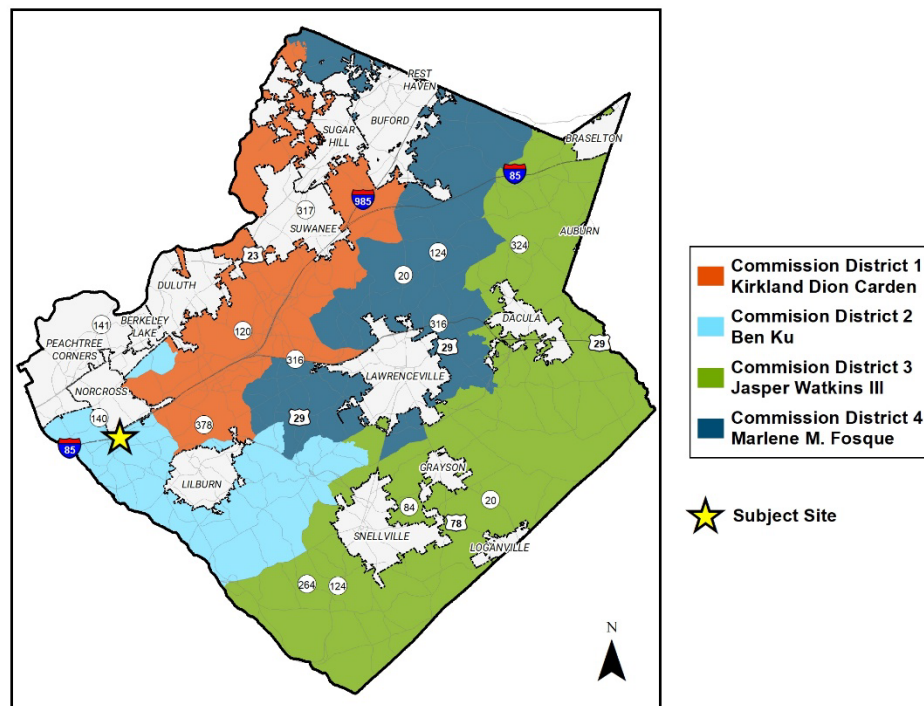




## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** RZM2022-00014  
**Current Zoning:** C-2 (General Business District)  
**Overlay District:** Gateway 85 Overlay District  
**Request:** Rezoning to **HRR** (High-Rise Residence District)  
**Additional Requests:** Variances  
**Address:** 5885 Oakbrook Parkway  
**Map Numbers:** R6196 138  
**Site Area:** 3.75 acres  
**Units:** 148  
**Proposed Development:** Apartments  
**Commission District:** District 2 - Commissioner Ku  
**Character Area:** Workplace Centers

**Staff Recommendation:** **APPROVAL WITH CONDITIONS**



**Applicant:** IDP-KSP Congress LLC  
1960 Satellite Boulevard, Suite 4000  
Duluth, GA 20097

**Owners:** Congress Plaza Hotel, LLC  
520 S. Michigan Avenue Associates, LTD  
520 South Michigan Avenue  
Chicago, IL 60605

**Contact:** Melody A. Glouton

**Contact Phone:** 770.339.0475

## Zoning History

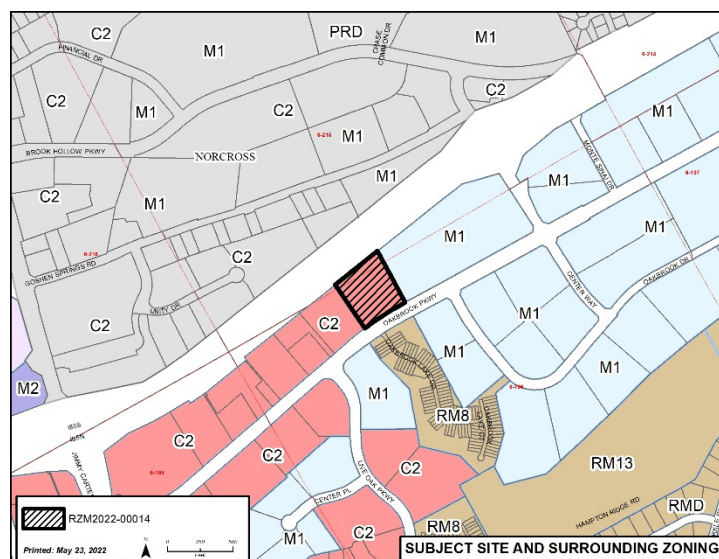
The subject property is zoned C-2 (General Business District). A 1983 rezoning case, RZ-138-83, rezoned the property from M-1 (Light Industry District) to C-2 for commercial and retail uses.

## Existing Site Condition

The subject site is a 3.75-acre parcel located along Oakbrook Parkway northeast of its intersection with Live Oak Parkway. The property is currently developed with a 102,357 square foot hotel, consisting of three buildings connected by enclosed breezeways. An in-ground pool exists within the interior courtyard of the buildings. Parking on the site is provided by a paved parking lot that surrounds the buildings and covers a majority of the site. Mature landscaping is present on the site but is limited to the road frontage and the interior courtyard. Access to the site is provided by two full access driveways along Oakbrook Parkway. Sidewalks are present along the road frontage. The site is flat, with minimal topographical change. The nearest Gwinnett County Transit stop is on the opposite side of Oakbrook Parkway.

## Surrounding Use and Zoning

The subject site is surrounded by commercial, industrial, and residential properties. To the north is Interstate 85 and Norcross city limits. To the west are several hotels. To the east are office and industrial uses. To the south is a townhouse development, as well as additional office and industrial uses. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Proposed	Apartments	HRR	39.50 units per acre
North	Interstate 85	R/W	N/A
East	Light Industrial	M-1	N/A
South	Townhouses	RM-8	7.32 units per acre
West	Commercial	C-2	N/A

## Project Summary

The applicant requests rezoning of a 3.75-acre parcel from C-2 to HRR for apartments, including:

- 148 apartment units within the existing hotel structure, yielding a net density of 39.50 units per acre.
- A mix of studio, one, and two bedroom units ranging between 350 square feet to 850 square feet.
- Two gated entrances from Oakbrook Parkway.
- A total of 9.3% or 15,150 square feet, of common area.
- Amenities including a landscaped courtyard, pool, and grill area. Indoor amenities including a club room, ride share lobby, cyber cafe, and fitness studio.
- A total of 184 surface parking spaces surrounding the building on all sides.
- A stormwater management facility at the front of the property along Oakbrook Parkway.
- Building materials of brick veneer and siding.
- A dumpster located between two of the structures, near the western corner of the property.
- A 10-foot landscape strip along Oakbrook Parkway.
- Demolition of the existing porte-cochère, to be replaced with future residential visitor parking.
- A mailbox kiosk near the leasing office.

## Zoning and Development Standards

The applicant is requesting a rezoning to HRR, High Rise Residence District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Minimum 5 stories	3 stories	NO*
Front Yard Setback	Minimum 15'	> 15'	YES
Side Yard Setback	Minimum 10'	> 10'	YES
Rear Yard Setback	Minimum 25'	> 25'	YES
Minimum Heated Floor Area	Studio: 600 square feet 1-Bedroom: 750 square feet 2-Bedroom: 1,000 square feet	Studio: 350 square feet 1-Bedroom: 470 square feet 2-Bedroom: 800 square feet	NO*
Off-Street Parking	Minimum: 222 spaces Maximum: 444 spaces	184 spaces	NO*
Landscape Strip	10'	10'	YES
Common Area	20%	9.8%	NO*
Density	Determined by BOC	39.50 units per acre	YES

\*The applicant is seeking variances from these regulations.

## Variance Requests

In addition to the rezoning request, the applicant is seeking variances from the following provisions of Title II of the UDO:

1. Section 230-10, To reduce the required height from five stories to three stories.
2. Section 230-10, To reduce the required minimum unit size for efficiency apartments from 600 square feet to 350 square feet.
3. Section 230-10, To reduce the required minimum unit size for one-bedroom apartments from 750 square feet to 470 square feet.
4. Section 230-10, To reduce the required minimum unit size for two-bedroom apartments from 1000 square feet to 800 square feet.
5. Section 240-20, To reduce the required minimum parking area from 222 spaces to 185 spaces.
6. Section 230-10, To reduce the required common area from 20% to 9.8%.

The applicant proposes to reduce the required height for the HRR Zoning District from five stories to three stories. Additionally, the applicant proposes to reduce the minimum square footage for studio, one-bedroom, and two-bedroom apartments to 350 square feet, 470 square feet, and 800 square feet, respectively. The applicant also proposes a reduction of the minimum parking requirement from 222 spaces to 185 spaces. Lastly, the applicant proposes a reduction in the minimum common area required by the HRR Zoning District from 20% to 9.8%.

## 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 E). 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 primarily by commercial, office, and industrial uses. A townhouse development is located to the south of the subject property. Adjacent properties to the southwest are hotels, similar in nature to the existing structure on the subject site. The



utilization of an existing hotel structure affords the opportunity to provide attainable housing options in a heavily developed area of Gwinnett County. The subject site's proximity to workplaces around the Jimmy Carter Boulevard and Interstate 85 interchange allows for the potential to provide walkability to potential residents. A high-density residential redevelopment such as the one proposed is suitable in view of the use and development of adjacent and nearby property.

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

The proposed development would not adversely affect the existing use or usability of adjacent or nearby property. Adjacent properties are commercial and industrial in nature. While still transitional in nature, an apartment complex would include longer term occupants than the existing hotel. With appropriate conditions, the proposed development will provide an opportunity to create a walkable, mixed-use environment with attainable housing options.

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

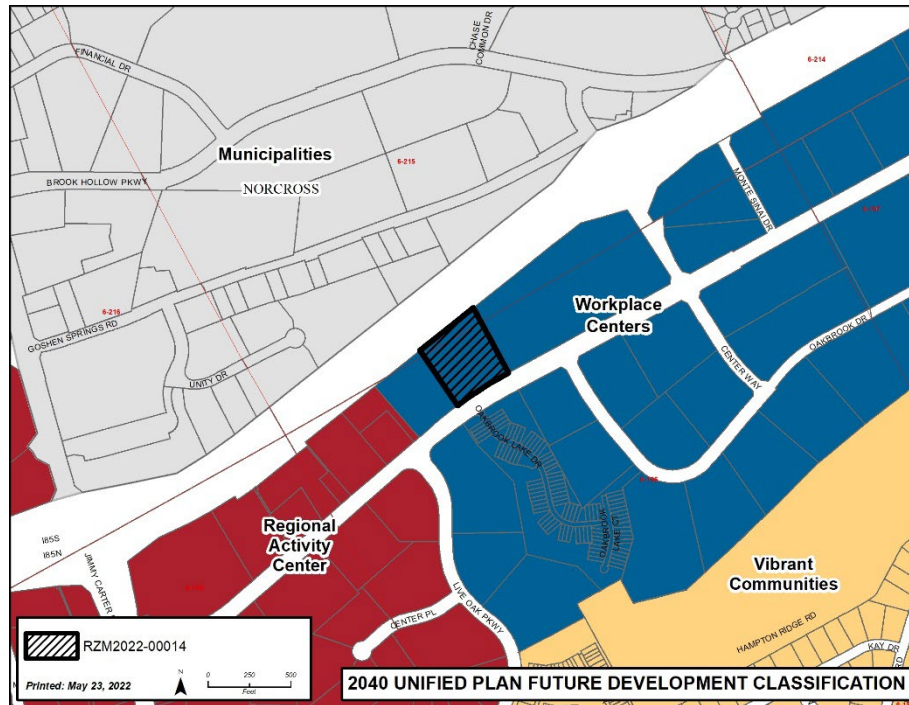
The property has a reasonable economic use as currently zoned.

**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. An impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this special use permit request is attached (Exhibit E).

**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 indicate the subject property is within the Workplace Centers Character Area. This Character Area is for predominantly employment-oriented uses and includes office parks and industrial parks. These elements should be supported where appropriate by opportunities for residential uses and multi-use oriented commercial areas. The proposed development is within a heavily developed and high intensity commercial and industrial area along the Interstate 85 corridor. The introduction of an additional residential development along Oakbrook Parkway would assist in the overall redevelopment of the area into a mixed-use employment center, which provides pedestrian access to and from a workplace.



**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 surrounding area is heavily developed, with no undeveloped parcels in the immediate area. The redevelopment of an underperforming hotel into apartments would provide additional residential options within a high density commercial and industrial corridor. Existing Gwinnett County Transit stops adjacent to the subject site afford the opportunity for potential residents to utilize alternative means of transportation. Numerous nearby employment centers confer the opportunity for pedestrian traffic to and from the subject site, with an extensive sidewalk system along Oakbrook Parkway and nearby arterial roads. Further redevelopment in the area is anticipated that will allow additional opportunities for residential and mixed-use developments.

**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 requested variances are to reduce the required height for the HRR Zoning District from five stories to three stories, to reduce the minimum square footage for studio, one bedroom, and two bedroom apartments to 350 square feet, 470 square feet, and 800 square feet, respectively, reduce the minimum parking requirement from 222 spaces to 185 spaces, and reduce the minimum common area required by the HRR Zoning District from 20% to 9.8%. These variance requests are the result of the applicant's intention to modify the existing hotel structure to provide attainable apartment units. The Unified Development Ordinance currently does not have explicit provisions for the redevelopment of existing structures at this scale. As a result, multiple variances are required by the applicant. Typically, numerous variances would nullify the intent of the Unified Development Ordinance. However, the proposed development not only will revitalize an existing hotel structure, but will provide additional high demand attainable housing, as identified by the Gwinnett County Housing Study. Given the applicant's proposal to reuse the existing structure, the proposal will 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 request.

In addition, the staff recommends **APPROVAL** of the following variances:

1. To reduce the required height from five stories to three stories.
2. To reduce the required minimum unit size for efficiency apartments from 600 square feet to 350 square feet.
3. To reduce the required minimum unit size for one-bedroom apartments from 750 square feet to 470 square feet.
4. To reduce the required minimum unit size for two-bedroom apartments from 1000 square feet to 800 square feet.
5. To reduce the required minimum parking area from 222 spaces to 185 spaces.
6. To reduce the required common area from 20% to 9.8%.

## Staff Recommended Conditions

Approval as HRR (High-Rise Residence District) for apartments, subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received May 2, 2022, and Exhibit C: Building Elevations dated received March 3, 2022, with revisions required by conditions of approval and the Unified Development Ordinance, subject to the review and approval of the Department of Planning and Development.
2. The property shall be limited to multifamily residential buildings, not to exceed 148 units.
3. Road frontage and the entrance shall be landscaped by the developer and maintained by the property management company. The entrance shall include a decorative masonry entrance feature. Landscape and entrance feature plans shall be subject to the review and approval of the Department of Planning and Development.
4. Sidewalk connections to pedestrian entrances shall be located along the Oakbrook Parkway frontage, connecting external sidewalks to internal sidewalks and building entrances, subject to review and approval by the Department of Planning and Development.
5. All grassed areas shall be sodded.
6. 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 the grand opening and during special events which shall cover no more than twice per calendar year and last no longer than seven day each.
7. Developer shall provide a turnaround and include a minimum of 30 feet of stacking space between the gate and the right-of-way at all gated entrances.

8. The buildings shall comply with Category 3, Multi-Family Residential Buildings of the Gwinnett County Architectural Standards.

**Exhibits:**

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

## Exhibit A: Site Visit Photos



**View southwest along Oakbrook Parkway**



**Existing hotel structure**



**Exhibit B: Site Plan**

**[attached]**



## **Exhibit C: Building Elevations**

**[attached]**

# Congress Hotel Conversion

Norcross, Georgia

WINNETT COUNTY  
PLANNING & DEVELOPMENT  
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2022

**GENERAL NOTES:**

1. THIS DRAWING SHOULD BE REGARDED AS A PRELIMINARY DESIGN. NO FIELD.
2. THIS PLAN, SPECIFICATION, AND MATERIALS, DOES NOT TAKE INTO ACCOUNT THE REQUIREMENTS FOR ZONING, ENVIRONMENTAL, OR OTHER REGULATORY REQUIREMENTS. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE ABOVE REQUIREMENTS CAN AFFECT THE SCOPE OF THIS WORK.
3. ALL SITE DIMENSIONS AND AREAS ARE SUBJECT TO EXISTING AND PROPOSED SURVEY.
4. VERIFY ALL DIMENSIONS WITH CIVIL ENGINEER DOCUMENTS. SURVEY AND FIELD CONDITIONS. NOTIFY CIVIL ENGINEER AND ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.



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# Congress Hotel Conversion

Norcross, Georgia

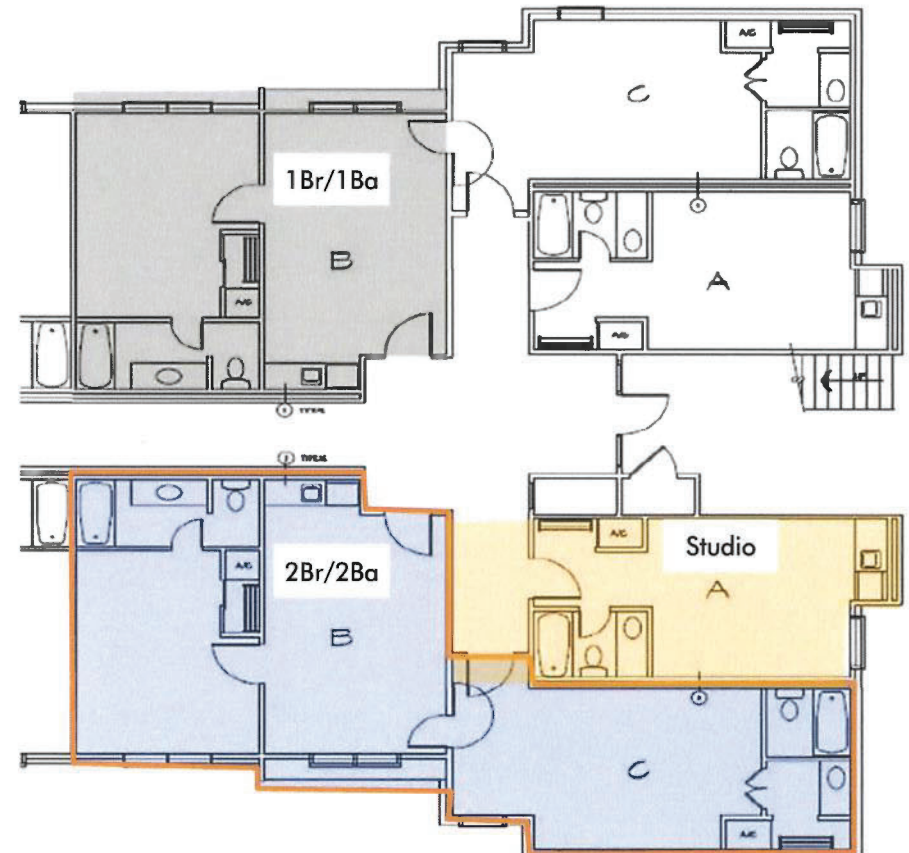
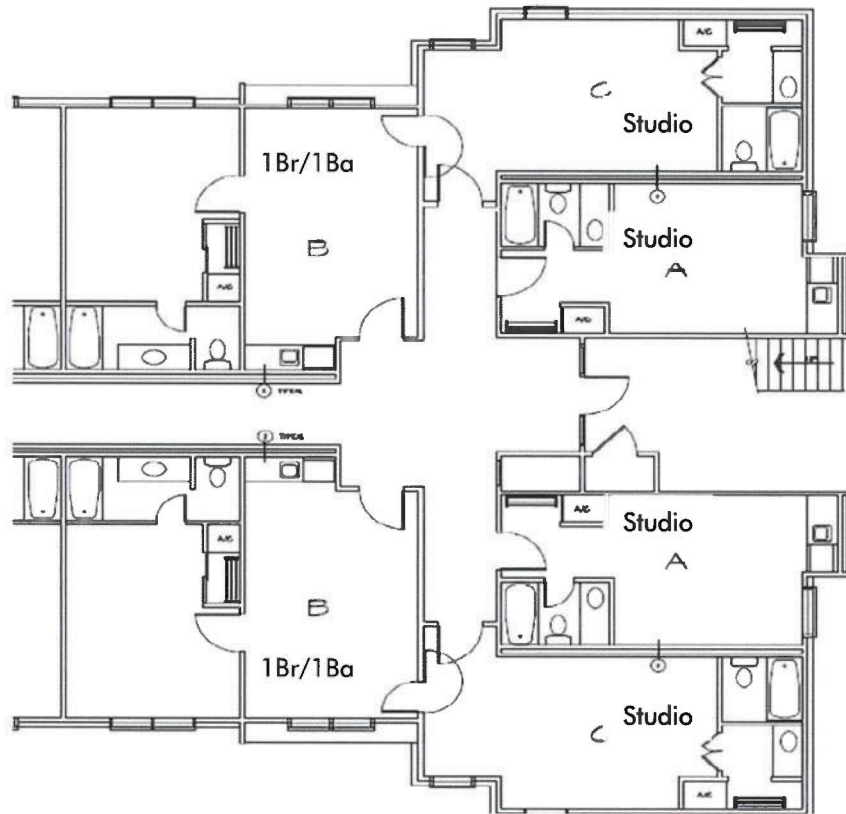
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DEVELOPMENT  
2022

- GENERAL NOTES:**
1. THIS DRAWING SHOWN BY REDDARDED AS A PRELIMINARY DESIGN.
  2. THIS PLAN SHOWN PRELIMINARY IN NATURE. DOES NOT TAKE INTO ACCOUNT THE REQUIREMENTS FOR ZONING, ORDINANCE, TOPOGRAPHY, RETENTION, GRADING, UTILITY, ENVIRONMENTAL, CITY, REGIONAL, COUNTY OR STATE, ENVIRONMENTAL PROTECTION AGENCY REGULATIONS, OR A.P.A. APPROVALS. THE ABOVE REQUIREMENTS CAN AFFECT THE LAYOUT OF THIS SITE.
  3. ALL THE DIMENSIONS AND AREAS ARE SUBJECT TO ESTIMATION AND SHOULD BE VERIFIED.
  4. MEET ALL DIMENSIONS WITH CIVIL ENGINEER DOCUMENTS, SURVEY AND FIELD CONDITIONS. NOTIFY CIVIL ENGINEER AND ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.



Original Unit  
Reconfiguration

Post-Conversion  
Unit Reconfiguration





# Congress Hotel – Floor Plan

IMPACT  
DEVELOPMENT PARTNERS

KROG ST  
PARTNERS

WINNETT COUNTY  
PLANNING AND DEVELOPMENT

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## First Floor – Unit Mix Plan



Private and Confidential

10

# Congress Hotel – Floor Plan

**IMPACT**  
DEVELOPMENT PARTNERS

**KROGSTAD**  
PARTNERS

WINNETT COUNTY  
PLANNING AND DEVELOPMENT

3-9-2022

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## Second Floor – Unit Mix Plan



Private and Confidential

11



# Congress Hotel – Floor Plan

**IMPACT**  
DEVELOPMENT PARTNERS

**KROGSTAD**  
PARTNERS

WINNETT COUNTY  
PLANNING AND DEVELOPMENT

3-9-2022

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## Third Floor – Unit Mix Plan



Private and Confidential

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

**[attached]**

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3-3-2022

ANDERSEN | TATE | CARR

March 3, 2022

**LETTER OF INTENT AND JUSTIFICATION FOR REZONING**

**Rezoning Application  
Gwinnett County, Georgia**

**Applicant:**  
IDP-KSP Congress, LLC

**Property:**  
Tax Parcel ID R6196 138  
±3.74 Acres of Land  
Located at 5885 Oakbrook Parkway, Norcross, Georgia 30093  
**From C-2 to HRR (Rezoning)**

**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](mailto:mglouton@atclawfirm.com)



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3-3-2022

## **I. INTRODUCTION**

This Application for Rezoning is submitted for a 3.74-acre parcel of land located in Land Lot 196 and 215 of the 6<sup>th</sup> District of Gwinnett County, Georgia, Norcross, and known as 5885 Oakbrook Parkway, Norcross, Georgia (hereinafter the “Property”). The Property is a single parcel with an existing hotel on site, formerly known as Congress Hotel. The Property is conveniently located in unincorporated Gwinnett County, just 2 blocks from two major arteries, Jimmy Carter Boulevard and I-85, which allows for access to Atlanta and the surrounding area. The Property is further identified on the legal survey prepared by Carlton Rakestraw & Associates, dated January 18, 2022, and filed with this Application. The Property that is the subject of this Rezoning Application identified below by the Gwinnett County geographical information system:



The Property is currently zoned C-2 (General Business District) pursuant to the Gwinnett County Unified Development Ordinance (the “UDO”). The Applicant, IDP-KSP Congress, LLC (the “Applicant”) now seeks approval to rezone the 3.74 acres to HRR (High Rise Residence District) to develop a distinctive and attractive multifamily residential community with 148 units.

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

## **II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA**

The Property is a square tract fronting Oakbrook Parkway and I-85. It is bounded on the East by properties that are all zoned Light Industry District (M-1). To the West, there are properties zoned C-2 (General Business District) that continue past the intersection of Jimmy Carter Boulevard onto McDonough Drive. To the South of the Property, there are additional M-1 properties, as well as RM-8 and RM-13 zoning classifications. As indicated, the



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The purpose of the HRR zoning classification is to allow for high-rise residential development and associated uses in a mixed-use environment. The Applicant is requesting variances from the building height requirement and unit size requirement as provided for in the dimensional standards for residential zoning districts (see UDO, Section 230-10), to decrease the required building height from five stories to three stories and to decrease the unit sizes as reflected on the site plan and enclosed elevations. The Applicant will also seek an administrative variance to reduce the minimum parking requirements on the site. The requested variances are necessary to afford the Applicant relief so that the Property may be redeveloped in accordance with the intent of the site plan. Due to the size, existing layout, and topography of the Property, strict adherence to the requirements of the UDO is not possible in this matter. Further, granting the variances would not adversely affect the existing use or usability of adjacent property.

#### 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 HRR, as well as the request for a Special Use Permit, 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, approval of the proposed Rezoning will permit a use that are suitable in view of the use and development of adjacent and nearby property. The Property is located on



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Oakbrook Parkway and also fronts I-85. The Property is adjacent to intense, large-scale commercial development and across the street from existing industrial development.

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

No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classification is compatible with existing industrial, commercial, and residential uses of adjacent property. Rather the proposed redevelopment would complement existing commercial and employment centers.

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

The Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic use as currently zoned. The site is currently a non-performing hotel.

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

No, the proposed rezoning application will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Oakbrook Parkway and Interstate 85. The proposed redevelopment would complement the existing parcels along Oakbrook Parkway and the surrounding area by providing necessary residential critical mass to support those uses. Moreover, the redevelopment of the existing site is a reduction in density from the non-performing hotel.

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

The proposed rezoning application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The subject property is located within the Workplace Centers Character Area of the 2040 Future Development Map. Encouraged land uses for the Character Area specifically include apartments. The proposed redevelopment of the site would be compatible with and successfully co-exist with the surrounding uses.

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

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The Applicant submits that the character of the surrounding development and the existing mix of uses in the area provide supporting reasons for approval of the rezoning. Anticipated growth in Gwinnett County based on the 2040 Comprehensive Plan suggests a strong need for this type of housing. In addition, the Applicant submits that the subject Property's location, size, and dimensions, as well as its proximity to Oakbrook Parkway and Interstate 85 provide further support for approval of the proposed rezoning application.

#### **V. JUSTIFICATION FOR REZONING**

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

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

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

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Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

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

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

## VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone from C-2 to HRR, as well as the Special Use Permit application, 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 2<sup>nd</sup> day of March, 2022.

ANDERSEN, TATE & CARR, P.C.

*Melody A. Glouton*

Melody A. Glouton, Esq.

Enclosures  
MAG/ag

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

**[attached]**





Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE

<b>TRC Meeting Date:</b>		6.15.22	
Department/Agency Name:		Transportation	
Reviewer Name:		Brent Hodges	
Reviewer Title:		Construction Manager 1	
Reviewer Email Address:		<a href="mailto:Brent.Hodges@gwinnettcountry.com">Brent.Hodges@gwinnettcountry.com</a>	
Case Number:		RZM2022-00014	
Case Address:		5885 Oakbrook Parkway	
<b>Comments:</b>		<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>YES</b>
		<input type="checkbox"/>	<input type="checkbox"/> <b>NO</b>
1	Oakbrook Parkway is a minor arterial. ADT = 13,007.		
2	Proposed driveway is located directly at transit facility (#2335156) Oakbrook Parkway and Hotel.		
3	Developer shall provide a deceleration lane into the development as per Section 900.30-2 (B) and (C) of the Unified Development Ordinance (UDO).		
4			
5			
6			
7			
<b>Recommended Zoning Conditions:</b>		<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>YES</b>
		<input type="checkbox"/>	<input type="checkbox"/> <b>NO</b>
1	Developer shall provide a turnaround and include a minimum of 30' of stacking space between the gate and the right-of-way at all gated entrances.		
2			
3			
4			
5			
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**Note:** Attach additional pages, if needed

*Revised 7/26/2021*



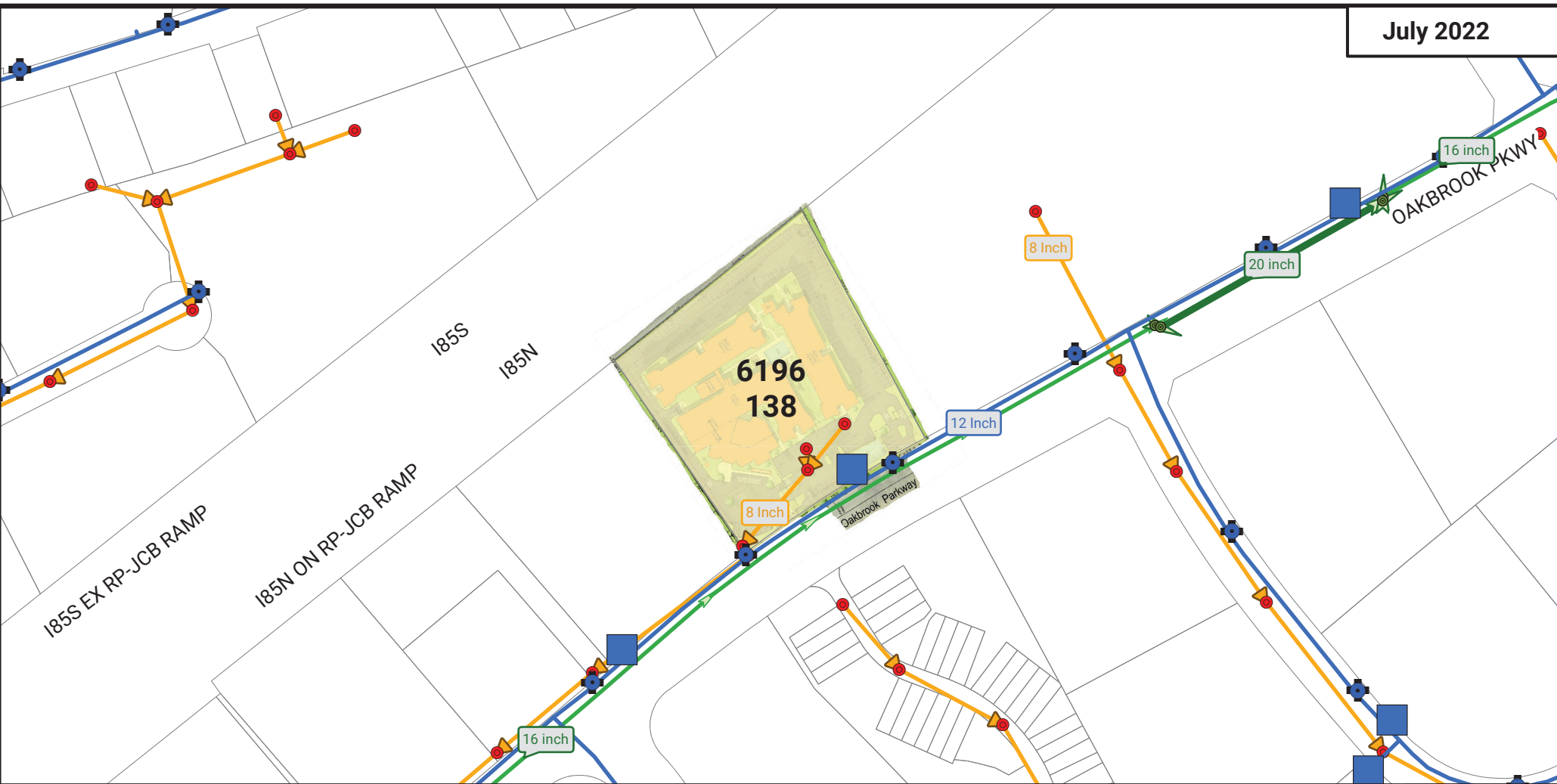
Department of Planning and Development  
TECHNICAL REVIEW COMMITTEE

<b>TRC Meeting Date:</b>		June 15, 2022	
Department/Agency Name:		DWR	
Reviewer Name:		Mike Pappas	
Reviewer Title:		GIS Planning Manager	
Reviewer Email Address:		<a href="mailto:Michael.Pappas@gwinnettcountry.com">Michael.Pappas@gwinnettcountry.com</a>	
Case Number:		RZM2022-00014	
Case Address:		5885 Oakbrook Parkway	
<b>Comments:</b>		<input checked="" type="checkbox"/> <b>X</b>	<input type="checkbox"/> <b>YES</b>
		<input type="checkbox"/> <b>NO</b>	
<b>1</b>	Water: Existing hotel already connected to 12-inch water main on Oakbrook Parkway.		
<b>2</b>	Sewer: A Sewer Capacity Certification is required for new use.		
<b>3</b>	Sewer: Pending available capacity, development can utilize the existing sewer connection.		
<b>4</b>			
<b>5</b>			
<b>6</b>			
<b>7</b>			
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/> <b>X</b>
		<input type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>
<b>1</b>			
<b>2</b>			
<b>3</b>			
<b>4</b>			
<b>5</b>			
<b>6</b>			
<b>7</b>			

**Note:** Attach additional pages, if needed

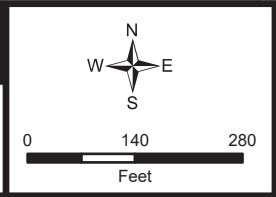
*Revised 7/26/2021*

July 2022



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

**RZM2022-00014**  
C-2 to HRR  
**Water & Sewer**  
**Utility Map**



**Water Comments:** Existing hotel already connected to 12-inch water main on Oakbrooke Parkway.

**Sewer Comments:** A Sewer Capacity Certification is required for new use. Pending available capacity, development can utilize the existing sewer connection.

**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 by 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.

Residential Rezoning Impact on Local Schools Prepared for Gwinnett County BOC, July, 2022											Proposed Zoning
	School	Forecast	2022-23 Capacity	+/- Cap.	Forecast	2023-24 Capacity	+/- Cap.	Forecast	2024-25 Capacity	+/- Cap.	Approximate Student Projections from Proposed Developments
RZM2022-00014	<b>Meadowcreek HS (or McClure Health)</b>	2,570	2,850	-280	2,634	2,850	-216	2,674	2,850	-176	12
	<b>Radloff MS</b>	1,377	1,575	-198	1,391	1,575	-184	1,405	1,575	-170	9
	Meadowcreek ES	923	925	-2	946	925	21	970	925	45	16
RZM2022-00020	<b>Parkview HS</b>	3,208	2,900	308	3,240	2,900	340	3,224	2,900	324	48
	<b>Trickum MS</b>	2,160	1,775	385	2,182	1,775	407	2,170	1,775	395	36
	Arcado ES	889	750	139	898	750	148	907	750	157	64
RZM2022-00024 & RZM2022-00025	<b>Peachtree Ridge HS</b>	3,262	3,050	212	3,295	3,050	245	3,271	3,050	221	20
	<b>Northbrook MS</b>	882	1,025	-143	870	1,025	-155	879	1,025	-146	14
	Jackson ES	1,426	1,475	-49	1,440	1,475	-35	1,455	1,475	-20	26
RZM2022-00029	<b>Lanier HS</b>	1,994	1,900	94	2,034	1,900	134	2,075	1,900	175	20
	<b>Lanier MS</b>	1,387	1,700	-313	1,395	1,700	-305	1,423	1,700	-277	14
	Sugar Hill ES	1,198	1,075	123	1,222	1,075	147	1,246	1,075	171	26
RZM2022-00030	<b>Dacula HS</b>	2,565	2,550	15	2,670	2,550	120	2,748	2,550	198	41
	<b>Dacula MS</b>	1,852	1,900	-48	1,906	1,900	6	1,962	1,900	62	30
	Alcova ES	1,423	1,150	273	1,451	1,150	301	1,495	1,150	345	53
RZR2022-00019	<b>Seckinger HS</b>	1,345	2,800	-1,455	1,810	2,800	-990	2,015	2,800	-785	5
	<b>Jones MS</b>	1,568	1,575	-7	1,599	1,575	24	1,623	1,575	48	3
	Ivy Creek ES	1,504	1,275	229	1,519	1,275	244	1,542	1,275	267	6

## **Exhibit F: Maps**

**[attached]**





I85S

I85N

OAKBROOK PKWY

OAKBROOK  
LAKE DR



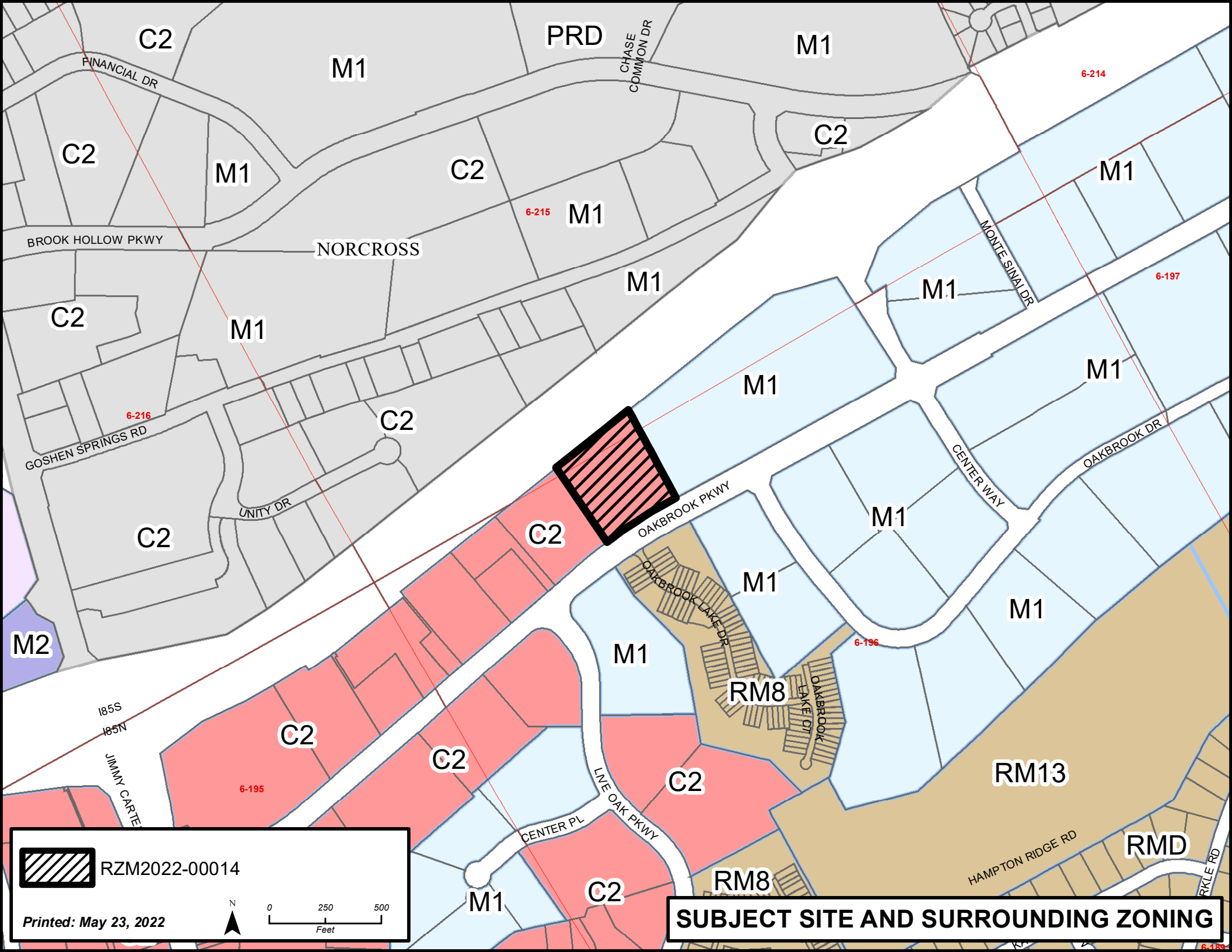
RZM2022-00014

Printed: May 23, 2022



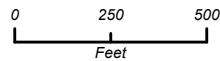
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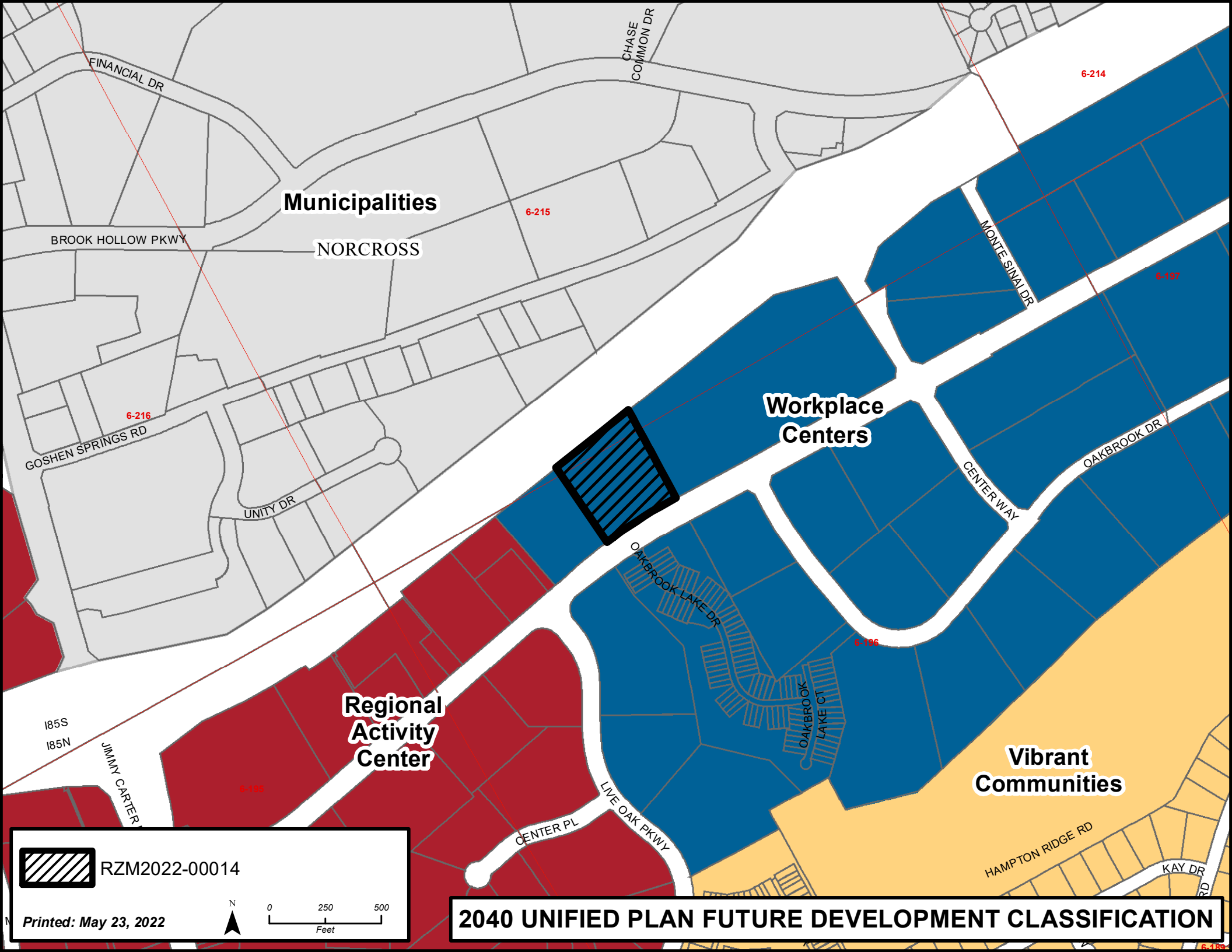
RZM2022-00014

Printed: May 23, 2022



**SUBJECT SITE AND SURROUNDING ZONING**





**Municipalities**

NORCROSS

**Workplace  
Centers**

**Regional  
Activity  
Center**

**Vibrant  
Communities**



RZM2022-00014

Printed: May 23, 2022



0 250 500  
Feet

**2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION**

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5/2/22

**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: IDP-KSP Congress LLC NAME: c/o Melody A. Glouton, Esq.	NAME: Congress Plaza Hotel, LLC NAME: 520 S. Michigan Avenue Associates, LTD
ADDRESS: 1960 Satellite Blvd., Suite 4000	ADDRESS: 520 S. Michigan Ave
CITY: Duluth	CITY: Chicago
STATE: GA ZIP: 30097	STATE: IL ZIP: 60605
PHONE: 770-339-0475	PHONE: 312-427-3800
EMAIL: mglouton@atclawfirm.com	EMAIL: www.congressplazahotel.com
CONTACT PERSON: Melody A. Glouton, Esq. PHONE: 770-339-0475	
CONTACT'S E-MAIL: mglouton@atclawfirm.com	
<p align="center"><b>APPLICANT IS THE:</b></p> <input checked="" type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICTS(S): C2 REQUESTED ZONING DISTRICT: HRR	
PARCEL NUMBER(S): R6196 138 ACREAGE: 3.74	
ADDRESS OF PROPERTY: 5885 Oakbrook Parkway, Norcross, Georgia	
PROPOSED DEVELOPMENT: Conversion of non-performing hotel to multifamily apartments.	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units 148	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): 350-850 SF	Total Building Sq. Ft. _____
Gross Density: 39.50	Density: _____
Net Density: 39.50	

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**

**RECEIVED**

3-3-2022

### Legal Description

All that tract or parcel of land lying and being in Land Lots 196 and 215 of the 6th District, Gwinnett County, Georgia, and being more particularly described as follows:

Beginning at a 5/8" rebar found on the Northwestern right of way line of Oakbrook Parkway (Variable R/W) 1139.6 feet Southwesterly as measured along the Northwestern right of way line of Oakbrook Parkway from the intersection of the Northwestern right of way line of Oakbrook Parkway and the extended Southwesterly right of way line of Center Way (an

80 foot R/W), which said 5/8" rebar is the Point of Beginning; from said Point of Beginning, run thence Southwesterly along the Northwestern right of way line of Oakbrook Parkway and following the curvature thereof along a arc of a curve to the left an arc distance of 368.63 feet (said arc being subtended by a chord with a bearing and distance of South 57 degrees

51 minutes 09 seconds West 368.24 feet and having a radius of 2314.93 feet) to a 5/8" rebar found on the Northwestern right of way line of Oakbrook Parkway; run thence North 34 degrees 05 minutes 27 seconds West 401.17 feet to a point located on the Southeasterly right of way line of Interstate 85; run thence along the Southeasterly right of way line of Interstate 85 North 51 degrees 22 minutes 26 seconds East 413.06 feet to a PK nail found on the Southeasterly right of way line of Interstate 85; run thence South 28 degrees 29 minutes 36 seconds East 448.46 feet to a 5/8" rebar found on the Northwestern right of way line of Oakbrook Parkway, which said 5/8" rebar found is the True Point of Beginning.

Said tract containing 3.747 acres as shewn on that certain Survey for Security Bank of North Fulton, d/b/a Neighbors

Rank. Et al dated 07/25/06, last revised on 08/30/06, prepared by W. E. Cants, R.L.S. No. 2166.

### Together with:

Easements appurtenant to the subject property as contained in that certain Easement Agreement between Oakbrook Office Associates, a Georgia Limited Partnership and Amberley North Atlanta Joint Venture, a Texas Joint Venture, dated September 10, 1985, filed September 19, 1985 and recorded in Deed Book 3150 Page 667, aforesaid records.



# Congress Hotel Conversion

WINNETT COUNTY  
PLANNING AND DEVELOPMENT

**RECEIVED**

5/2/22

Norcross, Georgia

BUILDING AREA	-	102,250 S.F.
MEETING ROOM	-	2,000 S.F.
		104,250 S.F. APPROX.
UNIT COUNT	-	148 (350 - 850 S.F.)
TOTAL ACREAGE	-	3.746
DENSITY	-	39.5 UNITS / ACRE
COMMON AREA	-	15,150 S.F. (9.3%)
PARKING COUNT	-	185 APPROX.
		1.25 SPACES / UNIT

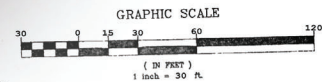
## NOTE:

SITE PLAN AND CALCULATIONS ARE PRELIMINARY / CONCEPTUAL AND WERE DEIVED FROM ORIGINAL BUILDING PLANS AND OTHER PRELIMINARY MATERIAL SUPPLIED BY OUTSIDE SOURCES AND NOT VERIFIED BY LDD. THE PLANS / CALCULATIONS ARE SHOWN FOR INFORMATIONAL PURPOSES SHOWING INTENT.

## GENERAL NOTES:

1. THIS DRAWING SHOULD BE REGARDED AS A PRELIMINARY "DIGITAL SKETCH".
2. THIS PLAN BEING PRELIMINARY IN NATURE, DOES NOT TAKE INTO FULL ACCOUNT THE REQUIREMENTS FOR ZONING, DRAINAGE, STORM WATER RETENTION, GRADING, UTILITY EASEMENTS, D.O.T. RESTRICTIONS, RIGHTS OF WAY, ENVIRONMENTAL PROTECTION AGENCY RESTRICTIONS, OR F.A.A. AIR RIGHTS. THE ABOVE REQUIREMENTS CAN AFFECT THE LAYOUT OF THIS SITE.
3. ALL SITE DIMENSIONS AND AREAS ARE SUBJECT TO ESTIMATION AND SHOULD BE VERIFIED.
4. VERIFY ALL DIMENSIONS WITH CIVIL ENGINEER DOCUMENTS, SURVEY AND FIELD CONDITIONS. NOTIFY CIVIL ENGINEER AND ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.

Interstate - 85



Lyman  
Davidson  
Dooley, Inc.

**IMPACT**  
DEVELOPMENT PARTNERS

04.19.22

01  
221.032

Drawing for presentation purposes only. Finish materials and colors do not necessarily reflect final finish selections.





LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 198 AND 215 OF THE 6TH DISTRICT, WINNETT COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND ON THE NORTHWEST RIGHT OF WAY OF OAKBROOK PARKWAY (VARIABLE RIGHT OF WAY) 1139.5 FEET SOUTHWEST OF THE INTERSECTION OF THE EXTENSION OF SAID NORTHWEST RIGHT OF WAY OF OAKBROOK PARKWAY WITH THE EXTENSION OF THE SOUTHWEST RIGHT OF WAY OF CENTER WAY (60' RIGHT OF WAY); THENCE SOUTHWESTERLY ALONG THE RIGHT OF WAY OF OAKBROOK PARKWAY ALONG THE ARC OF A CURVE TO THE LEFT AN ARC DISTANCE OF 368.63 FEET TO AN IRON PIN FOUND, SAID CURVE HAVING A RADIUS OF 2314.93 FEET AND A CHORD OF SOUTH 87°15'13" WEST 308.24 FEET, THENCE NORTH 34°02'48" WEST 401.17 FEET TO AN IRON PIN FOUND ON THE SOUTHEASTERLY RIGHT OF WAY OF INTERSTATE HIGHWAY 85; THENCE NORTH 51°22'27" EAST ALONG THE RIGHT OF WAY OF INTERSTATE HIGHWAY 85 413.07 FEET TO AN IRON PIN SET; THENCE SOUTH 28°28'34" EAST 448.48 FEET TO AN IRON PIN MARKING THE "TRUE POINT OF BEGINNING."

THE FOREGOING PROPERTY IS DESCRIBED IN ACCORDANCE WITH A SURVEY PREPARED FOR PROGRESSIVE HOTEL CONCEPTS, INC., BRANCH BANKING AND TRUST COMPANY, ITS SUCCESSORS AND ASSIGNS, CITICORP REAL ESTATE, INC., ITS SUCCESSORS AND ASSIGNS, AND CHICAGO TITLE INSURANCE COMPANY BY CARLTON RAKESTRAW AND ASSOCIATES DATED SEPTEMBER 9, 1993, AS LAST REVISED MAY 22, 1998, BEARING THE CERTIFICATION OF W. CARLTON RAKESTRAW, JR., GEORGIA REGISTERED LAND SURVEYOR NUMBER 2236, SAID PARCEL CONTAINS 3.746 ACRES ACCORDING TO SAID SURVEY.

MATTERS OF TITLE DISCLOSED IN FIDELITY NATIONAL TITLE COMMITMENT NUMBER 2135926A WITH A COMMITMENT DATE OF DECEMBER 1, 2021:

- (13) GEORGIA RAILWAY AND POWER COMPANY EASEMENT: DEED BOOK 31, PAGE 383; BLANKET IN NATURE; AFFECT UNKNOWN
- (14) GEORGIA POWER COMPANY EASEMENT: DEED BOOK 64, PAGE 512; BLANKET IN NATURE; AFFECT UNKNOWN
- (15) GEORGIA POWER COMPANY EASEMENT: DEED BOOK 66, PAGE 420; BLANKET IN NATURE; AFFECT UNKNOWN
- (16) GEORGIA POWER COMPANY EASEMENT: DEED BOOK 87, PAGE 82; BLANKET IN NATURE; AFFECT UNKNOWN
- (17) STATE HIGHWAY DEPARTMENT OF GEORGIA RIGHT OF WAY DEED; DEED BOOK 123, PAGE 350; LIMITS OF ACCESS ALONG I-85
- (18) GEORGIA POWER COMPANY EASEMENT: DEED BOOK 257, PAGE 714; CAN NOT BE PLOTTED; DOES AFFECT SUBJECT PROPERTY
- (19) GEORGIA POWER COMPANY EASEMENT: DEED BOOK 293, PAGE 218; CAN NOT BE PLOTTED; DOES AFFECT SUBJECT PROPERTY
- (20) RIGHT OF WAY DEED FOR OAKBROOK PARKWAY, PLOTTED HEREON
- (21) EASEMENT AGREEMENT; DEED BOOK 2255, PAGE 249, AS AFFECTED BY DEED BOOK 2448, PAGE 150; DOES NOT AFFECT SUBJECT PROPERTY
- (22) PLATS RECORDED AT PLAT BOOK 25, PAGE 214 AND PLAT BOOK 38, PAGE 187; DOES AFFECT, SHOWN HEREON
- (23) SEWER EASEMENT; DEED BOOK 3692, PAGE 113; DOES AFFECT SUBJECT PROPERTY; SHOWN HEREON
- (24) EASEMENT AGREEMENT; DEED BOOK 3150, PAGE 667, SHOWN HEREON; DOES AFFECT SUBJECT PROPERTY
- (25) MEMORANDUM OF LEASE; DEED BOOK 20873, PAGE 75; NOT A MATTER OF SURVEY; CAN NOT BE PLOTTED
- (26) NO INFORMATION PROVIDED
- (27) PIPE LINE EASEMENT; DEED BOOK 70, PAGE 417; DOES NOT AFFECT SUBJECT PROPERTY
- (28) PIPE LINE EASEMENT; DEED BOOK 70, PAGE 494, AS AMENDED BY DEED BOOK 123, PAGE 442; DOES NOT AFFECT SUBJECT PROPERTY
- (29) PERMIT FOR ANCHORS, GUY POLES AND WIRES; DEED BOOK 128, PAGE 237; CAN NOT BE PLOTTED; AFFECT UNKNOWN
- (30) GEORGIA POWER RIGHT OF WAY DEED; DEED BOOK 128, PAGE 152; DOES NOT AFFECT SUBJECT PROPERTY
- (31) PLANTATION PIPE LINE COMPANY EASEMENT; DEED BOOK 312, PAGE 347; DOES NOT AFFECT SUBJECT PROPERTY
- (32) STANDARD OIL COMPANY AGREEMENT; DEED BOOK 317, PAGE 350; DOES NOT AFFECT SUBJECT PROPERTY
- (33) EASEMENT AGREEMENT; DEED BOOK 331, PAGE 181; DOES NOT AFFECT SUBJECT PROPERTY
- (34) SEWER SERVICE AGREEMENT; DEED BOOK 511, PAGE 224; DOES NOT AFFECT SUBJECT PROPERTY
- (35) SEWER LINE EASEMENT; DEED BOOK 764, PAGES 115 AND 117; CAN NOT BE PLOTTED; AFFECT UNKNOWN
- (36) SEWER LINE EASEMENT; DEED BOOK 803, PAGE 215; CAN NOT BE PLOTTED; AFFECT UNKNOWN
- (37) AGREEMENT FOR SEWER SERVICE; DEED BOOK 860, PAGE 179; CAN NOT BE PLOTTED; AFFECT UNKNOWN
- (38) DECLARATION OF AFFIRMATIVE REAL COVENANT; DEED BOOK 1029, PAGE 215; CAN NOT BE PLOTTED; AFFECT UNKNOWN

NOTES

SUBJECT PROPERTY LIES WITHIN AN AREA DESIGNATED AS ZONE "X" ON COMMUNITY PANEL 13135502007 OF THE FLOOD INSURANCE RATE MAPS FOR WINNETT COUNTY PREPARED BY F.E.M.A. DATED SEPTEMBER 29, 2006

THE RETAINING WALL ALONG THE EASTERN PROPERTY IS UNDER CONSTRUCTION. THE BUILDING IS UNDER RENOVATION.

NO EVIDENCE OF RECENT EARTH MOVING, GRADING OR ROAD CONSTRUCTION WAS OBSERVED.

A RECENT TITLE REPORT WAS NOT FURNISHED.

THE LOCATION OF UNDERGROUND UTILITIES WAS BASED ON ABOVE GROUND FEATURES AND INFORMATION PROVIDED BY RANDY ASPINWALL, PROPERTY MANAGER FOR AMBERLEY SUITES HOTEL. ADDITIONAL UTILITIES MAY EXIST.

THE PROPERTY FORMS A CONTIGUOUS PARCEL WITHOUT GAPS, GORES OR OVERLAPS.

THIS SURVEYOR IS NOT AWARE OF ANY PROPOSED CHANGES IN STREET RIGHT OF WAY LINES.

NO EVIDENCE WAS OBSERVED OF A LANDFILL ON SUBJECT PROPERTY.

NO EVIDENCE OF A CEMETERY WAS OBSERVED ON SUBJECT PROPERTY.

SUBJECT PROPERTY HAS DIRECT ACCESS TO OAKBROOK PARKWAY, A DEDICATED PUBLIC RIGHT OF WAY.

PROPERTY SHOWN ON THIS SURVEY IS THE SAME PROPERTY DESCRIBED IN FIDELITY NATIONAL TITLE COMMITMENT NO. 2135926A.

REFERENCE DATA

FINAL PLAT FOR OAKBROOK/875 BUSINESS PARK PREPARED BY BILLY RAY CHEEK, P.L.S. 1915, DATED MARCH 5, 1984, AS REVISED OCT. 22, 1986

ALTA/ACSM LAND TITLE SURVEY FOR COBALT INDUSTRIAL REIT II PREPARED BY WILLIAM W. DELGACH, P.L.S. 1771, DATED AUG. 20, 2007

ALTA/ACSM LAND TITLE SURVEY FOR SANTOSH HOTEL LLC, ET AL, PREPARED BY JAMES S. HULL, JR., P.L.S. 2856, DATED JULY 24, 2007

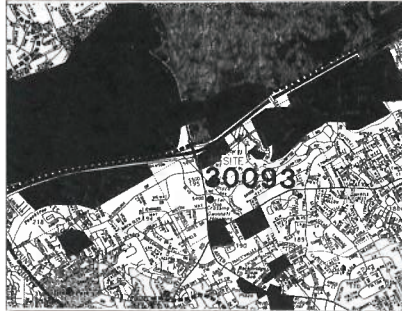
PLAT FOR AMBERLEY HOTEL CORPORATION PREPARED BY JACK R. BUSBY, P.L.S. 1875, DATED DEC. 12, 1984, AS REVISED JAN. 30, 1985

PLAT OF SURVEY FOR CLUBHOUSE PROPERTIES, INC. PREPARED BY J. DENNIS BILLEW, P.L.S. 2195, DATED APRIL 10, 1986, AS REVISED JUNE 16, 1986

PLAT OF SURVEY FOR MORPROP PREPARED BY A. W. BROWNING, P.L.S. 490, DATED NOV. 14, 1978, AS REVISED NOV. 27, 1978

STATE HIGHWAY DEPT. OF GEORGIA RIGHT OF WAY MAP, PROJECT F1 013-1(4) WINNETT COUNTY DATED MAY 4, 1955; PLAT BOOK F, PAGE 260

DRAFT 1



LOCATION SKETCH

TO THEIR INVESTMENT GROUP, LLC AND FIDELITY NATIONAL TITLE INSURANCE COMPANY:  
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6a, 6b, 8, 9, 11a, 13 & 16 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JANUARY 17, 2022.

W. CARLTON RAKESTRAW, JR., P.L.S. 2236

DATE

DRAFT 1

DRAFT 1

CSA, INC., CERTIFICATE OF AUTHORIZATION LAND SURVEYOR FINAL LICENSE NO. LP000045



DATE	9/9/93	DRAWN BY	CDL
SCALE	1" = 20'	CHECKED BY	WCR
4/29/98	UPDATE		C.D.A.
5/9/98	REVISE PER ATTORNEY'S COMMENTS		C.D.A.
5/11/98	REVISE PER ATTORNEY'S COMMENTS		C.D.A.
5/22/98	REVISE PER ATTORNEY'S COMMENTS		C.D.A.
6/16/99	UPDATE		C.D.A.
DATE		DISCUSSION	REVISIONS
			BY

**CARLTON RAKESTRAW & ASSOCIATES**  
REGISTERED LAND SURVEYORS  
2203 CHARLES HARDY PARKWAY  
DALLAS, GEORGIA 30157  
770 - 443 - 2200  
FAX - 770-443-2300

ALTA/NSPS LAND TITLE INSURANCE SURVEY FOR  
THEIR INVESTMENT GROUP, LLC  
FIDELITY NATIONAL TITLE  
INSURANCE COMPANY  
LOCATED IN  
LAND LOTS 196 & 215, 6TH DISTRICT,  
WINNETT COUNTY, GEORGIA  
5885 OAKBROOK PARKWAY, NORCROSS, GEORGIA

DRAFT 1

PROJECT NO.  
93-038  
SHEET 2 OF 2 SHEETS  
PLOT FILE - 93-038ALTA2

**RECEIVED**

3-3-2022

ANDERSEN | TATE | CARR

March 3, 2022

**LETTER OF INTENT AND JUSTIFICATION FOR REZONING**

**Rezoning Application  
Gwinnett County, Georgia**

**Applicant:**  
IDP-KSP Congress, LLC

**Property:**  
Tax Parcel ID R6196 138  
±3.74 Acres of Land  
Located at 5885 Oakbrook Parkway, Norcross, Georgia 30093  
**From C-2 to HRR (Rezoning)**

**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](mailto:mglouton@atclawfirm.com)



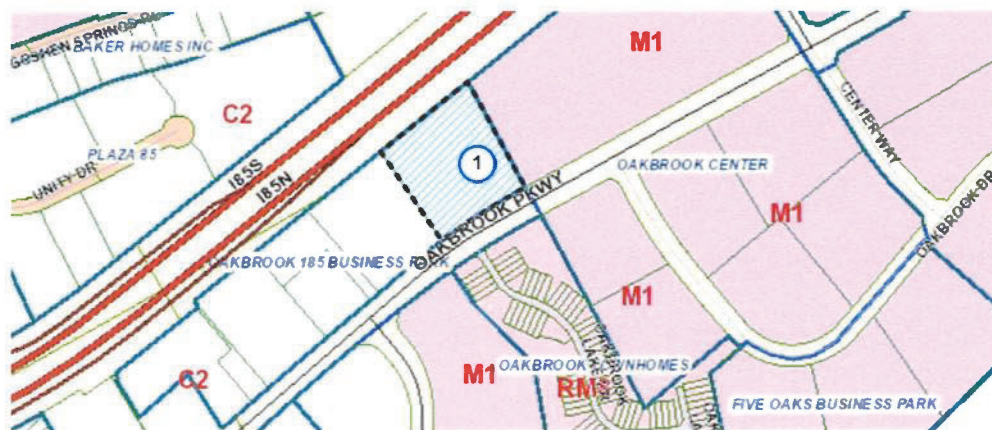
The Property is a square tract fronting Oakbrook Parkway and I-85. It is bounded on the East by properties that are all zoned Light Industry District (M-1). To the West, there are properties zoned C-2 (General Business District) that continue past the intersection of Jimmy Carter Boulevard onto McDonough Drive. To the South of the Property, there are additional M-1 properties, as well as RM-8 and RM-13 zoning classifications. As indicated, the



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3-3-2022

adjacent parcels are improved with light industrial businesses, hotels, commercial and retail businesses, gas stations, restaurants, and residential uses. A map of the surrounding zoning classifications is identified below:



The Future Development Map of the Gwinnett County 2040 Unified Plan (the “2040 Plan”) classifies this Property as within the “Workplace Centers Character Area,” of the Gwinnett County Future Development Map. The Workplace Centers character area is for predominantly employment oriented uses and includes office parks, industrial parks, and locations for freight oriented and logistic uses. However, while reserving these lands to focus on employment uses, these elements should be supported where appropriate by opportunities for residential uses and multi-use oriented commercial areas. This character area specifically encourages apartments as a potential development type. As such, the proposed development is in line with the encouraged land use and also with Theme 4 of the 2040 Plan, which is to “Provide More Housing Choices.”

### III. PROJECT SUMMARY

As shown on the conceptual site plan prepared by Lyman Davidson Dooley architects and filed with this Application (hereinafter the “Site Plan”), the Applicant proposes to convert the existing Congress Hotel into a distinctive and attractive multifamily residential community with 148 units. The Property is currently 170 units over three stories and three buildings, configured as a suite hotel with 110, one-bedroom suites and 60 studios. The Applicant proposes to combine 30 of the studio suites with one-bedroom suites to create two-bedroom suites, with a final count of 148 units comprised of 31 studios, 86 one-bedroom, and 31 two-bedroom units. This proposal includes the addition of seven 1-bed units and one 2-bed units carved out of the common areas of the Property. All units will have bedroom/bathroom parity as well as new kitchens and bathrooms. The Property will include an amenity area and common area for residents to enjoy such as a pool, fitness center, storage units for rent, central washer/dryer facilities on each floor, club room, and co-working space for residents, outdoor BBQ and picnic area. The Property will be gated with secure access and parking. An aerial of the existing site is shown below:

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The purpose of the HRR zoning classification is to allow for high-rise residential development and associated uses in a mixed-use environment. The Applicant is requesting variances from the building height requirement and unit size requirement as provided for in the dimensional standards for residential zoning districts (see UDO, Section 230-10), to decrease the required building height from five stories to three stories and to decrease the unit sizes as reflected on the site plan and enclosed elevations. The Applicant will also seek an administrative variance to reduce the minimum parking requirements on the site. The requested variances are necessary to afford the Applicant relief so that the Property may be redeveloped in accordance with the intent of the site plan. Due to the size, existing layout, and topography of the Property, strict adherence to the requirements of the UDO is not possible in this matter. Further, granting the variances would not adversely affect the existing use or usability of adjacent property.

#### 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 HRR, as well as the request for a Special Use Permit, 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, approval of the proposed Rezoning will permit a use that are suitable in view of the use and development of adjacent and nearby property. The Property is located on



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Oakbrook Parkway and also fronts I-85. The Property is adjacent to intense, large-scale commercial development and across the street from existing industrial development.

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

No, the proposed Rezoning Application will not adversely affect the existing use or usability of any of the nearby properties. The proposed zoning classification is compatible with existing industrial, commercial, and residential uses of adjacent property. Rather the proposed redevelopment would complement existing commercial and employment centers.

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

The Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic use as currently zoned. The site is currently a non-performing hotel.

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

No, the proposed rezoning application will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to Oakbrook Parkway and Interstate 85. The proposed redevelopment would complement the existing parcels along Oakbrook Parkway and the surrounding area by providing necessary residential critical mass to support those uses. Moreover, the redevelopment of the existing site is a reduction in density from the non-performing hotel.

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

The proposed rezoning application is in conformity with the policy and intent of the Gwinnett County 2040 Unified Plan. The subject property is located within the Workplace Centers Character Area of the 2040 Future Development Map. Encouraged land uses for the Character Area specifically include apartments. The proposed redevelopment of the site would be compatible with and successfully co-exist with the surrounding uses.

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

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The Applicant submits that the character of the surrounding development and the existing mix of uses in the area provide supporting reasons for approval of the rezoning. Anticipated growth in Gwinnett County based on the 2040 Comprehensive Plan suggests a strong need for this type of housing. In addition, the Applicant submits that the subject Property's location, size, and dimensions, as well as its proximity to Oakbrook Parkway and Interstate 85 provide further support for approval of the proposed rezoning application.

#### **V. JUSTIFICATION FOR REZONING**

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

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

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



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Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

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

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

## **VI. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone from C-2 to HRR, as well as the Special Use Permit application, 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 2<sup>nd</sup> day of March, 2022.

**ANDERSEN, TATE & CARR, P.C.**

*Melody A. Glouton*

Melody A. Glouton, Esq.

Enclosures  
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Rezoning Application  
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**REZONING APPLICANT'S CERTIFICATION**

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



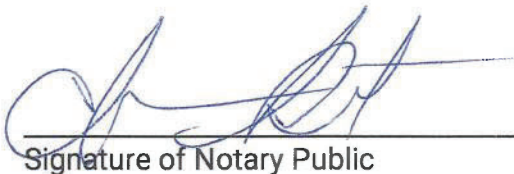
Signature of Applicant

3/2/2022

Date

MOHAMMID MONEM / PRINCIPAL

Type or Print Name and Title



Signature of Notary Public

3/2/2022

Date



Notary Seal

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Rezoning Application  
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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

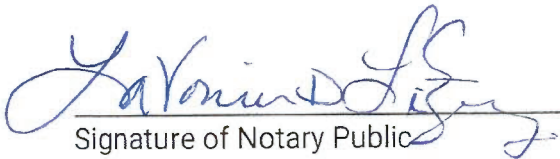
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Date

SHAKEEL SIDDIQI

PRESIDENT

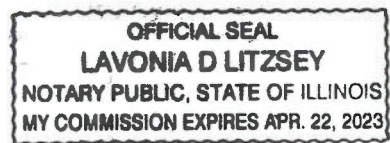
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Signature of Notary Public

3/1/2022

Date



Notary Seal

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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.

SIGNATURE OF APPLICANT                      DATE                      TYPE OR PRINT NAME AND TITLE

*Melody A. Glouton*                      3/2/2022

Melody A. Glouton, Attorney

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

*[Signature]*                      3/2/2022

SIGNATURE OF NOTARY PUBLIC                      DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

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

☒

YES

☐

NO

Andersen, Tate & Carr, P.C.

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)
Nicole Love Hendrickson - Chairwoman	\$1,000	09/30/2020
Kirkland Carden - Planning Commissioner	\$2,800	11/16/2021

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



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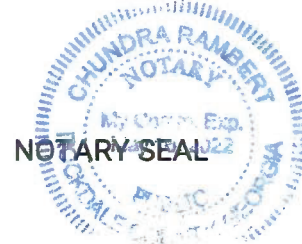
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[Signature] 3/2/2022 MOHAYMIN MONEM / PRINCIPAL  
SIGNATURE OF APPLICANT      DATE      TYPE OR PRINT NAME AND TITLE

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

[Signature] 03/2/2022  
SIGNATURE OF NOTARY PUBLIC      DATE



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

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

☐ YES ☒ NO MOHAYMIN MONEM  
YOUR NAME

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

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

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

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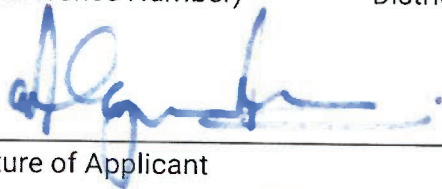
Gwinnett County Planning Division  
Rezoning Application  
Last Updated 10/2021

**VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING**

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

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

PARCEL I.D. NUMBER:      6      -      196      -      138  
(Map Reference Number)      District      Land Lot      Parcel



March 2, 2022

Signature of Applicant

Date

MOHAYMIN MONEM

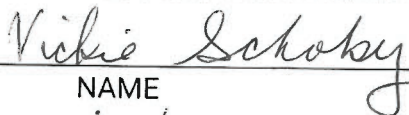
PRINCIPAL

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)



NAME

PSA II

TITLE

3/2/2022

DATE



# Congress Hotel Conversion

Norcross, Georgia

WINNETT COUNTY  
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**GENERAL NOTES:**

1. THIS DRAWING SHOULD BE REGARDED AS A PRELIMINARY DESIGN. NO FIELD.
2. THIS PLAN, SPECIFICATION, AND MATERIALS, DOES NOT TAKE INTO ACCOUNT THE REQUIREMENTS FOR ZONING, ENVIRONMENTAL, OR OTHER REGULATORY REQUIREMENTS. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. ALL SITE DIMENSIONS AND AREAS ARE SUBJECT TO EXISTING AND PROPOSED SURVEY.
4. VERIFY ALL DIMENSIONS WITH CIVIL ENGINEER DOCUMENTS, SURVEY AND FIELD CONDITIONS. NOTIFY CIVIL ENGINEER AND ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.



**IMPACT**  
DEVELOPMENT PARTNERS

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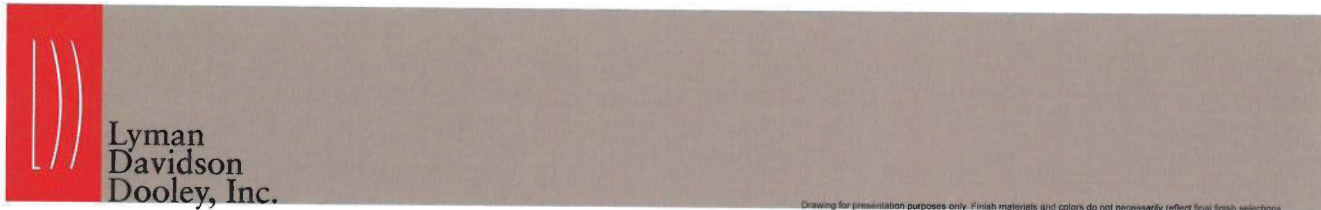
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# Congress Hotel Conversion

Norcross, Georgia

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GWINNETT COUNTY  
PLANNING & DEVELOPMENT  
2022

- GENERAL NOTES:**
1. THIS DRAWING SHOWN BY REDDARDED AS A PRELIMINARY DESIGN.
  2. THIS PLAN SHOWN PRELIMINARY IN NATURE. DOES NOT TAKE INTO ACCOUNT THE REQUIREMENTS FOR ZONING, ORDINANCE, TOPOGRAPHY, RETENTION, GRADING, UTILITY, ENVIRONMENTAL, CITY, REGIONAL, COUNTY OR STATE, ENVIRONMENTAL PROTECTION AGENCY REGULATIONS OR A.P.A. APPROVALS. THE ABOVE REQUIREMENTS CAN AFFECT THE LAYOUT OF THIS SITE.
  3. ALL THE DIMENSIONS AND AREAS ARE SUBJECT TO ESTIMATION AND SHOULD BE VERIFIED.
  4. MEET ALL DIMENSIONS WITH CIVIL ENGINEER DOCUMENTS, SURVEY AND FIELD CONDITIONS. NOTIFY CIVIL ENGINEER AND ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES.



**IMPACT**  
DEVELOPMENT PARTNERS

03.01.22

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# Congress Hotel – Units

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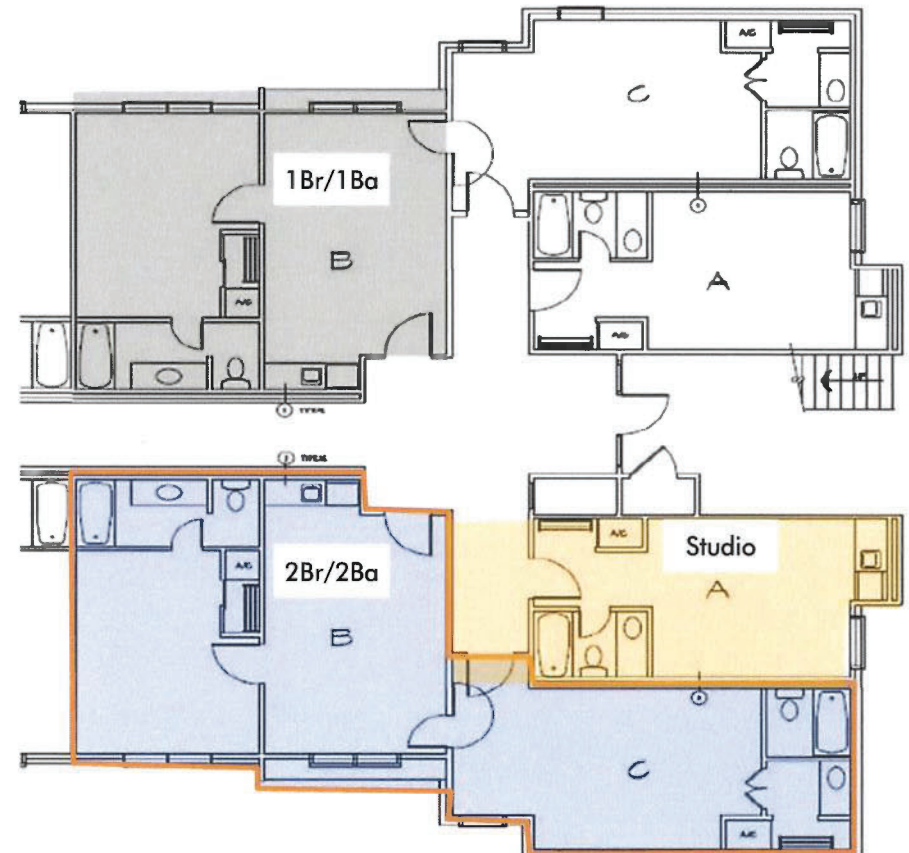
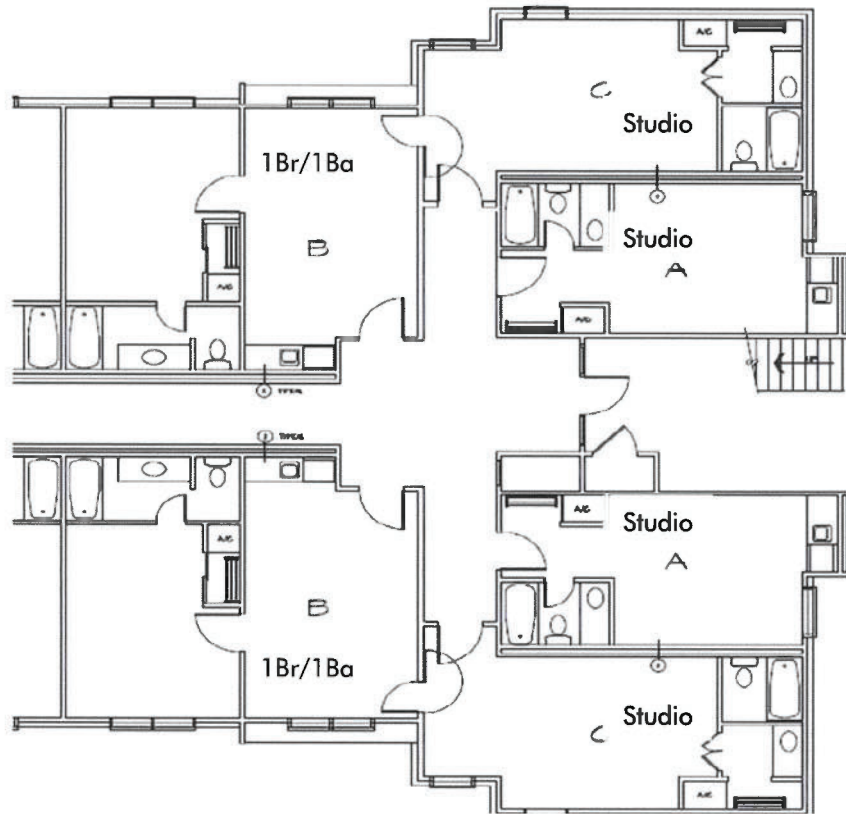
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Original Unit  
Reconfiguration

Post-Conversion  
Unit Reconfiguration



# Congress Hotel – Floor Plan

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## First Floor – Unit Mix Plan



Private and Confidential



# Congress Hotel – Floor Plan

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## Second Floor – Unit Mix Plan



Private and Confidential



# Congress Hotel – Floor Plan

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## Third Floor – Unit Mix Plan



Private and Confidential