

DRAFT PRELIMINARY AGENDA - SUBJECT TO CHANGE

CASES SCHEDULED FOR PUBLIC HEARINGS – SEPTEMBER 2016

Attached are site plans, locations maps, and letters of intent for Rezoning and Special Use Permit applications pending action by the Gwinnett County Board of Commissioners and the Gwinnett County Planning Commission

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

CASE NUMBER :**RZC2016-00008**  
ZONING CHANGE :R-100 TO O-1  
LOCATION :1600 BLOCK OF CHANDLER ROAD  
:1400 BLOCK OF BOWMAN ROAD  
MAP NUMBER :R5184 021  
ACREAGE :61.05 ACRES  
SQUARE FEET :60,000 SQUARE FEET  
PROPOSED DEVELOPMENT :RESIDENTIAL REHABILITATION CENTER  
COMMISSION DISTRICT :(3) HUNTER

CASE NUMBER :**SUP2016-00019**  
ZONING :O-1 (PROPOSED)  
LOCATION :1600 BLOCK OF CHANDLER ROAD  
:1400 BLOCK OF BOWMAN ROAD  
MAP NUMBER :R5184 021  
ACREAGE :61.05 ACRES  
SQUARE FEET :60,000 SQUARE FEET  
PROPOSED DEVELOPMENT :RESIDENTIAL REHABILITATION CENTER  
COMMISSION DISTRICT :(3) HUNTER

**FUTURE DEVELOPMENT MAP:**

**APPLICANT: FRESH START FOUNDATION**  
P. O. BOX 2653  
LOGANVILLE, GA 30052

**CONTACT: CHAD MILLSAPS** PHONE: 770.318.1864

**OWNER: R.A. SHARPTON ESTATE**  
1680 CHANDLER ROAD  
LAWRENCEVILLE, GA 30046

**DEPARTMENT RECOMMENDATION:**

**PROJECT DATA:**  
**ZONING HISTORY:**  
**GROUNDWATER RECHARGE AREA:**  
**WETLANDS INVENTORY:**  
**DEVELOPMENT REVIEW SECTION COMMENTS:**  
**STORMWATER REVIEW SECTION COMMENTS:**  
**GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:**  
**GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:**  
**GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:**  
**BUILDING CONSTRUCTION SECTION COMMENTS:**  
**GWINNETT COUNTY FIRE SERVICES COMMENTS:**

Letter of Intent  
For Treatment Facility Special Use Permit and Rezoning of Property  
1680 Chandler Road, Lawrenceville, GA

The Applicant, Fresh Start Foundations, submits this request for a Special Use Permit for a Treatment and Rehabilitation Center on approximately 61 acres at 1680 Chandler Road, Lawrenceville, Georgia. The property is currently zoned as R-100 and this letter of intent is to request rezoning of O-1 the Special Use Permit.

The proposed Treatment Facility would be targeted at providing counseling, therapy and a supportive, alcohol and drug-free environment in a community setting for individuals in a substance addiction recovery program.

Conclusion

The property is an appropriate location for the proposed Treatment Facility and would have little to no impact on any surrounding properties or to the citizens in nearby or surrounding areas. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or address any concerns. Applicant respectfully requests your approval of this application.

This 28 day of December, 2015.

Respectfully Submitted,  
Fresh Start Foundations



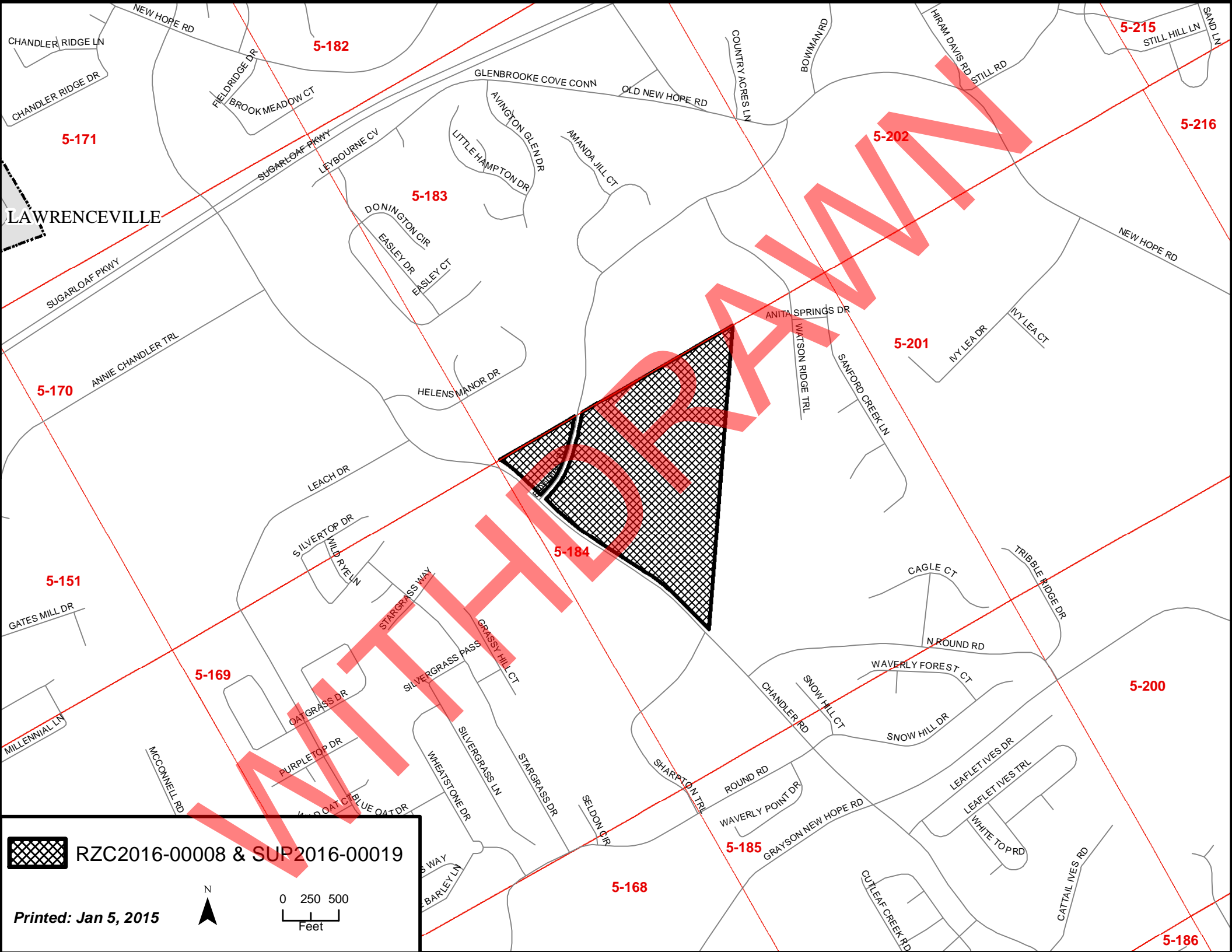
Chad Millsaps  
Executive Director, Fresh Start Foundations


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Planning & Development

RZC '16 008



 RZC2016-00008 & SUP2016-00019




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Printed: Jan 5, 2015

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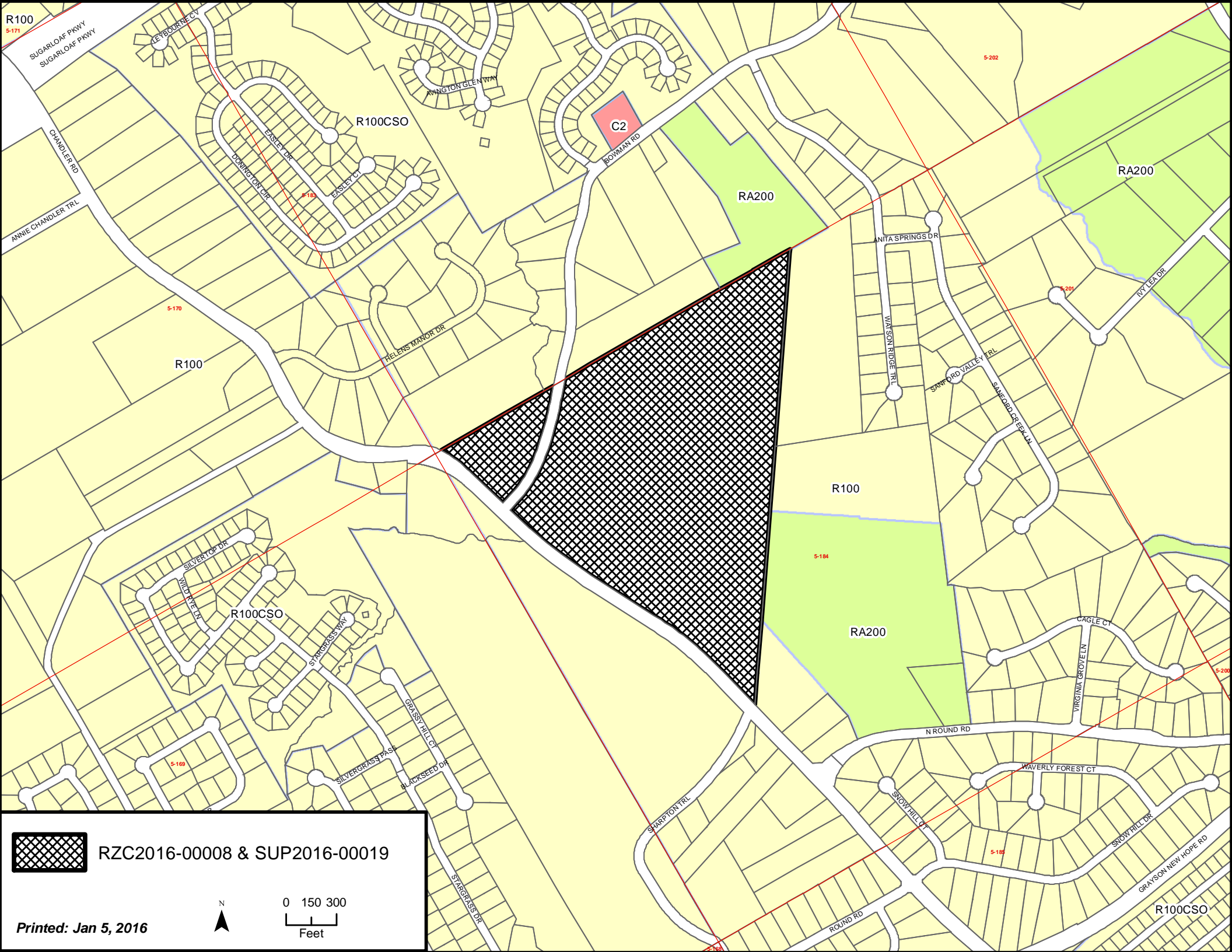


 RZC2016-00008 & SUP2016-00019

Printed: Jan 5, 2015

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Feet



R100  
5-171

SUGARLOAF PKWY  
SUGARLOAF PKWY

CHANDLER RD  
ANNIE CHANDLER TRL

5-170

R100

SILVERTOP DR  
WILD OVE LN

R100CSO

5-100

STARGRASS WY  
GRASSY HILL CT  
SILVERGRASS PASS  
BLACKSEED DR

STARGRASS DR

WINGTON GLEN WY

R100CSO

LEBOURNE CV

DORNINGTON DR  
EASLEY DR  
EASLEY CV

5-168

C2

BOYMAN RD

RA200

5-202

ANITA SPRINGS DR

WATSON RIDGE TRL

SNYFORD VALLEY TRL  
SHEPHERD CREEK LN

5-201

RA200

IVY LEA DR

R100

5-184

RA200

CAGLE CT

VIRGINIA GROVELN

5-200

N ROUND RD

WAVERLY FOREST CT

5-185

SHARPTON TRL

SNOW HILL CT

ROUND RD

SNOW HILL DR

GRAYSON NEW HOPE RD

R100CSO



RZC2016-00008 & SUP2016-00019



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Printed: Jan 5, 2016

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

CASE NUMBER :**RZC2016-00017**  
ZONING CHANGE :RA-200 TO C-2  
LOCATION :2800 BLOCK OF GRAVEL SPRINGS ROAD  
MAP NUMBER :R7143 010  
ACREAGE :7.0 ACRES  
SQUARE FEET :150,000 SQUARE FEET  
PROPOSED DEVELOPMENT :PERSONAL CARE HOME (CONGREGATE)  
COMMISSION DISTRICT :(4) HEARD

CASE NUMBER :**RZR2016-00018**  
ZONING CHANGE :RA-200 TO R-60  
LOCATION :2300 BLOCK OF BROWN ROAD  
:2800 BLOCK OF GRAVEL SPRINGS ROAD  
MAP NUMBER :R7143 010  
ACREAGE :76.12 ACRES  
UNITS :118 UNITS  
PROPOSED DEVELOPMENT :SINGLE FAMILY SUBDIVISION  
COMMISSION DISTRICT :(4) HEARD

**FUTURE DEVELOPMENT MAP:**

APPLICANT: SATILLA CAPITAL PARTNERS  
C/O ANDERSON, TATE, & CARR, PC  
1960 SATELLITE BOULEVARD, SUITE 400  
DULUTH, GA 30097

CONTACT: MARIAN ADEIMY PHONE: 678.518.6855

OWNER: ACM SATILLA LN V, LLC  
1718 PEACHTREE STREET, NW  
SUITE 276  
ATLANTA, GA 30318

**DEPARTMENT RECOMMENDATION:**

PROJECT DATA:  
ZONING HISTORY:  
GROUNDWATER RECHARGE AREA:  
WETLANDS INVENTORY:  
OPEN SPACE AND GREENWAY MASTER PLAN:  
DEVELOPMENT REVIEW SECTION COMMENTS:  
STORMWATER REVIEW SECTION COMMENTS:  
GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:



GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS  
GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:  
BUILDING CONSTRUCTION SECTION COMMENTS:  
GWINNETT COUNTY FIRE SERVICES COMMENTS:  
DEPARTMENT ANALYSIS:

# ANDERSEN | TATE | CARR

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Marian C. Adeimy  
Direct Phone: (678) 518-6855

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

June 30, 2016

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

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

**RE: Letter of Intent in Support of Rezoning for Satilla Capital Partners (the "Applicant") and ACM Satilla LN V, LLC (the "Property Owner") for the property located at: Parcel ID No. R7143-010, R7143 034, R7136-010 and R6127 063, located near the corner of Brown Rd. and Gravel Springs Rd., also known as 2368 Brown Rd. (the "Subject Property")**

Dear Ms. Holland and Planning Department:

On behalf of the Applicant and Property Owner, Andersen, Tate & Carr, PC and Marian C. Adeimy, Esq., hereby submit this Letter in Support of the related Applications for Rezoning. The Applicant hereby submits three applications for rezoning the Subject Property from RA-200 to R-60, R-TH, and C-2 (for a senior retirement or personal congregate care). The Applicant and Property Owner are working closing with carefully selected builders in order to create three consistent, quality residential and senior-targeted developments.

## **I. Background**

The Applicant seeks to create quality, residential and senior developments, consistent with the existing communities in the area. The Subject Property is zoned RA-200 as part of the remaining rural zoning district that once encompassed much of the Mall of Georgia and Gravel Springs property. In the last twenty (20) years, the area has seen commercial and residential growth around the Mall and along the I-85 corridor. Nearby property is also similarly zoned for more intense commercial, multi-family, R-ZT and R-60 uses.

Much of the Subject Property is surrounded by and lies immediately adjacent to I-85, Highway 324 and the future Sugarloaf Parkway extension. In 2020, a new interchange with I-85 will be completed at Highway 324/Gravel Springs Road which will allow for increased accessibility. Accordingly, the Subject Property will provide

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RZC '16017

appropriate, transitional senior and residential uses, while having access to major highways.

The proposed combination of uses for these three separate developments will result in an area where seniors can age in place, while remaining in close proximity to the Mall, I-85, hospitals, and nearby activity centers.

## **II. Requests for Rezoning**

The proposed development will include single-family, townhomes, senior-targeted homes, and senior retirement or personal congregate care. The three developments include over 58 acres of natural open space, approximately 50% of the overall property.

The C-2, senior retirement or personal congregate care development will be a maximum of three (3) stories with approximately 125 units, and is intended to support seniors who are seeking to downsize and simplify their lifestyle, for those who wish to live near family members, and may also include nursing and memory care.

Single-family homes are expected to be a minimum of 2,000 square feet with senior-targeted floor-plans and options. Townhomes will be 22 to 26 ft. wide, with a minimum of 1,500 sq.

Over 50% of the overall property will remain and be preserved as natural, open space for future trail and park options. In addition, the single-family and townhome communities will include a pool, cabana and tennis courts as amenities. All residential homes and townhomes will have a two-car garage, and will be built with quality materials with mixed-architectural elevations. A master association and covenants will be formed to govern and enforce covenants, and to maintain all common areas, landscaping, and amenities.

The proposed zoning and site plan is entirely consistent with similarly developed, residential communities in the immediate area, many of which are zoned C-2, RM-10, R-TH, R-60 or RZT. As outlined in the 2030 Unified Plan and Future Development Map, the Subject Property and surrounding areas are designated as *Existing/Emerging Suburban and Regional Mixed Use*, consistently found to be appropriate for senior and residential communities. Quality homes and senior development will help raise property values and support the nearby commercial development. Finally, with the addition of the new interchange at I-85, substantial commercial development is expected to occur on properties that neighbor the Subject Property.

Given their proximity and location to I-85, the proposed uses are less intense than the multi-family, commercial and industrial uses which are nearby and arguably appropriate for this Property. Additionally, the proposed developments will result in a

quality mixture of uses, while providing an appropriate transitional zoning and buffer between I-85, the future Sugarloaf Parkway extension, and nearby residential uses. Finally, the site was designed in order to work with the existing land, open space and topography, while and minimizing any potential impact on neighboring properties.

### **III. Constitutional Objections**

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or condition the Subject Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are and would be unconstitutional in that they would destroy the Applicant's and Property Owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO, as applied to the Subject Property, which restricts its use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Property Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant and Property Owner any economically viable use of the Property while not substantially advancing legitimate state interests.

The Subject Property is presently suitable for development subject only to the approval of the requested rezoning, as requested and amended by the Applicant, and is not economically suitable for development under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and/or variances would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

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

Amendment to the Constitution.

Any zoning designation, condition, or variance related to the Subject Property subject to conditions which are different from the requested variances and conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Property Owner's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

#### **IV. Conclusion**

The Applicant respectfully requests that the Gwinnett County Board of Commissioners, Planning Commission and Planning staff recommend and approve the Applicant's rezoning request, with conditions agreeable to the Applicant, in order to allow for a viable, quality and economic use.

The Applicant and its representatives welcome the opportunity to meet with the Gwinnett County Board of Commissioners, Planning Commissioners, community members, and staff to answer any questions.

Respectfully submitted this 30<sup>th</sup> day of June, 2016.

**ANDERSEN, TATE & CARR, PC**



Marian C. Adeimy  
*Attorney for Applicant/Property Owner*

*Enclosures:*  
Rezoning Application and exhibits  
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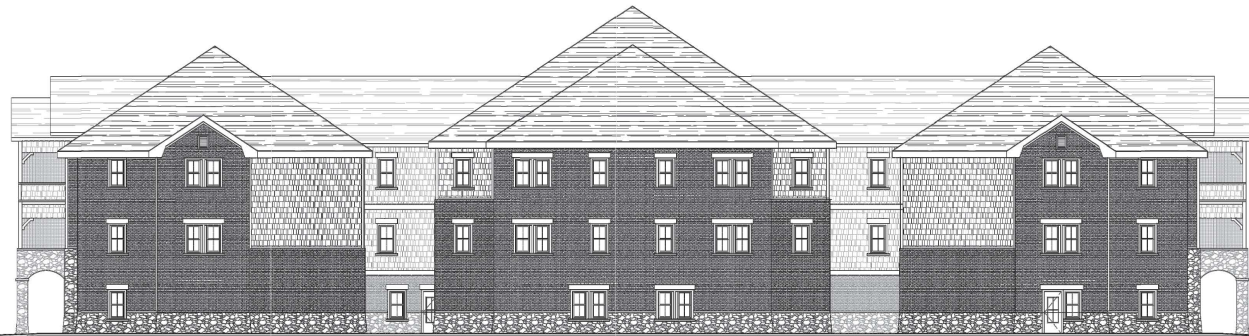
JUN 30 2016

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**North Building Elevation**



**East Building Elevation**



**South Building Elevation**

Scale: 3/32" = 1'-0"  
10' 0 5 10 20'





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RZR '16018



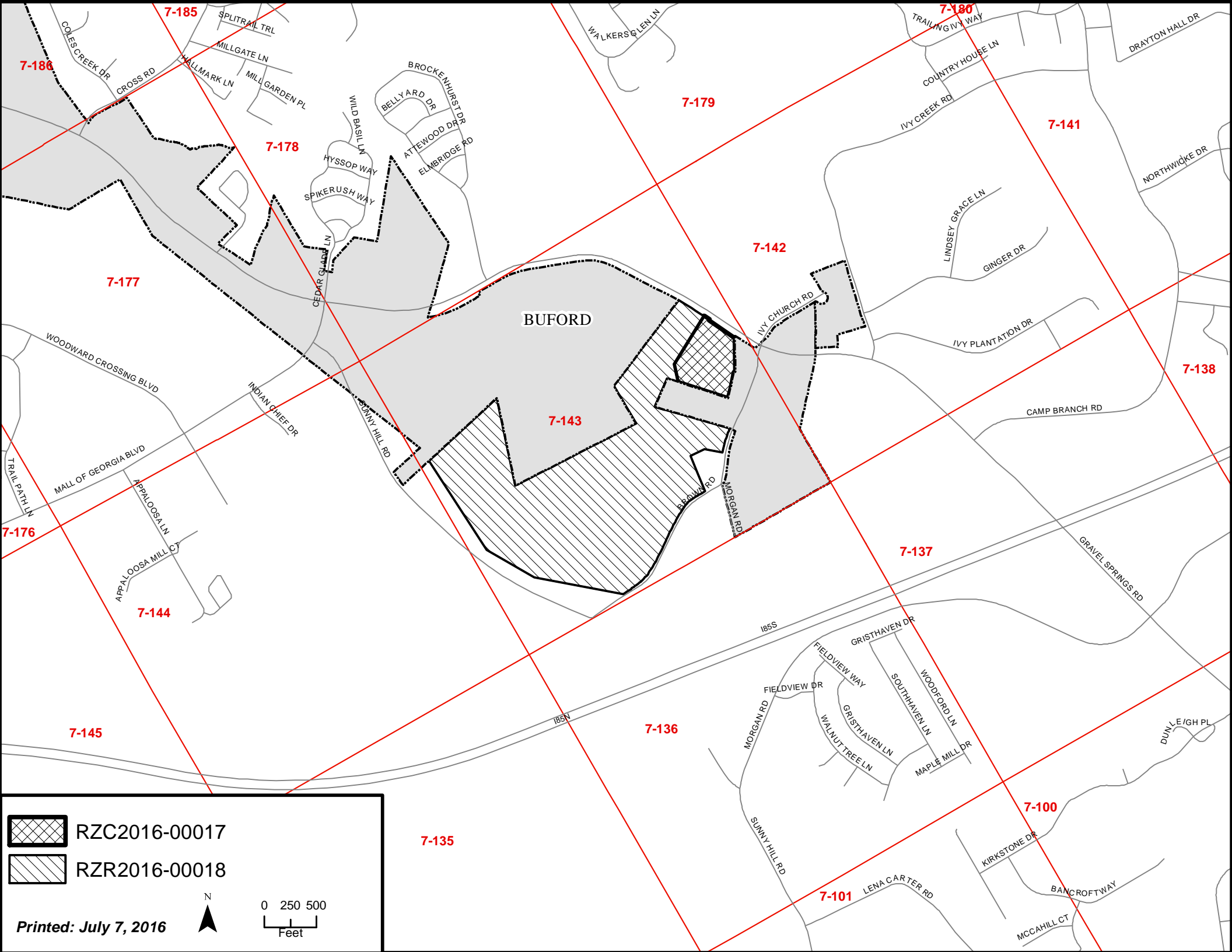


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-  RZR2016-00018



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Printed: July 7, 2016

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Assisted Living	
Existing Zoning	RA200
Proposed Zoning	C-2
Total Area	7.0 acres
Building Footprint	50,000 sq. ft.
Max. Density	125 units
Proposed Parking	50 spaces
Building Setbacks	
Front	15 ft
Side	10 ft
Rear	30 ft
Max. Building Height	45 ft/3 stories

**OWNER**  
 ACM SATILLA LN V, LLC  
 1720 Peachtree St., NW Suite 405  
 Atlanta, GA 30309  
 c/o Macallan Real Estate  
 Heath Milligan  
 404-647-4999  
[health@macallanre.com](mailto:health@macallanre.com)



**Rochester & Associates, Inc.**  
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REVISION PLAN  
 GRAVEL SPRINGS ROAD TRACT  
 7.1 ACRE TRACT  
 JUNE 30, 2016  
 GWINNETT COUNTY, GEORGIA

NO.	DATE	DESCRIPTION

THIS PLAN IS THE PROPERTY OF THE ENGINEER AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

SHEET  
 DATE  
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GRAVEL SPRINGS RD


GRAVEL SPRINGS RD


GRAVEL SPRINGS RD

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SUNNYSIDE DR

SUNNYSIDE DR

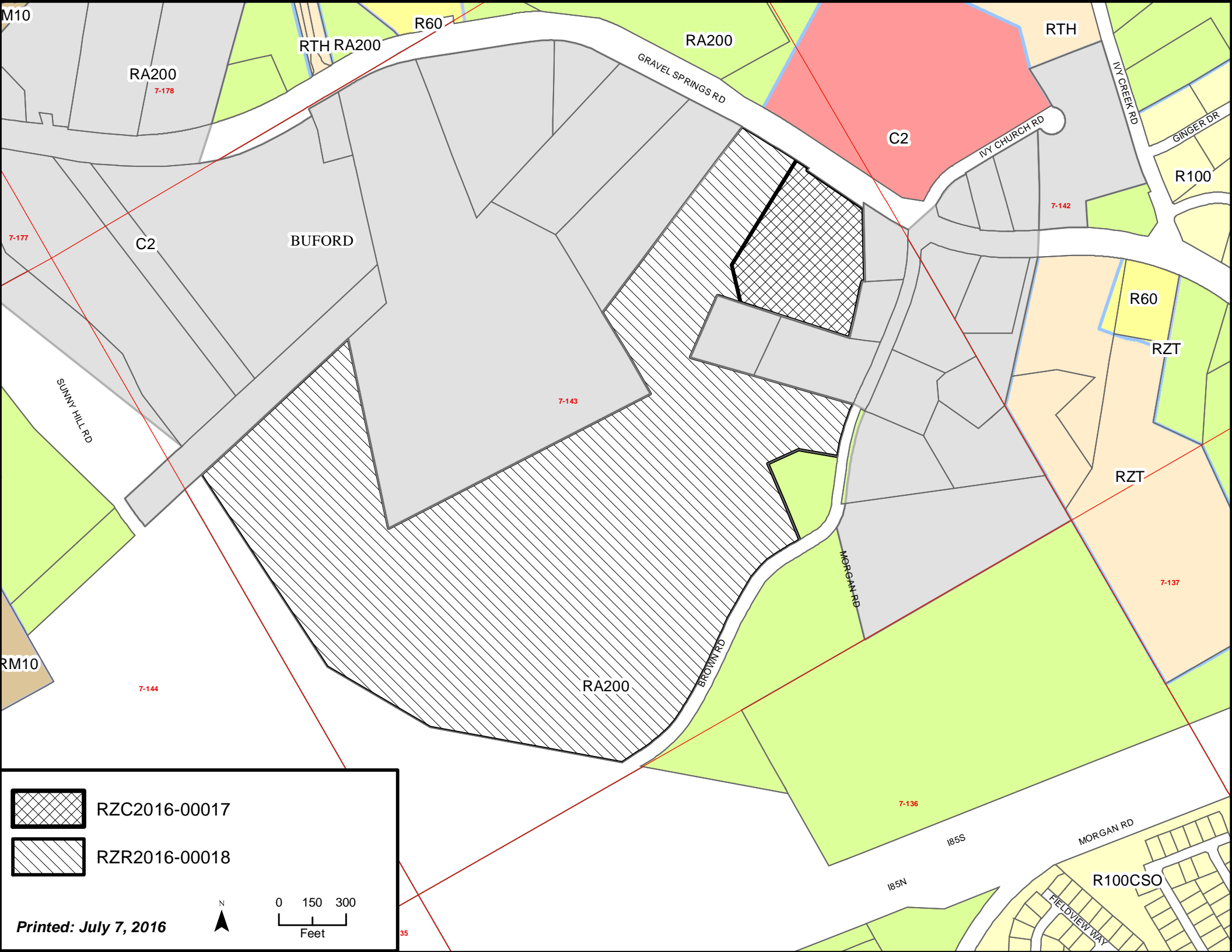
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Printed: July 6, 2016

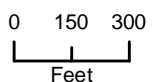
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1" = 250 Feet



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-  RZR2016-00018

Printed: July 7, 2016



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

CASE NUMBER :**RZM2016-00004**  
ZONING CHANGE :RA200 TO R-TH  
LOCATION :2700 BLOCK OF BROWN ROAD  
MAP NUMBER :R7136 010  
ACREAGE :35.29 ACRES  
UNITS :190 UNITS  
PROPOSED DEVELOPMENT :TOWNHOMES  
COMMISSION DISTRICT :(4) HEARD

**FUTURE DEVELOPMENT MAP:**

APPLICANT: SATILLA CAPITAL PARTNERS  
C/O ANDERSON, TATE, & CARR, PC  
1960 SATELLITE BOULEVARD, SUITE 400  
DULUTH, GA 30097

CONTACT: MARIAN ADEIMY                      PHONE: 678.518.6855

OWNER: ACM SATILLA LN V, LLC  
1718 PEACHTREE STREET, NW  
SUITE 276  
ATLANTA, GA 30318

**DEPARTMENT RECOMMENDATION:**

PROJECT DATA:  
ZONING HISTORY:  
GROUNDWATER RECHARGE AREA:  
WETLANDS INVENTORY:  
OPEN SPACE AND GREENWAY MASTER PLAN:  
DEVELOPMENT REVIEW SECTION COMMENTS:  
STORMWATER REVIEW SECTION COMMENTS:  
GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:  
GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS  
GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:  
BUILDING CONSTRUCTION SECTION COMMENTS:  
GWINNETT COUNTY FIRE SERVICES COMMENTS:  
DEPARTMENT ANALYSIS:

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Marian C. Adeimy  
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July 1, 2016

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

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

**RE: Letter of Intent in Support of Rezoning for Satilla Capital Partners (the "Applicant") and ACM Satilla LN V, LLC (the "Property Owner") for the property located near the corner of Brown Rd. and Gravel Springs Rd. (the "Subject Property")**

Dear Ms. Holland and Planning Department:

On behalf of the Applicant and Property Owner, Andersen, Tate & Carr, PC and Marian C. Adeimy, Esq., hereby submit this Letter in Support of the related Applications for Rezoning. The Applicant hereby submits three applications for rezoning the Subject Property from RA-200 to R-TH, to allow for 190 quality professional and senior-targeted townhomes.

### **I. Background**

The Applicant seeks to create quality, residential development consistent with the existing communities in the area. The Subject Property is zoned RA-200 as part of the remaining rural zoning district that once encompassed much of the Mall of Georgia and Gravel Springs property. In the last twenty (20) years, the area has seen commercial and residential growth around the Mall and along the I-85 corridor. Nearby property is also similarly zoned for more intense commercial, multi-family, R-ZT and R-60 uses.

Much of the Subject Property is surrounded by and lies immediately adjacent to I-85, Highway 324 and the future Sugarloaf Parkway extension. In 2020, a new interchange with I-85 will be completed at Highway 324/Gravel Springs Road which will allow for increased accessibility. Accordingly, the Subject Property will provide appropriate, transitional senior and residential uses, while having access to major highways.

The proposed combination of uses for these three separate developments will result in an area where seniors can age in place, while remaining in close proximity to the Mall, I-85, hospitals, and nearby activity centers.

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## **II. Rezoning**

The proposed development will include 190 townhomes, with amenities and open space to account for approximately 50% of the overall property. Townhomes are expected to be 22 to 26 ft. wide, with a minimum of 1,500 sq. ft. All residential homes will have a two-car garage, and will be built with quality materials with alternating architectural elevations.

A large portion of the overall property will remain and be preserved as natural, open space for future trail and park options. In addition, the single-family and townhome communities will include a pool, cabana and tennis courts as amenities. A master association and covenants will be formed to govern and enforce covenants, and to maintain all common areas, landscaping, and amenities.

The proposed zoning and site plan is entirely consistent with similarly, developed, residential communities in the immediate area, many of which are zoned C-2, RM-10, R-TH, R-60 or RZT. As outlined in the 2030 Unified Plan and Future Development Map, the Subject Property and surrounding areas are designated as *Existing/Emerging Suburban and Regional Mixed Use*, consistently found to be appropriate for senior and residential communities. Quality homes and senior development will help raise property values and support the nearby commercial development. Finally, with the addition of the new interchange at I-85, substantial commercial development is expected to occur on properties that neighbor the Subject Property.

Given their proximity and location to I-85, the proposed uses are less intense than the multi-family, commercial and industrial uses which are nearby and arguably appropriate for this Property. Additionally, the proposed development will result in a quality mixture of uses, while providing an appropriate transitional zoning and buffer between I-85, the future Sugarloaf Parkway extension, and nearby residential uses. Finally, the site was designed in order to work with the existing land, open space and topography, while and minimizing any potential impact on neighboring properties.

## **III. Constitutional Objections**

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or condition the Subject Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are and would be unconstitutional in that they would destroy the Applicant's and Property Owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

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The application of the UDO, as applied to the Subject Property, which restricts its use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Property Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant and Property Owner any economically viable use of the Property while not substantially advancing legitimate state interests.

The Subject Property is presently suitable for development subject only to the approval of the requested rezoning, as requested and amended by the Applicant, and is not economically suitable for development under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and/or variances would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

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

Any zoning designation, condition, or variance related to the Subject Property subject to conditions which are different from the requested variances and conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Property Owner's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

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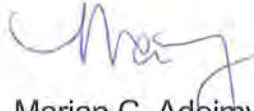
#### **IV. Conclusion**

The Applicant respectfully requests that the Gwinnett County Board of Commissioners, Planning Commission and Planning staff recommend and approve the Applicant's rezoning request, with conditions agreeable to the Applicant, in order to allow for a viable, quality and economic use.

The Applicant and its representatives welcome the opportunity to meet with the Gwinnett County Board of Commissioners, Planning Commissioners, community members, and staff to answer any questions.

Respectfully submitted this 1<sup>st</sup> day of July, 2016.

**ANDERSEN, TATE & CARR, PC**



Marian C. Adeimy  
*Attorney for Applicant/Property Owner*

*Enclosures:*  
Rezoning Application and exhibits

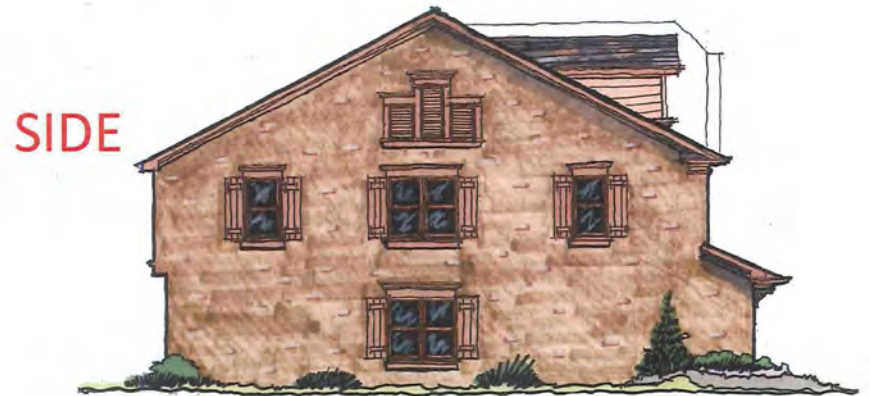
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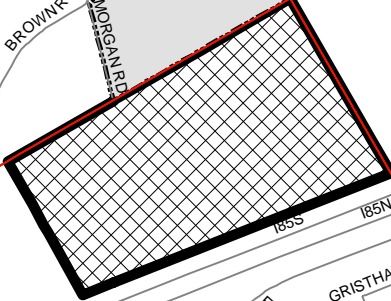
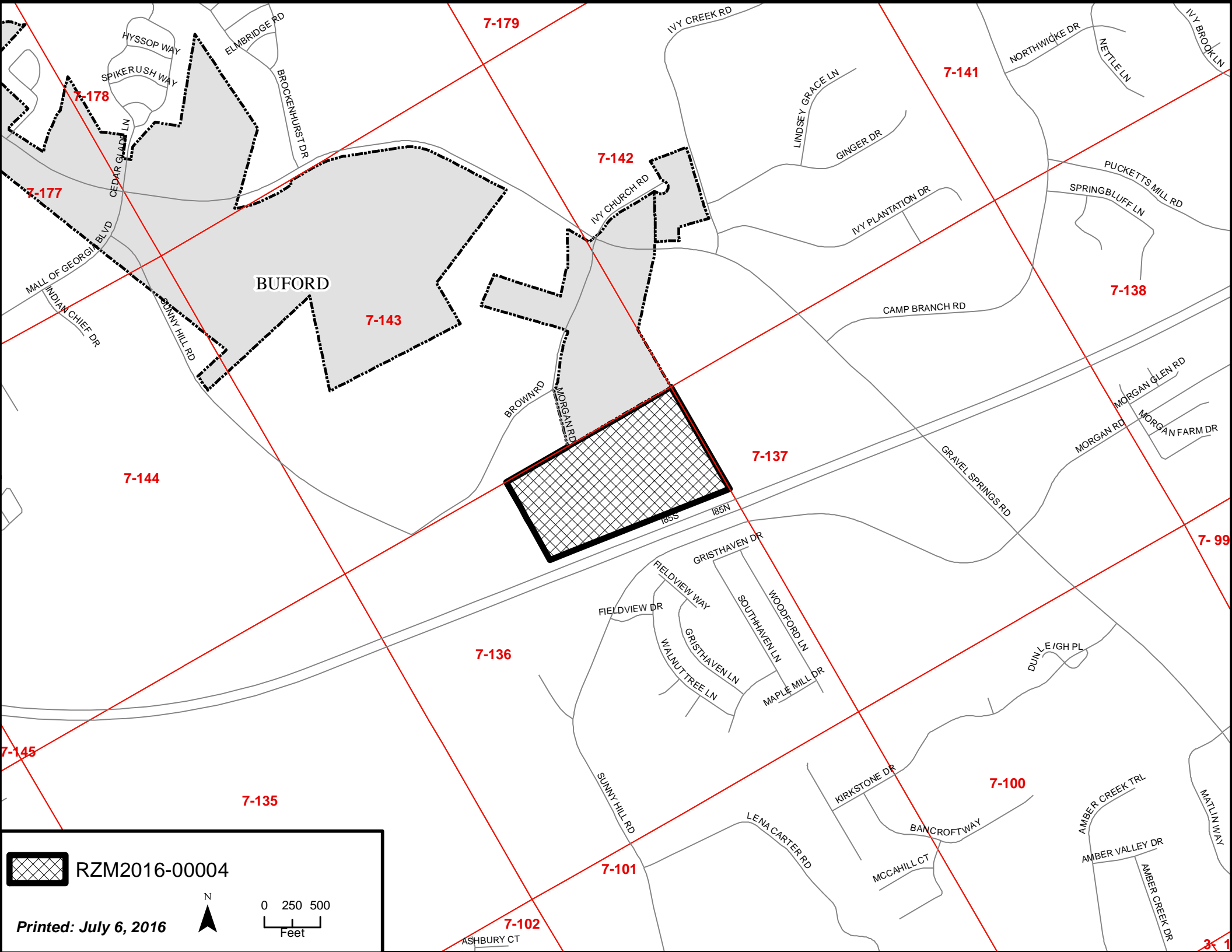
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Planning & Development

RZM '16004





 RZM2016-00004



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Feet

Printed: July 6, 2016

ASHBURY CT





BROWN RD

MORGAN RD

155S

MORGAN RD

GRISTHAVEN DR

WOODFORD LN

SOUTHAVEN LN

FIELDVIEW WAY

WALNUT TREE LN



RZM2016-00004



N

02550



Feet

Printed: July 6, 2016

C2

GRAVEL SPRINGS RD

7-142

BUFORD

RZT

7-143

MORGAN RD

BROWN RD

7-137

RA200

I85N

I85S

MORGAN RD

7-136

GRISTHAVEN DR

FIELDVIEW WAY

R100CSO

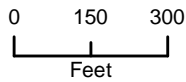
SOUTHAVEN LN

WOODFORD LN

WALNUT TREE LN



RZM2016-00004



Printed: July 7, 2016



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

CASE NUMBER :**RZR2016-00017**  
ZONING CHANGE :RA200 TO R-100  
LOCATION :900 BLOCK OF AUBURN ROAD  
MAP NUMBER :R2001 019  
ACREAGE :3.67 ACRES  
UNITS :7 UNITS  
PROPOSED DEVELOPMENT :SINGLE FAMILY SUBDIVISION  
COMMISSION DISTRICT :(3) HUNTER

**FUTURE DEVELOPMENT MAP:**

APPLICANT: RINGO ABERNATHY, INC.  
174 DACULA ROAD  
DACULA, GA 30019

CONTACT: GUY ABERNATHY                      PHONE: 770.231.9013

OWNER: DANIEL N. MADREA  
951 AUBURN ROAD  
DACULA, GA 30019

**DEPARTMENT RECOMMENDATION:**

**PROJECT DATA:**

ZONING HISTORY:

GROUNDWATER RECHARGE AREA:

WETLANDS INVENTORY:

OPEN SPACE AND GREENWAY MASTER PLAN:

DEVELOPMENT REVIEW SECTION COMMENTS:

STORMWATER REVIEW SECTION COMMENTS:

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

BUILDING CONSTRUCTION SECTION COMMENTS:

GWINNETT COUNTY FIRE SERVICES COMMENTS:

DEPARTMENT ANALYSIS:

**RINGO/ABERNATHY & ASSOCIATES**

June 28, 2016

Gwinnett County Planning and Development Department  
75 Langley Drive  
Lawrenceville, GA 30045

Attn: Jeff West

RE: Rezoning Request -  
951 Auburn Road  
Property Owner: Daniel Medrea  
Parcel: 2-001-019

To Whom it May Concern;

Our Client, Mr. Medrea, is seeking to rezone his property from RA-200 to R-100.

Property Info:

The subject property is 3.67 acres zoned RA-200, located on the southern side of S.R. 324, A.K.A. Auburn Road, in northeastern Gwinnett County (Auburn area). The property is surrounded mostly by subdivisions having a R-100 Modified zoning, and one parcel on the northwest side having a RA-200 zoning.

Project Info

The owner of the property, Mr. Medrea, is interested in rezoning the property to R-100 in order to subdivide his property into seven lots. The intent for this property is to subdivide for single family residential, although the property will not support a subdivision with internal streets. Due to the shape (see below), the owner realizes that once rezoned, the desired plan will require variances to be requested for zero lot frontages along streets and zero lot widths at building lines due to lots being internal and not fronting on a street. The site will be using a 20' wide access easement, which is shown on the rezoning plan, to accommodate a common driveway for all seven lots. Note, the lots all meet size and width requirements for a R-100 lot.

Official Request:

The request is to rezone parcel 2-001-019 from RA-200 to R-100.

Reason / Justification for the Requests:

The majority of the surrounding property is currently zoned R-100 Modified and, the property size is approximately 225' wide x 700' deep, making fronting the lots onto Auburn Road not feasible and, the small size of property cannot sustain the cost of full development of a street.

Thank you for consideration to allow Mr. Medrea to rezone his property to R-100.

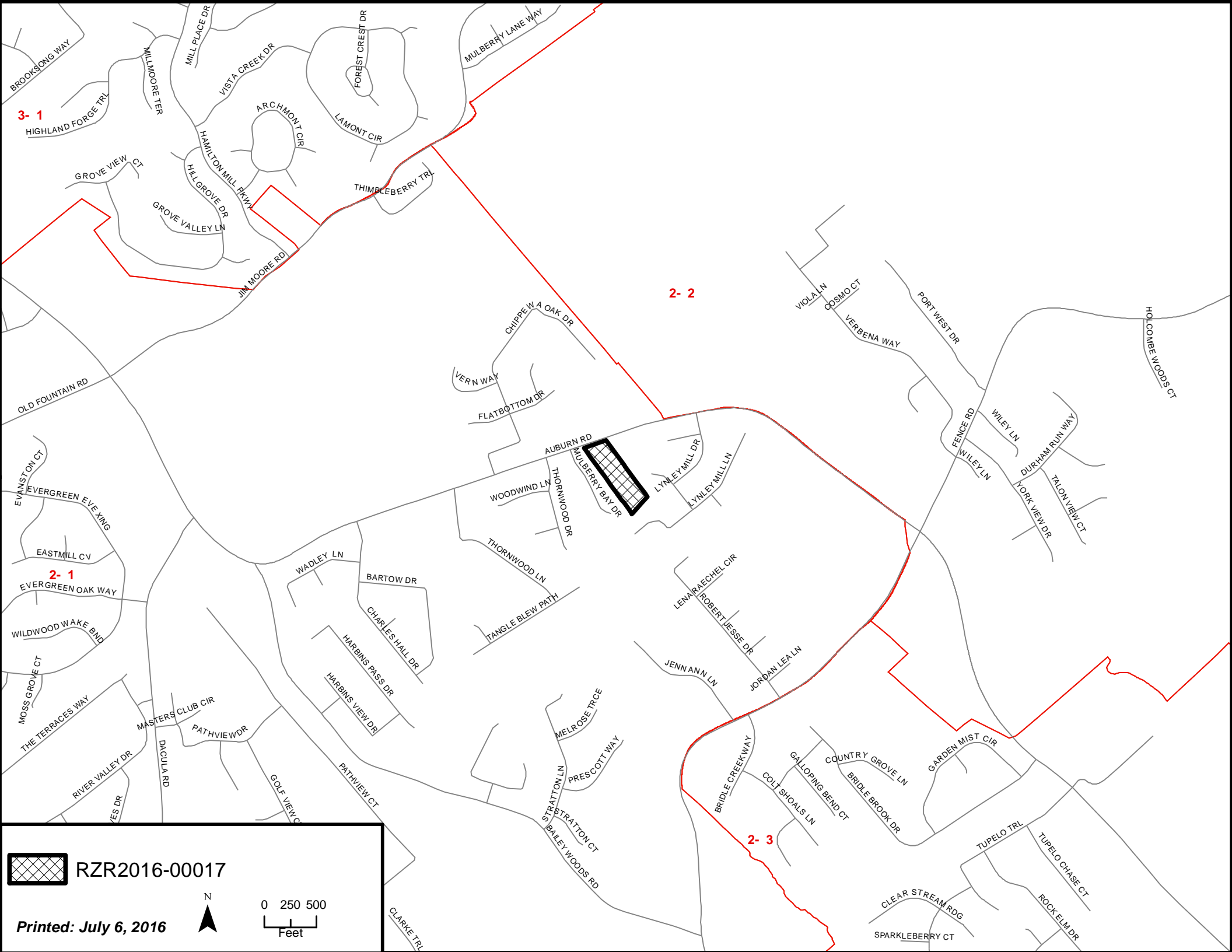
Guy Abernathy  
Ringo Abernathy & Associates  
(770-231-9013)  
-- on behalf of client of Daniel Medrea

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..... Planning & Development

RZR '16 017




3- 1

2- 2

2- 1

2- 3

 RZR2016-00017



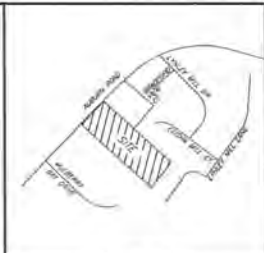
0 250 500  
Feet

Printed: July 6, 2016

TOTAL AREA: 3.67 ACRES

**LEGEND:**

- 1/4" FRONT OF WORKING
- 1/2" LAND USE LINE
- 3/4" SCOP OF WAY
- 5/8" ROW OF PROPERTY
- 1" CONDUIT TOP PROFILE
- 1 1/2" SPIN TOP PROFILE
- 2" SODAS PIT
- 3" CONDUIT METAL PIPE
- 4" UNREINFORCED CONCRETE PIPE
- 6" BOTTLE NECK PIPE
- 8" POLYVINYLCHLORIDE PIPE
- 12" SINGLE WIND CATCH BASIN
- 18" DOUBLE WIND CATCH BASIN
- 24" CURB
- 30" HIGH INLET
- 36" OUTLET CONTROL SYSTEM
- 48" JUNCTION BOX
- 60" FLARED END SECTION
- 72" HEAD WALL
- 96" WREN INLET
- 120" SANITARY SEWER MANHOLE
- 144" CLEAN OUT
- 168" INVERT
- 192" OVERHEAD POWER LINE
- 216" OVERHEAD TELEPHONE LINE
- 240" UNDERGROUND TELEPHONE LINE
- 264" ELECTRIC CABLE
- 288" UTILITY HOLE
- 312" UNDERGROUND POWER LINE
- 336" SLOPE WIRE
- 360" POWER POLE
- 384" LIGHT POLE
- 408" GAS/INTERCOM/TELEPHONE
- 432" FIRE HYDRANT
- 456" WATER LINE
- 480" WATER MAIN
- 504" IRON PIPE
- 528" WAVE MARKER
- 552" SIGN POST
- 576" HOLDING LINE
- 600" EDGE OF PLACEMENT
- 624" BARBER POINT
- 648" MONUMENT POINT
- 672" WETLAND
- 696" STREET LIGHT



VICINITY MAP  
N.T.S.

THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE GEORGIA STATUTES FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 60-7-13 THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT SCGA 15-9-67.

**OWNER:**  
DANIEL MEDREA  
251 AUBURN ROAD  
ATLANTA, GEORGIA 30618  
404-391-3918

**SURVEYOR/ENGINEER:**  
RINGO ABERNATHY & ASSOCIATES  
174 BACULA ROAD  
Dacula, Georgia 30019  
770-992-8456

- GENERAL NOTES:**
1. TOTAL AREA OF PROPERTY = 3.67 ACRES.
  2. EXISTING PROPERTY ZONING = R-100.
  3. PROPOSED PROPERTY ZONING = R-100.
  4. TOTAL NUMBER OF LOTS = 7.
  5. GROSS ACRE NET DENSITY = 1.01 LOTS PER ACRE.
  6. MINIMUM DWELLING SIZE = 1,400 SQUARE FEET OF HEATED FLOOR SPACE.
  7. MINIMUM LOT SIZE = 16,000 SQUARE FEET.
  8. MAXIMUM BUILDING HEIGHT = 25 FEET.
  9. WATER SERVICE TO BE PROVIDED BY GWINNETT COUNTY.
  10. SANITARY SEWER SERVICE TO BE PROVIDED BY GWINNETT COUNTY CHAVITY FLOW.
  11. THERE ARE NO HISTORICAL, CULTURAL OR ARCHAEOLOGICAL FEATURES ON THIS PROPERTY.
  12. THERE ARE NO SIGNIFICANT WILDLIFE HABITATS OR SCENIC VIEWS IDENTIFIED BY RESIDENTS.
  13. FIRM PANEL 13135CONAMP, DATED 08/29/2006, INDICATED THAT THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD ZONE.

USE OF THE DATA SHOWN ON THIS PLAT WAS OBTAINED UTILIZING GPS TO INCLUDE ALL HORIZONTAL AND VERTICAL CONTROL POINT INFORMATION. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A GARMIN SURVEYOR 6000, NAVSTAR SATELLITE SYSTEM WITH A GARMIN SURVEYOR DATA COLLECTOR. THE TECHNIQUE USED WAS RTK CONNECTED MEASUREMENT FROM THE VEHICLE SOLUTIONS AND NETWORK. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE: HORIZONTAL ± 1.0 CM VERTICALLY ± 1.5 CM.

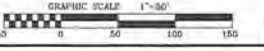
THIS PLAT HAS BEEN CALCULATED FOR PRECISION AND WAS FOUND TO BE ACCURATE WITHIN ONE (1) CENTIMETER.

**SURVEY NOTATION:**  
THIS SURVEY WAS RUN USING A TRIPPOD GPS TOTAL STATION CM UNIT. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE (1) PART IN 25,000 FEET AND AN ANGULAR CLOSURE OF 20" PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

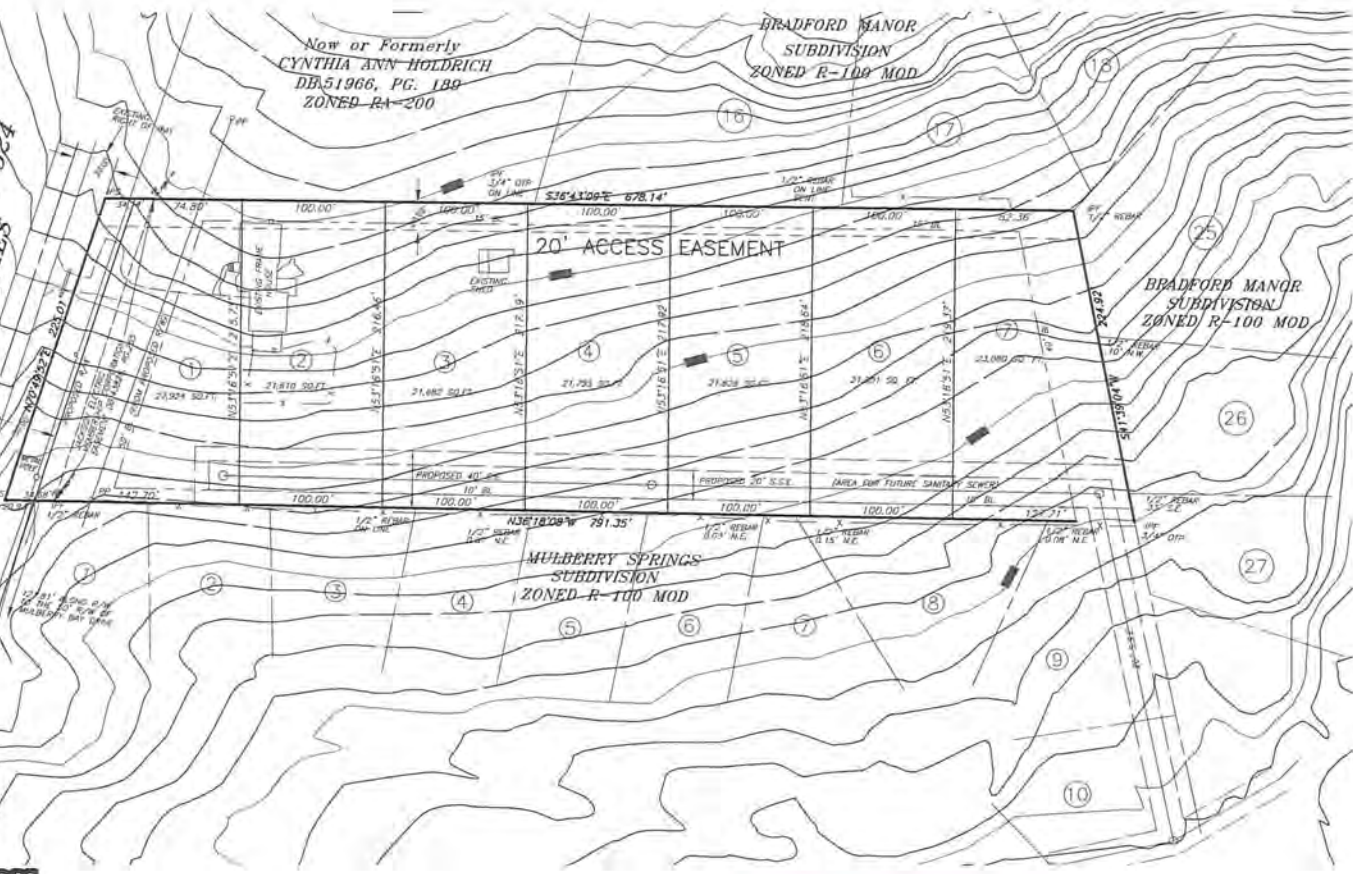
THIS PLAT HAS BEEN CALCULATED FOR PRECISION AND WAS FOUND TO BE ACCURATE WITHIN ONE (1) CENTIMETER.

**REVISIONS:**

NO.	DATE	DESCRIPTION



AUBURN ROAD - S.R. 324  
R/W VARIES



THE EXISTING PROJECT SHOWN ON THIS PLAN WAS OBTAINED FROM VARIOUS UTILITY COMPANIES, UNLESS OTHERWISE NOTED. THE ABOVE SHOWN INFORMATION IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. THE USER ASSUMES ALL LIABILITY FOR THE USE OF THIS PLAN AND THE USER'S NEGLIGENCE.

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RZR '16 017



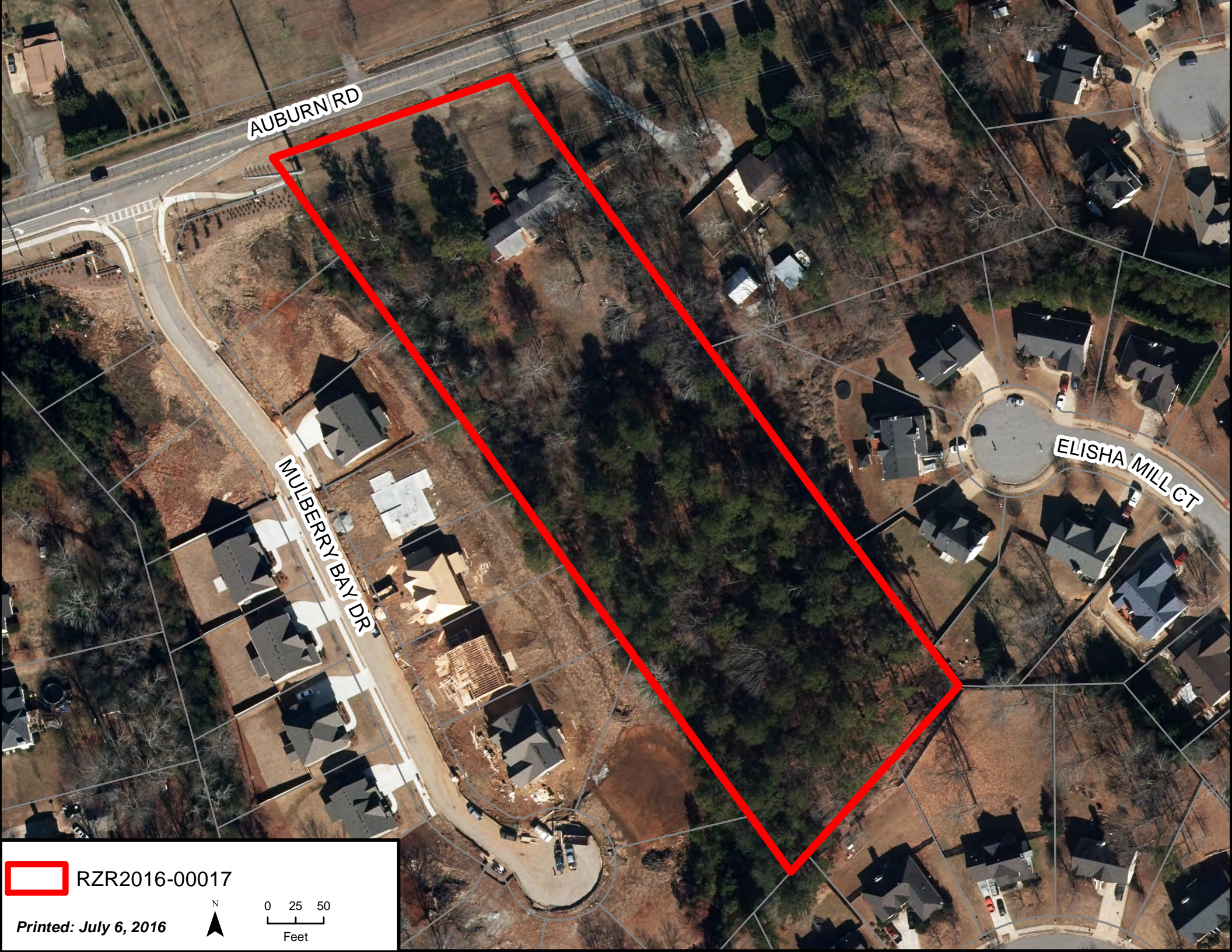
**RINGO ABERNATHY & ASSOCIATES**  
174 BACULA ROAD  
Dacula, Georgia 30019  
Phone (770) 992-8456 - Fax (770) 277-3901

COUNTY:	GWINNETT
DISTRICT:	2ND
LAND ID#:	19
DATE:	06/17/16
SCALE:	1" = 50'
JOB NO.:	16039

BOUNDARY SURVEY/SITE PLAN FOR:  
**GA HWY 324 AKA  
AUBURN ROAD**

REVISIONS	NO.	DATE	DESCRIPTION


SHEET  
1  
OF 1



AUBURN RD

MULBERRY BAY DR

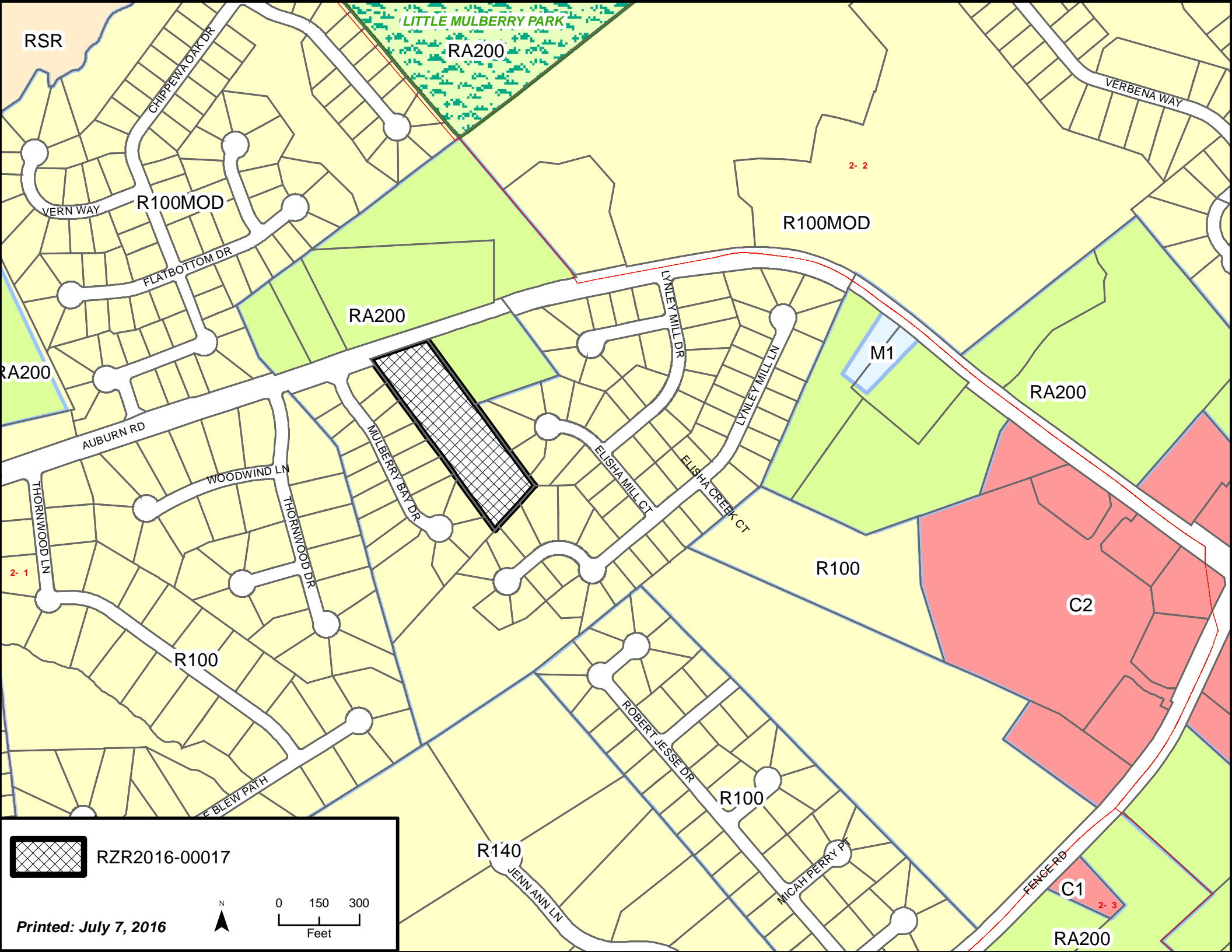
ELISHA MILL CT

 RZR2016-00017

Printed: July 6, 2016

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RSR

LITTLE MULBERRY PARK

RA200

R100MOD

R100MOD

RA200

M1

RA200

R100

C2

R100

R100

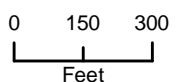
R140

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RA200

 RZR2016-00017

Printed: July 7, 2016



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

CASE NUMBER	: <b>RZR2016-00019</b>
ZONING CHANGE	:R-100 TO RA200
LOCATION	:4100 BLOCK OF BEAVER ROAD
MAP NUMBER	:R5096 028
ACREAGE	:26.21 ACRES
UNITS	:1 UNIT
PROPOSED DEVELOPMENT	:EQUESTRIAN FACILITY
COMMISSION DISTRICT	:(3) HUNTER

FUTURE DEVELOPMENT MAP:

APPLICANT: AARON YOUNG  
4150 BEAVER ROAD  
LOGANVILLE, GA 30052

CONTACT: FIELDING D. ALDERMAN                      PHONE: 770.862.4133

OWNER: LUC R. MBAH A MOUTE  
4150 BEAVER ROAD  
LOGANVILLE, GA 30052

DEPARTMENT RECOMMENDATION:

PROJECT DATA:

ZONING HISTORY:

GROUNDWATER RECHARGE AREA:

WETLANDS INVENTORY:

OPEN SPACE AND GREENWAY MASTER PLAN:

DEVELOPMENT REVIEW SECTION COMMENTS:

STORMWATER REVIEW SECTION COMMENTS:

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

BUILDING CONSTRUCTION SECTION COMMENTS:

GWINNETT COUNTY FIRE SERVICES COMMENTS:

DEPARTMENT ANALYSIS:

# LETTER OF INTENT

To: Gwinnett County Planning Commission (District Three)  
Chuck Warbington – Chairman  
Tommy Hunter – Commissioner  
Todd Hargrave – Planning Engineer

From: Fielding D. Alderman & Sonia Moretti – Consultants/Realtors

Subject: Rezoning Application: 4150 Beaver Road, Loganville, GA 30052

This Application is for the Rezoning of the subject property 4150 Beaver Road (“Property”). The Property is identified by Parcel I.D. R5096 028 and is a 26.21 acre tract currently zoned R100.

**Rezoning Application is requesting down-zoning of Property to its original zoning of RA200.** Property Owner desires to operate a business that boards, trains and breeds horses, and provides riding lessons and therapy for the Wounded Warriors Program, Autism Programs, and other “special needs” individuals utilizing retired gentle horses to assist and enhance therapy. It is understood that operating this business requires the down-zoning to RA200.

Application is not intended to request any newly “proposed” structures or changes to any of the existing structures, buffers or parking spaces. Current structures, as shown on Survey/Site Plan include:

- One Two-story Frame House – 28 Feet to peak
- One One-story Frame Structure w/Basement – 24 Feet to peak
- One Metal Horse Stable/Barn – 16 Feet to peak
- One Metal Horse Arena/Barn – 30 Feet to peak
- One Barn – 18 Feet to peak
- One Shed – 14 Feet to peak
- Three Feed Sheds – 10 Feet to peak each

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## SUMMARY

In summary, the requested rezoning to RA200 is to allow owner to operate a business that provides boarding, breeding and training of horses, riding lessons and horse assisted therapy for special needs individuals. There are no plans for any public events or additions of any outdoor lighting. Self-imposed limitations are to include a limit of no more than 4 riding lesson pupils at any one time and no more than a total of 20 total horses being boarded on the property.

Currently, the Property is home to half a dozen privately owned horses. All farm operations are central to the 26 plus acres and there is a more than adequate existing buffer between operations and all surrounding neighboring properties. Buffer consists of mature trees, lake, double layer fencing and privacy fence separating adjacent subdivision. There is an active onsite manure management plan that is designed to be eco-friendly and a non-nuisance to neighbors. The area is home to many existing farms, ranches and large acre tracts.

Historically, the Property has been used as a privately owned horse and cattle farm. It was originally zoned RA200, but in the 70's was part of an area blanket rezoning to R100. There have been no known complaints from neighboring property owners. The area has long been home to farms and ranches and considered to be farm friendly.

For more specific details, please see the following business plan.

Application Fee check of \$2,000 is submitted with this Rezoning Request Package. Please direct any questions to Owner's Consultants:

Fielding D. Alderman	770.862.4133	<a href="mailto:fdalderman@bellsouth.net">fdalderman@bellsouth.net</a>
Sonia Moretti	404.617.3279	<a href="mailto:moretti_legal@yahoo.com">moretti_legal@yahoo.com</a>

Respectfully submitted this day of July 1, 2016.

Fielding D. Alderman

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Sonia Moretti

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RZR '16019

Our business plan here at Lucky 12 Equine could be broken into two categories of long term and short term goals. Our initial plan is to open as a small lesson and boarding facility with an emphasis on keeping a small close knit family atmosphere. The services we plan to offer at opening are as follows.

- Horseback Riding Lessons

- We will offer lessons for all ages and experience levels from toddlers to seniors; and from completely green beginners to other trainers looking to hone their skills in a specific area of their riding. Lessons will be organized through a personalized lesson plan that will address the individual needs of each rider and allow them to grow in the discipline of their choice. We will offer both private and small group lessons though the group lessons will be limited to three riders at most to make sure that all students are able to get the attention they deserve. Most lessons will be scheduled for one hour though some may go over and some may go short to make sure that goals set for that day are met, and that lessons end on a good note for both student and horse. Students in our lesson program can expect to not only learn the theory and fundamentals of riding; but also care of the horse, identification and maintenance of tack, basic veterinary first aid and nutrition, and how to handle the horse safely from the ground. We will also offer the service of taking clients to horse shows and competitions and provide coaching at the event. The goal of our lesson program will be to introduce people to the joys of equestrian sports as well as to be safe and respect these animals, and to have fun while doing so.

- Boarding

- We will offer boarding and training services to a small number of clients with stall or pasture board available. The boarding services will include everyday care and feeding of the horse, administration of medicines and supplements, cleaning of the stall if the horse is kept inside the barn, daily turnout weather permitting, and support for the client (communication with vets and farriers etc.). We will offer packages that will include training and exercising of the horses as well as discounted lessons for the client.

- Training

- The head trainer Chessie Kopyscianki's training theory is as follows.

When training Chessie starts with patient and detailed ground work earning respect while isolating and strengthening the muscles of the horse, teaching transitions of gaits, and getting work off of the rear, and self-carriage. She believes relaxation is a key focus in the training processes. Her style is not to intimidate or force a horse into anything. The goal is to let the horse mentally understand what is being asked and work the horse within its ability toward full potential. Without relaxation this is not possible, stress and aggression are counterproductive. As the horse moves further in training it will begin to have quicker responses being able to respond to cues and utilizing its self properly. Her specialty is speed events but no matter the discipline her goal is to produce athletic, responsive, and safe horses. Horses that will reach their full potential toward any discipline, whether they are seasoned speed event horses, reining, or pleasure horses that just need tuning up. Chessie is especially passionate of training horses in the startup phase needing work from the ground up, she offers these services as well. She encourages all horse owners to come and view the progress of their horse and take lessons along with the training process.

JUL 01 2016

RZR '16 019

- Equine Assisted Therapy

-We will after our initial opening begin to offer equine assisted therapy or EAT services. EAT consists of using horse to assist in the therapeutic healing process in humans for physical, emotional, and mental afflictions. Horses have long been known to possess an unexplainable ability to heal and communicate in a way that other humans sometimes simply can't. They can provide this through a number of ways wether it is helping a child with autism begin to come out of his or her shell, helping a victim of abuse feel confident and in control again, or even helping a veteran find purpose and peace again. We plan to work in partnership with local support groups to find people who could potentially benefit form these services. We will also organize fundraisers to help pay for these services because it our personal belief that anyone who could potentially be helped by EAT deserves the opportunity to be healed by these animals.

- Breeding

-We will be overseeing a small scale private breeding program with the long term purpose of sales and providing our own potential training and show horses. We have already developed a personal relationship with the Theriogenology staff at the University of Georgia Veterinary Teaching Hospital and will continue to work with them in the future with the impregnating of our mares to the care of our foals, as well as the collection and sale of frozen semen from our stallions.

Our long term goals for Lucky 12 Equine is to become established and respected in the local community as well as in the world wide Equestrian community, allowing us to turn our focus more from providing lessons and basic boarding to becoming much more competitive on a national and international level and develop a small team of young riders and horses to travel and compete with. More emphasis will likely be put on our breeding program as well at this time after our program and stallions have established a reputation for producing quality and excellence in our foals. We also will be continuing with our Equine Assisted Therapy program and continue to reach out to the community through this as well as other outreach programs and events.

To summarize our goals in as few words as possible, We would like to establish a small yet elite program that emphasizes safety and learning as well as fun while introducing children and adults to equine world, while also providing a facility for local equestrians to continue to grow as riders and as horsemen and horsewomen.

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RZR '16 019






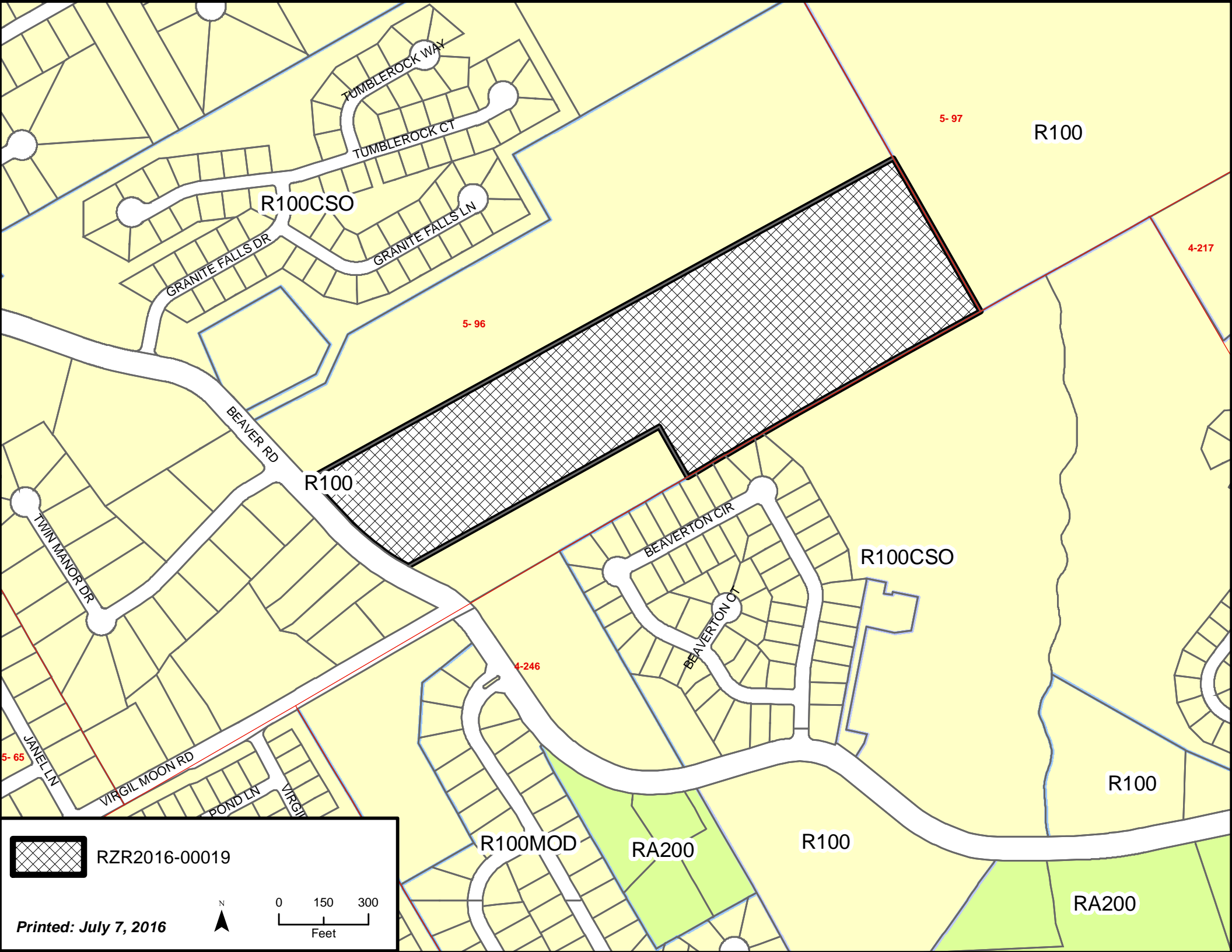


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R100CSO

R100

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R100MOD

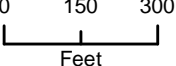
RA200

R100

RA200

 RZR2016-00019

Printed: July 7, 2016



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

CASE NUMBER :**CIC2016-00013**  
ZONING :C-2  
LOCATION :1600 BLOCK OF BEAVER RUIN ROAD  
MAP NUMBERS :R6201 008A & 108  
ACREAGE :1.87 ACRES  
SQUARE FEET :22,200 SQUARE FEET  
PROPOSAL :CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT :(1) BROOKS

CASE NUMBER :**SUP2016-00034**  
ZONING :C-2  
LOCATION :1600 BLOCK OF BEAVER RUIN ROAD  
MAP NUMBERS :R6201 008A & 108  
ACREAGE :1.87 ACRES  
SQUARE FEET :22,200 SQUARE FEET  
PROPOSAL :AUTOMOBILE SERVICE  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP:

APPLICANT: XIU PING XI  
1635 BEAVER RUIN ROAD  
NORCROSS, GA 30093

CONTACT: MONICA FENDERSON PHONE: 404.918.5433

OWNER: JDM, INC.  
1635 BEAVER RUIN ROAD  
NORCROSS, GA 30093

DEPARTMENT RECOMMENDATION:

PROJECT DATA:  
ZONING HISTORY:  
GROUNDWATER RECHARGE AREA:  
WETLANDS INVENTORY:  
OPEN SPACE AND GREENWAY MASTER PLAN:  
DEVELOPMENT REVIEW SECTION COMMENTS:  
STORMWATER REVIEW SECTION COMMENTS:  
GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:  
GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS  
GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:  
BUILDING CONSTRUCTION SECTION COMMENTS:  
GWINNETT COUNTY FIRE SERVICES COMMENTS:  
DEPARTMENT ANALYSIS:



March 3, 2016

JDM, Inc.  
1635 Beaver Ruin Road  
Norcross, GA 30093

Gwinnett County Department  
Of Planning and Development  
446 West Crogan Street, Suite 250  
Lawrenceville, GA 30046

RE: **LETTER OF INTENT OF CHANGE IN CONDITIONS** FOR PROPERTY 1635 BEAVER RUIN ROAD

To Whom It May Concern:

This is a letter of intent to appeal the zoning conditions of Case Number SUP 2015-00019 granted on September 29<sup>th</sup>, 2015, for the property located at 1635 Beaver Ruin Road, Norcross, GA 30093. Parcel of land being land lot 201 of the 6<sup>th</sup> Land District of Gwinnett County.

We were approved for car sales but with the condition of not increasing the impervious surface. (Please refer to condition # SUP2015-00019 (2 J)). It has been difficult to lease the space without additional parking. In order to provide car sales, we require more parking for our tenants.

Based on condition # SUP2015-00019 (2C), the condition states that Repair of vehicles shall be prohibited. This Building is designed for auto small car related services, such as change breaks, tires, and lubrication, change wheels and etc. With auto sales, repairs are needed on these cars from time to time to provide "saleable" autos to the public. We have the ability to house cars inside, service to these vehicles would be performed inside the building and this would reduce visibility to the street. The approval granted included "accessory uses" and for our functional business purposes, repair services as needed would be necessary to provide "saleable" autos.

We would like the commissioners considering to **REMOVE these two conditions SUP 2015-00019 (2C & 2J)** for us in order to improve occupancy of the property according to Gwinnett County's standards.

In addition, for the condition # **SUP2015-00019 (1A)**, please add "and related service" into the current sentence, since the property was approved to use as AUTOMOBILE SALES AND SERVICE.

Please feel free to contact me with any questions you may have.

Sincerely,



Cheryl Yang,

General Manager

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MAR 04 2016

Planning & Development

CIC '16 013

March 3, 2016

JDM, Inc.  
1635 Beaver Ruin Road  
Norcross, GA 30093

Gwinnett County Department  
Of Planning and Development  
446 West Crogan Street, Suite 250  
Lawrenceville, GA 30046

**RE: LETTER OF INTENT OF SPECIAL USE CONDITION (SUP) FOR PROPERTY 1635 BEAVER RUIN ROAD**

To Whom It May Concern:

This is a letter of intent to be approved for a Special Use Condition (SUP) for the property located at 1635 Beaver Ruin Road, Norcross, GA 30093. Parcel of land being land lot 201 of the 6<sup>th</sup> Land District of Gwinnett County.

JDM wants the commissioners to consider to approve additional land use of Tire shop, Lubrication and Automobile related Services.

JDM intends to reduce the suites from eighteen (18) suites to eight (8) suites on the property. Our spaces are designed to accommodate car related services. We will comply with any county codes in regards to oil removal, building exhaust and any other fire and building requirements.

JDM would appreciate if the Commissioners to **add "and related service"** in the Special Use Condition, since the property was approved to use as AUTOMOBILE SALES AND SERVICE.

Please feel free to contact me with any questions you may have.

Sincerely,



Cheryl Yang,

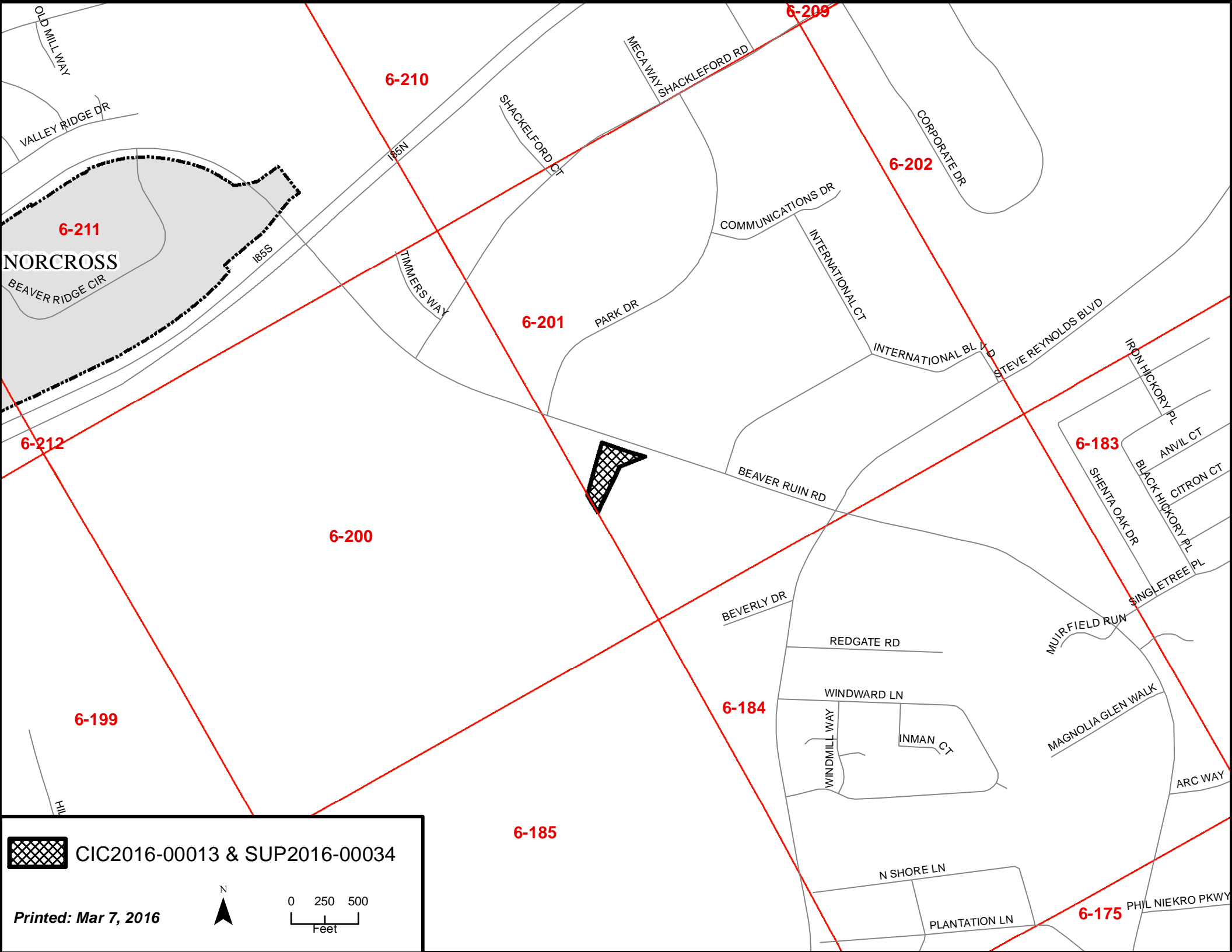
General Manager


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Planning & Development

SUP '16 034

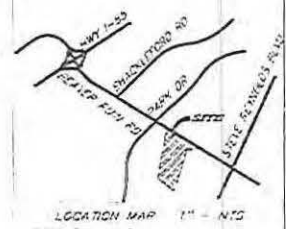
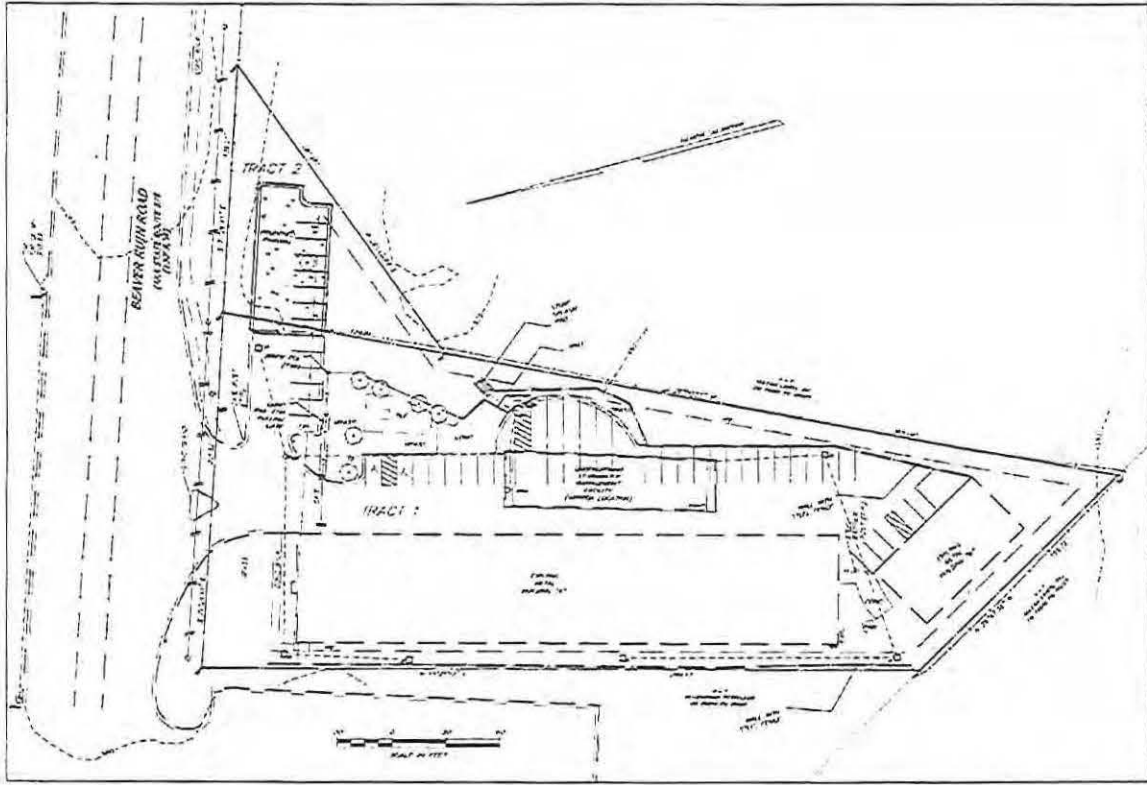


 CIC2016-00013 & SUP2016-00034



0 250 500  
Feet

Printed: Mar 7, 2016



THE PROPERTY AND ITS SUBJECT TO EASEMENTS, CONVEYANCES, ENCUMBRANCES, INTERESTS, AND CLAIMS OF ANY KIND AND THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY IS NOT SUBJECT TO ANY EASEMENTS, CONVEYANCES, ENCUMBRANCES, INTERESTS, AND CLAIMS OF ANY KIND.

THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY IS NOT SUBJECT TO ANY EASEMENTS, CONVEYANCES, ENCUMBRANCES, INTERESTS, AND CLAIMS OF ANY KIND.

THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PROPERTY IS NOT SUBJECT TO ANY EASEMENTS, CONVEYANCES, ENCUMBRANCES, INTERESTS, AND CLAIMS OF ANY KIND.

TRACT 1: 72,624 SQ. FT. (1.67 AC)  
 PARCEL ID: 8201 003A

TRACT 2: 8,607 SQ. FT. (0.20 AC)  
 PARCEL ID: 8201 108

TOTAL AREA: 81,231 AC (1.87 AC)

DATE OF SURVEY: 04.13.2015

DATE	REVISIONS
04.20.2015	
1"=30'	
DRAWN BY: JMK	
CHECKED BY: COA	
PROJECT #: 15117	

BOUNDARY AND TOPOGRAPHIC SURVEY FOR

JDM, INC.

**LAND ENGINEERING & SURVEYING, INC.**  
 2040 Meyers Drive  
 Lawrenceville, Georgia 30045  
 Phone: (404) 396-0192  
 land\_engineering@yahoo.com

1635 BEAVER RUIN ROAD  
 NORCROSS, GA 30093  
 LOCATED IN L.L. 201  
 6TH DISTRICT,  
 GWINNETT COUNTY, GA.

LEGEND	
1. 1" = 100' SCALE	2. 1" = 100' SCALE
3. 1" = 100' SCALE	4. 1" = 100' SCALE
5. 1" = 100' SCALE	6. 1" = 100' SCALE
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89. 1" = 100' SCALE	90. 1" = 100' SCALE
91. 1" = 100' SCALE	92. 1" = 100' SCALE
93. 1" = 100' SCALE	94. 1" = 100' SCALE
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97. 1" = 100' SCALE	98. 1" = 100' SCALE
99. 1" = 100' SCALE	100. 1" = 100' SCALE



Planning & Development

REC 16013

SUP 16034



PARK DR

BEAVER RUIN RD

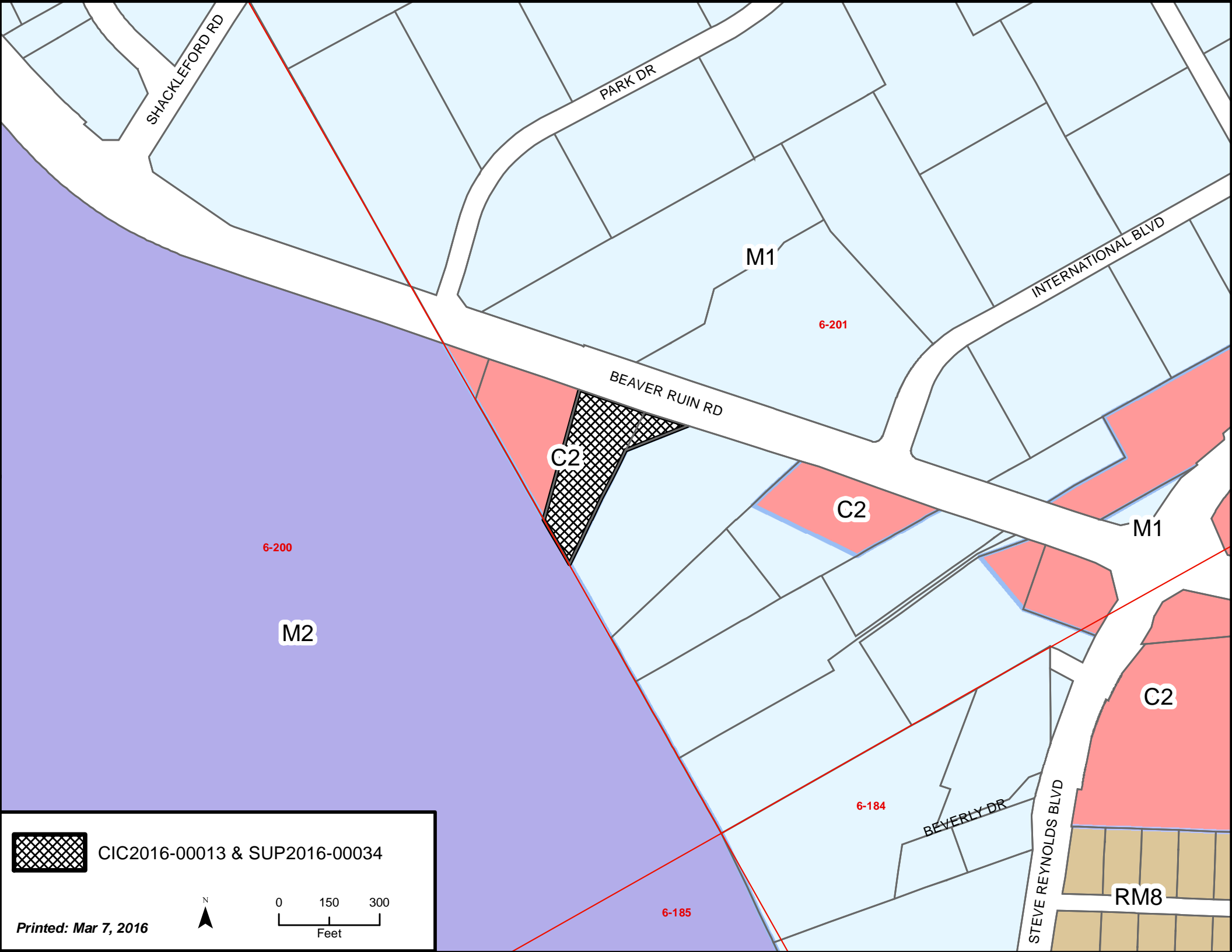


CIC2016-00013 & SUP2016-00034



0 50 100  
Feet

Printed: Mar 7, 2016



SHACKLEFORD RD

PARK DR

M1

INTERNATIONAL BLVD

6-201

BEAVER RUIN RD

C2

6-200

M2

C2

M1

C2

6-184

BEVERLY DR

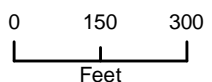
STEVE REYNOLDS BLVD

RM8

6-185



CIC2016-00013 & SUP2016-00034



Printed: Mar 7, 2016

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

CASE NUMBER :CIC2016-00021  
ZONING :C-2  
LOCATION :3400 BLOCK OF OLD NORCROSS ROAD  
:3300 BLOCK OF MCDANIEL ROAD  
MAP NUMBER :R6232 150  
ACREAGE :5.04 ACRES  
SQUARE FEET :23,388 SQUARE FEET  
PROPOSAL :CHANGE IN CONDITIONS OF ZONING  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP:

APPLICANT: HENNESSY RANGE ROVER & JAGUAR  
C/O MILL CREEK CONSULTING  
4480 COMMERCE DRIVE, SUITE A  
BUFORD, GA 30518

CONTACT: MITCH PEEVY      PHONE: 770.614.6511

OWNER: HENNESSY CADILLAC, INC.  
3040 PIEDMONT ROAD NE  
ATLANTA, GA 30305

DEPARTMENT RECOMMENDATION:

PROJECT DATA:

ZONING HISTORY:

GROUNDWATER RECHARGE AREA:

WETLANDS INVENTORY:

OPEN SPACE AND GREENWAY MASTER PLAN:

DEVELOPMENT REVIEW SECTION COMMENTS:

STORMWATER REVIEW SECTION COMMENTS:

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

BUILDING CONSTRUCTION SECTION COMMENTS:

GWINNETT COUNTY FIRE SERVICES COMMENTS:

DEPARTMENT ANALYSIS:

## REZONING APPLICANT'S LETTER OF INTENT

The Applicant and Owner, Hennessy Jaguar, Land Rover Gwinnett, requests a Change in Conditions from case SUP1998-00064 and the condition that restrict the architectural treatments on the building. Specifically, condition F. states:

Buildings shall be finished with architectural treatments of glass and/or brick, stone, stucco, or other masonry finish. Alternate type exterior may be allowed after plans are reviewed and approved by the Director of Planning and Development.

Since the time that the dealership was constructed, the manufactures are now requiring that the dealerships upgrade their look to a more modern and sleek appearance. It used to be the Range Rover brand required a "Colorado" look to match the rugged country that the vehicle was known to be able to conquer. Now, with the combination of the Jaguar brand they are also presenting the vehicles as urban rugged starting with the look of the dealership that is now required by the auto company. The proposal is to use colored metal panels that require no maintenance and will look like the attached color pictures. The building will increase in size from 20,026 square feet to 23,388 square feet and the applicant has met with the Gwinnett Place CID and they do not have any issue with the proposed plan to update the building façade.

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Planning & Development

CIC '16 021





JLR ARCH  
Facility Checklist

June 2015  
SDA Partnership USA, Inc.

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CIC '16 021



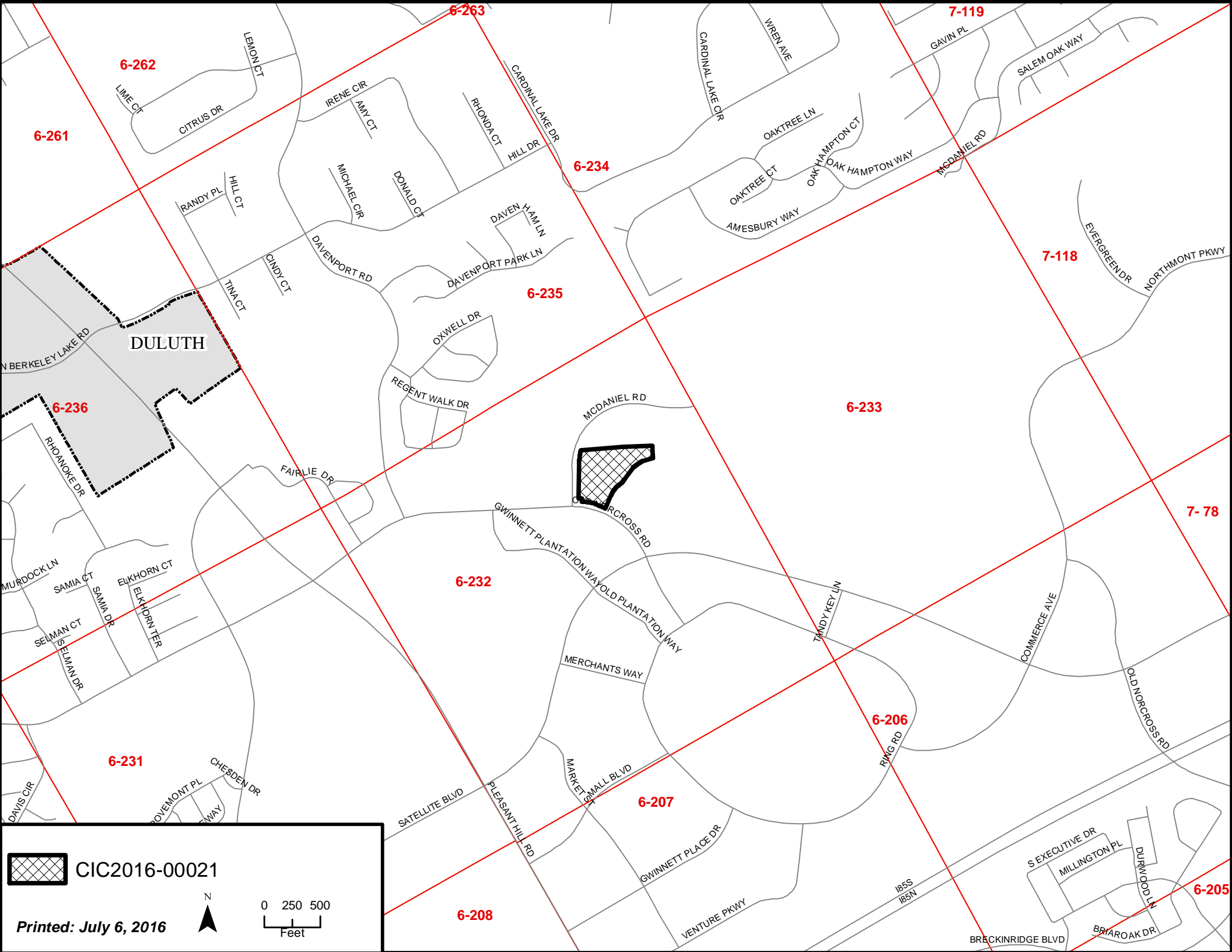



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CIC '16 021



 **CIC2016-00021**



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Feet

Printed: July 6, 2016


BRECKINRIDGE BLVD  
BRIAR OAK DR





MCDANIEL RD

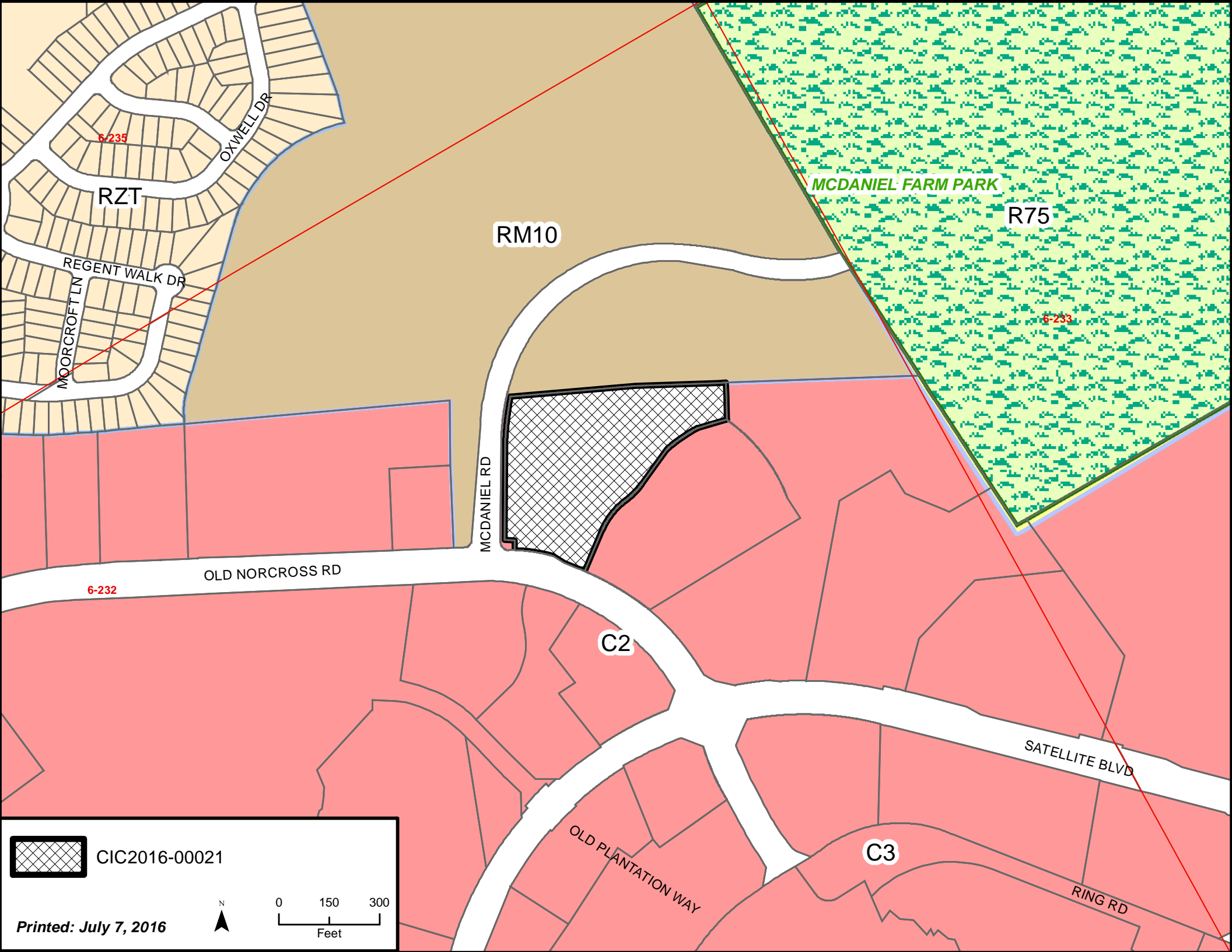
OLD NORCROSS RD

 CIC2016-00021

Printed: July 6, 2016

N

0 25 50  
Feet



6-235

RZT

RM10

MCDANIEL FARM PARK

R75

6-233

MCDANIEL RD

OLD NORCROSS RD

6-232

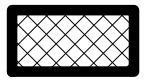
C2

SATELLITE BLVD

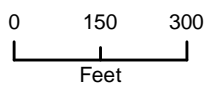
OLD PLANTATION WAY

C3

RING RD



CIC2016-00021



Printed: July 7, 2016

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

CASE NUMBER :**CIC2016-00022**  
ZONING :C-2  
LOCATION :3900 BLOCK OF ANNISTOWN ROAD  
MAP NUMBER :R6020 279  
ACREAGE :1.24 ACRES  
SQUARE FEET :8,000 SQUARE FEET  
PROPOSAL :CHANGE IN CONDITIONS TO ZONING  
COMMISSION DISTRICT :(3) HUNTER

CASE NUMBER :**BRD2016-00004**  
ZONING :C-2  
LOCATION :3900-4000 BLOCKS OF ANNISTOWN ROAD  
MAP NUMBERS :R6020 279 & 022A  
ACREAGE :2.02 ACRES  
PROPOSAL :REDUCTION IN BUFFERS FROM 75 FEET TO 20 FEET  
COMMISSION DISTRICT :(3) HUNTER

FUTURE DEVELOPMENT MAP:

APPLICANT: TUNCE REALTY, LLC  
374D NORTH DESHON ROAD  
STONE MOUNTAIN, GA 30087

CONTACT: ANDREW KAISER PHONE: 770.349.8202

OWNER: WR OF SOUTH SNELLVILLE II, LLC  
1311 CHUCK DAWLEY BOULEVARD, SUITE 102  
MOUNT PLEASANT, SC 29464

DEPARTMENT RECOMMENDATION:

PROJECT DATA:

ZONING HISTORY:

GROUNDWATER RECHARGE AREA:

WETLANDS INVENTORY:

OPEN SPACE AND GREENWAY MASTER PLAN:

DEVELOPMENT REVIEW SECTION COMMENTS:

STORMWATER REVIEW SECTION COMMENTS:

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS:

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

BUILDING CONSTRUCTION SECTION COMMENTS:

GWINNETT COUNTY FIRE SERVICES COMMENTS:

DEPARTMENT ANALYSIS:

## LETTER OF INTENT

3966 Annistown Road, Snellville, Georgia 30039

Parcel Number R6020 279

Change in Conditions Application

Applicant has contracted to purchase the subject parcel, which comprises 1.242 acres, and the contiguous property known as 4004 Annistown Road, Snellville, Georgia 30039 (Parcel Number R6020 022A), which comprises .774 of an acre. Applicant desires to develop the combined parcels with a one story building for the operation of the dentistry practice of the Applicant's principal, Dr. Adesegun Tewogbade, and one or more retail businesses. These uses are allowable under the C-2 zoning applicable to both parcels and require no variances. The proposed building is currently planned to comprise approximately 8,000 square feet. Please see attached site plan for further information regarding the building and planned development.

3966 Annistown Road is a portion of a larger parcel which was the subject of zoning case RZ: 2-80, for which a resolution was enacted by the Gwinnett County Board of Commissioners on January 22, 1980. Such resolution approved the rezoning of the subject property from RM to C-2, but specifically for use as a gift shop and with the condition/stipulation that the property would revert back to the original RM zoning if the proposed gift shop ceased operations thereon. As stated and confirmed by the Gwinnett County Department of Planning & Development, the C-2 zoning applicable to the subject property could not, and has not, reverted back to RM, but the gift shop condition/stipulation remains in effect. This Change in Conditions Application is being filed in order to eliminate the gift shop condition/stipulation so that the subject property can be used for professional office and retail purposes to the full extent allowed by the C-2 zoning classification.

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CIC '16 022



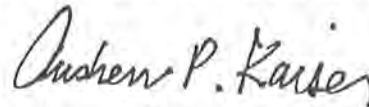
Not surprisingly, the immediate vicinity of 3966 Annistown Road and the larger neighborhood has changed materially since zoning case RZ: 2-80 was approved in 1980. Annistown Road, now a commercial corridor in the area of the subject property, has been widened over the years, and its traffic volume has increased substantially. A big box retail center occupied by a Walmart store is now located immediately across Annistown Road from the subject property. There is no longer any reasonable justification for, or legitimate purpose served by, limiting the use of the subject property to the operation of a gift shop.

In addition to the elimination of the gift shop condition/stipulation, Applicant requests allowance and approval of parking spaces in the front and on the sides of the proposed building as shown on the attached site plan.

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 regarding this letter or the Change in Conditions Application.

Respectfully submitted,

STOUT KAISER MATTESON  
PEAKE & HENDRICK, LLC



Andrew P. Kaiser  
Attorney for Applicant

Stout Kaiser Matteson Peake & Hendrick, LLC  
1117 Perimeter Center West, Suite W400  
Atlanta, Georgia 30338  
[akaiser@stoutkaiser.com](mailto:akaiser@stoutkaiser.com)  
(770) 349-8202 (office direct)

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CIC 16022

Planning & Development

## LETTER OF INTENT

3966 and 4004 Annistown Road, Snellville, Georgia 30039  
Parcel Numbers R6020 279 and R6020 022A  
Buffer Reduction Application

Applicant has contracted to purchase the two subject contiguous parcels, 3966 Annistown Road (Parcel Number R6020 279), comprising 1.242 acres, and 4004 Annistown Road (Parcel Number R6020 022A), comprising .774 of an acre. Applicant desires to develop the combined parcels with a one-story building for the operation of the dentistry practice of the Applicant's principal, Dr. Adesegun Tewogbade, and one or more retail businesses. These uses are allowable under the C-2 zoning applicable to both parcels and require no variances. The proposed building is currently planned to comprise approximately 8,000 square feet. Please see attached site plan for further information regarding the building and planned development.

Applicant is requesting approval of the Application to allow a reduction of the required seventy-five (75) foot buffer on the west and south portions of the property to twenty (20) feet. This requested buffer reduction is necessary primarily to allow for grading which will create a slope to provide a visual barrier between the subject property and the contiguous residential properties. Applicant's landscaping will provide a further visual barrier to maximize privacy for the contiguous residential properties. Additionally, Applicant desires to construct a small number of paved parking spaces, along with customary curbing, within a portion of the current buffer area farthest away from the contiguous residential properties.

BRD '16 00 4

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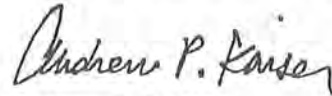
JUL 01 2016

Planning & Development

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 regarding this letter or the Buffer Reduction Application.

Respectfully submitted,

STOUT KAISER MATTESON  
PEAKE & HENDRICK, LLC



Andrew P. Kaiser  
Attorney for Applicant

Stout Kaiser Matteson Peake & Hendrick, LLC  
1117 Perimeter Center West, Suite W400  
Atlanta, Georgia 30338  
[akaiser@stoutkaiser.com](mailto:akaiser@stoutkaiser.com)  
(770) 349-8202 (office direct)

BRD '16 004

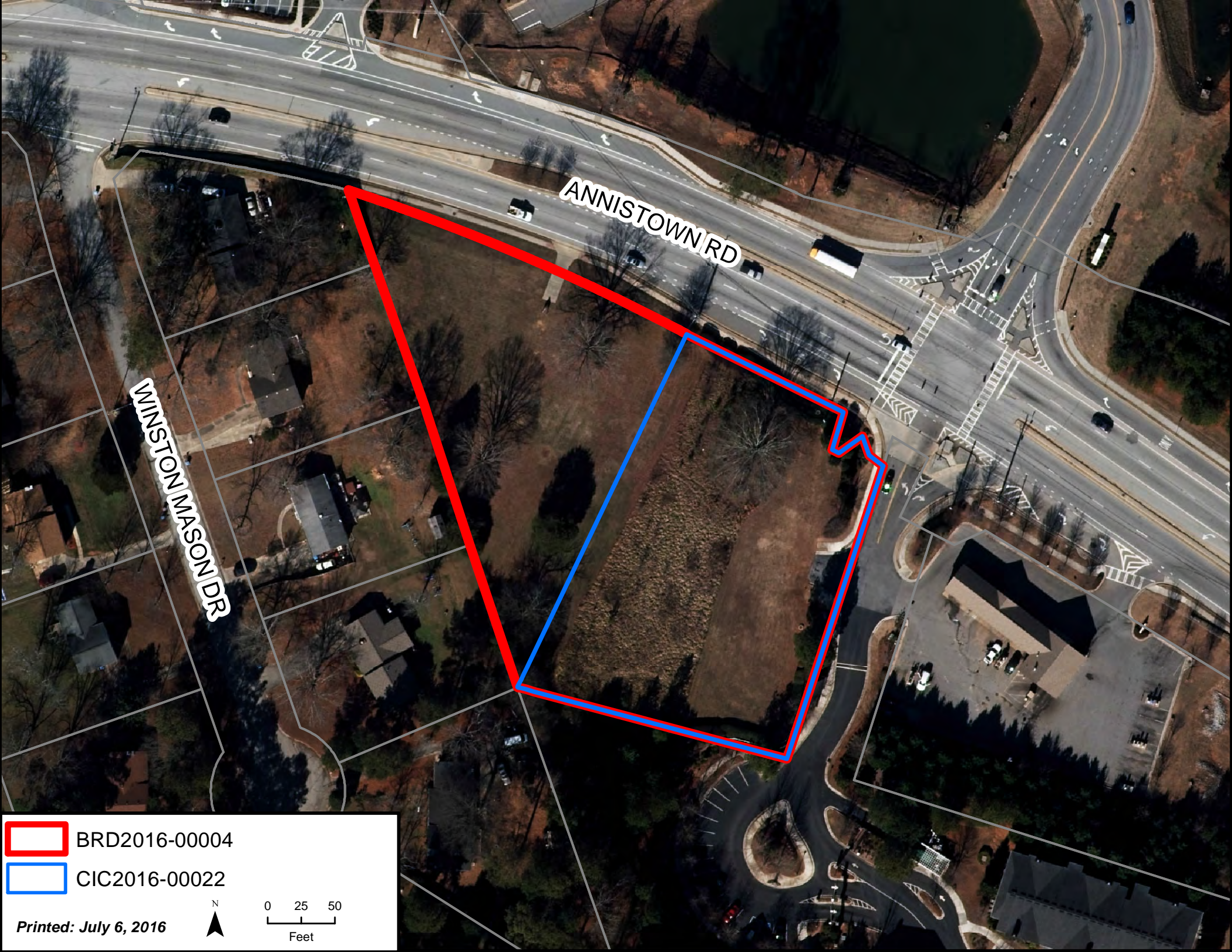
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ANNISTOWN RD

WINSTON MASON DR

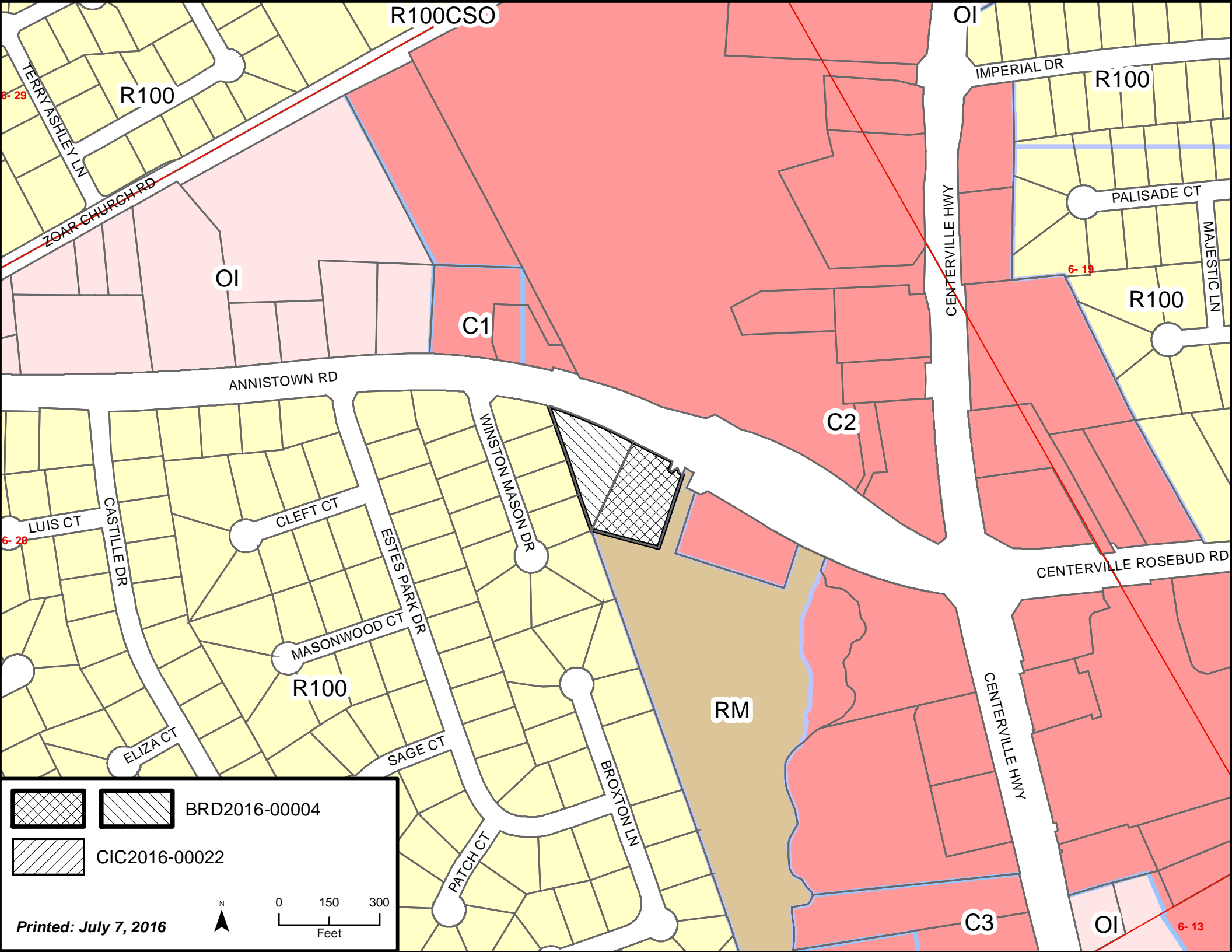
 BRD2016-00004

 CIC2016-00022

Printed: July 6, 2016

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RM



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OI

C1

C2

  BRD2016-00004

 CIC2016-00022

Printed: July 7, 2016

0 150 300  
Feet

N

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

CASE NUMBER	: <b>SUP2016-00051</b>
ZONING	:C-2
LOCATION	:2000 BLOCK OF BEAVER RUIN ROAD
MAP NUMBER	:R6213 023
ACREAGE	:1.00 ACRE
SQUARE FEET	:6,512 SQUARE FEET
PROPOSED DEVELOPMENT	:TRUCK RENTAL
COMMISSION DISTRICT	:(1) BROOKS

FUTURE DEVELOPMENT MAP:

APPLICANT: SANDIP PATEL  
2070 BEAVER RUIN ROAD  
NORCROSS, GA. 30071

CONTACT: JOYCE LLORENS                      PHONE: 770.490.8476

OWNER: RITA SHARP  
5995 NELSON ROAD  
LONGMONT, CO. 80503

DEPARTMENT RECOMMENDATION:

PROJECT DATA:

ZONING HISTORY:

GROUNDWATER RECHARGE AREA:

WETLANDS INVENTORY:

OPEN SPACE AND GREENWAY MASTER PLAN:

DEVELOPMENT REVIEW SECTION COMMENTS:

STORMWATER REVIEW SECTION COMMENTS:

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

BUILDING CONSTRUCTION SECTION COMMENTS:

GWINNETT COUNTY FIRE SERVICES COMMENTS:

DEPARTMENT ANALYSIS:



Gwinnett County Planning Commissioners,

I am requesting a special use permit for my business location at 2072 D Beaver Ruin Rd for the purpose of parking rental U-Haul vehicles. There would be no more than 6 to 8 vehicles parked on the property and this would not impact the surrounding property.

Thank you for your time and consideration.

Respectfully,

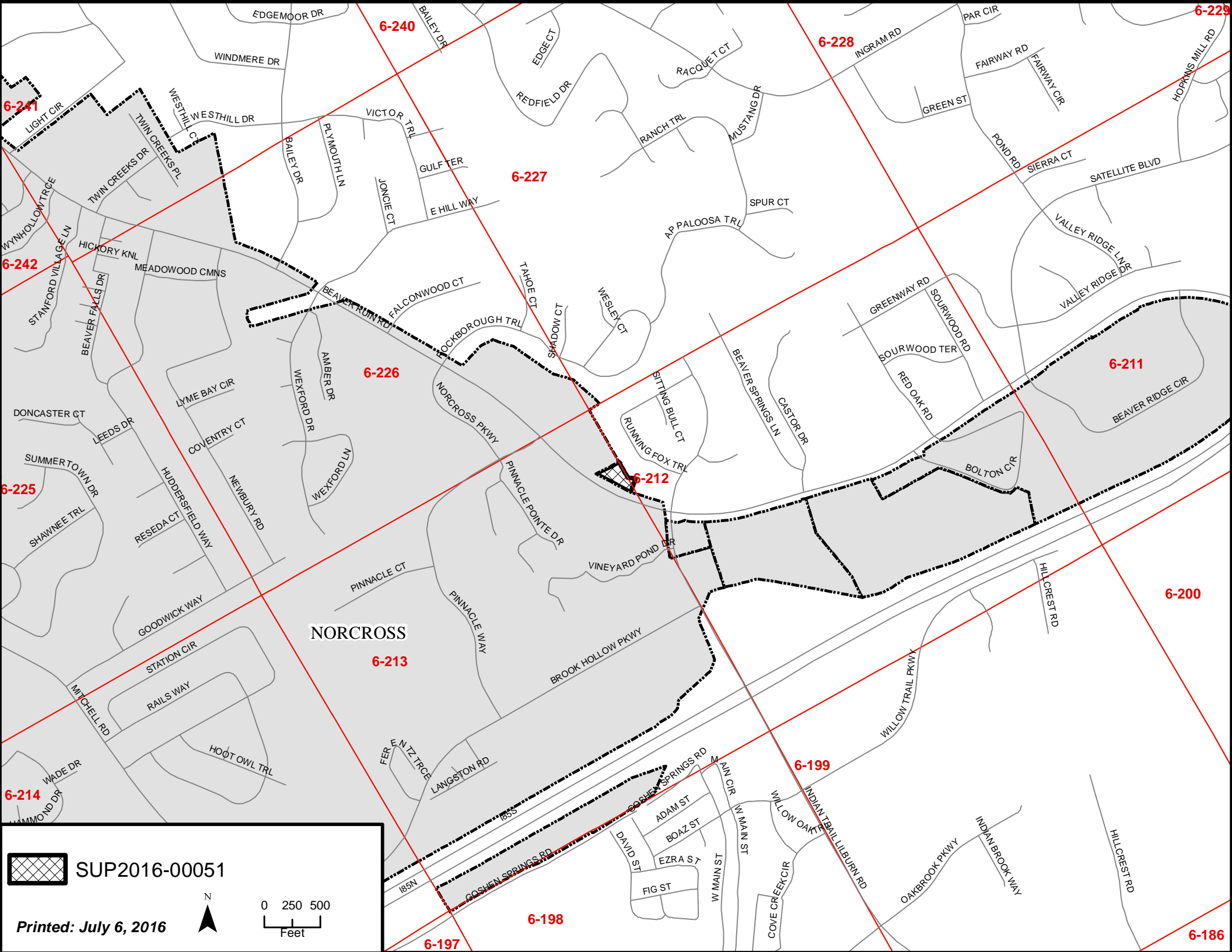
Sandip K. Patel

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JUN 09 2016

Planning & Development

SUP '16 051



 SUP2016-00051



0 250 500  
Feet

Printed: July 6, 2016

6-197

6-198

6-199

6-186

NORCROSS

6-213

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6-211

6-200

6-226

6-227

6-228

6-240

6-241

6-242

6-225

6-214

6-229

6-186






RUNNING FOX TRL

BEAVER RUIN RD

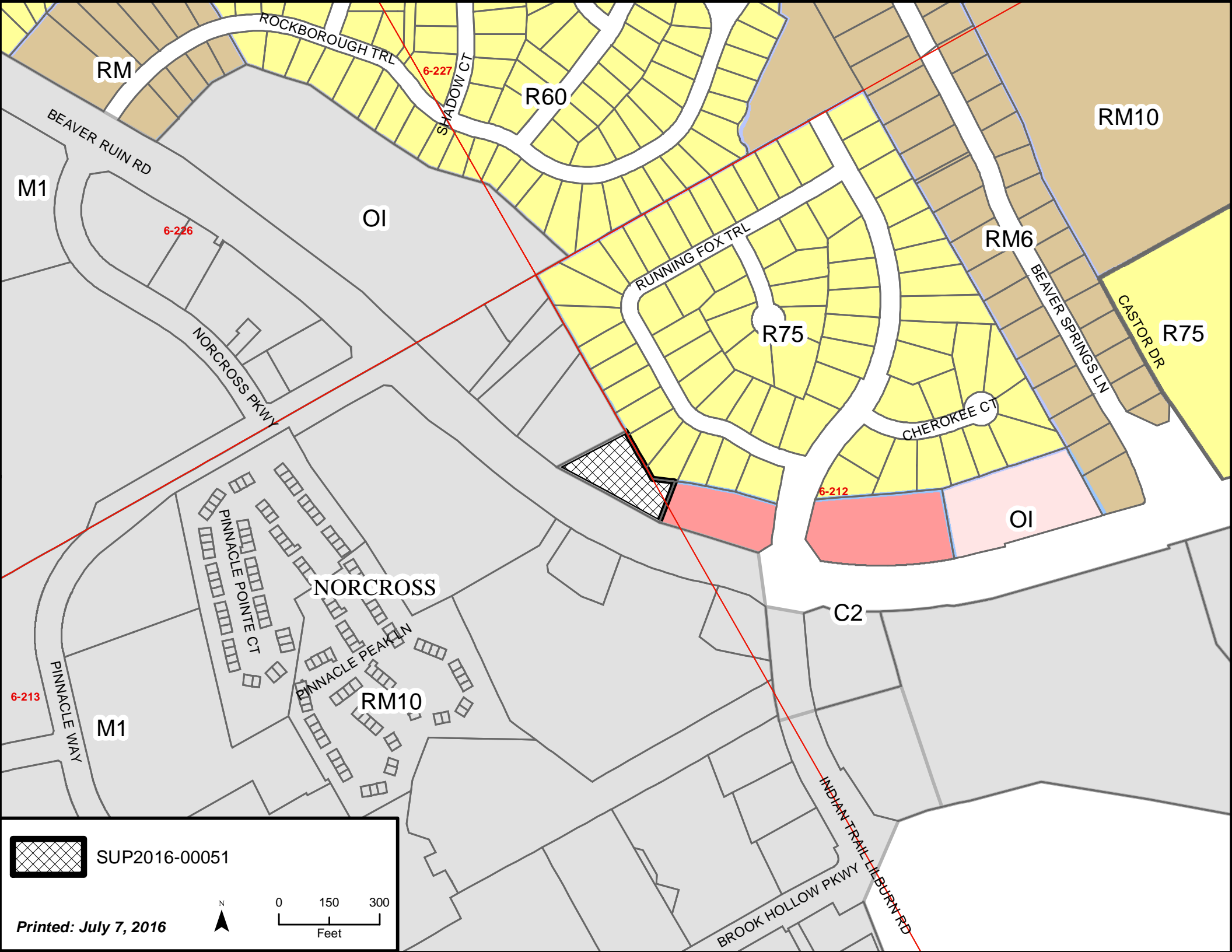


 SUP2016-00051

Printed: July 6, 2016

N

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Feet



RM

R60

RM10

M1

OI

RM6

R75

R75

OI

C2

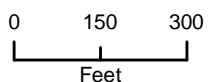
NORCROSS

RM10

M1

SUP2016-00051

Printed: July 7, 2016



ROCKBOROUGH TRL

SHADOW CT

6-227

BEAVER RUIN RD

6-226

NORCROSS PKWY

RUNNING FOX TRL

CHEROKEE CT

BEAVER SPRINGS LN

CASTOR DR

PINNACLE POINTE CT

PINNACLE PEAK LN

INDIAN TRAIL HWY

BROOK HOLLOW PKWY

HEBURN RD

6-213

6-212

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

CASE NUMBER :**SUP2016-00052**  
ZONING :R-100  
LOCATION :2900 BLOCK OF DULUTH HIGHWAY  
MAP NUMBER :R6263 085  
ACREAGE :1.38 ACRES  
SQUARE FEET :2,700 SQUARE FEET  
PROPOSED DEVELOPMENT :PLACE OF WORSHIP  
COMMISSION DISTRICT :(1) BROOKS

FUTURE DEVELOPMENT MAP:

APPLICANT: SAMUEL AND SONG CHOI  
C/O ANDERSON, TATE, & CARR, PC  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GA 30097

CONTACT: MARIAN ADEIMY PHONE: 678.518.6855

OWNER: SAMUEL AND SONG CHOI  
2998 DULUTH HIGHWAY  
DULUTH, GA 30096

DEPARTMENT RECOMMENDATION:

PROJECT DATA:

ZONING HISTORY:

GROUNDWATER RECHARGE AREA:

WETLANDS INVENTORY:

OPEN SPACE AND GREENWAY MASTER PLAN:

DEVELOPMENT REVIEW SECTION COMMENTS:

STORMWATER REVIEW SECTION COMMENTS:

GWINNETT COUNTY DEPARTMENT OF TRANSPORTATION COMMENTS:

GWINNETT COUNTY ENVIRONMENTAL HEALTH COMMENTS

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES COMMENTS:

BUILDING CONSTRUCTION SECTION COMMENTS:

GWINNETT COUNTY FIRE SERVICES COMMENTS:

DEPARTMENT ANALYSIS:

# ANDERSEN | TATE | CARR

ANDERSEN, TATE & CARR, P.C.  
ONE SUGARLOAF CENTRE  
1960 SATELLITE BOULEVARD, SUITE 4000  
DULUTH, GEORGIA 30097  
(770) 822-0900  
FACSIMILE (770) 822-9680  
www.atclawfirm.com

Marian C. Adeimy  
Direct Phone: (678) 518-6855

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

July 1, 2016

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

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

**RE: Letter of Intent in Support of Special Use Permit for a Bible study and church use, on behalf of Samuel and Song Choi (the "Applicant" and "Property Owner") for the property located at 2998 Duluth Highway (Hwy. 120), Duluth, Georgia 30096 (the "Subject Property")**

Dear Ms. Holland and Planning staff:

On behalf of the Applicant and Property Owner, Andersen, Tate & Carr, PC and Marian C. Adeimy, Esq., hereby submit this Letter in Support of this zoning application for a Special Use Permit to allow for the operation of a small, 6-10 member Bible study group, located in the updated office building and former residential home, located on the Subject Property, zoned ~~O&R~~ *R-100*.

### **Special Use Permit and Request:**

The Applicants operate a small Korean and Chinese church and Bible study group, incorporated as the Duluth Korean Baptists Church, Inc. The church use is consistent with that corridor and the adjacent and nearby property, all of which include and include existing church and religious uses.

The Applicant and owners seek to provide a quality Bible study atmosphere in a more intimate environment, and do not currently have plans to expand the building. The Application is planning to pave a small portion of the front property, between the existing sidewalk and Hwy. 120, in order to allow for the appropriate number of parking spaces.

The Bible study meets twice on Sunday, at 11 am and 3 pm, so as not to conflict with existing church uses, and once on Wednesday, at 4 pm. This is a small Bible study and church group intended to serve members in the immediate area. The church will not house a school, daycare, or any other peak-hour activities. Churches are historically good neighbors, with minimal use and operations, while contributing to the community and creating a safe environment.

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Similar religious and church uses, and more intense commercial uses have been permitted on nearby property and this use is entirely consistent with those uses. A smaller Bible study atmosphere will provide a needed service and opportunity to area and minority residents.

### **Constitutional Objections**

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or condition the Subject Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are and would be unconstitutional in that they would destroy the Applicant's and Property Owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO, as applied to the Subject Property, which restricts its use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Property Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant and Property Owner any economically viable use of the Property while not substantially advancing legitimate state interests.

The Subject Property is presently suitable for the requested Special Use Permit and religious uses, as requested and amended by the Applicant, and is not economically suitable for development under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested Special Use Permit would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

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



A denial of this zoning and Special Use Permit request would also violate the Religious Land Use Act of 2000 ("RLUIPA"), which supports the equal protection of religious and church uses, and their right to use their property for religious purposes.

Any zoning designation, condition, or variance related to the Subject Property subject to conditions which are different from those requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's and the Property Owner's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of RLUIPA, and the State and Federal Constitutions as set forth hereinabove.

### **Conclusion**

This proposed special use permit would result in a quality Bible study to serve its minority members in the area. Applicant and its representatives welcome the opportunity to meet with the staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

Respectfully submitted this 1<sup>st</sup> day of July, 2016.

**ANDERSEN, TATE & CARR, PC**



Marian C. Adeimy  
*Attorney for Applicant/Property Owner*

*Enclosures:*  
SUP Application and exhibits

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DULUTH

6-293

7-202

7-162

7-163

6-292

7-161

7-159

6-264

7-160

6-265

7-120

6-263

7-119

6-234

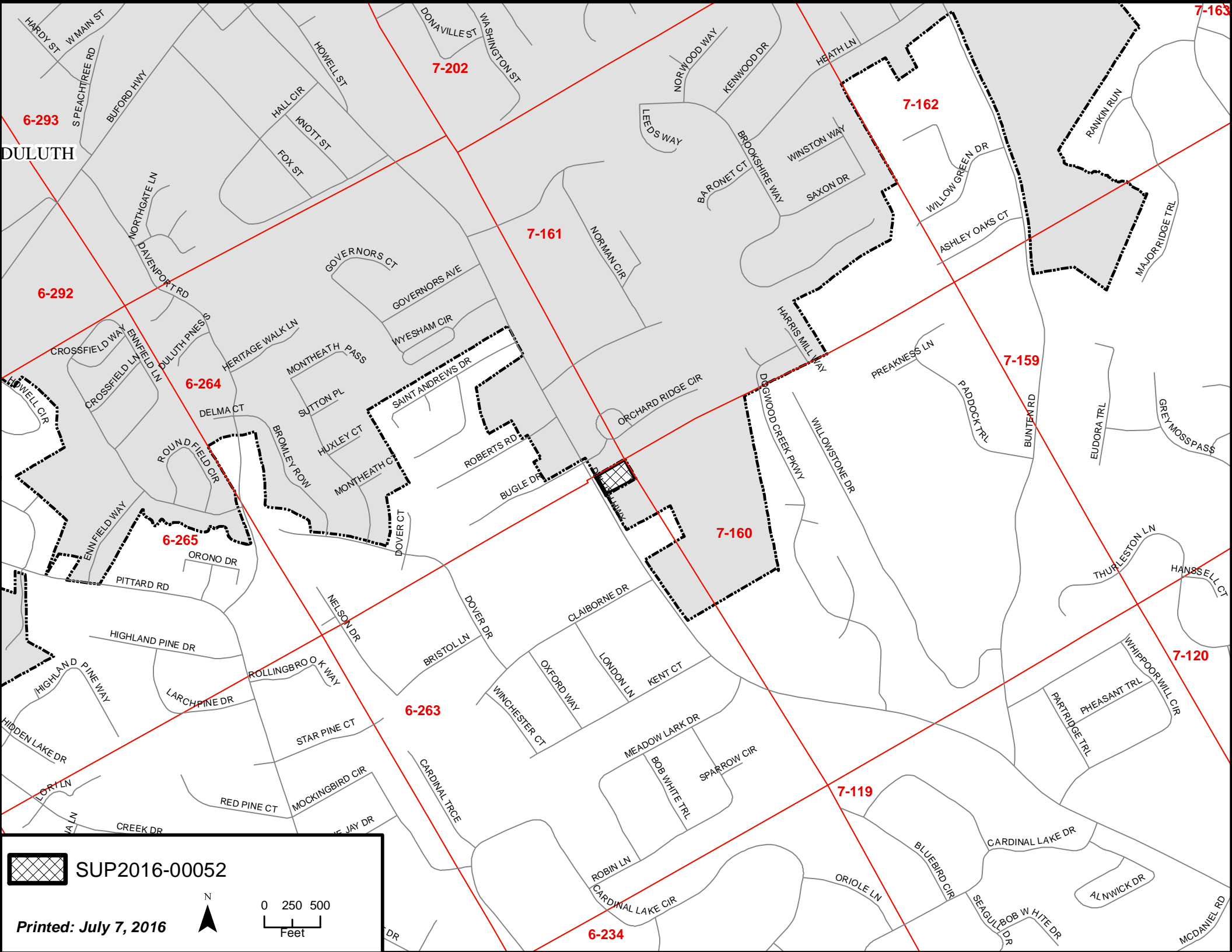


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0 250 500  
Feet

Printed: July 7, 2016



ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE. NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR.

NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

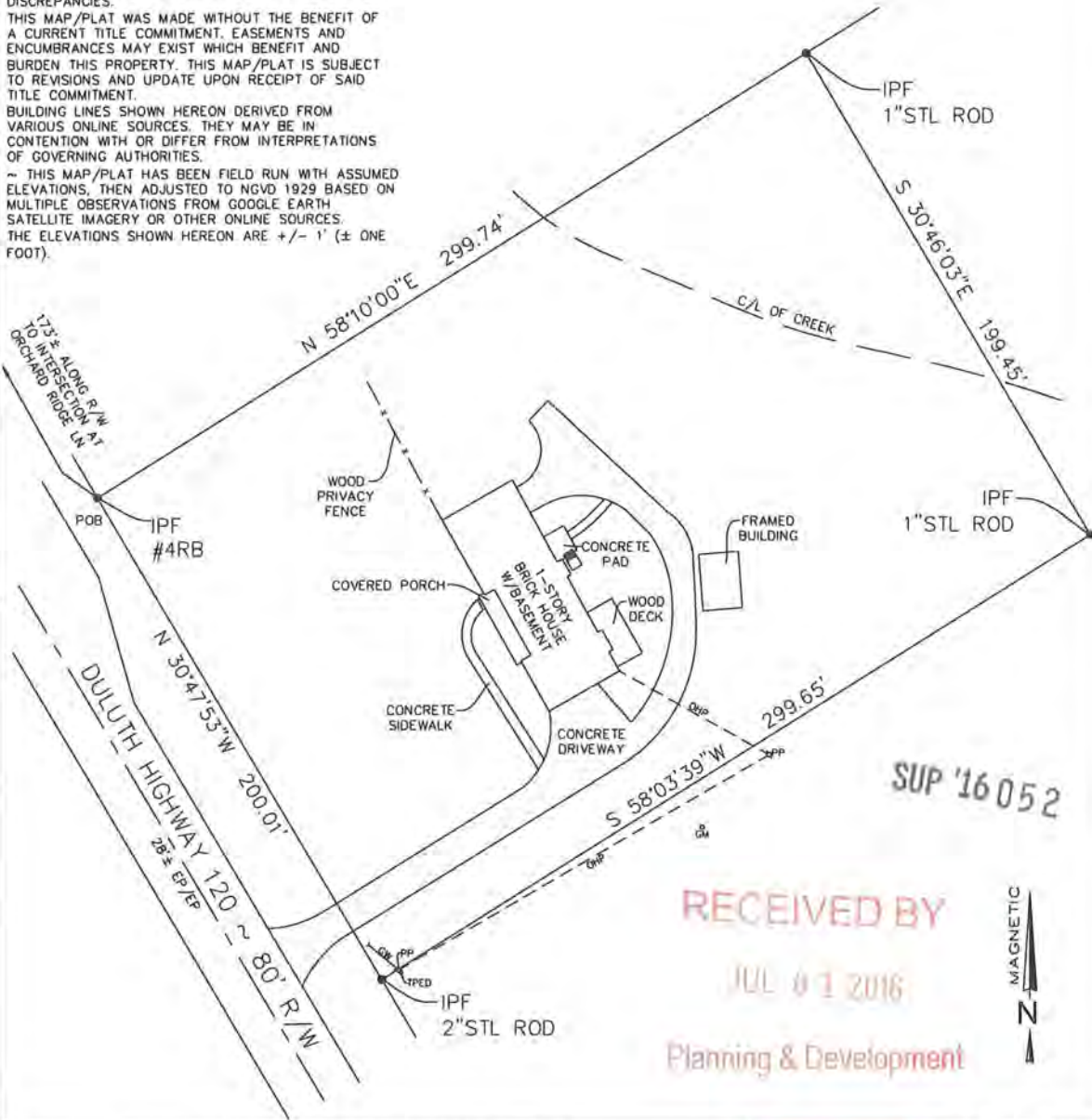
THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONTENTION WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES.

~ THIS MAP/PLAT HAS BEEN FIELD RUN WITH ASSUMED ELEVATIONS, THEN ADJUSTED TO NGVD 1929 BASED ON MULTIPLE OBSERVATIONS FROM GOOGLE EARTH SATELLITE IMAGERY OR OTHER ONLINE SOURCES. THE ELEVATIONS SHOWN HEREON ARE +/- 1' (± ONE FOOT).

**\* LEGEND \***

NOTE: ALL ITEMS IN THIS LEGEND MAY NOT APPEAR ON THIS PLAT.  
 AKA ALSO KNOWN AS  
 APD AS PER DEED  
 APP AS PER PLAT  
 BSL BUILDING (SETBACK) LINE  
 CP COMPUTED POINT  
 CTP CRIMP TOP PIPE FOUND  
 D DEED (BOOK/PAGE)  
 DW DRIVEWAY  
 EP EDGE OF PAVEMENT  
 FFE FINISH FLOOR ELEVATION  
 FKA FORMERLY KNOWN AS  
 IPF IRON PIN FOUND  
 L ARC LENGTH  
 LL LAND LOT  
 LLL LAND LOT LINE  
 N NEIGHBOR'S  
 N/F NOW OR FORMERLY  
 NAIL NAIL FOUND  
 P PLAT (BOOK/PAGE)  
 POB POINT OF BEGINNING  
 POC POINT OF COMMENCEMENT  
 R RADIUS LENGTH  
 R/W RIGHT-OF-WAY  
 RBF REINFORCING BAR FOUND  
 (1/2" UNO)  
 RBS 1/2" REINFORCING BAR SET  
 SW SIDEWALK  
 SSE SANITARY SEWER EASEMENT  
 SSCO SANITARY SEWER CLEANOUT  
 -X- FENCE LINE



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PROPERTY ADDRESS:  
 2998 DULUTH HIGHWAY 120  
 DULUTH, GA 30096

LAND AREA:  
 59,847 SF  
 1.3739 AC

AS-BUILT PLAT PREPARED FOR:  
 SAMUEL K. CHOI &  
 SONG J. CHOI

LOT	BLOCK	UNIT	SUBDIVISION	BY:
LAND LOT 263	6th DISTRICT		SECTION	
GWINNETT COUNTY, GEORGIA		FIELD: DATE 06-15-2016	MRH	
LOCATED IN CITY/DR/UNINCORP		DRWN: DATE 06-16-2016	MRH	
DEED BOOK 53977, PAGE 359		ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED		



SURVEY SYSTEMS & ASSOC., INC.  
 657 Lake Drive, Snellville, GA 30039 ~ COA #  
 LSF000867 ~ INFO@SURVEYSYSTEMSATLANTA.COM  
 CELL 770-558-7895 ~ OFFICE 404-760-0010

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


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



ORCHARD RIDGE LN

DULUTH HWY

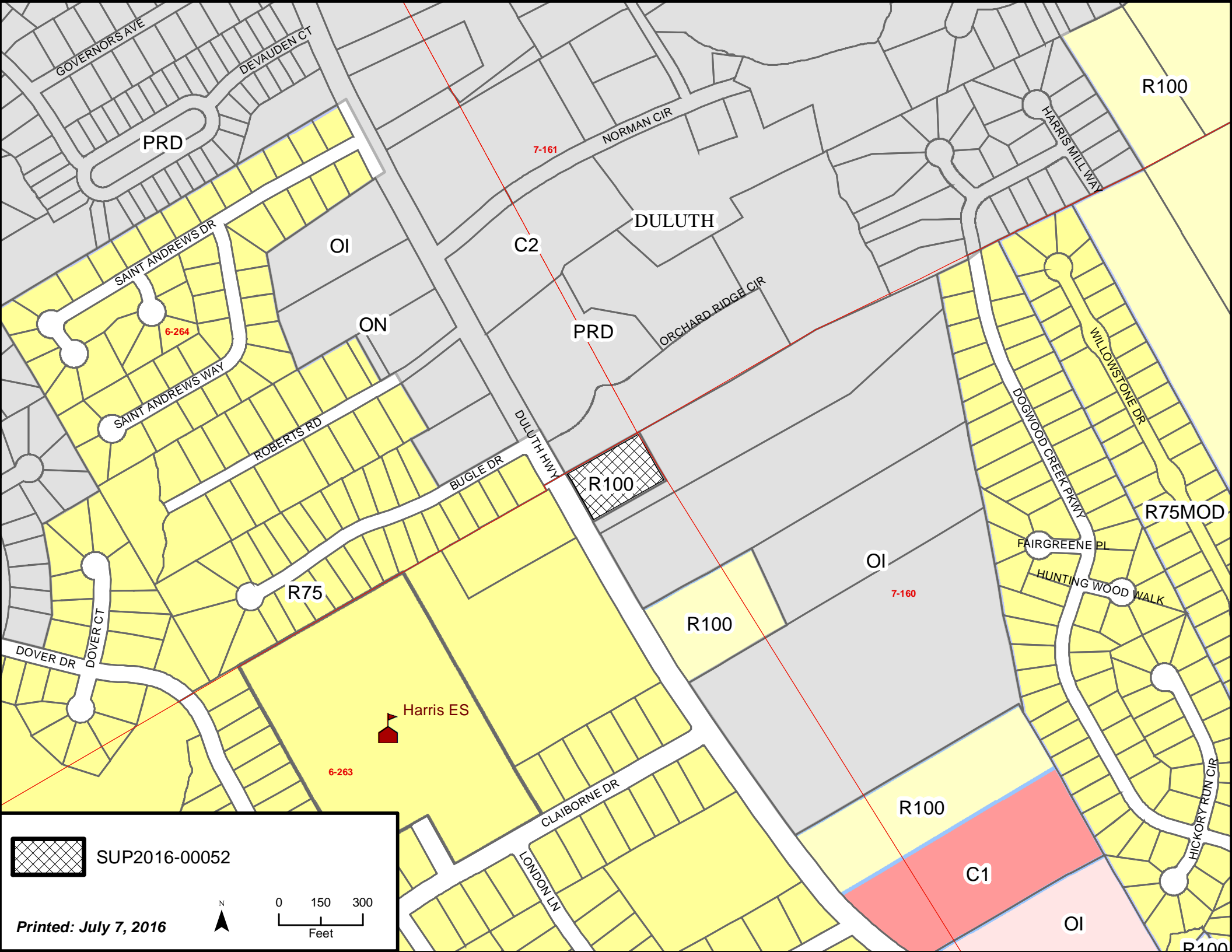


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Feet



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