

CASE NUMBER SUP-07-029
GCID 2007-1202

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

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

A RESOLUTION TO GRANT A SPECIAL USE PERMIT

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application for a Special Use Permit by MAHAFFEY PICKENS TUCKER, LLP for the proposed use of a RETIREMENT COMMUNITY on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Special Use Permit Application has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on APRIL 22, 2008 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 22ND day of APRIL, 2008 that the aforesaid application for a Special Use Permit is hereby **APPROVED** subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Restricted to use as a retirement community with a maximum of 246 units to be developed in general conformity with the site plan submitted to the Planning Commission at its April 15, 2008 meeting. Any substantial changes to such site plan as determined by the Director of Planning and Development in accordance with shall be approved in accordance with the review process set forth in condition 1D. It is specifically understood that the "institutional" building shall be located on the portion of the property furthest away from Hutchins Road.
 - B. The congregate housing structure shall be constructed of brick and/or stone with pitched roofs, minimum pitch 4:12. Minor treatments of stucco and fiber-cement siding are allowed.

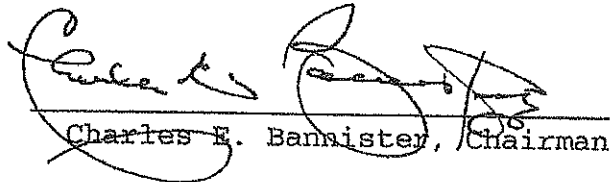
- C. Cottages and freestanding attached dwellings shall be constructed of a combination of fiber-cement siding, brick, stone, and/or shake.
 - D. Architectural design shall be submitted for review by the Planning Commission and at least one representative from each of the following community groups: adjacent property owners, Churchill Commons, and Cooper's Pond. Final approval shall be by the Board of Commissioners.
 - E. An on-site management company shall be required. The company shall be responsible for exterior maintenance of all buildings and grounds. Grounds shall include buffer plantings and shall be maintained in accordance with the original conditions.
2. To satisfy the following site development considerations:
- A. Provide a 50 foot re-graded and re-planted buffer adjacent to residentially zoned property. Any existing mature trees shall be preserved where possible. The buffer shall contain 3 rows of staggered evergreen trees planted on 15 foot centers. The evergreen trees shall contain an equal distribution of Thuja Green Giants, Tree Form Hollies and Leyland Cypress that are 8 feet tall at time of planting.
 - B. Provide a 10-foot wide landscaped strip outside the right-of-way of Hutchins Road. The 10 foot strip shall contain a single row of evergreen trees planted on 10 foot centers. The evergreen trees shall be planted in groupings of 5 and also contain an equal distribution of Thuja Green Giants, Tree Form Hollies and Southern Magnolias that are 8 feet tall at time of planting.
 - C. Within the 50-foot front setback adjacent to Hutchins Road, provide a 6-foot irrigated berm to be planted with a mixture of evergreens, including Thuja Green Giants, Tree Form Hollies and Southern Magnolias. Berm will include grass and other ground cover.

- D. Ground sign shall be limited to externally illuminated, monument type signs with a brick base of at least 2 feet in height, and limited to a height of not more than 5 feet. Only one ground sign shall be permitted.
- E. Oversized signs shall be prohibited.
- F. Natural vegetation shall remain on the property until the issuance of a development permit and submittal of building plans.
- G. Any outdoor activity/recreation areas shall not be lighted.
- H. Dumpsters shall be screened by a brick wall of at least six (6) feet in height with an opaque gate enclosure.
- I. All utilities shall be placed underground.
- J. Temporary signage shall be prohibited. Yard and/or bandit signs shall be prohibited.
- K. Any detention pond located within 200 feet of Hutchins Road shall be underground detention.
- L. Any above ground detention pond shall be screened with a single row of Thuja Green Giants.
- M. An orange tree save fence shall be installed adjacent to all residentially zoned property.
- N. Building setback along Hutchins Road shall be a minimum of 100 feet.
- O. Parking shall be limited to the minimum amount allowable under the Gwinnett County Zoning Resolution. Further reduction through the variance process is encouraged.
- P. All residents shall be a minimum age of 62.

3. To abide by the following requirements, dedications and improvements:
 - A. Dedicate at no cost to Gwinnett County, all necessary easements along the Yellow River for the future construction of a greenway path through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Easement dedication shall include the existing bridge that crosses the Yellow River. Right-of-way/easement width and location shall be located out side of stream bank setbacks and are subject to review and approval by the Gwinnett Department of Community Services.
 - B. This Office/Institutional zoning for a retirement community residential use zoned does not in any way establish a precedent for Office/ Institutional use on Hutchins Road.
 - C. Subject to Department of Transportation and site distance requirements, a left hand turn lane shall be required into the property.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By:


Charles E. Bannister, Chairman

Date Signed: 5/9/08

ATTEST:


County Clerk/Deputy County Clerk



EXHIBIT "A"

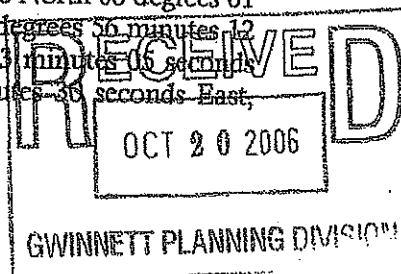
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 13 and 14 of the 5th District of Gwinnett County, Georgia, containing 34.16 acres, more or less, as shown on that certain Architectural Site Plan prepared by Stegenga + Partners, dated October 19, 2006, prepared for "Brittney Place A New Senior Community", and being more particularly described according to said site plan as follows:

BEGINNING at a point located at the intersection of the northeasterly right of way line of Hutchins Road (80 foot right of way) with the southeasterly right of way line of Brittney Place; thence leaving said intersection and run along said right of way line of Brittney Place North 56 degrees 57 minutes 22 seconds East a distance of 30.13 feet to a point; thence leaving said right of way line of Brittney Place run North 64 degrees 22 minutes 54 seconds West for a distance of 275.69 feet to a point; run thence North 21 degrees 22 minutes 54 seconds West for a distance of 125.35 feet to a point located in the center of the Yellow River (said centerline of the Yellow River is the property line); run thence along said centerline of the Yellow River in a generally northerly and northeasterly direction and following the meanderings thereof the following courses and distances:

North 63 degrees 00 minutes 50 seconds East, 120.27 feet to a point; thence North 50 degrees 25 minutes 39 seconds East, 227.24 feet to a point; thence North 43 degrees 06 minutes 11 seconds East, 176.14 feet to a point; thence North 43 degrees 17 minutes 14 seconds East, 37.31 feet to a point; thence North 11 degrees 03 minutes 07 seconds East, 51.60 feet to a point; thence North 05 degrees 04 minutes 55 seconds West, 106.22 feet to a point; thence North 49 degrees 37 minutes 03 seconds East, 54.90 feet to a point; thence South 49 degrees 58 minutes 33 seconds East, 97.39 feet to a point; thence North 56 degrees 16 minutes 28 seconds East, 106.59 feet to a point; thence North 77 degrees 55 minutes 44 seconds East, 119.72 feet to a point; thence South 71 degrees 10 minutes 30 seconds East, 154.81 feet to a point; thence South 76 degrees 36 minutes 51 seconds East, 76.47 feet to a point; thence North 75 degrees 45 minutes 05 seconds East, 109.83 feet to a point; thence North 58 degrees 42 minutes 26 seconds East, 42.98 feet to a point; thence North 28 degrees 01 minutes 07 seconds East, 116.68 feet to a point; thence North 25 degrees 50 minutes 47 seconds East, 99.22 feet to a point; thence North 19 degrees 15 minutes 07 seconds East, 56.74 feet to a point; thence North 28 degrees 05 minutes 22 seconds East, 103.71 feet to a point; thence North 48 degrees 24 minutes 04 seconds East, 114.24 feet to a point; thence North 30 degrees 55 minutes 23 seconds East, 57.00 feet to a point; thence North 28 degrees 30 minutes 17 seconds East, 45.54 feet to a point; thence North 57 degrees 25 minutes 54 seconds East, 41.07 feet to a point; thence North 29 degrees 44 minutes 28 seconds East, 23.57 feet to a point; thence North 07 degrees 09 minutes 05 seconds East, 86.77 feet to a point; thence North 42 degrees 30 minutes 16 seconds West, 106.66 feet to a point; thence North 29 degrees 17 minutes 08 seconds West, 35.30 feet to a point; thence North 10 degrees 49 minutes 38 seconds West, 35.30 feet to a point; thence North 18 degrees 09 minutes 33 seconds East, 47.34 feet to a point; thence North 36 degrees 05 minutes 48 seconds East, 114.19 feet to a point; thence North 08 degrees 01 minutes 42 seconds East, 88.19 feet to a point; thence North 08 degrees 50 minutes 12 seconds East, 106.46 feet to a point; thence North 09 degrees 53 minutes 16 seconds West, 139.40 feet to a point; thence North 14 degrees 43 minutes 30 seconds East,

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230.12 feet to a point; thence North 65 degrees 43 minutes 24 seconds East, 80.42 feet to a point;
thence leaving said centerline of the Yellow River run South 31 degrees 28 minutes 19 seconds East for a distance of 957.31 feet, more or less, to a point; run thence South 34 degrees 22 minutes 00 seconds West for a distance of 1252.75 feet to a point; run thence South 55 degrees 00 minutes 11 seconds West for a distance of 952.86 to a point located on the northeasterly right of way line of Hutchins Road (80 foot right of way); run thence along said right of way line of Hutchins Road in a generally northwesterly direction along the arc of a curve and following the curvature thereof an arc distance of 78.63 feet to a point (said arc having a radius of 6106.91 feet and being subtended by a chord bearing and distance of North 64 degrees 40 minutes 59 seconds West, 78.63 feet); continuing along said right of way line in a generally northwesterly direction along the arc of a curve and following the curvature thereof an arc distance of 181.83 feet to a point located at the intersection of the northeasterly right of way line of Hutchins Road (80 foot right of way) with the southeasterly right of way line of Brittney Place, which point marks the TRUE PLACE OR POINT OF BEGINNING (said arc having a radius of 678.44 feet and being subtended by a chord bearing and distance of North 72 degrees 43 minutes 47 seconds West, 181.28 feet).

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