified roadways for residential developments.

The Buffer, Landscape and Tree Ordinance 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 Section 1001 of the 1985 Zoning Resolution.

Section 9.7.5 of the Development Regulations requires proposed driveways to be located at least 100 feet from the centerline of the driveway to the nearest right-of-way line (extended).

Section 6.3.3 and/or 6.3.4 of the Development Regulations 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 6.13 of the Development Regulations requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

A 50-foot building setback is required from the right-of-way of Purcell Road.

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

The developer must submit a 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 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

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

Entrance is to be 28 feet wide at 25 foot radius returns and to intersect at 90 degrees. The applicant must either revise the site plan or seek a modification for a non-standard entrance.

Interior road is not designed to standard road specifications. The applicant must seek a Variance from the Zoning Board of Appeals.

#### STORMWATER REVIEW SECTION COMMENTS:

Stormwater management will be required for all proposed development showing land disturbance.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

Marie Way is a Local Residential Street and 25 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 on Purcell Road.

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

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

Minimum separation from a street intersection: 100 feet from centerline of driveway to nearest right-of-way line of the intersecting street, extended. For any driveway on a major thoroughfare having a centerline between 100 feet and 200 feet from the intersecting street right-of-way line, access restriction may be imposed to avoid traffic hazards. Greater separation may be required for safe operation of a free-right lane, acceleration or deceleration lane, etc.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the western right-of-way of Purcell Road, and an 8-inch water main located on the eastern right-of-way of Marie Way.

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located in the right-of-way of Marie Way.

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

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

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

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

#### BUILDING CONSTRUCTION SECTION COMMENTS:

Building Plan Review has no objections under the following conditions:

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

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

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

#### DEPARTMENT ANALYSIS:

The subject property consists of two parcels totaling 2.34 acres. The site is located at the intersection of Marie Way and Purcell Road, just north of Lakes Parkway. The site currently contains a mobile home, with the majority of the property being partially cleared and vacant.

The 2030 Unified Plan Future Development Map indicates this property lies within an Existing/ Emerging Suburban Character Area. Although the Unified Plan suggests a variety of housing options, it also suggests that new residential development in the vicinity of existing low density developments should not exceed the 3.0 units per acre density. The adjacent subdivisions were

developed with large lots, at a low density of development. Therefore, based on the character of surrounding developments and the intent of the Unified Plan, the requested townhomes may not be appropriate at this location.

The area immediately surrounding the property is characterized by mobile home subdivisions and light industrial uses. To the south and east, across Purcell Road, is the M-I zoned Corporate Lakes Industrial Park, as well as other M-I zoned properties. To the north and west are the High Sierra and Purcell Valley mobile home subdivisions. These subdivisions were rezoned with a stipulation requiring that the lots be designed to R-100 standards. Although there are townhouse and attached villa developments in the vicinity, those developments are situated on Duluth Highway and were developed on more spacious properties, resulting in neighborhoods meeting the design requirements of their respective zoning districts. In the Department's opinion, the subject property may be too small for the density of development being proposed. In order to meet the requirements for an R-TH development, many of the minimum standards would need to be reduced, therefore suggesting the proposed development may not be appropriate for this site or location.

In conclusion, the requested R-TH zoning may not be compatible with the area immediately surrounding the proposed site or consistent with the policies of the Unified Plan. The property is considered by the Department to be too small for the development being proposed, requiring numerous reductions in development standards. Therefore, the Department recommends **DENIAL** of this request.



PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

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

- I. To restrict the use of the property as follows:
  - A. Attached townhouse dwellings and accessory uses.
  - B. Building façades (fronts) shall be constructed primarily of brick or stacked stone with minor treatments (i.e. gables, bay windows, chimneys) of fiber-cement type shake or siding. The remaining sides of the buildings shall be constructed of at least 50% brick or stacked stone with the balance being fiber-cement shake or siding. Architectural elevations shall be submitted for review and approval of the Director of Planning and Development.
  - C. The minimum heated floor area per dwelling unit shall be at least 1,200 square feet.
  - D. At least 50% of the units shall have a double car garage.
2. To satisfy the following site development considerations:
  - A. Obtain all necessary Variances, or revise the final site plan to reduce the number of buildings and/or units in order to meet the full landscaping, external setback, and internal yard requirements of the R-TH district.
  - B. The landscaped setbacks along Purcell Road and Marie Way shall include a decorative fence/wall and entrance monument. Landscaping, fence/wall and entrance monument design shall be subject to review and approval of the Director of Planning and Development prior to the issuance of a Development Permit.
  - C. All grassed areas shall be sodded.
  - D. All utilities shall be placed underground.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed townhouse development may not be suitable at this location in light of the low-density nature that characterizes residential uses in the immediate area. Additionally, the development standards being proposed represent a substantial reduction from the requirements of the R-TH district, and may result in a development which is not beneficial to the area.

ADVERSE IMPACTS

Adverse impacts on nearby residential properties may be anticipated by introducing attached, medium density housing with reduced development standards.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

Anticipated adverse impacts would include increased traffic, stormwater runoff and utility system demand. Additionally, the proposed development may increase the number of school-aged children in the school system.

CONFORMITY WITH POLICIES

The request may not be consistent with the recommendations of the 2030 Unified Plan, which encourage consistency in density of development within a given area.

CONDITIONS AFFECTING ZONING

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

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

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

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

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

See Exhibit "B".

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

See Exhibit "B".

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

See Exhibit "B".

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

See Exhibit "B".

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

See Exhibit "B".

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

See Exhibit "B".

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**EXHIBIT "B"**  
**APPLICANT'S RESPONSE**  
**1655 PURCELL ROAD AND 1852 MARIE WAY ("PROPERTY")**

- 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 subject Property has been established as an industrial, office, and mixed-use node and the proposed transitional zoning for townhomes is consistent the 2030 Unified Plan and map and an appropriate transition based on the nearby office and industrial uses.

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

No. The subject Property is near major roads and nearby property is made up of older mobile homes and more intense industrial, office and commercial uses.

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

No. In addition to the shape, size and configuration of the subject property, under the current single-family residential zoning, the Property would have almost no chance of any reasonable or likely economic use in the office and industrial node in which its located.

- 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. Any use under this rezoning, including the proposed 18-unit townhome community, would have access to the existing utilities, major roads, and highways, with little to no impact, excessive, or burdensome use on transportation facilities, streets, utilities, or the school system.

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

Yes. The proposed rezoning would be entirely consistent with the letter and intent of the Gwinnett 2030 Unified Plan and Comprehensive Plan for this node, labeled for mixed-use, along with research, development and industrial uses.



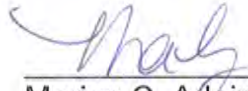
- F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING.

To restrict the subject property to the current residential zoning district leaves the Applicant and Owner with zero economic use for what would be an otherwise viable parcel, and is also a result that cannot be supported by any rational review of Gwinnett's zoning and development related ordinances, including the Gwinnett 2030 Unified Plan. Allowing for the requested, transitional R-TH zoning is appropriate as applied to the subject Property and is consistent with the surrounding uses.

This 6th day of December, 2013.

Respectfully submitted,

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



---

Marian C. Adeimy  
Attorney for Owner/Applicant

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BY: .....

# ANDERSEN | TATE | CARR

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## **LETTER OF INTENT FOR REZONING TO R-TH** **Purcell Road Townhomes**

The Applicant, Maiser Aboneaaj (hereinafter, "Applicant"), submits this request for a townhome community on an approximately 2.344 acre tract of land located at the corner of Purcell Road and Marie Way, specifically 1655 Purcell Road and 1852 Marie Way (hereinafter, the "Property"). The subject property covered by this Application is currently zoned R-100 and MH.

The proposed townhome development would increase property values of the nearby mobile residential homes and would provide an appropriate transition from the industrial to residential uses along Purcell Road and Lakes Parkway.

This site is consistent with other townhome developments in the Sugarloaf Parkway area. These townhome developments have provided young professionals who are from the area or who work nearby with home ownership options that allow for a maintenance free lifestyle consistent with their busy lives with a price point and architectural standard consistent with the surrounding community.

Quality townhomes do not have a negative impact on residential property values. Townhomes are not apartments. The proposed townhomes would be individually owned by the occupant. Rental of townhome units and maintenance of the community and common property would be governed by covenants for the development. By way of example, there is a townhome development right outside the entrance to the Sugarloaf Country Club subdivision and a beautiful townhome development at Sever Road & Old Peachtree. Like the nearby mobile home, office, and industrial uses surrounding the subject Property, the property values of the single-family subdivisions in each of those areas have not been negatively impacted as a result of having quality townhome developments in those areas.

Furthermore, with a townhome development, the landscaping and exterior maintenance is all taken care of by the mandatory homeowners association and dues are collected from the owners to pay for that upkeep. So there is a better guarantee of long term maintenance, upkeep and attractiveness of the individual homes and the overall development that you don't have with single family homes, where each individual homeowner is responsible for their own landscaping and maintenance.

Additionally, townhome developments also have very little, if any impact on the school system. Townhomes are marketed to and appeal primarily to young and/or single

RZM '14 0 0 3



professionals with no kids. The design of a townhome unit and the fact that there is no yard to play in makes it particularly undesirable to families with children. So from the perspective of school impact, a townhome development has far less of an impact than that of a traditional single-family subdivision.

The subject Property is surrounded by industrial and office uses to the South, East and West, zoned M-1, and is bordered by a large mobile home community, providing an appropriate transition from residential to office and industrial uses. The property is located adjacent to the Corporate Lakes industrial and office park, a primary Research and Development node identified in the 2030 Unified Plan and Future Development Map. Townhomes will serve employees and promote growth in that research and development corridor. The property is also only a few parcels away from the major Mixed-Use, Mixed-Housing, and Office nodes identified in the Gwinnett 2030 Unified Plan, further bolstering the need for a transitional use on the subject Property and making this request entirely consistent with the Plan's guidelines for this area.

Most importantly, the subject property has absolutely no reasonable economic use as currently zoned R-100. It would be all but impossible to develop and/or market the property for any low density, detached or single-family residential uses due to (1) the property's relatively small size and configuration, (2) the fact that the property is a peninsula, surrounded almost entirely by industrial and office uses, with very little depth back from any of the roads surrounding the property, and (3) the age of the adjacent mobile home community. Due to the size and shape of the Property and given the more intense office and industrial uses located nearby, the Applicant also seeks setback variances from 40 to 30 feet along the property line adjacent to the mobile home communities, and from 40 to 20 feet along the rear setback. Additionally, due to the size and configuration of the Property, the Applicant requests a variance to allow for minimal easement encroachment in the landscape strip and for a 50% reduction of the front setback along Purcell Road (located across from industrial uses). All of the requested variances will allow the Applicant to promote a quality, well-designed and well-landscaped townhome community, in compliance with applicable development, detention/retention, and landscaping ordinances and regulations.

The development of the property as a small but high-quality townhome development is appropriate to the subject tract and would be entirely consistent with the residential to office transitional character of the area. Townhomes are essentially the only residential use that would work on this property. If that use is not permitted, the owner and Applicant will be left with no other reasonable economic uses available for the Property.

The extension of this commercial node to the subject property is entirely appropriate under any reasonable land use consideration and is also consistent with the Board of Commissioners precedent in establishing the Lakes Parkway office park as an industrial and commercial node and approving subsequent expansions of this node.

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 public transportation routes and locations already existing and being considered in Gwinnett County.


**CONCLUSION**

This proposed townhome use would bring a vibrant, upscale, community to this area and serve the nearby companies and the young professionals they employ. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development, Planning Commissioners, and Board of Commissioners to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

This 6<sup>h</sup> day of December, 2013.

Respectfully submitted,

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

  
\_\_\_\_\_  
Marian C. Adelmy  
Attorney for the Applicant

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RECEIVED  
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BY: .....

# PURCELL ROAD TOWNEHOMES

## 1852 MARIE WAY & 1655 PURCELL RD LAND LOT 44, 7TH DIST, PARCELS 3 & 166 GWINNETT COUNTY, GEORGIA .



Proposed Sketch View  
NOT TO SCALE

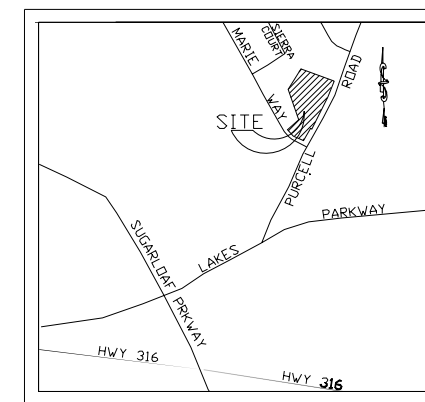
### INDEX OF DRAWINGS

SHEET # DRAWING DESCRIPTION

**	SITE PLAN
A00.1	COVERSHEET
A4.2-1	COLORED ELEVATIONS
A4.2-2	COLOR ELEVATIONS CONT.

### DEVELOPER/ OWNER

MR. MAISER ABONEAAG  
275 SATELLITE BLVD, NW  
SUAWNEE, GEORGIA 30024  
PHONE: (770) - 822 - 0900



SITE LOCATION MAP  
NOT TO SCALE

Seal

**PROJECT STATUS**  
CONCEPTUAL

DATE: 12/20/13

PLOT DATE: 12/20/2013  
FILE NAME: 13-Purcell.plt  
DRAWN BY: RWS  
CHECKED BY: #Architect

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**SPALDING DESIGNS, L.L.C.**  
BUILDING DESIGN AND CONSULTING

\* \* \* \* \*

MONROE, GEORGIA 30655  
PHONE: (678) 914-5653  
EMAIL: SPALDINGDESIGNSLLC@YAHOO.COM

"LET'S PUT YOUR IDEAS ON PAPER!"

**PURCELL ROAD**  
**TOWNEHOMES**

1852 MARIE WAY & 1655 PURCELL RD  
LAND LOT 44, 7TH DIST, PARCELS 3 & 166  
GWINNETT COUNTY, GEORGIA .

REVISION:	DATE:
1. DESCRIPTION	000000

COVERSHEET  
Scale - As Noted  
#Notes

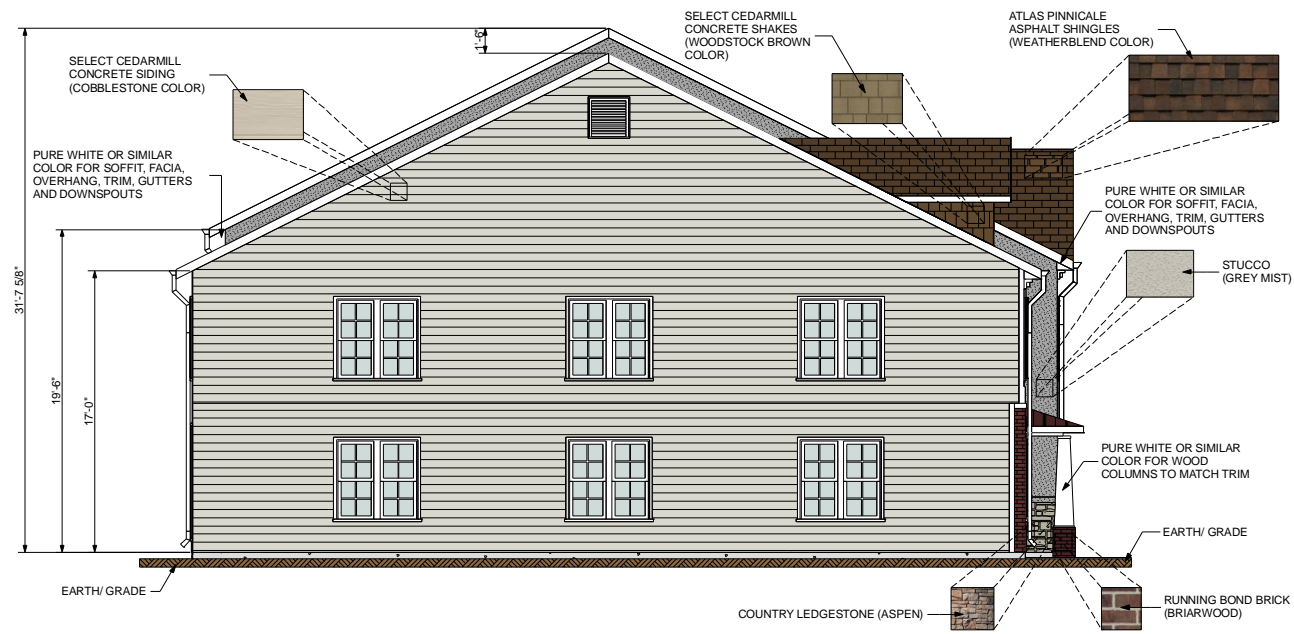
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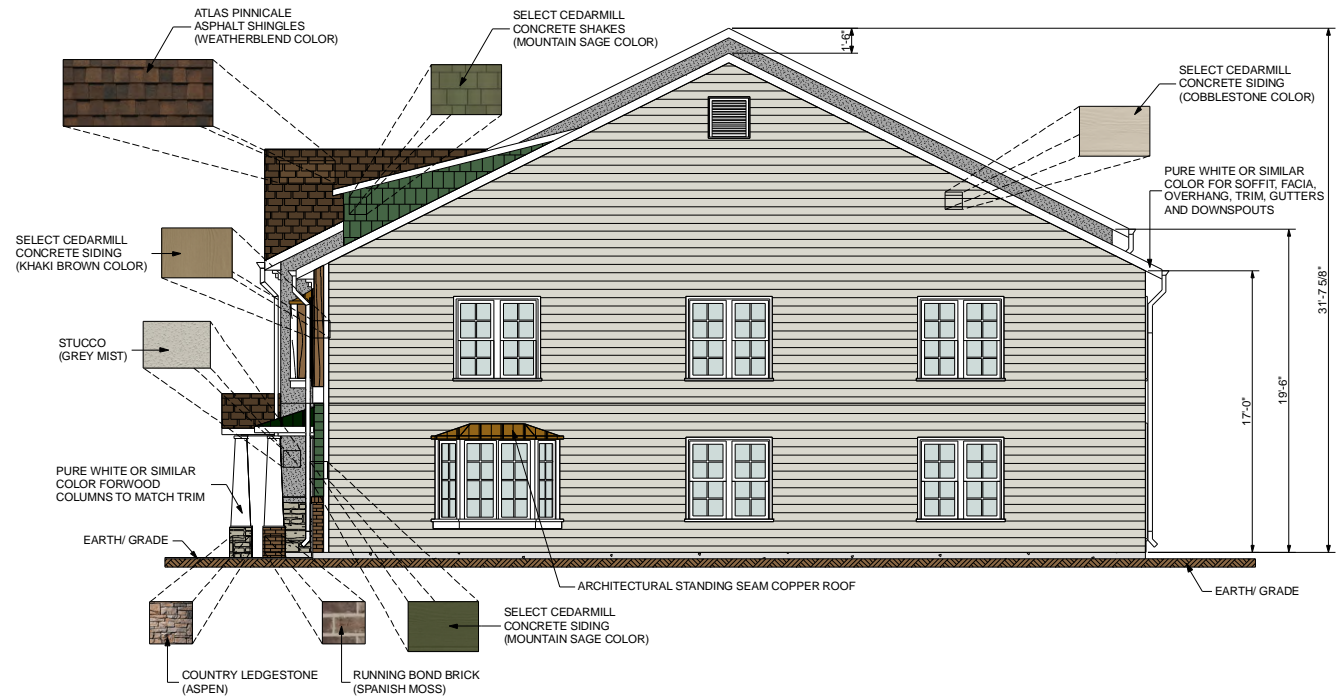




4.2 CONCEPTUAL COLOR REAR ELEVATION  
SCALE: 1/4" = 1'-0"



1.2 CONCEPTUAL COLOR LEFT ELEVATION  
SCALE: 3/16" = 1'-0"



2.2 CONCEPTUAL COLOR RIGHT ELEVATION  
SCALE: 3/16" = 1'-0"

PROJECT STATUS  
CONCEPTUAL

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PURCELL ROAD  
TOWNEHOMES

1852 MARIE WAY & 1655 PURCELL RD  
LAND LOT 44, 7TH DIST, PARCELS 3 & 166  
GWINNETT COUNTY, GEORGIA

REVISION: DATE:

COLOR ELEVATIONS CONT.  
Scale - As Noted  
#Notes



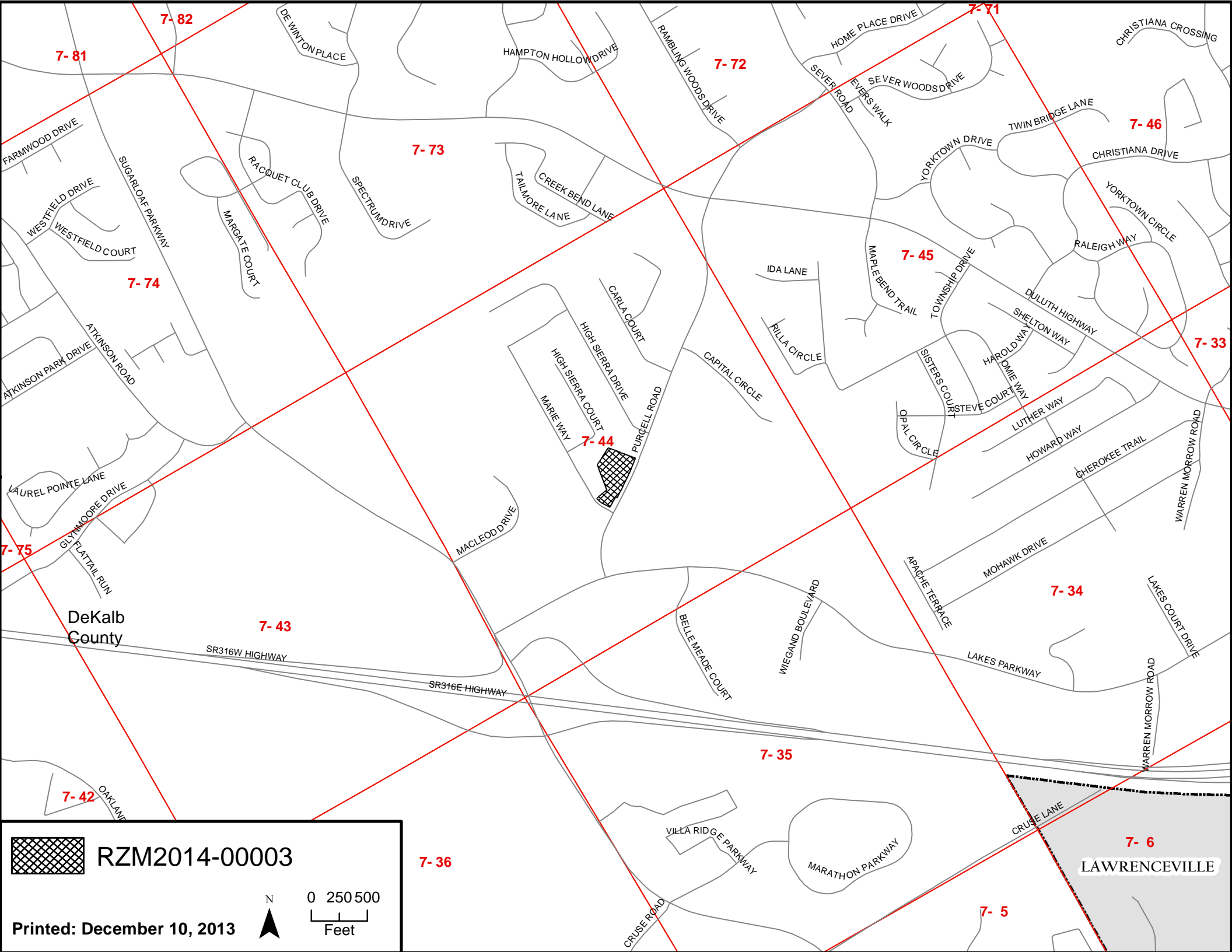




**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, March 2014 Agenda**

Case #	Schools	Current Projections									Approximate additional Student Projections from Proposed Developments
		2014-15			2015-16			2016-17			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2014-00003	Peachtree Ridge HS	3203	2,800	403	3235	2,800	435	3267	2,800	467	4
	Northbrook MS	910	1,000	-90	925	1,000	-75	930	1,000	-70	3
	Jackson ES	1483	1,500	-17	1464	1,500	-36	1453	1,500	-47	6
RZM2014-00004	Peachtree Ridge HS	3203	2,800	403	3235	2,800	435	3267	2,800	467	15
	Hull MS	1409	1,750	-341	1430	1,750	-320	1460	1,750	-290	12
	Parsons ES	818	750	68	830	750	80	843	750	93	23
RZR2014-00007	Peachtree Ridge HS	3203	2,800	403	3235	2,800	435	3267	2,800	467	14
	Northbrook MS	910	1,000	-90	925	1,000	-75	930	1,000	-70	11
	Jackson ES	1483	1,500	-17	1464	1,500	-36	1453	1,500	-47	12
RZR2014-00008	Mill Creek HS	3738	3,050	688	3794	3,050	744	3851	3,050	801	19
SUP2014-00014	Osborne MS	1295	1,075	220	1308	1,075	233	1321	1,075	246	14
	Duncan Creek ES	1062	1,325	-263	1055	1,325	-270	1044	1,325	-281	29

Current projections do not include new developments



7-81

7-82

7-72

7-46

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7-74

7-44

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7-43

7-34

DeKalb County

7-35

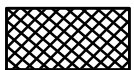
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7-6

LAWRENCEVILLE

7-5



RZM2014-00003



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Feet

Printed: December 10, 2013







MARIE WAY

HIGH SIERRA COURT

HIGH SIERRA DRIVE

PURCELL ROAD



RZM2014-00003

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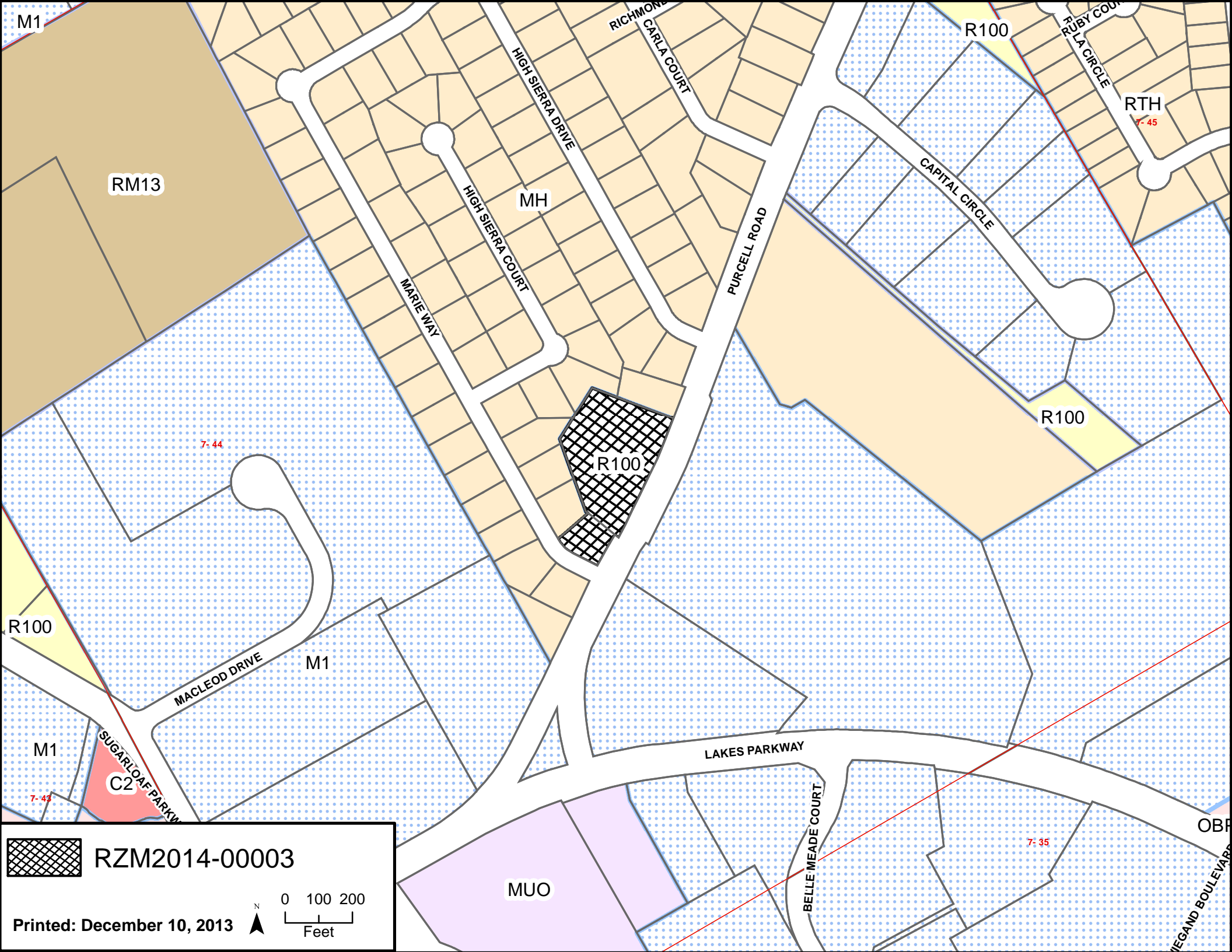


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Feet

Printed: December 10, 2013





M1

RM13

MH

R100

R100

RTH

R100

M1

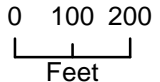
M1

C2

MUO

RZM2014-00003

Printed: December 10, 2013



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

CASE NUMBER :**RZR2014-00007**  
ZONING CHANGE :O-I TO R-ZT  
LOCATION :2300 BLOCK OF HUNTCREST WAY  
MAP NUMBER :R7113 133  
ACREAGE :15.39 ACRES  
UNITS :48 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY DETACHED SUBDIVISION  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP: **PREFERRED OFFICE**

APPLICANT: TPA GROUP, LLC  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNER: SOUTHEAST LAND INVESTMENT PARTNERS, LLC 36  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests rezoning of a 15.39-acre parcel from O-I (Office-Institutional District) to R-ZT (Single Family Residence District) to construct a single-family subdivision. The property is located on the northeast side of Huntcrest Way. The property was cleared and graded several years ago, but remains vacant.

The submitted site plan indicates that the property would be developed with 48 dwelling units, which would yield a gross and net density of 3.14 units per acre. The development would be accessed from one street connection onto Huntcrest Way. The proposed minimum setbacks are 20 feet for the front yard, 25 feet for the rear yard and five feet for the side yards. The minimum lot width shown is 50 feet and it appears that the minimum lot size would be 5,250 square feet. The applicant has proposed a minimum home size of 2,500 square feet, and has submitted house elevations indicating two-story homes with exteriors constructed of brick, cedar shake, and fiber-cement siding. All units would also include a two-car garage.

The site contains an existing master stormwater management facility at the rear of the property. The required 30-foot wide buffer is proposed along the south property line adjacent



to the Summit at Huntcrest subdivision, and 50-foot stream buffer is proposed along a creek that is located along the northeast portion of the site.

**ZONING HISTORY:**

The subject property was zoned R-100 (Single Family Residence District) in 1970. It was rezoned to C-2 (General Business District) per RZ-87-029. In 1988, a Change in Conditions was approved for the C-2 site pursuant to RZ-88-003. In 1994, the subject property was rezoned to O-I pursuant to RZ-94-100. The site was again rezoned O-I in 1998 as part of the Huntcrest development per RZ-98-012. At that time, a Special Use Permit (SUP-98-007) for a hotel was denied, and a Special Use Permit (SUP-98-008) for a building height increase was approved. A request to rezone the property from O-I to R-TH was denied in September of 2006, pursuant to RZM-06-018. A request to rezone the property to RM-13 (Multi-Family Residence District) was denied without prejudice on August 26, 2012 (RZM2012-00002).

**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 Ordinance requires a ten-foot wide no-access easement along classified roadways for residential developments.

The Buffer, Landscape and Tree Ordinance 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 6.13 of the Development Regulations 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 40-foot landscape building setback is required adjacent to exterior streets. This could be reduced to 30 feet if a berm and landscaping fence or wall is provided.

Section 606.6 of the 1985 Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

The developer must submit a 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 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Section 1.5.1.b of the Floodplain Management Ordinance requires that the lowest floor, including the basement, of all residential buildings be constructed at an elevation of at least three feet above the 100-year floodplain.

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

#### STORMWATER REVIEW SECTION COMMENTS:

Stormwater management will be required for all proposed development showing land disturbance.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

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.

#### 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 eastern right-of-way of Huntcrest Way.

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

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

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

**DEPARTMENT ANALYSIS:**

The subject property is a 15.39-acre parcel located on the northeast side of Huntcrest Way, just south of North Brown Road. The site was graded several years ago as part of the Huntcrest development and now contains a low growth of trees and shrubs.

The 2030 Unified Plan Future Development Map indicates that the property is located within a Preferred Office Character Area. The Unified Plan discourages residential uses within this character area, except those incorporated into mixed-use developments. The existing O-I zoning on the property is intended for office activity consistent with the character area

designation, and the proposed rezoning for a single-family subdivision may be not be appropriate given the Unified Plan's recommendation. Additionally, the residential development may not be consistent with the previous Board actions on the property, which preserved the existing O-I zoning through denials of townhomes in 2006, and apartments in 2012. These previous denials were in keeping with the Future Development Map, and suggest that the existing office zoning may be the most appropriate for the property.

The subject property is part of the Huntcrest development, and the surrounding area is characterized by a mix of commercial, office, office/warehouse and residential uses. Adjacent to the west of the site are O-I parcels developed with office buildings. Located to the north are properties along Old Peachtree Road that are developed with office/warehouse buildings, commercial retail centers, offices and townhomes. Located to the east, south and southwest of the subject site are single-family detached subdivisions including, Westwood Place, the Summit at Huntcrest, and the Villages at Huntcrest. The Summit at Huntcrest adjoins the subject site to the south and shares a common entrance street with the subject property. Since the subject site was originally rezoned as part of a non-residential node, and the existing O-I zoning is consistent with recommendations of the Unified Plan, the proposed subdivision may not be appropriate.

In conclusion, the proposed single-family development may not be supported by the Unified Plan or consistent with previous rezoning actions denying residential uses for the property. Therefore, the Department of Planning and Development recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval as R-ZT 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 dwelling and accessory uses at a maximum of 3 units per acre.
  - B. Dwellings shall be constructed of brick or stacked stone (except minor treatments, i.e. gables, bay windows, chimneys) on three sides, with accent materials of fiber-cement siding or shake. The rear of homes may be the same or of fiber-cement siding or shake. Architectural elevations shall be submitted for review and approval by the Director of Planning and Development.
  - C. The minimum heated floor area per dwelling unit shall be at least 2,500 square feet.
  - D. All dwellings shall have double-car garages.
2. To satisfy the following site development considerations:
  - A. The setback along Huntcrest Way shall be landscaped and shall include a decorative fence/wall and entrance monument. The fence may be constructed as solid brick wall or a wrought iron-style fence with brick or stacked stone columns (max. 30-feet-on-center). Landscaping, fence/wall and entrance monument design shall be subject to review and approval of the Director of Planning and Development prior to the issuance of a Development Permit.
  - B. Provide a 30-foot wide enhanced buffer adjacent to the Summit at Huntcrest subdivision. A buffer shall not be required adjacent to the electric substation (R7124 001), zoned R-100.
  - C. No direct lot access shall be allowed to Huntcrest Way.
  - D. All grassed areas within the development shall be sodded.
  - E. All utilities shall be placed underground.
  - F. Natural vegetation shall remain on the property until issuance of a Development Permit.



PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

The proposed single-family subdivision may not be suitable in view of the site being part of the commercial/office portion of the Huntcrest mixed-use development.

ADVERSE IMPACTS

Some adverse impacts on adjacent residential properties could be anticipated from the introduction of an incompatible density of development and lot dimensions.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within a Preferred Office Character Area. The Unified Plan discourages residential uses within this character area, and the site is already zoned O-I, in compatibility with this character area designation.

CONDITIONS AFFECTING ZONING

Although the existing O-I zoning previously approved for the site has yet to be developed, it may be appropriate to preserve this property for future office space as an employment center.

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

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

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

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

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

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

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

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

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

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

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

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

THE SUBJECT PROPERTY IS DESIGNATED AS EXISTING/EMERGING SUBURBAN

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

SEE LETTER OF INTENT.

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## REZONING APPLICANT'S LETTER OF INTENT

The Applicant, TPA Group, LLC, requests rezoning on 15.29 acres for the purpose of developing a Single Family detached subdivision. In order to develop the site as proposed, the Applicant respectfully requests a rezoning from O & I to R-ZT. The subject property is located at 2387 Huntcrest Way and is found in the 7th district, land lot 113 in Gwinnett County.

The enclosed site plan indicates 48 units on the subject site. The site plan shows that the project will have one entrance from Huntcrest Way. The minimum heated square footage for the homes will be 2,500 sf with a maximum height for the proposed dwellings 35'. The exterior of all dwellings will consist of brick or stone on the front façade with accents of fiber cement siding. The balance of the home may be the same or wood, cedar shake or fiber cement siding. Price range for the units will be from the \$300s and higher. Sidewalks will be provided on the interior streets and along the entire frontage of Huntcrest Way. The applicant is proposing a 30 foot buffer along the entire common boundary with the adjacent R-75 subdivision, The Summit at Huntcrest. That buffer will be dedicated and maintained by the required Home Owners Association and where sparsely vegated, that area will be planted with evergreen screening pursuant to the requirements the county deems necessary. The property abuts commercial properties as well as other R-ZT properties and will provide a viable transition from those properties to the Summit at Huntcrest subdivision. This property has been zoned and marketed for Office uses for many years but there is just no demand for office uses on this property. The proposal is for a density of 3.14 units to the acre which is for a more realistic transition than some of the other higher densities that have been proposed on the property.

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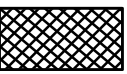
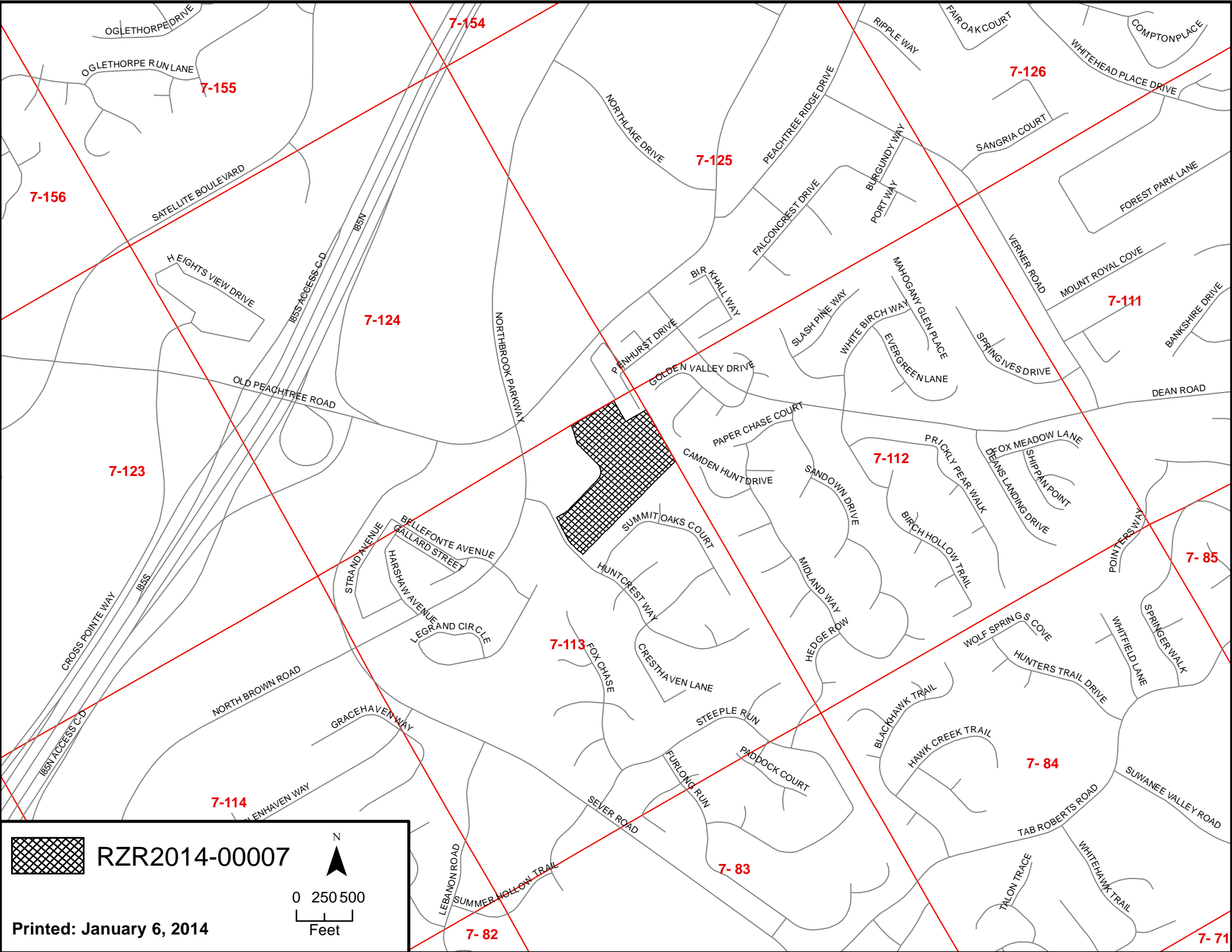




**Residential Rezoning Impact on Local Schools**  
**Prepared for Gwinnett County, March 2014 Agenda**

Case #	Schools	Current Projections									Approximate additional Student Projections from Proposed Developments
		2014-15			2015-16			2016-17			
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZM2014-00003	Peachtree Ridge HS	3203	2,800	403	3235	2,800	435	3267	2,800	467	4
	Northbrook MS	910	1,000	-90	925	1,000	-75	930	1,000	-70	3
	Jackson ES	1483	1,500	-17	1464	1,500	-36	1453	1,500	-47	6
RZM2014-00004	Peachtree Ridge HS	3203	2,800	403	3235	2,800	435	3267	2,800	467	15
	Hull MS	1409	1,750	-341	1430	1,750	-320	1460	1,750	-290	12
	Parsons ES	818	750	68	830	750	80	843	750	93	23
RZR2014-00007	Peachtree Ridge HS	3203	2,800	403	3235	2,800	435	3267	2,800	467	14
	Northbrook MS	910	1,000	-90	925	1,000	-75	930	1,000	-70	11
	Jackson ES	1483	1,500	-17	1464	1,500	-36	1453	1,500	-47	12
RZR2014-00008	Mill Creek HS	3738	3,050	688	3794	3,050	744	3851	3,050	801	19
SUP2014-00014	Osborne MS	1295	1,075	220	1308	1,075	233	1321	1,075	246	14
	Duncan Creek ES	1062	1,325	-263	1055	1,325	-270	1044	1,325	-281	29

Current projections do not include new developments



RZR2014-00007



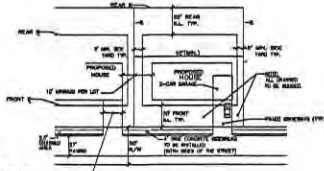
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Printed: January 6, 2014

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- GENERAL NOTES:**
- TOTAL ACRES: 16.39 ACRES
  - TOTAL NUMBER OF LOTS: 48
  - EXISTING ZONING: R-24
  - PROPOSED ZONING: R-24 SINGLE FAMILY RESIDENTIAL
  - BOUNDARY INFORMATION FROM BOUNDARY SURVEY SOUTH OF STREET A, HUNTCREST WAY, HUNTCREST WAY TRACT, GWINNETT COUNTY, GEORGIA
  - PROPOSED LOTS: 48 UNITS / 16.39 ACRES = 314 UNITS/ACRE  
NET DEVELOP. = 48 UNITS / 16.39 ACRES = 314 UNITS/ACRE  
NET DENSITY = 48 UNITS / 16.39 ACRES = 314 UNITS/ACRE  
FRONT = 20 FEET  
REAR = 25 FEET  
SIDE = 8 FEET  
MINIMUM LOT SIZE = 4,000 SF  
MINIMUM COVERAGE = 8 UNITS/ACRE
  - NO PORTION OF THIS PHASE OF DEVELOPMENT IS LOCATED IN A DEGRADED FLOODPLAIN ACCORDING TO FLOOD PLAIN PANEL 131000007-C DATED SEPTEMBER 28, 2006.
  - GWINNETT COUNTY DOES NOT PROVIDE PROTECTIVE COVENANTS. IT IS THE RESPONSIBILITY OF THE HOMEOWNER TO OBTAIN COVENANTS WITH THE PROTECTIVE COVENANTS.
  - PUBLIC WATER SUPPLY PROVIDED BY GWINNETT COUNTY.
  - ALL LOTS TO BE SERVED BY GWINNETT COUNTY GRAVITY FLOW SANITARY SEWER.
  - BOUNDARY INFORMATION FROM BOUNDARY SURVEY SOUTH OF STREET A, HUNTCREST WAY, HUNTCREST WAY TRACT, GWINNETT COUNTY, GEORGIA
  - PROPOSED LOTS: 48 UNITS / 16.39 ACRES = 314 UNITS/ACRE  
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FRONT = 20 FEET  
REAR = 25 FEET  
SIDE = 8 FEET  
MINIMUM LOT SIZE = 4,000 SF  
MINIMUM COVERAGE = 8 UNITS/ACRE
  - ALL SIDE SPACE AND REARSPACE MUST BE ACCESSED TO AND MAINTAINED BY A QUALIFIED HOMEOWNERS ASSOCIATION.



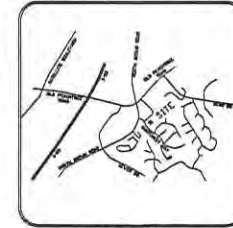
TYPICAL LOT LAYOUT FOR 48 UNITS

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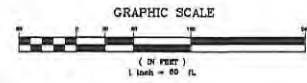
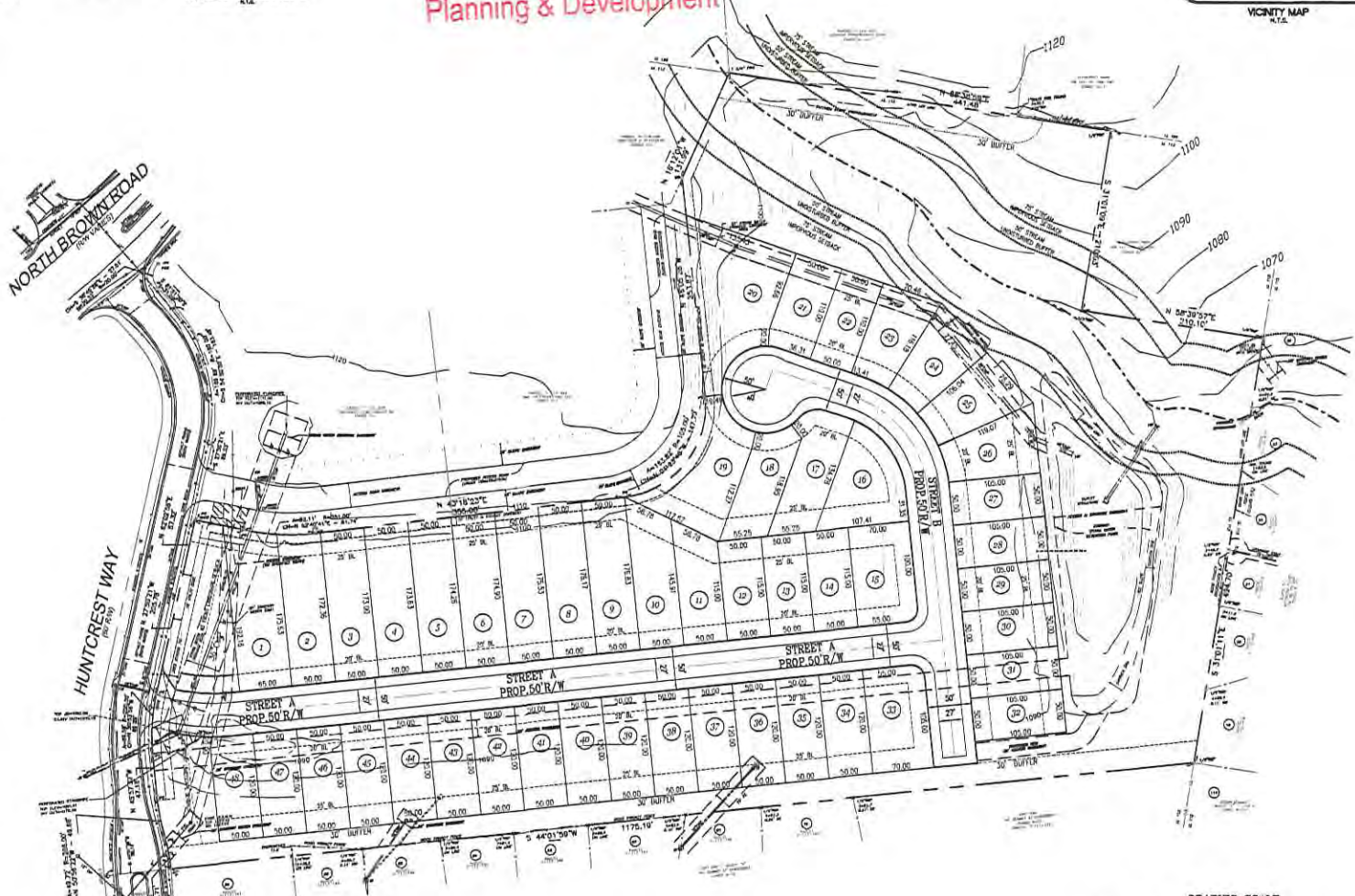
VICINITY MAP  
N.T.S.

**LEGEND**

- 1. LOT LINE
- 2. SIDE SPACE (S/S) (S/S) (S/S)
- 3. REAR SPACE (R/S) (R/S) (R/S)
- 4. FRONT SPACE (F/S) (F/S) (F/S)
- 5. SIDE PORCH
- 6. FRONT PORCH
- 7. SIDE PORCH
- 8. 2-CAR GARAGE
- 9. HOUSE
- 10. DRIVEWAY
- 11. DRIVE
- 12. SIDEWALK
- 13. UTILITY LINE
- 14. SANITARY SEWER
- 15. WATER MAIN
- 16. EASEMENT
- 17. EASEMENT
- 18. EASEMENT
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- 98. EASEMENT
- 99. EASEMENT
- 100. EASEMENT

**BLOCK & LOT CHART**

BLOCK	NO. OF LOTS
A	48
TOTAL	48



PROJECT NAME: HUNTCREST WAY TRACT  
 LOCATED IN LOTS 113 OF THE DISTRICT, PARCEL 153  
 GWINNETT COUNTY, GEORGIA

CLIENT NAME:

LAND DEVELOPMENT  
 ENGINEERING, INC.

1000 AMBERY HILLS TRAIL, DUNWOODY, GA 30118  
 (770) 402-5500 FAX (770) 402-5505



DATE: 12/20/13  
 JOB NUMBER: 13-023

REASONING EXHIBIT RS-7

SHEET TITLE: 1  
 SHEET NUMBER: 1

D. VANCE RECORDS CONSULTING





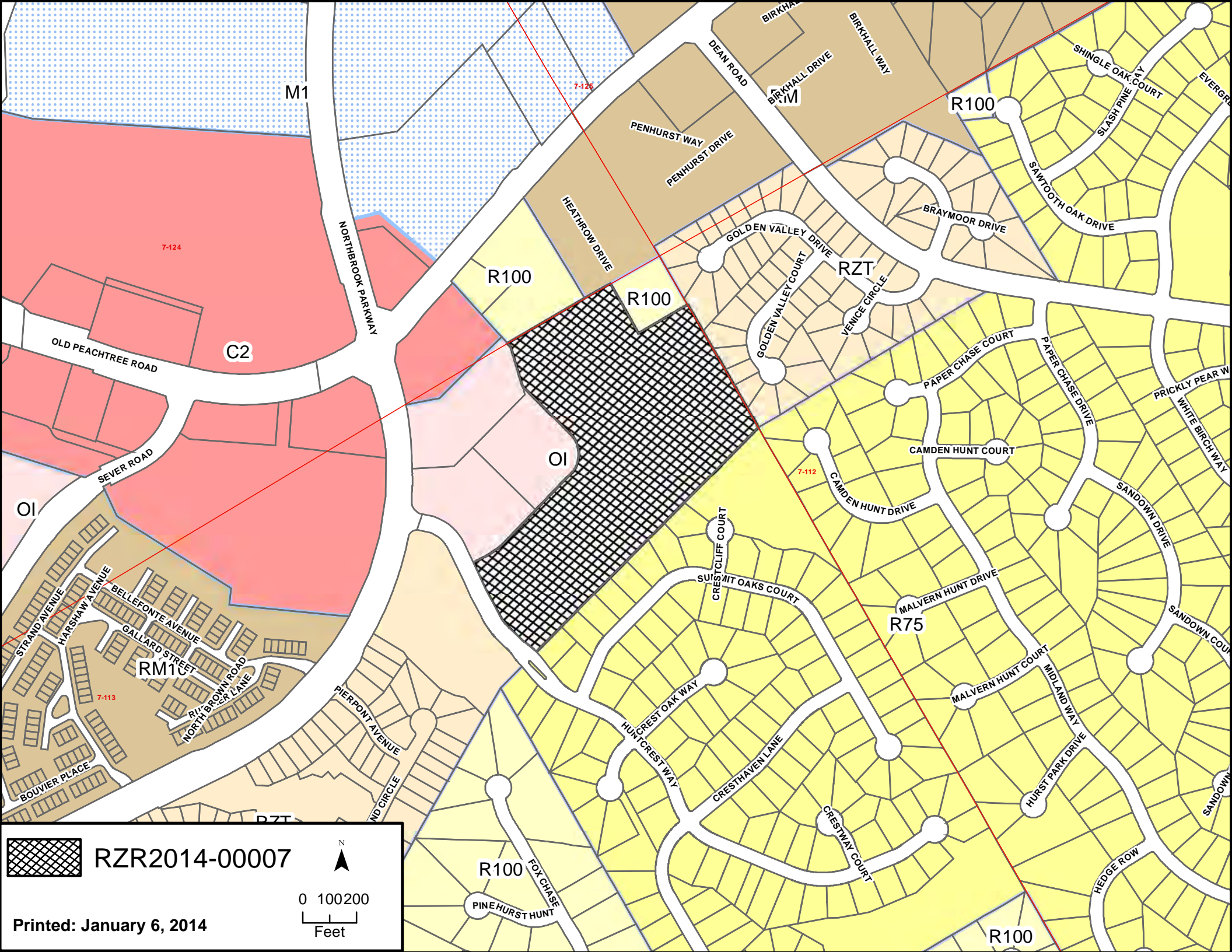
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Printed: January 6, 2014



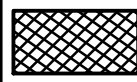


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7-113



RZR2014-00007



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Printed: January 6, 2014

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

CASE NUMBER :**RZC2014-00007**  
ZONING CHANGE :C-1& R-75 TO C-2  
LOCATION :1500 BLOCK OF LAWRENCEVILLE HIGHWAY  
:4100 BLOCK OF SUGARLOAF PARKWAY  
MAP NUMBER :R5079 106  
ACREAGE :10.45 ACRES  
SQUARE FEET :76,760 SQUARE FEET  
PROPOSED DEVELOPMENT :COMMERCIAL RETAIL USES (REDUCTION IN BUFFERS)  
COMMISSION DISTRICT :(4) HEARD

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

APPLICANT: DAVIS MILL STATION, LLC  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

CONTACT: MITCH PEEVY PHONE: 770.614.6511

OWNER: DAVIS MILL STATION, LLC  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests rezoning of a 10.45 acre property from C-1 (Neighborhood Business District) and R-75 (Single Family Residence District) to C-2 (General Business District) to allow a broader range of commercial uses within an existing shopping center. The property is the Davis Mill Station shopping center, located at the northwest corner of the intersection of Lawrenceville Highway and Sugarloaf Parkway.

The site is developed with a 76,760 square foot retail center with associated parking and driveways. The shopping center includes a total of 384 parking spaces, with points of access onto both Lawrenceville Highway and Sugarloaf Parkway. An existing storm water detention facility is located in the northwestern most portion of the site, and is zoned R-75. The existing buffer along the western (side) property line is 40 feet in width until reaching the wooded detention pond area, which is surrounded by a chain link fence located along the property line.

The site was originally developed in 1987, and was anchored by a Winn Dixie grocery store, occupying approximately 46,000 square feet. The grocery store operated for several years until



closing. Subsequently, other businesses have periodically operated out of the anchor space, but this space is currently vacant. The letter of intent suggests that a furniture store may occupy the anchor space if the C-2 zoning is approved.

**ZONING HISTORY:**

In 1970, the property was zoned R-75 (Single Family Residence District). In 1985, the majority of the property was rezoned to C-1 (Neighborhood Business District), pursuant to RZ-9-85. In 1986, requests to include additional C-1 property at the rear of the site and to amend the existing C-1 conditions of zoning related to detention and access were approved, pursuant to RZ-22-86 and RZ-23-86. In 1987, a request to rezone the entire tract to C-2 (General Business District) was denied, pursuant to RZ-77-87. Later that year, a Special Use Permit to allow restaurants within the shopping center was approved, pursuant to SUP-79-87.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**OPEN SPACE AND GREENWAY MASTER PLAN:**

No comment.

**DEVELOPMENT REVIEW SECTION COMMENTS:**

No comment.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

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

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

There is a potential Gwinnett D.O.T. project to improve the intersection of Sugarloaf Parkway and Lawrenceville Highway (US 29), and right-of-way and/or easement may need to be acquired.

**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 northern right-of-way of Lawrenceville Highway and a 12-inch water main located on the eastern right-of-way of Sugarloaf Parkway.

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

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 rezoning requests, under the following conditions:

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

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

**DEPARTMENT ANALYSIS:**

The subject property is a 10.45-acre parcel located at the northwest corner of the intersection of the Lawrenceville Highway and Sugarloaf Parkway. The property is developed with a large retail space, as well as multiple attached tenant spaces.

The 2030 Unified Plan Future Development Map indicates that the property is located within a Corridor Mixed-Use Character Area. Encouraged uses within this Character Area include neighborhood-serving retail and commercial services at key nodes or intersections. Rezoning the property from the C-1 neighborhood scale zoning district to a more appropriate C-2 zoning classification would allow for general retail activity consistent with the surrounding area and recommendations of the Unified Plan.

The Lawrenceville Highway and Sugarloaf Parkway intersection is developed with numerous commercial/retail uses, with residential developments located beyond the commercial corridor. In the years since the subject site was zoned, the surrounding area has been rezoned and developed as a large C-2 district, and includes restaurants, drug stores, banks, shopping centers and a car wash. In light of the nature and intensity of neighboring uses, the request to rezone the property to C-2 could be consistent with immediate area and appropriate for the site. Additionally, the requested rezoning could potentially allow the struggling shopping center to more effectively lease their space.

In conclusion, the proposed rezoning to C-2 could be considered consistent with the recommendations of the Unified Plan, adjacent zoning districts and existing land uses in the area. Therefore, the Department of Planning and Development 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
    - contractors offices
    - equipment rental
    - extended stay hotels or motels
    - recovered materials processing facilities
    - smoke shops/novelty stores
  - B. Any exterior renovations or new construction shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides (stucco may only be used as an accent material). Final building elevations shall be subject to review and approval by the Director of Planning and Development.
2. To satisfy the following site development considerations:
  - A. Provide a minimum 40-foot wide natural undisturbed buffer adjacent to all residentially-zoned properties.
  - B. Any new ground signage shall be limited to monument type sign(s) with a minimum two-foot high brick or stacked stone base.
  - C. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent residential property.
  - D. Billboards or oversized signs shall be prohibited.
  - E. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure.
  - F. Outdoor storage 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. Peddlers and/or parking lot sales shall be prohibited.
- I. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested C-2 zoning could be considered suitable at this location given the predominance of C-2 zoning in the surrounding area.

ADVERSE IMPACTS

With the recommended conditions and restrictions, potential impacts on nearby residences could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

No significant change in impacts on public facilities would be anticipated from the requested rezoning.

CONFORMITY WITH POLICIES

The requested C-2 zoning could be considered consistent with recommendations of the Unified Plan for this major commercial intersection. When the site was originally granted C-1 zoning, the surrounding area was largely undeveloped and residential. In the intervening years, the Board has granted C-2 zoning for numerous parcels surrounding the subject property, suggesting that the requested C-2 could be consistent with recent Board actions in the area.

CONDITIONS AFFECTING ZONING

The site is currently developed with a retail center that has been largely vacant since the closure of the original grocery store anchor tenant. Granting C-2 zoning for a broader range of tenants would be consistent with the surrounding area and could potentially benefit an already struggling shopping center, giving additional grounds for approval of the 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 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 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.

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## REZONING APPLICANT'S LETTER OF INTENT

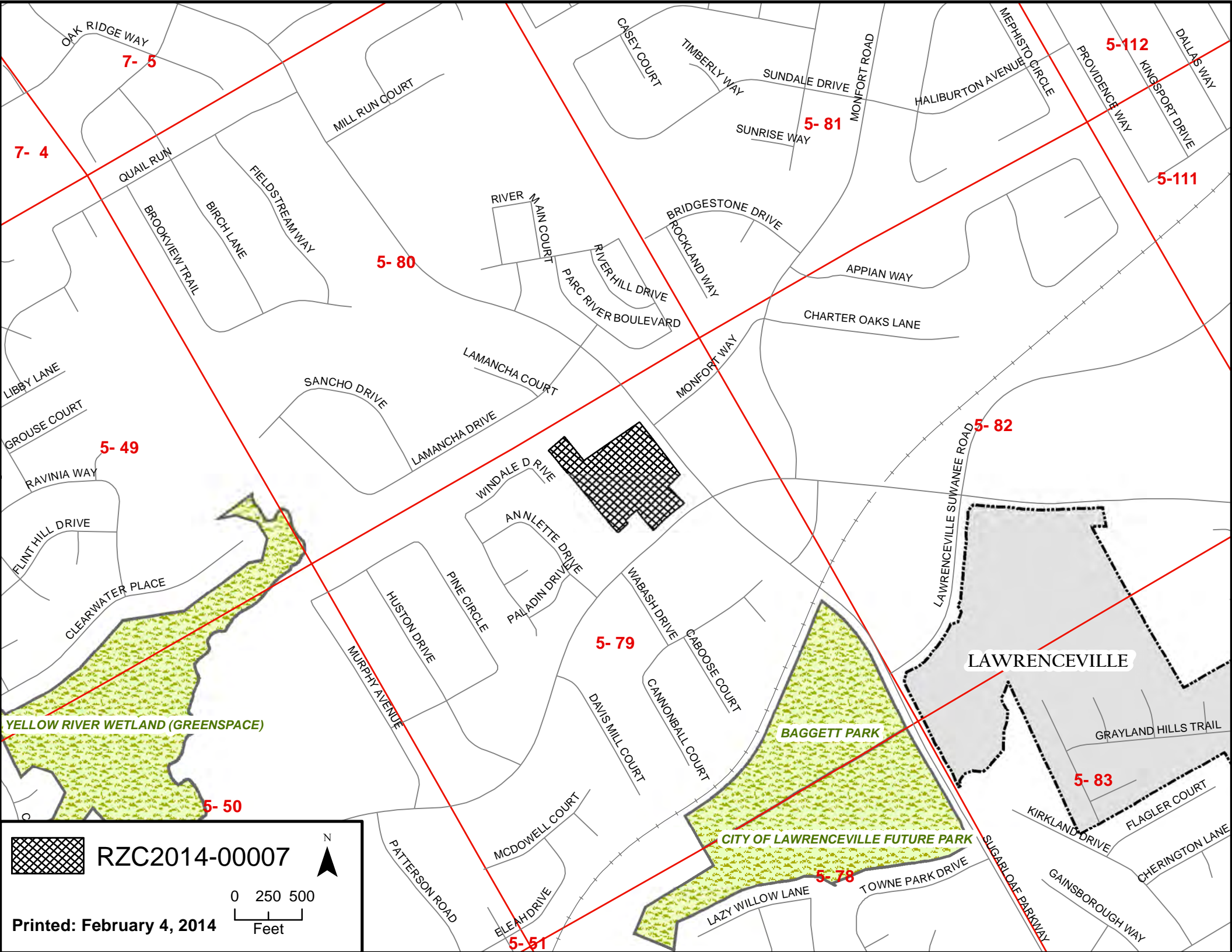
The Applicant and Owner, Davis Mill Station, LLC requests a rezoning from C-1 to C-2 for their existing shopping center located at the corner of Sugarloaf Parkway and Highway 29. The subject property is a total of 10.448 acres with gross leasable area of 76,760 square feet. The center was built in 1987 by the owners with the main tenant at that time being a Winn Dixie grocery store. Winn Dixie occupied over 46,000 square feet of the center and since they withdrew from the Atlanta marketplace several years ago the center has struggled to find a user for the large space. They have had a health club occupy about half of the space for 5 years but they closed in 2013 and the large tenant space has been vacant since then. The owners now have a signed lease with a franchisee for a division of Ashley Furniture for all of the old Winn Dixie space and since all of the other retail space in the area is zoned C-2 the owners believe that it makes sense for this property to be zoned C-2. The applicant also requests that the existing 40 foot buffer adjacent to residential property be maintained since there will not be any changes to the exterior of the facility but just interior finish work. The shopping center is built of brick and was approved as C-1 with a buffer reduction and with no changes to the exterior the neighbors will not notice any difference. Because of the size of the development, C-1 limits the users allowed, such as the proposed furniture store and in fact the health club should not have been allowed under the C-1 category. The area has changed dramatically since the center was built and Sugarloaf Parkway at this location exceeds 44,000 cars per day and highway 29 exceeds 24,000 cars per day. The bottom line is that an active viable shopping center will add value to the area but a vacant deserted center will not and the current C-1 zoning restricts the center from attracting valued retail tenants.


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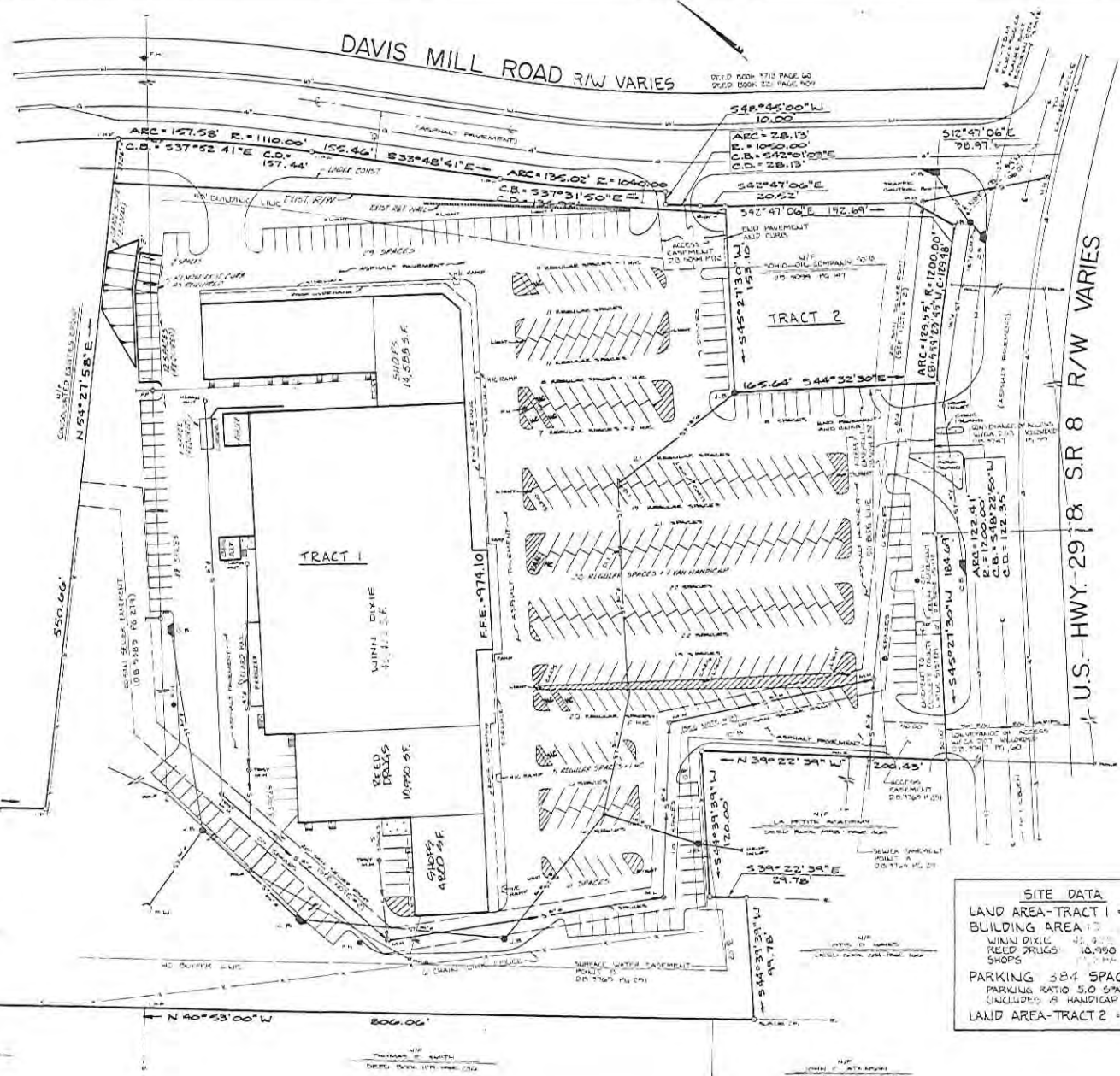
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RZC '14 0 0 7



SITE DATA	
LAND AREA-TRACT 1	= 10.448 AC.
BUILDING AREA	= 30,339 SQ. FT.
WINN DIXIE	14,589 SQ. FT.
REED DRUGS	10,950 SQ. FT.
SHOPS	4,800 SQ. FT.
PARKING	384 SPACES
PARKING RATIO	3.0 SPACES/1000 SQ. FT.
(INCLUDES 10 HANDICAP SPACES)	
LAND AREA-TRACT 2	= 0.600 AC.

SCHEMATIC PLAN- PARKING DECK  
 DAVIS MILL STATION  
 COLUMBIA PROPERTIES, INC.  
 1355 TEEBELL HALL RD., RICH. HTS. QUITE 200  
 MARIETTA, GA. 30027 (770) 783-5332

**ENGINEERING, INC.**  
 ENGINEER - FREE  
 SURVEYOR - \$100  
 PLANNING - \$100  
 DESIGN - \$100  
 TOTAL - \$300

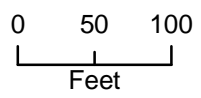
NO.	REVISION	DATE
1	ISSUED FOR PERMIT	12/10/13
2	REVISED	12/10/13
3	REVISED	12/10/13

SHEET 1  
 OF 1  
 DM  
 B. Stepler



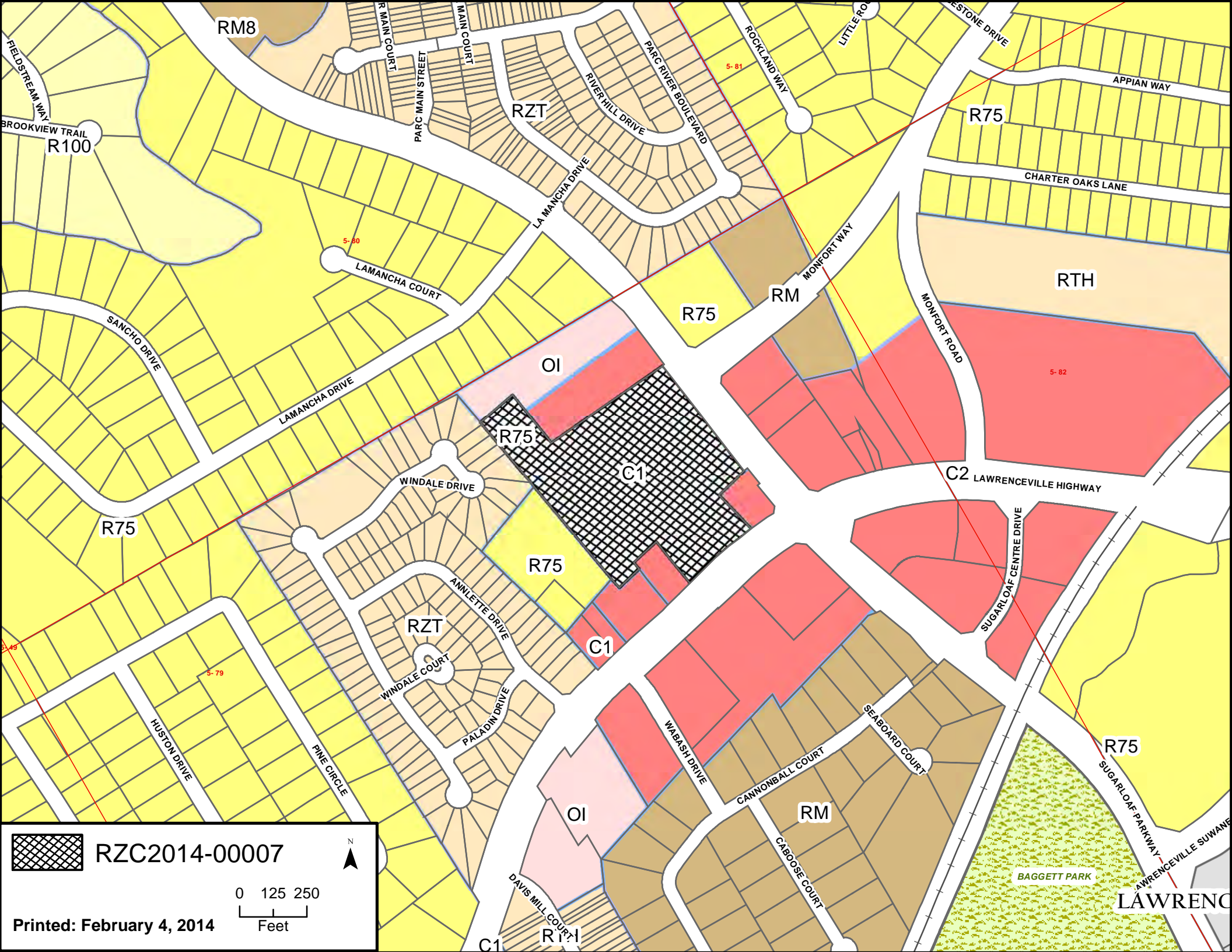


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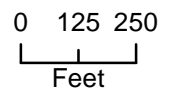


Printed: February 4, 2014





RZC2014-00007



Printed: February 4, 2014

LAWRENCEVILLE SUWANEE

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

CASE NUMBER :**RZC2014-00008**  
ZONING CHANGE :R-100 TO C-2  
LOCATION :400 BLOCK OF ATHENS HIGHWAY  
:700 BLOCK OF HOKE O'KELLY MILL ROAD  
MAP NUMBER :R5130 004  
ACREAGE :1.76 ACRES  
SQUARE FEET :1,080 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOBILE SALES  
COMMISSION DISTRICT :(3) HUNTER

CASE NUMBER :**SUP2014-00020**  
ZONING :C-2 (PROPOSED)  
LOCATION :400 BLOCK OF ATHENS HIGHWAY  
:700 BLOCK OF HOKE O'KELLY MILL ROAD  
MAP NUMBER :R5130 004  
ACREAGE :1.76 ACRES  
SQUARE FEET :1,080 SQUARE FEET  
PROPOSED DEVELOPMENT :AUTOMOBILE SALES  
COMMISSION DISTRICT :(3) HUNTER

FUTURE DEVELOPMENT MAP: **CORRIDOR MIXED USE**

APPLICANT: ATL MOTORS, LLC  
4974 STONE MOUNTAIN HIGHWAY  
LILBURN, GA 30047

CONTACT: BOBBY BULLARD PHONE: 770.554.8714

OWNER: ADLOI B. LYTTLE  
1151 GULFPORT RUN  
GRAYSON, GA 30017

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a rezoning and Special Use Permit on a 1.76-acre parcel, from R-100 (Single Family Residence District), to C-2 (General Business District) to allow a small automobile sales lot. The property is located on the north side of Athens Highway at its intersection with Hoke O'Kelly Mill Road. The site is currently developed with a single-story residence consisting of approximately 1,080 square feet and the associated driveway. The front portion of the site has recently been cleared of trees.



The applicant intends to redevelop the property as an automobile sales lot, which would be occupied by ATL Motors. While portions of the existing driveway would be maintained, a new entrance location, driveway and parking lot is proposed for automobile inventory. A total of 15 parking spaces would be provided, and access would be from a single driveway onto Athens Highway. A 75' undisturbed buffer is proposed along the rear of the property adjacent to residentially-zoned properties.

Previously used as a single-family residence, the home is presently in disrepair and appears to have been vacant for several years. The applicant's letter of intent indicates the existing one-story residence would be converted for the automobile sales office. The applicant has completed a Building Code Compliance Inspection (CIR2014-00029); and it is noted that the structure failed multiple areas of inspection including electrical code compliance, fire compliance, mechanical code compliance, plumbing code compliance and structural code compliance requirements. As such, the applicant should be aware that conversion of the home may be cost prohibitive.

#### ZONING HISTORY:

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

#### GROUNDWATER RECHARGE AREA:

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

#### WETLANDS INVENTORY:

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

#### OPEN SPACE AND GREENWAY MASTER PLAN:

No comment.

#### DEVELOPMENT REVIEW SECTION COMMENTS:

The Buffer, Landscape and Tree Ordinance requires a ten-foot wide landscape strip adjacent to all street rights-of-way for non-residential developments.

The Buffer, Landscape and Tree Ordinance 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 606.3 of the 1985 Zoning Resolution requires screening of dumpsters and loading/unloading facilities.

Parking lots and interior driveways shall be designed in accordance with Section 1001 of the 1985 Zoning Resolution.

Section 9.7.5 of the Development Regulations recommends that the number of driveways serving a single project be limited to one (1) per 400 feet of road frontage along a classified roadway.

Section 9.7.5 of the Development Regulations requires proposed driveways to be located at least 100 feet from the centerline of the driveway to the nearest right-of-way line (extended).

Section 6.3.3 and/or 6.3.4 of the Development Regulations 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 6.13 of the Development Regulations 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 606.6 of the 1985 Zoning Resolution requires an additional five-foot setback for all structures (parking lots, driveways, detention ponds, retaining walls, etc.) adjacent to required buffers.

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

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

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

#### STORMWATER REVIEW SECTION COMMENTS:

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Athens Highway (US 78) is a State Route and Georgia D.O.T. right-of-way requirements govern.

Hoke O'Kelly Mill Road is a Minor Collector and 30 feet of right-of-way is required from the centerline.

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

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

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the western right-of-way of Hoke O'Kelly Mill Road.

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located on the eastern right-of-way of Hoke O'Kelly Mill Road.

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

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

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

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



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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

1. The applicant shall obtain a building code compliance inspection of the existing building by the Building Construction Section of Department of Planning and Development and shall comply with inspection results.
2. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
3. The applicant shall submit plans which clearly indicate any new construction as proposed by the applicant and as required by compliance inspection report for review and approval by Building Plan Review.
4. Upon completion of plan review approvals, the applicant shall obtain a building permit for any required renovation work and achieve satisfactory field inspections for issuance of a Certificate of Occupancy.

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

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

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

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

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

DEPARTMENT ANALYSIS:

The subject site is a 1.76-acre parcel, located on the north side of Athens Highway at its intersection with Hoke O'Kelly Mill Road. The site is currently developed with a single story residence consisting of approximately 1,080 square feet and the associated driveway.

The 2030 Unified Plan Future Development Map indicates the site is located within a Corridor Mixed-Use Character Area, which supports commercial uses such as automobile sales lots which are best operated as free-standing businesses. The property is located along an established commercial corridor, developed with numerous automobile sales and service facilities, and the requested rezoning and Special Use Permit could be considered compatible with the Character Area.

The area surrounding the property consists predominately of commercial/retail businesses along the Athens Highway corridor, with residential uses lying beyond the corridor. This segment of Athens Highway is developed with several similar automotive business including: Zeus Automotive Repair, Five Star Automotive, D's New and Used Tires and Discount Tire along with other commercial/retail and office uses. Given the zoning and development pattern of this segment of Athens Highway, an automobile sales facility could be considered consistent with the area and may be suitable at this location.

In conclusion, the requested rezoning and Special Use Permit for an automobile sales facility could be considered compatible with the recommendations of the Unified Plan, and consistent with zoning and land uses in the area. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as C-2 with a Special Use Permit for an automobile sales facility, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail, service-commercial, office and accessory uses, which may include automobile sales as a special use. The following uses shall be prohibited:
    - adult bookstores or entertainment
    - recovered materials processing facilities
    - smoke shops/novelty stores
    - yard trimmings composting facilities
  - B. Any new building(s) shall be finished with architectural treatments of glass, brick and/or stacked stone (stucco may only be used as an accent material). Final building elevations shall be submitted for review and approval by the Director of Planning and Development. Portable office trailers shall be prohibited.
  - C. If the existing building is converted for business use, it shall be brought up to code, and the exterior materials shall be similar to the requirements of I.B. above. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
  - D. 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. Servicing of vehicles outdoors shall be prohibited.
2. To satisfy the following site development considerations:
  - A. Provide a 75-foot wide natural undisturbed buffer adjacent to residentially-zoned properties. The buffer shall be enhanced where sparsely vegetated.
  - B. Provide a ten-foot wide landscaped strip adjacent to all rights-of-way.
  - C. Ground signage shall be limited to a single monument type sign(s) with a minimum two-foot high brick or stacked stone base.
  - D. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure.
  - E. Outdoor loudspeakers 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. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- H. Peddlers shall be prohibited.
- I. 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 and special use permit for an automobile sales lot could be suitable in light of there being several automobile repair shops in the immediate area and the general intensity of uses along the corridor.

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

A minimal change in impacts on public facilities could be anticipated from the request.

CONFORMITY WITH POLICIES

The proposal is considered compatible with policies of the Unified Plan for established commercial corridors and this Character Area. The proposed automobile sales facility could be suitable in light of the intensity of surrounding developments.

CONDITIONS AFFECTING ZONING

If the existing home is not salvageable for office use, the Department recommends that sales trailers be prohibited, and that any new building be treated with masonry materials in an effort to improve the visual appeal of the corridor.

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

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

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

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

The proposed car sales office is a use that is suitable per the use of the nearby properties.

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

Because of the properties to the left and right of the property are commercially zoned and the residential parcel to the north has a wooded buffer, the use will not adversely affect the adjacent or nearby properties.

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

The property does not have a reasonable use as currently zoned. This corner is one of the few remaining residentially zoned 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:

This small office and 6 employee parking spaces off Hwy 78 will not be burdensome to the 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:

This commercial rezoning and special use permit is in conformity with the policy and intent of the Land Use Plan

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

This parcel has great visibility for a commercial use. The owner plans to create a limited, but very professional, redevelopment of the parcel for a nice sales space for his customers.

RZC '14 0 0 8

RECEIVED BY

FEB 11 2014

Planning & Development

**Bullard Land Planning**  
7764-A Hampton Place  
Loganville, Georgia 30052  
770-554-8714 \* Fax 770-554-8715

Attn: Gwinnett County Planning Division  
446 West Crogan Street  
Lawrenceville, GA 30046-2440

Re: LETTER OF INTENT  
-Rezoning  
-Special Use Permit

ATL Motors, L.L.C.  
447 Athens Hwy, Loganville, GA 30052  
Parcel 5-130-004

To Whom It May Concern:

ATL Motors, LLC has recently purchased this prime corner lot with excellent visibility to improve the property for a used automobile sales office. ATL Motors, LLC is proud of its excellent record and looks forward to expanding its business into this great area of Gwinnett County.

Although the Land Use plan calls for this area to be commercial, this parcel is currently zoned R-100. In order to operate the business, ATL Motors has to have this property rezoned to C-2 with a Special Use Permit for automobile sales. Both the property to the east and the property to the west along Hwy 78 are zoned C-2. Along the short rear property line of the property is Kelly Mill Subdivision that is zoned R-100. However, between the subdivision and the office is nearly 250' of mostly wooded area that completely screens the office from the residential property.

We feel that business, with the proposed zoning and special use permit for this property, is in keeping with the intended Land Use Plan and will be an excellent use for this parcel. Given the noise and busyness of Hwy 78, this property does not have any potential residential use anymore. ATL Motors is planning to improve the old house that has become an eyesore and improve the property to the professional standard that is expected in our great County.

If you have any questions or need any further information, please do not hesitate to contact us.

Sincerely,

  
\_\_\_\_\_  
Robert F. Bullard, Agent of Owner  
Bullard Land Planning, Inc.

2/7/14  
Date

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RECEIVED BY

FEB 11 2014

Planning & Development





## COMPLIANCE INSPECTION REPORT

<b>CASE NUMBER:</b>	<b>CIR2014-00029</b>
<b>RECEIVED DATE:</b>	2/10/2014
<b>APPLICATION NAME:</b>	ATL MOTORS LLC
<b>APPLICATION ADDRESS:</b>	447 HWY 78, LOGANVILLE, GA 30052
<b>APPLICANT:</b>	Adloi Lyttle 447 Highway 78 Loganville, GA 30052
<b>REQUEST TYPE:</b>	Existing Building Compliance Report
<b>NFPA OCCUPANCY:</b>	
<b>CURRENT OCCUPANCY USE:</b>	R-4 (IBC) Residential
<b>PROPOSED OCCUPANCY USE:</b>	B (IBC) Business
<b>DEVELOPMENT TYPE:</b>	Single Family Detached Dwelling
<b>CONSTRUCTION TYPE:</b>	(IBC) TYPE VB UNSPRINKLERED

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

	ITEM	COMMENT	INSPECTOR	STATUS
<b>Electrical Code Compliance</b>				
2/19/2014	The electrical system for the proposed occupancy is suitable for intended use.	2008 NEC electrical service and panel to small only 100 amp going to be a total electric office and car lot with lighting. a lot of wiring only old gray 2 wire no grounding recepts. will require plans permit and inspections	Johnny Lyons	Fail
2/19/2014	Ground fault circuit interrupter (GFCI) in bathroom, kitchen, and outside receptacles.	NEC 210.8	Johnny Lyons	Fail
2/19/2014	Grounding type receptacles.	NEC 406	Johnny Lyons	Fail
2/19/2014	Required location for receptacles.	NEC 210	Johnny Lyons	Fail
2/19/2014	Required location for lights and switches.	NEC 210	Johnny Lyons	Fail
2/19/2014	Grounding to metal water pipe, building steel, ground rods.	NEC 250-3 founmnd no grounding to water piping	Johnny Lyons	Fail
2/19/2014	Location of service disconnect.	NEC 230.70 service disconnect required to be out at meter service to long	Johnny Lyons	Fail
2/19/2014	Service equipment - Illumination of service and/or panels.	NEC 110.26(d)	Johnny Lyons	Fail
2/19/2014	Service equipment - Fault current rating.	NEC 110.9	Johnny Lyons	Fail
2/19/2014	Service equipment - Load calculation.	NEC 220	Johnny Lyons	Fail
2/19/2014	Approved covers on junction boxes and accessible.	NEC 314	Johnny Lyons	Fail
2/19/2014	Junction boxes - Correct size for box volume.	NEC 314.16	Johnny Lyons	Fail
2/19/2014	Conductors - Correct size for overcurrent device.	NEC 310	Johnny Lyons	Fail
2/19/2014	Physical condition of conductors.	NEC 310	Johnny Lyons	Fail

	ITEM	COMMENT	INSPECTOR	STATUS
<b>Electrical Code Compliance</b>				
2/19/2014	Proper equipment grounding conductor size.	NEC 250.122	Johnny Lyons	Fail
2/19/2014	Disconnects for appliances and HVAC equipment -Required locations and accessible.	NEC 422.30 NEC 440.11	Johnny Lyons	Fail
2/19/2014	Working clearance in front of equipment.	NEC 110.26	Johnny Lyons	Pass
2/19/2014	Occupant to have access to service equipment.	NEC 230.72(c)	Johnny Lyons	Pass
2/19/2014	Overcurrent devices - Correct type per panel manufacturer.	NEC 110.3	Johnny Lyons	Pass
2/19/2014	Number of overcurrent devices for panel.	NEC 110.3	Johnny Lyons	Pass
<b>Fire Compliance</b>				
2/19/2014	Exterior: Accessible Parking	PROVIDE HANDICAP ACCESSIBLE PARKING	Tommy McCullers	Fail
2/19/2014	Exterior: Ramp/Landings	PROVIDE HANDICAP ACCESSIBLE RAMP AT FRONT DOOR	Tommy McCullers	Fail
2/19/2014	Exterior: Address/Suite Marking	Provide street address on building in 6 inch letters contrasting in color that is visible from street.	Tommy McCullers	Fail
2/19/2014	Exterior: Level Landing At Door	PROVIDE LEVEL LANDING AT BOTH ENTRANCE DOORS	Tommy McCullers	Fail
2/19/2014	Interior: Doors and Hardware	Provide lever hardware on all interior doors.  Provide front door and side door with thumb turn type deadbolt lock. Cannot have any locks that use special knowledge or keys.	Tommy McCullers	Fail
2/19/2014	Fire Protection Equipment: Exit Signs	Provide exit/emergency lights over each exit door. All exit/emergency lights shall illuminate when power is turned off or button is pressed.	Tommy McCullers	Fail
2/19/2014	Fire Protection Equipment: Emergency Lights	Provide exit/emergency lights over each exit door. All exit/emergency lights shall illuminate when power is turned off or button is pressed.	Tommy McCullers	Fail
2/19/2014	Fire Protection Equipment: Fire Extinguisher	Have state certified fire extinguisher company service and provide fire extinguisher. Minimum size is 2A/10BC within one year of date.  Install fire extinguisher in accessible location 48 inches to handle from floor.	Tommy McCullers	Fail
2/19/2014	Miscellaneous: Certificate of Occupancy		Tommy McCullers	Fail
2/19/2014	Miscellaneous: Elect. Panels/Rooms	Have covers installed over open breakers in electrical panel box.  Have all breakers labeled clearly.	Tommy McCullers	Fail

	ITEM	COMMENT	INSPECTOR	STATUS
<b>Fire Compliance</b>				
2/19/2014	Accessibility: Water Closet	<p>Provide accessible restroom.</p> <p>Have protective covers placed over sink drains and hot water lines under all sinks.</p> <p>Provide accessible signage at restroom. Place sign on latch side of door on wall 2 inches off of door frame and 60 inches to top of sign from floor.</p> <p>Provide handicap accessible signage on latch side of door on wall 2 inches off of door frame and 60 inches to top of sign to floor.</p> <p>Provide 36" grab bar behind toilet. Shall be mounted 34" - 38" from floor and 3"-6" from corner. Shall support minimum 250 lbs.</p> <p>Provide 42" grab bar on side wall of toilet. Shall be mounted 34" - 38" from floor and 12" from corner. Shall support minimum 250 lbs.</p> <p>The grab bar behind the toilet shall be 36" in length. The side grab bar shall be securely attached to the wall. The grab bar shall be 42" in length, and be located 12" from the corner and extend a minimum of 52" from the rear corner. See GA 120-3-20.27.</p>	Tommy McCullers	Fail
2/19/2014	Accessibility: Turnaround Clearance		Tommy McCullers	Fail
2/19/2014	Accessibility: Urinals		Tommy McCullers	Fail
2/19/2014	Accessibility: Lavatories		Tommy McCullers	Fail
2/19/2014	Accessibility: Grab Bars		Tommy McCullers	Fail
2/19/2014	Accessibility: Mirrors		Tommy McCullers	Fail
2/19/2014	Accessibility: Signage	Provide accessible parking signage at accessible parking space. Blue reflective sign that reads "permit parking only tow-away zone maximum fine \$500. See attached.	Tommy McCullers	Fail
2/19/2014	Miscellaneous	Provide plans for handicap accessible ramps, parking spaces, level landings, and restroom renovations to Building Dept. and Fire Plan Review.	Tommy McCullers	Fail
<b>Mechanical Code Compliance</b>				
2/19/2014	The mechanical system for the proposed occupancy is suitable for intended use.	Ranch house on crawlspace furnace under crawl. Multiple code requirements will need to be met see list on this report. will require plans and permit and inspections as needed. not gas fire furnace being told going to install heatpump	Johnny Lyons	Fail
2/19/2014	Ducts and duct systems - Allowable materials.	duct system to close to the ground as will as plenums	Johnny Lyons	Fail
2/19/2014	Ducts and duct systems - Joints, seams, and connections.	no duct joints sealed as required per code	Johnny Lyons	Fail
2/19/2014	Duct support.	duct work returns laying on ground no support	Johnny Lyons	Fail
2/19/2014	Duct insulation.	all duct work under crawlspace required to be insulated not of the return are insulated	Johnny Lyons	Fail
2/19/2014	Ducts and duct systems - complies with Georgia State Energy Code.		Johnny Lyons	Fail

	ITEM	COMMENT	INSPECTOR	STATUS
<b>Mechanical Code Compliance</b>				
2/19/2014	Equipment - Accessibility.	opening under crawlspace to small will not be able to remove equipment also no light and receptical for service of furnace	Johnny Lyons	Fail
2/19/2014	Equipment - Clearance.	furnace and duct work to close to the ground	Johnny Lyons	Fail
2/19/2014	Equipment - Support.		Johnny Lyons	Fail
2/19/2014	Complies with Georgia State Energy Code	furnace 25 plus years old and no ac does not meet energy code requirements	Johnny Lyons	Fail
2/19/2014	Fresh air system - allowable material.	install as required table 403.2	Johnny Lyons	Fail
2/19/2014	Fresh air system - Location on intakes.		Johnny Lyons	Fail
2/19/2014	Fresh air system - ASHRAE air systems.		Johnny Lyons	Fail
2/19/2014	Exhaust systems - Bath fan vents and termination.	no bath exhaust install as required	Johnny Lyons	Fail
2/19/2014	Chimneys and vents systems - Clearance.	to close to wood several places	Johnny Lyons	Fail
2/19/2014	Chimneys and vents systems - Fire stops.		Johnny Lyons	Fail
2/19/2014	Fuel gas piping - Allowable material.	being told going to remove gas system install heat pump no gas	Johnny Lyons	Fail
2/19/2014	Fuel gas piping - Location.		Johnny Lyons	Fail
2/19/2014	Fuel gas piping - Joints.		Johnny Lyons	Fail
2/19/2014	Fuel gas piping - Support.		Johnny Lyons	Fail
2/19/2014	Fuel gas piping - Shut-off valves and approved locations.		Johnny Lyons	Fail
2/19/2014	Fuel gas piping - Auxiliary drain pans.		Johnny Lyons	Fail
2/19/2014	Condensate drains piping and termination.		Johnny Lyons	Fail
2/19/2014	Refrigeration system - Material.	ac unit and piping has been remove will need to reinstall as required for new system	Johnny Lyons	Fail
2/19/2014	Refrigeration system - Location		Johnny Lyons	Fail
2/19/2014	Refrigeration system - Joints and refrigerant containing part in plenum.		Johnny Lyons	Fail
2/19/2014	Refrigeration system - Piping insulation.		Johnny Lyons	Fail
2/19/2014	Combustion and ventilation air - Allowable material.		Johnny Lyons	Pass
2/19/2014	Combustion and ventilation air - Capacity for space.		Johnny Lyons	Pass
2/19/2014	Combustion and ventilation air - Termination.		Johnny Lyons	Pass
2/19/2014	Equipment - Location.		Johnny Lyons	Pass
2/19/2014	Separation ventilation system for incompatible material - Flammable vapors.		Johnny Lyons	Pass
2/19/2014	Separation ventilation system for incompatible material - Corrosive vapors.		Johnny Lyons	Pass
2/19/2014	Separation ventilation system for incompatible material - Noxious gases.		Johnny Lyons	Pass
2/19/2014	Separation ventilation system for incompatible material - Other.		Johnny Lyons	Pass
2/19/2014	Chimneys and vents systems - Allowable materials.		Johnny Lyons	Pass
2/19/2014	Chimneys and vents systems - Capacity.		Johnny Lyons	Pass
2/19/2014	Chimneys and vents systems - Location.		Johnny Lyons	Pass



	ITEM	COMMENT	INSPECTOR	STATUS
<b>Mechanical Code Compliance</b>				
2/19/2014	Chimneys and vents systems - Termination.		Johnny Lyons	Pass
<b>Plumbing Code Compliance</b>				
2/19/2014	The plumbing system for the proposed occupancy is suitable for intended use.	no water heater found plus severalo other code issues plans permit and inspection required	Johnny Lyons	Fail
2/19/2014	Water heaters - Provide combustion air from outside.	IPC 504.5-504.6 was not able to find water heater	Johnny Lyons	Fail
2/19/2014	Water heaters - Provide 3/4 T&P relief line using approved pipe.	IPC 502.4	Johnny Lyons	Fail
2/19/2014	Water heaters - Repair or replace vent with approved vent pipe.		Johnny Lyons	Fail
2/19/2014	Repair or replace water heater.	IPC 501.1	Johnny Lyons	Fail
2/19/2014	Water heaters - install thermal expansion device.	IPC 607.3	Johnny Lyons	Fail
2/19/2014	This occupancy requires drinking fountains to be installed.	IPC 403.1	Johnny Lyons	Fail
2/19/2014	Provide separate toilet rooms for male and female.	IPC 403.2	Johnny Lyons	Fail
2/19/2014	Change all water closets to elongated with open front seats.	IPC 420.2	Johnny Lyons	Fail
2/19/2014	Install privacy partitions for water closets and urinals.	IPC 310.4	Johnny Lyons	Fail
2/19/2014	Install double check valve assembly and certify device.	IPC 608.1	Johnny Lyons	Fail
2/19/2014	Install pressure reducing valve in main water service.	IPC 604.8 was not able to fined	Johnny Lyons	Fail
2/19/2014	Install vacuum brakers on all hose bibbs.	IPC 608.11 hose bibb out in frint yard going to be removed	Johnny Lyons	Fail
<b>Structural Code Compliance</b>				
2/19/2014	S13: Insualtion in attic.	IECC 502	Todd Herget	Fail
2/19/2014	S3: Insualtion in crawlspace.	IECC 502	Todd Herget	Fail
2/19/2014	S1: Additional Data / Plans.	GCCC 103.2.2 Need engineer evaluation of floor system for compliance with commercial loads	Todd Herget	Fail
2/19/2014	S2: Wood Connections and Fasteners.	IBC 2304.9 Need roof rafter collar ties and lower rafter ties	Todd Herget	Fail
2/19/2014	S8: Attic Ventilation.	IBC 1203	Todd Herget	Pass
2/19/2014	S7: Crawlspace ventilation.	IBC 1203	Todd Herget	Pass
2/19/2014	S4: Ground clearance.	IBC 2304.11	Todd Herget	Pass
2/19/2014	S10: Attic Access.	IBC 1209.2	Todd Herget	Pass
2/19/2014	S17: Tempered glass for doors and windows.	IBC 2406	Todd Herget	Pass
2/19/2014	S19: Minimum ceiling heights.	IBC 1208.2	Todd Herget	Pass









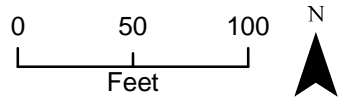
HOKE OKELLY MILL ROAD

SWEET ASHLEY WAY

ATHENS HIGHWAY

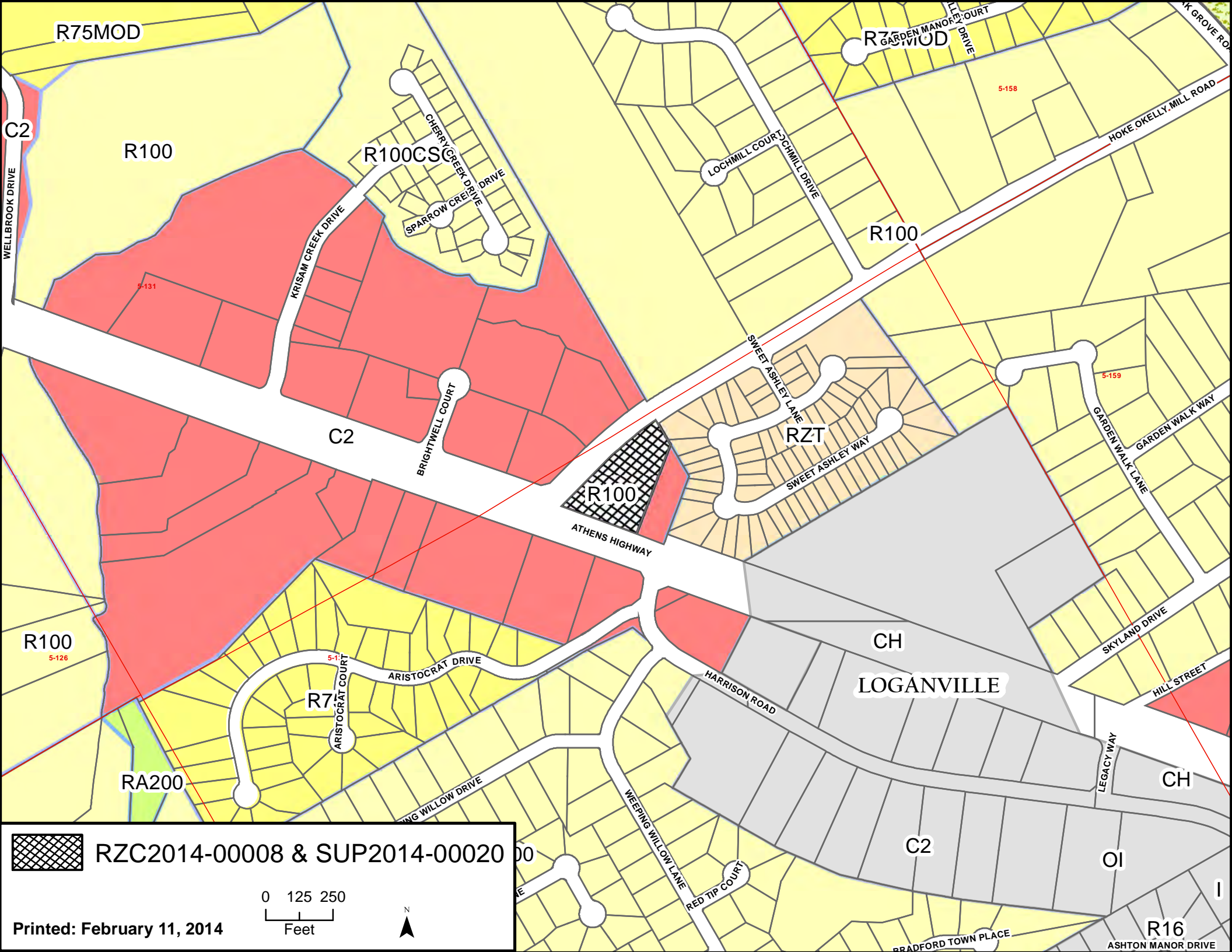
RISON ROAD

 RZC2014-00008 & SUP2014-00020



Printed: February 11, 2014





R75MOD

R75MOD

R100

R100CSC

R100

C2

RZT

R100

R100

CH

LOGANVILLE


CH

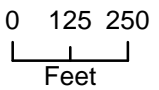
RA200

C2

OI

R16

 RZC2014-00008 & SUP2014-00020



Printed: February 11, 2014

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

CASE NUMBER :**RZR2014-00009**  
ZONING CHANGE :RA-200 TO R-100 MODIFIED  
LOCATION :1400 BLOCK OF MOUNT MORIAH ROAD  
MAP NUMBER :R3003 065  
ACREAGE :22.12 ACRES  
PROPOSED DEVELOPMENT :MODIFIED SINGLE-FAMILY SUBDIVISION  
UNITS :44 UNITS  
COMMISSION DISTRICT :(3) HUNTER

CASE NUMBER :**SUP2014-00019**  
ZONING :R-100 (PROPOSED)  
LOCATION :1400 BLOCK OF MOUNT MORIAH ROAD  
MAP NUMBER :R3003 065  
ACREAGE :22.12 ACRES  
PROPOSED DEVELOPMENT :MODIFIED SINGLE-FAMILY SUBDIVISION  
UNITS :44 UNITS  
COMMISSION DISTRICT :(3) HUNTER

FUTURE DEVELOPMENT MAP: **RURAL / ESTATE**

APPLICANT: 4WS PROPERTIES, LLC  
C/O MAHAFFEY, PICKENS, TUCKER, LLP  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACT: JEFF MAHAFFEY PHONE: 770.232.0000

OWNER: 4WS PROPERTIES, LLC  
C/O MAHAFFEY, PICKENS, TUCKER, LLP  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests rezoning of a 22.12-acre property from RA-200 (Agriculture-Residence District) to R-100 Modified (Modified Single-Family Residence District) for construction of a single-family subdivision. The subject property is located on the east side of Mount Moriah Road just south of its intersection with Braselton Highway, and across from Highland Point Drive. The property appears to be predominantly wooded with an existing single-family residence. Two streams cross the property, one along the front portion of the site and one to the rear.

The submitted site plan proposes 44 lots on 22.12-acres, with no floodplain, resulting in a gross and net density of 1.99 units per acre. A total of 34 of the 44 lots would be reduced by a cumulative total of 89,491 square feet, or 2.05 acres. As compensation for the lot reductions, a total of 4.14 acres of open space would be preserved. The open space would be provided along both streams, which would also include the required stream buffers. The development would be accessed by a single street connection onto Mount Moriah Road. Storm water detention areas are shown along each stream. The applicant is reminded that these storm water facilities may not be credited toward the final open space calculation.

Submitted architectural renderings indicate two-story homes, and the applicant has proposed a minimum dwelling size of 2,500 square feet. The architectural elevations show a combination of siding, brick, stone and cedar shake on front elevations, however; it is unclear which materials would be used for the side and rear elevations. Each home would include a double-car garage.

#### ZONING HISTORY:

The property has been zoned RA-200 since 1970.

#### GROUNDWATER RECHARGE AREA:

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

#### WETLANDS INVENTORY:

The subject property 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 Ordinance requires a ten-foot wide no-access easement along classified roadways for residential developments.

The Buffer, Landscape and Tree Ordinance 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 6.3.3 and/or 6.3.4 of the Development Regulations 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 6.13 of the Development Regulations requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

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

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

Section 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

Section 1.5.1.b of the Floodplain Management Ordinance requires that the lowest floor, including the basement, of all residential buildings be constructed at an elevation of at least three feet above the 100-year floodplain.

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

#### STORMWATER REVIEW SECTION COMMENTS:

No comment.

#### GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

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

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

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.

#### GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.



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

The available utility records show that the subject development is currently in the vicinity of an 8-inch water main located on the western right-of-way of Mount Moriah Road.

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 1,000 feet north of the property in the right-of-way of Country Wood Drive, or a 24-inch sanitary sewer main located approximately 1,500 feet south of the property.

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

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

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

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

No comment.

## DEPARTMENT ANALYSIS:

The subject property is located on the east side of Mount Moriah Road just south of its intersection with Braselton Highway. The property appears to be predominantly wooded with an existing single-family residence. Two streams cross the property, one along the front portion of the site and one to the rear.

The 2030 Unified Plan Future Development Map indicates the property is located within a Rural/Estate Character Area. Policies for this Character Area encourage estate residential and agricultural uses, and suggest a density limit of 2.0 units per acre for new residential developments. The proposed development of 1.99 units per acre would be consistent with policies for this character area and therefore compatible with recommendations of the Unified Plan.

The surrounding area is primarily zoned and developed with R-100 subdivisions and homes on large lots zoned RA-200. To the west is the Vinings at Hamilton Mill, a large-lot subdivision, zoned R-100 and RA-200, where homes are typically in excess of 4,000 square feet. To the north of the subject property is Grey Stone Parc, a nine-lot subdivision zoned R-100, with residences containing between 4,000 and 8,000 square feet. To the south and east is a large acreage tract, zoned R-100 (RZR-06-037 and RZR-01-010), which extends from Braselton Highway to Mount Moriah Road. Streets have been installed; however, no residences have been constructed to date. Conditions of zoning for those rezoning actions require a minimum house size of 2,000 square feet for one-story homes and 2,200 square feet for two-story homes. Further south along Mount Moriah Road are single-family homes on acreage zoned RA-200. Along Braselton Highway are the Ashbury Park and Trilogy Park subdivisions, zoned R-100 CSO and R-100 Modified. The Trilogy Park subdivision was approved as R-100 Modified in 2002 (SUP-02-055) and Ashbury Park was approved as R-100 CSO (Conservation Subdivision Overlay) in 2005 (RZR-05-027). Typical home sizes in these developments range from 2,000 to 4,000 square feet, with most homes including full or partial masonry fronts. With appropriate conditions governing house sizes, architecture and overall density, the proposed R-100 Modified development could be consistent with these adjacent and nearby subdivision subdivisions.

In conclusion, the request could be compatible policies of the Unified Plan, and with other established subdivision developments in the vicinity. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a rezoning and Special Use Permit for an R-100 Modified single-family subdivision, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Single-family residential and accessory uses and structures, not to exceed 44 lots and developed in general accordance with the submitted site plan.
  - B. Homes shall be constructed primarily with brick or stacked stone on the front façades. The balance of each home may be the same or of fiber-cement shake or siding with a minimum 3-foot water table of brick or stacked stone.
  - C. The minimum heated floor area per dwelling shall be 2,200 square feet for one-story homes and 2,400 square feet for two-story homes.
  - D. All homes shall have at least a double-car garage.
2. To satisfy the following site development considerations:
  - A. All grassed areas on dwelling lots shall be sodded.
  - B. Natural vegetation shall remain on the property until the issuance of a development permit.
  - C. The Braselton Highway frontage shall include a landscaped entrance feature, a decorative fence and landscaping along the entire frontage of Mount Moriah Road. Landscaping, fencing and monument signage plans shall be subject to review and approval of the Director of Planning and Development.
  - D. All utilities shall be placed underground.
  - E. Provide a minimum 25-foot wide construction buffer adjacent to homes on Boulderstone Way.
  - F. No direct lot access shall be allowed to Mount Moriah Road. Maintain a 50-foot building setback from Mount Moriah Road.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

In light of the similar low-density R-100 residential developments in the area, a Modified subdivision could be suitable at this location.

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within a Rural/Estate Character Area. A policy for this Character Area suggests a density limit of 2.0 units per acre for new residential developments. The proposed development of 1.99 units per acre would be consistent with policies for this character area and therefore compatible with recommendations of the Unified Plan.

CONDITIONS AFFECTING ZONING

There are numerous subdivisions along Mount Moriah Road and Braselton Highway, in close proximity to the subject property, which are zoned R-100, R-100 Modified and R-100 CSO, giving support for this R-100 Modified request.



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

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

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

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

See attached.

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

See attached.

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

See attached.

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

See attached.

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

See attached.

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

- (A) Yes. The subject property is located on Mount Moriah Road near its intersection with Braselton Highway. The subject property is surrounded by commercial and residential developments. The proposed development of a single family subdivision will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- (B) No. The rezoning and related special use permit will not adversely affect the existing use or usability of adjacent or nearby property. Rather, the proposed rezoning and development would be consistent with the adjacent and nearby property and provide an enhancement to the area.
- (C) No, in light of market conditions, the property has no reasonable economic use as zoned for RA-200. The Applicant's requested use as a single family residential development under the R-100 Modified zoning classification will permit a more suitable and appropriate development allowing for the "highest and best use" of the property.
- (D) No. This property is located in an area with public water and sewer availability and convenient access to major roadways. The development of the property as proposed will not unduly tax the water and sewer facilities in place in the area. Further, the rezoning will not cause excessive use of existing streets, transportation facilities, utilities, or schools.
- (E) Yes. The proposed rezoning to R-100 Modified is in conformance with the intent of the Land Use Plan in that it provides single family residences bordering an Existing/Emerging Suburban Character Area.
- (F) Yes. The existing zonings of adjacent and nearby properties give additional supporting grounds for the approval of the requested rezoning. As mentioned above, the property has no reasonable economic use under its current zoning providing additional support for the approval of this Application.

RZR '14 0 0 9

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FEB 0 7 2014

Planning & Development





Justin A. Abernathy  
Matthew P. Benson  
Shawn F. Bratton  
Alissa L. Cummo  
Amanda C. Floyd  
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Gerald Davidson, Jr.\*  
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Christopher D. Holbrook  
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E. Michelle Rothmeier  
Andrew D. Stancil  
Kenneth W. Stroud  
R. Lee Tucker, Jr.  
\*of Counsel

**LETTER OF INTENT FOR REZONING AND SPECIAL  
USE PERMIT APPLICATIONS OF 4WS PROPERTIES, LLC**

Mahaffey Pickens Tucker, LLP, submits this Rezoning Application and related Special Use Permit Application on behalf of 4WS Properties, LLC for the purpose of rezoning an approximate 22.14 acre tract (the "Property") located at Mount Moriah Road, near its intersection with Braselton Highway. The Property is currently zoned RA-200.

The Applicant respectfully requests a rezoning from RA-200 to the R-100 Modified zoning classification to allow for the development of a single family residence subdivision, as depicted on the site plan included with this Rezoning Application. In its current state the use and development of the property as RA-200 is not the highest and best use. The Applicant submits, the proposed development will further the intent of the Gwinnett County 2030 Unified Plan and will be compatible with the surrounding and adjacent properties. Operation of the Property as a modified single-family residential development under the guidelines of Gwinnett County is appropriate for the subject tract, is consistent with the surrounding property and will afford the owner the opportunity to increase the number of allowed uses on site so as to provide a needed amenity for the surrounding area.

The proposed development will enhance the area by bringing high quality development to this part of Gwinnett County. This rezoning proposes a use that is ideally suited to and consistent with uses in the surrounding area. The Applicant submits, the proposed development will attract new residents, increasing the tax base without


overburdening County schools and infrastructure. Furthermore, rezoning the Property will protect and promote the quality of life of the surrounding community, as well as allow the Property to be developed to its highest and best use. By implementing a development in general accordance to that of the site plan filed herewith, the applicant is able to preserve the natural features of the property, providing an amenity to the residents and community at large.

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

This 6th of February, 2014.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

  
\_\_\_\_\_  
Justin A. Abernathy  
Applicant

RZR '14 0 0 9

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FEB 0 7 2014

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**FRONT ELEVATION - A**

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

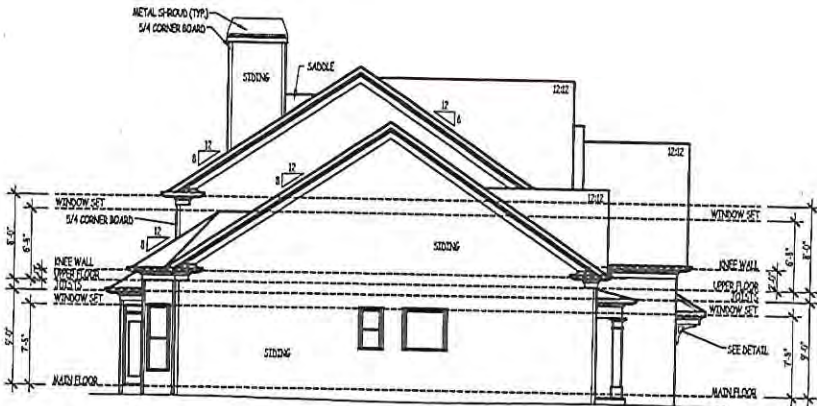
- GENERAL NOTES:**
1. THESE PLANS ARE DESIGNED TO MEET THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS WITH THE GEORGIA STATE AMENDMENTS.
  2. BUILDER IS RESPONSIBLE TO SEE THAT THE HOUSE IS BUILT IN STRICT COMPLIANCE WITH CITY, COUNTY, STATE AND FEDERAL CODES IN THE AREA THE HOUSE IS TO BE CONSTRUCTED.
  3. BUILDER MUST VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO DESIGNER FOR JUSTIFICATION AND/OR CORRECTIONS. BUILDER SHALL ASSUME RESPONSIBILITY FOR ERRORS THAT ARE NOT REPORTED.
  4. ALL DIMENSIONS SHOULD BE READ OR CALCULATED AND NEVER SCALED.
  5. ALL LOAD BEARING WALLS, BEAM SUPPORTS AND RAFTER BRACING SHOULD CARRY LOAD THRU ALL LEVELS TO FOUNDATION AND BE SUPPORTED BY GRADE BEAMS OR FOOTINGS DESIGNED TO CARRY LOADS.
  6. ALL ANGLED WALLS ARE 45° UNLESS NOTED OTHERWISE.
  7. ALL STRUCTURAL BEAMS AND WALLS ARE TO BE DESTROYED BY A LOCAL CONTRACTOR.

RZR '14 009

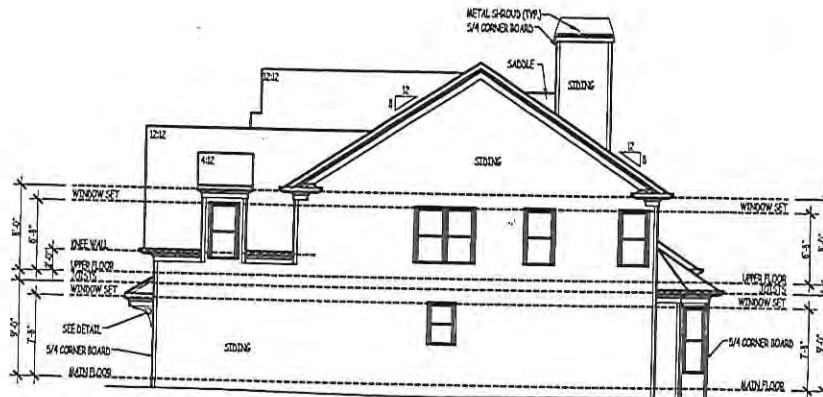


REAR ELEVATION  
SCALE 1/8" = 1'-0"

NOTE FOUNDATION WALLS BETWEEN WALLS.  
ISMT WINDOWS AND DOORS SUBJECT TO CHANGE  
DUE TO SITE CONDITIONS



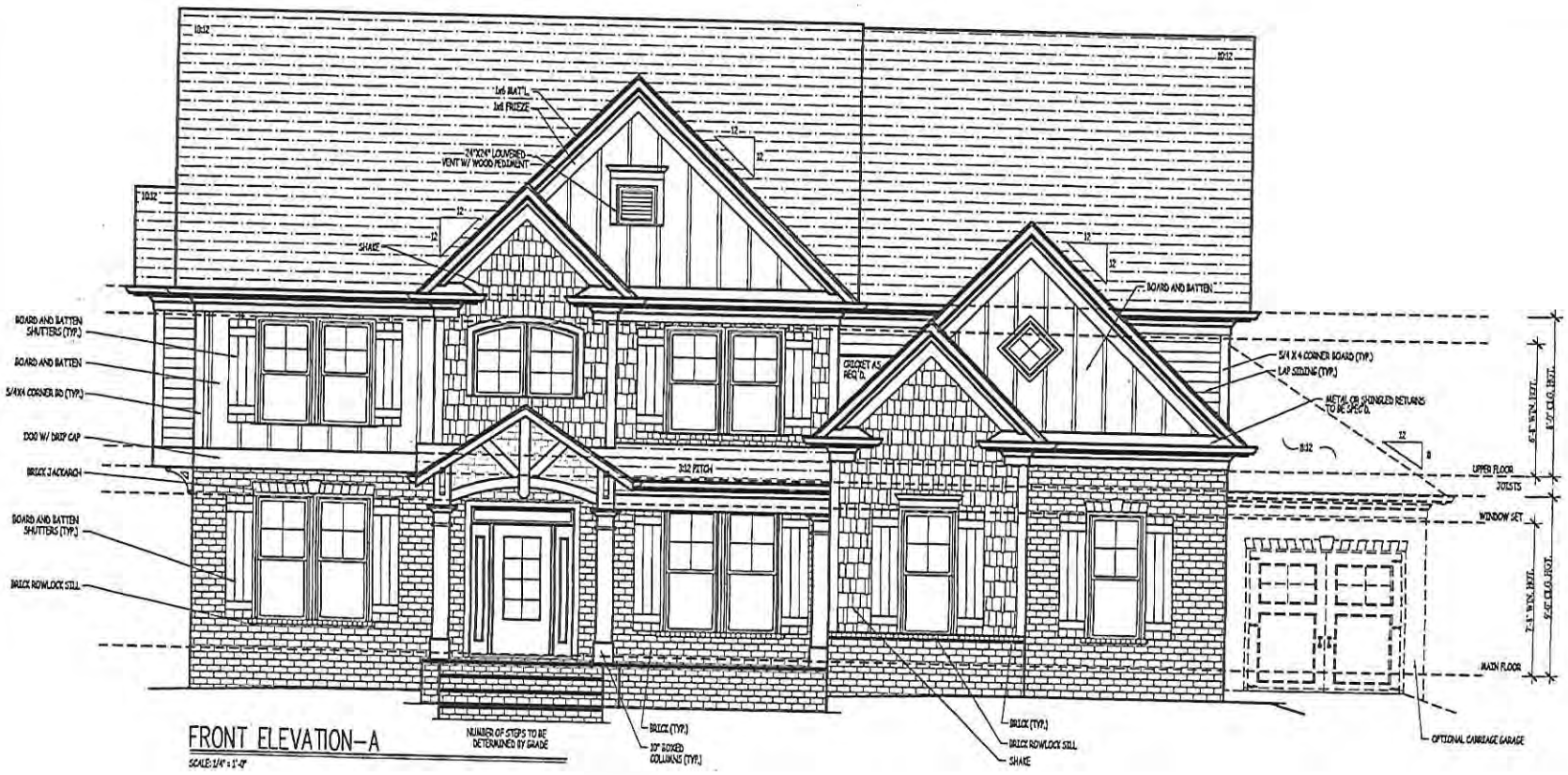
LEFT SIDE ELEVATION  
SCALE 1/8" = 1'-0"



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

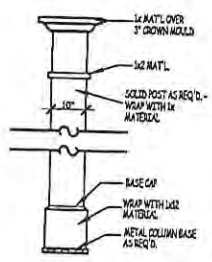
RZR '14 0 0 9





**FRONT ELEVATION-A**  
SCALE: 1/4" = 1'-0"

- GENERAL NOTES:**
1. THESE PLANS ARE DESIGNED TO MEET THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS WITH THE GEORGIA STATE AMENDMENTS.
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  4. ALL DIMENSIONS SHOULD BE READ OR CALCULATED AND NEVER SCALED.
  5. ALL LOAD BEARING WALLS, BEAM SUPPORTS AND RAFTER BRACING SHOULD CARRY LOAD THRU ALL LEVELS TO FOUNDATION AND BE SUPPORTED BY GRADE BEAMS OR FOOTINGS DESIGNED TO CARRY LOADS.
  6. ALL ANGLED WALLS ARE 45° UNLESS NOTED OTHERWISE.
  7. ALL STRUCTURAL BEAMS AND WALLS ARE TO BE DESIGNED BY A LOCAL CONTRACTOR.



**COLUMN DETAIL**  
SCALE: 1/2" = 1'-0"

RZR '14 0 0 9







**FRONT ELEVATION-A**

SCALE 1/4" = 1'-0"

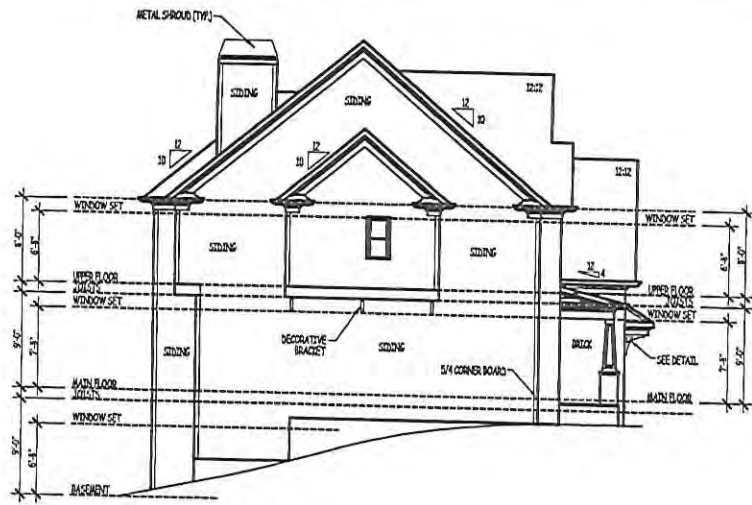
1/2" X 1/2" X 2" STONE BASE  
W/ TAPERED COLUMN

NO. OF STEPS TO BE  
RETURNED BY GRADE

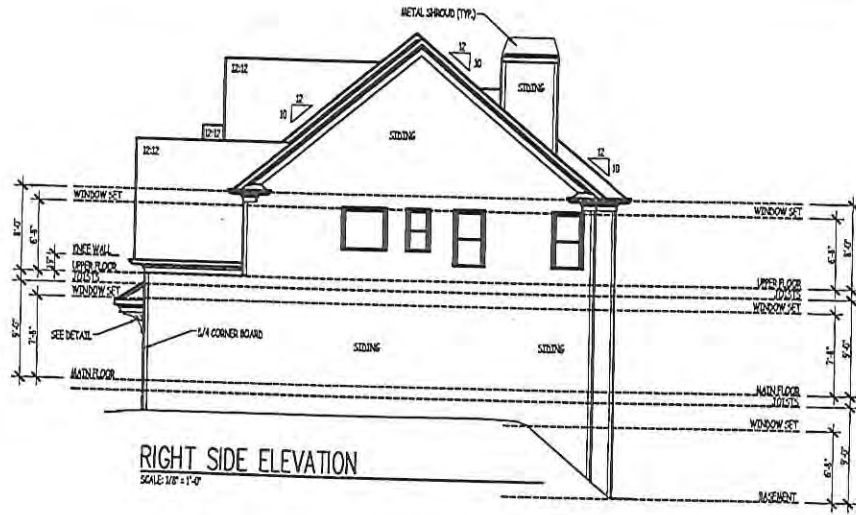
SEE DETAIL

- GENERAL NOTES:**
1. THESE PLANS ARE DESIGNED TO MEET THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS WITH THE GEORGIA STATE AMENDMENTS.
  2. BUILDER IS RESPONSIBLE TO SEE THAT THE HOUSE IS BUILT IN STRICT COMPLIANCE WITH CITY, COUNTY, STATE AND FEDERAL CODES IN THE AREA THE HOUSE IS TO BE CONSTRUCTED.
  3. BUILDER MUST VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO DESIGNER FOR JUSTIFICATION AND/OR CORRECTIONS. BUILDER SHALL ASSUME RESPONSIBILITY FOR ERRORS THAT ARE NOT REPORTED.
  4. ALL DIMENSIONS SHOULD BE READ OR CALCULATED AND NEVER SCALED.
  5. ALL LOAD BEARING WALLS, BEAM SUPPORTS AND RAFTER BRACING SHOULD CARRY LOAD THRU ALL LEVELS TO FOUNDATION AND BE SUPPORTED BY GRAD BEAMS OR FOOTINGS DESIGNED TO CARRY LOADS.
  6. ALL ANGLED WALLS ARE 45° UNLESS NOTED OTHERWISE.
  7. ALL STRUCTURAL BEAMS AND WALLS ARE TO BE DESIGNED BY A LOCAL CONTRACTOR.

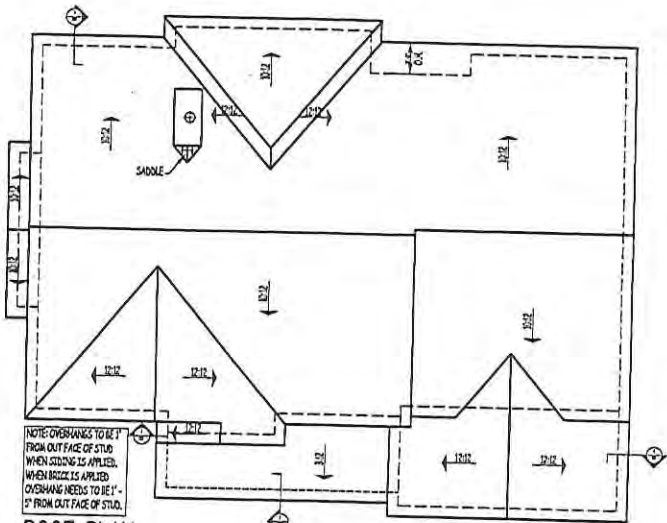
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LEFT SIDE ELEVATION  
SCALE 1/8" = 1'-0"



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



NOTE: OVERHANGS TO BE 1" FROM OUT FACE OF STUD WHEN SIDING IS APPLIED. WHEN BRICCS IS APPLIED OVERHANGS NEEDS TO BE 1" FROM OUT FACE OF STUD.  
ROOF PLAN  
SCALE 1/8" = 1'-0"

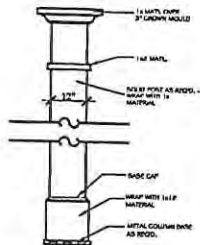


REAR ELEVATION  
SCALE 1/8" = 1'-0"

NOTE: FOUNDATION WALLS, RETAINING WALLS, REAR WINDOWS AND DOORS SUBJECT TO CHANGE DUE TO SITE CONDITIONS

RZR '14 0 0 9





BOXED COLUMN DETAIL  
SCALE: 1/2" = 1'-0"



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

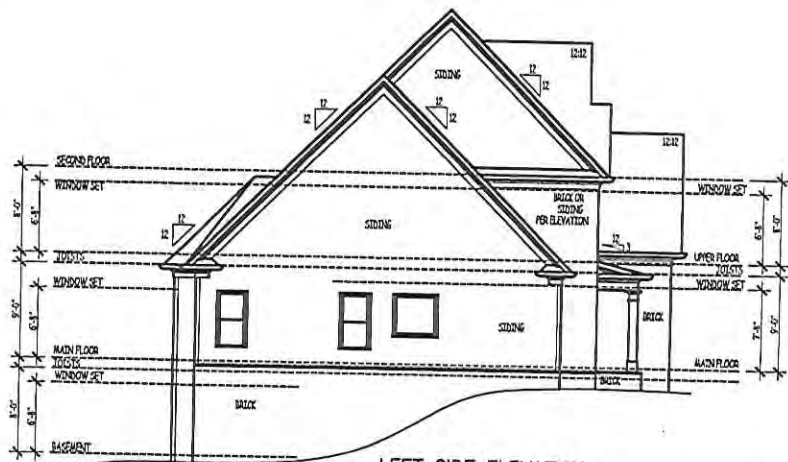
- GENERAL NOTES
1. THESE PLANS ARE DESIGNED TO MEET THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS WITH THE ALABAMA STATE AMENDMENTS.
  2. BUILDER IS RESPONSIBLE TO SEE THAT THE HOUSE IS BUILT IN STRICT COMPLIANCE WITH CITY, STATE AND FEDERAL CODES IN THE AREA THE HOUSE IS TO BE CONSTRUCTED.
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  5. ALL LOAD BEARING WALLS, BEAM SUPPORTS AND RAFTER BRACING SHOULD CARRY LOAD FROM ALL LEVELS TO FOUNDATION AND BE SUPPORTED BY BRAM HEADS OR FOOTINGS ACCORDING TO CODES/CLAS.
  6. ALL FINISH WALLS ARE 4" UNLESS NOTED OTHERWISE.
  7. ALL STRUCTURAL BEAMS AND WALLS ARE TO BE DESIGNED BY A LOCAL CONTRACTOR.

RZR '14 0 0 9



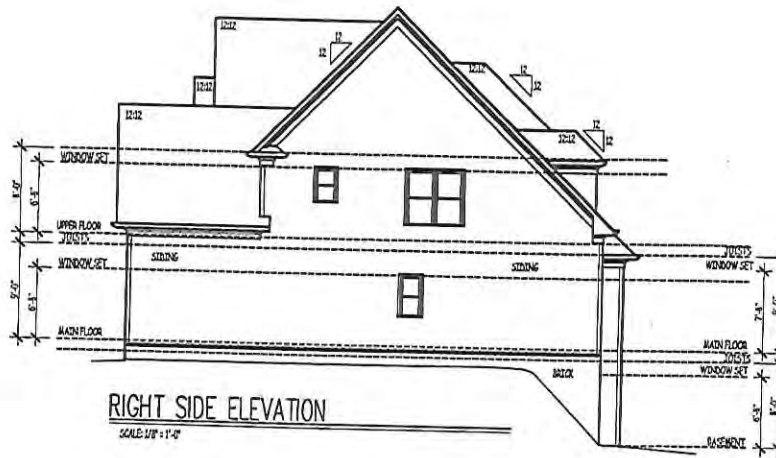
REAR ELEVATION

SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION

SCALE 1/8" = 1'-0"



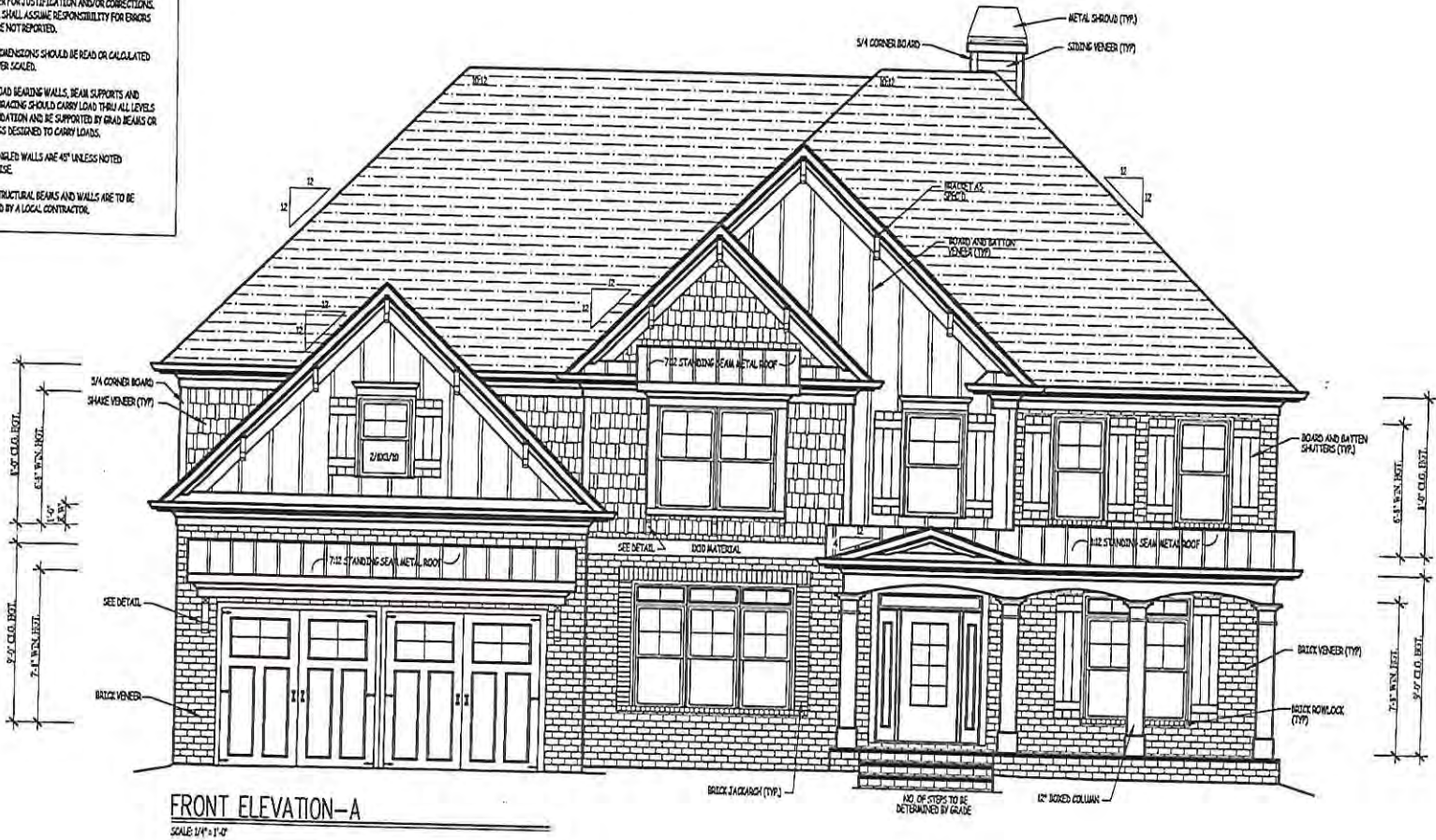
RIGHT SIDE ELEVATION

SCALE 1/8" = 1'-0"



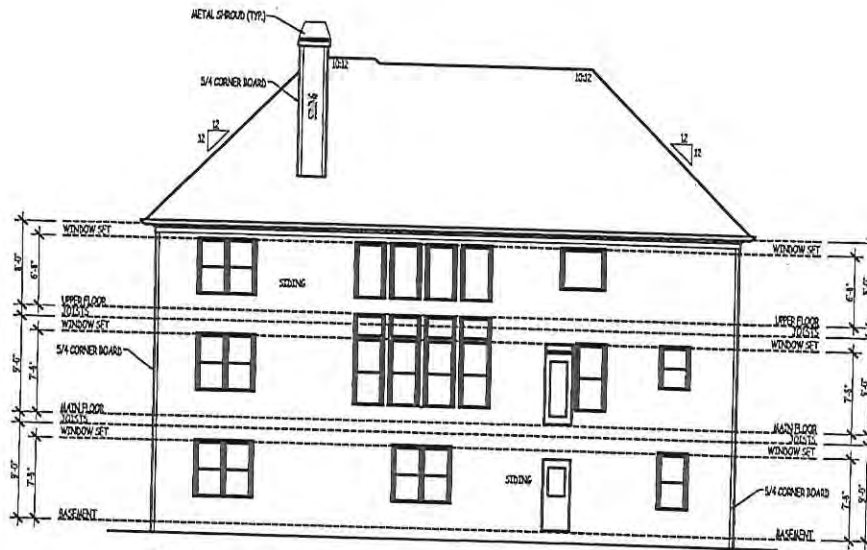
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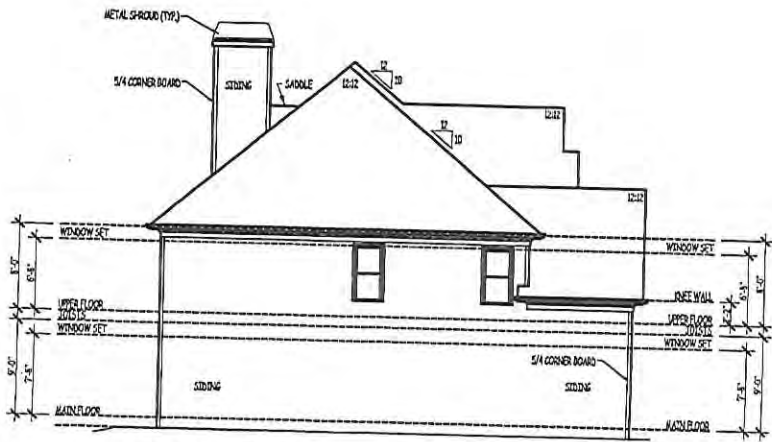
FRONT ELEVATION-A

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

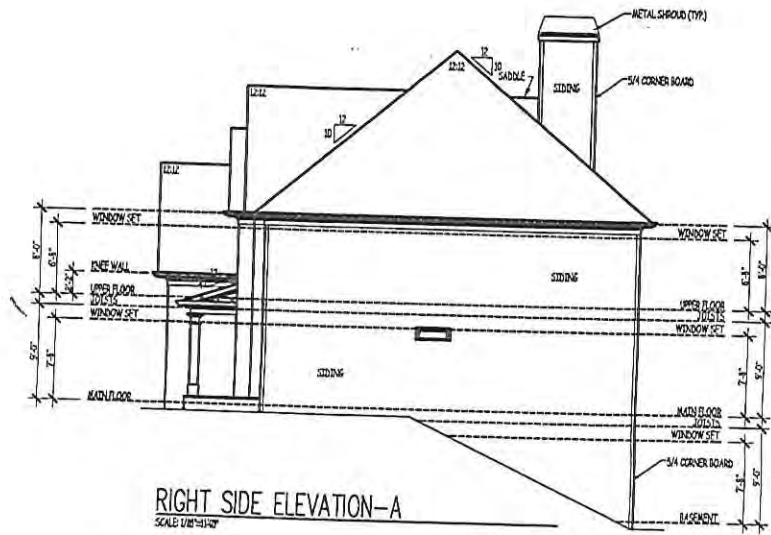


REAR ELEVATION-A  
SCALE 1/8" = 1'-0"

NOTE: FOUNDATION WALLS, RETAINING WALLS,  
EAST WINDOWS AND DOORS SUBJECT TO CHANGE  
DUE TO SITE CONDITIONS



LEFT SIDE ELEVATION-A  
SCALE 1/8" = 1'-0"



RIGHT SIDE ELEVATION-A  
SCALE 1/8" = 1'-0"

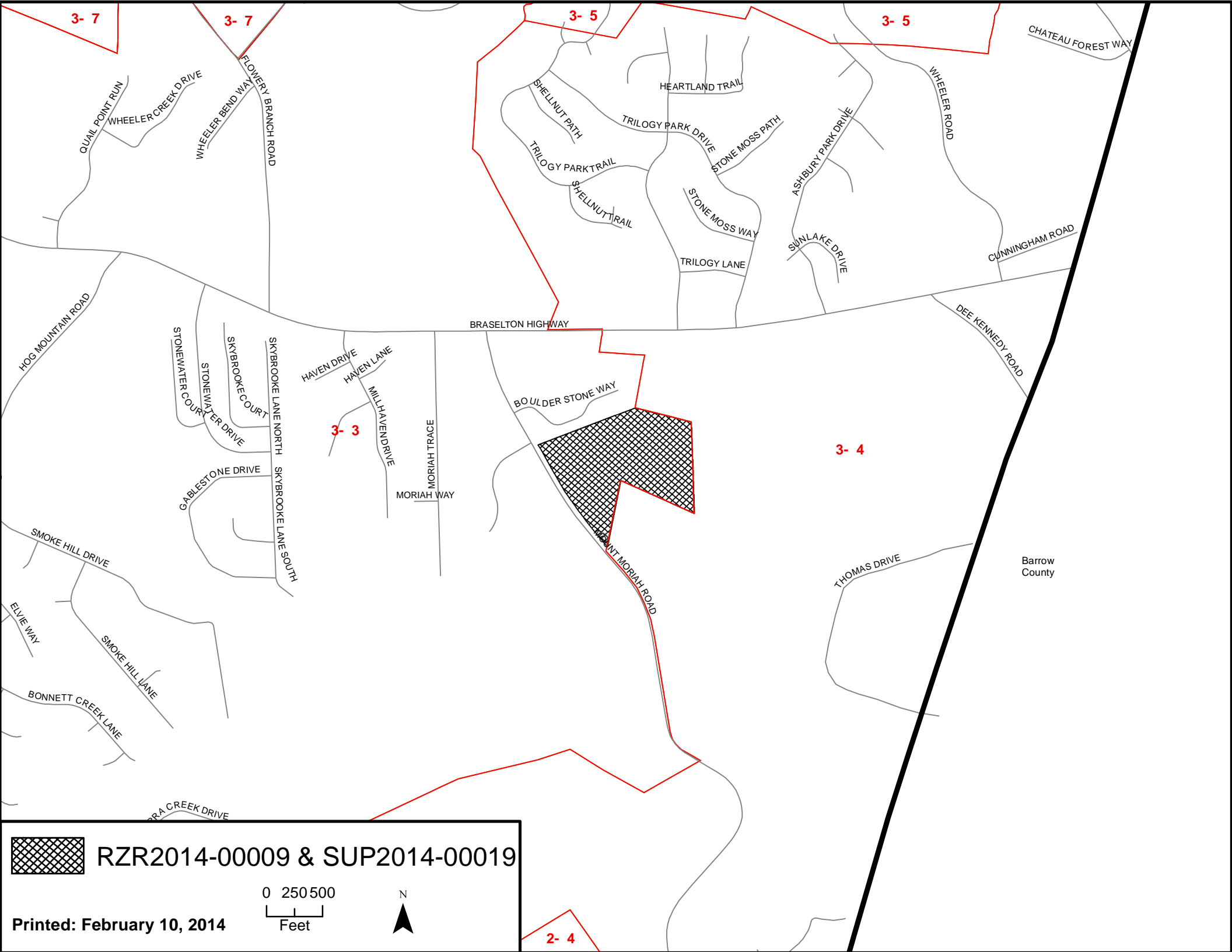
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**Residential Rezoning Impact on Local Schools  
Prepared for Gwinnett County, April 2014 Agenda**

Case #	Schools	Current Projections									Proposed Zoning
		2014-15			2015-16			2016-17			Approximate additional Student Projections from Proposed Developments
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZR2014-00009	Mill Creek HS	3738	3,050	688	3794	3,050	744	3851	3,050	801	7
SUP2014-00019	Osborne MS	1631	1,662	-31	1609	1,662	-53	1625	1,662	-37	3
	Duncan Creek ES	1062	1,325	-263	1055	1,325	-270	1044	1,325	-281	10
RZR2014-00010	North Gwinnett HS	2599	2,600	-1	2638	2,600	38	2678	2,600	78	3
	North Gwinnett MS	2077	1,800	277	2108	1,800	308	2139	2,175	-36	3
	Level Creek ES	861	1,050	-189	847	1,050	-203	833	1,050	-217	5

Current projections do not include new developments





3-7

3-7

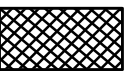
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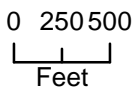
3-5

3-3

3-4

2-4

 RZR2014-00009 & SUP2014-00019



Printed: February 10, 2014

Barrow County

Map labels for streets and landmarks:  
 QUAIL POINT RUN, WHEELER CREEK DRIVE, WHEELER BEND WAY, FLOWERY BRANCH ROAD, HOG MOUNTAIN ROAD, STONEMATER COURT, SKYBROOKE COURT, SKYBROOKE LANE NORTH, SKYBROOKE LANE SOUTH, GABLESTONE DRIVE, SMOKE HILL DRIVE, ELVIE WAY, SMOKE HILL LANE, BONNETT CREEK LANE, BRA CREEK DRIVE, HAVEN DRIVE, HAVEN LANE, MILLHAVEN DRIVE, MORIAH TRACE, MORIAH WAY, BRASELTON HIGHWAY, BOULDER STONE WAY, TRILOGY PARK TRAIL, SHELLNUT TRAIL, SHELLNUT PATH, HEARTLAND TRAIL, TRILOGY PARK DRIVE, STONE MOSS PATH, STONE MOSS WAY, TRILOGY LANE, ASHBURY PARK DRIVE, SUNLAKE DRIVE, WHEELER ROAD, CHATEAU FOREST WAY, CUNNINGHAM ROAD, DEE KENNEDY ROAD, THOMAS DRIVE, MOUNT MORIAH ROAD.







BOULDER STONE WAY

MOUNT MORAY ROAD

HIGHLAND POINT DRIVE

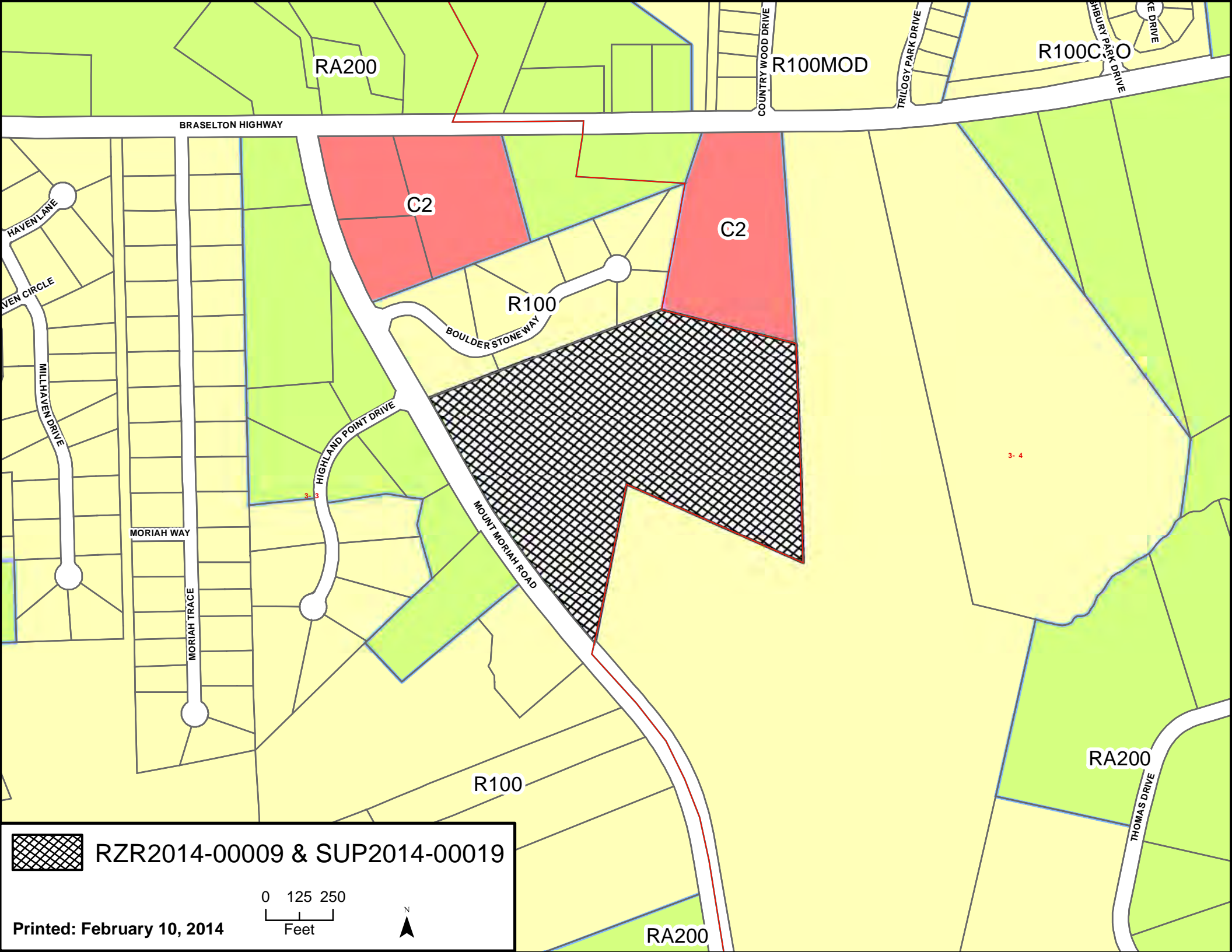
 RZR2014-00009 & SUP2014-00019


0 50 100  
Feet

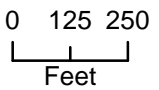


Printed: February 10, 2014





 RZR2014-00009 & SUP2014-00019



Printed: February 10, 2014

RA200

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

CASE NUMBER :**RZR2014-00010**  
ZONING CHANGE :R-100 TO R-60  
LOCATION :5100 BLOCK OF MOORE ROAD  
:4900 BLOCK OF HOUNSLOW WAY  
MAP NUMBER :R7287 007 & R7287 208  
ACREAGE :6.83 ACRES  
UNITS :20 UNITS  
PROPOSED DEVELOPMENT :SINGLE-FAMILY SUBDIVISION  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP: **CHATTAHOOCHEE RIVER AREA**

APPLICANT: HOME SOUTH COMMUNITIES, LLC  
C/O MAHAFFEY, PICKENS, TUCKER, LLP  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

CONTACT: JEFF MAHAFFEY PHONE: 770.232.0000

OWNER: RUFUS J. TIMMS AND MARIE N. PARKER  
C/O MAHAFFEY, PICKENS, TUCKER, LLP  
1550 NORTH BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests rezoning of 6.83 acres from R-100 (Single Family Residence District) to R-60 (Single Family Residence District) for the construction of a single-family subdivision. The subject property is located on the north side of Moore Road, just southwest of Gladstone Parkway. The site consists of two parcels with two existing dwellings, and is partially wooded.

The submitted site plan shows 20 lots on 6.83-acres, resulting in a gross and net density of 2.92 units per acre. The R-60 zoning district requires a minimum lot width of 60 feet, and a minimum lot area of 7,200 square feet. The site plan indicates that the lots would exceed the minimum lot size for R-60 zoning, with a typical lot being 8,280 square feet in area. The development would be accessed by a single entrance/exit onto Moore Road, along with a 30-foot landscape strip and building setback along Moore Road.

The applicant proposes a minimum dwelling size of 3,000 square feet. House elevations were not submitted with the application; however, the letter of intent states that homes would be constructed with three sides of brick. Each home would also include a two-car garage.

A storm water detention area is shown in the rear portion of the property, adjacent to the headwater of a small stream. The site plan depicts the required 50-foot stream buffer, and 75-foot impervious surface setback along the stream.

**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 Ordinance requires a ten-foot wide no-access easement along classified roadways for residential developments.

The Buffer, Landscape and Tree Ordinance 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 6.3.3 and/or 6.3.4 of the Development Regulations 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 6.13 of the Development Regulations requires construction of five-foot wide sidewalks along all exterior roadways adjoining the project, and four-foot wide sidewalks adjacent to both sides of all interior public streets (excluding cul-de-sac turnarounds).

The developer must submit 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 8.2.1 of the Development Regulations requires submittal of a Storm Water Management Report for the project prior to obtaining a Land Disturbance or Development Permit.

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

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

Moore 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.

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

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 12-inch water main located on the southern right-of-way of Moore Road, and an 8-inch water main located on the eastern right-of-way of Hounslow Way.

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

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

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located in the right-of-way of Hounslow Way.

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

Demands imposed by the proposed development may require reinforcements or extensions of existing sewer mains. Any cost associated with such required reinforcements or extensions

will be the responsibility of the development and will not be provided by this department. Developer shall provide easements for future sewer connection to all locations designated by DWR during plan review.

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

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

#### BUILDING CONSTRUCTION SECTION COMMENTS:

No comment.

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

No comment.

#### DEPARTMENT ANALYSIS:

The subject property is located on the north side of Moore Road, just southwest of its intersection with Gladstone Parkway. The site currently contains two single-family homes and associated accessory structures, which would be removed. The property is lightly wooded, with a stream traversing through the northern portion of the site.

The 2030 Unified Plan Future Development Map indicates the property is located within the Chattahoochee River Area corridor. Policies of the Unified Plan for this character area only support R-60 zoning when it is part of a larger strategy to geographically concentrate development to preserve environmentally sensitive areas. The proposed rezoning is not supported by this Unified Plan policy. In this circumstance, topographical concerns are not an issue and development of the property should be consistent with the character of surrounding R-100 developments, and in accordance with policies of the Unified Plan.

The surrounding area is predominately developed with R-100 and R-100 Modified single-family subdivisions, with large estate lots located nearby. Adjacent to the north and east is the Cedar Ascot subdivision, zoned R-100 Modified. Adjacent to southwest is the Rosemoore Lake subdivision, zoned R-100. To the south, across Moore Road, located in the city limits of Suwanee are single-family homes on large lots, with other single-family residential developments located nearby. In light of the uniform R-100 zoning pattern in the immediate area, the requested R-60 zoning may not be suitable and could introduce an incompatible zoning district into the area.

In conclusion, the requested R-60 zoning may not be considered consistent with the Unified Plan and could adversely affect established R-100 subdivision developments in the vicinity, through the introduction of an incompatible zoning classification. Therefore, the Department of Planning and Development recommends **DENIAL**.



PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval as R-60 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. Homes shall be constructed primarily of brick or stacked stone on three sides. The balance shall be the same or fiber-cement siding or shake.
  - C. The minimum heated floor area per dwelling unit shall be 2,200 square feet for one-story homes and 2,400 square feet for two-story homes.
  - D. All dwellings shall have at least a double-car garage.
2. To satisfy the following site development considerations:
  - A. Provide a minimum 25-foot wide construction buffer adjacent to all exterior property lines.
  - B. No direct lot access allowed to Moore Road.
  - C. A street connection to Hounslow Way shall be prohibited.
  - D. The Moore Road frontage shall be landscaped and maintained by the Homeowner's Association, and shall include a landscaped entrance feature, a decorative fence and landscaping along the entire frontage. Landscaping, fencing and monument signage plans shall be subject to review and approval of the Director of Planning and Development.
  - E. All grassed areas on dwelling lots shall be sodded.
  - F. Underground utilities shall be provided throughout the development.
  - G. Natural vegetation shall remain on the property until the issuance of a development permit.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF THE ZONING

SUITABILITY OF USE

In light of the R-100 zoning and developments in the area, an R-60 rezoning may not be suitable at this location. A development in the existing R-100 zoning could be more appropriate to the neighboring subdivisions in the area.

ADVERSE IMPACTS

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

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates the property is located within the Chattahoochee River Area corridor, the policies of which do not support the requested rezoning at this location. The requested R-60 zoning may be out of character with existing R-100 and R-100 Modified developments in the area, and inconsistent with the policies of the Unified Plan for infill development in the Chattahoochee River character area.

CONDITIONS AFFECTING ZONING

Within close proximity to the subject property along Moore Road there are existing subdivisions, single-family dwellings on large lots in an established zoning pattern which is uniformly zoned R-100, further supporting denial of this R-60 rezoning request.

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

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

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

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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

Please see attached.

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RZR '14 010

FEB 11 2014



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

- (A) The subject property is surrounded by residential developments. The proposed zoning of a single family residential subdivision will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- (B) No. The rezoning will not adversely affect the existing use or usability of adjacent or nearby property. Rather, the proposed rezoning and development would be consistent with the adjacent and nearby property and provide an enhancement to the area.
- (C) No. In light of the size and shape of the property, the property has no reasonable economic use as zoned for R-100. The Applicant's requested use as a single family residential development under the R-60 zoning classification will permit a more suitable and appropriate development allowing for the "highest and best use" for the property.
- (D) The proposed development is located in an area with public water and sewer availability and convenient access to major roadways. It will not cause an excessive use of the local fire department, police protection, or solid waste collection/disposal services provided by the County. Further, the rezoning will not cause excessive use of existing streets, transportation facilities, utilities, or schools.
- (E) Yes. The proposed rezoning is in conformance with the Gwinnett County 2030 Unified Plan in that it provides single family residences within an Existing/Emerging Suburban Character Area.
- (F) Yes, the existing zonings of adjacent and nearby properties give additional supporting grounds for the approval of the requested rezoning. Additionally, the property has no reasonable economic use under its current zoning thereby giving additional support for the approval of this Application.

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FEB 11 2014

Planning & Development

Justin A. Abernathy  
Matthew P. Benson  
Shawn F. Bratton  
Alissa L. Cummo  
Amanda C. Floyd  
J. David Gussio  
Gerald Davidson, Jr.\*  
Jill H. Harris\*

Christopher D. Holbrook  
Austen T. Mabe  
Jeffrey R. Mahaffey  
Steven A. Pickens  
E. Michelle Rothmeier  
Andrew D. Stancil  
Kenneth W. Stroud  
R. Lee Tucker, Jr.  
\*of Counsel

**LETTER OF INTENT FOR REZONING**  
**APPLICATION OF BOWEN, LLC**

The Applicant, Home South Communities, LLC, submits this Rezoning Application for the purpose of rezoning to the R-60 (Single Family Residence District) zoning classification a 6.83 acre tract located at 5112 Moore Road, Gwinnett County, Georgia (hereafter, the "Property").

The Property, which is currently undeveloped, is zoned R-100. The Applicant has requested to rezone the Property to the R-60 zoning classification. As seen on the attached site plan, the Applicant has proposed a single family residential subdivision consisting of 20 lots with a minimum of 3,000 square foot floor plans. Additionally, the dwelling units will be comprised of three (3) sides brick, similar to the product provided at McGinnis Reserve in Suwanee.

The Applicant respectfully submits that the proposed use would be the best possible development of the Property and would further provide the community with a much needed benefit. The use and development of the Property as R-100 is not economically viable or physically feasible and is not the highest and best use of the Property. The operation of the Property as a R-60 single family residential subdivision under the guidelines of Gwinnett County is appropriate for the subject tract, is consistent with the

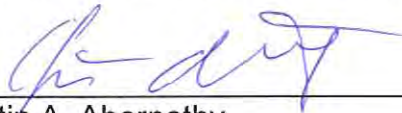
Existing/Emerging Suburban Area under the Gwinnett County 2030 Unified Plan, and is consistent with the surrounding properties.

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

This 7th day of February, 2014.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP



---

Justin A. Abernathy  
*Attorney for Applicant*

RZR '14 0 1 0

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Planning & Development



**Residential Rezoning Impact on Local Schools  
Prepared for Gwinnett County, April 2014 Agenda**

Case #	Schools	Current Projections									Proposed Zoning
		2014-15			2015-16			2016-17			Approximate additional Student Projections from Proposed Developments
		Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	Forecast	Capacity	Over/Under	
RZR2014-00009	Mill Creek HS	3738	3,050	688	3794	3,050	744	3851	3,050	801	7
SUP2014-00019	Osborne MS	1631	1,662	-31	1609	1,662	-53	1625	1,662	-37	3
	Duncan Creek ES	1062	1,325	-263	1055	1,325	-270	1044	1,325	-281	10
RZR2014-00010	North Gwinnett HS	2599	2,600	-1	2638	2,600	38	2678	2,600	78	3
	North Gwinnett MS	2077	1,800	277	2108	1,800	308	2139	2,175	-36	3
	Level Creek ES	861	1,050	-189	847	1,050	-203	833	1,050	-217	5

Current projections do not include new developments











TWICKENHAM TRACE


HOUNSLOW WAY

GLADSTONE PARKWAY

TOTTENHAM WAY

WINDING ROSE DRIVE

SUWANEE

 RZR2014-00010

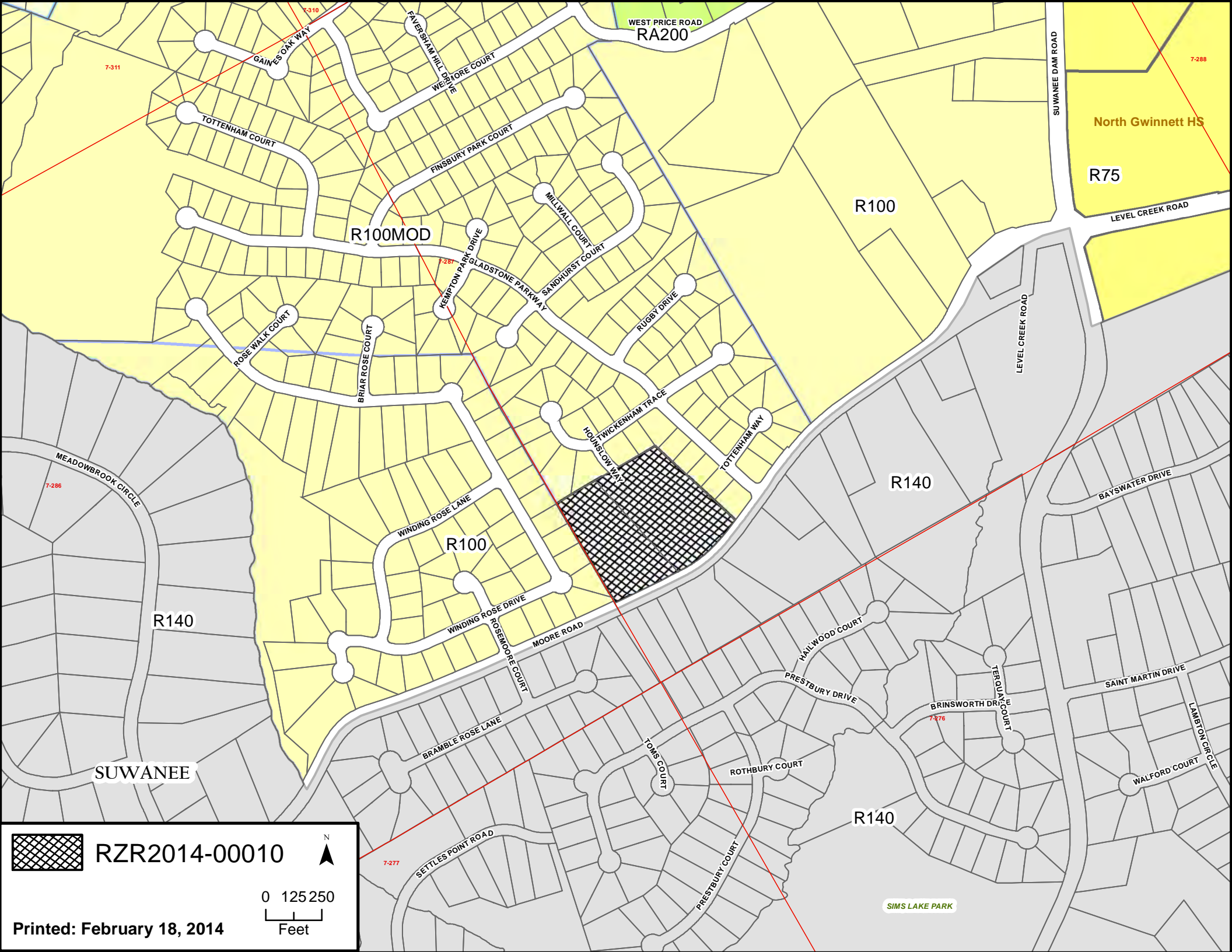
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SIMS LAKE PARK

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

CASE NUMBER	: <b>SUP2014-00015</b>
ZONING	:C-2
LOCATION	:3700 BLOCK OF STONE MOUNTAIN HIGHWAY
MAP NUMBER	:R6053 123
ACREAGE	:0.57 ACRE
SQUARE FEET	:5,040 SQUARE FEET
PROPOSED DEVELOPMENT	:AUTOMOBILE SERVICE
COMMISSION DISTRICT	:(2) HOWARD

FUTURE DEVELOPMENT MAP: **CORRIDOR MIXED USE**

APPLICANT: AUTOTRONICS ATL, LLC  
3781 STONE MOUNTAIN HIGHWAY  
SNELLVILLE, GA 30039

CONTACT: ERIC RAMSARAN                      PHONE: 404.554.6512

OWNERS: REHAN SYED  
2191 HUNTERS GREEN DRIVE  
LAWRENCEVILLE, GA 30043

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests a Special Use Permit on a 0.57-acre parcel, zoned C-2 (General Business District), to allow the continued use of an automobile service business. The subject property is located on the north side of Stone Mountain Highway, just west of its intersection with Hewatt Road.

The site is developed with a single-story retail building with a single roll up door (service bay), associated parking and driveways. Access is provided through a single existing driveway onto Stone Mountain Highway. A total of 17 parking spaces are shown on the submitted site plan. The lone service bay is located to the side of the building, and it was noted during a recent site visit by staff that vehicles were being repaired in the parking lot. Numerous vehicles in various states of repair were parked throughout the site, in driveways, parking spaces and to the rear of the property.

The property is currently under investigation by the Code Enforcement Unit for vehicle repair without proper zoning and other various violations (CEU2013-03052). This application is the result of that investigation, and the requested Special Use Permit would help to bring the use of the property into compliance with the Unified Development Ordinance.



ZONING HISTORY:

The subject property has been zoned C-2 since 1970. In 2008, a Special Use Permit application was denied for a pawn shop.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

The available utility records show that the subject development is currently in the vicinity of a 24-inch water main located on the southern right-of-way of Stone Mountain Highway.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located approximately 575 feet southwest of the property on the northern right-of-way of Stone Mountain Highway at the intersection with Veracruz Drive.

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 Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.
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:

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

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

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

#### DEPARTMENT ANALYSIS:

The subject property is a 0.57-acre parcel, located on the north side of Stone Mountain Highway, just west of its intersection with Hewatt Road. The property is currently developed with a 5,040 square-foot building previously used for an equipment rental business.

The 2030 Unified Plan Future Development Map indicates that the site is located in a Corridor Mixed-Use Character Area, which supports commercial uses such as automobile sales and repair which are best operated as free-standing businesses. Although the Corridor Mixed-Use Character Area could support such a business, the Unified Plan also promotes high-quality development with improved development quality for commercial and office buildings. The subject building was not originally designed for auto repair, and many of the automobile repair activities are being conducted in the parking lot. In light of these factors, the use may not be consistent with policies of the Unified Plan to enhance development quality along the corridor.

The property is located in an existing business corridor and is surrounded by intense commercial/retail uses. The property is situated between a small commercial strip center and a

Salvation Army Store. While visiting the property recently, staff observed numerous vehicles parked throughout the property, and cars being repaired in the parking lot. This gives the property a cluttered appearance. The building was not designed for auto repair, and does not include sufficient space to properly repair vehicles indoors. Although the surrounding area does contain other automobile related uses, the manner in which this business is operating gives the property an aesthetically unappealing appearance and may not be appropriate at this location. Furthermore, there are ongoing efforts to improve the appearance and viability of commercial properties along the Highway 78 corridor including establishment of the Evermore CID and adoption of the Highway 78 Overlay District. In keeping with these efforts the Department cannot support the applicant's request.

In conclusion, the requested Special Use Permit for an automobile service business may not be considered consistent with the Unified Plan or the efforts to improve the appearance of the area by the Evermore CID and the Highway 78 Overlay District. The business was started without proper permits and approvals, and the manner in which the business is being conducted is detrimental to the visual appeal of the corridor. Therefore, the Department of Planning and Development recommends **DENIAL**.



PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

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

- I. To restrict the use of the property as follows:
  - A. Commercial, retail, office and accessory uses, which may include automobile service/repair as a special use.
  - B. The site and building shall be brought up to code for the auto repair use within 180 days of zoning approval, and shall include installation of a minimum of two service bays.
2. To abide by the following site development considerations:
  - A. Outdoor storage of equipment, inoperable vehicles, parts, tires and other materials shall be prohibited. Utilization of tractor trailers or storage containers for storage shall be prohibited.
  - B. Outdoor display of merchandise, tires or other materials shall be prohibited.
  - C. Outdoor repair of vehicles shall be prohibited.
  - D. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
  - E. Peddlers and/or parking lot sales shall be prohibited.
  - F. 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

Although the surrounding area does contain other automobile related uses, the manner in which this business is operating gives the property a cluttered appearance and may not be appropriate at this location.

ADVERSE IMPACTS

Adverse impacts from an auto repair business, including noise, parking of inoperable vehicles and site congestion could be expected upon neighboring businesses.

REASONABLE ECONOMIC USE AS ZONED

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

IMPACT ON PUBLIC FACILITIES

It is anticipated that there would be few additional impacts on public facilities from the request.

CONFORMITY WITH POLICIES

The requested Special Use Permit and proposed automobile service and repair may not be consistent with policies of the Unified Plan which promote high-quality development with improved development quality for commercial and office buildings. The proposed automobile repair business, and its associated site congestion, may not be consistent with policies to enhance development quality and the efforts to improve the appearance and viability of commercial properties along the Highway 78 corridor.

CONDITIONS AFFECTING ZONING

The requested Special Use Permit for automobile service/repair may not be suitable on this property in light of the limited area within the existing building for repair of vehicles combined with the lack of area for storage of vehicles awaiting repair.

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

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

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

- (A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:  
Yes it would as there are other buildings doing the same.
- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:  
No a special use permit will not affect nearby property.
- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:  
In order to cover the high cost of rent for property use as a company has to diversify from specializing to a more general role to cover expenses.
- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:  
Permit will have no excessive or burdensome use on streets, etc.
- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
Yes, permit would be in conformity with policy & land use plan.
- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:  
There are quite a few repair facilities that deals with all aspects of the automotive industry, such as Ford & Midas

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# Autotronics ATL LLC

3781 Stone Mountain Hwy.

Snellville Ga. 30039

Tel: 404 826-3235 Fax: 770 733-1098

01/13/2014

Gwinnett County planning Division

Special Use Permit

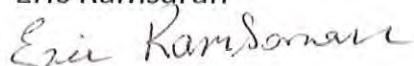
To Whom It May Concern

Re: Letter Of Intent.

It is my intention to carry out minor automotive repairs at Autotronics Atl.,  
Located at 3781 Stone Mountain Hwy, located in Snellville Ga. We presently  
Do automotive electronics such as sales and installation of mobile alarms ,  
Stereos and dvd systems. We respectfully apply for a special use permit to  
facilitate our fore mentioned intention. Thanking you in advance.

Respectfully Yours

Eric Ramsaran

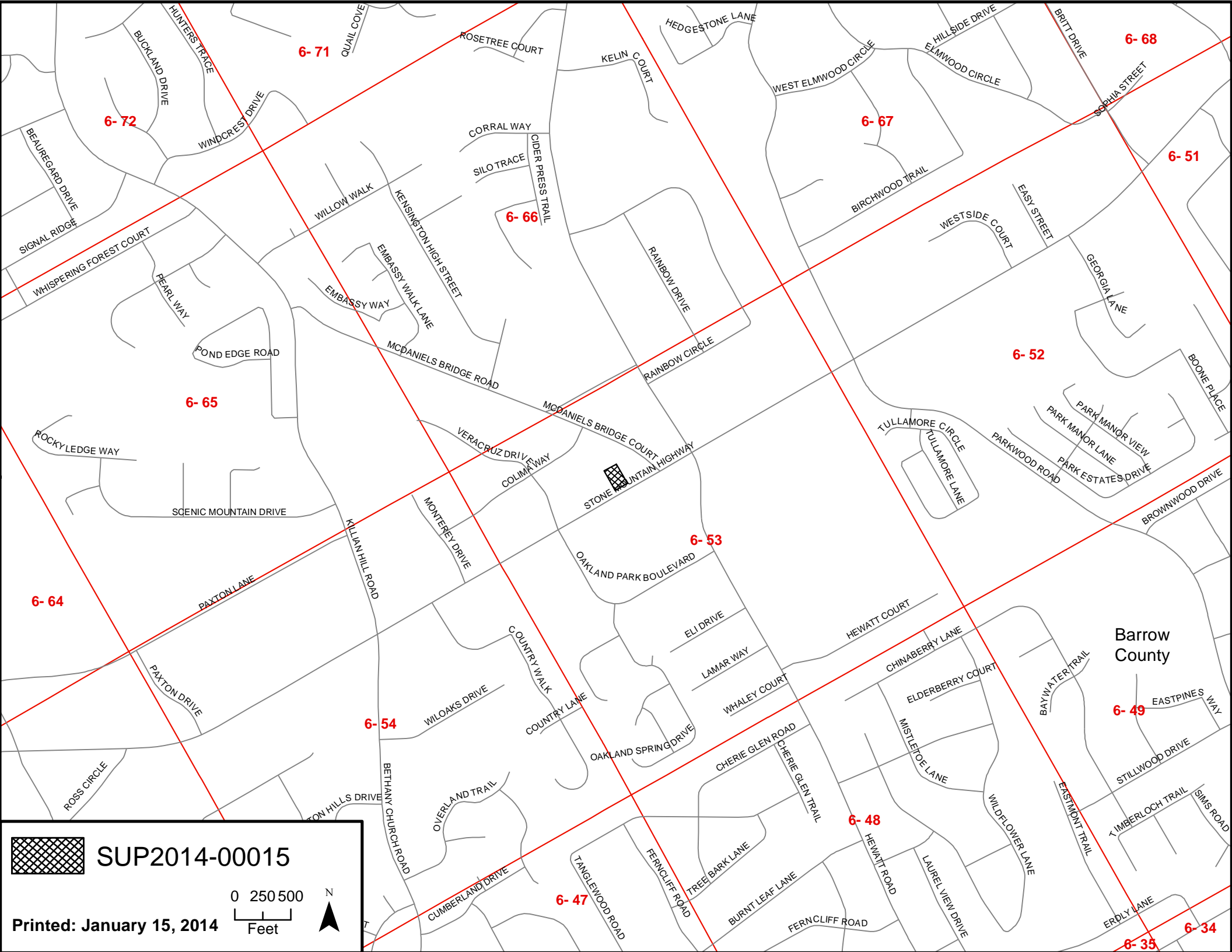


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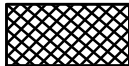
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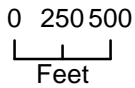
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Barrow County



SUP2014-00015



Printed: January 15, 2014







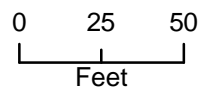
MCDANIELS BRIDGE COURT

STONE MOUNTAIN HIGHWAY

Barrow  
County

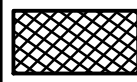
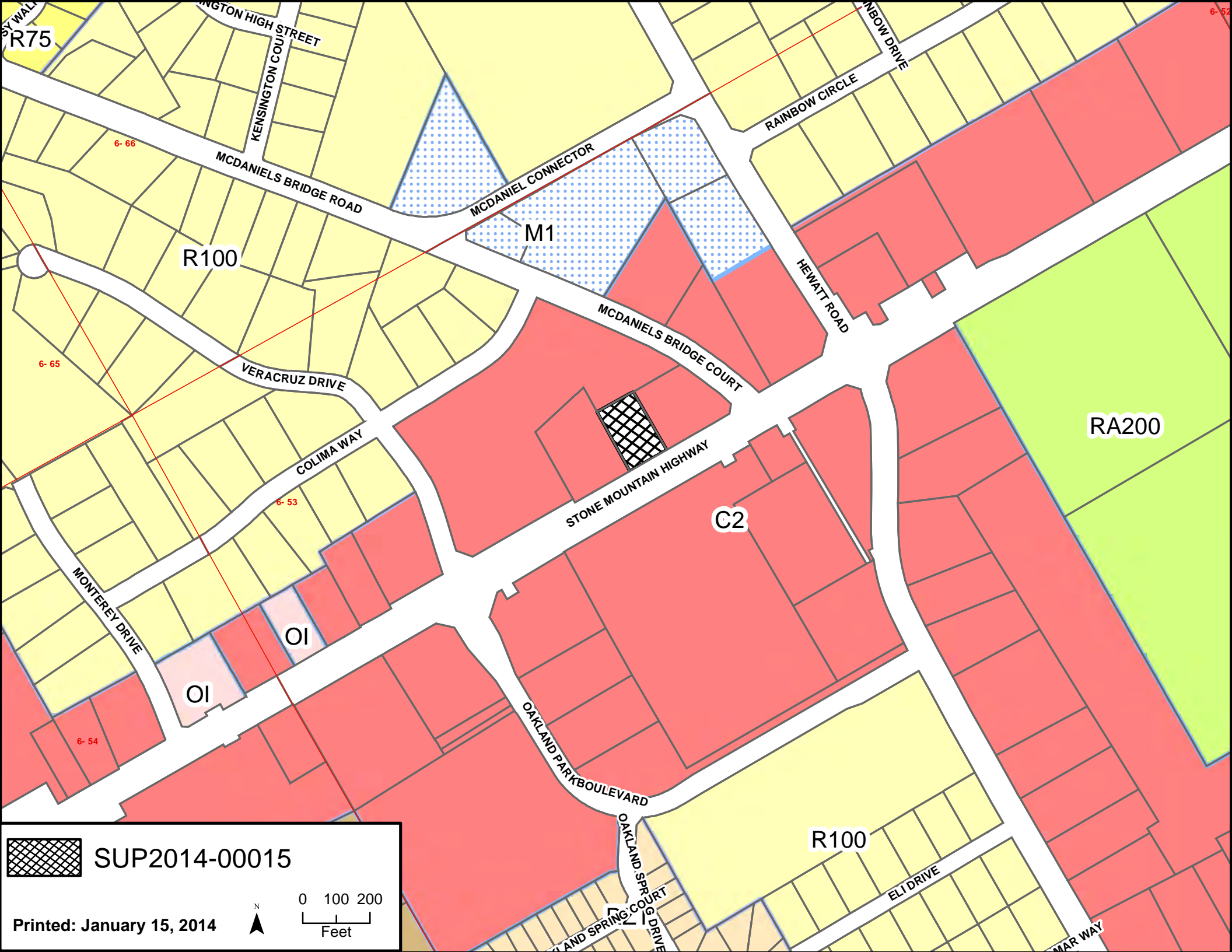


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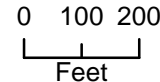
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SUP2014-00015

Printed: January 15, 2014



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

CASE NUMBER :**SUP2014-00016**  
ZONING :C-3  
LOCATION :3500 BLOCK OF MALL BOULEVARD  
MAP NUMBER :R6232 020  
ACREAGE :7.70 ACRES  
SQUARE FEET :4,052 SQUARE FEET  
PROPOSED DEVELOPMENT :POOL OR BILLIARDS HALL  
COMMISSION DISTRICT :(1) BROOKS

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

APPLICANT: YOUNG HO PARK  
202 SOUTHAMPTON CIRCLE  
DULUTH, GA 30097

CONTACTS: YOUNG HO PARK or JIN PARK      PHONE: 678.643.4544

OWNERS: YONG NAM KWON  
410 BROOK MANOR COURT  
ALPHARETTA, GA 30022

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant request a Special Use Permit on a 7.70-acre parcel zoned C-3 (Highway Business District) to allow a pool/billiards hall. The property is developed with the Gwinnett Esplanade shopping center, located on Mall Boulevard, near the Gwinnett Place Mall complex.

The property is developed with a multi-tenant building, and the billiards hall would occupy Suite 5AA, which contains 4,052 square feet of area. The applicant proposes to convert the space into a billiards room, with several pool tables. The tenant space is currently vacant and for lease. There would be no alterations to the exterior of the building as part of this request. A total of 420 parking spaces are located on the site, and access is provided by a driveway onto Mall Boulevard and internal driveways accessing Merchants Way and Ring Road.

**ZONING HISTORY:**

The property was zoned M-2 and R-75 in 1970. In November, 1979, the entire property was rezoned to C-2, pursuant to RZ-147-79. In August, 1988, the property was rezoned to C-3, pursuant to CZ-1-1-88. In July, 1991 the conditions of CZ-1-1-88 were amended, pursuant to RZ-91-056.



**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**DEVELOPMENT REVIEW SECTION COMMENTS:**

No comment.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**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 northern right-of-way of Mall Boulevard.

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

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

3. The applicant shall submit structural details for fences exceeding 8 feet in height and achieve satisfactory field inspections for a Certificate of Occupancy.

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

**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

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

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

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

**DEPARTMENT ANALYSIS:**

The subject site is the Gwinnett Esplanade, near Gwinnett Place Mall, located on the east side of Pleasant Hill Road with direct access via Mall Boulevard. The property is developed with a two-story, multi-tenant building with associated parking areas and internal driveways.

The 2030 Unified Plan Future Development Map indicates that the property lies within a Regional Mixed-Use Character Area, with the Gwinnett Place Mall being the anchor development for the character area. Although free-standing commercial/retail uses are acceptable as components of these character areas, the subject property is located within the boundary of the Gwinnett Place Community Improvement District (CID). In recent years, the CID and Gwinnett County have undertaken extensive efforts to improve the appearance and support the long-term viability of the area. The requested pool hall business may not be consistent with these efforts.

The Gwinnett Esplanade shopping center is located within a major retail district anchored by the Gwinnett Place Mall and characterized by large retail centers, restaurants, entertainment venues, automobile dealerships, offices, hotels and multifamily residential developments. Several years ago Gwinnett County undertook a study to identify areas within the County to target for revitalization. The area surrounding Gwinnett Place Mall was identified as a target area for revitalization efforts. The Gwinnett Place Community Improvement District has also been undertaking extensive efforts to improve the appearance and viability of the commercial areas surrounding Gwinnett Place Mall and, in the Department's opinion, the requested pool hall may not be consistent with these public/private efforts. It is also noted that in February, 2014, a

similar pool hall request was denied by the Board (SUP2014-00009) very near the subject site, at the intersection of Old Norcross Road and Davenport Road. This recent Board action serves to further reinforce the unsuitability of the proposed use at this location.

The requested Special Use Permit and proposed pool hall may not be consistent with other tenants located within the Gwinnett Esplanade and Gwinnett Place Mall, or compatible with efforts to ensure the long term viability of the mall and surrounding developments. Therefore, the Department of Planning and Development recommends **DENIAL**.



PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval of a Special Use Permit for pool hall, subject to the following enumerated conditions:

1. Retail and service commercial and accessory uses, which may include pool hall as a special use. The pool hall shall not exceed 4,100 square feet. The hours of operation of the pool hall shall not extend past 12:00 a.m.
2. Abide by all applicable conditions of RZ-91-056.
3. Peddlers and/or parking lot sales shall be prohibited.
4. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
5. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The proposed Special Use Permit for a pool hall may not be suitable at this location given the revitalization efforts of the County and the Gwinnett Place CID.

ADVERSE IMPACTS

Adverse impacts in the form of noise, traffic and potential late-night parking lot activity may be anticipated.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

There would be few additional impacts on public facilities anticipates from this request.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the site is located in a Regional Mixed-Use Character Area. The addition of a pool hall at this location may not be consistent with the recommendations of the Unified Plan or with the Gwinnett County Revitalization Task Force Study, which identified this as an area to target for revitalization.

CONDITIONS AFFECTING ZONING

In February, 2014, a similar, nearby pool hall request was denied by the Board (SUP2014-00009) at the intersection of Old Norcross Road and Davenport Road, giving additional supporting grounds for denial of this request.

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

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

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

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

No

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

No

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

No

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

No

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

No

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

No

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JAN 28 2014

Planning & Development



# Letter of Intent

To Whom it may Concern,

I am writing this letter to advise you of my intent on opening up billiards in the Gwinnett Mall area.

The suggested space measures to roughly around 4025 square feet and is adjoined by various successful venues including varying restaurants and a karaoke. With the bustling amount of foot traffic, our intention is to offer an entertainment venue for patrons to come and enjoy a game of billiards as a means to unwind following a meal within the vicinity. Therefore, many of the intended customers will be families and anyone else coming in and out of restaurants within the bounds of the area.

The billiards will offer both pocket ball tables and four-ball tables. Considering the minimal amount of necessary upkeep needed, only 2-3 employees will be required. Each employee will work different shifts throughout the day.

With the immense success and heavy foot traffic already established, we believe this business idea would only further complement the commercial area while conveniently providing entertainment for the same target audience.

If there are any other required information or questions regarding this please contact me at:

[Andypark61@hotmail.com](mailto:Andypark61@hotmail.com)

Cell-phone: 678-643-4544

Respectfully yours,

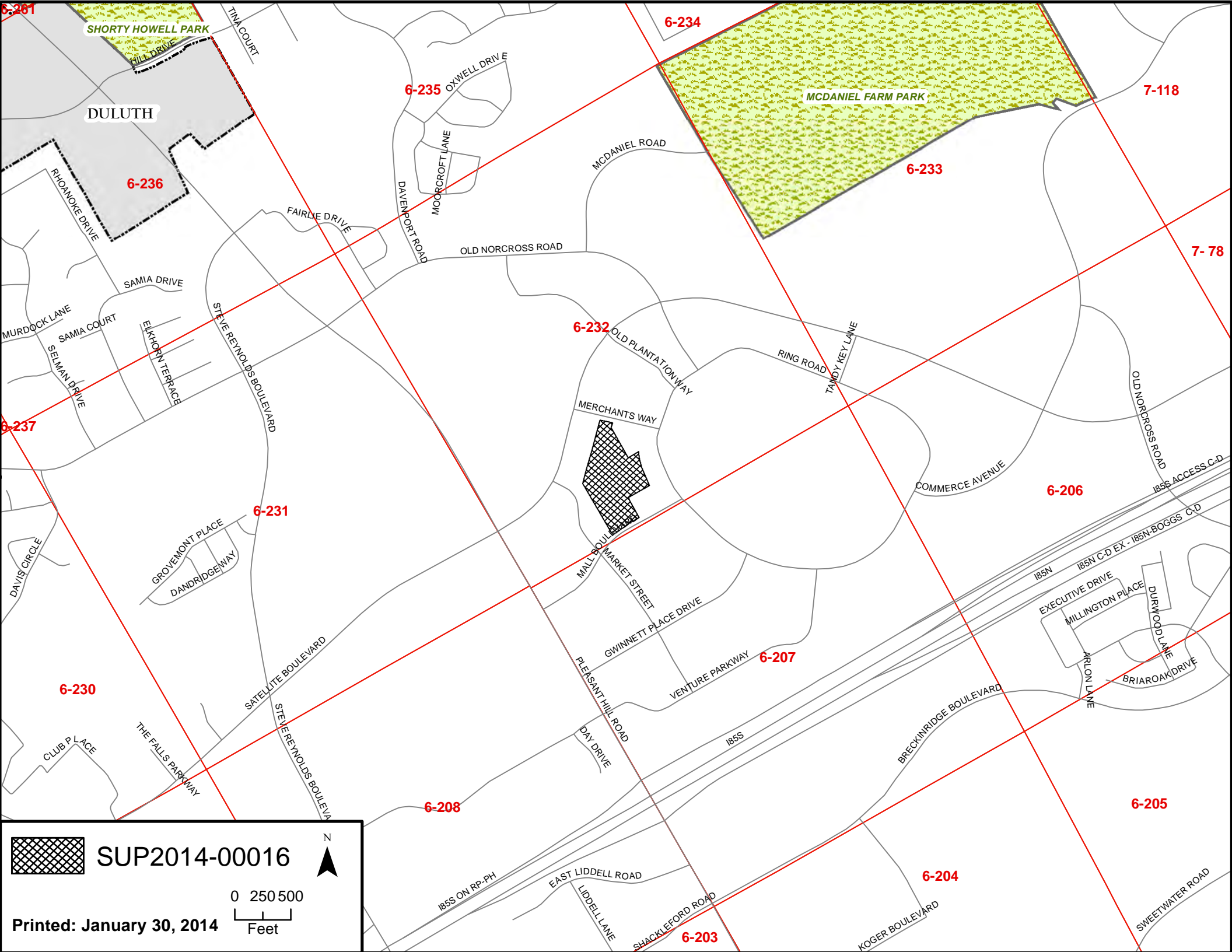
Andy Park

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SUP '14 016



SHORTY HOWELL PARK

DULUTH

MCDANIEL FARM PARK

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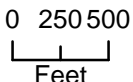
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SUP2014-00016

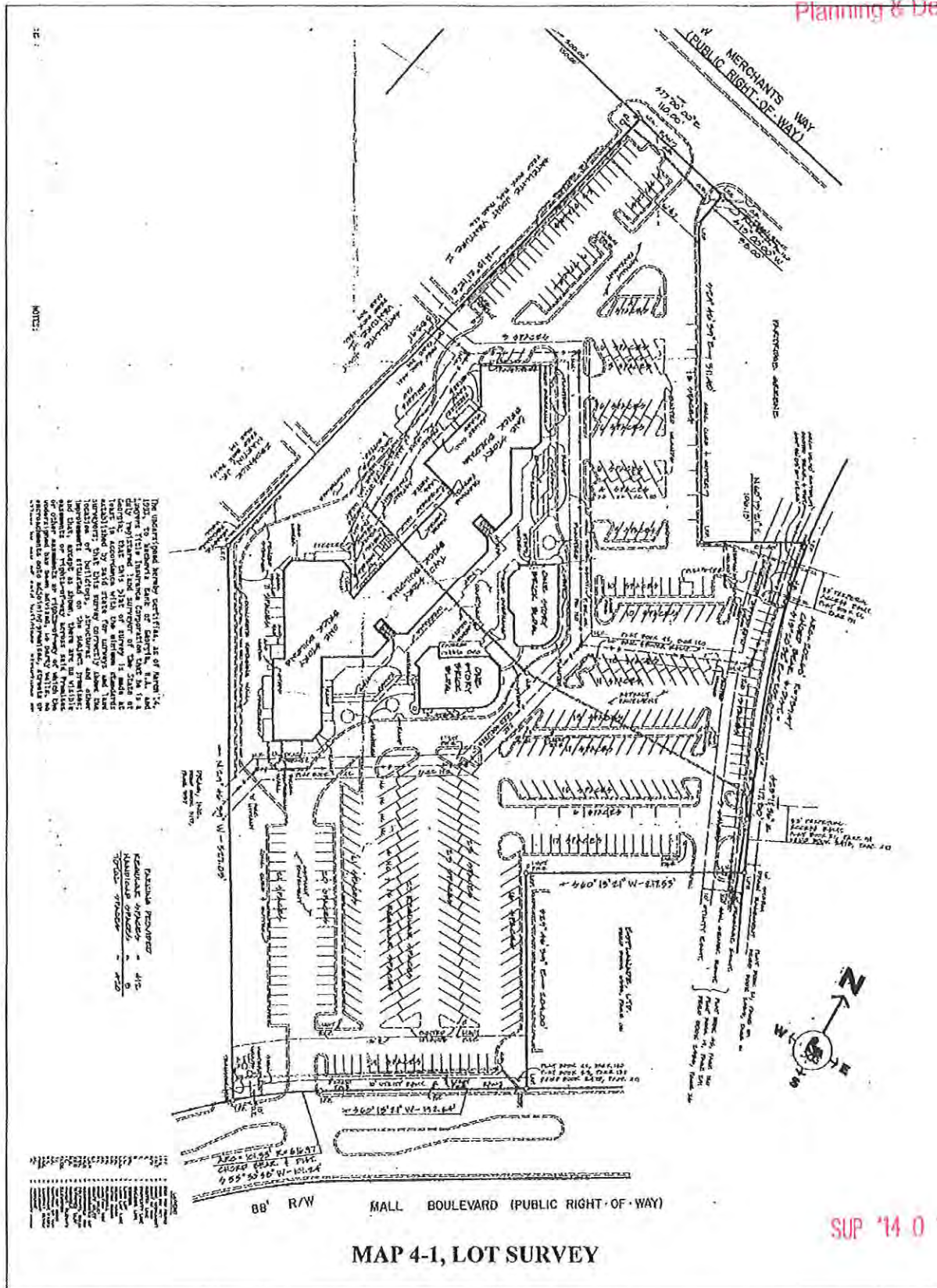


Printed: January 30, 2014



JAN 28 2014

Planning & Development



SUP '14 0 6





MERCHANTS WAY

SATELLITE BOULEVARD

MARKET STREET

MALL BOULEVARD

RING ROAD



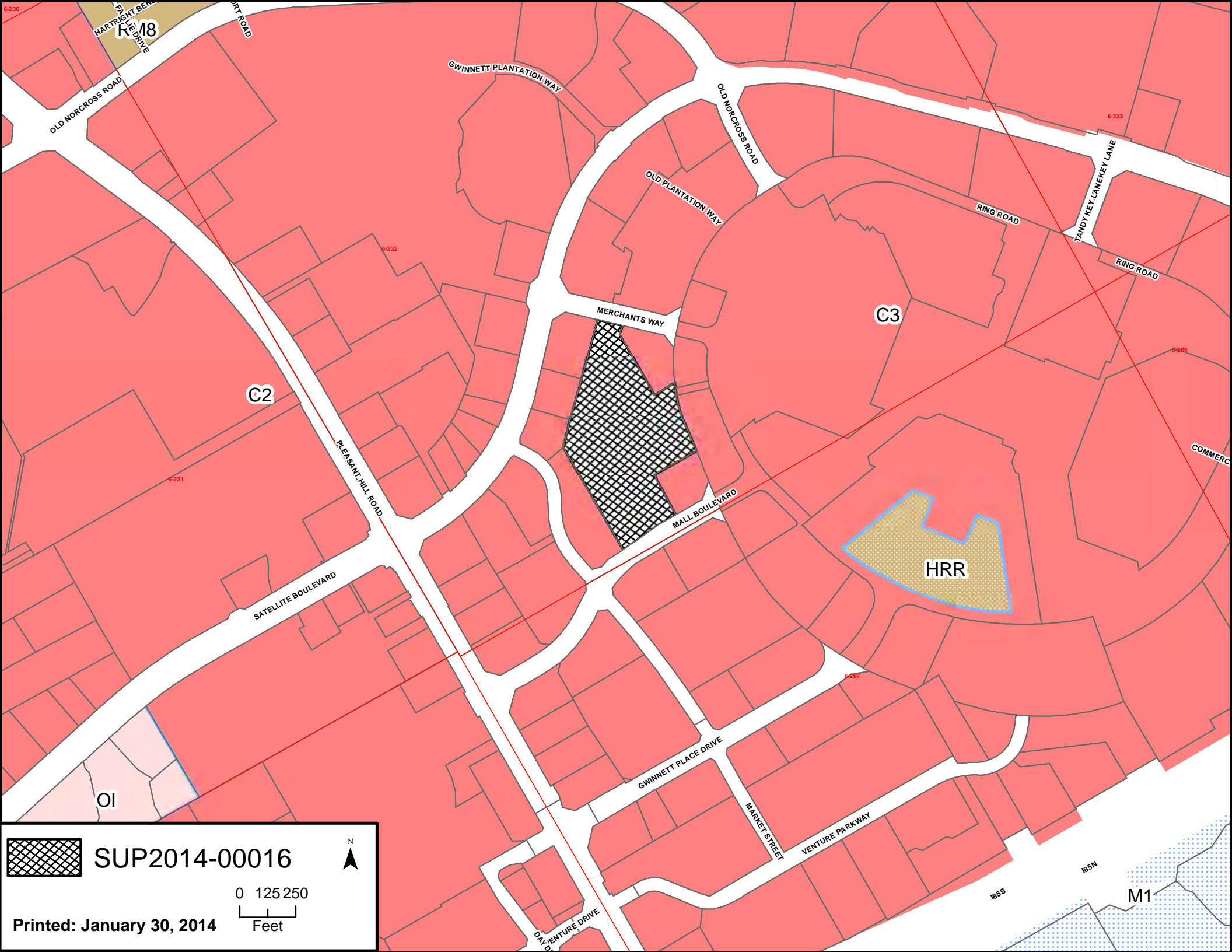
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Printed: January 30, 2014





K18

OLD NORCROSS ROAD

GWINNETT PLANTATION WAY

OLD NORCROSS ROAD

OLD PLANTATION WAY

RING ROAD

TANDY KEY LANE

RING ROAD

C2

C3

MERCHANTS WAY

MALL BOULEVARD

HRR

SATELLITE BOULEVARD

PLEASANT HILL ROAD

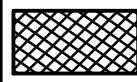
GWINNETT PLACE DRIVE

MARKET STREET

VENTURE PARKWAY

OI

M1



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Printed: January 30, 2014

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

CASE NUMBER	: <b>SUP2014-00017</b>
ZONING	:C-2
LOCATION	:5000 BLOCK OF JIMMY CARTER BOULEVARD
MAP NUMBER	:R6190 185
ACREAGE	:0.21 ACRE
SQUARE FEET	:2,350 SQUARE FEET
PROPOSED DEVELOPMENT	:TITLE LOAN FACILITY
COMMISSION DISTRICT	:(2) HOWARD

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

APPLICANT: TITLE EASY, LLC  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

CONTACT: MITCH PEEVY                      PHONE: 770.614.6511

OWNERS: LEVINSON, LLC  
5566 NAYLOR COURT  
NORCROSS, GA 30092

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Special Use Permit to allow a title loan facility within an existing unoccupied building, zoned C-2 (General Business District). The property contains 0.21 acre and is located on the east side of Jimmy Carter Boulevard, just north of its intersection with Rockbridge Road.

The site is developed with a 2,350 square foot freestanding commercial building, small parking areas to the front and rear of the building, and a single driveway onto Jimmy Carter Boulevard. The proposal would include interior remodeling of the structure, with the site plan indicating no changes to the site, driveways or parking areas.

**ZONING HISTORY:**

In 1970, the property was zoned R-75 (Single-Family Residence District). In 1973, the property was rezoned to O-1 (Office-Institutional District), pursuant to RZ-28-73. The was rezoned to its current C-2 classification in 1974, pursuant to RZ-71-74.

**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

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

**DEVELOPMENT REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**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 northern right-of-way of Jimmy Carter Boulevard.

The available utility records show that the subject development is currently in the vicinity of an 8-inch sanitary sewer main located on the northern right-of-way of Jimmy Carter Boulevard.

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

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

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



**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

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

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

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

**DEPARTMENT ANALYSIS:**

The subject property is located on the east side of Jimmy Carter Boulevard, just north of its intersection with Rockbridge Road. The property is currently developed with an unoccupied commercial building, parking areas and associated driveways.

The 2030 Unified Plan Future Development Map indicates that the site is located in an Existing/Emerging Suburban Character Area. The property is developed with a commercial building within the C-2 zoning district. Free-standing commercial/retail uses are acceptable components of this character area. The proposed title loan facility may be a compatible use within the heavily developed Jimmy Carter Boulevard commercial corridor and consistent with the Unified Plan and previous Board actions approving similar businesses in the area.

The Jimmy Carter Boulevard corridor is heavily developed with commercial/retail uses. Several Special Use Permits (SUP) have been granted in the general vicinity for similar title loan businesses. As recently as February 2014, an SUP for a title loan facility (Title Max) was approved for a site to the south, located at 4995 Jimmy Carter Boulevard (SUP2014-00007). The requested Special Use Permit and proposed title loan facility could be consistent and compatible with the heavily developed commercial corridor and with these previous Special Use Permit approvals for similar facilities along the Jimmy Carter Boulevard corridor. With conditions similar to those of the recently approved title loan facility to the south, including a prohibition of on-site sales, storage or display of repossessed vehicles, and limitation on exterior signage, the use could be suitable and potential negative impacts could be reduced.

In conclusion, a title loan facility could be consistent with policies of the Unified Plan and compatible with uses located along the heavily developed Jimmy Carter Boulevard corridor. The use could also be consistent with recent Board approvals for title loan facilities on nearby sites. Therefore, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS**.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

Approval of a Special Use Permit to allow a title loan facility, subject to the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail, service commercial, office and accessory uses which may include a title loan facility as a special use.
  - B. On-site sales, storage or display of repossessed vehicles shall be prohibited.
2. To satisfy the following site development considerations:
  - A. Wall signage for the title loan business shall not exceed the requirements of the Gwinnett County Sign Ordinance.
  - B. Window signage (signs displayed on the interior or exterior of the title loan business' 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.
  - C. Exposed neon or blinking neon or LED window signs or wall signs shall be prohibited.
  - D. No banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
  - E. Peddlers and/or parking lot sales shall be prohibited.
  - F. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

In light of the heavily developed commercial nature of the area, the proposed title loan facility may be suitable at this location.

ADVERSE IMPACTS

With conditions limiting signage and prohibiting the on-site sales, storage and display of repossessed vehicles for the title loan facility, potential adverse impacts could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

A small increase in traffic could be anticipated from the proposed use.

CONFORMITY WITH POLICIES

The 2030 Unified Plan Future Development Map indicates that the site is located in an Existing/Emerging Suburban Character Area. A title loan facility could be supported by the policies of the Unified Plan, as well as previous Board approvals of title loan facilities in the area.

CONDITIONS AFFECTING ZONING

The proximity of the subject property to other recently approved title loan facilities along the corridor provides supporting grounds for 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 SPECIAL USE PERMIT.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:  
THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:  
THE SUBJECT PROPERTY IS DESIGNATED AS EXISTING/EMERGING SURBURBAN.

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

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SUP 11017  
PLANNING DIVISION USE ONLY

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Planning & Development

## REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Title Easy LLC, requests a special use permit for the purpose of opening a Title Loan business in the 2,350 square foot building that was formerly a pawn shop. The subject property is located at 5059 Jimmy Carter Blvd and is found in the 6<sup>th</sup> District, Land Lot 190 in Gwinnett County.

This site is in a heavily commercial area except along the rear of the property it abuts property zoned R-75. Since no changes are being proposed to the building, the request is to keep the existing buffer reduction in place. The existing building also extends into the 50 foot front setback which is due to the widening of the road as when the facility was built it meet the setback requirements. The building has been vacant for several months and due to its size it has been difficult to find an alternate user since the pawn shop moved out. Title Easy is a TitleAsset Lender and on a busy day there might be a total of 10 to 12 customers spread out over the entire day. No repossessed vehicles will be offered for sale or stored on the property at any time. The proposed hours of operation are Monday through Saturday from 9am to 9pm and then on Sunday from 11am to 5pm. This will not be a check cashing or gold buying facility but a TitleAsset Lender only. There will also never be a sign twirler along the sidewalk in front of this proposed business.

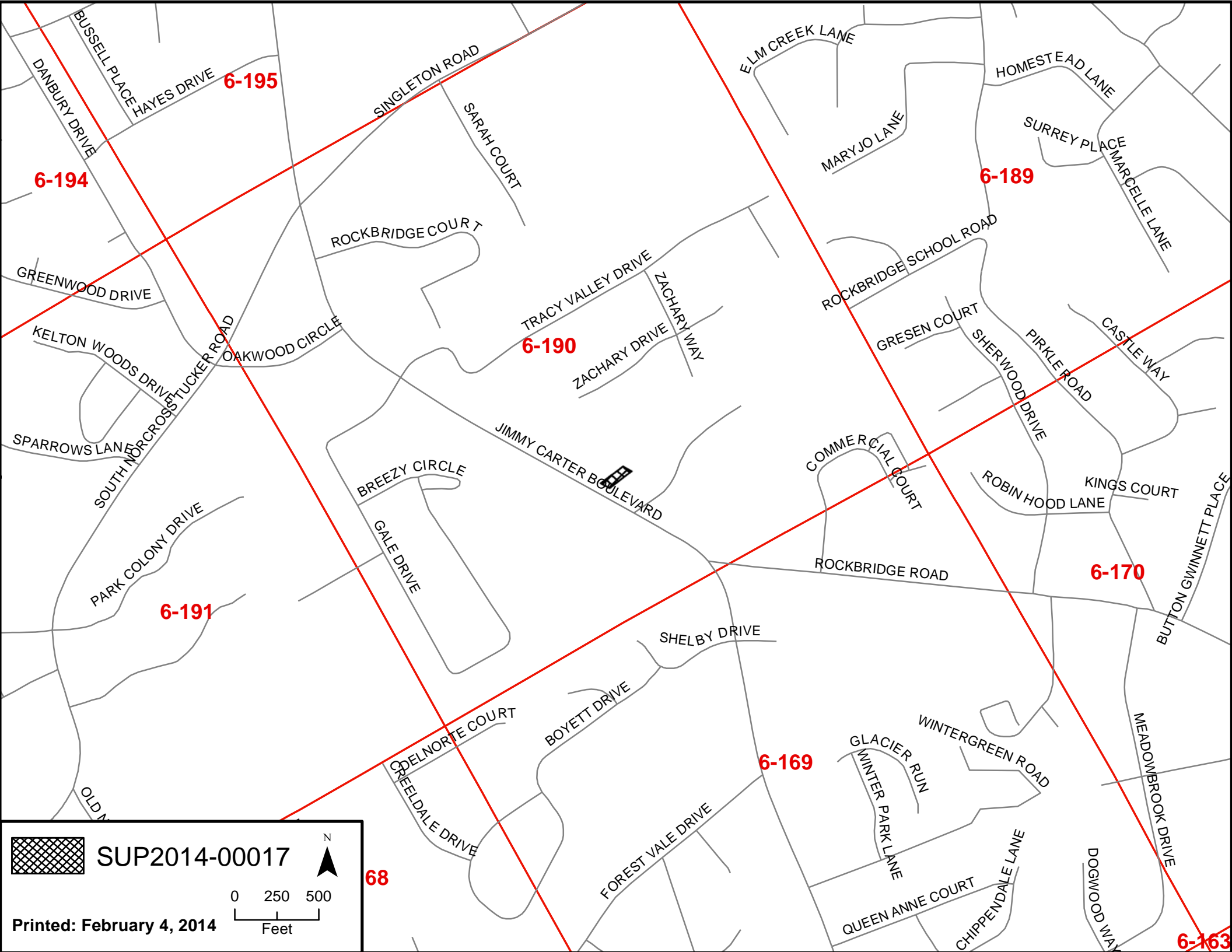
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 SUP2014-00017

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DANBURY DRIVE

BUSELL PLACE  
HAYES DRIVE

SINGLETON ROAD

SARAH COURT

ELM CREEK LANE

HOMESTEAD LANE

MARY JO LANE

SURREY PLACE

MARCELLE LANE

ROCKBRIDGE COURT

GREENWOOD DRIVE

TRACY VALLEY DRIVE

ROCKBRIDGE SCHOOL ROAD

KELTON WOODS DRIVE

OAKWOOD CIRCLE

ZACHARY DRIVE

ZACHARY WAY

GRESEN COURT

SHERWOOD DRIVE

PIRLE ROAD

CASTLE WAY

SPARROWS LANE

SOUTH NORCROSS  
TUCKER ROAD

JIMMY CARTER BOULEVARD

COMMERCIAL COURT

ROBIN HOOD LANE

KINGS COURT

BREEZY CIRCLE

GALE DRIVE

ROCKBRIDGE ROAD

BUTTON GWINNETT PLACE

PARK COLONY DRIVE

SHELBY DRIVE

BOYETT DRIVE

DELNORTE COURT

6-169

WINTERGREEN ROAD

GLACIER RUN

WINTER PARK LANE

FOREST VALE DRIVE

QUEEN ANNE COURT

CHIPPENDALE LANE

DOGWOOD WAY

MEADOWBROOK DRIVE

OLD








WY CARTER

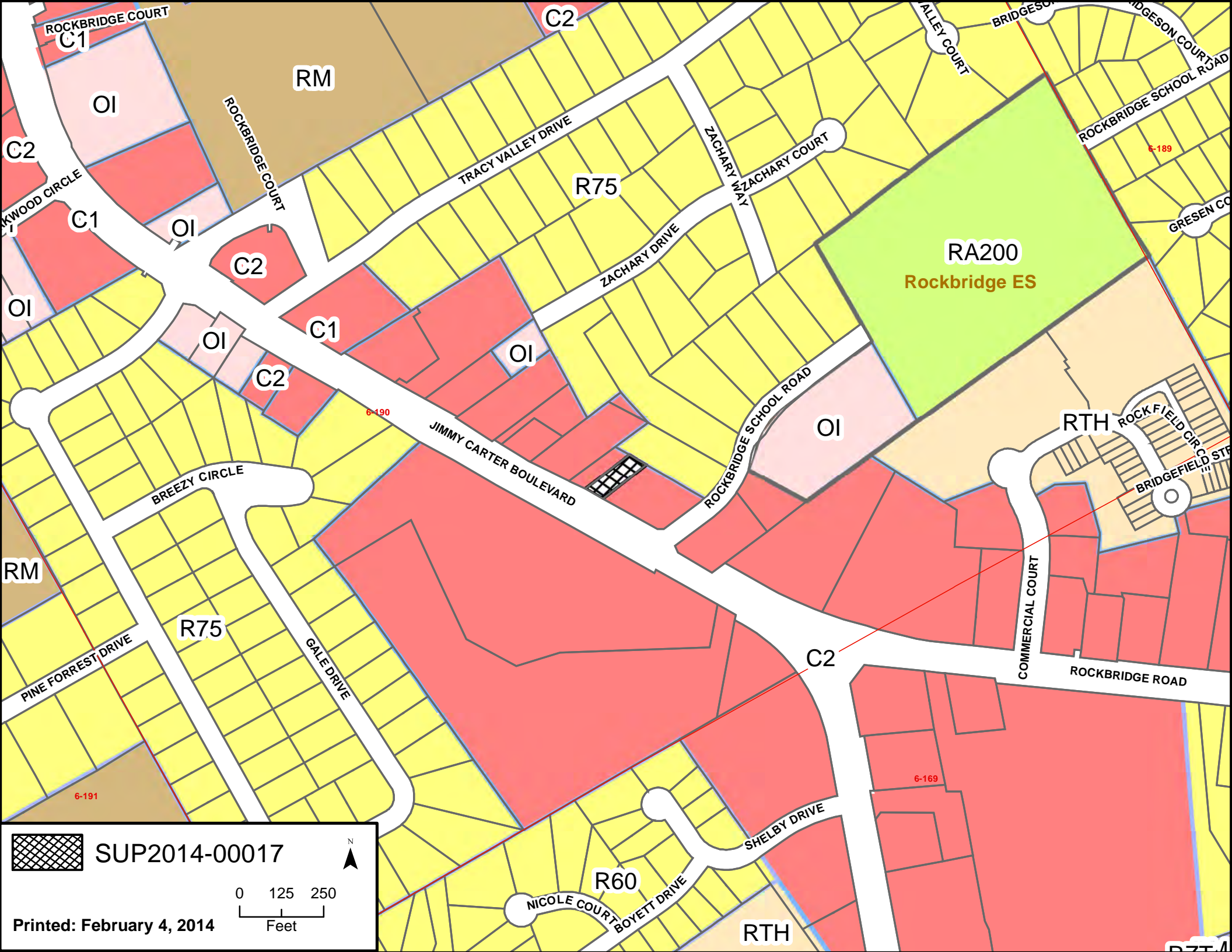


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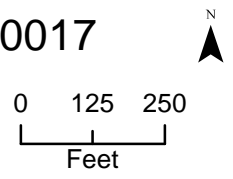
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Printed: February 4, 2014



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

CASE NUMBER	: <b>SUP2014-00018</b>
ZONING	:R-100
LOCATION	:3400 BLOCK OF LAKE CARLTON ROAD
MAP NUMBER	:R5126 025
ACREAGE	:7.67 ACRES
SQUARE FEET	:3,512 SQUARE FEET
PROPOSED DEVELOPMENT	:FAMILY PERSONAL CARE HOME
COMMISSION DISTRICT	:(3) HUNTER

FUTURE DEVELOPMENT MAP: **CORRIDOR MIXED USE**

APPLICANT: SAMUEL CORDOS  
3410 LAKE CARLTON ROAD  
LOGANVILLE, GA 30052

CONTACT: SAMUEL CORDOS           PHONE: 678.517.9778

OWNERS: SAMUEL CORDOS  
3410 LAKE CARLTON ROAD  
LOGANVILLE, GA 30052

DEPARTMENT RECOMMENDATION: **APPROVAL WITH CONDITIONS**

**PROJECT DATA:**

The applicant requests a Special Use Permit on a 7.67-acre parcel, zoned R-100 (Single Family Residence District), to allow a family personal care home. The property is located on the east side of Lake Carlton Road, south of its intersection with Midway Road. The property is currently developed with a two-story single-family dwelling, swimming pool and an accessory structure.

The existing single-family dwelling would be utilized for the personal care home, which would be occupied by up to 8 elderly residents needing assistance with daily activities. Access is provided by a single driveway extending from Lake Carlton Road.

**ZONING HISTORY:**

The subject property was zoned RA-200 (Agriculture-Residence District) in 1970. In a 1973 areawide rezoning, the property was rezoned to R-100 (Single Family Residence District). In 2007, the property was included as part of a larger application for R-60 (Single Family Residence District) which was denied, pursuant to RZR-07-044.



**GROUNDWATER RECHARGE AREA:**

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

**WETLANDS INVENTORY:**

The subject property contains potential wetlands as depicted on the U.S. Department of Interior, Fish, and Wildlife Service – National Wetlands Inventory Map or on the Federal Emergency Management Agency – Flood Insurance Rate Map. The applicant/developer shall obtain all required approvals from Gwinnett County Department of Planning and Development and the U.S. Army Corps of Engineers.

**DEVELOPMENT REVIEW SECTION COMMENTS:**

No comment.

**STORMWATER REVIEW SECTION COMMENTS:**

No comment.

**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**

No comment.

**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**

No comment.

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

The available utility records show that the subject development is currently in the vicinity of a 6-inch water main located on the eastern right-of-way of Lake Carlton Road.

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

**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

- I. The applicant shall obtain a building code compliance inspection of the existing building by the Building Construction Section of Department of Planning and Development and shall comply with inspection results.

2. The applicant shall submit civil site drawings to Building Plan Review for review and approval.
3. The applicant shall submit plans which clearly indicate any new construction as proposed by the applicant and as required by compliance inspection report for review and approval by Building Plan Review.
4. Any exterior architectural design renovation of the existing building shall incorporate the requirements of the Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.
5. 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.

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

#### GWINNETT COUNTY FIRE SERVICES COMMENTS:

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

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

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

#### DEPARTMENT ANALYSIS:

The property is located on the east side of Lake Carlton Road, south of its intersection with Midway Road. The property is wooded and contains a two-story single-family dwelling, and an accessory structure.

The 2030 Unified Plan Future Development Map indicates that the site is located within the Corridor Mixed Use Character Area extending along the Athens Highway corridor. This Character Area supports and encourages a variety of housing options, including housing for the elderly. As such, the subject property's use as a family personal care home for elderly housing and care could be compatible with the recommendations of the Unified Plan.

The surrounding area is primarily developed with single-family subdivisions and homes on large lots, within the R-100 and R-75 zoning districts, with commercial uses along Athens Highway. The immediately adjacent properties are large parcels developed with single-family homes. The subject property, which is not part of a platted subdivision, contains 7.67-acres and appears to be adequately separated from neighboring residences for the proposed use. Given these circumstances, a family personal care home could be compatible with adjacent and nearby residential uses.

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



PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

1. Limited to a state-licensed Family Personal Care Home providing residence and care for up to a maximum of eight elderly individuals (clients) residing in the home.
2. Exterior signage advertising the Family Personal Care Home shall be prohibited.
3. Any new building(s) shall be of a traditional residential style, compatible with the homes in the surrounding area. Architectural elevations, building materials and colors shall be subject to review and approval of the Director of Planning and Development prior to the issuance of a building permit.
4. Maintain a minimum 20-foot wide buffer along all exterior property lines, except for driveways and existing encroachments.

PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING EXERCISE OF ZONING

SUITABILITY OF USE

The requested Special Use Permit for a family personal care home could be suitable in light of the residential nature of zoning and development in the area, along with the property's size and separation from neighboring residences.

ADVERSE IMPACTS

With the recommended conditions, potential impacts could be reduced.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACTS ON PUBLIC FACILITIES

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

CONFORMITY WITH POLICIES

The request could be considered compatible with policies of the 2030 Unified Plan, which support residential uses for the area, including elderly housing.

CONDITIONS AFFECTING ZONING

The property is located in an area that is developed primarily with single-family residences on large lots and several subdivisions. Prohibiting exterior commercial signage for the family personal care home and requiring buffers along exterior property lines could help maintain the residential character of the area.

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

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

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

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

- (A) Yes, the property is located on 7.642 acres and the home is located 100 yds. from Lake Carlton Rd.
- (B) No, the property is located 100 yds. or more from the front, left, and right properties. The nearest property behind is at minimum 600 yds.
- (C) Yes, the current property is zoned R-100 and meets the requirement for requested special permit.
- (D) No, the proposed use will not affect traffic or parking in any adverse manner. The property has sufficient parking space. This property is not located inside a subdivision.
- (E) Yes, the proposed use of the land is in conformity with the intent of use of Personal Home Care.
- (F) No, the property is zoned R-100, meets requirements to submit for enclosed special permit and has land and building to support requested special permit.

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Planning & Development

SUP '14 018



LETTER OF INTENT FOR SPECIAL USE PERMIT

Samuel Cordos

The applicant Samuel Cordos is submitting the application for approval of a Special Use Permit (SUP) for the 7.642 acres of land located at 3410 Lake Carlton Rd. Loganville, GA. 30052, in the County of Gwinnett. This requested SUP is for a Family Personal Care Home for the purposes of providing care and supervision for the elderly to include but not be limited to needs such as personal care, feeding, bathing, grooming.

This family personal care home will serve up to 8 adults. With 24 operating hours per day and 7 days per week having trained and experienced professionals to include but not be limited to; manager, care giver, cook, and janitor.

The applicant respectfully request the application for the SUP be granted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Samuel Cordos', is written over a white background.

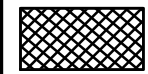
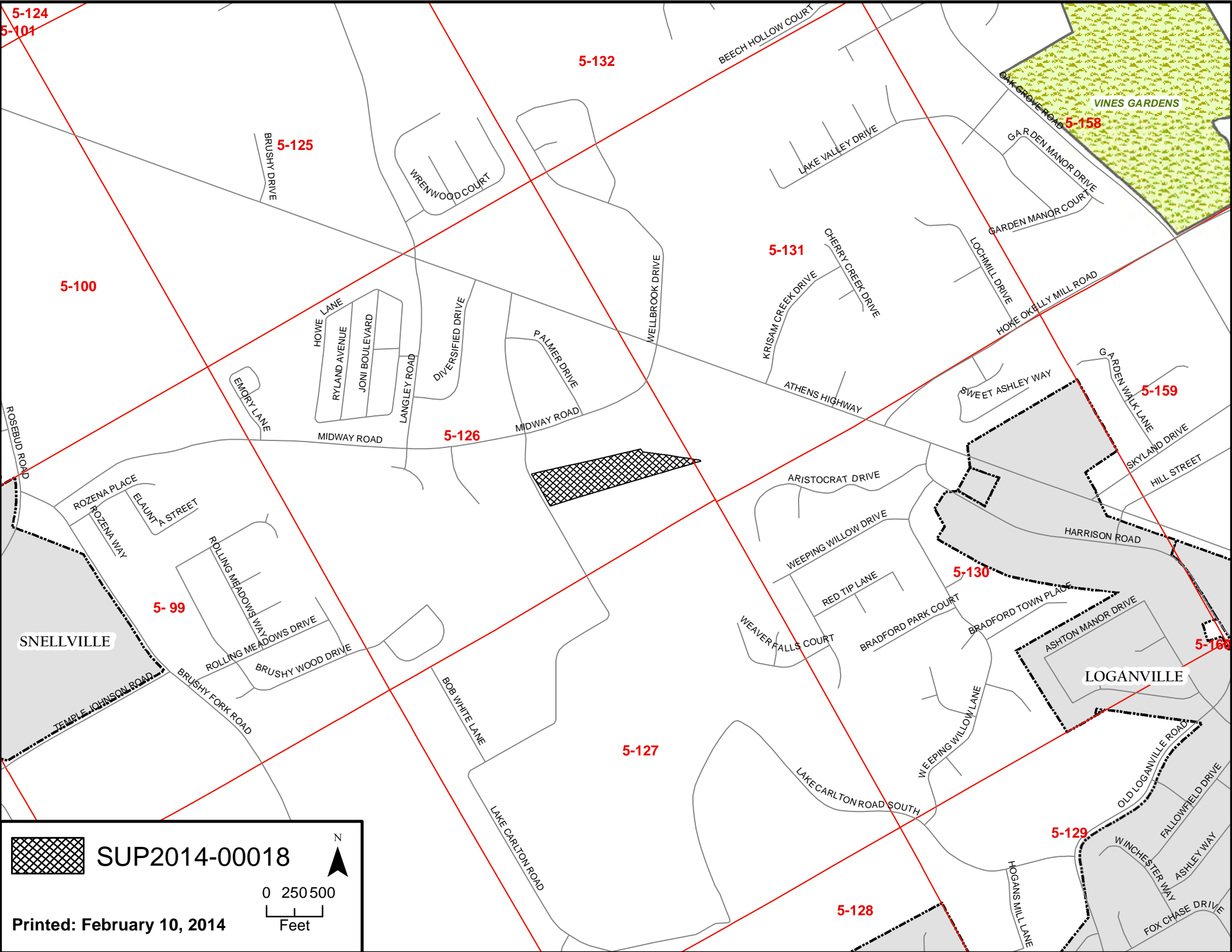
Samuel Cordos

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Planning & Development

SUP '14 018



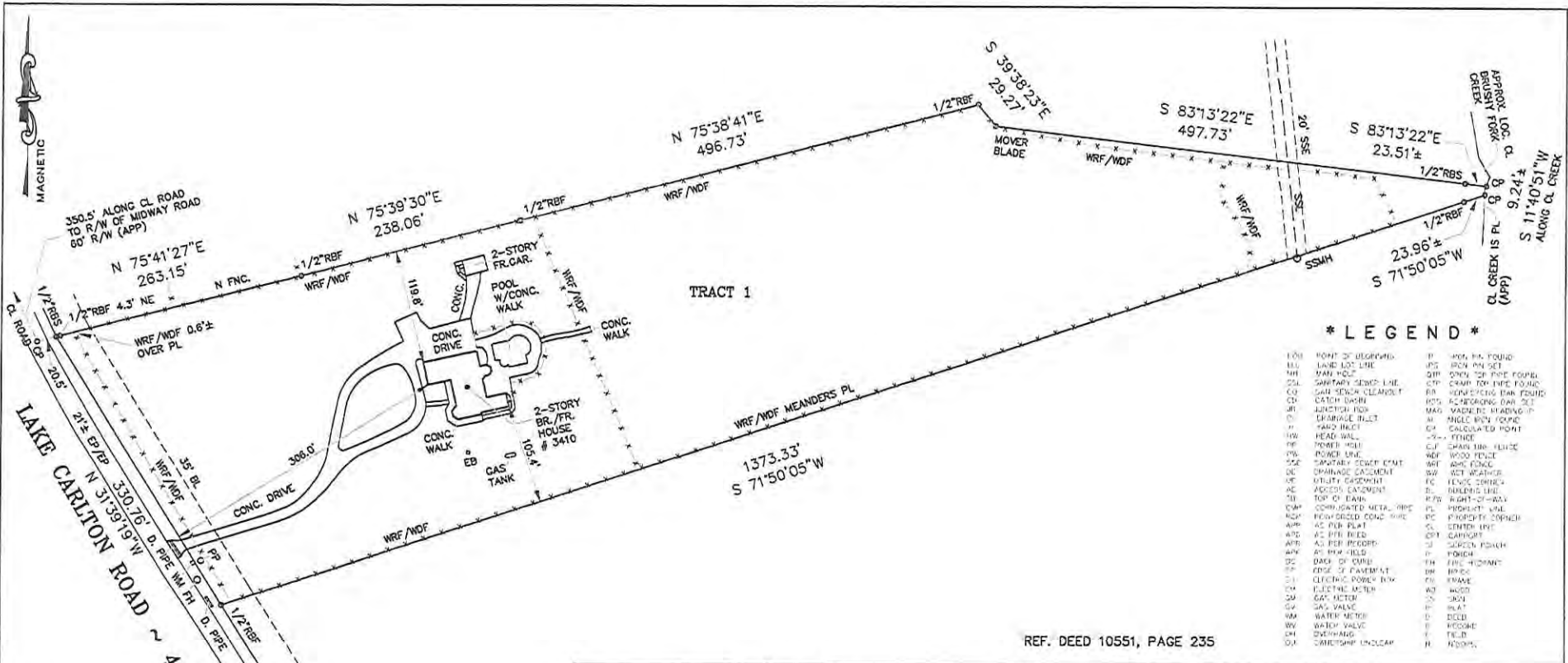
SUP2014-00018



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Printed: February 10, 2014





**\* LEGEND \***

1001 POINT OF BEGINNING	1002 APPROX. LOC. OF
1002 LAND LOT LINE	1003 IRON PIN SET
1003 MAN HOLE	1004 OPEN TOP PIPE FOUND
1004 SANITARY SEWER LINE	1005 CHAIN FOR PIPE FOUND
1005 SAW SEEN CLEARLY	1006 NON-EXISTING IRON FOUND
1006 CATCH BASIN	1007 AS-NEARING DATA SET
1007 BRACKET IRON	1008 MADE-UP IRON PIPE
1008 CHIMNEY INLET	1009 ANGLED IRON JOINT
1009 FENCE INLET	1010 CALCULATED POINT
1010 HEAD WALL	1011 FENCE
1011 POWER POLE	1012 CHAIN IRON FENCE
1012 POWER LINE	1013 WOOD FENCE
1013 SANITARY SEWER EXIST	1014 WIRE FENCE
1014 CHIMNEY CASINGMENT	1015 SET MEASUREMENT
1015 UTILITY CASINGMENT	1016 FENCE CORNER
1016 ACCESS CASINGMENT	1017 FENCING LINE
1017 TOP OF BANK	1018 RIGHT-OF-WAY
1018 CORRUGATED METAL PIPE	1019 PRODUCT LINE
1019 REINFORCED CONCRETE PIPE	1020 PROPERTY CORNER
1020 AS PER PLAN	1021 CENTER LINE
1021 AS PER FIELD	1022 GANTRY
1022 AS PER RECORDS	1023 SURVEY PINNAC
1023 AS PER FIELD	1024 FENCE
1024 DASH OF CURB	1025 FENCE REMOVAL
1025 EDGE OF PAVEMENT	1026 BRICK
1026 ELECTRIC POWER IN	1027 FENCE
1027 ELECTRIC METER	1028 WOOD
1028 GAS METER	1029 SKIN
1029 GAS VALVE	1030 PLAT
1030 WATER METER	1031 DEED
1031 WATER VALVE	1032 RECORD
1032 WHITEWASH LINENAIL	1033 RECORD

REF. DEED 10551, PAGE 235

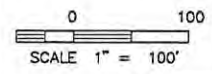
**SURVEY NOTES:**

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNKNOWN PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RE-CERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.

RECEIVED BY

PROPERTY ADDRESS:  
3410 LAKE CARLTON RD.  
LOGANVILLE, GA 30052

LAND AREA:  
7.642 AC ±



PLAT PREPARED FOR:  
**05801970 LAND TRUST**

LOT TRACT 1	BLOCK	
SUBDIVISION	UNIT	
LAND LOT 126	5TH DISTRICT SECTION	
GWINNETT COUNTY, GEORGIA		
FIELD WORK DATE JUL 29, 2013	PRINTED/SIGNED JUL 31, 2013	
PLAT BOOK 170	PAGE 122	ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED
DEED BOOK	PAGE	

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET. AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATIC PLAIN COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

COORD # 20110334  
DWG # 20130852



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

**SURVEY LAND EXPRESS, INC.**  
LAND SURVEYING SERVICES

70 LENOX POINTE,  
ATLANTA, GA 30324  
FAX 404-601-0941  
TEL 404-252-5747  
INFO@SURVEYLANDEXPRESS.COM

FEB 06 2014

Planning & Development

SUP '14 018





PALMER DRIVE

MIDWAY ROAD

LAKE CARLTON ROAD



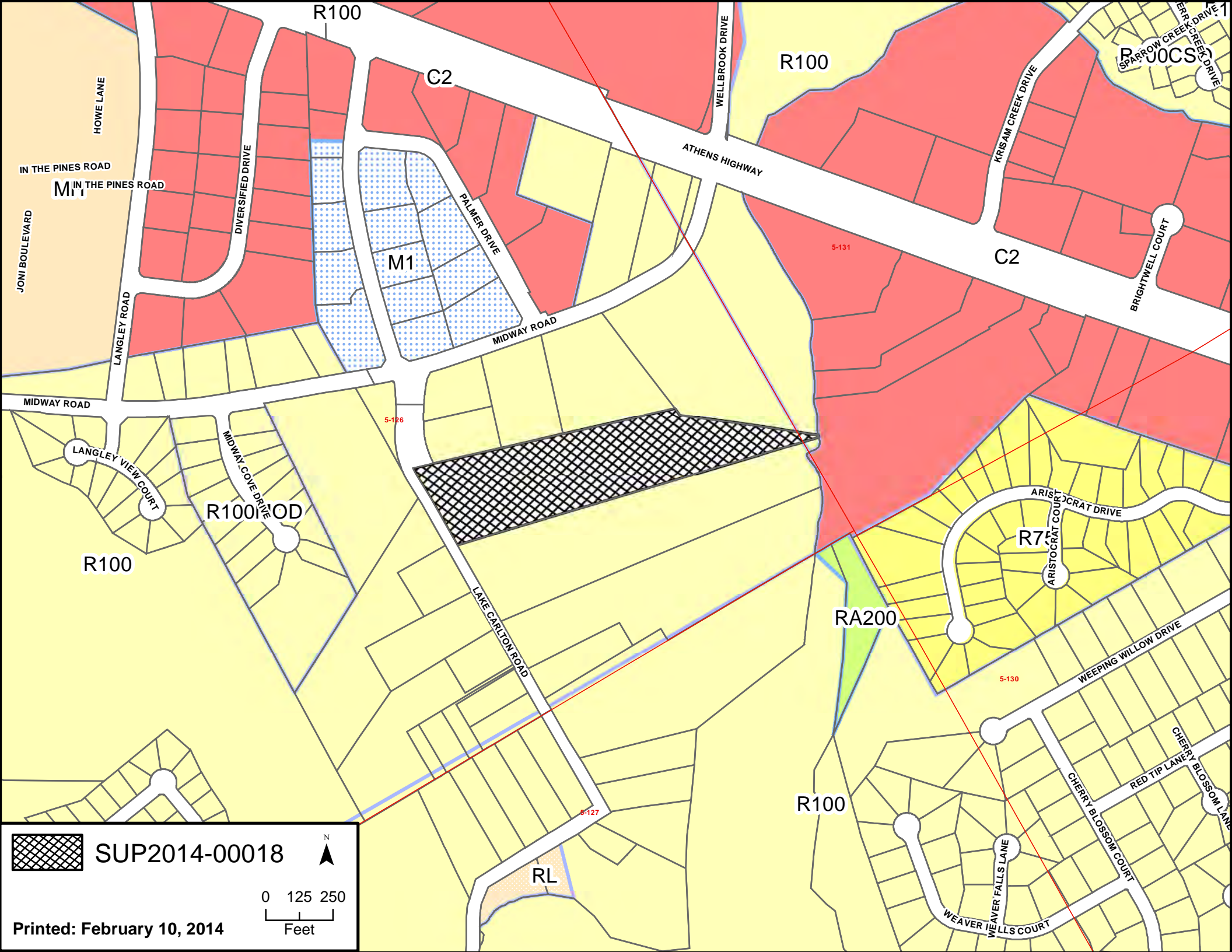
SUP2014-00018




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Printed: February 10, 2014





 SUP2014-00018

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Printed: February 10, 2014

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

CASE NUMBER :**SUP2014-00021**  
ZONING :C-2  
LOCATION :2000 BLOCK OF WEST PARK PLACE BOULEVARD  
:5500 BLOCK OF BERMUDA ROAD  
MAP NUMBER :R6060 053  
ACREAGE :13.57 ACRES  
SQUARE FEET :178,116 SQUARE FEET  
PROPOSED DEVELOPMENT :SELF-STORAGE FACILITY (CLIMATE CONTROLLED)  
COMMISSION DISTRICT :(3) HUNTER

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

APPLICANT: CHILDRESS KLEIN PROPERTIES, INC.  
C/O ANDERSEN, TATE & CARR  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MARIAN ADEIMY PHONE: 770.822.0900

OWNERS: TARGET CORPORATION  
1000 NICOLLET MALL, TPN-12K  
MINNEAPOLIS, MINNESOTA 55403

DEPARTMENT RECOMMENDATION: **DENIAL**

**PROJECT DATA:**

The applicant requests a Special Use Permit on a 13.57-acre property, zoned C-2 (General Business District), to convert a large existing retail building into a climate-controlled self-storage facility. The site is located on the southwest corner of West Park Place Boulevard and Bermuda Road, and is the location of a former Target retail center. It is noted that the property is part of the Highway 78 Overlay District and Evermore Community Improvement District.

The site plan depicts the former Target store building, which contains 178,116 square feet of floor area, and its associated parking lots and driveways. The submitted interior floor plan indicates that approximately one-half of the building would be converted into 620 self-storage units of varying sizes. The remaining half of the building would be devoted to indoor storage of automobiles, recreational vehicles and boats, and would include 119 parking spaces. Indoor vehicle storage would include a mix of vehicle sizes, with the proposed maximum parking space size being 13.2 feet by 50 feet. There is no mention in the application materials of any changes to the exterior of the building or parking areas.

ZONING HISTORY:

In 1970, the property was split-zoned in multiple zonings: C-1 (Neighborhood Business District), MH (Mobile Home Park District), and M-1 (Light Industry District). The C-1 portion was rezoned to C-2 by areawide rezoning action in 1973. The remainder of the property was rezoned to M-1 in 1983, pursuant to RZ-284-83, as part of the Mountain East Business Center. The entire site was rezoned to its present C-2 classification in 1996 for the Target development, pursuant to RZ-96-071.

GROUNDWATER RECHARGE AREA:

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

WETLANDS INVENTORY:

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

DEVELOPMENT REVIEW SECTION COMMENTS:

No comment.

STORMWATER REVIEW SECTION COMMENTS:

No comment.

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

No comment.

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 eastern right-of-way of West Park Place Boulevard, and a 12-inch water main located on the southern right-of-way of Bermuda Road.

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



**BUILDING CONSTRUCTION SECTION COMMENTS:**

Building Plan Review has no objections under the following conditions:

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 Activity Center/Corridor Overlay District, Section 1315 of the 1985 Zoning Resolution of Gwinnett County.
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:**

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

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

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

**DEPARTMENT ANALYSIS:**

The subject property is a 13.57-acre property located in the southwest quadrant of the intersection of West Park Place Boulevard and Bermuda Road. The property is developed with a former Target retail center, and associated parking lot and driveways.

The 2030 Unified Plan Future Development Map indicates that the property is located in a Community Mixed-Use Character Area. This Character Area encourages a mix of retail, office, entertainment and residential activity, in an effort to create a vibrant, pedestrian oriented environment. The Unified Plan identifies the importance of protecting large tracts and underutilized properties, such as the subject site, for furtherance of these goals through

redevelopment. The subject property is one of the most important, centrally-located sites within the West Park Place mixed-use node, and the use of this key site for a static warehouse facility may not be appropriate given the recommendations of the Unified Plan for the area. It would be anticipated that conversion of the building for a self-storage warehouse would require substantial improvements and therefore become a long term use of the property, potentially conflicting with future plans for the area.

In recent years, the Evermore CID and Gwinnett County have undertaken extensive efforts to improve the appearance and support the long-term viability of the area. Among these efforts were the preparation of the Park Place Livable Centers Initiative Master Plan and the Park Place Multimodal Mixed-Use Center Supplemental Livable Centers Initiative Study. In these studies, the large area extending along West Park Place Boulevard was identified as an important location for mixed-use redevelopment, including mid-rise mixed-use buildings, and a potential sports training center. The Target store and parking lot were noted as a primary focus for redevelopment due to its proximity to the tennis center. In light of the subject site's location within the Highway 78 Overlay District, Evermore Community Improvement District and the extensive studies and efforts to improve the long-term viability of the area, it is the Department's opinion that the requested self-storage warehouse facility may not be consistent with these public/private efforts.

The property is situated within an intense commercial corridor along Highway 78, and adjacent to a large office-industrial district along West Park Place Boulevard, all of which are vital to future redevelopment plans. To the north along Highway 78, and surrounding its intersections with West Park Place Boulevard, East Park Place Boulevard and Rockbridge Road are numerous commercial sites and several community level shopping centers in C-2 and C-3 zoning. To the south and east is a large M-I district, including the Mountain East Business Center. To the west, within Dekalb County, are the Stone Mountain Golf Club, a senior multi-family residential development, and Stone Mountain Park. To the north, across Bermuda Road is the Stone Mountain Tennis Center, formerly the Olympic Tennis Stadium. In view of the long term plans for the area, the requested Special Use Permit and proposed self-storage facility may not be considered compatible with the mixed-use development anticipated for the area.

The requested Special Use Permit and proposed self-storage facility may not be consistent with the Unified Plan or long term plans developed by the Evermore CID to ensure the long term viability of the Stone Mountain Highway corridor, the adjacent tennis center and nearby Stone Mountain Park. Due to the important, central location of the site, it is anticipated that it could be a key component of future mixed-use redevelopment in the area. Therefore, the Department of Planning and Development recommends **DENIAL** of this request.

PLANNING AND DEVELOPMENT DEPARTMENT  
RECOMMENDED CONDITIONS

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

Approval of a Special Use Permit for a climate-controlled self-storage facility, subject to the following enumerated conditions:

1. Retail and service commercial and accessory uses, which may include a climate-controlled self-storage facility as a special use. The self-storage facility shall be limited to the existing building, and may include indoor vehicle storage.
2. Outdoor storage shall be prohibited.
3. Abide by all applicable requirements of the U.S. Highway 78 Overlay District.
4. Peddlers and/or parking lot sales shall be prohibited.
5. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
6. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.



PLANNING AND DEVELOPMENT DEPARTMENT RECOMMENDATIONS  
STANDARDS GOVERNING THE EXERCISE OF ZONING

SUITABILITY OF USE

A self-storage warehouse facility may not be the most advantageous use of the site, given the long-term mixed-use redevelopment plans for the area.

ADVERSE IMPACTS

Adverse impacts may be anticipated by jeopardizing long term plans of the County and Evermore CID, and the future viability of the area.

REASONABLE ECONOMIC USE AS ZONED

The property has a reasonable economic use as currently zoned.

IMPACT ON PUBLIC FACILITIES

No increase in impacts on public facilities would be expected from this request.

CONFORMITY WITH POLICIES

The requested Special Use Permit and proposed self-storage facility may not be recognized by the Unified Plan as an appropriate use of the site. Also, in recent years, the CID and Gwinnett County have undertaken extensive efforts to improve the appearance and support the long-term viability of the area. The proposed use may be counter to efforts to create an environment fostering mixed-use redevelopment in this area.

CONDITIONS AFFECTING ZONING

The site occupies a key location in an area identified for revitalization and redevelopment as a mixed-use node. Using the site and building for a self-storage warehouse may likely have a detrimental effect on these efforts.

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

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

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

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

See Exhibit "B".

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

See Exhibit "B".

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

See Exhibit "B".

---

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

See Exhibit "B".

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

See Exhibit "B".

---

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

See Exhibit "B".

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**EXHIBIT "B"**  
**SPECIAL USE PERMIT - APPLICANT'S RESPONSE**

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

Yes. The subject property is located near a primary arterial and near Highway 78, a major highway. The subject property is located directly across from the Stone Mountain Tennis Center and adjacent to a variety of commercial/retail uses, as well as other commercial/retail and service establishments on both sides of Highway 78 in either direction. The proposed retail climate-controlled storage facility is consistent with the commercial uses and development of adjacent and nearby properties, both residential and commercial, and will serve those occupants. The proposed self-storage facility would also be a far less intensive use than traditional commercial/retail uses from the standpoint of generating far less traffic, noise, sewer and other impacts. The proposed use will promote safety in the area with 24-hour security measures. As the storage use and commercial classification for property located in a major commercial corridor and is entirely consistent with the uses and zoning of every other piece of property up and down either side of this portion of Highway 78, this special use permit proposes a use that is ideally suited to and consistent with adjacent and nearby property.

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

No, this request proposes a use that is entirely consistent with the uses and zoning of every other property on both sides of Highway 78 in either direction and will not adversely affect these properties. As historically provided by the Applicant, this request will be an attractive, high-quality and unobtrusive self storage facility, will maintain the existing building, formally a Target store, with far fewer adverse impacts than the previous commercial/retail uses for this property, including a drastic reduction in traffic.

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

No. The size and location of the existing building, as well as years of non-use, offer more than enough evidence that there is little to no market interest in the property. In light of these factors, the subject property has virtually no economic value as currently zoned and without the requested special use permit.

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Planning & Development



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

No, this property is located in an area with public water and sewer availability, and convenient access fronting on a major thoroughfare. This use will actually have far less impact on existing streets, transportation facilities and utilities than the prior retail/commercial use and will have absolutely no impact on the schools.

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

Yes. The 2030 Uniform Plan identifies the subject property for Community and Corridor Mixed-Use, making the requested special use permit entirely 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 THE APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT.

Yes. (1) The location of the subject property along a major thoroughfare, such as Highway 78, and (2) Existing building size and related infrastructure challenges make use and development for anything other than a retail self-storage facility difficult if not commercially impossible.

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# ANDERSEN | TATE | CARR

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ONE SUGARLOAF CENTRE  
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DULUTH, GEORGIA 30097  
(770) 822-0900  
FACSIMILE (770) 822-9680  
[www.atclawfirm.com](http://www.atclawfirm.com)

Marian C. Adeimy, Esq.

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

## LETTER OF INTENT FOR SPECIAL USE PERMIT APPLICATION

The Applicant, Childress Klein Properties, Inc., authorized agent for CK Spacemax Stone Mountain, LLC d/b/a SpaceMax Storage (hereafter, collectively the "Applicant"), submits this Special Use Permit Application for the property located at 2055 West Park Place Boulevard, Stone Mountain, Georgia (hereinafter, the "Property") previously housing a Target store and located across from the existing Stone Mountain tennis center. The subject property covered by this Application is currently zoned C2 – General Business District.

The Applicant intends to develop the property as a retail climate-controlled personal storage/mini-warehouse facility. The proposed use would be designed to meet Gwinnett County development standards and would be entirely consistent with the existing major commercial corridor in which it is located. The proposed use would also be less intensive and generate far less traffic and other impacts on adjacent properties than would the previously approved commercial/retail uses. Self-storage facilities are a quiet, unobtrusive and low-impact use. The Site Plan and existing building, a former Target store, provides efficient circulation for ingress/egress to the proposed facility, as well as interparcel access for nearby uses. The Property has remained unused for a number of years, and in addition to the size of the building, the current zoning and conditions make the Property unmarketable with no reasonable, economic use.

The proposed use is consistent with the 2030 Unified Plan Future Development Map, identifying the property around and near Highway 78 as Community and Corridor Mixed-Use, and is consistent with the intent of the Zoning Ordinance for C-2 uses and the permitted special uses. The property also has access to a public water supply, public sanitary sewer, and convenient access to collector streets, major thoroughfares and a major state highway.

This proposed zoning would result in a historically, high-quality commercial development and provide a retail storage option for the residents in that part of Gwinnett County. Applicant and its representatives welcome the opportunity to meet with Planning and Development staff to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

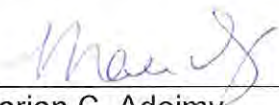
Respectfully submitted this 6<sup>th</sup> day of February, 2014,

ANDERSEN, TATE & CARR, P.C.

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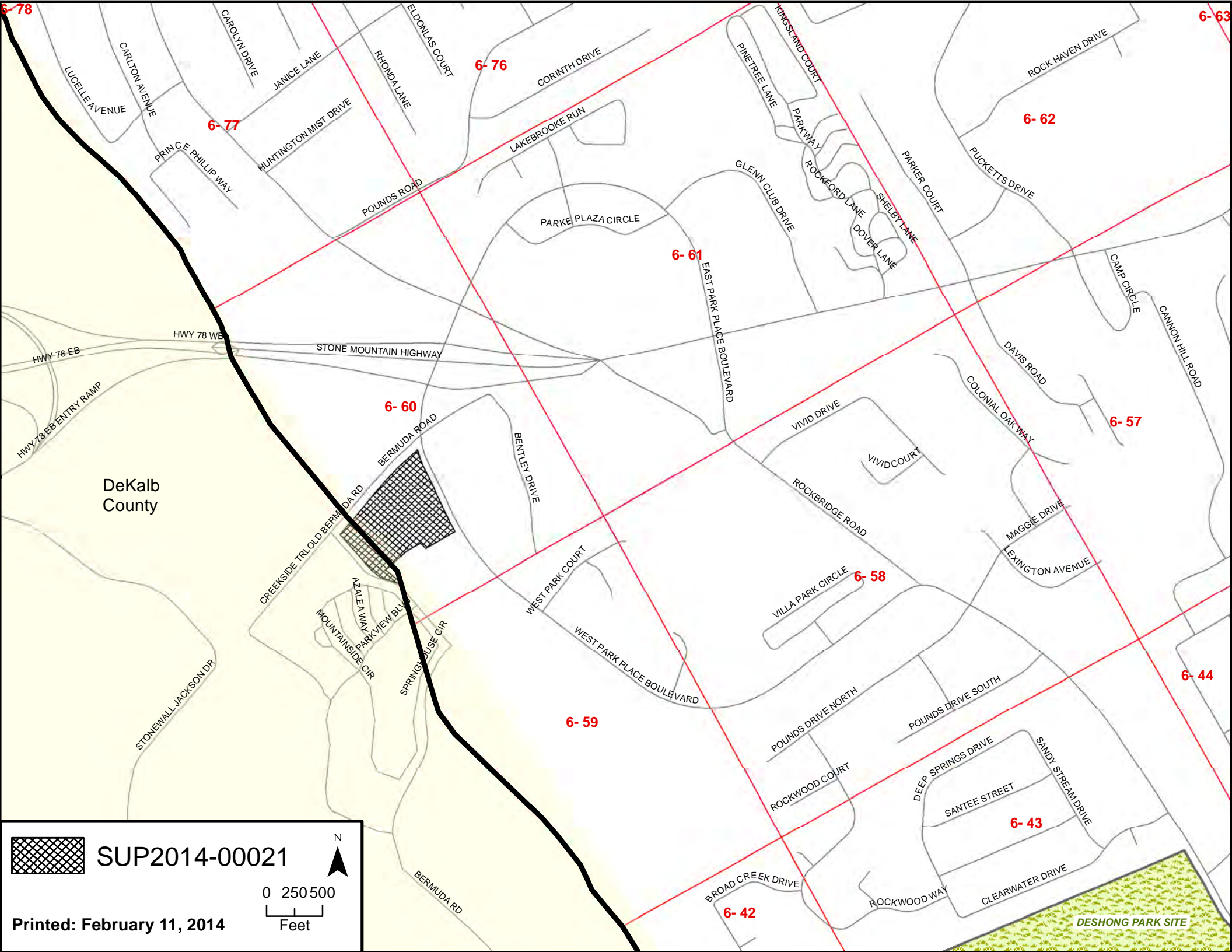
FEB 11 2014

Planning & Development

  
\_\_\_\_\_  
Marian C. Adeimy  
Attorneys for Applicant

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DeKalb County



SUP2014-00021

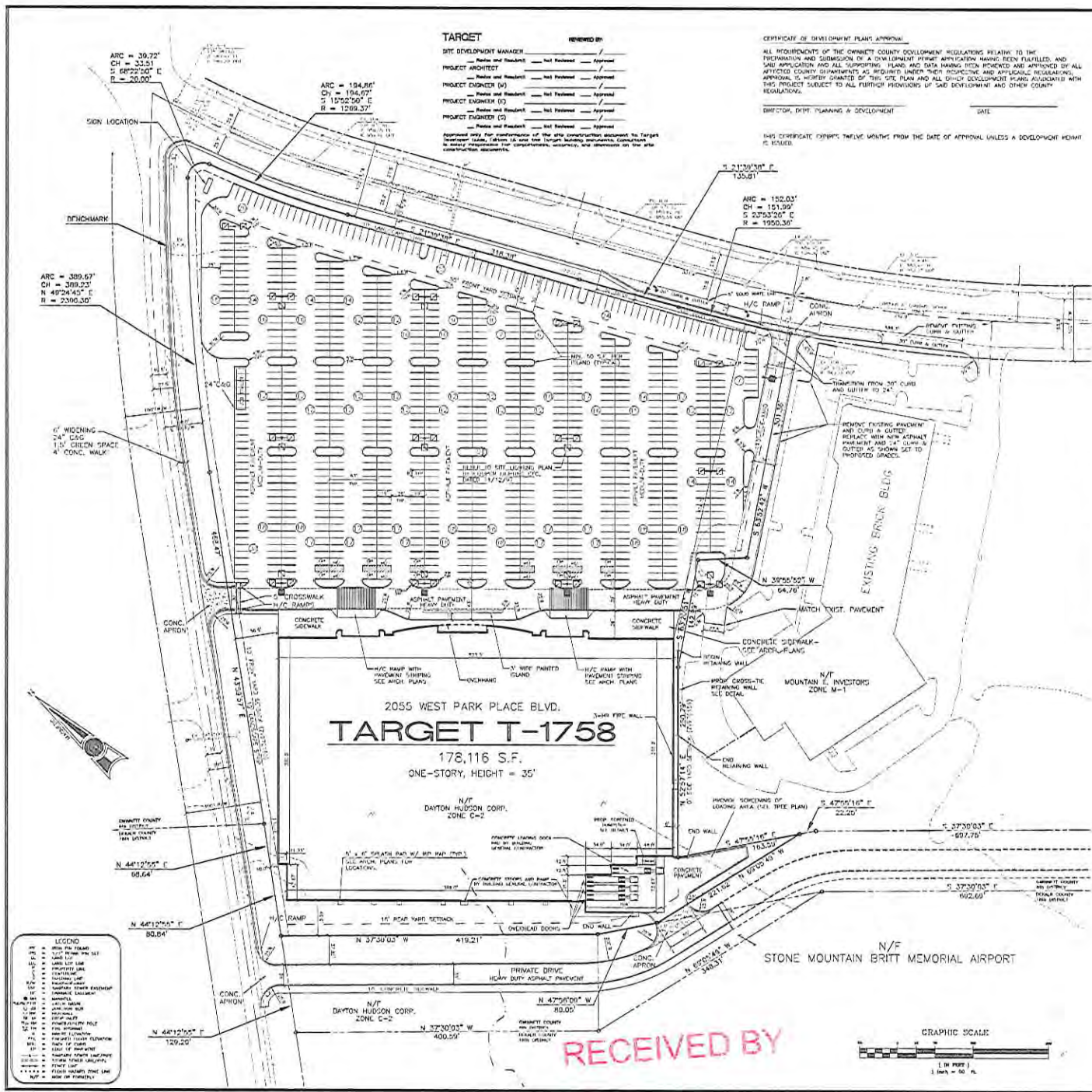


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Printed: February 11, 2014

DESHONG PARK SITE





**TARGET**

REVIEWED BY:

SITE DEVELOPMENT MANAGER	Not Reviewed	Approved
PROJECT ARCHITECT	Not Reviewed	Approved
PROJECT ENGINEER (SE)	Not Reviewed	Approved
PROJECT ENGINEER (E)	Not Reviewed	Approved
PROJECT ENGINEER (C)	Not Reviewed	Approved

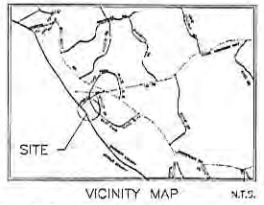
Approved and the development of the site construction according to Target Improvement Plan, Volume I and the Target Building Standards Committee to meet requirements for construction, occupancy and operation on the site construction documents.

**CERTIFICATE OF DEVELOPMENT PLAN APPROVAL**

ALL REQUIREMENTS OF THE COUNTY DEVELOPMENT REGULATIONS RELATIVE TO THE SUBMITTAL AND CONSTRUCTION OF A DEVELOPMENT PLAN APPLICATION HAVING BEEN FILED, AND SAID APPLICATION AND ALL SUPPORTING PLANS AND DATA HAVING BEEN REVIEWED AND APPROVED BY ALL APPLICABLE COUNTY DEPARTMENTS AS REQUIRED UNDER THEIR RESPECTIVE AND APPLICABLE REGULATIONS, APPROVAL IS HEREBY GRANTED OF THIS SITE PLAN AND ALL OTHER DEVELOPMENT PLANS ASSOCIATED WITH THIS PROJECT SUBJECT TO ALL FURTHER PROVISIONS OF SAID DEVELOPMENT AND OTHER COUNTY REGULATIONS.

DIRECTOR, DEPT. PLANNING & DEVELOPMENT: \_\_\_\_\_ DATE: \_\_\_\_\_

THIS CERTIFICATE CONFERS THE USES FROM THE DATE OF APPROVAL UNLESS A DEVELOPMENT PERMIT IS ISSUED.



- GENERAL SITE NOTES**
1. SEE AREA 1758-100.
  2. PROJECT AREA TO BE A 100% GRADED LOT.
  3. EXISTING LOT AREA IS 178,116 S.F.
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  38. EXISTING LOT AREA IS 178,116 S.F.
  39. EXISTING LOT AREA IS 178,116 S.F.
  40. EXISTING LOT AREA IS 178,116 S.F.

**PARKING SUMMARY**

**PARKING REQUIRED:**

5 SP. PER 1000 S.F.  
 (178,116 S.F. / 1000 S.F.) \* 5 SPACES = 891 SPACES

25% REDUCTION APPROVED PER VARIANCE NO. 1758-100-06

**TOTAL PARKING REQUIRED = 873 SPACES**

**PARKING PROVIDED:**

891 SPACES

**HANDICAPPED SPACES REQUIRED:**

2% OF TOTAL PARKING SPACES PROVIDED

2% OF 891 SPACES = 18 SPACES

**HANDICAPPED SPACES PROVIDED:**

18 SPACES (ALL VAN ACCESSIBLE)

**OWNER REPRESENTATIVE**

**TARGET STORES**  
 2055 BROAD CREEK DRIVE  
 STONE MOUNTAIN, GEORGIA 30087  
 CONTACT: MR. STAN BACHMAN  
 PHONE: 770-336-0483

**DEVELOPER**  
 IBAKON BARNHART DEVELOPMENT CO.  
 215 TECHNOLOGY PARKWAY SOUTH  
 SUITE 201  
 NORCROSS, GEORGIA 30092  
 CONTACT: MR. ANDY IBAKON  
 PHONE: 770-417-1788

THIS PROJECT HAS BEEN APPROVED BY THE COUNTY OF DEKALB IN ACCORDANCE WITH THE DEVELOPMENT REGULATIONS OF THE COUNTY OF DEKALB, GEORGIA. THIS CERTIFICATE CONFERS THE USES FROM THE DATE OF APPROVAL UNLESS A DEVELOPMENT PERMIT IS ISSUED.

THIS PROJECT HAS BEEN APPROVED BY THE COUNTY OF DEKALB IN ACCORDANCE WITH THE DEVELOPMENT REGULATIONS OF THE COUNTY OF DEKALB, GEORGIA. THIS CERTIFICATE CONFERS THE USES FROM THE DATE OF APPROVAL UNLESS A DEVELOPMENT PERMIT IS ISSUED.

**REVISIONS**

NO.	DATE	DESCRIPTION
1	02/11/14	ISSUED
2	02/11/14	REVISIONS
3	02/11/14	REVISIONS
4	02/11/14	REVISIONS
5	02/11/14	REVISIONS
6	02/11/14	REVISIONS
7	02/11/14	REVISIONS
8	02/11/14	REVISIONS
9	02/11/14	REVISIONS
10	02/11/14	REVISIONS

**DATE NO. DESCRIPTION**

02/11/14 1 ISSUED

02/11/14 2 REVISIONS

02/11/14 3 REVISIONS

02/11/14 4 REVISIONS

02/11/14 5 REVISIONS

02/11/14 6 REVISIONS

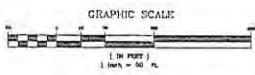
02/11/14 7 REVISIONS

02/11/14 8 REVISIONS

02/11/14 9 REVISIONS

02/11/14 10 REVISIONS

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 Planning & Development



**Precision Planning, Inc.**  
 400 S. 24th Street  
 Stone Mountain, GA 30087  
 (770) 522-2222

**TARGET T-1758**  
**STONE MOUNTAIN, GA**  
 LAND LOT 60, 6TH DISTRICT  
 GWINNETT COUNTY

**SITE PLAN**

**DATE NO. DESCRIPTION**

02/11/14 1 ISSUED

02/11/14 2 REVISIONS

02/11/14 3 REVISIONS

02/11/14 4 REVISIONS

02/11/14 5 REVISIONS

02/11/14 6 REVISIONS

02/11/14 7 REVISIONS

02/11/14 8 REVISIONS

02/11/14 9 REVISIONS

02/11/14 10 REVISIONS

**RELEASE**

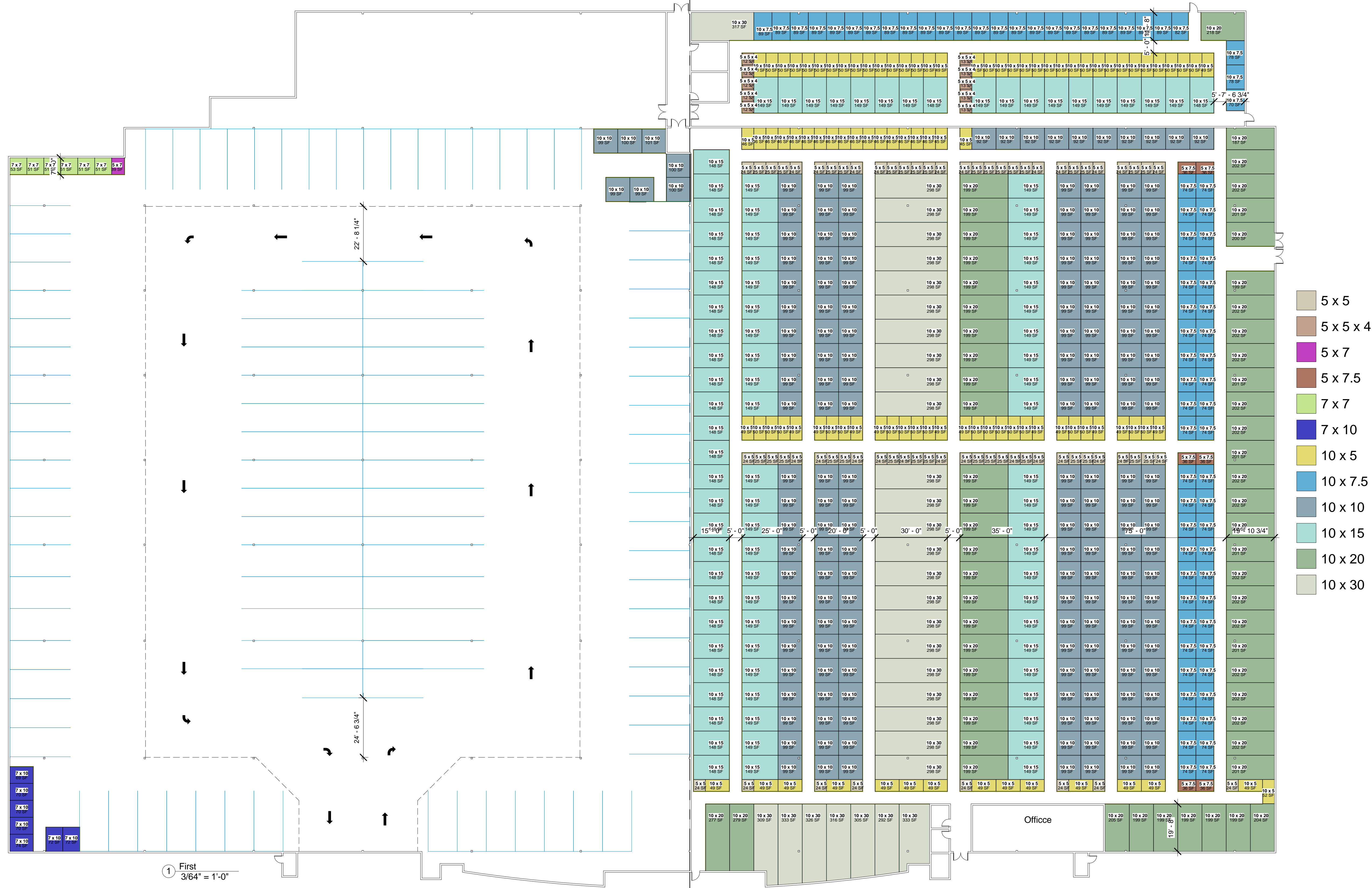
**SHEET**

**C-1**



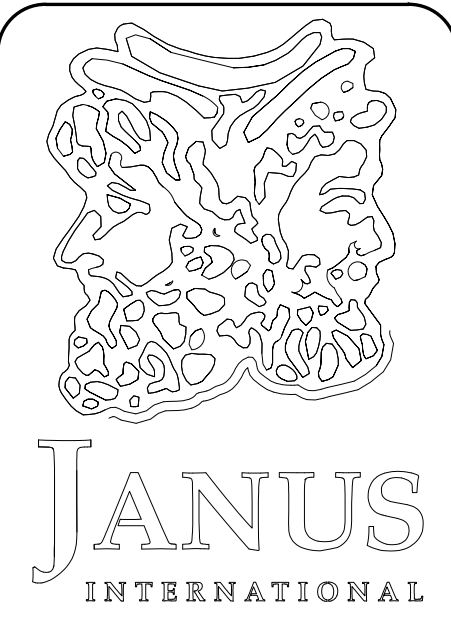
Parking Schedule	
Count	Type
16	11-3' x 25' - 90 deg
12	11-8' x 25' - 90 deg
20	11-8' x 50' - 90 deg
41	12' x 25' - 90 deg
3	13-2' x 25' - 90 deg
6	13-2' x 50' - 90 deg
Grand total: 98	

Parking Unit Mix Schedule			
Count	Name	Rent As	%
1	5 x 7	150	5%
6	7 x 7	900	29%
7	7 x 10	1400	33%
7	10 x 10	700	33%
21		3150	100%



- 5 x 5
- 5 x 5 x 4
- 5 x 7
- 5 x 7.5
- 7 x 7
- 7 x 10
- 10 x 5
- 10 x 7.5
- 10 x 10
- 10 x 15
- 10 x 20
- 10 x 30

1 First  
3/64" = 1'-0"



134 East Luke Road  
Tempe, Georgia 30179  
(866) 562-2580 Toll-Free  
(770) 562-0686  
www.janusintl.com

**NOTE TO CLIENT, CUSTOMER or OWNER**  
THIS PRELIMINARY UNIT MIX LAYOUT MAY NOT MEET SOME LOCAL OR NATIONAL BUILDING CODES. IT IS THE CUSTOMER'S RESPONSIBILITY TO HAVE THE LAYOUT CHECKED BY A LICENSED ARCHITECT/ENGINEER TO VERIFY THAT IT MEETS ALL LOCAL CODES. INCLUDING BUSINESS UNIT SIZES ARE NOMINAL AND ACTUAL DIMENSIONS MAY VARY DEPENDING ON BUILDING DIMENSIONS AND OBSTRUCTIONS.

Drawn For Childress Klein  
**Proposed Self Storage**  
 Stone Mountain, GA

Project #
17807

Rev #	Date
1	03.11.14

Drawn On 09.12.13  
 Drawn By B. Johnson  
 Checked By M. Hodges

**J101**  
 First Floor



DeKalb  
County

BERMUDA ROAD

WEST PARK PLACE BOULEVARD

BENTLEY DRIVE



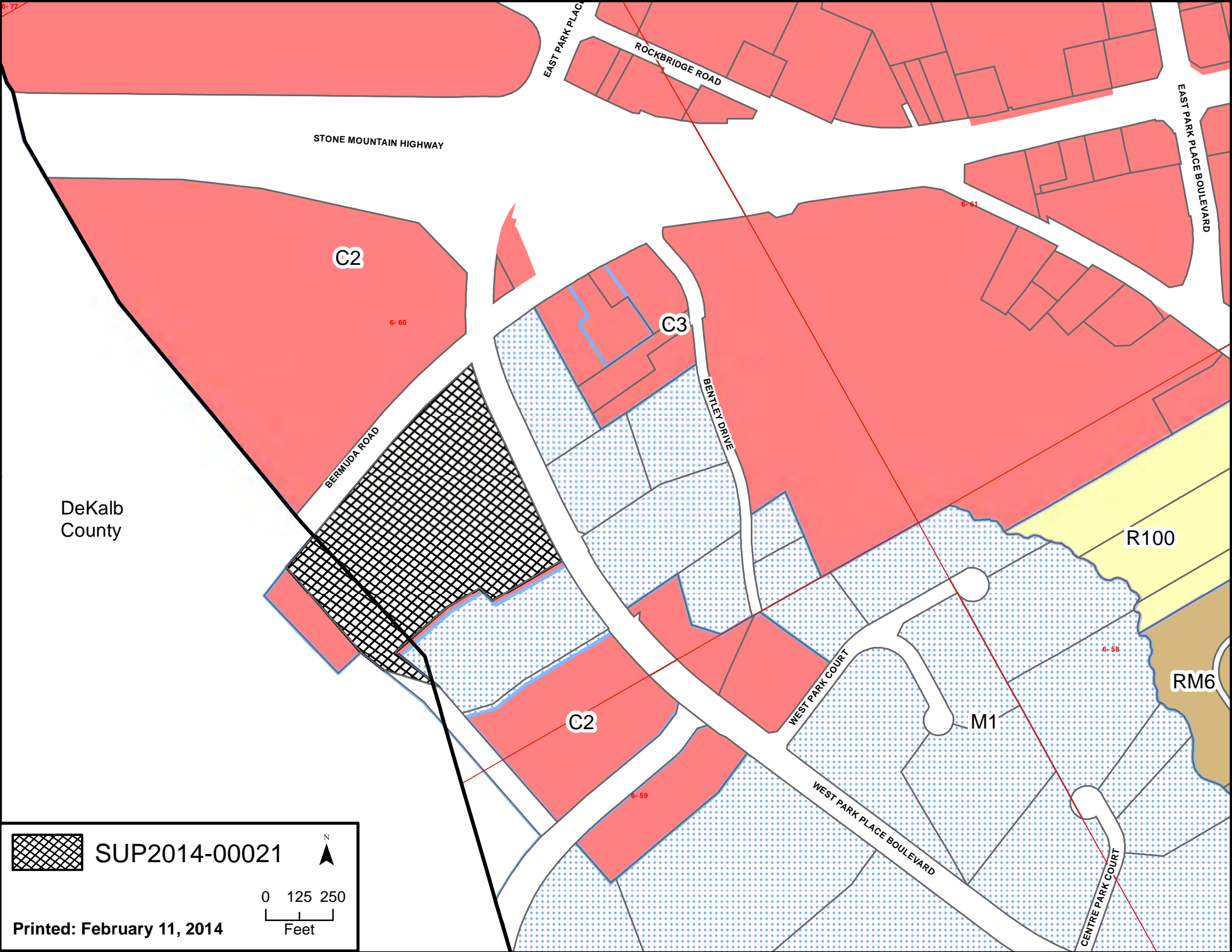
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0 50 100  
Feet

Printed: February 11, 2014





DeKalb County

STONE MOUNTAIN HIGHWAY

EAST PARK PLAC

ROCKBRIDGE ROAD

EAST PARK PLACE BOULEVARD

C2

6-60

C3

BENTLEY DRIVE

6-61

BERMUDA ROAD

R100

RM6

C2

6-59


WEST PARK COURT

M1

6-58

WEST PARK PLACE BOULEVARD

CENTRE PARK COURT

 SUP2014-00021



0 125 250  
Feet

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