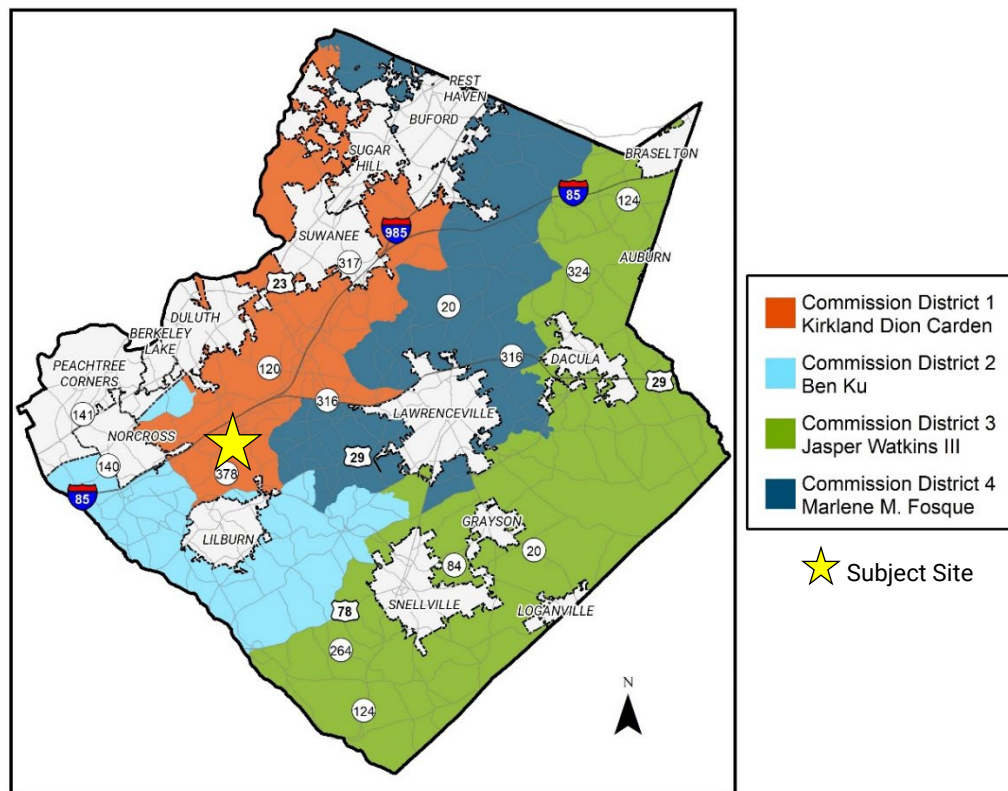




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: CIC2022-00017
Current Zoning: M-1 (Light Industry District)
Request: Change in Conditions
Additional Request: Buffer Reduction Waiver
Address: 3900 Steve Reynolds Boulevard and 1510 Pavilion Place
Map Numbers: R6202 019 and 035
Proposed Development: Heavy/ Civil Construction Contractors Office
2022 Commission District: District 1 – Commissioner Carden*
Character Area: Workplace Center

Staff Recommendation: APPROVAL WITH CONDITIONS



*This property will be in Commission District 2 beginning on January 1, 2023.

Planning Commission Advertised Public Hearing Date: 6/8/2022
Board of Commissioners Advertised Public Hearing Date: 6/28/2022

Applicant: 3900 Steve Reynolds Blvd LLC
c/o Andersen, Tate and Carr, P.C.
3900 Steve Reynolds Boulevard
Norcross, GA 30093

Owner: 3900 Steve Reynolds Blvd LLC
3900 Steve Reynolds Boulevard
Norcross, GA 30093

Contact: Melody A. Glouton, Esq.

Contact: 770.822.0900

Zoning History

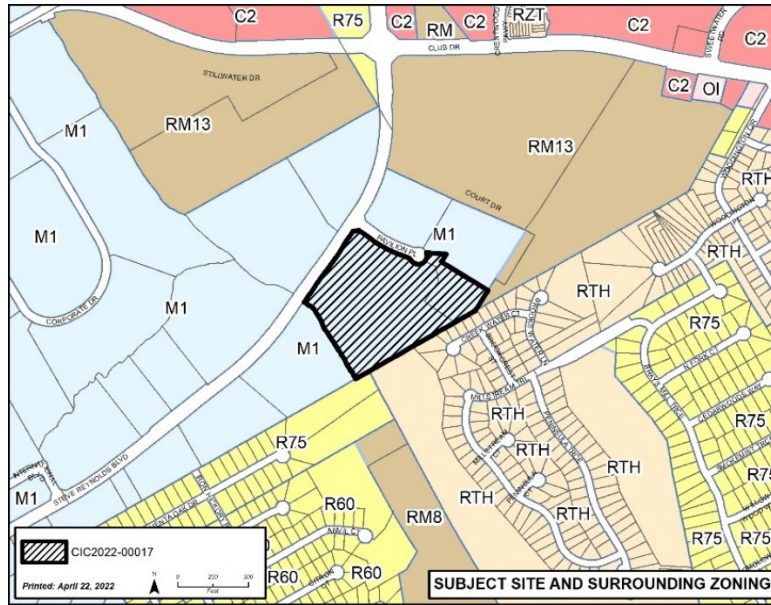
The subject property is zoned M-1 (Light Industry District). A rezoning approval in 1983, RZ-153-83, amended the property's zoning classification from R-75 (Single-Family Residence District) to RM-10 (Multi-Family Residence District) for apartments. Shortly thereafter a 1985 rezoning approval, RZ-251-85, changed the zoning to M-1 for an office, warehouse, distribution, and business center. In 1988, a portion of parcel R6202 019 was rezoned from M-1 to C-2 (General Business District), with a special use permit for a private social and athletic club, pursuant to RZ-73-88 and SUP-33-88. A 1990 rezoning approval, RZ-110-90, reverted that zoning to M-1 for office and warehouse uses. In 2019, the approval of special use permit SUP2019-00083 allowed for a heavy/civil construction contractor's office but limited the use to the large parcel. The request is to amend conditions from this approval.

Existing Site Condition

The subject site contains two parcels totaling 16.64 acres within the Gwinnett Pavilion office park, which is located at the southeast corner of the intersection of Steve Reynolds Boulevard and Pavilion Place, between Club Drive and Beaver Ruin Road. The western parcel, which is adjacent to the intersection, contains a two-story brick office warehouse building, loading docks, off-street parking, and a wooded and undeveloped area. The eastern parcel remains entirely wooded and undeveloped. The topography slopes downward from north to south on the western parcel toward Bromelow Creek, which transverses the southern property line. Likewise, the terrain slopes upward from west to east on the eastern parcel, such that the site is at a lower elevation than the adjacent single-family residences to the east. Access is provided via separate entrances from Steve Reynolds Boulevard and Pavilion Place. A stormwater management facility is located along Steve Reynolds Boulevard. No sidewalks are present along Steve Reynolds Boulevard or Pavilion Place. The nearest Gwinnett County Transit stop is 0.25 miles from the site.

Surrounding Use and Zoning

The surrounding uses consist of industrial office parks and a single-family residential subdivision to the east. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Existing	Office warehouse	M-1	N/A
North	Light Industrial	M-1	N/A
East	Single-family Residential	R-TH	2.85 units per acre
South	Undeveloped	M-1	N/A
West	Light Industrial	M-1	N/A

Project Summary

The applicant requests a change in conditions for two parcels totaling 16.64 acres zoned M-1 for a heavy/civil construction contractors office, including:

- A change in conditions of zoning case SUP2019-00083. The applicant is requesting revisions to the following conditions:
 - Condition 1.A., "Light industrial, office, office/warehouse and accessory uses and structures, which may include a Heavy/Civil Construction Contractor's Office as a Special Use. This Special Use is limited to Parcel R6202 035 only." The applicant is requesting to expand the use onto the adjacent parcel to park trucks and store associated equipment related to the heavy/civil construction contractor's office.
 - Condition 2.A., "Provide a 50-foot-wide natural undisturbed buffer on all property where outdoor storage abuts residential property. Provide a 50-foot-wide natural undisturbed buffer on all other property abutting residential property. The buffer shall be enhanced where sparsely vegetated." The applicant is requesting to reduce the undisturbed zoning buffer from 50 feet to 0 feet and to grade and replant the area as a 50 foot wide landscape buffer to accommodate truck parking and outdoor storage.
- A gravel outdoor storage yard for heavy/civil construction equipment spanning across both parcels.

- Access provided via driveways from Pavilion Place, Steve Reynolds Boulevard, and interparcel access with the existing office building.
- A proposed 100 percent opaque fence and gate surrounding the gravel parking and outdoor storage area.
- A proposed stormwater management facility located directly south of the gravel parking and outdoor storage adjacent to the 100-year floor limits.
- Retaining walls separating the proposed gravel parking and outdoor storage from existing customer and employee parking for the office building.

Zoning and Development Standards

The applicant is requesting a change in conditions in the M-1, Light Industry District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Front Yard Setback	Minimum 50'	>50'	YES
Side Yard Setback	Minimum 25'	>25'	YES
Rear Yard Setback	Minimum 50'	>50'	YES
Zoning Buffer	Minimum 50'	0'	NO*
Landscape Strip	Minimum 10'	10'	YES

*The applicant is requesting a buffer reduction waiver.

Waiver Request

In addition to the change in conditions request, the applicant is seeking a waiver from the following provision of Title III of the UDO:

1. Section 610-20. Minimum Buffer Requirements:
 - A. Required buffers shall be provided in conformity [with] Table 610.1 "Table of Minimum Buffer Requirements".

A 50' buffer is required between new M-1 development adjacent to the existing R-TH zoned property.

The required 50-foot natural and undisturbed permanent zoning buffer is required along the eastern property line, adjacent to the existing R-TH zoned property. The applicant is proposing to reduce the buffer from 50 feet to 0 feet and to grade and replant the area as a 50-foot wide landscape buffer.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and external agency review comments are attached (Exhibit E). Standard site and infrastructure improvements will also be required related to 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 heavy/civil construction contractor's office is located in an intensely developed light industrial area. Industrial office parks exist to the north and west along Steve Reynolds Boulevard, and a single-family residential subdivision borders the subject property to the east. The proposed change in conditions to extend the current use to the adjacent parcel is suitable in view of surrounding office warehouse uses; however, the request to amend the condition to reduce the buffer would not be appropriate, as the natural and undisturbed buffer offers protection to the adjacent residences with dense mature vegetation.

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

The gravel area for truck parking and outdoor storage associated with the heavy/civil construction contracting business would not affect surrounding light industrial uses. Buildings on adjacent parcels are currently separated from this area by existing surface parking. Conditions to require screening would mitigate noise, lighting, and visual clutter. The requested buffer reduction, though, would exacerbate these impacts on the single-family residences to the east, particularly as these are located at a higher elevation than the subject property.

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.

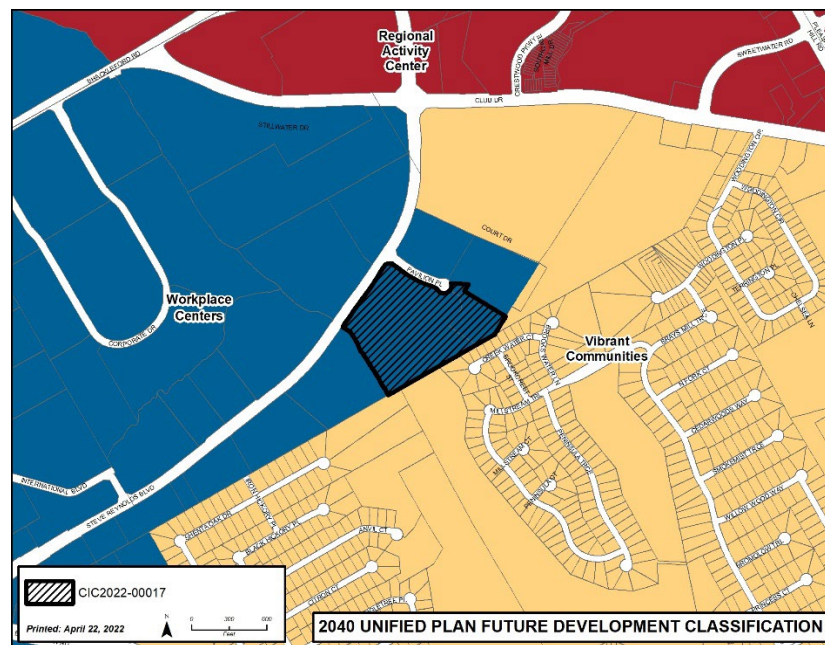
D. Whether the proposed change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

This change in conditions 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. No impact is

anticipated on school enrollment. Agency review comments related to any potential improvements concerning this change in conditions request are attached (Exhibit E).

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 includes areas containing office parks, industrial parks, and freight-oriented and logistics uses. The character area encourages employment-oriented uses to offset the anticipated shrinking of the manufacturing sector. The expansion of a heavy/civil construction contractor's office is consistent with the policy and intent of the Unified Plan and Future Development Map.



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

The use is within an existing, aging industrial office park, which represents a land use that is experiencing higher tenant vacancy rates than in previous decades. The Unified Plan encourages attracting service activities to these spaces to mitigate the projected decline in manufacturing and light industrial uses. The expansion of a heavy/civil construction contractor's office can help replace other uses that would traditionally occupy industrial office parks and maintain their vitality, which lends support for approval with conditions of this change in conditions request. Furthermore, no Code Enforcement violations have been issued with respect to the subject property and operation of the existing contractor's office.

Waiver Request Analysis: When considering waivers from Title III of the UDO, staff is required to

review whether an undue hardship may result from strict compliance with the regulations and that approval would not adversely affect the general public welfare or nullify the intent of the Development Regulations. In addition, there must be a determination that there are unusual topographical or other exceptional conditions. Staff makes the following findings related to the waiver request:

The requested buffer reduction waiver would exacerbate potential negative impacts, such as noise, lighting, visual clutter, and vehicle pollution on adjoining residential properties. The grade drop from the residential subdivision to the subject property presents screening challenges that can be mitigated through providing the required 50-foot natural and undisturbed buffer.

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 **APPROVAL WITH CONDITIONS** of the change in conditions request.

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

1. To reduce the required buffer along the R-TH property line to the east from 50 feet to 0 feet.

Staff Recommended Conditions

NOTE: The conditions below are those from SUP2019-00083 with suggested changes in bold or strikethrough.

Approval of a Change in Conditions for a heavy/civil construction contractor's office, subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - A. Light industrial, office, office/warehouse and accessory uses and structures, which may include a Heavy/Civil Construction Contractor's Office as a Special Use. ~~This Special Use is limited to Parcel R6062-035 only.~~
 - B. The property shall not be used as a towing/wrecker service or junk salvage yard. No inoperable or junk vehicles are permitted.
 - C. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
 - D. Hours of operation for the outdoor storage area shall be limited to between the hours of 7:00am to 9:00pm.
2. To abide by the following site development considerations:

- A. Provide a 50-foot-wide natural undisturbed buffer on all property where outdoor storage abuts residential property. Provide a 50-foot-wide natural undisturbed buffer on all other property abutting residential property. The buffer shall be enhanced where sparsely vegetated.
- B. Outdoor storage activities shall be restricted to areas screened on all sides by a 100 percent opaque fence and gate. The fence height shall be greater than materials and equipment stored in the outdoor storage area. Materials and design of the fence shall be subject to the review and approval by the Director of Planning and Development.
- C. Gravel outdoor storage areas shall be maintained free of vegetation.
- D. New ground signage shall be limited to 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 ten feet in height.
- E. 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.
- F. Any new or replacement outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or rights of way.
- G. Any new dumpster areas shall be screened by a 100 percent opaque brick or stacked stone wall with an opaque metal gate enclosure or shall be located within the screened outdoor storage area. Hours of dumpster pick-up shall be limited to between 7:00am and 7:00pm.
- H. Outdoor loudspeakers shall be prohibited.
- I. Peddlers and/or parking lot sales shall be prohibited.
- J. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

Exhibits:

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

Exhibit A: Site Visit Photos



Proposed outdoor storage area: view from Pavilion Place



Proposed outdoor storage area: view from adjacent M-1 parcel



Entrance from Pavilion Place to parcel developed with building



Entrance from Steve Reynolds Boulevard to parcel developed with building



Front of building

Exhibit B: Previously Approved Resolution and Site Plan

[attached]

WINNETT COUNTY
PLANNING AND DEVELOPMENT

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April 5, 2022

WINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: GRANT OF A SPECIAL USE PERMIT

ADOPTION DATE: FEBRUARY 25, 2020

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>
Charlotte J. Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Tommy Hunter, District 3	Yes	Aye
Marlene Fosque, District 4	Yes	Aye

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

A RESOLUTION TO GRANT A SPECIAL USE PERMIT

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application for a Special Use Permit by CMES, INC. for the proposed use of a CONTRACTOR'S OFFICE, HEAVY/CIVIL CONSTRUCTION on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

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CASE NUMBER SUP2019-00083
GCID 2019-1297

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on FEBRUARY 25, 2020 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, this the 25th day of FEBRUARY 2020, that the aforesaid application for a Special Use Permit is hereby **APPROVED** with the following enumerated conditions:

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

- A. Light industrial, office, office/warehouse and accessory uses and structures, which may include a Heavy/Civil Construction Contractor's Office as a Special Use. This Special Use is limited to Parcel R6202 035 only.
- B. The property shall not be used as a towing/wrecker service or junk salvage yard. No inoperable or junk vehicles are permitted.
- C. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
- D. Hours of operation for the outdoor storage area shall be limited to between the hours of 7:00 am to 9:00 pm.

2. To abide by the following site development considerations:

- A. Provide a 50-foot wide natural undisturbed buffer on all property where outdoor storage abuts residential property. Provide a 50-foot wide natural undisturbed buffer on all other property abutting residential property. The buffer shall be enhanced where sparsely vegetated.
- B. Outdoor storage activities shall be restricted to areas screened on all sides by a 100% opaque fence and gate. The fence height shall be greater than materials and equipment stored in the outdoor storage area. Materials and design of the

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April 5, 2022

CASE NUMBER SUP2019-00083
GCID 2019-1297

and equipment stored in the outdoor storage area. Materials and design of the fence shall be subject to the review and approval by the Director of Planning and Development.

- C. Gravel outdoor storage areas shall be maintained free of vegetation.
- D. New ground signage shall be limited to 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 ten feet in height.
- E. 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.
- F. Any new or replacement outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or rights of way.
- G. Any new dumpster areas shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure, or shall be located within the screened outdoor storage area. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
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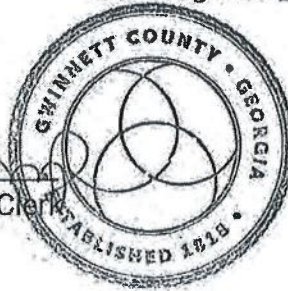
GWINNETT COUNTY BOARD OF COMMISSIONERS

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

Date Signed: 3-9-20

ATTEST:

Diane Kemp
County Clerk/Deputy County Clerk



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AND DEVELOPMENT
NOVEMBER 1, 2019
SUP2019-00083

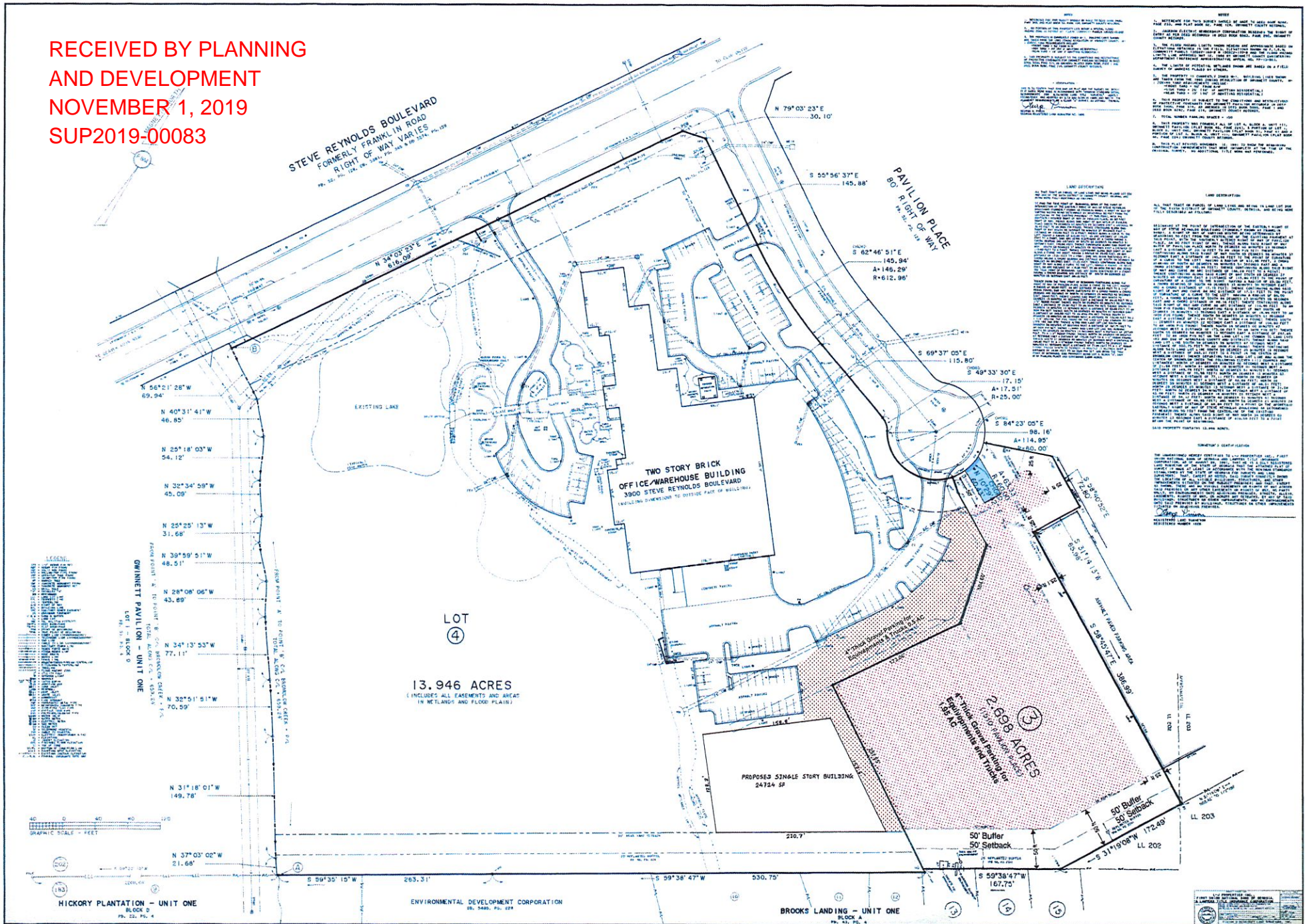


Exhibit C: Site Plan

[attached]

April 5, 2022

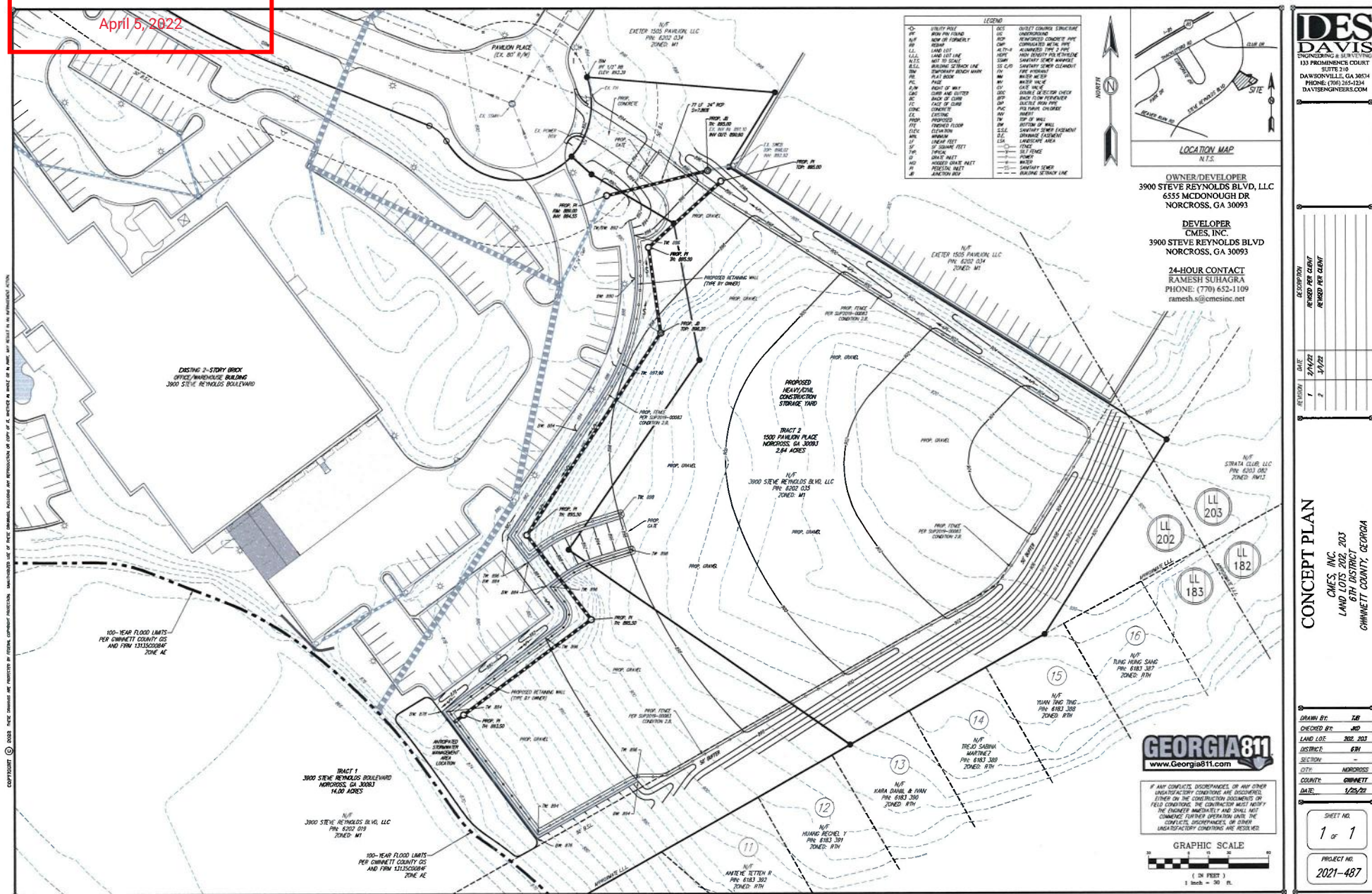


Exhibit D: Letter of Intent and Applicant's Response to Standards

[attached]

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LETTER OF INTENT AND JUSTIFICATION FOR CHANGE IN CONDITIONS

**Change in Conditions Application
Gwinnett County, Georgia**

Applicant:

3900 Steve Reynolds Blvd, LLC

Property:

Tax Parcel ID R6202 019, R6202 035

±16.64 Acres of Land

Located at 3900 Steve Reynolds Blvd. and
1510 Pavilion Place, Norcross, Georgia 30093

Submitted for Applicant by:

Melody A. Glouton, Esq.

ANDERSEN TATE & CARR, P.C.

One Sugarloaf Centre

1960 Satellite Blvd.

Suite 4000

Duluth, Georgia 30097

770.822.0900

mglouton@atclawfirm.com

INTRODUCTION

The Property is shown on the survey prepared by Garmon Land Surveying, dated April 17, 2020, and filed with this Application. The Property that is the subject of this Change in Conditions application is owned by 3900 Steve Reynolds Blvd, LLC and further identified below from the Gwinnett County GIS:



2. To abide by the following site development considerations:

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- A. Provide a 50-foot wide ~~natural undisturbed~~ **graded and replanted** buffer on all property where outdoor storage abuts residential property. Provide a 50-foot wide ~~natural undisturbed~~ **graded and replanted** buffer on all other property abutting residential property. ~~The buffer shall be enhanced where sparsely vegetated.~~

This document is submitted as the Letter of Intent, Response to Standard Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is comprised of two parcels, a 2.64-acre site and a 13.99- acre site totaling 16.64 acres, zoned M-1 (Light Industry District). The property is located at the eastern end of the cul-de-sac of Pavilion Place and extends along the southern right-of-way of Pavilion Place, also having frontage along the eastern side Steve Reynolds Boulevard. The 13.946-acre parcel is developed with a two-story brick office warehouse building, associated parking, and loading docks. The 2.64-acre parcel is wooded and undeveloped. The Applicant requests approval of a Change in Conditions to a prior SUP to allow the construction of an open storage yard for the associated civil construction contractor's office. The Applicant previously sought to construct an additional building on the 13.946-acre parcel. However, due to the size, shape, layout, topography, and environmental constraints of the Property, the Applicant is seeking to modify the site plan as set forth herein.

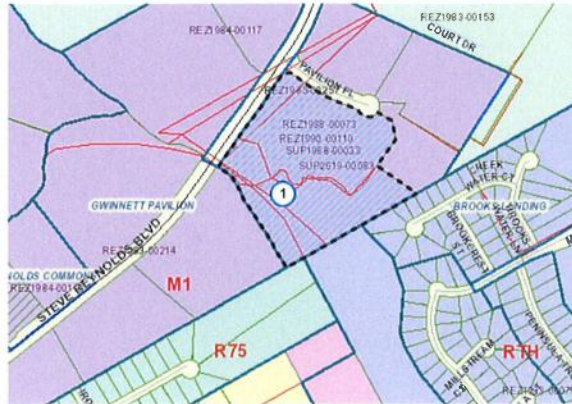
The Future Development Map of the Gwinnett County 2040 Unified Plan (the "2040 Plan") classifies this Property as within the "Workplace Center Character Area," of the Gwinnett County Future Development Map. The Workplace Center Character Area is for predominantly employment oriented uses and includes office parks, industrial parks, and locations for freight oriented and logistic uses. In keeping with the policies of the Workplace Center Character Area, the development of the open storage yard associated with the civil construction contractor's office would be consistent with the other light and heavy industrial uses established in the area and the proposal would be in conformity with similar recent approvals in the surrounding area.

As referenced above, the surrounding properties in this corridor are zoned industrial. Below is a summary of the surrounding uses and zoning:

Location	Land Use	Zoning
Property	Contractor's office/Industrial	M-1
North	Warehouse/Industrial	M-1
East	Warehouse/Office/ Industrial	M-1
South	Residential	R-TH
West	Vacant/Undeveloped	M-1

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III. PROJECT SUMMARY

As shown on the concept site plan prepared by Davis Engineering & Surveying, dated January 25, 2022, and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes an outdoor storage area to park trucks and associated equipment with the civil construction contractor’s office. This is consistent with the Applicant’s prior request as approved by the underlying SUP and the Applicant now seeks to extend a small portion of the proposed area of the storage area onto the adjacent parcel. As outlined in the previous conditions, the storage area surface would be gravel but shall be maintained free for vegetation at all times. Access to the proposed building and outdoor storage area would occur via the same proposed driveway off the eastern end of the cul-de-sac of Pavilion Place. The storage area would be fenced by a 100% opaque fence and gate, and includes a proposed retaining wall. Due to the design and layout of the site, the Applicant is requesting to modify the current SUP to include a portion of the adjacent parcel so that proper construction of the outdoor storage area can be accomplished.

With regard to the request to modify the buffer condition, current buffer standards require that a 50-foot buffer must be provided when M-1 property is adjacent to residential property. The Applicant is proposing to provide the required buffer width of 50 feet as set forth in the conditions, but is requesting to classify the buffer as a modified buffer to be graded and replanted as depicted on the site plan to allow for development of the outdoor storage area due to the topography challenges with the site.

IV. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that a change in conditions for the subject property is warranted, satisfies UDO § 270-20.5, entitled “Standards Governing Exercise of the Zoning Power,” as follows:

(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:

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Yes, approval of the proposed Change in Conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is located near the intersection of Steve Reynolds Boulevard and Club Drive. The Property is adjacent to intense, large-scale commercial and industrial developments.

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

No, the proposed Change in Conditions Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed change in conditions would allow for a development that is compatible with existing intense commercial and industrial uses on adjacent and nearby properties.

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

The Applicant's proposal would allow for the Property to be developed for a use that is consistent with surrounding properties and those along Steve Reynolds Blvd. Further, maintaining the restriction on the Property that the Applicant is seeking to delete would place an undue burden on the Property by putting it at an economic disadvantage to other properties within the same area.

(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:

No, the proposed change in conditions application will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Steve Reynolds Blvd, Club Drive, and Interstate 85. The proposed development would be compatible with the existing industrial and commercial uses in the area.

(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 application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The Property is located within the Workplace Centers Character Area of the 2040 Future Development Map, which is predominantly for employment oriented uses and includes office parks, industrial parks, and locations for freight oriented and logistic uses.

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

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The Applicant submits that the character of the surrounding developments and the existing mix of the same or similar intense industrial and commercial uses in the area provide supporting reasons for approval of the change in conditions request. The Applicant submits that the Property's location, size, and dimensions, as well as its location and close proximity to I-85, provide further support for approval of the proposed change in conditions application.

V. JUSTIFICATION FOR REZONING

The Applicant respectfully submits that "The Unified Development Ordinance of Gwinnett County, Georgia" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district, or conditions the Property, in such a way that would preclude development an outdoor storage area is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning or conditions of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications would deprive the Applicant and Property owner of any reasonable use and redevelopment of the Property. Further, any attempt by the Gwinnett County Board of Commissioners to impose greater restrictions upon the manner in which the Property will be redeveloped than presently exist would be equally unlawful.

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

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

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APR 5 2022

Finally, the Applicant respectfully submits that the Gwinnett County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application for Change in Conditions be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 5th day of April, 2022.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/ag

Exhibit E: Internal and External Agency Review Comments

[attached]



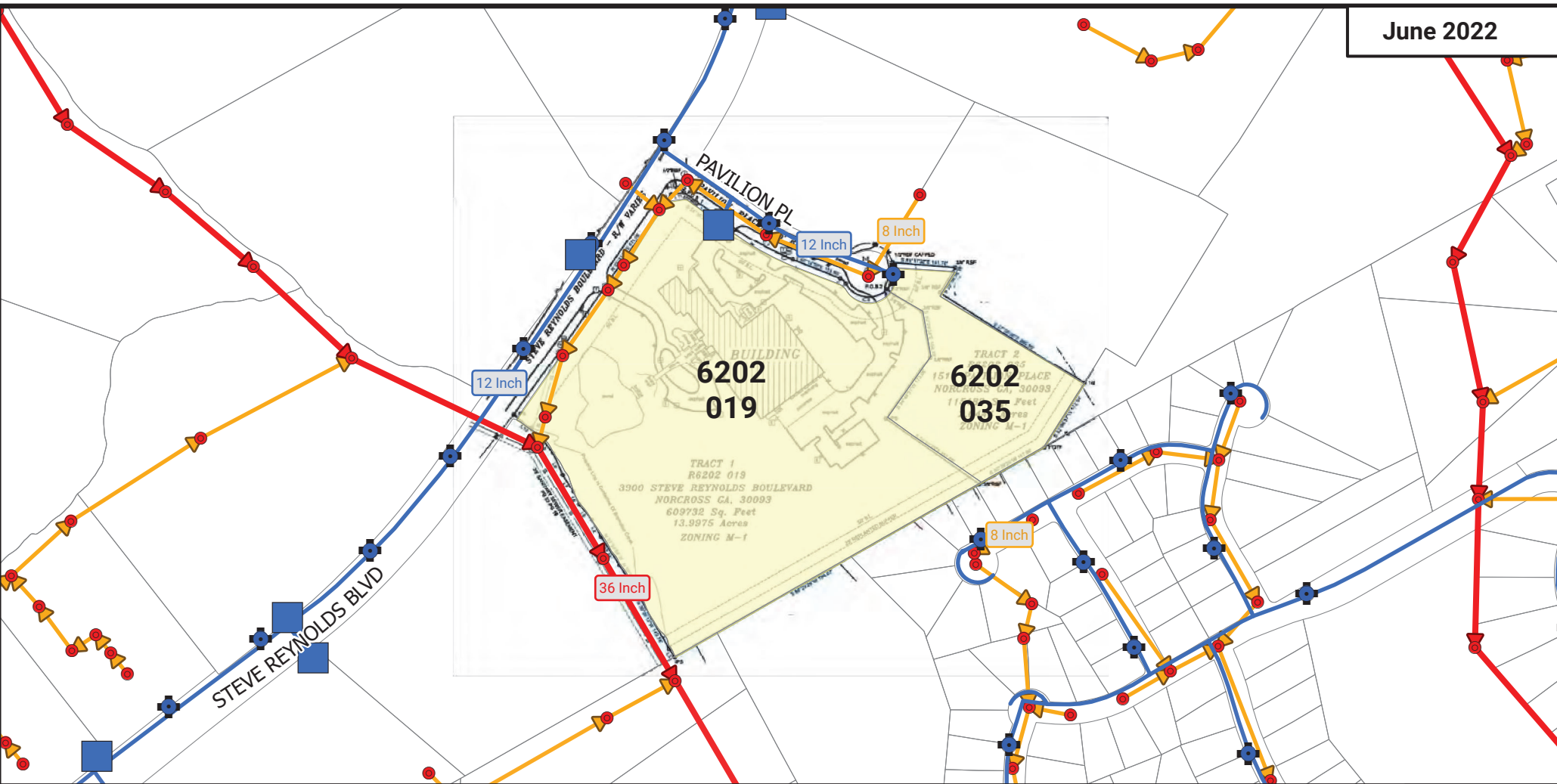
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		5.18.22	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcounty.com	
Case Number:		CIC2022-00017	
Case Address:		3900 Steve Reynolds Boulevard	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	Steve Reynolds Boulevard is a minor arterial. ADT = 26,799.		
2	0.25 miles to the nearest transit facility (#2334944) located at Club Drive and Steve Reynolds Boulevard.		
3			
4			
5			
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/> YES
		<input checked="" type="checkbox"/> X	<input type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021

June 2022

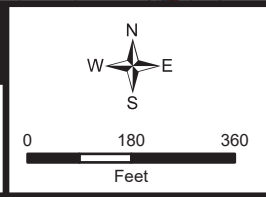


LEGEND		Flow Management		Hydrant		Sewer Force Main
		Pump Station		City		Effluent Outfall
		Regional		Water Main		Sewer Collector
		Manhole		Reuse Main		Sewer Interceptor

CIC2022-00017

M-1

Water & Sewer Utility Map



LOCATION



Water Comments: There are no DWR water comments for this case

Sewer Comments: There are no DWR sewer comments for this case.

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.

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

Exhibit F: Maps

[attached]

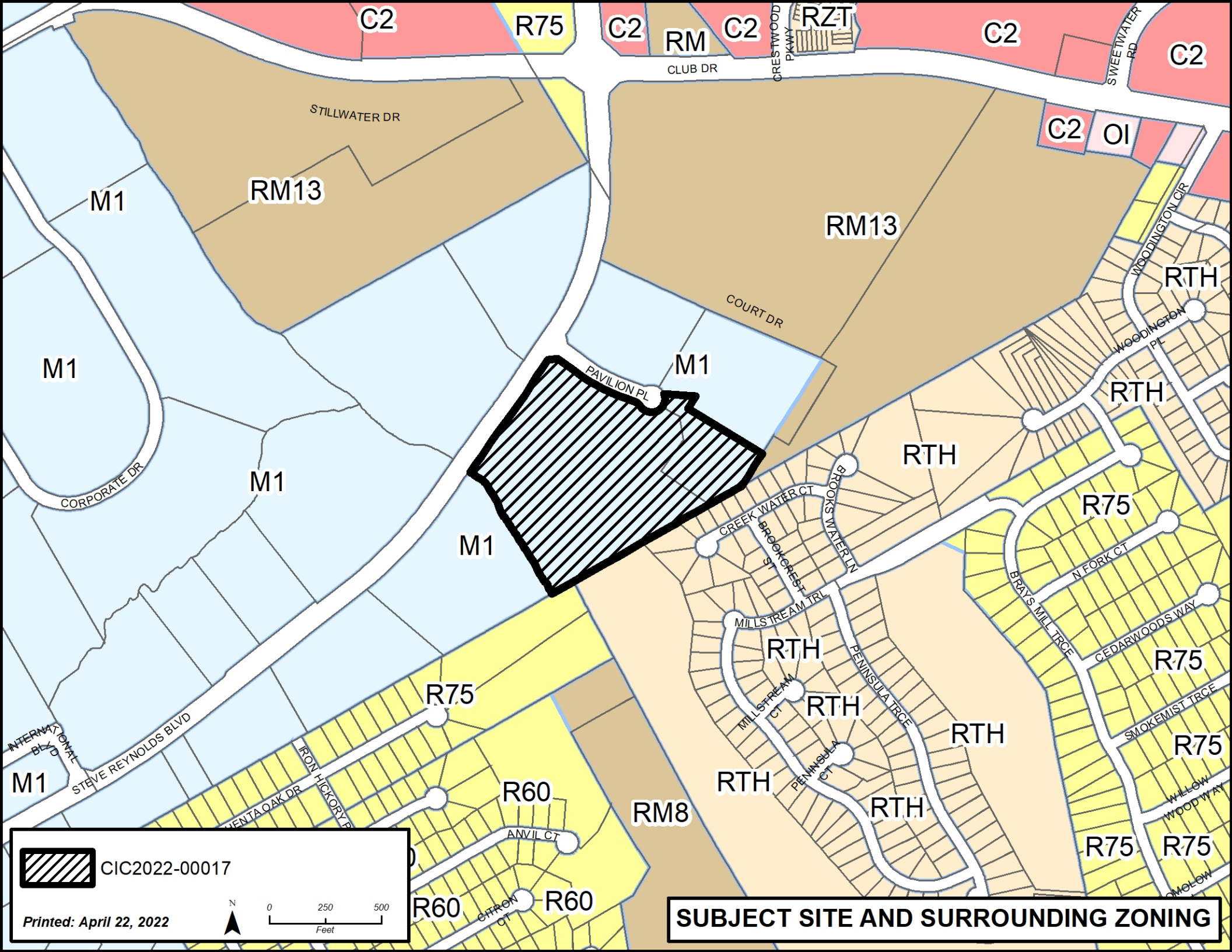


CIC2022-00017

Printed: April 22, 2022

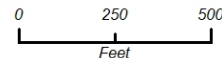


0 100 200
Feet

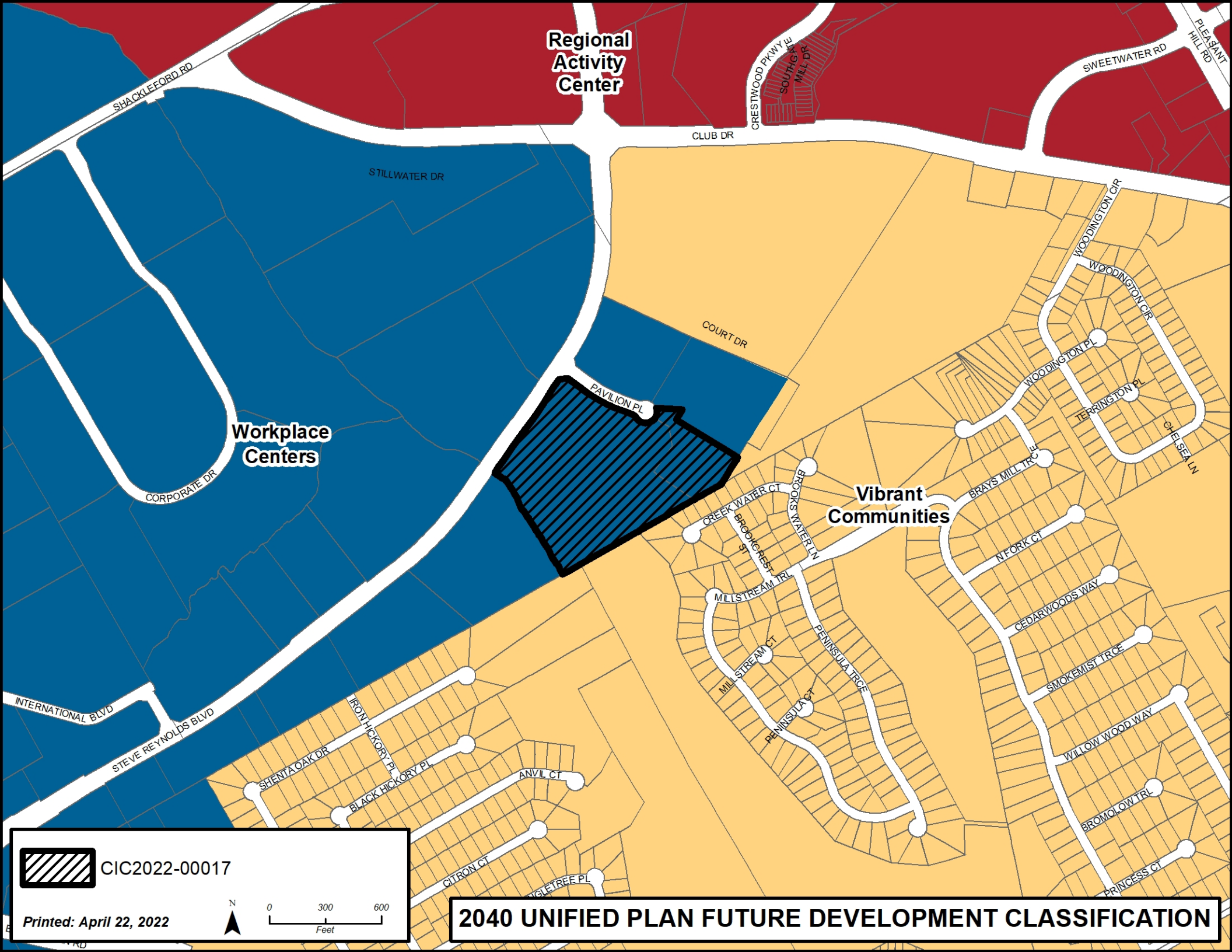


CIC2022-00017

Printed: April 22, 2022



SUBJECT SITE AND SURROUNDING ZONING



Regional
Activity
Center

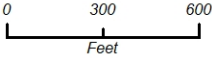
Workplace
Centers

Vibrant
Communities



CIC2022-00017

Printed: April 22, 2022



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

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

CHANGE IN CONDITIONS APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: 3900 Steve Reynolds Blvd LLC c/o Andersen, Tate & Carr, P.C.	NAME: 3900 Steve Reynolds Blvd LLC
ADDRESS: 3900 Steve Reynolds Blvd	ADDRESS: 3900 Steve Reynolds Blvd
CITY: Norcross	CITY: Norcross
STATE: GA ZIP: 30093	STATE: GA ZIP: 30093
PHONE: 770-822-0900	PHONE:
EMAIL: mglouton@atclawfirm.com	EMAIL:
CONTACT PERSON: Melody A. Glouton, Esq. PHONE: 770-822-0900	
CONTACT'S E-MAIL: mglouton@atclawfirm.com	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICTS(S): M1 PRIOR ZONING CASE: SUP2019-00083	
PARCEL NUMBER(S): 6202 035 & 6202 019 ACREAGE: 16.64	
ADDRESS OF PROPERTY: 3900 Steve Reynolds Blvd and 1510 Pavilion Place, Norcross, GA 30093	
PROPOSED CHANGE IN CONDITIONS: Amend Condition 1.A to include Parcel 6202 019; Amend Condition 2.A to allow for grading and replanting within 50-foot buffer.	
RESIDENTIAL DEVELOPMENT: NO. OF LOTS/DWELLING UNITS: _____ DWELLING UNIT SIZE (Sq. Ft.): _____ GROSS DENSITY: _____ NET DENSITY: _____	NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/LOTS: _____ TOTAL GROSS SQUARE FEET: _____ DENSITY: _____

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

THIS BLOCK RESERVED FOR THE
CLERK OF THE SUPERIOR COURT.

WINNETT COUNTY
PLANNING AND DEVELOPMENT

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April 5, 2022

SURVEYORS CERTIFICATION:

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plat, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



SURVEY FOR:

CMES, INC

LAND LOT:
202
DISTRICT: 6
SECTION:
COUNTY:
WINNETT

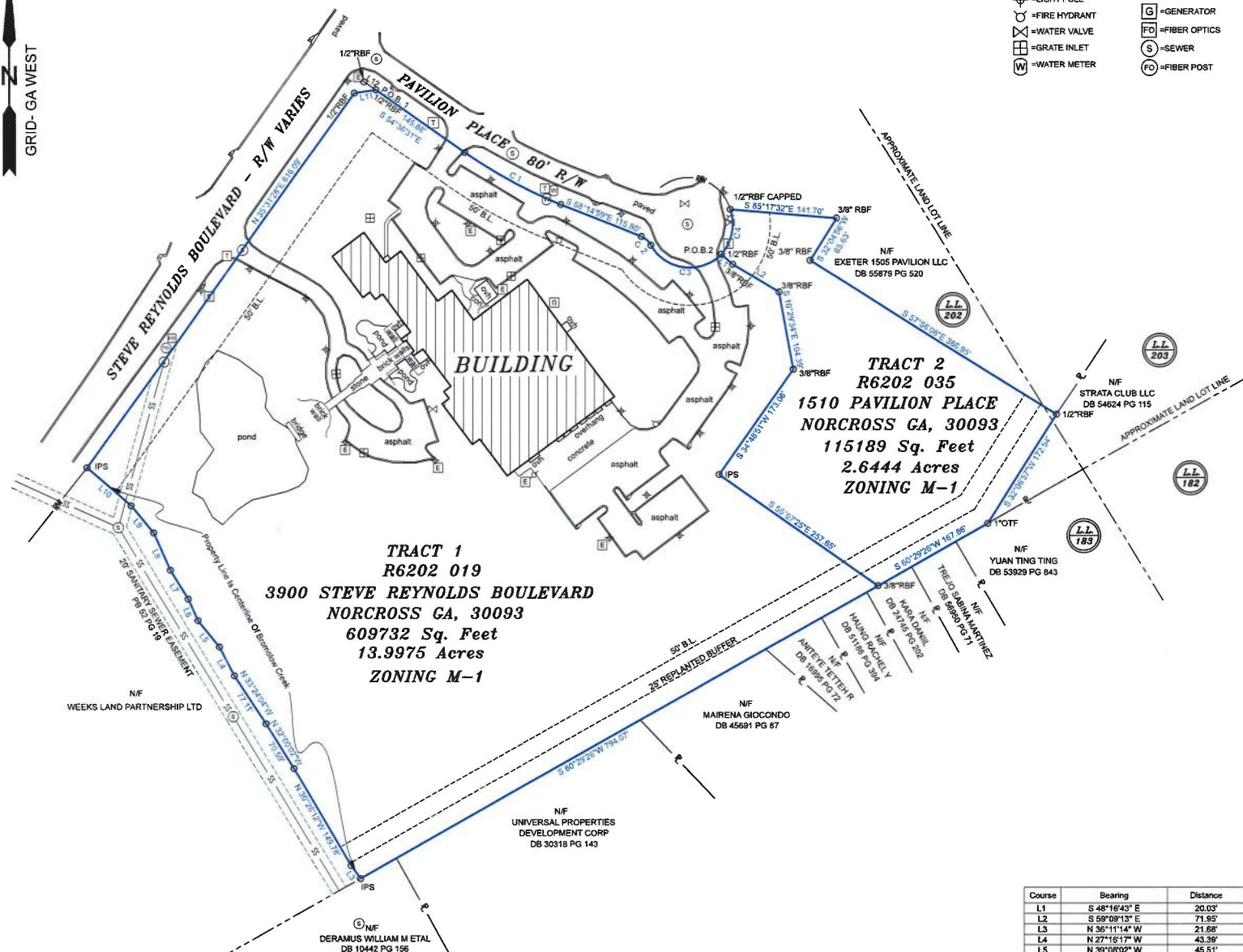
DATE
4/17/2020
SCALE
1"=100'
JOB NO.
2020-82
DRAWING NAME:
3900 STEVE REYNOLDS BLVD

GARMON
LAND SURVEYING
1920 Railroad Street Statham Ga 30666
678-726-7582
garmonsurveying@gmail.com

NOTES

1. ALL IRON PINS SET ARE 1/2" REBAR UNLESS STATED OTHERWISE.
2. SURVEY AND BEARING BASIS ESTABLISHED WITH GPS USING A NETWORK ADJUSTED REAL TIME KINEMATIC ROVER.
3. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS RELATIVE POSITIONAL ACCURACY OF ± 0.03 FEET.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 150,000 FEET.
5. EQUIPMENT USED IN THIS SURVEY WAS A CARLSON SURVEYOR 4 DATA COLLECTOR AND A TOPCON GPT 3003LW TOTAL STATION.
6. FIELD WORK COMPLETED ON APRIL 14, 2020.
7. SETBACKS ARE SHOWN FROM COUNTY CODE INFORMATION. GARMON LAND SURVEYING, LLC IS NOT LIABLE FOR ANY DISCREPANCIES.

GRID- GA WEST



LEGEND

RBF=REBAR FOUND
IPS=IRON PIN SET
OTF=OPEN TOP PIPE FOUND
N/F=NOW OR FORMERLY
PL=PROPERTY LINE
R/W=RIGHT-OF-WAY
L=LIGHT POLE
F=FIRE HYDRANT
W=WATER VALVE
G=GRATE INLET
W=WATER METER
DB=DEED BOOK
PG=PAGE
CON=CONCRETE
T=TELEPHONE BOX
P=POWER BOX
G=GENERATOR
FO=FIBER OPTICS
S=SEWER
FP=FIBER POST

Course	Bearing	Distance
L1	S 48°16'43" E	20.03'
L2	S 59°09'13" E	71.85'
L3	N 35°11'14" W	21.88'
L4	N 27°16'17" W	43.39'
L5	N 39°08'02" W	45.51'
L6	N 24°33'24" W	31.58'
L7	N 31°43'10" W	45.09'
L8	N 24°25'14" W	54.12'
L9	N 35°39'52" W	46.85'
L10	N 49°22'32" W	77.81'
L11	N 81°19'23" E	28.90'
L12	S 56°37'35" E	19.09'

Curve	Radius	Length	Chord	Chord Bear.
C1	612.95'	148.29'	145.94'	S 61°24'45" E
C2	25.00'	17.51'	17.15'	S 48°11'24" E
C3	80.00'	109.42'	94.87'	S 82°58'02" E
C4	60.00'	63.27'	60.38'	N 11°17'56" E

LAND DESCRIPTION

WINNETT COUNTY
PLANNING AND DEVELOPMENT

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April 5, 2022

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 202 OF THE SIXTH DISTRICT OF WINNETT COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY RIGHT OF WAY OF STEVE REYNOLDS BOULEVARD (FORMERLY KNOWN AS FRANKLIN ROAD), A RIGHT OF WAY OF VARYING WIDTHS BEING DETERMINED BY MEASURING 50 FEET FROM THE CENTERLINE OF THE EXISTING PAVEMENT AT THIS POINT, WITH THE SOUTHERLY MITERED RIGHT OF WAY OF PAVILION PLACE, AN 80 FOOT RIGHT OF WAY, THENCE ALONG SAID RIGHT OF WAY MITER OF PAVILION PLACE NORTH 79 DEGREES 03 MINUTES 23 SECONDS EAST A DISTANCE OF 30.10 FEET TO AN IRON PIN SET; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 55 DEGREES 56 MINUTES 37 SECONDS EAST A DISTANCE OF 145.88 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 612.96 FEET, A CHORD BEARING OF SOUTH 62 DEGREES 46 MINUTES 51 SECONDS EAST AND A CHORD DISTANCE OF 145.94 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY AND CURVE AN ARC DISTANCE OF 146.29 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 69 DEGREES 37 MINUTES 05 SECONDS EAST A DISTANCE OF 115.80 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF SOUTH 49 DEGREES 33 MINUTES 30 SECONDS EAST AND A CHORD DISTANCE OF 17.15 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY AND CURVE AN ARC DISTANCE OF 17.51 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET, A CHORD BEARING OF SOUTH 84 DEGREES 23 MINUTES 05 SECONDS EAST AND A CHORD DISTANCE OF 98.16 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY AND CURVE AN ARC DISTANCE OF 114.95 FEET TO AN IRON PIN FOUND; THENCE DEPARTING SAID RIGHT OF WAY SOUTH 49 DEGREES 16 MINUTES 13 SECONDS EAST A DISTANCE OF 19.94 FEET TO AN IRON PIN FOUND; THENCE SOUTH 59 DEGREES 55 MINUTES 01 SECONDS EAST A DISTANCE OF 71.94 FEET TO AN IRON PIN FOUND; THENCE SOUTH 11 DEGREES 20 MINUTES 22 SECONDS EAST A DISTANCE OF 104.60 FEET TO AN IRON PIN FOUND; THENCE SOUTH 34 DEGREES 00 MINUTES 47 SECONDS WEST A DISTANCE OF 173.06 FEET TO AN IRON PIN SET; THENCE SOUTH 55 DEGREES 59 MINUTES 13 SECONDS EAST A DISTANCE OF 257.65 FEET TO AN IRON PIN SET ON THE LAND LOT LINE COMMON TO LAND LOTS 183 AND 202 OF AFORESAID COUNTY AND DISTRICT; THENCE ALONG SAID LAND LOT LINE SOUTH 59 DEGREES 38 MINUTES 47 SECONDS WEST A DISTANCE OF 530.75 FEET TO AN IRON PIN FOUND; THENCE CONTINUING ALONG SAID LAND LOT LINE SOUTH 59 DEGREES 35 MINUTES 15 SECONDS WEST A DISTANCE OF 263.31 FEET TO A POINT IN THE CENTER OF BROMLOW CREEK; THENCE DEPARTING SAID LAND LOT LINE AND ALONG THE CENTER OF BROMLOW CREEK THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES: NORTH 37 DEGREES 03 MINUTES 02 SECONDS WEST A DISTANCE OF 21.68 FEET; NORTH 31 DEGREES 18 MINUTES 01 SECONDS WEST A DISTANCE OF 149.78 FEET; NORTH 32 DEGREES 51 MINUTES 51 SECONDS WEST A DISTANCE OF 70.59 FEET; NORTH 34 DEGREES 13 MINUTES 53 SECONDS WEST A DISTANCE OF 77.11 FEET; NORTH 28 DEGREES 08 MINUTES 06 SECONDS WEST A DISTANCE OF 43.89 FEET; NORTH 39 DEGREES 59 MINUTES 51 SECONDS WEST A DISTANCE OF 48.51 FEET; NORTH 25 DEGREES 25 MINUTES 13 SECONDS WEST A DISTANCE OF 31.68 FEET; NORTH 32 DEGREES 34 MINUTES 59 SECONDS WEST A DISTANCE OF 45.09 FEET; NORTH 25 DEGREES 18 MINUTES 03 SECONDS WEST A DISTANCE OF 54.12 FEET; NORTH 40 DEGREES 31 MINUTES 41 SECONDS WEST A DISTANCE OF 46.85 FEET; AND NORTH 56 DEGREES 21 MINUTES 28 SECONDS WEST A DISTANCE OF 69.94 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT OF WAY OF STEVE REYNOLDS BOULEVARD AS DETERMINED BY MEASURING 50 FEET FROM THE CENTERLINE OF THE EXISTING PAVEMENT; THENCE ALONG SAID RIGHT OF WAY NORTH 34 DEGREES 03 MINUTES 23 SECONDS EAST A DISTANCE OF 616.09 FEET TO A POINT BEING THE POINT OF BEGINNING.

SAID PROPERTY CONTAINS 13.946 ACRES.

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April 5, 2022

LAND DESCRIPTION

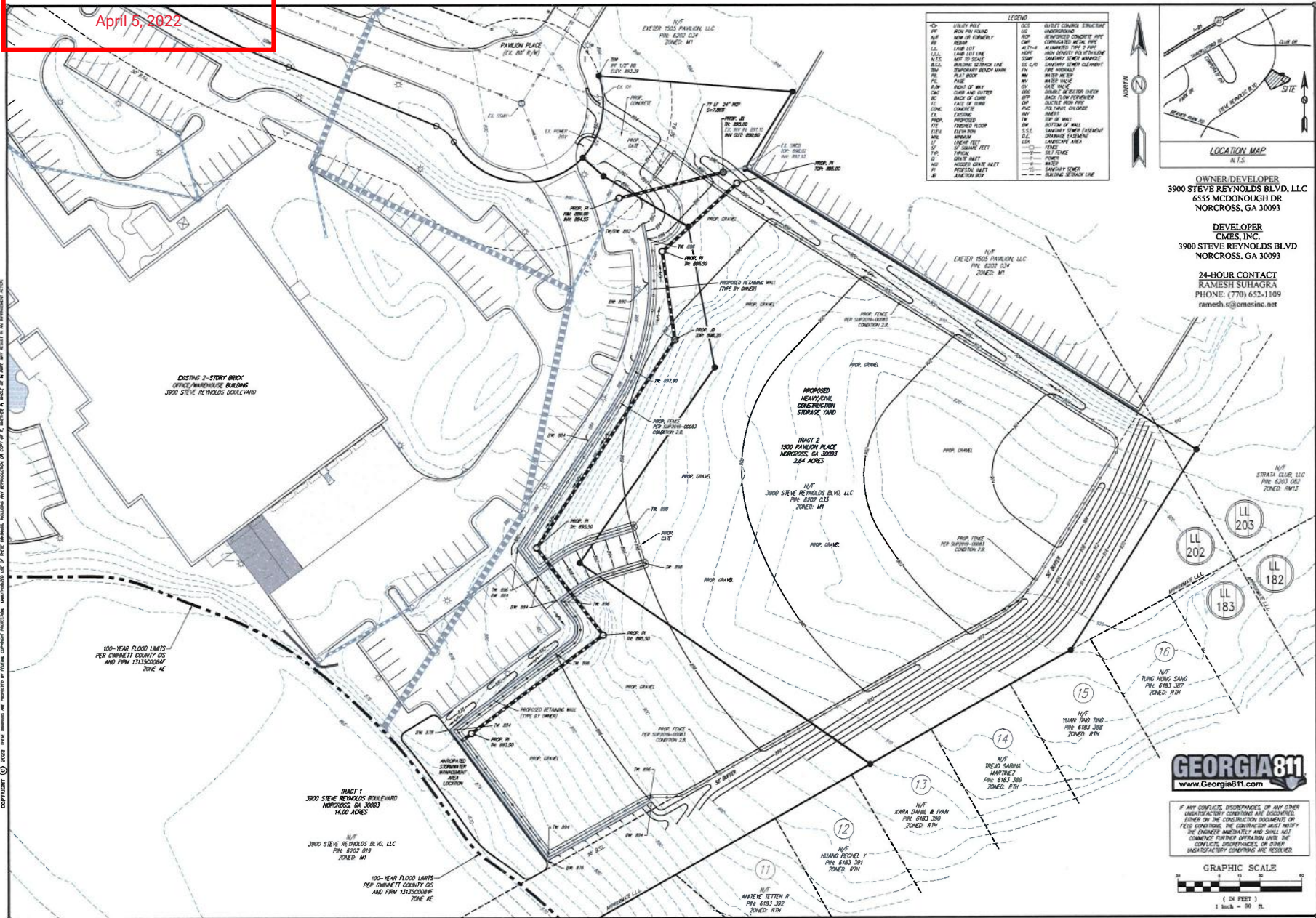
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 202 AND 203 OF THE SIXTH DISTRICT OF GWINNETT COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT THE POINT OF INTERSECTION OF THE EASTERLY RIGHT OF WAY OF STEVE REYNOLDS BOULEVARD (FORMERLY KNOWN AS FRANKLIN ROAD), A RIGHT OF WAY OF VARYING WIDTHS BEING DETERMINED BY MEASURING 50 FEET FROM THE CENTERLINE OF THE EXISTING PAVEMENT AT THIS POINT, WITH THE SOUTHERLY MITERED RIGHT OF WAY OF PAVILION PLACE, AN 80 FOOT RIGHT OF WAY, THENCE ALONG SAID RIGHT OF WAY MITER OF PAVILION PLACE NORTH 79 DEGREES 03 MINUTES 23 SECONDS EAST A DISTANCE OF 30.10 FEET TO AN IRON PIN FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 55 DEGREES 56 MINUTES 37 SECONDS EAST A DISTANCE OF 145.88 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 612.96 FEET, AN ARC DISTANCE OF 146.29 FEET TO A POINT, SAID ARC BEING SUBTENDED BY A CHORD HAVING A CHORD BEARING AND DISTANCE OF SOUTH 62 DEGREES 48 MINUTES 51 SECONDS EAST, 145.94 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 68 DEGREES 37 MINUTES 05 SECONDS EAST A DISTANCE OF 115.80 FEET TO A POINT, THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 17.51 FEET TO A POINT, SAID ARC BEING SUBTENDED BY A CHORD HAVING A CHORD BEARING AND DISTANCE OF SOUTH 48 DEGREES 33 MINUTES 30 SECONDS EAST, 17.15 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 114.95 FEET TO AN IRON PIN SET AND BEING THE TRUE POINT OF BEGINNING, SAID ARC BEING SUBTENDED BY A CHORD HAVING A CHORD BEARING AND DISTANCE OF SOUTH 84 DEGREES 23 MINUTES 05 SECONDS EAST, 98.16 FEET;

THENCE FROM THE TRUE POINT OF BEGINNING CONTINUING ALONG THE RIGHT OF WAY OF PAVILION PLACE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 63.33 FEET TO A 1/2" REBAR FOUND, SAID ARC BEING SUBTENDED BY A CHORD HAVING A CHORD BEARING AND DISTANCE OF NORTH 10 DEGREES 24 MINUTES 42 SECONDS EAST, 60.43 FEET; THENCE LEAVING SAID RIGHT OF WAY NORTH 70 DEGREES 15 MINUTES 40 SECONDS EAST A DISTANCE OF 84.18 FEET TO A 1/2" REBAR FOUND; THENCE SOUTH 58 DEGREES 40 MINUTES 52 SECONDS EAST A DISTANCE OF 72.80 FEET TO AN IRON PIN SET; THENCE SOUTH 31 DEGREES 14 MINUTES 13 SECONDS WEST A DISTANCE OF 65.99 FEET TO AN IRON PIN SET; THENCE SOUTH 58 DEGREES 45 MINUTES 47 SECONDS EAST A DISTANCE OF 386.99 FEET TO AN IRON PIN SET; THENCE SOUTH 31 DEGREES 19 MINUTES 08 SECONDS WEST A DISTANCE OF 172.49 FEET TO A 1 1/2" HOLLOW TOP PIPE FOUND ON THE LAND LOT LINE COMMON TO LAND LOTS 183 AND 202; THENCE ALONG SAID LAND LOT LINE SOUTH 58 DEGREES 38 MINUTES 47 SECONDS WEST A DISTANCE OF 167.75 FEET TO AN IRON PIN SET; THENCE LEAVING SAID LAND LOT LINE AND RUNNING NORTH 55 DEGREES 59 MINUTES 13 SECONDS WEST A DISTANCE OF 257.65 FEET TO A 1/2" REBAR FOUND; THENCE NORTH 34 DEGREES 00 MINUTES 47 SECONDS EAST A DISTANCE OF 173.05 FEET TO A 1/2" REBAR FOUND; THENCE NORTH 11 DEGREES 20 MINUTES 22 SECONDS WEST A DISTANCE OF 104.60 FEET TO A 1/2" REBAR FOUND; THENCE NORTH 59 DEGREES 55 MINUTES 01 SECONDS WEST A DISTANCE OF 71.94 FEET TO A 1/2" REBAR FOUND; THENCE NORTH 49 DEGREES 16 MINUTES 13 SECONDS WEST A DISTANCE OF 19.94 FEET TO AN IRON PIN SET, AND BEING THE TRUE POINT OF BEGINNING, SAID PROPERTY BEING LOT 3, BLOCK "A", UNIT III OF PAVILION PLACE AND CONTAINING 2.698 ACRES.

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CONCEPT PLAN
CMES, INC.
LAND LOTS 202, 203
6TH DISTRICT
GWINNETT COUNTY, GEORGIA

DRAWN BY:	TJB
CHECKED BY:	JED
LAND LOT:	202, 203
DISTRICT:	6TH
SECTION:	-
CITY:	NORCROSS
COUNTY:	GWINNETT
DATE:	1/25/22

SHEET NO.
1 of 1

PROJECT NO.
2021-487

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April 5, 2022

April 5, 2022

LETTER OF INTENT AND JUSTIFICATION FOR CHANGE IN CONDITIONS

**Change in Conditions Application
Gwinnett County, Georgia**

Applicant:

3900 Steve Reynolds Blvd, LLC

Property:

Tax Parcel ID R6202 019, R6202 035

±16.64 Acres of Land

Located at 3900 Steve Reynolds Blvd. and
1510 Pavilion Place, Norcross, Georgia 30093

Submitted for Applicant by:

Melody A. Glouton, Esq.

ANDERSEN TATE & CARR, P.C.

One Sugarloaf Centre

1960 Satellite Blvd.

Suite 4000

Duluth, Georgia 30097

770.822.0900

mglouton@atclawfirm.com

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April 5, 2022 I.

INTRODUCTION

This Application for Change in Conditions is submitted for a 16.64-acre assemblage of land located in Land Lots 202 of the 6th District of Gwinnett County, Georgia, Norcross, and known as 3900 Steve Reynolds Blvd. and 1510 Pavilion Place (hereinafter the “Property”). The Property is currently zoned M-1 pursuant to RZ-251-85.

The Property is shown on the survey prepared by Garmon Land Surveying, dated April 17, 2020, and filed with this Application. The Property that is the subject of this Change in Conditions application is owned by 3900 Steve Reynolds Blvd, LLC and further identified below from the Gwinnett County GIS:



The Applicant, 3900 Steve Reynolds Blvd, LLC (the “Applicant”) now seeks approval to include additional area from the adjacent parcel for the proposed improvements previously approved by the Board of Commissioners through the grant of a Special Use Permit (“SUP”). In order to do so, the Applicant is requesting to amend Conditions 1.A. and 2.A. of the “Grant of a Special Use Permit, Case Number SUP2019-00083,” (attached as Exhibit A) as follows:

1. To restrict the use of the property as follows:
 - A. Light industrial, office, office/warehouse and accessory uses and structures, which may include a Heavy/Civil Construction Contractor’s office as a Special Use. This Special Use **shall include** ~~is limited to~~ Parcel R6202 035 **only and Parcel R6202 019.**
2. To abide by the following site development considerations:

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- A. Provide a 50-foot wide ~~natural undisturbed~~ **graded and replanted** buffer on all property where outdoor storage abuts residential property. Provide a 50-foot wide ~~natural undisturbed~~ **graded and replanted** buffer on all other property abutting residential property. ~~The buffer shall be enhanced where sparsely vegetated.~~

This document is submitted as the Letter of Intent, Response to Standard Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is comprised of two parcels, a 2.64-acre site and a 13.99- acre site totaling 16.64 acres, zoned M-1 (Light Industry District). The property is located at the eastern end of the cul-de-sac of Pavilion Place and extends along the southern right-of-way of Pavilion Place, also having frontage along the eastern side Steve Reynolds Boulevard. The 13.946-acre parcel is developed with a two-story brick office warehouse building, associated parking, and loading docks. The 2.64-acre parcel is wooded and undeveloped. The Applicant requests approval of a Change in Conditions to a prior SUP to allow the construction of an open storage yard for the associated civil construction contractor's office. The Applicant previously sought to construct an additional building on the 13.946-acre parcel. However, due to the size, shape, layout, topography, and environmental constraints of the Property, the Applicant is seeking to modify the site plan as set forth herein.

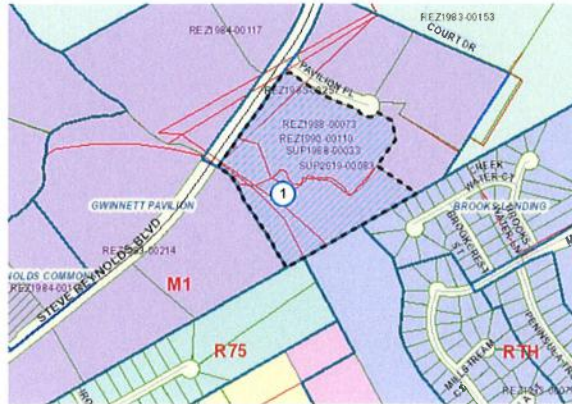
The Future Development Map of the Gwinnett County 2040 Unified Plan (the "2040 Plan") classifies this Property as within the "Workplace Center Character Area," of the Gwinnett County Future Development Map. The Workplace Center Character Area is for predominantly employment oriented uses and includes office parks, industrial parks, and locations for freight oriented and logistic uses. In keeping with the policies of the Workplace Center Character Area, the development of the open storage yard associated with the civil construction contractor's office would be consistent with the other light and heavy industrial uses established in the area and the proposal would be in conformity with similar recent approvals in the surrounding area.

As referenced above, the surrounding properties in this corridor are zoned industrial. Below is a summary of the surrounding uses and zoning:

Location	Land Use	Zoning
Property	Contractor's office/Industrial	M-1
North	Warehouse/Industrial	M-1
East	Warehouse/Office/ Industrial	M-1
South	Residential	R-TH
West	Vacant/Undeveloped	M-1

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April 5, 2022



III. PROJECT SUMMARY

As shown on the concept site plan prepared by Davis Engineering & Surveying, dated January 25, 2022, and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes an outdoor storage area to park trucks and associated equipment with the civil construction contractor’s office. This is consistent with the Applicant’s prior request as approved by the underlying SUP and the Applicant now seeks to extend a small portion of the proposed area of the storage area onto the adjacent parcel. As outlined in the previous conditions, the storage area surface would be gravel but shall be maintained free for vegetation at all times. Access to the proposed building and outdoor storage area would occur via the same proposed driveway off the eastern end of the cul-de-sac of Pavilion Place. The storage area would be fenced by a 100% opaque fence and gate, and includes a proposed retaining wall. Due to the design and layout of the site, the Applicant is requesting to modify the current SUP to include a portion of the adjacent parcel so that proper construction of the outdoor storage area can be accomplished.

With regard to the request to modify the buffer condition, current buffer standards require that a 50-foot buffer must be provided when M-1 property is adjacent to residential property. The Applicant is proposing to provide the required buffer width of 50 feet as set forth in the conditions, but is requesting to classify the buffer as a modified buffer to be graded and replanted as depicted on the site plan to allow for development of the outdoor storage area due to the topography challenges with the site.

IV. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that a change in conditions for the subject property is warranted, satisfies UDO § 270-20.5, entitled “Standards Governing Exercise of the Zoning Power,” as follows:

- (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:

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Yes, approval of the proposed Change in Conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Property is located near the intersection of Steve Reynolds Boulevard and Club Drive. The Property is adjacent to intense, large-scale commercial and industrial developments.

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

No, the proposed Change in Conditions Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed change in conditions would allow for a development that is compatible with existing intense commercial and industrial uses on adjacent and nearby properties.

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

The Applicant's proposal would allow for the Property to be developed for a use that is consistent with surrounding properties and those along Steve Reynolds Blvd. Further, maintaining the restriction on the Property that the Applicant is seeking to delete would place an undue burden on the Property by putting it at an economic disadvantage to other properties within the same area.

(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:

No, the proposed change in conditions application will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Steve Reynolds Blvd, Club Drive, and Interstate 85. The proposed development would be compatible with the existing industrial and commercial uses in the area.

(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 application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The Property is located within the Workplace Centers Character Area of the 2040 Future Development Map, which is predominantly for employment oriented uses and includes office parks, industrial parks, and locations for freight oriented and logistic uses.

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

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The Applicant submits that the character of the surrounding developments and the existing mix of the same or similar intense industrial and commercial uses in the area provide supporting reasons for approval of the change in conditions request. The Applicant submits that the Property's location, size, and dimensions, as well as its location and close proximity to I-85, provide further support for approval of the proposed change in conditions application.

V. JUSTIFICATION FOR REZONING

The Applicant respectfully submits that "The Unified Development Ordinance of Gwinnett County, Georgia" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district, or conditions the Property, in such a way that would preclude development an outdoor storage area is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning or conditions of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications would deprive the Applicant and Property owner of any reasonable use and redevelopment of the Property. Further, any attempt by the Gwinnett County Board of Commissioners to impose greater restrictions upon the manner in which the Property will be redeveloped than presently exist would be equally unlawful.

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

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

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Finally, the Applicant respectfully submits that the Gwinnett County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application for Change in Conditions be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 5th day of April, 2022.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/ag

CASE NUMBER SUP2019-00083
GCID 2019-1297

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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April 5, 2022

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

RESOLUTION ENTITLED: GRANT OF A SPECIAL USE PERMIT

ADOPTION DATE: FEBRUARY 25, 2020

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>
Charlotte J. Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Tommy Hunter, District 3	Yes	Aye
Marlene Fosque, District 4	Yes	Aye

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

A RESOLUTION TO GRANT A SPECIAL USE PERMIT

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application for a Special Use Permit by CMES, INC. for the proposed use of a CONTRACTOR'S OFFICE, HEAVY/CIVIL CONSTRUCTION on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

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CASE NUMBER SUP2019-00083
GCID 2019-1297

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

WHEREAS, a public hearing was held by the Gwinnett County Board of Commissioners on FEBRUARY 25, 2020 and objections were not filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, this the 25th day of FEBRUARY 2020, that the aforesaid application for a Special Use Permit is hereby **APPROVED** with the following enumerated conditions:

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

- A. Light industrial, office, office/warehouse and accessory uses and structures, which may include a Heavy/Civil Construction Contractor's Office as a Special Use. This Special Use is limited to Parcel R6202 035 only.
- B. The property shall not be used as a towing/wrecker service or junk salvage yard. No inoperable or junk vehicles are permitted.
- C. Buildings shall be finished with architectural treatments of glass, brick and/or stacked stone on all sides. Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
- D. Hours of operation for the outdoor storage area shall be limited to between the hours of 7:00 am to 9:00 pm.

2. To abide by the following site development considerations:

- A. Provide a 50-foot wide natural undisturbed buffer on all property where outdoor storage abuts residential property. Provide a 50-foot wide natural undisturbed buffer on all other property abutting residential property. The buffer shall be enhanced where sparsely vegetated.
- B. Outdoor storage activities shall be restricted to areas screened on all sides by a 100% opaque fence and gate. The fence height shall be greater than materials and equipment stored in the outdoor storage area. Materials and design of the

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CASE NUMBER SUP2019-00083
GCID 2019-1297

and equipment stored in the outdoor storage area. Materials and design of the fence shall be subject to the review and approval by the Director of Planning and Development.

- C. Gravel outdoor storage areas shall be maintained free of vegetation.
- D. New ground signage shall be limited to 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 ten feet in height.
- E. 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.
- F. Any new or replacement outdoor lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent properties or rights of way.
- G. Any new dumpster areas shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure, or shall be located within the screened outdoor storage area. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
- H. Outdoor loudspeakers shall be prohibited.
- I. Peddlers and/or parking lot sales shall be prohibited.
- J. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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CASE NUMBER SUP2019-00083
GCID 2019-1297

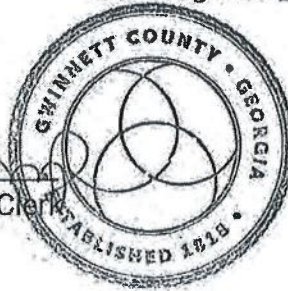
GWINNETT COUNTY BOARD OF COMMISSIONERS

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

Date Signed: 3-9-20

ATTEST:

Diane Kemp
County Clerk/Deputy County Clerk



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LAND DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1 AND 203 OF THE SIXTH DISTRICT OF GWINNETT COUNTY, GEORGIA, AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT THE POINT OF INTERSECTION OF THE EASTERLY RIGHT OF WAY OF STEVE REYNOLDS BOULEVARD (FORMERLY KNOWN AS FRANKLIN ROAD), A RIGHT OF WAY VARYING WIDTHS BEING DETERMINED BY MEASURING 50 FEET FROM THE CENTERLINE OF THE EXISTING PAVEMENT AT THIS POINT, WITH THE SOUTHERLY MITERED RIGHT OF WAY OF PAVILION PLACE, AN 80 FOOT RIGHT OF WAY, THENCE ALONG SAID RIGHT OF WAY MITER OF PAVILION PLACE NORTH 79 DEGREES 03 MINUTES 23 SECONDS EAST A DISTANCE 30.10 FEET TO AN IRON PIN FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 55 DEGREES 56 MINUTES 37 SECONDS EAST A DISTANCE OF 145.88 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 612.96 FEET, AN ARC DISTANCE OF 146.21 FEET TO A POINT, SAID ARC BEING SUBTENDED BY A CHORD HAVING A CHORD BEARING AND DISTANCE OF SOUTH 62 DEGREES 48 MINUTES 4 SECONDS EAST, 145.94 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 69 DEGREES 37 MINUTES 05 SECONDS EAST A DISTANCE 115.80 FEET TO A POINT, THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 17.51 FEET TO A POINT, SAID ARC BEING SUBTENDED BY A CHORD HAVING A CHORD BEARING AND DISTANCE OF SOUTH 49 DEGREES 30 MINUTES 30 SECONDS EAST, 17.15 FEET; THENCE CONTINUING ALONG RIGHT OF WAY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1 FEET, AN ARC DISTANCE OF 114.95 FEET TO AN IRON PIN SET AND BEING THE TRUE POINT OF BEGINNING, SAID ARC BEING SUBTENDED BY A CHORD HAVING A CHORD BEARING AND DISTANCE OF SOUTH 84 DEGREES 23 MINUTES 05 SECONDS EAST 98.16 FEET;

THENCE FROM THE TRUE POINT OF BEGINNING CONTINUING ALONG THE RIGHT OF WAY OF PAVILION PLACE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET, AN ARC DISTANCE OF 63.33 FEET TO A 1 1/2" REBAR FOUND, SAID ARC BEING SUBTENDED BY A CHORD HAVING A CHORD BEARING AND DISTANCE OF NORTH 10 DEGREES 24 MINUTES 42 SECONDS EAST, 60.43 FEET; THENCE LEAVING SAID RIGHT OF WAY NORTH 70 DEGREES 15 MINUTES 40 SECONDS EAST A DISTANCE OF 84.18 FEET TO A 1 1/2" REBAR FOUND; THENCE SOUTH 58 DEGREES 40 MINUTES 52 SECONDS EAST A DISTANCE OF 72.80 FEET TO AN IRON PIN SET; THENCE SOUTH 58 DEGREES 14 MINUTES 13 SECONDS WEST A DISTANCE OF 65.98 FEET TO AN IRON PIN SET; THENCE SOUTH 58 DEGREES 45 MINUTES 47 SECONDS WEST A DISTANCE OF 386.99 FEET TO AN IRON PIN SET; THENCE SOUTH 3 DEGREES 19 MINUTES 08 SECONDS WEST A DISTANCE OF 172.49 FEET TO A 1 1/2" HOLLOW TOP PIPE FOUND ON THE LAND LOT LINE COMMON TO LOTS 183 AND 202; THENCE ALONG SAID LAND LOT LINE SOUTH 59 DEGREES 38 MINUTES 47 SECONDS WEST A DISTANCE OF 167.75 FEET TO AN IRON PIN SET; THENCE LEAVING SAID LAND LOT LINE AND RUNNING NORTH 55 DEGREES 59 MINUTES 13 SECONDS WEST A DISTANCE OF 104.60 FEET TO A 1 1/2" REBAR FOUND; THENCE NORTH 34 DEGREES 00 MINUTES 47 SECONDS EAST A DISTANCE OF 173.06 FEET TO A 1 1/2" REBAR FOUND; THENCE NORTH 11 DEGREES 20 MINUTES 22 SECONDS WEST A DISTANCE OF 104.60 FEET TO A 1 1/2" REBAR FOUND; THENCE NORTH 59 DEGREES 01 MINUTES 01 SECONDS WEST A DISTANCE OF 71.94 FEET TO A 1 1/2" REBAR FOUND; THENCE NORTH 49 DEGREES 16 MINUTES 13 SECONDS WEST A DISTANCE OF 19.94 FEET TO AN IRON PIN SET, AND BEING THE TRUE POINT OF BEGINNING, SAID PROPERTY BEING LOT 3, BLOCK "A", UNIT III OF PAVILION PLACE AND CONTAINING 2.698 ACRES.

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Planning & Development

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April 5, 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

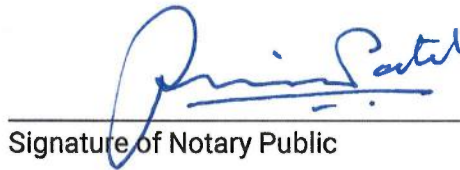
3/29/2022

Date

CHATUR CHAHAGHAYA

PARTNER

Type or Print Name and Title



Signature of Notary Public

03/29/2022

Date

PRAVIN N PATEL - NOTARY PUBLIC
Gwinnett County - State of GA
My Comm. Expires Jan 24, 2025



Notary Seal

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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

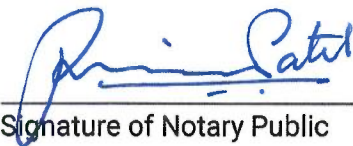
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Date

CHATUR CHHABHAYA

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PARTNER



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Gwinnett County - State of GA
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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.

Signature of Applicant Date Type of Print Name and Title

Melody A. Glouton 4/5/22 Melody A. Glouton
Signature of Applicant's Date Type or Print Name and Title
Attorney or Representative

Daphne Wilson Boyd 4/5/22
Signature of Notary Public Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

☒ YES ☐ NO _____
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)
Nicole Love Hendrickson	\$1,000	09/30/2020
Kirkland Carden	\$2,800	11/16/2021
Commissioner Ben Lu	\$1,000	03/25/2022

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

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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: 6 - 202 - 019
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

04/01/2022

Date

Melody A. Glouton, Esq.- Attorney for 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.*****

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)

Tonia A Armon
NAME

TSA
TITLE

4.1.2022
DATE

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April 5, 2022

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: 6 - 202 - 035
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

04/01/2022

Date

Melody A. Glouton, Esq. - Attorney for 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.*****

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)

Tamia Harman

NAME

4.1.2022

DATE

TSA

TITLE