



## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** RZM2022-00041  
**Current Zoning:** O-I (Office-Institutional District) and M-2 (Heavy Industry District)  
**Request:** Rezoning to RM-24 (Multifamily Residence District)  
**Address:** 5030 Sugarloaf Parkway  
**Map Number:** R7036 001  
**Site Area:** 13.75 acres  
**Units:** 323  
**Proposed Development:** Apartments  
**2022 Commission District:** District 4 – Commissioner Fosque\*  
**Character Area:** Innovation District

**Staff Recommendation:** APPROVAL WITH CONDITIONS

**Planning Commission**  
**Recommendation:** APPROVAL WITH CONDITIONS

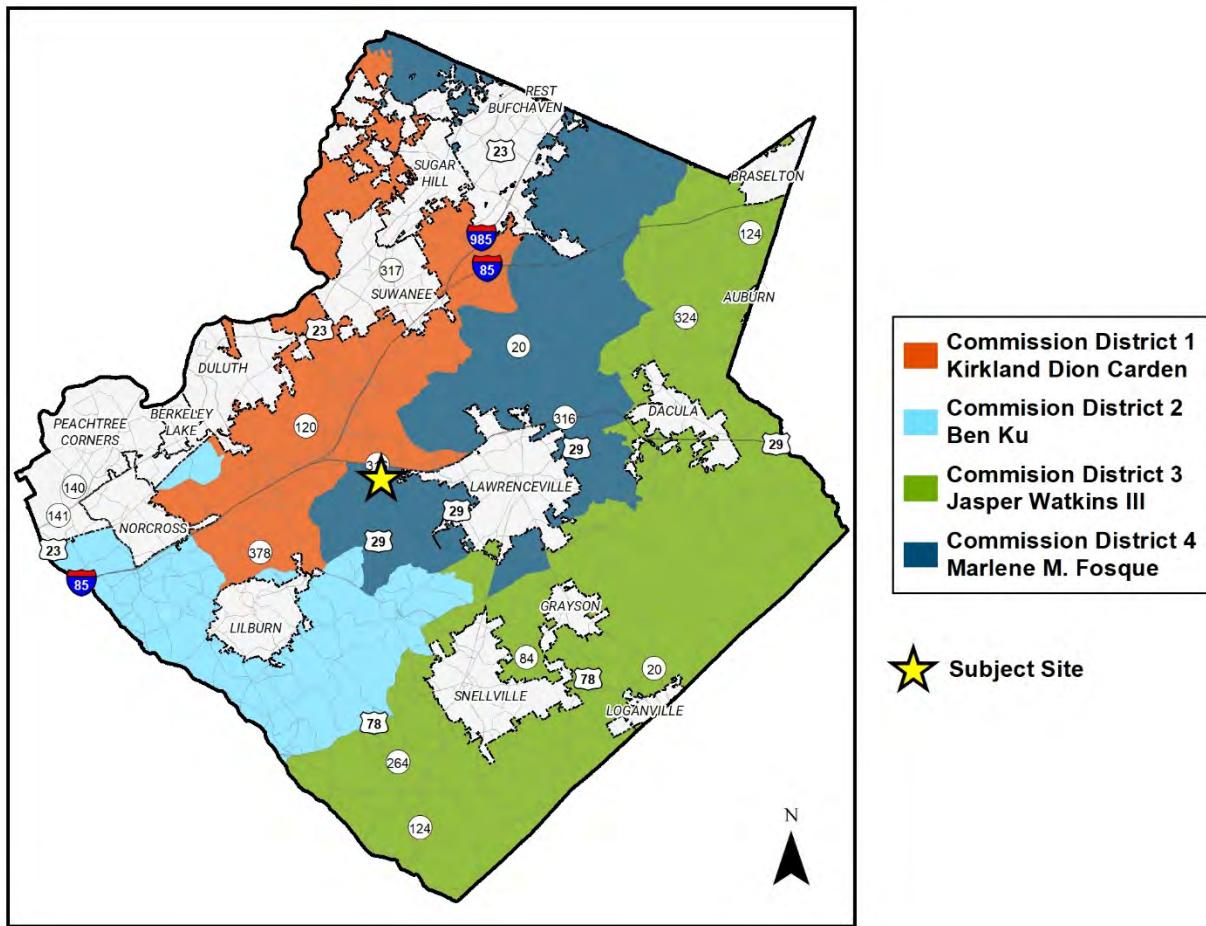
**Case Number:** RZM2022-00042  
**Current Zoning:** RA-200 (Agriculture-Residence District), R-100 (Single-Family Residence District), M-1 (Light Industry District), and M-2 (Heavy Industry District)  
**Request:** Rezoning to RM-24 (Multifamily Residence District)  
**Addresses:** 5030 Sugarloaf Parkway and 1100 Block of Oakland Road  
**Map Number:** R7036 001 and R7037 001A, 001C, 010, 019, and 025  
**Site Area:** 25.23 acres  
**Units:** 461  
**Proposed Development:** Apartments  
**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 include a portion of a 278.75-acre parcel and several parcels located along Oakland Road and 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), C-2 (General Business District), M-1 (Light Industry 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.

Buffer reduction case BRD2007-0001 was approved for 1122 Oakland Road, however no development ever occurred on the site. Rezoning case REZ1981-00017 rezoned 1132 Oakland Road from M-1 to R-100 in 1981. A Moved-in-House case was also approved for the property in 1981.

## **Existing Site Condition**

The subject sites are located on and adjacent to a 278.75-acre parcel located along Sugarloaf Parkway, south of its intersection with SR 316. The overall site has road frontage along Sugarloaf Parkway, Cruse Road, Old Norcross Road, Oakland Road, and Herrington Road.

The portion of the site for RZM2022-00041 totals 13.75 acres and is in the eastern corner of the larger parcel. It is bound by an existing private drive to the north and Sugarloaf Parkway and Cruse Road to the east and south. The site is undeveloped and contains dense mature vegetation. The property slopes down approximately 46 feet from Sugarloaf Parkway to the west. There are no streams or wetlands located in this portion of the site. A sidewalk is present along the Cruse Road frontage but not along Sugarloaf Parkway. The nearest Gwinnett County Transit stop is at the intersection of Sugarloaf Parkway, Cruse Road, and Marathon Boulevard.

The site for RZM2022-00042 is a 25.23-acre assemblage of six parcels and is located on the western side of the overall assemblage. The site currently contains several buildings, including a 12,304 square foot office/warehouse building with a parking lot and two single-family homes. A stream which leads into a large pond bounds the property to the east. The site generally slopes down from Oakland Road to the stream along the eastern property line by approximately 40 feet. There are no sidewalks or overhead power lines along the subject property's frontage on Oakland Road. There is a Gwinnett County Transit stop located on the subject property.

## **Surrounding Use and Zoning**

### RZM2022-00041

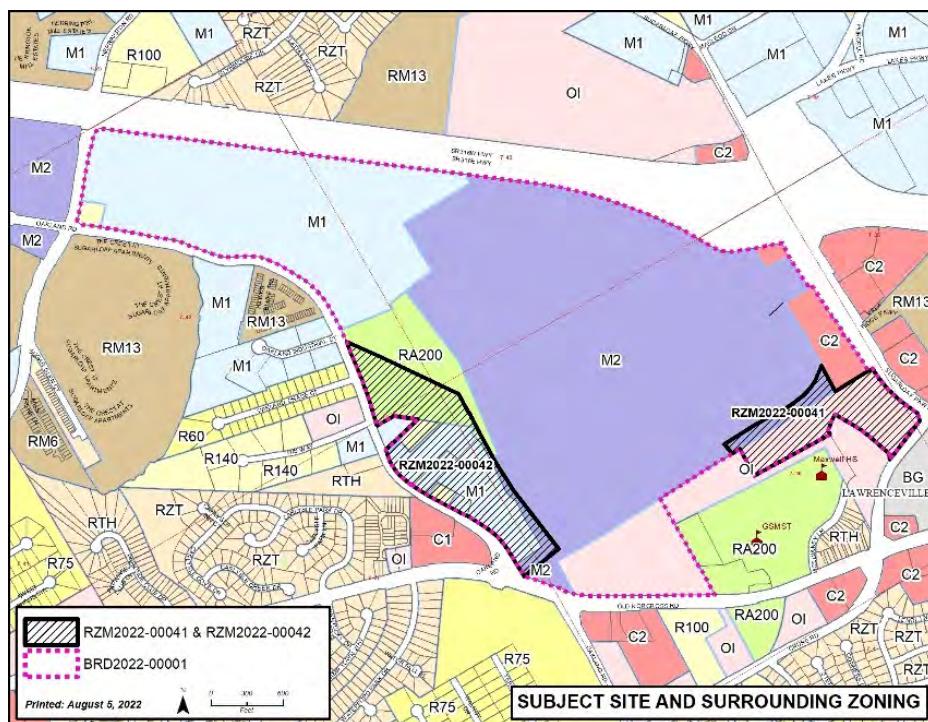
The subject site is surrounded by commercial, civic, institutional, and residential uses. To the north and west is a large office complex. The applicant is also seeking rezoning of this property. To the east across Sugarloaf Parkway are commercial and retail uses typically found along commercial corridors such as convenience stores with fuel pumps, fast food restaurants, self-storage facilities, and multi-

tenant shopping centers. There is also a multifamily development located directly across Sugarloaf Parkway from the subject site's main entrance. To the south are civic and institutional uses such as a Gwinnett County Fire Station, the Gwinnett School of Mathematics, Science, and Technology and a church with a cemetery.

#### RZM2022-00042

The subject site is surrounded by commercial, institutional, light industrial, and residential uses. To the north, east, and south is a large office complex. The applicant is also seeking rezoning of this property. 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 also 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	Apartments (RZM2022-00041)	RM-24	23.49 units per acre
North	Industrial	M-2	N/A
East	Commercial	C-2	N/A
South	Institutional (GSMST) Institutional (GC Fire Station)	RA-200 O-I	N/A N/A
West	Office/Warehouse	O-I	N/A

Location	Land Use	Zoning	Density
Proposed	Apartments (RZM2022-00042)	RM-24	18.27 units per acre
North	Industrial	RA-200	N/A
East	Industrial	M-2	N/A
South	Industrial	M-2	N/A
West	Residential Residential Institutional Commercial	R-60 R-TH O-1 C-1	3.41 units per acre 6.77 units per acre N/A N/A

## Project Summary

### RZM2022-00041

The applicant requests rezoning of 13.75 acres from O-1 and M-2 to RM-24 for apartments, including:

- 323 multifamily units within six buildings.
- Surface parking lots to serve the development.
- Access via a limited access driveway from Cruse Road and two internal driveways from the private drive serving the adjacent proposed development.
- Two stormwater management facilities.

### RZM2022-00042

The applicant requests rezoning of 25.23 acres from RA-200, R-100, M-1, and M-2 to RM-24 for apartments, including:

- 461 multifamily units with eight buildings, including 18 carriage houses.
- Surface parking lots to serve the development.
- Access via four full access driveways from Oakland Road.
- Two stormwater management facilities and an existing stormwater pond.

## Zoning and Development Standards

The applicant is requesting a rezoning to RM-24, Multifamily Residence District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 65'	TBD	YES*
Front Yard Setback	Minimum 15'	>15'	YES
Side Yard Setback	Minimum 15'	>15'	YES
Rear Yard Setback	Minimum 30'	>30'	YES
Off-Street Parking	Minimum: 1.5 spaces per unit Maximum: 3 spaces per unit	TBD	YES*
Lot Width	100'	>100'	YES
Lot Size	Minimum 18,000 square feet	>18,000 square feet	YES
Density	Maximum 24 units per acre	18.27/23.49 units per acre	YES

\*The multifamily developments must meet the standards for the RM-24 zoning district. Any variations from the minimum parking requirements or maximum height requirements will require a future variance.

## **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. There are existing multifamily developments across Sugarloaf Parkway and Oakland Road from the subject property. In addition, the RM-24 zoning district is less intense than the current zoning of the subject property.

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

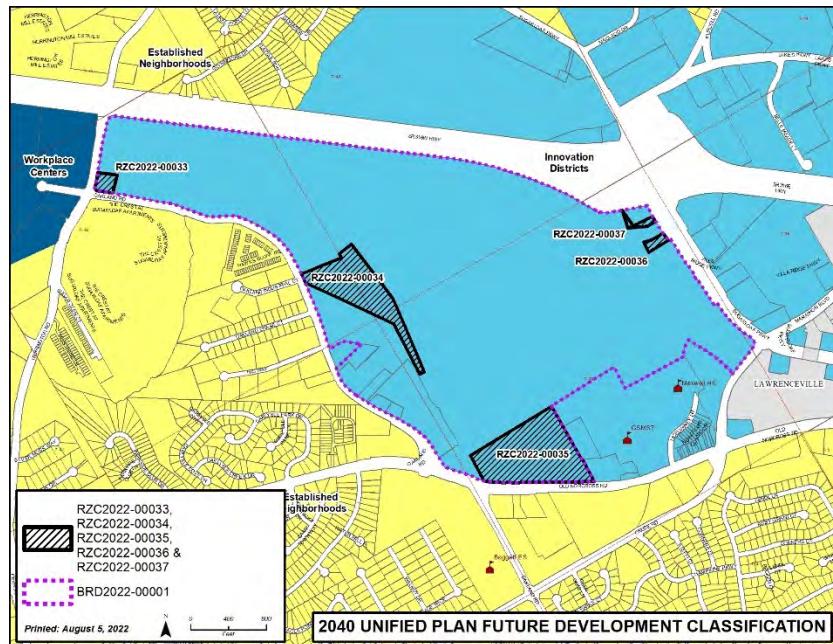
The property has a reasonable economic use as currently zoned.

- D. Whether the proposed 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 Innovative 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 (SR 316) and Sugarloaf Parkway, which contains numerous intensive industrial parks, multifamily developments, and commercial developments. The addition of apartments would provide housing opportunities for employees in close proximity to large a number of employers which 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 multifamily developments are 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 such as housing. In addition, this part of the County is well equipped with infrastructure to handle the influx of residents in the area. Numerous places of employment and retail/commercial developments, as well as multiple major arterial roads and a limited access highway, surround the site on all sides.

**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.

## 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 requests.

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

### RZM2022-00041

Approval as RM-24 (Multi-Family Residence District) subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received July 7, 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. Development shall be limited to multi-family residential units and accessory uses, not to exceed 323 units.
3. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of 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.
4. Buildings shall meet the requirements of Architectural Design Category 3.
5. 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.**
6. 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.
7. The developer shall construct an exclusive southbound right-turn lane along Oakland Road onto westbound Cruse Road.
8. 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.
9. 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.
10. 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.

11. 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 **said each** approach.
12. The developer shall install a southbound right-turn overlap phase along Cruse Road at the intersection with Old Norcross Road.
13. 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.
14. 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).
15. 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).
16. The developer shall construct an exclusive westbound right-turn lane along Old Norcross Road entering the site (Site Driveway C).

RZM2022-00042

Approval as RM-24 (Multi-Family Residence District) subject to the following conditions:

1. The proposed development shall be constructed in general conformance with Exhibit B: Site Plan dated received July 7, 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. Development shall be limited to multi-family residential units and accessory uses, not to exceed 461 units.
3. No temporary tents, temporary canopies, temporary banners, temporary streamers, or temporary roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site, except within 60 days of 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.
4. Buildings shall meet the requirements of Architectural Design Category 3.
5. 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.**
6. 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.

7. The developer shall construct an exclusive southbound right-turn lane along Oakland Road onto westbound Cruse Road.
8. 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.
9. 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.
10. 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.
11. 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~~ **said** approach.
12. The developer shall install a southbound right-turn overlap phase along Cruse Road at the intersection with Old Norcross Road.
13. 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.
14. 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).
15. 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).
16. 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

## 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]**



07/19/22

0000000130

DRAWN BY: JDT

EXAMINED BY: JDT

DESIGNED BY: GMM

RE-CHECKED BY: GMM

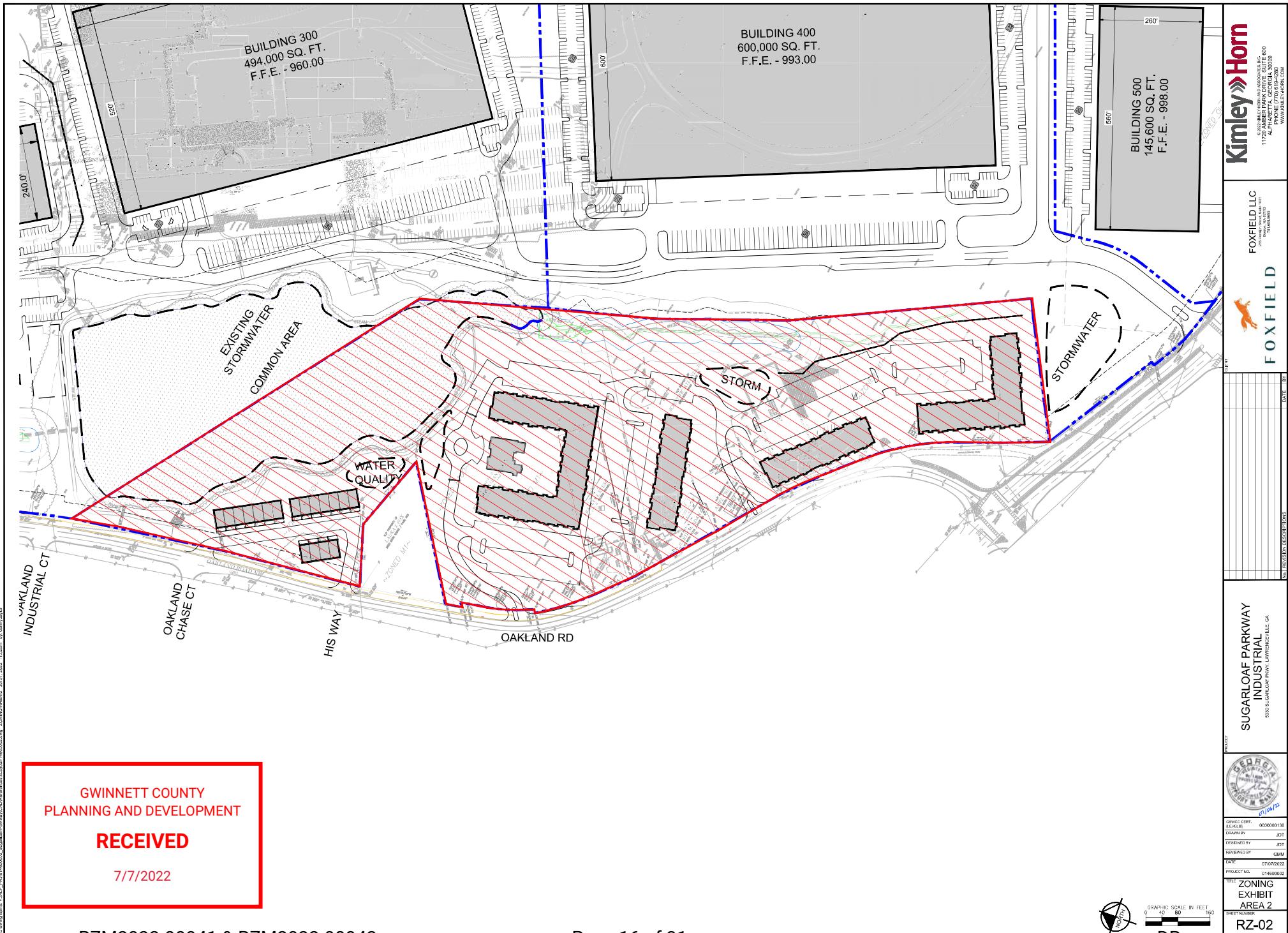
DATE: 07/19/2022

PROJECT NO.: 014000002

SHEET NUMBER: RZ-00

BITE OVERALL RE-ZONING EXHIBIT

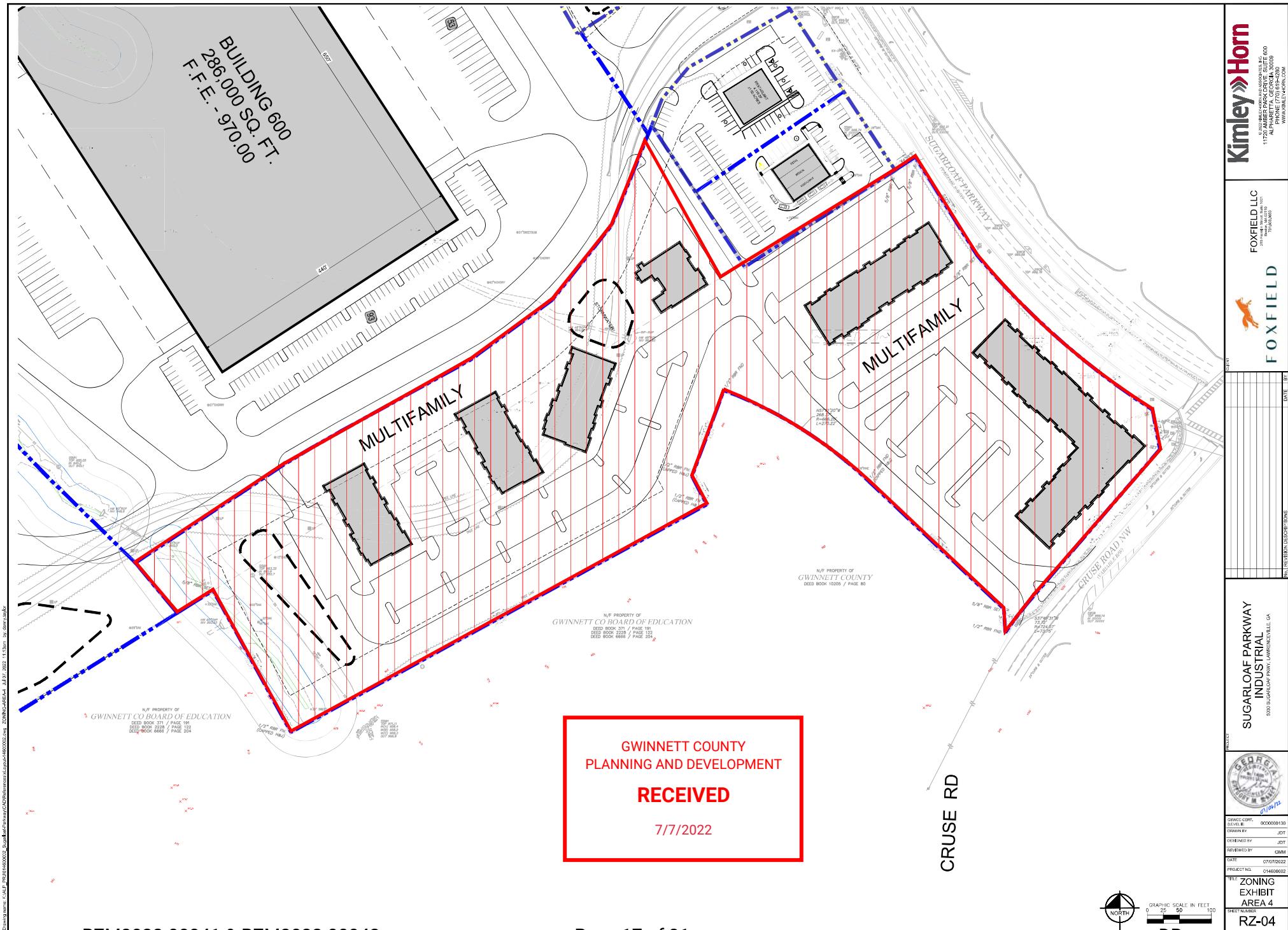




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**Exhibit C: Letter of Intent and Applicant's Response to Standards**

**[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 underutilized 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**

<b>TRC Meeting Date:</b> 8.17.22		
Department/Agency Name: Transportation		
Reviewer Name: Brent Hodges		
Reviewer Title: Construction Manager 1		
Reviewer Email Address: <a href="mailto:Brent.Hodges@GwinnettCounty.com">Brent.Hodges@GwinnettCounty.com</a>		
Case Number: BRD2022-00001, RZC2022-00033, RZC2022-00034, RZC2022-00035, RZC2022-00036, RZC2022-00037 and RZM2022-00041 RZM2022-00042		
Case Address: 5030 Sugarloaf Parkway and 1100 Block of Oakland Road		
<b>Comments:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> 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.	
<b>Recommended Zoning Conditions:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> 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**

<b>TRC Meeting Date:</b>	8.17.22
Department/Agency Name:	Transportation
Reviewer Name:	Brent Hodges
Reviewer Title:	Construction Manager 1
Reviewer Email Address:	<a href="mailto:Brent.Hodges@GwinnettCounty.com">Brent.Hodges@GwinnettCounty.com</a>
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
<b>Recommended Zoning Conditions (cont.)</b>	
<b>8</b>	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.
<b>9</b>	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).
<b>10</b>	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).
<b>11</b>	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*



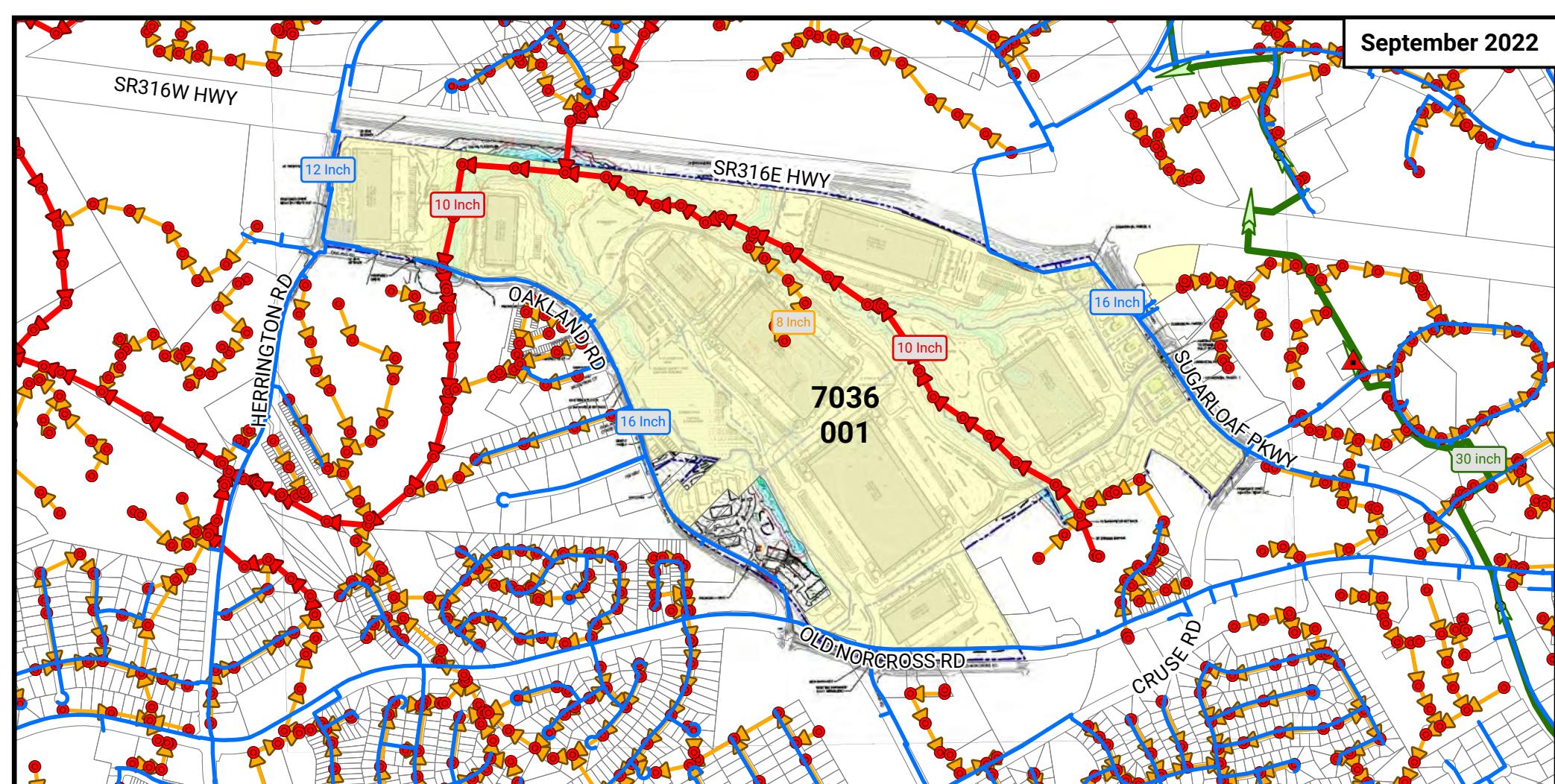
**Department of Planning and Development**  
**TECHNICAL REVIEW COMMITTEE**

<b>TRC Meeting Date:</b>		8/17/2022	
Department/Agency Name:		DWR	
Reviewer Name:		Mike Pappas	
Reviewer Title:		GIS Planning Manager	
Reviewer Email Address:		<a href="mailto:Michael.Pappas@GwinnettCounty.com">Michael.Pappas@GwinnettCounty.com</a>	
Case Number:		RZC2022-00033, 34, 35, 36, 37 & RZM2022-00041, 42 & BRD2022-00001	
Case Address:		5030 Sugarloaf Parkway and 1100 Block of Oakland Road	
<b>Comments:</b>		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
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 Harrington 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			
<b>Recommended Zoning Conditions:</b>		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
1			
2			
3			
4			
5			
6			

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

*Revised 7/26/2021*

September 2022



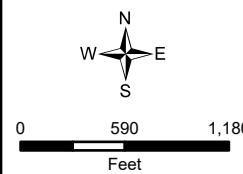
LEGEND

▲ 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



LOCATION



**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.

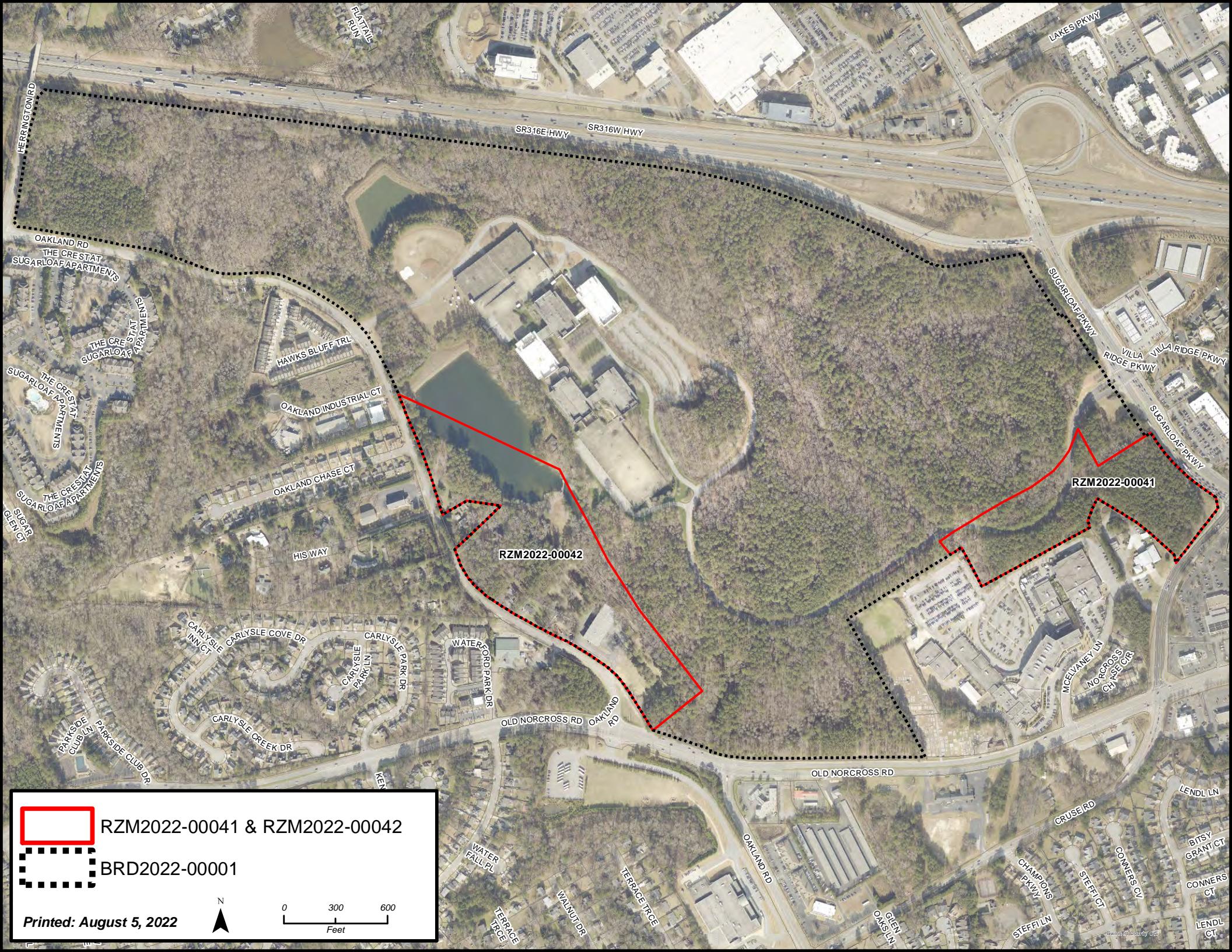
**Sewer Availability:** A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump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



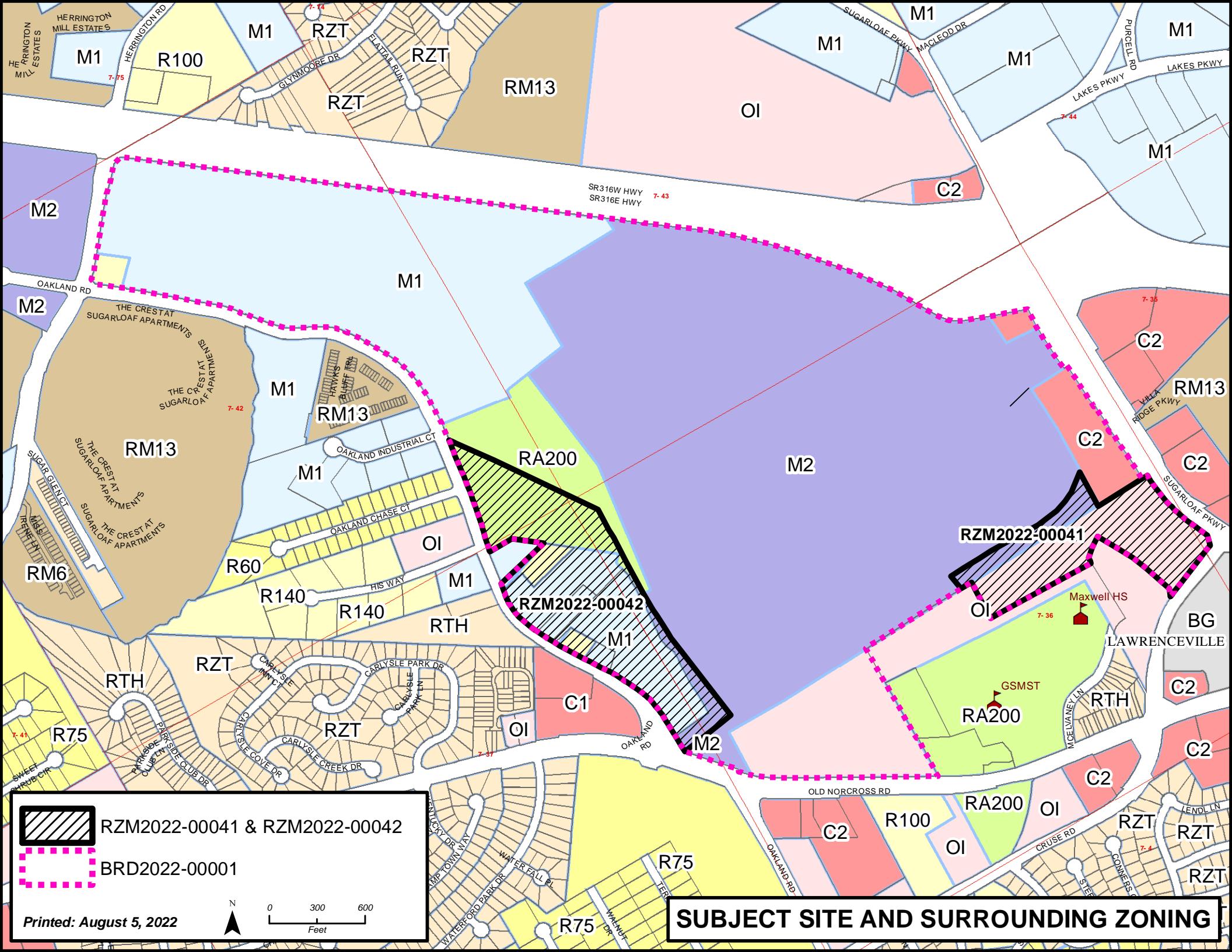
RZM2022-00041 & RZM2022-00042

BRD2022-00001

Printed: August 5, 2022



A horizontal number line with arrows at both ends. The number 0 is at the left end, and the number 600 is at the right end. Between 0 and 600, there is a tick mark with a vertical line extending downwards. The label "Feet" is centered below this tick mark.



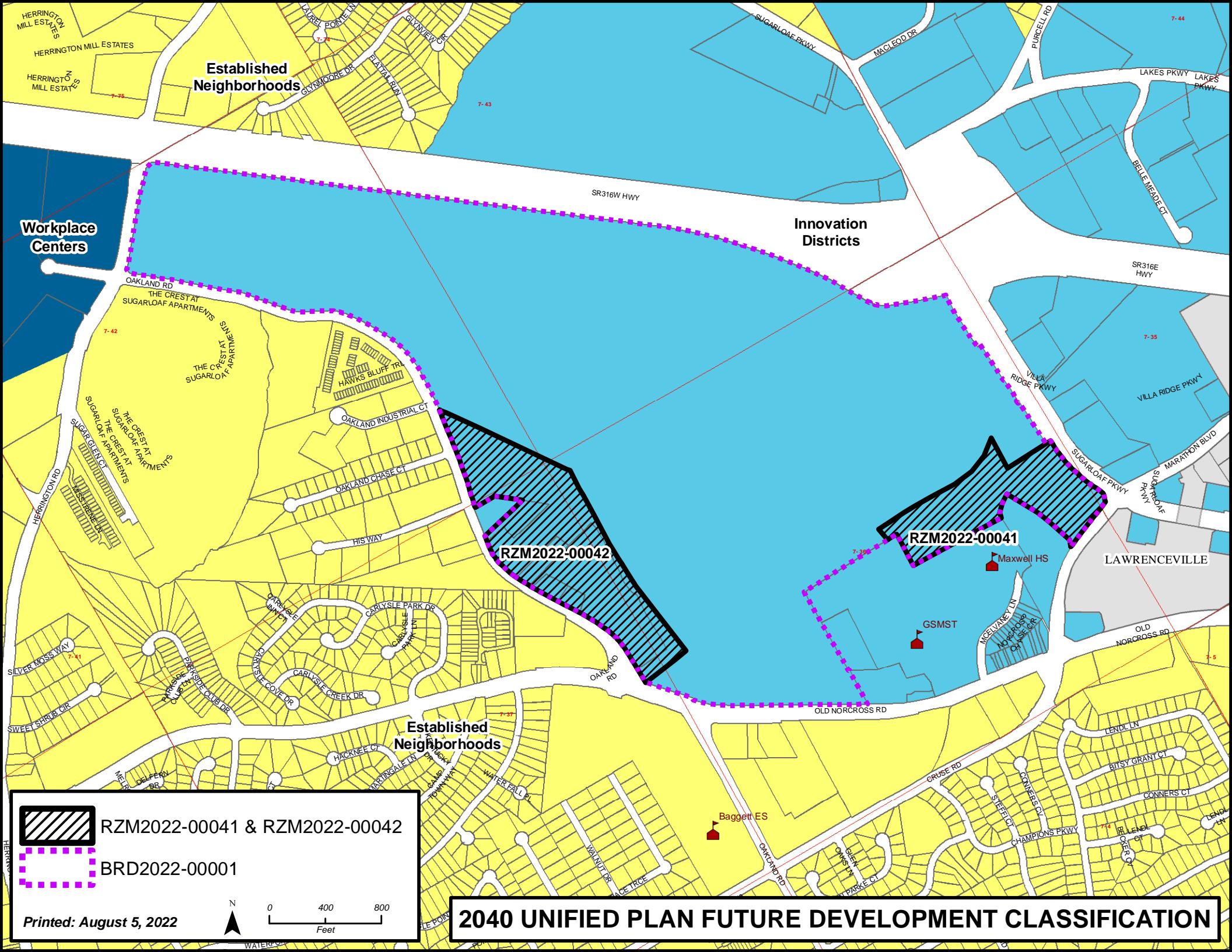
RZM2022-00041 & RZM2022-00042

BRD2022-00001

Printed: August 5, 2022



## **SUBJECT SITE AND SURROUNDING ZONING**



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7/7/2022

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 5/2021**REZONING APPLICATION**

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

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: FF PIX 5030 Sugarloaf, LLC c/o Mahaffey Pickens Tucker, LLP	NAME: FF PIX 5030 Sugarloaf, LLC
ADDRESS: 1550 North Brown Road, Suite 125	ADDRESS: 1389 Peachtree St NE
CITY: Lawrenceville	CITY: Atlanta
STATE: Georgia ZIP: 30043	STATE: Georgia ZIP: 30309
PHONE: 770 232 0000	PHONE: 770 232 0000
CONTACT PERSON: Shane Lanham PHONE: 770 232 0000	
CONTACT'S E-MAIL: slanham@mptlawfirm.com	
<b>APPLICANT IS THE:</b> <input type="checkbox"/> OWNER'S AGENT <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER	
PRESENT ZONING DISTRICT(S): REQUESTED ZONING DISTRICT: RM-24	
PARCEL NUMBER(S): 7036 001 (portion) ACREAGE: +/- 13.751	
ADDRESS OF PROPERTY: 5030 Sugarloaf Parkway	
PROPOSED DEVELOPMENT: Mixed-use Campus	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units 323	No. of Buildings/Lots: NA
Dwelling Unit Size (Sq. Ft.): varies per UDO	Total Building Sq. Ft. NA
Gross Density: +/- 23.49 units per acre	Density: NA
Net Density: +/- 23.49 units per acre	

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

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Property Line Description  
Zoning Area 4

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:

**BEGINNING** at a 5/8-inch rebar set at the southern miter of the intersection of the westerly right-of-way of Sugarloaf Parkway (variable right-of-way) with the northwesterly right-of-way of Cruse Road (variable right-of-way); Thence along said right-of-way of Cruse Road the following two (2) courses and distances: South 40 degrees 44 minutes 36 seconds West a distance of 300.71 feet to a point; along a curve to the left having a radius of 724.07 feet and an arc length of 73.75 feet, being subtended by a chord bearing of South 37 degrees 49 minutes 31 seconds West for a distance of 73.72 feet to a 1/2-inch rebar found; Thence leaving said right-of-way, North 03 degrees 23 minutes 50 seconds West a distance of 36.61 feet to a 5/8-inch rebar set; Thence North 46 degrees 34 minutes 51 seconds West a distance of 289.22 feet to a 1/2-inch rebar found (capped H&J); Thence along a curve to the left having a radius of 666.20 feet and an arc length of 270.22 feet, being subtended by a chord bearing of North 57 degrees 51 minutes 20 seconds West for a distance of 268.37 feet to a 1/2-inch rebar found; Thence South 20 degrees 21 minutes 41 seconds West a distance of 143.24 feet to a 1/2-inch rebar found (capped H&J); Thence South 27 degrees 55 minutes 31 seconds East a distance of 49.72 feet to a 1/2-inch rebar found (capped H&J); Thence South 61 degrees 17 minutes 27 seconds West a distance of 740.40 feet to a 1/2-inch rebar found (capped H&J); Thence North 28 degrees 45 minutes 32 seconds West a distance of 252.29 feet to a 5/8-inch rebar set; Thence South 58 degrees 05 minutes 38 seconds West a distance of 66.22 feet to a point; Thence North 39 degrees 50 minutes 52 seconds West a distance of 101.89 feet to a point; Thence North 56 degrees 31 minutes 17 seconds East a distance of 280.69 feet to a point; Thence North 60 degrees 42 minutes 10 seconds East a distance of 331.39 feet to a point; Thence North 53 degrees 47 minutes 49 seconds East a distance of 158.30 feet to a point; Thence North 38 degrees 33 minutes 31 seconds East a distance of 148.07 feet to a point; Thence North 21 degrees 45 minutes 46 seconds East a distance of 141.69 feet to a point; Thence South 29 degrees 31 minutes 34 seconds East a distance of 93.58 feet to a point; Thence South 28 degrees 32 minutes 13 seconds East a distance of 149.72 feet to a point; Thence North 58 degrees 20 minutes 51 seconds East a distance of 320.70 feet to a point located on the westerly right-of-way line of Sugarloaf Parkway; Thence along said right-of-way the following courses and distances: North 56 degrees 44 minutes 55 seconds East a distance of 37.87 feet to a 5/8-inch rebar set; South 32 degrees 03 minutes 08 seconds East a distance of 180.76 feet to a 5/8-inch rebar set; along a curve to the left having a radius of 1220.92 feet and an arc length of 367.12 feet, being subtended by a chord bearing of South 48 degrees 35 minutes 32 seconds East for a distance of 365.74 feet to a 5/8-inch rebar set; South 10 degrees 37 minutes 44 seconds East a distance of 62.52 feet to a 5/8-inch rebar set on the northwestern right-of-way of Cruse Road, said 5/8-inch rebar set being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land contains 13.751 Acres.



BUILDING 600  
286,000 SQ. FT.  
F.F.E. - 970.00

# MULTIFAMILY

## GWINNETT COUNTY PLANNING AND DEVELOPMENT

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7/7/2022

Kimley>>Horn

FOXFIELD LLC

A stylized orange fox logo, part of the 'The Fox' branding.

## SUGARLOAF PARKWAY INDUSTRIAL

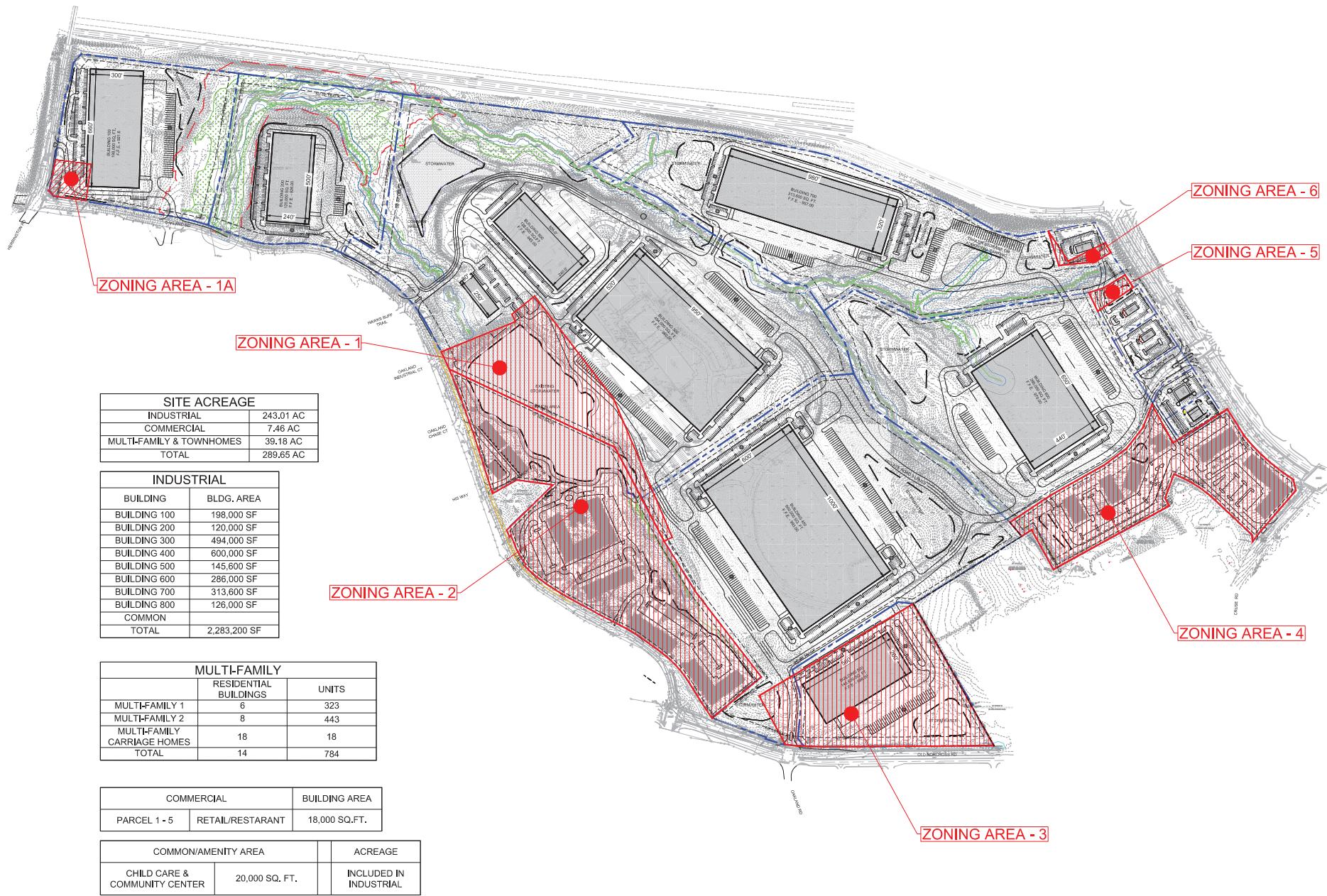
The Georgia State Seal, which is circular with the word "GEORGIA" at the top and "THE GREAT SEAL OF THE STATE OF GEORGIA" in the center, surrounded by a border of stars.

GSWCO CERT.	0000000138
LEVEL (II)	
DRAWN BY	JDT
DESIGNED BY	JDT
REVIEWED BY	GMM
DATE	07/07/2022
PROJECT NO.	014600000
<b>TITLE</b> ZONING EXHIBIT AREA 4	
SHEET NUMBER	
<b>RZ-04</b>	



GRAPHIC SCALE IN FEET

EXHIBIT  
AREA 4  
SHEET NUMBER  
RZ-04



<b>Application</b>	<b>Zoning Area #</b>	<b>Requested Zoning</b>	<b>Case Number</b>
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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7/7/2022

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 5/2021

**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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7/7/2022

## **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 underutilized 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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7/7/2022



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

Sugarloaf Office || 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043

NorthPoint Office || 11175 Cicero Drive, Suite 100, Alpharetta, Georgia 30022

TELEPHONE 770 232 0000

FACSIMILE 678 518 6880

[www.mptlawfirm.com](http://www.mptlawfirm.com)

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7/7/2022

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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7/7/2022

- 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.



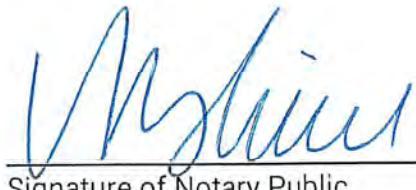
Signature of Applicant



Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public



Date



Notary Seal

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7/7/2022

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 12/2015

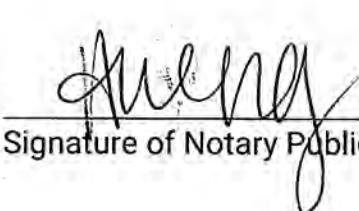
**REZONING APPLICANT'S CERTIFICATION**

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.

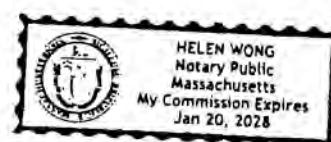
  
Signature of Applicant

7/5/22  
Date

Jeffrey Theobald, Authorized Signatory  
Type or Print Name and Title

  
Signature of Notary Public

7/5/22  
Date



Notary Seal

**RECEIVED**

7/7/2022

Gwinnett County Planning Division  
Rezoning Application  
Last Updated 12/2015

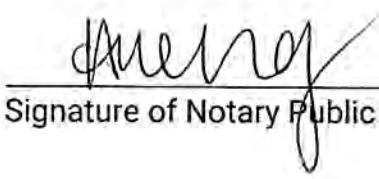
**REZONING PROPERTY OWNER'S CERTIFICATION**

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.

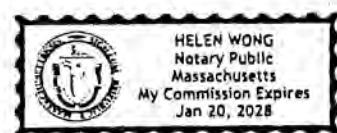
  
Signature of Property Owner

7/5/22  
Date

Jeffrey Thedford, 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

SIGNATURE OF APPLICANT'S  
ATTORNEY OR REPRESENTATIVE

DATE

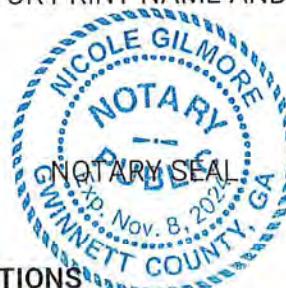
Shane Lanham, attorney for the Applicant

SIGNATURE OF NOTARY PUBLIC

DATE

TYPE OR PRINT NAME AND TITLE

*W. Lanham 5/3/22*



**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 OFFICIAL 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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**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

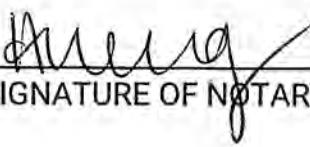
7/5/22  
DATE

Jeffrey Theobald, Authorized Signer  
TYPE OR PRINT NAME AND TITLE

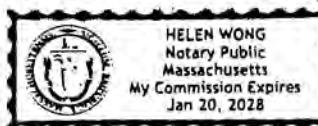
SIGNATURE OF APPLICANT'S  
ATTORNEY OR REPRESENTATIVE

DATE

TYPE OR PRINT NAME AND TITLE

  
SIGNATURE OF NOTARY PUBLIC

7-5-22  
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 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 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:**  
(Map Reference Number)

7 \_\_\_\_\_ - 036 \_\_\_\_\_ - 001 \_\_\_\_\_  
District Land Lot Parcel

Signature of Applicant

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)

Tommy Harmon

NAME

5.4.2022

DATE

TSA

TITLE

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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 RM-24 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 RM-24 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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**7/7/2022**

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 RM-24 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*

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Lawrenceville, Georgia 30043  
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