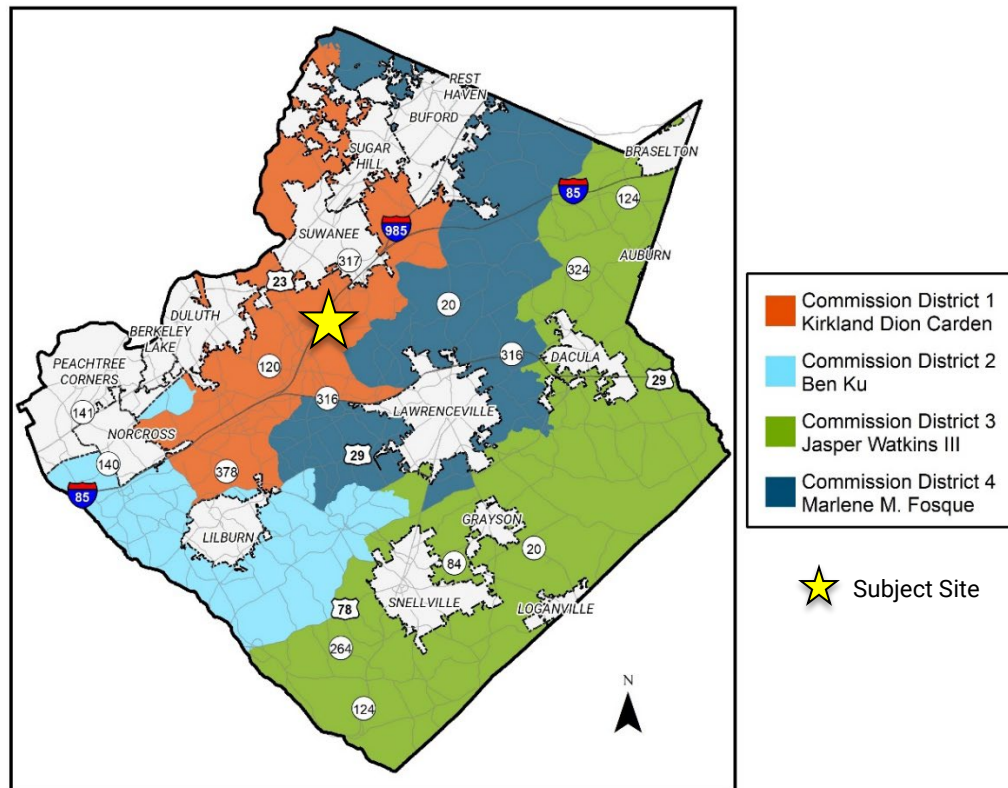




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: CIC2022-00014
Current Zoning: MU-R (Regional Mixed-Use District)
Overlay District: Civic Center
Request: Change in Conditions
Additional Requests: Variances
Address: 1000 Block of Old Peachtree Road
Map Numbers: R7124 107 and R7124 110
Site Area: 18.65 acres
Units: 400
Retail square feet: 7,828
Proposed Development: Apartments
Commission District: District 1 – Commissioner Carden
Character Area: Workplace Center

Staff Recommendation: DENIAL



Location Map

Planning Commission Advertised Public Hearing Date: 5/3/2022
Board of Commissioners Advertised Public Hearing Date: 5/24/2022

Applicant: Pioli PSG, LLC
322 Commercial Avenue, Suite 201
Palisades Park, NJ 07650

Owner: Pioli PSG, LLC
322 Commercial Avenue, Suite 201
Palisades Park, NJ 07650

Contact: Chris Cho

Contact: 201.401.9070

Zoning History

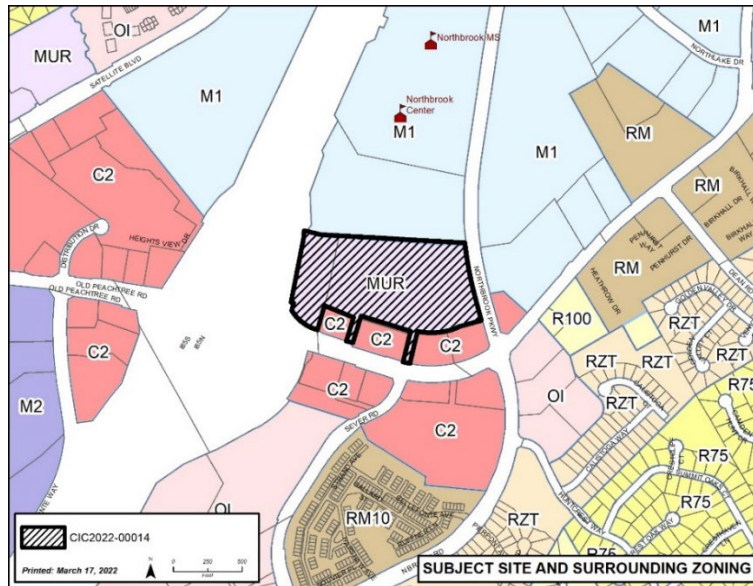
The subject property is zoned MU-R (Regional Mixed-Use District). Two areawide rezoning approvals in 1975 changed the property's zoning from C-1 (Neighborhood Business District) and R-100 (Single-Family Residence District) to C-2 (General Business District). In 1990, a rezoning and special use permit approval allowed for a hotel up to ten stories, although the development was never constructed. A 2018 rezoning approval, RZC2018-00004, amended the property's zoning from C-2 to MU-R for a regional mixed-use development. The request is to amend conditions from this approval.

Existing Site Condition

The subject site contains two parcels totaling 18.65 acres on the north side of Old Peachtree Road, between Interstate 85 and Northbrook Parkway. The eastern parcel is developed with 300 apartment units in five three-story buildings, whereas the western parcel remains graded and undeveloped. The terrain is mostly flat. Internal streets from Old Peachtree Road and Northbrook Parkway provide access to both parcels. Interparcel access is also available from adjacent retail properties. A stormwater retention facility is located along Northbrook Parkway. Likewise, off-street parking lots are located throughout the existing apartment complex, and sidewalks exist along both road frontages. The nearest Gwinnett County Transit stop is 1.7 miles from the site.

Surrounding Use and Zoning

The subject site is surrounded by commercial and industrial properties. Nearby uses include shopping centers, individual retail establishments, and industrial parks. Northbrook Middle School is located nearby, further north between Northbrook Parkway and Interstate 85. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Apartments	MU-R	25.70 units per acre
North	Industrial	M-1	N/A
East	Multifamily residential	MU-R	20.13 units per acre
South	Retail	C-2	N/A
West	Multifamily residential and retail (across Interstate 85)	C-2 with MUO overlay	25.37 units per acre

Project Summary

The applicant requests a change in conditions for two parcels totaling 18.65-acres zoned MU-R to allow for additional apartments with accessory retail, while eliminating office uses, including:

- A change in conditions of zoning case RZC2018-00004. The applicant is requesting revisions to the following condition (1.A.):
 - *“Approval as a regional mixed-use development to consist of office and multifamily residential uses only. No more than 300 multifamily apartments shall be allowed. Office uses shall constitute no less than 79,000 square feet or 17% of the overall project’s gross floor area. Multifamily residential uses may constitute up to 375,000 square feet or 83 percent of the project’s gross floor area.”* The applicant is requesting to eliminate office uses entirely, increase the maximum number of apartments, and provide retail.
- 100 additional apartment units in a single five-story, 135,048 square-foot building, yielding an overall total of 400 units.
- 7,828 square feet of ground-floor retail toward the front of the building near Old Peachtree Road.
- 421,228 square feet of multifamily buildings, totaling 98.18 percent of the entire development.
- An increase in net density from 19.27 units per acre to 25.70 units per acre.
- Mostly one and two-bedroom units with possible three-bedroom units totaling less than 10 percent of the proposed building.
- Indoor and outdoor amenity areas, a pool, fitness center, and leasing office.

- 42 parking spaces provided via a single level garage beneath a portion of the building toward the rear and 113 surface parking spaces to the north, east, and south of the building.
- Access provided via internal streets from Old Peachtree Road and Northbrook Parkway.
- Common area totaling 36.52 percent of the overall development.
- Two existing stormwater facilities, one toward the rear of the development and another along Northbrook Parkway.
- A dumpster proposed at the front of the site along Old Peachtree Road and another at the rear of the site along the Interstate 85 right of way.
- A monument sign at the entrance to the site.
- A retaining wall along the property frontage along Interstate 85.

Zoning and Development Standards

The applicant is requesting a change in conditions in the MU-R, Regional Mixed-Use District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Project Acreage	Minimum 15 acres	18.65	YES
Road Frontage	40' per lot	> 40'	YES
Building Height	Maximum 45' (without bonus) Maximum 25 stories or 300' (with bonus)	5 stories	YES
Floor Area Ratio	Maximum 0.4 (without bonus) Maximum 5.0 (with bonus)	2.8	YES
Density	Maximum 8 units per acre (without bonus) Maximum 96 units per acre (with bonus)	25.70 units per acre	YES
Common Area	Minimum 15%	6.80 acres or 36.52%	YES
Front Yard Setback	Minimum 20'	> 20'	YES
Side Yard Setback	Minimum 20'	> 20'	YES
Off-Street Parking	Minimum: 620 spaces	605 spaces	NO*
Landscape Strip	10'	10'	YES

* The proposed development does not meet the minimum parking required per Section 210-225.5. A variance from parking requirements is requested.

In addition, the standards below apply to development in the MU-R, Regional Mixed-Use District. Section 210-225.16 of the UDO states that "If the [MU-R] rezoning application is approved by the Board of Commissioners, then such rezoning shall be conditioned to the applicant's developing in substantial conformity with the Zoning Exhibit, including any modifications or conditions approved by the Board pursuant to its deliberations on the application." The applicant is proposing the following modifications to the Minimum Design Standards of Mixed-Use Districts:

Standard	Meets Standard?
No more than 20 percent of the required parking for a building shall be located between the facade of the building and the street.	NO
Include at a minimum two or more major land use categories with no single land use category constituting less than 20% of the gross floor area.	NO

In addition, the following standard applies to development in the Civic Center Overlay District:

Standard	Meets Standard?
Primary building facades and entrances of developments exceeding 7,500 square feet shall be located no further than 70 feet from the public rights of way, shall be oriented toward the street, and shall provide a sidewalk connecting the front entrance to a continuous sidewalk placed parallel to the street.	NO

The site is located in the Civic Center Overlay District. The submitted site plan does not comply with this requirement. Section 220-10.2 of the UDO states that "In any case where the conditions of approval for rezoning or special use permit approved by the Board of Commissioners conflict with the provisions of an overlay district, the conditions shall take precedence." Therefore, a condition allowing exemption from this requirement would allow the development to proceed as proposed by the applicant, if approved.

Variance Request

In addition to the rezoning request, the applicant is seeking variances from the following provisions of Title II of the UDO:

1. Section 220-30.3.E Design requirements: To allow the entrance of a building exceeding 7,500 square feet (Building M-3) to be greater than 70 feet from the right of way.
2. Section 210-225.5.A Minimum parking requirements for mixed-use zoning districts: To allow fewer than one parking space for each 400 square feet of gross floor area of non-residential use, in addition to 1.5 parking spaces required for each residential dwelling unit.
3. Section 210-225.5.A In MU-R, to allow more than 20 percent of the required parking for a building shall be in parking lots located between the façade of the building and the street on which the building faces.
4. Section 210-220.6.C In MU-R, to allow one of two major land use categories to constitute less than 20 percent of the gross floor area.

The Civic Center Overlay District requires buildings larger than 7,500 square feet to have entrances closer than 70 feet from the right of way. The applicant proposes building entrances exceeding this maximum. Likewise, the applicant proposes 605 parking spaces rather than the minimum required of 620 parking spaces. The majority of parking would be between the building façade and the street. Finally, the applicant seeks to construct multifamily residential and retail uses, with apartments comprising over 98 percent of the gross floor area.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. External agency review comments are attached (Exhibit F). Standard site and infrastructure improvements will also be required related to transportation, stormwater, 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 a change in conditions, the Department of Planning and Development 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 mixed-use development is located in an intensely developed commercial and light industrial area. Retail outparcels and strip shopping centers are located to the south and southeast on both sides of Old Peachtree Road, an industrial park is located to the north, and multifamily residences, which are part of the same mixed-use development, are located to the east. The proposed change in conditions to increase residential density would be suitable considering the surrounding uses.

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

The introduction of an incompatible, almost entirely multifamily residential development, at the juncture of the commercial corridor along Old Peachtree Road and the light industrial uses along Northbrook Parkway would negatively impact the existing use and usability of adjacent or nearby properties.

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

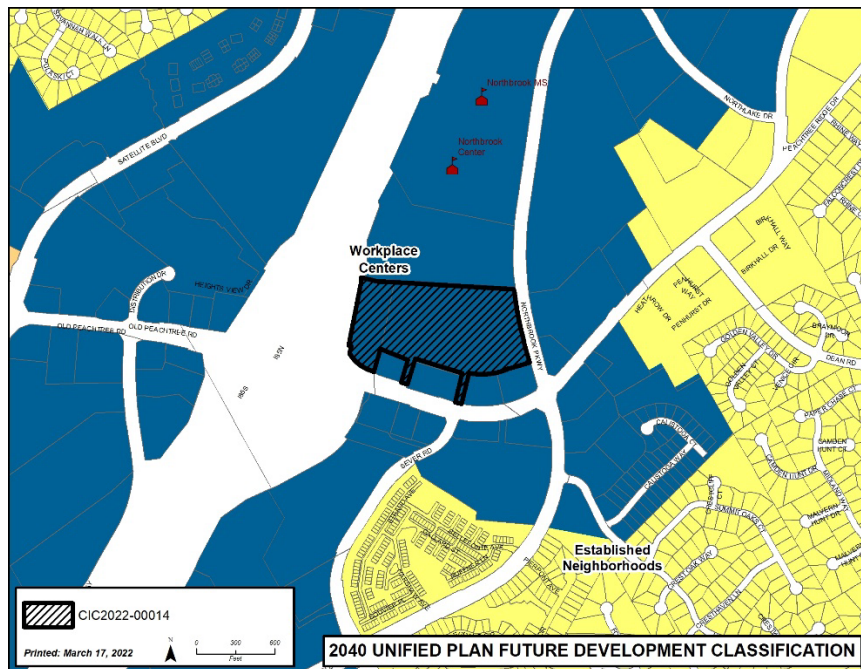
The property has a reasonable economic use as currently zoned.

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.

This rezoning request would create impacts on public facilities in the form of traffic, utility demand, and stormwater runoff; however, appropriate conditions, site development requirements, and planning would mitigate these impacts. The rezoning would also impact school enrollment. Agency review comments related to any potential improvements concerning this rezoning 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.

The 2040 Unified Plan Future Development Map indicates the subject property lies within the Workplace Center Character Area. This designation encourages employment-oriented uses with supporting residential and mixed-use developments. This character area is one of only three that recommend mixed-use developments, which are expressly encouraged throughout the 2040 Unified Plan. The undermining of an approved mixed-use zoning classification and site plan in favor of greater residential density is contrary to 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 change in conditions.

The requested change in conditions to allow a predominantly multifamily residential community rather than a mixed-use development is incompatible with the surrounding commercial and light industrial uses, the 2040 Unified Plan, and the intent of the MU-R zoning district. The change from a mixed-use to a nearly entirely apartment community would forgo an opportunity to promote mixed-use development in one of only two character areas where the 2040 Unified Plan encourages this type of land use. Furthermore, the proposed change in conditions violates Section 210-220.6C of the Gwinnett County Unified Development Ordinance, which requires a minimum of 20 percent of different land use categories within the MU-R zoning district. Whereas this site may be suitable for some additional multifamily units, the minimal amount of non-residential properties offers supporting grounds for denial. Finally, the submitted site plan fails to illustrate integration and pedestrian connectivity with the existing portion of the mixed-use development, which is separated by a driveway and surface parking.

Variance Request Analysis: The standards for granting variances are outlined in Section 270-100.7 of the UDO. Staff makes the following findings:

The variance requests are due to the entrance of the building being further than 70 feet from the right of way, the proposed parking not meeting the minimum requirement, the majority of parking being located between the building and the right of way, and the apartments constituting over 98 percent of the development. The extra separation between the building and the right of way, including rows of surface parking, and the overwhelmingly multifamily residential composition of the development undermine the intention of an integrated mixed-use development with the parcel to the east. The site could also be reconfigured to accommodate 15 additional parking spaces.

Staff Recommendation

Based on the staff's evaluation of the request and the standards governing exercise of zoning power, the Department of Planning and Development recommends **DENIAL** of the change in conditions request.

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

1. To allow an entrance of a building larger than 7,500 square feet to be located further than 70 feet from the right-of-way.
2. To allow a reduction in the required parking from 620 to 605 spaces.
3. To allow greater than 20 percent of the required parking between the façade of the building and the street on which the building faces.
4. To allow one of two major land use categories to constitute less than 20 percent of the gross floor area.

Staff Recommended Conditions

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

NOTE: The conditions below are those from RZC2018-00004 with suggested changes in bold or strikethrough.

1. To restrict the use of the property as follows:
 - A. Approval as a regional mixed-use development to consist of ~~office~~ **retail** and multifamily residential uses only. No more than ~~300~~ **400** multifamily apartments **shall be allowed**. ~~Office uses shall constitute no less than 79,000 square feet or 17% of the overall project's gross floor area. Multifamily residential uses may constitute up to 375,000 square feet or 83% of the project's gross floor area.~~ **Retail uses shall constitute no less than 7,800 square feet.**
 - B. For the ~~office and~~ retail component, the following uses shall be prohibited:
 - adult bookstores or entertainment

- automotive parts stores
- contractors' offices
- emissions inspection stations
- equipment rental
- extended stay hotels or motels
- recovered materials processing facilities
- smoke shops/novelty stores
- tattoo parlors
- taxidermists
- yard trimmings composting facilities

- C. Buildings shall be oriented toward the rights of way with parking areas located to the rear in general accordance with the building locations depicted on the site plans presented at the February 6, 2018 Planning Commission public hearing **and submitted to the Department of Planning and Development March 21, 2022**. Multifamily buildings shall be constructed as urban-style, flat-roofed buildings with primary exterior treatments of brick or stacked stone on each elevation. The remainder of each elevation shall be the same, stucco or fiber-cement shake or siding. Multifamily building breezeways shall include tile and/or stone floors, crown molding and finishes in general accordance with the breezeway photographs submitted at the February 27, 2018 Board of Commissioners public hearing. ~~Office buildings shall be constructed with exterior treatments of primarily glass, brick or stone.~~ Buildings shall be constructed in general accordance with building elevations and amenities presented at the February 6, 2018 Planning Commission public hearing **and submitted to the Department of Planning and Development March 21, 2022**. Building elevations shall be submitted for review and approval of the Director of Planning and Development prior to the issuance of a development permit.
- D. The development shall be pedestrian oriented. Direct pedestrian access shall be provided between the proposed ~~office~~ **retail** and multifamily residential uses, as well as between the overall proposed development and existing development along Old Peachtree Road. Walkways and trails shall be provided throughout the development. Final site plan design shall be in general accordance with the site plans presented at the February 6, 2018 Planning Commission public meeting **and submitted to the Department of Planning and Development March 21, 2022** to include water features with the detention pond, subject to the review and approval of the Director of Planning and Development.

2. To satisfy the following site development considerations:

- A. The development shall abide by all applicable standards of the Unified Development Ordinance, unless otherwise specified in these conditions or through approval of a variance administratively or by the Zoning Board of Appeals, as appropriate.
- B. Natural vegetation shall remain on the property until the issuance of a development permit.
- C. Ground signage shall be limited to a monument-type sign(s) and shall be subject to review and approval by the Director of Planning and Development. The sign shall include a minimum two-foot-high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials. Ground signage shall not exceed eight feet in height.

- D. Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance and shall only utilize neutral (non-white earth tone) background colors for the sign cabinet.
- E. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
- F. Billboards or oversized signs shall be prohibited.
- G. All grassed areas within the development shall be sodded.
- H. All utilities shall be placed underground.
- I. Outdoor storage shall be prohibited.
- J. Peddlers and/or parking lot sales shall be prohibited.
- K. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00am and 7:00pm.
- L. Outdoor loudspeakers shall be prohibited.
- M. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights of way.
- N. 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. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- O. Peddlers and/or parking lot sales shall be prohibited.
- P. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
- Q. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
- ~~R. Development of office and multifamily uses as defined in the Unified Development Ordinance to include site grading and the installation of streets, driveways, parking areas, water and/or sewer lines, stormwater facilities and sidewalks shall commence simultaneously pursuant to unitary site development permit for both tracts.~~

3. To abide by the following requirements, dedications and improvements:

- A. The existing median break on Northbrook Parkway shall be utilized for full access throughout the development.
- B. The developer shall update the traffic impact study from the previous zoning approval (RZM2018-00004) to reflect the change in use and increase in residential units.**
- C. Separate water meters shall be installed for the multifamily and retail portions of the development. The developer shall replace the existing 8-inch water main on Old Peachtree Road with a minimum 12-inch water main.**
- D. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study. All design, construction, and improvements shall be subject to approval by the Gwinnett County Department of Transportation.**

Exhibits:

- A. Site Visit Photos
- B. Previously Approved Resolution and Previously Approved Site Plan
- C. Site Plan
- D. Building Elevations
- E. Letter of Intent and Applicant's Response to Standards
- F. Internal and External Agency Review Comments
- G. Maps

Exhibit A: Site Visit Photos



Graded undeveloped lot



Access from adjacent apartments

Exhibit B: Previously Approved Resolution and Previously Approved Site Plan

[attached]

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: Amendment to the Official Zoning Map of Gwinnett County

ADOPTION DATE: FEBRUARY 27, 2018

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.

Name	Present	Vote
Charlotte J. Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Lynette Howard, District 2	Yes	Aye
Tommy Hunter, District 3	Yes	Aye
John Heard, District 4	Yes	Aye

On motion of COMM. BROOKS, which carried a 5-0 vote, the following Resolution to Amend the Official Zoning Map of Gwinnett County is hereby adopted:

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from C-2 to MU-R by THE WORTHING COMPANIES for the proposed use as a MIXED-USE DEVELOPMENT on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on FEBRUARY 27, 2018 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, that the aforesaid application to amend the Official Zoning Map from C-2 to MU-R is hereby **APPROVED** with the following enumerated conditions:

I. To restrict the use of the property as follows:

- A. Approval as a regional mixed-use development to consist of office and multi-family residential uses only. No more than 300 multi-family apartments shall be allowed. Office uses shall constitute no less than 79,000 square feet or 17% of the overall projects gross floor area. Multi-Family Residential uses may constitute up to 375,000 square feet or 83% of the projects gross floor area.
- B. For the office and retail component, the following uses shall be prohibited:
- adult bookstores or entertainment
 - automotive parts stores
 - contractors offices
 - emissions inspection stations
 - equipment rental
 - extended stay hotels or motels
 - recovered materials processing facilities
 - smoke shops/novelty stores
 - tattoo parlors
 - taxidermists
 - yard trimmings composting facilities
- C. Buildings shall be oriented toward the rights-of-way with parking areas located to the rear in general accordance with the building location depicted on the site plan presented at the February 6, 2018 Planning Commission public hearing. Multi-family buildings shall be constructed as urban-style, flat-roofed buildings with primary exterior treatments of brick or stacked stone on each elevation. The remainder of each elevation shall be the same, stucco or fiber-cement shake or siding. Multi-family building breezeways shall include tile and/or stone floors, crown molding and finishes in general accordance with the breezeway photographs submitted at the February 27, 2018 Board of Commissioners public hearing. Office buildings shall be constructed with exterior treatments of primarily glass, brick or stone. Buildings shall be constructed in general accordance with building elevations and amenities presented at the February 6, 2018 Planning Commission public hearing. Building elevations shall be submitted for review and approval of the Director of Planning and Development prior to the issuance of a development permit.

D. The development shall be pedestrian-oriented. Direct pedestrian access shall be provided between the proposed office and multi-family residential uses as well as between the overall proposed development and existing development along Old Peachtree Road. Walkways and trails shall be provided throughout the development. Final site plan design shall be in general accordance with the site plan presented at the February 6, 2018 Planning Commission public meeting to include water features with the detention pond, subject to the review and approval of the Director of Planning and Development.

2. To satisfy the following site development considerations:

- A. The development shall abide by all applicable standards of the Unified Development Ordinance, unless otherwise specified in these conditions or through approval of a variance administratively or by the Zoning Board of Appeals, as appropriate.
- B. Natural vegetation shall remain on the property until the issuance of a development permit.
- C. Ground signage shall be limited to a monument-type sign(s), and shall be subject to review and approval by the Director of Planning and Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials. Ground signage shall not exceed eight-feet in height.
- D. Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white earth tone) background colors for the sign cabinet.
- E. Window signage (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
- F. Billboards or oversized signs shall be prohibited.
- G. All grassed areas within the development shall be sodded.
- H. All utilities shall be placed underground.
- I. Outdoor storage shall be prohibited.
- J. Peddlers and/or parking lot sales shall be prohibited.

- K. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
- L. Outdoor loudspeakers shall be prohibited.
- M. Outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
- N. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
- O. Peddlers and/or parking lot sales shall be prohibited.
- P. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
- Q. Flashing or blinking signs and exposed neon or LED signs shall be prohibited. Exposed or visible lighting strips mounted on the building or around window frames shall be prohibited.
- R. Development of the office and multi-family uses as defined in the Unified Development Ordinance to include site grading and the installation of streets, driveways, parking areas, water and/or sewer lines, stormwater facilities and sidewalks shall commence simultaneously pursuant to unitary site development permit for both tracts.

3. To abide by the following requirements, dedications and improvements:

- A. The existing median break on Northbrook Parkway shall be utilized for full access throughout the development.

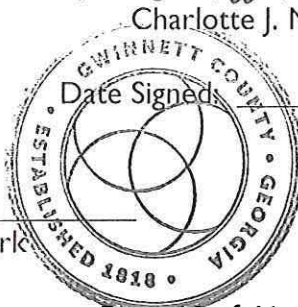
GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Charlotte J. Nash
Charlotte J. Nash, Chairman

Date Signed: 3/21/18

ATTEST:

Diane Kemp
County Clerk/Deputy County Clerk



Overall Legal Description

All that tract or parcel of land lying and being in Land Lot 124 of the 7th District of Gwinnett County, Georgia and being more particularly described as follows:

To reach the True Point of Beginning, commence at a Right of Way Monument found at the southwestern most mitered corner of the intersection of the northerly Right of Way of Old Peachtree Road (Variable R/W) and the westerly Right of Way of Northbrook Parkway (Variable R/W); thence along said Right of Way of Old Peachtree Road along a curve to the right an arc length of 265.47 feet, (said curve having a radius of 758.88 feet, with a chord bearing of South 67° 23' 51" West, and a chord length of 264.12 feet) to a point; thence along a curve to the right an arc length of 327.21 feet, (said curve having a radius of 758.88 feet, with a chord bearing of South 89° 46' 18" West, and a chord length of 324.68 feet) to an iron pin set and the TRUE POINT OF BEGINNING, from point thus established and continuing along said Right of Way along a curve to the right an arc length of 50.01 feet, (said curve having a radius of 758.88 feet, with a chord bearing of North 75° 59' 17" West, and a chord length of 50.00 feet) to a mag nail found; thence leaving said Right of Way and running North 13° 39' 19" East a distance of 230.31 feet to a mag nail set; thence North 73° 02' 56" West a distance of 377.19 feet to a mag nail set; thence South 16° 57' 04" West a distance of 205.00 feet to an iron pin set on the northerly Right of Way of Old Peachtree Road; thence along said Right of Way North 73° 13' 47" West a distance of 50.00 feet to an iron pin set; thence leaving said Right of Way North 16° 57' 04" East a distance of 180.16 feet to an iron pin set; thence North 68° 10' 36" West a distance of 227.82 feet to an iron pin set; thence South 15° 52' 56" West a distance of 184.53 feet to an iron pin set; thence North 45° 43' 05" West a distance of 7.40 feet to a Right of Way Monument found on the northerly Right of Way of Old Peachtree Road; thence running along said Right of Way along a curve to the right an arc length of 233.87 feet, (said curve having a radius of 298.86 feet, with a chord bearing of North 52° 48' 30" West, and a chord length of 227.95 feet) to a Right of Way Monument found on the easterly Right of Way of Interstate 85; thence continuing along said Right of Way of Interstate 85 North 15° 33' 31" East a distance of 55.97 feet to a Right of Way Monument found; thence North 74° 35' 30" West a distance of 21.10 feet to a Right of Way Monument found; thence North 11° 08' 40" East a distance of 479.84 feet to a Right of Way Monument found; thence North 03° 32' 38" East a distance of 49.91 feet to a Right of Way Monument found; thence leaving said Right of Way and running South 76° 37' 57" East a distance of 125.46 feet to a ½" rebar and cap found; thence South 86° 38' 55" East a distance of 131.88 feet to an iron pin set; South 11° 12' 17" West a distance of 438.69 feet to an iron pin set; thence South 15° 21' 43" West a distance of 81.46 feet to the TRUE POINT OF BEGINNING. Said tract contains 18.650 Acres (812,398 Square Feet).

RECEIVED BY

OCT 01 2011

RZC 18004

CLERK OF SUPERIOR COURT



THE WORTHING COMPANIES
5400 PEACHTREE DUNWOODY RD.
SUITE 400
ATLANTA, GA 30328

[illegible]

Project No.	1-5428
Design By	104
Drawn By	10414
Checked By	104
Date	10/10/77
Scale	1" = 10'

ZONING SITE PLAN
eSolutions Office Park
1045 OLD PEACHTREE RD, SUWANEE
LAND LOT 124 - 7TH DISTRICT
GWINNET COUNTY, GEORGIA

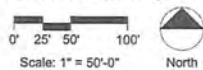
Drawing No.
1 of 1
S-16-077zon.dwg



eSolutions Office Campus

Conceptual Landscape Plan

Landscape Architecture by: SGN+A, Inc.

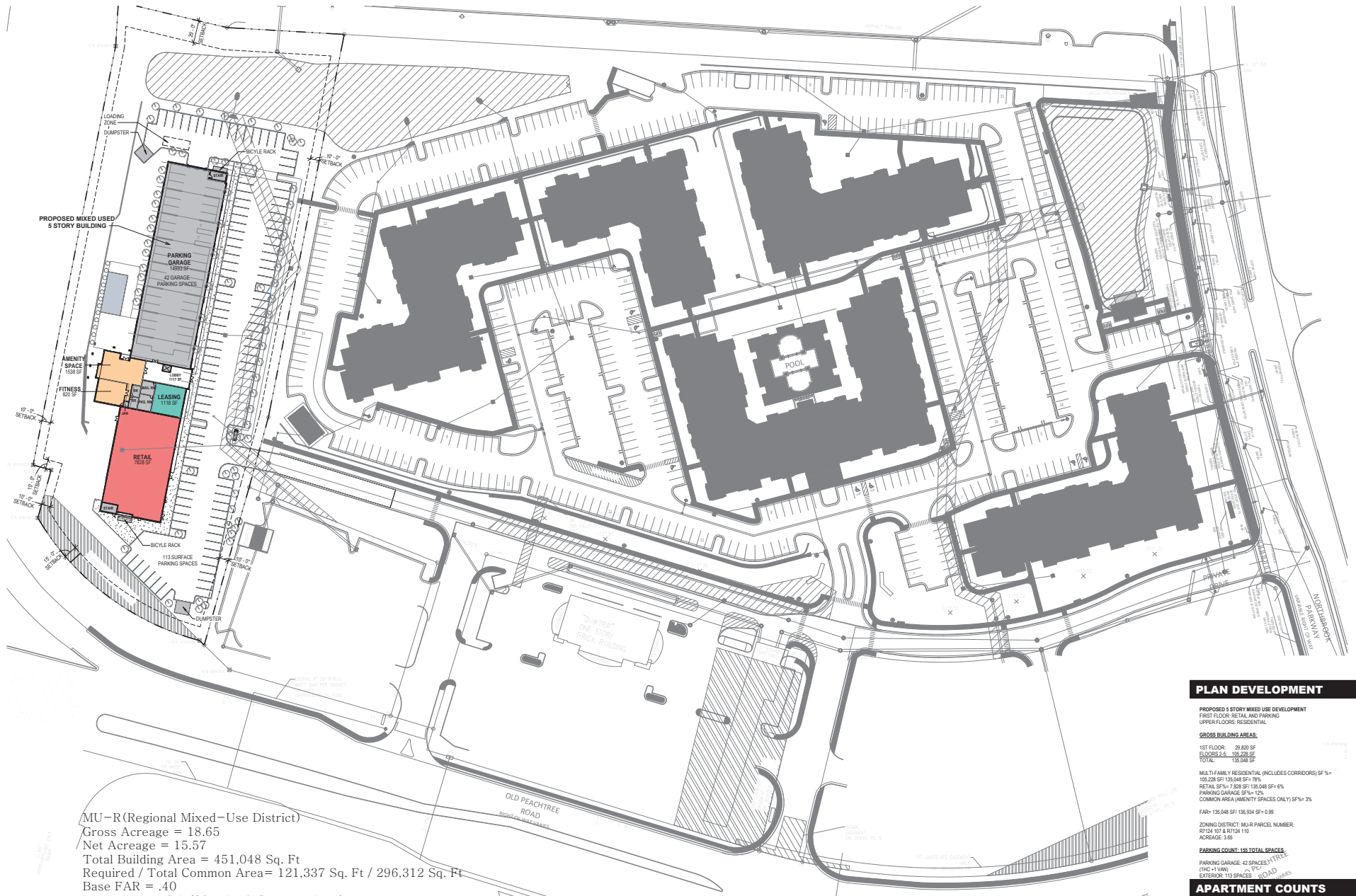


RECEIVED BY
DEC 01 2017
Planning & Development

RZC '18004

Exhibit C: Site Plan

[attached]



PLAN DEVELOPMENT

PROPOSED 5 STORY MIXED USE DEVELOPMENT

FIRST FLOOR: RETAIL AND PARKING

UPPER FLOORS: RESIDENTIAL

GROSS BUILDING AREAS:

1ST FLOOR: 28,800 SF

FLOORS 2-5: 100,000 SF

TOTAL: 128,800 SF

MULTI-FAMILY RESIDENTIAL (INCLUDES CORRIDORS) SF % =

100,000 SF / 128,800 SF = 78%

RETAIL SF % = 7,200 SF / 128,800 SF = 6%

PARKING GARAGE SF % = 12,800 SF / 128,800 SF = 10%

COMMON AREA (AMENITY SPACES ONLY) SF % = 3%

FAR = 128,800 SF / 128,800 SF = 0.99

ZONING DISTRICT: MU-R PARCEL NUMBER:

R7124 107 & R7124 110

ACREAGE: 5.05

PARKING COUNT: 154 TOTAL SPACES

PARKING GARAGE: 42 SPACES

(10% + 1.0%) = 11%

EXTERIOR: 112 SPACES ROADWAYS

APARTMENT COUNTS

PROPOSED BUILDING

TOTAL UNITS PER FLOORS 2-5

1 BEDROOM (720 SF): 17 UNITS

2 BEDROOM (920 SF): 8 UNITS

TOTAL UNITS:

1 BEDROOM: 68 UNITS

2 BEDROOM: 82 UNITS

TOTAL: 150 UNITS

MU-R (Regional Mixed-Use District)

Gross Acreage = 18.65

Net Acreage = 15.57

Total Building Area = 451,048 Sq. Ft

Required / Total Common Area = 121,337 Sq. Ft / 296,312 Sq. Ft

Base FAR = .40

Bonus FAR = 2.4 (39% Add'l Common Area)

Total FAR = 2.8

1 ARCHITECTURAL SITE PLAN
PT 1" = 40'-0"

OLD PEACHTREE APARTMENTS

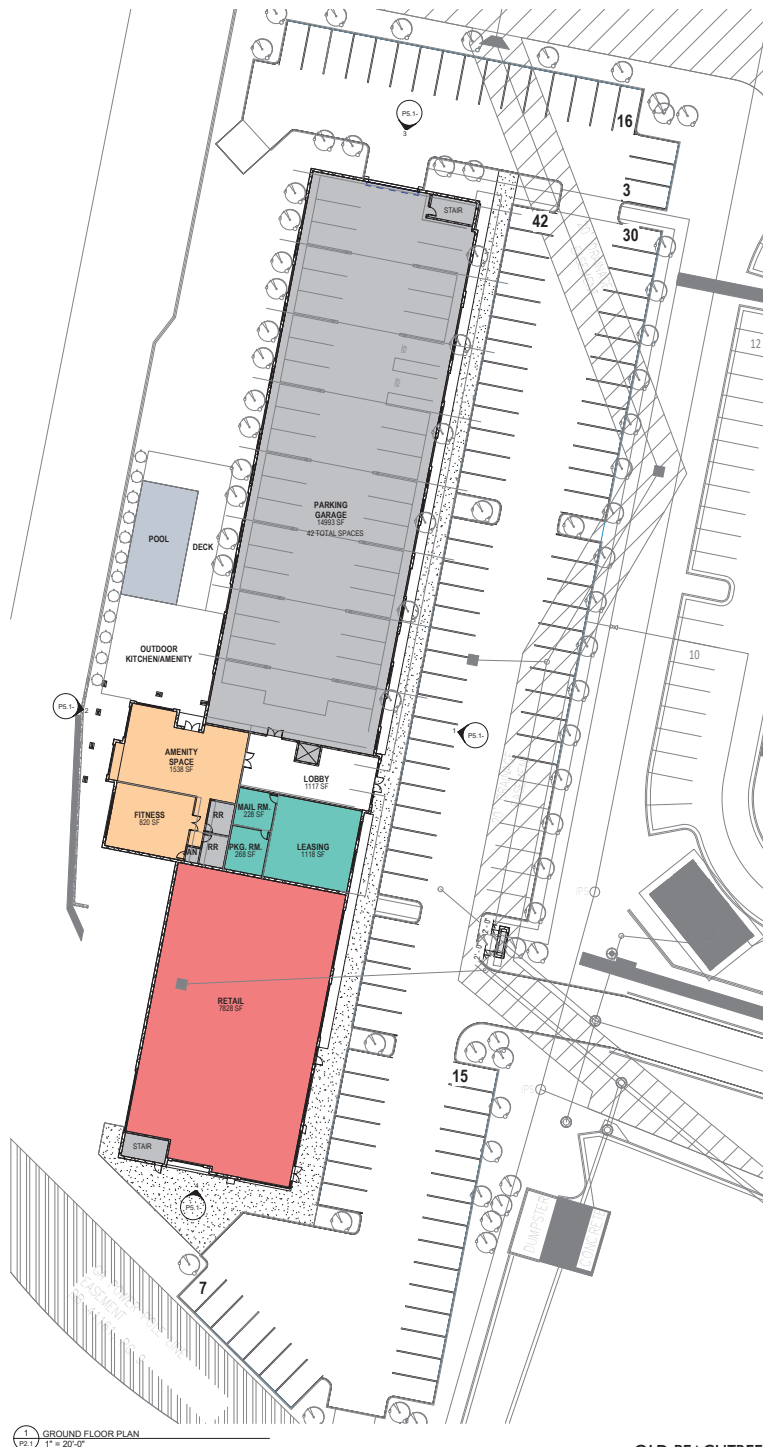
SITE PLAN

Page 23 of 41

PIEPER O'BRIEN HERD
ARCHITECTS

DS

CIC2022-00014



OLD PEACHTREE APARTMENTS

TYPICAL UPPER LEVEL FLOOR PLAN
1" = 20'-0"



TOTAL SITE DATA:		18.62 ACRES
TOTAL ACREAGE:		15.57
TOTAL NET ACREAGE:		121,337 SF
(50% OF EXISTING 6,964 SQ GA POWER EASEMENT = 3,482 SF)		296,312 SF (39%)
COMMON SPACE REQUIRED (NET ACREAGE 15%)		MU-R
EXISTING ZONING		
PROPOSED USES:		
MULTI-FAMILY		421,228 SF (98.26%)
BUILDING AREA		+/- 400 UNITS
TOTAL UNITS		
PARKING REQUIRED		600 SPACES
MIN. PARKING REQUIRED (1.5 SPACES/UNIT):		1,200 SPACES
MAX. PARKING ALLOWED (3.0 SPACES/UNIT):		605 SPACES
PARKING PROPOSED		
RETAIL		7,828 SF (.174%)
TOTAL SF		
PARKING REQUIRED		20 SPACES
MIN. PARKING REQUIRED (1 SPACE/400 SF):		40 SPACES
MAX. PARKING ALLOWED (1 SPACE/200 SF):		20 SPACES
PARKING PROPOSED		
DENSITY CALCULATIONS:		
BASE FAR ALLOWED:		0.40
BONUS FAR = 0.1 (COMMON SPACE OVER 15%)		
COMMON SPACE PROVIDED:		39%
ADDITIONAL PERCENTAGE:		24%
FAR ALLOWED (0.4 + 2.4)		2.8
FAR PROPOSED (451,048 SF / 15.57 NET ACRES)		.55
MAXIMUM DENSITY ALLOWED (64 UNITS/ACRE)		
DENSITY PROPOSED (400 UNITS)		25.70 / NET ACRE
MAXIMUM BUILDING HEIGHT ALLOWED		210 FT (or 15 STORIES)
BUILDING HEIGHT PROPOSED		>70 FT

PLAN LEGEND

	RETAIL
	AMENITY
	POOL
	BUILDING SERVICE AREA
	BUILDING OPERATIONS
	1 BEDROOM UNIT
	2 BEDROOM UNIT

APARTMENT COUNTS

TOTAL UNITS PER FLOORS 2-5	
1 BEDROOM:	17 UNITS
2 BEDROOM:	8 UNITS
TOTAL UNITS:	
1 BEDROOM:	68 UNITS
2 BEDROOM:	32 UNITS
TOTAL: 100 UNITS	

Exhibit D: Building Elevations

[attached]

CONTRACT DOCUMENT
RECEIVED
March 27, 2022



1 FRONT ELEVATION
3/32" = 1'-0"



2 GARAGE ENTRANCE ELEVATION (SIDE)
3/32" = 1'-0"



3 SIDE ELEVATION (B) RETAIL
3/32" = 1'-0"



4 REAR ELEVATION
3/32" = 1'-0"

OLD PEACHTREE APARTMENTS
BUILDING ELEVATIONS

PLEPER O'BRIEN HEED
ARCHITECTS



OLD PEACHTREE APARTMENTS
PERSPECTIVE VIEW

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

[attached]

March 15, 2022

VIA EMAIL AND ELECTRONIC SUBMITTAL

Mr. David Schlifka
Gwinnett County Department of Planning and
Development
446 West Crogan Street Suite 300
Lawrenceville, Georgia 30046

Re: Letter of Intent: Change in conditions Application – Old Peachtree Road (Parcel ID:
R7124 107 & R7124 110) (the "Property")

Dear Mr. Schlifaka and the Planning and Development Department

I, Mi Young Lim, president of Pioli PSG LLC submits this Letter of Intent and attached change of conditions application (the "Application") on behalf of Pioli PSG LLC (the "Applicant") for the purpose of amending the resolutions to an 18.65-acre tract located on the northerly side of Old Peachtree Road and bounded by Interstate 85 to the west and Northbrook Parkway to the east (the "Property"). The Property has direct access to Old Peachtree Road but sits behind existing commercial uses including a restaurant, a convenience store with fuel pumps, and a bank.

The Applicant is proposing to change the conditions of the resolution RZC2018-0004 to build an additional mixed-use residential building on the Property. The MU-R (Regional Mixed Use) zoning classification of the Gwinnett County Unified Development Ordinance (the "UDO") accommodates the development and construction of a mixed-use development consisting of residential and retail uses. However, Condition 1A of the current resolution RZC2018-00004 restricts the parcel to be utilized as:

“a regional mixed-use development to consist of office and multi-family residential uses only [wherein] No more than 300 multi-family apartments shall be allowed. Offices shall constitute no less than 79,000 square feet or 17% of the overall projects gross floor area. Multi-Family Residential uses may constitute up to 375,000 square feet or 83% of the projects gross floor area.”

The Applicant is submitting for review and consideration by the Gwinnett County for the condition mentioned above to be amended to allow for retail other than office and additional multi-Family apartments building as proposed in the attached site plan.

Overall, the proposed development would add approximately 7,828 square feet or 6% of the total gross floor area on the ground floor of the new building intended for restaurant or similar type of business in addition to approximately 100 units of multifamily dwellings consisting of 1-, 2- and 3-bedroom residential apartments totaling approximately 105,228 Sq. Ft or 78% of the gross floor area in the new building. The entire development already has 300-unit multifamily dwelling complexes approximately 316,000 Sq. Ft consisting of 1-,2- and 3-bedroom residential apartments. The new proposed development will total the entire development with approximately 400 multifamily dwelling units, 421,228 Sq. Ft of residential combined. There will be no office space offered for lease, but the applicant proposes a leasing office approximately 1,118 Sq. Ft in the proposed new building.

The proposed building's modern architectural design would provide an attractive accent to the Interstate 85 frontage and would prominently display Gwinnett County's increasing growth and modernization. The applicant proposes 68 1-bedroom units each approximately 720 Sq. Ft and 32 2-bedroom units each approximately 926 Sq. Ft and options for 3-bedroom units up to but no more than 10% of the total units proposed.

The applicant also seeks relief from the following requirement: For developments exceeding 7,500 square feet, primary building facades and entrances shall be located no more than 70 feet from the public rights-of-way and shall be oriented toward the street and shall provide sidewalk connecting the front entrance to a continuous sidewalk placed parallel to the street.

The Property is adjacent to land zoned C-2 along Old Peachtree Road and land zoned M-1 to the north along Northbrook Parkway. The proposed development would complement existing commercial uses and provide residential critical mass to support existing businesses. On Old Peachtree Road the Property would be accessed via two driveways including an existing right-in right-out driveway between Bojangles and QuikTrip and a full access driveway at the signalized intersection of Old Peachtree Road and Sever Road. The proposed development would provide an attractive avenue-style internal driveway connecting the proposed mixed-use residential building with existing access drives to Old Peachtree Road and ultimately Northbrook Parkway at the Property's easterly boundary. The proposed development would also be accented by several water quality features improving the aesthetics of the Property while also providing attractive, modern stormwater facilities. The proposed development would provide a series of internal sidewalks and pedestrian walkways to activate and amenities these proposed water quality features and provide a connection to the existing sidewalk network along Old Peachtree Road and the Shops at Huntcrest shopping center.

Further, the proposed development is consistent with the policy goals set forth in the 2040 Unified Plan. For example, Policy A.5.1 provides that "[q]uality of life in Gwinnett can be enhanced by making it easier for people to walk through their neighborhoods to and from attractions such as local parks, schools, churches, or even neighborhood shopping." The proposed development would enhance the walkability of the surrounding area and residents would have convenient access to shopping and other employment centers along Northbrook Parkway and Sever Road as well as Old Peachtree Road and North Brown Road. As the Property sits behind existing commercial uses along Old Peachtree Road, the proposed mixed-use residential building would further diversify land uses in the area in furtherance of the policies of the UDO and 2040 Unified Plan.



GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

March 21, 2022

322 Commercial Ave, STE 201, Palisades Park, NJ 07650

T. 201 944 7755 | F. 201 944 7785 | info@pioliusa.com

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mi Young Lim".

Mi Young Lim / President
Pioli PSG LLC

RECEIVED

March 21, 2022

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

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:

Proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property

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

Proposed change in conditions will not adversely affect the existing use or usability of adjacent or nearby property

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

Due to the Sars-Covid19 Pandemic, development of office building will not have reasonable economic use.

- (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:

The proposed change in Conditions will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools

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

The proposed Change in Conditions is in conformity with the policy and intent of the land use plan

- (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 letter of intent

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of 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, and Article 1, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owener viable use of its land.

.....

PLANNING DIVISION USE ONLY

CASE NUMBER_____RECEIVED BY:_____

Exhibit F: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:				4/13/2022			
Department/Agency Name:				Transportation			
Reviewer Name:				Brent Hodges			
Reviewer Title:				Construction Manager 1			
Reviewer Email Address:				Brent.Hodges@GwinnettCounty.com			
Case Number:				CIC2022-00014			
Case Address:				1000 block of Old Peachtree Road			
Comments:				<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
1	Old Peachtree Road is a Minor Arterial. ADT = 21,678. 1.7 miles to nearest Transit facility #2334860 North Brown Road & Sugarloaf Parkway 1B.						
2							
3							
4							
5							
6							
7							
Recommended Zoning Conditions:				<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
1	Developer shall update the traffic impact study from the previous Zoning (RZM2018-00004), to reflect the change in use in addition to the increase in residential units.						
2							
3							
4							
5							
6							
7							

Note: Attach additional pages, if needed

Revised 7/26/2021



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

TRC Meeting Date:		4/13/2022		
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.Pappas@GwinnettCounty.com		
Case Number:		CIC2022-00014		
Case Address:		1000 Block of Old Peachtree Road		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The development shall upsize the existing 8-inch on Old Peachtree Road to a minimum 12-inch line.			
2	Water: The development shall coordinate the upsizing with DWR to avoid disruption of service.			
3	Sewer: A Sewer Capacity Certification is required to confirm capacity.			
4	Sewer: Pending available sewer capacity, the development may connect to an existing 8-inch sanitary sewer main located on the proposed development site.			
5	Sewer: The existing 48-inch sewer force main must be avoided during all phases of construction.			
6	Sewer: The easement of the existing 48-inch force main must be shown on all plans.			
7				
Recommended Zoning Conditions:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: Separate water meters will be required for the multi-family portion and the retail portion of the development. The developer shall replace the existing 8-inch water main on Old Peachtree Road with a minimum 12-inch.			
2				
3				
4				
5				
6				
7				

Note: Attach additional pages, if needed

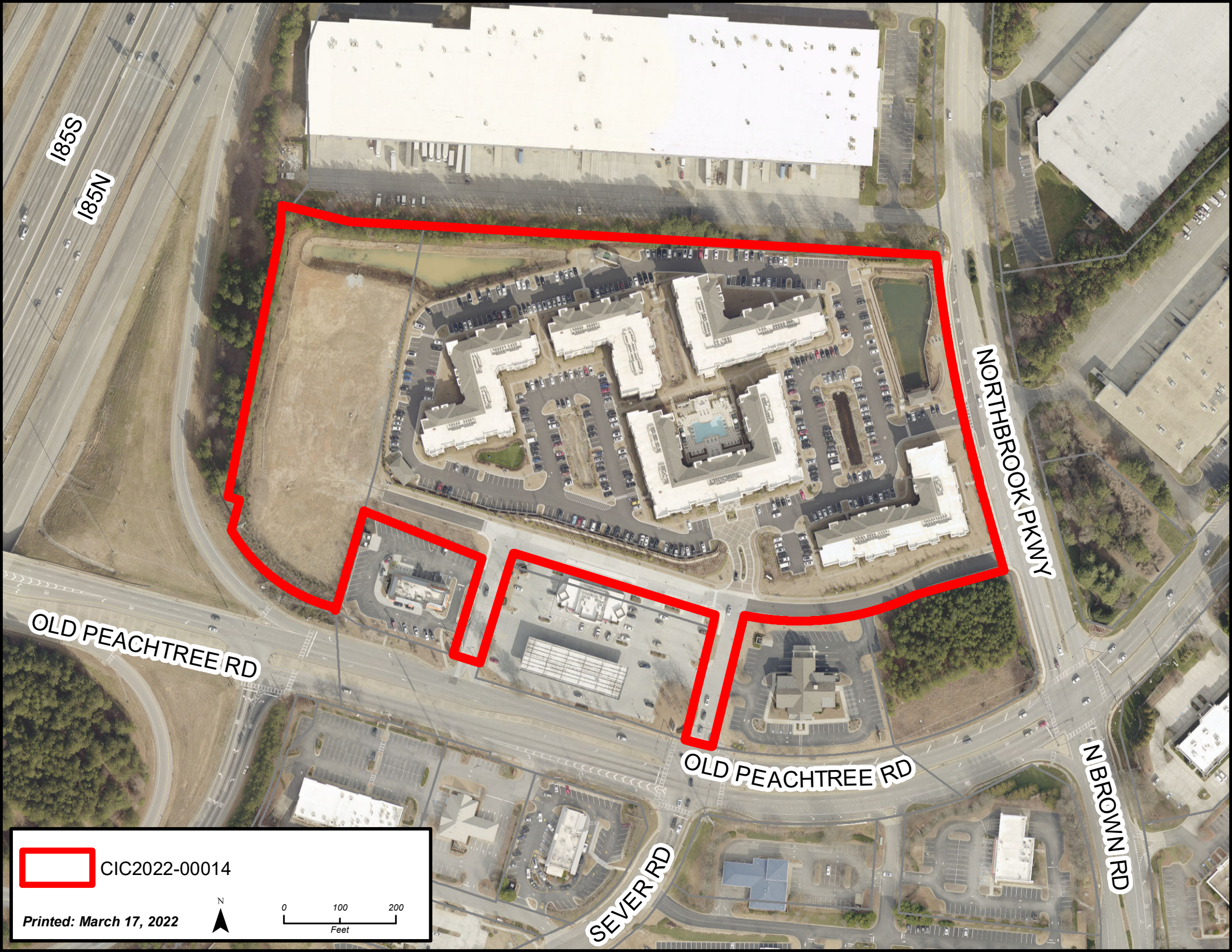
Revised 7/26/2021

Residential Rezoning Impact on Local Schools
Prepared for Gwinnett County BOC, May, 2022

											Proposed Zoning
	School	2021-22			2022-23			2023-24			Approximate Student Projections from Proposed Developments
		Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	Forecast	Capacity	+/- Cap.	
CIC2022-00014	Peachtree Ridge HS	3,348	3,050	298	3,398	3,050	348	3,449	3,050	399	4
	Northbrook MS	934	1,025	-91	953	1,025	-72	972	1,025	-53	4
	Jackson ES	1,475	1,475	0	1,490	1,475	15	1,505	1,475	30	7
RZM2022-00013	Grayson HS	3,150	3,000	150	3,245	3,000	245	3,342	3,000	342	9
	Bay Creek MS	1,282	1,150	132	1,320	1,150	170	1,360	1,150	210	8
	Trip ES	1,238	1,200	38	1,263	1,200	63	1,301	1,200	101	14
CIC2022-00013	Grayson HS	3,150	3,000	150	3,245	3,000	245	3,342	3,000	342	20
	Bay Creek MS	1,282	1,150	132	1,320	1,150	170	1,360	1,150	210	18
	Trip ES	1,238	1,200	38	1,263	1,200	63	1,301	1,200	101	32
RZM2022-00015	Peachtree Ridge HS	3,348	3,050	298	3,398	3,050	348	3,449	3,050	399	13
	Hull MS	1,342	1,750	-408	1,355	1,750	-395	1,383	1,750	-367	12
	Mason ES	976	1,150	-174	1,005	1,150	-145	1,025	1,150	-125	20
RZM2022-00016	Lanier HS	1,942	1,900	42	2,000	1,900	100	2,060	1,900	160	20
	Lanier MS	1,430	1,700	-270	1,473	1,700	-227	1,517	1,700	-183	17
	Sugar Hill ES	1,119	1,075	44	1,153	1,075	78	1,187	1,075	112	31
RZM2022-00017	Discovery HS	2,785	2,525	260	2,813	2,525	288	2,841	2,525	316	7
	Richards MS	2,135	2,200	-65	2,156	2,200	-44	2,178	2,200	-22	6
	Baggett ES	970	1,125	-155	980	1,125	-145	989	1,125	-136	10
RZR2022-00012	Dacula HS	2,479	2,550	-71	2,553	2,550	3	2,630	2,550	80	7
	Dacula MS	1,786	1,900	-114	1,822	1,900	-78	1,858	1,900	-42	6
	Alcova ES	1,419	1,150	269	1,447	1,150	297	1,491	1,150	341	10
RZR2022-00013	Peachtree Ridge HS	3,348	3,050	298	3,398	3,050	348	3,449	3,050	399	1
	Hull MS	1,342	1,750	-408	1,355	1,750	-395	1,383	1,750	-367	1
	Parsons ES	805	700	105	829	700	129	854	700	154	1

Exhibit G: Maps

[attached]



I85S

I85N

NORTHBROOK PKWY

OLD PEACHTREE RD

OLD PEACHTREE RD

N BROWN RD

SEVER RD

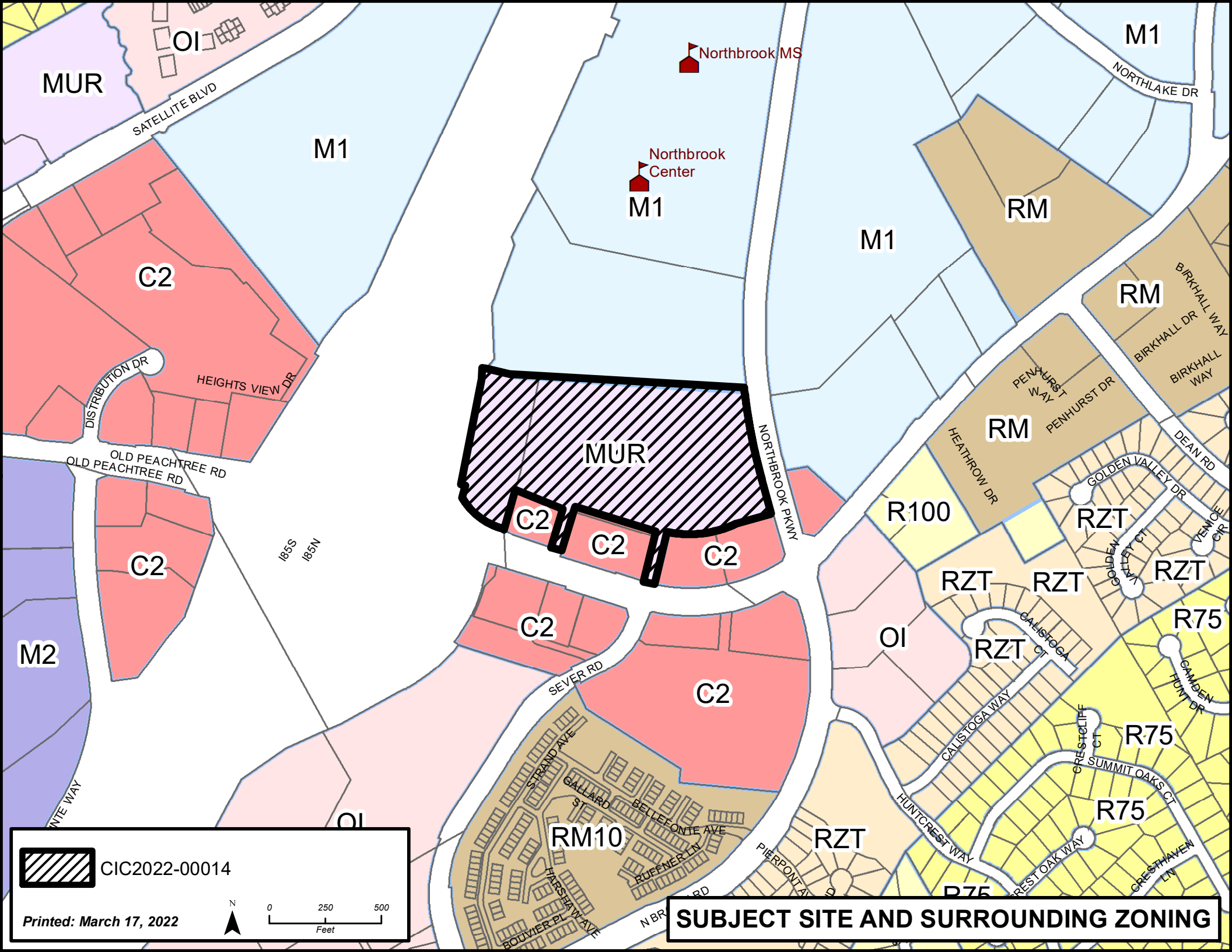


CIC2022-00014

Printed: March 17, 2022

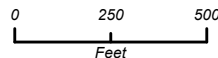


0 100 200
Feet

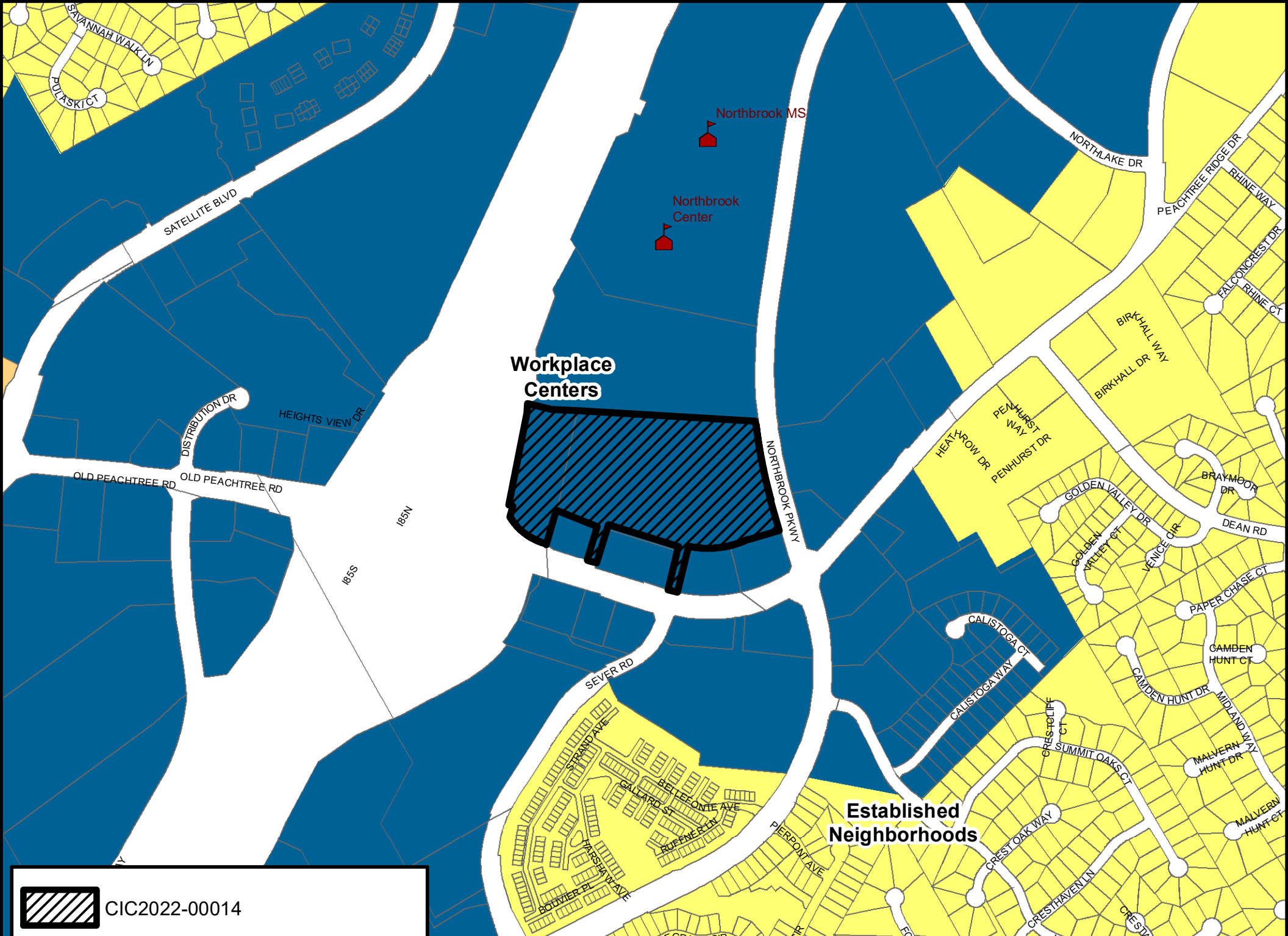


CIC2022-00014

Printed: March 17, 2022



SUBJECT SITE AND SURROUNDING ZONING



RECEIVED

March 21, 2022

EXHIBIT B
Office Tract

All that tract or parcel of land lying and being in Land Lot 124 of the 7th District of Gwinnett County, Georgia and being more particularly described as follows:

To reach the True Point of Beginning, commence at a Right of Way Monument found at the southwestern most mitered corner of the intersection of the northerly Right of Way of Old Peachtree Road (Variable R/W) and the westerly Right of Way of Northbrook Parkway (Variable R/W); thence along said miter North 21° 01' 02" East a distance of 32.02 feet to a Right of Way Monument found; thence running along said Right of Way of Northbrook Parkway the following courses: North 15° 30' 49" West a distance of 181.52 feet to a point; thence North 61° 39' 31" West a distance of 13.87 feet to an iron pin set; thence North 15° 30' 41" West a distance of 161.70 feet to a point; thence running along a curve to the right an arc length of 104.74 feet, (said curve having a radius of 2544.11 feet, with a chord bearing of North 14° 19' 57" West, and a chord length of 104.73 feet) to a point; thence North 00° 50' 41" East a distance of 42.75 feet to a point; thence running along a curve to the right an arc length of 265.41 feet, (said curve having a radius of 2534.11 feet, with a chord bearing of North 09° 12' 54" West, and a chord length of 265.29 feet) to a ½" rebar found; thence leaving said Right of Way and running North 86° 38' 55" West a distance of 924.53 feet to the TRUE POINT OF BEGINNING, from point thus established thence South 11° 12' 17" West a distance of 438.69 feet to an iron pin set; thence South 15° 21' 43" West a distance of 81.46 feet to an iron pin set; thence South 15° 52' 56" West a distance of 184.53 feet to an iron pin set; thence North 45° 43' 05" West a distance of 7.40 feet to a Right of Way Monument found on the northerly Right of Way of Old Peachtree Road; thence running along said Right of Way along a curve to the right an arc length of 233.87 feet, (said curve having a radius of 298.86 feet, with a chord bearing of North 52° 48' 30" West, and a chord length of 227.95 feet) to a Right of Way Monument found on the easterly Right of Way of Interstate 85; thence continuing along said Right of Way of Interstate 85 North 15° 33' 31" East a distance of 55.97 feet to a Right of Way Monument found; thence North 74° 35' 30" West a distance of 21.10 feet to a Right of Way Monument found; thence North 11° 08' 40" East a distance of 479.84 feet to a Right of Way Monument found; thence North 03° 32' 38" East a distance of 49.91 feet to a Right of Way Monument found; thence leaving said Right of Way and running South 76° 37' 57" East a distance of 125.46 feet to a ½" rebar and cap found; thence South 86° 38' 55" East a distance of 131.88 feet to the TRUE POINT OF BEGINNING.

Said property contains 3.657 Acres (159,284 Square Feet) as shown on an ALTA/NSPS Land Title Survey for Thanksholdings Corp, a Georgia corporation of Future Office Parcel dated March 21, 2018, prepared by Technical Survey Services, bearing the seal of Aubrey J. Akin, Georgia Registered Land Surveyor #3138.

Overall Legal Description

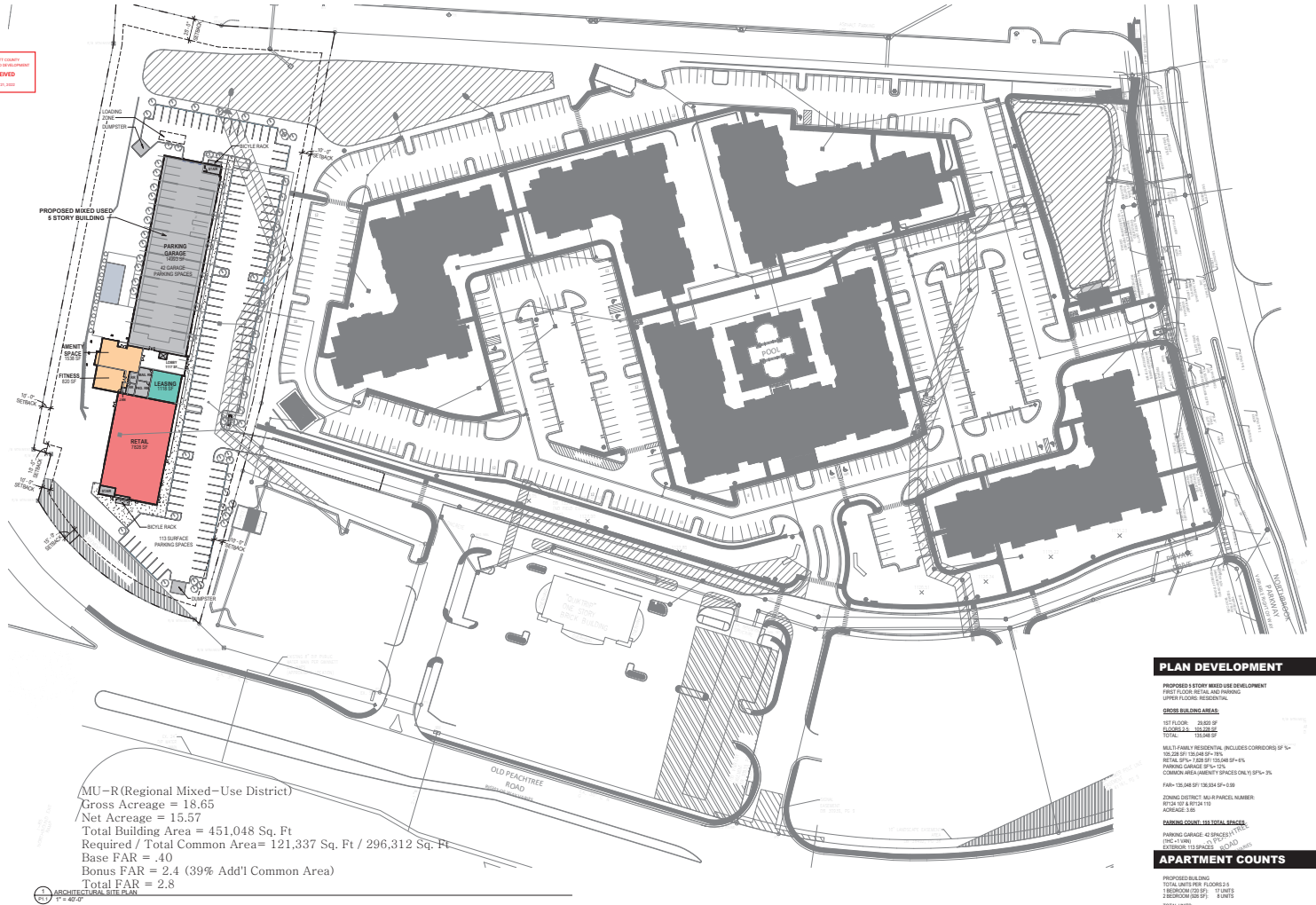
All that tract or parcel of land lying and being in Land Lot 124 of the 7th District of Gwinnett County, Georgia and being more particularly described as follows:

To reach the True Point of Beginning, commence at a Right of Way Monument found at the southwestern most mitered corner of the intersection of the northerly Right of Way of Old Peachtree Road (Variable R/W) and the westerly Right of Way of Northbrook Parkway (Variable R/W); thence along said Right of Way of Old Peachtree Road along a curve to the right an arc length of 265.47 feet, (said curve having a radius of 758.88 feet, with a chord bearing of South 67° 23' 51" West, and a chord length of 264.12 feet) to a point; thence along a curve to the right an arc length of 327.21 feet, (said curve having a radius of 758.88 feet, with a chord bearing of South 89° 46' 18" West, and a chord length of 324.68 feet) to an iron pin set and the TRUE POINT OF BEGINNING, from point thus established and continuing along said Right of Way along a curve to the right an arc length of 50.01 feet, (said curve having a radius of 758.88 feet, with a chord bearing of North 75° 59' 17" West, and a chord length of 50.00 feet) to a mag nail found; thence leaving said Right of Way and running North 13° 39' 19" East a distance of 230.31 feet to a mag nail set; thence North 73° 02' 56" West a distance of 377.19 feet to a mag nail set; thence South 16° 57' 04" West a distance of 205.00 feet to an iron pin set on the northerly Right of Way of Old Peachtree Road; thence along said Right of Way North 73° 13' 47" West a distance of 50.00 feet to an iron pin set; thence leaving said Right of Way North 16° 57' 04" East a distance of 180.16 feet to an iron pin set; thence North 68° 10' 36" West a distance of 227.82 feet to an iron pin set; thence South 15° 52' 56" West a distance of 184.53 feet to an iron pin set; thence North 45° 43' 05" West a distance of 7.40 feet to a Right of Way Monument found on the northerly Right of Way of Old Peachtree Road; thence running along said Right of Way along a curve to the right an arc length of 233.87 feet, (said curve having a radius of 298.86 feet, with a chord bearing of North 52° 48' 30" West, and a chord length of 227.95 feet) to a Right of Way Monument found on the easterly Right of Way of Interstate 85; thence continuing along said Right of Way of Interstate 85 North 15° 33' 31" East a distance of 55.97 feet to a Right of Way Monument found; thence North 74° 35' 30" West a distance of 21.10 feet to a Right of Way Monument found; thence North 11° 08' 40" East a distance of 479.84 feet to a Right of Way Monument found; thence North 03° 32' 38" East a distance of 49.91 feet to a Right of Way Monument found; thence leaving said Right of Way and running South 76° 37' 57" East a distance of 125.46 feet to a ½" rebar and cap found; thence South 86° 38' 55" East a distance of 131.88 feet to an iron pin set; South 11° 12' 17" West a distance of 438.69 feet to an iron pin set; thence South 15° 21' 43" West a distance of 81.46 feet to the TRUE POINT OF BEGINNING. Said tract contains 18.650 Acres (812,398 Square Feet).



RZC '18 00 4

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MU-R (Regional Mixed-Use District)
Gross Acreage = 18.65
Net Acreage = 15.57
Total Building Area = 451,048 Sq. Ft.
Required / Total Common Area = 121,337 Sq. Ft. / 296,312 Sq. Ft.
Base FAR = .40
Bonus FAR = 2.4 (39% Add'l Common Area)
Total FAR = 2.8

ARCHITECTURAL SITE PLAN
1" = 40'-0"

OLD PEACHTREE APARTMENTS

SITE PLAN

PLAN DEVELOPMENT

PROPOSED 5 STORY MIXED USE DEVELOPMENT
FIRST FLOOR RETAIL AND PARKING
UPPER FLOORS RESIDENTIAL

GROSS BUILDING AREAS

1ST FLOOR: 29,800 SF
UPPER FLOORS: 135,048 SF
TOTAL: 164,848 SF

MULTI-FAMILY RESIDENTIAL INCLUDES CORRIDOR SPACES
100,000 SF TO 100,000 SF
RETAIL SPACES: 100,000 SF TO 100,000 SF
PARKING GARAGE SPACES: 100,000 SF TO 100,000 SF
COMMON AREA SPACES: 100,000 SF TO 100,000 SF

FAR = 1.00 AND 2.4 (39% ADD'L COMMON AREA)

ZONING DISTRICT: MUR PARCEL NUMBER: 87124 101 & 87124 110

ACREAGE: 1.00

PARKING COUNT: 115 TOTAL SPACES

PARKING GARAGE: 42 SPACES (115 TOTAL SPACES)

STREET SIDE: 115 SPACES (115 TOTAL SPACES)

APARTMENT COUNTS

PROPOSED BUILDING

TOTAL UNITS PER FLOOR: 5.5

1 BEDROOM (70 SF) 11 UNITS

2 BEDROOM (80 SF) 8 UNITS

TOTAL UNITS: 19 UNITS

1 BEDROOM: 11 UNITS

TOTAL: 19 UNITS

PIEPER O'BRIEN HEED ARCHITECTS

CONTRACT DOCUMENT
RECEIVED
March 27, 2022



1 FRONT ELEVATION
3/22' = 1/8"



2 GARAGE ENTRANCE ELEVATION (SIDE)
3/22' = 1/8"



3 SIDE ELEVATION (B) RETAIL
3/22' = 1/8"



4 REAR ELEVATION
3/22' = 1/8"

OLD PEACHTREE APARTMENTS

BUILDING ELEVATIONS

PETER O'BRIEN HEED
ARCHITECTS



OLD PEACHTREE APARTMENTS
PERSPECTIVE VIEW

Pioli
Mi Young Lim
mlim@pioliusa.com

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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March 21, 2022

322 Commercial Ave, STE 201, Palisades Park, NJ 07650
T. 201 944 7755 | F. 201 944 7785 | info@pioliusa.com

March 15, 2022

VIA EMAIL AND ELECTRONIC SUBMITTAL

Mr. David Schlifka
Gwinnett County Department of Planning and
Development
446 West Crogan Street Suite 300
Lawrenceville, Georgia 30046

Re: Letter of Intent: Change in conditions Application – Old Peachtree Road (Parcel ID:
R7124 107 & R7124 110) (the "Property")

Dear Mr. Schlifaka and the Planning and Development Department

I, Mi Young Lim, president of Pioli PSG LLC submits this Letter of Intent and attached change of conditions application (the "Application") on behalf of Pioli PSG LLC (the "Applicant") for the purpose of amending the resolutions to an 18.65-acre tract located on the northerly side of Old Peachtree Road and bounded by Interstate 85 to the west and Northbrook Parkway to the east (the "Property"). The Property has direct access to Old Peachtree Road but sits behind existing commercial uses including a restaurant, a convenience store with fuel pumps, and a bank.

The Applicant is proposing to change the conditions of the resolution RZC2018-0004 to build an additional mixed-use residential building on the Property. The MU-R (Regional Mixed Use) zoning classification of the Gwinnett County Unified Development Ordinance (the "UDO") accommodates the development and construction of a mixed-use development consisting of residential and retail uses. However, Condition 1A of the current resolution RZC2018-00004 restricts the parcel to be utilized as:

“a regional mixed-use development to consist of office and multi-family residential uses only [wherein] No more than 300 multi-family apartments shall be allowed. Offices shall constitute no less than 79,000 square feet or 17% of the overall projects gross floor area. Multi-Family Residential uses may constitute up to 375,000 square feet or 83% of the projects gross floor area.”

The Applicant is submitting for review and consideration by the Gwinnett County for the condition mentioned above to be amended to allow for retail other than office and additional multi-Family apartments building as proposed in the attached site plan.

Overall, the proposed development would add approximately 7,828 square feet or 6% of the total gross floor area on the ground floor of the new building intended for restaurant or similar type of business in addition to approximately 100 units of multifamily dwellings consisting of 1-, 2- and 3-bedroom residential apartments totaling approximately 105,228 Sq. Ft or 78% of the gross floor area in the new building. The entire development already has 300-unit multifamily dwelling complexes approximately 316,000 Sq. Ft consisting of 1-,2- and 3-bedroom residential apartments. The new proposed development will total the entire development with approximately 400 multifamily dwelling units, 421,228 Sq. Ft of residential combined. There will be no office space offered for lease, but the applicant proposes a leasing office approximately 1,118 Sq. Ft in the proposed new building.

The proposed building's modern architectural design would provide an attractive accent to the Interstate 85 frontage and would prominently display Gwinnett County's increasing growth and modernization. The applicant proposes 68 1-bedroom units each approximately 720 Sq. Ft and 32 2-bedroom units each approximately 926 Sq. Ft and options for 3-bedroom units up to but no more than 10% of the total units proposed.

The applicant also seeks relief from the following requirement: For developments exceeding 7,500 square feet, primary building facades and entrances shall be located no more than 70 feet from the public rights-of-way and shall be oriented toward the street and shall provide sidewalk connecting the front entrance to a continuous sidewalk placed parallel to the street.

The Property is adjacent to land zoned C-2 along Old Peachtree Road and land zoned M-1 to the north along Northbrook Parkway. The proposed development would complement existing commercial uses and provide residential critical mass to support existing businesses. On Old Peachtree Road the Property would be accessed via two driveways including an existing right-in right-out driveway between Bojangles and QuikTrip and a full access driveway at the signalized intersection of Old Peachtree Road and Sever Road. The proposed development would provide an attractive avenue-style internal driveway connecting the proposed mixed-use residential building with existing access drives to Old Peachtree Road and ultimately Northbrook Parkway at the Property's easterly boundary. The proposed development would also be accented by several water quality features improving the aesthetics of the Property while also providing attractive, modern stormwater facilities. The proposed development would provide a series of internal sidewalks and pedestrian walkways to activate and amenities these proposed water quality features and provide a connection to the existing sidewalk network along Old Peachtree Road and the Shops at Huntcrest shopping center.

Further, the proposed development is consistent with the policy goals set forth in the 2040 Unified Plan. For example, Policy A.5.1 provides that "[q]uality of life in Gwinnett can be enhanced by making it easier for people to walk through their neighborhoods to and from attractions such as local parks, schools, churches, or even neighborhood shopping." The proposed development would enhance the walkability of the surrounding area and residents would have convenient access to shopping and other employment centers along Northbrook Parkway and Sever Road as well as Old Peachtree Road and North Brown Road. As the Property sits behind existing commercial uses along Old Peachtree Road, the proposed mixed-use residential building would further diversify land uses in the area in furtherance of the policies of the UDO and 2040 Unified Plan.



GWINNETT COUNTY
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March 21, 2022

322 Commercial Ave, STE 201, Palisades Park, NJ 07650

T. 201 944 7755 | F. 201 944 7785 | info@pioliusa.com

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mi Young Lim".

Mi Young Lim / President
Pioli PSG LLC

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March 21, 2022

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

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:

Proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property

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

Proposed change in conditions will not adversely affect the existing use or usability of adjacent or nearby property

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

Due to the Sars-Covid19 Pandemic, development of office building will not have reasonable economic use.

- (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:

The proposed change in Conditions will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools

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

The proposed Change in Conditions is in conformity with the policy and intent of the land use plan

- (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 letter of intent

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of 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, and Article 1, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owener viable use of its land.

.....
PLANNING DIVISION USE ONLY
CASE NUMBER _____ RECEIVED BY: _____

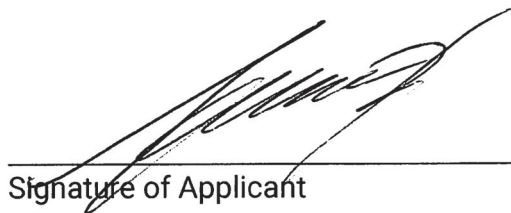
RECEIVED

March 21, 2022

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 10/2021

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.



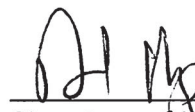
Signature of Applicant

1/17/2022

Date

Mi Young Lim – Owner

Type or Print Name and Title

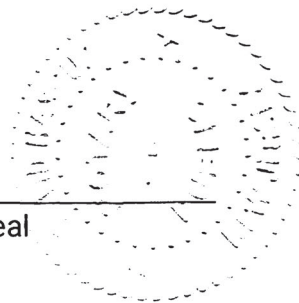


Signature of Notary Public
DAVID HASCUP
NOTARY PUBLIC
State of New Jersey
My Commission Expires
January 19, 2022

01/17/2022

Date

Notary Seal



RECEIVED

March 21, 2022

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

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



Signature of Property Owner

1/17/2022

Date

Mi Young Lim – Owner

Type or Print Name and Title



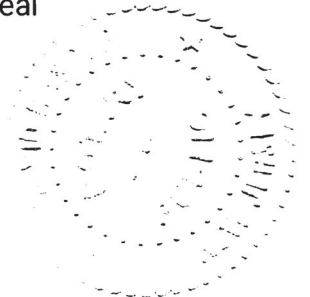
Signature of Notary Public

01/17/2022

Date

DAVID HASCUP
NOTARY PUBLIC
State of New Jersey
My Commission Expires
January 19, 2022

Notary Seal




RECEIVED

March 21, 2022

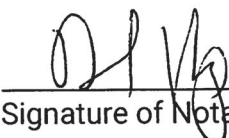
Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

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.

 01/17/2022 Mi Young Lim – Owner
Signature of Applicant Date Type of Print Name and Title

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

 01/17/2022 Notary Seal
Signature of Notary Public Date

DAVID HASCUP
NOTARY PUBLIC
State of New Jersey
My Commission Expires
January 19, 2022

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 Mi Young Lim
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.

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March 21, 2022

Gwinnett County Planning Division
Change in Conditions Application
Last Updated 5/2021

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 - 124 - 107
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

1/17/22

Date

Mi Young Lim – Owner

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.*****

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)

NAME

TITLE

DATE

1/17/22, 11:40 AM

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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March 21, 2022

Account Detail

Mailing Address:

PIOLI PSG LLC
322 COMMERCIAL AVE STE 201
PALISADES PARK, NJ 07650-1227

[✉ Change Mailing Address](#)

SITUS:

0 OLD PEACHTREE RD

Tax District:

COUNTY Unincorporated

Live
CHAT

Parcel ID

R7124 107

Property Type

Real Property

Last Update

1/17/2022 11:39:50 AM

Legal Description

PT L2 BA PEACHTREE BUS C

Print Tax Bill

Click here to view and print your August 2021 tax bill.

* This bill is good through Oct 15, 2021 only.

Tax Bills

Note: Four years of tax information is available online. Email tax@gwinnettcountry.com to request other years.

1/17/22, 11:40 AM

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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Account Detail

Tax Year	Net Tax	March 21, 2022 Total Paid	Penalty/Fees	Interest	Due Date	Amount Due
2021	\$26,831.53	\$26,831.53	\$0.00	\$0.00	10/15/2021	\$0.00
2020	\$27,017.55	\$27,017.55	\$0.00	\$0.00	12/1/2020	\$0.00
2019	\$19,986.23	\$19,986.23	\$0.00	\$0.00	10/15/2019	\$0.00
Total						\$0.00

Live
CHAT

Pay Now

No payment due for this account.

