



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

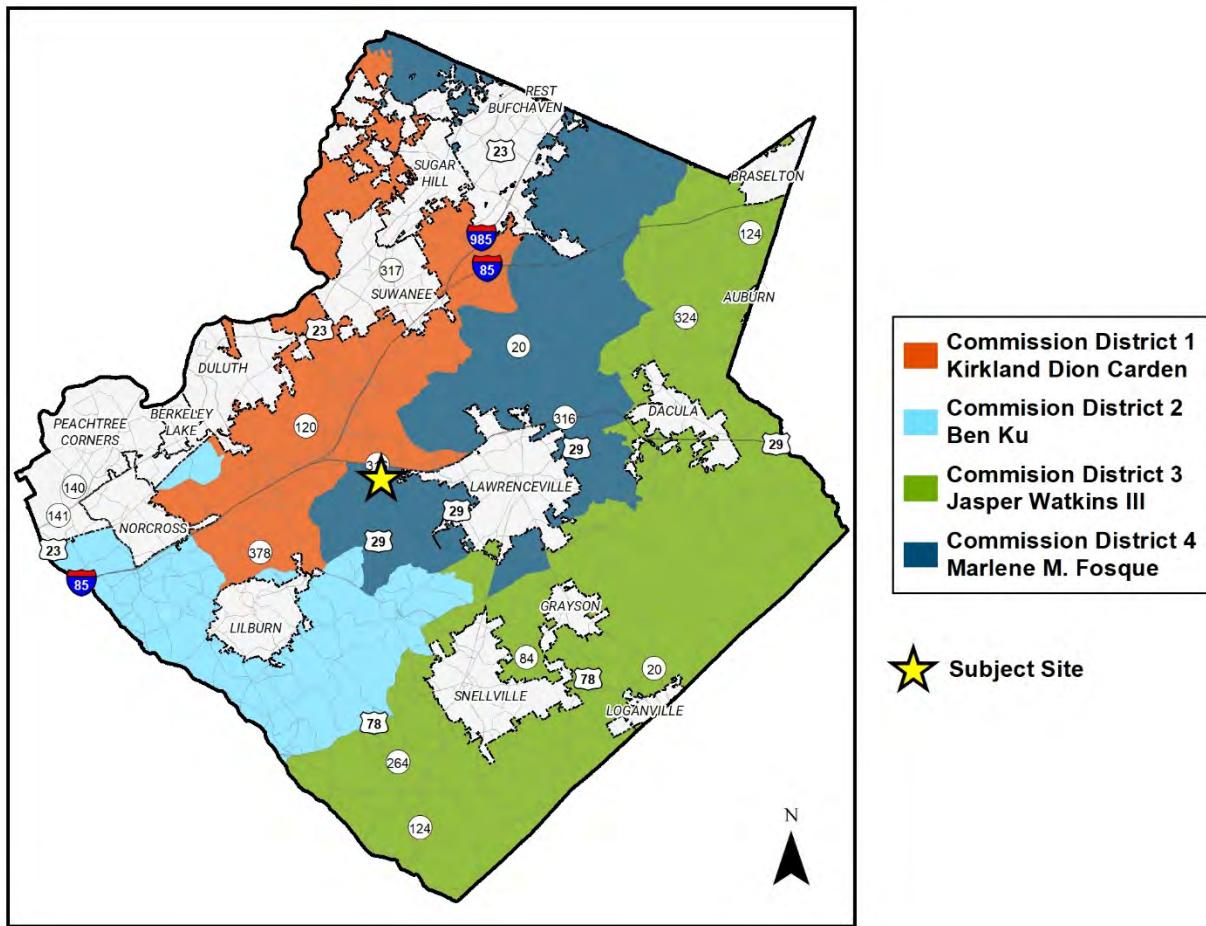
Case Number: RZM2022-00042
Current Zoning: RA-200 (Agriculture-Residence District), R-100 (Single-Family Residence District), M-1 (Light Industry District), and M-2 (Heavy Industry District)
Request: Rezoning to RM-24 (Multifamily Residence District)
Addresses: 5030 Sugarloaf Parkway and 1100 Block of 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

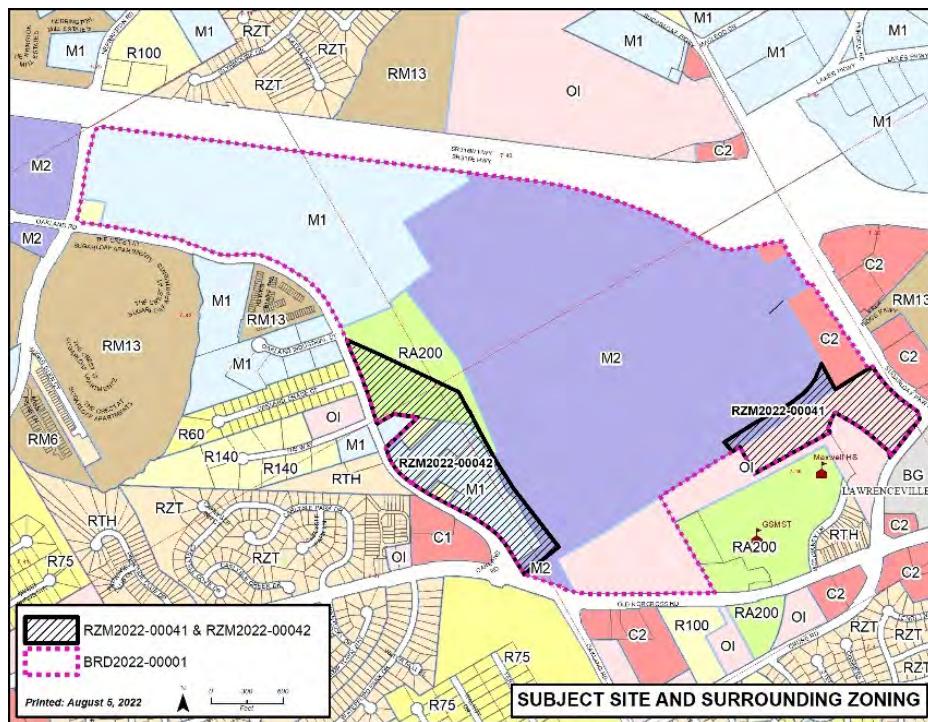
The subject site is surrounded by commercial, civic, institutional, and residential uses. To the north and west is a large office complex. The applicant is also seeking rezoning of this property. To the east across Sugarloaf Parkway are commercial and retail uses typically found along commercial corridors 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.

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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.

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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.**

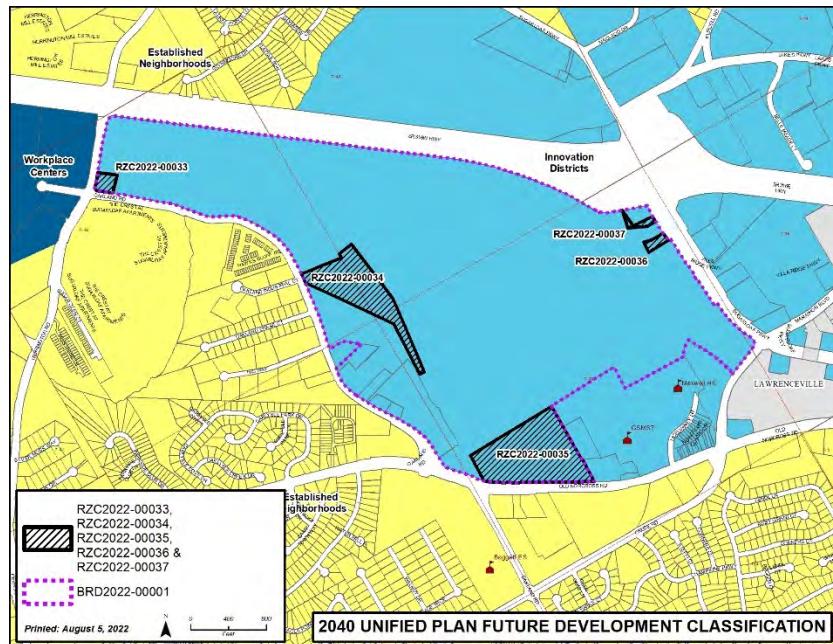
The property has a reasonable economic use as currently zoned.

- 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)

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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.
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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

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DRAWN BY: JDT

EXAMINED BY: JDT

DESIGNED BY: GMM

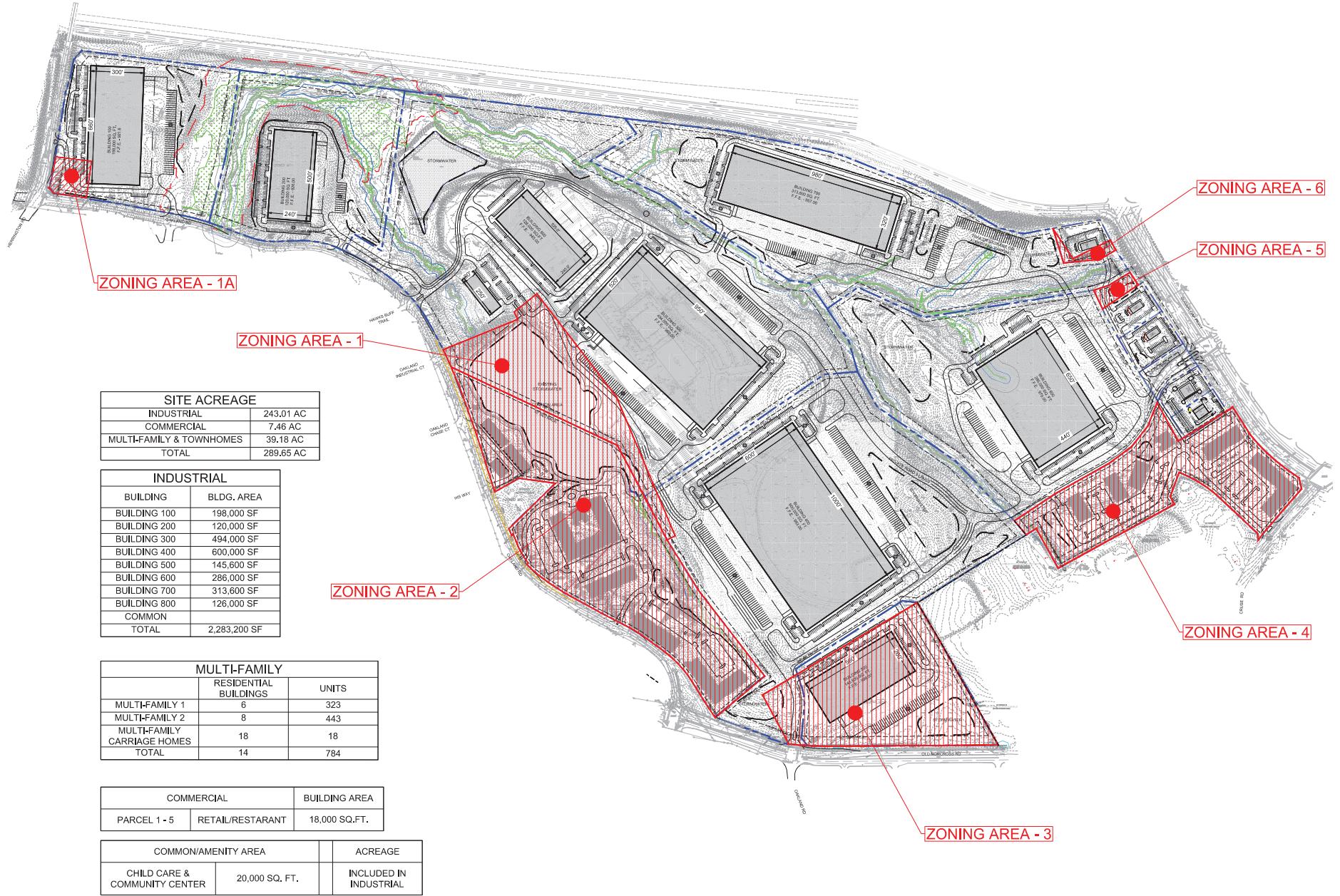
RE-CHECKED BY: GMM

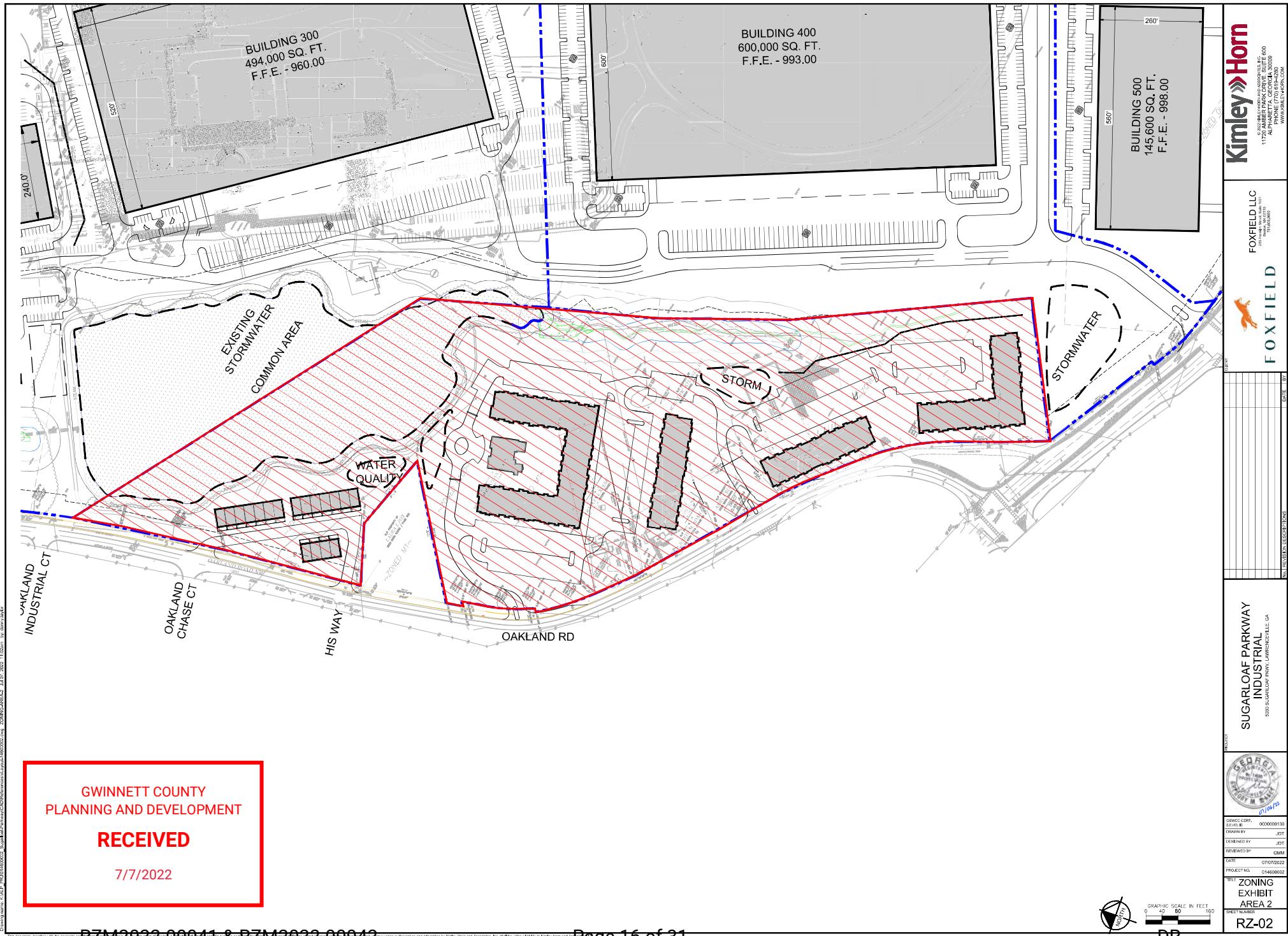
DATE: 07/19/2022

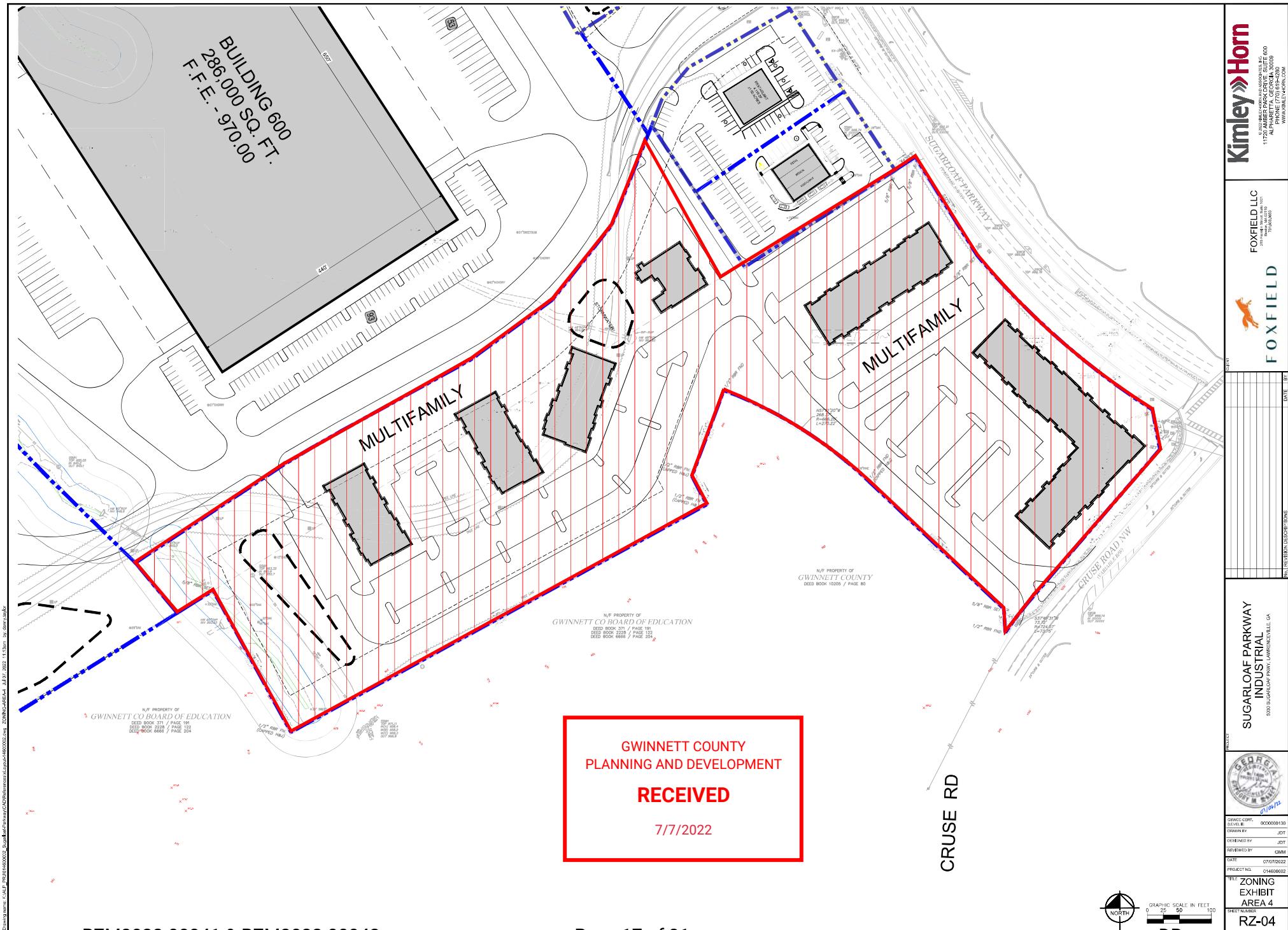
PROJECT NO.: 014000002

SHEET NUMBER: RZ-00

TITLE: 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**

| Comments: <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. | |
| Recommended Zoning Conditions: <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

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

Note: Attach additional pages, if needed

Revised 7/26/2021



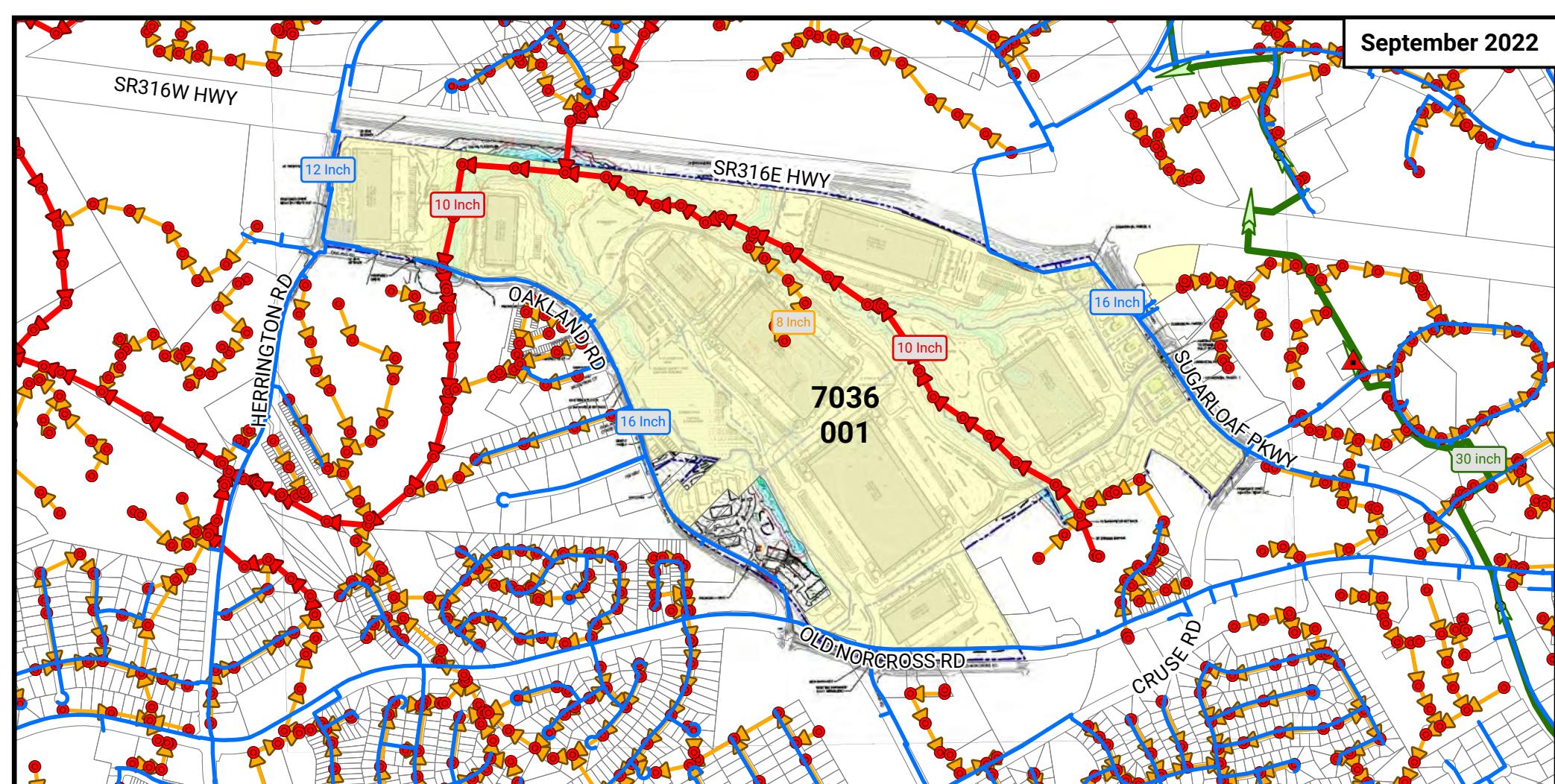
Department of Planning and Development
TECHNICAL REVIEW COMMITTEE

| | | | |
|---------------------------------------|---|--|--|
| TRC Meeting Date: | | 8/17/2022 | |
| Department/Agency Name: | | DWR | |
| Reviewer Name: | | Mike Pappas | |
| Reviewer Title: | | GIS Planning Manager | |
| Reviewer Email Address: | | Michael.Pappas@GwinnettCounty.com | |
| Case Number: | | RZC2022-00033, 34, 35, 36, 37 & RZM2022-00041, 42 & BRD2022-00001 | |
| Case Address: | | 5030 Sugarloaf Parkway and 1100 Block of Oakland Road | |
| Comments: | | <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 | | | |
| Recommended Zoning Conditions: | | <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



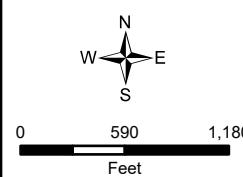
LEGEND

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

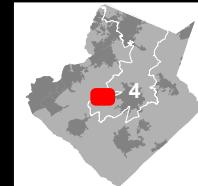
RZC2022-00033, 34, 35, 36, 37 & RZM2022-00041, 42

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.

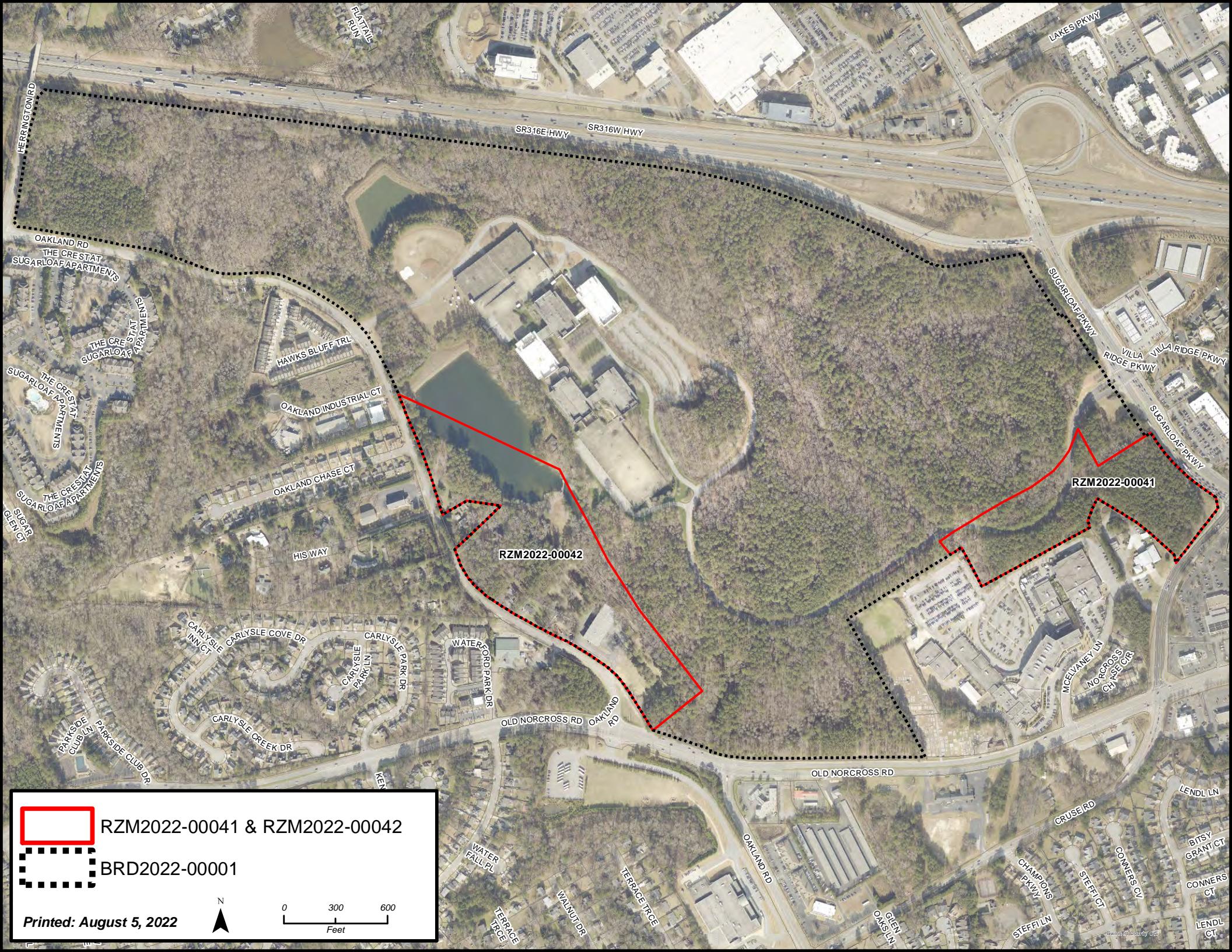
Sewer Availability: A Sewer Capacity Certification must be obtained from Gwinnett County to confirm the existing system can serve the development. Sewer demands imposed by the proposed development may require upsizing and/or extensions of existing sewer mains, and/or upsizing of an existing pump station,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



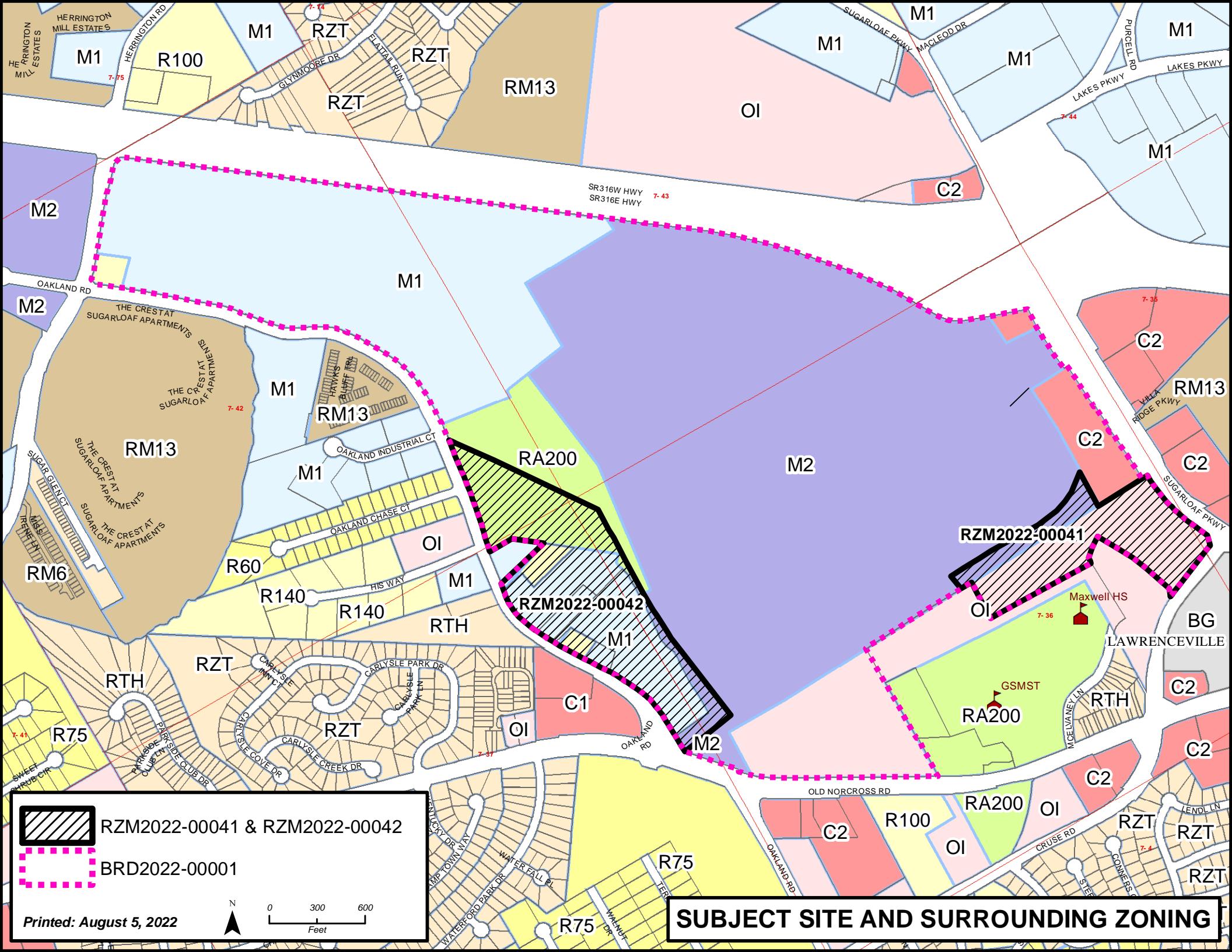
RZM2022-00041 & RZM2022-00042

BRD2022-00001

Printed: August 5, 2022



0 300 600
Feet



RZM2022-00041 & RZM2022-00042

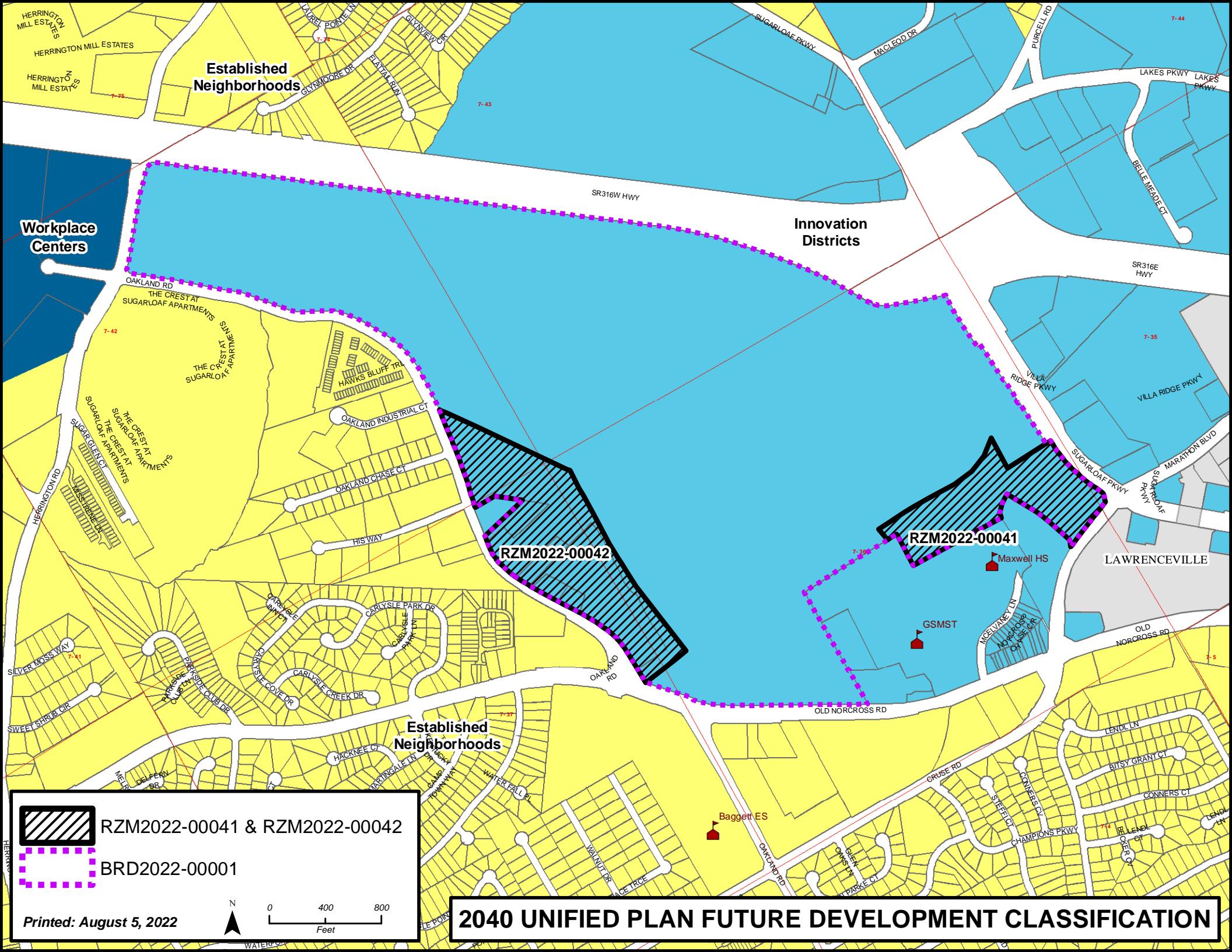
BRD2022-00001

Printed: August 5, 2022



A horizontal number line starting at 0 and ending at 600. There are tick marks at 0, 300, and 600. The segment between 0 and 300 is divided into three equal parts by the tick marks. The segment between 300 and 600 is also divided into three equal parts by the tick marks.

SUBJECT SITE AND SURROUNDING ZONING



RZM2022-00041 & RZM2022-00042

BRD2022-00001

N

A horizontal number line starting at 0 and ending at 800. There are tick marks at intervals of 100. The tick mark at 500 is labeled "Five hundred".

Printed: August 5, 2022

2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION

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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 NAME: 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 | |
| APPLICANT IS THE: | |
| <input type="checkbox"/> OWNER'S AGENT | <input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER |
| M-2, M-1, R-100, and RA-200 | |
| PRESENT ZONING DISTRICT(S): REQUESTED ZONING DISTRICT: RM-24 | |
| 7036 001 (portion); 7037 001C; 7037 010; | |
| PARCEL NUMBER(S): 7037 025; 7037 001A; and 7037 019 ACREAGE: +/- 25.231 | |
| ADDRESS OF PROPERTY: 5030 Sugarloaf Parkway | |
| PROPOSED DEVELOPMENT: Mixed-use Campus | |

| | |
|--|-----------------------------|
| RESIDENTIAL DEVELOPMENT | NON-RESIDENTIAL DEVELOPMENT |
| No. of Lots/Dwelling Units 461 | No. of Buildings/Lots: NA |
| Dwelling Unit Size (Sq. Ft.): varies per UDO | Total Building Sq. Ft. NA |
| Gross Density: +/- 18.27 units per acre | Density: NA |
| Net Density: +/- 18.27 units per acre | |

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Property Line Description
Zoning Area 2

Gwinnett County, Georgia

All that tract or parcel of land lying or being in Land Lots 36, 37, 42 and 43 of the 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGINNING at a 1/2-inch rebar found (capped H&J) at the intersection of the easterly right-of-way of Oakland Road (variable right-of-way) with the northerly right-of-way of Old Norcross Road (variable right-of-way); Thence along said right-of-way of Old Norcross Road the following courses and distances: Thence along said right-of-way of Oakland Road the following courses and distances: North 33 degrees 33 minutes 36 seconds West a distance of 120.57 feet to a point; North 31 degrees 34 minutes 16 seconds West a distance of 105.12 feet to a point; along a curve to the left having a radius of 632.65 feet and an arc length of 246.31 feet, being subtended by a chord bearing of North 42 degrees 45 minutes 26 seconds West for a distance of 244.76 feet to a point; North 53 degrees 54 minutes 38 seconds West a distance of 95.14 feet to a point; along a curve to the left having a radius of 1302.29 feet and an arc length of 130.63 feet, being subtended by a chord bearing of North 56 degrees 47 minutes 02 seconds West for a distance of 130.58 feet to a 1/2-inch rebar found (capped H&J); North 62 degrees 43 minutes 48 seconds West a distance of 181.73 feet to a 5/8-inch rebar set; North 61 degrees 12 minutes 57 seconds West a distance of 209.68 feet to a 5/8-inch rebar set; North 61 degrees 45 minutes 38 seconds West a distance of 24.05 feet to a 5/8-inch rebar set; North 56 degrees 39 minutes 59 seconds West a distance of 106.48 feet to a 1/2-inch rebar found (capped HMR); along a curve to the right having a radius of 778.30 feet and an arc length of 156.97 feet, being subtended by a chord bearing of North 49 degrees 52 minutes 35 seconds West for a distance of 156.71 feet to a 5/8-inch rebar set; North 46 degrees 05 minutes 43 seconds East a distance of 10.03 feet to a 5/8-inch rebar set; along a curve to the right having a radius of 273.29 feet and an arc length of 42.61 feet, being subtended by a chord bearing of North 35 degrees 11 minutes 38 seconds West for a distance of 42.57 feet to a point; along a curve to the right having a radius of 557.33 feet and an arc length of 97.70 feet, being subtended by a chord bearing of North 26 degrees 04 minutes 59 seconds West for a distance of 97.57 feet to a point; along a curve to the right having a radius of 16010.02 feet and an arc length of 41.64 feet, being subtended by a chord bearing of North 22 degrees 56 minutes 33 seconds West for a distance of 41.64 feet to a 5/8-inch rebar set; South 45 degrees 19 minutes 40 seconds West a distance of 10.77 feet to a 5/8-inch rebar set; along a curve to the right having a radius of 16020.03 feet and an arc length of 42.07 feet, being subtended by a chord bearing of North 22 degrees 48 minutes 25 seconds West for a distance of 42.07 feet to a 5/8-inch rebar set; Thence leaving said right-of-way, North 45 degrees 48 minutes 17 seconds East a distance of 361.45 feet to a 1/2-inch open top pipe found; Thence North 82 degrees 16 minutes 54 seconds West a distance of 201.75 feet to a 1/2-inch open top pipe found; Thence South 61 degrees 31 minutes 59 seconds West a distance of 156.20 feet to a 5/8-inch rebar set on the northeastern right-of-way of Oakland Road; Thence along said right-of-way the following courses and distances: North 17 degrees 43 minutes 41 seconds West a distance of 351.35 feet to a 5/8-inch rebar set; along a curve to the left having a radius of 10779.68 feet and an arc length of 266.81 feet, being subtended by a chord bearing of North 19 degrees 31 minutes 03 seconds West for a distance of 266.80 feet to a 5/8-inch

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7/7/2022 rebar set; along a curve to the left having a radius of 2747.35 feet and an arc length of 120.41 feet, being subtended by a chord bearing of North 22 degrees 36 minutes 41 seconds West for a distance of 120.40 feet to a point; Thence leaving said right-of-way, South 64 degrees 42 minutes 38 seconds East a distance of 1024.37 feet to a point; Thence South 27 degrees 41 minutes 36 seconds East a distance of 595.31 feet to a point; Thence South 31 degrees 57 minutes 14 seconds East a distance of 331.60 feet to a point; Thence South 37 degrees 41 minutes 17 seconds East a distance of 604.44 feet to a point; Thence South 50 degrees 30 minutes 34 seconds West a distance of 359.88 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land contains 25.231 Acres.

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GENERAL NOTES

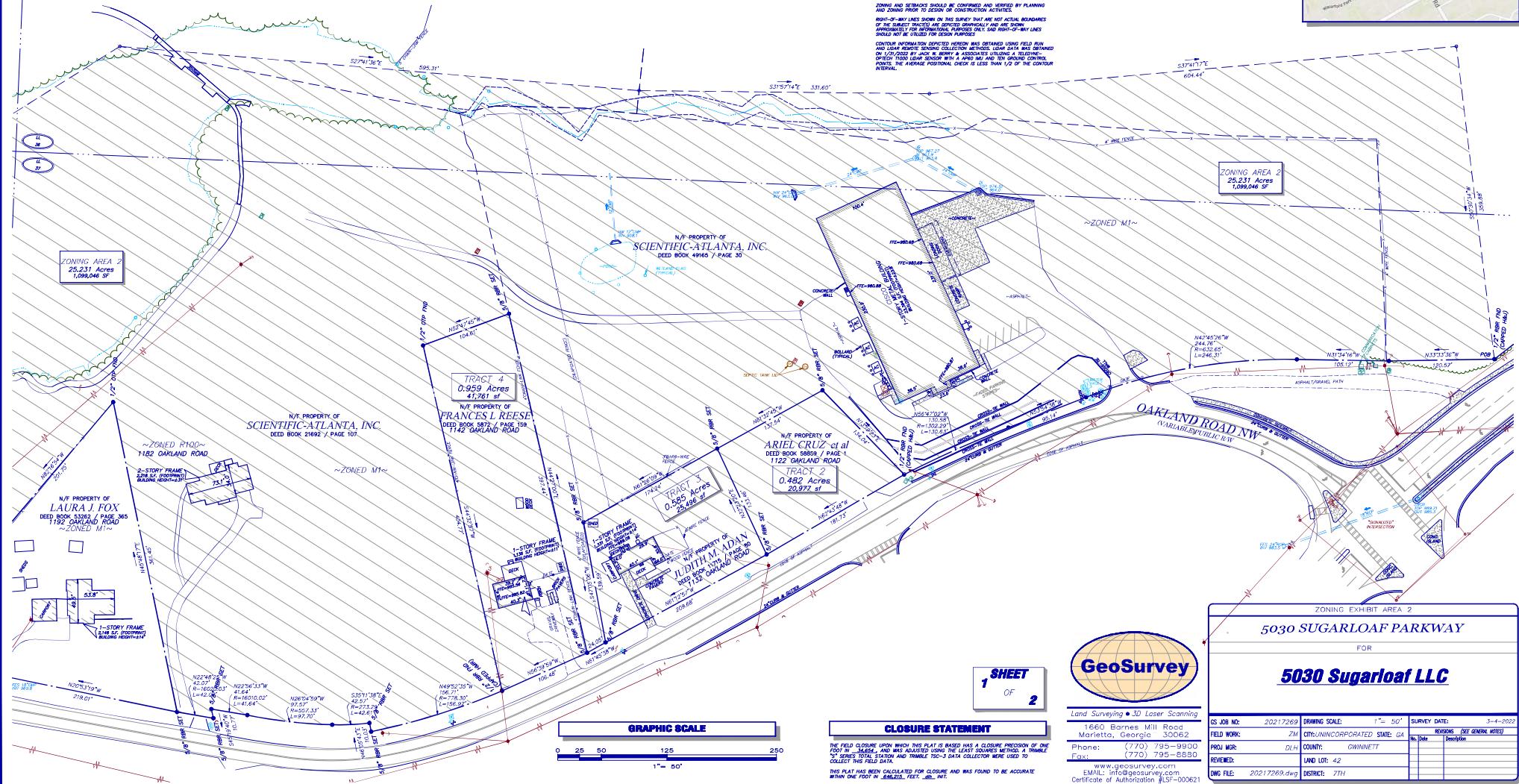
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REVISIONS MADE TO THIS SURVEY APPLY ONLY TO THE CHANGES REFLECTED THEREIN. DO NOT CONSTITUTE ANY OTHER DATA. IN THIS SURVEY, THE "SURVEY DATE" SHOWN IS THE APPLICABLE DATE AS RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

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1 SHEET
OF 2

GeoSurvey

CLOSURE STATEMENT

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

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Atlanta, Georgia 30062
(770) 795-9900
(770) 795-8855
www.geosurvey.com
E-mail: info@geosurvey.com
Site of Authorization #LSF-000

PROPERTY DESCRIPTION

All that tract or parcel of land lying or being in Land Lots 36, 37, 42 and 43 of the 7th District, Gwinnett County, Georgia, and being more particularly described as follows:

Sold tract or parcel of land contains 25.231 Acres

LEADER

STANDARD ABBREVIATIONS

ZONING EXHIBIT AREA 2

5030 Sugarloaf LLC

GeoSurvey

GWINNETT COUNTY PLANNING AND DEVELOPMENT

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Know what's below.
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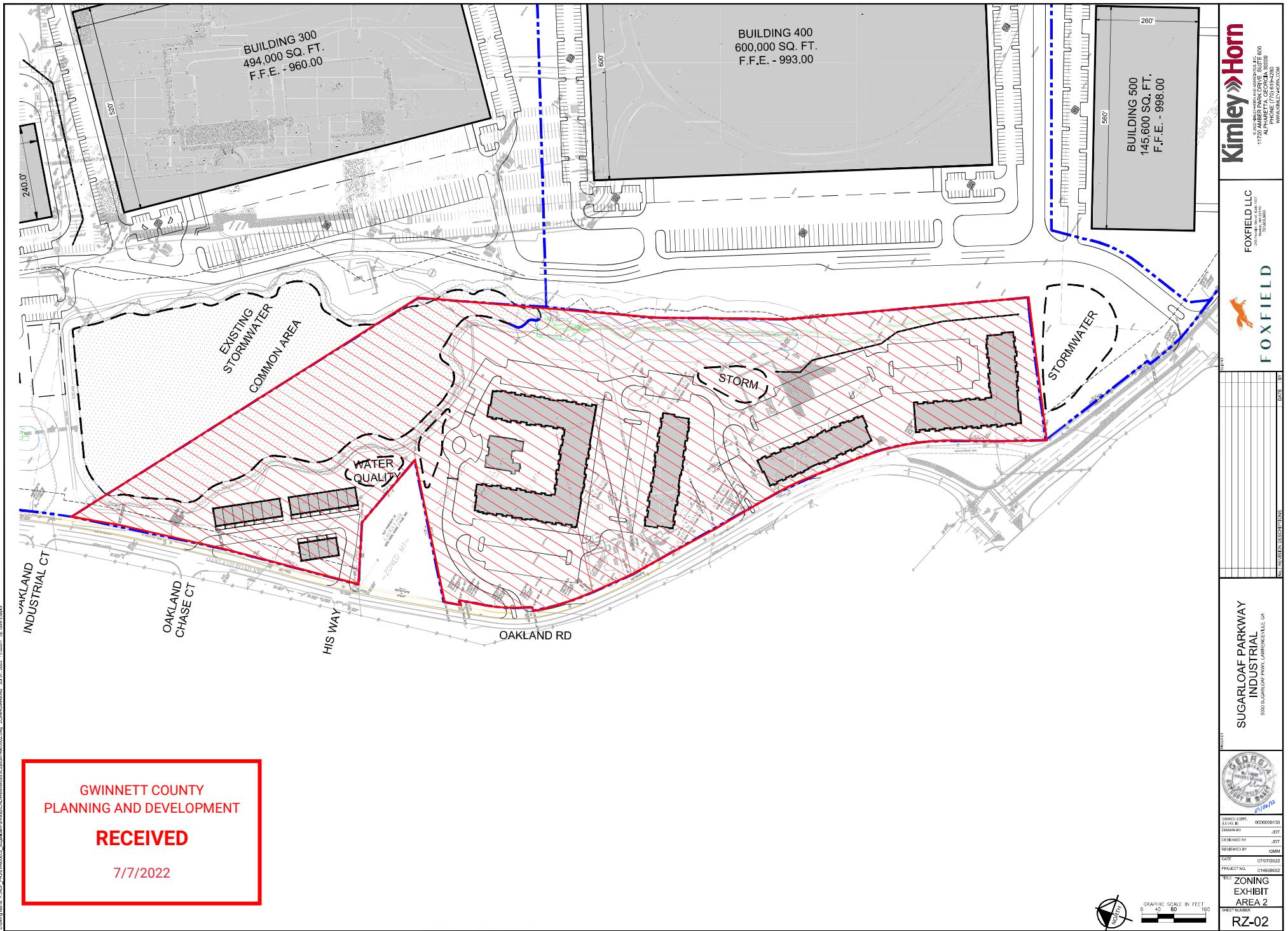
GRAPHIC SCALE

CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 100 FEET. THIS WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE 5700 SERIES TOTAL STATION AND TRIMBLE TSC-3 DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100 FEET, OR 1/100 FT.

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Marietta, Georgia 30062
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www.geosurvey.com
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Certificate of Authorization #LSL-00000000

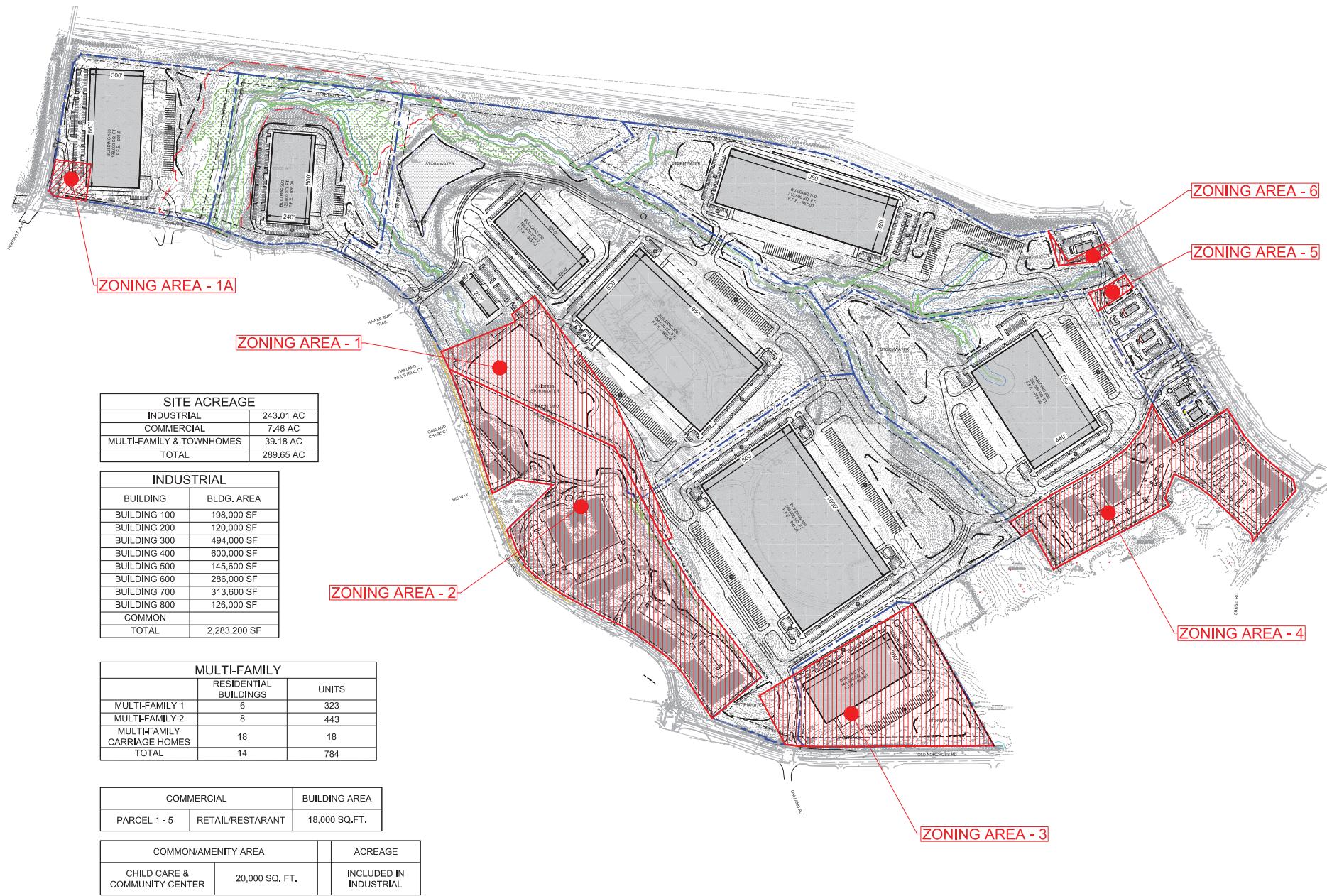


GWINNETT COUNTY PLANNING AND DEVELOPMENT

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This document, together with the concepts and designs presented herein, as an account of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and/or adaptation by Kirby-Horn and Associates, Inc. shall be without liability to Kirby-Horn and Associates, Inc.



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

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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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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

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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.



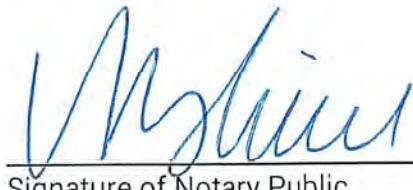
Signature of Applicant



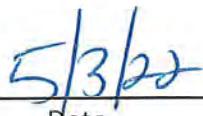
Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title



Signature of Notary Public



Date



Notary Seal

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Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2015

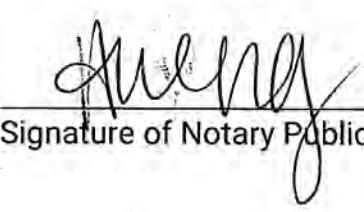
REZONING APPLICANT'S CERTIFICATION

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.

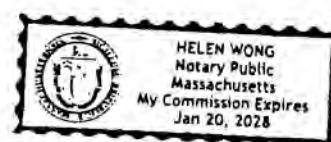

Signature of Applicant

7/5/22
Date

Jeffrey Theobald, Authorized Signatory
Type or Print Name and Title


Signature of Notary Public

7/5/22
Date



Notary Seal

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Gwinnett County Planning Division
Rezoning Application
Last Updated 12/2015

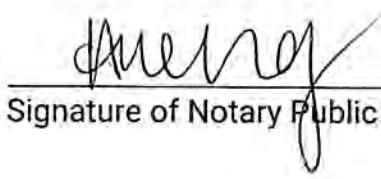
REZONING PROPERTY OWNER'S CERTIFICATION

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

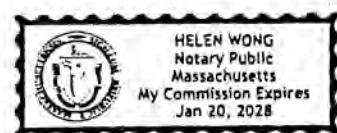

Signature of Property Owner

7/5/22
Date

Jeffrey 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

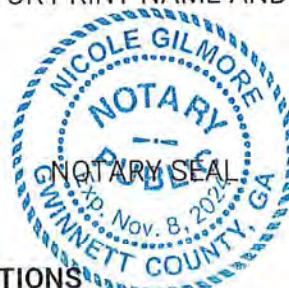
Shane Lanham, attorney for the Applicant

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

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SIGNATURE OF APPLICANT

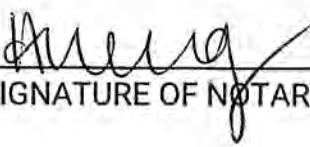
7/5/22
DATE

Jeffrey Theobald, Authorized Signer
TYPE OR PRINT NAME AND TITLE

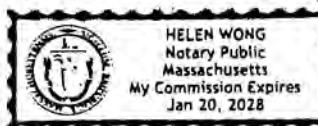
SIGNATURE OF APPLICANT'S
ATTORNEY OR REPRESENTATIVE

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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Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

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PARCEL I.D. NUMBER: 7 - 037 - 001C
(Map Reference Number) District Land Lot Parcel


Signature of Applicant

7/6/22
Date

Shane Lanham, attorney for the Applicant
Type or Print Name and Title

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

TAX COMMISSIONERS USE ONLY

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

Anita Flowers
NAME

7-6-22
DATE

Tax Services Associate
TITLE

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7/7/2022

Gwinnett County Planning Division
Rezoning Application
Last Updated 5/2021

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PARCEL I.D. NUMBER:
(Map Reference Number)

7 - 037 - 010
District Land Lot Parcel


Signature of Applicant

7/6/22
Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

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

TAX COMMISSIONERS USE ONLY

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Alveta Flowers
NAME

7-6-22
DATE

Tax Services Assoc II
TITLE

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***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 - 037 - 025
District Land Lot Parcel


Signature of Applicant

7/6/22
Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

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

TAX COMMISSIONERS USE ONLY

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Amye Flows

NAME

7-6-22

DATE

Tax Jervices Assoc II

TITLE

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

PARCEL I.D. NUMBER: 7 037 - 061A
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

7/6/22

Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

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

TAX COMMISSIONERS USE ONLY

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Ante Flowers

NAME

7-16-22

DATE

Tax Services Associate

TITLE

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

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

PARCEL I.D. NUMBER: 7 - 037 - 019
(Map Reference Number) District Land Lot Parcel



Signature of Applicant

7/6/22

Date

Shane Lanham, attorney for the Applicant

Type or Print Name and Title

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

TAX COMMISSIONERS USE ONLY

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

Amie Flows

NAME

7-6-22

DATE

Tax Services Associate

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

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