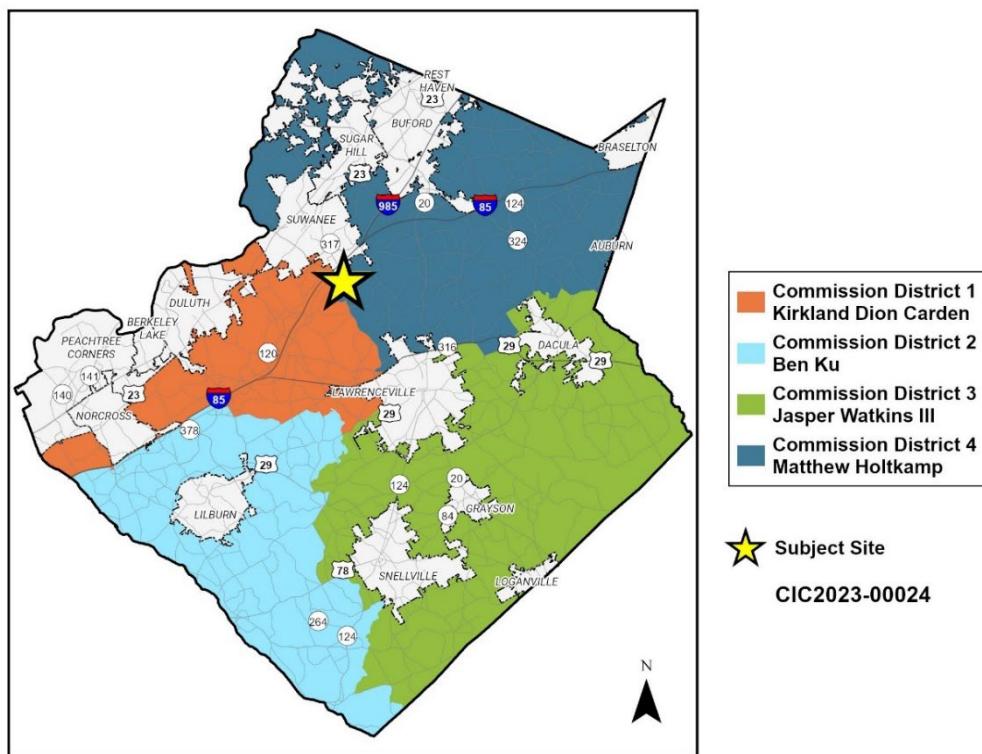




## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

<b>Case Number:</b>	<b>CIC2023-00024</b>
<b>Current Zoning:</b>	<b>C-2 (General Business District)</b>
<b>Request:</b>	<b>Change in Conditions</b>
<b>Addresses:</b>	<b>2686 and 2696 Lawrenceville-Suwanee Road</b>
<b>Map Numbers:</b>	<b>R7127 009 and 017</b>
<b>Site Area:</b>	<b>1.56 acres</b>
<b>Square Feet:</b>	<b>22,680</b>
<b>Proposed Development:</b>	<b>Ground Sign</b>
<b>Commission District:</b>	<b>District 4 – Commissioner Holtkamp</b>
<b>Character Area:</b>	<b>Community Mixed-Use</b>
<b>Staff Recommendation:</b>	<b>DENIAL</b>
<b>Planning Commission Recommendation:</b>	<b>DENIAL</b>



Planning Commission Advertised Public Hearing Date: 12/5/2023 (Public Hearing Tabled to 1/2/2024)

Board of Commissioners Advertised Public Hearing Date: 12/12/2023 (Public Hearing Tabled to 5/14/2024)

**Applicant:** 2696 Suwanee Road, LLC  
c/o Mahaffey Pickens Tucker, LLP  
1550 North Brown Road, Suite 125  
Lawrenceville, GA 30043

**Owners:** 2696 Suwanee Road, LLC  
1751 Garraux Road  
Atlanta, GA 30327

2686 Lawrenceville-Suwanee  
Road, LLC  
1751 Garraux Road  
Atlanta, GA 30327

**Contact:** Gabrielle Schaller

**Contact Phone:** 770.232.0000

## **Zoning History**

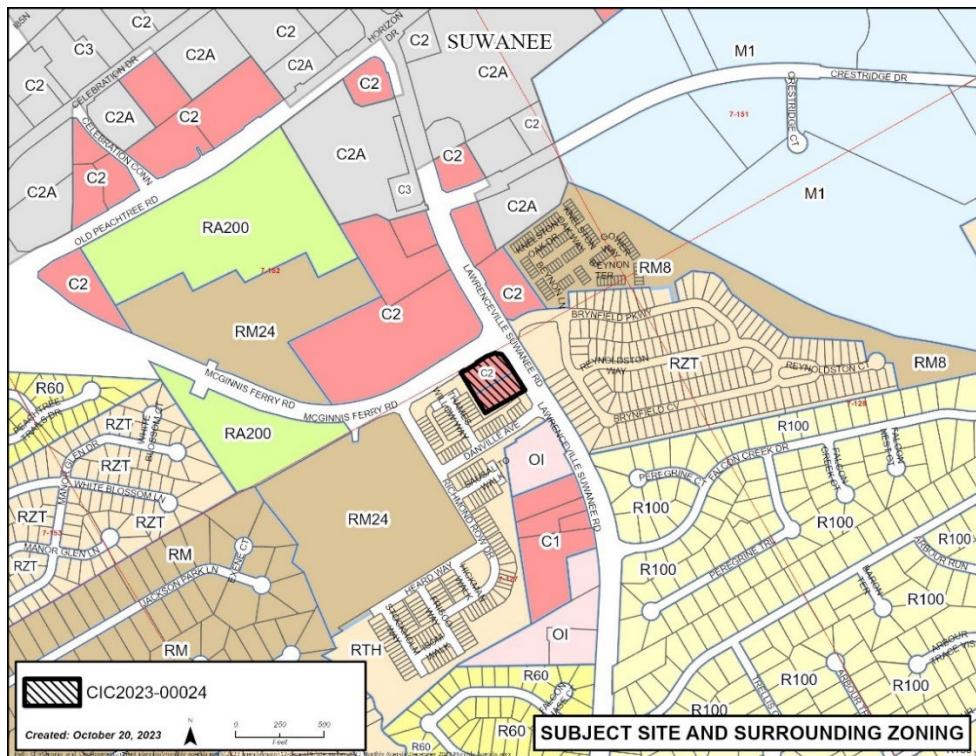
The subject property is zoned C-2 (General Business District). In 1975, the property was rezoned from R-100 (Single-Family Residence District) to HS (Hospital Service District) as part of an areawide rezoning. In 1993, the property was rezoned from HS to O-I (Office-Institutional District) for office use, pursuant to CZ-93-003. Finally, in 2021 the subject property was rezoned from O-I to C-2, pursuant to RZC2021-00015. This change in conditions request is related to the latest rezoning case.

## **Existing Site Condition**

The subject property is a 1.56-acre site of two parcels at the intersection of Lawrenceville-Suwanee Road and McGinnis Ferry Road. The northern parcel located at the corner, contains an existing 4,776-square foot medical office with a surface parking lot located north and east of the building. The northern parcel has right-in/right-out driveways on Lawrenceville-Suwanee Road and McGinnis Ferry Road due to existing concrete medians located on both roads. One existing ground sign is located on the northern parcel. The southern parcel, with frontage solely on Lawrenceville-Suwanee Road, contains an existing 1,356-square foot single-family detached residence with a dilapidated surface parking east of the building. The southern parcel also has limited driveway access due to the existing median located along Lawrenceville-Suwanee Road. The site is generally flat and slight downward slope from the northern to southern corner. A 5-foot-wide sidewalk with a grass strip exists along both road frontages. An existing detention area and retaining wall are located northwest of the medical office. The site contains limited vegetation with the majority of trees and shrubbery along the western boundary and between the two existing parcels. The nearest Gwinnett County Transit stop is approximately 4.1 miles from the subject property.

## **Surrounding Use and Zoning**

The subject site is located along a heavily trafficked intersection and is surrounded by residential, commercial, and office related uses. Richmond Row, a townhouse and apartment development, is located to the south and west of the property. Brynfield, a single-family detached subdivision, is located north and east of the site across Lawrenceville-Suwanee Road. A grocery store and multi-tenant shopping center containing a mixture of retail, restaurant, and service-based commercial uses is located to the north across McGinnis Ferry Road. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Ground Sign (Medical Office)	C-2	N/A
North	Commercial	C-2	N/A
East	Single-Family Residence	R-ZT	5.40 units per acre
South	Townhouses	R-TH	6.80 units per acre
West	Townhouses	R-TH	6.80 units per acre

## Project Summary

The applicant requests a change in conditions for a 1.56-acre property zoned C-2 to allow a larger ground sign, including:

- A change in conditions of zoning case RZC2021-00015. The applicant is requesting the following condition be removed:
  - Condition 4 "Ground signage shall not exceed eight feet in height" The applicant requests to eliminate this condition in its entirety.
- The applicant is requesting to follow the standard sign regulations for the size and placement of ground signage for two non-residential lots. The maximum sign height is 20 feet with a minimum setback from the right-of-way equal to the sign height.
- The applicant has not provided sign renderings or details of the proposed ground signage.
- There is an existing ground sign at the corner of Lawrenceville-Suwanee Road and McGinnis Ferry Road that does not comply with current sign regulations.
- No new development authorized by RZR2021-00015 has occurred on the site approved in September 2021.
- RZC2021-00015 approved an expansion of the existing medical office building and a new 2-story retail/office building on an adjacent parcel for a total of 22,680 square feet of buildings.

## Zoning and Development Standards

The applicant is requesting a change in conditions to increase the allowable sign height of a ground sign on a property zoned C-2 (General Business District). The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	45'	YES
Front Yard Setback	Minimum 15'	15'	YES
Side Yard Setback	Minimum 10'	10'	YES
Rear Yard Setback	Minimum 30'	30'	YES
Sign Height	Maximum 8'	Unknown	NO*
Sign Setback	Equal to Height of Sign	Unknown	NO*
Sign Quantity	One Ground Sign Per Road Frontage and Parcel**	One (existing)	YES
Parking (Commercial)	Minimum 46 spaces Maximum 152 spaces	86 spaces	YES
Zoning Buffer	75' Adjacent R-TH	10'	NO***

\*A sign location plan and sign elevation were not submitted with this request. Rather, the applicant is requesting to follow the standard Sign Ordinance. Code conditions limit the sign to a maximum of 8-feet.

\*\*Up to three ground signs are allowed.

\*\*\* Site was approved for a buffer reduction from a required 75-foot-wide undisturbed buffer adjacent to the existing R-TH development to a 10-foot-wide landscaped buffer, pursuant to RZC2021-00015.

## Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements and Sign Ordinance requirements related to signage. Internal and External agency review comments are attached (Exhibit F). 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

**Change in Conditions Request Analysis:** According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, or change in conditions, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO:

- A. Whether a proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The request for a ground sign to exceed 8 feet in height would require an equal setback distance from the right-of-way, per the sign ordinance. A potential ground sign with a setback distance larger than 8 feet would place the sign within the off street-parking area, potentially

changing the layout of the site and approved site plan, for which substantial conformance is required as a condition of approval. In addition, a sign larger than 8 feet would not be suitable in view of the existing signage along Lawrenceville-Suwanee Road for adjacent commercial and office developments.

**B. Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property.**

A ground sign larger than 8 feet with a required setback to match said height would result in the potential loss of off street parking spaces and change the approved site plan. The applicant has not provided elevations, dimensions, or the location of the proposed ground sign, limiting the ability to determine potential impact on the site as well as nearby properties.

**C. Whether the property to be affected by a proposed change in conditions has a reasonable economic use as currently zoned.**

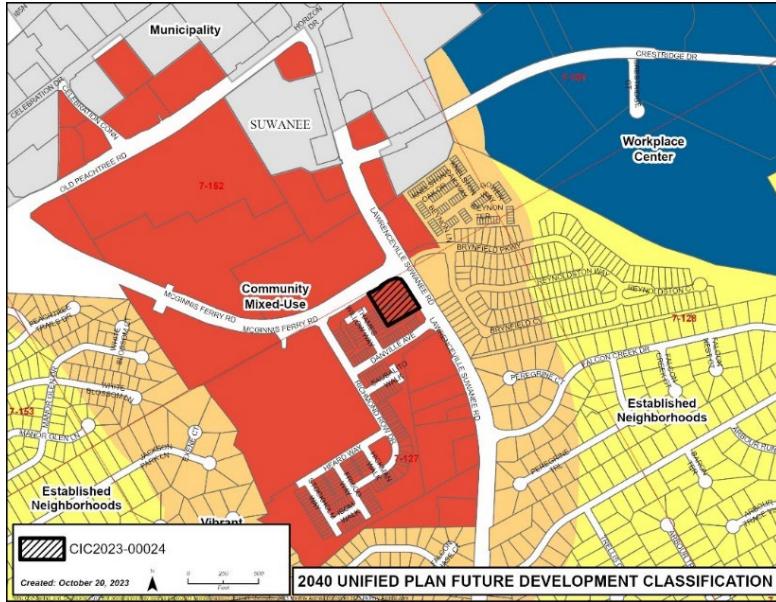
The property has a reasonable economic use as currently zoned.

**D. Whether the proposed change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

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. An increased impact is not anticipated on school enrollment. Agency review comments related to any potential improvements concerning this change in conditions request are attached (Exhibit F).

**E. Whether the proposed change in conditions is in conformity with the policy and intent of the Unified Plan and Future Development Map; and**

The 2040 Unified Plan Future Development Map indicates that the subject property lies within the Community Mixed-Use Character Area. This designation is intended for areas that have intense commercial uses with smaller office tenants, and medium to high density residential uses concentrated at major intersections. Due to the location and proposed density within the Community Mixed-Use Area, two retail and medical office buildings are an acceptable use.



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

The subject property was approved with conditions in 2021 for a medical center with retail. The intention of the ground signage condition was to limit the height of additional signage for the future expansion and redevelopment of the site. The removal of this condition to allow the applicant to comply with the sign ordinance standards without the applicant providing elevations for the design and location may risk a potential ground sign that does not conform to the surrounding area or be in substantial conformance with the previously approved site plan.

### 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 change in conditions request.

### Staff Recommended Conditions

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

Approval as C-2 (General Business District) subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit B: Site Plan submitted on May 6, 2021, to the Department of Planning and Development with revisions required by conditions of approval, as reviewed and approved by the Director of Planning and Development.
2. Buildings shall be of a brick, stone, high quality non-ribbed metal, Swiss Pearl or similar, and/or glass finish on all sides. Stucco and EIFS may not be used. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
3. The location and design of the driveways shall be subject to review and approval of the Gwinnett Department of Transportation.

- ~~4. Ground signage shall not exceed eight feet in height.~~
- 4. The existing ground sign is to be removed and replaced with ground signage compliant with the general provisions of the sign ordinance.**
5. No outdoor loudspeakers shall be allowed.
6. Natural vegetation shall remain on the property until the issuance of a development permit.
7. No tents, canopies, temporary banners, streamers, or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site.
8. A shared parcel access adjacent between both parcels shall be recorded prior to the issuance of a Certificate of Occupancy.
9. Developer shall install an eight-foot-tall wooden privacy fence along the subject property's southwestern boundary line.

### **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 change in conditions request.

**Exhibits:**

- A. Site Visit Photos
- B. Site Plan
- C. Previously Approved Resolution (RZC2021-00015)
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. Internal and External Agency Review Comments
- G. Maps

## Exhibit A: Site Visit Photos



**View of Existing Medical Office**



**View of Existing Detached Single-Family Residence**

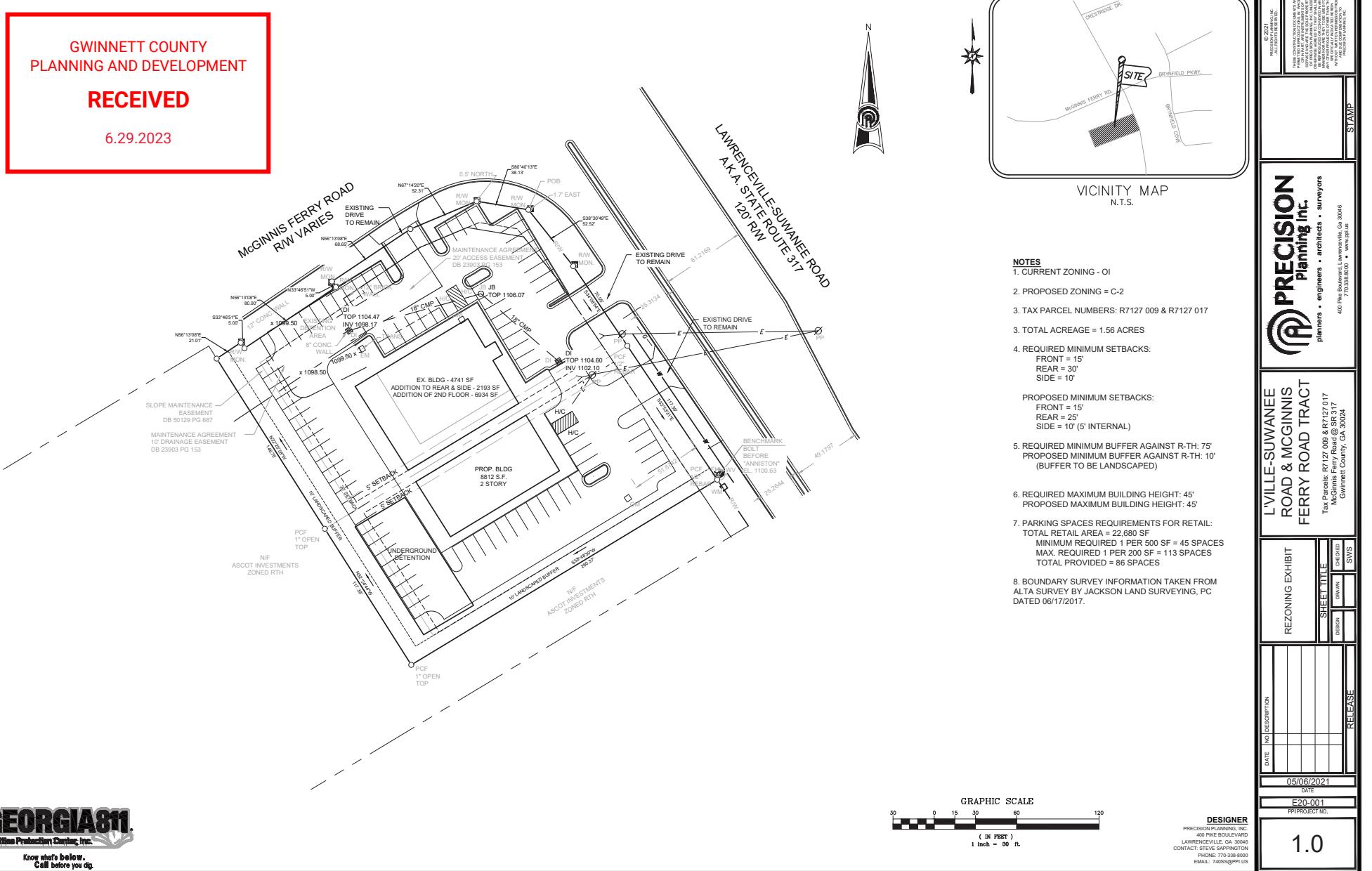


**View of Existing Ground Sign for the Medical Office**

**Exhibit B: Site Plan**

**[attached]**

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT  
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6.29.2023



**GEORGIA811**  
Utilities Protection Center, Inc.  
Know what's below.  
Call before you dig.



**Exhibit C: Previously Approved Resolution (RZC2021-00015)**

**[attached]**

GWINNETT COUNTY  
BOARD OF COMMISSIONERS  
LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: AMENDMENT TO THE OFFICIAL ZONING MAP

ADOPTION DATE: SEPTEMBER 28, 2021

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

---

	<u>Present</u>	<u>Vote</u>
Nicole L. Hendrickson, Chairwoman	Yes	Aye
Kirkland Carden, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Jasper Watkins, III, District 3	Yes	Aye
Marlene Fosque, District 4	Yes	Aye

---

On motion of Commissioner Carden, which carried a 5-0 vote, the following 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 O-I to C-2 with buffer reductions by 2696 Suwanee Road, LLC for the proposed use of a Medical and Retail Center 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 September 28, 2021, and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, this 28<sup>th</sup> day of September 2021, that the aforesaid application to amend the Official Zoning Map from O-I to C-2 is hereby **APPROVED** with the following conditions including approval of the two buffer reduction waivers:

1. Development shall be in substantial conformance with Exhibit B: Site Plan submitted on May 6, 2021, to the Department of Planning and Development with revisions required by conditions of approval, as reviewed and approved by the Director of Planning and Development.
2. Buildings shall be of a brick, stone, high quality non-ribbed metal, Swiss Pearl or similar, and/or glass finish on all sides. Stucco and EIFS may not be used. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
3. The location and design of the driveways shall be subject to review and approval of the Gwinnett Department of Transportation.
4. Ground signage shall not exceed eight feet in height.
5. No outdoor loudspeakers shall be allowed.
6. Natural vegetation shall remain on the property until the issuance of a development permit.
7. No tents, canopies, temporary banners, streamers, or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site.
8. A shared parcel access adjacent between both parcels shall be recorded prior to the issuance of a Certificate of Occupancy.

9. Developer shall install an eight-foot tall wooden privacy fence along the subject property's southwestern boundary line.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Nicole L. Hendrickson  
Nicole L. Hendrickson, Chairwoman

Date Signed: 10/19/2021

ATTEST:

By: Diane Kemp  
County Clerk/Deputy County Clerk



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

**[attached]**

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Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 12/2020

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

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

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

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

- (A) Yes, approval of the Applications will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The subject Property is currently zoned C-2 and the previously approved development will complement existing land uses and development patterns. The requested change in condition to increase the height of the ground sign will conform to the dimensional standards required by the Gwinnett County Code of Ordinances for the approved use.
- (B) No, approval of the Applications will not adversely affect the existing use or usability of any of the nearby properties. Rather, the proposed development will complement existing land uses. The requested change in condition merely increases the allowable height of the ground sign for the preapproved medical office development.
- (C) Due to the size, layout, location, and topography of the subject property, the Applicant submits that the subject property does not have reasonable economic use as currently zoned without the requested change in conditions.
- (D) No, approval of the Applications will not result in an excessive or burdensome use of the infrastructure systems. The change in conditions is to develop a ground sign in conformity with the applicable dimensional standards. The subject property is located near major thoroughfares with access to utilities.
- (E) Yes, approval of the Application would be in conformity with the policy and intent of the Land Use Plan. The approved medical office building is specifically encouraged by the Land Use Plan policies for the Community Mixed Use character area. The ground sign will comply with the dimensional standards of the Gwinnett County Code of Ordinances.
- (F) The Applicant submits that the Property's direct access to McGinnis Ferry Road and Lawrenceville-Suwanee Road and its close proximity to commercial development at the intersection of these two roads, as well as other factors, provide additional supporting grounds for approval of this application.

GWINNETT COUNTY  
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6.29.2023

Matthew P. Benson  
Catherine W. Davidson  
Gerald Davidson, Jr.\*  
Rebecca B. Gober  
Brian T. Easley  
Christopher D. Holbrook  
Shane M. Lanham

Jeffrey R. Mahaffey  
Jessica R. Pickens  
Steven A. Pickens  
Gabrielle H. Schaller  
Andrew D. Stancil  
R. Lee Tucker, Jr.

\*Of Counsel

**LETTER OF INTENT FOR CHANGE IN CONDITIONS APPLICATION OF 2696  
SUWANEE ROAD, LLC**

Mahaffey Pickens Tucker, LLP submits the attached change in conditions application (the “Application”) on behalf of 2696 Suwanee Road, LLC (the “Applicant”), relative to a proposed development on an approximately 1.56-acre tract of land (the “Property”) located at the intersection of McGinnis Ferry Road and Lawrenceville-Suwanee Road. The Property is currently zoned C-2 pursuant to RZC2021-00015 (the “Current Zoning”) and is designated as within the “Community Mixed Use” character area on the Gwinnett County 2040 Unified Plan Future Development Map.

The Applicant received approval pursuant to the Current Zoning to develop the Property as a full-service medical/retail center. The development was approved with a zoning condition which restricts the maximum allowable ground sign height.

The Applicant respectfully requests to strike Condition 4 of the Current Zoning in order to allow the Applicant to construct signage in accordance with the requirements of the Gwinnett County Code of Ordinances (the “Code”) and the Unified Development Ordinance (the “UDO”).

The requested change in Condition 4 is in line with the policies of the UDO, which designate signs as a permitted accessory use in C-2. Condition 4 restricted the ground sign height to 8 feet. The Code dimensional standards for a primary ground sign on a commercial property is

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880  
Page 21 of 41  
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20 feet as long as the setback distance from the road is equal to the sign height. The Applicant is not asking to build a sign at a height that would otherwise be prohibited on the Property, rather, the Applicant simply desires to conform to the standards already laid out in the Code.

The proposed change in condition is compatible with the surrounding zoning classifications and is compatible with existing land uses. The area surrounding the Property is mixed use with commercial uses fronting on Lawrenceville-Suwanee Road. A billboard sits less than a mile from the Property on Lawrenceville-Suwanee Road. The Applicant's request does not change the compatibility of the already approved use of the Property with surrounding uses. Due to the increased traffic in the area, the Applicant requires more flexibility in sign height. The growth in the area and the future addition of the McGinnis Ferry Road and I-85 Interchange make construction of a sign in accordance with the Code an appropriate accessory use on the Property.

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

This 29th day of June, 2023.

Respectfully Submitted,  
MAHAFFEY PICKENS TUCKER, LLP

*Gabrielle Schaller*

Gabrielle H. Schaller  
*Attorneys for Applicant*

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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CIC2023-00024

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**JUSTIFICATION FOR CHANGE IN CONDITIONS APPLICATION**

The portions of the Gwinnett County Zoning Resolution which classify or may classify the property which is the subject of this Application (the "Property") into any less intensive zoning classification other than as requested by the Applicant, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph 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.

The application of the Gwinnett County Zoning Resolution as applied to the subject Property, which restricts its use to the present zoning classifications and conditions, is unconstitutional, illegal, null and void, constituting a taking of the Applicant/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, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the C-2 classification with the change in conditions as requested by the Applicant, and is not economically suitable for development under the present zoning classifications and conditions of Gwinnett County. A denial of this Application would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I,

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Section I, Paragraph I and Article I, Section I, Paragraph 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 modify the conditions of zoning as agreed to by the Applicant, so as to permit the only feasible economic use of the 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 of the United States. Any modification of conditions on the subject Property with the requested change in conditions, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant/Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Accordingly, the Applicant respectfully requests that the Change in Conditions Application submitted by it relative to the Property be granted and that the current conditions of zoning be amended as requested on the respective application.

This 29<sup>th</sup> day of June, 2023.

MAHAFFEY PICKENS TUCKER, LLP

*Gabrielle Schaller*

Gabrielle H. Schaller

**Exhibit E: Application and Disclosure of Campaign Contributions**

**[attached]**

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## CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: 2696 Suwanee Road, LLC c/o Mahaffey Pickens Tucker, LLP	NAME: _____
ADDRESS: 1550 North Brown Road, Suite 125	ADDRESS: _____
CITY: Lawrenceville	CITY: _____
STATE: Georgia ZIP: 30043	STATE: _____ ZIP: _____
PHONE: 770 232 0000	PHONE: _____
CONTACT PERSON: Gabrielle Schaller	PHONE: 770 232 0000
CONTACT'S E-MAIL: gschaller@mptlawfirm.com	

APPLICANT IS THE:		
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICT(S): C-2	PRIOR ZONING CASE: RZC2021-00015	
PARCEL NUMBER(S): R7127 009; R7127 017	ACREAGE: +/- 1.56	
ADDRESS OF PROPERTY: 2696 & 2686 Lawrenceville-Suwanee Road		
PROPOSED CHANGE IN CONDITIONS: Build ground sign in accordance with the UDO		

<b>RESIDENTIAL DEVELOPMENT:</b>  NO. OF LOTS/DWELLING UNITS: N/A  DWELLING UNIT SIZE (Sq. Ft.): N/A  GROSS DENSITY: N/A  NET DENSITY: N/A	<b>NON-RESIDENTIAL DEVELOPMENT:</b>  NO. OF BUILDINGS/LOTS: 2 buildings  TOTAL GROSS SQUARE FEET: 22,680  DENSITY: N/A
---	--

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

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Property Owners

Property Owner	Mailing Address	Tax Parcel Number
2696 SUWANEE ROAD, LLC	1751 Garraux Road, Atlanta, GA, 30327, USA	R7127 009
2686 LAWRENCEVILLE-SUWANEE ROAD, LLC	1751 Garraux Road, Atlanta, GA, 30327, USA	R7127 017

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Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 12/2020

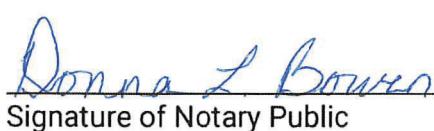
**CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION**

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 (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.

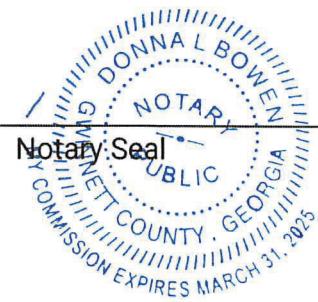
  
\_\_\_\_\_  
Signature of Applicant

June 22, 2023  
Date

Satish Poddar, Member  
\_\_\_\_\_  
Type or Print Name and Title

  
\_\_\_\_\_  
Signature of Notary Public

6/17/23  
Date



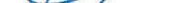
**RECEIVED**

6.29.2023

Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 12/2020

## **CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS**

The undersigned below, making application for a change in conditions, 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.

 June 22, 2023 Satish Poddar, Member  
Signature of Applicant Date Type of Print Name and Title

Signature of Applicant's Attorney or Representative      Date      Type or Print Name and Title

Donna L Bowen 6/27/23   
Signature of Notary Public Date Notary Seal

## 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 or a member of the Gwinnett County Planning Commission?

YES  NO

2696 Suwanee Road, 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.



**CONFLICT OF INTEREST CERTIFICATION FOR REZONING/CHANGE IN  
CONDITIONS AND SPECIAL USE PERMIT APPLICATIONS**

MAHAFFEY PICKENS TUCKER, LLP

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Kirkland Carden, Commissioner	\$2,800	11/18/2021
Ben Ku, Commissioner	\$1,500	10/03/2022
Matt Holtkamp, Commissioner	\$1,000	04/13/2023

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT

**RECEIVED**

6.29.2023

CIC2023-00024

Page 31 of 41

Updated 10/02/2019

NT

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6.29.2023

Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 12/2020

**VERIFICATION OF CURRENT PAID PROPERTY TAXES**  
**FOR CHANGE IN CONDITIONS**

THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. 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 I.D. NUMBER:** 7 - 127 - 009  
(Map Reference Number) District Land Lot Parcel

  
Signature of Applicant

6/26/23  
Date

Shane M. Lanham, attorney for the Applicant  
Type or Print Name and Title

**\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 Langley Drive, FOR THEIR APPROVAL BELOW.\*\*\***

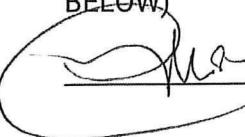
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**TAX COMMISSIONERS USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

  
Shane M. Lanham  
NAME  
6/26/23  
DATE

TSA  
TITLE

**RECEIVED**

6.29.2023

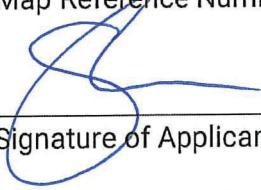
Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 12/2020

**VERIFICATION OF CURRENT PAID PROPERTY TAXES**  
**FOR CHANGE IN CONDITIONS**

THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. 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 I.D. NUMBER:** 7 - 127 - 017  
(Map Reference Number) District Land Lot Parcel

  
Signature of Applicant

6/26/23  
Date

Shane M. Lanham, attorney for the Applicant  
Type or Print Name and Title

\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.\*\*\*

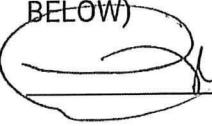
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**TAX COMMISSIONERS USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

  
Shane M. Lanham  
NAME  
6/26/23  
DATE

TSA  
TITLE

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**Exhibit F: Internal and External Agency Review Comments**

**[attached]**



**Department of Planning and Development**  
**TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b> 11.08.23		
Department/Agency Name: Transportation		
Reviewer Name: Brent Hodges		
Reviewer Title: Construction Manager 1		
Reviewer Email Address: <a href="mailto:Brent.Hodges@gwinnettcounty.com">Brent.Hodges@gwinnettcounty.com</a>		
Case Number: CIC2023-00024		
Case Address: 2696 Lawrenceville-Suwanee Rd, Suwanee, 30024		
<b>Comments:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	Lawrenceville-Suwanee Road is a major arterial. ADT = 29,025.	
2	4.1 miles to the nearest transit facility (#2454808) Walther Boulevard and C3 Church.	
3		
4		
5		
6		
7		
<b>Recommended Zoning Conditions:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
1		
2		
3		
4		
5		
6		
7		

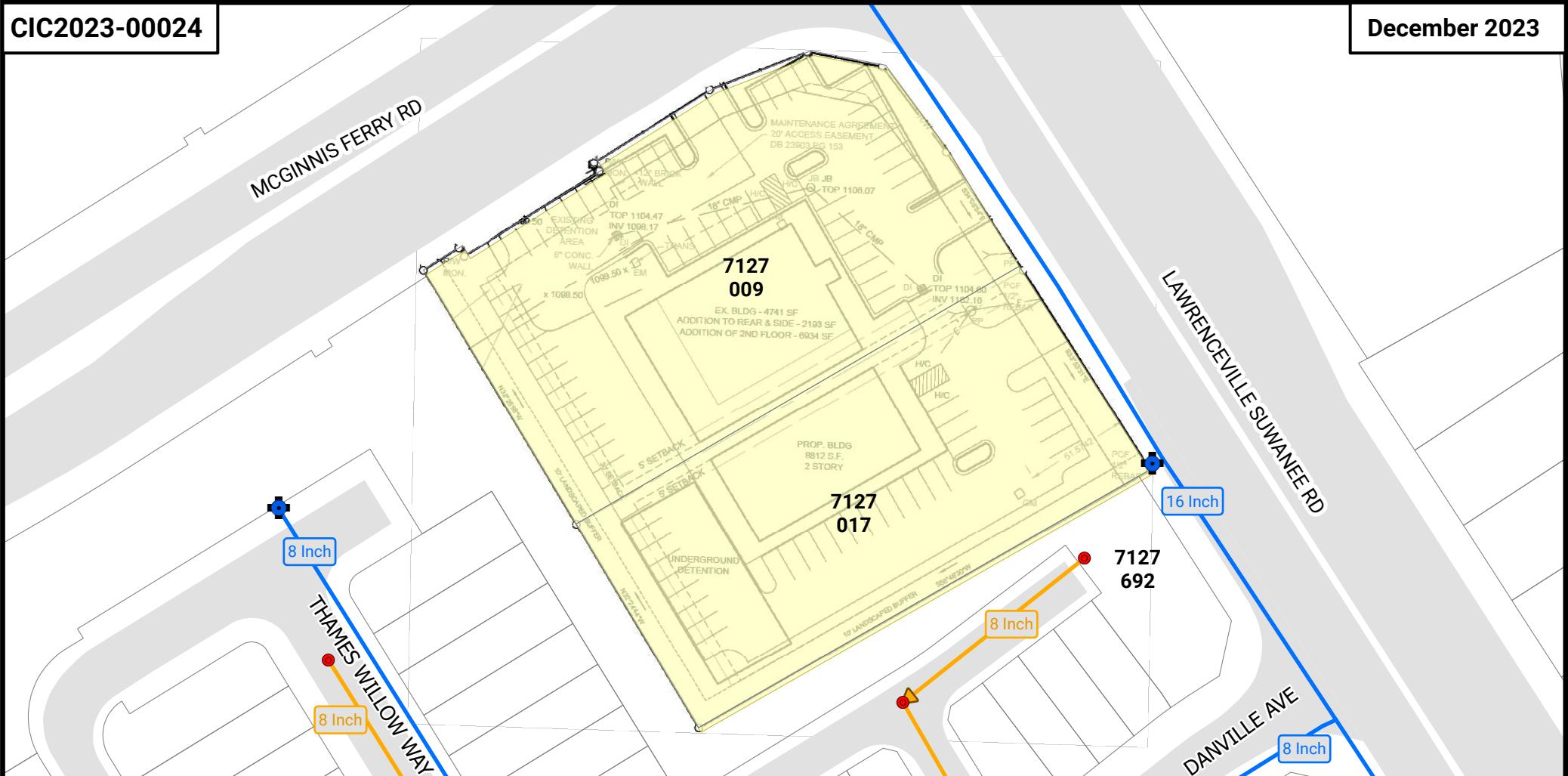


**Department of Planning and Development**  
**TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b>	
Department/Agency Name: DWR	
Reviewer Name: Mike Pappas	
Reviewer Title: GIS Planning Manager	
Reviewer Email Address: <a href="mailto:Michael.pappas@gwinnettcounty.com">Michael.pappas@gwinnettcounty.com</a>	
Case Number: CIC2023-00024	
Case Address: 2696 & 2686 Lawrenceville-Suwanee Rd	
<b>Comments:</b>	
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
1	Water: The existing building is connected to public water; the proposed building may connect to an existing 16-inch water main along the western right-of-way of Lawrenceville Suwanee Road.
2	Sewer: A Sewer Capacity Certification is required for this development. Pending available capacity, the proposed development may connect to an existing an existing 8-inch gravity sewer located to the south on parcel 7127 692.
3	
4	
5	
6	
7	
<b>Recommended Zoning Conditions:</b>	
	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
1	
2	
3	
4	
5	
6	
7	

**Note:** Attach additional pages, if needed

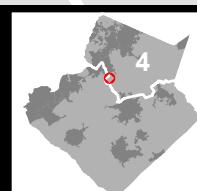
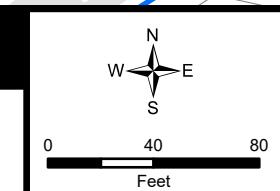
Revised 7/26/2021



2696 & 2686 Lawrenceville-Suwanee Rd

C-2

# Water & Sewer Utility Map



**Water Comments:** The existing building is connected to public water; the proposed building may connect to an existing 16-inch water main along the western right-of-way of Lawrenceville Suwanee Road.

**Sewer Comments:** A Sewer Capacity Certification is required for this development. Pending available capacity, the proposed development may connect to an existing an existing 8-inch gravity sewer located to the south on parcel 7127 692.

**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.

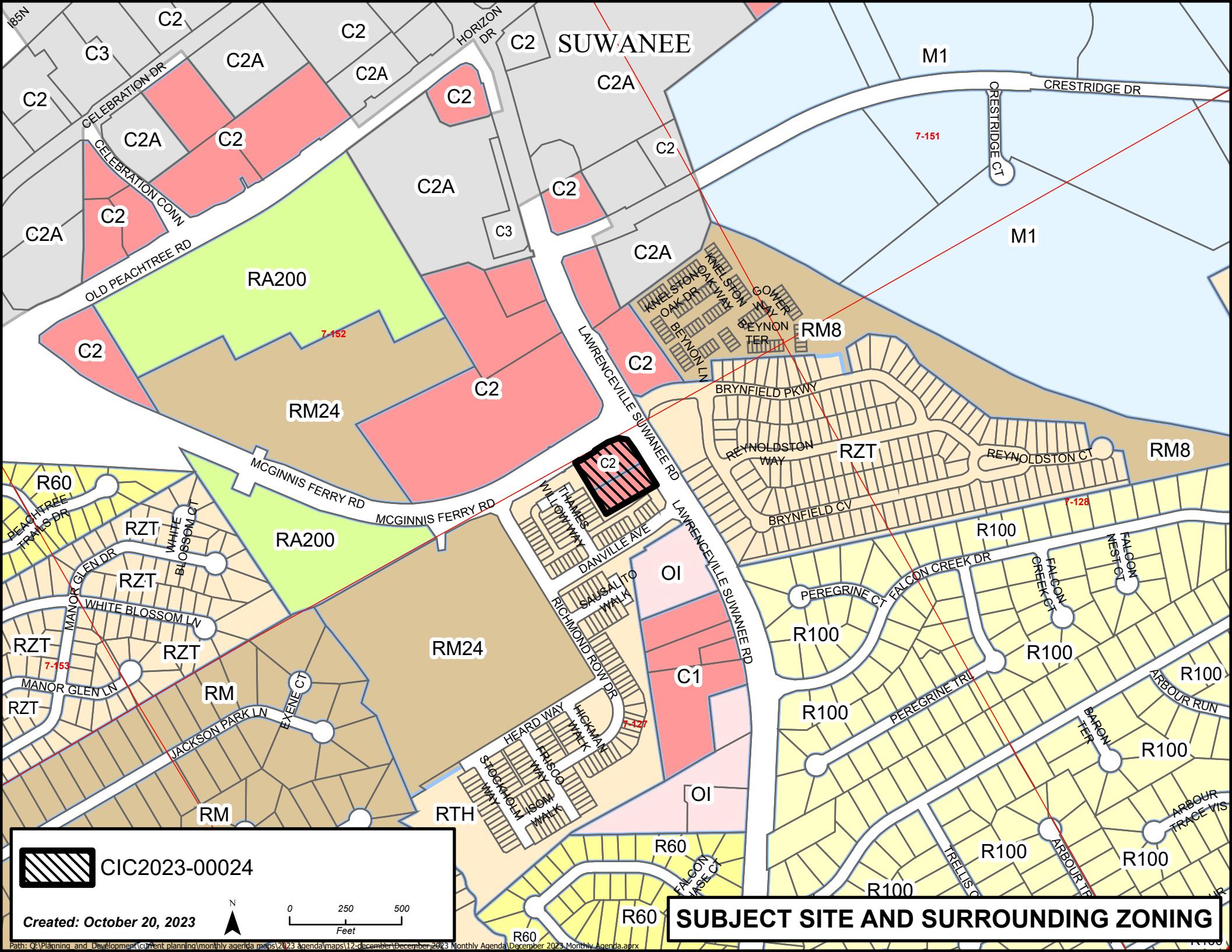
**Sewer Availability:** A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump 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 5th, 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.

**Exhibit G: Maps**

**[attached]**





CIC2023-00024

Created: October 20, 2023



A horizontal number line starting at 0 and ending at 500. There is a tick mark at 250.

## **SUBJECT SITE AND SURROUNDING ZONING**

