

CASE NUMBER CIC-06-034  
GCID 2006-1511

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.

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<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>

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from C-2 to C-2 (CHANGE IN CONDITIONS) by JIM SUDDER to ALLOW A RESTAURANT WITH DRIVE-THRU 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 FEBRUARY 27, 2007 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 20TH day of MARCH 2007, that the aforesaid application to amend the Official Zoning Map from C-2 to C-2 (CHANGE IN CONDITIONS) is hereby **APPROVED** subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
  - A. Office, retail and service commercial and accessory uses. Three restaurants with drive-thru windows shall be allowed. The following uses will not be permitted on the site: adult entertainment and novelty stores; billboards; building, electrical or plumbing contractors; equipment rental; group and congregate personal care homes; mobile buildings (beyond necessary construction period); parking lots and garages; lounges that do not serve food (50% revenue from non-alcohol sales); caretaker or watchman quarters as an accessory use that are not permanent structures; carnival rides; auto body repair shops; auto repair shops or tire stores including lubrication or tune-up centers; automotive sales lots and associated service facilities; automotive service stations, with or without fuel pumps; contractors' offices or the outside storage of equipment or materials; heavy equipment and farm equipment rental

or sales and service; machine or welding shops; mini-warehouse storage facilities, mobile home or mobile building leasing or sales; recreation facilities (commercial outdoor, such as miniature golf, driving ranges, water slides, or drive-in theaters); residential or community shelters; taxi cab or limousine services; convenience food stores with fuel pumps; automotive parts stores, pest control businesses; automotive car washes; garden supply centers and greenhouses with outside storage; self-service laundries; plumbing, electrical, pool and home building supply showrooms and sales centers; radio, recording or television studios and broadcasting stations that need to erect antennas above roof height; recreation facilities (indoor, such as bowling alleys, skating rinks, shooting ranges and movie theaters); emission inspection stations; building materials sales with outdoor storage.

- B. Excluding the corner tract, any outparcel development fronting Old Peachtree Road shall be limited to office-institutional or day care center usage.
- C. On the 1.2-acre corner lot, if the use is a fast food restaurant, the pick up drive-thru window shall be located on the South Old Peachtree Road side of the building, as shown in the attached site plan.
- D. Signage shall be used to encourage the use of Peachtree Industrial Boulevard (for entrance/exit) and to discourage blocking the intersection (South Old Peachtree Road entrance/exit).
- E. All drive-thru restaurants shall have food ordered directly at a window with no speaker system.
- F. The only speaker system allowed shall be for banking transactions handled at the bank drive-thru.
- G. Any coffee or donut type establishment that is part of the 12,600 square foot retail center is a permissible use.

- H. All external lighting fixtures shall be designed to deflect the light downward to remain on the site, and the source of all external lighting shall be shielded from view from all residential housing.
  - I. All restaurants on the property shall filter or "scrub" cooking exhaust air to insure that grease, smoke, and odor is removed prior to release into the atmosphere to recognized industry standards, to be determined by Director of Planning and Development (this shall not apply to bakery and donut shops).
2. To satisfy the following site development considerations:
- A. The buffer adjacent to R-TH residential zoning may be reduced to the landscape strip as shown on the approved construction plans for the C-2 property.
  - B. Provide minimum 10-foot wide landscaped strips outside the rights-of-way of Peachtree Industrial Boulevard and South Old Peachtree Road.
  - C. Provide 10-foot wide multi-use paths on South Old Peachtree Road and Peachtree Industrial Boulevard across the entire property frontage. The location, design and construction of the paths will be subject to review and approval by the Gwinnett D.O.T.
  - D. Dumpsters shall be screened by an opaque fence or wall and pick up hours shall be limited to 8:00 a.m and 7:00 p.m. Monday through Friday and 10:00 a.m. to 5:00 p.m. on Saturday, Sunday and Holidays.
  - E. Each outparcel site shall be limited to a single monument-type ground sign which shall not exceed 70 square feet in size. Outparcel sites may have one 32 square foot wall sign per elevation. All monument signs to have masonry base matching that of the building. A convenience store may have a maximum of 60 square feet of wall signage on the building and a maximum of 15 square feet of canopy signage per road frontage. No spreader bar signage shall be allowed except as required by the State Fire Marshall.

- F. No billboards shall be permitted.
- G. Buildings shall be finished with architectural treatments of glass and/or brick, stone, or stucco.
- H. Building and landscape plans must be submitted for review and approval by the Director of Planning and Development. Landscaping shall be consistent with the standards of nearby office development.
- I. The driveways will be allowed onto South Old Peachtree Road and Peachtree Industrial Boulevard as shown on the site plan prepared by Planners and Engineers Collaborative dated December 1, 2005. All design and construction will be subject to review and approval by the Gwinnett County D.O.T.
- J. All roof HVAC units and storefront supports must be screened from view.
- K. Outdoor lighting must be of a low-level design with sharp cut-up angles to minimize spill over from the commercial area onto adjacent residential properties.
- L. Any rain water gutters which are located to the rear of the buildings adjacent to residential areas shall be piped or directed to the front of the site and not allowed to release storm water directly onto the adjacent residential areas.
- M. There shall be no overnight truck parking at the site.

- N. Delivery hours shall be limited to 7:00 a.m. and 7:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. Saturday, Sunday and Holidays.
- O. Parking area shall include landscaped islands with trees.
- P. Hours of operation shall be limited from 7:00 a.m. to 1:00 a.m.
- Q. Hours of operation for restaurants shall be limited from 5:00 a.m. to 11:00 p.m. and the drive through from 5:00 a.m. to 11:00 p.m.
- R. Peddlers or parking lot sales shall be prohibited.
- S. Buildings and overall site design shall be constructed so as to discourage graffiti tagging, gathering, loitering or illegal activity. Owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
Charles E. Bannister, Chairman

Date Signed: \_\_\_\_\_

ATTEST:

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County Clerk/Deputy County Clerk