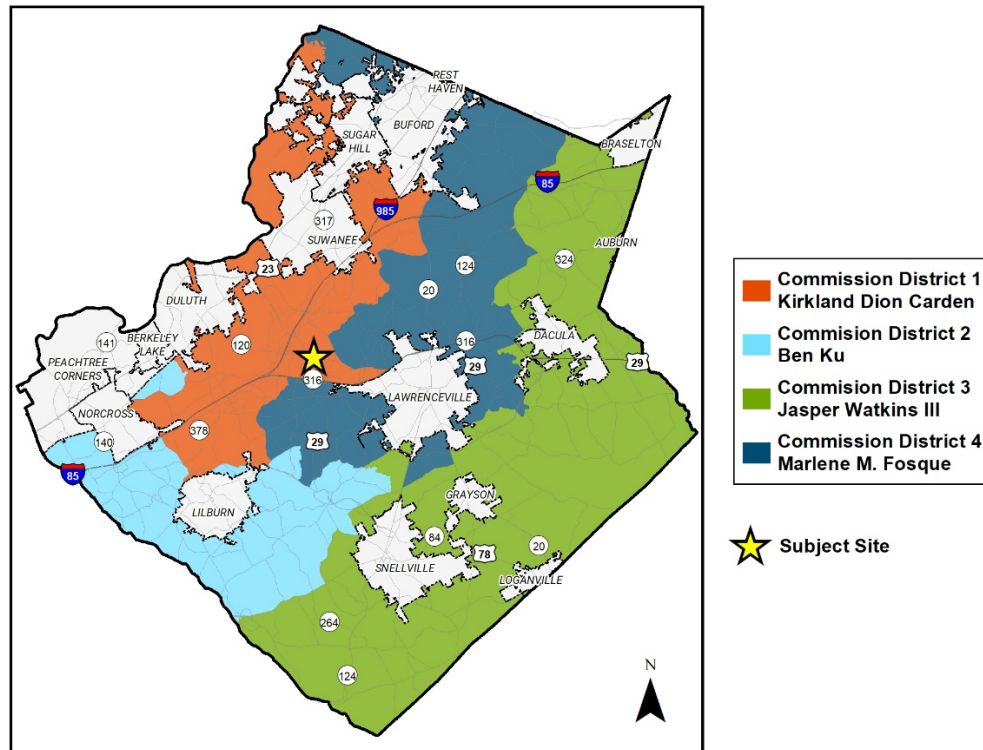




PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2022-00023
Current Zoning: O-I (Office-Institutional District)
Request: Rezoning to C-1 (Neighborhood Business District)
Additional Request: Waiver
Address: 1695 Duluth Highway
Map Number: R7073 033
Site Area: 0.81 acres
Square Feet: 7,100
Proposed Development: Retail Building
Commission District: District 1 – Commissioner Carden
Character Area: Vibrant Communities

Staff Recommendation: APPROVAL WITH CONDITIONS



Planning Commission Advertised Public Hearing Date: 7/5/2022
Board of Commissioners Advertised Public Hearing Date: 7/26/2022

Applicant: Exclusive Wear, LLC
c/o Anderson, Tate & Carr, P.C.
1960 Satellite Blvd, Suite 4000
Duluth, GA 30097

Owner: JPC Properties, Inc.
2050 Lullwater Place
Lawrenceville, GA 30043

Contact: Melody A. Glouton

Contact Phone: 770.822.0900

Zoning History

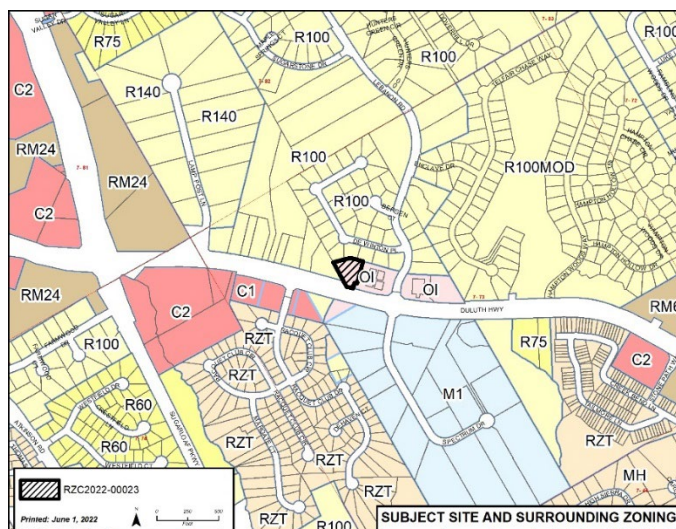
The subject property is zoned O-I (Office-Institutional District). In 1986, a rezoning application for the site was denied for an office park, pursuant to REZ1986-00190. In 1988, the subject property was rezoned from R-100 (Single-Family Residence District) to O-I (Office-Institutional District) for an office park, pursuant to REZ1988-00144. A portion of the project was developed with offices, but the subject property remained undeveloped. In 1990, REZ1990-00116 changed the conditions of zoning of the site by allowing reduced buffers than previously required.

Existing Site Condition

The subject property is a 0.81-acre site located along Duluth Highway. The property is undeveloped and contains heavy tree canopy. A brick wall and wooden fence are located at the rear of the site. There are a number of easements located throughout the site including a drainage easement and sanitary sewer easement. A sidewalk exists along the frontage of the site. The nearest Gwinnett County Transit stop is 0.7 miles from the subject property.

Surrounding Use and Zoning

The subject site is located on the north side of Duluth Highway and east of Sugarloaf Parkway. Further west is Interstate 85 and the heavily commercialized Sugarloaf Mills area. The property is adjacent to large lot single-family residences and an office park. Across Duluth Highway are other commercial, institutional, and office uses. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Clothing, Apparel and Shoe Store	C-2	N/A
North	Single-Family Residential	R-100	2.16 units per acre
East	Office	O-I	N/A
South	Undeveloped	O-I	N/A
West	Single-Family Residential	R-100	1.06 units per acre

Project Summary

The applicant requests a rezoning of a 0.81-acre property zoned O-I to C-1 for a retail building, including:

- Construction of a 7,100 square foot, single story multi-tenant commercial building.
- A parking lot located between the building and the street containing a total of 17 parking spaces.
- A single 10 foot by 30-foot loading space located in front of the building.
- A shared driveway entrance with the existing office park located east of the site.
- A 10-foot-wide multiuse path and a 10-foot-wide landscape strip along Duluth Highway.
- A relocated stormwater drainage pipe located west of the proposed building.
- A 25-foot zoning buffer with a five-foot structure setback adjacent to the single-family residences located north of the site. The existing 6-foot-tall privacy wall and wooden fence are to remain in this buffer.
- An underground stormwater management facility located at the center of the site, in front of the building.
- No architectural renderings or building elevations were provided by the applicant.

Zoning and Development Standards

The applicant is requesting a rezoning from O-I, Office-Institutional District to C-1, Neighborhood Business District for a retail building. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	One Story/ 35'	YES
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 10'	10	YES
Rear Yard Setback	Minimum 30'	30'	YES
Off-Street Parking	Minimum: 15 spaces Maximum 36 spaces	17 spaces	YES
Zoning Buffer	50'	25'	NO
Landscape Strip	10'	10'	YES
Multiuse Path	10'	10'	YES

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 R-100 zoned property

Since the proposed C-1 development is adjacent to R-100 zoned property, a 50-foot undisturbed zoning buffer is required along the north and west property lines. The applicant requests to reduce this 50-foot undisturbed zoning buffer to a 25-foot zoning buffer with a 5-foot structure setback along both the north and west property lines.

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 Request 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 single-family residences and office uses. Allowing the applicant to construct a single-story retail building along a commercial corridor such as Duluth Highway, would be suitable in view of the use and development of adjacent and nearby property and is consistent with the office uses east and south of the site.

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 not be adversely impacted by the zoning change. Duluth Highway is a commercial corridor and the properties nearby to the site are similar in use with very few exceptions. Therefore, the subject rezoning request would not adversely affect the existing use or usability of adjacent or nearby property.

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.

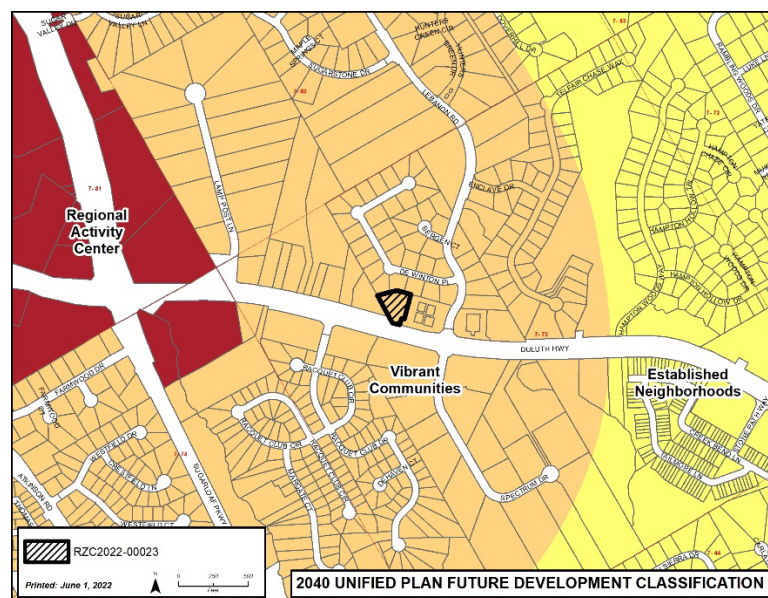
D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

An increased impact 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 regulations, 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 and Future Development Map indicates that the subject property lies within the Vibrant Communities Character Area. This Character Area is intended to serve as a transition between neighborhood nodes and mixed-use activity centers and surrounding, established single-family residential areas. Corner/neighborhood serving non-residential uses may be integrated into Vibrant Communities. These communities will function as a buffer between neighborhood nodes/mixed-use areas and the larger, established residential areas.

The rezoning request is in conformity with the policy and intent of the Unified Plan and Future Development Map. Although the property is directly adjacent to single-family residences, the zoning allows nonresidential uses by right, at this location. The property is located along Duluth Highway, a highly commercialized corridor, with a number of intense commercial uses and multifamily developments in the nearby area. The use would be a neighborhood serving commercial retail use that would provide as a buffer between the single-family residences to the north to the commercialized Duluth Highway corridor to the south.



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 subject property was rezoned to O-I in 1988 for the construction of an office park with zoning conditions that allow construction of a two-story office building. The applicant is proposing a smaller one-story building with multiple tenant suites. The proposed development is far less dense than the previously approved rezoning and therefore gives supporting grounds for the approval of the proposed rezoning.

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 located along the northern and western property lines of the subject property. Rezoning case REZ1990-00116 allowed the subject property to have reduced zoning buffers of 25 feet adjacent to the R-100 property to the rear of the site. Therefore, the applicant is requesting that the previously approved zoning buffer reduction remain. The adjacent office park was developed with the same 25-foot-wide buffer. Allowing the buffer reduction to remain on the subject property would result in a cohesive buffer and setback with the office park. It is likely that the R-100 property to the west of the subject property will undergo a zoning change or redevelopment in the near future. Therefore, reducing the buffer along the western property would likely not adversely affect the property owner or 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 requests.

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

1. To reduce the required undisturbed zoning buffer along the northern and western property lines to an undisturbed 25-foot-wide zoning buffer.

Staff Recommended Conditions:

Approval as C-1 (Neighborhood Business District), subject to the following conditions:

1. The development shall be constructed in general conformance with Exhibit B: Site Plan dated received May 20, 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.

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



Frontage of Site Along Duluth Highway



Existing Office Park Adjacent to the Site

Exhibit B: Site Plan

[attached]



GENERAL NOTES

1. PROPERTY ADDRESS: 1695 DULUTH HIGHWAY, LAWRENCEVILLE
GEORGIA, 30043
2. GWINNETT COUNTY TAX PARCEL ID: 7-075-033
3. THERE ARE NO WETLANDS ON THIS PROPERTY PER THE
NATIONAL WETLANDS INVENTORY PREPARED BY THE U.S. FISH
AND WILDLIFE SERVICE.
4. BOUNDARY AND TOPOGRAPHIC INFORMATION BASED ON
BOUNDARY SURVEY PREPARED BY BLUE LANDWORKS, LLC AND
LAST REVISED MAY 3RD 2022.
5. THERE IS NO FLOODPLAIN ON THIS PROPERTY FROM A WATER
COURSE WITH A DRAINAGE AREA EXCEEDING 100 ACRES OR
FLOODPLAIN PER FIRM PANEL NUMBER 13135C007F17. WITH A
DATE OF SEPTEMBER 29TH 2006.
6. THIS PLAN IS CONCEPTUAL IN NATURE AND IS NOT
INTENDED FOR CONSTRUCTION.
7. WATER SERVICE PROVIDED BY GWINNETT COUNTY
8. SEWER SERVICE PROVIDED BY GWINNETT COUNTY
9. ALL NEW CONSTRUCTION WITHIN THE DEVELOPMENT SHALL
BE MADE ADA ACCESSIBLE (2010 ADA 36.401)

SITE DATA:
EXISTING ZONING: O-1
PROPOSED ZONING: C-1
PROPOSED USE: RETAIL SALES

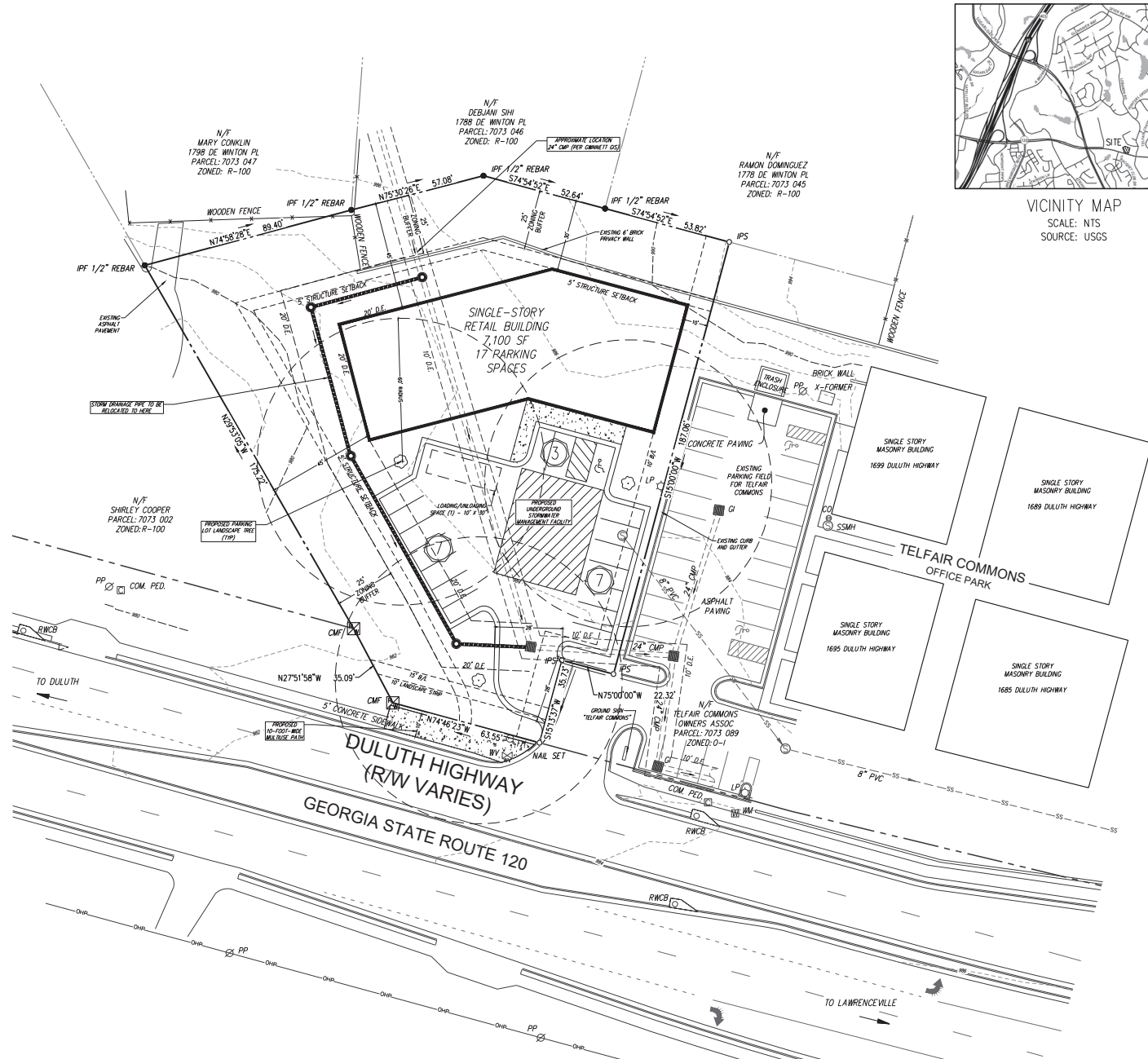
GROSS/NET SITE AREA: 0.8 AC
BUILDING AREA: 7,100 SF

PARKING REQUIRED:
MINIMUM: 1 SP/500 SF = 14.5 SPACES
MAXIMUM: 1 SP/200 SF = 36.25 SPACES
PARKING PROVIDED: 17 SPACES

SETBACKS:
FRONT YARD: 15 FEET
SIDE YARD: 10 FEET
REAR YARD: 30 FEET

MAXIMUM BUILDING HEIGHT: 35 FEET

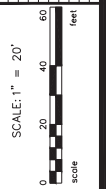
ZONING BUFFER
ADJACENT TO R100: 25 FEET (BUFFER REDUCTION REQUESTED)

[illegible]

VICINITY MAP
SCALE: NTS
SOURCE: USGS



9556 DULUTH HIGHWAY
SUITE B-108
LAWRENCEVILLE, GA 30043
CONTACT: NEIL RAMCHANDANI
TEL: 770-482-7999

[illegible]

1695 DULUTH HWY	LAND LOT(S) 23	PROPERTY ZONED: C3
LAWRENCEVILLE, GA 30043	PARCEL(S) 703 033	CHECKED: HW
	7TH LAND DISTRICT	DEALING: HO

REZONING
EXHIBIT

PROJECT# 2022.013

SHEET 1 OF 1

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

[attached]

May 20, 2022

REVISED
LETTER OF INTENT AND JUSTIFICATION FOR REZONING

Rezoning Application
Gwinnett County, Georgia

Applicant:
Exclusive Wear, LLC

Property:
Tax Parcel ID R7073 033
±0.81 Acres of Land
Located at 1695 Duluth Highway, Lawrenceville, Georgia
From O-I to C-1

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

I. INTRODUCTION

This Application for Rezoning is submitted for a 0.81 acre parcel of land located in Land Lot 73 of the 7th District of Gwinnett County, Georgia, Lawrenceville, and identified as 1695 Duluth Highway (hereinafter the “Property”). The Property is located along Duluth Highway near the intersection of Lebanon Road. The Property that is the subject of this rezoning application is shown on the survey prepared by Blue Landworks Consulting Engineers & Surveyors, dated May 3, 2022. The Property is further identified below from the Gwinnett County Geographical Information System:

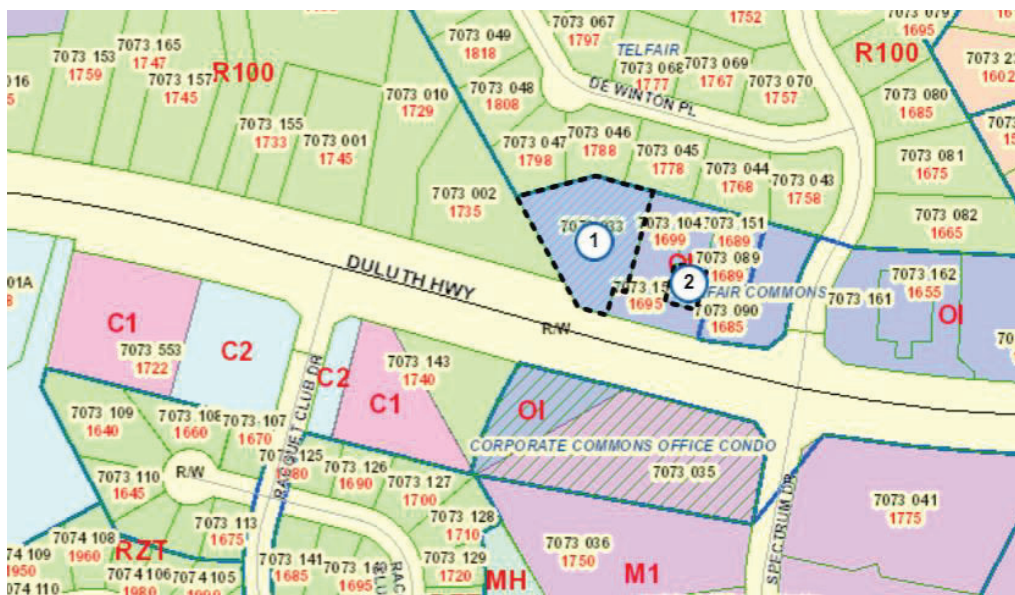


The Property is currently zoned O-I (Office-Institutional District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant, Exclusive Wear, LLC (the “Applicant”) now seeks approval to rezone the 0.81 acres to C-1 (Neighborhood Business District) to develop a single-store retail building to relocate his existing business, with additional multi-tenant spaces. The building will complement the existing office park known as “Telfair Commons” on the property. The rezoning of the Property will allow for a quality retail commercial development that will service the surrounding community in accordance with the 2040 Comprehensive Plan. The proposed development will consist of one (1) single-store building totaling approximately 7,100 square feet.

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

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a single parcel fronting Duluth Highway in Lawrenceville, Georgia. It has access to Duluth Highway via inter-parcel connectivity with the adjacent commercial development to the east known as Telfair Commons. The Property is surrounded by both residential and commercial uses. The following is a summary of surrounding zoning uses:



It is bounded on the East by properties that are zoned O-I (Office-Institutional District). Across the street from the Property are parcels zoned C-1 (Neighborhood Business District) and C-2 (General Business District). There are also multiple parcels across from the Property zoned M-1 (Light Industry District) that are occupied with businesses along Spectrum Drive. To the rear of the Property are residentially zoned parcels.

Pursuant to the Gwinnett County Unified Development Ordinance, the C-1 zoning classification is intended to provide for retail and commercial uses of a convenience nature for nearby residential neighborhoods. These uses are intended to be facilities serving the everyday needs these nearby neighborhoods rather than the larger community. The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Vibrant Communities Character Area,” of the Gwinnett County Future Development Map. The Vibrant Communities Character Area is intended to serve as a transition between neighborhood nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where the various types of activity centers and nodes are located. Vibrant Communities Character Areas supports corner/neighborhood serving non-residential or institutional developments/uses being integrated into communities.

III. PROJECT SUMMARY

As shown on the site plan by Blue Landworks Consulting Engineers & Surveyors, dated May 3, 2022, and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes to develop the Property as single-story building to relocate his existing business, Sole Play, currently operating at 1956 Duluth Highway. Sole Play is a men’s boutique retailer that sells fashion accessories, clothes, specialty/limited edition shoes, and other items. The rezoning of the Property will develop a vacant site and allow for a quality retail/commercial development that will complement the existing office park and provide a retail service to the surrounding community. The proposed building will consist of one, single-story building totaling 7,100 square feet, with additional tenant spaces. The Applicant intends to use approximately 3,500 square feet of the building for his business and the remaining area would be occupied with other tenant spaces. The additional tenant spaces will be permitted uses within the C-1 zoning district such as a tailor/sewing shop; barber shop; gift shop; hobby shop or game store; art/photography studio; or jewelry store.

The Applicant is requesting following variance:

Reduction of buffer requirement from 50’ to 25’ to accommodate development of site. The Property is currently zoned O-I, which requires a 50’ buffer adjacent to residentially zoned properties. The requested zoning classification of C-1 also requires a 50’ buffer adjacent to residentially zoned properties. However, the adjacent existing office park development maintains a 25’ buffer along the rear of the property line, together with a 6’ brick privacy wall that extends along the rear property line onto the subject Property. The Applicant seeks to maintain the 25’ buffer along the rear of the Property as it extends along the site. The reduction in the buffer will allow the building to be constructed in compliance with the site plan. In consideration of the unique size and layout of the Property, strict adherence to the language of the UDO would effectively prohibit the Applicant from developing the remaining parcel of the existing office park. The Applicant’s requested variance is the minimum necessary to afford the Applicant relief so that the Property may be developed with an economically viable use as permitted under C-1. Further, granting the requested relief would not cause a substantial detriment to the public good.

IV. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that rezoning to C-1, 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 Property and development of a neighborhood-serving retail commercial building is consistent with, and will complement both the adjacent residential and nearby commercial properties. As Duluth Highway is a heavily developed commercial area, the proposed rezoning is compatible with the adjacent properties.

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

No, this rezoning request proposes a commercial and retail development that will serve the surrounding community and neighborhood. It is entirely compatible with the adjoining and nearby residential and commercial property, and will not adversely affect those properties. The proposed rezoning is consistent with the existing commercial corridor along Duluth Highway, as well as the adjacent office park development.

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

No. The subject property does not have any reasonable economic use. The development of the Property will create a neighborhood serving retail and commercial use for residents in the community.

(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 subject property is located in an area with public water and sewer availability, and convenient access to major thoroughfares and state highways. This rezoning is consistent with the existing uses, and this rezoning is for the development of a retail and commercial use. The Property is currently zoned O-I. The rezoning will not cause excessive use of existing streets, transportation facilities or utilities, and will have no impact whatsoever on the schools.

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

Yes. The 2040 Unified Plan identifies this Property as within the Vibrant Communities Character Area and corner/neighborhood serving non-residential developments may be integrated into the community. The development of the Property is also in compliance with Theme 2 of the 2040 Plan, which supports corner neighborhood-serving stores.

(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:

Yes, the Board of Commissioners' actions in permitting similar commercial uses in the area clearly established the character of this area as a commercial activity center, making utilization of land to be developed as commercial property. The purpose and intent of the development is the creation of a more viable commercial parcel, which is entirely consistent with the goals for this area.

V. JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or may classify the Subject Property which is the subject of the rezoning application into any more or less intensive zoning classification, development and/or conditions other than as requested by the Applicant are, and would be, unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO, as applied to the Subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant any economically viable use of the Subject Property while not substantially advancing legitimate state interests. Under *Lathrop v. Deal*, the application of the UDO in a way that constitutes a taking shall be deemed a waiver of sovereign immunity.¹

The Subject Property is presently suitable for development under the C-1 zoning classification as requested by the Applicant and is not economically suitable for development under its present O-I zoning classifications of Gwinnett County. A denial of the requested rezoning would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Subject Property to C-1 zoning classification, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Subject Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

Any rezoning of the Subject Property to the C-1 classification, subject to conditions which are different from the requested conditions by which the Applicant may amend its application, to

¹ *Lathrop v. Deal*, 301 Ga 408, 880-881 S.E. 2d 867 (2017)

the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone from O-I to C-1 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 20th day of May, 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:		6.15.22	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@gwinnettcountry.com	
Case Number:		RZC2022-00023	
Case Address:		1695 Duluth Highway	
Comments:		<input checked="" type="checkbox"/> X	<input type="checkbox"/> YES
		<input type="checkbox"/>	<input type="checkbox"/> NO
1	Duluth Highway is a major arterial. ADT = 20,300.		
2	0.7 miles to nearest transit facility (#2334773) Atkinson Road and Rite-Aid (Dollar Tree).		
3	Developer shall coordinate with Gwinnett County Department of Transportation (GCDOT) Traffic Signals on the proposed signal fiber project along the frontage of the property.		
4	Developer shall provide an agreement for interparcel access from the existing office property to the east.		
5	Developer shall coordinate with the Georgia Department of Transportation (GDOT) regarding access (SR 120).		
6			
7			
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/> YES
		<input checked="" type="checkbox"/> X	<input type="checkbox"/> NO
1			
2			
3			
4			
5			
6			
7			

Note: Attach additional pages, if needed

Revised 7/26/2021



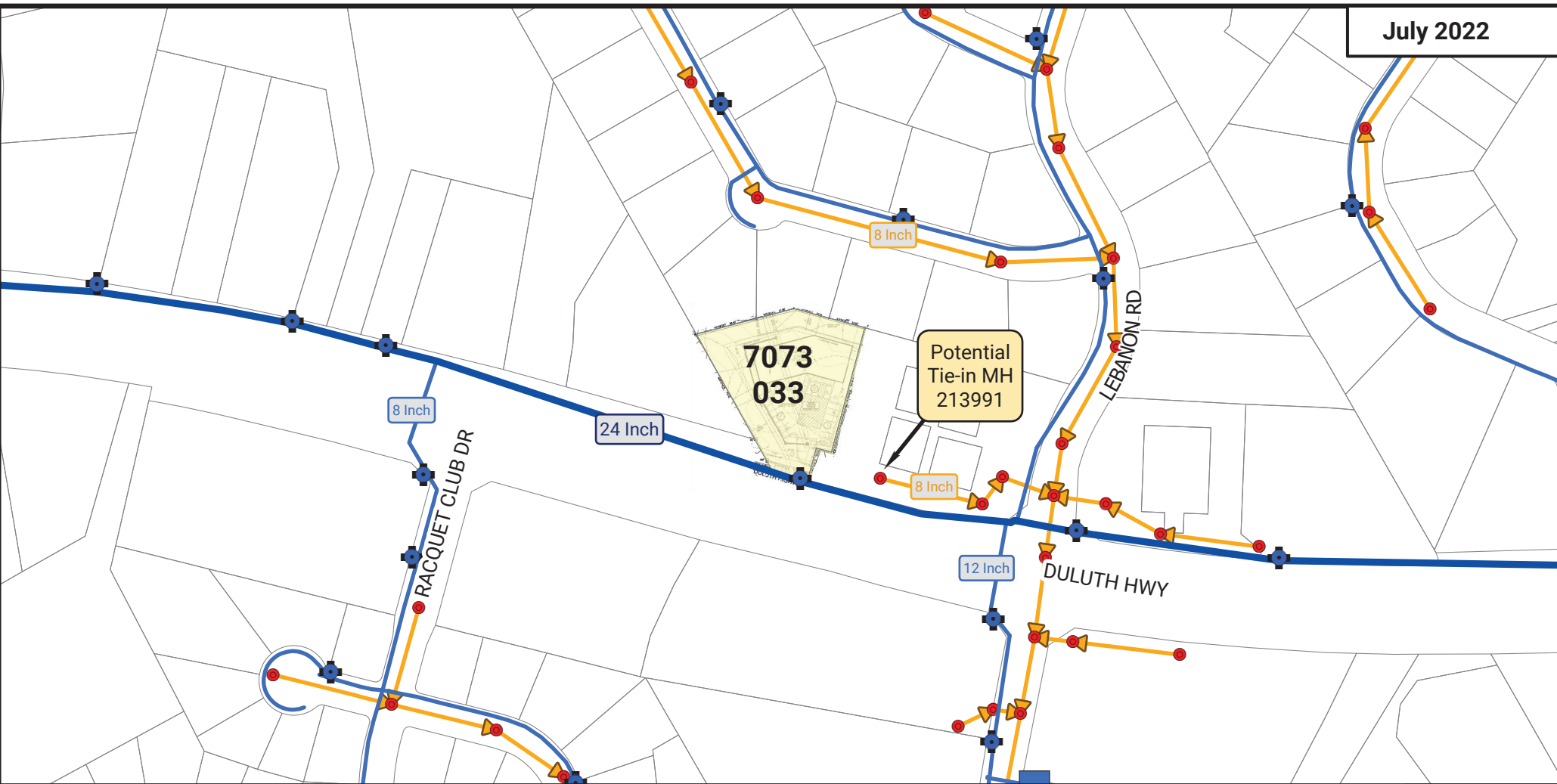
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		June 15, 2022		
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.pappas@gwinnettcountry.com		
Case Number:		RZC2022-00023		
Case Address:		6195 Duluth Highway		
Comments:		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	Water: The development will need to connect to the existing 12-inch water main located approximately 300 feet east at the intersection of Duluth Highway and Lebanon Road, connections to the 24-inch transmission main are not permitted.			
2	Sewer: A Sewer Capacity Certification is required to confirm capacity.			
3	Sewer: Pending available sewer capacity, proposed development may be able to connect an existing 8-inch sewer main located approximately 75 feet east on parcel 7073 089.			
4	Sewer: An easement will be required to access this sewer.			
5				
6				
7				
Recommended Zoning Conditions:		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Note: Attach additional pages, if needed

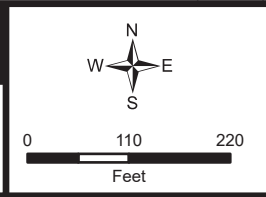
Revised 7/26/2021

July 2022



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

RZC2022-00023
O-I to C-1
Water & Sewer
Utility Map



Water Comments: The development will need to connect to the existing 12-inch water main located approximately 300 feet east at the intersection of Duluth Highway and Lebanon Road, connections to the 24-inch transmission main are not permitted.

Sewer Comments: A Sewer Capacity Certification is required to confirm capacity. Pending available sewer capacity, proposed development may be able to connect an existing 8-inch sewer main located approximately 75 feet east on parcel 7073 089. An easement will be required to access this sewer.

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]




LEBANON RD

DE WINTON PL

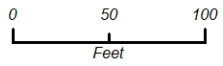
DULUTH HWY

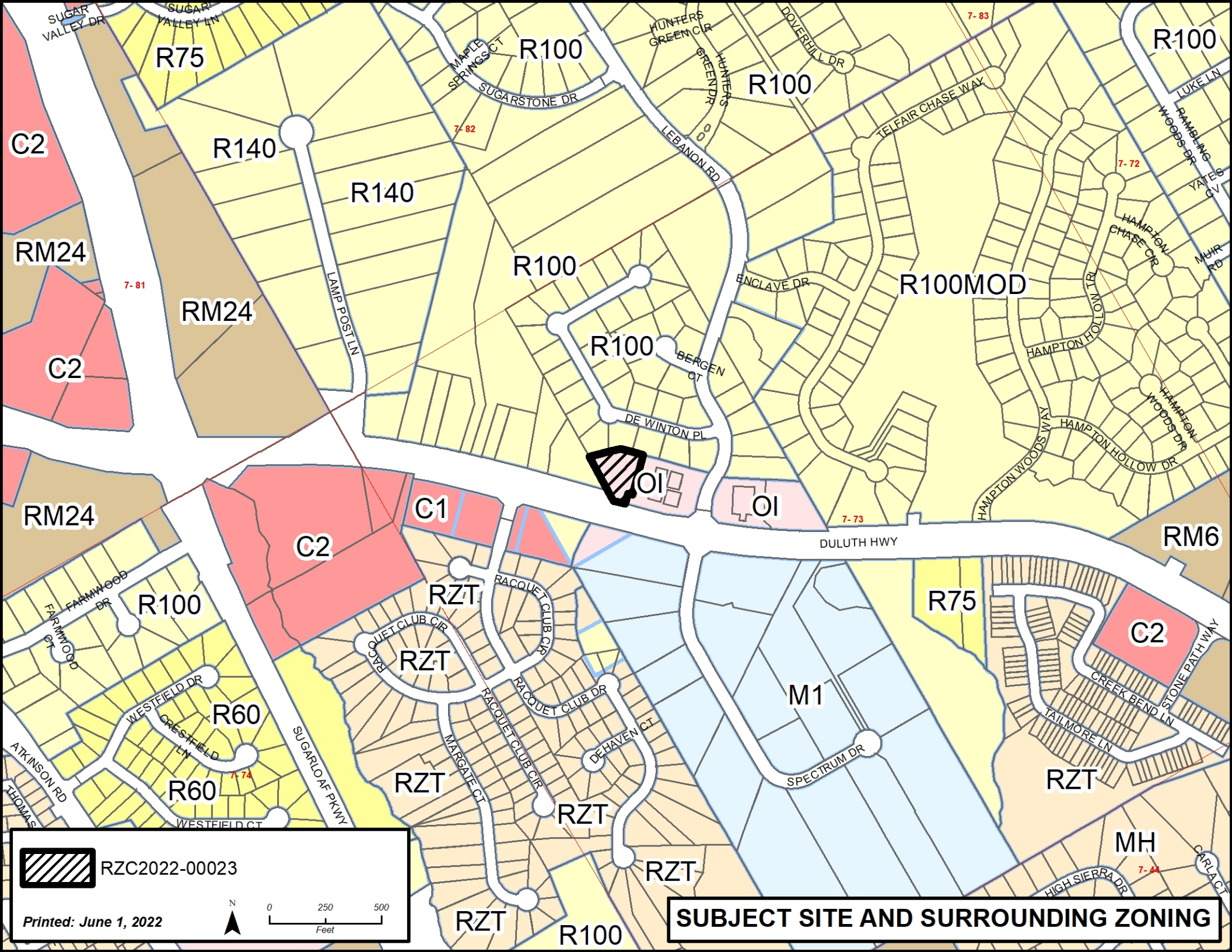
SPECTRUM DR

ACQUET CLUB DR

 RZC2022-00023

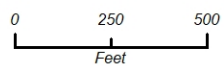
Printed: June 1, 2022



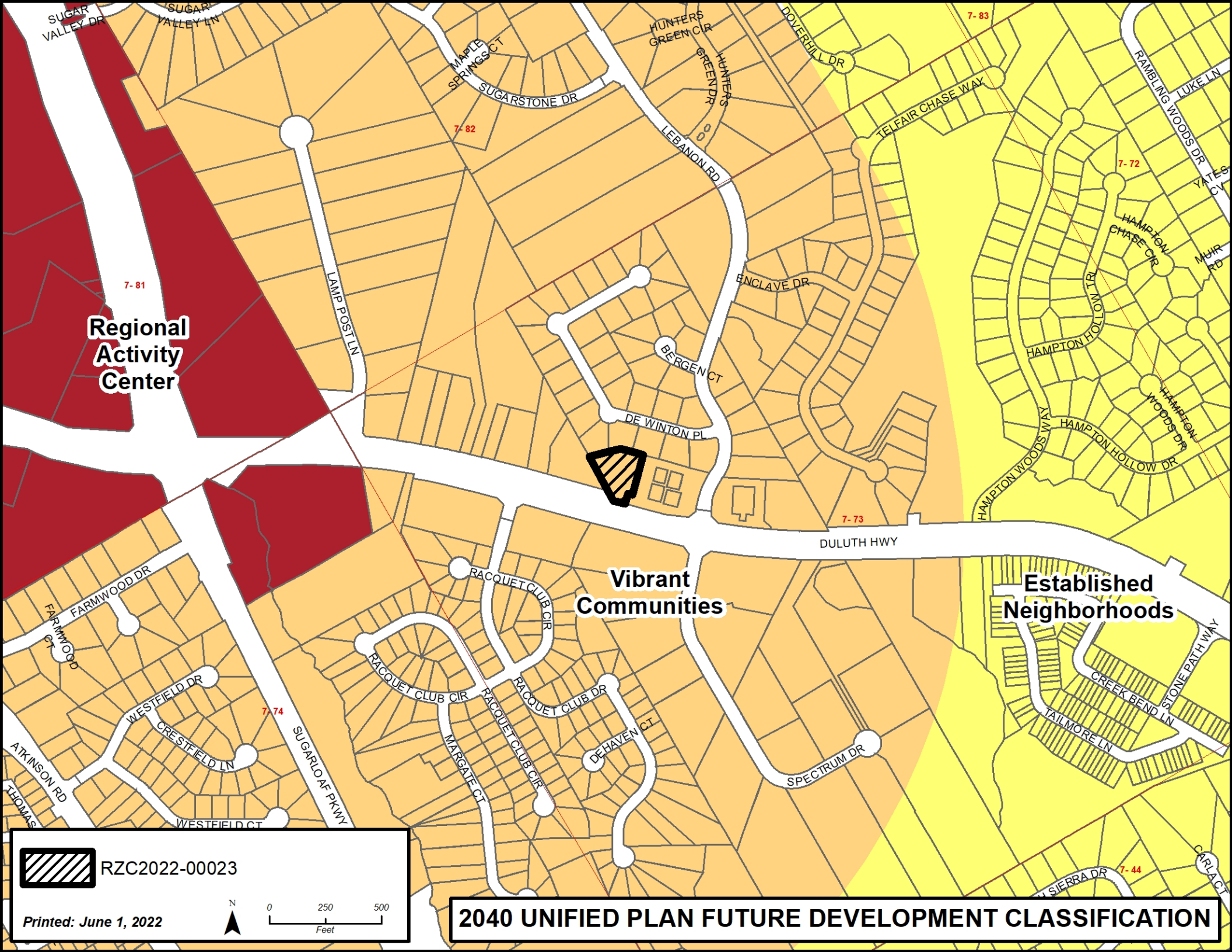


RZC2022-00023

Printed: June 1, 2022




SUBJECT SITE AND SURROUNDING ZONING



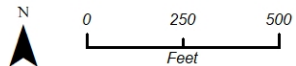
**Regional
Activity
Center**

**Vibrant
Communities**

**Established
Neighborhoods**

 RZC2022-00023

Printed: June 1, 2022



2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Exclusive Wear, LLC c/o Andersen, Tate & Carr, PC	NAME: JPC Properties, Inc.
ADDRESS: 1960 Satellite Blvd S-4000	ADDRESS: 2050 Lullwater Place
CITY: Duluth	CITY: Lawrenceville
STATE: GA ZIP: 30097	STATE: GA ZIP: 30043
PHONE: 770-822-0900	PHONE: 404-569-4221
EMAIL: mglouton@atclawfirm.com	EMAIL: gary@freemanberrong.com
CONTACT PERSON: Melody Glouton PHONE: 770-822-0900	
CONTACT'S E-MAIL: mglouton@atclawfirm.com	
<p align="center">APPLICANT IS THE:</p> <p> <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER </p>	
PRESENT ZONING DISTRICTS(S): O-I REQUESTED ZONING DISTRICT: C-1	
PARCEL NUMBER(S): R7073 033 ACREAGE: 0.81	
ADDRESS OF PROPERTY: 1695 Duluth Highway, Lawrenceville	
PROPOSED DEVELOPMENT: Clothing and Apparel Store	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: 1
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. 7,100 SF
Gross Density: _____	Density: _____
Net Density: _____	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

May 20, 2022

REVISED
LETTER OF INTENT AND JUSTIFICATION FOR REZONING

Rezoning Application
Gwinnett County, Georgia

Applicant:
Exclusive Wear, LLC

Property:
Tax Parcel ID R7073 033
±0.81 Acres of Land
Located at 1695 Duluth Highway, Lawrenceville, Georgia
From O-I to C-1

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

I. INTRODUCTION

This Application for Rezoning is submitted for a 0.81 acre parcel of land located in Land Lot 73 of the 7th District of Gwinnett County, Georgia, Lawrenceville, and identified as 1695 Duluth Highway (hereinafter the “Property”). The Property is located along Duluth Highway near the intersection of Lebanon Road. The Property that is the subject of this rezoning application is shown on the survey prepared by Blue Landworks Consulting Engineers & Surveyors, dated May 3, 2022. The Property is further identified below from the Gwinnett County Geographical Information System:

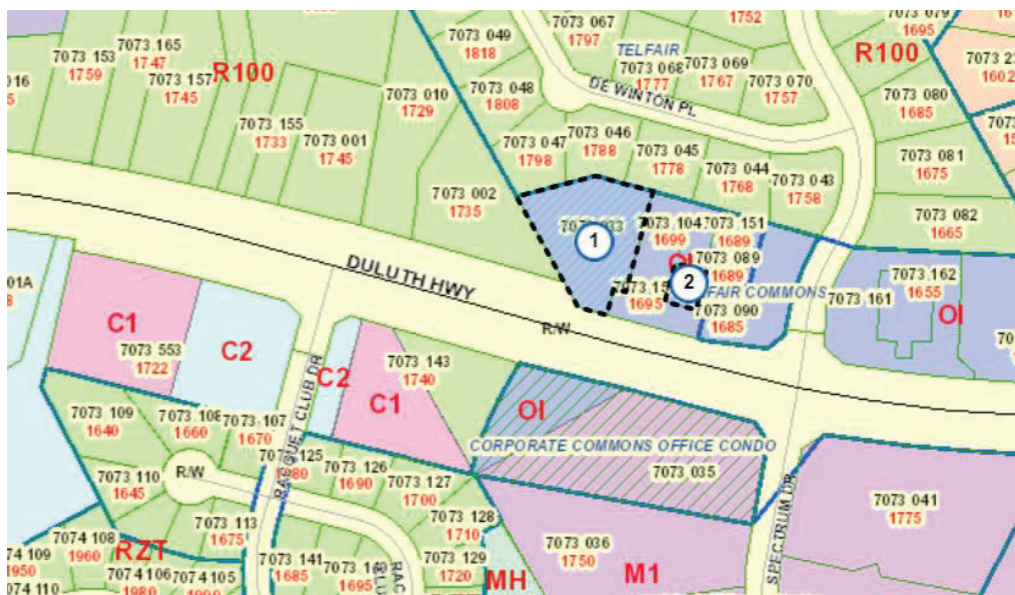


The Property is currently zoned O-I (Office-Institutional District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant, Exclusive Wear, LLC (the “Applicant”) now seeks approval to rezone the 0.81 acres to C-1 (Neighborhood Business District) to develop a single-store retail building to relocate his existing business, with additional multi-tenant spaces. The building will complement the existing office park known as “Telfair Commons” on the property. The rezoning of the Property will allow for a quality retail commercial development that will service the surrounding community in accordance with the 2040 Comprehensive Plan. The proposed development will consist of one (1) single-store building totaling approximately 7,100 square feet.

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

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a single parcel fronting Duluth Highway in Lawrenceville, Georgia. It has access to Duluth Highway via inter-parcel connectivity with the adjacent commercial development to the east known as Telfair Commons. The Property is surrounded by both residential and commercial uses. The following is a summary of surrounding zoning uses:



It is bounded on the East by properties that are zoned O-I (Office-Institutional District). Across the street from the Property are parcels zoned C-1 (Neighborhood Business District) and C-2 (General Business District). There are also multiple parcels across from the Property zoned M-1 (Light Industry District) that are occupied with businesses along Spectrum Drive. To the rear of the Property are residentially zoned parcels.

Pursuant to the Gwinnett County Unified Development Ordinance, the C-1 zoning classification is intended to provide for retail and commercial uses of a convenience nature for nearby residential neighborhoods. These uses are intended to be facilities serving the everyday needs these nearby neighborhoods rather than the larger community. The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Vibrant Communities Character Area,” of the Gwinnett County Future Development Map. The Vibrant Communities Character Area is intended to serve as a transition between neighborhood nodes and mixed-use activity centers and surrounding, established single-family residential areas, and is generally located away from the primary intersections where the various types of activity centers and nodes are located. Vibrant Communities Character Areas supports corner/neighborhood serving non-residential or institutional developments/uses being integrated into communities.

III. PROJECT SUMMARY

As shown on the site plan by Blue Landworks Consulting Engineers & Surveyors, dated May 3, 2022, and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes to develop the Property as single-story building to relocate his existing business, Sole Play, currently operating at 1956 Duluth Highway. Sole Play is a men’s boutique retailer that sells fashion accessories, clothes, specialty/limited edition shoes, and other items. The rezoning of the Property will develop a vacant site and allow for a quality retail/commercial development that will complement the existing office park and provide a retail service to the surrounding community. The proposed building will consist of one, single-story building totaling 7,100 square feet, with additional tenant spaces. The Applicant intends to use approximately 3,500 square feet of the building for his business and the remaining area would be occupied with other tenant spaces. The additional tenant spaces will be permitted uses within the C-1 zoning district such as a tailor/sewing shop; barber shop; gift shop; hobby shop or game store; art/photography studio; or jewelry store.

The Applicant is requesting following variance:

Reduction of buffer requirement from 50’ to 25’ to accommodate development of site. The Property is currently zoned O-I, which requires a 50’ buffer adjacent to residentially zoned properties. The requested zoning classification of C-1 also requires a 50’ buffer adjacent to residentially zoned properties. However, the adjacent existing office park development maintains a 25’ buffer along the rear of the property line, together with a 6’ brick privacy wall that extends along the rear property line onto the subject Property. The Applicant seeks to maintain the 25’ buffer along the rear of the Property as it extends along the site. The reduction in the buffer will allow the building to be constructed in compliance with the site plan. In consideration of the unique size and layout of the Property, strict adherence to the language of the UDO would effectively prohibit the Applicant from developing the remaining parcel of the existing office park. The Applicant’s requested variance is the minimum necessary to afford the Applicant relief so that the Property may be developed with an economically viable use as permitted under C-1. Further, granting the requested relief would not cause a substantial detriment to the public good.

IV. SITE IMPACT ANALYSIS

Pursuant to UDO § 270-20.6, entitled “Impact Analysis,” the Applicant submits its written impact analysis which shows that rezoning to C-1, 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 Property and development of a neighborhood-serving retail commercial building is consistent with, and will complement both the adjacent residential and nearby commercial properties. As Duluth Highway is a heavily developed commercial area, the proposed rezoning is compatible with the adjacent properties.

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

No, this rezoning request proposes a commercial and retail development that will serve the surrounding community and neighborhood. It is entirely compatible with the adjoining and nearby residential and commercial property, and will not adversely affect those properties. The proposed rezoning is consistent with the existing commercial corridor along Duluth Highway, as well as the adjacent office park development.

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

No. The subject property does not have any reasonable economic use. The development of the Property will create a neighborhood serving retail and commercial use for residents in the community.

(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 subject property is located in an area with public water and sewer availability, and convenient access to major thoroughfares and state highways. This rezoning is consistent with the existing uses, and this rezoning is for the development of a retail and commercial use. The Property is currently zoned O-I. The rezoning will not cause excessive use of existing streets, transportation facilities or utilities, and will have no impact whatsoever on the schools.

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

Yes. The 2040 Unified Plan identifies this Property as within the Vibrant Communities Character Area and corner/neighborhood serving non-residential developments may be integrated into the community. The development of the Property is also in compliance with Theme 2 of the 2040 Plan, which supports corner neighborhood-serving stores.

(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:

Yes, the Board of Commissioners' actions in permitting similar commercial uses in the area clearly established the character of this area as a commercial activity center, making utilization of land to be developed as commercial property. The purpose and intent of the development is the creation of a more viable commercial parcel, which is entirely consistent with the goals for this area.

V. JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or may classify the Subject Property which is the subject of the rezoning application into any more or less intensive zoning classification, development and/or conditions other than as requested by the Applicant are, and would be, unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO, as applied to the Subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant any economically viable use of the Subject Property while not substantially advancing legitimate state interests. Under *Lathrop v. Deal*, the application of the UDO in a way that constitutes a taking shall be deemed a waiver of sovereign immunity.¹

The Subject Property is presently suitable for development under the C-1 zoning classification as requested by the Applicant and is not economically suitable for development under its present O-I zoning classifications of Gwinnett County. A denial of the requested rezoning would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Gwinnett County Board of Commissioners to rezone the Subject Property to C-1 zoning classification, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Subject Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

Any rezoning of the Subject Property to the C-1 classification, subject to conditions which are different from the requested conditions by which the Applicant may amend its application, to

¹ *Lathrop v. Deal*, 301 Ga 408, 880-881 S.E. 2d 867 (2017)

the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone from O-I to C-1 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 20th day of May, 2022.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/ag

RECEIVED

5.5.2022

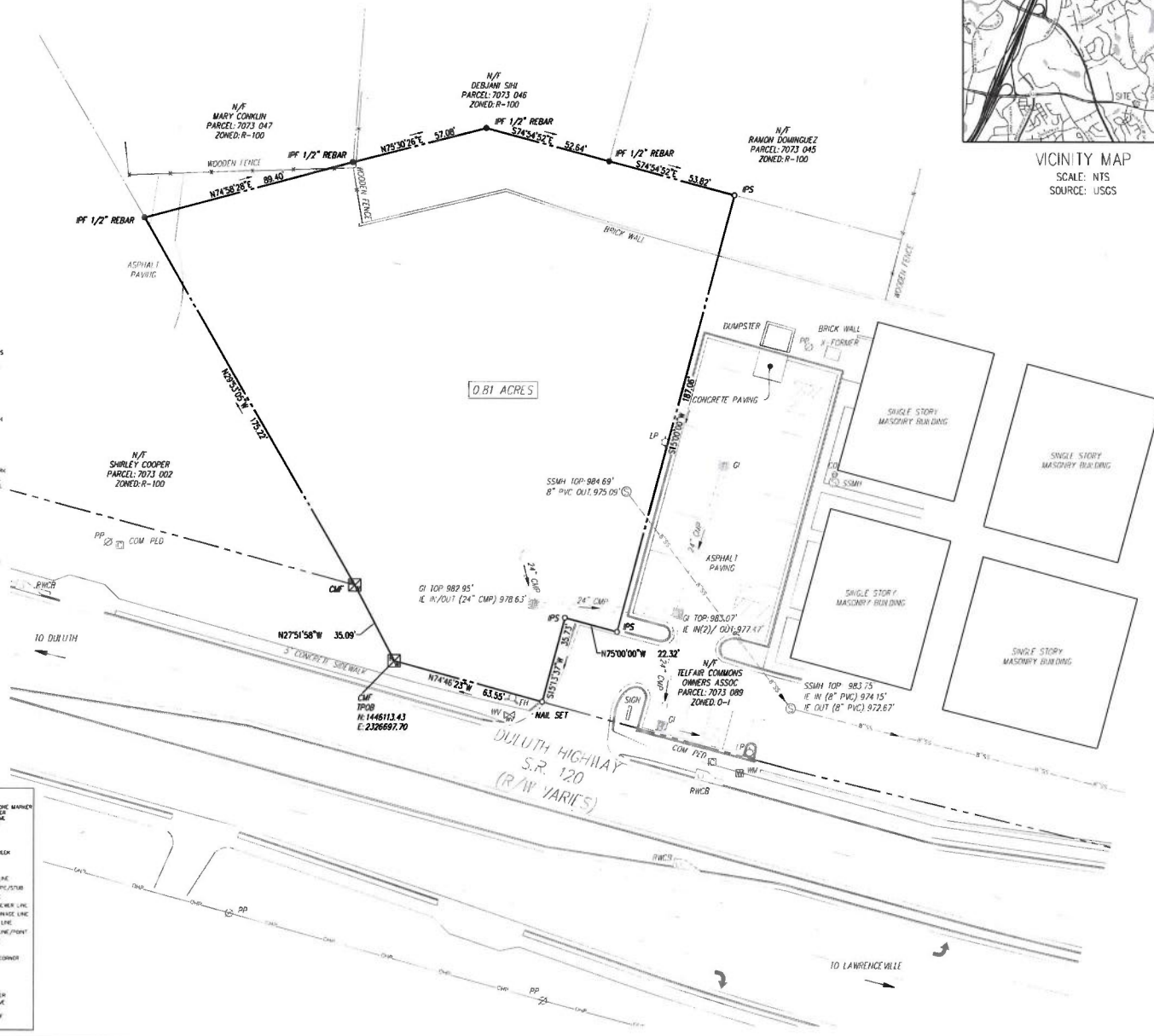
Land Description

All that tract or parcel of land lying and being in Land Lot 73 of the 7th Land District Gwinnett County Georgia as shown on a boundary survey prepared by Blue Landworks containing 0.81 acres as shown on a Boundary Survey of 1695 Duluth Highway, Lawrenceville Georgia, dated May 4, 2022, and being more particularly described as follows.

Commencing at a Concrete Monument found on the Northern margin of Duluth Highway AKA Georgia State Highway 120 (R/W varies) said monument having a State Plane Coordinate **N:1446113.43, E:2326697.70**, Georgia West Zone, being the **True Point of Beginning**.

Thence continuing along said margin North 27 degrees 51 minutes 58 seconds West 35.09 feet to a Concrete Monument on the Northern margin of Duluth Highway (R/W Varies); Thence departing said R/W North 29 degrees 53 minutes 05 seconds West 175.22 feet, to an iron pin found (1/2" rebar); Thence North 74 degrees 58 minutes 28 seconds East 89.40 feet, to an iron pin found (1/2" rebar); Thence North 75 degrees 30 minutes 26 seconds East 57.08 feet, to an iron pin found (1/2" rebar); Thence South 74 degrees 54 minutes 52 seconds East 52.64 feet, to an iron pin found (1/2" rebar); Thence South 74 degrees 54 minutes 52 seconds East 53.82 feet, to an iron pin found (1/2" rebar); Thence South 15 degrees 00 minutes 00 seconds West 187.06 feet, to an iron pin set (1/2" rebar w/cap); Thence North 75 degrees 00 minutes 00 seconds West 22.32 feet, to an iron pin set (1/2" rebar w/cap); Thence South 15 degrees 13 minutes 37 seconds West 35.73 feet, to an iron pin set (1/2" rebar w/cap) said pin being on the Northern margin of Duluth Highway AKA Georgia State Highway 120 (R/W varies) to an iron pin set (1/2" rebar w/cap); Thence continuing along said margin North 74 degrees 46 minutes 23 seconds West 63.55 feet to the **True Point of Beginning**.

5.5.2022



VICINITY MAP
SCALE: NTS
SOURCE: USGS

SURVEY REFERENCES

- SOURCE REFERENCES**
1. GIBNETT COUNTY DEED BOOK 7031 PAGE 280
2. GIBNETT COUNTY PLAT BOOK 50 PAGE 167
3. GIBNETT COUNTY PLAT BOOK 47 PAGE 50

GENERAL NOTES

1. SPS (FROM PRE SET) IS 1/2" DIA. VS (PRE SET) IS MAGNAN.
2. THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, DEMOLITION, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
3. THERE WAS NO OBSERVED EVIDENCE OF PRESENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
4. THE LOCATIONS OF UNDERGROUND UTILITIES ARE TAKEN FROM VISIBLE EVIDENCE, CONSTRUCTION PLANS AND/OR PREVIOUS SURVEYS AND SHOULD BE CONSIDERED APPROXIMATE.
5. OTHER UNDERGROUND UTILITIES MAY BE LOCATED ON THIS PROPERTY. PIPE SIZES ARE TAKEN FROM CONSTRUCTION PLANS AND/OR PREVIOUS SURVEYS WHERE NOT VERIFIABLE.

SURVEY NOTES

2. THIS PARCELS ADDRESS IS SHOWN ON CUMMETT COUNTY RECORDS AS BEING 1640 OLIVIAN HIGHWAY, LANIERVILLE, 30043.
3. SAID DESCRIBED PROPERTY DOES NOT LIE WITHIN A FLOODPLAIN ACCORDING TO FLOOD INSURANCE RATE MAP # 13135C0007F, WITH A DATE OF CERTIFICATION OF SEPTEMBER 29TH 2006, FOR COMMUNITY NUMBER 13135C, IN CUMMETT COUNTY, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
4. PROPERTY IS IDENTIFIED AS CUMMETT COUNTY MAP PARCEL: 7073 033

GPS_STATEMENT

THE INITIAL CONTROL POINTS FOR THIS SURVEY WERE LOCATED UTILIZING GPS. THE EQUIPMENT USED WAS A CHAMBERLAIN T40 GNSS RECEIVER WITH CARLSON SURVEY DATA COLLECTION SOFTWARE. ALL COORDINATES ARE BASED ON NAD83(2011) AND GDS0726. NETWORK RTK CORRECTIONS WERE RECEIVED VIA A CELLULAR MODEM. THE TYPE OF SURVEY WAS NETWORK RTK UTILIZING THE TRIMBLE WYSE REAL TIME NETWORK OPERATED BY EPOS SOLUTIONS, INC. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMISSION PART 5 NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS 04 FT. HORIZONTAL AND 07 FT. VERTICAL AT THE 95% CONFIDENCE LEVEL.

SURVEYOR'S CERTIFICATION BOUNDARY SURVEY

THE PROPERTY HEREON LIES COMPLETELY WITHIN A JURISDICTION WHICH DOES NOT REVIEW OR APPROVE ANY PLATS OF THIS TYPE OF PLAT PRIOR TO RECORDING. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.G.C.A., SECTION 15-6-67.

FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A TRIMBLE 5600DGT TOTAL STATION ELECTRONIC INSTRUMENT. THE FIELD DATA UPON WHICH THIS MAP OR PLAN IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 52,330 FEET AND AN ANGULAR ERROR OF 14 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES ADJUSTMENT. THIS MAP OR PLAN HAS BEEN CALCULATED FOR CLOSURE, AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 50,000 FEET.

DATE OF LAST FIELD WORK: 04/27/2022

DATE PLAY WAS SCALED: 05/04/2023



NAME THOMAS W WOODSWILL
REGISTRATION/LICENSE NUMBER 2767 (GEORGIA)

DATE OF EXPIRATION: DECEMBER 31, 2022

[illegible]

B
BLUE
LANDWORKS
CONCRETE ENGINEERING & SURVEYING
LICENSE # PEP0050-9
LICENSE # LSP000344
5019 WEST BROAD STREET
SUITE #230
SUGAR HILL, GEORGIA 30058
TELEPHONE: (678) 854-8586
INFO@BLUELANDWORKS.COM
WWW.BLUELANDWORKS.COM

PREPARED FOR
EXCLUSIVE WEAR, LLC
1325 QUALITY HIGHWAY,
SUITE B-100
LAURENCEVILLE, GA 30043
CON'AC® HEN RAMCHONGAM
TEL 770 662-7099

DESIGN PROFESSIONAL'S OFF ELECTRONIC SIGNATURE AND VERIFICATION SYSTEMS ARE NOT TO BE USED IF ANY OCCASION IS CURRENTLY PENDING. IT IS NOT RESPONSIBLE FOR ANY LEGAL INTERPRETATION, CONSTRUCTION, OR UNAUTHORIZED USE OF SIGNATURE TO VERIFY THE VERIFICATION OF SIGNATURE. CONTACT 3P

[illegible]

SCALE: 1" = 20'

TH HWY
E, GA 30043

LAND LOT(S) 73

PROPERTY ZONED 01

0 20' 40' 60' 80' 100' 120' 140' 160' 180' 200' 220' 240' 260' 280' 300' 320' 340' 360' 380' 400' 420' 440' 460' 480' 500' 520' 540' 560' 580' 600' 620' 640' 660' 680' 700' 720' 740' 760' 780' 800' 820' 840' 860' 880' 900' 920' 940' 960' 980' 1000'

Scale

SC

**1695 DULUTH
LAWRENCEVILLE**

BOUNDARY
SURVEY

PROJECT# 2022.013

SHEET 1 OF 1

SHEET 1 OF 1



GENERAL NOTES

1. PROPERTY ADDRESS: 1695 DULUTH HIGHWAY, LAWRENCEVILLE, GEORGIA, 30043
2. COUNTY OF: CLAY COUNTY PARCEL ID: 7-073-033
3. THERE ARE NO WETLANDS ON THIS PROPERTY PER THE NATIONAL WETLANDS INVENTORY PREPARED BY THE U.S. FISH AND WILDLIFE SERVICE.
4. ALL SURVEY AND TOPOGRAPHIC INFORMATION BASED ON BOUNDARY SURVEY PREPARED BY BLUE LANDWORKS, LLC AND LAST REVISED MAY 30RD 2022.
5. THIS PROPERTY IS A WETLANDS COURSE FROM A WATER COURSE WITH A DRAINAGE AREA EXCEEDING 100 ACRES OR FLOODPLAIN PER FIRM PANEL NUMBER 13135C0071F. WITH A DATE OF SEPTEMBER 29TH 2006.
6. THERE IS NO CONSTRUCTION INTENTURE AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.
7. WATER SERVICE PROVIDED BY GWINNETT COUNTY.
8. SEWER SERVICE PROVIDED BY GWINNETT COUNTY.
9. ALL NEW CONSTRUCTION WITHIN THE DEVELOPMENT SHALL BE MADE ADA ACCESSIBLE (2010 ADA 36.401)

SITE DATA:
EXISTING ZONING: O-1
PROPOSED ZONING: C-1
PROPOSED USE: RETAIL SALES

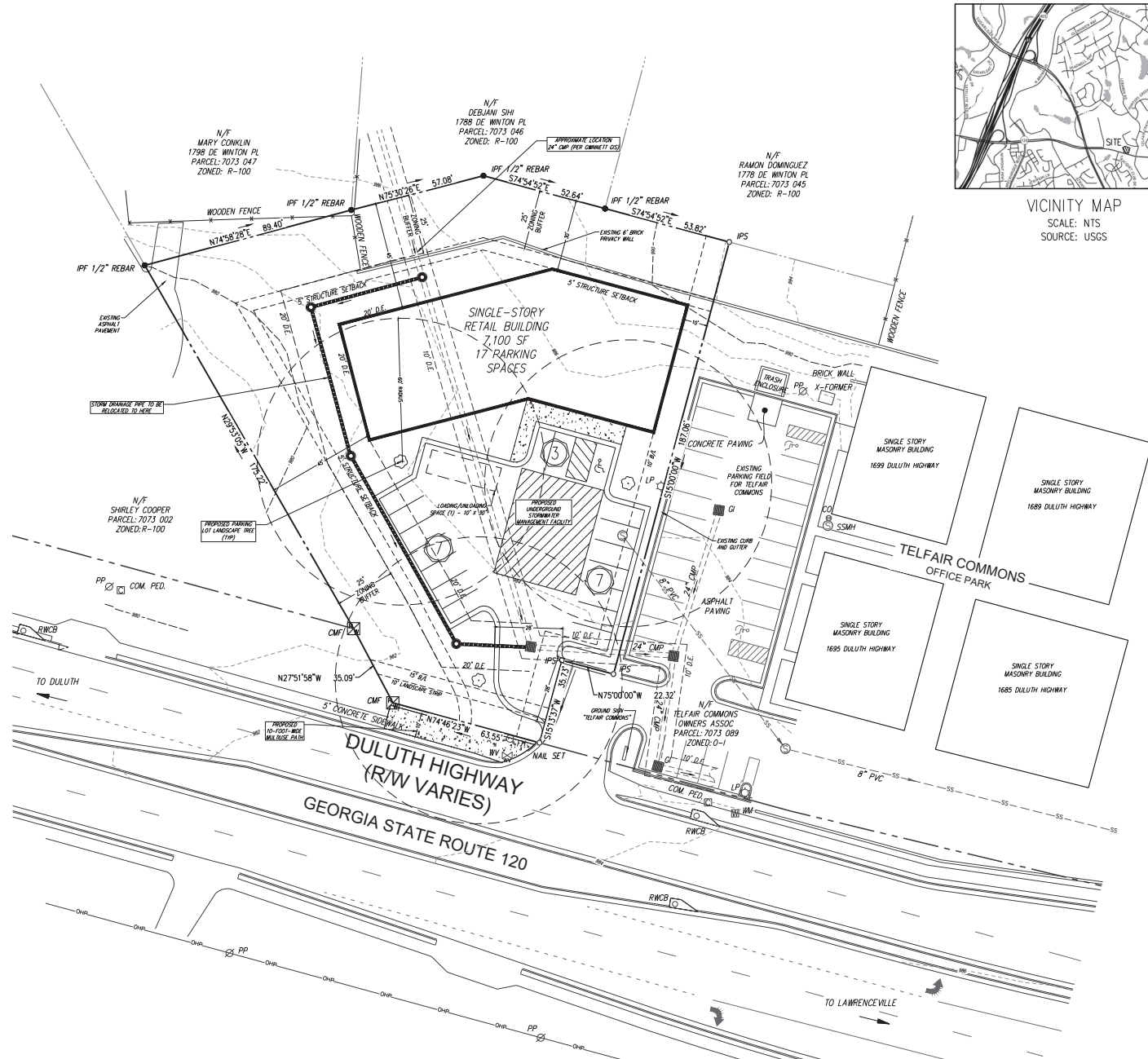
GROSS/NET SITE AREA: 0.8 AC
BUILDING AREA: 7,100 SF

PARKING REQUIRED:
MINIMUM: 1 SP/500 SF = 14.5 SPACES
MAXIMUM: 1 SP/200 SF = 36.25 SPACES
PARKING PROVIDED: 17 SPACES

SETBACKS:
FRONT YARD: 15 FEET
SIDE YARD: 10 FEET
REAR YARD: 30 FEET

MAXIMUM BUILDING HEIGHT: 35 FEET

ZONING BUFFER
ADJACENT TO R100: 25 FEET (BUFFER REDUCTION REQUESTED)

[illegible]

VICINITY MAP
SCALE: NTS
SOURCE: USGS

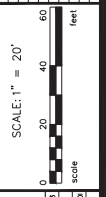


**BLUE
LANDWORKS**

REGULATING ENGINEERS & SURVEYORS
LICENSE # PE0005518
LICENSE # LS0001044
5019 WEST BROAD STREET
SUITE M230
SUGAR HILL, GEORGIA 30058
TELEPHONE: (678) 804-8586
INFO@BLUELANDWORKS.COM
WWW.BLUELANDWORKS.COM

KOLLSUIVE WEAR, LLC
56 DELUSH HIGHWAY
SUITE B-108
BREXENVILLE, GA 30043
CONTACT: NEIL RAMCHANDANI
T: 770-682-7999

1	05/03/22	SUBMIT FOR REVIEW	
2	05/19/22	REVISE EXHIBIT PER COUNTY COMMENTS	



1695 DULUTH HWY
LAWRENCEVILLE, GA 30043

REZONING
EXHIBIT

PROJECT# 2022.013
SHEET 1 OF 1

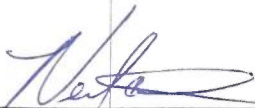
RECEIVED

5.5.2022

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.



Signature of Applicant

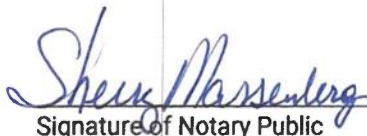
04/26/2022

Date

Neil Ramchandani

Type or Print Name and Title

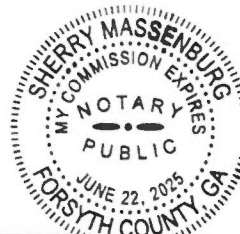
MEMBER



Signature of Notary Public

4/26/2022

Date



Notary Seal

RECEIVED

5.5.2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 10/2021

REZONING PROPERTY OWNER'S CERTIFICATION

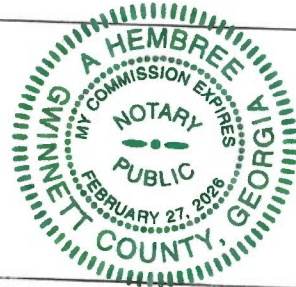
THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE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

Carolyn Sue R. Tetterton President April 26, 2022
Signature of Property Owner Date
JPC PROPERTIES, INC.

Carolyn Sue R. Tetterton President
Type or Print Name and Title
JPC Properties, Inc.

J. Hembree
Signature of Notary Public

4-26-22
Date



Notary Seal

RECEIVED

5.5.2022

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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.

Neil Ramchandani 4/26/22 Neil Ramchandani / MEMBER
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

Sherry Massenburg 4/26/2022
SIGNATURE OF NOTARY PUBLIC DATE

NOTARY SEAL



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

NEIL RAMCHANDANI
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

5.5.2022

Gwinnett County Planning Division
Rezoning Application
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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Melody A. Glouton 5/5/22 Melody A. Glouton, Attorney for Applicant

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

[Signature] 5/5/22

SIGNATURE OF NOTARY PUBLIC DATE



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

☒ YES ☐ NO Melody A. Glouton
YOUR NAME

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

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Nicole Love Hendrickson	\$1,000	09/30/2020
Kirkland Carden	\$2,800	11/16/2021
Commissioner Ben Ku	\$1,000	03/25/2022

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

RECEIVED

5.5.2022

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: R7 - 073 - 033
(Map Reference Number) District Land Lot Parcel

Melody A. Glouton
Signature of Applicant

5/4/22
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)

Tomia Harman
NAME

TSA
TITLE

5.4.2022
DATE

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: Gabrielle Cazeau