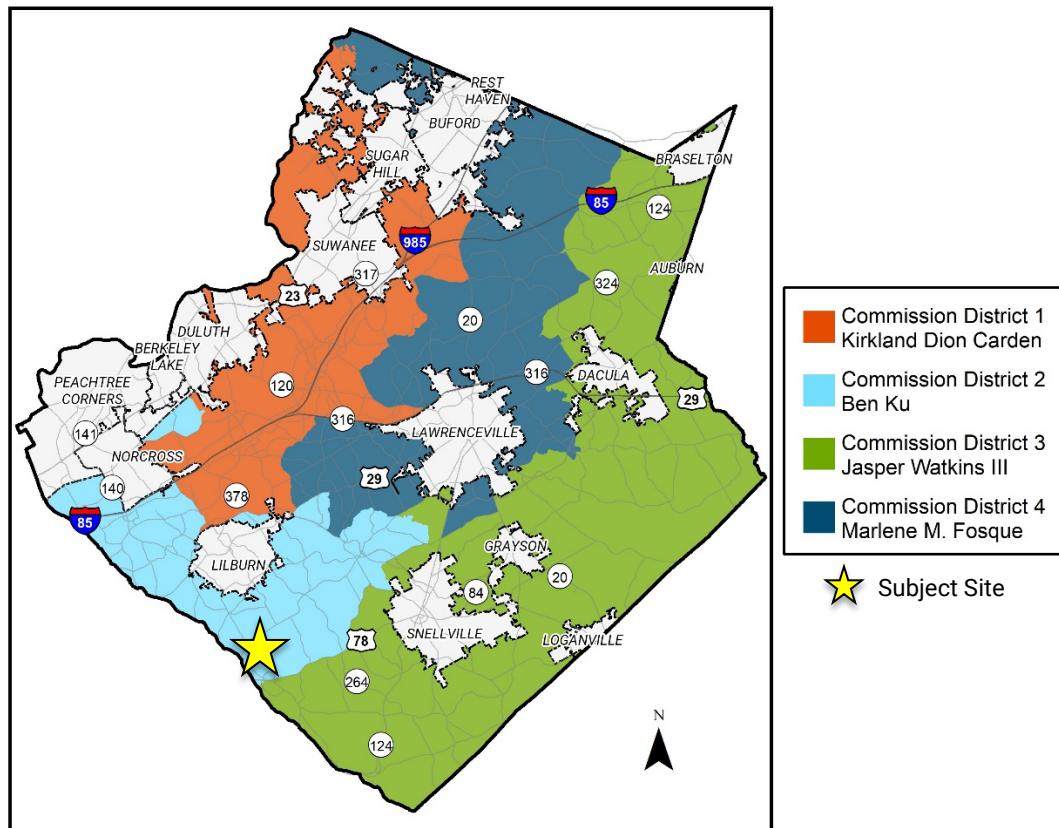




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number:	RZC2022-00014
Current Zoning:	R-100 (Single-Family Residence District)
Request:	Rezoning to C-1 (Neighborhood Business District)
Additional Request:	Buffer Reduction Waiver
Address:	1813 Pounds Road
Map Number:	R6077 006F
Site Area:	5.60 acres
Square Feet	34,088
Proposed Development:	Retail, Office, and Adult Day Care
Commission District:	District 2 – Commissioner Ku
Character Area:	Community Mixed-Use and Vibrant Communities
Staff Recommendation:	APPROVAL WITH CONDITIONS



Applicant: 1813 Pounds Road, LLC
c/o Reginald A. Hudspeth, LLC
1325 Satellite Blvd, Suite 101
Suwanee, GA 30024

Owner: 1813 Pounds Road, LLC
1918 Richland Lane
Dalton, GA 30720

Contact: Joe Wilburn, Esq

Contact Phone: 770.864.1403

Zoning History

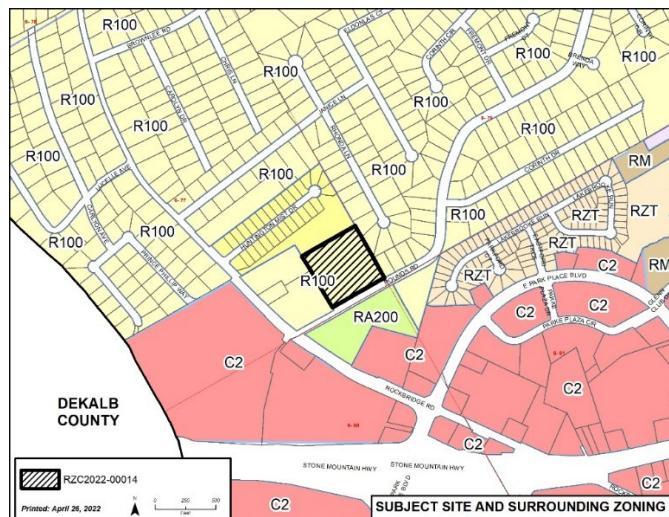
The subject property is zoned R-100 (Single-Family Residence District). No prior zoning requests are on record for this property.

Existing Site Condition

The subject site is a 5.60-acre parcel located along Pounds Road east of its intersection with Rockbridge Road. The site is developed with two warehouse buildings, several accessory structures, paved parking, and driveways. The parcel is open with some tree coverage along the northern property line. It is relatively flat, sloping upwards approximately 10 feet from the northwest and southeast corners to the center of the site. A 20-foot-wide sanitary sewer easement runs along the eastern property line and a portion of the northern property line. Overhead power lines with easements run along the north, south, and west property lines. There are currently no sidewalks on the north side of Pounds Road. The nearest Gwinnett Country Transit stop is 5.1 miles from the subject site.

Surrounding Use and Zoning

The subject site is surrounded by a mix of residential, institutional, and commercial uses. North and east of the site are single-family detached subdivisions. West of the site is a cemetery and a power substation. South of the property is a place of worship with an undeveloped area of the property which has been approved for use as a cemetery. Further southwest from the site, along Rockbridge Road and Stone Mountain Highway, are a mix of intense commercial uses, such as a large multi-tenant shopping center, a hotel, and other small commercial establishments. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Retail, Office, and Adult Day Care	C-1	N/A
North	Single-Family Residential	R-75 MOD	2.83 units per acre
East	Single-Family Residential	R-100	1.68 units per acre
South	Institutional	RA-200	N/A
West	Cemetery/Utility	R-100	N/A

Project Summary

The applicant requests a rezoning of a 5.60-acre property zoned R-100 to C-1 to develop a commercial development including:

- Three buildings located on three individual lots.
- Retail and professional offices within two buildings located along the frontage of the site. Each building will be one story with approximately 10,000 square feet and will contain two approximately 5,000 square foot tenant spaces.
- An adult daycare facility located at the rear of the property within a one story 14,000 square foot building.
- A total of 107 surface parking spaces distributed throughout the site, located behind the retail buildings and besides the daycare building.
- One full access driveway entrance from Pounds Road.
- A divided driveway with a landscaped median and a roundabout.
- A 44-foot-wide buffer along the residentially zoned properties to the northeast.
- A 25-foot-wide grassed landscape strip and 4-foot-tall wrought iron fence along the southwest boundary, adjacent to the cemetery and substation.
- Three underground stormwater management facilities.
- Three dumpsters located in the side and rear yards.
- A 5-foot-wide sidewalk along the frontage of Pounds Road.

Zoning and Development Standards

The applicant is requesting a rezoning to C-1, Neighborhood Business District, for a commercial development containing office and retail buildings and an adult daycare. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	35'	YES
Front Yard Setback	Minimum 15'	70'	YES
Side Yard Setback	Minimum 10'	48.1'	YES
Rear Yard Setback	Minimum 30'	51.3'	YES
Off-Street Parking	Minimum 41 spaces Maximum 148 spaces	107 spaces	YES
Zoning Buffer	50'	North and East – 44' West – 0'	NO*
Landscape Strip	10'	10'	YES

*The applicant has requested a buffer reduction waiver.

Waiver Request

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

1. Section 610-20.5. Minimum Buffer Requirements:

- A. Required buffers shall be provided in conformity [with] Table 610.0 "Table of Minimum Buffer Requirements".

50' buffer for C-1 development adjacent to existing R-100 zoned property
50' buffer for C-1 development adjacent to existing R-75MOD zoned property

Since the proposed C-1 development is adjacent to existing R-100 and R-75MOD zoned property, a 50-foot-wide permanent buffer is required. In this case, the applicant is proposing a 44-foot-wide buffer along the northeastern property lines, adjacent to the single-family residences and subdivision common area. In addition, the applicant requests to eliminate the undisturbed buffer adjacent to the cemetery and substation, located west of the site. In lieu of this buffer, the applicant requests to provide a 25 foot in-depth grassed buffer strip and a four-foot tall wrought iron fence, as required per Section 230-90.1.A. for cemeteries.

Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit 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 Analysis: According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification 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 will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The site is surrounded by institutional and residential uses. West of the site is Rockbridge Road, a major corridor with commercial uses. The applicant proposes a low intensity commercial development. The proposed uses are neighborhood serving uses that would transition the intense commercial and institutional properties to the west with the single-family residences to the north and east. The proposed rezoning would permit a use that is suitable in view of the use and development of adjacent and nearby property.

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

The existing use and usability of adjacent or nearby properties would likely not be impacted by the zoning change. These properties will likely remain as currently constructed for the foreseeable future. The applicant proposes a 44-foot-wide buffer adjacent to the residential subdivisions and a 25-foot-wide buffer adjacent to the cemetery to the west. These buffers will adequately screen the commercial activity from the single-family residences.

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

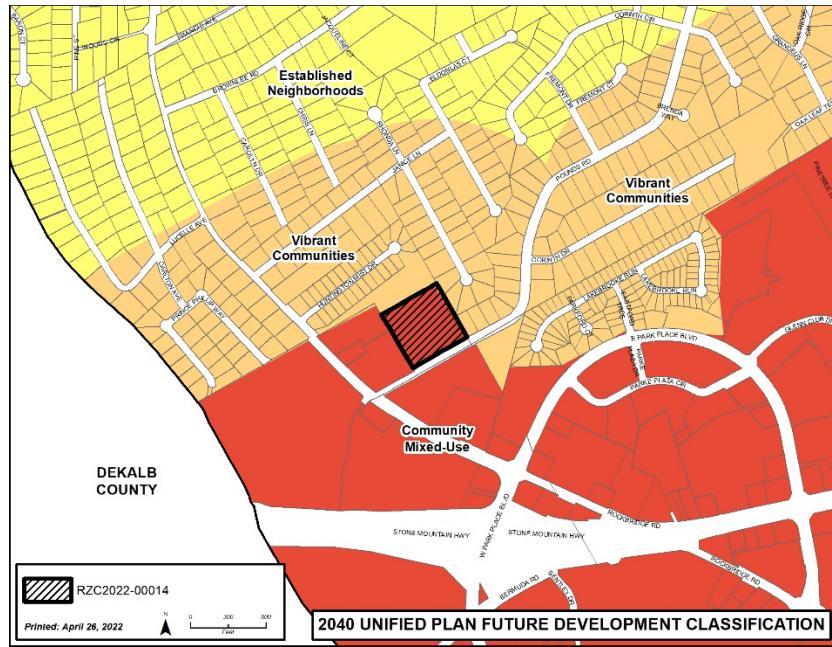
The property has a reasonable economic use as currently zoned.

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.

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 rezoning request is attached (Exhibit D).

E. Whether the proposed rezoning is in conformity with the policy and intent of the Unified Plan and Future Development Map.

The 2040 Unified Plan Future Development Map indicates that the subject property lies within the Community Mixed Use and the Vibrant Communities Character Areas. Because only a very small percentage of the property is within the Vibrant Communities Character Area, this analysis is based on the policy and intent of the Community Mixed Use Character Area. This designation is intended for activity nodes and connecting areas located along major corridors including Stone Mountain Highway. Future development and redevelopment should focus on making these corridors more pedestrian oriented with intensity focused on specific nodes. The section of the corridors between the higher intensity nodes, like this development, should redevelop as lighter intensity mixed-use centers with lower residential densities, or commercial uses integrating high quality aesthetics and site design. The applicant proposes a light commercial mixed-use development with screened parking. The uses on this site will be an amenity for the surrounding neighborhood. Therefore, the proposed development is in conformity 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.

The nearby areas are developed with single-family residential, institutional, and commercial uses. The proposed development is immediately adjacent to a cemetery and substation. Allowing a low intensity commercial development would be consistent with the existing zoning pattern and would be an amenity for the nearby residence. These conditions give supporting grounds for the approval of the rezoning request.

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

The requested buffer reduction is to reduce the 50-foot-wide undisturbed zoning buffer required along the north, east, and west property lines. The applicant proposes to reduce the buffers along the north and east property lines to 44 feet. Adjacent to the cemetery and substation, the applicant proposes to reduce the buffer to 0 feet and provide a 25-foot-wide grassed landscape strip and a four-foot-high wrought iron fence. This reduced buffer would be adjacent to properties that are occupied by a cemetery and the common area for the adjacent single-family neighborhood. In addition, the buffer would meet the standards of Section 230-90 of the UDO, which requires protection of existing cemeteries. Without approval of this waiver request, the applicant would be required to provide a 50-foot-wide buffer plus a 25 foot buffer adjacent to the cemetery. Approval of the two buffer reduction waivers would likely not adversely affect the general public welfare or nullify the intent of the Development Regulations.

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 request.

In addition, the staff recommended **APPROVAL** of the following Waivers:

1. To reduce the required buffer along the western property line, adjacent to the cemetery and substation, to 0 feet.
2. To reduce the required buffer along the north and east property lines, adjacent to the residential subdivisions to a 44-foot undisturbed buffer with no structure setback.

Staff Recommended Conditions

Approval as C-1 (Neighborhood Business District) for retail store, offices, and an adult day care subject to the following conditions:

1. The development shall be constructed in general conformance with Exhibit B: Site Plan dated received April 19, 2022, with revisions required by conditions and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. Buildings shall comply with the requirements of Gwinnett County Architectural Design Category 3. Final building elevations shall be submitted for review and approval by the Department of Planning and Development.
3. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of grand opening and during special events which shall occur no more than twice per calendar year, and last no longer than seven days each.
4. Outdoor loudspeakers shall be prohibited.
5. Natural vegetation shall remain on the property until the issuance of a development permit.
6. No more than one entrance/exit onto Pounds Road shall be provided. The location and design of the driveways shall be subject to review and approval of the Gwinnett Department of Transportation.
7. Dumpsters shall be located no closer than 150 feet from any parcel with a single-family residence.
8. Provide at no cost to the County easements both temporary and permanent for the future development and construction of a trail as designated on the Gwinnett Trails Master Plan along the northern edge of the parcel, subject to review and approval by Department of Community Services.
9. The developer shall connect to an existing 12-inch water main on Rockbridge Road and shall extend the 12-inch water main approximately 900 feet across the frontage of the parcel. The existing 6-inch water main on Pounds Road from Rockbridge Road to the eastern boundary of the

parcel shall be abandoned, and any existing services shall be transferred to the new 12-inch water main, subject to review and approval by Department of Water Resources.

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

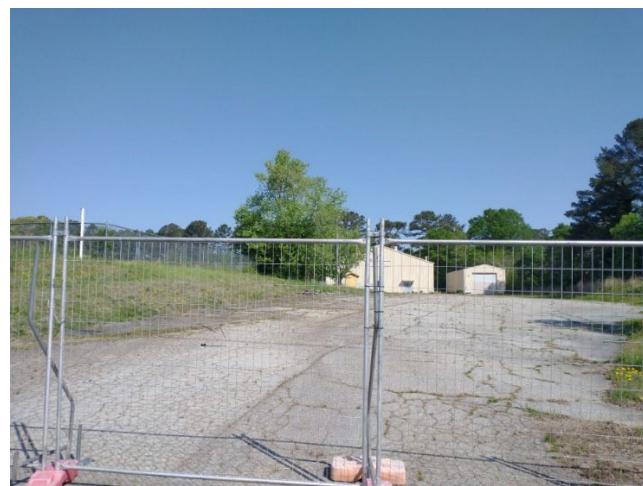
Exhibit A: Site Visit Photos



Road frontage along Pounds Road



Existing right of way along Pounds Road



Eastern driveway

Exhibit B: Site Plan

[attached]

GWINNETT COUNTY
PLANNING AND DEVELOPMENT
RECEIVED
5/12/2022

Vicinity Map^(nts)
FIRM Panel Vignette (nts)

FLOOD HAZARD STATEMENT:
THIS IS TO CERTIFY THAT NO PORTION OF THIS SITE LIES WITHIN A FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD AREA AS SHOWN ON THE F.I.R.M. MAP OF GWINNETT COUNTY, GEORGIA PANEL # 13135C0135F, EFFECTIVE ON 09/29/2006

SITE DATA
EXISTING ZONING: R-100

MINIMUM LOT WIDTH: 100 FT
FRONT: 35 FT
REAR: 40 FT

PROPOSED ZONING: C-1

MINIMUM LOT AREA: NONE
MINIMUM LOT WIDTH: NONE
FRONT: 15 FT
REAR: 30 FT
MAXIMUM BUILDING HEIGHT: 35 FT

OWNER

1813 POUNDS RD, LLC
1813 POUNDS ROAD
STONE MOUNTAIN, GEORGIA 30087
678-508-4100

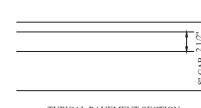
**BUILDER /
EMERGENCY CONTACT**

1813 POUNDS RD, LLC
KEN CHRISTIANSEN
1813 POUNDS ROAD
STONE MOUNTAIN, GEORGIA 30087
678-508-4100

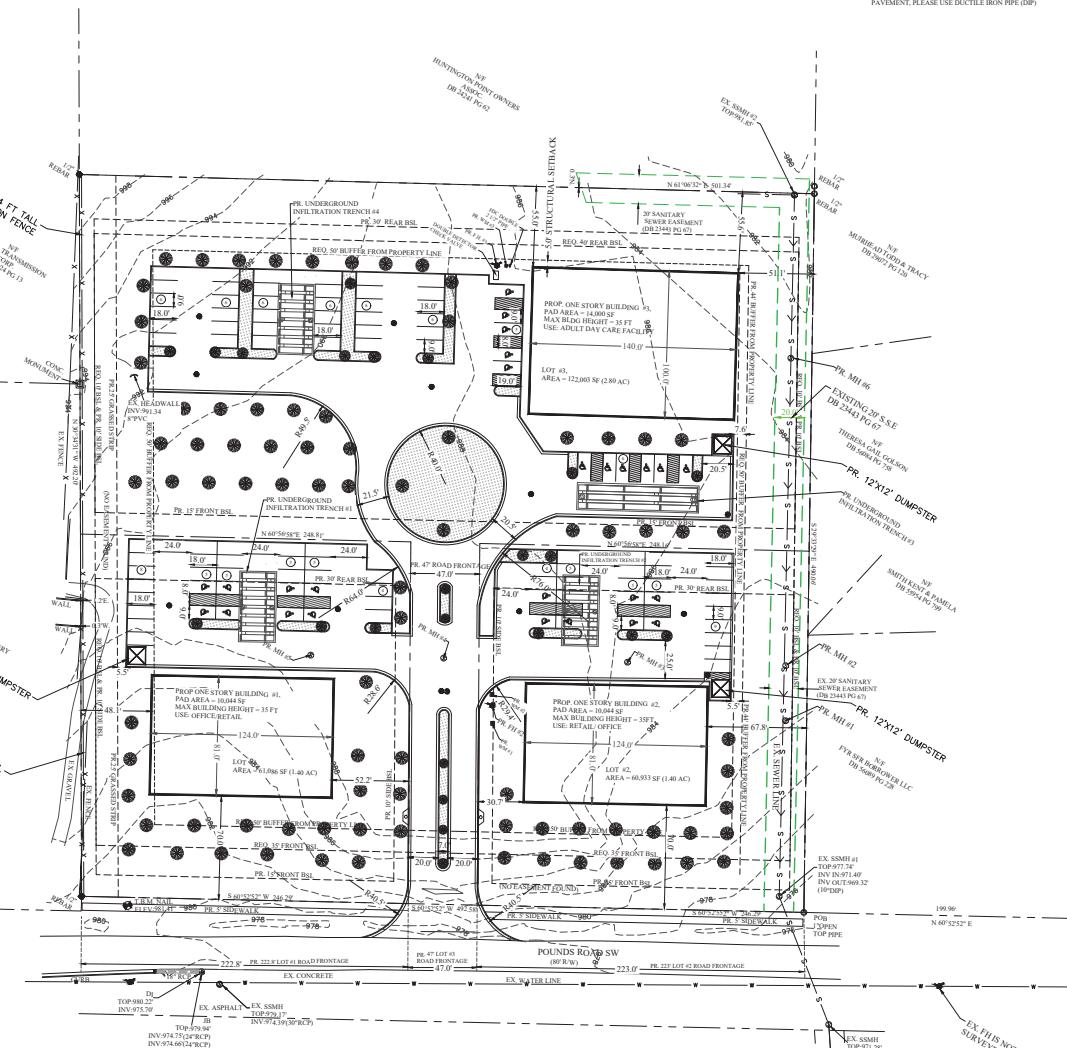
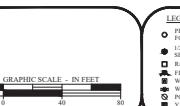
NOTES:

1. TOTAL BUILDINGS AREA = 34,044 SF
2. NO FLOODPLAIN IN THE PROPERTY
3. USE DUCTILE IRON PIPE UNDER THE PAVEMENT, PLEASE USE DUCTILE IRON PIPE (DIP).

Parking Lot Calculations				
Category	Lot Number	1	2	3
Office (Business or professional)	Building Area (sf)	10,004	10,004	14,000
	Max. Parking area in sf per parking space	500	500	
	Minimum spaces required based on max. area	20	20	
	Min. Parking area in sf per parking space	225	225	
	Maximum spaces required based on min. area	44.64	44.64	
	Average number of parking spaces	32	32	
Retail Use (Non food)	Max. Parking area in sf per parking space	500	500	
	Minimum spaces required based on max. area	20	20	
	Min. Parking area in sf per parking space	200	200	
	Maximum spaces required based on min. area	50	50	
	Average number of parking spaces	35	35	
Adult Day Care Center	Max. Parking area in sf per parking space	400		
	Minimum spaces required based on max. area	35		
	Min. Parking area in sf per parking space	300		
	Maximum spaces required based on min. area	45		
	Average number of parking spaces	35		



Tree Density Units Calculations				
Category/Type of use	Lot Number	1	2	3
Building Area (sf)	10,444	10,044	14,000	
Retail/Office	Area in sf	61,086.06	60,933.40	122,002.74
	Area in acres	1.402	1.399	2.891
Minimum Number of spaces required	20	20	35	
Total parking (non-ADA)	24	21	35	
ADA parking Spaces required based on 1:ratio	8.0	7.0	11.7	
Proposed ADA spaces	8	7	12	
Total parking spaces provided (including ADA spaces)	32	28	47	



NOTES:
FOR ALL THE WATER MAIN PIPE UNDER THE PAYMENT, PLEASE USE DUCTILE IRON PIPE (DIP)
GRID NORTH
GEORGIA WEST ZONE
DATUM NAVD 1983
SCALE: 1"-40'

DATE: _____
REVISION: _____
NO: _____

CONCEPTUAL PLAN 1/2
PREPARED FOR: 1813 POUNDS RD, LLC,
LAND LOT 77, GULF DISTRICT
181 POUNDS ROAD
STONE MOUNTAIN, GEORGIA 30087
DATE 03/15/2021

FOR THE FIRM:
BOUNDARY ZONE INC.
LEVEL 1 DESIGN
7796
PROJECT
22185.03
SHEET
2 OF 3

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CLOSURE. THE SURVEYOR IS NOT RESPONSIBLE FOR ENCUMBRANCES WHICH MAY EXIST WHICH BENEFIT AND BURDEN THE PROPERTY.
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE SURVEYOR AND FOR THE PERSON OR ENTITY NAMED HEREIN AND DOES NOT EXTEND TO ANY OTHER PERSON OR ENTITY.
THIS PLAT HAS BEEN PREPARED USING A TITMILE 5800 ROBOTIC TOTAL STATION.

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THE DATA/PLAN WHICH THIS MAP OR PLAT IS BASED UPON HAS A CLOSURE PRECISION OF 0.02 FEET.

SUWANEE (770) 271-5772
4400 Peachtree Industrial Blvd, Suite 200
SUWANEE, GEORGIA 30024
ATLANTA (404) 466-1510
1000 Peachtree Street, Suite 2000
ATLANTA, GEORGIA 30309
KENNESAW (770) 422-3300
1000 Peachtree Street, Suite 1000
KENNESAW, GEORGIA 30144
DOVER (770) 942-1000
1000 Peachtree Street, Suite 1000
DOVER, GEORGIA 30134

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

[attached]

REGINALD A. HUDSPETH, LLC
ATTORNEYS AT LAW
1325 Satellite Blvd.
Bldg. 100, Suite 101
Suwanee, Georgia 30024
(770) 925-1400
Facsimile (770) 925-8190

REGINALD A. HUDSPETH

JOSEPH G. WILBURN, JR.

May 11, 2022

Gwinnett County
Board of Commissioners
446 West Crogan St
Lawrenceville, Georgia 30046
Attn: Director of Planning and Development

**Re: Letter of Intent on behalf of 1813 Pounds Road LLC, with respect to land having an address of 1813 Pounds Road, Stone Mountain, Georgia 30087
Gwinnett Assessor Parcel ID No. R6077 006F**

Greetings:

On behalf of 1813 Pounds Road, LLC, (hereinafter , the “Owner”) Reginald A. Hudspeth, LLC submits this Letter of Intent and the attached Rezoning Application for the purpose of rezoning the subject land from R-100 to C-1. The subject land is comprised of approximately 5.60 acres which located on the north side of Pounds Road approximately 350 feet northeast of Rockbridge Rd, which land has a Gwinnet County Tax ID number of R6077 006F (hereinafter, the “Land”). Between Rockbridge Road and the Land is an established cemetery, the Corinth Cemetery.

The Owner intends to develop the Land as three (3) commercial parcels which will serve the adjoining neighborhoods. All three (3) of the parcels will have frontage along Pounds Road. The Owner intends to subject the land to a Declaration of Easements which will provide for maintenance obligations and inter-parcel access. Two of the planned parcels, those closest to Pounds Road, will include a total of 4 units (2 units each). Those units will be retail units and professional offices. The retail and professional offices will be located in two buildings, one on either side of the of the proposed access drive, and each building will consist of approximately 10,000 square feet. Each building will house two retail/professional units consisting of approximately 5,000 square feet each. Located primarily at the rear of the Land will be a third parcel, on which will be located an adult day care center. The adult day care center will be housed in a building of approximately 12,000 square feet that will be utilized as an adult day care center.

The proposed development is adjoined on the southeast by the right-of-way of Pounds Road, on the southwest by a cemetery, and a utility substation, on the northwest by a passive HOA open space, above which runs an electric transmission line, and on the northeast by residential lots. Pursuant to Section 230-90 of the Gwinnett County Unified Development Code (“UDO”), the proposed development will include,

Gwinnett County Board of Commissioners
May 11, 2022
Page 2

along the southwestern boundary, a 25-foot grassed buffer strip and a 4-foot-high wrought iron. The Applicant is requesting a reduction in the buffer along the southwestern property line from 50 (fifty) feet to 0 (zero) feet; however, the aforementioned 25-foot grass strip and fencing will be in place along that boundary.

Along the residential lots to the northeast, the proposed development, Section 610-20 of the UDO provides for 50-foot buffer. The proposed development would include ample vegetative screening within the buffer. The applicant is requesting a reduction in the 50-foot buffer along the northeast boundary from 50 feet to a 44 foot buffer.

The proposed Adult Day Care Center will provide a valuable service in an area of Gwinnett County with long established neighborhoods and an aging population. The rezoning of this Land will have no adverse effects on the surrounding properties and provide an aesthetically pleasing buffer between the residential neighborhood to the northeast and the electrical substation to the southwest. This area is in close proximity to a regional activity center

Per the 2040 Unified Plan, the Land is located within the U.S. Highway 78 Community Mixed Use corridor. According to the 2040 Unified Plan within the Community Mixed Use Zone are developments that include retail and small scale office buildings. Adequate off street parking is planned for the Land and the parking will be located behind the buildings facing Pounds Road. The structures will be aesthetically pleasing with glass, stone and brick façades facing Pounds Road. Per the 2040 Unified Plan, the Land will adjoin a Neighborhood Node, and it is the Owner/Applicant's intention that this development will serve the adjoining neighborhoods and will provide a transition to the more intensive use along U.S. Highway 78 and Rockbridge Road to the south and southwest.

In addition to the retail uses, the proposed development on the Land will include the adult day care center in an area of Gwinnett that has a population whose median age is somewhat higher than the rest of the County. Per the 2006-2010 census data, the median age of the census tract (504.15) where the Land is located is 40.6. Just south of this census tract the median age is 45. The median age of Gwinnett County was 34.9 years. The development will meet a need for assistance and services for the area's senior citizens.

The Owner submits the rezoning Application along with supporting documents in support of this rezoning request. We welcome the opportunity to meet with the Gwinnett County officials and Staff to discuss this proposal and answer any questions that may arise. We respectfully request your approval of this rezoning applications

With kind regards,

Reginald A. Hudspeth, LLC



By: Joseph G. Wilburn
Attorney for Owner/Applicant

Enclosures

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4.5.2022

REZONING APPLICANT'S RESPONSE
1813 Pounds Road, Stone Mountain Georgia
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

Approval of the Applicant's proposed rezoning will permit a use that is suitable for this Land pursuant to the development of adjacent and nearby property. The subject property is near the commercial area of Rockbridge Road and U.S. Highway 78, primarily zoned C-2 the subject property is adjacent to utility substations and transmission lines. The proposed use will prove a transitional buffer between established neighborhoods and areas with more intensive commercial use.

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

Approval of the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties. The proposed rezoning and development will serve as a transitional buffer to adjoining residential areas and complement the nearby areas by providing services and uses for nearby neighborhoods.

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

With the adjoining electric substation, the adjoining transmission lines, and the intensive commercial use along U.S. Highway 78 and Rockbridge Road, the subject property does not have reasonable use as currently zoned.

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

Approval of the proposed rezoning will not result in an excessive or burdensome use of the existing street, transportation facilities, utilities or schools. This location on Pounds road is only a short distance from Rockbridge Road, a heavily travelled road, and close to U.S. Highway 78, a U.S. highway. This development should not create a significant increase on traffic on Pounds Road. Additionally, the subject property has access to necessary utilities.

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

The proposed rezoning is in conformity with the policy and intent of the 2040 Unified Plan. The subject property is designated as within the Community Mixed Use Area on the 2040 Future Development. Land uses such as that which is proposed, retail, small office buildings, and community centers are typical within the Community Mixed Use Area.

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4.5.2022 (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:

There are other existing or changing conditions affecting the use and development of the property which give supporting grounds for approval of the proposed rezoning. The subject property, which is within the Community Mixed Use Area per the 2040 Unified Plan, is in an area that is adjoined by a Neighborhood Node on the north and east and C-2 zoning a short distance to the south and west. The rezoning of this land and proposed use will provide an excellent transitional use of the subject Property between the residential areas and the more intensive commercial areas.

Exhibit D: Internal and External Agency Review Comments

[attached]



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		5/18/2022
Department/Agency Name:		DOCS
Reviewer Name:		Glenn Boorman
Reviewer Title:		Deputy Division Director – Project Admin – Parks & Recreation
Reviewer Email Address:		Glenn.Boorman@gwinnettcounty.com
Case Number:		RZC2022-00014
Case Address:		1813 Pounds Road
Comments:		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

1	The Gwinnett Trails Master Plan shows the Riverbend to Stone Mountain Park Trail along the utility corridor at the northern edge of this parcel. Not being a high priority trail the developer shall be required to provide future easements as necessary to accommodate the trail at the appropriate time.
2	
3	
4	
5	
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7	

Recommended Zoning Conditions:		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
1	Provide at no cost to the County easements both temporary and permanent for the future development and construction of a trail as designated on the Gwinnett Trails Master Plan along the northern edge of the parcel.	
2		
3		
4		
5		
6		

Note: Attach additional pages, if needed

Revised 7/26/2021



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date: 5.18.22	
Department/Agency Name: Transportation	
Reviewer Name: Brent Hodges	
Reviewer Title: Construction Manager 1	
Reviewer Email Address: Brent.Hodges@gwinnettcounty.com	
Case Number: RZC2022-00014	
Case Address: 1813 Pounds Drive	
Comments: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
1	Pounds Road is a minor collector. ADT = 4,746.
2	5.1 miles to nearest transit facility (#2335056) Lawrenceville Highway and Harmony Grove Road.
3	Standard deceleration lanes with appropriate taper and adequate right-of-way will be required. The developer shall be limited to one curb cut.
4	Prior to the issuance of a Development Permit, a sight distance certification shall be provided.
5	A 5' sidewalk will be required along the property frontage.
6	
7	
Recommended Zoning Conditions: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
1	
2	
3	
4	
5	
6	
7	

Note: Attach additional pages, if needed

Revised 7/26/2021

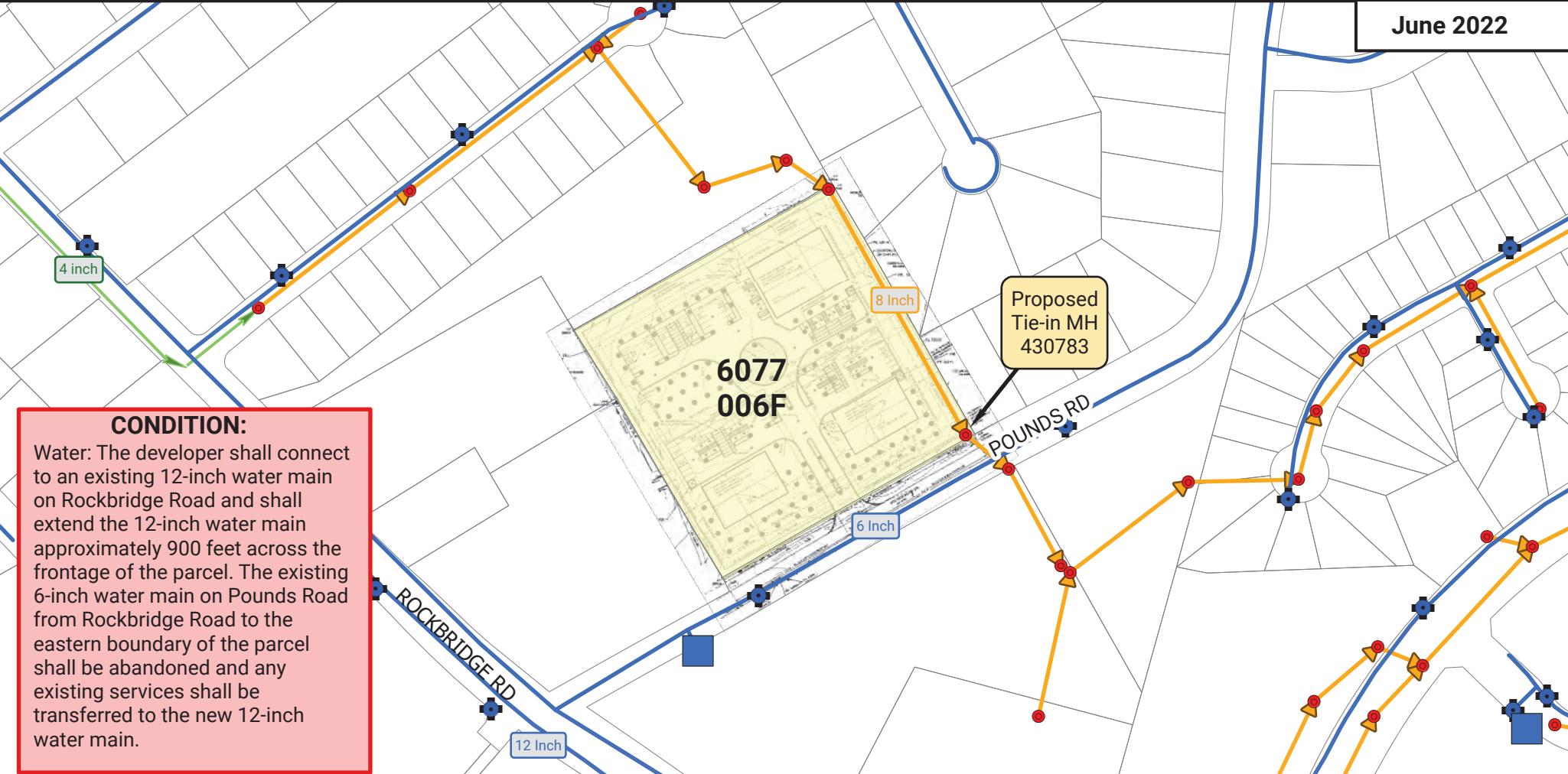


**Department of Planning and Development
TECHNICAL REVIEW COMMITTEE**

TRC Meeting Date:		Wednesday, May 18, 2022		
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.Pappas@gwinnettcounty.com		
Case Number:		RZC2022-00014		
Case Address:		1813 Pounds Road		
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES	<input type="checkbox"/> NO
1	Water: There is 12-inch water main located approximately 425 feet west in the right-of-way of Rockbridge Road that will need to be extended approximately 900 feet across the frontage of the development.			
2	Sewer: A Sewer Capacity Certification is required to confirm capacity.			
3	Sewer: Pending available sewer capacity, the development may be able to connect to an existing 8-inch sanitary sewer main located on the subject property.			
4				
5				
6				
7				
Recommended Zoning Conditions:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES	<input type="checkbox"/> NO
1	Water: The developer shall connect to an existing 12-inch water main on Rockbridge Road and shall extend the 12-inch water main approximately 900 feet across the frontage of the parcel. The existing 6-inch water main on Pounds Road from Rockbridge Road to the eastern boundary of the parcel shall be abandoned, and any existing services shall be transferred to the new 12-inch water main.			
2				
3				
4				
5				
6				

Note: Attach additional pages, if needed

Revised 7/26/2021



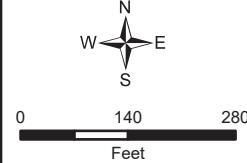
LEGEND

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

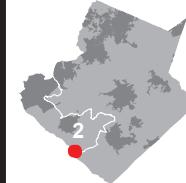
RZC2022-00014

R-100 to C-1

Water & Sewer Utility Map



LOCATION



Water Comments: There is 12-inch water main located approximately 425 feet west in the right-of-way of Rockbridge Road that will need to be extended approximately 900 feet across the frontage of the development.

Sewer Comments: A Sewer Capacity Certification is required to confirm capacity. Pending available sewer capacity, the development may be able to connect to an existing 8-inch sanitary sewer main located on the subject property.

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]

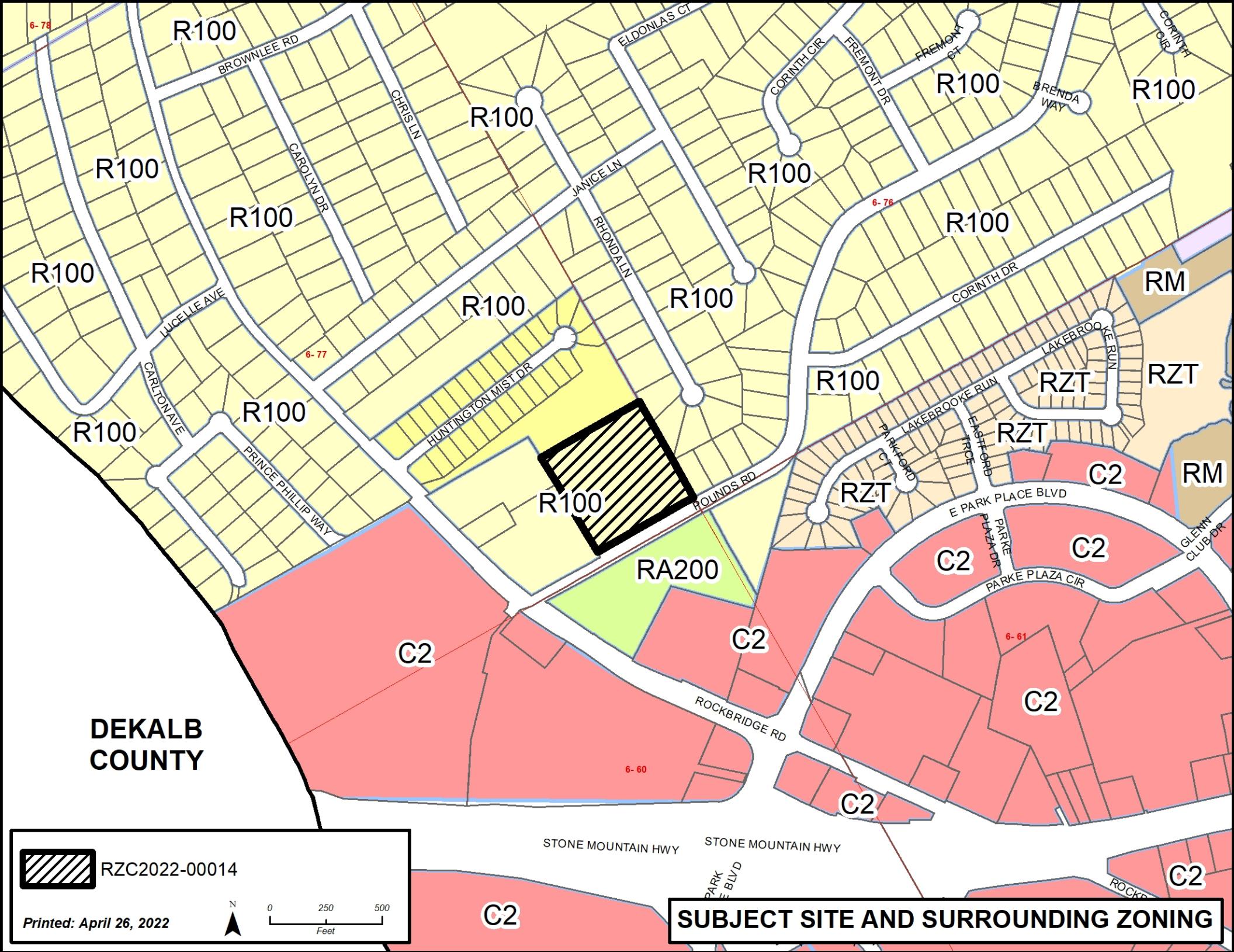


RZC2022-00014



0 80 160
Feet

Printed: April 26, 2022



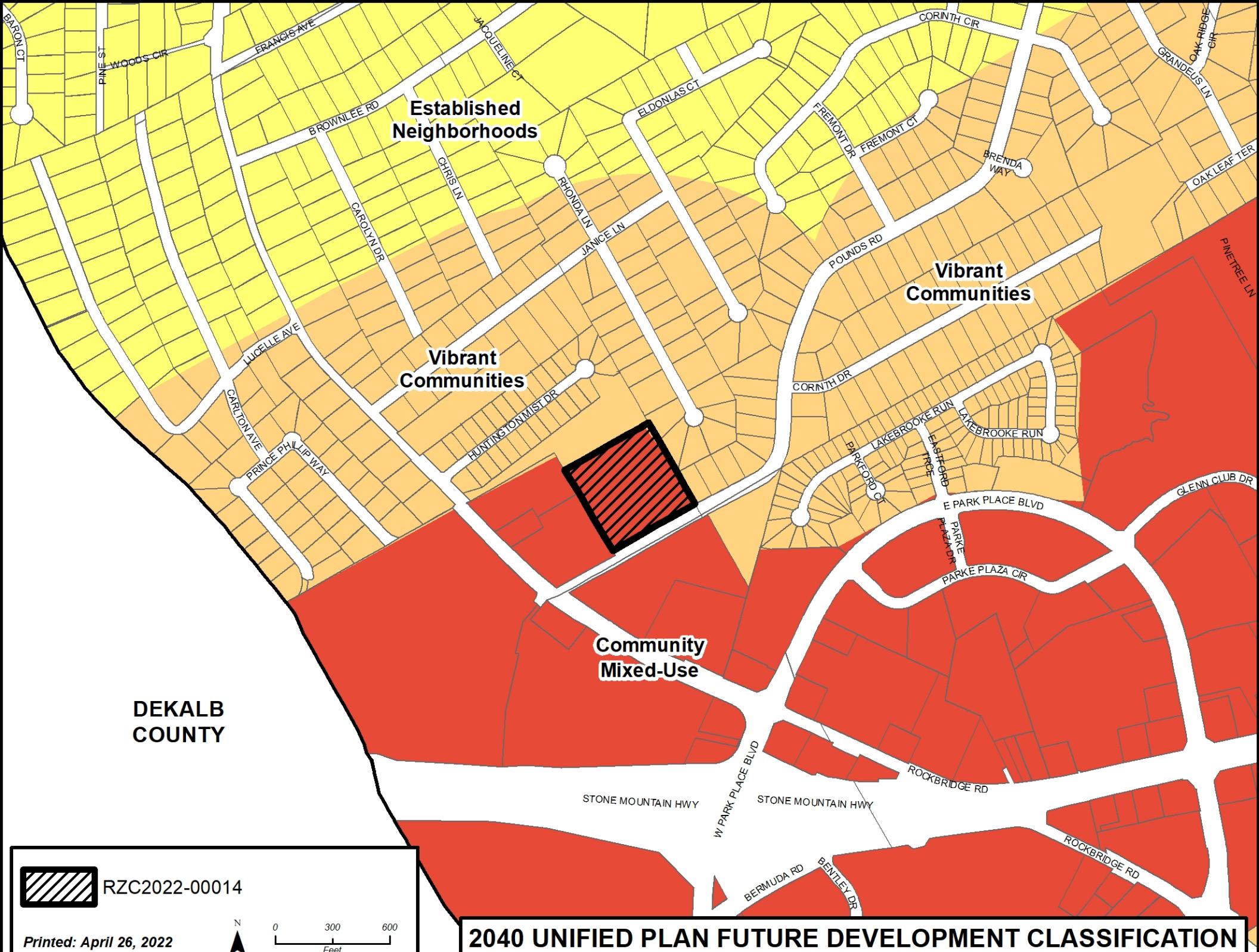
RZC2022-00014

N
▲

A horizontal number line with arrows at both ends. The number 0 is at the left end, and the number 500 is at the right end. There is a tick mark in the middle of the line. The tick mark is labeled with the equation $E=4$ below the line.

Printed: April 26, 2022

SUBJECT SITE AND SURROUNDING ZONING



GWINNETT COUNTY**PLANNING AND DEVELOPMENT**

RECEIVED

5/25/2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

REZONING APPLICATION

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

APPLICANT INFORMATION		PROPERTY OWNER INFORMATION*	
NAME: <u>1813 POUNDS ROAD, LLC i/c/o Reginald A. Hudspeth, LLC</u>		NAME: <u>1813 POUNDS ROAD, LLC</u>	
ADDRESS: <u>1325 Satellite Blvd, Suite 101</u>		ADDRESS: <u>1918 Richland Ln</u>	
CITY: <u>Suwanee</u>		CITY: <u>Dalton</u>	
STATE: <u>Georgia</u>	ZIP: <u>30024</u>	STATE: <u>Georgia</u>	ZIP: <u>30720</u>
PHONE: <u>770-864-1403</u>		PHONE: <u>706-459-5070</u>	
EMAIL: <u></u>		EMAIL: <u>aminali99@gmail.com</u>	
CONTACT PERSON: <u>Joe Wilburn, Esq</u>	PHONE: <u>770-864-1403</u>		
CONTACT'S E-MAIL: <u>joe@rhudspeth.com</u>			
APPLICANT IS THE:			
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT(S): <u>R-100</u> REQUESTED ZONING DISTRICT: <u>C-1</u>			
PARCEL NUMBER(S): <u>R6077 006F</u>		ACREAGE: <u>Approx 5.6</u>	
ADDRESS OF PROPERTY: <u>1813 Pounds Rd, Stone Mountain, Georgia 30087</u>			
PROPOSED DEVELOPMENT: <u>Retail, Small Office, Adult Day Care/Community Center</u>			

RESIDENTIAL DEVELOPMENT		NON-RESIDENTIAL DEVELOPMENT	
No. of Lots/Dwelling Units <u></u>		No. of Buildings/Lots: <u>3/3</u>	
Dwelling Unit Size (Sq. Ft.): <u></u>		Total Building Sq. Ft. <u>approx. 32,000 TO 34,000</u>	
Gross Density: <u></u>		Density: <u></u>	
Net Density: <u></u>			

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

REGINALD A. HUDSPETH, LLC
ATTORNEYS AT LAW
1325 Satellite Blvd.
Bldg. 100, Suite 101
Suwanee, Georgia 30024
(770) 925-1400
Facsimile (770) 925-8190

REGINALD A. HUDSPETH

JOSEPH G. WILBURN, JR.

May 11, 2022

Gwinnett County
Board of Commissioners
446 West Crogan St
Lawrenceville, Georgia 30046
Attn: Director of Planning and Development

**Re: Letter of Intent on behalf of 1813 Pounds Road LLC, with respect to land having an address of 1813 Pounds Road, Stone Mountain, Georgia 30087
Gwinnett Assessor Parcel ID No. R6077 006F**

Greetings:

On behalf of 1813 Pounds Road, LLC, (hereinafter , the “Owner”) Reginald A. Hudspeth, LLC submits this Letter of Intent and the attached Rezoning Application for the purpose of rezoning the subject land from R-100 to C-1. The subject land is comprised of approximately 5.60 acres which located on the north side of Pounds Road approximately 350 feet northeast of Rockbridge Rd, which land has a Gwinnet County Tax ID number of R6077 006F (hereinafter, the “Land”). Between Rockbridge Road and the Land is an established cemetery, the Corinth Cemetery.

The Owner intends to develop the Land as three (3) commercial parcels which will serve the adjoining neighborhoods. All three (3) of the parcels will have frontage along Pounds Road. The Owner intends to subject the land to a Declaration of Easements which will provide for maintenance obligations and inter-parcel access. Two of the planned parcels, those closest to Pounds Road, will include a total of 4 units (2 units each). Those units will be retail units and professional offices. The retail and professional offices will be located in two buildings, one on either side of the of the proposed access drive, and each building will consist of approximately 10,000 square feet. Each building will house two retail/professional units consisting of approximately 5,000 square feet each. Located primarily at the rear of the Land will be a third parcel, on which will be located an adult day care center. The adult day care center will be housed in a building of approximately 12,000 square feet that will be utilized as an adult day care center.

The proposed development is adjoined on the southeast by the right-of-way of Pounds Road, on the southwest by a cemetery, and a utility substation, on the northwest by a passive HOA open space, above which runs an electric transmission line, and on the northeast by residential lots. Pursuant to Section 230-90 of the Gwinnett County Unified Development Code (“UDO”), the proposed development will include,

Gwinnett County Board of Commissioners

May 11, 2022

Page 2

along the southwestern boundary, a 25-foot grassed buffer strip and a 4-foot-high wrought iron. The Applicant is requesting a reduction in the buffer along the southwestern property line from 50 (fifty) feet to 0 (zero) feet; however, the aforementioned 25-foot grass strip and fencing will be in place along that boundary.

Along the residential lots to the northeast, the proposed development, Section 610-20 of the UDO provides for 50-foot buffer. The proposed development would include ample vegetative screening within the buffer. The applicant is requesting a reduction in the 50-foot buffer along the northeast boundary from 50 feet to a 44 foot buffer.

The proposed Adult Day Care Center will provide a valuable service in an area of Gwinnett County with long established neighborhoods and an aging population. The rezoning of this Land will have no adverse effects on the surrounding properties and provide an aesthetically pleasing buffer between the residential neighborhood to the northeast and the electrical substation to the southwest. This area is in close proximity to a regional activity center

Per the 2040 Unified Plan, the Land is located within the U.S. Highway 78 Community Mixed Use corridor. According to the 2040 Unified Plan within the Community Mixed Use Zone are developments that include retail and small scale office buildings. Adequate off street parking is planned for the Land and the parking will be located behind the buildings facing Pounds Road. The structures will be aesthetically pleasing with glass, stone and brick façades facing Pounds Road. Per the 2040 Unified Plan, the Land will adjoin a Neighborhood Node, and it is the Owner/Applicant's intention that this development will serve the adjoining neighborhoods and will provide a transition to the more intensive use along U.S. Highway 78 and Rockbridge Road to the south and southwest.

In addition to the retail uses, the proposed development on the Land will include the adult day care center in an area of Gwinnett that has a population whose median age is somewhat higher than the rest of the County. Per the 2006-2010 census data, the median age of the census tract (504.15) where the Land is located is 40.6. Just south of this census tract the median age is 45. The median age of Gwinnett County was 34.9 years. The development will meet a need for assistance and services for the area's senior citizens.

The Owner submits the rezoning Application along with supporting documents in support of this rezoning request. We welcome the opportunity to meet with the Gwinnett County officials and Staff to discuss this proposal and answer any questions that may arise. We respectfully request your approval of this rezoning applications

With kind regards,

Reginald A. Hudspeth, LLC



By: Joseph G. Wilburn
Attorney for Owner/Applicant

Enclosures

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4.5.2022

REZONING APPLICANT'S RESPONSE

1813 Pounds Road, Stone Mountain Georgia

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

Approval of the Applicant's proposed rezoning will permit a use that is suitable for this Land pursuant to the development of adjacent and nearby property. The subject property is near the commercial area of Rockbridge Road and U.S. Highway 78, primarily zoned C-2 the subject property is adjacent to utility substations and transmission lines. The proposed use will prove a transitional buffer between established neighborhoods and areas with more intensive commercial use.

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

Approval of the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties. The proposed rezoning and development will serve as a transitional buffer to adjoining residential areas and complement the nearby areas by providing services and uses for nearby neighborhoods.

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

With the adjoining electric substation, the adjoining transmission lines, and the intensive commercial use along U.S. Highway 78 and Rockbridge Road, the subject property does not have reasonable use as currently zoned.

(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:

Approval of the proposed rezoning will not result in an excessive or burdensome use of the existing street, transportation facilities, utilities or schools. This location on Pounds road is only a short distance from Rockbridge Road, a heavily travelled road, and close to U.S. Highway 78, a U.S. highway. This development should not create a significant increase on traffic on Pounds Road. Additionally, the subject property has access to necessary utilities.

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

The proposed rezoning is in conformity with the policy and intent of the 2040 Unified Plan. The subject property is designated as within the Community Mixed Use Area on the 2040 Future Development. Land uses such as that which is proposed, retail, small office buildings, and community centers are typical within the Community Mixed Use Area.

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4.5.2022 (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:

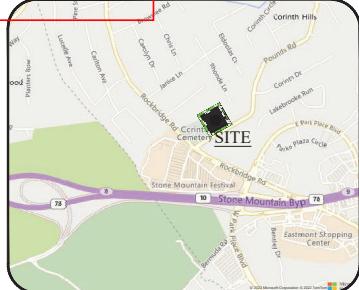
There are other existing or changing conditions affecting the use and development of the property which give supporting grounds for approval of the proposed rezoning. The subject property, which is within the Community Mixed Use Area per the 2040 Unified Plan, is in an area that is adjoined by a Neighborhood Node on the north and east and C-2 zoning a short distance to the south and west. The rezoning of this land and proposed use will provide an excellent transitional use of the subject Property between the residential areas and the more intensive commercial areas.

Legal Description

All that tract or parcel of land lying and being in Land Lot 77 of the 6th District of Gwinnett County, Georgia, and being more particularly shown as follows:

Beginning at a 1" Open Top Pipe on the northerly right-of-way of Pounds Road, an 80-foot right-of-way, being the point where the northerly right-of-way line of Pounds Road intersects the Land Lot Line dividing Land Lots 76 and 77, and from said point of beginning, run along the right-of-way line of Pounds Road, South 60° 52' 52" West, a distance of 492.58 feet to a point marked by a ½" Rebar; thence, leaving the aforesaid right-of-way, run North 30° 34 31 West, a distance of 492.20 feet to a ½" Rebar; thence run North 61° 06 32 East, a distance of 501.34 feet to a point marked by a ½" Rebar; thence run South 29° 33 29 East, a distance of 490.06 feet to a 1" Open Top Pipe on the northerly right-of-way of Pounds Road and the Point of Beginning.

Being 5.602 acres more or less and being depicted on that certain Existing Conditions Survey prepared for 1813 Pounds Rd, LLC, by Boundary Zone, Inc., Project No 22185.03, certified by Jason E. Williams , Georgia Professional Engineer No. 31162, on April 19, 2022.

Vicinity Map^(nts)FIRM Panel Vignette^(nts)

FLOOD HAZARD STATEMENT:
THIS IS TO CERTIFY THAT NO PORTION OF THIS SITE LIES WITHIN A FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD AREA AS SHOWN ON THE F.I.R.M. MAP OF GWINNETT COUNTY, GEORGIA PANEL # 1313500135F, EFFECTIVE ON 09/29/2006

GENERAL NOTES:

1. TOTAL AREA = 1.602 ACRES = 244,029 SQUARE FEET
2. BOUNDARY REFERENCE: DB 5605 PG 721
3. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT
4. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT
5. THIS PLAT HAS BEEN PREPARED USING A TRIMBLE 580 ROBOTIC TOTAL STATION
6. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 0.02 FEET
7. FLOOD HAZARD STATEMENT: THIS IS TO CERTIFY THAT THIS SITE DOES NOT LIE WITHIN A FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD AREA AS SHOWN ON THE F.I.R.M. MAP OF GWINNETT COUNTY AS SHOWN ON PANEL # 1313500135F, EFFECTIVE ON 09/29/2006
8. PROJECT NAME: CONSTRUCTION OF COMMERCIAL BUILDINGS FOR DAY CARE, RETAIL, AND OFFICE USE
9. SITE LOCATION: 1813 POUNDS RD. LLC., 1813 POUNDS ROAD, STONE MOUNTAIN, GEORGIA 30087
10. DRAINAGE STRUCTURES DO NOT EXIST ON THIS PROPERTY
11. CREEKS OR DRAINAGE SWALES DO NOT EXIST ON THIS PROPERTY
12. NO FLOOD HAZARD STATEMENT IS PROVIDED
13. THIS PROPERTY DOES NOT LIE WITHIN THE CHATTahoochee RIVER CORRIDOR
14. THIS PROPERTY IS NOT ON OR WITHIN 200 FEET OF WATERS OF THE STATE

SITE DATA

EXISTING ZONING: R-100
MINIMUM LOT AREA: 1.000 SF
MINIMUM LOT WIDTH: 100 FT
FRONT: 10 FT
SIDE: 10 FT
REAR: 40 FT

PROPOSED ZONING: C-1
MINIMUM LOT AREA: NONE
MINIMUM LOT WIDTH: NONE
FRONT: 10 FT
SIDE: 10 FT
REAR: 30 FT
MAXIMUM BUILDING HEIGHT: 35 FT

OWNER

1813 POUNDS RD. LLC.
1813 POUNDS ROAD
STONE MOUNTAIN, GEORGIA 30087
678-508-4100

BUILDER /
EMERGENCY CONTACT

1813 POUNDS RD. LLC.
1813 POUNDS ROAD
STONE MOUNTAIN, GEORGIA 30087
678-508-4100

NOTES:

1. TOTAL BUILDINGS AREA = 34,044 SF
2. NO FLOORPLAN IS PRESENT ON THE PROPERTY
3. FOR ALL THE WATER MAIN PIPE UNDER THE PAVEMENT, PLEASE USE DUCTILE IRON PIPE (DIP).

SITE DATA

EXISTING ZONING: R-100
MINIMUM LOT AREA: 1.000 SF
MINIMUM LOT WIDTH: 100 FT
FRONT: 10 FT
SIDE: 10 FT
REAR: 40 FT

PROPOSED ZONING: C-1
MINIMUM LOT AREA: NONE
MINIMUM LOT WIDTH: NONE
FRONT: 10 FT
SIDE: 10 FT
REAR: 30 FT
MAXIMUM BUILDING HEIGHT: 35 FT

OWNER

1813 POUNDS RD. LLC.
1813 POUNDS ROAD
STONE MOUNTAIN, GEORGIA 30087

Parking Lot calculations			
Lot Number	1	2	3
Building Area (sf)	10,044	10,044	14,000
Max. Parking area in sf per parking space	500	500	
Minimum spaces required based on max. area	20	20	
Max. Parking area in sf per parking space	22.00	22.00	
Maximum spaces required based on min. area	44.64	44.64	
Average number of parking spaces	32	32	
Max. Parking area in sf per parking space	500	500	
Minimum spaces required based on max. area	20	20	
Min. Parking area in sf per parking space	200	200	
Maximum spaces required based on min. area	50	50	
Average number of parking spaces	35	35	
Max. Parking area in sf per parking space	400		
Minimum spaces required based on max. area	35		
Min. Parking area in sf per parking space	300		
Maximum spaces required based on min. area	47		
Average number of parking spaces	41		

Lot Number	1	2	3
Building Area (sf)	10,444	10,044	14,000
Category/Type of use	Retail/Office	Retail/Office	Adult Day Care
Minimum number of spaces required	20	20	35
Total parking spaces provided (non-ADA)	24	21	35
Min/ADA parking spaces required based on 1:3 ratio	8.0	7.0	11.7
Proposed ADA spaces	8	7	12
Total parking spaces provided (including ADA spaces)	32	28	47

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CLOSURE. THE SURVEYOR IS NOT RESPONSIBLE FOR ENCUMBRANCES WHICH MAY EXIST WHICH BENEFIT AND BURDEN THE PROPERTY.

THIS PLAT IS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITY NAMED HEREIN AND DOES NOT EXTEND TO ANY OTHER PERSONS WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

THIS PLAT HAS BEEN PREPARED USING A TRIMBLE 580 ROBOTIC TOTAL STATION.

© 2012 BOUNDARY ZONE, INC.
THE DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF BOUNDARY ZONE, INC. AND ARE NOT TO BE PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.

TOTAL AREA: 1.602 ACRES = 244,029 SQUARE FEET

BOUNDARY REFERENCE: DB 5605 PG 721

FIELDWORK PERFORMED ON 06/12/2012

NOT TO SCALE

NOT

GWINNETT COUNTY

PLANNING AND DEVELOPMENT

RECEIVED

4/19/2022

After recording, return to:

Reginald A. Hudspeth, LLC
1325 Satellite Boulevard
Building 100, Suite 101
Suwanee, Georgia 30024
Attention: Joseph G. Wilburn, Esq.

Tax APN: R6077-006F

DECLARATION OF EASEMENTS

THIS DECLARATION OF RECIPROCAL EASEMENTS (this “Declaration”), is made and entered into this ____ day of _____, 2022, by **1813 POUNDS ROAD, LLC, a Georgia limited liability company** (“Declarant”).

WITNESSETH:

WHEREAS, Declarant is the owner of that certain tract or parcel of land more particularly described in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, Declarant is developing the Land as three (3) commercial lots which are depicted on Site Plan attached hereto and incorporated herein as Exhibit “B” attached hereto and made a part hereof (each of the commercial lots being hereinafter sometimes referred to individually as “Lot” or specifically as “Lot 1”, “Lot 2” or “Lot 3” or collectively as the “Lots”); and

WHEREAS, Declarant desires to enter this Declaration for purposes of granting and conveying certain easements in order to facilitate the development, use and operation of the Lots, and of imposing certain restrictions on the use and operation of the Lots, as more fully set forth below;

NOW, THEREFORE, in consideration of the foregoing premises, the grants, reservations, restrictions, and easements herein, Declarant hereby declares and agrees that the Lots shall be held, owned and used in accordance with the following rights, covenants and easements:

1. Establishment of Easements.

- a. Access Easement. Declarant does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Lots, a perpetual, non-

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4/19/2022

exclusive easement appurtenant to the Lots for passage and use for the purpose of walking upon and driving upon, over and across all those sidewalks, entrances, drives, and lanes as depicted on Exhibit "B" of this Declaration (hereinafter referred to as the "Access Easements") which are now or may hereafter from time to time be used for pedestrian and vehicular traffic. Declarant, its successors or assigns, shall have the right to temporarily close all or any portion of the Access Easements in connection with repairs to or maintenance of the Access Easements or the renovation or reconstruction of any improvements located thereon (provided that Declarant, its successors or assigns, shall use good faith efforts to provide reasonable alternative means of access during any such period of renovation or reconstruction), or in order to prevent the accrual of prescriptive rights by any third party.

- b. Utility Easements. Declarant does hereby establish for the benefit of, and grant and convey to, the owners from time to time of the Lots, a perpetual, non-exclusive easement appurtenant to the Lots for the purpose of installation, maintenance, repair and use of utilities serving any portion of Lot 3 across and under such portions of Lot 1 and Lot 2 that are not within any building area on Lot 1 or Lot 2 or otherwise improved with buildings.
- c. Landscape Easement. Declarant reserves an easement for itself and future Lot Owners in, over, through and upon the Lots to maintain, repair, and replant or reconstruct landscape features including lawns, trees, bushes, plants, flowers, fencing, landmarks and other landscaping as part of the Property. The aforesaid easement shall run with the land and shall be binding on all Owners of the Lots.

2. Construction and Maintenance Obligations.

- a. Access Easements and Parking Areas. The Owners of the Lots shall be solely responsible for maintaining the Parking Areas and Access Easement improvements located on their respective Lots. Notwithstanding the foregoing, any damage to the Parking Areas and Access Easement, other than normal and ordinary wear and tear, caused solely by the non-maintaining Lot Owner, its agents, employees, customers or invitees, shall be promptly repaired and restored with due diligence at the sole cost and expense of such non-maintaining Lot Owner.
- b. Utility Easements. The Lot 3 shall be solely responsible for maintaining the utilities benefiting its lot, The Lot 3 Owner's installation and maintenance of its utilities within the Utility Easement shall be performed in such a manner and at such times as will cause a minimum of disruption to the operation of any business on Lot 1 and Lot 2. Any and all damage to Lot 1 and Lot 2 caused by Lot Owner 3's installation or maintenance of utilities shall be promptly repaired and Lot 1 and Lot 2 shall be restored to the condition that existed prior to the performance of such work and the owner performing such work shall be responsible for all costs associated therewith. The Lot 1 Owner

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4/19/2022

and Lot 2 Owner may relocate, at their own expense, such utility lines, so long as the disruption of utility service to Lot 3 is minimized.

- c. Landscaping. Each Lot Owner shall be responsible for the maintenance of the landscaping on its Lot, including mowing the grass, which landscaping shall be appropriate for a Class A commercial development. Owners shall also maintain their lots in a clear and orderly fashion free of debris or rubbish. If any Owner fails to maintain landscaping on its Lot pursuant to this Agreement, the Declarant or other Owners shall have the right but not the responsibility to maintain said Lot, pursuant to Paragraph 10 below.
- d. Payment for Work. Any construction or maintenance work performed by or on behalf of any Owner pursuant to this Agreement shall be performed in a good, diligent and workmanlike manner and in compliance with all applicable laws, rules, regulations and ordinances. Each Owner shall promptly pay for all work done on its behalf or at its direction (unless a bona fide dispute exists concerning payment) and cause to be discharged any lien affecting the Lot(s) of any other Owner arising from or relating to such work. No work done by or on behalf of any Owner shall give such Owner (or anyone doing work on behalf of such Owner) any lien claims or rights in and to the Lot(s) of any other Owner. Upon the completion of any work by or on behalf of an Owner to the Lot(s) of any other Owner, the Owner by or for whom such work was done shall restore or cause to be restored the Lot(s) of such other Owner to substantially the condition which existed prior to such work.

3. Reciprocal Indemnity. Each of the Owners of the Lots hereto hereby agrees to indemnify and hold each other harmless from any loss, cost, damage or expense (including, without limitation, court costs and attorneys' fees) suffered or incurred by any other Owner arising from, out of or in any manner connected with the acts or omissions of the indemnifying party under this Agreement.
4. Subordination of Liens. Each Owner hereby agrees that all mortgages, deeds of trust, deeds to secure debt and other encumbrances placed upon its Lot(s) shall be subordinate and inferior to the easements and use restrictions created by this Agreement, and to the extent that any such mortgages, deeds of trust, deeds to secure debt or other encumbrances presently exist, the Owner of the Lot(s) burdened thereby shall, upon written request from any other Owner, secure a subordination agreement from the holder thereof which shall be recorded in conjunction herewith.
5. Amendment. The Owners hereby agree that only upon the written consent of all parties hereto or their respective successors and assigns and any other parties in interest may this Agreement be amended or any of the easement areas be relocated, changed, altered, diminished or expanded.
6. Waiver. Each and every covenant and agreement contained herein shall be for any and all purposes hereof construed as separate and independent and the breach of any covenant by any party shall not release or discharge them from their obligations

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hereunder. No delay or omission by any party to exercise its rights accruing upon any
4/19/2022 noncompliance or failure of performance by any other shall impair any such right or
be construed to be a waiver thereof. A waiver by any party hereto of any of the
covenants, conditions or agreements to be performed by the other shall not be
construed to be a waiver of any succeeding breach or of any other covenants,
conditions or agreements contained herein.

7. Severability. All rights, powers and remedies provided herein may be exercised only to the extent that the exercise thereof does not violate any then applicable law and shall be limited to the extent necessary to render the covenants herein valid and enforceable. If any term, provision, covenant or agreement contained herein or the application thereof to any person, entity or circumstance shall be held to be invalid, illegal or unenforceable, the validity of the remaining terms, provisions, covenants or agreements or the application of such term, provision, covenant or agreement to persons, entities or circumstances other than those to which it is held invalid or unenforceable shall not be affected thereby.
8. Binding Effect; Dedication; Appurtenance. This Agreement shall be binding upon and inure to the benefit of the Owners and their respective successors and assigns. Notwithstanding the foregoing, each Owner shall be responsible only for the obligations, indemnities, duties, liabilities and responsibilities set forth in this Agreement that accrue during the period of time during which such Owner holds fee simple title to the property described herein or portion thereof. Upon conveyance of any Lot(s) or a portion thereof, the Owner making such conveyance shall be relieved from the obligations, duties, indemnities and responsibilities hereunder arising from and after the date of such conveyance as to such Lot(s), or portion thereof conveyed, and the successor Owner shall become obligated hereunder for all matters arising from and after the date of conveyance. The rights, privileges and easements granted and conveyed hereunder shall exist for the benefit of, and be a burden upon, the Lots and shall run with title to, and be appurtenant to the Lots.
9. Notices. Any notice, request or other communication required or permitted herein shall be in writing and shall be deemed to be given upon personal delivery or upon being deposited with a professional overnight courier service or in the United States Mail by certified or registered mail, return receipt requested, postage prepaid. Such notice, request or other communication shall be addressed to the Owner at the address set forth under the signature of such Owner to this Agreement, however, an Owner may change its address for notices by giving notice to the other Owners in the manner provided in this Section.
10. Remedies. In the event any Owner fails to perform the maintenance, repair or other work required by this Agreement or fails to perform the work in accordance with the requirements of this Agreement or otherwise breaches the terms of this Agreement, the non-defaulting Owner(s) may notify the defaulting Owner and shall specify the deficiencies in the work or the breach. If such deficiencies are not corrected, or the breach not cured, within thirty (30) days after receipt of such notice, then the non-

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defaulting Owner(s) shall have the right to correct such deficiencies or perform the work (even if such work must be undertaken on the defaulting Owner's Lot(s)) or cure the breach, and recover all costs and expenses related thereto from the defaulting Owner. Notwithstanding the foregoing, in the event that the failure to perform the work, or failure to perform the work in the manner required in this Agreement, or the breach of this Agreement, reasonably creates an imminent threat to the life of any person, or reasonably creates an imminent threat of damage to persons or properties, or jeopardizes the continuance of business operations on any Lot(s), no notice shall be required prior to the non-defaulting Owner(s) commencing such work or commencing a cure. Any amounts due and payable to an Owner pursuant to this Agreement shall be paid within thirty (30) days from the date the defaulting Owner is notified of the amounts due. Any amounts not paid when due shall bear interest at a rate equal to the lesser of (i) ten percent (10%) per annum, or (ii) the maximum rate of interest permitted by the laws of the State of Georgia for such obligations. The failure to pay any amounts due pursuant to this Agreement shall not entitle any Owner to file a lien or claim of lien against the Lot(s) owned by the defaulting Owner.

11. **Covenants Run With the Land.** All the terms and provisions hereof are and shall be deemed to run with the property described herein and shall burden and benefit such property as described herein and, with respect to such property, each Owner, the holders or owners of any mortgage, indenture, deed of trust or deed to secure debt encumbering any of such property, any purchaser at a foreclosure sale, any other person or entity acquiring any right, title or interest in such property and their respective heirs, executors, administrators, representatives, successors and assigns.

IN WITNESS WHEREOF, the Declarant has caused this Agreement to be duly executed under seal on the day and year first above written.

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Printed Name: _____

Notary Public

My Commission Expires:

(NOTARY SEAL)

DECLARANT:

**1813 POUNDS ROAD, LLC,
a Georgia limited liability company**

By: _____

Name: _____

Title: _____

Address: _____

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4.5.2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

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.

1813 Pounds Road LLC



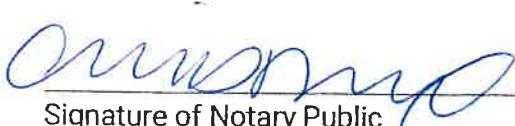
Signature of Applicant

02-03-22

Date

Shazman Ali, Member/Manager

Type or Print Name and Title



Signature of Notary Public

2/3/22

Date



9-8-23

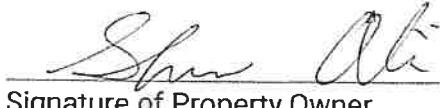
RECEIVED

4.5.2022

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.

1813 Pounds Road, LLC



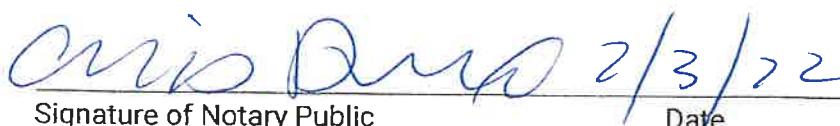
Signature of Property Owner

02-03-22

Date

Shazman Ali, Member/Manager

Type or Print Name and Title

 2/3/22

Signature of Notary Public

Date

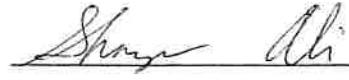


RECEIVED

4.5.2022

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.

 02-03-22 Shazman Ali, Member/Manager
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

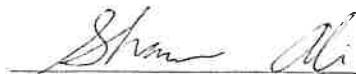
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

 02/03/22
Cristina Doss 02/03/22
SIGNATURE OF NOTARY PUBLIC DATE 
Ex 9-8-23

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

YES NO


YOUR NAME

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

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

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

RECEIVED

4.5.2022

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.

Shazman Ali, Member/Manager

SIGNATURE OF APPLICANT

DATE

TYPE OR PRINT NAME AND TITLE



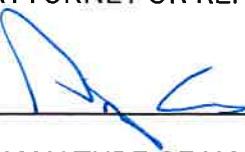
2/3/2022

Joseph G. Wilburn

SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE



2/3/2022

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

Joseph G. Wilburn

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)
	- 0 -	

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

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4.7.2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

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: 6 - 077 - 006F
(Map Reference Number) District Land Lot Parcel

1813 Pounds Road, LLC



Signature of Applicant

02-03-22

Date

Shazman Ali, Member/Manager

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)

Jacqueleen Garcia

Tax Associate I

NAME
04/06/2022

TITLE

DATE