

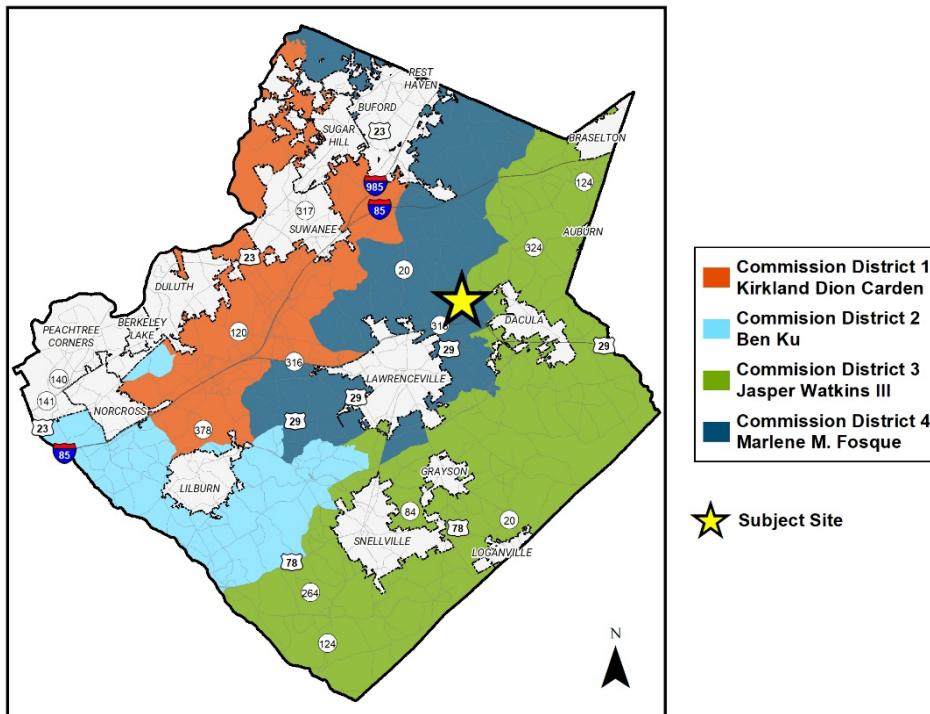


## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** CIC2022-00032  
**Current Zoning:** M-1 (Light Industry District)  
**Request:** Change in Conditions  
**Additional Request:** Variance  
**Address:** 1500 Progress Industrial Boulevard  
**Map Number:** R7015 093  
**Site Area:** 14.45 acres  
**Square Footage:** 152,228  
**Proposed Development:** Office/Warehouse  
**Commission District:** District 4 – Commissioner Fosque  
**Character Area:** Innovation District

**Staff Recommendation:** APPROVAL WITH CONDITIONS

**Planning Commission**  
**Recommendation:** APPROVAL WITH CONDITIONS



**Planning Commission Advertised Public Hearing Date: 12/05/2022**  
**Board of Commissioners Advertised Public Hearing Date: 12/13/2022**

**Applicant:** Taylor & Mathis, Inc. c/o  
Mahaffey Pickens Tucker, LLP  
1550 N Brown Road, Suite 125  
Lawrenceville, GA 30043

**Owner:** GPC Land Holdings, LLC  
280 Interstate North Circle Suite 100  
Atlanta, GA 30339

**Contact:** Shane Lanham

**Contact Phone:** 770.232.0000

## **Zoning History**

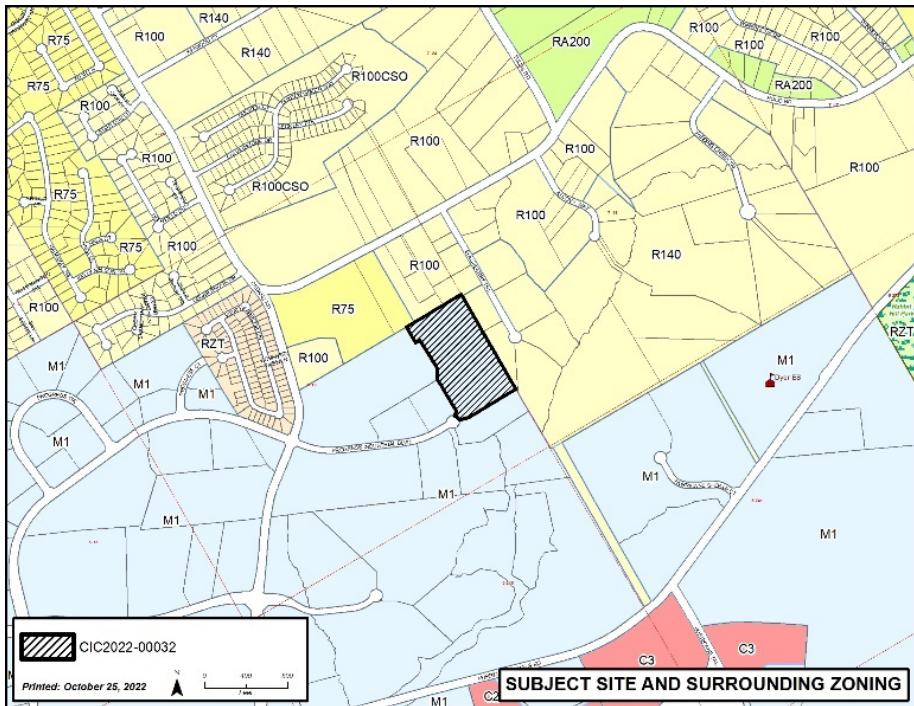
The subject property is zoned M-1 (Light Industry District). In 1985, the subject property was rezoned from R-100 (Single-Family Residence District) to M-1 (Light Industry District) for an Office/Distribution/Manufacturing facility, pursuant to REZ1985-00135. In 2004, a change in conditions case was approved to remove a Research & Development restriction, pursuant to CIC2004-00027. In 2005, a rezoning case from R-100 (Single Family Residence District) and M-1 (Light Industry District) to R-75 (Single Family Residence District) was approved for a larger area, including the subject property, for Townhouses, pursuant to RZM2005-0023. In 2007 a rezoning case from R-75 (Single Family Residence District) to M-1 (Light Industry District) was approved for the subject property, for Industrial Uses, pursuant to RZC2007-00029. The proposed change in conditions requests is from this approval.

## **Existing Site Condition**

The subject site is a 14.45-acre parcel located at the cul-de-sac on Progress Industrial Boulevard, east of its intersection with Cedars Road. Progress Industrial Boulevard terminates at the front of the property. Sidewalks located on both sides of the street. The property is currently wooded and undeveloped. The site generally slopes up towards the center of the site by approximately 30 feet before sloping back down in the northeastern corner of the property. There are wetlands crossing through the northern corner of the site. The wetlands do not require a buffer. The nearest Gwinnett County Transit stop is approximately 3.6 miles from the subject site.

## **Surrounding Use and Zoning**

The subject site is located within the Gwinnett Progress Center, which is an industrial and office park development. Adjacent parcels are developed with a variety of industrial and distribution related uses to the south and west and residential uses to the east and north. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Office/Warehouse	M-1	N/A
North	Single-Family Residential	R-100	0.5 units per acre
East	Single-Family Residential	R-140	0.27 units per acre
South	Light Industrial	M-1	N/A
West	Light Industrial	M-1	N/A

## Project Summary

The applicant requests a change in conditions for a 14.45-acre property zoned M-1 to allow for a multi-tenant office/warehouse facility.

- A change in conditions of case RZC2007-00029. The applicant is requesting a revision to the following conditions:
  - Condition 3(A): *"To abide by the following requirements, dedications and improvements: Dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction of a greenway, path/trail through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval of this Gwinnett Department of Community Services."* The applicant is requesting the condition be deleted in its entirety.
  - Condition 5: *"In regard to Bldg. 700, all truck access, parking and related activities shall be along the southwest and southeast side of the building; provided, however if there is more than one building on Building 700, there shall be permitted access, parking and related activities between the buildings."* The applicant is requesting this condition be amended to remove the word, "parking" in the first sentence to state "In regard to Bldg. 700, all truck access, parking, and related activities shall be along the southwest and southeast side of the building; ...."

- Condition 6: "*In regard to Building 700, all parking and loading areas shall be located in the front of the building along the southwest side thereof. There shall be no parking, loading or vehicular access of any kind on the northwest or the northeast side of any building or buildings, and there shall be no parking to the rear of any building or buildings. In the event there is more than one building on Bldg. 700, the parking and loading areas can also be located between the buildings, but not on the northeast side of the buildings.*" The applicant is requesting this condition be amended to specifically mention truck parking and access. The proposed revised condition would state "In regard to Building 700, all **truck** parking and loading areas shall be located in the front of the building along the southwest side thereof. There shall be no **truck** parking, loading or **truck** vehicular access of any kind on the northwest or the northeast side of any building or buildings, and there shall be no parking to the rear of any building or buildings...."
- Condition 13: "*Any building or buildings to be constructed on Bldg. 700 will be approximately 15 feet in elevation below the existing structures generally located to the southwest. Applicant will strive to maintain the elevation of the building or buildings to be built on Bldg. 700 at approximately its present level, so it will appear to be somewhat shorter than the other buildings when viewed by parties from the northwest and northeast of Bldg. 700.*" The applicant is requesting the condition be amended to state "Any building or buildings to be constructed on Bldg. 700 will be approximately **9** 15-feet in elevation below the existing structures generally located to the southwest...."
- Condition 18: "*In regard to Bldg. 700, all of the parking and loading for the building shall be along the southwest side thereof and away from any residential neighbors to the northwest and northeast, and the building or buildings which will be built upon Bldg. 700 will serve as a barrier to shield any residential neighbors to the northeast and northwest from any noise or similar conditions which might occur.*" The applicant is requesting the condition be amended to state "In regard to Bldg. 700, all of the **truck** parking and loading for the building shall be along the southwest side thereof and away from any residential neighbors to the northwest and northeast...."
- Condition 19: "*In regard to Bldg. 700, any parking of trucks or vehicles will take place on the southwest side of any building or buildings which are to be constructed upon Bldg. 700 and will be at least 350 feet from any residential neighbors presently located northeast of Bldg. 700. In essence, any building or buildings constructed upon Bldg. 700 will only serve as sound barriers to shield any residential neighbors to the northeast from any sound or other similar conditions.*" The applicant is requesting the condition be amended to state "In regard to Bldg. 700, any parking of trucks ~~or vehicles~~ will take place on the southwest side of any building or buildings which are to be constructed upon Bldg. 700...."
- A 152,228 square foot multi-tenant office/warehouse building.
- Two automobile parking lots for employee and customer parking containing 39 spaces each, located to the north and south of the building.
- A truck parking area containing 29, 60'x12' parking spaces located to the southwestern side of the building.
- A concrete apron and heavy-duty asphalt paving located on the southwestern side of the building near the truck parking area.
- A 20-foot-wide gravel fire access road located on the eastern side of the property encircling the proposed building.
- Stormwater management provided via an existing master detention pond on the adjacent parcel to the south (Parcel 7015 100).
- A 150-foot-wide undisturbed buffer located adjacent to residentially-zoned properties.
- A 10-foot-high sound barrier required by a previous zoning condition (RZC2007-00029) along the northwestern side of the building to screen the proposed automobile parking area.

- A 30-foot-wide driveway from Progress Industrial Boulevard.
- No inter-parcel access to adjacent properties, to the south and west.
- No building rendering provided by the applicant.
- The proposed development on wetlands may require permission from the U.S. Army Corps of Engineers.

## **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):

<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Meets Standard?</b>
Building Height	Maximum 45'	45'	YES
Front Yard Setback	Minimum 50'	>50'	YES
Side Yard Setback	Minimum 25'	>25'	YES
Rear Yard Setback	Minimum 50'	>50'	YES
Lot Size	Minimum 1 acre	14.45 acres	YES
Lot Width	150 feet	>150 feet	YES
Buffer	50 feet adjacent to R-75, R-100, R-140	150 feet	YES
Off-Street Parking	Minimum: 60 spaces Maximum 203 spaces	107 spaces	YES
Inter-parcel Driveway Connection	Between adjacent non-residential properties	None	NO*

\*An inter-parcel driveway connection or provision of a future inter-parcel driveway stub (with appropriate cross-access easements) is required between adjacent non-residential properties. The applicant is requesting a variance from this requirement.

## **Variance Request**

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

1. Per UDO Section 240-70.1. (B), Inter-parcel driveway connection, or provision of a future inter-parcel driveway stub (with appropriate cross-access easements) shall be required between adjacent non-residential properties.

The applicant requests a variance to eliminate the required inter-parcel driveway connection or provision of a future inter-parcel driveway stub, between adjacent non-residential properties zoned M-1 to the west and south.

## **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 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 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 site is surrounded by industrial, and office uses similar in scale to the subject site. The adjacent residential uses will be screened with a 150-foot-wide undisturbed buffer on the subject property. In addition to the undisturbed buffer, the applicant is proposing a 10-foot-high sound barrier along the northwestern side of the building to screen the proposed automobile parking area. The addition of an office/warehouse building would be suitable in consideration of nearby properties.

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

The existing use and usability of adjacent or nearby properties would not be impacted by the request. The requested change in conditions will provide a use that complements an existing industrial park.

**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.

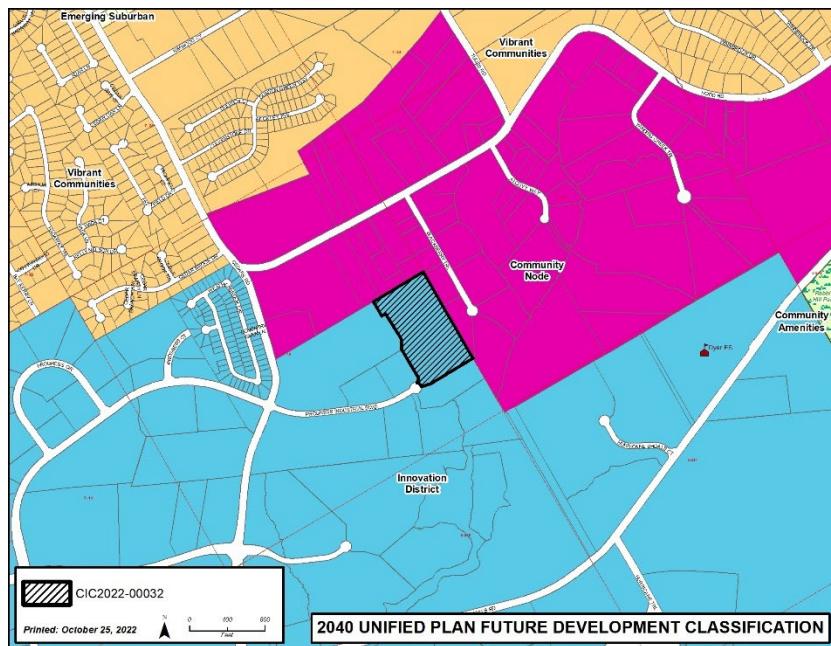
**D. Whether the proposed change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

A minimal increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development requirements, and planning. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this rezoning and change in conditions request is 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 and Future Development Map indicates that the subject property lies within the Innovation District Character Area. This Character Area is where the predominant use is research and development, technological uses, industrial parks, and areas where there are colleges and universities. Industrial Parks are one of the recommended development types in this character area. In addition, the proposed change in conditions will only allow the location of the parking lots on the northern and southern sides of the building. In addition, the requested height of the building is 9 feet in elevation below the existing structures located to the

southwest. The height will still be shorter than the other buildings when viewed by parties from the northwest and northeast of the building. Therefore, the increase in height and more convenient location of automobile parking spaces supports a proposed use in conformity with the Unified 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.**

The subject property is located adjacent to existing industrial uses in the Gwinnett Progress Center industrial park. Robust buffering and screening requirements will mitigate the negative impacts of the proposed development on the adjacent residentially zoned property. The proposed change in conditions mainly concerns the parking of employees' personal vehicles and will have very little effect to the site. Therefore, the existing zoning classifications of adjacent and nearby properties, the property's location in close proximity to University Parkway, and the robust buffering and screening requirements, provide supporting grounds for the approval of the application.

**Variance Request Analysis:** The standards for granting variances are outlined in Section 270-100.7 of the Unified Development Ordinance. Staff makes the following findings related to the variance requests:

The requested variance is to eliminate the required inter-parcel driveway connection between adjacent non-residential parcels. The property is located at the end of a cul-de-sac street and inter-parcel driveway connections would not serve their typical purpose of reducing vehicle trips on public rights-of-way. Moreover, the significant elevation difference between parcels complicates the design of the connection, from an engineering and land grading perspective. Therefore, an inter-parcel driveway connection is not feasible due to topographic concerns.

## **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 **APPROVAL** of the following variance request:

1. Section 240-70.1. (B), to eliminate the required inter-parcel driveway connection or provision of a future inter-parcel driveway stub between adjacent non-residential properties.

## **Planning Commission Recommendation**

Based on staff's evaluation of the request, information presented at the public hearing, and the Planning Commission's consideration of the standards governing the exercise of zoning power related to this application, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of the change in conditions request.

In addition, the Planning Commission recommends **APPROVAL** of the following variance request:

1. Section 240-70.1. (B), to eliminate the required inter-parcel driveway connection or provision of a future inter-parcel driveway stub between adjacent non-residential properties.

## **Planning Commission Recommended Conditions (includes Staff Recommended Conditions, as Amended)**

NOTE: The conditions below are those from RZC2007-00029 with suggested changes in bold or strikethrough.

1. To limit the use of property as follows:
  - A. Light Industrial and accessory uses and structures.
  - B. New construction shall be glass and/or masonry, stacked stone, stucco or pre-cast concrete, or tilt-wall buildings or construction.
  - C. Truck deliveries ~~to Bldg. 700~~ shall be prohibited between the hours of 10 p.m. and 6 a.m. Trucks shall not be permitted to idle before or after cargo pickup or deliveries to the site between these hours.
2. To satisfy the following site development considerations:
  - A. Provide a 150-foot-wide buffer adjacent to residentially zoned property (see condition 12).
  - B. Oversized signs shall be prohibited.
  - C. **The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received October 6, 2022 presented at the December 5, 2022, Planning Commission public hearing, with revisions required by conditions of approval and the Unified Development Ordinance, as reviewed and approved by the Department of Planning and Development.**

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

A. Dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction of a greenway, path/trail through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval of the Gwinnett Department of Community Services.

4. Related to Bldg. 700, Applicant would maintain a **A 150-foot-wide buffer shall be maintained** along the northwest and northeast side of the building ~~Bldg. 700~~ and would enhance the buffer with a double row of **Leyland Cypress** ~~Cherry Laurels, Hollies, or other shade tolerant evergreen screening trees~~, to be planted on six feet centers along the perimeter, **and** along the northwest side of the proposed building ~~or buildings on Bldg. 700~~ within the buffer. The planting of the Leyland Cypress shall be subject to review and approval by the ~~Director Department~~ of Planning and Development.

5. In regard to Bldg. 700, a **All truck access, parking and related activities shall be along the southwest and southeast side of the building.** ~~provided; however, if there is more than one building on Bldg. 700, there shall be permitted access, parking and related activities between the buildings.~~

6. In regard to Bldg. 700, **All truck** parking and loading areas shall be located in the front of the building along the southwest side thereof. There shall be no **truck** parking, loading or **truck** vehicular access of any kind on the northwest or the northeast side of any building or buildings, and there shall be no parking to the rear of any building or buildings. ~~In the event there is more than one building on Bldg. 700, the parking and loading areas can also be located between the buildings, but not on the northeast side of the buildings.~~ **Automobile parking shall be permitted** prohibited on the northwest side of the building as depicted on **Exhibit C: Site Plan dated received October 6, 2022** presented at the December 5, 2022 Planning Commission public hearing. **This required 10-foot-high sound barrier shall be extended along the northwest northeast side of the building. automobile parking area.**

7. In regard to Bldg. 700, Applicant would, **shall** subject to the approval of the Progress Center Architectural Review Board, install, at the time of construction of any building or buildings ~~on Bldg. 700~~, a sound barrier of not less than 10 feet in height **as indicated on Exhibit C: Site Plan dated received October 6, 2022** presented at the December 5, 2022 Planning Commission public hearing. ~~along the northwest side of Bldg. 700 where any truck or parking activity will take place. This sound barrier will only be along the area where there is truck or parking activity and would connect to the approximate west corner of Bldg. 700. This 10-foot-high sound barrier would be constructed approximately 35 feet from the building or buildings and would be within the 150-foot buffer referred to in Item No. 1 above and no closer than 115 feet from the northwest boundary of Bldg. 700.~~

**Note:** By so locating all truck access, truck parking and related activities in these locations, Applicant will utilize the building located on Bldg. 700, as a barrier to block and cut off the noise and other features of the truck traffic.

8. In regard to the Bldg. 700, the only road or **Access** to the northeast or northwest side of ~~Bldg. 700~~ **will be the building shall be** for the construction, maintenance, and fire protection of the building, ~~or buildings~~ and will be at most a single paved lane, only if required by applicable governmental authorities to have such a lane. Otherwise, no such access road or lane shall be

built along the northwest and northeast sides of ~~Bldg. 700~~ **the building** other than such temporary grading and clearing as may be necessary in order to construct structures ~~on~~ **Bldg. 700**.

9. ~~In regard to Bldg. 600 and 700, a~~ All future exterior lighting for said sites shall be cutoff luminaries, directed inward and toward the site. There shall be no light seepage off of the northeast and northwest side of ~~Bldg. 700~~ **the building** and all lighting except for security lighting will be limited to the southwest and southeast side of ~~Bldg. 700~~ **the building**. ~~In regard to Bldg. 600 and 700, a~~ All existing lighting shall be reconfigured to direct light away from nearby residences.
10. ~~In regard to Bldg. 600 and 700, Applicant agrees to limit the use of those properties to light industrial and accessory use structures as are generally permitted under M-1, and a~~ All new construction shall be glass and/or masonry, stack stone, stucco, pre-case concrete or tilt wall buildings or construction. This is designed to ensure the quality of the buildings which will be built and that said buildings are generally noise-proof for any activities taking place therein.
11. ~~In regard to Bldg. 600 and 700, the n~~ Natural vegetation shall remain on the property until the issuance of a land disturbance permit or similar permit.
12. ~~In regard to the Bldg. 700, Triad will provide a~~ A 150-foot undisturbed buffer (to be disturbed only as set forth hereinbelow) **shall be provided** adjacent to the residentially zoned property ~~along the to the~~ northwest and northeast side of ~~Bldg. 700~~, subject to being disturbed only for the purposes specified in these conditions, or for utility or necessary easements or for construction and grading for the first 50 feet which shall be revegetated to buffer standards.
13. ~~Any building or b~~ Buildings to be constructed on ~~Bldg. 700~~ **will shall** be approximately ~~9~~ 15 feet in elevation below the existing structures generally located to the southwest. Applicant will strive to maintain the elevation of the building or buildings to be built ~~on~~ **Bldg. 700** at approximately its present level, so it will appear to be somewhat shorter than the other buildings when viewed by parties from the northwest and northeast of ~~Bldg. 700~~.
14. No building ~~on~~ **Bldg. 600 and 700** ~~will shall~~ be taller than 40 feet in height above their ground level.
15. ~~In regard to Bldg. 600 and 700, Applicant acknowledges that Applicant does not have any way to control the situation (truck traffic) but will offer to cooperate with Gwinnett County to place signs along Cedars Road and to seek to impose a limitation of truck traffic along Cedars Road north of the Gwinnett Progress Center.~~
16. ~~In that Bldgs. 100-500 are located quite some distance from any residentially zoned property, none of these conditions shall be applicable to said Bldg. 100-500.~~
17. ~~In regard to Bldg. 600 and Bldg. 700, Applicant agrees to meet or exceed all legal requirements pertaining to surface water drainage.~~
18. ~~In regard to Bldg. 700, all of the All truck parking and loading for the building shall be along the southwest side thereof and away from any residential neighbors to the northwest and northeast, and the building or buildings which will be built upon Bldg. 700 will serve as a barrier to shield any residential neighbors to the northeast and northwest from any noise or similar conditions which might occur.~~

19. ~~In regard to Bldg. 700, a~~ Any parking of trucks or vehicles will **shall** take place on the southwest side of ~~any~~ **the** building. ~~or buildings which are to be constructed upon~~ Bldg. 700 and will be at least 350 feet from any residential neighbors presently located ~~to the~~ northeast of ~~Bldg.~~ 700. In essence, any building ~~or buildings~~ constructed ~~upon~~ Bldg. 700 will **only shall** serve as sound barriers to shield any residential neighbors to the northeast from any sound or other similar conditions.
20. ~~In regard to Bldg. 700,~~ Applicant **agrees to shall** paint the walls of any building or buildings constructed thereon on the northwest and northeast sides Forest Green so that those two sides of the building will blend comfortably with the trees and vegetation in the 150-foot buffers adjacent to said building.
21. There ~~will~~ **shall** be no oversized signs and signs shall comply with the Gwinnett County Sign Ordinance

**Exhibits:**

- A. Site Visit Photos
- B. Previously Approved Resolution (RZC-07-029)
- C. Site Plan
- D. Letter of Intent and Applicant's Response to Standards
- E. Application and Disclosure of Campaign Contributions
- F. Internal and External Agency Review Comments
- G. Maps
- H. Site Plan presented at the December 5, 2022, Planning Commission public hearing

## **Exhibit A: Site Visit Photos**



View of adjacent buildings from Progress  
Industrial Boulevard



View of adjacent buildings from Progress  
Industrial Boulevard



View of the subject site from Progress  
Industrial Boulevard



View of the subject site from Progress  
Industrial Boulevard

**Exhibit B: Previously Approved Resolution (RZC-07-029)**

**[attached]**

CASE NUMBER RZC-07-029  
GCID 2006-1216

BOARD OF COMMISSIONERS

GWINNETT COUNTY

LAWRENCEVILLE, GEORGIA

RESOLUTION

READING AND ADOPTION:

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

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

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

A RESOLUTION TO AMEND THE OFFICIAL ZONING MAP

WHEREAS, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from

R-75 to M-1  
by TRIAD-WESTERVELT for the proposed use of  
INDUSTRIAL USES 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 AUGUST 22, 2006 and objections were filed.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners this the 22nd day of AUGUST, 2006, that the aforesaid application to amend the Official Zoning Map from R-75 to M-1 is hereby APPROVED subject to the following enumerated conditions:

1. To limit the use of property as follows:

- A. Light Industrial and accessory uses and structures.
- B. New construction shall be glass and/or masonry, stacked stone, stucco or pre-cast concrete, or tilt-wall buildings or construction.
- C. Truck deliveries to Bldg. 700 shall be prohibited between the hours of 10 p.m. and 6 a.m. Trucks shall not be permitted to idle before or after cargo pickup or deliveries to the site between these hours.

2. To satisfy the following site development considerations:

- A. Provide a 150-foot buffer adjacent to residentially-zoned property (see condition 12).
- B. Oversized signs shall be prohibited.

3. To abide by the following requirements, dedications and improvements:
  - A. Dedicate at no cost to Gwinnett County all necessary right-of-way and easements for the future construction of a greenway, path/trail through the property in accordance with the Gwinnett County Open Space and Greenway Master Plan. Right-of-way/easement width and location shall be subject to review and approval of the Gwinnett Department of Community Services.
4. Related to Bldg. 700, Applicant would maintain a 150-foot buffer along the northwest and northeast side of the Bldg. 700 and would enhance the buffer with a double row of Leyland Cypress trees, to be planted on six feet centers along the perimeter, along the northwest side of any proposed building or buildings on Bldg. 700 within the buffer. The planting of the Leyland Cypress shall be subject to review and approval by the Director of Planning and Development.
5. In regard to Bldg. 700, all truck access, parking and related activities shall be along the southwest and southeast side of the building; provided; however if there is more than one building on Bldg. 700, there shall be permitted access, parking and related activities between the buildings.
6. In regard to Bldg. 700, all parking and loading areas shall be located in the front of the building along the southwest side thereof. There shall be no parking, loading or vehicular access of any kind on the northwest or the northeast side of any building or buildings, and there shall be no parking to the rear of any building or buildings. In the event there is more than one building on Bldg. 700, the parking and loading areas can also be located between the buildings, but not on the northeast side of the buildings.

7. In regard to Bldg. 700, Applicant would, subject to the approval of the Progress Center Architectural Review Board, install at the time of construction of any building or buildings on Bldg. 700, a sound barrier of not less than 10 feet in height along the northwest side of Bldg. 700 where any truck or parking activity will take place. This sound barrier will only be along the area where there is truck or parking activity and would connect to the approximate west corner of Bldg. 700. This 10-foot high sound barrier would be constructed approximately 35-feet from the building or buildings and would be within the 150 foot buffer referred to in Item No. 1 above and no closer than 115 feet from the northwest boundary of Bldg. 700.

Note: By so locating all truck access, truck parking and related activities in these locations, Applicant will utilize the building located on Bldg. 700, as a barrier to block and cut off the noise and other features of the truck traffic.

8. In regard to the Bldg. 700, the only road or access to the northeast or northwest side of Bldg. 700 will be for the construction, maintenance, and fire protection of the building or buildings and will be at most a single paved lane, only if required by applicable governmental authorities to have such a lane. Otherwise, no such access road or lane shall be built along the northwest and northeast sides of Bldg. 700 other than such temporary grading and clearing as may be necessary in order to construct structures on Bldg. 700.
9. In regard to Bldg. 600 and 700, all future exterior lighting for said sites shall be cutoff luminaries, directed inward and toward the site. There shall be no light seepage off of the northeast and northwest side of Bldg. 700 and all lighting except for security lighting will be limited to the southwest and southeast side of Bldg. 700. In regard to Bldg. 600 and 700, all existing lighting shall be reconfigured to direct light away from nearby residences.

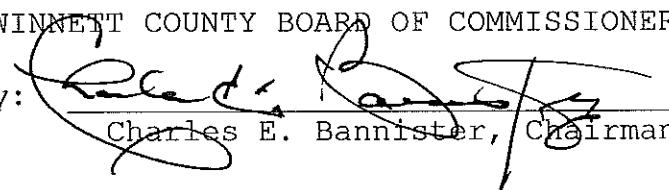
10. In regard to Bldg. 600 and 700, Applicant agrees to limit the use of those properties to light industrial and accessory use structures as are generally permitted under M-1, and all new construction shall be glass and/or masonry, stack stone, stucco, pre-case concrete or tilt wall buildings or construction. This is designed to insure the quality of the buildings which will be built and that said buildings are generally noise-proof for any activities taking place therein.
11. In regard to Bldg. 600 and 700, the natural vegetation shall remain on the property until the issuance of a land disturbance permit or similar permit.
12. In regard to the Bldg. 700, Triad will provide a 150-foot undisturbed buffer (to be disturbed only as set forth hereinbelow) adjacent to the residentially zoned Property along the northwest and northeast side of Bldg. 700, subject to being disturbed only for the purposes specified in these conditions, or for utility or necessary easements or for construction and grading for the first 50 feet which shall be revegetated to buffer standards.
13. Any building or buildings to be constructed on Bldg. 700 will be approximately 15 feet in elevation below the existing structures generally located to the southwest. Applicant will strive to maintain the elevation of the building or buildings to be built on Bldg. 700 at approximately its present level, so it will appear to be somewhat shorter than the other buildings when viewed by parties from the northwest and northeast of Bldg. 700.
14. No building on Bldg. 600 and 700 will be taller than 40 feet in height above their ground level.
15. In regard to Bldg. 600 and 700, Applicant acknowledges that Applicant does not have any way to control the situation (truck traffic), but will offer to cooperate with Gwinnett County to place signs along Cedars Road and to seek to impose a limitation of truck traffic along Cedars Road north of the Gwinnett Progress Center.

16. In that Bldgs. 100-500 are located quite some distance from any residentially-zoned property, none of these conditions shall be applicable to said Bldg. 100-500.
17. In regard to Bldg. 600 and Bldg. 700, Applicant agrees to meet or exceed all legal requirements pertaining to surface water drainage.
18. In regard to Bldg. 700, all of the parking and loading for the building shall be along the southwest side thereof and away from any residential neighbors to the northwest and northeast, and the building or buildings which will be built upon Bldg. 700 will serve as a barrier to shield any residential neighbors to the northeast and northwest from any noise or similar conditions which might occur.
19. In regard to Bldg. 700, any parking of trucks or vehicles will take place on the southwest side of any building or buildings which are to be constructed upon Bldg. 700 and will be at least 350 feet from any residential neighbors presently located northeast of Bldg. 700. In essence, any building or buildings constructed upon Bldg. 700 will only serve as sound barriers to shield any residential neighbors to the northeast from any sound or other similar conditions.
20. In regard to Bldg. 700, Applicant agrees to paint the walls of any building or buildings constructed thereon on the northwest and northeast sides Forest Green so that those two sides of the building will blend comfortably with the trees and vegetation in the 150-foot buffers adjacent to said building.

CASE NUMBER RZC-07-029  
GCID 2006-1216

21. There will be no oversized signs and signs shall comply with the Gwinnett County Sign Ordinance

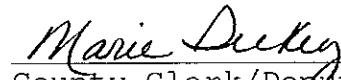
GWINNETT COUNTY BOARD OF COMMISSIONERS

By: 

Charles E. Bannister, Chairman

Date Signed: September 12, 2006

ATTEST:

  
County Clerk/Deputy County



RCC-07-029

GWINNETT PROGRESS CENTER – SITE 700

PROPOSED LOT 6

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 15 OF THE 7<sup>TH</sup> DISTRICT, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 2 INCH PIPE FOUND AT THE SOUTHEASTERLY CORNER OF THE LAND LOT LINE DIVIDING LAND LOTS 15 AND 16 AT THE INTERSECTION WITH THE DISTRICT LINE DIVIDING THE 5<sup>TH</sup> DISTRICT WITH THE 7<sup>TH</sup> DISTRICT; THENCE NORTH 32 DEGREES 00 MINUTES 14 SECONDS WEST A DISTANCE OF 433.60 FEET TO A POINT; THENCE NORTH 32 DEGREES 00 MINUTES 14 SECONDS WEST A DISTANCE OF 101.67 FEET TO A 1 INCH PIPE FOUND; THENCE NORTH 30 DEGREES 53 MINUTES 11 SECONDS WEST A DISTANCE OF 142.54 FEET TO A ½ INCH RBS AT THE TRUE POINT OF BEGINNING; THENCE FROM SAID TRUE POINT OF BEGINNING AS THUS ESTABLISHED, SOUTH 58 DEGREES 06 MINUTES 27 SECONDS WEST A DISTANCE OF 528.39 FEET TO A ½ INCH RBS; THENCE SOUTH 72 DEGREES 14 MINUTES 59 SECONDS WEST A DISTANCE OF 99.09 FEET TO A ½ INCH RBS ON THE EASTERLY RIGHT OF WAY OF PROGRESS INDUSTRIAL BOULEVARD (60 FOOT RIGHT OF WAY WIDTH); THENCE ALONG SAID RIGHT OF WAY, FOLLOWING A COUNTERCLOCKWISE CURVE WITH AN ARC DISTANCE OF 58.90 FEET, HAVING A RADIUS OF 60.00 FEET, SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 45 DEGREES 52 MINUTES 30 SECONDS WEST, 56.57 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY, NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 48.05 FEET TO A ½ INCH RBS; THENCE NORTH 31 DEGREES 31 MINUTES 30 SECONDS WEST A DISTANCE OF 352.61 FEET TO A ½ INCH RBS; THENCE NORTH 31 DEGREES 31 MINUTES 30 SECONDS WEST A DISTANCE OF 595.02 FEET TO A ½ INCH RBF; THENCE NORTH 57 DEGREES 58 MINUTES 30 SECONDS EAST A DISTANCE OF 615.04 FEET TO A ½ INCH RBF; THENCE SOUTH 30 DEGREES 53 MINUTES 11 SECONDS EAST A DISTANCE OF 1060.52 FEET TO A ½ INCH RBS AT THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY IS SHOWN ON AN ALTA/ACSM LAND TITLE SURVEY FOR: TRIAD PROPERTIES OF ATLANTA, LLC, LAWRENCEVILLE ALCOVY INVESTMENTS, LLC AND CHICAGO TITLE INSURANCE COMPANY AS PROPOSED LOT 6, BLOCK "K", UNIT FIVE, GWINNETT PROGRESS CENTER CONTAINING 14.8452 ACRES PREPARED BY HANNON, MEEKS & BAGWELL, SURVEYORS & ENGINEERS, INC., DATED SEPTEMBER 14, 2001.

LESS AND EXCEPT THE FOLLOWING:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 15 OF THE 7<sup>TH</sup> DISTRICT, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERN MOST END OF THE MITERED INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF CEDARS ROAD (HAVING AN 80 FOOT RIGHT OF WAY WIDTH) WITH THE SOUTHERLY RIGHT OF WAY OF PROGRESS INDUSTRIAL BOULEVARD (HAVING A RIGHT OF WAY WIDTH THAT VARIES);

RZC-07-029

THEN SOUTH 73 DEGREES 14 MINUTES 08 SECONDS EAST A DISTANCE OF 80.16 FEET TO A  $\frac{1}{2}$  INCH R-BAR FOUND ON THE EASTERLY RIGHT OF WAY OF CEDARS ROAD; THENCE ALONG SAID RIGHT OF WAY, NORTH 20 DEGREES 21 MINUTES 00 SECONDS EAST A DISTANCE OF 14.99 FEET TO A  $\frac{1}{2}$  INCH R-BAR SET; THENCE FOLLOWING A COUNTERCLOCKWISE CURVE WITH AN ARC DISTANCE OF 95.01 FEET, HAVING A RADIUS OF 3859.72 FEET, SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 19 DEGREES 38 MINUTES 41 SECONDS EAST, 95.01 FEET TO A  $\frac{1}{2}$  INCH R-BAR SET ON THE EASTERLY RIGHT OF WAY OF CEDARS ROAD; THENCE LEAVING SAID RIGHT OF WAY, SOUTH 24 DEGREES 39 MINUTES 00 SECONDS EAST A DISTANCE OF 35.36 FEET TO A  $\frac{1}{2}$  INCH R-BAR SET; THEN SOUTH 69 DEGREES 39 MINUTES 00 SECONDS EAST A DISTANCE OF 57.96 FEET TO A  $\frac{1}{2}$  INCH R-BAR SET; THENCE FOLLOWING A COUNTERCLOCKWISE CURVE WITH AN ARC DISTANCE OF 327.03 FEET, HAVING A RADIUS OF 670.00 FEET, SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 83 DEGREES 38 MINUTES 00 SECONDS EAST, 322.80 FEET TO A  $\frac{1}{2}$  INCH R-BAR SET; THENCE NORTH 82 DEGREES 23 MINUTES 00 SECONDS EAST A DISTANCE OF 396.39 FEET OT A  $\frac{1}{2}$  INCH R-BAR SET; THENCE NORTH 82 DEGREES 23 MINUTES 00 SECONDS EAST A DISTANCE OF 255.89 FEET TO A POINT; THENCE FOLLOWING A COUNTERCLOCKWISE CURVE WITH AN ARC DISTANCE OF 305.06 FEET, HAVING A RADIUS OF 720.00 FEET, SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 70 DEGREES 14 MINUTES 43 SECONDS EAST, 302.78 FEET TO A POINT; THENCE NORTH 58 DEGREES 06 MINUTES 27 SECONDS EAST A DISTANCE OF 121.46 FEET TO A POINT; THENCE FOLLOWING A COUNTERCLOCKWISE CURVE WITH AN ARC DISTANCE OF 21.68 FEET, HAVING A RADIUS OF 25.00 FEET, SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 33 DEGREES 16 MINUTES 03 SECONDS EAST, 21.00 FEET TO A POINT; THENCE FOLLOWING A CLOCKWISE CURVE WITH AN ARC DISTANCE OF 57.26 FEET, HAVING A RADIUS OF 60.00 FEET, SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 35 DEGREES 46 MINUTES 07 SECONDS EAST, 55.11 FEET TO A POINT; THENCE FOLLOWING A CLOCKWISE CURVE WITH AN ARC DISTANCE OF 44.91 FEET, HAVING A RADIUS OF 60.00 FEET, SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 84 DEGREES 33 MINUTES 17 SECONDS EAST, 43.87 FEET TO A POINT; THENCE NORTH 16 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 48.05 FEET TO A POINT; THENCE NORTH 31 DEGREES 31 MINUTES 30 SECONDS WEST A DISTANCE OF 352.61 FEET OT A  $\frac{1}{2}$  INCH R-BAR FOUND A THE TRUE POINT OF BEGINNING; THENCE FROM SAID TRUE POINT OF BEGINNING AS THUS ESTABLISHED, NORTH 31 DEGREES 31 MINUTES 30 SECONDS WEST A DISTANCE OF 420.01 FEET TO A  $\frac{1}{2}$  INCH R-BAR SET; THENCE NORTH 57 DEGREES 58 MINUTES 39 SECONDS EAST A DISTANCE OF 44.98 FEET TO A  $\frac{1}{2}$  INCH R-BAR SET; THENCE SOUTH 32 DEGREES 01 MINUTES 21 SECONDS EST A DISTANCE OF 315.00 FEET TO A  $\frac{1}{2}$  INCH R-BAR SET; THENCE SOUTH 07 DEGREES 10 MINUTES 19 SECONDS EAST A DISTANCE OF 115.71 FEET TO A  $\frac{1}{2}$  INCH R-BAR FOUND AND THE TRUE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY IS SHOWN ON AN ALTA/ACSM LAND TITLE SURVEY FOR: PDC III ASSOCIATES, LLC, SOUTHEAST INVESTMENT PROPERTIES, LLC, PRINCIPAL LIFE INSURANCE COMPANY AND ITS SUCCESSORS AND/OR ASSIGNS, BAND OF AMERICA, N.A., ALSTON AND BIRD, LLP, AND CHICAGO TITLE INSURANCE COMPANY AS TRACT 6 CONTAINING 0.3927 ACRES PREPARED BY HANNON, MEEKS & BAGWELL, SURVEYORS & ENGINEERS, INC. DATED AUGUST 29, 2000, LAST REVISED APRIL 15, 2003.

**Exhibit C: Site Plan**

**[attached]**

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10.6.2022



**TAYLOR & MATHIS**

# PROGRESS/INDUSTRIAL

---

GWINNETT COUNTY, GEORGIA

**GROSS SITE AREA = ±14.45 ACRES**  
**NET SITE ACRE = ±14.34 ACRES**

## *OVERALL SITE PLAN*

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

**[attached]**

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10.6.2022

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

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

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

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

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10.6.2022

## **STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

- (A) Approval of the Application will permit a use that is suitable in light of the use and development of adjacent and nearby property. The subject Property is located adjacent to existing industrial uses in the Progress Center industrial park. Robust buffering and screening requirements will mitigate negative impacts of the proposed development on adjacent residentially-zoned property.
- (B) Approval of the Application will not adversely affect the existing use or usability of adjacent or nearby property. The proposed development is compatible with adjacent industrially-zoned property. Robust buffering and screening requirements will mitigate negative impacts of the proposed development on adjacent residentially-zoned property.
- (C) Due to the size, location, layout, and character of surrounding uses, the Applicant submits that the Property does not have a reasonable economic use as currently zoned.
- (D) Approval of the Application will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The Property has convenient access to Cedars Road and University Parkway (State Route 316), would not generate any increased enrollment in schools, and has access to utilities.
- (E) Approval of the Application would be in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan which designates the Property as within the Innovation Districts Character Area. Policies for this Character Area encourage industrial development in areas along the University Parkway (State Route 316) corridor. Moreover, “industrial parks” are specifically encouraged as a potential development type.
- (F) The existing zoning classifications of adjacent and nearby properties, the Property’s location in close proximity to University Parkway, and the robust buffering and screening requirements provide additional supporting grounds for the approval of the Application.

10.6.2022

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

Shane M. Lanham  
Jeffrey R. Mahaffey  
Jessica R. Pickens  
Steven A. Pickens  
Andrew D. Stancil  
R. Lee Tucker, Jr.

\*Of Counsel

**LETTER OF INTENT FOR CHANGE IN CONDITIONS APPLICATION OF  
TAYLOR & MATHIS, INC.**

Mahaffey Pickens Tucker, LLP submits the attached change in conditions application (the “Application”) on behalf of Taylor & Mathis, Inc. (the “Applicant”), relative to a proposed development on an approximately 14.45-acre tract of land (the “Property”) located in the Progress Center industrial park. The Property is located on Progress Industrial Boulevard east of its intersection with Cedars Road, is currently zoned M-1 pursuant to RZC2007-00029 (the “Original Rezoning”), and is located in the Innovation District Character Area as set forth in the Gwinnett County 2040 Unified Plan.

Despite bearing its current M-1 zoning classification for over sixteen years, the Property has remained undeveloped while surrounding industrially-zoned properties have been developed and put into use. The Applicant is proposing to develop the Property for use as a multi-tenant office/warehouse industrial building with limited truck access and parking. The multi-tenant configuration of the proposed building results in the need for two separate access points and related automobile parking for the office components of the proposed use. Truck access and parking, as contemplated during the Original Rezoning, would remain limited to the southwest side of the proposed building. Approval of the Application would also allow for more of the proposed building’s interior space to be dedicated to office use. Additionally, the Original Rezoning included a requirement to install a minimum “10-foot high sound barrier” to be constructed along

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

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

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880  
Page 31 of 53  
www.mptlawfirm.com

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the 10.6.2022 northwest side of the building where truck parking and activity would be located. The

Applicant is proposing to extend the required 10-foot high sound barrier to run along not just the truck court, as required by the Original Rezoning, but also along the northwestern side of the building to screen the proposed automobile parking area. In addition to the 150-foot wide buffers required by the Original Rezoning, which the Applicant agrees to maintain, this proposed sound barrier would provide effective visual and aural screening from adjacent residentially-zoned property. Stormwater management for the Property would be provided in the stormwater management facility on the adjacent parcel to the south (Parcel 7015 100).

Accordingly, the Applicant respectfully requests the change in conditions outlined below (deletions are shown in ~~strikethrough~~ and additions are shown in **bold and underline**):

Condition 3(A): strike in its entirety

Condition 5: In regard to Bldg. 700, all truck access, ~~parking~~ and related activities shall be along the southwest and southeast side of the building; provided, however if there is more than one building on Building 700, there shall be permitted access, parking and related activities between the buildings.

Condition 6: In regard to Building 700, all truck parking and loading areas shall be located in the front of the building along the southwest side thereof. There shall be no truck parking, loading or truck ~~vehicular~~ access of any kind on the northwest or the northeast side of any building or buildings, and there shall be no parking to the rear of any building or buildings. In the event there is more than one building on Bldg. 700, the parking and loading areas can also be located between the buildings, but not on the northeast side of the buildings. Automobile parking shall be permitted on the northwest side of the building as depicted on the site plan submitted with the Application. The required 10-foot high sound barrier shall be extended along the automobile parking area.

Condition 13: Any building or buildings to be constructed on Bldg. 700 will be approximately 9 ~~15~~ feet in elevation below the existing structures generally located to the southwest. Applicant will strive to maintain the elevation of the building or buildings to be built on Bldg. 700 at approximately its present level, so it will appear to be somewhat shorter than the other buildings when viewed by parties from the northwest and northeast of Bldg. 700.

Condition 18: In regard to Bldg. 700, all of the truck parking and loading for the building shall be along the southwest side thereof and away from any residential neighbors to the northwest and northeast, and the building or buildings which will be built upon Bldg. 700 will serve as a barrier

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~~10.6.2022~~ to shield any residential neighbors to the northeast and northwest from any noise or similar conditions which might occur.

Condition 19: In regard to Bldg. 700, any parking of trucks ~~or vehicles~~ will take place on the southwest side of any building or buildings which are to be constructed upon Bldg. 700 and will be at least 350 feet from any residential neighbors presently located northeast of Bldg. 700. In essence, any building or buildings constructed upon Bldg. 700 will only serve as sound barriers to shield any residential neighbors to the northeast from any sound or other similar conditions.

Additionally, in order to develop the Property as depicted on the site plan submitted with the Application, the Applicant also requests a variance from Section 240-70.1(B) of the UDO to not provide an interparcel driveway connection to adjacent non-residential properties. The Property is located at the end of a cul-de-sac street and interparcel driveway connections would not serve their typical purpose of reducing vehicle trips on public right-of-way. Moreover, elevation differences frustrate this design from an engineering and land grading perspective and traffic safety concerns—namely, introducing multiple vehicle and truck access points near parking, loading, and driveway areas of adjacent industrial uses—would create a less safe vehicle circulation situation. Accordingly, an interparcel driveway connection is not feasible due to traffic safety and topographic concerns.

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

This 28th day of September, 2022.

Respectfully Submitted,  
MAHAFFEY PICKENS TUCKER, LLP

*Shane Lanham*

Shane M. Lanham  
Attorneys for Applicant

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

**[attached]**

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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: <u>Taylor &amp; Mathis, Inc. c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>GPC Land Holdings, LLC</u>
ADDRESS: <u>1550 N Brown Rd, Ste 125</u>	ADDRESS: <u>280 Interstate North Cir Ste 100</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Atlanta</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30339</u>
PHONE: <u>770 232 0000</u>	PHONE: <u>770 232 0000</u>
EMAIL: <u>slanham@mptlawfirm.com</u>	EMAIL: <u>slanham@mptlawfirm.com</u>
CONTACT PERSON: <u>Shane Lanham</u>	PHONE: <u>770 232 0000</u>
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	

APPLICANT IS THE:		
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER	<input checked="" type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICT(S): <u>M-1</u>	PRIOR ZONING CASE: <u>RZC2007-00029 (GCID 2006-1216)</u>	
PARCEL NUMBER(S): <u>7015 093</u>	ACREAGE: <u>+/- 14.45</u>	
ADDRESS OF PROPERTY: <u>1500 Progress Industrial Boulevard</u>		
PROPOSED CHANGE IN CONDITIONS: <u>Please see Letter of Intent</u>		

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>NA</u>	NO. OF BUILDINGS/LOTS: <u>1/1</u>
DWELLING UNIT SIZE (Sq. Ft.): <u>NA</u>	TOTAL GROSS SQUARE FEET: <u>+/-152,228</u>
GROSS DENSITY: <u>NA</u>	DENSITY: <u>+/- 10,535 square feet per acre</u>
NET DENSITY: <u>NA</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

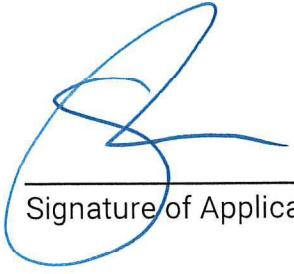
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10.6.2022

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

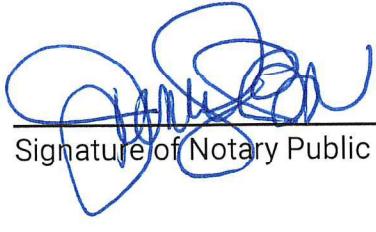
**CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION**

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

10/3/22  
Date

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

  
Signature of Notary Public

10/3/22  
Date



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10.6.2022

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.

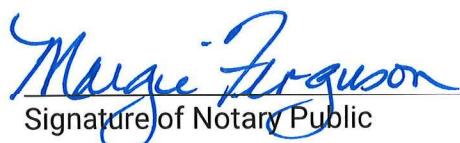


Signature of Applicant

9.9.2022

Date

MICHAEL S. IRBY, SR. VICE PRESIDENT  
Type or Print Name and Title



Signature of Notary Public

9.9.2022

Date



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10.6.2022

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

9.12.22

Date

Deane Stokes for Lpc Land Holdings LLC as Manager  
Type or Print Name and Title

  
Signature of Notary Public

9.12.2022

Date



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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.

DATE

TYPE OR PRINT NAME AND TITLE

**SIGNATURE OF APPLICANT'S  
ATTORNEY OR REPRESENTATIVE**

DATE

TYPE OR PRINT NAME AND TITLE

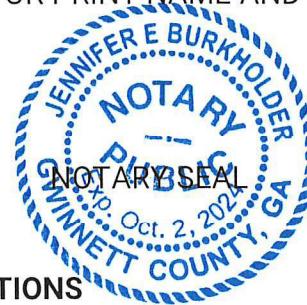
DATE

TYPE OR PRINT NAME AND TITLE

**SIGNATURE OF NOTARY PUBLIC**

DATE

## DISCLOSURE OF CAMPAIGN CONTRIBUTIONS



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

YES  NO Please see attached

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)
Please see attached		

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

RECEIVED

10.6.2022

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

**MAHAFFEY PICKENS TUCKER, LLP**

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Kirkland Carden	\$2,800	11/18/2021
Marlene Fosque	\$1,500	06/15/2022

**SHANE LANHAM**

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Gabe Okoye	\$500	09/14/2022

**LEE TUCKER**

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Marlene Fosque	\$1,000	09/22/2022

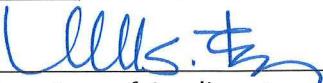
RECEIVED

10.6.2022

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.



Signature of Applicant

9.9.2022

Date

MICHAEL S. IRBY, Sr. V. P.

Type of Print Name and Title

Signature of Applicant's  
Attorney or Representative

Date

Type or Print Name and Title



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

MICHAEL S. IRBY

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.

RECEIVED

10.6.2022

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

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

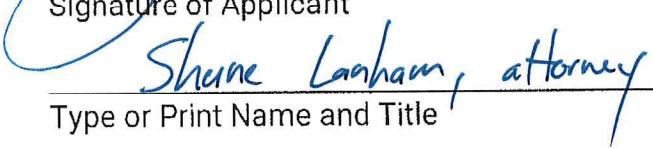
THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

\* **NOTE: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 7 015 093  
(Map Reference Number) District Land Lot Parcel

  
Signature of Applicant

9/30/22  
Date

  
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)

JESSILYN McDUFFIE

NAME

TSA

TITLE

09/30/2022

DATE

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

**[attached]**



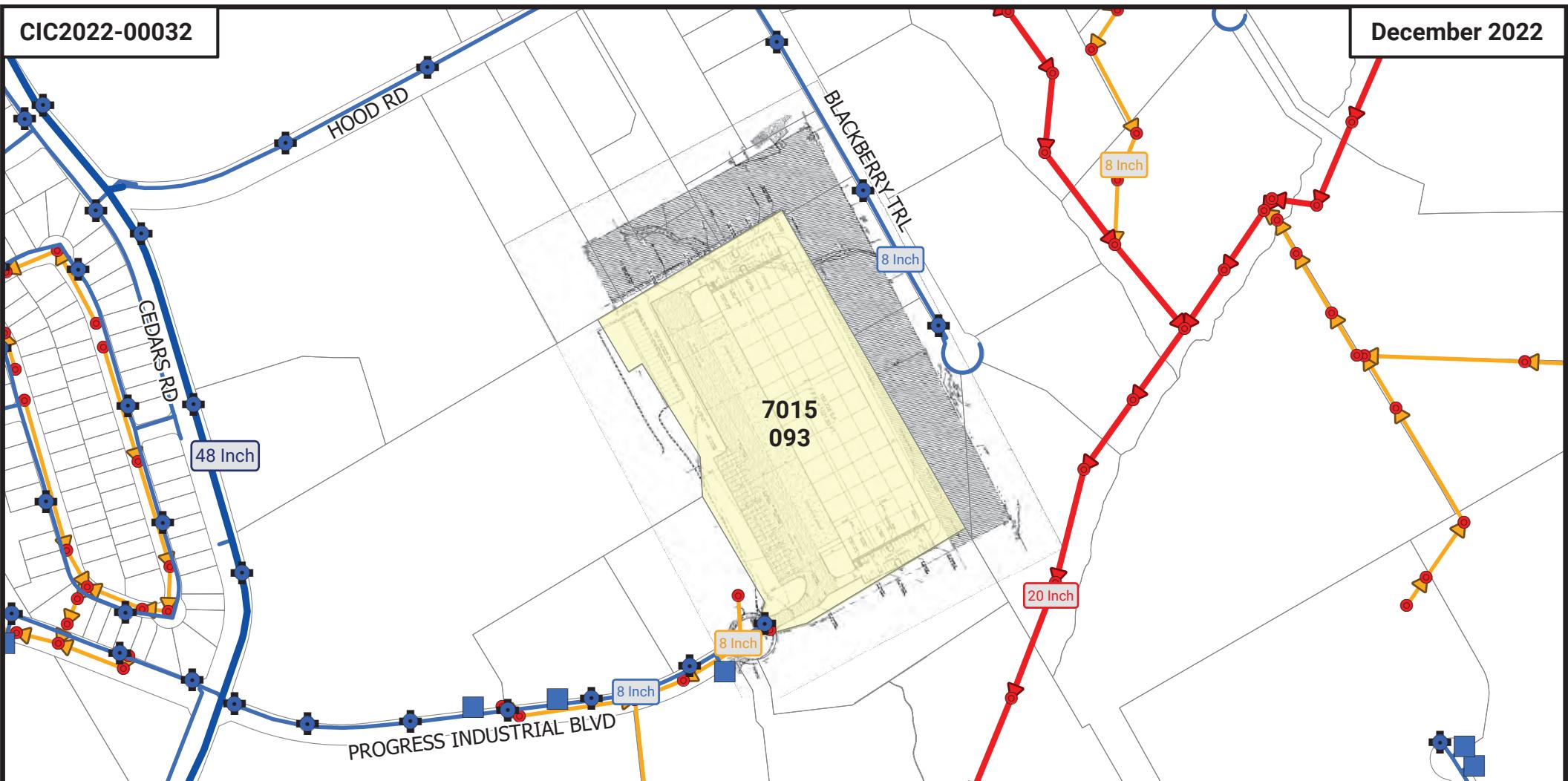
**Department of Planning and Development**  
**TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b>		11.9.2022			
Department/Agency Name:		Transportation			
Reviewer Name:		Brent Hodges			
Reviewer Title:		Construction Manager 1			
Reviewer Email Address:		<a href="mailto:Brent.Hodges@gwinnettcounty.com">Brent.Hodges@gwinnettcounty.com</a>			
Case Number:		CIC2022-00032			
Case Address:		1500 Progress Industrial Boulevard			
<b>Comments:</b>		<input checked="" type="checkbox"/> <b>X</b>	<b>YES</b>	<input type="checkbox"/>	<b>NO</b>
1	Progress Industrial Boulevard is a local street. No ADT listed.				
2	3.6 miles to the nearest transit facility (#2454819) Collins Hill Road and Collins Industrial Way.				
3					
4					
5					
6					
7					
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<b>YES</b>	<input checked="" type="checkbox"/> <b>X</b>	<b>NO</b>
1					
2					
3					
4					
5					
6					
7					



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

<b>TRC Meeting Date:</b>		
Department/Agency Name: DWR		
Reviewer Name: Mike Pappas		
Reviewer Title: GIS Planning Manager		
Reviewer Email Address: <a href="mailto:Michael.pappas@gwinnettcounty.com">Michael.pappas@gwinnettcounty.com</a>		
Case Number: CIC2022-00032		
Case Address: 1500 Progress Industrial Boulevard		
<b>Comments:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
1	Water: The development may connect to a existing 12-inch water main on the Progress Industrial Boulevard cul-de-sac.	
2	Sewer: A Sewer Capacity Certification is required to confirm capacity. Pending available capacity, the development may connect to an existing 8-inch gravity sewer main on the Progress Industrial Boulevard cul-de-sac.	
3		
4		
5		
6		
7		
<b>Recommended Zoning Conditions:</b> <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
1		
2		
3		
4		
5		
6		
7		

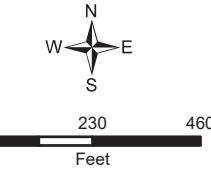


## LEGEND

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

## 1500 Progress Industrial Boulevard

M-1

Water & Sewer  
Utility Map

## LOCATION



**Water Comments:** The development may connect to a existing 12-inch water main on the Progress Industrial Boulevard cul-de-sac.

**Sewer Comments:** A Sewer Capacity Certification is required to confirm capacity. Pending available capacity, the development may connect to an existing 8-inch gravity sewer main on the Progress Industrial Boulevard cul-de-sac.

**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.



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

Residential Rezoning Impact on Local Schools Prepared for Gwinnett County BOC, December, 2022											Proposed Zoning
	School	Forecast	2022-23 Capacity	+/- Cap.	Forecast	2023-24 Capacity	+/- Cap.	Forecast	2024-25 Capacity	+/- Cap.	Approximate Student Projections from Proposed Developments
RZM2022-00043	<b>Discovery HS</b>	2,862	2,525	337	2,905	2,525	380	2,949	2,525	424	3
	<b>Richards MS</b>	2,052	2,200	-148	2,093	2,200	-107	2,124	2,200	-76	2
	Alford ES	928	1,025	-97	910	1,025	-115	901	1,025	-124	3
RZM2022-00048	<b>Central Gwinnett HS</b>	2,604	2,350	254	2,779	2,350	429	2,830	2,350	480	11
	<b>Moore MS</b>	880	1,350	-470	893	1,350	-457	907	1,350	-443	9
	Winn Holt ES	1,081	1,200	-119	1,092	1,200	-108	1,103	1,200	-97	16
RZM2022-00049	<b>Grayson HS</b>	3,277	3,000	277	3,375	3,000	375	3,477	3,000	477	5
	<b>Couch MS</b>	1,089	1,150	-61	1,055	1,150	-95	1,070	1,150	-80	5
	Starling ES	1,144	1,200	-56	1,167	1,200	-33	1,190	1,200	-10	8
RZC2022-00047	<b>Collins Hill HS</b>	2,730	2,625	105	2,773	2,625	148	2,800	2,625	175	31
	<b>Creekland MS</b>	1,911	2,100	-189	1,892	2,100	-208	1,915	2,100	-185	23
	Taylor ES	826	1,300	-474	817	1,300	-483	809	1,300	-491	41
RZC2022-00048	<b>Central Gwinnett HS</b>	2,604	2,350	254	2,779	2,350	429	2,830	2,350	480	27
	<b>Moore MS</b>	880	1,350	-470	893	1,350	-457	907	1,350	-443	19
	Lawrenceville ES	676	925	-249	689	925	-236	701	925	-224	34
CIC2022-00033	<b>Seckinger HS</b>	1,345	2,800	-1,455	1,810	2,800	-990	2,015	2,800	-785	2
	<b>Jones MS</b>	1,568	1,575	-7	1,599	1,575	24	1,623	1,575	48	2
	Patrick ES	896	1,025	-129	923	1,025	-102	951	1,025	-74	3
RZR2022-00036	<b>South Gwinnett HS</b>	2,735	2,750	-15	2,790	2,750	40	2,832	2,750	82	14
	<b>Grace Snell MS</b>	1,262	1,200	62	1,281	1,200	81	1,300	1,200	100	11
	Magill ES	1,222	1,525	-303	1,253	1,525	-272	1,284	1,525	-241	21
RZR2022-00024	<b>Shiloh HS</b>	2,250	2,275	-25	2,330	2,275	55	2,365	2,275	90	3
	<b>Shiloh MS</b>	1,669	1,600	69	1,653	1,600	53	1,670	1,600	70	2
	Anderson-Livsey ES	628	975	-347	634	975	-341	642	975	-333	4
RZR2022-00028	<b>Brookwood HS</b>	3,920	3,000	920	3,893	3,000	893	3,841	3,000	841	20
	<b>Crews MS</b>	1,378	1,150	228	1,355	1,150	205	1,330	1,150	180	14
	Brookwood ES	1,449	1,250	199	1,415	1,250	165	1,387	1,250	137	26

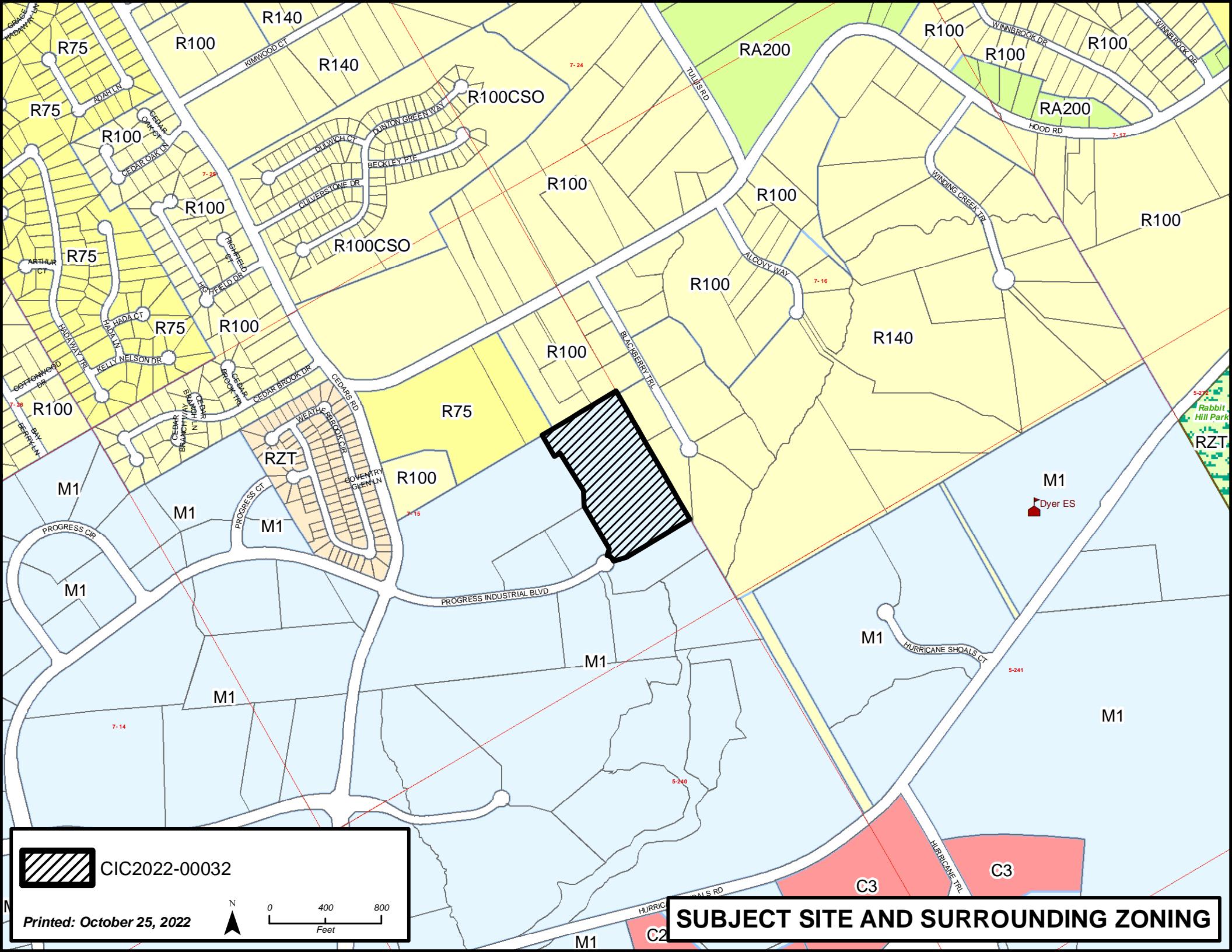
**Exhibit G: Maps**

**[attached]**



 CIC2022-00032



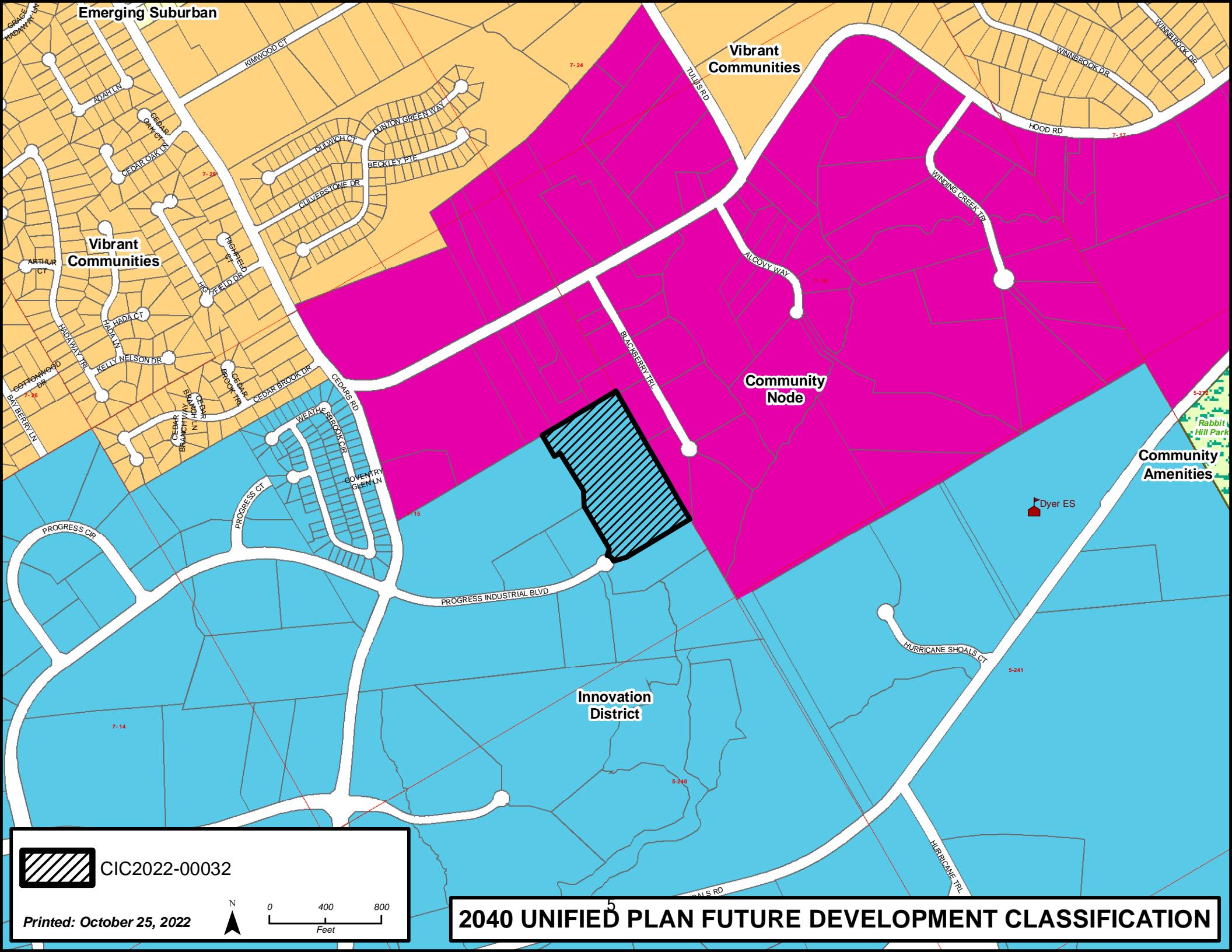


CIC2022-00032

Printed: October 25, 2022



## **SUBJECT SITE AND SURROUNDING ZONING**



Printed: October 25, 2022



0 400 800  
Feet

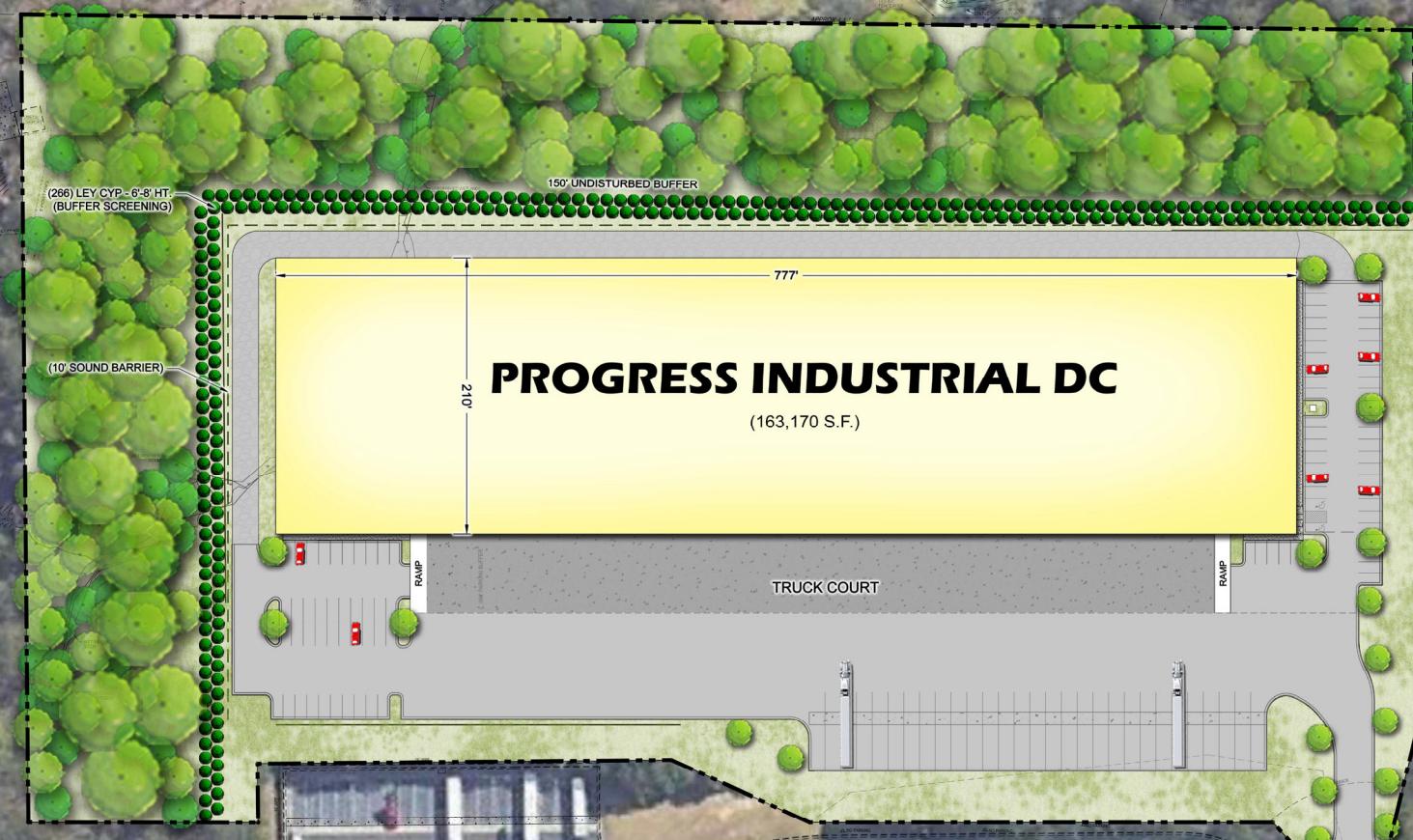
5 2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

**Exhibit H: Site Plan presented at the December 5, 2022, Planning Commission public hearing**

**[attached]**

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12/5/2022



## PROGRESS INDUSTRIAL DC

(163,170 S.F.)

INDUSTRIAL  
LEVE  
BY RIGHT OF WAY

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10.6.2022

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: <u>Taylor &amp; Mathis, Inc. c/o Mahaffey Pickens Tucker, LLP</u>	NAME: <u>GPC Land Holdings, LLC</u>
ADDRESS: <u>1550 N Brown Rd, Ste 125</u>	ADDRESS: <u>280 Interstate North Cir Ste 100</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Atlanta</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30339</u>
PHONE: <u>770 232 0000</u>	PHONE: <u>770 232 0000</u>
EMAIL: <u>slanham@mptlawfirm.com</u>	EMAIL: <u>slanham@mptlawfirm.com</u>
CONTACT PERSON: <u>Shane Lanham</u>	PHONE: <u>770 232 0000</u>
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	

APPLICANT IS THE:		
<input type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER	<input checked="" type="checkbox"/> CONTRACT PURCHASER
ZONING DISTRICT(S): <u>M-1</u>	PRIOR ZONING CASE: <u>RZC2007-00029 (GCID 2006-1216)</u>	
PARCEL NUMBER(S): <u>7015 093</u>	ACREAGE: <u>+/- 14.45</u>	
ADDRESS OF PROPERTY: <u>1500 Progress Industrial Boulevard</u>		
PROPOSED CHANGE IN CONDITIONS: <u>Please see Letter of Intent</u>		

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>NA</u>	NO. OF BUILDINGS/LOTS: <u>1/1</u>
DWELLING UNIT SIZE (Sq. Ft.): <u>NA</u>	TOTAL GROSS SQUARE FEET: <u>+/-152,228</u>
GROSS DENSITY: <u>NA</u>	DENSITY: <u>+/- 10,535 square feet per acre</u>
NET DENSITY: <u>NA</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

## GWINNETT COUNTY PLANNING AND DEVELOPMENT

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10.6.2022

THIS BLOCK RESERVED FOR THE  
CLERK OF THE SUPERIOR COURT.

**ALTA/NSPS BOUNDARY SURVEY**  
LOT 6, BLOCK "K", UNIT 5 OF GWINNETT PROGRESS CENTER  
LAND LOT 15 OF THE 7TH DISTRICT  
GWINNETT COUNTY, GEORGIA  
1500 PROGRESS INDUSTRIAL BOULEVARD  
BOUNDARY REFERENCES: D.B. 25129 PG. 156 AND D.B. 33253 PG. 187 AND P.B. 99 PG. 115  
**14.450 ACRES**  
MAP CLOSURE: 1: 380,483

DATA/NSSPS I AND TITLE SURVEY FOR:

FIRST AMERICAN TITLE INSURANCE COMPANY,  
JIM GARRARD,  
GARRARD DEVELOPMENT, INC.,

PREPARED BY:



**ace**  
PROFESSIONAL SURVEYORS  
1000 15th Street, Suite 1000, Denver, CO 80202-3211

Acre Group, Inc.  
A Georgia Land Surveying Firm LST#001105

ALTANSPS LAND TITLE SURVEY FOR:			
<b>FIRST AMERICAN TITLE INSURANCE COMPANY,</b> <b>JIM GARRARD,</b> <b>GARRARD DEVELOPMENT, INC.,</b> <b>BRAND BANKING COMPANY</b>			
SHEET:		2 OF 2	
NO.:		DATE:	
SURVEY INFORMATION:		REVISION:	
DATE: 1/19/2020 LAND LOT: 15		DISTRICT: THU	
ORI: N/A SCALE: 1:600		COUNTY: GWINNETT	
ORI NUMBER: 19-209		DRAWN BY: BENNETT	
		DATE OF FIELD WORK: 1/17/2020	

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10.6.2022

Survey Legal Description

All that tract or parcel of land lying and being part of Land Lot 15 of the 7<sup>th</sup> Land District of Gwinnett County, Georgia, and being more particularly described as follows:

**COMMENCING** at a point at the southeasterly corner of the land lot line dividing land lots 15 and 16 at the intersection with the district line dividing the 5<sup>th</sup> district with the 7<sup>th</sup> district; **THENCE** North 30 degrees 58 minutes 52 seconds West for a distance of 433.60 feet to a point; **THENCE** North 30 degrees 58 minutes 52 seconds West for a distance of 101.67 to a point; **THENCE** North 29 degrees 51 minutes 49 seconds West for a distance of 142.54 feet to an iron pins set, said point being the **TRUE POINT OF BEGINNING**:

**THENCE** South 59 degrees 07 minutes 21 seconds West for a distance of 528.39 feet to an iron pin set; **THENCE** South 73 degrees 18 minutes 57 seconds West for a distance of 99.09 feet to an iron pin set on the right of way of Progress Industrial Boulevard (60 foot right of way); **THENCE** along the said right of way following a curve turning to the left and having a radius of 60.00 feet, an arc length of 58.89 feet and being subtended by a chord having a bearing of North 44 degrees 50 minutes 40 seconds West for a distance of 56.55 feet to a  $\frac{1}{2}$  inch rebar found; **THENCE** leaving the said right of way North 17 degrees 03 minutes 58 seconds East for a distance of 48.09 feet to a  $\frac{1}{2}$  inch rebar found with cap; **THENCE** North 30 degrees 31 minutes 42 seconds West for a distance of 352.55 feet to a  $\frac{1}{2}$  inch rebar found; **THENCE** North 06 degrees 12 minutes 01 seconds West for a distance of 115.73 feet to a  $\frac{1}{2}$  inch rebar found; **THENCE** North 31 degrees 01 minutes 19 seconds West for a distance of 314.87 feet to a point; **THENCE** South 59 degrees 01 minutes 45 seconds West for a distance of 45.01 feet to a  $\frac{1}{2}$  inch rebar found; **THENCE** North 30 degrees 26 minutes 38 seconds West for a distance of 174.78 feet to  $\frac{1}{2}$  inch rebar found; **THENCE** North 58 degrees 57 minutes 55 seconds East for a distance of 614.90 feet to a 5/8 inch rebar found; **THENCE** South 29 degrees 52 minutes 43 seconds East for a distance of 1060.52 feet to an iron pin set, said point being the **TRUE POINT OF BEGINNING**.

Said described tract contains 14.450 acres.

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10.6.2022

**OVERALL SITE PLAN**

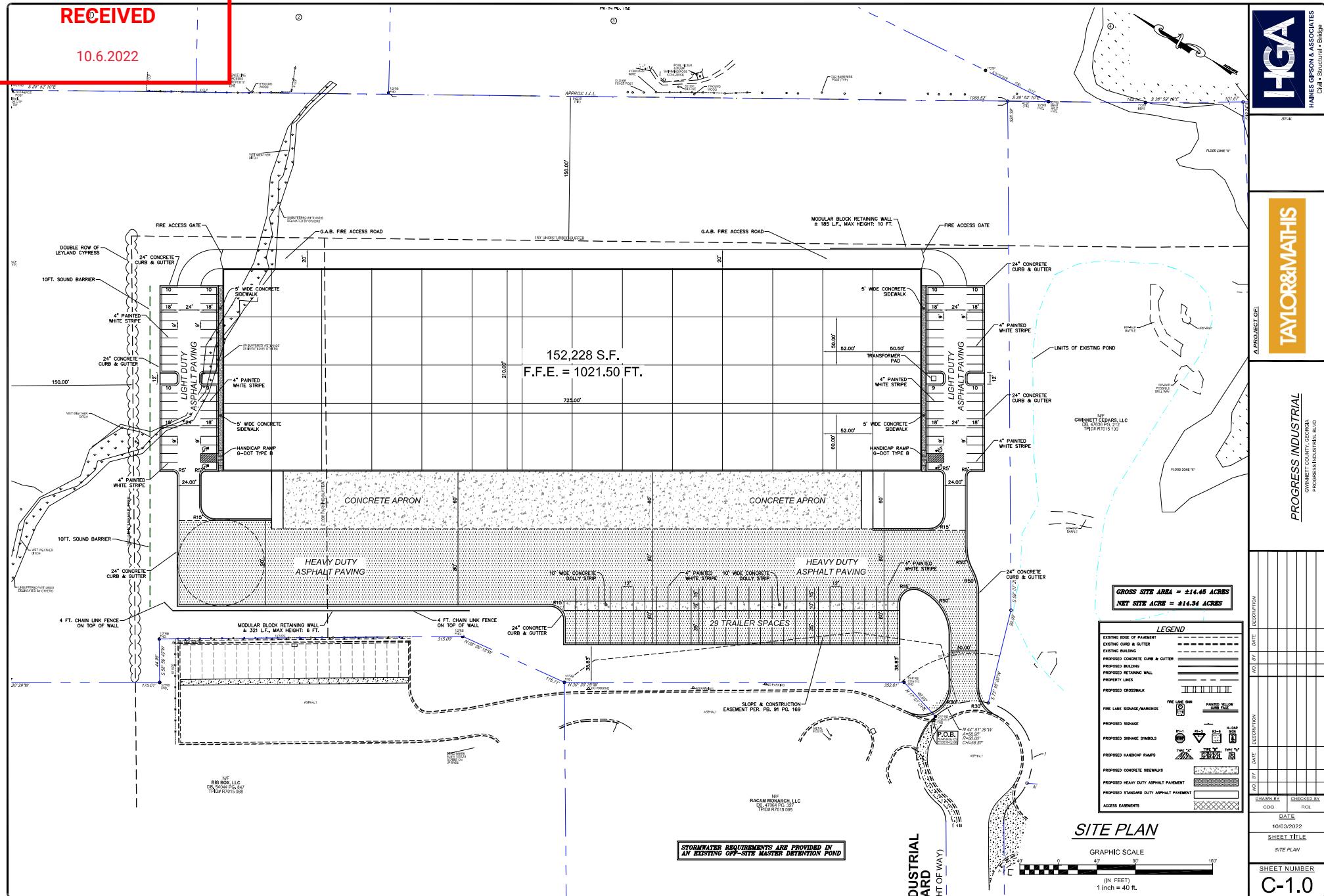
GRAPHIC SCALE  
(IN FEET)  
1 inch = 60 ft.

LEGEND	
EXISTING EDGE OF PAVEMENT	—
EXISTING CURB & GUTTER	-----
PROPOSED CONCRETE CURB & GUTTER	—
PROPOSED BUILDING	—
PROPOSED RETAINING WALL	—
PROPERTY LINES	—
PROPOSED CROSSWALK	—
PAINTED LINE	—
PAINTED YELLOW CURB & GUTTER	—
PAINTED WHITE STRIPES	—
PAVEMENT	—
PAVEMENT MARKINGS	—
PROPOSED SIGNAGE	—
PROPOSED SIGNAGE SYMBOLS	—
PROPOSED HANDICAP RAMPS	—
PROPOSED CONCRETE DOCKS	—
PROPOSED HEAVY DUTY ASPHALT PAVEMENT	—
PROPOSED STANDARD DUTY ASPHALT PAVEMENT	—
ACCESS EASEMENTS	—

DRAWN BY: **CGD** CHECKED BY: **RCL**  
DATE: **10/03/2022**  
SHEET TITLE: **SITE PLAN**  
SHEET NUMBER: **C-1.0**

RECEIVED

10.6.2022





**RECEIVED**

10.6.2022

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

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

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

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

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

Please see attached

---

**RECEIVED**

10.6.2022

## **STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

- (A) Approval of the Application will permit a use that is suitable in light of the use and development of adjacent and nearby property. The subject Property is located adjacent to existing industrial uses in the Progress Center industrial park. Robust buffering and screening requirements will mitigate negative impacts of the proposed development on adjacent residentially-zoned property.
- (B) Approval of the Application will not adversely affect the existing use or usability of adjacent or nearby property. The proposed development is compatible with adjacent industrially-zoned property. Robust buffering and screening requirements will mitigate negative impacts of the proposed development on adjacent residentially-zoned property.
- (C) Due to the size, location, layout, and character of surrounding uses, the Applicant submits that the Property does not have a reasonable economic use as currently zoned.
- (D) Approval of the Application will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The Property has convenient access to Cedars Road and University Parkway (State Route 316), would not generate any increased enrollment in schools, and has access to utilities.
- (E) Approval of the Application would be in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan which designates the Property as within the Innovation Districts Character Area. Policies for this Character Area encourage industrial development in areas along the University Parkway (State Route 316) corridor. Moreover, “industrial parks” are specifically encouraged as a potential development type.
- (F) The existing zoning classifications of adjacent and nearby properties, the Property’s location in close proximity to University Parkway, and the robust buffering and screening requirements provide additional supporting grounds for the approval of the Application.

10.6.2022

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

Shane M. Lanham  
Jeffrey R. Mahaffey  
Jessica R. Pickens  
Steven A. Pickens  
Andrew D. Stancil  
R. Lee Tucker, Jr.

\*Of Counsel

**LETTER OF INTENT FOR CHANGE IN CONDITIONS APPLICATION OF  
TAYLOR & MATHIS, INC.**

Mahaffey Pickens Tucker, LLP submits the attached change in conditions application (the “Application”) on behalf of Taylor & Mathis, Inc. (the “Applicant”), relative to a proposed development on an approximately 14.45-acre tract of land (the “Property”) located in the Progress Center industrial park. The Property is located on Progress Industrial Boulevard east of its intersection with Cedars Road, is currently zoned M-1 pursuant to RZC2007-00029 (the “Original Rezoning”), and is located in the Innovation District Character Area as set forth in the Gwinnett County 2040 Unified Plan.

Despite bearing its current M-1 zoning classification for over sixteen years, the Property has remained undeveloped while surrounding industrially-zoned properties have been developed and put into use. The Applicant is proposing to develop the Property for use as a multi-tenant office/warehouse industrial building with limited truck access and parking. The multi-tenant configuration of the proposed building results in the need for two separate access points and related automobile parking for the office components of the proposed use. Truck access and parking, as contemplated during the Original Rezoning, would remain limited to the southwest side of the proposed building. Approval of the Application would also allow for more of the proposed building’s interior space to be dedicated to office use. Additionally, the Original Rezoning included a requirement to install a minimum “10-foot high sound barrier” to be constructed along

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

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

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the 10.6.2022 northwest side of the building where truck parking and activity would be located. The

Applicant is proposing to extend the required 10-foot high sound barrier to run along not just the truck court, as required by the Original Rezoning, but also along the northwestern side of the building to screen the proposed automobile parking area. In addition to the 150-foot wide buffers required by the Original Rezoning, which the Applicant agrees to maintain, this proposed sound barrier would provide effective visual and aural screening from adjacent residentially-zoned property. Stormwater management for the Property would be provided in the stormwater management facility on the adjacent parcel to the south (Parcel 7015 100).

Accordingly, the Applicant respectfully requests the change in conditions outlined below (deletions are shown in ~~strikethrough~~ and additions are shown in **bold and underline**):

Condition 3(A): strike in its entirety

Condition 5: In regard to Bldg. 700, all truck access, ~~parking~~ and related activities shall be along the southwest and southeast side of the building; provided, however if there is more than one building on Building 700, there shall be permitted access, parking and related activities between the buildings.

Condition 6: In regard to Building 700, all truck parking and loading areas shall be located in the front of the building along the southwest side thereof. There shall be no truck parking, loading or truck ~~vehicular~~ access of any kind on the northwest or the northeast side of any building or buildings, and there shall be no parking to the rear of any building or buildings. In the event there is more than one building on Bldg. 700, the parking and loading areas can also be located between the buildings, but not on the northeast side of the buildings. Automobile parking shall be permitted on the northwest side of the building as depicted on the site plan submitted with the Application. The required 10-foot high sound barrier shall be extended along the automobile parking area.

Condition 13: Any building or buildings to be constructed on Bldg. 700 will be approximately 9 ~~15~~ feet in elevation below the existing structures generally located to the southwest. Applicant will strive to maintain the elevation of the building or buildings to be built on Bldg. 700 at approximately its present level, so it will appear to be somewhat shorter than the other buildings when viewed by parties from the northwest and northeast of Bldg. 700.

Condition 18: In regard to Bldg. 700, all of the truck parking and loading for the building shall be along the southwest side thereof and away from any residential neighbors to the northwest and northeast, and the building or buildings which will be built upon Bldg. 700 will serve as a barrier

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~~10.6.2022~~ to shield any residential neighbors to the northeast and northwest from any noise or similar conditions which might occur.

Condition 19: In regard to Bldg. 700, any parking of trucks ~~or vehicles~~ will take place on the southwest side of any building or buildings which are to be constructed upon Bldg. 700 and will be at least 350 feet from any residential neighbors presently located northeast of Bldg. 700. In essence, any building or buildings constructed upon Bldg. 700 will only serve as sound barriers to shield any residential neighbors to the northeast from any sound or other similar conditions.

Additionally, in order to develop the Property as depicted on the site plan submitted with the Application, the Applicant also requests a variance from Section 240-70.1(B) of the UDO to not provide an interparcel driveway connection to adjacent non-residential properties. The Property is located at the end of a cul-de-sac street and interparcel driveway connections would not serve their typical purpose of reducing vehicle trips on public right-of-way. Moreover, elevation differences frustrate this design from an engineering and land grading perspective and traffic safety concerns—namely, introducing multiple vehicle and truck access points near parking, loading, and driveway areas of adjacent industrial uses—would create a less safe vehicle circulation situation. Accordingly, an interparcel driveway connection is not feasible due to traffic safety and topographic concerns.

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

This 28th day of September, 2022.

Respectfully Submitted,  
MAHAFFEY PICKENS TUCKER, LLP

*Shane Lanham*

Shane M. Lanham  
Attorneys for Applicant

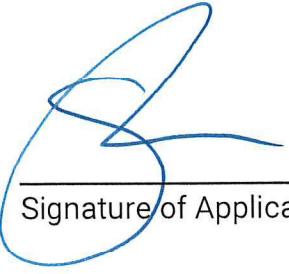
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Change in Conditions Application  
Last Updated 10/2021

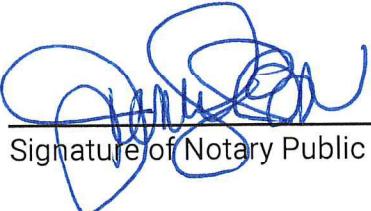
**CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION**

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.

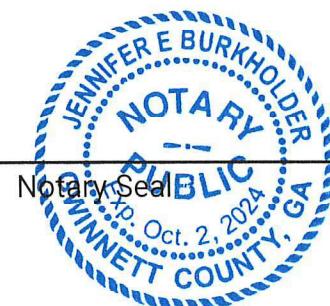
  
Signature of Applicant

10/3/22  
Date

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

  
Signature of Notary Public

10/3/22  
Date



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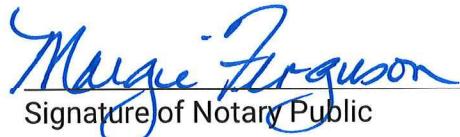


Signature of Applicant

9.9.2022

Date

MICHAEL S. IRBY, SR. VICE PRESIDENT  
Type or Print Name and Title



Signature of Notary Public

9.9.2022

Date



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Change in Conditions Application  
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**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

9.12.22

Date

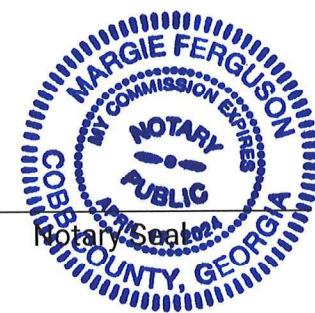
Deane Stokes for Lpc Land Holdings LLC as Manager  
Type or Print Name and Title



Signature of Notary Public

9.12.2022

Date



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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.

DATE

TYPE OR PRINT NAME AND TITLE

**SIGNATURE OF APPLICANT'S  
ATTORNEY OR REPRESENTATIVE**

DATE

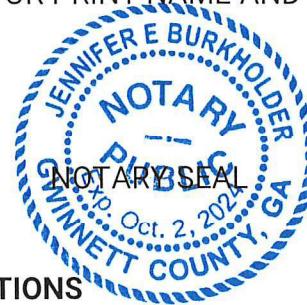
Shane Lanham, attorney for the Applicant

DATE

TYPE OR PRINT NAME AND TITLE

**SIGNATURE OF NOTARY PUBLIC**

DATE



# DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

YES  NO Please see attached

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)
Please see attached		

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

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

**MAHAFFEY PICKENS TUCKER, LLP**

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Kirkland Carden	\$2,800	11/18/2021
Marlene Fosque	\$1,500	06/15/2022

**SHANE LANHAM**

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Gabe Okoye	\$500	09/14/2022

**LEE TUCKER**

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS	DATE
Marlene Fosque	\$1,000	09/22/2022

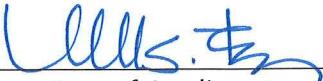
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Signature of Applicant

9.9.2022

Date

MICHAEL S. IRBY, Sr. V. P.

Type of Print Name and Title

Signature of Applicant's  
Attorney or Representative

Date

Type or Print Name and Title



Margie Ferguson

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

MICHAEL S. IRBY

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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**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: 7 015 093  
(Map Reference Number) District Land Lot Parcel

Signature of Applicant

9/30/22

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)

JESSILYN McDUFFIE

NAME

TSA

TITLE

09/30/2022

DATE