



PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2022-00013
Current Zoning: C-2 (General Business District), M-1 (Light Industry District)
Overlay District: Gateway 85 Overlay District
Request: Rezoning to M-2 (Heavy Industry District)
Address: 1500 and 1700 Block of Beaver Ruin Road
4200 Block of Steve Reynolds Boulevard
Map Number: R6184 266, R6200 004, and R6201 007, 008B, 016
Site Area: 19.26 acres
Proposed Development: Quarry and Borrow Pit
Commission District: District 1 - Commissioner Carden
Character Area: Workplace Center

Staff Recommendation: APPROVAL WITH CONDITIONS

Case Number: CIC2022-00012
Current Zoning: M-2 (Heavy Industry District)
Overlay District: Gateway 85 Overlay District
Request: Change In Conditions
Address: 1500 Block of Beaver Ruin Road
Map Number: R6201 007A and 051
Site Area: 7.90 acres
Proposed Development: Quarry and Borrow Pit
Commission District: District 1 - Commissioner Carden
Character Area: Workplace Center

Staff Recommendation: APPROVAL WITH CONDITIONS

Case Number: SUP2022-00020

Current Zoning: C-2 (General Business District), M-1(Light Industry District), M-2 (Heavy Industry District)

Overlay District: Gateway 85 Overlay District

Request: Special Use Permit

Address: 1500 and 1700 Block of Beaver Ruin Road
4200 Block of Steve Reynolds Boulevard

Map Number: R6184 266, R6200 004, and R6201 007, 007A, 008B, 016, and 051

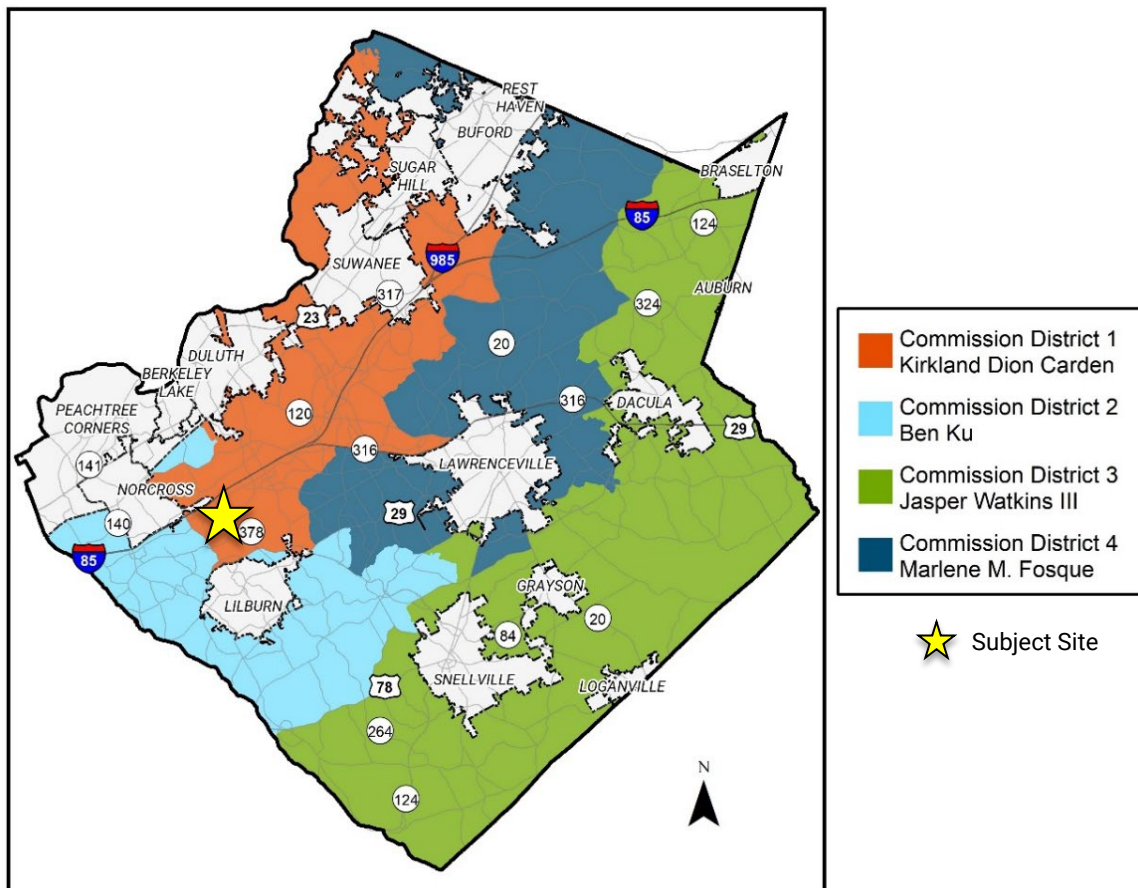
Site Area: 27.16 acres

Proposed Development: Quarry and Borrow Pit

Commission District: District 1 - Commissioner Carden

Character Area: Workplace Center

Staff Recommendation: APPROVAL WITH CONDITIONS



Applicant: Vulcan Lands, Inc.
c/o Melody A. Glouton,
Andersen, Tate & Carr, PC
1960 Satellite Boulevard,
Suite 4000
Duluth, GA 30097

Owners: Souter Holdings II, LLC
1567 Beaver Ruin Road
Norcross, GA 30093

Green Implementation Group, LLC /
Read-Norcross, LLC
300 E. Smoketree Terrace
Alpharetta, GA 30005

QuikTrip Corporation
4705 S. 129th East Avenue
Tulsa, OK 74134

Vulcan Lands, Inc.
1200 Urban Center Drive
Vestavia, AL 35242

Contact: Melody A. Glouton, Esq.

Contact Phone: 770.822.0900

Zoning History

The subject properties are zoned M-1 (Light Industry District), M-2 (Heavy Industry District), and C-2 (General Business District). The site is an assemblage of seven parcels. The following is the zoning history of the subject property:

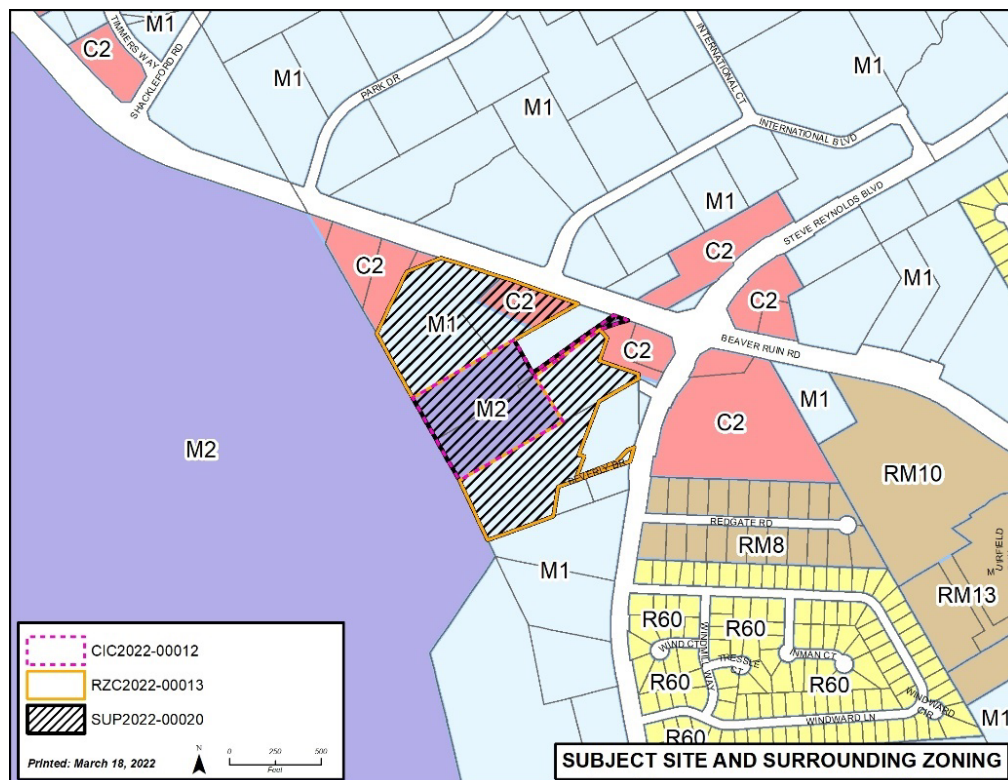
- Parcel R6200 004 is split zoned with M-1 and M-2 zoning districts. The portion fronting Beaver Ruin Road is zoned M-1. The rest of the parcel is zoned M-2 where the existing quarry is located. No prior zoning requests are on record for this property.
- Parcel R6201 016 and R62010 08B are zoned M-1. A 1987 rezoning case, REZ1987-00074, rezoned a portion of Parcel R62010 08B fronting Beaver Ruin Road from M-1 to C-2. In 2019, a special use permit was approved for both parcels for an automobile repair shop pursuant to SUP2019-00059 and for a trucking terminal pursuant to SUP2019-00060.
- Parcels R6201 051 and R6201 007A are zoned M-2. A 1980 rezoning case REZ1980-00022 rezoned both parcels from R-75 (Single-Family Residence District) to M-1. In addition, a special use permit was approved for Parcel R6201 051 for a metal recycling center pursuant to SUP2014-00037 and SUP2015-00022. Furthermore, a special use permit was approved for Parcel R6201 007A for a contractors office/heavy/civil construction/ logging, pursuant to SUP2017-00006. Subsequently, in 2019, a special use permit was approved for a contractors office/heavy/civil construction and an automobile, truck, or vehicle storage lot, pursuant to SUP2019-00023. Lastly, a 2021 rezoning case RZC2021-00001 rezoned both parcels, from M-1 to M-2, and a special use permit was approved for a solid waste transfer station pursuant to SUP2021-00003.
- Parcel R6201 007 is zoned M-1. In a 1980 rezoning case, REZ1980-00022 rezoned the property from R-75 to M-1.
- Parcel R6184 266 is zoned M-1. In 2017, a special use permit was approved for a contractors office/heavy/civil construction/ logging, pursuant to SUP2017-00006. In 2019, a special use permit was approved for a contractor's office/heavy/civil construction and an automobile, truck, or vehicle storage lot pursuant to SUP2019-00023.

Existing Site Condition

The subject site is a 27.16-acre assemblage of seven parcels located near the intersection of Beaver Ruin Road and Steve Reynolds Boulevard. The site has frontage along Beaver Ruin Road and Steve Reynolds Boulevard. A 20-foot-wide driveway provides access to the site. Parts of the subject site are heavily wooded while other areas are developed with industrial and commercial structures and uses. A trucking company, repair shop, and junk yard, are existing on the subject property. The property slopes down approximately 35 feet from the road frontage along Beaver Ruin Road to the rear property line. There are several elevation changes throughout the site creating several high points and low points. Sidewalks are present along the road frontages of Beaver Ruin Road and Steve Reynolds Boulevard. The nearest Gwinnett County Transit stop is approximately 380 feet from the site.

Surrounding Use and Zoning

The subject site is surrounded by industrial and commercial uses. To the north, across Beaver Ruin Road, is a restaurant, a place of worship, and an equipment sales and service center. There are also a number of industrial, light industrial, and distribution facilities located to the north. To the east, along Steve Reynolds Boulevard, is a distribution center, an industrial park and a restaurant. To the south is a construction supply store and a thrift store, and to the west is the Vulcan Materials Quarry. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Quarry and Borrow Pit	M-2	N/A
North	Light Industrial/Commercial/Place of Worship	M-1	N/A
East	Light Industrial/Commercial	C-2	N/A
South	Light Industrial	M-1	N/A
West	Heavy Industrial	M-2	N/A

Project Summary

The applicant requests a rezoning, a special use permit, and a change in conditions for a 27.16-acre assemblage of parcels to expand the business and berm for the existing 641 acre rock quarry on the adjacent parcel, including:

- Expansion of the existing Vulcan Norcross Quarry, which is a supplier of construction aggregate such as gravel, sand and crushed stone.
- Rezoning five of the seven parcels from M-1 to M-2, which allows a quarry and borrow pit as a special use permit.
- A change in conditions of zoning case, RZC2021-00001, for two of seven parcels which are currently zoned M-2. Conditions currently restrict the use to a "solid waste transfer station of construction debris/waste only." The applicant is requesting to strike all conditions related to this prior zoning request.
- Use of the subject property to store finely ground material, known as fines, left over after the processing of aggregate is complete. The area will also be used to store overburden which is the dirt and material lying above the granite that must be removed for access to the rock.
- Construction of a berm area created from approximately 429,000 truck hauls of dirt, clay, and rock, that would otherwise need to be relocated offsite. The berm will have a 3:1 slope with a maximum height of 14 feet.
- An existing main entrance to the quarry located on Beaver Ruin Road at the intersection of Park Drive. An existing rear entrance to the quarry, located on Hillcrest Road. No new external access points are proposed.
- Existing sidewalks along Beaver Ruin Road and Steve Reynolds Boulevard.
- A 100-foot-wide undisturbed buffer along non-Vulcan owned adjacent parcels and along a portion of Beaver Ruin Road.
- A 10-foot-wide landscape strip along Beaver Ruin Road.
- Removal of two existing buildings, one approximately 26,000 square foot truck and shipping building and another approximately 15,000 square foot truck repair building.
- Removal of junk, debris, and dilapidated fencing and accessory buildings located throughout the site.
- Retention of two buildings totalling approximately 30,000 square feet that will be rezoned from M-1 to M-2. Businesses within these multi-tenant industrial buildings include a mixture of industrial and commercial uses.
- No new building or streets are proposed for the site.

Zoning and Development Standards

The applicant is requesting a rezoning to M-2, Heavy Industry District, a Special Use Permit, and a Change in Conditions for a borrow pit and rock quarry. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Front Yard Setback	Minimum 50'	> 50'	YES
Side Yard Setback	Minimum 25'	< 25'	NO*
Rear Yard Setback	Minimum 50'	> 50'	YES
Landscape Strip	10'	10'	YES
Minimum Lot Size	1 acre	> 1 acre	YES
Minimum Lot Width	150'	> 150 feet	YES
Maximum Building Height	45'	< 45	YES

*It appears that the applicant is retaining two existing buildings toward the east of the site. One of these buildings does not meet the minimum side yard, however no changes are proposed and the building is considered "legal non-conforming".

In addition, the following standards apply to development in the Gateway 85 Overlay District:

Standard	Meets Standard?
Streetscapes shall include a sidewalk landscape strip adjacent to the roadway (Minimum 2 feet), a sidewalk (minimum 8 feet), and a landscape strip (minimum 10 feet) at the back of the sidewalk on private property.	NO

The site is located in the Gateway 85 Overlay District. The submitted site plan does not indicate these requirements. Section 220-10.2 of the UDO states that "In any case where the conditions of approval for rezoning or special use permit approved by the Board of Commissioners conflict with the provisions of an overlay district, the conditions shall take precedence." Therefore, a condition allowing exemption from these requirements would allow the development to proceed as proposed by the applicant.

Internal and External Agency Review

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

Rezoning, Change in Conditions, and Special Use Permit Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, or change in conditions, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. For Special Use Permits, 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 rezoning, change in conditions, and special use permit will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The surrounding area includes properties developed with commercial and light to heavy industrial uses along Steve Reynolds Boulevard and Beaver Ruin Road, with retail uses located at their intersection. There are no residentially zoned parcels in the adjacent area. The nearest residential uses are located on the east side of Steve Reynolds Boulevard, approximately 0.3 miles south of the intersection with Beaver Ruin Road. The property to the west is owned by Vulcan Quarry and the proposed rezoning, special use permit, and change in conditions would allow the Vulcan Quarry to construct a borrow pit area on the property and reconfigure their existing facility for the storing of fines and overburden. Therefore, the proposed use is suitable in view of the use and development of adjacent and nearby property.

B. Whether a proposed rezoning, change in conditions, and special use permit 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 proposed changes. As identified in the zoning history for the subject site, parcels within the subject site were approved for various industrial uses in the past such as a metal recycling facility, contractors office/heavy/civil construction, and automobile truck storage. Additionally, the Vulcan Quarry is an existing use on the adjacent 641 acres. The acquisition of additional acreage will allow Vulcan to construct a berm on the property. As mentioned by the applicant in the letter of intent, this will eliminate the need for Vulcan to make approximately 429,000 roundtrip truck hauls of dirt, clay, and rock that would otherwise need to be relocated offsite which would prevent over 21 million truck miles from traveling state and county roadways. Therefore, the proposed rezoning, change in conditions, and special use permit will not adversely affect the existing use or usability of adjacent or nearby property.

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

The property has reasonable economic use as currently zoned.

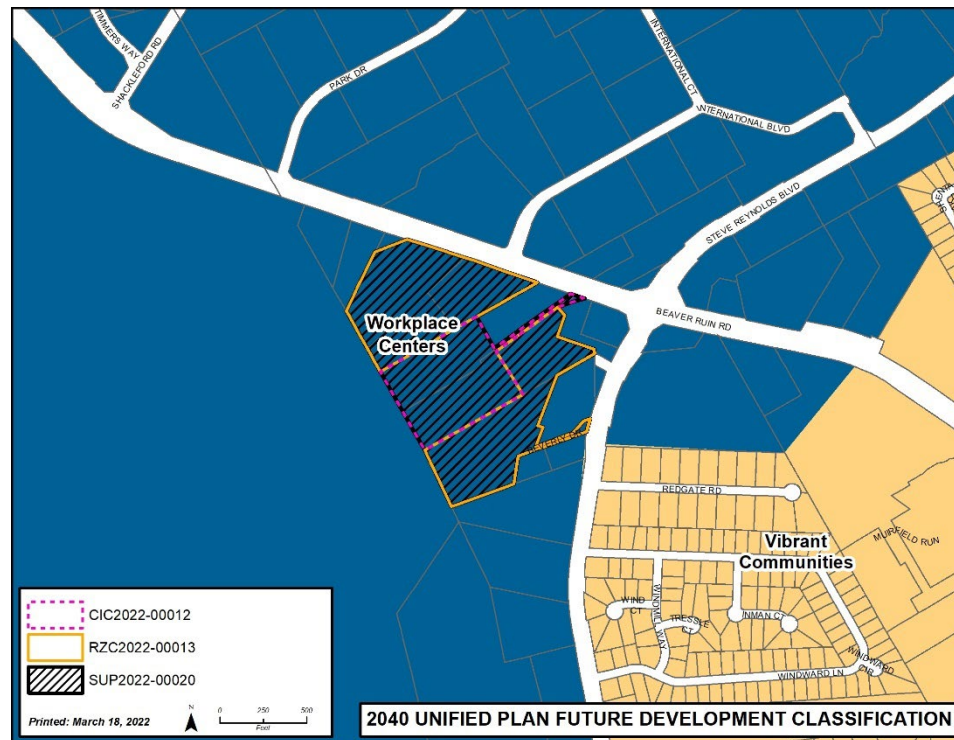
D. Whether the proposed rezoning, change in conditions, and special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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

E. Whether the proposed rezoning, change in conditions, and special use permit 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 Workplace Center Character Area. This area is intended for office parks, industrial parks, and locations for freight oriented and logistic uses that would attract a larger share of the

region's service employment to offset anticipated shrinking in manufacturing, light industrial, and retail employment and help maintain Gwinnett's overall employer variety and household incomes. The proposed industrial use would allow the expansion of an existing industrial business in the County, which could result in more industrial jobs. Therefore, the proposal is in conformance with the policy and intent of the Unified Plan and Future Development Map.



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

The nearby areas are predominantly developed with light to heavy industrial uses. A wholesale food store, concrete product supplier, pallets manufacturing and recycling company, and granite and countertop showroom are some of the industrial uses in the surrounding area. The Vulcan Quarry sits on the adjacent 641 acres property. Two of the parcels of the subject property were also recently approved for solid waste transfer station in 2021. The proposed rezoning, change in conditions, and special use permit will allow the Vulcan Quarry to construct a borrow pit eliminating the need to make several roundtrips truck hauls of dirt, clay, and rock that would otherwise need to be relocated offsite. The proposed development would be compatible with the surrounding uses which gives supporting grounds for approval of the proposed rezoning, change in conditions, and special use permit.

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 rezoning, change in conditions, and special use permit request.

Staff Recommended Conditions

RZC2022-00013

Approval as M-2 (Heavy Industry District) for the construction of a quarry and borrow pit, subject to the following conditions:

1. **The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received March 14, 2022, with revisions required by conditions of approval, and the Unified Development Ordinance, as reviewed and approved by the Planning and Development Department.**
2. **Uses shall be limited to those permitted in the M-1 zoning district with the exception of a quarry and borrow pit as a special use.**
3. **The proposed berm shall not exceed 14 feet in height, as indicated on Exhibit B.**
4. **All necessary permits shall be received prior to the demolition of existing buildings.**

CIC2022-00012

Approval as M-2 (Heavy Industry District) for the construction of a quarry and borrow pit, subject to the following conditions:

NOTE: The conditions below are those from RZC2021-00001 with suggested changes in bold or strikethrough.

1. **The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received March 14, 2022, with revisions required by conditions of approval, and the Unified Development Ordinance, as reviewed and approved by the Planning and Development Department.**
2. **Uses shall be limited to those permitted in the M-1 zoning district with the exception of a quarry and borrow pit as a special use.**
3. **The proposed berm shall not exceed 14 feet in height, as indicated on Exhibit B.**
4. **All necessary permits shall be received prior to the demolition of existing buildings.**

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

- ~~A. Use as a solid waste transfer station of construction debris/waste only and borrow pit.~~
- ~~B. Outdoor activities and storage of salvaged materials shall be prohibited. All weighing, unloading, sorting, and repackaging of salvaged materials for transportation shall occur within the proposed enclosed structure.~~

- C. ~~Metals or other recyclables from construction debris may be processed, however; metal automobile or other vehicle parts may not be recycled. The property shall not be used as a junk yard for the dismantling of wrecked automobiles or other vehicles.~~
- D. ~~There shall be no limitation on the hours of office activities. The hours of operation for delivery and receiving of materials shall be limited to:~~
 - a. ~~6:00 a.m. to 8:00 p.m., Monday through Friday.~~
 - b. ~~9:00 a.m. to 4:00 p.m. on Saturday.~~
- E. ~~No "Hazardous Substances" as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (with current amendments, and associated regulations promulgated thereunder) shall be stored or handled on the site.~~
- F. ~~Abide by all applicable requirements of the DRI #3208 GRTA Notice of Decision.~~
- G. ~~The solid waste transfer building and access driveways shall be designed so that trucks enter the building to deliver or accept loads of solid waste materials and exit through a different side of the building. The building shall not be designed so that trucks enter the building and exit through the same vehicle entrance. Building layout and design to accomplish this objective shall be subject to review and approval of the Director of Planning and Development.~~
- H. ~~The transfer station shall be a fully enclosed building with reinforced concrete floors. The floors shall be designed and installed so as to have a positive slope to the required drainage system. The design of the facility shall include the installation of a leachate collection system designed to capture and treat leachate at a wastewater treatment facility and shall further include the design and installation of a proper sanitary sewer collection system, all of which shall be designed and operated to meet local, state, and federal requirements. The building and the required systems shall be subject to review and approval of the Director of Planning and Development.~~
- I. ~~Building catch basins, floor drains, and drainage systems shall be maintained to prevent odor-causing emissions. Drainage systems shall be treated periodically with odor neutralizing and bacteria inhibiting solutions.~~
- J. ~~The developer shall seal concrete and other semi-porous surfaces to prevent the absorption of odor-producing residues and shall eliminate or screen cracks and openings in and around foundations, waste containers, and holding areas. These requirements shall be subject to review and approval of the Building Plan Review Section.~~
- K. ~~All waste must be removed from the floor of the transfer station facility daily.~~
- 2. ~~To satisfy the following site development considerations:~~
 - A. ~~Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.~~
 - B. ~~Lighting shall be placed in such a fashion so as to be directed away from adjoining properties and rights-of-way.~~

SUP2022-00020

Approval of a Special Use Permit for the construction of a quarry and borrow pit, subject to the following conditions:

- 1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received March 14, 2022, with revisions required by conditions of approval, and the Unified Development Ordinance, as reviewed and approved by the Planning and Development Department.**
- 2. Uses shall be limited to those permitted in the M-1 zoning district with the exception of a quarry and borrow pit as a special use.**
- 3. The proposed berm shall not exceed 14 feet in height, as indicated on Exhibit B.**
- 4. All necessary permits shall be received prior to the demolition of existing buildings.**

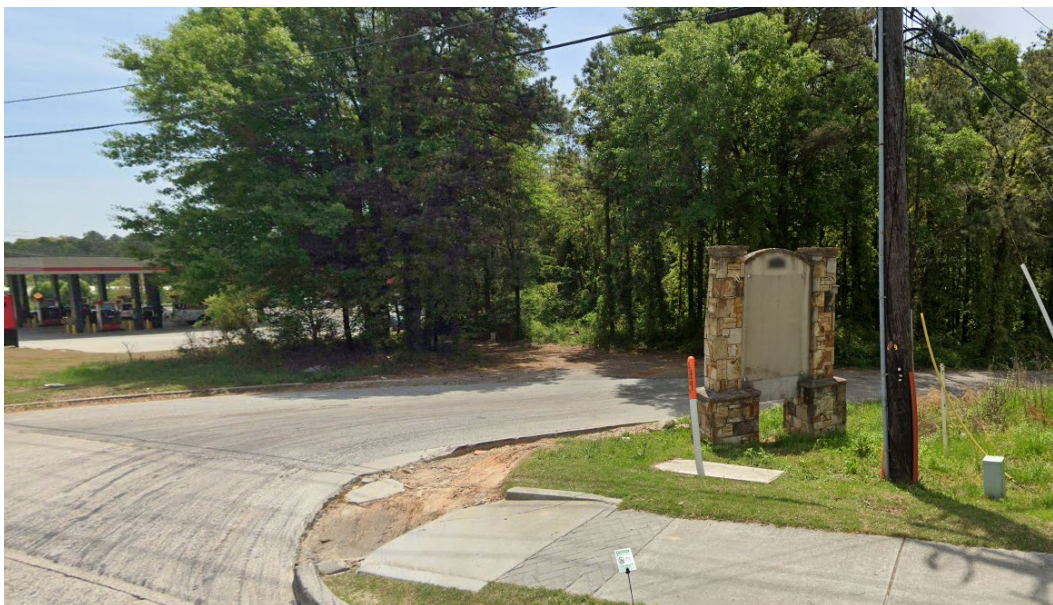
Exhibits:

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

Exhibit A: Site Visit Photos

[attached]

Exhibit A: Site Visit Photos



View from Beaver Ruin Road



View from Beaver Ruin Road



Existing buildings on the site



Existing entrance to Vulcan Quarry

Exhibit B: Site Plan

[attached]

Norcross Quarry Overview

Quarry Entrance



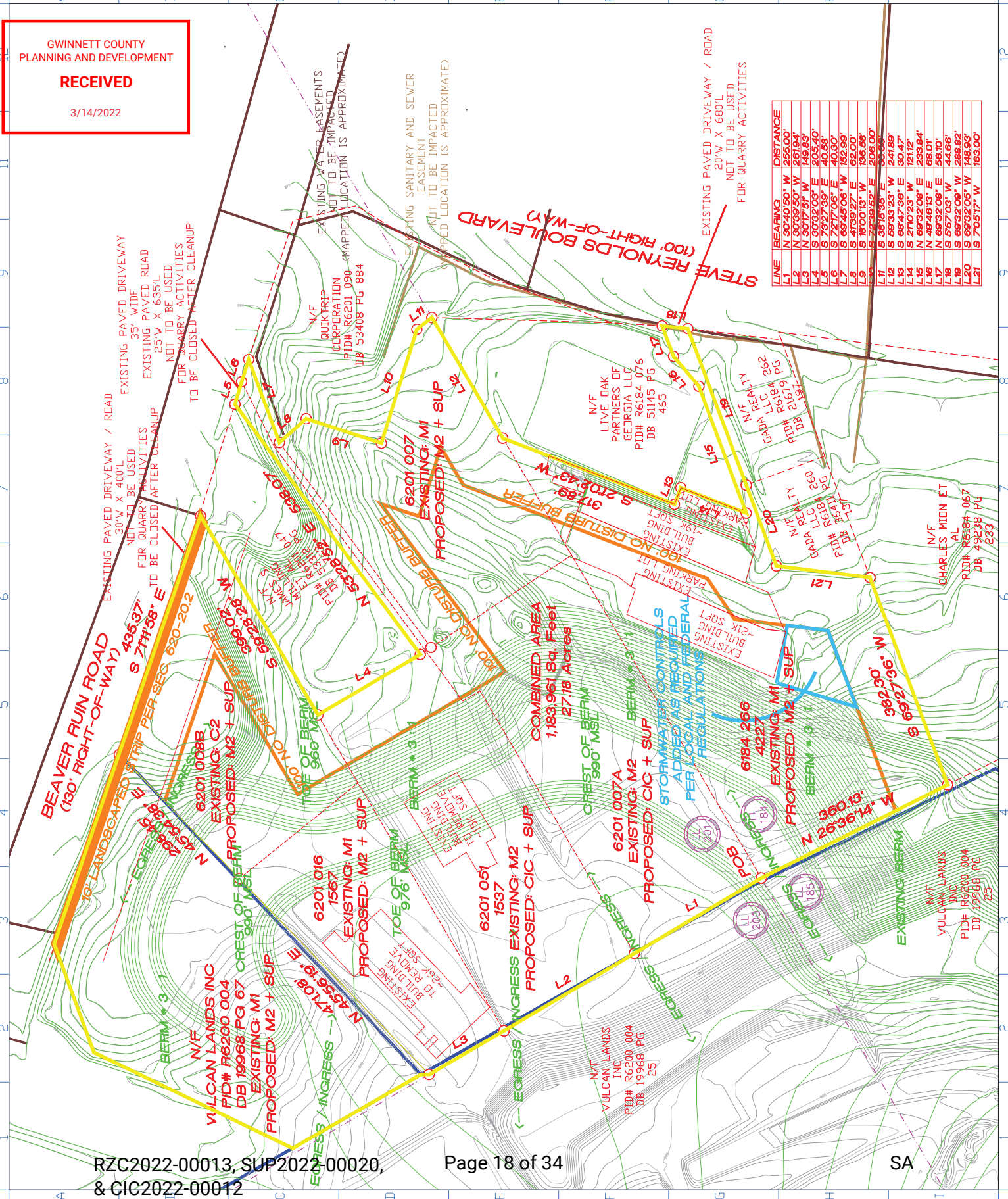
Legend

- Subject Properties
- VMC Property

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LINE	BEARING	DISTANCE
L1	N 30°40'50" W	255.00'
L2	N 30°39'50" W	261.94'
L3	N 30°17'51" W	149.83'
L4	S 30°32'03" E	205.40'
L5	S 79°27'39" E	40.58'
L6	S 72°17'06" E	40.30'
L7	S 69°45'06" W	152.99'
L8	S 47°35'27" E	62.00'
L9	S 19°00'13" W	208.00'
L10	S 38°15'59" E	208.00'
L11	S 59°33'23" W	241.89'
L12	S 68°47'36" E	50.47'
L13	S 27°0'23" W	121.12'
L14	S 69°32'08" E	233.84'
L15	N 49°46'19" E	68.01'
L16	N 69°32'08" E	56.10'
L17	S 65°03'03" W	44.66'
L18	S 69°32'08" W	288.62'
L19	S 69°32'08" W	463.00'
L20	S 7°05'17" W	166.00'

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

[attached]

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ANDERSEN | TATE | CARR

March 14, 2022

LETTER OF INTENT AND JUSTIFICATION FOR
REZONING,
SPECIAL USE PERMIT AND
CHANGE IN CONDITIONS

Rezoning, Special Use Permit, and Change in Conditions Applications
Gwinnett County, Georgia

Applicant:
Vulcan Materials Company

for
Tax Parcel IDs R6200 004, R6201 008B, R6201 016, R6201 051,
R6201 007A, R6184 266, and R6201 007
±27.18 Acres of Land
Located at 1707 Beaver Ruin Road, Norcross, Georgia
and
1537 Beaver Ruin Road, Norcross, Georgia
From M-1 and C-2 to M-2 with an SUP

Submitted for Applicant by:

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I. INTRODUCTION

These Applications for Rezoning, Special Use Permit (“SUP”), and Change in Conditions (“CIC”) are submitted for a 27.161-acre assemblage of land located in specific land lots of the 6th District of Gwinnett County, Norcross, and identified as seven (7) different tax parcels (hereinafter the “Property”)¹ on the legal survey prepared by Alliance Land Surveying dated December 29, 2021, and filed with these Applications. The Property that is the subject of these Applications is under multiple ownership and is further identified below:



¹ The Property consists of seven (7) tax parcels. Specifically:

	Property Owner	Address	Tax Parcel ID	Current Zoning	Current Use
1	SOUTER HOLDINGS II LLC	0 BEAVER RUIN RD	6201 008B	M1 & C2	Owner Occupied + Vacant
2	SOUTER HOLDINGS II LLC	1567 BEAVER RUIN RD	6201 016	M1	Owner Occupied
3	READ-NORCROSS LLC	1537 BEAVER RUIN RD	6201 051	M2	Solid Waste Transfer Station
4	READ-NORCROSS LLC	0 BEAVER RUIN RD	6201 007A	M2	Solid Waste Transfer Station
5	GREEN IMPLEMENTATION GROUP LLC	4227 STEVE REYNOLDS BLVD*	6184 266	M1	Land plus Flex Office
6	QUIKTRIP CORPORATION	0 BEAVER RUIN RD	6201 007	M1	Vacant
7	VULCAN LANDS, INC.	1707 BEAVER RUIN RD	6200 004	M1	Rock Quarry

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The Property is currently zoned both M-1 (Light Industrial District) and C-2 (General Business District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant, Vulcan Materials Company (“Vulcan”) now seeks approval to rezone the entire Property to M-2 (Heavy Industrial District) to permit the continued operation and development of a Rock Quarry and Borrow Pit, consistent with the existing facility on the adjacent 641 acres owned by the Applicant. This document is submitted as the Letter of Intent, Response to Standard Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County UDO. Due to the overall size and scope of the project, the Applicant has identified the request for the Rezoning, SUP and CIC below:

The requested **Rezoning** applies to the following **five (5) tax parcels (19.256 acres)**:

	Property Owner	Address	Tax Parcel ID	Current Zoning
1	SOUTER HOLDINGS II LLC	0 BEAVER RUIN RD	6201 008B	M1 & C2
2	SOUTER HOLDINGS II LLC	1567 BEAVER RUIN RD	6201 016	M1
3	GREEN IMPLEMENTATION GROUP LLC	4227 STEVE REYNOLDS BLVD	6184 266	M1
4	QUIKTRIP CORPORATION	0 BEAVER RUIN RD	6201 007	M1
5	VULCAN LANDS, INC.	1707 BEAVER RUIN RD	6200 004	M1

The requested **CIC** applies to the following **two (2) tax parcels (7.905 acres)**:

	Property Owner	Address	Tax Parcel ID	Current Zoning
1	READ-NORCROSS LLC	1537 BEAVER RUIN RD	6201 051	M2
2	READ-NORCROSS LLC	0 BEAVER RUIN RD	6201 007A	M2

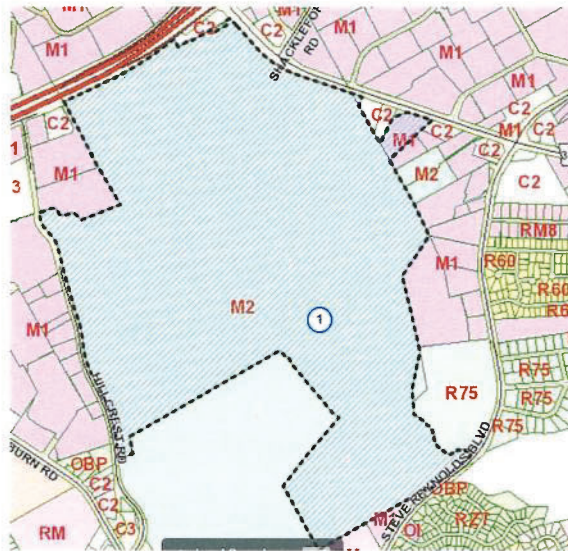
Finally, the requested **SUP** applies to all **seven (7) tax parcels (27.161 acres)**.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is an assemblage of parcels that form the northeast quadrant of the existing site near the intersection of Beaver Ruin Road and Steve Reynolds Boulevard. The surrounding area includes properties developed with light to heavy industrial uses along Steve Reynolds Boulevard and Beaver Ruin Road, with retail uses located at the intersection of these two roads. The majority of the adjacent parcels are zoned M-1 (Light Industry District) and C-2 (General Business District). There are some residential zoning classifications near the Property, which include RM8 (currently an inactive zoning classification), and R-60 (Single Family Residence District). The surrounding uses and zoning classifications for the Property are identified below:

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The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Workplace Center Character Area,” of the Gwinnett County Future Development Map. The Workplace Center Character Area is for predominantly employment oriented uses and includes office parks, industrial parks, and locations for freight oriented and logistic uses. In keeping with the policies of the Workplace Center Character Area, the future development of the existing Vulcan rock quarry would be consistent with the other light and heavy industrial uses established in the area and the proposal would be in conformity with similar recent approvals in the surrounding area.

III. PROJECT SUMMARY

Vulcan is a supplier and distributor of construction materials. It offers construction aggregates, including gravel, sand and crushed stone, for use in building bridges, parking lots, roads, airport runways, houses, hospitals, apartments, schools, commercial buildings and more. Since 1957, Vulcan has successfully operated the Norcross Quarry. The location of the Norcross Quarry is strategically located in close proximity to Interstate 85 and relieves burdens on transportation infrastructure by providing convenient delivery options to plant customers without burdening residents.

As shown on the conceptual site plan filed with these Applications (hereinafter the “Site Plan”), Vulcan proposes to acquire additional property in order to continue existing operations on the site and to better conduct operations, and store fines and overburden². The acquisition of additional acreage will allow Vulcan to construct a buffer and berm area on the Property which will significantly improve the area to the northeast. More importantly, this will eliminate the need for Vulcan to make approximately 429,000 roundtrip truck hauls of dirt, clay, and rock that would otherwise need to be relocated offsite. The proposed rezoning and SUP permit would prevent over 21 million truck miles from traveling state and County

² Fines are the finely ground materials left over after the processing of aggregate is complete. Overburden is the dirt and material lying above the granite that must be removed for access to rock.

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roadways. The additional property would allow Vulcan to build a buffer and berm area and allow the existing rock quarry to continue uninterrupted. The SUP would allow Vulcan to continue to provide necessary construction aggregates and support for public road and construction projects. The ingress and egress to the existing Norcross Quarry will remain the same. The main entrance to the quarry is located on Beaver Ruin Road at the intersection of Park Drive. There is also a rear entrance to the quarry, located on Hillcrest Road.

Pursuant to the UDO, a rock quarry, mining, and borrow pit are permitted uses in the M-2 zoning classification, with a SUP. As such, the Applicant is requesting an SUP as related to all seven (7) tax parcels. As previously indicated, five of the seven parcels require a rezoning to the M-2 zoning classification as parcels R6201 007A and R6201 051 are currently zoned M2. With regard to the existing M-2 parcels, the Applicant is seeking a CIC to remove the current conditions on the property that specifically restrict the use of the property to a “solid waste transfer station of construction debris/waste only.” The Applicant requests to modify existing conditions of RZC2021-00001 and SUP2021-00003 by striking Conditions 1 and 2 in their entirety and replacing them with the appropriate conditions as applicable to the Applicant’s SUP application. The Applicant submits that approval of the CIC application would allow the continued operation of the quarry, while also eliminating an existing solid waste transfer station use as previously permitted on the Property.

IV. RESPONSE TO STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that rezoning to M-2, satisfies UDO § 270-20.5, entitled “Standards Governing Exercise of the Zoning Power,” as follows:

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

Yes, the proposed development will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed rezoning and SUP will permit Applicant to reconfigure their existing facility for the storing of fines and overburden. The Property is located in an industrial area which is surrounded by other industrial properties and the continued operations would remain out of sight from any adjoining property owner. There are no issues with the current operation, and the proposed use and rezoning will be harmonious with the existing uses of the adjacent and nearby parcels.

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

No, approval of the proposed rezoning and SUP will not adversely affect the existing use or usability of adjacent or nearby properties from an environmental, noise, easement, accessibility, traffic, or any other standpoint. The Property is currently zoned both M-1 and

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C-2 and the proposed rezoning to M-2 will have no effect upon the existing use or usability of the adjacent properties. The site access will remain the same. Moreover, the immediate area already has several industrial uses, and the addition of the parcels to the existing facility would be complementary to what is already in the vicinity.

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

The Applicant submits that due to the size, location, layout, topography, market conditions, and natural features of the Property, it does not have reasonable economic use as currently zoned. As indicated above, some of the current Property is used as a solid waste transfer station. This rezoning would allow for the overall site to be restored to buffer and berm area, and incorporated into the existing Vulcan facility, resulting in a more cohesive development.

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

No, the proposed development will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The Property has been used for a similar industrial operation. Vulcan will not access either Beaver Ruin or Steve Reynolds Boulevard from the additional acquired Property. To be clear, the additional acreage will prevent the need for approximately 429,000 roundtrip truck hauls of dirt, clay, and rock on state and County roads.

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

The proposed rezoning and SUP applications are in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The Property is located within the Workplace Center Character Area of the 2040 Future Development Map. In keeping with the policies with the policies and intent of this Workplace Center Character Area, industrial parks are encouraged land uses and this proposed development would be compatible with the surrounding uses.

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

Given the position of the Property and its proximity to existing industrial, as well as the Beaver Ruin, Steve Reynolds, and I-85, the proposed development is an appropriate use for this site. The acquisition of additional parcels will allow Vulcan to continue operations of

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3/14/2022 their existing facility, construct a buffer and berm area on the acquired parcels, store fines and overburden materials, and relocate the central shop area.

V. JUSTIFICATION FOR REZONING AND SPECIAL USE PERMIT

The Applicant respectfully submits that "The Unified Development Ordinance of Gwinnett County, Georgia" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development and issuance of a special use permit for a rock quarry and borrow pit (M-2), is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Gwinnett County Board of Commissioners to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

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

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

Finally, the Applicant respectfully submits that the Gwinnett County Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set

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3/14/2022
forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

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

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that these Applications to Rezone from M-1 and C-2 to M-2 with a SUP, as well as the CIC, be approved. The Applicant welcomes the opportunity to meet with the Gwinnett County Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 14th day of March, 2022.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/ag

Exhibit D: Internal and External Agency Review Comments

[attached]

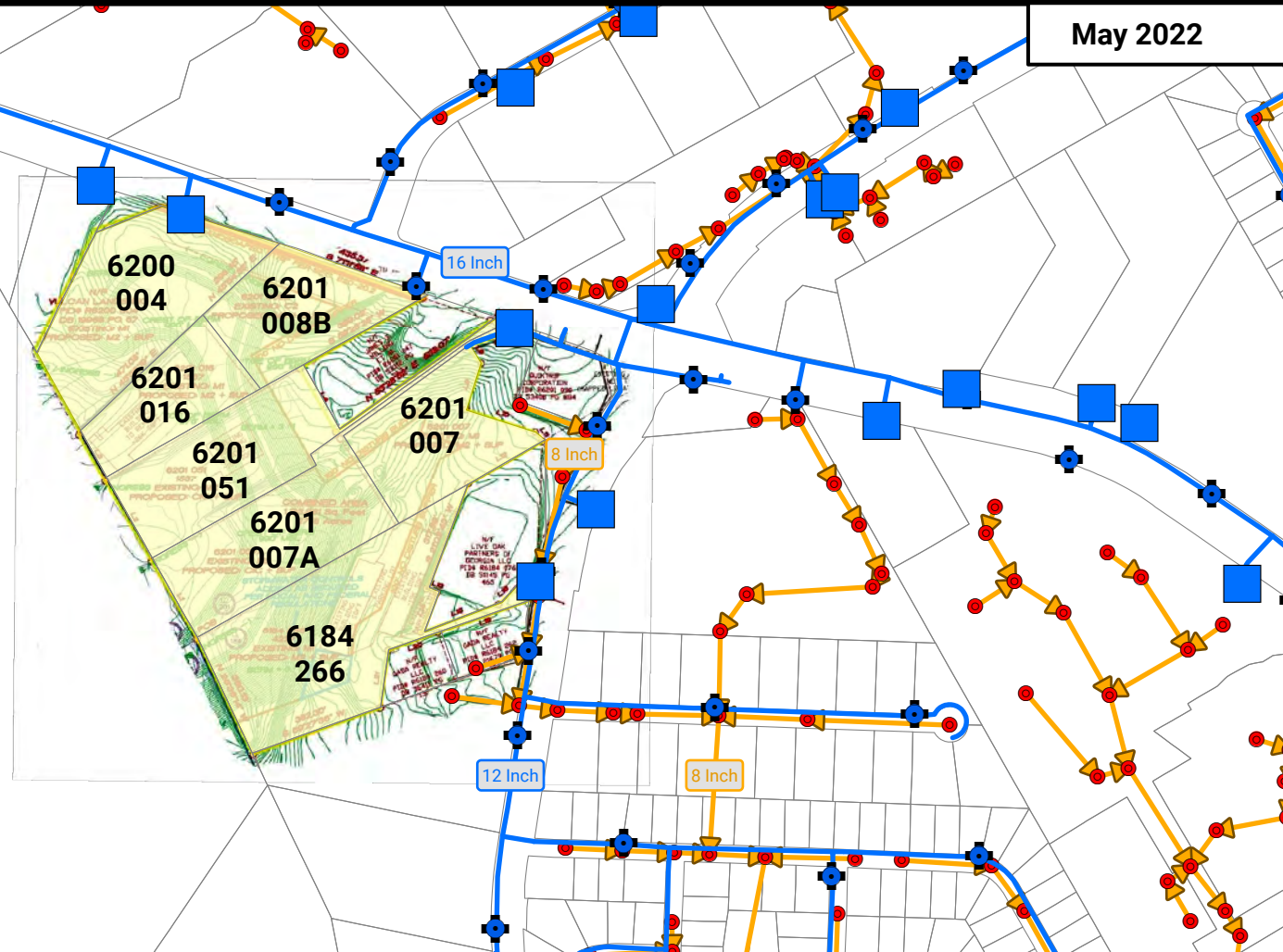


Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		4/13/2022		
Department/Agency Name:		Transportation		
Reviewer Name:		Brent Hodges		
Reviewer Title:		Construction Manager 1		
Reviewer Email Address:		Brent.Hodges@GwinnettCounty.com		
Case Number:		CIC2022-00012, RZC2022-00013, & SUP2022-00020		
Case Address:		1537 Beaver Ruin Road		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Beaver Ruin Road is a Major Arterial. ADT = 33,800. 380 feet to nearest Transit facility #2335379 Beaver Ruin Road & Shell Gas Station.			
2				
3				
4				
5				
6				
7				
Recommended Zoning Conditions:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Developer shall not add any additional Truck access to Beaver Ruin Road. There can also not be any direct access to Steve Reynolds Boulevard.			
2	Coordinate with Gwinnett County Department of Transportation (GCDOT) on any needed right-of-way dedication.			
3				
4				
5				
6				
7				

Note: Attach additional pages, if needed

Revised 7/26/2021



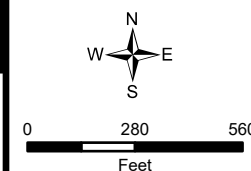
LEGEND

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

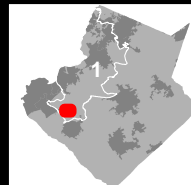
CIC2022-00012, RZC2022-00013 & SUP2022-00020

M-2

Water & Sewer Utility Map



LOCATION



Water Comments: No DWR Comments

Sewer Comments: No DWR Comments

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

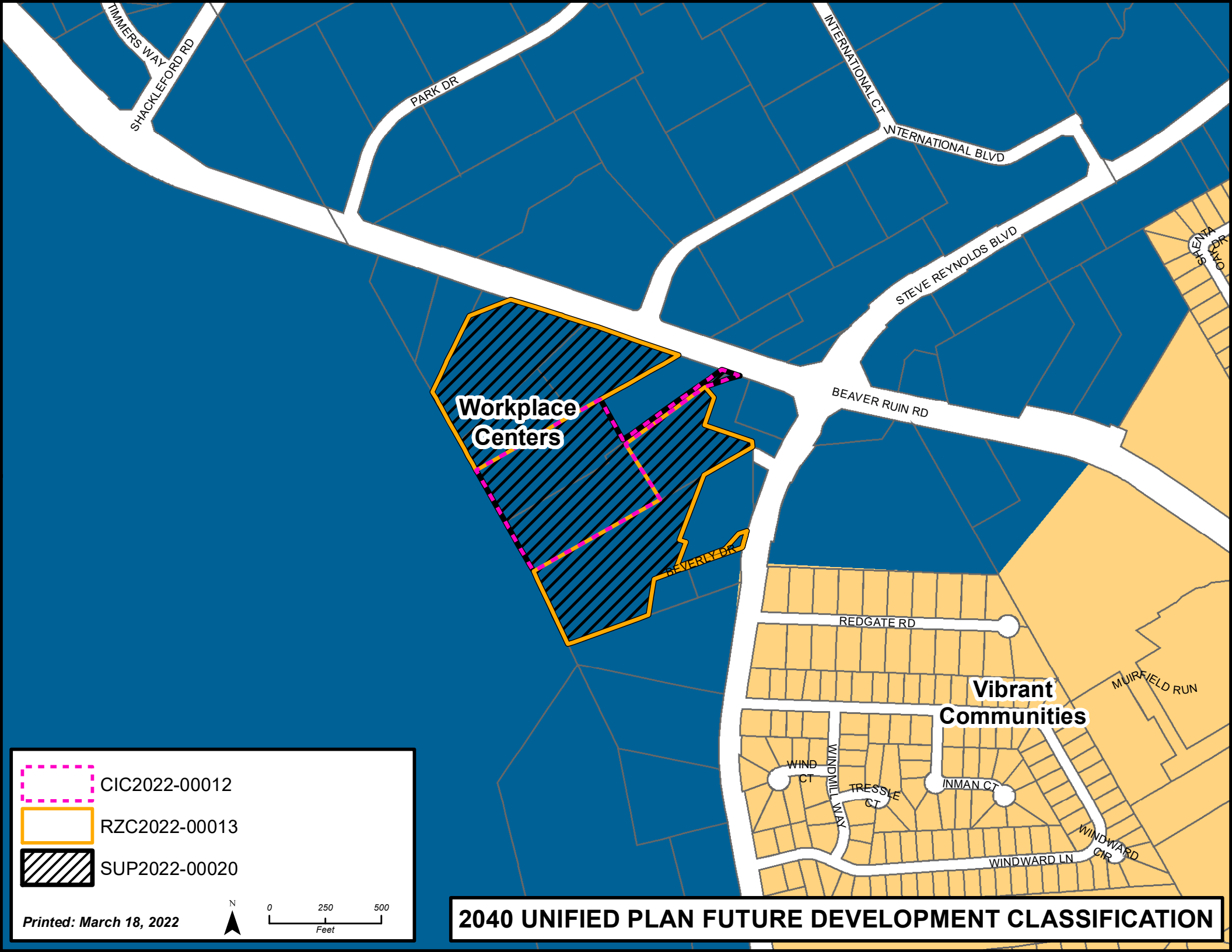
Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station,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




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


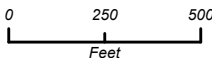
Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among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

Exhibit E: Maps

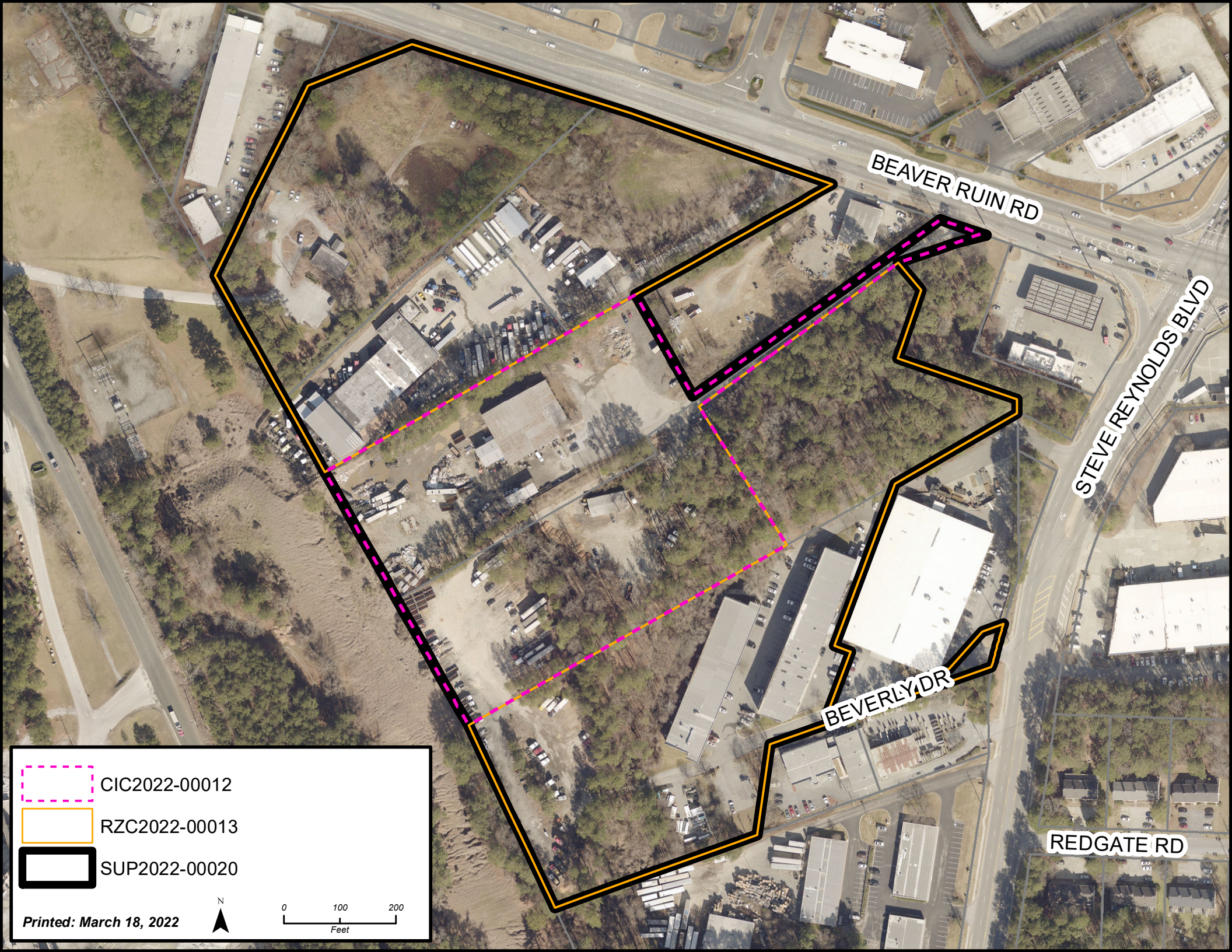
[attached]



 CIC2022-00012
 RZC2022-00013
 SUP2022-00020

Printed: March 18, 2022



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION



BEAVER RUIN RD

STEVE REYNOLDS BLVD

BEVERLY DR

REDGATE RD

CIC2022-00012

RZC2022-00013

SUP2022-00020

Printed: March 18, 2022

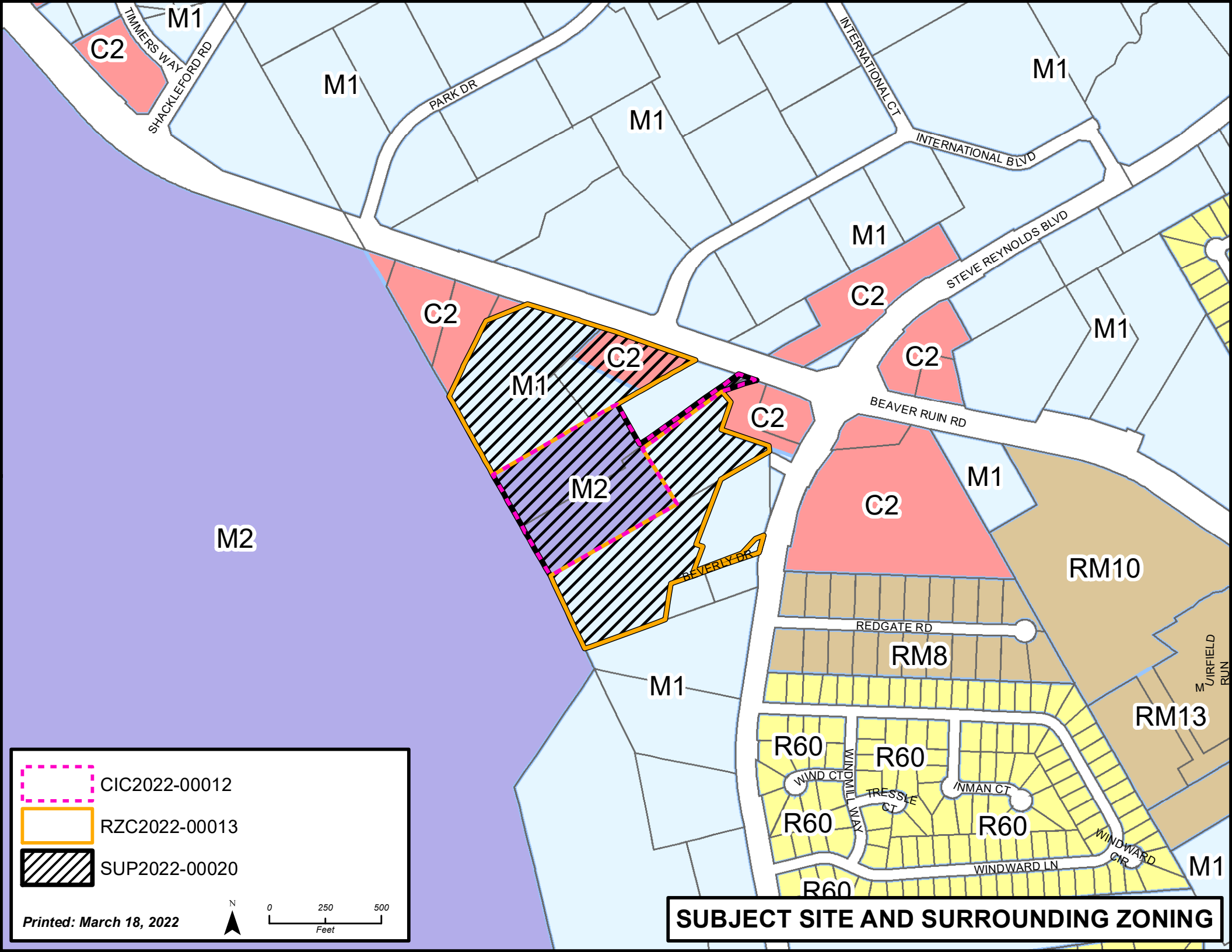
N

0

100

200

Feet



SUBJECT SITE AND SURROUNDING ZONING

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2/3/2022 4:08PM

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Vulcan Lands, Inc. c/o Melody A. Glouton Andersen, Tate & Carr, P.C. ADDRESS: 1960 Satellite Blvd., Suite 4000 CITY: Duluth STATE: GA ZIP: 30097 PHONE: 770-822-0900 EMAIL: mglouton@atclawfirm.com	NAME: Please see attached ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____ PHONE: _____ EMAIL: _____
CONTACT PERSON: Melody A. Glouton, Esq. PHONE: 770-822-0900 CONTACT'S E-MAIL: mglouton@atclawfirm.com	
<p align="center">APPLICANT IS THE:</p> <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER	
M1 and PRESENT ZONING DISTRICT(S): C2 REQUESTED ZONING DISTRICT: M2 PARCEL NUMBER(S): Please see attached ACREAGE: 22.161 ADDRESS OF PROPERTY: 1707 Beaver Ruin Road, Norcross, GA 30093 PROPOSED DEVELOPMENT: rock quarry; borrow pit	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. _____
Gross Density: _____	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

2/3/2022 4:08PM

Vulcan Rezoning Application

Property Owner and Parcel Information

1. Parcel No. R6201 008 B
0 Beaver Ruin Rd.
Souter Holdings II, LLC
1567 Beaver Ruin Rd.
Norcross, GA 30093
2. Parcel No. R6201 016
1567 Beaver Ruin Rd.
Souter Holdings II, LLC
1567 Beaver Ruin Rd.
Norcross, GA 30093
3. Parcel No. R6201 051
1537 Beaver Ruin Rd.
Read-Norcross, LLC
300 E. Smoketree Ter
Johns Creek, GA 30005
4. Parcel No. R6201 007A
Beaver Ruin Rd.
Read-Norcross, LLC
300 E. Smoketree Ter
Johns Creek, GA 30005
5. Parcel No. R6184 266
4227 Steve Reynolds Blvd.
Green Implementation Group, LLC
Read-Norcross, LLC
300 E. Smoketree Ter
Alpharetta, GA 30005
6. Parcel No. R6201 007
Beaver Ruin Rd.
QuikTrip Corporation
4705 S. 129th East Ave.
Tulsa, OK 74134

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2/3/2022 4:08PM
A parcel of land lying in Land Lot 201 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Commence at the common corner of Land Lots 184, 185, 200, and 201; thence leaving said common corner, run North 30 Degrees 40 Minutes 50 Seconds West along the common line of Land Lots 200 and 201 for a distance of 255.00 feet to a point; thence run North 30 Degrees 39 Minutes 50 Seconds West along said common line for a distance of 261.94 feet to a point, said point being the POINT OF BEGINNING for the parcel herein described; thence run North 30 Degrees 17 Minutes 51 Seconds West along said common line for a distance of 149.83 feet to a point; thence leaving said common line, run North 45 Degrees 56 Minutes 19 Seconds East for a distance of 471.08 feet to a point; thence run South 38 Degrees 55 Minutes 44 Seconds East for a distance of 263.00 feet to a point; thence run South 59 Degrees 29 Minutes 05 Seconds West for a distance of 497.03 feet to the POINT OF BEGINNING.

Said parcel contains 98,933 square feet, or 2.271 acres.

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A parcel of land lying in Land Lot 201 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Commence at the common corner of Land Lots 184, 185, 200, and 201; thence leaving said common corner, run North 30 Degrees 40 Minutes 50 Seconds West along the common line of Land Lots 200 and 201 for a distance of 255.00 feet to a point; thence run North 30 Degrees 39 Minutes 50 Seconds West along said common line for a distance of 261.94 feet to a point; thence leaving said common line, run North 59 Degrees 29 Minutes 05 Seconds East for a distance of 497.03 feet to a point, said point being the POINT OF BEGINNING for the parcel herein described; thence run North 38 Degrees 55 Minutes 44 Seconds West for a distance of 263.00 feet to a point; thence run North 45 Degrees 54 Minutes 38 Seconds East for a distance of 298.45 feet to a point lying on the southerly right-of-way of Beaver Ruin Road (130' right-of-way); thence run South 71 Degrees 11 Minutes 58 Seconds East along said right-of-way for a distance of 435.37 feet to a point; thence leaving said right-of-way, run South 59 Degrees 28 Minutes 28 Seconds West for a distance of 399.02 feet to a point; thence run South 59 Degrees 29 Minutes 05 Seconds West for a distance of 136.42 feet to the POINT OF BEGINNING.

Said parcel contains 127,490 square feet, or 2.927 acres.

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A parcel of land lying in Land Lot 201 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Commence at the common corner of Land Lots 184, 185, 200, and 201; thence leaving said common corner, run North 30 Degrees 40 Minutes 50 Seconds West along the common line of Land Lots 200 and 201 for a distance of 255.00 feet to a point, said point being the POINT OF BEGINNING for the parcel herein described; thence run North 30 Degrees 39 Minutes 50 Seconds West along said common line for a distance of 261.94 feet to a point; thence leaving said common line, run North 59 Degrees 29 Minutes 05 Seconds East for a distance of 497.03 feet to a point; thence run North 59 Degrees 29 Minutes 05 Seconds East for a distance of 136.42 feet to a point; thence run South 30 Degrees 32 Minutes 03 Seconds East for a distance of 205.40 feet to a point; thence run North 53 Degrees 28 Minutes 52 Seconds East for a distance of 538.07 feet to a point lying on the southerly right-of-way of Beaver Ruin Road (130' right-of-way); thence run South 73 Degrees 27 Minutes 39 Seconds East along said right-of-way for a distance of 40.58 feet to a point; thence leaving said right-of-way, run South 63 Degrees 19 Minutes 27 Seconds West for a distance of 125.28 feet to a point; thence run South 53 Degrees 28 Minutes 10 Seconds West for a distance of 547.45 feet to a point; thence run South 30 Degrees 22 Minutes 11 Seconds East for a distance of 34.67 feet to a point; thence run South 59 Degrees 32 Minutes 35 Seconds West for a distance of 526.08 feet to the POINT OF BEGINNING.

Said parcel contains 168,897 square feet, or 3.877 acres.

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A parcel of land lying in Land Lot 201 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Begin at the common corner of Land Lots 184, 185, 200, and 201; thence leaving said common corner, run North 30 Degrees 40 Minutes 50 Seconds West along the common line of Land Lots 200 and 201 for a distance of 255.00 feet to a point; thence leaving said common line, run North 59 Degrees 32 Minutes 35 Seconds East for a distance of 526.08 feet to a point; thence run North 30 Degrees 22 Minutes 11 Seconds West for a distance of 34.67 feet to a point; thence run North 53 Degrees 28 Minutes 10 Seconds East for a distance of 547.45 feet to a point; thence run North 63 Degrees 19 Minutes 27 Seconds East for a distance of 125.28 feet to a point lying on the southerly right-of-way of Beaver Ruin Road (130' right-of-way); thence run South 72 Degrees 17 Minutes 06 Seconds East along said right-of-way for a distance of 40.30 feet to a point; thence leaving said right-of-way, run South 69 Degrees 45 Minutes 06 Seconds West for a distance of 152.99 feet to a point; thence run South 53 Degrees 29 Minutes 46 Seconds West for a distance of 440.29 feet to a point; thence run South 33 Degrees 13 Minutes 27 Seconds East for a distance of 290.52 feet to a point; thence run South 59 Degrees 33 Minutes 23 Seconds West for a distance of 647.02 feet to the POINT OF BEGINNING.

Said parcel contains 175,468 square feet, or 4.028 acres.

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2/3/2022 4:08PM
A parcel of land lying in Land Lot 201 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Commence at the common corner of Land Lots 184, 185, 200, and 201; thence leaving said common corner, run North 59 Degrees 33 Minutes 23 Seconds East along the common line of Land Lots 184 and 201 for a distance of 647.02 feet to a point, said point being the POINT OF BEGINNING of the parcel herein described; thence leaving said common line, run North 33 Degrees 13 Minutes 27 Seconds West for a distance of 290.52 feet to a point; thence run North 53 Degrees 29 Minutes 46 Seconds East for a distance of 440.29 feet to a point; thence run South 41 Degrees 39 Minutes 27 Seconds East for a distance of 62.00 feet to a point; thence run South 18 Degrees 00 Minutes 13 Seconds West for a distance of 136.58 feet to a point; thence run South 72 Degrees 39 Minutes 52 Seconds East for a distance of 206.00 feet to a point; thence run South 38 Degrees 15 Minutes 35 Seconds East for a distance of 33.00 feet to a point; thence run South 59 Degrees 33 Minutes 23 Seconds West for a distance of 241.89 feet to point; thence run South 59 Degrees 33 Minutes 23 Seconds West for a distance of 234.61 feet to the POINT OF BEGINNING.

Said parcel contains 130,466 square feet, or 2.995 acres.

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A parcel of land lying in Land Lot 184 of the 6th District of Gwinnett County, Georgia, and being more particularly described as follows:

Begin at the common corner of Land Lots 184, 185, 200, and 201; thence leaving said common corner, run North 59 Degrees 33 Minutes 23 Seconds East along the common line of Land Lots 184 and 201 for a distance of 647.02 feet to a point; thence run North 59 Degrees 33 Minutes 23 Seconds East along said common line for a distance of 234.61 feet to a point; thence leaving said common line, run South 21 Degrees 02 Minutes 43 Seconds West for a distance of 317.89 feet to a point; thence run South 68 Degrees 47 Minutes 36 Seconds East for a distance of 30.47 feet to a point; thence run South 21 Degrees 10 Minutes 23 Seconds West for a distance of 121.12 feet to a point; thence run North 69 Degrees 32 Minutes 08 Seconds East for a distance of 233.84 feet to a point; thence run North 49 Degrees 46 Minutes 13 Seconds East for a distance of 68.01 feet to a point; thence run North 69 Degrees 32 Minutes 08 Seconds East for a distance of 56.10 feet to a point lying on the westerly right-of-way of Steve Reynolds Boulevard (100' right-of-way); thence run South 05 Degrees 57 Minutes 03 Seconds West along said right-of-way for a distance of 44.66 feet to a point; thence leaving said right-of-way, run South 69 Degrees 32 Minutes 09 Seconds West for a distance of 288.82 feet to a point; thence run South 69 Degrees 32 Minutes 05 Seconds West for a distance of 148.94 feet to a point; thence run South 07 Degrees 05 Minutes 17 Seconds West for a distance of 163.00 feet to a point; thence run South 69 Degrees 27 Minutes 36 Seconds West for a distance of 382.30 feet to a point; thence run North 26 Degrees 36 Minutes 14 Seconds West for a distance of 360.13 feet to the POINT OF BEGINNING.

Said parcel contains 264,115 square feet, or 6.063 acres.

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SURVEY NOTES

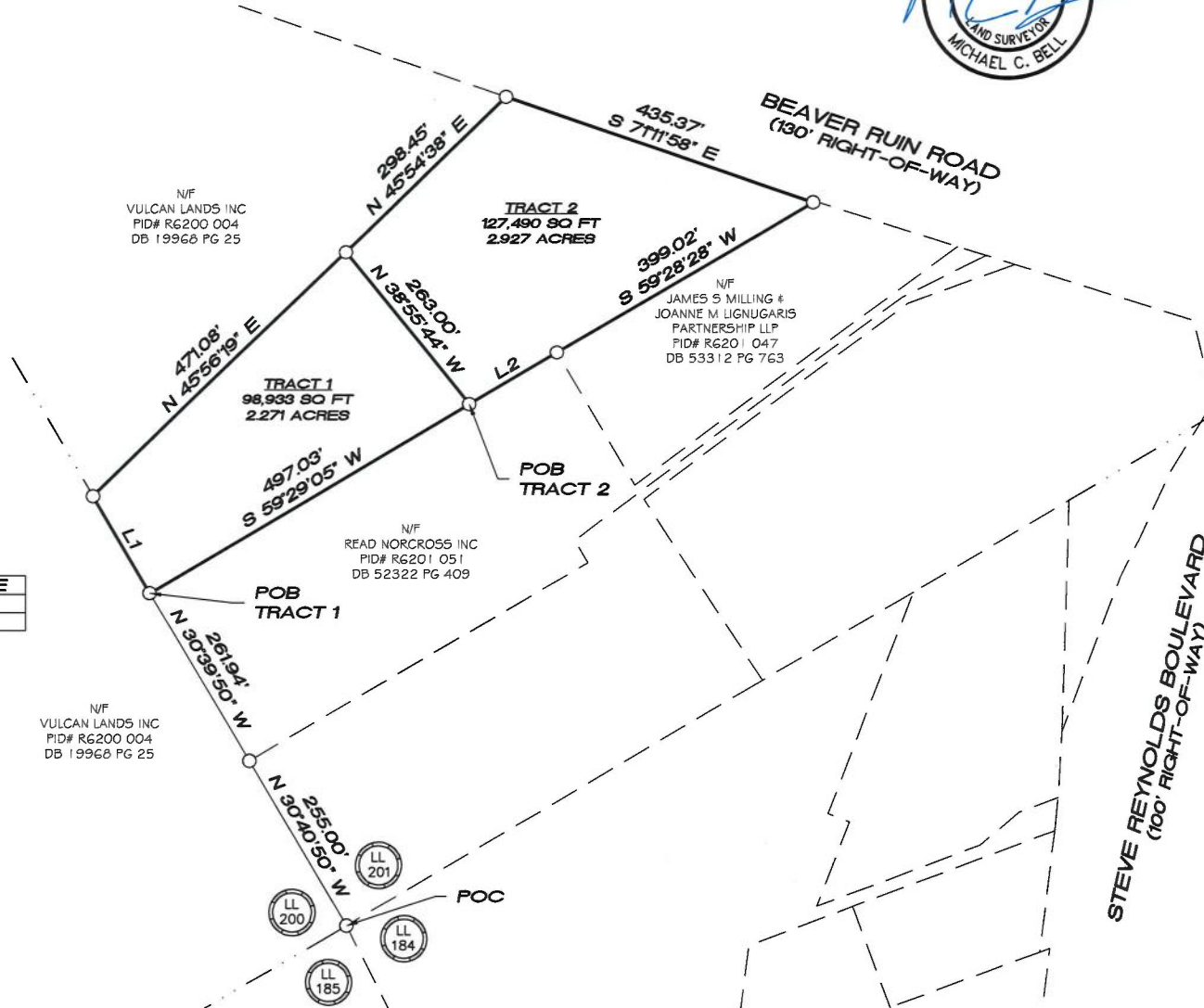
1. All easements and encumbrances shown hereon are those of which the surveyor has knowledge as shown hereon; others may exist of which the surveyor has no knowledge and of which there is no observable evidence. **2/13/2022 4:08PM**
2. The property shown hereon is subject to all easements and restrictions of record both written and unwritten.
3. According to the Flood Insurance Rate Map (FIRM) for Gwinnett County, Georgia, (Community-panel) number 13135C0004F # 13135C00099F, dated September 29, 2006, all of the subject property lies within Zone X, defined as "areas determined to be outside the 0.2% annual chance floodplain."
4. North arrow and bearings shown hereon are based on GA West Zone - NAD83 adjusted 2011. Using Global Positional System (GPS) and obtained by RTK observations on 12/23/2021 using the Leica SmartNet System. All distances are horizontal ground measurements expressed in U.S. Survey Feet.
5. This plat has been calculated for closure and is found to be accurate within one foot in 837,266 feet.
6. This plat was prepared for the exclusive use of the person, persons, or entity named hereon. This plat does not extend to any unimproved person, persons, or entity without express written certification by the surveyor naming said person, persons, or entity.
7. State, County, and Local buffers and setbacks might exist on the subject property that are not shown hereon.
8. This survey is not valid without the Original Signature and Seal of a Georgia Licensed Surveyor.
9. Alliance Surveying does not warrant the existence or nonexistence of any wetlands or hazardous wastes located on the Subject Property.
10. This exhibit was produced using the subject property as well as adjoining properties deeds. This is a property exhibit and shall not be used to convey property.
11. Current Property Owner: Souter Holdings II LLC

COMBINED AREA
226,425 SQ FT
5.198 ACRES

LINE	BEARING	DISTANCE
L1	N 30°17'51" W	149.83'
L2	S 59°29'05" W	136.42'

LEGEND

- LAND LOT
 COMPUTED POINT
 PROPERTY LINE
 ADJACENT PROPERTY LINE



GRID NORTH
GEORGIA WEST STATE PLANE
NAD 83 (2011)
1" = 150'



SHEET
1 OF 4

ALLIANCE
LAND SURVEYING

LSE 1322
4525 SOUTH LEE STREET
BUDFORD, GA 30018
770.225.4730 | www.allall.com

DATE	DESCRIPTION
12/29/2021	

PROPERTY EXHIBITS FOR:
VULCAN LANDS INC
LAND LOT: 201
6TH DISTRICT
WINNETT COUNTY, GEORGIA
DATE: 12/29/21
DRAWN BY: TCS
CHECKED BY: MCB

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

RECEIVED

SURVEY NOTES

2/3/2022 4:08PM

- All easements and rights of way of which the surveyor has knowledge are shown hereon; others may exist of which the surveyor has no knowledge and of which there is no observable evidence.
- The property shown hereon is subject to all easements and restrictions of record both written and unwritten.
- According to the Flood Insurance Rate Map (FIRM) for Gwinnett County, Georgia, (Community-panel number 13135C0089), dated September 29, 2006, all of the subject property lies within Zone X, defined as "areas determined to be outside the 0.2% annual chance floodplain."
- North arrow and bearings shown hereon are based on GA West Zone - NAD83 adjusted 2011. Using Global Positional System (GPS) and obtained by RTK observations on 12/23/2021 using the Leica Smartnet System. All distances are horizontal ground measurements expressed in U.S. Survey Feet.
- This plat has been calculated for closure and is found to be accurate within one foot in 1,464,798 feet.
- This plat was prepared for the exclusive use of the person, persons, or entity named hereon. This plat does not extend to any unnamed person, persons, or entity without express written certification by the surveyor naming said person, persons, or entity.
- State, County, and Local buffers and setbacks might exist on the subject property that are not shown hereon.
- This survey is not valid without the Original Signature and Seal of a Georgia Licensed Surveyor.
- Alliance Surveying does not warrant the existence or nonexistence of any wetlands or hazardous wastes located on the Subject Property.
- This exhibit was produced using the subject property as well as adjoining properties' deeds. This is a property exhibit and shall not be used to convey property.
- Current Property Owners: Read Noncross LLC

COMBINED AREA
344,366 SQ FT
7.906 ACRES



LEGEND



LAND LOT

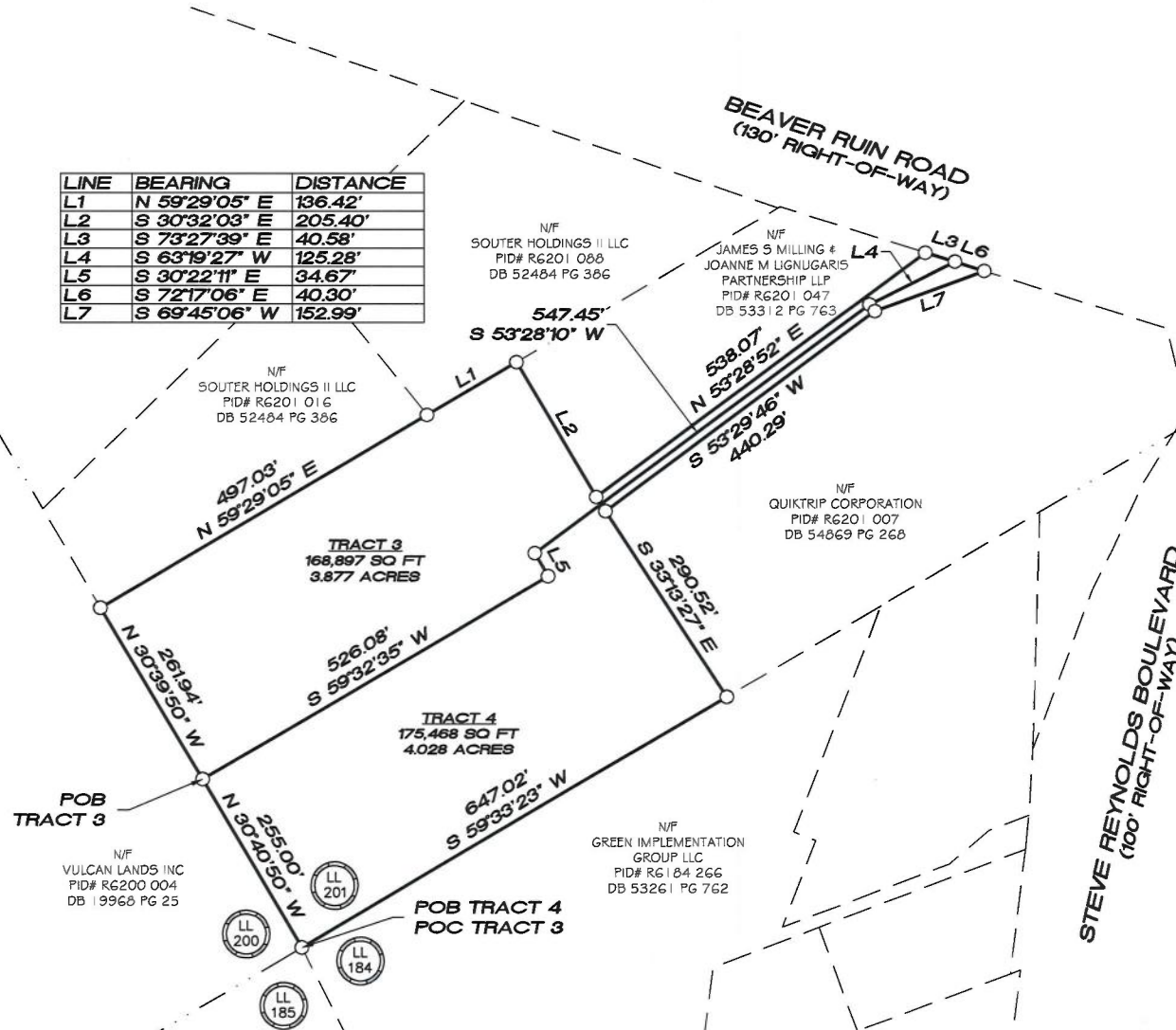


COMPUTED POINT

PROPERTY LINE

ADJACENT PROPERTY LINE

LINE	BEARING	DISTANCE
L1	N 59°29'05" E	136.42'
L2	S 30°32'03" E	205.40'
L3	S 73°27'39" E	40.58'
L4	S 63°19'27" W	125.28'
L5	S 30°22'11" E	34.67'
L6	S 72°17'06" E	40.30'
L7	S 69°45'06" W	152.99'



GRID NORTH
GEORGIA WEST STATE PLANE
NAD 83 (2011)



SCALE: 1" = 150'

LSF, 1322
4625 SOUTH STREET
BUCAR, CA 90018
770.225.4730 | www.aasurveying.com

ALLIANCE
LAND SURVEYING

REVISIONS

DATE DESCRIPTION

12/29/2021

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

PROPERTY EXHIBITS FOR:

VULCAN LANDS INC

LAND LOT: 201

6TH DISTRICT

GWINNETT COUNTY, GEORGIA

DATE: 12/29/21

DRAWN BY: TCS

CHECKED BY: MCB

WINNETT COUNTY
PLANNING AND DEVELOPMENT

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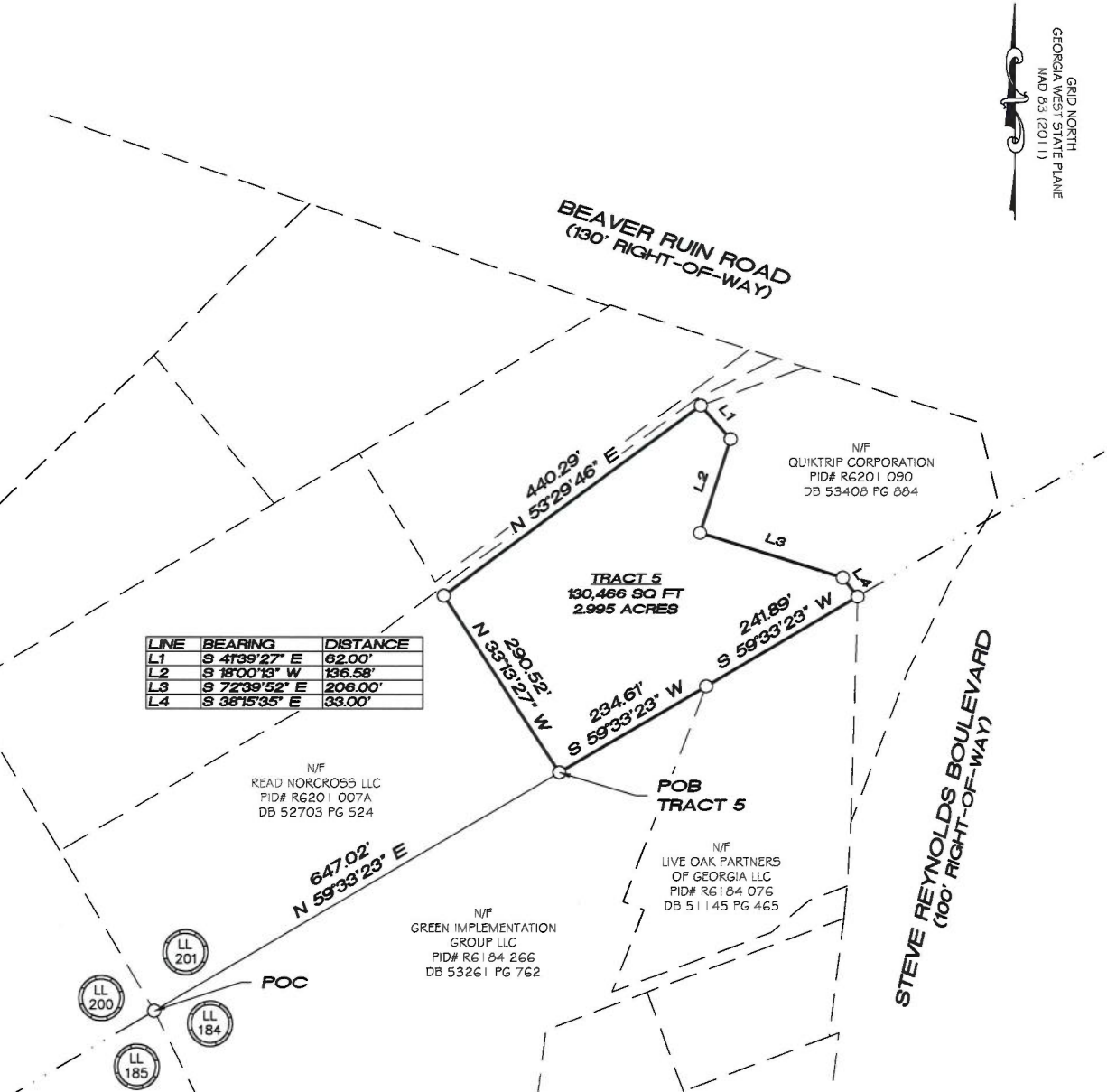
- All easements and rights of way of which the surveyor has knowledge and of which there is no observable evidence.
- The property shown hereon is subject to all easements and restrictions of record both written and unwritten.
- According to the Flood Insurance Rate Map (FIRM) for Gwinnett County, Georgia, (Community-panel number 13135C0099F, dated September 29, 2006), all of the subject property lies within Zone X, defined as "areas determined to be outside the 0.2% annual chance floodplain."
- North arrow and bearings shown hereon are based on GA West Zone - NAD83 adjusted 2011. Using Global Positional System (GPS) and obtained by RTK observations on 1/23/2021 using the Leica Smartnet System. All distances are horizontal ground measurements expressed in U.S. Survey Feet.
- This plat has been calculated for closure and is found to be accurate within one foot in 729.611 feet.
- This plat was prepared for the exclusive use of the person, persons, or entity named hereon. This plat does not extend to any unnamed person, persons, or entity without express written certification by the surveyor naming said person, persons, or entity.
- State, County, and local buffers and setbacks might exist on the subject property that are not shown hereon.
- This survey is not valid without the Original Signature and Seal of a Georgia Licensed Surveyor.
- Alliance Surveying does not warrant the existence or nonexistence of any wetlands or hazardous wastes located on the Subject Property.
- This exhibit was produced using the subject property as well as adjoining properties' deeds. This is a property exhibit and shall not be used to convey property.
- Current Property Owner: Quiktrip Corporation



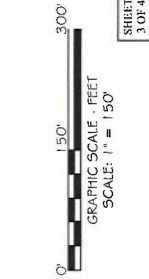
LEGEND

- LAND LOT
- COMPUTED POINT
- PROPERTY LINE
- ADJACENT PROPERTY LINE

LINE	BEARING	DISTANCE
L1	S 41°39'27" E	62.00'
L2	S 18°00'13" W	136.58'
L3	S 72°39'52" E	206.00'
L4	S 38°15'35" E	33.00'



GRID NORTH
GEORGIA WEST STATE PLANE
NAD 83 (2011)



ALLIANCE LAND SURVYING
LSE 1322
4525 SOUTH LEE STREET
BUFORD, GA 30518
770.225.4730 | www.alspl.com

REVISIONS	DATE	DESCRIPTION
	12/29/2021	

PROPERTY EXHIBITS FOR:
VULCAN LANDS INC
LAND LOTS: 201
6TH DISTRICT
WINNETT COUNTY, GEORGIA
DATE: 1/23/21
DRAWN BY: TCS
CHECKED BY: MCB

WINNETT COUNTY
PLANNING AND DEVELOPMENT

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2/3/2022 4:01 PM

1. All easements and rights of way of which the surveyor has knowledge are shown hereon, others may exist of which the surveyor has no knowledge and no evidence.
2. The property shown hereon is subject to all easements and restrictions of record both written and unwritten.
3. According to the Flood Insurance Rate Map (FIRM) for Winnett County, Georgia, (Community-panel number 13135C0099F, dated September 29, 2006), all of the subject property lies within Zone X, defined as "areas determined to be outside the 0.2% annual chance floodplain."
4. North arrow and bearings shown hereon are based on GA West Zone - NAD83 adjusted 2011. Using Global Positional System (GPS) and obtained by RTK observations on 1/23/2021 using the Leica Smartnet System. All distances are horizontal ground measurements expressed in U.S. Survey Feet.
5. This plat has been calculated for closure and is found to be accurate within one foot in 920,993 feet.
6. This plat was prepared for the exclusive use of the person, persons, or entity named hereon. This plat does not extend to any unnamed person, persons, or entity without express written certification by the surveyor naming said person, persons, or entity.
7. State, County, and Local buffers and setbacks might exist on the subject property that are not shown hereon.
8. This survey is not valid without the Original Signature and Seal of a Georgia Licensed Surveyor.
9. Alliance Surveying does not warrant the existence or nonexistence of any wetlands or hazardous wastes located on the Subject Property.
10. This exhibit was produced using the subject property as well as adjoining properties' deeds. This is a property exhibit and shall not be used to convey property.
11. Current Property Owner: Green Implementation Group LLC

LINE	BEARING	DISTANCE
L1	S 68°47'36" E	30.47'
L2	S 21°10'23" W	121.12'
L3	N 49°46'13" E	68.01'
L4	N 69°32'08" E	56.10'
L5	S 05°57'03" W	44.66'
L6	S 69°32'05" W	148.94'
L7	S 07°05'17" W	163.00'

N/F
READ NORCROSS LLC
PID# R6201 007A
DB 52703 PG 524

N/F
QUIKTRIP CORPORATION
PID# R6201 007
DB 54869 PG 268

N/F
LIVE OAK PARTNERS
OF GEORGIA LLC
PID# R6184 076
DB 51145 PG 465

N/F
GADA REALTY LLC
PID# R6184 262
DB 21679 PG 197

N/F
CHARLES MION ET AL
PID# R6184 067
DB 49238 PG 233

N/F
VULCAN LANDS INC
PID# R6200 004
DB 19968 PG 25

TRACT 6
264,115 SQ FT
6.063 ACRES

POB
TRACT 6

STEVE REYNOLDS BOULEVARD
(100' RIGHT-OF-WAY)

GRID NORTH
GEORGIA WEST STATE PLANE
NAD 83 (2011)

0' 150' 300'
GRAPHIC SCALE - FEET
SCALE: 1" = 150'

SHEET
4 OF 4



LEGEND



LAND LOT



COMPUTED POINT

PROPERTY LINE

ADJACENT PROPERTY LINE

REVISIONS

DESCRIPTION

DATE

12/29/2021

PROPERTY EXHIBITS FOR:
VULCAN LANDS INC
LAND LOT: 184
6TH DISTRICT
WINNETT COUNTY, GEORGIA
DATE: 2/2/2022
DRAWN BY: MCB
CHECKED BY: MCB

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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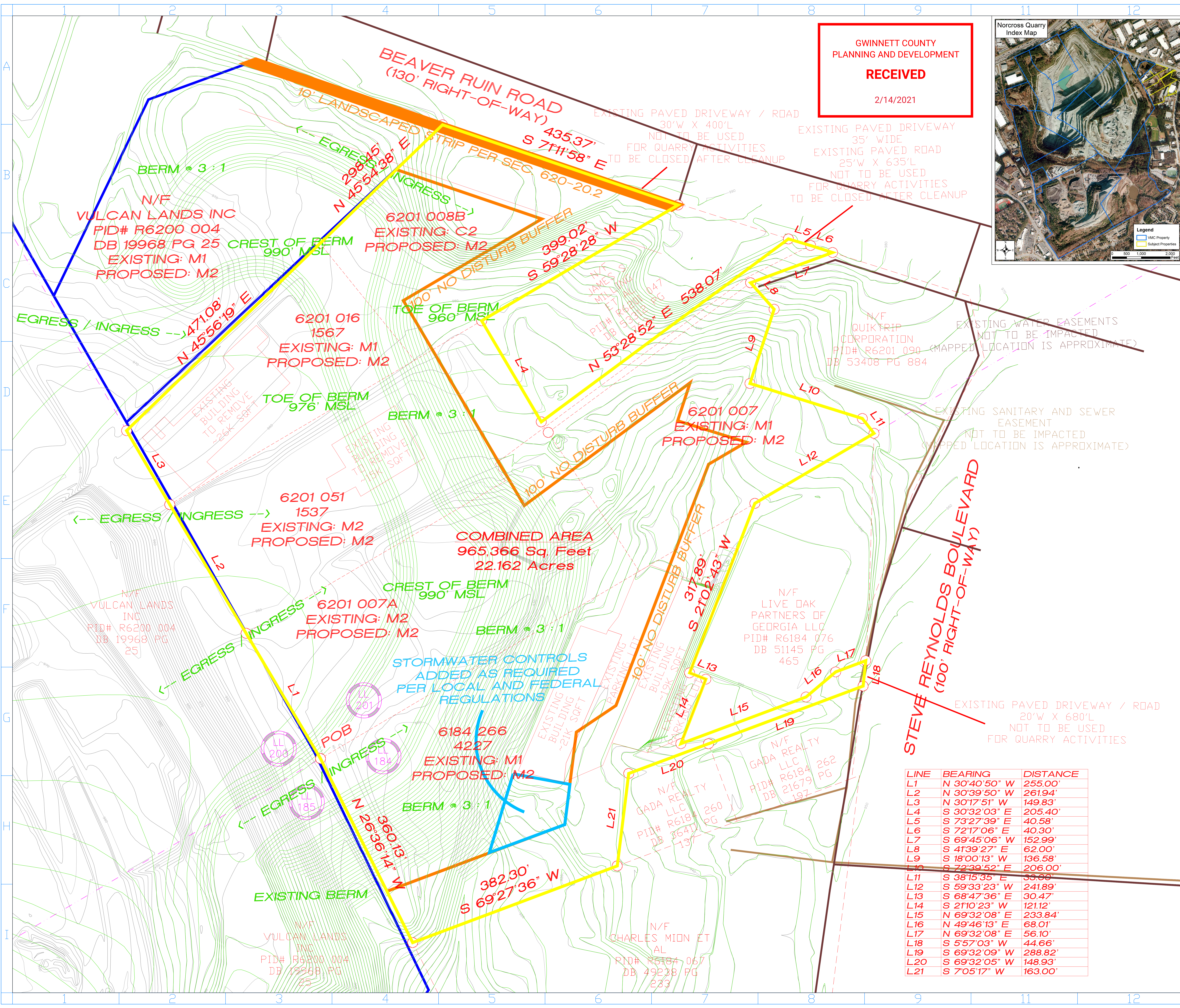
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Norcross Quarry
Northeast Fill and Berm Area
Conceptual Site Plan
12-16-2021

Subject Area: ~22 Acres



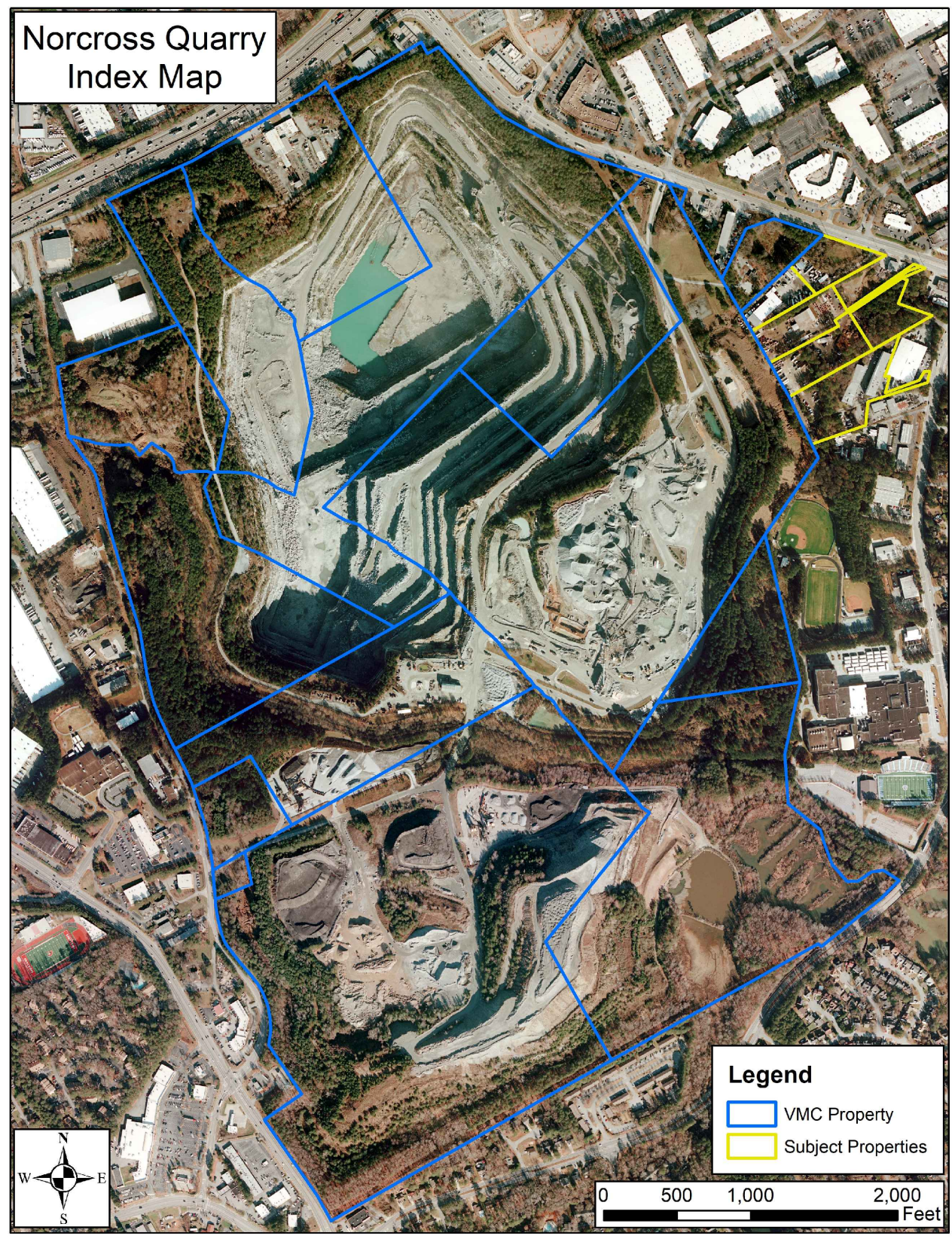
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Feet



GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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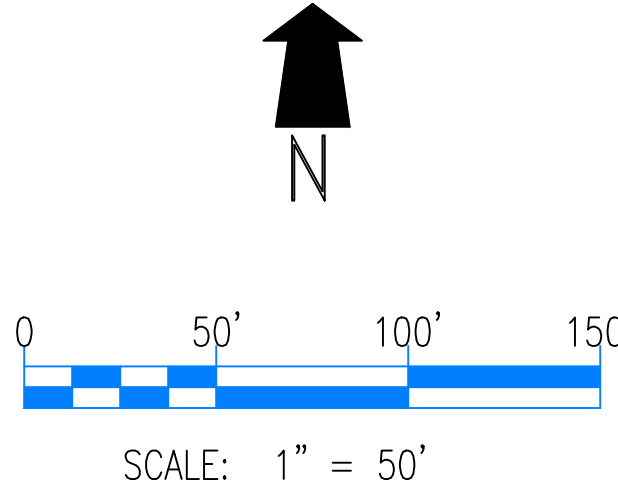
2/14/2021



Vulcan
Materials Company

Norcross Site Plan (Prelim)
12-23-2021 Aerial + Topo

DIVISION	SED		
PLANT	Norcross Quarry		
DWN BY/JWR	DATE 2-10-2022	CHK BY	
JOB NO.	PATH		
DWG NO.	20220210_Norcross_Site_Plan.dwg		



THIS DRAWING IN DESIGN AND DETAIL IS THE PROPERTY OF VULCAN MATERIALS COMPANY AND MUST BE RETURNED UPON DEMAND. THIS DRAWING MUST NOT BE COPIED, REPRODUCED, OR USED WITHOUT PERMISSION.

Site Contact: Terrell Rogers
(404) 379-5152
1707 Beaver Run Road
Norcross, GA 30093

SURVEY BY	Alliance Land Surveying		
CONTOUR INT.	2'	PHOTO DATE	Dec 23, 2021
COMPLERS		EDITOR	

LEGEND	
	SUBJECT PROPERTY
	GROSS ACREAGE - 22.162 ACRES
	NET ACREAGE DISTURBED - 12.132 ACRES
	VMC PROPERTY
	100' NO DISTURB BUFFER
	STORMWATER CONTROLS
	SEWER EASEMENT (APPROX)
	WATER EASEMENT (APPROX)
	2' CONTOURS BEFORE
	2' CONTOURS AFTER
RED TEXT - LAND / ZONING / SURVEYS	
GREEN TEXT - EARTH WORK	
FLOODPLAIN NOT APPLICABLE	
PARKING CALCULATION NOT APPLICABLE	

LINE	BEARING	DISTANCE
L1	N 30°40'50" W	255.00'
L2	N 30°39'50" W	261.94'
L3	N 30°17'51" W	149.83'
L4	S 30°32'03" E	205.40'
L5	S 73°27'39" E	40.58'
L6	S 72°17'06" E	40.30'
L7	S 69°45'06" W	152.99'
L8	S 41°39'27" E	62.00'
L9	S 18°00'13" W	136.58'
L10	S 72°39'52" E	206.00'
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L14	S 21°10'23" W	121.12'
L15	N 69°32'08" E	233.84'
L16	N 49°46'13" E	68.01'
L17	N 69°32'08" E	56.10'
L18	S 5°57'03" W	44.66'
L19	S 69°32'09" W	288.82'
L20	S 69°32'05" W	148.93'
L21	S 7°05'17" W	163.00'

D			
C			
B			
A			
DATE	REVISION	BY	
ISSUE DATE: INITIAL RELEASE			

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2/3/2022 4:08PM

ANDERSEN | TATE | CARR

February 3, 2022

**LETTER OF INTENT AND JUSTIFICATION FOR
REZONING AND SPECIAL USE PERMIT**

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

Applicant:
Vulcan Materials Company

for
Tax Parcel IDs R6201 008B, R6201 016, R6201 051, R6201 007A, R6184 266, R6201 007
±22.18 Acres of Land
Located at 1707 Beaver Ruin Road, Norcross, Georgia
From M-1 and C-2 to M-2 with an SUP

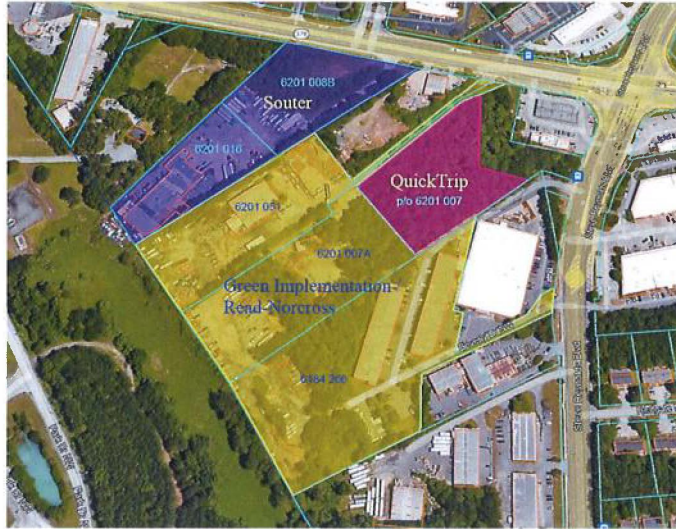
Submitted for Applicant by:
Melody A. Glouton, Esq.
Andersen Tate & Carr, P.C.
One Sugarloaf Centre
1960 Satellite Blvd.
Suite 4000
Duluth, Georgia 30097
770.822.0900
mglouton@atclawfirm.com

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1. INTRODUCTION

These Applications for Rezoning and Special Use Permit (“SUP”) are submitted for a 22.161-acre assemblage of land located in specific land lots of the 6th District of Gwinnett County, Norcross, and identified as six (6) different tax parcels (hereinafter the “Property”)¹ on the legal survey prepared by Alliance Land Surveying dated December 29, 2021, and filed with these Applications. The Property that is the subject of these Applications is under multiple ownership and is further identified below:



The Property is currently zoned both M-1 (Light Industrial District) and C-2 (General Business District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant, Vulcan Materials Company (“Vulcan”) now seeks approval to rezone the entire Property to M-2 (Heavy Industrial District) to permit the continued operation and development of a Rock Quarry and Borrow Pit, consistent with the existing facility on the adjacent 641 acres owned by the Applicant. This document is submitted as the Letter of Intent, Response to Standard

¹ The Property consists of six (6) tax parcels. Specifically:

1	SOUTER HOLDINGS II LLC	0 BEAVER RUIN RD	6201 008B	M1 & C2	Owner Occupied + Vacant
2	SOUTER HOLDINGS II LLC	1567 BEAVER RUIN RD	6201 016	M1	Owner Occupied
3	READ-NORCROSS LLC	1537 BEAVER RUIN RD	6201 051	M1	Rezoned for Solid Waste Transfer Station
4	READ-NORCROSS LLC	0 BEAVER RUIN RD	6201 007A	M1	
5	GREEN IMPLEMENTATION GROUP LLC	4227 STEVE REYNOLDS BLVD*	6184 266	M1	Land plus Flex Office
6	QUIKTRIP CORPORATION	0 BEAVER RUIN RD	6201 007	M1	Vacant

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Governing the Exercise of Zoning Power, and other materials required by the Gwinnett County
UDO: 2/3/2012 4:08PM

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is an assemblage of parcels that form the northeast quadrant of the existing site near the intersection of Beaver Run Road and Steve Reynolds Boulevard. The surrounding area includes properties developed with light to heavy industrial uses along Steve Reynolds Boulevard and Beaver Run Road, with retail uses located at the intersection of these two roads. The majority of the adjacent parcels are zoned M-1 (Light Industry District) and C-2 (General Business District). There are some residential zoning classifications near the Property, which include RM8 (currently an inactive zoning classification), and R-60 (Single Family Residence District).



The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Workplace Center Character Area,” of the Gwinnett County Future Development Map. The Workplace Center Character Area is for predominantly employment oriented uses and includes office parks, industrial parks, and locations for freight oriented and logistic uses. In keeping with the policies of the Workplace Center Character Area, the future development of the existing Vulcan rock quarry would be consistent with the other light and heavy industrial uses established in the area and the proposal would be in conformity with similar recent approvals in the surrounding area.

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III. PROJECT SUMMARY

Vulcan is a supplier and distributor of construction materials. It offers construction aggregates, including gravel, sand and crushed stone, for use in building bridges, parking lots, roads, airport runways, houses, hospitals, apartments, schools, commercial buildings and more. Since 1957, Vulcan has successfully operated the Norcross Quarry. The location of the Norcross Quarry is strategically located in close proximity to Interstate 85 and relieves burdens on transportation infrastructure by providing convenient delivery options to plant customers without burdening residents.

As shown on the conceptual site plan filed with these Applications (hereinafter the "Site Plan"), Vulcan proposes to acquire additional property in order to continue existing operations on the site and to better conduct operations, and store fines and overburden². The acquisition of additional acreage will allow Vulcan to construct a buffer and berm area on the Property which will significantly improve the area to the northeast. More importantly, this will eliminate the need for Vulcan to make approximately 429,000 roundtrip truck hauls of dirt, clay, and rock that would otherwise need to be relocated offsite. The proposed rezoning and SUP permit would prevent over 21 million truck miles from traveling state and County roadways.

Under the UDO, a rock quarry, mining, and borrow pit are permitted in the M-2 zoning classification, with a SUP. The additional property would allow Vulcan to build a buffer and berm area and allow the existing rock quarry to continue uninterrupted. The SUP would allow Vulcan to continue to provide necessary construction aggregates and support for public road and construction projects.

IV. RESPONSE TO STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Pursuant to UDO § 270-20.6, entitled "Impact Analysis," the Applicant submits its written impact analysis which shows that rezoning to M-2, satisfies UDO § 270-20.5, entitled "Standards Governing Exercise of the Zoning Power," as follows:

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

Yes, the proposed development will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed rezoning and SUP will permit Applicant to reconfigure their existing facility for the storing of fines and overburden. The Property is located in an industrial area which is surrounded by other industrial properties and the continued operations would remain out of sight from any adjoining property owner. There are no issues with the current operation, and the proposed

² Fines are the finely ground materials left over after the processing of aggregate is complete. Overburden is the dirt and material lying above the granite that must be removed for access to rock.

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use and rezoning will be harmonious with the existing uses of the adjacent and nearby parcels.

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

No, approval of the proposed rezoning and SUP will not adversely affect the existing use or usability of adjacent or nearby properties from an environmental, noise, easement, accessibility, traffic, or any other standpoint. The Property is currently zoned both M-1 and C-2 and the proposed rezoning to M-2 will have no effect upon the existing use or usability of the adjacent properties. The site access will remain the same. Moreover, the immediate area already has several industrial uses, and the addition of the parcels to the existing facility would be complementary to what is already in the vicinity.

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

The Applicant submits that due to the size, location, layout, topography, market conditions, and natural features of the Property, it does not have reasonable economic use as currently zoned. As indicated above, some of the current Property is used as a solid waste transfer station. This rezoning would allow for the overall site to be restored to buffer and berm area, and incorporated into the existing Vulcan facility, resulting in a more cohesive development.

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

No, the proposed development will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The Property has been used for a similar industrial operation. Vulcan will not access either Beaver Ruin or Steve Reynolds Boulevard from the additional acquired Property. To be clear, the additional acreage will prevent the need for approximately 429,000 roundtrip truck hauls of dirt, clay, and rock on state and County roads.

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

The proposed rezoning and SUP applications are in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The Property is located within the Workplace Center Character Area of the 2040 Future Development Map. In keeping with the policies with the policies and intent of this Workplace Center Character Area, industrial parks are encouraged land uses and this proposed development would be compatible with the surrounding uses.

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WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL:

Given the position of the Property and its proximity to existing industrial, as well as the Beaver Ruin, Steve Reynolds, and I-85, the proposed development is an appropriate use for this site. The acquisition of additional parcels will allow Vulcan to continue operations of their existing facility, construct a buffer and berm area on the acquired parcels, store fines and overburden materials, and relocate the central shop area.

V. JUSTIFICATION FOR REZONING AND SPECIAL USE PERMIT

The Applicant respectfully submits that "The Unified Development Ordinance of Gwinnett County, Georgia" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development and issuance of a special use permit for a rock quarry and borrow pit (M-2), is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Gwinnett County Board of Commissioners to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

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

Further, the Applicant respectfully submits that failure to approve the requested rezoning change would be unconstitutional and would discriminate in an arbitrary, capricious and

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unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

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

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

VI. CONCLUSION

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

Respectfully submitted this 3rd day of February, 2022.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.


Enclosures
MAG/ag

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REZONING APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



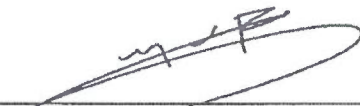
Signature of Applicant

1/28/2022

Date

Alex Tsynman/ Manager

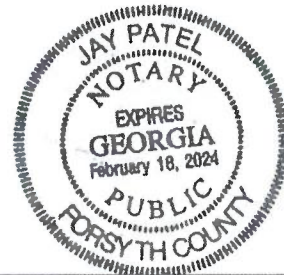
Type or Print Name and Title



Signature of Notary Public

01/28/2022

Date



Notary Seal

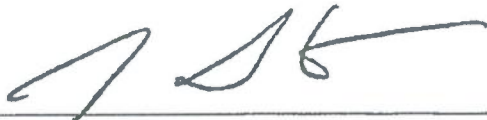
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Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

REZONING PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



Signature of Property Owner

1/5/2022

Date

John Souter | Sole Member.

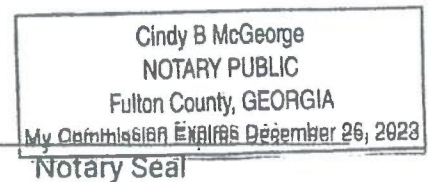
Type or Print Name and Title



Signature of Notary Public

Date

1/5/22



RECEIVED

2/3/2022 4:08PM

REZONING APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



Signature of Applicant

2/3/22

Date

CRAG WILLIAMS

REGIONAL DIRECTOR OF REAL ESTATE

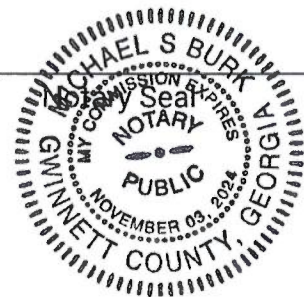
Type or Print Name and Title



Signature of Notary Public

2/3/22

Date



RECEIVED

2/3/2022 4:08PM

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Melody A. Glouton

02/03/2022

MELODY A. GLOUTON

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE

[Signature]

2/3/22

SIGNATURE OF NOTARY PUBLIC

DATE



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

☐

YES

☒

NO

VULCAN LANDS, INC.

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

2/3/2022 4:08PM

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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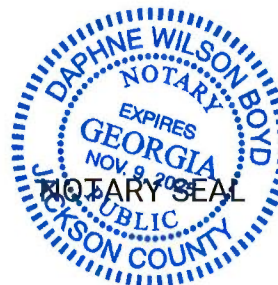
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Melody A. Glouton 2/3/22 Melody A. Glouton, Attorney for Applicant

SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

D. Sch 2/13/22

SIGNATURE OF NOTARY PUBLIC DATE



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

☒ YES ☐ NO Andersen, Tate & Carr, P.C.
YOUR NAME

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

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Nicole Love Hendrickson-Chairwoman	\$1,000	09/30/2020
Kirkland Carden - Planning Commissioner	\$2,800	11/16/2021

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

RECEIVED

2/3/2022 4:08PM

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE 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: R6 - 201 - 008B
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

1/5/22
Date

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

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

TAX COMMISSIONERS USE ONLY

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

Ante Flowers
NAME

Tax Services Assoc II
TITLE

1-5-2022
DATE

Taxes are current

RECEIVED

2/3/2022 4:08PM

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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

PARCEL I.D. NUMBER: R6 - 201 - 007A
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

1/5/22
Date

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

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

TAX COMMISSIONERS USE ONLY

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

Ante Flowers
NAME

Tax Services Assoc II
TITLE

1-5-2022
DATE

Taxes are current

RECEIVED

2/3/2022 4:08PM

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

PARCEL I.D. NUMBER: R6 - 184 - 266
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

1/5/22
Date

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

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

TAX COMMISSIONERS USE ONLY

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

Quetta Flowers
NAME

Tax Services Assoc II
TITLE

1-5-2022
DATE

Taxes are current

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

PARCEL I.D. NUMBER: R6 - 201 - 007
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

1/5/22
Date

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

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

TAX COMMISSIONERS USE ONLY

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

Agnes Howes
NAME

Tax Services Assoc II
TITLE

1-5-2022
DATE

Taxes are current

RECEIVED

2/3/2022 4:08PM

REZONING CHECKLIST

The following is a checklist of information required for submission of a Rezoning application. The Planning and Development Department reserves the right to reject any incomplete application.

- ☐ Application Form
- ☐ Legal Description
- ☐ Boundary Survey Including Existing Conditions
- ☐ Site Plan (one (1) digital copy to scale)
- ☐ Standards Governing Exercise of the Zoning Power
- ☐ Letter of Intent
- ☐ Applicant Certification with Notarized Signature
- ☐ Property Owner Certification with Notarized Signature
- ☐ Conflict of Interest Certification/Campaign Contributions
- ☐ Verification of Paid Property Taxes (most recent year)
- ☐ Application Fee – make checks payable to Gwinnett County

Additional Exhibits (if required):

- ☐ Additional site plan requirements for OSC, TND, R-SR, R-TH, MU-N, MU-C, MU-R and HRR rezoning requests
- ☐ Traffic Impact Study
- ☐ Review Form for Development of Regional Impact
- ☐ Building Compliance Inspection Report

Please bring this checklist when filing for a Rezoning



Gwinnett

GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

446 West Crogan Street, Suite 300 | Lawrenceville, GA 30046-2440
678.518.6000
GwinnettCounty.com

PRE-APPLICATION MEETING MINUTES

Subject Property: 1707 Beaver Ruin Road

Application Type: Rezoning to M-2 and Special Use Permit for a Quarry

Date: 12/21/2021

Attendees:

Name	Organization	Title	Email
Jocelyn Leitch	Gwinnett County	Senior Planner	jocelyn.leitch@gwinnettcountry.com
Melody A. Glouton	Andersen, Tate & Carr, P.C.	Partner	mglouton@atclawfirm.com
Jimmy Flemming	Vice President of Permitting	Vulcan Materials Company	flemmingj@vmcmail.com
Joseph Roth	Mining Engineer	Vulcan Materials Company	rothj@vmcmail.com

Summary of Request:

- The applicant is requesting a Special Use Permit and Rezoning to M-2 for five parcels for the expansion of a rock quarry.
- The applicant is proposing a 15' vegetative berm and storage of quarry overburden on the site.

Comments:

- The parcels are located within the Gateway 85 Overlay District and subject to the requirements of [Sec. 220-50](#).
- It is recommended to schedule a pre-application meeting (PAM) with the Planning and Development Department for information regarding possible additional requirements prior to the rezoning and special use permit application submittal. The meeting will include representatives from other departments in the County. Please contact Darlene Beamon to schedule the PAM. Her contact information is 678-518-6241 or Darlene.beamon@gwinnettcountry.com.
- Please provide a boundary survey showing the existing conditions on the parcels to be rezoned and for the special use permit and a separate concept plan showing what is proposed on the site.
- You may find the rezoning and special use permit application on the Planning and Development [Forms](#) page.

Schedule

Application Deadline: 1/6/2022

Withdrawal Deadline: 2/4/2022

Planning Commission Meeting: 3/1/2022

Board of Commissioners Meeting: 3/22/2022

PRE-APPLICATION INFORMATION FORM

NOTE: Once the Pre-Application Meeting is complete, staff will provide the applicant with a signed copy of this form. This signed copy must be submitted with your official zoning/variance application.

Applicant Information:

Name: _____

Company: _____

Mailing Address: _____

City, State, Zip Code: _____

Phone Number: _____ Email Address: _____

Project Summary:

Address of Project: _____

Name of Project: _____

Application Type (Rezoning, Change in Conditions, Special Use Permit, Buffer Reduction, Variance, Other): _____

Total Project Acreage: _____ Total Square Footage: _____ Total Number of Lots/Units: _____

Detailed Description (Include Proposed Use(s) and Square Footage of Floor Area for each use): _____

Pre-Application Information Form Submittal Checklist:

☐ Completed Pre-Application Information Form

☐ One PDF digital version of Concept Plan

For Internal Use Only:

Pre-Application Meeting Date: _____

Staff Printed Name: _____ Signed: Jocelyn Leitch