



PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2024-00016
Current Zoning: M-1 (Light Industry District)
Request: Rezoning to **M-2** (Heavy Industry District)
Overlay District: Centerville/Highway 124 Corridor Overlay District
Additional Requests: Variances
Address: 3250 Centerville Highway
Map Number: R6030 100
Site Area: 9.33 acres
Proposed Development: Recovered Materials Processing Facility
Commission District: District 2 – Commissioner Ku
Future Development Type: Neighborhood Low Mix

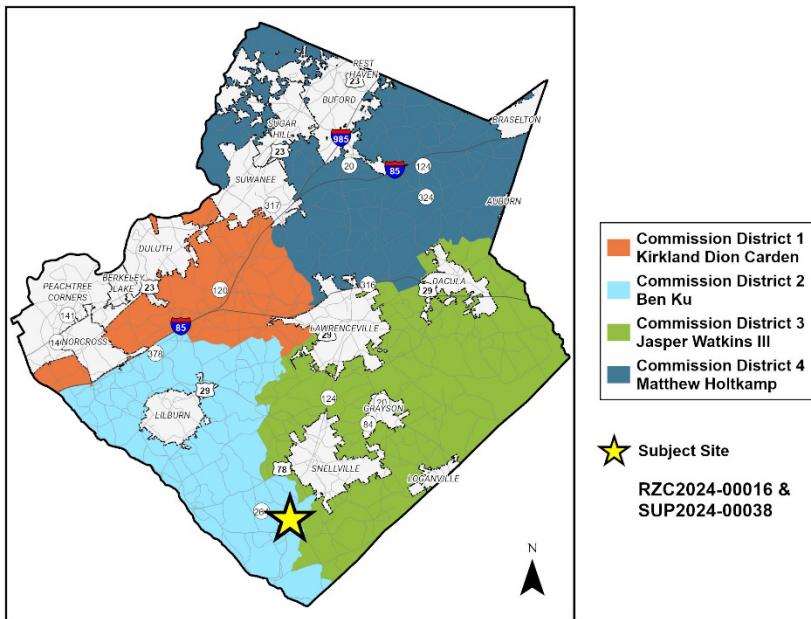
Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL

Case Number: SUP2024-00038
Proposed Zoning: M-2 (Heavy Industry District)
Request: Special Use Permit
Overlay District: Centerville/Highway 124 Corridor Overlay District
Additional Requests: Variances
Address: 3250 Centerville Highway
Map Number: R6030 100
Site Area: 9.33 acres
Proposed Development: Recovered Materials Processing Facility
Commission District: District 2 – Commissioner Ku
Future Development Type: Neighborhood Low Mix

Staff Recommendation: DENIAL

**Planning Commission
Recommendation:** DENIAL



Applicant: Seventy Seven Holdings, LLC
c/o Andersen Tate & Carr
1960 Satellite Boulevard, Suite 4000
Duluth, GA 30097

Contact: Melody A. Glouton

Owner: Seventy Seven Holdings, LLC
3100 Breckingridge Boulevard, Suite 175
Duluth, GA 30096

Contact: 770.822.0900

Zoning History

The subject property is zoned M-1 (Light Industry District). In 1981, the property was rezoned from R-100 (Single-Family Residence District) to M-1 pursuant to RZ-81-027. The property is located within the Centerville/Highway 124 Corridor Overlay District.

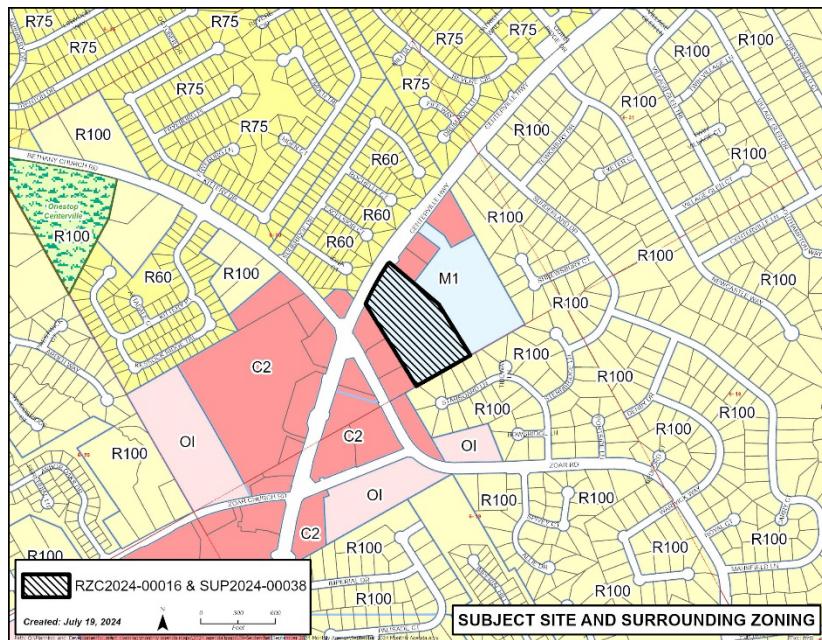
Existing Site Condition

The subject property is a 9.33-acre parcel located along Centerville Highway, north of its intersection with Bethany Church Road/Zoar Road. The site is developed with a one-story, 89,829 square foot masonry building and 106 parking spaces. The building currently operates as a warehouse and distribution center with seven loading docks. There is a stormwater management facility on the eastern side of the subject property, a 5-foot-tall wooden fence and an 8-foot-tall chain link fence along the western property line. A 20-foot sanitary sewer easement as well as a slope easement follow the Centerville Highway frontage. There is an existing 5-foot-wide sidewalk along the property frontage. The nearest Gwinnett County Transit stop is located 3.2 miles from the property.

Surrounding Use and Zoning

The subject property is surrounded by commercial, institutional, and residential uses. There are two child daycare facilities to the west, fronting Zoar Road. The Bridgeport North single-family residential subdivision borders the subject property to the south. A self-storage and vehicle storage facility as well

as an undeveloped commercial property are located to the east. To the north, across Centerville Highway, is Westchester Place single-family residential subdivision. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning
Proposed	Recovered Materials Processing Facility	M-2
North	Single-Family Residential	R-60
East	Undeveloped Self-Storage and Vehicle Storage	C-2 M-1
South	Single-Family Residential	R-100
West	Institutional	C-2

Project Summary

The applicant requests rezoning of a 9.33-acre property from M-1 to M-2 and a special use permit to allow a recovered materials processing facility while continuing the warehouse and distribution uses, including:

- Three new loading docks and two recycling loading areas along the eastern side of the building.
- A new truck scale area with curb and gutter and pavement along the eastern side of the property.
- A 10' x 30' concrete dumpster pad and dumpster enclosure at the rear of the site.
- A 100-foot-wide undisturbed buffer along the southern property line, adjacent to residential property zoned R-100. No plantings currently exist in this area.
- A 30-foot-wide undisturbed buffer along the portion of the western property line adjacent to the commercial property zoned C-1.
- A 30-foot-wide undisturbed buffer along the northern property line adjacent to the commercial property zoned C-2.
- No outdoor storage is being proposed.

Zoning and Development Standards

The applicant is requesting a rezoning to M-2 and a special use permit for a recovered materials processing facility. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Base Standard	Required	Proposed	Meets Standard?
Maximum FAR	2.0	0.22	YES
Minimum Lot Size	1 acre	9.33 acres	YES
Minimum Lot Area (Use Standard)	2 acres	9.33 acres	YES
Minimum Lot Width	150'	>377'	YES
Maximum Lot Coverage	80%	46%	YES
Front Yard Setback	Minimum 75'	>300'	YES
Side Yard Setback	Minimum 35'	>35'	YES
Rear Yard Setback	Minimum 75'	>100'	YES
Building Height	Maximum 45'	20'	YES
Parking	Minimum 30 spaces Maximum 60 spaces	106 spaces	NO*
Loading Spaces	Minimum 3 spaces	9 spaces	YES
Recycling Center Loading Spaces	Minimum 2 spaces	2 spaces	YES
Landscape Strip	Minimum 10'	10'	YES
Zoning Buffer	Minimum 100' against R-100 Minimum 30' against C-1 Minimum 30' against C-2	100' 0' 30'	YES NO** YES
Fence Height (Front Yard)	Maximum 4'	5'	NO***

*The applicant is requesting a variance to exceed the maximum parking standards.

**The applicant is requesting a variance to eliminate a portion of the required zoning buffer against C-1.

***The applicant must request an administrative variance to the fence height standards.

The property is located within the Centerville/Highway 124 Corridor Overlay District. These standards only apply to all new construction and applicable and affected portions of a redeveloped site or refurbished building. Thus, the overlay district standards would not apply to use of an existing building.

Variance Requests

In addition to the rezoning and special use permit requests, the applicant is seeking variances from the following provisions of Title II of the UDO:

1. Table 240.1 Minimum and Maximum Parking Requirements

Industrial parking shall be minimum 1 space per 3,000 square feet and maximum 1 space 1,500 square feet.

The applicant is requesting to exceed the maximum required parking by 36 spaces.

2. Table 230.2 Table of Minimum Buffer Requirements

M-2 development shall have a minimum 30-foot-wide undisturbed buffer adjacent to commercial zoning districts.

The applicant is requesting to eliminate a portion of the required undisturbed buffer adjacent to commercial properties along the western property line.

3. 240-70.1 Interior Driveways

Inter-parcel driveway connection or provision of a future inter-parcel driveway stub (with appropriate cross-access easements) shall be required between adjacent non-single-family residential properties.

The applicant is requesting not to provide an interparcel connection to the adjacent industrial and commercial parcels along the eastern and western side property lines.

4. 211-90.12C Recovered Materials Processing Facility

Along the entire road frontage (except for approved access crossings), provide a 3-foot-high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum 6 foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.

The applicant is requesting not to provide a landscaped earthen beam or a 6-foot-tall solid wooden fence along the Centerville Highway road frontage.

5. 211-90.12D Recovered Materials Processing Facility

The facility shall not be located adjacent to or across the street from any property used for or zoned for single-family residential use.

The applicant is requesting to allow a recovered materials processing facility to be located adjacent to residential zoned and used property.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit E). Standard site and infrastructure improvements will also be required related to stormwater, transportation, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

Staff Analysis

Rezoning and Special Use Permit Requests Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.6. For special use permits, the Department shall also evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.6. After this evaluation, staff makes the following findings based on the standards from the UDO:

A. Whether a proposed rezoning and special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The subject property is an existing warehouse and distribution center that borders a single-family residential subdivision and two daycare centers. Heavy industrial uses allowed in M-2 are not suitable at this location. Furthermore, the conditional use standards for recovered materials processing facilities in the UDO expressly prohibit locating adjacent to, or across the street from, residential zoning or uses. The rezoning and special use permit would not permit a use that is suitable in view of the use and development of adjacent property.

B. Whether a proposed rezoning and special use permit will adversely affect the existing use or usability of adjacent or nearby property.

The proposed recovered materials processing facility may have noise and aesthetic impacts on the adjacent residential and daycare uses and is requesting variances to UDO standards that would help mitigate these impacts. In addition, Centerville Highway may be impacted by heavy trucks that will likely be used to transport materials. The proposed rezoning and special use permit would adversely impact the existing use and usability of adjacent and nearby property.

C. Whether the property to be affected by a proposed rezoning and special use permit has a reasonable economic use as currently zoned.

The property has reasonable economic use as currently zoned.

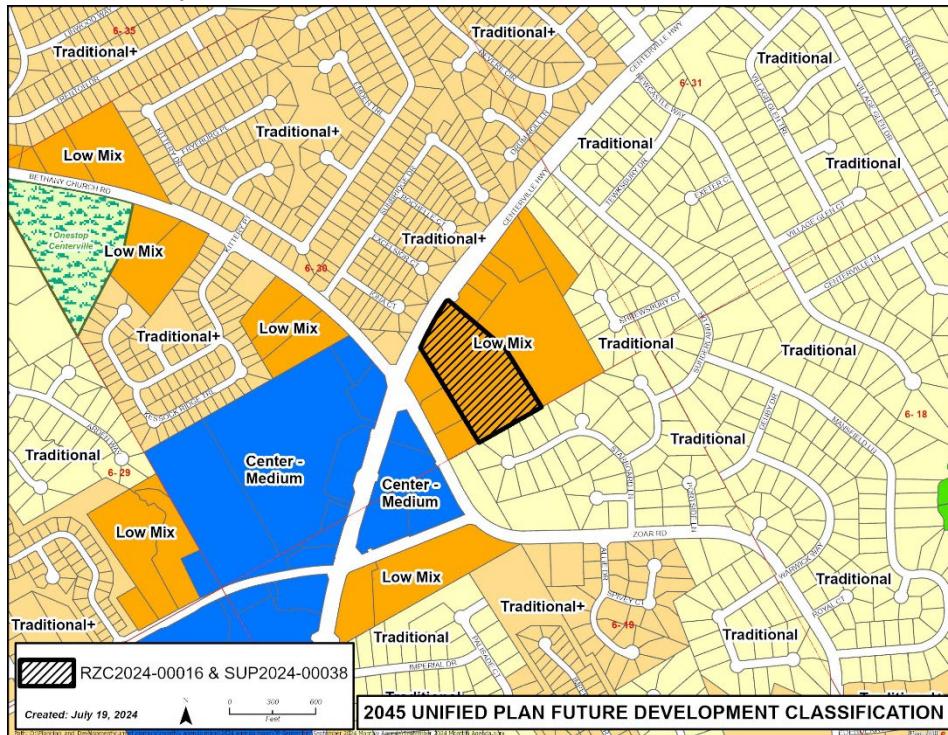
D. Whether the proposed rezoning and special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning and special use permit request are attached (Exhibit E).

E. Whether the proposed rezoning and special use permit is in conformity with the policy and intent of the Unified Plan and Future Development Map; and

The Unified Plan's Future Development Map indicates "Neighborhood Low Mix" for the subject property. The intent of this development type is to provide for missing middle housing types and low-intensity commercial and office uses. The subject property is surrounded by lower intensity

commercial and residential uses. The proposed rezoning and special use permit are not in conformity with the policy and intent of the Unified Plan and Future Development Map.



F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning and special use permit.

There are no other conditions giving support for approval or disapproval of the proposal.

Variance Requests Analysis: The standards for granting variances are outlined in Section 270-100.7 of the UDO. Staff makes the following findings related to the variance request:

The requested variances are needed to either allow existing features to continue after rezoning or to eliminate conditional use standards for a recovered materials processing facility. The first three variances are to allow the site to remain with excess parking, a partial zoning buffer, and no interparcel access to adjacent non-residential properties. The last two variances are to eliminate the required berm and fence along the Centerville Highway property frontage, and to allow a recovered materials processing facility to be located adjacent to residential property. These standards are intended to mitigate the aesthetic and noise impacts on the street frontage and surrounding properties. Approving the variances would not be consistent with the intent of the UDO.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing the exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the rezoning and special use permit requests.

In addition, staff recommends **DENIAL** of the following variances:

1. To exceed the maximum required parking by 36 spaces.
2. To eliminate a portion of the required undisturbed buffer adjacent to commercial properties along the western property line.
3. To not provide an interparcel connection to the adjacent industrial and commercial parcels along the eastern and western side property lines.
4. To not provide both a landscaped earthen beam and a 6-foot-tall solid wooden fence along the Centerville Highway road frontage.
5. To allow a recovered materials processing facility to be located adjacent to residential zoned and used property.

Staff Recommended Conditions

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

RZC2024-00016

Approval as M-2 (Heavy Industry District) for a Recovered Materials Processing Facility subject to the following conditions:

1. The property shall be limited to uses allowed in M-2 with the following prohibitions:
 - a. Heavy truck or heavy equipment repair establishment.
 - b. Heavy/civil construction/logging contractors office.
 - c. Heavy industrial facilities with the exception of a recovered materials processing facility.
2. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received July 12, 2024, with revisions required by conditions of approval and the Unified Development Ordinance as reviewed and approved by the Department of Planning and Development.
3. Hours of operation shall be limited to Monday through Saturday, 8:00 a.m. to 8:00 p.m.
4. Outdoor storage shall be prohibited on the property.
5. All buffers shown on the approved site plan shall be planted to buffer standards where there is insufficient existing vegetation to meet undisturbed buffer standards of the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.

SUP2024-00038

Approval of a special use permit for a Recovered Materials Processing Facility subject to the following conditions:

1. The special use of the property shall be limited to a recovered materials processing facility.
2. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received July 12, 2024, with revisions required by conditions of approval and the Unified Development Ordinance as reviewed and approved by the Department of Planning and Development.
3. Hours of operation shall be limited to Monday through Saturday, 8:00 a.m. to 8:00 p.m.
4. Outdoor storage shall be prohibited on the property.
5. All buffers shown on the approved site plan shall be planted to buffer standards where there is insufficient existing vegetation to meet undisturbed buffer standards of the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.

Planning Commission Recommendation

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **DENIAL** of the rezoning and special use permit requests.

In addition, the Planning Commission recommends **DENIAL** of the following variance requests:

1. To exceed the maximum required parking by 36 spaces.
2. To eliminate a portion of the required undisturbed buffer adjacent to commercial properties along the western property line.
3. To not provide an interparcel connection to the adjacent industrial and commercial parcels along the eastern and western side property lines.
4. To not provide both a landscaped earthen beam and a 6-foot-tall solid wooden fence along the Centerville Highway road frontage.
5. To allow a recovered materials processing facility to be located adjacent to residential zoned and used property.

Exhibits:

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. DWR Sewer Capacity Certification Letter
- G. Internal and External Agency Review Comments
- H. Maps

Exhibit A: Site Visit Photos



View of existing building from Centerville Highway



View of existing parking on the western side of the building



View of loading dock on the eastern side of the building



View of Centerville Highway property frontage

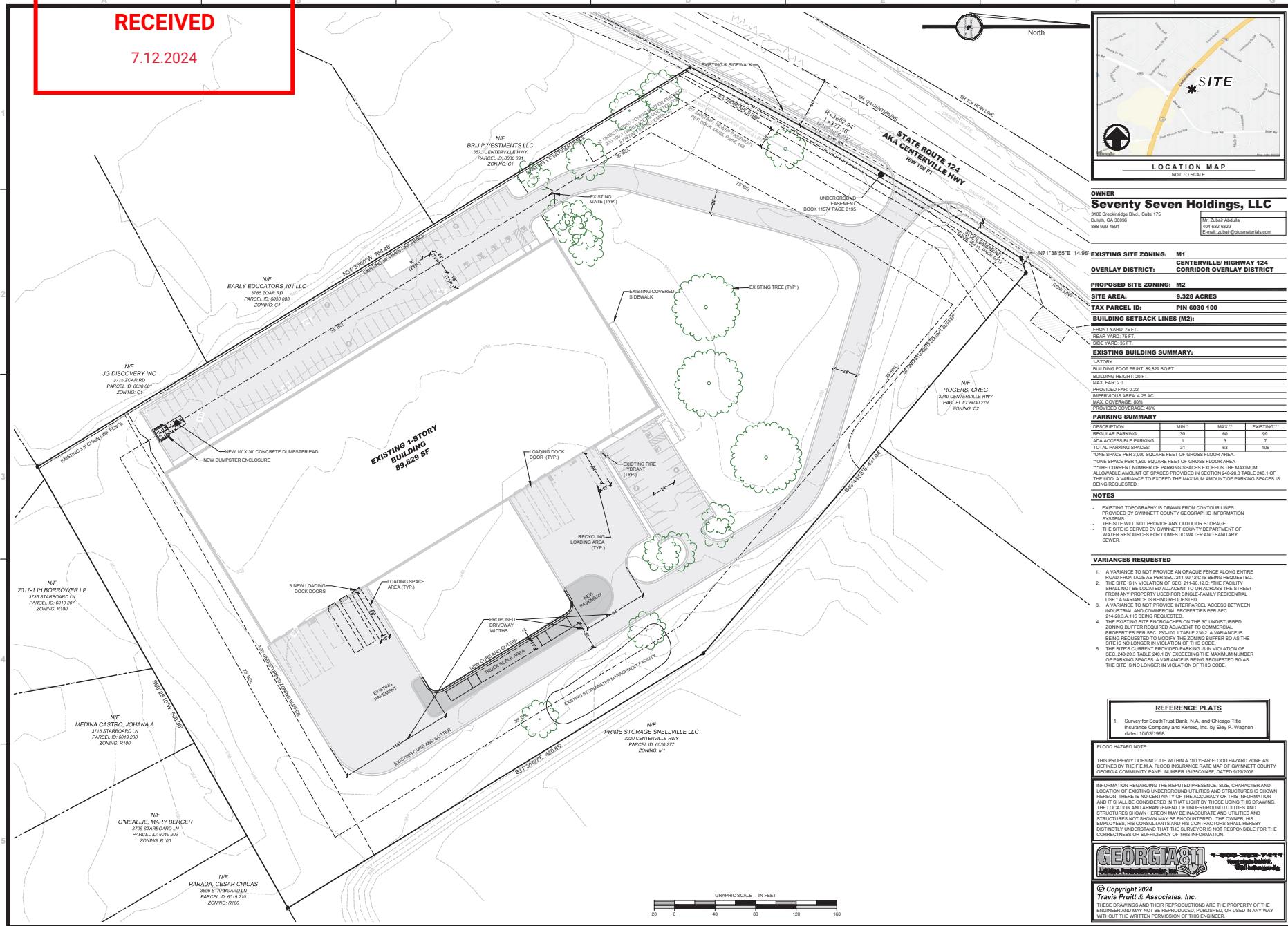
Exhibit B: Site Plan

[attached]

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PLANNING AND DEVELOPMENT

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W:\\2024\\240283\\Engineering\\CAD\\Drawings\\Zoning Site Plan.dwg, Zoning Site Plan, ebcon, Jul. 12, 24-7:49:23 AM, 1.1

Exhibit C: Building Elevations

[attached]

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Exhibit D: Letter of Intent and Applicant's Response to Standards

[attached]

July 11, 2024

REVISED
COMBINED LETTER OF INTENT AND JUSTIFICATION
FOR REZONING AND SPECIAL USE PERMIT

**Rezoning and Special Use Permit Applications
Gwinnett County, Georgia**

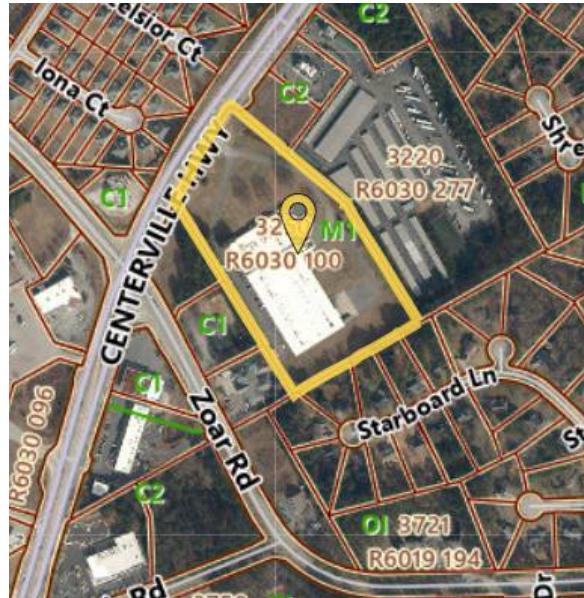
Applicant:
Seventy Seven Holdings, LLC

Property:
Tax Parcel ID R6030 100
±9.328 Acres of Land
Located at 3250 Centerville Highway, Snellville, Georgia
From M-1 to M-2

Submitted for Applicant by:
Melody A. Glouton, Esq.
ANDERSEN TATE & CARR, P.C.
One Sugarloaf Centre
1960 Satellite Blvd.
Suite 4000
Duluth, Georgia 30097
770.822.0900
mglouton@atclawfirm.com

I. INTRODUCTION

These Applications for Rezoning and Special Use Permit (“SUP”) are submitted for a 9.328-acre parcel of land located at 3250 Centerville Highway, Snellville, Georgia (the “Property”). The Property is accessible from an existing driveway onto Centerville Highway. The Property is further shown on the site plan prepared by Travis Pruitt & Associates, Inc. and filed with these Applications. The Property is owned by Seventy Seven Holdings, LLC and identified below from the Gwinnett County GIS:



The Property is currently zoned M-1 (Light Industry District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant and Property Owner, Seventy Seven Holdings, LLC (the “Applicant”) now seeks approval to rezone the Property to M-2 (Heavy Industry District) with an associated SUP, to allow for the continued operation of a warehouse and distribution facility with additional internal space for processing recovered materials. This document is submitted as the Letter of Intent, Response to Standards Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

II. DESCRIPTION OF SURROUNDING USE AND ZONING

The subject Property is located in an area with a mix of commercial, industrial, and residential uses. The following is a summary of surrounding uses and zoning:



While the Future Development Map of the Gwinnett County 2045 Unified Plan (the “2045 Plan”) classifies this Property as within the “Low Mix” future development area, this is an existing site that has been operating as a warehouse and distribution facility for over 20 years. The Property is also located in the Centerville/Georgia Highway 124 Overlay District.

III. PROJECT SUMMARY

As shown on the site plan prepared by Travis Pruitt & Associates, Inc., dated June 6, 2024, and filed with these Applications (the “Site Plan”), the rezoning would allow the Applicant to continue operating its warehouse and distribution facility, and incorporate the processing of recovered materials. The Applicant is only seeking permission to expand the services to include processing of recovered materials, which is currently not permitted in the M-1 zoning classification. As outlined in the UDO, this new service requires the property to be rezoned to M-2 with an associated Special Use Permit. The Property currently includes a 89,829 square-foot single-story building with associated surface parking. As this is an existing structure, the Applicant does not intend to expand the building. As referenced on the site plan, the Applicant is proposing to add three new loading dock doors to the truck court area.

Plus Materials has been successfully operating since 1999 and is an industry leader in transforming the recycling industry. They maintain warehouses in Georgia, Illinois, New Jersey, Texas, California, Virginia and Ontario. Plus Materials has become one of the nation's largest exporters of stocklot, scrap paper and plastic. They maintain partnerships with customers across 27 countries, providing them with sustainable solutions and their efforts provide a positive impact on the environment.

The Applicant seeks permission to continue existing operations of warehousing and distribution, and expand their services to allow the processing of recovered materials. As this is an existing site and structure, the Applicant respectfully seeks variances from the following sections of the UDO (also noted on the site plan):

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- Sec. 230-100.1 Table 230.2: The Applicant requests a variance to modify the 30' undisturbed zoning buffer on Southwest property side (See buffer line on Southwest property edge and Variances Requested Bullet 3 on site plan);
- Sec. 240-20.3 Table 240.1: The Applicant requests a variance to exceed the maximum number of parking spaces (See Parking Summary table on site plan and Variances Requested Bullet 4 on site plan)
- Sec. 211-90.12.D: The Applicant seeks a variance to provide a recovered materials processing facility (which will all be conducted internally) due to the adjacent single-family residential zoning classifications (See Variances Requested Bullet 1 on site plan)
- Sec. 214-20.3.A.1: The Applicant seeks a variance to eliminate the requirement for Interparcel vehicle access due (See Variances Requested Bullet 2 on site plan)
- Sec. 211-90.12.C: The Applicant seeks a variance to eliminate the requirement for a 6' tall solid-wood fence along the property frontage.

Here, the requested variances are necessary to afford the Applicant relief so that the Property may continue to be used as a warehousing and distribution facility, with the additional service of processing recovered materials. As previously indicated, this is an existing structure that was built in 1982. Due to the size and existing layout of the Property, strict adherence to the requirements of the UDO is not possible in this matter. Further, granting the variances would not adversely affect the existing use or usability of adjacent property.

V. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that approving the rezoning satisfies UDO § 270-20.5, entitled “Standards Governing Exercise of the Zoning Power,” as follows:

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

Yes, approval of the rezoning and SUP will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Property is located on Centerville Highway and situated among commercial, industrial, and residential uses.

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

No, the proposed rezoning and SUP will not adversely affect the existing use or usability of any of the nearby properties. All operations of the recovered materials processing will be indoors. The proposed use is compatible with existing industrial uses of adjacent properties.

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

The Applicant submits that due to the existing size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic use as currently zoned.

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

No, the rezoning and SUP will not result in an excessive or burdensome use of the infrastructure systems. No increase in impacts on public facilities are anticipated in the form of traffic, utility demand, or schools. The Property has convenient access to Centerville Highway. The proposed development would be consistent with the existing commercial and industrial uses. Moreover, appropriate conditions, site development requirements, and planning could mitigate any potential impacts.

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

The proposed rezoning and SUP are in conformity with the surrounding land use patterns. The requested rezoning and associated special use permit will allow for the continuation of the business and permit processing of recovered materials.

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

The Applicant submits that the character of the surrounding properties and the existing commercial and industrial uses provide supporting reasons for approval of the rezoning and SUP. In addition, the Applicant submits that the Property's location, size, and dimensions, as well as its proximity to existing industrial further support approval of the rezoning.

VI. JUSTIFICATION FOR REZONING

The Applicant respectfully submits that "The Unified Development Ordinance of Gwinnett County, Georgia" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development and operation of a warehouse and distribution facility with processing of recovered materials under M-2 with an associated SUP, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the

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Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Gwinnett County Board of Commissioners to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested rezoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the Gwinnett County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution. These Applications meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone the Property from M-1 to M-2, with an associated SUP, be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

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Respectfully submitted this 11th day of July, 2024.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/dwb
4865-3305-1088, v. 1

Exhibit E: Application and Disclosure of Campaign Contributions

[attached]

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REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
Name: Seventy Seven Holding c/o Andersen Tate & Carr Address: 1960 Satellite Blvd. S-4000 City: Duluth State: GA ZIP: 30097 Phone: 770-822-0900 Email: mglouton@atclawfirm.com	Name: Seventy Seven Holdings LLC Address: 3100 Brenckinridge Blvd S-175 City: Duluth State: GA ZIP: 30097 Phone: 770-822-0900 Email: zoeb@plusmaterials.com
Contact Person: Melody A. Glouton Phone: 770-822-0900 Contact's Email: mglouton@atclawfirm.com	
APPLICANT IS THE: <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Owner's Agent <input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Contract Purchaser </div>	
Current Zoning District(s): M-1 Requested Zoning District: M-2 with SUP	
Parcel Number(s): R6030 100 Acreage: 9.328	
Property Address(es): 3250 Centerville Highway, Snellville, GA	
Proposed Development: Ware house distribution facility with recovered materials processing facility 211-90.12.D (location to residential); 214-20.3.A.1 (interparcel access); 211-90.12.C (fencing)	
Variance(s): 230-100.1, Table 230.2 (buffer); 240-20.3, Table 240.1 Waiver(s): (maximum parking spaces)	
RESIDENTIAL DEVELOPMENT No. of Dwelling Units: _____ Dwelling Unit Sq. Ft.: _____ Density: _____ Floor Area Ratio (LRR, MRR, HRR): _____	NON-RESIDENTIAL DEVELOPMENT No. of Buildings: 1 Total Building Sq. Ft.: 89,829 Floor Area Ratio: 0.22
MIXED-USE DEVELOPMENT No. of Dwelling Units: _____ Dwelling Unit Sq. Ft.: _____ Total Non-Residential Sq. Ft.: _____ Floor Area Ratio: _____	

RECEIVED

6.27.2024

REZONING APPLICANT'S CERTIFICATION

The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Board of Commissioners unless waived by the Board of Commissioners. In no case shall an application or reapplication be acted upon in less than six months from the date of last action by the Board of Commissioners.

Melody A. Glouton

Signature of applicant

6/27/24

Date

Melody A. Glouton, Attorney for Applicant

06.27.2024

Type or print name and title

Date

D. Glouton

Signature of notary public

06.27.2024

Date



Notary seal

RECEIVED

6.27.2024

REZONING PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Board of Commissioners unless waived by the Board of Commissioners. In no case shall an application or reapplication be acted upon in less than six months from the date of last action by the Board of Commissioners.

Melody A. Gloton

Signature of applicant

06/27/2024

Date

Melody A. Gloton, Attorney for Applicant

06/27/2024

Type or print name and title

Date

D. A. Gloton

Signature of notary public

06/27/2024

Date



RECEIVED

6.27.2024

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, applying for a rezoning, has complied with the Official Code of Georgia Section 36-67A-1 and has submitted or attached the required information on the forms provided.



Signature of applicant

06/27/2024

Date

Melody A. Glouton, Attorney

06/27/2024

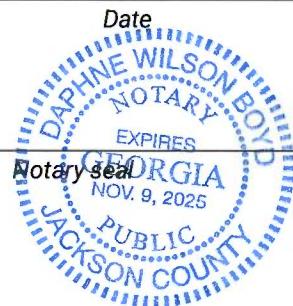
Type or print name and title



06/27/2024

Signature of notary public

Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250 or more to a member of the Gwinnett County Board of Commissioners or a member of the Gwinnett County Planning Commission?

 Yes No _____

Andersen Tate & Carr

Name

If the answer is yes, please complete the following section: see attached

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date Contribution Was Made (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

RECEIVED

6.27.2024

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contribution Was Made (within last two years)
Nicole Love Hendrickson and/or Love4Gwinnett	\$1,500.00 \$1,000.00 \$800.00	03/03/2023 06/07/2023 10/05/2023
Kirkland Carden and/or Kirkland 4 Gwinnett, LLC Kirland 4 Gwinnett, LLC	\$500.00 \$2,000.00 \$800.00	05/05/2022 07/17/2023 02/05/2024
Ben Ku and/or Ku For You	\$1,000.00 \$1,500.00	03/25/2022 10/06/2022
Matthew Holtkamp and/or Matthew For Gwinnett	\$2,500.00 \$800.00	9/15/2023 01/24/2024

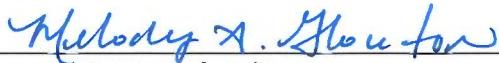
4864-7245-2500, v. 1

RECEIVED

6.27.2024

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, applying for a rezoning, has complied with the Official Code of Georgia Section 36-67A-1 and has submitted or attached the required information on the forms provided.



Signature of applicant

06/27/2024

Date

Melody A. Glouton, Attorney

06/27/2024

Type or print name and title



Signature of notary public

06/27/2024

Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250 or more to a member of the Gwinnett County Board of Commissioners or a member of the Gwinnett County Planning Commission?

 Yes No Seventy-Seven Holdings LLC

Name

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250 or more)	Date Contribution Was Made (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

RECEIVED

6.27.2024

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

The undersigned below is authorized to make this application. The undersigned certifies that all Gwinnett County property taxes billed to date for the parcel listed below have been paid in full to the Gwinnett County Tax Commissioner. In no case shall an application or reapplication for rezoning be processed without such property verification.

Note: A separate verification form must be completed for each tax parcel included in the rezoning request.

Parcel ID Number:
(Map reference number)

6th	-	30	-	100
District		Land lot		Parcel


Signature of applicant

06/21/2024

Date

Melody A. Glouton, Attorney for Applicant

06/21/2024

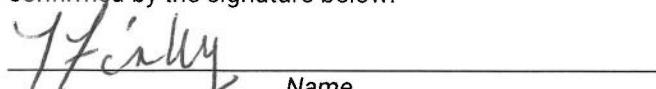
Type or print name and title

Date

Please take this form to the Tax Commissioners office at the Gwinnett Justice and Administration Center, located at 75 Langley Drive in Lawrenceville, for their approval below.

TAX COMMISSIONERS USE ONLY

Payment of all property taxes billed to date for the above referenced parcel has been verified as paid current and confirmed by the signature below.


Name

Date


Title

RECEIVED

7.12.2024

SPECIAL USE PERMIT APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION
Name: <u>Seventy Seven Holdings, LLC c/o Andersen Tate & Carr</u>	Name: <u>Seventy Seven Holdings, LLC</u>
Address: <u>1960 Satellite Blvd. S-4000</u>	Address: <u>3100 Breckingridge Blvd. S-175</u>
City: <u>Duluth</u>	City: <u>Duluth</u>
State: <u>GA</u> ZIP: <u>30097</u>	State: <u>GA</u> ZIP: <u>30097</u>
Phone: <u>770-822-0900</u>	Phone: <u>770-822-0900</u>
Email: <u>mglouton@atclawfirm.com</u>	Email: <u>zoeb@plusmaterials.com</u>
Contact Person: <u>Melody A. Glouton</u>	Phone: <u>770-822-0900</u>
Contact's Email: <u>mglouton@atclawfirm.com</u>	
APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
Existing/Proposed Zoning District(s): <u>M-1/M-2</u>	
Parcel Number(s): <u>R6030 100</u> Acreage: <u>9.328</u>	
Property Address(es): <u>3250 Centerville Highway, Snellville, GA</u>	
Proposed Development: <u>recovered materials processing facility</u> <u>211-90.12.D (location to residential); 214-20.3.A.1 (interparcel access); 211-90.12.C (fencing);</u>	
Variance(s): <u>230-100.1, Table 230.2 (buffers); 240-20.3, Table 240.1</u> Waiver(s): <u>(maximum parking spaces)</u>	
Building/Leased Sq. Ft.: <u>89,829</u> Floor Area Ratio: <u>0.22</u>	

RECEIVED

6.27.2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 12/2023

SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.

Melody A. Glouton

Signature of Applicant

06/27/2024

Date

Melody A. Glouton, Attorney for Applicant

Type or Print Name and Title

D. Glouton

Signature of Notary Public

06/27/2024

Date



RECEIVED

6.27.2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 12/2023

SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within six (6) months from the date of last action by the Board of Commissioners.

Melody A. Glouton
Signature of Property Owner

06/27/2024

Date

Melody A. Glouton, Attorney for Applicant
Type or Print Name and Title

D. J. Glouton
Signature of Notary Public

06/27/2024

Date



RECEIVED

6.27.2024

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contribution Was Made (within last two years)
Nicole Love Hendrickson and/or Love4Gwinnett	\$1,500.00 \$1,000.00 \$800.00	03/03/2023 06/07/2023 10/05/2023
Kirkland Carden and/or Kirkland 4 Gwinnett, LLC Kirland 4 Gwinnett, LLC	\$500.00 \$2,000.00 \$800.00	05/05/2022 07/17/2023 02/05/2024
Ben Ku and/or Ku For You	\$1,000.00 \$1,500.00	03/25/2022 10/06/2022
Matthew Holtkamp and/or Matthew For Gwinnett	\$2,500.00 \$800.00	9/15/2023 01/24/2024

4864-7245-2500, v. 1

RECEIVED

6.27.2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 12/2023

CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Date

Type of Print Name and Title

Melody A. Glouton 06/27/2024 Melody A. Glouton, Attorney for Applicant
Signature of Applicant's Date Type or Print Name and Title
Attorney or Representative

06/27/2024

Melody A. Glouton, Attorney for Applicant

Signature of Applicant's
Attorney or Representative

Date _____

Type or Print Name and Title

Signature of Notary Public

Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners?

Yes No _____ Andersen Tate & Carr (Your Name)

If the answer is yes, please complete the following section:

See attached

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

RECEIVED

6.27.2024

Gwinnett County Planning Division
Special Use Permit Application
Last Updated 12/2023

CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Date

Type of Print Name and Title

Signature of Applicant's
Attorney or Representative

06/27/2024

Melody A. Glouton, Attorney for Applicant

Signature of Applicant's
Attorney or Representative

Date _____

Type or Print Name and Title

Signature of Notary Public

06/27/2024

Date _____



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners?

Yes No Seventy Seven Holdings, LLC (Your Name)

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

Exhibit F: DWR Sewer Capacity Certification Letter

[attached]



June 10, 2024

Zoeb Abdulla
Plus Recycling Network
3100 Breckinridge Blvd Suite 175
Duluth, GA 30096

APPROVED
 DENIED
 CONDITIONALLY APPROVED
Sewer Capacity Request #C2023-139-06
Expiration Date: 06/10/2025
Tie-In Manhole FID: 1160920

RE: Sewer Availability for Proposed Development – PRN SE
Parcel ID 6030 100

Dear Zoeb Abdulla:

Gwinnett County Department of Water Resources (GCDWR) has reviewed the impact of the proposed development consisting of a 89,000-sf recycling facility on the above parcel(s) and determined:

Gwinnett County has adequate sewer capacity to serve the proposed development.

This confirmation is based on your anticipated annual average daily flow of 0.94 gpm discharging to the sewer tie-in manhole at Facility ID **1160920**. This request is for anticipated flows from the development's toilet facilities only; no industrial processing discharges are covered as none were identified for this capacity request.

Capacity Allocation: Sewer capacities are allocated only upon the issuance of a Development Permit, by Gwinnett County Planning & Development and after all applicable conditions established in this Sewer Capacity Certification, if any, are met.

Certification Expiration: The Sewer Capacity Certification is valid for 12 months from the date of this letter. If rezoning is approved, GCDWR will issue a revised Sewer Capacity Certification based on the approved units, as needed. The capacity request can be renewed for an additional 12 months. If a Development Permit has not been obtained by the expiration date above the developer may apply for renewal by providing evidence of active rezoning, plan review, or permitting efforts.

Once the Sewer Capacity Certification expires, the capacity is no longer allocated, and a new Sewer Capacity Certification request must be submitted for re-evaluation with no guarantee of available capacity. The evaluation will be based on the updated conditions of the sewer system.

Certification Invalidation: This certification is not valid if there are proposed changes to your development that could impact downstream sewer capacity (e.g. land use density, sewer tie-in manhole, parcel changes, and/or rezoning). In this case the development must resubmit for a

GWINNETT COUNTY
PLANNING AND DEVELOPMENT
RECEIVED
RP
6.27.2024



GWINNETT COUNTY
DEPARTMENT OF WATER RESOURCES

684 Winder Highway | Lawrenceville, GA 30045-5012
678.376.6700
www.gwinnettcounty.com | www.gwinnetth2o.com

new Sewer Capacity Request with updated information prior to the expiration of the previous one.

Please contact us at 678-376-7026 if you have any questions.

Sincerely,

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES

Lorraine Campagne, PE
Section Manager, Development Support
678.376.7058

C: Gwinnett County DWR – Tai Yi Su, Division Director; Raghu Vemuru, Engineer V; Mikala Weston, Engineer III
Gwinnett County P&D – Charli Young, Planning Manager; Geniva Sylvain, Engineer I; Christina Dejarnette, Engineer I

Exhibit G: Internal and External Agency Review Comments

[attached]

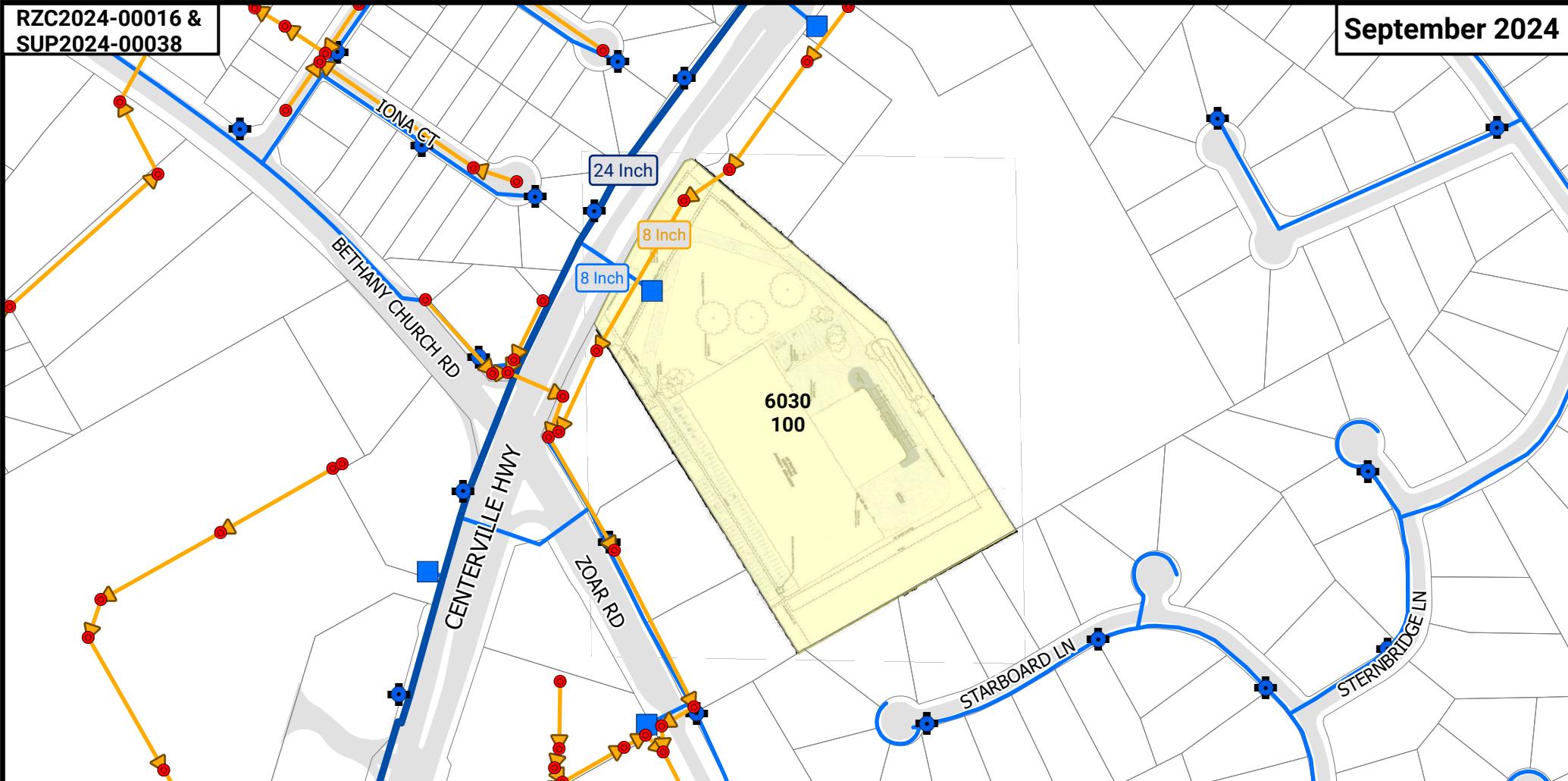


Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:				
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcounty.com		
Case Number:		RZC2024-00016 & SUP2024-00038		
Case Address:		3250 Centerville Highway		
Comments:		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	
1	Water: GCDWR does not have comments for this special use permit or the rezoning permit. The existing facility is connected to public water.			
2	Sewer: A Sewer Capacity Certification (C2024-139-06) has been approved for a 90,000 square foot recycling facility. The existing building is connected to public sewer.			
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	YES	<input checked="" type="checkbox"/> NO
1				
2				
3				
4				
5				
6				
7				

Note: Attach additional pages, if needed

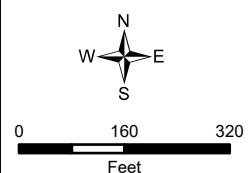
Revised 7/26/2021



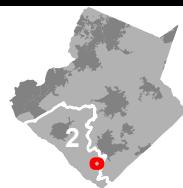
3250 Centerville Hwy

M-1 to M-2

Water & Sewer Utility Map



LOCATION



Water Comments: GCDWR does not have comments for this special use permit or the rezoning permit. The existing facility is connected to public water.

Sewer Comments: A Sewer Capacity Certification (C2024-139-06) has been approved for a 90,000 square foot recycling facility. The existing building is connected to public sewer.

Water Availability: Water demands imposed by the proposed development may require upsizing or extensions of existing water mains in order to meet Gwinnett County Standards and fire flow demands. Any cost associated with such required improvements will be the responsibility of the development. Current Gwinnett County Standards require a minimum of 12" pipe size for commercial developments and a minimum of 8" pipe size for residential developments. Additionally, connection to a minimum of 12" and 8" mains are required for commercial and residential developments, respectively. It is the responsibility of the developer's engineer to confirm pressure and volumes are available for the development.

Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, and/or installation of a new pump station. Any cost associated with such required improvements will be the responsibility of the development. The developer shall provide easements for future sewer connection to all locations designated by Gwinnett County during plan review.

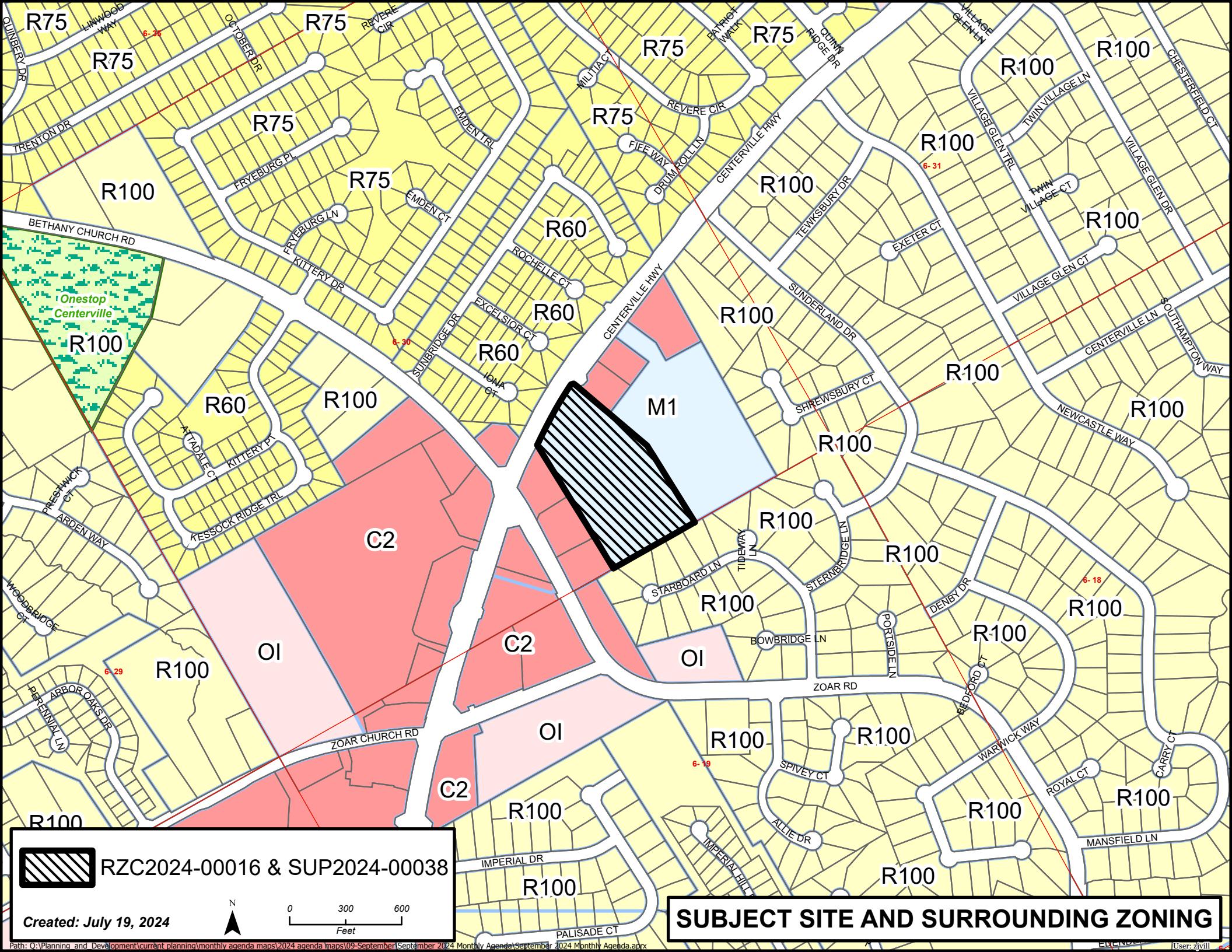
Water and Sewer Design and Construction Requirements: Extensions of the water and/or sanitary sewer systems within the subject development must conform to this department's policies, Gwinnett County's ordinances, and the Water Main and Sanitary Sewer Design and Construction Standards and Specifications, dated April 5, 2016. Subsequent to design, construction, inspection, and final acceptance of the required utilities, service would then become available under the applicable utility permit rate schedules.

Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among other requirements.

Exhibit H: Maps

[attached]



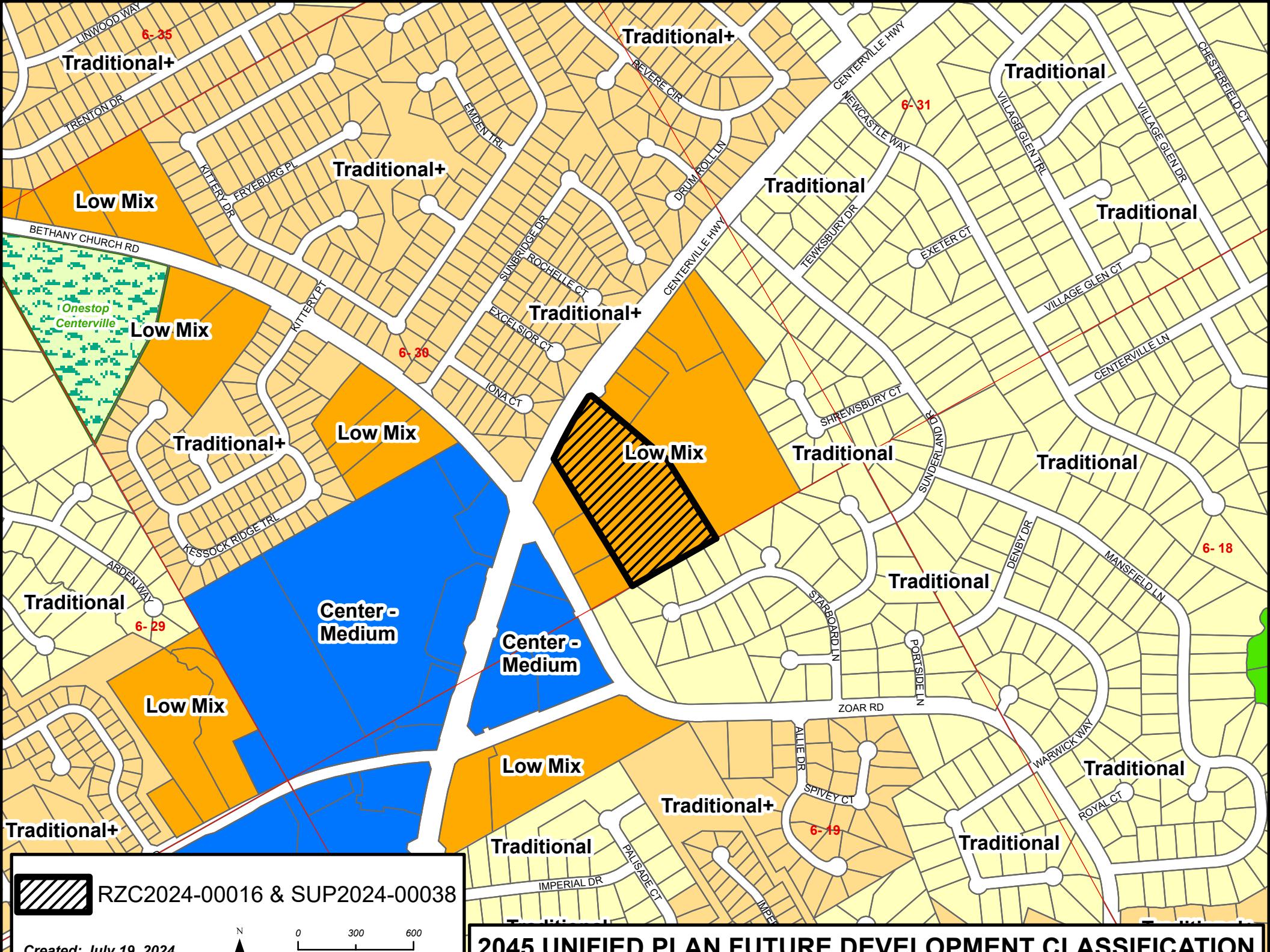


RZC2024-00016 & SUP2024-00038

Created: July 19, 2024



SUBJECT SITE AND SURROUNDING ZONING



RZC2024-00016 & SUP2024-00038

A horizontal number line starting at 0 and ending at 600. There is a tick mark at 300, with the label "Feet" written below the line under the tick mark.

2045 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION