



PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: RZC2022-00033
Current Zoning: R-100 (Single-Family Residence District)
Request: Rezoning to **M-1** (Light Industry District)
Site Area: 0.88 acres

Case Number: RZC2022-00034
Current Zoning: RA-200 (Agriculture-Residence District)
Request: Rezoning to **M-2** (Heavy Industry District)
Site Area: 9.76 acres

Case Number: RZC2022-00035
Current Zoning: O-I (Office-Institutional District)
Request: Rezoning to **M-2** (Heavy Industry District)
Additional Requests: Variance
Site Area: 14.44 acres

Case Number: RZC2022-00036
Current Zoning: M-2 (Heavy Industry District)
Request: Rezoning to **C-2** (General Business District)
Site Area: 0.50 acres

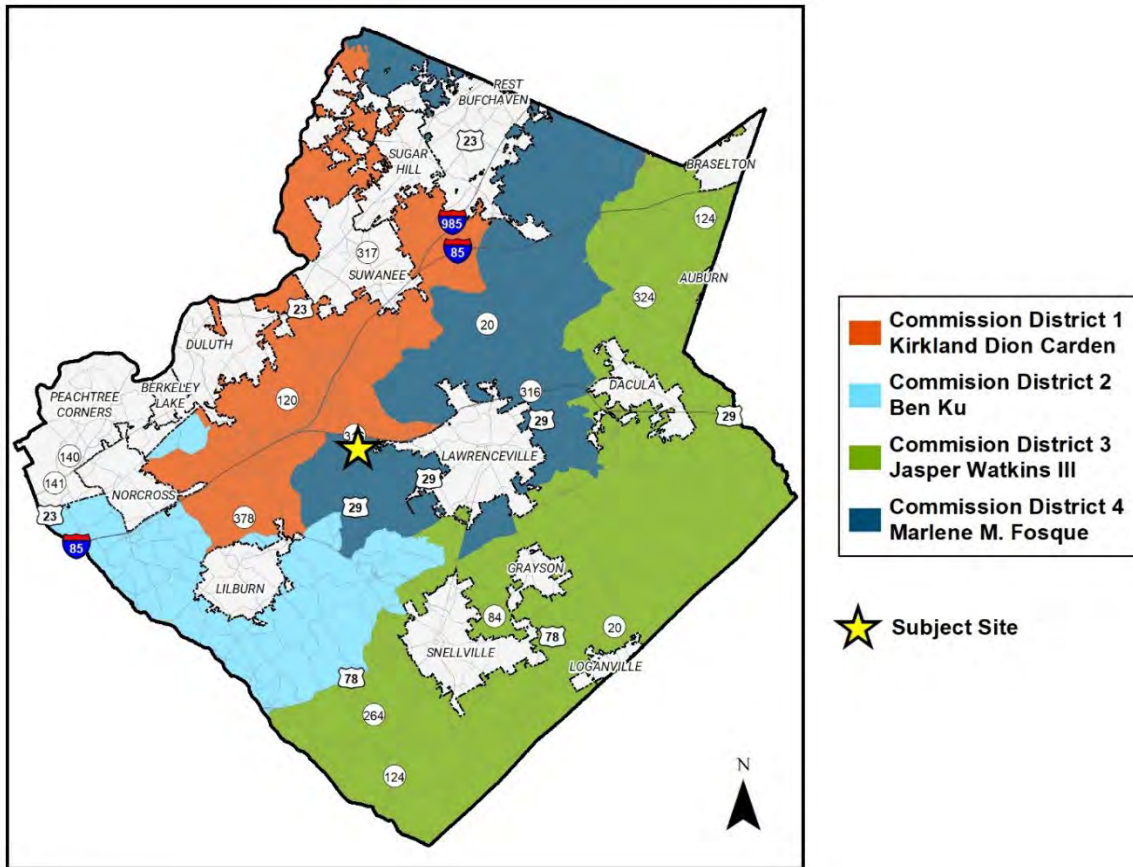
Case Number: RZC2022-00037
Current Zoning: M-2 (Heavy Industry District)
Request: Rezoning to **C-2** (General Business District)
Site Area: 0.43 acres

Case Numbers: RZC2022-00033, 00034, 00035, 00036, and 00037
Address: 5030 Sugarloaf Parkway
Map Number: R7036 001
Proposed Development: Mixed-Use Campus (Warehouse, Office, Commercial, Retail, and Service)
2022 Commission District: District 4 – Commissioner Fosque*
Character Area: Innovation District

Staff Recommendation: APPROVAL WITH CONDITIONS
Planning Commission Recommendation: APPROVAL WITH CONDITIONS

*Commission District 1 effective January 1, 2023

Planning Commission Advertised Public Hearing Date: 9/7/2022
Board of Commissioners Advertised Public Hearing Date: 9/27/2022



Applicant: FF PIX 5030 Sugarloaf, LLC
c/o Mahaffey Pickens Tucker, LLP
1550 North Brown Road, Suite 125
Lawrenceville, GA 30043

Owner: FF PIX 5030 Sugarloaf, LLC
1389 Peachtree Street NE
Atlanta, GA 30309

Contact: Shane Lanham

Contact Phone: 770.232.0000

Zoning History

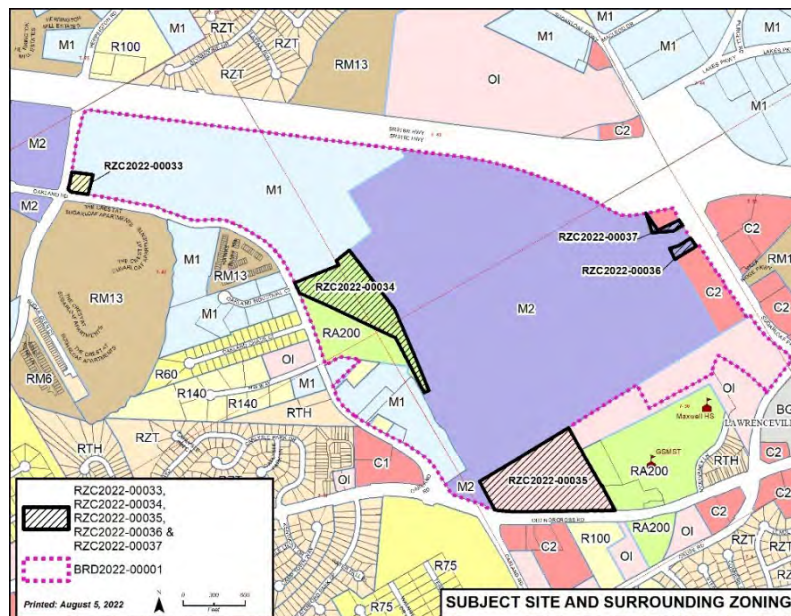
The requested rezonings are portions of a 278.75-acre parcel which are part of a larger 289.65-acre assemblage of six parcels located along Sugarloaf Parkway, south of its intersection with University Parkway. This zoning history is related to the entire assemblage. 5030 Sugarloaf Parkway is zoned RA-200 (Agriculture-Residence District), R-100 (Single-Family Residence District), O-I (Office-Institutional District), M-1 (Light Industry District), C-2 (General Business District), and M-2 (Heavy Industry District). Rezoning case, RZ-06-71, was denied to rezone the property from M-2 to RA-200 for a mobile home park in 1971. In 1978, two rezonings were approved (RZ-018-78 and RZ-082-78) to rezone portions of the subject property to R-100 and RA-200 for single-family residences. Rezoning case REZ1995-00192, was denied for a single-family detached neighborhood in 1995. A special use permit was approved in 2008 to allow an increase in building height.

Existing Site Condition

The requested rezonings are portions of a 278.75-acre parcel which are part of a larger 289.65-acre assemblage of six parcels located along Sugarloaf Parkway, south of its intersection with University Parkway. The assemblage has road frontage along Sugarloaf Parkway, Cruse Road, Old Norcross Road, Oakland Road, and Herrington Road. Several large office buildings totaling 767,920 square feet, parking garages, surface parking lots, stormwater management facilities, and a baseball field are located on the site and were primarily constructed between 1999 and 2008. A private drive runs through the site from the main entrance on Sugarloaf Parkway to Oakland Road. Most of the site contains dense mature vegetation with the only exception being the cleared area where the built improvements are located. The site is encumbered by several streams located throughout the property in addition to floodplain in the northwest corner of the site near the Oakland Road and Herrington Road intersection. The site generally slopes down from Sugarloaf Parkway to the west, however there are several areas of the site that feature rolling hills and varied topography. Sidewalks are present along Cruse Road, Old Norcross Road, and a small portion on Herrington Road. Overhead utilities are present along the Cruse Road and Old Norcross Road frontages. The nearest Gwinnett County Transit stop is located on the opposite side of Sugarloaf Parkway, at its intersection with Marathon Boulevard and Cruse Road.

Surrounding Use and Zoning

The subject assemblage is surrounded by commercial, civic, institutional, and residential uses. To the north across University Parkway, is Gwinnett Technical College and single-family detached homes located within the Glynwater subdivision. To the east across Sugarloaf Parkway are commercial and retail uses including convenience stores with fuel pumps, fast food restaurants, self-storage facilities, and multi-tenant shopping centers. A multifamily development is located directly across Sugarloaf Parkway from the subject site's main entrance. To the south are civic and institutional uses such as Gwinnett County Fire Station #20, the Gwinnett School of Mathematics, Science and Technology, and a church with a cemetery. Additional commercial uses to the south are located across Old Norcross Road. A mix of residential uses including single-family homes, townhouses and apartments are located to the west across Oakland Road. In addition to the residential uses, there are institutional and light industrial uses across Oakland Road and Herrington Road. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Mixed Use Campus (Warehouse and Office and Commercial/Retail/Service)	M-1, M-2, C-2	N/A
North	University Parkway	N/A	N/A
East	Commercial Apartments	C-2 RM-13	N/A 10.4 units per acre
South	Institutional (GSMST) Institutional (GC Fire Station) Institutional (Place of Worship) Commercial	RA-200 O-I O-I/R-100 C-2	N/A N/A N/A N/A
West	Industrial Institutional (Place of Worship) Residential (Townhouses) Residential (Single-Family)	M-1/M-2 O-I RM-13 R-60	N/A N/A 12 units per acre 3.8 units per acre

Project Summary

The applicant requests rezoning of several portions a 278.75-acre parcel from RA-200, R-100, O-I, M-1, and M-2 to M-1, M-2 and C-2 for a mixed use campus development, including:

- 2,283,200 square feet of industrial space located within eight office/warehouse buildings.
 - o Building 100 – 198,000 square feet
 - o Building 200 – 120,000 square feet
 - o Building 300 – 494,000 square feet
 - o Building 400 – 600,000 square feet
 - o Building 500 – 145,600 square feet
 - o Building 600 – 286,000 square feet
 - o Building 700 – 313,600 square feet
 - o Building 800 – 126,000 square feet
- A 20,000 square foot daycare facility and amenity building with outdoor playground intended to serve campus employees.
- Utilization of the existing private drive from Sugarloaf Parkway to Oakland Road.
- Separate parking areas for each of the proposed buildings, all accessed from the existing private drive except for Building 100.
- Full access driveways to the site from Herrington Road and Oakland Road to access Building 100.
- A full access driveway from Oakland Road to provide additional access to Building 200.
- Multiple stormwater management facilities located throughout the site including maintaining two existing ponds.
- 18,000 square feet of commercial space located within five buildings on outparcels along Sugarloaf Parkway, accessed via internal private driveways located behind the buildings. No new driveways onto Sugarloaf Parkway are proposed by the applicant.

Zoning and Development Standards

The applicant is requesting rezoning of portions of a parcel to M-1, Light Industry District, M-2, Heavy Industry District, and C-2 General Business District for a mixed-use campus featuring light industrial office/warehouse buildings and commercial/retail uses. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

M-1 Standards

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	45'	YES
Front Yard Setback	Minimum 50'	>50'	YES
Side Yard Setback	Minimum 25'	>25'	YES
Rear Yard Setback	Minimum 50'	>50'	YES
Off-Street Parking	Minimum: 1 space per 2,500 square feet Maximum: 1 space per 500 square feet	TBD	YES*
Lot Width	150'	>150'	YES
Minimum Lot Size	1 acre	>1 acre	YES

M-2 Standards

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	45' – 55'	NO**
Front Yard Setback	Minimum 50'	>50'	YES
Side Yard Setback	Minimum 25'	>25'	YES
Rear Yard Setback	Minimum 50'	>50'	YES
Off-Street Parking	Minimum: 1 space per 2,500 square feet Maximum: 1 space per 500 square feet	TBD	YES*
Lot Width	150'	>150'	YES
Minimum Lot Size	1 acre	>1 acre	YES
Zoning Buffer	Minimum 100' adjacent to RM-24 and RA-200	0'	NO***

C-2 Standards

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 35'	<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: 1 space per 500 square feet Maximum: 1 space per 200 square feet	TBD	YES*
Landscape Strip	Minimum 10' along right of way	10'	YES
Buffer	Minimum 50' adjacent to RM-24	0'	NO***

*The development will meet the minimum and maximum amount of parking spaces for each building within the campus. Any variation from the minimum parking requirements will require a future variance.

**The applicant is requesting a building height variance.

***The applicant is seeking a Buffer Reduction Waiver (BRD2022-00001) within the proposed mixed-use campus. Analysis for the Buffer Reduction Waiver is located within the BRD2022-00001 case report.

Variance Request

In addition to the rezoning requests, the applicant is seeking a variance from the following provision of Title II of the UDO:

1. **Section 230-10 Dimensional Standards of Zoning Districts:** To exceed the maximum building height allowed under M-2 zoning.

The applicant is proposing to increase the maximum permitted building height for Building 500 from 45' to 55' tall.

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 the proposed zonings will permit uses that are suitable in view of the use and development of adjacent and nearby property.**

The site is surrounded by a variety of uses. Light industrial uses, multifamily developments, and commercial uses are located around the subject property which makes a mixed-use campus featuring similar uses suitable.

- B. Whether the proposed rezonings will adversely affect the existing use or usability of adjacent or nearby property.**

Surrounding properties would not be negatively impacted by the proposed rezoning requests. Industrial uses, multifamily developments, and commercial uses of moderate intensity are presently adjacent and nearby to the subject property. The proposed site plan proposes only four new driveways, two onto Oakland Road and one each on Herrington Road and Old Norcross

Road. This will help manage the traffic flow in and out of the site and ensure traffic is dispersed as to not overburden adjacent roads. In addition, the proposed industrial and commercial zoning changes are for fragments of the property. The requests are an attempt to amend the current zoning of the property to align with proposed parcels and development.

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

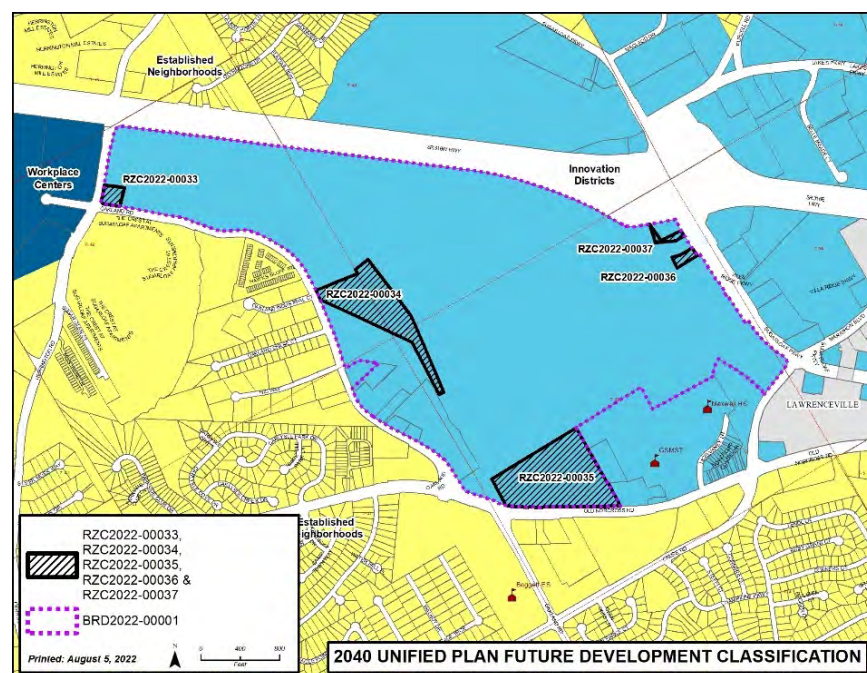
The property has a reasonable economic use as currently zoned.

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

An increase in impacts on public facilities would be anticipated in the form of traffic, utility demand, stormwater runoff; however, these impacts would be mitigated with site development requirements, and planning. An impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this special use permit request is attached (Exhibit D).

E. Whether the proposed rezonings are 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 Innovation District Character Area. The Innovation District Character Area is intended for the development of technological uses, industrial parks, and areas where there are colleges and universities. The surrounding area is located along University Parkway and Sugarloaf Parkway, which contains numerous intensive industrial parks, multifamily developments, and commercial developments. The addition of a mixed-use campus where employment, residential, and retail needs are met in a single development meets the intent of the Unified Plan and would be appropriate within this Character Area.



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 proposed mixed-use campus development is located in the Innovation Districts Character Area which is classified as an Employment Center within the Unified Plan. Employment centers for the County are those areas that are either currently or anticipated to orient towards employment uses, though other uses that are supportive should be included. A mixed-use campus which will provide employment, housing and commercial opportunities with near-direct access to University Parkway and multiple major arterial roads is an appropriate use of the subject property.

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

The UDO limits buildings in the M-2 zoning district to a maximum height of 45 feet. The requested variance is to allow Building 500 to be 55 feet tall, 10 feet taller than the maximum. The building will be positioned far enough away from adjacent buildings that the increase in height would not cause any negative impact on existing nearby buildings or properties. Therefore, approval of the variance would not nullify the intent of the UDO.

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.

Staff recommends **APPROVAL** of the following variance request:

1. Section 230-10, to increase the maximum permitted height from 45' to 55' for Building 500.

Planning Commission Recommendation

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

The Planning Commission recommends **APPROVAL** of the following variance request:

1. Section 230-10, to increase the maximum permitted height from 45' to 55' for Building 500.

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

Approval as M-1 (Light Industry District), M-2 (Heavy Industry District), and C-2 (General Business District) for office warehouses and commercial/retail/services, subject to the following conditions:

1. Developer shall adhere to findings and recommendations from DRI 3705-5030 Sugarloaf Parkway, attachment C, section 1, and make any recommended improvements prior to the issuance of the first certificate of occupancy **reflecting more than 50% of the overall project's total building square footage. Provided, however, that the property owner and/or developer shall have no obligation to make any improvements that are located off-site or that would require additional right-of-way or consent from a third-party.**
2. The developer shall construct one (1) additional eastbound left-turn lane along Cruse Road, creating triple left-turn lanes from Cruse Road onto Sugarloaf Parkway.
3. The developer shall construct an exclusive southbound right-turn lane along Oakland Road onto westbound Cruse Road.
4. The developer shall restripe the exclusive eastbound right-turn lane along Cruse Road at Oakland Road as a shared through/right-turn lane and construct a second eastbound receiving lane along Cruse Road.
5. The developer shall reconfigure the southbound approach of Oakland Road to consist of one (1) exclusive left-turn lane and one (1) shared through/right-turn lane at the intersection of Old Norcross Road.
6. The developer shall install a traffic signal, if and when warranted, or a single-lane roundabout at the intersection of Herrington Road and Oakland Road.
7. The developer shall construct an exclusive left-turn lane along both the eastbound approach of Site driveway A, and the westbound approach of Private driveway, at the intersection of both with Sugarloaf Parkway and install permissive/protected signal phasing along each approach.
8. The developer shall install a southbound right-turn overlap phase along Cruse Road at the intersection with Old Norcross Road.
9. At the proposed entrance on Old Norcross Road (site driveway C, intersection of Old Norcross Road and Oakland Road), the developer shall construct a southbound exclusive left-turn lane and southbound shared through/right-turn lane exiting the site.
10. The developer shall restripe the northbound right-turn lane along the Oakland Road approach to Old Norcross Road as a shared through/right-turn lane, remove the concrete channelizing island, and provide a northbound protective/permissive left turn phase (Site Driveway C).
11. The developer shall utilize the existing eastbound U-Turn Lane along Old Norcross Road as a left-turn lane entering the site (Site Driveway C).
12. The developer shall construct an exclusive westbound right-turn lane along Old Norcross Road entering the site (Site Driveway C).

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
- F. Notice of Decision – DRI 3705

Exhibit A: Site Visit Photos



Main Entrance of Subject Property from Sugarloaf Parkway



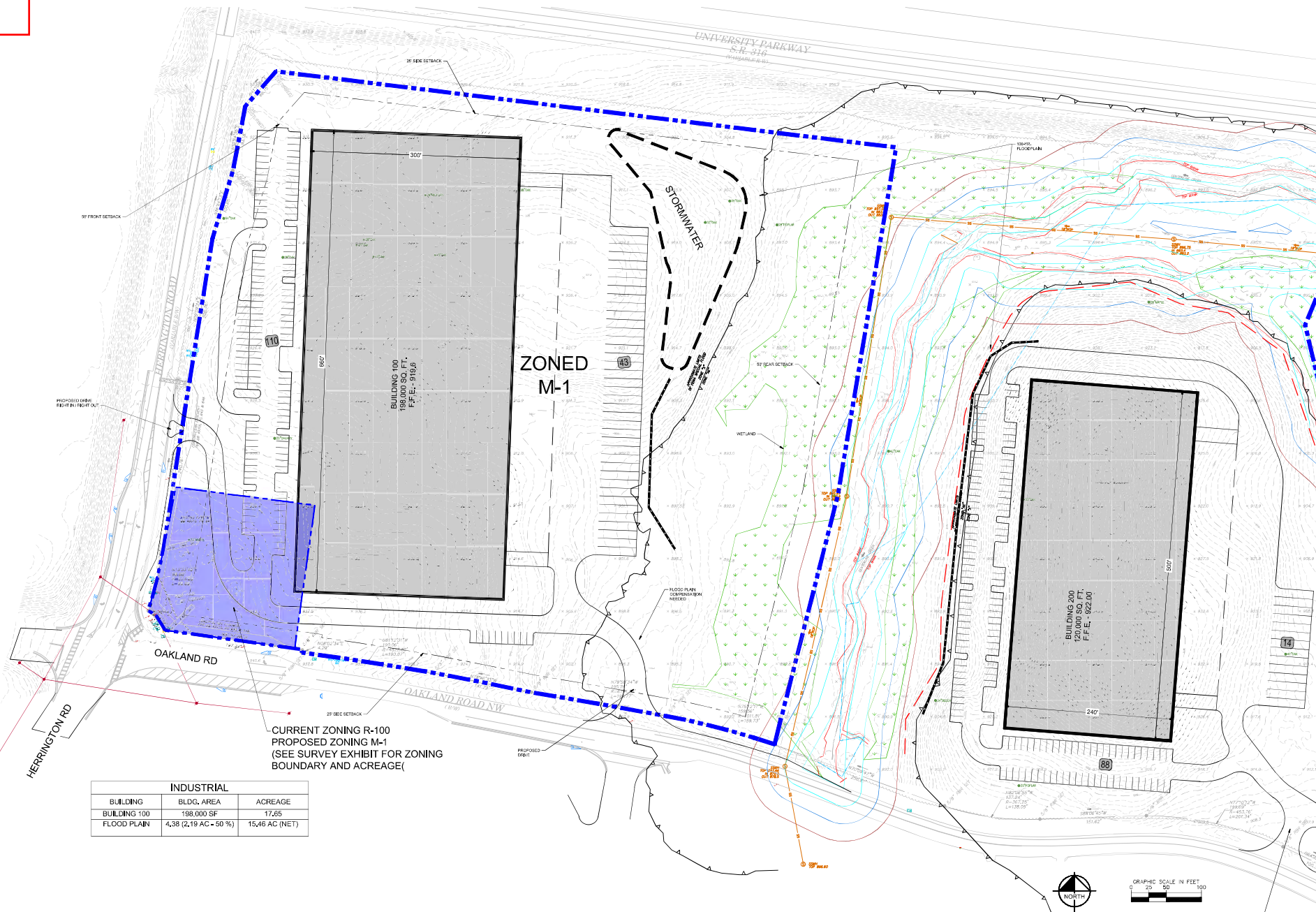
View of subject site from Oakland Road



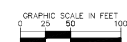
View of Subject Property from Old Norcross Road

Exhibit B: Site Plan

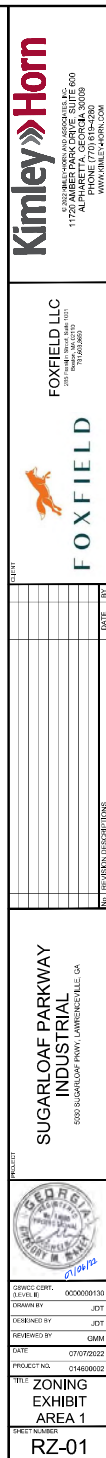
[attached]



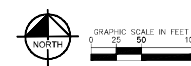
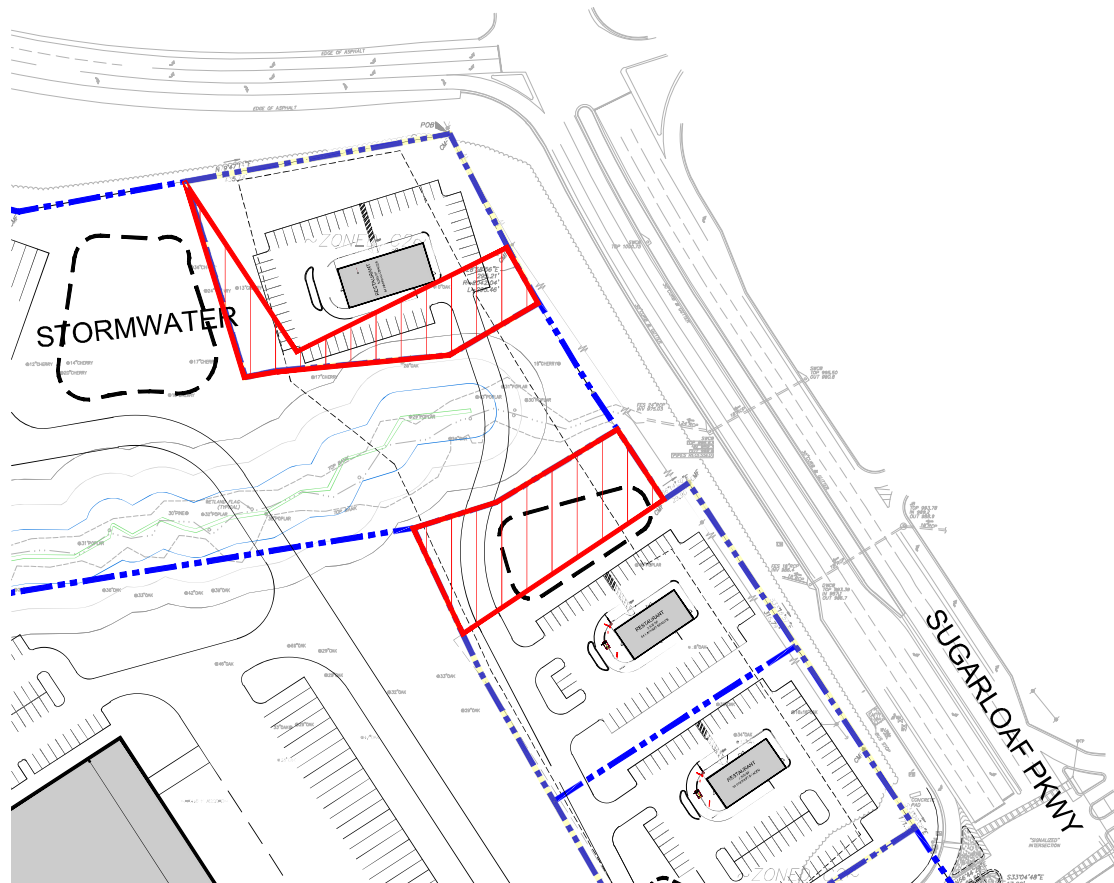
5030 SUGARLOAF PARKWAY ZONING EXHIBIT
BUILDING 100 - 4-28-22



04/28/2022



7/7/2022



GSWCC CERT. (LEVEL 8)	0000000130
DRAWN BY	JDT
DESIGNED BY	JDT
REVIEWED BY	GMM
DATE	07/07/2022
PROJECT NO.	01460002

TITLE	ZONING EXHIBIT AREA 5 & 6
SHEET NUMBER	RZ-05

FOXFIELD LLC
2855 Massachusetts Avenue, Suite 1031
Boston, MA 02115
781.663.2665



FOXFIELD

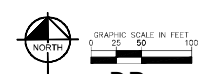
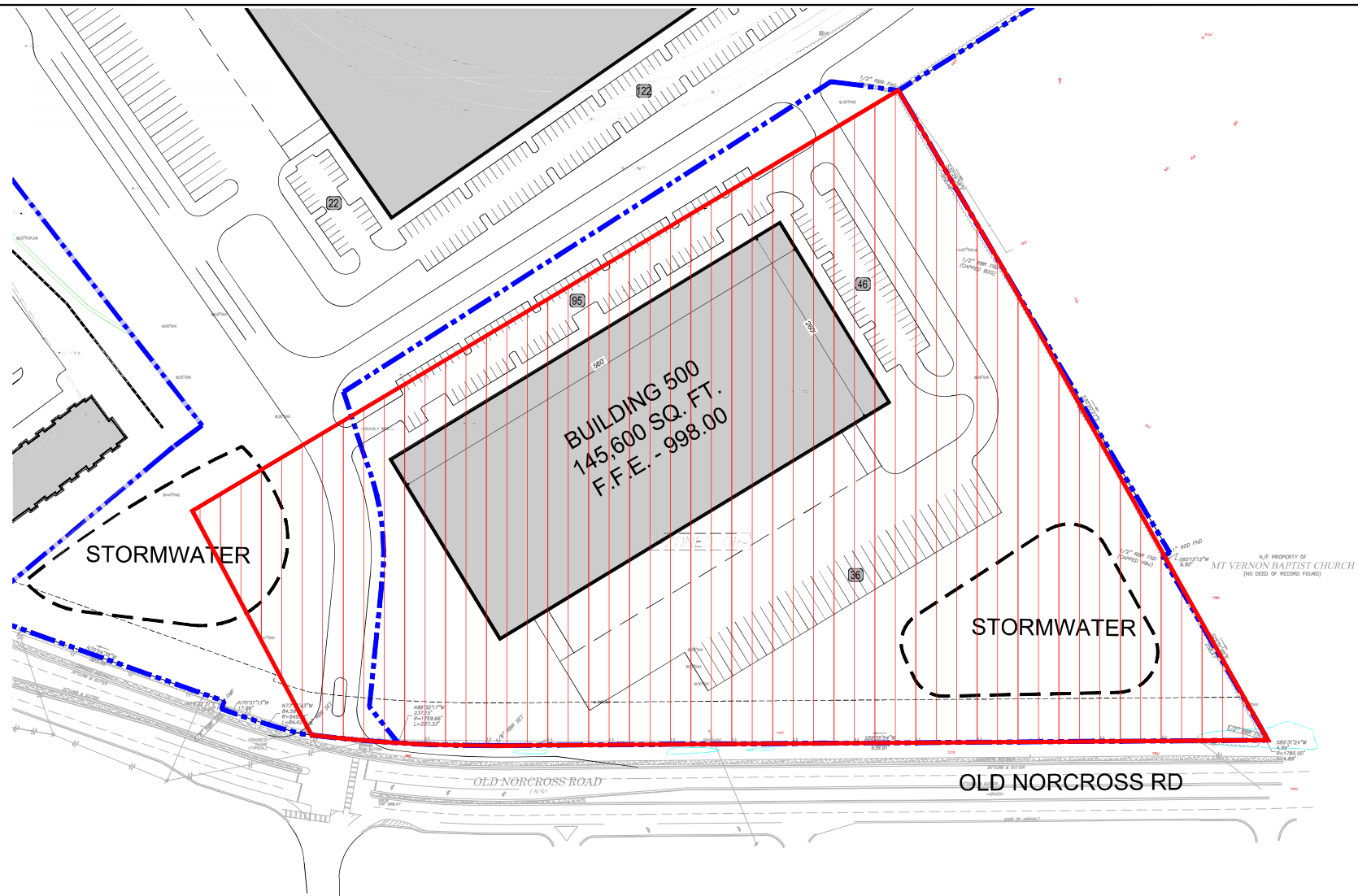
[illegible]

Kimley»Horn
© 2021 KIMLEY-HORN AND ASSOCIATES, P.C.
11720 AMBER PARK DRIVE, SUITE 600
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Drawings Name: C:\AT\Projects\2022\00033-37\00033-37.dwg, Date: 7/7/2022, 11:25am, by: daniel.burke

This document, together with the contract and specifications, contains all the data and information necessary for the construction of the project. It is the responsibility of the contractor to ensure that all work is done in accordance with the contract and specifications.

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Kimley»Horn 1100 BELLEVILLE AVENUE, SUITE 200 ALPHARETTA, GEORGIA 30009 PHONE (770) 814-3200 WWW.KH-CORP.COM	
FOXFIELD FOXFIELD LLC 1100 BELLEVILLE AVENUE, SUITE 200 ALPHARETTA, GEORGIA 30009 PHONE (770) 814-3200 WWW.KH-CORP.COM	
COUNTY: DATE: 7/7/2022	
PROJECT: SUGARLOAF PARKWAY INDUSTRIAL 500 SUGARLOAF PARKWAY, LAWRENCEVILLE, GA	
GEORGIA 6/10/22	
DESIGNED BY: JDT	PROJECT NO.: 01460002
DRAWN BY: JDT	DATE: 07/07/2022
REVIEWED BY: GMM	PROJECT NO.: 01460002
ZONING EXHIBIT AREA 3	
RZ-03	

RZC2022-00033-37



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

[attached]

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

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

*Of Counsel

**COMBINED LETTER OF INTENT FOR REZONING APPLICATION OF
FF PIX 5030 SUGARLOAF, LLC**

Mahaffey Pickens Tucker, LLP submits the attached rezoning and buffer reduction applications (the “Applications”) on behalf of FF PIX 5030 Sugarloaf, LLC (the “Applicant”), relating to a proposed mixed-use development on an approximately 289.65-acre assemblage of land (the “Assemblage”) located at the intersection of Sugarloaf Parkway and University Parkway (State Route 316). The Assemblage also has road frontage on Cruse Road, Old Norcross Road, Oakland Road, and Herrington Road.

Overall, the proposed development would include a total of approximately 2,283,200 square feet of industrial uses, 784 multifamily residential units (including carriage-style units), and 18,000 square feet of commercial uses. The proposed development is compatible with surrounding land uses and zoning classifications and is compatible with the policies of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) which designates the Assemblage as within the Innovation District Character Area on the 2040 Plan’s Future Development Map. According to the 2040 Plan, “[t]he Innovation District is intended where the predominant use is research and development, technological uses, industrial parks, and areas where there are colleges and universities.” Additionally, the 2040 Plan provides that “[t]hese elements should be supported where appropriate by opportunities for uses including residential and multi-use commercial uses.” Moreover, the 2040 Plan specifically identifies research & development, technology-related businesses, office parks, industrial parks, mixed-use developments, townhomes, and apartments as potential

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development types. The proposed development, with its diverse mixture of land uses, falls squarely within this policy.

The proposed office/distribution facilities and light industrial uses would be provided within a total of eight buildings which would feature attractive concrete tilt-up panel construction. Office areas within these buildings would include additional architectural treatments including windows and glass accents. The proposed commercial component of the proposed development would be located along Sugarloaf Parkway and would accommodate a variety of retail, restaurant, and commercial uses in character with the existing commercial uses along this segment of Sugarloaf Parkway. The proposed residential components would be provided along Oakland Road and Sugarloaf Parkway with robust amenities including a clubhouse, pool and patio areas, as well as smaller pocket parks and green spaces for the use and enjoyment of residents. The existing Hughes Lake would be retained and would also function as an amenity for residents both because of its aesthetic value as well as the opportunity to activate this feature with walking trails and other recreational activities.

Most of the Assemblage is already zoned to accommodate the proposed development. However, there are certain components which have disparate zoning classifications and would not accommodate the proposed development as depicted on the master site plan submitted with the Applications. In the case of the multifamily tracts, the Applications are submitted to add a missing land use to the overall campus. Aside from the multifamily rezoning requests, the Applications are submitted primarily to consolidate and clean-up the varying zoning classifications on the Assemblage. That is, the subject properties of the Applications are defined to remedy gaps in the existing zoning, which is primarily M-1 and M-2. For example, the subject property of the rezoning for Building 300 does not contain any buildings. The subject property of that rezoning application would contain only driveways, parking spaces, and a portion of the existing stormwater pond. Post-zoning, the subject property of that rezoning case would be combined with a larger portion of the Assemblage as depicted on the master site plan submitted with the Applications. Similarly, rezoning applications are submitted relative to proposed Commercial Parcel 2 and Commercial Parcel 3 to expand those existing commercial sites. Accordingly, the Applicant hereby submits the following applications:

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- Building 100: Rezoning to M-1
- Building 300: Rezoning to M-2
- Building 500: Rezoning to M-2 including:
 - Variance to increase building height to 55 feet
- Commercial Tract 2: Rezoning to C-2
- Commercial Tract 3: Rezoning to C-2
- Multifamily Tract 1: Rezoning to RM-24
- Multifamily Tract 2: Rezoning to RM-24
- Buffer Reduction: reduce all buffers to zero feet

The proposed development is compatible with existing land uses and zoning classifications of the surrounding area, is in line with the policy and intent of the 2040 Plan, and is an appropriate land use due to the Property's proximity to major transportation corridors including Sugarloaf Parkway, University Parkway, and Interstate 85. The Buffer Reduction application primarily relates to internal buffers and would alleviate the proposed development from providing buffering against itself. The only external buffer reduction that the Applicant is requesting relates to the proposed Building 500. The future Building 500 parcel is adjacent to two tracts of land zoned RA-200 which contain a cemetery. The Applicant welcomes the opportunity to meet with staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application filed herewith. The Applicant respectfully requests your approval of the Application.

Respectfully submitted this 7th day of July, 2022.

MAHAFFEY PICKENS TUCKER, LLP

Shane Lanham

Shane M. Lanham
Attorneys for the Applicant

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STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Approval of the Applications will permit a use that is suitable in light of the use and development of adjacent and nearby property. The surrounding area is characterized by a diverse mixture of industrial, commercial, and residential uses.
- (B) Approval of the Applications will not adversely affect the existing use or usability of adjacent or nearby property. Rather, the proposed development would complement and enhance the use and usability of adjacent and nearby property by activating an under-utilized site and providing significant employment opportunities and residential critical mass to support continued economic development in the area.
- (C) Due to the size, location, layout, and other characteristics, the Applicant submits that the Property does not have reasonable economic use as currently zoned.
- (D) Approval of the Applications will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The Property has convenient access to major transportation corridors such as Sugarloaf Parkway, University Parkway (State Route 316), and Interstate 85 and access to utilities.
- (E) Approval of the Applications is in conformity with the policy and intent of the Land Use Plan which designates the Property as within the Innovation District character area. The proposed development is in concordance with the encouraged land uses for this character area.
- (F) The existing zoning classifications of adjacent and nearby properties, the proximity of major transportation corridors, and the opportunity to fully activate an underutilized property provide additional supporting grounds for approval of the Applications.

Exhibit D: Internal and External Agency Review Comments

[attached]



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

TRC Meeting Date:		8.17.22	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		Brent.Hodges@GwinnettCounty.com	
Case Number:		BRD2022-00001, RZC2022-00033, RZC2022-00034, RZC2022-000035, RZC2022-00036, RZC2022-00037 and RZM2022-00041 RZM2022-00042	
Case Address:		5030 Sugarloaf Parkway and 1100 Block of Oakland Road	
Comments:		☒ X	☐ YES
		☐	☐ NO
1	Sugarloaf Parkway is a principal arterial, ADT = 52,964. Cruse Road is a minor arterial, ADT = 19,023. Old Norcross Road is a major arterial, ADT = 23,876. Oakland Road is a minor collector, ADT = 3,543.		
2	Nearest transit stop is located at the primary driveway along Sugarloaf Parkway (#2335337) Sugarloaf Parkway and Cisco Campus.		
Recommended Zoning Conditions:		☒ X	☐ YES
		☐	☐ NO
1	The developer shall construct one (1) additional eastbound left-turn lane along Cruse Road, creating triple left-turn lanes from Cruse Road onto Sugarloaf Parkway.		
2	The developer shall construct an exclusive southbound right-turn lane along Oakland Road onto westbound Cruse Road.		
3	The developer shall restripe the exclusive eastbound right-turn lane along Cruse Road at Oakland Road as a shared through/right-turn lane and construct a second eastbound receiving lane along Cruse Road.		
4	The developer shall reconfigure the southbound approach of Oakland Road to consist of one (1) exclusive left-turn lane and one (1) shared through/right-turn lane at the intersection of Old Norcross Road.		
5	The developer shall install a traffic signal, if and when warranted, or a single-lane roundabout at the intersection of Herrington Road and Oakland Road.		
6	The developer shall construct an exclusive left-turn lane along both the eastbound approach of Site driveway A, and the westbound approach of Private driveway, at the intersection of both with Sugarloaf Parkway. Install permissive/protected signal phasing along each approach.		
7	The developer shall install a southbound right-turn overlap phase along Cruse Road at the intersection with Old Norcross Road.		

Note: Attach additional pages, if needed

Revised 7/26/2021



Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

CONTINUED	
TRC Meeting Date:	8.17.22
Department/Agency Name:	Transportation
Reviewer Name:	Brent Hodges
Reviewer Title:	Construction Manager 1
Reviewer Email Address:	Brent.Hodges@GwinnettCounty.com
Case Number:	BRD2022-00001, RZC2022-00033, RZC2022-00034, RZC2022-000035, RZC2022-00036, RZC2022-00037 and RZM2022-00041 RZM2022-00042
Case Address:	5030 Sugarloaf Parkway and 1100 Block of Oakland Road
Recommended Zoning Conditions (cont.)	
8	At the proposed entrance on Old Norcross Road (site driveway C, intersection of Old Norcross Road and Oakland Road), the developer shall construct a southbound exclusive left-turn lane and southbound shared through/right-turn lane exiting the site.
9	The developer shall restripe the northbound right-turn lane along the Oakland Road approach to Old Norcross Road as a shared through/right-turn lane, remove the concrete channelizing island, and provide a northbound protective/permissive left-turn phase (Site Driveway C).
10	The developer shall utilize the existing eastbound U-Turn Lane along Old Norcross Road as a left-turn lane entering the site (Site Driveway C).
11	The developer shall construct an exclusive westbound right-turn lane along Old Norcross Road entering the site (Site Driveway C).

Note: Attach additional pages, if needed

Revised 7/26/2021



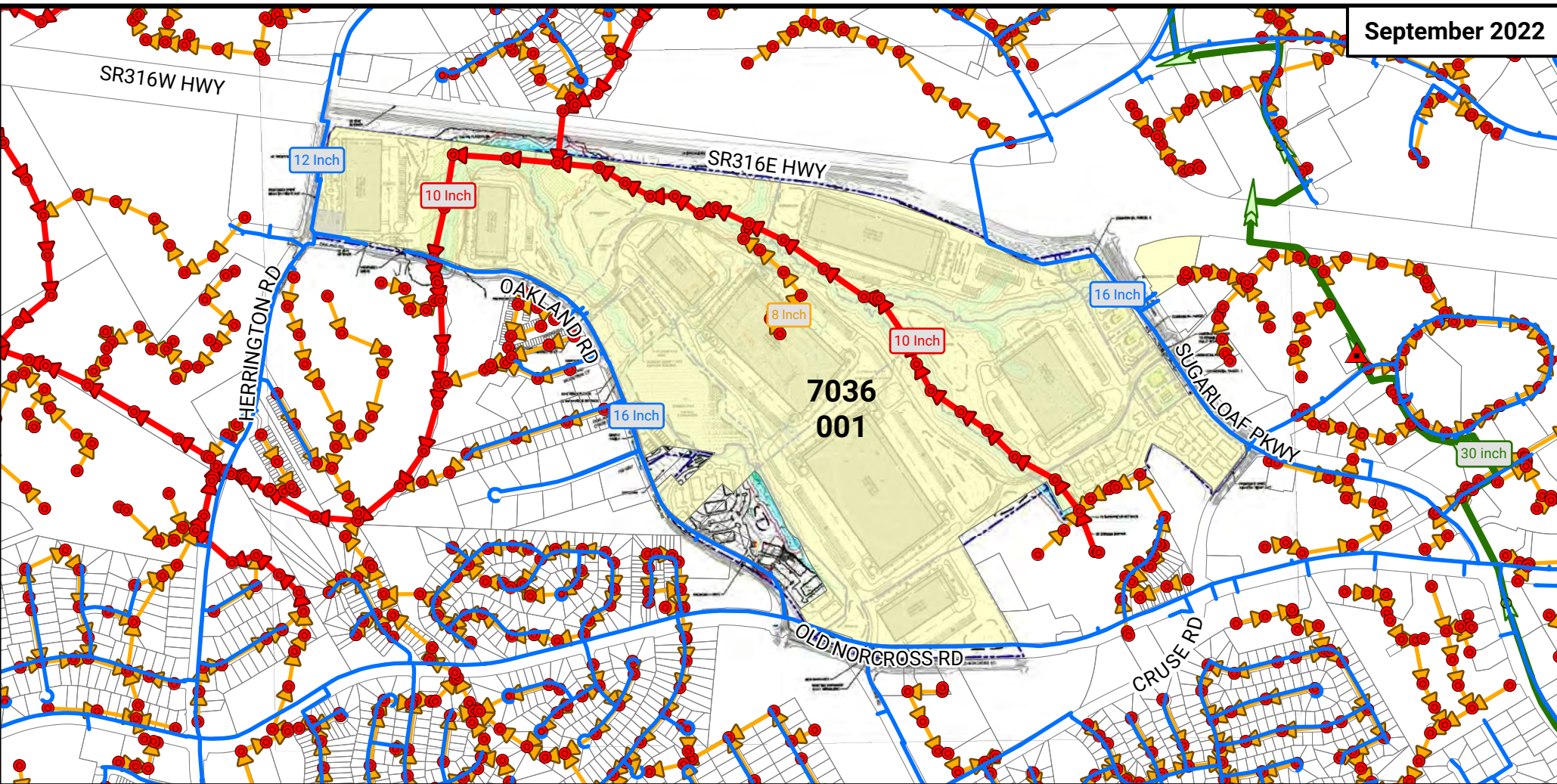
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

TRC Meeting Date:		8/17/2022		
Department/Agency Name:		DWR		
Reviewer Name:		Mike Pappas		
Reviewer Title:		GIS Planning Manager		
Reviewer Email Address:		Michael.Pappas@GwinnettCounty.com		
Case Number:		RZC2022-00033, 34, 35, 36, 37 & RZM2022-00041, 42 & BRD2022-00001		
Case Address:		5030 Sugarloaf Parkway and 1100 Block of Oakland Road		
Comments:		☒	☐	☐
1	Water: The existing development may connect to the existing 12-inch water main on Harrington Road, the 16-inch water main on Old Norcross, the 12-inch water main on Sugarloaf Parkway, and a 12-inch water main on Oakland Road.			
2	Water: Approximately 2,000 linear feet of existing 2-inch PVC line along the property frontage on Oakland Road, from Herrington Road to Hawks Bluff Trail, must be upsized to 12-inch.			
3	Sewer: Sewer Capacity Certification C2022-05-105 is approved for 765 apartments, 18 townhomes retail, office and restaurant (427.15 peak gpm).			
4	Sewer: The development may connect to several sanitary sewer mains ranging from 8-inch to 18-inch located on the subject property.			
5				
6				
7				
Recommended Zoning Conditions:		☐	☐	☒
1				
2				
3				
4				
5				
6				

Note: Attach additional pages, if needed

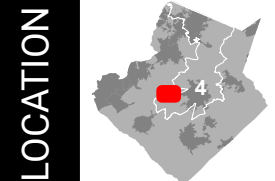
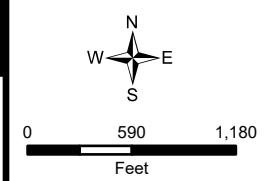
Revised 7/26/2021

September 2022



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

RZC2022-00033, 34, 35, 36, 37 & RZM2022-00041, 42
Multiple
**Water & Sewer
Utility Map**



Water Comments: The existing development may connect to the existing 12-inch water main on Harrington Road, the 16-inch water main on Old Norcross, the 12-inch water main on Sugarloaf Parkway, and a 12-inch water main on Oakland Road. Approximately 2,000 linear feet of existing 2-inch PVC line along the property frontage on Oakland Road, from Harrington Road to Hawks Bluff Trail, must be upsized to 12-inch.

Sewer Comments: Sewer Capacity Certification C2022-05-105 is approved for 765 apartments, 18 townhomes retail, office and restaurant (427.15 peak gpm). The development may connect to several sanitary sewer mains ranging from 8-inch to 18-inch 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.

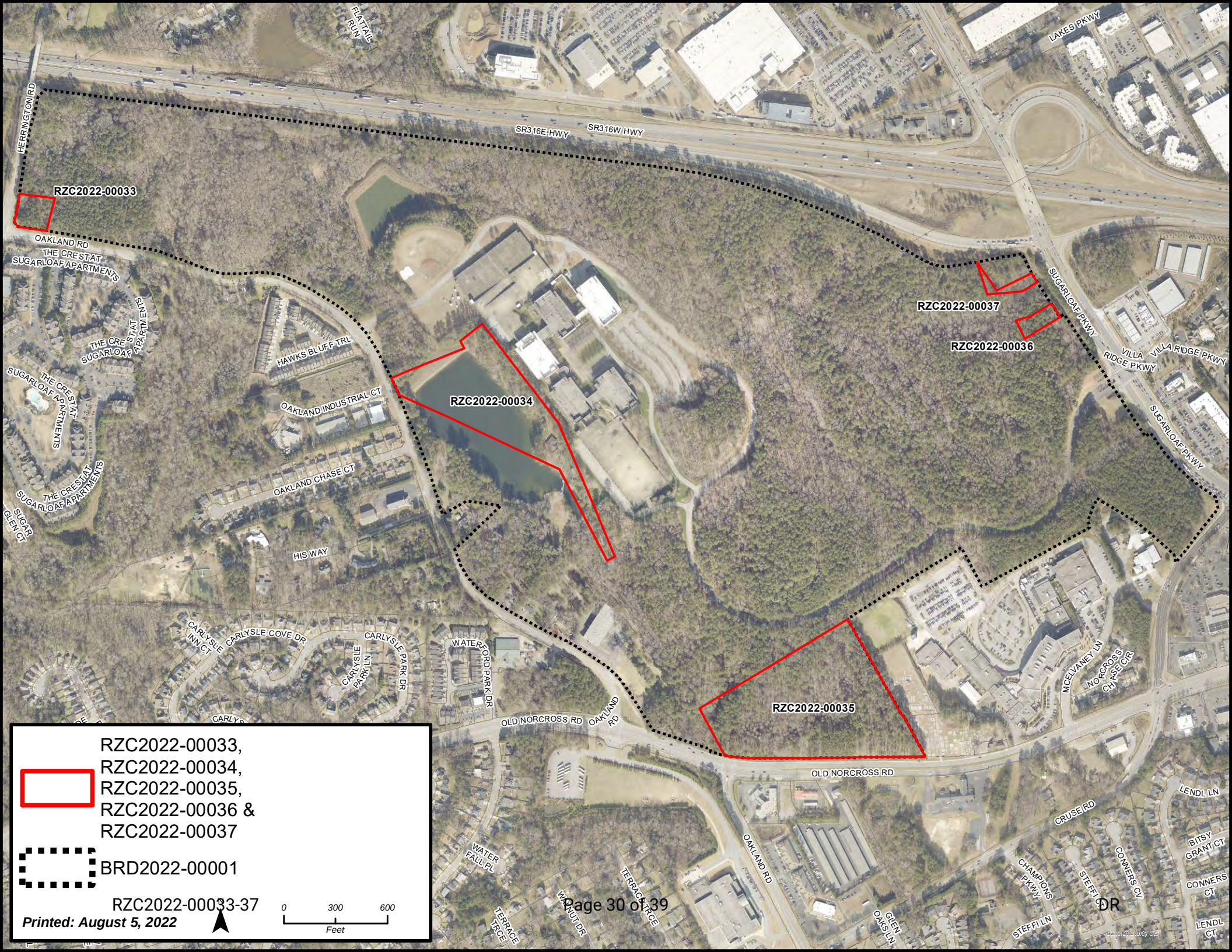
Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station, 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.

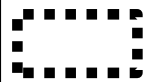
Private Road Developments: Any development with private roads must comply with the Standard Policy Requirement for the Installation of Water and Sanitary Sewer Mains within Private Developments. This policy stipulates minimum easement requirements and location of public mains and appurtenances, among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

Exhibit E: Maps

[attached]



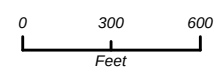
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RZC2022-00034,
RZC2022-00035,
RZC2022-00036 &
RZC2022-00037

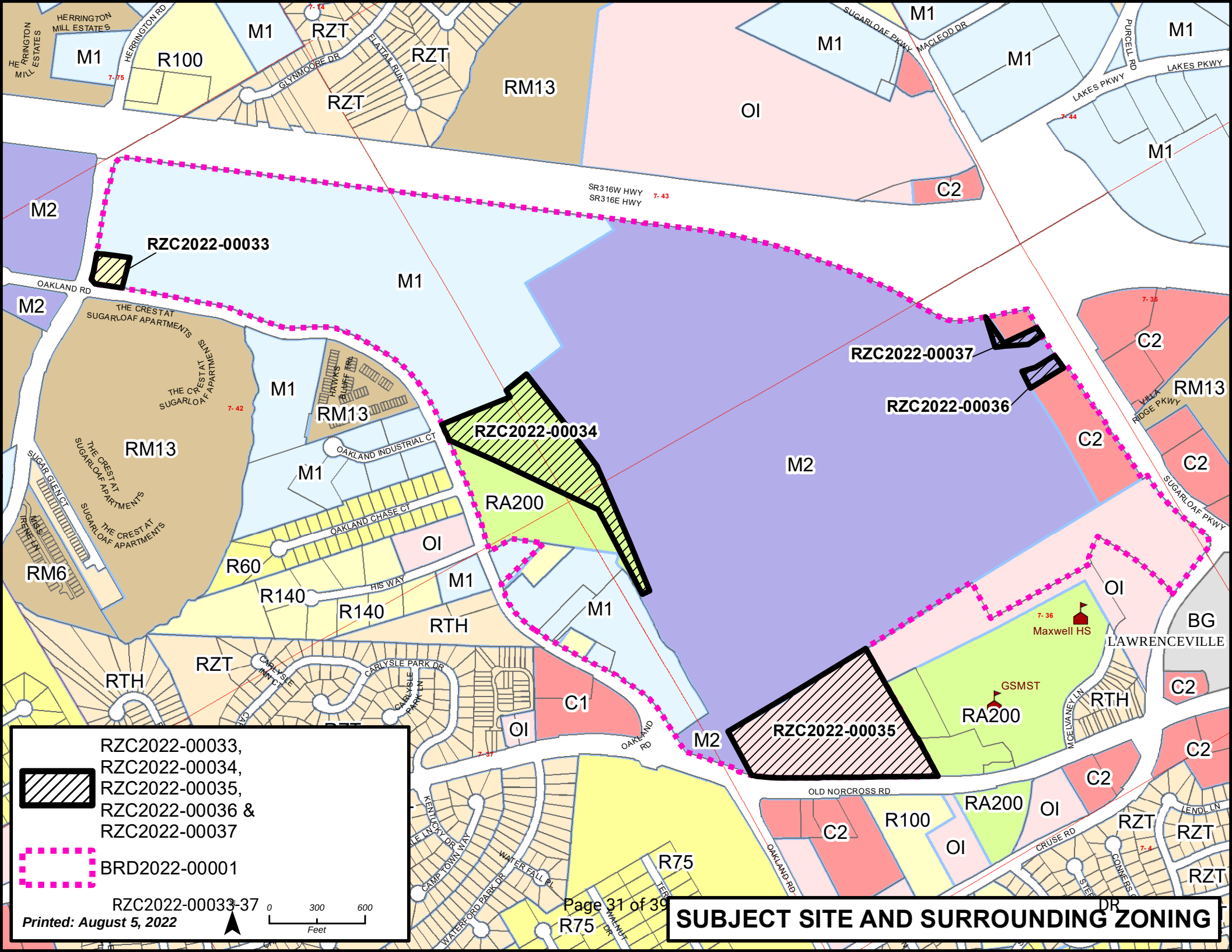


BRD2022-00001

RZC2022-00033-37

Printed: August 5, 2022





RZC2022-00033,
RZC2022-00034,
RZC2022-00035,
RZC2022-00036 &
RZC2022-00037

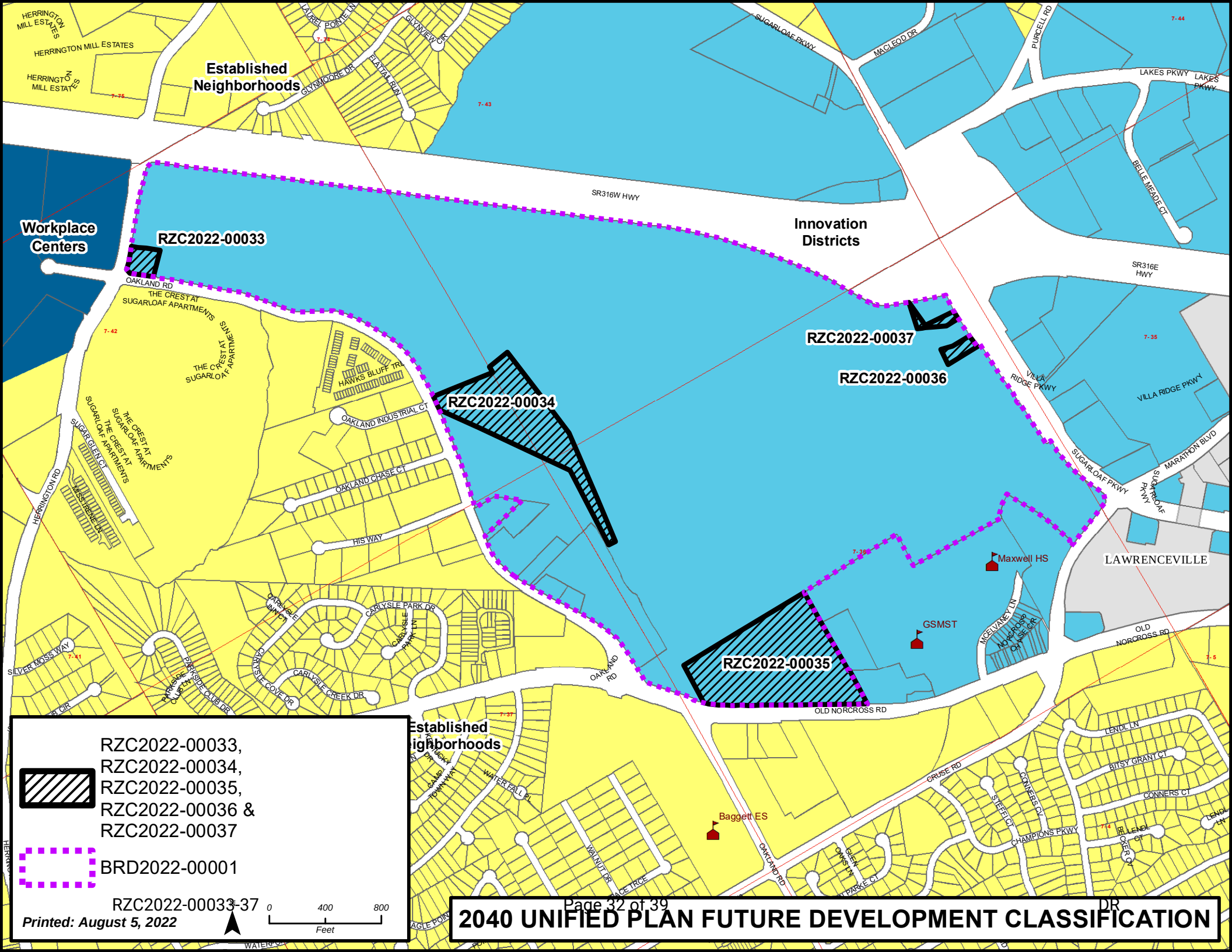
BRD2022-00001

RZC2022-00033-37

Printed: August 5, 2022

0 300 600
Feet

SUBJECT SITE AND SURROUNDING ZONING



Workplace
Centers

Established
Neighborhoods

Innovation
Districts

RZC2022-00033

RZC2022-00037

RZC2022-00036

RZC2022-00034

RZC2022-00035

RZC2022-00033,
RZC2022-00034,
RZC2022-00035,
RZC2022-00036 &
RZC2022-00037

BRD2022-00001

RZC2022-00033-37

Printed: August 5, 2022

0 400 800
Feet

Established
Neighborhoods

Exhibit F: Notice of Decision DRI – 3705

[attached]



NOTICE OF DECISION

To: Anna Roach, ARC
(via electronic mail) Bob Voyles, GRTA
Dick Anderson, GRTA
Kathryn Zickert, GRTA
Sharon Mason, GRTA
Sonny Deriso, GRTA

To: Gwinnett County, Georgia
(via electronic mail and certified mail) Nick Eddy

From: Heather Aquino, GRTA Interim Executive Director

Copy: Aries Little, ARC	Robert Caderas, Foxfield, LLC
(via electronic mail) Donald Shockey, ARC	Jeff Harper, Foxfield, LLC
December Weir, GRTA\ATL	Mark Tang, Foxfield, LLC
Jerry Oberholtzer, Gwinnet County	Danae Bruce, Global Commercial Real Estate Services
Catherine Long, Gwinnett County	Alyse Darin, Global Commercial Real Estate Services
Brent Hodges, Gwinnett County	Nicholas Eddy, Northeastern University
Michael D. Johnson, Gwinnett County	Shane Lanham, Mahaffey, Pickens, Tucker, LLP
Tony Harris, Gwinnett County	Harrison Forder, Kimley-Horn
Gabrielle Cazeau, Gwinnett County	John Walker, Kimley-Horn
Rebecca Shelton, Gwinnett County	Greg Maxey, Kimley-Horn
Gregory Smith, Gwinnett County	
Daniel Robinson, Gwinnett County	
Patrick Burke, Gwinnett County School District	

Date: August 29, 2022

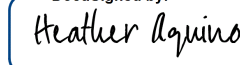
**Notice of Decision for
Request for Non-Expedited Review of
DRI 3705 DRI 5030 Sugarloaf Parkway**

The purpose of this notice is to inform Nick Eddy (the Applicant) and Gwinnett County (the Local Government), the Georgia Regional Transportation Authority (GRTA) Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding Development of Regional Impact (DRI) 3705 DRI 5030 Sugarloaf Parkway (the DRI Plan of Development). GRTA has completed a non-expedited Review for the DRI Plan of Development pursuant to Section 4.2.3 of the *GRTA DRI Review Procedures* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Section 4.3. The DRI Plan of Development as proposed is **approved subject to conditions**, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

Subject to the conditions set forth in Attachment A and Attachment B, GRTA will approve the expenditure of state and/or federal funds for providing the Land Transportation Services and Access improvements listed in Section 2 of Attachment C. The need for said approval shall terminate and be of no further force and effect after ten (10) years from the date of this Notice of Decision, unless substantial construction of the proposed DRI has been commenced during this ten (year) period.

The notice of decision is based on a review of the applicant's DRI Review Package received by GRTA on 8/3/22. The review package includes: the site development plan (Site Plan) dated 7/19/2022 titled "5030 Sugarloaf DRI# 3705 Sugarloaf Parkway Industrial" prepared by Kimley-Horn and Associates, the Transportation Study dated August 2022 prepared by Kimley-Horn and Associates received by GRTA on 8/3/2022, and the DCA Initial and Additional forms, both filed on 8/1/2022.

Pursuant to Section 5 of the *GRTA DRI Review Procedures* the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) Business Days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Section 5 of the *GRTA DRI Review Procedures*. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will schedule the appeal hearing according to the timeline established in Section 5.1.2 of the *GRTA DRI Review Procedures*.

DocuSigned by:

1894ADFDA6204C9...
Heather Aquino
Interim Executive Director
Georgia Regional Transportation Authority

Attachment A – General Conditions

General Conditions of Approval to GRTA Notice of Decision:

Bicycle, Pedestrian & Transit Facilities

- Provide pedestrian connectivity between all buildings and uses, including between the proposed internal trail system and planned Lee Daniel Creek Trailhead.
- Construct a sidewalk and/or multi-use path on the site frontage of Sugarloaf Parkway according to Gwinnett County requirements and design standards.
- Work with Gwinnett County Transit (GCT) to determine appropriate bus stop location(s) and the provision of bus stop shelter(s) to serve local GCT bus routes on the site frontage on Sugarloaf Parkway.
- Coordinate with Gwinnett County on best practices for driveway design, including raised crosswalks across all site driveways or other solutions which prioritize bicycle and pedestrian activities at locations where sidewalks cross site driveways.

Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

Sugarloaf Parkway at Site Driveway A (Intersection 4)

- Construct an exclusive left-turn lane along both the eastbound approach of Site Driveway A and the westbound approach of Private Driveway.
- Install permissive/protected signal phasing along each approach.

Old Norcross Road at Cruse Road (Intersection 6)

- Install a southbound right-turn overlap phase along Cruse Road.

Old Norcross Road at Oakland Road (east)/Site Driveway C (Intersection 8)

- On the site, construct a southbound exclusive left-turn lane and southbound shared through/right-turn lane exiting the site.
- Restripe the northbound right-turn lane along Oakland Road as a shared through/right-turn lane
- Remove the concrete channelizing island.
- Provide a northbound protected/permissive left-turn phase.
- Utilize the existing eastbound U-Turn lane along Old Norcross Road as a left-turn lane entering the site.
- Construct an exclusive westbound right-turn lane along Old Norcross Road entering the site.

Attachment B – Required Elements of the DRI Plan of Development

Conditions Related to Altering Site Plan after GRTA Notice of Decision:

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All “Proposed Conditions of Approval to GRTA Notice of Decision” set forth in Attachment A are provided.

Attachment C – Required Improvements to Serve the DRI

As defined by the *GRTA DRI Review Procedures*, a “Required Improvement means a land transportation service or access improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

Section 1:

General Conditions of Approval to GRTA Notice of Decision:

Bicycle, Pedestrian & Transit Facilities

- Provide pedestrian connectivity between all buildings and uses, including between the proposed internal trail system and planned Lee Daniel Creek Trailhead.
- Construct a sidewalk and/or multi-use path on the site frontage of Sugarloaf Parkway according to Gwinnett County requirements and design standards.
- Work with Gwinnett County Transit (GCT) to determine appropriate bus stop location(s) and the provision of bus stop shelter(s) to serve local GCT bus routes on the site frontage on Sugarloaf Parkway.
- Coordinate with Gwinnett County on best practices for driveway design, including raised crosswalks across all site driveways or other solutions which prioritize bicycle and pedestrian activities at locations where sidewalks cross site driveways.

Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

Sugarloaf Parkway at Site Driveway A (Intersection 4)

- Construct an exclusive left-turn lane along both the eastbound approach of Site Driveway A and the westbound approach of Private Driveway.
- Install permissive/protected signal phasing along each approach.

Old Norcross Road at Cruse Road (Intersection 6)

- Install a southbound right-turn overlap phase along Cruse Road.

Old Norcross Road at Oakland Road (east)/Site Driveway C (Intersection 8)

- On the site, construct a southbound exclusive left-turn lane and southbound shared through/right-turn lane exiting the site.
- Restripe the northbound right-turn lane along Oakland Road as a shared through/right-turn lane
- Remove the concrete channelizing island.
- Provide a northbound protected/permissive left-turn phase.

- Utilize the existing eastbound U-Turn lane along Old Norcross Road as a left-turn lane entering the site.
- Construct an exclusive westbound right-turn lane along Old Norcross Road entering the site.

Section 2:

Roadway Improvement Conditions to GRTA Notice of Decision:

Bicycle, Pedestrian & Transit Facilities

- Coordinate with Gwinnett County DOT to upgrade bicycle infrastructure on Sugarloaf Parkway according to recommendations and design standards in the NACTO Urban Bikeway Design Guide.

Sugarloaf Parkway at Cruse Road (Intersection 5)

- Construct one (1) additional eastbound left-turn lane along Cruse Road, creating triple left-turns.

Cruse Road at Oakland Road (Intersection 7)

- Construct an exclusive southbound right-turn lane along Oakland Road.
- Restripe the exclusive eastbound right-turn lane along Cruse Road as a shared through/right-turn lane.
- Construct a second eastbound receiving lane along Cruse Road.

Old Norcross Road at Oakland Road (west) (Intersection 9)

- Reconfigure the southbound approach of Oakland Road to consist of one (1) exclusive left-turn lane and one (1) shared through/right-turn lane.

Herrington Road at Oakland Road (Intersection 11)

- Install a traffic signal, if and when warranted, or a single-lane roundabout at the intersection.

RECEIVED

7/7/2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

REZONING APPLICATION

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
FF PIX 5030 Sugarloaf, LLC c/o Mahaffey NAME: <u>Pickens Tucker, LLP</u>	NAME: <u>FF PIX 5030 Sugarloaf, LLC</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u>	ADDRESS: <u>1389 Peachtree St NE</u>
CITY: <u>Lawrenceville</u>	CITY: <u>Atlanta</u>
STATE: <u>Georgia</u> ZIP: <u>30043</u>	STATE: <u>Georgia</u> ZIP: <u>30309</u>
PHONE: <u>770 232 0000</u>	PHONE: <u>770 232 0000</u>
CONTACT PERSON: <u>Shane Lanham</u> PHONE: <u>770 232 0000</u>	
CONTACT'S E-MAIL: <u>slanham@mptlawfirm.com</u>	

APPLICANT IS THE:	
☐ OWNER'S AGENT	☒ PROPERTY OWNER
☐ CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): <u>M-2</u> REQUESTED ZONING DISTRICT: <u>C-2</u>	
PARCEL NUMBER(S): <u>7036 001 (portion)</u> ACREAGE: <u>+/- 0.434</u>	
ADDRESS OF PROPERTY: <u>5030 Sugarloaf Parkway</u>	
PROPOSED DEVELOPMENT: <u>Mixed-use Campus</u>	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>NA</u>	No. of Buildings/Lots: <u>0/1</u>
Dwelling Unit Size (Sq. Ft.): <u>NA</u>	Total Building Sq. Ft. <u>NA</u>
Gross Density: <u>NA</u>	Density: <u>NA</u>
Net Density: <u>NA</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

RECEIVED

7/7/2022

Property Line Description
Zoning Area 6
Gwinnett County, Georgia

All that tract or parcel of land lying or being in Land Lot 36 of the 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

Commencing at a concrete monument found at the intersection of the southerly right-of-way line of Georgia State Highway 316 (having a variable width right-of-way) and the westerly right-of-way line of Sugarloaf Parkway (having a variable width right-of-way); Thence along the said westerly right-of-way line of Sugarloaf Parkway thence along a curve to the left having a radius of 2042.04 feet and an arc length of 126.65 feet, being subtended by a chord bearing of South 26 degrees 36 minutes 50 seconds East for a distance of 63.56 feet to a point; said point being the **TRUE POINT OF BEGINNING**. Thence continuing along said right-of-way, along a curve to the left having a radius of 2042.04 feet and an arc length of 63.56 feet, being subtended by a chord bearing of South 29 degrees 16 minutes 57 seconds East for a distance of 63.56 feet to a point; Thence leaving said right-of-way, South 59 degrees 49 minutes 33 seconds West a distance of 102.27 feet to a point; Thence South 84 degrees 47 minutes 55 seconds West a distance of 171.55 feet to a point; Thence South 78 degrees 43 minutes 31 seconds West a distance of 32.53 feet to a point; Thence North 16 degrees 55 minutes 56 seconds West a distance of 203.47 feet to a point on the southerly right-of-way line of Georgia State Highway 316; Thence leaving said right-of-way, South 33 degrees 07 minutes 34 seconds East a distance of 202.05 feet to a point; Thence North 63 degrees 41 minutes 13 seconds East a distance of 233.06 feet to a point on the westerly right-of-way line of Sugarloaf Parkway, said point being the **TRUE POINT OF BEGINNING**.

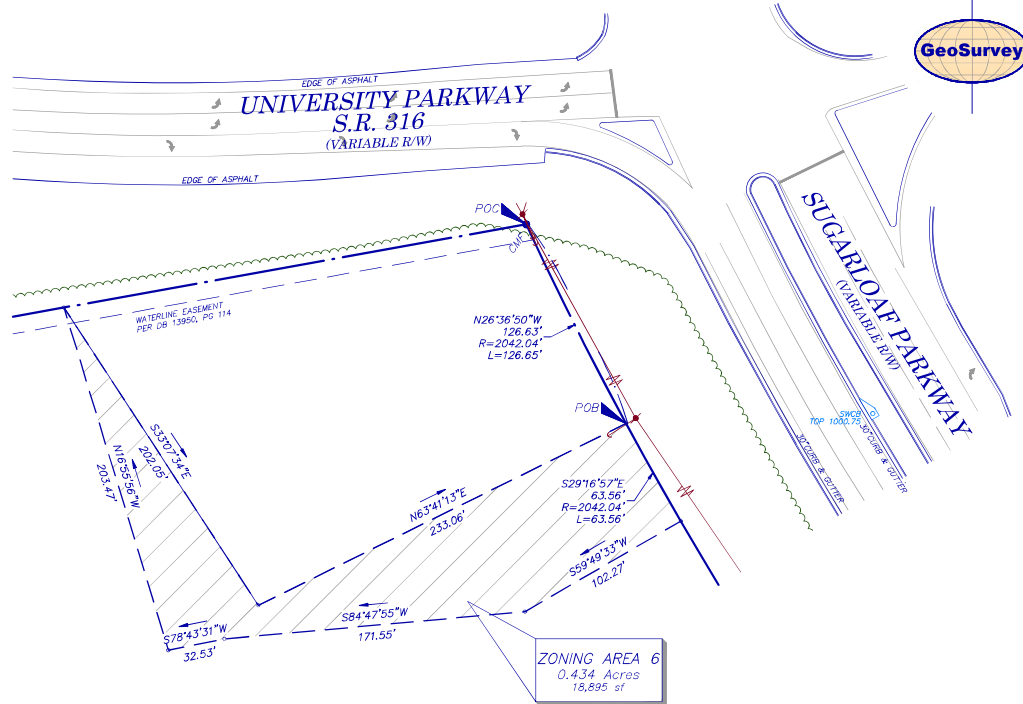
Said tract or parcel of land contains 0.434 Acres.

PROPERTY DESCRIPTION

All that tract or parcel of land lying or being in Land Lot 36 of the 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

Commencing at a concrete monument found at the intersection of the southerly right-of-way line of Georgia State Highway 316 (having a variable width right-of-way) and the westerly right-of-way line of Sugarloaf Parkway (having a variable width right-of-way); Thence along the said westerly right-of-way line of Sugarloaf Parkway thence along a curve to the left having a radius of 2042.04 feet and an arc length of 126.65 feet, being subtended by a chord bearing of South 26 degrees 36 minutes 50 seconds East for a distance of 63.56 feet to a point; said point being the TRUE POINT OF BEGINNING. Thence continuing along said right-of-way, along a curve to the left having a radius of 2042.04 feet and an arc length of 63.56 feet, being subtended by a chord bearing of South 29 degrees 16 minutes 57 seconds East for a distance of 63.56 feet to a point; Thence leaving said right-of-way, South 59 degrees 49 minutes 33 seconds West a distance of 102.27 feet to a point; Thence South 84 degrees 47 minutes 55 seconds West a distance of 171.55 feet to a point; Thence South 78 degrees 43 minutes 31 seconds West a distance of 32.53 feet to a point; Thence North 16 degrees 55 minutes 56 seconds West a distance of 203.47 feet to a point on the southerly right-of-way line of Georgia State Highway 316; Thence leaving said right-of-way, South 33 degrees 07 minutes 34 seconds East a distance of 202.05 feet to a point; Thence North 63 degrees 41 minutes 13 seconds East a distance of 233.06 feet to a point on the westerly right-of-way line of Sugarloaf Parkway, said point being the TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 0.434 Acres.



GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

REVISIONS LISTED ON THIS SURVEY APPLY ONLY TO THE SPECIFIC CHANGES REFERENCED, AND DO NOT CONSTITUTE AN UPDATE OR OTHER DATA ON THIS SURVEY. THE "SURVEY DATE" SHOWN HEREON IS THE AFFICABLE DATE AS RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.

A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13135C0071F AND 13135C0086F, AND THE DATE OF SAID MAP IS 9/29/2006. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

PLEASE NOTE: ABOVE GROUND UTILITIES ARE SHOWN HEREON. NO UNDERGROUND UTILITIES WERE MARKED OR LOCATED.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY GPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983(2011)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR. THE SITE IS ZONED "M-2" (HEAVY INDUSTRIAL DISTRICT) AS SHOWN ON THE ZONING MAP OF GWINNETT COUNTY. THE MINIMUM YARD SETBACKS ARE: FRONT - 50 FEET; SIDE - 25 FEET; AND REAR - 50 FEET.

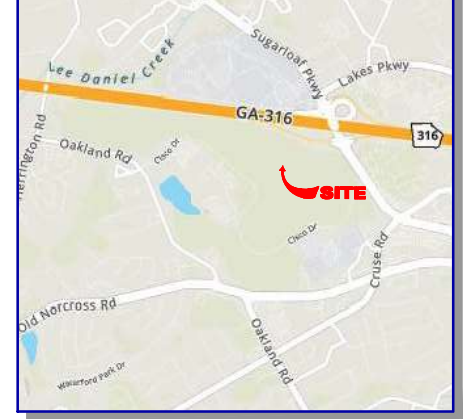
ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

RIGHT-OF-WAY LINES SHOWN ON THIS SURVEY THAT ARE NOT ACTUAL BOUNDARIES OF THE SUBJECT TRACT(S) ARE DEPICTED GRAPHICALLY AND ARE SHOWN APPROXIMATELY FOR INFORMATIONAL PURPOSES ONLY. SAID RIGHT-OF-WAY LINES SHOULD NOT BE UTILIZED FOR DESIGN PURPOSES.

CONTOUR INFORMATION DEPICTED HEREON WAS OBTAINED USING FIELD RUN AND LIDAR REMOTE SENSING COLLECTION METHODS. LIDAR DATA WAS OBTAINED ON 1/31/2022 BY JACK W. BERRY & ASSOCIATES UTILIZING A TELEDYNE-OPTICH T1000 LIDAR SENSOR WITH A AP60 IMU AND TEN GROUND CONTROL POINTS. THE AVERAGE POSITIONAL CHECK IS LESS THAN 1/2 OF THE CONTOUR INTERVAL.

VICINITY MAP

SITE LOCATION - LATITUDE: 33° 57' 28" LONGITUDE: 84° 04' 08"



IF YOU DIG



Know what's below.
Call before you dig.
Dial 811
Or Call 800-282-7411

GWINNETT COUNTY
PLANNING AND DEVELOPMENT

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LEGEND

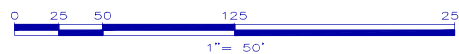
STANDARD ABBREVIATIONS

AC AIR CONDITIONER
BH BORE HOLE
CBX COMMUNICATION BOX
CIB CURB INLET
CMP CORRUGATED METAL PIPE
CMF CONCRETE MONUMENT FND
CO SANITARY CLEANOUT
CPED COMMUNICATION PEDISTAL
CTP CRIMPED TOP PIPE
DI DROP INLET
DIP DUCTILE IRON PIPE
DWCB DOUBLE WING CATCH BASIN
EBX ELECTRIC BOX
FND FOUND
QM GAS METER
INV INVERT
JB JUNCTION BOX
MH MANHOLE
OCS OUTLET CONTROL STRUCTURE
OTF OPEN TOP PIPE
PM POWER METER
PB POINT OF BEGINNING
PCP POINT OF COMMENCEMENT
RCP REINFORCED CONCRETE PIPE
RBR IRON REINFORCING BAR
RRS 5/8" RBR SET CAPPED LSF 621
SS SANITARY SEWER
SWCB SINGLE WING CATCH BASIN
TRANS ELECTRIC TRANSFORMER

STANDARD SYMBOLS

POWER POLE
GUY WIRE
POWER LINE
LIGHT POLE
ELECTRIC TRANSFORMER
WATER VAULT
GAS VALVE
GAS METER
WATER VALVE
FIRE HYDRANT
UNDERGROUND ELECTRIC LINE
UNDERGROUND GAS LINE
UNDERGROUND COMMUNICATION LINE
UNDERGROUND WATER LINE
PHOTO POSITION INDICATOR
REGULAR PARKING SPACE COUNT
HANDICAP PARKING SPACE
TREE POSITION INDICATOR
SIGN

GRAPHIC SCALE



CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 34,654, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE "S" SERIES TOTAL STATION AND TRIMBLE TSC-3 DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 566,215 FEET, 0.001 INCH.



Land Surveying • 3D Laser Scanning

1660 Barnes Mill Road
Marietta, Georgia 30062

Phone: (770) 795-9900
Fax: (770) 795-8880

www.geosurvey.com
EMAIL: info@geosurvey.com
Certificate of Authorization #LSF-000621

ZONING EXHIBIT AREA 6

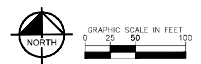
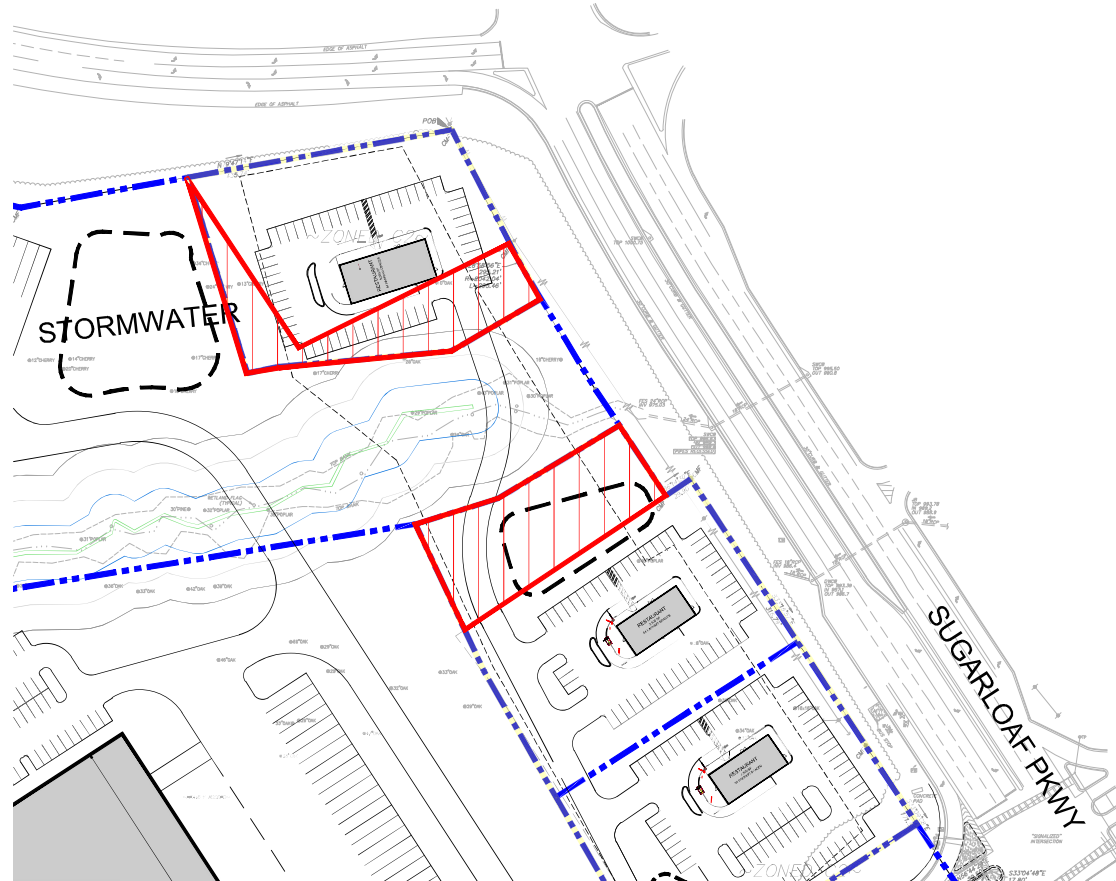
5030 SUGARLOAF PARKWAY

FOR

5030 Sugarloaf LLC

GS JOB NO:	20217269	DRAWING SCALE:	1" = 50'	SURVEY DATE:	3-4-2022
FIELD WORK:	ZM	CITY: UNINCORPORATED	STATE: GA	REVISIONS (SEE GENERAL NOTES)	
PROJ MGR:	DLH	COUNTY:	GWINNETT	No. Date Description	
REVIEWED:		LAND LOT:	36		
DWG FILE:	20217269.dwg	DISTRICT:	7TH		

7/7/2022



**SUGARLOAF PARKWAY
INDUSTRIAL**
5000 SUGARLOAF PKWY, LAWRENCEVILLE, GA



SWISS CERT. LEVEL III	0000000130
DRAWN BY	JDT
DESIGNED BY	JDT
REVIEWED BY	GMM
DATE	07/07/2022
PROJECT NO.	014600002

TITLE	ZONING EXHIBIT AREA 5 & 6
SHEET NUMBER	RZ-05

FOXFIELD



FOXFIELD LLC
203 PARKWAY 300 E. 104th (103)
BOSTON, MA 02130
781.663.9650

Kimley»Horn
© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GEORGIA 30008
PHONE (770) 619-1280
WWW.KIMLEY-HORN.COM

Application	Zoning Area #	Requested Zoning	Case Number
Building 100		1A M-1	
Building 300		1 M-2	
Building 500		3 M-2	
Multifamily 1		4 RM-24	
Multifamily 2		2 RM-24	
Commercial 2		5 C-2	
Commercial 3		6 C-2	

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REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

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

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

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

Please see attached

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

Please see attached

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

Please see attached

- (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:

Please see attached

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

Please see attached

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

Please see attached

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STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- (A) Approval of the Applications will permit a use that is suitable in light of the use and development of adjacent and nearby property. The surrounding area is characterized by a diverse mixture of industrial, commercial, and residential uses.
- (B) Approval of the Applications will not adversely affect the existing use or usability of adjacent or nearby property. Rather, the proposed development would complement and enhance the use and usability of adjacent and nearby property by activating an under-utilized site and providing significant employment opportunities and residential critical mass to support continued economic development in the area.
- (C) Due to the size, location, layout, and other characteristics, the Applicant submits that the Property does not have reasonable economic use as currently zoned.
- (D) Approval of the Applications will not result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities or schools. The Property has convenient access to major transportation corridors such as Sugarloaf Parkway, University Parkway (State Route 316), and Interstate 85 and access to utilities.
- (E) Approval of the Applications is in conformity with the policy and intent of the Land Use Plan which designates the Property as within the Innovation District character area. The proposed development is in concordance with the encouraged land uses for this character area.
- (F) The existing zoning classifications of adjacent and nearby properties, the proximity of major transportation corridors, and the opportunity to fully activate an underutilized property provide additional supporting grounds for approval of the Applications.

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

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

*Of Counsel

**COMBINED LETTER OF INTENT FOR REZONING APPLICATION OF
FF PIX 5030 SUGARLOAF, LLC**

Mahaffey Pickens Tucker, LLP submits the attached rezoning and buffer reduction applications (the “Applications”) on behalf of FF PIX 5030 Sugarloaf, LLC (the “Applicant”), relating to a proposed mixed-use development on an approximately 289.65-acre assemblage of land (the “Assemblage”) located at the intersection of Sugarloaf Parkway and University Parkway (State Route 316). The Assemblage also has road frontage on Cruse Road, Old Norcross Road, Oakland Road, and Herrington Road.

Overall, the proposed development would include a total of approximately 2,283,200 square feet of industrial uses, 784 multifamily residential units (including carriage-style units), and 18,000 square feet of commercial uses. The proposed development is compatible with surrounding land uses and zoning classifications and is compatible with the policies of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) which designates the Assemblage as within the Innovation District Character Area on the 2040 Plan’s Future Development Map. According to the 2040 Plan, “[t]he Innovation District is intended where the predominant use is research and development, technological uses, industrial parks, and areas where there are colleges and universities.” Additionally, the 2040 Plan provides that “[t]hese elements should be supported where appropriate by opportunities for uses including residential and multi-use commercial uses.” Moreover, the 2040 Plan specifically identifies research & development, technology-related businesses, office parks, industrial parks, mixed-use developments, townhomes, and apartments as potential

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development types. The proposed development, with its diverse mixture of land uses, falls squarely within this policy.

The proposed office/distribution facilities and light industrial uses would be provided within a total of eight buildings which would feature attractive concrete tilt-up panel construction. Office areas within these buildings would include additional architectural treatments including windows and glass accents. The proposed commercial component of the proposed development would be located along Sugarloaf Parkway and would accommodate a variety of retail, restaurant, and commercial uses in character with the existing commercial uses along this segment of Sugarloaf Parkway. The proposed residential components would be provided along Oakland Road and Sugarloaf Parkway with robust amenities including a clubhouse, pool and patio areas, as well as smaller pocket parks and green spaces for the use and enjoyment of residents. The existing Hughes Lake would be retained and would also function as an amenity for residents both because of its aesthetic value as well as the opportunity to activate this feature with walking trails and other recreational activities.

Most of the Assemblage is already zoned to accommodate the proposed development. However, there are certain components which have disparate zoning classifications and would not accommodate the proposed development as depicted on the master site plan submitted with the Applications. In the case of the multifamily tracts, the Applications are submitted to add a missing land use to the overall campus. Aside from the multifamily rezoning requests, the Applications are submitted primarily to consolidate and clean-up the varying zoning classifications on the Assemblage. That is, the subject properties of the Applications are defined to remedy gaps in the existing zoning, which is primarily M-1 and M-2. For example, the subject property of the rezoning for Building 300 does not contain any buildings. The subject property of that rezoning application would contain only driveways, parking spaces, and a portion of the existing stormwater pond. Post-zoning, the subject property of that rezoning case would be combined with a larger portion of the Assemblage as depicted on the master site plan submitted with the Applications. Similarly, rezoning applications are submitted relative to proposed Commercial Parcel 2 and Commercial Parcel 3 to expand those existing commercial sites. Accordingly, the Applicant hereby submits the following applications:

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- Building 100: Rezoning to M-1
- Building 300: Rezoning to M-2
- Building 500: Rezoning to M-2 including:
 - Variance to increase building height to 55 feet
- Commercial Tract 2: Rezoning to C-2
- Commercial Tract 3: Rezoning to C-2
- Multifamily Tract 1: Rezoning to RM-24
- Multifamily Tract 2: Rezoning to RM-24
- Buffer Reduction: reduce all buffers to zero feet

The proposed development is compatible with existing land uses and zoning classifications of the surrounding area, is in line with the policy and intent of the 2040 Plan, and is an appropriate land use due to the Property's proximity to major transportation corridors including Sugarloaf Parkway, University Parkway, and Interstate 85. The Buffer Reduction application primarily relates to internal buffers and would alleviate the proposed development from providing buffering against itself. The only external buffer reduction that the Applicant is requesting relates to the proposed Building 500. The future Building 500 parcel is adjacent to two tracts of land zoned RA-200 which contain a cemetery. The Applicant welcomes the opportunity to meet with staff of the Gwinnett County Department of Planning and Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Application filed herewith. The Applicant respectfully requests your approval of the Application.

Respectfully submitted this 7th day of July, 2022.

MAHAFFEY PICKENS TUCKER, LLP

Shane Lanham

Shane M. Lanham
Attorneys for the Applicant

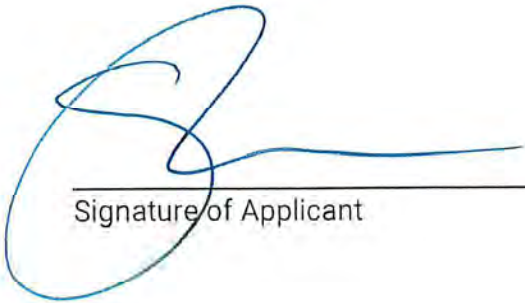
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7/7/2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

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.



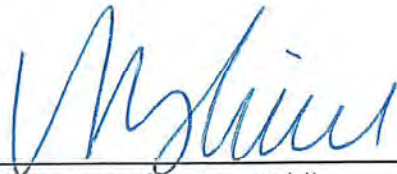
Signature of Applicant

5/3/22

Date

Shane Lanham, attorney for the Applicant

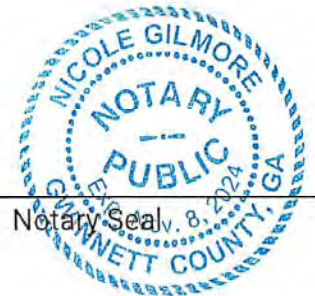
Type or Print Name and Title



Signature of Notary Public

5/3/22

Date



Notary Seal

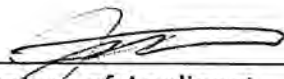
RECEIVED

7/7/2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2015

REZONING APPLICANT'S CERTIFICATION

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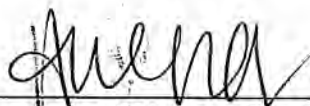
Signature of Applicant

7/5/22

Date

Jeffrey Theobald, Authorital Signatory

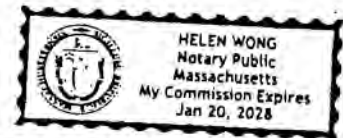
Type or Print Name and Title



Signature of Notary Public

7/5/22

Date



Notary Seal

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Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2015

REZONING PROPERTY OWNER'S CERTIFICATION

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



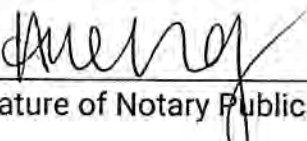
Signature of Property Owner

7/5/22

Date

Jeffrey Thedall, Authorized Signer

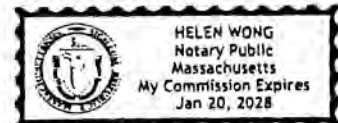
Type or Print Name and Title



Signature of Notary Public

7-5-22

Date



Notary Seal

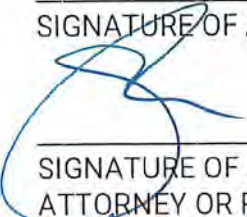
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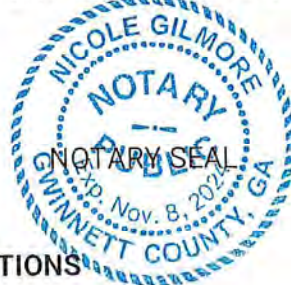
7/7/2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

CONFLICT OF INTEREST CERTIFICATION FOR REZONING

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

SIGNATURE OF APPLICANT	DATE	TYPE OR PRINT NAME AND TITLE
	5/3/22	Shane Lanham, attorney for the Applicant
SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE	DATE	TYPE OR PRINT NAME AND TITLE
	5/3/22	
SIGNATURE OF NOTARY PUBLIC	DATE	



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

☒ YES ☐ NO Mahaffey Pickens Tucker, LLP
YOUR NAME

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

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)
Kirkland Carden	\$2,800	

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

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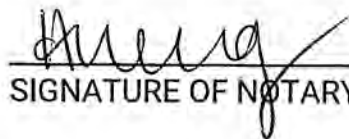
Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2015

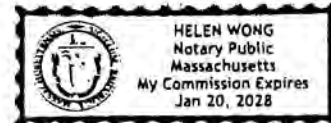
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 7/5/22 Jeffrey Theobald, Authorized Signer
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

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

 7-5-22
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 FF PIX 5030 Sugarloaf, LLC
YOUR NAME

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

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

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

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7/7/2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

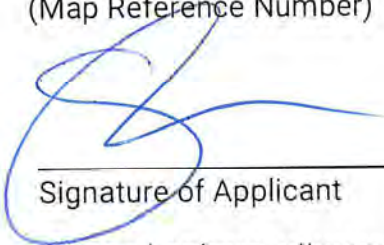
Foxfield

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: 7 - 036 - 001
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

5/4/22

Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

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

TAX COMMISSIONERS USE ONLY

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

Tonia Harmon

NAME

TSA

TITLE

5.4.2022

DATE

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7/7/2022

JUSTIFICATION FOR REZONING

The portions of the Gwinnett County Unified Development Ordinance (the “UDO”) which classify or may classify the property which is the subject of this Application (the “Property”) into any less intensive zoning classification other than as requested by the Applicant, are or 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, and 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 and the Owner'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, Paragraph I, and 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 of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the C-2 classification as requested by the Applicant, and is not economically suitable for development under the present zoning classification of Gwinnett County. A denial of this Application 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, Paragraph I and Article I, Section I, Paragraph 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 Property to the C-2 classification with such conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the 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

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of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property to the C-2 classification, subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Opponents to the request set forth in the Application, or in any amendments to the Application, have waived their rights to appeal any decision of the Gwinnett County Board of Commissioners because they lack standing, have failed to exhaust administrative remedies, and/or because they failed to assert any legal or constitutional objections.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Property be granted and that the Property be rezoned to the zoning classification as shown on the respective application.

This 7th day of July, 2022.

Respectfully submitted,

MAHAFFEY PICKENS TUCKER, LLP

Shane Lanham

Shane M. Lanham
Attorneys for Applicant

1550 North Brown Road
Suite 125
Lawrenceville, Georgia 30043
(770) 232-0000